

**RHODE ISLAND MARINE FISHERIES COUNCIL**  
**Summary of Minutes from Monthly Meeting**  
**December 6, 2010 – 6:00PM**  
**URI Narragansett Bay Campus**  
**Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

RIMFC Members Present: S. Parente, R. Hittinger, C. Anderson, K Ketcham, R. Bellavance

RIMFC Members Absent: S. Macinko, S. Medeiros

Chairperson: M. Gibson

RIDEM F&W Staff: N. Scarduzio, J. McNamee, E. Schneider, D. Costa

DEM Staff: G. Powers, E. Cabral

Public: 22 people attended

M. Gibson called the meeting to order. He had a couple changes to make to the agenda. He recommended eliminating item 4(b) regarding the regulation re-write initiative he suggested waiting for the next meeting when B. Ballou would be available to speak about this item. He also stated since B. Ballou was not present to speak on this item he would eliminate item 7(b), appointments of new Council members. He asked if there were any other changes to the agenda. S. Parente requested when they went through the public hearing items, agenda item 5(a), could they start with proposal #3 first, the Friday and Saturday closure, since this would effected the other proposals. **M. Gibson asked if there were any objections to approving the agenda as amended. Hearing none, the 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 November 1, 2010, Council meeting. M. Gibson asked if there were any objections to approving the minutes. R. Hittinger noted that on the bottom of page 7, there were a couple of type errors that needed to be corrected. **M. Gibson asked if there were any objections to approving the minutes with the suggested corrections. Hearing none, the minutes from the November 1, 2010 Council meeting were approved as edited.**

**Public Comments**

K. Booth questioned if pieces of the proposed changes from the November public hearing included dealing with the Director's authority to establish sanctuary zones, noting it was not discussed at the public hearing.

M. Gibson stated there was nothing on the agenda for Council consideration regarding that issue and he was unaware of what K. Booth was referring to.

J. Jarvis stated he had concerns about out-of-state trawlers coming in and hiring local captains to fish our waters. He was concerned about this affecting the cod fishery and lobster gear getting destroyed by these guys.

M. Gibson suggested this item of concern could be put on a future Council agenda for discussion. He asked the Council if there were any objections. Hearing none, he would proceed

as he had suggested.

### **Advisory Panel Reports**

*Menhaden (11/30/2010) – S. Medeiros:*

J. McNamee reviewed the minutes from the AP meeting since S. Medeiros was not present. A second meeting would be scheduled to discuss one of the proposals that was submitted.

*Groundfish (11/29/2010) – K. Ketcham:*

K. Ketcham reviewed the minutes. The main items that were discussed were the commercial monkfish fishery and cod fishery.

M. Gibson suggested that anyone who had written proposals for these items may want to submit them to the Division prior to the February 22 public hearing.

T. Mulvey stated he hand delivered his written proposal to B. Ballou on November 5, 2010.

### **New Business**

*Council recommendations on November 10, 2010 Public hearing items:*

#### **1) Summer flounder quota management proposals:**

M. Gibson stated he was in a difficult position of trying to chair the meeting and articulate the Division's recommendations. He stated that the Division was in support of removing the Friday and Saturday closures since we had not been able to quantify any benefit to the fisheries from having such closures. He mentioned that the Division understood that there were business flexibility arguments and safety arguments to be made. Gibson stated this provision was currently on the books and lacking any Council action this provision would remain in effect.

Gibson asked if anyone wanted to advance an argument to remove this provision or make a motion to that effect.

**S. Parente made a motion to recommend that the Director remove the Friday and Saturday closures in the summer sub period thereby reopening the summer flounder fishery on Fridays and Saturdays. R. Bellavance seconded the motion.**

S. Parente explained that he thought this provision should be removed, for both safety issues, and gillnetting issues, as well as, and another big reason which was because of the increased quota that we were allocated. There was no justification not to reopen these days. He mentioned it was originally closed due to low quota issues, not competition between other gear types.

R. Hittinger voiced concerns of a conflict between the commercial rod and reel fishermen and the recreational fishermen. He stated that the Friday and Saturday closures were a way to relax that conflict. He noted that they were fishing in the same locations on the same fish. He explained the recreational fishermen were out more on the weekends and by having the Friday and Saturday closures it relieved some of the conflict. He spoke about the commercial possession limit going down to 50 pounds during this past summer and pointed out that even with Friday and Saturday closed the possession limit still had to be lowered. He felt the same thing would happen next year even with the quota increase. He asked the Council if they would considered at least keeping a Saturday closure.

S. Parente clarified what happen with the 50-pound possession limit during in the summer period by pointing out what had happened in the fall when we did not use the fish. He stated it was back loaded to the maximum and those were fish that could have been harvested in the summer. He noted that ideally you would have a nice even line of consumption. Parente also noted he did not see a conflict between commercial rod and reel and recreational fishermen. He indicated he did not see any reason for the closures based on the new increased quota. He explained that going forward if there were issues then we could revisit this provision at that time.

R. Bellavance commented that he was in support of removing the Friday and Saturday closures based primarily on the safety issue. He felt this was a driving force in his opinion and also the Division's recommendation which noted that there was no quantitative advantage to the fishery.

R. Hittinger addressed S. Parente's comments by noting the during the AP process most of the attendees were primarily commercial representatives and it was voted to maintain the Friday and Saturday closures. He addressed the conflict issue by noting that the recreational folks do see a lot more of commercial rod and reel fishermen than they would encounter a dragger or a sector boat.

M. Gibson went to the audience to determine support for the motion. He poled the audience to determine support or opposition for the motion.

J. Jarvis stated he was in support of the motion to remove the Friday and Saturday closures. He noted he did not see the conflict between commercial and recreational fishermen.

G. Allen stated he was opposed to the motion to remove the Friday and Saturday closures. He indicated that it does make a difference. He explained that being retired he had the opportunity to fish during the week and on weekends and he knows where the fish are and the commercial rod and reel guys know where the fish are and during the week he does not have as much opportunity to catch as many fish when commercial rod and reel people are present. On weekends when they are not there, the recreational fishermen have more opportunity to catch fish because the fish have not been fished hard on Friday or Saturday. He stated it does make a difference, it was not a conflict but an opportunity for the recreational fishermen to catch some fish. He pointed out it was a fairness issue.

G. Carvalho stated he was in support of the motion to remove the Friday and Saturday closures. He gave two reasons why; commercial fishermen do not stop fishing because it was Saturday or Sunday, secondly he was opposed to separating and making special privileges for one group verses another group. He stated that this was a bad policy, he did not want to be pitted against anyone because he had been treated special while the other person had been disadvantaged.

K. Booth stated he was in support of the motion to remove the Friday and Saturday closures. He noted that he could understand the concern but he did not feel there was a huge conflict. He felt it was an emotional thing, which did not have a place in the management process.

K. Ketcham commented that the sector boats were not in conflict with any of the fisheries, they do not target fluke inshore and they do not target large volumes of them when they are close to the beach in state waters. He was unaware of any conflicts. He explained if sector boats were fishing close to the beach in state waters they were targeting other species such as squid. They were not catching fluke when they were catching squid.

C. Anderson stated that both sides have reasonable arguments and in the past he thought he had voted in support of the Friday and Saturday closures, but this year we are getting more fish and he finds the safety at sea and the reduced discard issues compelling and he was leaning toward trying this for a year.

R. Hittinger stated by going forward with this we may end up with 50 pounds per day. He noted at the AP meeting people were very opposed to going to 50 pounds per day because it did not make a days pay.

**M. Gibson asked for a vote. The Council voted (4) in support; K. Ketcham, S. Parente, C. Anderson, and R. Bellavance to (1) opposed; R. Hittinger, to approve the motion to recommend that the Director remove the Friday and Saturday closures in the summer sub period. The motion passes.**

M. Gibson suggested that the Council take up proposal #7, which was to repeal or modify the 3-year penalty provision, then tackle the sub periods and possession limits. He asked the Council if anyone was interested in making an argument or a motion to repeal the 3-year penalty provision. M. Gibson noted he thought the Division of Law Enforcement was opposed to removing this provision.

Lt. E. Cabral stated that the Division of Law Enforcement was opposed to repealing this provision. He stated that it lends creditability to the program and it seems to have been working since inception, and they had some court cases pending so the timing of removing this provision would not be ideal. M. Gibson stated that the DFW would defer to the Division of Law Enforcement.

M. Gibson asked if any Council member was interested in advancing a motion to repeal this provision. S. Parente stated he spoke at the public hearing and stated that he felt there should be some system of checks and balances that should be in place. He felt there should also be some explanation as to what was a major or minor violation. M. Gibson suggested that the Division work on this and next year when this rolls around again possibly present some greater definition to the 3-year penalty per S. Parente's concerns, defining a cutoff level for "small" and "large violations".

**Hearing no motion or interest from the Council to repeal the 3-year penalty provision M. Gibson stated that no recommendation on this item would be given to the Director at this time.**

M. Gibson explained that the next few proposals pertained to starting possession limits and/or allocations within the sub period. He asked if there were any motions or discussion on how to configure the summer flounder 2011 fishery with regard to starting possession limits and allocations between the sub periods.

There was some brief discussion by the Council in reviewing the proposals.

**K. Ketcham made a motion to recommend that the Director adopt the Division's proposal (proposal #2) with one change, to increase the possession limit for the summer sub period from 350 pounds per week to 500 pounds per week. This option included the following: in the winter 1 sub period during the aggregate period 300 lbs/day or if in the aggregate**

**landing program 3,000 lbs/week. The summer sub period would then be set at 100 lbs/day or if in the aggregate program 500 lbs/week. For the winter 2 sub period, the possession limit would be 600 lbs/day. This proposal also removed irrelevant dealer language from the aggregate program; modified the aggregate landings program trigger from 80% to 90%; and modified the logbook requirement to allow an exemption for volunteer enrollment in the e-Trip electronic logbook program. C. Anderson seconded the motion.**

M. Gibson asked enforcement if they had any concerns about the logbook requirement.

Lt. E. Cabral stated that the Division of Law Enforcement understands that the e-Trip logbook would simplify record keeping; however, it would cause problems for dockside enforcement. They would not have a logbook to review and it then becomes a paper chase later on in trying to find out what landings have already occurred in those aggregate programs. Currently they can look at a logbook on the vessel to see what has been landed during that week period. He commented that without having a black berry in hand they would not be able to access the e-Trip logbook information and would tie the hands of Enforcement.

J. McNamee stated in this particular situation it was not as big a deal since almost everybody is a federal vessel during the aggregate period and has a VTR requirement anyway. He noted it was more an issue with scup than with fluke.

K. Ketcham confirmed what J. McNamee stated, that they still had to fill out a VTR. He stated that right now some boats are doing both. He noted he had been doing the e-Trip logbook for a couple of years but still had to fill out a VTR.

M. Gibson asked if anyone from the audience supported the motion.

G. Tremblay wanted to make sure the Friday and Saturday closures were already dispensed.

K. Booth asked if the logbook requirement was part of the motion.

M. Gibson stated that it was, with Enforcement's concerns withstanding. He noted that these recommendations would make it to the Director's desk and the Director would have to make a decision with how much this helps Enforcement and how quickly we want to move forward to modernize reporting.

K. Booth stated he was in favor of the motion but with the caveat that the Director just presented some interesting documentation at the legislative task force meeting on violations and it was shocking to see the amount of violations by a small group of people exceeding quotas by 100 %, and 600%. Therefore, to take away any ability for Enforcement to be able to handle those individuals would be something we need to be careful about.

T. Mulvey stated he was in support of the motion.

The audience voiced no opposition to the motion.

**M. Gibson asked for a vote. The Council voted unanimously to recommend that the Director adopt the Division's proposal (proposal #2) with the change to increase the possession limit for the summer sub period from 350 pounds per week to 500 pounds per week. This option included the following: in the winter 1 sub period during the aggregate period 300 lbs/day or if in the aggregate landing program 3,000 lbs/week. The summer sub period would then be set at 100 lbs/day or if in the aggregate program 500 lbs/week. For the winter 2 sub period, the possession limit would be 600 lbs/day. This proposal also removed irrelevant dealer language from the aggregate program; modified the aggregate landings program trigger from 80% to 90%; and modified the logbook requirement to**

**allow an exemption for volunteer enrollment in the e-Trip electronic logbook program. The motion passes.**

2) Proposal to continue/expand/modify summer flounder sector allocation program in 2011:

M. Gibson noted for the record that K. Ketcham had recused himself from discussion and voting on this particular element of the public hearing. He also noted there was still a five-person quorum.

R. Hittinger commented that at the AP meeting the group voted in favor of recommending that the pilot program continue and at the public hearing all comments were against it. He noted that there must have been a completely different group of people at the public hearing than at the AP meeting.

M. Gibson noted, for the record, that the Division has supported another year of this program and we believe that another year of replication particularly one with some winter experience in it since the past two years all we have had was a summer program would give us a better idea of a year round program. He indicated that the Department was prepared to put this in place as quickly as possible. He also touched on the series of Round table meetings that would be scheduled to continue discussions on this program.

S. Parente had concerns that beginning the program in January would increase the sector quota.

M. Gibson explained that from whatever date the program starts the Division would have to calculate the appropriate number of landings by factoring in the amount of fish, which were landed under non-sector operations and go through the process of specifying what would be left for the sector operations.

**C. Anderson made a motion to recommend that the Director adopt (proposal #1) to continue the summer flounder sector allocation pilot program as status quo with the program running from January 1 through December 31. R. Bellavance seconded the motion.**

C. Anderson explained his reasoning for his support of the program. He stated his analysis had showed that the sector had been better for the stock, it had reduced discards, and that the RI fishing community had gained financially in 2009. He elaborated on his findings. He stated he was also interested in gaining an addition year of information to be able to understand how a RI fluke sector interacted with federal catch shares, how a larger sector would function, how this would operate, and what would be the distribution of benefits if we had a full year.

S. Parente stated he was opposed to sectors. He indicated when this program started there were requirements that were built in but have since been removed, such as owner/operator, and the possession of a fluke exemption certificate and a federal permit by each sector participant, as well as a supposed 1-mile buffer. He stated he would not be voting in support to continue this program.

M. Gibson asked audience members if anyone was in favor of the motion. K. Ketcham, responding from the audience, stated he was in support of the program going forward for another year.

M. Gibson asked if there were any audience members who were opposed to the motion.

R. Fuka stated he was opposed to the motion to continue the sector program. He directed his comment at C. Anderson and stated that his own finding have showed that federal boats in sectors were breaking even at best.

K. Booth stated he was opposed to the motion. He indicated he was unsure of what the state's goals were and what the structure of the program was. He asked that the Council look at limiting or putting a cap on what the sector could take.

**M. Gibson asked for a vote. The Council voted (3) in support; C. Anderson, R. Bellavance, and M. Gibson to (1) opposed; S. Parente and (1) abstained: R. Hittinger to approve the motion to recommend that the Director adopt (proposal #1) to continue the summer flounder sector allocation pilot program as status quo with the program running from January 1 through December 31. The motion passes. Note: K. Ketcham did not vote he had recused himself for this item.**

G. Carvalho had a point of order. He wanted to know if the chair could only vote to break a tie vote. M. Gibson stated that he was anticipating there could have been a tie vote, but there was an abstention so the chair's vote was not needed.

*3) Proposal to modify the control date for the commercial summer flounder fishery:*

M. Gibson stated that the Division recommended moving the control date forward by one year because the 2010 fishing season has largely taken place and there is no opportunity before prospective fishing activities to pad histories, they occur as they are. This would give us a solid block of years of SAFIS information to consider in future allocation discussions. This simply draws a line in the sand.

**S. Parente made a motion to recommend that the Director terminate the control date. R. Hittinger seconded the motion.**

M. Gibson asked if there was anyone in the audience who was in support of the motion.

K. Booth stated he was in support of eliminating the control date.

G. Carvalho stated he was in favor of eliminating the control date.

M. Gibson asked if there was anyone, in the audience, who was opposed to eliminating the control date. There were no comments made from the audience.

**M. Gibson asked for a vote. The Council voted (2) in support; S. Parente and R. Hittinger and to (2) opposed; C. Anderson and K. Ketcham; and (1) abstained: R. Bellavance to recommend that the Director terminate the control date. The motion failed for lack of a majority.**

**K. Ketcham made a motion to modify the control date for the commercial summer flounder fishery to December 31, 2010. C. Anderson seconded the motion.**

**M. Gibson asked for a vote. The Council voted (3) in support; K. Ketcham, C. Anderson, and R. Bellavance; to (2) opposed; S. Parente and R. Hittinger to approve the motion to recommend that the Director modify the control date for the commercial summer flounder fishery to December 31, 2010. The motion passes.**

4) Scup quota management proposals:

**K. Ketcham made a motion to recommend that the Director adopt the Division's proposal (proposal #2) as presented. This option included the following: increasing the starting possession limit for the winter 1 period from 500 pounds per every two weeks to 30,000 pounds per week, and changing this winter 1 program from a biweekly program to a single week program. Remove the permitting requirement for the winter scup aggregate program, modify the sub period language from hard dates to more flexible language to accommodate the aggregate program, and repeal or modify the current logbook requirement to allow electronic logbook reporting. Starting date and possession limits as follows:**

**Winter 1 (January 1- April 30) between 0 and 30,000 lbs/week**

**(May 1 - July 3) between 0 and 700 lbs/week**

**(July 3 – September 18) between 0 and 500 lbs/week**

**(September 18 – October 31) between 0 and 500 lbs/week**

**(Winter 2 (November 1 – December 31) 2,000 lbs/day**

**This motion also included recommending that the Director adopt proposal #3, which was the Division recommendation to reestablish the DFW authority to move quota from the floating fish trap allocation into the general category fishery.**

**S. Parente seconded the motion.**

M. Gibson questioned if the Council was interested in including a date certain for rolling over the floating fish trap scup allocation into the general category scup fishery. The Council did not specify any date.

There was some brief Council discussion on the motion.

C. Anderson asked why we were going from a biweekly period to a weekly period in the winter 1 period. J. McNamee indicated this was an ASMFC requirement that we were complying with.

K. Booth stated his concerns about the logbook requirement and wanted to make sure Enforcement had the tools they needed to do their jobs, and asked that the Department take this under consideration.

M. Gibson asked if anyone in the audience was opposed to the motion. There was no response. He then asked if anyone from the audience was in favor of the motion. There were no comments.

**M. Gibson asked for a vote. The Council voted unanimously to recommend that both (proposal #2) and (proposal #3), as stated previously, pertaining to scup quota management go forward to the Director for adoption.**

5) Black sea bass quota management proposals:

M. Gibson stated that the Division supports status quo since there is so little fish to work with; it is problematic trying to be creative with black sea bass management and until we have a larger state quota, we recommend remaining at status quo.

**S. Parente made a motion to recommend that the Director adopt a modified proposal #4 for the black sea bass management plan, which was 750 pounds per day in the winter 1 sub period; 25 pounds per day in the spring and summer sub periods with no August closure; and 250 pounds per day in the winter 2 sub period. K. Ketcham seconded the motion.**

M. Gibson asked if the allocation was not caught what would happen to those pounds. Would the current rollover provisions still remain in place? S. Parente pointed out that this was black sea bass and the quota was so small usually there is nothing to rollover. Gibson stated that J. McNamee was indicating that there were rollover provisions in place to address this concern.

R. Bellavance wanted to know what we could do as a state to get ASMFC to recognize that black sea bass is not over fished. M. Gibson stated that they were looking into this issue. There was Council discussion about the models being used.

R. Hittinger stated he supported the motion.

M. Gibson asked if anyone from the audience opposed the motion.

J. Grant stated he strongly opposed the motion. He indicated that last year they tried dropping from 100 to 50 pounds to try to lengthen the season but the model did not show there was any significant reduction in the landings at all. All that happen was that people made less money. He stated that going to 25 pounds made no sense to him. He suggested 100 pounds.

M. Monteforte stated he was in support of the motion.

K. Booth stated his organization was in support of the motion for 25 pounds per day.

**M. Gibson asked for a vote. The Council voted unanimously to recommend that the Director adopt a modified proposal #4 for the black sea bass management plan, which was 750 pounds per day in the winter 1 sub period; 25 pounds per day in the spring and summer sub periods with no August closure; and 250 pounds per day in the winter 2 sub period. The motion passes.**

*Appointment of new Shellfish and Lobster AP Chairs:*

M. Gibson asked the Council if they were ready to make nominations.

R. Hittinger suggested that the Council leave those slots vacant until they get a Council representative who is a shellfisherman. He suggested Council members could cover AP meetings as needed, until permanent people were appointed. The Council was in agreement.

*Approval of Summer Flounder AP Agenda – R. Hittinger:*

M. Gibson asked if there was interest in combining both the summer flounder and scup/black sea bass AP meetings. K. Ketcham stated he would not be available during this time and had spoke to R. Hittinger about holding a joint meeting. R. Hittinger stated he would not be available for the beginning of January either.

R. Bellavance stated he would be available to conduct a joint meeting.

R. Hittinger stated he would be available during the last week of December and would want to be present for the summer flounder meeting. He and J. McNamee would work on a date.

**The Council approved both the summer flounder and scup/black sea bass AP agendas.**

*Approval of Scup/Black Sea Bass AP Agenda – K. Ketcham:*

**The Council approved a combined summer flounder and scup/black sea bass AP meeting with a date to be determined.**

*Approval of Tautog AP Agenda – R. Hittinger:*

J. McNamee explained that we do not need to hold a tautog AP meeting prior to the January 14, 2011 date with the understanding that if we do not hold a meeting then modifying the April 15<sup>th</sup> start date would not be an option. The only thing that would be up for consideration would be the fall season. Therefore, when the season opens on April 15<sup>th</sup> it will be a three fish possession limit. M. Gibson asked the Council if they had any issues with the tautog AP agenda. Hearing none, he stated he would leave it up to R. Hittinger and J. McNamee to work out a date. **The Council approved the agenda.**

*Approval of Striped Bass AP Agenda – C. Anderson:*

C. Anderson agreed with a January 12, 2011 meeting date. **The Council had no objections to approving the agenda.**

*Approval of Menhaden AP Agenda – S. Medeiros:*

J. McNamee explained that the chair, S. Medeiros requested to have a follow-up meeting to fully discuss one of the proposals that came forward at the last meeting. A date had not been confirmed but a meeting would be held in early January. **The Council had no objections to approving the agenda.**

*Appointment of new member(s) to Advisory Panel(s) – N. Scarduzio:*

N. Scarduzio stated T. Baker had applied to be the alternate for J. Grant on the scup/black sea bass advisory panel. **M. Gibson asked if there were any objections from the Council to approving T. Baker. Hearing none, T. Baker was appointed as the alternate to J. Grant.**

N. Scarduzio stated the next item pertained to the Groundfish AP. J. Gadzik who was the alternate for R. Bellavance would move up to the primary slot replacing R. Bellavance since R. Bellavance was now a Council member. **M. Gibson asked if there any objections from the Council to approving J. Gadzik as the primary in the hook and line slot. Hearing none, J. Gadzik was appointed.**

*Proposed Council meeting schedule and public hearing schedule for 2011 – N. Scarduzio:*

N. Scarduzio reviewed the proposed 2011 Council meeting schedule and public hearing schedule. M. Gibson asked for a motion to approve the 2011 Council agenda. **K. Ketcham made a motion to approve the 2011 meeting schedule as presented. R. Bellavance seconded the motion. There were no objections to approving the 2011 Council meeting schedule. The schedule was approved as presented.**

**ASMFC – NEFMC Updates**

M. Gibson stated the information was included in Council packets for Council review. He asked if the Council had any questions about the information. There were no questions or comments from the Council.

**FYI**

*February 22, 2011 Proposed Public Hearing Items – N. Scarduzio:*

N. Scarduzio reviewed the list of items that were being proposed for the February 22, 2011 public hearing.

*Establishment of New Legislative Task Force – B. Ballou:*

M. Gibson stated that the task force had the first meeting earlier today. He explained there were a number of presentations made by various fishermen groups and Director Sullivan also addressed the group. He indicated there would be six meetings but did not know the specific schedule of meetings yet. He noted the Division would keep the Council informed as meetings occur.

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

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Nancy E. Scarduzio, Recording Secretary