

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Shellfish Advisory Panel
June 22, 2011 4:30 pm, Corless Auditorium, Narragansett, RI and
July 27, 2011 4:30 pm, Fort Wetherill Marine Laboratory, Jamestown, RI

MFC Members Present: R. Hittinger (acting Chair) 6/22 & 7/27

SAP Members Present 6/22: D. Goebel, J. Grant, O. Kelly, G. Schey, M. McGiveney, R. Rheault (alt.), J Vivari (alt).

SAP Members Present 7/27: W. Blank, D. Goebel, J. Gardner, J. Grant, O. Kelly, M. McGiveney, J Vivari (alt).

Public Present 7/27: B. Smith, RI Clam

DEM Marine Fisheries: D. Erkan, 6/22 & 7/27; N. Lazar, 6/22

1) Development of 2011 – 2012 winter shellfish management area schedules *as proposed by Industry*. The advisory panel discussed and recommended the following harvest schedule:

- Want western Greenwich Bay areas A & B to be open (Erkan noted that both areas are to be open as part of the entire Greenwich Bay Management area).
- Change Friday openings of all areas to Thursday for marketing purposes
- All areas open Wed. Dec 14, 15, 16, 19, 20, 21, 26, 27, and 28. Greenwich 8 AM -11 AM, all other winter management areas 8 AM – 12 AM.
- January Greenwich - Monday, Wednesday 8-12. Feb, March, April, Mon Wed. (**consider adding Thursday or Fri**) 8-12 (**consider adding 1 day per week in May 8 AM – 12 PM**).
- **If days left over explore Nov 2012 openings.**
- All other winter management areas: December same schedule as Greenwich but 8-12 openings. Jan. Monday, Wednesday, Thursday.) 8-12. Feb 1 to April 30 Mon through Friday sunrise to noon.
- Asking for DFW to develop a total number of fishing days in Greenwich due to the unpredictable rainfall. Plan future scheduling based upon number of days (Industry) combined with actual effort (DFW/Erkan). Establish a number of days available with F&W for Greenwich and apply this schedule until all days are utilized. Ask F&W for maximum allowable days available in Western Greenwich and consider opening in November 2012. **Scheduling in bold above, subject to DFW planning.**

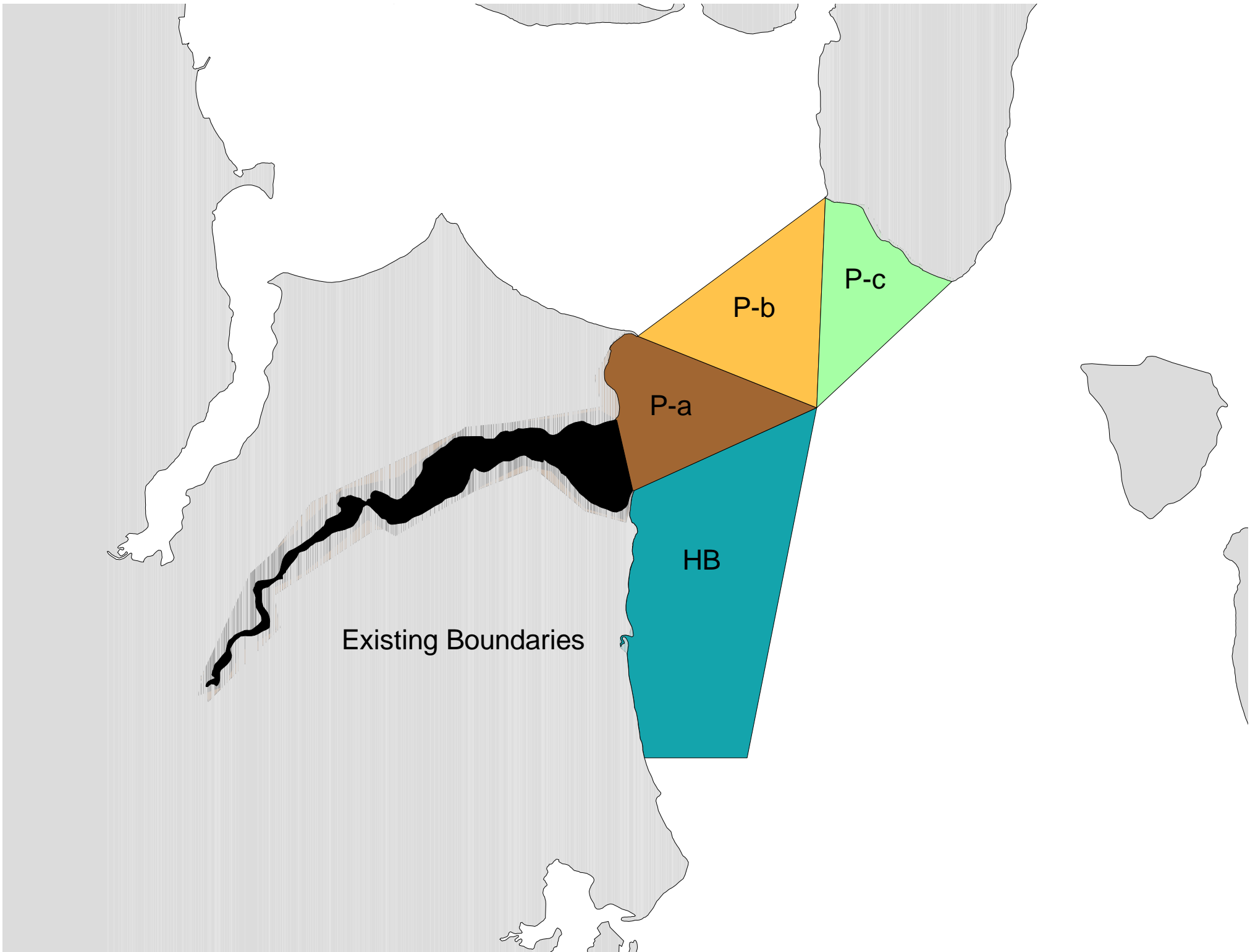
Issues of particular concern to Fish and Wildlife.

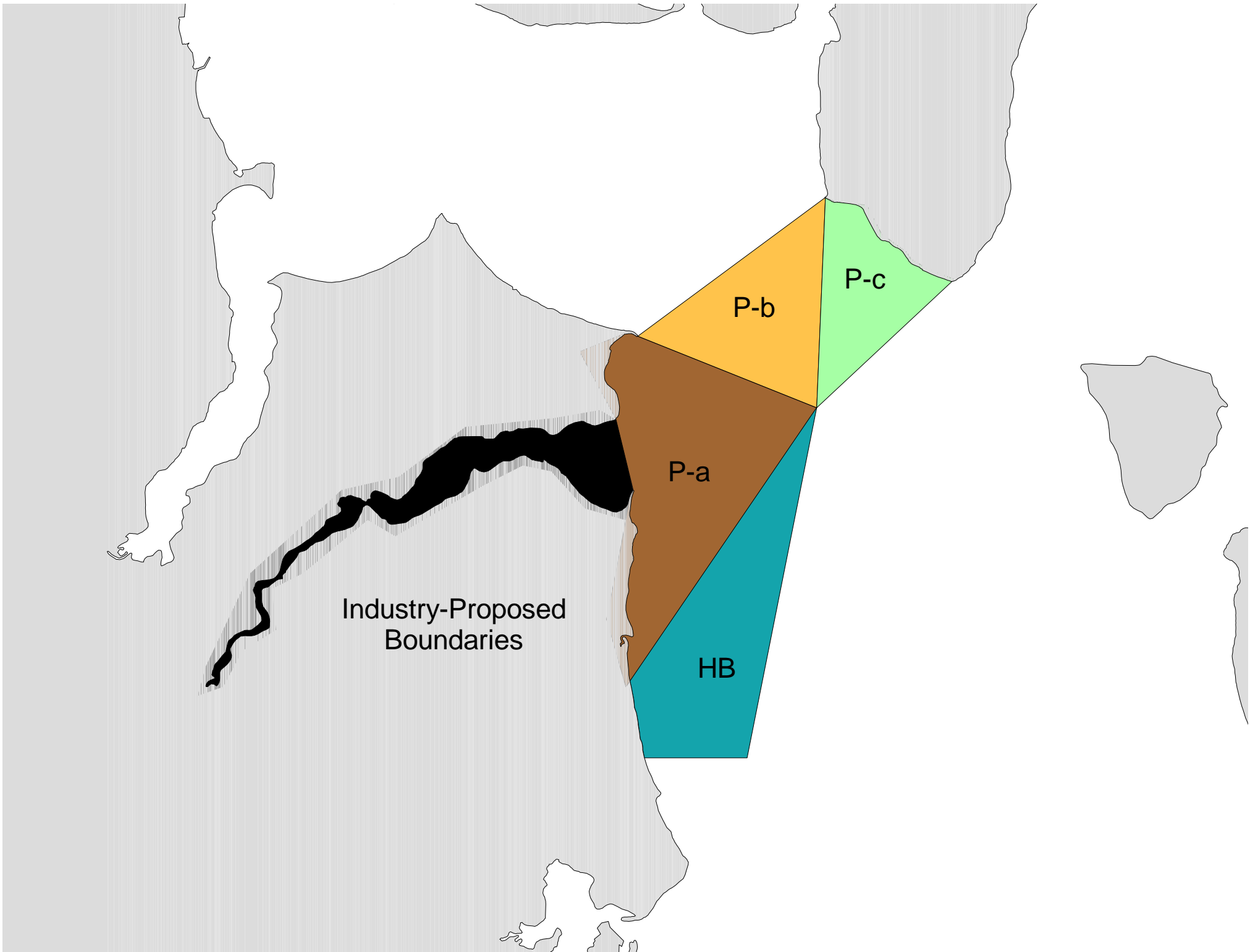
- Industry proposed Reconfiguration of High Banks and Potowomut area A (as shown on attached maps). Industry also proposes that the new Potowomut A be changed from 3 fishing days per week 8 AM to noon in the winter, to sunrise - sunset, 7 days per week, all year (significant increase in effort, a fishing area open all the time bordered by a spawner sanctuary to the north, a winter management area to the south, and a 12 bushel possession limit to the east).
- Work needs to be done before implementation of scheduling and proposals.
- Lazar noted that a future Shellfish Advisory Panel would be necessary to finalize DFW position on the proposals.

2) Erkan and Lazar summarized the 2011 quahaug transplants. The four transplants were: Greenwich Cove on May 3 and May 17. Mill Cove on May 5. Bristol Harbor May 24. Quahaugs were placed primarily in the winter management areas A percentage of the clams harvested were placed in the established spawner sanctuaries in Winnapaug Pond and Potter Pond. All funding was exhausted.

3) Discussion on air-assisted and water assisted harvest methods. Erkan noted that loopholes exist, which allow unregulated species to be harvested with detrimental harvest methods, illegal to harvest regulated species (see attached document). The advisory panel supported the proposal conceptually. Grant was concerned about the effects on mussel dredging and noted that whelk dredging and horseshoe crab dredging is legally taking place. Erkan noted that dredging for those species is outside of DFW intent and would be causing unnecessary impacts. Enforcement is supportive of the proposal. Regulations will need to be created to restrict the detrimental harvest methods, be more species-specific in authorized methods, and clarify any overlapping regulations. Advice was provided. The regulations are under continued development.

Adjourn approx. 5:48 PM 6/22 and 6:00 PM 7/27
prepared by: D. Erkan





DRAFT REGULATIONS ADDRESSING DETRIMENTAL HARVEST METHODS

DEM Fish and Wildlife July 2011

Need:

The proposed rule changes would create regulations governing harvest methods in Narragansett Bay and any coastal ponds where marine species may be commercially/recreationally harvested. These recommended rule changes are in response to “loopholes” in current regulations which, by omission, do not prevent environmentally detrimental harvest methods while in pursuit of unregulated species. Current regulations allow the pursuit of unregulated species (ie: razor clams, mantis shrimp, worms, etc.) in direct proximity to regulated species. This loophole makes enforcement and proper management problematic. The recommended language would fall under Part **X** of the RI Marine Fisheries Regulations - Equipment Restrictions. The proposed regulations are not intended to interfere with any legitimate net fishery or shellfish dredging fishery. It will be necessary however, to clarify what is permissible under existing marine fisheries regulations.

Definitions:

air-assisted harvest – use of an air compressor or compressed gas in a tank, to power any device designed to disturb the substrate or create a vacuum effect in collection of aquatic species.

bay scallop dredging – towing of a bay scallop dredge during the established bay scallop dredging season.

detrimental harvest method – any method of harvest deemed harmful to marine and aquatic communities. May include disturbances to benthic communities and substrates; submerged aquatic vegetation; coastal wetlands; and any portion of the water column.

harvest restriction marine life management area - designated portions of the public waters of the state for the purpose of managing the harvest of marine species.

permitted dredging – the harvest of blue mussels, ocean quahaugs, surf clams, and bay scallops as provided by existing regulations and authorizations.

water-assisted harvest – use of a water pump or pressurized water, to power any device designed to disturb the substrate or create a vacuum effect in collection of aquatic species.

Proposed Regulations:

The DFW proposes the following regulations governing harvest methods within Narragansett Bay and all coastal ponds:

- 1) The operation of any device or equipment intended to dislodge organisms from the substrate for the purposes of harvest within the “marine life management area” is prohibited.
- 2) Possession of any equipment or device capable of dislodging organisms from the sediment while within the boundaries of the “marine life management area” is prohibited (except as provided).

- 3) Possession of shellfish, crustaceans, and other benthic organisms by any person while in possession of the aforementioned devices (or onboard any vessel) and within the boundaries of the established "marine life management area" shall be prima facie evidence that person was fishing in violation of the provisions of this Chapter and shall be subject to the penalties and fines imposed thereby (except as provided).

Existing Regulations in Need of Modification:

PART VI - DREDGING FOR SHELLFISH

6.2 Use of Dredges -- Except as hereinafter provided and unless otherwise specified by regulation of the **Department of Environmental Management Marine Fisheries Council**, no person shall take any **species oysters, bay quahaugs, or soft-shell clams** from the waters of this State by dredges, rakes, or other apparatus operated by mechanical power or hauled by power boats. No **licensed** person shall cast, haul, or have overboard any dredges while fishing for **any species other than blue mussels, ocean quahaugs, or surf clams oysters, bay quahaugs, or soft-shell clams** from the free and common fisheries of this State, nor shall any **licensed** boat be used for fishing **any species other than blue mussels, ocean quahaugs, or surf clams oysters, soft-shell clams, or bay quahaugs** with dredges, except as herein provided; provided, however, that any person having a license issued under this Title for the taking of scallops may use a dredge or dredges, not exceeding six (6) in number nor exceeding twenty-eight inches (28") each in width, for that purpose, provided that the licensee shall immediately return all **species other than blue mussels, ocean quahaugs, or surf clams oysters, soft-shell clams, or bay quahaugs** caught by the licensee to the waters from which they were taken. Any licensed boat may be used in dredging for mussels by the licensee of that boat, the licensee having first obtained a permit from the Director of Environmental Management allowing the licensee so to do; provided the licensee, while dredging for mussels under the permit granted the licensee by the Director, shall immediately return all **species other than blue mussels, ocean quahaugs, or surf clams oysters, scallops, or bay quahaugs** caught by him or her to the waters from which they were taken. **Permits issued by the Director for blue mussel dredging permits within the Narragansett Bay/Coastal Pond Marine Life Management Area will specify where dredging is permissible. Use of a dredge within the Narragansett Bay/Coastal Pond Marine Life Management Area shall be limited to areas so authorized.** The fact of any licensed person being found with **any species other than blue mussels oysters, scallops, or bay quahaugs** in his or her possession while dredging for mussels shall be prima facie evidence that person was fishing in violation of the provisions of this Chapter and shall be subject to the penalties and fines imposed by this chapter. Any resident dredging for surf clams or skimmers, shall not be in violation of this Section if that dredging is done southerly of the coastline of Little Compton, southerly of a line extending from Church Point, in the town of Little Compton, to Flint Point on Aquidneck Island, southerly of the coastline of Aquidneck Island, southerly of a line extending from Castle Hill Point on Aquidneck Island, to Southwest Point of Conanicut Island to Bonnet Point, Narragansett, easterly of the coastline of the town of Narragansett, southerly of the coastline of the towns of Narragansett, South Kingstown, and Charlestown, and westerly to the Connecticut line. For the purpose of this section, coastline refers to the land facing the open sea. (RIGL 20-6-7) [Penalty - Part 6.6 (RIGL 20-6-13)]

