

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
January 5, 2009 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: S. Macinko, S. Parente, R. Hittinger, C. Anderson,
K Ketcham, D. Preble, S. Medeiros

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee

DEM Staff: R. Ballou, G. Powers, L. Mouradjian

DEM Enforcement: 1 officer attended

Public: 35 people attended

M. Gibson called the meeting to order. He stated that there were a few minor changes to the agenda. He stated that item 7a would become a general discussion on legislative proposals in addition to the specific SAFIS legislative changes. He went on to state that item 5f had an incorrect date, the correct date should read February 24, 2009. Finally, he added that there would be an additional FYI item on upcoming NEFMC seat vacancies. He asked if there were any other modifications to the agenda. There were no further modifications. **M. Gibson asked if there were any objections to approving the agenda as modified. Hearing none, the January 5, 2009 agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the December 1, 2008, meeting. M. Gibson asked if there were any objections to approving the minutes. **K. Ketcham made a motion to approve the minutes as written. C. Anderson seconded the motion. M. Gibson asked if there were any objections to approving the minutes. Hearing no objections, the minutes from the December 1, 2008 Council meeting were approved as written.**

Public Comments

G. Carvalho stated that since the items of monkfish and cod were going to come before the public at the next DEM public hearing, he stated that the sea scallop regulations, which were promulgated at the same time as the monkfish and cod regulations, should also be brought forward. M. Gibson stated that they would be discussing the items for the next public hearing in an agenda item that evening; therefore, they could take up a formal discussion of G. Carvalho's suggestion at that point.

Advisory Panel Reports

Groundfish AP meeting

D. Preble stated that the groundfish advisory panel meeting did not have a quorum, but he as chair decided to hold the meeting anyways as it was their only chance to discuss the groundfish

items and there was a good cross section of fishermen in attendance. The attendees discussed two main monkfish proposals, one was to go back to no possession limit in state waters, and the second proposal was to implement a possession limit that mirrored the federal regs (550 lbs tail weight and 1826 lbs whole weight). The panel moved on to discuss cod regulation proposals. The attendees discussed two main cod proposals, one was to go back to no possession limit in state waters, and the second proposal was to implement a possession limit that mirrored the federal regulations (1,000 lbs/day). D. Preble stated that the federal rule on cod might change pending the NMFS interim action. S. Parente asked a question about the most restrictive rule. The consensus of the discussion was that the limit was the same as the federal limit; therefore, no one would be impacted by the most restrictive rule.

New Business

Nominations and appointment of Council member as Chair to the Tautog AP

S. Medeiros stated that he wanted to nominate R. Hittinger for chair of the tautog advisory panel (AP). S. Parente supported the nomination. There were no other nominations for the position. **M. Gibson stated that R. Hittinger was appointed as chair of the tautog AP.**

Approval of Tautog AP agenda

J. McNamee stated that the AP meetings were being held in an effort to get proposals and advice in prior to the February 24th public hearing. He gave a brief description of the agenda items. **M. Gibson asked if there were any objections to the tautog AP agenda items as written. There were no objections therefore the agenda was approved.**

Approval of Striped Bass AP agenda

J. McNamee stated that this panel did not have to meet prior to February, but they were going to go ahead and approve the agenda so that they could move forward with the meeting in a timely manner. He gave a brief description of the agenda items. **M. Gibson asked if there were any objections to the striped bass AP agenda items as written. There were no objections therefore the agenda was approved.**

Approval of IAC agenda

J. McNamee stated that this draft agenda was prepared when he came back on to being tasked with Council responsibilities. He had discussions with DEM staff and the chair of the panel and they indicated that they might want to hold off on approving this agenda for now. K. Ketcham stated that he wanted to hold off on approving the agenda until later in the year in case other topics were to come up in the interim so they would not have to convene multiple meetings. **No action was taken on this item.**

Approval of Menhaden AP agenda

J. McNamee briefly described the agenda. R. Hittinger asked if they could add an item to have DEM speak about their monitoring program. **There were no objections to approving the agenda as modified by R. Hittinger.**

Review of February 19, 2009 proposed public hearing items

J. McNamee stated that the Council was given a memo outlining the four proposed items slated for the February public hearing. J. McNamee went on to state that aside from the possible addition of sea scallops, there may be two other items to add to the docket, namely coastal shark regulations and whale and porpoise regulations. D. Preble stated that he would like the sea scallop issue brought forward for public comment at the February public hearing. G. Carvalho

stated that he thought a proposal of a 400 lbs limit should be brought forward, as this is the federal possession limit. He felt the current 40 lbs limit was not economically feasible for a commercial operation. **M. Gibson asked if there were any objection from the Council to adding scallops to the public hearing docket and further if they agreed with G. Carvalho's proposal of putting forward a 400 lbs possession limit for state waters.** J. McNamee finished by outlining the public hearing items that would come forward later in the year. **The Council had no objections to the public hearing items as stated.**

Old Business

Continued discussion on rewriting Part 7 of the marine fisheries regulations

R. Ballou stated that this was an item brought forward from a previous Council agenda. The question he was posing to the Council was what their advice was as to how to proceed with a good and thorough review of the restructuring of the regulation, noting that after the vetting process it would be noticed and brought forward to public hearing.

S. Parente stated that he felt the changes were more than just restructuring but were actually policy and regulatory changes; therefore, he felt they should be vetted before all of the applicable advisory panels as well as the Council and public hearing. R. Ballou stated that he felt it would be extremely cumbersome to convene every applicable advisory panel, and he was thinking more along the lines of convening an ad hoc working group of anyone who would like to participate.

K. Ketcham asked if they should first hold a workshop on the issue, and from this workshop, they could then break the review down in to a working group that would provide input and comments to the Council and Department.

S. Medeiros asked that the changes be better indicated than what was currently available to them; he had difficulty figuring out what had changed in the proposed rewrite.

C. Anderson stated that he felt the process would become much easier if they decided to take a snapshot of the regulation at a given date to work from. He felt this would make it easier when trying to figure out what was being changed in the document and the changes that occur during the process would be rectified later.

I. Parente stated that he thought any changes should be brought forward to the various advisory panels.

G. Carvalho stated that he supported C. Anderson's idea as well as R. Ballou's idea of convening the separate working group to tackle the rewrite. He did not feel this exercise would be to change anything substantially, rather would be to reorganize what was already there.

M. Gibson recapped the discussion and stated that it sounded like the advice was to hold a workshop to set forth the process and then a working group would be convened to work through the logistics of the actual changes. He further stated that anything that is deemed substantive would be referred to the advisory body that needed to have input on that specific change.

There was further discussion on when to convene the first workshop. It was decided that it would be put off until April and in the meantime, the menhaden and striped bass sections would be drawn in to the process.

Discussion on revised Species Advisory Panel Policy

M. Gibson stated that this was a finalized version of the policy that needed to be adopted at some point. He asked if there were any further comments on this finalized version. **D. Preble made a motion to adopt the policy as presented. R. Hittinger seconded the motion.** K. Ketcham stated that he would like the part regarding representation of panel members to read simply “adequate panel membership, and/or representation of interested parties, present.” **Both D. Preble and R. Hittinger agreed to the modification as made by K. Ketcham.** The Council voted 6 to approve the motion (S. Medeiros, S. Parente, K. Ketcham, D. Preble, and C. Anderson) and 1 opposed to the motion (S. Macinko).

Other Business

Discussion on using SAFIS data for enforcement purposes

This item had been broadened out to be a discussion on current legislative actions that were to be brought to the legislature in their next session. The first issue was to extend the stock status report produced by the Division of Fish and Wildlife to a biennial report rather than an annual one. The second proposal would be to allow landings data, namely SAFIS data, to be used for enforcement purposes. The third item which had been recently added was repealing the commercial fishing license review board.

S. Parente asked if there would be a body to take the place of the licensing review board. R. Ballou stated that the board was an interim body set up to advise the Department during the transition to the new licensing structure. They have not met in years and there was no reason to replace the body once it was repealed. K. Ketcham stated that he supported repealing the licensing review board.

G. Duckworth, G. Carvalho, and I. Parente cautioned against allowing SAFIS data to be used for enforcement purposes. They stated that there were many ways the data could be mistakenly entered, and was therefore not very reliable. G. Carvalho added that it would be a form of self-incrimination and he felt it would be a slippery slope to go down to use landings data for enforcement. He finished by stating that there was a risk of delegitimizing data, as people might be motivated to falsify reports. R. Ballou stated that he understood these concerns but offered the alternative analysis that many of the more complex programs that the Department was developing to help fishermen with flexibility in management, namely aggregate programs, are impossible to enforce without using SAFIS data to verify landings.

Discussion about commercial fishing license endorsements

R. Ballou stated that at the Director’s roundtable meeting, the idea of changing some of the endorsement categories was brought up. There is authority present in the licensing statute that may give the Director some ability to modify endorsement structures, but other areas of the statute lay out the endorsements as well as fee structures. The main idea that was brought up was to consolidate the endorsements back down in to three main categories. R. Ballou felt that this topic needed to be discussed by the IAC prior to revisiting the licensing regulations at the end of the year.

Director’s roundtable: highlights from 12-17-08 meeting

R. Ballou gave a brief synopsis of the meeting and stated that the meeting mainly focused on the Council and the logistics of how the Council and Department interact. He went on to comment that the Director has not taken any formal action on the suggestions made during the meeting,

but he did think the discussion was very productive and plans to take some of the issues up during the new year.

FYI

Correspondence from G. Duckworth regarding SkyMate

M. Gibson stated that G. Duckworth had presented the Council with some information on a particular VMS system. G. Duckworth stated that he wanted to apprise the Council of some serious issues he has had with the SkyMate VMS system, which is one of the NMFS approved systems. He had a situation where he was charged a day at sea during a period of time when his vessel was tied to the dock and he was out of town. His point was to make everyone aware of the problems with this particular system so they are not caught off guard as he was.

NEFMC seat vacancies

M. Gibson wanted to make people aware that there were two seats coming up for appointment on the New England Fishery Management Council. One was an at large seat that was available to a representative from any member state, and the other was the obligatory seat currently held by D. Preble. He asked that anyone who was interested in being appointed to either seat please contact the Division for further information.

The Chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary