

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
July 7, 2003
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: R. Boragine, S. Medieros, D. Preble, J. King, G. Allen, and K. Ketcham, S. Macinko, S. Cobb

Chairperson: J. Reitsma

RIDEM F&W Staff: N. Lazar and T. Angell

DEM:

Legal Counsel: G. Powers

Public: approximately 25 people attended

J. Reitsma called the meeting to order. He asked whether there were any additions or corrections to the agenda. Two changes to the agenda were made. Under agenda item 4, item c was added which was a discussion of fish trap legislation and item d was added which was a discussion about a proposed wave/wind energy plant in Point Judith. Comments about the June 2 meeting minutes were then solicited from the Council. **R. Boragine suggested one change to the June 2 meeting minutes. The Council moved to accept the minutes of the June 2 Rhode Island Marine Fisheries Council (RIMFC or the Council) meeting with the correction suggested by R. Boragine. The motion was seconded and the minutes of the June 2, 2003 Rhode Island Marine Fisheries Council meeting were approved with one correction.**

Advisory Panel Reports

Lobster Advisory Panel Report: S. Cobb presented a summary of the proceedings from the most recent Lobster Advisory Panel meeting. The main topics discussed were the North Cape lobster restoration v-notching program report submitted by Ocean Technology Foundation, updates from the June ASMFC meeting week, an update on the proposed buyout program, escape vent increases, and trap tags. The advisory panel also set up a subcommittee to make recommendations on some collaborative research proposals which were brought to the advisory panel. The escape vent increase discussion was a hot topic at the advisory panel meeting. T. Angell made some comments on this subject. He stated that on in-line double parlor lobster pots, the majority of commercial lobster fishermen do not adhere to the regulation that the first parlor needs an escape vent. The lobster advisory panel has put together a regulation change to allow for not having an escape vent in the first parlor of the in-line lobster pot. This proposed

regulation change had been passed out to the council. T. Angell commented that he couldn't say at this point whether not having this escape vent in the first parlor of an in-line lobster pot increased mortality of lobsters in the pot. T. Angell also stated that he did not know what the Atlantic States Marine Fisheries Commissions (ASMFC) stance on the proposed regulations would be. T. Geary gave a statement in support of the regulation change stating that all of the lobsters entering a lobster pot move to the last parlor of the pot, therefore having an escape vent in the first parlor was unnecessary. M. Marchetti gave a statement that the majority of the lobster industry was not following the regulation in its current form. He also made a statement that his lobster pot maker refused to put an escape vent in the first parlor, stating that it weakened the lobster pot too much, thus compromising its ability to catch and contain lobsters. J. Reitsma requested that the Division draft a document summarizing the various arguments for the regulation change as well as including a Division's recommendation with regard to this issue.

New Business

Proposal for new aquaculture operation: N. Lazar presented the aquaculture application for Mr. Chris Claredon (File # 2003-05-044). N Lazar stated that it is an existing permit with a request to expand to a commercial operation. The applicant clarified N. Lazar's statement saying that it was a new application. R. Boragine gave a statement questioning the sufficiency of the Division of Fish and Wildlife (DFW) recommendation on the site, stating that the comments given by the DFW contained no statement of facts as to why they came up with their conclusion that the site was approved for an aquaculture operation. The entire Council agreed that they too would like a more detailed statement from the DFW. At the request of a Council member, the applicant offered to present a map showing where the proposed site was located. J. Reitsma stated that this would be addressed but did not feel the need to hold up the current application. G. Allen voiced a concern about a sewer pipe located in close proximity to the proposed site. J. Reitsma stated that the Council and DFW act in an advisory capacity to the Coastal Resource Management Council (CRMC) with regard to aquaculture site proposal effects on commercial and recreational fisheries and habitat issues, therefore they were not responsible for assessing the impacts of sewer pipes and other water quality issues. **The Council made a motion to approve the aquaculture application. The Council voted to approve the application, 6 in favor and two opposed.**

Request to task tautog, summer flounder, and scup/black sea bass advisory panels with development of 2004 management plans: N. Lazar asked the Council to authorize the DFW to set up several advisory panel meetings to discuss the current year management plan performance as well as to discuss ideas and proposals for 2004 fishery management plans. The specific advisory panels were scup/black sea bass, tautog, and summer flounder. The Council had no objections to authorizing DFW to hold a series of AP meetings during the next 2 months.

Discussion about fish trap legislation: S. Medeiros gave a review of the fish trap legislation proposal which had been previously submitted to the general assembly. He stated that this legislation had been withdrawn in lieu of a sub A, which requires the fish

traps to comply with Coast Guard regulations. The Council then had a discussion about forming an advisory panel to deal with fish trap related issues. **The Council made a motion to form a fish trap advisory panel which had K. Ketcham and G. Allen as co-chairmen and Brian Murphy as DFW staff. The motion was unanimously approved.**

Discussion about the proposed wind/wave energy plant in Point Judith: R. Boragine brought up a proposal to put in a wind power generating plant at Point Judith. He suggested drafting a letter from the Council opposing the proposal, namely because proposals to put other things in the same area had been denied due to conflicts with recreational fishing, therefore this conflict would still exist when putting a wind generated power plant in this area. **R. Boragine made a motion to draft a letter from the Council to the CRMC opposing a proposed wind/wave power generating plant.** D. Preble questioned whether there was an actual proposal put forward to build this power plant, he read the same article as R. Boragine and stated that he did not think that an actual proposal was put forward therefore he wasn't sure if the Council should preemptively oppose and therefore turn down the project. J. Reitsma stated that the council would not be turning the proposal down, that was the jurisdiction of CRMC, but what they could do is to draft a letter stating that the Council is aware of the proposal that will be going to the CRMC and that the Council has serious reservations about the project because of potential conflicts with other existing uses of the area. J. Reitsma also stated that this proposal would take significant review before being considered. G. Allen asked if the Council should wait until CRMC comes forward with the proposal before drafting the letter. J. Reitsma stated that CRMC would not necessarily come directly to the Council with the proposal therefore the Council would not be out of turn drafting the previously mentioned letter at the present time. S. Medeiros stated that he supported drafting a letter stating the Council's reservations about this proposal. J. Reitsma stated that DEM will draft a letter and bring it to the Council before sending it along to CRMC. **K. Ketcham seconded R. Boragine's motion. The Council unanimously approved drafting the letter asked for in the motion.**

Old Business

Draft of the groundfish relief fund survey: J. Reitsma stated that he did not have a chance to review the draft of the survey and M. Grant was not present to speak to this issue. R. Boragine stated that he had hoped to get a copy of the draft survey to take back to some of the appropriate users to get their feedback on it. J. Reitsma read the draft letter that he had in his possession. K. Ketcham asked whether J. Reitsma knew how many of the surveys were to be sent out. N. Lazar stated that he will check on the actual number and get back to the Council at the next meeting. J. Reitsma submitted that this issue was not ready for action by the Council. An audience member asked to have a copy of the draft that J. Reitsma read from to look over. J. Reitsma stated that this letter was not ready to be disseminated to the public but he would have one sent to the individual when a draft copy was ready. **S. Medeiros made a motion to table the groundfish relief fund survey discussion. R. Boragine seconded the motion. The motion was unanimously approved by the Council.**

Draft of the dockside sale of marine species policy document: J. Reitsma stated that he did not have the document for distribution at the present time and B. Ballou was not present to discuss this item. He went on to state that the policy had not changed much from that which was previously discussed. J. Reitsma stated that R. Boragine had brought up the issue of a hasset, this had been discussed with J. Mullen of DOH and he strongly felt that this was not an issue in this instance and there was nothing standing in the way of, under certain circumstances, the ability to sell fish at the docks. R. Boragine stated that J. Mullen was wrong about not needing a hasset plan to sell fish at the docks. D. Preble asked when the document was going to be available. J. Reitsma stated that he could have it for distribution by the next day. An audience member stated that many people in the industry had gone out and purchased the appropriate licenses and were just waiting to see the policy document so that they could begin to sell fish at the docks. They were all under the impression that they were going to get this document on that evening and now they were being told to wait again. An audience member identifying himself as an attorney requested a copy of the policy when it was ready so that he may review it and provide comments from his clients. K. Ketcham stated that anyone who has a federal license is required to sell their product to a federally licensed dealer and also anyone selling their product on the dock had to sell their product to the final consumer. J. Reitsma stated that the species which were able to be sold dockside were given out at the last meeting, therefore people should have a good idea of what they can and can't sell. J. Reitsma stated that he was aware of the fact that the policy document has taken a long time to be issued and he stated that he was sensitive to this concern and he was also aware that the Council needed to see exactly what the document says and he was trying to balance these two concerns while addressing both of them. **A motion was made to defer this topic until the next Council meeting. This was seconded and unanimously approved by the Council.**

Other Business

Report on ASMFC meeting week: N. Lazar presented the various motions and proposals from the June ASMFC meeting week, which were in a document he had handed out prior to the meeting. N. Lazar stated that the ASMFC approved the winter flounder Amendment due for public hearing in RI on July 30 at 6:00 pm in Jamestown. He continued that the Commission approved an 8.8 million pound quota for dogfish for 2003, approved all states regulations relative to striped bass, and proposed an increase of the lobster pots escape vent. A question was addressed about the ASMFC's motion relative to the escape vent which was clarified by members of the Council. The increase in the escape vent is a proposed regulation as part of Amendment II due for public hearing in fall 2003. N. Lazar also stated that ASMFC approved Chris Brown and Doug MacPherson to the scup/black sea bass advisory panel and ASMFC also approved Doug MacPherson to the summer flounder advisory panel.

Providence River dredging Q and A: D. Goulet gave a synopsis of the Providence River dredging project describing the monitoring taking place, where the dredge material was being dumped, the water quality certifications that had to be adhered to, and the different

constituents which were being tested for. He then entertained questions from the Council and audience. An audience member asked about the monitoring programs. D. Goulet stated that there were two different monitoring programs, one that is ongoing directly at the dredge site which is part of the water quality certification. The second monitoring program takes place at the dump site and is conducted by EPA because it is in federal waters. The same audience member went on to ask about specific constituents being tested for, namely mercury and PCBs, and D. Goulet stated that these are not being tested for. They were tested for on the actual sediment but were not being tested for in the water. D. Goulet invited the audience members to come and observe the dredging process, implying that there was not much sediment being released into a plume. A question was asked about the material that was being dumped whether it was suitable to be used on land. D. Goulet stated that yes this material was suitable for use on land but that it was not economically feasible to move all of this material from the dredge site and truck it to different areas which is why it was being dumped offshore. K. Ketcham asked whether the ships dumping the material offshore were monitored by “black boxes” to prove that they were actually going to the specified dump site before offloading their material. D. Goulet stated that there was monitoring using a GPS system as well as an observer on the boats. K. Ketcham asked if it was possible to review the report of this monitoring. An audience member stated that he had attempted to go and get a copy of the trip report which he was told was public record and was not able to obtain a copy. D. Goulet offered his business card to the audience member and asked him to contact him directly and he would receive a copy of the trip monitoring report. J. Reitsma asked whether there were any more questions or comments from those who fish on the Bay. J. King stated that he has noticed near Conimicut Light that the water was more cloudy at the present time than at this same time of the previous year, before the dredging began. D. Goulet stated that it was difficult to tell between the dredging water quality issues and other water quality problems which are occurring in the Bay, for instance the numerous beach closings which are currently occurring in the same area mentioned by J. King. R. Boragine turned the comment by D. Goulet back to him stating that he wondered if the beach closings and things of this nature were potentially caused by the dredging. D. Goulet stated that because of the monitoring, he could state exactly what the dredging process was contributing to the water column. He felt that while turbidity of the water column was being affected by the dredging process it was minimal and hard to differentiate from other causes of turbidity in the water column. J. Reitsma asked D. Goulet to bring the possibility posed by J. King that the dredging is effecting turbidity to CRMC and also to bring it to the attention of the monitoring team. D. Goulet stated he would. J. Reitsma asked both D. Goulet and R. Gagnon if it was possible to provide an open channel of contact for instances where a problem is noticed by a fisherman so that they may call and voice their concerns when the problem occurs. D. Goulet stated that people could contact him or R. Gagnon and said it would be beneficial if they were contacted as soon as possible after the problem (i.e. short dumping) occurs. It was suggested to hold a separate meeting to discuss the various concerns about what is and what is not being monitored for during the water quality monitoring program. R. Boragine stated that he disagreed with the comment that the dump area was a more economically viable way to get rid of dredge material because the area they chose was an important area for fish and he also stated that the turbidity problem is a major one due to the unique nature of Narragansett

Bay where a sediment plume will slosh back and forth with the incoming and outgoing tides. He felt that the monitoring which is taking place does not account for this. S. Macinko asked a question about why mercury and PCB would not periodically be tested for simply to allay public concerns about these issues. After some discussion it was decided that this issue could be brought to the different monitoring groups to see if monitoring for these other parameters could begin to occur.

Discussion about interactions between RIMFC and RIDEM: J. Reitsma felt that an adequate discussion could not be had about this agenda topic because the rest of the meeting had run long and preferred to put this discussion off until the next meeting. **R. Boragine made a motion to have K. Ketcham take over as chairman of the scup/black sea bass advisory panel to replace M. Conroy. This was seconded by D. Preble. The motion was unanimously approved by the Council.** S. Medeiros made a statement that the advisory panel lists were not up to date. J. Reitsma stated that this would be looked in to and corrected.

Post Agenda Discussion

B. Mattiucci made a statement that he felt the significance of using historical landings as a way to set quota allocations needed to be brought to court and settled once and for all, stating that he did not think fisheries management would satisfy the majority of user groups until this was done. J. Reitsma stated that the legality of this issue had been brought to court and was found to be a legal way of allocating quotas, but stated that this by no means is the only legal way to allocate quotas. **R. Boragine made a motion to adjourn. This was seconded by D. Preble and unanimously approved by the Council.**

Jason E. McNamee
Recording Secretary