



# New Hampshire Fish and Game Department

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## THE STATE OF NEW HAMPSHIRE FISH AND GAME DEPARTMENT

### SEEKING CLOSURE OF RESTORATION AREA TO SHELLFISH HARVEST

The Nature Conservancy petitioned for a five-acre closure in 2016 to conduct an oyster reef restoration project. The five-acre restoration area near Nannie Island in Great Bay was closed to shellfish harvest from November 1, 2016 to October 31, 2021. The NH Fish and Game Department recently received requests from The Nature Conservancy and the University of New Hampshire to continue restoration programs near the Nannie Island oyster reef. A new five-year closure of either 10 or 15 acres was proposed that would protect current restoration work, improve degraded oyster reef habitat, and provide for future oyster reef restoration programs. Pursuant to RSA 211:63-b, NH Fish and Game held a public hearing regarding the requested shellfish harvest closure for oyster restoration at 6:00 PM on Tuesday, October 5, 2021, at the Urban Forestry Center, 45 Elwin Road, Portsmouth, NH. The public hearing was advertised on the Department's website beginning September 22, 2021.

At the hearing, the following facts were provided by NH Fish and Game:

1. The Nature Conservancy petitioned the NH Fish and Game Department for a five-acre shellfish harvest closure near Nannie Island in 2016 to conduct an oyster reef restoration project over a five-year period (November 1, 2016 through October 31, 2021).
2. The Nature Conservancy and the University of New Hampshire expressed interest in continuing oyster restoration efforts near Nannie Island due to degraded oyster reef habitat and low numbers of oysters observed by NH Fish and Game surveys in the past seven years.
3. Research supports that by protecting adult oysters while undergoing reef habitat restoration helps with natural spat set in adjacent existing oyster reefs.
4. Public support for the 15-acre shellfish harvest closure was expressed recognizing the 5-year restoration project would improve the current degraded oyster reef habitat, protect adult oysters in current restoration areas by The Nature Conservancy and University of New Hampshire, and will aid in future restoration projects.

5. Support letters from The Nature Conservancy, the University of New Hampshire, and the Advisory Committee on Marine Fisheries were received by the submittal date of October 12, 2021 (Attachment 1).
6. Since viable oyster beds surrounding the restoration area will remain open to shellfish harvest, this proposed shellfish harvest closure should not impact current recreational activities in the area. Oysters and soft shell clams taken in state waters may not be sold (Fis 605.01(e) and 606.05(a) therefore there will be no impact on commercial shellfish activities.
7. There will be no impact upon recreational boating interests as there will be sufficient water above the shellfish beds at all tides to permit movement of vessels over the closure area.

Therefore, pursuant to RSA 211:63-b,

- A. The 15-acre oyster restoration area (Attachment 2) in Great Bay, bounded by the coordinates at the four corners shown in Table 1 are hereby closed to the take of clam, oyster, and other bivalve mollusk in support of shellfish restoration operations. The closure will be in effect for five years from November 1, 2021, through October 31, 2026.

Table 1: Coordinates of 15 acre shellfish harvest closure and oyster restoration area.

Lat	Long
-70.867095	43.066811
-70.867488	43.069415
-70.865042	43.069850
-70.864585	43.067187

- B. The four corners of the restoration area shall remain marked each year from April through November during the 5-year closure period with orange floats containing the words “Oyster Restoration Site” (Photograph 1).

Photograph 1: Example of buoy marking each four corner coordinates of oyster restoration area.



- C. The Nature Conservancy, University of New Hampshire, or other organizations involved in conducting oyster reef restoration activities in the 15-acre restoration area shall, no less than annually, provide the Department with reports on the progress of the projects and evaluation of its success and recommendations, if any, for additional restoration activities within the Great Bay estuary.
- D. During the period of this order any person, including organizations conducting oyster reef restoration activities within the 15-acre restoration area, shall be free to petition the Director for a modification of this order, based upon any new facts that may hereafter arise.

So ordered.

Any person who is aggrieved by the entry of this order may move for a rehearing pursuant to Administrative Rules, Fis 200, within a period of thirty days, following which this order shall be final.

Dated: October 15, 2021

Scott Mason  
Executive Director

**Attachment 1: Public support letters for 15-acre shellfish harvest closure and 5-year oyster restoration project site in Great Bay.**



555 Market Street, Suite 1 Portsmouth, NH 03801

October 6, 2021

Mr. Eric Stohl, Chairman  
New Hampshire Fish and Game Commission  
11 Hazen Dr.  
Concord, NH 03301

Dear Chairman Stohl,

The Advisory Committee on Marine Fisheries (the "Committee") (RSA 211:60) participated in a Public Hearing on October 5, 2021 regarding the following items:


1. Propose Amendments to Fis 603.22, Black Sea Bass, and
2. Proposed Oyster Restoration Closure Area

Immediately following the public hearing the Committee held its monthly public meeting and discussed the aforementioned proposals. Upon completion of discussions, the Committee took the following actions:

1. Black Sea Bass; The Advisory Committee on Marine Fisheries voted to support the departments rules to assure a commercial fishery for black sea bass can occur in NH waters as defined by the ASMFC's Black Sea Bass Fishery Management Plan.
2. Oyster Restoration Closure Area; The Advisory Committee on Marine Fisheries voted to support and recommend to the Commission the closure of a fifteen (15) acre area in Great Bay for a period of five (5) years.

If the Commission has any questions regarding this matter or have any questions regarding the Advisory Committee on Marine Fisheries, please contact me.

Sincerely,

  
Geno J. Marconi, Chairman  
[g.marconi@peasedev.org](mailto:g.marconi@peasedev.org)  
(603) 365-0503

Cc: Coastal Commissioner McInnis  
Cheri Patterson, Chief of Marine Fisheries

○○○○ TAKING YOU THERE

ph 603-436-8500 fax 603-436-2760 [www.peasedev.org](http://www.peasedev.org)



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nature.org/newhampshire

October 12, 2021  
Cheri Patterson  
Chief, Marine Division  
Department of Fish and Game  
Concord, NH 03301

**Re: Closure of 15-acre area of Great Bay to shellfish harvest to further oyster reef restoration**

Dear Cheri Patterson:

Thank you for this opportunity to provide comments in support of the Department's recommendation to close 15 acres of oyster reef to harvest for a period of 5 years to further restoration efforts in Great Bay.

RSA 211:63-b provides the Executive Director the authority to "order a closing of clam, oyster, and other bivalve areas for the purpose of restoration of the area, provided that the closure will not unduly interfere with existing or anticipated commercial or recreational activities." Such a closure "shall continue in effect for a period of not more than 5 years."

The Nature Conservancy, in partnership with the University of New Hampshire has identified the area located adjacent to the existing Nannies Island oyster reef as a viable location to pursue additional oyster restoration activities. The Department's proposal to close the 15 acres to harvesting is reasonable, will provide our organizations the ability to scale our restoration activities, and we believe will not interfere with any existing or anticipated commercial or recreational activities in the area. We believe that a 5-year closure, as allowed by statute, is appropriate.

Thank you for the opportunity to provide comment on the proposed closure. We appreciate the work of the Department in helping to advance oyster restoration in Great Bay. Please do not hesitate to reach out with any questions or concerns.

Sincerely,

Brianna Group  
Coastal Conservation Coordinator  
The Nature Conservancy in New Hampshire



## UNIVERSITY of NEW HAMPSHIRE

October 13, 2021

Cheri Patterson, Chief  
Marine Division, NH Fish and Game Department  
225 Main Street  
Durham, NH 03824

Dear Cheri,


I am writing in strong support of the Department's proposed harvest closure of a portion of the Nannie Island oyster reef for restoration activities. By this letter, I am also committing my laboratory to assist the Department in any way appropriate to plan and conduct the restoration activities.

As the Department's (and my laboratory's) data indicate, the Nannie Island reef has received very little natural oyster recruitment for the past several years, resulting in essentially no live oysters on the reef and rapidly degrading dead shell. Thus, restoration efforts are warranted, and the Department's proposed initial 15-acre area seems to me on target with respect to size and location.

Our recent collaborative research efforts with The Nature Conservancy involving the use of farmed adult oysters to initiate the oyster reef restoration process shows promise and may represent a method to consider for the Nannie Island site. I am particularly excited about the potential for this method for several reasons, but particularly because it brings oyster farmers into the process for restoring wild oyster reefs.

Finally, regardless of the methods used for restoration of the Nannie Island reef, adequate funding will of course be essential. As you know, my laboratory has received funding from many sources over the years in our oyster reef restoration work, but it has always been a challenge. I would be glad to participate in any discussions of potential funding sources for restoration activities on the proposed 15-acre site.

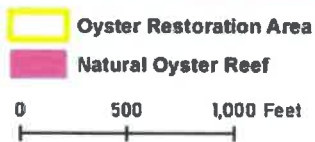
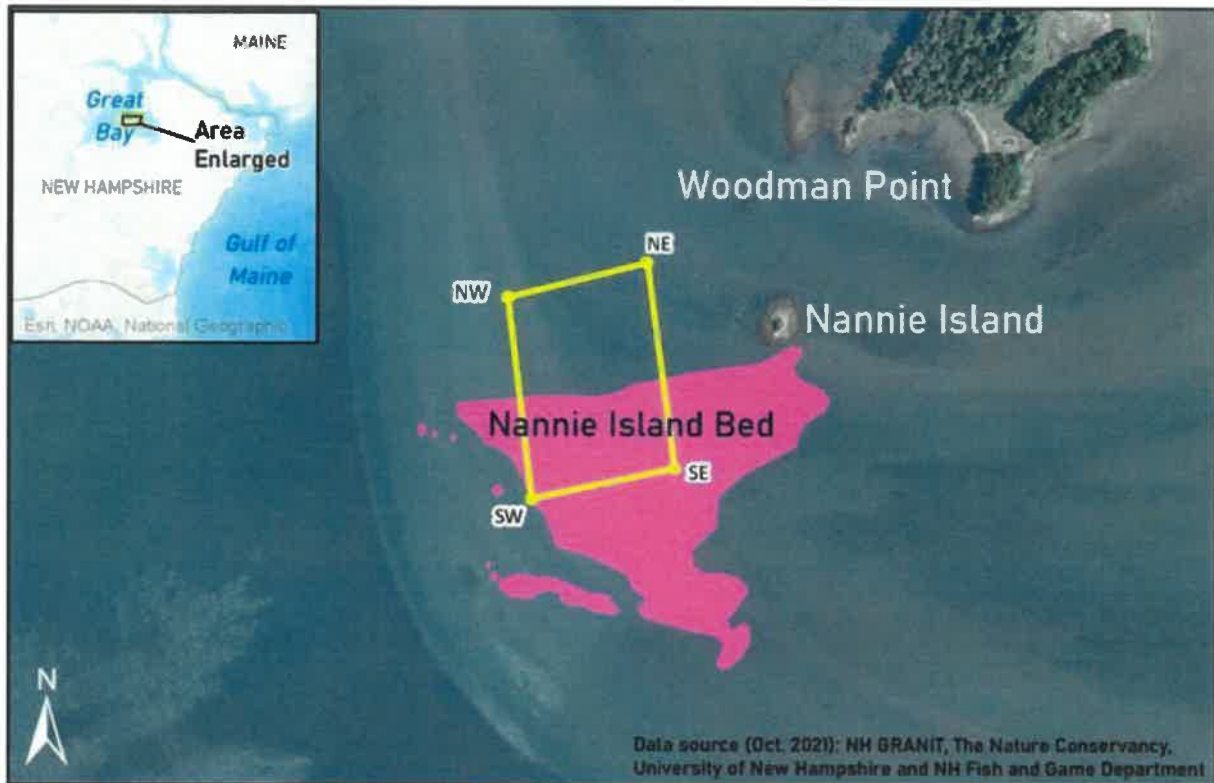
Respectfully,

  
Raymond E. Grizzle, PhD  
Research Professor of Biological Sciences  
Jackson Estuarine Laboratory  
Durham, NH 03824

Jackson Estuarine Laboratory

85 Adams Point Road Durham, New Hampshire 03824-3427 603-862-2175 603-862-1101 fax

**Attachment 2: Fifteen-acre shellfish harvest closure and oyster restoration project area in Great Bay.**



**Fifteen-acre Oyster Restoration Project Area**  
Great Bay, Newington  
New Hampshire

15-acre Site	Longitude	Latitude
SW	-70.86709	43.06681
NW	-70.86749	43.06941
NE	-70.86504	43.06985
SE	-70.86458	43.06719