

RIMFC Lobster Advisory Panel
Coastal Institute, URI Bay Campus, Narragansett, RI
July 26, 2011

Meeting Attendees:

Advisory Panel members (* = primary voting member):

Richard Bellavance, Interim/temporary Chair

*Robert Smith (Inshore Trap)

*Lanny Dellinger (Inshore Trap)

Others:

Stephen Parente, Gerald Carvalho, Margaret McGrath (RIDEM/Licensing), Thomas Angell (RIDFW)

Meeting convened at 6:10 pm by interim/temporary chairman R. Bellavance.

There were 7 people in attendance (see list above).

There was not a quorum of the Lobster Advisory Panel present.

AGENDA:

1. Definition of a lobster trap and mobile gear types; Miscellaneous trap/pot license endorsement.

- Review recommendations from “Trap Definition” Working Group meeting.
 - i. Issues for federal permit holders; most restrictive rule
 - ii. Trap tagging issues; administration and cost of miscellaneous trap/pot tags
 - iii. Recommendations for public hearing; RIDFW position; Industry position

Acting/Interim Chair R. Bellavance opened the meeting for general discussion; no quorum, so not able to finalize/approve the working group recommendations (see “Trap Definition” Working Group 4-21-2011 meeting summary); very busy time of year for fishermen.

L. Dellinger – Is there any sense in holding this meeting if there is not a quorum?

T. Angell – commented that the main purpose of this meeting was to approve and finalize the working group recommendations; this issue was scheduled to be on the agenda for the upcoming RIMFC public hearing in October so that it would be ready to be implemented for the 2012 fishing season.

There was agreement by those present that a quorum was necessary in order to finalize the Lobster AP recommendations on this issue before the recommendations could be presented to the RIMFC.

T. Angell commented that what is being considered will put our federally-permitted lobster trap fishermen at a disadvantage because under federal rules they must put a lobster trap tag in any type of pot that they fish.

G. Carvalho commented that RI's obligation is to protect it's citizens and interests in our state waters; RI does not need to do the federal government's job for them; we should not be concerned with federal waters.

R. Smith commented that there are already examples of how RI must adhere to certain federal rules (i.e. whale protection rules)

What do you do for people with federal permits who deploy fish pots in RI state waters?

The federally-permitted fisherman must use one of his lobster trap tags in the fish pot, while a person with only a RI state commercial fishing license (i.e. no federal permit) does not need to use one of his lobster trap tags in the fish pot; this is not fair; How do you deal with it?

G. Carvalho commented that the issue is not lobster traps, it is every other kind of trap other than a lobster trap; any type of fixed gear that is left unattended needs to be identified and should be required to have a tag that is issued by the State; this includes a wide variety of types of traps/pots.

Some of these other types of traps are capable of catching lobster and they are limited in the amount of lobster they can take by the 100 / 500 regulation; Why do we have to make it more complicated than this? The fisheries are over-regulated.

Comment that people are deploying "traps or pots", calling them something other than a lobster trap, and taking lobsters; this circumvents the intent of the lobster trap allocation program and applies additional effort on the lobster resource; it also has consequences relative to whale protection issues.

S. Parente commented that Lobster Conservation Management Area 2 should not include any RI state waters.

R. Smith commented that there are differences between the federal rules and state regulations that affect federally-permitted individuals; federally-permitted fishermen must abide by the "most restrictive" regulations.

R. Bellavance commented that this issue was brought forth by Enforcement.

L. Dellinger commented that an out-of-state fisherman (recreational?) can come into RI state waters and deploy an unlimited number of "traps" to take scup, sea bass, conch/whelk, crabs, etc.

G. Carvalho commented that this issue can be addressed; this is not just a lobster fishery issue, per se, and it must be addressed by the finfish fisheries and conch/whelk fishery as well.

R. Bellavance / L. Dellinger both commented that it would not be appropriate for the Lobster AP to make recommendations that involve and affect other fisheries; that is why the working group was formed; involve other trap/pot fisheries that could be affected.

G. Carvalho commented that the RI lobster trap fishery is afforded exclusive rights to fish lobster traps while other RI fishermen cannot; they can also take a variety of finfish species while maintaining exclusive access to the lobster trap fishery; lobster trap fishermen should be hesitant to propose regulations that will affect other fisheries, particularly finfish; creating exclusive access to the fisheries has created more problems than it has solved.

Those present did not feel that any decisions/recommendations on this issue could be made tonight due to lack of a quorum.

S. Parente commented that the chairman could make a decision to report back to the RIMFC regarding what transpired at this meeting, but that no recommendations for action could be made.

There was a recommendation made to ask the RI Division of Fish and Wildlife to not hold any Lobster Advisory Panel meetings during the summer months (July-September) when fishermen are very busy trying to fish; re-schedule another Lobster AP meeting to finalize their recommendations on this issue for October 2011.

R. Smith suggested for now to send the report from the “Trap Definition” working group meeting to the RIMFC; this meeting involved a wide variety of trap/pot fisheries that developed the recommendations.

T. Angell commented that the working group meeting did not have a quorum of Lobster AP members either; still need to have the recommendations approved at a meeting where a quorum is present.

T. Angell commented that the Division of Fish and Wildlife had not developed their position on this issue at this time; need to have more internal discussion with Enforcement.

G. Carvalho commented that the “most restrictive” rule need not apply in this situation.

T. Angell commented that there is a signed Memorandum of Understanding with NMFS that requires adherence to the “most restrictive” rule.

L. Dellinger commented that their black sea bass fishermen do not have to put a lobster trap tag in the black sea bass pot; they are exempted.

R. Smith questioned what the State of MA does relative to this issue.

T. Angell responded that lobsters cannot be taken with anything other than a lobster trap or by otter trawl and gillnets; other types of traps are identified with a tag as to what the trap is fishing for (i.e. scup, black sea bass).

Should traps/pots other than a lobster trap (i.e. tagged with a lobster trap tag) be allowed to take lobster?

G. Carvalho responded “yes”; they are limited on the number of lobsters they can take/possess by the 100 / 500 regulation.

R. Smith commented that a person must also have a license that allows him/her to take lobsters.

L. Dellinger commented that under the federal regulations, the 100 / 500 limits only pertains to lobsters that are caught with a net, specifically an otter trawl or gillnet.

It appears that there is confusion regarding the term “non-trap”; does it include all other gear types, including other trap/pot types, that are not lobster traps, or does it only include all other gear types that are not a type of trap/pot.

S. Parente questioned if a person without a lobster trap allocation could legally take and sell lobsters?

Various people responded “yes”, as long as that person has a commercial fishing license that allows him/her to take lobsters; lobsters can be taken legally with gear types other than lobster traps (otter trawls, gillnets, dredges, hand-lines, fish traps/pots, etc.)

G. Carvalho questioned if the Division of Fish and Wildlife had a position on this issue.

T. Angell responded that it did not.

G. Carvalho suggested that simple regulations could be developed that requires all fixed gear to be tagged.

Comments regarding how this requirement could be administered.

T. Angell commented that there are approximately 1200 license holders that could potentially opt to get a “miscellaneous trap/pot” license endorsement; could potentially add 360,000 “traps/pots” into state waters; Who will produce these tags? How much do these tags cost? Who will be responsible for providing materials to order these trap tags? Who will track/monitor these trap tags?

Comment that this would have ramifications for whale protection regulations (i.e. more vertical lines in the water).

Recommendation by those present to provide the working group meeting summary and recommendations to the RIMFC, but no action would be taken until a quorum of the Lobster AP approves the working group recommendations.

L. Dellinger commented that all traps need to be identified as to what specie the trap is attempting to catch or is designed to catch.

R. Smith commented about the different escape vent sizes that are required for different species that are caught in traps/pots; must have an escape vent at least as large as that which is required for lobster traps.

G. Carvalho suggested that the Lobster AP recommend to the RIMFC that a plan be developed so that trap/pot tags be required by all fixed gear (eel, conch, miscellaneous finfish); these tags would be available through the Licensing Office or through RIDFW.

T. Angell commented that the conch/whelk fishery wanted to address trap limits and trap tagging for their fishery separately from other fisheries.

Need to request another Lobster AP meeting for October 2011 to try and finalize recommendations on this issue.

Other RIMFC advisory panels (shellfish and various finfish panels) should also have an opportunity to comment on this issue.

Meeting adjourned at 7:15pm

RIMFC Lobster Advisory Panel
“Trap Definition” Working Group Meeting Summary
April 21, 2011

Working Group / Meeting Attendees:

Rick Bellavance, Richard Hopkins, Jeffrey Grant, Gary Mataronas, Jr., Ian Parente, Daniel Eagan, Allan Bessette, Elaine Bessette, Gerald Schey, Robert Smith, Robert Braman, Frances Ethier (Law Enforcement), Scott Olszewski (RIDFW), Thomas Angell (RIDFW)

There were 14 people in attendance. Meeting convened at 4:10 p.m.

Meeting Summary:

- Review of background of this issue and the need to identify different types of pots/traps that are used in fisheries other than lobster (conch, crab, finfish), but are capable of catching lobster.
- Current regulations provide a loophole for the ability to increase “trap” effort on the lobster fishery at a time when significant reductions for the lobster trap fishery are being considered.
- Review and discuss ideas/recommendations from last Lobster AP meeting
 - All pots/traps fished in RI state waters must be tagged to identify which fishery they are being deployed for (i.e. the lobster trap fishery or “other pot/trap fisheries)
 - Add “Miscellaneous Pot/Trap” endorsement for 2012 commercial licenses and recreational lobster licenses; endorsement fee should cover the cost of producing/supplying “miscellaneous pot/trap” tags; this will require approval by the General Assembly
 - Limit of 300 “miscellaneous pots/traps” per license / license endorsement
 - All “miscellaneous pots/traps” must have an escape vent of equal or greater size than the escape vent required for the lobster trap fishery, with the exception of conch, eel, and green crab pots/traps; eel and green crab pots/traps must have a 3” x 3” biodegradable panel (“ghost” panel) that can be incorporated into the pot/trap anywhere except on the bottom of the pot/trap
 - Need to define Eel, Conch, and Green Crab pot/trap
 - Limit the amount of lobster by-catch that can be kept from “miscellaneous pots/traps”; recommend a limit of 20 lobsters per day
 - Mobile Gear (otter trawl and gillnet) lobster by-catch will remain at 100 lobsters per day or up to 500 lobsters for fishing trips lasting 5 days or longer
 - Recommend to limit the number of lobsters that can be taken per day by recreational trap and diver licensees to 8 lobsters per day
 - Recreational lobster “miscellaneous pot/trap” endorsement limited to 5 “miscellaneous pots/traps”
- Additional Recommendations

- Keep the conch fishery separate from finfish/crab fisheries; maximum number of 250 pots/traps for the conch fishery
- Conch, eel, and green crab pots/traps will be exempt from escape vent regulations (*DID WE INCLUDE CONCH IN THIS RECOMMENDATION? MY NOTES INDICATE ONLY EEL AND GREEN CRAB POTS/TRAPS WOULD BE EXEMPT*)
- Trap tags for the conch fishery will be a different color from “miscellaneous pot/trap” trap tags for finfish/crab fisheries

T. Angell will prepare the meeting summary and send to meeting attendees for review/approval; send comments/revisions to T. Angell by email or phone call.

Need to have the Lobster AP review/comment on the working group recommendations?

Meeting adjourned at 6:30 p.m.