

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
March 6, 2006
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

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

Chairperson: M. Gibson

RIDEM F&W Staff: N. Lazar, N. Scarduzio

DEM Staff: R. Ballou

DEM Law
Enforcement: S. Hall

Public: 18 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. M. Gibson stated that there was an FYI item to add which were the decisions rendered by the Director on the November 11, 2005 public hearing. He also suggested modifying the agenda to move item 4d to item 4a. **There were no objections by the Rhode Island Marine Fisheries Council (RIMFC or Council) to approving the agenda with the modifications.** M. Gibson asked if there were any objections to approving the minutes of the January 9, 2006 Rhode Island Marine Fisheries Council meeting as submitted. **G. Allen made a motion to approve the minutes as submitted, there were no objections from the Council therefore the minutes were approved as submitted.**

Advisory Panel Reports

Menhaden: S. Medeiros gave the report. The panel elected D. Beutel as the panel vice chair. A review of current regulations and the current Atlantic States Marine Fisheries Commission (ASMFC) fishery management plan were given during the meeting. The main focus of the meeting was to discuss a potential collaborative observer program. Representatives from Arc Bait were present and expressed their willingness to take observers on board their spotter plane and potentially on their vessels. The panel discussed a possible program where Department of Environmental Management (DEM) personnel would be used as observers. These observers would be used to run a survey where the spotter planes would go up at some consistent time interval during the summer/fall period and the landing would be ground truthed by a second observer enumerating the catch actually coming off the Arc Bait menhaden vessels. The unanimous decision of the panel was to forward to the RIMFC the request that this

collaborative survey be set up to quantify the amount of menhaden entering and being removed from the bay by Arc Bait.

N. Lazar stated that the observer portion of the request was obtainable but as far as the logistics of a full-blown survey, he had not looked in to this as of yet.

K. Ketcham stated he felt it may be a waste of money to have a state observer on board and would rather just have the spotter plane pilot fill out a form indicating the amount of fish he saw. S. Medeiros indicated the point was to have an objective observer on board who could corroborate the findings of the spotter pilot.

G. Allen stated that he felt it was a worthwhile endeavor because this has been a user group conflict for a long time. **G. Allen made a motion to have the Council endorse the recommendation of the Menhaden Advisory Panel to start a survey using both the Arc Bait spotter plane and ground observations on the Arc Bait vessels by DEM observers on a daily basis. S. Medeiros offered a revision of the motion stating that the observations did not necessarily need to be daily, but consistent, maybe once or twice a week. G. Allen accepted the recommended revision to the motion. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion.**

Tautog: G. Allen gave the report. The meeting was held to consider any changes to the commercial season for 2006. A report on the commercial fishery performance was given at the meeting. One issue that came up was whether underages roll over to the following year. G. Allen stated that this was a request from the panel that the Council look in to this. A bycatch allowance proposal was brought forward; the panel did not support this. Another proposal that was brought forward had a slot limit provision. The panel did not support this proposal but asked that this be looked in to by DEM to see whether this would benefit the species or not. The consensus proposal that came out of the panel was to move the summer sub period start date to July 15th, rather than August 1st.

Striped Bass: D. Preble gave the report. The panel started by reviewing the ASMFC stock status update. The indications from the report were that the stock is healthy. The panel then went over the performance of the commercial fishery in RI during 2005. The panel commended the Division of Fish and Wildlife (DFW) for there management of the fishery in 2005 as the quota came in right on target. The panel recommended by unanimous consensus remaining at status quo in 2006 for the floating fish trap fishery. The general category fishery recommended that the opening date be moved to June 10. This recommendation was a consensus from the panel with one vote of dissent. A second proposal was brought forward but this was not forwarded as a consensus proposal from the panel. The panel forwarded a request to the Council that they (the Council) be proactive during the Magnussen-Stevens Act reauthorization and look in to how this will affect RI.

New Business

Discussion about Greenwich Bay shellfishing: An email message from M. McGiveney

had been passed out to the Council. J. King gave a summary of this email. He stated that the email was a request from the RI Shellfishermen's Association to have the Director of DEM close the Greenwich Bay shellfish management area. It was also requested that the remaining open periods be shortened to two hours a day rather than four. The reason for these requests were that the market for shellfish in RI was being flooded with product because of the Greenwich Bay opening and the price had dropped to the point where the practice of shellfishing was not economically viable. J. King added his own comments as a shellfisherman stating that he cannot make a living when the price is ten cents a clam and feels that the management areas need to be managed better so that these low prices aren't continually experienced. The shellfishing industry in the state cannot continue to exist if the status quo remains. His point for the discussion was for the Council to be aware that a shellfish advisory panel meeting request would be coming forward and he wanted to give some background on the agenda topics.

M. Gibson added that the shellfish advisory panel would be convened if the Council agreed and the Greenwich Bay topic would be discussed, the summary of this meeting would be forwarded to the Council, and then the Council could develop a recommendation for the Director on this topic. **M. Gibson asked if there were any objections to this course of action. There were none.**

G. Schey stated that the effort from part time fishermen creates a lot of the market issues in Greenwich Bay. He went on to say that he felt the Greenwich Bay issue hadn't been resolved yet because he felt the work keeps getting pushed off.

Summary of river herring workshop: M. Gibson gave a brief overview of what had transpired regarding this topic. The Council did not currently have an advisory panel to deal with river herring so a public workshop was held as a surrogate advisory panel and gave the public an opportunity to get information from the DFW as well as allow the public to discuss their opinions on the subject. The following summary was from that meeting. At the workshop a slide presentation was given which gave a summary of a tri-state workshop held with RI's neighboring states. It also gave a detailed stock status report specific for RI's river herring stocks. The meeting ended with a presentation of the proposed regulatory amendments for river herring in both fresh and marine waters, which would be a closure in both fresh and marine waters.

J. King asked about frozen herring that people might already possess. S. Hall, from DEM Law Enforcement, stated that if they made some sort of allowance for this, it would make the regulation completely unenforceable.

P. Brodeur asked about purchasing bait from Maine, where river herring possession is not prohibited. S. Hall stated that Law Enforcement officers would have to use their discretion but if this became an avenue for people to violate the regulation, it would have to be strictly enforced.

Council comments on draft Safe Harbor Policy: The Council had been provided a draft policy regarding a formalized safe harbor provision and the Director was seeking advice

from the Council on this policy. K. Ketcham stated that he was concerned with people abusing this policy in order to violate fishery possession limits. S. Hall stated that this was a policy that had been informally followed in the past. He stated that they determine each case independently and if they found that people began to use this policy in an effort to circumvent regulations this would have to be dealt with. He went on to state that they support this policy because they understand that fishing is a dangerous profession and anything that can be done to increase safety is a positive thing. K. Ketcham followed up by asking if there was some way that an out of state boat, evoking safe harbors, could unload their catch but not have it come off of RI's quota? S. Hall stated that this vessel would be allowed to hire a truck to bring the product back out of state to an out of state dealer, thereby the fish would be counted against the quota of the state where that dealer resided.

M. Gibson stated that he would transmit K. Ketcham's concerns about providing sufficient safeguards against abuse and also his concerns about out of state vessels landing against RI's quota to the Director if the Council did not object. There were no objections by the Council. R. Ballou added that the policy states fish but this is meant to cover any seafood products.

Council approval of the Enforcement, Summer flounder, Scup/Black sea bass, and Lobster advisory panel agendas: **S. Medeiros made a motion to approve the agendas as submitted. D. Preble seconded the motion. The motion was unanimously approved.**

Other Business

Review of advisory panel membership lists: The Council had been provided updated AP lists as well as some resumes for nominees to the lobster advisory panel. There were three nominees for the two open lobster advisory panel spots. The Council decided to appoint L. Dellinger and D. Ingram to the open lobster advisory panel alternate positions. A list with Council member term appointments was provided and the DFW wanted to make several members aware that their terms were up in 2006.

An email was received from Capt. Rick Bellavance stating his request to be included on the Industry Advisory Committee. The Council requested that he fill out a resume form to be brought before the Council at the next meeting.

Authorize a second March Council meeting immediately following the public hearing on March 13, 2006: S. Medeiros recommended that the Council meet on the same night as the public hearing. There were no objections from the Council on this.

Old Business

Floating fish trap update: N. Lazar stated that the Council had been provided a memo from DFW staff. This memo indicated that all of the trap companies except for one had indicated the sites they were planning to set in 2006. The one licensee who did not respond stated that he did not intend to set a trap at his location this year. The second item of information in the memo was about the buoy issue. Both the DFW and DEM Law

Enforcement had not received a response from the Coast Guard as to whether they would certify homemade buoys as Coast Guard Certified. G. Allen stated that the recommendation from the Floating Fish Trap advisory panel was that if the Coast Guard indicated that they would not accept the homemade buoys or if they did not respond to the query, that the floating fish trap operators would be required to comply with the preexisting Coast Guard certified buoys. **He recommended that the Council forward the advice to the Director that the DEM should issue a letter to the trap operators stating this. The Council did not object to this course of action.** D. Preble wanted to note his strong displeasure with the consistent lack of response from the Coast Guard during this process. A. Glidden asked what sort of time frame would the trap operators be looking at to institute this. M. Gibson stated that the DFW would discuss this with DEM Law Enforcement before the letters are sent out. G. Allen noted that the trap operators have indicated a different configuration than was originally shown to the Coast Guard and this may affect the required markers. The new configuration needs to be reviewed by the Coast Guard as per the regulation.

Summer flounder exemption certificate program discussion: N. Lazar stated that the first question the DFW was supposed to look in to was whether the DFW could track a vessel and fishing activity and match it up with possession of a summer flounder exemption certificate. M. Gibson stated that after discussion with DEM legal counsel they thought the best way to handle this would be to institute an annual renewal policy where showing activity for the previous year would be a requirement of renewal. S. Medeiros and K. Ketcham both stated that the discussion at least warrants further review at the advisory panel level, both suggesting sending it to the summer flounder advisory panel.

Post agenda discussion

M. Gibson presented the Council with a memo from the Director of DEM on his decisions from the November 7, 2005 public hearing. There was no discussion on this.

K. Ketcham had requested discussing the topic of where RI fishermen have to sell their catch. He stated that it is currently illegal for a RI fisherman to ship their product out of state upon landing in RI. He stated that this law limits the market that a fisherman can sell to. There was discussion on what the regulations actually state and whether it is species specific. S. Hall stated that he would look in to the regulations further and report back to the Council.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary