

RHODE ISLAND MARINE FISHERIES COUNCIL

Summary of Meeting Minutes

September 12, 2011 – 6:00PM

URI Narragansett Bay Campus

Corless Auditorium

South Ferry Road, Narragansett, RI

RIMFC Members Present: C. Anderson, R. Bellavance, K. Booth, J. Grant, D. Monti,
C. Powell, and W. Mackintosh, III
RIMFC Members Absent: R. Hittinger
Chairperson: B. Ballou
RIDEM DFW Staff: N. Scarduzio, D. Erkan, and M. Gibson
RIDEM Staff: L. Mouradjian and G. Powers,
DEM Law Enforcement: S. Hall
Public: Five (5) people attended the meeting.

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. He noted he had a couple of additions; to add item 6(e) under old business, proposed aquaculture regulatory change as an FYI item for the Council; add item 8(b) notice for a bill signing ceremony; and item #10 agenda items for the next Council meeting. He asked if there were any other changes or modifications to the agenda. **Ballou asked if there were any objections from the Council to approving the agenda as amended. Hearing no objections, the amended September 12, 2011 agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the August 17, 2011, Council meeting. B. Ballou asked if there were any objections to approving the minutes as written. **Hearing no objections, the minutes from the August 17, 2011 Council meeting were approved as written.**

Public Comments

There were no comments from the public.

Advisory Panel Reports:

Shellfish (9/7/2011) – J. Grant:

J. Grant indicated there were three main areas of discussion; two aquaculture leases, the winter management area harvest schedule, and mechanical devices used for harvest. He stated there were no objections to either aquaculture lease. The SAP recommended one change to the Greenwich Bay Winter Management Area schedule, to change from a Monday, Wednesday, and Thursday schedule to a Monday, Wednesday, and Friday schedule. He reported that the SAP was waiting for a response from DEM on industry's proposals for Greenwich Bay Management Area. They also discussed the reconfiguration of High Banks and Potowomut Shellfish Management Areas. There was a recommended change from sunrise to sunset, to sunrise to 2:00 PM. They discussed developing language restrictions on water-assisted and air assisted shellfish harvest methods. He also noted they discussed the proposed changes to the DEM aquaculture regulations. **B. Ballou asked if there were any objections to accepting the SAP minutes. Hearing none, the minutes were accepted.**

B. Ballou announced that agenda item 6(c) regarding the recreational saltwater accountability and oversight report would be postponed to the October Council meeting.

New Business

Discuss 2011-2012 Shellfish Winter Management Area Openings – B. Ballou:

B. Ballou reported there had been three Shellfish Advisory Panel (SAP) meetings on this topic and the items were now before the Council for their consideration. Ballou outlined that the Council could discuss the items and make recommendations to the Director or wait until the next Council meeting to further digest the material and make recommendations at the next meeting.

With regard to the winter schedule, M. Gibson stated the Division supported the substitution from Thursdays to Fridays. However, there were substantive changes in number of days and hours that the Division had been unable to analyze. He asked the Council to give the Division until the October Council meeting to review the landings through the SAFIS data system.

J. Grant stated that the SAP had anticipated that this item would be continued to the October Council meeting to give the Division more time to generate a response. **B. Ballou asked Council members if there were any objections to continuing the item to the October Council meeting. Hearing no objections the item was continued to the October meeting.**

Industry Proposed Reconfiguration of High Banks and Potowomut Area A.

B. Ballou indicated this issue was still under review by the Division and the item would eventually have to go out to public hearing. He anticipated putting this item on the November public hearing docket. He stated there was no action needed by the Council on this issue at this time he just wanted to give Council members a heads up about this items coming up for public hearing. There was some light discussion explaining that the issue had been proposed by industry and was still being reviewed by the Division. M. Gibson referred Council members to his memo enclosed in their Council packets and stated that the Division had not endorsed the proposal and had reservations about what was being proposed.

Discuss regulations for restrictions on detrimental shellfish harvest methods – B. Ballou:

B. Ballou noted that this item is of similar nature where it will need to out to public hearing and we were looking at adding this to the November public hearing docket. J. Grant stated that the RI Shellfishermen's Association was planning to prepare a proposal package for the public hearing. B. Ballou stated this item would be brought back to the Council at the October meeting to see where we were and what would be noticed.

Discussion on RI Skate fishery – M. Gibson:

B. Ballou indicated that the Council would need to decide how they would like to move forward on this issue, if they would want an AP to review the issue further then report to the Council or some other action. M. Gibson explained the matter of growing state water landings of skates was affecting the federal skate management program. He recommended the Council send this issue to the Groundfish AP for review and have them consider coming up with some regulations that would insure that the state waters fishery would not impair the federal management program.

M. Gibson also encouraged the Council to consider looking at all species that have a federal management plan where we do not have any state regulations and consider coming up with some regulations. There was discussion and agreement from the Council to proceed in this manner.

R. Bellavance asked if the Division could compile a list of these species for Council consideration. M. Gibson indicated that could be done.

J. Grant made a motion to send the skate issue to the Groundfish AP for review and consideration. C. Powell seconded the motion with a friendly amendment to fill the Scientific Advisor and Federal Representative vacancies on the Groundfish AP prior to the group meeting. The Council voted unanimously in favor to approve the motion; in favor:

(C. Anderson, R. Bellavance, K. Booth, J. Grant, D. Monti, C. Powell, and W. Mackintosh, III). The motion passed 7/0.

J. Grant also requested to have the Division explore ways to deter federally permitted vessels from dropping their federal permits to pursue the state skate quota.

Review of AP memberships – B. Ballou:

B. Ballou noted the AP Policy stated that AP members serve for one year. He noted that all the panels were ripe for review. There was Council discussion as to how to determine what members were attending meetings and which members may need to be replaced for lack of attendance. The Council decided that each AP Chair would review memberships with each assigned Division staff person to determine which AP members show up and which do not attend meetings. An announcement would then be sent out to fill vacancies. The Council agreed to report back by the next Council meeting on their progress.

R. Rheault asked if there was a policy about how long a member could serve on a panel noting there were people who had been on for a number of years and there should be an opportunity for others to participate. B. Ballou explained that concurring to the AP Policy the membership was up for annual review so the Council could do whatever they wanted to do.

C. Powell stated that a one year appointment was a small amount of time and they should be on for maybe two or three years with an annual review. He suggested this should be changed at some point.

Approval of Lobster Advisory Panel agenda – J. Grant:

B. Ballou noted that “Trap Definition” was a continued item that the Lobster AP had been working on and they were planning to have another meeting in late October.

B. Ballou asked Council members if there were any objections to approving the LAP agenda as outlined. Hearing no objections from the Council, the draft meeting agenda with a date to be determined, was approved.

Old Business

Continued discussion about future review procedures and appropriate advisory panel for aquaculture lease applications – B. Ballou/M. Gibson:

B. Ballou pointed out there was a letter to the Council from M. Gibson outlining some thoughts on how to proceed to constitute an advisory panel for the purpose of reviewing and advising on aquaculture leases. B. Ballou also noted that per Council request he had asked D. Beutel, CRMC Aquaculture Coordinator, to give an overview of the Aquaculture program at the October Council meeting. B. Ballou suggested that the Council might want to hold off on doing anything pending D. Beutel’s presentation. A number of Council members agreed to wait until D. Beutel’s presentation before making any recommendations.

Continued discussion and action on vessel-based regulations for vessels fishing in more than one mode from April public hearing – B. Ballou:

B. Ballou recapped by explaining that the previous Council made a motion to postpone any recommendations until the next meeting. He also suggested that deleting the recreational logbook provision might be an appropriate amendment to make because there currently was no recreational logbook. He indicated the Division was comfortable removing that provision. At the last Council meeting, the Council requested more time to review the materials and come back to

the issue at the September meeting. He therefore opened the floor for Council discussion and questions. There was discussion about how this would be enforced and how difficult it would be to enforce this provision.

S. Hall felt this provision was a way to enable people to cheat and was not in support of the proposed change.

R. Bellavance stated it was not fair that one user group had an advantage over another user group and was not in support if that was going to be the case. He explained that the clearest way to define it was to be fish either commercially or recreationally. He stated this was what he supported the most. C. Powell asked for a definition of “separate trip” and wanted it to be defined.

K. Booth proposed clarifying the provision by simply inserting the word “finfish”.
W. Mackintosh agreed with K. Booth.

C. Powell made a motion to recommend that the Director adopt Section 6.13-5 (Vessels Fishing in More than One Mode) with clarification of finfish, lobster, shellfish, and with a definition of “separate trip”. K. Booth seconded the motion.

There was Council discussion on the intent of the motion. **After extensive discussion and input from DEM Law Enforcement, C. Powell withdrew the motion and K. Booth withdrew his seconded to the motion.**

R. Bellavance stated that we have been discussing this for the past three years and gone through all the seniors and there really was no way to address all the enforcement concerns and make it fair for everyone. A person would just have to state whether they were in recreational fishing mode or commercial fishing mode and we would have to live with that.

S. Hall stated the proposal before the Council would weaken existing regulations.

K. Booth stated if Enforcement did not think this would accomplish what we had intended then he was not in favor of moving it forward.

B. Ballou stated the intent was also to establish clarity in the regulations.

R. Bellavance made a motion to recommend that the Director adopt Section 6.13-5 (Vessels Fishing in More than One Mode) with the elimination of the beginning part of the last sentence in 6.13-5(b) (strike through) “A vessel that fishes in both modes during the same day must have on board separate commercial and recreational logbooks”. D. Monti seconded the motion.

C. Powell asked to make a friendly amendment to include the definition of “separate trip” in the motion.

R. Bellavance stated he would not want to include the definition without first knowing what the definition would be. The friendly amendment was not accepted.

B. Ballou asked for a vote. The Council voted in favor to approve the motions; in favor: (C. Anderson, R. Bellavance, K. Booth, D. Monti, C. Powell, and W. Mackintosh, III); opposed: (J. Grant). The motion passed 6/1.

Recreational Saltwater Fishing License – Accountability and Oversight – B. Ballou:

B. Ballou stated he wanted to hold off on this item until the October Council meeting. He noted that the report was included in their Council packets. He stated that the report needed to be publicly noticed which he intended to do by posting it to the DEM website.

Discussion about implementing a fillet law in RI – B. Ballou:

B. Ballou asked if the Council would be interested in moving this item forward through the public hearing process. He noted that M. Gibson had put together a memo, which was included in their Council packets with several options for consideration that had come forward through the Enforcement AP. Ballou pointed out that the options pertained specifically to cod.

J. Grant made a motion to recommend that the Division put forward the proposed options for implementing a fillet law for cod to public hearing. W. Mackintosh, III seconded the motion. There was brief discussion by the Council on the issue.

B. Ballou asked for a vote. The Council voted unanimously in favor to approve the motions; in favor: (C. Anderson, R. Bellavance, K. Booth, J. Grant, D. Monti, C. Powell, and W. Mackintosh, III). The motion passed 7/0.

Proposed Aquaculture Regulations Changes – B. Ballou:

B. Ballou explained that in Section 8.9 (Harvest of Shellfish Transferred From Other Than Approved Waters As Seed) there was a request from industry to change this section to reflect six months instead of twelve months. He asked if the Council would want to move this to public hearing. Ballou explained this was an industry request to shorten the time from 12 months to 6 months he just want to give the Council a heads up about the issue. The Council took no action.

ASMFC – NEFMC Updates

ASMFC and NEFMC meeting summaries – M. Gibson:

B. Ballou indicated there were summaries provided from the ASMFC and Mid-Atlantic Fishery Management Council in each Council member packet for review. He briefly reviewed the 2012 specifications for fluke, scup, black sea bass, and bluefish.

FYI

October 17, 2011 Proposed Public Hearing items/timeline – B. Ballou:

B. Ballou reviewed the proposed public hearing docket and asked if anyone had any questions. There were no questions from the Council.

Bill Signing Ceremony for Fisheries Legislation – B. Ballou:

B. Ballou announced there would be a ceremony scheduled for September 12, 2011, at Salty Brine State Beach if anyone wanted to attend.

Agenda Items for Next Council Meeting

B. Ballou noted D. Beutel would give the CRMC aquaculture presentation next month; discuss whether a whelk AP should fall under the Shellfish AP or create a new Whelk AP; and each Council Chair would report on AP memberships.

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

Meeting adjourned.

Nancy E. Scarduzio, Recording Secretary