

Mr. Chairman, Members of the committee First of all I want to thank you for the opportunity to comment on this petition. As president of the East Coast Shellfish Growers Association I represent thousands of small farmers from Maine to Florida. For the past 20 years I have run my own small oyster farm in Rhode Island. I have a degree in Oceanography and my thesis was on the feeding and growth of oysters. In short my life revolves around oysters. I could talk for hours about why this is a bad idea, but I will try and keep my testimony to five minutes and ask that you take the time to look at my written comments.

I have three points I hope to make. First, the petitioner makes selective use of the data to paint a picture that appears dire, but conceals the fact that oysters are thriving in many areas. We recently estimated that there are currently somewhere in excess of five billion oysters in US waters.

Second, the petitioner attributes much of the decline in oysters to degraded water quality, excessive silt and nutrient loading. In fact the oyster is well adapted to rich turbid waters and thrives in many of our most polluted coastal estuaries.

The third point I would like to make is that the listing of the oyster will have serious negative environmental impact because it will eliminate much of the private commercial aquaculture of oysters. Oyster culture has been shown to benefit water quality and provide a sustainable source of free swimming larvae into the watershed.

The petitioner describes the decline of the oyster on the east coast. However, he neglects to include the data from the Gulf Coast region, which maintains sizeable harvest of oysters. Clearly this is the same species.

Moreover the data is deceptive because the Chesapeake - Delaware region was historically such a huge percentage of the Atlantic coastal production. It appears as if the entire population has suffered when in fact the population declines are largely centered in the mid-Atlantic states, while the New England and Gulf coast populations are relatively stable.

The mid-Atlantic states have been hit hard with the triple threat of two parasitic diseases, a degraded habitat and a mismanaged wild harvest. Outside the mid-Atlantic region other states wrestle with each of these three threats to various degrees, but oyster populations are relatively healthy and oyster aquaculture is expanding.

The decline of the oyster in the Mid Atlantic is a failure of fisheries management that has gone on for decades. .

Dr. William Brooks wrote about the Chesapeake harvests in *The Oyster* in 1891 "...our oyster policy is destructive and sure to result, ultimately in ruin to the industry. ...the oyster property of the state is in imminent danger of complete destruction unless radical changes in the methods of managing the beds are made at once."

It is important to note that his predictions predated the oyster diseases that hit in the 1930s and 1950s as well as the dredging and habitat destruction discussed in the petition. Unfortunately the work of Dr. Brooks was ignored and his predictions proved accurate. In stark contrast New England has experienced an oyster renaissance through aquaculture.

In 1972 Connecticut growers placed a million bushels of shell on the setting grounds and the harvest went from 30,000 bushels to nearly a million bushels in ten years. A \$60-million-a-year oyster industry with 650 jobs was reborn.

In Rhode Island oyster culture has grown 28% a year for the past five years.

Massachusetts has some 300 shellfish aquaculture leases-- most of which are less than 20 years old.

In New York oyster culture permits have tripled in the past fifteen years and the landed value of harvests has gone from \$1.2 million to \$3.4 million.

Even in Virginia, private growers prosper using hatchery-reared seed and intensive culture techniques. This despite the intense disease pressure and degraded water quality alluded to in the petition.

The take-home message is that with proper management we can have a profitable oyster industry despite diseases and pollution.

We should not use the Endangered Species Act as an instrument to rectify decades of mismanaged fisheries in the mid-Atlantic.

The second point in the petition I would like to refute is that declining water quality, high silt loading and nutrient loading are to blame for the oysters disappearance. The oyster is uniquely adapted like no other shellfish to thrive in conditions of soupy turbid water. The feeding apparatus is capable of sorting microscopic particles of silt from those which are nutritious alga. Oysters thrive in some of the most severely degraded estuaries on the eastern seaboard.

During my thesis work I experimented with growing oyster seed under docks in marinas. I expected problems from the heavy metals in the bottom paints and fuel spills, however I measured nearly 100% survival and growth rates as fast as any reported in the literature. I now start all three million of my seed under the docks in a local marina.

The last point I would like to make is that adding the oyster to the endangered species list will damage the shellfish aquaculture industry, which will in turn hurt both the wild oyster population and the marine environment. I understand that the ESA does not permit consideration of economic factors such as jobs or harvests, but if the listing goes forward we can be assured the market for oysters will collapse and interstate transport of oysters will become a regulatory and paperwork nightmare. Farming will cease to be profitable. Environmental groups recognize that oyster culture is sustainable and has environmental benefits. Oyster farms have been shown to increase the diversity and abundance of fish and crustaceans.

My oysters filter over a hundred million gallons a day and my oysters cast trillions of larvae into the tides where they replenish wild stocks.

Because I invest tens of thousands of dollars each year in new seed my harvest is sustainable and when I harvest I remove nitrogen from the watershed (in the form of protein).

There are literally thousands of small growers like myself up and down the coast.

I hope you can see that there will be negative impacts to the environment and to wild populations of oysters if this petition goes forward.