

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**August 7, 2006**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road**  
**Narragansett, RI**

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

Chairperson: M. Gibson

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

DEM Staff: M. Sullivan, Director of DEM

DEM Legal Counsel: G. Powers

DEM Law

Enforcement: S. Hall

Public: 15 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. There were several requests made for agenda modifications. They were as follows: The first was to expand the advisory panel agenda approvals to include an enforcement advisory panel agenda, the next issue was the addition of an agenda item under 4d for a discussion on a comprehensive aquaculture plan in RI submitted by J. King. M. Gibson also moved agenda item 6a to before the advisory panel reports. One last modification was to combine agenda item 6c with agenda item 4c, summer flounder advisory panel agenda approval. **There were no objections by the Rhode Island Marine Fisheries Council (RIMFC or Council) to approving the agenda as modified.** M. Gibson asked if there were any objections to approving the minutes of the July 10, 2006 Rhode Island Marine Fisheries Council meeting as submitted. **S. Medeiros made a motion to approve the minutes as submitted and D. Preble seconded the motion.** J. King asked to have the motion on the lobster advisory panel item clarified, it was currently difficult to figure out what the exact motion was. **The motion was withdrawn.** M. Gibson stated that the minutes would be resubmitted at the September 11, 2006 meeting for approval.

**Advisory Panel Reports**

*Floating fish traps:* G. Allen gave the report. The reason the panel met was due to the difficulty that the Council and the Department of Environmental Management (DEM) had had dealing with the Coast Guard as defined in the floating fish trap regulations. The panel discussed ways to keep the intent of the regulations without going through the Coast Guard. The panel decided to specify using high flyers as the trap markings. The

trap companies who had already been required by the Coast Guard to have specific markers on their traps should continue to display those marks; otherwise the high flyers should be used. The panel agreed to this and recommended removing references to the Coast Guard from the regulations. The Council had some draft language to look at. G. Allen concluded by indicating that the Division of Fish and Wildlife (DFW) and DEM enforcement divisions will collaborate on the trap inspection regulatory requirement. The panel felt strongly that education was a key to this and requested that a discussion about floating fish traps be added to the boating safety course.

D. Preble suggested sending a letter to the office of homeland security referring to the lack of cooperation from the Coast Guard on this issue.

S. Hall stated that they will add a section in to the state portion of the boating safety course and if the regulatory changes are in place in time, they will add a section to the boating safety material as they are currently in the process of updating the course material. **The Council endorsed adding a floating fish trap section to the state required boating safety course.** K. Ketcham added that the discussion should include showing the students what a designated floating fish trap area looks like on a chart. S. Medeiros wanted to make sure the penalty for non-compliance section does not get lost from the amended regulations.

*Industry Advisory Committee:* K. Ketcham gave the report. K. Ketcham started by asking if L. Dellinger, who is now the acting president of the RI Lobstermen's Association, automatically replaces M. Marchetti on the panel. J. McNamee stated that he would still need to be approved by the Council. The panel recommended that the restricted quahog endorsements be issued at the existing 3:1 exit:entrance ratio as well as keeping student shellfish licenses available under the same regulations as last year. The panel went on to recommend that no new restricted finfish endorsements be issued due to poor resource status and decreasing quotas in 2007. The panel recommended not taking any action on lobster endorsements until the Director of DEM takes action on the public hearing, which addressed implementing ASMFC addendum VII in RI.

### **New Business**

*Council discussion on potential to improve AP process and use of AP as part of Council member training process:* K. Ketcham stated that he thought it would be a good idea to have participation on an advisory panel be a consideration when recommending new Council members. The reason for this was to get a person up to speed on the process and how it functions before becoming a full member. He felt that it took a while to get up to speed on the process when going directly in to a Council seat with no previous experience. K. Ketcham stated that he was not looking to make it a mandatory requirement, however if a member does have advisory panel experience this should be taken in to account when they are nominated. The other Council members agreed with this. J. McNamee stated that the current process does solicit all advisory panel members when a Council seat is available and to this point little interest has been received. He suggested that advisory panel chairpeople might personally solicit members as a way to draw more nominations from this pool of people. J. King suggested having new Council

appointees act as a co-chair on an advisory panel for a period. P. Brodeur suggested that the Council not overlook individuals from outside of the advisory panel system as they may have experience and knowledge of the process even without specific advisory panel service.

*DEM response to concerns regarding summer 1 fluke fishery:* M. Gibson introduced the topic stating that it was regarding some letters that had been mass circulated that criticized the DEM for its handling of the summer 1 fluke fishery. M. Gibson passed the discussion on to the Director of DEM. M. Sullivan just wanted to state that the regulations that the DEM was working under for the summer 1 fluke fishery were developed through broad consensus, including the approval of the Council and advisory panels, during a public process. He went on to ask that in the future individuals should come forward and ask questions or make comments directly rather than making personal criticisms and attacks through mass mailings.

D. Preble stated that he also had to deal with a lot of the criticism and wanted to state that the regulations were crafted through an open public process and because of this, the fishermen needed to live with what was developed. The idea of going back on all of the work that people had put in to developing the management plan during previous years was outrageous.

K. Ketcham stated that instead of looking back on what was done wrong, we should begin to look forward at what we can do right. He went on to state that the Atlantic States Marine Fisheries Commission (ASMFC) had recently met to set the fluke quota for 2007. None of the people writing the letters in question were in attendance. If people want to help the RI fluke fishery they should get involved to a greater extent, not just come forward when they personally experience a problem.

S. Parente stated that he agreed with D. Preble. However, he felt that the reason things did not run that smoothly in summer 1 was due to a lot of cheating, proliferation of gillnets, and a lot of fish being around.

*Council approval of AP agendas:* N. Lazar stated that the Council had been provided three agendas for approval. The first was an agenda for the next Industry Advisory Committee meeting. **The Council had no objections to the agenda as submitted and requested that DFW work with the chair to set a date.**

The next agenda was for a shellfish advisory panel (AP) meeting. J. King stated that the date of August 29 had been set for this meeting. **The Council had no objections to the agenda as submitted.**

The next agenda was for a summer flounder advisory panel meeting. As requested by D. Preble earlier in the meeting he wanted to combine the Quota Management Project (QMP) discussion with the approval of the advisory panel agenda. D. Preble started by indicating that the QMP report was still operable but a lot has happened since the report had been created. He reviewed the quota projection process for 2007, stating that there is

going to be a severe drop in summer flounder quota in 2007. The quota, however, will not be set until October of this year. This will make any determination or discussion on quota management in RI premature as indicated in the draft agenda. D. Preble went on to state that RI Sea Grant had been fronting the QMP discussion. Since the inception of the QMP group the discussion has gone beyond the scope that they are comfortable dealing with. Because of this, D. Preble felt that the summer flounder AP needed to begin discussions on some deep structural changes in how summer flounder is managed in RI. This was what he wanted the AP agenda to cover rather than developing a quota management plan as was originally on the agenda. He wanted the agenda topic to be "Issues for change in RI summer flounder management". He went on to give a number of subtopics to fall under this agenda item. D. Preble gave a timeline for holding another summer flounder AP meeting as well as an open forum meeting, which will be run by Sea Grant under the QMP, both of these meetings will happen in September. M. Gibson asked if D. Preble wanted the stock assessment update agenda item left on the summer flounder AP agenda. D. Preble agreed to this. M. Sullivan stated that he felt the industry needed to be at the forefront of this process as set forth by D. Preble with the AP process. **The Council had no objections to approving the proposed summer flounder AP agenda as suggested by D. Preble.** M. Gibson asked if the Council wanted to endorse D. Prebles request for a second meeting to take place on September 18. The agenda for this meeting would be a continuation of the "Issues for change..." agenda item discussion as well as anything added by the Council on the September 11<sup>th</sup> meeting. **The Council did not object to this, therefore the follow up summer flounder AP was approved.**

J. McNamee and N. Lazar both suggested moving forward with a plan for fluke management even in the absence of specific quota numbers for the following year because regulations were currently in effect and would remain in effect on January 1<sup>st</sup> if the Council did not implement some other management plan. There was further discussion on this. The Council decided that for the proposed September 18 follow up fluke AP meeting that some management alternatives be looked in to for 2007.

The final advisory panel approval item was on an enforcement AP meeting. S. Medeiros asked to have the old business item of a filet law brought forward as well as an item about illegal fishing complaints along Block Island in the summer. **The Council did not object to re-authorizing an enforcement advisory panel meeting which would include the agenda items of a filet law, illegal fishing around Block Island, and enforcement of the commercial fluke fishery.**

*Request for an aquaculture plan for RI:* J. King wanted to request that the state develop some sort of aquaculture plan. What he meant by this was to have a comprehensive plan that maps out a maximum number of aquaculture sites within the state taking in to account the effects on the existing commercial shellfishery in the state, open space, etc. There was discussion about what currently exists as far as an aquaculture plan. J. King stated that his concern was to not let this get to a point where aquaculture sites take over the bay in a negative way and have to react to it then, he wanted to get a plan in place so things do not get to a point where there is a problem. M. Gibson suggested having the DFW go back and look at this issue as well as developing some sort of proposed action

plan. **The Council decided that the first course of action would be to have an informational presentation from the DFW and the Coastal Resource Management Council (CRMC) on the existing aquaculture plans for the state, adding protection against imported diseases and parasites as an additional concern.** D. Alves requested that the Council send a letter to the executive Director of CRMC requesting this, just to formalize the request.

### **Other Business**

*Discussion on RIMFC aquaculture lease policy:* Per the Councils request the DFW had drafted a timeline for addressing aquaculture proposals and how this would interact with the Council process. They were also presented with a new DFW aquaculture site evaluation form for their approval. K. Ketcham stated that he wanted the request from the earlier aquaculture comprehensive plan discussion to take place before he approves any more aquaculture plans. There was further discussion on this topic. M. Sullivan suggested that this was a particularly opportune time to pose questions like those mentioned by K. Ketcham and J. King to the CRMC. **The Council endorsed the timeline and site evaluation form as established by the DFW, however, they wanted it conditional on the outcome of the comprehensive aquaculture discussion that they wanted to take place in the near future.**

*Update on Greenwich Bay proposal:* N. Lazar gave an update on the status of the Greenwich Bay proposal as brought forward by the RI Shellfishermen's Association. The proposal had been brought to the Director and he has remanded it to his legal staff for review. This review was still taking place and the legal staff was to come forward in the next week or two with a determination. J. King wanted to mention for the record that there was not only an economic impetus for the shellfishermen with this plan but there were also economic considerations made by the shellfish dealers when they shut their doors to shellfish products. M. Sullivan gave further detail on the deliberations stating that a determination would be forthcoming.

*Update on lobster max gauge and V-notch emergency regulations:* N. Lazar stated that the max gauge discussion had been remanded back to the lobster AP for further discussion. The lobster v-notch emergency regulation had been stalled due to deliberations between both RI and MA state agencies and their respective law enforcement agencies. They were currently trying to come to consensus on a 1/8" definition or a no-tolerance definition.

P. Brodeur brought up his feeling that putting this forward as an emergency regulation would put forward the connotation that the lobster resource was in some sort of emergency situation. He felt that this would be irresponsible as the stock is showing signs of recovery at this time. Discussion ensued from both M. Gibson and M. Sullivan that stated that there was no other mechanism other than emergency regulations to get a body of regulation in place fast enough to protect the v-notched lobsters. They went on to state that nothing had been done to this point as deliberations were still taking place.

*Update on floating fish trap inspections:* N. Lazar stated that the DFW and DEM law enforcement had developed a plan to collaborate on the inspection process which would be efficient for both Divisions and would fulfill the requirements of the regulations.

**Old Business**

*Shellfish AP response to Peter Brown aquaculture lease:* This discussion occurred before the advisory panel reports. J. King stated that he had polled the shellfish advisory panel per the Councils request. The results of the poll were that the majority of the shellfish AP members wanted the site moved, most indicating they would like it moved to deeper water. The shellfish AP members were not very definitive on exactly where it should be moved. There was further discussion about where the site should be moved and two alternate sites were proposed; one suggested moving it closer to the existing site to the south and one suggested moving it westward off of the 20 foot contour. **J. King made a motion to move Peter Browns site westward from his proposed site (off the 20 foot contour) and by so doing recommend approving the site. K. Ketcham seconded the motion. The motion passed unanimously.**

*Memo on end of the year meeting schedule:* J. McNamee outlined the proposed schedule. He indicated that the current memo in front of them incorporated their suggestions from the last meeting. However, he felt they may want to keep the early November meeting due to scheduling problems that may arise if they get rid of it as suggested. The Council decided to take a look at their schedules and make a determination on the November schedule at the next meeting.

*Report on Quota Management Project:* This discussion took place along with the discussion about the summer flounder advisory panel agenda earlier in the meeting.

**Post agenda discussion**

L. Delinger stated that the 1/8” definition came about because of the problems perceived with the no-tolerance definitions they have in Maine and he stated that the industry still supports the 1/8” v-notch definition.

A second audience member felt that the lobster max gauge discussion had been brushed aside and wanted the Council to authorize a lobster advisory panel meeting to discuss this as he felt it was important. M. Gibson suggested coming forward at the next meeting with a draft agenda for approval. P. Brodeur requested that the DFW come forward with data supporting the need and impact of the max gauge size. The Council did not object to this.

T. Platz stated that the monkfishers in RI were being faced with reductions in there fishery in the coming years and he felt it was imperative that RI close the loophole created by the lack of state regulations in RI. This would be the only way to ensure the success of the federal restoration plan for monkfish.

The chairman adjourned the meeting.

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Jason E. McNamee, Recording Secretary