

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Summary of Meeting Minutes**  
**September 10, 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: None

Chairperson: B. Ballou

RIDEM DFW Staff: N. Scarduzio, D. Erkan, and M Gibson

RIDEM Staff: L. Mouradjian and G. Powers,

DEM Law Enforcement: J. Poccia

Public: Seven (7) people attended the meeting

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. R. Hittinger commented he did not know if this could be discussed this evening or not, but at some point, he would like the Council to discuss replacing the two vacant Council member seats for the science representation that was lacking on the Council. B. Ballou stated the item would be added to the next Council agenda. B. Ballou asked if there were any other suggested modifications to the agenda. Hearing none, he asked if there were any objections to approving the agenda as written. **Hearing no objections, the September 10, 2012 Council agenda was approved.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from July 9, 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 July 9, 2012, minutes as written. **Hearing no objections, the July 9, 2012, minutes were approved as written.**

**Public Comments**

There were no comments made from the public.

**Advisory Panel Reports:**

*Industry Advisory Committee (IAC) meeting (07/10/2012) – R. Bellavance:*

B. Ballou pointed out that the IAC meeting was focused on 2013 licensing items and that would be the subject matter of the 9/12/2012 public hearing, in two days. He suggested the Council might want to wait until the October Council meeting to hear all the information at once, and at that time, the Council would be asked to provide recommendations to the Director. He stated if the Council agreed then he would suggest approving the IAC minutes and moving on. There were no objections from the Council with this course of action. **R. Hittinger made a motion to accept the IAC minutes, the motion was seconded by D. Monti. The Council voted unanimously in favor to accept the IAC minutes.**

*Shellfish AP meeting (08/01/2012) – J. Grant:*

J. Grant summarized the minutes indicating the SAP meeting was to discuss a couple of aquaculture leases and the 2012-2013 winter shellfish management area schedules. They also discussed wild harvest of shellfish species without a minimum size requirement for placement

into aquaculture lease sites. Indicating there was nothing in regulation to prevent an aquaculturist to harvest and stock his lease with wild harvest species. J. Grant indicated this could create a direct harvest conflict. He noted the SAP made no recommendations on that topic at that time.

There was discussion about the proposed Warfel/Sun Farm Oyster, Block Island, aquaculture lease application. It was noted that the New Shoreham Shellfish Commission (NSSC) had objected to this lease due to recreational use conflicts and that another site location was offered and preferred instead of the proposed location. The Division of Fish and Wildlife (DFW) Marine Fisheries section was also opposed to the proposed site location since it was in conflict with the defined uses for Area 3, which does not include privately leased aquaculture. **After lengthy discussion, a motion was made by R. Bellavance stating there was a conflict of uses, with wild harvest, in this proposed site location. D. Monti seconded the motion. The motion was to advise the CRMC that the RIMFC had determined that a fishery related user conflict for the wild harvest of shellfish existed in the proposed site. The Council determined, upon review of the lease application, that a conflict with wild fishery uses does exist in the area and the RIMFC therefore opposes the application with a vote of 5/1. Five (5) in favor: (R. Bellavance, K. Booth, R. Hittinger, D. Monti, and W. Mackintosh, III), and one (1) opposed: (J. Grant); the motion passes.**

The next item on the SAP agenda was a discussion about the 2012-2013 winter shellfish management area schedules. J. Grant reviewed and discussed the harvesting schedules proposed by industry. The schedules were presented in separate parts.

M. Gibson stated the Division was fine with the winter opening schedules outlined in the three parts but was not ready to endorse the new proposal pertaining to High Banks and Pottowamut. He commented he would like some time to conduct surveys to examine the shellfish densities in those areas, and catch data before giving advice to the Council. Gibson felt there would be time to come back to this item before the spring opening, and therefore asked the Council to delay making a decision on this item to a later date.

**R. Hittinger made a motion to recommend that the Director approve the 2012-2013 winter schedules as proposed by industry with the added date of December 28 as requested by J. Grant, and delay the May 1<sup>st</sup> start of High Banks and Pottowamut until there was more information provided by the Division. Seconded by D. Monti.**

**[Western Greenwich: January 1, 2013 through April 30, 2013; Mon, Wed, and Fri, from 8 AM to 12 noon]**

**[Winter Shellfish Management Areas: Bissel Cove, Bristol Harbor, High Banks, and Pottowamut; for December 2012 – 12, 14, 17, 19, 21, 24, 26, 28, and 31, from 8 AM to 12 noon.**

**January 2013 schedule – Mon, Wed, and Friday; 8 AM to 12 noon**

**February 1, 2013 through April 30, 2013 – Monday through Friday; sunrise to noon]**

**The Council vote unanimously (6/0) to recommend that the Director approve the 2012-2013 winter schedules as proposed by industry (see above) with the added date of December 28, and delaying the May 1<sup>st</sup> start of High Banks and Pottowamut until there was more information provided by the Division.**

**A motion was made by D. Monti and seconded by R. Bellavance to accept the SAP minutes. The Council vote unanimously (6/0) to accept the SAP minutes.**

## **New Business**

*Approval of Summer Flounder AP agenda meeting for September 2012 – R. Hittinger:*

*Approval of Scup/Black Sea Bass AP meeting agenda for September – W. Mackintosh:*

*Approval of Atlantic Herring Ad Hoc meeting agenda for September- J. McNamee:*

B. Ballou grouped the approval of these AP agendas together. He noted the three meetings would be conducted all in one day on October 3, 2012, starting at 9 AM with the location still to be determined. There was discussion about whether to include a discussion about the summer flounder exemption certificate program or not. It was decided that folks could submit proposals on that subject if they wanted to. It was requested the people submit proposals to J. McNamee by September 24<sup>th</sup> so they could be posted to the website prior to the meeting date. B. Ballou indicated it would then be up to each panel chair to limit discussions to just those proposals or to accept other proposals during the meeting.

Rich Hittinger requested that a follow-up discussion take place regarding the back-to-back AP meeting process, which could be placed on the November Council agenda.

**B. Ballou asked if there were any objections to approving the three AP agendas as proposed. Moved by D. Monti to approve the agendas, seconded by W. Mackintosh, III. Hearing no objections, the three agendas were approved.**

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

An application was received from K. Eagan applying for the commercial East Bay representative position on the Shellfish Advisory Panel (SAP); and an application had been received from D. Ghigliotto who was also interested in joining the SAP as a commercial bull rake representative.

**B. Ballou asked if there were any objections to approving both candidates to serve on the SAP. Hearing no objections, both candidates were appointed.**

## **ASMFC-NEFMC Updates:**

*ASMFC summary & NEFMC summary – M. Gibson/B. Ballou:*

B. Ballou reviewed and summarized the following topics from the ASMFC 2012 summer meeting summary that would involve state regulatory action at some point: Atlantic Herring, Lobster, Striped Bass, River Herring and Menhaden.

## **FYI:**

*Governor's request for an emergency declaration for the Groundfish fishery – B. Ballou:*

B. Ballou advised Council members that Governor Chafee had submitted a formal request for a disaster declaration for the New England Groundfish fishery. He noted copies of the letter were included in their Council packets.

*Items for 9/12/2012 & 10/10/2012 Public Hearings:*

D. Monti commented that he could not find the proposed amendment for the RI Recreational Saltwater Fishing License. He was advised that the materials were posted online within the current commercial fishing regulations.

K. Booth commented about the proposed vessel-based regulations pertaining to the mixing of commercial and recreational activities. He asked if the Department could take a stand on what they plan to do differently. He noted without any increase in enforcement activity the people that were cheating would continue to cheat. He wanted to know what would be done to stop those

individuals that sell fish to the back door of restaurants. He was not interested in making new laws that would just sit on the books and not be enforced or not provide any solutions.

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 8:05 PM

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Nancy E. Scarduzio, Recording Secretary