

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
March 3, 2008 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

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

RIMFC Member(s) Absent: S. Parente, G. Allen, S. Macinko

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee, N. Scarduzio

DEM Staff: W. M. Sullivan, R. Ballou, L. Mouradjian

DEM Legal Counsel: Attorney G. Powers, Attorney Shultz

Law Enforcement: Frances Ethier

Public: 30 people attended

Chairman M. Gibson called the meeting to order. M. Gibson stated there was one adjustment to make to the agenda; he moved item 5(c) discussion of the most restrictive rule, up to be included with discussions under 3(a). He stated that the department had not yet finalized the interpretation of the rule and DEM would only be able to speak to what the regulation currently stated. Gibson asked if there were any other changes to the agenda. J. King requested to add item 6(b) Greenwich Bay shellfish openings. There were no other changes. Gibson asked if there were any objections to amending the agenda as suggested. Hearing no objections, the agenda was approved as amended. **There were no objections to approving the agenda as modified therefore the agenda was approved as modified.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the February 11, 2008 meeting. M. Gibson asked if there were any requests to discuss or modify the minutes. Hearing none, he asked for a motion to approve the minutes. **S. Medeiros made a motion to approve the minutes. D. Preble seconded the motion. M. Gibson asked Council members if there were any objections to approving the February 11, 2008 meeting minutes as written. There were no objections therefore the minutes were approved as written.**

Advisory Panel Reports:

Combined Scup/Black Sea Bass and Summer Flounder (2/19/08) – D. Preble: D. Preble explained that the meeting addressed recreational measures for both species. There were 12 proposals for summer flounder that consisted of various minimum size limits, bag limits and seasons. Those in favor of a shorter season reasoned that increasing the minimum size was not as

effective in meeting reduction targets. Three options were decided upon; option 8, option 12 and a modification of option 8. Option 12 was the preferred option approved by the AP.

D. Preble explained that the recreational scup fishery was managed regionally which included the states of Massachusetts, Rhode Island, Connecticut, and New York. Everything had been predetermined so the question was for the party/charter segment and they opted for a 11-inch minimum size and a 10 fish bag limit for 81 consecutive days beginning on July 27 through August 31, 2008, then from September 5 through October 15, 2008 a 45 fish bag limit.

Gibson asked if there were any questions from Council members. There were none. He stated that these issues would be heard at the next public hearing set for the end of March then back to the Council for recommendations to the director at the April Council meeting.

New Business:

Council recommendations on February 26, 2008 Public Hearing – J. McNamee:

In a power point presentation to Council members, J. McNamee summarized the public hearing items:

1) *Proposed amendments to the commercial tautog quota management plan:*

K. Ketcham made a motion to recommend to the Director to adopt the regulatory language as proposed. J. King seconded the motion. Gibson called a vote on the motion to recommend to the Director to adopt the regulatory language as proposed. The Council approved the motion unanimously.

There were no comments from the Council and no comments from the audience.

2) *Proposed amendments to the recreational tautog management plan:*

S. Medeiros made a motion to recommend to the Director to adopt the recommended regulatory language as proposed by the advisory panel. D. Preble seconded the motion. C. Anderson offered a friendly amendment to clarify the intent, from July 1 through the Friday before the third Saturday in October. Gibson called a vote on the amended motion. The motion as amended passed unanimously.

There were no comments from the Council and no comments from the audience.

3) *Proposed amendments to the commercial scup quota management plan:*

K. Ketcham made a motion to recommend to the Director both Option 2 and Option 3 with adjustments to the poundage. He recommended for option 2 – alternate possession limit: 500 lbs/day, 50 lbs/day, and 50 lbs/day, and for option 3 – the aggregate program: 2,500 lbs/week, 250 lbs/week, and 250 lbs/week. J. King seconded the motion.

J. McNamee spoke for the record about some of the challenges the Division would have in implementing a summer scup aggregate program. He stated that from an administrative standpoint it would be different from the fluke aggregate program because that program had a fixed number of participants due to the qualifier of possessing a fluke exemption certificate. There was a smaller number and more manageable number of boats, who only participated in the

winter. There was not a huge influx of effort like there would be in a summer aggregate program. There are no exemption programs that would keep the number of participants at a lower level and no cost to participate, therefore there would be lines out the door of people signing up for this program whether they intended to use the permit or not. McNamee suggested that if everyone was going to be allowed to be in an aggregate program then there was no need to have them apply for a specific permit. He stated that he was concerned about the division's ability to manage the number of people coming in for permits for the scup aggregate program this summer.

N. Scarduzio added that not only the Division of Fish and Wildlife would have a difficult time in managing the number of applications in a timely manner but it would also affect the Division of Law Enforcement who had to conduct background checks on each owner and each operator listed on the application. This was a time consuming task and would involve a number of law enforcement staff.

K. Ketcham stated that the aggregate program option would allow people to run their business more like a business and help to consolidate some of their expenses.

S. Medeiros asked if by participating in the aggregate program was to the advantage of the fishermen, and it would be easier, why not make it available to everyone who fishes commercially for scup to operate on an aggregate program. Instead of having two different programs, why not have an aggregate program open to everyone.

D. Preble commented that he felt the Council was to rate the merit of the proposal and how it related to the fishery and it was not the Council's responsibility to worry about administrative burdens.

C. Anderson stated that he felt the Council should be aware of the administrative burdens as well as the impacts on the fishery because the Council needs to be concerned about how these programs are implemented. Anderson was in agreement with S. Medeiros he stated that if it were an administrative burden then he would want to consider placing everyone in to an aggregate program.

Gibson commented for clarification that if everyone were in an aggregate program that would eliminate the need for DEM to have to issue permits, but virtually every fisherman would still have to be tracked for his cumulative landings. That information would have to be provided to the Division of Law Enforcement in real-time in order for them to assess compliance with weekly limits.

There were some comments and questions asked by audience members to clarify the intent of the aggregate program.

Gibson called a vote on the motion to recommend to the Director to adopt both Option 2 and Option 3 with adjustments to the poundage as proposed. The Council approved the motion unanimously.

4) Proposed amendments to the commercial striped bass quota management plan:

C. Anderson made a motion to recommend to the Director to adopt the proposed amendments as proposed. S. Medeiros seconded the motion. Gibson called a vote on the

motion to recommend to the Director to adopt the amendments as proposed. The Council approved the motion unanimously.

There were no comments from the Council and no comments from the audience.

5) Proposed amendments to the RI menhaden regulations:

S. Medeiros made a motion to recommend to the Director to adopt the menhaden advisory panel recommended option. J. King seconded the motion.

There were no comments from the Council.

F. Ethier commented that the gear restriction would be difficult for Law Enforcement staff to enforce in the field.

J. McNamee explained that Massachusetts had the same rule but he was uncertain how they enforce the rule. He commented that Massachusetts requests net dimensions.

T. Sutton suggested fishermen make set markings on nets to assist enforcement of the regulation.

There was discussion between the audience and Council members about various methods to mark nets for enforcement purposes.

K. Ketcham made a friendly amendment to the motion that nets be marked every 50 fathoms with a different colored buoys on the head rope. S. Medeiros excepted the friendly amendment.

G. Souza stated that there was no need to mark the head rope with buoys. He explained that each menhaden seine net had a set of rings that were spaced equally apart along the length of the net. All someone would have to do is measure the distance between the first set of rings then just count the snap rings or drop lines and multiple to get the distance or length of the net. He indicated it was very easy to determine. He stated that was how Massachusetts enforced the rule.

K. Ketcham withdrew his friendly amendment.

Gibson called a vote on the motion to recommend to the Director to adopt the menhaden advisory panel recommended option. The Council approved the motion unanimously.

6) Proposed amendments to the RI monkfish regulations:

D. Preble reviewed the history of the monkfish fishery. He stated that the limit for incidental by-catch trip limit for all federal waters throughout the range of the fish remains at 50 pounds tail weight, and 166 pounds whole weight. He explained with that incidental catch limit no one was complaining about it not being enough because the federal boats recognized that the fishery is in trouble. Preble explained since the groundfish AP meeting took this issue under advisement the situation with the monkfish fishery has changed radically. He stated that people have abandoned most of the proposals. D. Preble indicated that option 1 was the best option however, the wording needed to be changed to mirror the federal incidental by-catch.

D. Preble made a motion to recommend to the Director to adopt option 1 – status quo and include wording - to mirror any changes in the federal incidental by-catch.
K. Ketcham seconded the motion.

D. Preble also asked if it would be possible for the Division to analyze the effects of option 2.

G. Duckworth commented that our neighboring states like MA and NY are not at 50 pounds. He also mentioned some changes the federal government would be implementing for 2008.

R. Fuka disagreed with D. Preble's interpretation of threshold values. He stated over-fishing was no longer occurring as stated in framework 4. He commented that he could not find any information about days being reduced or over-fishing occurring. R. Fuka was in favor of option 4.

G. Carvalho commented that the Council should be addressing the monkfish fishery with in state waters not federal waters. He stated the Council was not a federal body but a state body and it was set up to protect state waters and the people fishing in the state. He felt we should be maximizing the exploitation of fish caught in state waters. He encouraged the need to continue to establish state landings.

P. Duckworth was in favor of option 3, which stated a 200-pound tail weight. He stated that 50 pounds was not enough to make it worth while.

T. Sutton was in favor of option 1 – status quo and proceeding with a study of option 2.

T. Mulvey was in favor of option 3 until option 2 was figured out. He stated that the 50 pounds in option 1 was not enough, it would keep him out of business.

C. Brown asked for clarification of option 2 by the maker. T. Mulvey explained the details of option 2.

T. Platz asked to address a couple of the issues that came up to clarify some of the concerns or misconceptions. He stated he understood that MA had put out a public notice to go to 50 pounds tail weight and that CT was in the process of reviewing their landings and was considering on going to 50 pounds tail weight. He commented that the difference between over fished and over fishing has already been addressed and there was a significant difference between the two terms. Platz mentioned that no one had spoken about discards or had complained about discards and that is what tells us that the 50 pound tail weight is the correct incidental landing limit. If that limit were to low, you would hear about it. He was supporting option 1 with a long look at option 2.

G. Hall was supportive of T. Platz's comments and option 1, with having option 2 studied down the road.

There was discussion between Council members before a vote was taken.

M. Gibson called a vote on the motion to recommend to the Director to adopt option 1 – status quo, and include wording that would mirror any changes in the federal incidental

by-catch trip limit. The Council approved the motion with one abstention. Four (4) in favor: (D. Preble, K. Ketcham, J. King, S. Medeiros), one (1) abstention: (C. Anderson).

Annual River Herring Workshop Briefing – J. McNamee:

J. McNamee explained that the Division had committed to having an annual workshop for river herring. The Division did not have the workshop yet because the data had not been processed to the point where the Division had any aging data. The aging data would not be completed until late April or early May. McNamee asked the Council if they would prefer to wait until the Division had the full aging data available, which would be in late April or early May or sooner than that time frame. He indicated that if they held the workshop now then only abundance data would be available with out the aging data they would not have repeat spawner information or any other information such as total mortality. He also stated that he thought the Council would not be able to enact any regulation changes at this point because we were getting close to the run time, and none of the data indicated that we should enact any regulation changes.

M. Gibson stated that it would be his preference to wait until all the information was available. He asked for Council comments.

S. Medeiros agreed to wait for a formal workshop but also asked if the abundance data could be provided to the Council with out having to wait for the formal workshop, just give the abundance data.

M. Gibson stated that an update could be given at the April Council meeting. Gibson asked Council members if there were any objections to proceeding in this manner. There were no objections.

Presentation on Sector Allocation – C. Brown:

M. Gibson updated the Council explaining that DEM had already given C. Brown some feedback from the Department level relative to the first proposal that was submitted. He stated that the Department had some concerns that there may be statutory impediments that could affect the proposal.

C. Brown highlighted some of the problems of the industry emphasizing the discard issue and a need to resolve these problems. He reviewed the documents that were made available to Council members, which included a proposal for a sector allocation pilot program, a list of sector participants, and an operations plan and agreement currently used by the Georges Bank Cod Hook Sector. Brown stated that his intension was to show other fishermen how to develop a sector allocation proposal. He outlined the steps in preparing a sector. As soon as the sector contract was finalized he stated he would submit it to DEM Legal Services for review.

M. Gibson asked for Council comments or questions.

D. Preble stated that over fishing had to stop. He explained that most over fishing today related to dead discards, and he stated this had to stop. He was supportive of trying a pilot sector program and having it put in place for the next fishing year. He recommended moving it forward.

M. Gibson asked Council members if there was a consensus to continue to work through the issue internally through the department as well as encouraging C. Brown to continue to go

forward. He stated that at some point there would have to be a public hearing and comments from the Director.

K. Ketcham stated that he would like this to move quickly so it could be in place for the 2009 fishing season. He would like to see it go forward as a priority. D. Preble agreed.

M. Gibson stated the division would look at the time table for 2009 commercial specification items and see where we were internally.

S. Medeiros asked what would be the next step to go forward.

M. Gibson indicated this topic could be a recurring agenda item so the division could report updates to the Council and C. Brown could update the Council.

Council members agreed to proceed in that manner.

Approval of Lobster Advisory Panel – J. King:

J. King stated the agenda had been set and he and division staff needed to decide on a date for the meeting.

M. Gibson asked Council members if they had any objections to the agenda. There were no objections. Gibson reviewed the items on the agenda; definitions of lobster trap and other types of traps/pots., and the most restrictive rule. The agenda was approved.

Old Business:

RI Marine Fisheries legislation – B. Ballou:

B. Ballou stated that the marine legislative proposals had been introduced. He reviewed the two issues: 1) Strengthening enforcement of laws and regulations governing commercial marine fisheries, and 2) Strengthening monitoring/assessment of marine fisheries – observer coverage & stock assessment reports. He explained there had been two bills pertaining to enforcement that were introduced to the House (H-7807) and Senate (S-2636). Ballou reviewed what the bills would achieve. The two bills that were introduced pertaining to monitoring and assessment are House (H-7808) and Senate (S-2623). B. Ballou gave a brief description of the contents of these bills. Hearings on the bills was expected with in the next month. Ballou outlined three ways for people to keep track of the progress of the bills: to check the general assembly website, the Division of Fish & Wildlife would email the links to the bills via the marine fisheries listserve, or people could contact B. Ballou.

Director's roundtable discussions – M. Gibson:

M. Gibson explained the DEM Director had the first meeting of the marine fisheries round table and asked Director Sullivan if he would like to share his comments on the meeting.

M. Sullivan stated there were about thirty individuals who participated with a good exchange of ideas. Participants were given a list of issues and priorities to review for possible discussion at future meetings. The group was looking to meet every other month. Sullivan stated that he heard more compliments than criticisms so he was pleased with the outcome of the meeting.

Other Business:

Changes to advisory panel membership and review of vacancies – N. Scarduzio:

There were two applications received for alternate positions on different advisory panels that needed Council approval. The first applicant was J. Macari III who applied to be the alternate for the bait & tackle position on the striped bass AP. M. Gibson asked if there were any objections from the Council to approving J. Macari III as the alternate for the bait & tackle position on the striped bass AP. There were no objections. J. Macari III was approved as the alternate for the bait & tackle position on the striped bass AP

The next application was from G. Carvalho who applied to be the alternate to R. Fuka for the gillnet-inshore (state permitted only) position on the groundfish/federally managed species AP. R. Fuka was recently appointed to this AP and was given the opportunity to come forward with a recommended alternate which was G. Carvalho.

M. Gibson asked if the Council had any comments or concerns. A point that had been raised was the Council's intension to have AP participants in the same fishery. There was some concern as to whether G. Carvalho participated in this fishery.

S. Medeiros commented that at one time people were trying to stack advisory panels with their buddies and friends in any empty slot which defeated the purpose of having each gear type represented. He stated that was not the Council's original intension.

K. Ketcham pointed out that since the slot was designated for a gillnet-inshore (state permitted only) position we should make sure they have state gillnet endorsements. He suggested that both the primary and the alternate should have these endorsements.

D. Preble stated that the assumption was that these people had those endorsements but we as the Council did not ask that question.

K. Ketcham indicated there were other applicants who applied for the primary position who were gillnetters.

M. Gibson asked if the Council would like to hold off on action until staff could determine what the license status was for these individuals. The Council agreed to wait until licensing status was determined.

N. Scarduzio continued by reviewing the current vacancies on the various advisory panels and suggested that a solicitation letter should be sent to try to fill vacancies.

M. Gibson asked if there were any objections from Council members to proceed with a solicitation letter to fill AP vacancies. There were no objections. Division staff was directed to send out a solicitation letter.

Greenwich Bay shellfish openings – J. King:

J. King explained there was a problem with the Greenwich Bay shellfish opening dates as originally requested by the RI Shellfishermen Association. He was requesting the current schedule be modified from May 26, 28 & 30 8:00 AM -12:00 to May 19, 20 & 23 8:00 AM - 12:00. This was to coordinate with the shellfish transplant program. King stated that several

dealers were contacted and were supportive of the date changes. He asked for Council support to make these date changes.

M. Gibson explained that he allowed J. King to present the issue to the Council but the Council would not be able to act on the issue until next meeting when the issue was properly noticed on the agenda. M. Gibson asked if there were any comments from the Council. K. Ketcham asked if the issue could be addressed at the next Council meeting since it had already gone to public hearing so the Council could just change the dates. M. Gibson stated that he would make sure it was on the April Council agenda for discussion but he was not sure if any action by the Council could over turn what had already been put in place. M. Gibson asked if there were any objection from the Council in proceeding in this manner. There were no objections.

FYI

March 27, 2008 public hearing summary document:

N. Scarduzio stated the document was included in Council member's packets for their review. The public hearing was scheduled for March 27, 2008 at 6 PM at the Corless auditorium.

M Gibson asked if there was any other business to come before the Council.

F. Blount asked for clarification on how someone would go about getting a scientific collectors permit from the state if they had a research set aside project. M. Gibson state that he did not know if the division could do that at this time. He indicated that the only clear authority that the Division had was to issue scientific collectors permits for individual who needed to collect for example specimens for a lab experiment. Gibson stated that he was working on the issue internally to determine whether or not the Director had additional authority beyond that to set aside a portion of a state TAC for research purposes or experimental fisheries. The department was still looking in to this issue.

K. Court wanted to clarify the open date as agreed upon at the scup AP meeting for the party & charter was around June 12 not July 26 as D. Preble had stated in the scup advisory panel report. He wanted to make sure the date was entered correctly.

M Gibson asked if there was any other business to come before the Council. Hearing none, the meeting was adjourned.

The Chairman adjourned the meeting.

Nancy E. Scarduzio, Recording Secretary