

**RI Marine Fisheries Council Menhaden Advisory Panel Meeting
Minutes
February 19, 2014, 5:00 PM URI Bay Campus, Coastal Institute**

D. Monti, Chairman	B. Ferioli*
R. Jobin*	T. Hoxsie
J. Macari	T. Kutcher
M. Bucko*	
E. Cook*	N. Lengyel, DFW staff
	J. McNamee, DFW staff

(*primary advisory panel member; ^A alternate member)

D. Monti began the meeting. He gave a brief outline of the agenda and then noted that the main goal of the meeting was to review the emergency regulations that had been filed by the DEM and develop some comments from the panel on these regulations. He then passed the meeting to J. McNamee of the Division of Fish and Wildlife (DFW). J. McNamee stated that he had a presentation (see attached) that covered the beginning agenda items. He began by noting that the Atlantic States Marine Fisheries Commission Menhaden Board had approved Amendment 2. This amendment would put some significant restrictions on the fishery. The other parts of the amendment were states allocation (quota) and the reporting requirements. As far as the current fisheries in RI waters, Ark Bait fished in RI waters but landed in MA, so these fish would not impact RI's quota. The main harvesters landing in RI were the floating fish traps. These gears were considered non-directed so these landings would be able to continue as long as they didn't land more than 6,000 pounds per day. There was also a technical addendum that had been approved. This addendum created the episodic event set aside. J. McNamee noted for the group that RI had submitted a memo to the ASMFC requesting access to the episodic event set aside program. This program allowed a state that opted in to harvest in state waters at 120,000 pounds per vessel per day from a set aside amount that was set aside for northern states that occasionally have high biomass levels that enter their state waters. If the set aside amount were not harvested, it was re-allocated to the fishery as a whole. J. McNamee noted that RI had opted in to the episodic event set aside program in 2013, but did not accrue any landings. Generally, the fishery performed well in 2013, and harvest was kept under the Narragansett Bay harvest cap. In addition, RI achieved its entire state waters allocation as well. J. McNamee concluded with some comments on the DFWs proposals for 2014. One additional element that was needed to enact the full requirements of Amendment 2 was a November 1 termination date for the episodic event set aside program. Any unused harvest from the episodic event program would go back in to the general coastwide pool on that date. The DFW was also requesting feedback on the designation of cast nets as a non-directed fishery.

D. Monti went to the group for discussion. R. Sousa stated that the state should enact a transiting provision so if he were fishing off NY, he would be able to pass through RI waters to land his fish in Fall River. J. McNamee stated that one of the provisions going to hearing in March was to generalize the transiting provisions to encompass all fisheries, so this would be accommodated in those changes. T. Hoxsie asked if cast nets were considered commercial or recreational. J. McNamee noted that it depended on what the person did with the harvested fish, if they sold them they were commercial, but there was a move at the ASMFC to make cast nets a non-directed fishery. To this point they had been considered directed.

The group then had a lengthy discussion about whether a commercial bass fisherman could have menhaden in possession while they were commercially fishing for striped bass when the Bay was closed. J. McNamee stated that this was a difficult one, but he thought they could as the menhaden were being used as bait and not being sold, but he thought this was a better question for legal counsel and enforcement.

D. Monti then noted that one additional proposal had been submitted from Save the Bay. He asked T. Kutcher to discuss the proposal (attached). The gist of the proposal was to close the Bay to purse seine fishing to allow menhaden to serve its ecological role. M. Bucko stated that the Save the Bay proposal made sense, but he felt the current management program found a balance between allowing the commercial fishery to continue in a controlled manner, and still leave some menhaden for its other ecological roles. He felt that there was some evidence of this in the Sulikowski work (Univ. of New England) that had been conducted in RI, as they saw some old fish in those samples. J. Macari also agreed with a lot of what was in the Save the Bay proposal. But agreed with M. Bucko that he felt the current management plan was a good compromise and had proven effective over the previous years. J. Macari made a comment that the Bay was actually too clean, and he felt this was one reason why menhaden did not go in to the Bay in large numbers anymore. He concluded with the idea that if some of the biomass wasn't removed, the Bay could incur some large fish kills, and that the fishery is historic and has some social value as well. E. Cook noted that since the new management went in to place he has heard far fewer complaints, so he took this as a sign that the program was working well.

R. Jobin made a motion to maintain status quo. The motion was seconded. R. Sousa voiced support for the motion stating that the program had worked OK in Ark Baits view. T. Hoxsie noted that closing the Bay was less important than controlling some of the other larger factors that are impacting this coastwide stock, like the large reduction and bait fisheries to our south. **The vote was unanimously in favor of the motion.**

J. Barker stated that the Save the Bay proposal should be brought forward for further discussion, at least to the RIMFC. The panel did not reach consensus on this comment.

M. Bucko stated that he agreed with the cast net proposal. There was discussion on this but no action was taken. M. Bucko went on to introduce a proposal to allow a small portion of the cap to remain in place so that small scale fishing could remain to continue to supply bait to bait shops. **He formed this in to a motion to drop the possession limit in the Bay to 6,000 lbs/day when fishing came within 100,000 lbs of the Bay cap. This was modified to state that the possession limit drop should occur at a level the DFW felt was reasonable,** due to a discussion between D. Beutel and J. McNamee stating that they did not think the menhaden model had a powerful enough resolution to determine when they were within 100,000 pounds of the cap. **The vote was unanimous to approve this motion.**

D. Monti adjourned the meeting.