

RHODE ISLAND MARINE FISHERIES COUNCIL
Summary of Meeting Minutes
July 9, 2012 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road, Narragansett, RI

RIMFC Members Present: R. Bellavance, K. Booth, R. Hittinger J. Grant,
D. Monti, and W. Mackintosh, III
RIMFC Members Absent: C. Powell
Chairperson: B. Ballou
RIDEM DFW Staff: N. Scarduzio, J. Lake, J. McNamee and M Gibson
RIDEM Staff: L. Mouradjian and G. Powers,
DEM Law Enforcement: T. Silvia

Public: 23 people attended the meeting

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. He noted he had an item to add under FYI, which would be #7b the resignation of Council member C. Powell. He asked if there were any objections to adopting the agenda as modified. **Hearing no objections, the July 9, 2012 Council agenda was approved as modified.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from May 7, 2012. B. Ballou asked if there were any changes to the minutes. Hearing none, B. Ballou asked if there were any objections to approving the May 7, 2012, minutes as written. **Hearing no objections, the May 7, 2012, minutes were approved as written.**

Public Comments

There were no comments from the public.

Advisory Panel Reports:

Industry Advisory Committee (IAC) meeting (05/15/2012) – R. Bellavance:

R. Bellavance summarized the minutes of the meeting, which was to review and discuss recommendations from the 4/21/2011 “Trap Definition” Working Group meeting, Lobster Advisory Panel meeting, and Ad Hoc Whelk Committee meeting with recommendations to the RIMFC. **There were no objections from the Council to approving the minutes from the IAC meeting.**

B. Ballou asked for advice from M. Gibson on how best we should move forward from here on these issues. M. Gibson stated that we have pushed this through the review process as far as we can and it seems if the Council is in agreement to decide which elements are ready to go forward we can go to public hearing.

J. Grant suggested any item that passed through any of the groups, in addition to anything the Division would like to bring forward, should probably go to public hearing. Grant also reminded folks that all the federal whale regulations needed to be included in the state regulations.

R. Hittinger stated he was in favor with moving forward on some of these items to public hearing. **There was consensus by the Council to move these items to public hearing at the most convenient hearing date.**

Summer Flounder AP meeting (06/20/2012) – R. Hittinger:

R. Hittinger summarized the minutes indicating the meeting was to discuss the summer flounder exemption certificate program. He stated there was a motion from the AP to recommend that the Council not terminate or modify the program.

B. Ballou asked for Division comments from M. Gibson. Gibson commented the Division would like to see this program eliminated since we are managing with commercial quotas and see no rational basis for having different opportunities for fishermen. He noted the program creates administrative difficulties for the Division. He explained we would like to see this program go away and manage summer flounder based on the quota.

B. Ballou asked for Council recommendations on how to proceed with this issue.

Some Council members wanted to know what the Division would propose as an alternative if the summer flounder exemption certificate program were eliminated. There were concerns that the Division had not brought forward any proposals on what would happen to the fishery if this program were terminated. M. Gibson indicated he did not take any position on who should catch the fish; he left that up to industry. He reiterated there was no scientific basis for a summer flounder exemption program since the fishery was quota managed and it does not matter who catches the fish just as long as we catch the right amount. He felt industry and the Council should be the ones to craft the allocation program whether by sub period, differential access, or whether there was an exemption program. Gibson stated he would prefer not to be involved in that.

R. Hittinger made a motion to recommend that the Director continue the summer flounder exemption certificate program without making any modifications to the program. K. Booth seconded the motion.

The comments made from audience members were in support of the motion.

J. Carvalho pointed out that the problems remain. He noted that no solutions were presented if the program was eliminated and therefore people were opposed to any changes. There would be collateral problems if the program were eliminated. He anticipated that a more in depth proposal would be prepared and presented to the Council. He felt this issue needed to be looked at sometime in the future at a greater depth to identify the collateral affects.

M. Gibson commented if the Council was opposed to elimination of the entire program but open to alternatives from the Division that might alleviate some the problems. He asked the Council if the Division should come back with a middle ground proposal without getting involved with deciding who gets to catch the fish. He asked for guidance from the Council.

B. Ballou asked for the vote on the motion. The Council voted unanimously for status quo, to recommend that the Director continue the summer flounder exemption certificate program without making any modifications to the program. The motion passed (6/0).

K. Booth made a suggestion to set up either a task force or Ad hoc committee to look at options and weigh impacts if the summer flounder exemption certificate program were eliminated. The unintended consequences needed to be reviewed.

There was Council discussion on where to go from here with this issue. Should they send the issue to the IAC, back to the Summer Flounder AP, create an Ad Hoc committee, or have the Division wrap all the fluke issues together and bring them forward at a workshop?

After Council discussion, there was consensus the issue should go before the Summer Flounder AP for further discussion, which would probably take place at the next summer flounder AP meeting in September.

Herring Ad Hoc Committee meeting (06/27/2012) – J. McNamee:

J. McNamee summarized the minutes indicating the meeting was to discuss the management of Atlantic herring in state waters, in particular; gear conflicts, Area 2 closing early, fish caught in RI but not landed in RI, and river herring bycatch. The council recommended pursuing the following issues; how to deal with gear conflicts, ecosystem based management approach, address river herring by avoiding catching them, complement federal regulations, balance the needs of the state licensed fishermen with federally permitted fishermen, landing of river herring in RI, lag time of VTR data. The Council also encouraged reviewing what had done by the New England & Mid Atlantic Councils, specifically in the Gulf of Maine, i.e. days out/exemptions for small vessels, or trimesters instead of days out.

M. Gibson explained the Division would review these items and report to the Council.

New Business

Brief overview of the Oyster Substrate Enhancement Project in Ninigret Pond – D. Erkan and S. Brown: S. Brown from the Nature Conservancy gave a power point presentation to the Council.

Appointment of new member(s) to Advisory Panels – N. Scarduzio:

An application was received from A. Gewirtz applying for the commercial gillnet representative position on the Industry Advisory Committee (IAC). She also indicated that an application had been received from G. Carvalho who was also interested in joining the IAC, however she was not sure which position would be the best fit for Mr. Carvalho.

R. Bellavance suggested that the Council consider opening another slot under the Commercial Inshore Trawler sector since there were two slots under the Commercial Rod & Reel sector.

J. Grant made a motion to move the open slot under Commercial Offshore Trawler to create another slot under the Commercial Inshore Trawler so that we are not adding another person to the committee for quorum purposes, W. Mackintosh, III seconded the motion. The Council voted unanimously to approve the motion. The motion passed (6/0).

D. Monti made a motion to appoint A. Gewirtz to the Commercial Gillnet position and G. Carvalho to the newly created slot under Commercial Inshore Trawler. K. Booth seconded the motion. The Council voted unanimously to approve the appointment of both positions. The motion passed (6/0).

Approval of Shellfish AP agenda – J. Grant:

J. Grant reviewed the items on the agenda for an August 1, 2012 meeting. He noted there were two aquaculture lease reviews on the agenda and possibly two more might be added pending the outcome of the PD reviews. He stated the 2012-2013 winter shellfish management area schedules were also included. **There were no objections to the agenda therefore the Council members approved the agenda.**

Old Business

Continue discussion regarding streamlining of Advisory Panel process – B. Ballou:

B. Ballou had prepared a handout for Council members, which he reviewed. The proposal was to conduct two full-day meetings, one in early fall and one in later winter to address species-specific management plans.

There was Council discussion about various aspects of the proposal.

J. Grant suggested keeping the Shellfish AP separate and he indicated he liked the structured Ad Hoc membership approach.

R. Hittinger pointed out that some people may not be able to attend daytime meetings, and he favored the current membership structure.

R. Bellavance stated he was in support of an all day meeting and he favored the current membership structure.

D. Monti was in support of consolidating meetings but suggested possibly an afternoon and evening meeting so people who worked during the day could attend the evening meeting. He indicated he liked the structured Ad Hoc membership.

B. Ballou summarized by indicating there seemed to be consensus about having a fall and winter meeting and to take the Shellfish AP out of the mix, but there was a split between maintaining the current membership or using a structured Ad Hoc membership.

K. Booth was in support of keeping the current membership structure and noted he did not think it was a good idea to change too many variables all at once. He suggested keeping the current membership structure and if that did not work, we could always make that change in the future.

W. Mackintosh, III stated the current membership structure was fine except that some people do not show up to make a quorum so no votes are taken. He suggested some how doing away with the quorum requirement to make things easier.

R. Hittinger stated it was his understanding that other than the IAC the other AP's did not require a quorum to conduct business however, he felt if there was a quorum; the votes that were taken would carry more weight.

G. Powers agreed with the exception of the IAC, which required a quorum to conduct business.

B. Ballou assured the Council that these meetings would go forward and did not think having a quorum would be an issue since the AP policy had been amended to allow for this.

M. Gibson stated the Division was in support of the fall and winter meetings but in terms of staffing, he preferred to have specific meetings scheduled in advance with specific dates and times and a structured agenda so he could schedule staff to attend meetings.

R. Hittinger agreed that some evening meetings might be necessary for recreational issues since most recreational fishermen have daytime jobs.

G. Carvalho stated that an Ad Hoc group where everyone was allowed to participate and where you obtained a consensus from the group seemed to be the most productive.

B. Ballou asked the Council how they would like to proceed.

There was consensus from the Council to have the Shellfish AP stand alone; to have a fall meeting consisting of commercial summer flounder, scup, black sea bass and herring if needed; and maintain the current AP memberships at least for this first meeting. There were no objections from Council members to proceed in this manner.

N. Scarduzio noted the timeline needed to conduct these meetings would need to a date sometime between September 17 through 24, in order to prepare for the public hearing.

Council briefing: Developments relating to RI winter flounder research project – M. Gibson & J. Lake:

M. Gibson went through a power point presentation giving an update on the RI winter flounder research project. He noted this was only a brief update. Gibson stated the study would have three major components; a white paper that already exists on stock status, winter flounder habitat in RI, potential to restore the winter flounder population. He stated they would like to complete the white paper by fall of 2012, have the habitat work wrapped up by next summer (2013), and do not have a specific timeframe for the restoration component. Gibson stated they were also doing a life stage analysis to try to find out where the key life stages were.

J. Lake reviewed some of the new activities the Division was conducting for winter flounder; concurrent fyke net studies in Charlestown Pond, Point Judith Pond, and Potter Pond, noting the Charlestown pond was a healthier system catching and tagging more fish. Expand the juvenile winter flounder survey to other water bodies to provide more coverage of the south coast.

J. Lake also indicated the Division would be looking in to habitat work next year to leverage J. King's work from URI.

FYI:

Letter of resignation for IAC appointment:

B. Ballou advised Council members that J. White had submitted a letter of resignation for his position on the IAC as the commercial fishing license representative, which was included in their Council packets for their review.

Letter of resignation from C. Powell – B. Ballou:

B. Ballou advised Council members that Council member C. Powell had submitted a letter of resignation to Director Coit. B. Ballou noted there were two slots on the Council that were now opened and we would have to wait until the general assembly came back in to session before we could fill those vacancies.

B. Ballou asked if there was any other business to come before the Council.

Ballou asked if there were any objections from Council members to adjourn the meeting. Hearing none, the meeting was adjourned.

Meeting adjourned at approximately 9:20 PM

Nancy E. Scarduzio, Recording Secretary