



Rhode Island  
Department of Environmental Management

**DIVISION OF FISH AND WILDLIFE**

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TO: W. Michael Sullivan, Director DEM  
FROM: Mark Gibson, Deputy Chief, DFW  
DATE: August 26, 2010  
SUBJECT: Request for Decision on Bay Scallops

Proposed regulatory changes pertaining to the bay scallop fishery have moved through the review process and are hereby presented for final decision.

The following items were the subject of a public hearing held on November 12, 2009, and subsequent consideration by the RI Marine Fisheries Council at a meeting held on December 7, 2009. The proposed changes are summarized below.

*Having reviewed the entire record, and conferred with staff, I hereby urge adoption of the proposed changes. If you concur, please indicate by affirming this memo and returning it to me. Upon receipt of the affirmed memo, I will initiate the filing process. If you wish to make any changes that differ from those proposed, please delineate those changes as amendments to this memo.*

**Proposed amendments to the bay scallops management plan:** DEM had two proposals:

- Item 1, was to modify the bay scallop season, dip net season, and use of scallop dredges. This would change the opening season for bay scallops to the first Saturday of November (from 1<sup>st</sup> Saturday in October), move the harvesting season by dip net to December 1<sup>st</sup> (from November 15<sup>th</sup>), and prohibit the use of scallop dredges in shellfish management closure zones.
- Item 2, was a proposal to amend the commercial bay scallop daily possession limit to 3 bushels per day (from 5 bushels per day). At the public hearing one individual commented that after reviewing the proposed changes with the exception, of identifying scallops as bay scallops updated throughout the document, he felt there were a number of inconsistencies in the language that needed to be addressed. He suggested not adopting the language, and to review some of the language that was contradictory and not appropriate. The same individual submitted written comments suggesting the same, that the proposed regulatory changes were contradictory, unnecessarily wordy, and contained inaccurate language. A comment pertaining to

item 1, suggested moving the dip net season up two weeks from the October date. There were no comments made on item 2.

The proposed regulation is intended to support the scallop restoration activities conducted by the Shellfish Restoration Project of the North Cape since 2006, and recently by a special project funded by CRMC for Save The Bay. In addition, we found that spawning is occurring later in the fall due probably to water temperature and extended biological spawning season. The study showed consistency with other shellfish spawning in the coastal ponds and the Bay.

The Council voted (unanimously) to recommend that the Director adopt the proposed modifications to the bay scallop season, dip net season, and use of scallop dredges. The Council also voted to recommend that the Director adopt the proposed amendment to decrease the commercial daily catch limit of bay scallops to 3 bushels.

*I concur with the Council recommendations and urge the adoption of the proposed changes to the bay scallop management plan. The Division is in agreement with a study conducted by North Cape on shellfish restoration that showed scallops were spawning later in the season or producing multiple spawns including one in late season. Changing the season opening date from the first Saturday in October to the first Saturday in November would conserve spawner biomass until all spawning was complete. The rationale for a possession limit reduction is based upon lower adult scallop densities observed in recent years. In the "banner years" a high possession limit was appropriate and attainable. Equitably distributing the lower resource density between commercial and recreational harvesters is reasonable at this time. The benefits of reducing dredging effort would be fewer scallop seed being buried and reduced impact on eel grass beds*



**Affirmed for filing as presented - Date: August 30, 2010**

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**W. Michael Sullivan, Director  
Department of Environmental Management**