



Rhode Island Marine Fisheries Council

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MEETING MINUTES

July 24, 2014

URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, J. Grant, C. Rein,*

RIMFC Members Absent: *W. Mackintosh, M. Rice, R. Bellavance*

DEM: *L. Mouradjian, G. Powers, M. Gibson, J. McNamee, J. Mercer, P. Duhamel, Andy Manca (Office of Customer and Technical Assistance)*

Public: *Dave Beutel, Jesse Bazarnick (aquaculture applicant), Jerry Carvalho.*

1. **Approval of the Agenda:** *B. Ballou* inquired as to objections to approving the agenda; hearing none, the agenda was approved. *B. Ballou* inquired to thoughts about the *ePacket*, this being the 2nd meeting in which meeting materials were provided via electronic format. All Council members present expressed approval of the *ePacket*.
2. **Approval of RIMFC meeting minutes from April 7, 2014:** *B. Ballou* inquired as to any proposed changes to the minutes or any 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. **New business:**
 - a. **Approval of Advisory Panel meeting minutes (Winter Flounder (4/2); Groundfish (4/15); and Shellfish (5/28):**
 - Winter Flounder: *J. McNamee* provided a summary of the meeting.
 - Groundfish: *K. Booth* provided a summary of the meeting.
 - Shellfish: *J. Grant* provided a summary of the meeting.

A summary of each of the meetings and minutes were briefly discussed. *B. Ballou* inquired as to any modifications or objections to approving the minutes; hearing none, **each of the minutes were approved.**

b. Aquaculture application – Jesse Bazarnick:

D. Beutel provided an overview of the application and site. He offered the site was selected based on high water flow and food source through the area, and that the site was originally proposed further west than the current proposed site based on objections from RISAA. He offered that RISAA did none-the-less provide an objection based on its location within the footprint of former Jamestown bridge and proposed fishing pier location. The applicant offered that he didn't believe that the pier would ever be built, and that his proposal was a very good use of the area. *R. Hittinger* offered objection based on conflict with recreational fishing; that the site has a great deal of history as a recreational fishing location, particularly when fishing was allowed from the old bridge. He offered that the section of the bridge approach that was to be left and maintained as a fishing pier had to be removed only due to poor maintenance and funding by RIDOT. He offered that as an agreement to the removal of this pier, a law was passed offering protection of this footprint area for potential future use as a public use fishing pier. He concurred with the applicant that the area has high water flow, and is therefore a good fishing area due to the baitfish and predatory fish located there. He emphasized the need to preserve this location for a future fishing pier. *D. Monti* offered concurrence with *R. Hittinger* and emphasized the state statute that was enacted to preserve this site for potential use a fishing pier. *K. Booth* inquired as to moving the aquaculture site further south, so as to avoid conflict with the protected pier footprint, to which the applicant responded he could not as he was bordering a mooring field. *D. Monti* again emphasized advocating the site as a potential future fishing pier, as access to good fishing locations was a topic that often heard in his profession as a writer. Discussion ensued regarding if a pier would in actuality ever be built. *C. Rein* offered that it would not be good practice form to offer support of an activity (aquaculture) that was in apparent direct conflict with a potential use protected by statute, particularly in light that it is clear that a great deal of thought was put into preserving the site as a fishing pier, and as the Director of DEM was specifically charged with protecting the site. ***R. Hittinger* offered a motion to recommend to the CRMC not to approve the application due to potential direct conflict with recreational fishing, as described in state statute 24-12-51.1, "Former Jamestown Verrazano Bridge – Public fishing area"; 2nd by *D. Monti*.** *J. Grant* inquired as to if the pier would in actuality ever be built, to which *L. Mouradjian* replied that it was still an active debate, to which *R. Hittinger* concurred. The applicant offered that he was very doubtful it would be built as it would be too expensive. *K. Booth* offered that he thought the site could be pushed into the mooring field to the south as would not necessarily be a conflicting use; that a few of the moorings could be re-located; to which *D. Beutel* replied that this would be very difficult to accomplish. **The motion passed 4 – 0; J. Grant abstaining.**

c. Proposed AP meetings and agendas:

- IAC: *B. Ballou* provided an overview of the proposed agenda. *M. Gibson* inquired as to possible fee increases; to which *B. Ballou* offered that it would be discussed at the meeting. A tentative date of August 28th was selected for the meeting.
- Groundfish/Federally Managed species: *R. Ballou* offered that the meeting was mainly to discuss the Spiny dogfish Conservation Equivalency proposal being developed

by DFW. *C. Rein* inquired as to the market issues of spiny dogfish, and also of mercury and PCB contamination in the fishery; to which *B. Ballou* offered these would be matters of discussion at the meeting. *M. Gibson* offered that the most recent scientific literature only addresses mercury, not PCB's; and also that he didn't believe that the NMFS had made a decision on federal possession limits, so that any proposal brought forth would only be applicable to state waters.

- Shellfish: *J. Grant* offered an overview of the proposed agenda, and also that three aquaculture lease applications would most likely be needed to add. He offered a meeting date of August 27th.
- Scup/Black Sea Bass: *J. McNamee* offered that this would be a typical annual agenda.
- Summer Flounder: *J. McNamee* offered that this would be a typical annual agenda. *R. Hittinger* inquired as to there being a discussion of sectors, to which *J. McNamee* answered that there would be a statement provided. He then inquired if the "Fish for the Future" proposal should be re-visited at this meeting. There was debate if this should be a separate discussion for a later date (January, 2015). *J. McNamee* offered that the agenda would be revised to include this topic.

B. Ballou inquired as to objections to approving the proposed agendas. *M. Gibson* inquired as to the potential need for a Striped Bass AP meeting for federal compliance. *B. Ballou* offered that there would be no actions needed until after October, so would therefore be another Council meeting where the matter could be discussed. *B. Ballou* inquired as to any objections to approving the agendas; hearing none, all proposed agendas were approved.

d. Director's LEAN Initiative:

A. Manca provided a presentation of an overview of the initiative; which is to provide maximize good customer service and environmental protection through efficient processes with less staff. He offered that the program attempts to map processes and procedures, and then identify gaps and ways to implement efficiencies. *J. McNamee* then provided specifics regarding how LEAN was applied to the Marine Fisheries office; specifically that it was applied to address the functioning and efficiency of the office in terms of regulatory processes and procedures. He offered that the process identified gaps in processes involving the RIMFC and the regulatory process, and that the purpose of the night was to present the findings, and to generate thoughts and discussion on proposed changes to the procedures currently practiced. He offered that the Marine Fisheries office would like to test the new format being proposed for the November public hearing on commercial fisheries. He then offered that the basic premise was to attempt to standardize the meeting schedules accordingly: to run only four public hearings annually, to add pre-hearing workshops, and to eliminate most of the advisory panel meetings; the purpose of the pre-hearing workshop being to present the information normally presented at AP meetings. He offered that the gap identified in LEAN indicated a great deal of staff time with administration of AP meetings, and that the benefit of these meetings was low due to consistent poor attendance. The purpose of the proposed format

was to eliminate several meetings in favor of a single meeting (workshop), the benefit being less meetings, resulting in better attendance and therefore a broader range of ideas and opinions being discussed. He offered that this could be beneficial as information presented immediately prior to the hearing would be very fresh and current, thus generating better public hearing comments. He acknowledged that the down-side would be that the public would have less time to decipher information presented and offer proposals, but that this would be off-set by several improvements, namely that the public comment period would be extended beyond the close of the hearing (specific time period tbd), rather than closing immediately after each item is presented; workshop presentations would be provided via webpage and listserv as soon as practical prior to the meeting; and improved attendance thus generating better discussion and proposals. *M. Gibson* offered that attendance at AP meetings is a problem, but more importantly, that attendance, and subsequent dialogue and advice to the Council, can be skewed depending on the issue and audience, and that a broader range of input should be the goal in order for the best advice to be brought before the Council. He offered that a workshop format would allow for discussion throughout the audience and between the audience and DFW staff, and would therefore be a more effective approach towards achieving this goal. *J. McNamee* concurred that the workshop format would solve the AP attendance problem, and would greatly reduce staff time regarding administration of AP meetings. He offered that AP meetings take up a considerable amount of staff time, with little benefit due to poor attendance. He also offered that the workshop format would allow for better input to the Council without the constraints of attendance and voting; votes not necessarily representative of a broader dialogue. He offered that the information would be put out in a more timely, efficient, and standardized format, which along with reducing no. of meetings, should greatly enhance efficiency. Having an open dialogue immediately prior to the hearing should greatly enhance the comments presented at the hearing. He concluded with a request to the Council to run the new format for the public hearing that usually occurs in November regarding many of the commercial fisheries. *D. Monti* asked for clarification regarding content of workshops vs. hearings. *J. McNamee* answered that he envisioned that workshop presentations would be the same information that would have been contained in the AP meeting presentations, albeit more efficiently presented and standardized. The public hearing would occur as it does now; that we present each item and take comments on that item. The major difference now being that the public comments period would be extended beyond the hearing. *R. Hittinger* expressed concern that there wouldn't be sufficient time between the presentation of information at the workshop and the hearing for the public to formulate proposals and provided comments/proposals at the hearing. He also expressed concern that the AP meetings were used as a means by which other new ideas were brought forward, and that this would be lost. *J. McNamee* offered that the workshop will still provide for this, but that it needs to be tested to see how it works; and also that the Council meeting will still be a public forum to discuss the issues. *L. Mouradjian* offered that this new format offered a means to reduce duplication of discussions across multiple meetings, and that the Council meeting would now be more efficient in terms of providing Council advice to the Director. *K. Booth* expressed concern that the workshop may have the potential to offer skewed advice; that the AP had a tendency to balance skewed opinions due to the broad membership of the AP. *J. McNamee* offered agreement that the AP's were developed as a balanced body representing all aspects of a given fishery, but that in practice it is not occurring this way. There is therefore nothing to be lost with a workshop format to generate balanced input. *K. Booth* offered that difficult topics should be selected for the

trial to assure that it works. *C. Rein* offered that he had always been aware of the limited attendance at AP meetings by the AP members; and that he was intrigued by the proposed new format and offered support for a trial. *D. Monti* offered that it will be difficult for the public to be ready to offer proposals at the hearing. *L. Mouradjian* offered that the public comments will be allowed beyond the hearing and those comments will be made available for the subsequent Council meeting for their final review prior to offering advice to the Director. *J. McNamee* offered that much of what was being discussed as a problem that may arise as a result of the new format is already occurring. *B. Ballou* offered that if this new format were to be adopted, then the Council policy on AP's would need to be revised. *D. Monti* offered that the AP membership will need to be informed about the new format.

A date of September 3rd was set as for the next Council meeting as a follow-up to this meeting. It was determined that contact to AP membership is a priority. The goal of this follow-up meeting is to inform the AP membership, to continue to address procedures moving forward, and to endorse a trial of the new format for the November public hearing.

5. **NEFMC/ASMFC Reports:** These reports were offered as FYI items only.
6. **FYI Items:** The Director Decision memo and ASMFC letter regarding Black sea bass were offered as FYI items. *R. Hittinger* offered that the situation with a low quota for Black sea bass undermines the status of the RIMFC with fishermen and the process for developing change. *M. Gibson* offered that the Commercial Fisheries Research Foundation has taken an interest in the matter in terms of developing funding sources. *B. Ballou* offered that he was aware of a movement that was suggesting an increase in the quota and a “see what happens” approach.
7. **Other business:** There were no other matters discussed.
8. **Adjournment:** The meeting adjourned at approximately 9:00.

Prepared by *P. Duhamel*