

RHODE ISLAND MARINE FISHERIES COUNCIL
Minutes of Monthly Meeting
December 5, 2005
URI Narragansett Bay Campus
Corless Auditorium
South Ferry Road
Narragansett, RI

RIMFC Members: D. Preble, K. Ketcham, S. Parente, S. Medeiros, J. King

Chairperson: M. Gibson

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

DEM Legal Counsel: G. Powers

DEM Staff: Director M. Sullivan, R. Ballou

DEM Law
Enforcement: 1 attendee

Public: 4 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. There were none. **There were no objections by the Rhode Island Marine Fisheries Council (RIMFC or Council) to approving the agenda as submitted.** M. Gibson asked if there were any objections to approving the minutes of the November 14, 2005 Rhode Island Marine Fisheries Council meeting as submitted. **S. Medeiros made a motion to approve the minutes as submitted. J. King seconded the motion. The motion passed unanimously.**

New Business

Meeting schedule for 2006: J. McNamee stated that the Council had been provided a calendar for 2006 with all of the currently existing meeting dates on it. He noted that the Council had been using the first Monday of the month as their meeting time, however they could change this to whatever they thought was appropriate. The meetings were tentatively scheduled for the following dates in 2006: 1/9, 2/6, 3/6, 4/3, 5/1, 6/5, 7/10, 8/7, 9/11, 10/2, 11/6, and 12/4. M. Gibson stated that the dates may need to be adjusted to correspond with public hearings.

Other Business

Review of the RIMFC standard operating procedures and policies: M. Gibson stated that the Council had been interested in reviewing their policies, procedures, and duties and due to some legal questions, this review had been put off to the present time. M. Gibson went on to state that the floor was open and the Council members could discuss whatever they would like. J. McNamee reviewed what he had included in the packet, which

consisted of an advisory panel policy approved by the Council back in 2001, the statute that speaks to the Council's duties, and a flow chart relating to where the Council fits in to the regulatory process.

S. Parente asked if the Council members are considered public officials and if they are, would they thereby be bound by the state ethics commission. Director Sullivan stated that he had posed this question to the Division of Fish and Wildlife (DFW) legal counsel, the Department of Environmental Management's (DEM's) chief legal counsel, and Governor Carcieri's chief legal counsel and all three agreed that the Council members are public officials and are bound by the state ethics commission. K. Ketcham asked when, if ever, is it necessary for a Council member to recuse himself from voting on an issue. M. Gibson stated it is up to the individual to make that decision and is not in the purview of the DFW or DEM to make that decision. An individual can request an opinion from DEM but ultimately the decision is up to the individual. Director Sullivan added that it is also up to the individual to ask if they would like an opinion on this matter, it is not the role of DEM to go to the individual when there is a perceived conflict. K. Ketcham stated that he was under the impression that Senator Sosnowski rewrote the statute so that Council members would be advisory and would therefore be free to vote on any topic they wished. He went on to state that other Council members had voted on issues before where they benefited monetarily from their vote and nothing was said. The Director stated that this only becomes a problem if an outside entity comes forward and files a complaint against an individual for voting on a particular issue. G. Powers added, in response to a question posed by S. Medeiros, that a conflict arises when the Council member votes on an issue which no longer deals with a large class or large user group of people, but rather votes on an issue where the group that he/she may be involved in is very limited in number or scope. K. Ketcham stated that this might have a cooling effect on participation from the academic community if they are not able to vote on topics where a grant is concerned. Director Sullivan stated that it would only be a conflict if the professor in question sat on the Council and would have his or her personal salary underwritten by said grant. R. Ballou stated that the discussion was in relation to S. Macinko recusing himself at the last Council meeting and he wanted to state that S. Macinko asked for advice from DFW legal counsel and the advice given was that he most likely did not have a conflict. S. Macinko chose on his own to recuse himself.

M. Gibson asked the Council whether it would be helpful to have the Council agendas better reflect which items are informational and which are action items, therefore Council members would know whether they need to seek advice on conflicts. The Council did not object to this.

J. McNamee stated that in the advisory panel (AP) policy, it is within the purview of the AP chairman to suggest the removal of a member due to lack of attendance or disruptive behavior. He stated that he was mentioning this because this topic had come up on a number of occasions and he wanted to make it clear that it is the Council members that need to request the removal of members, it does not happen automatically.

Director's decisions on the 10/25/05 public hearing items: M. Gibson stated that this was the public hearing where the licensing regulations and the sector management plans were discussed. Director Sullivan stated that he had approved the advice given by the Council. J. McNamee stated that these regulations had been filed and would be effective on December 20, 2005.

Review of advisory panel membership lists: J. McNamee stated that he had included all of the current AP lists as well as the Industry Advisory Committee list in the Council packet. He recommended that the Council members go through the AP's that they chair and come forward with any requests for solicitations or nominee recommendations. He recommended February as the month to re-approve the lists. N. Lazar suggested going through the lists since the meeting had been fairly short so far. The Council went through the lists. The first was winter flounder. G. Carvalho needed to be replaced. R. Westcott's contact info is needed. There were a few openings on this panel also. R. Ballou suggested creating a new category for scientific advisors and DFW staff members, because the way the lists currently looked, they were included under the recreational heading. Director Sullivan wanted to make sure it was clear that no DEM personnel were taking up a position where a RI citizen should be on these panels.

The next panel was tautog. G. Carvalho needed to be removed and there were a few positions to fill.

The next panel was summer flounder. G. Carvalho needed to be removed and there were a few positions to fill. **E. Reid stated that he would fill the dealer alternate position. The Council did not object to this appointment.** J. McNamee stated that he did not have any contact info for J. Dougherty. K. Ketcham stated he would provide that.

The next panel was Striped Bass. D. Brady needed to be removed as well as G. Carvalho. There were also some spear fishermen positions available.

The next panel was shellfish. There was a dealer position available to which J. King suggested the gentleman from Gardeners Wharf. He would look in to this. J. Migliore and J. Mullen should be removed from the recreational spots as they are both state employees. This would leave a recreational shellfish spot open on this panel.

The next panel was scup/black sea bass. G. Carvalho needed to be removed. **E. Reid was nominated for the vacant dealer position. The Council did not object to this appointment.** There were several other vacancies to fill.

The next panel was menhaden. There were several vacancies to fill on this panel. There were suggestions to solicit M. Bucko for the menhaden bait shop vacancy and M. Marchetti for the lobster vacancy on this panel.

The next panel was lobster. G. Carvalho and J. Sorlien needed to be removed. J. Jordan could be moved up to the primary position for J. Sorlien he was currently the alternate. M. Gibson suggested adding some recreational spots for on the lobster panel, there

currently were none. He would ask T. Angell for some suggested nominees. There were a few other vacancies to fill. The Council suggested striking the “no federal permit” requirement from the lobster panel and the scup/black sea bass panel (trawl inshore position on both).

S. Medeiros asked if a co-chair on an AP needed to be a Council member, currently many of the co-chairs were not Council members. **M. Gibson suggested that an AP chair try and replace themselves in the event that he would not be able to attend a meeting with another Council member. If this is not possible, the AP can elect a temporary chairperson at the meeting per Roberts Rules. The Council did not object to this.** It was decided by the Council to change the phrasing co-chair to vice chair. They also decided to leave the existing vice-chairs (formerly co-chair) in place. The various panels may also want to discuss this and see if they would like to appoint a vice-chair to the panel or appoint one as needed, as suggested earlier.

The next panel was the Industry Advisory Panel. **J. McNamee suggested switching the designation on this panel from the association structure it currently has to a user group designation like the other existing APs. The Council did not object.** The only vacancy was for an inshore trawler representative. K. Ketcham had been designated as chair but had not been designated as such on the list. J. McNamee stated that he would add K. Ketcham in as the chair of this panel.

The next panel was the floating fish trap panel. This panel had been completely filled. There was discussion about the formation of this panel and J. McNamee stated that it had been formed to discuss marking requirements and boater conflicts with fish traps, not fisheries issues; therefore this is why the panel was structured without a myriad of user groups. There was a request to have a footnote placed on this panel so that it was clear that this panel would only be used for non-fisheries management related discussions.

The next panel was the enforcement advisory panel. G. Carvalho needed to be removed from this panel. There were a few vacancies to be filled.

The final panel was weakfish/bluefish. G. Carvalho needed to be removed, leaving one vacancy on the panel.

Post agenda discussion

B. Bannick asked that the Council revisit the fluke exemption program in RI. He was a fisherman in RI and was unable to attain a fluke exemption certificate. He suggested there be some provision that as exemption certificates are surrendered or retired, a new opportunity be opened to allow a new vessel to enter, thereby not increasing effort. The Council requested to notice this on a future agenda.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary