

RHODE ISLAND MARINE FISHERIES COUNCIL

Minutes of Monthly Meeting

January 9, 2006

URI Narragansett Bay Campus

Corless Auditorium

South Ferry Road

Narragansett, RI

RIMFC Members: D. Preble, K. Ketcham, S. Parente, S. Medeiros, G. Allen

Chairperson: M. Gibson

RIDEM F&W Staff: J. McNamee

DEM Legal Counsel: G. Powers

DEM Staff: R. Ballou

DEM Law

Enforcement: K. Blanchard, S. Hall

Public: 10 people attended

Chairman M. Gibson called the meeting to order. He asked if there were any changes to the agenda. There had been a request to add a

striped bass advisory panel (AP) meeting agenda and a tautog AP meeting agenda to item 4b. There was also the need to strike item 5b as the decisions were not available at the current time. There were no objections by the Rhode Island Marine Fisheries Council (RIMFC or Council) to approving the agenda as modified. M. Gibson asked if there were any objections to approving the minutes of the December 5, 2005 Rhode Island Marine Fisheries Council meeting as submitted. G. Allen made a motion to approve the minutes as submitted. S. Medeiros seconded the motion. The motion passed unanimously.

Advisory Panel Reports

Floating fish trap: G. Allen gave the report. He stated that there were two main points of discussion. The first was to review the current floating fish trap regulations to make sure everyone was aware of the requirements and timelines for 2006. The other was to review the Coast Guard decisions on the marking of the fish traps. B. Murphy of the RI Division of Fish and Wildlife (DFW) brought to the meeting information on a company that makes coast guard approved markers, which the fish traps could purchase. These markers are very expensive, therefore the fish trap operators requested looking in to the opportunity that they could make the markers themselves. One of the trap operators is to look in to this with the coast guard and report back. Letters noting where the traps are to be set are due to the DFW by the 10th of January, which was the following day. If these were not completed, the non-compliant trap operators would be referred to the Department of Environmental Management (DEM) legal counsel.

S. Hall asked whether the coast guard has indicated what it would take to get their approval on a marine marker. G. Allen stated they did not and A. Glidden had been tasked with looking in to this. He went on to state that if the coast guard states that the markers are not certified or will take a long time to review, the fish trap operators would have to purchase the pre-certified markers. M. Gibson stated that DEM law enforcement needs to be notified of the meeting where the marker issue is looked at so that they know what has been certified or not by the coast guard and can therefore enforce the regulations that exist. T. Hoxsie stated that the operator tasked with looking into this might not be around due to a personal issue. G. Allen asked if T. Hoxsie could take this over. T. Hoxsie stated that he would look in to it.

J. Low asked if the fish trap AP was going to go out of existence after the marking process had ended. G. Allen stated that it would not. J. Low then requested that a commercial rod and reel position be added to the panel. The Council declined to take action on this request.

S. Hall stated that he would look in to checking with B. Murphy and then the Coast Guard to see if they will accept privately made aids to navigation.

New Business

Review of current fluke exemption certificate program: M. Gibson

stated that this was an issue that had been brought up at the end of the previous months meeting and the Council had requested that it be added to the agenda. J. McNamee stated that he had included the regulation where the fluke exemption language existed so that the Council could look at it. The gentlemen who had brought up the issue were in attendance but their basic request was to add in an attrition provision to the exemption language so that individuals who were currently shut out of the program could get in when an existing permit drops out of the program.

B. Bannick stated that his request was exactly that. He felt that there were many permits that existed on record that had either left the state or are no longer in existence. He went on to state that it was unfair that he is a resident and taxpayer in Rhode Island who had landed fluke during the time period the regulations speak to, but could not land fluke in the state and had no way of getting in to the program that would allow him to. He also stated that every other state with the exception of RI allowed you to purchase permits. P. Nicholson supported these statements but said that he did not think it was the intent of the Council to make these permits a commodity. J. McNamee stated that there was no way to tell at this point which permits had left the state because there was no renewal requirement, therefore once a permit had been issued to a boat even though it may not currently be fishing in the state, it still has the opportunity to do so. One thing the DFW could do would be to look at SAFIS landings and match them up with vessels that have permits to see who actively

fished for fluke the previous year. There was a discussion about transferring permits. M. Marchetti stated that there were many RI residents who are currently shut out of the fluke fishery and would like to get their hands on one of the fluke exemption certificates. He stated that their inability to get one was wrong.

S. Medeiros requested looking in to this process and seeing if there was a way to alter the program without completely dismantling it. K. Ketcham stated that he would be hesitant because you could not just open the door for one person, it would be available to all people thereby increasing effort. M. Gibson asked the Council if they would like the DFW to look in to this matter further as far as their ability to identify latent permits and add an agenda item to the February meeting on this. M. Gibson also stated that DEM legal counsel would have to look in to whether the permits could be rescinded if they are deemed latent. S. Parente stated that he saw this as a parallel issue with licensing and the Council had just recently voted to not issue restricted finfish licenses, he didn't understand why they would allow an increase in effort by opening these permits. He went on to state that this was an issue that should be remanded to the advisory panel. The Council requested that the DFW look in to this further as suggested by M. Gibson and report back in February.

Agenda for menhaden advisory panel meeting: Two other agendas had been added to this agenda item so the Council looked at draft agendas for tautog, striped bass, and menhaden meetings. J.

McNamee stated that the menhaden agenda had been included in the packet and striped bass and tautog had been handed out prior to the meeting. G. Allen made a motion to accept the agendas as submitted with a date change for the striped bass panel. D. Preble seconded the motion. The Council unanimously approved the motion.

Other Business

Discussion about the Magnusson-Stevens Act reauthorization: This item came forward as a request from the Director of DEM. R. Ballou stated that the Director was looking for the Council to comment on the issues and provide the Director with any advice that they would like passed on to the Governor. The Governor's office would then in turn provide advice to RI's congressional delegation on the act. R. Ballou stated that he thought this would be going before Congress in the near future. The act as it currently existed did not provide any restructuring for the regional Councils. Senator Reed was aware that RI would like a seat on the Mid Atlantic Council as they decide on species critical to RI, and they would be trying to get this added to the act. The Council discussed several items the biggest being addition of a RI seat on the Mid Atlantic Council. M. Gibson suggested that the DFW draft a number of items of concern to the Council and then email it out to the Council for comments and additions. This was suggested due to the length and intricacies of the bill that was going forward. The Council agreed to this course of action but added that they were prepared to send along the advice that the Council strongly requested that RI be given a seat on the Mid Atlantic Council. The

other topics discussed by the Council were the provisions for recreational fishing data in the act and the provisions on privatization or ITQs, which are discussed in the act. Nothing concrete was advised by the Council on these topics at the current time. K. Blanchard stated that there was a section on law enforcement that would allow enforcement agencies to use commercial reporting data to prosecute cases; he requested that the Council support this, as it would be very beneficial to have this ability.

Review of advisory panel membership lists: J. McNamee stated that he had a few nominees to bring forward and this would also be an opportunity for the Council to bring forward any changes that they wanted. The nominees that had been forwarded to the Council were P. Kennedy as a recreational shellfisherman primary on the shellfish AP, J. Vivari as P. Kennedy's alternate, P. Westcott for the inshore trawler position on the Industry Advisory Committee, and M. Bucko on the Menhaden advisory panel as a bait shop owner primary position. K. Ketcham stated that M. Marchetti agreed to take one of the vacancies on the lobster AP. The Council agreed to make him J. Jordans alternate. L. Dilinger and E. Baker were nominated for the remaining alternates for trap inshore positions. The Council requested that their resumes be brought forward at the next Council meeting. K. Ketcham stated that P. Westcott was also interested in the inshore trawl position on the lobster AP. M. Gibson asked if there was any objection to approving the nominees as mentioned. The Council had no objections. G. Allen asked that J. White be removed

from the floating fish trap AP due to lack of attendance. The Council had no objections to this. E. Cook was J. Whites alternate on this panel. G. Allen asked him to fill the primary spot. E. Cook agreed and the Council had no objections.

Discussion about the Tri-state River herring Workshop held on 12/19/05: M. Gibson reminded the Council that the DFW had tried to bring forward regulations the previous year but the Council had not moved forward on them. The DFW went back to the drawing board and put together a workshop with our neighboring states to discuss the issue on a broader scale. J. McNamee gave a brief overview of the meeting stating that it was held in RI and that state representatives from Connecticut and Massachusetts attended. The consensus of the workshop was that the resource is in critically bad condition in the three states and anecdotally along the east coast. He went on to state that both MA and CT would be closing down there fisheries (CT was already closed). There was a discussion on how to get the herring runs closed prior to their arrival in state waters. M. Marchetti stated that he wanted to discuss the influx of out of state boats coming in to RI and pair trawling for herring, stating that it was a large user group conflict and would be coming before the Council in the near future. It was noted that this was a different species of herring. D. MacPherson stated that it appeared to him that everyone acknowledges a problem with the river herring yet nobody seems to be looking for causes for this decline. He thought that implementing an observer program would be one step towards a solution. M. Gibson stated that this is

being looked at and an observer program has been proposed to find out if bycatch is a causative agent. He went on to state that CT has offered to hold another meeting in August of 2006 to analyze the latest data including existing observer data and come up with some ideas of where the decline is coming from.

Post agenda discussion

The Council had a discussion about how the workshop to readdress a sector allocation program (as suggested by D. Preble at the 11/7 public hearing) would take place. The question was whether it would be subject to Open Meetings regulations. If the workshop were held as a meeting sanctioned by the Council, it would be subject to these regulations, however it was suggested that the Council may want a third party, such as Sea Grant, to run the meeting to avoid any perceptions of impropriety.

The chairman adjourned the meeting.

Jason E. McNamee, Recording Secretary