

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
September 13, 2004
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

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

Chairperson: M. Gibson

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

DEM Legal Counsel: G. Powers

Public: 6 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. There were two. Under item 3 there was a suggestion to add 3d, a lobster advisory panel report. Under item 5 there was a suggestion to add 5c which was a discussion about the Directors decisions on the June 15th public hearing. A memo had been passed out. M. Gibson then asked if there were any objections to approving the August 2nd Rhode Island Marine Fisheries Council (RIMFC or Council) meeting minutes as written. **G. Allen made a motion to approve the minutes as written. The motion was seconded by D. Preble. There was no further discussion. The motion was approved unanimously.**

Advisory Panel Reports

Commercial Fishermen's Committee: J. McNamee gave the report. He stated that this group had met three times and were tasked with developing some guidelines on licensing issues. He went through the different sector suggestions. For the lobster sector, they decided to not have any new licenses for 2005 with lobster endorsements. When new endorsements are made available they wanted to give priority to non lobster crustacean endorsement holders. The finfish sector had two proposals. The trawling sector did not want any new restricted finfish endorsements for 2005. When new endorsements are made available, family members of existing license holders should be given priority. A written proposal from the rod and reel sector stated that they wanted a 1 to 1 exit:entrance ratio for restricted finfish endorsements giving priority out according to when an individual purchased their basic commercial license. For the shellfish sector, a written statement was passed in stating that they wanted to allow new quahog endorsements at a 3 to 1 exit:entrance ratio with priority being given out to principle effort license holders and then the basic commercial license holders based on activity. They also wanted to

allow new effort in from the student shellfish license sector, the requirements were given in there written proposal.

There was a discussion about the timing of how the licensing fits in to the upcoming public hearing. M. Gibson stated that the Council will take the proposals mentioned that evening and any public comments which come from the public hearing, form a consensus position which will then be forwarded to the Director of the Department of Environmental Management (DEM). He will then make a decision and the regulations will be modified if need be and filed so that DEM Licensing will have the appropriate regulations for issuing new licenses. The new regulations should be filed by the first week in November.

D. Orchard asked what the apprenticeship group was, referred to in the rod and reel sector proposal. S. Parente stated that it was the basic commercial license holders they were referring to. He went on to say that many people had purchased these licenses under the impression that they would eventually be eligible for a principle effort license.

D. Orchard asked a follow up question. In the shellfish proposal there was mention of 50 slips as the cutoff point for priority, he wanted to know if this number could change based on comments which come out of the public hearing. G. Powers and M. Gibson stated that it could change due to comments from the public hearing if the Director was inclined to do so.

Scup/Black Sea Bass: K. Ketcham gave the report. He started by reviewing the black sea bass fishery. Upon reviewing the previous two fishing seasons the advisory panel (AP) recommended leaving the winter sub period as it was but then reduce the possession limit for the August through October sub period to start at 50 pounds instead of 100 pounds. All allocations and possession limits for the other sub periods would remain the same.

For the scup fishery, after reviewing the previous year's fisheries, the panel discussed dropping the starting possession limit from 1000 pounds to 500 pounds on May first. Subsequently they would then raise the possession limit when the floating fish trap fishery has landed the bulk of their allocation. K. Ketcham stated that they decided to consult with some of the fishermen this would affect before making it an official advisory panel recommendation.

M. Gibson asked if there was any discussion about the floating fish trap fishery at this meeting. K. Ketcham stated that there had not been because no floating fish trap representatives were present.

J. Low asked about the black sea bass recommendation, stating that his organization was opposed to this proposal. K. Ketcham stated the proposal was put forward to try and keep the fishery from closing.

S. Medeiros brought up the point that looking at the advisory panel minutes it did not appear that any of the people present were members. He felt this was a problem when

developing a consensus opinion coming out of the panel. He suggested that there should be a second meeting to try and get some more members to attend. He went on to say that he felt there should be a little more information on the meeting minutes so that they could get a better idea of who attended the meeting and what position they were coming from. J. King suggested bringing the AP member list to the meeting and having people check off their names if they were in attendance and then make this list available to the Council with the meeting summary. There was further discussion on how many members were necessary to have a valid meeting. **The Council members decided to hold AP meetings per the usual course of action but would like a more detailed indication of the individuals that were present at the meeting so that the Council could decide how they wanted to weight the opinions of that particular AP. They also stated that if no members show up to the meeting, that meeting should be canceled.** M. Gibson asked if this was agreed to by all of the Council members, they all agreed. **M. Gibson stated that this would be carried forward as a new AP policy.**

The Council also requested that the DFW get the Council a list of all the advisory panels and their members. J. McNamee stated that he would have this for the next meeting.

An audience member stated that he felt the winter period should be lowered so that the summer period could remain at 100 pounds. Dropping to 50 pounds for black sea bass was too low a possession limit to make it economically feasible. M. Gibson stated that the reason the possession limits were higher in the winter is because the boats that are catching them go on long trips so they need a higher possession limit to make it economically feasible for them. K. Ketcham stated that RI would not have any black sea bass quota if it wasn't for the winter fishery, the state allocation was based mostly on the catch brought in during this period.

J. McNamee stated for the information of the Council that due to an error on his part, the scup proposal which was brought up at the AP meeting was in the public hearing summary document while the black sea bass proposal was not. He had attended the meeting and had thought that the black sea bass proposal wasn't a consensus and that the scup proposal was, however it was the opposite. He went on to say that all of the proposals would make it on to the public hearing slideshow, therefore they would all be presented for public input.

Summer Flounder: D. Preble gave the report. Three separate proposals came out of the AP meeting. The first was from the offshore trawler group who wanted to return to the historical allocation scheme of: winter 1 at 54%, summer 1 at 12%, summer 2 at 23%, and winter 2 at 11%. The second was a proposal from the DFW with an allocation scheme of: winter 1 at 52%, summer 1 at 19%, summer 2 at 20%, and winter 2 at 9%. This scheme was developed to keep the fishery open all year long. The third proposal was from the commercial rod and reel fishermen which had an allocation scheme of: winter 1 at 54%, summer 1 at 17.5%, summer 2 at 17.5%, and winter 2 at 11%. All of these proposals distribute all of the summer flounder in the states allocation at these percentages, without any set aside going in to any particular period. There was also the proposal brought forward at the meeting for sector allocation for this fishery, in other

words a separate fluke quota for rod and reel fishermen. This item was tabled until a written sector allocation proposal was brought forward to the AP. The consensus of the AP was to recommend the commercial rod and reel sector proposal with the caveat that they not include the language stating that the fishery should remain open at 100 pounds for the whole summer. The panel voted 3 to 1 to accept the commercial rod and reel proposal with the caveat as mentioned above. One other item that was discussed was the underage language in the regulations. The panel approved allowing underages from winter 1 to go in to winter 2 rather than get spread evenly amongst all periods. The AP did not agree on language regarding overages.

K. Ketcham asked a couple of clarifying questions and then went on to state to the Council that he would like them to seriously consider the sector allocation proposal which had been brought up at the AP meeting. M. Gibson wanted to add that this sort of allocation plan will touch off a long debate over which years to use as the base years to develop the two quotas. He also stated that the state is just now gaining the ability to be able to interrogate landings data down to gear specific levels which adds another layer of complexity in to the mix.

S. Parente stated that, based on his discussions with voting summer flounder AP members, he did not think the underage proposal was a consensus from the panel. D. Preble stated that he understands what S. Parente was saying but it was a unanimous decision by the AP to approve the underage proposal. J. Low stated that he agrees with S. Parente's analysis of the situation stating that he was present at the meeting and felt that this issue was rushed because it was brought up at the end of the night and was not thoroughly discussed. B. Mattiucci, later in the meeting echoed these same sentiments.

Lobster: J. King gave the report. He stated that this meeting was mainly an informational update for the AP to let them know what has happened regarding lobsters at the Atlantic States Marine Fisheries Commission (ASMFC) level. M. Gibson stated that the update consisted of informing the AP about potential stock increases from the extremely low levels of the previous year coupled with some confirmation of attrition taking place in the lobster industry. Regarding the ASMFC addendum discussion which was a tabled item from the previous public hearing, M. Gibson stated that the ASMFC rejected the industry developed effort control program and directed the states to come forward with a new proposal by the November board meeting. The DFW is working with industry to redevelop an effort control program, but he stated that this will not likely be completed by November.

New Business

Distribute public hearing summary document: M. Gibson wanted to bring up a topic before the Council went over the public hearing summary document. The licensing law requires the Department of Environmental Management (DEM) to get proposed licensing regulation changes and sector management plans before the Council 60 days prior to the fall public hearing. The Council was receiving the licensing regulation changes and sector management plans that evening which was less than 60 days. M. Gibson stated that

there were two options for the Council. The Council had the ability to request that the Director of DEM waive the 60 day requirement and the Council could stay on track for the next planned public hearing on October 4th or they could postpone the public hearing on the licensing regulations until mid November which would meet the 60 day requirement. M. Gibson stated that the reason this happened was because fishery data was not available prior to the 60 day period upon which to base sector management plan and licensing changes.

S. Medeiros made a motion to recommend to the Director that he invoke his authority to waive the 60 day notification rule for the Council relative to the sector management plans and licensing regulations. D. Preble seconded the motion. There was no further discussion. The Council voted unanimously to approve the motion.

J. McNamee went on to describe the public hearing summary document contents and the licensing and sector management plans which had been given to the Council. K. Ketcham asked whether the scup proposal which had been included in the summary document was going to be in the public hearing slideshow, seeing as how it was not a consensus and was subsequently rejected by participants in the fishery. J. McNamee stated he would include it in the slideshow but would make a note on the slide that it was not an AP consensus recommendation.

Other Business

Report on the third aggregate landing workshop: J. McNamee gave the report. This was the third meeting of this working group and they were tasked with developing an aggregate or weekly landing program for the winter 1 sub period. Two different proposals were discussed at the meeting. The first was a plan which allowed one weekly landing of summer flounder in a week at an elevated poundage. The drawback is it does not allow fishermen flexibility because they can not land more than one time in a week. The second proposal was an aggregate landing proposal which allowed fishermen to land more than one time during the week by using the electronic dealer reporting system to account for those landings. The drawback is that this program was much harder to enforce.

Several asides were discussed at the workshop including discussions on the transferability of summer flounder exemption certificates, the scup food bank donation program which took place the previous year, and the use of the Commercial Fishermen's Committee.

The logistics of the program which were discussed were to start the program in February and end it in April, to allow a maximum poundage of 2,500 pounds, to drop the possession limit to 500 pounds following the program, and to keep the 80% quota trigger as a safeguard.

Addition to the Scup/Black Sea Bass advisory panel membership list: J. McNamee stated that the Council had been given a request letter and a resume for an individual who wanted to be included as an advisory panel representative for bait and tackle dealers on

the scup and black sea bass AP. **G. Allen made a motion to accept Michael Bestwick as the alternate to Michael Bucko on the scup/black sea bass AP. J. King seconded the motion. The Council voted unanimously to approve the motion.**

Memo from the Director regarding decisions from the June 15, 2004 public hearing: M. Gibson stated that a memo had been passed out prior to the meeting regarding this issue. The Director of DEM took action in accordance with the Council recommendation in all cases where they made a recommendation and also took action in the cases where there wasn't any Council recommendation such as in the case of the lobster exemption certificate. The memo is also published on the DFW website (<http://www.state.ri.us/DEM/topics/mftopics.htm>).

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary