

RHODE ISLAND MARINE FISHERIES COUNCIL
Summary of Minutes from Monthly Meeting
November 1, 2010 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: C. Anderson, R. Bellavance, R. Hittinger, S. Medeiros, S. Parente
RIMFC Members Absent: S. Macinko, K Ketcham,
Chairperson: B. Ballou

RIDEM F&W Staff: N. Scarduzio, D. Erkan, D. Costa, M. Gibson
RIDEM Staff: G. Powers
RIDEM Law Enforcement: E. Cabral

Public: 30 people attended

B. Ballou called the meeting to order. He had a couple changes to make to the agenda. He recommended eliminating item 4(b) regarding river herring noting the item had been discussed with Councilmember S. Medeiros who had requested the item be placed on the agenda and he has since decided it is not needed at this time. Ballou suggested adding item 4(c) approval of a Groundfish AP agenda. He asked if there were any other changes to the agenda. **B. Ballou asked if there were any objections to approving the agenda as amended. Hearing none, the agenda was approved as amended.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the October 4, 2010, Council meeting. B. Ballou asked if there were any objections to approving the minutes. S. Parente noted, as a point of clarification, on page 3, the second to last sentence of the second paragraph should reference that this was relative to the November 1 opening only. **B. Ballou asked if there were any objections to approving the minutes as amended. Hearing none, the minutes from the October 4, 2010, Council meeting were approved as amended.**

Public Comments

M. McGivney stated he wanted to take this opportunity to let the Council know his association very happy because this year they grew 2.5 million clam seeds. They used funds from DFW, Narragansett Bay Commission and Senator Reed's Office and far exceeded what they had grown in past years. He stated they also worked closely with Roger Williams University, and implemented a solar powered upweller this year.

He noted he would like to intergrade their program with DFW programs in the future.

G. Duckworth commented about the possession limit for monkfish at the state level had been reduced to 50 pounds for state vessels only while federal vessels could still land the federal limit. He claimed the fed's were claiming the fishery was fully recovered so all they were doing was wasting fish. He indicated that we needed to readdress the monkfish issue.

B. Ballou noted that a Groundfish agenda had been prepared regarding this issue and added to the agenda for consideration by the Council tonight.

New Business

Council recommendations on October 19, 2010 Public hearing items:

1) Shellfish Management Plan and licensing - Quahogs

S. Medeiros made a motion to recommend that the Director adopt a new standard of a 2:1 exit-entry ratio in the quahog fishery. R. Hittinger seconded the motion.

S. DePetrillo wanted to know what the Division of Fish and Wildlife (DFW) recommendations were on the 2:1 ratio. M. Gibson stated that the Division was fine with the 2:1 ratio, the Division's evolving opinion now is that the number of individuals that are licensed to fish in these fisheries was more an industry concern and issue. Now that we have the SAFIS system available which shows transactions in real time we now have the ability to do what we have done with finfish. We will be able to set pounds by area so the number of people participants is not as relevant to us any more. Gibson indicated that a 2:1 ratio was fine because it was not really a scientific issue any more it was an industry issue relative to new blood coming into the fishery and dividing up the pies.

S. DePetrillo then wanted to know if they changed the exit/entry ratio could there be a provision to make sure that new participants were really fishermen and not speculators that may just sell their license. He wanted a requirement that people would have to make so many landings per year. B. Ballou indicated that there was a prioritization process already in place.

M. McGivney stated he was at the IAC meeting and voted for the 3:1 ratio, which had been developed by his organization a number of years ago and it was always their intention to make this a changeable number when DFW felt comfortable to do so. He stated that his organization would support a 2:1 exit-entry ratio for 2011. He indicated the 2:1 was a good compromise between the 3:1 and a 1:1 exit-entry ratio. McGivney stated his group would not support any type of open licensing.

R. Fuka stated he was in support of a 1:1 ratio if it could not be wide open.

J. King stated he was comfortable with either the 3:1, or 2:1 but he was interested in a provision to maintain activity for 75 days over the last two years to make sure these guys are really using their licenses and not exploiting the resource.

G. Carvalho stated he was opposed to the 2:1 exit-entry ratio. He stated that anyone who wanted a quahog license should be able to get one. He felt this discriminated between people.

B. Cherenzia stated the information was tainted because he had to use his dragger the last few years since he was more concerned about getting his quota for fluke and scup and he did not have the time to shellfish. He would like to be able to do both but he was more concerned about fluke and the bigger investment he had in his dragger.

J. Grant stated he was in support of the motion for the 2:1 exit-entry ratio.

T. Jackson, American Alliance of Commercial Fishermen, stated that she agreed with G.

Carvalho and that we cannot continue to eliminate job opportunities. Anyone should be able to get a quahog license if they want one. She urged the Council to do better than the 2:1 ratio and consider a 1:1 exit-entry ratio.

There was Council discussion concerning the motion with Councilman S. Parente stating what bothered him was having an individual have to show 75 days of activity over two previous years. He did not feel this was appropriate. B. Ballou clarified that the 75-day clause was not part of the motion and was not put out through notice so unless there was an affirmative move to bring that to the table, at this point, that was not being offered for consideration or recommended for adoption by the Director.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director adopt a new standard of a 2:1 exit-entry ratio in the quahog fishery applied only to eligible PELs w/Quahog endorsements that have retired – allowing for 25 new CFL’s with quahog endorsements for 2011.

2) Shellfish Management Plan and licensing – Soft-shell Clams

B. Ballou asked if there was a motion.

S. Parente made a motion to support the IAC recommendation and recommend that the Director adopt option 1, status quo, retain a 5:1 exit/entry ratio applied to all eligible licenses that retired – allowing for 12 new CFL’s with soft-shell clam endorsements in 2011.

R. Bellavance seconded the motion.

T. Jackson stated that the Council could do better than that. She felt there was no reason why the Council could not recommend a 3:1 or 5:3 exit-entry ratio. She was in support of opening up soft-shell clam endorsement more than what was being proposed.

S. DePetrillo stated that soft-shell clams were his target species for the last eight years and as you can see from the numbers that people applying for these licenses were going down and that was because there really was not much of a resource left. He stated that he would be surprised if the Division could even sell the amount of licenses that the 5:1 ratio generates. The 2-inch minimum size limit was something that was needed for the resource and he could see no reason to change the current 5:1 exit/entry ratio. He added that the resource was hammered so hard by license holders this past year that he thought the 5:1 ratio made sense.

J. King stated there should at least a 5:1 ratio. He directed comments to T. Jackson indicating that she was not out there this past summer and did not see what occurred. He stated that there was absolutely nothing left of that fishery. King stated he was in support of the motion for a 5:1 exit/entry ratio.

R. Fuka stated that the ratio should mirror quahogs at 2:1. He was opposed to the 5:1 and did not know what King was talking about the fishery getting hammered. He stated that steamers come and go like oysters, and crabs. He recommended a 2:1 exit/entry ratio like quahogs.

M. McGivney stated that the IAC recommended staying with the 5:1 ratio. He explained that the steamer license use to be an open license but it coincided with this area opening so there was a huge influx of participants. He felt that the 5:1 would only open up 12 new licenses and he thought that was a reasonable number to stay with. He was in support of the 5:1 exit/entry ratio.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director adopt option 1: status quo, retain the 5:1 exit/entry ratio applied to all eligible licenses that retired – allowing for 12 new CFL’s with soft-shell clam endorsements in 2011.

3) Finfish Management Plan and licensing

B. Ballou asked if there was a motion.

R. Hittinger made a motion to adopt the IAC recommendation and recommend that the Director adopt option 2: (status quo with upgraded PEL license) - the 5:1 exit-entry ratio applied to active, eligible licenses that retire and issue as a PEL with a restricted finfish endorsements – allowing for 3 new PEL’s with restricted finfish endorsements in 2011. R. Bellavance seconded the motion.

R. Hittinger noted we have had the 5:1 exit/entry ratio in place for several years but we still have increasing fishing activity. Even though we have less people we have more fishing activity therefore even with the 5:1 we can anticipate that fishing activity will still most likely increase.

J. Jarvis supported a 1:1 exit/entry ratio. He stated he was the young guy in the fishery and if we did not do something to open it up we would not have a commercial fishery in RI. Otherwise, we will never get new people into this fishery.

T. Jackson stated she agreed with J. Jarvis and supported a 1:1 exit/entry ratio.

S. Parente, gillnetter, was in support of the Council being more conservative at this point.

M. Gibson indicated restrictive finfish was an allocation issue, which in most cases was set by the Mid-Atlantic Council and he does not see too much change with this. How many people who fish on these species is purely a pie dividing exercise. He deferred to the Council and industry to what they think they need relative to demographic replacement in the industry and what the economic needs of current fishermen relative to potential entrance.

S. Medeiros explained that in the past fishermen complained not to keep it wide open they wanted restrictions because they could not afford to run their boat if they were sharing the fish with too many different people. He stated there were a number of public hearings and all these exit/entry ratio were put into effect. Now he was hearing the opposite, open it all up, but that was because none the other people were present this evening. He felt to proceed with caution would be better than throwing the whole thing wide open.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director adopt option 2: (status quo with upgraded PEL license) - the 5:1 exit-entry ratio applied to active, eligible licenses that retire and issue as a PEL with a restricted finfish endorsements – allowing for 3 new PEL’s with restricted finfish endorsements in 2011.

4) Crustacean Management Plan and licensing

S. Parente made a motion to recommend status quo to the Director - no new lobster endorsements. S. Medeiros seconded the motion.

No comments were made by the Council or from the audience.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend status quo to the Director - no new lobster endorsements

5) Title change of the commercial fishing licensing regulations

B. Ballou asked Council members if anyone had any objections to changing the title. Hearing no objections he stated the Division would take that as an endorsement for the proposal. The proposal would be recommended to the Director.

6) Proposed amendments to the RI Marine Fisheries Regulations – Part III:

S. Parente made a motion to table the item and send it back to the Division for further review and refinement. R. Hittinger seconded the motion.

G. Powers indicated that this was not a proper motion since the Council was charged with the responsibility to make a recommendation. The tabling of the item was not a recommendation. He suggested styling the motion in a manner, which explained that the Council was unable to make a recommendation until such a time when the proposal was fine tuned.

M. Gibson stated, as a point of order, there was nothing to table. He suggested that the Chair could find that motion out of order since there was nothing to table. He suggested that the Council move to recommend to the Director that this be referred back to the Division for further development to restricting it to the trap gear type then bring it forward at another time for Council consideration.

B. Ballou ruled that S. Parent's motion to table the item was out of order. He entertained another motion that would seek to accomplish the same thing.

S. Medeiros made a motion to refer the item (proposed amendments to the RI Marine Fisheries Regulations – Part III) back to the Division for further review and clarification. R. Hittinger seconded the motion.

C. Anderson noted that what we were trying to do was to provide some guidance to the Director of what the Council would like to be reviewed.

M. Gibson clarified that these were mid season corrections after a Council process for setting specifications.

S. Parente explained that his intention was to have this rewritten and distributed to the people that needed to give input and review prior to the Council trying to have to make a decision. He would like time to review any new language and be able to take it to his legal council before the Council was asked to make a final recommendation to the Director.

G. Carvalho suggested just changing the rollover date for scup to be rolled over from the fish traps to the general category then we would not need to go through this exercise.

K. Booth stated that his association obtained legal council to review the proposed amendments to Part III and he was glad it was going back because it drastically changes the authority of the Council shifting the discretion back to the Division and the Director.

B. Cherenzia stated he did not feel comfortable giving this particular Director more authority. He agreed with G. Carvalho to just change the rollover date.

M. Gibson clarified that unfortunately there were no rollover dates in place to change. The date certain that use to govern when we could rollover scup was stricken from the regulations during the public hearing process last year. Therefore there is no date currently that can be manipulated. Currently it is a purely voluntary action on the part of the fish trap folks as to when they feel we can collaborate on a transfer of fish. This could also be fixed during this seasons normal setting of specifications process to restore that date and make it early enough, that would be one way. The other way is to seek what we are seeking here.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to refer the item (proposed amendments to the RI Marine Fisheries Regulations – Part III) back to the Division for further review and clarification.

7) Proposed amendments to the Fish Trap Regulations:

S. Medeiros made a motion to recommend that the Director adopt the proposed changes to update the mailing address and add language to prohibit sub-leasing of permitted fish trap locations. S. Parente seconded the motion.

There was no discussion by the Council and no comments from the audience on this item.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director adopt the proposed changes to update the mailing address and add language to prohibit sub-leasing of permitted fish trap locations.

Discussion on a Winter Flounder spawner sanctuary in Mt. Hope Bay – S. Medeiros:

S. Medeiros asked G. Allen to explain the concerns for wanting to establish a spawner sanctuary in this area. G. Allen noted that the winter flounder population in the bay was in a collapsed condition and has been for many years. Mt. Hope Bay area was a historic spawning ground for winter flounder but due to the single pass cooling water from the power plant, which elevated the temperature of the water, has prohibit the successful spawning of winter flounder. G. Allen felt we should be looking at creating a spawner sanctuary on Mt. Hope Bay and requested the Council to begin to consider this issue. M. Gibson mentioned the Division had greater concerns in the salt ponds than in Mt. Hope Bay because the salt ponds were still open to fishing for winter flounder. Gibson stated they would like an opportunity to discuss some findings in the salt ponds with the Winter Flounder Advisory Panel.

B. Ballou suggested that an agenda be put together with all the items for discussion and brought back before the Council for approval at the December Council meeting. S. Medeiros outlined a tentative agenda to include the following items: stock status report for winter flounder, G. Allen's item on creating a winter flounder spawner sanctuary in Mt. Hope Bay, M. Gibson's item on the status of winter flounder in the salt ponds and recommendations, and other items.

G. Carvalho stated that he could appreciate G. Allen's concerns for winter flounder. However, he felt that creating a spawner sanctuary would be creating additional restrictions to the area. He felt the restriction that were currently in place were more than sufficient to deal with the winter flounder issue. He felt it would be a waste of time to hold more meetings about this subject. G.

Carvalho pointed out that predators like seals and cormorants should be addressed. He also noted all the chlorine from the sewer treatment plants should be addressed as well. He felt this path would be a waste of time since no one tows in the Providence River or Greenwich Bay anyway.

T. Mulvey also commented about the large population of cormorants that feed on winter flounder and suggested that an egg shaking program be implemented to lower the cormorant population much like the egg shaking program for swan eggs.

B. Ballou suggested adding natural predation to the agenda. T. Jackson also brought up toxicity issues and this was added to the list as well. J. Jarvis suggested adding the creation of man-made habitat for winter flounder.

Approval of Groundfish AP Agenda – B. Ballou:

B. Ballou reviewed the agenda briefly noting that monkfish and codfish would be discussed. The meeting date was set for November 29, at 6:00 PM in the Hazard room at the Coastal Institute building on the URI/GSO Bay Campus.

R. Bellavance advised B. Ballou that he was a panel member on that AP and since he was now a Council member his slot should be filled by someone else.

B. Ballou asked if there were any objections from the Council to approving the agenda as proposed. Hearing none, the Groundfish agenda was approved.

Old Business

Review of Division comments on 2010-2011 management program for Greenwich Bay – B. Ballou:

B. Ballou explained that this item was considered by the Council at the last meeting (October 4, 2010) however, the Division was not able at that time to give recommendations. The Division had since put together a handout for the Council to review and if the Council so moves to reconsider their decision base on new information. B. Ballou reviewed the handout with the Council. M. Gibson stated that the Division had taken a more conservative view than the Shellfish AP and the Council. He explained why the Division had taken this stance. B. Ballou asked the Council how they would like to proceed, if they wanted to move on or revisit the issue. He indicated that he just wanted the Council to be aware that the Division would also be providing the Director with this information as well as the recommendations from the Council and the SAP.

Council members were comfortable with their recommendation made at the last meeting on this item and expressed interest to move on to the next agenda item.

Discuss 2011 Opening Schedule for High Banks, Bissel Cove, and Bristol – B. Ballou:

R. Hitting made a motion to recommend that the Director adopt the following opening schedule for High Banks, Bissel/Fox, and Bristol. January - (M, W, F, 8:00 AM to 12:00 to Noon); February 1st – (M, T, W, Th, F, sunrise to 12:00 to Noon); March - (M, T, W, Th, F, sunrise to 12:00 to Noon); April - (M, T, W, Th, F, sunrise to 12:00 to Noon). C. Anderson seconded the motion.

There was discussion between Council members and industry to clarify aspects of the schedule. Industry was in support of the compromised schedule made in the Council motion.

B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director adopt the following opening schedule for High Banks, Bissel/Fox, and Bristol. January - (M, W, F, 8:00 AM to 12:00 to Noon); February 1st - (M, T, W, Th, F, sunrise to 12:00 to Noon); March - (M, T, W, Th, F, sunrise to 12:00 to Noon); April - (M, T, W, Th, F, sunrise to 12:00 to Noon).

ASMFC-NEFMC Updates

B. Ballou noted this was and FYI item that Council members had the latest update from the NEFMC meeting in their packets. There were no questions from the Council on this item.

FYI

November 10, 2010 Proposed Public Hearing items – B. Ballou:

B. Ballou asked that Council members please try to attend the public hearing if they could because it might be helpful to hear comments first hand.

B. Ballou made note of one other item, which was to inform Council members that they needed to be thinking about filling the Chairs for the Shellfish AP and Lobster AP. Ballou noted that we were in an awkward interim period but we needed Council members to act as Chairs in case we needed to hold a Shellfish AP meeting or another Lobster AP meeting. He noted we would add this as an item on the December Council agenda.

B. Ballou asked if there was any other business to come before the Council.
Hearing none, the meeting was adjourned.

Nancy E. Scarduzio, Recording Secretary