

RHODE ISLAND MARINE FISHERIES COUNCIL
REVISED Minutes of Shellfish Advisory Panel
March 7, 2012 4:30 pm
Fort Wetherill Marine Laboratory, Jamestown, RI

MFC Members Present: J. Grant (Chair)

SAP Members Present: W. Blank; M. McGiveney; R. Rheault (alt. to J. Gardner)

SAP Members Absent: J. Gardner; R. Bercaw; G. Schey; O. Kelly; D. Goebel; W. Cote; P. Kennedy

Scientific Advisor: D. Leavitt

Public Present: M. Baucher; T. Boulanger, T. Clegg; R. Blank; 4 others (west bay commercial shellfisherman - signed in but can't read signatures)

CRMC: D. Beutel

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

Chair Grant noted that with only 4 members, a quorum was not present but the meeting would proceed in order to allow for comments on the 3 leases/permits on the agenda. Mr. Beutel opened with remarks regarding the RIMFC/SAP's statutory role; that is, to provide feedback specifically on how a proposed aquaculture activity will impact wild fishery, and that any other input would not be considered by CRMC.

New Business:

1) CRMC Aquaculture Lease Application 2012-01-002, Tom Boulanger, Old Orchard Cove in Island Park, Portsmouth:

Mr. Beutel provided a brief description of the proposed activity and how he determined the extent of wild fishery in the location. The proposal includes oysters in cages on longlines and quahaugs on the bottom in between the oyster cages. Mr. McGiveney engaged members of the public present and asked for input. Members of the public present included four commercial shellfisherman familiar with and who work in the Cove. This group initially and uniformly expressed no objection to the proposal. There was initial uniform agreement amongst this group that the location and type of activity proposed was acceptable and even desired in hopes of repopulating the area from quahaug spat spawned in the lease location. One fisherman commented that the shellfish filtering could provide filtering benefits as well. Mr. Beutel explained that no objections were received during the PD meeting nor subsequent letters/comments of objection received. The viewpoint changed with one public member present, when he asked Mr. Beutel the total acreage of leases in the Cove and percent currently leased to aquaculture. Mr. Beutel explained that he didn't know the answer and that this was not a consideration as the 5% cap rule for aquaculture leases only applies to the South County salt ponds. Other panel members, particularly Mr. McGiveney and Mr. Rheault, further engaged this gentleman and explained that the Aquaculture Working Group was the proper forum where such an issue should be addressed and invited him to attend. Mr. Rheault also offered that the percent of The Cove with aquaculture leases is not close to approaching 5% at this time. Another member of the public voiced a concern that while the proposed lease location does not currently contain an appreciable quantity of quahaugs, if the Cove were to repopulate, commercial shellfisherman would be unable to fish the area. Mr. Beutel also offered that the 30-day public comment period had just commenced and that written comments could be submitted to CRMC. Upon conclusion of a robust debate, a motion was made

and seconded and the **SAP members voted unanimously to offer no objection to the proposal.**

2) **CRMC Commercial Viability Permit Application 2011-12-027, Adam Silkes, West Passage (SE of Fox Island and ESE of Rome Point):**

Mr. Beutel provided a brief description of the proposed activity and explained that this application was the second step of a Commercial Viability *permit* (not a lease application); or for the second 18-month period of a 3-year permit currently issued by CRMC, which involves a 1000 sq. ft./500 foot longline mussel growing operation. Mr. Beutel explained that as a commercial viability permit application, a letter from the RIMFC was not required; but that the SAP meeting was an opportunity to add comment to the record. There were 3 members of the public present: fishermen that operated an oyster aquaculture lease in the immediate vicinity; who expressed grave concerns about the potential impacts of this activity on their oyster growing operation. Mr. Beutel offered that several objections were received but *all* were in objection to a full lease, not the proposed/currently permitted activity. Discussion proceeded with the 3 members of the public continuing to express grave concerns, particularly when/if a full 3-acre lease was permitted at this location at the conclusion of the final 18-month period of the current permit. Mr. Beutel explained that a 3-acre lease application was not before CRMC at this time and that he was responsible to review only the application submitted. He also informed the SAP and public present that the applicant has been informed by himself and several other parties that a full lease application would receive significant objections from several parties for this type of activity in this location. Mr. Rheault provided a personal account of how a severe mussel set on his oyster cages resulted in bending the crane on his boat and nearly put him out of business by starving an entire year-class of oysters. He also noted however that the mussel larvae settling at the adjacent oyster growing operation are most likely originating from the East Bay/Newport, as the lifespan of the larvae is approximately 2 – 3 weeks, and it would therefore be difficult for the larvae to remain locally entrained for that period. Mr. Beutel again noted that the applicant has been encouraged by several parties to find a different location for his activity. After a robust debate, and after being reminded by Mr. Beutel that an RIMFC recommendation/letter and vote from SAP was not being sought, the SAP members present unanimously agreed to offer a statement to be entered into the meeting minutes that **the proposed activity raises significant concerns as a potential conflict with existing aquaculture, wild harvest, and marine mammals (seals at Rome Point – mentioned by D. Erkan) in the area.**

3) **CRMC Aquaculture Lease Application 2011-11-097, Town of New Shoreham, Great Salt Pond, New Shoreham (Block Island):**

Mr. Beutel provided a brief description of the proposal and administrative process to date. Mr. Beutel explained that the proposal is for the seasonal use by local aquaculturists as a “grow-out” area; to move marketable size quahaugs from seasonally closed areas (closed during peak summer season) before the closure date in order for the product to be available during the peak summer season. Site will be managed by the town in ¼ acre blocks for use by individual fishermen. **SAP voted unanimously to offer no objection to the proposal.** Mr. Beutel requested SAP to request an expedited review and letter from RIMFC as application has been at CRMC for several weeks.