

RI Marine Fisheries Council
Summary of Meeting Minutes of the
Industry Advisory Committee
May 15, 2012 - 6:00 PM

URI/GSO Campus, Coastal Institute Building, Large conference room
South Ferry Road, Narragansett, RI

There were 12 people present (* IAC member)

Rick Bellavance, Chair*	Robert Mattiucci*	Joe Poccia, RIDEM/DLE
Robert Smith *	Stephen Parente	Nancy Scarduzio, RIDEM
Eric Reid*	Jerry Carvalho	Thomas Angell, RIDEM
Jerry Tremblay *	William Cote, Jr.	
Carl Grandquist*		

IAC Members Absent: Lanny Dellinger, Mike McGiveney, Jim White, and Michael Roderick

1.) Review/Discuss recommendations from 4/21/2011 “Trap Definition” Working Group meeting, Lobster Advisory Panel meeting, and Ad hoc Whelk Committee meeting, with recommendations to the RIMFC.

Overview:

N. Scarduzio handed out and reviewed a summary of all the meetings, starting back in February 2011 to present date, that had taken place with respect to review of the trap definition issue (see attachment #2 “Re-Cap of Trap Definition Working Group Issue”). She explained this issue arose due to a law enforcement action that was unable to be prosecuted due to ambiguity of the definitional differences between a lobster trap and a non-lobster trap.

Chairman R. Bellavance stated the issue was before the IAC at the request of the RIMFC to review the summary of recommendations created by the Trap Definition Working Group and also to review recommendations from the Ad hoc Whelk Committee. The IAC was tasked with giving recommendations and deciding which items should go forward.

After a lengthy discussion about trap definitions and the need to identify different types of pots/traps that are used in fisheries other than lobster, the members decided to go through each item individually.

T. Angell emphasized it was the expansion of trap effort on the lobster fishery that needed to be address.

Summary of Recommendations from the Trap Definition Working Group, Reviewed by the IAC for the RIMFC to Consider:

1. All pots/traps fished in RI state waters must be tagged to identify which fishery they are being deployed for (i.e. the lobster trap fishery or “other pot/trap fisheries).

Motion by R. Mattiucci: the IAC supported this item and suggested identifying conch traps and then all other traps as miscellaneous traps so there would be three categories of trap tags; lobster trap tags, conch trap tags and miscellaneous trap tags. R. Smith seconded the motion. The vote was unanimous in support; the motion passed.

The group also thought each trap/pot should have an identification (ID) tag as well.

2. Add “Miscellaneous Pot/Trap” endorsement for 2013 commercial licenses and recreational lobster licenses; endorsement fee should cover the cost of producing/supplying “miscellaneous pot/trap” tags; this will require approval by the General Assembly.

R. Bellavance called for a vote as written: all were opposed as written; motion failed. The main concern was having an endorsement fee; the group was opposed to having a fee.

3. Limit of 300 “miscellaneous pots/traps” per license /license endorsement
R. Bellavance called for a vote as written: (1) in favor, (4) opposed, motion failed. The concern was with a 300 conch pot (trap tag) limit then those fishermen would be maxed out and would not be able to obtain any miscellaneous trap tags.
4. All “miscellaneous pots/traps” must have an escape vent of equal or greater size than the escape vent required for the lobster trap fishery, with the exception of conch, eel, and green crab pots/traps; eel and green crab pots/traps must have a 3” x 3” biodegradable panel (“ghost” panel) that can be incorporated into the pot/trap anywhere except on the bottom of the pot/trap
R. Smith recommended that escape vents were not needed in eel and green crab pots. He noted you could put in a 3” x 3” biodegradable, as recommended by the Trap Definition Working Group, but he thought it was over kill. He did not think they needed escape vents.
There was discussion that all traps should have a biodegradable escape vents just in case they became lost gear.
R. Bellavance called for a vote as written: all opposed as written; motion failed.
The group was in agreement of having no escape vents in conch, green crab, or eel pots/traps, and that all traps/pots needed a biodegradable panel (“ghost” panel). It was the first part of the statement they were opposed to.
5. Need to define Eel, Conch, and Green Crab pot/trap
R. Bellavance called for a vote as written: all opposed as written; motion failed.
6. Limit the amount of lobster by-catch that can be kept from “miscellaneous pots/traps”; recommend a limit of 20 lobsters per day
R. Bellavance called for a vote as written: all opposed as written; motion failed. The group noted it was currently 100 lobsters per day, so why would they want it lowered to 20 per day.
T. Angell indicated the intent was that mobile gear (otter trawl and gillnet) lobster by-catch would remain at 100 lobsters per day. The miscellaneous pots/traps endorsement would have the 20 lobster per day limit.
7. Mobile Gear (otter trawl and gillnet) lobster by-catch will remain at 100 lobsters per day or up to 500 lobsters for fishing trips lasting 5 days or longer
R. Bellavance called for a vote as written: (4) in favor, (1) abstained; motion passed.
The group recommended changing the new reference of “mobile gear” back to “non-trap”. They were also opposed to including otter trawls and gillnets as mobile gear.
8. Recommend to limit the number of lobsters that can be taken per day by recreational trap and diver licensees to 8 lobsters per day
R. Bellavance called for a vote as written: all in favor; motion passed.
9. Recreational lobster “miscellaneous pot/trap” endorsement limited to 5 “miscellaneous pots/traps”
R. Bellavance called for a vote as written: all in favor; motion passed.

Additional Recommendations from the Trap Definition Workshop which were reviewed by the IAC:

1. Keep the conch fishery separate from finfish/crab fisheries; maximum number of 300 pots/traps for the conch fishery
R. Bellavance called for a vote: all in favor; motion passed.
2. Conch, eel, and green crab pots/traps will be exempt from escape vent regulations
R. Bellavance called for a vote as written: (3) in favor, (2) opposed; motion passed.

3. Trap tags for the conch fishery will be a different color from “miscellaneous pot/trap” trap tags for finfish/crab fisheries
R. Bellavance called for a vote as written: all in favor; motion passed.

Items to be Considered by the IAC from the Director’s Decision Memo Dated April 9, 2012 Pertaining to the Conch Public Hearing and Recommendations from the RIMFC at their March 6, 2012 meeting: The RIMFC noted the following items warranted implementation, however any decision on the items should be withheld until a comprehensive pot/trap program is implemented to create a uniform set of regulations across all/most pot/trap fisheries:

1. Owner-operator vessel restrictions -
R. Bellavance called for a vote as to whether this restriction should be incorporated in to a uniform set of regulations to be applied to all trap/pot fisheries: (0) in favor, (3) opposed, and (2) abstained; motion failed – the group was opposed to this restriction.
2. Buoying of conch pots -
There was discussion and agreement that there should be a uniform system of identifying all fixed gear for all trap/pot fisheries. The group did not want to make any recommendations on specific types or sizes of buoys noting it depended on the fishery.
R. Bellavance called for a vote to support the buoying of all traps/pots; a single trap should be buoyed and trawls should be buoyed on each end of the trawl: all in favor; motion passed.
3. Escape vents and ghost panels –
R. Bellavance called for a vote in support of escape vents and ghost panels: (4) in favor, (0) opposed, and (1) abstained; motion passed.
4. Tending requirements –
R. Bellavance called for a vote in support of no tending requirements: all in favor; motion passed.
5. Unauthorized raising of conch pots –
R. Bellavance called for a vote in support of having a restriction for the unauthorized raising of traps/pots: all in favor; motion passed.
6. Removal of branded #s or ID tags from conch pots –
R. Bellavance called for a vote in support of having a restriction for the removal of branded #s or ID tags from traps/pots: all in favor; motion passed.
7. Raising of pots at night –
R. Bellavance called for a vote in support of having a restriction for no hauling of pots/traps between 1 hour after sundown and 1 hour before sunrise: all in favor; motion passed.
8. Unauthorized possession of conch pots -
R. Bellavance called for a vote in support of having a restriction for unauthorized possession of traps/pots: (4) in favor, (0) opposed, and (1) abstained; motion passed.

T. Angell reviewed proposed changes to regulations to address trap type definitions (Part 1) and Part XV - Lobster regulations which he had prepared for the committee. He explained there were already some definitions pertaining to the various traps/pots in Part 1 but he had prepared some suggested change for committee members to review and comment on.

The group reviewed the proposed changes and made further amendments (see attachment #1).
R. Bellavance called for a consensus vote in support of the amendments the IAC made to Part 1, Section 1.3 Definition of Terms for; Miscellaneous pot/trap, Lobster trap/pot and the

deletion of the proposed Mobile Gear definition. Additionally, any “Non-trap” definition should be consistent with the federal plan: the vote was all in favor of these amendments.

The group reviewed portions of Part XV - Lobster Regulations, and determined from their previous amendments to the Definition section, section 15.14.1-2 was nullified and therefore suggested it be deleted along with the replacement (proposed) language. The group was also opposed to the new section 15.14.1-3 and recommended deleting that section as well. They recommended status quo (no changes) to sections 15.18, and 15.20.3, 1G, 2G, 3G, 4G, 5G, 6G, and 7G.

R. Bellavance called for a consensus vote on these recommendations for Part XV and all were in favor, (see attachment #1).

The meeting was adjourned.

Attachment #1 (below)

Attachment #2 (below)

(Attachment #1)

Proposed changes to regulations to address Trap Type definitions

Part 1 Legislative Findings

1.3 Definition of Terms

Miscellaneous Pot/Trap: ~~With the exception of a lobster trap/pot,~~ any stationary bottom-fishing contrivance or device made of wood, wire mesh, or plastic mesh, fished individually or linked by a common line and generally baited; used to catch marine vertebrates, or marine invertebrates other than American lobster or conch. ~~finfish, crabs, conchs, or lobsters that enter through a conical or rectangular opening where escape is difficult. This includes crab pots/traps, fish pots/traps (including but not limited to scup, black sea bass, tautog, eel, cunner),~~

Lobster trap/pot: any pot or trap designed or adapted principally for the catching or taking of American lobsters. ~~and is affixed with a lobster trap tag pursuant to RIMFC regulation section 15.14.1 and recreational regulations section 15.XXX~~

Mobile Gear: ~~In relation to the American lobster fishery, mobile gear means otter trawls, pair trawls, gillnets or trammel nets, clam and scallop dredge gear types only.~~

[IAC suggested Adding: Non-trap definition from the federal plan](#)

Part XV Lobsters, Other Crustaceans, and Horseshoe Crabs

~~15.14.1-2 Crab pots/traps, fish traps, fish weirs, minnow traps, eel pots/traps, conch pots/traps, gillnets or trammel nets, fyke nets, stake traps, trawling devices, clam and scallop dredges, beach seines, purse seines, and tongs or bullrakes shall be classified as non-lobster trap gear and shall be exempt from trap tagging requirements.~~

~~15.14.1-2 Otter trawls and gillnets shall be the only fishing gear types classified as mobile gear types, shall be exempt from tagging requirements, and shall be limited in the number of American lobster taken pursuant to RIMFC regulation 15.18.~~

NEW REGULATION

~~15.14.1-3 Miscellaneous Pots/Traps – Limits on Lobster Landings – Persons holding a valid commercial fishing license issued by the State of Rhode Island and endorsed for both the catching and taking of American lobster and miscellaneous pot/trap gear type shall be limited to taking and possessing no more than 20 American lobster per person per day.~~

[The IAC was in support of status quo for the following sections:](#)

15.18 Landings of lobsters taken by gear ~~Mobile Gear~~ or methods other than trap – Limits

Landings ~~of American lobster~~ by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to not more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips of five (5) days or longer. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-1-16)]

15.20.3, 1G, 2G, 3G, 4G, 5G, 6H, 7G

G. Limits on Landings by Fishermen Using ~~Mobile~~ Gear or Methods other than Traps – Landings by fishermen using **mobile** gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

(Attachment #2)

Re-Cap of “Trap Definition” Working Group meetings

RIMFC Lobster Advisory Panel meeting - February 15, 2011:

Agenda Item #3 - Definition of a Lobster Trap and Mobile gear types.

A motion was passed by the Lobster AP to form a working group made up of representatives from the lobster trap fishery, other trap/pot fisheries (scup, black sea bass, conch), Enforcement, and RIDFW to address this issue and develop a recommendation for the RIMFC.

This issue arose due to a law enforcement action that was unable to be prosecuted due to ambiguity of the definitional differences between a lobster trap and a non-lobster trap.

RHODE ISLAND MARINE FISHERIES COUNCIL meeting - March 7, 2011

Advisory Panel Reports: - (issue reported to the RIMFC)

Lobster AP (2/15/2011 meeting) –R. Bellavance:

The group also had a discussion about the definition of a lobster trap and mobile gear types. A motion was made to form a working group made up of representatives from the lobster trap fishery, other trap/pot fisheries, enforcement, and RIDFW to address this issue and develop a recommendation for the RIMFC. (No action taken by the Council)

RIMFC Lobster Advisory Panel - “Trap Definition” Working Group Meeting

April 21, 2011

Working Group / Meeting Attendees:

Rick Bellavance, Richard Hopkins, Jeffrey Grant, Gary Mataronas, Jr., Ian Parente, Daniel Eagan, Allan Bessette, Elaine Bessette, Gerald Schey, Robert Smith, Robert Braman, Frances Ethier (Law Enforcement), Scott Olszewski (RIDFW), Thomas Angell (RIDFW)

The Lobster Advisory Panel requests other trap/pot fisheries consider requiring special trap tags, such as are used for the lobster trap fishery, to identify the specie being targeted by that trap/pot. The Lobster Advisory Panel requests that the RIMFC task the other advisory panels that have associated trap/pot fisheries with considering trap/pot tagging requirements for those fisheries.

SUMMARY OF RECOMMENDATIONS - (Taken from Working Group Attachment #1):

- Review of background of this issue and the need to identify different types of pots/traps that are used in fisheries other than lobster (conch, crab, finfish), but are capable of catching lobster.
- Current regulations provide a loophole for the ability to increase “trap” effort on the lobster fishery at a time when significant reductions for the lobster trap fishery are being considered.
- Review and discuss ideas/recommendations from last Lobster AP meeting
 1. All pots/traps fished in RI state waters must be tagged to identify which fishery they are being deployed for (i.e. the lobster trap fishery or “other pot/trap fisheries)
 2. Add “Miscellaneous Pot/Trap” endorsement for 2012 commercial licenses and recreational lobster licenses; endorsement fee should cover the cost of producing/supplying “miscellaneous pot/trap” tags; this will require approval by the General Assembly
 3. Limit of 300 “miscellaneous pots/traps” per license / license endorsement

4. All “miscellaneous pots/traps” must have an escape vent of equal or greater size than the escape vent required for the lobster trap fishery, with the exception of conch, eel, and green crab pots/traps; eel and green crab pots/traps must have a 3” x 3” biodegradable panel (“ghost” panel) that can be incorporated into the pot/trap anywhere except on the bottom of the pot/trap
 5. Need to define Eel, Conch, and Green Crab pot/trap
 6. Limit the amount of lobster by-catch that can be kept from “miscellaneous pots/traps”; recommend a limit of 20 lobsters per day
 7. Mobile Gear (otter trawl and gillnet) lobster by-catch will remain at 100 lobsters per day or up to 500 lobsters for fishing trips lasting 5 days or longer
 8. Recommend to limit the number of lobsters that can be taken per day by recreational trap and diver licensees to 8 lobsters per day
 9. Recreational lobster “miscellaneous pot/trap” endorsement limited to 5 “miscellaneous pots/traps”
- Additional Recommendations:
 1. Keep the conch fishery separate from finfish/crab fisheries; maximum number of 250 pots/traps for the conch fishery
 2. Conch, eel, and green crab pots/traps will be exempt from escape vent regulations
 3. Trap tags for the conch fishery will be a different color from “miscellaneous pot/trap” trap tags for finfish/crab fisheries

Need to have the Lobster AP review/comment on the working group recommendations.
Meeting adjourned at 6:30 p.m.

RIMFC Lobster Advisory Panel meeting - July 26, 2011

1. Definition of a lobster trap and mobile gear types; Miscellaneous trap/pot license endorsement.

- Review recommendations from “Trap Definition” Working Group meeting.
 - i. Issues for federal permit holders; most restrictive rule
 - ii. Trap tagging issues; administration and cost of miscellaneous trap/pot tags
 - iii. Recommendations for public hearing; RIDFW position; Industry position

Acting/Interim Chair R. Bellavance opened the meeting for general discussion; **no quorum**, so not able to finalize/approve the working group recommendations (see “Trap Definition” Working Group 4-21-2011 meeting summary); very busy time of year for fishermen.

RIMFC Lobster Advisory Panel meeting - October 26, 2011

1. Review / discuss recommendations from 4/21/2011 “Trap Definition” Working Group meeting.

The recommendations made by the Trap Definition / Trap Type working group were reviewed and discussed (see Attachment #1 below).

CONSENSUS RECOMMENDATIONS:

- **The Lobster Advisory Panel requests that the RIMFC task the other advisory panels that have associated trap/pot fisheries with considering trap/pot tagging requirements for those fisheries.**
- It is recommended that this issue should be addressed by a much larger “working group” that incorporates a wider range of representation from all the different trap/pot fisheries.

RHODE ISLAND MARINE FISHERIES COUNCIL Meeting - November 1, 2011, 6:00PM
Advisory Panel Reports - Lobster (10/26/2011) – J. Grant:

The lobster advisory panel (LAP) recommended that the issue be addressed by a larger working group and requested that the RIMFC task other advisory panels that have associated trap/pot fisheries to consider trap/pot tagging requirements for those fisheries. There was consensus by the lobster advisory panel (LAP) to request that other trap/pot fisheries consider requiring special trap tags, such as those used for the lobster trap fishery, to identify the species being targeted by that trap/pot. The group made consensus recommendation on a number of the items listed on attachment #1 of the (LAP) minutes, but thought the issues should be addressed by a larger working group. J. Grant suggested the issue be presented to other advisory panels or the IAC for further discussion.

M. Gibson asked the Council how they would like to see the flow of advice back to them. He pointed out that we have a list of recommendations we need a way for these items to come to the Council.

The Council recommended that the IAC convene to review the recommendations from the lobster AP and the trap/pot working group, as well as the items from the whelk ad hoc committee .

The IAC was tasked with reviewing the summary of recommendations from the lobster AP and the trap/pot working group and deciding which ones should go through, but was not expected to look at new ideas.

M. Gibson explained that ultimately, it was the Division and the Department that would have to take all of the recommendations and draft the definitions; the Council would not do that, we would do that. Then it would have to go through a process, a public hearing and promulgation by the Director. He stated he was comfortable with where we were but did not relish the workload down the road of what we would have to do to put it together. We did not ever think this body or the advisory panels were going to write the definitions. Give input, but not write the definitions.

B. Ballou asked if there were any objections from the Council to move this issue to the IAC for further review. Hearing no objections, that would be the course of action.

Director’s Decision Memo Dated April 2, 2012 Pertaining to the Whelk Public Hearing and Recommendations from the RIMFC from their March 6, 2012 meeting:

The following items warrant implementation, however any decision on the items should be withheld until a comprehensive pot/trap program is implemented to create a uniform set of regulations across all/most pot/trap fisheries:

1. Owner-operator vessel restrictions
2. Buoying of conch pots
3. Escape vents and ghost panels
4. Tending requirements
5. Unauthorized raising of conch pots
6. Removal of branded #s or ID tags from conch pots
7. Raising of pots at night
8. Unauthorized possession of conch pots