

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Summary of Meeting Minutes**  
**December 3, 2012 – 6:00PM**  
**URI Narragansett Bay Campus, Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

RIMFC Members Present: R. Bellavance, K. Booth, R. Hittinger J. Grant, D. Monti,  
and W. Mackintosh, III

RIMFC Members Absent: None

Chairperson: B. Ballou

RIDEM DFW Staff: N. Scarduzio, J. Lake, J. McNamee, and M. Gibson

RIDEM Staff: L. Mouradjian, G. Powers, and Director Coit

DEM Law Enforcement: J. Poccia

Public: Approximately 23 people attended the meeting.

B. Ballou called the meeting to order. He asked if there were any modifications to the agenda. R. Hittinger requested to add an item to the agenda and have the item as a repetitive agenda item for updates on the search for scientific people to fill the two RIMFC vacancies. W. Mackintosh, III ask to add under new business an update on the Harbor Porpoise Take Reduction Team meeting. K. Booth requested to add under old business the topic of Coast Guard safety inspections, also under new business to request the Industry Advisory Committee (IAC) review gillnet regulations. B. Ballou asked if there were any objections to approving the agenda as amended. **Hearing no objections, the December 3, 2012, Council 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 October 1, 2012. B. Ballou asked if there were any changes to the minutes. B. Ballou asked if there were any objections to approving the October 1, 2012 minutes as written. **Hearing no objections, the October 1, 2012, minutes were approved as written.**

### **Public Comments**

There were no comments from the public.

### **Advisory Panel Reports**

*Summer Flounder AP meeting (10/3/2012) – R. Hittinger:*

R. Hittinger reviewed and summarized the minutes from the summer flounder AP meeting. The proposals that were voted on and recommend to go forward to public hearing were the RICRRA proposal for status quo in 2013, and the Division proposal to change the sub period dates. The fluke sector proposal for 2013 was withdrawn so it was not noticed for public hearing. **B. Ballou asked if there were any objections to approving the AP minutes and recommendations. Hearing no objections, the Summer Flounder AP minutes were approved as written.**

*Scup/Black Sea bass AP meeting (10/3/2012) – W. Mackintosh, III:*

W. Mackintosh, III, reviewed and summarized the minutes from the Scup/Black Sea bass AP meeting. The proposal that was voted on and recommend to go forward to public hearing was the Division proposal to increase scup starting possession limits in 2013. The panel approved several proposals for black sea bass to go forward to public hearing. **B. Ballou asked if there were any objections to approving the AP minutes and recommendations. Hearing no objections, the Scup/Black Sea bass AP minutes were approved as written.**

*Atlantic Hearing Ad hoc Committee meeting (10/3/2012) – W. Mackintosh, III:*

**B. Ballou asked if there were any objections to approving the minutes and recommendations from the Atlantic Hearing Ad hoc Committee meeting. Hearing no objections, the minutes were approved as written.**

### **New Business**

*Council recommendations on November 8, 2012 Public hearing items:*

#### **1) Amendments to the commercial summer flounder quota management plans for 2013:**

R. Hittinger clarified that the Summer Flounder Advisory Panel (AP) voted unanimously to recommend status quo, which was proposal #1, also the group voted 4 to 3 in favor to recommend the changes outlined in proposal #2, to change the dates and possession limits.

B. Ballou asked for the Division recommendation. M. Gibson stated the Division was fine with status quo if that was what the Council recommended. He pointed out that the Department was involved in a planning process for summer flounder on a larger scale and he felt the summer flounder management plan was fine to remain as is until those meetings were conducted. He also noted the Division had sufficient authority to increase or decrease allowances from the starting limits in accordance with the quota and catch rates.

**R. Hittinger made a motion to recommend that the Director adopt proposal #2; decrease the Winter-1 sub period starting possession limits to 300 pounds per day or for the aggregate period 2,500 pounds per week, and change the summer sub period end date to September 15 and the fall start date to September 16. K. Booth seconded the motion.**

**B. Ballou asked for the vote. The motion failed with a vote of 3/3: three (3) in favor: (K. Booth, D. Monti, R. Hittinger); three (3) opposed: (J. Grant, R. Bellavance, and W. Mackintosh, III).**

There was further Council discussion about the two proposals.

**W. Mackintosh, III made a motion to recommend that the Director stay with status quo, proposal #1, the Winter-1 sub period starting possession remain at 500 pounds per day or for the aggregate period 3,500 pounds per week. R. Bellavance seconded the motion.**

**B. Ballou asked for the vote. The Council voted in favor to recommend that the Director stay with status quo, proposal #1; the Winter-1 sub period starting possession to remain at 500 pounds per day or for the aggregate period 3,500 pounds per week, the summer sub period starting possession to remain at 100 pounds per day or for the aggregate period 700 pounds per week, and the fall sub period starting possession to remain at 700 pounds per day. The vote was three (3) in favor: (W. Mackintosh, III, J. Grant, R. Bellavance); one (1) opposed: (D. Monti); and two (2) abstained:(K. Booth, R. Hittinger). The motion passed 3/1/2.**

#### **2) Amendments for the commercial scup quota management plans for 2013:**

*Division recommendations: to increase starting possession limits of 10,000 lbs/week for May/July/Sept sub periods:* B. Ballou asked for the Division recommendation. M. Gibson stated the Division supports this proposal (proposal #2), which was also endorsed by the scup/black sea bass AP.

**D. Monti made a motion to recommend that the Director adopt proposal #2, an increase in the scup starting possession limits of 10,000 lbs/week for the May/July/Sept sub periods. J.**

**Grant seconded the motion.**

R. Hittinger commented to point out the disproportions between the recreational sector and the commercial sector. He noted the recreational sector had been restricted much more than the commercial sector. He noted the irony in 50,000 lbs for one commercial vessel and just wanted to point out the imbalance in this fishery.

**B. Ballou asked for the vote. The Council voted unanimously to recommend that the Director adopt proposal #2, an increase in the scup commercial starting possession limits of 10,000 lbs/week for the May/July/Sept sub periods. The vote was six (6) in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 6/0.**

**3) Amendments to the commercial black sea bass quota management plans for 2013:**

B. Ballou asked for the Division recommendation. M. Gibson stated the Division did not express a preference during the AP process since there was so little fish to work with in terms of the state quota, and indicated the Division was fine with status quo.

**J. Grant made a motion to recommend that the Director remain with status quo for the commercial black sea bass fishery (50 pounds during the summer months). W. Mackintosh, III seconded the motion.**

**B. Ballou asked for the vote. The Council voted in favor to recommend that the Director remain with status quo for the commercial black sea bass fishery, (50 pounds per day during the summer months). The vote was five (5) in favor: (J. Grant, D. Monti, W. Mackintosh, III, R. Bellavance, and R. Hittinger); one (1) opposed: (K. Booth). The motion passed 5/1.**

**4) Amendments to the state waters Atlantic herring fishery management plan:**

**W. Mackintosh, III made a motion to recommend that the Director adopt the proposed amendments to the Atlantic Herring management plan as proposed by the Division. R. Bellavance seconded the motion.**

**B. Ballou asked for the vote. The Council voted unanimously to recommend that the Director adopt the proposed amendments to the Atlantic Herring management plan as proposed by the Division. The vote was six (6) in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 6/0.**

*Discussion on recent back-to-back AP meeting process:*

B. Ballou indicated there were mixed comments on the process.

R. Hittinger noted he personally had difficulty staying out of work for a day of meetings. He stated he was only able to stay to chair his AP and then had to get back to work. He was unable to attend any of the other meetings. He noted he had received comments from others that were not able to attend the meetings because they had to go to work that day. He felt it was difficult to conduct these meetings in a daylong process. W. Mackintosh, III stated he personally liked getting everything done in one day but he also agreed with R. Hittinger's comments that some people would not be able to attend meetings during the day. He suggested keeping meetings to the evening hours but group as many meetings together as possible. He also suggested that the Division proposal be presented first so that the group could comment on those items and use those proposals to start discussions. K. Booth agreed that grouping advisory panels was a good

idea but meetings should be held in the evenings starting around 6PM so more people were able to participate. He commented that AP's like the summer flounder AP should be help separately because of the number of people that show up and they tend to be longer meetings.

M. Gibson indicated the Division did not find any strong efficiency with holding the daylong schedule as opposed to the way meetings have been held in the past. He did agree with leading meetings with Division proposals to start discussions and grouping AP meetings to consolidate the number of meetings being held. Other Council members agreed with grouping AP's and having meetings later in the day to accommodate more people. It was suggested to group scup/black sea bass, and tautog AP's.

B. Ballou asked how the Council would like to group the upcoming series of AP meetings. The Council suggested the following grouping: (1) recreational scup/black sea bass, recreational summer flounder, and tautog AP's; (2) winter flounder and striped bass; and (3) separate meetings for the Groundfish AP, Menhaden AP, and Whelk Ad hoc committee meetings.

*Approval of AP Agendas: Striped Bass, Scup/Black Sea Bass, Summer Flounder, Tautog, Menhaden, Winter Flounder, and Whelk Ad hoc Committee:*

J. Grant spoke about the timing of the Whelk Ad hoc Committee meeting and asked if it could be held earlier in order for the items to make the February public hearing docket.

N. Scarduzio explained that due to the APA process of noticing public hearings and all the requirements necessary with the promulgation of regulations that it was not possible to conduct a meeting and meet all the notice requirements in time to make the February public hearing timeline. She indicated that the Division had anticipated the whelk items would go forward at the April public hearing.

B. Ballou asked Council members if they had any comments or suggested changes for any of the AP agendas.

R. Hittinger stated he would like to add an item to the striped bass AP agenda. He asked to add a discussion on a potential ban on the use of yo-yo rigs.

**B. Ballou asked the Council if there were any objections to approving the agendas as amended. Hearing no objections, all AP agendas were approved as amended.**

*Update on Coastal Sharks/Spiny dogfish – M. Gibson:*

M. Gibson stated there had been some changes with spiny dogfish management where the quota had been increased, and a change to the starting possession limit. He asked the Council whether they thought they needed an advisory panel meeting to have the panel advise them or could the Division just go ahead and bring those items to public hearing. Gibson indicated that D. Pasante was present tonight and he may have other items that he would like an AP to discuss.

D. Pasante stated his concern was to keep the fishery open throughout the year, and it would be nice to be able to discuss various options in order to do that.

**B. Ballou asked the Council if there any objections to approving the Groundfish AP agenda to discuss spiny dogfish and coastal sharks. Hearing no objections, the AP agenda was approved.**

*Approval of Council meeting schedule for 2013 – B. Ballou:*

RIMFC meetings were scheduled for March 4, May 6, September 9, October 7, November 4, and December 2, 2013. N. Scarduzio explained this was a suggested schedule but additional meetings could be added if necessary. **D. Monti made a motion to approve the 2013 RIMFC meeting schedule. R. Hittinger seconded the motion. The Council voted unanimously to approve the 2013 RIMFC meeting schedule. The vote was six (6) in favor: (K. Booth, J. Grant, D. Monti, R. Bellavance, W. Mackintosh, III, and R. Hittinger). The motion passed 6/0.**

*Appointment of a Chair to the Winter Flounder AP- B. Ballou:*

Two Council members expressed interest in Chairing the Winter Flounder AP; R. Hittinger and R. Bellavance. R. Bellavance agreed to be the Chair. **B. Ballou asked the Council if there were any objections to having R. Bellavance Chair the Winter Flounder AP. Hearing no objections, R. Bellavance was appointed a the Chair for the Winter Flounder AP.**

*Update on the Harbor Porpoise Take Reduction Team meeting - W. Mackintosh, III:*

W. Mackintosh, III informed the Council there was a recent meeting held in Providence. He commented there was a boycott of the meeting and half the scientific community did not show up because they were upset with NMFS. He explained that if too many Harbor Porpoises were caught there would be consequences such as adding two months to the closure period. Southern New England came very close to meeting the trigger. They were trying to work toward a compliance strategy. A new technology was developed to test pingers, to test if they were working or not. He explained the goal was to be 100% pinger use and try to get to a 93% effective rate. The new proposal for Southern New England will be 100% pinger use from September 15 until the end of June. All pingers will need to be tested on an annual basis with certification. Mackintosh indicated that industry would need to get the compliance rate up and the effective rate up.

*Continued Discussion – Coast Guard Safety Inspections – K. Booth:*

K. Booth indicated it was vague as to whom this applied to and when it was going into effect and wondered if enforcement could shed some light on the topic. He noted it was the issue of the EEZ. He was looking for some clarity.

R. Bellavance stated he sat on the Law Enforcement Advisory Panel with K. Blanchard and he commented that he did not think there was any defined process yet as to how they were going to enact these inspections. He indicated they were trying to get the manpower together and inspect boats and develop a set of guidelines but he felt that nothing had been determined yet. There was Council discussion about the inspections and which vessels would be impacted. R. Bellavance suggested waiting a little longer to see if there were any new developments. The Council agreed this should be a recurring agenda item until it was resolved.

*Review of Gillnet Regulations - K. Booth:*

K. Booth stated there were no regulations for gillnets as to number of panels, or the total liner footage that could be placed in the water. He indicated the nets were set very close together and perpendicular to each other and it was difficult to navigate around them. He asked if the IAC or if the Department could develop some regulations for gillnets and look at what other states have for regulations. He suggested possibly a limit to the number of nets and mesh size. He was looking for a check and balance system because it appeared there were more and more people gillnetting. Booth suggested possibly at the next IAC meeting this could be reviewed.

R. Bellavance stated that we had already gone through a gillnet review process and there were a set of regulations in place just for gillnets. He felt if we were going to go through that exercise again he asked for a list of specific items that were not addressed in current regulations because the marking of buoys, the distance apart from other nets, net lengthens, etc. were already in regulation. W. Mackintosh, III agreed there were specific gillnet regulations already in place. He commented that it was more of an enforcement problem.

M. Gibson stated that the Division and the Council had already gone through the gillnet issue and there were gillnet regulations in place and possession limits in place so he was not clear as to what would be missing from the regulations that have already been reviewed.

D. Pasante stated there was an entire part of gillnet regulations already in place.

B. Ballou suggested that the Council focus on what exactly in the gillnet regulations that might

be lacking, and communicate those items to Division staff for review, and if necessary have those items incorporated in an IAC meeting if they were not contained in regulation.

**Old Business:**

*Division update on an item from the Sept. 12, 2012 public hearing regarding modifications to state logbooks – B. Ballou/M. Gibson:*

The Division reported back to the Council on whether the state logbooks could be modified to allow for multiple-day trips to be counted as multiple-day trips for the purpose of establishing "actively fished" and "actively participating". J. McNamee indicated it came down to two options: (1) the existing fields could capture the information they needed and they would have to alter the directions; (2) we could add a field, but this could take a little while to develop. He indicated we could do either option but logistically there was a long list of potential issues and loopholes that could happen than with the VTR's. He asked the Council if they were interested in moving forward with an option.

W. Mackintosh, III felt that anytime you tweak the logbooks its going to cause problems.

M. Gibson stated that the Department was much more interested in moving toward electronic logbooks. He noted he did not think there was a particular need to make any changes at this point. B. Ballou asked the Council how important did they think it was to make any changes to the logbook. The majority of Council members agreed there was no need to make any changes to the state logbooks at this time.

*Update on the search to fill two RIMFC vacancies – B. Ballou:*

B. Ballou commented there were a number of folks out there who would be ideal candidates but they just needed to be convinced to throw their hat into the ring. He stated the last time he had contacted Brown, URI, and Roger Williams, he did not find anyone who was interested in serving on the Council. Ballou indicated he would try again but also asked Council members to forward the names of any potential candidates. D. Monti suggested the Department send out a press release.

**ASMFC-NEFMC Updates:**

B. Ballou informed Council members that meeting summaries for these meetings were in the Council packets for their review.

B. Ballou asked if there was any other business to come before the Council.

Ballou asked if there were any objections from Council members to adjourn the meeting.

Hearing none, the meeting was adjourned.

Meeting was adjourned at approximately 9:00 PM.

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Nancy E. Scarduzio, Recording Secretary