

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Shellfish Advisory Panel
October 16, 2008 4:30 PM
Ft. Wetherill Marine Laboratory
Jamestown, RI

MFC Members Present: J. King (SAP Chair)
SAP Members Present: R. Bercaw, W. Cote, J. Gardner, D. Goebel, O. Kelly, M. McGiveney,
L. Ricciarelli, G. Schey
SAP Members Absent: D. Brayton, S. DiPetrillo, J. Grant, P. Kennedy, J. Migliore, J. Mullen
Scientific Advisor: D. Leavitt (absent)
DEM Marine Fisheries: D. Erkan
Public Present: J. Amato, R. Rheault

Old Business

1) Winter Management Area Openings.

1.1) ACTION ITEM. (INDUSTRY PROPOSED CHANGES) Currently Wednesday December 24, 2008 and Wednesday December 31, 2008 are scheduled shellfishing days for Bristol, Potowomut "A", Bissel/Fox, and High Banks Management Areas.

Existing 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 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.

To address the Christmas and New Year's holidays falling on Wednesday shellfishing days, the SAP unanimously recommended the following language changes to the MFC:

For the period of December 22-26, 2008: Shellfishing will only be permitted between 8 A.M. and NOON on Monday December 22, Tuesday December 23, and Friday December 26 (closed Wednesday December 24, 2008). For the period of December 29, 2008-January 2, 2009: Shellfishing will only be permitted between 8 A.M. and NOON on Monday December 29, Tuesday December 30, and Friday January 2 (closed Wednesday December 31, 2008). Erkan offered no objection, as no increase in fishing effort was proposed.

1.2) ACTION ITEM. (INDUSTRY PROPOSED CHANGES) High Banks Management Area Openings Modifications. McGiveney proposed modifications to existing language specific to High Banks Management Area openings.

Existing 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 April 30, annually.

McGiveney proposed an increase in fishing as follows: Beginning February 1, 2009; Shellfishing in High Banks Management Area will be permitted Monday through Friday from sunrise to sunset (3 bushel limit) until April 30, 2009. Discussion ensued. Erkan noted that the Division of Fish and Wildlife does not support the proposed increase in effort. Double the normal density of quahaugs are present from May 2008 transplants (1/2 funded by "804" account monies and 1/2 funded by Allen Harbor Damage monies). A significant percentage of the transplanted

quahaugs are intended to remain as “brood stock” after April 30 each year. General discussion from industry was that High Banks is a large area with time-limited access to transplanted and recruited quahaugs. McGiveney’s position is that ongoing transplanting into the “Spawner Sanctuary” is intended to offset the removal of quahaugs from High Banks. Citing the Standard Atlantic Fisheries Information System (SAFIS), Erkan provided the SAP with the license receipt dollar value for those individuals eligible to land shellfish and actually found to land shellfish in 2008 (\$137,100). After removing \$50,000 to fund the annual transplants, \$87,100 remains to fund enforcement, monitoring, and management activities. These receipts are not eligible for federal match monies. The SAP then modified McGiveney’s proposal and unanimously voted to recommend the following language to the MFC:

Beginning February 1, 2009; Shellfishing in High Banks Management Area will be permitted Sunday through Saturday (7 days per week) from sunrise to sunset (3 bushel limit) until April 30, 2009. Erkan again noted that the Division of Fish and Wildlife does not support the proposed increase in effort.

2) Greenwich Bay Management Area Openings for 2009

2.1) **ACTION ITEM.** (INDUSTRY PROPOSED CHANGES) Greenwich Bay Management Area. McGiveney outlined a new proposal as follows (to maintain product value, minimize saturation of the market, and aid enforcement):

McGiveney recommended approval of the following:

From February 1, 2009 to February 28, 2009 Greenwich Bay will be open one day per week (first available Monday through Friday based upon pollution-based closures) for 3 hours per day. From March 1, 2009 time until April 30, 2009 Greenwich Bay will be open one day per week (first available Monday through Friday based upon pollution-based closures) for 4 hours per day. If the three openings are prevented prior to Memorial Day weekend, due to rainfall closures, the equivalent number of closed days will be rescheduled for the week before July 4, 2009.

Discussion ensued. Amato provided a petition of 51 signatures (said to be licensed shellfishermen) preferring that Greenwich Bay remain open Monday, Wednesday, and Friday from 8:00 AM to Noon from February 1, 2009 until April 30, 2009. Erkan asked those present if anyone thought that shellfish dealers would oppose the changes because of pricing issues. Unknown.

Cote recommended the following counter-proposal:

From February 1, 2009 to February 28, 2009 Greenwich Bay will be open one day per week (first available Monday through Friday based upon pollution-based closures) for 3 hours per day. From March 1, 2009 time until April 30, 2009 Greenwich Bay will be open Monday, Wednesday, and Friday from 8:00 AM to Noon.

The SAP unanimously voted to recommend the following to the MFC:

From February 1, 2009 to February 28, 2009 Greenwich Bay will be open one day per week (first available Monday through Friday based upon pollution-based closures) for 3 hours per day.

McGiveney’s proposed 1 day per week 4 hours per day failed. (3 supported, 4 opposed, 1 abstention).

Cote’s proposal was recommended to the MFC (4 supported 4 abstentions):

From March 1, 2009 until April 30, 2009 Greenwich Bay will be open Monday, Wednesday, and Friday from 8:00 AM to Noon.

The SAP recommended the following to the MFC (4 supported 1 abstention 1 opposed):

If Greenwich Bay is subject to a rainfall-induced pollution closure for any of the three scheduled open days during the week before Memorial Day, that equivalent number of days be open during the week before the Fourth of July holiday. Erkan offered no objection, as no increase in fishing effort was proposed.

3) Quonochontaug Pond Oyster Restoration

3.1) **ACTION ITEM.** (DEM Fish and Wildlife Proposed Changes). To address some of the concerns raised at the September SAP meeting, Erkan brought the proposed spawner sanctuary and 5-year closure on oyster harvest before the Charlestown Coastal Pond Management Commission (CCPMC). After a discussion including proximity to the mooring field), the CCPMC members voted to support the project, calling the oyster restoration efforts “a great idea”. The Charlestown Harbormaster sent an email confirming this.

Rheault initiated discussion on oyster disease. Rheault stated the Quonochontaug Pond was the only RI location with MSX in the past, and was concerned that if disease levels rise, it could spread the disease. Rheault suggested that if through testing, the “Makin Index” for Dermo disease was 3 or above, the oysters should be removed (harvested). Erkan pressed Rheault to clarify whether or not he supports oyster restoration or aquaculture in Quonochontaug Pond based upon his concerns. While offering no opinion on aquaculture, Rheault reiterated that he would not oppose the oyster restoration effort provided Quonochontaug Pond was open to harvest if the diseases become prevalent (make it DEM policy that the oysters be tested at least annually). Rheault stated that aquaculture reared oysters are harvested after 2-3 years, before the diseases kill the organism. Erkan stated that the Division of Fish and Wildlife’s intent is to reestablish a self-sustaining, disease-resistant oyster population in sufficient numbers to support harvest, not spread disease. The 5-year closure on oyster harvest is intended to allow disease-resistant oyster to become established throughout the pond and have multiple spawning opportunities before harvest. Erkan stated that he will work toward developing an oyster disease testing policy.

Gardner reiterated his opposition to the restoration effort as proposed. He stated that the new sanctuary would close more ground to quahaug harvest. Erkan’s position is the recommended area was specifically chosen because it is ideal oyster habitat and the quahaug density is very low. Gardner believes that a DEM established spawner sanctuary should be subject to the same limitations on size that the aquaculture industry is subject to. Gardner is also concerned that spawner sanctuaries in general prevent surrounding landowners from access to shellfish resources and displace the public in general. Erkan stated that there is a significant difference between for-profit aquaculture in leased public waters and a State-managed spawner sanctuary protecting public brood stock. Quonochontaug Pond supports significant commercial and recreational harvest of both soft-shelled clams and quahaugs. People would be unable to find sufficient numbers of shellfish for harvest in the absence of the existing spawner sanctuary.

SAP RECOMMENDATION (NOT SUPPORTED BY DEM FISH AND WILDLIFE). Gardner motioned a counter proposal to the DEM Fish and Wildlife Proposal and recommended the following language and conditions to the MFC (4 supported 2 abstentions):

A five acre spawner sanctuary be establish (inside and smaller than) the area proposed by DEM. Oyster harvest in Quonochontaug Pond in its entirety is prohibited from January 1, 2009 to December 31, 2011 (3 years), and the recommendation, conditional on implementing an oyster disease testing policy.

DEM FISH AND WILDLIFE RECOMMENDATION (NOT SUPPORTED BY THE SAP). Erkan recommends the following language and conditions to the MFC

A 22 acre (approximately, as shown in the aerial photograph) spawner sanctuary be established along the eastern shoreline of Quonochontaug Pond. Oyster harvest in Quonochontaug Pond in its entirety is prohibited from January 1, 2009 to December 31, 2013 (5 years).

In addition to the above regulation, the DEM Division of Fish and Wildlife will work toward development of an oyster disease testing policy to include suppliers of restoration oysters, and oysters placed in established spawner sanctuaries.

4) Bay Scallop Dredges in Spawner Sanctuaries

4.1) **ACTION ITEM.** (DEM Fish and Wildlife Proposed Changes). Erkan explained that it is permissible to harvest bay scallops in established spawner sanctuaries (in season). Recent efforts in spawner sanctuaries include eelgrass restoration, oyster restoration, and oyster restoration. Newly established eelgrass and planted oysters are vulnerable to bay scallop dredges (dredges are currently permitted after November 15 annually). Erkan recommended limiting the harvest of bay scallops within spawner sanctuaries to “harvest by dip net only”. All appropriate sections of the Marine Fisheries Regulations would be modified to reflect this change.

The SAP voted to recommend the following to the MFC (5 supported 1 abstention):

The use of bay scallop dredges is prohibited in spawner sanctuaries. Harvest of bay scallops within spawner sanctuaries shall be by dip net only.

The regulations will become effective immediately.

Adjourn: 6:17 PM.

Minutes prepared by D. Erkan