

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**May 12, 2003**  
**Narragansett Community Center**  
**Mumford Road**  
**Narragansett, RI**

RIMFC Members: R. Boragine, S. Medieros, D. Preble, S. Macinko, and S. Cobb

Chairperson: J. Reitsma

RIDEM F&W Staff: J. McNamee, M Gibson

DEM: B. Ballou and D. Borden

Legal Counsel: G. Powers

Public: 40 people attended

J. Reitsma called the meeting to order. He asked whether there were any additions or corrections to the agenda. **S. Medieros made a motion to accept the agenda as proposed. S. Cobb seconded the motion and it was unanimously approved.** Comments about the March 11 meeting minutes were then solicited from the Council. A comment was put forward by R. Boragine regarding the April 1, 2003 meeting minutes. R. Boragine stated that motions put forward by the council should be written down verbatim. The Division of Fish and Wildlife (DFW) staff was asked to do this when recording the meeting minutes. **A motion to accept the minutes was put forward by R. Boragine. Minutes of the April 1, 2003 Rhode Island Marine Fisheries Council (Council) meeting were unanimously approved.**

**Advisory Panel Reports**

*Shellfish:* R. Boragine stated that the shellfish advisory panel minutes were passed out prior to the meeting. Water quality issues as they pertain to shellfishing were discussed with J. Migliore from the Office of Water Resources during the shellfish advisory panel meeting. There was also a proposal to make two of the shellfish advisory panel alternates, W. Cote and L. Ricciarelli, permanent members of the panel. DFW was asked to send copies of the meeting calendar out to DFW staff to avoid conflicts with other scheduled meetings. On a separate topic, M. Gibson stated that DFW staff can not make decisions on command at a meeting therefore if an advisory panel would like a decision from DFW they should get there questions to the division before the meeting to give time to make a formal decision or comment.

*Lobster:* S. Cobb gave a report on the lobster advisory panel meeting. There were two topics that were discussed. The first topic was the possession versus landing regulation in RI and how to change this so that dealers and fisherman getting lobsters from areas with

different legal gauge sizes could land their lobsters in RI. The second topic was the legality of the dockside sale of lobsters in RI. The council decided to have discussions on these topics at this time instead of waiting until further in the agenda. M. Gibson discussed the emergency regulations which were filed to enact an exemption certificate for both dealers and fishermen who are legally catching lobsters in management areas which allow for a smaller gauge size than is currently allowed by Rhode Island regulations. J. Reitsma stated that the enforcement issues associated with this are a problem and the Division of Enforcement will have to tighten up there current practices as far as license suspensions for non-compliance with the stated regulations associated with the exemption certificate. B. Ballou then discussed the dockside sale of lobsters. He stated that the department of health has given an informal statement that the dockside sale of live lobsters will be allowed with the stipulation that the person selling the lobsters has obtained a valid Rhode Island dealers license.

### **New Business**

*2003 legislative proposals relating to marine fisheries:* B. Ballou stated that there are six proposals currently before the general assembly regarding marine fisheries. They consist of a proposal to ban seining and trawling within 1 mile of the coast, a change to the current shellfish license regulations, aquaculture legislation, and two other issues which he deferred to S. Medieros, a fish trap proposal and the freedom to fish act. S. Medieros gave a statement about the freedom to fish act and the fish trap proposal. He stated that these proposals had been put forward before but had new language within them. S. Cobb made a statement about language within the freedom to fish act. It states that information should be based on sound scientific information but he felt it should state instead that information should be “based on the best current scientific evidence”. D. Preble made a statement about the wording within another section of the freedom to fish act. It was decided that the language was based on an existing statute and was valid. R. Boragine asked a question about revocation of the free shellfish license to residents over 65 years of age. He went on to state that the proposal to further reduce the age to 60 would create a problem with controlling effort in the fishery. D. Preble went on to state that the way the proposal is worded, it would allow for a free commercial license to anyone over the age of 60, not just a shellfishing commercial license. M. Gibson made a statement that allowing for more unregulated effort into any fishery would create problems given the current status of Rhode Island fisheries in general. J. Reitsma agreed with this statement and stated that the Department of Environmental Management (DEM) would indeed oppose this proposal. There was a question from the audience regarding the proposal to ban trawling and seining within 1 mile of the coast of Rhode Island. He wanted to know the DEMs position on this proposal. D. Borden stated that the Division of Fish and Wildlife opposes this proposal. An audience member asked about the aquaculture proposal. He stated that he supported the bill with regard to its stiffer penalties for theft, but stated that some portions of the bill allow for greater theft to take place. B. Ballou clarified that the DEM was still looking in to certain portions of the bill due to the same concerns as those expressed by the audience member. R. Boragine stated that one of the other aquaculture bills has some similar problems associated with it. M. Marchetti asked for the DEMs position on the fish trap proposal. J. Reitsma spoke to the management

plan portion of the fish trap proposal. The council decided to treat the preceding discussion on legislative proposals as just a discussion therefore they did not take action on any of the issues.

*Proposal to expand existing aquaculture lease operation:* M. Gibson stated that the person submitting the application was present to answer any of the Council's questions. He went on to state that the application was included in the meeting packet along with a statement of approval from A. Ganz of the DFW. **R. Boragine made motion to approve the application. This was seconded by D. Preble. The motion was approved unanimously by the council.**

*Update on revising aquaculture permitting process:* J. Reitsma stated that CRMC and DEM had been working together and have come up with a new policy which streamlines the application process for aquaculture project applicants. He solicited questions from the audience on this subject but there were none.

### **Old Business**

*Dockside sale of marine species issue:* The dockside sale of lobster had been discussed earlier in the meeting therefore D. Preble gave a statement about the dockside sale of finfish. There had been a meeting between the various concerned entities to discuss the topics pertaining to this issue. It was decided at this meeting that selling filleted fish was not going to be possible, selling live fish would be allowable with some policy alterations, and selling fish racks, as long as they were denoted as being sold for bait would be allowable. B. Ballou stated that D. Preble's characterization of the meeting was correct and he further elaborated on D. Preble's statements. Nothing had been done officially at this point but things were far enough along that the Department of Health (DOH) allowed a public statement to be made about these issues. R. Boragine asked B. Ballou to clarify exactly what a person selling live fish would need as far as permits and licenses. B. Ballou could not answer R. Boragine but stated he would look into it. J. Reitsma asked how these new procedures were being implemented. B. Ballou stated that nothing needs to change as far as DEM policy but information needed to be disseminated regarding what licenses were required and what the rules allow or disallow. J. Reitsma stated that DEM and DOH should prepare a joint informational brochure on what was needed to legally sell fish dockside. An audience member asked to have an issue about crossover between selling fish and bait clarified. B. Ballou clarified this. An audience member stated that the sale of histamine producing fish such as tuna or mackerel should be looked at carefully because improper handling of these species can result in major public health problems. Another audience member felt that charter boats were being discriminated against with regard to the selling of bait dockside because other user groups were currently selling bait dockside. J. Reitsma stated that until he had confirmation from DOH on this issue, he would not publicly state that it was legal to sell bait dockside for any user group.

*Groundfish relief fund update:* M. Gibson stated that the grant application was sent to NMFS and was built around a research trust fund. The grant has now been approved and

the state has been awarded 1.5 million dollars for the research trust fund. Since this has happened, the industry has come forward with a separate questionnaire on what should be done with the grant money. M. Gibson stated that the tone of this questionnaire was mostly negative toward the research grant idea. He went on to say that because of this conflict the department can not move forward with the grant process until some consensus within the industry is reached. J. Reitsma added that he has tried to keep DEM at a distance from this whole process, only functioning as a conduit for the money once industry decided what to do with it. The original process, which came up with the research grant idea, was open and fair, but he also stated that the industry sponsored questionnaire would not be discounted by the department. R. Boragine described the process which took place to arrive at the research grant proposal, stating that it was fair, open to all industry, and representative of the industry as a whole. He also stated that the Rhode Island Marine Fisheries Council (RIMFC) had voted and approved the process which decided on the research grant. J. Kourtesis stated that he felt the process which arrived at the research grant was unfair and did not represent the wishes of the people most affected by the loss of days at sea. He stated that DEM should come up with a survey on what should be done with the money and send it out to all groundfish permit holders in the state of Rhode Island. Another audience member stated that surveying groundfish permit holders is not an accurate way to find out the wishes of the industry because many of the permit holders do not groundfish commercially. J. Carvalho stated that the industry sponsored questionnaire was simple and the results accurately state the wishes of the industry, which was to give the money directly to the fishermen. He also stated that there are other states involved with the groundfish relief fund and they are giving the money directly to the fishermen, therefore there is a successful model to follow while undergoing this process. Another audience member, stating his support was for the research grant, said that if the department does take up a survey on this issue, a meeting should be held to develop what exactly was going to be on the survey. He went on to state that not all permit holders should be eligible for relief money. M. Marchetti supported this statement, going on to say that he is a groundfish permit holder who does not fish for groundfish and does not feel he is entitled to any of the relief money. Another audience member stated that Rhode Island should not lead the way in this case and should follow the lead of Massachusetts and Maine. J. Kourtesis restated his position stating that people who do not fish for groundfish but hold a permit should be eligible for some money because the value of his permit was decreased. J. O'Grady stated that he supports the research grant and the process that was undertaken to arrive at this proposal. J. Reitsma asked the council their position on the situation. The council stated that they support the decision which they made in the past which was support for the research grant proposal. J. Reitsma stated that the congressional delegation would receive all of the information pertaining to this issue including the research grant proposal and also the survey sponsored questionnaire. B. Morris asked for clarification on what the money could be used for. J. Reitsma clarified this for him stating that any research proposals would be fair game but legal action, such as suing, would not be a valid use of the groundfish relief grant money. J. Kourtesis made a statement about the notification for RIMFC meetings being inadequate. J. Reitsma stated we will look in to ways to improve this.

*Update on proposal to adopt a commercial season with possession limits for weakfish:* D. Borden stated that we would file the backup weakfish proposal because it would not need a public hearing and it would also be approved by ASMFC, but at the same time the DFW would continue working on the preferred option presented by the advisory panel. The RIMFC did not object to this.

### **Other Business**

*Discussion of May 1 opening to Greenwich Bay shellfishing:* M. Gibson stated that nothing had come forward from the advisory panel to put this opening in place so the DFW had not done anything about it, but now that it was brought forward the DFW could have the opening in place soon. D. Borden stated that all that was needed was a motion from the RIMFC to support this. **D. Borden suggested the following motion: that the RIMFC recommend to the Director to implement the opening as soon as possible. S. Medeiros seconded the motion and it was unanimously approved.**

*Update on lobster area 2 management:* D. Borden spoke about the current problems occurring in the lobster management area 2. There have been some emergency actions which have already been implemented such as vent size increases and gauge size increases. The ASMFC has appointed a PDT which M. Gibson was appointed to. This group has flushed out a number of options which will be presented at the ASMFC June meeting week. The June ASMFC meeting will be crucial because some of these alternatives will begin to be approved by the board to be taken to public hearing. He stated that J. Reitsma, M. Gibson, and the lobster industry representatives have been finalizing Rhode Islands preferred options for action. J. Reitsma added that they had a good meeting between the state and lobster associations which was helpful in producing some constructive options for the state. M. Marchetti stated that RILA was having a meeting which would discuss a number of alternatives including attrition and buy-out programs.

*Exemption program to possess lobsters smaller than area 2 minimum size:* This was discussed previously in the agenda.

*Update on appointments to commissions, boards, and councils:* J. McNamee stated that the DFW was soliciting nominations for a state representative to the ASMFC as well as representatives to ASMFC advisory panels. He also stated that one nominee has come forward for a RIMFC vacancy, P. Celone, and his nomination letter was included in the Council packet. B. Ballou stated that F. Blount was reappointed to the New England Marine Fisheries Council and that K. Ketchum and J. King had both been approved by the Governor for appointment to the RIMFC and were just awaiting senate confirmation. He also stated that the governor made all five appointments to the Commercial Fishing License Review Board and were just awaiting senate confirmation. They were R. Boragine, M. Marchetti, C. Brown, M. McGivney, and D. Nixon. B. Morris stated that he was not happy with the appointees who have been chosen in the past for ASMFC state representatives. K. Ketchum asked a question about his nomination for an ASMFC advisory panel. D. Borden answered that we have not heard back from ASMFC on the

nominations that were submitted, and the advisory panel vacancies which had been mentioned earlier under this agenda item were vacancies from which no nominations were received, with the exception of a misunderstanding concerning a striped bass advisory panel spot which was currently being rectified. J. Reitsma suggested having a discussion about the nomination process as an agenda item at a future council meeting.

*Recent ASMFC activities:* D. Borden stated that on April 22<sup>nd</sup> there was an ASMFC public hearing on Addendum VIII to the summer flounder management plan. This addendum came about to try and solve the issue of overages which have historically occurred in the fishery. J. Reitsma asked if there was one place where the public could go to find out about all these different meetings. D. Borden gave the ASMFC website ([www.ASMFC.org](http://www.ASMFC.org)) but J. Reitsma suggested we cross link this site from our site. An audience member stated that she had a hard time finding information and just happened upon the fact that there was a meeting that evening.

### **Post Agenda Discussion**

An audience member asked D. Borden whether ASMFC was making any sort of statement on the biomass of fluke. D. Borden stated that M. Gibson had put together a scientific analysis which concluded that the fluke quota could be liberalized. The current status of this is that ASMFC has objected to the original report and it is currently being revisited with some suggested revisions. This topic will be discussed by the ASMFC over the next year.

An audience member suggested sending out a solicitation to be included on the RIMFC mailing list with commercial license renewals. J. Reitsma thought this was a good suggestion. A second audience member suggested putting a link on the DEM website for this same purpose.

J. McNamee asked if a meeting place was decided on. J. Reitsma asked if a rotating meeting place was important. Hearing no response he suggested having it at the coastal institute. R. Boragine suggested having it in South County because in the past when the meetings were held outside of South County, no one attended. It was decided that the next meeting will be held at the coastal institute.

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Jason E. McNamee  
Recording Secretary