

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
June 6, 2005
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: K. Ketcham, D. Preble, G. Allen, S. Parente, S. Macinko, J. King

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee

RIDEM Legal Counsel: G. Powers

RIDEM Law Enforcement: K. Blanchard, S. Hall

Public: 5 people attended

M. Gibson called the meeting to order. M. Gibson asked if there were any changes to the agenda. There was one addition which was to get the Rhode Island Marine Fisheries Council (RIMFC or Council) advice on a move by the New Jersey legislature to get striped bass re-classified as a game fish coastwide. This would be added as agenda item 5c. The agenda was approved as submitted with the addition of item 5c. M. Gibson asked if there were any comments on the minutes from the March 19, 2005 RIMFC meeting. **G. Allen made a motion to approve the minutes as submitted. S. Parente seconded the motion. The Council unanimously approved the motion.**

New Business

Council comments on C. Jackson aquaculture lease: J. McNamee stated that in their packet, the Council members had received a memo from the Division of Fish and Wildlife (DFW) as well as a site evaluation on the proposed lease site. The memo indicated that the DFW has no problems with the proposed lease site. J. McNamee went on to state that both D. Alves from the Coastal Resource Management Council and the applicant were present to answer questions. One final comment was that the shellfish advisory panel (AP) had been polled and they had not provided any comments. J. King suggested sending this to the shellfish AP. D. Alves stated that we were currently in the growing season and also that C. Jackson had maintained a commercial viability site in the same location for approximately one year. J. King stated that he would make some phone calls to the shellfish AP members following the meeting and get back to J. McNamee the following day. The applicant, C. Jackson, stated that there is not much in the way of native product there, it is very sporadic, and he would not propose his site there as he is a commercial shellfisherman and would not want to take product away from other fishermen. **The Council decided to conditionally endorse the lease location pending**

the outcome of the J. King telephone poll to the shellfish AP to receive their comments. J. King will report to J. McNamee the outcome of his telephone poll. If there were no comments, the Council would endorse the lease location. There was a discussion about the aquaculture lease process, no recommendations were made.

Old Business

Update on adherence to the new floating fish trap regulations: J. McNamee stated that all trap companies had reported their trap locations and the DFW was doing their part to site the locations and send the information off to the Coast Guard and also to the Department of Environmental Management (DEM) Law Enforcement per the regulation. Charts were also in the process of being developed. M. Gibson stated that the regulations would be enforced more aggressively next year but leeway was extended this year as it was a brand new process for this year.

DEM legal opinion on authority to regulate deployment of fishing gear: G. Powers stated that DEM can regulate gear location only if the placement of the gear in some way negatively impacts the resource one is dealing with. He went on to suggest the best way to deal with the current situation was to negotiate a settlement between the user groups amongst themselves rather than trying to have DEM dictate to the groups some regulatory arrangement. G. Allen stated that this would be his preference and he would be willing to chair a group with various interested user groups in an effort to come to a consensus. M. Gibson stated that the DFW would assist G. Allen in the formation of this group. G. Allen asked to come to the July RIMFC meeting with some names of representatives.

Council authorization of a closed executive session: G. Powers had handed out a memo from the Attorney General's Office that was a response to the question posed by the Council as to whether they could have a closed executive session to meet and discuss internal Council matters. The Attorney General's Office stated that the Council can not hold this meeting if there is a quorum present because it would violate the open meeting act. G. Allen felt that the question which was asked of the Attorney General's (AG) Office was too specific and is not how he would have phrased the question. He asked that the question be reworked and resubmitted to the AG's Office. G. Allen stated that he feels the real purpose of the meeting would be to brief new Council members and refresh other members on Council operating procedures. He stated that he did not object to members of the public sitting in on this process. S. Parente, one of the newer Council members, stated that he would be more comfortable if they could conduct the meeting in a closed session. M. Gibson suggested resubmitting the original question but ending after the phrase "the Council" so the new question would read "The subject meeting would be convened solely to discuss in general (particularly with newly appointed members of the Council) the internal operating procedures employed by the Council". G. Allen agreed to this. G. Powers stated that he would re-draft the question and submit it to the Council for approval and then would re-submit it to the AG's Office. G. Allen asked that G. Powers include a larger range of items to discuss in his statement to the AG. J. McNamee asked how the Council would like to have the draft question submitted to them. G. Allen suggested mailing it.

Other Business

Summary from May 2005 ASMFC meeting week: A copy of the meeting summary was handed out to the Council. M. Gibson gave a brief summary. Summer flounder addendum 17 was being sent out for public comment. RI's meeting would be held on June 28 at 6:00 at the Corless Auditorium. The summer flounder board discussed regional management strategies and also quota sharing. The striped bass board met and the interesting thing which came out of this was an unmonitored recreational fishery which occurs off of North Carolina in the winter. This was being looked at and the board was looking at how to deal with this new data with regard to the stock assessment. The lobster board met to continue discussions on a lobster effort control plan. The lobster conservation management team has remanded the effort control plan back to the states to come up with a finalized version. A finalized version should come forward for the August ASMFC meeting. The weakfish board met and discussed the recent decline in catch that had been witnessed. The board decided to develop an addendum to deal with what fishing mortality there is. The winter flounder board met and the main topic was recreational measures in New Jersey. K. Ketcham asked if New Jersey was up to date on the new commercial mesh requirements that RI had put in place. M. Gibson said he wasn't sure but would look in to this and get back to K. Ketcham with an answer. The menhaden board met and an addendum will be sent out for public comment. The RI public hearing on this will be on July 6th at 6:00 at the Corless Auditorium.

Advisory panel additions: J. McNamee stated that there were three advisory panel changes which affect two different advisory panels. The first was the addition of B. Johnson as a recreational alternate to B. Getchell on the fish trap advisory panel. **G. Allen made a motion to approve B. Johnson to the floating fish trap advisory panel. D. Preble seconded the motion. The Council voted unanimously to approve the motion.** The next AP change was the striped bass AP. D. Brady was resigning from his position. D. Sanford was currently his alternate. The suggested change is to move D. Sanford in to the primary position vacated by D. Brady and then appoint E. Cook as the alternate that would be vacated by D. Sanford. **D. Preble made a motion to approve D. Sanford to the recreational primary position on the striped bass AP and also to approve E. Cook to the recreational alternate position. G. Allen seconded the motion. The Council unanimously approved the motion.**

Striped Bass advice to the Director: M. Gibson outlined the issue stating that a legislator from New Jersey had put forward a proposal to make striped bass exclusively a game species along the east coast. This in essence would end the commercial fishery for striped bass. The Director wanted advice from the Council as to whether they would like him to draft a letter to the RI congressional delegation opposing or supporting this proposal and also wanted to make sure the Council was aware of the situation so that they may draft a letter on behalf of themselves if they so choose. D. Preble stated that it may not be appropriate for the Council to get involved at this point. S. Parente stated that he felt the Council should object vehemently to this proposal. K. Ketcham agreed with S. Parente and stated that they should draft a letter from the Council and also have the Director draft a letter opposing this proposal. G. Allen stated that it should be the State's right to

manage their fishery. He went on to state that both commercial and recreational fishermen should have access to a healthy fishery. D. Preble brought up a couple of other points that need to be addressed in striped bass management such as catch and release during high stress periods of the year (when temperatures are high) and bycatch in the commercial industry. The Council voiced support for the statement that they support having both a commercial and recreational fishery in RI as long as the stock remains, and will remain, healthy. They went on to state that there are more important issues facing the striped bass stock which should be dealt with before something like this should be considered. D. Preble gave one more point and that was the charter industry may be hypocritical in supporting this as they are a pseudo-commercial industry, in essence they are getting paid for the fish before they are caught.

Post Agenda Discussion

(This was actually discussed prior to the striped bass agenda item immediately above) J. King asked for the Council to authorize a shellfish AP meeting. The agenda items would be a discussion on opening eastern Greenwich Bay in the fall, questions about how long it takes to move shellfish from polluted waters to clean waters, and a discussion on conch (whelk) regulations and proposals. The Council did not object to this, therefore the meeting was authorized.

K. Ketcham asked if a date had been set for the Industry Advisory Committee meeting. M. Gibson stated that he would get DFW staff on this and that K. Ketcham would be contacted shortly about a meeting time.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary