

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
September 8, 2003
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: R. Boragine, G. Allen, S. Macinko, S. Medeiros

Chairperson: J. Reitsma

RIDEM F&W Staff: N. Lazar, M. Gibson, J. McNamee

DEM: D. Borden

Legal Counsel: G. Powers

DEM Enforcement: 1 attendee

Public: approximately 60 people attended

J. Reitsma stated that there were currently not enough Rhode Island Marine Fisheries Council (RIMFC or Council) members present to have a quorum therefore they would go through the agenda items which did not require an official action first. He then solicited any changes to the agenda. There were none. J. Reitsma asked if there were any comments or changes to the minutes from the previous Council meeting. R. Boragine stated that on page one under new business one of the problems the Council had with the proposal was that there was no name attached to the proposal therefore they did not know who was making the proposal, this should be indicated in minutes. Also on page five R. Boragine wanted to reiterate that he was not informed of the meeting date therefore this was why a scheduling conflict arose. Lastly, on page seven, R. Boragine wanted to make clear the fact that the letter regarding the wind/wave power generating plant should have been brought before the Council before it was sent.

Advisory Panel Reports

Lobster Advisory Panel Report: K. Castro stated that she would give the lobster advisory panel report in S. Cobb's absence. She stated that the meeting was largely informational. The panel discussed information which came out of various Atlantic States Marine Fisheries Commission (ASMFC) meetings regarding the Area 2 emergency action proposals. The lobster advisory panel was also interested in beginning a ventless trap experiment in Area 2. Study design and proposals were given to the Division of Fish and Wildlife (DFW). The advisory panel voted on and approved a motion which asks the Department of Environmental Management (DEM) to look in to implementing a lobster conservation plan for Area 2 which would look at the possibility of partial population

management within statistical areas. The panel went on to make a motion to approve the amended regulations regarding placement of escape vents and therefore they wanted these amended regulations passed on to the Council for their approval and sent to public hearing. The panel also discussed a trap reduction proposal. No formal motions were made regarding this discussion. M. Gibson stated that the draft Addendum 4 had been approved for public comment and will be presented at an ASMFC public hearing in the near future. M. Gibson stated that he thinks the addendum will be adopted by the ASMFC in December of this year. J. Reitsma asked a question about ASMFCs involvement with the partial population analysis which had been brought up by the advisory panel. M. Gibson stated that the ASMFC does not embrace this concept and therefore this proposal had not been passed on to them. J. Reitsma asked whether DEM has the resources to perform the experiment as suggested by the lobster advisory panel. M. Gibson stated that the DEM would be able to provide feedback to the lobster advisory panel on the specifics of running this experiment but he did not think that we currently have the resources to conduct what the proposal asks for in the immediate future. M. Marchetti clarified some of the points brought up in K. Castro's discussion of the advisory panel report stating that it was felt the current stock analysis and management was inadequate. D. Borden stated that it is still a question as to whether Area 2 can be restored without some sort of action being taken in the neighboring Areas. J. Reitsma asked whether ASMFC was going to deal with this issue. M. Gibson stated that an attempt had been made at the last ASMFC board meeting by the Rhode Island delegation to bring up this issue of multi area management measures. This issue was rejected by the states of Connecticut and New York. J. Reitsma asked to what extent the state of Rhode Island and the Marine Fisheries Council should further push this issue. M. Gibson suggested making statements at the public hearing which would be coming up. D. Borden suggested drafting a letter from the RIMFC and the Director of DEM asking the ASMFC lobster technical committee what they thought the success of Area 2 management measures would be without concurrent management measures in neighboring statistical areas. J. Reitsma stated that the DFW will draft a letter which will be brought before Council before being sent to ASMFC with a CC going to the Governor and Congressional delegation of Rhode Island. There were no objections to doing this from the Council. **Note: another Council member had come to the meeting at this point so a quorum was now present.**

Scup/Black Sea Bass Advisory Panel report: M. Gibson gave the report in K. Ketcham's absence. He stated that the panel was briefed on the quotas that had been approved for 2004. During the first meeting the panel decided to go with status quo for the time being because there was incomplete attendance. A second meeting was held and a wider contingent of the industry concerned with scup and black sea bass were present. The panel decided that the possession limit could be increased during the Winter I period for black sea bass from 1,000 pounds to 1,500 pounds. This would include a trigger that when 60% of the quota had been harvested for the Winter I period, the possession limit would drop to 1,000 pounds. Everything else for black sea bass would remain at status quo. The rest of the discussion centered around the scup weekly landing permit program. The suggested changes were to increase the time limit for the permit from 30 days to the entire sub period, to get rid of the March 31st deadline for obtaining a permit, and to

specify a time period during the week when the permit could be picked up from the DFW. There was discussion about whether these issues needed to go to public hearing or not. **S. Medeiros made a motion to send these recommendations to public hearing and whether this is necessary or not, at least the issue is covered. G. Allen seconded the motion. The motion was unanimously approved.** There was some discussion about a question posed by the advisory panel as to whether the Vessel Trip Report (VTR) was needed by DEM for the scup weekly trip limit program. The representative from enforcement stated that he had not been advised about this issue and N. Lazar stated that the DFW did not need the VTR for their purposes.

Shellfish Advisory Panel Report: R. Boragine stated that he was not at the shellfish advisory panel meeting because he was running the tautog advisory panel meeting at the same time. This conflict occurred because he was not informed of the shellfish advisory panel meeting date. The panel discussed changes to the schedule of the High Banks shellfish management area. The discussion occurred between the shellfish advisory panel and M. Gibson of the DFW. The panel also discussed supplementing the current shellfish assessment survey with a SCUBA survey in this particular area. M. Gibson stated gave a more detailed description of the negotiations which were discussed about this High Banks area. The DFWs position was that this schedule seems to be important for a spawner sanctuary and without any good scientific evidence as to the effects altering the schedule would have, the DFW does not support altering the current schedule. The DFW has committed to doing the SCUBA survey of the area and assessing what a permanent closure in a portion of this area would do, but until then the DFW recommends leaving the High Banks schedule as is. He added that assessing the impacts of the Greenwich Bay die off which occurred this summer was a priority at this point. J. Reitsma stated that a workshop will be held the following month to go over some of the impact studies regarding the Greenwich Bay fish kill.

Tautog Advisory Panel Report: R. Boragine stated that the tautog advisory panel continued it's discussions from the previous meeting which was to try and come up with a set of options to bring forward to the Council. The panel also discussed a tagging program again. The panel came up with a spawning closure line, meaning above this line, all commercial fishing will be prohibited until after July 1. R. Boragine described the six options which were decided on by the tautog advisory panel. There was a discussion about which options were to be brought to public hearing. R. Boragine was under the assumption that they would all be presented to the public. G. Allen stated that from reading the minutes he felt that there were only three actual options that were to be brought to the public hearing. J. Reitsma asked M. Gibson what exactly was to be done with these options. M. Gibson stated that he felt the Council could choose which options it wanted to bring to public hearing. There was further discussion about the options and how they were noted in the minutes. G. Allen asked if the DFW was going to clarify whether a slot limit was a viable option which was a question brought up by the tautog advisory panel. The DFW said they would. G. Allen asked a second question about whether or not the spawning closure lines proposed in the various options actually encompass the major spawning areas for tautog. He felt that this was something the DFW should look in to before proceeding to the public hearing with these options. J. Reitsma

asked whether this was the way the process was supposed to work, he thought that the different options were supposed to be worked out at the advisory panel level and then a definitive option was to be brought forward to the Council for action. R. Boragine responded that this is what occurred except for the fact that they did not know whether a slot limit would increase their bag limit. If this is the case then it is very easy to come forward with a preferred option. J. Reitsma posed this question to M. Gibson. M. Gibson stated that there was no methodology for including a slot limit in assessments at this point in time therefore the DFW would have to come up with a scientifically justified approach to doing this which would then have to be brought before the ASMFC. This could not be done in time for the 2004 fishing year. R. Boragine then stated that the minutes read that there were two options to bring forward to public hearing, the DFW's option and the advisory panel preferred option. There was further discussion about the actual spawning areas. D. Borden suggested that the fishery does not begin until April therefore there was time to bring this back to the advisory panel and to public hearing before the opening of the fishery. It was not necessary to bring this to public hearing in October. G. Allen and S. Medeiros restated that they wanted information on spawning locations in Narragansett Bay for tautog before they made a decision. J. Reitsma stated that they should table this until a future date. B. Mattiucci stated that he thought the advisory panels should vote and have the vote recorded to alleviate this issue of too many options being brought forward to the Council. J. Reitsma stated that he felt voting does not allow for an open discussion on subjects so he felt this was not a good idea. M. Conroy stated that he felt a slot limit was a bad idea because it would increase discards and he also felt that a spawning closure line should be thought about carefully because depending on where it ends up could seriously affect fishermen.

Summer Flounder Advisory Panel Report: R. Boragine stated that several proposals had been brought forward to the summer flounder advisory panel. He felt they fell into a couple of basic areas. The first was to take the extra quota which they will receive next year and distribute it proportionally to the four sub periods. The second idea was to take the extra quota for 2004 and add it all to the summer I sub period, this was the DFW's proposal. Along with these two proposals there was a suggestion to develop an aggregate landing program with summer flounder. Another suggestion which goes along with this is to have a permit program for dealers so if they report late, their ability to sell summer flounder will be revoked. A similar idea had come up in the tautog advisory panel discussion. There were two other proposals which would alter the periods from how they were currently set up, most having a combination of the summer I and summer II sub periods with differing allocation schemes. R. Boragine felt there were a couple of questions that needed to be answered, first, does the Council want to stay with four sub periods or move to three, and the second question is what does the Council do with the extra fish. J. Reitsma asked whether there was a preferred option which came out of the advisory panel. R. Boragine stated that he felt remaining at status quo was preferred by the advisory panel. J. Reitsma asked M. Gibson his take on the proposals in an effort to pair down the number of proposals which would be going forward. M. Gibson stated he thinks there are three main schemes; the first was the DFW proposal to keep the seasons as they currently are but change the allocations so that the increase in quota for next year will all go into the summer 1 sub period, the second would be to keep things at status quo

and prorate the increase in quota across all of the sub periods, and the third scheme would be to combine the summer 1 and summer 2 sub periods and combine the current allocations for those two periods into one aggregate allocation for the entire summer. J. Reitsma asked if the DFW was opposed to collapsing the summer 1 and summer 2 periods and M. Gibson replied that they were not but the DFW prefers the position it stated as its preferred option, this gives the best chance to keep the fishery open throughout the problematic summer 1 period. J. Reitsma asked the Council for comments. G. Allen asked R. Boragine if the advisory panel had voted on the options. R. Boragine stated that it would have been ludicrous to vote on these options because the panel was divided as far as which option they preferred. G. Allen stated that he felt the advisory panels should vote on these issues so that the Council can tell what the majority of the advisory panel members wanted as their preferred option. J. Reitsma stated that the DFW's proposal will be one of the options brought forward to public hearing. He went on to state that he would like the DFW to come up with an alternate option which would combine the summer 1 and summer 2 sub periods and allocates enough to that period to address its concerns about keeping it open while at the same time giving some of the additional quota to the other sub periods. J. Reitsma went on to say that both of the proposals that he had mentioned should take in to account the research set aside which was proposed at the advisory panel meeting. The final proposal which should be brought to public hearing would be the status quo option. J. Reitsma stated that he had discussed the idea of an aggregate landing program for summer flounder with the DFW and while he felt this was a good idea, the DFW was currently working on a program for scup and once this program was running smoothly the DFW could begin to think about setting one up for other species. The DFW is currently unable to undertake an aggregate landing program for summer flounder do to reporting and enforcement issues. R. Boragine stated that enforcement was not such a large issue for fluke because only permitted vessels can land over 200 pounds of fluke and permitted vessels already have to call in there landings to enforcement. M. Gibson responded to R. Boragine's comments by stating that bugs still need to be worked out of the scup system before we take on another similar program and while the fluke permit definitely cuts down on the number of boats fishing for fluke, there are still many boats that need to be tracked and the DFW does not have the capacity to do this at the current time. J. Reitsma took comments from the audience. B. Mattiucci stated that all of the proposals brought forward to the advisory panel and then the council are not equal. Some of the proposals were well thought out and supported with evidence and data and others were scribbled down on paper fifteen minutes before the meeting started. B. Mattiucci wanted to bring that to the Councils attention and also voiced his support for the DFW's proposal for summer flounder management. He went on to say that he does not think the historical landings are a fair way to manage this fishery because historically there were some user groups that accounted for a small percentage of fish landings which now make up a large portion of the catch each year. D. Borden stated that four proposals had been outlined and the Council could now vote to bring these four proposals to public hearing. J. Reitsma asked M. Gibson to restate the four options that are on the table and then have R. Boragine comment on whether these were accurate or not. M. Gibson stated that there is the DFWs proposal to put the entire extra quota into summer 1, the second proposal is to combine the summer 1 and summer 2 sub periods, the third is to remain at status quo and prorate the new quota into the allocations as they

now stand, the fourth proposal is to include the research set aside into the winter 1 period. R. Boragine wanted to know whether the 80,000 pounds suggested in the research set aside proposal was an adequate amount to get some good data. J. Reitsma posed this question to M. Gibson who stated that there needed to be further analysis on exactly what the research set aside was going to be used for before a judgment could be made on an adequate amount of fish. S. Macinko stated that he was confused as to how we have gone from six written proposals to four verbally articulated proposals and wanted this progression clarified. C. Grandquist asked if there was a chance for the advisory panels to meet again because he felt that there were three proposals with the rod and reel sector having different variations of one proposal so if the rod and reel sector could come to a consensus on the variations on the one proposal at an advisory panel meeting, then this could be brought to public hearing. B. Mattiucci clarified the rod and reel sectors proposal as being just the combination of the summer 1 and summer 2 periods, but they would support any proposal which would keep the fishery open all summer long. J. Reitsma went back through what he thought the three proposals were. There was the DFW proposal, the Commercial Fishermen's Association proposal, and the Rod and Reel Association's proposal as described by B. Mattiucci. He went on to state that the other wrinkle was the research set aside. This would be kept separate and presented at the public hearing. M. Conroy gave a statement about how not all of the summer fishermen are in the rod and reel sector, other gear types also fish in the summer. J. Reitsma asked if there was a motion on the table. **G. Allen made a motion as described previously by J. Reitsma. The motion was seconded by R. Boragine. The Council unanimously approved the motion.**

New Business

Proposed members for the floating fish trap advisory panel: G. Allen stated that K. Ketcham was not present so he did not know what was happening with the commercial portion of the floating fish trap advisory panel, but he was prepared to present four resumes for the recreational portion of the fish trap advisory panel. He did not have alternates for the four panel members he was presenting. G. Allen stated that they had two options, they could vote that evening for the members he was presenting or they could wait until K. Ketcham came forward with the other panel members and vote on them all at once. R. Boragine asked that they review the resumes and vote that evening. G. Allen passed out copies of the resumes to the Council. The four members being presented were J. White, B. Ketchal, D. MacPherson, and A. Conti. **R. Boragine made a motion to accept J. White, B. Ketchal, and D. MacPherson but not A. Conti. R. Boragine did not support A. Conti because he felt he was on too many advisory panels (AP) as too many different user groups already. G. Allen stated that he had spoken with A. Conti and A. Conti stated his focus on the floating fish trap AP would be strictly as a recreational fisherman. J. Reitsma asked if there was a second for R. Boragine's motion, there was none. G. Allen made a motion that the four recreational members that he had proposed be accepted. S. Medeiros seconded the motion. The Council voted three for the motion to one opposed to the motion. The motion carried.**

Changes to advisory panel membership lists: J. McNamee stated that in the packet two

lists were included for both the tautog AP and summer flounder AP. One was the list as it currently was and the second list was proposed changes to these AP lists. R. Boragine had told J. McNamee that he had contacted all of the people indicated in the proposed changes and they have agreed to the changes. R. Boragine described several of the changes and the reasoning behind the changes. R. Boragine stated that the only individual he was not able to get in touch with was J. Kourtesis. J. Reitsma pointed out several openings on the tautog list, one being a gillnet bay user group. M. Conroy asked that he be considered for that opening. S. Medeiros stated that he was asked to present some recreational changes to the tautog AP list. R. Healy wished to be removed and P. Karcz who was an alternate was willing to take that position. B. Randal was willing to serve as the alternate for M. Lanni. **R. Boragine made a motion to accept the changes. S. Macinko seconded the motion. The Council unanimously accepted the motion.** The Council then moved on to the summer flounder AP changes. R. Boragine again described several of the changes and the reasoning behind the changes. **S. Medeiros made a motion to approve the changes. R. Boragine seconded the motion. The motion was unanimously approved.**

Old Business

Status of the groundfish relief fund survey: M. Gibson presented a summary of the results from the groundfish relief fund survey. M. Gibson gave a brief overview of how the survey came about and how we got to the point where we are now. He then went over the results. M. Gibson stated that of the 153 surveys which were sent out, 58 were returned on time, 2 came back undeliverable, and 3 came back after the specified end date. Of the 58 surveys which were returned on time, 81% endorsed the direct payment option, 17% endorsed the research trust fund, and 1% endorsed the new public hearing option. M. Gibson went on to state that the actual data provided in the survey was being looked in to and at first glance, the data which was provided in the survey was incorrect. The responses had not been analyzed in detail yet. J. Reitsma asked for comments. J. O'Grady commented that he feels a legitimate public process was had and the outcome of this process was to set up a research trust fund. He felt this was where the groundfish relief fund should go from here. J. Reitsma stated that he felt the information provided in the survey was not credible and the Council should therefore consider going with the original plan for setting up a research trust fund. **S. Medeiros made a motion to reaffirm the Council's previous motion to use the groundfish relief fund money to set up a research trust fund. G. Allen seconded the motion. The Council voted to approve the motion unanimously.**

Other Business

Council comments on 2003 RI Fisheries Management Report: M. Gibson stated that the management reports were passed out at the previous Council meeting and he was now soliciting comments from the Council. He gave a brief overview of what the management report stated and went on to give some updated information. M. Gibson stated that the updated information did not change the recommendations specified in the reports. R. Boragine asked whether licensing comments went along with comments on these

management reports. J. Reitsma stated that it was appropriate to address licensing comments at this point. R. Boragine stated that the student shellfish licenses need to be addressed at some point by the Council. His question was how do individuals transition from a student shellfish license to a commercial license. This is not spelled out under the current regulations. He also suggested that the new licensing regulations should be evaluated in the near future by the Council. J. Reitsma agreed that this was important. D. Borden suggested that in the case of the student shellfish licenses, this should be taken up at the shellfish AP and then brought forward to the Council. R. Boragine brought up the industry advisory panel that was set up to deal with licensing issues. J. Reitsma suggested they take this up at the next Council meeting.

Discussion about interactions between RIMFC and RIDEM: This item was discussed by the Director with some of the Council members and they decided to hold an informal meeting to deal with this agenda item.

Post Agenda Discussion

B. Mattiucci suggested that an advisory panel be set up to deal with enforcement issues, in other words the panel will be composed of commercial and recreational users and enforcement officials to discuss enforcement issues which occur. R. Boragine suggested that somebody work with B. Mattiucci to come forward with a proposal for this. S. Medeiros volunteered to work with him on this.

G. Powers suggested that the Council had not voted to accept the minutes from the previous Council meeting. J. Reitsma stated that the minutes were accepted pending the corrections suggested by R. Boragine.

An audience member suggested a change to some shellfishing regulations. He suggested a permanent opening of the Greenwich Bay management area. It was suggested to R. Boragine to write down the individuals concerns and put it on the next shellfish AP meeting agenda. R. Boragine brought up scheduling conflicts which were occurring at the shellfish AP. J. Reitsma suggested working with DFW staff to come up with a good date to hold the meeting and to place the Greenwich Bay permanent opening item on this agenda. G. Allen voiced concerns over the amount of APs that R. Boragine was currently the chair of. R. Boragine stated that J. King was going to take over the shellfish AP in the near future. K. Castro asked who they were going to get to replace S. Cobb on the Lobster AP. J. Reitsma suggested that S. Macinko consider this, but he did not have to answer right at this moment.

D. Borden stated that there was a groundfish meeting on amendment 13 at the Holiday Inn on the following Thursday and he suggested that people should attend this meeting.

G. Allen moved to adjourn the meeting.

Jason E. McNamee, Recording Secretary