

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Summary of Meeting Minutes**  
**August 17, 2011 – 6:00PM**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

RIMFC Members Present: C. Anderson, K. Booth, R. Hittinger, D. Monti, C. Powell,  
J. Grant, and W. Mackintosh, III  
RIMFC Members Absent: R. Bellavance  
Chairperson: B. Ballou  
RIDEM DFW Staff: N. Scarduzio and T. Angell  
RIDEM Staff: Director J. Coit, L. Mouradjian, and G. Powers,  
DEM Law Enforcement: S. Hall  
  
Public: Approximately 10 people attended

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. He noted he had one addition, to add item 5(f) under new business, approval of a Shellfish AP agenda. He asked if there were any other changes or modifications to the agenda. **Ballou asked if there were any objections from the Council to approving the agenda as amended. Hearing no objections, the amended August 17, 2011 agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the May 2, 2011, Council meeting. B. Ballou asked if there were any objections to approving the minutes as written. **Hearing no objections, the minutes from the May 2 2011 Council meeting were approved as written.**

**Public Comments**

S. Parente stated that the continuation of the Friday and Saturday summer flounder closure had been a failure. He noted the commercial possession limit for fluke had gone up from 100 pounds to 150 pounds (a 50% increase in daily trip limits) and he felt we would still end up with a back loaded situation the same as last fall. He requested the Council to give this situation priority status for 2012 by implementing a seven-day summer flounder fishery, which was justified by the increased quota.

S. Parente also commented on the commercial black sea bass fishery by noting he felt that due to the low quota there would not be a September reopening of that fishery. He felt if the previous Director had gone with the 25 pound per day possession limit, as recommended by the Council, this would probably not be the case. If the quota was as low in 2012 as it was in 2011 he requested the Council consider a 25 pound per day possession limit since this was a bycatch fishery for most people.

**Advisory Panel Reports:**

*Enforcement (6/7/2011) – B. Ballou:*

B. Ballou explained that the minutes for the meeting, as with all AP meetings, were posted on the DFW Marine Fisheries webpage. He noted the panel had been directed by the Council to address a proposal that came forward for a fillet law to establish a minimum size fillet limit for cod. Ballou asked the Council if they had any questions. B. Ballou noted the AP did not have a

quorum. However by consensus, the panel agreed on the concept to have people either bring in the fish whole, have the racks with the fish, or have a 14 inch minimum fillet size for cod or whatever minimum fillet size that would correlated with the state's minimum size limit currently at 22 inches. Ballou explained this was now before the Council for possible recommendation that the Division move forward to formulate some options. **R. Hittinger pointed out that this was sent to the AP by the Council for their consideration therefore he would like to make a motion to recommend that the Division draft regulations for cod to be either brought in whole, with the racks, or the fillet shall meet the minimum size limit as established by the Division. C. Powell seconded the motion.** C. Powell asked if Enforcement would have a problem identifying a cod fillet from other species.

S. Hall suggested the Division check to make sure that if a 14-inch minimum fillet size was used it corresponded with our 22-inch size limit. He noted the 14-inch minimum fillet size for cod was based on NH regulations, which had a 24-inch minimum size limit for cod.

K. Booth noted that the minutes reflected that the Division of Law Enforcement would rather see a fillet law across the board. S. Hall confirmed his statement. Booth wondered how difficult this would be for charter boats and what the impact would be. He had some concerns whether this was the best way to go. He felt if you saved the rack then you have the rack to measure but then it becomes a disposal problem.

D. Monti pointed out that the two square inches of skin for identification was not included in the AP recommendation and he wondered why it was left out. S. Medeiros stated that the AP gave the recommendation, which included three options so if someone wanted to fillet they could meet the minimum size or they could bring in the rack if they wanted to. C. Powell stated his preference was either the whole fish or the rack unless Enforcement could let the Council know it would not be a problem to identify a cod fillet from some other species.

B. Ballou asked if the Council would be interested in having the Division bring forward a suite of proposed regulations to see what made sense.

R. Hittinger modified his motion with a friendly amendment, to include that the Division draft the "frame work" for regulations for cod; to either bring the fish in whole, with the racks, or the fillet to meet the minimum size limit as established by the Division based on a 22-inch cod. C. Powell accepted the friendly amendment with consideration for other species to be included.

**B. Ballou formulated a motion for the Council. The final motion was to have the Division draft and notice a proposed regulatory framework that would address the Enforcement AP recommendations regarding the landing of undersized cod in the recreational fishery in RI waters. B. Ballou asked for a vote on the motion The Council vote was unanimous in support (C. Anderson, R. Hittinger, D. Monti, K. Booth, C. Powell, W. Mackintosh, III, and J. Grant) (7/0). The motion passed.**

*IAC (8/9/2011) – B. Ballou:*

B. Ballou stated that the IAC addressed a number of issues pertaining to commercial licensing regulations for 2012. He noted there was no need for any action by the Council at this time and explained that the Council had recently been provided a copy via email of the proposed licensing changes for their review and comments. The Council could offer any additional suggests with regard to licensing if they wanted to do so. He stated that the Division would not be noticing

these proposed regulation changes until mid September with a public hearing scheduled for October 17, 2011. Ballou asked if the Council had any questions regarding the IAC minutes. **B. Ballou asked if there were any objections to accepting the IAC minutes as presented. Hearing none, the minutes were accepted.**

*Shellfish (6/22/2011 and 7/27/2011) – B. Ballou:*

B. Ballou indicated there were two SAP meetings that took place. He noted that the minutes suggested there should be further discussion and a subsequent meeting for some items.

R. Hittinger addressed mechanical harvest methods by noting the SAP was in favor of modifications to the regulations such that compressed air or mechanical harvest methods should be disallowed for shellfish. The SAP thought this could be done with a simple modification to existing regulations. He stated that the group was in favor, it was just a sticky situation because you could use dredges for certain shellfish, like mussels, and therefore the group did not want to outlaw something that was allowed. It was noted from the minutes that these regulations were under continued development. **B. Ballou asked if there were any objections to accepting the SAP minutes with R. Hittinger's comments. Hearing none, the minutes were accepted.**

*Lobster (7/26/2011) – B. Ballou:*

B. Ballou noted there were two meetings. There was a Trap Definition Working Group meeting that took place on April 21, 2011 and a Lobster Advisory Panel (LAP) meeting that took place on July 26, 2011. Ballou indicated there was need for another meeting sometime in October to try to finalize recommendations on the issues before the panel.

T. Angell stated there were some very specific issues that the Division was going to have to wrestle with pertaining to how we treat our federally permitted people going through this process. He explained that the federal rules defining what a lobster trap was are different from what we as a state have. They would be at a big disadvantage if we moved forward with what we were trying to accomplish.

**B. Ballou asked if there were any objections to accepting the LAP minutes as presented. Hearing none, the minutes were accepted.**

### **New Business**

*Introduction of new RIMFC Members – B. Ballou:*

B. Ballou introduced the new Council members at the beginning of the meeting.

*Appointment of new Vice Chair to the Council – B. Ballou:*

B. Ballou entertained nominations for Vice Chair. C. Powell recommended C. Anderson if he was interested. B. Ballou explained that C. Anderson would be leaving RI toward the end of the year. C. Anderson confirmed that he would be leaving and suggested someone else may be more appropriate. **D. Monti made a motion to nominate R. Hittinger as Vice Chair of the Council because of his experience as a Council member and with fishing in general. C. Powell seconded the motion. B. Ballou called for a vote. The Council voted (6) in support (D. Monti, C. Powell, C. Anderson, W. Mackintosh, III, J. Grant, K. Booth); (1) abstained (R. Hittinger); the motion passes (6/0).**

*Appointment of new Advisory Panel Chairs – B. Ballou:*

B. Ballou asked Council members to weigh in on any Advisory Panel they might be interested in chairing. C. Powell indicated he would be interested in being the chair for the Winter Flounder AP. K. Booth expressed interest as the chair for Striped Bass AP.

S. Parente wanted to make sure that Council members were aware that as Chair of an AP, Council members could not give an opinion they must remain neutral and just facilitate the meeting, and therefore they may not want to be a chair of a particular AP.

R. Hittinger recommended J. Grant as the Shellfish AP Chair. J. Grant accepted the nomination.

D. Monti expressed interest as the chair for the Enforcement AP.

W. Mackintosh expressed interest as the chair for the Scup/Black Sea Bass AP and the Floating Fish Trap AP. C. Powell expressed interest as the chair for the Bluefish/Weakfish AP.

D. Monti expressed interest as the chair for the Menhaden AP.

J. Grant voiced interest as the chair for the Lobster AP, and K. Booth voiced interests as the Groundfish AP chair. B. Ballou thanked Council members for volunteering for these positions.

S. Medeiros requested that the new AP chairs clean house and get rid of AP members that do not show up and get other people in that will show up and participate.

**B. Ballou asked if there were objections from Council members with the slate of chairs selected. Hearing none, the slate of AP Chairs was approved by the Council.**

*Approval of Scup/Black Sea Bass Advisory Panel agenda – B. Ballou:*

**The Council approved the draft meeting agenda for September 2011, with a date to be determined.**

*Approval of Summer Flounder Advisory Panel agenda – B. Ballou:*

R. Hittinger suggested that the Friday and Saturday closure issue be listed on the agenda as an item so everyone knows it will be addressed. **The Council approved the draft meeting agenda for September 2011, as amended, and with a date to be determined.**

J. Carvalho stated that the Department had the authority to change possession limits and therefore should have already corrected this situation and changed the Friday and Saturday closure to match the possession limit for the other days of the week. He noted there was no reason to continue the closure because there was no shortage of quota. He stated it was never good management to throw and discard fish away.

*Approval of Shellfish Advisory Panel agenda – B. Ballou:*

B. Ballou stated there was a need to convene a shellfish AP meeting and listed the items that the meeting would address. (1) follow-up on all items discussed at the July 27, 2011 meeting; (2) review a pending aquaculture lease application for Brown; and (3) review of a proposed regulatory change to the aquaculture regulations that would reduce the time necessary for shellfish raising in uncertified waters to be made available for sale from 12 months to 6 months.

**B. Ballou asked Council members if there were any objections to approving a SAP agenda as outlined. Hearing no objections from the Council, the draft meeting agenda with a date to be determined, was approved.**

*Recreational Saltwater Fishing License – Accountability and Oversight Report - B. Ballou:*

B. Ballou stated he was going to defer this to the September Council meeting. He indicated the Division was in the process of preparing the report and he anticipated it would be completed for the September meeting.

## **Old Business**

*Continued discussion about future review procedures and appropriate advisory panel for aquaculture lease applications – B. Ballou:*

B. Ballou updated Council members to let them know that the direction from the past Council was to establish an Aquaculture AP to review aquaculture lease applications. He asked for comments from the current Council. The Council discussed the issue. J. Grant indicated that about 95% of the applications that come through, the SAP could handle because they had recreational shellfish members but more applications have surfaced where they were outside of the Bay and commercial Shellfishermen do not fish these areas. These areas affect lobstermen or draggers so the application should be reviewed by people in these industries as opposed to Shellfishermen. D. Monti felt there should be a separate AP. R. Hittinger agreed stating we needed finfish input, lobster and shellfish input as well as recreational input. C. Powell requested there also be a habitat review component to the group.

B. Ballou stated there seemed to be consensus for the need to have a stand-alone aquaculture lease review AP. He stated the Division would bring back a straw man proposal for Council consideration. Ballou suggested moving to develop a straw man proposal to bring back before the Council at the next meeting.

K. Booth asked if the Council could have someone from CRMC provide a review of the state aquaculture program. To explain the goals, duration of leases, and how much they are leasing for he felt some type of program overview would be beneficial for new Council members. He would like to know historically how leases have been doing what the success and failure rates were. B. Ballou stated it was a good idea and indicated that he would contact D. Beutel from CRMC to set something up.

R. Rheault stated there were annual aquaculture reports and other information pertaining to aquaculture in the state posted on the CRMC website. He also noted the report put together by the Aquaculture Working Group was also online.

*Continued discussion and action on vessel-based regulations for vessels fishing in more than one mode from April public hearing – B. Ballou:*

B. Ballou brought Council members up to speed on this issue. He explained the previous Council made a motion to postpone any recommendations until the next meeting, which was this meeting. Ballou asked whether the Council would like to discuss the issue or review the materials and come back to the issue at the next Council meeting. C. Powell stated he would prefer to review the materials before making any recommendations.

K. Booth agreed he would like some time to get more familiar with the issue. He questioned the language in section 6.13-5 (b) that required both a commercial and recreational logbook to be onboard and asked for clarification. He indicated that besides charter boats and head boats other commercial fishers do not have recreational logbooks. He voiced concerns about this provision. B. Ballou recalled there was discussion about removing that provision because there currently was no recreational logbook. He suggested that deleting this requirement might be an appropriate amendment to make because there was no recreational logbook.

There was some light discussion between Council members on this issue but the consensus was to postpone this item until the next meeting.

S. Parent stated that a commercial trip should be just that, a commercial trip. He noted the only other thing to consider would be if you were a commercial fisher and had a recreational lobster pot limit. You should then be allowed to check your pots on your way back from fishing without having to go to shore to unload your commercial catch then go back out to check your pots and take your recreational lobster limit.

J. Carvalho stated the issue was being made complicated for a number of reasons. He stated that the daily possession limit was what people were entitled to under the law. He noted that you could create every type of scenario under the sun but if you go with the principles of law you do not have a problem and you do not need to micromanage people's lives. He explained if there was one commercial license on a boat, that person was entitled to one commercial limit. If there were recreational people onboard, they should be entitled to their recreational limit. He stated this was not complicated but people were making it complicated. He cautioned not to over regulate people's lives.

Council members agreed to postpone this item until the next meeting.

*Marine Fisheries Regulatory Rewrite Initiative – B. Ballou:*

B. Ballou updated the Council on the progress of the regulatory rewrite initiative. He explained that as soon as the Division completed the last phase we would post the documents to the Division website for public review. Ballou noted there were no substantive changes made with the goal being to simplify and consolidate the existing regulations. The intend was to write already exists regulations in a more condensed, organized, and clear manner. Ballou noted that the Division anticipated going out to public hearing with these documents early next year.

**ASMFC – NEFMC Updates**

*ASMFC and NEFMC meeting summaries – B. Ballou:*

B. Ballou indicated there were summaries provided from the ASMFC and NEFMC in each Council member packet for review.

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

Meeting adjourned.

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Nancy E. Scarduzio, Recording Secretary