

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**August 1, 2005**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road**  
**Narragansett, RI**

RIMFC Members: K. Ketcham, D. Preble, G. Allen, S. Parente, S. Macinko,  
S. Medeiros

Chairperson: M. Gibson

RIDEM F&W Staff: N. Lazar, J. McNamee

RIDEM Legal Counsel: G. McAvoy, G. Powers

RIDEM Law Enforcement: K. Blanchard

RIDEM Staff: R. Ballou

Public: 5 people attended

M. Gibson called the meeting to order. M. Gibson asked if there were any changes to the agenda. There was one agenda change which was to move agenda item 4a to take place immediately after the approval of minutes. There were no objections from the Rhode Island Marine Fisheries Council (RIMFC or Council). The agenda was approved as submitted. M. Gibson asked if there were any comments on the minutes from the June 6, 2005 RIMFC meeting. **G. Allen made a motion to approve the minutes as submitted. S. Medeiros seconded the motion. The Council unanimously approved the motion.**

**New Business**

*Council comments on aquaculture lease expansion:* N. Lazar stated that the proposed lease was actually an expansion of a previously approved aquaculture lease. The Council had been provided the aquaculture application as well as two memos from the Division of Fish and Wildlife (DFW). The memos consisted of one from DFW staff to N. Lazar regarding the site visit in which there were no objections to the lease, and the second memo was from M. Gibson to the Council stating that the DFW had no objections to the lease. The memo also stated that the shellfish advisory panel (AP) had been polled and no responses were received. D. Alves of the Coastal Resource Management Council (CRMC) stated that as in the existing lease, no gear would be used in the expanded section of the lease. K. Ketcham stated that the way the aquaculture program was set up, without using gear, it makes it easy for poaching to occur. The applicant stated that they are comfortable doing this because local fishermen in the area keep an eye on the lease. C. Brown asked a question about eel grass habitat in the area of the proposed lease. D. Alves of CRMC stated that they check the historical maps of eel grass beds before

allowing a lease and this lease does not occur in an area that historically had an eel grass bed. **D. Preble made a motion to endorse the aquaculture lease site as described in the application submitted to the Council. G. Allen seconded the motion. The Council unanimously approved the motion.**

### **Advisory Panel Reports**

*Shellfish:* J. King was not present to give the report therefore J. McNamee gave the report. The shellfish AP went over three items at their meeting. The first was a proposal to alter the Greenwich Bay shellfish management area schedule where the AP wanted to open an area in eastern Greenwich Bay annually. The specific proposal can be viewed in the minutes of the meeting. The AP also discussed developing a whelk management plan. A proposal was given at the meeting and is in the minutes of the meeting. The AP also asked that they be appointed to be the AP for whelk management. The final item the AP discussed was a request for the Council and/or DEM to draft a letter to the Department of Health (DOH) regarding their policy on the amount of time required before an area receiving shellfish reared in polluted water could be harvested. The AP stated that it currently is one year, they requested this be changed to 6 months.

**M. Gibson suggested not taking action on the Greenwich Bay proposal until this is added to the agenda as a specific agenda item. He stated that if the Council wanted, this could be added to the September meeting agenda. The Council had no objections to this.**

**D. Preble suggested allowing the shellfish AP to have purview over whelk management, stating that they could always change this if they come to find that it is not the appropriate panel for this species. The Council had no objections to this.**

On the final item discussed, G. Powers stated that it would not be appropriate for the Council to petition DOH as they are an advisory body to the Department of Environmental Management (DEM) and therefore do not constitute a person. State regulations state that a person or persons can petition a government agency, not otherwise. The Council is not advisory to DOH. Stating that the AP also included DEM in their request, M. Gibson asked G. Powers if his previous statements are the same regarding DEM drafting a letter to DOH. G. Powers stated again that it would be more appropriate for the shellfish AP or any interested individuals to petition DOH rather than the Council or DEM. G. Allen asked how the policy came to be a year. N. Lazar and G. Powers both stated they were not sure how this one year policy came to be. M. Gibson stated they would look in to this and report back at the September meeting. G. Allen stated that he would like to know a little more about the policy before taking any action and further he stated that it seems more appropriate for the shellfishermen's association to directly petition DOH.

*Industry Advisory Committee:* K. Ketcham gave the report. The first item discussed was shellfish licensing. M. McGiveney, the shellfish representative, stated that they were concerned about the loss of many of the older shellfishermen and that they are not being replaced. He went on to discuss a few different proposals on how to remedy this

situation.

The next item discussed was the finfish sector. S. Parente stated that he felt rod and reel fishermen were excluded in the current priority list and would like to see this fixed in some way that would allow rod and reel fishermen to qualify. The panel members requested that DEM provide them with information on who received the endorsements made available last year.

M. Gibson had provided the Council with a draft timeline of the licensing public hearing and wanted to get the Council's comments on whether this seemed reasonable or not. R. Ballou stated that the new schedule may not leave enough time at the end of the process to get things filed.

K. Ketcham stated that the IAC needs more participation from industry; the attendance at the IAC meetings has been light. J. McNamee stated that one of the problems was that R. Boragine had left the state and was never replaced. He was a member of the committee who was supposed to represent seafood dealers in the state. K. Ketcham stated they have approached dealers but have not had much success recruiting one to participate. J. Low stated that he wishes the Council would start enforcing the policy of if three consecutive meetings are missed, the member be replaced. M. Gibson asked G. Powers if the IAC must abide by the policies set by the Council as it is a committee required in statute. G. Powers stated that even though this committee is required in statute they still must abide by the policies for attendance, etc, set by the Council.

S. Parente asked that the licensing process be completed prior to November 4<sup>th</sup>, as he will have a conflict after this date and will not be able to participate in the process if it runs later.

K. Ketcham stated that he would bring back names from the Seafood Council board of directors so that the DFW could contact them and see if they would participate on this panel. M. Gibson agreed to this.

### **New Business**

*Council authorization to convene summer flounder, scup/black sea bass, lobster, ACCSP, and winter flounder advisory panels:* N. Lazar stated that the DFW hoped to have the Council authorize several APs to meet in the coming months to begin deliberations on quota management for 2006. There was also a group of regulations coming forward regarding requirements for state dealers to enter in to the electronic dealer reporting system. G. Allen asked that specific agendas be brought before the Council and approved; he stated that this was how the process was supposed to work. J. McNamee stated that he had produced a memo that was included in the packet which outlined the necessary panels and also some draft agenda items. He wondered if this was adequate. G. Allen stated that he wanted formal agendas to come forward for Council approval at the September meeting. D. Preble agreed with G. Allen and went on to state that if further items needed to be added at the September meeting this could be discussed at that time. **J. McNamee asked whether in the future this is what the Council wanted as there**

**process; upon recognition that an advisory panel needs to be convened, DFW staff contact the Council chair of the specific panel and work on a draft agenda and bring it to the Council during a subsequent monthly meeting for approval. The Council agreed to this.**

J. Low asked a question about whether the Council is implying that new proposals brought forward at an AP meeting could not be entered in to the public discourse because it had not previously been reviewed by the AP chair. The Council including the Chairman gave a resounding “no” to this; no proposal would be suppressed just because it was not specifically on an agenda.

### **Old Business**

*Council comments on draft gear conflict panel:* J. McNamee stated that a memo had been given to the Council on this issue. He gave a brief overview of the history of this topic. The DFW had now fulfilled its obligation to come forward with a draft panel make up with some potential people to fill the user groups. **The Council had no objections to the draft panel that was put before them.** G. Allen requested that J. McNamee send him the names and telephone numbers of the members so that he may move forward with convening a meeting of this panel. J. McNamee stated that he would.

*Attorney General’s decision on Council closed executive session:* G. Powers stated that he had contacted the Attorney General’s (AG) office with the refined question proposed by the Council. The AG’s office still felt they were not able to have a closed executive session and remain in compliance with their statutory mandates unless there was not a quorum present at the time of the meeting. They could also hold a meeting to discuss what they had proposed but have it open to the public. S. Parente stated that he did not want to have the meeting open to the public as he felt he may be the target of the majority of the discussion. He went on to state that barring a meeting where he is told exactly what he can and can not do as a member of the Council, added to the fact that he felt there was no regulation outlining what he can or can not do as a Council member, he will proceed to act in a way he felt was consistent with state regulation, or the lack thereof. G. Allen stated that it was not the intent to target a specific member of the Council, he wanted to have a meeting as they have in the past simply to discuss standard operating procedure for the Council and advisory panels, etc. He felt this could be accomplished during an open meeting. He went on to suggest doing this in December at some point. The Council did not object to this. R. Ballou stated that the new Director of DEM might like to attend this meeting also.

*Report on floating fish trap survey:* M. Gibson stated that a memo had been given to the Council from B. Murphy, DFW staff assigned to the floating fish trap issue. It gave an overview of where the process was. G. Allen stated that B. Murphy has done a good job with the regulations. He went on to state that the hold up on completing the requirements of the floating fish trap regulations was with the Coast Guard. He as well as the DFW was actively trying to get a response from the Coast Guard. G. Allen requested that M. Gibson draft a letter to the Coast Guard requesting their completion of there assessment of the floating fish trap marking requirements. G. Powers stated he would help with a

draft letter.

**Other Business**

*Information on lobster minimum gauge sizes in area 3:* M. Gibson wanted to give the Council the FYI that the offshore area, area 3, had gone to a 1/32” increase over the area 2 gauge size, so the two areas which had been the same, were now back out of sync with regard to minimum lobster gauge size.

**Post Agenda Discussion**

G. Allen stated that he thought J. King was now out of the shellfishing industry and he was concerned that the shellfishing industry, a very important industry in RI, was now unrepresented on the Council. He was hoping that either M. Gibson or the Director of DEM could have a discussion with J. King to figure out his plans and whether he would still like to remain on the Council and whether it was appropriate to replace him with a shellfish industry representative. He also wanted it stated that he respects J. King and values his contribution to the Council, but was concerned not with J. King personally but rather that the shellfish industry is not represented on the Council.

The chairman adjourned the meeting.

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Jason E. McNamee, Recording Secretary