

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**November 14, 2005**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road**  
**Narragansett, RI**

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

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee, J. Lake

DEM Legal Counsel: G. Powers

DEM Staff: R. Ballou

DEM Law  
Enforcement: 2 attendees

Public: 23 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. There were none. **There were no objections by the Rhode Island Marine Fisheries Council (RIMFC or Council) to approving the agenda as submitted.** M. Gibson asked if there were any objections to approving the minutes of the October 25, 2005 Rhode Island Marine Fisheries Council meeting as submitted. **G. Allen made a motion to approve the minutes as submitted. S. Medeiros seconded the motion. The motion passed unanimously.**

**Advisory Panel Reports**

*Summer flounder:* D. Preble gave the report. The meeting began with a brief review of the status of the stock which indicated that the stock is not overfished but overfishing is occurring. The meeting attendees then began to go over various proposals which had been brought forward. The first proposal discussed was a proposal to alter the existing aggregate landing program to run over two weeks instead of one, at a 5,000 pound possession limit. **The proposal was approved without objection by the advisory panel (AP).** A proposal was brought forward by one of the floating fish trap companies which would alter the possession limits for the summer flounder fishery for the floating fish traps. **This proposal was felt by the AP to be incomplete, therefore they did not make a recommendation on it.** The final proposal was the sector allocation proposal brought forward by the RI Commercial Fishermen's Association. **This proposal was not recommended by the AP in a vote of 3 to approve the proposal and 6 against the proposal.**

C. Brown made a statement that there may have been an error in the mailing as two of the AP representatives who would have voted in favor of the sector allocation proposal stated that they did not receive a notice of the meeting. He went on to state that it appeared to him that his proposal had sustained a considerable amount of damage prior to it being presented to the AP as several members had already made up their minds to vote against it. An article had also been written prior to it being presented to the AP by one of the AP members which voiced opposition to the proposal. He felt this was unfair as a proposal should be listened to and voted on according to its merit. He asked that AP members be informed that their objective as members of the panel is to protect the fishery resource and this should be their focal point. In conclusion he felt the policy of keeping the fishery open year round leads to some of the exclusionary tactics used by stakeholder groups, which he felt had been apparent during this process.

M. Gibson stated that the Council does not have any purview over positions people take outside of the Council process. He went on to state that he had discussed the mailing issue with staff and they did not feel that any anomalies had occurred during the mailing of the notice for this meeting.

*Scup/Black sea bass:* The report was included for review as the full report had been given during the previous meeting. The recommendations from the advisory panel were for status quo in the scup general category fishery, status quo for the black sea bass fishery, and the floating fish trap sector was tasked with coming forward with a consensus plan for their scup fishery. The trap companies subsequently submitted a plan during the public hearing.

*Industry Advisory Committee:* The report was included for review as the full report had been given during the previous meeting. The recommendation from the panel was to approve of the SAFIS regulations with the exception of the pricing requirement. The panel had suggested that a more streamlined process be developed for entering the pricing data.

### **New Business**

*Council advice to Director on public hearing items:* The Council decided to go through the hearing items one by one and give advice as they went. The first item was the state electronic dealer reporting requirements. J. McNamee stated that DEM Law Enforcement had made a comment for a change to the penalty clause which was 30 days for a first violation, 90 days for a second violation, 365 days for a third violation, and revocation for a fourth violation. K. Ketcham asked if there was a gear specification requirement in the proposed regulation. J. Lake stated that there currently was not, but gear type would be captured upon the institution of a state finfish logbook, which was planned for 2007. He went on to state that SAFIS does have a field for gear, however dealers are not required to enter data in to it. **S. Medeiros made a motion to recommend to the Director of DEM (Director) that he adopt the SAFIS regulations as submitted with the penalty changes as suggested by DEM law enforcement. D. Preble seconded the motion. K. Ketcham proposed a friendly amendment which would add a**

**requirement for the gear type field in SAFIS to be filled out. The maker of the motion and the second to the motion did not object to this friendly amendment.** M. Plaia restated his public comment about the landing language being changed to land and or purchased. C. Brown stated that it was important to get gear type data because he felt much of the new entry in to commercial fishing would be based around this data. J. Lake stated that adding the gear type was something totally new for the dealers to enter; they had not done this at all up to this point. **The motion passed unanimously.**

The next public hearing item was summer flounder quota management proposals for 2006. S. Macinko stated that he was recusing himself from this agenda item because of an inadvertent but potential conflict of interest as he was coauthor of a study which would be conducted on sector allocation were it to be approved. S. Medeiros asked if K. Ketcham should recuse himself as he was one of the boats which would participate in the sector proposal. M. Gibson stated that this was outside of the purview of the chair or the Council to make this decision and K. Ketcham had chosen to not recuse himself. K. Ketcham stated that he had spoken with Senator Sosnowski who was the legislator who drafted the current Council statute, and she advised him that because the Council was only an advisory body, he need not recuse himself from the vote because his advice was still pertinent. **G. Allen made a motion to advise the Director to approve the status quo summer flounder management proposal. D. Preble seconded the motion. The motion passed unanimously.**

**S. Medeiros made a motion to recommend to the Director to approve the aggregate landing proposal as submitted with the caveat that the Division of Fish and Wildlife (DFW) should have the ability to adjust the specified possession limit pending the outcome of the summer flounder quota for 2006. D. Preble seconded the motion. The motion passed unanimously.**

G. Allen stated that he recommended to the Council that they not take any action on the floating fish trap proposal as he did not see any comment in support of this proposal. The Council took no action on the floating fish trap proposal.

D. Preble commented that rationalization, which is how he characterized the sector allocation proposal, was something that he felt would be coming to the forefront of fisheries management in the future. He felt that the sector allocation proposal as submitted had some fatal flaws in it, therefore he would not be voting in favor of it this evening. He went on to state that he did not want this proposal to simply go away. He thought it was a thoughtful proposal and because he felt that quota management was not working, new ways of management should be looked in to. For this reason he wanted the Council to form a working group to continue to work on a program like this in order to work out what he perceived as fatal flaws in the current proposal. S. Parente stated that he disagreed with D. Preble and felt that quota management was working as he has witnessed fluke fishing along the south shore of RI getting better in the most recent years. For this reason he did not feel a sector allocation plan was necessary. K. Ketcham stated that it is apparent the quota method is not working as RI was looking at taking a reduction in 2006. His main concern was preserving the resource and he felt that sector

allocation was a way to do this. S. Medeiros stated that he was against the proposal citing that the AP voted against it and public comment was overwhelmingly against it. He went on to state that he felt the proposal was unfair to smaller commercial vessels and would also be detrimental to recreational fishing. G. Allen stated that he also was against the sector allocation proposal due to his belief that sector allocation would be detrimental to the recreational fishery. He quoted from the written comment which was handed in by A. Conti. **K. Ketcham made a motion to recommend to the Director that he adopt the sector allocation proposal. There was no second to the motion. D. Preble made a motion to recommend to the Director that he convene a study group (including stakeholders) to continue researching sector allocation. The motion was seconded by K. Ketcham.** M. Gibson suggested that unless there were objections from the Council, they did not need to vote on the proposal, the recommendation would be passed along to the Director and the DFW could look in to ways on how best to develop a working group to research this further. This would then be reported back to the Council for action. **There were no objections from the Council.** C. Brown stated that he hoped the working group would be populated with individuals who wanted the proposal to succeed, not those who were determined to see it fail. S. Medeiros suggested that only having individuals participate who are for the proposal will lead to problems with opposition when a proposal is redeveloped.

The next item was management proposals for the commercial scup fishery. **S. Parente made a motion to recommend to the Director that he adopt the rod and reel proposal for scup. S. Medeiros seconded the motion.** There were Council and audience discussions on the merits of each of the general category proposals. J. King asked if there was a way to send the proposals back to the AP in order to hash out a compromise proposal. M. Gibson stated that there would be time as the state fishery did not start until May 1<sup>st</sup>. **The Council voted 2 to approve (S. Medeiros, S. Parente), 5 against approving (J. King, G. Allen, S. Macinko, K. Ketcham, D. Preble). The motion failed. K. Ketcham made a motion to recommend to the Director that he approve the status quo proposal. G. Allen seconded the motion. The motion passed unanimously.**

The floating fish trap companies had developed a consensus proposal for the commercial scup fishery. G. Allen asked that T. Hoxsie speak to his written comment. K. Ketcham asked per A. Glidden's suggestion at the public hearing, whether the DFW could add language to allow the DFW some control over the possession limits. **S. Medeiros made a motion to recommend to the Director that he adopt the floating fish trap consensus proposal with the addition of language allowing the DFW to adjust possession limits as needed. K. Ketcham seconded the motion. The motion passed unanimously.**

The last item was the black sea bass quota management plan. No new proposals had come forward therefore there was only the advisory panel recommended status quo proposal to present to the Council. **D. Preble made a motion to recommend to the Director that he adopt the status quo proposal. J. King seconded the motion. The motion passed unanimously.**

## **Old Business**

*Council comments on 804 spending:* M. Gibson stated that this was a follow up item from the previous Council meeting. He had received two requests, one for monetary contributions to the RI Shellfishermen's Association (RISA) seeding program, and one to use some of the 804 money to boost observer coverage in Narragansett Bay. J. King commented on the request to supplement the seeding program run by RISA and a second request was for more money to go in to the shellfish transplant program. He noted two reasons for supplementing the shellfish transplant program; 1. they ran out of money last year prior to all the transplants taking place and, 2. one of the transplant areas had to be opened early due to the catastrophic shellfish closure of the bay. This area had no shellfish left in it. M. Gibson stated that he would forward this advice on to the Director.

*Floating fish trap regulation discussion:* J. McNamee stated that a memo was mailed to the Council members after the packet had been mailed out with the information from the Coast Guard that they had been looking for. The information came from the Coast Guard even though the memo was printed on DFW letterhead. The memo stated the recommendations for marine markings for a number of the floating fish traps. It also gave the locations on a chart. G. Allen asked the Council to authorize that the fish panel be convened to go over the findings of the Coast Guard and to also make sure all of the interested parties were on the same page with regard to the floating fish trap requirements in 2006. He requested that at least one of the Coast Guard representatives be present at this meeting as well as DEM law enforcement. Lastly he wanted the meeting to be held in December. There were no objections from the Council on this course of action.

*Economic impact memo from DEM legal counsel:* M. Gibson stated that this had been passed out at last month's Council meeting. He stated that it had been placed on the agenda again in case any Council members had questions to pose to DEM legal counsel. S. Parente stated that he did not feel the original question had been totally answered by the memo provided to the Council. G. Powers stated that there is no economic impact study required however there are several procedural requirements which have to be met which take in to account economic impacts. These procedures also bring the state in to compliance with federal economic impact requirements. B. Ballou commented that a recently enacted procedure called Reg Flex has been done for the past year in which all proposed regulatory changes are sent to the Governor's office and the Economic Development Corporation (EDC) and these offices can request that the promulgating department do an analysis if they deem it appropriate.

*Nomination for the vacant RIMFC seat:* J. McNamee stated that a vacancy on the Council still existed from when S. Cobb left well over a year ago. A solicitation had been done and one response was received from Dr. Boze Hancock. The Council had already commented on Dr. Hancock's nomination. In the interim, a second nominee had come forward, Dr. Christopher Anderson, and his biographical information had been provided to the Council. The Council was now being given the opportunity to comment on Dr. Anderson's nomination. Both Dr. Anderson and Dr. Hancock would be forwarded to the Governor's office as nominees to the Council. D. Preble stated that he felt this was exactly the type of individual that should be appointed to the Council as his expertise and

knowledge on topics such as sector allocation and fisheries in general would be beneficial to the Council. M. Plaia stated that he had also put in his nomination for the position through the Governor's website. M. Gibson stated that the DFW had not received any information from and do not have access to information submitted to the Governor's office, therefore his nomination had not come through the Council for comments.

### **Other Business**

*ASMFC fall 2005 meeting week summary:* The Council had been provided a summary of the last ASMFC meeting week. The striped bass management board had approved a status quo position on striped bass management in 2006. M. Gibson stated that he had voiced concerns over the findings on fishing mortality as the stock assessment gave a number very close to the threshold; however the board decided to approve status quo. The Lobster management board approved the lobster effort control plan. The elements which were adopted were those that had been recommended by the RI industry representatives who had participated in the development of the plan. The new allocations don't take place until 2007, giving another year to work on the transferability issue. The stock assessment was also presented to the board with recommendations to continue efforts to decrease mortality in the stock in statistical area 2. The weakfish board declined to go out to public hearing with suggestions on how to reduce fishing mortality. M. Gibson had pushed for some action on this to no avail. The board did approve an addendum which addresses new data collection requirements. The summer flounder board did not come to a consensus on what to set the quota at. They instead decided to wait until the December joint meeting with the Mid Atlantic Council; therefore the summer flounder quota was still unknown.

### **Post agenda discussion**

The chairman adjourned the meeting.

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Jason E. McNamee, Recording Secretary