

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Shellfish Advisory Panel
September 24, 2008 4:30 PM
Ft. Wetherill Marine Laboratory
Jamestown, RI

MFC Members Present: J. King (SAP Chair), S. Parente
SAP Members Present: D. Brayton, , S. DiPetrillo, J. Gardner, D. Goebel, J. Grant, O. Kelly, P. Kennedy, M. McGiveney, L. Ricciarelli, G. Schey
SAP Members Absent: W. Cote, J. Migliore, J. Mullen (A)
Scientific Advisor: D. Leavitt
DEM Marine Fisheries: D. Erkan, N. Scarduzio
Public Present: M. Bradshaw, B. Christensen, J. Jurgens, M. Mullhall, N. Papa, J. Vivari, 3 unidentified

New Business

Chairman King opened the meeting and modified the agenda sequence to discuss issues associated with Ninigret Pond and Quonochontaug Pond first.

1) Discussion on establishment of new long-term spawner sanctuaries for Quonochontaug Pond and the need for temporary 5-year closure on oyster harvest throughout Quonochontaug Pond and Ninigret Pond.

Erkan outlined the DEM F&W interest in establishing a new spawner sanctuary to facilitate oyster restoration efforts. A Quonochontaug Pond map was provided showing a new sanctuary along the northeastern shoreline. The recommended area has characteristics conducive to oyster growth and currently, no oysters and few quahaugs observed. It was noted that DOH and DEM Water Resources oppose stocking shellfish inside uncertified waters because of increased potential for illegal harvest and public health risk, so that alternative was not considered. The intent of closures is to protect broodstock and allow oysters to become established in the sanctuaries and throughout the pond rather than be immediately removal after attaining the 3 inch minimum size. Erkan also provided the oyster landings data from 2006 to 2008 for Ninigret (a total of 175 pounds in 2006, none in 2007 or 2008) and for Quonochontaug (105 individual oysters in 2007 (none in 2006 and 2008). Erkan stated that he had received a communication relating to Ninigret noting that oysters are being harvested (though not being reported) and pursuit of changes for Ninigret would be delayed for a year to see if more landings will be reported.

Erkan's preferred options would be to close Quonochontaug Pond in it's entirety for 5 years and establish a 22 acre spawner sanctuary along the northeastern shoreline. The 5 year closure would protect oysters place in the Shady Harbor area in cooperation with Roger Williams University (RWU). If efforts resulted in measurable recruitment after 5 years, the pond would be reopened to oyster harvest, but the spawner sanctuary would remain. If measurable success were not observed, the spawner sanctuary would be abandoned and the harvest restriction would be lifted for the remainder of the pond. The primary goal is reestablishment of a sustainable oyster fishery.

Discussion ensued. Gardner opposes long-term closure believing unharvested oysters to be a "disease reservoir" and harvested shellfish remove nitrogen from ecosystem. Unidentified individual opposed because "some oysters" present. Gardner believes spawner

sanctuary closures displacing public use to be identical to aquaculture displacing public use. Erkan's position is that spawner sanctuaries are established to benefit the public through shellfish management and enhancement rather than for profit as with aquaculture lease closures. Garner noted: adjacent mooring field, riparian landowners, wild harvest are justifications to leave area open. Grant opposes closure, wants harvest as soon as oysters reach legal size throughout pond. Erkan noted that 5-year closure will allow oysters recruited throughout the pond (and potentially with disease resistance) the opportunity to spawn rather than be harvested immediately. The 5-year closure will also allow harvest/management options to be developed. Gardner stated, "Associations and conservation groups from around Quonnie Pond are funding the restoration efforts, and people around the pond don't want fishermen there, period. We all know that and this is just a convoluted way of getting around it. This is something that we have to consider as a group". Erkan stated that oysters and restoration assistance are being provided by the Natural Resource Conservation Service (NRCS), the Nature Conservancy (TNC), and RWU. McGiveney raised the issue of establishment new sanctuary without long-term closure. Leavitt stated large old oysters are potentially a disease problem. Unidentified individual stated, "The last time I got an oyster out of Quonochontaug was 8 years ago, and I'm out there clamming all the time". Kelly questioned the success of other spawner sanctuaries in general and was not supportive of the proposal. Erkan stated that the primary goal is to establish a sustainable fishery, by allowing recruited oysters throughout the pond spawning opportunities rather than be subject to immediately harvest. Particularly those that exhibit disease resistance. Schey suggested "sunset clause". Group wants formal language to consider during review. Discussion continued to future SAP.

2) Discussion on possible scheduling changes for the upcoming Management Area openings for 2008 and 2009.

2.1 Action Item. McGiveney requested the change from current management area openings the following based upon the timing of Christmas and New Year's Day.

From Part IV Shellfish (existing) Beginning on the second Wednesday of December shellfishing will be permitted only between 8 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day.

Change Wednesday December 24th opening to Tuesday December 23rd. Change Wednesday December 31st to Tuesday December 30th.

Erkan voiced no opposition to proposed changes due to no increase in fishing effort. Motion to forward to the Marine fisheries Council requesting that the DEM Director make this change (passed).

2.2 McGiveney raised issue/discussion on newly proposed changes to shellfish management areas that receive shellfish transplants. Originally proposed by Schey. Change to the following language:

Part IV Shellfish (**PROPOSED LANGUAGE**) Beginning on the second Wednesday of December shellfishing will be permitted only between 8 A.M. and NOON on Mondays, Wednesdays, and Fridays until January 31. Beginning February 1 shellfishing will be permitted from sunrise to sunset Monday through Friday and close April 30 annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day.

Erkan noted that the DFW position is to maintain current levels of effort. Additionally, twice as many clams are in the sanctuaries because of Allen Harbor damage monies. Schey questioned survey data, and noted absence of littlenecks (poor "count" sets for the last 5 years). Erkan noted high densities east of the High Banks and the spawner sanctuary. Kelly, Schey disagreed. Schey noted loss of access to grounds and need for sheltered areas. Gardner noted "unnamed PhD" comments opposing success of spawner sanctuaries. A broad range of opinions were voiced. McGiveney suggested an experimental opening for 1 year. Erkan asked if fewer hours per day were a possibility. General comments were that few individuals fish in the area after January 1st. Erkan will investigate if SAFIS can be adapted modified to track individual management area landings. Final proposal to be developed by RISA.

2.3 Changing Greenwich Bay openings. McGiveney outlined a variety of scenarios to address the seasonal pollution closure, rainfall pollution closures, harvest levels, participation, product value, and dealers need for clams. His stated intention is to have most effective use of the product and access to the product. Various scenarios are attached (see as proposed by RISA).

3. Discussion on limiting harvest of shellfish within spawner sanctuaries to "scallops by dip net only".

Erkan informed the SAP that DEM Marine Fisheries will be pursuing restrictions for the use of bay scallop dredges in the spawner sanctuaries to protect restoration efforts. Current restoration efforts in the spawner sanctuaries include: eelgrass, oysters, and quahaugs. Scalloping in the sanctuaries would be by all legal methods except dredging.

Adjourn: 6:50 PM.

Minutes prepared by D. Erkan