



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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TO: Janet Coit, Director DEM

FROM: Mark Gibson, Deputy Chief of Marine Fisheries

DATE: March 13, 2013

SUBJECT: Request for Decision on Proposed Modifications to High Banks & Potowomut Shellfish Management Area Harvest Schedules

Recommendations pertaining to the harvest schedules for the High Banks & Potowomut Shellfish Management Areas are hereby presented for final decision. The issues were reviewed at the March 4, 2013 meeting of the RI Marine Fisheries Council (RIMFC). Since the issues involve proposed changes to existing shellfish management areas, no public hearing was required or conducted.

Supporting documents associated with this memo and herewith provided include:

- Minutes of the March 4, 2013 RIMFC;
- Minutes from the August 1, 2012 Shellfish Advisory Panel meeting; and
- Proposed Revisions to the High Banks & Potowomut Shellfish Management Areas harvesting schedules commencing May 1, 2013 (Part IV of DEM's Marine Fisheries Regulations)

On August 1, 2012, the Council's Shellfish Advisory Panel (SAP) convened to consider industry proposals to open the High Banks & Potowomut Shellfish Management Areas year-round, beginning May 1, seven days a week, from sunrise to sunset; additionally, transplants into these areas would be discontinued. To date, these areas have only been open during the winter months (December – April), have been closed from May through November, and intermittently have received transplants during the early part of the closure period. As with all shellfish management areas, they have been subject to a 3-bushel/day daily possession limit when open.

The SAP voted to support the industry proposal. At the March 4 RIMFC meeting, the Division offered its support for the proposal pertaining to the High Banks area, based on an analysis of data showing that effort in the area is relatively low and that additional effort resulting from a year-round opening is not likely to decrease quahog resource abundance in the area to levels that would negatively impact the quahog population. The Division further noted that larvae spawned in the area were likely not retained in the area, and that recruits into the area were likely coming from outside the area.

With regard to the Potomomut Area proposal, the Division noted that there was very little data available on the area, but recognized that effort levels appeared to be quite low. Accordingly, the Division noted that it had no scientific basis to assess the rationale for opening the area year-round, and was not opposed to it.

In response to the Division's position, and in consideration of the SAP recommendation and the public comments offered at the Council meeting in support of the proposal, the RIMFC voted unanimously to recommend adoption of the proposal by the Director.

Having reviewed the entire record, and conferred with staff, I hereby urge adoption of the proposed changes, as summarized below. If you concur, please indicate by signing this memo at the end and returning it to me. Upon receipt of the signed memo, I will initiate the filing process. If you feel the need to make any changes that differ from those proposed, please delineate those changes via a separate memo.

Summary of Proposed Changes:

- (1) Harvest Schedule for High Banks & Potowomut Shellfish Management Areas: Beginning May 1, 2013, open year-round, seven days a week, sunrise to sunset, with a possession limit of 3 bushels per day. No transplanted quahaugs shall be transplanted to these areas for the 2013 season.

Time Sensitivity- The new harvest schedules need to be filed with the Secretary of State no later than April 9, 2013 to enable them to take effect by May 1, 2013.



Approved for filing as presented

Janet Coit

Janet L. Coit, Director

3/15/13

Date