

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
June 2, 2003
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: R. Boragine, S. Medeiros, D. Preble, J. King, G. Allen, and K. Ketcham

Chairperson: J. Reitsma

RIDEM F&W Staff: J. McNamee, M Gibson

DEM: B. Ballou and D. Borden

Legal Counsel: G. Powers

Public: 10 people attended

J. Reitsma called the meeting to order. He asked whether there were any additions or corrections to the agenda. No changes to the agenda were suggested. Comments about the May 12 meeting minutes were then solicited from the Council. **S. Medeiros moved to accept the minutes of the May 12 Rhode Island Marine Fisheries Council (RIMFC or the Council) meeting. The motion was seconded by G. Allen. Minutes of the May 12, 2003 Rhode Island Marine Fisheries Council meeting were approved with one abstention.**

Old Business

Report on meetings held regarding lobster issues: M. Gibson gave a report on the status of the Atlantic States Marine Fisheries Commission (ASMFC) emergency action. He stated that the Lobster Conservation Management Team (LCMT) was reviewing an outline of various options for the lobster industry affected by the ASMFC emergency action. This outline is being developed for the ASMFC Management Board to review at their June meeting. The outline contains several options including two trap cap reduction programs, a quota option, seasonal closures, possession limits, closed areas, gauge increases, v-notching, and a complete closure of area 2. The LCMT rejected all of these options. The Rhode Island Lobstermen's Association (RILA) came up with an option which the LCMT supported. The RILA plan includes freezing effort in area 2, a buyback program, and a v-notching program. The various option proposals and the RILA proposal will all be sent to the ASMFC Management Board in June at which point they will task out the further development of these options. J. Reitsma gave a statement about a meeting which included Senator L. Chafee. He stated that Senator Chafee was less than optimistic about the buy out option which had been proposed as a way to reduce effort in area 2. D.

Borden stated that there was a lot of uncertainty going into the next ASMFC Management Board meeting therefore it was hard to give any sort of information as to how he felt things were going to go. After the ASMFC meeting in June he stated that he would have a better idea of what way ASMFC was heading and he would address RIMFC with this information. J. Reitsma stated that the honor program used in the lobster restoration project was going to be terminated due to fraud which was occurring in that program. R. Boragine stated that it was unfortunate that the program was terminated before industry had an opportunity to figure out a way to regulate itself in order to avoid this type of fraud. J. Reitsma stated that he was not sure if industry was given the opportunity or not.

Groundfish relief fund update: J. Reitsma stated that at the last RIMFC meeting he indicated that he was inclined to move forward with the research grant proposal because it seemed that the process followed to come up with this proposal was open and fair. He also indicated at the meeting that they would go to the congressional delegation with all of the information pertaining to this subject. Senator J. Reed stated that he was not comfortable moving forward based on all of the information brought forward from the various council meetings combined with a number of letters and phone calls he had received on the subject of the groundfish relief fund. J. Reitsma stated that the Department of Environmental Management (DEM or the Department) has reconsidered and will be sending out a survey to groundfish permit holders to find out which option they prefer. M. Gibson recapped the past history of the groundfish relief fund for the new RIMFC members. He described the public process which came up with the research grant proposal and then described the industry sponsored survey which had an overwhelmingly negative response to this research proposal. J. Reitsma stated that a new survey will be sent to all groundfish permit holders but a distinction will be made between those who hold a permit and those who actually fish for groundfish with the permit. R. Boragine stated that he was disconcerted by the whole process surrounding the groundfish relief fund, they held a public process and to have it derailed by this second illegitimate survey was troublesome. J. Reitsma stated that he was inclined to move forward with the research proposal but due to the negative responses heard at the previous meeting, he could not ignore them by not bringing all of the arguments back to the congressional delegation. K. Ketcham stated that he has seen a list of groundfish permit holders compiled by the Division of Fish and Wildlife (DFW), and asked whether this was the list of people who were going to receive the new survey. J. Reitsma responded that all of the permit holders would receive a survey but the survey was going to distinguish between permit holders who fish and those who don't. K. Ketcham also wanted to know who was going to be writing the survey and whether industry representatives would be able to comment on the survey before it was sent out. J. Reitsma responded that they would. D. Preble asked a question as to whether the latent permit holders will be informed that they may not be eligible for money. J. Reitsma stated that they would be informed that not everyone will be eligible for money. R. Boragine stated that the public hearing process was legitimate and if the research proposal does not go forward we are stating by those actions that the public hearing process is not legitimate. J. King stated that latent permit holders should not be surveyed. D. Preble responded to J. King that their argument is that their permit has lost value if they try and sell it. C. Brown stated that he felt that he was

done a disservice because he participated in the public process to come up with the research proposal and to have it overturned is not legitimate. F. Blount stated that very few people in RI were affected by the lost days at sea. He stated that upcoming issues were going to have a greater economic impact than what had already occurred and groundfishermen should plan for the future by using the money for research. He went on to state how a payout program is incredibly complex and gave an example of how he was eligible for money from Massachusetts because he docks one of his boats there, but he is a resident of Rhode Island. D. Borden stated that if a questionnaire was to be sent out, they should be coded by categories and then they could be tabulated based on those categories. R. Boragine stated that if the Department of Environmental Management (DEM or the Department) was to draft a survey it should be sent to all of the council members for review. J. Reitsma stated that he certainly would.

New Business

Tautog management plan for 2004: M. Gibson stated that DFW came up with a management proposal that it supports and suggested that it be sent to the advisory panel for review. He stated that in essence the management plan creates a spawning closure for tautog by keeping the fishery closed until July 1. It also combines all the sub periods into one because the quota for tautog is small enough that it is impossible to manage. He stated that this had been suggested by DFW in the past to no avail. R. Boragine commented that he felt that there shouldn't even be a discussion on this proposal because the Council had just received the proposal that evening and hadn't had a chance to go over it. He also felt that closing all state waters was a mistake due to discard problems. He went on to state that there was some question as to whether tautog caught outside of Narragansett Bay proper were even migrating into Narragansett Bay, therefore closing the offshore areas to tautog fishing was not protecting fish spawning in Narragansett Bay. R. Boragine stated that industry has made an effort to help out with tautog survey data but has not been taken up on their offers, the industry has seen large numbers of fish across several year classes. He felt that dealers who were not reporting on time should be punished for their inefficient reporting and this would help to alleviate the spring overage problem which occurs each year. J. Reitsma stated that we are not perfect in getting industry input for making our decisions but that we are trying to improve this process. J. Reitsma passed the specific comments raised by R. Boragine to M. Gibson. M. Gibson stated that he could not speak to problems with enforcement but he did not feel that dealers could have their licenses revoked for a two or three day late report which is all it takes to go over on the tautog quota because it is small. J. Reitsma stated that we are working on a real time reporting system and the late reporting would be easier to deal with when this system is in place. M. Gibson stated that as far as industries offers to augment our tautog database with live specimens to tag, he stated that we do not have any funds or staff available to conduct this work. C. Brown stated that the industry has offered to bring the fish directly to Fort Wetherill thinking that this would alleviate the funding issue M. Gibson alluded to, but it was pointed out that even the amount of time that it takes to transport the fish from the boat to the holding tanks need to be accounted for and there are not funds to use for this. G. Allen stated that the issues which created the need for a new management plan in the first place were the consistent spring overages

and protecting spawning stock therefore the advisory panel should concentrate on these issues. T. Hoxsie stated that he has a lot of info from his traps on tautog and he is willing to allow anyone to take fish for research from his trap because they come up alive.

Report on shellfish transplants: M. Gibson stated that a handout was passed out and that the transplants were all very successful. He gave a summary of the handout which gave dates and pounds of shellfish that were transplanted and to which areas the transplants were made.

Other Business

Update on Providence River dredging project: J. Reitsma stated that at the last monthly meeting there had been some questions about dredging and this was why it was on the agenda. M. Gibson stated that at the last meeting it was declared that there was no monitoring going on regarding how the dredging process was affecting fish stocks. M. Gibson pointed out that there is a significant amount of research going on between DEM, Woodshole, the Army Corps of Engineers, and URI which cover a number of different issues. J. King stated he had not noticed much of a plume of sediment at least in shellfish management areas A and B. G. Allen asked whether the offshore dumping was being monitored, and this question was also asked by K. Ketcham who stated that he heard rumors of short dumping by the barges transporting the dredge material. J. Reitsma stated that he had not heard these rumors and also he was not sure about his type of monitoring. G. Allen asked who the DEM contact person was for these types of issues. J. Reitsma stated that it was R. Gagnon. G. Allen asked if R. Gagnon could come and speak at the next meeting. J. Reitsma stated yes and if not R. Gagnon then B. Goulet of CRMC could attend to answer questions.

Update on appointments to commissions, boards, and councils: J. McNamee stated that the council had been given several handouts with information on this topic. The first was just an informational letter letting the council members know what DEM staff were assigned to what ASMFC species panels. The next two letters were stating that the DFW was soliciting nominations for a state representative to the ASMFC as well as representatives to ASMFC advisory panels. This had been brought up at the last meeting and J. McNamee wanted to let the council know that the solicitations were still open for nominations. The next memo was stating that two of the shellfish advisory panel alternates wanted to become full members of the shellfish advisory panel, L. Ricciarelli and W. Cote. The final letter was a request for nomination from M. Bucko to the tautog advisory panel and also the ASMFC ACCSP Data advisory panel. M. Bucko is already a member of the tautog advisory panel therefore he was just looking for nomination to the ACCSP Data advisory panel. G. Allen gave a statement that he would like a list of the ASMFC species advisory panel members, this will be emailed out to the council members. **R. Boragine moved to accept both L. Ricciarelli and W. Cote as shellfish advisory panel permanent members. The motion was seconded by K. Ketcham. The council unanimously approved the nominations. S. Medeiros moved to accept M. Bucko to the ACCSP advisory panel. The motion was seconded by R. Boragine. The council unanimously approved M. Bucko for the ACCSP data collection advisory**

panel. M. Gibson asked if there was any need to re-approve or re-visit the chairpersons of the different advisory panels. R. Boragine asked if the council wished to convene a workshop to visit issues like this as well as a chance to bring the new members up to speed on the operations and mission of the Council. J. Reitsma asked R. Boragine as vice chair of the Council to set this workshop up. G. Allen asked about membership to the Council, where the process was at. J. Reitsma stated that the two new commercial representatives were present and the new scientific representative was between P. Celone and A. Tate. He asked if the council wished to make a recommendation that evening. R. Boragine recommended A. Tate and J. Reitsma was inclined to agree with this recommendation. A question was asked about another commercial representative because R. Boragine's term was ending. J. Reitsma asked R. Boragine if he was interested in being reappointed and R. Boragine stated that he would like reappointment. B. Ballou stated that no other nominations were received for R. Boragine's position on the council. G. Allen asked a question about the length of terms stating that he thought the law stated that a two year term was the maximum. J. Reitsma stated that this was discussed with the Governor's Office and it was decided that Council members can be reappointed to two terms. S. Medieros asked whether they could appoint a new vice chair and nominated G. Allen for this position. J. Reitsma stated that they should go over this at a public RIMFC meeting when the Council has its full membership fulfilled. B. Ballou gave a statement about the state representative to the ASMFC and he stated that the date of June 15 was actually the last date for RI senate approval therefore if anyone wanted to be nominated they should indicate this before June 15. R. Boragine voiced his support for G. Pope being reappointed. **R. Boragine moved to recommend that the nominees for the RI state representative to ASMFC be submitted prior to June 15th to the Governor's Office so that the nomination will reach the RI Senate in time for June 15. J. King seconded the motion.** S. Medieros asked how much time was actually left to submit nominations. D. Borden stated that the letter of nomination should be sent in by June 10th. J. Carvahlo stated that he supports G. Pope stating that he has been a fair and equitable representative for the state.

Informational discussion about appointment process to various councils, boards, and commissions: J. Reitsma stated that there was an issue raised at the last meeting about the nomination process for the various councils and commissions. D. Borden stated that when we have a vacancy, the Department sends out a letter stating the specifics of the position. This letter is sent out to around 40 organizations of various interest groups. He went on to state that a list of the organizations we send letters to was not provided but would be upon request. Any additional groups that should be included in the list could be sent to the DFW and they would be included in the mailings. J. Reitsma stated that if there were any suggestions to change this nomination process to put it in the form of a proposal and submit it to the Department.

Discussion about altering the frequency of RIMFC meetings: R. Boragine stated that the actual work done during the meeting on this evening was minimal. His suggestion was to cut down on the full meetings and to do some of the things in a workshop setting. G. Allen stated that the public process of the council meetings was useful for discussion even if no actual decisions are made during the meeting. S. Medeiros stated that he didn't

understand why R. Boragine thought that some things were alright to discuss in private while other discussions require that the public be present. He did not feel that anything should be discussed by the Council outside of a public forum. R. Boragine stated that he did not intend to give the impression that this is what he meant. He meant that a workshop setting would just be used to organize what was to be presented and when. J. Reitsma stated that he felt it would be hard to have a workshop and keep from going over the line of what should actually be presented in public. S. Medeiros stated that he thought a workshop was a good idea for discussing things regarding panel membership and things of this nature, but all other things should be discussed in a public setting. D. Borden suggested having the advisory panels meet in September while the seasons and what happened in them are still fresh in people's minds. This would be conducive to making management plans, dividing quotas up, etcetera so that when the numbers are finalized, the advisory panels and then the council can take action. D. Preble asked R. Boragine to clarify exactly what he was proposing, whether he meant to meet every other month with a workshop in between. R. Boragine stated that this was his original intention. D. Preble stated that he agreed with R. Boragine as to the lack of vote taking in the past few meetings but went on to say that he was leery of restricting public access to any Council meeting. D. Preble and S. Medeiros stated that they did not oppose skipping a meeting in the summer, for example skip the July meeting if nothing pressing is on the agenda.

Post Agenda Discussion

B. Ballou gave a statement about the dockside sale of fish. He commented that he would give a brief overview of the policy and that a written document will be disseminated to invite public comment, after which a finalized version will be created. Individuals selling lobsters, crabs, and finfish on the dock can do so as long as they have a valid commercial and dealers license. They must make all of the specified reporting requirements, the vessel selling the product must be the same vessel that harvested the product, and the person they are selling to must be the final consumer. Only live lobsters, crabs, and finfish can be sold and all such fish must be kept in live wells aboard the vessel. Bait can be sold as long as it is kept in closed containers and labeled as bait. No other seafood products for human consumption can be aboard the vessel when sales of live finfish, lobster, or crabs are being made. Per federal regulation, vessels with federal charter party permits are prohibited from selling either live or for bait the following species: scup, bluefish, squid, mackerel, butterfish, swordfish, and sea scallops. In addition the state prohibits party charter boats from selling tautog. Therefore charter and party boats can sell black sea bass, striped bass, tuna, shark, and tilefish, either live or as bait, as long as the seller has a commercial and a dealers license. K. Ketcham asked whether federally licensed lobster fishermen can sell dockside to which B. Ballou stated he would have to check, and a second question from K. Ketcham was how is a person supposed to know if the person they are selling to will be the final consumer. J. Reitsma asked whether the states prohibition on selling tautog needs to stay in place. F. Blount stated that this was a leftover from old regulations and should be removed from regulations. G. Carvalho stated that these new regulations add a new level of complexity on top of a very complex issue. If the state has a specific problem they are trying to address with this whole dockside sale issue, they should deal with that one issue instead of all of the confusing policies just

cited by B. Ballou.

J. McNamee asked if a meeting place was decided on. He stated that he uses the Corless Auditorium as his default meeting place because it is usually available, it is free of charge, and it is adequate. Narragansett Town Hall was suggested as a possible alternative, but the Council seemed to agree on continuing to meet at the Corless Auditorium in the future. S. Medeiros asked if the council had decided on skipping the July meeting. It was decided that they would hold off on canceling until after the ASMFC meeting week to see if there was anything important to discuss from this meeting and then decide. The meeting adjourned at this point.

Jason E. McNamee
Recording Secretary