

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
March 5, 2007
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

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

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee, N. Scarduzio, S. Olszewski

DEM Legal Counsel: G. Powers

DEM Staff: R. Ballou

DEM Law
Enforcement: S. Hall,

Public: 45 people attended

Chairman M. Gibson called the meeting to order. M. Gibson stated that there were a few additions to the agenda; under Other Business, he added an (item 5C) a letter from the Rhode Island Fisherman's Alliance (RIFA) requesting the RIMFC readdress the cod and monkfish possession limits. The Council would not be able to take any action tonight due to public notice requirements and open meeting rules. The organization would like the Council to consider putting this item on the April agenda for a more formal discussion. The only action tonight would be if the Council agrees to put this item on a future agenda. The other item added under (item 6b) was an informational item to update Council members on the ASMFC advisory panel nomination process. **There were no objections to approving the agenda as modified.**

M. Gibson asked if there were any objections to approving the minutes of the February 5, 2007 Rhode Island Marine Fisheries Council (Council or RIMFC) meeting as submitted. **S. Medeiros made a motion to approve the minutes as submitted. D. Preble seconded the motion. There were no objections to approving the motion.**

Advisory Panel Reports:

Tautog: J. McNamee stated that he would give the tautog reports for G. Allen who was out of town. The tautog advisory panel met twice, once to discuss the commercial fishery and once to discuss the recreational fishery. The first report was for the commercial tautog fishery - the panel met on February 12, 2007 where J. McNamee presented a slide show to the members that reviewed the 2006 tautog commercial fishery, reviewed the ASMFC addendum 4, RI state specific stock assessment, and the DFW proposed changes for the 2007 fishing season. McNamee explained that the ASMFC addendum is a newly approved addendum to the ASMFC tautog plan instituting a new F target, which was dropped down to 0.2 (from 0.29). It also institutes a biomass target. Tautog did not have a biomass target prior to this addendum. The fishery for the year was the other important item discussed. The commercial fishery for the second year in a row came in just under the quota so they will receive a full allocation next year.

The panel supported remaining at status quo for the commercial fishery in 2007. The recreational meeting was held on February 21, 2007 where J. McNamee went over a slide show that reviewed the 2006 tautog recreational fishery, the ASMFC addendum 4, RI state specific stock assessment, and the DFW proposed changes for the 2007 recreational fishing season. This panel discussed various proposals for 2007. Consensus that came out of the panel was to split modes. The modes recommended to be split were party/charter as one mode and private/shore as the second mode. The party/charter mode would have the same season as they have currently with a 3fish/10 fish bag limit. The private/shore mode would change slightly; they added a couple of weeks in April for a mid April start date instead of a May 1st start date. This gives them an extra two weeks of fishing since they lost the month of June last year due to a regulatory change. The second part of the season, after the June closure, would be at (3) fish until October 20th, then increase to an (8) fish bag limit. This is down from a (10) fish bag limit that is currently in place. The idea is to compensate for the extra two weeks in the spring season by dropping the fall bag limit. McNamee stated that G. Allen had contacted him the following day realizing that the short time frame before the public hearing would not allow enough time to get this implemented for a April 14th start date. G. Allen asked McNamee to request that the Council still consider this proposal so that it is set and ready to go into effect for 2008.

S. Medeiros asked when would be the earliest start date based on the legal requirements of posting of notices. J. McNamee responded by stating that there would not be enough time. Twenty days after April 9th would be April 29th, which would be after the targeted start date.

Summer Flounder: D. Preble stated that the Summer Flounder Advisory Panel met on February 19, 2007 with 19 people in attendance of which (5) out of (12) were advisory panel (AP) members. They reviewed the options available to the AP for setting the size, bag and season limits for the 2007 recreational fishery. There were (42) separate possibilities plus another (16) possibilities for regionalization that had to be considered. They also reviewed the 2006 catch statistics, along with the large unexplained discrepancies between the numbers for the party/charter sector (54% under 2005) and the private recreational sector (65% over 2005), for a total of 25% over the state TAC for 2006, which necessitated the 47% drop that was required for 2007. Because of inadequacies in MRFSS data, the panel unanimously agreed that a letter should be forwarded by the Council to ASMFC voicing their objections to the approach taken to achieve reductions in landings.

Preble stated that the panel next discussed the discard and hook mortality problem in the recreational fluke fishery, and it was widely agreed that the problem would be greatly exacerbated by the 2007 size increases and that this should also be included in the letter to the ASMFC. The panel then considered the options necessary for the State of RI to achieve the required 47% recreational TAC reduction. Panel members suggested and discussed several proposals. The general agreement among panel members with regard to summer flounder management was that there is no real conservation benefit associated with the options presented. Increasing the minimum size will lead to an increase in discards and ultimately mortality while shortening the season will impact business and tourism. In addition, there is really no savings associated with smaller bag limits unless drastically cut down to one or two fish. The panel agreed that regulations should be based on conservation benefits rather than ease of enforcement or statistical analyses. The panel unanimously decided to also add this point in the letter to ASMFC.

The two remaining proposals that were voted on were:

#1) Split mode with 19" size, 7 fish bag, and a season from May 18 to September 16 for the party/charter sector and 18" size, 7 fish bag, and a season from June 24 through September 30th for the private sector.

#2) A 19 "minimum size, 7 fish bag, and a season from May 18 through September 16th for all recreational anglers.

The panel took a vote and three members were in favor of option #1 and two members in favor of option #2. Preble stated that they are submitting both proposals to go forward to the public hearing even though the panel understood that the option containing the split mode would probably not be approved by ASMFC. Preble went on to discuss regionalized management options. It was determined that any regional approach including NY would not be beneficial to RI. Of the regions presented, no one was in favor of including states south of CT. There were no votes in support of recommending any of the regional management options. The panel felt that forming a region under crisis mode would be both unlikely and undesirable, and decided not to address regionalization at this time.

M. Gibson asked for clarification regarding the request from the panel to address a letter to ASMFC. He asked if the panel wanted the Division to write this letter on the Councils' behalf. Gibson suggested that he and D. Preble collaborate on putting a letter together to the ASMFC chairman of the Summer Flounder/Scup Management Board. **There were no objections to proceeding with the letter in that manner.**

D. Preble agreed that the Division should put the letter together. The panel felt that something needed to be said to ASFMC about the use of MRFSS data.

K. Ketcham asked if other size limit options could be presented at the public hearing along with these two proposals just so that there are other options available. M. Gibson stated that it is the Divisions' usual procedure to bring all viable options forward to the public hearing. His intension is to bring forward all of the proposals that the ASMFC approved for our state. D. Preble suggested not putting in the proposals from ASMFC that were discussed in great length by the advisory panel and discarded. These were not the proposals that the panel preferred. He would be inclined to put forward all the ones that have dates associated with them.

The advisory panel was very clear that they did not want anything to do with the regionalization options.

Striped Bass: D. Preble stated that the Striped Bass Advisory Panel met on February 27, 2007. There were 19 people in attendance, 9 were voting members of the AP. He stated that the 2006 Maryland young of the year (YOY) index indicated that the geometric mean value of 1.78 was the lowest since 1991. They then discussed the development of the 2007 commercial striped bass fish trap season and quota. DFW recommended continuation of the status quo for 2007. At the request of the fish trap operators a report was submitted to the AP from Laura Lee (ASMFC) on the Conservation Equivalency of Alternative Minimum Size Limits in RI's Commercial Trap Net Fishery for Striped Bass. There were three proposals for minimum size limits; 24", 25", and 26". The trap operators were in favor of the 26" minimum size limit with the resulting annual fish trap quotas of 93,788 lbs. This was voted on by the panel and accepted as the favored proposal. Preble stated that it was understood that this proposal would have to go to the ASMFC Striped Bass Technical Committee and the ASMFC Management Board for approval. The next item on the agenda was discussed; development of the 2007 General Category commercial striped bass season and quota allocation. DFW recommended continuation of the status quo for 2007. A vote was taken to except DFW recommendation, however due to a tie the motion failed.

Other alternative proposals were then solicited and discussed. A three-part proposal was developed. Sections 1 and 2 were passed which dealt strictly with the limits and seasons. **The proposed changes moved the start date to June 1, closed the fishery on Fridays and Saturdays, and changed the bag limit to 5 fish per vessel.** A vote was taken to send section 3 (use of a credit card type of identification system) to the RIMFC to be acted upon. There was also a motion that passed unanimously to send Proposal 2 submitted by RICRRA regarding a color coding of licenses to the RIMFC for consideration. There was also a request from the panel for DFW Marine Fisheries Section to send a letter to all fish dealers explaining the difference in commercial fishing licenses and the dealers' responsibility to make sure everyone they buy from is properly licensed.

Lobsters: J. King stated that the Lobster Advisory Panel met on February 13, 2007. They reviewed the meeting attendance and vacant panel positions. Panel members discussed and made recommendations for various panel vacancies. King stated that M. Gibson gave an update on the ASMFC Addenda and Amendments. There were comments and discussion among panel members. A vote was passed to put an agenda item regarding "Mandatory V-Notching of egg-bearing legal-sized female lobsters" on the next LAP agenda for discussion. King stated that panel members then reviewed the draft regulatory language regarding trap allocation transferability. Members made comments and discussed various sections as they went through the draft document.

P. Brodeur requested a correction be made to the February 28, 2007, Lobster Advisory Panel minutes. Under item Addendum 10 – it stated that Maine (only required to get 10% reporting from the dealers). Brodeur stated that the dealers are required to report 100%. He stated that the 10% requirement was from Maine, which refers to what the Maine fisherman had requested to report and agreed to report just 10% on a lottery system.

M. Gibson acknowledged the request and stated that staff would review the minutes and make corrections so the LAP minutes reflected these changes.

P. Brodeur asked if the Council would consider removing the recreational position from the LAP since, for a number of years, there had been no representation from that group. He also requested that if this position is removed that it be replaced with another fulltime commercial slot. M. Gibson stated that this could be addressed under Other Business when the Council reviewed nominations for vacant Advisory Panel positions.

New Business:

April 9, 2007 proposed public hearing items: J. McNamee reviewed the six docket items, giving a brief description of each, which will be presented at the next public hearing on April 9, 2007.

1. Lobster trap transferability plan
2. Summer flounder recreational management plan
3. Tautog recreational management plan
4. Tautog commercial management plan
5. Striped bass commercial management plan
6. Weakfish management plan

The Council had no objections to these items going forward to public hearing.

Approval of Enforcement and Shellfish AP Agendas: J. McNamee reviewed the Shellfish AP agenda. The two items on the agenda are development of whelk regulations and review of aquaculture applications. The meeting was scheduled for March 13, 2007 at 4:30 PM at Fort

Wetherill. **There were no objections from Council members to approving the SAP agenda. The agenda was approved as submitted.**

J. McNamee went on to review the Enforcement AP agenda. The meeting was scheduled for April, but no date was set. McNamee suggested April 26th as a possible date. S. Medeiros agreed with the date. The meeting will be at 6 PM at the Government Center. There are three items for discussion; discussion about recreational vs. commercial designation of a vessel, DEM Law Enforcement comments on commercial striped bass fishery proposal from RICRRAA, and questions and answer session with enforcement staff. There was some discussion as to if the commercial striped bass fishery proposal belongs at this AP. McNamee suggested striking this from the agenda. **There were no objections from Council members to this change. The agenda was approved with item number (2) removed from the agenda.**

The IAC agenda had already been approved for a March 20th meeting date. The meeting will be held at 6 PM at Fort Wetherill. A few items were added. K. Ketcham suggested that item #3 (changes to licensing as describe in RICRRAA commercial striped bass proposal) be taken off this agenda and moved to an agenda when the IAC discusses licensing. Since licensing is set for 2007 this item can be addresses later in the summer when the IAC looks at licensing for 2008. He also expressed concern that the gillnet proposals and discussions might be time consuming and they would not be able to get through the agenda. **There were no objections from Council members to change the agenda. The agenda was approved with item number (3) deferred to a later date.**

B. Matticci stated that he did not feel that he had an opportunity at any time during this meeting to ask for clarification on any proposals that were being discussed by the Council. He also stated that there was no opportunity for the public to respond or ask questions. He felt public input was being limited at Council meetings.

M. Gibson explained how the process works and when comments can be taken. He went on to explain that the Council was presented with reports from the Advisory Panels, which have already met. These meetings give the general public an opportunity to watch and participate in Council business which includes following through on whatever actions that need to be taken. Gibson reviewed the process as to when public comments can be made.

Other Business

Letter Received from the Rhode Island Fishermen's Alliance (RIFA): M. Gibson stated that he had received a letter from the president of the RIFA requesting that the Council reconsider the recently adopted state possession limits for cod and monkfish. He explained that the only action the Council could take at this time would be to officially agree to have this on an agenda to discuss the issue. If Council members voted to discuss this as an agenda item, they would then have an opportunity to reconsider Council advice to the Director. It would then be up to the Director if he wanted to modify those regulations that were currently in place.

R. Fuka explained why his group was asking the Council to reconsider the recently adopted possession limits. This issue has come up due to an illegal gill net problem that recently surfaced. There is an economical impact created by that proposal which has moved in the wrong direction as a response to the illegal gill net situation. Rather than having it go in a management direction, it should have moved to a gillnet or some type of a technical enforcement venue. He asked the Council to review the issue at the next Council meeting. He believes there should have never been a change to the commercial cod and monkfish possession limits. There is now a by-

catch situation created for state boats fishing in state waters. Therefore, he was asking the Council to look at the issue again and address it at an enforcement level.

M. Gibson asked Council members if they would like to revisit this issue on the April agenda.

K. Ketcham stated that the cod fishery season would be over by the time the Council would be able to do anything about this season. He suggested that the proper way to handle this would be to have an advisory panel review the fishery and have it go forward with next year in mind.

S. Medeiros suggested that if there were time to look at the issue in greater detail, and go through the normal process so that they are not forced to do something in a hurry, then he would consider having the item on an agenda for discussion.

After Council discussion, M. Gibson asked Council members if they would like to add this issue to the April agenda to begin discussions on cod and monkfish regulations. A couple of Council members expressed an interest in beginning these discussions. **There were no objections from Council members to adding this item to the April agenda. This item will be added to the April agenda.**

Changes to advisory panel membership: J. McNamee stated that he outlined the nominees and the positions that they were applying for, along with their resumes, which were included in each Council members' packet. McNamee recommended that they proceed by going through each advisory panel and reviewing each nominee.

For Bluefish/Weakfish panel:

Commercial trawl alternate – Brian Loftes

Scientific advisor – David Taylor

S. Medeiros recommended approving them. **There were no objections from Council members to approving these individuals. They were both approved.**

Winter Flounder panel:

Commercial trawl primary – Brian Loftes will replace Jon Kourtesis

Commercial hook & line primary – Ed Baker

Commercial hook & line alternate – Jim Low

Commercial gillnet primary – Ian Parente

Recreational alternate – Robert Redinger

There were no objections from Council members to approving these individuals. They were approved.

Summer Flounder panel:

Commercial gillnet alternative – Ian Parente

Commercial trawl (Bay) alternate – Brian Loftes

Recreational primary – Douglas MacPherson

Scientific advisor – David Taylor

There were no objections from Council members to approving these individuals. They were approved.

Scup/Black Sea Bass panel:

Commercial gillnet alternate – Ted Platz

Commercial trawl (inshore) alternate – Brian Loftes

There were no objections from Council members to approving these individuals. They were approved.

Lobster panel:

Commercial trap (inshore) alternate – Bill McElroy

Commercial trawl (inshore) alternate – Brian Loftes

Scientific advisor primary – John Gates

There were no objections from Council members to approving these individuals. They were approved.

S. Medeiros stated there probably should be another commercial trap (inshore) slot and remove the recreational slot since there has been no representation from this group.

M. Gibson asked Council members if they wanted to eliminate the LAP recreational slot or would they want to conduct a better solicitation for nominations, or eliminate the slot and create an additional slot for a commercial trap (inshore) representative. **D. Preble made a motion to eliminate the recreational primary slot and replace it with a second commercial trap (inshore) position. J. King seconded the motion.**

S. Medeiros asked to speak to the motion; he suggested that the makers of the motion might want to reconsider. He suggested that they keep the recreational slot and conduct a solicitation, and then create an additional commercial trap (inshore) position.

M. Gibson asked D. Preble if he wanted to accept the friendly amendment suggested by S. Medeiros and change his motion. **After Council discussion, D. Preble accepted the friendly amendment.**

G. Powers stated that the motion may be premature in eliminating a position since this was not noticed. The only thing that was noticed was the appointment of nominated individuals. The elimination of a slot or the modification of the membership has not been noticed; therefore, the Council may be getting ahead of itself in terms of a notice.

M. Gibson clarified the motion, which had a friendly amendment not to strike a position, but to add a position. By adding the position, the Council is being more inclusive to get more public input. Council members agreed since the AP's serve at the pleasure of the Council and adding a position would be more desirable. **The motion went forward as amended. The motion passed unanimously.**

M. Gibson stated that there is now a new commercial (inshore) trap position and there are three candidates for this position. Council members went through the list of candidates. P. Brodeur's name was mentioned as a candidate for the slot. **There were no objections from Council members to approving P. Brodeur to this position. Mr. Broder becomes the primary for the new commercial (inshore) slot.**

Shellfish panel:

Commercial East Bay shellfisherman alternate – Richard Fuka

Scientific advisor – Dale Leavitt

There were no objections from Council members to approving these individuals. They were approved.

Menhaden panel:

Commercial lobster primary – Richard Fuka

There were no objections from Council members to approving these individuals. He was appointed.

Tautog panel:

Commercial gillnet (bay) alternate – Ian Parente

Scientific advisor – David Taylor

There were no objections from Council members to approving these individuals. They were appointed.

Striped Bass panel:

Commercial hook & line alternate – Ed Baker

Scientific advisor – David Taylor

There were no objections from Council members to approving these individuals. They were appointed.

Enforcement panel:

Commercial trawl primary – Brian Loftes

Commercial lobsterman alternate – Richard Fuka

There were no objections from Council members to approving these individuals. They were appointed.

J. McNamee stated that there was one other item. He stated that the IAC is not structured the same as the other advisory panels with a primary and an alternate. The IAC only has primary positions. W. Mackintosh came forward and asked if he could serve as the alternate to T. Platz as a gillnet representative.

M. Gibson suggested that before any action is taken on this item, he and G. Powers should look at the IAC statutes. He suggested that the Council defer action on this until he can review the issue to see if there is a problem with creating alternate positions. He stated that he would get back to the Council at the April meeting.

F. Blount suggested that the selection of advisory panel nominations be conducted behind close doors so that when there are a few people up for one slot where there could be dissention among individuals, and possibly an uncomfortable atmosphere for people in the audience, as well as, the candidate, or Council members.

M. Gibson suggested this topic could be taken up at the advisory panel workshop.

K. Court stated that since it is the objective of the advisory panels to receive as much input as possible, he asked if the Council would consider separating the party boat from the charter boat position on the advisory panels and have a representative from each sector instead of one person representing both interests.

M. Gibson suggested this is another topic that could be taken up at the advisory panel workshop.

S. Macinko stated he was concerned about what the rules were for public participation and when and who can ask questions. He suggested this would also be a topic to be discussed at the advisory panel workshop.

Review of Council calendar: J. McNamee stated that he provided Council members with three months worth of calendar agenda items in their packets. He asked if Council members would like to have a meeting on the same evening as the April 9th public hearing or on a later date. There was some discussion about not having enough time for staff to put regulations in place for tautog. McNamee suggested that the Council could have a one topic agenda item for April 9th following the public hearing, and the rest could be acted on at a full Council meeting on April 16th. **There were no objections from Council members to these dates and this course of action.** J. McNamee continued with the calendar by stating that the next item was the tautog workshop. Since G. Allen was not present, McNamee suggested putting this date off until late April when G. Allen would be back in town. McNamee tentatively proposed April 25th but would work with G. Allen to confirm a specific date. May 16th was tentatively set for the advisory panel workshop.

M. Gibson stated that he and J. McNamee would work the dates backwards to determine what items the Council would need to take up after the April 9th public hearing, due to being time sensitive issues.

J. McNamee stated that the May Council meeting is scheduled for May 14th at 6:00 PM.

FYI

Letter from RIMFC chair to Director regarding CRMC aquaculture policies: M. Gibson explained the background for development of the letter. He stated that per direction from the Council, he sent a letter to Director Sullivan summarizing the RIMFC meeting of February 5, 2007 where D. Alves from CRMC gave an overview of the aquaculture process in RI. A copy of the letter was included in Council members' packets. Council members felt that the presentation by D. Alves did not address some of the issues the Council was concerned about and requested a letter be sent from the Council to the Director expressing those concerns. Gibson stated that there was a meeting scheduled this week between the Division and CRMC to work on issues of concern. After that meeting takes place, Gibson stated he would be in a better position to update Council members on what direction this issue will go.

ASMFC nomination process for fluke, scup, and sea bas, advisory panels: M. Gibson updated council members that the process had been implemented. There were seven applications received for four slots. The Director had asked that the Council be more involved in the process in the future for selecting nominations to these advisory panels. It was the Directors' intent that a broad solicitation be conducted, as early as possible, and that candidates be brought before the Council for an opinion before the Department makes final appointments.

The chairman adjourned the meeting.

Nancy E. Scarduzio, Recording Secretary