

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
March 2, 2009 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

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

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee

DEM Staff: R. Ballou, G. Powers, L. Mouradjian

DEM Enforcement:

Public: 45 people attended

M. Gibson called the meeting to order. He stated that there were a few minor changes to the agenda. He stated that item 5 would have two additional advisory panel agendas to approve, namely shellfish and lobster. He went on to state that item 7b would be expanded to include the additional of a member to the scup/black sea bass panel and an additional FYI item would be added to provide information on the next Director's Roundtable meeting. He asked if there were any other modifications to the agenda. There were no further modifications. **M. Gibson asked if there were any objections to approving the agenda as modified. Hearing none, the March 2, 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 January 5, 2009, meeting. M. Gibson asked if there were any objections to approving the minutes. **S. Medeiros made a motion to approve the minutes as written. M. Gibson asked if there were any objections to approving the minutes. Hearing no objections, the minutes from the December 1, 2008 Council meeting were approved as written.**

Public Comments

G. Tremblay asked if there was any new information on the EEZ transiting issue that had been brought to light last year. R. Ballou stated that there was nothing new to report on that issue other than they currently were in contact with Senator Reed's office in regard to this issue. On the same subject, I. Parente asked if they were also discussing the issue with regard to the Sakonnet River side of the Bay. D. Preble stated that they were discussing a number of options that would work for all state waters, such as what had been done in Maine. M. Gibson stated that any proposals for lines of demarcation should be forwarded to R. Ballou so that they would have a full suite of options before them for discussion.

J. Grant wanted to bring up a license fee issue, noting that he is aware that the Council is not able to do anything about that at present. He wanted the Council to be aware that his current suite of

license and endorsements is roughly twice the cost of someone with a multipurpose license. He felt this situation should be addressed because it is unfair.

Advisory Panel Reports

Menhaden AP meeting

S. Medeiros summarized the meeting, which covered the 2008 fishing season. Some of the highlights were that there was roughly twice as many fish in the Bay in 2008 as there had been in 2007. The fishery was monitored as it had been in 2007, however due to Division of Fish and Wildlife (DFW) staffing issues, only one overflight was observed (all reports were still collected). No proposals to change management were made at the meeting, however an Ark Bait representative noted that he would like to see landings data be used to qualify people to continue to hold their purse seine endorsement. The group recommended remaining at status quo in 2009. One final recommendation was for an equipment inspection to take place on purse seine vessels, per the regulation.

Tautog AP meeting

R. Hittinger summarized the meeting, which covered both the commercial and recreational fisheries in 2008. The DFW did not propose any changes for commercial management in 2009. It was noted that the recreational fishery may need to take a reduction due to high landings in 2007, but at the time of the meeting, the 2008 data was not complete nor was the updated regional assessment complete. Some possible reduction strategies were discussed such as shortening the season late in the year, however, the panel members recommended either extending the lower bag limit until later in the year, or extending the spawning closure. The panel recommended status quo for recreational management in 2009, as well. R. Hittinger wanted to point out that they did not have an official quorum at the meeting; however, there was a quorum of recreational representatives present as well as some commercial attendees therefore the meeting was held.

Striped Bass AP meeting

C. Anderson summarized the meeting, which covered discussions on the stock status and the commercial and recreational fisheries from 2008. One point of concern that was brought up was a low young of the year index out of Maryland, but there were no reductions needed at present. The floating fish trap representatives recommended staying at status quo. The general category recommended having a 2 week closure from August 31 through September 13 in order to miss the opening of MA striper season. The panel went on to recommend that the Department of Environmental Management (DEM) Enforcement look in to late dealer reporting, which was implicated in the fall overage from 2008. Finally, the panel recommended that the striper tagging program remain in place as it was a good enforcement tool. K. Ketcham asked about the late dealer reporting as mentioned by the panel. M. Gibson suggested that the Council members revisit that discussion during the tautog recommendation section of the next agenda item, as there was a similar situation in the tautog fishery with late dealer reporting leading to overages. They could make an appropriate recommendation to the Director about this issue at that point.

New Business

Council recommendations on February 24, 2009 Public Hearing

Proposed changes to the Commercial Tautog Management Plan

J. McNamee introduced the item. He noted that no proposals for changes were made prior to or during the public hearing. **S. Medeiros made a motion to recommend status quo commercial management in 2009. J. King seconded the motion. J. King asked to have an addition to the motion, which was to recommend to the Director that he develop criteria by which to**

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monitor seafood dealer reporting compliance. S. Medeiros accepted the perfection to the motion. The Council voted unanimously to approve the motion.

Proposed changes to the Recreational Tautog Management Plan

J. McNamee introduced the item. He noted that no proposals for changes were made prior to or during the public hearing. **S. Medeiros made a motion to recommend status quo recreational tautog management in 2009. J. King seconded the motion.** An audience member voiced his opposition to allowing the recreational bag limit to go to 8 fish. **The Council voted unanimously to approve the motion.**

Proposed changes to the Narragansett Bay Menhaden Management Plan

J. McNamee introduced the item. He noted that no proposals for changes were made prior to or during the public hearing. **S. Medeiros made a motion to recommend status quo menhaden management in 2009. J. King seconded the motion. The Council voted unanimously to approve the motion.**

Proposed changes to the Monkfish Management Plan

J. McNamee introduced the item. He noted that three proposals went forward to public hearing. Two subsequent written proposals were made prior to hearing, as well as a modified version of one of the noticed options that was made the night of the hearing. The Council had all of the relevant information before them that evening. D. Preble made some opening comments including his opposition to remaining at status quo or going to unlimited possession limits. He went on to recommend that the DEM send a letter to the federal monkfish committee requesting a set aside amount from the federal TAC that would be designated to a RI state waters fishery. He stated that he had been looking at some data to determine what percentage they should request for the RI state waters TAC, however he discovered that he needed better data to work with prior to recommending a number. J. King stated that he felt they should go higher than status quo but not as high as the federal possession limit, therefore he recommended a 400 pound tail weight limit. **S. Medeiros made a motion to recommend option 2 (unlimited possession) with the caveat that the quota should be tracked relative to a 1% TAC (1% of the coastwide quota) in state waters. When the TAC was reached, the DFW should enact a possession limit to make it an incidental catch allowance. He finished by adding that in the meantime, the DEM should pursue a RI set aside of monkfish, per D. Prebles comments. S. Macinko seconded the motion.**

S. Macinko stated that he disagreed with much of the discussion prior to the motion. He did not think the state needed to do everything by parity with the federal zone. He felt that the way to approach this issue, due to the noted lack of good data, was to set up a protective plan that allows for a history of good data to develop, at which point modifications could be made to the plan if needed.

Audience members voiced several comments in support of the motion including: greater opportunity for federal vessels than state only vessels as a parity issue, not managing strictly for ease of enforcement, not running afoul of most restrictive rule policies, the magnitude of state waters fishing being very small relative to total biomass, lack of equity with neighboring states, the unnecessary damage caused to RI vessels by the previous management plan, and the small window of opportunity for monkfishing in state waters.

Audience members also voiced opposition to the motion including: the possibility of creating a derby fishing scenario with no possession limit, a redirection of effort from federal waters in to state waters, federal vessels only getting 23 days in which to fish rather than all year as a parity issue, the idea that federal vessels qualified for their permits by demonstrating history as a parity issue, lack of ability to enforce fishery rules with an unlimited possession limit, and the idea that federal vessels were the vessels that made the sacrifices to get the fishery back in to good shape.

The Council voted on the motion, 3 to approve (C. Anderson, S. Macinko, and S. Medeiros), and 4 opposed (K. Ketcham, D. Preble, J. King, and R. Hittinger). The motion failed.

K. Ketcham made a motion to recommend option 3 (550 pounds of tail weight) with a 1% (of coastwide quota) hard TAC. Further, as the TAC is approached the DFW should lower the possession limit to 50 pounds of tail weight to keep the state waters fishery under the TAC. R. Hittinger seconded the motion. It was clarified that the motion was concerning state waters fishermen. The Council voted unanimously to approve the motion.

Proposed changes to the Cod Management Plan

J. McNamee introduced the item. Similar to monkfish, he noted that three proposals went forward to the public hearing. One written proposal was made prior to hearing, as well as a modified version of one of the noticed options that was made the night of the hearing. The Council had all of the relevant information before them that evening. R. Hittinger commented that he was opposed to option 2 as he did not see any need to have any possession in state waters greater than 1,000 pounds.

Audience comments were in support of no possession limits in state waters because of insignificant landings in RI state waters, unnecessarily impacting a RI businessman who happened to run across the occasional school of fish by making him discard, and the current restrictions are unnecessary and create more bureaucracy.

C. Anderson made a motion to adopt option 2 (unlimited possession limit). S. Macinko seconded the motion. The Council voted on the motion, 3 to approve (C. Anderson, S. Macinko, and D. Preble), and 4 opposed (K. Ketcham, S. Medeiros, J. King, and R. Hittinger). The motion failed.

S. Medeiros made a motion to table the issue. There was no second. The motion failed due to the lack of a second.

D. Preble made a motion to recommend that the RI state waters possession limit mirror the federal possession limit. J. King seconded the motion. There was some audience support for the motion. **The Council voted 5 to approve (C. Anderson, S. Medeiros, J. King, D. Preble, and K. Ketcham) with 2 abstentions (S. Macinko and R. Hittinger).**

Proposed changes to the Sea Scallop Management Plan

J. McNamee introduced the item. He noted that two proposals went forward to the public hearing. A modified version of one of the noticed options was made the night of the hearing. The Council had all of the relevant information before them that evening. **J. King made a motion to recommend that the possession limit be raised to 400 pounds of shucked sea scallops per day in state waters. K. Ketcham seconded the motion.** M. Marchetti made some amendments

to his comments made at public hearing by stating that he would not be opposed to a general category style management plan in state waters. He listed the other elements of the federal management plan. Other audience comments were in support of the motion, with one comment being to not have any management plan in state waters due to the fact that there was no state waters fishery. **J. King perfected his motion to, in general, mirror the federal general category rules including a 50 bushel per day limit, 3-1/2 inch minimum shell size, minimum 4" ring size, and minimum 10" twine size. K. Ketcham accepted the perfection. The Council voted unanimously to approve the motion.**

Proposed adoption of a Coastal Shark Management Plan

J. McNamee introduced the item. He noted that the proposal was an ASMFC compliance requirement. The language in the proposal was borrowed from MA regulations. The DFW received one written proposal after the public hearing on this item. **S. Medeiros made a motion to recommend adoption of the proposed language with the removal of the language "attempt to harvest." J. King seconded the motion. The Council voted unanimously to approve the motion.**

2009 Council Calendar

J. McNamee had provided the Council with a draft calendar. **The Council accepted the meeting schedule provided that they could call an additional meeting were one needed.**

Approval of Summer Flounder AP agenda

M. Gibson stated that the AP needed to meet in order to discuss the upcoming 2009 recreational season. He summarized the topics on the agenda. One note was to remove the language about the commercial fishery from the agenda, this was a cut and paste error. **There were no objections to approving the agenda as modified.**

Approval of Scup/Black sea bass agenda

K. Ketcham stated that the AP needed to meet in order to discuss the upcoming 2009 recreational season. He approved the topics on the agenda and picked a date. One note was to remove the language about the commercial fishery from the agenda, this was a cut and paste error like in the summer flounder agenda. **There were no objections to approving the agenda as modified.**

Approval of Shellfish AP agenda

J. King stated that he had an agenda, though one had not been provided to the Council. The topics included density issues in High Banks, the closed triangle portion of the Potowomut management area, and a discussion on the future plans for these areas. **The Council did not object to approving this proposed agenda.**

Approval of Lobster AP agenda

J. King stated that the AP needed to meet in order to discuss the proposed transferability program. **There were no objections to approving the agenda as modified.**

Old Business

Update on marine fisheries legislation

R. Ballou stated that there were two bills currently before the legislature relating to marine fisheries. The Council had previously discussed the bill submitted by Rep. Malik at DEMs request, but a second bill, submitted by Rep. Sosnowski, dealt directly with the Council itself. The gist of the bill was to remove the Director of DEM as the chair and substitute in an

environmental group representative as the new chair. The Council opposed this change, however did not oppose having M. Gibson recuse himself as chair on occasion in order to allow him greater flexibility in advising the Council on certain topics. In these cases, the Director could appoint another DEM staff person to chair. C. Anderson noted that they currently have an open process and there has been little to no participation from these groups in this process. R. Hittinger stated that he did not see this change making the Council any stronger than it already was, however he agreed with the sentiment of allowing M. Gibson more flexibility to advise the Council. D. Preble agreed with these comments. K. Ketcham stated he supported the previous comments. S. Macinko stated that, as is the case with the regional fishery management Councils, there is no reason why an interested party could not be an effective chairperson, and therefore he did not object to the proposed legislation. Some audience members commented that the current representatives were environmentalists, just because they were fishermen did not preclude them from also being environmentalists. **S. Medeiros made a motion to have a letter drafted on behalf of the Council stating that they should not alter the current makeup of the Council and therefore opposed the bill. J. King seconded the motion. The Council voted 6 to approve (J. King, S. Medeiros, K. Ketcham, C. Anderson, D. Preble, R. Hittinger) and one opposed (S. Macinko) to the motion. The motion passed.**

Other Business

Removal of members from the menhaden AP

S. Medeiros stated that he would like to remove both M. Lanni and D. Macpherson due to lack of attendance. **There were no objections to this from the Council.**

Appointment of new members to the menhaden AP

S. Medeiros suggested E. Cook as a replacement for the menhaden panel. **There were no objections to this from the Council.** M. Gibson stated that a solicitation for additional replacements would happen.

The Council had approved expanding this agenda item to include the scup and black sea bass panel, however due to incomplete information at the meeting this expansion was tabled until the next Council meeting.

ASMFC/NEFMC Updates

Update on ASMFC meeting week

M. Gibson touched on a number of the actions that took place during the meeting. The striper board failed to pass an addendum that would have raised the commercial quota. The lobster board voted to move forward with a transferability plan. The scup board approved an increase in quota. The winter flounder board did not move forward with an emergency action but instead chose to wait to see how the federal plan plays out. He then asked for any Council questions on these topics. There were none.

Update on NEFMC meeting

M. Gibson noted that a meeting summary had been placed in the packet. He asked if there were any questions for him or for D. Preble, the RI representative on the NEFMC. There were none.

FYI

Discussion on publication "Fisheries Economics of the U.S, 2006"

C. Anderson wanted to make people aware of the document as he often gets questions about the economic impact of fishing on RI. He gave some highlights of the RI portion of the report. There were no questions for C. Anderson on the report.

Update on Sector Allocation Pilot Program

R. Ballou stated that regulations had been promulgated that set forth the process by which a group could apply to participate in the program. He went on to note that one group intended on submitting a proposal to participate, though no group had formally applied.

Notice of upcoming Directors Roundtable meeting

R. Ballou stated that the next Director's Roundtable would be devoted entirely to shellfish management. The meeting would be Thursday March 19th at 3:00 PM. There was an open invitation to suggest agenda topics for the meeting by emailing R. Ballou.

Post agenda discussion

G. Duckworth thanked the Council for their actions that evening and felt they had restored fairness for RI state waters fishermen.

T. Baker asked a question about the effects of the increased scup quota on the summer sub period. M. Gibson stated that it was a good point and the DFW would have to go back and review the current management plan and come back to the Council with some advice.

The Chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary