

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
April 7, 2008 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members Present: G. Allen, C. Anderson, K. Ketcham, J. King, S. Macinko, S. Medeiros, S. Parente

RIMFC Member(s) Absent: M. Gibson

Chairperson: D. Preble

RIDEM F&W Staff: T. Angell, D. Erkan, J. McNamee, N. Scarduzio

DEM Staff: R. Ballou, L. Mouradjian

DEM Legal Counsel: Attorney G. Powers

Law Enforcement: Chief Hall, and staff member

Public: 34 people attended

D. Preble filling in for Chairman M. Gibson called the meeting to order. D. Preble stated there were three items he wanted to add to the FYI section of the agenda; 7(f) monkfish regulations, 7(g) transit issue and 7(h) legislative report. Preble asked if there were any other changes to make to the agenda. J. McNamee stated he had a brief announcement to make about tautog. D. Preble indicated he would go through the agenda first then go back to J. McNamee. Preble asked if there were any other changes to make to the agenda. Hearing none, a motion to accept the agenda was made by G. Allen and seconded by J. King. **The motion to accept the agenda as amended was unanimously approved by the Council.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the March 3, 2008 meeting. D. Preble asked if there were any modifications or changes to be made to the minutes. Hearing none, he asked for a motion to approve the minutes. **J. King made a motion to approve the minutes as written. C. Anderson seconded the motion. The motion to accept the March 3, 2008 meeting minutes as written was unanimously approved by the Council.**

D. Preble asked J. McNamee to make his announcement regarding tautog. J. McNamee stated that DFW staff had been handing out photocopies of both the 2008 recreational and commercial fishing specifications this past weekend at the RI Saltwater Fishing Show. There was an error for the recreational tautog opening season date. The date was printed as May 1 but it should have been April 15. McNamee wanted to make people aware of the error and stated that the department would also send out a news release. D. Preble asked if there were any questions or comments. There was none.

Advisory Panel Reports:

Lobster AP (3/20/08) – J. King: J. King read the minutes from the AP meeting stating there were approximately 25 people in attendance. There were three items discussed; (1) report on lobster escape vent study, with a motion to recommend to the Council that the State of RI (Director Sullivan) support a search for grant money to conduct a research project on the escape vent retention of the 2” lobster vent and 2-5/8” circular vents. (2) Definition of a lobster trap and other types of traps/pots, no recommendations were presented, and (3) Most restrictive rule, with a motion to recommend to the Council that the RI delegation to ASMFC support the ASMFC interpretation of the most restrictive rule; recommended that a subcommittee be formed to give this issue similar attention as the transferability issue.

D. Preble asked for questions and comments. There was discussion between Council members and audience members.

J. King made a motion to request that the State of RI (Director Sullivan) support a search for grant money to conduct a research project on the escape vent retention of the 2” lobster vent and 2-5/8” circular vents. G. Allen seconded the motion.

D. Preble asked for Council discussion on the motion. C. Anderson asked for clarification of the motion, he understood the motion to request that the Director write a letter in support of the application that would be attached to the application package. J. King confirmed his question. There were no other comments from the Council.

D. Preble asked for comments from the audience. There were some brief comments in support of the motion.

D. Preble called a vote on the motion to request that the State of RI (Director Sullivan) support a search for grant money to conduct a research project on the escape vent retention of the 2” lobster vent and 2-5/8” circular vents. The Council approved the motion unanimously.

J. King made a motion to recommend that the RI delegation to the ASMFC support the ASMFC interpretation of most restrictive rule; recommend that a subcommittee be formed to give this issue similar attention as the transferability issue. S. Medeiros seconded the motion.

G. Allen asked T. Angell if this was something we could ask of ASMFC or had the NMFS told us no way, or was this something that might work. T. Angell indicated deliberations were currently taking place and he thought the NMFS was looking at the ASMFC most restrictive language but he had no idea if they would adopt it or stay with what they had.

S. Macinko asked if this had any inter-play with Addendum XII that was coming up later in the meeting. T. Angell indicated that the most restrictive rule did have some tie-in with transferability. S. Macinko stated that he did not want to vote on something that would preclude discussion on Addendum XII. He indicated he would abstain from voting on the motion.

D. Preble called a vote on the motion to recommend that the RI delegation to the ASMFC support the ASMFC interpretation of most restrictive rule; recommend that a subcommittee be formed to give this issue similar attention as the transferability issue. The Council approved the motion with one abstention. Six (6) in favor: (K. Ketcham, J. King, S. Medeiros, S Parente, G. Allen, C. Anderson), one (1) abstention: (S. Macinko).

New Business:

Council recommendations on March 27, 2008 Public Hearing – J. McNamee:

In a power point presentation to Council members, J. McNamee summarized the public hearing items:

1) *Proposed maximum gauge size for the Area 2 lobster fishery:*

J. King made a motion to recommend to the Director to adopt the regulatory language as proposed with a maximum gauge size of 5-1/4 inches. G. Allen seconded the motion. The Council approved the motion unanimously.

There were no comments from the Council and no comments from the audience.

2) *Proposed amendments to the recreational fluke management plan:*

S. Medeiros made a motion to recommend to the Director to adopt the advisory panel recommended option which was Option 12 with a 20” minimum size, 7 bag limit, and an open season from January 1 – December 31. G. Allen seconded the motion. D. Preble called a vote. The motion passed with a tie-breaking vote by D. Preble. Six (4) in favor: (S. Medeiros, S Parente, G. Allen, D. Preble), three (3) opposed: (K. Ketcham, J. King, C. Anderson), and one (1) abstention: (S. Macinko).

There were comments and discussions from the audience both in favor and opposed to the motion.

3) *Proposed amendments to the recreational black sea bass management plan:*

One proposal was brought forward for public hearing, which was status quo. There were no mandates to change anything relative to recreational black sea bass management. J. McNamee indicated that if the Council does not take any action it would remain at status quo. There were no motions made by the Council therefore the management plan would remain at status quo.

4) *Proposed amendments to the recreational scup management plan:*

S. Medeiros made a motion to recommend to the Director to adopt amendments to option 1 which pertained to all modes other than party and charter boats (ten (10) scup per day, and option 3 for the party and charter boats (eleven inches (11”) – ten (10) scup per day from June 12 through August 31, and forty-five (45) scup per day from September 1 through October 15. S Parente seconded the motion.

K. Ketcham voiced concerns about what RI had proposed and what NY had done with scup. He stated that with regional effort the regulations should be similar. F. Blount commented that K. Ketcham was referring to NY’s last year regulations and that NY may not have updated yet.

Blount indicated that NY, MA, and CT would all be coming in to line with the current regulations.

D. Preble called a vote. The Council approved the motion unanimously to recommend to the Director to adopt amendments to option 1 which pertained to all modes other than party and charter boats (ten (10) scup per day, and option 3 for the party and charter boats (eleven inches (11”) – ten (10) scup per day from June 12 through August 31, and forty-five (45) scup per day from September 1 through October 15.

5) Proposed amendments to section 15.14.1-1(a)(5) of the lobster management plan:

K. Ketcham made a motion to recommend to the Director to adopt the proposed amendments to section 15.14.1-1(a)(5) of the lobster management plan. J. King seconded the motion.

There were no comments from the Council and no comments from the audience.

D. Preble called a vote on the motion to recommend to the Director to adopt the proposed amendments to section 15.14.1-1(a)(5) of the lobster management plan. The Council approved the motion unanimously.

6) Proposed amendments to section 15.14.1-8 of the lobster management plan regarding trap tag effective dates:

J. King made a motion to recommend to the Director to adopt the proposed amendments to section 15.14.1-8 of the lobster management plan regarding trap tag effective dates. K. Ketcham seconded the motion.

There were two comments asking for clarification of the proposed amendments. DFW staff responded to these concerns.

D. Preble called a vote on the motion to recommend to the Director to adopt the proposed amendments to section 15.14.1-8 of the lobster management plan regarding trap tag effective dates. The Council approved the motion unanimously.

7) Proposed amendments to the RI codfish regulations:

K. Ketcham made a motion to recommend to the Director to remain at status quo but to adopt language to allow a federally permitted boat to be in state waters and have gear in state waters if on a day at sea (similar to what was recently adopted for monkfish). J. King seconded the motion.

D. Preble asked for Council comments. G. Allen asked for clarification of the motion from K. Ketcham. K. Ketcham indicated that a boat on a federal day-at-sea would be able to fish in state waters to catch their federal limit either in state or federal waters. He indicated that when this was adopted, that part was left out.

T. Mulvey commented that a state water boat would be discriminated against a federally permitted boat. He claimed this would put RI fishermen at a disadvantage. He was opposed to the motion.

Another audience member echoed T. Mulvey's concerns.

G. Duckworth mentioned that between increased fuel costs and limiting the possession limits for state fishermen it was not worth leaving the dock at 75 pounds per day. He was opposed to the motion.

T. Sutton stated that it was a fish grab and was unfair between state and federally permitted boats.

There was discussion between Council and audience members about separating out the possession limit and K. Ketcham's proposed amendment.

K. Ketcham stated that he was not opposed to increasing the possession limit for state water fishers but that he wanted to adopt language to allow a federally permitted boat to be in state waters and have gear in state waters if on a day at sea. Ketcham amended his motion to include the adoption of this language separating out the possession limit.

D. Preble called a vote on the motion to recommend to the Director to adopt the proposed language to allow a federally permitted boat to be in state waters and have gear in state waters if on a day at sea (similar to what was recently adopted for monkfish). The motion passed; five (5) in favor: (K. Ketcham, J. King, S. Medeiros, G. Allen, C. Anderson), two (2) opposed: (S. Parent, S. Macinko).

There was discussion between Council members as to what the possession limit for codfish should be.

S. Parente made a motion to recommend to the Director to adopt the possession limit stated in option 2 (200 pounds of cod per vessel per calendar day). S. Medeiros seconded the motion.

Council member S. Parente indicated that he thought 200 pounds was a reasonable limit.

C. Brown pointed out the differences in the TAC between the codfish and monkfish fisheries.

F. Blount pointed out that there were no similarities between boats (federal and state) and there had been no similarity for the party and charter boats for the last fifteen years in the state of RI.

D. Preble called a vote on the motion to recommend to the Director to adopt the possession limit stated in option 2 (200 pounds of cod per vessel per calendar day). The motion passed; five (5) in favor: (K. Ketcham, J. King, S. Medeiros, S. Parent, S. Macinko), two (2) opposed: (G. Allen, C. Anderson).

Changes to Greenwich Bay Shellfishing dates – J. King:

J. King thanked the DEM/DFW staff and Bob Ballou for being proactive during the Greenwich Bay discussions. He indicated the final language in the regulations did not specify specific dates

therefore there were no corrections that needed to be made at this time. King provided the date for the Greenwich Bay openings (May 19, 21, and 23).

Discussion on closures of shellfish management areas to accommodate transplant – J. King:

J. King explained to accommodate the first shellfish transplant scheduled for April 30 it would require early closures for Bissel, Bristol, and High Banks Management Areas. These areas would have to be closed on April 25 in order to stock areas with transplant stock on April 30.

D. Erkan clarified that the last shellfishing date would be April 25, so that April 28 and April 30 would be the days that would be closed early. He also indicated that because Memorial Day was early this year they needed to start a week earlier in order to complete the five shellfish transplants before the Memorial Day weekend.

J. King made a motion to recommend to the Director to modify the last shellfish harvest date from April 30 to April 25 to accommodate the 2008 quahaug transplants in Bissel, Bristol, and High Banks Shellfish Management Areas. K. Ketcham seconded the motion.

There was discussion as to the April 25 closure date, if it should be closed on April 26 instead, to allow for shellfishing on April 25.

J. King modified his motion to state that effective for the 2008 season only, shellfishing from a boat or possession of shellfish in a boat in a management area is prohibited, except between 8:00 AM and noon on Mondays, Wednesdays, and Fridays from January 1, 2008 through April 25, 2008 in Bissel, Bristol, and High Banks Shellfish Management Areas. K. Ketcham seconded the motion.

T. Mulvey stated that he would not participate with his boat any more.

D. Preble called a vote on the motion to recommend to the Director that effective for the 2008 season only, shellfishing from a boat or possession of shellfish in a boat in a management area is prohibited, except between 8:00 AM and noon on Mondays, Wednesdays, and Fridays from January 1, 2008 through April 25, 2008 in Bissel, Bristol, and High Banks Shellfish Management Areas. The Council approved the motion unanimously.

Approval of Industry Advisory Committee Agenda – K. Ketcham:

K. Ketcham reviewed the agenda item, which was to discuss and vote on newly proposed gillnet proposals. He also explained he had a request to add a second item to the agenda, to discuss and review the policies regarding loss of a RI commercial fishing license due to a change of residence from RI to another state. A date and time for the meeting was set for April 29, 2008 at 6:00 PM.

D. Preble asked if there were any objections from the Council to approve the agenda as amended. There were no objections therefore the agenda was approved.

Old Business:

Update of Annual River Herring Workshop – J. McNamee:

J. McNamee recapped from the last Council meeting indicating that he had requested the Council allow DFW to hold the workshop later in the year in order to accumulate more data and that

request was granted. McNamee explained that S. Medeiros had requested that the Council be provided updated abundance data. J. McNamee referenced abundance data that had been included in Council packets. He reviewed the table and graph indicating that the abundance had not gone up significantly. McNamee stated that ASMFC in commencing with a river herring stock assessment which would be a lengthy process because they would do each river as an individual stock. He ended his comments by stating that the DFW planned to have the river herring workshop in early May.

Presentation on Sector Allocation – C. Brown:

D. Preble commented that this issue had been around for almost two years and the Council had not taken any formal public input. He felt that at some point this proposal had to be subjected to public comments. He indicated that he would like to see this move to a public hearing. However, this forum, this evening, would be information only.

C. Brown explained that this was a process for other fishermen to mirror their attempts at establishing a sector. He gave a synopsis of past years harvest levels and outlined some of the dangers of the fishery, and by-catch issues. He commented that there was a need to transition from where things were now and where they should be. Sector allocation is not the perfect solution but it needed to be explored. Daily quota management was not working well. Brown stated that there was a need to find ways to build profitability in the pounds in fishing management strategies that do not work against federal plans.

C. Brown updated the Council on the legal aspect of the formation of the sector. He indicated that by the June Council meeting the sector would be a legal entity. He was traveling to Washington D.C. in April to try to find funding for vessel monitoring on sectors. He covered other parameters he was looking in to relative to forming a sector. Brown reviewed charts showing where sector boats intended to fish and landings data from all potential sector members.

D. Preble asked for comments from the audience. There were a number of questions directed at C. Brown requesting clarification of sector allocation.

T. Mulvey asked where the data or records to establish history would come from. He was concerned about establishing history for monkfish and codfish, which he had been closed out of for the last two years and would not have any history for those fisheries. C. Brown stated that he was using amendment 13 as a guideline for establishing history.

D. Preble indicated that this sector allocation proposal would be a pilot program.

G. Allen reminded C. Brown that due to lack of funding the DFW no longer had an observer program so C. Brown would have to figure observer coverage in to the sector allocation proposal.

J. King made a motion to put the fluke sector allocation proposal out to public hearing to solicit public comments. K. Ketcham seconded the motion.

D. Preble asked if there were any comments on the motion.

S. Parente asked if the issue needed to go through the advisory panel process first. D. Preble stated the issue was already been heard by the AP and came forward from the AP for Council consideration. Preble indicated the Council needed to have public input at this point.

D. Preble called a vote on the motion to recommend to the Director to put the fluke sector allocation proposal out to public hearing to solicit public comments.

S. Macinko asked what the schedule was for this proposal before the motion was made. He wanted to know where C. Brown was going with the proposal after this informational briefing.

D. Preble stated the sector allocation proposal was slated for public comment. Preble outlined the sequence of events that had lead up to this point; that the fluke AP looked at the proposal and sent it to the Council for consideration and development. Preble stated that there had been a lot of work completed and now it was ready for formal input from the public.

S. Parente commented that he felt the Council was acting prematurely and the proposal needed to be examined further before going to public hearing. He stated that after a public hearing there would be a vote for approval by the Council. He suggested holding a public meeting or workshop to consider public comments but not a formal public hearing.

S. Medeiros wanted to know if the DEM was prepared to have this issue go to a public hearing.

B. Ballou stated that the Department was in the same situation as the Council, they were interested to hear what the public had to say about this issue. He indicated that anything could happen once public comments were taken; it could even go back for further review. There was no specific timeline. We seem to be at a point where public feedback would be needed.

R. Fuka commented that many folks were out fishing and they may not be able to attend one public hearing. He wanted to make sure there would be other opportunities for fishermen to comment other than at one public hearing.

B. Ballou suggested holding a workshop prior to the public hearing.

J. King stated that a two-day workshop on sector allocation was recently held in Narragansett.

D. Preble thought a workshop on C. Brown's sector allocation proposal would be a good idea. He indicated this was the consensus of the Council, to hold a workshop prior to a fall public hearing.

D. Preble called a vote on the motion to recommend to the Director to put the fluke sector allocation proposal out to public hearing to solicit public comments. The motion passed; six (6) in favor: (K. Ketcham, J. King, S. Medeiros, G. Allen, C. Anderson, S. Macinko), one (1) opposed: (S. Parent).

RI Marine Fisheries legislation – B. Ballou:

B. Ballou updated the Council on the progress of the bills. Both the House and the Senate had held hearings on the bills. He noted the hearings were lively hearings both pro and con views were expressed. Both committees have held the bills for further study. He indicated that the future of the bills was very uncertain at this point.

D. Preble stated there were four parts of the two bills that were submitted. It became evident during the hearing discussion that one issue was not acceptable and clearly would not pass as written. However, there was one issue that really needed to be pushed through which was the

need to get back to aggregate programs. He felt this would allow fishermen to better control their expenses. He also commented that aggregate programs are harder for enforcement to monitor. The only way it could work is if enforcement had access to dealer data. He stated that RI was the only state where this was not happening. Enforcement needed to have access to SAFIS data and this was the part of the bill that Preble would like to see move forward. D. Preble explained that it needed industry to get behind it for it to pass.

G. Allen commented that the SAFIS portion of the bill was pushed aside at the hearing due to other over shadowing issues. He wanted the Council to recommend to the Director to approach the House and Senate to try to bring that small piece of the legislation forward.

Since this was not an action item, D. Preble asked for a consensus reading from the Council as to whether or not to recommend to the Director to move that portion of the bill forward.

S. Parente commented that going forward with any legislative action regarding marine fisheries should first receive endorsement from the Council either verbally or in written form. That all proposals be submitted and subjected to the entire Council process, including going to public hearing.

G. Allen summarized the journey of the legislative bills. He noted that B. Ballou had started the process over six months ago and had attended monthly Council meeting to solicit feedback and comments as per the Director's direction to solicit marine fishery issues to go forward in a legislative package. The two issues that went forward were the enforcement and observer issues. The Council discussed each of these issues each month. He recalled the Council encouraging B. Ballou to go forward with those items. These were not new items they were part of the package. The observer and the enforcement items did not go over well at the hearings. G. Allen indicated that the SAFIS item was part of the package and it was over looked. G. Allen stated that Preble was just asking the Council if that was an issue that the Council would like the Director to pursue.

D. Preble asked if there were any objections from Council members to requesting the Director to try to move the SAFIS portion of the bill. S. Parente objected. S. Macinko was uncomfortable with the poll since it was not an action item on the agenda.

D. Preble decided to drop the issue.

Nominations and changes to advisory panel membership – N. Scarduzio:

N. Scarduzio stated that a solicitation letter was sent out to fill vacancies on the various advisory panels for both primary and alternate slots. Due to the number of responses, she created a five section outline and suggested that Council members review the applications received by section.

C. Anderson made a motion to approve the applicants listed in section I. S. Macinko seconded the motion.

D. Preble called the vote to approve the applicants listed in section I. The Council approved the motion unanimously.

C. Anderson made a motion to approve the summer flounder AP bait and tackle shop applicant listed in section II. S. Macinko seconded the motion.

There was a comment from the audience asking if M. Bucko was a RI resident or if his store was in RI. Another comment was made objecting to allowing other people other than fishermen to participate on advisory panels.

N. Scarduzio stated that M. Bucko was a RI resident and his store was located in MA. Additionally, the slots that were being filled are already established sectors on each of the advisory panels.

D. Preble called the vote to approve the summer flounder AP bait and tackle shop applicant listed in section II. The motion passed; six (6) in favor: (S. Parent, J. King, S. Medeiros, G. Allen, C. Anderson, S. Macinko), one (1) opposed: (K. Ketcham).

N. Scarduzio continued by reviewing the vacancies listed in section III. William Mackintosh applied to be the alternate for the gillnet-offshore federally permitted slot on the groundfish AP. On the menhaden AP, A. Botelho was stepping down as the primary person for the seine sector. A. Botelho nominated L. Lachance for the primary slot and G. Souza for the alternate slot.

K. Ketcham made a motion to appoint W. Mackintosh to the groundfish AP as alternate in the gillnet-offshore slot. J. King seconded the motion.

G. Allen requested that the Division of Law Enforcement go back and review W. Mackintosh's previous violation history.

No vote was taken. The item was tabled until the next Council meeting.

The Council continued and reviewed the applicants for the menhaden AP. It was noted that the two applicants applying for positions on the menhaden AP were not RI residents but they had RI commercial fishing licenses. K. Ketcham asked Attorney G. Powers what the Council's policy was on allowing non-residents on advisory panels. He wanted to know if the Council had allowed this in the past.

Attorney G. Powers stated that he was not aware if there were appointments in the past and that he was unaware of any prohibition in the Council's regulations.

D. Preble indicated it was up to the Council.

S. Parente stated a similar circumstance came up a few months ago and he felt that if a person had a RI fishing license he should be allowed to participate on an AP.

K. Ketcham commented that since S. Medeiros had left the meeting and was the chairman for that menhaden AP he would like to table the item until S. Medeiros had an opportunity to speak on the issue. The item was tabled until the next meeting.

Mrs. Souza asked to make a comment. She indicated that A. Botelho was a resident of MA and L. Lachance was A. Botelho's alternate. L. Lachance wanted to move up to the primary position since A. Botelho had resigned.

D. Preble explained that the item would be tabled until the next meeting when S. Medeiros could comment.

In section IV there was a sift by P. Laflamme to move from the recreational shore alternate to recreational shore primary position on the scup/black sea bass AP.

J. King made a motion to approve P. Laflamme as the primary recreational shore person on the scup/black sea bass AP. G. Allen seconded the motion. D. Preble called the vote to approve P. Laflamme as the primary recreational shore person on the scup/black sea bass AP. The Council approved the motion unanimously.

G. Allen made a motion to approve Kevin Kendrick as the alternate recreational bait and tackle shop person on the summer flounder AP. J. King seconded the motion. The Council approved the motion unanimously.

N. Scarduzio reported that the Council had requested the licensing status of the candidates that had applied for the state-only gillnet slot on the groundfish AP. She explained that R. Fuka was permitted federally and held a state gillnet endorsement. Fuka was appointed during a past Council meeting as the primary person for that slot. Out of the three candidates who had applied for the alternate state-only gillnet slot only two held state gillnet endorsements. Those two candidates were S. Parente and P. Duckworth. She indicated that W. Mackintosh was also interested in the alternate position if he was not appointed as alternate for the gillnet-offshore slot.

J. King made a motion to approve S. Parente (gill-netter) as the alternate state-only gillnet person on the groundfish AP. G. Allen seconded the motion. D. Preble called the vote to approve S. Parente (gill-netter) as the alternate state-only gillnet person on the groundfish AP. The Council approved the motion unanimously.

FYI:

Proposed legislation relating to aquaculture:

B. Ballou explained that Council members had a copy of House bill H-7684 introduced by Representative Eileen Naughton. It had already gone to hearing and was slated for a vote on April 8, 2008. He indicated it had implications for both the Department and the Council. Ballou stated that when it came up for hearing he was the only one who testified and expressed concerns about putting timeline restrictions in statute and indicated that the department shared the interest in timely decisions on aquaculture applications but thought it was inappropriate to be bound by a statutory limit. He stated that he had urged the committee not to move forward on the bill.

D. Preble asked for Council comments.

K. Ketcham agreed with B. Ballou's comments. Ketcham noted to allow the Council and advisory panels proper time to review an application it would take longer than 60 days as far as the process goes for the application to be transparent enough. He strongly opposed limiting the review time to 60 days. S. Parente concurred with K. Ketcham and found some of the language to be problematic such as "failure of the director or MFC to report to the CRMC within the prescribed time period shall be interpreted as a recommendation of no objection to the application". J. King also concurred with K. Ketcham.

J. King wanted to make a recommendation from the Council to the Director that the period of time was too short. There was agreement among Council members.

Letter from DFW regarding recent PD aquaculture lease application:

D. Preble reviewed the letter and conveyed the concerns of the DFW that a more complete application was needed. D. Erkan briefly commented on the lease application.

Letter of solicitation for a position on the RIMFC:

A letter was sent out on February 29, 2008 to solicit nominations for one position on the RI Marine Fisheries Council. Nominations were being sought for a representative of the recreational fishing industry.

Notice for the RI Marine Fish Info Listserve – another new listserv:

N. Scarduzio explained that a second marine fisheries listserv had been developed. The division had great success with the first list serve, which was used only to distribute RIMFC meeting agendas and AP agenda notices. The second listserv would be called rimarinefishinfo and would be used to email all other marine fisheries information. People can sign up for both and receive all related marine fisheries information, or remain on the original list to receive meeting notices. Scarduzio stated there were handout on tables in the back that explained how to sign up.

May 14, 2008 public hearing summary document:

N. Scarduzio stated the document was included in Council member's packets for their review. The public hearing was scheduled for May 14, 2008 at 6 PM at the Corless auditorium.

D. Preble read off some of the items slated for the May public hearing; monkfish, lobster maximum gauge sizes for Area 3, 4, 5, and 6.

Monkfish Regulations: - D. Preble

D. Preble commented that the monkfish regulations had been finalized. The daily possession limit for RI boats would be a 200 pound limit tail weight, 664 live weight of monkfish from April through July at which time it would return to 50 pounds and 166. He indicated there was a provision for the state to institute a TAC. B. Ballou interjected that this information was pending but nearing completion and that the Director was looking at a state TAC in the range of 40,000 pounds. Once this was decided, it would be announced.

Transit issue: - D. Preble

D. Preble wanted to give an update on this issue. He explained that there had been a long understanding among RI fishermen that crossing the EEZ in the area between Block Island and the mainland was open for travel. Preble stated he checked on that issue with the general council for NOAA fisheries in the northeast and found that the EEZ between Block Island and the mainland is closed to passage with one exception, which was the striped bass exception. He noted the language was stated in 50 CFR Part 697 in federal regulations. Preble read the passage to audience members. He had asked if there were any other exceptions for transit and was told that there were no other provisions for transit. Therefore, a boat with only federal permits could cross from Block Island to Point Judith with federally mandated species aboard. A boat with both state and federal permits could only pass while transporting the more restricted catch and a boat with only state permits cannot legally cross with federally managed species aboard. While it was overlooked in the past, there was no guarantee that it would not be overlooked in the future and anyone boarded could have a very large problem. D. Preble stated that there was a three-day

meeting coming up and he would question the individual who gave him the information. He claimed RI allows passage for RI boats, the federal government does not, or at least there was no provision for it. He felt there needed to be a MOU from the fed's to extend the same privilege to RI boats. Preble would find out what RI needed to do to accomplish this.

G. Duckworth asked to approach the Council. Duckworth handed out some information to Council members. He explained he had an update and a couple of comments. He noted that he had received a fine in 2007 from the National Marine Fisheries Service totaling \$160,000 for transiting fish from Block Island to Point Judith on Nov. 2, 2004. All fishing gear was stowed; all catch on board was in compliance with RI regulations. Duckworth stated the history of the RI commercial and recreational fisheries have a long-standing history of transiting this area and the state of RI had communicated to fishermen that this practice was legal. Additionally, the special agents of the MMFS had communicated that this practice was legal. Many people cross the area and relied on what was communicated to them. Duckworth had concerns about how the state of RI and the federal agencies viewed these regulations. He indicated there were conflicting interpretations that had been communicated to him which lead him to believe fishermen could legally transit this area but due to his fine, this apparently was not the case. He urged fishermen and the Council to take action on this issue for clarification and mutual understanding between both state and federal agencies.

D. Preble stated that he would like to get clarification and formulate a MOU on this issue and that it needed to be in writing.

D. Preble asked if there was any other business to come before the Council.

T. Sutton commented that the gillnet buoy size (9x16) approved by regulation was hard to purchase. The company that manufactured that size was no longer in business and they were having a hard time finding that size. This would become a compliance issue and was in direct conflict with the whale regulations.

K. Ketcham stated that the IAC would be addressing some proposed gillnet regulations at the next meeting scheduled for April 29, 2008; those concerns could be discussed at that time.

B. Ballou indicated that the Director had been holding off on some pending gillnet regulation due to the pending whale regulations.

I. Parente stated that T. Sutton was referring to regulations that were currently on the books. There was some further audience discussion about the number of buoys needed on gillnets.

L. Dellinger wanted to know whatever happened to the ASMFC study that was completed for the Director a year ago on the Marine Fisheries Section. He wanted to know if the Council could look in to that to see whatever happen with the outcome of the study, what had been implemented. Dellinger brought up concerns about the lack of staff in the marine fisheries section and the amount of work that needed to be done. Dellinger indicated that people had left the section and no one had been hired and the workload just gets bigger and bigger. The fish industry was supposed to be a \$600 million dollar industry and we do not have enough marine fisheries staff to make it to federal meetings like the Mid Atlantic Council meetings. He was insistent about having staff attend federal meetings and when would that section be able to hire more people.

D. Preble stated he had been thinking about this and was concerned as well. It needed to be looked in to and he was open to suggestions.

L. Dellinger asked if this issue could be an agenda item on the May Council agenda so it could be addressed. D. Preble agreed.

D. Preble asked if there was any other business to come before the Council. Hearing none, the meeting was adjourned.

The Chairman adjourned the meeting.

Nancy E. Scarduzio, Recording Secretary