



# Rhode Island Marine Fisheries Council

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## MEETING SUMMARY

December 4, 2017

Chairperson: *B. Ballou*

RIMFC Members: *All members present*

DEM: *G. Powers, S. Olszewski, J. Lake, P. Duhamel*

Public: Approximately 12-15 persons in attendance

1. **Approval of the Agenda:** The Chair inquired as to modifications to the agenda or objections to approving the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of RIMFC meeting minutes from October 2, 2017:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:** *R. Bellavance*, president of the RI Party and Charter Boat Association, offered a recommendation to the Council regarding a recent rule enacted by NMFS requiring electronic vessel trip reporting for the for-hire fleet that fish on federally permitted species managed by the Mid-Atlantic Council. He offered that most charter vessels in RI already submit VTRs, but that this reporting is for federally permitted vessels only. He offered that in the best interest of accurate data collection, state permitted vessels should also be required to report, preferably in electronic format. His second recommendation involved the EEZ transit issue for black sea bass. He offered that the closure of federal waters in September and October would create major problems for the RI fleet if state waters were open, given the amount of fishing that takes place near Block Island. He noted that the matter is slated to be addressed by the Mid-Atlantic Council via an Amendment, and requested a letter of support from the RI Council. *B. Ballou* offered to place the both matters on the next RI Council agenda, and also maintain close coordination between the Division, the ASMFC, and the Mid-Atlantic Council.
4. **November 20 public hearing items:**
  - **Proposed amendment to definition of “resident” (Part 1 – Definitions):** *S. Olszewski* noted that the proposal is to correct a loophole involving the ability to use automobile registrations as a means of establishing residency status. **Motion made by *C. Rein* to recommendation adoption of the proposed amendment; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 8 – 0.**

- **Commercial Black Sea Bass:** *S. Olszewski* offered that the Division was in support of either of the two options noticed, and also requested Council guidance on the possession limit floor (i.e., to either reduce the possession limit to as low as 25 lbs/day, or close the fishery instead). *B. Macintosh* offered that he did not support a possession limit of less than 50 lbs/day. *J. Grant* inquired to the Division regarding support for an expanded aggregate program for black sea bass; to which *S. Olszewski* replied that the Division was not ready at this time due to concerns about reporting and compliance, but that a pilot program may be developed in the near future, and that black sea bass could be the subject species for the trial. **Motion made by *D. Monti* to recommend adoption of option 2, and also to advise the Division not to reduce the possession limit below 50 lbs/day; 2<sup>nd</sup> by *J. Grant*.** *J. Grant* offered support for an aggregate program and support for the motion. **The motion passed 8 – 0.**
- **Commercial Scup:** *B. Ballou* explained that the proposal reflects regulatory adjustments needed for consistency with recent change to summer period dates, adopted by the Mid-Atlantic Council and ASMFC, per the joint FMP. While the proposed adjustments were presented at hearing, inadvertently, they were not noticed. He offered that since the change would not affect management until October 2018, there would be ample time to re-notice the proposal and bring it back before the Council in early 2018. The Division offered that the matter would be re-noticed for a planned hearing in February, to which the Division's legal counsel *G. Powers* concurred. The Council therefore did not offer a recommendation on the proposal.
- **Commercial Summer flounder:** *S. Olszewski* offered that the Division could manage the option 3 proposal, but noted that there is uncertainty with regards to the winter period (i.e., federal Winter I period 1/1 – 4/30), with the model predicting lower landings than those seen in the previous year. Regarding option 4, he offered Division support, with closure dates of either Thursday, Friday and Saturday as proposed, or the current closed days of Friday, Saturday and Sunday. Motion made by *M. Rice* to recommend adoption of option 4, with the caveat that the current closed dates of Friday, Saturday and Sunday be maintained; 2<sup>nd</sup> by *D. Monti*. The motion passed 8 – 0. *J. Grant* offered that an aggregate program needs to be seriously considered for the summer flounder fishery, and also that the possession limit not drop below 50 lbs/day (i.e., close instead). *M. Roderick* offered support for reducing daily possession limits as needed in order to keep the fishery open. Upon a subsequent motion to reconsider – motion by *C. Rein*; 2<sup>nd</sup> by *A. Dangelo*; passed 8-0 – the matter was brought back before the Council. It was determined that the slide presented at the hearing and Council meeting describing option 4 was inaccurate, in that it showed a proposed starting possession limit change in the summer sub-period from 50 to 100 lbs/day, which was not provided in the annotated regulation provided with the notice. **Motion then made by *A. Dangelo* to recommend adoption of option 4, with the caveat that the current closed dates of Friday, Saturday and Sunday be maintained, and also that the starting possession limit in the summer sub-period remain at 50 lbs/day; 2<sup>nd</sup> by *B. Macintosh*.** The motion passed 8 – 0.

Another motion for commercial summer flounder was made by *M. Roderick* to recommend to the Division to not reduce the possession limit below 25 lbs/day; 2<sup>nd</sup> by *M.*

*Rice*. *C. Rein* offered that while he understood the reasons for floors of 50 or 25 lbs/day due to the respective needs of both the fishermen and the dealers, he wanted additional input from the Council members on the matter. *J. Grant* offered that a possession limit of less than 50 lbs/day is not viable for his fishing operation; to which *B. Macintosh* concurred, and offered support for an additional closed day rather than possession limits less than 50 lbs/day. The motion failed 0 - 6 (*M. Roderick* and *C. Rein* abstaining). **Motion was then made by *D. Monti* to recommend to the Division to not reduce the possession limit to below 50 lbs/day; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 7-1 (*M. Roderick* opposed).**

- **Commercial Spiny Dogfish:** *S. Olszewski* offered Division support for the increased possession limit as proposed as an FMP compliance matter. *J. Grant* inquired as to developing an aggregate program for Spiny dogfish; to which *S. Olszewski* offered that such matter should be addressed through the FMP. **Motion made by *J. Grant* to recommend adopting the amendment as proposed; 2<sup>nd</sup> by *B. Macintosh*. The motion passed 8 – 0.**
- **Gill net tagging:** *S. Olszewski* offered that the proposal is a continuation of measures adopted in the previous year regarding placement of tags. *J. Lake* offered that the Division would support bi-annual validity of tags rather than a single year only as proposed. He offered that the requirement to place tags on the two vertical lines at the bridles, which was implemented last year, was due to the poor quality of the tags and resulting tag breakage. As proposed this year, the tags to be purchased will be the higher quality tags currently used at the federal level, so breakage is no longer a concern, and the proposal therefore is to now require that the tags be attached to each net panel. He also offered Division support for placement on each net panel and also the bridle, for purposes of net identification and to mirror the federal program, and also for ease of compliance inspection. *D. White* from the Division of Law Enforcement offered support for tag placement on both the net panels and bridal lines. *B. Macintosh* offered that he did not support placement in both locations. **Motion made *B. Macintosh* to recommend adoption of the proposal, with the caveat that the program follow the federal regulations; 2<sup>nd</sup> by *C. Rein*. *B. Macintosh* offered that the federal program requires tags to be placed in the net mesh, not the float line; to which *J. Lake* responded that such could be accommodated for in the regulations if appropriate. *D. Monti* asked if the federal tags are currently available; to which *J. Lake* responded that he had been in contact with the vendor and the tags are currently available. The motion passed 8 – 0.**
- **RI Shellfish Harvester Education Program:** *B. Ballou* provided a summary of the program. *M. Rice* corrected the spelling of the word “adductor” on the slide summarizing the program. **Motion made by *J. Grant* to recommend adopting the rule as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 8 – 0.**
- 5. **Shellfish Advisory Panel (SAP) meeting summary (10/11/2017):** *D. Monti* offered a summary of the meeting; the meeting minutes having been provided in the ePacket.

Without objection, the Council agreed to accept the minutes as presented and have them placed on file.

6. **Aquaculture lease application review (Watson, Rome Point):** *D. Beutel* provided the main points of the application. *D. Monti* offered that his understanding of the objections were due to boating activity, its nearness to shore, and potential for recreational fishing conflict, and that he therefore wanted full Council input, as he did not feel that such positions may be adequately represented in the SAP vote. *J. Grant* offered that such objections based on recreational fishing have been made by SAP members in the past, but they may be uncomfortable making this type of objection. *B. Ballou* offered that Council review is appropriate anytime it is requested by a Council member. **Motion made by *M. Rice* to recommend to the CRMC that the application is consistent with competing uses engaged in the exploitation of marine fisheries and therefore does not represent a conflict; 2<sup>nd</sup> by *C. Rein*. The motion passed 6-1-1 (*D. Monti* opposed; *T. Barao* abstained).**
7. **SAP membership - update:** *P. Duhamel* offered that he had reached out to Bill Blank regarding his membership due to a lack of attendance, resulting in the submission of his resignation. *B. Ballou* asked for any objections to accepting the resignation; hearing none, the resignation was accepted.
8. **Commercial Licensing Legislation:** *S. Olszewski* offered an update of the effort to revise the statutes involving the commercial licensing program. He offered that the language is being worked on internally, with the intent to submit to the Governor's office for review in early 2018. He offered however that it remains unclear if the legislation will be introduced this legislative session. *B. Ballou* offered new information that the implementation date would be 2020, in order to provide time for computer upgrades needed to implement the proposed changes.

Meeting adjourned approximately 7:30

Prepared by *P. Duhamel*