

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
Shellfish Advisory Panel  
June 12, 2013, 4:30 pm  
URI Bay Campus, Coastal Institute, Hazard Room  
South Ferry Road, Narragansett, RI.

**Meeting Minutes**

RIMFC Members Present: J. Grant (Chair)

SAP Members Present: B. Blank; M. McGiveney; O. Kelly; J. Gardner; D. Ghigliotty; K. Eagan; J. Vivari

Scientific Advisor Present: D. Leavitt

Public Present: Applicants Robert Morvillo; Adam Silkes; Tony Pinheiro; J. Opton-Himmel; Phil Larson. B. Rheault

CRMC: D. Beutel

DEM Fish and Wildlife: J. Mercer; P. Duhamel

DEM Enforcement: J. Poccia

**New Business:**

**1. Proposed Aquaculture Lease: CRMC File # 2013-04-090, Robert Morvillo, Upper Narragansett Bay, Warwick.**

D. Beutel provided a description of the application. He informed the group that he found a single quahog when he surveyed the site. He discussed that the Preliminary Determination findings were that the proposed location may be a problem with local commercial fishermen and that Mr. Morvillo should work with them to find an alternative location for his site. He was unaware if any fishermen were willing to work with Mr. Morvillo. Mr. Morvillo has since changed the location closer to shore to avoid conflict with commercial shellfishing areas.

O. Kelly asked about the management area status. D. Beutel offered that there was no prohibition of aquaculture due to this.

J. Gardner offered that he was concerned about the area being closed 60% of the time due to its conditional water quality status; and the degree of recreational activity. Mr. Morvillo offered that his hope was the 2<sup>nd</sup> phase of the CSO project will result in reduced closures and his project was conducive to fishing and kayaking at the site. J. Gardner asked about the objections from the Warwick Harbor Commission. D. Beutel provided that he had objections from the Warwick Harbor Commission, the RISA, a letter of concern from Save the Bay and from individual fishermen. He offered that STB's objection focus was impact to recreational activities, and other objections were primarily impacts to the wild harvest fishery if a steamer set were to occur again; and also about

water quality issues. B. Rheault asked why water quality is a valid concern when there is a wild fishery.

M. McGiveney offered that RISA objected due to conflicts with the active recreational activity and that sets vary from year to year due to harvest and nature; and due to the conditional closed status. He asked J. Gardner if it would be difficult to work the lease with the 60% water quality closures; which J. Gardner offered that it would be very difficult. M. McGiveney offered that he was aware that the other lease (Eliason) in the area is not being actively used. His group's (RISA) main objection to the lease area was due to its importance for recreational shellfishing as there is easy access from Conimicut Point Park.

Mr. Morvillo acknowledged that steamer sets do come and go. He offered that the proposed location is important to him logistically as he lives near by. He offered that he thought the facility would benefit the wild harvest fishery. He offered that the area was historically aquaculture and that an oyster house existed in the past.

O. Kelly asked about the steamer sets and the management area being established to protect this. He asked if this use was consistent with protecting the management area. J. Mercer offered that the management area was established to protect the steamer habitat.

K. Eagan offered that she had spoken to whelk fishermen and she was concerned about impacts to whelk fishing. Mr. Morvillo said that this area wasn't active with commercial whelk fishermen as the area has sand bars and is too shallow. She said some fishermen have expressed concerns about the lease impacting their use of the area.

Mr. Morvillo offered that his business would help the area economically, was a low impact activity, would improve water quality and provide habitat for other species. He said he moved his location since the PD meeting to avoid conflict with commercial fishing. He said he had received approvals from his neighbors. He said he would provide jobs to area youth.

J. Grant offered that he had received an objection from a commercial diver due to the steamer sets and this lease would negatively impact his business.

J. Grant asked for a motion: M. McGiveney motioned to object due to the recreational shellfish activities that occur in the area; D. Ghigliotty seconded. J. Grant then asked for a vote for all in favor of the objection due to potential conflict with the wild harvest, which B. Rheault offered clarification that the vote was for objection due to conflict with recreational shellfishing, to which J. Grant offered that the motion should be considered as an objection to conflict with the wild harvest fishery. **All other members present voted in favor of the motion to object and the motion to object therefore carried.**

## **2. Proposed Aquaculture Lease: CRMC File # 2013-04-057, Adam Silkes, West Passage Narragansett Bay, Jamestown.**

J. Mercer showed a map of eelgrass bed coverage in relation to the proposed lease. D. Beutel offered that Mr. Silkes moved the location to avoid eelgrass beds. He also offered that he had received objections due to the species proposed.

B. Blank offered that he would be providing a written objection from his brother.

J. Gardner asked about the long and narrow shape of the site. Mr. Silkes offered that he was accommodating for local fishermen that he discussed the proposal with and because of the eelgrass.

M. McGiveney asked about seed source. Mr. Silkes offered that he would be getting seed around Narragansett Bay. D. Beutel corrected that this was not allowed and he must get seed from other aquaculture facilities. It was clarified that Mr. Silkes would be obtaining naturally setting seed; seed that naturally sets on lines, from within existing aquaculture lease sites. M. McGiveney asked about Mr. Silkes conversations with local fishermen. Mr. Silkes again offered that the shape of his proposed lease was to accommodate local fishermen.

B. Rheault offered that fishermen could work either side of the lease due to its long narrow shape. Mr. Silkes offered that they could also travel through the lease as the lines were 50 foot apart. B. Rheault offered that he though aquaculture sites worked well with whelk fishing.

D. Ghigliotty asked about recreational activity in the area. Mr. Silkes offered that he hadn't received an objection from the Harbor Commission and Harbor Master.

B. Blank offered that his objection was based solely on the potential for excessive mussel spat being produced and the impact to pot fisheries and other aquaculture facilities. He said mussels are a nuisance. B. Rheault offered that proposed mussel farm would not measurably add to more mussels in the area. B. Blank offered that he was concerned that Mr. Silkes would be expanding and that the current size of the lease would not be commercially viable. B. Blank offered that he was concerned about Mr. Silkes tending his gear properly.

J. Grant asked for a motion: J. Gardner offered a motion to **not object** to the proposal. No second was provided; the motion died. J. Grant asked for an alternate motion. B. Blank offered a motion to object; O. Kelly seconded. J. Grant then asked for a vote on the motion to object. 3 voted in favor of the motion to object: B. Blank, O. Kelly, and D. Ghigliotty. J. Vivari and J. Gardner did not support the motion; M. McGiveney and K. Eagan abstained. **The motion to object therefore passed with a vote of 3 - 2.**

**3. Proposed Aquaculture Lease: CRMC File # 2013-04-107, Antonio Pinheiro, West Passage Narragansett Bay, Jamestown.**

J. Mercer showed a map of the proposed lease in relation to 2012 eelgrass bed coverage. D. Beutel offered that Save the Bay was concerned about proximity of the lease in relation to eelgrass beds. He offered that the town of Jamestown objected due to their plans for a mooring field there. He offered that the aquaculture lease application preceded the application for a mooring field.

M. McGiveney asked about objections from fishermen. D. Beutel responded that no objections have been received at the PD stage, but suggestions were made as to the location.

J. Gardner inquired as to the prevailing winds, the “fetch” and how this would impact his ability to work the site. Mr. Pinheiro responded that he was familiar with the site and had fished the area.

M. McGiveney asked about water depth. Mr. Pinheiro responded that it was at about 9 to 12 feet water depth, changed from original location at about 3 foot water depth, so would therefore not impact recreational shellfishing.

O. Kelly asked about amount of shellfish in the lease site. Mr. Pinheiro responded that there were large quahaugs mostly. He said he dives recreationally and this is his experience.

D. Beutel said that his regular survey that he conducts as part of every application has not been performed yet. O. Kelly asked to table the matter until the survey was completed.

J. Grant asked for a motion. M. McGiveney offered a motion to not object conditional upon a survey being conducted and only if the density was not a commercially viable density. O. Kelly seconded. B. Blank, J. Gardner, K. Eagan, J. Vivari all voted in favor of the motion. D. Ghigliottly abstained. **The motion to not object therefore carried.**

#### **4. Proposed Aquaculture Lease Expansion: CRMC File # 2010-01-053, Walrus and Carpenter Oysters, LLC/Jules Opton-Himmel, Ninigret Pond, Charlestown.**

D. Beutel explained that this application was only for a modification of an existing lease. He explained that Mr. Himmel is looking only to combine his two existing adjacent 1.5 acres leases into a single entity under his limited liability business.

J. Gardner offered a motion to not object. M. McGiveney seconded.

D. Beutel then further explained that modifications to the lease included growing seaweed, razor clams and scallops.

M. McGiveney asked about naturally occurring scallop sets. Mr. Himmel offered that he thought scallops might set there due to the presence of his gear.

B. Blank as if objections were received. D. Beutel offered that no objections had been received from other aquaculturists in the pond. He had received an objection from the Salt Pond Coalition regarding seaweed and razor clams. Mr. Himmel offered that he would be working with and only growing native seaweed. Regarding razor clams, Mr. Himmel offered that he had no plans for the razor clams and was willing to remove them from the application due to the concerns about harvest methods and as there is no proven method to raise razor clams at this time. J. Gardner offered that seed source would be difficult.

J. Grant asked for a vote. K. Eagan was concerned about scallops and illegal harvest – if there was greater potential for illegal activity on his lease, and that it wouldn’t be known if he was selling wild caught or raised and there wouldn’t be the ability to distinguish each. Mr. Himmel responded that his lease wouldn’t increase his likelihood for illegal activity. Mr. Himmel offered that the scallop part of the lease is also experimental as raising farm raised scallops is difficult.

J. Grant called for a vote. B. Blank, M. McGiveney, O. Kelly, J. Gardner, D. Ghigliotty, and J. Vivari all voted to support the motion to not object. K. Eagan abstained. **The motion to not object therefore carried.**

**5. Proposed Aquaculture Educational/Research Application: CRMC File # 2013-03-204, Phil Larson, Dutch Harbor, Jamestown.**

D. Beutel provided a description of the proposal, which involves 2 sites: a nursery site in the closed waters in Sheffield cove; and a grow-out site in approved area near Zeek's Creek in Dutch Harbor. He explained that the application was modified since the PD application to change the grow-out location from conditionally approved water to approved waters due to concerns expressed about the location in conditionally approved waters.

D. Beutel offered that no commercial activity would take place – no sales would take place.

J. Gardner offered that he was prepared to object due to concerns about ISSC regulations and food safety concerns when harvesting aquacultured shellfish from conditionally approved areas, and the potential harm to the industry should someone get sick if eating shellfish from conditionally approved waters. He offered that he was prepared to withdraw his objection now that the location was moved to approved waters.

D. Beutel offered that he hadn't received an objection from DEM Enforcement.

M. McGiveney asked about a shellfish survey. D. Beutel responded that no a survey wouldn't be conducted for such a small site.

J. Grant asked for a motion. M. McGiveney provided a motion to not object; D. Ghigliotty seconded. J. Grant then asked for a vote. **All members present voted in favor of the motion to not object and the motion therefore carried.**

The meeting was then adjourned.

Prepared by: P. Duhamel