

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Shellfish Advisory Panel
April 25, 2007 4:30 PM
Ft. Wetherill Marine Laboratory
Jamestown, RI

SAP Members Present: J. King (Chair), R. Bercaw, R. Blank (Alt. Ricciarelli), D. Brayton, O. Kelly, M. McGiveney (vice-chair), G. Schey

SAP Members Absent: J. Boland (3+), W. Cote, S. DePetrillo, J. Gardner, J. Grant, P. Kennedy, D. Leavitt (SA), J. Migliore, J. Mullen (A), L. Ricciarelli, R. Vaughn

DEM Marine Fisheries: D. Erkan, N. Scarduzio

DEM Enforcement: F. Ethier

CRMC: D. Alves

Public Present: W. Blank, G. Brawley, R. Major, P. Raso, R. Rheault

1) Development of Commercial and Recreation Whelk Harvest Regulations

- A. Scarduzio noted that enforcement has reviewed the regulations but legal hadn't. Scarduzio incorporated recommended changes into the Draft Regulations before the SAP. The SAP and Enforcement discussed some of the various issues associated with the Draft Regulations including:
- The need for "bait bags". DFW noted that reducing demand for horseshoe crabs through the use of bait bags was incorporated to aid ASMFC efforts.
 - The length "or" width measurement was incorporated to address the issue of shell breakage.
 - Appropriate penalties for violations.
 - Possession limits and vessel trip limits.
 - Foam core buoy usage.
 - Elimination of trap tag language and pot limit. Staff noted that insufficient staffing levels at DFW prevent incorporation of trap tag management. The hope is that establishing possession limits and tending requirements will reduce the number of pots fished.
 - Escape vents. Staff clarified the need to reduce the effects of "ghost gear". The various pot designs need an opening of sufficient size to allow fish to escape. No vents are required if an opening of sufficient size is part of the pot design.

Schey made a motion to recommend that the MFC take the Whelk Regulations to public hearing, but include language requiring the use of trap tags, a 200 pot limit and eliminate the requirement for bait bags,

pending review by DEM Legal. Seconded by McGiveney. The motion passed unanimously.

2) Aquaculture Leases

Raso Aquaculture lease, Potter Pond, South Kingstown. Perry Raso (Aquaculture Lease Applicant) and David Alves (CRMC) were present to provide information and answer questions about the project. Raso currently has a 3.8 acre lease and is asking for an expansion of 3.1 acres (6.9 acres combined). Alves noted that the applicant intended to not disturb the bottom (harvest or move cages) from January through March to protect winter flounder. Oysters, quahaugs and scallops are raised in cages, on the bottom. Kelly raised concerns for wild harvest fisheries. McGiveney stated that the RI Shellfishermen's Association's position on new leases in the salt ponds is to "not support any new leases or expansions until a plan is being worked on." Alves noted that the first meeting toward developing a plan was scheduled for the following night. Alves noted that a shellfisherman could harvest wild stock (steamers) if the gear is not disturbed. This is impossible for bottom culture. Much of the discussion had to do with "what if" scenarios and the need for a plan. Raso noted aquaculture contributions toward wild bay scallop restoration efforts and oyster stocks. He also noted impacts to his business. Schey raised concerns relating to displacement of current and future scallop restoration efforts. Alves stated that no maximum size requirement exists for lease proposals (should be addressed by the permit process). Gardner was absent and submitted a letter of support for the lease proposal. **Motion by Schey to continue the application until an Aquaculture Plan is implemented by the CRMC. Seconded by Kelly. Vote 5 to APPROVE / 1 to DENY the motion.**

3) Splitting of High Banks Shellfish Management Area to Allow for Rotational Openings

Discussion ensued relating to dividing the management area allowing alternating openings. The request for modification was initiated by industry to eliminate transplanting into the Potowomut Spawner Sanctuary. Industry met with Enforcement to develop enforceable boundary. Industry and DFW are at odds as far as the Potowomut Spawner Sanctuary is concerned. Schey wants the Sanctuary to be abandoned if a rotational opening is established by splitting High Banks. Erkan's position is that simply splitting High Banks is an insufficient concession to warrant abandoning the broodstock capability of the Spawner Sanctuary given the doubled transplant budget for 2007 (\$100,000). Opinions were mixed on the issue. **Kelly motioned to leave High banks "as status quo" (no split/rotation for 2007) consider it in the future. Seconded by R. Blank. Passed unanimously.**

Adjourn: 6:40 PM.

Minutes prepared by D. Erkan