

**RHODE ISLAND MARINE FISHERIES COUNCIL
ENFORCEMENT ADVISORY PANEL
Minutes of Meeting
January 3, 2007
Stedman Government Center
Tower Hill Rd
Wakefield, RI 02879**

Chairperson: S. Medeiros

Panel Attendees: J. Low, J. Rainone, S. Segerson, B. Getchell

Public Attendees: E. Cook, S. Parente^{Council}, D. MacPherson, A. Anderson, B. Beresford, M. Plaia, K. Court, F. Blount, B. Neilson, J. Vivari, T. Smotherman, T. Mulvey, M. Ambrosia, D. Tyrell, G. Duckworth, R. Hittinger, M. Neto^{Alt}, J. Redmond^{Alt}, J. Keiper, J. Curran

RIDEM Law Enforcement: S. Hall, K. Blanchard

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

S. Medeiros opened the meeting and gave a brief description of the agenda topics. S. Hall, Chief of DEM Division of Law Enforcement (Enforcement), began the first agenda item, which was a discussion on a proposal to implement a filet law in RI. He stated that this panel had discussed this topic in the past and Enforcement was now considering bringing a proposal forward in the near future. They wanted the panel to give them input on this issue. S. Medeiros asked panel members to make their comments on the filet law issue.

B. Getchell stated that he was against it because he thought it was an inconvenience, he felt it would be hard to enforce, and because many marinas in RI do not allow filleting and do not have facilities to dispose of the racks. He went on to state later that MA and CT do not have filet laws to his knowledge.

S. Segerson stated that he was against it because it would not stop violators, they will continue to cheat but this would be a burden on the law abiding public.

J. Low asked Enforcement if they thought it was a major problem in the state. S. Hall stated that they currently can not prosecute an individual for a violation if the fish has already been filleted; therefore it is hard for enforcement to judge the magnitude of the problem.

J. Rainone stated that he felt it would be a hard law to enforce and he felt that violators would still break the law regardless. He went on to state that a minimum filet size would be the only reasonable way to do this but this would still be difficult to develop and to

enforce.

The panel discussed the three proposals that had been brought forward by Enforcement, which in summary were a ban on filleting, imposing minimum filet sizes for the different species, and banning filleting with an exemption for party and charter boats.

A charter boat mate stated that he felt he could speak for all mates in there opposition to a filet law. This would take away a mates ability to make tips by filleting for customers.

Another audience member brought up the point about the lack of facilities to dispose of the carcasses. He went on to bring up the concern about boat ramp congestion which would occur as everybody is trying to filet there fish before hauling there boats and the lack of disposal facilities would create a health hazard.

S. Hall wanted to state that the lack of enforceability concern that people were bringing up was not an issue as this whole idea was being brought forward by Enforcement to give them a better enforcement tool for prosecuting fishery violations.

R. Hittinger stated that this would be a major inconvenience and again sited the lack of facilities to dispose of the racks. He also stated that this would create a bait problem too as he sometimes used bluefish filets as bait. M. Plaia agreed with these comments and was also against it.

K. Court stated that a filet law would negatively impact the service portion of the charter boat business and was therefore against it. E. Cook echoed this statement saying that it would negatively impact the charter boat mates.

F. Blount stated that most of the discussion had focused on recreational fishermen but this would also affect the commercial industry too. He brought up the concern about a broad law as some species do not have minimum sizes or bag limits so how could you impose a filet law on these species. He also sited that federal regulations allow for 25 pounds of filets for a fisherman. For these reasons he was against a blanket filet law.

D. MacPherson stated that he was opposed to a filet law because there were no filet stations, a person can't get rid of the racks at the marina, and sited that some people stay on there boats for more than one day and would have to filet the fish in order to consume it while staying on there boat.

T. Mulvey stated that fishermen should police themselves rather than invoking a new law. He went on to site the federal allowance of 25 pounds. He also stated that they might be able to pinpoint a time period, which would help enforcement concentrate their efforts on a certain time period.

The Capt. of the Mako 2 stated that he was originally for the regulation but listening to the arguments this evening made him change his view. In the end however, he stated he would support whatever helped the resource, as he wanted his children to be able to fish.

An audience member stated that this would be hard to enforce with out of state fishermen so in the end it would end up effecting local fishermen more than out of state fishermen.

K. Blanchard, Deputy Chief of DEM Law Enforcement, wanted to comment on some of the arguments being made. He stated that it made enforcement of a minimum size difficult without imposing a filet law. The law would only be enforced on species with a minimum size. Fishermen policing themselves should not involve any confrontation but rather could take the form of a call with information to Enforcement. He commented that MA has a filet law, but it only governs striped bass and charter boats were allowed an exemption from the law. Finally, out-of-state boats would have to comply with RI regulations or they would be in violation. K. Blanchard also commented that filleting at the docks could be a boon to business as fishermen, namely charter boat captains could showcase there fish as a form of advertising. He sited Florida as an example of a state that gets a business boost from their filet law. There was further discussion on Florida's filet law.

S. Medeiros took a vote on whether the panel wanted to move a proposed filet law in to the regulatory process. There were no votes to move forward with a filet law. To clarify S. Medeiros took a vote on whether the panel members recommended not moving forward with a filet law. The panel members voted unanimously (4 votes) that they did not support a filet law.

The panel moved on to there next agenda item which was a discussion about developing a regulation that would require a vessel to be either recreational or commercial, not both, on any given trip. S. Hall gave some background on the issue. This would not preclude any commercial vessel from going out recreationally fishing; it would simply keep a vessel from mixing recreational and commercial catches on a given trip. The next step with this concept would be to codify it in to regulatory language and then move it forward to a public hearing.

The panel moved in to a lively discussion about transfer of license. K. Blanchard stated that a rod and reel fisherman could not take an unlicensed person on his boat and allow that person to contribute to the licensed individuals commercial possession limit. He stated that this is not the case for a crewmember on a trawler as there is only one gear being used by the vessel. The arguments against this interpretation were that it discriminates against rod and reel fishermen and the panel attendees felt that the interpretation was ambiguous at best.

S. Medeiros brought the panel back to the agenda topic. He went around the room to get the panel members comments on the recreational vs. commercial designation. The panel members all supported the concept as stated to them at the meeting. **S. Medeiros took a vote on whether to move forward with a regulation requiring a vessel to be either recreational or commercial on any given trip, not both. The panel voted unanimously to support moving this concept forward in to the regulatory process.**

The final agenda topic was a question and answer session with DEM Law Enforcement.

D. MacPherson asked whether an individual residing on his vessel could have more than one day's possession on board. The answer was no, the possession is tied to the vessel therefore a vessel cannot exceed the regulated possession limit.

An audience member asked about variability in possession weight which he referred to as "shrinkage". The issue he was referencing was that in some instances dealers were shorting a fishermen poundage because of things like water weight therefore if a the possession limit is 200 pounds and fisherman comes in with 220 pounds to make up for the "shrinkage" (he brings in 220 because he will only be paid for 200), does Enforcement take this in to account. K. Blanchard state that the regulations address a vessel possession limit that cannot be exceeded therefore a fisherman with 220 pounds as stated in the example would be in violation. There is no "shrinkage" provision in state regulations.

S. Parente asked for a statutory or regulatory reference for the transfer of license issue they had been discussing earlier. K. Blanchard stated he could look at RIGL 20-4-1.

T. Mulvey asked about when a fish was legally landed. S. Hall and K. Blanchard stated that a fish is landed when the vessel comes in to port with the fish on board, the vessel does not necessarily need to be tied to the dock.

J. Rainone asked about the logbooks. He wanted to know if the federal VTR was acceptable rather than the new state logbooks and whether the sheets needed to be turned in if no commercial fishing activity took place. J. McNamee stated that VTRs could be substituted for the new state logbook and no sheet had to be turned in if no commercial fishing had taken place.

M. Neto asked where the file law proposal goes now. The answer was that the panel recommendation, or lack thereof, would go to the Council and depending on what they chose to do; the proposal would end if they chose to approve the recommendation of the panel.

F. Blount wanted a reference for the crewmember statute, again referring to the transfer of license discussion. K. Blanchard stated that he did not think a specific statute existed but that he should look at the licensing statute or ask for a legal ruling on the issue.

S. Medeiros adjourned the meeting.