

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Minutes of Monthly Meeting**  
**October 5, 2009 – 6:00PM**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

RIMFC Members Present: C. Anderson, R. Hittinger, J. King, K Ketcham, S. Parente,  
S. Medeiros, S. Macinko  
RIMFC Member(s) Absent: D. Preble  
Chairperson: R. Ballou  
RIDEM F&W Staff: N. Scarduzio, M. Gibson, J. McNamee, D. Erkan  
DEM Staff: G. Powers  
DEM Enforcement: E. Cabral  
Public: 30 people attended

Chairman B. Ballou called the meeting to order. B. Ballou asked if any Council member had any changes to the agenda. He indicated he had a few modifications; to eliminate item 5b the aquaculture item since no Council member has requested to keep it on the agenda. Move item 4b summer flounder advisory panel report to follow after item 5c, and under item 8, FYI, to add another item 8c to give an update on two recent regulatory actions pertaining to commercial scup and recreational black sea bass. He asked if there were any objections to amending the agenda as outlined. S. Parente had a question about the aquaculture item (5a), he referred to a letter that was included in their Council packets from DEM/DFW staff person D. Erkan, which outlined concerns for the Block Island aquaculture lease. He indicated he had not seen the letter until this evening. B. Ballou explained how the review process worked and that Council members were provided the full lease application including the Division's perspective via email. After Council members reviewed the applications, and if they had questions, they could request to bring it forward for a full Council review. He stated that the Division did not hear back from any Council member.

K. Ketcham asked if they would be reviewing item 6b, the policy on shellfish aquaculture lease review. He indicated that at the last Council meeting he had requested they receive all maps and charts related to each lease application as hard copies. He stated the email versions were too lengthy with redundant information to print out. He would prefer to receive hard copies of the sites. B. Ballou suggested that the Council discuss these concerns under item 6b. He asked if there were any other modifications to the agenda. **There were no other modifications the agenda was approved as amended.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the August 3, 2009, meeting. B. Ballou asked if there were any objections to approving the minutes. Ballou asked for a motion to approve the minutes. **R. Hittinger made a motion to approve the minutes as written. J. King seconded the motion. B. Ballou asked for a vote to approve the minutes. The Council voted unanimously to approve the minutes from the August 3, 2009 Council meeting as written.**

## Public Comments

There were no comments from the public. A graduate student from Brown University made an announcement that she was conducting a project on fishermen's involvement in the RI special area management plan. She indicated she would like to interview fishermen and if they had time to take a quick survey on their way out or after the meeting she would appreciate it.

## Advisory Panel Reports

*Industry Advisory Committee (IAC) (8/5/09) – K. Ketcham:*

B. Ballou gave the report for K. Ketcham. Ballou summarized the minutes from the IAC meeting. The group had continued their discussions from a previous IAC meeting on commercial rod & reel issues. Charter/party boat operations fishing commercial when not engaged in charter operations, daily and trip limits for charter/party boat operations, limits on number of rods and reels employed during commercial rod and reel operations, and limits on number of fishermen engaged during commercial rod and reel operations. He indicated the group had consensus on a few issues and some recommendations for the Council to consider.

On the topic of limits on the number of fishermen engaged during commercial rod & reel operations the proposal was to allow any number of unlicensed crew members to assist in the harvest aboard any commercial vessel with a properly licensed fisherman onboard, regardless of type of commercial operation being employed. The group summarized that they wanted to have the statute changed to limit the number of unlicensed crewmembers that can be contributing to the commercial catch on a boat. Then once this was changed, go to the Council and Director to make the change in regulation to either fish commercially or recreationally on the same day, but not on the same trip. If the statute could not be changed then leave it alone, do not go forward with the second part of the proposal.

S. Parente stated that Chief Hall from Enforcement attended the meeting and he was in support of having this changed and doing way with the limitation of having everyone licensed on a vessel. Parente felt this should go forward and be changed.

S. Medeiros indicated that he was kind-of in agreement since this issue had been bouncing around for some time, and deserved to go forward and put through the public hearing process.

R. Hittinger was in agreement with S. Medeiros.

B. Ballou indicated that based on what he had heard, the next step would be for the Division to determine if there needed to be a statutory change or perhaps a policy change and bring a proposal back before the Council for review prior to going to public hearing. Ballou suggested that the Division bring back a draft proposal for the next Council agenda that we could either go to the General Assembly with or to public hearing and look for a Council endorsement.

K. Ketcham made a suggestion to also include those fishermen that would fall under the new recreational licensing law. Any fishermen on a recreational boat who is not licensed commercially but recreationally should also be included.

S. Parente noted that there was language in Part VII that he thought B. Ballou could use.

**B. Ballou asked if there were any objections from the Council to accepting the IAC report. There were no objections. The IAC report was accepted.**

*Scup/Black Sea Bass AP (9/28/09) – K. Ketcham:*

J. McNamee gave the report for K. Ketcham. McNamee noted that the advisory panel meeting was held on September 28, and things had changed dramatically since that meeting. He reiterated this report was on that meeting and B. Ballou would give an update on new information received later on in the meeting tonight. J. McNamee stated he had given a report on scup and at that time that fishery had performed fairly well. As a result, of the improvement in stock status, the quota for scup was increasing for 2010. He indicated that the Division did not recommend any changes for 2010. A proposal from the group was to remain at status quo for the scup general category fishery. Another proposal was to have a 500 lbs/week possession limit for each sub period.

J. McNamee stated that he had given a presentation on black sea bass. He explained that due to the extremely low commercial quota in 2009, the fishery did not perform very well and had frequent closures. The stock status for black sea bass was that overfishing was no longer occurring and the stock was no longer overfished. The quota would be status quo for 2010. He indicated that the Division did not make any specific recommend; however they suggested considering an aggregate program similar to scup rather than staying with daily limits.

J. McNamee indicated that the group talked about violations and recommended a low tolerance for major violations. They also talked about dealer reporting and problems created for fishermen by late reports coming from dealers. They were in favor of a swipe card system similar to a credit card that could interface with SAFIS.

Proposals for black sea bass included; a possession limit of 50 pounds per day beginning on May 1st and continuing until Oct 31<sup>st</sup>, with the month of August closed. A second proposal extended the first sub period until May 14. The spring sub period would start on May 15. A third proposal was to go from May 1<sup>st</sup> until June 30 with a 50 lbs/day possession limit, then from July 1<sup>st</sup> until Oct 31<sup>st</sup> with a 50 lbs/day possession limit, also with the month of August closed.

The panel made three other recommendations. There was a recommendation to solicit some of the federal research set aside (RSA) to conduct a tagging program on black sea bass to ascertain whether migration patterns have changed for this species. A second recommendation was to again apply for RSA to look in to the use of a universal escape vent for fish pots. A final recommendation from the panel was to look in to developing regulations to govern the removal of gear when the fishery was closed. Many pots were being left in the water even after the fishery has closed and the pots continue to fish. These fish all end up as dead discard.

S. Parente noted that he did not think the violations in the scup fishery were a true reflection of what was really happening. He also felt that aggregate programs were more difficult to enforce.

K. Ketcham responded to S. Parente's comments regarding violations in the scup fishery.

**B. Ballou asked if there were any objections from the Council to accepting the scup/black sea bass AP report. There were no objections. The scup/black sea bass report was accepted.**

*Winter Flounder AP (9/15/09) – K. Ketcham:*

M Gibson gave the report for K. Ketcham. Gibson reviewed the minutes of the AP meeting and summarized the proposed changes required to comply with ASMFC Fishery Management Plan. ASMFC recreational measures require reducing the daily bag limit to two (2) fish per person per day and maintain the current minimum size of 12 inches. Recreational seasons will stay status quo, which is presently two 30-day seasons beginning the fourth Saturday of April (4/24/10) and

September (9/25/10). Recreational measures in federal waters are status quo, which is currently no possession/retention in federal waters. Charter/party boat vessels with a federal groundfish permit must adhere to the federal measures of no possession/retention.

Regarding commercial measures, two options may be considered for vessels with no federal groundfish permit:

- (a)  $\leq 50$  lbs per vessel per day, or
- (b) an option allowing for  $\leq 38$  fish per vessel per day.

Measures for commercial vessels with a federal groundfish permit are status quo, meaning that there is no possession/retention from federal waters (per federal interim rule) or state waters.

S. Parente stated that he agreed that the 38 fish limit would be difficult for enforcement to enforce and the 50-pound limit would be more enforceable.

**B. Ballou asked if there were any objections from the Council to accepting the winter flounder AP report. There were no objections. The winter flounder report was accepted.**

*Shellfish AP (SAP) (8/26/09) – J. King:*

J. King summarized the minutes indicating there were four aquaculture leases that were reviewed by the panel, establishment of 2009-2010 shellfish management areas openings and harvest periods, and a DEM proposal to modify the bay scallop season based upon North Cape Restoration Program research. J. King reviewed the opening schedules.

**B. Ballou asked if there were any objections from the Council to accepting the shellfish AP report. There were no objections. The shellfish report was accepted.**

### **New Business**

*Council Recommendations on Shellfish Management Openings – J. King:*

J. King stated that the proposals were for all management areas to open on December 9, 2009, Monday, Wednesday, Friday at 8:00 AM to 12:00 PM. Starting January 4, 2010, Western Greenwich will open for the first available Monday, Tuesday, Wednesday, Thursday, or Friday, rain permitting one day per week 8 -12 PM. All management areas will close on April 30, 2010.

B. Ballou pointed out that the current regulations were set aside for Western Greenwich over the past three years based upon the water quality closures in December and January. Now that the water quality restrictions have been lifted, the default would be the existing regulations that were on the books. He read the current regulation to the Council members. Ballou explained that there was a recommendation from the SAP to replace the current regulations with a new regulation that would be a return to where we had been several years ago, which was a Monday, Wednesday, Friday schedule from 8:00 AM to 12:00 PM starting on the second Wednesday of December. This is the proposal that was on the table for the Council to review.

**J. King made a motion for all management area openings; Western Greenwich, Bristol Harbor, High Banks, and Bissel Cove to start on December 9, 2009, with a schedule of Monday, Wednesday, and Friday at 8:00 AM to 12:00 PM for the month of December. K. Ketcham seconded the motion.** There was no Council discussion. Ballou asked for comments from the audience.

D. Erkan stated that he was not clear on the intent at the SAP meeting, if he had know he would

have voiced the Division's concerns about the level of effort despite the regulations providing for that amount of fishing time. The Division had antidotal evidence rather than actual evidence, and had heard from a number of people who were concerned about the summer openings that were eliminated, such as the Memorial Day opening. Since Western Greenwich had the pollution closure, which resulted in a forced management closure, the level of effort was not as high for the last two years as it would have been if it had been open. He indicated that the number of shellfish was not as high as periods in the past. He explained that the clams that were present were important for future brood stock. He felt the current regulations for that area were appropriate rather than the changes being proposed, (the Monday, Wednesday, Friday 8 AM to 12:00 noon).

M. McGiveney stated that the concerns that he heard from D. Erkan were not brought up at the SAP meeting, however they are dealing with ever changing scheduling in this area. As was noted, they lost the opening for December and January because of the water quality for the last two years. Due to that and the high levels of shellfish in these areas they had to work on limiting the hours to this area. December is the time they try to get as much access to this area as they can for the good market period. He explained that it was always hard to plan these schedules due to weather. To address the concerns that D. Erkan presented he stated that they are recommending that after December they would be only one day per week, instead of the normal three day per week. Therefore, he felt it should be open as much as it can for the month of December.

J. Grant stated that he agreed with M. McGiveney. He also wanted to make sure the Council recommendation included changing the days the week before Christmas and New Year's. J. King confirmed that it would.

C. Anderson asked for clarity, if the main advantage was to set a default schedule instead of relying on the discretion of the Director. J. King confirmed this was correct. C. Anderson also asked if the dealers could take a large amount of product at one time if there were closures due to weather and would that drive the price down. J. King indicated that the dealers have not had a problem in the past, but it could affect prices.

D. Erkan clarified his position stating that he was not opposed to the number of days proposed for access. He was in support of reducing the number of hours per day initially. He was concerned about having a gold rush situation and having people take more than their possession limit along with more people fishing the area because of the better prices at that time. J. King felt it was Enforcement's responsibility to enforce the possession limits.

**B. Ballou asked for a vote. The Council voted unanimously in favor, the motion passed.**

**J. King made the next motion to decrease the amount of participation in Western Greenwich only. Starting January 4, 2010, Western Greenwich only, will open for the first available Monday, Tuesday, Wednesday, Thursday, or Friday, rain permitting one day per week 8 -12 PM. K. Ketcham seconded the motion.** There was no Council discussion. Ballou asked for comments from the audience.

M. McGiveney stated that they talked about this last year and compared that schedule to this year's opening schedule. He indicated that one day per week had the least negative effect on the market. He explained that compared to last year they thought the one day per week would work better. J. Grant stated that it was not only because of the market price it was also to keep the

dealers open at that time of year. There were no other comments from the audience.

**B. Ballou asked for a vote. The Council voted unanimously in favor, the motion passed.**

**J. King made the next motion for all management areas to close on April 30, 2010. K. Ketcham seconded the motion.** J. King explained that for the last few years due to the transplants they had to close these areas to accommodate the transplants. He indicated that they have less money for transplants this coming year so they would like to close these areas for the entire month of April. There was no Council discussion. Ballou asked for comments from the audience. M. McGiveney stated his group supported the change.

**B. Ballou asked for a vote. The Council voted unanimously in favor, the motion passed.**

**J. King made the next motion to remove the Memorial Day opening for 2010 in the Western Greenwich Shellfish Management Area. K. Ketcham seconded the motion.**

There was no Council discussion. Ballou asked for comments from the audience.

M. McGiveney stated that they did not see the need to have that area open at that time.

**B. Ballou asked for a vote. The Council voted unanimously in favor, the motion passed.**

**J. King made a motion to continue the February 1, 2010 to April 30, 2010 opening schedule for the five days per week (Monday through Friday) between sunrise to noon for the High Banks Shellfish Management Area. K. Ketcham seconded the motion.** There was no Council discussion. Ballou asked for comments from the audience.

M. McGiveney stated his group supported the change. He indicated it worked out well last year. He wanted to make sure all the proposed regulatory changes were bundled and changed at the same time. He stated there was also a request from his group to include the other Management Areas with this February 1, 2010 opening; however, there has not been a SAP meeting on this topic. He stated they were not asking for this to be decided tonight but looked to J. King to call a SAP meeting to discuss it and see if it would be appropriate.

D. Erkan noted that with the reduction of funding for the transplants for 2011 it would be a case where the Division would likely oppose this type of proposal in the future, after 2010. Because there would be that many fewer clams in the management area, since we are looking for brood stock to remain after the harvest periods are over. For 2010, the Division is comfortable with this proposal.

**B. Ballou asked for a vote. The Council voted unanimously in favor, the motion passed.**

**J. King made a final motion to modify the bay scallop season to open in November, change the dip net harvest season (commencing in 2010) to December, and changes to scallop dredging (commencing in 2009), in Shellfish Management Areas. S. Medeiros seconded the motion.**

D. Erkan explained the North Cape findings. He noted that through their research bay scallops are spawning later than traditionally thought. Current thought was by having the season open as early as it does there is lost recruitment to the restoration effort. By moving the season one month, including the dredging, the Division was hoping that some of the scallops that have not

yet spawned would be able to spawn before being harvested.

B. Ballou explained that the Council would only be able to take up the issues pertaining to Shellfish Management Areas and all other statewide areas would then be subject to notice and a public hearing.

G. Powers confirmed this course of action, and added that if there was a biological bases for a need for the preservation of the resource for a delay in the opening day to occur it does not permit either adequate announcement and receipt of comment from the public. He explained that if there was not an opportunity for a 20-day waiting period after filing with the Secretary of State and if the Division could provide information as to a biological need this could be basis for an emergency filing.

There were questions from the Council directed to D. Erkan to clarify the need to modify the season and prohibiting scallop dredging in Shellfish Management Areas.

B. Smith stated that most of the areas you would find scallops, about 90%, would be in the management areas anyway. He also stated that by changing the date on scallop dredging would not affect anything this year because the population was so low.

**B. Ballou asked for a vote. The Council voted six (6) in favor; J. King, S. Parente, R. Hittinger, S. Macinko, S. Medeiros, C. Anderson, and one (1) abstention, K. Ketcham, the motion passed.**

*Report to Council: Preliminary Assessment Findings-Fluke Sector Allocation Pilot Program – J. McNamee:* J. McNamee gave a power point presentation that was presented at the summer flounder AP meeting. He explained that the sector was comprised of eight vessels. The sector was allocated 176, 370 pounds, which was approximately 11.5% of the state's total allocation. He reviewed a series of slides showing landings through time. The sector averages about 170 pounds per week for the whole time series. He explained that the preliminary sector analysis for the summer period (May – Sept. 15) showed the sector came in under the summer period TAC. McNamee noted that the discard amounts relative to the lands have been very small. The sector has reported to the Division complete and on time each week. He indicated that for the final analysis they would get in to a more detailed analysis and compare the sector with the overall fishery. There was Council discussion about observer coverage.

B. Ballou asked for comments from the audience. C. Brown clarified that originally the sector participants wanted to put observes in places where the most pounds of fish were being caught. However, as things progressed they let the agencies decide which days and how many observer days would be used. He stated that the sector has had nothing to do with the scheduling of observers. There was a comment from a dealer who stated that the sector program, from his perspective, was a very positive program because when the fishery closes there is still supply received from the sector, which keeps a steady stream of product going to consumers. There were some other brief comments from the audience.

*Summer Flounder AP Report (9/24/09) - R. Hittinger:*

R. Hittinger reviewed the minutes from the summer flounder AP meeting. He indicated that summer flounder was no longer overfished and overfishing is not occurring. He explained that J. McNamee reviewed the 2009 performance and in the Winter 1 period there was an overage

which reduced the Summer period by 50 % and 50 % would be reduced in the Winter II period. He commented that there was a review of the sector allocation pilot program as was presented earlier. He noted that the Department had a proposal to terminate the fluke exemption certificate program. He explained that the Department felt that with all the restrictions in place this program was no longer needed. He then reviewed the proposals that came forward; one proposal was for status quo with the daily limit not dropping below 50 pounds per day during the summer period. The next proposal was for 2009 not to be considered a control year for the fluke fishery but to move the control date to 2010. The final proposal was to remove the Friday and Saturday closures, but have the Division first determine what impacts this would have.

B. Ballou added that the Division also had two other proposals; with regard to the sector pilot program - the Division is putting forward the following recommendation if the final analysis proves that the sector met or exceeded the goals the Division would recommend continuing the pilot program on to 2010. Also, the Division proposed some starting possession limits based on a multiple regression model.

S. Parente was opposed to terminating the fluke exemption certificate program. He felt this would increase effort on the fluke fishery.

C. Anderson stated that he had done some economic analysis on landing data and it showed that you do not want to be landing on Friday and Saturday. The price loss was about 8 cents per pound on Friday and about 14 cents per pound on Saturday.

J. King asked what was the primary reason for dealers reporting late. There was a brief discussion about some of the problems, and how these issues were currently being addressed. There were limited comments from the audience on dealer reporting.

**B. Ballou asked if there were any objections from the Council to accepting the summer flounder AP report. There were no objections. The report was accepted.**

*October 21, 2009 Public Hearing Summary Document – N. Scarduzio:*

N. Scarduzio reviewed the items that would be on the October 21, 2009 public hearing docket; the three sector management plans for shellfish, finfish and crustacean sectors, licensing for 2010, and proposed amendment to the winter flounder management plan. She noted that all documents related to the public hearing were posted on the DEM/DFW Marine Fisheries website.

*November 12, 2009 Proposed Public Hearing Items – N. Scarduzio*

N. Scarduzio reviewed the proposed items for the November 12, 2009 public hearing. Fluke quota management proposal; proposal to continue and expand the summer flounder sector allocation program in 2010; proposal to terminate the RI State summer flounder exemption certificate program; scup quota management proposals; black sea bass quota management proposals; proposed amendments to spiny dogfish management plan; proposed adoption of coastal sharks management plan; and proposed amendments to the bay scallop season.

*Approval of Striped Bass AP Agenda – C. Anderson:*

C. Anderson stated that the meeting date listed on the agenda was a date he did not know about and was going to be out of town at that time. He indicated that he would work with Division staff on a different date and reviewed the content of the agenda. Review current striped bass stock

status, development of the 2010 fish trap commercial striped bass season, development of the 2010 general category commercial striped bass season and quota allocation. In addition, discussion of recreational striped bass fisheries and any other business. B. Ballou suggested the Council hold off on any approvals and we would bring it back for approval at the next meeting.

*Director's Roundtable meeting – B. Ballou:*

B. Ballou suggested a meeting date of Thursday, November 12, from 3 – 5 PM. Council members pointed out that was the same date as the marine fisheries public hearing and suggested another date be selected. Ballou indicated he would get back to Council with an alternate date. He pointed out that the group would probably pick up where they left off with shellfish. He would announce a date at the next Council meeting. Ballou explained that the Director remains open to the process and to suggested topics of discussion. They were committed to discussing shellfish because the group missed that topic at the last go around.

*Update on EEZ – B. Ballou:*

B. Ballou noted this was the transiting issue. Ballou stated he, S. Medeiros, and a few others were able to sit down with the new NOAA administrator at which time S. Medeiros took the opportunity to bring up the issue and bring it to his attention. Therefore, this issue has been brought to NOAA's attention and Ballou would be following up. He hoped they would have something to report back at the next Council meeting.

*Policy on Shellfish Aquaculture Lease Review – B. Ballou:*

B. Ballou explained that the policy before the Council had been amended to include the changes the Council suggested from the August Council meeting and was before them for final review and comment. K. Ketcham reiterated that he preferred to receive application materials as hard copies as opposed to electronic versions and it was too cumbersome to print out on his home printer. He preferred to look at a map and charts of proposed sites. D. Buetel stated that the maps were included with the application materials. He suggested that Ketcham just scroll to the pages that he was interested in and just print those pages instead of all the application materials.

B. Ballou pointed out that the Council stated clearly that they wanted all the information however the problem is that there is often so much information and it makes it difficult to run copiers and run large postal bills as opposed to receiving material electronically. S. Medeiros stated that in the past he would always get large packet with all the information and he would go right to the maps to see where the site was located. However, he appreciated receiving the electronic version by email this time so he could just scan the material and view the sections he was interested in, and print out what he needed. He suggested just sending one hard copy to K. Ketcham if he preferred that method.

S. Parente stated he had a concern regarding the elimination of agenda item 5b *Council recommendations on aquaculture lease applications (if necessary)*, he was at the SAP meeting when the leases were being discussed and he was unaware that DEM/DFW had an issue with one of the leases. He did not notice staff's recommendations/memo until he received his packet for the Council meeting. He was unsure how this would play out under the current Council review policy. B. Ballou stated that he understood his concerns, and explained that the Council had an obligation to give comments to CRMC and the Department also had an obligation to give CRMC comments. Therefore, the Department's concerns would be relayed to CRMC separate from the Council. B. Ballou asked the Council what they wanted to do. There was discussion between Council members. J. King suggested that he, Ballou, and Buetel get together to try to work out

some of the kinks pertaining to the review policy and report back to the Council. Ballou stated they would continue to work on the policy but for tonight he suggested they let things ride unless the Council had any issues on the Block Island lease application or the review policy. There was further discussion by Council members on how to proceed. **The Council decided to go forward with the SAP recommendations on all four-lease application proposals.**

*Review of AP Chair & Co-Chair positions, vacancies, AP candidates, and consolidation of AP's*  
– B. Ballou: B. Ballou pointed out that he did not think there was a quorum at any of the AP meeting that reported tonight, except for the Shellfish AP. He felt this was an issue and it was important to get people to attend the AP meetings. Possibly consolidation of the AP's might be a way to overcome the problem. R. Hittinger pointed out that at the fluke AP meeting there were a number of members missing with out representation from the various user groups. He wanted to see people who would be more active and represent their user group's interest. K. Ketcham indicated that from discussions with some of the members of the AP's that recently met, no notifications were sent out to notify them of the summer flounder meeting. N. Scarduzio indicated that notices were sent out via the marine fisheries listserve. K. Ketcham suggested that possibly not everyone is listed on the listserve. C. Brown stated that he did not get a notice, but he was not sure if he was a member of the listserve or not. B. Ballou suggested that the Division could put together email lists for each AP group in addition to the listserve. G. Tremblay asked how would members with out a computer be notified. R. Hittinger stated that members needed to be notified of meeting if we wanted them to attend meeting. B. Ballou indicated that we would try to work something out with that one individual, but most people have computers.

S. Medeiros stated that at some point the Council needed to revise the required number of AP members needed on each AP. The Council was so focused on creating a slot for every possible user group that it is making fourteen member AP's where members do not show up and a quorum cannot be achieved. He suggested that they enforce the rule where if you do not show up after three times, you are removed from the AP or if they are not interested in showing up then reduce the number of participants so a quorum can be met. In other words, do not fill the empty slots. There needed to be a way to fix this. The Council has been going through this for years and we are not fixing the problem.

B. Ballou offered a suggestion for consolidating some of the AP's and referred Council members to a handout in their packets. Keep IAC, and Enforcement AP's. He went through the list and Council members discussed other possibilities. There was agreement to incorporate any gear related issues such as the Floating Fish Trap AP to be heard by the IAC. The next consolidated group the Council agreed with was an AP to include the following species: tautog, striped bass, and bluefish/weakfish. Groundfish Federally Mgt. species and Winter Flounder AP would be grouped together. Then a combined summer flounder, scup/black sea bass AP. Then menhaden, shad, and herring AP. Then a separate lobster AP and a separate shellfish AP. This would consolidate AP's down to eight (8) AP's.

C. Anderson stated that they seem to be obvious groupings but it would not make the quorum issue any better. He explained that now you have other members from other AP's that may not be interested in one species and they may not show up for that meeting because the species they were interested in was not on the agenda. He stated if quorum was what they were concerned about, they needed to have twenty-five panels. Other Council members agreed consolidation of AP's would not fix the quorum issue. The Council indicated that there needed to be further thought as to how to fix the problem before consolidating AP's. **The Council agreed to remain**

**at status quo for now.**

B. Ballou offered that the Council may want to do something else. If at an AP meeting there is good representation from the different user groups so the process is well informed to get good input, may be the best thing to do is to make sure that people know about every AP meeting and that they attend and the room is filled with people that have something to say. There were comments from the audience and continued discussion from the Council.

K. Ketcham explained that he thought it was up to the chairman of each AP to determine if there was appropriate representation and if so bring the information forward to the Council. He felt there was little the Council could do to change matters enough to get people to show up to AP meetings. He felt it was a waist of time to try to keep up with the membership roles and conduct an annual membership drive. N. Scarduzio stated that she agreed with K. Ketcham because in the past staff has gone through each AP membership list and conducted membership drives to the point where currently most slots have been filled. It was more a matter of members not showing up. If absences continued to occur, the chair of each AP should recommend removal as K. Ketcham has done.

There was Council discussion and agreement to combine the winter flounder AP and the groundfish AP since D. Preble would be leaving the Council, therefore K. Ketcham would become the Chair for both. There was also discussion about co-chairs and vice chairs. **The Council agreed that there should only be one chair and if that chair could not conduct the AP meeting they would call another RIMFC member to fill in for them.**

The Council went on to the next issue, which was the review of a candidate for the IAC. B. Ballou indicated there were a couple of people who were interested but only one person who responded with an application. **J. King made a motion to appoint S. Arnold to the IAC as the primary commercial trawl in-shore representative. S. Medeiros seconded the motion. There were no objections to appointing S. Arnold to the IAC as the primary commercial trawl in-shore representative, he was appointed.**

*Update on whelk regulations – M. Gibson:*

M. Gibson stated that the Division filed new regulations for a 2 1/5 inch minimum width requirement that went in to effect on September 16, 2009. This had been approved by the Council and went to public hearing some time ago. He indicated that the Division declined to go forward with the other measures at this time. Staff was conducting surveys and once that was completed, the Division may come forward with other recommendations.

*NEFMC meeting updates –M. Gibson:*

M. Gibson referred the Council to the report that was in their packets. He stated that the NEFMC was currently in the process of amending all their fishery management plans to come in to compliance with new requirements. He reviewed various aspects of the report.

*Status of appointments for RIMFC, ASMFC – B. Ballou:*

B. Ballou stated that R. Bellevance had been appointed by the Governor to fill D. Preble's seat on the RIMFC. He still needs to be confirmed by the Senate and that should occur by the end of the month. With regards to the ASMFC appointments, the Department received a half a dozen applications and the Director will be scheduling appointments with those candidates. It was understood that the Senate would not take those conformations up until January.

*NMFS – State Marine Fisheries, Directors, Biennial Conference, meeting summary – B. Ballou:*  
B. Ballou stated that he attended the meeting last week and it was a very good meeting. He indicated that a meeting summary was being developed and he would rather wait for that to come out and have the report placed in to next months Council packet so Council members could read the report for themselves and he could answer any question.

**FYI**

*Recent actions pertaining to recreational black sea bass and commercial scup- B. Ballou:*  
B. Ballou stated that the NMFS closed the recreational black sea bass fishery in federal waters due to overages.

Regarding commercial scup, the Division just learned this past Friday that we had been tracking a quota that turned out to be more than RI's actual quota. Once it was called to our attention we realized we were over and we had to immediately enact a closure. The federal government enacted a closure that goes in to affect later this week.

Chairman B. Ballou adjourned the meeting.

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Nancy E. Scarduzio, Recording Secretary