RICK SCOTT
GOVERNOR

September 6, 2012

Ms. Rebecca Blank
Acting Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Dear Secretary Blank:

On behalf of Florida's oyster industry, I respectfully request that you declare a commercial fishery failure due to a fishery resource disaster for Florida's oyster harvesting areas in the Gulf of Mexico, particularly those in Apalachicola Bay, pursuant to Section 312(a) of the Magnuson-Stevens Fishery Management and Conservation Act.

The State of Florida has experienced an unprecedented decline in the abundance of oysters within our coastal estuaries, a direct consequence of which has been a significant loss of income to commercial oyster fishermen, oyster processors and rural coastal communities. Recent oyster resource assessments indicate that the outlook for the 2012/2013 harvesting season is "poor" and unlikely to sustain commercial harvesting levels. I enclose a letter and report from Florida's Department of Agriculture and Consumer Services (FDACS) assessing the current impacts. The FDACS report estimates the dockside value of oyster landed in Franklin County at $6.64 million in 2011, which translates to a larger and significant overall economic impact to the affected communities. After conferring with county leadership, Franklin County estimates the employment impact to affect 2,500 jobs, including commercial oyster fishermen, processors and related coastal economies.

According to the report, observations and sampling of oyster populations on the primary oyster producing reefs in Apalachicola Bay during July 2012 indicated that oyster populations were in poor condition. It is believed that a combination of factors has led to the recent decline in oyster populations.

The Florida Panhandle and Apalachicola Bay, as the drainage basin of the Apalachicola, Flint, and Chattahoochee Rivers, have experienced drought conditions for several years resulting in reduced freshwater input into Apalachicola Bay. This absence

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of freshwater contributes to higher salinity levels adversely affecting oyster populations and contributing to mass natural mortality events and a dramatic increase in oyster predation.

Harvesting pressures and practices were altered to increase fishing effort, as measured in reported trips, due to the closure of oyster harvesting in contiguous states during 2010. This led to overharvesting of illegal and sub-legal oysters further damaging an already stressed population. Other undetermined causes may also have been involved.

Disaster relief funds authorized by the Magnuson-Stevens Act are needed to: 1) further assess the primary and secondary causes of the oyster decline; 2) determine the feasibility of actions to remediate or restore the affected resources; 3) begin actions to prevent and restore affected resources; and 4) provide economic assistance to fishing communities and small businesses, including oyster fishermen affected by the disaster.

The State of Florida is prepared to provide the information necessary for you to properly assess this situation. On behalf of Florida's oyster community, I thank you for your prompt consideration of this urgent request.

Sincerely,

Rick Scott
Governor

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM
THE CAPITOL

September 5, 2012

The Honorable Rick Scott
Governor
State of Florida
The Capitol, Plaza Level 05
Tallahassee, Florida 32399

Dear Governor Scott:

I am writing today to advise you of a situation that is quickly becoming a crisis for Florida's coastal communities who rely on a vibrant and healthy oyster population for economic viability. The oyster resources in the state, particularly those in Apalachicola Bay, have been significantly impacted by the prolonged drought that many areas of the state are facing. The drought conditions in the Bay have caused the oyster resources to decrease to a level that will no longer sustain Florida's commercial oyster industry. This situation has been exacerbated by the low level of fresh water coming down the Apalachicola River into the Bay.

As you know, oysters require a delicate balance of both fresh and salt water. If salinity levels in and around oyster reefs get too high, the water is hospitable to marine organisms that prey on oysters such as oyster drills, stone crabs and conchs. In addition, high salinity creates unfavorable conditions for juvenile oyster growth. First with Tropical Storm Debby and followed shortly thereafter by Tropical Storm Isaac, the already scarce resource was further impacted. A recent assessment of the oyster resources in the Bay conducted by the Florida Department of Agriculture and Consumer Service (FDACS) concluded that current oyster resource levels have not been this low since immediately after Hurricane Elena in 1985.

In addition to Apalachicola, we have already begun to hear from oyster harvesters in Wakulla, Dixie and Levy counties that they are also seeing high oyster mortality rates due to the drought. These areas have been closed seasonally to oyster harvesting through the summer and only opened on September 1, 2012. FDACS will conduct assessments on those areas over the next two weeks, however given the situation in Apalachicola Bay, it is likely these areas will also not support a sustained commercial harvest.

On behalf of Florida's oyster harvesters and processors, I respectfully request that you ask United States Department of Commerce Acting Secretary Rebecca Blank to declare a federal fishery disaster for Florida's oyster harvesting areas in the Gulf. I believe the current conditions meet the requirements established in Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act and Section 308(b) of the Interjurisdictional Fisheries Act and therefore warrant this request.

To assist in your consideration of this request, I am enclosing the Apalachicola Bay Oyster Resource Assessment Report. Thank you in advance for your support of Florida's commercial oyster industry. Should you need additional information on this situation, please do not hesitate to contact me.

Sincerely,

Adam H. Putnam
Commissioner of Agriculture

Enclosure

Oyster Resource Assessment Report
Apalachicola Bay
August 2012
Department of Agriculture and Consumer Services
Division of Aquaculture

Executive Summary

Observations and sampling of oyster populations on the primary oyster producing reefs in Apalachicola Bay during July 2012 indicated that oyster populations were depleted over most of the reef areas sampled and that surviving oyster populations are severely stressed. Staff of the Department of Agriculture and Consumer Services' Division of Aquaculture conducted assessments of oyster populations after preliminary reconnaissance following the passage of Tropical Storm Debby indicated that oyster populations on Cat Point Bar and East Hole Bar were in poor condition. More detailed sampling and analyses confirmed the condition of oyster resources and suggested that the poor condition was the result of combination of environmental factors and fishery practices. Analyses and observations further suggested that Tropical Storm Debby was only a minor contributing factor to the overall poor condition of oyster resources and confirmed evidence that prolonged drought conditions, continuing low river discharge rates and intensive harvesting were adversely affecting oyster populations in Apalachicola Bay.

This report provides interpretative analyses of sampling data, fisheries data, environmental conditions, fishery practices and other factors to describe the current status of oyster resources and predict oyster fishery trends for the 2012/13 Winter Harvesting Season in Apalachicola Bay. Analyses and observations indicate that a combination of factors have resulted in a cascading effect that has contributed to the depletion of oyster populations and may lead to longer-term debilitation of oyster resources and oyster reef habitats.

Introduction

The Florida Department of Agriculture and Consumer Services (DACS) shares responsibility for managing oyster resources in Apalachicola Bay with the Florida Fish and Wildlife Conservation Commission (FWC); more specifically, the Division of Aquaculture manages oysters from both resource development and public health protection perspectives. This report summarizes information related to oyster resource compiled by the Division of Aquaculture from 2009 through August 2012.

Oyster Fisheries Statistics

Since 1980, reported landings of oysters in Florida ranged from about 1 to 6.5 million pounds of meats: highest landings were reported in the early 1980s, around 6.5 million pounds. Apalachicola Bay accounts for about 90% of Florida's landings and about 9% of the landings from the Gulf of Mexico (2000-2008 average). Reported oyster landings from Apalachicola Bay for 2011 were approximately 2.4 million pounds of meat, representing a slight increase in landings from 2010 (Table 1).

In 2011, oystermen in Franklin County reported landings of 2,380,810 pounds of meats from 39,176 trips. Landings for Apalachicola Bay are higher than reported for Franklin County, because oystermen in neighboring counties may report landings from Apalachicola Bay in those counties.

Table 1. Oyster Landings in Apalachicola Bay, Florida

Year	Pounds (Meats)	Number of Trips Reported	AB Oyster Harvesting Licenses	Bags/ Trip
2000	2,327,402	25,550	958	13.9
2001	2,333,968	25,261	1,135	14.1
2002	1,725,776	20,294	914	13.0
2003	1,449,890	18,467	759	12.0
2004	1,502,056	17,692	719	12.9
2005	1,260,996	12,663	714	15.2
2006	2,127,049	22,644	916	14.3
2007	2,645,359	29,104	1,142	13.9
2008	2,238,482	27,603	1,168	12.3
2009	2,695,701	39,942	1,433	10.2
2010	1,938,059	32,330	1,909	9.1
2011	2,380,810	39,176	1,799	9.3
2012			1,687	

Landings per trip remained relatively stable during 2010 and 2011, ranging from 9.1 to 9.3 bags per trip. Landings per trip continued to trend downward from about 15 bags per trip in 2005 to about 9.3 bags per trip in 2011. Oyster landings and bags per trip do not show a direct correlation with the number of ABOHL sold; there were 1,799 ABHOL sold in 2011 and 1,687 sold in 2012. The dockside value of oyster landed in Franklin County was estimated at $6.64 million in 2011.

Oyster landings appear to be correlated with three primary variables; resource availability, fishing effort, and market demand. Fishing effort has increased while market demand has been highly variable due to economic instability, concerns associated with the Deep Water Horizon (DWH) oil spill incident in 2010, and inconsistent supplies from other Gulf states.

Oyster Resource Assessments

The Division has conducted oyster resource surveys on the principle oyster-producing reefs in Apalachicola Bay since 1982. This information is used by resource managers to reliably predict trends in oyster production; to monitor oyster population dynamics, including recruitment, growth, natural mortality, standing stocks; and to determine the impacts of climatic events such as hurricanes, floods, and droughts on oyster resources. Sampling oyster populations allows resource managers to compare the relative condition of standing stocks over time using a defined sampling protocol. The Standard Oyster Resource Management Protocol (SORMP) provides a

calculation to estimate production based on the density of legal size oysters collected during a defined sampling interval. Production estimates exceeding 400 bags of oysters per acre is applied as an indicator of healthy oyster reefs capable of sustaining commercial harvesting.

The Division of Aquaculture conducted oyster resource assessments on the commercially important oyster reefs in Apalachicola Bay during July 2012. Commercially important reefs included Cat Point Bar, East Hole Bar and the St. Vincent Bar and Dry Bar reef complex. Oyster resource assessments were also conducted on three recently rehabilitated reefs, and on shallow and intertidal reefs in St. Vincent Sound.

Production estimates for July 2012 from Cat Point Bar (287 bags/acre) and East Hole Bar (294 bags/acre) were the lowest production estimates reported in the past twenty years prior to the opening of the Winter Harvesting Season. Similarly, production estimates from St. Vincent Bar and Dry Bar (bags per acre) demonstrated depressed production estimates. Estimated oyster population parameters for Cat Point Bar, East Hole Bar and St. Vincent / Dry Bar are below levels generally observed on these reefs prior to opening the Winter Harvesting Season, and suggest that stocks are not sufficiently abundant at this time to support commercial harvesting throughout the Winter Harvesting Season. Factors affecting estimated production parameters on individual reef complexes are discussed later in this report.

Cat Point Bar and East Hole Bar have historically been the primary producing reefs in Apalachicola Bay. These reefs form a contiguous reef system (except for the Intracoastal Waterway) that extends north to south across St. George Sound and separates the sound from Apalachicola Bay. Over the past twenty years, landings from these reefs have been critical to supporting the oyster fishery in the region.

Oyster density and estimated production showed marked declines on Cat Point Bar when compared to 2011. Estimated production declined from 417 bags per acre in August 2011 to 287 bags per acre in July 2012 (Table 2). Oyster densities decreased substantially from 430 to 64 oysters per square meter over the same sampling interval (Table 2). The decrease in oyster density reflects poor recruitment, as well as severely reduced number of oysters in the juvenile size classes, and is indicative of the degraded quality of reef substrate and structure.

Cat Point and East Hole Bar have been subject to a combination of factors that have adversely affected oyster populations, oyster reef habitat, and the oyster fishery. Oyster populations over much of the reef area are depleted and the quality of the substrate is degraded to a point where spat settlement and recruitment have been disrupted. Stress associated with prolonged high salinity, high natural mortality and predation, and intensive fishing effort have markedly reduced standing stocks of juvenile, sub adult and adult oysters.

The Dry Bar and St. Vincent Bar complex is a large contiguous reef system in western Apalachicola Bay. This reef complex provides a substantial portion of the Bay's landings during normal years, but fishing pressure was sporadic during 2011 and 2012. The estimated production for Dry Bar-St. Vincent (Table 2) indicated a substantial reduction from 323 bags per acre in August 2011 to 215 bags per acre in July 2012. Samples were collected from the Little Gully area on Dry Bar, because no live oysters were collected on St. Vincent Bar. St. Vincent Bar, extending from Dry Bar southward was considered to be depleted of marketable oysters. The oyster population on St. Vincent Bar was likely decimated by stress associated with high

salinity, disease and predation. Fishing pressure has declined as a result of reduced standing stocks of market-size oysters over the entire reef complex over the past two years. The current condition of oyster resources on Dry Bar is not expected to be at levels that will sustain commercial harvesting through the 2012/13 Winter Harvesting Season.

Estimated production parameters for the reef complexes in the western portion of the Bay and the "Miles" indicate that standing stocks of market size oysters are at various levels. Standing stocks on some reefs will support commercial harvesting, while other reefs show signs of severe stress and depletion. Oyster reefs, including North Spur, Green Point and Cabbage Lumps Plant Sites are in moderately good condition, with standing stocks and production at levels that will support limited commercial harvesting. These plant sites have been planted with processed oyster shell within the last three years, and the substrate remains in good condition; size frequency distributions are typical of healthy oyster populations. However, these reefs are small and overall production will be limited. Also, oysters on these reefs will likely be subject to intense predation from rock snails, while salinity levels remain high. Oyster populations on shallow and intertidal reefs in the 'Miles' (Spacey's Flats, Eleven Mile Bar, Picolene Bar) are also severely stressed, showing signs of intense predation and natural mortality. Bars in northwestern Apalachicola Bay and eastern St. Vincent Sound, including Green Point, North Spur and Cabbage Lumps are more strongly influenced by river flows than bars located further away from the river mouth. Prevailing flows and circulation patterns move plumes of freshwater westward from the river over these reefs before they are dispersed throughout the Bay and St. Vincent Sound.

The Standard Oyster Resource Management Protocol

Continuous monitoring and data analyses have allowed resource managers to develop a scale using defined sampling protocol to determine the relative condition of oyster resources based on estimated production parameters. The Standard Oyster Resource Management Protocol (SORMP) provides that estimated production exceeding 400 bags of oysters per acre is applied as an indicator of healthy oyster reefs capable of sustaining commercial harvesting. Accordingly, oyster populations are 1) capable of supporting limited commercial harvesting when stocks exceed 200 bags/acre, 2) below levels necessary to support commercial harvesting when stocks fall below 200 bags/acre, and 3) considered depleted when marketable stocks are below 100 bags/acre. Generally, production from Cat Point Bar has been the most accurate indicator of oyster production in Apalachicola Bay, but East Hole Bar and St. Vincent Bar are also reliable indicators of the condition of oyster resources throughout the Bay. This scale forms the basis for the Standard Oyster Resource Management Protocol provided in Subsection 68B-27.017, Florida Administrative Code, which has been used as the criteria for setting the number of harvesting days in the Winter Harvesting Season in Apalachicola Bay.

Depletion of Oyster Resources

Standing Stocks and Commercial Production Estimates

Size frequency distributions for oyster standing stocks are strong indicators of the health of oyster populations and are useful for predicting fishery trends. Size distributions among oyster populations are used to evaluate recruitment to the population, recruitment of juveniles to market size, growth, survival and potential production. Accordingly, size frequency distributions can be

used to evaluate oyster depletion events. Current analyses of size frequency distributions and oyster standing stocks indicate that oyster populations on the major producing reefs in Apalachicola Bay are experiencing an on-going depletion event.

Oyster populations can be depleted from a number of factors; including climatic conditions, water quality, drought and flood events, catastrophic storms and hurricanes, natural mortality from diseases and predation, and fisheries. Most of the time, depletions occur because of a combination of these factors (multiple stressors).

Data analyses and observations on the major reef complexes showed substantial losses of oyster populations over the past two years, with severe declines in oyster densities, standing stocks and production estimates. Declining populations can be attributed to less than optimal environmental conditions (prolonged drought, reduced river discharge rates, high salinity), storm events (Tropical Storm Debby), and increased predation and natural mortality, weak recruitment, and extensive harvesting on the major reefs. It is evident from divers' observations that many reefs in Apalachicola Bay are showing the negative effects of decreased rainfall and freshwater flow rates from the Apalachicola River over the past two years, including depressed recruitment and increased natural oyster mortality (predation, disease, and stress associated with high salinity regimes). Additionally, the long-term impairment of reef structure (reef elevations, shell matrix, and shell balance) is of serious concern. Each of the factors contributing to oyster depletion in Apalachicola Bay are discussed below.

Prolonged Drought and Elevated Salinity

Adverse environmental conditions can have a devastating effect on oyster populations; and high salinity is among the most detrimental factors. Because oysters are sessile animals, they are not capable of moving when environmental conditions become less than optimal or sometimes lethal. While oysters can tolerate a wide range of salinities, prolonged exposure to less than optimal conditions will adversely impact affected populations. Oysters become physiologically stressed when salinity levels are below or above optimal levels (10-25 ppt) for extended periods, affecting reproductive potential, spatfall, recruitment, growth and survival.

Rainfall and concomitant river discharge are essential for productive oyster populations in Apalachicola Bay, and provide three critical requirements for survival. First, survival depends upon salinity regimes that are suitable for oysters to reproduce, grow and survive. Rainfall in the drainage basin and discharge into the Bay are essential, as productive oyster populations require a combination for fresh water and marine waters. Fluctuating salinity regimes, within the oyster's tolerance limits, is the single most important factor influencing oyster populations in Apalachicola Bay. Second, rainfall, flooding in the flood plain, and river discharge into the Bay are essential for supplying nutrients and detritus necessary to nourish and sustain food webs and trophic dynamics within the estuarine system. And third, rainfall and river discharge is a critical factor driving fluctuations in salinity levels that prevent destructive predators with marine affinities from becoming established in the Bay. The critical influences of rainfall and river discharge were severely diminished during the past two years. The region and much of the drainage basin have been subject to extensive drought during 2011 and 2012, and these conditions have been reflected in low river stages and low river discharge rates.

Although, environmental conditions improved with relatively normal rainfall and river discharge in 2009 and early 2010, and abundant spat fall was reported on Cat Point and East Hole Bars during 2010, oyster resources have not rebounded completely. Conditions began to decline and drought conditions have persisted in the Apalachicola River Basin since August 2010. With drought conditions returning to the region, decreased rainfall and river discharge have contributed to stress on oyster populations in Apalachicola Bay.

The Florida Panhandle and the Apalachicola River (ACF) drainage basin have experienced prolonged drought conditions for several years, and the reduced freshwater input into Apalachicola Bay has seriously affected oyster populations in the Bay. Poor recruitment and poor survival can be directly attributed to prolonged high-salinity environment, which is also confirmed by the presence of marine predators, primarily stone crabs and Florida rock snails (oyster drills). The predators are present in great numbers and are currently overwhelming oyster populations throughout Apalachicola Bay. Petes et al., (2012) and Wilber (1992) investigated the effects of reduced freshwater flows on oyster populations in Apalachicola Bay and reported adverse impacts resulting from low river flows.

Natural Mortality and Predation

The combination of high salinity and high water temperatures are known to severely stress oyster populations and may result in massive mortality events. It is highly likely that these environmental factors have contributed substantially to natural mortality and low recruitment in the Bay. High salinity and high water temperatures also correlate with the increased prevalence and intensity of the oyster parasite, *Perkinsus marinus*. This parasite (dermo) is often associated with oyster mortality in the hotter summer months and is commonly described as 'Summer Mortality Syndrome' in Florida. The Department participates in the Oyster Sentinel Program in the Gulf and monitors the presence and intensity of *P. marinus* in oysters in Apalachicola Bay.

Observations by divers confirmed the presence and abundance of stone crabs, *Menippe mercenaria*, on the primary oyster reefs in Apalachicola Bay. Stone crab burrows are easy to recognize and the appetite of these destructive predators is obvious. Stone crab burrows are surrounded by living and dead oysters; the result of crabs actively foraging and bringing live oysters to their burrows. The shells of devoured oysters are also present and form a ring around burrows. Examining dead oyster shell provides confirmation of the crushing action of stone crabs on the shell of oysters. Stone crabs are considered primary predators of oysters when salinities remain high for extended periods and crab populations become established on oyster reefs.

Observations and sampling confirmed the presence and abundance of the Florida rock snail, *Stramonita haemastoma*, (formerly *Thais haemastoma*), a destructive snail commonly referred to as an oyster drill. Oyster drills are considered as one of the most serious oyster predators along Florida's Gulf Coast, and have become established in Apalachicola Bay over the past two years. Reports from oystermen suggest that drills are more abundant than at any time in recent memory. It appears that drill populations are moving farther into the estuary as oyster populations in the more marine portions of the Bay are depleted. High numbers of drills were found wherever viable oyster populations were observed. The presence and establishment of snail populations correlate with prolonged high salinity waters. It is also disturbing that drills are completing their

life cycles within the estuary, since egg cases, juvenile, subadult and adult snails are abundant on oyster reefs.

Additionally, the Florida crown conch, *Melongena corona*, was commonly observed on oyster reefs. These conchs are also known to be serious oyster predators with marine affinities. Mud crabs of various species are also common predators on oyster reefs, generally attacking spat and smaller juvenile oysters.

Increased stress associated with high salinity regimes acts to exacerbate the level and intensity of predation by weakening oysters. Prolonged periods of high salinity result in natural mortality from predation which can have a significant impact on oyster populations and result in serious economic losses to commercial oyster fisheries. The presence and abundance of marine predators on oyster reefs in Apalachicola Bay the long duration of high salinity conditions within the estuary.

Harvesting Pressure

Declining oyster population parameters can be associated with harvesting, as well as environmental influences and natural mortality. Reported oyster landings for Franklin County in 2011 increased marginally over 2010 in both production and bags per trip, but harvesting pressure (as measured in reported trips) increased by about 20 percent. Oyster population parameters for Cat Point Bar and East Hole Bar suggest that oyster abundances and potential production is markedly depressed, possibly reflecting the effects of continuous harvesting, poor harvesting practices, as well as, less than optimal environmental conditions in 2010 and 2011. Over harvesting is most damaging when environmental conditions are less than optimal, recruitment is low, and natural mortality is high.

Resource managers believe that several activities associated with harvesting have had a detrimental impact on standing stocks and oyster resources on the primary producing reefs in St. George Sound in eastern Apalachicola Bay. The standing stocks of juvenile, sub-legal, and market-size oysters suggest that the overall condition of many reefs has declined substantially over the past two years as a result of continuous harvesting from Cat Point and East Hole Bars, concentrated and intensive harvesting by the majority of the fishing fleet, and the excessive harvesting of sub-legal oysters.

Vessel counts during the 2011/12 Winter Harvesting Season show that about 60 percent of the fishing fleet was concentrated on Cat Point and East Hole Bars. Fishing effort often averaged more than 120 vessels per day throughout 2011 and 2012 placing added pressure on Cat Point and East Hole Bars. In response to limiting the number of hours harvest can occur each day to control for *Vibrio vulnificus*, additional harvesting days during 2011 and 2012 were implemented which increased fishing pressure and further deteriorated the condition of the resource. Another contributing factor was the management decision to allow harvesting from these reefs during the summer of 2010 in response to the oil spill event (April, 2010). This resulted in an intense harvesting effort which precluded any recovery time for the resource

Harvesting pressure is usually high on reefs in the eastern portion of the Bay at the beginning of the oyster harvesting season, and in 2011 and 2012 harvesting pressure was almost exclusively directed to Cat Point and East Hole Bars. Harvesting pressure on Cat Point Bar and East Hole

Bar in St. George Sound demonstrated an upward trend in effort over the past two years. This change in fishing effort is not easy to explain, since it does not seem to be strictly associated with resource availability. One plausible explanation may be the proximity of St. George Sound to Eastpoint, where many licensed oystermen reside and sell their oysters.

Some of the decline of legal-size oysters can be attributed to the excessive harvesting of sub-legal oysters. Since 2010, there have been numerous reports of oystermen harvesting oysters below the legal size limit, and observations in the marketplace confirmed that the harvest of small oysters was very common during the DWH oil spill event and has persisted to the present. Excessive harvesting of sub-legal oysters from 2010 through 2012 reduced recruitment among sub-legal size classes to legal size, contributing to declining trends in estimated production in 2012/2013. This situation results from harvesting and culling practices of the fishermen, when sub-legal oysters are not culled and returned to the reef to grow to marketable size.

The practice of harvesting sub-legal oysters appears to be an extension of a "use it or lose it' attitude that prevailed during the fall and winter of 2010. Following the oil spill in April 2010, there was an acknowledged threat to oyster resources in Apalachicola Bay, and management policies were directed toward harvesting available resources in the face of a growing risk of loss. Throughout the period when oil posed an unpredictable threat to the oyster fishery, less effort was directed toward enforcing size limits, perhaps, yielding to the view that it would be more beneficial to harvest the available resource. But unfortunately, many oystermen have continued the same harvesting practices that were allowed during the oil spill threat.

The Division's 2011 *Oyster Resource Assessment Report for Apalachicola Bay* (Division of Aquaculture, 2011) stated that oyster population estimates indicated that recruitment would keep pace with harvesting pressure and sustain production throughout the 2011/12 Winter Harvesting Season: with the caveat that increased harvesting pressure and/or the unabated harvesting of sublegal stocks may alter the production / harvesting balance. In 2011, reports of the harvest and sale of oysters below the legal size limit was still common practice, and it is now clear that there are not sufficient numbers of juvenile and market size oysters to support harvesting throughout the up coming season.

Tropical Storm Debby

Tropical Storm Debby made its closest approach to Apalachicola Bay on June 25, 2012 before moving eastward and making landfall near the mouth of the Suwannee River. Despite the fact that Debby never achieved hurricane strength, it was accompanied by moderate storm surge in the Big Bend region. Maximum surge at Apalachicola was 3.51 feet.

The greatest impacts to oyster reefs were expected to be in St. George Sound and western Apalachicola Bay (St. Vincent Bar) because of the long fetch of open water. Scouring was expected as a result of storm surge and wave action across the Bay. Fortunately, most of the storm surge and strongest wave action occurred during high tides when the reefs are most protected from severe hydrological impacts.

Preliminary reconnaissance following T.S.Debby did not indicate severe disruption of oyster reef structure. Examination of shells and live oysters did not display the effects of severe scouring (ex. polished shell surfaces, abrasion, dead oysters) and observations by divers did not

demonstrate extensive disruption of the reef's surface (suspension and deposition of reef shell and sediments, concretion of reef material, or burial of shell and living oysters). Although reef areas were sometimes devoid of live oysters, clusters of oysters were present in adjacent areas that did not indicate severe disturbance. Scouring and wave action may have impacted reef surfaces and oyster resources in some areas, but widespread damage to reef structure was not observed.

Heavy rainfall and coastal flooding may have an adverse impact on oyster reefs closest to the river and distributaries in the river delta, but the sudden influx of freshwater did not appear to cause extensive oyster mortalities on reefs away from the river delta (reefs in the Winter Harvesting Areas). Preliminary reconnaissance and sampling did not identify oyster populations where mass mortalities occurred; it is generally apparent when a mass mortality event occurs from a freshet or poor water quality (low dissolved oxygen concentrations). However, it remains likely that oyster populations in close proximity to the river delta may be subject to prolonged low salinity and associated low dissolved oxygen concentrations, and may suffer mortalities. There have been some reports of recent mortalities (late July) among oysters on reefs in the Summer Harvesting Area (Norman's Lumps).

Fishery Management Implications

The Department of Agriculture and Consumer Services and the Fish and Wildlife Conservation Commission enacted several policies that allowed oystermen a greater opportunity to harvest available oyster resources in Apalachicola Bay in response to the Deepwater Horizon oil spill event and national shellfish program requirements. The Executive Director of the FWCC signed an Executive Order that allowed commercial harvest of oysters from Apalachicola Bay seven days a week beginning September 1, 2011, contingent upon the Standard Oyster Resource Management Protocol (SORMP). On June 1, 2012, the FWCC enacted rule amendments in Chapter 68B-27.017 that allowed harvesting of oysters seven days a week, year round in Apalachicola Bay. This action was taken, in part, to accommodate commercial oyster fishermen for time on the water harvesting that was decreased as a result of recent management practices to enhance public health protection. These practices, consistent with national *Vibrio vulnificus* reduction criteria, imposed more stringent limitations on harvesting times from April through November.

Subsection 68B-27.017(1)(a), Florida Administrative Code, provides that oysters may be harvested for commercial purposes on any day of the week. Subsection (1)(b) provides that - If during the period of November 16 through May 31 DACS establishes that the oyster resources on Cat Point Bar and East Hole Bar can not sustain a harvest of 300 bags per acre (SORMP), then the harvest of oysters for commercial purposes shall be prohibited on Saturdays and Sundays. Results of the current assessment indicated that estimated production on Cat Point Bar and East Hole Bar may not exceed the level provided in the SORMP for DACS to recommend that oyster harvesting for commercial purposes be continued at seven days a week. Oyster resources will be re-assessed in November and recommendations will be forwarded to the Florida Fish and Wildlife Conservation Commission.

Fishery Trends

Analyses of oyster resource assessment data over the past two years indicate several general conclusions regarding oyster resources in Apalachicola Bay.

The outlook for oyster production for the 2012/2013 Winter Harvesting Season in St. George Sound (Cat Point, East Hole, Porters Bar and Platform) is described as "poor". It appears unlikely that oyster populations on Cat Point and East Hole Bars can sustain concentrated harvesting effort throughout the Winter Harvesting Season.

Declining population estimates over the past two years generally indicated that oyster populations are severely stressed. Although oyster population parameters for 2010 and 2011 reflected relatively stable production estimates, declines in 2012 suggest that overall resource availability may not be capable of sustaining current harvesting levels (bags per trip). The number of bags per trip has continued to decline over the past five years.

Prior to 2009, the demand for oysters from Apalachicola Bay was a primary factor limiting harvests, as harvests did not appear to be limited by available stocks. Higher landings in 2009 likely reflected strengthening market demand and increased fishing effort rather than increased resource availability. However, in 2011/2012 demand for Apalachicola Bay oysters increased because of reduced production from historically productive areas in other Gulf states, while oyster resources in the Bay have suffered during the current drought. Consequently, oyster resources may not be adequate to support increased harvesting pressure and meet increased demand throughout the upcoming season.

Table 2. Cat Point Bar Population Estimates: September 2008 to July 2012.

Sample		Oyster	Mean	Density	Oysters				Bags
Date	Quadrat (0.25m)	Number (n)	Leng. (mm)	(/m)	>50mm (%)	>75mm (%)	(/m)	1000x (/ac)	(/ac)
09/08	20	616	55.2	123.2	66.2	17.21	21.2	85.8	381
11/08	10	564	52.0	225.6	55.7	19.33	43.6	176.4	784
12/08	10	333	56.9	133.2	66.1	24.92	33.1	134.3	597
08/09	20	828	50.1	165.6	49.9	15.10	25.0	101.1	449
11/09	10	626	48.2	250.4	50.2	7.83	19.6	79.3	352
04/10	20	969	48.4	193.8	46.7	9.91	19.2	77.7	345
08/10	20	1,043	50.5	208.6	53.9	8.92	18.6	75.3	334
11/10	20	865	52.8	173.0	63.7	12.25	21.2	85.7	381
08/11	15	1,611	48.2	429.6	48.5	5.40	23.2	93.9	417
07/12	10	161	58.8	64.4	67.1	24.84	15.9	64.7	287

Table 2. East Hole Bar Population Estimates: November 2008 to July 2012.

Sample		Oyster	Mean	Density	Oysters				Bags
Date	Quadrat (0.25m)	Number (n)	Leng. (mm)	(/m)	>50mm (%)	>75mm (%)	(/m)	1000x (/ac)	(/ac)
11/08	10	318	57.5	127.2	69.1	22.33	28.4	114.9	510
09/09	20	1,023	49.3	204.6	50.7	9.09	18.5	75.2	334
11/10	10	682	47.0	272.8	48.6	9.38	25.6	103.6	460
07/12	10	127	60.8	50.8	65.3	32.28	16.3	66.3	294

Table 2. Dry Bar Population Estimates: September 2008 to July 2012.

Sample		Oyster	Mean	Density	Oysters				Bags
Date	Quadrat (0.25m)	Number (n)	Leng. (mm)	(/m)	>50mm (%)	>75mm (%)	(/m)	1000x (/ac)	(/ac)
09/08	20	1,467	54.0	293.4	64.1	14.86	43.6	176.4	784
12/08	10	986	47.1	394.4	49.8	7.81	30.8	124.6	554
08/09	20	1,353	46.6	272.6	41.2	6.31	17.2	69.6	309
11/09	10	589	45.6	235.6	41.7	7.13	16.7	67.9	302
08/10	20	877	50.2	175.4	50.5	10.83	18.9	76.8	341
11/10	20	1,313	43.1	262.5	34.4	11.65	30.5	123.8	550
08/11	15	567	47.5	151.2	44.8	11.90	17.9	72.7	323
07/12	10[a]	150	56.0	60.0	66.0	20.0	12.0	48.6	215[a]

a - Samples collected from Little Gully on Dry Bar. No live oysters were collected from St. Vincent Bar

Table 2. North Spur (Plant) Population Estimates: September 2008 - July 2012.

Sample		Oyster	Mean	Density	Oysters				Bags
Date	Quadrat (0.25m)	Number (n)	Leng. (mm)	(/m)	>50mm (%)	>75mm (%)	(/m)	1000x (/ac)	(/ac)
09/08	5	284	52.9	227.2	60.6	10.56	23.9	97.0	431
09/09	10	541	49.5	216.4	49.9	12.75	27.5	111.6	496
04/10	5	1040	48.0	832.0	50.4	5.10	42.4	171.7	763
08/11	5	269	52.9	215.2	58.0	15.99	34.4	139.2	619

07/12	10	362	53.4	144.8	57.5	18.23	26.4	106.8	475

Table 2. Green point (Plant) Population Estimates: September 2008 - July 2012.

Sample		Oyster	Mean	Density	Oysters				Bags
Date	Quadrat (0.25m)	Number (n)	Leng. (mm)	(/m)	>50mm (%)	>75mm (%)	(/m)	1000x (/ac)	(/ac)
09/08	10	482	58.8	192.2	75.9	20.33	39.2	158.6	705
09/09	10	274541	48.2	109.6	44.1	17.52	19.2	77.7	345
09/11	10	510	54.4	204.0	65.5	12.94	26.4	106.5	474
07/12	5	125	59.6	100.0	65.0	28.00	28.0	113.3	503