



Rhode Island Marine Fisheries Council

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MEETING SUMMARY

December 5, 2016

Chairperson: *B. Ballou*

RIMFC Members: *J. Grant, B. Mackintosh, M. Rice, C. Rein, M. Roderick (D. Monti, T. Barao, A. Dangelo absent)*

DEM: *G. Powers, J. McNamee, S. Olszewski, P. Duhamel, D. Costa, N. Lengyel, N. Ares*

Public: Approximately 30 persons

1. **Approval of the Agenda:** The Chair requested modifications to the agenda or objections to approving the agenda. Hearing no such requests or objections, the agenda was approved.
2. **Approval of RIMFC meeting minutes from October 3, 2016:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** Sarah Schumann provided a brief presentation regarding her upcoming “*Resilient Fisheries RI*” workshops.
4. **SAP meeting summary approval:** *J. Grant* provided a meeting summary. Upon conclusion of the summary, the meeting summary was approved.
5. **November 14 Public Hearing items:**
 - **Commercial Summer flounder – proposal # 1:** *J. McNamee* offered that status quo was not an option for 2017 due to the 30% reduction in quota. He offered that the Division recommendation at this juncture is in consideration of the comments received during the public hearing process, and is as follows:
 - Division support for the Town Dock proposal of 1,300 lb/bi-wk possession limit for the Winter sub-period as a means to avoid downward possession limit adjustments and/or early closure;
 - Division support for the Town Dock proposal to close on Monday rather than Sunday as proposed by the Division as either option is manageable by the Division, but also offered that such discontinuity may be problematic in terms of enforceability;
 - Division support to maintain aggregate program during Summer sub-period as catch rates are minimal due to low participation during this sub-period.
 - Division support to maintain the 100 lbs/vsl/day starting possession limit in the Fall sub-period. Catch rates generally start slowly; if catch rates don’t increase sufficiently, it may be difficult to use the entire quota. Division recommendation is to monitor closely and decrease possession limits accordingly to maximize the length of the season.

- Division support for the industry proposal to remove the eligibility requirement to participate in the Summer Flounder Aggregate program for the summer sub-period:
 - The Division can adequately manage the fishery and monitor catch rates;
 - The Division can adequately manage the additional administrative burden that would result if implemented, namely the additional issuance of permits;
 - Based on past modeling, implementation of this measure was estimated to increase harvest rates by 10 – 30%, meaning there is additional risk of an earlier closure.

B. Macintosh inquired as to the reality of the actual risk. *J. McNamee* asked guidance from the Council regarding minimum possession limit prior to closing. The current floor limit is set at 50 lbs; the question was posed if this should be lowered to 25 lbs. *K. Booth* offered against the proposal as too risky at this time. *B. Macintosh* offered that if this measure were to be implemented, then as additional safety factor to consider would be to close the aggregate program when 60% of the sub-period quota has been harvested, rather than at 80% as currently stipulated in regulation. **Motion made by *J. Grant*, 2nd by *M. Rice*, to recommend adoption of the following parameters:**

- **Maintain current sub-period allocation percentages and dates;**
- **Winter sub-period: Amend the aggregate possession limit to 1,300 lbs/vsl/week and 90 lbs/day as proposed by Town Dock;**
- **Summer sub-period:**
 - **Maintain starting possession limit of 50 lbs/vsl/day;**
 - **Closed days Friday, Saturday and Sunday.**
- **Fall sub-period: Maintain 100 lb/vsl/day starting possession limit: option 2; 2nd by *M. Rice*.**

The motion passed 4 – 0 (M. Roderick recused).

- **Commercial Summer flounder – proposal # 2: Motion made by *B. Macintosh* to recommend adoption of the measure as proposed, and also specifying a permit requirement for participants, and to also amend such that the program would terminate at 60% harvest; 2nd by *M. Rice*.** Discussion ensued regarding when the aggregate program in the summer sub-period should close if adopted. *J. Grant* offered support of the motion with additional consideration of the percentage to terminate the program so as to maintain an open season for as long as possible. *C. Rein* offered that he felt the aggregate program is important to maintain. *K. Booth* was against the proposal as difficult to enforce. Discussion ensued regarding the pros and cons of the proposal. **The motion passed 4 – 0 (M. Roderick recused).**
- **Commercial Scup: Motion made by *B. Macintosh*; 2nd by *M. Rice* to maintain status quo. The motion passed 5 – 0.**
- **Commercial Black sea bass: *J. McNamee* offered that minimum size in the commercial fishery is not used as an effort control measure, but is based on biology. He offered support for the public comment received to amend the starting possession limit during the 1st sub-period to 750 lbs/vsl/day. *C. Rein* inquired as to the impacts from a floor limit of 50 lbs/day vs. 25 lbs/day, to which *J. Grant* responded that the public comments received**

in support of a 25 lb/day floor was mainly from rod and reel fishermen. **Motion made by J. Grant to maintain status quo, but also to amend the starting possession limit for the 1st sub-period from 1,000 to 750 lbs/vsl/day, and also to maintain the 50 lb floor possession limit; 2nd by M. Rice. The motion passed 5 – 0.**

- **Proposed amendments regarding Commercial Coastal sharks:** Motion made by *J. Grant* to recommend adoption as proposed; 2nd by *M. Rice*. The motion passed 5 – 0.
- **Shellfish regulations:**
 - Transiting: The Division provided rationale for the proposed amendment, and revised language provided from the Division of Law Enforcement. Upon conclusion of the discussion, **motion was made by C. Rein; 2nd by M. Roderick, to recommend adoption of the revised language as provided from the Division of Law Enforcement. The motion passed 4 – 0** (*J. Grant* momentarily absent).
 - Proposed clarification of process to amend winter boat SMA harvest schedules: The Division presented rationale for the proposed amendment. Upon conclusion of the discussion, **motion was made by C. Rein to recommend adoption as proposed; 2nd by J. Grant. The motion passed 5 – 0.**
 - Proposed deletion of regulation regarding temporary possession limits in SMAs: **Motion made by M. Rice to recommend adoption as proposed; 2nd by C. Rein. The motion passed 5 – 0.**
 - Clarification of language for default harvest schedules in Winter Management Areas: The Division presented rationale for the proposed amendment, and also an additional change for the Council's consideration to include a December 25 and January 1 annual closure for the Bissel Cove/Fox Is. SMA consistent with Greenwich Bay and Bristol Harbor SMAs, which was apparently missed in previous a previous amendment. Upon conclusion of the discussion, **motion made by J. Grant to recommend adoption as proposed, including the additional change recommended by the Division regarding the December 25 and January 1 annual closure for the Bissel Cove/Fox Is. SMA; 2nd by M. Rice. The motion passed 5 – 0.**
 - Minimum size of soft-shell clams: **Motion made by M. Rice to recommend maintaining the existing language as well as including the new language proposed; 2nd by B. Macintosh. The motion passed 5 – 0.**
- **Proposed amendments regarding the management of horseshoe crabs:**
 - *J. McNamee* presented rationale for the proposed amendment and a summary of the industry and Save the Bay proposals, and revisions to the Division proposal based on public comments. Discussion ensued regarding all proposals, particularly regarding the closed season proposed. He offered that moon based closures are a difficult management approach as is difficult to enforce, and offered that a single continuous closure is more favorable. *S. Olszewski* provided additional rationale describing the need for additional management measures. *W. Ferguson* (Save the Bay) discussed STB's proposal regarding return of crabs used for bio-medical purposes. Discussion ensued regarding the process by which crabs are returned after the bleeding process and where compliance should reside with the harvester or the facility (i.e., dealer).

Discussion ensued regarding reporting and survival of crabs after bleeding. **Motion made by J. Grant, 2nd by M. Rice, to recommend adoption of the following parameters:**

- 7" minimum size (as proposed);
- Improve reporting and reporting compliance (as proposed);
- Improve the return process for crabs used for bio-medical (as proposed), however modify the language such that compliance rests solely with the bio-medical facility and not the harvester;
- Adjust the sub-period quota resulting from over-harvest in prior sub-period (as proposed).

The motion passed 5 – 0.

- *J. Grant* continued discussion with the other proposed measures and offered that the Division's stated goals were to promote a longer bait harvest season, to promote equity of access amongst participants, and to provide for improved timeliness of reporting. He offered that the industry proposal was developed to meet these goals. **Motion made by J. Grant, 2nd by M. Rice, to recommend a bait harvest closure for the month of May annually and to maintain the current moon based closures for bio-medical for the month of May (eliminate moon based closures for the months of June and July for both bio-medical and bait); 2nd by M. Rice.** *J. Grant* continued that the self-imposed bait quota is lower than that as required by the ASMFC FMP. He offered that the bio-medical quota is higher and is based on historical landings, and that a bio-medical harvest closure for the month of May would negatively impact this industry. He offered that DEM has previously taken measures to help maintain the viability of the bio-medical facility. *S. Olszewski* offered that consideration is needed regarding bait harvest that may be occurring illegally under a bio-medical permit, which would also then result in inaccurate reporting. *J. Grant* offered that the harvester permit must specify the dealer to improve reporting and monitoring. *W. Ferguson* offered that moon-based closures is not resulting in improved population of crabs and discussed other aspects of the STB proposal, and offered that the April closure proposed by STB was meant to provide maximum protection. She offered that a comprehensive spawning survey should be completed in cooperation with industry and that closures be addressed then. Upon conclusion of the discussion. **The motion passed 4 – 0 – 1** (*J. Grant* abstention).
- **Motion made by M. Rice; 2nd by C. Rein, to recommend a bait harvest possession limit of 60 crabs/day.** *J. Grant* promoted the proposed industry option with regard to seasons and possession limits, and offered that reaching the quota may be difficult with a 60 crab/day limit. He offered that if the motion proposed is adopted it would prevent bait fishermen from obtaining their desired amount of crabs, which is inconsistent with the Division's intent. Public comment was made that bait quota should be preserved for a fall season harvest; to which *J. Grant* answered that the industry proposal was designed to provide for this. **The motion passed 4 – 1** (*J. Grant* opposed).
- Regarding the proposed moratorium on the issuance of new permits, **motion was made by J. Grant to establish a control date of January 1, 2017 for the commercial horseshoe crab fishery; 2nd by M. Rice.** *J. Grant* offered that motion

was a good compromise in lieu of a moratorium. Upon conclusion of the discussion, **the motion passed 4 – 1** (*M. Roderick* opposed).

- **Proposed amendments to correct the location of Fish Trap # 29:** *J. McNamee* offered that the Council is not obligated to provide a recommendation on the matter, and suggested that such recommendation not be provided due to the sensitivity of the matter. The Council opted to discuss the matter and offer no recommendation. *B. Macintosh* offered that he has been fishing since 1969 and has never seen a fish trap located at the site where it was set off of Chase point this year, and also that it was unlike any fish trap that he was aware of. *J. Grant* offered that the situation was extremely unfortunate due to the amount of effort with building the fish trap specific to this site, resulting in losses of tens of thousands of dollars as the net is built tailored to the site and cannot readily be used in a different location. He offered that the regulations as currently written do indicate a location in the vicinity of Chase Point where the trap was set. *J. McNamee* offered that he also was sympathetic to the operator and particularly the crew, and offered that he personally endeavored to find an authorized location that the operator could utilize, but that all such efforts were rebuked by the operator. *J. Grant* offered appreciation to the state for such efforts.
6. **SAP & IAC Membership:** *C. Rein* and *J. Grant* offered to contact their respective panel memberships to begin the process of determining current membership and needs moving forward.
 7. **Other matters:** No other matters were discussed.

Meeting adjourned at approximately 8:30; prepared by *P. Duhamel*