

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Shellfish Advisory Panel
March 15, 2011 6:00 pm
Corless Auditorium, Narragansett, RI

MFC Members Present: R. Hittinger (acting Chair)

SAP Members Present: R. Bercaw, W. Blank, D. Goebel, P. Kennedy, O. Kelly, G. Schey, M. McGiveney

SAP Members Absent: D. Brayton, W. Cote, S. DiPetrillo, J. Gardner, J. Grant, J. Migliore, J. Mullen

DEM Marine Fisheries: D. Erkan, M. Gibson, N. Lazar

1) Discussion of stock assessment and identification of management objectives for whelk (conch) fishery.

Gibson outlined the DEM Fish and Wildlife (DFW) monitoring protocols used for whelk stock assessment, including landings information from SAFIS, field surveys, and dealer surveys. Life history was discussed. As of 2008, the stock was not being overfished, and the landings were below the maximum sustainable yield. It was noted that current 2 ½" diameter minimum size results in a minimal reproductive contribution and that a 2 ¾" diameter would be a better choice based upon reproductive output (3" would be better still). Past F&W trawl data will be evaluated for trends.

Lazar noted the Division seeks input from Industry in development of regulations prior to overfishing and implementation of management measures. Noted that precision would be improved with more detailed reporting of landings. Schey questioned how stock could be managed without limits on participation. Gibson recommended consideration of a catch target. Lazar showed the increases in price per pound over time with the likelihood of increases in participation. A 2 ¾" diameter would correspond to minimum sizes established in abutting states. Schey wanted to know what reduction in total catch would result from the size increase. To be offered at public hearing. Concerns raised from the audience about need for a "tolerance" on undersize. Hittinger sought feedback from SAP members. Blank recommended limiting commercial and recreational harvest without increases in biomass because of "predator" status. McGiveney noted that displaced lobstermen are entering fishery. Gibson noted that the absence of restrictions could result in damage to the fishery. Bigger boats (displaced lobstermen) setting numerous pots is a concern to industry. Suggestions for pot limits and license restrictions. Costa noted that the "shellfish other" includes other species. Recommended possession limits would be based upon number of participants and minimum size.

- General opposition to an increase in the 2 ½" diameter minimum size.
- Recommendation for limiting harvest to PEL Quahaug (needs further review)
- Possession limit needs further review.
- Establishment of a pot limit with trap tags.
- Opposed "W" marking of buoys. Support use of "pot number" for the marking of buoys.
- Supported 250 pot limit with trap tags. 2 licensed fishermen per boat.
- Supported use of logbook.
- Opposed establishment of a season

2) Shore Digging in Winter Shellfish Management Areas.

Recommended change would be applicable to: Bristol Harbor Shellfish Transplant Area, Potowomut, Western Greenwich Bay, Mill Gut, Bissel Cove, and High Banks Shellfish Management Areas. Erkan outlined differences between commercial "boat harvest" (limited to Monday, Wednesday, and Friday December to April) and the loophole allowing commercial "shore digging" (sunrise to sunset, 7 days per week, 365 days per year) both with 3 bushels per day possession limits. Erkan noted that the loophole conflicts with sustainability and the intent was to allow recreational shore digging only outside of the winter season with a "peck" daily possession limit. Erkan noted that it is also the Department's responsibility to facilitate recreational harvest opportunities. It is inappropriate to allow a "loophole" where easily-accessible areas are commercially over-fished and recreational harvest opportunities are lost. Discussion ensued. The SAP generally opposed the proposal. They voted 5 to 2 in opposition to changing the regulation (recommend allowing commercial shore digging sunrise to sunset, 7 days per week, 365 days per year).

3) Reporting shellfish landings via SAFIS by the newly established tagging areas.

Lazar outlined new SAFIS reporting requirements and associated tagging map. The maps are out to public notice. The original tagging maps were refined and will be used to better track landings and improve management. McGiveney raised a concern about the map and the process. Western Greenwich Bay was broken into 2 areas. McGiveney wants the 2 areas be recombined into a single area. While both areas will be fishable when western Greenwich Bay opens in December 2011, the SAP still voted that the area should be recombined. This change would interfere with the maps and reporting proposals.

4) Discussion on soft-shell-clam undersize tolerance - Proposed legislative change.

Statute is based upon a count of 15 sub-legal shellfish per possession. If 10% or more of catch is undersized, the total catch can be seized. McGiveney supports an undersize tolerance by volume (quarts) for soft-shell clams but not for hard-shell clams. Lazar noted that a dealer can be charged if they take possession of undersized clams. Legislation is required to make such a change. Lazar also noted that during measurements at the dealers, 11% undersized (by count) were observed. The SAP voted 5 to 1 to recommend developing legislation with a tolerance of one quart per bushel of soft-shell clams.

For hard-shell clams, McGiveney proposed a change to 15 count per 1000 clam possession. Blank pointed out that difficulties facing Law Enforcement. The SAP voted 4 to 1 to support the proposal.

Schey asked that whelk size tolerance also be incorporated into the legislation. Currently there is no established possession limit, just a 2 1/2" minimum size. A workshop to develop comprehensive regulations was also proposed. Vivari raised concerns about an invasive Japanese whelk currently found in Chesapeake Bay.