



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

MEETING NOTICE

JULY 24, 2014 – 6:00 PM

URI Narragansett Bay Campus

Coastal Institute Bldg., Large Conference Room

South Ferry Road, Narragansett, RI

Robert Ballou
Chairman

Richard Hittinger
*Vice Chair -
Recreational Rep.*

Richard Bellavance
Recreational Rep.

Kenneth Booth
Commercial Rep.

Jeff Grant
Commercial Rep.

William Mackintosh, III
Commercial Rep.

David Monti
Recreational Rep.

Christopher Rein
Conservation/Management/Marine Biology Rep.

Michael Rice, Ph.D.
Conservation/Management/Marine Biology Rep.

Agenda item	Agenda item detail	Recommended action(s)
1. Approval of Agenda	06-24-2014 RIMFC Agenda	Approval of agenda.
2. Approval of Minutes	RIMFC 4-7-2014 meeting minutes	Approval of minutes.
3. Public Comments	Comments from the public on any items not on agenda	Take under consideration for possible discussion and/or future action.
4. New business	a. <u>Advisory Panel meeting reports:</u> <ul style="list-style-type: none"> • Winter flounder (4/2): <i>J. Lake</i> • Groundfish (4/15): <i>K. Booth</i> • Shellfish (5/28): <i>J. Grant</i> 	Approval of reports (minutes).
	b. <u>Aquaculture application:</u> <ul style="list-style-type: none"> • Jesse Bazarnick; West Passage, North Kingstown. 	Review of application; discussion of potential use conflicts; vote to recommend to CRMC approval or denial of application.
	c. <u>Proposed Advisory Panel meetings and agendas:</u> <ul style="list-style-type: none"> • IAC: <i>J. Lake</i> • Groundfish: <i>K. Booth</i> • Shellfish: <i>J. Grant</i> • Scup/Black sea bass: <i>W. Macintosh</i> • Summer flounder: <i>R. Hittinger</i> 	Approval of meetings and agendas.
	d. <u>Director's LEAN initiative – presentation and introduction of initiative and findings:</u> <i>M. Gibson, J. McNamee, A. Manca (DEM Office of Customer & Technical Assistance)</i>	Discussion of findings and restructuring of meetings (Public hearings, Advisory Panel, Council)
5. NEFMC/ASMFC Reports	<u>Meeting/Report Summaries:</u> – <i>M. Gibson, B. Ballou</i> <ul style="list-style-type: none"> • ASMFC Spring 2014 • NEFMC May 2014 • NEFMC June/July 2014 	FYI and/or discussion.
6. FYI	<ul style="list-style-type: none"> • Director Decision Memo re: March public hearing items • ASMFC letter re: Black Sea bass 	FYI and/or discussion.
7. Other business	Any other matters that Council members would like to discuss.	FYI, discussion, and/or consideration for future action.
8. Adjourn		

All RIMFC Meetings are open to the public

Date Posted 07/17/2014



Rhode Island Marine Fisheries Council

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(401) 423-1920 Fax: (401) 423-1925

April 7, 2014

URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

MEETING MINUTES

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, W. Mackintosh, J. Grant, M. Rice, C. Rein, R. Bellavance*

DEM: *L. Mouradjian, M. Gibson, G. Powers, J. McNamee, N. Lengyel, T. Angell, T. Rosa, P. Duhamel, Sgt. Dan White (DLE)*

Public: Approximately 20 persons.

1. **Approval of the Agenda:** *B. Ballou* inquired as to objections to approving the agenda; hearing none, the agenda was approved by consent.
2. **Review of new “epacket” format for Council agenda and accompanying materials:** *R. Ballou* announced the new format by which Council would receive the meeting agenda and accompanying materials that was discussed and approved at the last Council meeting, and that this would now be available to the public prior to the meetings in order to provide the public with the same materials that are before the Council. *J. McNamee* provide a brief overview of instructions to login to the internet at Corless Auditorium, and how the epacket was set up to allow for review and navigation to the various materials. It was acknowledged that as the total package of materials included approximately 300 pages of documents, a significant savings in paper and staff time preparing packages.
3. **Approval of RIMFC meeting minutes from February 10, 2014:** *R. Ballou* inquired as to any proposed changes to the minutes or any objections to approving the minutes. Hearing none, **the minutes were approved by consent.**
4. **Public comments regarding other matters not on agenda:** No comments were made.
5. **New business – review and recommendations to the Director on the 3/25/2014 public hearing items; and review and approval of Advisory Panel reports for Summer Flounder, Tautog, Scup/Black sea bass, Striped Bass, and Whelk Ad Hoc:**
 - 1) **Hearing items 8, 12, 15, 17, 19, and 21, regarding non-management/non-regulatory general editing of each of the regulations subject to the public hearing:**

R. Ballou inquired as to the Council’s preference to address these individually or together for a single discussion and vote. *M. Gibson* offered emphasis that these items do not represent any regulatory or management changes, and that the proposed changes were the beginning of a larger effort to streamline and improve the clarity of all the RIMF regulations. He therefore suggested that these items be addressed as a single item and recommended adoption of the

proposed changes. *R. Ballou* then moved for a vote to recommend adoption of the changes proposed for each of these hearing items; to which *K. Booth* offered a motion to **recommend adoption of the proposed changes for hearing items 8, 12, 15, 17, 19, and 21 regarding general editing; 2nd by M. Rice.** *K. Booth* then inquired as to a proposed deletion of language in Part XI (hearing item #19), specifically section 11.5 relating to setting seine nets in the Harbor of Refuge, and that he was concerned with this proposed deletion as it did not appear to be contained elsewhere in the regulation; to which *P. Duhamel* replied that the language was duplicate with language contained in section 11.6.2 of the regulation. *J. Grant* inquired as to steps that would be taken if it was discovered that a deletion was made that was significant in nature (was not simply a deletion of duplicate or non-regulatory language). It was determined that any errors found would corrected via either a technical revision regulatory filing, or if necessary, would be presented for correction at a subsequent public hearing. *M. Rice* inquired as to the reasoning for removal of statutory citations in the regulation; to which *P. Duhamel* replied that all language that was not prescriptive in nature, i.e., did not specifically provide regulations to the regulated community, was subject to removal as non-regulation. *R. Ballou* clarified that the question was regarding statutory citations, to which *P. Duhamel* replied that references to either DEM or Council adopted regulation was unnecessary, and that there was a great deal of inaccurate references, such as reference to repealed statutes. **The motion passed by a vote of 8 – 0.**

2) **Hearing item #1 and AP report - recreational Summer flounder:**

R. Hittinger provided an overview of the AP meeting. *R. Ballou* inquired as to any objections to approving the AP report (minutes). Hearing none, **the minutes were approved by consent.**

Six options were presented at the hearing. Option 1 - status quo; Options 2 – 5 of varying management parameters; and option 6, the “Fish for the Future” proposal. *M. Gibson* discussed the most recent ASMFC meeting and action requiring that RI enter into a region with Massachusetts. He offered that disagreement remains regarding Summer flounder recreational regulations. *R. Ballou* offered and *J. McNamee* concurred that the ASMFC allowed RI regulations to differ from Mass. if RI remained with the current status quo regulation. *W. Macintosh* inquired how the “Fish for the Future” proposal would be addressed if voting to recommend adoption of status quo. *R. Ballou* offered that the status quo option was currently the only option that was ASMFC compliant and therefore the only viable option. ***D. Monti* offered a motion to recommend adoption of option 1, status quo; 2nd by C. Rein. The motion passed 8 – 0.** Discussion then ensued regarding the **Fish for the Future** proposal. *D. Monti* and *R. Bellavance* then officially excused themselves from the Council and took seats as members of the audience in order to provide information to the Council as proponents of the proposal and to solicit input from the Council. *R. Bellavance* provided an overview of the main aspects of the proposal; that he was looking to provide for economic stability in the *For Hire* industry, and move forward with a pilot project to learn and develop tools that are equitable and biologically sound. *D. Monti* provided additional summary and offered that the proposal has three main aspects: provide for robust software and a database to help manage the fishery; to promote conservation; and to develop a business model to help understand the economic viability if implemented. *W. Macintosh* offered that he was a strong proponent of Sector management as a tool for scientific data, a means to reduce discards, and as a means to understand other management options. *K. Booth* offered support for the data that the program would provide, but that sector management is a sensitive issue, and he was therefore concerned of the program potentially leading to greater sectors and reducing the available quota for other fishermen. *R. Bellavance* offered that the

program would need to be implemented to better understand the value of the program, and then determine if the program should continue. He offered that the business viability is unanswered at this time, but can only be answered by implementing the program. *R. Hittinger* offered that he objected to sector management in the recreational fishery due to loss of quota from other recreational fishermen. *R. Bellavance* offered that *For Hire* recreational fishermen are a very important element of the entire recreational fishery and therefore needs a strong voice in representing their interests. *J. Grant* offered that he thought the program was well thought out and that sector management was a viable option. *M. Rice* offered that he was in support of the proposal and that a pilot program should take place. *C. Rein* inquired as to the next steps with implementing the program. *D. Monti* inquired if the Council should vote on support for the project. *K. Booth* inquired if the program could be implemented under the RSA program; to which *R. Bellavance* answered he thought that it could. ***W. Macintosh* offered a motion to recommend to the Director to authorize DFW staff to work with advocates of the “Fish for the Future” program for further development, and to determine the necessary process for implementation and adoption of a program for year 2015; 2nd by M. Rice.** An audience member (*R. Grasso*) asked if the program would involve different management options; to which *R. Bellavance* responded that different seasons, possession limits and sizes would be proposed. An audience member (*M. Bucko*) asked if the proposal should be presented to the ASMFC Summer flounder technical committee; to which *R. Bellavance* responded that it was, and recommendations were provided, but that the full board did not support the program. He offered that support from RI would help with ASMFC support. *R. Hittinger* requested clarification if the program would be part of the RSA program, and that he wouldn't object if this was the case; to which *M. Gibson* replied that it was not an RSA proposal; that it would involve 2% of the recreational harvest limit. **The motion passed 4 – 1, with 1 abstention (D. Monti and R. Bellavance not voting).**

3) **Hearing item #2 - Recreational Winter flounder:**

J. Lake provided an overview of the AP meeting and the stock status of the fishery.

One option was proposed at the hearing: To liberalize the season from two 30-day seasons to a single season open March 1 – Dec. 31. *M. Gibson* offered that the Division was in support of the proposed season. ***M. Rice* offered a motion to recommend adoption of this option, to liberalize the season as proposed; 2nd by R. Hittinger. The motion passed 8 – 0.**

4) **Hearing item #3 and AP report - recreational Tautog:**

R. Hittinger provided an overview of the AP meeting. *R. Ballou* inquired as to any objections to approving the AP report (minutes); hearing none, **the minutes were approved by consent.**

Two options were proposed regarding the season: Option 1 – status quo, April 15 opening date; and option 2, earlier opening date of April 1. *M. Gibson* offered that while aware of the business interest in the earlier opening date (option 2 as proposed), there was concern with stock status of the fishery, but that impact would most likely affect later sub-periods. He offered no objection from the Division regarding the earlier opening date as proposed. *J. Grant* offered support of the option 2 to be in effect for April 1, 2015. *J. McNamee* offered that if option 2 was chosen, there would be difficulty with reversing it in time to be effective by April 1 due to timing of meetings and hearings to re-address the matter; and that accounting of a season that wasn't fished could be an issue. *R. Hittinger* offered that the same situation occurred last year and that it is necessary to act now for the 2015 season; to

which *D. Monti* concurred. *M. Bucko* offered support of earlier opening date and that there would be minimal fish caught and therefore minimal impact to fishery. ***M. Rice* offered a motion to recommend adoption of option 2; 2nd by *J. Grant*. The motion passed 8 – 0.**

5) Hearing item #4 - Commercial Tautog:

One option was proposed – status quo. *M. Gibson* offered that status quo was preferred, and that if the possession limit was increased to 40 fish/vessel/day (public hearing comment), the season would close much earlier. *R. Hittinger* offered that this higher limit would also result in higher discard mortality and did not support a higher bag limit. *K. Booth* offered that he did not support a higher bag limit. ***K. Booth* offered a motion to recommend adoption of option 1 – status quo, and to also recommend that any overage that occurs be taken from the Summer sub-period of the following year; 2nd by *C. Rein*. The motion passed 8 – 0.**

6) Hearing item #5 - recreational Scup:

W. Macintosh provided an overview of the AP meeting. He offered that there was support for additional special recreational shore fishing locations.

One option was proposed – status quo. *M. Gibson* offered Division support of this option as ASMFC compliant. *J. McNamee* offered that the report on these special shore sites indicated a minimal amount of 9”– 11” being caught; that most fish caught was greater than 11”. He also offered that there was minimal public awareness of this program. ***R. Hittinger* offered a motion to recommend adoption of option 1 - status quo, and to add additional special recreational shore sites including Fort Adams, Newport; the West Hall of the Harbor of Refuge, Narragansett, and Fort Wetherill, Jamestown; 2nd by *D. Monti*.** *W. Macintosh* offered that the quota was undercaught. *D. Monti* offered that better communication was needed to publicize this program. *J. Grant* offered that the Fort Wetherill site possessed a boat ramp, to which *J. McNamee* offered that it was minimally functional and used, so the site would be acceptable. *C. Rein* inquired as to an additional fourth site that had been discussed, to which Rocky Point in Warwick was mentioned. *R. Ballou* offered that DFW staff would work with the Division of Enforcement to finalize site selection. It was also discussed and determined that boat ramps at Fort Adams were not in close proximity to the shore fishing locations, and this site was therefore an acceptable location. An audience member (*S. Medeiros*) offered that RISA would pay for signs to help publicize the sites. **The motion passed 8 – 0.**

7) Hearing Item #6 and AP report - Recreational Black Sea bass:

W. Macintosh provided an overview of the AP meeting, highlighting the required 3.2% reduction. *R. Ballou* inquired as to any objections to approving the **AP report (minutes) for recreational Scup/Black Sea bass**. Hearing none, **the minutes were approved by consent.**

Three options of shortened seasons were proposed. At the time of public notice, a 3.2% reduction was required from ASMFC. At the time of hearing, a second proposal to accomplish a new required 7% reduction was presented. *R. Ballou* asked for clarification regarding the 3.2% reduction, in light of a 7% reduction also now being considered. *M. Gibson* offered that the projections are difficult to ascertain, so it is difficult to know precisely which percentage would ultimately be required. He suggested that the Council go forward with recommending the 3.2% reduction with the understanding that this may have to change as new information is obtained. *R. Ballou* offered that it was his understanding that the ASMFC was now requiring a 7% reduction. ***J. Grant* offered a motion to recommend**

adoption of option 1 for either the 3.2% or 7% reduction, whichever is ultimately decided as necessary for ASMFC compliance; 2nd by M. Rice. *W. Macintosh* offered that the shortened season is preferable for the earlier sub-period due to better fishing in the Fall. *M. Bucko* offered that if further reductions are deemed necessary, that the season not be closed any later than the dates proposed so as to not impact the July 4th holiday period. **The motion passed 8 – 0.**

8) **Hearing Item #7 – Coastal sharks:**

One option for commercial and one option for recreational was proposed. *J. McNamee* offered a brief summary of the proposal and the federal requirements that preceded the proposed change. *M. Gibson* offered Division support as a compliance matter. ***R. Hittinger* offered a motion to recommend adoption of options 1 for both the commercial and recreational proposals; 2nd by C. Rein. The motion passed 8 – 0.**

9) **Hearing Item #9 – recreational Striped bass:**

K. Booth provided an overview of the AP meeting regarding the recreational fishery. One option was proposed – status quo. *M. Gibson* offered Division support of status quo. ***M. Rice* offered a motion to recommend adoption of option 1 – status quo; 2nd by K. Booth. The motion passed 8 – 0.**

10) **Hearing Item #10 – commercial Striped bass:**

One option was proposed - an earlier opening date to provide for opening on a Sunday instead of a Friday, as the fishery is closed Friday and Saturday. *K. Booth* provided an overview of the AP meeting regarding the commercial fishery. *M. Gibson* offered Division support of option 1 – change in opening date as proposed. *J. Grant* offered that he was concerned about an overlap in seasons between the RI and MA fisheries. ***K. Booth* offered a motion to recommend adoption of option 1; 2nd by M. Rice. The motion passed 7 – 1 (*J. Grant* voting against).**

11) **Hearing Item #11 – commercial Striped bass floating fish trap; and Striped bass AP report:**

K. Booth provided an overview of the AP meeting and offered support of the roll-over provision as proposed. *R. Ballou* inquired as to any objections to approving the **AP report (minutes) for Striped bass.** Hearing none, **the minutes were approved by consent.**

One option was proposed regarding a roll-over provision; and one option was proposed regarding the season. *M. Gibson* offered Division support of both the roll-over provision and change in season as proposed. *N. Lengyel* offered that the change in season was due to Division reporting requirements, and that this change should have no impact to the fishery as traps are not set until after this time period. ***J. Grant* offered a motion to recommend adoption of both options as proposed; 2nd by K. Booth. The motion passed 8 – 0.**

12) **Hearing Item #13 – correction of the boundaries of the Bristol Harbor Shellfish Mgmt. Area:**

J. Grant offered an explanation of the reasoning behind the need for the correction. An audience member (*K. Eagan*) offered support for the correction. ***C. Rein* offered a motion to recommend adoption of this language; 2nd by D. Monti.** *M. Gibson* offered Division support of the proposed language. **The motion passed 8 – 0.**

13) **Hearing Item #14 and AP report – commercial and recreational Conch:**

J. Grant provided an overview of the AP meeting and recommendations regarding the various elements of the Conch fishery that were brought to public hearing. *R. Ballou* inquired as to any objections to approving the **AP report (minutes)**. Hearing none, **the minutes were approved by consent**.

Regarding the proposed season, *M. Gibson* offered Division support for option 1 – status quo. He offered that the Division was mainly focused on a need to increase minimum size to reflect the Division’s research findings of minimum size relative to sexual maturity.

Regarding the proposed minimum sizes, *M. Gibson* offered that the findings indicate a needed minimum size of 6” and the increase in size in 1/8” increments as proposed does not provide sufficient protection of the fishery in terms of protecting spawning biomass from fishing pressure. He offered that an increase in ¼” increments may be more appropriate.

Regarding the Fishery Closure due to Eminent Public Health Risk (Bio-toxins), *M. Gibson* offered Division support of the language proposed.

M. Rice inquired as to the differences between Channeled Whelk and Knobbed Whelk, and the possibility of needing regulations specific to each rather than addressing both together; to which *M. Gibson* concurred as the two species have different growth and maturation rates. *M. Gibson* offered that current data mainly characterizes Channeled Whelk. *M. Rice* then asked if the bio-toxins were an issue for Whelk, in that it might not as these animals are not filter feeders; and if the proposed regulation was therefore excessively cautious. *T. Angell* offered that this requirement exists in federal waters and that the toxins are generated in Whelk due to their consumption of other shellfish that have accumulated bio-toxins. *J. Grant* offered that such should not be an issue due to human consumption of muscle only.

C. Rein inquired as to why the current minimum size regulations do not appear aligned with the biology; to which *M. Gibson* responded that regulations regarding Whelk were initially developed prior to being researched, or by using older research data.

- **Minimum Size:**

J. Grant* offered a motion to recommend adoption of a minimum size of 2-7/8” width and 5-1/8” length for the 2014 season; 2nd by *M. Rice, with an implementation date as soon as the regulations can be filed. He offered that this was also the same as Massachusetts regulations and consistency would be beneficial. *M. Gibson* offered that this option was not supported by the Division as was not supported by the science, and therefore did not provide sufficient protection of the fishery. An audience member (*G. Schey*) offered that he supported this size regulation as the AP supported option, and added that regulations for subsequent years not be adopted at this time until further information is obtained. *K. Eagan* offered that a better stock assessment is needed prior to implementing subsequent year regulations regarding minimum size, and added that a larger increase in minimum size at this time would have significant negative socio-economic consequences to the fishermen engaged in this fishery. An audience member (*D. Ghigliotty*) concurred with *K. Eagan* and also offered that the two species need to be managed independently, and also offered that more information is needed, with particular attention to Knobbed Whelk, due to their impact to the Quahaug fishery. *G. Schey* offered that he was suspect of the rate of growth particularly as the animals surpass 4 – 5 inches, and that a larger minimum size would result in the animals remaining in the water longer and potentially negatively impacting the quahaug fishery. ***J. Grant* then offered to amend his motion such that the proposed regulation regarding**

minimum size apply only to Channeled Whelk; 2nd by *M. Rice*. He offered that his opinion was that the fishery could be properly managed with a 1/8" increase. **The motion passed 8 – 0.**

- **Season:**

J. Grant offered a motion to recommend adoption of option 1 – status quo; 2nd by *M. Rice*. The motion passed 8 – 0.

- **Fishery Closure due to Eminent Public Health Risk (Bio-toxins):**

R. Hittinger questioned the need for the regulation, stating that the DEM/state would be able to close regardless if determined that an eminent public health risk existed. *M. Gibson* offered that responsibility to make such determination is difficult, as closure of a fishery is not taken likely due to Freedom to Fish Act. ***M. Rice* offered a motion to recommend adoption of the proposed language; 2nd by *R. Bellavance*.** *D. Ghigliotty* inquired as to the need for specifics regarding conditions that would warrant a closure. *R. Ballou* then offered if the matter should be tabled for the time being, as the regulation is not essential as measures are in place to close the fishery if such risk exists. ***M. Rice* then withdrew his motion and offered a new motion to table the matter and not adopt the language at this time; 2nd by *R. Bellavance*.** The new motion, to NOT adopt the language at this time, passed 8 – 0.

- **Revision/clarification of general provisions for Conch pots:**

J. Grant offered a motion to recommend adoption of the language as proposed; 2nd by *R. Hittinger*. The motion passed 8 – 0.

- **Commercial Possession Limit and Annual Catch Limit:**

M. Gibson offered Division support for option 1 - status quo; but did not support the establishment of an annual catch limit at this time. He offered that a catch limit would in likelihood be proposed by the Division for the 2015 season, and offered that limiting catch is the most appropriate means by which to manage the fishery; that indirect means such as pot and possession limits was not. He offered that a total allowable catch to be monitored via SAFIS would provide for the best management, but that it is not ready for implementation at this time.

J. Grant offered a motion to recommend option 1 – status quo, regarding the commercial possession limit; and also status quo regarding the proposed language for the Annual Catch Limit (recommend to NOT adopt language as proposed); 2nd by *D. Monti*. The motion passed 8 – 0.

14) **Hearing Item #16 – removal of descriptions of Shellfish and Marine Life Management Area from RIMFR Part III:**

R. Hittinger offered a motion to recommend adoption of the language; 2nd by *M. Rice*. The motion passed 8 – 0.

15) **Hearing Item #18 – Commercial fishing prohibition in designated experimental artificial reef locations in the Narragansett Bay Marine Life Management Area:**

N. Lengyel provided an overview of the project. *M. Gibson* offered Division support of the project and proposed language. ***C. Rein* offered a motion to recommend adoption of the language; 2nd by *K. Booth*.** *R. Hittinger* inquired as to why the restriction was specific to commercial activity rather than gear; to which *N. Lengyel* offered that the state's 25% match

is obtained from proceeds from saltwater recreational fishing licenses. *K. Booth* asked about marking of the sites; to which *N. Lengyel* offered the sites would be properly marked. *J. Grant* offered that the site should be re-opened upon conclusion of the project; to which *M. Gibson* concurred. ***C. Rein* then amended his motion to recommend adoption of additional language to assure a sunset provision upon completion of the study.** *W. Macintosh* offered that communication to the public is needed to publicize the closure; to which *M. Gibson* concurred and offered that a listserv email announcement would take place upon adoption of the regulation. *K. Eagan* asked for clarification regarding setting of pots; to which *N. Lengyel* replied that the prohibition would not apply to the setting of recreational gear. **The motion passed 8 – 0.**

16) **Hearing Item #20 and AP report – Menhaden:**

D. Monti provided an overview of the AP meeting. *R. Ballou* inquired as to any objections to approving the AP report (minutes). Hearing none, **the minutes were approved by consent.**

• **Option 1 – add possession limit during closure of Menhaden Mgmt. Area:**

J. McNamee offered rationale for the language. *M. Gibson* offered Division support of the proposed language and that it was within the construct of the parameters of regulations for the Narragansett Bay Marine Life Management Area. *J. Grant* offered support of the proposed language and clarification that the measure was to allow for a small amount to be possessed for the use as bait by commercial striped bass fishermen when the Management Area is closed. ***D. Monti* offered a motion to recommend adoption of the language; 2nd by *R. Hittinger*. The motion passed 7 – 0 (*W. Macintosh* abstaining).**

• **Option 2 – clarification regarding non-directed fisheries:**

***M. Rice* offered a motion to recommend adoption of the proposed language; 2nd by *R. Bellavance*. The motion passed 8 – 0.** An audience member (*J. Gardner*) asked if the regulation would apply seven days/week; to which *R. Ballou* replied that it would. **The motion passed 8 – 0.**

• **Option 3 – Episodic Event Set Aside Program end date:**

R. Ballou offered that this provision was required as an ASMFC compliance issue. ***D. Monti* offered a motion to recommend adoption of the proposed language; 2nd by *R. Hittinger*; The motion passed 8 – 0.**

A member of the audience inquired as to allowance of transiting through Menhaden Mgmt. Area when area is closed; to which *J. McNamee* offered that it was allowed as a general provision in RIMFR Part VII.

M. Gibson provided a summary of the proposal for Menhaden submitted by Save the Bay. He offered that the Division was not in a position at this time to consider or recommend such changes, but that this discussion would continue for future consideration. *R. Ballou* offered that the proposal was in the record as a public comment.

A member of the audience offered that the advisory panels should have better representation and an additional voting member added to represent the party/charter boat industry. *R. Ballou* offered that the topic would be placed on the next Council agenda

A member of the audience (J. Donahue) asked if cast netting for Menhaden for commercial purposes was allowed in the permanently closed areas of the Management Area; to which *R. Ballou* replied that the regulations prohibited this activity, and that it would have to be brought to public hearing for consideration. He offered that the matter would be referred to legal counsel for an opinion and an answer provided at the next Council meeting.

Meeting adjourned at approximately 9:00

Prepared by *P. Duhamel*

DRAFT



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road, Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair
Rick Belevance

Advisory Panel Members:

Commercial user Groups:
Hook and Line
Michael Colby (primary)
Ronald Enright (alternate)

Trawl-Inshore
Steve Medeiros (primary)
Bob Morris (alternate)

Trawl-Offshore
Brian Loftes (primary)
Robert Westcott (alternate)

Pots
Open slot (primary)
Open slot (alternate)

Traps
Carl Granquist (primary)
Open slot (alternate)

Gillnet
Ian Parent (primary)
Stephen Parente (alternate)

Fyke Nets
Robert Smith (primary)
Open slot (alternate)

Recreational user Groups:
Recreational
Paul Karcz (primary)
Robert Redinger (alternate)

Recreational
Steven Trivisono (primary)
George Allen (alternate)

Bay
Bob Hines (primary)
Open slot (alternate)

Coastal Ponds
Mike Lanni (primary)
Open slot (alternate)

Bait and Tackle Shop
Michael Bucko (primary)
Ronald Mouchon (alternate)

Scientific Advisor
Laura Skrobe (primary)
David Beutel (alternate)

DFW Staff
John Lake
423-1942

Winter Flounder Advisory Panel Meeting

April 2, 2014 – 6:00 PM

URI Narragansett Bay Campus
Coastal Institute Building, Hazard Room
South Ferry Road, Narragansett, RI 02882

AGENDA

1. Discussion of 2014 state waters fishery specifications set by February 2014 ASMFC management board meeting.
2. Update on winter flounder project life stage analysis
3. Other Business
4. Adjourn

All RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact John Lake at (401) 423-1942.

Date posted: 03/13/2014

RIMFC Winter Flounder Advisory Panel Minutes

URI Coastal Institute, Hazard Room 4/2/14

Attendees (an * indicates a panel member)

Mike Bucko*

George Allen*

Gerry Carvalho (proxy)

Rich Hittinger (chair proxy)

John Lake (RIDFW)

The meeting started at 6 PM. John Lake gave a presentation on the 2013 winter flounder fishery status, a proposed new recreational season, and a winter flounder project update (attached). Comments were taken on proposed change in the recreational winter flounder season from a 60 day season executed in May and October to one which runs from March 1st to December 31st annually. GA stated that he was in favor of the new season but also stated that it will not make a big difference in landings as the local winter flounder stock is collapsed. MB stated that he was in favor of the new season and it would allow fish to be kept that would otherwise be discarded because in general recreational anglers are not targeting winter flounder and thus not fishing for them during the traditional season. GC stated that he was in favor of expanding the season but said it did not go far enough and that there should be no closed season. After the update on the winter flounder project GA suggested that RIDFW examine the recovery of winter flounder in Boston Harbor to determine what differences there are between here and there.

GC brought up some other business, he wanted to highlight the current unfairness in federal and state management of winter flounder. States are regulating with low possession limits, and closed areas while NOAA fisheries is allowing their vessels expanded possession limits. The allocation of ACL between federal and state vessels should be reexamined and amended to reflect the fact the winter flounder landing used to create the historical allocation were caught in state waters. It is not a level playing field and it seems like the states are protecting the resource so the federal vessels can catch all the fish. JL stated the same fishery specifications exist for 2014 which allot 1210 mt of SNE winter flounder to federal vessels (sector and common pool) and 235 mt to be divided between the states by ASMFC. GC asked for a breakdown of vessels landing winter flounder in 2013. JL stated that SAFIS revealed that 131 vessels landed winter flounder in RI during 2013; 42 had federal multispecies permits, 40 had federal permits without multispecies, 49 were state only vessels (no federal permits). This would make 89 of the 131 vessels subject to the state waters limit. GC stated that the state representatives need to pressure ASMFC to have NOAA Fisheries readdress the current management practices and come up with a new alternative which is more equitable to the states. MB stated that he believes the decline of fish in state waters is a result of them being taken in federal waters and noted that bait and tackle shops have suffered because in the past fishers would start gearing up and fixing up their boats early in the spring to catch winter flounder now that the stock is collapsed people don't start getting ready for

fishing until later in the season and thus spend less money on gear etc. GA stated that he agrees that ASMFC should challenge the federal management practices but not to allow the states to catch more fish but to stop them from allowing federal harvest. The fish need to be preserved by all partners involved or the stock will not recover and slip into further decline. Having no other business the meeting concluded at 7:30 PM.

RIMFC Winter Flounder Advisory Panel

April 2, 2014



Rhode Island Winter Flounder Fishery

- Stock Status:**

Southern New England 2011/2010 SARC 52 Assessment:

$SSB_{MSY} = 46,661$ mt (16%) $F_{MSY} = 0.29$ (18%) Overfished/Overfishing not occurring

RI Local Waters 2011 RIDFW Assessment:

$SSB_{MSY} = 1,024$ mt (17%) $F_{MSY} = 0.09$ (45%) Overfished/Overfishing not occurring

- Rhode Island Landings**

2013 Commercial = 407,192 LBS

2012 Recreational = 1,246 Fish

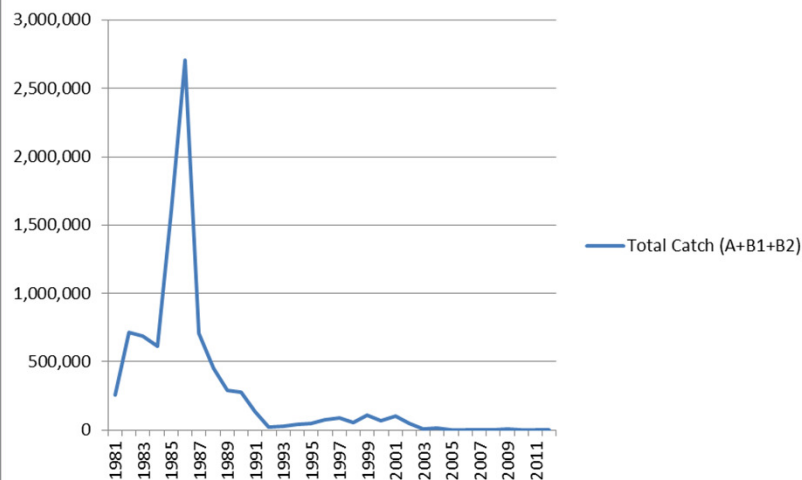
- 2014 Winter Flounder Commercial State Water Specifications**

Total SNE ACL = 1,612 mt, State water ACL = 235 mt

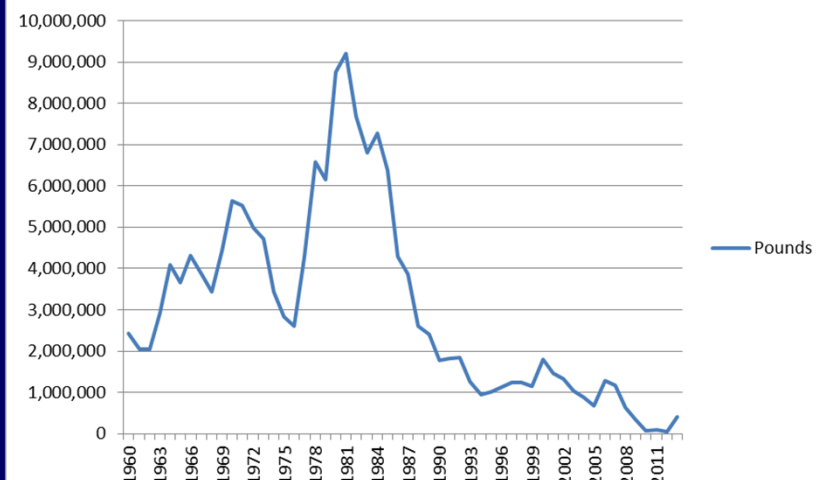
RI State waters possession limit = 50 lbs/vsl/day



Rhode Island Recreational Winter Flounder Landings



Rhode Island Commercial Winter Flounder Landings



Proposed Changes to Winter Flounder Recreational Season

RIDFW proposes to change the annual recreational season from:

30 days after the fourth Saturday in April
30 days after the last Saturday in September

To:

March 1 – December 31

Bag limit and size limit remain the same (2 fish /person/day, 12 inches)

Proposed Language:

7.8.1-2 Recreational Seasons, Possession Limits, and Closed Areas:

~~(a) Beginning on the fourth Saturday in April and continuing for 30 days, and beginning on the last Saturday in September and continuing for 30 days,~~
Between March 1 and December 31 of each year, fishermen may take and possess not more than two (2) winter flounder per person per calendar day in Rhode Island waters, except in Narragansett Bay north of the Colregs line, and in Potter Pond, Point Judith Pond and the Harbor of Refuge, where the harvest or possession of winter flounder is prohibited.



Winter Flounder Project Update

- RIDFW is looking at life stage bottle necks for winter flounder
- Will be presented to RIMFC at a summer meeting.
- Preliminary analysis:
 - High mortality between larval stage and adult
 - YOY mortality rate between July and October increased in recent years
 - Overwinter mortality has increased on age 1+ 2+ fish
 - Predation mortality is correlated with increase of Summer Flounder juveniles
 - Adult age 4+ fish have been level in recent trawl survey data
 - Could indicate change in spawning behavior
- Next steps :
 - Identify local spawning areas that contribute to adult population
 - Link adults to juveniles using genetic signatures
 - Partner with University of Rhode Island using new Marine Fisheries Institute partnership

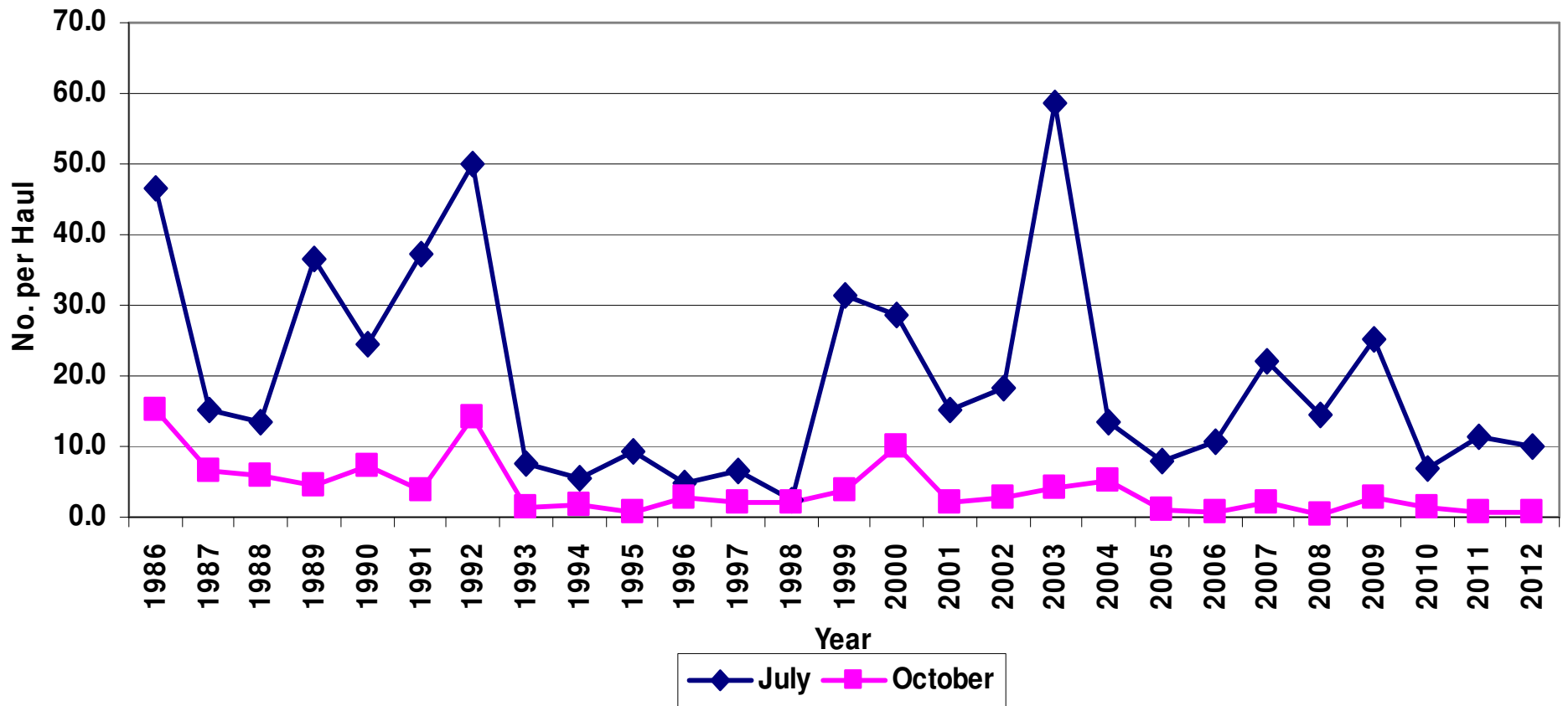


Winter Flounder Life Stage Analysis

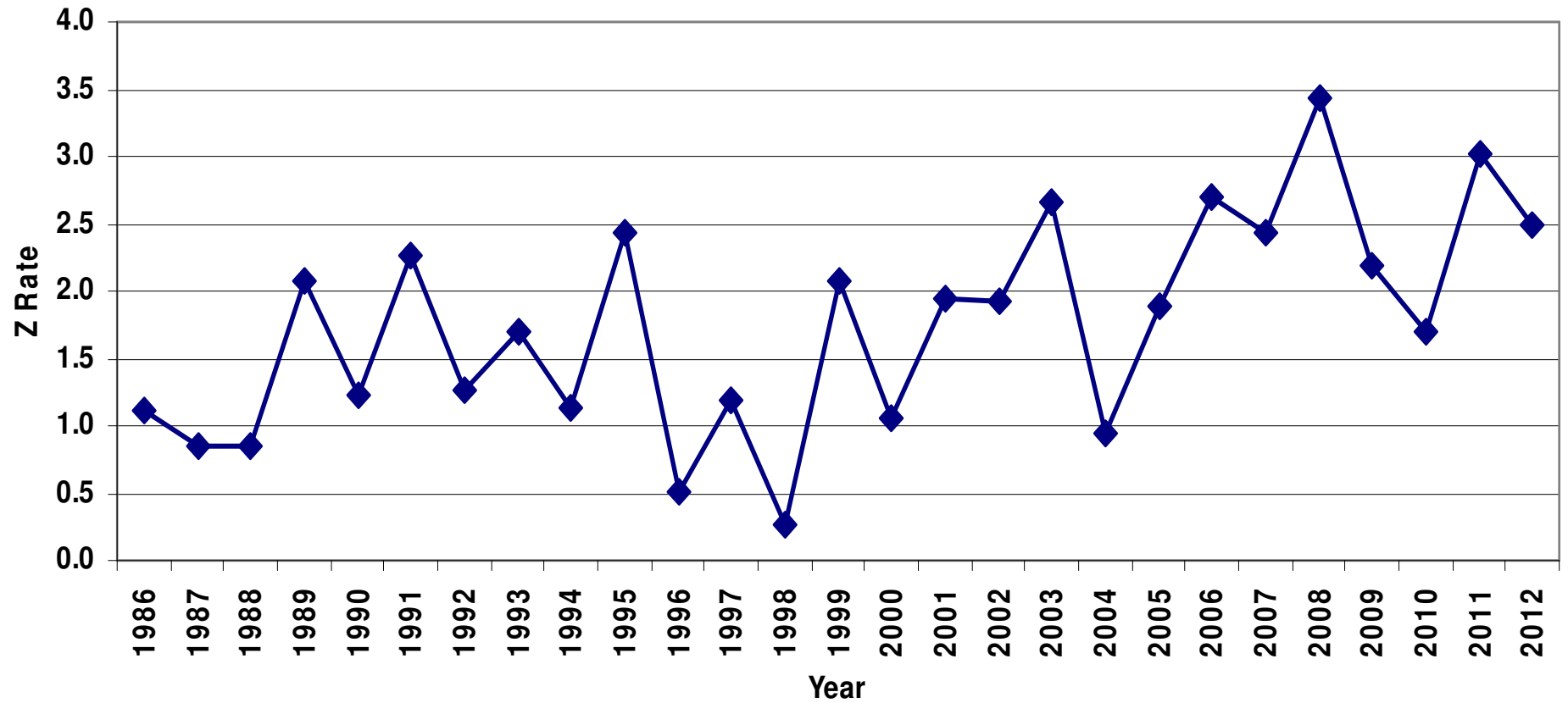
- Break life history up into important stages, such as larvae, young of the year, juveniles, adults.
- Compute abundance indices for stages from RIDFW survey data.
- Calculate relative mortality rates between life stages as:
- $Z = -\ln(N_{i+1}/N_i)$.
- Test for trends in Z particularly increases that might indicate mortality bottlenecks.



Abundance of Young of the Year Winter Flounder in the RIDFW Seine Survey in Narragansett Bay



Mortality Rate of Young of the Year Winter Flounder in Narragansett Bay from July to October



Results and Next Steps

- Break point in 2006
- $Z_1 = 1.47$, corresponds to a July to October survival rate of 23%
- $Z_2 = 2.57$, corresponds to a July to October survival rate of 8%.
- Can repeat exercise for other life stages, build simulation model, and do population viability analysis.





Rhode Island Marine Fisheries Council

3 Fort Wetherill Road, Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

Panel Chair:
Ken Booth

Advisory Panel Members:

Commercial User Groups

Hook & Line:

Gerard Tremblay (primary)
John Gadzik (alternate)

Trawl-Inshore (State permitted ONLY):

Douglas Kissick (primary)
Carl Granquist (alternate)

Trawl-Offshore (Federal permitted ONLY):

Paul Westcott (primary)
Stephen A. Arnold (alternate)

Fish Pots:

Richard Fuka (primary)
Open (alternate)

Floating traps:

Luke Wheeler
Open (alternate)

Gillnet-Inshore (State permitted ONLY):

Aaron Gewirtz (primary)
Stephen Parente (alternate)

Gillnet-Inshore (Federal permitted ONLY):

Ted Platz (primary)
Open (alternate)

Seafood Dealer:

Al Conti (primary)
Open (alternate)

Scallop/Dredge Fishery:

Michael Marchetti (primary)
Open (alternate)

Recreational User Groups

Recreational:

John Troiano, III (primary)
William Bento (alternate)

Party Boat:

Frank Blount, Jr. (primary)
Open (alternate)

Charter Boat:

Jim White
Open (alternate)

Scientific Advisor:

Open

DFW Staff:

Eric Schneider
423-1933

Groundfish/Federally Managed Species Advisory Panel Meeting

April 15, 2014 at 6:00 pm

URI Narragansett Bay Campus,
Coastal Institute Building, Hazard Room
South Ferry Road, Narragansett, RI 02882

AGENDA

1. RI commercial and recreational coastal sharks fisheries
 - a. Review the requirements for compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Addendum III to the Interstate Coastal Sharks Fishery Management Plan (FMP)
 - b. Division of Fish & Wildlife proposed changes for 2014 fishing year
 - c. Advisory Panel proposals for the 2014 commercial or recreational fishing year (Please bring any proposal you have to the meeting for discussion)
2. RI commercial monkfish fishery
 - a. Review of RI commercial monkfish fishery
 - b. Advisory Panel proposals for 2014-2015 commercial fishing year (Please bring any proposal you have to the meeting for discussion)
3. RI recreational Atlantic cod fishery
 - a. Review the RI recreational Atlantic cod fishery and discuss the expired (recreational) "cod fillet" regulation
 - b. Advisory Panel proposals for 2014-2015 recreational fishing year (Please bring any proposal you have to the meeting for discussion)
4. Other business

Please submit proposals to Eric Schneider at least 24-hours prior to the meeting via email: Eric.Schneider@dem.ri.gov or mail at:

Division of Fish & Wildlife, Attn: Eric Schneider
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

ALL RIMFC Species Advisory Panel meetings are open to the public
For more information, please contact Eric Schneider at (401) 423-1933.

Date Posted: 03/31/2014

RIMFC Groundfish & Federally Managed Species Advisory Panel Meeting

April 15, 2014 at 6:00 PM

URI Narragansett Bay Campus
Hazard Room at the Coastal Institute
South Ferry Road, Narragansett, RI

Eric Schneider - RI DEM Marine Fisheries
401.423-1933 <eric.schneider *at* dem.ri.gov>



Overview

- ♦ RI commercial & recreational coastal sharks fisheries
 - ♦ Review requirements for compliance ASMFC Addendum III to the Coastal Sharks FMP
- ♦ RI commercial monkfish fishery
 - ♦ Seek AP proposals for 2014-2015 commercial fishing year
- ♦ RI recreational Atlantic cod fishery
 - ♦ discuss the expired (recreational) “cod fillet” regulation
- ♦ Other business



Coastal Sharks - consistency with Addendum III

In January of 2014 the DFW submitted an Implementation Plan for Compliance with Addendum III to the Coastal Sharks Fishery Management Plan (FMP)

1. Follow NOAA Fisheries openings and closures for the following groups: Aggregated Large Coastal, Hammerhead, Blacknose, Non-Blacknose Small Coastal, Pelagic.

- DFW will propose and adopt the new species groups included in Addendum III.

2. Enforce a minimum recreational size limit of 78 inches for all hammerhead shark species (smooth hammerhead, scalloped hammerhead and great hammerhead).

- The Division will propose and adopt the new minimum recreational size limit for hammerhead sharks for consistency with Addendum III



Coastal Sharks - consistency with Addendum III

Common Name	Scientific Name
Small Coastal Sharks (SCS)	
Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>
Finetooth	<i>Carcharhinus isodon</i>
Bonnethead	<i>Sphyrna tiburo</i>
Blacknose	<i>Carcharhinus acronotus</i>

Non-Sandbar Large Coastal Sharks (LCS)	
Silky	<i>Carcharhinus falciformis</i>
Tiger	<i>Galeocerdo cuvier</i>
Blacktip	<i>Carcharhinus limbatus</i>
Spinner	<i>Carcharhinus brevipinna</i>
Bull	<i>Carcharhinus leucas</i>
Lemon	<i>Negaprion brevirostris</i>
Nurse	<i>Ginglymostoma cirratum</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>Sphyrna mokarran</i>
Smooth hammerhead	<i>Sphyrna zygaena</i>

Small Coastal Sharks	
Non-Blacknose Small Coastal Sharks	
Atlantic sharpnose	
Finetooth	
Bonnethead	
Blacknose Sharks	
Blacknose	

Non-Sandbar Large Coastal Sharks- Aggregated Large Coastal Sharks	
Silky	
Tiger	
Blacktip	
Spinner	
Bull	
Lemon	
Nurse	
Hammerhead Sharks	
Scalloped hammerhead	
Great hammerhead	
Smooth hammerhead	



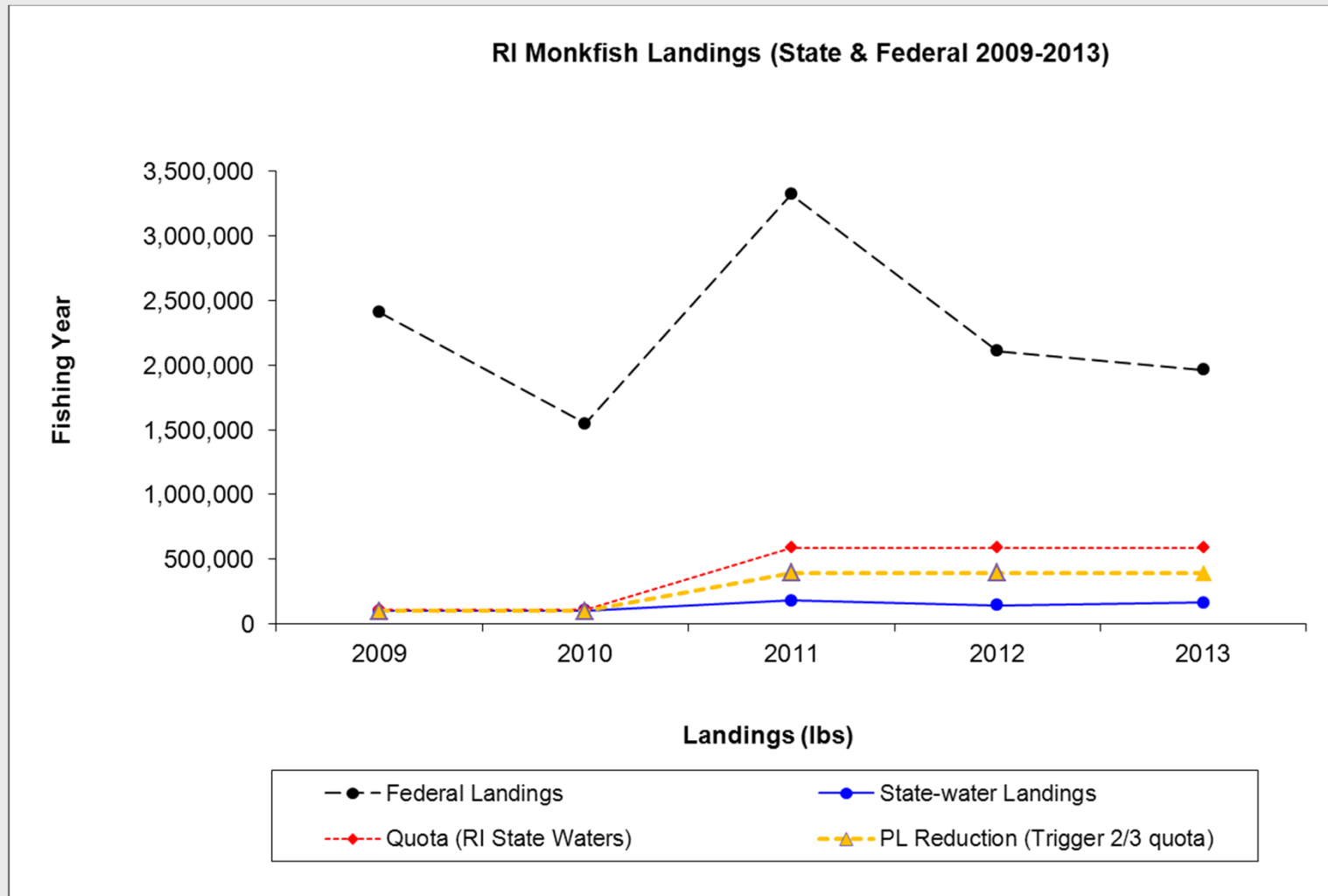
Coastal Sharks - consistency with Addendum III

Hearing Item #7: Coastal Sharks (Part VII - section 7.24)

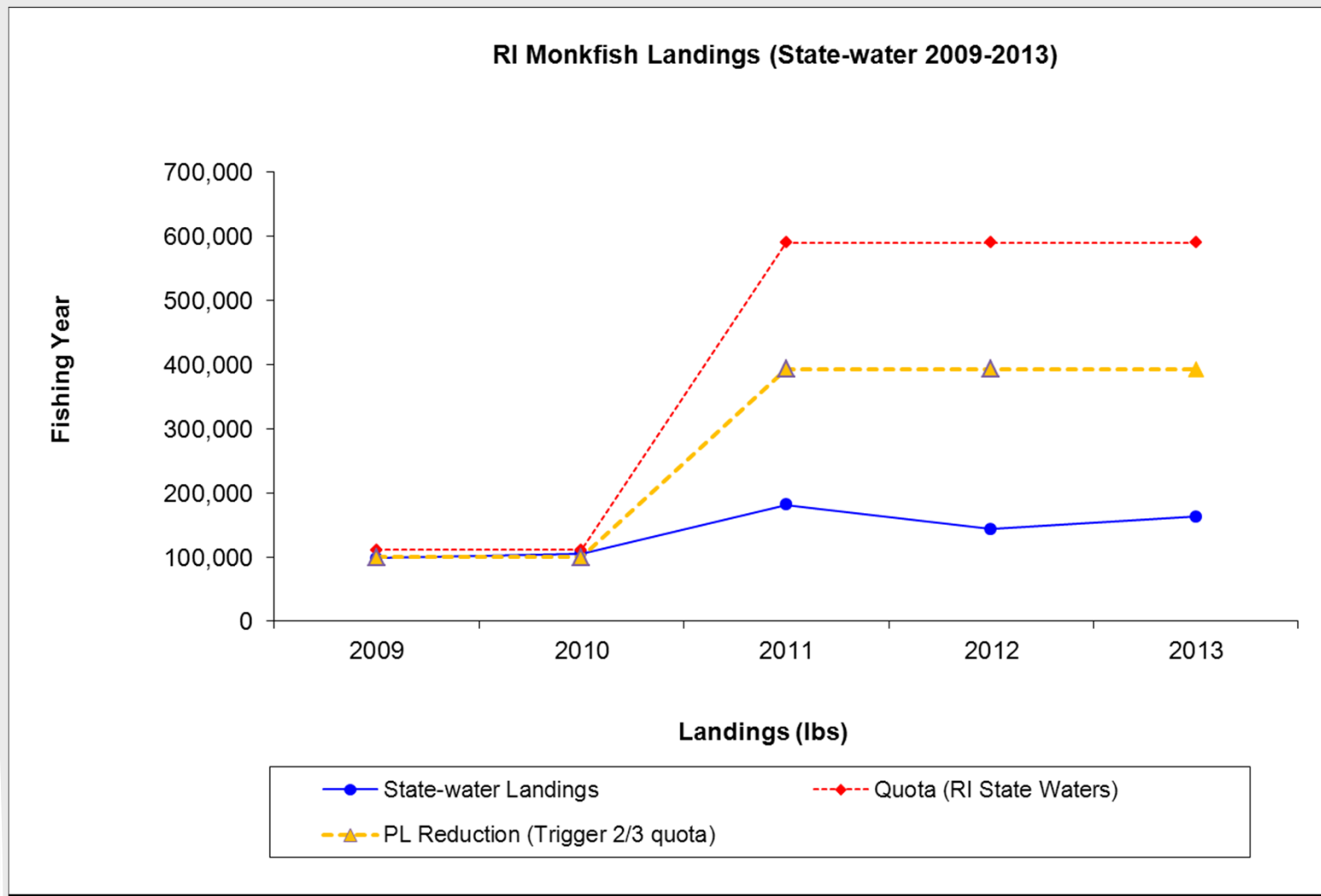
- Option 1 – Commercial: changes to Commercial Species Groups per ASMFC Addendum III to the Interstate Coastal Sharks Fishery Management Plan (FMP):
 - Commercial Species Groupings: Species managed under the ASMFC Interstate Fishery Management Plan (IFMP) for Atlantic Coastal Sharks shall be grouped into ~~six~~ **eight** commercial “species groups” for management purposes, hereafter referred to as: Prohibited Species, Research Species, Smoothhound Sharks, ~~Small Coastal Sharks, Non-Sandbar Large Coastal Sharks,~~ **Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks,** and Pelagic Sharks. These groupings apply to all commercial shark fisheries in state waters.
- Option 2 – Recreational: Increase minimum size for Hammerhead Sharks (Scalloped, Smooth, and Great)
 - **Minimum Fork Length of ~~54 (4.5 feet)~~ 78 inches (6.5 Feet)**



Monkfish – Review RI State-water Commercial Fishery



Monkfish – Review RI State-water Commercial Fishery



Monkfish – Review RI State-water Commercial Fishery

Fishing Year	SMA TAL (lbs)	RI Landings (lbs) *		State-water Quota		% of TAL	% of State-water		
		Federal	State-water	Quota	PL Trigger	Federal Landings	Landings : TAL	Quota	PL Trigger
2009	11,243,574	2,412,879	99,119	112,436	101,192	21%	1%	88%	98%
2010	11,243,574	1,553,768	106,518	112,436	101,192	14%	1%	95%	105%
2011	19,676,257	3,323,244	182,443	590,288	393,525	17%	1%	31%	46%
2012	19,676,257	2,111,374	144,599	590,288	393,525	11%	1%	24%	37%
2013 *	19,676,257	1,968,219	164,111	590,288	393,525	10%	1%	28%	42%

* Estimated landings as of 3/14/2014



Monkfish – Review RI State-water Commercial Fishery

Is the possession limit constraining landings?

Landings of top 5 State-water vessels from May 1 2013 - April 13 2014

lbs landed	No. of landings	% of landings
1 - 99	319	70%
100 - 499	76	17%
500 - 999	32	7%
1000 - 1850	31	7%
	458	

Lbs only represent fish landed in grade: "GUTTED, HEAD ON, TAIL ON"



Monkfish – Review RI State-water Commercial Fishery

Industry Proposals ?



Cod – discuss expired (recreational) “cod fillet” regulation

7.22.2 – Cod - Recreational Harvest

7.22.2-1 Minimum Size -- No person fishing recreationally shall land or possess any cod measuring less than twenty-two inches (22”) total length, or any cod fillet measuring less than fourteen inches (14”) in total length, whether caught within the jurisdiction of this State or otherwise.

(a) **Filleting of Cod** - The fillets or cleaned cod (head and tail removed) shall measure at least fourteen inches (14”) in length, and each fillet shall have at least two (2) square inches (5.1 square centimeters) of skin left intact to assist in species identification. This section shall remain in effect through June 30, 2012.

7.22.2-2 Possession Limits – No person who is fishing recreationally in RI waters, may possess more than ten (10) cod per person per calendar day.



Meeting Minutes for the RIMFC Groundfish & Federally Managed Species Advisory Panel Meeting

April 15, 2014 at 6:00pm

URI/GSO Narragansett Bay Campus, Coastal Institute Building, Hazard Room

The following people attended this meeting, including 1 AP member (*).	
1. Aaron Gewirtz* (served as chair for this meeting) 2. Terence Mulvey 3. Greg Duckworth 4. Patrick Duckworth	<ul style="list-style-type: none">• Eric Schneider, RI F&W• Tom Rosa, RI F&W

Groundfish Members Absent: Ken Booth (Chair), Jerry Tremblay, Douglas Kissick, Paul Westcott, Richard Fuka, Luke Wheeler, Ted Platz, Al Conti, Michael Marchetti, John Troiano III, Frank Blount, Jr., Jim White.

Handouts: Agenda

Presentation: (see attached presentation)

Appointment for member to serve as Chair for the meeting

Due to an unforeseen event, the AP Chair (K. Booth) was not able to make this meeting and did not have time to find an alternate RIMFC member to serve as chair. K. Booth and E. Schneider discussed the situation via phone at the scheduled start of the meeting (~6pm) and agreed that (1) since the group had already assembled and (2) given there was not a quorum that K. Booth should ask the only AP member in attendance (A. Gewirtz) if he would be willing to chair the meeting.

- Via phone K. Booth asked A. Gewirtz if he would be willing to serve as chair so that the meeting can be held.
- A. Gewirtz accepted.
- E. Schneider then explained the situation and asked the 3 remaining meeting participants if they were comfortable with A. Gewirtz serving as chair for this meeting.
- There was unanimous agreement that A. Gewirtz should serve as chair so that the meeting could be held.

A. Gewirtz (acting Chair) called the meeting to order at approximately 6:15pm. He noted that he E. Schneider (RI F&W) had a presentation prepared and would lead a discussion on each of the agenda items. He then turned the meeting over to E. Schneider.

E. Schneider noted for the record that K. Booth was not able to attend and that the group had agreed that A. Gewirtz was to serve as Chair for this meeting. He also noted that there was not a quorum, and thus the meeting was informational only.

E. Schneider then welcomed everyone, and began a power point presentation that corresponded to the Agenda. The meeting will be summarized by each Agenda Item.

Agenda Item 1: RI commercial and recreational coastal sharks fisheries

E. Schneider summarized the requirements for compliance ASMFC Addendum III to the Coastal Sharks FMP, which results in a re-grouping of the commercial shark species groups and an increase in the minimum recreational size limit (to 78 inches) for all hammerhead shark species. He noted that this has gone to public hearing and has been discussed at the April RIMFC meeting.

- The group discussed the purpose for the species re-grouping, as well as quotas, possession limits, and fishing season for each (*new*) species group.
- Overall, the group had no objection to the proposed changes.

Agenda Item 2: RI commercial monkfish fishery

E. Schneider suggested the group review the commercial monkfish fishery, including commercial landings data, and discuss a proposal that addresses industry's needs.

- E. Schneider began by reviewing the commercial federal and state-water landings from 2009-2013. The group discussed the state-water regulations that were in place in given year and how they may have affected annual catch.
- There was much attention brought to the fact that in the last 3 fishing years state-water landings equated to 24-31% of the State-water quota or 37-42% of the State-water possession limit trigger.
- Also there was good discussion regarding a table in the presentation that summarized the number of landings at various landing levels (see slide 9 of presentation). E. Schneider pointed out that only 14% of all landings were above 500 lbs and thus, he needed more information to understand how the current possession limit was restricting harvest and causing discard issues.
 - P. Duckworth suggested that much of the landings showed in that table represent non-monkfish trips, where monkfish was bycatch and not targeted.
 - It was also pointed out that the table is showing the “% of landings” represents trips, not pounds.
 - E. Schneider said he could look closer at the landings to address these concerns.
 - Someone noted that they aren't landing the full possession limit because they don't want to go over the possession limit.
 - For example, sometimes after hauling the second of three strings they'll have 1,500 lbs on board and hauling the third string would cause them to go over the (monkfish) daily possession limit, so they don't haul that third string to avoid being over the possession limit and having to discard fish. That said, they try to haul every day, but there can be circumstances beyond your control (weather, too much fish, etc.).
- The problem identified by the group is that they are only achieving ~ 1/3 of the quota, while discarding and wasting fish. The group offered the following possible solutions (calling in a double possession limit or aggregate program) is to increase landings and overall efficiency, while reducing regulatory discards.
 - *Calling in a double limit:*
 - G. Duckworth and T. Mulvey suggested having a call-in line where they could report a double limit on a given day.
 - Essentially this implies doubling the possession on an as needed basis.
 - After some discussion, G. Duckworth suggested putting a cap on the number of double-limits in a given year so that you simply could not call in a double every day.
 - *Weekly aggregate program:*

- After some discussion, the group proposed creating an aggregate program that would allow a given participant to operate on a weekly 25,000 lb/vessel/week possession limit, rather than current daily possession limit. This basically equates to doubling the current possession limit of 1,826 lbs/vessel/day.
 - To reduce an influx of effort and cheating, the group suggested the following conditions be consider for participants:
 - Participants may not possess a federal monkfish permit, and
 - Must have landed 1,000 lbs in at least 1 of the 2 previous fishing years to ensure that only legitimate fishers participate
 - The group believes that an aggregate program would provide more flexibly in fishing practices and
 - In circumstances where there's bad weather or an influx of fish, gear could be hauled and fish landed, rather than either hauling gear and discarding or not hauling gear, which increases the likelihood of bycatch of additional discards and fish being eaten out of the nets.
 - To ensure that the proposed aggregate doesn't result in overfishing the group proposed ending the weekly aggregate program when 66% of the quota (2% of SMA TAL) is harvested. At that point the possession limit would revert to the by-catch possession limit of 50lbs/vessel/day.
- The group agreed that the Aggregate Program would be the best option. P. Duckworth said that he would email E. Schneider a copy of the proposal discussed during this meeting and will request E. Schneider to submit this proposal to the Division for consideration.
 - Note: E. Schneider received an email from P. Duckworth on 4/15/14 (see attached).

Agenda Item 3: RI recreational Atlantic cod fishery

E. Schneider briefly reviewed the recreational cod fishery and summarized the expired recreational cod fillet law.

- The group discussed the possession limit and minimum size for the recreational fishery.
- After some discussion, E. Schneider later refocused the group to the agenda item regarding the “recreational cod fillet law”.
- The group said that they have no comment because this pertains to the recreational fishery.
- E. Schneider noted that this was specifically added to afford recreational participants an opportunity to discuss this item; however, no one from the Recreational Sector attended this meeting or offered a comment otherwise (e.g. no email or phone comments).

Agenda Item 4: Other Business

E Schneider asked if there was any other business.

4.A Summer Flounder

T. Mulvey said that he wanted to suggest that RI mirror the feds and allow 1,000 lbs of fluke per week for all vessels.

- E. Schneider noted that this topic would be better suited for the Fluke AP. He also noted that the Fluke aggregate permit already affords this weekly possession limit, but you need an aggregate permit.
- The group discussed the aggregate program and then agreed to table the discussion of fluke.

4.B Spiny Dogfish

A. Gewritz asked for an update on spiny dogfish.

E. Schneider provided a brief summary of two differing federal possession limit recommendations offered to NOAA by NEFMC and MAMFC. He then explained the process that NOAA will pursue to develop a final rule.

- He also explained that at the next ASMFC Spiny Dogfish Management Board meeting (mid-May) there will be discussion of a proposal by RI Commissioners to revisit the ASMFC spiny dogfish possession limit of 4,000 lbs per vessel per day.
 - In short, given the large underage in harvest of the quota (est. to harvest < ½ quota) RI is requesting the Commission consider increasing the possession limit from 4,000 to 5,000 lbs per vessel per day,
 - They are also requesting permission from the board to pursue a Conservation Equivalency that would initiate a weekly aggregate program in RI state waters with the goal of allowing more flexibility in fishing practices, and in turn reducing discards and increasing landings.

A. Gewritz noted that the problem with the market is that there is basically no market.

T. Mulvey noted that a possible way to increase the market is to increase product availability, which requires increasing landings.

E. Schneider noted that was exactly the premise for the proposed incremental increase in the possession limit.

- The group discussed possible outcomes regarding potential decrease in price, increasing processing capacity, etc.

A. Gewritz asked E. Schneider if there were any updates about PCB's and is that what's holding back the market.

E. Schneider said he had heard that the European market has reacted to PCB concerns and that there may also be concerns over mercury levels. Although the latter is still under review, but he expects there to be publication of this information soon.

A. Gewritz said if there is no market, the possession limit doesn't matter b/c folks won't bother to retain and land them.

- One participant said they simply throw them away b/c for the price it's not worth their trouble.

G. Duckworth asked what happens if they don't comment.

E. Schneider said they don't have to comment, but are welcome to provide feedback if they want.

- The group briefly discussed where they were last year at this time; trying to get a Regional agreement for an aggregate program or bifurcated season.
- The group said that seemed like ages ago, and since the market has essentially collapsed some fishers that were "dog fisherman" have simply stopped fishing for them.

- In short, the group offered no comment on the proposal other than, please don't do anything that will make it less profitable to land dogfish.

E. Schneider stated that was the last agenda item and suggested A. Gewritz adjourn the meeting.

A. Gewritz said if there is no further business that the meeting is adjourned (~8:15pm).



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair:
Jeff Grant

Scientific Advisor:
Dale Leavitt

DFW Staff:
Jeff Mercer

Advisory Panel Members:

Commercial User Groups:

Aquaculture:
Primary: Jeff Gardner
Alternate: Bob Rheault

Bullrakers:
Primary: David Ghigliotty
Alternate: open
Primary: Mike McGiveney
Alternate: Bruce Eastman
Primary: Robert Bercaw
Alternate: James Logiodice
Primary: Gerald Schey
Alternate: open
Primary: Owen Kelly
Alternate: Martin McGiveney
Primary: Donald Goebel
Alternate: Michael Bradshaw
Primary: William Cote
Alternate: John Nolan

Tong:
Primary: open
Alternate: open

Diver:
Primary: Bill Blank
Alternate: Russell Blank

East Bay:
Primary: Katie Eagan
Alternate: open

Dealer:
Primary: Bob Smith
Alternate: open

Recreational User Group:
Primary: Paul Kennedy
Alternate: John Vivari

Date Posted: May 22, 2014

Meeting Notice

Shellfish Advisory Panel
Wednesday, May 28, 2014; 4:30 PM
Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI

MEETING AGENDA

1. Proposed Aquaculture Lease: CRMC File # 2014-03-013, Jesse Bazarnick, near Jamestown Bridge, North Kingstown.
2. Proposed Aquaculture Lease: CRMC File # 2014-04-067, David Bartley, Point Judith Pond, Narragansett.
3. Proposed Aquaculture Lease: CRMC File # 2014-04-106, Benjamin & Diane Franford, Point Judith Pond, Narragansett.

All RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Jeff Mercer at (401) 423-1937.

cc: Mark Gibson, Deputy Chief, Division of Fish and Wildlife
Robert Ballou, Assistant to the Director
Larry Mouradjian, Associate Director
Steve Hall, Chief, Division of Law Enforcement
Kurt Blanchard, Deputy Chief, Division of Law Enforcement

RHODE ISLAND MARINE FISHERIES COUNCIL
Shellfish Advisory Panel
May 28, 2014, 4:30 pm
Fort Wetherill Marine Laboratory, Jamestown, RI
Meeting Minutes

RIMFC Members Present: J. Grant (Chair)

SAP Members Present: J. Gardner; B. Bercaw; M. McGiveney; D. Ghigliotti

Scientific Advisor Present: D. Leavitt

Public Present: Applicants: David Bartley; Ben Franford; Diane Franford; Jesse Bazarnick;
Other Public: Monique LaFrance

CRMC: D. Beutel

DEM Fish and Wildlife: J. Mercer

New Business:

Jeff Grant began with welcoming remarks and stated that the purpose of the meeting was to review three aquaculture lease applications and their potential impacts to wild harvest fisheries.

1. Proposed Aquaculture Lease: CRMC File # 2014-03-013, Jesse Bazarnick, West Passage near Saunderstown, North Kingstown.

D. Beutel gave a brief description of the site. J. Mercer presented a map of the location and noted that a field survey was done and no clams were found. B. Bercaw noted that there was not a lot of shellfishing going on there and asked about finfish and whelk fishing. D. Beutel noted that the Salt Water Anglers Association requested at the PD meeting that the applicant stay within 20 foot depth contour. The lease is 3-12 feet deep. It was noted by the applicant that there is whelk fishing occurring in the area but in deeper waters. J. Mercer noted that State Statue says that the land area near the old Jamestown bridge be **retained by the state for public shore access and give consideration to the development of a public fishing pier**. D. Beutel noted that the Salt Water Anglers Association has submitted an objection to CRMC based on this. Motion made by B. Bercaw to not object, M. McGiveney seconded the motion. **The board voted unanimously to not object to the application**

2. Proposed Aquaculture Lease: CRMC File # 2014-04-067, David Bartley, Point Judith Pond, Narragansett.

D. Beutel gave a brief description of the lease. J. Mercer presented a map of the location and also stated DEM conducted a site visit with an average density of just under 1 quahog per square meter was observed. The site was characterized by very soft, muddy bottom. Brief discussion followed. J. Grant asked for a motion: J Gardner offered a motion to **not object** to this application. B. Bercaw seconded the motion. **The board voted unanimously to not object to the application**

3. ***Proposed Aquaculture Lease: CRMC File # 2014-04-106, Ben and Diane Franford, Point Judith Pond, Narragansett.***

D. Beutel gave a brief description of the lease. J. Mercer presented a map of the site and noted that the southern inshore edge was moved 80 ft offshore from the PD app to allow for commercial harvest in the area. DEM survey showed fairly substantial populations (4/m²) in the northeast corner but minimal quahogs caught in the rest of the lease. There was discussion of commercial and recreational clamming in the area.

J. Grant asked for a motion. B. Bercaw offered a motion to **not object** to this application. D. Ghigliotty seconded the motion. **The board voted unanimously to not object to the application**

The meeting was then adjourned.

Prepared by: Jeff Mercer



Oliver Stedman Government Center
4808 Tower Hill Road; Suite 116
Wakefield, RI 02879
401-783-3370

PUBLIC NOTICE

File Number: 2014-03-013

Date: May 2, 2014

This office has under consideration the application of:

Jesse Bazarnick
105 Spofford Ave
Warwick, RI 02888

for a State of Rhode Island Assent to construct and maintain: a two acre oyster farm using bottom cages. The location is just south of the Jamestown Bridge in water depths of 4-12 feet.

Project Location:	Narragansett Bay
City/Town:	North Kingstown
Plat/Lot:	
Waterway:	West Passage Narragansett Bay

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before June 2, 2014.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
 4808 TOWER HILL ROAD; Suite 3, WAKEFIELD, RI 02879
 (401) 783-3370

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

File No.	2014-03-013
Location: Street 105 Spofford Ave	City/Town Warwick
Applicants Name. Jesse Bazarnick	
Mailing Address	Res. Tel. # 401-780-0580
City/Town 105 Spofford Ave State RI Zip Code 02888	Bus. Tel. # 401-369-1933
Location of Proposed Aquaculture Project: W. end of Jamestown Bridge, to the south of the old bridge	
Name of Waterway	Fee/Costs \$
Est. Project Cost \$ 8,500	200

Have you or any previous owner filed an application for and/or received an assent for any activity on this site? (If so please provide the file and/or assent numbers).

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?

YES _____ NO X

IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

Date: 4/14/14 Owner's Signature Jesse Bazarnick

Appendix C
Rev. 05/05



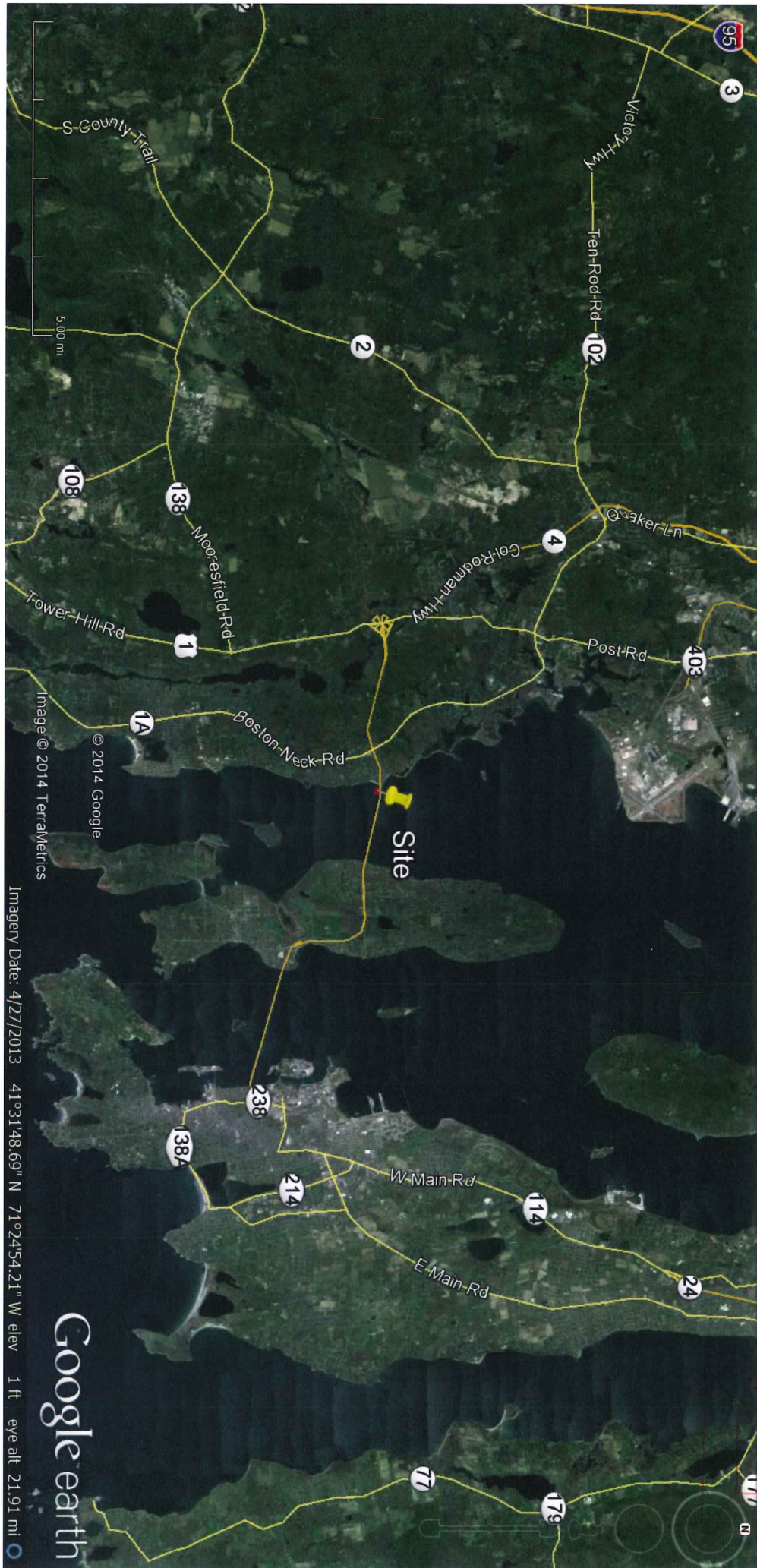


Image © 2014 TerraMetrics
© 2014 Google

Imagery Date: 4/27/2013 41°31'48.69" N 71°24'54.21" W elev 1 ft eye alt 21.91 mi

Google earth

RECEIVED
APR 29 2014
C.R.M.C.

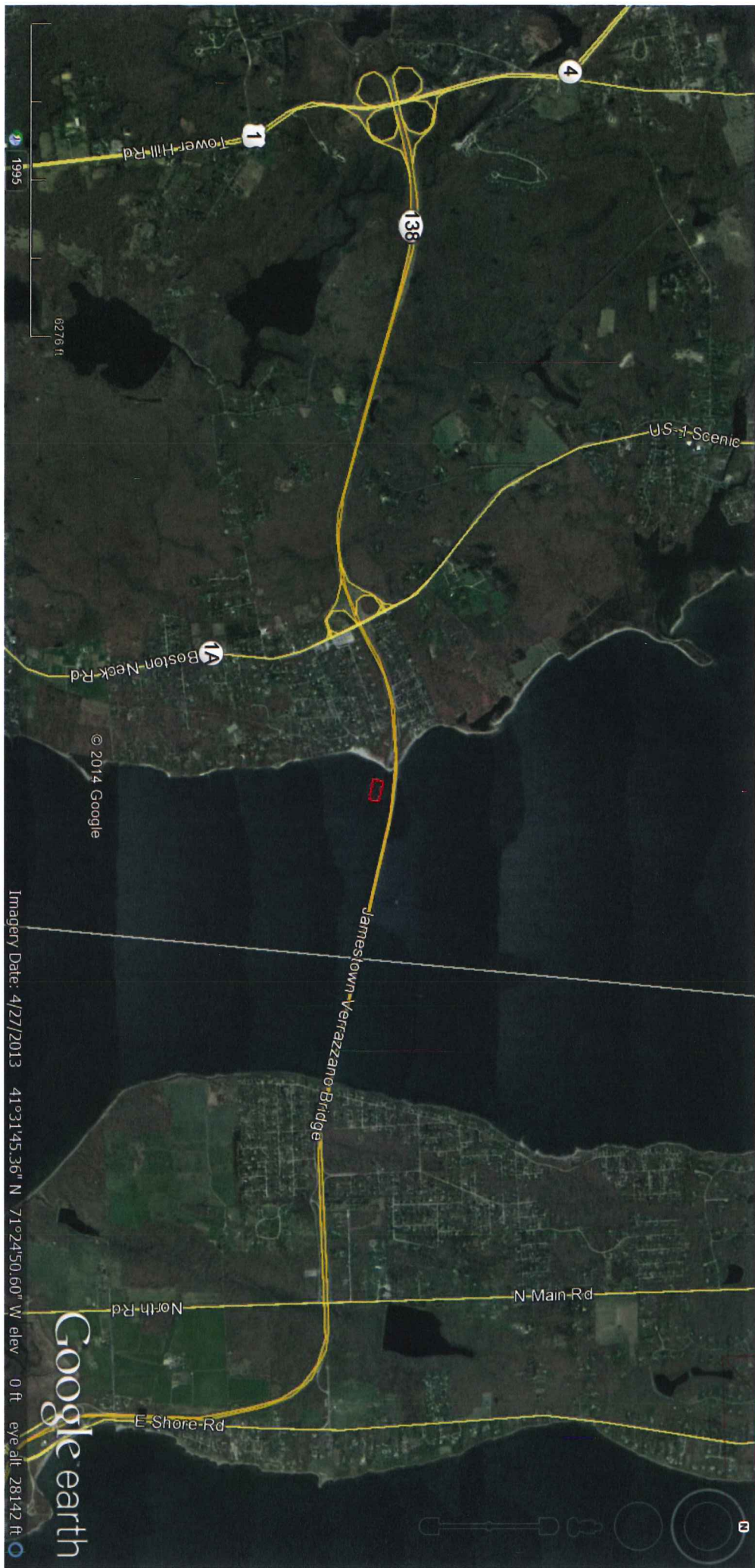
Site plan prepared by Jesse Bazarnick on 6/4/2013. Closest measurement to shoreline is 240' from the NW corner to the old brige abutment. Bottom bags are shown arranged in rows for effect. The only other equipment needed on site are 4 marker buoys.



N True North



100'



RECEIVED
APR 29 2014
C.R.M.C.

Imagery Date: 4/27/2013 41°31'45.36" N 71°24'50.60" W elev 0 ft eye alt 28142 ft

Google earth

Operations Plan

The Farm will be built very simply with durability in mind. Corners of the lease will be marked by white buoys per CRMC requirements. Bottom cages evenly spaced 20' corner to corner will each contain 6 bags. These are 18" tall, and 3'x4', custom built for the rocky bottom and arranged in lines. A pontoon barge with a pot hauler will service these lines, sorting taking place on deck. Every step to preserve the nearby beach and natural area will be taken. Litter or site contamination will not be tolerated in any way.

They will be retrieved using a pot hauler, and sorted by size. Smaller oysters will be re-bagged and re-deployed while larger ones will be bagged for sale.

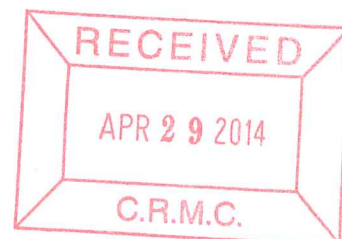
Seed will be procured locally; there is no shortage of local oyster seed vendors. Use of triploids is viewed by the lessee with suspicion, and will be avoided. Seed will probably be 25mm, to avoid unnecessary operational complications at the incubation phase (i.e. upweller operation). When the business reaches maturity, an off-site upweller may be used.

Fouled gear will be cleaned using seawater and brushes. This can be done on or off site.

Per Dr. Michael Rice, the shellfish aquaculture extension agent for this region, 2 acres can be managed by one person working full-time or two working part-time. Since there is a boat involved, currents, and water deep enough to create an emergency, a staff of two is planned. Hours should be short. In addition, winters will probably not be worked, due to the limited need for labor and limited growth of the crop.

Regardless, as oysters grow, they are constantly sorted and moved down the line, bagged by increasing size or sold. Each bag will have a tag, to facilitate record keeping, so the lessee will know the size class of each bag and when it was touched last. Under no circumstances can seed from different sources mingle, and this system will allow for immediate location of every oyster originating from any purchase made. Additionally, the last time each cage was handled, size profile, and growth rates will be available, to schedule sorts and predict sales activities. There will be an 18 month to 2 year period (roughly) between introducing seed into the farm and harvest.

This operation is meant to be low impact, using shallow water of little use to anglers. The rocky bottom is very difficult to walk on, and the tidal currents and proximity to the demolished bridge make angling, swimming, diving, and wading hazardous indeed. In fact, the maximum depth of 12' is not indicative of the site; most of the site ranges between 4 and 8 feet. The depth drops off swiftly close to the channel, making placement of cages there inadvisable.



Tracking Plan

Jesse Bazarnick

A predetermined amount of seed will be placed at one end of each line, and will be sorted into additional pieces of bottom gear on the same line as the crop grows. Only one batch of seed will be introduced to each line.

As seed purchases are made, a spreadsheet will be used to record the date and source of each purchase, and will in fact be used to track the cohort as they progress down their line. An individual with a copy of the spreadsheet will be able to move around the lease, and based on line number and position, the exact purchase source and date can be pinpointed. This will be updated weekly based on the week's work, and consulted on a daily basis to determine the work schedule.



Category B Requirements

1. Demonstrate the need for the proposed activity or alteration;

- Oyster production and sales support both employment due to the labor-intensive nature of the business, and out-of-state revenues entering Rhode Island. Support of this business will help with multiple economic issues afflicting the State today.

2. Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in Sections 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15 and 300.17; for projects on state land, the state building official, for the purposes of this section, is the building official;

- Does Not Apply

3. Describe the boundaries of the coastal waters and land area that are anticipated to be affected;

- The area in question is 259' offshore of the bridge head of the Old Jamestown Bridge at Plum Point. The exact location is described by the following coordinates: 41°31'46.14"N, 71°24'51.84"W. 41°31'45.24"N, 71°24'46.35"W. 41°31'43.26"N, 71°24'46.90"W. 41°31'44.05"N, 71°24'52.50"W. Depth is mostly 7-8', ranging from 5' to 10' deep.

4. Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters;

- Activities planned are very mild in nature, and involve use of bottom bags within cages. A small barge with a hauler will suffice to raise the gear and re-deploy. None of this should have an adverse effect on the rocky bottom.

5. Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life;

- The act of cultivating shellfish serves to clarify water, and will have no adverse effect on local populations. Farming gear (cages) may serve as habitat and cover for some sea life, indicating a possible positive impact on wild biomass and local biodiversity.

6. Demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;

- The adjacent moorings will be unaffected, as will access to the shore and adjacent waters. Recreational fishers will note the lease ends before the deep water of the channel begins, and occupies an area more dangerous to navigate (shallow, fast currents, rocky bottom) for V-hull boats. Barges should have no issues navigating the site. The site was chosen to avoid user conflicts.

7. Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;

- The low profile of the gear and non-intensive farm operation will not have an impact on water quality. In fact, the filtration capabilities of a farm full of oysters is truly impressive.

8. Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

- Each adult oyster can filter 2L of water or more per hour. Oysters in general have a net positive impact on water quality.

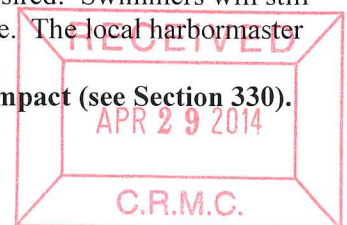
9. Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;

- There is no known historical significance to this site.

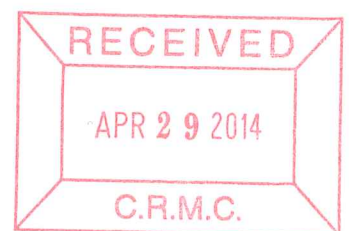
10. Demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

- This out-of-the-way site adjacent to a ruined bridge in shallow water with a rocky bottom will not interfere with boaters or anglers. Anglers will be mainly interested in accessing the deeper waters outside the lease to the East, and can still easily work the lease itself in the shallow water if desired. Swimmers will still be able to use the area, as the equipment on the bottom is no taller than 18" by statute. The local harbor master has indicated the operation will be no barrier to navigation.

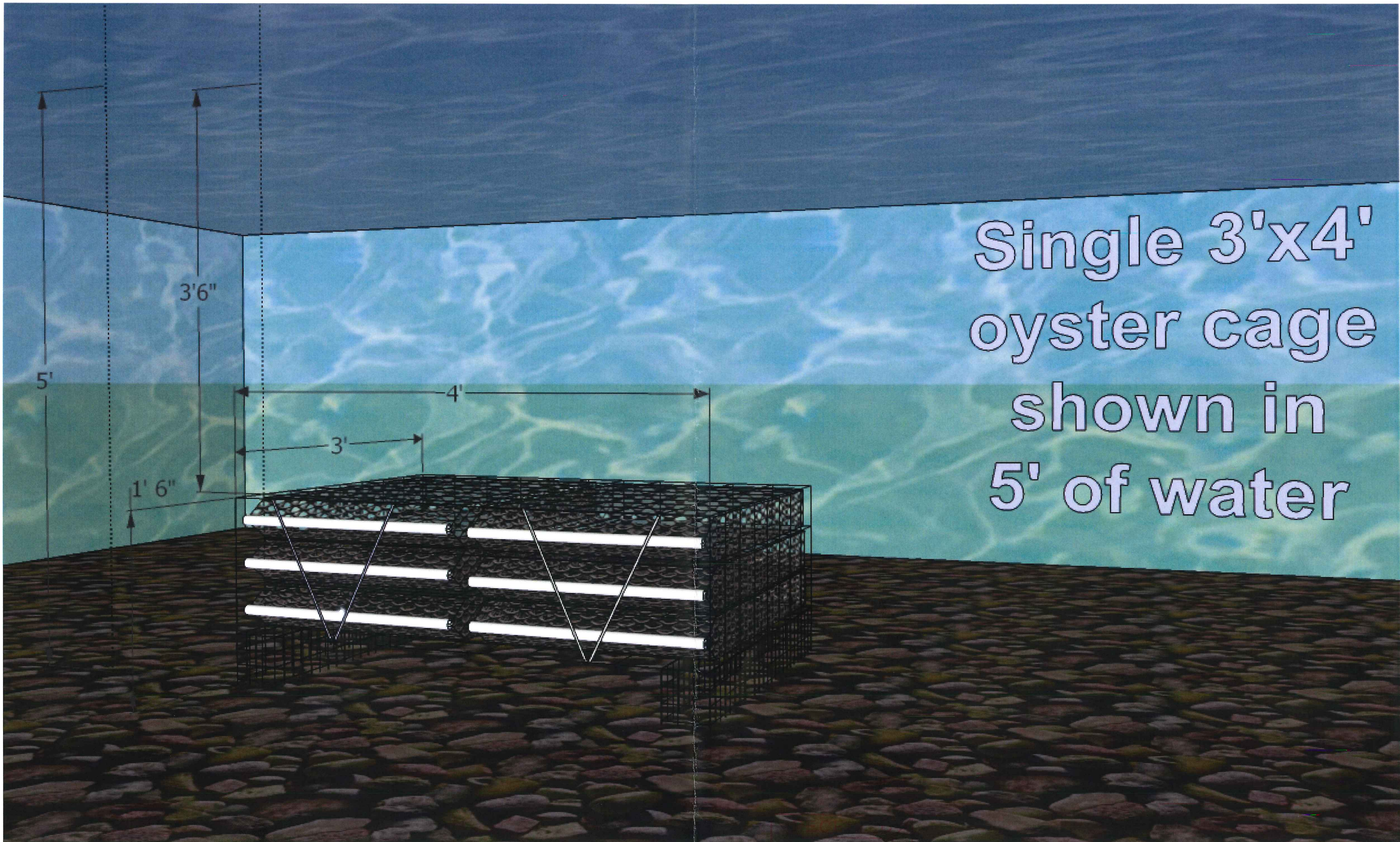
11. Demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330).



- The only impacts to the scenery are the 4 white buoys mentioned above. To the south, several moorings dwarf these buoys.



Single 3'x4'
oyster cage
shown in
5' of water

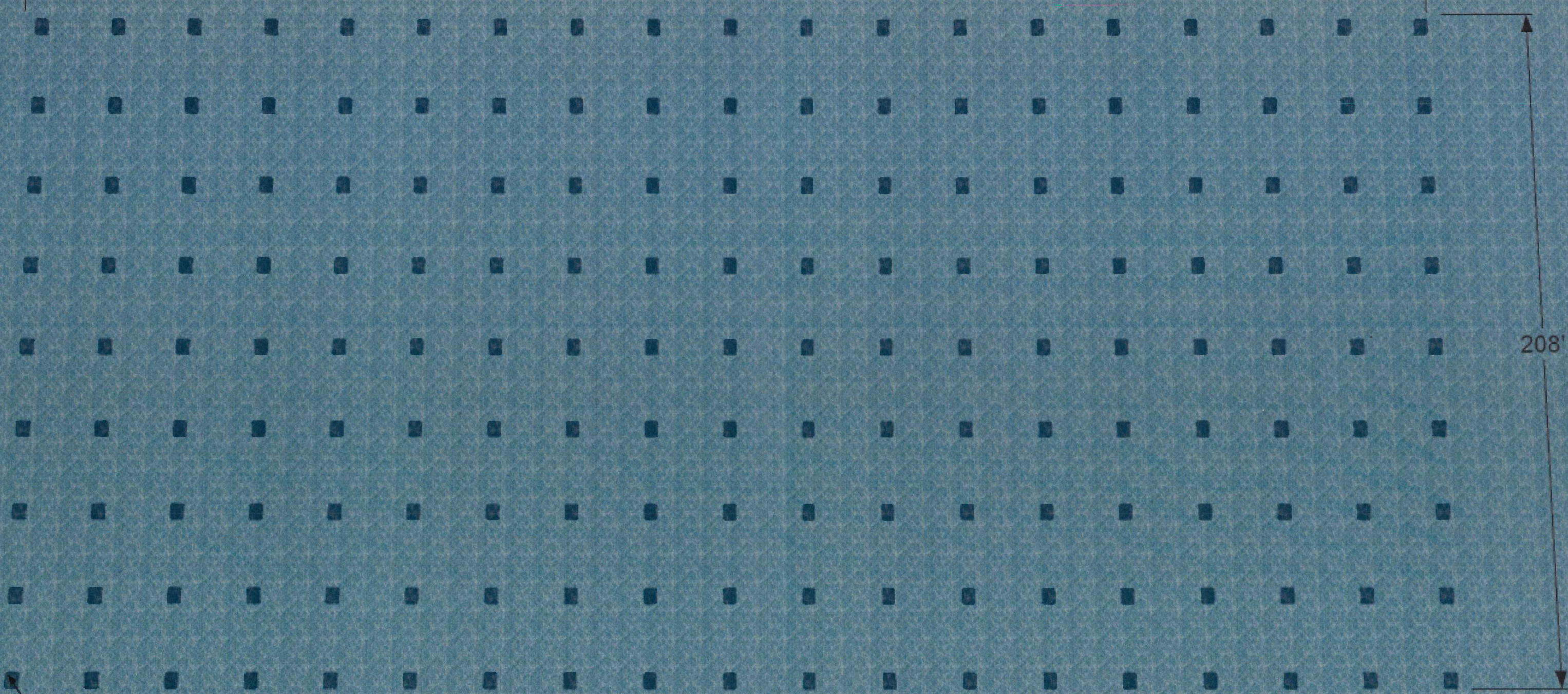


APR 29 2014

CEMC

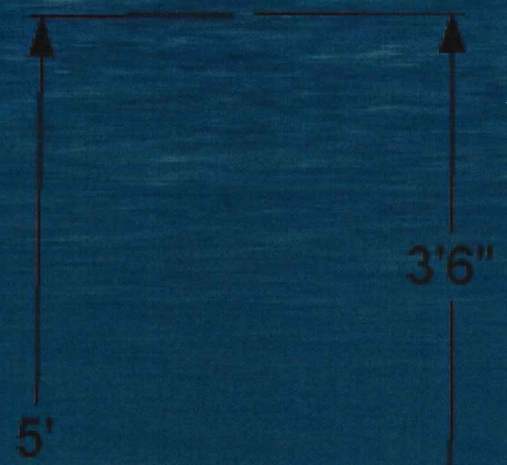
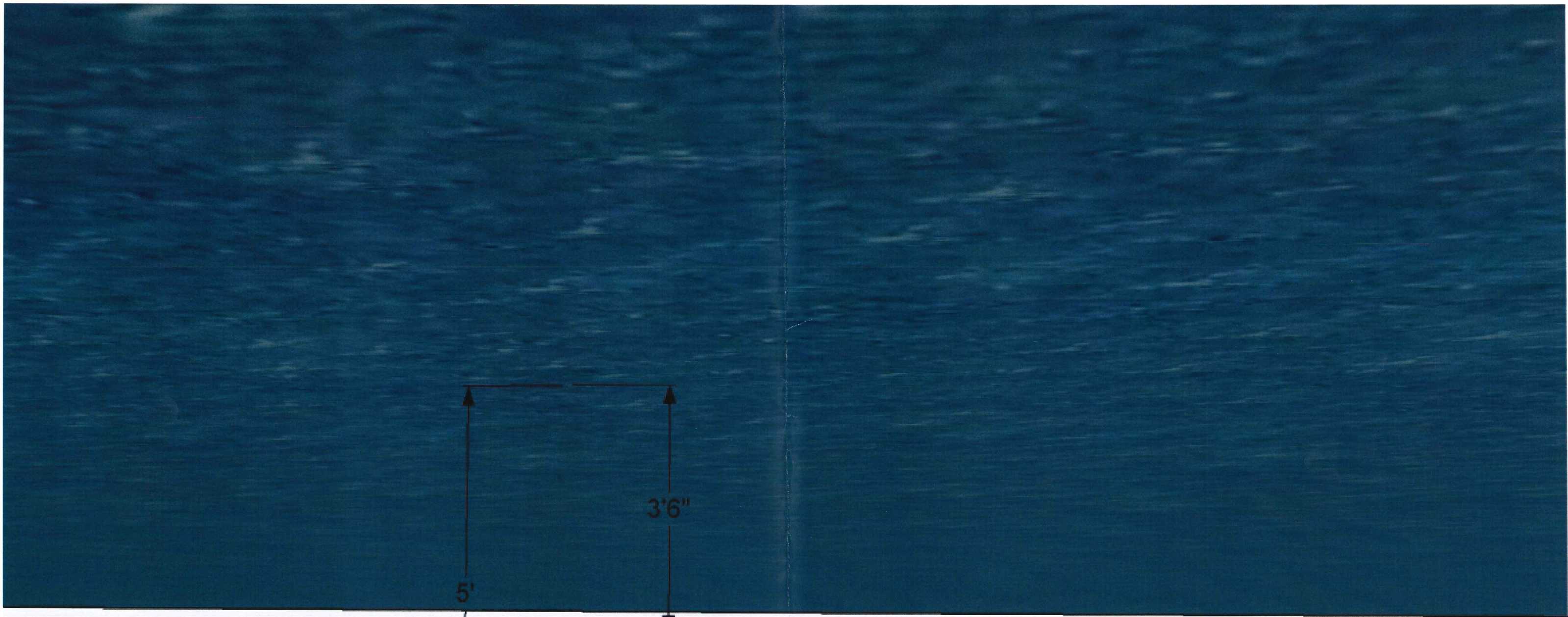
416'

208'

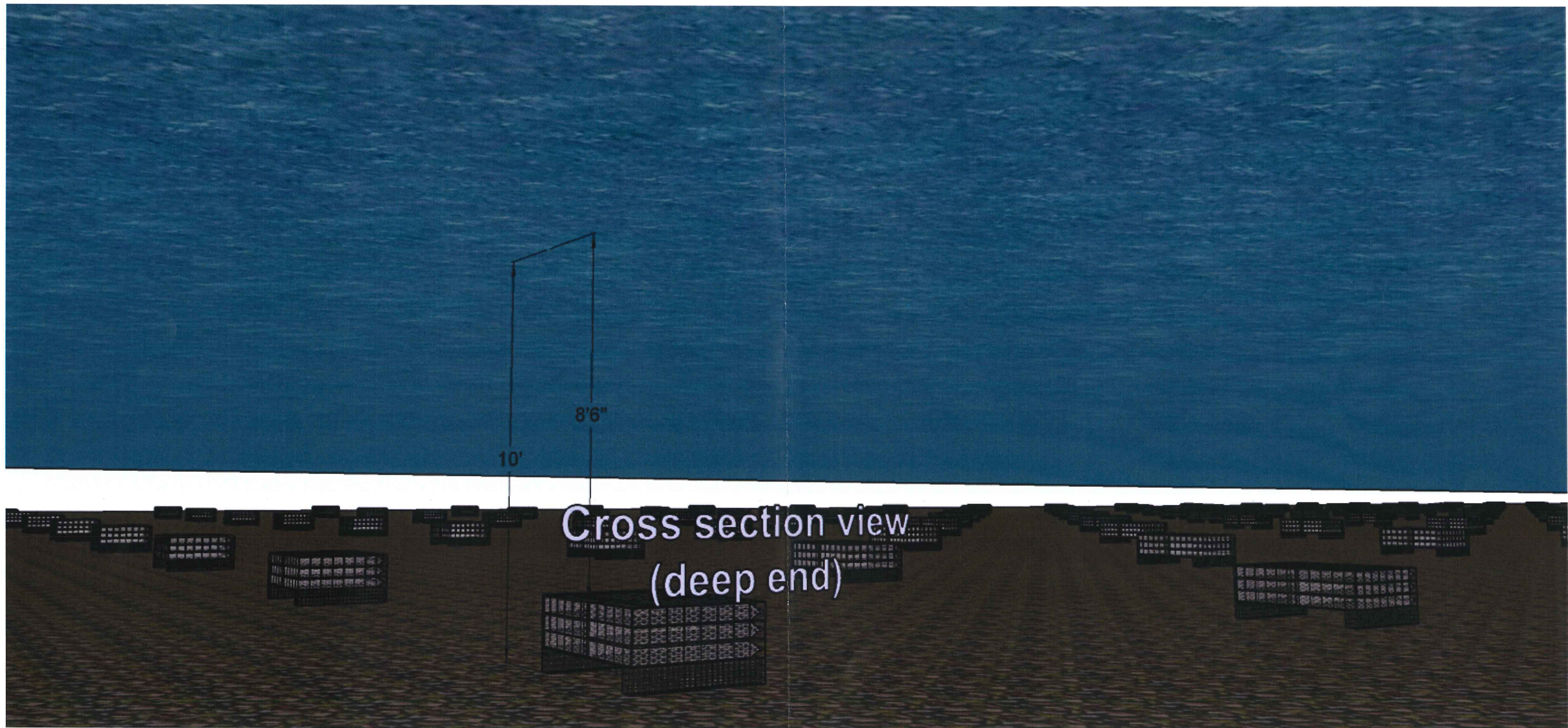


Cages are shown spaced 20' apart in rows of 9, each containing 6 bags for a total of 1026 bags planned for this site. The depth ranges between 5' and 10'.

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APR 29 2014
C.R.M.C.



Cross Section
(shallow end)



Cross section view
(deep end)

RECEIVED
APR 29 2014
C.R.M.C.



RISAA Events & Meetings

All events and meetings can be found online at www.risaa.org/events.html

- June 7 • 10:00 AM
Kayak Committee annual Meet & Greet, Goddard Park
- June 9 • 6:00 PM
Fly Fishing Committee fishing at Kings Park, Newport
- June 11 • 6:00 PM
Kayak Committee Fishing in Newport Harbor
- June 14 • RISAA's 17th Annual Take-A-Kid Fishing Day
- June 16 • 6:00 PM
Fly Fishing Committee fishing at Quonny Breachway
- June 17-29 New England Fisheries Mgmt Council, Portland, ME
- June 18 • 6:00 PM
Kayak Committee fishing at Weaver's Cove, Portsmouth
- June 24 • 6:30 PM
Board of Directors
- June 26 • 6:00 AM
Kayak Committee fishing at Quonny Breachway
- June 30 • 7:00 PM
RISAA Monthly Seminar
- July 7 • 6:00 PM
Fly Fishing Committee fishing at Brenton Reef, Newport
- July 8 • 10:00 AM
Kayak Committee fishing at Fort Wetherill, Jamestown
- July 14 • 6:30 PM
Fly Fishing Committee fishing off Narragansett
- Aug 9 • 7:00 AM
RISAA Adult/Jr party boat fishing



Notes from the President's Desk Stephen Medeiros



Report Violations and Jamestown Pier

Every year, as the fishing season gets going, I see numerous messages in fishing forums and email groups about recreational fishing violations. Anglers see people taking undersized fish or more fish than allowed, often boasting that they won't get caught, knowing they are doing wrong, but just don't care.

These anglers are rightfully angry. After all, those illegally taken fish effect future stocks. They belong to everyone, and those poachers are stealing from you and I.

One such email came from a man who was fishing at a popular shore location, and he witnessed a couple of young guys catching and keeping several schoolie stripers in the 18-20 inch range. He told the guys that the fish were too small to keep, but their answer was that they didn't care; they were taking the fish. Rightfully, he didn't confront the guys any further, and went home upset.

This happens all too often. What can you do when you see this happening?

CALL DEM AND REPORT IT!

Every year I try to remind members that when they see violations on the water or at shore locations, that they should call DEM Enforcement and report what they see.

The DEM Enforcement Division has officers on duty at all times. Unfortunately, those officers have to cover the whole state handling not only recreational fishing violations, but commercial fisheries, shellfishing, and more. The saying, can't be everywhere at once, definitely applies.

Enforcement Division **Chief Steve Hall** and his **Deputy Chief Kurt Blanchard** have told me many times. "Tell your members to call when they see violations. If we have someone available we will dispatch them."

But even when there isn't an officer nearby to respond, they still want you to call. Every call is logged. When they get multiple calls from the same location, they will make sure that officers get to that spot more often.

When you call, describe the location

and the person(s) involved. If they have a vehicle, try to get the plate number. If a boat, get the boat name/description.

NOW DO THIS...

Get your cell phone and enter the DEM Enforcement violations hotline in your directory.

Rhode Island: 401-222-3070

Massachusetts: 1-800-632-8075

Connecticut: 860-424-3333

AQUACULTURE PERMIT OBJECTION

Every person/company that wants a permit to establish an aquaculture farm (underwater lease of state waters) must go through a lengthy application process. RISAA receives a copy of every application so that we can be sure it would not interfere with recreational fishing or boating areas.

I think that aquaculture actually enhances future fishing opportunities, and most requests are for out of the way, shallow water areas. Over the years we have received many applications to review (100+), but never object.

Last month we received a permit application to review that raised concern. The aquaculture farm would go just off the North Kingstown side of Narragansett Bay, just south of the Jamestown bridge - on the footprint of a future Jamestown bridge fishing pier. While that pier could be many years away, we don't want to give up the prospect by letting the state sign it away to a 15-year lease.

It's also part of state law (24-12-51.1) which states "retain the state-owned land adjacent to the former Jamestown Bridge on the North Kingstown side of the former bridge for use as a public parking area and public shore access site" and "the potential establishment of a public fishing pier, boat access, and/or park." This law was pushed by the previous DEM Director **Mike Sullivan** who was an advocate of fishing piers.

The RISAA Board has filed a formal objection to granting that aquaculture permit. We will keep an eye on this one.



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road, Jamestown, RI 02835
(401) 423-1923 Fax: (401) 423-1925

Panel Chair
Rick Belevance

IAC:

Commercial Rod and Reel
Robert Mattiucci
Gerard Tremblay

Commercial Inshore Trawler
Carl Granquist
Jerry Carvalho

Seafood Dealer
Eric Reid

Commercial Offshore Trawler
Michael Roderick

Commercial Lobster Fishermen
Lanny Dellinger

Commercial Fish Potter
Robert Smith

Commercial Fishing License Representative
Steven Anderson

Commercial Gillnet Representative
Aaron Gerwitz

DFW Staff
John Lake
423-1942

Industry Advisory Committee (IAC) Meeting

DATE TBD – 6:00 PM

URI Narragansett Bay Campus
Coastal Institute Building, Hazard Conference Room
South Ferry Road, Narragansett, RI 02835

AGENDA

1. Proposed commercial licensing opportunities for 2015
2. Proposed amendments to Licensing regulations:
 - a. Definition of crew member
 - b. License application information provided
 - c. Tiered lottery contingencies
 - d. Over 65 shellfish license clarification
 - e. Changes to commercial shellfish reporting requirements
 - f. Changes to the logbook commercial license endorsement
3. Update on recreational combination license initiative
4. Licensing legislation update
5. Other Business
6. Adjourn

ALL RIMFC Species Advisory Panel meetings are open to the public.

For more information, please contact John Lake at (401) 423-1942.

Date Posted: XX/XX/20XX



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road, Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair:
Ken Booth

Advisory Panel Members:

Commercial User Groups

Hook & Line:

Gerard Tremblay (primary)
John Gadzik (alternate)

Trawl-Inshore (State

permitted ONLY):

Douglas Kissick (primary)
Carl Granquist (alternate)

Trawl-Offshore (Federal

permitted ONLY):

Paul Westcott (primary)
Stephen A. Arnold
(alternate)

Fish Pots:

Richard Fuka (primary)
Open (alternate)

Floating traps:

Luke Wheeler
Open (alternate)

Gillnet-Inshore (State

permitted ONLY):

Aaron Gewirtz (primary)
Stephen Parente (alternate)

Gillnet-Inshore (Federal

permitted ONLY):

Ted Platz (primary)
Open (alternate)

Seafood Dealer:

Al Conti (primary)
Open (alternate)

Scallop/Dredge Fishery:

Michael Marchetti (primary)
Open (alternate)

Recreational User Groups

Recreational:

John Troiano, III (primary)
William Bento (alternate)

Party Boat:

Frank Blount, Jr. (primary)
Open (alternate)

Charter Boat:

Jim White
Open (alternate)

Scientific Advisor:

Open

DFW Staff:

Eric Schneider
423-1933

Groundfish/Federally Managed Species Advisory Panel Meeting

Date/Time TBD

URI Narragansett Bay Campus
South Ferry Road, Narragansett, RI

AGENDA

1. RI commercial spiny dogfish fishery
 - a. Review of RI commercial spiny dogfish fishery
 - b. Discuss Div. of Fish & Wildlife conservation equivalency proposal
 - c. Advisory Panel proposals for 2014-2015 commercial fishing year
(Please bring any proposal you have to the meeting for discussion)

2. Other business

Please submit proposals to Eric Schneider at least 24-hours prior to the meeting via email: Eric.Schneider@dem.ri.gov or mail at:

Division of Fish & Wildlife, Attn: Eric Schneider
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

ALL RIMFC Species Advisory Panel meetings are open to the public

For more information, please contact Eric Schneider at (401) 423-1933.

Date Posted: XX/XX/2014



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair:
Jeff Grant

Scientific Advisor:
Dale Leavitt

DFW Staff:
Jeff Mercer

Advisory Panel Members:

Commercial User Groups:

Aquaculture:
Primary: Jeff Gardner
Alternate: Bob Rheault

Bullrakers:
Primary: David Ghigliotty
Alternate: open
Primary: Mike McGiveney
Alternate: Bruce Eastman
Primary: Robert Bercaw
Alternate: James Logiodice
Primary: Gerald Schey
Alternate: open
Primary: Owen Kelly
Alternate: Martin McGiveney
Primary: Donald Goebel
Alternate: Michael Bradshaw
Primary: William Cote
Alternate: John Nolan

Tong:
Primary: open
Alternate: open

Diver:
Primary: Bill Blank
Alternate: Russell Blank

East Bay:
Primary: Katie Eagan
Alternate: open

Dealer:
Primary: Bob Smith
Alternate: open

Recreational User Group:
Primary: open
Alternate: John Vivari

Meeting Notice

Shellfish Advisory Panel

Date: TBD

Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI

MEETING AGENDA

1. Development of 2013-2014 winter shellfish management area schedules.
2. Discussion of 1-acre Oyster Restoration Reserves in Ninigret and/or Potter Ponds.
3. Discussion of Shellfish Advisory Panel vacancies

All RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Jeff Mercer at (401) 423-1937.



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road, Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair
Bill Mackintosh

Advisory Panel Members:

Commercial User Groups:
Floating traps
John O'Donnell (primary)
Thomas Hoxsie (alternate)

Gillnet
Dean Pesante (primary)
Ted Platz (alternate)

Hook and line
Gerard Tremblay (primary)
Open slot (alternate)

Trawl – Inshore
Carl Granquist (primary)
Brian Loftes (alternate)

Trawl – Offshore
Chris Brown (primary)
Jim O'Grady (alternate)

Pots
Timothy Baker (primary)
Open slot (alternate)

Dealer
Eric Reid (primary)
Open slot (alternate)

Recreational User Groups:
Rec. Boat
Michael Lanni (primary)
Open slot (alternate)

Rec. Shore
Paul Laflamme (Primary)
Harry Potter (alternate)

Bait & Tackle
Mike Bucko (primary)
Michael Bestwick (alternate)

Party and Charter
Frank Blount (primary)
Ken Court (alternate)

Scientific Advisor
Najih Lazar

DFW Staff
Jason McNamee
423-1943

Scup/Black Sea Bass Advisory Panel Meeting

DATE TBD; 7:00 – 9:00PM

URI Narragansett Bay Campus
Coastal Institute Building, Hazard Room
South Ferry Road, Narragansett, RI 02882

AGENDA

1. Review of current stock status and proposed ABC for scup
2. Review of 2014 commercial scup fishery including update on Floating Fish Trap scup fishery performance
3. Division of Fish and Wildlife proposed changes for the 2015 commercial scup fishing season
4. Advisory Panel proposals for 2015 commercial scup fishery (*see agenda item 8 for submittal information*)
5. Review of current stock status and proposed ABC for black sea bass
6. Review of 2014 commercial black sea bass fishery
7. Division of Fish and Wildlife proposed changes for the 2015 commercial black sea bass fishing season
8. Advisory Panel proposals for 2015 commercial black sea bass fishery (*please submit proposals to Jason McNamee by XX XX, 2014 at email address: jason.mcnamee@dem.ri.gov or mail to: Division of Fish & Wildlife, Attn: Jason McNamee, 3 Fort Wetherill Road, Jamestown, Rhode Island 02835*)
9. Presentation of RIDFW ventless fish pot survey
10. Other Business

ALL RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Jason McNamee at (401) 423-1943 or email:
jason.mcnamee@dem.ri.gov

Date Posted: XX-XX-2014



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road, Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair
Richard Hittinger
265-7602

Advisory Panel Members:

Commercial User Groups:
Floating traps
Thomas Hoxsie (primary)
Al Glidden (alternate)

Gillnet
Aaron Gewirtz (primary)
Ian Parente (alternate)

Hook and line
Robert Mattiucci (primary)
Charles Akmakjian (alternate)

Hook and line
Gerard Tremblay (primary)
Open slot (alternate)

Trawl - Bay
Bob Morris (primary)
Brian Loftes (alternate)

Trawl - Coastal
Chris Brown (primary)
Rodman Sykes (alternate)

Trawl - Inshore
Carl Granquist (primary)
Jon Dougherty (alternate)

Trawl - Offshore
Lindalee Jordan (primary)
Mike Hall (alternate 1)
Ray Livermois (alternate 2)
Donald Fox (alternate 3)

Dealer
Al Conti (Primary)
Eric Reid (alternate)

Recreational User Groups:
Rec. Upper bay
Douglas MacPherson (primary)
Paul Laflamme (alternate)

Rec. Coastal
Edwin Cook (primary)
Robert Gaudet (alternate)

Bait & Tackle
Mike Bucko (primary)
Kevin Kendrick (alternate)

Party and Charter
Frank Blount (primary)
Ken Court (alternate)

Scientific Advisor
Najih Lazar

DFW Staff
Jason McNamee
423-1943

Summer Flounder Advisory Panel Meeting **DATE TBD, 5:00 – 7:00PM**

URI Narragansett Bay Campus
Coastal Institute Building, Hazard Room
South Ferry Road, Narragansett, RI 02882

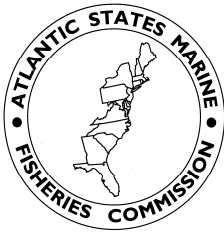
AGENDA

1. Review of current stock status and proposed ABC for summer flounder
2. Review of 2014 commercial summer flounder fishery
3. Division of Fish and Wildlife proposed options for the 2015 commercial summer flounder fishing season
- DEMs conclusions about the hybrid sector program discussions that were supposed to occur during 2014
4. Advisory Panel proposals for 2015 commercial summer flounder fishery (*please submit proposals to Jason McNamee by XX XX, 2014 at email address: jason.mcnamee@dem.ri.gov or mail to: Division of Fish & Wildlife, Attn: Jason McNamee, 3 Fort Wetherill Road, Jamestown, Rhode Island 02835*)
5. Other Business

ALL RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Jason McNamee at (401) 423-1943 or email: jason.mcnamee@dem.ri.gov

Date Posted: XX-XX-2014



Atlantic States Marine Fisheries Commission

2014 Spring Meeting Summary

Vision: Sustainably Managing Atlantic Coastal Fisheries

2014 Spring Meeting
Alexandria, VA
May 12-15, 2014

For more information,
please contact the identified individual,
Toni Kerns, ISFMP, or
Tina Berger, Communications

703.842.0740

Meeting Summaries, Press Releases and Motions

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ATLANTIC HERRING SECTION (MAY 12, 2014)

Press Release

ASMFC Atlantic Herring Section Approves Draft Amendment 3 PID for Public Comment

Alexandria, VA – The Commission's Atlantic Herring Section approved the Public Information Document (PID) for Draft Amendment 3 to the Interstate Atlantic Herring Fishery Management Plan (FMP) for public comment. Draft Amendment 3 was initiated to strengthen spawning sea herring protections in Area 1A (inshore Gulf of Maine) and address concerns raised by the commercial Atlantic herring industry. The PID presents four issues the Commission is seeking public input on to better inform the development of management measures for the Atlantic herring fishery. The issues focus on (1) spawning area boundaries and closures in Area 1A, (2) a fixed gear set-aside rollover provision, (3) declaration of fishing gear prior to the beginning of a quota period in order to provide fishery managers a more accurate estimate of effort for decisions relative to harvest control measures and (4) requirement for a vessel's fish hold to be emptied before leaving on a fishing trip in order to allow for full accounting of catch and to discourage dumping of unsold fish.

The 2012 stock assessment estimated the Atlantic herring spawning stock biomass (SSB) at 517,930 mt (1.1 billion pounds) in 2011. Atlantic herring is considered rebuilt; it is not overfished and overfishing is not occurring. Commercial landings have increased since 1983 to a high of 101,859 mt (224.6 million pounds) in 2009. Annual catch has averaged 82,407 mt (181.7 million pounds) since implementation of the FMP in 1993.

The PID is the first step in the Commission's amendment process. It is intended to gather information concerning the Atlantic herring fishery and provide an opportunity for the public to identify and comment on major issues relative to the management of these species. Following the initial phase of information-gathering and public comment, the Commission will evaluate potential management alternatives and develop Draft Amendment 3 for public review. After the public comment period, the Commission will specify the management measures to be included in Amendment 3. A tentative schedule for the completion of Amendment 3 is included in PID.

Maine, New Hampshire, and Massachusetts will be conducting public hearings on the PID. Fishermen and other interested groups are encouraged to provide input on the four issues in the PID, as well as comment on other management measures that should be considered, either by attending state public hearings or providing written comment. A subsequent press release will announce the PID's availability as well as the details of the scheduled hearings. For more information, please contact, Melissa Yuen, Fishery Management Plan Coordinator, at myuen@asmfc.org or 703.842.0740.

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PR14-11

Meeting Summary

The Atlantic Herring Section received an overview of the New England Fishery Management Council's approved alternatives for Draft Framework Adjustment 4, which focuses on dealer reporting/weighing and net slippage. The Council selected the empty fish hold provision as a dealer reporting/weighing option,

with the ability to issue a waiver after inspection by an appropriate law enforcement agent for unforeseen circumstances. This measure is also proposed in the ASMFC Public Information Document for Draft Amendment 3 (see press release).

Staff updated the Section on the Nantucket Shoals/Georges Bank (NSGB) spawning study. ASMFC sent a letter including the Technical Committee reports to the New England Fisheries Management Council requesting support and collaboration from the Council, Northeast Fishery Science Center, and Greater Atlantic Regional Fisheries Office. The issue was discussed at the Northeast Regional Coordinating Committee (NRCC) meeting in April. The NRCC will review current sampling programs to identify opportunities for additional spawning sampling and analysis in NSGB prior to the August Commission meeting. For more information, please contact, Melissa Yuen, Fishery Management Plan Coordinator, at myuen@asmfc.org or 703.842.0740.

Motions

Move to approve the PID with the changes made today.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries without objection

AMERICAN EEL MANAGEMENT BOARD (MAY 12, 2014)

Press Release

ASMFC American Eel Board Approves Draft Addendum IV for Public Comment

Alexandria, VA – The Commission’s American Eel Management Board approved Draft Addendum IV to the Interstate Fishery Management Plan for American Eel for public comment. Draft Addendum IV proposes a suite of options to address the commercial glass, yellow, and silver eel fisheries along the Atlantic coast. Management options under consideration include glass and yellow eel quotas, a catch cap for the yellow eel fishery, a moratorium on the glass eel fishery, and a seasonal closure and license cap for the silver eel fishery in the Delaware River (NY). The Draft Addendum also includes glass eel harvest allowances for aquaculture purposes and a conservation-based allocation program in which the states may earn a glass eel quota via stock enhancement programs that increase glass eel passage. The Draft Addendum intends to build upon the management measures established under Addendum III in order to reduce overall mortality and increase conservation of American eel stocks.

The Board’s actions respond to the findings of the 2012 benchmark stock assessment indicating the American eel population in U.S. waters is depleted. The stock has declined in recent decades and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern. Causes of decline are likely due to a combination of factors including historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease.

Commercial regulations vary by state. Glass eel fisheries currently occur in Maine and South Carolina. Significant yellow eel fisheries occur in New Jersey, Delaware, Maryland, the Potomac River, Virginia, and North Carolina. Although commercial fishery landings and effort in recent times have declined in most regions, current levels of fishing effort may still be too high given the depleted nature of the stock. The recreational fishery is managed under a 25 recreational fish per day creel limit (with an exception for party/charter boats) and 9 inch minimum size.

As part of the Board’s deliberations, it received a report on ongoing law enforcement activities to address American eel poaching. The Board commended the states and federal government in devoting significant

resources to curtail the illegal harvest of glass eels. The implementation of Maine's swipe card system, which allows for real time quota monitoring and harvester verification, has also been effective in inhibiting illegal harvest.

It is anticipated that the majority of states will be conducting public hearings on the Draft Addendum throughout the summer. A subsequent press release will announce the Draft Addendum's availability as well as the details of the scheduled hearings. For more information, please contact Kate Taylor, Senior FMP Coordinator, at ktaylor@asmfc.org or 703.842.0740.

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PR14-12

Motions

Glass Eel Options

Move to add a new option: glass eel quota based on enhanced passage initiated after January 1, 2013. Under this option states may earn glass eel quota via stock enhancement programs that increase glass eel passage. The amount of quota earned shall not exceed an amount equal to: Sub-option 1) 5%, 2) 10%, 3) 25% of the enhanced glass eel passage.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion carries.

Move to add under Option 4 (glass eel quota based on landings) a Sub-option that sets a minimum glass eel quota of 100 pounds per state.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion fails (6 in favor, 9 opposed, 3 abstentions).

Move to remove Option 7 (Glass eel aquaculture) from Section 3.1.1.

Motion made by Mr. Stockwell and seconded by Mr. Simpson. Motion fails (2 in favor, 15 opposed, 2 abstentions).

Move to insert in Section 3.1.1, Option 5 Sub-Option B: "a tolerance of up to 5% overage would be allowed if the current stock status is not depleted or overfished."

Motion made by Mr. Grout and seconded by Mr. Bellavance. Motion fails.

Move to remove Option 5B (Quota Overage Tolerance) and 6 under Section 3.1.1 (Quota Underages).

Motion made by Mr. Daniel and seconded by Mr. Abbott. Motion carries unanimously.

Move to request the Technical Committee review a watershed-based allocation scheme for glass eel quota and postpone options to Addendum V and proceed with yellow and silver eel options in Addendum IV.

Motion made by Mr. McKiernan and seconded by Mr. Borden. Motion fails.

Yellow Eel Options

Move to include the Working Group allocation recommendation from their August memo to the Board as an option to include the three highest landing years from 2002-2012 for Options 2 and 3.

Motion made by Mr. Allen and seconded by Mr. Augustine. Motion carries.

Move to modify Option 5 in Section 3.1.2 (Quota Transfers) to allow states with a 2,000 lb quota to participate in quota transfers.

Motion made by Mr. McKiernan and seconded by Mr. Ballou. Motion carries.

Silver Eel Options

Move to modify Option 4 in Section 3.1.3 to remove the third sentence “Once issued, licenses are not eligible for transferability” and modify the last sentence to read, “This would result in a reduction of licenses.”

Motion made by Mr. Gilmore and seconded by Mr. Keliher. Motion carries.

Move to add item #4 in Section 3.1.4: States would be allowed to harvest a maximum of 200 lbs of glass eel annually for the use in domestic aquaculture facilities (to grow out to the minimum legal size) if they can show that they can be harvested from a watershed that minimally contributes to the spawning stock of American eel.

Motion made by Mr. Keliher and seconded by Mr. White. Motion carries.

Move to approve Draft Addendum IV for public comment as modified today.

Motion made by Mr. Adler and seconded by Mr. Augustine. Motion carries unanimously.

SPINY DOGFISH MANAGEMENT BOARD (MAY 12, 2014)

Press Release

ASMFC Spiny Dogfish Board Initiates Draft Addendum V to the Spiny Dogfish Interstate Fishery Management Plan

Alexandria, VA ó The Commission’s Spiny Dogfish Board initiated Draft Addendum V to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish. The Draft Addendum seeks to ensure consistency with the Shark Conservation Act of 2010. The Act was signed into law to close loopholes in the U.S. shark finning regulations. Specifically, the Act prohibits the removal of any fins of the shark (including the tail) while at sea (with an exemption for smooth dogfish). Fins must remain naturally attached to the corresponding carcass through landing of the fish (including while aboard a fishing vessel or transferred at sea from one vessel to another)

Currently, the Interstate FMP allows removal of the fins of spiny dogfish at-sea as long as the corresponding carcass is retained. The wet weight of fins on-board may not exceed 5% of the dressed weight of carcasses on-board (a 5-to-95 fin-to-carcass ratio). Maine, New Jersey, Delaware, Virginia, South Carolina, Georgia and Florida already require fins to remain naturally attached to the fish through landing. The Board will review and consider approval of the Draft Addendum for public comment at the Commission’s Summer Meeting in August 2014.

The Board also considered changing the state waters’ commercial possession limit for the 2014/2015 spiny dogfish fishing season, currently set at 4,000 pounds, in response to the proposed action by NOAA Fisheries to move to an unlimited possession limit in federal waters. The Board maintained the 4,000 pound limit with individual states providing input to NOAA Fisheries on its proposed rule.

For more information, please contact Marin Hawk, Fishery Management Plan Coordinator, at mhawk@asmfc.org.

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PR14-13

Meeting Summary

The Spiny Dogfish Management Board considered changing the state waters commercial possession limit for the 2014/2015 spiny dogfish fishing season, currently set at 4,000 pounds, in response to the proposed action by NOAA Fisheries to move to an unlimited possession limit in federal waters. The Board maintained the 4,000 pound limit with individual states providing input to NOAA Fisheries on its proposed rule.

The Board also discussed inconsistencies between the Interstate Fishery Management Plan for Spiny Dogfish (ISFMP) and the Shark Conservation Act of 2010 as well as NOAA Fisheries Amendment 3 to the Spiny Dogfish Fishery Management Plan. The Board initiated an addendum to consider maintaining consistency with the Shark Conservation Act by requiring all sharks, except smooth dogfish, be landed with fins naturally attached. Amendment 3 proposes removing the seasonal allocation of the spiny dogfish quota, allowing management measures to rollover and implementing a research set aside (up to 3%). The Board will be submitting a public comment letter to NOAA Fisheries outlining its support for the measures contained in the Proposed Rule since it improves consistency with the Interstate FMP. For more information, please contact Marin Hawk, Fishery Management Plan Coordinator, at mhawk@asmfc.org.

Motions

Move to amend the trip limit to 7,000 lbs for the 2014-2015 spiny dogfish fishing season for the northern region.

Motion made by Mr. Stockwell and seconded by Mr. Grout. Motion fails for lack of a 2/3rd majority.

Move to initiate addendum to prohibit processing at sea of spiny dogfish and maintain consistency between Spiny Dogfish FMP and Shark Conservation Act.

Motion by Mr. Augustine and seconded by Mr. O'Reilly. Motion carries.

COMMISSIONER WORKSHOP ON THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT REAUTHORIZATION (MAY 13, 2014)

Meeting Summary

The Atlantic States Marine Fisheries Commission held a workshop on the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Speakers included Jeff Lewis of the Senate Committee on Commerce, Science, and Transportation; Bob King in the office of Senator Mark Begich (D-AK); and Dave Whaley of the House Committee on Natural Resources. The speakers presented an overview of the House and Senate draft MSA reauthorization bills and fielded a number of questions and recommendations from Commissioners. At the end of the meeting the Commission agreed to formalize their comments in a letter and provide it to the congressional committees in charge of reauthorizing MSA. For more information, please contact Deke Tompkins, Legislative Executive Assistant, at dtompkins@asmfc.org.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (MAY 13, 2014)

Press Release

ASMFC Atlantic Striped Bass Draft Addendum Development Continues

Alexandria, VA – The Commission's Atlantic Striped Bass Management Board met to review and consider approval of Draft Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass for public comment. The Draft Addendum will propose new fishing mortality

reference points, as recommended by the 2013 benchmark stock assessment, and associated management measures to achieve the proposed target fishing mortality rate. While the Board did not approve the document for public comment, it approved substantive changes to the document and will reconsider a revised draft for public comment at the Commission's Summer Meeting in August.

The most significant change was the addition of a three-year timeframe to reduce fishing mortality to its target with options to achieve the reduction in harvest incrementally over the three years. This extended timeframe is intended to lessen the impacts of taking the required harvest reductions in one year. As a result, the Draft Addendum will propose measures to achieve the required reduction all in one year or incrementally over three years.

The Board also received a report from the Technical Committee on the development of Chesapeake Bay specific fishing mortality reference points for inclusion in the Draft Addendum. Due to the nature of the fishery, which targets smaller and predominantly male fish, the Technical Committee could not develop Bay-specific reference points at this time. It reported the reference points approved for management use in the 2013 benchmark stock assessment represent the best available scientific advice to manage fishing mortality on the entire striped bass population. The proposed coastwide target fishing mortality rate is designed to maintain the spawning stock biomass at its target level over the long-term. The effects of the Bay's harvest of smaller fish on the total coastwide stock are already incorporated into the coastwide population reference points due to different selectivity patterns for the Bay and coastal fishing fleets.

The Atlantic striped bass stock is not overfished and overfishing is not occurring under the proposed reference points. While the stock has declined, it remains at levels similar to 1995 when the stock was declared recovered. The revised Draft Addendum will continue to focus on the same management measures that are currently used to regulate the coastal and Chesapeake Bay striped bass fisheries – recreational bag and size limits, and adjustments to the commercial quotas. The Board established a subgroup to work closely with the Plan Development Team to help guide the inclusion of the new options. The revised Draft Addendum will be considered by the Board for approval for public comment in August, with public hearings conducted throughout the fall and final addendum approval slated for October at the Commission's Annual Meeting. If approved, the states would then implement management measures in early 2015. For more information, please contact, Mike Waine, Fishery Management Plan Coordinator, at mwaine@asmfc.org or 703.842.0740.

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PR14-15

Motions

Move to include in Draft Addendum IV a modification of Management Trigger 3 under Section 4.1 in Amendment 6 to require the Board to adjust fishing mortality to a level that is at or below the target within three years.

Motion made by Mr. O'Connell and seconded by Mr. Bellavance. Motion carries.

Move to put options in Addendum IV to achieve the necessary reduction over three years with each year achieving a third of that reduction level.

Motion made by Mr. O'Connell and seconded by Mr. O'Reilly. Motion carries (9 in favor, 5 opposed, 2 abstentions).

Move to consider adding Option C in Section 3.2.1. a one fish bag limit with a slot limit (28-40 inches).

Motion made by Dr. Daniel and seconded by Mr. Augustine. Motion carries (14 in favor, 2 opposed).

Main Motion

Move to add to Section 3.2.2 an option for a two fish bag limit, with one fish at a slot limit between 24-34 inches and one fish above 40 inches, subject to Technical Committee review to adjust the open slot limit to achieve a 31% reduction.

Motion made by Mr. Simpson and seconded by Mr. Borden. Motion amended.

Motion to Amend

Move to amend the slot limit one fish between 28 – 34 inches and one fish over 36 inches.

Motion made by Mr. Nowalsky and seconded by Mr. Augustine. Motion carries (9 in favor, 6 opposed).

Main Motion as Amended

Move to add to Section 3.2.2 an option for a two fish bag limit, with one fish at a slot limit between 28-34 inches and one fish above 36 inches, subject to Technical Committee review to adjust the open slot limit to achieve a 31% reduction.

Motion carries (12 in favor, 3 opposed).

Move to add option D in Section 3.2.2 to have a two fish bag limit at 33 inch minimum size limit for the coastal fishery (ocean) and allow the Bay to have one fish at 18-28 inches and one fish 36 inches or greater, subject to Technical Committee review to adjust the slot limit to achieve a 31% reduction.

Motion made by Mr. O'Reilly and seconded by Mr. Gary. Motion carries (14 in favor, 1 opposed).

Move to remove the second sentence that pertains to the Chesapeake Bay under Section 3.2.2, Option C.

Motion made by Mr. O'Connell and seconded by Mr. Gary. Motion carries (11 in favor, 2 opposed, 2 abstentions).

Move to add an option to reduce the Chesapeake Baywide recreational quota to account for the required reduction.

Motion made by Mr. O'Reilly and seconded by Mr. O'Connell. Motion carries (12 in favor, 3 opposed).

Motion to Reconsider

Move to put options in Addendum IV to achieve the necessary reduction over three years with each year achieving a third of that reduction level.

Motion made by Mr. Simpson and seconded by Mr. White. Motion fails.

Move to eliminate Option C under Section 3.3.1.

Motion made by Dr. Daniel and seconded by Mr. Allen. Motion carries unanimously.

Move to add to the commercial quota allocation the option of reinstating the final Amendment 5 coastal commercial allocations, as approved in 2001. Because this would result in a 34% reduction from the Amendment 6 allocations the Technical Committee shall adjust the state reductions to achieve a 31% reduction from the Amendment 6 allocations.

Motion made by Mr. Clark and seconded by Mr. Train. Motion fails (2 in favor, 11 opposed, 2 abstentions).

Move to remove Option D under Section 3.3.1.3 (Chesapeake Bay).

Motion made by Mr. O'Reilly and seconded by Mr. Simpson. Motion carries (13 in favor, 1 opposed, 1 null).

Move to add William Hall from Virginia and Kyle Douton from Connecticut to the Striped Bass Advisory Panel.

Motion made by Mr. Simpson and seconded by Mr. Fote. Motion carries.

Move to add Beth Versak from Maryland to the Plan Development Team.

Motion made by Mr. O'Connell and seconded by Mr. Allen. Motion carries.

Move that the Board approve a revision to the Hudson River Young of the Year sampling program from the six week index to a nine week, 13 site subset index as accepted by the Technical Committee.

Motion made by Mr. Gilmore and seconded by Mr. Fote. Motion carries without objection.

LAW ENFORCEMENT COMMITTEE (MAY 13 & 14, 2014)

Meeting Summary

The Law Enforcement Committee met over two days during the spring meeting of the Atlantic States Marine Fisheries Commission. This was the first meeting for several new members, including the new addition of a representative from the United States Department of Justice (Wayne Hettenbach). Lt. Doug Messeck now represents Delaware and Lt. Col. Larry Furlong represents Pennsylvania. Special Agent-in-charge Honora Gordon represents the USFWS.

Species Issues

Joe Fessenden gave a presentation to the LEC on the new swipe card system being employed in Maine to address glass eel harvest. Kate Taylor briefed the LEC on management options in Draft Addendum IV for Public Comment and the current law enforcement comments in the document. The LEC will review the management options in the draft and consider whether any changes or updates to previous LEC comments are warranted.

Action Plan Issues

The LEC reviewed the 2009 *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures*. The LEC determined to initiate a review and update of the guidelines and Mark Robson will prepare a review draft for the fall 2014 meeting.

LEC members reported on activities and participation on Law Enforcement Committees of the Association of Fish and Wildlife Agencies, and recent meetings of the National and the Northeast Conservation Chiefs Association.

Members reviewed social media sites online and discussed the pros and cons of various sites such as Facebook and Twitter for enforcement purposes. Tina Berger and Ann McElhatton from ASMFC staff participated in the discussion and shared information on conservation use of social media sites. There was general agreement that such tools can be helpful in enforcement but require careful monitoring to minimize misinformation or abuse.

Other Issues

LEC members reviewed their states' participation in wildlife violator compacts and the applicability of those interstate agreements for marine enforcement issues. There was agreement that such compacts enhance enforcement of regulations across state boundaries and will review ways to make use of existing compacts, or to encourage entering into such compacts where needed.

The LEC discussed the recent national coordination meeting for Joint Enforcement Agreements (JEA). These agreements provide funding from NOAA to individual states for their federal marine fisheries enforcement programs. The state-federal makeup of the LEC provided a valuable opportunity to clarify and resolve issues stemming from the national meeting.

For more information, please contact Mark Robson, LEC Coordinator, at markrobson2012@gmail.com.

ANNUAL AWARDS OF EXCELLENCE (MAY 13, 2014)

Press Release

ASMFC Presents Annual Awards of Excellence

Alexandria, VA - The Atlantic States Marine Fisheries Commission presented Michael P. Luisi, Paul Caruso, Dr. Robert Latour, Cheri Patterson, and the state and federal members of the joint enforcement team Operation Lookout with its Annual Awards of Excellence for their outstanding contributions to fisheries management, science, and law enforcement along the Atlantic coast.



“Every year a great many people contribute to the success of fisheries management along the

Atlantic coast. The Commission’s Annual Awards of Excellence recognize outstanding efforts by professionals who have made a difference in the way we manage and conserve our fisheries,” said ASMFC Chair Louis B. Daniel, III of the North Carolina Division of Marine Fisheries. “This evening, we honor several exceptional individuals for their contributions to the management and conservation of Atlantic coast fisheries.”

From left: ASMFC Executive Director Robert Beal, Cheri Patterson, Dr. Robert Latour, Michael Luisi, Paul Caruso, Sara Block, and ASMFC Chair Louis Daniel

Management & Policy Contributions

Michael Luisi, Maryland Department of Natural Resources, Fisheries Service

Mr. Luisi has made significant contributions to the successful management of summer flounder and black sea bass fisheries throughout the Northeast and Mid-Atlantic. Active at the management level at both the Commission and Mid-Atlantic Fishery Management Council, he worked closely with staff, technical representatives, industry, and state and federal colleagues to develop and implement regional management approaches for both species. These approaches have allowed the states to maintain recreational black sea bass and summer flounder fisheries when existing policies would have resulted in severely curtailed or non-existent fisheries. For black sea bass, that meant moving away from coastwide management toward a regional approach more suitable to their life history. For summer flounder, it meant moving away from conservation equivalency and the informal sharing of fish that were not otherwise harvested by other states into a more formal regional approach. These approaches have helped minimize the risk of overharvest while still

providing headboats, charter boats, and anglers opportunities to fish. Mr. Luisi's efforts have benefited not only Maryland, but all states with summer flounder and black sea bass fisheries. Through his actions, Mr. Luisi has truly embodied the Commission's Mission "To promote the better utilization of the fisheries of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries."

Scientific, Technical and Advisory Contributions

Paul Caruso, Massachusetts Division of Marine Fisheries

Mr. Caruso has devoted nearly three decades to advancing the field of fisheries biology and stock assessments. He has been a tireless contributor to state, regional and coastwide fisheries management activities through his state tagging and fishery-dependent sampling projects, and his participation and chairmanship of numerous Commission and Mid-Atlantic Fishery Management Council technical committees. In Massachusetts, Mr. Caruso has used his encyclopedic knowledge of fisheries to address a multitude of projects and species issues from oversight of the state's Marine Recreational Information Program project, to the conduct of tagging programs for striped bass and summer flounder, to his extensive outreach efforts to the recreational fishing community. Regionally and coastwide, Mr. Caruso's expertise and leadership have guided the development of numerous addenda and amendments for species such as striped bass, tautog, bluefish, black sea bass, summer flounder, and scup. He has helped advance stock assessments and the data upon which they are based through his work on cooperative tag and recapture programs, fish ageing protocols and sampling efforts, and improved biological monitoring requirements.

Throughout his entire career, Mr. Caruso has approached his work with enthusiasm and good humor, quickly embracing and accomplishing tasks. His goal has always been to supply managers with the information they need to properly manage fisheries. Mr. Caruso's accomplishments are many and his efforts have been impactful to the countless fisheries biologists and staff he has mentored by sheer example.

Dr. Robert J. Latour, Virginia Institute of Marine Science

Dr. Latour has made outstanding contributions to the science underpinning the management activities of the Commission. He has contributed to numerous benchmark stock assessments and stock assessment updates, and focused much of his research program and student mentorship on addressing specific research needs of various Mid-Atlantic fisheries. These latter efforts have led to a variety of important peer-reviewed manuscripts focused on improving striped bass tagging models; fish diet composition and community ecology; Atlantic menhaden feeding ecology; and disease epidemiology in Chesapeake Bay striped bass. Collectively, Dr. Latour's work has helped to further the ongoing efforts of various Commission technical committees and the longer term knowledge base used to aid our understanding of fisheries dynamics.

For the last 15 years, Dr. Latour has maintained an active role on Commission technical committees for Atlantic menhaden, striped bass tagging, multispecies assessment, and assessment science. He is co-principle investigator of the Chesapeake Bay Multispecies Monitoring and Assessment Program and the Northeast Area Monitoring and Assessment Program. These two relatively new data collection platforms are dedicated to improving the assessments of many Commission managed fisheries, including otherwise data-scarce assessments such as black drum and Atlantic sturgeon. The emergence of these new data sources is a testament to Dr. Latour's hard work and dedication to improving fisheries management along the Atlantic coast. A highly respected scientist, Dr. Latour's expertise is sought as an external peer reviewer and as a member of the Mid-Atlantic Council's Science and Statistical Committee. In all that he does, Dr. Latour provides exemplary scientific expertise and sage advice in an effort to elevate the scientific rigor of our stock assessments and the information upon which fisheries management decisions are based.

Cheri Patterson, New Hampshire Fish & Game Department

Ms. Patterson has dedicated her 35 year career to not only improving the collection and use of fishery-dependent and independent data along the Atlantic coast, but also to the conservation and protection of diadromous fish habitat. She began her career working for the New Hampshire Fish & Game Department as a member of the scientific crew for the Gulf of Maine Northern Shrimp Survey. Today, this survey represents one of the longest running cooperative state/federal research surveys along the Atlantic coast, and forms the basis for the assessment and management of the northern shrimp resource. She played an integral role in the development of Amendment 2 to the Northern Shrimp Plan and has been a longstanding and engaged member of the Commission's Shad & River Herring Technical Committee and Management & Science Committee. Ms. Patterson has also been a passionate participant in the Atlantic Coastal Cooperative Statistics Program at all levels of the Program since its inception in the mid-1990s and currently serves as Chair of the ACCSP Coordinating Council. She was the driving force in developing and implementing ACCSP-compliant lobster harvester and dealer reporting systems in New Hampshire.

In recent years, Ms. Patterson has become increasingly involved in diadromous fish monitoring and habitat restoration, participating on the Commission's Habitat Committee and Fish Passage Committee, as well as the Steering Committee for the Atlantic Coastal Fish Habitat Partnership. A notable crowning achievement in Ms. Patterson's work on diadromous fish restoration came with her leadership in overseeing the removal of two head of tide dams in rivers of New Hampshire's Great Bay Estuary.

Law Enforcement Contributions

Operation Lookout Members – Captain John Croft and Special Investigator Jimmy Simpson, Virginia Marine Police; Special Agents Sara Block, Tracey Woodruff, and Steven Niemi, NOAA Office of Law Enforcement; and Trial Attorney James Nelson, U.S. Department of Justice

Members of the joint state/federal law enforcement team of Operation Lookout investigated and documented the poaching of striped bass in the exclusive economic zone off the coast of Virginia. In order to obtain the proper evidence and documentation, Operation Lookout conducted high risk undercover operations in an extremely dangerous environment. Their undercover efforts, led to the indictment of five individuals with several charges applied to each individual. Finalization of this operation is still pending given that some of the individuals have confessed to felonies but have not been sentenced while others have not been adjudicated or had a plea agreement entered. As this operation's prosecution comes to a close, it is fitting that the Commission recognize the sacrifice and due diligence of the members of Operation Lookout in protecting migratory striped bass populations for the benefit of all fishermen along the Atlantic coast.

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PR14-14

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (MAY 14, 2014)

Press Release

**ASMFC South Atlantic Board Approves Spot and Atlantic Croaker
Draft Addendum for Public Comment**

***Draft Addendum Explores Use of a Traffic Light Approach
to Assess Stock Condition and Initiate Management Response***

Alexandria, VA – The Commission of South Atlantic State/Federal Fisheries Management Board approved a Draft Addendum to both the Spot and Atlantic Croaker Fishery Management Plans (FMP) for public comment. The Board initiated the development of new management options in response to concerns over trends in the spot and Atlantic croaker fisheries and the extent of bycatch and discards of both species in the shrimp trawl fishery. The Draft Addendum proposes a new method (Traffic Light Approach, TLA) to evaluate the status of the fisheries and potential coastwide or state-specified management actions (e.g. bag limits, size restrictions, time & area closures, and gear restrictions) based on the annual fisheries evaluation.

The TLA has been used as a precautionary framework for fisheries with limited data to allow for a reasonable level of resource management. The name comes from assigning a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population or fishery, which can help clearly illustrate trends in the fishery. The current management of Atlantic croaker and spot compares annual changes in various indices (e.g. recent landings and survey information) to review trends in the fisheries. The most recent review found declines in the commercial and recreational landings for both Atlantic croaker and spot fisheries. However, there is concern that this annual review does not illustrate long-term trends in the stock nor does it include specific management measures to implement in response to declines in the stock or fishery.

The 2010 Atlantic croaker stock assessment indicated that overfishing is not occurring, while the stock status of spot is currently unknown. As both spot and Atlantic croaker are scheduled for benchmark stock assessments in 2016, the management options proposed in the Draft Addendum are intended to provide an interim approach until the benchmark assessments for both species are completed.

It is anticipated that several states will be conducting public hearings on the Draft Addendum throughout the summer. A subsequent press release will announce the availability of Draft Addendum as well as the details of the scheduled hearings. The Board will meet in August to review submitted public input and consider final approval of the Addendum. For more information, please contact, Kirby Rootes-Murdy, Fishery Management Plan Coordinator at 703.842.0740 or krootes-murdy@asmfc.org.

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PR14-16

Meeting Summary

The South Atlantic Board met to review and consider action regarding current information on the sheepshead and southern kingfish fisheries; consider state representation and participation in the South Atlantic Advisory Panel and Red Drum Stock Assessment Subcommittee. Staff presented to the Board current life history, biology, landings, and management information on sheepshead and southern kingfish along the Atlantic coast. Staff noted that there is little evidence that these species are migratory along the coast. While sheepshead is currently managed on a state-by-state basis with commercial and recreational measures, there are no management measures in place for southern kingfish. Staff also presented the Board with an update of some research priorities that were outlined when the Board last considered

southern kingfish for interstate fisheries management in 2008. Given the information provided and current state level work on both species, the Board decided to note take any action at this time.

The Board was briefed by staff on the attendance of Advisory Panel members in recent years. Given poor attendance on recent conference calls, the Board was asked to consider their state representation and participation. The Board also considered state representation for the upcoming Red Drum Stock Assessment in 2015. The following individuals were appointed to the Red Drum Stock Assessment Subcommittee: Harry Rickabaugh (MD), Sally Roman (VA), Lee Paramore (NC), Steve Arnott (SC), Carolyn Belcher (GA), and Mike Murphy (FL). For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to release the addendum for public comment with the changes made today.

Motion made by Mr. Nowalsky and seconded by Mr. Grist. Motion carries.

INTERSTATE FISHERIES MANAGEMENT PROGRAM (ISFMP) POLICY BOARD (MAY 14, 2014)

Meeting Summary

The Interstate Fisheries Management program (ISFMP) Policy board met to review and discuss a number of issues. The Management and Science Committee (MSC) reported on the task to investigate climate-induced shifts in stock distributions and recommend options on possible re-allocation of state quotas. The MSC focused its investigation on summer flounder, scup, and black sea bass. Explaining distribution shifts is complicated, as shifts can be the result climate change, stock rebuilding, and/or fishing pressure impacts on abundance and distribution. An analysis conducted by the Northeast Fisheries Science Center found evidence of a North Pole-ward shift in black sea bass, scup, and summer flounder. Shifts in black sea bass and scup are primarily temperature driven, whereas the shift in summer flounder is largely driven by recovery of the stock and expansion of larger flounder to more northern waters. Based on a survey of Commissioners, the MSC made several recommendations on how to approach re-allocation. The Policy Board tasked the Summer Flounder, Scup, and Black Sea Bass Board with exploring the preferred reallocation scenario based on the MSC recommendations. The preferred -historical/currentøreallocation scenario would use a combination of a percentage of the allocation retaining the historical allocation framework for a given species, and the remaining percentage would be allocated to states who have experienced increases due to stock distribution shifts.

The Board initiated a Cancer Crab Fishery Management Plan (FMP) based on recommendations from the Jonah Crab Fishery Improvement Project (FIP). The FIP for Jonah crab was initiated by Delhaize America (a grocery retailer) when the company found Jonah crab did not meet its criteria for sustainable harvest in order to continue the sale of Jonah crab in its stores. The FIP is concerned with the increased targeted fishing pressure, likely due to a fast growing market demand, the long term health of the fishery could become compromised. The FIP made several recommendations to the Commission including a minimum size, prohibiting female crab harvest, and reporting requirements. The Board tasked the American Lobster Board with the development of the FMP. The Lobster Board will review the FIP recommendations and develop a public information document for release in the fall of 2014.

The Board tasked the Committee on Economics and Social Science (CESS) to complete a comprehensive case-study on Atlantic menhaden. CESS will report back to the Board in August regarding a timeline and the type of information that can be provided in the case study.

The Board agreed to send comments to NOAA Fisheries on the Draft Stock Assessment Prioritization Protocol. The Board also agreed to changes in the Commission's stock assessment schedule. Changes in timing were made for American lobster (spring 2015 review), black sea bass (spring 2016 review), northern shrimp (2017 review), and the multispecies VPA (date TBD after the 2014 menhaden review). The horseshoe crab benchmark assessment will be delayed until confidential data issues can be resolved. A spot assessment will be conducted concurrently with Atlantic croaker (2016 review).

The Artificial Reef Committee will be working on an update to the Guidelines to Marine Artificial Reef Materials. The Committee will also investigate data available to conduct an economic analysis on the benefits of artificial reefs. The Habitat Committee will be updating the Living Shorelines Guidance Document and drafting a Sciaenid Habitat Source Document. The next Habitat Management Series will be on Nearshore and Estuarine Aquaculture. For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org.

Motions

Move to approve the Stock Assessment Schedule as presented.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries without opposition.

Move to initiate a Cancer Crab FMP, with a focus on Jonah Crab and task the American Lobster Board with the development of the FMP.

Motion made by Mr. Train and seconded by Mr. Borden. Motion carries without objection.

LEGISLATORS & GOVERNORS' APPOINTEES LUNCHEON (MAY 14, 2014)

Meeting Summary

The Commission's Legislators and Governors' Appointees met to provide recommendations on the Commission's Policy on Commissioner Financial Disclosure and Conflict of Interest. Major points of discussion included possible conditions that constitute a conflict of interest and options for recusal if such conditions are met. Commissioner Roy Miller of Delaware was elected to serve as Governor's Appointee Vice-Chair. For more information, please contact Deke Tompkins, Legislative Executive Assistant, at dtompkins@asmfc.org.

COMMISSIONER WORKSHOP ON THE MARINE RECREATIONAL INFORMATION PROGRAM (MAY 14, 2014)

Meeting Summary

The Commission and the Atlantic Coastal Cooperative Statistics Program (ACCSP) held a joint workshop on state implementation of the dockside survey of the Marine Recreational Information Program (MRIP). The workshop provided Commissioners with information on proposed transitioning of the dockside survey from a federal contractor to state agencies. The survey is used in part to develop recreational catch and effort estimates. Transitioning to state conduct of the dockside survey was originally requested by several states and has been supported by MRIP, with ASMFC/ACCSP to serve the role as central survey coordinator for the Atlantic coast. A series of presentations was given on state implementation transition options, an overview of costs, and the experiences of states who are already conducting the recreational dockside survey (select Atlantic and Gulf states, and the Gulf States Marine Fisheries Commission). The Atlantic states, ASMFC/ACCSP, and NMFS MRIP will continue planning over the next several months toward possible state implementation of the survey starting in January, 2016. For more information, please contact Geoff White, ACCSP Data Team, at gwhite@accsp.org.

EXECUTIVE COMMITTEE (MAY 15, 2014)

Meeting Summary

The Executive Committee approved the FY 2015 budget and discussed the Policy on Commissioner Financial Disclosure and Conflict of Interest. The Committee directed staff to develop a white paper to provide consistency in advisory panel involvement in the preparation of fishery management plans, amendments and addenda. For more information, please contact Laura Leach, Director of Finance & Administration, at lleach@asmfc.org.

ATLANTIC MENHADEN MANAGEMENT BOARD (MAY 15, 2014)

Press Release

First Year of Atlantic Menhaden Amendment 2 Implementation Yields Positive Results

Alexandria, VA – The Commission’s Atlantic Menhaden Management Board accepted the 2014 Fishery Management Plan Review detailing the results of the 2013 fishing year and implementation of Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden. Total 2013 harvest excluding bycatch was 166,077 metric tons (mt), 2.8% below the coastwide total allowable catch (TAC) of 170,800 mt established through Amendment 2. In 2013, the reduction fishery harvested 131,034 mt while the bait fishery harvested approximately 35,043 mt. A total of 1,942 metric tons were harvested under the 6,000 pound bycatch allowance with approximately 91% of bycatch coming from pound nets. Bycatch accounted for 1.2% of the total coastwide harvest, but does not count towards the TAC. Amendment 2 does not provide for the rollover of unused quota from one year to the next because the stock is currently experiencing overfishing.

“Through the cooperative efforts of the Atlantic states in implementing Amendment 2, we have taken measurable steps towards ensuring the long-term sustainability of the Atlantic menhaden resource for both its ecosystem services and the fisheries that depend on it,” stated Commission Chair Louis Daniel of North Carolina Division of Marine Fisheries.

Amendment 2 implementation has also improved reporting as well as expanded biological monitoring for the bait fishery. The accompanying table details state quotas for the 2014 fishing year after setting aside 1% for episodic events. Any overages in the 2013 quotas because of late reports will come out of the 2014 quotas. Progress on the upcoming benchmark stock assessment continues with an assessment workshop scheduled for June 2 -5, 2014 at the NOAA Beaufort Lab and the peer review scheduled for December 2014. It is anticipated that the Board will consider the results of the peer review at the Commission’s

2014 Atlantic Menhaden Quotas		
State	2014 Quota (MT)	2014 Quota (LBS)
ME	66.58	146,787
NH	0.05	112
MA	1417.94	3,126,024
RI	30.29	66,779
CT	29.50	65,034
NY	93.76	206,695
NJ	18924.42	41,721,164
DE	22.33	49,230
MD	2320.98	5,116,874
PRFC	1049.69	2,314,174
VA	144272.84	318,066,790
NC	833.23	1,836,948
SC	-	-
GA	-	-
FL	30.39	66,995
TOTAL	169092.00	372,783,605

Winter Meeting in February 2015. For more information, please contact, Mike Waine, Fishery Management Plan Coordinator, at mwaine@asmfc.org or 703.842.0740.

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PR14-15

Motions

Move to approve the 2014 Fishery Management Plan review for Atlantic Menhaden and approve *de minimis* requests for New Hampshire, South Carolina, Georgia and Florida.

Motion made by Mr. Fote and seconded by Mr. Augustine. Motion carries unanimously.



Council Report

May 2014

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest to stakeholders.

At its April 24-26, 2014 meeting in Mystic, CT, the Council:

- Further developed Northeast Multi-species FMP (Groundfish) Amendment 18 and Framework Adjustment 52;
- Approved Framework Adjustment 4 to the Atlantic Herring FMP;
- and
- Approved the Standard Bycatch Reporting Amendment

Next Council Meeting
June 17-19, 2014
Holiday Inn
by the Bay
Portland, ME

Groundfish Actions Move Ahead

The April Council meeting proved to be a pivotal one as two ongoing groundfish actions were refined and expanded, based on the direction provided by the NEFMC's 18 voting members.

Amendment 18 The Groundfish Committee will work on the outstanding issues to be further addressed in Amendment 18 on June 9, in Warwick, RI. The Council is expected to approve the range of alternatives for inclusion in the Draft Environmental Impact Statement associated with this action at its June 17-19 Council meeting in Portland, ME.

Framework Adjustment 52 Final action on Framework 52 is scheduled for the June Council meeting. Revisions to the current AMs might be in place mid-season in fishing year 2014.

Amendment 18: the Details

Accumulation Limits Discussion at the April meeting focused on revising the accumulation limit alternatives, refining measures that would apply to Handgear A permit holders, and examining issues associated with fishing effort in the inshore Gulf of Maine.

On accumulation limits, the Council added an alternative concerning limits on holdings of stock-specific PSC. The new alternative states that a person or entity may not hold more than 15.5% of aggregate PSC allocated to permits.

The initial language called for individual human persons and permit banks to be assigned no more than the maximum percent of stock-specific PSC that was held by an individual human person or permit bank as of the control date for Amendment 18 (April 7, 2011).

The Council added an option to another alternative that provides more flexibility. PSC holders, human persons who are at an individual stock cap, may acquire PSC up to the cap on other stocks provided that any PSC acquired over the cap is redistributed to the fleet in the manner described in Framework Adjustment 45.

Potential Sector Contributions = the proportion of the total landings of a particular groundfish stock (in live pounds) associated with an individual permit identifier over a specific time period.

Taking action on other Amendment 18 issues, the NEMFC: Agreed to treat permit banks the same as any other permit holders in terms of accumulation limits, and thus decided to not consider defining nonprofit permit banks in this action;

Continued on p. 2

ACE, or Annual catch entitlement with respect to the Northeast multispecies fishery, means the share of the annual catch limit (ACL) for each NE multispecies stock that is allocated to an individual sector or state-operated permit bank based upon the cumulative fishing history attached to each permit participating in that sector or held by a state-operated permit bank in a given year.

New FW Initiated

The Council passed a motion to initiate another framework to further allocate the windowpane flounder ACL to other components of the fishery, and develop AMs for them.

- Modified an alternative that would create a sub-ACL for Hangear A permits. The new options approved would promote flexibility, specify how discards would be calculated, establish proactive accountability measures, and set triggers for reactive accountability measures;
- Directed the Groundfish Committee to work on measures (without establishing trip limits) that would address concentrations of effort in the inshore Gulf of Maine, as well as impacts on Gulf of Maine cod and other depleted stocks;
- Agreed that no action would be taken to establish baseline criteria for ACE leasing or to create quota set-asides; and
- Voted to request that NOAA Fisheries in the Greater Atlantic Region post and archive annual PSC values to a public website, and that leasing data would not be considered confidential through Amendment 18.

Framework 52: AMs for Windowpane Stocks Developed

The Council initiated Framework Adjustment 52 in February to revise the accountability measures (AMs) for the commercial groundfish fishery that catches southern and northern windowpane flounder. The current AMs were triggered for fishing year 2014 because the overall annual catch limits (ACLs) were exceeded in fishing year 2012 for both windowpane stocks.

Following up at the April meeting, the Council provided more explicit guidance to the Groundfish Committee and its Plan Development Team as they continue to develop several alternatives for analysis.

Briefly, the measures in place now call for the implementation of the AM for either stock of windowpane if the total ACL (the combined sub-ACLs for each stock of windowpane) is exceeded by more than the management uncertainty buffer (approximately 5%).

In the case of southern windowpane flounder the AMs are gear modification areas that require the use of approved selective trawl gear in defined areas to minimize the catch of flatfish.

The areas are stock-specific, depending on which windowpane stock has the overage. The sizes of the restricted areas are also based on the amount of the overage. In both cases, only the smaller of the two AM areas is implemented if the ACL overage is less than 20%, and the large AM areas triggered if the ACL overage is more than 20%.

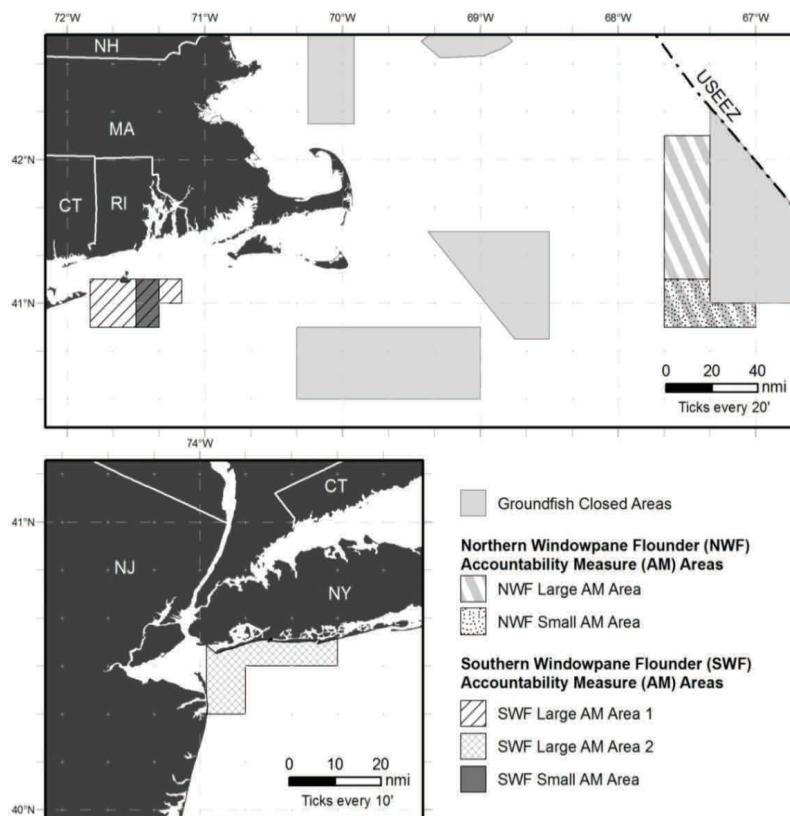
While other aspects of the current AMs would remain the same, the Groundfish Committee is working on two options to revise the trigger for these measures. The first incorporates stock status/biomass. If the total ACL is exceeded and the large AM area is triggered, the appropriate body (Plan Development Team or NOAA Fisheries) would determine whether the following criteria are met: 1) the stock is rebuilt or on its rebuilding trajectory, and 2) the biological consequences of the overage are small, or

More About Framework 52

negligible. If the designated body determines that all of the above criteria are met based on updated information, then only the small AM Area would be implemented. The PDT is currently working to further develop this criteria and it is subject to change.

The second option would account for fishery performance over a 2 year period, when an AM has been triggered for fishing year 3. In other words, if a subsequent overage does not occur in year 2 and covers the overage that occurred in year 1, the AM would potentially be scaled back in year 3. This acknowledges the possibility that although an overage occurs in year 1, a subsequent overage may not occur in year 2. It also would provide a greater incentive for vessels to voluntarily reduce their windowpane catch to avoid the AM in year 3.

A third alternative would apply only to the northern windowpane flounder stock. In this case, the AM area would be replaced with statistical area 522. The duration would be linked to the amount of the



overage. The AM would be in place for May-August for an overage greater between 5% and 20%, and from May-December for an overage greater than 20%.

SBRM Omnibus Amendment Approved by NEFMC

Following a review by its ad hoc Standard Bycatch Reporting Methodology (SBRM) Committee, the full Council approved the SBRM Amendment with the exception of several motions that addressed technical issues. Prepared by staff at NOAA Fisheries Greater Atlantic Regional Fisheries Office, the action was an effort to determine whether the methods and processes previously used to estimate fisheries discards needed to be modified and/or supplemented.

Based on public comments from a range of stakeholders and the input of both the Mid-Atlantic and New England Councils, the new action will establish standards of precision for bycatch estimation for all Northeast Region fisheries, and serve to document the SBRM established for all fisheries managed through the two Councils.

The Mid-Atlantic Council approved the amendment as presented with the same preferred alternatives as were selected when the amendment was initially developed in 2006, similarly adding several modifications to the draft.

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The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.

Herring Framework 4 Approved

The issue of accounting for all catch harvested by the majority of the larger Atlantic herring limited access vessels got a boost when the Council adopted requirements to better ensure accurate and verified catch weights in that fishery. The NEFMC adopted measures that would require that fish holds on the limited access boats be empty before leaving the dock on any trip when declared into the Atlantic herring fishery.

If approved by NOAA Fisheries, the program, outlined in Framework Adjustment 4 to the Atlantic Herring FMP, also calls for third party catch verification at the first point of landing on limited access vessel trips carrying a NMFS-approved observer.

To promote accuracy, these same boats would be required to certify the capacity of their fish holds and mark the tank at regular intervals to facilitate third-party catch verification. Each vessel also would need to possess a customized measuring stick onboard to estimate the total weight of fish in the hold at the first point of landing. This would be done by a NOAA Fisheries-approved observer according to the protocol outlined in the Framework.

As a disincentive for vessels in the directed herring fishery to slip catch, a 15-nautical mile "move along" measure (to relocate to another area) was adopted. The move-along rule would apply to slippage due to safety issues, mechanical failures, and encounters with dog-fish schools.

Net slippage, according to the Atlantic Herring FMP, is defined as catch that is discarded prior to being observed, sorted, sampled, and/or brought on board the fishing vessel.



Atlantic herring photo courtesy of the NOAA Fisheries/NEFSC.



Council Report

June/July 2014

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest to stakeholders.

At its June 17-19, 2014 meeting in Portland, ME, the Council:

- **Initiated Framework Adjustment 26 to the Sea Scallop FMP**
- **Worked further on Amendment 18, Approved Framework 52, and initiated Framework 53 to the Ground-fish FMP**
- **Voted to move the Vessel Baseline Amendment forward for public review**

Next Council Meeting
Sept 30 -
Oct 2, 2014
Cape Codder Resort,

Sea Scallops - Looking Toward 2015

Framework 26 Initiated

The Council considered and approved several important issues under its scallop agenda item in June: Framework Adjustment 26 to the Scallop Fishery Management Plan, research priorities for fishing years 2015-2016, and a report on the performance of the limited access general category (LAGC) IFQ fishery that was authorized by Amendment 11 and has been in place since 2010.

As background, in 2013 the Council set its management priorities for 2014 to include a scallop framework to set specifications for fishing years 2015-2016 (with default measures that would kick in depending on the implementation date of the action). The framework also would have addressed possible changes to the Georges Bank (GB) scallop access areas that could result from actions taken in the NEFMC's Habitat Omnibus Amendment.

Given the timing, the Council instead voted to postpone work on any modified scallop access areas on Georges Bank until after the Omnibus Habitat Amendment is finalized. At that point, a stand-alone action will be considered.

Other measures approved for inclusion in Framework 26 would:

- * Address fishing in state waters by vessels with federal Northern Gulf of Maine (NGOM) permits after the federal NGOM TAC is reached;
- * Make the turtle chain mat and turtle deflector dredge requirements consistent in terms of area and season;
- * Modify the existing area closure accountability measures (AMs) in place for Georges Bank and Southern New England/Mid-Atlantic yellowtail flounder, and consider new AMs for the sub-annual catch for northern windowpane flounder that is being worked on by the Groundfish Committee; and
- * Consider an inshore corridor for limited access scallop vessels to be off the clock when steaming back to port.

Sea Scallop Research Priorities OK'd

Research priorities were approved for the 2015/2016 scallop fishing years with topics listed in order of importance. They covered scallop resource surveys (for 2015 only), bycatch, and scallop and area management.

Medium level priorities were not approved in order of importance, but covered studies that would:

- * Investigate loggerhead turtle behavior in the Mid- Atlantic;
- * Address scallop product quality and marketability;
- * Characterize habitat, including (but not limited to) video and/or photo transects of the bottom within specified areas; and
- * Monitor large scallop recruitment events seasonally.

[More scallops/p.2](#)



Photos courtesy of NOAA Fisheries

Potential Sector Contribution

or PSC is the proportion of the total landings of a particular groundfish stock (in live pounds) associated with an individual permit identifier over a specific time period.

~~~~~  
**ACE**

*or annual catch entitlement, with respect to the groundfish fishery, means the share of the annual catch limit (ACL) for each groundfish stock that is allocated to an individual sector or state-operated permit bank, based upon the cumulative fishing history attached to each permit participating in that sector or held by a state-operated permit bank in a given year.*

**More Scallop News**

continued from p.1

Other types of research are not listed here, but include studies aimed at addressing relevant issues that were identified as research priorities in the 2010 50<sup>th</sup> Stock Assessment Workshop — longer term projects focused on the impacts of environmental stressors, scallop biology, surveys of areas that have lower coverage, and projects focused on real-time reporting of catch and bycatch. For a more detailed list of the research priorities, click [2014/2015 Atlantic Sea Scallop Research Priorities](#).

**IFQ Report Reviewed**

The Council received a report prepared by its Scallop Plan Development Team, who evaluated the performance of the sea scallop day boat fleet that currently operates under an Individual Fishing Quota (IFQ) management program. It was drafted at the Council's direction to monitor trends associated with IFQ management and generated a great deal of interest at the Portland meeting. For an updated, but not yet completely finalized version, click <http://nefmc.org/scallops/index.html>. A summary of the report is also included in a NEFMC press release at <http://nefmc.org/scallops/index.html>.

**Groundfish Actions Move Ahead**

**Amendment 18**

*Range of Alternatives Partially Approved*

After making minor changes to measures that would apply to Handgear A fishery permits, the Council approved the range of alternatives associated with this issue as well as others that address U.S./CA quota trading. Groundfish Committee and Council work on these elements of A18 is now finished until preparation of the associated environmental documents, public review, and final consideration by the NEFMC.

*Accumulation Limits Revised*

The Council revised three of the Potential Sector Contribution (PSC) accumulation limit alternatives. The modified options would apply to all PSC cap alternatives. For PSC in excess of an established cap, the associated Annual Catch Entitlement (ACE) would be distributed annually to the rest of the fleet in accordance with the method established in Framework Adjustment 45. If an individual or entity held more than the cap as of the control date, they would be grandfathered. And if required to relinquish permits as a result of A18, they would be allowed adequate time to make the transfer.

Following up, the NEMFC also tasked the Groundfish Committee with reviewing the impacts of several issues related to the PSC caps and divestiture. The Committee will report back to the Council in September.

*Inshore/Offshore Line for GOM Under Consideration*

Finally, the NEMFC voted to develop alternatives to address the concentration of fishing effort in the inshore Gulf of Maine (GOM). Discussion centered on an inshore/offshore line based on historical catch patterns or stock distribution. Alternatives would apply to recreational, party/charter, and commercial vessels, and create an annual catch limit for each area. Vessels would be prohibited from fishing in both the inshore and offshore areas on a single trip without monitoring to correctly attribute catch to each area. The gear restricted area in the inshore GOM could be expanded, possibly with time periods in which one would declare in and out.

## *More Groundfish - Frameworks 52 and 53*

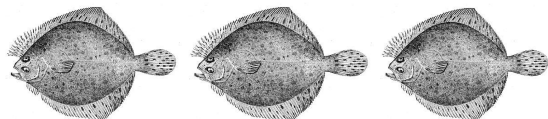
### **Framework 52 Final Action Approved**

Last February, the Council initiated Framework Adjustment 52 to revise the accountability measures (AMs) for the commercial groundfish fishery that catches southern and northern windowpane flounder. The current AMs were triggered for this fishing year because the overall annual catch limits (ACLs) were exceeded in fishing year 2012 for both windowpane stocks.

The AMs for southern windowpane currently require the use of approved selective trawl gear in defined areas to minimize the catch of flatfish in general.

The Council reconsidered the AMs at the June meeting because of concerns that the selective trawl gear virtually eliminates the catch of most flounders. The situation has created negative economic consequences for those who fish for flounders in the southern New England, but cannot avoid catching windowpane flounder (an unmarketable species) at the same time.

In the end, new AMs were approved for both northern and southern windowpane stocks. The measures approved call for 1.) a trigger that incorporates both an evaluation of stock status and biomass, and 2.) consideration of catch performance over the most recent two-year



period, at the time the AMs are implemented. If and when implementation is necessary, the Council requested that NOAA Fisheries first select #1 above, or a combination of both options, to minimize the economic impacts that would likely result. The decision, which was approved by a wide margin, also eliminated further consideration of the northern windowpane flounder seasonal accountability measures.

Meanwhile, it is possible that the southern windowpane AMs, as implemented for fishing year 2014, may be scaled back during this fishing year depending on the implementation date of the Council's proposed action. In-season changes to the northern window-pane flounder AM as implemented this year are not expected.

### **Other Groundfish News**

The Council voted to send a letter to NOAA Fisheries urging them to modify the Gulf of Maine haddock annual catch limit for the 2014 fishing year and to request an in-season adjustment to the recreational fishery accountability measures for Gulf of Maine haddock ---- based on the final results of the recent assessment (SAW/SARC 59) that would result in a quota increase.

### **Framework 53 Issues Identified**

The Council initiated Framework Adjustment 53 at the June meeting. The action will include specifications for several groundfish stocks and a number of management measures. The following issues, listed in order of priority as guidance to the Groundfish Plan Development Team, will be considered:

- \* Further allocate the windowpane flounder ACL to other components of the fishery and develop AMs
- \* Establish spawning closures in the inshore Gulf of Maine for cod;
- \* Incorporate a roll-over provision for specifications;
- \* Revise the carryover measures;
- \* Address enforcement concerns about undersized fish through changes in gear regulations; and
- \* Improve the recreational management measures process.

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The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.

## **Vessel Baseline Amendment Forwarded for Public Review**

Following its review of the NOAA Fisheries-developed Vessel Baseline Amendment, the Council approved the action for release to the public so that interested parties may comment. The NEFMC also voiced an interest in pursuing related issues in a follow-on action. Because it also affects Mid Atlantic Fishery Management Council Plans, that group will be reviewing the draft amendment at their August meeting in Washington, DC.

As described in the draft document available to Council members, "the purpose is to simplify and streamline the administration of vessel baselines, upgrades, and replacements for vessel owners and the agency, while maintaining the function they provide for maintaining fleet diversity and limiting capacity." The amendment is also considered necessary to eliminate redundant regulations that may no longer be necessary as a result of the implementation of ACLs and other controls on mortality and effort in the applicable fishery management plans.

During its review, the Council selected Alternative 4 in the document as preferred. In eliminating both tonnage and upgrade limits, members agreed with the rationale that this was a way to provide more flexibility for vessel owners in the selection of replacement vessels and upgrades to existing vessels. Some vessel owners have been constrained by the current one-time limit because they or a previous owner did not maximize the one-time upgrade with a previous vessel replacement, due to cost or availability or for other reasons, and have since been unable to further upgrade the vessel.

Tonnages are considered the most variable of vessel baseline specifications and, therefore, are believed to have little effect on limiting vessel capacity when compared to length and horsepower restrictions.

## **New England Notes**

Congratulations to newly appointed Council member Elizabeth "Libby" Etrie, who will serve as an at-large member from Massachusetts beginning in August, and re-appointed members Tom Dempsey, Peter Kendall, and Mary Beth Nickell-Tooley.

Additional kudos go to current Council member Ellen Goethel, and her husband and former NEFMC member David Goethel, both of whom recently received the Gulf of Maine Industry Award presented by the Gulf of Maine Council on the Marine Environment at a ceremony in Halifax, Nova Scotia. The honor recognizes an individual, company, or organization within the Gulf of Maine that has demonstrated innovation and leadership in efforts to improve the well-being of the Gulf of Maine ecosystem and the communities that call it home.



Rhode Island  
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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TO: Janet Coit, Director  
FROM: Mark Gibson, Deputy Chief  
DATE: May 2, 2014  
SUBJECT: Final Decisions Pertaining to March 25, 2014 Marine Fisheries Public Hearing Items:

General Editing  
Recreational Summer Flounder  
Recreational Winter Flounder  
Recreational Tautog  
Commercial Tautog  
Recreational Scup  
Recreational Black Sea Bass  
Coastal Sharks  
Recreational Striped Bass  
Commercial Striped Bass  
Bristol Harbor Shellfish Management Area  
Commercial and Recreational Conch  
Commercial Fishing Prohibition – Artificial Reef Sites  
Commercial Menhaden

Proposed regulatory changes have moved through the regulatory review process and are hereby presented for final decision.

The items summarized and set forth herein were the subject of a public hearing held on March 25, 2014 and subsequent consideration by the RI Marine Fisheries Council at their April 7, 2014 meeting. Supporting documentation submitted along with this memorandum include: the public hearing summary document; the summary of public hearing comments; the April 7, 2014 Council meeting minutes; and the applicable advisory panel meeting minutes.

*Having reviewed the entire record, conferred with staff, and conferred with you, I hereby set forth the proposed changes. If you concur, please indicate by signing this memo at the end and returning it to me. Upon receipt of the signed memo, I will initiate the filing process.*

## 1. General Editing Amendments to Parts III, IV, VII, XI, XII, and XVI

The proposed amendments to these six parts – set forth in the public hearing document as public hearing items 8, 12, 15, 16, 17, 19, and 21 -- all involve **general editing**, including the removal of duplicative language, the correction of statutory citations, and other general formatting issues. The changes are part of the Division's continuing efforts to **streamline and improve the clarity of the marine fisheries regulations**. The amendments involve no substantive changes to regulation or management. The amendments will result in a total decrease of some 28 pages of regulations. There was no AP meeting held on these general editing amendments, and no public comments offered on any of the proposals at public hearing. At the RIMFC meeting, the Division recommended adoption of the proposed amendments. The Council concurred and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

## 2. Recreational Summer Flounder (Part VII)

A. General Fishery Regulations for 2014. In March 2014, the ASMFC approved RI's request to de-couple with MA under the Commission's new regional approach for recreational fluke management, and to remain at status quo. Thus, the only viable option available to RI for the 2014 season is to **remain at status quo**. The status quo approach was supported by the Summer Flounder AP and at public hearing. At the RIMFC meeting, the Division recommended remaining at status quo. The Council concurred.

*Consistent with the Council's recommendation, the Division recommends remaining at status quo.*

B. "Fish for the Future" Proposal. This proposal was introduced for consideration by members of the RI for-hire industry. It would continue a pilot program that began in 2013 using fluke acquired via research set aside. For 2014, the group proposed continuing the program using a 2% allocation from RI's recreational harvest limit. The provisions of the program are outlined in an 18-page proposal that was presented to the Summer Flounder AP, noticed for public hearing, and considered by the Council. The AP recommended forwarding the proposal to the Council for further discussion. At the Council meeting, the Division noted that since RI is obligated to remain at status quo for 2014, there is no apparent opportunity to proceed with the proposal for this year' moreover, the proposal was introduced to the ASMFC, but did not receive ASMFC approval. Against that backdrop, the Council reviewed the proposal, generally found that it had merit, and recommended that the Director authorize the Division to work with the project proponents to **further develop the program with a view to potential adoption in 2015**.

*Consistent with the Council's recommendation, the Division is prepared to work with the RI for-hire industry, and the RI recreational fishery, to further explore the feasibility of this innovative approach to fluke management. We concur with the Council that the proposal has merit, but we note that there are several important policy issues that need to be pursued, including approval of the program by ASMFC, before the Department can consider its adoption. In the meantime, the Division recommends moving forward in support of further program development, per the advice of the Council.*

### 3. Recreational Winter Flounder (Part VII)

The proposed amendment significantly expands the recreational season for winter flounder. Currently, the season is open for one month in the spring, and one month in the fall. The proposed change **extends the season to ten (10) consecutive months, from March 1 to December 31, annually**, while retaining the 2-fish/person/day possession limit. The proposal stems from recent action by the ASMFC, authorizing states to enact a March – December season, while retaining the 2-fish creel limit. The purpose of the change is to increase recreational fishing opportunities in the southern range of the species.

The Winter Flounder AP supported the proposed change. It was also supported at the public hearing. At the Council meeting, the Division recommended adoption of the proposed amendment. The Council concurred and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendment.*

### 4. Recreational Tautog (Part VII)

The proposed amendment pushes ahead the opening of the spring season from April 15 to April 1. The proposal emanated from, and was supported by, the Tautog AP. It was also supported at public hearing. At the Council meeting, the Division acknowledged that the proposal would be particularly beneficial to shore-based fishermen, and the local bait-and-tackle shops that support such activities, and that two weeks of additional fishing opportunity in the early spring, when catch rates are relatively low, would probably have only a modest impact on fishing mortality. However, the Division noted that a cautionary approach may be in order, since a benchmark stock assessment is currently being conducted on tautog through the ASMFC. Depending on the results of the assessment, there may be a need to tighten RI's regulations next year. The Division and the Council acknowledged that enacting an April 1 start date is a catch-22, since recreational fishing measures are typically considered and decided upon each April. In consideration thereof, and with a view to supporting shore-based fishing interests, the Council recommended adoption of the April 1 start date, effective in 2015, with the understanding that if the stock assessment results in the need to reduce fishing mortality, the matter can be reconsidered.

*The Division recommends **remaining at status quo**. Liberalization of the recreational fishing regulations for tautog – even at relatively modest levels – is ill-timed given the pending stock assessment. If the results of the assessment allow for liberalization, the proposed April 1 start date can and should be reconsidered, with a view to adoption. On the other hand, if the results of the assessment compel a more conservative approach, the reductions in 2015 should apply to the current regulations. The Council's recommendation would be workable -- if an April 1 start date could be enacted now and repealed prior to next April. But in view of the timing of the regulatory process for 2015, that recommendation is not workable.*



## 5. Commercial Tautog (Part VII)

The only option noticed for public hearing was to remain at status quo. The AP supported status quo, and also recommended the following amendment: for any overage that occurs during any sub-period, the reduction should be applied to the summer sub-period the following year. One comment was offered at the public hearing: a recommendation to increase the possession limit to 40 fish/vessel/day. At the Council meeting, the Division recommended remaining at status quo, while supporting the proposed change to the process for addressing any sub-period overages. The Division noted that an increase in the possession limit would result in earlier season closures. The Council recommended remaining at status quo, and adopting the proposed change to the process for addressing any sub-period overages.

*Consistent with the Council's recommendation, the Division recommends **remaining at status quo, and amending the process for addressing any sub-period overages by applying reductions to the summer sub-period the following year.***

## 6. Recreational Scup (Part VII)

The only option noticed for public hearing was to remain at status quo. The AP supported status quo for the general fishery, and also supported expanding the special shore-mode program, which currently provides for a reduced minimum size of 9 inches at three specific shore sites. The AP recommended adding three or more additional sites, with consideration given to: the West Wall in Narragansett, Fort Wetherill in Jamestown, Fort Adams in Newport, and another site in the upper Bay. There were no comments offered at the public hearing. At the Council meeting, the Division recommended remaining at status quo. The Division also supported the proposal to expand the number of sites under the special shore-mode program. The Council concurred, and advised DEM Marine Fisheries and DEM Enforcement to coordinate on finalizing the new sites to be added to the program, with the understanding that the sites should not be in close proximity to any public boat ramps.

*Consistent with the Council's recommendation, the Division recommends **remaining at status quo for the general fishery and adding the following five new sites to the special shore-mode program, at which the minimum size for scup will be 9 inches: the West and East Walls in Narragansett, Fort Wetherill in Jamestown, Fort Adams in Newport, and Rocky Point in Warwick.** The Division notes that the expanded program may need ASMFC approval prior to final implementation.*

## 7. Recreational Black Sea Bass (Part VII)

The proposed amendment delays the opening of the fishery in June by 14 days to comply with the 7% harvest reduction required by the ASMFC for 2014; the reduction is in response to the exceedance of the coastwide recreational harvest limit in 2013. Three options were developed for consideration. The AP supported a later start date to the season in June rather than an earlier fall closure. There were no comments offered at the public hearing. The Council recommended adoption of option 1, which would **shift the start date from June 15 to June 29.**

*Consistent with the Council's recommendation, the Division recommends adoption of the June 29 start date for the start of the season.*

## 8. Coastal Sharks (Part VII)

The proposed amendments involve **technical changes to the commercial species groupings** for coastal sharks and an **increase in the recreational minimum size for hammerhead sharks**. The first changes are ASMFC compliance issues, the second is an allowance per a recent revision to the ASMFC's FMP. There was no AP meeting held on the issue, and no comments offered at the public hearing. At the Council meeting, the Division recommended adoption of the proposed amendments. The Council concurred and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

## 9. Recreational Striped Bass (Part XII)

The only option noticed for public hearing was status quo. The AP supported remaining at status quo. There were no comments offered at the public hearing. At the Council meeting, the Division supported remaining at **status quo**, and the Council concurred.

*Consistent with the Council's recommendation, the Division recommends remaining at status quo.*

## 10. Commercial Striped Bass (Part XII)

A. *General Category*. The proposed amendment **shifts the opening day of the summer season from June 6 to June 8**, so the fishery opens on a Sunday this year. The AP supported the proposed change. It was also supported at the public hearing. At the Council meeting, the Division recommended adoption of the proposed amendment. The Council concurred and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendment.*

B. *Floating Fish Traps*. One proposed amendment **adds a roll-over provision**, authorizing the Division to roll-over any unused allocation from the floating fish trap fishery to the general category fishery if the Division estimates that the floating fish trap fishery will not fully utilize its allocation by October 15 annually. The other proposed amendment **reduces the season from Jan-Dec to April-Dec.**, to accommodate state reporting requirements to the ASMFC. The AP supported both of the proposed changes. They were also supported at the public hearing. At the Council meeting, the Division recommended adoption of both proposed amendments. The Council concurred and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the two proposed amendments.*

## **11. Bristol Harbor Shellfish Management Area** (Part IV)

The proposed amendments **correct two technical errors** pertaining to the delineation of the Bristol Harbor Shellfish Management Area. There were no comments offered at the public hearing. At the Council meeting, the Division recommended adoption of the proposed amendments. The Council concurred and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

## **12. Commercial and Recreational Conch** (Part IV)

The proposed amendments to the conch regulations are multi-faceted. As a package, they constitute a significant step forward in the evolving management program for this important fishery. The amendments stem from the Division's collaborative work with the Council's Ad Hoc Whelk Committee. The Council addressed the issues individually, by category, viz.:

Minimum Size. The current minimum size (commercial and recreational) is 2 ¾" width and 4 ¾" length. Those minimum sizes were enacted in 2012. Prior to 2012, the minimum sizes were 2 ½" width and 4 ½" length. There is increasing evidence that conch reach sexual maturity well above the current minimum sizes. The public hearing notice set forth two options for increasing the minimum sizes: two ¼" annual increases over two years (option 1); and four 1/8" annual increases over four years (option 2).

Following a healthy discussion on the issue, the Ad Hoc Whelk Committee rendered a split opinion, with six members favoring a single 1/8" increase in 2014, and five members favoring no change (status quo). All members supported continued study of the issue.

At the public hearing, four comments were offered: two in support of a single 1/8" increase in 2014, followed by continued study of the issue; and one in support of four 1/8" annual increases (shell length only) beginning in 2015. Comments from URI's Department of Fisheries, Animal and Veterinary Sciences and from the RI Whelk Fishermen's Association both focused on the need to move forward with collaborative research to better inform the management process.

At the Council meeting, the Division urged adoption of option 1, noting that a 1" overall increase in size may be needed to protect female channeled whelk prior to reaching sexual maturity, and that ¼" increases should be enacted to achieve, or approach, that goal in a timely fashion.

Following a healthy discussion on the issue, the Council recommended adoption of a single 1/8" increase in 2014. The Council further recommended that this increase only pertain to channeled whelk (not knobbed whelk as well).

*Per the Director's final review of this matter, the Division confirms the Director's decision to enact a 1/8" increase in width in 2014 (2 7/8" minimum width, with corresponding minimum length of 5 1/8") and an additional 1/8" increase in width in 2015 (3" minimum width, with corresponding minimum length of and 5 3/8" length). These increases will apply to both*

*channeled and knobbed whelk, and to both the commercial and recreational fisheries. The decision is based primarily on the following factors:*

- *Consistency with Massachusetts.*
- *The need for meaningful action to protect the resource in view of new information pertaining to size at maturity.*
- *The recognition that larger increases in size, enacted over a relatively short time period, would be too disruptive to the industry. The goal is to strike a balance between moving forward with sound resource protection and maintaining a sustainable fishery.*
- *The need for more information to establish appropriate minimum sizes for channeled and knobbed whelk, coupled with the challenge of enacting separate minimum size regulations for the two species that differ by only a fraction of an inch.*
- *The recognition that the Division, URI, and the whelk industry are about to embark on an important collaborative project, which will bolster our understanding of the resource and the fishery, including its interactions with other shellfish fisheries, and inform future management decisions. The action being taken now is measured and modest, and intended to provide flexibility for future adjustments, as needed, based on the information and knowledge developed via the project.*

*The Division is aware of, and will respond to, the challenge of establishing a standardized means of measuring size for use by industry and Enforcement.*

Season. The current season (commercial and recreational) is year-round. Two alternative approaches were noticed for consideration: an 8-month season (May – Jan); and a 10-month season, split into Jan – July and Oct-Nov (with a spawning closure during Aug and Sept). The Whelk Committee recommended status quo. There were three comments offered at public hearing, all supporting status quo pending the outcome of further research. At the Council meeting, the Division recommended status quo, noting that the Division was mainly focused on increasing minimum size and agreed that other potential management measures, such as seasonal closures, could await the outcome of further study. The Council concurred and recommended remaining at **status quo**.

*Consistent with the Council's recommendation, the Division recommends remaining at status quo.*

Fishery Closure Due to Imminent Risk to Public Health. The proposed amendment would authorize DEM to close state waters upon a determination that there is a public health associated with the consumption of conchs exposed to biotoxins. The proposal stems from a December 2013 Environmental Assessment conducted by NOAA Fisheries that was prepared for an action that would amend existing paralytic shellfish poisoning (PSP) closed areas to also include a prohibition on gastropod possession and harvesting. At the Council meeting, the matter was discussed but tabled because the Council wanted a better understanding as to how the provision would be enacted by DEM's Office of Water Resources. In the meantime, the Council and Division both recognized that the Director has existing authority to enact a closure in response to a finding of imminent peril to public health.

*Consistent with the Council's recommendation, the Division recommends **postponing action** on this item pending further review and discussion with DEM's Office of Water Resources at the next meeting of the Council.*

General Provisions for Conch Pots. These proposed amendments involve three revisions to existing provisions pertaining to **1) the unauthorized hauling of pots; 2) the unauthorized possession and/or transfer of pots, and 3) hauling or setting pots at night.** The provisions already exist as regulations in generic form; the proposed amendments would apply them to conch pots. The Whelk Committee supported all of the proposed changes. There were no comments offered at public hearing. At the Council meeting, the Division recommended adoption, as proposed. The Council concurred, and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

Commercial Possession Limit. The current limit is 35 bushels/vessel/day. Two alternative approaches were noticed for consideration: a 17 bushel limit and a 14 bushel limit. The Whelk Committee recommended status quo. There were four comments offered at public hearing, all supporting status quo, pending the outcome of further research. At the Council meeting, the Division recommended status quo, noting that the Division was mainly focused on increasing minimum size and agreed that other potential management measures, such as reduced possession limits, could await the outcome of further study. The Council concurred and recommended remaining at **status quo.**

*Consistent with the Council's recommendation, the Division recommends remaining at status quo.*

Annual Catch Limit. There is currently no annual catch limit. A proposed annual catch limit, to be set by the Division, was noticed for consideration. The Whelk Committee recommended status quo. The comments offered at hearing were in support of status quo. At the Council meeting, the Division noted that while limiting catch is the most appropriate and effective means for managing the resource, the Division is not yet ready to recommend adoption of a quota management program for the fishery. The Division therefore recommended remaining at status quo. The Council concurred and recommended remaining at **status quo.**

*Consistent with the Council's recommendation, the Division recommends remaining at status quo.*

### **13. Commercial Fishing Prohibition – Artificial Reef Sites** (Part XI)

The proposed amendment would ban commercial fishing in areas designated as experimental reef locations in the Narragansett Bay Marine Life Management Area. The Division is planning to move forward with the establishment of three experimental reef sites in the Bay, using federal Sport Fish Restoration funding. The proposal is aimed at protecting the sites from gear impacts and complying with the terms of the federal funding. There was no AP meeting held on the issue. There were two comments offered at public hearing, both in support of the proposal. At the Council meeting, the Division recommended adoption of the proposal. The Council concurred, but stipulated that the prohibition should sunset upon completion of the study.

*Pending further review and clarification of the activities and/or gear subject to the prohibition, and the time frame for the prohibition, the Division recommends **postponing final action** on this proposal.*

#### **14. Commercial Menhaden** (Part XVI)

A. New Possession Limit During Closure of Narragansett Bay Management Area. The proposed amendment **establishes a new 6,000 pound/vessel/day possession limit in the NB Management Area when the area is closed.** Currently, the possession limit is zero when the area is closed. The impetus for the proposal is to allow the following activities to continue when the area is closed to large-scale commercial harvesting:

- Small-scale commercial harvesting, subject to the 6,000 lb./day limit. (If/when the State's menhaden quota is filled, such harvesting will be limited to non-directed fisheries only, which, per the additional regulatory change set forth below under B, will include use of cast nets.)
- The possession of menhaden as bait, e.g., by commercial striped bass fishermen, subject to the 6,000 lb./day limit.

It should be noted that, per current regulation, there is a zero possession limit for menhaden in the area, applicable to all commercial fishermen, on week-ends and holidays, and at night. So the new 6,000 lb. possession limit applies only during the week and during daylight hours (unless the weekday falls on a holiday).

Additionally, the 6,000 lb. limit is superseded by a 200 fish/vessel/day limit in the Providence River and Greenwich Bay.

The proposal emanated from and was supported by the AP. Three comments were offered at the public hearing, all in support of the proposal. At the Council meeting, the Division recommended adoption of the proposed amendment. The Council concurred, and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

B. New Definition for Non-Directed Fisheries. Pursuant to the ASMFC's Menhaden FMP, once a State's menhaden quota is filled, landings of menhaden taken via non-directed fisheries may continue, under the category of bycatch, subject to a 6,000 pound/vessel/day limit. The FMP was recently amended to specify that **non-directed fisheries include fish traps and cast-netting.** The proposed amendment codifies those definitions, making it clear that menhaden taken via fish trap and cast nets may continue to be landed in RI, up to the 6,000 lb. limit, after the State's quota is filled and landings taken via directed fisheries are prohibited.

The AP did not offer a recommendation on this issue. Three comments were offered at the public hearing, all in support of the proposal. At the Council meeting, the Division recommended adoption of the proposed amendment. The Council concurred, and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

C. New Closure Date for Episodic Set Aside Program. The ASMFC recently amended their Menhaden FMP to require that if one or more states opt into the Episodic Event Set Aside Program, **states may harvest and land menhaden, pursuant to the terms of the program, until the set aside is fully harvested, or until November 1, whichever comes first.** (If there is any unused set aside remaining after November 1, the pounds are redistributed to the states.) The proposed amendment codifies this new provision.

The AP did not offer a recommendation on this issue. One comment was offered at the public hearing, in support of the proposal. At the Council meeting, the Division recommended adoption of the proposed amendment. The Council concurred, and recommended adoption, as proposed.

*Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendments.*

D. Other Issues Raised at Public Hearing.

***Use of Cast Nets in Closed Areas.*** One individual proposed opening the currently closed areas of the Providence River and Greenwich Bay to commercial fishing using a cast net, perhaps via the issuance of a special-use permit. The existing prohibition on fishing in the two closed areas only pertains to purse seining; so cast net fishing is allowed. However, the regulations also impose a 200 fish/vessel/day limit on the taking of menhaden from the two areas "by any fishing method." So, commercial cast netting activities are subject to the 200 fish/vessel/day limit. The proposal to expand commercial cast netting in the closed areas was not subject to review by the AP, and was not taken up by the Council. *The Division recommends revisiting the proposal next year.*

***Increasing the Biomass "Floor."*** Save The Bay (STB) offered a proposal to recalculate the biomass "floor" for menhaden for the purpose of achieving a restored, robust population that will benefit commercial and recreational fishermen, wildlife, water quality, and the general public. STB feels that the current biomass floor of 1.5 million pounds is insufficient, and recommends consideration of a much higher level, e.g., 20 million pounds.


STB originally introduced a different proposal – a ban on the use of purse seines to harvest menhaden in all RI waters – and brought that before the AP. The AP did not support the proposal. The revised approach – to increase the biomass floor – was introduced at hearing and brought before the Council. At the Council meeting, the Division held that more information and analysis are needed before the Division can consider or recommend such a change. The Council offered no recommendation on the issue.

The Division notes that the current biomass threshold -- 1.5 million pounds for notice and 2.0 million pounds to begin commercial purse seining -- is coupled with a provision to terminate fishing once 50% of the exploitable biomass has been harvested. These thresholds and limits are not required under the ASMFC's FMP but were proactively developed by the Department in recognition of the important ecological services provided by menhaden. The specific values have a limited scientific basis, namely, a prototype biomass dynamic model of menhaden in

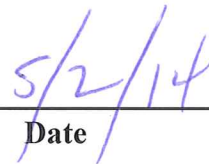
Narragansett Bay that incorporates a striped bass predation term. Many assumptions are needed to parameterize the model, not the least of which is an estimate of striped bass abundance in the Bay. The Division has no new information at this time to evaluate changes to the thresholds and limits, but the Division is interested in, and open to, the development of such information. Additionally, the ASMFC is currently conducting a new benchmark menhaden stock assessment, with final results expected later this year. The Division anticipates that the new assessment will clarify menhaden stock status vis-à-vis biological reference points and inform management. The Division is also actively engaged in the ongoing efforts by the ASMFC to further develop the Multiple Objective Decision Analysis (MODA) for menhaden. This unique and important approach will enable explicit consideration of competing objectives for menhaden management and, in an optimization framework, provide scientific advice on menhaden management policy, both coastwide and locally. Such advice may include the establishment of ecosystem reference points, which the Division could draw upon to assess potential changes to the thresholds and limits set forth by the Narragansett Bay management program. The Division looks forward to working with STB, the RI Marine Fisheries Council, and other RI interests, in advancing this important issue. *Until then, the Division recommends remaining at status quo with regard to the current biomass thresholds and limits.*



**Approved for filing as presented**



**Janet L. Coit, Director**



**Date**





# Atlantic States Marine Fisheries Commission

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*Douglas E. Grout (NH), Vice-Chair*

*Robert E. Beal, Executive Director*

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*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

November 26, 2013

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166 Water Street  
Woods Hole, Massachusetts 02543

Dear Dr. Karp ,

At the Atlantic States Marine Fisheries Commission's (Commission) Annual Meeting, the Summer Flounder, Scup, and Black Sea Bass Board (Board) discussed the current available stock assessment information for black sea bass from the July 2012 update. The black sea bass stock is considered a tier 4 by the Mid-Atlantic Fisheries Management Council's Scientific and Statistical Committee (MAFMC) due to the data poor nature of the assessment and the unique life history characteristics of the species. Members of the Board expressed their concern regarding sources of scientific uncertainty pertaining to the black sea bass stock status, in particular, the lack of progress in developing a spatial analysis of the stock structure. These concerns echo the sentiments that came out of the April 2013 black sea bass data workshop sponsored by the Partnership for Mid-Atlantic Fisheries Science, which recommended delaying the scheduled 2014 black sea bass benchmark stock assessment in order to complete research and consider new modeling approaches including a spatial explicit assessment model. The Board requests the black sea bass work be addressed as soon as possible to help provide managers with the information needed for effective fisheries management.

Thank you for your attention to this issue. The Commission looks forward to working with both the Northeast Fisheries Science Center and MAFMC in the development of a black sea bass assessment model.

Sincerely,

Robert E. Beal

cc: John Bullard, NE Regional Administrator  
Summer Flounder, Scup, and Black Sea Bass Management Board  
Mr. Richard Robins