

Rhode Island Marine Fisheries Council  
**SHELLFISH ADVISORY PANEL**  
Wednesday, February 18, 2016  
Fort Wetherill Marine Laboratory  
3 Fort Wetherill Road, Jamestown, RI

**MEETING MINUTES**

RIMFC members present: J. Grant (SAP Chair)

SAP members present: M. McGiveney; D. Ghigliotty; R. Tellier; R. Pastore; B. Rheault; D. Leavitt

CRMC: D. Beutel

DEM: C. Deacutis; P. Duhamel; D. Erkan; W. Helt

Public: D. Blaney; J. Soares; C. Berg; M. Griffin; D. Leavitt

1. CRMC Aquaculture Lease Application: CRMC File # 2015-07-027 Blaney, Harbor of Refuge:

*D. Beutel* provided a brief overview of the proposal. He offered that objections were raised By DEM regarding impacts to waterfowl habitat and waterfowl hunting. He offered that there were 2 other objections: one from a property owner concerned about visual impacts; and a second from “windsurfers” expressing concern about wintertime conflicts with their activities. In response to concerns raised from DEM, *D. Beutel* offered that the application currently before CRMC now proposes seasonal use only (November 1 through May 1) and a new location, and that DEM no longer opposes based on this new location. **A motion was made by *D. Ghigliotty* to recommend no objection to the application; 2nd by *M. McGiveney*. The motion passed 5 – 0.**

2. CRMC Aquaculture Lease Application: CRMC File # 2015-12-014 Berg, Sakonnet River:

*D. Beutel* provided a brief overview of the proposal. He offered that a shellfish density survey would be performed in the near future. He offered that his review revealed no conflicts with submerged aquatic vegetation. *Mr. Soares* expressed concern with impacts to commercial whelk fishing. He indicated his primary concern was with increasing aquaculture activities in this general area and with expanding this lease greater than the 3 acres currently proposed. *D. Beutel* offered an objection was raised concerning the tops of oyster cages snagging ospreys. Discussion ensued regarding details of anchoring and other equipment. Discussion ensued regarding a shellfish density at which the SAP would object. *D. Erkan* stressed the importance of capturing sub-legal (undersized) shellfish in the survey. A low legal-size shellfish density could indicate shellfishing pressure rather than unsuitable habitat. *M. McGiveney* inquired to *D. Beutel* if his survey captured under-sized shellfish, to which *D. Beutel* replied “sometimes”. Discussion ensued regarding survey methods. *Mr.*

*Berg* inquired if suitability of the site was based on shellfish densities alone or if historical fishing presence was a factor, as he didn't think shellfishing was presently occurring in the area. *J. Grant* offered that both are considered. *M. McGiveney* expressed concern about expansion of future aquaculture in this area and possible additional impacts to whelk and shellfishermen that may result from such expansion; and that such an expansion would be objected to. **Motion made by *M. McGiveney* to not object, dependent on a shellfish density of < 3 clams/sq. meter; 2nd by *D. Ghigliotty*. The motion passed 4 – 0.**

3. Discussion of Fish Habitat Enhancement Sites and Oyster Restoration Areas in the Quonochontaug Pond Shellfish Management Area and discussion of oyster harvest moratorium in the Quonochontaug Pond Shellfish Management Area. Moratorium expires on September 15, 2016:

*W. Helt* provided a presentation of the oyster restoration efforts both currently underway and planned. *D. Ghigliotty* expressed a desire to open the pond to oyster harvest. Discussion ensued regarding rationales supporting both opening and maintaining the closure. *D. Ghigliotty* expressed a desire to work the area and find if any oysters are present, even if in low densities. *D. Erkan* noted that the area was open for quahog and steamer harvest so the ability to work the area is available. *R. Pastore* inquired as to the specific harvest restrictions currently underway and planned from this proposal. **A motion was made by *B. Rheault* to recommend establishment of the new sanctuary as proposed in the eastern portion of the pond but that it be re-opened to harvest in 4 years if the pond-wide oyster moratorium is also lifted. No 2<sup>nd</sup> was provided.** *M. McGiveney* inquired as to the possibility of maintain the moratorium in the new areas proposed and lifting the moratorium in the rest of the pond; to which *D. Erkan* offered that such would severely jeopardize pond-wide oyster restoration programs and the federal funding provided to the state for these programs. Discussion ensued regarding restoration activities. **A motion made by *R. Pastore* to recommend establishment of the new sanctuaries as proposed and to maintain the pond-wide moratorium as proposed so as not to jeopardize restoration efforts.** *D. Erkan* explained that evaluating the oyster restoration efforts can only be determined by maintaining the pond-wide moratorium, and is also necessary to protect disease-resistant oyster brood stock. *M. McGiveney* inquired if under-sized oysters could be used to determine recruitment, and therefore allow the moratorium to expire without jeopardizing restoration efforts. *D. Erkan* explained the restoration effort involved allowing all oysters to spawn and provide disease resistance, so that removing legal-sized disease resistance oysters would jeopardize this effort. *P. Duhamel* suggested splitting into 2 separate motions. **A motion made by *R. Pastore* to recommend establishment of the new sanctuaries as proposed for 4 years; 2<sup>nd</sup> by *R. Rheault*. The motion passed 5 – 0. A motion was then made by *R. Pastore* to recommend maintaining the pond-wide moratorium for an additional 4 years; no 2<sup>nd</sup> was provided. A motion was then made by *D. Ghigliotty* to allow the moratorium to expire; 2<sup>nd</sup> by *M. McGiveney*. The motion passed 3-2 (*D. Pastore* and *B. Rheault* voting against).**

