



Rhode Island Marine Fisheries Council

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MEETING MINUTES

March 7, 2016

Chairperson: *B. Ballou*

RIMFC Members Present: *R. Hittinger, D. Monti, B. Mackintosh, J. Grant, M. Rice, C. Rein, A. Dangelo*

DEM: *L. Mouradjian, M. Gibson, G. Powers, J. McNamee, N. Lengyel, S. Olszewski, E. Schneider, T. Rosa, P. Duhamel*

Public: Approximately 12 persons.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; hearing none, the agenda was approved.
2. **Approval of RIMFC meeting minutes from December 7, 2015:** *R. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **Agenda item 4. – review and recommendations to the Director regarding 2/16/2016 public hearing items:**

- **Hearing item 1a. - Recreational Summer Flounder:**

J. McNamee provided an overview and the Division's perspective on each of the 2 options, and offered Division support for either of the options. *C. Rein* inquired as to rationale behind the industry option proposed. *J. McNamee* offered that pre-emptive reductions have occurred in the past but he did not have specific examples as to the benefit of such as approach, and offered status quo as the most logical option at this time. **Motion made by *D. Monti* to recommend adoption of option 1, status quo; 2nd by *C. Rein*. The motion passed 7 - 0.**

- **Hearing item 1b. – Recreational Tautog:**

J. McNamee provided an overview and the Division's perspective on each of the 3 options. He offered that alternative proposals were offered to allow for an anticipation of reduced quota due to poor stock status, but that the Division is not compelled to implement reductions at this time, and is therefore in support of status quo. *R. Hittinger* inquired as to the degree of reduction in quota anticipated; to which *J. McNamee* offered that he is currently unaware of specifics but that such reductions could be significant. **Motion made by *A. Dangelo* to recommend adoption of option 1, status quo; 2nd by *C. Rein*. The motion passed 7 - 0.**

- **Hearing item 1c. – Commercial Tautog:**

J. McNamee offered a summary of the options, and offered Division support for any of the options. Regarding option 3, he offered concern for the proposed reduction in quota in the early sub-period, but offered that it was workable for the Division to manage. *C. Rein* inquired as to the potential biological impacts with option 3, to which *J. McNamee* replied that he didn't believe that such a impacts would be significant, and that impacts to different user groups could potentially be significant. *R. Hittinger* stated that he thought that a positive biological impact could result by allowing for more fish to remain in the water in the spring while spawning; to which *J. McNamee* replied that any such positive impacts would be minimal due to the low catch rates during this sub-period. *J. Grant* offered that support for option 3 was mainly supported by commercial rod and reel fishermen, as this user group is least active in the spring and most active in the fall. He therefore offered that the user group most active in the spring, namely gillnetters and otter trawlers would be negatively impacted with reduced quota during this sub-period. He offered support for additional quota in the fall, but that option 3 was also risky in terms of catching the entire quota. *B. Mackintosh* offered that any shortening of the spring season will result in higher discards, and was therefore not in support of this option. **Motion made by *B. Macintosh* to recommend adoption of option 1, status quo; 2nd by *C. Rein*.** Al Eagles offered support for status quo as a commercial pot fisherman. **The motion passed 8 – 0.**

- **Hearing item 1d. – Recreational Scup:**

J. McNamee offered Division support for status quo. He offered that any uncaught fish resulting from the high quota available results in stability of the fishery. *R. Hittinger* offered support for equal possession limits for each sub-period as a simpler approach; to which *J. McNamee* replied that such a change would not be possible for 2016. **Motion made by *D. Monti* to recommend adoption of option 1, status quo; 2nd by *A. Dangelo*.** **The motion passed 8 – 0.**

- **Hearing item 1e. - Recreational Black Sea Bass:**

J. McNamee provided a summary of the options. He offered support for any of the options proposed as in compliance with ASMFC. He offered details regarding the 3-state option, and that Connecticut could not at this time accommodate this option. He offered that a 2-state option with NY, which offers the same parameters as the 3-state option, is now being discussed. *B. Ballou* provided additional details regarding the other states and how their decisions could impact RI. He offered that due to uncertainties with these other states, the Council should consider a primary and alternative recommendation. **Motion made by *R. Hittinger* to recommend adoption of a 2-state option if available, which would be the same as the 3-state option proposed; or a secondary preference of a modified version of option 5, which would be a modified LOA program of 2 fish from 8/1 – 8/31; and 5 fish from 9/1 – 12/31; 2nd by *M. Rice*.** *D. Monti* inquired as to potential impacts to RI P/C boats, to which *A. Dangelo* replied that more fish in the fall is the most important but that more fish in the spring is desirable as well. *J. McNamee* offered that he would have to look into different variations if such were proposed. Charlie NAME offered that more fish is desirable in July and August when school kids are active, rather than in the fall when other species are available. *F. Blount* offered that

any LOA program should involve the federal closure period, which could possibly then allow for an earlier opening. *J. McNamee* offered caution with looking into additional proposals at this time. Discussion ensued regarding the possibility of developing and considering additional options. *J. Grant* inquired as to waiting until such time that other states decided on their programs, to which *J. McNamee* replied that regulations need to be filed sooner so as to provide final regulations for charter boats and to include in DFW educational materials. Discussion ensued that the LOA program was an optional program, which would provide flexibility to eh P/C boats. **The motion passed 8 – 0.**

- **Hearing Item 1f. – Coastal Sharks:**

E. Schneider provided a summary of the 2-part proposal. *J. McNamee* offered support for language proposed. For the 1st part regarding establishment of a mechanism to receive and manage state quota for Smoothhound Sharks, a **motion was made by D. Monti to recommend adoption of the proposed language as proposed; 2nd by M. Rice.** Regarding the 2nd part regarding the establishment of a framework for the 2016 Commercial Aggregated Large Coastal Sharks and Hammerhead Sharks Species Groups Fishery to maintain consistency with ASMFC possession limit for Aggregated Large Coastal Sharks and Hammerhead Sharks species groups a **motion was made by D. Monti to recommend adoption of the proposed language as proposed; 2nd by B. Macintosh.** The motion passed 8 – 0.

- **Hearing Item 1g. – Skate:**

- **Recreational Skate:** *J. McNamee* offered that the proposal in meant to close a loophole where a large amount of skate could be caught and identified as recreational catch. He offered that # of fish is probably best for a recreational fishery, but that the Division was comfortable with either unit. **Motion made by A. Dangelo to recommend adoption of a possession limit of 240 fish/vsl/day; 2nd by R. Hittinger.** *F. Blount* offered that a per person possession limit was more appropriate. **Motion amended by A. Dangelo to recommend adoption of a possession limit of 10 fish/person/day; 2nd by R. Hittinger.** **The motion passed 5 – 0 (*J. Grant* opposed; *B. Macintosh* recused).** *J. Grant* offered that his opposition was based on that 10 fish may not be adequate for a recreational fisherman wishing to catch bait for his pots, and that there was no federal mandate requiring such a reduction.
- **Commercial Skate Wing fishery:**
 - **Clarification of definition:** *J. McNamee* offered Division support for the language as proposed. **Motion made by D. Monti to recommend adoption of the language as proposed; 2nd by R. Hittinger.** **The motion passed 6 – 0 (*B. Macintosh* recused).**
 - **Establish commercial sub-periods and possession limits:** *J. McNamee* offered Division support for either of the options proposed. *J. Grant* inquired as to the rationale to the proposal; to which *M. Gibson* replied that while no specific mandate is in place, state law encourages regulations that complement federal FMP's, and also that the Mag-Stevenson Act allows for the Sec. of Commerce to intervene in state waters fisheries if regulations are inconsistent

with an FMP. He offered that correspondence from the NE Council had been received in the past encouraging compliance without a specific mandate. He offered that such was not the case for this matter. *J. McNamee* offered that the proposal allows for RI state waters fishermen to not have to drop to 500 lbs/day once the TAL is reached, and therefore provides for better access to the fish by RI fishermen. He offered that he does not perceive any negative biological impacts from the aggregate program proposed. *E. Schneider* offered that due to reduced quota, a closure during the early sub-period is most likely, and that such closure currently negatively impacts RI fishermen, and the industry proposal is designed to alleviate this as RI fishermen would not be subject to the federal conditions. **Motion made by C. Rein to recommend adoption of the aggregate program proposed by industry; 2nd by A. Dangelo.** *G. Duckworth* offered that the proposal is significant for RI fishermen in that the fishery can close in spring before RI fishermen have an opportunity to fish due to TAL being reached by federal fishermen, and that when the bycatch limit is imposed it results in significant increase in discards. *P. Duckworth* offered that aggregate program provides for conservation in that the weekly possession limit is based on the lower of the 2 sub-period possession limits, and also that the proposal was crafted to benefit RI fishermen. Discussion ensued concerning ability for federal boats to drop their federal permit and opt in to the proposed aggregate program, thereby negating any benefits for RI boats; to which *P. Duckworth* replied that the language was crafted to prevent this. *B. Mackintosh* (recused - from the audience) offered that the proposal could result in increased effort from multi-vessel owners, and as such the catch needs to be monitored closely. **The motion passed 6 – 0 (B. Macintosh recused).**

○ **Commercial Skate Bait fishery:**

- **Clarification of definition:** *J. McNamee* offered Division support for the language as proposed. **Motion made by D. Monti to recommend adoption of the language as proposed; 2nd by M. Rice. The motion passed 6 – 0 (B. Macintosh recused).**
- **Establish maximum length:** *R. Hittinger* inquired as to the need for a maximum length, to which *J. McNamee* replied that such is needed due to the similarities in appearance of Winter and Little Skate, and that the proposal helps to assure that only Little Skate is used in the bait fishery. **Motion made by D. Monti to recommend adoption of the maximum length as proposed; 2nd by A. Dangelo. The motion passed 6 – 0 (B. Macintosh recused).**
- **Establish commercial sub-periods and possession limits:** **Motion made by D. Monti to recommend adoption of the program as proposed; 2nd by A. Dangelo. The motion passed 6 – 0 (B. Macintosh recused).**

● **Hearing Item 1h. – General editing of Finfish regulations:**

Motion made by D. Monti to recommend adoption of the changes as proposed; 2nd by C. Rein. The motion passed 7 – 0.

- **Hearing Item 2a. – Recreational Striped bass:**

J. McNamee offered Division support for status quo and that it is currently the only ASMFC compliant option, as no other options were reviewed by their technical committee. **Motion made by A. Dangelo to recommend adoption of option 1, status quo; 2nd by M. Rice.** The motion passed 7 – 0.

- **Hearing Item 2b. – Commercial Striped Bass General Category:**

J. Grant offered that there were 41 comments in support of status quo and 60 comments in support of an earlier start date (not specific to industry option 1 or 2). *R. Hittinger* offered that the proposed earlier start date is a common proposal favored by bay fishermen to allow them better access to the fish before they begin to leave the bay. *J. McNamee* offered Division support for either status quo or industry option 1 as shown; and also offered that the Division would not support industry option 2 due to the small fall quota being difficult to manage. *D. Monti* inquired as to the percentages of bay and offshore fishermen, or the amount of fish caught in the bay or coastal waters; to which *J. McNamee* replied there is no such data. *J. Grant* inquired as to price variations relative to the start of the open season in Massachusetts. **Motion made by B. Macintosh to recommend adoption of industry option 1 (earlier opening date; no change is sub-period allocations); 2nd by D. Monti.** Public comment was made that bay fishermen need better access to the fish and the earlier opening date provides for this opportunity. Additional comment was provided supporting the current opening date as the most equitable opening date that was provided from the Striped Bass advisory panel. *M. McGiveney* offered support from the RI Shellfisherman’s Assoc. and as a member of the RI Seafood Collaborative as a means by which to provide fish to the market at an earlier date. *A. Dangelo* asked if a date between the 2 dates proposed is possible. **Amended motion by A. Dangelo to modify the opening date to May 29th; 2nd by M. Rice.** The motion passed 6 – 1 (*D. Monti* opposed).

- **Hearing Item 2c. – Commercial Striped Bass Floating Fish Traps:**

J. McNamee offered Division support for status quo. **Motion made by M. Rice to recommend adoption of option 1, status quo; 2nd by A. Dangelo.** The motion passed 6 – 1 (*J. Grant* recused).

- **Hearing Item 2d. – Commercial Striped Bass Tags:**

N. Lengyel provided the rationale behind the language presented. *J. McNamee* offered Division support for the language as presented. **Motion made by C. Rein to recommend adoption of language as re-written based on comments from DLE; 2nd by A. Dangelo.** The motion passed 7 - 0.

- **Hearing Item 2e. – Striped Bass Fin-clipping provision:**

J. McNamee offered Division support for options 3 or 4 as presented, and that the Division of Enforcement is also in support these options. **Motion made by B. Macintosh to recommend adoption of option 4; 2nd by A. Dangelo.** Discussion ensued concerning clipping of the fish by a recreational fisherman and then being released; to

which N. Lengyel replied that such a practice is considered mutilation and is illegal. Discussion ensued concerning clarification of the intent and perfected language to accomplish this intent. **Motion amended by M. Rice to recommend adoption of option 4 as modified below (added language in blue); 2nd by A. Dangelo.**

Any person recreationally harvesting, and not releasing, a striped bass 34 inches or larger, shall at the time of harvest, have the entire right pectoral fin removed at a point as close to the body of the fish as possible. The amended motion passed 7 - 0.

- **Hearing Item 3a. – General editing of Dealer Regulations:**

Motion made by *D. Monti* to recommend adoption of language as presented; 2nd by *C. Rein*. The motion passed 7 – 0.

- **Hearing Item 3b. – Striped Bass Fin-clipping provision - (in conjunction with hearing item 2e):**

N. Lengyel offered the rationale behind the proposal as a complementary component to the language as just discussed for the Striped Bass regulations. *J. McNamee* offered Division support. **Motion made by R. Hittinger to recommend adoption of language as presented; 2nd by D. Monti.** The motion passed 7 – 0.

- **Hearing Item 4 and 5. – Proposed repeal of “Part 1 – Legislative Findings” and adoption of “Part 1 – Definitions”:**

Motion made by *M. Rice* to recommend as proposed; 2nd by *D. Monti*. The motion passed 7 – 0.

- **Hearing Item 6. – Repeal of “Part 17 – Maps”:**

J. McNamee offered that the regulation would not be repealed until maps have been updated and provided on the Division website. **Motion made by D. Monti to recommend as proposed; 2nd by M. Rice.** The motion passed 7 – 0.

5. **Agenda item 5. – Shellfish Advisory Panel (SAP) minutes of 2/18/2016:**

J. Grant provided an overview of the meeting as reflected in the minutes. *J. McNamee* offered that the Division would be presenting information regarding oyster restoration efforts and Quonochontaug Pond Shellfish Management Area and requesting a recommendation on Division proposals at that time. *B. Ballou* inquired as to any objection to approving the minutes; hearing none, the minutes were approved.

Meeting adjourned at approximately 8:30

Prepared by *P. Duhamel*