

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
October 25, 2005
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: D. Preble, K. Ketcham, S. Parente, S. Medeiros, G. Allen

Chairperson: M. Gibson

RIDEM F&W Staff: N. Lazar, J. McNamee, J. Lake

DEM Legal Counsel: G. Powers

DEM Staff: R. Ballou

DEM Law
Enforcement: S. Hall

Public: 15 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. J. McNamee stated that there was a suggestion to move agenda item 4a to the beginning of the agenda. M. Gibson stated that item 4a would be moved to item 3. He went on to state that item 6a was not about summer flounder sector allocation, it was simply a follow up from a request by the Rhode Island Marine Fisheries Council (RIMFC or Council) to brief them on economic analysis which takes place during a regulatory process, therefore it would not be stricken from the agenda as suggested in some email traffic. **There were no objections to altering the agenda as suggested.** M. Gibson asked if there were any objections to approving the minutes of the September 12, 2005 Rhode Island Marine Fisheries Council meeting as submitted. **S. Medeiros made a motion to approve the minutes as submitted. K. Ketcham seconded the motion. The motion passed unanimously.**

New Business

Council advice to Director on public hearing items: R. Ballou passed out a handout describing how the Department of Environmental Management (DEM) arrived at the 43 new quahog endorsements. He wanted this clarified because this number had been revised since the Council and the Industry Advisory Committee (IAC) had last been briefed on the licensing changes. S. Medeiros suggested that the chairperson asked the Council if they had any comments, and if they did not, they could make a motion to approve the entire package of licensing regulations and management plans. M. Gibson asked if the Council had any comments. S. Parente wanted it stated for the record that he still felt, as described in the Industry Advisory Committee notes that the current priority

scheme discriminated against rod and reel fishermen from obtaining priority when new endorsements were to be given out. R. Ballou stated that there was only one area where the DEM changes to the licensing regulations differed from the advice of the Industry Advisory Committee (IAC) and that was in the priority standards where DEM did not want to make crew members a second priority tier as suggested by the IAC. DEM suggested that crew members remain in the top priority tier. **G. Allen made a motion to advise the Director of DEM to accept the changes to the licensing regulations and the sector management plans as submitted to the Council and move forward with promulgation. D. Preble seconded the motion. The Council voted 4 to approve (G. Allen, D. Preble, S. Medeiros, K. Ketcham) and 1 abstention (S. Parente). The motion passed.**

Advisory Panel Reports

Lobster: J. King was not present to give the report. J. McNamee gave the report. He stated that the panel met to discuss the effort control plan which was moving through the regulatory process at both the Atlantic States Marine Fisheries Commission (ASMFC) and which also was going to DEM public hearing on November 7, 2005. The meeting started with some follow up items from the ASMFC including the compliance status of some neighboring states. The discussion then went to the effort control plan. The goal of the effort control plan is to maintain the current trap level to at least within 20%. The advisory panel (AP) members gave a few comments about the effort control plan including providing for a grandfather clause which would allow individuals who had good performance earlier in the target years but who may have fallen off due to extenuating circumstances in the most recent years. The AP also commented on the need to make sure individuals would not be able to split permits if a vessel had more than one permit. There was general agreement from the AP that the proposal should go to public hearing for further discussion and comment.

M. Gibson gave a little more background information to the Council on this subject and stated that the process is not as far along as he had anticipated and therefore may not be ready for the November public hearing. Another public hearing may have to be held early in 2006 to complete the public process for these regulatory changes. M. Marchetti stated that the plan is going to continue to run in to the problem of several nuanced and specific problems arising because a plan like this is difficult to enact. He went on to state that there should not be a rush to throw something together and that this plan however it turns out should be well thought out and thoroughly discussed. M. Gibson stated his only concern with delaying too long would be running in to gauge increase regulations which currently exist.

Scup/Black sea bass: K. Ketcham gave the report. The AP went over the landings and fishery performance for 2005. Both the black sea bass and scup fisheries were slow for the current year therefore the possession limits had been above there 2004 levels for the majority of the year. There were to be small quota decreases in 2006. One new proposal was brought forward by J. Low, a commercial rod and reeler. **The AP came to a consensus to remain at status quo for the general category fishery for scup and black sea bass.** The floating fish trap representatives from the east bay had brought

forward a proposal for scup, however the floating fish trap representatives decided to get together to try and come up with a better plan as they were all dissatisfied with the current plan and there was no consensus on the new proposal. There was no discussion by the Council.

M. Gibson had a question for the Council regarding the performance of these fisheries. He stated that both fisheries were slow and asked if they had any suggestions as to how the Division of Fish and Wildlife (DFW) could better manage the possession limits. K. Ketcham stated that he felt the DFW was doing a good job and it was basically that the fish were not there in the numbers they have been in the past and economics played a large role during this current year. D. Preble echoed this sentiment and went on to state that there is a problem with an over abundance of dogfish, which he felt were monopolizing the habitat normally occupied by black sea bass and scup, as well as summer flounder to a lesser extent.

Industry Advisory Committee: J. Lake gave the report. He stated that the panel met to discuss the electronic dealer reporting requirements which would be going to public hearing in November. The majority of the federal dealers in the state were already in compliance with the new regulations however, many of the smaller dealers in the state were not. The new regulations would require them to begin using electronic reporting. The panel had one suggestion for the new requirements regarding the reporting of price. They requested an easier way of reporting prices to the electronic reporting system. The current requirement was for them to report price with each transaction. Since prices were usually stable within a day, they requested the ability to only have to report one price for the day rather than reporting a price with each transaction. They felt the current pricing requirement was burdensome to them. J. Lake informed them that the current requirement is mandated by the federal regulations but this criticism was being discussed at the federal level. The Council had no comments on the report.

M. Gibson informed the Council that he had received word that G. Carvalho had resigned from serving on the Industry Advisory Committee. He asked the Council how they wanted to proceed with replacing him. It was suggested that the DFW do a general solicitation and the Council members were asked to make sure individuals were aware that the solicitation went out so that responses are received.

Old Business

Council comments on 804 spending: M. Gibson stated that he had submitted to the Council at the last meeting a synopsis of the spending which comes from the restricted 804 account. The Council was given the opportunity to review the memo and was now given the opportunity to provide any comments. The Council had no comments but wanted to leave the topic open until the following months meeting. M. McGiveney from the RI Shellfishermen's Association (RISA) suggested using some of the money to supplement the seeding program that his organization was currently undergoing. They had already received grants from several other state and quasi-state organizations but were still short some of the necessary funding. M. Gibson suggested they come forward at the November Council meeting with a formal request which he could then pass along

to the Director of DEM. Some of the Council members decided to provide comments. G. Allen gave a comment on bycatch issues in Narragansett Bay and wondered if 804 money could be used to obtain information on this either through the DFW trawl survey or by other means. M. Gibson stated that the most effective way to get at bycatch is through the use of sea samplers. He stated he would pass G. Allen's comment to the Director with the caveat that sea sampling is needed to figure out bycatch. The use of side by side trawling was discussed.

Coast Guard response on fish trap markings: N. Lazar stated that the Coast Guard had responded to the original request with a number of suggested improvements to the existing fish trap markings. The DFW was now trying to figure out who was responsible for purchasing these new markers and when they needed to be installed. G. Allen stated that it was clear that the responsibility for marking the traps was the floating fish trap companies. He went on to state that there were other requirements in the regulations which were not the Coast Guards but were DEM's. These also had not been followed up. M. Gibson stated that the DFW would get together with staff to review the floating fish trap regulations to make sure the compliance issues were completed. G. Allen requested this topic be placed on the agenda for the November meeting.

Other Business

Economic impact memo from DEM legal counsel: M. Gibson stated that at the prior months meeting a request came from an audience member and then a formal request from the Council to have a brief description of where economic assessment occurs during the regulatory process. DEM legal counsel had drafted a memo for the Council explaining the process. **M. Gibson suggested that the Council could look over the memo and come back at the November meeting to discuss the memo in further detail as the Council was just receiving it that evening. The Council agreed to this course of action.** G. Powers gave a brief synopsis of the memo, stating that he would gladly go in to further detail at the November meeting.

Report on the status of the Harbor Lights marina expansion: N. Lazar stated that this was a follow up item from the previous Council meeting. The status of the marina expansion was that the Coastal Resource Management Council (CRMC) and the DEM had both had hearings on this issue and both organizations had approved the project. M. McGiveney asked if there was any discussion on the request to have the existing shellfish in that area removed and transplanted. N. Lazar stated that he did not know. M. McGiveney stated that the RISA had been working with the DFW on a policy to require the transplantation of shellfish as a permit requirement in any marina expansion projects. M. Gibson stated that there is a draft policy that exists and he will follow up on this policy.

Post agenda discussion

S. Medeiros brought up the river herring issue again, in order to not let it get too late to act for 2006. J. McNamee stated that the DFW had called a workshop with our neighboring states where state biologists and policy makers were going to get together and compare notes on these species. From the workshop, a report would be developed which would then be brought before the stakeholders of the states.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary