March 22, 2022

Texas Parks and Wildlife Department
Submitted Online at:
https://tpwd.texas.gov/business/feedback/public_comment/proposals/202203_oyster.phtml

RE: Proposed Amendment to 31 TAC §58.21 Concerning Taking or Attempting to Take Oysters From Public Oyster Beds

Dear Chairman Aplin,

On behalf of the National Wildlife Federation (NWF) and its 260,000 members and supporters in Texas, and the Sierra Club Lone Star Chapter (SC) and its 22,000 members, we submit the following comments in support of the Texas Parks and Wildlife Department's (Department) proposed amendments to better protect the state's precious oyster resource. As noted in the proposal, increased harvest in the Carlos-Mesquite-Ayres complex along with impacts from drought, flooding and hurricanes have led to increased pressure on oyster resources in Texas.

This proposal will enable the Department to further its efforts to sustainably manage the state's oyster reefs as a public resource by reducing harvest pressure in the near-term to allow oysters to experience long-term recovery from a number of challenges. The Department has led tremendous efforts to restore the state's oyster reefs, especially with funds from the 2010 Deepwater Horizon oil spill. The oyster fishery in Texas is under mounting pressure as many bays and estuaries across the Gulf are under significant stress. NWF and SC also encourage the Department to continue to seek out opportunities to train and prepare the industry for work in the restoration economy and other related endeavors.

Ecological Impacts and Benefits

The continued existence of oyster reefs is paramount to protecting Texas coastlines. Texas oysters perform vital ecological functions, and the state's oyster populations are increasingly threatened by factors including climate change impacts, water quantity variability, and water quality degradation. Climate change-induced sea level rise and coastal erosion will increase the salinity content in the bays disrupting salinity balance that is crucial for oysters. Changes in precipitation patterns and drought intensity will also likely result in declining freshwater inflows. These hydrologic changes can lead to direct oyster mortalities while eventually threatening the habitability of the bay systems for future oyster populations.

The Texas General Land Office estimates that the average erosion rate for the 367 miles of Texas coast is 4.1 feet per year. Sixty-four percent of the Texas coast is eroding at an average rate of about 6 feet per year, with some locations losing more than 30 feet per year. Oyster reefs reduce

the risk of erosion and flooding for coastal communities and coastal habitat. In protecting Texas coastlines, oyster reefs also prevent saltwater intrusion, protecting the ecological integrity of freshwater wetlands that are vital to wildlife and buffer communities from extreme storms in the Gulf. Additionally, oysters provide an important water quality function, with a single oyster being capable of filtering up to 50 gallons of water per day, supporting the state's important nursery grounds for life in the Gulf of Mexico.

Impacts to Industry

In addition to sack limits, restoration efforts, and enforcement violations, among others, since 2005 the Department has placed a moratorium on the number of licenses available. However, since the moratorium, the number of active leases has increased and overharvesting continues to threaten the viability of a sustainable oyster fishery in Texas.

With the exception of Galveston Bay, when one bay closes, license holders may move up and down the Texas coast in search of oysters. Therefore, when one area is closed, pressure can increase in the remaining areas as more boats move in for harvesting. While bay closures can place a temporary financial strain on fishermen, targeted approaches like the Department's current proposal, can help the state avoid more sweeping actions that would burden the industry and displace oystermen long-term. With these impacts top of mind for many, NWF and SC encourage the Department and other stakeholders to consider approaches to dually promoting a sustainable oyster fishery in Texas while also supporting the industry and its workers in innovative ways, including by:

- Providing support services for oystermen to transition to appropriate alternate jobs, especially in coastal related industries such as tourism or fishing;
- Incentivizing oyster aquaculture by providing loans to oystermen at low interest rates and affordable leasing options in order to transition to aquaculture practices;
- Training and hiring oystermen to help restore coastal habitat and join the growing restoration economy in the Gulf; and
- Providing temporary jobs to oystermen to help in recovery efforts to restore silted reefs after storms.

We appreciate the opportunity to comment on and support the Department's proposal. We commend the Department's Coastal Fisheries Division for their dedicated work to protect the natural resources of the Texas coast.

Sincerely,

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