

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Summary of Minutes from Monthly Meeting**  
**November 1, 2011 – 6:00PM**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

RIMFC Members Present: C. Anderson, R. Bellavance, K. Booth, J. Grant, R. Hittinger,  
D. Monti, C. Powell, and W. Mackintosh, III  
RIMFC Members Absent: None  
RIMFC Chairperson: B. Ballou

RIDEM F&W Staff: N. Scarduzio, D. Costa, J. McNamee, M. Gibson  
RIDEM Staff: R. Bianculli, Jr.  
RIDEM Law Enforcement: D. White

Public: 20 people attended

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. R. Hittinger asked to add item (5)(i) status of the whelk meat harvesting issue that was brought up at the last Council meeting. K. Booth asked about item (5)(f) regarding the fluke exemption certificate program and the action to make recommendations to the Director. B. Ballou indicated that since part of this issue was going to be addressed at the November public hearing it was the Division recommendation to postpone the discussion until after the public hearing. **B. Ballou asked if there were any objections from the Council to removing item (5)(f) from the agenda. Hearing none, the item was removed from the agenda and the November 1, 2011 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 October 3, 2011, Council meeting. **C. Powell made a motion to approve the minutes from the October 3, 2011 Council meeting. R. Hittinger seconded the motion. The Council voted unanimously to approve the minutes from the October 3, 2011 Council meeting as written.**

**Public Comments**

G. Carvalho stated he had an issue with item 5f (fluke exemption certificate program) going to public hearing when it had not been fully vetted yet. He indicated that the issue was brought up at the last fluke AP meeting and it was not part of the agenda for that AP meeting. Now it suddenly ends up as a public hearing item. He wanted the item to go before the fluke AP or a working group to fully discuss all aspects of the program not just one or two aspects. He felt the process was backwards.

B. Ballou stated the issue was addressed at the last AP meeting and one portion of the program was deemed appropriate to move forward to the public hearing, which was to increase the poundage.

R. Hittinger clarified that the Fluke AP agenda was broad enough to allow for discussion on this topic.

S. Parente also voiced concern about how the item discussed at the AP got to the public hearing without any motion or being voted on. It noted it was a casual comment. There was no request to bring it forward, and yet here it is. Here requested the item go back to the Fluke AP for further discussion.

### **Advisory Panel Reports**

*Lobster (10/26/2011) – J. Grant:*

J. Grant reported there was light attendance and no quorum. They reviewed work completed by the trap definition working group. The panel recommended that the issue be addressed by a larger working group and requested that the RIMFC task other advisory panels that have associated trap/pot fisheries to consider trap/pot tagging requirements for those fisheries. There was consensus by the lobster advisory panel (LAP) to request that other trap/pot fisheries consider requiring special trap tags, such as those used for the lobster trap fishery, to identify the species being targeted by that trap/pot. The group made consensus recommendation on a number of the items listed on attachment #1 of the (LAP) minutes, but thought the issues should be addressed by a larger working group. J. Grant suggested the issue be presented to other advisory panels or the IAC for further discussion.

There was discussion about moving the issue to another forum possibly the IAC. R. Bellavance noted he was the chairperson for the IAC and he indicated that we already had this discussion and we decided to form a working group so that group could address all traps/pots. He pointed out that the IAC had a shellfish representative but not necessarily a whelk fishermen. He explained he thought the solution at that time was to create the working group, which he was part of for a while and he was not sure how it got sent back to the LAP. He noted the working group was doing some good work. He noted if it needed to go through the IAC that was fine, but reminded Council members there was no dedicated whelk person on the IAC.

B. Ballou agreed if there was already a working group established he did not want to lose that momentum. He was not sure why this was bounced around from the IAC to a working group to the LAP. M. Gibson asked the Council how they would like to see the flow of advice back to them. There was discussion whether to send the working group's list of recommendations to the IAC for further review and that there was a need to describe each trap/pot used in each of the fisheries. R. Hittinger stated that bring up the issue of describing each trap/pot seems like it would be throwing it back to the working group. He pointed out that we have a list of recommendations we need a way for these items to come to the Council, the IAC is not going to be looking at all new ideas they will be looking at this summary of recommendations and deciding which ones should go through.

M. Gibson explained that ultimately, it was the Division and the Department that would have to take all of the recommendations and draft the definitions; the Council would not do that we would do that. Then it would have to go through a process, a public hearing and promulgation by the Director. He stated he was comfortable with where we were but did not relish the workload down the road of what we would have to do to put it together. We did not ever think that this body or the advisory panels were going to write the definitions. Give input, but not write the definitions.

B. Ballou asked if there were any objections from the Council to move this issue to the IAC for further review. Hearing no objections, that would be the course of action.

## **New Business**

### *Brief Overview of the Commercial Licensing Program – B. Ballou:*

Since most Council members were new to the RIMFC, B. Ballou gave a brief overview of the commercial licensing program before they deliberated on 2012 licensing items from the October 17, 2011 public hearing.

### *Council recommendations on October 17, 2011 Public hearing items:*

#### 1) Shellfish Management Plan and licensing - Quahogs

**C. Powell made a motion to recommend that the Director remain at status quo with the current standard of a 2:1 exit/entry ratio in the quahog fishery, applied to eligible licenses (MPLs + PELs w/QH) that retire - allowing for 27 new CFLs with quahog endorsements available in 2012. R. Belavance seconded the motion.**

There was no discussion from the Council on the motion.

G. Carvalho made a point that the number of quahog licenses that would be made available would fall short of filling the number of applicants that would apply for these licenses.

**B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director remain at status quo with the current standard of a 2:1 exit/entry ratio in the quahog fishery, applied to eligible licenses (MPLs + PELs w/QH) that retire - allowing for 27 new CFLs with quahog endorsements available in 2012. The motion passed 8/0.**

**C. Powell made a motion to recommend that the Director adopt the 2012 Management Plan for the Shellfish Fishery Sector. D. Monti seconded the motion.**

J. Grant stated he had a concern with the wording in the Shellfish Management Plan with regard to clarifying legitimate harvest methods. He felt the word “loopholes” on page 10 was a false characterization of what was occurring. He mentioned that the sentence stated “to close loopholes” which made it sound like it was illegal or closed and he stated he did not see it that way.

B. Ballou indicated that the Division would take the suggestion under advisement to see if it could be worded differently but the plan could still be approved subject to modifying the wording. D. Monti stated that was the only comment it was not like there were many edits implying that he did not see any reason why the plan should not be recommended for adoption.

R. Rheault made a comment about dredging and what other meanings the word might have, like lifting soil, he suggested it should be defined somewhere in regulation or incorporate regulations on dredging in the regulations.

**B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the 2012 Management Plan for the Shellfish Fishery Sector, with the friendly amendment to consider rewording the word “loophole”. The motion passed 8/0.**

#### 2) Shellfish Management Plan and licensing – Soft-shell Clams

M. Gibson stated the more recent soft-shell clam surveys showed very low densities in the fished areas. The densities were very low even lower than what was previously stated in the information provided to the Council.

B. Ballou asked if there was a motion.

**C. Powell made a motion to recommend option #2 to the Director, no new soft-shell clam endorsements for 2012, based on the condition of the resource. There was no seconded to the motion, therefore the motion failed.**

D. Monti noted there seemed to be a split between the IAC and the Division. There was brief Council discussion about the differences between the options presented.

**R. Hittinger moved to consider a compromise and made a motion to recommend that the Director adopt option 3, to remain at status quo with the current standard of a 5:1 exit/entry ratio for the soft-shell clam fishery applied to all eligible licenses (MPLs + PELs w/SS + CFLs w/SS) that retired. Allowing for 12 new CFL's with soft-shell clam endorsements to be made available in 2012. D. Monti seconded the motion.**

**B. Ballou asked for a vote. The Council voted in favor to recommend that the Director adopt option 3, to remain at status quo with the current standard of a 5:1 exit/entry ratio for the soft-shell clam fishery applied to all eligible licenses (MPLs + PELs w/SS + CFLs w/SS) that retired. Allowing for 12 new CFL's with soft-shell clam endorsements to be made available in 2012. In favor: (C. Anderson, R. Bellavance, K. Booth, J. Grant, R. Hittinger, D. Monti, and W. Mackintosh, III); opposed: C. Powell. The motion passed 7/1.**

### 3) Shellfish Management Plan and licensing – Whelk endorsement

M. Gibson reported that it looked like we had just crossed over the overfishing threshold. He pointed out that the Division did not have the catch system and quota system in place that we have for other species. He added the creation of a whelk endorsement would facilitate requiring logbooks for reporting purposed as well.

**D. Monti made a motion to recommend that the Director establish a whelk license endorsement. R. Bellavance seconded the motion.**

There was Council discussion about the motion. J. Grant raised the issue about continuing to create new endorsements and that the cost associated with a PEL compared to a MPL was significantly different. He felt there was a huge discrepancy between the costs of each of these licenses. B. Ballou indicated that issue would need to be addressed by the general assembly.

There was discussion about the new endorsements only pertaining to PEL and CFL licenses and not MPLs.

**B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director establish a whelk license endorsement. In favor: (C. Anderson, R. Bellavance, K. Booth, J. Grant, R. Hittinger, D. Monti, C. Powell, and W. Mackintosh, III). The motion passed 8/0.**

### 4) Finfish Management Plan and licensing

M. Gibson noted there may be some changes in the stock status for scup and summer flounder coming down the pipeline and they may not be as favorable as was noted earlier. He explained that both stocks are still in very good shape but at this time he was uncertain as to what the federal changes might be however, he indicated he was comfortable with the proposed 1:1 exit/entry ratio.

B. Ballou asked if there was a motion.

**D. Monti made a motion to recommend that the Director adopt the new standard of a 1:1 exit-entry ratio applied to active, eligible licenses (MPLs + PELs w/RFF) that retired – allowing for 6 new PELs with restricted finfish endorsements to be made available in 2012. C. Powell seconded the motion.**

R. Hittinger pointed out that the difference we were talking about is only three licenses. He felt this would not make any significant difference. He stated he was in support of the motion.

**B. Ballou asked for a vote. The Council voted unanimously to approve the motion to recommend that the Director adopt the new standard of a 1:1 exit-entry ratio applied to active, eligible licenses (MPLs + PELs w/RFF) that retired – allowing for 6 new PELs with restricted finfish endorsements to be made available in 2012. In favor: (C. Anderson, R. Bellavance, K. Booth, J. Grant, R. Hittinger, D. Monti, C. Powell, and W. Mackintosh, III). The motion passed 8/0.**

**J. Grant made a motion to recommend that the Director adopt the 2012 Management Plan for the Finfish Fishery Sector. D. Monti seconded the motion.**

There was no Council discussion.

**B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the 2012 Management Plan for the Finfish Fishery Sector. The motion passed 8/0.**

#### 5) Crustacean Management Plan and licensing - Lobster

**J. Grant made a motion to recommend that the Director adopt the 2012 Management Plan for the Crustacean Fishery Sector, and recommended that the Director remain with status quo for the lobster fishery - no new lobster endorsements for 2012. K. Booth seconded the motion.**

The Council made no comments.

S. Parente had a question about a bullet item on the power point slide; he wanted to know where in the regulations it was stated that anyone who obtained a lobster trap allocation, via the (*pending*) transfer program, would be eligible to obtain a PEL with a lobster endorsement. He felt it was not in current regulation.

B. Ballou pointed out that there was no transfer program so regardless of whether that lives or does not live in regulation it has no current implication. Ballou stated he would check the regulations to determine if it existed. If it existed in current regulation then it is what it is, if it was not in regulation, then that statement on the slide would need to be changed.

**B. Ballou asked for a vote. The Council voted unanimously to recommend that the Director adopt the 2012 Management Plan for the Crustacean Fishery Sector, and recommended that the Director remain with status quo with regard to lobster licensing - no new lobster endorsements for 2012. In favor: (C. Anderson, K. Booth, J. Grant, R. Hittinger, D. Monti, C. Powell, and W. Mackintosh, III). The motion passed 7/0. [Note: R. Bellavance had left the room and did not vote on this item.]**

#### 6) Crustacean Management Plan and licensing – Horseshoe crab

J. Grant wanted clarification that the horseshoe crab endorsement would only be on a PEL and CFL and not required for a MPL. B. Ballou indicated that was correct.

J. Grant pointed out that if only the PEL and CFL holders would get the endorsement that still left out the reporting for the MPL holder. The MPL would still need to be addressed and given permission to harvest horseshoe crabs. He felt there would still need to be some sort of permit for the MPL holder and this did not fully accomplish what the Division wanted to accomplish

**J. Grant made a motion to recommend that the Director remain with status quo – to keep the current no-fee horseshoe crab permitting process conducted by marine fisheries staff, and not create a horseshoe crab endorsement. R. Hittinger seconded the motion.**

There was discussion as to the quirks between PEL and CFL holders and the MPL holders.

M. Gibson stated by creating the endorsement then people would have to report catches with logbooks. He noted that MPL holders are also required to complete logbooks.

D. Costa explained that by creating an endorsement we create a means for the Department to not renew a license if someone does not report. The Division has no measure of control right now.

J. Grant pointed out that the people who are harvesting horseshoe crabs currently are required to complete logbooks. He indicated in the fishery there needed to be rapid reporting because the quota was used up so fast therefore; the reporting would need to be faster than the reporting via logbooks. He had concerns that we were going to make a new endorsement and we still would have a problem with the need for rapid reporting because the quota could be met in a few weeks.

C. Powell stated this was a very sensitive fishery and we need to be conservative. This was a fishery that could not take very much pressure. He noted that we needed to be cautious.

Audience members were in agreement with J. Grant's comments.

**B. Ballou asked for a vote. The Council voted to recommend that the Director remain with status quo – to keep the current no-fee horseshoe crab permitting process conducted by marine fisheries staff, and not create a horseshoe crab endorsement. In favor: (K. Booth, J. Grant, R. Hittinger, and D. Monti); opposed: (C. Powell); abstained: (R. Bellavance, C. Anderson, W. Mackintosh, III). The motion passed 4/1/3.**

7) Proposed amendments to the commercial fishing licensing regulations concerning the requirements for the transfer of a commercial license upon the sale of vessel and gear:

K. Booth indicated he had some concerns about the proposed changes. He pointed out the proposed language under section 6.7-8(b) was confusing. The term "actively fished" was different from an "active license". An active license is one sale per year, actively fished is 75-trips in a two-year period. This was also tied to section 6.8-8 which was the definition. He explained if the goal was that, you have to own that same boat for the 2-year period this language does not do it. He stated he was not advocating this; he was just not sure what the intent was.

There was Council discussion about different scenarios.

M. Gibson indicated the Licensing Office brought this item forward and it was not a time sensitive issue so the Council does not have to act on this item tonight. He suggested that the Department further review the proposal and bring it back to the Council at a future meeting. B. Ballou agreed.

B. Ballou stated there was no motion made so the Council will not take any action at this time

and the Department will further review the proposal and bring it back to the Council at another meeting. There were no objections from the Council to proceed in this manner.

8) Proposed amendments to the commercial fishing licensing regulations to remove scup from the list of restricted finfish species:

M. Gibson indicated this proposal was in response to the large increase in scup quota this year. He explained that they wanted to engage all fishing power in order to use up the quota.

The Council raised concerns about how fast the species could become overfished and how fast could the Division have scup returned to the restricted species list.

B. Ballou indicated the people that were allowed in to the fishery would probably have to be grandfathered in before returning scup to the restricted finfish list. He felt it would be difficult to grant someone the right to the fishery then take it away.

K. Booth commented that he had the same concerns. He was more inclined to have the Director come up with a mechanism to suspend or allow fishing of scup without give a whole segment a grandfather right incase the fishery changed over the next few years.

There was Council discussion about trading some of the state scup quota for black sea bass quota with some other state.

**C. Anderson made a motion to recommend status quo to the Director - to leave scup on the list of restricted finfish species. K. Booth seconded the motion.**

G. Carvalho suggested that we first need to utilize our current fishing capacity and suggested having no possession limit for the fishermen in the fishery now. If we see at the end of the season, that they do not have the capacity to harvest our quota, then open it up as an open fishery. He explained this year weekly limits were caught in one day so we have not exhausted our capacity.

R. Fuka supported G. Carvalho's comments. He felt we have not given industry a chance to react to having too many fish to catch or to a new market. He indicated that people were trying to come up with new strategies to market the product but we were not giving it a chance yet. He asked that the Council give industry a chance to react.

T. Jackson, American Alliance of Commercial Fishermen, stated she agreed with the comments and noted that we needed to be careful with the increases that we were getting. She was concerned about depleted resources down the road.

**B. Ballou asked for a vote. The Council voted to recommend that the Director remain at status quo - to leave scup on the list of restricted finfish species. In favor: (C. Anderson, R. Bellavance, K. Booth, R. Hittinger, D. Monti, and C. Powell), abstained:(W. Mackintosh, III). The motion passed 6/1. [Note: J. Grant had left the meeting and was not present for the vote]**

*Recreational Saltwater Fishing License – Accountability and Oversight Report – B. Ballou:*

B. Ballou solicited comments from the public and recommendations from the Council on the report. R. Hittinger made a comment that one of the recommendations that the Council made to

the Director last year was to look into the depletion of winter flounder in RI waters. There was no mention of work on winter flounder or reestablishing winter flounder as part of the work that was going to be done with the proceeds from the licensing sales. If an individual was going to be hired to work under the recreational fishing licensing program he would like to see that person have a specific task of evaluating winter flounder depletion and doing whatever possible to improve the winter flounder population. M. Gibson confirmed this would probably be a task this individual could perform. He stated the Division had done some work on the winter flounder issue and they were waiting for the federal stock assessment review committee to complete their work.

D. Monti complimented the Department on a very thorough job of accounting of the money, reporting it, and then coming up with some very good uses for it.

C. Powell stated that some of the communities were not aware that there was funding available for boat ramps. He suggested there should be a better outreach program to inform communities.

B. Ballou solicited comments from the audience.

An audience participant asked if they could gain access to a copy of the report. Ballou stated that the report had been posted on the DEM website. J. Macari asked how many licenses were issues. Ballou responded that 36, 973 had been issues, and the report broke down the different categories.

S. Parente asked if there were any funds allocated to enforcement. Ballou indicated not in this current budget proposal but there was an interest in exploring that for future years. S. Parente commented that would be an important aspect to consider.

J. Carvalho asked how many non-residents fished in RI with a non-purchased RI license, a reciprocal license. B. Ballou stated that we do not know that information. Carvalho stated that statistic would be extremely important to know because that figure would represent the amount of revenue that was lost by engaging in a reciprocal agreement. He stated that far more people come to RI to fish than Rhode Islanders go to other states to fish. RI has the fish and RI has the access that was why they all come to RI. J. Carvalho commented that from day one it was his concern of the loss of revenue from the non-residents who buy a license in MA, CT, or NY and then come here to use our facilities while RI residents are paying for them. Carvalho pointed out that the state of RI could have just requested people to register. Now it is a privilege by purchase. Non-residents who purchased a license from their own state come to RI and enjoy our resources while the revenue goes to their home state where they purchased the license.

J. Carvalho requested that the figures should at least be identified so RI knows how much revenue it is losing by engaging in a reciprocal agreement.

J. Barker stated that the report was well done. The proposals and the funding seemed to be prioritized well but he had two concerns; (1) in proposal #4, which proposed to have a person in charge of a multitude of duties, he questioned the ability of anyone to “properly” handle all of the issues described in that itemized job description. He also wondered if making that person the principal point of contact if that just adds another layer of bureaucracy. Normally if you have an issue you would attend an advisory panel. He felt you would lose this by adding another layer of bureaucracy. (2) He had concerns about using dedicated funds for increased law enforcement other than checking licenses; he wanted to know what percent of revenue was enough, who derives this, when was it reviewed, and by whom was it reviewed. He offered some solutions; if enforcement spent so much then the recreational sector would put in a small percentage toward enforcement. He also voiced concerns about the winter flounder fishery and suggested the Department look into a saltwater fish hatchery. He noted there was no proposal in the report for

at least looking into the development of a saltwater hatchery or funding for a hatchery. He suggested two species to look at, winter flounder and tautog. He urged the Department to be proactive instead of reactive. He also suggested a partnership with either another state, private company, URI, and/or the federal fish and wildlife agency. He commented that most fishermen would prefer stronger healthier fish populations over new docks being put in throughout the state.

B. Ballou went back to the Council for final comments on the saltwater licensing report. He asked if the Council wanted to make a motion on the Council's position on the report.

**C. Powell made a motion that in the RIMFC's opinion the recreational saltwater licensing program seems to be meeting its intended purpose. K. Booth seconded the motion.**

K. Booth noted that it was his impression that there would be resources dedicated to enforcement and he wanted to stress that should be done and possibly similar to a match just so the budget office does not get dependent on this source of funding and cut funding from the other side so that sum becomes zero. He also addressed J. Carvalho's concerns stating he did not have a problem with someone buying a license out of state when they come to RI and drop \$30-\$40 for bait and food.

**R. Hittinger stated that the recommendations that were made tonight should be incorporated as recommendations for the addendum.**

D. Monti stated he agreed with some of J. Baker's comments and suggested that if an individual were hired that person could look at some of the concerns he raised.

**B. Ballou asked for a vote on the motion for the Council to offer its opinion to the general assembly that the licensing program is meeting its intended purposes and to support the recommendations for modifying the program that were made tonight for the record. The Council voted unanimously in favor: (C. Anderson, K. Booth, R. Hittinger, D. Monti, C. Powell, and W. Mackintosh, III). The motion passed 6/0. [Note: J. Grant had left the meeting and was not present for the vote]**

*Discussion on proposed amendments to Part III to allow the Division flexibility to change seasons and allocations – B. Ballou:*

M. Gibson explained that last year via the public hearing process the Division had attempted to gain some of this flexibility but public response was not favorable. He commented that the Division was faced with another issue this year where some fish were left over in the general category for striped bass and the Division did not have the authority to move those fish to the floating fish trap sector. The allocations had already been set and there were no provision in the regulations to allow the Division the flexibility to make changes. He stated we were back now letting you know that we need this type of flexibility. He indicated the examples keep reoccurring so the Division needs to address the issue. He indicated that he wanted the Council to be aware of the need and the Division would be putting a proposal forward for a public hearing at some point.

*Brief Update on Lobster Transferability Program – B. Ballou:*

B. Ballou stated in response to J. Grant's request from the last Council meeting for an update that we will be moving forward and this will start with a Lobster AP meeting to review a proposed lobster transfer program. He noted now that the federal program was moving forward, and that

may not take effect for another 6 months to a year we are in a better place to be able to move our program forward. He commented this might be a good time for the Department to reinstate the process.

*Brief Overview of the Research Set Aside (RSA) Program – B. Ballou:*

B. Ballou noted this emanated from the fluke AP meeting, and that he had provided the Council members with a photocopied power point presentation, which had been provided to the ASMFC policy board last year by the NMFS. He explained this information summarized the program. Ballou indicated that the Division had some concerns about how the RSA was tracked. D. Costa explained some of the challenges the Division faces with this program. He commented that there have been discrepancies in the poundage and landing days that the NMFS reports to the Division. D. Costa noted it had been difficult reconciling the data with our quota, and problems with fishermen using the IVR system. He spoke about the impact on the state quota because we do not have the real time capability to subtract the pounds then add them back into our state quota. For a period of time they are counted against RI. He voiced his concerns that it was challenging to track and wanted the NMFS to clean things up. R. Hittinger asked B. Ballou if the RSA power point presentation could be put on the DEM website. B. Ballou stated he would look into it since it was from NMFS.

*Review membership and approval of agenda for an adhoc whelk meeting – B. Ballou*

N. Scarduzio explained that a letter of solicitation had been sent out, per the Council's request, and several people responded to the solicitation. These people along with the current Shellfish AP membership are the individuals who are interested in participating on the adhoc whelk committee.

B. Ballou asked the Council how they wanted to proceed. After discussion, the Council decided to invite everyone who expressed interest and members of the SAP and see who attends the initial meeting. The Council also agreed that J. Grant would be the likely person to act as chair for the committee.

J. Carvalho made a suggestion to the Council to consider doing things as was done in the past to have an open committee and operate by consensus. He noted it worked well in the past and the Council should try it again.

G. Schey agreed with J. Carvalho, noting when they had the whelk working group that was how it operated and it worked very well.

There was consensus from Council members to proceed in this manner.

*Review of Whelk Harvest Issue – R. Hittinger:*

M. Gibson stated that at the last Council meeting the Council asked the Division to look into emergency regulations to prevent the cracking of whelk shells, which was taking place to harvest undersized whelks. He reported that the Department reviewed the issue and it was determined that the issue did not meet the standards for declaring emergency action. The Division was advised that the issue should be addressed through the normal Council process with AP meetings with a public hearing. There was Council discussion on how to proceed.

C. Anderson suggested moving forward with the adhoc whelk committee meeting and modifying the agenda item # 4 to state "Proposed regulations on shell breaking and minimum shell size". There was consensus from Council members and the adhoc whelk committee agenda was approved as modified.

## **Old Business**

*Review Advisory Panel Policy – B. Ballou/C. Powell:*

B. Ballou asked how the Council would like to proceed with this item. C. Powell stated the issue could be continued he had some comments on the policy itself. B. Ballou agreed to continue the item since it was getting late.

*Continued Discussion, review, and consolidation of Advisory Panels and members – B. Ballou:*

B. Ballou noted this item was also another item we agreed to keep on the agenda so that we could have the opportunity to keep revisiting this issue. He asked if there were any developments to report on AP membership issues. J. McNamee had a comment for D. Monti regarding the menhaden AP that he had contacted D. Beutel and Beutel indicated he would still like to remain on the panel as a scientific advisor. R. Hittinger commented on the tautog AP, every commercial representative needed to be replaced since none of them ever shows up for meetings, or we needed to think about removing those slots if they were not needed.

*Continued Discussion on RI State Fisheries with a Federal Management Plan – B. Ballou/M. Gibson*

M. Gibson stated the Division had committed to providing the Council with a list and this was the first iteration, which was in Council packets. He indicated the list would continue to evolve. The species of significance for RI were highlighted.

## **FYI**

*Letters of Response from the Division to CRMC – B. Ballou:*

B. Ballou explained there were two letters addressed to the CRMC in their Council packets regarding two aquaculture lease applications that the Council and the Division recently reviewed.

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

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Nancy E. Scarduzio, Recording Secretary