

RHODE ISLAND MARINE FISHERIES COUNCIL
Summary of Minutes from Monthly Meeting
December 7, 2009 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: S. Medeiros, R. Hittinger, C. Anderson, J. King, K Ketcham, S. Parente

RIMFC Members Absent: S. Macinko, R. Bellavance

Chairperson: B. Ballou

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

DEM Staff: W.M. Sullivan, L. Mouradjian, G. Powers, S. Hall

Public: 20 people attended

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. There were no modifications made to the agenda. **B. Ballou asked if there were any objections to approving the agenda. Hearing none, the December 7, 2009 agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the November 2, 2009, meeting and the approval of supplemental minutes from the October 5, 2009, Council meeting. B. Ballou asked if there were any objections to approving the minutes. C. Anderson asked to correct a type error on page 7 of the November 2, minutes it should read "IFQ". **S. Medeiros made a motion to approve the November 2, minutes as amended, and approve the supplement minutes to the October 5, 2009, Council meeting. The minutes from the November 2, 2009 Council meeting were approved as amended along with the October 5, 2009 supplement meeting minutes.**

Public Comments

There were no comments from the public.

New Business

Council recommendations on November 12, 2009 Public hearing items:

1) Summer flounder quota management proposals:

K. Ketcham made a motion to recommend that the Director adopt the Division's modified option 2 with a friendly amendment to extend the aggregate landings program to April 30. This option included, in the winter 1 sub period; a pre-aggregate period with a possession limit set at 200 lbs/day, during the aggregate period 300 lbs/day or if in the aggregate landing program 2,000 lbs/week, post aggregate period would be set at 200 lbs/day. The summer sub period would be set at 100 lbs/day or if in the aggregate program 350 lbs/week. For the winter 2 sub period, the possession limit would be 600 lbs/day. This proposal also eliminated the Friday & Saturday closures, thereby reopening the fishery on Fridays & Saturdays. J. King seconded the motion.

K. Ketcham asked J. McNamee if he knew what the effects would be by extending the winter aggregate program out to the end of April. J. McNamee stated that he did not know since he only modeled what was presented before them on the slide. K. Ketcham pointed out that the aggregate program was a pilot program and we never went back to review the effects of manipulating the start and ending dates. Ketcham thought by changing the ending date it might be easier for the Division to keep up or adjust the numbers accordingly, rather than go to a daily possession limit.

S. Parente suggested a hybrid option by combining options 2 & 3, and for the summer periods 50 lbs/day or 250 lbs/week for aggregate participants and removal of the Friday and Saturday closures, but only if we had the quota to make that work.

B. Ballou pointed out that the modified option currently being proposed was a combination of option 2 and option 3.

S. Medeiros stated he did not have a problem with whatever starting limits the Council wanted to recommend, however he had a real problem with changing the Friday & Saturday closures. This was when the recreational fishing industry was most active and he wanted fish left for them. He also indicated that the recreational fishery did not catch their quota last year. He wanted the Friday & Saturday closures to remain in place.

There was Council member discussion about the recreational fishing industry and the minimum size that was more of a factor for the recreational quota not being caught, than the Friday and Saturday closures.

R Hittinger also expressed concerns about opening Fridays and Saturdays to commercial fishing. He also wanted the Friday & Saturday closures to remain in place.

B. Ballou asked for comments from the audience. There was a comment regarding enforcement of dealers who were reporting late. B. Ballou indicated that the Department would address late reporting via enforcement actions.

G. Allen stated he was opposed to opening the summer flounder fishery on Fridays and Saturdays to the commercial fishery. He indicated that the majority of recreational fishermen fished on the weekend and if the weekends were also open to commercial fishing it would put extra pressure on the fishery. He felt the recreational fishermen should have a chance at the fishery on the weekends. G. Allen also pointed out that the Director had set precedence for this with some of the requirements set in the sector pilot program. He gave an example that industry wanted more quota in the summer period when the recreational fishers were fishing, and the Director chose to limit the number of fish the sector participants could take during the summer period so the recreational fishers had fish to catch on the weekends.

H. Loftes stated that he would not mind having the fishery closed on the weekends as long as he could participate in both the winter and summer aggregate programs.

T. Jackson indicated that most of the boats were fishing in the winter aggregate program and not during the summer. She stated it was not profitable to go out during the summer for 100 lbs/day. She felt opening the fishery on the weekend to commercial fishermen would not hurt the fishery or the recreational fishermen. She was in support of the modified option 2.

C. Granquist expressed concerns about opening Fridays and Saturdays.

C. Brown was concerned that by opening the fishery on the weekends would not leave fish for September and October. He felt the Division's model could not factor in the current economic times. He had concerns about removing the Friday and Saturday closures and emphasized the fact that it was important for the draggers in Point Judith to have a fall fishery.

K. Booth supported opening Fridays and Saturdays. He felt the Department had the flexibility to monitor the quota and if needed, drop the limit to 50 lbs/day if it looked like too much quota was being used to fast.

M. Rice inquired if the Division knew if landings were more active on certain days of the week.

J. McNamee responded by explaining the model he used and that he was not able to determine that information from the model.

C. Anderson mentioned concerns about how this would affect the fixed gear fishermen who would have to collect their gear each week with weekend closures.

S. Medeiros stated that right after the commercial fishing industry stopped fishing each week, within a few days the recreational fishermen were able to start catching fish. Usually Sunday was a good day to catch fish.

R. Hittinger asked K. Ketcham, the maker of the motion, if he would accept a friendly amendment to withdraw the Friday and Saturday openings. K. Ketcham stated that he would first like to call for a vote on the current motion, and if the vote failed to amend the motion if needed.

B. Ballou asked for a vote. The Council voted (4) in support; K. Ketcham, J. King, S. Parente, C. Anderson to (2) opposed; S. Medeiros, R. Hittinger, to approve the motion to recommend that the Director adopt the Division's modified option 2 with a friendly amendment to extend the aggregate landings program to April 30. This option included in the winter 1 sub period; a pre-aggregate period with a possession limit set at 200 lbs/day, during the aggregate period 300 lbs/day or if in the aggregate landing program 2,000 lbs/week, post aggregate period would be set at 200 lbs/day. The summer sub period would be set at 100 lbs/day or if in the aggregate program 350 lbs/week. For the winter 2 sub period, the possession limit would be 600 lbs/day. This proposal also eliminated the Friday & Saturday closures, thereby reopening the fishery on Fridays & Saturdays.

2) Proposal to continue/expand/modify summer flounder sector allocation program in 2010:

B. Ballou stated that the Director was present to speak to this issue.

Director Sullivan requested that the Council delay action on this item for at least 30 days but not more than 60 days because the Department had not completed the review of all the data. He explained that he would like the Council to have complete information before making any recommendations.

K. Ketcham requested to make a motion. B. Ballou cautioned that he had refrained from participation in any votes pertaining to the sector allocation program up to this point and was sure he wanted to participate now. K. Ketcham stated that in this case, since a decision on the item would be delayed, he felt he could make a motion. K. Ketcham made a motion to delay a

decision for at least 30 days but not more than 60 days on the item before them. B. Ballou suggested that proper procedure would be to make a motion to table the matter.

K. Ketcham made a motion to table the matter. J. King seconded the motion.

B. Ballou asked for a vote. The Council voted unanimously to table the proposal to continue/expand/modify the summer flounder sector allocation program in 2010.

3) Proposal to amend the control date for the summer flounder commercial fishery

B. Ballou indicated that the Council might want to table this item as well, since it was linked to the sector allocation pilot program.

J. McNamee offered, on behalf of the Division, that there was no pressing nature to this item that would not preclude the Council from tabling this item since there was some association with this and the sector pilot program.

S. Parente stated he was in support of option 3, eliminating the control date, indicating this was also the majority opinion at the public hearing. He was concerned about using the 2009 data.

S. Parente made a motion to recommend adoption of option 3, eliminate the control date for the summer flounder commercial fishery. R. Hittinger seconded the motion.

B. Ballou asked for comments from the Council. There were no comments. B. Ballou asked for comments from the audience.

K. Booth cautioned the Council with pushing forward with something without knowing what it really meant. He was concerned about the implications the Council's actions might have. He reluctantly stated that option 3 would probably be the only thing we could do at this point.

R. Hopkins stated he was in support of option 3, to eliminate the control date. He stated that in his opinion, control dates eliminated fishermen and licenses; they do not have anything to do with regulating fish. He explained this was evident by 900 fishermen in this state who had lost lobster pots. He stated that quotas managed fish, and control dates managed people and licenses.

B. Ballou asked for a vote. The Council voted (4) in support; J. King, S. Parente, S. Medeiros, R. Hittinger to (2) opposed; K. Ketcham, C. Anderson, to approve the motion to recommend that the Director eliminate the control date for the summer flounder commercial fishery.

4) Proposal to terminate the RI State summer flounder exemption certificate program:

B. Ballou reiterated that the Department, at this point, did not plan to pursue this issue and as such took no comments at the public hearing. He noted that no one had any comments to offer at the public hearing recognizing the Department's stand on this item. He stated that the Department had withdrawn the item; therefore, there was no action needed by the Council on this item. There were no objections from the Council.

5) Scup quota Management Plan:

B. Ballou asked J. McNamee to give the Division's perspective. J. McNamee explained and summarized that working with less quota than what we thought we had and by pointing out that the only closure we had was a short closure in the spring sub period, the Division felt a

modification downward to perhaps 500 lbs/week in that spring sub period might be in order. However, he suggested maintaining status quo of 400 lbs/week for both the summer and fall sub periods. He indicated this modified plan would probably keep the fishery open and allow the harvest of the entire allocation.

S. Parente was in agreement with the modified proposal as outlined by J. McNamee.

S. Parente made a motion to recommend that the Director adopt the modified scup management plan of 0 – 500 lbs/week in the spring sub period, and 0-400 lbs/week in both the summer and fall sub periods. R. Hittinger seconded the motion.

K. Ketcham asked for clarification from J. McNamee if the fish trap part of this management plan would be discussed at the January Scup/Black Sea Bass Advisory Panel meeting. J. McNamee confirmed that it would be discussed at that time.

J. Granted asked the Council to think about the quota for 2010, which was about the same as in 2006 and there was a daily possession limit at that time. The daily limit had gone up to 1,000 lbs/day pointing out that there was something with the aggregate program that was bring more people out. He stated that he liked the aggregate program, but we were increasing our catch rates and it was something to consider.

J. McNamee made a point about gear specific management, mentioning that at this point the Division did not feel there had been adequate discussion about that sort of thing. There had been no analysis done and if they wanted to talk about it, it should be brought forward in 2010 for 2011 if people were interested.

B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the modified scup management plan of 0 – 500 lbs/week in the spring sub period, and 0-400 lbs/week in both the summer and fall sub periods.

6) Black sea bass quota Management proposals:

J. McNamee offered the Division's perspective stating that is was an issue of a very small quota, which boiled down to not if we can keep the fishery open but when would you want the fishery to close. The quota was very small and difficult to manage. He explained that all the options were workable. He also mentioned that the current threshold per regulation is set at 100 lbs/day and this would need to be changed to at least 50 lbs/day to give the Division more flexibility.

S. Parente commented that he was in favor of option 4, because it was the majority opinion at the public hearing and because of the small quota an August closure would be necessary in order to keep the fishery open for as long as possible.

S. Parente made a motion to recommend that the Director adopt option 4 for the black sea bass management plan, which was to adjust the spring and summer sub periods and possession limits with the month of August closed. K. Ketcham seconded the motion.

T. Jackson stated that she was in favor of Option 3, and asked the Council to consider modifying the current regulation to lower the threshold to 50 lbs/day so the Division could have more flexibility in managing the small quota.

J. McNamee clarified that if option 4 was adopted the regulation would be changed to remove that 100 lb/day threshold.

J. Grant stated that he supported option 3. He suggested that the Council adopt a hybrid of option 3 and option 4 to extend the first sub period to May 14.

An audience member stated he was in favor of option 4.

K. Booth stated his association was in support of option 4. Another audience member from the RICRRAA stated he was in favor of option 4.

B. Ballou asked for a vote. The Council voted (5) in support; S. Parente, S. Medeiros, R. Hittinger K. Ketcham, C. Anderson, to (1) opposed; J. King, to adopt option 4 for the black sea bass management plan, which was to adjust the spring and summer sub periods and possession limits with the month of August closed.

7) Proposed amendments to the spiny dogfish management plan:

K. Ketcham wanted clarification that this was a requirement for compliance by the ASMFC.

N. Scarduzio confirmed that the proposed changes were requirements to come in to compliance with the ASMFC spiny dogfish Fishery Management Plan. Ketcham felt this fowled up RI fishermen because we were not really a northern region fishery and the dogfish did not enter state waters when the season would be open.

B. Ballou confirmed this was a compliance issue.

K. Ketcham requested that we have our state ASMFC representative ask ASMFC to consider moving RI in to the Southern Region. Stating this would be more beneficial to our fishermen.

S. Parente made a motion to recommend that the Director adopt the proposed amendments to the spiny dogfish management plan. C. Anderson seconded the motion.

An audience member commented that he would like to see the quota doubled to 6,000 pounds.

B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the proposed amendments to the spiny dogfish management plan.

8) Proposed adoption of coastal sharks management plan

In response to public comments, N. Scarduzio offered updated information. She explained that one public comment requested that smooth dogfish be exempt from the finning prohibition. She indicated to the Council that this change could be accommodated since there was a provision that had been added with Addendum 1 of the Coastal Sharks Fishery Management Plan (FMP) that exempted smooth dogfish. She reviewed the proposed language in Addendum 1 and provided Council members with a copy. Another comment from the public hearing pertained to requesting that a harpoon be added to the list of authorized commercial gear. N. Scarduzio explained that harpoon was a prohibited gear type however, if RI wanted to pursue having harpoon considered a viable gear there were two options that could be considered by the Council. The first was to have M. Gibson propose an Addendum to the Coastal Shark Management Board, or the second option was to have the Division draft a Conservation Equivalency Proposal and submit it to ASMFC for consideration. However, for 2010 harpoon would be a prohibited gear type.

K. Ketcham made a motion to recommend that the Director adopt the coastal shark management plan along with the provision from Addendum 1 (4.3.1.1 Finning and Identification) ASMFC Atlantic Coastal Sharks Fishery Management Plan to allow the finning of smooth dogfish, and to have the Department pursue the options available to have harpoon added as an authorized commercial gear type.

B. Ballou asked for clarification as to why harpooning would be a necessary gear type.

K. Ketcham stated that some swordfish boats were still harpooning and they may want to have the opportunity to harpoon a shark. K. Ketcham stated that a harpoon was an approved gear type for both tuna and swordfish so why not have it available for sharks.

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

B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the coastal shark management plan along with the provision from Addendum 1 (4.3.1.1 Finning and Identification) ASMFC Atlantic Coastal Sharks Fishery Management Plan to allow the finning of smooth dogfish, and to have the Department pursue the options available to have harpoon added as an authorized commercial gear type.

9) Proposed amendments to the bay scallops management plan:

K. Ketcham clarified that these amends were being proposed based on findings from the North Cape Restoration study, which determined that some scallops were spawning later in the season or having multiple spawns. N. Scarduzio confirmed his statement.

N. Scarduzio explained that the first item for consideration was a proposal to modify the bay scallop season, dip net season, and use of scallop dredges.

S. Medeiros made a motion to recommend that the Director adopt the proposed modifications to the bay scallop season, dip net season and use of scallop dredges. R. Hittinger seconded the motion.

K. Ketcham had another question about whether the dredging of scallops was going to affect the eelgrass habitat needed for juvenile winter flounder. He asked if the Department had conducted any studies to determine if this would be a concern. B. Ballou thought there were regulations in place to address those concerns but he was unable to confirm this information at this time.

M. Rice stated that he thought this was a good proposal from a biological standpoint. He also added that in terms of eelgrass he thought existing regulations covered a number of concerns.

B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the proposed modifications to the bay scallop season, dip net season, and use of scallop dredges.

N. Scarduzio explained that the second item for consideration was a proposal to amend the commercial bay scallop daily possession limit. This would lower the possession limit for bay scallops from 5 bushels per day to 3 bushels per day.

J. King made a motion to recommend that the Director adopt the proposed amend to decrease the commercial daily catch limit of bay scallops to three (3) bushels per day per boat per license. S. Medeiros seconded the motion.

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

B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the proposed amendment to decrease the commercial daily catch limit of bay scallops to 3 bushels per day per boat per license.

Approval of Menhaden AP Agenda – S. Medeiros:

S. Medeiros stated the meeting date had been set for January 11, 2009 at 6 PM at the URI Bay Campus, Coastal Institute, Hazard room. **J. King made a motion to approve the Menhaden AP Agenda. S. Medeiros seconded the motion. The Council voted unanimously to approve the January 11, 2009, Menhaden AP Agenda.**

Approval of Summer Flounder AP Agenda – R. Hittinger:

R. Hittinger stated the meeting agenda had been set and the date for the meeting was scheduled for January 6, 2010 at 6 PM at the URI Bay Campus, Coastal Institute, Hazard room. The meeting would be held concurrently with the scup/black sea bass advisory panel meeting.

B. Ballou asked the Council if there were any objections to approving the summer flounder AP agenda as proposed. Hearing none, the agenda was approved.

Approval of Scup/Black Sea Bass AP Agenda – K. Ketcham:

K. Ketcham stated that they agreed to have both meetings concurrently, scheduled for January 6, 2010 at 6 PM at the URI Bay Campus, Coastal Institute, Hazard room.

B. Ballou asked the Council if there were any objections to approving the Scup/Black Sea Bass AP agenda as proposed. Hearing none, the agenda was approved.

Approval of Tautog AP Agenda – R. Hittinger:

R. Hittinger stated the meeting agenda had been set and the date for the meeting was scheduled for December 29, 2009 at 6 PM at the URI Bay Campus, Coastal Institute, Hazard room.

B. Ballou asked the Council if there were any objections to approving the Tautog AP agenda as proposed. Hearing none, the agenda was approved.

Approval of Shellfish AP Agenda – J. King:

J. King stated that he would like to add one other item to the agenda, working on the Bissel Cove and Bristol Harbor February openings. The meeting was scheduled for January 27, 2010 at 4:30 PM at the DFW Marine Fisheries office in Jamestown.

B. Ballou asked the Council if there were any objections to approving the Shellfish AP agenda as amended. Hearing none, the agenda was approved as amended.

C. Anderson stated that at the last Council meeting the Striped Bass AP agenda was approved but the date had to be determined. He stated that the date had been determined and it was set for January 12, 2010 at 6:00 PM at the DFW Marine Fisheries office in Jamestown.

February 2010 Proposed Public Hearing Items – N. Scarduzio:

N. Scarduzio reviewed the list of proposed items pertaining to summer flounder, scup, tautog, black sea bass, striped bass, and menhaden fisheries. She indicated that the proposed date for the public hearing would be February 23, 2010.

B. Ballou stated that the Division would probably have to squeeze in another date in January to hold a workshop or a roundtable meeting on the sector allocation pilot program.

Proposed Council meeting Schedule and Public Hearing Schedule for 2010 – N. Scarduzio:

N. Scarduzio reviewed a tentative schedule outlining Council meetings for 2010. There were five proposed meetings scheduled for the year. No meetings were scheduled for January or February at this time.

B. Ballou asked for a motion to adopt the proposed Council meeting schedule for 2010.

S. Medeiros made a motion to adopt the proposed Council meeting schedule for 2010. J. King seconded the motion. The Council voted unanimously to approve the proposed Council meeting schedule for 2010.

Director's Roundtable meetings – B. Ballou:

B. Ballou indicated that there had been two recent roundtable meetings, one on summer flounder quota management program, and another on shellfish management issues. Ballou stated that both meetings went well and the Director was interested in continuing the roundtable process. There would be follow up meetings for both issues but have not been scheduled.

ASMFC & NEFMC meeting updates – M. Gibson:

B. Ballou stated that M. Gibson was in Delaware at a joint meeting of the Mid Atlantic Council and the ASMFC so we did not have his updates on the most recent ASMFC and NEFMC meetings at this time.

B. Ballou asked if there was any further business to come before the Council. Hearing none, R. Hittinger made a motion to adjourn the meeting. J. King seconded the motion.

The meeting was adjourned.

Nancy E. Scarduzio, Recording Secretary