

RHODE ISLAND MARINE FISHERIES COUNCIL
Shellfish Advisory Panel
August 27, 2014, 4:30 pm
Fort Wetherill Marine Laboratory, Jamestown, RI
Meeting Minutes

RIMFC Members Present: J. Grant (Chair); M. Rice

SAP Members Present: J. Gardner; B. Bercaw; M. McGiveney; D. Ghigliotty; K. Eagan; G. Schey

Scientific Advisor Present: D. Leavitt

Public Present: R. Campanale; D. Campanale; R. Sousa; J. Opton-Himmel; T. Whilden; G. Whilden; C. Johnson; D. Tucker

CRMC: D. Beutel

DEM Fish and Wildlife: J. Mercer

New Business:

1. Proposed Aquaculture Lease: CRMC File # 2014-05-072, Whilden, West Passage near Fox Island, North Kingstown.

Beutel gave a brief description of the site. Mercer presented a map of the location and noted that a field survey was done with moderate densities of quahogs found within the lease. Bercaw noted that he fishes out of Wickford and had observed only light fishing activity in the area. Mercer noted that Chief Hall from DEM has concerns about impacts to recreational boating in the area. Bercaw said that he does not think that the area is heavily used for boating. McGiveney stated that Ghigliotty stated that he and other use the area to fish for bass in the spring and fall along the 8-12 foot contour in the rocky bottom. McGiveney asked Beutel if other recreational fishermen had any objections. Beutel noted that RISAA submitted objections because of the fluke fishing that occurs in the area. McGiveney asked if they should only be concerned with shellfish. Grant noted that the SAP was concerned with wild harvest fisheries in their review of aquaculture leases. Beutel stated that he believes that the SAP is only concerned with shellfish and that the full RIMFC takes into account other fisheries if it is requested to go before the full council for review. Gardner asked if the lease could be moved further offshore to avoid conflict with bass fishing. Beutel stated that if moved further offshore it would interfere more with the fluke fishing. Beutel said that SAP had the options of objecting, not objecting or deferring to the full council. McGiveney made a motion to defer to the full council but was not seconded. There was further discussion of the adult quahog densities and fishing activity in the area with the general consensus being that there would be little impact on the quahog

fishery. Motion made by Eagan to **not object** due to minimal impact on shellfishing, Bercaw seconded the motion. **The board voted 5-1 to not object to the application with Ghigliotty the lone vote not in favor.**

2. *Proposed Aquaculture Lease: CRMC File # 2014-06-076, Sousa, Island Park Cove, Portsmouth.*

Beutel gave a brief description of the lease and existing leases in Island Park Cove. Mercer presented a map of the location and also stated DEM conducted a site visit with an average density less than 1/m². Gardner asked about the water quality closure line which is south of this lease. There was some discussion about the shellfishing activity in the area. Eagan noted that she spoke to 4 fishermen who fish in the cove and 2 of them stated that they had fished in the area in the past but it wasn't very productive. The applicant gave a description of fishing activities that he has observed in the area. She asked about the saturation point for ponds. Beutel noted that there is a 5% rule for coastal ponds but noted that he conferred with the state geologist who would not classify Island Park Cove as a coastal pond. McGiveney offered a motion to **not object** to this application. Gardner seconded the motion. **The board voted 5-1 to not object to the application with Ghigliotty the lone vote not in favor.**

3. *Proposed Aquaculture Lease: CRMC File # 2014-07-067, Campanale, Point Judith Pond, Narragansett.*

Beutel gave a brief description of the lease. Mercer presented a map of the site and noted that a site assessment was completed and very low densities of quahogs and a very muddy bottom. The applicant explained that he has never seen anyone clamming in the specific area but there is clamming activity in surrounding areas. Beutel noted that there were significant numbers of quahogs near shore and the lease was moved approximately 100 feet offshore to avoid conflicts with the fishery. There was further discussion of clamming around Ram Island. Grant asked for a motion. Gardner offered a motion to **not object** to this application. Bercaw seconded the motion. **The board voted 4-1 to not object to the application with Ghigliotty the vote not in favor. Eagan abstained from voting.**

4. *Proposed Aquaculture Lease: CRMC File # 2014-08-013, Opton-Himmel, Ninigret Pond, Charlestown.*

Beutel gave a brief description of the lease. Mercer presented a map of the site and noted the low density of quahogs in the area. Mercer also expressed DEM concerns in regards to the use of the Oyster Gro floating cages and 1000-2600 sq ft of structure that will be above the surface of the water and an additional 800 sq ft barge. Beutel stated that he did not think that the gear usage was under the purview of the SAP. Mercer disagreed with this point of view as there is an aquaculturist on the SAP and the methods that other aquaculturist use can impact the perception of the industry. Gardner stated that he believed that aquaculture is considered a fishery by the state and that is why he was on the board. He reviewed the Oyster Gro system and its merits. He mentioned that the above water structure will give a place for birds to sit and will attract more birds. The birds will eat fish in the ponds and defecate in the

water, potentially creating an issue with E.coli levels. He also expressed concern about the social impact that above water structures would have and the precedent it would set for the other leases in the area. Eagan noted that the lease in Hog Island that uses Oyster Gro cages has lots of birds on the structure. Gardner further discussed the issue with birds, in particular cormorants and their impact on fisheries resources. He stated that he has no issue with the lease location but does not support the gear usage. The applicant noted that there is already plenty of structure for birds on the pond and he doesn't believe there will be more birds if the lease is allowed. She asked about the history of upwellers and floats in ponds and if they are permitted. Beutel noted that there are 3 leases where rafts are allowed. There was further discussion about the gear usage and the precedent it would set. Gardner stated that he had spoken to other aquaculturists and they object to the methods for the lease. The applicant discussed his lack of workspace and growing methods and how the raft and Oyster Gro cages would make his operation more efficient. McGiveney asked about the fishing in the area and the density of the leases in the area. Beutel stated that there was an agreement with the Town of Charlestown and USFW that no new leases would be allowed to the west of the existing Behan lease. McGiveney suggested that the concerns of aquaculturists are not the purview of this board and since there was no shellfishing activity that he recommend that they not oppose the lease. Mercer disagreed with the statement and noted that there was an aquaculturist on the board to represent the views of that industry. Bercaw asked to make a motion to send it to the council but was not seconded. Gardner made a motion to object to the application due to concerns with the bird population gathering on the exposed gear causing degradation of the water quality and impact on the other aquaculturists and their ability to market their product. Grant asked for a motion. Gardner offered a motion to **object** to this application. She seconded the motion. **The board voted 2-1 to object to the application with Gardner and Shey in favor of the motion and Eagan opposed to the motion. Ghigliotty, McGiveney, and Bercaw abstained from voting.**

There was further discussion about the merits of the application and growing methods and the advancement of the industry.

The applicant requested that his application be brought before the full RIMFC.

5. Discussion of Oyster Restoration Reserves in Ninigret Pond.

Eric Schneider from DEM Marine Fisheries gave a presentation on establishing oyster reserves in Foster Cove in Ninigret Pond. He proposed establishing a $\frac{3}{4}$ acre rectangular area on the north shore of the pond for restoration through the EQIP program administered by NRCS. The second site is a 2.4 acre area extending 75 ft from shore surrounding a peninsula on the east shore of the cove. This area already contains a number of restoration plots created by TNC and is targeted for future restoration work as well. He also noted that there has been substantial harvest in Ninigret Pond in the last 2 years (260,000 oysters) and the population of legally harvestable oysters in the area has been depleted and at present is very low. There was discussion about the projects and methods employed and how they might increase oyster populations. Grant asked why it was necessary to close the areas. Beutel noted that the areas needed to be closed for NRCS to pay for the restoration. Bercaw asked about the length of time and if 4-5 years and noted that some of the adults would die

before they had the opportunity to be harvested. Leavitt stated that he thinks that clutching the waters is very important and would support the project. Rice described other clutching projects and the positive impacts that they have had on the environment. Grant asked about the duration of the projects that are taking place and Schneider described the various projects that are planned for the area. Eagan asked about evaluation of the project and Mercer responded that there was plans and money to evaluate the site. Grant expressed concern about the length that the areas would be closed for and did not want them to be closed indefinitely. Ghigliotty asked about where oyster harvest is coming from. Schneider described the areas that are heavily fished. Mercer explained that the site was surveyed and very few legal-sized oysters were present. Gardner made a motion to recommend approval of both sites for a period of 5 years. Motion seconded by Shey. **The board voted 6-0 to recommend approval.**

6. Discussion of 2014-2015 winter shellfish management area schedules.

Mercer gave a presentation describing current trends in fishing effort and abundance. There appears to be a general trend of increasing abundance in the Bay since 2004. In western Greenwich Bay the fishing rate has exceeded 0.5 a level at which recruitment cannot keep up with exploitation and there is a drop in abundance. At the end of the 2014 fishing season the estimated densities were 0.76 quahogs/m², a density at which spawner stock-recruitment relationships predict complete recruitment failure. DEM has plans to use the dredge survey to evaluate the standing stock in October prior to the opening of the fishery for 2015 in western Greenwich Bay. McGiveney stated that the number of days were limited to about 20 days last year due to pollution issues and those days were needed due to windy conditions. Shey mentioned that it worked well last year when January was closed due to pollution. McGiveney noted that RISA would like to see the schedule the same as last year. Ghigliotty stated that he thinks that western Greenwich isn't as depleted as the model suggest. Shey noted that when the area is very dense the area gets part-timers who exploit the resource and drive down prices. Rice asked about the transplant program and McGiveney described that they haven't asked for transplants in recent years to allow the populations to rebuild. Rice stated that he thinks that the broodstock in the closed areas need to be managed. Grant stated that he thinks that Greenwich Bay as a whole including closed areas need to be considered as the stock due to larval exchange. There was discussion about waiting until the dredge survey is complete in October to make a decision and the default schedule. Eagan stated that she would like to keep the Bristol schedule the same and asked that there be an announcement about the boundaries of the Bristol Transplant area and the changes that were made. Grant asked if there were any recommended changes to the other areas other than Greenwich. McGiveney made a motion to maintain status quo for all the areas except for Greenwich Bay with a minor change to start January 1 instead of January 3 in Bristol. The motion was seconded by Gardner. **The board voted 6-0 to recommend approval.**

McGiveney made a motion to maintain status quo for Greenwich Bay with a minor change to start January 1 instead of January 6. The motion was seconded by Bercaw. **The board voted 6-0 to recommend approval.**

The meeting was then adjourned.