



# Rhode Island Marine Fisheries Council

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December 2, 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, M. Rice

Members absent: C. Rein

DEM: M. Gibson, G. Powers, J. McNamee, P. Duhamel, T. Rosa, Sgt. Dan White (Division of Law Enforcement).

Public: Approximately 10 persons from the public attended the meeting.

1. **Approval of the agenda:** *B. Ballou* inquired as to objections to approving the agenda. Hearing none, the agenda was approved.
2. **Approval of RIMFC meeting minutes from November 4, 2013:** *B. Ballou* inquired as to any modifications to the minutes or any objections to approving the minutes. *D. Monti* offered a motion to approve the minutes; 2<sup>nd</sup> by *M. Rice*. The motion passed with a vote of 7 – 0.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **New business - 11/19/2013 public hearing items:**

**Public hearing items 1 & 2:** Amendments to the RIDEM Fish and Wildlife Freshwater and Anadromous Fishing Regulations for the 2014-2015 Season, regarding the management of **American Eel** (in conjunction with public hearing item #2), and amendments to the RI Marine Fisheries regulations Part VII - Minimum Sizes of Fish/Shellfish, regarding the management of **American Eel** (in conjunction with public hearing item #1):

*M. Gibson* then offered that the Division was in support of the proposed amendment as an ASMFC compliance issue, and also as there has been clarification regarding an exemption for baited pots for yellow eels during the proposed closed season. *R. Hittinger* asked for clarification regarding the maximum amount of eels allowed on board recreational boats; that is if the possession limit was for any possession or did it only apply to harvested eels. *K. Booth* offered that the proposed amendment was clear in that recreational boats were limited to 25 eels/angler/day. *R. Bellavance* offered that the ASMFC FMP allowed for 50 eels/crew member/day for party/charter vessels; and the 25 eel possession limit applied to recreational

anglers on these vessels. *B. Ballou* offered that it was his understanding that the 50 fish possession limit applied only to captain and crew; individual anglers on board the vessel would be subject to a 25 fish possession limit, and offered to contact the ASMFC staff to be sure of the intent of the regulation. ***D. Monti* offered a motion to recommend adoption of all aspects of public hearing item #2 related to American eel; 2<sup>nd</sup> by *R. Bellavance*.** *B. Ballou* asked if intent of the motion was to also to assure compliance with ASMFC regarding the possession limit for party/charter captain and crew, so that it would be amended accordingly depending on advice from the ASMFC; to which *D. Monti* agreed. A comment was made by *S. Parente* regarding the maximum possession limit for commercial striped bass fishermen; and *M. Gibson* offered that it was unclear if the maximum possession limit applied only to commercial harvesters of eels for resale, or to commercial fishermen that only utilize eels as bait. *J. McNamee* offered that the proposed regulatory language did not specify this, meaning that the unlimited possession limit as proposed applies to all licensed commercial fisherman, regardless of reason for possession. *D. White* offered that the regulation would be difficult to enforce if it distinguished between a *harvest* possession and reasons for possession; that it would be impossible to determine if the eels were purchased or harvested. *R. Bellavance* offered that the Enforcement Committee of the ASMFC agreed that the possession limit needed to be applied uniformly to all commercial fishermen, and not only as a harvest limit. *R. Hopkins* from the audience offered that the proposed commercial closed season was intended to apply only to silver eels, and not for yellow and green eels, and that the closed season was to apply only to a gear type and not to the species, and that the prohibition on the gear type during this time period would protect the species as intended. It was discussed that the proposed regulation as written did address this, in that the closed season applied to gear types other than baited pots, and there was a very low likelihood of silver eels entering pots. **The motion passed 7 – 0.**

**Public hearing item #3:** Amendments to the RI Marine Fisheries regulations Part XI – Commercial Fisheries, regarding the **removal of the October closure provision for Atlantic herring:**

*M Gibson* offered that this closure provision was no longer a requirement of the ASMFC FMP and therefore supported adoption of this amendment. ***M. Rice* offered a motion to recommend adoption of the proposed amendment; 2<sup>nd</sup> by *K. Booth*. The motion passed 7 – 0.**

**Public hearing item # 4a:** Amendments to the RI Marine Fisheries regulations Part VII - Minimum Sizes of Fish/Shellfish, regarding the **commercial quota for Summer flounder:**

*R. Hittinger* offered that there was no consensus reached at the AP meeting. *M Gibson* offered that the change in summer season end date from 10/31 to 9/15 is based on data showing that Summer Flounder are migrating out of state waters closer to 9/15, but that the Division was open to suggestions to Council recommendations regarding allocation percentages to each sub-period. *R. Hittinger* offered that the AP was in agreement to the proposed season change due to actual modifications that fishermen make to gear to catch this species at this time, and that rod and reel dies off at this time. He was therefore in support of the proposed change to the season. *K. Booth* inquired as to the effect of the proposed shorter Summer season; in that he was concerned if this was result in increased effort, which would then result in the season closing sooner. *J. Grant* expressed support for option 3, and that he didn't believe this option would result in increased effort or significant changes to the commercial fishery. *K. Booth* expressed concern regarding

how the proposed changes to the Summer Flounder Exemption Certificate program might impact the fishery, and was therefore leaning towards status quo as his preferred option until more information is obtained if the Certificate program were re-opened. R. Bellavance offered that option 2 might be a good transition. M. Gibson offered that it wouldn't matter in that all quota is used. **K. Booth offered a motion to recommend no changes, status quo; no 2<sup>nd</sup> was received and the motion died. R. Hittinger offered a motion to recommend adoption of option 2; 2<sup>nd</sup> by D. Monti.** S. Parente offered that the comments presented at the public hearing were overwhelmingly in favor of status quo. J. Grant inquired as to the ability to keep the Winter sub-period open for the entire season with only an 11% allocation (option 2), to which J. McNamee responded that he thought it could be. **The motion to recommend adoption of option 2 passed by a vote of 4 -3, with J. Grant, M. Rice, R. Hittinger, and D. Monti in favor; and R. Bellavance, K. Booth, and W. Macintosh against the motion.**

**Public hearing item # 4b:** regarding the **Summer Flounder Exemption Certificate program:**

R. Hittinger offered a summary of the discussion from the AP meeting on this matter; that there was no consensus as to opening the program or not. M. Gibson offered that it was a difficult program to administer the program and that it would be challenging to determine which permits would be considered latent. K. Booth offered that he could not support opening the program at this time until more information is understood and how opening the program would impact the fishery. W. Macintosh offered favor for status quo due to concern over potential impacts to the fishery; and that a better understanding of all the outstanding issues regarding management of the fishery is needed before the program is opened. G. Allen from the public offered support of status quo due to concerns regarding potential serious negative consequences to the recreational user group. J. Macari from the public was in favor of status quo until such time as the matter is better understood. **W. Macintosh offered a motion to recommend status quo, no changes to the program; 2nd by K. Booth. The motion passed 7 – 0.**

**Public Hearing Item #5:** Amendments to the RI Marine Fisheries regulations, Part VII - Minimum Sizes of Fish/Shellfish, regarding the **commercial quota for Scup:**

W. Macintosh offered that there was no quorum present at the AP meeting but there was consensus in support of option 2. J. Grant offered that he was hesitant to combine the sub-periods as it may be difficult to split up again if determined to be necessary. M. Gibson offered that the Division was in support of either option but that option 2 may provide for better management options. **D. Monti offered a motion to recommend adoption of proposed option 2; 2nd by W. Macintosh. The motion passed 7 – 0.**

**Public Hearing Item #6:** Amendments to the RI Marine Fisheries regulations, Part VII - Minimum Sizes of Fish/Shellfish, regarding the **commercial quota for Black Sea Bass:**

W. Macintosh offered that at the AP meeting but there was consensus in support of option 25 lbs/vessel/day possession limit. His personal preference was in support of option 1. He offered that there was a great deal of frustration with this fishery in that they are destructive to other fisheries, there is a large abundance of fish, and therefore a need to remove fish from the water, however the quota remains too low due to poor science at the ASMFC. M. Gibson offered that the Division was in support of either option. **J. Grant offered a motion to recommend**

adoption of a variation of option 2 as proposed; 2<sup>nd</sup> by *R. Bellavance*: to recommend adoption of the sub-periods and allocations as proposed, but to increase the sub-period possession limit from 25 lbs to 50 lbs/vessel/day (i.e., for the May 1 – June 30; July 1 – July 31; and Sept. 1 – Oct. 31 sub-periods). The motion passed with a vote of 5 – 2; *R. Hittinger* and *K. Booth* voting against the motion.

**Public Hearing Item #7:** Amendments to the RI Marine Fisheries regulations Part VII - Minimum Sizes of Fish/Shellfish, regarding the management of **Coastal Sharks**:

*M. Gibson* offered that this matter was an ASMFC compliance issue and was therefore supported for adoption by the Division. *W. Macintosh* offered a motion to recommend adoption as proposed; 2<sup>nd</sup> by *K. Booth*. The motion passed 6 – 0 (*R. Bellavance* was absent momentarily during this vote).

**Public Hearing Item #8:** Amendments to the RI Marine Fisheries regulations Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs, regarding a **RI Lobster Trap Transferability Program** (in conjunction with public hearing item 9), and to **remove outdated language**:

*J. Grant* offered that there was consensus from the AP that another look at the language was needed before moving forward with this matter. *M. Gibson* offered that there are the trap reduction schedule and the transferability elements of the language that the Division needs to have in place; but that the transferability regulations need to be in place for June 1<sup>st</sup> and then sync with the federal requirements later in regards to the trap reduction schedule. He offered that the Division was in favor of a Lobster AP in order to reach better consensus with the language. *S. Parente* offered that the matter was not brought before the IAC and should therefore be revisited before adopting new language. *M. Rice* offered a motion to table this matter until after such time that the Lobster AP can deliberate further; 2<sup>nd</sup> by *D. Monti*. The motion passed 7 – 0.

**Public Hearing Item #9:** Amendments to the RI Marine Fisheries regulations Commercial and Recreational Saltwater Fishing Licensing Regulations, to allow for endorsement changes relating to the **RI Lobster Trap Transferability Program** (in conjunction with public hearing item 8).

*M. Gibson* offered that the Division was not sure if an endorsement was needed as proposed; or if there was a better means via the Licensing regulations by which a non-licensed individual with an acquired allocation could be issued a license and fish for lobster. *R. Hittinger* offered a motion to table this matter until after such time that the Lobster AP and/or IAC can deliberate further; 2<sup>nd</sup> by *M. Rice*. The motion passed 7 – 0.

5. **Approval of Lobster AP meeting and agenda:** *B. Ballou* asked for any objection to approving a Lobster AP meeting to discuss all the issues and regulatory language as presented as hearing item #8; hearing none, the meeting was approved. He further noted that it would be determined dependent upon the conclusions of the AP meeting if an IAC meeting was also needed.

6. **New business – approval of advisory panel reports:**

- **Lobster:** *B. Ballou* asked if there were any objections to accepting the minutes/report for the 11/6/13 Lobster AP meeting. Hearing none the minutes were accepted;
- **Scup/Black Sea Bass:** *B. Ballou* asked if there were any objections to accepting the minutes/report for the 10/15/13 Scup/Black Sea Bass AP meeting. Hearing none the minutes were accepted;
- **Summer Flounder:** *R. Hittinger* offered there was a good deal of discussion involving sectors and aggregate programs and that it was necessary to engage all interested parties in further discussions. *B. Ballou* asked if there were any objections to accepting the minutes/report for the 10/15/13 Summer Flounder AP meeting. Hearing none the minutes were accepted;

7. **ASMFC Strategic Plan:**

*B. Ballou* provided a quick overview of the powerpoint as provided by the ASMFC and encouraged the submittal of comments to the ASMFC in the time period specified (January 10, 2014). *G. Allen* read an article he had published; to which *B. Ballou* offered to provide to the ASMFC.

8. **FYI Items:**

*B. Ballou* offered a quick overview of the FYI agenda items and the ASMFCNEFMC meetings.

9. **Other business:**

*K. Booth* inquired as to the means necessary to address the frustration with Black Sea Bass; that is if it was necessary to engage politicians and fishermen to further address the science that is resulting in the low quota. *J. McNamee* offered that it is a policy issue with interpretation of the Magnuson-Stevenson Act. *B. Ballou* offered the ASMFC is awaiting a response from the Science Center and the Mid-Atlantic Council as to means to address this issue, and that he would keep this Council abreast of any developments regarding this response.

Meeting adjourned at approximately 8:20

Prepared by *P. Duhamel*