

RHODE ISLAND MARINE FISHERIES COUNCIL
Summary of Meeting Minutes
March 7, 2011 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance
RIMFC Members Absent: S. Parente, K Ketcham, S. Macinko

Chairperson: B. Ballou

RIDEM DFW Staff: N. Scarduzio, J. McNamee, M. Gibson, N. Lazar
DEM Staff: G. Powers, L. Mouradjian

DEM Law Enforcement: E. Cabral

Public: 45 people attended

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. He noted he had a couple of items to modify in the interest of avoiding duplication and to assure as smooth a flow as possible he suggested merging items under #4 and #5. He wanted to merger the advisory panel reports (items 4a, 4b, 4c, 4d, 4e, 4f, and 4h) with item 5b (recommendations on pubic hearing items). He also suggested merging item 4i with item 5a because they directly related to each other. Ballou asked if there were any objections from the Council to the changes as proposed. There were no objections. **B. Ballou asked if there were any objections to approving the agenda as amended. Hearing none, the amended March 7, 2011 agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the December 6, 2010, Council meeting. B. Ballou asked if there were any objections to approving the minutes. **R. Hittinger made a motion to approve the December 6, Council meeting minutes. C. Anderson seconded the motion. The minutes from the December 6, 2010 Council meeting were approved.**

Public Comments

F. Blount asked for the Council and the Division to consider a fillet law in RI. He suggested that a minimum size for fillets was needed. He asked that this topic either go to a committee or have the Council discuss it.

B. Ballou stated his suggestion would be taken under advisement and brought back before the Council at the May Council meeting as an item to be considered for possible action.

Advisory Panel Reports

Lobster AP (2/15/2011) –R. Bellavance:

R. Bellavance gave a summary of the issues that were discussed at the Lobster AP meeting. He reported that P. Brodeur gave an update on the last Atlantic Large Whale Take Reduction Team

meeting, which focused on vertical line reductions. He indicated that the group was also updated on the last ASMFC Lobster Technical Committee, Lobster Management Board, and Lobster Plan Development Team activities. A discussion took place regarding a pending 50-75% reduction in fishing mortality for the SNE lobster stock. A motion was made to request that the RI Representatives on the LMB take economics in to consideration of proposed management measures for SNE and call a meeting of the ASMFC Socio-Economic Committee as soon as possible. The group also had a discussion about the definition of a lobster trap and mobile gear types. A motion was made to form a working group made up of representatives from the lobster trap fishery, other trap/pot fisheries, enforcement, and RIDFW to address this issue and develop a recommendation for the RIMFC.

Industry Advisory Committee (IAC) (2/21/2011) – R. Bellavance:

R. Bellavance stated the meeting was held to review aquaculture lease applications. He stated the group reviewed application #2011-01-014 for an open ocean long-line mussel aquaculture operation. After review, the group recommended that the RIMFC approve the application. There was also a discussion as to where aquaculture lease applications for the RI sound would be best vetted. Bellavance stated the group felt that the IAC was well suited to review these applications except for the lack of recreational fishing representation. He stated the group recommended that the Council consider forming a separate aquaculture AP to review these applications.

New Business

RI Sound Aquaculture Permit Application(s) Review Process – B. Ballou:

B. Ballou explained there was a letter in the Council packets from the DFW indicating that the aquaculture lease presented no major negative impact on fisheries, shellfish, and other marine and estuarine resources. However, the Division noted that while there were no guidelines on aquaculture gear deployment within state waters that would prohibit mussel long-line, it appeared that the proposed gear configuration may pose a risk to whales. The Division requests an evaluation by the Office of Protected Resources of the National marine Fisheries Service.

D. Beutel offered commends on the contents of the Division letter B. Ballou just reviewed. He indicated that part of the Army Corp. of Engineers review was the NMFS review service. As one of the major participants, the NMFS review service had already commented under the Army Corp. process and indicated this was of no impact.

R. Hittinger made a motion to recommend that the Director make a recommendation to CRMC to approve aquaculture lease application CRMC# 2011-01-014. C. Anderson seconded the motion. The motion passed, the Council voted unanimously in favor, the Council vote was (4) in support (R. Bellavance, C. Anderson, R. Hittinger, S. Medeiros) (4/0).

D. Beutel reminded the Chair of the second portion of this item which was for the Council to give a recommendation on future review procedures for aquaculture lease applications in RI Sound. He stated at the IAC meeting he suggested that we create a new advisory panel whose sole purpose is to review aquaculture applications in both RI Sound and in inshore waters so this would include both members of the SAP and any other appropriate representatives from the recreational community, lobster sector, gillnetting sector, and so forth.

R. Bellavance stated that was a recommendation from the IAC as a group. He noted the people at the IAC meeting recommended forming a separate AP for aquaculture application reviews.

M. Gibson noted the Division was thinking about some sort of alternative panel similar to the IAC but with a recreational component and possibly some members from the SAP. Since we do not have any legal advice at this time we are not sure if we can augment the IAC membership or not. He suggested the Council might want to think about this some more before altering the IAC membership and be prepared to further discuss this topic at a future Council meeting.

B. Ballou asked for Council thoughts on that idea. He asked if Council members wanted to wait to discuss this at a future Council meeting. The Council was support of the idea. Ballou stated that we would bring the topic back at the next Council meeting.

Council recommendations on February 22, 2011 Public hearing items – B. Ballou:

B. Ballou stated the recreational black sea bass item had been deferred and the Council would not be giving a recommendation on this item at this time. He stated there was an ASMFC public hearing scheduled for March 14, 2011 on recreational black sea bass, so this will be deferred at this time.

Proposed changes to the Recreational Summer Flounder Management Plan:

R. Hittinger made a motion to recommend to the Director to adopt proposal #5, which was an 18.5 inch fish/May 1 through December 31 season/7 fish bag limit, and for shore anglers only, he recommended allowing one 16.5-inch fish as part of the 7 fish bag limit for the 2011 recreational summer flounder management plan. S. Medeiros seconded the motion.

R. Hittinger reported that the recommendation from the Summer flounder AP, which was in support of the RISAA proposal, was for a season from May 1 through December 31, with an 18.5-inch size limit and a 7 fish bag limit.

M. Gibson stated the Division supported proposal #2, an 18.5-inch fish/ 6-fish bag limit with a season from May 1 through December 31. Stating the primary concern was the lack of equity between shore fishermen and boat based fishermen so if we could reduce the minimum size we can start to address this issue.

There was Council discussion on the motion. S. Medeiros pointing out that even though the size limit would be lowered to 18.5 inches this size still does not give the shore angler that much of a chance of catching a fish. Dropping the size to 16.5 inches would allow a greater chance of a shore based angler the opportunity to take home a fish.

R. Hittinger commented that the commercial size limit was 14 inches so the 16.5 size limit was still well above the commercial size limit. He also stated that CT either had this size in affect currently or was proposing it.

M. Gibson stated he did not think this option as articulated by the Council would necessarily pass through ASMFC. By adding in a fish of that size in that bag limit may not fly. In order to get the numbers to balance you would have to take something out of that possession limit for shore-based anglers. J. McNamee added that RI does not have the data to show how to balance this as CT was able to provide to ASMFC. We would not know what to adjust to account for the smaller fish size. McNamee also noted that the ASMFC Technical Committee rejected the CT proposal but it passed through the Management Board although he was not sure how it passed since it does not meet the standards of the FMP. The Division noted that this proposal was not likely to pass through ASMFC for the 2011 season.

The Council voted unanimously to recommend to the Director to adopt proposal #5, an 18.5 inch fish/May 1 through December 31 season/7 fish bag limit, and for shore anglers only, allowing one 16.5-inch fish as part of the 7 fish bag limit for the 2011 recreational summer flounder management plan. The Council vote was (4) in support (R. Bellavance, C. Anderson, R. Hittinger, S. Medeiros) (4/0).

Proposed changes to the Commercial Winter Flounder Management Plan:

For discussion, S. Medeiros made a motion to recommend to the Director to adopt proposal #3, to prohibit the commercial and recreational possession limit of winter flounder in Point Judith Pond. C. Anderson seconded the motion.

M. Gibson stated the Division recommended proposal #3, to prohibit the commercial and recreational possession limit of winter flounder in Point Judith Pond. He indicated the Division had monitoring information for Point Judith Pond, monitoring the spawning stock tagging program, and from monitoring juvenile abundance to support this recommendation. He explained that the other coastal ponds were not as well sampled so they did not think they could reach for proposal #2 to close all coastal ponds at this time.

There were no comments from the Council.

There were no comments from the audience.

The Council voted unanimously to recommend to the Director to adopt proposal #3, to prohibit the commercial and recreational possession limit of winter flounder in Point Judith Pond. The Council vote was (4) in support (C. Anderson, R. Bellavance, R. Hittinger, S. Medeiros) (4/0).

M. Gibson reminded the Council there was a written proposal submitted by M. Bucko and G. Allan at the public hearing regarding the development of a long-term strategic plan to restore winter flounder, which was a proposal for the RIMFC and the Division to consider implementing.

B. Ballou asked the Council if they would like to make any recommendations pertaining to this written proposal.

R. Bellavance made a motion to recommend that the Director have the Division pick-up on the recommendations outlined in the proposal received from M. Bucko and G. Allan including looking into predation on winter flounder. S. Medeiros seconded the motion.

The Council voted unanimously to recommend that the Director have the Division pick-up on the recommendations outlined in the proposal received from M. Bucko and G. Allan including looking into predation on winter flounder. The Council vote was (4) in support (C. Anderson, R. Bellavance, R. Hittinger, S. Medeiros) (4/0).

Proposed changes to the Recreational and Commercial Tautog Management Plan:

S. Medeiros made a motion to recommend that the Director adopt the AP proposal (proposal #6). The season will be open from April 15 to May 31 at 3 fish/ Closed June 1 through July 31/ Opened August 1 through the Friday before the third Saturday in October (October 14) at 3 fish/ Opened from the third Saturday in October (October 15)

through December 15 at 6 fish per day. There would also be a maximum of 12 fish per private boat in effect at all times (for recreational boats only). In addition, the commercial fishery would be closed from June 1 through July 31. R. Hittinger seconded the motion.

R. Hittinger presented the recommendation from the Tautog AP, which was in support of proposal # 6, the RISAA proposal. He also indicated the AP, through majority vote, indicated they would not be opposed to the two proposals submitted by the Division.

M. Gibson stated the Division was recommending a modification to the AP recommendation, which would be to not go to 12 fish per private boat limit but maintain the current 10 fish per private boat possession limit. This would be more conservative and consistent with the commercial vessel limits. He also asked the Council to consider if they recommend a spawning closure from June 1 to July 31, they should also consider recommending the same closure for the commercial fishery. The Division needed guidance on how to configure this timeframe before and after that closure with respect to the commercial fishery.

R. Bellavance stated it was important to maintain the 8 fish bag limit during the October 14 through December 15 period for the for-hire industry. He wanted to offer a friendly amendment to the motion by adding an 8 fish bag limit during October 14 through December 15 for Party/Charter boats.

S. Medeiros and R. Hittinger both accepted the friendly amendment to the motion for maintaining an 8-fish bag limit during October 14 through December 15 for Party/Charter boats only.

G. Carvalho stated there were no commercial people sitting on the Council this evening. He pointed out that in affect all the issues tonight, and there were a number of them that affected commercial fisheries, we are asking the recreational representation of this Council to make recommendations to the Director. He stated it would be more appropriate for any commercial issues that came up to be tabled until we get at least one commercial representative on the Council. He did not have an objection to addressing recreational issues in their absence. However, the purpose of having three commercial representatives and three recreational representatives was to have balance. He stated he did not have commercial representation and the recreational people were being asked to make recommendations to the Director on commercial issues. He stated he did not think this was appropriate.

B. Ballou responded by stating he felt the Council was appropriately and legally constituted, the members of the Council voted in the states' interest, and not necessarily on behalf of the sectors they represent. He stated he would honor that understanding and allow the meeting to continue.

There were no other comments from the audience.

The Council voted unanimously to recommend that the Director adopt the following for the 2011 tautog fishery. The season will be open from April 15 to May 31 at 3 fish/ Closed June 1 through July 31/ Opened August 1 through the Friday before the third Saturday in October (October 14) at 3 fish/ Opened from the third Saturday in October (October 15) through December 15 at 6 fish for general recreation and 8 fish for party/charter boats. There would also be a maximum of 12 fish per private boat in effect at all times (for recreational boats only). In addition, the commercial tautog fishery would be closed from

June 1 through July 31. The Council vote was (4) in support (R. Hittinger, S. Medeiros, C. Anderson, R. Bellavance) (4/0).

Proposed changes to the Recreational Scup Management Plan:

R. Hittinger reported that the Scup AP recommended that the Division consider partitioning to remove RI from the regional approach. In addition, the group agreed with F. Blount's statement to shorten the spring season by as much as was necessary to add a 10 fish open season following the existing bonus season that would extend until December 1.

M. Gibson stated the Division did not have a recommendation on this item at this time but stated for the record that the Division had some serious disagreements with scup management at the Commission and Mid-Atlantic level. He indicated that going beyond status quo at this time would trigger a noncompliance finding.

R. Bellavance made a motion to recommend that the Director remain at status quo for the 2011 Recreational Scup Management Plan. In addition, urged that the Director have the states' ASMFC Representatives explore any potential avenues to either gain more equity between the two user groups (commercial and recreational), or increase the total allowable landings for scup this season if possible. R. Hittinger seconded the motion.

T. Mulvey stated he thought RI should buy research set-aside days then divide them up between the Party/Charter boats instead of having NY Party/Charter boats buy them and fish them in RI waters.

The Council voted unanimously to recommend that the Director remain at status quo for the 2011 Recreational Scup Management Plan. In addition, urged that the Director have the states' ASMFC Representatives explore any potential avenues to either gain more equity between the two user groups (commercial and recreational), or increase the total allowable landings for scup this season if possible. The Council vote was (4) in support (R. Hittinger, R. Bellavance, S. Medeiros, C. Anderson) (4/0).

Proposed changes to the Recreational Black Sea Bass Management Plan:

B. Ballou stated this item was not heard at the public hearing therefore, we would skip this item. No comments were made on this item.

Proposed changes to the Commercial Monkfish Management Plan:

M. Gibson stated the Division recommended proposals 4 through 8 and read the items.

R. Hittinger made a motion to recommend that the Director adopt the Division recommendations as outlined in proposals #4 through #8 and including proposal #1 for the 2011 commercial monkfish management plan. This motion included a 17-inch total length or 11-inch tail length, possession limit of 1,826 pounds whole weight or 550 pounds tail weight per vessel per calendar day, with a 90 % trigger, with proposals #4 through #8 as outlined by the Division. This would also include the Division recommendation that proposal #6 would maintain the self-imposed state quota at 1% of the SMA TAL. S. Medeiros seconded the motion.

G. Duckworth stated the federal government had indicated that the monkfish fishery was fully recovered and that over fishing was not occurring. He stated he agreed with what M. Gibson had brought forward with the exception of maintaining the self-imposed state quota at 1% of the

SMA TAL. He stated that the 1% was an arbitrary figure and was not based on anything. He recommended that the Council consider 3% instead of 1% or as a compromise at least 2%.

P. Duckworth stated he agreed with G. Duckworth's comments.

T. Mulvey stated he agreed with the previous comments and agreed that the self-imposed state quota should be at 3% since these were just arbitrary figures that we were working with.

J. Jarvis stated he also would agree with the 3%.

There was Council discussion about the 1% self-imposed state quota. That the 1% was an arbitrary number that was originally proposed by industry as a reasonable compromise between what state water fishermen have landed recently and what our statutory obligations are to compliment federal fisheries management plans. The state has an obligation to compliment federal fisheries management plans, which meant the state needed to have state waters management plans for monkfish.

R. Hittinger stated he would like to modify his motion to include a modification to proposal #1 to have the trigger that drops down to the lower possession limits at 2% rather than at 1% which would be consistent with proposal #6. When 2% is reached, we would drop down to the decreased possession limits. We are not setting it at a 2% quota we are saying when 2% is reached we drop down to keep it open at the lower possession limits.

For clarification, M. Gibson explained what R. Hittinger was stating. The quota that we set under proposal #6, the self-imposed state quota would be 3% of the total, but when we approach the 2% level of that there would be a cut back in the possession limits to the incidental catch levels so we can make sure we stay below the 3% overall limit.

B. Ballou indicated that R. Hittinger should amend his original motion to include his suggested modifications.

R. Hittinger stated his modified amendment to his main motion would amend language to set the self-imposed state quota at 3% of the Southern Management Area Total Allowable Landings (SMA TAL), and when the quota reaches 2% then the daily catch limits would be adjusted downward to the lower possession limits. In other words, full catch limits up to 2% and reduced catch limits after 2%. **S. Medeiros seconded the motion.**

B. Ballou asked for Council discussion on the modified amendment.

There were Council questions and discussion about the modified amendment for clarification of the intent and impact with these changes.

B. Ballou called for a vote on R. Hittinger's proposed amendments to the main motion.

The Council voted unanimously to recommend that the Director adopt the following modification for the monkfish management plan; set the self-imposed state quota at 3% of the Southern Management Area Total Allowable Landings (SMA TAL), and when the quota reaches 2% then the daily catch limits would be adjusted downward to the lower possession limits. The Council vote was (4) in support (R. Hittinger, R. Bellavance, S. Medeiros, C. Anderson) (4/0).

B. Ballou then called for a vote on the main motion as amended.

The Council voted unanimously to recommend that the Director adopt the Division recommendations as outlined in proposals #4 through #8 and including proposal #1 for the 2011 commercial monkfish management plan. This motion included the following: a 17-inch total length or 11-inch tail length, possession limit of 1,826 pounds whole weight or 550 pounds tail weight per vessel per calendar day, and proposals #4 through #8 as outlined by the Division. Along with a modification to the Division recommendations that would set the self-imposed state quota at 3% of the Southern Management Area Total Allowable Landings (SMA TAL), and when the quota reached 2% then the daily catch limits would be adjusted downward to the lower possession limits. The Council vote was (4) in support (R. Hittinger, S. Medeiros, R. Bellavance, C. Anderson) (4/0).

Proposed changes to the Commercial Cod Management Plan:

M. Gibson stated the Division recommended status quo; similar to monkfish we have established a state program to be compliant with our obligations to compliment federal plans. He noted that SAFIS landings data for state licensed boats showed that most boats were way below the 1,000-pound possession limit, which showed that the limit had not been a strain on fishermen. He noted that a status quo program was a reasonable compromise between providing state water opportunity and our obligation to compliment federal plans.

R. Bellavance made a motion to recommend that the Director remain at status quo with the 2011 commercial cod management plan. S. Medeiros seconded the motion.

There were no comments from the Council.

There were no comments from the audience.

The Council voted unanimously to recommend that the Director remain at status quo with the 2011 commercial cod management plan. The Council vote was (4) in support (R. Hittinger, S. Medeiros, R. Bellavance, C. Anderson) (4/0).

Proposed changes to the Commercial General Category Striped Bass Management Plan:

C. Anderson reported on the Striped Bass AP meeting indicating that for the general category fishery the AP supported proposal #2 modifying the sub period quota percentages and the September start date.

M. Gibson stated the Division was fine with the AP recommended proposal.

C. Anderson made a motion to recommend that the Director adopt proposal # 2, which was the AP approved proposal to modify the commercial general category striped bass management plan sub period quota percentages (June 6 –August 31 to 80%, and Sept. 4-Dec. 31 to 20%) and modify the September start date to September 4th. R. Hittinger seconded the motion.

There was Council discussion and questions to determine if there were any conflicts with the spring start date. C. Anderson indicated that the June start date was the same as last year and at the AP meeting all were in favor of keeping that date.

The Council voted unanimously to approve the motion and recommend that the Director adopt proposal # 2, which was to modify the 2011 commercial general category striped bass

management plan sub period quota percentages to 80% for spring and 20% for fall, and change the September start date to September 4th. The Council vote was (4) in support (C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance) (4/0).

Proposed changes to the Recreational Striped Bass Management Plan:

M. Gibson stated the Division was fine with status quo for the recreational striped bass management plan for 2011.

R. Hittinger made a motion to recommend to the Director to remain at status quo (proposal #1), for the 2011 recreational striped bass management plan. S. Medeiros seconded the motion. The Council voted unanimously to approve the motion, the Council vote was (4) in support (C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance) (4/0).

There were no comments from the Council.
There were no comments from the audience.

Proposed changes to the Floating Fish Trap Commercial Striped Bass Management Plan:

M. Gibson stated the Division was fine with status quo.

S. Medeiros made a motion to recommend that the Director adopt proposal #1, which was to remain at status quo for the 2011 floating fish trap commercial striped bass management plan. C. Anderson seconded the motion. The Council voted unanimously to approve the motion, the Council vote was (4) in support (C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance) (4/0).

There were no comments from the Council.
There were no comments from the audience.

Proposed changes to the Narragansett Bay Menhaden Management Plan:

S. Medeiros gave the Menhaden AP reports indicating there were two lengthy meetings that took place. He reviewed aspects of the proposals explaining there was a lot of give and take among each interested group and they came up with an AP proposal that combined various options.

M. Gibson stated the Division selected different options from the various proposals to come up with something the Division could live with. He ran through the following items the Division could support:

- maintaining the current monitoring program (cap, threshold, flights, and samples),
- adopt the advisory panel proposal to close the Providence River from Rocky Point to Conimicut Light to Nayatt Point while maintaining the Greenwich Bay closure and open up all other closed areas,
- adopt a single possession limit of 120,000 pounds per vessel per day once the threshold is reached, and
- adopt the recreational possession limit in closed areas of 200 fish per vessel per day.

S. Medeiros made a motion to recommend that the Director adopt proposal #5, put together by RISAA, which included the following:

- **Maximum vessel length of 85 feet**
- **Single daily possession limit of 120,000 pounds per vessel per day**
- **Maintain all previous gear restrictions and inspections**

- All closed areas shall have a 200 menhaden maximum possession limit per vessel per day

Permanent closures:

- North of a line from Conimicut Light to Nayatt Point (Providence River)
- Greenwich Bay: all waters west of a line from Sandy Point to the flagpole at Warwick Point
- Agree to allow opening of all other previous closed areas
- Continue Saturday, Sunday, and holiday closures

Biomass caps:

- Continue stock monitoring and reporting requirements
- Continue all current regulations in section 16.2.5 setting a Biomass Floor, Biomass Ceiling, and maintenance of the 50% rule, with the following changes:
 - A) **Biomass Floor** - to include the added language - when the estimated weekly standing stock reaches 2 million pounds, a possession limit of 120,000 pounds per vessel per calendar day will be authorized.
 - B) **Biomass Ceiling** – no change

R. Hittinger seconded the motion.

A person from Ark Bait recommended drawing a line up from the end of the runway from Quonset Point to the southern tip of Prudence Island straight across to include the Sakonnet River to be open with all the current regulations as of October 1st, stating this would be for migrating fish that were moving up and down the coast.

J. McNamee clarified by stating this came up in the original AP meeting and then Ark Bait came up with a proposal that included this but it seemed to have gotten lost in the mix.

M Gibson stated this would be requesting to exempt the late season fishery from the 1.5 million-count threshold and the Division has not discussed this internally.

E. Cabral from DEM Law Enforcement wanted to know if the recreational 200 fish limit would be restricted to the closed areas verses recreational vessels anywhere, he indicated there could be some problems with that language to try to distinguish where a vessel was fishing whether in a closed area or not by time they caught up to the vessel. He explained it would be an issue if the vessel transits out of the closed area then they would not know where the fish were harvested from. He explained there was an overlapping issue with seine nets as well.

The Council was not inclined to make an amendment to the motion to incorporate the Ark Bait request.

The Council voted unanimously to approve the motion as outlined by S. Medeiros to recommend that the Director adopt that proposal as outlined, for the 2011 Narragansett Bay Menhaden Management Plan. The Council vote was (4) in support (C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance) (4/0).

Proposal to amend the soft-shell clam regulations to increase the minimum legal size statewide:

R. Hittinger gave the report from the Shellfish AP meeting indicating the group voted in support of a 1 ¾ inch minimum legal size statewide for soft-shell clams. They came to this vote because the state regulations do not allow any buffer or tolerance for sub legal size clams so if someone

were targeting a 2 inch clam they would harvest some that were smaller than this size but would not likely get any below the 1 ¾ inch size.

M. Gibson stated the Division recommended a 2-inch minimum legal size statewide for soft-shell clams based on the reproductive information the Division had. He indicated clams do not have any meaningful reproduction below the 2-inch size that we are proposing.

R. Hittinger made a motion to recommend that the Director adopt a 1 ¾ inch minimum legal size statewide for soft-shell clams. S. Medeiros seconded the motion.

C. Anderson stated that according to his notes from the public hearing, it was stated that MA had a 2-inch soft-shell clam minimum size limit with a 10% tolerance. He asked if it would make more sense to structure this as a larger size with a tolerance.

E. Cabral noted the way it was structured now was that all shellfish have a 15 piece undersized limit so for every 15 pieces that were undersized, it would be a separate violation and that was by statute.

B. Ballou explained that since this was in statute the Department had no means to change that language via regulations it would have to be a legislative action.

There was a comment made from the audience in support of a 2-inch size limit with a 10% tolerance.

S. DePetrillo stated he was a member of the SAP and indicated he had a problem with DFW's presentation of recruitment of 1 ¾ inch size as not being meaningful rather than a number.

C. Jackson stated he thought the 1¾ -inch size would suit everyone fine. He indicated that most people target a 2-inch clam but the 1¾ inch size would give them some latitude.

The Council voted unanimously to recommend that the Director adopt a 1¾-inch minimum legal size statewide for soft-shell clams. The Council vote was (4) in support (C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance) (4/0).

Proposal to establish Conimicut Point Shellfish Management Area:

R. Hittinger reported that the SAP voted to support the establishment of a Conimicut Point Shellfish Management Area with a 6-bushel soft-shell clam possession limit and only manage soft-shell clams in this Management Area with a free and common fishery possession limits for all other species, and a 5-year sunset clause for this Management Area.

M. Gibson stated the Division strongly supports identifying a Conimicut Point Shellfish Management Area focused on soft-shell clams. He explained the uniqueness of the area and indicated that the northern boundary was still under discussion. He stated the current thought was to expand the northern boundary up the Providence River to the hurricane barrier.

R Hittinger on behalf of the SAP, made a motion to recommend that the Director establish a Conimicut Point Soft-Shell Clam Management Area, with the area defined as proposed. North of a line between Samuel Gorton Avenue, Warwick and the corner of Bay Road, Barrington; and south of a line between Stokes Street, Warwick and the mouth of

Mussachuck Creek, Barrington. This area would have a 6-bushel soft-shell clam possession limit, and a 5-year sunset clause. S. Medeiros seconded the motion.

B. Ballou noted the motion included both this item and the next item dealing with the possession limit for the management area.

R. Hitting stated he made the combined motion because at the SAP members were reluctant to leave things open-ended and wanted a motion that combined everything.

M. Gibson stated the Division does not support a 6-bushel limit. We support a 3-bushel possession limit for soft-shell clams in the Conimicut Point Shellfish Management Area. He explained this area has been hit hard. With the recent exploitation of the area, it has been overfished and we do not see how it can recover with a 6-bushel daily possession limit.

R. Bellavance stated he agreed with M. Gibson's suggestion to extend the northern boundary up the Providence River to the hurricane barrier so that we do not have to go through this whole process every time there was a water quality line change. The line could shift a lot quicker. He indicated people were very frustrated with the timeliness of the process and wondered why we would not want to include the expanded area in the motion.

R. Hitting stated he would not accept an amendment to his motion at this time due to how difficult it was to get the current issues through the SAP.

D. Erkan explained that other shellfish management areas include polluted areas so if the water quality boundary changed the regulations would already be in place.

J. King stated the changing of the line was not discussed at the SAP meeting and he preferred the Council act on the motion before them, which had been discussed by the SAP.

He requested having another meeting of the SAP if the boundaries were going to be changed.

M. McGiveney stated he agreed with J. King's comments.

C. Jackson stated he also agreed with J. King's comments.

The Council voted unanimously to recommend that the Director establish a Conimicut Point Soft-Shell Clam Management Area with the area defined as proposed. North of a line between Samuel Gorton Avenue, Warwick and the corner of Bay Road, Barrington; and south of a line between Stokes Street, Warwick and the mouth of Mussachuck Creek, Barrington. This area would have a 6-bushel soft-shell clam daily possession limit, and a 5-year sunset clause. The Council vote was (4) in support (C. Anderson, R. Hittinger, S. Medeiros, R. Bellavance) (4/0).

Proposal to establish a daily soft-shell clam possession limit for Conimicut Point Shellfish Management Area:

See previous item. This item was combined and voted on by the Council in the previous item.

Proposal to amend the soft-shell clam regulations for non-shellfish management areas by reducing the daily possession limit statewide:

M. Gibson stated the Division was recommending a 6-bushel limit for soft-shell clams statewide.

R. Hitting made a motion for discussion purposes to recommend that the Director remain at status quo (a 12-bushel soft-shell clam daily possession limit statewide, for non-management areas). S. Medeiros seconded the motion.

S. Medeiros stated the public response was overwhelmingly in support of status quo, 12-bushel.

R. Hitting stated at the SAP meeting this was discussed and the general feeling was that it should remain at 12-bushel. He stated the discussion was that most people were not going to find the quantity of soft-shell clams outside of the management area to harvest 12-bushels, but there was no reason to reduce the possession limit.

An audience member stated he should be allowed the opportunity to try harvest 12-bushels even though he may not be able to get that amount outside the management area.

M. McGiveney stated he did not recall any discussions about coming up with recommendations for non-management areas. The way the discussion he remembered was framed, was that the 6-bushel limit would only be for the management area and all other areas would be 12-bushels. There was an inference that if they did not go with the 6-bushel in the management area or the lower limit then they would push it throughout the entire state. That was part of the reasoning for people supporting the 6-bushel limit in the management area. He recommended remaining at 12-bushels and felt this was not fully vetted at the SAP meeting from what he remembered.

J. King stated he agreed with M. McGiveney. He also indicated he thought this would be an enforcement nightmare. It would be like what Greenwich Bay was right now. He thought it would be difficult for enforcement to try to enforce the different bushel limits in the different areas.

The Council voted unanimously to recommend that the Director remain at status quo (a 12-bushel soft-shell clam daily possession limit statewide, for non-management areas). The Council vote was (4) in support (S. Medeiros, C. Anderson, R. Hittinger, R. Bellavance) (4/0).

Marine Fisheries Regulatory Re-write Initiative – B. Ballou:

B. Ballou noted there was a two-page handout in the Council packet that related to the re-write of the RI Marine Fisheries Regulations. He stated there was a workshop scheduled for March 9, 2011 to review the finfish regulations, which was the first phase of the initiative.

Approval of IAC Agenda – B. Ballou:

B. Ballou reviewed the IAC agenda noting the item on the agenda was a review of the M. Goerner aquaculture lease application 210-12-011 for the west side of Conimicut Island north of Dutch Harbor, Jamestown. The date had not been set yet and is waiting to be determined. Ballou asked if there were any objections from the Council to approving the IAC agenda. Hearing none the agenda was approved.

Approval of Shellfish AP Agenda & Chair to hold meeting – B. Ballou:

B. Ballou reviewed the agenda, which included discussions on the following items: whelk/conch fishery, shore digging in winter shellfish management areas, and reporting shellfish landings via SAFIS in newly established tagging areas. The date for the meeting was scheduled for March 15, 2011 at 6 PM in Corless Auditorium. R. Hittinger had volunteered to be the chair for this

meeting. Ballou asked if there were any objections from the Council to approving the SAP agenda. Hearing none the agenda was approved.

Approval of Lobster AP Agenda & Chair to hold meeting – B. Ballou:
There was no lobster AP agenda submitted at this time.

Appointment of new members(s) to Advisory Panel(s) – N. Scarduzio:
N. Scarduzio indicated that B. Wagner was applying for an alternate position in the commercial hook & line slot on the striped bass AP. The applicant had been cleared through DEM Law Enforcement. B. Ballou asked if the Council had any objections to appointing B. Wagner as alternate to R. Jobin in the commercial hook & line slot. There were no objections to his appointment as alternate on the striped bass AP, therefore he was appointed.

ASMFC-NEFMC Updates – M. Gibson:

M. Gibson briefly summarized the issues relevant to RI and referred Council members to the NEFMC Report and the ASMFC winter meeting summary, which were included in Council packets. He noted there was an ASMFC meeting on black seas bass and ASMFC had agreed to fast track addendum action. RI will have an ASMFC hearing on March 14 on black sea bass to give states flexibility in tailoring their black sea bass regulations. He encouraged people to attend that meeting.

B. Ballou noted there would be an ASMFC commissioners' pre-meeting on Friday, March 18, 2011 to review the agenda for the upcoming ASMFC meeting in Virginia.

FYI

Proposed Items for the April 18, 2011 Public Hearing – B. Ballou

B. Ballou stated there was a list of proposed items slated for the next public hearing on April 18, 2011 in Council packets. He indicated these items would be going out for public notice next week. B. Ballou stated the next Council meeting was scheduled for May 2, 2011 at which time the April public hearing items would be considered by the Council

B. Ballou asked if there was any other business to come before the Council. Hearing none, the Council made a motion to adjourn.

The meeting was adjourned.

Nancy E. Scarduzio, Recording Secretary