

**RI Marine Fisheries Council
Meeting Minutes of the
Industry Advisory Committee
August 19, 2008 - 6:00 PM
Jamestown, RI**

There were 14 people present (* IAC member)

Kenneth Ketcham, Chair	Richard Hittinger
Jerry Tremblay*	Ken Booth
Stephen Parente	Ian Parente
Jeff Grant	Gary Mataronas, Jr.
Mike McGiveney*	Bob Smith*
Lanny Dellinger*	Stephen Parente (gillnetter)
Rick Bellavance*	Bob Ballou, RIDEM
Robert Mattiucci*	Nancy Scarduzio, RIDEM

Continued discussion on commercial licensing for 2009:

B. Ballou followed up from the July IAC meeting by providing the group with information they had requested pertaining to 2007 restricted finfish licensing data.

The second piece of information B. Ballou provided the group pertained to the number of commercial fishing licenses, specifically what percentage of license holders were non-resident commercial license holders. He indicated that out of a total of 270 PEL's w/ restricted finfish endorsement for 2007, 159 were RI residents and 111 were non-residents. He added that of the 159 residents, 121 were active in the restrictive finfish fishery in 2007 and of the 111 non-residents, 76 were active. B. Ballou reminded individuals that these 111 non-residents had been grandfathered in since 2002.

B. Mattiucci felt it was unfair that one out of two of these licenses were non-residents. He encouraged the group to consider whether that was fair or not.

The members agreed to go forward with recommendations to the Council from the last IAC meeting held on July 29, 2008 which were the following motions made from that meeting:

Shellfish Sector - Quahog

M. McGiveney made a motion to recommend to continue to apply a 3:1 exit/entry ratio to non-renewed principal effort licenses with quahog endorsements. T. Platz seconded the motion. All were in favor, the motion passed unanimously.

Shellfish Sector – Soft-Shelled Clams

B. Mattiucci made a motion to maintain status quo for the licensing of soft-shelled clams. M. McGiveney seconded the motion. All were in favor, the motion passed unanimously.

Restricted Finfish Fishery

T. Platz made a motion to recommend status quo – i.e., to continue to apply a 5:1 exit/entry ratio to “active” licenses (MPLs and PELs w/ Restricted finfish endorsements) that retired in 2009. R. Bellavance seconded the motion. All were in favor, the motion passed unanimously. (This would result in two new licenses)

Lobster Fishery

B. Smith made a motion to recommend that the Council request the Director to ask our State’s ASMFC delegates to put pressure on the ASMFC to get to work on producing a transferability program. R. Bellavance seconded the motion. The motion passed; (4) in favor, (1) opposed, (1) abstained.

Continued discussion of policies regarding loss of a RI commercial fishing license due to a change of residence from RI to another state:

K. Ketcham explained that under current regulation a RI commercial license holder would lose his license if they were to move out of the State of RI. He opened the floor for discussion.

There were some members who felt there was no reason not to allow a RI commercial fishing license holder who had fished for thirty years then moved out of state the opportunity to obtain a non-resident license if they fished in the State of RI for the required 75 days, just as long as they remained active in fishing in the State of RI.

B. Ballou pointed out that the statute has a lot of resident preference language that allowed preference to residents. Therefore, the regulations follow statute.

Some participants voiced concerns about allowing these license holders access to the fishery after they moved out of RI when the quotas continue to be small. Additionally, some individuals felt that if someone left the State of RI that license should be made available to a RI resident who had been waiting to obtain a license. There was continued discussion on the pros and cons.

S. Parente representing the RI Commercial Rod and Reel Anglers Association indicated his organization supported B. Mattiucci’s proposal to allow someone moving out of the state with a commercial fishing license to be able to obtain a non-resident commercial fishing license.

K. Ketcham asked if anyone would like to make a motion.

M. Mattiucci made a motion to recommend that Rhode Islanders who possess a RI resident commercial fishing license and who have “actively” fished in the last 2 years and moved out of the State of RI, be allowed to apply for a non-resident PEL w/ Restrictive Finfish Endorsement only.

M. McGiveney indicated that he was not in support of this issue. There was further discussion on the motion.

A vote was taken on the motion. The motion passed (5) in favor (B. Smith, R. Bellavance, B. Mattiucci, Lanny Dellinger, Jerry Tremblay), (1) opposed (M. McGiveney).

Additional licensing issues for consideration in 2009

#1 – Clarify exit/entry ratio used to determine new eligible licenses. The group wanted to continue to use the retired PELs w/quahog endorsements. B. Ballou indicated that the Department would update this language in the regulations.

#2 – Basic harvest levels, should (a) quahogs remain at 3 bushels/day, (b) restricted finfish remain at ½ the daily possession limit. The group was in favor of keeping the current harvest levels.

#3 – Allowing dockside sale landings to qualify as transactions. The general consensus was in favor of this if the Department could figure out how to tighten up verification of entries and obtain documentation of entries.

#4 – Clarify the “actively fishing/actively participating” standard.

- (a) “at least 75 days in the preceding two years” - the group felt that the interpretation should be at least some activity in each of the prior two years. (Except due to a medical hardship)
- (b) Does “the preceding two years” mean two calendar years, or the previous 24 months? The group consensus indicated the intent was two calendar years, and
- (c) Required dealer slips to be verified by SAFIS

#5 – Regarding the sale of vessel and gear:

- (a) If an active license holder retires his license and sells his vessel and gear – the group indicated that in this scenario a transfer to a “like size vessel” with no more than a (10% length -10% tonnage - 20% HRP) upgrade, which is the same formula used by the federal government, could be applied. They suggested mirroring the federal regulation same as what was done with the fluke exemption regulations but possibly apply this rule to boats over somewhere around 25 feet. Another suggestion was to start licensing vessels.
- (b) A licensed individual with history (at least 75 days) who has been a shore-based fishermen, and does not have a vessel but wants to sell his “business” to someone else. The IAC recommended keeping this the same as it is in regulation – no sale of license allowed without the involvement of a vessel and gear in the transaction.

#6 – Should there be a medical hardship clause pertaining to the sale of vessel and gear?

The consensus was in agreement with having a medical hardship provision that allowed for the review on a case-by-case basis. It was also suggested to review the last **two years** of fishing history prior to the date of the illness.

#7 – Should the Commercial Fishing License Review Board repealed?

The consensus was in favor of repealing the board.

#8 – Can “crew member” status be achieved at an age younger than 16?

The group felt the age of 16 was a good cut off age to use.

#9 – Should there be a minimum age to be a license holder?

The majority of the group was **not** in support of having a minimum age to be a license holder. They felt that family members should be able to pass down their license to other family members regardless of age. However, they felt when a lottery was used or any new license was given out the minimum age should not be less than age 16. The group left this issue open for further discussion.

#10 – Does a “licensed captain” have to be a RI state-licensed captain, or can it a federally licensed captain? Can it be a non-resident?

The group felt they would keep the regulation as it stands.

#11 – Repeal the state regulatory requirement regarding observer coverage?

B. Ballou suggested that this regulatory requirement needed to be repealed because there was nothing in statute that specifically authorized or required state license holders to carry observers. It was a requirement in federal waters but not in state waters. It is a regulatory requirement that has no statutory foundation. One option would be to write in the requirement as a specific part of an endorsement (i.e. purse seine endorsement). The group did not disagree with this course of action.