

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Meeting Minutes - Shellfish Advisory Panel**  
**August 1, 2012, 4:30 pm**  
**Fort Wetherill Marine Laboratory, Jamestown, RI**

**MFC Members Present:** J. Grant (Chair)

**SAP Members Present:** B. Blank; M. McGiveney; G. Schey; O. Kelly; B. Rheault (alt. to J. Gardner)

**SAP Members Absent:** J. Gardner; R. Bercaw; D. Goebel; W. Cote; P. Kennedy

**Scientific Advisor Present:** D. Leavitt

**Public Present:** Brian Pinsky; David Ghigliotty (sp ?); Katie Eagan; Bill Silkes

**CRMC:** D. Beutel

**DEM Fish and Wildlife:** D. Erkan, P. Duhamel

**New Business:**

**1) CRMC Aquaculture Lease Application 2012-07-002, Brian Pinsky, Potters Pond, South Kingstown.**

Beutel provided a brief description of the proposed activity. Proposal is for a 3-acre lease site of rack and bag/bags on bottom for oyster growing. Beutel found no quahogs present within the lease footprint. Kelly noted that the area is popular for shellfishing. Beutel explained that the entire "overwash plain" also has low densities. No issues were raised at PD meeting. The combined total aquaculture lease area in Potter Pond will be 3.8% Pinsky and Raso are approved. McGiveney inquired about concerns raised over existing lease site owned by Raso (polluting the pond by cleaning of equipment at the lease site). Beutel offered that he was aware of this concern however nothing conclusive known at this time. The cages will no longer be powerwashed but will be brushed when cleaned. Erkan offered that the State-owned access at East Matunuck State Beach is an important recreational shellfishing opportunity and the "low density of shellfish" is not an appropriate justification for continued aquaculture expansion in the overwash area. Erkan noted that while leases in pond have not reached a combined total acreage of 5% of the Potter Pond total area, the existing Raso lease combined with new and future expansions is significant (1300 feet in length +/-) and will interfere with public shellfishing activities in easily accessed sections of Potter Pond. McGiveney offered that a buffer might allow for recreational navigation between lease sites. Erkan offered that area historically was good for softshell clams, but densities are currently very low. Increased recruitment in the overwash area may occur because of higher clams densities in deeper parts of the pond. Beutel noted that Raso offered no objection to lease proposal. Beutel offered that commercial activity is minimal. Erkan offered that commercial harvest in area is in deeper waters generally not accessed by recreational users. McGiveney motioned to offer no objection. Kelly abstained; all other members present voted to recommend no objection to the proposal.

**2) CRMC Aquaculture Lease Application 2012-06-020, Christopher Warfel/Sun Farm Oysters, Great Salt Pond, New Shoreham.**

Beutel provided a brief description of the ¼ acre submerged longline proposal in approved waters in Great Salt Pond on Block Island. His 100 foot pass survey within lease area as contained 3 quahogs. Beutel noted that objections were received from Block Island Shellfish Commission (BISC) and 2 residents. Erkan provided information regarding BISC program partnering with DEM involving transplanting of shellfish into area for commercial and recreational harvest opportunities funded by annual Block Island shellfishing license sales, and that the proposed lease is in conflict with the program. Erkan offered that low shellfish densities result from shellfishing harvest pressure rather than poor habitat and reiterated that the proposed lease footprint is included in the BISC shellfish program for transplants and harvest. McGiveney inquired as to why site couldn't be relocated out of BISC program area as suggested by BISC. Warfel offered that he has had difficulty working with BISC and that Town Council overruled BISC objection and supported the proposal. He stated that the proposed lease area is not used by recreational shellfishermen and to impact other users would be minimal. He stated that the area suggested by BISC is seasonally closed and is not a viable option as he could not utilize in summer months. Beutel offered that if the new lease is granted. Warfel would give up the other site outside the entrance to New Harbor (open ocean waters). Warfel offered that new site is preferred due to savings in time due to distance traveled and safety as proposed site is safer than the existing site. His other sites are located in the conditional closed area and product must be relocated prior to closing in spring if he wanted to sell product in summer. Warfel is uninterested in using the recently established BISC aquaculture lease for summer product storage. Beutel offered the water depth at the site discourages recreational harvest. Erkan countered that BISC program also provides for commercial harvest. Erkan noted that he supported the BISC position because of the cooperative shellfish management program (State Statute) and that Warfel should consider deeper water alternatives that would not interfere with the BISC shellfish program. Beutel suggested that a stipulation could be added that the site to be used only from June through October and would be available for wild harvest other times of year. Erkan noted that the likelihood of future expansion proposals needs to be considered. Rheault offered a motion to offer no objection. No 2<sup>nd</sup> was offered. Schey offered and McGiveney agreed that they felt a need to abide by BISC decision and could therefore not support proposal. Rheault offered that SAP should only be concerned about conflict with commercial and recreational harvest and that no evidence was provided that showed such a conflict with commercial interests and SAP should therefore vote to offer no objection. McGiveney offered that BISC concerned about precedent being set if approved. Warfel noted that total area of recreational harvest is approximately 25 acres, within which his 0.25 acre is located. Upon conclusion of discussion, no position or recommendation was taken by the SAP, and proposal would therefore be deferred to the RIMFC.

**3. Discussion on the wild harvest of shellfish species without a minimum size requirement for placement into aquaculture lease sites.**

Grant offered that topic was initially raised by industry and was discussed by Aquaculture Working Group (AWG). Fishermen raised concerns about harvesting shellfish seed without a minimum size requirement taken from wild harvest areas and placing onto lease site and become an aquaculture product (only possible for unregulated species or species with no minimum size requirement). Grant requested discussion as to whether or not this was in the best interest of the wild harvest fisheries and aquaculture. Erkan offered that there was currently no legal means for any person to possess undersize wild harvest species that have a minimum size requirement with or without an aquaculture lease. McGiveney discussed collection of spat: discussed use of mats resting on bottom for collecting of softshell clam spat (within wild harvest areas – not on a lease site) and that should be a concern as spat have settled. He suggested harvest of spat from wild

areas from the water column; use of “Chinese lanterns” spat collectors would not be an issue. The discussion then focused mainly on mussels. Rheault informed that small mussel seed routinely harvested from wild areas for use in aquaculture. McGiveney clarified that concern/topic of discussion was whether or not harvest from bottom in wild harvest areas and then transfer to lease site to become private aquaculture product. McGiveney offered that shouldn’t be a concern if harvested from water column (Chinese lantern) but not from bottom area when settling has occurred (such as using a mat on bottom). Rheault asked if objection is only about collection from wild harvest; if there was objection to taking product within lease site off bottom. McGiveney answered that he had no objection concerning any harvest at lease site, only from wild harvest after settling to bottom has occurred. Erkan offered that a lease request involving use of mats on bottom for mussel spat collection outside of an aquaculture lease footprint would be opposed by DFW. McGiveney concurred opposition. Silkes suggested that viable commercial aquaculture for mussels has not been successful in state and that members should consider that collection from wild harvest for use should be considered in order to allow for commercial viability via aquaculture. He suggested that mussel sets currently vulnerable to starfish predation and poor water quality would be better if harvested and used in aquaculture rather than allowed to die. Rheault expressed that wild harvest mussel spat is plentiful and an underutilized resource and should therefore be allowed to taken for placement to lease site. He offered that this was occurring in Connecticut. McGiveney expressed that his view about aquaculture was that seed always purchased from a grower, not from wild harvest. Discussion ensued that collection of spat from wild harvest does not apply to quahogs - quahogs specifically protected statutorily as a commercially viable industry and a limited resource. Upon conclusion of discussion and robust debate, members agreed to table for future discussion. McGiveney offered that he would consider drafting language for consideration for next meeting.

#### **4. Development of 2012 – 2013 winter shellfish management area schedules (Industry Proposed).**

McGiveney began discussion stating that western portion of Greenwich Bay closed December 2012 and 2013 due to poor water quality conditions. He presented RISA proposal for 2013 openings and possession limit (attached). Discussion ensued about areas and management in order to increase productivity and market. Potowomut and High Banks would remain as management areas but would not receive further transplants in order to be available for wild harvest all year (365 days) Bissel Cove would remain as part of the transplant program and be managed as such (would continue to receive Mill Cove transplants). Erkan offered that High Banks, Greenwich Bay and Potowomut would all be surveyed in next few weeks. Survey and landings data would then be utilized to discuss future management (seasons and possession limits). A great deal of discussion ensued regarding different opening dates for different areas and potential benefits of various options to commercial fishermen, both in terms of price and availability of areas for harvest. Motion made by McGiveney; 2<sup>nd</sup> by Kelly, to recommend RISA schedule (amending to add Dec. 28 to schedule which as mistakenly omitted). All present in favor.

Meeting adjourned approximately 6:30

Prepared by: P. Duhamel/D. Erkan

Rhode Island Shellfisherman's Association  
Proposal for schedule of the Winter management area's.

Greenwich Bay is closed for the month of Dec. because of poor water quality.

Starting Jan. 1, 2013 Western Greenwich will be open  
Mon. Wed. Fri. 8-12 till April 30, 2013

Winter man. areas: Dec.2012 Bissel cove, Bristol harbor,  
High Banks and Pottowamut area will be open starting  
Wed.Dec. 12,14,17,19,21,24,26,31. 8-12  
Jan. schedule for these areas Mon. Wed. Fri. 8-12  
Feb. 1 to April 30 Mon thru Friday sunrise to noon.

Starting May 1 High Banks and Pottowamut areas open  
sunrise to sunset 7 days a week until further notice. 3  
bushel limit. No transplanted clams will be put in these  
areas for the 2013 season.