



Rhode Island Marine Fisheries Council

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MEETING SUMMARY

October 3, 2016

Chairperson: *B. Ballou*

RIMFC Members: *C. Rein* absent

DEM: *G. Powers, J. McNamee, S. Olszewski, J. Lake, P. Duhamel, D. Costa, Sgt. D. White*

CRMC: *D. Beutel*

Public: Approximately 30 persons (including *M. Rice* students)

1. **Approval of the Agenda:** The Chair offered the addition of 2 FYI non-action items to be included in *Other Matters* at the end of the agenda: acknowledgement of the final approved Policy and Procedures document; and response to G. Duckworth regarding review of marine fisheries penalty regulations. After requesting and receiving no additional requests for changes, the agenda as modified was approved.
2. **Approval of RIMFC meeting minutes from September 13, 2016:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **Election of Council Vice-President:** Motion made by *T. Barao* to nominate *D. Monti* as vice-president to replace *R. Hittinger*; 2nd by *M. Rice*. The motion passed 7 – 0.
5. **IAC Meeting Summary approval:** *B. Ballou* offered that discussion and approval of the summary would be wrapped into the hearing items discussion, as the IAC meeting was directly related to the hearing items.
6. **September 19 Public Hearing Items:** *J. McNamee* provided presentation of the sector management plans, which was provided to the IAC at their last meeting. Upon conclusion of the presentation, he offered that the Division would be seeking Council approval of the plan at their December meeting.
 - **Proposed amendment regarding issuance of New Licenses and Operator Permits under Hardship Conditions (section 6.7-9):** *J. Lake* provided presentation and explanation of proposal to remove the activity standard in cases of hardship so as to provide for an easier track for family and crew members to receive a license from a fisher in hardship conditions. *J. McNamee* offered Division support for the proposal. *J. Grant* offered that wording found in RIGL 20-2.1-5 may preclude the Department's ability to make this change due to an apparent requirement for fishing activity. He also offered that there needs to be a protection in place so that the license isn't made available in the

lottery process and then again upon establishment of hardship and/or settlement of probate as proposed. In such cases the license needs to be held and not counted for the purposes of exit/entry ratios. *M. Rice* offered that the proposed removal of language regarding the activity standard as written in 6.7-9(a) is not inconsistent with statute in that the statute refers to a person who has fished in the past vs. the regulation which states that the person must be currently actively fishing. *G. Powers* offered that he did not believe an inconsistency existed. Regarding the license not being counted as an exit from the system, *J. Lake* offered that such license would be renewed and not retired, and held by the Department. **Motion made by *D. Monti* to recommend adoption of option 2; 2nd by *M. Rice*. The motion passed 7 – 0.** *J. Grant* offered that a fall back motion should be considered in the event that statute requires activity to meet hardship. **A second motion was made by *J. Grant* to add a provision be added to the regulation whereby a fisher who dies in a year when they would be considered to be actively fishing on January 1 of the following year, that the hardship provision apply in such cases; 2nd by *A. Dangelo*. The motion passed 7 – 0.**

- **Hearing Item 1d. – proposed liberalization of the activity standards (actively fishing and actively participating):** *J. Lake* offered an explanation and rationale of the proposal. He offered that such was proposal to remove the activity standard as it applies to sale of business or transfer to family member/crew; and to maintain it as it applies elsewhere throughout reg (e.g., prioritization and upgrades). *J. McNamee* offered that the provision has potential to add many commercial licenses, and that if adopted would be closely monitored for additional activity. *J. Grant* offered that he was not in support of the provision due to its impact on the lottery process for the issuance of new licenses, in that the provision would prevent most licenses from re-entering the system by retirement without the activity standard in place, and that such was not the intent of legislation §20-2.1-2(3) which supports up-grading of licenses for those persons actively engaged in commercial fishing. He offered that the intent was to provide for increasing levels of participation by those who are actually active, rather than those who may continue to renew their licenses but are not in actuality active. *B. Macintosh* offered support for option 3 as presented, in that the activity standard is difficult to maintain for many fishermen, and that these fishermen should be entitled to a return for the license they have maintained regardless of activity. *A. Dangelo* made a motion to recommend adoption of option 3 with the inclusion of a grandfather clause; no 2nd was provided due to lack of understanding. Motion made by *M. Roderick* to recommend adoption of option 3 as proposed; 2nd by *B. Macintosh*. *J. Grant* offered that he could not support the proposal as it would result in the open sale of licenses with unknown and potentially significant implications, and offered that the proposed activity standard of 40 days/2 years be applied to the sale of the business as well to temper the potential impacts. The motion failed 2 – 5 (only *M. Roderick* and *B. Macintosh* in support). **Motion made by *M. Rice* to recommend adoption of option 2 as proposed with the activity standard applied to the sale of business; 2nd by *D. Monti*. The motion passed 6 – 1 (*M. Roderick* opposed).**
- **Hearing Item 1c. - proposed amendments regarding the issuance of new licenses upon sale of vessel and gear (section 6.7-8):** *J. Lake* provided presentation of the matter, and offered the revised Division proposal resulting from recommendations of the IAC at their last meeting (option 3). *J. McNamee* offered that statute does not allow for the removal of all criteria as recommended by the IAC. The language offered (option 3)

is meant to remove the vessel requirement as part of the sale. *B. Macintosh* offered that inclusion of the vessel as part of the sale is not generally practiced, and that the precedent was set by NOAA Fisheries in that the vessel and permit are no longer tied together as part of a transaction. *J. Grant* offered that the statute is vague regarding inclusion of the vessel as part of the sale. **Motion made by *B. Macintosh* to recommend adoption of option 3 as proposed; 2nd by *A. Dangelo*. The motion passed 7 – 0.**

- **Hearing Item 1a. - Annual review of endorsement exit/entry ratios:**

- Restricted finfish endorsement: *J. Lake* provided presentation of the matter. *J. McNamee* offered Division support for option 2, the IAC proposal. He offered that the Department needed to assure that additional licenses opportunities aren't inadvertently added into the system when licenses not renewed are active in multiple fishery sectors. **Motion made by *M. Rice* to recommend adoption of option 2; 2nd by *A. Dangelo*. The motion passed 7 – 0.**
- Shellfish (Bay Quahaug, soft-shell clam, whelk, and shellfish other endorsements): **Motion made by *M. Rice* to recommend adoption of option 1 (status quo); 2nd by *D. Monti*. The motion passed 7 – 0.**

- Regarding the IAC recommendation that all shellfish be governed under a single license, *J. McNamee* offered support for simplification, but that such would require a legislative change prior to changing the regulation, and that such changes are being planned as part of larger licensing re-structuring effort. *J. Grant* offered support for such an effort.
- Regarding the IAC recommendation that a uniform possession limit apply to all regulated shellfish species, *J. McNamee* offered support for simplification, but that such would result in significant changes in licensing fees, and such matter would need much more vetting, including the Council's Shellfish Advisory Panel, before moving forward. *J. Grant* offered that such a proposal may not be support by commercial shellfishermen with CFL licenses.
- **Hearing Item 1b and 2. - Definitions:** *P. Duhamel* provided explanation of the proposal. **Motion made by *D. Monti* to recommend adoption of the revisions as proposed; 2nd by *T. Barao*. The motion passed 7 – 0.**

7. **Other Matters:** No other matters were presented for discussion.

Meeting adjourned at approximately 7:45

Prepared by *P. Duhamel*