



Rhode Island Marine Fisheries Council

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MEETING SUMMARY

June 26, 2018

Chairperson: *B. Ballou (DEM)*

RIMFC members present: *D. Monti, J. Grant, A. Dangelo, T. Barao, C. Rein, J. Jarvis*

Division: *J. McNamee, S. Olszewski, E. Schneider*

DEM Legal: *C. Hoefsmit*

Public: Approximately 7-8 persons in attendance

1. **Approval of the Agenda:** *B. Ballou* added an additional agenda item entitled “*New business – change in Council membership*”, to be added as agenda item #2. He also added that *J. McNamee* would be discussing a proposed meeting of the Council with representatives from Deepwater Wind, which would be held in late summer, to be discussed at the end of the meeting under “*Other business*”. He then inquired as to any other modifications to the agenda or objections to adopting the agenda as modified; hearing none, the agenda was approved by consent.
2. **Change in Council membership:** *B. Ballou* stated that *B. Macintosh* would be replaced by *J. Jarvis* effective immediately, and offered a word of gratitude and appreciation to Mr. Macintosh for his seven years of service. He then welcomed *J. Jarvis* as the newest Council member and provided a brief overview of Mr. Jarvis’ experience.
3. **Approval of minutes from meeting on March 14, 2017:** *B. Ballou* inquired as to any proposed modifications or objections to adopting the minutes. Hearing none, the minutes were approved by consent.
4. **Public comments regarding other matters not on agenda:** No comments were made.
5. **(9:07) Update on Bay-wide Quahog stock assessment and Providence River water quality:** *C. McManus* provided an update to the on-going Bay quahog science and management work being undertaken by the Division as it relates to the Providence River. He stated that the Division is nearing completion of a stock assessment model, which will be used to get a better understanding of as both the standing stock abundance of quahogs in various portions of Narragansett Bay, as well as to provide guidance on harvest levels in these areas. He stated that the Division is nearing completion of the model, which would then be peer reviewed by an independent panel. He stated that the impetus for the model is to understand how discreet areas of the bay’s quahog stock are performing, with the bay proper, Greenwich Bay and the Providence River being specific areas of study, and then guide with management decisions for harvest should water quality improve. He stated that

the Division of Water Resources continues to monitor and assess the water quality in the Providence River, including how the current stock of quahogs effect water quality, and also the paramaters for determining pollution status and conditional openings. If at such time the area is declared by the Division of Water Resources to be open to shellfish harvest, the Division of Marine Fisheries would then couple this information with the assessment model to be used to determine acceptable harvest rates. When/if this occurs, the Divison will hold a Shellfish Advisory Panel meeting to solicit input and recommendations on harvest, and then back to the Council for a final recommedation to the Director. *D. Monti* inquired as to the extent of the area most likely being considered for the change in water quality status, to which *C. McManus* responded it remains uncertain due to unknowns with water quality, but would most likely be the area of Providence River south of Bullocks Point. There was some concluding questions and discussion regarding potential timeframe for opening, to which *C. McManus* responded that the Division would consult with industry before making any regulatory changes.

6. **June 4 public hearing items:**

- Hearing item 1 - Proposed amendment to “Part 1 - Definitions and General Provisions” regarding modification and/or deletion of terms: *J. McNamee* provided an overview of the proposal. **Motion made by *D. Monti* to recommend adoption of the amendments as proposed; 2nd by *C. Rein*. The motion passed 6-0.**
- Hearing Item #2a - Proposed amendment to “Part 3 – Finfish”, regarding the removal of language “whether caught within the jurisdiction of this State or otherwise”, in several locations throughout the regulation: *J. McNamee* provided an overview of the proposal, and that the language has been determined as unnecessary and potentially inconsistent with language regarding transiting. **Motion made by *A. Dangelo* to recommend adoption of the amendment as proposed; 2nd by *C. Rein*. The motion passed 6-0.**
- Hearing Item #2b - Proposed amendment to “Part 3 – Finfish”, regarding the transfer of quota between the striped bass floating fish trap and general category fisheries: *J. McNamee* provided an overview of the proposal, specifically the proposed removal of the October 15 date that transfers cannot occur prior to, and the process by which the rule is implemented. He stated the second aspect of the proposal is to allow transfers to be made in the other direction from the general category fishery back to the fish traps; such language currently existing in regulation regarding Scup. He stated that the Division has made transfers in the past prior to October 15 believing that such transfer was permissible as long as the fish trap operators were consulted. He stated that such has been determined to not be the case, and transfers should not be occurring prior to October 15 with the current language as written. He stated that this date is problematic in that transfers often may need to occur prior to this date to assure full utilization of the quota, as the trap operators may have ceased operations by this date with quota still remaining that could be harvested by the general category fishery. He stated that public comments were received expressing concerns with the date removal. He re-iterated the need for flexibility with the date of transfer to assure full utilization of the quota, and that the process of consultation with the operators remains unchanged, which is felt to be the more important aspect of the process. *J. Grant* then recused himself as he had made

comments on this hearing item during the public hearing, and discussion resumed with *J. Grant* in the audience. *D. Monti* inquired as to the reason that comments were made not supporting the date removal; to which *J. McNamee* replied that the date provides a level of comfort that transfers would not occur too early in the season, and thus potentially shift quota from the fish traps to the general category fishery while the fish trap operators are still actively fishing. *J. Grant* stated that without a date specified, he is concerned that transfers could occur while fish trap quota remains available. *C. Rein* inquired as to the process of consulting with the fish trap operators, to which *J. McNamee* replied that in years past, each operator was contacted, but in recent years only 2 or 3 “point” persons were contacted/consulted, who were “appointed” to represent the entire group. He stated that each operator is now called directly, but also stated that “consultation” does not mean “consensus”, meaning that a transfer could still occur regardless of agreement by all operators. *C. Rein* inquired as to the process where quota transferred back to the fish trap fishery; to which *J. McNamee* replied that such process is not a formal allocation transfer in the same way that the original transfer to the fish trap fishery occurs, but allows them to continue to operate under the same rules as the general category fishery while the fishery remains open. **Motion made by *D. Monti* to recommend adoption of the amendment as proposed; 2nd by *J. Jarvis*. The motion passed 5-0 (*J. Grant* recused).**

- Hearing Item #2c - Proposed amendment to “Part 3 – Finfish”, to increase the minimum size for recreational Shortfin Mako from 54 to 83 inches: *J. McNamee* provided an overview of the proposal, which is a NOAA compliance matter. **Motion made by *A. Dangelo* to recommend adoption as proposed; 2nd by *D. Monti*. The motion passed 6-0.**
- Hearing Item #2d - Proposed amendment to “Part 3 – Finfish”, regarding a decrease of the fishing year starting possession limit for Aggregated Large Coastal (LCS) & Hammerhead species groups: *J. McNamee* provided an overview of the proposal, namely for consistency with ASMFC/NOAA Fisheries Management Plans. He noted that the possession limit had already been decreased (to 25 sharks/day) via the Division’s authority to modify possession limits, with this regulatory change looking to codify the change in regulation. **Motion made by *D. Monti* to recommend adoption as proposed; 2nd by *C. Rein*. The motion passed 6-0.**
- Hearing Item #2e - Proposed amendment to “Part 3 – Finfish”, regarding rod and reel gear and safe handling requirements for Coastal sharks: *J. McNamee* provided an overview of the proposal. He noted that both provisions of the proposal would be difficult to enforce, but serve more so as an important educational tool. He also noted that this educational component will be re-addressed in a subsequent public hearing. He noted that the proposed measures are not specifically needed for ASMFC compliance, but are consistent with the FMP. *C. Rein* noted that the proposed regulatory language is somewhat ambiguous; to which *J. McNamee* replied that the purpose is meant to be more educational than regulatory, and permit holders would be required to watch a video on safe handling practices being a permit requirement in the future. **Motion made by *A.***

***Dangelo* to recommend adoption as proposed; 2nd by *J. Jarvis*. The motion passed 6-0.**

- Hearing Item #2f - Proposed amendment to “Part 3 – Finfish”, regarding the commercial Cod management, to provide for federally permitted vessels to harvest, possess, or land Cod in state waters in the amount equal to the federal regulations, consistent with other groundfish species (e.g., haddock): *J. McNamee* provided an overview of the proposal, namely that there is inconsistency in the regulations between some of the groundfish species that should be alike, and that the language exists so as to not inhibit federal waters operations from implementing their federal allowance. *J. Jarvis* asked if the Most Restrictive rule still applies, and *B. Ballou* asked if the language allows a federal vessel to harvest in excess of the state limit; to which *J. McNamee* replied in the affirmative, that vessels could fish close to the beach and be allowed to transit through state waters with their federal limit, but that such rarely occurs. **Motion made by *C. Rein* to recommend adoption as proposed; 2nd by *D. Monti*. The motion passed 6-0.**
- Hearing Item #2g - Proposed amendment to “Part 3 – Finfish”, regarding commercial Skate management, to provide for the harvest of Barndoor skate in the Skate wing fishery: *J. McNamee* provided an overview of the proposal, namely that Barndoor skate is no longer a prohibited species due to improved stock status, and harvest can therefore be allowed as a percentage of a total wing skate harvest. He stated that the proposal is consistent with the FMP. *J. Grant* stated that the possession limit should be enforced at the *time of landing* only, as a greater percentage (i.e., >25%) would be on board the vessel during harvesting operations prior to culling. *C. Hoefsmit* stated that as a percentage, it would be difficult/impossible to determine if the possession limit was exceeded until landed and weighed. *J. Grant* maintained concern that the proposal lacked clarity in this regard. **Motion made by *C. Rein* to recommend adoption with the addition of the language “at the time of landing” to address concerns raised by *J. Grant*, and read “Barndoor skate shall not comprise more than 25% of total skate wing by weight per vessel per day at the time of landing”; 2nd by *J. Grant*. The motion passed 6-0.**
- Hearing Item #3 - Proposed adoption of new regulation “Part 12- Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder” to expand aggregate opportunities to commercial fishermen as a means to provide greater operational flexibility and reduce discards, and to gather data necessary to make informed decisions about the impact of such a program on harvest rates and quota management: *J. McNamee* provided an overview of the proposed regulations. He noted that this is the second time this matter has been vetted, and that many of the recommendations made during the first attempt at adopting have now been included (e.g., adding a mixed gear group in addition to specific gear types). He stated that analysis has also been done on how landings might be impacted if this program is implemented. He stated that such analysis showed minimal impact to the black sea bass season, but did show impact to the summer flounder season, in that if maximum possible harvest occurred, the model ran showed that the summer flounder fishery could close a soon as 5 weeks earlier. He cautioned however that such scenario is extreme, and that many of the inputs into the

model are unlikely. He stated that the program is meant to understand behavior and changes to behavior that will result from such a program, and then ultimately to determine the viability of such program. *C. Rein* inquired as to the selection criteria process, to which *J. McNamee* stated that such aspect is an important aspect of the program. *J. Grant* stated that selection should be random to obtain the best results regarding behavior. He stated that any changes in behavior that result in significant increases in catch rates will be known early on, and the results of the program are then known, and the program should close to maintain an open season. A trigger to end the program was discussed. *K. Almeida* stated opposition to the program due to fear of the season closing early and the resulting impact to the market. She cautioned uncertainty with the summer flounder amendment and stock assessment currently underway, and the possible lower quota resulting, and that the program should therefore not be implemented until the results of the stock assessment are known. **Motion made by *A. Dangelo* to postpone adoption of the regulations until a benchmark assessment and amendment is completed for Summer flounder by the MAFMC later this year; 2nd by *D. Monti*.** *J. Jarvis* inquired if the program should only be implemented for black sea bass at this time. **The motion failed 2-4 (*J. Jarvis* and *A. Dangelo* supporting the motion). A motion was then made by *J. Grant* to recommend adoption, with the following caveats:**

- That the rules take effect January 1, 2019;
- That the program include a random selection of participants with a maximum participation of 15 vessels, with qualifying criteria established for overall selection, and vessels selected at random for each gear type;
- That any projected closure for either species that would occur due to increased activity resulting from the program occur at least five days earlier than current practice for the remainder of the sub-period.

2nd by *D. Monti*. The motion passed 4 – 1 (*A. Dangelo* against; *T. Barao* absent for vote).

7. **Cont'd discussion/ update re: transiting from Block Is. to mainland with federally regulated species:** *B. Ballou* provided an update to this discussion that occurred at last meeting. He referred Council members to the ePacket for up to date preview information. He provided a timeline of August 2018 for the next joint meeting of ASMFC/MAFMC to discuss, followed by public hearings in the fall, and final action slated for the December 2018 joint meeting. The matter will remain on subsequent Council agendas for further update and potential future actions/recommendations.
8. **Shellfish Advisory Panel meeting summary (5/9/2018):** *J. Grant* and *C. McManus* provided an overview of the meeting, and referred Council members to the draft minutes. *B. Ballou* inquired as to any objections to receiving the report and placing on file. Hearing none, the minutes were approved by consent.
9. **Creation of webpage for Council:** *J. McNamee* provided a brief overview of the concept and stated that *P. Duhamel* would follow up with further details. He also discussed The

Division's desire to begin video recording the meetings and providing the recordings publicly.

10. **FYI Items:** No discussion.
11. **Update re: federal legislation proposing to amend the Magnuson-Stevens Act:** *B. Ballou* provided an update regarding the legislation. He stated that the House bill (HR 200) has moved out of committee onto the House floor, but that action has been delayed until July at the earliest, but that there is minimal activity occurring with the Senate. *D. Monti* stated that he and *T. Barao* were in Washington D.C. last week to advocate for conservation and offer input with the legislation. The matter will remain on subsequent Council agendas for further update and potential future actions/recommendations.
12. **IAC membership application:** Motion made by *D. Monti* to appoint applicant Mr. Spencer Bode to the IAC; 2nd by *T. Barao*. The motion passed 5-0 (*C. Rein* had left the meeting).
13. **Other business:** *J. McNamee* stated that a joint meeting with the RI Marine Fisheries Council and representatives for Deepwater Wind is being planned, and that Council members would be contacted for an agreeable meeting date.
14. **Meeting adjournment:** Upon conclusion of deliberating all agenda items, *B. Ballou* inquired as to any objection to adjourning the meeting; hearing none, the meeting was adjourned by consent at approximately 8:15pm.