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## HOUSE JOINT RESOLUTION NO. 94

Offered January 13, 2016

Prefiled January 10, 2016

*Requesting the Virginia Commonwealth University's Rice Rivers Center, in consultation with stakeholders, to study and identify incentives to increase participation in oyster shell reclamation. Report.*

Patron—Yancey

Referred to Committee on Rules

WHEREAS, the wild Eastern Oyster in the Chesapeake Bay is at critical population levels due to increased water pollution, loss of habitat, overharvesting, and disease, and the population is estimated to be at only two percent of its late nineteenth-century peak, when the annual harvest was 17 million bushels; and

WHEREAS, despite the low numbers, the most recent harvest estimate of Virginia oysters exceeded 650,000 bushels, a significant increase from the perilously low 2001 harvest of 23,000 bushels; and

WHEREAS, oysters create their own habitat that provides physical, chemical, and biological benefits; and

WHEREAS, as filter feeders, oysters may filter up to 50 gallons of water per day by consuming phytoplankton (algae), suspended sediment, and nutrient pollution, and this filtering capacity plays a significant part in the clarity of the water column, allowing the growth of aquatic grasses that provide critical habitat for young fish and crabs; and

WHEREAS, reefs provide (i) valuable hard bottom habitat for commercially important fishes such as striped bass, spotted sea trout, and red drum and (ii) shoreline protection from wave and storm impacts; and

WHEREAS, the presence of the shell supplies much needed protection against changes in pH due to the buffering capacity as the shell decomposes; and

WHEREAS, restoration ecologists would prefer natural oyster shell as the substrate for growing new oysters, but due to a decline in available shell from a reduced harvest, many restoration projects are relying on clam shell or crushed concrete as a surrogate for oyster shell for wild oysters to attach; due to its limited availability, oyster shell has become a valuable commodity; and

WHEREAS, the process of reclaiming oyster shell from restaurants and businesses provides an immediate and direct link to the consumer at the point-of-sale; this linkage is an opportunity to communicate and engage with the general public regarding the benefits of oyster restoration, as well as the public's passive role in improving those environmental services and economic benefits of oysters in the Chesapeake Bay; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Commonwealth University's Rice Rivers Center, in consultation with stakeholders, be requested to study and identify incentives to increase participation in oyster shell reclamation.

In conducting its study, the Virginia Commonwealth University's Rice Rivers Center shall:

1. Research and identify opportunities to encourage and incentivize the practice of oyster shell reclamation by the public and private businesses, including evaluating existing provisions of the Code of Virginia;

2. Identify sources of sustainable funding to support ongoing activities within the Commonwealth to reclaim oyster shell;

3. Examine the reclamation, purchasing, and sale of oyster shell in other states with the intent to make recommendations that identify possible incentives to keeping shell generated and collected in Virginia remain in Virginia waters in support of replenishment and restoration activities;

4. Identify strategies that support the continuation and expansion of statewide reclamation of oyster shell through the established VA Oyster Shell Recycling Program from restaurants, retail businesses, and private citizens; and

5. Evaluate the distribution of reclaimed oyster shell from restaurants, retail businesses, and private citizens to be used in support of activities in the priority water bodies as identified in the 2012 Army Corps of Engineers Oyster Restoration Master Plan and to support the Chesapeake Bay Agreement.

All agencies of the Commonwealth shall provide assistance to the Virginia Commonwealth University's Rice Rivers Center for this study, upon request.

The Virginia Commonwealth University's Rice Rivers Center shall complete its meetings by November 30, 2016, and shall submit to the Governor and the General Assembly an executive summary

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59 and a report of its findings and recommendations for publication as a House or Senate document. The  
60 executive summary and report shall be submitted as provided in the procedures of the Division of  
61 Legislative Automated Systems for the processing of legislative documents and reports no later than the  
62 first day of the 2017 Regular Session of the General Assembly and shall be posted on the General  
63 Assembly's website.