

## MEMORANDUM

TO: Nick Wiley

FROM: Kyle Miller, Division of Marine Fisheries Management

DATE: July 5, 2016

SUBJECT: EO to establish oyster harvesting restrictions within a portion of West Bay in Bay County

Attached is an executive order that will prohibit the harvest and possession of oysters within Zone I and Zone II of an oyster reef habitat restoration project along a portion of the western shoreline of West Bay in Bay County. During this project, FWC's Division of Habitat and Species Conservation, Aquatic Habitat Conservation and Restoration Section (AHCR) installed subtidal oyster reef units in 3-5 feet of water at the deep edge of historic seagrass distribution. A total of 14 oyster reef units were installed within Zone I, and an additional 53 oyster reef units will be installed Zone II.

West Bay, the northwest arm of the St. Andrew Bay estuary, has experienced a variety of adverse anthropogenic impacts between the 1930's and 2011 ranging from the construction of the Gulf Intracoastal Waterway in 1938, to an open-water commercial shrimp farming operation in the 1970's, and the discharge of treated municipal wastewater effluent into the bay from 1971 to 2011. As a result, West Bay has suffered the greatest seagrass loss in the St. Andrew Bay estuary system, losing approximately 1,853 acres since 1953 (Brim & Handley 2007:155-169). The elimination of the shrimp farming operation and the wastewater discharge has created more favorable conditions for estuarine habitat restoration and enhancement efforts in West Bay. The project area along the western shoreline acts as a "sink" for oyster larvae that naturally drift into this region but have no suitable substrate material for spat settlement. Areas that are larval sinks have a higher chance of rapid population recovery and restoration which is why the site was chosen for this AHCR restoration project.

This project has been largely funded by the National Fish and Wildlife Foundation grants, one of which was related to the Gulf Environmental Benefits Fund (Deep Water Horizon Oil Spill Restoration Funding). Key objectives of this restoration project are to enhance the oyster population of St. Andrew Bay, reduce wave energy and protect the shoreline, improve water quality, enhance fisheries habitat, and to create conditions more suitable for seagrass recruitment into historic habitat. Oyster reef creation is the primary goal of this project, but enhancement of physical conditions that support the restoration of historic seagrasses is likely to promote the re-growth of seagrass in the system. These outcomes will restore and maintain the ecological functions of coastal habitats at a landscape-scale to ensure their viability and resilience. Prohibiting the harvest of oysters from within this restoration site will allow assessment of the site over time to determine if the project is achieving the key objectives. Allowing the harvest of oysters may impact the ability to achieve these goals before allowing the project to reach its full potential benefits for the surrounding environments and the community.

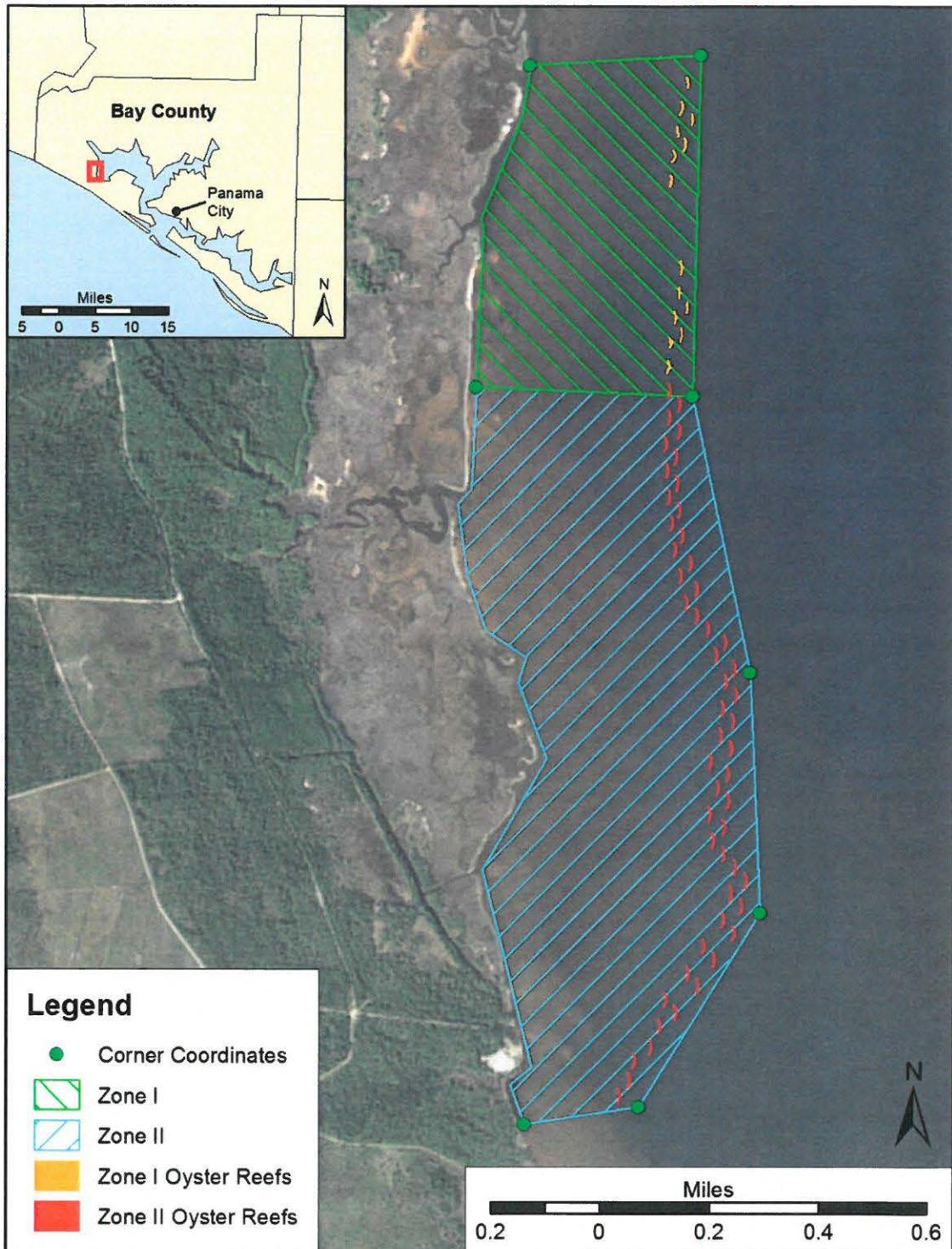
The intent of this order is to close Zone I (approximately 144 acres) and Zone II of the restoration project area (approximately 477 acres) to the harvest of oysters for two years. During

this time, staff from the Division of Marine Fisheries Management and AHCR will evaluate the progress of the restoration project and will work together to develop rulemaking to extend the oyster harvesting restrictions within Zone I and Zone II of the restoration project for an additional three year period. This five year oyster harvesting restriction is requested by AHCR and has received the support of the Bay County Oystermen's Association.

References:

Brim, M.S. and L.R. Handley (2007). St. Andrew Bay. In L. Handley, D. Altsman, and R. DeMay (Eds.), *Seagrass Status and Trends in the Northern Gulf of Mexico: 1940–2002* (pp. 155-169): U.S. Geological Survey Scientific Investigations Report 2006-5287, 267 p.

# Oyster Harvesting Restricted Areas Within West Bay, Bay County



**STATE OF FLORIDA**  
**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

**Order No. EO 16-18**

**Oyster Harvesting Restrictions Within a  
Portion of West Bay, Bay County**

The Fish and Wildlife Conservation Commission of the State of Florida, acting under the authority of Article IV, Section 9, of the Florida Constitution, and acting through its Executive Director under Delegations of Authority Paragraph 17 and Paragraph 22, hereby prohibits the harvest of oysters (*Crassostrea virginica*) from within Zone I or Zone II of an oyster reef habitat restoration project along a portion of the western shoreline of West Bay in Bay County beginning upon execution of this order through June 30, 2018. This action is taken to facilitate the following restoration project goals: to enhance the oyster population of St. Andrew Bay, reduce wave energy and protect the shoreline, improve water quality, enhance fisheries habitat, and create conditions more suitable for seagrass recruitment into historic habitat. This action is authorized only as follows:

1. Notwithstanding anything to the contrary in Chapter 68B-27, Florida Administrative Code, no person shall harvest or possess an oyster in or on Florida waters within Zone I or Zone II of the oyster reef habitat restoration project in West Bay.

- a. For purposes of this order, Zone I is defined as the area within the following boundary:

Commencing at the northwestern-most corner of Zone I on the western edge of West Bay (30°15.878' North Latitude, 85°51.097' West Longitude); thence in an easterly direction to the northeastern-most corner of Zone I (30°15.898' North Latitude, 85°50.784' West Longitude); thence in a southerly direction to the southeastern-most corner of Zone I (30°15.354' North Latitude, 85°50.791' West Longitude); thence in a westerly direction to the southwestern-most corner of Zone I on the western edge of West Bay (30°15.365' North Latitude, 85°51.189' West Longitude); thence in a northerly direction along a line following the shoreline to the northwestern-most corner of Zone I, the point of beginning.

- b. For purposes of this order, Zone II is defined as the area within the following boundary:

Commencing at the northwestern-most corner of Zone II on the western edge of West Bay (30°15.365' North Latitude, 85°51.189' West Longitude); thence in an easterly direction to the northeastern-most corner of Zone II (30°15.354' North Latitude, 85°50.791' West Longitude); thence south-southeast to 30°14.914' North Latitude, 85°50.678' West Longitude; thence in a southerly direction to 30°14.531' North Latitude, 85°50.655' West Longitude; thence southwest to the southeastern-most corner of Zone II (30°14.218' North Latitude, 85°50.873' West Longitude); thence in a westerly direction to the southwestern-most corner of Zone II (30°14.189' North Latitude, 85°51.082' West Longitude); thence in a northerly direction along a line following the shoreline to the northwestern-most corner of Zone II, the point of beginning.

2. All other rules of the Commission relating to oysters shall remain in effect.



## Jeffery L. Newsome

Bay County Oystermen's and Seafood Workers Association  
5146 Grassy Pond Rd  
Chipley, FL. 32428  
850-703-0186

6/23/2015

Re: Letter of Support for Oyster Reef Habitat Restoration in St, Andrews Bay, FL.

Dear Ms. Katie Konchar,

The Bay County Oystermen's Association supports the restoration of the oyster reef in West Bay, St. Andrews by the Florida Fish and Wildlife Conservation Commission. Representatives from the Association are aware of the Oyster Reef Habitat Restoration in St. Andrews Bay, FL.-Phase 1 project footprint and have confirmed that the project will not impose on any current oyster harvesting activities in West Bay. The Association is also aware of and support the Florida Fish and Wildlife Conservation Commission's intent to temporarily close the Oyster Reef Habitat Restoration in St. Andrews, FL- Phase 1 project area, including fourteen 116 ft by 19 ft. oyster reef units and 30 meters of surrounding submerged waters, from oyster harvesting activities for a minimum of 5 years to allow for successful implementation of the project's oyster reef habitat restoration goals.

A handwritten signature in black ink, appearing to read "Jeffery L. Newsome", written in a cursive style. Below the signature is a large, stylized flourish or scribble.