



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835  
(401) 423-1920 Fax: (401) 423-1925

## MEETING MINUTES

April 20, 2016

Chairperson: *B. Ballou*

RIMFC Members Present: *R. Hittinger, D. Monti, J. Grant, M. Rice, A. Dangelo*

DEM: *L. Mouradjian, G. Powers, J. McNamee, S. Olszewski, N. Lengyel, E. Schneider, P. Duhamel, D. Costa, Will Helt, Nicole Ares, Katie XXXXX, Sgt. Dan White.*

Public: Approximately 20 persons.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; *R. Hittinger* requested that the item # 5 regarding recreational black sea bass be moved to the top of agenda item 4 so that those in attendance for that topic could leave upon its conclusion. Hearing no other proposed modifications, the agenda as revised was approved.
2. **Approval of RIMFC meeting minutes from March 7, 2016:** *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 5 - Recreational Black Sea Bass:** *D. Monti* inquired as to the possibility of adding an LOA program to any of the options presented; to which *J. McNamee* replied that he thought it would be within the scope of the notice as it was offered in one of the options offered for notice and comment, but that he could not provide specifics of the program at this time, to which *G. Powers* concurred. *D. Monti* then inquired how the Council would vote on such a measure without knowing specifics, to which *B. Ballou* offered that the Council would need to approve without knowing specifics; to which *A. Dangelo* offered that as an opt-in program, the P/C operators could always choose not to participate if they chose and not be bound by the LOA program. **Motion made by *D. Monti* to recommend adoption of Option 2 as proposed with the inclusion of an LOA program for P/C, details of which will be determined by the Division; 2nd by *A. Dangelo*. The motion passed 5 - 0.**
5. **Agenda item 4 – March 23<sup>rd</sup> public hearing items:**
  - **Menhaden Regulations – General editing for improved clarity:** *P. Duhamel* offered that public comment was received regarding additional clarifications needed, and that such revisions were made and provided in the Council's ePacket. He noted that revisions were vetted through legal and DLE and no issues were noted as revised, and that the commenter was also satisfied with the revisions. **Motion made by *R. Hittinger* to recommend adoption as of the language as revised; 2nd by *D. Monti*. The motion passed 5 - 0.**

- **Commercial Menhaden:** Motion made by *D. Monti* to recommend status quo; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 5 - 0.
- **Recreational Menhaden:** *P. Duhamel* offered that a public comment was received from RISAA supporting a possession limit of 200 fish/vessel/day. *J. McNamee* offered that discussion at the last (cancelled) Council meeting indicated that a 200 fish limit may not be adequate for small menhaden (i.e., peanut bunker) and offered a for consideration by the Council that the 200 fish limit could apply to fish > 4", as the intent of the proposal was to regulate the larger fish only, and that for fish smaller than 4", the possession limit could be unlimited. **Motion made by *A. Dangelo* to recommend adoption of a 200 fish/person/day possession limit for fish 4 inches and larger, and an unlimited possession limit for fish smaller than 4 inches; 2<sup>nd</sup> by *C. Rein*.** A question from the audience inquired as to the potential impact to the fishery with an unlimited possession limit; to which *J. McNamee* replied that such impact would be negligible due to the negligible impact on menhaden attributable to recreational harvest. **The motion passed 5 – 0.**
- **Horseshoe Crab:** *S. Olszewski* provided that the proposal of a 60 crab possession limit would allow for improved commercial access to the fishery and for improved management through improved monitoring and reporting. *J. Grant* offered that the proposal was not sufficiently comprehensive, and that as the regulations would not effect this year's harvest, there is ample time to perfect the proposal before next year's harvest. **Motion made by *J. Grant* to recommend tabling the proposal for now until such time that the regulations can be re-visited; 2<sup>nd</sup> by *A. Dangelo*.** *J. McNamee* inquired as to the Council's preference for a means by which to further develop the language. *B. Ballou* inquired to *G. Powers* as to the need to specify a timeframe by which to prepare the language; to which *G. Powers* offered that a date should be determined at this time; and to which *J. McNamee* offered that the normal November hearing on commercial fisheries regulations would be the most suitable opportunity by which to address this topic again. *J. Grant* offered that his organization would provide proposed language to the Division. **The motion passed 5 – 0.**
- **Jonah/Cancer Crab:** *S. Olszewski* offered a summary of the proposal, separating the proposal into ASMFC Jonah Crab FMP requirements, and the additional Division proposals for both Jonah and Atlantic Rock crab. *J. McNamee* offered that it was the Division's perspective that the 2 species must be addressed together due to the mixed nature of the 2 species. *J. Grant* offered concern about the use of traps other than properly tagged lobster traps to harvest lobster, and that the proposed requirement that crabs from only lobster pots would remedy this problem. *S. Olszewski* offered that such is needed to assure that lobster harvest reduction efforts are realized and to reduce the number crab pots and associated vertical lines as required per ALWTRP if no such requirement is in place. He added that such is also needed to pro-actively manage the Rock crab fishery. He offered that the ASMFC is requiring that measures be taken to assure that effort is not increased in the lobster fishery, and that the proposed 1,000 crab possession limit for non-LTA holders is such a measure. **Motion made by *J. Grant* to recommend adoption of the regulations as proposed, less the 1,000 crab possession limit for non-LTA holders, where his motion is**

**that this possession limit should be unlimited; 2<sup>nd</sup> by M. Rice.** J. Walker commented that the proposed measure as motioned would put him out of business, as he does not hold any lobster allocation. He offered that there are many whelk fishermen supplementing with crab harvest from their whelk pots, and they would also be negatively impacted as proposed. J. Grant inquired as to an LOA program for non-LTA holders; to which S. Olszewski replied that such was the proposed non-LTA possession limit proposed. **The motion failed 0 - 5.** R. Hittinger offered that the control date may be warranted to put industry on notice that additional participation is not encouraged while a program is being developed. **Motion made by R. Hittinger to recommend adoption of all FMP requirements for Jonah Crabs, but only the control date provision as proposed for Atlantic Rock Crab; 2<sup>nd</sup> by M. Rice. The motion passed 5 – 0.**

- **Gillnets:** J. McNamee offered a summary of the proposal, to include the most relevant and important components of the federal regulations, and to also adopt new regulations for state waters in order to provide for net limits that are currently absent from regulation. He offered that the control date and owner/operator rule originally proposed was no longer considered by the Division as necessary components of the program. **Motion made by D. Monti to recommend adoption of the federal regulations currently in place; 2<sup>nd</sup> by R. Hittinger.** J. Grant offered concern regarding large whale provisions that are currently exempted north of the Colregs line in the federal regulations; to which S. Olszewski replied that such can be clarified in the regulation to better reflect the federal plan for whales and porpoises. Discussion ensued regarding bait gillnets, to which JM replied that bait gillnets are separately regulated. **The motion passed 5 – 0.**

Regarding new regulations for state waters, **motion made by M. Rice to recommend adoption as proposed less the control date and owner/operator rule; 2<sup>nd</sup> by A. Dangelo. The motion passed 5 – 0.** J. Grant offered that tags must be removal and reusable, unlike lobster trap tags which are single use tags. G. Duckworth offered that the owner/operator rule is needed to properly manage federal boats in state waters

Hello, you captured it for the gill net section. By way of background the reg treats all fishermen in state waters equal because it reads refers to tagged nets being hauled/set/maintained not possessed while in state waters. My only comment would be if you want to add that DFW will develop complimentary regulations for the administration of the tagging program as a next step (fall meetings). John

- **Adoption of “Part 6 – General Equipment Provisions”; in conjunction with repeal of “Part X - Equipment Restrictions”, “Part XI – Commercial Fisheries”, “Part XIII – Gill Net Regulations”, and “Part XIV – Fish Traps”:**

**Motion was made by D. Monti to recommend adoption of the regulations as proposed; 2<sup>nd</sup> by M. Rice. The motion passed 5 – 0.**

- **Agenda item 5. – rreview and recommendations to the Director regarding 2/16/2016 public hearing items:**

## 5. **Quonnie Oyster Moratorium:**

*J. Grant* provided an overview of the meeting as reflected in the minutes. *J. McNamee* offered that the Division would be presenting information regarding oyster restoration efforts and Quonochontaug Pond Shellfish Management Area and requesting a recommendation on Division proposals at that time. *B. Ballou* inquired as to any objection to approving the minutes; hearing none, the minutes were approved.

6.  
Meeting adjourned at approximately 8:30

Prepared by *P. Duhamel*