RI Marine Fisheries Council
Menhaden Advisory Panel
Meeting Minutes
January 6, 2011, 6:00 PM
URI Bay Campus, Coastal Institute

S. Medeiros, Chairman	M. Bucko*
L Dellinger	J. Barker
G. Allen	P. Karcz[A]
R. Sousa	F. Tameo
D. Beutel*	C. Lachapelle
L. Lachance*	D. Guimelli
J. Macari	S. Bologna
E. Cook*	J. Kaelin
B. Ferioli*	R. Jobin*
J. Sousa[A]	J. McNamee, DFW staff

* = Panel primary member
[A]= Panel alternate

S. Medeiros began the meeting. He gave a brief outline of the agenda. He stated that the agenda would be a single issue agenda, and the issue was to reexamine the proposal brought forward by the Federated RI Sportsmen's Clubs (FRISC). With that he turned to C. Lachapelle from the FRISC to present their proposal.

C. Lachapelle gave a presentation of the FRISC's proposal (see attached for details). The main points of the proposal were to close the Providence River from a line beginning at Warwick Lighthouse extending to Rumstick Point from May 15 through July 15 in each year. All currently closed areas below this line would be opened for the same time period. All other restrictions currently in place (with the exception of closed areas as noted above) would remain including the gear restrictions, monitoring and reporting, and the Baywide cap and threshold amounts. C. Lachapelle gave a number of reasons for the appropriateness of their proposal. The reasoning is outlined in the written proposal and the main points are that the closure would protect spawning menhaden, safety on the water, maintaining forage for predators, and ease of enforcement.

S. Medeiros then passed the meeting over to J. Barker who had presented a package of information out to the panel containing information on fish kills (see attached). J. Barker indicated that he had passed the fish kill information out to refute a statement made by R. Sousa at the previous meeting regarding menhaden spawning, namely that menhaden do not spawn in the Bay. There was some discussion about fish kills in the Bay, but it was indicated that the point of the information was not to discuss fish kills per se, but to indicate that juvenile menhaden were in the Bay (the juvenile fish were the fish killed in the fish kills) and therefore spawning had to have occurred in the Bay. S. Medeiros asked J. McNamee of the Division of Fish and Wildlife to clarify based on a question from J. Macari. J. McNamee indicated that menhaden do in fact spawn all year long up and down the coast; however the current scientific understanding is that the peak of spawning for

menhaden occurs offshore of the Mid Atlantic Bight in winter. J. McNamee went on to indicate that the juvenile fish that J. Barker referred to were indeed spawned locally as the "peanut" sized fish could not have migrated all the way from the North Carolina coast. The current understanding is that these fish could not have come from any further away than Long Island.

J. Barker stated that the panel had two options, to remain at status quo which would endanger the stock status and possibly lead to future more draconian restrictions, or to accept the proposal before them in the best interest of the Bay and the menhaden stock. As to the logistics of the proposal, he did not feel that the trade off in close areas was unfair, he thought if compared, the switching of the closed areas would probably equal out. Following J. Barker's comments there was some additional discussion on spawning biology and migration.

S. Medeiros then went to the group to begin discussing the written proposal that had been submitted by FRISC. E. Cook began with some clarifying questions. R. Jobin stated that they might as well just close the Bay off to commercial fishing if the proposal were to go forward, the closure was right during the time and in the area where the bulk of the bait fishery was taking place. J. Barker suggested they could wait below the line and catch the fish as they migrated back out below the closure line. R. Jobin stated that the current program left half the fish therefore the closure wasn't needed there were still fifty percent of the fish left to spawn. He concluded by stating that due to efforts to clean up the Bay, there is no food left for menhaden which is why they have been leaving so quickly in recent history. R. Sousa stated that ninety percent of the Bay fishing is taking place in the area where the closure was proposed. J. Sousa added that they did not pick the areas of the current closures; they had come out of past negotiations. L. Dellinger made the point that they were talking about such a small proportion of the fishing that is occurring along the coast (namely the reduction fishery in the Chesapeake Bay) that the Bay removals of menhaden had virtually no effect on the population. An audience member stated that they needed to leave the menhaden in the Bay to protect them and provide food for the ecosystem. F. Tameo disputed the idea that the commercial fishery needed the Providence River, stating that the majority of the fish taken in 2010 were taken in the Bristol Harbor area.

He then began a discussion of the new Ark Bait proposal that had been submitted that evening. R. Sousa went through the proposal (see attached for detail). In summary the proposal added a cast net restriction with a ban on all other netting of menhaden in the closed area. The idea behind this was to close the loophole that allowed out of state fishermen to come in to RIs closed areas, harvest large amounts of menhaden using nets other than purse seines, and then sell them out of bait shops or over the dock. The proposal added that only new vessels would need to undergo the vessel capacity check. The proposal also implemented an 85 ft vessel length restriction, a single daily possession limit of 120,000 lbs, and had a permanent closure in the Providence River from a line from Rocky Point to Conimicut Light to Nayatt Point north. The proposal removes all other restrictions currently on the books except as indicated.

S. Medeiros began the subsequent discussion by stating that there seemed to be some level of agreement on a closure area, however not there was disagreement on how to treat current regulations. An audience member indicated that if all other restriction other than the closed area were removed, they would take every last fish in the Bay. J. Barker stated that the Ark Bait proposal would speed up the current decline of the stock. G. Allen stated that he was opposed to removing the trigger (threshold) stating that there were ecosystem reasons for leaving some fish in the Bay.

S. Medeiros then went to the Panel members for their advice to the Council. He asked the panel to begin with the FRISC proposal. D. Beutel began the discussion by stating that a lot of the biological reasons as indicated in the FRISC proposal were disputable. He did however feel that protecting the recreational fishery that existed in the Providence River was a reasonable approach. He did not accept the proposal as written but wanted to propose a hybrid proposal. He suggested keeping the existing gear restrictions, landing limits, and weekend/holiday closures. He felt however that they could implement a closed area of the Providence River per the Ark Bait proposed closure area and remove the current threshold. He did not feel the DFW could adequately assess biomass using the current model at that level. Two audience members objected stating that this would wipe out the Bay fishery and would entice more boats in to the Bay.

M. Bucko stated on behalf of the tackle shops that most agreed with a Providence River closure, although a few were opposed if that meant Greenwich Bay would open. They would also be OK without the triggers but wanted the cap to remain. He felt the tackle shops would agree with the closure line as proposed by Ark Bait. E. Cook voiced support for M. Buckos counter proposal. P. Karcz clarified that there would still be a mechanism to potentially keep some fish in the Bay. M. Bucko stated that the trigger could accomplish this, although there is nothing that says the fish won't leave anyways. B. Ferioli supported M. Buckos counter proposal. L. Lachance supported this proposal and said that they would be OK with the interior half of Greenwich Bay remaining closed. R. Jobin supported the original Ark Bait proposal with the exception of the net ban and cast net restriction. He asked that they revisit this aspect after the proposal was agreed to. G. Allen raised concern about removing the threshold as there would now be no mechanism for maintaining at least a set amount of biomass in the Bay. J. Barker agreed with this. J. Macari stated that if things were wide open it would bring in more boats. He went on to say that most sport fishermen correlate the menhaden leaving with the commercial fishery but he stated that this wasn't right, the fish migrate whether the commercial guys are there or not. He felt the panel should keep the current plan in place as they have not given it a chance to work for multiple years after which they could reevaluate it.

S. Medeiros brought it back to the panel. D. Beutel restated the current proposal as he understood it. **It was to implement a closure line per Ark Baits proposal, maintain the 50% cap but remove the threshold, have a single possession limit of 120,000 lbs per day, add in the 85 foot vessel limit, maintain all gear restrictions, monitoring, holiday and weekend closures, and reporting requirements, and to keep a portion of Greenwich Bay closed**. The panel agreed to this therefore it was a panel consensus.

The panel then took up the net ban portion of the Ark Bait proposal. The discussion was that the group agreed with the idea of closing the loophole, but did not agree with the proposal offered by Ark Bait as a solution as it punished legitimate fishermen. R. Jobin proposed that **all closed areas have a possession limit of 200 menhaden per vessel per day. The panel supported this proposal therefore it was a consensus.**

The panel then had a detailed discussion about how the cap functioned. J. McNamee indicated that the cap was set at 50% of the maximum biomass that comes in to the Bay, therefore if a portion of that maximum left prior to the commercial fishery harvesting their cap, there would not necessarily be 50% of the biomass left in the Bay. S. Bologna stated that they should develop something that ensured that at all times at least 50% of what biomass was currently in the Bay remain. The Panel did not take up this proposal; however J. McNamee stated that she was welcomed to make her proposal at the public hearing.

There were no other proposals brought forward, therefore S. Medeiros adjourned the meeting.

Federated Rhode Island Sportsmen's Clubs, Inc.

President - Dennis Etchells, Jr.

November 30, 2010

Dear Chairmen Steve Medeiros;

The Federated Rhode Island Sportsmen's Clubs, Inc would like to propose to the Rhode Island Marine Fisheries Council a Menhaden Management Proposal. The FRISC proposal is the closing of commercial purse seining for a limited area and for a limited time, while removing restrictions on all other areas. We propose closing the area of Narragansett Bay north from Warwick Light House to Rumstick Point, from May 15th to July 15th.

There are a few reasons that the FRISC is bringing this proposal forward at this time

1) Safety on the water is of the upmost importance. We understand that this is a great fishery for both recreational and commercial fishermen and all need to share the water and fishery, but once again safety must be first and last on the mind.

2) Tautog fishing is closed to recreational fishing from June 1st to June 30th. The closure is so that the fish have time to spawn. FRISC would like the menhaden fishery be closed to commercial purse seining for the two months of May 15th to July 15th.

3) Finally, historically pods of menhaden enter the bay and forage for food. They congregate in area with higher concentrations of algae, typically rivers and estuaries. The pods of menhaden oxygenate the areas making it more sustainable for other species. These pods are then held in these areas by the predators that follow them. The predator fishing is what keeps the recreational fishermen and women coming back year after year to the bay for great sport fishing. Also by closing the upper bay the stripers and blue fish will have more pods of menhaden to feed on and leave the other fisheries to reproduce and strive. The Lobster fisheries has been talked about this past year and one of the factors in the reduction of the fishery is predator fish in the bay.

4) The National Marine Fisheries Service and the Atlantic Marine Fisheries have been working for the past year on a plan for the River Herring and Shad fisheries. One of the major issues that is being looked at is the by catch of these two fisheries. These two fisheries are in the

bay the same time that the pods of menhaden are in the bay. Allowing the fish to spawn and not pressure them once again will allow the bay to flourish. As stated before this will benefit all users of the bay and benefit the bay itself.

5) Adopting this proposal will also help in the enforcement of this fishery. The DEM Enforcement will have a set location in the bay for the two months, May 15th to July 15th that the FRISC is proposing.

6) This proposal is in addition to all current Rhode Island State Laws, Rules and Regulation.

The areas are chosen year after year by nature without human intervention. The FRISC feels that this is the safest, fairest and best compromise for all user groups and most importantly for the fishery and the Narragansett Bay. We are willing to meet at any time in the future to discuss this matter to its fullest. Please feel free to contact us at any time.

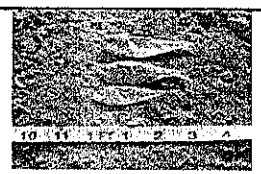
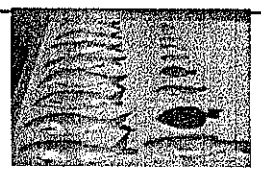
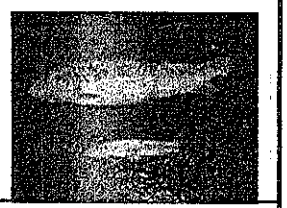
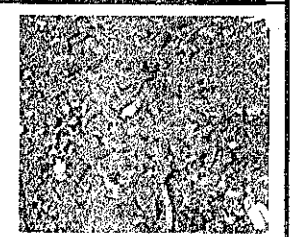
Respectfully submitted;

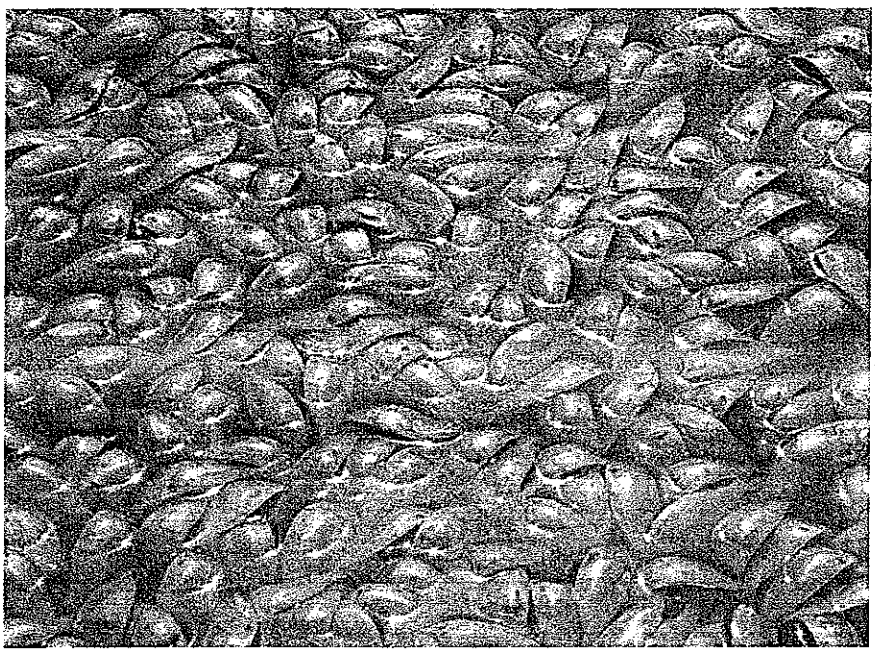
Dennis A. Etchells Jr, President FRISC

Craig Lachapelle, Vice-President FRISC

Federated Rhode Island Sportsmen's Clubs, Inc
P.O. Box 9595 Warwick, Rhode Island 02889
401-615-8640 or 401-921-5211

Fish Kills in Marine Waters of Rhode Island in 2005

Date	Location	City	Species Affected	Number Affected	Cause	Site Photo
7/24/2005	Old Mill Cove	Warwick	Soft shell clam	200,000	Natural occurrence/overcrowding	Not available
9/3/2005	Brushneck Cove	Warwick	Atlantic menhaden	376,200	Juvenile menhaden were pushed into the cove by large gamefish and became stranded during the outgoing tide.	
9/16/2005	Blackstone River	Pawtucket	Atlantic menhaden, Hickory shad, White perch, Summer flounder, Pumpkinseed, Striped bass	2,000,000+	Low oxygen levels, coupled with a low spring tide event trapped millions of fish directly below the dam.	
9/25/2005	Woonasquatucket River	Providence	Atlantic menhaden, White sucker, Striped bass, Four spine stickleback, White perch, Blue crab, Green crab	4,500	This kill was caused by a combination of factors including stagnant, oxygen depleted water, a large algal bloom and an abundance of fish.	
10/3/2005	Narragansett Bay	Newport	Northern Sea Star	230	Sea stars became stranded at high tide line when the tide receded. Approximately 30 sea stars were dead/decaying, however 200 were still alive and were placed back in the water.	
10/17/2005	Sabins Point	East Providence	Northern Sea Star	Unknown	Possible overcrowding or stranded during ebb tide.	Not available



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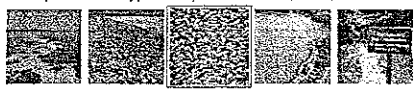

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Menhaden fish kill

A menhaden fish kill in August 2003 due severe hypoxia–near anoxia–in Greenwich Bay (Narragansett Bay, Rhode Island).
Photo Credit: Chris Deacutis | IAN

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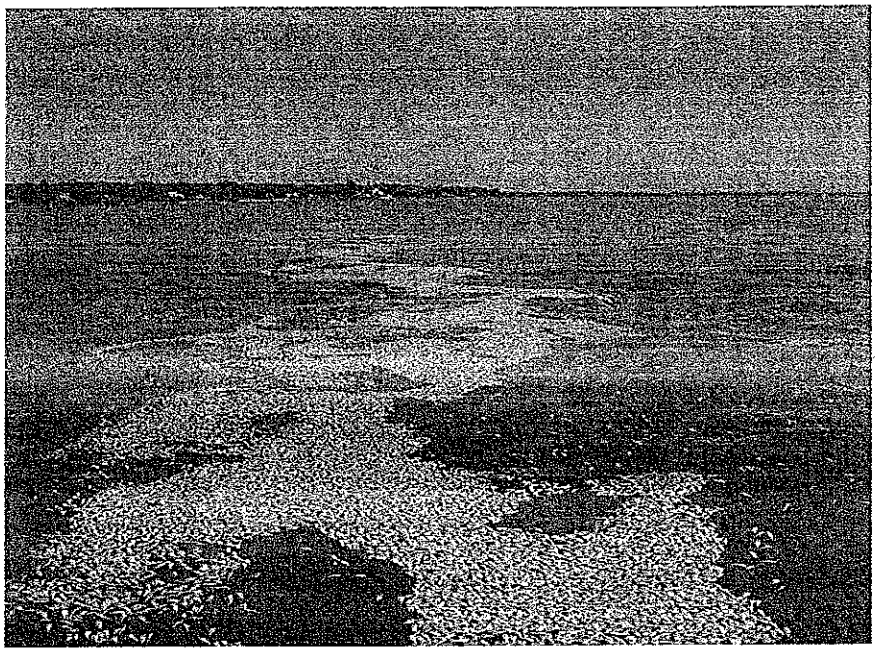

Menhaden fish kill

A menhaden fish kill in August 2003 due severe hypoxia--near anoxia--in Greenwich Bay (Narragansett Bay, Rhode Island)
Photo Credit: Chris Deacutis | IAN

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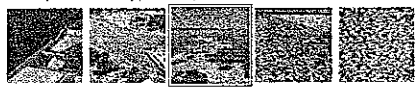

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Weather Forecast

Fish kill spurs governor to form bay cleanup commission By Steven Stycos

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Spurred by an August fish kill of a million juvenile menhaden, millions of juvenile quahogs and hundreds of crabs and other marine animals, on Oct 22 Rhode Island Gov Donald Carcieri appointed a commission to recommend steps to clean up Narragansett Bay Rhode Island environmental regulators and advocates say the top priority should be reducing nitrogen in the state's coastal waters, but multimillion-dollar price tags may hamper quick action

A Rhode Island Department of Environmental Management (DEM) report blames low oxygen levels for the summer fish kill in Greenwich Bay Conditions in the 5-square-mile cove located on Narragansett Bay's western shore have deteriorated as its watershed has become increasingly urbanized Since 1985 according to a draft Rhode Island Coastal Resources Management Council (CRMC) report population in the watershed has grown by 14 percent increasing sewage and impervious surfaces Although state and local officials are already upgrading local sewage treatment they warn that significant improvements in Greenwich Bay s water quality will take years

There is no magic solution no quick fix ' says the DEM report Nor can we guarantee that any action or combination of actions will reduce the risk of a recurrence significantly within a short period of time say a year "

At a press conference announcing the commission, Carcieri did not outline specific steps to improve bay water quality saying the issues were best left for the commission He specifically declined to endorse a $15-million water quality bond proposed by DEM or laws to force people to hook their homes into sewer systems

While the fish kill gave Greenwich Bay's problems a high profile, other areas of Narragansett Bay also suffer from low summer oxygen levels caused by nitrogen according to John Torgan Narragansett Bay keeper for Save The Bay A study of oxygen levels conducted on the day of the Greenwich Bay fish kill found severely low oxygen levels from Fields Point in Providence to the Jamestown Bridge, more than 15 miles away The lack of oxygen appears to be changing which organisms can live on the bay's bottom According to the DEM report, several scientific studies show that low oxygen-tolerant bottom species are more likely to be found north of Jamestown

Human waste laden with nitrogen, is the principle problem Nitrogen, which acts as a fertilizer for marine plants triggers algae bloom when heavy rain forces sewage plants and septic systems to overflow When the nutrients are exhausted and the algae blocks light from penetrating the water's surface, the algae decomposes in a chemical process that uses the dissolved oxygen in the water The resulting hypoxia (low dissolved oxygen levels) or anoxia (no oxygen) suffocates marine animals

The unusually rainy summer forced frequent overflows in Rhode Island's sewage treatment plants as runoff in urban areas surged through storm drains into the sewer system The rain also flooded septic systems pushing untreated sewage into the ground water...The result was high nitrogen levels throughout Narragansett Bay

The sewage overflows also closed Rhode Island beaches a record number of times this summer. In 2001, a summer with an average rainfall Rhode Island's beaches were closed for a total of 148 days due to high ecoli bacteria levels In 2002, a dry summer, they were closed for only 103 days But this year there were 454 closures, according to David Burnett beach

today's events

?	January, 2011					
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Sun	Mon	Tue	Wed	Thu	Fri	Sat
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Winter Coat Drive *1:17 PM to 1:17 PM*
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B.I. School Basketball... *1:19 PM*
12:30pm Girls Varsity BBall vs Fatima S...

program coordinator for the Rhode Island Department of Health

Local efforts to improve Greenwich Bay's water quality began long before this summer's spectacular fish kill In 1996, voters in Warwick passed a $130-million bond issue to provide sewers to coastal areas The effort is critical because according to the DEM report 51 percent of the Greenwich Bay watershed's nitrogen comes from septic systems. And even when Rhode Island septic systems are properly functioning they remove only 10 to 20 percent of nitrogen in wastewater according to a 1990 study

The ongoing project has already extended sewer lines to a thousand homes said Warwick Mayor Scott Avedesian and when finished should include another thousand Unfortunately he said, only half the homes are actually tied into the sewer system, reducing the expensive project's effectiveness By the end of the year however he expects Warwick to approve mandatory tie-in rules

The East Greenwich Wastewater Treatment Facility supplies another 40 percent of the Greenwich Bay watershed's nitrogen, according to the DEM report The plant's superintendent Joseph Macari said by 2006 a technological upgrade would remove all but 5 milligrams per liter of nitrogen But again ties-ins are a problem with about 60 percent of people opting to maintain their septic systems

In addition to installing sewers a year ago Warwick asked CRMC the state agency responsible for coastal zoning to devise a Special Area Management Plan (SAMP) for troubled Greenwich Bay That process which began this past spring, will examine all pollution problems including lawn fertilization (estimated by DEM to supply 7 percent of the watershed's nitrogen) illegal dumping of human waste from boats and even pet waste washing into the bay during heavy rain storms The draft SAMP report and the DEM report also state that Greenwich Bay water quality suffers when tides bring nitrogen-laden water from Narragansett Bay into the shallow cove although both indicate that the effect has not been measured

The primary sources of that nitrogen are well known: Rhode Island s two largest sewage treatment plants Located in Providence and East Providence and operated by the Narragansett Bay Commission (NBC) the plants treat 70 percent of Rhode Island's waste that flows through sewer lines Each day the two plants handle about 69 million gallons of sewage said the NBC's public affairs manager Jamie Samons dwarfing the 1 million gallons a day output of East Greenwich's plant

The East Providence plant is already undergoing a $72-million renovation that will reduce nitrogen discharges from 14 mg/liter to 8 mg/liter. But the larger Providence plant, which discharges 15 mg/liter according to Samons is still negotiating its nitrogen limit with DEM. Save The Bay and DEM are pushing for a 5 mg/liter limit but NBC wants a higher limit saying that the scientific reasons for such a low level have not been established and construction costs between $15 and $75 million will increase sewer rates Ratepayers are already financing a $300-million underground tunnel system currently under construction that will catch sewer overflows during heavy rainstorms.

"Everyone recognizes nitrogen reduction is in our future said Samons but the NBC denies triggering the Greenwich Bay fish kill. Detailed mapping of oxygen levels on Aug 20 indicates the problem originated on Greenwich Bay's western shore she accurately noted not from Narragansett Bay

But the DEM report argues that nitrogen discharges from sewage treatment plants make Narragansett Bay continually vulnerable to another fish kill. Even during the relatively dry summer of 2002, it notes many areas of the bay north of Prudence Island were plagued by low oxygen levels "We need to deal with nutrients from all the major sources ' the report concludes.

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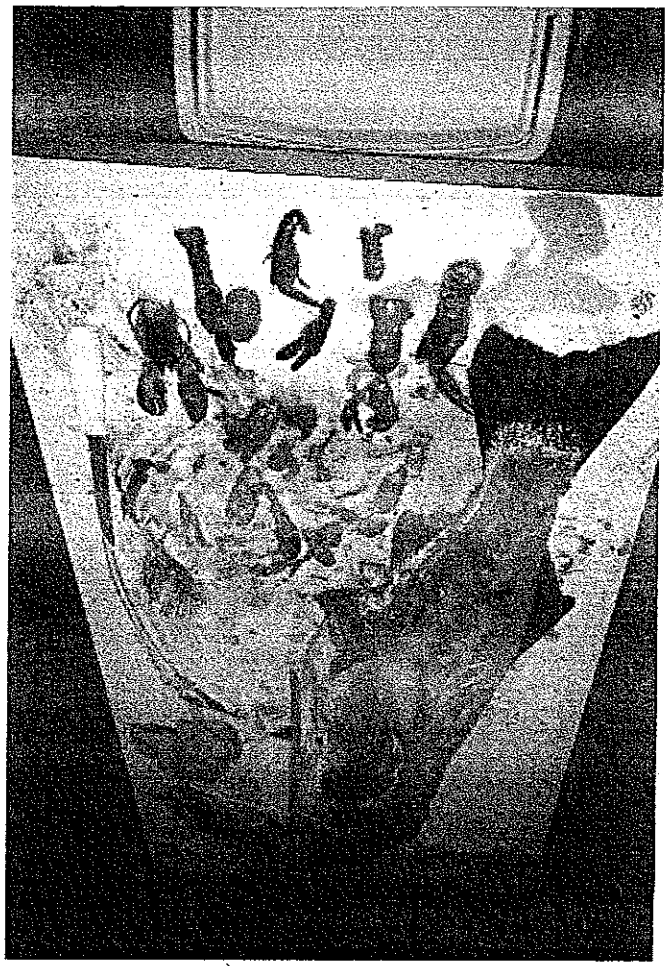

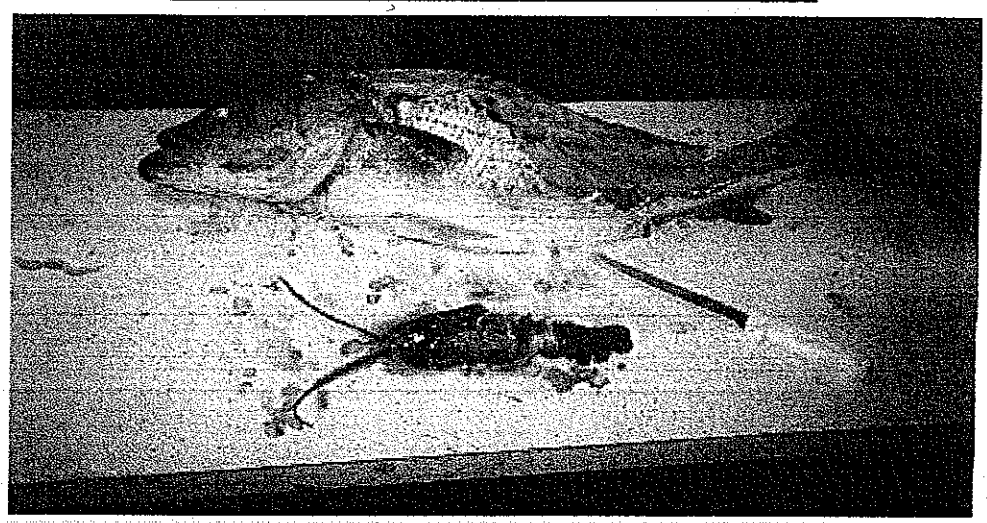

1/5/2011

Regulations
PART XVI - MENHADEN REGULATIONS

16.1 Prohibition on the Harvesting of Menhaden for Reduction Processing -- The taking of menhaden for reduction (fish meal) purposes is prohibited in Rhode Island waters. A vessel will be considered in the reduction (fish meal) business if any portion of the vessel's catch is sold for reduction. (RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

16.2 Narragansett Bay Menhaden Management Area – Narragansett Bay, in its entirety, is designated a Menhaden Management Area. The area shall include the east and west passages of Narragansett Bay, Mt. Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet Point to Beavertail Point to Castle Hill Light. The southern boundary further extends from Land's End to Sachuest Point and then to Sakonnet Light. The following regulations govern all commercial menhaden operations conducted in the Narragansett Bay Menhaden Management Area.

16.2.1 Gear Restrictions --The use of purse seines shall be permitted only in accordance with the following terms and conditions:

(A) All nets shall be less than 100 fathoms (600 feet) in length and less than 15 fathoms (90 feet) in depth.

(B) All nets shall be marked with fluorescent-colored float buoys, distinguishable from the other float buoys on the net, at intervals of 50 feet.

(C) Annually, prior to use, all nets shall be inspected and certified as being in conformance with the provisions of this section by the DEM Division of Law Enforcement. Once inspected and certified, a net may be used throughout the duration of the calendar year in which it was inspected, provided that it is not altered with regard to any of the provisions of this section. Any net that is

altered with regard to any of the provisions of this section must be re-inspected and recertified prior to use.

(D) Only the maximum size of an 8 foot cast net may be used in closed areas. All other netting is banned.

16.2.2 Vessel Restrictions – When engaged in the commercial menhaden fishery, vessels may not have a useable fish storage capacity greater than 120,000 pounds. Prior to the commencement of fishing, each new vessel, in the fishery, must be inspected by a certified marine surveyor and assessed with regard to its fish storage capacity. A document reflecting the assessment must be kept aboard the vessel at all times. Any vessel with a fish storage capacity greater than 120,000 pounds may only engage in the fishery if the excess capacity is rendered unusable in accordance with the specifications set forth in the assessment.

All vessels in the purse seine menhaden fishery shall not have an overall length greater than 85 feet. Also, the DEM shall give consideration to those vessels that could be grand- fathered in, based on their past history in the purse seine fishery.

16.2.3- Possession Limits

(A)No commercial menhaden fisher shall possess more than 120,000 pounds on a daily basis.

(B) No commercial menhaden fisher shall possess menhaden or otherwise engage in the taking of menhaden anytime on Saturday, Sunday, on any official state holiday, or prior to sunrise or following sunset.

16.2.4 Reporting Requirements

On a daily basis in order to permit the DEM to monitor the purse seine fishery, each vessel shall notify the DLE at

(401) 222-3070 of his or her intent to harvest menhaden and later again call the DLE to report their daily catch and the area fished. This will allow the DEM to monitor the menhaden that comes into the Menhaden Management area, as well as the Mount Hope and Narragansett Bays, using the scientific monitoring methods, that have previously been developed by the DEM.

16.2.5 Opening/Closure of Fishery

The menhaden fishery shall open on January 1 of each year and close on December 31, of said year.

16.2.6Permanent Closures

All waters north of a straight line running from Rocky Point to Conimicut Light to Nayatt Point, shall be closed to all netting with the exception of the previously mentioned 8 Ft. cast net.