

RHODE ISLAND MARINE FISHERIES COUNCIL
Summary of Meeting Minutes
May 7, 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,
and W. Mackintosh, III
RIMFC Members Absent: D. Monti, and C. Powell
Chairperson: B. Ballou
RIDEM DFW Staff: N. Scarduzio, D. Erkan, J. McNamee, and P. Duhamel
RIDEM Staff: L. Mouradjian and G. Powers,
DEM Law Enforcement: J. Poccia

Public: 4 people attended the meeting

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. M. Gibson reminded B. Ballou that the fluke exemption certificate program had been placed on a back burner and needed to be brought forward again. B. Ballou placed the items under the FYI section to determine what direction the Council might want to go with that issue. B. Ballou also noted he had a few other items to add to the FYI section; Atlantic sturgeon, fluke symposium, permit banking, MA whelks, and summer flounder. He asked if there were any objections to the modifications. **Hearing no objections, the May 7, 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 March 6, 2012. B. Ballou asked if there were any changes to the minutes. Hearing none, B. Ballou asked if there were any objections to approving the March 6, 2012 minutes as written. **Hearing no objections, the March 6, 2012, minutes were approved as written.**

Public Comments

There were no comments from the public.

Advisory Panel Reports:

Shellfish meeting (03/07/2012) – J. Grant:

J. Grant summarized the minutes and noted the panel reviewed three aquaculture lease applications from Block Island, Portsmouth, and the west passage of Narragansett Bay in N. Kingstown. B. Ballou indicated that the applicable letters from the Department to CRMC had been sent. **There were no objections from the Council to approving the minutes from the SAP meeting.**

Groundfish meeting (03/20/2012) – K. Booth:

K. Booth summarized the minutes indicating the meeting was to discuss the spiny dogfish fishery. He indicated there were a number of proposals that came forward for the April public hearing. B. Ballou commented that they had just received information that the spiny dogfish quota would be increased to 35 million. K. Booth noted that RI would be getting in touch with

the other states to collaborate on a better management plan. . **There were no objections from the Council to approving the minutes from the Groundfish AP meeting.**

New Business

Council recommendations on April 3, 2012 Public hearing items:

1) Proposed amendments to “Part I – RI Marine Fisheries Regulations – Legislative Findings” to address harvest methods and habitat impacts by incorporating new definitions, and to update regulatory citations for consistency with certain statutory changes.

B. Ballou asked for the Division recommendation. M. Gibson representing the Division of Fish and Wildlife (DFW) stated that the Division recommends that the Council recommend adoption of the Part 1 definitions to the Director. He noted that the RI Fishermen’s Alliance has made a number of helpful comments on definitions. He also noted that the Division was engaged in a re-write of marine fishery regulations. He suggested the Council endorse these definitions for now but advocate for completion of the re-write initiative including review and consolidation of definitions.

J. Grant made a motion to recommend that the Director adopt Part 1 definitions (air-assisted harvest, bay scallop dredging, and water-assisted harvest) with the exception of the definition for “bycatch”. Grant recommended using the RI Fishermen’s Alliance definition for “bycatch” instead, and to hold off on the definition for “permitted shellfish dredging” until this Part of the regulation was discussed later in the evening. K. Booth seconded the motion.

J. Grant stated that “bycatch” did not appear in any of the regulations therefore he did not think it needed to be in the definitions.

B. Ballou suggested that if the word “bycatch” did not appear in regulation then it was irrelevant and did not need to be in the definitions.

K. Booth raised some questions regarding the definition for water-assisted harvest, he noted it did not seem to be worded correctly and he thought someone might be able to group in bullrakes and tongs. **After Council discussion, it was decided to remove the comma after the word “water” and remove the word “or”.**

J. Carvalho suggested that the definitions should be incorporated into the regulations and not in a separate definitions section.

B. Ballou asked for the vote. The Council voted unanimously to recommend that the Director adopt Part 1 definitions a follows: (1) air-assisted harvest, bay scallop dredging, and water-assisted harvest; (2) use the RI Fishermen’s Alliance definition for “bycatch”; (3) remove the comma after the word “water” and remove the word “or” in the definition for water-assisted harvest; and (4) hold off on the definition for “permitted shellfish dredging” until this Part of the regulation was discussed later in the evening. The vote was five (5) in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); opposed: (none). The motion passed 5/0.

2) Proposed amendments to “Part VI – RI Marine Fisheries Regulations – Dredging for Shellfish” to address harvest methods by clarifying dredging regulations and identifying applicable marine species, and to update regulatory citations for consistency with certain statutory changes.

B. Ballou asked for the Division recommendation. M. Gibson stated the Division recommends that the Council recommend adoption of the Part IV restrictions to the Director. The proposed amendments would clarify and reinforce that the only species that may be harvested via dredge are blue mussels, ocean quahaugs, and surf clams. This specificity would reduce any incentive to “prospect” for other species via dredging. This method of harvest can potentially be detrimental to essential fish habitat and fishery productivity. Until such time as a comprehensive marine life management area for Narragansett Bay has been established, dredge fishing should remain limited.

W. Mackintosh, III suggested that a tolerance allowance for bycatch should be incorporated in to the regulations. D. Erkan indicated that in the Sakonnet River you could take up to 12 bushels of bay quahaugs as bycatch.

J. Grant started the discussion by reviewing what had led up to the harvest restriction issue, which was the harvesting of steamer clams using air- assisted devices, which was illegal. He explained there was a loophole in the regulations where DEM Enforcement was not able to prosecute since they were unable to catch people in the act of harvesting using the illegal equipment. He reviewed the history and past practice of harvesting by dredging in the bay indicating they use to dredge for any shellfish in the bay; quahogs, oysters, steamers, mussels, surf clams, bay scallops, sea scallops, horseshoe crabs, and whelks. He indicated the conflict came between hand rakers and dredges, and the state took a position where you either employed a lot of hand rakers or a few dredges. He commented that they went with a lot of hand rakers and placed a ban on dredging for certain species.

J. Grant made a motion to recommend that the Director oppose the proposed amendments in Sections 6.1 through 6.6 of Part VI – Dredging for Shellfish regulations. R. Hittinger seconded the motion.

J. Grant stated that dredging should not be restricted to only blue mussels, surf clams or ocean quahaugs. He felt you could fish for whatever species that were unregulated. He voiced concerns about changing these sections to have three separate areas of regulations including the RIGL that would be different. He felt this would create confusion. As for the blue mussel dredge fishery, he was opposed to having to apply for permission to dredge in specific areas, and opposed to being allowed to only possess blue mussels while dredging for blue mussels. He was opposed to the reference in sections 6.2 reference “any marine species” he felt this was much too broad. J. Grant reviewed literature to enforce his opposition to the proposed changes and dispute the Division’s claim that dredging could be harmful to certain habitats. He reviewed the positive aspects of dredging.

R. Hittinger commented that the regulations were amended to have one intend yet it appears from J. Grant’s explanation that they may have an unintended consequence. He proposed to have J. Grant consult with the Division in drafting the amendments.

B. Ballou mentioned the Division was very close to completing the regulatory rewrite and this would eliminate some confusion between the various Parts. Aspects of the regulations would be

consolidated. He asked if there might be an interest to holding off until the Division was closer to completing this task, or make changes now. He suggested to stay focused with the intent of the amendments and offer advice from there without being hung up on the language.

W. Mackintosh, III stated that the indent seems to be to address dredging of mussel, ocean quahaugs, and sea clams. He commended if that was the intent he did not see anything wrong with the proposed language. He felt if this was not addressed this type of dredge fishery could spring up over night and wipe out all species.

M. Gibson pointed out that industry would like to continue to be able to harvest species other than the three species we have identified.

D. Erkan stated the Division's intent was to be able to provide for legitimate fisheries and discourage the harvest of anything else but the three species allowed using that device.

R. Bellavance made comments pertaining to the study J. Grant had referenced about the positive aspects of dredging and noted the study also described instances where dredging was detrimental to habitat.

M. Gibson stated that the Division was very serious about fisheries habitat and areas of fisheries productivity like Narragansett Bay he noted that a Marine Life Management Area might be an over reach at this point but he was not persuaded from going in that direction in the near future. He explained what we were trying to do was to identify the species that were acceptable to harvest now in the hope that we would maintain some level of control over this dredging activity so that things like W. Mackintosh, III was talking about would not happen. Unregulated things will spring up and before we know it, the horse will be out of the barn before we can even get to review this habitat. We felt this was a logical protective step to define the species that can be taken by dredging and then get to the main issues by mapping habitats and the fishing activities in Narragansett Bay. Do all the uses make sense and if not we can repackage it so that it does make sense for the entire bay and the fisheries within it.

J. Carvalho stated he agreed with the statements and information presented by J. Grant.

J. grant stated the list needed to be expanded to include other species like horseshoe crabs, knobby whelks, bay quahaugs, etc.

R. Bellavance made a point that there were some valid points that needed to be addressed in these sections and he wanted to make sure these items would be revisited or reworked so they could be reconsidered by the Council if they were going to be opposed as currently written.

Council members recognized the effort that had gone into putting these items forward and the intent of the amendments but wanted the Division to work out the mechanics to fine tune the language.

B. Ballou asked for the vote. The Council voted unanimously to recommend that the Director oppose the proposed amendments in Sections 6.1 through 6.6 of Part VI – Dredging for Shellfish regulations. The vote was five (5) in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); opposed: (none). The motion passed 5/0.

3) Proposed amendments to “Part XVIII – RI Marine Fisheries Regulations – Shellfish Grounds” to prevent the operation of devices capable of harvesting shellfish in polluted

areas (sections 18.6 and 18.10) and to update regulatory citations for consistency with certain statutory changes.

B. Ballou asked for the Division recommendation. M. Gibson stated the Division recommended that the Council recommend adoption of the Part XVIII restrictions to the Director. The proposed amendments would add the harvest methods newly defined in Part I to the prohibited list. Water and air assisted harvesting are known methods and failure to include those as prohibited in polluted areas will undermine enforcement of those areas and create risks to public health.

K. Booth wanted to make sure these amendments would not affect the shellfish transplants. M. Gibson indicated the proposed amendments would not affect the transplants commenting that the Department had the authority to conduct the shellfish transplants since they were Department sponsored activities.

J. Grant made a motion to recommend that the Director adopt the proposed amendments to Part XVIII – Shellfish Grounds, with two changes, remove the following words in section 18.6: (1) “capable of harvesting” and leave the existing language “commonly employed in taking”, and (2) remove the word “bay” in front of scallops. R. Hittinger seconded the motion.

D. Erkan stated the intent of the wording “**capable of harvesting**” and the word “**bay**” was to make it impossible to use devices for unlawful harvest of species of concern in uncertified waters. He indicated that striking the word “bay” may free up a whole series of devices that are capable of harvesting sea scallops in contaminated areas.

J. Grant indicated he was behind the spirit of the amendments but he was not sure of the specific language.

There was Council discussion over changing the language as proposed by the Division.

D. Erkan explained the intent was to try to accommodate for bay scallop harvest that was why the word “bay” was in the proposed language, we were not trying to prevent it.

W. Mackintosh, III stated he thought the proposed language from the Division was fine and did not agree with J. Grant’s changes.

B. Ballou asked for the vote. The Council voted to recommend the Director adopt the proposed amendments to Part XVIII – Shellfish Grounds, with two changes, remove the following words in section 18.6: (1) “capable of harvesting” and leave the existing language “commonly employed in taking”, and (2) remove the word “bay” in front of scallops. The vote was two (2) in favor: (J. Grant, R. Hittinger); (3) opposed: (W. Mackintosh, III, R. Bellavance, K. Booth). The motion failed 2/3.

R. Hittinger made a new motion to recommend the Director adopt the proposed amendments to Part XVIII – Shellfish Grounds, with a modification to section 18.6 to the words “capable of harvesting” which should be examined and changed to something which is more of the intent of our discussion. R. Bellavance seconded the motion. The vote was five (5) in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); (0) opposed. The motion passed 5/0.

4) Proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” to establish Marine Life Management Areas (section 3.16.18) and to update regulatory citations for consistency with certain statutory changes.

B. Ballou asked for the Division recommendation. M. Gibson stated the Division recommended the Council reject this proposal at this time. While our vision of a comprehensive, habitat and fishing activity based marine life designation for Narragansett Bay and our coastal salt ponds is a sound one, the proposal is insufficiently developed at this point. Section 3.6 already contains a lengthy list of shellfish, gear, and species management areas. It is not clear how an overarching MLMA designation would align with current fine-scale designations. The Division should continue work on the concept to eliminate redundancies, review existing areas, specify any new sub areas anticipated, and release a plan for public and RIMFC review.

W. Mackintosh, III made a motion to recommend that the Director not adopt the proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” to establish Marine Life Management Areas (section 3.16.18) at this time. K. Booth seconded the motion.

There was no discussion from the Council on this item.

S. Parente commented that he did not see the time sensitivity requirement for this issue at this time.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director not adopt the proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” to establish Marine Life Management Areas (section 3.16.18) at this time. The vote was five (5) in favor: (K. Booth, J. Grant, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.

5) Amendments to “Part IV – RI Marine Fisheries Regulations – Shellfish” to clarify what species may be harvested under a shellfish dredging license (sections 4.1.3 and 4.5), and to update regulatory citations for consistency with certain statutory changes.

B. Ballou asked for the Division recommendation. M. Gibson stated the Division recommended that the Council recommend adoption of the Part IV restrictions to the Director. These proposed changes are a necessary companion to those for Part VI, restricting the species harvested under a dredging license even though the Council had voted otherwise to the amendment for Part VI. This would also identify pressurized water and pressurized air as prohibited activities in the open waters in addition to polluted waters. Gibson noted the Division was in support of the amendments to both Parts IV and VI.

J. Grant stated that both Parts just needed to be consistent and gave the example that section 4.1.3 was no long in statute, and that the list of applicable species be expanded to include those activities that had been done in the past. He also expressed concern for section 4.5 – Method of Harvest, “no person shall take any shellfish species” was in direct conflict with shellfish since any shellfish species would also include blue mussels, surf clams, and ocean quahaugs.

R. Bellavance made a motion to recommend that the Director apply the Council’s prior recommendations that addressed these same issues in Part VI and apply them to the Part IV items. W. Mackintosh, III seconded the motion.

J. Grant stated industry thought that air-assisted suction dredging for anything was inappropriate not just shellfish species and depending on the outcome of the Director’s decisions, industry would like to support air suction dredging and water harvest dredging with the exception of the

surf clam. He thought this was an important part to mention that depended on the over all outcome and may have gotten lost.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that that the Director apply the Council’s prior recommendations that addressed these same issues in Part VI and apply them to the Part IV items. The vote was five (5) in favor: (K. Booth, J. Grant, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.

B. Ballou returned to the item from Part 1, section 1.3 – Definitions of Terms, to address the definition for “Permitted shellfish dredging” which had put on hold until this section of the regulation had been discussed. He asked for J. Grant’s comments.

J. Grant stated he would just like it expanded to include other species. The species that have been harvested in the past such as whelks, horseshoe crabs, sea scallops, etc. and whatever species are listed the same list needed to be uniform throughout all the regulations.

R. Hittinger made a motion with regard to the definition for “Permitted shellfish dredging” to recommend that the Director apply the Council’s prior comments and recommendations from items 1 through 5 to this issue for consistency. J. Grant seconded the motion.

B. Ballou asked for the vote. The Council voted unanimously in favor with regard to the definition for “Permitted shellfish dredging” to recommend that the Director apply the Council’s prior comments and recommendations from items 1 through 5 to this issue for consistency. The vote was five (5) in favor: (K. Booth, J. Grant, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 5/0.

6) Proposed Amendment to the Narragansett Bay Menhaden Management Plan:

B. Ballou asked for the Division recommendation. M. Gibson stated the DFW recommended that the Council recommend the 200 fish closed area possession limit proposed in section 16.2.6 to the Director. This amendment was needed to close an unintended loophole in the regulations regarding the permanent closure areas. He explained this would prevent excessive commercial harvest of menhaden in areas closed to purse seining. The 200 fish possession limit would dissuade any large-scale, non-purse seine commercial harvest in the closed areas while allowing recreational bait harvest to continue. Gibson also noted the RI Fishermen’s Alliance had recommended what might be a more efficient means to achieve the same end and the Department should consider their section 16.2.8 alternative.

K. Booth pointed out that in the language it refers to land marks as reference points such as a flagpole, which might not be there any more. He asked if it would be appropriate to put in GPS coordinates.

R. Hittinger made a motion to recommend that the Director adopt the proposed amendments to the Narragansett Bay Menhaden Management Plan. K. Booth 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 the proposed amendments to the Narragansett Bay Menhaden

Management Plan. The vote was five in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); opposed: (none). The motion passed 5/0.

7) Proposed amendments to the Lobster Management Plan for mandatory v-notching of certain female lobsters in LCMA 2 and establishing a minimum size increase for LCMA 3 as conservation equivalency methods for complying with Addendum XVII to Amendment 3 of the ASMFC Interstate Fishery Management Plan, as well as adopting certain technical revisions to update language and remove expired language.

B. Ballou asked for the Division recommendation. M. Gibson stated the Division recommends that the Council recommend adoption of the area 2 and 3 lobster management measures to the Director. The v-notch measure for area 2 and the gauge increase for area 3 are ASMFC compliance requirements under Addendum XVII to the interstate lobster fishery management plan. Failure to adopt these measures could result in imposition of a federal moratorium on lobster fishing in the state.

R. Bellavance made a motion to recommend that the Director adopt the proposed amendments to the Lobster Management Plan for mandatory v-notching of all egg bearing female lobsters in LCMA 2 and establishing a minimum gauge size of 3-17/32 inches in LCMA 3. R. Hittinger seconded the motion.

There were no comments from the Council.

B. Ballou asked for the vote. The Council voted unanimously in favor to recommend that the Director adopt the proposed amendments to the Lobster Management Plan for mandatory v-notching of all egg bearing female lobsters in LCMA 2 and establishing a minimum gauge size of 3-17/32 inches in LCMA 3. The vote was five in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); opposed: (none). The motion passed 5/0.

8) Proposed amendments to the Spiny dogfish management plan.

B. Ballou asked for the Division recommendation. M. Gibson recommended that the Council endorse the concept of cooperative, New England management of spiny dogfish. A clear message has been conveyed from industry that ASMFC “northern region” management was inadequate for Rhode Island needs. It was not clear that a specific enabling regulation was needed but the Council should signal to the Director that more flexibility is needed. The Division needs to explore how to access the late season fishery that has been closed for the past several years. Gibson explained this would move spiny dogfish in to the other category with quota species.

W. Mackintosh, III recommended that the Director adopt the language as proposed by the Division for the spiny dogfish fishery to allow for more flexibility. K. Booth seconded the motion.

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

The Council voted unanimously in favor to recommend that the Director adopt the language as proposed by the Division for the spiny dogfish fishery to allow for more flexibility. The vote was five (5) in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); opposed: (none). The motion passed 5/0.

9) Proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” to allow more flexibility to adjust seasons in order to effectively comply with federal fishery management plans.

B. Ballou asked for the Division recommendations. M. Gibson stated the Division recommended that the Council recommend adoption of the proposed changes to Part III. The changes would reflect the changes in status of the Council to an advisory body, thereby aligning regulation with existing statute. The changes would also allow the Division more authority to manage quota species when unforeseen consequences occur. These include failure of a gear type (i.e. floating traps) to attain their allotted quota and/or orders from ASMFC to curtail or extend fishing seasons. He noted this measure was not intended to undermine the AP/RIMFC process but simply to allow the Division to act quickly when a need arises that was not anticipated by the Council and APs.

B. Ballou added this was a proposal that emanated from the Director when she was faced with the recreational scup season issue last year. The Director was disappointed to learn that the Department was not able to act in a more nimble manner to adjust the recreational scup season, as it should have been able to. She therefore charged the Division with moving forward with this issue.

R. Bellavance made a motion to recommend that the Director adopt the proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” under Section 3.2.1. R. Hittinger seconded the motion.

K. Booth voiced concern with the proposed amendments and wanted to make sure this was for just season changes.

R. Bellavance stated this was tremendously important and if we do not pass this, we would be restricting potential fishing effort for RI.

R. Hittinger stated this was something that had to be available to be able to move the quota around, and move the catch around. He stated he was in support of the amendments.

S. Parente commented that he had spoke at the public hearing on this issue and he was not opposed to the Director having the authority for season changes but was opposed to some of the other modifications being proposed.

K. Booth stated he had concerns about the other sections such as 3.2.1-2 possession limit changes. He commented the intent was well intended however, people change and Directors change and this would allow a Director to circumvent this entire process. He raised concerns about sector allocations forming from this section with no review by the Council. He understood the need for flexibility however there would be no checks and balances.

B. Ballou reviewed the sections with amendments; allocation, possession limit, and season changes. He noted there were no substantive changes being proposed for possession limit changes, and there was new language proposed for allocation and season changes that would provide for new authorities. He noted he understood K. Booth’s concerns for the allocation sections, which were that the Director would have too much authority to make changes with in sub periods and between gear types.

R. Bellavance stated he did not think the Director or the Division would make changes without letting the Council or others know of their intent.

M. Gibson clarified the conditions which were very specific under which this new authority could be drawn upon and that was either; the Division projected the quota was going to be exhausted before the end of the sub period, or may not be caught. These were the conditions the

Director could make modifications. He stated he felt it would be difficult for the Director to make any other changes out side of the projections of the quota since this information was posted on the Division website for everyone to follow.

Division staff noted this was a more comprehensive manner to address issues that may arise without having to promulgate specific regulations for each specific species in a piece meal manner.

S. Parente asked for clarification on the motion, if the Council was voting on one paragraph of a subsection or all of Part III amendments. B. Ballou confirmed the vote was to approve all of Part III amendments. S. Parente then stated he was opposed to the proposed amendments to Part III as written. He commented that the language was far too abstract and non-specific and leaves to much room for interruption. He reminded the Chair he had asked specific questions at the public hearing that he felt needed to be addressed before the Council considered this motion. He voiced concerns about people changing and Directors leaving and things could change in the future.

M. Gibson commented that the language before the Council was not open ended in any way and he felt it had a specific intent, which the Division needed in order to manage the various fisheries.

S. Parente stated he had asked specific legal questions at the public hearing; (1) if there was anything contained in the legal intent that would authorize the Department and/or the Division to modify sub period time frames, and or percentages associated with those time frames without an advisory panel meeting, public hearing and Council process. (2) could this language be legally construed to authorize the Department and/or Division the authority to allocate quota of any species to any specific gear type within a defined sub period to create a sector type situation for all stakeholders?

B. Ballou responded “no” to each of the questions. B. Ballou stated there was no legal intent to do so. G. Powers stated he would not dispute either of B. Ballou’s opinions on the issue.

B. Ballou clarified that the language was very constrained and very limited, and the open-ended concerns that you had appear to be unfound.

S. Parente thanked B. Ballou for letting him voice his concerns and for addressing his concerns.

B. Ballou asked for the vote. The Council voted in favor to recommend that the Director adopt all the proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” under Section 3.2.1. The vote was four (4) in favor: (R. Bellavance, J. Grant, R. Hittinger, W. Mackintosh, III); none opposed; and one (1) abstention: K. Booth. The motion passed 4/0/1.

J. Grant made a motion to recommend that the Director adopt all the proposed amendments to “Part III – RI Marine Fisheries Regulations – Marine Fisheries Council” to update all the proposed changes to be consistent with statutory language. K. Booth seconded the motion. B. Ballou asked for the vote. The Council voted unanimously in favor. The vote was five (5) in favor: (R. Bellavance, K. Booth, J. Grant, R. Hittinger, W. Mackintosh, III); opposed: (none). The motion passed 5/0.

Approval of IAC meetings (for May, July and August if necessary) – R. Bellavance:

R. Bellavance noted there were potentially three IAC meetings scheduled. The first meeting was for May 15 to address the trap definition issue, the second meeting was scheduled for July 10th, which was the annual review of commercial licensing for 2013, and the third meeting would

be held on August 7th only if the committee needed to have another meeting to finish business from the July 10th meeting. J. Grant wanted to make sure the whelk trap/pot items pertaining to the trap definition issue were also included in the IAC meeting discussions for the May agenda.

B. Ballou asked if there were any objections from the Council to approving the three agendas including the modified May 15th agenda. Hearing no objections all the IAC meeting agendas were approved.

Approval of Groundfish AP meeting agenda – K. Booth:

K. Booth asked M. Gibson for guidance as to when this meeting should take place. M. Gibson suggested the Division meet with our state counterparts first then have staff work with him to set an AP meeting date. Gibson suggested going forward with the proposed amendments that we have proposed for spiny dogfish for now then come back with an AP meeting after the Division meets with neighboring states. **B. Ballou asked if there were any objections from the Council to approving the agenda with a date to be determined. Hearing no objections the Groundfish AP meeting agenda was approved.**

Discuss new Menhaden/Herring AP Membership and approve meeting agenda to discuss herring issue – B. Ballou:

The Council approved a motion to leaving the Menhaden AP as is, and form an ad hoc Herring panel to review the Atlantic Herring issue (more like a working group. The meeting date to be determined targeted for possibly June. Division staff will solicit for participation on the ad hoc committee. **B. Ballou asked if there were any objections from the Council to approving the agenda with a date to be determined. Hearing no objections the ad hoc herring committee meeting agenda was approved.**

Appointment of new members to Advisory Panels – N. Scarduzio:

Three applications were received – two individuals were interested in positions on the Groundfish AP, one individual was applying for a position on the summer flounder AP and an individual was applying for a slot on the striped bass AP.

The Council approved A. Gewirtz to the Primary Gillnet-Inshore positions and moved R. Fuka to the Primary Fish Pot position on the Groundfish 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.

J. Carvalho stated he was opposed to the current AP process. He pointed out that having a consensus group was more effective since most of the time there was not enough people to show up for a quorum.

Old Business

Continue discussion on consolidating Advisory Panels and a series of back-to-back AP meetings early this fall to address the 2013 fishing season – B. Ballou:

B. Ballou indicated the Division wanted to try something new, set up back-to-back meetings in a one or two day setting in the fall possibly in September to work through the different species. Ballou suggested reconvening a Council meeting in midsummer to tackle just this issue. He asked the Council if they were interested in moving in this direction.

K. Booth was in support of having a summer Council meeting to further discuss this idea, with a limited agenda so they could focus on this issue.

W. Mackintosh, III stated he agreed with J. Carvalho that it was difficult to get a quorum and a consensus would be a better way to go instead of not having to worry about getting a quorum for

meetings.

Council members seemed to be willing to try it. Staff will follow up with Council members to come up with a summer meeting date.

B. Ballou will create a proposal for topics of discussion and proposed consolidation of advisory panels.

B. Ballou suggested that the Council agenda for the summer meeting, possible in July, should contain only this issue, and the Atlantic herring issue.

M. Gibson stated that we also needed to revisit the Summer Flounder Exemption certificate Program that had been take off a public hearing docket for further consideration by the Summer Flounder AP so they could review the entire program.

J. Carvalho recommended that the Summer Flounder Exemption certificate Program be eliminated but leave it in place for the non-resident holders.

B. Ballou suggested preparing this issue for a summer Council meeting as an AP agenda item to either be approved or bring it directly before the Council for discussion.

J. McNamee indicated there was an approved fluke AP agenda but the meeting never took place.

S. Parente recommended keeping the Summer Flounder Exemption certificate Program in place because without it the summer flounder fishery dynamics would change.

B. Ballou suggested bringing this issue back before the Council at the summer meeting. He suggested keeping the summer meeting agenda to only these three items; Atlantic herring issue, AP configurations, and the Summer Flounder Exemption certificate Program. He noted we would see what direction we want to move with this item.

R. Hittinger thought they should go forward with the summer flounder AP meeting prior to the Council meeting to better focus the discussion. Staff to hold an AP meeting in June prior to the July Council meeting.

FYI:

Letters of no objection for aquaculture lease applications – B. Ballou:

B. Ballou advised Council members they could find letters from the Department for the last three aquaculture leases reviewed by the SAP in their Council packets.

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

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