

RI Marine Fisheries Council
Minutes of the
Menhaden Advisory Panel Meeting
January 23, 2008 -4:30 PM
Stedman Government Center
Wakefield, RI

There were 11 people present

S. Medeiros, Chair J. Warnock

M. Bucko D. Beutel

E. Cook L. Dellinger

R. Jobin B. Ferioli

L. Lachance Jason McNamee, RIDFW

R. Souza

R. Hittinger

S. Medeiros opened the meeting. The first agenda topic was a review of the 2007 menhaden fishery. J. McNamee had a presentation that he went through (see attached). The presentation covered the first three agenda items. J. McNamee stated that all of the figures in the presentation were taken from a report developed by M. Gibson, Deputy Chief of the RIDFW. In summary the commercial fishery began in spring and concluded by late summer. Participants were both floating fish traps and purse seine vessels. J. McNamee also showed a number of fishery independent indices. A number of the indexes showed increasing trends in the most recent years. The one exception is the URI trawl survey, which indicated a flat line through time. D. Beutel asked a question about the inclusion of the URI trawl data. He stated that because of the gear used on that survey, it does not make sense to include this data because the gear would not be conducive to catching menhaden. J. McNamee stated that he thought the reason for inclusion was the long time series of that survey which is beneficial to the model, but stated he would pass this info along to M. Gibson.

The next agenda topic was a review of the 2007 RIDFW monitoring program. In summary the emergency regulations that were promulgated in the summer of 2007 required that the fishery be monitored. This was accomplished with two observers, one sampling the floating fish traps and the other sampling the purse seine operations including over flights with the spotter pilot. The data collected from these sources were fed in to a model developed by M. Gibson and the landings information was compared to a harvest cap that was defined by the model. The regulations required that if the harvest cap were met, the fishery would close. The harvest cap was not met in 2007.

L. Dellinger asked if the regulations in 2007 had additional items such as closed days and closed areas. J. McNamee stated that there were still closed areas, which already existed in regulation, and closed days such as weekend days and state holidays.

The group moved on to a discussion of the emergency regulation that went in to effect in 2007 and began to discuss the proposed regulations for 2008. The proposed regulations were a copy of the 2007 emergency regulations. The group had a discussion on the possession limit, which was 75,000 pounds. L. Lachance and R. Souza, of Ark Bait, both stated that the limit was enacted when the second purse seine operation came in to RI waters. The ideal possession limit in their view was around 100,000 pounds as this would be an average amount of a bait order and would justify the cost of the shipping trucks they use to transport the bait. D. Beutel asked a question about the observer coverage requirement. J. McNamee stated that it is a requirement for commercially licensed RI fishermen to take an observer if a request is made, but this requirement has never been enforced to his knowledge. In this way it is a little different from the federal observer requirement.

S. Medeiros asked for some alternate proposals for the 2008 regulations. L. Lachance and R. Souza both suggested changing the possession limit to 120,000 pounds. They went on to suggest that this limit could be dropped if a second operation came in to the Bay. There was some discussion on this topic and the group agreed that the existing language giving the Director of DEM latitude to change the possession limit was adequate.

The group then had a discussion about the call in requirement and why fishing was prohibited on the weekends. R. Fuka stated that it was ironic that a lot of money was being spent on gathering data but nothing was being spent on allowing fishing to take place on the weekends, namely manning telephones or having enforcement officers available to check on the purse seiners during the weekend. R. Souza stated that they were OK with the weekend closure for the most part; there was a benefit to not being active during periods of high boat activity in the Bay. There was further discussion on this topic but it was not brought back up for the final proposal.

R. Jobin asked what the language until further notice means in the proposed regulation. J. McNamee stated that he understood this to mean that the cap could be reached, thus shutting down the fishery, but if a new wave of fish entered the bay, the fishery could reopen.

L. Dellinger suggested adding a gear restriction to the regulation. The Ark Bait representatives stated that a length restriction of 100 fathoms would be useful, as it would keep nets that were too large to operate efficiently in the Bay from being used. This was currently the rule in Massachusetts waters. They stated that they did not think depth of the net was relevant with a purse seine. D. Beutel stated that he thought a depth restriction would be useful because if the net was too deep it could impact other species and habitat. The group agreed and the Ark bait representatives suggested a depth of 15 fathoms as being more than adequate. The panel also discussed vessel size restrictions and spotter plane requirements, but opted to not move these ideas forward.

S. Medeiros summarized the alternate proposal:

- 1. change the starting possession limit to 120,000 pounds per vessel per day**

- 2. add a gear restriction consisting of no greater than 100 fathom (600') length and no greater than 15 fathom (90') depth restriction.**

The panel agreed to this proposal and stated that they would like this to go forward to public hearing as the advisory panel recommended proposal. This was a consensus from the panel.

One comment made by the R. Souza of Ark bait was that they were calling in as required but they felt that on more than one occasion, the second boat that began operations in the Bay called DEM Enforcement and asked for Ark Bait's fishing location, and DEM Enforcement provided them this information. They stated that they did not want DEM Enforcement providing this information to their competition. L. Lachance, also from Ark Bait stated that they wished something could be done about the licensing situation where anyone with a valid RI license could jump on any vessel and begin fishing, even if they didn't work for that vessel. J. McNamee stated that this would be taken up under RIs licensing regulations and was in fact already being discussed.