



COMMONWEALTH of VIRGINIA

Marine Resources Commission
380 Fenwick Road
Building 96
Fort Monroe, VA 23651

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

April 1, 2023

MEMORANDUM

TO: Virginia Seafood Council

FROM: Adam Kenyon,
Chief, Shellfish Management Division, Virginia Marine Resources Commission

SUBJECT: DEVELOPMENT AND IMPLEMENTATION OF A SHELLFISH
SUSTAINABILITY COMMITTEE

In Virginia the shellfish industry is vital to our community and economy by providing jobs, ensuring food security, and by providing keystone marine habitats. To ensure that Virginia supports and enhances this vital community and ecosystem, the Virginia Marine Resources Commission (VMRC) is developing a Shellfish Sustainability Committee that is scheduled for its inaugural meeting in July 2023. This committee will focus on long-term sustainability topics that will promote and support the ecological, economic, and cultural significance of shellfish for the Commonwealth, while balancing the needs of the resource, industry, and public.

The committee will be comprised of representatives across sectors that have fundamental interests in the resource. The committee will be comprised of representatives across sectors that have fundamental interests in the resource. The agency will solicit participation on the committee from the shellfish industry, the scientific community, resource management, working watermen, as well as law enforcement officials. This collaboration across sectors will help guide a 10-year vision to promote long-term sustainability.

The Virginia Marine Resources Commission supports the establishment of this committee and believes that it will play a vital role in the continuous health of the shellfish industry in Virginia.



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April 17, 2023

MEMORANDUM

TO: Virginia Seafood Council

FROM: Andrew Button,
Deputy Chief, Shellfish Management Division, Virginia Marine Resources
Commission

SUBJECT: OYSTER SANCTUARIES AND AREAS CLOSED TO THE HARVEST OF
OYSTERS

The Virginia Marine Resources Commission (VMRC), in conjunction with the Virginia Institute of Marine Science (VIMS) conducts a survey of an approximate 10,000 acres of oyster bottom throughout the Chesapeake Bay each year. This acreage consists of the most well-known historic “oyster rocks”, areas that have been maintained through replenishment inputs (shell planting), and constructed oyster reefs. Of the 10,000 acres that is surveyed annually, roughly 1,000 acres is either officially designated as sanctuary through VMRC regulation or intentionally left out of all harvest rotations and effectively closed to harvest.

A sanctuary is defined as “a place of refuge or safety”. For Virginia oysters, ~10% of the area surveyed annually by VMRC and VIMS is considered a sanctuary (~1000, of ~10,000 acres). There are additional areas in Virginia waters that good be considered Sanctuary Area. Further details on this are included in the background section below.

BACKGROUND:

The Code of Virginia grants VMRC the jurisdiction to regulate the harvest of oysters in the Commonwealth of Virginia. Harvest can occur on areas of “Public Ground” or on Private Oyster leases. Public ground consists of approximately 240,000 acres (40,000 of this is on the seaside of the Eastern Shore and for simplicity will not be addressed as part of this memorandum) of area that was either originally surveyed by J. B. Baylor and set aside in the 1890’s or set aside by additional action of either Virginia General Assembly (GA) or the VMRC. Public Ground can also include “unassigned ground” or areas that are neither privately leased or set aside as part of

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the original Baylor Survey or subsequent action by the GA and VMRC. In many instances public ground is often referred to as "Baylor Ground", but this is not always correct.

In the Virginia portion of the Chesapeake Bay and its tributaries there are more than 1.1 million acres of bottom over which oysters could be grown (water salinity would support the growth, bottom conditions may not). Of this area, roughly 200,000 acres are set aside as "Public" or "Baylor Ground" (does not include Seaside of Eastern Shore) and considered "natural oyster rocks" and cannot be leased. Private oyster ground leases encompass ~135,000 acres and harvest and leasing of this ground is regulated by VMRC.

Of the 200,000 acres of set aside as "Public ground" approximately 75,000 acres is open to harvest, through VMRC regulations, in any given harvest season as part of an established harvest rotation of either two or three years. Over an entire rotation cycle roughly 145,000 acres is open to harvest. The remaining ~55,000 acres of bottom that is set aside is not and has not been opened to harvest in recent history. The remaining more than 600,000 acres of Bay waters, where oysters could exist at some level, are also closed to harvest. However, it is unlikely that large portions of continuous oyster habitat exist in this area.

The area set aside as not to be leased does not completely encompass all areas where oysters do or have historically occurred naturally. Additionally, not all of this area is "good" or continuous oyster habitat. In many locations only a portion of the area set aside would be considered oyster habitat. In a higher density area as much 40% or more of the area could be viable and have higher density oyster bottom or reef structure. In other locations considerably less of the area could support living oysters.

As such, it is reasonable to say that Virginia maintains 10% of the areas surveyed annually by VMRC and VIMS as permanent sanctuary areas. Additionally, Virginia leaves 27.5% (55,000 of 200,000 acres) of area set aside as public ground continuously closed to harvest and all other areas are closed to harvest unless specifically opened to harvest by VMRC regulations.