

RHODE ISLAND MARINE FISHERIES COUNCIL
Summary of Meeting Minutes
March 6, 2012 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: R. Bellavance, K. Booth, R. Hittinger J. Grant,
D. Monti, C. Powell, and W. Mackintosh, III

RIMFC Members Absent: None

Chairperson: B. Ballou

RIDEM DFW Staff: N. Scarduzio, J. McNamee, T. Angell, and P. Duhamel

RIDEM Staff: L. Mouradjian and G. Powers,

DEM Law Enforcement: D. White

Public: Approximately 40 people attended the meeting.

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. He suggested moving the advisory panel reports that related to each public hearing item and folding them in together with the public hearing items. He asked if there were any objections to the modifications. **Hearing no objections, the March 6, 2012 Council 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 November 1, 2011 and December 5, 2011. K. Booth had one correction to the December 5, 2011 minutes on page 8 to strike the words “there was no possession limit for cod and”, indicating he wanted to correct his comments. B. Ballou asked if there were any objections to approving the November 1, 2011 minutes and the December 5, 2011 minutes as modified. **Hearing no objections, the November 1, 2011 minutes and the December 5, 2011 minutes, as amended, were approved.**

Public Comments

G. Duckworth asked if there could be a discussion about implementing a monkfish aggregate for state waters. B. Ballou stated the Council would consider the request and try to get that scheduled for an advisory panel meeting.

T. Mulvey asked if a telephone call-in system could be set up for when they were out fishing and hit a good spot to be able to call in and get permission to harvest a double limit. He noted the Federal program had that system in place and since we were always mirroring federal regulations, he would like the same opportunity set up for RI waters.

D. Pesante asked if the Groundfish AP could be convened to discuss spiny dogfish since this item was on the upcoming April 3, 2012 public hearing. He had distributed written comments to all Council members prior to the meeting with background information, and a signed petition. B. Ballou asked the Council if they would like to convene a Groundfish AP meeting to discuss the spiny dogfish issue.

D. Monti made a motion to recommend to convene a Groundfish AP meeting to discuss the spiny dogfish issue prior to the April public hearing. W. Mackintosh, III seconded the motion. There were no objections to the motion therefore the Council approved it.

Aquaculture Lease Review:

C. Jackson Aquaculture Lease Application (CRMC 2011-11-021):

B. Ballou stated this application had gone before the Shellfish AP (SAP) and the AP voted to advise the Council to voice an objection to the proposal. Since the AP had objected to the application, C. Jackson has now asked the RIMFC to review and consider the application for approval.

C. Jackson stated it was a shallow water aquaculture operation with soft sand. He planned to put netting on the bottom and the product in bags to protect from crabs.

D. Beutel gave a brief overview noting there was low density of recreational shellfishing activity in the area. CRMC did not deem the site to be in conflict with other fisheries.

There was Council discussion as to why the SAP objected to the application. J. Grant summarized the concerns/objections; C. Jackson was a previous leaseholder and there was inactivity on that lease and was asked to abandoned the lease by CRMC, but it seemed he had not totally abandoned it. The lease was also for growing steamer clams and currently there was no commercially available steamer clam seed, and those were the concerns the SAP had.

There was further Council discussion which D. Beutel responded to.

C. Powell made a motion that based on what they had heard tonight, the Council recommends to CRMC that the proposed activities were consistent with competing uses in the area. R. Bellavance seconded the motion.

J. Grant commented that because of the concerns from the SAP he asked D. Beutel to closely monitor this lease and have the SAP comments be part of the CRMC record to help ease the concerns of the use of public waters.

D. Beutel responded by stating the minutes from the SAP meeting were already part of the file. He explained he had attended the SAP meeting and heard the concerns and he would address them if the CRMC approved the lease by entering them as stipulations.

B. Ballou asked for the vote. The Council voted in favor of the C. Jackson Aquaculture Lease Application (CRMC 2011-11-021) to recommend to CRMC that the proposed activities were consistent with competing uses in the area. The vote was six in favor: (C. Powell, R. Bellavance, K. Booth, D. Monti, R. Hittinger, W. Mackintosh, III); opposed: (none); one abstention: (J. Grant). The motion passed 6/0/1.

Advisory Panel Reports:

Winter Flounder meeting (01/17/2012) – C. Powell:

C. Powell summarized the minutes and noted that he wanted to correct the minutes, that J. Carvalho was noted as being an “alternate” member but he was not a member of the panel. J. Carvalho was present at the meeting and contributed but was not a panel member. Powell commented that the Division would be working on G. Allen and M. Bucko’s winter flounder proposals.

An audience member and winter flounder panel member commented we really needed to look into the predator situation (cormorants and seals).

T. Mulvey stated he wanted the Division to consider an egg-shaking program for cormorants like the swan egg shaking program. This would help to keep the cormorants population down. He

suggested using URI students to assist. This way the birds are not shot and it was not in the public eye.

Menhaden meeting (02/15/2012) – D. Monti:

D. Monti summarized the minutes indicating the Division wanted to clarify regulations in the permanent closed areas, that no fishermen (commercial or otherwise) fishing with a method other than a purse seine could have more than 200 fish in possession. This should be a daily vessel limit in the closed areas.

Shellfish meeting (01/11/2012) – J. Grant:

J. Grant summarized the minutes indicating the group discussed harvest methods then a couple of aquaculture leases then went back to continue discussions on harvest methods. J. Grant pointed out the minutes reflected that no vote was taken on the industry proposed regulatory language pertaining to methods of harvest. A motion was made but there were no objections to the motion therefore it should have passed. He asked that the minutes be correct to reflect that there were no objections to the motion.

B. Ballou asked the Council if there were any objections to accepting the minutes from the three AP's as amended. Hearing no objections all three AP minutes were approved.

The following advisory panel minutes were read and approved during the Council consideration of the February 22, 2012 public hearing items: Summer Flounder (2/13/2012, Tautog (2/6/2012), Scup/Black Sea Bass (1/19/2012), and Striped Bass (1/17/2012).

New Business

Council recommendations on February 22, 2012 Public hearing items:

1) Recreational Summer flounder management plan for 2012:

Proposal #1 – Recreational size, possession limit, and season:

B. Ballou asked for the Division recommendation. J. McNamee, filling in for M. Gibson by representing the Division of Fish and Wildlife (DFW), stated that the Division supported status quo for 2012. He noted the reasons for status quo were due to a high level of uncertainty from a number of different factors. The stock assessment had shown instability in terms of estimating incoming recruitment, and there had been a major shift in terms of how they were calculating recreational harvest it was switched over to the MRIP program. He stated the Division supported status quo even though we have a small liberalization of 11%.

C. Powell made a motion to recommend that the Director remain with status quo for the 2012 recreational summer flounder management plan. W. Mackintosh, III seconded the motion.

R. Hittinger noted that the recreational fishery had significantly been under harvested in the last few years. In 2011 - 11% was under harvested. He felt they could take advantage of some of that liberalization and did not see any reason to stay with status quo. He did not see any reason not to increase by at least one fish.

W. Mackintosh, III stated that the problem with fisheries management today was that it was either boom or bust; we fluctuate too high and too low. He noted that as a businessperson you cannot predict the future if there was no future to predict. It did not make sense to him to continue the way we were.

R. Bellavance stated that most people catch only 3 to 4 fluke per trip, and you do not get a lot of biological gain from 7 to 9 fish, but there is a benefit to the party and charter boat industry to have the higher bag limit because it draws people to the state. He felt there would not be the chance for over fishing by moving up a fish or two. The increased bag limit would be a marketing advantage to his industry. He stated he would support a higher bag limit.

D. Monti stated he agreed with what R. Bellavance stated. He emphasized the reality that charter customers do not catch 7 or 8 fish, usually it was 3 or 4 fish. He indicated that even those boats that targeted fluke rarely got their bag limit. However, psychologically that perception of being able to get more fish really gives the industry an edge over other states that might not have a bag limit to that extent.

There was Council discussion about different bag limit scenarios and the impacts, if any, a higher bag limit might have.

J. Grant noted the percent liberalization of going up by one fish was only 2%.

R. Hittinger stated we were keeping a lot of conservative measures in the regulations because we were keeping the size limit at 18 ½ inches as opposed to the commercial size for example which was 14 inches. He noted they were not proposing any size decreased but rather increasing the bag limit by one or two fish. Therefore by keeping the size limit at 18 ½ inches we were keeping the conservative nature in the regulations.

There were comments made from the audience in support of a higher bag limit.

B. Ballou asked for the vote. The Council voted one in favor of status quo (C. Powell); six opposed (R. Bellavance, K. Booth, J. Grant, D. Monti, R. Hittinger, W. Mackintosh, III). The motion failed 1/6.

R. Bellavance made a motion to recommend that the Director adopt for the 2012 recreational summer flounder management plan; an increased bag limit of 8 fish (a one fish increase), 18-1/2 inch minimum size limit, with a season from May 1 through December 31. R. Hittinger seconded the motion.

B. Ballou asked for the vote. The Council voted in favor to recommend that the Director adopt the 2012 recreational summer flounder management plan; an increased bag limit of 8 fish (a one fish increase), 18-1/2 inch minimum size limit, with a season from May 1 through December 31. The vote was six in favor: (R. Bellavance, K. Booth, J. Grant, D. Monti, R. Hittinger, W. Mackintosh, III); opposed: (none); one abstention: (C. Powell). The motion passed 6/0/1.

2) Recreational Scup management plan for 2012:

Proposal #1 – Recreational size, possession limit, and season:

B. Ballou asked for the Division recommendation. J. McNamee stated that a lot had happened since the advisory panel meeting and the DFW had an opportunity to meet with regional partners. After meeting with regional partners, the DFW therefore recommended adoption of the refined ASMFC regional measure. He noted with the possibility of a large liberalization in 2012, consensus was attained at the MA to NY region meeting to proceed more modestly. He noted the new option was better than the options that went forward to public hearing. The preferred option was:

Private and Shore mode = May 1 – December 31; 10.5” fish; 20 fish bag limit
Party and Charter mode = May 1 – August 31; 11” fish; 20 fish bag limit
September 1 – October 31; 11” fish; 40 fish bag limit
November 1 – December 31; 11” fish; 20 fish bag limit

R. Hittinger made a motion to recommend that the Director adopt for the 2012 recreational scup management plan the new ASMFC Regional option:

**Private and Shore mode = May 1 – December 31; 10.5” fish; 20 fish bag limit
Party and Charter mode = May 1 – August 31; 11” fish; 20 fish bag limit
September 1 – October 31; 11” fish; 40 fish bag limit
November 1 – December 31; 11” fish; 20 fish bag limit**

R. Bellavance seconded the motion.

There was no discussion on the motion by the Council, and no comments from the audience.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt for the 2012 recreational scup management plan the new ASMFC Regional option:

**Private and Shore mode = May 1 – December 31; 10.5” fish; 20 fish bag limit
Party and Charter mode = May 1 – August 31; 11” fish; 20 fish bag limit
September 1 – October 31; 11” fish; 40 fish bag limit
November 1 – December 31; 11” fish; 20 fish bag limit**

The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

3) Recreational and Commercial Tautog management plans for 2012:

Proposal #1 – Recreational size, possession limit, and seasons:

B. Ballou asked for the Division recommendation. J. McNamee stated the DFW recommended status quo at this time. He indicated that the stock status was not as good as with summer flounder or scup. McNamee stated RI had always been proactive in their approach of this fishery and this year all other states except RI were taking significant hits on reductions in their fisheries. He asked the Council to think of this as well as biologically and suggested it would look bad if RI were to go up in their bag limit when everyone else was taking reductions and also suggested that might affect subsequent years. Therefore, there were both biological as well as strategic reasons to remain with status quo.

There was brief Council discussion about the impacts of increasing the bag limit.

C. Powell made a motion to recommend that the Director remain with status quo for the 2012 recreational tautog management plan. K. Booth seconded the motion.

There was no discussion on the motion by the Council.

T. Mulvey recommended to protect the resources there should be some consideration made to not harvest female tautog from April 1 through May 31. He offered this as a suggestion to add to the regulations.

M. Lanni stated he was a member of the AP and supported status quo.

G. Allen stated that the ASMFC had agreed for three or four years to let RI and MA manage their own fishery was largely because of the excellent work done by J. McNamee and N. Lazar,

and he encouraged people to pay attention to what J. McNamee had to say. J. Jarvis expressed concerns about the fishery and cautioned to be careful with this fishery.

B. Ballou asked for the vote. The Council voted in favor to recommend that the Director remain with status quo for the 2012 recreational tautog management plan - (16 inch fish/ 3 fish bag limit April 15 – May 31/ closed June 1 – July 31/ 3 fish bag limit for both general recreational and party & charter August 1 - October 19/ 6 fish bag limit for both general recreational and party & charter October 20 – December 15/ includes the current 10 fish/vessel limit during all open general recreational seasons – and does not apply to Party/Charter). The vote was six in favor: (R. Bellavance, K. Booth, J. Grant, D. Monti, W. Mackintosh, III, C. Powell); none opposed; one abstention: (R. Hittinger). The motion passed 6/0/1.

Proposal #1 – Commercial size, possession limit, and seasons for Tautog:

B. Ballou asked for the Division recommendation. J. McNamee stated the DFW recommended status quo at this time.

K. Booth made a motion to recommend that the Director remain with status quo for the 2012 commercial tautog management plan. W. Mackintosh, III seconded the motion.

R. Hittinger noted that option #2 was very interesting and felt something like this deserved further consideration. He stated it was a little late to discuss now since there was already a motion on the table but he would like to revisit it for the next cycle.

K. Booth agreed with R. Hittinger and indicated that he would like to look at the spawning issue with the possibility of closing both the commercial and recreational fisheries during spawning season. B. Ballou pointed out that currently the season was closed from June 1 through July 31.

W. Mackintosh, III stated with option #2 he would just have to throw more fish overboard. He asked the Division to think about this fishery and come up with some better ideas because it was not going to recover under current management.

J. Carvalho agreed with the statements made by R. Hittinger. It was a proposal he brought before the AP. He noted the fishery had become a bycatch fishery. He felt there needed to be more discussion about this fishery.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director remain with status quo for the 2012 commercial tautog management plan: (16 inch fish/ 10 fish per vessel per day, April 15 – May 31/ closed June 1 – July 31/ 10 fish per vessel per day, August 1- Sept 15/closed Sept 16 - October 14/ 10 fish per vessel per day, October 15 – December 31). The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

4) Recreational Black Sea Bass management plan for 2012:

Proposal #1 – Recreational size, possession limit, and season:

B. Ballou asked for the Division recommendation. J. McNamee stated the DFW recommended option 2, the ASMFC regional option. As refined at the recent meeting with regional partners, it would provide a 25-day extension of the season. Although abundance has increased to high levels in RI, a precautionary stance in the face of a rejected assessment and MRIP catch re-

estimation was warranted. The new revised proposal was better than the proposals that were offered at the public hearing. Therefore, the Division proposed the following: June 15 – December 31; 13-inch fish; and a 15 fish bag limit (an increased bag limit of three fish).

D. Monti made a motion to recommend that the Director adopt for the 2012 recreational black sea bass management plan the new ASMFC Regional option: June 15 – December 31; 13-inch fish; and a 15 fish bag limit (an increased bag limit of three fish). R. Hittinger seconded the motion.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt for the 2012 recreational black sea bass management plan the new ASMFC Regional option: June 15 – December 31; 13-inch fish; and a 15 fish bag limit (an increased bag limit of three fish). The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

5) Adoption of regulations governing the taking of Skate:

B. Ballou asked for the Division recommendation. J. McNamee stated that based on the compelling arguments made at the public hearing the DFW supported industry proposal #6. The industry option strikes a reasonable balance between statutory provisions to provide for fishing opportunities.

R. Bellavance made a motion to recommend that the Director adopt industry proposal #6 (To have the skate fishery open with no possession limit. If/when a federal skate quota trigger is hit and federal possession limits are reduced, the state will enact the current, reduced federal possession limit until either the end of the fishing year or the federal possession limit is increased (whichever comes first). D. Monti seconded the motion.

J. Grant spoke in support of the motion and thanked A. Gewirtz for his legwork in bringing the proposal forward.

A. Gewirtz thanked the Division staff for their assistance and courtesy they extended to him. He wanted everyone to know he was grateful for the work the Division did to help him move the proposal forward.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt industry proposal #6 (to have the skate fishery open with no possession limit. If/when a federal skate quota trigger is hit and federal possession limits are reduced, the state will enact the current, reduced federal possession limit until either the end of the fishing year or the federal possession limit is increased (whichever comes first). The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

6) Recreational Striped Bass management plan for 2012:

B. Ballou asked for the Division recommendation. J. McNamee stated the DFW recommended status quo.

R. Hittinger made a motion to recommend that the Director remain with status quo for the 2012 recreational striped bass management plan. R. Bellavance seconded the motion.

There was no discussion on the motion by the Council, and no comments from the audience.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director remain with status quo for the 2012 recreational striped bass management plan. The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

7) General Category Commercial Striped Bass management plan for 2012:

B. Ballou asked for the Division recommendation. J. McNamee stated the DFW recommended status quo. He noted that the opening date for the commercial general category did not have any biological significance it was more a user group issue and a business efficiency issue so the Division deferred to industry and RIMFC.

There were some questions from the Council on clarification of moving the start date.

W. Mackintosh, III made a suggestion to open the bay up earlier but with a two fish limit instead of the five fish limit.

K. Booth made a motion to recommend that the Director adopt for the 2012 general category commercial striped bass management plan: start date of June 6 – August 31 at a 5 fish limit, move the Sept 4 fall start date to Sept 11 – December 31 at a 5 fish limit, closed Fridays and Saturdays throughout both sub-periods, and change the quota allocation split from the current 80% - 20% split to a 75% - 25% split. R. Bellavance seconded the motion.

C. Powell raised concerns about the bay fishermen who had requested to move the start date to the last Sunday of May. He wanted to know if a compromise could be made.

K. Booth indicated a lot of it becomes emotional and we needed to distance ourselves from that he also pointed out that everything changes from year to year. He explained the change in the quota split indicating that last year we ended up with a two-day derby in the fall then it was closed.

J. Grant disagreed that it was not an emotional issue. He commented that a lot of people had contacted him and the vast majority wanted the start date moved to an earlier date and he did not see why the Council would not want to move the date. He felt because of the volume of people that wanted it moved they should probably move the date.

R. Hittinger stated he was at the public hearing and there were two groups of people that commented about the start date. He noted he thought the June 6th date had been arrived at as a compromise between the two groups. It seemed there was a clear division between the two groups.

Members of the Striped Bass AP who were in the audience indicated they were in support of K. Booth's motion. There was discussion between the Council and the audience as to how the June start date had been arrived. Several AP members indicated that the June start date had been the compromise between the two user groups. An individual pointed out that the proposed May start date was not even considered at the AP panel meeting. He also asked Council members to be respectful of panel members and their decisions since they donate a lot of time and try to vet the issues as best they can.

P. Bettencourt stated he had put the proposal for the May start date forward at the public hearing on behalf of 864 licensees. He indicated they had given in every year to the south shore fishermen and it had cost them financially every year. He asked for a fair and equitable resolution.

W. Mackintosh, III spoke in support of the fall date change to Sept 11th.

B. Ballou asked for the vote. The Council voted in favor to recommend that the Director adopt for the 2012 general category commercial striped bass management plan: a start date of June 6 – August 31 at a 5 fish limit, move the Sept 4 fall start date to Sept 11 – December 31 at a 5 fish limit, closed Fridays and Saturdays throughout both sub-periods, and change the quota allocation split from the current 80% - 20% split to a 75% - 25% split. The vote was four in favor: (K. Booth, R. Bellavance, W. Mackintosh, III, R. Hittinger); three opposed (C. Powell, J. Grant, D. Monti). The motion passed 4/3.

8) Floating Fish Trap Commercial Striped Bass management plan for 2012:

B. Ballou asked for the Division recommendation. J. McNamee stated the DFW recommended status quo at this time. N. Scarduzio also commented that a technical revision needed to be made to this set of regulations by inserting the word “thirty-nine” which inadvertently had been left out.

R. Hittinger made a motion to recommend that the Director remain with status quo for the 2012 floating fish trap commercial striped bass management plan. D. Monti seconded the motion.

There was no discussion by the Council, and no comments from the audience.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director remain with status quo for the 2012 floating fish trap commercial striped bass management plan. The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

9) Adoption of regulations governing the taking of conch (Channeled Whelk and Knobbed Whelk): B. Ballou asked for the Division recommendations. J. McNamee stated the DFW recommended the following:

1. Commercial & Recreational Minimize legal size - 5 ½ inch length or 3 inch diameter alternative (whelks do not attain full maturity until sizes larger than previously thought).
2. Seasons - the DFW recommends option 1 – (The whelk fishery has a seasonal rhythm with peaks in May-June and again in October-November).
3. Possession limits – option 2 - 35 bushel starting possession limit and option 3 allowing the DFW to decrease based on catch rates (if quota enacted). Starting limit is based on SAFIS reports in 2011 showing max trip at approx. 35 bushels (1,700 lbs), with most trips under 20 bushels.
4. Total allowable harvest (TAL) – option 1 - approx. 707,000 lbs pending final 2011 SAFIS data. Stock assessment indicates that while biomass is above the Bmsy target, recent overfishing occurring. The DFW recommends moving to a quota system, allowing for setting landings levels to reduce F below the overfishing threshold (Fmsy).
5. Owner-operator provision – no recommendation since it has no biological considerations.

6. Buoying of pots – option 1 - a buoy of defined construction is necessary for proper marking and recognition by industry/other stakeholders, however no opposition to other appropriate materials.
7. Escape vents and ghost panels – option 2 - open top whelk pots would meet these requirements.
8. Tending requirements - option 2 - as a natural complement to escape venting and responsible fishing.
9. Mandatory Bait bags, or equivalent (i.e. bait cage) – option 2 - should be required to minimize the amount of horseshoe crabs needed for bait.
10. “Unauthorized raising of pots” – covered in statute. RIGL 20-7-12 (“removal of branded numbers”) and 20-7-12.1 (“unauthorized possession”), are applicable only to lobster pots so a regulatory extension of this to whelk gear is warranted. (option 2 – use regulatory language similar to lobster regulations)
11. Raising Pots at Night - No recommendation for a prohibition on night fishing, a pot limit, or tagging program. Under quota management, these types of efficiency issues should be left to businesses.
12. Commercial Pot Limit - Similarly, with a quota based management system, the Division sees no need for a pot limit or a pot tagging program.
13. Mutilation -The DFW supports the requirement to land whelk whole and in shell.
14. For recreational measures - the Division supports (residents and non-residents), a 5-pot recreational limit, and the ½ bushel possession option.
15. Recommend the taxonomic name revision for channeled whelk to *B. canaliculatus*.

B. Ballou stated that due to the large number of components of this issue he had asked Council member J. Grant to prepare a draft motion to start Council discussion but that members should feel free to adjust items or make recommendations as they saw fit. Ballou asked J. Grant to review the list of draft items/recommendations he had prepared.

J. Grant recommended the Council consider the following:

To enact regulations governing the taking of whelk in RI waters as follows:

- Minimum shell size of 2 ¾” diameter or 4 ¾” length
- Commercial conch pot limit of 300 pots
- All traps must be tagged beginning 2013
- Conch must be landed whole, in-shell and remain so until transferred to a licensed dealer

Recreational harvest of conch restricted as follows:

- Restricted to residents only
- ½ bushel per person per day limit
- Recreational pot limit of 5 per person
- All traps must be tagged beginning 2013

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:

- Owner-operator vessel restrictions
- Buoying of conch pots
- Escape vents and ghost panels
- Tending requirements
- Unauthorized raising of conch pots

- Removal of branded #s or ID tags from conch pots
- Raising of pots at night
- Unauthorized possession of conch pots

The following items should not be implemented at this time:

- Commercial season designation (should be open all year)
- Commercial possession limit
- Total allowable catch
- Mandatory bait bags

Noted: Care should be taken for separate management of smooth and knobbed whelk. Although not part of the motion any type of quota, possession limit or seasons should apply only for smooth whelk, the targeted species. Knobbed whelk should be separate, as they are two separate fisheries.

J. Grant indicated that he had some information about what MA was considering and stated that it appeared the conch fishery was slightly different in MA than in RI. He noted MA had found that their conch fishery grow larger and mature at larger sizes. He indicated there was a movement for all neighboring states to establish uniform regulations including minimum size restrictions. Currently MA was at a 2 ¾-inch diameter.

C. Powell interjected for clarification that the Division was asking for a 3-inch diameter.

J. Grant stated that MA indicated if they were to increase their size limit, they would increase the size in increments. For this reason, Grant felt RI should start with a 2 ¾-inch diameter until the Division was able to conduct more studies this summer. He continued to work through his list.

B. Ballou asked the Council members how they would like to proceed, if they wanted to take one item at a time or put a package together for a motion.

C. Powell stated there was a lot information before them and he was in support of conservation of the fishery because it had been hit pretty hard. **He made a motion to adopt the Division recommendation.**

B. Ballou stated he first wanted to find out from the Council if they would prefer to go forward with a motion as a package or review item by item. He also stated he would like to give J. Grant the opportunity to put forward a motion on his package since he worked so hard on it and see if there is a second so we could work through the list. He commented the challenge might be if there was interest in amending specific aspects. Ballou asked the Council, in terms of process, how they would like to proceed if they would like J. Grant to offer his draft proposal as a package motion to see if there was a second and if so discuss it and amend items, or go through each item one at a time.

K. Booth suggested in fairness to J. Grant because he put a lot of work into this proposal and if we were to spend 5 minutes on each of the 15 items at this late hour we would be here for a much longer time. He indicated he did not have a problem staying but felt only giving 5 minutes per item would be rushing it and these were important issues.

R. Hittinger recommended taking J. Grant's recommended package and if there were specific

things talk about them as potential amendments to that motion.

B. Ballou commented that was essentially, what he had in mind. He asked if the Council was comfortable with that approach.

C. Powell stated he was not comfortable with that approach. He asked the Chair why no other Council member was given an opportunity to draft a series of recommendations.

B. Ballou stated each member could have drafted recommendations and encouraged C. Powell to offer any recommendations he had.

C. Powell stated he thought it was unfair to ask the Council to vote on someone's motion when the rest of the Council did not have a chance to develop their own motion. Powell stated that because there were so many items to go through he asked if it all had to be completed at this meeting.

B. Ballou responded indicating the Council should try to address this issue as best they can at this meeting, but that does not mean we have to address every aspect of every issue but suggested the Council do their best to work through the items. He reminded members the whole point of making a motion was to get a discussion started.

C. Powell stated he had made a motion earlier to adopt the Division recommendations.

B. Ballou responded that in fairness to J. Grant who put a lot of work into drafting a proposal he would like to have the Council review it. Ballou commended that C. Powell could vote against it and thanked Powell for his point.

D. Monti stated he liked the idea of a packaged motion like the one J. Grant had put together. He noted that although there were some discrepancies between J. Grant's proposal and the Division recommendations there were three or four hot items that we could focus on.

J. Grant made a motion to recommend the Director take the following actions at this time with regard to the conch fishery along with separate management of smooth and knobbed whelk, that any type of quota, possession limit or seasons should apply only for smooth whelk, the targeted species. Knobbed whelk should be separate, as they are two separate fisheries.

To enact regulations governing the taking of whelk in RI waters as follows:

- Minimum shell size of 2 ¾" diameter or 4 ¾" length
- Commercial conch pot limit of 300 pots
- All traps must be tagged beginning 2013
- Conch must be landed whole, in-shell and remain so until transferred to a licensed dealer

Recreational harvest of conch restricted as follows:

- Restricted to residents only
- ½ bushel per person per day limit
- Recreational pot limit of 5 per person
- All traps must be tagged beginning 2013

The following items warrant implementation, however these 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:

- Owner-operator vessel restrictions
- Buoying of conch pots
- Escape vents and ghost panels
- Tending requirements
- Unauthorized raising of conch pots
- Removal of branded #s or ID tags from conch pots
- Raising of pots at night
- Unauthorized possession of conch pots

The following items should not be implemented at this time:

- Commercial season designation (should be open all year)
- Commercial possession limit
- Total allowable catch
- Mandatory bait bags

D. Monti seconded the motion.

C. Powell asked if legal counsel could comment as to whether the motion he had made prior to J. Grant's motion stands or not.

B. Ballou stated that the Chair had the prerogative to recognize a member for a motion or not.

B. Ballou consulted with G. Powers to find out if he had made an error in not recognizing C. Powell's motion.

G. Powers commented that he thought there were two motions pending and one had been seconded. Powers stated he thought Council Member Grant had moved prior to Council Member Powell's motion.

R. Hittinger stated Council Member Grant had done so in writing.

B. Ballou and C. Powell worked through the issue. B. Ballou decided to move on with the meeting and stated he would give C. Powell every opportunity to comment or make amendments.

W. Mackintosh, III stated he was in support of J. Grant's proposal. He commented this was a new plan and we most likely will not get it right in the first year but at least we are making the effort to put controls in place. He felt the size increase proposed by Grant was a good start and we could always increase the size next year if we needed to make adjustments. He thought the Division's proposed size was too high. He was in agreement with the other proposals offered by Grant but noted that a trap tag program was expensive and time consuming for both the fisher and the Division. Mackintosh suggested it might be better to go with the Division's recommendation, which would be to cap the fishery. He noted there should be more discussion on this.

C. Powell commented that he supported having escape vents and ghost panels, and mandatory bait bags since this would help the horseshoe crab fishery. He was also in support of the buoy requirements and hoped this fishery did not end up with a bunch of Clorox bottles for buoys that would potentially litter the bay and the shoreline.

B. Ballou asked if C. Powell would like to make any specific amendments.

C. Powell made an amendment to require bait bags. There was no second to the amendment therefore failed for lack of a second.

R. Hittinger commented on the size limit and though this was a good start. The size may have to be adjusted as we learn more. He wondered why industry did not want a catch limit.

J. Grant responded indicating since it was a pot fishery it was much like the lobster fishery, which had no quota it was regulated by pots. He felt a CAP would put people out of business.

J. McNamee stated while he did not disagree with J. Grant's comments about input controls with this one particular item we do not have the information which to control the inputs. He compared the lobster fishery where we had effort information based on the number of pots but we did not have that information for the whelk fishery yet. So there was no alternative from the Division's perspective, there was no way to control based on pot limits.

R. Bellavance stated he supported J. Grant's motion. However, he also felt that in the future industry should look toward quota based management because it is a better business model and better for the resource.

There was a discussion about the number of whelk endorsement that were issued this season and if the Division had this information. J. McNamee stated he did not have endorsement information for this evening.

There were comments made from the audience in support of J. Grant's motion. Comments were made in opposition to the total allowable harvest measure proposed by the Division.

W. Mackintosh, III commented if the Council went with the proposed size increase and if the bushel limit were 35 bushes as proposed by the Division, which is probably not attainable then why not multiply the number of licenses by 35 bushels per day and make that the TAL amount. He noted this would give the Division something to put the brakes on if it got out of hand.

C. Powell made a motion that if the Council went forward with the proposed items a sunset clause be implemented. He requested that the Council take the Division's data from the summer and be required to go back and revisit all these items next year (prior to the start of the 2013 season).

B. Ballou recommended this motion follow the main motion.

The audience was opposed to the mandatory bait bags, indicating it would be unenforceable. More comments from the audience were opposed to the TAL because everyone would increase the number of pots fished and the quota would be gone in the early part of the season, and a number of people who fished conchs exclusively would be out of business.

D. Egan stated he and a number of fishermen had brought this issue to the SAP's a number of years ago as a whole industry initiative. Industry brought this issue to the Division for assistance with the fishery but we wanted to make simple regulations. Now everyone wants to tighten the noose around our necks. We in good faith brought this issue to the Division/Council and now you are going to put us out of business with these regulations.

R. Fuca stated he supported J. Grant's proposal/motion.

P. Bettencourt stated the Council had addressed this issue with respect to commercial fishermen

but not for recreational fishermen. He stated he had observed people smashing conch on the rocks and then putting them in their buckets. He noted the language to land whole was proposed but it seems like it pertained only to commercial fishermen. He requested it also pertain to recreational fishermen as well.

B. Ballou asked if the Council would like to consider that as an amendment.

K. Booth moved to amend the motion to have the provision that conchs must be landed whole, in-shell apply to both commercial and recreational fisheries. R. Bellavance seconded the motion. B. Ballou asked for a vote on the amendment. The Council voted unanimously to adopt the amendment.

D. Monti stated he would like to call the motion.

B. Ballou asked for the vote. The Council voted in favor to recommend that the Director take the following actions at this time with regard to the conch fishery. The vote was six in favor: (K. Booth, R. Bellavance, W. Mackintosh, III, R. Hittinger, J. Grant, D. Monti); one opposed (C. Powell,). The motion passed 6/1.

To enact regulations governing the taking of whelk in RI waters as follows:

- Minimum shell size of 2 ¾" diameter or 4 ¾" length
- Commercial conch pot limit of 300 pots
- All traps must be tagged beginning 2013
- Conch must be landed whole, in-shell and remain so until transferred to a licensed Dealer. ("mutilation item" - to apply to both commercial and recreational fisheries)

Recreational harvest of conch restricted as follows:

- Restricted to residents only
- ½ bushel per person per day limit
- Recreational pot limit of 5 per person
- All traps must be tagged beginning 2013

The following items warrant implementation, however these 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:

- Owner-operator vessel restrictions
- Buoying of conch pots
- Escape vents and ghost panels
- Tending requirements
- Unauthorized raising of conch pots
- Removal of branded #s or ID tags from conch pots
- Raising of pots at night
- Unauthorized possession of conch pots

The following items should not be implemented at this time:

- Commercial season designation (should be open all year)
- Commercial possession limit
- Total allowable catch
- Mandatory bait bags

With separate management of smooth and knobbed whelk, that any type of quota, possession limit or seasons apply only for smooth whelk, the targeted species. Knobbed whelk should be separate, as they are two separate fisheries.

B. Ballou thanked everyone for their hard work on this issue.

C. Powell made a motion again that the Council and the Division be required to revisit the conch management plan within the next year (prior to 2013) with a view for potential modifications to the plan. R. Hittinger seconded the motion.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Council and the Division be required to revisit the conch management plan within the next year (prior to 2013) with a view for potential modifications to the plan. The vote was seven in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, C. Powell, R. Hittinger). The motion passed 7/0.

Discussion on herring issue – B. Ballou:

B. Ballou summarized there had been a large influx of herring in RI waters this winter with heavy fishing pressure, which closed Area 2 in February. There were also problems including gear damage, and complaints that RI regulations differ from that of other states. In response to local concerns there was legislative action introduced to the House to prohibit pair trawl fishing vessels from operating in state waters. The Senate had requested that DEM develop comprehensive pair trawl regulations for RI. He noted the Department was comfortable with this approach and asked if the Council was comfortable, they could go ahead and task an AP to move forward with that process.

Ballou asked if there was a motion to move this item to the Menhaden AP for review.

J. McNamee suggested the current Menhaden AP configuration was inadequate to handle the herring issue and suggested adding a few additional positions. Then bring the template before the Council for review and comment as to the make-up of the panel.

J. Taylor suggested that bad pair trawl operators should be sanctioned. He commented he had looked into RI law and found the state had authority to pull permits in cases where people were acting irresponsibly. He felt that would be the right approach. He indicated he would be happy to participate in any of these discussions.

B. Ballou asked the Council if there were any objections to moving forward with the tasking of an advisory panel whether adhoc or an expansion of the menhaden AP as well as developing an agenda and bring those two items back to the panel. Hearing no objections, it was considered a vote for approval for that approach.

Appointment of new members to the Industry Advisory Committee (IAC) & other AP's – N. Scarduzio:

Four applications were received – two for the IAC: J. White for the Commercial Fishing License Representative slot, and M. Roderick for the Commercial Offshore Trawler slot.

J. Macari had applied to be the Alternate to Ray Jobin on the Menhaden AP, and S. Medeiros applied for a Primary position for the Recreational Shore Representative on the Enforcement AP, Primary position as the Recreational Bay Representative on the winter flounder AP, and Primary Recreational Bay Representative on the Bluefish/Weakfish AP.

B. Ballou asked Council members if there were any objections to approving these positions as indicated. The Council voted unanimously to approve all the positions.

ASMFC- NEFMC:

B. Ballou advised Council members they could find the ASMFC winter meeting summary and the NEFMC reports in their packets.

FYI:

B. Ballou advised Council members they could find letters of no objection to the last two aquaculture leases reviewed by the SAP.

B. Ballou asked if there was any other business to come before the Council.

C. Powell asked if they could work on updating all the AP membership lists.

Ballou asked if there were any objections from Council members to adjourn the meeting. Hearing none, the meeting was adjourned.

Meeting adjourned.

Nancy E. Scarduzio, Recording Secretary