



Rhode Island Marine Fisheries Council

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MEETING MINUTES

June 1, 2015

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, B. Mackintosh, J. Grant, C. Rein, DEM: L. Mouradjian, G. Powers, J. McNamee, P. Duhamel, S. Olszewski, J. Mercer, Sgt. Dan White (DLE), D. Costa*

Public: Approximately 15 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 March 2, 2015:** *B. 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:**

Joel Hovanesian, commercial fisherman, expressed frustration with current management of several marine finfish species, and that action was needed by RI officials at the ASMFC and MAMFC to correct low quotas and possession limits. P. Duckworth concurred that current management is resulting in a high amount of discards of fish that would appear to be plentiful. Another gentleman expressed concern that better data is needed to improve RI's quota for Black sea bass. *B. Ballou* offered that these issues would be placed on the next Council agenda to determine appropriate steps to address the issue. J. Carvalho offered that these matters need to be brought before the Director and General Assembly for action. *B. Ballou* offered that he would discuss these matters with the Director.

P. Duckworth inquired as to the commercial "per vessel" possession limit. He asked if a licensee who owned 2 vessels could catch a 2nd possession limit with the 2nd vessel on the same day after catching a possession limit with the 1st vessel. *B. Ballou* offered that the answer was not immediately clear and would therefore provide an answer at the next meeting.

B. Ballou concluded this portion of the meeting by offering the inclusion of discussions regarding quotas for commercial and recreational Black sea bass, tautog, Winter flounder and Summer flounder on the next Council agenda.

4a) **Review and recommendations to the Director on the 5/11/2015 public hearing items:**

- **Amendments to "RIMFR - Finfish", regarding regulations for Blueline tilefish:**
B. Ballou offered that the proposal originated from a request from the MAMFC to initiate federal and complementary state regulations pending the development of an FMP. *J. McNamee* offered that FMP scoping was beginning and that the need for regulations was

to provide for fairness amongst each of the participating states and to assure compliance of the 300 lbs possession limit for vessels in RI waters. He offered that the Division has requested from the MAMFC a list of states with adopted regulations. He offered that RI landings were minimal but there are a few landings exceeding 300 lbs; and that while the fish are not caught in RI waters, the 300 lb possession limit is needed to provide compliance with the federal possession limit. He offered that the need for consistent regulations by all states was necessary to avoid higher landings in states without regulations; and that without state regulations a loophole exists that could result in higher unintended landings. *B. Ballou* offered that landings in northern states increased tenfold since the enactment of stricter possession limit regulations in southern states, and that regulations were therefore needed to normalize this discrepancy and reduce the landings until the adoption of the FMP. ***D. Monti* offered a motion to recommend adoption of the regulation as proposed; 2nd by *K. Booth*.** *J. Grant* offered that he was concerned about adopting a regulation prior to the adoption of the FMP, fearing that RI could be at a disadvantage if the FMP failed to be developed, and offered a friendly amendment to only adopt regulations if other states did the same. *K. Booth* offered that it may be best to table the matter at this time, to which *J. Grant* concurred. ***D. Monti* then modified his motion, to which *K. Booth* concurred, that RI adopt such regulation only upon the federal government doing the same,** to which legal counsel *G. Powers* replied that such a contingency was not permissible as part of a motion. The motion therefore died. ***B. Macintosh* offered a motion to provide to table the matter and provide no recommendation at this time, until such time that the Council is updated as to the status of federal and neighboring state regulations; 2nd by *C. Rein*.** The motion passed by a vote of 6 – 0. The matter will be placed on the next agenda.

- **Amendments to “RIMFR - Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs”:**

- **Application period for transfer of lobster trap allocation:**

S. Olszewski provided an overview of the proposal, which is to shorten the application period for consistency with the federal application period and administration of the federal database. He offered that such consistency is necessary due the complexity of the federal trap transfer database and an accounting of possible transfer scenarios before the allocation becomes effective the following fishing year. As the State’s allocation data will be part of the federal database, the ASMFC working group, of which RI is included in, has determined that the transfer application window should be small to avoid conflicts of transfer applications with the ordering of trap tags for the upcoming fishing year. Such conflicts could create significant difficulties with administering the database. Discussion ensued as to the need for a shorter window, and that it would be best for fishermen to be able to submit an application until the end of the year; to which *S. Olszewski* re-emphasized the database administration need to avoid transfers occurring simultaneously with the ordering of trap tags. ***K. Booth* offered a motion to recommend adoption of the proposed regulation; 2nd by *D. Monti*.** *B. Macintosh* inquired as to the need for the rules consistent with the federal rule; to which *S. Olszewski* replied that federal database is being utilized for both state and federal vessels, and separate windows may not be possible. *D. Monti* inquired if it would be possible for RI to have a different window if RI is part of the federal database, to which *S. Olszewski* replied that it is unclear at this time if the federal database would be accessible outside the federal window. *J. Grant* offered that any window that provides for transfers is better than the previous years of not

allowing transfers at all. **The motion failed by a vote of 1 - 5 (B. Macintosh voting in favor).**

○ **Landing limits of lobsters taken by gear or methods other than trap:**

S. Olszewski provided that the regulation as currently written provides for the harvest of lobster as bycatch by all gears types, but the original intent was to provide this bycatch limit only to gillnet and otter trawl gear types. He offered that the proposed regulation is meant to correct this and is consistent with the neighboring states of Mass., Conn., and NY, and the federal government, which does not allow for the harvest of lobster by trap unless the trap has a properly issued trap tag. **J. Grant offered a motion to recommend adoption of the proposed regulation; 2nd by R. Hittinger.** *J. Grant* offered that he isn't uncomfortable with fishermen obtaining lobsters from crab pots, but that the current allowance is inconsistent with the lobster trap tag program and efforts to limit harvest designed to re-build the fishery. Discussion ensued regarding perceived problems with lobster management. **The motion passed by a vote of 5 – 1 (C. Rein voting against).**

● **Crustacean regulation re-write:**

P. Duhamel provided an overview of the proposal. **J. Grant offered a motion to recommend adoption of the regulation as proposed; 2nd by D. Monti.** The motion passed by a vote of 6 – 0.

● **Menhaden:**

○ **Prohibition of harvest of menhaden on weekends and holidays (section 16.2.3); Harvest of menhaden in permanently closed areas (section 16.2.7); and landing of menhaden in RI under state quota program (section 16.3.2)**

J. McNamee offered a summary of proposals; to allow for the small-scale harvest of menhaden by non-directed gear types for the purposes of allowing for a more consistent bait supply. Discussion ensued regarding the term “non-directed” gear. **K. Booth offered a motion to recommend adoption of the regulation as proposed; 2nd by R. Hittinger.** Several comments from the audience voiced support for the proposal. **The motion passed by a vote of 6 – 0.**

○ **Episodic Event Set Aside Program (section 16.4.3)**

J. McNamee offered that the proposal was consistent with the previous proposals for menhaden. **D. Monti offered a motion to recommend adoption of the regulation as proposed; 2nd by R. Hittinger.** The motion passed by a vote of 6 – 0.

○ **Fall Opening of the Narragansett Bay Marine Life Management Area (section 16.9)**

J. McNamee offered a brief summary of the proposal; to allow for a smaller purse seine harvest during such time that the Mgmt. Area is normally closed to allow for a more consistent bait supply. **B. Macintosh offered a motion to recommend adoption of the modifications as proposed; 2nd by C. Rein.** The motion passed by a vote of 5 – 0 (R. Hittinger abstaining).

4b) **Shellfish Advisory Panel report (3/4):**

J. Grant offered that the meeting was held solely for aquaculture review, and that RIMFC recommendations to CRMC had already taken place. *B. Ballou* inquired as to any objections to approving the minutes; hearing none, the minutes were approved.

4c) **Expiration of Bissel Cove oyster moratorium:**

J. Mercer explained that the Division was seeking a two month extension due to the moratorium being set to expire on September 15th, but there is currently insufficient data to support a decision as to whether or not to continue the moratorium for an extended length of time. He explained that an extension to November 15th would allow the Division time to obtain and evaluate data and provide a recommendation to the SAP and Council at September or October meeting. ***R. Hittinger* offered a motion to recommend adoption of the proposal to extend the moratorium until November 15th; 2nd by *C. Rein*. The motion passed by a vote of 7 – 0.**

4d) **Proposed AP meetings:** Meetings and agendas were approved for the Shellfish Advisory Panel and IAC.

4e) **New IAC Chair:** *C. Rein* was unanimously selected as the new IAC Chair to replace *R. Bellavance*.

4f) **Special Council meeting – LEAN and Council policies:** Discussion of the need for a meeting to discuss LEAN related updates to Council structure and procedures. A meeting was approved - date is to be determined.

4g) **Review of pending marine fisheries related legislative proposals:**

B. Ballou offered a brief summary of the proposed LEAN legislation and that the General Assembly had inquired as to the Council's input. The Council voted unanimously in support of the legislation.

Meeting adjourned at approximately 8:00

Prepared by *P. Duhamel*