

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
August 4, 2008 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: C. Anderson, J. King, S. Medeiros, S. Parente, G. Allen, D. Preble,
K. Ketcham, S. Macinko
Chairperson: M. Gibson
RIDEM F&W Staff: N. Scarduzio, M. Lapisky
DEM Staff: R. Ballou, L. Mouradjian
Law Enforcement: F. Ethier
Public: 13 people attended

M. Gibson called the meeting to order. Gibson indicated there had been a few significant events that occurred since the Council last met. The events being the loss of Philip Ruhle, Sr. and the dedication of the Fishermen's Memorial. J. King asked to take a moment to reflect on these two very important events. He thanked M. Marchetti and those who planned and worked on the memorial. The memorial was a dedication for fishermen who were lost at sea or lost their lives while performing their duties as fishermen. He also thanked C. Brown for his profound speech about P. Ruhle Sr., fishermen, and those that manage the fishery. King expressed his sentiments towards the loss of P. Ruhle, Sr. explaining he would be missed on many levels. J. King asked for a moment of silence in memory of P. Ruhle, Sr.

M. Gibson made some modifications to the agenda. He requested that item 3e be moved under item 3a since M. Lapisky was present to address the marine fisheries staffing issue. He also asked that item 3f be expanded to include the IAC report from the July 29 IAC meeting. M. Gibson asked Council members if they had any other adjustments to make to the agenda. D. Preble asked if item 3d could follow 3e. Councilman S. Parente asked to add an item 3g under new business pertaining to the status of transiting through the EEZ between Block Island and Point Judith waters. He wanted an update on the status of the issue. He also asked for a second item to be added to the agenda, item 3h, regarding a discussion about AP quorums. M. Gibson stated these two items could be discussed, but no action could be taken since these items were not noticed on the agenda. Gibson asked if there were any objections to amending the agenda as suggested. Hearing no objections, the agenda was approved as amended. **There were no objections to approving the agenda as modified therefore the agenda was approved as modified.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the June 2, 2008 meeting. M. Gibson asked if there were any requests to discuss or modify the minutes. J. King asked to have the June 2, minutes modified to include accolades to the individuals from the Narragansett Bay Commission, the Division of Fish and Wildlife, and the Division of Law Enforcement for their participation in the shellfish transplant. M. Gibson suggested that King work with staff to make the necessary adjustments and indicated that the minutes would not be approved until they were amended to include the information that J. King had requested. **M Gibson asked if there were any objections to**

waiting to approve the June 2 minutes until seeing a revised version. There were no objections.

New Business

New member introductions – M. Gibson:

M. Gibson introduced R. Hittinger as a new Council member replacing G. Allen on the Council. Gibson welcomed Hittinger to the Council.

M. Gibson also thanked G. Allen for his many years of dedication and participation on the Council. M. Gibson acknowledged that G. Allen was present in the audience and that B. Ballou on behalf of Director Sullivan wanted to thank G. Allen.

B. Ballou on behalf of the Department and the Council thanked G. Allen for being committed, conscientious, and fair. He explained that G. Allen had been a very unique and impressive representative of the RI fishing industry. On behalf of Director Sullivan, who was unable to attend, B. Ballou thanked G. Allen and presented him with a proclamation from Governor Carcieri, which Ballou read to the audience.

G. Allen indicated that it had been an honor to be on the Council and an honor to be associated with all the Council members. He expressed that he had strong feeling for all of the Council members and that this had been an important part of his life. G. Allen thanked M. Gibson and the Division staff for their dedication and support of the Council. The audience applauded G. Allen.

Discussion on nominations for Vice-Chair – M. Gibson:

M. Gibson asked Council members to be thinking about nominations for Vice-Chair. He indicated that he did not need nominations for this evening but wanted Council members to be thinking about it and be prepared to vote by the next Council meeting.

D. Preble was ready to make a nomination and wanted to make a motion to nominate S. Medeiros as Vice-Chair, because he was the next senior Council member and very knowledgeable about state fishery matters. Preble also indicated that S. Medeiros had demonstrated his skill and experience in managing and organizing. Preble also expressed that S. Medeiros had a record for considering all sides presented and looked for solutions acceptable to all sides.

M. Gibson interjected to point out that according to the agenda the Council did not need to take any action on this agenda item until the September meeting. He indicated he wanted to give all Council members the opportunity to have enough time to think about appropriate nominations and did not want to entertain a vote this evening.

D. Preble stated that he would withdraw his motion. However, Preble indicated that he would not be able to attend the September Council meeting and would not be able to make the motion at that meeting.

M. Gibson felt that the Council needed to wait until the next meeting to address the issue.

Discussion of Marine Fisheries Program Assessment concerning marine fisheries staffing needs
– D. Preble:

M. Gibson explained this item came from industry who had expressed concern about the Division of Fish and Wildlife's ability to staff advisory panels and attend meetings of consequence to industry. As noted earlier, M. Gibson had asked Chief M. Lapisky to speak to this topic and answer questions regarding staffing for the marine fisheries section.

M. Lapisky gave a summary of the state's current fiscal situation and the impact on the Division of Fish and Wildlife. Lapisky explained that a number of staff will be retiring and others are just leaving. Currently three people from the marine fisheries section have left and another person will be leaving in August. He also pointed out that both M. Gibson and N. Lazar were working at the Government Center in different capacities and were also taken away from the marine fisheries section. Lapisky stated that the marine fisheries section has been hit the hardest.

Lapisky explained that if the marine fisheries section does not have the bodies to attend all the fishery technical meetings associated with ASMFC then he could not send people he did not have. He indicated he had completed critical needs requests for vacant positions but he had not heard anything at that time. The current situation had caused some stress for the marine fisheries staff. He explained it would be increasingly more difficult for the marine fisheries staff to carry out the needs of industry.

M. Lapisky praised the marine fisheries staff for their work. Indicating he had confidence in the high level of performance from this staff. However, he was concerned that the number of people left would not be enough to continue the work load and the marine fisheries section would fall below critical mass. Lapisky stated that he had done all that he could do and so had the Director. He suggested that if industry was concerned about the marine fisheries section they should collectively approach the higher levels of state government to voice their concerns.

G. Duckworth explained that he attended many advisory panel and Council meetings and found the process to be slow for getting proposals or ideas vetted. He wanted to know if the shortage in staff would make the process even slower. Duckworth asked what industry could do.

M. Lapisky explained that yes, if the Division does not have staff for support for these panels and committees this could make the process even slower. Lapisky again suggested that industry collectively approach the higher levels of state government to voice their concerns.

K. Ketcham asked if there could be a proxy taken from industry that could go to represent the state of RI if Division staff were not available to attend the Atlantic states or mid-Atlantic state meetings so that RI was represented. M. Lapisky explained that he did not know if that would be possible. He suggested M. Gibson could check in to this but he felt that these technical meetings required a neutral scientific person representing the state. He did not think this type of change could occur. M. Gibson also indicated that it was in law in many cases as to who could represent the state.

D. Preble asked M. Lapisky of the three sections he was in charge of had the marine fisheries section been hit the hardest. M. Lapisky responded that it had been the hardest hit. Preble wondered if staff from the freshwater fisheries section could be shuffled over to the marine fisheries section. Lapisky explained there were union contracts with work posted locations and duties, etc, that would make that difficult.

C. Brown suggested a cost benefit analysis would reveal the value of the recreational and commercial fisheries in the State of RI for what was put in to it and what was given back gives more revenue than anything else does. M. Lapisky indicated that he had provided this information in the form of surveys completed by the US Fish and Wildlife Service to legislators, the Director, and the Governor's Office, but he felt that the state was in such a crisis that they were not looking at that long-term benefit.

C. Brown stated that they could only lose their rights to these fish once. Industry could not afford to lose representation at the Mid-Atlantic or New England Marine Fisheries Council or any other meeting.

Lapisky indicated that he, M. Gibson and N. Lazar had looked at staffing, but they had limited options due to minimum numbers of staff remaining.

J. King wanted to know what the Council could do during this difficult time. M. Lapisky suggested bringing issues about marine fisheries, such as the socioeconomic values, to a level higher than the Director and try to get these ideas across to the people who knew something about economic development. To people that knew how important it was for the fishing industry to survive and what an important component it was to RI economics. He suggested agencies like the EDC or the Governor's office.

C. Anderson indicated that the fiscal situation in the state had people like the legislation, DOA, and the Governor's office thinking only about costs. He stated that when a person leaves the state that was a cost off the books. There was no analysis of benefits, at that level, that he has seen.

C. Anderson reiterated that industry should make sure that people higher than the Director understand what those benefits were and that your industry would be angry if you do not receive them and how they benefit the state.

M. Gibson pointed out a few options that the Council could take; one would be for a Council member to draft a resolution regarding staffing levels and budget concerns for consideration by the Council at a future meeting. Another option would be to solicit industry for topics of discussion for the Director's roundtable meeting.

Discussion about combining advisory panels and vacated Chair positions – D. Preble/M. Gibson:

M. Gibson outlined that due to decreased levels of staff and following the logic of consolidating advisory panels along the lines of the sector plans i.e. finfish, shellfish, and crustacean along with an Enforcement AP, and the IAC. The consolidation would not only make it more efficient in terms of staffing the AP's, but it would also line up with the fishery sector management plans that the Division prepares annually and the annual review of licensing.

D. Preble explained there were two ways to approach this issue. One was to apply more resources the other would be to become more efficient in how we do things. He indicated there were a number of advisory panels and limited staff and at times, some of the meetings were not productive. The only AP the Council was required to have was the IAC. He suggested having a discussion on which AP's could be consolidated to combine functions, as well as, reducing the number of Council meetings.

M. Gibson suggested having the Division prepare a proposal to offer the Council some suggestions on which AP's could be consolidated. **He asked if there were any objections from the Council. There were no objections in proceeding in this manner.**

C. Anderson added that some of the problem with not having people attend meetings is due to general or broad issues that some people were not interested in and therefore do not show up for meetings, such as some of the IAC meetings. While on the other hand, if the striped bass AP met people who were interested in striped bass were going to show up and usually have in the past. He indicated that this AP does not have a problem making a quorum because it is specific to striped bass issues.

M. Gibson also indicated that the other part of this discussion was to nominate Council members to the vacated Chair positions left by G. Allen. He suggested that the Council wait to make these nominations until they decided on the consolidation of AP's. The Council was in agreement with his suggestion.

Discussion on Council meeting schedule -M. Gibson:

M. Gibson explained that the Council could be more efficient or conduct Council business differently if the Council adopted a different meeting schedule. One suggestion was to adopt a quarterly (once every three months) format similar to the NEFMC or the ASMFC. The Council could dedicate an entire day or days if needed to work through all the issues. He indicated that public hearings might follow a similar format with a quarterly schedule. Gibson asked for comments from the Council.

J. King asked if a quarterly meeting schedule would provide the Director with more flexibility or impair his ability to make fishery related decisions. M. Gibson was not sure, but indicated it might impair the flexibility of the Director in terms of obtaining advice from the Council.

S. Parente commented that the Council seemed to have a hard enough time bringing issues through the process with a monthly meeting schedule he could only imagine quarterly meetings making the current process even longer.

R. Hittinger commented that evening meetings encourage people to participate. He indicated that evening meetings allow people from industry to attend. He was concerned it would be more difficult for people to take a day out of work to attend Council meetings if they were held during the day.

S. Medeiros thought some major revamping was in order. He suggested a bimonthly meeting (occurring every two months) with the understanding that anytime something important came up the Council would have to meet more frequently like during the Fall/Winter when the quotas become available. Medeiros also indicated the AP process needed to be streamlined. Currently it was too bogged down; when new ideas were presented it sometimes took six months before the Council could consider them. He suggested that if they met bimonthly there should be a process where issues could come forward without having to first be approved to the agenda then sent back and forth. Medeiros wanted to make sure AP's would be able to meet so recommendations would be presented to the Council at bimonthly meeting and reduce the amount of back and forth time.

J. King indicated that by now the Council had a good idea of what months they need to meet. The Council had been doing this for some time so they knew when it was a critical time to conduct meetings. He suggested eliminating the months the Council does not need to meet. Nevertheless, keep it to a monthly schedule for the remaining meeting times. He suggested following the schedule set for finfish, shellfish, and lobster.

K. Ketcham also indicated that twelve meeting per year were not necessary. He also mentioned that a few meeting had been cancelled due to lack of attendance. He was in agreement with S. Medeiros and J. King that possibly bimonthly meeting with regular monthly meetings in the fall. The summer months seemed not to have many pressing issues so the Council would not need to meet then. K. Ketcham suggested consolidating meeting to six or eight per year leaving out some winter and summer months.

M. Gibson suggested having the Division prepare a proposal to offer the Council some suggestions on a meeting schedule as well as an AP consolidation proposal and a public hearing schedule.

Gibson stated there does not seem to be any Council support to switch to a daytime meeting schedule, but rather to fewer monthly meetings if it could be worked out.

G. Allen made a suggestion not to hold Council meetings and public hearing at the same time because it becomes a very long evening and very difficult to focus on all issues.

Report of the July 29, 2008 Industry Advisory Committee (IAC) meeting and Approval of IAC Agenda - K. Ketcham:

K. Ketcham summarized the IAC meeting minutes by indicating that for the shellfish sector, the committee recommended to continue to apply a 3:1 exit/entry ratio to the non-renewed principal effort licenses with quahog endorsements. Additionally, the committee recommended maintaining status quo for the licensing of soft-shelled clams.

In the restricted finfish fishery, the committee recommended status quo, to continue to apply a 5:1 exit/entry ration to active licenses (MPL's and PEL's w/Restricted finfish endorsements) that retired in 2009.

Regarding the lobster fishery, the committee recommended that the Council request Director Sullivan to ask the RI State ASMFC delegates to put pressure on the ASMFC to get to work on producing a lobster trap transferability program.

K. Ketcham explained that the IAC had initial discussions regarding the loss of a RI commercial fishing license due to a change of residence from RI to another state. The committee had recommended to the Council that DEM provide more data on non-resident licenses and the scope of this issue for further discussion at the next IAC meeting.

K. Ketcham indicated that the IAC members requested to have another meeting to have B. Ballou return with information regarding the non-resident license issue. A meeting was tentatively scheduled for August 19, 2008.

M. Gibson pointed out that there was one recommendation from the IAC that the Council needed to take action on. That was the recommendation that the Council request Director Sullivan to ask the RI State ASMFC delegates to put pressure on the ASMFC to get to work on producing a lobster trap transferability program. He asked how the Council wanted to proceed with the recommendation,

K. Ketcham made a motion to recommend that the Council request Director Sullivan to ask the RI State ASMFC delegates to put pressure on the ASMFC to get to work on producing a lobster trap transferability program. J. King seconded the motion.

M. Gibson asked for Council discussion on the motion. There were no comments. He asked if there were any objections to the motion. **Hearing no objections, the motion was unanimously approved.** M. Gibson indicated that he would take that recommendation to the Director and the ASMFC delegates.

K. Ketcham requested to have B. Ballou's list of additional licensing issues included on the next IAC agenda. M. Gibson also indicated that the discussion about loss of a RI commercial fishing license due to a change of residence should also be included on the agenda. M. Gibson asked if there were any other issues from the Council for the IAC. There was none.

G. Duckworth inquired if the gillnet regulation issue could be revisited at the next IAC meeting. M. Gibson indicated that the gillnet marking issue needed to be reviewed at the Department level then brought back to the Council for review before any other further work was done by the IAC. There were potential conflicts between proposals that were brought forward by industry and the Federal whale and harbor porpoise requirements. It was the Department's view to propose reconciliation between state regulations, proposals that remain at the Director's office, and federal regulations. Gibson indicated that the ball was in the Department's court at this time.

G. Duckworth agreed that was also what industry was concerned about that the vertical line issue was in violation with the newly promulgated ALWTRP. He summarized the issue at hand for the audience.

M Gibson indicated that the gillnet issue would not be on the IAC agenda but the Council could expect a Department hearing at some point with marking requirements and the Department will make an attempt to reconcile state regulations with federal regulations in the event the Department determines that that needs to be done.

K. Ketcham asked for Council feedback on the non-resident commercial fishing license issue.

S. Parente felt that if an individual had a commercial fishing license for 30 years and moved out of the State of RI that it would be inappropriate to take the license away. Especially since that individual would then pay almost double the price for a license. Parente also added that fees for licensing, one of the few fees, goes directly to DEM and not the general fund. He felt something should be done to resolve the issue to allow individuals to maintain a RI commercial fishing license.

M Gibson pointed out that because there was such a stringent exit/entry ratio coupled with allowing this to occur would eliminate the attrition that industry was trying to use to bring in new blood. If there were no attrition through residents becoming non-residents then it would be that

much harder for the so-called new blood that industry has talked about being able to entering the fishing industry.

M. Gibson asked for comments from the audience.

G. Carvalho agreed with Councilmember S. Parente that if licensed RI commercial fishermen moved out of state they should be able to obtain a non-resident commercial fishing license.

Update on the status of the EEZ transiting issue – S. Parente:

Councilmember S. Parente asked for an update from the DEM on what had been done on this issue.

M. Gibson indicated that at this time there was no action by DEM because it was a Federal issue. He explained that Federal regulation governed the Federal zone between Block Island and the State of RI. The only species that had a transiting provision in Federal rules was striped bass. In order for that to change, it had to take some action to do that and Gibson did not know if there was any initiative to make that happen. He asked if the Council would like to see more information on this issue and discuss this on a future agenda. The Council expressed interest that they would like to see this issue on a future agenda for more discussion.

Advisory Panel required quorum issue – S. Parente:

S. Parente wanted the Council to discuss what type of quorum for the other AP's would be expected if any. He pointed out that the AP's were conducted according to Robert's Rules of Order at the discretion of the AP Chair. He was concerned and wanted clarification on how this would be applied at future AP's.

M. Gibson explained that it was his understanding that at AP meetings you would need one more member than half of the combined membership to make a quorum.

K. Ketcham explained that in the past, at various times, he has had very low attendance and had passed forward to the Council recommendations from the few members that were present because they represented those sectors of industry that were interested in that issue. He indicated that for some issues attendance would be low and for those times, the meeting should be held at the discretion of the Chair.

M. Gibson explained that the Council could not take any action on this issue at this meeting and that it would have to be on an agenda given proper notice.

S. Medeiros agreed that it was a problem and that he though that the lack of quorum was enhanced due to the way each AP had been constructed which was to include every gear type. If there were issues that did not include a specific gear type then those individuals not affected would not show up making it difficult to meet a quorum.

Old Business:

Progress on Sector Allocation Proposal – C. Brown:

C. Brown reported that his group had established as a legal entity and filed with the Secretary of State's Office. He indicated that step in the process had been completed. He indicated he had provided the Council members with the bylaws. He also reported that he had a draft contract that just needed some final touches, and an active fishing agreement. He briefly reviewed their

landing history. C. Brown mentioned that he was looking in to having electronic logbooks installs on the sector vessels. He anticipated they would be installed by fishing year 2010. He described how the electronic logbook would work. Brown stated that they had met all the requirements and were ready to go forward.

S. Parente asked if the sector boats would have observer coverage.

C. Brown explained that he had spoken to the NMFS observer program people and volunteered to be the vessels used in the observer program. He also indicated that he had offered to pay the state for the use of state observers. There were also two groups of people in the process of forming companies to observe fishing and unloading.

S. Parente asked when they could expect a final proposal.

C. Brown indicated it would be completed by the next Council meeting.

D. Preble suggested presenting the proposal at a public hearing to obtain public input.

M. Gibson explained that standard procedure was to have proposals go before the advisory panels then go back to the Council then on to public hearing. He recommended the proposal go before the AP. He asked for Council discussion.

S. Parente explained that he recalled the AP where the sector allocation concept was initially presented but no vote was ever taken as to the direction the proposal should take. He explained that the only vote taken at that AP was to allow C. Brown to brief the Council on the sector allocation concept. S. Parente recommended the proposal be sent back to the AP for further discussion. He indicated that the AP needed a final proposal to be able to deliberate and give recommendations.

M. Gibson agreed that the proposal needed to adhere to the process and go before the AP.

D. Preble agreed that the sector allocation proposal should go before the AP.

Solicitation of topics for the Director's Roundtable meetings – B. Ballou:

B. Ballou explained at the last Council meeting a number of people gave suggestions, which he in turn brought back to the Director for review. He indicated the Director was anticipating having a roundtable meeting during the week of September 15, 2008. Ballou explained that part of the discussion would be to look at where we are currently regarding the status of the fisheries and the resources and where we want to be. The issues to be discussed would be staffing, budget, revenue, status of the fisheries, etc. He indicated that the Director felt this was a good time to address these concerns.

J. King asked if it would be possible to have someone from the Governor's office attend the Director's roundtable meeting. B. Ballou indicated that he would be sure to extend an invitation.

M. Gibson asked for comments from the audience.

G. Allen inquired if there would be a discussion on the federal licensing issue.

B. Ballou indicated that issue would be part of the discussions.

G. Carvalho expressed concern for the sector allocation proposal and what the Director's position was going to be in getting an allocation for state waters. He indicated there had been no discussion of the State of RI being a sector. He was concerned that if the State of RI did not acquire a sector for its state waters people in theory there would not be a sector allocation for the state to distribute to its own citizens. He suggested that the Director address this topic at the roundtable meeting. He felt the State was losing access by allowing privatization.

G. Duckworth suggested the monkfish issue for fall be addressed at the roundtable. Currently the state is shut off. Additionally, because of the price of fuel he suggested possibly an aggregate program for monkfish, also addressing the vertical line issue.

B. Ballou suggested that those monkfish issues run through the Council process the same way other species were addressed. G. Duckworth was in agreement with that course of action.

S. Macinko reminded B. Ballou that at the last roundtable meeting there was a question about license transferability at large and if it was consistent with the 2000 bill. He wanted to see a discussion of that which he thought could be wrapped in to the discussion of the licensing overview.

Correspondence from D. Alves on Aquaculture:

M. Gibson explained that D. Alves had provided correspondence to the Council indicating where the CRMC was in the process. He indicated there was no action needed by the Council it was just open for Council discussion if members had comments.

Gibson mentioned that the next step was for recommendations to be made and for both agencies to determine what regulatory changes would be needed in order to implement what had been suggested in the plan. He asked if the Council was comfortable at this stage. He indicated that as regulatory recommendations were suggested the Department would scrutinize them before they were finalized.

J. King mentioned that the process was slower than what he had anticipated but it is moving along.

M Gibson asked if there was any other business to come before the Council. Hearing none, the meeting was adjourned.

The Chairman adjourned the meeting.

Nancy E. Scarduzio, Recording Secretary