

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
June 2, 2008 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: C. Anderson, J. King, S. Medeiros, S. Parente
RIMFC Members Absent: G. Allen, D. Preble, K. Ketcham, S. Macinko
Chairperson: M. Gibson
RIDEM F&W Staff: N. Scarduzio, J. McNamee
DEM Staff: R. Ballou, L. Mouradjian
DEM Legal Counsel: Attorney G. Powers
Law Enforcement: Staff member
Public: 18 people attended

M. Gibson called the meeting to order. Gibson stated that since a number of Council members were not present for discussion items 3c, 3d, and 3e he would strike them from the agenda and wait to discuss these items when more Council members were present. He asked if there were any objections. **There were no objections to striking these items from the agenda.** Gibson asked if there were any other changes to make to the agenda. J. King requested to add a report about the recent shellfish transplant under agenda item # 3h. There were no objections. M. Gibson asked if there were any objections to approving the agenda as modified. **There were no objections the agenda was approved as modified.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the April 7, 2008 meeting. M. Gibson asked if there were any modifications or changes to be made to the minutes. Hearing none, he asked for a motion to approve the minutes. **S. Medeiros made a motion to approve the minutes as written. C. Anderson seconded the motion. The motion to accept the April 7, 2008 meeting minutes as written was unanimously approved by the Council.**

New Business

Council recommendations on May 14, 2008 Public Hearing – N. Scarduzio

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

1) *Proposed amendments to the RI monkfish regulations relating to a monkfish control date:*

The Council offered no advice or recommendation to the Director.

There were comments and discussion by Council members, which referenced the overwhelming opposition to the proposal at the public hearing. Since no motion was made by the Council there were no comments taken from the audience.

2) *Amendments to the commercial fishing licensing regulation, titled “Rules and Regulations Governing the Management of Marine Fisheries” regarding the inclusion of a monkfish fishery control date:*

Both proposal #1 and #2 were presented for Council discussion at the same time since they were the same issue just stated in two different sections of the regulations. Therefore, the same comments by Council members from proposal # 1 would apply to proposal #2.

The Council offered no advice or recommendation to the Director.

3) Proposed maximum gauge size for the Area 3, 4, 5, and 6 lobster fisheries:

S. Medeiros made a motion to recommend to the Director that he adopt the changes as proposed. J. King seconded the motion. The Council voted unanimously to approve the motion.

There was no Council discussion. Members of the audience who were also participants at the public hearing requested that it be known that the comments made at the public hearing were all in opposition to the maximum gauge size proposal.

G. Carvalho asked if the state had taken a position on the issue. M. Gibson stated that at this time, the state had not taken a position. There was discussion on the effects of implementing the maximum gauge size.

G. Duckworth suggested a cost benefit analysis be completed before implementing the regulation.

S. Knott was opposed to the proposed regulation change.

R. Fuka stated the proposal targeted mobile gear fishermen. It would take away the ability to catch large lobsters.

C. Karp suggested the Division look at the cost benefit and the biological aspects of protecting large animals.

B. Ballou asked the Chair if this proposal was an ASMFC compliance requirement for RI only or for other states as well.

M. Gibson explained that these regulation changes were required for all states that were part of the compact. Each state had to include these area specific measures in to their regulations so all states would have to implement these regulations.

J. McNamee stated that Area 2 had already been dispensed with previously and is already in effect.

There was echoing of comments from the same audience members in opposition to the maximum gauge size proposals.

RI Stakeholder River Herring Workshop (5-28-08) – J. McNamee:

J. McNamee summarized the workshop items indicating that four attendees participated in the workshop. The workshop was put on by J. McNamee and P. Edwards from the Division of Fish and Wildlife (DFW). Council members were provided copies of the power point presentation and a meeting summary sheet.

J. McNamee explained that the main conclusions from the DFW were that the moratorium should remain in place due to the low percent repeat spawner calculation, the high total mortality estimates, and relatively low abundance numbers.

J. McNamee gave an update on actions taking place outside the state. He indicated that ASMFC was developing an amendment to address the decline in river herring stocks. The amendment would address state waters fisheries, bycatch in other fisheries, and data gathering. The ASMFC was also initiating a coastwide river herring stock assessment.

McNamee stated that workshop participants were in support of continuing the moratorium.

M. Gibson asked Council members for comments. There were no comments from the Council. There was some feedback and discussion from the audience, which J. McNamee addressed.

Approval of Industry Advisory Committee Agenda – K. Ketcham:

N. Scarduzio reviewed the proposed agenda items in K. Ketcham's absence. M. Gibson suggested that agenda item #2 relative to recommendations on wind power as a source of energy be removed from the agenda since the state had changed the focus on this issue. B. Ballou indicated he would check with T. Getz and report back as to whether the item should be removed or not. M. Gibson suggested approving the agenda with a time, certain date to be established by K. Ketcham.

M. McGiveney stated he thought the proposed gillnet issue did not belong at the IAC and indicated that may have been why there was lack of attendance at the last two IAC meetings. He thought there might be a more appropriate advisory panel for that issue. M. McGiveney voiced his concerns about attending meetings and not having a quorum.

M. Gibson was sensitive to the concern however since that issue was slated for the IAC for review he suggested continuing in that manner. Gibson indicated that when more Council members were present the advisory panel structure would need to be reviewed.

G. Duckworth stated that he attended the last two IAC meetings to discuss the gillnet issue and pointed out that some of the current RI gillnet regulations were in conflict with the Atlantic Large Whale Take Reduction Program (ALWTRP). He indicated that the first IAC meeting was back in January, it was now six months later, and the issues had not been resolved.

M. Gibson explained that he could not force members of the public who served voluntarily to attend meetings, but he would try to get the necessary people to attend and staff to attend who were knowledgeable about the federal requirements.

M. Gibson asked if the Council was comfortable going forward with the IAC agenda with possibly postponing the wind power item for the agenda. **J. King made a motion to approve the IAC agenda. C. Anderson seconded the motion. There were no objections to approving the agenda. The agenda was approved.**

S. Parente asked if other advisory panels needed a quorum or was a quorum only required for the IAC. M. Gibson indicated that he was not sure if the advisory panel policy addressed that or not.

J. McNamee stated that the policy indicated that advisory panels follow Roberts Rules of Order.

M. Gibson suggested that at some point the Council might want to address the establishment of quorums for advisory panels in the AP policy.

Director's Roundtable – B. Ballou:

B. Ballou stated that this agenda items was meant to solicit ideas and issues from Council members for future roundtable meetings. He asked if any Council members had any timely topics.

S. Medeiros agreed with B. Ballou that the meetings should have a specific agenda with one or two topics to be discussed.

J. King also agreed that the meetings should have a set agenda with topics of relevance.

Since the Council had no specific topics to offer, M. Gibson asked audience participants if they had any suggestions for discussion for the Director's roundtable meetings.

M. McGivney also suggested targeting two or three topics per meeting to be more efficient.

R. Fuka stated that he left the last meeting with a couple of important points; 1) that RI is on the way of not being commercial fishing friendly, and 2) the two legislative bills that popped up that were endorsed by the fishing industry that no one knew about except a handful of people. He suggested if these meetings continue he would want to know what the Director planned on doing for the fishing industry instead of continuing to hear from industry. Fuka stated he would like to hear feedback from the Director.

M. Gibson explained that the Director was looking for targeted issues for discussion.

R. Fuka then suggested that the Director explore the concerns of RI not being a user friendly state to the commercial fishing industry, and how would the Director address these concerns.

G. Duckworth suggested another item should be the transiting issue between Block Island and Point Judith. Additionally, he suggested exploring, on a state level, what encompasses the definition of "engaging in fishing".

C. Karp suggested that the Director make a brief opening statement to summarize the Department's understanding of the status of the fisheries. She also recommended that other non-governmental agencies who are also concerned about fisheries be invited.

M. Gibson explained that anyone could attend these meetings.

G. Carvalho wanted to know how many forums the Director needed. He indicated we already had the RIMFC, RIMFC Advisory Panels, and subcommittees. He was opposed to having more meetings when there were already enough established forums in place.

C. Brown wanted to know in light of budget cuts, how the Director was going to assure fishermen that the State of RI would not lose representation at various fishery council meetings since staff was not able to attend these meetings.

M. Gibson stated there were a couple of agenda items that had been struck from the agenda this evening and postponed until more Council members were present to discuss these concerns. Gibson hoped that when more Council members were present for a discussion the Council would be able to give recommendations and convey concerns to the Director on this issue.

Discussion on Shellfishing for Greenwich Bay –J. King:

J. King started by giving an update on the recent shellfish transplant conducted in Greenwich Bay this past spring. He thanked everyone for participating in the five transplants. He stated that almost 700,000 pounds of quahaugs had been moved and transplanted to five shellfish management areas. Additionally, approximately 35,000 pounds were transplanted to various south county salt ponds as part of a restoration project. He indicated that the transplants were very successful.

Amendments to the June 2, 2008 RIMFC meeting minutes: J. King requested that the June 2, 2008 meeting minutes include the following statements made by King: **[J. King stated that he wanted to thank the following organizations and individuals for their participation and hard work during the shellfish transplant: Narragansett Bay Commission – Tom Uva, Kimberly Gaudette and staff; Division of Fish & Wildlife – Dennis Erkan, Mark Gibson, and staff; Division of Law Enforcement Fran Ethier, Dean Lees, and staff.]**

J. King then explained that the Greenwich Bay Shellfish Management area had been scheduled to be open for shellfishing for the week prior to Memorial Day weekend, but due to rainfall the area ended up being closed and shellfishermen lost three days of harvest. He stated that he had a request from the RI Shellfishermen's Association to open the Greenwich Bay Shellfish Management area prior to the Fourth of July holiday for three days to make up for the lost days in May. They requested the following days; June 30, July 1, and July 2 from 8 am- 11 am. King stated that he was requesting the Council approve these replacement dates.

S. Medeiros made a motion to recommend to the Director to approve the request for three replacement days as proposed for the Greenwich Bay Shellfish Management; June 30, July 1, and July 2 from 8 am- 11 am. C. Anderson seconded the motion.

There was no Council discussion on the motion. M. Gibson asked for comments from the audience.

C. Karp asked if there were enough Council members present for a vote and if J. King would be voting on the issue or not.

M. Gibson indicated that there were enough members present and J. King would make his own determination whether to vote or not. M. Gibson explained that the Council only played an advisory role to the Director and that the Council no longer had regulatory authority. M. Gibson deferred to legal council for a recommendation.

G. Powers indicated that J. King is but one of a number in the regulatory community and he would not impact any more or less than anyone else in the regulatory community and it would be up to Mr. King to make a determination to vote or not.

C. Karp stated if \$100,000 of public money was spent on the transplant program then what was the value of the Greenwich Bay fishery to the private fishermen, essentially she wanted to know

what the pay back would be. She wanted to know what the shellfishermen got back as a benefit from that project.

M. Gibson indicated that he did not know the answer to the question.

C. Karp requested that the minutes reflect that when public investments are made the private or public benefit received should be stated.

M. McGivney wanted to stress that the funding for the shellfish transplant program came out of licensing fees paid by shellfishermen and all fishermen could use these areas when they were open. Many of the shellfish were transplanted to areas that would not be accessed and used as spawner stock. McGivney indicated that the Nature Conservatory contributed \$4,700 to the program and they received several hundred bags of shellfish that were placed in various saltwater ponds as spawner stock, which would serve both recreational and commercial good in the future. He explained that the program pays between \$5 and \$7 per bag harvested and the value depending on the area it was transplanted to could be either \$100 or \$25 depending on the area, size, and quality. McGivney explained that the funding came from licensing fees, other agencies, and the Allen Harbor fund, which was received from a legal settlement and designated for shellfish restoration. He stated that the transplant program helps all of RI by helping recreational and commercial fishermen, as well as the tourist industry and the RI economy in general.

M. Gibson called a vote on the motion. The Council voted unanimously to approve the motion to recommend to the Director to approve the request for three replacement days as proposed for the Greenwich Bay Shellfish Management Area; June 30, July 1, and July 2 from 8 am- 11 am.

Old Business:

Progress on Sector Allocation Proposal – C. Brown:

C. Brown indicated that he had agreed to conduct a workshop on sector allocation and asked that DEM select a location and date. He reported that two of their sector allocation members had elected to drop out of the program. One individual was selling his boat and the other, due to the economy, would be leasing more groundfish days instead. Brown stated that the original ten boats were now down to eight boats. He stated that they were just waiting for a date and some feedback.

M. Gibson asked if there were any questions for C. Brown. There were no questions.

Nominations and changes to the advisory panel membership- N. Scarduzio:

N. Scarduzio recapped from the April Council meeting indicating there were a few applications that the Council wanted enforcement to recheck. She stated that according to the RIMFC Species Advisory Panel Policy an applicant could not have a fisheries violation within the three years prior to his application. Therefore, the applications were recheck and determined to be qualified for appointments.

The first application for review was from W. Mackintosh applying to be the alternate to T. Platz in the gillnet-offshore, federal permit sector on the Groundfish Federally Managed Species AP.

J. King made a motion to approve his appointment. S. Medeiros seconded the motion.

M. Gibson asked Council members if there were any objections to the motion to approve W.

Mackintosh as alternate to T. Platz. **Hearing none, the motion to appoint W. Mackintosh to the Groundfish AP passed.**

N. Scarduzio reviewed the applicants for the Menhaden AP. A. Botelho had resigned as the primary for the seine sector and L. Lachance had requested to move from his alternate position in to the Primary position held by A. Botelho. G. Souza had applied for the alternate position vacated by L. Lachance.

S. Medeiros made a motion to approve both the appointments. J. King seconded the motion.

M. Gibson asked Council members if there were any objections to the motion. **Hearing none, the motion to appoint both L. Lachance and G. Souza to the Menhaden AP passed.**

N. Scarduzio stated that the last application was from M. Tortolani applying for the primary recreational slot on the lobster AP.

J. King made a motion to approve M. Tortolani in the primary recreational slot. S. Medeiros seconded the motion.

M. Gibson asked Council members if there were any objections to the motion. **Hearing none, the motion to approve M. Tortolani in the primary recreational slot on the Lobster AP passed.**

FYI:

ASMFC spring meeting update – M. Gibson:

M. Gibson stated that he would try to have meeting summaries placed in to Council packets when possible after ASMFC or NFMC meetings. He asked if there were any question from the Council on the summary. He reviewed some of the highlights mentioned in the ASMFC summary, which was available on the ASMFC website.

M Gibson also commented that the ASMFC was soliciting comments relative to their five year plan. The deadline for comments was June 15, 2008.

C. Karp indicated that the New England Fisheries Management Council (NEFMC) was going to discuss sector allocation and she was wondering if the RIMFC had taken a position on sector allocation.

M Gibson indicated the RIMFC had not taken a position relative to specific proposals. However, the Council had signaled they wanted to hear about sector allocation and wanted to be kept informed as to what was happening at the NEFMC. They have given C. Brown a regular agenda slot to hear about his progress with his proposal. Gibson also stated that he anticipated that a proposal would most likely come forward sometime soon and the Council would have to deliberate on it and make recommendations to the Director.

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

S. Knott asked Council members to consider putting the transiting issue between Block Island and Point Judith on a future agenda for Council discussion.

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

The Chairman adjourned the meeting.

Nancy E. Scarduzio, Recording Secretary