



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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March 3, 2009

L. Preston Bryant, Jr.
Secretary of Natural Resources
Patrick Henry Building
1111 East Broad Street
Richmond, Virginia 23219

Dear Secretary Bryant:

I am writing to you as a cooperating agency (U.S. Fish and Wildlife Service (Service)) representative to the Executive Committee for the Programmatic Oyster Environmental Impact Statement (PEIS). The Service recently reviewed the Washington Post Article (Article), "Oyster Decision Could Alter the Bay," dated February 15, 2009. As a Federal cooperating agency involved in the development of the PEIS, we are extremely proud of the effort that the lead agencies have put into producing a scientifically defensible draft PEIS. Therefore, we were surprised at some of the statements included in the Article.

The statement is made in the Article that escape of the Asian oyster species, *Crassostrea ariakensis*, into the Chesapeake Bay (Bay) has not been reported during the seven years of the Virginia Seafood Council (VSC) trial program. To the contrary, eleven incidents of the Asian oyster escaping from various cages throughout the Bay are documented in the PEIS. Most, if not all, were discovered accidentally. In addition, cages containing Asian oysters were compromised in December 2008 by an oyster dredge resulting in the release of Asian oysters, according to a Corps of Engineers' communication with the Service on February 18, 2009. How many more Asian oysters have or will escape from the cages into the Bay is nearly impossible to detect. The risk this poses is a serious concern that will persist as long as Asian oysters are being raised in the Bay.

The Article also states that the Asian oysters used in the VSC trials are supposed to be sterile. It is documented in the PEIS that the "sterile" Asian oyster has been known to reproduce and produce sexually viable offspring. The most likely ways Asian oysters could disperse from aquaculture settings to the Bay are: (1) accidental or deliberate release of Asian oysters that are capable of sexual reproduction, and (2) successful reproduction of supposedly "sterile" Asian oysters. We have little confidence that a biosecurity plan can be devised and operated over time that would succeed in containing the Asian oyster. As documented by the PEIS risk assessment study, it is highly probable events will occur that will result in the Asian oyster escaping from the cages and dispersing throughout the Bay - to the potential detriment of the native oyster, *Crassostrea virginica*, and the Bay ecosystem.

Finally, the PEIS states that aquaculture using the "sterile" Asian oyster, *Crassostrea ariakensis*, would have a slight, short term, economic advantage over aquaculture of the *Crassostrea virginica* native oyster. However, the PEIS also states that the economic advantage could be lost if biosecurity efforts are required to prevent dispersal of the Asian oyster from the cages. Therefore, the Service agrees with other natural resource agencies and the Chesapeake Bay scientific community that non-native Asian oysters should not

be raised due to the risk of irreversible environmental consequences to the Chesapeake Bay native oyster population.

We appreciate the difficult decision that you have to make on this issue. Prior to making a final decision on how to proceed with oyster restoration in Virginia, we hope that you will again consider the opinions and recommendations of the Service, the other natural resource agencies, and the Bay scientific community to support Alternative 8A of the PEIS.

Based on the information provided in the PEIS, the Service continues to support the native oyster, *Crassostrea virginica*, as the only reasonable and responsible choice for restoring the economic and ecological role of oysters in the Bay. The non-native Asian oyster, *Crassostrea ariakensis*, is not a realistic solution to achieve the economic or ecological goals identified in the PEIS.

If you have any questions regarding our position, please contact me at 410-573-4573.

Sincerely,



Leopoldo Miranda
Supervisor

cc:

Colonel D. Anninos, Norfolk Corps of Engineers
Secretary J. Griffin, Maryland Department of Natural Resources
M. Moriarty, Regional Director, USFWS
R. Pomponio, U.S. Environmental Protection Act
P. Kurkel, National Oceanic and Atmospheric Administration
Jon V. O'Shea, Chair, Atlantic States Marine Fisheries Commission
W. Goldsboro, Chesapeake Bay Foundation
T. Leggett, Chesapeake Bay Foundation
V. Harrison, Keith Campbell Foundation
J. Elliot, Chair, Citizens Advisory Commission, Chesapeake Executive Council
A. Delach, Defenders for Wildlife
M. Mayfield Jackson, Elizabeth River Project
N. Williams, The Nature Conservancy
A. Kane, National Wildlife Federation
L. Carroll Sabella, Oyster Reef Keepers of Virginia Inc.
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M. Chezik, U.S. Department of the Interior