

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
March 16, 2005
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: K. Ketcham, S. Medeiros, D. Preble, G. Allen, S. Parente

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee, M. Burnett

RIDEM Legal Counsel: G. Powers

Public: 30 people attended

M. Gibson called the meeting to order. He asked if there were any agenda changes. He stated that he had received a couple prior to the meeting. The first was to add an item 3b which would be a discussion on the current aquaculture/shellfish AP policy. The next would be to add an item 6d which would be an update on licensing for 2005. S. Parente asked to have an item 3c added which would be a discussion of a striped bass proposal brought forward by the RI Commercial Rod and Reel Angler Association (RICRRAA). **After discussion by the RI Marine Fisheries Council (RIMFC or Council), there were no objections to the agenda changes.** M. Gibson asked if there were any comments on the minutes from the February 7, 2005 RIMFC meeting. **G. Allen made a motion to approve the minutes as submitted. S. Medeiros seconded the motion. The Council unanimously approved the motion.**

New Business

Council comments on proposed aquaculture lease: J. McNamee stated that the Council had been issued an application that had been submitted by D. Roebuck for an expansion of his current aquaculture lease in Point Judith Pond. A memo from the Division of Fish and Wildlife (DFW) had also been handed out to the Council expressing no objections to the site by the DFW. Both D. Alves of the Coastal Resource Management Council (CRMC) and the applicant were in attendance to answer any questions from the Council. **D. Preble made a motion to approve the application as submitted. G. Allen seconded the motion. The Council voted unanimously to approve the motion.**

New shellfish AP/aquaculture lease policy: J. McNamee suggested a RIMFC policy change regarding how aquaculture leases are handled. In the past the shellfish advisory panel (AP) met once a month. They have stopped this practice and only meet when convened by the Council. J. McNamee suggested that they could enact a policy change when an aquaculture application comes forward and automatically authorize a shellfish

advisory panel to meet and review the application, thereby shortening the process where the application comes to the Council, gets remanded to the shellfish AP and then comes back to the Council. S. Medeiros suggested that instead of automatically convening the panel, perhaps they (the shellfish AP) could be emailed the pertinent information and then they could decide whether to meet about the application or not. In other words the shellfish AP should be polled prior to convening a meeting. D. Alves suggested being specific in the policy to shellfish aquaculture as finfish aquaculture permits were going to start coming in to the CRMC. **The Council had no objections to polling the shellfish AP first when an aquaculture application comes to the Council for comment.**

Striped bass proposal from RICRRAA: S. Parente had passed out a proposal from the RICRRAA regarding the commercial striped bass management plan. He gave a brief description of the proposal and asked that a striped bass AP be convened to discuss the proposal. He also wanted to request that a member of DEM legal counsel and DEM law enforcement be present at the meeting for advice. **M. Gibson asked if the Council had any objections to authorizing the striped bass AP to meet to discuss this proposal. There were none.** M. Gibson added that the proposal makes a statement about altering regulations for the current year (2005). Since the season begins on June 1st, this would be virtually impossible to implement prior to the beginning of the season if the RIMFC wanted to take that action.

Advisory Panel Reports

Commercial Fishermen's Committee: J. McNamee gave the report. The meeting was called to begin the licensing review process for 2006 licenses and also to address some concerns brought forward by M. McGiveney of the RI Shellfishermen's Association on licensing. The Commercial Fishermen's Committee (CFC) supported sending the proposal brought forward by M. McGiveney to the Council. They also wanted a DFW opinion on bushel limits. The CFC requested the Council authorize them to meet again sometime during March to continue the process. M. Gibson added that there was a request from the CFC to the Council to begin making recommendations on things like student licenses and possession limits. M. Gibson suggested allowing the CFC to continue to deliberate through the year and then have a packet or integrated recommendation on all of the aspects of 2006 licensing before making any recommendations. Otherwise a bunch of piecemeal recommendations would be coming forward from the Council which may lead to confusion. G. Allen suggested that the DFW develop a plan or an agenda of the topics which need to be addressed therefore each time the panel meets they can have a clear plan of what they need to discuss at that meeting and by the end of the year. **M. Gibson suggested that the DFW will develop a list of the important topics which need to be covered by this panel and that the panel can then convene to begin addressing the issues. The Council did not object to this course of action. The Council declined to take any action on the proposal brought forward by M. McGiveney at this time. The Council agreed to appoint a chairperson to the Commercial Fishermen's Committee and K. Ketcham agreed to be the Council chair on the panel.** The Council agreed to start calling the Commercial Fishermen's Committee the Industry Advisory Committee as set forth in the statute.

M. Marchetti stated that he would like the gillnet endorsement issue looked at by the Industry Advisory Committee. A second audience member voiced support for M. Marchetti's statement.

Shellfish: J. McNamee gave the report. The first topic of discussion was a Greenwich Bay proposal from the RI Shellfishermen's Association which would open Greenwich Bay annually but keep harvest at the current management area levels. The shellfish AP tabled this proposal until the DFW staff could complete a review and then send it back before the shellfish AP. The second topic discussed was the North Cape shellfish restoration projects proposal for a Ninigret spawner sanctuary. The shellfish AP did not oppose this request. The final topic they discussed was the aquaculture application which had been referred to them by the Council. The shellfish AP was not opposed to the proposed aquaculture lease (Crandall lease; file 2005-01-039). **S. Medeiros made a motion to approve the Crandall aquaculture lease as submitted. D. Preble seconded the motion. The Council voted unanimously to approve the motion.**

New Business

Council comments on public hearing items: J. McNamee went through the public hearing slide show. Item 1 was changes to the commercial scup and summer flounder mesh requirements. **K. Ketcham made a motion to endorse the proposed language as written. G. Allen seconded the motion.** F. Blount asked a question about diamond verses square mesh. **K. Ketcham stated that the federal requirement was "either or" diamond or square mesh and amended his motion to state this. M. Gibson asked if there were any objections to K. Ketcham's motion perfection. There were none. The Council voted unanimously to approve the motion.**

Item 2 was an Atlantic herring fishery closure in area 1a. This area had been reopened so this item was retracted from the docket.

Item 3 was black sea bass commercial allocation changes for summer 2 and winter 2 management sub-periods. **The Council declined to take any action on this item.**

Item 4 was commercial and recreational tautog fishery management measures. G. Allen stated that his motion to follow was based on what he perceived as increased recreational pressure in the fall and the fact that RI was currently at the overfishing target. **G. Allen made a motion to set the recreational bag limit for tautog at 8 fish for the fall of 2006 (option 1 in the slideshow). K. Ketcham seconded the motion.** S. Medeiros stated that all of the public comments were against dropping the bag limit and he had personally received numerous calls stating opposition to lowering the bag limit. He went on to state that he did not want to take a restrictive measure if they did not have to. D. Preble stated that he had spoken with several individuals who all want to stay at status quo. He went on to state that RI was considering going to a quota sharing plan between the recreational and commercial sectors and he feared that this would require another decrease in recreational bag limits the following year, therefore he agreed with S. Medeiros'

comments. D. Preble suggested an alternative to lowering bag limits would be to close the recreational fishery in the month of May. K. Ketcham stated that because the scup recreational fishery was being shortened for the upcoming year he felt this could increase pressure on the tautog fishery. S. Parente suggested splitting the difference between the two opposing viewpoints of the Council and go with a 9 fish bag limit. M. Gibson asked G. Allen if he would like to amend his motion to a nine fish bag limit. G. Allen declined to change his motion. J. Rainone and M. Plaia, audience members, voiced their support for S. Medeiros' comments and asked that perhaps other alternatives for lowering fishing mortality be looked at. **The Council voted 2 to approve the motion (G. Allen and K. Ketcham) and 3 to oppose the motion (S. Medeiros, D. Preble, and S. Parente). The motion failed.** M. Gibson asked if anyone else had a motion. **S. Medeiros made a motion to remain at status quo. D. Preble seconded the motion. The Council voted 2 to oppose the motion (G. Allen and K. Ketcham) and 3 to approve the motion (S. Medeiros, D. Preble, and S. Parente). This motion passed.**

Item 5 was commercial striped bass fishery management measures. **D. Preble made a motion to adopt the advisory panel preferred option as presented in the slideshow. K. Ketcham seconded the motion. The Council voted unanimously to approve the motion.**

Item 6 was changes to the salt water shad and herring regulations. **G. Allen made a motion to adopt the shad language as proposed in the slideshow. K. Ketcham seconded the motion.** K. Ketcham asked that the DFW publish some sort of identification key to the public so that they can differentiate between the different species of herring. G. Allen amended his motion to add the caveat suggested by K. Ketcham. **The Council voted unanimously to approve the motion.** S. Medeiros suggested going back to the drawing board with the river herring language as it was problematic and also suggested that the freshwater section needed to fix it's regulations with perhaps a seasonal closure. He had received several calls and emails stating opposition to the rule as proposed. **S. Medeiros made a motion to not accept the language as proposed and work on this during 2005 and come back with changes for 2006. G. Allen seconded the motion.** An audience member suggested a better alternative would be a spawning closure and also suggested we construct more fish ladders. S. Hall suggested leaving out the last sentence of the proposed language dealing with the "collecting device", stating that we would still have a workable regulation. **The Council voted 4 to accept the motion (S. Medeiros, G. Allen, D. Preble, and S. Parente) and 1 to oppose the motion (K. Ketcham). The motion passed.**

Item 7 was a proposal for a spawning sanctuary in Ninigret Pond (North Cape seeded area). **S. Medeiros made a motion to approve the spawner sanctuary. K. Ketcham seconded the motion.** Two audience comments were regarding better notification in general about shellfish closures and open areas. **The Council voted unanimously to approve the motion.**

Item 8 was scup recreational regulation changes. D. Preble stated that the ASMFC option does serious damage to RI businessmen and results in a tremendous reduction for RI

relative to the other regional states. He went on to state that he does not mind rubber stamping ASMFC mandates when they make sense and do not hurt local businesses, but in this case the ASMFC both makes no sense and does harm to RI. He wanted to strongly emphasize his opposition to the ASMFC option. **D. Preble made a motion to approve the advisory panel option. S. Medeiros seconded the motion.** K. Ketcham suggested going with the advisory panel option but watch what other states in the region do and if they are not following the regional plan, we should let our scup season run until the end of the year. M. Plaia, an audience member, stated that he felt there was language in the ASMFC plan which gives some leeway to allow RI to alter seasons by altering bag limits and secondly he wanted to reiterate the point that he felt it was important to extend the season for the shore/private boat sector for longer than is proposed in the option presented. F. Blount, an audience member, stated that he supports the advisory panel option and doesn't think it is going to be as large a reduction as has been stated. An audience member stated that he did not like the end date being September 20th as proposed in the advisory panel option. **The Council voted unanimously to approve the motion.**

Item 9 was black sea bass recreational regulation changes. **S. Medeiros made a motion to accept the new language as proposed in the slideshow. D. Preble seconded the motion. The Council voted unanimously to accept the motion.**

Item 10 was SAFIS requirement regulations for dealers. This item was retracted from the public hearing docket to be brought forward at a subsequent public hearing.

Item 11 was winter flounder recreational and commercial regulation changes. G. Allen stated that he had polled the winter flounder AP members (they did not have an opportunity to have an official meeting) and they all agreed to the language as proposed in the slideshow. **G. Allen made a motion to accept the recreational winter flounder language as proposed in the slideshow. S. Medeiros asked if G. Allen would amend his motion to make the start date the fourth week in April, rather than the third. G. Allen did not object to amending his motion to state this.** F. Blount, an audience member, stated that for the future he would like to see a one or two fish bag limit and open year round rather than the current recreational plan. **The Council voted unanimously to accept the motion.** The Council moved on to the commercial winter flounder regulations. **G. Allen made a motion to accept the changes to the winter flounder commercial sections (RIMF Regulations 7.8.2 and 11.19.1) with the inclusion of the "except fyke net" language and also including the technical revisions as proposed by K. Ketcham to mirror amendment 13. K. Ketcham suggested instead of going with "except fyke nets", they should use any mobile gear including gill nets.** This would exempt fyke nets and floating fish traps. **G. Allen accepted the amendment to his motion. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion.**

Item 12 was a change to July 1, 2005 required 1/32" lobster gauge increase. **K. Ketcham made a motion to endorse suspending the 1/32" gauge increase slated for July 1,**

2005. D. Preble seconded the motion. The Council voted unanimously to approve the motion.

Old Business

Advisory panel lists comments and additions: J. McNamee stated that the Council had been issued another set of updated AP lists which they were to review and report back any comments or corrections. He went on to state that there were also a couple of new nominees for the shellfish AP which they had been given. Last, a memo was drafted with some AP changes indicated on it. J. McNamee read through the entire list of changes. For the fluke AP, K. Court asked to be added to the vacant party and charter position. For the scup/black sea bass AP, D. Peasante asked to be moved from the pot alternate position to the gillnet primary position and E. Baker asked to fill the now vacant pot alternate position. For the tautog AP, E. Cook asked to be nominated for the recreational alternate position. There were also two shellfish AP nominees; J. Nolan and S. DiPetrillo. **G. Allen made a motion to approve all of the nominees in the AP positions as described. The motion was seconded by D. Preble. The Council voted unanimously to approve the motion.** The Council had no further comments on the lists as issued and officially approved them.

Council discussion on dockside sale issue: J. McNamee stated that this issue had come forward as a DFW request for public hearing approval. The Council advised that the issue be removed from the public hearing docket and be remanded back to the Director with the request that he in turn send it back to the Council level so that their APs could discuss the issue. The Council had been given the proposed changes from DEM that evening. M. Gibson asked a question about timing for this issue. M. McSally, attorney for the RI Lobstermen's Association stated that the lobster industry wanted quick action on this item because they had been told by DEM that this would be in place, at least the lobster portion of the dockside sale issue, for June 1st. He suggested splitting the sectors apart, in other words split the issue in to lobster dockside sales and finfish dockside sales, and deal with the lobster portion first. The lobster industry had worked during the winter to come up with a compromise with DEM and it should be ready to send to hearing. D. Preble stated he thought the issue should go to the Enforcement AP. K. Ketcham stated that he felt the issue needed further clarification. S. Parente stated that he would like some time to review the issue. M. Gibson suggested that the Council look over what had been handed out and if they had substantial questions, they should get these to the DFW prior to the April meeting so that the DFW would be prepared to answer them. He went on to state that this issue would be added to the April agenda. K. Ketcham asked that the lobster proposal be given to the Council as well to look at. **The Council agreed to look over both the DEM dockside sale proposal and the lobster dockside sale proposal and at the April meeting would remand this to the appropriate AP.**

Status of Council request to the Director to issue a letter of non compliance to the floating fish trap operators who have not adhered to the new regulations: M. Gibson stated that due to the shuffling going on in the Directors office with the current acting directors resignation, this issue had not been dealt with and had finally been remanded

back to the DFW. M. Gibson went on to state that the DFW was currently in the process of drafting the letter and would send them out shortly. G. Allen asked that this be added to the April meeting agenda again for an update.

2005 licensing update: M. Gibson stated that all of the applications were in and the DEM had categorized and prioritized the applications with regard to accessing new endorsements. There were more applicants than endorsements available therefore a lottery was being held on the following Monday to choose the remainder of the applicants who would be receiving new endorsements.

Other Business

Policy statement from DEM on regulatory change and agenda additions: M. Gibson stated that DEM legal counsel can not find any specific regulation or rule that requires the Council to follow a specific protocol when adding agenda items. M. Gibson stated that he would draft a straw-man policy document for the Council to consider and they could then submit this after Council review as the policy for bringing agenda items to the Council. The ability to petition for regulatory change had been discussed at the previous months meeting.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary