



Rhode Island Marine Fisheries Council

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MEETING MINUTES

March 2, 2015

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, B. Mackintosh, J. Grant, M. Rice, C. Rein, R. Bellavance*

DEM: *L. Mouradjian, M. Gibson, G. Powers, J. McNamee, J. Lake, N. Lengyel, P. Duhamel, Sgt. Dan White (DLE), D. Costa*

Public: Approximately 30 persons.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; hearing none, the agenda was approved.
2. **Approval of RIMFC meeting minutes from December 1, 2015:** *R. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **Agenda item 4a., New Business – review and recommendations to the Director on the 2/16/2015 public hearing items:**

- **Editing Items – proposed modifications to multiple sections in a non-substantive way to improve clarity and readability: Including hearing items 2 (technical clarifications to Shellfish regulations); 13 (general editing of Finfish regulations for improved clarity); 14 and 15 (addition of a Quota Management section to Finfish regulations and deletion of same section from Part III – Marine Fisheries Council); and 16 (deletion of duplicate regulatory language from Part X, Equipment Restrictions, that are currently included elsewhere in RIMFR):**

B. Ballou and *P. Duhamel* provided a brief description of the proposed changes, which involve proposed non-substantive modifications to improve clarity and readability of the regulations. *D. Monti* offered a motion to recommend adoption of the modifications as proposed; 2nd by *M. Rice*. *J. Grant* commented that he was concerned that the regulations do not specifically allow for the harvest of whelk or bay scallop during Shellfish Management Area management closures and believed that they should. *B. Ballou* offered that *J. Grant* should coordinate with *J. Mercer* to look at the language and determine if modifications may be needed. **The motion passed by a vote of 8 – 0.**

- **Hearing item #1 - proposed amendments to RIMFR - Shellfish, regarding the establishment of regulations to reduce the risk of Vibrio illness associated with the consumption of commercially harvested quahaugs:**

M. Gibson offered support for the proposal; that it was a multi-agency effort to protect public health risks associated with *Vibrio* and also to protect industry. *B. Macintosh* commented that he was concerned for impacts to small commercial boats. *J. McNamee* offered that the requirements are mandated from the federal government (FDA). *J. Grant* offered that these requirements are necessary to maintain compliance with ISSC and therefore be allowed to ship harvested shellfish out of state. He offered that because Massachusetts and Connecticut have had numerous outbreaks, it affects RI. He offered that the requirements would get more restrictive should additional outbreaks occur in RI, and the regulations are meant to reduce this risk. ***D. Monti* offered a motion to recommend adoption of the modifications as proposed; 2nd by *C. Rein*. The motion passed by a vote of 8 – 0.**

- **Hearing item #3 – Proposed amendments to Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs regarding removal of escape vent placement requirement:**

S. Olszewski offered that the proposal originated with industry and that it is most likely a holdover regulation from when wooden traps were in use. He offered that there is no compliance issue with the ASMFC by removing this requirement, that it is not addressed in the FMP and Massachusetts currently does have such a requirement. *M. Gibson* offered support for the proposal; that it was also necessary to support the Jonah Crab fishery for which lobster traps are typically used. ***J. Grant* offered a motion to recommend adoption of the modification as proposed; 2nd by *C. Rein*. The motion passed by a vote of 8 – 0.**

- **Hearing item #4 - recreational Summer flounder:**

M. Gibson offered that the while both options are acceptable, there was a recommendation from ASMFC to reduce harvest. ***R. Hittinger* offered a motion to recommend adoption of option 1, status quo; 2nd by *R. Bellavance*.** *K. Booth* inquired as to the potential ramifications if over-harvest continues to occur. *J. McNamee* offered that it was unclear if the high catch rates in 2014 were an anomaly or will continue to be high, or that the MRIP data is inherent variability. *R. Hittinger* offered that he was against any option that would increase size, as this would increase harvest of spawning fish. He offered that changing the season is pointless as fish wouldn't be caught during the closed season. *D. Monti* offered that it appeared that ASMFC was looking for a “gesture” to for the appearance of attempting to reduce harvest. *B. Ballou* emphasized that there was no ASMFC requirement at this time to reduce harvest. *R. Bellavance* offered that he was in favor of seeing another year of MRIP data before making any changes. *G. Allen* offered support for status quo in favor of reviewing another year of MRIP data. **The motion passed 8 – 0.**

- **Hearing item #5 – Recreational Tautog:**

P. Duhamel offered that comments were evenly split between status quo and a change from the April 15 to an April 1 opening date. *M. Gibson* offered support for the noticed option of status quo while awaiting further information from ASMFC. *K. Booth* inquired as to the implications for opening earlier, to which *M. Gibson* replied that there would be no biological impact, but that notification to the ASMFC was necessary prior to adopting any such change. ***D. Monti* offered a motion to recommend adoption of status quo,**

modifying to change the opening date from April 15 to April 1; 2nd by R. Hittinger. *J. McNamee* offered that while a change to the season presented no biological impact, it could complicate management decisions for the following year. *B. Macintosh* offered that the fishery was in trouble and that alternate management was needed as soon as possible. *Barker* offered concern that changing the opening date could pose problems for next year's management decisions. **The motion passed 6-1 (*M. Rice* against; *J. Grant* abstaining).**

- **Hearing item #6 – commercial Tautog:**

M. Gibson offered support for status quo. *K. Booth* offered a motion to recommend **adoption of option 1, status quo; 2nd by *B. Macintosh*.** Discussion took place regarding the possibility of an earlier opening date. **The motion passed 8 – 0.**

- **Hearing item #7 – recreational Scup:**

M. Gibson offered support for status quo. *R. Bellavance* offered a motion to **recommend adoption of option 1, status quo; 2nd by *M. Rice*.** **The motion passed 8 – 0.**

- **Hearing item #8 - Recreational Black sea bass:**

J. McNamee provided a brief overview of the quota setting process and that a 33% reduction was needed for this fishery. *M. Gibson* offered that each of the options presented provided compliance; there was no Division preference. Discussion ensued regarding possible variations of the management options. *R. Bellavance* offered a **motion to recommend adoption of the following: min. size 14"; 1 fish from 7/2 – 8/31; and 7 fish from 9/1 – 12/31; 2nd by *J. Grant*.** **The motion passed 8 – 0.**

- **Hearing Item #9 – Spiny dogfish:**

M. Gibson offered support for the proposal as ASMFC compliant. *J. Grant* offered a **motion to recommend adoption of the proposal, 2nd by *D. Monti*.** **The motion passed 8 – 0.**

- **Hearing Item #10 – recreational Striped bass:**

P. Duhamel offered a summary of the public comments received. *M. Gibson* offered Division support either option proposed, but that option 1, status quo, was a more conservative approach. A great deal of discussion ensued regarding the reductions needed and ways by which to achieve the reduction. *R. Hittinger* offered that the most conservative approach is warranted to obtain the reductions necessary and to rebuild spawning stock biomass, and therefore was in support of option 1. *R. Bellavance* offered a **motion to recommend adoption of option 2; 2nd by *W. Macintosh*.** *R. Hittinger* inquired as to the impact to statistical data when having different regulations for the two modes, to which *J. McNamee* concurred. *M. Rice* offered an **amended motion to recommend adoption of option 2, modified such that the P/C captain and mate not be permitted to take a recreational possession limit while in P/C mode; 2nd by *D. Monti*.** *R. Bellavance* offered that the fish taken by captain and mate are negligible and does not represent any real reduction. He then inquired if it was legal that a captain and mate

could not take a recreational possession limit while chartering, to which *G. Powers* replied that he thought it was legal, in that they were engaging in a commercial activity. **The amended motion failed 3 – 5 (*M. Rice, R. Hittinger, and D. Monti* in support; *R. Bellavance, B. Macintosh, J. Grant, and C. Rein* opposed; *K. Booth* abstaining).** *D. Monti* offered that he believed that the P/C industry should be doing more to help rebuild the stocks, specifically by giving up the fish for captain and mate, to which *R. Bellavance* replied that the increase in size from 28” to 32” was very much a significant step towards achieving this reduction, to which *R. Hittinger* replied that harvesting only larger (i.e. 32”) fish only results in removing those fish that produce the most eggs. **The original motion (option 2 as proposed) passed 5 – 3 (*R. Bellavance, M. Rice, B. Macintosh, J. Grant, and C. Rein* in support; *R. Hittinger and D. Monti* opposed; *K. Booth* abstaining).**

- **Hearing Item #11 – commercial Striped bass:**

P. Duhamel offered that comments were split between supporting option 1, status quo, and an earlier opening date in late May. *M. Gibson* offered support for status quo. ***K. Booth* offered a motion to recommend adoption of option 1; 2nd by *M. Rice*. The motion passed 6 – 1 (*J. Grant* opposed; *R. Hittinger* had left the meeting).**

- **Hearing Item #12 – commercial Striped bass floating fish trap:**

M. Gibson offered support of option 1, status quo. ***K. Booth* offered a motion to recommend adoption of option 1; 2nd by *C. Rein*. The motion passed 7 - 0.**

5. **Agenda item 4b.: Presentation of RI Saltwater Recreational Fishing License Program Report.**

J. Lake provided a summary of the draft report and details of money expenditures and projects supported. *B. Ballou* provided an overview of the statutory language and the Council’s responsibility. *B. Macintosh* inquired as to the status of repairs to the Stonebridge bridge as it is a popular fishing location. *L. Mouradjian* responded that the facility is owned by RIDOT, and that there had been a plan to rehabilitate the area and then transfer ownership to the town, but has since been abandoned for lack of funding. ***Dennis* offered support for the program as very beneficial to shore fishermen, and that artificial reefs and structure should be considered for locations or new or repaired piers. *M. Rice* offered a motion to recommend that the program is doing good work and is continuing to meet its intended statutory purpose; 2nd by *R. Bellavance and D. Monti*. The motion passed 7 – 0.**

6. **Agenda item 4c.: Shellfish Advisory Panel reports – approval of minutes:**

J. Grant provided an overview of the meeting.

7. **Other:**

R. Bellavance inquired as to discussion needed regarding the Licensing overhaul. *B. Ballou* offered that a status report will be provided at the June meeting.

Meeting adjourned at approximately 8:00

Prepared by *P. Duhamel*