

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Summary of Meeting Minutes**  
**April 1, 2013 – 6:00PM**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

RIMFC Members Present: R. Bellavance, K. Booth, R. Hittinger, D. Monti, and  
W. Mackintosh, III

RIMFC Members Absent: J. Grant

Chairperson: M. Gibson (filling in for B. Ballou)

RIDEM DFW Staff: N. Scarduzio, J. McNamee, P. Duhamel, J. Lake, K. Smith,  
N. Lengyel, and Anna Webb

RIDEM Staff: L. Mouradjian and G. Powers,

RIDEM Law Enforcement: J. Poccia

Public: Approximately 13 people attended the meeting.

M. Gibson called the meeting to order. He asked if there were any modifications to the agenda. Hearing none, he asked if there were any objections to approving the agenda. **Hearing no objections, the April 1, 2013 Council agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from March 4, 2013. M. Gibson asked if there were any modification to the minutes. M. Gibson noted that B. Ballou had a request for an edit to the minutes and asked N. Scarduzio to read the modification. N. Scarduzio stated that B. Ballou wanted to clarify a statement he had made on page 6, second paragraph, and second sentence. It should state the following; “B. Ballou indicated that it might be an APA matter, in addition to being a Council matter, to consider reverting the status of a shellfish management area; regardless, the matter is not properly before the Council at this time.” M. Gibson asked if there were any objections to approving the March 4, 2013 minutes as amended. **Hearing no objections, the March 4, 2013 minutes were approved as amended.**

**Public Comments**

C. Brown discussed his use of rockhopper gear and roller gear years ago which contributed to the demise of blackfish (tautog), not knowing the biology of the resource. He stated he would like to see the RIMFC and the state entertain the option of limiting the size of the maximum rockhopper gear allowed in state waters to 12 inches. He noted that everyone had rollers now and he routinely saw fishermen who were squid fishing along the shore with 16 to 18 inch gear and they were going anywhere they wanted. He felt the areas they were fishing in were critical habitat that was being destroyed. He asked that the state adopt a similar law that Massachusetts had adopted that allows for no larger than 12-inch rockhoppers. He emphasizes this was a commercial fishermen making a recommendation to limit a specific type of gear because of the detrimental effects it has on a fish he has grown fond of since he helped wipe them out. He also stated that alterative gear for avoiding flounder should be the next subject but he noted there should be more commercial fishermen present for that conversation.

There was Council discussion as to how they should handle C. Brown’s request. Council

members indicated they were supportive of the request and thought the subject should be a topic for the Industry Advisory Committee (IAC) to review and discuss. Since an IAC agenda would be reviewed later in the agenda, the Council members decided to think about adding the item to the IAC agenda(s).

C. Brown also commented that the IAC should have a discussion about using more selective gear to avoid flounder.

S. Parente noted that the Magnuson Act was recently reopened for discussion and he wanted to know if our congressional officials or state delegates made any mention of the corridor from Block Island to the main land for state licensed only vessels during that process.

M. Gibson responded that he was aware that it was an issue for the state of RI but he did not know if that issue had been moved into the Magnuson discussions that were going on. Gibson indicated he would consult with B. Ballou and the Director on the matter.

### **Advisory Panel Reports:**

*Summer Flounder AP meeting (01/30/2013) – R. Hittinger:*

R. Hittinger summarized the minutes noting that the primary topic was recreational summer flounder for the 2013 season. The AP recommended an 18-inch minimum size/8 fish bag limit/season from May 1 through December 31.

*Scup/Black Sea Bass AP meeting (01/30/2013) – W. Mackintosh, III:*

W. Mackintosh, III summarized the minutes indicating the consensus of the group was as follows: Part & Charter should remain with all other elements the same as status quo, but increase the bonus season bag limit to 45 fish. The general category should maintain all other elements the same as status quo but decrease the minimum size to 10 inches. For the black sea bass fishery the group was not able to give any clear recommendations because information at the time had not been available since the ASMFC board was still deliberating.

*Tautog AP meeting (01/30/2013) – R. Hittinger:*

R. Hittinger summarized the minutes indicating the group discussed extending the season by having an earlier start than the current April 15 start date such as March 1 or March 15. The group voted and recommended moving the start date to March 1.

*Menhaden AP meeting (02/11/2013) – D. Monti:*

D. Monti summarized the minutes indicating the group discussed two proposals; one in reference to the Narragansett Bay monitoring program and the second was in reference to the recreational possession limit. The proposals that went forward to public hearing were for status quo and a proposal to remove the harvest cap.

### **New Business**

*Council recommendations on March 13, 2013 Public hearing items:*

#### **1) Recreational Summer flounder management plan for 2013:**

*Proposal #1 – Recreational size, possession limit, and season:*

M. Gibson asked for the Division recommendation. J. McNamee, representing the Division of Fish and Wildlife (DFW), stated that both options would comply with ASMFC, and the Division supports the summer flounder AP approved option, which is to decrease the minimum size limit to 18 inches from 18.5 inches for 2013.

**K. Booth made a motion to recommend that the Director adopt Option 2 with a minimum**

**size of 18 inches/May 1 through December 31 season/8 fish bag limit for the 2013 recreational summer flounder management plan. R. Bellavance seconded the motion.**

There were no comments made by the Council. A RI Saltwater Angles' Association (RISAA) representative stated they supported option 2, to decrease the size limit.

**M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt the 2013 recreational summer flounder management plan; a decreased size limit to an 18 inch minimum size (from 18-1/2 inches), a bag limit of 8 fish, with a season from May 1 through December 31 (status quo from last year). The vote was five in favor: (R. Bellavance, K. Booth, D. Monti, R. Hittinger, and W. Mackintosh, III). The motion passed 5/0.**

## **2) Recreational and Commercial Tautog management plans for 2013:**

### *Proposal #1 – Recreational size, possession limit, and seasons:*

M. Gibson asked for the Division recommendation. J. McNamee stated the DFW recommended status quo at this time since the proposed start date has already passed making timely implementation impossible. Moreover, tautog is going to a benchmark stock assessment in 2013. This benchmark could result in a stock assessment model change, the results of which are unknown. The Division does not think it is advisable to change management for this species during what could be a period of transition. Therefore, the Division recommends staying at status quo.

There was brief Council discussion about whether they could implement the March recreational start date for next year or not. R. Hittinger suggested we try to start the process earlier next year so that we may be in a better position to start the season earlier in 2014.

**R. Bellavance made a motion to recommend that the Director remain with status quo for the 2013 recreational tautog management plan. W. Mackintosh, III seconded the motion.**

C. Brown stated a concern they had in the commercial tautog fishery which was any expansion to a March 1<sup>st</sup> date, in following years, could make tautog a bycatch of the codfish fishery. He was also concerned that there needed to be more at sea enforcement with out-of-state charter boats. Audience members indicated they were also in support of status quo.

There was no discussion on the motion by the Council.

**M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director remain with status quo for the 2013 recreational tautog management plan. The vote was five in favor: (R. Bellavance, K. Booth, D. Monti, R. Hittinger, and W. Mackintosh, III). The motion passed 5/0.**

### *Proposal #2 – Commercial size, possession limit, and seasons for Tautog:*

M. Gibson asked for the Division recommendation. J. McNamee stated the DFW recommended status quo. **R. Hittinger made a motion to recommend that the Director remain with status quo for the 2013 commercial tautog management plan. D. Monti seconded the motion.**

There was no discussion on the motion by the Council.

C. Brown wanted to know if the findings from the tagging study, done years ago, would support a regional approach to solve the tautog problem or would it dispute it. M. Gibson indicated it would support it.

**M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director remain with status quo for the 2013 commercial tautog management plan: (16 inch fish/ 10 fish per vessel per day, April 15 – May 31/ closed June 1 – July 31/ 10 fish per vessel per day, August 1- Sept 15/closed Sept 16 - October 14/ 10 fish per vessel per day, October 15 – December 31). The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.**

**3) Recreational Scup management plan for 2013:**

*Proposal #1 – Recreational size, possession limit, and season:*

M. Gibson asked for the Division recommendation. J. McNamee stated the DFW supports Option 3, which also meets the priorities of the advisory panel and the requirements of ASMFC.

**R. Hittinger made a motion to recommend that the Director adopt Option 3 for the 2013 recreational scup management plan:**

**General Rec. mode = May 1 – December 31; 10 inch fish; 30 fish bag limit**

**Party and Charter mode = May 1 – August 31; 10 inch fish; 30 fish bag limit**

**September 1 – October 31; 10 inch fish; 45 fish bag limit**

**November 1 – December 31; 10 inch fish; 30 fish bag limit**

**W. Mackintosh, III seconded the motion.**

There was Council discussion in support of keeping the minimum sizes the same for both fishing modes. J. Poccia, DEM Law Enforcement, indicated they would prefer to have one size limit.

K. Court stated he was in support of Option 3.

**M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt Option 3 for the 2013 recreational scup management plan:**

**General Rec. mode = May 1 – December 31; 10 inch fish; 30 fish bag limit**

**Party and Charter mode = May 1 – August 31; 10 inch fish; 30 fish bag limit**

**September 1 – October 31; 10 inch fish; 45 fish bag limit**

**November 1 – December 31; 10 inch fish; 30 fish bag limit**

**The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.**

J. McNamee went on to explained option 4 and noted the Division supports the experimental shore mode fishery, which will consist of a reduced minimum size of 9 inches in three (3) specific locations. The locations would be Indian Point, Conimicut Point Park, and Stone Bridge. He also indicated this was ASMFC compliant.

**W. Mackintosh, III made a motion to recommend that the Director adopt option 4, the development of an experimental recreational scup shore mode fishery consisting of a reduced minimum size of 9 inches in the following three (3) locations; Indian Point Park, Conimicut Point Park, and Stone Bridge. D. Monti seconded the motion.**

K. Booth indicated he was in support of the motion but cautioned with concerns for abuse and enforcements ability to enforce different size limits. He also noted that there was correspondence in the public hearing packet from legislators in support of this experimental shore mode fishery so he was certain they would support DEM's request for additional funding in order to support the additional workload that would be needed to make sure the experiment worked.

M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt option 4, the development of an experimental recreational scup shore mode fishery consisting of a reduced minimum size of 9 inches in the following three (3) locations; Indian Point Park, Conimicut Point Park, and Stone Bridge as part of the 2013 recreational scup management plan. The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.

#### **4) Recreational Black Sea Bass management plan for 2013:**

##### *Proposal #1 – Recreational size, possession limit, and season:*

M. Gibson asked for the Division recommendation. J. McNamee explained that we needed to take a 32% reduction in harvest and the situation was still in flux and had not been finalized yet but one option that came to the surface was a split bag option. The Division feels that a proposal of a split bag season (3 fish from June 15 to August 31; 8 fish from September 1 through October 29) while maintaining the current minimum size is an option that meets the interest of the state while still being compliant with ASMFC requirements.

There was Council discussion on variations of bag limits and seasons. The Council decided to formulate a motion to give guidance to the Division so the Division could come up with a bag limit that would extend the season to as close to December 31 as possible.

C. Brown commented that the recreational fishery in the later part of the year is exclusively from vessels so you may want to entertain a four or five day week with a higher fish limit.

**R. Hittinger made a motion to recommend that the Director adopt a 13-inch fish/ 3 fish bag limit from June 15<sup>th</sup> to December 31<sup>st</sup> but bump up the bag limit to as high as possible on September 1<sup>st</sup>, to whatever bag limit would extend the season to close on December 31<sup>st</sup> for the 2013 recreational black sea bass management plan. K. booth seconded the motion.**

K. Court stated he was opposed to the motion and supported option 2, a later start and higher bag limit.

**M. Gibson asked for the vote. The Council voted in favor to recommend that the Director adopt an option with a 13-inch fish/ 3 fish bag limit from June 15<sup>th</sup> to December 31<sup>st</sup> but bump up the bag limit to as high as possible on September 1<sup>st</sup>, to whatever bag limit would extend the season to close on December 31<sup>st</sup> for the 2013 recreational black sea bass management plan. The vote was three (3) in favor: (K. Booth, R. Hittinger, and W. Mackintosh, III); one (1) opposed: (R. Bellavance); and one (1) abstained: (D. Monti). The motion passed 3/1/1.**

##### *Proposal #2 – Clarify the Total Length Measurements:*

**K. Booth made a motion to recommend that the Director adopt the language to clarify the total length measurement for black sea bass as proposed. D. Monti seconded the motion.**

There was brief Council discussion.

**M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt the language to clarify the total length measurement for black sea bass as proposed. The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.**

**5) Proposed amendments to the Narragansett Bay Menhaden Management Plan:**

M. Gibson asked for the Division recommendation. J. McNamee stated that the Division recommends status quo. The biomass floor and threshold meet one aspect of the management plan, but if the cap were to be removed, the additional elements such as leaving some biomass for recreational bait harvest would be lost.

**D. Monti made a motion to recommend that the Director remain with status quo for the 2013 Narragansett Bay Menhaden management plan. R. Hittinger seconded the motion.**

There was no discussion on the motion by the Council.

C. Brown suggested that it would seem that you would want fishermen to target the bigger fish as opposed to the smaller fish.

G. Allen stated that RISAA supported option 1, status quo.

**M. Gibson asked for the vote. The Council voted unanimously in favor to recommend that the Director remain with status quo for the 2013 Narragansett Bay Menhaden management plan. The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.**

**6) Proposed amendments to Part XIX – Fish/Shellfish Dealer Regulations regarding the reporting of research set aside (RSA), and to update regulatory citations for consistency with certain statutory changes.** M. Gibson indicated that either reporting field could be suitable so we do not need the Council to recommend a specific option but rather endorse improvements in the RAS reporting system depending on which way the Division and ACCSP go. J. McNamee stated the DFW was working closely with ACCSP and would recommend the data field that the ACCSP deems most appropriate for use in designating RSA.

**R. Bellavance made a motion to support and recommend that the Director adopt the data field that the ACCSP deems most appropriate for use in designating RSA. D. Monti seconded the motion.**

W. Mackintosh, III indicated this should be done as soon as possible.

**M. Gibson asked for the vote. The Council voted unanimously in favor to support and recommend that the Director adopt the data field that the ACCSP deems most appropriate for use in designating RSA to amend Part XIX – Fish/Shellfish Dealer Regulations and to update regulatory citations for consistency with certain statutory changes. The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.**

*RI Saltwater Recreational Fishing License Program Report – B. Ballou/K. Smith:*

K. Smith gave a power point presentation on the 2012 recreational saltwater fishing licensing program. He indicated that over 42,000 recreational licenses had been issued with fee revenues being approximately \$273,000 in 2012. He also gave a break down of the license types and noted that the number of licenses issued each year had been increasing. He also explained that the Division was looking into ways to increase the sales of licenses via different methods of advertising. K. Smith stated he wanted to inform the Council that the Division wanted to change the reporting period from the current calendar year to a fiscal year report. It was easier and less confusing to tie everything to a fiscal year, therefore the current report would be delayed until this fiscal year which would be this June or July.

M. Gibson asked the Council if they were in support of shifting the reporting time from a

calendar year to a fiscal year report. **K. Booth made a motion to support shifting the reporting schedule of the RI Saltwater Recreational Fishing License Program Report from a calendar year to a fiscal year. D. Monti seconded the motion.**

K. Court wanted to know why the publisher was charging so much for advertising, indicating that the cost was prohibitive for any party or charter boat to advertise in the fishing guide.

**M. Gibson asked for the vote. The Council voted unanimously in favor to support shifting the reporting schedule of the RI Saltwater Recreational Fishing License Program Report from a calendar year to a fiscal year. The vote was five in favor: (K. Booth, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.**

*Approval of two Industry Advisory Committee (IAC) Agendas – R. Bellavance:*

R. Bellavance stated he wanted to add an additional item to the July IAC agenda, which was the issue C. Brown had brought up at the beginning of the meeting regarding rockhopper gear. He wanted to add an item to review any rockhopper gear regulations that were currently in place and recommendations for possible modifications of regulations for rockhopper gear.

**M. Gibson asked if there were any objections from the Council to adding that item to the July IAC agenda. Hearing no objections the July IAC agenda as amended was approved.**

K. Booth wanted to know what the overall goal of the Department was when reviewing the licensing entry/exit levels pertaining to fisheries management. He commented that what was not looked at were the licenses that were sold with a business. He wanted to know if we were unintentionally phasing out a particular fishery or was it intentional. What was the philosophy we are working towards? M. Gibson stated he would try to answer the questions, he state this originally flowed out of the restructuring of the licensing regulations when the number of licenses being issued might be a way to restrict effort in fisheries. He explained there had been some discussion at the Department level and within industry as to whether this still makes sense now since we are in a catch limit type environment. Does the control of the number of licenses make sense any more in a catch limit accountability environment? Gibson commented that it needed some additional discussion at some point.

There was some brief Council discussion about the licensing process but no specific actions were suggested.

**M. Gibson asked if there were any objections to approving the second August IAC meeting if needed. Hearing no objections the August IAC agenda was approved.**

*Approval of a Winter Flounder AP meeting and a Groundfish AP meeting to be held on the same night – R. Bellavance/K. Booth:* J. McNamee explained there were a few things going on at the federal level and the Division wanted to be prepared to be able to react to them such as changes to minimum sizes.

**M. Gibson asked if there were any objections to approving both the Winter Flounder and the Groundfish AP agendas. Hearing no objections, both agendas were approved.**

F. Blount asked if they were going to be able to fish for winter flounder.

M. Gibson stated that the Department needed to address the issue since winter flounder was going to be allocated again as opposed to a prohibited species so that sectors would be able to land 1,700 tons of winter flounder. The fishing year would start on May 1<sup>st</sup>. Gibson explained

that currently the states' regulations only allow for 50 pounds commercially. We needed to figure out a way to accommodate potential federally permitted vessels that can avail themselves of a greater limit than that to transit state waters and come home. He indicated that this AP may not happen soon enough so if the Council wanted to make a recommendation to the Director for an interim action that would accommodate that situation we would like to hear it.

M. Gibson suggested, unless the Council objected, **the Council advise the Director to find whatever way she needs to accommodate these additional federal fishing opportunities so these people can get home with their fish.** He noted that he understood the Council concerns and would move those concerns forward to the Director.

C. Brown expressed concerns that the state would be prohibiting federal vessels who developed their history would be prohibited from fishing in state waters in the month of May on their own quota.

*Approval of Lobster AP meeting Agenda – M. Gibson:*

M. Gibson reviewed the agenda and mentioned the Commission had adopted a number of actions relative to lobster and one of them involves lobster trap transferability so the lobster AP needs to address the issue. **M. Gibson asked if there were any objections from the Council to approving the lobster AP agenda. Hearing none, the agenda was approved.**

*Discussion on whether it is necessary to hold another Menhaden AP meeting and if necessary, Approval of Agenda – D. Monti:*

J. McNamee noted that it was up to D. Monti the Chair of the AP whether he thought there needed to be another AP meeting or not. McNamee explained that we needed to go to hearing at some point to enact state waters quota but it was not clear at the time of the previous AP meeting exactly how RI would fit into the program. However, it is now clear that RI would have to have language in our regulations that would state that RI would close when our state waters quota was reached. D. Monti felt it might be difficult to get people to show up for a meeting for just one item and thought there would be enough input through the public hearing process. He felt this was something that we were already doing anyway and did not think it was necessary to hold another AP meeting. M. Gibson asked Council members to weight in to indicate if they thought there needed to be another Menhaden AP meeting to take up this issue or not. After further discussion, and because there were still some things in flux with menhaden at the ASMFC level it was decided to hold another menhaden AP meeting. **The Council was in agreement to hold a meeting and approved the menhaden AP agenda.**

### **OLD BUSINESS:**

*Report/Update on the Winter Flounder fishery – M. Gibson/J. Lake:*

J. Lake, DFW, gave a power point presentation on the RI winter flounder fishery. He reviewed the local stock assessment, fishing mortality and maximum sustainable yield, landings and biomass, and recruitment and surface temperatures. He also reviewed predation on winter flounder by birds and seals. Conclusions were that both the SNE region and local RI assessment have low probability of winter flounder stock rebuild; local RI stock has been overfished for majority of time period during which data was collected; sea surface temperature has a negative effect on the stock productivity and resilience resulting in reduced maximum sustainable yield; predation has increased in recent years; and recruitment of age 1 and 2 is low. J. Lake indicated the next steps would be to complete a life stage analysis to determine recruitment bottlenecks, and to identify spawning aggregations.

W. Mackintosh, III emphasized the problem with the high population of seals in the area. He stated that fishermen were losing a high percentage of their catch to grey seals (up to 50%). He encouraged RI to join MA to prevent these predators from taking over the local fisheries. He commented that it was a question of preserving the fishermen, because they could not exist in the same ocean with some of these predators. He also commented that he thought the use of pingers on nets was like a dinner bell calling seals to the net to feed.

*Discussion on poor attendance of Groundfish AP and other AP's:*

K. Booth spoke about poor attendance. He thought maybe they could try to get some new members on the Groundfish AP who would show up for meetings. There was not too much discussion on this topic.

*Update on RIMFC vacancies – M. Gibson:*

L. Mouradjian stated that two individuals had been identified and would make their way through the Governor's office then on to the legislators for appointment.

**ASMFC- NEFMC:**

M. Gibson indicated there were no new meeting summaries for either the ASMFC or the NEFMC as they were distributed at the last Council meeting.

M. Gibson asked if there was any other business to come before the Council. Hearing none, M. Gibson asked if there were any objections from Council members to adjourn the meeting. Hearing none, the meeting was adjourned.

Meeting adjourned at approximately 9:00 PM.

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Nancy E. Scarduzio, Recording Secretary