

**RI Marine Fisheries Council**  
**Summary of Meeting Minutes of the**  
**Industry Advisory Committee**  
**July 21, 2009 - 6:00 PM**  
**Jamestown, RI**

There were approximately 40 people present, some people did not sign-in  
(\* IAC member)

Kenneth Ketcham, Chair	Ando Dangelo	Douglas Barker
Jerry Tremblay*	Lynn Smith	Frank Blount
Stephen Parente	Kelly Smith	Ken Booth
Mike McGiveney*	Jeff Grant	Frank Tameo
Rick Bellavance*	Lou Riccirelli, Jr.	John Rainone
Robert Mattucci*	Jeff Jordan	Bob Malt
Bob Smith*	William Beatten	George Lotus
Ian Parente	Jim Cheyner	Barry Chermo
Lanny Dellinger*	Paul Sherlaca	Bob Ballou, RIDEM
Richard Chatousky	Mark Gmbrosia	Nancy Scarduzio, RIDEM
David Trevel	Ken Court	Eric Schneider, RIDEM
Denny Dillion	Jim Williams	
Bill McElroy	William Allen	

***1. Discussion on commercial licensing for 2010:***

***Licensing Overview***

B. Ballou handed out and reviewed a summary of licenses and endorsements from 2003-2009. He explained this was back-up information that summarizes the changes in licensing and the Department now has six years worth of licensing information, supplemented with SAFIS data for the last few years.

***Restricted Finfish Fishery***

B. Ballou reviewed a summary of license types for the past six years, from 2003-2009, in the restricted finfish fishery. He indicated there was an overall decline in licenses. The total number of eligible licenses (MPLs and PELs w/ Restricted finfish (RFF)) has declined by 23 %, from 1,529 to 1,182. A total of 19 new licenses (CFL w/RFF) have been issued during this time.

The data for 2008 indicates that of the 1,220 total licenses that were eligible to fish for restricted finfish 674 or 55% were active in that they fished to some degree for restricted finfish in 2008.

B. Ballou summarized that for 2009, there were 22 multipurpose licenses (MPL) and 5 principal effort licenses with restricted finfish (PELs w/RFF) that retired in 2009. Of the 22 MPLs, seven (7) had some activity, and two (2) out of the 22 had fished at least 75 days in the preceding two calendar years (2007-2008). Four (4) out of the five (5) retired PELs w/RFF had fished at least one day during 2008, and none of the five (5) fished at least 75 days in the preceding two calendar years (2007-2008).

Ballou explained based on past practice, that are currently in regulation, applying a 5:1 exit/entry ratio to active licenses (MPLs and PELs w/RFF) that retired, with activity being any level in the fishery over the past year, there would be a total of eleven (11) retired licenses divided by the 5:1 exit/entry ratio to get two (2) new CFLs w/RFF endorsements to be made available for 2010.

He also explained that if members considered a 1:1 exit/entry ratio applied to active licenses meeting the 75-day standard that retired, there would still be two (2) new CFLs w/RFF endorsements that would be made available for 2010. He asked the members to decide whether they wanted to either stay with the same standard or consider a switch to a 1:1 exit/entry ratio. In the past, there were discussions that we ultimately wanted to move to a 1:1 exit/entry ratio using the 75-day standard. This was information provided to show how the numbers might work with that scenario.

B. Ballou made another point, working to fill 2 new licenses was an awkward number for the Department to work with and 3 would be an easier number to work with. He explained how the priority status process worked for screening applicants and there were three categories that were equal in importance. He suggested that the members may want to make 3 the minimum number because at least one person from each of the categories would be able to get a license.

There was discussion by the group. **A motion was made by R. Bellavance to recommend status quo to the Council to make 3 new CFLs w/RFF available for 2010 based on current regulations; applying the current standard 5:1 exit/entry ratio, and taking B. Ballou's suggestion in to account to make 3 the minimum number for 2010. B. Smith seconded the motion. All were in favor, the motion passed unanimously, (6 to 0).**

### *Shellfish Sector - Quahog*

B. Ballou reviewed a hand-out on licensing summary from 2003-2009 for the quahog fishery. The data available over the six-year period (2003-2009) indicates that the total number of eligible licensees -- multipurpose (MPL), principal effort licenses (PEL) with quahog endorsements, over 65 Shellfish, and Student Shellfish -- has declined by 29%, from 2,272 to 1,623 total licenses.

The data for 2009 indicates that of 22 multipurpose licenses "retired" or not renewed in 2009, 6 had fished for quahogs at least one day during 2008, while 5 had fished at least 75 days in the preceding two calendar years (2007-2008). There were 26 principal effort licenses with quahog "retired" or not renewed, 3 had fished at least one day during 2008, while only 2 had fished at least 75 days in the preceding two calendar years (2007-2008).

B. Ballou summarized that for 2009, based on past practice, applying a 3:1 exit/entry ratio to PELs with quahog endorsements who retired in 2009 would result in the issuance of 9 new CFLs with quahog endorsements for 2010. However, if the 3:1 ratio was applied to ALL eligible licenses that retired then 16 new CFLs w/Quahog would be made available in 2010. B. Ballou reviewed a few other scenarios as well.

There was discussion and review of the licensing information, regarding the standard 3:1 exit/entry ratio compared to a 1:1 exit/entry ratio and combining retired MPLs and PELs with a quahog endorsement.

**M. McGiveney made a motion to recommend to the Council to apply a new standard which would apply a 3:1 exit/entry ratio to MPLs and PELs with a quahog endorsement that**

**retired, to make 16 new CFLs available for 2010. B. Smith seconded the motion. All were in favor, the motion passed unanimously, (6 to 0).**

### **Shellfish Sector – Soft-Shelled Clams**

M. McGiveney initially indicated that he would also like to see a 3:1 exit/entry ratio applied to the soft-shelled clam fishery for 2010 to open up the fishery.

B. Ballou reviewed licensing information on soft-shelled clams. He explained there was a huge surge in landings in 2007 which gave rise to a new soft shelled clam endorsement in 2008. The data for 2009 indicates that of 22 multipurpose licenses “retired” in 2009, 5 of the 22 had some activity, 4 had fished at least 75-days in the preceding two calendar years (2007-2008). There were 33 principal effort licenses w/ SS Clam endorsement “retired” or not renewed, 2 had fished at least one day during 2008, while only one (1) had fished at least 75 days in the preceding two calendar years (2007-2008). There were 29 CFLs w/ SS Clam endorsements “retired” or not renewed, 2 had fished at least one day during 2008, while none had fished at least 75 days in the preceding two calendar years (2007-2008). In summary, a total of 84 licenses eligible to fish for soft shell clams retired; and 6 of those had been active in the fishery.

There was discussion and review of the soft-shell clam licensing information.

**M. McGiveney made a motion to recommend to the Council to apply a new standard which would apply a 5:1 exit/entry ratio to ALL retired licenses (84) to make 17 new CFLs w/ SS Clam endorsement available for 2010. B. Mattiucci seconded the motion. All were in favor, the motion passed unanimously, (6 to 0).**

### ***Lobster Fishery***

B. Ballou gave a brief updated on lobster licenses stating that currently everything was status quo meaning no new endorsements, which had been the case for many years. The fishery is being managed by trap allocations. He explained that the latest had been a proposal for a trap allocation transferability program, which remains a pending issue. The Director has held off on a final decision as he waits the final outcome of discussions from ASMFC. He indicated that everything was on hold for lobsters right now, with no recommendations for lobster endorsements.

There was some brief discussion about the transferability program and the importance of implementing the program. No specific recommendations for the lobster fishery were made.

### ***2. Discussion on Rod & Reel issues:***

R. Bellevance stated that he had a position paper on the rod and reel issues before the IAC from the RI Party and Charter Boat Association that he wanted to submit to the group.

B. Ballou stated that he had prepared a discussion paper on the rod and reel issues that he handed out. He emphasized this was for discussion and he expected to receive constructive feedback on the issues. He presented the following four topics with bullet items:

**a.) Charter/party boat operators fishing commercial when not engaged in charter operations.**

Some party/charter boat individuals had concerns with the interpretation to not be allowed to fish as a charter/party boat operation and a commercial operation, via separate trips on the same day. B. Ballou indicated that it is difficult for enforcement to enforce because in one day you would be wearing two different hats. He also stated there was nothing that stated that you could not do this but it was a grey area. Individuals indicated they would like to be able to do both since they were licensed commercially and wanted to be able to also use their license. After lengthy discussion B. Ballou indicated that by consensus it sounded that people did not agree with this item.

The group felt it was the same issue for commercial fisherman who wanted to fish commercially in the morning then fish recreational in the afternoon. There was nothing preventing this so it should not be different for the party/charter sector.

F. Blount had issues with all three-bullet items under this topic. He described his own scenario where he holds a federal permit that states he can go tuna fishing and sell his catch. He also has a federal groundfish permit that states when he has people on board he can sell his catch. Therefore he wanted to know why he would be restricted on the state level and not be able to do this when on the federal level he was allowed. He indicated that most people are federally permitted and are permitted for this so why would the state say we could no longer do this. Blount indicated that these things are legal to do currently.

Individuals gave example where there were inconsistencies between enforcement on part/charter boats and commercial vessels related to this topic.

Some individuals suggested that the policy should be if you hold a commercial license the quota is the quota. Anyone should be able to sell fish without going over the possession limit regardless if you are a party/charter boat or a commercial fisherman just as long as you abide by the regulations. There is a limit per vessel per day that should apply to everyone. Individuals also felt there was confusion among enforcement staff due to the variations and inconsistencies in enforcing regulations on party/charter boats. An individual pointed out that they can do more than just one thing on a given day they are not limited to just doing one activity in a day, they are entitled to fish commercially, and recreationally. He clarified not at the same time, but they can do these activities at different times in the day. He indicated that enforcement treats the party/charter operation, as just being able to do one activity per day and that was not right. There was a difference in opinion about whether they should or could be recreational and commercial at the same time. An example was given, if customers catch fish they don't want they should be able to use them toward their daily possession limit and be able to sell the fish.

Another suggestion was to apply the most restrictive rule. However, it was pointed out that the most restrictive rule might not work for every species; an example was given using summer flounder. There was some concern about how a possession limit would get entered into the SAFIS system if the party/charter captain also held a dealer license and sold the fish that were caught during a charter.

It was evident that the discussion should continue on this topic, but for time concerns it was decided to move on to the next topic.

#### **b.) Daily and trip limits for charter/party boat operations.**

F. Blount indicated he did not have a problem with the listed bullet items under this topic, except he disagreed with the third bullet item. He felt a family fishing on a charter/party boat should be able to catch for the family. Most individuals seemed to be in agreement with F. Blount.

B. Ballou crossed out the third bullet item, which referenced loading a boat full of non-fishermen, and having a small number of actual fishermen fish the legal limit for the boat. There was additional discussion defending the group's position. B. Mattucci suggested changing all possession limits to a per vessel limit as opposed to a per person limit.

**c.) Limits on number of rods and reels employed during commercial rod and reel operations.**

B. Ballou explained that although not explicitly addressed via rule or law, the understanding, as currently enforced, is that there is no limit to the number of rods that can be fished at one time. The group had no comments about this topic as presented.

**d.) Limits on number of fishermen engaged during commercial rod and reels operations.**

B. Ballou outlined the three major bullet items listed under this topic as follows; No limit on number of licensed fisherman with an application of a daily vessel limit, unlicensed crew members are not legally entitled to directly harvest using a rod and reel for commercial purposes, and use of a crew member. Ballou indicated this is the interpretation of the law and if people disagreed he encouraged people to talk about how to clarify the law or change the law.

I. Parente stated that we do not tell a dragger or a gillnetter how many deck hands they can have or lobstermen that the captain has to pick out the lobsters from a pot, not the deck hand. He felt it did not make sense to have these restrictions on a rod and reel fishermen. M. McGiveney gave an example of how this applied to the quahog fishery; he stated that an unlicensed person was not able to pull on a bull rake.

S. Parente indicted this law was in title 20 and read the passage that pertained to this topic. He also indicated this was an interpretation of the law by DEM attorneys that he did not agree with. He felt this was not the intent of this law and the interpretation of the law by DEM discriminated against pin hookers. B. Mattucci was also against this interpretation stating that the same rules should apply to everyone.

Some individuals felt if there was a vessel limit it should not matter if they had crewmember help. There was also a consensus that deck hands did not need to have a special license. B. Ballou asked for consensus if people thought the law needed to be changed to reflect a per vessel possession limit regardless of the number of people on board a vessel, if so, he suggested moving forward with legislative initiative that would clarify that issue. There was some agreement with this course of action.

S. Parente made reference to the re-write of Part VII where there was a section that stated that no vessel may commercially harvest, possess, or land finfish without a properly licensed individual on board and in charge. Many individuals were in agreement with this statement.

B. Ballou responded by indicating that was his effort to try to move toward a vessel based licensing system. He felt that a vessel-based system would be more in line with the federal system, however it would be a huge undertaking and he did not know if individuals were ready to move in that direction just yet. He emphasized that he just wanted individuals to have the opportunity tonight to weigh in on the topic so he could get more clarification and develop a clear sense of these issues and figure out if we need to make changes to the regulations or if it can work under current regulation. He indicated that we would revisit the issue since he now had a better

feel where people were coming from and move forward with regulations that could be better applied and enforced.

Ballou suggested that the course of action would be to determine if the Department needed to make changes to current regulations to make it work or whether it could work under current law, and then vet it through Law Enforcement, do whatever he needed to do internally then come back to the committee. His goal was to present something that was workable for all parties. Ballou suggested the committee have another meeting to fine tune the material and their thoughts. A tentative meeting date for the next IAC meeting was set for Wednesday, August 5, 2009 with the location to be determined.

The meeting was adjourned.