

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
October 12, 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, B. Murphy

RIDEM Law Enforcement: F. Ethier

Public: 8 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. There were none. M. Gibson then asked if there were any objections to approving the September 13, 2004 meeting minutes as submitted. There were none. **G. Allen made a motion to approve the minutes as submitted. The motion was seconded by S. Medeiros. The motion was unanimously approved.**

New Business

Council comments on proposed aquaculture sites: T. Scott was present to represent the aquaculture lease applicants. He gave a brief overview of the application stating that the intent of the application was to provide a spawner sanctuary for disease resistant oysters in Narragansett Bay. D. Alves stated that the both the Army Corp of Engineers and the National Marine Fisheries Service have no issues regarding this project. N. Lazar stated that the Division of Fish and Wildlife (DFW) had no problems with this application. C. Brown asked if the shell cultch was disease free. D. Alves stated that he had discussed this with a pathologist at URI and they did not see a concern with the cultch. J. McNamee stated that a possible issue with dumping the cultch had been referred back to the Department of Environmental Management (DEM) to make sure it was not a water resources violation. He stated that they would respond directly to the Coastal Resource Management Council (CRMC) if there was an issue. J. McNamee had not heard anything from DEM to this point. **D. Preble made a motion to endorse the aquaculture application. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion.**

Council action on October 4th public hearing items: J. McNamee went through the slide show which had been presented at the public hearing and suggested taking each item one at a time. The first item was to discuss a weekly landing program for the winter 1 summer

flounder fishery. M. Gibson suggested to the Council that they could defer action on this item because the public comment period was still open until November 15th. The DEM Division of Law Enforcement, industry representatives, and the DFW were continuing to work on a program which was acceptable to everyone. The results of these negotiations would be brought before the Council at the November meeting. **The Council unanimously agreed to defer action on this issue until the November meeting.**

The next item was to modify the allocation plan for summer flounder in 2005 and to address an underage proposal which came out of the advisory panel (AP). **K. Ketcham made a motion to recommend allocation proposal number 2, which was the advisory panel recommended proposal, including the language changes as recommended at the advisory panel meeting.** This proposal kept winter 1 and 2 at their historical allocations but split summer 1 and 2 evenly at 17.5% each. **D. Preble seconded the motion. The Council voted unanimously to approve the motion.**

There was also an underage proposal which came out of the advisory panel meeting. The proposal took any underage from winter 1 and put it exclusively in to winter 2, it did the same for summer 1 and summer 2. The advisory panel did not address overages. S. Medeiros stated that everything seemed fair in the proposal with the exception of an underage from summer 2 would go in to winter 2. **S. Parente made a motion to remove this proposal from the docket.** He went on to state that he felt it was inequitable and incomplete and should therefore be revisited before any decisions are made. He suggested sending this back to the advisory panel. M. Gibson suggested tabling the item so that it could be sent back to the advisory panel and revisited. **S. Parente amended his motion to table the item and send it back to the summer flounder AP. S. Medeiros seconded the motion.** C. Brown stated that this proposal was made to be fair to all user groups and was not an attempt at grabbing fish from any other user groups. He stated that based on what had occurred this year, the winter 1 period went under-harvested and under the current regulations the quota basically got reallocated when he felt the fair thing to do would have been to give the trawling sector a second shot at the fish in the winter 2 sub period. He went on to state that he felt the issue of overages was not going to be a big a problem as it had been in the past due to the electronic reporting system which was being implemented. S. Medeiros stated that he had received calls from commercial fishermen stating that they felt the lack of an overage portion in the proposal was unfair. J. Low stated that he disagrees with C. Brown stating that there are plenty of trawlers that fish in the summer sub periods. He felt that the Council should recommend status quo. S. Macinko suggested that just because the proposal didn't address overages at the present time did not mean that this could not be addressed in the near future. G. Allen stated that based on a comment from J. McNamee that there would most likely be a public hearing prior to the end of the winter 1 sub period in 2005, the Council should send the issue back to the AP for further work and reintroduce it at a later date. C. Brown stated that he was not opposed to deferring this to a later date as long as it does not fall by the wayside. **The Council voted unanimously to approve the motion.**

The next item was to address the black sea bass management plan for 2005. K. Ketcham stated that the AP recommended option was put forward to try and alleviate the summer 2

sub period overage problem. The effort was to keep the fishery open all year. K. Ketcham also stated that based on the fact that he didn't think there would be an overage during the current year, he would now recommend staying at status quo. **K. Ketcham made a motion to remain at status quo for 2005. The motion was seconded by G. Allen.** J. Low stated that the alternate proposal of staying at a 100 pound possession limit all year was an effort to keep the fishery open all year and to maximize the economics of the species. B. Mattiucci stated that the commercial rod and reel organization support status quo. **The Council voted unanimously to approve the motion.**

The next item was to address the management plan for scup in 2005. The first item for scup was to discuss a bi-weekly landing program for the winter 1 scup fishery. M. Gibson suggested to the Council that they could defer action on this item for similar reasons as for the summer flounder weekly landing program. The DEM Division of Law Enforcement, industry representatives, and the DFW were continuing to work on a program which was acceptable to everyone. The results of these negotiations would be brought before the Council at the November meeting. **The Council agreed to table this item until the November 1st Council meeting.**

The second part of the scup management discussion was about starting possession limits. The first proposal was regarding the winter 2 starting possession limit. This was going to be federally mandated and was going to be 3,500 pounds. The second proposal was one which came out of the scup AP meeting but was not a scup AP recommended option. **The Council unanimously endorsed the federally mandated 3,500 pound possession limit for the winter 2 sub period. The Council declined to take action on the proposal to alter the May sub period starting possession limit, thereby defaulting it to remain at status quo.**

The next item was to address the floating fish trap regulations. S. Medeiros stated that the safety zone as it pertains to shoreline access needed to be stricken from the regulations. He also wanted to point out that commercial fishermen had also raised concerns about the safety zone issue as it pertains to fishing from a boat. **S. Medeiros made a motion to accept the entire regulation as written with the exception of the entire safety zone section, which was section 14.6. This section should be stricken from the regulation in its entirety. The motion was seconded by G. Allen.** M. Gibson stated that he may need to rule the motion out of order due to the abundance of testimony from the fish trap companies stating there need for a safety zone. He suggested the way to avoid this would be to send this particular issue back to the AP for further discussion. **S. Medeiros amended his motion to state that they recommend to the Director of DEM to adopt all of the regulations as submitted with the exception of section 14.6. This section however should be referred back to the floating fish trap AP for further deliberations. The amended motion was seconded by G. Allen.** S. Parente voiced his opposition to doing this stating that he agrees with the original motion which strikes the section from the regulations. B. Mattiucci stated that he thought the process which just took place was flawed and accused the chairman of influencing the motion. M. Gibson stated that he was not trying to influence the Council in any way but felt he needed to address a large body of comments which had not been addressed, namely the comments

of the floating fish trap owners. This was within his discretion as chairman. M. Marchetti stated as a former trap operator that perhaps instead of a safety zone they could use the outer anchor buoys as the demarcation of the safety zone. J. Low stated that the proposal for the safety zone was not clear and needed to be defined further. T. Hoxsie stated that the original purpose of the safety zone was to give the floating fish trap owners another avenue to pursue if their traps are vandalized. S. Medeiros stated that perhaps some language about vandalism may be a better way to approach this rather than a safety zone. **The Council voted 6 (D. Preble, K. Ketcham, G. Allen, S. Macinko, S. Medeiros, J. King) to approve to 1 (S. Parente) opposed. The motion passed.**

The next item was to address possible changes to the 2005 licensing regulations. J. McNamee stated that there had been no comments on the sector management plans or on any of the regulation changes with the exception of a lengthy discussion of entrance/exit ratios. M. Gibson stated that he would go through these section by section.

K. Ketcham stated that he supports going with the no new restricted finfish endorsement proposal. He went on to state that if the Council did want to go with adding endorsements down the line they would need to look at developing a separate rod and reel quota.

S. Macinko pointed out that the proposal which recommended a 1:1 rod and reel entrance/exit ratio would not be practical as there is no rod and reel license at the present time. M. Gibson stated that this proposal would require a statutory change.

G. Allen stated that he wanted to discuss the proposal from the public hearing which suggested removing the rod and reel language and raising the exit/entrance ratio. K. Ketcham stated that he is opposed to this suggestion right now because of the state of the fisheries in RI.

S. Parente stated that he supported the no new restricted finfish endorsement proposal.

K. Ketcham made a motion to endorse the no new restricted finfish endorsement proposal. G. Allen seconded the motion.

B. Mattiucci stated that the proposal with the 1:1 ratio was made because the rod and reel sector felt there was a need for new entrants in to the fishery but at the same time they wanted to recognize the trawl fisheries opposition to allowing new entrants, the point being that they were not trying to entitle rod and reel fishermen over any other group.

An audience member stated that he would like the Council to consider that there are a lot of mates down in Point Judith who purchased the basic non restricted commercial license and would like to upgrade to a non restricted license at some point.

Another audience member stated that the Council should consider federal license holders when they eventually allow new entrants in to the restricted fisheries. He stated that these individuals are already landing against the state quota anyways so no new effort will be seen by allowing these individuals in.

S. Medeiros voiced the opinion that he feels that new entrants should be allowed in to the restricted fisheries at some point. M. Marchetti stated that he understands this idea but feels you can only slice a pie up so many times before it becomes useless to everybody.

D. Orchard stated that he was glad the shellfish proposal was still being discussed but he stated that the other fisheries should be opened to some amount of new entrants. If you include an entrance/exit ratio there is still a net decrease in effort. C. Brown stated that the RI Commercial Fishermen's Association was not opposed to allowing new entrants in at the right time. This was the first year that fluke had remained open for an entire year and he stated that if this can be accomplished again and perhaps with some other species this would be the proper time to begin to open up the licenses again. Also, the SAFIS dealer reporting system will help to make sure entrance/exit ratios are not only surrendering latent effort license but active licenses.

S. Macinko stated that the state has a statutory obligation to allow new entrants in at some level.

The Council voted 6 (D. Preble, K. Ketcham, G. Allen, S. Parente, S. Medeiros, J. King) to approve to 1 (S. Macinko) abstention. The motion passed.

The next topic was the shellfish proposal which allowed new entrants in from the student shellfish sector and new quahog endorsements at a 3:1 ratio. **K. Ketcham made a motion to approve both proposals from the shellfish sector, both the proposal for new quahog endorsements and the student shellfish proposal. J. King seconded the motion.** N. Lazar stated that administering this proposal would be difficult for the DFW but with the inclusion of the shellfish dealers into the SAFIS system, this task would become easier. N. Lazar brought up the point that the definition of slips as used in the proposal was a little unclear.

D. Orchard stated that he supports the shellfish proposal but he feels the 50 slip provision should be widened to include things like paycheck stubs and other forms of proof that an individual has been actively fishing.

The Council unanimously approved the motion.

The final proposal was from the lobster sector. They did not support allowing any new entrants in to the lobster fishery. M. Gibson stated that the current state of this fishery supports this position. **S. Medeiros made a motion to approve the proposal which did not allow any new lobster endorsements for 2005. K. Ketcham seconded the motion. The Council voted unanimously to approve the motion.**

N. Lazar requested that the Council may want to recommend to the Director of DEM that he may want to start addressing these licensing issues bi-annually rather than annually. This would alleviate many of the problems created by getting up to date data such as occurred this year. He also stated that at the ASMFC level, they were beginning to go to

multi year assessments, therefore this would line up with this schedule. **M. Gibson stated that the best course of action may be to refer this back to the Commercial Fishermen's Committee to discuss. The Council unanimously agreed to this.**

Report on area 2 LCMT meeting held on 10/5/04: M. Gibson stated that the Council was familiar with the fact that the lobster effort control plan had run in to some problems and had been referred back to the Lobster Conservation Management Team (LCMT). The issue was still being worked through and would not be completed by the November ASMFC board meeting. This plan will be worked on with the most current assessment data, over the winter.

Report on joint ASMFC/MAFMC meeting held on 10/6/04: M. Gibson stated that this meeting was to discuss amendment 14 to the scup/black sea bass/summer flounder fishery management plan. This amendment addresses all aspects of the management plan including allocation of summer flounder to the states and summer flounder splits between the commercial and recreational sectors. This amendment was approved and M. Gibson stated that it was a well thought out plan which will be implemented over several years. The New York delegation put forward an addendum which would address commercial allocations to the states for the upcoming year of 2005. RI voted against this, however it passed the board. There are still plenty of opportunities for public comments on this and M. Gibson wanted to make everyone aware that this was being worked on.

Other Business

Distribution of advisory panel membership lists: J. McNamee stated that at the Councils request he had provided them a copy of all the advisory panel membership lists. He requested that the Council members look over the panels of which they chair and look for any vacancies or alterations they think are necessary and bring them back to the Council at the next meeting. K. Ketcham made a note of several changes he would like to the scup/black sea bass panel. **S. Medeiros made a motion to nominate and appoint T. Hoxsie to the scup/black sea bass AP as the floating fish trap alternate representative to replace L. Rainey. K. Ketcham seconded the motion. The Council voted unanimously to approve the motion.**

K. Ketcham made a motion to move K. Court from the hook and line representative to the party and charter boat alternate representative on the scup/black sea bass AP. At the same time K. Ketcham stated that J. Low would be appointed to the hook and line representative on the same AP to replace K. Court. J. King seconded the motion. The Council voted unanimously to approve the motion.

Finally, M. Bucko requested a bait and tackle shop representative be added to the winter flounder AP. **G. Allen tabled action on this until the November 1 meeting of the RIMFC. The rest of the Council agreed.**

G. Allen requested a briefing from DEM legal counsel on conflict of interest issues at the November 1 RIMFC meeting.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary