

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**September 12, 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, J. King

Chairperson: M. Gibson

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

RIDEM Legal Counsel: G. Powers

RIDEM Law Enforcement: 1 Enforcement Officer attended

RIDEM Staff: R. Ballou

Public: 10 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 expand agenda item 6b to include approval of a tautog advisory panel (AP) member. J. King asked to have item 6d added to the agenda which would be a discussion of the Harbor Lights Marina expansion in Warwick Cove. There were no objections from the Rhode Island Marine Fisheries Council (RIMFC or Council) on these changes. The agenda was approved as modified. M. Gibson asked if there were any comments on the minutes from the August 1, 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.**

**Advisory Panel Reports**

*Industry Advisory Committee:* K. Ketcham gave the report. He went through the various recommendations from the panel. They consist of changes to the ability to upgrade from a student shellfish license, a 3:1 exit:entrance ratio for new quahog endorsements, no new restricted finfish endorsements, no new lobster endorsements, task the Department of Environmental Management (DEM) with tracking license activity with SAFIS, new gill net buoy requirements, and a revised priority system for new quahog endorsements (see IAC 8/4 minutes for specific wording). K. Ketcham went on to state that the commercial shellfishermen are seeing a lot of attrition in their numbers and are looking to keep the shellfish industry in RI going by allowing new licenses in. The finfish fishermen were concerned about declining quotas which are expected for the upcoming year and would like to wait before issuing any new licenses in these fisheries. They would also like better data, namely from SAFIS, on the licenses which are leaving the fishery before they make

decisions like these. They would also like to wait and see the effects of the new endorsements which had been given out in 2005. There was some discussion on the priority scheme for finfish licenses; however no consensus was reached on this. Due to the state of the lobster fishery, they recommended no new lobster endorsements.

M. Gibson asked if the Council thought that the Industry Advisory Committee (IAC) should meet again to continue discussions on licensing. K. Ketcham stated that he did not think it was necessary, the rest of the Council agreed. B. Ballou stated that he thought it would only be necessary to meet if the Council, having now seen the draft regulations which were based mostly on the recommendations of the IAC, thought that the draft changes did not line up with their recommendations and therefore would need advice on how to change the draft regulations. The Council felt the IAC had a thorough enough discussion and did not think it was necessary to hold another meeting.

S. Parente commented that he still feels that the current priority system discriminates against rod and reel fishermen. K. Ketcham stated that he didn't feel this was true as any person could fish for and sell the non restricted species and qualify themselves for a restricted endorsement under the current priority scheme. He went on to state that he understands that a person will not make a lot of money on the non restricted species. There was further discussion on this topic, no consensus was reached.

### **New Business**

*Council agenda approval for summer flounder, scup/black sea bass, lobster, and ACCSP advisory panels:* N. Lazar stated that the Council had been provided with draft agendas for various APs per their request. He stated that the winter flounder AP agenda had already been approved by the Council and the Council's AP chair and the Division of Fish and Wildlife (DFW) representative were currently working on setting up that meeting. The remaining APs were the scup/black sea bass AP, the summer flounder AP, and the lobster AP. The Council had been provided draft agendas for each of these meetings. S. Parente asked to have the summer flounder AP meeting date changed due to a scheduling conflict he had. D. Preble agreed to move this to the 27<sup>th</sup> of September. K. Ketcham stated that he had to check his calendar on the scup/black sea bass date and stated he would contact J. McNamee on the following day to confirm. N. Lazar stated that the DFW was requesting that the IAC meet to discuss the proposed state SAFIS regulations instead of the ACCSP panel which had not met in a long time. **The Council had no objections to approving the AP agendas as submitted, noting that the dates for the meetings would be worked out between the AP chairmen and the DFW. They also had no objections to convening the IAC to discuss the SAFIS regulations.**

*Council comment on proposal to change Greenwich Bay opening schedule:* M. Gibson stated that this had come forward at the last shellfish AP meeting and the Council asked to have the issue on the agenda for this evening. The DFW gave a presentation on the proposal with some background information. S. Medeiros, noting that the presentation stated that the Greenwich Bay shellfish resource was fairly stable under the current conditions, asked N. Lazar what his thoughts were on disrupting this balance by enacting the proposal. N. Lazar stated that it depended on the level of increased effort which may

or may not be directed at Greenwich Bay due to the new proposed opening. M. Gibson asked N. Lazar about looking at the SAFIS data to get a better handle on the amount of effort in Greenwich Bay. N. Lazar stated that they would get this level of detail from SAFIS so the DFW would be able to accurately determine the level of effort in Greenwich Bay. K. Ketcham suggested that if the area contains a lot of large quahogs, removing them may actually help the management area by freeing up substrate for new quahog growth. M. McGiveney, president of the RI Shellfishermen's Association, described his association's proposal and gave some background information and reasons for the proposal. There was discussion on how the proposal would impact the area. J. King reiterated M. McGiveney's point that he felt getting in this area and removing the older, larger clams as well as loosening up the bottom sediment will actually benefit the area. **G. Allen made a motion to open the Greenwich Bay shellfish management area per the proposal submitted by the RI Shellfishermen's Association on a one year trial basis. J. King seconded the motion. The motion passed unanimously.**

*Solicit 804 spending advice from the Council:* M. Gibson stated that he had passed out a memo with some 804 spending information in it. He did not expect the Council to make comments on that evening but stated that it would be on the agenda for the following month so the Council had time to look it over and then provide the DFW with some advice or comments. **The Council had no objections to this course of action.**

### **Old Business**

*Reason for the DOH one year closure for polluted shellfish harvest:* M. Gibson stated that this topic had also come out of the shellfish AP minutes. It was a request to draft a letter from the Council and/or the DFW to the Department of Health (DOH) requesting a change to the polluted shellfish seeding closure policy. The Council then asked the DFW to come back with some background info on the subject. N. Lazar stated that the closure exists in the Department of Environmental Management's (DEM) aquaculture regulations. He stated the rationale for the one year closure as told to him by J. Mullen of DOH was that if the shellfish are transplanted during the colder months, the shellfish go in to a period of slow metabolism and therefore 6 months will not be enough time to clean themselves of toxins, where as if they were transplanted during warmer months, 6 months would be ample time to clean themselves. The DOH asked that the policy not be changed at this time. M. McGiveney stated that he had been involved with the original regulation and it was promulgated with oysters in mind, which grow much quicker than quahogs. They want this change to aid them in a seeding program which would conflict with the current regulatory shellfish management area schedule. He went on to state that the federal regulation is six months.

M. Gibson stated that original request was for a letter to be drafted and sent to the DOH. The regulation turns out to be a DEM regulation, therefore the proper procedure would be for the Council to provide advice to the Director on this topic if they wanted to. **K. Ketcham made a suggestion to have the shellfish AP, DOH, and the DFW get together for a meeting to discuss this and report back to the Council. The Council did not object to this course of action.**

*Status of Coast guard response on fish trap markings:* M. Gibson and G. Allen gave a brief overview of this ongoing problem. M. Gibson stated that the Coast Guard had responded with a promise to report on their findings on the following Monday. If they do not respond by the promised date, M. Gibson state that he would move forward with the letter to the Coast Guard as requested by the Council. G. Allen stated that he was satisfied with this.

*Report on nearshore gear conflict issue:* G. Allen gave a brief overview of the issue. He went on to report that the group of interested individuals had met. The group came up with a few solutions such as going to one buoy for two fish pots and making the furthest buoy away from the shore the one that would contain the buoy. The group was satisfied with their resolutions. The group stated that this was mainly between individuals in the Newport area so if the people from the west bay area wanted to meet, G. Allen stated he would be more than happy to set up another meeting.

### **Other Business**

*ASMFC August 2005 meeting week summary:* M. Gibson stated that the Council had been provided a copy of the ASMFC meeting summary. He went over some of the issues which were relevant to RI. The ASMFC weakfish board is working on an addendum to their fishery management plan to deal with the decline in weakfish stocks. A hearing in RI would be forthcoming. The summer flounder/scup/black sea bass panel met and approved addendum 17 which allowed for voluntary multi-state management plans. It did not however, require this. Some of the states in the plan were found out of compliance for not transferring summer flounder quota, RI had fulfilled this obligation. There was Council discussion about this. The lobster board approved draft addendum 7 to go out to public hearing. RI's meeting would be forthcoming and did not hold RI out of compliance for suspending their July 2005 gauge increase. The striped bass board talked about an addendum to help document striped bass discards, this was postponed. The striped bass board also discussed RI's request for more quota based on their larger than required minimum size, this was also postponed for further discussion by the technical committee. There was discussion about the summer flounder quota. M. Gibson stated that this would be decided during the Fall ASMFC Board meeting.

*Council approval of IAC member changes:* J. McNamee stated that there were two AP changes. E. Reid was nominated for the IAC. He also stated that G. Carvalho had not attended any RIMFC meetings in over a year so the Council may wish to replace him on the IAC. **G. Allen made a motion to accept E. Reid's nomination to the IAC. D. Preble seconded the motion. The Council unanimously approved the motion.** The Council also asked the DFW staff to work with the IAC chairman to solicit a nomination for G. Carvalho's seat.

M. Geary was nominated to the tautog AP as an alternate to M. Lanni. **S. Medeiros made a motion to approve M. Geary as an alternate to M. Lanni on the tautog AP. G. Allen seconded the motion. The Council unanimously approved the motion.**

*Memo regarding RIMFC meeting and public hearing schedule for end of 2005:* M.

Gibson stated that they had already discussed the schedule of dates earlier in the meeting. Another piece of information which was contained on the memo was the actual items to be heard at the public hearing. He went through the list. **The Council had no objections to the items to be heard at the two public hearings.**

*Harbor Light Marina expansion:* J. King outlined the issue. This was a marina expansion that will impact shellfishing interests as this is an area where shellfish were removed for transplanting purposes. The DFW has also raised objections due to habitat concerns. B. Ballou stated that he did not know where the public process was as far as the Council being able to provide comments on this. M. Gibson stated that he would find out where this process was and report back to the Council at the next meeting.

### **Post Agenda Discussion**

B. Mattiucci asked that economic impact statements be produced in conjunction with proposed changes to RI marine fishing regulations or at least to provide some information as to when this would be appropriate. M. Gibson suggested having DEM legal counsel provide a synopsis to the Council on what the state policies or regulations are on this subject. The Council agreed to this course of action.

S. Medeiros asked to revisit the river herring issue for the following year to get a new freshwater/marine policy in place. M. Gibson state that the DFW was currently working on a plan to tackle this issue and the Council and its constituents would be involved in the process.

A member of the audience raised a concern about the lack of monkfish regulations in RI. He felt the lack of regulations left a large hole in being able to protect the resource. He wanted to ask the Council to take up this species as one in need of state management. M. Gibson stated that he would look at this issue with his staff.

The chairman adjourned the meeting.

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Jason E. McNamee, Recording Secretary