



Rhode Island Marine Fisheries Council

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MEETING SUMMARY

September 13, 2016

Chairperson: *B. Ballou*

RIMFC Members Present: All members present

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

CRMC: *D. Beutel*

Public: *G. Duckworth, G. Carvalho, K. Hess*

1. **Approval of the Agenda:** The Chair requested modifications to the agenda or objections to approving; hearing no other such requests or objections, the agenda was approved.
2. **Approval of RIMFC meeting minutes from April 20, 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:** *Gregg Duckworth* requested Council involvement with review of regulations regarding monetary penalties for marine fisheries violations, specifically the length of time that a violation remains on the record and the monetary amount associated with certain penalties. The Chair inquired to the Council if they would like to take the matter up. *B. Macintosh* offered that any such discussion needs involvement with Division of Law Enforcement. *G. Powers* offered that such matter may be beyond the purview of the Council. After discussion on the matter, the *Chair* offered that the matter would be taken under advisement and handled administratively in terms of determining the most appropriate means by which to address the issue. He informed *Mr. Duckworth* that he would receive a response at the next Council meeting.
4. **Introduction of new members:** Recently appointed members Mike Roderick and Travis Barao were introduced and welcomed.
5. **Aquaculture application review:** *J. Grant* provided a summary of the meeting of the Shellfish Advisory panel (SAP) in which the subject application was discussed, and that SAP voted 3-1 in favor of objecting to the application, based on navigational hazards to commercial fishermen and conflict with wild harvest, which was based on the surveyed density of quahaugs. *D. Beutel* offered details of the proposed expansion and that the only objection received was from the SAP. He offered that his surveyed density was 2.8 quahaugs/m. sq. in a sticky muck sediment that was very difficult to harvest from. He offered that his belief was that navigational issues were minimal/non-existent due to its location and minimal boating activity observed within the cove. *D. Monti* inquired as to the specific navigational issues that were raised at the SAP meeting. *J. Grant* offered that he visited the site and found it difficult to enter into the cove due to the shallow narrow inlet.

He also found shellfish with very brittle decomposing shells. Upon conclusion of the discussion, **motion made by D. Monti to recommend to the CRMC to offer no objection to the application based on the lack of known navigational hazards or conflict with wild harvest fisheries; 2nd by C. Rein.** The motion passed 8 - 0.

6. **Review of updated Council Policies and Procedures:** *B. Ballou* provided an overview of the policy document. *M. Rice* offered use of the book *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* rather than *Robert's Rules of Order* as a better source of parliamentary procedures. Discussion ensued regarding Council participation at public hearings and the subsequent Council meeting. *B. Ballou* then focused on Part B., section 1.G. regarding communication of Council members with members of the public after the close of the administrative record (i.e., *ex parte* communications). *C. Rein* offered that such language was very important and is an industry standard, and stressed the importance that Council members refrain from discussing regulatory matters after the close of the comment period. *J. Grant* offered that such practice was not currently being followed, and that communication occurs at any time. *M. Rice* offered that any communication at any time is desirable, but supports the intent of the policy and believed would be easily followed. *D. Monti* offered that information needs to be out for public review as soon as possible, and that the current practice of providing the workshop presentation so close to the workshop is insufficient time to review the regulatory proposals, with groups having insufficient time to hold meetings and draft proposals. *P. Duhamel* offered that the regulations are posted 30 days prior to the hearing date per the APA. *D. Monti* offered that holding the workshop on a separate date prior to the hearing would help provide the public and groups the time needed to formulate comments and proposals. Regarding Part B., section 1.H., *J. Grant* inquired as to the difference between discussing matters with the public after the close of the comment period, with discussing during a Council meeting, which is also after the close of the comment period. *G. Powers* offered that it is at the Council's discretion whether to seek additional input or not, but that discussing the regulatory matters at the Council meeting, which is after the close of the comment period, was the unique structure of the Council, and that their advice was also statutorily required. *J. Grant* offered that he would like a better understanding of when the Council should be seeking public input at the Council meeting, such as to help understand a given issue more thoroughly before rendering a recommendation. *B. Ballou* offered that he would not automatically seek public input as currently done, but would only do so at the request of a Council member. *A. Dangelo* offered that only new information should be sought when seeking public input at the meeting. Discussion ensued regarding Part B. section 2. *Recusals*. It was discussed that recusal need only occur when a matter effects the person or their business solely and directly (i.e., financially), rather than effecting the member as part of larger group that may be effected. *G. Powers* offered that gray areas of applicability will always exist and offered his advice to the Council when such matters arise. *M. Rice* offered support for the language as consistent with practices of the legislature. *B. Ballou* then continued with the details of the policy. Discussion then ensued regarding the aquaculture review policy, with *M. Rice* offering support for maintaining the entire document as currently written into the updated Policies and Procedures document. **Motion made by M. Rice; 2nd by A. Dangelo, to approve the policy, with minor edits made as discussed.** *D. Monti* offered that he would prefer additional language be added regarding the Division's timeframe for posting of the workshop presentation. *J. Grant* offered that such was not for Council policy, to which *G. Powers* concurred. *L. Mouradjian* offered that the regulations are posted 30 days prior to the hearing,

and that the workshop isn't new information, but only another way of presenting the same information. Upon conclusion of the discussion, it was determined that while the matter of advance notice of the workshop or other information needed by the public to formulate comments and proposals is of critical importance, such was not needed for the Council policy at this time, and if needed could be added in the future. **The motion to approve the policy passed 8 – 0.**

7. **Advisory Panel Meeting Minutes approval:** Shellfish Advisory panel meeting of 4/27 and 8/10 were unanimously approved; IAC minutes of 8/23 were deferred to next meeting when Licensing regulatory proposals that are subject of the September 19th workshop and public hearing will be discussed.
8. **SAP Agenda Approval:** *J. Grant* explained that the agenda item for the meeting would be the annual review/discussion regarding winter harvest schedules in Shellfish Management Areas, but that the need for the meeting was still in question, as he was unaware of any proposed change to the default harvest schedule as currently written. Also however, the matter was deemed moot due to the Council approval of the revised *Council Policies and Procedures* document, which was revised to provide for the approval of Advisory panel agendas without a full Council meeting. The Council will render a recommendation at the October meeting.
9. **AP Membership:** *B. Ballou* first offered that new Council member *M. Roderick* needs step down from the IAC as cannot be both a Council member and a member of a panel, thereby opening an additional vacancy on this panel. *P. Duhamel* offered that membership attendance and effects on quorum and ability of committees to provide useful recommendations remains a constant challenge. He offered that due to many members as listed do not currently attend meetings, and may not have attended a meeting in years, it is unclear what the active membership is. *J. Grant* offered that he was aware that many of the SAP members as currently listed are no longer active and are probably no longer interesting in serving. **Motion made by *J. Grant*; 2nd by *C. Rein* to contact members and then solicit for vacant slots. The motion passed 8 – 0.** *C. Rein* offered to write a letter to IAC members regarding attendance and their responsibility as panel members. Discussion ensued regarding the SAP membership. *J. Grant* offered that the current membership as listed needs to be culled to only active members, as he is aware that some of the members are no longer active fishermen. He offered that he would like to first solicit for new membership, followed by a re-configuration of the membership categories based on interest, as he doesn't want to limit participation from anyone interested, and slots can be created at the pleasure of the Council if such interest exists. **Motion made by *J. Grant*; 2nd by *A. Dangelo*, to solicit for new SAP membership, and then re-configure the membership categories after membership is determined. The motion passed 8 – 0.**
10. **FYI:** Items provided. *P. Duhamel* provided upcoming hearing and meeting dates
11. **Other Matters:** No other matters were discussed.

Meeting adjourned at approximately 8:30

Prepared by *P. Duhamel*