Suggested revisions to the 2014 IR Guidance:

Oyster Waters Use

Oyster water use is assigned to most coastal bays to protect existing and potential harvest of edible species of clams, oysters, and mussels. ~~The oyster water use is not designated in the TSWQS in a 1000 foot buffer zone.~~ The o~~O~~yster water~~s~~ use is not assessed within ~~the~~a 1,000 foot buffer zone—an area measured from the shoreline to ordinary high tide. This zone is established for all bay and gulf waters with the exception those associated with river and coastal basins. ~~, which is measured from the shoreline to ordinary high tide.~~ Concentrations of bacteria in water must not exceed criteria established to maintain seafood safe for human consumption. The median fecal coliform concentration criterion in bay and gulf waters is 14 colonies per 100 mL.~~These criteria are 14 colonies per 100 mL, with not more than 10 percent of all samples exceeding 43 colonies per 100 mL.~~ The Department of State Health Services (DSHS) has authority to administer the National Shellfish Sanitation Program for Texas. This authority allows the DSHS to classify shellfish growing areas and to issue certificates for the interstate shipment of shellfish. The Texas Parks and Wildlife Department (TPWD) has the responsibility for enforcement of laws concerning harvesting of shellfish.

Oyster Water Classification Categories

The DSHS produces and provides annual updates to ~~annually publishes~~ maps that delineate ~~depict~~ the classification of shellfish ~~growing~~ harvesting areas along ~~in~~ the Texas coast. ~~estuaries into one of four categories. These maps provide the most likely status of shellfish growing areas.~~ The ~~S~~status (open or closed) of shellfish growing areas is subject to change by the DSHS at any time. These changes may be the result of ~~due to~~ high rainfall and runoff, flooding, hurricanes and other extreme weather conditions, major spills, red tides, or the failure or inefficient operation of wastewater treatment facilities.

Assessment of the oyster waters use is made using the most recent DSHS ~~Seafood Safety Division Classification of~~ Shellfish Classification Harvesting Area Maps. The maps are located on the Web at <~~www.dshs.state.tx.us/seafood/classification.shtm~~>. ~~**http://www.dshs.state.tx.us/seafood/classification.shtm#maps**~~>.

The DSHS classifies shellfish growing areas into one of four categories.~~:~~

Approved area. An ~~approved area is a shellfish growing~~ area approved ~~by the DSHS~~ for growing and harvesting shellfish for direct marketing. ~~The approved area is not subject to contamination from human and/or animal fecal matter in amounts that may present an actual or potential hazard to public health. The a~~Approved areas ~~is~~are not contaminated ~~with~~ by pathogenic organisms, ~~poisonous~~ toxic substances, or marine biotoxins in concentrations that present actual or potential hazards to public health. The classification of ~~an~~ approved areas is determined by ~~a~~ sanitary surveys conducted by the DSHS.

Approved areas meet the standard except under extreme conditions and are assessed as—*Fully Supporting*.

Conditionally approved area. A conditionally approved area is a classification used to identify harvest areas which meet the criteria for an approved area except under certain conditions. ~~determined by the DSHS to meet approved criteria for a predictable period. Events~~ Conditions causing ~~the~~ degraded water quality must be predictable and definable—~~(~~river stage, wastewater treatment plant effluents, run-off conditions~~)~~. A conditionally approved ~~shellfish growing~~ area is closed when ~~the area does not meet~~ the approved criteria are not supported.

Conditionally approved areas are assessed as ~~supporting the oyster waters use~~ —*Fully Supporting*.

Restricted area. Restricted areas are shellfish growing areas classified ~~by the DSHS~~ as threatened or contaminated by poor water quality. Shellfish ~~may be~~ harvested from these areas ~~only if permitted and subjected to a suitable and effective cleansing process. The harvested shellfish~~ must be cleaned by depuration (moved to processing plants for cleansing in clean water) or by relaying (moved to estuarine waters in an approved ~~clean~~ area).

Areas ~~are~~ classified as restricted due to poor water quality ~~and are impaired~~are assessed as—*Not Supporting*.

Some restricted areas have recent water quality surveys indicating acceptable fecal coliform densities, yet the area is restricted based on high risk of microbial contamination ~~(~~—proximity to marinas and wastewater treatment plants, stormwater runoff, drainage from areas frequented by livestock or waterfowl~~)~~.

Areas classified as restricted for reasons other than water quality impairment are reported as ~~not assessed~~—*Not Assessed*.

Prohibited area. A prohibited area is where ~~there are~~ recent DSHS sanitary surveys or other monitoring program data ~~which~~ indicate that fecal material, pathogenic microorganisms, poisonous or deleterious substances, marine toxins, or radionuclides may reach the area in excessive concentrations. The taking of shellfish for any human food purposes from such areas is prohibited. Shellfish from a prohibited area may not be taken for cleansing by depuration or relaying.

Prohibited areas with sanitary surveys indicating poor water quality, or where the DSHS has determined that water quality is likely to be poor based in historical surveys are assessed as ~~not supporting the oyster waters use~~—*Not Supporting*.

Areas ~~that are~~ classified as prohibited for reasons other than water quality impairment or are prohibited solely because DSHS does not have the resources to conduct sanitary surveys are reported as ~~not assessed~~—*Not Assessed*.

Reporting Oyster Water Use Attainment

The assessment describes the general attainment condition for large areas of the bay and reflects both water quality conditions and administrative decisions ~~of~~ made by the DSHS ~~shellfish safety program~~Seafood and Aquatic Life Group. Due to the complexity of shellfish classification areas, assessment units will include the open bay area only. Restricted areas that include river channels, the Intracoastal Waterway, shoreline, harbors, ship channels, tidal wetlands, subdivision channels and other structures identified by DSHS Classification of Shellfish Harvesting Area maps will not be included in the defined oyster water assessment units. ~~Because~~ When the ~~same~~ attainment status is assigned to entire assessment units for the Integrated Report, decisions on area-specific detail may be made in the planning stages of a TMDL.