



Rhode Island Marine Fisheries Council

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October 7, 2013
URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

MEETING MINUTES

Chairperson: B. Ballou

RIMFC Members Present: K. Booth, R. Hittinger, R. Bellavance, D. Monti, W. Mackintosh, J. Grant, C. Rein, M. Rice

DEM: G. Powers, J. McNamee, E. Schneider, N. Lengyel, K. Smith, J. Lake, P. Duhamel, Sgt. Tom Silvia.

Public: Approximately 12 people attended the meeting.

1. **Approval of the agenda:** *B. Ballou* inquired as to any suggested changes to the agenda. *J. Grant* requested to add a Shellfish advisory panel meeting to discuss winter shellfish harvest schedules in Shellfish Management Areas. *B. Ballou* offered to add this as item 4h. Hearing no other requested modifications on the agenda, the revised agenda was approved.
2. **Approval of RIMFC meeting minutes from September 9, 2013:** *B. Ballou* inquired as to any modifications to the minutes or any objections to approving the minutes. *M. Rice* offered a motion to approve the minutes; 2nd by *K. Booth*. The motion passed with a vote of 8 – 0.
3. **Other matters not on agenda:** *B. Ballou* inquired to the Council and then the public as to any matters not on the agenda. A member of the public was concerned about boats harvesting Menhaden in Narragansett Bay and the impacts to Bluefish and Striped Bass. *J. McNamee* offered that regulations allow for trawling in Narragansett Bay and offered that these boats may also be harvesting scup, squid, and Mantis shrimp. The matter was taken under advisement.
4. **Presentation of the DEM/TNC artificial reef proposed sites in Narragansett Bay by Steve Brown (TNC) and Nicole Lengyel (DFW):**

N. Lengyel provided a summary of the project. *S. Brown* the provided an overview of the process, and the mapping tools and criteria used to select the three sites now under consideration for the project; and offered that he was soliciting input with regard to the selection of these sites or any conflicts of use that may be present. *W. Macintosh* asked if the three sites should be located further apart in order to better understand success for the entire Bay. He asked if existing reef sites (Jamestown bridge sites) were being monitored in order to determine if desired species are recruiting; to which *S. Brown* replied that they were. *J. Grant* asked uses that would be incompatible with the reef site, such as trawling and trapping; to which *S. Brown* replied that hook and line fishing would be allowed but pot fisheries would be prohibited. A member of the

audience asked about control sites; to which *S. Brown* replied that Spar and Dyer islands would serve as control sites. *B. Ballou* asked if it would be determined if the reefs are resulting in increased biomass or only a redistribution of existing species; to which *S. Brown* replied that the control sites should aid in determining this. *D. Monti* inquired as to fishing pressure at the sites would be restricted, as he was aware that fishing was occurring in these areas. *S. Brown* replied that he expects to have dialogue with various groups and the local communities to better understand the existing uses and attempt to minimize conflicts. *J. Grant* offered that contact should be made to K. Eagan to understand other fishing uses at the sites. *W. Macintosh* offered that he would like divers to monitor loss of fishing gear at the sites and to determine if changes may be needed to minimize these losses. *K. Booth* asked about timeframe to restricting fishing activity at the site; if any restrictions would be lifted upon completion of project in 2017. *N. Lengyel* responded that activity would be restricted during the study period but needed to find out about this upon conclusion of the study.

5. **Proposed Striped Bass AP meeting/agenda (date TBD):** Motion made by *R. Hittinger* to approve the meeting and agenda; 2nd by *M. Rice*. **The motion passed by a vote of 8 – 0.**

6. **Presentation of RI Saltwater Recreational Fishing License Program Report by *K. Smith* and Council determination as to whether program is continuing to meet its intended purpose:**

B. Ballou provided an overview of the Council's role in the review of the program; which is to determine if the program is meeting its objectives and to recommend modifications. *K. Smith* provided a presentation and overview of the program. Upon conclusion of the presentation, *B. Ballou* inquired as to the trends in licensing and why numbers of licenses seems to have plateaued. He asked if the rate of compliance was known; if all persons fishing recreationally have a license. *K. Smith* offered that increase outreach and enforcement efforts may generate better compliance. *C. Rein* offered that he thought the number of licensees (42,000) seemed low and asked if there was a way to determine percent compliance. *K. Smith* offered that reciprocity with Conn., Mass, and NY may be a factor resulting in a lower number of RI licenses. *T. Silvia* provided that most license checks he performs are compliant, and also that most licenses are from out of state. *K. Smith* offered that he would check with these other states to determine if there was a way to determine percentage of out of state licenses being used. *D. Monti* offered it might be helpful to understand neighboring state programs and how they determine compliance. *R. Hittinger* commented that as a restricted receipt account, it is important to be sure the funds are continued to be spent appropriately for the intended purpose to assure the continued viability of this account. *K. Smith* offered that the categories of expenditures within the account could be looked at to assure appropriate spending. *C. Rein* offered that the expenditure on public education seemed low relative to other years and the upcoming year, and that it might be useful to have additional enforcement in order to determine compliance. *B. Ballou* offered that it had been discussed in the past to use this money for additional enforcement and that it would be appropriate to review the specific types of expenditures at this juncture in the program. *M. Rice* asked if the data could be supplemented with data from Enforcement, which could then be used to estimate license saturation levels and determine necessary steps to increase license compliance. *M. Bucko* offered that he was in support of the enhancing the MRIP collection data, but that the program is too dynamic and evolving at this time and therefore does not support investing in state purchased add-ons at this time. *J. McNamee* offered that it would be important for the Division to monitor how NOAA allocates their funds to be sure the Division isn't

penalized for add-ons that have been purchased. *J. Lake* offered that he thought better effort could be made to obtain compliance with the occasional fishermen. *K. Booth* asked what the participation rate for surveys is in order for the data to have statistical validity and be useful. *B. Ballou* offered that he thought that MRIP was reviewing this. *R. Hittinger* offered a motion that the licensing program is continuing to meet its intended purpose; 2nd by *D. Monti*. **The motion passed 8 – 0.**

7. **Need to hold a captain’s meeting prior to the 2014 Atlantic herring fishing season:**

J. Lake provided a summary of agenda item and the issues for the Council to consider in determining if the meeting was necessary. He concluded that he did not believe there was a need to hold the meeting, as he did not anticipate many new applicants, there are no new management measures proposed, and no gear conflicts that he was aware that would precipitate the need for the meeting. He offered that any prospective applicants could meet with him on an individual basis. He offered that there was a need to address River herring bycatch as this species is rebounding. *R. Hittinger* asked if changes could be made to the River herring avoidance procedures to reduce River herring bycatch. *J. Lake* offered that solutions are being discussed: namely mapping, closures, and bycatch allowance. *W. Macintosh* offered a motion to **not** hold this meeting; 2nd by *D. Monti*. **The motion passed by a vote of 8 – 0.**

8. **Approval of the meeting minutes of the Shellfish AP meeting (6/12/13), and IAC meeting (7/8/13):**

B. Ballou inquired as to any objections to accepting the minutes and placing on file. Hearing none, the minutes from these two meetings were accepted and placed on file.

9/18/2013 public hearing items:

9. **Finfish Sector Management Plan for 2014:**

B. Ballou provided a synopsis of the Council’s statutory role with deliberating and approving the Sector Management Plans. *J. McNamee* offered that two of the recommendations made in the plan, to 1) cap access to the purse seine and pair trawl endorsements and 2) to discuss options for changing licensing system, were no longer being considered as there has not been significant progress by the IAC with deliberating these matters. These recommendations have therefore been removed from the plan. *R. Hittinger* inquired that the plan appeared to recommending increased effort on Cod and why there would be such a recommendation on a species that is experiencing depleted stocks. *J. McNamee* clarified that the recommendation would be only to maintain current effort and that the matter is not of significant importance for RI as there is minimal commercial fishing for Cod in state waters. *D. Monti* offered a motion to approve the plan; 2nd by *M. Rice*. **The motion passed by a vote of 7 – 0; *R. Bellavance* abstaining.**

10. **Shellfish Sector Management Plan for 2014:**

M. Rice offered a motion to approve the plan; 2nd by *J. Grant*. **The motion passed 8 – 0.**

11. **Crustacean Sector Management Plan for 2014:**

C. Rein inquired about the recommendation in the plan regarding Blue Crab; in that there is not sufficient data to assess stock status in RI State waters but that the recommendation is that there is not a need to limit access to this fishery at this time. *J. McNamee* offered that it is not so much a complete lack of data but that there is not an official stock status. He offered that commercial activity in this fishery is low, which is primarily why the recommendation is to not make changes. *D. Monti* offered a motion to approve the plan; 2nd by *M. Rice*. **The motion passed 8 – 0.**

12. Amendments to the RI Marine Fisheries regulations, “Commercial and Recreational Saltwater Fishing Licensing Regulations”:

B. Ballou offered that proposed amendments to the Licensing regulations would be broken into separate 6 separate sub-parts for clarity in presenting motions and making recommendations.

a. Proposed new endorsement categories for Horseshoe crab biomedical and Horseshoe crab bait:

J. Lake provided a summary of the proposed amendment and the problem with the current administrative process of issuing a permit for the harvest of horseshoe crabs. He offered that the fishery is difficult to manage via the permit, and that management would be effectuated more efficiently via a license endorsement. He informed the group that the current permit process can result in over-harvesting due to late reporting and that there is limited ability to enforce reporting to correct this problem. He offered that as a license endorsement there would be better ability to enforce reporting which would result in more effective management. *B. Ballou* offered clarification that the endorsement is open to all licensed fishermen. He offered that the IAC approved the concept of an endorsement but the group wanted an ad hoc committee to be formed to address further management considerations. *J. McNamee* offered that the Division was fully in support of this amendment in that it would provide for better management. *J. Grant* offered that this item should be combined with item 15 (public hearing item #6) as both of these proposed amendments are mutually inclusive language addressing the same topic; and also offered support for the proposed amendment. He also offered that there was a problem with the current management for bio-medical horseshoe crabs in that some harvesters may be claiming to harvest for bio-medical but may be keeping these for personal bait; that the problem is that there isn't a means to track this harvest or to track if the crabs are actually being sold. He offered that there is a need to document evidence of sale in order to properly manage the fishery, and that there is a need to manage the number of fishermen in this fishery. *A. Webb* offered that she was aware of the problem with the bio-medical crab fishery but that the problem would remain whether by permit or endorsement as the fishery is open. *J. Grant* offered a motion to recommend adoption of the proposed amendment to adopt two new endorsements as presented, but to address a possession limit and a requirement for documentation of bio-medical sales at a later date; 2nd by *M. Rice*. **The motion passed 8 – 0.**

b. Proposed Paper Catch and Effort Harvester and Dockside Sales Logbook Endorsement:

J. Lake provided a summary of the rationale that resulted in this proposed amendment. He offered that federal funding that supports the printing, mailing and data entry associated with the paper logbooks is ending in 2015, thus creating the need to find an alternative source of funding to support this effort. He also offered that there are fishermen that prefer this method of data entry rather than internet (*eTrips*) and that there is a \$25 fee associated with the endorsement. He offered that the IAC was in support of the endorsement. *J. McNamee* offered Division support for the endorsement and the choice for fishermen between paper or internet reporting. A member of the public offered that he was opposed to the fee associated with the endorsement. *M. Rice* offered a motion to recommend adoption of the proposed amendment; 2nd by *R. Hittinger*. *K. Booth* offered that the fee shouldn't be raised in the future as a means to attempt to force fishermen to change to *eTrips*. *B. Ballou* offered that any proposed increase in fees would first need go to public hearing. **The motion passed 8 – 0.**

c. Proposed amended endorsement categories for Scup and Winter Flounder:

J. Lake provided a summary of the proposed language. Regarding Winter Flounder, he offered that the proposed amendment is to sync state regulations with recent changes to federal regulations. As a restricted species, the only means with which to bring federally caught fish through RI waters and to RI ports is via a landing license, which is currently only available to RI residents, which results in reduced catch brought to RI ports. He offered that other vessels that are allowed to land other groundfish species (e.g., cod) cannot do so if these vessels also have Winter Flounder on board. He offered that the proposed amendment would afford these vessels the ability to land in RI. Regarding Scup, he offered that the same situation as Winter Flounder exists for the winter sub-period, and that RI is inhibiting landings to RI ports because of this. He offered that removing scup as a restricted finfish is only proposed for the winter sub-period so as not to negatively impact RI fishermen. He offered that the IAC was in support of this amendment; *J. McNamee* offered that the Division is in support of both of the proposed amendments. *W. Macintosh* offered a motion to recommend adoption of the proposed amendment; 2nd by *J. Grant*. **The motion passed 8 – 0.**

d. Proposed Exit/Entry Ratios for Restricted Finfish, Quahog, and Soft Shell Clam:

B. Ballou offered that the exit/entry ratios applied only to restricted finfish, quahaug, soft-shell clam, and whelk. *J. Lake* provided a summary of the proposed amendment and that there are no changes in the ratios being proposed (status quo) from the prior year. He offered that the IAC recommended nine new licenses for restricted finfish (1:1, eight retired licenses; round up to multiple of three), twenty three new licenses for quahaug (2:1, 46 licenses/endorsements retired), and 11 new licenses for soft-shell clam (5:1, 55 retired licenses/endorsements). New whelk endorsements would only be allowed to current PEL or CFL license holders with quahaug or soft-shell clam endorsements (status quo from previous year). *J. McNamee* offered Division supports the exit/entry ratios and clarified that the rounding up to three procedure was only proposed for restricted finfish and not for quahaug or soft-shell clam licenses; but that the Division would like advice from the Council as to applying the rounding up procedure to shellfish endorsement categories as well. *K. Booth* offered that the overall goals of licensing needs to be examined in order to better recommend management options. *J. McNamee* offered that the Division provides

the Council with status of fisheries and the Council should recommend management options with which to achieve sustainable fishing effort (i.e., exit/entry ratios). *K. Booth* offered a motion to recommend adoption of the proposed amendment, and to apply to rounding up procedure to a multiple of three also to the Quahaug and Soft-shell clam fisheries as well; whelk to remain status quo; 2nd by *J. Grant*. **The motion passed by a vote of 8 – 0.**

e. Proposed Amendments to “Issuance of New Licenses Upon Sale of Vessel and Gear”:

J. Lake provided a summary. He offered that the IAC recommended tabling this matter as there was not consensus on language and that additional IAC meetings were needed to draft better language and reach consensus. *J. McNamee* offered that the Division is not ready to move forward with this amendment; that further discussion is needed prior to offering a recommendation. *W. Macintosh* offered that fishing history should remain with fisherman and not with the boat; he offered that it is premature to offer a recommendation at this time. *K. Booth* offered that it shouldn’t matter if the sale of the business involves sale of the vessel; that it should be allowed to sell the business without the sale of the boat. *W. Macintosh* echoed that the sale should not involve the boat. *M. Rice* offered a motion to **not** recommend adoption of the proposed amendment; 2nd by *R. Hittinger*. **The motion passed by a vote of 8 – 0.**

f. Proposed Amendments to Landing Licenses:

J. Lake provided a summary of the proposed language. He offered that the current number of eleven licenses causes confusion and creates a problem for the Division of Law Enforcement. He offered that the IAC was in support of the proposal. *J. McNamee* offered that the Division was in support of the amendment. *W. Macintosh* offered a motion to recommend adoption of the proposed amendment; 2nd by *M. Rice*. **The motion passed by a vote of 8 – 0.**

13. Proposed amendments to the RI Marine Fisheries regulations “Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs”, regarding LCMA 6 language (section 15.20.3):

J. McNamee offered that the proposed language is an ASMFC compliance issue. *R. Hittinger* offered a motion to recommend adoption of the proposed amendment; 2nd by *J. Grant*. **The motion passed by a vote of 8 – 0.**

14. Proposed amendments to the RI Marine Fisheries regulations “Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs”, regarding the management of Horseshoe Crabs (section 15.24):

This item was motioned and voted on in combination with hearing item # 4 (1st bullet)(*J. Grant* offered a motion to recommend adoption; 2nd by *M. Rice*). **The motion passed by a vote of 8 – 0.)**

15. Proposed amendments to the RI Marine Fisheries regulations “Part X - Equipment Restrictions”, regarding trawling roller gear (section 10.12):

J. Lake provided a summary. He offered that there was concern raised at the IAC meeting that gear currently used is moving boulders, potentially destroying habitat and destroying squid eggs on the south shore. He offered that this language was currently used in Massachusetts as a means to preserve habitat. *J. McNamee* offered that the Division was in support of the proposal. One public comment was received at the public hearing in support of the proposal. *D. Monti* offered a motion to recommend adoption the proposed amendment; 2nd by *K. Booth*. **The motion passed by a vote of 7 – 0.** (note: R. Bellavance had left meeting)

17. Amendments to the RI Marine Fisheries regulations “Part XIX – Fish/Shellfish Dealer Regulations”, regarding non-indigenous Horseshoe Crabs (section 19.15):

J. McNamee provided a summary; in that this was an ASMFC compliance issue and identical language has already been adopted for Part XV. *R. Hittinger* offered a motion to recommend adoption the proposed amendment; 2nd by *W. Macintosh*. **The motion passed by a vote of 7 – 0.**

18. Shellfish AP meeting to address winter harvest schedules in Shellfish Management Areas: *J. Grant* provided rationale for the need of the Shellfish AP meeting to discuss winter shellfish harvest schedule in Shellfish Management Areas. There was no objection to holding this meeting.

19. Need for a November meeting: *J. Grant* offered that there may need to be a meeting if the Shellfish AP votes to amend the winter shellfish harvest schedule (See item 18. above). It was determined that there will not be a meeting unless changes to this harvest schedule are proposed.

Meeting adjourned at approximately 8:50 PM.

Prepared by P. Duhamel