

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
April 3, 2006
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

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

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee, N. Scarduzio

DEM Staff: R. Ballou

DEM Law
Enforcement: K. Blanchard

Public: 21 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. M. Gibson stated that the Council might want to add an item to discuss changing the May meeting date. It was also suggested that the Council receive an update on both New England Fishery Management Council (NEFMC) and Rhode Island Marine Fisheries Council vacancies. **There were no objections by the Rhode Island Marine Fisheries Council (RIMFC or Council) to approving the agenda with the modifications.** M. Gibson asked if there were any objections to approving the minutes of the March 6, 2006 Rhode Island Marine Fisheries Council meeting as submitted. **S. Medeiros made a motion to approve the minutes as submitted, there were no objections from the Council therefore the minutes were approved as submitted.**

Advisory Panel Reports

Summer flounder/scup/black sea bass: D. Preble gave the report. The panel discussed various management proposals for the 2006 recreational season. They began by discussing the summer flounder plan. **The panel approved remaining at status quo for summer flounder in 2006. The panel also approved remaining at status quo for the black sea bass management plan in 2006.** The panel then went on to discuss scup. The options presented by the Division of Fish and Wildlife (DFW) were modified by the panel. **The panel approved a season of June 1 through October 31 at a 25 fish bag limit for the private boat and shore mode and a season of July 1 through August 31 at 25 fish, September 1 through October 31 at 60 fish, and November 1 through November 31 at 25 fish for the charter/party boat mode.** J. McNamee stated that all of the options mentioned are noticed for public hearing. The public hearing will be on May 4, 2006 and will encompass summer flounder, scup, and tautog recreational measures as well as the winter flounder proposal which will be discussed later in the meeting. M.

Gibson stated that there might be a compliance problem with the advisory panel approved option for the charter/party boat mode; the DFW will look in to this. F. Blount noted that the party/charter boat representatives were willing to drop the month of July if this would be amenable to the Atlantic States Marine Fisheries Commission (ASMFC), as having the 25 fish in November was very important to the party and charter industry.

Winter flounder: K. Ketcham gave the report. The panel reviewed a report and PowerPoint presentation on the stock status of winter flounder. The main item up for discussion was the Coastal Marine Life Management Area (CMLMA). **The panel recommended moving the CMLMA boundary lines to meet up with the Colregs line at the mouth of Narragansett Bay.** There would be no possession of winter flounder north of this line and south of the line the restrictions would be the same as the rest of state waters. **They also supported removing the possession limit and permitting requirements for the CMLMA, the one exception being that the coastal ponds will remain at a 100 pound possession limit.** The reasons for this were that the fish need to be protected as they enter the bay to spawn and the permitting in the CMLMA was an unnecessary administrative burden, as it did not help in the restoration process for winter flounder. The panel went on to discuss the window of time allowed for dredging. **The panel supported a dredge window of October 15 – January 15 with no extensions allowed.**

B. Morris stated that one of the original purposes of the CMLMA was for safety concerns. He went on to state that removing the CMLMA would allow larger boats with more horsepower to come inshore and take winter flounder, thereby increasing effort on the stock. He also felt that the closure of the Sakonnet River was unwarranted, as the data did not show an increase in catch in this area. He felt that this new line would be detrimental to recreational fishermen who fish around Breton Reef. He went on to state that the real problem is not fishing pressure but water pollution, most notably chlorine pollution. He questioned an agenda being pushed by the chairman. K. Ketcham stated that B. Morris had expressed these views at the meeting and was advised that he could draft any counter proposals he thought were appropriate to bring forward at the public hearing.

M. Gibson stated that he was unclear how the dredge window agenda item got on to the winter flounder agenda, but he did not recall that this was on the approved agenda. He went on to state that he did not think that this was an appropriate discussion for the panel to have had.

Lobster: T. Angel gave the report. The main focus of the meeting was to discuss the draft regulations which were eventually to go to public hearing and stem from ASMFC addendum VII to the lobster fishery management plan. T. Angel went through the various sections of the draft regulations and the comments made by the panel members. **The panel made a consensus statement to have the draft regulations sent to the Council, including the changes agreed to during the panel meeting, and to have the Council approve the draft regulations for public hearing.** A second proposal came forward at the meeting. This proposal was brought forward by J. Low and basically had a minimum

trap level of 100 pots, even for those who would not qualify for any pots under the current draft regulations. **S. Medeiros made a motion to have the draft regulations with the amendments made by the advisory panel sent to public hearing as well as sending the J. Low proposal as an alternative. K. Ketcham seconded the motion.** There was a discussion about the intent of actively fished. The consensus was that the intent was the ASMFC's definition of actively fished, not the 75 days over two years as in RI regulation. They also discussed compliance issues. P. Brodeur suggested sending the equation used to calculate the trap number to all lobster fishermen so they have the opportunity to check this as people involved with the process have had the opportunity to do. **The Council voted 3 to approve (S. Medeiros, K. Ketcham, D. Preble) and one to oppose (S. Parente). The motion passed.** M. Gibson gave a review of Addendum VIII to the ASMFC lobster management plan.

Enforcement: S. Medeiros gave the report. The panel convened to discuss several proposals being brought forward by DEM Law Enforcement. The items discussed were a filet law, declaring a vessel commercial or recreational, consistency in penalty regulations, and questions from panel members to DEM Law Enforcement. The questions that were brought forward were about the new river herring regulations and out of state vessels fishing in RI. The panel recommended to the Council that they authorize the Enforcement advisory panel to meet again to further discuss the topics of a filet law and the commercial versus recreational declaration of a boat. **The Council had no objections to convening the Enforcement Advisory Panel again to continue discussion on the items mentioned.**

Shellfish: J. McNamee gave the report. The main agenda item was a discussion on the Greenwich Bay shellfish management area. There has been an annual glut of shellfish in the market caused by the opening of this area. The panel discussed several proposals to try and alleviate this problem. The panel requested that the Council approve the reconvening of the Shellfish Advisory Panel to discuss these proposals in further depth so that a finished proposal can be brought forward for Council consideration. The Council had a draft agenda before them to consider. **The Council had no objections to authorizing a follow up meeting of the shellfish advisory panel.** The panel also discussed the summer opening of Greenwich Bay, stating that it was not needed, and they requested a resume be sent out for a potential alternate nominee to the panel.

New Business

Council advice to the Director on public hearing items: J. McNamee went through the public hearing slideshow. The first item was the proposed closure on river herring in marine waters. These regulations had been promulgated through an emergency action, however Council advice was still necessary to make the closure permanent in regulation. All of the comments given during the public hearing, including written comments, were in support of the marine waters closure. The public comments made by the RI Saltwater Anglers Association included a caveat to have an annual report issued to the Council as well as convening a stakeholders group for this species. **D. Preble made a motion to recommend to the Director that he approve the regulatory language as presented at the public hearing. S. Medeiros seconded the motion.** There was discussion about

possessing river herring mixed in with lobster bait, etc. K. Blanchard stated that DEM Law Enforcement officers would use their discretion upon finding a violation indicating that it was proclaimed by industry to be a rare event to have river herring mixed in with bait. **The motion passed unanimously. The Council had no objections to recommending the DFW issue an annual report on the stock status of river herring as well as convening a multi stakeholder group in a workshop format to discuss this report.**

The next agenda item was tautog commercial management options for 2006. The options were status quo and a proposal to move the summer sub period start date to July 15 rather than August 1. **K. Ketcham made a motion to recommend to the Director that he approve the advisory panel approved option with a summer sub period start date of July 15. S. Parente seconded the motion. The motion passed unanimously.**

The next item was striped bass commercial management options for 2006. There were three proposals. The proposals were for status quo, a proposal that moves the spring sub period start date to June 10 rather than June 1, and a proposal from the RI Commercial Rod and Reel Anglers Association which adjusts the spring start date as well as implementing a dual bag limit. **K. Ketcham made a motion to recommend to the Director that he approve the advisory panel approved option that adjusts the spring sub period start date to June 10. D. Preble seconded the motion. The motion passed unanimously.** There was a discussion on removing the prohibition on gillnetting striped bass in state waters.

The last item was regarding state regulations on blue mussels. The statute regarding the minimum size of blue mussels was eliminated therefore the proposal was to update state regulations with the current statutory language and remove the minimum size from regulatory language. **D. Preble made a motion to recommend to the Director that he accept the changes as proposed. S. Medeiros seconded the motion. The motion passed unanimously.**

RI regulatory consistency with federal fishery management plans including monkfish: M. Gibson gave some background on the topic. Some individuals had raised concerns about a monkfish fishery that has been taking place in RI state waters. The concern was that there was little in RI state regulations that would prohibit an individual from landing large amounts of monkfish if this becomes available in state waters. The solution brought forward by an industry representative was to bring RI state regulations more in line with federal regulations with regard to monkfish. M. Gibson went on to state that there are other species that these same circumstances apply to. M. Gibson suggested a possible course of action would be for the Council to request that the DFW go back and develop a list of the items that may need to come in line with federal regulations, allow the Council to comment on these items, and then move forward to a public hearing later in the year. K. Ketcham stated that this was his preferred course of action. The industry representative was present and he stated that other states have come in line with the federal standards in the monkfish fishery, mainly concerning landing limits. He advocates a similar action in RI. **The Council had no objections to this course of action.**

Other Business

Advisory panel changes: J. McNamee stated that the Council had previously endorsed adding a CFL licenses holder to their Industry Advisory Committee (IAC). He had included an excerpt from the meeting minutes where this was discussed. The reason for bringing this up was to inform them that the individual whose resume was included in the packet, R. Bellavance, was a CFL license holder and wished to be added to the IAC. **The Council had no objections to adding R. Bellavance to the IAC.**

Council approval of tautog advisory panel agenda: A draft agenda had been included in the packet. J. McNamee stated that he had worked with the panel chair to develop the agenda. He also requested that the Council authorize adding one more item to the agenda. This item would be a discussion on a slot limit analysis; this was a follow-up item from a previous advisory panel meeting. **The Council had no objections to approving the agenda as submitted with the addition of the slot limit discussion.**

Council briefing on potential RI menhaden survey: The menhaden advisory panel had endorsed developing a survey to try and quantify the amount of menhaden removed from Narragansett Bay by the Arc Bait company. The survey would consist of an observer in a spotter plane that would conduct a visual survey and document the claimed size of menhaden schools by the spotter pilot. The amount would then be ground truthed by an observer who would meet the Arc Bait vessels at the dock who would document the amount of menhaden landed. This was brought forward to the Council after the advisory panel meeting who recommended to the Director of DEM that he look in to developing this survey. J. McNamee suggested that he would develop this recommendation in a letter to the Director and he would copy the Council on this letter so that they know it has been transmitted. K. Ketcham stated that he was concerned about what exactly this survey would produce, feeling that in the end it will just be anecdotal evidence. He did not want this to be used in a harmful way. M. Gibson stated that he did not want to make any promises about what the DFW will be able to do. He did feel that in a crude sense, an estimate would be able to be made regarding a fraction of removal from the Bay, but he did not think the DFW would be able to develop this as some sort of an annual index. S. Medeiros stated that the conflicting user groups are all in favor of trying this. **The Council had no objections to this course of action.**

Change the May Council meeting date: J. McNamee stated that a public hearing had been scheduled for May 4th and he asked the Council whether they still wanted to move forward with there pre-scheduled May 1st meeting or would they rather move the meeting to after the public hearing. **The Council suggested moving the meeting to May 4th to occur subsequent to the public hearing.**

Post agenda discussion

F. Blount suggested to the Council that they may not want to put tautog on the May 4th hearing as it may be contentious and should be carefully considered. He went on to state that the DFW should provide regulations for the adjacent states for the advisory panel to consider. He felt that out of state fishing, namely New York fishermen, were fishing in RI

waters and were negatively impacting RI's tautog stock.

D. Preble suggested opening up a discussion about reciprocity with other states regarding charter boat license fees. M. Gibson stated that this would be a good discussion for the IAC.

J. Low asked the Council to convene another striped bass advisory panel meeting as his organization was forwarding another proposal regarding commercial striped bass management. J. Fuscaldo stated the proposal being referred to was something the panel may want to start talking about earlier rather than later, noting that it was understood that the management plan for 2006 was set. M. Gibson stated that he would discuss this with the advisory panel chair.

R. Ballou wanted to let the Council know that the Director had considered the three nominees for the vacant New England Fishery Management Council seat and was forwarding D. Prebles name to the Governor as his recommendation. The Governor concurred and D. Prebles name has been forwarded to NMFS as RIs recommended nominee. He went on to say that C. Anderson had been recommended for the vacant Council seat and was awaiting legislative approval. J. McNamee stated that a letter of solicitation had been sent out for the Council seats that were set to expire this year.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary