

RI Marine Fisheries Council
 Summer Flounder Advisory Panel Meeting Minutes
 October 3, 2012, 9:00 AM
 URI East Farm Campus

R. Hittinger, Chairman	M Bucko*
J. Shelly	B. Mackintosh
L. Shelly	S. Anderson
C. Grandquist*	E. Cook*
D. Monti	S. Parente
J. Tremblay*	B. Mattiucci*
J. Dougherty ^A	A. Gewirtz*
D. Fox ^A	C. Brown*
L. Jordan*	J. McNamee, DFW staff

(* = primary advisory panel member; ^A = alternate member)

R. Hittinger began the meeting. He stated that J. McNamee of the RI Division of Fish and Wildlife (DFW or Division) had a presentation which covered the first agenda topics. R. Hittinger stated that after the presentation the panel would discuss any proposals they may have for summer flounder management in 2013. Two had been submitted prior to the meeting, not including the DFW's proposal. He noted that there was a quorum present therefore they would be able to vote on proposals, which could then be forwarded to the RI Marine Fisheries Council (RIMFC).

J. McNamee began the presentation (attached). J. McNamee reviewed current stock status for the group, the main point of which was that the stock is no longer overfished and overfishing was not occurring. According to the 2010 updated stock assessment, the stock was considered rebuilt, though biomass had dipped back below the target in 2011 according to the stock assessment update. Despite the general good news on stock status, the quota for summer flounder was decreasing in 2013. Briefly, he stated that this was due to a retrospective pattern in the recruitment information being generated by the stock assessment. He then moved on to RI commercial fishery performance in 2012. The commercial fishery had an underage in the winter 1 sub period. The pounds from the underage were distributed to the remaining sub periods. The quota was on track to be completely utilized, though a few downward modifications to the starting possession limits had been needed in 2012. The DFW offered a couple of proposals for consideration. The first was a proposal that modified starting possession limits to account for the approximately 10% decrease in quota, but more importantly, also modified the sub periods dates for the summer and winter 2 sub periods by ending the summer sub period on September 15 and starting the winter 2 sub period on September 16th. Despite the modification to the sub period dates, the allocation set up would remain the same. In addition to this DFW supported option, a second concept was added for discussion. The Director of the Department of Environmental Management (DEM) was very interested in providing more flexibility to fishermen which she feels could provide them with less constraint on their business models and at the same time decrease the level of discards

created under the current management program. The proposal offered by the DFW for discussion was removing the requirement to have a summer flounder exemption certificate to be able to participate in the summertime aggregate program. The DFW went on to note though that this was a non preferred option for two reasons. The signal was made clearly at the previous meeting on the exemption certificate that removal of this requirement was not preferred by most fishermen. The second reason that this was a non preferred option was due to the decreasing quota for 2013. For these reasons the DFW asked that fishermen give some specific guidance on this concept, but stated that the DFW thought this would be a risky action to take for 2013 management.

R. Hittinger asked for presentations on the submitted proposals. He started with the proposal from the RI Commercial Rod and Reel Anglers Association (RICRRAA). S. Parente gave the presentation on the proposal (attached). The point of their proposal was that they supported status quo for 2013.

R. Mattiucci asked to make a statement at this point. He questioned the inclusion of the sector proposal (one of the submitted proposals for the meeting), he felt this was done in an underhanded manner and didn't think it should be included in the discussion. R. Hittinger stated that it had come in prior to the meeting and had been posted on the website with the other proposals, though he also indicated that it had come in later than the original postings.

R. Hittinger then asked what the position was of the RICRRAA on the DFW proposal. S. Parente stated that they wanted to hear discussion first but may modify their position based on subsequent discussion.

Discussion then moved to the DFW proposal. D. Fox asked why the summer wasn't taking a hit when the other sub periods were. He felt this had been an ongoing scenario as they had Friday and Saturdays open last year and now they were getting additional allocation in to their sub period. M. Gibson, Deputy Chief of the DFW, stated that D. Fox was somewhat correct that by decreasing the amount of time and keeping the allocation the same, there was a net benefit to the summer fishery, but he felt this would better serve the idea of delivering the pounds allocated to the summer period to those participants. The current system did not meet this objective well as the summer period currently encompassed both the summer inshore fishery and a fall offshore fishery, which made the sub period very difficult to administer in an equitable fashion.

R. Mattiucci also agreed with what D. Fox had said, but referring back to the slide on participation, he felt it was time for the summertime fishery to be recognized as having the most participants and as an important fishery for the state.

C. Brown stated that he felt the summertime fishery should take a cut just like everyone else in 2013, and felt that the DFW proposal was unfair in this regard. D. Easay (SP?) disagreed with both D. Fox and C. Brown. He liked the DFW proposal. He felt that staying at 100 pounds in the summer was critical for mid sized operations. He felt that this proposal would finally deliver the pounds to the intended user group.

C. Grandquist stated that he supported D. Fox and C. Brown's statements in that this change would not be fair to all of the user groups as it benefitted the summer to the detriment of the other two sub periods.

M. Bucko felt that the DFW was trying to do what was fair, and thought the previous systems were not particularly fair to the summer sub period. He remembered this panel asking for this fairness to be considered in the past, so the DFW was following through on this industry request. He felt that the DFW proposal did a good job of delivering the summer sub period allocation to the group it was meant to be delivered to.

R. Hittinger asked that the other proposal that had been offered be presented. C. Brown gave the presentation (summary handed out at the meeting attached). He stated that the proposal would re-implement a program very similar to the pilot program that had run in the past. He felt that the original program promoted efficiency and did not harm the other fishers in any way. He went on to state that he was very disappointed in the DEM for not following through on the processes that they had promised after the fluke symposium that was held in early 2012. He did not think that reinitiating the same program as before was the optimal way to proceed, but given that the DEM had not acted to initiate some other process, he felt that this may be their only alternative for the short term. R. Hittinger asked for the DFW or DEM perspective. M. Gibson stated that he encouraged C. Brown to submit this proposal as he felt it was his right to do so for his group or any other group that had ideas about management of fluke in RI. He stated that he was confident that the DFW could implement a similar program to what had been in place for the pilot program in 2013, although to implement it right for January 1st might be a little difficult. R. Ballou asked C. Brown if his proposal was to have a completely open system as was the case before. C. Brown stated that he was responsible for his group so could not speak on behalf of others that might be interested, but he assumed the DEM would have a system that could accommodate not just his group but other groups as well.

At this point, R. Mattiucci claimed that this whole meeting was a travesty and that he was totally opposed to even discussing the proposal. He also indicated that he was protesting the meeting and would take legal action as well. He wanted that on the record. R. Hittinger addressed some of the things that R. Mattiucci stated by stating that this discussion should happen at the AP rather than in other venues and restated that the proposal had come in ahead of time and had been posted.

B. Mackintosh stated that there were protections for the inshore rod and reel fleet therefore they shouldn't be so afraid of those types of impacts and he further stated that the sector program was the most successful program he had ever participated in.

D. Monti also spoke on the sector proposal stating that he saw the benefits for those involved with the program but wondered about those not directly involved with the sector, were there benefits to them. C. Brown stated that there was an economic analysis that indicated there were economic benefits for all fishers during the program and the fact that they could decrease discards so dramatically would have benefits to fishers because

of the benefits to the resource. C. Brown concluded by stating that the RI fishery needed to start managing more with an eye towards mortality rather than landings. The sector program does this.

S. Parente stated that the one mile limit was ineffective so did not offer protection for the inshore fishery and he felt this would increase effort inshore in the summer, impacting the inshore fishery negatively. G. Tremblay stated that the program had changed over time and he felt all of the changes were simply made to benefit the sector.

E. Cook asked about observer coverage. This would need to be continued to ensure ongoing benefits of the program. There was a discussion on this, but all were in agreement on this need, though how to pay for it in the long term was a question.

R. Hittinger wanted to vote on the proposals. [Note: C. Grandquist left the meeting prior to voting so J. Dougherty voted as his official alternate]. The first was on the sector proposal since they were just discussing this. **The motion was to approve the sector program to move forward for 2013. There were 5 votes to approve (C. Brown, J. Dougherty, E. Cook, M. Bucko, L. Jordan), 2 votes opposed (G. Tremblay, R. Mattiucci), and 1 abstention (A. Gewirtz).** [Note: Following the meeting, C. Brown withdrew his sector proposal for 2013, so it was not noticed for public hearing].

The next vote was on the RICRRAA proposal. **The motion was to approve the RICRRAA proposal for status quo in 2013. The vote was unanimous to approve.**

The final vote was on the DFW proposal. **The motion was to approve the DFW proposal for moving forward in 2013, but for clarification this was without the aggregate portion of the proposal. There were 4 votes to approve (G. Tremblay, R. Mattiucci, E. Cook, M. Bucko), 3 votes opposed (L. Jordan, C. Brown, J. Dougherty), and 1 abstention (A. Gewirtz).**

M. Gibson requested that the group address the aggregate portion of the DFW proposal so this discussion could help inform the DEM. He reiterated the desire of the Director to seek alternate management strategies to increase flexibility for fishermen.

D. Fox stated that he saw problems with making an aggregate program wide open. He thought they should at the very least make sure it is limited if not by the exemption certificate, then by only allowing residents to participate or something to that effect.

D. Easay (SP?) stated that we should proceed very cautiously with allowing this program to be wide open.

S. Parente stated that the RICRRAA totally opposes the removal of the exemption certificate requirement.

B. Mackintosh stated that there was an indirect problem that would develop and that was going to be displaced effort from the lobster fishery, so this is another reasons to be cautious.

C. Brown restated that the fishermen should be focusing on tackling mortality rather than simply constraining landings. He thought they could recommend opening some new permits but it should be done in a cautious manner, it should not be thrown wide open.

J. Shelly stated he thought they should open some new permits or activate some latent ones, but that there should be requirements for getting one of them, like historical landings and residency. R. Mattiucci agreed with these comments.

M. Bucko also stated that the exemption certificate issue should be approached cautiously and should be done in a metered way.

R. Hittinger suggested voting on the proposal just to be clear. **The motion was to remove the exemption certificate requirement for participation in the aggregate program in 2013. The group unanimously opposed the motion.**

There was further discussion on the idea that the group should be focusing on mortality rather than landings. To go along with this B. Mackintosh stated that the aggregate should contain a requirement that gillnetters remove their nets when the aggregate limit was reached. There was further discussion but there was consensus that the group should consider mortality as they move forward with management.

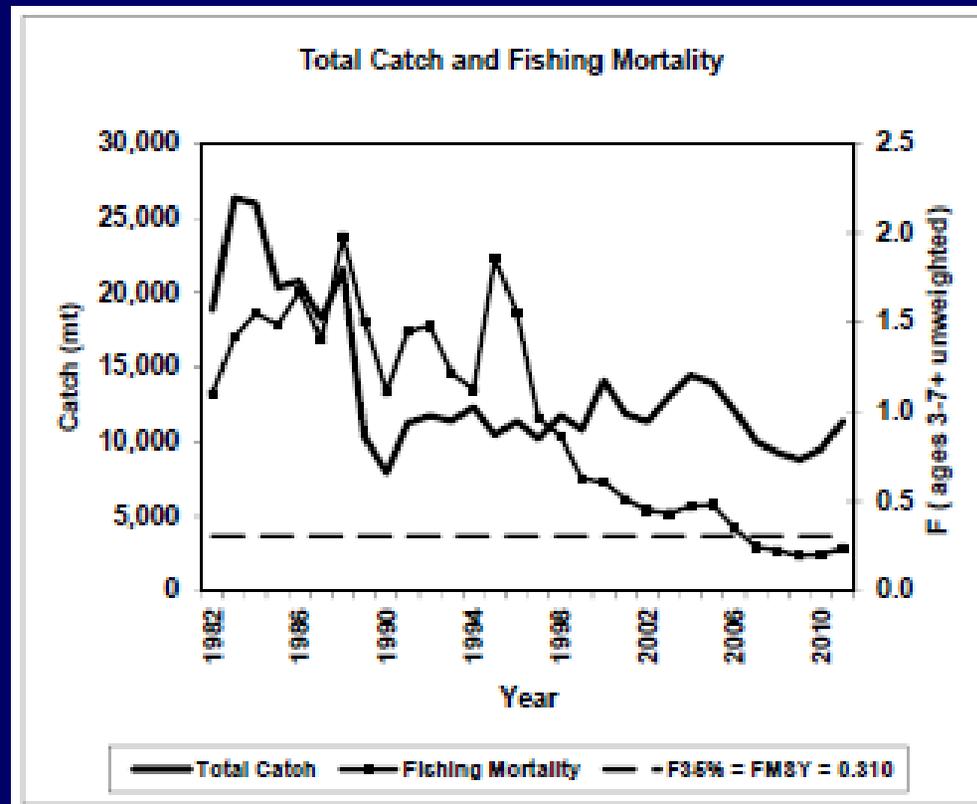
R. Hittinger adjourned the meeting at this point.

**Summary of Summer
Flounder Stock Status, 2012
Rhode Island Commercial
Fishery Performance, and
DFW Recommendations for
the 2013 Summer Flounder
Fishery**



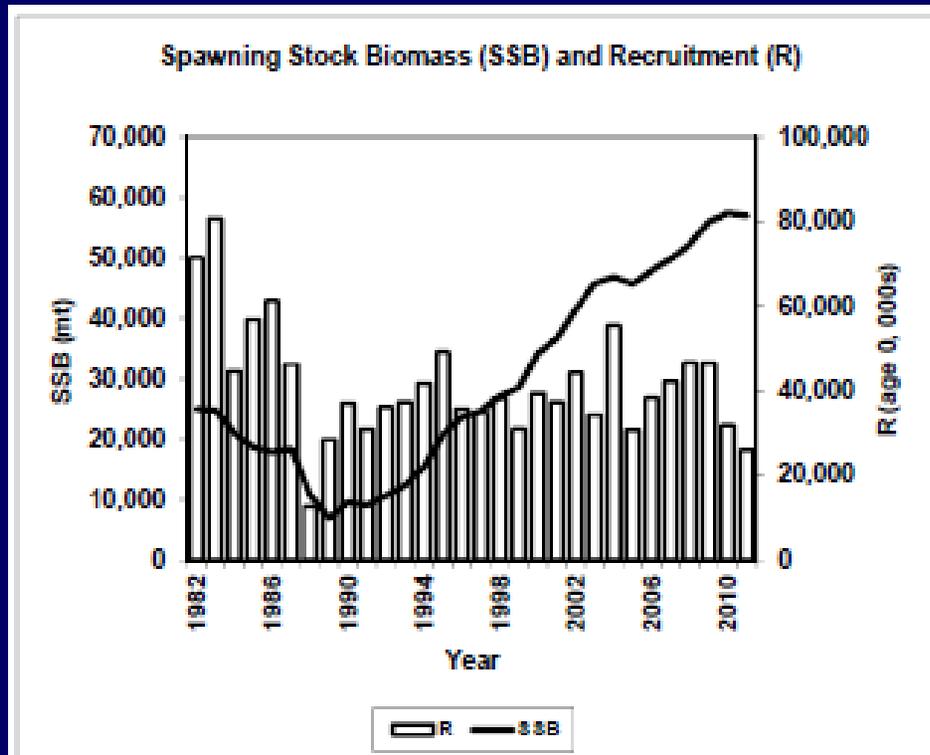
Summer Flounder Stock Status

- **Stock Status:**
 - The summer flounder stock is not overfished and overfishing is not occurring relative to 2008 SAW 47 biological reference points.
 - Further summer flounder is considered rebuilt.
 - Fishing mortality was estimated to be 0.241 in 2011, below the threshold F reference point = 0.310 and the F target = 0.255.



Summer Flounder Stock Status

- **Stock Status:**
 - SSB estimated to be 125.7 m lbs in 2011, below the SSB reference point = 132.4 m lbs but above the SSB threshold = 66.2 m lbs.
 - The 2011 year class is currently estimated to be about 26 million fish, below the average of 42 million fish
 - A retrospective pattern in recruitment is evident, the 2008 and 2009 large year classes have dropped significantly in recent updates



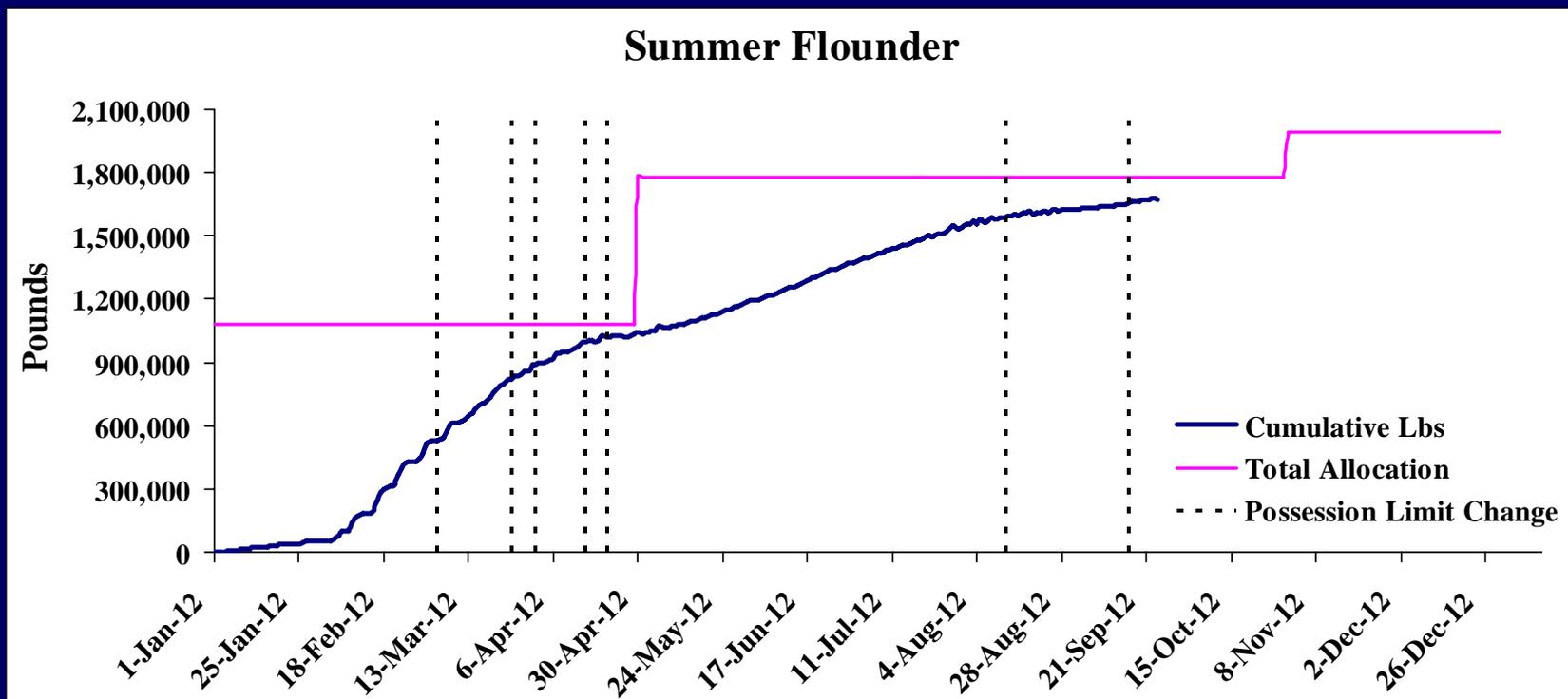
Summer Flounder Management Measure Recommendations 2013

•MAFMC and ASMFC Board Approved quota for 2013:

- A coastwide commercial quota of 11.44 m lbs (10% decrease from 2012).
- RI commercial quota (15.7% of coastwide) = 1,796,080 m lbs
- No change in mesh requirements (5.5 inch diamond or 6 inch square minimum mesh), minimum commercial fish size requirements (14 inch-TL), nor other gear requirements.
- No change in the current small mesh exemption program (SMEP) or flynet exemptions.



RI Fishery Performance - Commercial Landings

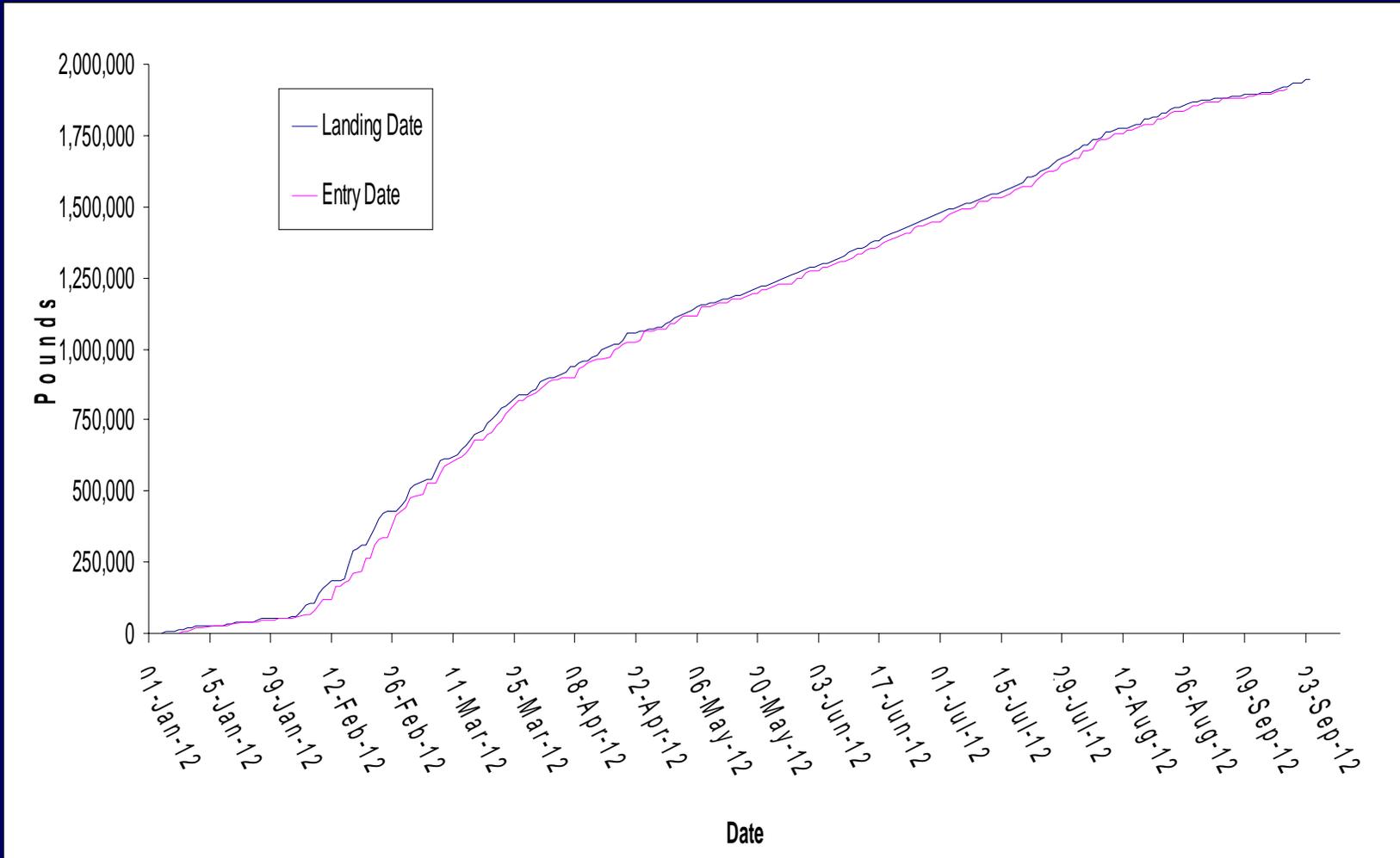


Possession Limit Changes:

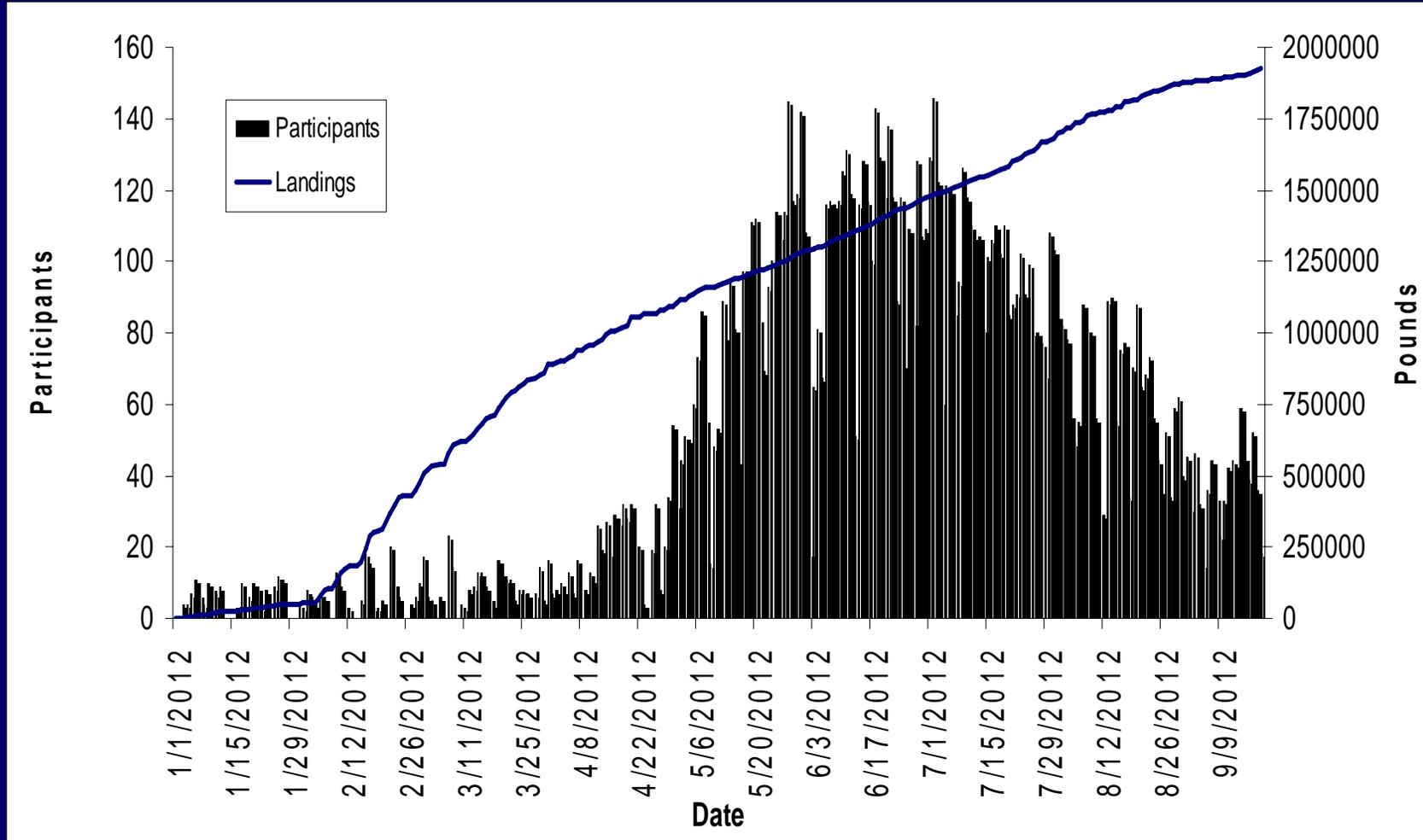
- 1/1/12 - 500 lbs/day
- 2/5/12 - 500 lbs/day; 3500 lbs/wk (aggregate)
- 3/4/12 - 500 lbs/day; 2500 lbs/wk (aggregate)
- 3/25/12 - 500 lbs/day; 2000 lbs/wk (aggregate)
- 4/1/12 - 300 lbs/day; 1500 lbs/wk (aggregate)
- 4/15/12 - 500 lbs/day
- 4/21/12 - 100 lbs/day
- 6/1/12 - 100 lbs/day; 700 lbs/wk (aggregate)
- 8/12/12 - 50 lbs/day; 350 lbs/wk (aggregate)
- 9/16/12 - 100 lbs/day; 700 lbs/wk (aggregate)



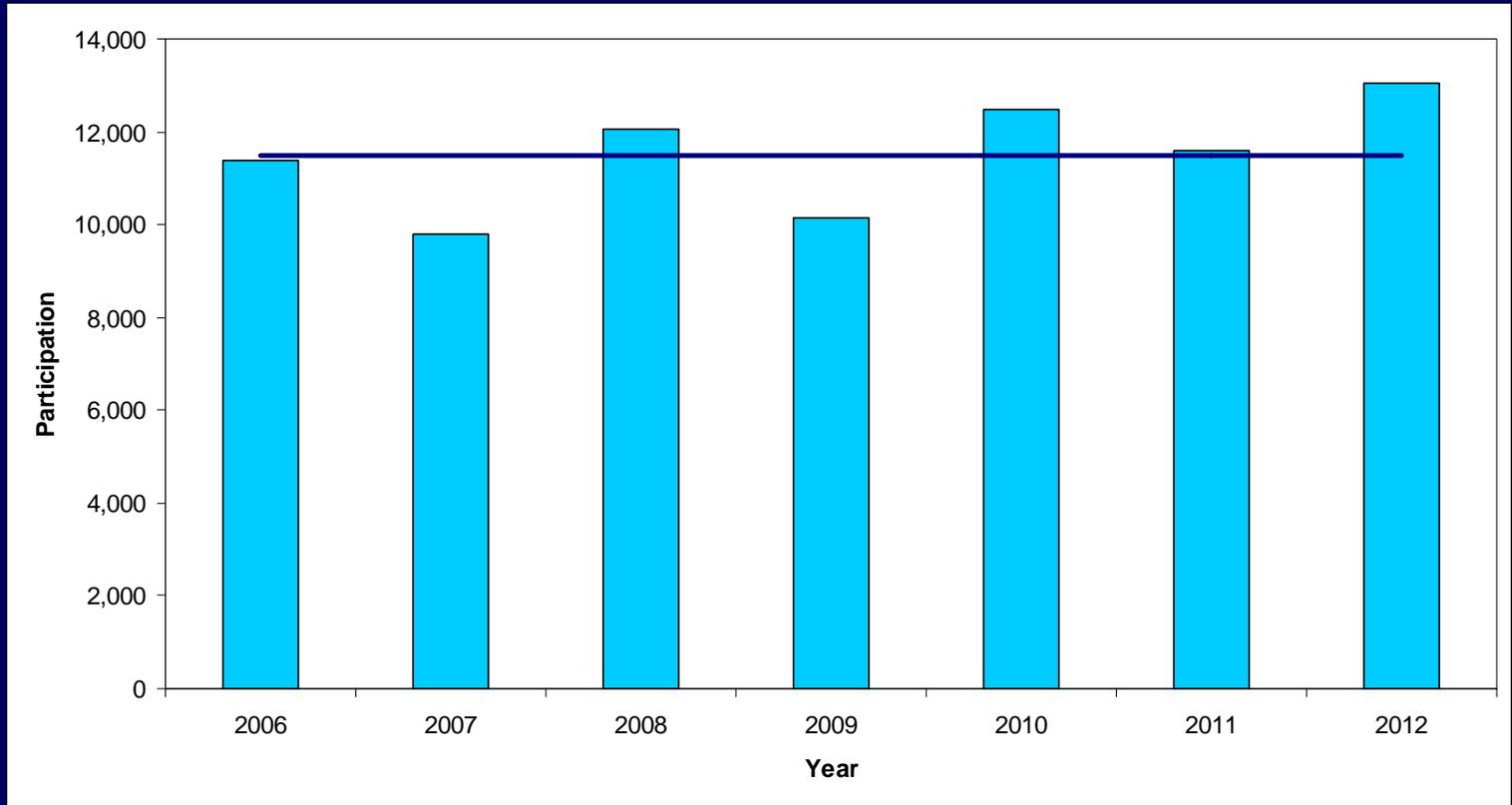
RI Fishery Performance – Dealer Reporting



Commercial Landings – Change in Effort Within Season 2013



Commercial Landings – Change in Effort Between Years



- Data is only through late September in each year



Commercial Landings – Aggregate Program

- Total participation was 51 in the Winter Aggregate Program and 14 in the Summer Aggregate Program
- Total times participants landed over the weekly aggregate amount were 27 to date
- The total additional pounds landed for entire state period (to date) were 6,001 lbs (less than 1% of Allocation)



RI Commercial Fishery Performance

- ◆ There was a 37,976 pound underage in first period (2% of total quota)
- ◆ This underage was split between the two remaining sub periods per regulation, therefore each sub period gained 18,988 lbs
- ◆ The summer sub period is on track to be fully utilized without a closure
- ◆ The possession limit dropped below 100 pounds for 5 weeks in the summer sub period in an effort to avoid an overage or closure
- ◆ Effort to date reached a maximum of 147 participants per day on July 7



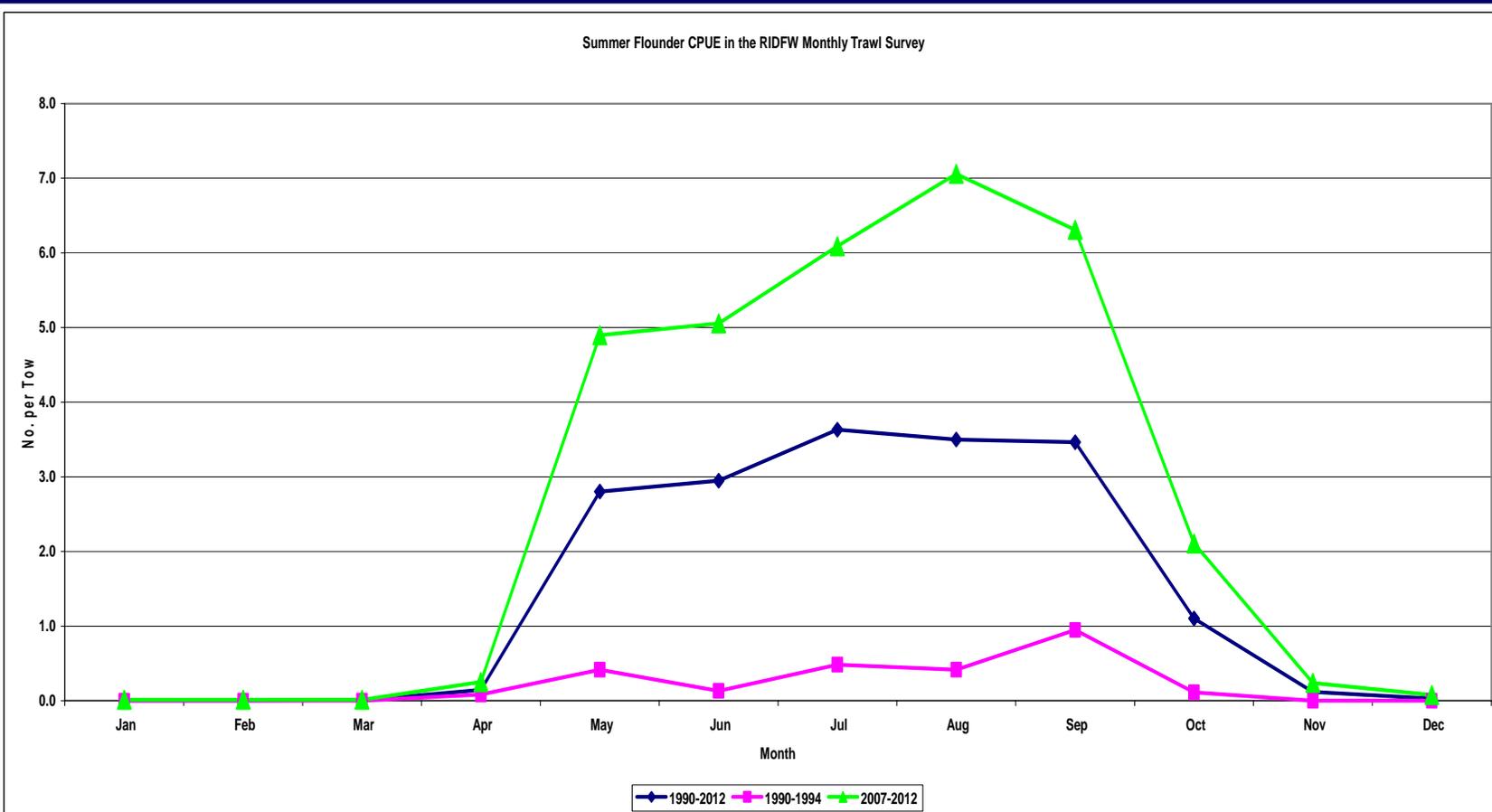
Preliminary 2013 Commercial Allocations

- RI 2013 Projected Commercial Quota (RSA included) = 1,796,080 lbs
- RI 2013 Projected Commercial Quota (w/ RSA removed) = 1,742,198 lbs
- RI 2012 Commercial Quota = 1,966,400 lbs
- 2013 has a decrease of 224,202 lbs (11% decrease)
- 2013 Allocations based on estimated RI Quota:
 - Winter 1 54% = 940,787 lbs
 - Summer 35% = 609,769 lbs
 - Winter 2 11% = 191,642 lbs
- For reference, 2012 adjusted allocations:
 - Winter 1 54% = 1,078,056 lbs
 - Summer 35% = 698,740 lbs
 - Winter 2 11% = 219,604 lbs



DEM/Marine Fisheries Proposed Changes

- ♦ The Division feels that the current long summer sub period is not accommodating to the different user groups participating in the beginning and the end of the period
- ♦ As well the Division feels the current long summer sub period does not reflect the biological characteristics, e.g. the migratory patterns, of the current stock when in local waters



DEM/Marine Fisheries Proposed Changes

- ♦ The Division recommends the following starting possession limits for 2013:
 - ♦ Winter 1 = 300/day; Aggregate Period 2,500/week or 400/day
 - ♦ Summer = 100/day; Aggregate Period 700/week or 100/day
 - ♦ Winter 2 = 200/day
- ♦ Further the Division proposes altering the sub periods as follows:
 - ♦ Winter 1 (1/1 – 4/30; 54%) = 300/day; Aggregate Period 2,500/week or 400/day
 - ♦ Summer (5/1 – 9/15; 35%) = 100/day; Aggregate Period 700/week or 100/day
 - ♦ Winter 2 (9/16 – 12/31; 11%) = 200/day
- ♦ As well, in an effort to look towards providing fishermen with more flexibility, the Division offers the following for consideration:
 - ♦ Removing the requirement for a fluke exemption certificate for access to the aggregate program
 - ♦ The Division feels that caution should be exercised when considering this option as previous analyses have indicated a potential for increased effort, and coupled with a lower quota, could lead to premature closures
 - ♦ This is therefore a non preferred option, but the Division wishes to get feedback from the AP on this concept
 - ♦ Are there any situations where this increased flexibility could be exercised, i.e. winter only, summer only, both periods?

