



Rhode Island Marine Fisheries Council

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MEETING MINUTES

August 25, 2015

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, B. Mackintosh, J. Grant, A. Dangelo, M. Rice*

DEM: *L. Mouradjian, G. Powers, J. McNamee, S. Olszewski, J. Mercer, N. Lengyel, E. Schneider, D. Erkan, P. Duhamel, J. Poccia (DLE), D. Costa*

Public: 8 - 10 persons.

- 1) **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; hearing none, the agenda was approved.
- 2) **Approval of RIMFC meeting minutes from June 1, 2015:** *B. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
- X) **Public comments regarding other matters not on agenda (added agenda item as inadvertently omitted in preparation of agenda):** No comments were offered by the public.
- 3a) **Announcement of new Chief of Marine Resource Management, Jason McNamee:**

Remarks were provided by J. McNamee
- 3b) **Announcement of new/newly appointed Council members:**
B. Ballou announced re-appointed member *Jeff Grant* and newly appointed member *Andy Dangelo*.
- 3c) **Review of Council policies and procedures:**
 - *B. Ballou* provided a recap of the Division's LEAN review and the new procedures that have been tested over the past year, with emphasis on the Division's perceived benefits that have been realized with the trial process. *J. McNamee* provided a brief presentation and further detail of the LEAN review, a summary of the new structure of pre-hearing workshops in lieu of AP meetings tried over the past year, and the benefits gained from the new structure. Discussion ensued regarding pros and cons of the new structure. *D. Monti* conveyed concern from fishermen regarding the amount of time that the public and interested groups have time to synthesize information and formulate proposals prior to the meeting. *J. McNamee* responded that the Division had taken great care to assure that such time was available; by extending the public comment period beyond the night of the hearing, posting the workshop presentations well in advance, and the regulations are available 30 days in advance. He offered that a major problem was that more information

would routinely come into the Division after an AP meeting, and emphasized little real difference. *A. Dangelo* offered that some issues require more time to discuss before the hearing and emphasized the need for providing information as soon as possible in order for time to digest information before the hearing. *J. McNamee* offered that the Council could still organize an advisory panel/focus meeting on an on-needed basis, but these would be ad-hoc rather than membership based committees. *R. Hittinger* offered that AP meeting might be best for important issues to allow for industry and/or user group discussion in advance of the hearing, and some panel meetings were well attended and therefore useful (e.g., Fluke). *J. McNamee* emphasized that even panel meetings that were well attended did not usually provide for broad based recommendations to the Council, but more slanted opinions based on the topic and potential impact to affected fishermen. He therefore emphasized that AP's did not function as designed, and that the new structure improves upon this by presentation of up-to-date information and additional time after the hearing to submit comments. *B. Macintosh* offered support for the new process; citing efficiencies gained and improved public participation; to which *J. Grant* concurred. He thought the new structure was much more efficient in terms of time saved by not re-visiting the same matters multiple times, and that the old process did not necessarily provide for better advice to the Council. *A. Dangelo* offered that early meeting offer an opportunity to dispel bad feelings before getting to the hearing, and that ad hoc structure would work best. *K. Booth* emphasized that advisory meetings should occur as needed particularly for derisive issues. *B. Ballou* offered that the Shellfish AP and IAC would remain. *J. McNamee* offered that ad hoc committees are under the Council, so meetings must be requested by a Council member and not originate with Division staff. *J. McNamee* emphasized that it is the goal of the new process to improve dialogue, and he believes that it is. *B. Ballou* offered that Council policy can always be revised at a later date if necessary.

B. Ballou asked *G. Powers* if Council member should be providing public comment at the hearings. *G. Powers* offered that Council members participating in both the hearing and subsequent Council meeting on the same subject matter could be problematic, but that specific guidance is lacking in the matter. *M. Gibson* offered that there needs to be clear distinction between Council and DEM ownership with public meetings, specifically with the workshop. He offered that simultaneously holding DEM workshops while also having AP meetings would nullify any gains that the LEAN structure provides. He emphasized the need for a decision or vote that would assure that no conflicts arise between development of Council advisory/adhoc committees and the workshop. *K. Booth* offered that it is best for Council members to withhold commenting during hearings; that it is best not to compromise ability to freely discuss during the Council meeting. Upon conclusion of the ensuing discussion, ***Dave Monti* made a motion to revise Council policy such that Council members are urged to participate freely in workshop discussions, but refrain from commenting during the hearing unless recusing themselves from the matter at the subsequent Council meeting; 2nd by *K. Booth*.** *L. Mouradjian* offered that they should consider offering a comment at the hearing if they wanted to present an option for consideration that may not be brought up otherwise; as such option may not be able to be brought up initially at a Council meeting after the close of the public comment period. *J. Carvalho* offered that it was more important for Council members to refrain from commenting during the hearing, as their value was best served as Council members, and that it also had much better appearance. Discussion concluded; **the motion passed 7 – 0.**

B. Ballou went back to *M. Gibson's* comment regarding ownership of public meetings. *J. Grant* offered that the workshop is DEM's, and also that the need for an Adhoc advisory panel meeting should also be DEM's. *M. Gibson* offered that the workshop should replace and serve as the advisory panel meeting to assure that both workshop and AP meeting does not occur on the same topic. He emphasized that if the Council was satisfied that the workshop adequately provides for the input they're looking for, then it should be specifically stated and voted on as such, otherwise there is risk with adding duplication and negating LEAN benefits. *M. Rice* offered that he agreed with *M. Gibson's* comment as long as the Council maintained the ability to establish Adhoc committees as they deem appropriate; to which all concurred. *P. Duhamel* offered to draft a revision of the Council's *Species Advisory Panel* policy to reflect changes as discussed. *J. Carvalho* offered that the Council as a civil body offers a check/balance to proposals offered by DEM, and that such check is a critical component to assure public involvement and protection, and must therefore remain intact.

- Discussion then focused on the Council's **Aquaculture policy**. *P. Duhamel* provided an overview of the current review process and possible issues with this review, namely that of the SAP addressing all competing uses that the Council is required to be reviewing for; and that due to the increase in applications, the issue is becoming more necessary to address. Discussion ensued about the Council's review. *J. McNamee* offered that the SAP may not be addressing all competing uses due to SAP membership and the particular interests of members. Potential conflicts of leases with recreational fishing activity were of particular concern. *J. Grant* offered that he didn't think the Council should review all applications as Council meets infrequently and applications must be reviewed in a timely manner; which a reason that SAP reviews, but offered that the SAP was problematic for a comprehensive review of all competing uses. *K. Booth* inquired as to the CRMC notification process and if all interested parties were made aware of the application. He offered that the Council provides an additional review after SAP if needed to assist in the review and better assure this is met. *J. McNamee* offered that the SAP is problematic as various interests are not always well represented; and offered an example of an application in a coastal pond location may receive no SAP objection as none of the membership fishes in the coastal ponds. He offered broad based recommendations representing a full vetting of all competing uses is not occurring, and that such a review was becoming more important as the frequency of applications and potential for competing conflicts increases. He offered that a recent application was brought to the Council only after *J. Mercer* brought it to the attention of *R. Hittinger* due to potential conflict with recreational fishing; and that he was very uncomfortable with the liability falling upon the Division for Council review. He offered that data for such uses is minimally available, so it is important that persons and entities with personal knowledge of uses are seeing applications and offering comments. *J. Grant* offered that membership at SAP meetings is routinely low when only aquaculture review on the agenda, but he was unaware how best to resolve, that the need is broad and there is currently no group that could comprise such a broad review; and that the IAC was not the solution either. *D. Monti* offered that a recreational fishing representative should be added to the SAP as a best possible solution; to which *R. Hittinger* concurred. *J. Mercer* offered that the current SAP membership is comprised mostly of upper bay fishermen, and that the majority of applications are in lower bay and coastal ponds. Adequate review in these waters is therefore not occurring with the SAP, and may not improve greatly even if all SAP vacancies were filled. *J. McNamee* offered that spatial planning would be extremely beneficial to aid in the review, and that data is becoming available to provide overlays of

potential conflicts. *B. Macintosh* inquired as to a URI study looking at uses in the ponds; to which *J. McNamee* concurred was on-going. *J. Carvalho* offered that CRMC promotes aquaculture, and that therefore DEM and the Council share a greater responsibility as a check/balance of CRMC to assure that a review of all conflicts takes place and the resource is properly protected. *J. Grant* offered that the Council must be more diligent with looking for at applications. *K. Booth* offered that as leases are for 15 years, the Council must be diligent to review applications. He offered that spatial planning would be greatly beneficial to aid in the review. *L. Mouradjian* offered that the wildlife section of F & W has expressed concern regarding potential conflicts with waterfowl hunting, and that DEM must look into reviewing for conflicts previously not considered. *D. Erkan* offered that CRMC is under no obligation to adhere to a Council or DEM recommendation not to approve an application. He offered that the CRMC review criteria of low shellfish densities in the area of the lease is often taken as an endorsement for a lease rather than a need for restoration, which is inconsistent with DEM responsibilities, particularly in the coastal ponds as Shellfish Management Areas.

- **Council approval of SAP and IAC agendas:** *B. Ballou* provided an overview of the current policy; that is that the Council must meet in order to approve a meeting agenda. *J. McNamee* offered that such policy creates seemingly unnecessary additional administrative steps with no perceived benefit. *R. Hittinger* offered that email communication should suffice to solicit comments and get approval for agendas. *J. Grant* offered that agendas should be developed by Panel Chair and Division staff person and forwarded to the Council for input prior to noticing. Concern was expressed about the need for public input into the agenda; to which *J. Grant* replied that any member of the public is afforded opportunity to address issues not on the agenda, and that such issue could then be presented at a future meeting. Upon conclusion of the discussion, it was determined that the policy would be amended such that Council meeting is not required for AP agenda approval, that agendas will be prepared by the Panel chair and Division staff, and be circulated via email to Council members before noticing. *P. Duhamel* will prepare a revised draft policy for consideration.

3d) **Marine Fisheries “LEAN” bill and changes to procedures:** *J. McNamee* provided an overview of recently passed legislation and changes to procedures for the Marine Fisheries office.

3e) **Proposed repeal of RIMFR Part III - Marine Fisheries Council:** *J. McNamee* provided the rationale for repealing this regulation; namely that is mainly utilized for changes to commercial trip possession limits, and that such is no longer required due to recently passed legislation. He explained that the proposed repeal is on the public notice for the September 21 public hearing, and that Council vote will be sought at the October meeting.

3f) **Review of draft Sector Management Plans:**

J. McNamee offered that the annually prepared Sector Management plans are available in draft form for review.

4) **FYI Items:**

B. Ballou provided an overview of the FYI items

Meeting adjourned at approximately 9:00

Prepared by *P. Duhamel*