

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**January 28, 2003**  
**Narragansett Town Hall**  
**Board Room B**  
**25 Fifth Ave.**  
**Narragansett, RI 02882**

RIMFC Members: G. Allen, S. Medeiros, D. Preble, and S. Cobb

RIDEM F&W Staff: M. Gibson, B. Murphy, T. Angell, and J. McNamee

DEM: B. Ballou and M. Grant

Legal Counsel: G. Powers

Enforcement: S. Hall

Public: 25 people attended

The agenda was unanimously approved with the following modification: Due to a technical difficulty with a copy machine, the advisory panel reports were not available for the beginning of the meeting, therefore the council approved adjusting the agenda to begin with old business first and end with the advisory panel reports. Minutes of the November 26, 2003 Rhode Island Marine Fisheries Council (Council) meeting were unanimously approved.

**Old Business**

*Update on proposals for groundfish relief fund (1.5 million):* M. Gibson brought the Council up to date on the status of the groundfish relief fund. Based on suggestions from the commercial fishing industry, DEM submitted grant application to the National Oceanic and Atmospheric Administration (NOAA) regarding setting up a research trust fund with the money. M. Gibson then went on to add that he had received some opposition to this proposal, after the submittal had been sent to NOAA, from commercial fishermen. M. Gibson stated that DEM would review alternative proposals and consider revising the proposal to NOAA if industry support warranted.

*Revised advisory panel memberships:* M. Gibson went over the new nominations for vacant advisory panel seats. **S. Medeiros moved to appoint B. Randall as D. Macpherson's alternate on the Winter Flounder advisory panel. Motion seconded by George Allen and unanimously approved. S. Medeiros moved to appoint P. Laflamme as D. Brady's alternate on the Summer Flounder advisory panel. Motion was seconded by G. Allen and unanimously approved. S. Medeiros moved to add a position for a bait and tackle shop representative on the Tautog Advisory Panel and**

**to appoint M. Bucko to this new position Motion was seconded by G. Allen and unanimously approved.**

*Public hearing dates:* M. Gibson went over the public hearing date and time. A copy of the draft public hearing agenda was handed out to the Council. There was some discussion about having the hearing occur earlier than normal due to the plethora of items on the public hearing agenda. This idea was agreed to. There was no further discussion on the draft public hearing agenda at this point.

*Questions regarding ASMFC meeting week:* D. Borden had been scheduled to entertain questions about the ASMFC meeting week. Due to his absence, M. Gibson offered to take questions and either answer them himself or pass the question along to D. Borden. No questions were put forward.

### **New Business**

*Summary of public hearing proposals:* M. Gibson spoke about the proposed regulations regarding the spiny dogfish and weakfish management plans. The proposed language changes were included in the packet handed out to the Council. There was no discussion on these issues. M. Gibson then went on to brief the council on the other public hearing proposals that were presented to the Council in a handout. There was no discussion from the Council on these issues.

*Formation of DEM Licensing Review Board:* B. Ballou went over the process requiring the formation of a licensing review board. He then went on to announce who the director had chosen for the five (5) candidates. They are as follows: Marchetti, McGivney, Brown, Boragine, and Nixon. There were no objections from the Council on these nominees.

*Application to maintain a shellfish upweller aquaculture operation:* M. Gibson announced that the Council was to review an application to maintain an aquaculture operation in Wickford Harbor. The applicant was present to answer questions from the Council. M. Gibson announced that the Division of Fish and Wildlife did not have any objections to the application. S. Medeiros asked if it was being built in the area of an existing marina. The applicant answered affirmatively. **S. Medeiros moved to accept the application; it was seconded by G. Allen and unanimously approved by the Council.**

### **Other Business**

*Nominations for Council vacancies:* B. Ballou announced the nominations that were being considered for the existing Council vacancies. They are as follows: A. Wheeler, E. Noll, K. Ketchum, and Bruce Goodwin G. Allen had strong objections to the nomination of A. Wheeler to the Council due to, as he stated, alleged illegal activity. G. Allen also had reservations about the nomination of E. Noll due to his concentration in the rod and

reel gear type, G. Allen was hoping to have a nominee with more broad based gear type experience. There was no further discussion on the new Council nominees.

M. Gibson asked the audience if they had any comments or questions to ask the Council before the advisory panel reports were given. There were no comments from the audience.

### **Advisory Panel Reports**

*Lobster:* S. Cobb began with a brief description of how the lobster advisory panel meetings are run. He noted that the area 2 lobster fishery was in a steep decline. He stated that the 12/4/02 meeting addressed the new licensing regulations that allow for 50 new lobster licenses at a limited level of effort to be issued. The proposed offset for this new fishing effort would be mandatory v-notching. S. Cobb commented that there was much discussion about these new licenses, both pro and con. The advisory panel came up with several options to combat the collapse of the lobster fishery. They are as follows: Rescind the new license regulation, a buyout program, gage increases, trap reductions, and quotas. A motion was put forward by the lobster advisory panel to convey a statement to the director of DEM (Director). The statement is as follows: Given recent developments in the status of the fishery, allowing for new effort by issuance of new licenses and a mandatory zero tolerance v-notching program is not an appropriate action at this time. The vote was 3 to 1 to approve this statement by the panel and non-panel members voted against approving it 2 to 4. The statement was sent to the Director with a note on what the votes were. At the 1/16/03 meeting, a review of the draft ASMFC regulations was conducted. These include a gage increase and a trap vent size increase. The panel approved these regulation changes. They also discussed the large whale take reduction plan, it will be discussed further in the future. They discussed the decline in the area 2 lobster population and ways to combat this decline. P. Parker gave a report on behalf of Sea Grant and stated that her group would act as facilitators in future meetings of the lobster advisory panel and Rhode Island Lobsterman Association (RILA) meetings. M. Gibson summarized the ASMFC meeting on the area 2 lobster resource where the adequacy of the ASMFC management plan discussed relative to the stock decline in this area. The ASMFC group discussed invoking emergency action for this area. The full lobster management board will consider this in February. B. Ballou stated that the new lobster license program was overwhelmingly supported at the public hearing where it was presented. He also stated that there was the possibility that an emergency action could stop the new licenses from being issued, because they would not be issued until March.

*Shellfish:* Due to the absence of R. Boragine and the lack of attendees at the Council meeting who attended the shellfish advisory panel meeting, no oral briefing was given on the shellfish advisory panel meeting. M. Gibson offered to entertain questions on the written shellfish advisory panel minutes that had been passed out. No questions were asked.

*Winter Flounder:* G. Allen gave the report on the winter flounder advisory panel meeting. He stated that the meeting was principally informational. He stated that a report was

given at the meeting on research that had been done by URI to look at the decline in the winter flounder population and possible causes for this decline. Also during the advisory panel meeting, M. Gibson gave a report on the stock status of winter flounder based on DEM data following the URI report. L. Lee gave a report during the advisory panel meeting on the SARC meeting she attended, where it was concluded that overfishing was occurring on the winter flounder resource. M. Gibson stated that the ASMFC board will meet and follow up on this new information (that the winter flounder population is overfished) and that DEM will keep the Council updated on developments. B. Mattiucci gave a statement objecting to G. Allen's comments about E. Noll as a possible Council nominee, which had occurred earlier in the RIMFC meeting. G. Allen rebutted, stating that all nominees will get fair and equal treatment by the Council.

*Scup / Black Sea Bass:* B. Murphy gave the report for the scup / black sea bass advisory panel. The panel discussed the commercial scup quota for 2003 and also the state-by-state implementation of the black sea bass quota. The scup quota was discussed first where the panel recommended a 1000 lbs possession limit which would be adjusted downward to keep the fishery open as long as possible. This recommendation was accepted without any objections. They went on to recommend a minimum of a 100 lbs possession limit during the following two subperiods. Minority comments during the meeting were to keep a 400-500 lbs possession limit for scup through all three sub periods as opposed to the 1000 lbs limit during the first sub-period, however during the meeting no person objected to the recommendation of a 1000 lbs limit during the first sub-period. B. Murphy stated that the advisory panel was informed that the black sea bass quota was to switch to a state-by-state management system. The panel recommended shifting the possession limit for black sea bass down to 1000 lbs during the first sub period. The panel discussed how the subperiods should be set for the year. The panel decided to reconvene at a later date to adjust possession limits and subperiods for the rest of the year. The panel reconvened on 1/23/03, and black sea bass was the main focus of the meeting. The panel recommended going with the Divisions recommendations for the subperiods. They then came up with three options on how to divide the quota between subperiods. The preferred option was to divide the quota up 25% for each sub period. The possession limits recommended by the panel were 1000 lbs for the first sub period and then 500 lbs possession limits for each of the other subperiods. A weekly trip limit program for scup was presented to the panel at this meeting. The final meeting of the scup / black sea bass advisory panel was combined with the summer flounder advisory panel. Recreation specifications for 2003 were discussed. The panel recommended adopting the ASMFC recommendation for black sea bass. For scup, two options were presented. The panel recommended adoption of option 1 which adopted the regulations used during 2001. The summer flounder panel was presented with four options. The panel recommended option 4 which is as follows: 17.5 " minimum size, 5 fish bag limit, May 1 – Sept. 20 open season. The Division was asked to research what the open season should be if the panel decided on a 17 " minimum size limit. J. O'Grady (representing the offshore trawlers) made a statement as to the recommendation for the allocation of black sea bass. Their allocation recommendation was as follows: 36% in period 1, 34% in period 2, 10% in period 3, and 20% in period 4. M. Gibson stated that he understood the proposal and M. Grant suggested that those interested in this allocation recommendation

should attend the public hearing on March 4, 2003. M. Gibson gave a discussion as to how adjusting the existing black sea bass allocations would proceed due to the fact that we are currently in subperiod 1 for 2003.

*Summer Flounder:* B. Murphy reviewed the minutes of the summer flounder advisory panel. The two agenda items discussed at this meeting were the commercial quota for 2003 and a proposal for implementing a trip limit. The panel requested reallocating the quota for 2003. It was agreed to that an allocation change to the winter period would not be prudent at this time. The panel recommended combining the second and the third sub-period quotas with a low possession limit. There were no objections to this recommendation. The panel recommended submitting a weekly trip limit proposal in the summer flounder fishery in the hope of getting better data on landings and stock size than what exists currently. Due to the enactment of the scup weekly trip limit program, which was an ASMFC requirement, a summer flounder weekly trip limit program is not possible for this year. B. Mattiucci gave a statement as to how the rod and reel fisherman would like to see the summer flounder allocation divided through the year. B. Tingly gave a statement as to how he would like to see scup and black sea bass quota allocated through the year. Both of these statements were looking to see more of the quota allocated to the summer seasons. J. O'Grady gave a statement defending the historical nature of the sub-period allocations.

*Tautog:* J. McNamee reviewed the minutes of the tautog advisory panel. The commercial quota for 2003 was discussed at this meeting. Two of the three commercial interests present at the meeting agreed to remain at status quo for the upcoming year and absorb the period 1 overage that occurred in 2002, in the first period of 2003. The one dissenting commercial interest gave several other options as to how to avoid the occurrence of an overage for the upcoming year. The recreational interests present at the meeting wanted an option presented to the council of an equitable start date for recreational fisherman on par with the commercial fishery start date. Recommendations from the Division were also presented to the panel for review.

*Striped Bass:* D. Preble gave the report for the striped bass advisory panel. The agenda items at the meeting were the commercial striped bass quota adjustment for 2003 and the 2003 commercial season and bag limits. The advisory panel discussed how the quota for the commercial striped bass fishery is set up. The panel agreed to adjust the floating fish trap quota up to 40% of the state quota, which is the maximum allowed in state regulation. It had previously been ~37%. D. Preble discussed the how the quota would be divided and the number of pounds given to the different user groups, including the adjustment for the overage that occurred in 2002. Following the quota discussion, seasons and bag limits were discussed for the different user groups. All of the recommendations presented at the advisory panel meeting were accepted unanimously. An audience member spoke about striped bass as well as other predatory fish being major predators on lobsters and therefore a major reason for the decline in lobster abundance. He suggested opening the fisheries of these predators up to greater fishing effort to decrease the natural predation pressure on the lobster fishery.

## **Post Agenda Discussion**

B. Murphy presented a report on a meeting conducted with the floating fish trap companies regarding their fishery for scup. He presented the suggestions reached by the trap companies on their quota, seasons, and triggers for catch reduction for the year 2003. B. Murphy stated that what he was presenting were draft suggestions and may be altered pending comments from the fish trap companies. B. Mattiucci asked a question about how suggestions are presented for the public hearing.

M. Gibson discussed further how things are presented for public hearing. He went on to ask for other comments on the groundfish relief fund, which had been discussed earlier in the meeting. This was done to allow individuals who arrived late an opportunity to comment on the proposed use of the groundfish relief fund. B. Loftus expressed his opposition on the proposed use of the groundfish relief fund money. He stated that some groundfish fisherman had put together a proposal that will be sent to DEM. M. Grant stated that the original proposal presented to DEM was drafted during an open meeting of industry interests, to put to rest any indication that the original proposal was somehow drafted in private or without industry suggestions.

An audience member representing lobster interests suggested that the lobster advisory panel focused more on the natural mortality of lobsters during meetings (rather than just fishing pressure) than was suggested by the advisory panel report presented to the council. S. Cobb acknowledged the audience members concerns and clarified his statements from earlier.

A nomination for an advisory panel vacancy was missed when that part of the agenda was covered. J. O'Grady was nominated as an advisory panel member for winter flounder. J. O'Grady proposed extra alternate positions for the offshore trawler spot on the winter flounder advisory panel due to the nature of the offshore trawler work schedule. S. Medeiros and G. Allen expressed reservation about allowing more than one (1) alternate onto an advisory panel because it must then be an option for all user groups and this becomes difficult. This suggestion will be tabled until the next council meeting. B. Murphy discussed the public hearing summary he passed out to the council and stated that it was a draft proposal and other options can certainly be presented other than what was contained in the summary document. The next council meeting was suggested for Tuesday, February 25, 2003. There was discussion as to whether this was a good idea, and the council decided to move forward and have a meeting on this date. The agenda will include a lobster advisory panel report, shellfish advisory panel report, revisit the multiple advisory panel alternates suggestion, and discussion on developments in the groundfish relief fund. B. Mattiucci asked M. Gibson a question about multi purpose licenses and lobster fishing. A question was asked about the order of the agenda items for the public hearing, M. Gibson stated that this still needed to be worked out. The meeting adjourned at this point.

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Jason E. McNamee  
Recording Secretary