

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**August 6, 2007**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road**  
**Narragansett, RI**

RIMFC Members Present: S. Medeiros, J. King, S. Parente, D. Preble, K. Ketcham  
RIMFC Members Absent: S. Macinko, C. Anderson  
Chairperson: M. Gibson

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

DEM Legal Counsel: G. Powers

DEM Staff: L. Mouradjian

DEM Law Enforcement: Chief Hall

Public: 12 people attended

Chairman M. Gibson called the meeting to order. M. Gibson stated there was one adjustment to be made to the agenda, under item 4(c). Under this item, the Krause application would not be discussed by the Council because CRMC had already made a decision and approved that aquaculture lease application. Gibson asked if there were any other amendments to the agenda from Council members. Hearing none, he asked if there were any objections to approving the agenda as modified. **There were no objections to approving the agenda as modified therefore the agenda was approved as modified.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the July 2, 2007 meeting. Gibson asked for a motion to approve the minutes. **S. Medeiros made a motion to approve the minutes. D. Preble seconded the motion. Gibson asked Council members if there were any objections to approving the July 2, 2007 meeting minutes. There were no objections therefore the minutes were approved.**

**Advisory Panel Reports:**

*Industry Advisory Committee:* K. Ketcham stated that the Industry Advisory Committee (IAC) met on July 31, 2007, with twelve (12) people in attendance. There were five (5) voting members present. The panel met to discuss commercial licensing for the three sectors (shellfish, finfish, and crustacean) for the 2008 licensing season. Ketcham stated that B. Ballou indicated that the Department would be able to identify the level of activity for licenses that were not renewed in 2007 through the SAFIS system.

With respect to shellfish licenses, Ketcham stated that M. McGiveney commented that the number of people fishing for steamers has increased dramatically and there have been suggestions by industry to cap effort. B. Murphy indicated that landings for steamers had almost doubled between 2005 and 2006 and commercial fishing licenses with a non-quahaug

endorsement have also increased over the past year. Ketcham indicated that the committee discussed considering whether effort on soft-shelled clams should be limited and if so ways to cap effort. Ketcham also stated that McGiveney suggested having a single shellfish endorsement for Principal Effort License holders, which McGiveney also recommended last year.

The committee discussed exit/entry strategies, but decided to table any recommendations on the availability of new shellfish endorsements until the next meeting when data and activity of non-renewed licenses would be available.

Ketcham stated the committee then discussed lobster licensing and that L. Dellinger stated that once the issue of transferability is worked out licenses should be opened for anyone since the fishery is being managed through traps. Ketcham indicated that B. Ballou commented that DEM has not proceeded because ASMFC is currently working on a transferability plan that would be consistent between states. Ketcham stated that L. Dellinger had hoped a transferability plan would have been in place by the meeting to make a recommendation to open licenses, but since that was not the case, Dellinger recommended no new licenses.

The committee then discussed finfish licensing. Ketcham stated that C. Brown informed the committee that quotas for summer flounder, scup, and black sea bass would most likely decrease in 2008 and new licenses should not be made available. There was discussion about placing a cap on licenses or creating a gear endorsement for the menhaden fishery. Ketcham indicated that there was discussion about having the menhaden resource available to local fishermen and discouraging out of state business.

Ketcham stated that B. Ballou questions what the response would be from industry if licensing went from an individual to a vessel-based program. There was some support for the idea with one opposition that it would not be suitable for the shellfish fishery. Ketcham indicated that the committee did agree that fees for licenses should be higher, which would deter latency, and penalties should be stricter. There was also talk that the license review board has reached its sunset and that perhaps the IAC should be the forum for future licensing issues. Ketcham indicated that the IAC would meet on August 20, 2007 at which time DEM would be able to provide the committee the data necessary to make final licensing recommendations.

M. Gibson asked J. McNamee, in keeping with the timeline for the public hearing on licenses for 2008; at what point, does the Council need to provide recommendations to the Director. McNamee stated that providing final recommendations to the Director would not have to occur until the actual public hearing occurs and the follow-up Council meeting. McNamee indicated that the only action that the Council needed to take this evening was the approval of the agenda for the follow-up IAC meeting in August.

### **New Business:**

M. Gibson stated that since there were members from the public present for the aquaculture items he suggested that the Council take item 4(b) and 4(c) next. Gibson asked D. Alves from CRMC to update the Council on the progress of the aquaculture-working group.

### *Update on meetings regarding comprehensive aquaculture plan:*

D. Alves stated that the working group had not met since the last meeting of the RIMFC, but the next meeting of the working group was scheduled for Thursday, August 9, 2007. Alves stated that there had been movement with the sub-committees. He stated that they had been working

with Sea Grant to help with the sociology aspect of the issue. He stated that he had been working to get the Director of the Salt Pond Coalition for the next meeting and the Director of the South County Tourism Council in an effort to diversify the people involved with the working group. Alves stated that there were three sub-committees set-up; he was running the sub-committee on regulation, which had met last week. Both the CRMC and the DEM regulations were reviewed at that meeting. Alves indicated that the sub-committee needed to see what the working group and the other groups come up with first before any changes to the regulations can be made. The biology sub-committee had met and assignments had been given out to committee members. M. Gibson stated that B. Murphy with DEM, Division of Fish and Wildlife, had taken Dennis Erkan's slot on this sub-committee. Alves stated that there is a fisheries industry group that has three meetings scheduled to meet with fishermen willing to share their concerns about aquaculture. He stated that the meetings were scheduled for August 7, 2007 at Kettle Pond, August 27 at the RI Saltwater Anglers Association meeting, and September 5, 2007 at the Narragansett Striper Club. Alves indicated that the three sub-committees are working to get information to the working group.

M. Gibson asked D. Alves to remind people about the meeting on August 8, 2007 at the Narragansett Town Hall conducted by CRMC. Alves stated that the meeting is to inform the towns about aquaculture. They will talk about the history of aquaculture in RI, research, the CRMC permitting process, and that a comprehensive plan for RI is in the works.

D. Preble stated that the work that had been done so far on this issue has been very gratifying. He also stated that it has put to rest some of the concerns that he had about aquaculture. Preble wanted to mention that D. Alves had also put together a seminar about public trust that was well attended and very informative. Preble thanked Alves for putting the seminar together.

J. King asked D. Alves to comment on the oyster seed that was recently lost due to disease. D. Alves stated that the pathologist from URI had been in touch with him and Alves stated that it was seed from only one hatchery. None of the other seed from the other hatcheries was affected. Alves stated that the test results have not been completed yet, but that he thought it might be juvenile oyster disease (JOD).

R. Rheault stated that JOD is a disease that is caused by a fungus like organism that is believed to be endemic everywhere. The disease strikes oysters that are less than an inch long once the water gets to a certain warmer temperature. He stated that in this case, the seed was acquired too late in the season and it was too small and very vulnerable, and perhaps not a disease resistance strain. He stated that JOD had never been observed in wild stock, and has never been observed in animals larger than an inch.

*Council recommendation on Gardner aquaculture application #2007-02-069:* M. Gibson explained the history of the application and how the Council needed to proceed if they wanted to revisit this lease application. **D. Preble stated that he was one of the members who had voted against the application, and that he would make the motion to return the application to the table for consideration by the Council. J. King seconded the motion.**

M. Gibson asked all those in favor of reconsidering the application to raise their right hands. **The motion to reconsider the Gardner aquaculture application passed unanimously.**

**M. Gibson stated that the application is now on the table for reconsideration. He indicated that the previous motion, at that time, was to approve the Gardner application. That motion failed, but now it is a new motion to be reconsidered.** Gibson asked for comments from the Council.

D. Preble asked if the map of the site locations was to scale. J. Gardner stated that they were not to scale; the rectangles just indicated the approximate site locations. D. Preble asked if this would be a fair representation of the percentage of area that is being requested. D. Alves stated that they were not to scale and that the total area being leased would be under 2% of the total area of the pond. J. King asked D. Alves if the 2% was useable or gross bottom. Alves indicated that it was 2 % of the gross area. Gibson asked if there were any other comments from the Council. Hearing none, he asked for comments from the audience.

Mrs. Reynolds stated the she and her husband lived on Winnipaug Pond, and for the past ten years they have witnessed the expansion of Mr. Gardner's aquaculture lease and they have no objection to Mr. Gardner personally, but to the operation of aquaculture in the pond. She stated that they were losing recreational use of this area. She stated that she has a neighbor who regularly goes shellfishing in the proposed aquaculture site. She has also seen people using this area for shellfishing regularly. She stated that the Westerly Town Council has unanimously opposed the expansion. Reynolds claimed that they feel like they are losing the pond. They are looking for environmentalists who will represent the public's interest. She indicated that at low tide the cages and PVC piping are exposed which look more like a parking lot than a seascape. She stated that they are crushed that they will lose the pond to operations like this. She asked the Council members to consider what is happening to those residents who live around the pond.

J. Gardner stated that he would like to ask the Council to follow the Shellfish Advisory Panel (SAP) recommendation that the lease be approved. He noted that the location where the lease is located is one of the least used areas of the pond. The site location was specifically selected because of that.

W. Reynolds asked if any of the Council members had visited the site. He stated that the pond was becoming a garbage area. He stated that it is a beautiful area, a pristine environment that is being turned in to a dump yard. He claimed that there were traps that were piled 5 to 6 feet high and was being used as a storage area. He explained he was not willing to give up what he thought was his to use, for only one person to be able to make a living. He understood aquaculture to be a good thing, but perhaps this is not the place. The pond is a small pond, about 450 acres and when you look at the amount of acres that is being leased, potentially 8 acres. He stated that when you figure in the right of ways, the shoreline that is being used for other uses, you are probably looking at only 20-25 acres, which is being taken from public use. W. Reynolds stated that if more recreational fishermen and shellfishermen were aware of what was going on and if they felt that they had rights there would be more people coming to these meetings to complain. He indicated that if this application does go before CRMC there would be a large turn out of Westerly residents who were opposed.

M. Gibson asked D. Alves to speak to the application and CRMC's obligation to address the balance of uses in an area. D. Alves stated that the CRMC has the responsibility to balance the public trust issues. CRMC manages the bottom for everyone in the state. The legislators have decided that aquaculture is a legitimate use of the bottom and we have an involved process to

assure there are as few conflicts as possible. When the Gardner lease is reviewed at the CRMC meeting, the public will be allowed to make comments.

S. Medeiros asked D. Alves if it was true that the cages and PVC piping were sticking up out of the water. D. Alves stated that the existing lease and the proposed lease are both in very shallow water and the gear is visible at low tide. At high tide, it is not visible. One of the visual concerns is the stacking of the cages. He stated that on the new lease there is a stipulation not to stack beyond a certain height.

K. Ketcham commented that we were working toward getting a comprehensive aquaculture plan and that these leases are for a specific period and are up for renewal periodically. He also stated that it was his understanding that if a lease is deemed a problem that the lease could be revoked. He asked D. Alves if this was true.

D. Alves stated that we would have to speak to the legal people, but there are instances when a lease can be revoked, for example, if it is not being fished. Alves stated he was not sure what it would entail to revoke a lease for any other reason. The only parts of the regulation that he has ever used was to revoke for lack of use of the lease.

Ketcham stated that since the Council has already approved three leases he felt that he would change his vote and vote in favor of this application. However, going forward, before the Council approves any further applications (brand new applications) the Council should wait until a comprehensive plan is in place before addressing any other application that has not been before the Council already.

D. Preble stated that he agreed with K. Ketcham and what it boiled down to, was that these applications came before this Council to be evaluated on the effects they might have on fish and fisheries, that is the Council's responsibility. He stated that other public use and public trust issues rightfully belong before the CRMC. He stated if they look at it in that light and restrict what they do to the fish and fisheries, the biology, and health of the fisheries, on that basis he would vote in favor of this application and move it forward to CRMC. Then CRMC can address the other issues.

J. King asked D. Alves if the working group had come up with maximum amounts of acreage for each of the salt ponds, and the bay, and what would happen if a lease were approved which exceeded that maximum amount. King wanted to know if there would be any recourse to take back what had been approved. D. Alves stated that it was possible, but it does not necessarily mean that would be done.

M. Gibson stated that he did not think D. Alves or anyone else would be able to predict how the CRMC would react to a lease that has already been granted and then found to not conform with what comes out of the working group process.

J. King asked if the Council could make recommendations to CRMC on how to handle leases that were found to be out of compliance with the total maximum number of acres. D. Alves stated that once limits are set for each pond, that would carry weight with the working group.

W. Reynolds asked D. Alves if there could be a layperson from the general public as a representative on the working group panel. D. Alves suggested there could be and that is why he had invited the Executive Director of the Salt Ponds Collation.

W. Reynolds respectfully requested the Council postpone a decision on the Gardner application until the CRMC working group came up with a comprehensive aquaculture plan. This is because Mr. Gardner already has five acres and is working every day; it is not as if he does not have a place to go to work tomorrow. He urged the Council to wait for a plan from the working group before going forward on this application. W. Reynolds stated that once things are done and if they are done improperly it seems very difficult for CRMC to enforce them. He gave an example that he had spoken to D. Alves about the stacking of the equipment on the current lease site and he stated that Alves indicated that it would be difficult to enforce what was going on in the existing lease. Reynolds asked why would we give him more if he was already doing things that were technically not what his assent stated.

**M. Gibson stated that the motion on the table is to approve the Gardner lease.** The Council had discussion on the item and Gibson asked for a vote. **The motion to approve the Gardner lease passed unanimously.**

D. Alves stated that he had some scientific information regarding the Krause lease that he wanted to share with Council members. This information was handed out to Council members by D. Alves.

*Public hearing items: Whelk regulations & New gillnet regulation proposal:* M. Gibson stated they would start with the gillnet regulations. He stated that Council members had heard public comment and asked what the Council's pleasure would be relative to the gillnet regulations. Gibson stated that what he heard was a substantive comment about size of the float, the weighting of the nets, movement of the nets, etc., due to the added floats, which is something he had not been aware of before.

D. Preble asked what the time limits were for the Council making a decision on these regulations.

M. Gibson stated that these issues were not time sensitive issues. He stated that even if the Council made a decision this evening it would still take approximately a month to get these regulations on the books. He also stated that these were not ASMFC compliance issues and they are not resource emergencies so these are not crucial items.

D. Preble stated that he wanted more information about two concerns that he had. The first was having two buoys on one end as opposed to two on each end, so someone can identify which end of the net they were looking at. He stated he found that comment to be very useful. The other comment, which he thought might be beneficial, would be to have an identifying colored buoy on the same end as the two buoy end. This would be the colors of the owner of the net for identifying the owner. Preble stated that he would like to know more about this before making a decision.

K. Ketcham gave comments as the IAC chairperson, the committee that proposed these changes. Ketcham stated that gillnetters were present at the meetings and there were other proposals that they went through and selected this one to go forward. K. Ketcham stated that if the nets were set

according to the current regulations, the nets could drift, but if they were set correctly, they should not touch the next person's nets. The proposed regulation does not seem to be that much of a burden in order to assist the recreational boaters and fishermen in identifying gillnet locations. Ketcham recommended going through with the proposed regulation change as it was constructed at the IAC meeting.

D. Preble asked K. Ketcham if there would be any benefit in identifying one end of the net from the other end. K. Ketcham stated that the consensus was that most nets are set perpendicular to the shore and it is obvious which end is which. One end is inshore and the other end is offshore. Ketcham also stated that there are already laws in place telling you how close you can set one net to another net. Ketcham stated that this was just to make it easier for people to see the net locations.

M. Gibson asked Ketcham if it was his sense to go forward with this proposal at this time.

K. Ketcham indication that the Council should go forward with the proposal as it was proposed.

J. King agreed with D. Preble with the two buoys on one end and the identifying buoy on the other end, stating that this would be distinguishable between fishermen. He felt that four buoys was too many.

D. Preble stated that he was concerned about the complaints of nets being set with one end being free. That was why he had asked his question. If there were no benefit then he would just go forward with what was proposed.

K. Ketcham stated that they had discussed various options at the meeting they had and the gillnetters who were present agreed that this proposal would work. He also stated that the gillnetters who fish offshore in addition to their marking buoys also have high-flyer buoys. Ketcham stated that it would be up to the fishermen to provide the appropriate anchorage to keep the net from moving. He indicated that this was just so people could see them, people who are not fishermen.

M. Gibson asked the Council if they wanted to go forward and recommend this proposal to the Director. On the other hand they could suggest modifications, or decline to make any recommendations tonight and wait for more information. Gibson asked for a motion.

**K. Ketcham made a motion to recommend to the Director to move forward with the marking requirements as proposed at the public hearing. S. Medeiros seconded the motion.**

M. Gibson asked for comments from the public.

J. Low stated there were many recreational and commercial rod and reel fishermen that were being hung up on gillnets. He indicated that some of these nets are between 300 and 600 feet long. The nets are supposed to be anchored and set in certain directions, but some of the nets out there right now do not even meet current standards. He stated that this proposal was to try to clarify and eliminate some of those problems. That was the intent of this proposal. Low stated that they had some very thorough discussion at the advisory panel and the gillnetters were agreeing with the rod and reel fishermen. He felt this proposal would help the situation and requested the Council to move forward with it as quickly as possible.

S. Parente (gillnetter) stated that he did not think J. Low should be speaking for the gillnetters; Low represents the rod and reel fishermen. He stated that no one wants to put four of those giant buoys on their nets. Parente stated that the large orange buoys are like waving a red flag. He stated that there were militant rod and reel fishermen and he had experienced his nets being ripped by anchors and boat motors getting hooked on the nets and taking off. That is one of the reasons gillnetters like to keep a low profile. He stated that what has always been done was to put two buoys on the southwest or south end and one buoy on the north end so that the lobstermen when they set their trawls know which direction the net is running. When they set further out it is two buoys on the west end and one buoy on the east end. Parente also stated the by law they already had to put their license number on the buoys there is no need for a fishermen's name to be on the buoy. The number is for enforcement purposes and enforcement can identify a person by the license number, there is no need to require the name on the buoy also.

J. Grant stated that in the proposal it is stated as RI commercial fishing license number he suggested that this was the CFL and that this was the same problem as the horseshoe crab regulations, which stated multipurpose. He stated that if someone did not have a CFL license it might be easier to change to commercial multipurpose license, or something else.

M. Gibson stated the motion, which was to recommend to the Director to move forward with the marking requirements as proposed at the public hearing, and asked for a vote. **The motion to recommend to the Director to move forward with gillnet marking requirements as proposed at the public hearing passed unanimously.**

*Whelk Regulations:*

M. Gibson stated that the Council can make a recommendation to have the Director move forward on these regulations or if this Council needs additional information, the Council can request that, since this item is not a time sensitive item.

K Ketcham asked how staff determined the 35 bushel possession limit, and if we went with a pot limit why would this possession limit be needed.

D. Erkan stated that some of industry was solicited and asked what their catch was on their best days fishing 200 pots. Since the Department is not in a position to administer trap tags, the Division suggested using a possession limit that would be compatible to what a fishermen could harvest using 200 traps, and industry indicated that 35 bushels was a fair estimate.

M. Gibson added that with respect to pot limits and tags the Division is struggling to this date to implement the pot limit program in the lobster fishery. There continues to be repeat problems with incorrect tags being produced by the tag vender, in some case two and three times in a row. He also mentioned that enforcement was having a difficult time with this also. That is why the Division has opted for the possession limit as opposed to embarking on another trap limit program. Unless traps are required to have tags in them, enforcement would not be able to enforce the trap limit. Gibson stated that the Division is having a major problem with the trap tags in the lobster fishery and the Division does not want to start another trap tag program.

K. Ketcham then asked why the whelks were being placed under the shellfish Part and why not have it under a separate heading. Since these would not be affected by the same closures as the filter feeders, then why not make them a separate Part.

D. Erkan stated that he did not think this was an issue. He gave an example of bay scallops, which are also listed in the Shellfish Part of the regulations, but the harvesting of this species is not hindered by pollution closures. Erkan went on to explain that the Council voted to have this put under shellfish so that the shellfish advisory panel would be responsible for these regulations and not that the harvesting of whelks would be preventing inside pollution closure lines.

M. Gibson stated that he did not think any of the shellfish closures or specific regulations would adversely affect conch harvesting.

J. McNamee stated he supported Gibson's statement, indicating that it was just semantics. It was where whelks fit the best in the structure of the marine fisheries regulations. He stated that whelks are a mollusk; it is a shellfish so it would best fit in this section.

J. King stated that he did not see anything in the whelk regulations that addressed the use of another boat to harvest if the owner/operator's vessel was down.

J. McNamee stated that a lot of the language was taken from the lobster regulations so it should be similar to that.

J. King stated that he did not see it mentioned in the whelk regulations.

M. Gibson suggested that according to enforcement there is already a practice to be able to do that.

S. Parente stated that he would like to have the bait bag requirement eliminated. He could not see, for the price to purchase horseshoe crabs, why these fishermen would not be conservative anyway. He thought it would be a hassle and more of an inconvenience. He requested having that requirement eliminated unless there was some other reason for requiring them.

M. Gibson asked staff to comment on the bait bag requirement he recalled that it may be an ASMFC requirement.

D. Erkan stated that bait bags were not a requirement, but ASMFC was trying to encourage the use of bait bags as a means to reduce the fishing effort on horseshoe crabs.

K. Ketcham stated that he was in agreement with S. Parente that it should be up to the individual fisherman if he wants to use bait bags or not. It should not be a mandatory requirement.

M. Gibson stated that it appeared that some members would like to remove the bait bag requirement. He asked Council members if anyone was opposed to removing this requirement. **There was no objection from Council members to removing the mandatory bait bag requirement from the proposed whelk regulations.**

M. Gibson mentioned that there were some public comments on the sizes of the escape vents. Gibson indicated that it was his understanding that the escape vents were not to prevent whelks from entering, but to let other organisms escape such as fish and lobster.

D. Erkan stated that this requirement was to avoid ghost gear from catching finfish and other marine species. He stated that most pots that were used have wide openings and will not need an escape vent, but this is a safe guard against all the different design types being used.

K. Ketcham asked a question about escape vents. He wanted to know that as long as the top of the pot was open that this would meet the escape vent requirement. D. Erkan stated that if the trap had a wide enough opening then this would act as the escape vent. The intent was to have a wide enough opening to allow other organisms to escape from the pot. K. Ketcham agreed to have an opening or escape vent to allow other marine species to escape.

M. Gibson stated that another comment that was made pertained to the tending requirement of pots. Gibson asked S. Hall, enforcement, if he had any comments. S. Hall stated that it would be difficult to enforce this requirement.

K. Ketcham stated that he thought people would haul their gear at least once a week. He stated that he was in favor of having some type of tending requirement because he did not want to have ghost gear left out. Ketcham indicated that we did not need any more debris left on the bay bottom.

J. King asked what the tending requirement for lobster was. He indicated that if this regulation was modeled after the lobster regulation then it should be a similar tending requirement as the lobster regulation.

K. Ketcham asked the commercial industry what their normal schedule was for tending pots.

A member from the audience stated he normally hauls his pots every one to two nights. He stated that unless there was trouble it is a maximum of two nights.

K. Ketcham stated that he just did not want to see pots left behind. He indicated that some people get into the business then decide not to continue and just leave the gear behind in the water.

D. Erkan stated that the tending requirement in part was raised by industry because they reported an individual leaving his pots in the water all summer and not tending them at all.

M Gibson asked Council members if they wanted to make a recommendation to the Director on the whelk regulations or would they want more time to go through them and talk to industry because there is no timing issue. Gibson suggested that it would be good to get these in place by the 2008 fishing season but there was time for Council members to review the regulations.

**K. Ketcham made a motion to postpone making a recommendation to the Director at this time on the whelk regulations. However, take it under review and address it at the next meeting in September. J. King seconded the motion.**

M. Gibson asked Council members if there were any objections to the motion to postpone Council recommendation to the Director until the next meeting. **There were no objections,**

**therefore, the motion to postpone giving recommendations to the Director on the whelk regulation passed.**

*Alternate application for seat on the Shellfish Advisory Panel:*

M. Gibson stated that the Council had an application before them from Joe Clemente for an alternate position to Russell Vaughn on the Shellfish Advisory Panel.

N. Scarduzio stated that Mr. Clemente's application had been submitted to DEM Enforcement for review and was approved.

**J. King made a motion to approve the appointment of Mr. Clemente as alternate to Russell Vaughn on the Shellfish Advisory Panel. K. Ketcham seconded the motion.**

M. Gibson asked if there were any objections to approving Mr. Clemente as alternate to Russell Vaughn on the Shellfish Advisory Panel. **There were no objections; therefore, Mr. Clemente was approved as alternate to Russell Vaughn on the Shellfish Advisory Panel.**

*Reassignment of Ed Baker's Advisory Panel positions:*

M. Gibson stated that Mr. Baker was not in the health that he wanted to be in, in order to fulfill his obligation to these panels.

N. Scarduzio reviewed the different panels that Mr. Baker was on and the positions that he held. She indicated that he was on one ASMFC panel and four RIMFC panels.

M. Gibson stated that unless there were any objections from the Council he would go ahead, move Mr. Bellavance from the alternate position to the primary position, and notify ASMFC. **There were no objections from the Council.**

M. Gibson suggested that for the positions where Mr. Baker holds an alternate position the Primary person would select and refer another alternate candidate for consideration.

M. Gibson asked J. Low if he would be willing to move from the alternate position up to the primary position on the winter flounder AP. J. Low stated that he would take that position. M. Gibson suggested that J. Low should also select another alternate for the tautog AP.

M. Gibson thanked E. Baker for his service and for regularly attending meetings.

*Approval of IAC Agenda:* M. Gibson indicated that there was a need for another IAC meeting because of the annual specification of licensing recommendations and sector plan recommendations to the Director. Gibson asked if there were any objections to the agenda or if any other items needed to be added. Hearing none, **the agenda was approved as written with an August 20, 2007 meeting date.**

### **Old Business:**

*Update on proposed groundfish advisory panel:* M. Gibson stated that the solicitation process was completed.

N. Scarduzio stated that the deadline for applications to be submitted was July 16, 2007. She stated that approximately eleven (11) applications were received. These applications have been

submitted to enforcement for background checks. Once this process is completed, the names of the qualifying individuals will be presented hopefully for the September Council meeting for Council consideration.

**FYI:**

*Update on Menhaden:* M. Gibson indicated that he would give an update from the Division's perspective. He did not have any idea what was happening with the General Assembly. Gibson stated that at the Department level there had been a significant amount of effort in monitoring the menhaden fishery in the bay. Gibson indicated that he was able to fund and obtain a fishery observer who was placed not only on both fishing vessels but he had also been in the plane with the spotter pilot. He made substantial observations, photographic records, and obtained all of the spotter logs. The Division has sampled over seven thousand (7,000) fish at this time, samples were also taken from floating traps, and we documented those landings. He stated that he had provided Director Sullivan with a draft of how the Division would monitor and manage menhaden in the bay. Gibson stated that the Director agreed there should be a certain percentage that should be left in the bay. He explained that the Division is working with a certain fraction, which is 50 % where the commercial fishery could remove no more than that amount recognizing that some fish have to be left in the bay to service the recreational fishery. Gibson stated that the Division had developed a prototype of an in-season harvest monitoring program. This involves going on the boats, going in the spotter planes, making estimates of how many menhaden are in the bay at any given time, and tracking the actual catches of the purse seine fleet with the ability to shut that fishery down when it approaches the limit, which is set at 50% at this time. He stated that the Division now has an approach, which is a labor intensive approach, but the Division feels this would work. He indicated that the fishery had stopped at this time the two operations have left due to a lack of fish. There was a large-scale movement of menhaden out of the bay within the past few weeks.

K. Ketcham stated that one of the topics that came up at the IAC meeting was how to figure a way to limit out-of-state vessels fishing 3 miles inside of state waters. He was wondering if the Director or Department had tasked anyone to find out ways we could pursue endorsing some type of plan for this.

M. Gibson stated that the Department had some internal discussions about limited entry approaches for the menhaden fishery. The Department is actively considering various ways to limit entry such as; move menhaden to a restricted finfish category, establish a control date, or possibly a vessel based licensing system as opposed to an individual based system. The Department is still looking into this matter.

K. Ketcham stated that people would be in favor of piggybacking herring in with menhaden. He gave an example that occurs in winter when the out-of-state pair trawlers come in and start towing through lobster gear. He thought this would be a good way to piggyback the two together to put controlled effort on both of these mid water species. He indicated that the problem is not with local boats that are targeting herring, but with the people coming from out-of-state that do not have knowledge of where lobstermen set their gear.

*Approved advisory panel policy and copy of Standard Operating Procedures:*

M. Gibson stated that this was just an FYI item for Council members to review. He indicated that if anyone saw any errors or corrections that needed to be addressed, to let staff know.

*Letter from CRMC regarding upcoming aquaculture presentation on August 8, 2007 in Narragansett:* M. Gibson explained that this was a letter sent out by CRMC to all towns. The letter invites them to the presentation on aquaculture on August 8. This was included in Council member's packets as an FYI item.

K. Ketcham stated that a number of people had brought to the Council's attention that this Council did not have any business being involved in aquaculture. However, he stated that as he reviewed the SOP's, Title 20, Chapter 20-3 (Marine Fisheries Council), Section 20-3-4, that this Council really is entitle to have a say in what happens with aquaculture. He indicated that this section speaks to the Council's role. Ketcham read, to the Council, a portion of that section.

M. Gibson requested Attorney G. Powers to provide the Council with a statement of what the Council's responsibility was relative to aquaculture permitting.

G. Power indicated that he did not have all the regulations at hand that pertained to aquaculture but that CRMC is the more direct authority. He stated that he would be able to provide a more explicit explanation.

M. Gibson stated that he thought this Council has made an impact on aquaculture in any account.

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

The Chairman adjourned the meeting.

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Nancy E. Scarduzio, Recording Secretary