

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Shellfish Advisory Panel**  
**August 26, 2009 4:30 PM**  
**Ft. Wetherill Marine Laboratory**  
**Jamestown, RI**

MFC Members Present: J. King (SAP Chair), S. Parente  
SAP Members Present: R. Bercaw, S. DiPetrillo, J. Gardner, J. Grant, D. Goebel, O. Kelly, M. McGiveney, G. Schey, J. Vivari (alt. for Kennedy)  
SAP Members Absent: D. Brayton, W. Cote, P. Kennedy, J. Migliore, J. Mullen  
Scientific Advisor: D. Leavitt  
CRMC: D. Beutel  
DEM Marine Fisheries: D. Erkan  
Public Present: J. Arnoux, R. Blank, W. Blank, B. DeAngelis, R. Hudson, N. Papa, D. Prescott, R. Rheault, C. Warfel

After commencing the meeting, Chairman King read a tribute to Louis Ricciarelli and asked for a moment of silence in Ricciarelli's honor. King then reorganized the agenda to hear the aquaculture lease proposals first.

**New Business**

- 1) Recommendations to MFC on Block Island aquaculture lease expansion (Sun Farm Oysters) CRMC 2009-06-087. Located in Trims Pond (connected to Great Salt Pond).

Dave Beutel, CRMC Aquaculture Coordinator and Chris Warfel were present to answer questions about the lease. Chris Willi, Block Island Harbormaster / Shellfish Warden was available by telephone. Warfel described culture methods (floating and bottom) for oysters, mesh bags in the substrate for razor clams, and floating culture for bay scallops. Beutel noted that Trims Pond is part of the Great Salt Pond system (635 acres in total) and if this expansion were approved, the combined total for the Great Salt Pond system would be 8 acres (1.26 %). For Warfel, the expansion plus existing would total 1.6 acres in Trims Pond. Erkan identified concerns about the restricted flushing in Trims Pond (dissolved oxygen and displacement of wild harvest). Expansion in other potential areas would be preferred to expansion in Trims Pond. Willi noted that Block Island is developing a shellfish management/aquaculture plan. The SAP voted unanimously (with one abstention) to support the lease expansion as proposed.

- 2) Recommendations to MFC on Rome Point LLC aquaculture lease application CRMC 2009-01-035.

Dave Beutel, Russ Blank, and Bill Blank were available to describe the project and answer questions. The Rome Point aquaculture lease expansion 500' X 500' (5.5 acres) was also discussed by the SAP. Currently the Blanks lease 8 acres. Location is north of the Jamestown Bridge, Proposal is primarily oyster cage culture. Because of the rocky conditions, minimal wild harvest shellfishing occurs. No local objection identified. The SAP voted six in support (with two abstentions) of the lease expansion as proposed.

- 3) Recommendations to MFC on Thomas & Nicholas Papa aquaculture lease application CRMC 2009-07-025.

Dave Beutel and Nick Papa were present to answer questions. Papa proposed a 3 acre expansion and will give his existing 1 acre lease to Jim Arnoux. If Arnoux were approved for a 2 acre expansion, each would then have 3 acre leases. Methods are oyster cage culture, racks and bags, and bottom culture. No local objection was identified. The SAP voted seven in support (with one abstention) of the lease expansion as proposed.

- 4) Recommendations to MFC on Jim Arnoux aquaculture lease application CRMC 2009-07-028.

Dave Beutel and Jim Arnoux were present to answer questions. Arnoux combining the proposed expansion with an existing lease would result in a total of 3 acres. Method would be oyster bottom culture. No local objection was identified. The SAP voted seven in support (with one abstention) of the lease expansion as proposed.

- 5) Discussions and establishment of 2009-2010 Shellfish Management Area openings and harvest periods.

**\*5.1 Action Item for MFC.** McGiveney requested changes for management area openings in Greenwich Bay Management Area, Bristol Harbor Shellfish Management Area, Bissel Cove - Fox Island Management Area, Potowomut Management Area, and High Banks Management Area. After extensive discussion, the SAP recommended changes as reflected in the following regulatory language: (see attached)

- 6) DEM Marine Fisheries proposal to modify bay scallop season based upon North Cape Restoration Program research.

**\*6.1 Action Item for MFC.**

Erkan proposed regulatory changes for bay scallop harvest in response to North Cape research. Bryan DeAngelis was present to answer questions. After extensive discussion the SAP voted unanimously to recommend the modifications to the MFC. The Changes are reflected in the following regulatory language (see attached).

## **\*5.1 MFC ACTION ITEM 2009-2010 Shellfish Management Area openings**

### **4.10 Greenwich Bay Shellfish Management Area**

#### BOAT HARVESTING:

4.10.4 The entire area is closed to all shellfishing from a boat except as follows:

**The waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods will be open to harvesting between sunrise and sunset daily on an annual basis.**

**The waters west of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods will be open to harvesting**

~~The area shall be open to shellfishing~~ every December in accordance with a schedule established annually by the Director, pursuant to recommendations developed by the Division of Fish and Wildlife and the Marine Fisheries Council. Said recommendations shall be submitted to the Director at least sixty (60) days prior to the first scheduled opening. The December schedule may include up to forty-eight (48) hours of permitted shellfishing, spread over any number of days during the month, excepting December 25; provided, however, that on the first six (6) consecutive days that the area is open, shellfishing from a boat will be permitted only between 8 A.M. and 10 A.M.; and for the second six (6) consecutive days that the area is open, shellfishing from a boat will be permitted only between 8 A.M. and 11 A.M.

If weather or water quality conditions during the month of December prevent the area from opening on two or more scheduled days, the Division of Fish and Wildlife may modify the December schedule to allow for additional hours or days of permitted shellfishing, provided:

1. the proposed modification(s) is/are submitted in writing to the Division of Fish and Wildlife by a member of the Marine Fisheries Council, appointed by the Marine Fisheries Council, who shall represent the interests of the commercial shellfishing industry, including harvesters and dealers, regarding the proposed modification(s);
2. the total number of hours of permitted shellfishing for the month does not exceed forty-eight (48) hours; and
3. the re-scheduled hours or days are announced publicly by the Division of Fish and Wildlife with at least seventy-two (72) hours of advance notice.

~~[Note: pursuant to section 4.10.2, the following provisions are superseded by the closure of the management area to all shellfishing during the months of December and January, due to water quality conditions.] From the beginning of January until April 28, annually, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays; provided, however, that if weather or water quality conditions prevent the area from opening during December, shellfishing from a boat will be permitted, when the area opens, only between 8:00 A.M. and 10 A.M. on the first six (6) consecutive Mondays, Wednesdays, and Fridays; between 8:00 A.M. and 11:00 A.M. on the second six (6) consecutive Mondays, Wednesdays, and Fridays; and then between 8:00 A.M. and NOON on all following Mondays, Wednesdays, and Fridays, until April 30.~~

**For the period of December 21 to December 25, 2009: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 21; Tuesday, December 22; and Wednesday, December 23 (closed Thursday, December 24 and Friday, December 25).**

**For the period of December 28, 2009 to January 1, 2010: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 28; Tuesday, December 29; and Wednesday, December 30 (closed Thursday, December 31 and Friday, January 1).**

**For the period of January 4, 2010 to April 30, 2010: shellfishing will be permitted only one day per week – on the first available Monday, Tuesday, Wednesday, Thursday, or Friday, based on water quality conditions – between 8:00 A.M. and Noon.**

#### **4.22 Bristol Harbor Shellfish Transplant Area**

##### **BOAT HARVESTING:**

4.22.2 The entire area is closed to all shellfishing ~~from a boat~~ except as follows: Beginning on the second Wednesday of December, shellfishing ~~from a boat~~ will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 28 **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 the day following Christmas day.

~~Provided, however, that for the period of December 22 to December 26, 2008: shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Monday, December 22; Tuesday, December 23; and Friday, December 26 (closed Wednesday, December 24 and Thursday, December 25). And for the period of December 29, 2008 to January 2, 2009: shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Monday, December 29; Tuesday, December 30; and Friday, January 2 (closed Wednesday, December 31 and Thursday, January 1).~~

**Provided, however, that for the period of December 21 to December 25, 2009: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 21; Tuesday, December 22; and Wednesday, December 23 (closed Thursday, December 24 and Friday, December 25).**

**And for the period of December 28, 2009 to January 1, 2010: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 28; Tuesday, December 29; and Wednesday, December 30 (closed Thursday, December 31 and Friday, January 1).**

#### **4.24 Bissel Cove - Fox Island Transplant Area**

##### **BOAT HARVESTING:**

4.24.3 The entire area is closed to all shellfishing ~~from a boat~~ except as follows: Beginning on the second Wednesday of December, shellfishing ~~from a boat~~ will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 28 **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.

~~Provided, however, that for the period of December 22 to December 26, 2008: shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Monday, December 22; Tuesday, December 23; and Friday, December 26 (closed Wednesday, December 24 and Thursday, December 25).~~

**Provided, however, that for the period of December 21 to December 25, 2009: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 21; Tuesday, December 22; and Wednesday, December 23 (closed Thursday, December 24 and Friday, December 25).**

**And for the period of December 28, 2009 to January 1, 2010: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 28; Tuesday, December 29; and Wednesday, December 30 (closed Thursday, December 31 and Friday, January 1).**

#### **4.27 Potowomut Shellfish Management Area**

##### 4.27.3 BOAT HARVESTING:

The entire area is closed to all shellfishing ~~from a boat~~ except as follows: Beginning on the second Wednesday of December, shellfishing ~~from a boat~~ will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 28 **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.

**Provided, however, that for the period of December 21 to December 25, 2009: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 21; Tuesday, December 22; and Wednesday, December 23 (closed Thursday, December 24 and Friday, December 25).**

**And for the period of December 28, 2009 to January 1, 2010: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 28; Tuesday, December 29; and Wednesday, December 30 (closed Thursday, December 31 and Friday, January 1).**

#### **4.28 "High Banks" Shellfish Management Area**

##### 4.28.3 BOAT HARVESTING:

The entire area is closed to all shellfishing ~~from a boat~~ except as follows: Beginning on the second Wednesday of December, shellfishing ~~from a boat~~ will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 28 **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.

**Provided, however, that for the period of December 21 to December 25, 2009: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday,**

**December 21; Tuesday, December 22; and Wednesday, December 23 (closed Thursday, December 24 and Friday, December 25).**

**And for the period of December 28, 2009 to January 1, 2010: shellfishing will be permitted only between 8:00 A.M. and NOON on Monday, December 28; Tuesday, December 29; and Wednesday, December 30 (closed Thursday, December 31 and Friday, January 1).**

**And for the period of February 1, 2010 to April 30, 2010: shellfishing will be permitted only between sunrise and NOON from Monday through Friday (five consecutive days).**

**\*6.1 MFC ACTION ITEM DEM Marine Fisheries Modifications to Bay Scallop Season Timing.**

**R.I. Marine Fisheries Statutes and Regulations  
PART V – BAY SCALLOPS**

5.3 Scallops - Open Season -- Unless otherwise specified in regulations adopted by the Marine Fisheries Council, the open season for taking scallops from the waters of the state shall be between sunrise of the first day ~~of Saturday (RIMFC-REG)] of October~~ **November** and sunset on the last day of December ~~of every year~~ **annually**. Any person taking scallops in violation of this Section shall upon conviction be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned not more than thirty (30) days, for each offense. (RIGL 20-6-3)

5.13 Harvesting by dip-net -- The use of all methods for harvesting bay scallops except dip-netting from a boat will be prohibited until sunrise, ~~November 15~~ **the first day of December**, annually in the following areas:

Narrow (Pettaquamscutt) River, Point Judith Pond\*, Potter Pond, Green Hill Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, Winnapaug (Brightman) Pond **and** Pawcatuck River/Little Narragansett Bay.

**5.14 The use of scallop dredges is prohibited at all times in established shellfish management closures zones identified in “Part IV Shellfish” and listed below:**

**Brightman (Winnapaug) Pond (see 4.12.2), Quonochontaug Pond (see 4.12.3), Ninigret Pond (see 4.12.4), and Potowomut Management Area “C” (see 4.27).**

~~\*For the 2002 scallop season, harvesting of scallops by dredge is prohibited within Point Judith Pond.~~