

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
February 7, 2005
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: K. Ketcham, S. Macinko, J. King, S. Medeiros, D. Preble

Chairperson: G. Allen

RIDEM F&W Staff: B. Murphy, N. Lazar, T. Angell, M. Lapisky (Chief DFW)

RIDEM Legal Counsel: G. McAvoy

Public: 20 people attended

G. Allen introduced himself as the chairman of the Rhode Island Marine Fisheries Council (Council or RIMFC) for the evening as M. Gibson was away at a meeting. The Director of the Department of Environmental Management (DEM) had approved G. Allen to fill the position of chairman in his absence. G. Allen requested that the Council add one agenda item which was a discussion on how to enact regulation change. They could discuss this briefly on this evening and have a more detailed discussion at a future Council meeting if necessary. N. Lazar also asked to add a discussion on how to add items to the Council agenda. The Council accepted the changes to the agenda.

New Business

Council comments on proposed aquaculture lease: N. Lazar stated that the Council had received a proposal to move an existing aquaculture lease. He stated that the applicant was present at the meeting. The Division of Fish and Wildlife (DFW) has no objections to the proposed site. S. Crandall, the applicant, stated that he is making the adjustment to appease a complaint which was received by a resident in the area near the current lease site. J. King asked some clarifying points as to the location of the site. D. Preble asked if the proposed site was a commonly used site by recreational shellfishermen. S. Crandall stated that it was not because there is no natural shellfish stock in this area. **J. King made a motion to send the lease to the shellfish advisory panel for further discussion. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion.**

Enacting regulation change: G. Allen introduced the subject by stating that this was in response to a question put forward by S. Riley on changing the licensing regulation. G. Allen stated that there are three processes which can take place. The first is the fishermen's advisory committee (read: Commercial Fishermen's Committee). This is a process that was endorsed by the Council and the Director of DEM has mandated that

this process proceed forward so that next year the transition from partial to full endorsement becomes transparent. The second process is that the Director's Office is preparing a response to the question asked by S. Riley. The Director's Office will bring forward a document at the March meeting of the Council and will be general policy guidance as to how to enact regulatory change. The third process is that any individual can petition the Director of DEM directly to address a concern. G. McAvoy stated that once a petition is submitted the Director has thirty days to respond and either agrees to the change, deny it with clearly defined reasons, or give an indication of why he would like to take no action on the petition. G. Allen asked S. Riley to use one of these options when bringing forward his petition. S. Riley gave some background as to why he has come forward, stating that he felt that there was substantial input for the full harvest level on the new restricted finfish endorsements and at the same time, there was no scientific reason which was presented to keep new endorsements at a half possession limit. S. Riley had a petition to this effect prepared and stated that he would prefer to send this directly to the Director of DEM as this was one of the options mentioned during the discussion. He went on to state that this could then be sent back to the Council for advise if the Director decided to do this.

Advisory Panel Reports

Lobster: J. King gave the report. There was not a quorum present at the advisory panel meeting, although 13 people attended the meeting. They tackled five agenda items. The first was recreational lobster trap tags, the second was an update on the lobster stock assessment, the third was consideration of a stricter v-notch definition, the fourth was the consideration of a maximum gauge size for lobsters, and the fifth was a proposal from R. Allen on conservation of the lobster resource in area 2. The panel made no recommendation on the lobster recreational trap tag issue. There was no action necessary on the lobster stock assessment, this was informational as the assessment is still being worked on. The panel discussed a zero tolerance definition for v-notched lobsters, however no action was taken by the panel at this time. The panel discussed a maximum gauge size but insisted that this be done by statistical area and not as a coastwide measure. The panel made no recommendation on the proposal from R. Allen.

Tautog: G. Allen gave the report. The panel discussed the previous fishing year and also looked at a biomass dynamic model report presented by the DFW. The panel took on the topic of the fishery for 2005. **The commercial representatives supported status quo for 2005. The panel agreed to this by consensus.** There was discussion on a written proposal which had been passed in by a commercial representative. The important part of the proposal as stated by the commercial representative who passed it in was a proposed slot limit. G. Allen asked that the DFW look in to the benefits of a slot limit on this species. The panel still remained at the consensus to remain at status quo for the commercial sector for 2005. **M. Lanni, a recreational representative, stated that based on the data which had been presented that evening, he felt that fishing effort was too high in the fall and suggested dropping the bag limit in the fall by two fish (from 10 to 8). The panel agreed to this by consensus.** G. Allen asked the DFW if they had the bag limit analysis. N. Lazar stated that they did. A 9 fish bag limit gets you an

18% reduction in projected harvest and an 8 fish bag limit drops the predicted harvest by 22%. G. Allen suggested sending both bag limits (8 and 9) to public hearing. D. Preble asked what the benefit is to dropping the bag with respect to fecundity and the biology of the species. N. Lazar stated that D. Preble was looking at two separate issues. The minimum size deals with fecundity but the panel was trying to deal with fishing mortality and harvest. Dropping the bag limit addresses fishing mortality and harvest. He went on to state that for the public hearing the DFW should be able to address whether they think dropping the bag limit will keep RI under the fishing mortality target but will not be able to address any economic analysis. D. Preble stated that he would also like status quo to go forward as an option. S. Medeiros echoed this sentiment. **G. Allen made a motion to go to public hearing with three options regarding the tautog recreational sector; an 8 fish bag limit, a 9 fish bag limit, and a 10 fish bag limit (status quo). D. Preble seconded the motion. The Council unanimously approved the motion.**

Striped Bass: D. Preble gave the report. The panel discussed the coastwide status of the stock as well as the performance of the RI fishery in 2004. The RI quota will be getting an increase in 2005 due to a conservation equivalency benefit of going to the 34 inch minimum size. **A trap representative suggested moving the quota rollover date from October 15 to the 1st, but keep a 10,000 pound set aside for the trap sector. This set aside would then become available to the general category if it was not caught before October 15. The panel approved this change by consensus.** A written proposal was passed in by the RI Commercial Rod and Reel Angler's Association. This proposal dealt with the general category fishery. The proposal was voted down (2 to approve, 5 opposed). **A commercial representative proposed staying at status quo for 2005. This was approved by the panel by consensus. The panel also suggested in response to the issue of an odd numbered bag limit in the fall that the DFW round the 1.5 fish (for the 1/2 possession limit Commercial Fishing License restricted finfish endorsement) to 2 fish. This was a consensus recommendation from the panel.** The panel also asked that the DFW look in to the benefit that the striped bass fishery would receive from a higher minimum size (35"). The charter boat issue (whether they can be both commercial and recreational) was forwarded to DEM legal counsel for an interpretation to help clarify this issue. **D. Preble made a motion to send the suggested changes to the striped bass fish trap quota to public hearing. K. Ketcham seconded the motion. The Council unanimously approved the motion.**

Enforcement: S. Medeiros gave the report. The panel discussed several issues including tautog regulation enforcement south of Newport, herring regulation enforcement, and charter boats being both commercial and recreational. On the latter topic, DEM Law Enforcement stated that the practice is not illegal unless the captain or mate is selling fish caught by their recreational clients. Even if this is occurring, this is extremely difficult to enforce. The panel discussed enacting a filet law. RI is the only state on the east coast without a filet law in place. The panel discussed meeting again in May.

Summer flounder/scup/black sea bass: D. Preble gave the report. He stated that the panels (it was a combined panel meeting) discussed recreational measures for 2005 for scup, black sea bass, and summer flounder. Both black sea bass and summer flounder

recreational catches came in right on target with no reductions in catch necessary for 2005. The only change was to get rid of the closure for black sea bass which had been in place for 2004. **The panel consensus was for status quo in the black sea bass recreational fishery except for the removal of the closed period. The panel consensus for the summer flounder recreational fishery was to remain at status quo.** The scup recreational fishery required a reduction. **The panel consensus was to go with a 10.5 inch minimum size, a split bag limit for the party charter boat sector which is 25 fish for August, 60 fish for September – October, and 25 fish for November. Panel consensus for the other recreational sectors was a minimum size of 10.5 inches, a bag limit of 25 fish and a season from May 26th – September 20th.** N. Lazar discussed the precision of the recreational data for scup and why they have moved to a regional assessment. He went on to state that he thought the intent of the Atlantic States Marine Fisheries Commission (ASMFC) was to not have the seasons for the 2 modes different, in other words he did not think the party and charter and the other modes could have seasons that were not consistent. K. Ketcham stated that the DFW staff present at the meeting was not aware of this (season issue) and therefore the panel was not aware of it. **D. Preble made a motion to approve the advisory panel recommendation regarding the recreational scup fishery for public hearing with the understanding that the scup measures may change due to action by ASMFC. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion. D. Preble made a motion to send the advisory panel recommendation of 12 inch minimum size, 25 fish bag limit, and an annual season for the black sea bass recreational fishery to public hearing. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion.**

New Business

Approval of items to go to public hearing: N. Lazar read through the memo regarding this topic. There were 12 public hearing items on the memo. J. Rainone asked a question about the dockside sale item mentioned on the memo. N. Lazar stated that he was not entirely clear on what this issue was about, he had not received any documentation on this issue. G. McAvoy stated that the DEM was working on a response which would be presented prior to the public hearing. Furthermore he went on to state that the Director of DEM had received a petition regarding this issue, therefore this issue had not been generated by the DEM. The Council recommended deferring this item until the next public hearing so that they could convene the appropriate advisory panels to discuss this topic. They also recommended taking the word fresh water out of the item titled “fresh/salt water shad and herring regulations”. **D. Preble made a motion to recommend to the Director that he defer the dockside sale issue back to the Council for discussion before sending it to public hearing. J. King seconded the motion. The motion was unanimously approved. S. Medeiros made a motion to approve all of the other items with the caveat of removing the word fresh from item 6 (as mentioned above). D. Preble seconded the motion. The Council voted unanimously to approve the motion.**

Discussion of agenda items for the winter flounder advisory panel meeting: G. Allen

stated that he has asked K. Ketcham to co-chair the winter flounder advisory panel with him. **The Council had no objections to this.** The agenda items G. Allen wanted to discuss consisted of moving the closure line from where it currently exists down to the Colregs line and a discussion on the small mesh fishery in the bay. This is all being discussed in an effort to restore the winter flounder fishery to Narragansett Bay. **The Council did not object to these items being on the next winter flounder advisory panel agenda.**

Old Business

Review and approval of new advisory panel lists: B. Murphy stated that the Council had been provided the most current advisory panel lists in their packets. This was done so that the Council could review the lists and provide the DFW with any corrections or comments. G. Allen asked that the Council review what they have been given and come to the next meeting with their comments. J. McNamee had added in the members who were to be approved that evening, B. Murphy read from the memo which contained these individuals. The first was the bluefish/weakfish panel where Jan Knost was nominated as the recreational boat alternate. The next was Edwin Cook on the fluke advisory panel for the vacant recreational/coastal primary position. Next was James Low to the vacant hook and line position on the enforcement advisory panel. S. Medeiros asked to add Ed Kearney to the enforcement advisory panel as the alternate to Bruce Getchel. Harry Potter was nominated to the vacant recreational shore alternate position on the scup/black sea bass panel. Robert Beresford and John Gadzik were nominated to the vacant hook and line primary and alternate positions respectively on the striped bass advisory panel. K. Ketcham mentioned that there were some changes made at the last advisory panel meeting which were not indicated on the memo. G. Allen asked that these be resolved before the next meeting. S. Medeiros added that Skip Stritzinger would like to be removed from the Tautog AP. **The Council did not object to the nominees as presented.**

Presentation of nominee for scientific position on the Council: N. Lazar stated that they had solicited for a scientific nominee to the Council and received 1 response which was from Dr. Boze Hancock. The Council voiced concerns about whether it was a requirement to be an American citizen to be on the Council and they also wondered what his long term availability would be, in other words will he be going back to Australia when his contract was done. G. McAvoy stated that he did not think there was a prohibition against a non citizen being on the Council. G. Allen asked that there concerns be forwarded to the Director. **The Council concurred with this.**

Floating fish trap regulation discussion: G. Allen gave a brief overview of the floating trap regulation history. He stated that the trap operators, save one, had not complied with the regulations. He requested that the Director of DEM send a registered letter to the fish trap operators advising them of the regulation change and to advise them that they needed to comply with the regulation provisions. K. Ketcham as co-chair agreed with G. Allen's request. **The Council had no objections to this request.**

Other Business

Additional nominees to advisory panels: This had been covered under item 6a of the agenda.

Additional representatives on Commercial Fishermen's Committee: N. Lazar stated that this was a request from DEM for authorization to add additional representatives to the Commercial Fishermen's Committee. The idea was to add some individuals who had the entry level commercial fishing license to the panel to get some further diversity on the committee. The Commercial Fishermen's Committee currently only had commercial license holders as members. K. Ketcham stated that he would be comfortable with one additional representative. **K. Ketcham made a motion to add a representative who was an entry level commercial fishing license holder to the Commercial Fishermen's Committee. J. King seconded the motion. The Council voted unanimously to approve the motion.**

Briefing on Jan. 11 ASMFC winter flounder board meeting: G. Allen gave the report. The winter flounder board discussed the importance of managing the species in both the offshore and inshore environments in a consistent manner. Winter flounder stocks are currently overfished and overfishing is occurring. The board approved several measures which consisted of going to a 6.5" mesh in the cod end and a 12" minimum size for the commercial fishery in state waters. On the recreational side, the changes were to go with a 10 fish bag limit, a 12" minimum size, and a 60 day season with no more than 20 days open in April and March.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary