

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
May 19, 2005
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: K. Ketcham, D. Preble, G. Allen, S. Parente, S. Macinko

Chairperson: M. Gibson

RIDEM F&W Staff: M. Lapisky, N. Lazar, J. McNamee

RIDEM Legal Counsel: G. Powers

RIDEM Staff: R. Ballou

RIDEM Law Enforcement: K. Blanchard, S. Hall

Public: 5 people attended

M. Gibson called the meeting to order. M. Gibson asked if there were any changes to the agenda. There were none. M. Gibson asked if there were any comments on the minutes from the March 2, 2005 RIMFC meeting. **G. Allen made a motion to approve the minutes as submitted. K. Ketcham seconded the motion. The Council unanimously approved the motion.**

Advisory Panel Reports

Enforcement: J. McNamee gave the report. The panel discussed two topics. The first was a discussion on the dockside sale issue. The panel discussed this and developed a consensus statement to support the lobster portion of the dockside sale policy. The panel gave no advice on any other portion of the policy.

The second topic discussed by the enforcement advisory panel (AP) was to begin discussion on developing a river herring regulation for the 2006 fishing year. The panel gave several suggestions including seasons, possession limits, and equipment restrictions. The panel stated that they would like to have further meetings on this topic and to also have joint meetings with the Division of Fish and Wildlife (DFW) freshwater fisheries staff. The AP also suggested forming a river herring advisory panel. M. Lapisky, Acting Chief of the DFW, stated that the freshwater regulations are currently out for public comment. A public hearing will be held on June 15, 2005 on the freshwater regulations, and a workshop was to be held on June 1, 2005 at the Government Center in Wakefield. G. Allen stated that he would like to see a coordinated effort between the freshwater and the marine sectors on this issue. M. Gibson proposed allowing the DFW to come back to the Council later in the summer with a plan on how to move forward with a collaborative

effort between the freshwater and marine DFW sections and then the Council could move forward with developing an AP and tackling this issue for 2006. M. Lapisky agreed with this. **G. Allen asked that, as stated by M. Gibson, the DFW come forward at the June meeting with a plan on how to move forward in a collaborative fashion with the freshwater section and then the Council can move forward with gathering stakeholders for a river herring AP which will come together to develop regulations for 2006.**

New Business

Council authorization of a closed executive session: J. McNamee had passed out a calendar of the next couple of months to choose a date for the closed executive session. He also wanted to clear up whether the Council was actually authorized to convene in this fashion. G. Powers stated that he had received a verbal response from the RI Attorney General which stated that it was acceptable for a closed executive session; he suggested the Council wait for a formal written statement which would be forthcoming before they finalized a meeting date. The Council deferred action until the June meeting.

Council comments on public hearing items: The Council decided to take the Atlantic herring public hearing item first. There was no Council discussion on this topic. **G. Allen made a motion to advise the Director of the Department of Environmental Management (DEM) to accept the proposed Atlantic herring regulation without the minimum size section. K. Ketcham seconded the motion.** There was no further discussion. **The Council voted unanimously to approve the motion.**

M. Gibson went on to the dockside sale public hearing item. He had previously suspended the public hearing but did not close it to give late arrivals a chance to voice their opinions. He reopened the public hearing on this item. There were no further public comments therefore he closed the public hearing and public comment period on this issue. M. Gibson went back to the Council for their comments. S. Parente brought up a comment previously made by K. Ketcham about lobster boat crew members, whether or not the new policy precludes the crew members from selling at the docks as this is the common practice. There was a discussion about what type of license an individual would need to get the dockside sale endorsement. M. Marchetti made the comment that the whole point of bringing this forward was to make the existing practice with respect to the dockside sale of lobsters legal. He suggested keeping things as simple as possible. M. Gibson stated that everyone wanted this practice of dockside sales of lobsters to continue as everyone sees the benefits in it. Unfortunately there were a few things which were unforeseen that still need to be worked out. M. McSally suggested adding in a subsection which allows a “regularly employed crew member” to also be allowed to sell lobsters under the dockside sale endorsement. M. Marchetti stated that this was a good idea as long as the fly by night lobster dealers or “barge queens” don’t start up again. S. Hall asked that DEM legal counsel review this to make sure it is not an illegal transfer of license. G. Allen stated that he agreed with all that had been said but wanted to make sure that the specificity indicated for the “licensee” in the policy needed to also apply to the “regularly employed crew member”. D. Preble stated that he felt the stipulation which exists in the policy that the lobsters must be sold from the vessel that caught them should

alleviate the “barge queen” issue. S. Hall suggested also having written documentation on board the vessel stating who was a “regularly employed crew member”. He went on to state that the licensee would be the one liable for any violations; he wanted to make sure people know this before they participate. **K. Ketcham made a motion to advise the Director of DEM that the Council approves the lobster portion of the dockside sale regulation with the addition of an item 1a which will state that a licensed individual or a regularly employed crew member of the licensee can get the dockside sale endorsement. G. Allen asked to perfect the motion to state that the regularly employed crew member must be documented in writing on board the vessel and that they be furnished with all of the applicable rules that apply to the endorsement. K. Ketcham accepted the perfection to the motion. D. Preble seconded the motion. The Council voted unanimously to approve the motion.**

M. Gibson went on to the finfish portion of the dockside sale policy. This portion was also still being reviewed as to the applicability of federal permit regulations. M. Gibson stated that he felt this was more difficult than the lobster issue in his mind because of a data issue. Lobster dockside sales get captured in the lobster logbook but nothing like this exists for finfish, therefore dockside sale data for finfish will go unreported. N. Lazar also wanted to bring up the need for a definition of what is “live” and what is “bait” as this will create problems if it is not specified. D. Preble stated that he had a problem with the finfish policy and went on to say that the days of selling finfish at the dock are over. He felt there was no legitimate reason to be selling finfish at the dock and also felt this was a public health issue. **K. Ketcham made a motion to advise the Director of DEM that the Council does not want to move forward with a finfish dockside sale regulation at this time and would like to table the item indefinitely. D. Preble seconded the motion. S. Hall stated that DEM law enforcement agrees with the motion, the regulation would be difficult to enforce and provides several loopholes which make enforcement on this virtually impossible. G. powers stated that with regard to a statement made by D. Preble about the Department of Health (DOH) being involved, he wanted the Council to realize that the DOH’s concerns had been addressed by the regulation. The Council voted 4 to approve (K. Ketcham, S. Parente, D. Preble, G. Allen) and one abstention (S. Macinko). The motion passed.**

M. Gibson went on to the last two sections of the regulation/policy. The sections were the application fee section and the shellfish section. There was no Council discussion on these sections. **G. Allen made a motion to advise the Director of DEM to approve these sections. D. Preble seconded the motion. The Council voted unanimously to approve the motion.**

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary