

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**February 25, 2003**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road**  
**Narragansett, RI**

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

RIDEM F&W Staff: M. Gibson, B. Murphy, N. Lazar, and J. McNamee

DEM: B. Ballou and J. Reitsma

Legal Counsel: G. Powers

Enforcement: S. Hall

Public: 60 people attended

J. Reitsma introduced himself as the chairman of the meeting. **Minutes of the January 28, 2003 Rhode Island Marine Fisheries Council (Council) meeting were unanimously approved.** The agenda was unanimously approved with the following modification: The previously scheduled lobster advisory panel meeting was postponed therefore there was no discussion about the lobster advisory panel report that was included on the agenda. J. Reitsma stated that some time would be devoted later in the meeting to discuss lobster issues due to the fact that many attendees of the meeting were there for that purpose.

### **Advisory Panel Reports**

*Lobster:* The advisory panel meeting, which had been scheduled for 2/18/03 was postponed, therefore there was no report to give.

*Shellfish:* Due to the absence of R. Boragine, J. Reitsma asked if anyone else was prepared to give the shellfish advisory panel report. M. Gibson stated that he could. He stated that there were no issues that the council needed to weigh in on. The panel discussed the open schedule for the shellfish management areas, as well some discussion on the operation of the advisory panel itself. J. Reitsma asked for comments from the audience, he did not receive any. M. Gibson stated that their next meeting is scheduled for March 18, 2003.

*Winter Flounder:* G. Allen stated that the panel was convened to give D. Borden some input from commercial fishing interests for his upcoming meetings with ASMFC and the NEMFC. Four commercial fishermen were present at the meeting. The offshore fisherman discussed the validity of data collected during federal surveys. There was also

discussion on the migration patterns of offshore stocks of winter flounder into state waters. The commercial fishermen present stated that offshore winter flounder stocks do not migrate into state waters in any appreciable numbers. M. Gibson stated that the management board is meeting at the ASMFC meeting week. He stated that the board would be tasked with ending overfishing in the stock area of the fish. The commercial fishermen present at the meeting were concerned with more stringent regulations being imposed in state waters, but DEM staff at the meeting stated that this would probably not be the case. J. Reitsma asked for comments from the Council and the audience but did not receive any. J. Reitsma stated that D. Borden was at the ASMFC meeting, which accounted for his absence from the RIMFC meeting, but that D. Borden would chair the RIMFC meetings when he was in town.

### **Old Business**

*Proposed additions to the advisory panels:* J. McNamee stated that Tom Hoxie had been nominated as the commercial floating fish trap representative to the winter flounder advisory panel and would replace Carl Grandquist on that advisory panel. **G. Allen made a motion to accept this nomination, it was seconded by D. Preble and was accepted unanimously.** G. Allen stated that B. Mattiucci was vacating his position on the winter flounder advisory panel therefore solicitations for a nomination to the winter flounder advisory panel as a commercial rod and reel fisherman would be needed for the next Council meeting. J. McNamee then presented the multiple alternate request from the offshore trawler group that had been tabled from the previous meeting. M. Gibson clarified what the discussion had been about. D. Preble clarified the two ways of addressing the additional alternates, either four rotating members or one primary representative with three alternates. G. Allen stated he approved of the idea but did not want to see this format go into other advisory panels due to the administrative burden it presented. **D. Preble made a motion to accept one primary representative with three alternates for the summer flounder advisory panel offshore trawler representative, it was seconded by S. Cobb. A modification to the motion was put forward to specify the members as J. O'Grady as the primary representative and Mike Hall, Donald Fox, and Ray Livernois as the alternates. D. Preble made a motion to accept the modification to the original motion, it was seconded by S. Cobb and unanimously approved.**

*Proposed addition to the Council:* J. McNamee presented K. Ketchum as a nominee for the vacant Council seat. J. Reitsma asked B. Ballou to give information on the nomination process for the vacant council seats. B. Ballou stated the names of the nominees: A. Wheeler, K. Ketchum, E. Noll, G. Goodwin, and J. King. These candidates will be interviewed and the Departments recommendation will be presented to the Governor within the next two to three weeks.

### **New Business**

*Review of aquaculture operation applications:* M. Gibson stated that there was only one of the four applications presented to the Council that the Council needed to comment on.

J. McNamee elaborated on this stating that there are several levels of application and the Council will only receive applications that have gone out to public notice in the future. The one application that needed Council approval was Roebuck, application #02-10-38. J. McNamee stated that Fish and Wildlife staff approved the application. **D. Preble made a motion to accept the application, it was seconded by G. Allen and unanimously approved.**

### **Other Business**

*Review of public hearing proposals:* B. Murphy stated that the public hearing proposal discussion was put on the agenda to allow Council members to comment further on any proposal that was presented in the summary handed out at the previous meeting. He also stated that the agenda order for the public hearing had been set and was as presented in the public hearing proposal summary document. No comments were received. J. Reitsma suggested posting the public hearing summary document on the state list server.

*Discussion of lobster topics:* J. Reitsma made a statement about the rumor that the lobster fishery was to be closed. He stated that this rumor is not true, but stringent measures need to be taken to restore the lobster fishery. The rumor started from discussions between MA and RI where the possibility of closing the lobster fishery was presented as an option, this information leaked out and became the rumor that RI was going to close the lobster fishery this year, which is not true. M. Gibson gave a synopsis of the events that have taken place over the last few weeks concerning the lobster fishery. J. Reitsma asked for comments from the audience. Several people expressed their concerns for shutting down the fishery and added in their suggestions for the cause of the problem and how to solve the problem. A lobster fisherman from Newport handed in a proposal to the council, J. Reitsma collected this proposal. There was also an audience question about the interplay between lobster management area 2 and area 3. M. Gibson spoke to this question. There were a few questions about setting up quotas and TALs in the lobster fishery, J. Reitsma stated that current RI law prohibits the use of historic effort to set up control dates. He also stated that the regulation allowing for 50 new lobster licenses was not going to be repealed at this time. Other alternatives that were discussed were prohibition on culls, prohibition on soft-shelled lobsters, and gauge increases. M. Marchetti gave a statement from RILA, which discussed opposition for a double gauge increase, support for a non-mandatory v-notching program, opposition to closures, opposition to a ban on culls, predation issues, research into shell disease, and attrition in the industry.

*Discussion of dockside sale of lobster and finfish, including sales by charter boats:* J. Reitsma introduced the topic of dockside sale of lobster and finfish and stated that S. Hall from DEM Enforcement would give a statement relating to this. S. Hall stated that for charter boats, a commercial fishing license was required as well as a dealer's license. It is illegal for a charter boat to sell tautog under any circumstance and striped bass need to be tagged before being sold. Reporting requirements for dealers must be followed. An additional requirement to sell fish to the public would be a RIDOH dealer's license. Lobster boats also need a commercial license, a dealer's license, and the RIDOH dealer's license. Informally, RIDOH stated that they did not think any fishing vessel would

qualify under their regulations to sell finfish or lobsters to the general public. Federally permitted lobster boats are only allowed to sell lobsters to a federally permitted dealer. M. Marchetti made a statement that the RI lobster license was a seller's license, S. Hall stated that he felt this was the popular interpretation of the lobster license regulation but was not accurate. J. Reitsma stated that not only would charter boats and lobster boats need a dealer's license but they would also need to adhere to the rules associated with said license such as reporting requirements. An audience member asked a question about the requirements for the RIDOH license requirement and added that people coming to the boats to buy fish is a positive economic trend and in other states this sort of activity is encouraged not discouraged. J. Reitsma stated that the reason the state was visiting this issue was a data issue and instead of just violating the regulation, maybe a regulation change is in order. S. Hall concluded with a statement that the Department was receiving complaints about the sale of lobsters and finfish off of boats, but did not comment further. M. Marchetti stated that as long as fishermen are filling out there logbooks correctly the data issue should not be a problem, the lobsters and finfish are accounted for. An audience member also discussed the sale of baitfish off boats as not representing a health risk. S. Hall spoke to this. An audience member gave J. Reitsma a written statement.

### **Post Agenda Discussion**

J. Reitsma asked about the scheduling of RIMFC meetings and stated that he hoped to change them from the third Tuesday of the month to the first Tuesday of the month. RIMFC members agreed to this. **G. Allen moved to adjourn the meeting, it was seconded by D. Preble and unanimously accepted.**

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Jason E. McNamee  
Recording Secretary