



# Rhode Island Marine Fisheries Council

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## MEETING SUMMARY

June 26, 2017

Chairperson: *B. Ballou*

RIMFC Members: *J. Grant, B. Mackintosh, M. Rice, C. Rein, D. Monti, T. Barao, A. Dangelo (M. Roderick absent)*

DEM: *G. Powers, J. McNamee, S. Olszewski, E. Schneider, P. Duhamel*

Public: *P. Duckworth, Ron..*

1. **Approval of the Agenda:** The Chair inquired as to modifications to the agenda or objections to approving the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of RIMFC meeting minutes from February 28, 2017:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:** No comments were offered.
4. **June 12 public hearing items:**
  - **Recreational Black sea bass:** *J. McNamee* offered that the proposal resulted from recent changes at ASMFC. **Motion made by *D. Monti* to amend the season and possession limit as proposed; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 7 – 0.**
  - **Commercial monkfish:** *J. McNamee* offered a summary of each of the options proposed: option 1 resulting from amendments to the FMP that he believes will be soon adopted by NEFMC; option 2, an industry proposal for an aggregate/weekly possession limit; and option 3, a conceptual proposal from the Division that would resemble the federal program as an alternative to option 2. He offered that enforceability is an issue with an aggregate program. He offered that a cellphone application is being developed that would assist with improved reporting and compliance. He offered that the Division did not support an aggregate possession limit of 7 times the daily the limit, and offered that a 4 or 5 times the daily limit would be more reasonable, and also did not offer Division support for option 3 until the reporting software is available. **Motion made by *C. Rein* to recommend adoption of option 2, modified to be 5 times the daily limit, or 3,500 lbs/vsl/week tail weight or 11,620 lbs/vsl/week whole weight; 2<sup>nd</sup> by *M. Rice*. *P. Duckworth* offered that the aggregate provides greater flexibility to fishermen. *J. McNamee* offered that the state quota has never been reached. **The motion passed 7 – 0.****

- **Proposal to amend the gill net tagging requirements (section 6.5.3(E)(6)):** *P. Duhamel* offered that the noticed language was still in need of modification, and offered modified language in a second slide of the powerpoint presentation. *J. McNamee* offered that the tags are poor quality, and this proposal should result in less damage to tags. He offered that the Division would be offering a proposal at a later date to provide for higher quality tags. *B. Macintosh* offered that it is important that quality tags are used that remain attached to each individual net panel for owner identification purposes. *J. McNamee* offered that locating tags on the strings ends aids in enforcement in that only the ends may be inspected rather than having to pull up the entire net. **Motion made by *B. Macintosh* to recommend adoption of the modified language as presented on the 2<sup>nd</sup> slide, also changing the words “float line” to “bridle”; 2<sup>nd</sup> by *C. Rein*. The motion passed 7 – 0.**
- **Proposal to delete the regulation regarding a gillnet prohibition in Block Island waters (section 6.5.3(K)(7)):** *J. McNamee* offered that the regulation is obsolete and offered Division support to repeal it. *B. Macintosh* offered that the rule was created with his involvement for the purpose of protecting Cod, and offered that the rule is no longer relevant due to the decline in the Cod fishery in state waters. **Motion made by *B. Macintosh* to recommend repeal of the rule as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 7 – 0.**

  - **Action item:** Gillnet tagging to be brought to IAC in August for subsequent regulatory proposal at November 2017 public hearing.
- **Proposal to clarify fyke net registration requirements (section 6.5.4(A)):** *J. McNamee* offered Division support as proposed as a clarification of the regulation. **Motion made by *A. Dangelo* to recommend amending the rule as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 7 – 0.**
- **Proposal to clarify the regulation regarding seine net prohibition in coastal salt pond channels (section 6.5.5):** *J. McNamee* offered Division support as proposed as a clarification of the regulation. **Motion made by *D. Monti* to recommend amending the rule as proposed; 2<sup>nd</sup> by *M. Rice*. The motion passed 7 – 0.**
- **Proposal to clarify point of quantity determination (section 7.1.2):** *J. McNamee* offered Division support as proposed as a clarification of the regulation. **Motion made by *C. Rein* to recommend amending the rule as proposed; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 7 – 0.**
- **Proposal to adopt new regulations to specify information required for the dealer’s record of any sales/transactions (section 7.1.4):** *J. McNamee* offered Division support for the proposal to assure that landings are properly accounted for and attributed to the fishermen. He offered that he understood the public comment regarding ability of fishermen to land without a signature as they routinely land product to the dealer’s place of business after hours when the business is closed, and requested that the Council specifically consider this aspect of the proposal. *B. Macintosh* offered

that the signature requirement is not feasible at the time of landing, to which *J. Grant* concurred. *J. McNamee* inquired if the signature could be obtained at date after the landing occurred, thereby satisfying the intent of the proposed rule and not interrupting workflow of the fisherman; to which *J. Grant* responded that such was not practical and would result in an unnecessary burden to the fisherman. *B. Macintosh* concurred that having to backtrack to the dealer's premises at a later date to provide the signature would be unnecessarily burdensome. Legal counsel *G. Powers* offered that the signature is necessary and beneficial to fisherman to assure that landings are properly attributed to the fisherman, and also beneficial to the Department for compliance purposes. **Motion made by *J. Grant* to recommend adoption of the amendment as proposed, with the exception of the signature requirement; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 7-0.**

- **Proposal to adopt regulations to specify additional (i.e., in addition to the requirements as specified in section 7.1.4) information required for dealer's record of shellfish sales/transactions. (section 7.2.4):** *P. Duhamel* offered that requirements are not technically new requirements, as the rules are currently contained in Div. of Law Enforcement regulations, and added that proposal is only to shift rules to Marine Fisheries. *J. McNamee* offered Division support as proposed as a status quo proposal. *J. Grant* offered support of the proposal as is current practice and necessary for shellfish transactions due to the stricter requirements as specified in the NSSP model ordinance. He offered that the signature is not burdensome as shellfish cannot be landed after hours due to strict refrigeration requirements as contained in the NSSP model ordinance. **Motion made by *J. Grant* to recommend adoption of the amendment as proposed, including the signature requirement; 2<sup>nd</sup> by *D. Monti*. The motion passed 7-0.**
- **Proposal to remove the requirement that transactions be recorded in a "permanently bound ledger" (section 7.2.4(J)):** *J. McNamee* offered Division support as proposed. **Motion made by *A. Dangelo* to recommend adoption as proposed; 2<sup>nd</sup> by *T. Barao*. The motion passed 7- 0.**
- **Proposal to provide for consistency with DOH regulations "Rules and Regulations Pertaining to the Processing and Distribution of Shellfish" and the NSSP model ordinance regarding dealer wet storage of shellfish:** *P. Duhamel* offered that proposal is a result of a meeting with DOH, DEM Legal and DEM Enforcement. *J. McNamee* offered Division support as proposed. **Motion made by *D. Monti* to recommend adoption as proposed; 2<sup>nd</sup> by *C. Rein*. The motion passed 7- 0.**
- **Proposal to provide for consistency with DOH regulations "Rules and Regulations Pertaining to the Processing and Distribution of Shellfish" and NSSP model ordinance regarding dealer handling and tagging of shellfish:** *P. Duhamel* offered that proposal is a result of a meeting with DOH, DEM Legal and DEM Enforcement. *J. McNamee* offered Division support as proposed. **Motion made by *A. Dangelo* to recommend adoption as proposed; 2<sup>nd</sup> by *J. Grant*. The motion passed 7- 0.**

- **Proposal is to revise the rule regarding sale of seafood to consumers, either directly or through restaurants or other retail outlets, so that the rule applies more broadly to all seafood, rather than shellfish only:** *P. Duhamel* offered that proposal currently applies to all seafood, and not just shellfish, but is confusing in that language is located in the shellfish section of the regulation. He offered that proposal is only to clarify rule by moving the section out of shellfish section of regulations. **Motion made by *D. Monti* to recommend adoption as proposed; 2<sup>nd</sup> by *C. Rein*. The motion passed 7- 0.**
  
- **IAC/SAP membership:**
  - **SAP:** Current membership of the SAP panel has recently been revised by vote of the Council to remove members no longer interested in serving. The Council recommended to the Division that a general listserv be sent out to solicit new membership.
    - **Action item:** Division to send listserv to solicit new SAP membership
  - **IAC:** *C. Rein* as the IAC Chair offered to work with *J. Lake* regarding contacting membership and determining those members wishing to no longer serve on the panel. *P. Duhamel* offered that the Division wished to formally implement the attendance policy so as to remove consistently delinquent members that are difficult to reach and do not attend meetings.
    - **Action item:** *C. Rein* to contact membership by phone and email to determine current membership. Implementation of attendance beginning next IAC meeting; subsequent placement of topic on next Council agenda to remove delinquent members. Division to send listserv email to solicit new membership.
  
- **IAC meeting:** Next meeting is tentatively scheduled for August 10.

Meeting adjourned at approximately 7:30

Prepared by *P. Duhamel*