



RHODE ISLAND BAYS, RIVERS, & WATERSHEDS COORDINATION TEAM

Special Meeting of May 21, 2013

Conference Room B
Office of the RI DEM Director
235 Promenade Street
Providence, RI 02908

Final Minutes

Coordination Team Members in Attendance: Sue Kiernan, Jeff Willis, Tom Uva, Jared Rhodes, Ken Burke

BRWCT Staff: Ames Colt, Melissa Deciantis

Other: Veronica Masson, Tom Angell

Administration

Meeting was called to order at 2:00 pm

Colt noted that as five BRWCT members were in attendance that a quorum for the meeting was established.

Colt amended the minutes of the April 10, 2013, BRWCT meeting in response to Lefebvre's request to add into the motions the amount of funding the BRWCT approved for the proposals reviewed in the meeting, instead of simply appending copies of the proposals to the meeting minutes. Colt also added the clause: "at an amount not to exceed the requested amount of X."

Uva noted that the passage on page nine, last paragraph, summarizing discussion of the DEM ventless trap lobster survey states that:

"Uva, Walker, and Chafee requested that the BRWCT not approve the request for state employee staff support. They agreed that they would reconsider their position pending provision of detailed information regarding DMF's inability to cover survey labor costs in 2013 using other grants or funding sources."

Uva said this was not what he said. He instead had requested that DEM should try to come up with innovative solutions for staffing the lobster survey this summer and that the CT could fund all of the work except for the labor and benefits.

Colt said he would correct the April 10, 2013, meeting minutes to reflect this point by Uva.

Motion was passed unanimously to approve minutes from the April 10 meeting as amended to reflect Uva's request.

Ventless Trap Lobster Survey Proposal

Colt explained that the purpose of today's meeting was to reconsider DEM's ventless trap lobster survey proposal for 2013 in light of the additional information provided by DEM's Division of Marine Fisheries (DMF) on how the survey is being staffed and why it is essential for the CT to provide the support for the labor required on the survey. He noted that DMF's Masson has provided a detailed review of the 2012 survey's labor, supplies, and contractual costs. Colt had also provided, per Guy Lefebvre's request, to the BRWCT a comparison of the 2012 costs to the 2013 survey proposal budget.

Rhodes noted that he did not attend the last BRWCT meeting. He inquired if Pat Brown, who had conducted the survey last year would be involved again this year. Angell said no and explained that Brown was a contract employee last year and has since become a full time employee. He stated that three people would work on the project: Angell, Nicole Eris (an intern), and Jeff Mercer. Rhodes asked if the staffing time they would be provide would be equivalent to the time that Brown dedicated to the survey in 2012. Angell replied that he also worked on the project last year and it was not just Brown. There are three vessels involved in this project and it would be difficult for one person to cover all of them. Using three people would also help because no one would have to accrue any overtime.

Uva asked why the survey is important for the State of Rhode Island. Angell replied that the lobster fishery has been one of Rhode Island's premier fisheries the state for many years in terms of market value. Lobster stocks have recently been declining. There are theories about why this is occurring, but better survey data is required in order to determine actual stock status and develop appropriate management strategies. Uva asked what will be done with the results of the ventless trap lobster survey. Angell said the results will be used directly in the lobster stock assessment process conducted by the Atlantic States Marine Fisheries Commission (ASMFC). Member states then implement management measures and stock allocations set by the ASMFC to ensure the sustainability of lobster stocks and fisheries. Colt noted that the next major stock assessment by the ASMFC is scheduled 2015. Angell said that it will probably come out in early 2015. Colt asked Angell if data from this year's ventless trap survey would be available for ASMFC's once-every-five-year stock assessment. Angell said this year's survey would be the most recent year that the lobster stock assessment would be able to utilize. The regional ventless trap lobster survey began in 2006, so the 2013 survey would be the eighth year of survey data and the last to go into the ASMFC stock assessment.

Colt referred the BRWCT to page twenty-nine of the 2012 ventless trap lobster survey report issued by DMF this spring to emphasize the unique ability of the ventless survey to capture critical data on lobster life stages not capture by the vented trap survey. Angell added that optimally DMF would implement three survey designs to assess the larval, juvenile, and adult lobster: 1) the lobster settlement index survey for data on "young of the year" lobster (hatched within a given year); 2) the ventless trap survey

which provides data on young and juvenile lobsters; and 3) DMF's commercial lobster "at-sea" sampling program to measure commercial-sized lobster. Unfortunately, DMF lost funding for the at-sea sampling program in 2012. Data from these three monitoring designs are then combined provide a comprehensive data set on the lobster stock that enables DMF and ASMFC to develop accurate, multi-year projections on lobster stock condition and dynamics. For example, the ventless trap survey provides managers and commercial lobstermen the ability to project stock status up to 3 years in advance. This enables for more optimal management strategies, particularly the minimization of fishing restrictions that may be necessary to protect the stock long-term.

Willis asked if this year's ventless trap survey would be the last year of the eight-year monitoring cycle that is utilized by the five-year ASMFC stock assessment. Angell replied that this would be the last of the ventless trap survey data that would go into the assessment. Willis asked if future annual surveys would then be utilized for the next major lobster stock assessment (2020). Angell said yes. If this survey were to continue in future years the data would be incorporated into the long-term dataset. And of course the longer the time series data, the more key population trends become evident in the data. Willis asked if funding for the at-sea survey remained zeroed out for 2013. Angell said yes. Willis asked if the at-sea survey contributed data to the ASMFC stock assessment. Angell said yes, noting that the at-sea survey is traditionally funded by NOAA, so that when NOAA funding was cut back there were no alternative funding sources available to replace it. Willis asked if that these recent cutbacks in lobster monitoring would reduce the accuracy of the ASMFC lobster stock assessment by potentially skewing the available monitoring data set and reducing confidence in the stock assessment's overall conclusions. Angell replied that they were able to collect some at-sea lobster survey data through May 2012 and that for the "terminal year" of the assessment, 2013, they would draw upon continued at-sea survey work conducted by Massachusetts to estimate commercial-sized lobster abundance in RI waters as lobster abundance on the south side of Cape Cod co-varied with lobster abundances in adjacent Rhode Island waters. Willis asked if a similar strategy could be applied to develop a proxy for the RI portion of the regional lobster ventless trap survey. Angell said no.

Willis asked if in 2012 it was just Angell and Brown who conducted the ventless trap survey for RI. Angell said yes. Willis asked if there is any opportunity of bringing in a contracted employee to do the survey work instead to replace Brown. Masson said they do not have funding for additional contract employees. Willis said that the CT could fund a contracted employee for the 2013 survey.

Uva asked if DMF had considered recruiting university students to do the survey, especially if Pat Brown could provide them training. Angell replied that it is the need for experience to conduct the survey that would make such an arrangement difficult. The types of data taken during the survey require a person with substantial experience in handling lobsters. For example assessing lobster shell hardness is done with a hand squeeze. One individual with in-dept experience is required to collect such data accurately and consistently.

Willis asked if the ventless trap survey would help to discern the impacts of climate change, especially rising ocean temperatures, upon lobster populations. Angell said that the survey data is definitely helpful for assessing climate change impacts upon lobsters. Willis asked if significant impacts are already being observed. Angell replied that in

anecdotal information from commercial fishermen indicates that the climate change impacts may already be extremely significant.

Willis asked if an interruption to the annual monitoring surveys would be harmful to lobster management decision-making over time. Angell said yes. Lobster managers have to rely on the best available science and data, and if the most recent data they can utilize is five years old, lobster management decisions will become increasingly difficult to make.

Colt asked, in comparing the 2013 survey budget with what they spent in 2012, why are they requesting \$5,000 in equipment and supplies in 2013, when they spent about \$300 on equipment and supplies for the 2012 survey? Angell replied that this year they need new equipment such as calibers and digital voice recorders, and have as line and trap maintenance and replacement needs. Angell acknowledged that \$5,000 seemed high and he did not think they would come close to spending that amount in 2013. Colt asked them to exercise care in purchasing equipment and supplies and to make every effort to spend less than what was being requested given that Angell acknowledges that the budget request for supplies and equipment seems high.

Colt noted that the big difference in labor costs between 2012 and 2013 would be the addition of fringe costs in 2013 because FTE employees would be conducting the survey this year instead of contracted employees. The vessel contract costs would be about the same. Angell added that the boat contract costs would be the same in 2013 as in 2012 because that was part of the agreement with the contracted lobstermen, that DMF would extend their contracts every year as long as the contractual costs stayed the same.

Uva stated that when the BRWCT approved DMF's 2012 request to support the ventless trap lobster survey, the stipulation had been that the support was provided on an emergency basis and that DMF should not expect continued support after 2012 for the ventless trap survey. In addition, the BRWCT had previously expressed strong reservations in 2012 about funding staff time to conduct the survey, contracted or FTE. He noted that the BRWCT had not been providing staff support for any other agency proposal it had accepted for funding, so its support for the lobster ventless trap was setting an unfortunate precedent. He asked that as federal funding for environmental monitoring continues to decline, would DEM be struggling even more to support other key staff positions? Uva noted that federal agencies are furloughing staff to respond to budget cuts in FY 2013. He asked whether the BRWCT would be receiving future requests for filling budget holes due to losses in federal funding. Is the BRWCT making it too easy DEM to avoid confronting very difficult personnel support decisions by providing such support for DMF staff to conduct the lobster ventless trap survey? He emphasized again that the BRWCT was not supposed to fund the survey beyond 2012 and in addition the 2013 request for support is higher than the 2012 request. Uva stated he would vote no on support the DMF proposal, given his many concerns about it.

Uva stated that NBC had submitted a proposal to the BRWCT last December because the Chair had asked them to submit proposals. At the BRWCT meeting in January 2013, the Chair then stated that the BRWCT should handle proposals it receives differently through partnerships for three big projects a year. Now the BRWCT is considering another stand-alone DEM project. He is thus receiving different messages as to how the BRWCT are going to proceed with reviewing and funding proposals it receives. Colt

stated that he did not agree with Uva's characterization of how he as Chair had responded to NBC's proposal submittal of late 2012. (*Please see the final, approved minutes for the BRWCT meetings of September 26, 2012, and January 16, 2013. – Colt*)

Colt made a number of larger points regarding the context for BRWCT's decision regarding the DMF proposal. He noted that the distinction between contracted and FTE employees in RI executive agencies is often difficult to make as the staff funding arrangements made by the agencies to cope with long-term budget stagnation and cutbacks were often very complex. Some contracted employees are employed for significant periods of time, and some "FTE" employees are supported with soft-monies that are significantly constrained in availability and allowable use. The latter is particularly the case with DMF staff.

Colt also emphasized that the BRWCT must base its funding decisions upon whether and how well the proposed projects contribute to the goals, policies, and strategies of the BRW Systems-Level Plan, and not simply upon how a particular project was to be implemented. He agreed that the BRWCT's funds should not be continually or primarily used to provide stop-gap support to fill budget holes that have been opened up for the state agencies due to federal and state funding cuts. Clearly the intent of the General Assembly in creating and funding the BRWCT was for it to focus on 'higher-order' strategic project investments that advanced systems-based management of RI's water resources and their sustainable uses. But he also noted that in this era of significant scarcity, if programs such as baseline environmental monitoring were not maintained and continued, it would be impossible to pursue credibly higher-order initiatives such as incorporating sound science into management and regulatory decisions, or advancing the principles of ecosystem-based management.

Willis said he agreed with Uva's concerns and doesn't want the BRWCT to be looked at simply as a gap-filler for state employee salaries. But they also have to be sure that what they are funding is worthwhile. The lobster ventless trap survey is definitely worthwhile. He said he was going to vote in favor of it, but stands behind Uva regarding the principle of the BRWCT not providing support for state employee salaries. In this case he felt that the value of this monitoring effort trumped his concerns about the BRWCT providing support to state employees. Burke asked if he could make a motion to accept this as submitted. Colt proposed a motion as follows:

"The BRWCT approves the DMF proposal as submitted to the BRWCT and discussed at its April 10 and May 22, 2013 meetings and to fund it at an amount not to exceed the requested amount of \$49,406."

This motion was endorsed by Burke and seconded by Rhodes.

Kiernan noted that, unlike DEM's Office of Water Resources, DMF receives almost no funding for commercial fisheries from general revenues and thus has much less flexibility in shifting the work priorities of staff who are supported by federal funds whose use is constrained. Uva asked if DMF did not receive the requested staff support, whether DMF staff would have to be furloughed. Masson replied that DMF would have

to rely upon their federal funds and therefore staff would be limited in the activities they could undertake, but that they would not be furloughed if the 2013 lobster ventless trap survey did not take place.

Rhodes asked if they did approve the DMF proposal for funding, what would be the impact upon the FY 2014 BRWCT budget. Colt noted that he had distributed to the BRWCT the latest versions of the FY 2013 budget and the project FY 2014 budget that incorporated full funding of the DMF proposal, and that the BRWCT could afford to fund this proposal and maintain its other funding commitments.

The motion to fund the DMF proposal for an amount not to exceed \$49,406 was approved with Burke, Rhodes, and Willis voting yes, Uva voting no, and Kiernan abstaining.

Colt proposed a second motion as follows:

“The BRWCT will not accept in the future any proposal from DMF to conduct the ventless trap survey that included a request to fund staff-time.”

Uva endorsed this motion and Rhodes seconded it for the sake of discussion.

Willis said he would vote against it because the responsibility to decline requests to fund staff-time should remain with the BRWCT, and not a proposing entity such as DMF. Rhodes, Burke, and Uva concurred that the BRWCT should retain the discretion to make such funding decisions regarding future proposals it receives. In response to discussion of this motion, Colt withdrew it.

Colt concluded the meeting by briefly reviewing the proposed agenda for the BRWCT's next meeting on June 5, 2013 and committed to circulating by Friday May 31, 2013, a draft BRWCT FY 2014 work plan for BRWCT review at its next meeting.

Meeting adjourned at 3:00.