

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
December 3, 2007 – 6:00PM
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members Present: G. Allen, J. King, S. Medeiros, S. Parente, D. Preble,
S. Macinko

RIMFC Member(s) Absent: K. Ketcham, C. Anderson

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee, N. Scarduzio, Thomas Angell

DEM Staff: Larry Mouradjian, B. Ballou

Law Enforcement: Staff person

Public: 42 people attended

Chairman M. Gibson called the meeting to order. M. Gibson stated there were some adjustments to make on the agenda. He stated he would strike the following items from the agenda: 4(f) the scup advisory panel agenda since staff was still waiting for NMFS information, item 6(a) winter flounder discussion (G. Allen was not ready to have that discussion at this time), item 4(c) the sector allocation proposal would not be heard (C. Brown wanted to wait until he had more information but may make a brief statement). Gibson reviewed the updated handouts that were passed out to Council members. He asked if there were any other adjustments to make to the agenda or objections to the changes. Hearing none, he stated they would proceed with the agenda as amended. **There were no objections to approving the agenda as modified therefore the agenda was approved as modified.**

The next agenda item was the approval of the Rhode Island Marine Fisheries Council (Council or RIMFC) meeting minutes from the November 5, 2007, meeting. Gibson asked if there was any discussion about the minutes or if there was a motion to approve the minutes. **S. Medeiros made a motion to approve the minutes. J. King seconded the motion.** M. Gibson asked if there was any discussion on the motion. Gibson stated that he had been made aware of an email sent by D. Alves to Council members, which Gibson had not received, for a request to modify the November minutes. Gibson seemed to think the November minutes had reflected the meeting and asked if Council members felt differently. There was some discussion but Council members felt the minutes reflected what took place at the meeting. **M. Gibson asked Council members if there were any objections to approving the November 5, 2007 meeting minutes as written. There were no objections therefore the minutes were approved.**

Advisory Panel Reports:

Industry Advisory Committee (IAC) (11/13/07):

J. McNamee gave the report for K. Ketcham. McNamee reviewed the meeting minutes and stated that three gillnet proposals were discussed. The committee was submitting the proposals to the Council for review. Gibson stated that Ketcham had requested that they hold another IAC meeting because there were members who could not attend the meeting because of another meeting conflict. There was some discussion about adding the gillnet proposals to the enclosed IAC agenda already included in the Council packet so the IAC could continue discussions. Gibson indicated this could be taken up under item 4(g) when they discuss the proposed IAC agenda.

Lobster Advisory Panel (LAP) (11/14/07):

J. King read the minutes from the meeting. He stated that there were twelve people in attendance. The meeting started with updates pertaining to lobster management regarding ASMFC activities. They also discussed proposed revisions to regulation 15.14.1 with recommendations to the RIMFC. King stated that a motion was passed to recommend to the RIMFC to modify language in 15.14.1-1, (5) and add "Area 2" in three places.

The LAP also discussed the 5-1/4" maximum gauge size for lobster fishery management Area 2. J. King indicated that a motion passed to recommend to the RIMFC to adopt the 5-1/4" maximum gauge size for the Area 2 lobster fishery. The last issue discussed was the trap tag effective date. King stated that a motion passed to recommend to the RIMFC to change the trap tag effective date to June 1.

M. Gibson stated that if the Council concurs we would take public comment on these items at the March public hearing. M. Gibson asked if there were any comments or question from the Council.

Councilman S. Parente asked for clarification on item number 2 and wanted to know if every loophole had been blocked. He also asked for clarification on the trap tag effective date item. M. Gibson responded to S. Parente's questions.

T. Angell mentioned that there was one other item on the agenda under other business. At the LAP meeting, P. Brodeur requested that the state revisit the escape vent analysis done by Massachusetts and wanted to know if RI could conduct an additional study. Angell indicated that it was a request for the Division. Gibson stated that he would report to the Council as to what, if anything, the Division would be able to do with that issue.

There were no objections from Council member to add these items to the public hearing docket. There were no further questions or comments from the Council.

New Business:

Council recommendations on Nov. 27, 2007 Public Hearing:

In a power point presentation to Council members, J. McNamee summarized the two public hearing items: 1) summer flounder quota management proposals and 2) black sea bass quota management proposals.

1) Summer flounder quota management proposals:

J. McNamee indicated there were two proposals for summer flounder one was for status quo and the other was from the RI Commercial Fishermen Association, which proposed to split the summer period in to two sub periods. He explained the details of each proposal. McNamee explained that in the status quo proposal the current regulation for the winter aggregate program does not start until February 3 and ends on April 5. He wanted to make sure that was clear to everyone. McNamee stated that the reason he wanted to point this out was that there was an issue with that start date last year. The second notation McNamee referenced for the status quo proposal referred to the summer sub period. He stated that currently in regulation the Friday/Saturday closures did not start until June 1. He explained this was due to deliberation by the Director and his final decision, which was getting close to the May 1 date. Instead of rushing things, the Director decided to set it up for a June1 start date.

McNamee reviewed the second proposal from the RICFA. He stated that the main difference was that the summer sub period would be split in to two sub periods. He referenced his third notation indicating that the regulation would be set up to terminate the summer aggregate program if the fishery closed during summer 1 and would then restart the program at the beginning of summer 2.

D. Preble made a motion to recommend to the Director to adopt the status quo proposal for the 2008 summer flounder quota management plan. G. Allan seconded the motion.

M. Gibson asked for Council discussion on the motion.

D. Preble explained that it worked out well this last year and at the public hearing every comment was in favor of status quo. G. Allen stated that he counted nine or ten people that spoke in favor of status quo including a written comment from A. Conti. G. Allen stated that he was in favor of status quo.

Councilman S. Parente stated that he was also in support of status quo. He read a statement indicating why he was in support of status quo. He felt that reverting to splitting summer periods would be a giant step backwards. He urged fellow Council members to support the status quo option.

M. Gibson reiterated what J. McNamee had stated, that under the status quo option the winter aggregate program would not start until February 3 and the Friday/Saturday closures would not start until June1. Gibson stated that the Division did not receive any proposals to modify those start dates, and there were no public comments taken to modify those dates. Gibson indicated that since there were no proposals or comments taken to modify the start dates he did not know if there was much that could be done at this point.

M. Gibson asked for audience comments.

C. Brown stated he did not think anyone should look at what happened this past summer as being a great success. He indicated that we do not have enough quota to make everyone happy all the time. He thought it would be fairer if more people shared in the burden. Brown stated that everyone is overlooking the migration of the fluke from inshore to offshore, which is when fishermen seasonally caught most of the fish. History states that is when most of the fish were brought to market. It was the trawl fishery that landed all the fish and it happened in September, October, and November. He stated that the Council was not giving any consideration to the

natural movement of fish in the way the resource is allocated, and the Council therefore was not avoiding unnecessary discards.

T. Platz suggested that in the future people may want to consider moving winter 2 up one month and tinker with those numbers because you are creating a lot of October discards. He stated if people are discarding fish you are kidding yourself if you think you are sticking with the quota.

M. Gibson clarified T. Platz's comment by stating that Platz was suggesting that winter 2 start on October 1 instead of November 1. M. Gibson thanked Platz for the comment and stated that it would be part of the record and would go back to the Director for his consideration.

I. Parente stated that he was in favor of status quo.

J. Low representing the RI Rod and Reel Anglers Association stated that his members supported status quo. He stated that they were able to fish all summer long, when it was open, and it was the best year ever so they would like to see it continue.

R. Fuka from the RI Fishermen Alliance stated that he knew the numbers for summer flounder would be cut but he wanted people to know that there was an ongoing effort to try to create a bill for the first of the year to provide flexibility to the Magnuson act. He stated that there was a subcommittee meeting this week in DC.

M. Gibson asked if there were any other comments from the Council. There were no comments.

Gibson called a vote on the motion to recommend to the Director to adopt the status quo proposal for the 2008 summer flounder quota management plan. The motion passed; five in favor (G. Allen, S. Medeiros, S. Parente, D. Preble, S. Macinko), one abstained (J. King), none opposed.

(2) *Black sea bass quota management proposals*: J. McNamee indicated there were two proposals that came forward: 1) status quo and, 2) a proposal from the black sea bass AP. He explained the details of each proposal.

M. Gibson asked if there were any questions from the Council or a motion from Council.

S. Medeiros made a motion to recommend to the Director to adopt the status quo proposal for the 2008 Black sea bass quota management plan. D. Preble seconded the motion.

M. Gibson asked for Council discussion on the motion.

G. Allen stated that he had attended the public hearing and had counted nine comments that unanimously spoke in favor of status quo. He recommended they adopt status quo.

S. Parente also indicated that he attended the public hearing and it was obvious that the public was in favor of status quo.

M. Gibson asked for audience comment.

T. Mulvey asked if it would be possible to switch the 200lbs/day in the second sub period to the third sub period so the 200 lbs/day would be later in the season. Mulvey stated that the fish were spawning during this second sub period (May – July) so we would be helping to produce more fish. He indicated that the fish have already spawned in August, so these sub period quotas should be switched.

C. Brown stated that in reality we are taking such a cut in quota that it does not matter. He stated that we are looking at a 39% reduction in quota this year. He thought the reality would be that they would be shut down anyway.

J. Grant stated that based on this years catch history at 100 lbs/day we would probably be closing the May –July sub period about one month early.

A member from the audience stated that he was in support of status quo.

M. Gibson asked if the Council had any further comments. There were no other comments.

Gibson called a vote on the motion to recommend to the Director to adopt the status quo proposal for the 2008 black sea bass quota management plan. The motion passed unanimously; six in favor (G. Allen, S. Medeiros, S. Parente, D. Preble, S. Macinko, J. King).

Update on meetings regarding comprehensive aquaculture plan (10/11/07) & (11/8/07):

D. Alves from CRMC was not present no update was given by CRMC.

M. Gibson stated that as he noted earlier he had not received the email traffic regarding Mr. Alves concerns and asked if any of the Council members wished to comment on what was happening at the aquaculture meetings. There were no comments. Gibson stated that he had seen drafts of working papers from some of the sub committees; he stated that he had seen one from R. Rheault and one from B. Murphy from DFW staff. He indicated he knew some work had been going on with in the subcommittees.

Sector Allocation Proposal – by C. Brown:

M. Gibson stated as he mentioned earlier C. Brown would not be giving his big presentation tonight because he wanted to wait until he had more information but he did want to address the Council on where that issue stood.

C. Brown explained that two years ago he came before the Council and asked to start a dialog on sector allocation as a viable management tool for the state of RI to stop the discard problem. He stated he was not well received at that time. He explained some of the problems that had caught up with the times such as bycatch and discard issues. He indicated right now fishermen are throwing back more fish dead than what they are selling. He gave figures, examples, and bycatch statistics of fluke to demonstrate how bad things really were. He estimated that in three years the commercial fishery would be closed.

He indicated there would be educational opportunities to learn about sector allocation. On January 15 & 16 at One Beach Street in Narragansett at the Village Inn, a conference about sector management was scheduled by URI Sea Grant. He urged everyone to attend and to get in

touch with Barbara Somers at URI Sea Grant for more information. People who may be interested in attending can call URI Sea Grant to sign up at (401) 874-7599.

C. Brown indicated that he would have a revised proposal ready by next month that he could share with the Council.

D. Preble commented that at the last New England Fishery Management Council (NEFMC) meeting they put sector formation as the priority item for 2008. He stated that Magnuson requires sectors to be put in place and NMFS would like to see at least a dozen establishes in the New England area over the next year or so. He indicated that the biggest problem is the initial allocation question and that would be taken up by the NEFMC at the groundfish committee meeting on December 13, 2007. He stated the NEFMC would be making those determinations over the next few weeks.

S. Macinko asked for clarification from Preble if the NEFMC was going to take the issue up or if they were going to resolve the initial allocation issues in the next few weeks.

D. Preble indicated that he may have misspoke, he stated the resolution of it would take place over a period of several months, but the options would be narrowed down to status quo and a single allocation option which the NEFMC should have ironed out by the end of the December 13, 2007 meeting.

Approval of Tautog AP Agenda – G. Allen:

G. Allen reviewed the agenda stating that the panel would review the 2007 tautog fishery, review the ASMFC addendums to the management plan, review the 2007 approved recreational proposal, and except proposals to make recommendations for the 2008 commercial and recreational fisheries. He asked that any proposal be submitted in writing with copies for advisory panel members.

M. Gibson asked if there were any comments from Council. Hearing none the agenda was approved.

Approval of Striped Bass AP Agenda – G. Allen:

G. Allen stated that C. Anderson was elected as Chair for this panel and G. Allen was elected as Vice-Chair. G. Allen indicated that C. Anderson would not be in town for this meeting and that he would act as Chair. G. Allen asked that D. Preble be available to assist him with the meeting. G. Allen indicated that the meeting would be held on January 10, 2007 at 6:30 Pm at the DEM Fort Wetherill facility in Jamestown. He reviewed the agenda stating that they would review the current stock status and ASMFC Addendums of the management plan, develop 2008 commercial quota allocations, and discuss the recreational fisheries. He again requested that proposals be submitted to the panel in writing.

M. Gibson asked if there were any comments from Council. Hearing none the agenda was approved.

Approval of IAC Agenda – K. Ketcham:

M. Gibson reviewed the agenda, there would be a presentation on wind power and K. Ketcham had requested that the committee meet again to continue discussions on the gillnet proposals. Gibson suggested that continued discussions on gillnet proposals be added to the agenda as item

number two. M. Gibson asked if there were any objections in proceeding in that manner. Hearing none, the agenda was approved as modified. Staff would contact K. Ketcham to set a date in January for a meeting.

Review of application for the Shellfish AP – N. Scarduzio: N. Scarduzio explained that Michael Bradshaw submitted an application for an alternate position on the Shellfish AP. He had requested to be an alternate to Donald Goebel. The application had been reviewed by the Division of Law Enforcement and had been cleared by that Division.

J. King made a motion to approve Mr. Bradshaw’s application and appoint him to the SAP. Seconded by S. Medeiros. G. Gibson asked if there were any objections to the motion. Hearing none, he was appointed.

Old Business

Comprehensive RI fisheries legislation – B. Ballou: B. Ballou stated that Council members had been provided a four-page document titled “Proposed 2008 Legislative Initiative Relating to Marine Fisheries”. He explained this was a summary of issues that had been called to the Departments’ attention. He indicated that the point for tonight would be to review these items with the Council and get Council thoughts and comments. Ballou stated that with the Councils’ support the Department would be able to move forward with these proposals. He explained what the procedure would be; first review of the proposals with the Director, then the Governor’s office, then minority offices, then come the bills, then hearings, and a whole process of consideration and deliberation. He indicated that it would run up to June or July.

B. Ballou explained that the document was broken out in to three areas and two of the three were suggested as legislative initiatives, the third was a policy issue. He outlined the two as enforcement, and monitoring & assessment. Licensing would be the policy issue. He asked the Council if they wanted him to run through the document or if they had any questions for him.

D. Preble stated that he reviewed the document in detail and that he thought it was well thought out and he would not want to make any changes. He indicated it was a complete document as it stood.

B. Ballou summarized for audience members the topics of the document.

G. Allen mentioned that the monitoring issue to allow for observer coverage is a critic issue. He stated there were a lot of issues particularly with winter flounder, which is RI’s fish, he stated that we have to get observes on boats to find out if in fact there is a juvenile bycatch mortality that is tipping these fish over the edge. He mentioned he would like to meet with Ballou at some point to discuss this issue further.

M. Gibson asked Ballou if issues came up at the round table meeting could they be added to the list. B. Ballou indicated that would be possible. B. Ballou also pointed out that this was a reoccurring agenda item so as things came up they could be added to the list. He indicated he would keep the Council updated every month.

G. Allen asked what was being done about the federal registry, which had to be in place by 2009. He suggested at the round table meeting we build a timeline to address this issue. He indicated that we have less than a year to get this done and that time would come up quickly.

D. Preble agreed with G. Allen and added that there were some proposals kicking around for a regional license or Northeast license. He also agreed this would not be ready for a 2008 legislative session.

J. Low asked B. Ballou if the information would be available to the public. J. Low asked if Ballou could email him a copy. B. Ballou indicated he could make it available with the understanding that if Low emails this out to others he states what the document is; that the document is only a list of proposals and initial thoughts at this stage.

Review of second round of applicants for Groundfish AP:

M. Gibson stated this was the second solicitation to fill slots on the groundfish AP.

N. Scarduzio reviewed the applicants that were cleared by the Law Enforcement Division. She indicated that six applications were received and five made it through the Enforcement background check. She explained she had provided an updated list of groundfish AP members with the most recent applicants added in bold type. Scarduzio went through applicants and stated which slot they were eligible to fill. She also pointed out that one application was received from an out-of-state fisherman who was not a RI license holder. She asked for guidance from the Council as to how members wished to process that application.

M. Gibson asked Council members how they wanted to proceed with the out-of-state application. He mentioned that currently there was no residency requirement in the AP policy.

S. Medeiros and D. Preble both commented that there should be a residency requirement.

G. Allen stated that as a general comment the Council should try to stay with people from RI on advisory panels. D. Preble agreed.

M. Gibson asked Council members if anyone had a different view from that position. He stated there were a number of Council members who felt that the Council should have RI citizens on their advisory panels. Gibson stated that he did not have a problem with it one way or another that these panels were the creation of the Council and the Council can form them as they see fit.

S. Parente stated that he did not have an issue with someone from out-of-state participating on an advisory panel if he was licensed in RI.

M. Gibson asked if there were any objections to approving the four RI applicants. There were none.

D. Preble made a motion to accept the four RI applicants. J. King seconded the motion.

M. Gibson asked if there were any objections to the motion. Hearing none the motion to appoint the four RI applicants to the groundfish AP passed.

M. Gibson asked how the Council wanted to handle the out-of-state applicant. Gibson asked if there was a motion to approve the application. If not, then he would take that as a sign from the Council that they do not wish to have out-of-state individuals serving on advisory panels. Seeing no motion, the out-of-state applicant was not appointed.

N. Scarduzio gave an update as to which slots were still open, she indicated both fish pots and inshore gillnet slots were open.

M. Gibson asked the Council if they wanted staff to continue to solicit to fill vacant slots, or did they have enough people to begin activity with the panel.

D. Preble stated that he thought there was enough representation on the panel to go ahead.

G. Allen asked Preble if he was satisfied with the number of recreational people on the panel.

D. Preble explained that at this point the species involved are commercial species so at this point he was all right with the make up of the AP. He stated as things evolve Preble would not have a problem putting in another recreational slot. Preble though it was important to get moving with this panel. He suggested that the first thing that needed to be accomplished was to outline the problems.

M. Gibson then stated that he would work with Preble to come up with a draft agenda for the initial AP meeting, for approval at the January Council meeting.

N. Scarduzio stated that another separate application was received from J. Gates, a professor at URI, who was applying for the scientific advisor positions on the lobster AP, IAC, and Enforcement AP. She indicated that he was already approved as the scientific advisor on the lobster AP. A slot was available on the enforcement AP but there was no scientific slot on the IAC. She asked whether the Council would like to create a scientific advisor slot on the IAC or not. Council members were not inclined to create a slot on the IAC stating this was a committee for industry.

J. King made a motion to appoint J. Gates to the Enforcement AP to fill the scientific advisor slot. S. Medeiros seconded the motion.

M. Gibson asked if there were any objections to the motion. There were none. The motion passed.

M. Gibson stated that the IAC was the only committee that was noted in statute as to what it is suppose to do and who is suppose to serve on it, he did not want the Council to take any action at this meeting because it was not on the agenda. He suggested that the item come back as a full agenda item next month. There were no objections from the Council.

D. Preble stated that he received an email from M. Bucko who requested that the Council add a slot for bait & tackle to the summer flounder AP. Preble asked for this item to be placed on the January Council agenda.

G. Allen asked if C. Brown would be ready to give a presentation about sector allocation on the January 7, 2207 Council meeting since the workshop would take place on January 15 & 16, 2007. G. Allen thought Brown might want to wait until the February Council meeting.

C. Brown was reluctant to put off the presentation. However, Council members thought it would be beneficial for them to attend the workshop first and then hear from Brown. Council members agreed to wait until February to hear from Brown.

Council review of 2008 schedule: N. Scarduzio stated that the 2008 calendar was provided to Council members at the November Council meeting for review. Scarduzio wanted to know if any members had any comments or conflicts with the schedule as presented. She indicated that if there were no conflicts staff would go ahead with the schedule. There were no objections or comments from Council members therefore the schedule for 2008 was approved.

M Gibson asked if there was any other business to come before the Council.

S. Medeiros stated that he had a comment, which was directed at J. McNamee. He wanted to comment about how helpful the DFW, Marine Fisheries staff was and there had been many occasions in the past where staff had responded quickly. Medeiros referenced one recent occasion that occurred in the past week where ASMFC put out a notice for a public hearing on river herring, which turned out to be on the same night of their annual meeting, which meant his association members would not be able to attend. He stated that he had sent an email to J. McNamee about the conflict and within an hour, it was re-posted and re-noticed with a date for January instead of December. He wanted to express his thanks to McNamee for his efforts.

M. Gibson wanted to point out the next public hearing would take place on January 3, 2008 regarding the shellfish management areas including Greenwich Bay. He stated that the Council would then take up the public hearing item at the January 7, 2008 Council meeting.

G. Duckworth asked if he could submit a letter to the Council from Senator Sheldon Whitehouse regarding the U. S. Coast Guards' administrative law system. M. Gibson received the letter from G. Duckworth.

P. Brodeur stated that he had come in late and wanted to know if the item he had brought up at the lobster AP meeting, which was to revisit the escape vent, had been mentioned.

M. Gibson explained that the Council talked about it and T. Angell would advise the Council as to what could or could not happen.

P. Brodeur requested this topic be placed on the next lobster AP agenda, and that they invite the individuals who had done work in this area to the next LAP meeting.

D. Preble stated that RI DFW staff did some absolutely superb work on the menhaden issue and he wanted to acknowledge their work. He stated that the way they handled the issue last year was with first class fisheries biology. He indicated this was exactly the type of work that the Council needed to be able to make intelligent decisions. He wanted to commend the Division for their hard work.

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

The Chairman adjourned the meeting.

Nancy E. Scarduzio, Recording Secretary