



# Ecosystem Initiatives Advisory Services

October 13, 2005

Dr. Bill Hogarth  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Subj. Request the recall of the petition to list the eastern oyster as a T or E species

Dear Dr. Hogarth:

This request to recall the petition to list the eastern oyster (*Crassostrea virginica*) is driven primarily by two issues. These are: (1) the concern by some that the listing might be at the “endangered” category, which would have major impact on aquaculture and harvest, and (2) the need to consider an invertebrate species’ status through-out its geographical range.

Since the National Marine Fisheries Service’s (NMFS) initial review of the petition and the conclusion that the status of this species deserved more detailed assessment, the petition has received a great deal of media and political attention. This might have been beneficial if the assessment/review process was understood by the public. For example, when a petition is submitted under the Endangered Species Act, it should not be assumed that the species will be listed; and if it is, that it will qualify to be listed as endangered instead of threatened. As you know, implementation and follow-up action and regulatory requirements may be very different for these two classifications.

Most of the news media coverage did not make these distinctions. Therefore, the public, political, and resource users seem to fear that the eastern oyster might be listed as an endangered species and that the most severe restrictions and regulations under the ESA would follow. I feel that this confusion and apprehension has resulted in negative reactions to the process that could have been put-in-place to restore the eastern oyster in areas where it is severely depleted.

Further aggravating the public perception of the review process is the need to consider the entire geographic range of an invertebrate. Although information has been available to identify various strains of the eastern oyster, it is not clear that NMFS has enough information to conclude that any populations of the eastern oyster will qualify as subspecies. If the data were available, then NMFS might determine that listing only one subspecies might be warranted, thus affecting a smaller geographic area. However, the petition review timeline does not accommodate such new research.

Therefore, I am submitting this request to recall the petition to list the eastern oyster. I apologize for the inconvenience this may cause. However, I hope that the on-going, focused, information review of the current status of the eastern oyster and the numerous stresses impacting its abundance and distribution will be allowed to be completed. Such compiled information should be of great value in focusing restoration activities in support of this important resource. Thank you for your consideration.

Sincerely,

W.- Dieter N. Busch