

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**October 1, 2007 – 6:00PM**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road**  
**Narragansett, RI**

RIMFC Members Present: G. Allen, C. Anderson, K. Ketcham, J. King, S. Medeiros,  
S. Parente, D. Preble

RIMFC Members Absent: S. Macinko

Chairperson: M. Gibson

RIDEM F&W Staff: N. Scarduzio

DEM Legal Counsel: G. Powers

DEM Staff: B. Ballou

DEM Law Enforcement: Enforcement Staff Person

Public: 9 people attended

Chairman M. Gibson called the meeting to order. M. Gibson stated that under agenda item 4(d) approval of the Shellfish Advisory Panel (SAP) agenda he wanted to have a discussion to review the opening procedures since this was an unusual year where due to water quality issues both December and January harvesting in Greenwich Bay have been taken away. He also noted under agenda item 4(i), K. Ketcham had requested to have that item broadened to include a discussion about the discrepancies between the mid Atlantic quotas and National Marine Fisheries Service quotas. Gibson stated that the last adjustment was to add 7(b) a proposed public hearing schedule for the next public hearing. Gibson asked if there were any other changes to the agenda by Council members. Hearing none, he asked if there were any objections to approving the agenda as adjusted. **There were no objections to approving the agenda as modified therefore the 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 the September 10, 2007 meeting. Gibson asked for a motion to approve the minutes. **G. Allen made a motion to approve the minutes. S. Medeiros seconded the motion. M. Gibson asked Council members if there were any objections to approving the September 10, 2007 meeting minutes. There were no objections therefore the minutes were approved.**

**Advisory Panel Reports:**

*Shellfish Advisory Panel (9/12/07):* J. King stated that he was not present at the SAP meeting, due to a meeting conflict. Council member S. Parente held the meeting in King's absence. King read the SAP meeting minutes and noted that there were eleven voting members present. He indicated that meeting discussions addressed the opening and closings of High Banks and Greenwich Bay shellfish management areas. SAP members voted to keep the fishing period "status quo" for the High Banks, Bissel/Fox Island, and Bristol shellfish management areas.

There was some discussion about modifications to the Greenwich Bay management area. King reported that the SAP voted to continue the discussion to another meeting so M. McGiveney and G. Schey could develop a written proposal for a February Greenwich Bay management area opening to be presented to the next SAP meeting in October.

M. Gibson asked if there were any questions for J. King. Gibson also indicated that there was a draft agenda from the SAP included in Council member packets to continue Greenwich Bay discussions. There were no questions for J. King.

**New Business:**

*Update on meetings regarding comprehensive aquaculture plan (9/13/07):* M. Gibson stated that D. Alves was not in attendance so there would be no report from CRMC. Gibson reported that he knew that these meeting had continued. He indicated that Alves may have corresponded to Council members on the latest progress of the working group but that he had not received any updates yet.

*Comprehensive RI fisheries legislation:* M Gibson explained that Council members had a list in their packets of marine fisheries legislative proposals put together by B. Ballou. Council members were charged with bringing forward any other issues to add to the list

B. Ballou stated that this was the second step in a multiple step process. He indicated that he would start developing each item further and report to the Council next month. Ballou stated that he did not receive any other input from the last meeting but there was still time to contact him if there were any other proposals.

D. Preble stated that he had a few proposals come to him in the last few days but he had not thoroughly reviewed them yet. Preble indicated that he would get them to Ballou.

B. Ballou stated that this month would be the critical month to start to get things going and by November, he would need to have something in satisfactory shape to go to the Governor's office. Ballou stated that he would need proposals within the next week or two.

G. Allen asked if Ballou would have rough language in place by the next Council meeting. B. Ballou stated the best he could hope for would be a draft or rough version of what the proposals might look like. He indicated that it would be an evolving process.

G. Allen asked Ballou to let Council members know when these issues go before the general assembly or even at committee levels so they can be part of the process. Ballou stated he would keep the Council informed of committee agendas and so forth so Council members could participate in hearings.

M. Gibson reminded Council members to get any proposal to him as soon as possible, and for any audience member to submit a proposal to a Council member as soon as possible.

K. Ketcham commented on the observer program, stating that the federal observers were not very good about contacting captains ahead of time. Many just show up on the dock and expect to go out, but it might not be convenient to take them out at that time. He stated that technically they are required to call ahead of time to make an appointment. Ketcham wanted to have the same requirement for state regulations.

A member from the audience commented on the observer program, he stated that anyone involved in a category 1 fishery like dragging or gillnetting is required whether federally permitted or not to bring out National Marine Fisheries Service staff.

M. Gibson asked if there were any other comments for B. Ballou related to the fisheries legislation. There were no other comments.

*Information for Public Hearing items:* N. Scarduzio explained that each Council member had been handed a copy of the licensing 2008 regulatory proposals, which had been compiled by J. McNamee. She stated that this information was an accumulation of information that they have already received at different times including the sector management plans. This document contained the information that would be presented at the October public hearing. Scarduzio stated that this public hearing would be held on October 24, 2007.

*Approval of SAP Agenda:* M. Gibson stated that the SAP had requested agenda approval for further discussion on the Greenwich Bay issue. Gibson explained that there was a water quality issue, which has wiped out shellfishing for December and January in Greenwich Bay. The SAP is trying to configure how to use the remainder of the fishing opportunities for that area during the winter openings. Gibson indicated that there was a draft agenda for the SAP to continue discussion on this issue.

J. King stated that the meeting was scheduled for October 22, 2007 at 4:30 at Fort Wetherill.

M. Gibson stated that DEM would have to get together to determine if the Director has the authority to make changes in February as proposed by industry. Gibson asked if there were any objections to approving the SAP agenda. There were no objections therefore the agenda was approved.

*Approval of IAC Agenda:* M. Gibson indicated that this was a follow up from the last Council meeting. D. Preble was asked to compile all the gillnet items to be brought before the IAC. Gibson asked if there were any other items to add to the agenda or to be removed from the agenda.

D. Preble stated that there were two other items to be added to the agenda; the first was to add a discussion for a control date for the fluke fishery, and the second item for discussion would be the revisions of cost for gillnet attachment. He stated that he also just received an additional item, which involves requirements in gillnet material.

M. Gibson suggested that the Council and staff continue to work on this agenda to see what else comes in for discussion items and then have an improved version submitted for Council approval in November.

K. Ketcham stated that he did not have a problem with waiting for a finalized agenda but he requested that if there was an IAC meeting scheduled in November that it is held either in early or mid November.

G. Allen requested that at the next Council meeting someone explain each of the items on the IAC meeting agenda. He did not know what some of the items pertained to and thought it should be explained to all Council members.

*Approval of Summer Flounder Advisory Panel Agenda:* M. Gibson explained that it has been a difficult summer for sectors of the fishery particularly the state waters small vessel fleet because of the early closures of summer flounder, and the early federal closure of scup. Given what he had heard about the quotas for 2008 it looks like it will be an even more challenging year. Gibson indicated that it was important that these discussions start now.

D. Preble stated that people should bring written proposals to the meeting. He indicated that he did not think there would be any fundamental changes from last year. Preble stated that we would be cranking things down to meet the mortality objectives that we have been handed.

K. Ketcham asked how the Division felt about the Friday/Saturday closures, if they noticed if that helped or not. He stated that he thought it helped to lengthen out the limited amount of fish that the state had to work with.

M. Gibson stated that the Division has not done any real evaluation of what it has done. He stated he had received a number of complaints from people who like to fish on weekends and could not fish. Gibson also stated that Enforcement did not like the weekend closures from the beginning. M. Gibson indicated to Ketcham that he would try to look into that matter, to look at the relative performance relative to last year.

M. Gibson stated that the Summer Flounder AP agenda is approved for an October 23, 2007 meeting.

*Approval of Scup/Black Sea Bass Advisory Panel:* K. Ketcham indicated that the AP meeting scheduled for October 16, 2007 was a good date for him. M. Gibson explained that the same process applies here where we are developing management plans for 2008. Gibson stated that he hoped that the sea bass quota could be fully utilized for the state particularly in light of the early summer flounder closures. He stated that scup is a high value species and suggested that we need to figure out a way to make more efficient use of it. Gibson indicated that we do not seem to be maximizing the revenues that we could out of this species. There was some discussion about both fisheries and the need for some creative thinking in terms of managing these fisheries. Gibson indicated that the agenda was approved.

*Approval of applicant for the shellfish advisory panel:* N. Scarduzio explained that there was an applicant interested in filling a primary position on the SAP. The candidate had gone through the DEM Enforcement screening process and had been cleared for approval. His application was included in Council packets for review. M. Gibson asked Council members if there were any concerns about the applicant. Gibson asked if there were any objections to adding the individual to the SAP. Hearing no objections, the candidate was appointed to the SAP.

*Federal scup fisheries closure:* M. Gibson stated he had a request from industry for correspondence from the Council to the Regional Administrator. Industry would like some kind of statement about the issues that came up this summer like dueling quotas, and the federal quotas being set below Mid Atlantic Council levels, to be brought up to the Regional Administrator. He stated that our state waters remained open to scup fishing despite the federal

closure, which caused a problem for federally permitted fishermen who were closed out of the scup fishery. Gibson reiterated what K. Ketcham stated earlier that now we do not have the power to catch our state quota, and there will be fish that are not caught. He stated that if there was consensus with the Council for a letter to be written then all he would need were some general topics that the Council would like him to address.

There was discussion by the Council about what topics the letter should address. Gibson stated that he and Division staff would put a letter together then run it by D. Preble and K. Ketcham for input. M. Gibson asked Council members if there were any objections in moving forward in this manner. There were no objections.

### **Old Business**

*Update on Groundfish Advisory Panel:* N. Scarduzio stated that at the last Council meeting the Council requested that a scallop/dredge fishery category be added to the panel. She indicated that the category had been added. She also stated that the two individuals who did not clearly identify which slot they were interested in had been contacted and assigned slots. Scarduzio indicated that the next step would be to send out solicitation letters for the newly created category and solicit for any unfilled slots.

M. Gibson asked if there were any questions from the Council. He then asked for comments from the audience.

T. Mulvey inquired about the members who had been selected for the gillnet slot on the Groundfish AP. He wanted to make sure that no one selected had any violations.

M. Gibson stated that the Council had adopted procedures to screen out individuals with violations.

G. Duckworth wanted to know if fishermen that had been implicated in the ongoing case involving the Coast Guard if they were later cleared of charges would they be able to apply for a seat on the panel.

M. Gibson indicated that if violations were overturned or expunged then the Council might revisit those candidates for possible advisory panel appointments.

M. Gibson asked if there were any other comments. There were no other comments.

### **FYI**

*Letter sent by Division of Fish & Wildlife to NOAA regarding the Whale Plan:* M. Gibson stated that he had corresponded on behalf of the Department to NOAA regarding comments on the Atlantic Large Whale Take Reduction Plan (ALWTRP). He explained that the letter covered items that the Department was supportive of and items that the Department was concerned about relative to the affects on RI fisheries.

M. Gibson also wanted the Council to be aware that recent gillnet marking requirements that the Division took public comments on and the Council gave recommendations to the Director could be in conflict with the specifications of the ALWTRP. He indicated that NOAA had concerns about the amount of gear that was being deployed as it relates to whale entanglements. Gibson stated that he had recommended to the Director to hold off on implementing any new gillnet

marking requirements at the state level until the Department knows what the National Marine Fisheries Service may impose up to our COLREGS lines. He stated that he wanted to make sure these regulations meshed as opposed to being in conflict with each other.

*Public Hearing items and timeline for November:* M. Gibson stated that the public hearing had been proposed for November 26, 2007 but there was some flexibility if the Council wanted to hold the hearing on an alternate date within that week. Gibson asked for comments from the Council on the proposed date. Gibson asked Council members to contact Division staff with any conflicts.

M Gibson asked if there was any other business to come before the Council. Hearing none, the meeting was adjourned.

The Chairman adjourned the meeting.

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Nancy E. Scarduzio, Recording Secretary