

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
January 8, 2007
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: S. Parente, G. Allen, S. Medeiros, J. King, D. Preble

Chairperson: M. Gibson

RIDEM F&W Staff: N. Lazar, N. Scarduzio, J. McNamee, D. Erkan

DEM Legal Counsel: G. Powers

DEM Staff: M. Sullivan (Director), R. Ballou

DEM Law

Enforcement: S. Hall

Public: 46 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. G. Allen asked to remove the winter flounder advisory panel agenda item (item 6), as the needed data for this meeting was not yet available. He stated this would be postponed for now. M. Gibson asked the Council if they could move the aquaculture agenda item (item 4a) to occur after the shellfish advisory panel report (item 3a). **There were no objections to approving the agenda as modified.** M. Gibson asked if there were any objections to approving the minutes of the December 4, 2006 Rhode Island Marine Fisheries Council (Council or RIMFC) meeting as submitted and also if they approved of the modified minutes of the November 6, 2006 meeting minutes. **G. Allen made a motion to approve both sets of minutes as submitted. J. King seconded the motion. There were no objections to approving the motion.**

Advisory Panel Reports

Shellfish: J. King gave the report. The panel first reviewed the aquaculture application 2006-11-042. The panel had no objections to the application and therefore recommended that the Council approve the application. The next agenda item the panel discussed was steamer regulations as proposed by some industry representatives. The panel did not approve the proposed steamer regulations.

New Business

Council recommendation for aquaculture application 2006-11-042: M. Gibson stated that the shellfish advisory panel approved the application and the Division of Fish and Wildlife (DFW) did not have any objections to the application. He asked the Council for

their recommendation. **S. Medeiros made a motion that the Council recommend the approval of aquaculture application 2006-11-042. J. King seconded the motion.** M. McGiveney stated that the RI Shellfishermen's Association approves of this application. **The Council voted unanimously to approve the motion.**

Advisory Panel Reports

Scup/Black sea bass: N. Lazar gave the report. The panel had met to discuss two items, which were coming up for public hearing in January. The first item was an increase in size and number of escape vents for black sea bass fish pots. The panel supported the change, as it was a requirement of the Atlantic States Marine Fisheries Commission (ASMFC). The second item was a change to the language for the winter 2 scup fishery. Originally the DFW had intended to put a reference to the National Marine Fisheries Service (NMFS) in to the regulation to keep from having to readjust the winter 2 possession limit every year. The DFW found out they could not do this so they were now simply asking the panel whether they had any problems with going with the winter 2 possession limit as set by NMFS or if they suggested a different possession limit. The panel decided to mirror the possession limit as set by NMFS. J. McNamee added that J. Low had submitted a proposal at the meeting. The proposal had not been on the agenda but the Council had the proposal as submitted by J. Low attached to the advisory panel report. G. Allen stated that this proposal should be a potential agenda item for the next time the panel meets.

Enforcement: S. Medeiros gave the report. The first item was discussion on a filet law. The panel was overwhelmingly opposed to this proposal. They did not want the filet law proposal to move forward in to the regulatory process citing several different problems with the proposal. The next agenda item was a proposal to declare a vessel commercial or recreational on a given trip, and by so doing not allow a vessel to be both on a given trip. The panel proposed moving forward with this proposal in to the regulatory process. They also wanted further discussion and a legal ruling on the secondary discussion that had come up regarding rod and reel fishermen and the transfer of license violation. The final agenda item was a question and answer session with Department of Environmental management (DEM) Law Enforcement. In summary the questions were about residence on a vessel and possession limits, "shrinkage", and where the filet law goes now. The answers were that even if you were residing on a vessel, you still can not have more than 1 days possession limit, RI does not provide for "shrinkage" in there possession limit regulations, and that the filet law would not be brought back for the foreseeable future.

The Council declined to make any recommendation to the Director on the filet law issue, thereby making it known that they agreed with the enforcement panel that they did not want a filet law to move forward. The Council and audience had a discussion about the transfer of license issue as discussed at the enforcement panel meeting. **G. Allen made a motion to recommend that the Director send the recreational vs. commercial boat designation proposal to public hearing. S. Medeiros seconded the motion.** F. Blount stated that originally he had supported the proposal but now asked that the transfer of license issue be clarified before moving forward. G. Carvalho stated that he agreed with F. Blount's comments on clarification and went on to say that he does not see a need to

add more complexity in to the situation, stating that there are far more pressing issues that the Council should be worrying about. There was further discussion on this. **D. Preble made a motion to postpone the decision until further information comes forward on the specific language for the proposal and requested that this be brought forward at the next Council meeting. S. Parente seconded the motion. The Council had no objections to the motion therefore it passed.**

Chairman M. Gibson asked G. Powers to provide a legal opinion on the argument that an unlicensed fisherman on a rod and reel vessel could not contribute to a licensed fisherman's catch as this would be a transfer of license violation as stated by DEM Law Enforcement. He requested that this be brought forward at the next Council meeting.

New Business

Council discussion on creation of gillnet AP: G. Allen stated that he wanted to talk about this subject because of the recent issues that had come up both from Council discussion and discussion from the audience. He posed the question to the rest of the Council members as to whether they thought that going to a gear specific advisory panel (AP) might be a way to get at some of the issues that they were currently confronting with gillnets more efficiently. D. Preble stated that he was against developing a standing AP that was gear specific. He felt the IAC or the species specific panel relevant to the subject could adequately handle any of the issues that were currently being discussed. The other Council members present agreed with D. Preble's comments. J. King added that any specific situations that arose could also be handled by a workshop. M. Gibson stated that there was a scheduled IAC meeting for February that would be discussing the most recent gillnet issue before the Council. **M. Gibson stated that his sense of the Council at this point was to not develop a gillnet AP nor any gear specific AP. The Council had no objections to this statement.**

Council discussion on long range view of Narr. Bay: G. Allen stated that he wanted to have a discussion on some larger picture plans for Narragansett Bay, and he wanted to focus in on the two species he felt were RI's fish, winter flounder and tautog. He wanted to hear first if the Council agreed with his assessment of these two species and then he wanted to have the DFW present the Council and the public with some basic background biological information on these two species. A workshop for tautog was already planned for the near future, but D. Preble stated that they could add a winter flounder workshop as well. From this information they as fishermen could begin to think of some ways in which they can help to restore these species. G. Allen wanted to make sure this background biological information gets added to both the tautog and the proposed winter flounder workshops as he felt that the original intent of the tautog workshop was to discuss fisheries type information such as bag limits and seasons. M. Gibson stated that the DFW would try and accommodate both topics in one workshop as this would be the ideal situation, but if it did not seem like it was going to work, the DFW could break it in to two meetings. **The Council had no objections to proceeding with two workshops, one on winter flounder and one on tautog.**

Council discussion of steamer regulations: M. Gibson introduced the topic stating that the proposed regulation changes were brought forward to the shellfish AP and they did not support the changes as proposed. The discussion was now before the Council and they could choose to accept the advice of the advisory panel or they could choose to move the proposal forward. J. King gave some background on the specifics of the proposal. M. Gibson suggested that the DFW might provide the Council with some biological information to help the Council in their deliberations on this issue. In the meantime he suggested that they defer action on this topic until they receive this information from the DFW. There was further discussion on how the Council wanted to proceed. **S. Medeiros made a motion to defer action on the steamer proposal until biological information was brought forward to the Council by the DFW at the February meeting to help in their decision. J. King seconded the motion.** C. Brown suggested sending the scientific report back to the AP and starting the process there again. G. Carvalho stated that he felt the other important part of the process should be to have the individuals who made the proposal state the problem they were trying to solve with their proposal. M. McGiveney stated that part of the reason his organization did not support the proposal was because no biological information had come forward from the DFW. He went on to state he supported C. Brown's proposal to send it back to the AP. R. Koza asked why the proposal was being brought forward and then offered his assistance in lending the divers perspective to the discussion. S. Depetrillo stated that he would like the info to go back to the AP. **The Council voted unanimously to approve the motion.**

Old Business

Council approval of 2007 schedule: J. McNamee went through the calendar and recommended dates for the next years monthly meetings, they are as follows: February 5, March 5, April 9, May 14, June 4, July 2, August 6, September 10, October 1, November 5, and December 3. **The Council had no objections to these dates.** J. McNamee and G. Allen discussed the timing of the tautog workshop. They decided to hold off on the workshop until after the tautog AP on February 12. The next discussion focused on the Council advisory panel workshop. It was decided that it should be held as a single topic meeting to be held in mid April to May.

Council review of updated tautog AP agenda: G. Allen stated that he recommended approving the agenda as submitted. **The Council had no objections to this course of action.**

Other Business

Council approval of draft winter flounder advisory panel agenda: This item had been removed from the agenda.

FYI

The Council had been provided with the public hearing summary document for the January 25, 2007 public hearing.

Post agenda discussion

F. Blount stated that he had become aware of a change to the winter flounder regulations

which had come up after the public hearing had taken place, namely that the language had changed from “take and possess” to “take and/or possess”. This change had not been noticed for the hearing. He had been told that DEM Law Enforcement had inserted this change. This change in language hinders him in his legitimate business practice. **The Council requested a statement from DEM on how this language change occurred and they wanted it for the February meeting.**

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary