



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

**RIMFC:** Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

## MEETING NOTICE RI MARINE FISHERIES COUNCIL

May 3, 2021 – 6:00 PM

Virtual public meeting only

Zoom webinar:

<https://us02web.zoom.us/j/81340984296>

Meeting ID: 813 4098 4296

Dial in: 1-929-205-6099

### AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s)
1. Tonight's agenda	Approval of agenda	• Tonight's meeting agenda
2. Meeting minutes from last meeting (March 1, 2021)	Approval of meeting minutes	• Draft meeting minutes
3. Public comment on any matters not on the agenda	Discussion and/or recommendations for future action.	N/A
4. SAP membership applications	Council vote	• D. Erkan • C. Sperry • C. Ennis
5. <u>Shellfish Advisory Panel meeting minutes (March 24 &amp; April 14, 2021): K. Eagan</u>	Approval of minutes	• 3/24 agenda • 3/24 powerpoint • 3/24 draft minutes • 4/14 ePacket • 4/14 powerpoint • 4/14 draft minutes
6. <u>Proposed amendments to Shellfish Management Area regulations:</u> C. McManus a. Providence River shellfish harvest schedule b. Quonochontaug Pond oyster moratorium	Provide recommendations to the Director regarding proposed regulations	• 4/14 SAP powerpoint – Prov. River • 4/14 SAP draft minutes – Prov. River • 4/14 SAP powerpoint – Quony • 4/14 SAP draft minutes – Quony

<p><b>7. <u>Proposed regulation amendments publicly noticed:</u></b> <i>J. Lake</i></p> <p>a. Summer Flounder and Black Sea Bass – Transiting Provision Mass. Pilot Program (Part 1)</p>	<p>Provide recommendations to the Director regarding proposed regulations</p>	<ul style="list-style-type: none"> <li>• Public notice</li> <li>• Proposed rule</li> </ul>
<p><b>8. <u>RI Saltwater Recreational Fishing License Program 2020 Report:</u></b> <i>J. Lake</i></p>	<p>Approval of report for submittal to the General Assembly.</p>	<ul style="list-style-type: none"> <li>• <a href="#">RIGL 20-2.2-10</a></li> <li>• Draft Report</li> </ul>
<p><b>9. <u>FYI:</u></b></p> <ul style="list-style-type: none"> <li>• Signed Aquaculture letters</li> <li>• NOAA Additional Assistance Funding Under the Consolidated Appropriations Act of 2021</li> <li>• RI Quahaug week</li> </ul>	<p>FYI only</p>	<ul style="list-style-type: none"> <li>• Viera Aquaculture letter</li> <li>• Pinheiro Aquaculture letter</li> <li>• <a href="#">NOAA Fisheries</a></li> <li>• <a href="#">RI Quahog week</a></li> </ul>
<p><b>10. Any other matters?</b></p>	<p>FYI or recommendations for future action.</p>	
<p><b>11. Adjourn</b></p>		

**All RIMFC Meetings are open to the public**

Posted to Sec. of State Open Meetings pursuant to R.I. Gen. Laws § 42-46-6 on April 26, 2021



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

**RIMFC:** Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

## MEETING SUMMARY

March 1, 2021

Virtual public meeting only

Zoom webinar:

<https://us02web.zoom.us/j/83941560588>

Meeting ID: 839 4156 0588

Dial in: 1-929-205-6099

Chairperson: B. Ballou

RIMFC members in attendance: T. Barao, A. Dangelo, K. Eagan, J. Jarvis, D. Monti, C. Rein, D. Monti,

Director's office: J. McNamee

Division: C. McManus, S. Olszewski, J. Lake, N. Costa, N. Ares, C. Parkins, J. Livermore, M. Bucko, A. Williams, E. Schneider, C. Truesdale, P. Duhamel

DEM Legal: J. LoBianco

Public: Approximately 10 persons in attendance.

1. Approval of the agenda: The Chair inquired to any objections to approving the agenda or if there were any requests for modifications; hearing no objections or requests for modifications, the agenda was approved by consent.
2. Approval of minutes from meeting on December 7, 2020: The Chair inquired to any objections to approving the minutes or if there were any requests for modifications; hearing no objections or requests for modifications, the minutes were approved by consent.
3. Public comments regarding any other matters not on agenda: B. Morris asked that his comment on tautog management be considered.
4. Napatree Point: C. McManus provided an overview of the status of management considerations for the waters of Napatree Point and Little Narragansett Bay.
5. Shellfish Advisory Panel meeting minutes (Dec. 16, 2020): The Chair inquired to any objections to approving the minutes; hearing no objections or requests for modifications, the minutes were approved by consent.
6. Aquaculture lease application review (Antonio and Joseph Pinheiro): Motion made by D. Monti that the application is not consistent with competing uses engaged in the

exploitation of the marine fisheries; 2<sup>nd</sup> by K. Eagan. The motion passed 5 -1 (T. Barao opposed).

7. Recommendations on noticed regulation amendments:

- 2021 Recreational Black Sea Bass Management (Part 3, section 3.7.1): Motion made by A. Dangelo to recommend maintaining status quo; 2<sup>nd</sup> by C. Rein. The motion was approved by consent.
- 2021 Recreational Scup Management (Part 3, section 3.8.1): Motion made by D. Monti to recommend maintaining status quo; 2<sup>nd</sup> by C. Rein. The motion was approved by consent.
- 2021 Recreational Summer Flounder Management (Part 3, section 3.10.1): Motion made by A. Dangelo to recommend maintaining status quo; 2<sup>nd</sup> by J. Jarvis. The motion was approved by consent.
- 2021 Recreational Striped Bass Management (Part 3, section 3.9.1): Motion made by D. Monti to recommend maintaining status quo; 2<sup>nd</sup> by A. Dangelo. The motion was approved by consent.
- 2021 Commercial Striped Bass General Category Management (Part 3, section 3.9.2(A)): Motion made by D. Monti to recommend maintaining status quo; 2<sup>nd</sup> by K. Eagan. The motion passed 6-0.
- 2021 Commercial Striped Bass Floating Fish Trap Management (Part 3, section 3.9.2(B)): Motion made by J. Jarvis to recommend maintaining status quo; 2<sup>nd</sup> by C. Rein. The motion was approved by consent.
- 2021 Recreational Tautog Management (Part 3, section 3.11.1): Motion made by D. Monti to recommend maintaining status quo; 2<sup>nd</sup> by T. Barao. The motion was approved by consent.
- 2021 Commercial Tautog Management (Part 3, section 3.11.2): Motion made by C. Rein to recommend maintaining status quo; 2<sup>nd</sup> by A. Dangelo. The motion was approved by consent.
- 2021 Recreational Bluefish Management (Part 3, section 3.18.1): Motion made by D. Monti to recommend maintaining status quo; 2<sup>nd</sup> by J. Jarvis. The motion was approved by consent.
- 2021 Commercial Bluefish Management (Part 3, section 3.18.2) Motion made by D. Monti to recommend maintaining status quo; 2<sup>nd</sup> by C. Rein. The motion was approved by consent.



- 2021 Commercial Menhaden Management (Part 3, section 3.22): Motion made by K. Eagan to recommend maintaining status quo; 2<sup>nd</sup> by T. Barao. The motion was approved by consent.
  - Sand Lance Management (proposed new section 3.34): Motion made by A. Dangelo to recommend maintaining status quo; 2<sup>nd</sup> by C. Rein. The motion was approved by consent.
  - Proposed prohibition on the use of midwater gear in the marine waters of Rhode Island (Part 6, section 6.8.2(E)): Motion made by D. Monti to recommend adoption of the midwater trawl gear prohibition as proposed; 2<sup>nd</sup> by J. Jarvis. The motion was approved by consent.
8. RI Saltwater Recreational Fishing License Program Report: This item was postponed until next meeting.
  9. RIMFC 2020 Annual Report: Motion made by D. Monti to approve the report and submit to the General Assembly pursuant to statute; 2<sup>nd</sup> by T. Barao. The motion was approved by consent.
  10. Adjournment: The meeting was adjourned by the Chair at @ 7:50pm.

Note: This document represents a meeting summary. The full video recording of the meeting is available at the Division of Marine Fisheries YouTube channel [here](#). Individual agenda items and their times can be viewed by expanding the “SHOW MORE” tab.



# Rhode Island Marine Fisheries Council

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

## Advisory Panel Application

Name: Dennis Erkan Date of Birth: 01/17/1959

Mailing Address: 255 James Trail

City: West Kingston State: RI Zip: 02892

Phone (Home/Work/Cell): Home: (401) 539 - 3128 Cell: (401) 641 - 4860

Email: oldmil@cox.net

**Check Species Advisory Panel applying to:**  Shellfish  Industry Advisory Committee

**Please check the type of position you are applying for:**  Primary  Alternate

If alternate, provide primary panel member name: \_\_\_\_\_

.....

### 1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): \_\_\_\_\_

Number of years as a commercial fisherman? \_\_\_\_\_

Please describe fisheries fished and gear types used:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Where is your **primary** area fished?  Narragansett Bay  Coastal Ponds  East Passage  
 West passage  Upper Bay  Lower Bay  Federal waters

### 3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? \_\_\_\_\_ Years

### 4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? 60 Years

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

Shellfishing from a boat and shore (hand rake, bullrake, bay scallop dredge, scuba/snorkel),

fishing from a boat and shore (rod and line, flyfishing, spearfishing)

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? \_\_\_\_\_

Where is your dealer premises located? \_\_\_\_\_

How many years have you lived in the home port community? \_\_\_\_\_

Please provide DEM Dealer License Number: \_\_\_\_\_

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

Marine Biologist (retired) Educated at the University of Rhode Island. Grew up in Charlestown, RI on Ninigret Pond. Spent a great deal of time on all of the South County salt ponds, Little Narragansett Bay, and on the Pawcatuck River. Completed the Strategic Plan for the Restoration on Anadromous Fish to Rhode Island Coastal Streams, still in use today. Directly involved in shellfish surveys, shellfish restoration, dredging-effects evaluations, and aquaculture lease application reviews. Familiarity with shellfish distributions statewide as well as having long-term knowledge of public shellfishing activities (both current and historic). Currently on the Salt Pond Coalition Environmental Advisory Committee. Past member and Chair of the Town of Richmond, RI Conservation Commission.

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Signature: Dennis Erkan Date: April 1, 2021

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov)



# Rhode Island Marine Fisheries Council

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

## Advisory Panel Application

Name: Chris Sperry Date of Birth: 5/4/1983

Mailing Address: 356 Green Hill Beach Rd

City: South Kingstown State: RI Zip: 02879

Phone (Home/Work/Cell): 401-413-0559

Email: engine.five@yahoo.com

Check Species Advisory Panel applying to:  Shellfish  Industry Advisory Committee

Please check the type of position you are applying for:  Primary  Alternate

If alternate, provide primary panel member name: \_\_\_\_\_

.....

### 1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): \_\_\_\_\_

Number of years as a commercial fisherman? \_\_\_\_\_

Please describe fisheries fished and gear types used:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Where is your primary area fished?  Narragansett Bay  Coastal Ponds  East Passage

West passage  Upper Bay  Lower Bay  Federal waters

### 3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? \_\_\_\_\_ Years

### 4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? 30

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

Offshore, Inshore from Boat, Kayak, Surf

All species



5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? \_\_\_\_\_

Where is your dealer premises located? \_\_\_\_\_

How many years have you lived in the home port community? \_\_\_\_\_

Please provide DEM Dealer License Number: \_\_\_\_\_

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

I am a very active outdoorsman. I recreationally shellfish about 60 days/year and saltwater fish another 60. My primary shellfish species I pursue are oysters, quahogs, blue crabs and razor clams but ~~also~~ also pursue bay scallops and steamers. I spend the overwhelming majority of my time in the coastal ponds, primarily Ninigret. I have been both shell fishing and fishing since I was 5 years old. I fish, shellfish, and waterfowl hunt all RI waters and was previously active in ~~the~~ Pheasants Forever, Ducks Unlimited, and Delta Waterfowl.

Signature: \_\_\_\_\_

Date: 4/16/21

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov)



# Rhode Island Marine Fisheries Council

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

## Advisory Panel Application

Name: Cameron J. Ennis, Esq. Date of Birth: 06/21/1981

Mailing Address: 30 Ennis Lane

City: Charlestown State: RI Zip: 02813

Phone (Home/Work/Cell): 401-207-4936

Email: cam@riaquaculture.org

**Check Species Advisory Panel applying to:**  Shellfish  Industry Advisory Committee

**Please check the type of position you are applying for:**  Primary  Alternate

If alternate, provide primary panel member name: \_\_\_\_\_

.....

### 1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): \_\_\_\_\_

Number of years as a commercial fisherman? \_\_\_\_\_

Please describe fisheries fished and gear types used:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Where is your **primary** area fished?  Narragansett Bay  Coastal Ponds  East Passage  
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### 4. FOR RECREATIONAL FISHERMEN:

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Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? \_\_\_\_\_

Where is your dealer premises located? \_\_\_\_\_

How many years have you lived in the home port community? \_\_\_\_\_

Please provide DEM Dealer License Number: \_\_\_\_\_

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

-Executive Director, Ocean State Aquaculture Association

-Sole Proprietor, The Law Office of Cameron Ennis

-professional legal experience representing CRMC applicants through various applications

-SeaGrant frequent trusted collaborator, founded Real Jobs Aquaculture partnership braiding multiple agency funds and objectives successfully.

-Most importantly, I have an appreciation for the DEM across its departments during this past year's

Direct Sales initiative and the CARES Fisheries Relief administrative challenges. The top-down


agency policy to provide reasonable expectations, ample notice and open communication

coupled with the ability to utilize relevant public opinion while forming policy was not only

appreciated but refreshing. I would respectfully bring my skillsets and objective opinion to the

Shellfish Advisory Panel if selected.

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\_\_\_\_\_  
\_\_\_\_\_

Signature: 

Date: 4/28/21

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov)



# Rhode Island Marine Fisheries Council

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

## Meeting Notice

Shellfish Advisory Panel

Wednesday March 24, 2021, 4:00PM

Virtual public meeting - Zoom webinar

## MEETING AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s)/links
1. Lower Providence River shellfish proposed harvest scenarios presentation by DEM DMF	Provide recommendation to the Division of Marine Fisheries regarding the Lower Providence shellfish harvest schedule	N/A
2. Any other matters	FYI/discussion and/or recommendations for future actions	N/A
3. Adjourn		

To join the webinar, [click here](https://us02web.zoom.us/j/83535450143). Or enter the following into your web browser:  
<https://us02web.zoom.us/j/83535450143>

To join by phone, call: 1-929-205-6099

Meeting ID: 835 3545 0143

Participant ID: Provided once you log onto webinar. If not logging onto webinar, simply wait on the line to be connected on the phone.

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

For more information please contact Anna Gerber-Williams at (401) 423-1930.

\* Posted to Sec. of State March XX, 2021

**Panel Chair:**

Katie Eagan

**Scientific Advisor:**

Michael Rice

**Membership:**

Jeff Gardner

*Aquaculture*

Bob Rheault

*Alternate for J. Gardner*

David Ghigliotty

*Comm. Bullrake*

Mike McGivney

*Comm. Bullrake*

Gerald Schey

*Comm. Bullrake*

Manuel Sousa

*Comm. Bullrake*

Bob Smith

*Dealer*

Roger Tellier

*Recreational Rod & Reel*

Richard Pastore

*Recreational Rod & Reel*

Edward Troiano

*Recreational Shellfish*

Kenneth Murgo

*Comm. Shellfishing*

John McDonald

*Comm. Shellfishing*

Brennan Bica

*Comm. Fishing & Dealer*

**Marine Fisheries staff:**

Anna Gerber-Williams



# **SHELLFISH ADVISORY PANEL**

**Virtual public meeting  
Zoom webinar**

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March 24, 2021



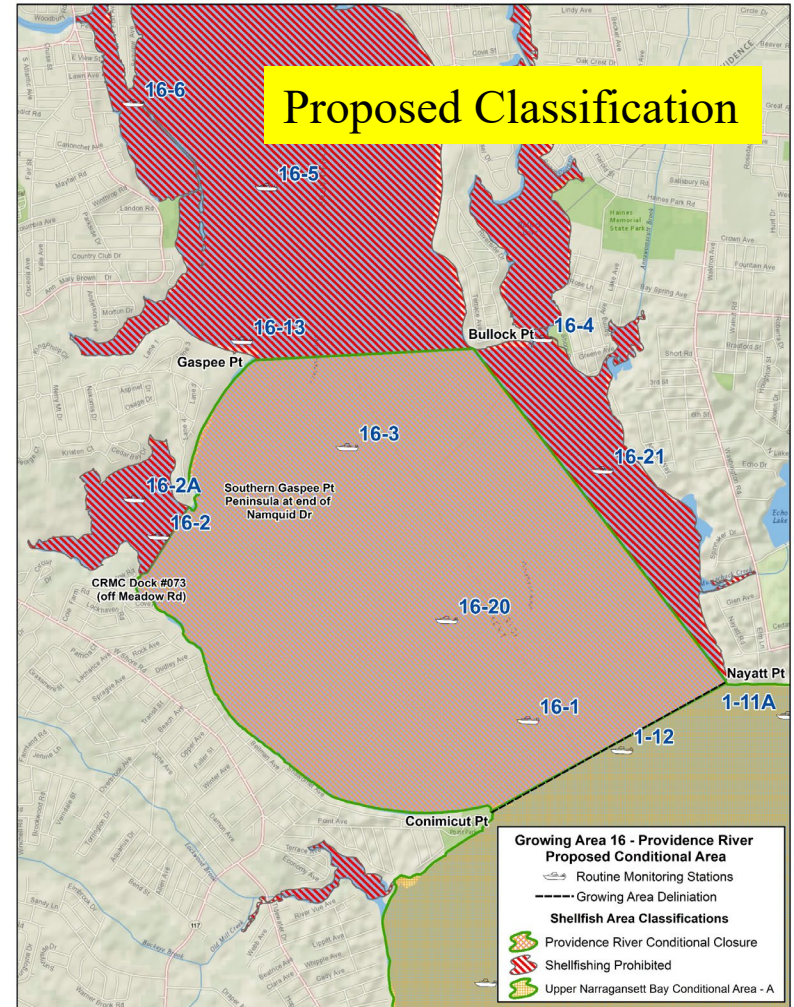
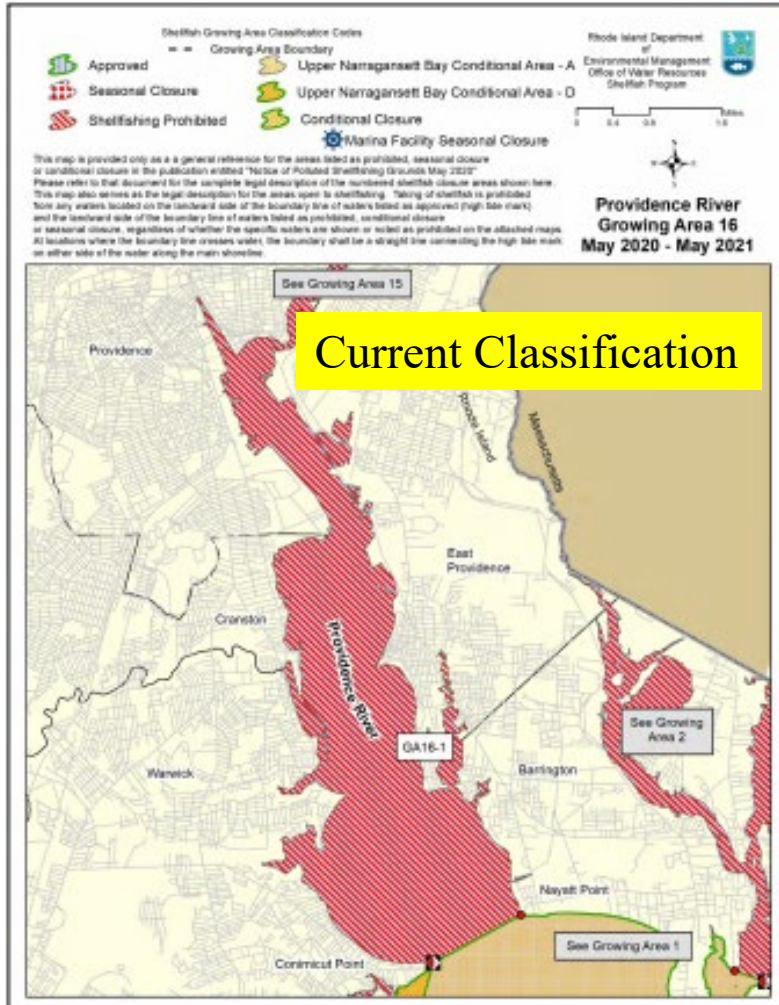


# Virtual Meeting Participation

1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the **Raise Hand** feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

**Please minimize background noise while unmuted! –  
Thank you**

# Providence River Classification and Shellfish Management



# Regulatory Process and Timeline



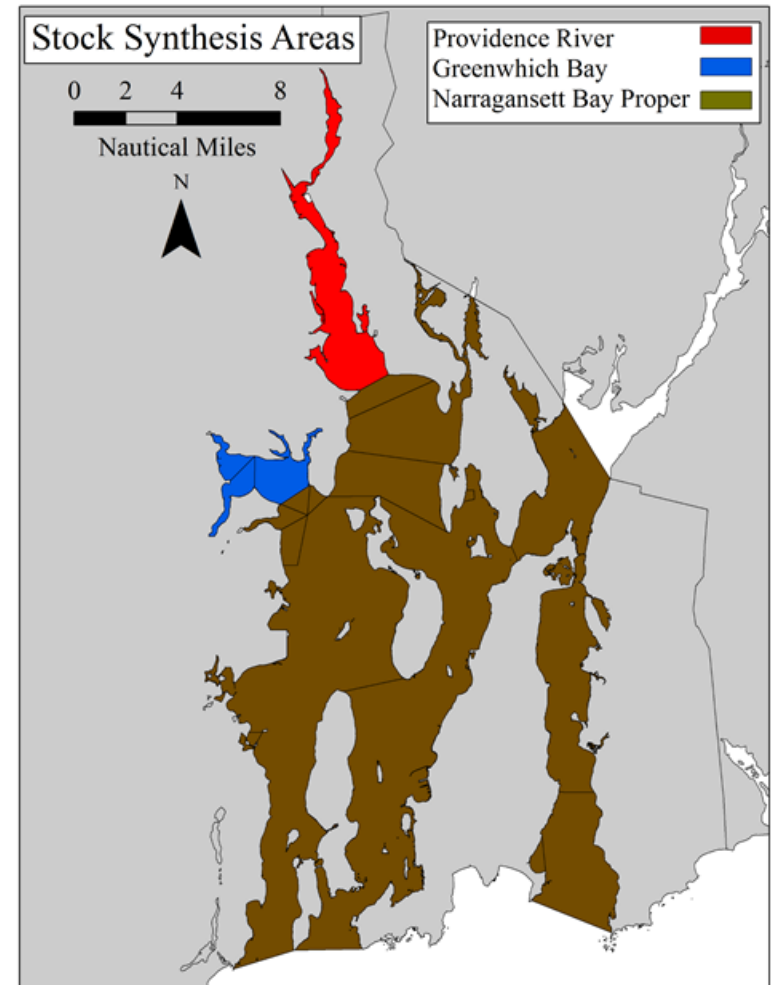
- **April or 14:** SAP
- **May 3:** RI Marine Fisheries Council
- **June 1:** Direct final rule



# 1. Quahog Assessment Model Background

- **Objective:** to assess quahog abundance using a model that accounts for spatial dynamics within the Narragansett Bay population.
- The model incorporates multiple factors:
  - RI DEM dredge survey abundance
  - Commercial landings data
  - Growth and maturity
  - Fecundity
  - Natural mortality
  - Recruitment - connectivity between regions
- Output: estimates of total quahog population, fishing mortality rates, and fits to the input data.

## Spatial areas in the stock assessment model





## 2. Connecting the Stock Assessment Model to Providence River Management



- With total stock size information, we also derive the maximum amount of harvest that can occur without long-term depletion of the stock: Maximum Sustainable Yield (MSY).
- With this number for the Providence River, we can then start to think through what type of harvest schedule or management plan could set for the region. Factors that are important to consider for this include:
  - How many people would on average be fishing the area on an open day?
  - What are typical harvest rates?
  - How many clams on average are in a bushel?
- To get estimates on how many day openings at varying bushel limits could be allowed for the Providence River Shellfish Management Area, we built a simulation tool to assess to account for these factors.

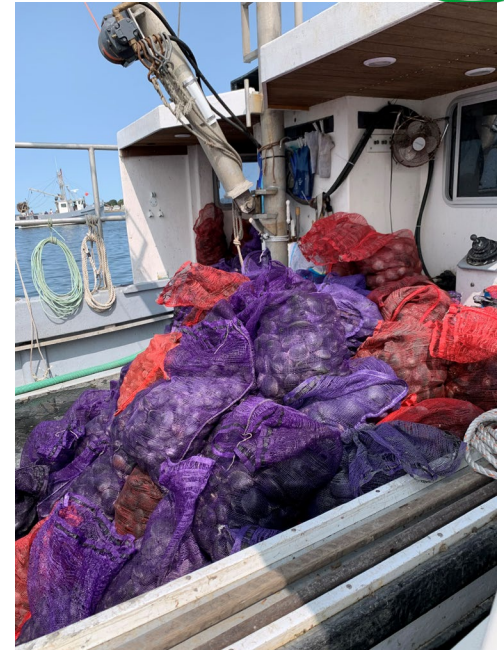
## 2. Quahog Simulation Tool – Providence River Transplant



We were able to use data collected during the Fall 2020 transplant as inputs for the simulation.

### • 2020 Providence River Transplant Summary:

- 58 total participants
- Average of 137 quahogs/ bushel harvest rate
- Average number of bags filled per individual was 18 (ranged from 1 to 40)
- Start and stop times recorded for each individual
- DMF staff counted 52 random transplant bags: Average 163 quahogs/bag



### • Data used in simulation tool:

- \*Harvest rate calculated using num bags filled/time to harvest = 0.3659
- \*Number of bags filled, harvest time and number of individuals to calculate the CPUE
- MSY from the stock assessment model
- Expected number of participants =  $100 \pm 20$  individuals
- PR management area coefficient (0.58)

\*Calculations made with data from the 2020 Providence River transplant



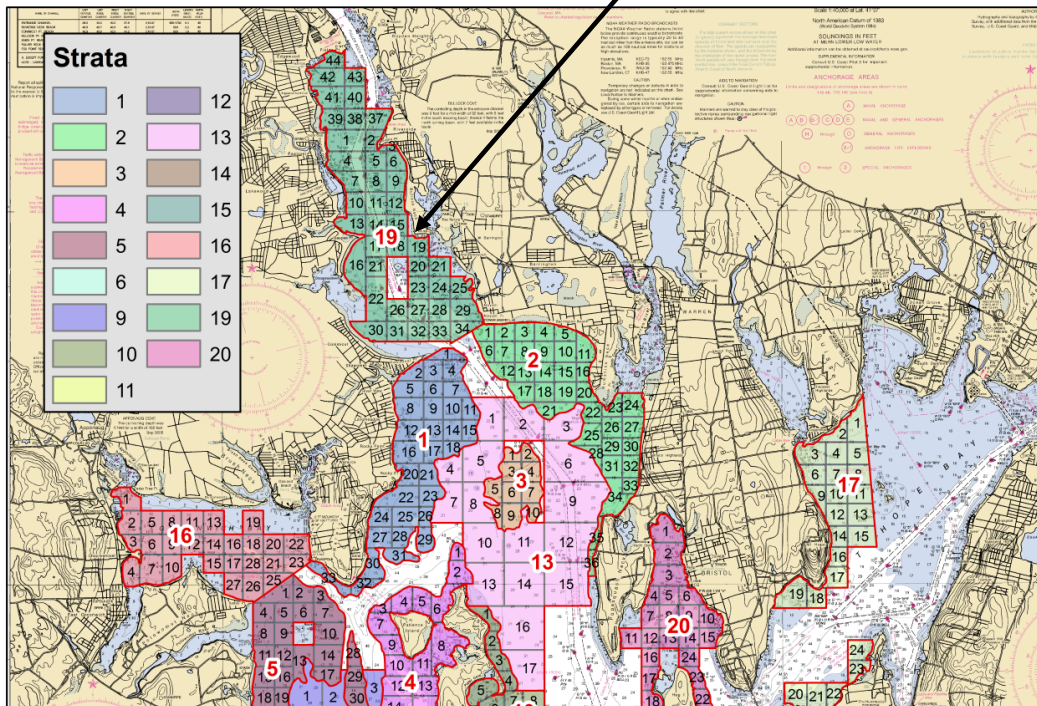


### 3. Quahog Simulation Tool – Providence River Transplant

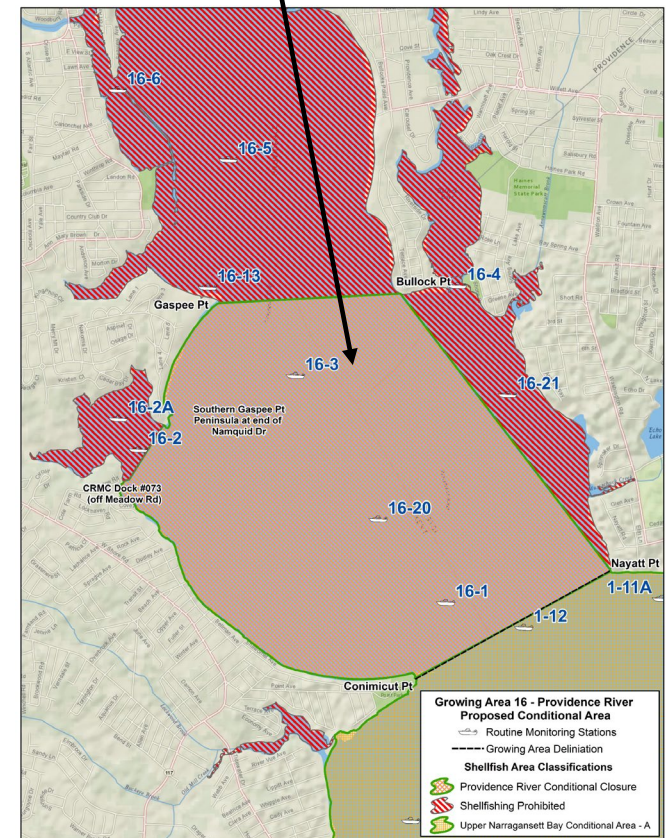
- **Calculating the harvestable area:**

The total MSY needs to be scaled from the entire Providence River sampling area to the size of the smaller SMA proposed for opening (58% of the dredge sampling area).

DMF dredge survey strata



OWR classification map of PR







## 4. Quahog Simulation Tool – Harvest Scenarios

- The assessment model and traditional buffers indicated that for the Providence River, **tentatively, 2 million quahogs** could be harvested from this region annually.
- From the simulator, we then derived that at specified bushel rates/hr, how many hours could be fished in this area:
  - **3 bushels / hr: 57 hrs**
  - **1.5 bushels / hr: 106 hrs**
  - **1 bushels / hr: 157 hrs**
- **We can think about this in terms of opening scenarios as the following:**
  1. **At a 3 bushels/hr limit for a 3-hour opening (thus 9 bushels/day) = 19 days per year**
  1. **At a 1.5 bushels/hr limit for a 3-hour opening (4.5 bushels/day) = 35 days per year**
  2. **At a 1.5 bushels/hr limit for a 6-hour opening (6 bushels/day) = 17 days per year**
  1. **At a 1 bushel/hr limit for a 3-hour opening (3 bushels/day) = 52 days per year**
  2. **At a 1 bushel/hr limit for a 6-hour opening (6 bushels/day)= 26 days per year**



## 5. Providence River Harvest Management Options

### **Law Enforcement considerations:**

- **Manageable time and day of the week that has a 3-bushel possession like other similar management areas.**
  - **Preferably mid-week**
- **Summer opening will create tremendous burden to LE staff**
- **Shore digging is expected to be popular due to ease of access**
  - **Consider tides**



## 6. Providence River Harvest Management Options

### **We are looking for feedback on:**

- **Simulation inputs?**
  - **e.g. does the total harvesters make sense?**
- **Preferences on bushel limits vs. time of day the area is open?**
- **How to spread days out over a year?**
  - **Only summer and fall? Year-round opportunity? Closed during a portion of spawning?**



## 5. Any Other Matters?

# Shellfish Advisory Panel

March 24, 2021; 4:00PM

Virtual public meeting

Zoom webinar

## MEETING SUMMARY

RIMFC members: K. Eagan (Chair)

DEM: A. Gerber-Williams, C. McManus, D. Erkan, E. Schneider, P. Barrett, P. Duhamel, D. Borkman, A. Liberti, T. Angell, J. McNamee, K. Blanchard, T. Angell;

CRMC: B. Goetsch, J Boyd;

SAP members: J. Gardner, M. McGiveney, G. Schey, R. Tellier, E. Troiano, J. McDonald, D. Ghigliotty, B. Bica;

SAP Scientific Advisor: M. Rice;

Public: S. Moreschi;

### 1. **Presentation on the Providence River stock assessment and proposed harvest scenarios:**

*A. Gerber-Williams* presented background on the Providence River quahog assessment model and simulation tool. She discussed which data from the Providence River transplant, performed in September 2020, were used to simulate harvest scenarios for the Providence River. The data allowed for an estimate of harvest rates within the Providence River based upon number of participants, bushels harvested and the number of live quahogs per bushel. A Maximum Sustainable Yield (MSY) was calculated at 2 million clams using the stock assessment model. The MSY was incorporated into the simulation tool to determine the various harvest scenarios on a yearly schedule.

- 3 bushels/hour: 57 hours
- 1.5 bushels/hour: 106 hours
- 1 bushel/hour: 157 hours

*K. Blanchard* asked whether we could defer days that are open if harvest is too much? Some sort of quota management? *C. McManus* we could structure regulations to address that or open for part of the summer as a trial period and another opening in the winter. *M. Rice* the MSY data seems sensitive to growth rates, are they being conservative. *C. McManus* for the MSY we used a Bay Wide growth rate. Although growth is not specific to the river but rather the bay, literature supports that it should not be different within the river. *M. Rice* stated that it would be wise to be conservative of this number. *J. McManus* stated that the model could incorporate different growth rates for the different areas but was not confident in any specific rate for the river. He agreed that *Dr. Rice* is wise in bringing up this point. *G. Schey* stated that the 163 quahogs per bushel isn't correct and

that people will throw out larger quahogs. *M. McManus* we can update the simulation with what is caught versus what is thrown back. We have incorporated what is marketable for the harvest rate. *J. Soares* could you do a two hour opening and take everyone's licenses and then you could look at what they caught and subsample some of the bags for shell. *A. Gerber-Williams* we did random counts of the bags during the Providence River transplant to calculate what that percent of dead shell to harvestable quahogs was and used that number for the harvest rate. *D. Ghigliotty* you can't regulate this like the other fisheries due to all of the variation in harvest. 2 million quahogs is not a lot and doesn't seem accurate. *C. McManus* we are looking to set up a schedule that has resiliency so that you have a set schedule instead of a quota. *G. Schey* suggest MWF at 12 hours a week at 16 bushels, we should do something similar to the Greenwich and Bristol schedules.

2. **Other Matters:**

*T. Angell* provided an overview of a newly funded project with Roger Williams University to collect whelk samples and assess gonad maturity at different size groups on a monthly base. This data will be compared to previous size maturity data. Looking for industry assistance for samples of sublegal sizes.

3. **Adjourn:**

*Prepared by: A. Gerber-Williams*



# Rhode Island Marine Fisheries Council

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

## Meeting Notice

Shellfish Advisory Panel

Wednesday April 14, 2021, 4:30PM

Virtual public meeting - Zoom webinar

## MEETING AGENDA

**Panel Chair:**

Katie Eagan

**Scientific Advisor:**

Michael Rice

**Membership:**

Jeff Gardner

*Aquaculture*

Bob Rheault

*Alternate for J. Gardner*

David Ghigliotti

*Comm. Bullrake*

Mike McGiveney

*Comm. Bullrake*

Gerald Schey

*Comm. Bullrake*

Manuel Sousa

*Comm. Bullrake*

Bob Smith

*Dealer*

Roger Tellier

*Recreational Rod & Reel*

Richard Pastore

*Recreational Rod & Reel*

Edward Troiano

*Recreational Shellfish*

Kenneth Murgo

*Comm. Shellfishing*

John McDonald

*Comm. Shellfishing*

Brennan Bica

*Comm. Fishing & Dealer*

**Marine Fisheries staff:**

Anna Gerber-Williams

Agenda item	Recommended action(s)	ePacket Attachment(s)/links
1. Aquaculture application <a href="#">2021-02-054</a> (Boehringer & Lundgren)	Provide recommendation to the CRMC/Council pursuant to <a href="#">RI Gen. Laws §20-10-5(d)</a>	<ul style="list-style-type: none"> <li>• Application out to public notice</li> <li>• CRMC site assessment map and results</li> <li>• DEM Review letter and map</li> </ul>
2. Update on the status of the Bay SAMP	N/A	N/A
3. Providence River Harvest Schedule	Provide recommendation to the Council	N/A
4. Information on Upcoming State-wide Shellfish Restoration Planning Process	N/A	N/A
5. Update: Quonnie Oyster Restoration	N/A	Materials will be listserved by COB on April 7 <sup>th</sup>
6. Oyster harvest moratorium in Quonnie Pond	Provide recommendation to the Council	Materials will be listserved by COB on April 7 <sup>th</sup>
7. Any other matters	FYI/discussion and/or recommendations for future actions	N/A
8. Adjourn		

To join the webinar, [click here](https://us02web.zoom.us/j/89983032436). Or enter the following into your web browser:  
<https://us02web.zoom.us/j/89983032436>

To join by phone, call: 1-929-205-6099

Meeting ID: 899 8303 2436

Participant ID: Provided once you log onto webinar. If not logging onto webinar, simply wait on the line to be connected on the phone.

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

For more information please contact Anna Gerber-Williams at (401) 423-1930.

\* Aquaculture applications can be found at <http://www.crmc.ri.gov/applicationnotices.html>

Posted to Sec. of State April XX, 2021



State of Rhode Island  
Coastal Resources Management Council  
Oliver H. Stedman Government Center  
4808 Tower Hill Road, Suite 3  
Wakefield, RI 02879-1900

(401) 783-3370  
Fax (401) 783-2069

## PUBLIC NOTICE

File Number: 2021-02-054 Date: February 16, 2021

This office has under consideration the application of:

**Bradley Boehringer & Travis Lundgren  
440 Condon Drive  
South Kingstown, RI 02879**

for a State of Rhode Island Assent to construct and maintain: commercial lease site using floating and submerged gear for oysters & scallops

Project Location:	Sakonnet River North of Sapowet Pt.
City/Town:	Tiverton
Waterway:	Sakonnet River

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 March 16, 2021.



## Cover Letter

### Travis Lundgren & Brad Boehringer

Edited: February 10, 2021

We are very excited about the opportunity to work in Tiverton and create a business which exports seafood all over the United States. Brad Boehringer is the current owner of the Rocky Rhode Oyster farm which operates out of Pt Judith Rhode Island. You can find Rocky Rhodes in many of the local restaurants in the state and he has been well received in places such as Florida and Connecticut. Brad is looking to expand his acreage as the Pt Judith salt pond is at capacity for oyster leases, in order to expand Travis Lundgren is teaming up with Brad to accomplish more goals with farms in Pt Judith and Tiverton. Travis Lundgren has worked in the fishing industry in Galilee for fifteen years in various aspects of the fishing industry. After many different types of fishing and aquaculture experiences, Travis has focused the past seven years on oyster aquaculture managing the growth of 20 million oyster seed every year for multiple farms inside the Pt Judith pond and is now looking forward to growing oysters with his good friend.

There are a couple of different styles of farming that we plan on doing however the style that is most discussed is our use of floating gear. Floating gear for those who may not be entirely familiar, is the use of cages that are attached to floats and tied along a line together fifteen cages at a time. They are extremely advantageous for oyster farming because they bounce in the waves all day long, creating action inside the cages for the oysters to “loosen up” and therefore create extra space and accelerate growth. The innovative feature of the floating gear is that it can be flipped upside down in the water exposing the cage and the oysters to the sun and the air. This helps keep the gear clean which prevents people from needing to power wash gear from all of the bio fouling that occurs throughout the course of a growing season. By keeping the gear clean our farm can require a significantly less amount of time and effort to grow a great product than many standard methods of oyster aquaculture. There are many examples of floating gear in Rhode Island as you can see it from both sides of the Verrazano Bridge between North Kingstown and Jamestown.

We look forward to hearing from other residents and we always look to be a positive influence in our community around us, Brad and Travis both recognize Tiverton, especially that part of Sapowet Point to be one of Rhode Island’s most beautiful and special places and a place worth establishing a business that will last generations. We understand the magnitude of what we are asking and we want everyone who is concerned to understand that we always have an open door for suggestions towards making our public relations more amicable.

# Commercial Aquaculture Lease Application

Written: 2/10/2021

Application requested by Travis Lundgren & Brad Boehringer

1. Travis Lundgren & Brad Boehringer

(401) 489-3702 & (401) 207-0495

Travislundgren630@yahoo.com & Rockyrhodeoysterco@gmail.com

Mailing Address:

440 Congdon Dr

Wakefield, RI 02879

2. CRMC file number for the facility; new applications will be assigned a file number by

CRMC: D2020 – 10 - 068

3. DEM Aquaculture License number (applicable if products are offered for sale): AQUA 106 & DSF 33

4. Type of facility: Commercial lease site using floating gear and submerged gear to raise oysters and scallops.

5. Location of facility (include aerial or chart depicting exact location)(see attached):

☐ Town: Tiverton

☐ Water body: Sakonnet River - Area 5B

☐ Lat/long coordinates of facility:

- NE Corner 41 deg. 35' 23.624" N 71 deg. 12' 46.558" W
- NW Corner 41 deg. 35' 24.569" N 71 deg. 12' 47.957" W
- SE Corner 41 deg. 35' 16.808" N 71 deg. 12' 54.316" W
- SW Corner 41 deg. 35' 17.800" N 71 deg. 12' 55.66804" W
  - Total acreage: 2.96 Acres

6. The species of shellfish to be grown at the facility will be the Eastern Oyster/American Oyster *Crassostrea Virginica*, and the Bay Scallop *Argopectin Iradians*. Through our selection and purchasing of seed we will follow the Biosecurity Board Seed Protocols buying from local farms and registered hatcheries.

7. Gear Descriptions (sketch of cross-section attached):

a. Floating Gear

- Oyster Gro style Cages float on surface of the water in lines anchored with screw-in augers on opposite ends to keep cages in place
- Floating trays (attached same as cages above)
- Boat will pull alongside cages/trays to flip, clean, and weekly harvest the adults.

b. Bottom Gear

- Cages which will hold adult oysters preparing to be sold to market.

8. Description of the methods and equipment used to identify and mark site. We will discuss with the town of Tiverton what method of markings we should utilize to identify site – possibly including an optional solar powered lit high flyer.

9. DEM Shellfish Harvesting Classification: 5B

10. **Description of practices and procedures used during the growth, harvest, storage, transportation, and sale of the cultured species.**

- a. We are planning on growing oysters and scallops.
- b. We will follow the state mandated Vibrio Protocol to eliminate the risk of contamination in compliance with the ISSC.
- c. Our site selection is an approved shell fishing site which will be accessed by boat which will be docked at a marina in Tiverton/Bristol region.
- d. Floating gear will not disturb the natural habitat below, there will be only two anchors placed for every line approx. 10-20 cages. These floating cages/trays can be flipped upside down to expose the shellfish and dry off all bio-fouling. We will be using a gas-powered water pump to wash off the cages periodically as well.
- e. Bottom cages, trays, and bottom planted oysters will be carefully placed down, allowing adequate space and providing ample room for the natural habitat within the grounds of our farm. These oysters will also be cleaned with the gas powered washdown pump periodically.
- f. Oysters and Scallops grown in floating gear will be flipped over in order for the natural sunlight to defoul the gear. We will not sell any final product until it has been resubmerged for seven days. Following the *resubmergence protocol* we will track which oyster lines have been flipped and when they have been flipped, on the farm map that we use for inventory and record keeping.
- g. We intend to harvest weekly throughout the entire calendar year. There will be one vessel, a mid-20-foot length work skiff, in the beginning season. Likely expanding to two similar sized vessels by the start of the second season. Our vessels are equipped with shaded area to hide shellfish from sun exposure during Vibrio Protocol months, and have a

cooler filled with ice on vessel for submerging shellfish immediately upon harvest. We have secured several accounts that will be purchasing consistent quantities of shellfish from us throughout each year. Any sales following this account are intended to be local.

- h. We have planned to buy seed from local farms in southern Rhode Island. All reporting and record keeping requirements upheld by the CRMC, DEM, DOHM, and NMFS will be met.

**11. Procedures for maintaining records: for operations using seed acquired from out-of-state: description of notification, disease certification, and labeling/tagging procedures:**

All out of state seed purchases will come with a clean pathology report. All sales of seed will again have a clean pathology report to accompany the seed. All seed will be recorded and tracked in a notebook, including the total number of seed sold, the price sold, and the date in which a clean pathology report was acquired.

**12. Procedures for maintaining records: for upwellers/seed-growing facilities in prohibited waters: description of procedures, including frequency of grading (with particular reference to requirements that seed must be removed before it exceeds maximum "seed" size threshold, i.e., <32 mm for oysters, <25 mm for quahogs):**

This is not applicable because we will not be operating any upwellers or seed-growing facilities at this site.

**13. Procedures for maintaining records: for operations using seed from prohibited waters, or operations using shellfish obtained from a third party that originated as seed from prohibited waters:**

Detailed description of demarcation methods and record-keeping practices used at the lease site to ensure that animals have been cultured at least twelve (12) months in approved waters, prior to sale, including:

- a. We will begin all record keeping when we acquire seed and bring to our lease site. This will include parameters indicating the date, the source, the average size, and the quantity of seed.
- b. Once the seed has been carefully documented and arrived on lease, we will follow it throughout the stages of its life on our site with careful attention. We will have all cages numbered and identified on waterproof maps these maps will be updated and reprinted for daily use on the lease.

**Description of the process for notifying the third party that (a) seed came from prohibited**

**waters, (b) the date of that transfer, and (c) the remaining time needed to maintain the animals in approved waters prior to sale.** We will have all documents showing origin of seed and date of arrival on our lease. If the seed came from unapproved waters for shellfish cultivation we will have that documented on our charts/maps and will be evident as to when the shellfish has been in our approved waters for 12+ months.

In Response to Section 300.1:

1. *Demonstrate the need for the proposed activity or alteration:*
  - a. Travis Lundgren has worked and been a part of the oyster industry for almost a decade. Floating cages are an effective and efficient way of growing market sized oysters and Lundgren is prepared to utilize the full acreage in the application and create a business. Brad Boehringer runs Rocky Rhode Oyster Co. and is looking for more space to continue his operation's grow out since his current site in Point Judith Pond has recently been deemed a "conditional" harvest area which has negatively impacted his business' success.
2. *Demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, all safety codes, and all environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of project in Section 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 purpose of section, is the building official;*
  - a. There are no local ordinances that pertain to nor approvals required for the architecture and environmental placement of our farm.
  - b. We are approximately 400+ft from the coastline.
3. *Describe the boundaries of the coastal waters and land area that are anticipated to be affected:*
  - a. No boundaries of the coastal waters and land area are anticipated to be affected. We have situated our application's perimeter both 200+ feet from the nearest shoreline and 200+ feet from the rock jetty east of the site. Both allotted spaces allowing ease of access for all water going vessels.
  - b. We are at least 750ft. from the nearest residential property.
4. *Demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition process along the shore and in tidal waters:*
  - a. Aquaculture, especially our methods, is not known to directly impact erosion or deposition of subaqueous soil.
5. *Demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life:*

- a. Our farm's architecture will result in an increase in both plant and animal life diversity. There is minimal to no existing plant life in the area so we are not concerned with encroaching on any submerged aquatic vegetation (SAV).
  - b. Under recommendation from the DFW we will not use mechanical roosting deterrents on our cages, no scarecrows or metal objects.
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:*
  - a. Public access through our farm will be impaired by floating cages. All normal sized watercraft will be easily able to navigate around our clearly marked lease. The small size of the lease relative to the immense acreage of water in the surrounding area will allow ample space for recreational uses such as waterskiing, sailing, fishing, etc...
7. *Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:*
  - a. Maneuvering through the farm by boat will slightly increase turbidity, however the sedimentation will be minor.
8. *Demonstrate that there will be no significant deterioration in quality of waters in the immediate vicinity as defined by the DEM:*
  - a. Our farm's raising of shellfish should only improve the water quality.
9. *Demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance:*
  - a. We have found no archaeological or historical significance with our proposed 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:*
  - a. Our farm's site will consist of a small relative acreage in comparison to the surrounding area, activities can still happen with ease around the outside boundaries of the farm. We have provided space between us and the recreational shell-fishing area along the coastline permitting shellfishermen and whelk harvesters ample room to continue any preexisting activity.
  - b. We are at least 200 ft. from the nearest mooring field.
11. *Demonstrate that measures have been taken to minimize any adverse scenic impact:*
  - a. We will have CRMC mandated buoys with solar lights marking our site corners closest to channel, oysters & scallops that are in floating cages/trays will be tied together in tight neat lines. Oysters & scallops grown in bottom cages/trays will have a 12-16" lobster pot buoy marking the specific trawl of cages. Oysters that are bottom cultured will not have any gear required.
  - b. Our floating trays will have a float with an average height of 4" above the still water elevation. Our floating cages will have a float with an average height of 14" above still water elevation – which is the standard size float for the most

commonly used cages in the shellfish growing industry, previously permitted through the coastal ponds and west passage of the Narragansett Bay. At the beginning and end of each line of floating cages there will be a lobster pot styled buoy of 12-16" in length.

# Boehringer and Lundgren 2020-10-068

2.96 ACRES

71° 12' 47.95787"W  
41° 35' 24.56959"N





71° 12' 55.66804"W  
41° 35' 17.80016"N

71° 12' 46.558"W  
41° 35' 23.624"N

71° 12' 54.316"W  
41° 35' 16.808"N

## Legend





### Aquaculture Sites

-  Approved
-  PD App
-  PN App
-  Proposed



### Submerged Aquatic Vegetation

#### Year

-  2006
-  2009
-  2012
-  2016



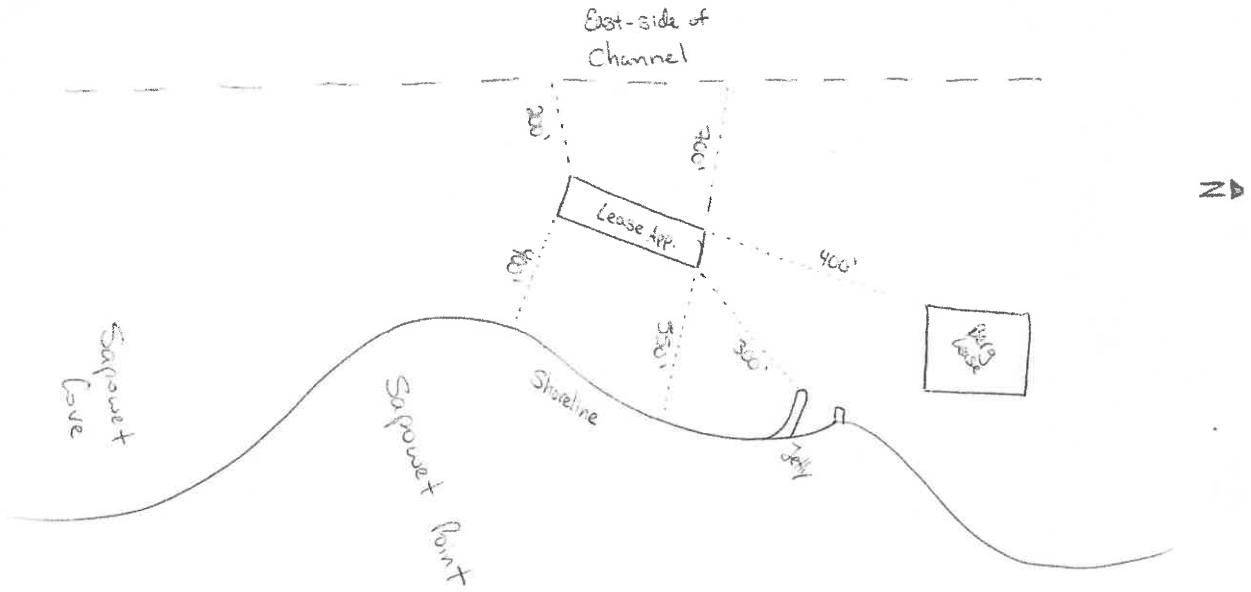
0 325 650 Feet

Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet  
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Lease Notable Distances  
in Area  
Boehringer - Lundgren App  
dated: 2/4/21



# Boehringer and Lundgren

## 2020-10-068

**DISTANCE FROM SITE**

Coastline → SE Corner = 400'  
 → NE Corner = 550'

Jetty → NE Corner = 300'





Berg Lease → NW Corner = 400'

Channel → NW Corner = 700'  
 → SW Corner = 200'

2.96 ACRES

**Legend**

**Aquaculture Sites**

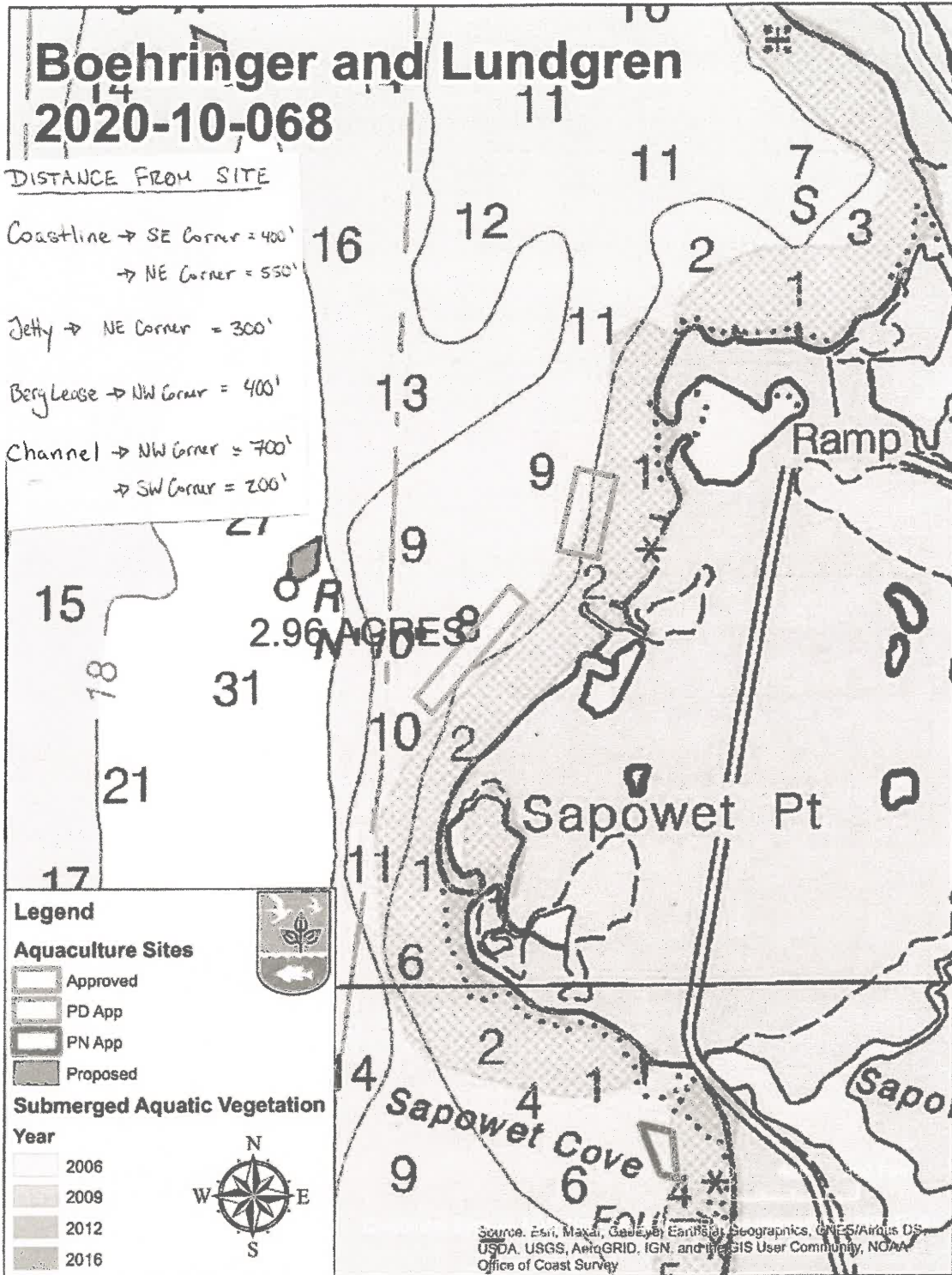
-  Approved
-  PD App
-  PN App
-  Proposed

**Submerged Aquatic Vegetation**

- Year**
-  2006
  -  2009
  -  2012
  -  2016



Source: Esri, Maxar, GeoEye, Earthstar, GeoGraphics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, NOAA Office of Coast Survey







South



North



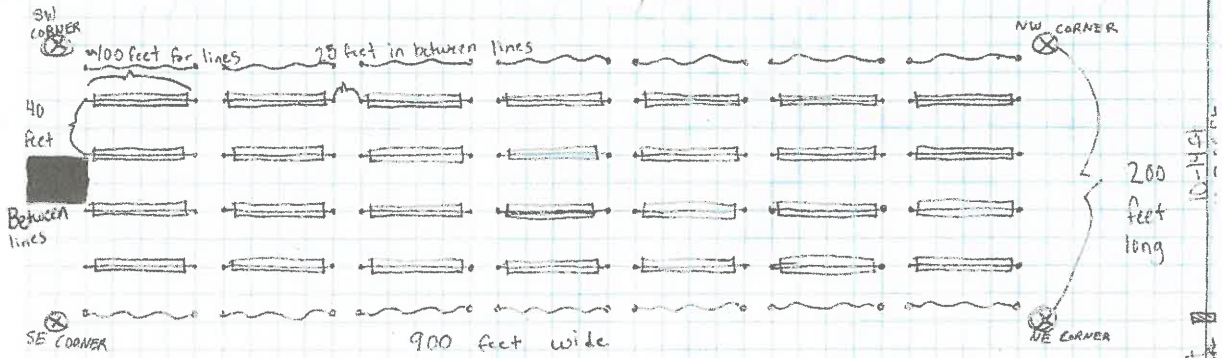


West







EAST

EACH HORIZONTAL Square = 25 ft of distance    EACH Vertical Square length = 20 ft of distance    EACH  = line of 15 cages



**KEY**

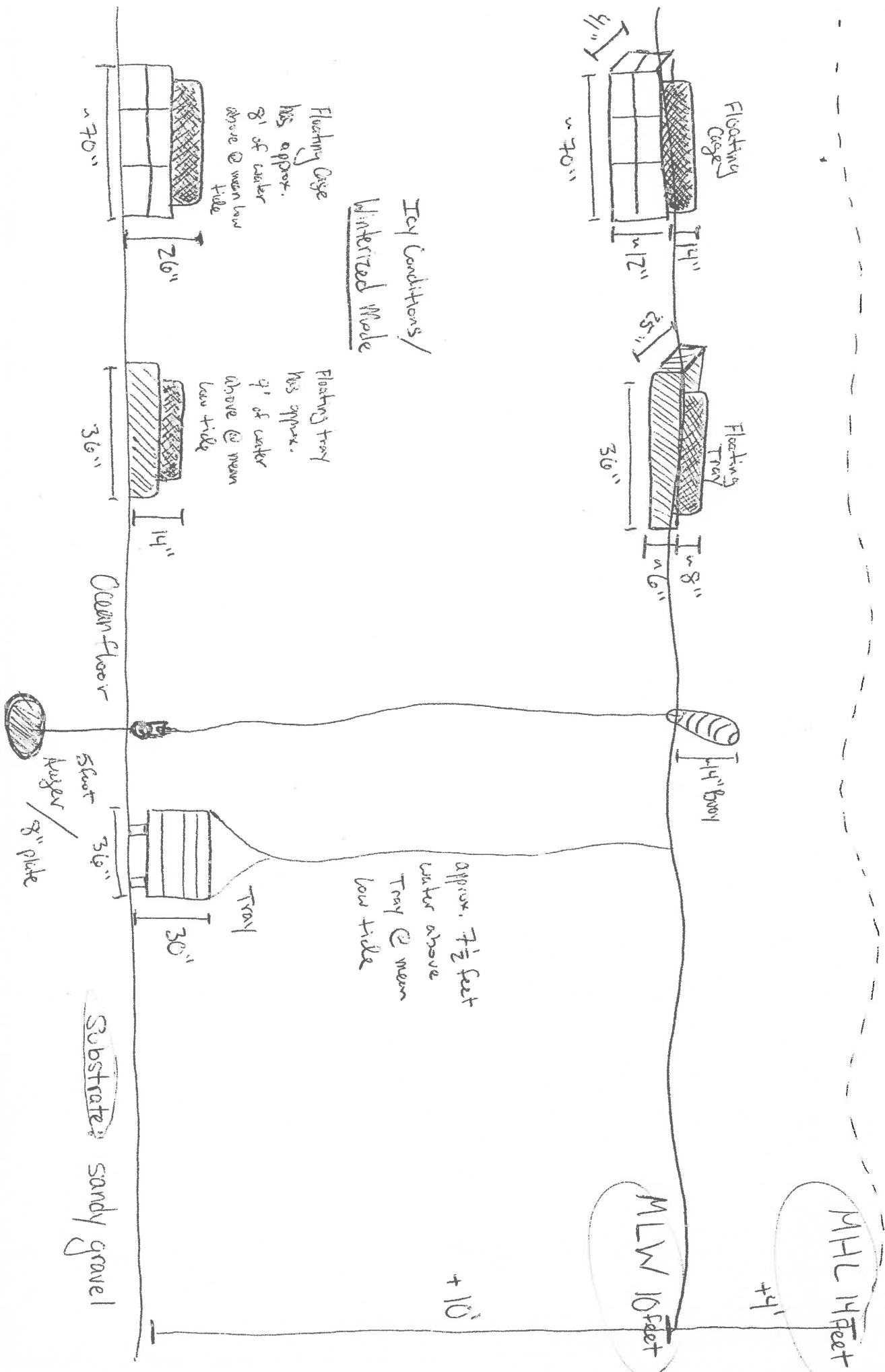
-  - Corner marker - 4x
-  - Auger / buoy combo - 84x
-  - Floating cage/tray lines - 28x
  - ↳ 15 cages
  - ↳ 40 Trays } per line
-  - cage trawl submerged - 14x
  - ↳ 20 cages/trawl

Total Buoys = 168  
 Corner Markers = 4  
 Total Horizontal Lines = 42  
 Total Vertical Lines = ~~12~~ 88

↑  
 10-4 ft  
 6-8 ft  
 2-6 ft

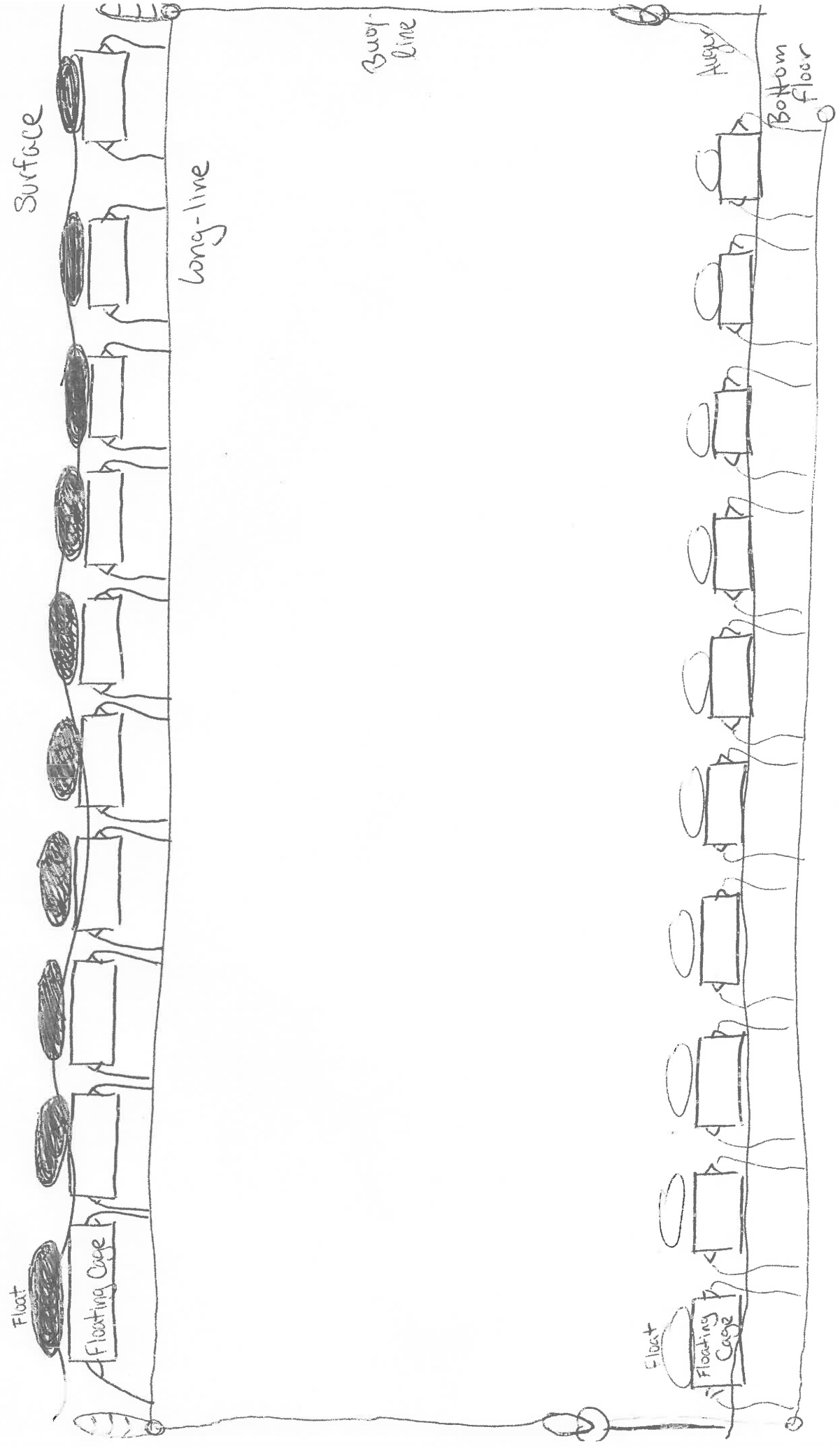
SHORELINE

Longren & Beahring  
 Cross-Section View Plan  
 dated: 11/5/20



Cross-section (Expanded)  
Boehringer - Madison  
edited: 2/4/21

Floating Perspective  
vs.  
Sunken Perspective











**Shellfish Survey for new aquaculture site, CRMC File# 2021-02-054**

Applicant: Brad Boehringer and Travis Lundgren

Date completed: 12/3/2020

Location: Sakonnet River, north of Sapowet Point off the shore of Tiverton

Investigator: Ben Goetsch, Aquaculture Coordinator

Dan Goulet, Captain of the R/V Jack Reed

Gear used: 14 ft Tongs (12 teeth on each head)

Sampling method: Grab samples, 4/station = 1 square meter

Substrate: Mud/rocks

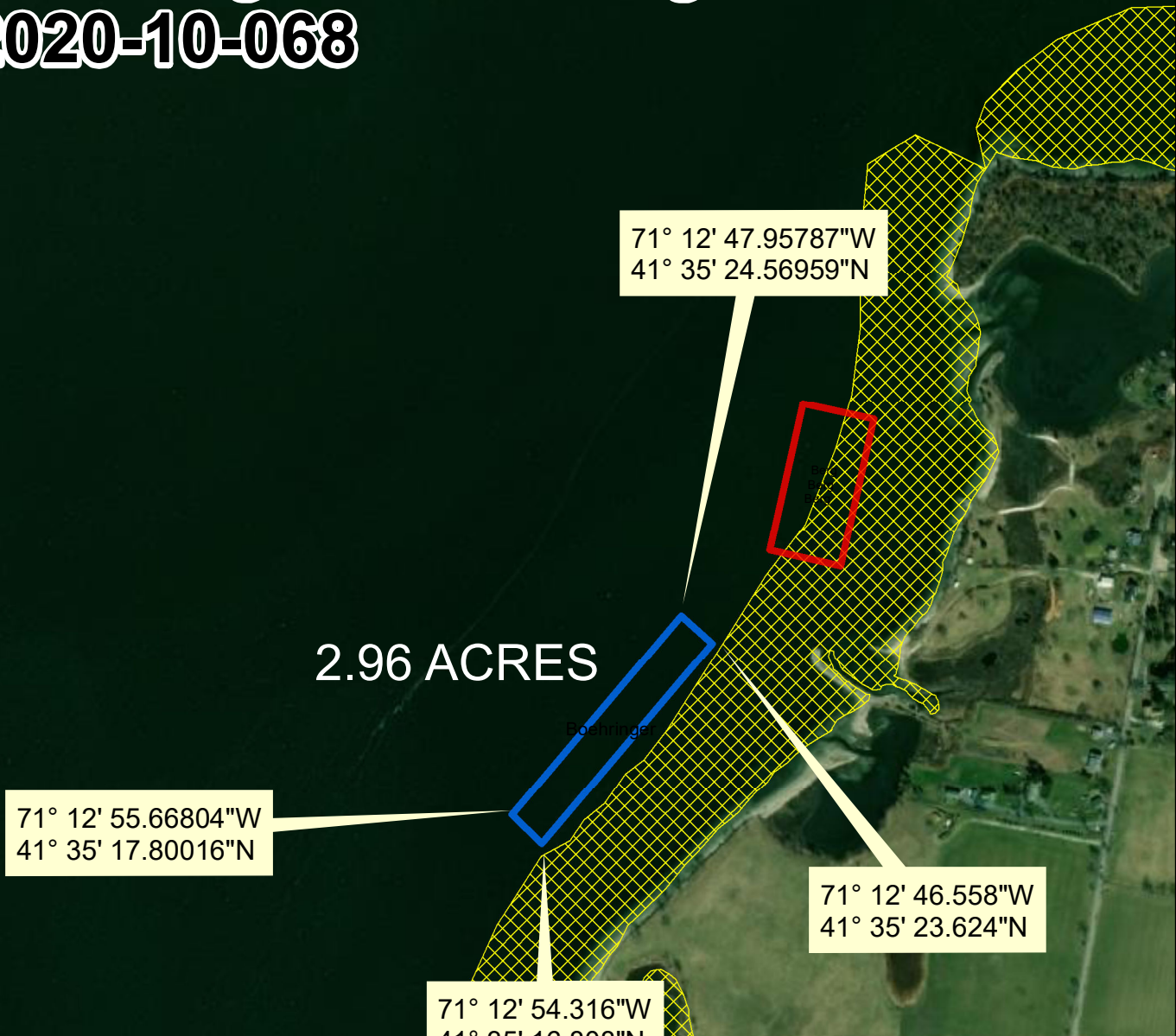
Tidal stage: low/outgoing, wind against tide

Vegetation and other invertebrates observed: some crepidula, red algae, 1 small whelk

Observations: Only one quahog (cherry) found over 12 sq meters (48 pulls of the tongs), many empty slipper shells, one old empty quahog shell, and one very small whelk. Lots of small rocks and a shelly black mud bottom.

Results: 0.08 quahogs per square meter

# Boehringer and Lundgren 2020-10-068



## Legend





### Aquaculture Sites

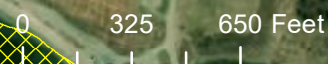
-  Approved
-  PD App
-  PN App
-  Proposed



### Submerged Aquatic Vegetation

#### Year

-  2006
-  2009
-  2012
-  2016



Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE**  
3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

March 16, 2021

Benjamin Goetsch  
Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: Boehringer and Lundgren 2021-02-054

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by Bradley Boehringer and Travis Lundgren for a 2.96-acre aquaculture lease at Sapowet Point in the Sakonnet River, Tiverton, for cultivating eastern oysters (*Crassostrea virginica*) and Bay scallops (*Argopectin irradians*). The site will use both floating (Oyster Gro style cages and floating trays) and submerged gear.

While DFW does not find the proposed facility poses a significant risk to migratory birds, DFW does want the lease holder to be aware that the nearby Sapowet Marsh is an Important Bird Area of global priority (Rhode Island 2016). Greater Scaup can be found in large concentrations along the coves of the Sakonnet River. Scaup are listed as species of high conservation concern within the New England/Mid-Atlantic Coast Bird Conservation Region (Mckinney et al. 2015, Steinkamp 2005). The abundance of Scaup in the bay is lower now than reports of 20,000 birds in the mid-1900s and this trend is reflective of the declines in the North American Breeding population (Afton and Anderson 2001, Mckinney et al. 2015). Greater Scaup frequently feed on invertebrates such as mollusks, insects and crustaceans and as such, the aquaculture production may frequently face depredation from these or similar species (Price & Nickum 1995, Varennes et al. 2013). Various species of wading birds, gulls, and terns may also be attracted to the floating cages both as foraging and roosting opportunities (Callier et al. 2018). DFW encourages the applicant to explore floating gear designs that deter roosting (see Comeau et al. 2009). DFW will not support moving deterrents, scarecrows, etc. as they will also displace non-target species from the lease and surrounding area. Lethal removal of depredating birds requires authorization from DFW and may not be supported. Additionally, installation of exclusion devices or deterrents will be considered

lease modifications and will need to be approved, as some versions are known to have lethal implications for diving ducks (Varenes et al. 2013).

Given the lack of existing data, the DFW believes the adverse impacts to marine birds would be minimal and as such, the DFW does not have objections to this application.

The DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,

A handwritten signature in black ink that reads "Jason E. McNamee". The signature is written in a cursive style with a large initial "J" and "M".

Jason McNamee,  
Deputy Director, Bureau of Natural Resources



## References

Afton, A.D., and M.G. Anderson. 2001. Declining scaup populations: A retrospective analysis of long-term population and harvest-survey data. *Journal of Wildlife Management* 65:781-796.

Callier MD, Byron CJ, Bengtson DA, Cranford PJ, Cross SF, Focken U, Jansen HM, Kamermans P, Kiessling A, Landry T, O'Beirn F, Petersson E, Rheault RB, Strand Ø, Sundell K, Svåsand T, Wikfors GH, McKindsey CW (2018) Attraction and repulsion of mobile wild organisms to finfish and shellfish aquaculture: a review. *Rev Aquac* 10:924–949.

Comeau LA, St-Onge P, Pernet F, Lanteigne L (2009) Deterring coastal birds from roosting on oyster culture gear in eastern New Brunswick, Canada. *Aquac Eng* 40:87–94.

Price IM, Nickum JG (1995) Aquaculture and Birds: The Context for Controversy. *Colon Waterbirds* 18:33–45.

Rhode Island. 2016. Audubon. <https://www.audubon.org/important-bird-areas/state/rhode-island>, accessed, 2 March 2020.

Steinkamp, M. 2005. New England/mid-Atlantic coast bird conservation region (BCR 30) implementation plan. Atlantic Coast Joint Venture, US Fish and Wildlife Service, Laurel, MD. 251 pp.

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# **SHELLFISH ADVISORY PANEL**

**Virtual public meeting  
Zoom webinar**

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April 17, 2021





# AGENDA

1. Aquaculture application 2021-02-054 (Boehringer & Lundgren).
2. Update on the status of the Bay SAMP.
3. Providence River Harvest Schedule
4. Information on Upcoming State-wide Shellfish Restoration Planning Process.
5. Update: Quonnie Oyster Restoration.
6. Oyster harvest moratorium in Quonnie Pond.
7. Any Other Matters
8. Adjourn



# Virtual Meeting Participation

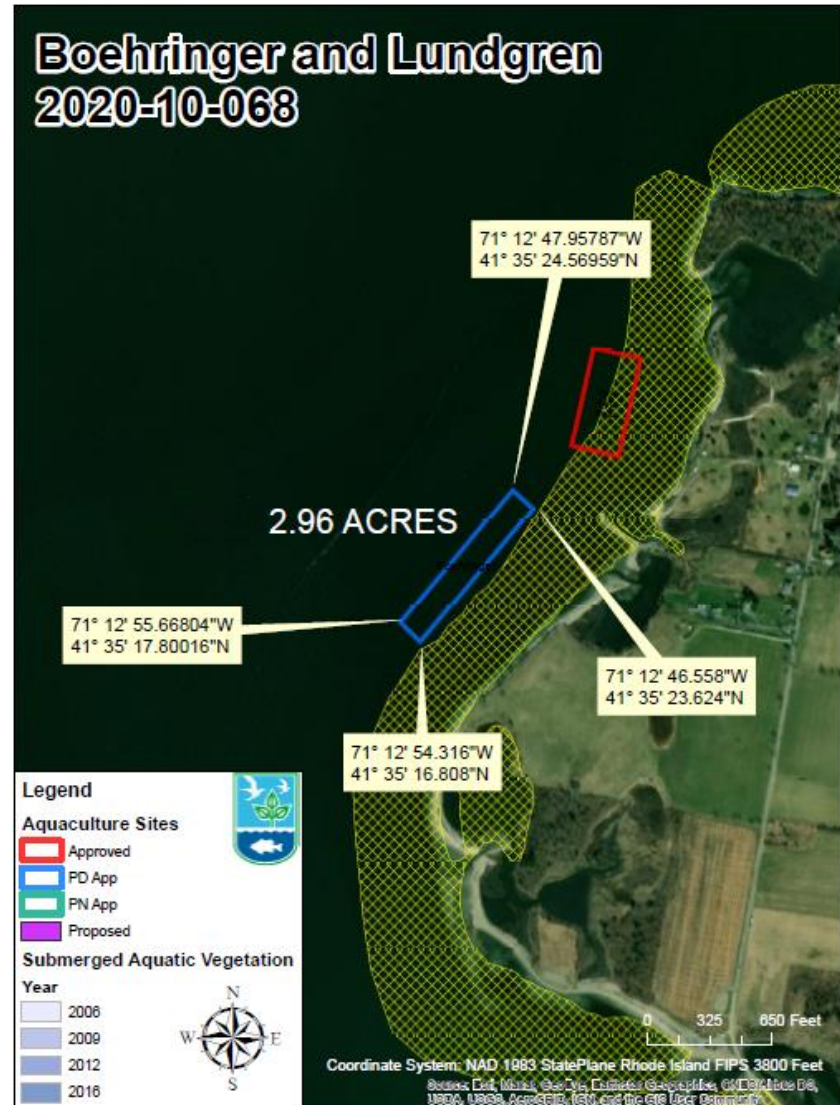
1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the **Raise Hand** feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

**Please minimize background noise while unmuted! –  
Thank you**

# 1. 2021-02-054 Boehringer & Lundgren, Sakonnet River



- 2.96 acre lease for floating and submerged gear to grow oysters and bay scallops.
- CRMC site assessment found mostly small rock and a shelly black mud bottom with 0.8 quahogs/m<sup>2</sup>.
- No objections from DEM





## 2. Update on the Status of the Bay SAMP

# 3. Providence River Harvest Schedule



## Proposed harvest scenarios:

1. Open MWF from 8AM-12PM (4 hours) at **6 bushels** a day for a total of 26 days – start/end dates to be determined
2. Open 2-3 days/week from 8AM-12PM (4 hours) at either a 4 bushel limit (39 days per year) or a **6 bushel** limit (26 days per year) – start/end dates to be determined
3. RISA proposal - open 3 hours a day from 7AM-10AM at a **6 bushel** limit during the following days (38 days total – this is over the limit, should be **27 days**):
  - May 26, 28
  - June 2, 4, 7, 9, 11, 14, 16, 25, 28, 30
  - July 2, 6, 7, 9, 12, 14, 16, 19, 21, 23, 26, 28, 30
  - August 2, 4, 6, 9, 11, 13, 16, 18, 20, 23, 25, 27, 30
  - September 1, 3, closed to be evaluated for future scheduling
4. Open 2 days a week through Labor Day from 8AM-12PM (4 hours) at **6 bushels** a day. After Labor Day 1 day per week from 8AM-12PM (4 hours) at 6 bushels per day until the quota is reached (2 million clams)
5. **6 bushels** per day limit with a 4 hour opening – no preference on the number of days per week. SAFIS tracking used to decide when to close.
6. Open MWF for 3 hours per day with a **6 bushel** limit until Labor Day (27 days per year). No SAFIS tracking but survey to see what impact the opening has had.



# 3. Providence River Harvest Schedule



<b>Number of Hours open for harvest</b>	<b>Bushel rate used</b>	<b>Total number of bushels/day – Possession Limit</b>	<b>Total number of days open for harvest per year</b>
3 hours	3 bushels/hour	9 bushels/day	19 days per year
3 hours	1.5 bushels/hour	4.5 bushels/day	35 days per year
3 hours	1 bushel/hour	3 bushels/day	52 days per year
4 hours	3 bushels/hour	12 bushels/day	14 days per year
4 hours	1.5 bushels/hour	6 bushels/day	26 days per year
4 hours	1 bushel/hour	4 bushels/day	39 days per year
6 hours	1.5 bushels/hour	6 bushels/day	17 days per year
6 hours	1 bushel/hour	6 bushels/day	26 days per year
3 hours	2 bushels/hour	6 bushels/day	27 days per year
4 hours	2 bushels/hour	6 bushels/day	20 days per year
6 hours	2 bushels/hour	6 bushels/day	13 days per year

# 3. Providence River Harvest Schedule



April						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
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May						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
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June						
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July						
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August						
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September						
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October						
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31						
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November						
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28	29	30				
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December						
Su	Mo	Tu	We	Th	Fr	Sa
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**Shellfish Advisory Panel**  
**Wednesday April 14, 2021, 4:30PM**  
Virtual public meeting  
Zoom webinar

**Meeting Materials for Agenda Item Numbers 4-6**

4. Information on Upcoming State-wide Shellfish Restoration Planning Process
5. Update: Quonochontaug Pond Oyster Restoration
6. Oyster harvest moratorium in Quonochontaug Pond
  - **SAP Voting Item**



# **Information on Upcoming State-wide Shellfish Restoration Planning Process**

**Shellfish Advisory Panel  
April 15, 2021**

**Prepared by: Eric Schneider and Pat Barrett, RI DMF**

# Information on Upcoming State-wide Shellfish Restoration Planning Process



- The following slides provide a brief overview of upcoming work lead by RI DEM DMF to develop a State-wide Shellfish Restoration and Enhancement Plan for Rhode Island.
- Note that funding and specific approaches for some aspects are still being solidified, while others have been funded and are in progress.
- For more information please contact Eric Schneider, RI DMF



# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Focus Species of Interest:

- Oyster is the focus species for the initial restoration planning
- During the process, stakeholder feedback for all shellfish species will be captured allowing expansion to other species, based on interest and funding

Initial Focus Species  
Eastern Oyster  
(*Crassostrea virginica*)



Potential Future Species:





# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Project Need:

- Restoration and enhancement projects that include a robust planning and design process, which consider biological aspects, stakeholder input, and social factors increase the likelihood of maximizing the ecological and societal benefits (Ban et al. 2013).
- The RI Shellfish Initiative, RI Shellfish Restoration Working Group, RI Shellfish Management Plan and RI DEM DMF have all identified the need for a cohesive, overarching plan for shellfish restoration and enhancement activities.



# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Goal:

- Implement a restoration planning process that considers both **social** (i.e., stakeholder values and knowledge) and **ecological** information to develop a plan to restore and enhance wild oyster populations and habitats in Rhode Island, focused on maximizing social and ecological benefits, while minimizing user conflicts.

## Approach: *Still being finalized...*

- RI DMF is initiating a process that leverages expertise, resources, and partnerships to collect stakeholder input and current ecological information in the development of a state-wide Shellfish Restoration and Enhancement Plan (SREP).
- Will utilize a social-ecological system (SES) framework (*in development*) to collect and synthesize social, ecological, and management information.



# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Approach cont'd:

- Social Aspects
  - In progress of seeking and securing funding (expected to begin late 2021 or early 2022)
  - Planning to use multiple approaches (TBD), which may include a series of meetings, webinars, workshops, or surveys to collect social, ecological, and management information to develop spatially-explicit restoration goals and targets, and identify potential sites across RI waters.
- Ecological Aspects
  - DMF has been awarded a SNEP Grant to collect the biological information needed to develop a habitat suitability index model for oysters in Rhode Island
  - Next few slides will focus on this work



### Enhancing Rhode Island's estuaries through oyster habitat conservation and restoration planning



Div. of Marine Fisheries: Eric Schneider (PI), Patrick Barrett, & Dr. Conor McManus



Northeastern University, Dept. of Marine and Environmental Science: Dr. Jon Grabowski & Dr. Randall Hughes



Rhode Island Chapter of TNC: William Helt, Heather Kinney, & John O'Brien



# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Ecological Aspects

Problem: Oyster reef habitat in the SNEP area is <1% of historic abundance, reducing ecosystem services.

## Need:

- To restore oyster populations a robust, state-wide Shellfish Restoration and Enhancement Plan is needed.
- A key component is a comprehensive assessment of past restoration efforts and baseline information on wild oyster populations.



Oyster shell piles Providence 1911 (from 1912 Annual Report of the RI Shellfisheries Commissioners)





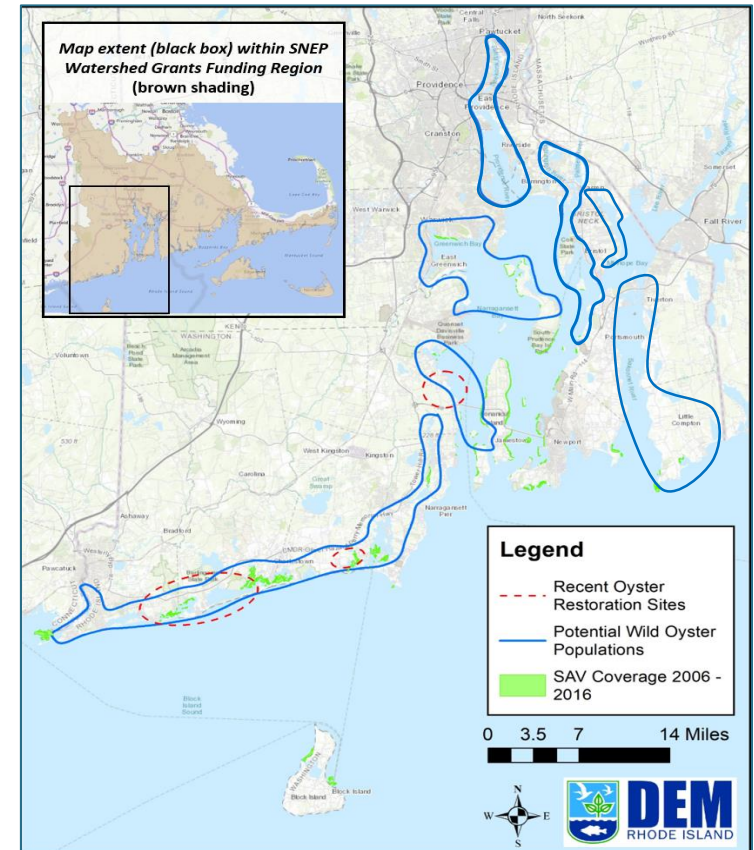
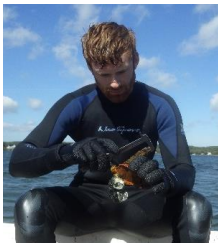
# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Ecological Aspects

### Approach:

- Using current data and new survey data collected by our team, we will assess the spatial extent, habitat properties, and environmental characteristics of existing restored and natural oyster reefs in the South Shore Coastal Ponds, Narragansett Bay, and Sakonnet River.



Field work will focus on existing oyster reef restoration sites and areas with potential natural (wild) oyster populations.

# Information on Upcoming State-wide Shellfish Restoration Planning Process



## Ecological Aspects

### Results:

- Guide ongoing oyster restoration work and management
- Develop an oyster reef habitat suitability model
- Be incorporated directly into the RI Statewide Shellfish Restoration and Enhancement Plan



Photo credit: Shellfish RI



Image: Alabama Draft Restoration Plan III Meeting Oct 2019



# Information on Upcoming State-wide Shellfish Restoration Planning Process Current Partners and Funding Sources



THE RHODE ISLAND  
Shellfish Initiative

Rhode Island  
Shellfish Restoration  
Working Group

We expect additional future collaborators ...



# **Quonochontaug Pond Oyster Restoration Update**

**Shellfish Advisory Panel  
April 15, 2021**

**Prepared by: Eric Schneider and Pat Barrett, RI DMF**

# Quonochontaug Pond Oyster Restoration



## Quonochontaug Shellfish Management Area

### Background

- **2007-2008**
  - DMF conducted surveys in Quonnie found no wild oyster populations
  - Recommended pond-wide closure and restoration be initiated
- **Sept 2010** – 3-year moratorium initiated to support restoration work
- **2009-2011**
  - Restoration: Cultch and Seed on Shell deployed
- **Sept 2013** – resource deemed not recovered. Moratorium extended for 3 yrs
- **2015**
  - Conducted monitoring of all prev. work and searched for recruitment
  - Provided restoration guidance (Helt and Schneider 2016)
- **April 2016** - resource deemed not recovered. Moratorium extended for 5 yrs
- **2016 – present**
  - Restarted restoration work, continuing through at least 2024
  - Work since 2016 monitored annually, with improved techniques

Recall that “Sunset dates” are **not** rebuilding timelines.

These ensure update to SAP & RIMFC for management discussion.

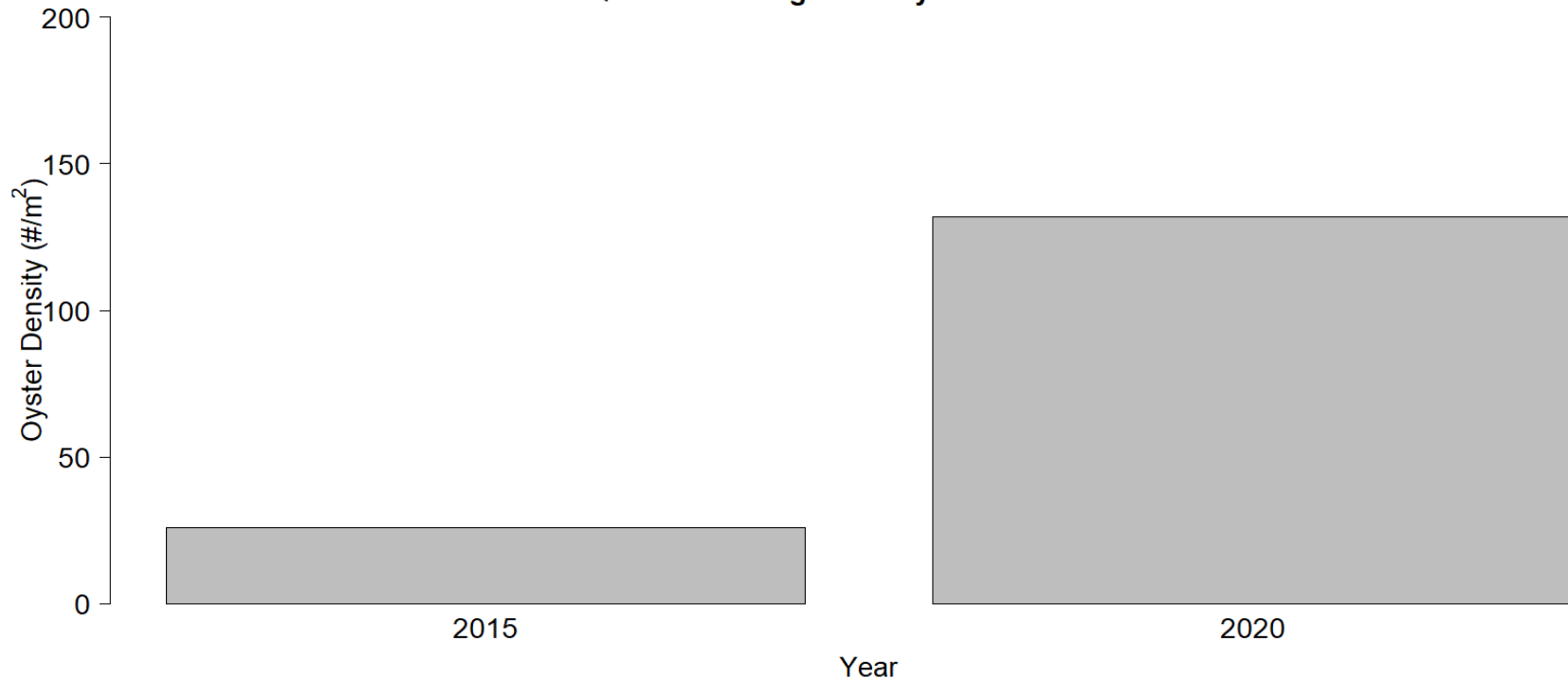
# Quonochontaug Pond Oyster Restoration



## Monitoring Results:

- In 2015, oyster densities on former restoration reefs were low:
  - ~26 ind./m<sup>2</sup> (Helt and Schneider 2016).
- Since 2016, 20 oyster reefs have been created, with 12 more reefs by 2024.
- Monitoring conducted this past fall on reefs in Quonnie showed oyster densities were 5 times higher than in 2015.

Quonochontaug Pond Oyster Restoration

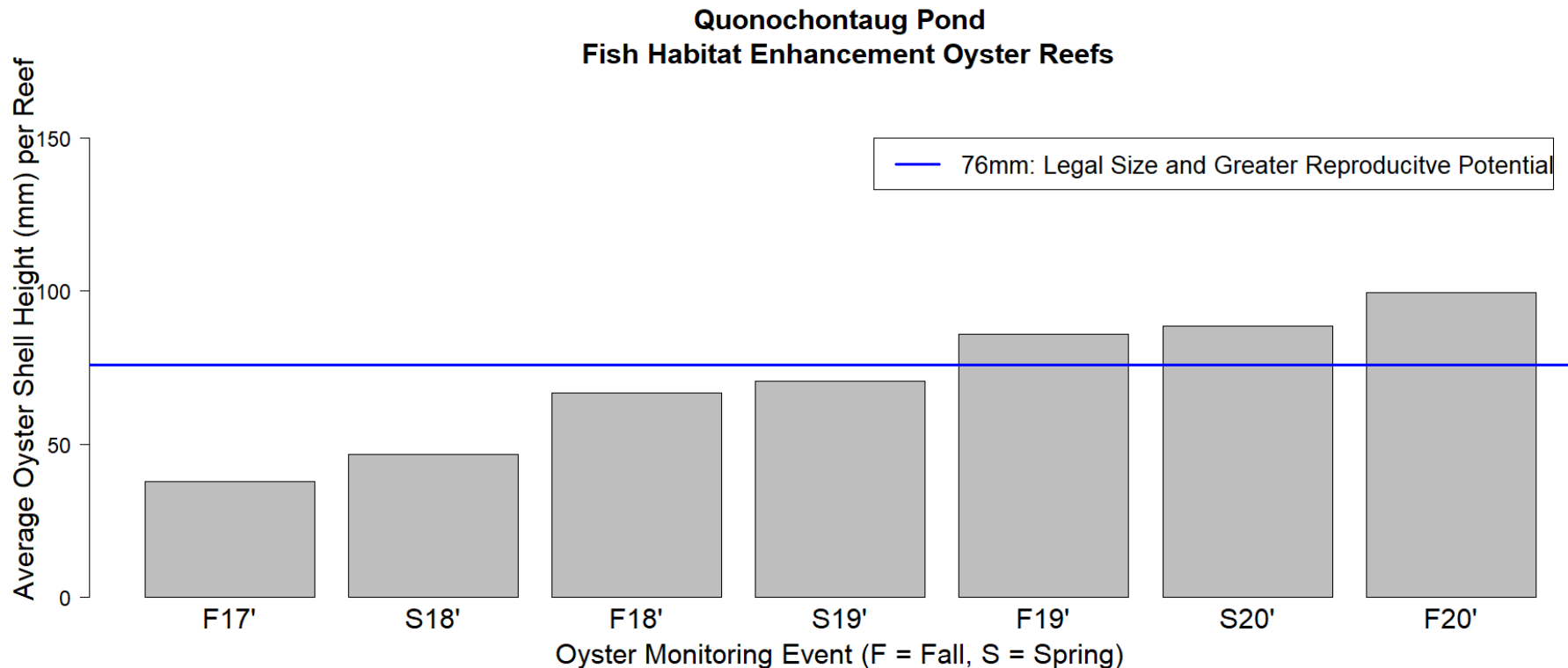


# Quonochontaug Pond Oyster Restoration



## Monitoring Results 2017-Present:

- Reproductive potential *increases* with *shell height and time*, allowing the % of female oysters to increase.
- Plot shows average height over time, where *blue line* is assumed to be maturity.
- A little more than *half of all restoration reefs* now have oysters that are ready to spawn, based on average shell height (Figure below).



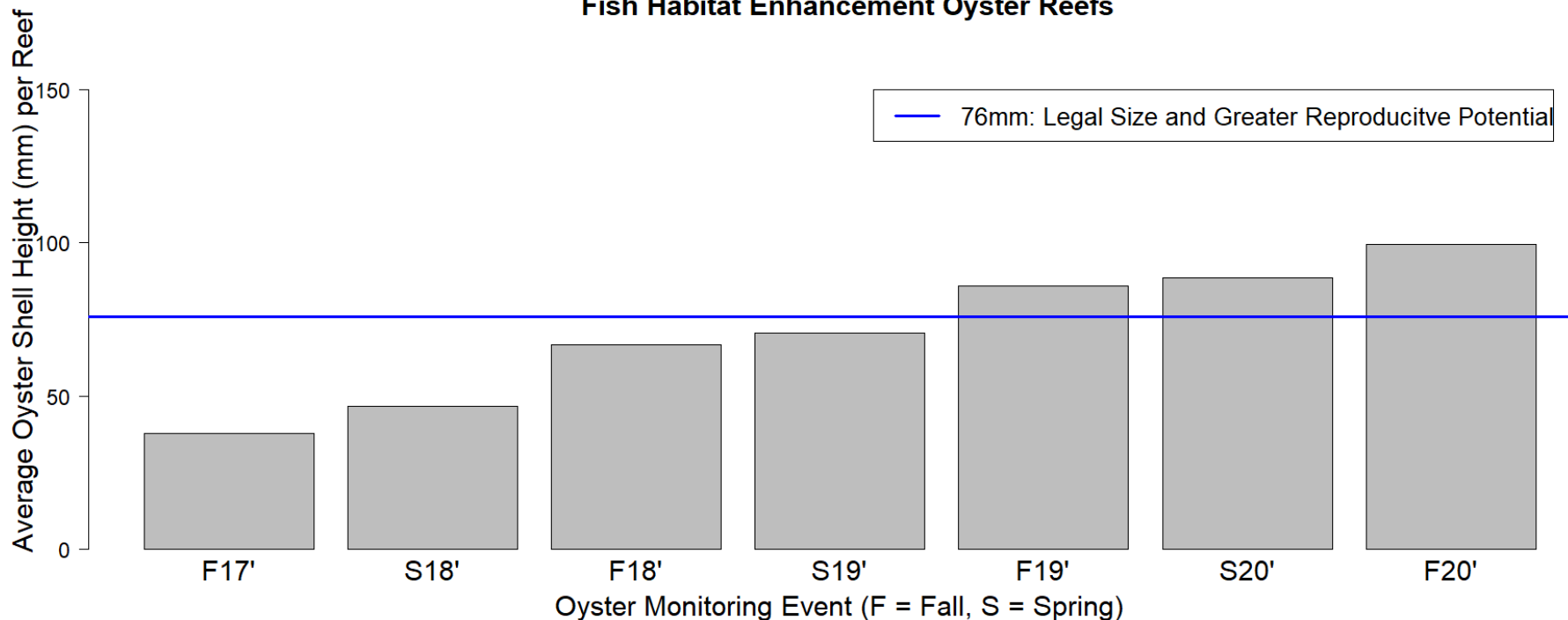
# Quonochontaug Pond Oyster Restoration



## Monitoring Results 2017-Present:

- In RI, oysters spawn from May-August, which means spring of 2020 was the first season we'd expect to see any impacts on recruitment outside the sanctuaries.
- Through the planned SNEP survey work, we will capture any recruitment outside of the restored reefs over *the next three years*.

Quonochontaug Pond  
Fish Habitat Enhancement Oyster Reefs





# Quonochontaug Pond Oyster Restoration



## Summary of Restoration in Quonochontaug Pond:

- The number of oyster restoration reefs has been *steadily increasing since 2017*.
- More than half of restoration reefs have oysters that have become mature and reproductively viable within the last year.
- Best approach is to *provide a few years of spawning* by oysters on restoration reefs and assess recruitment and survival in the pond.
- Recruitment outside of restored reefs will be documented by the SNEP survey work over the next three years (2021-2023).
- The information collected by the Ecological (e.g., SNEP Grant) and Social (e.g., stakeholder) Aspects of the Shellfish Restoration and Enhancement Plan will be critical to *understanding the pond-wide status of oysters* and inform future management of oysters.

# Oyster harvest moratorium in Quonochontaug Pond



Status: The harvest and possession of oysters in Quonochontaug Pond is prohibited until September 15, 2021.

## DMF Recommendation:

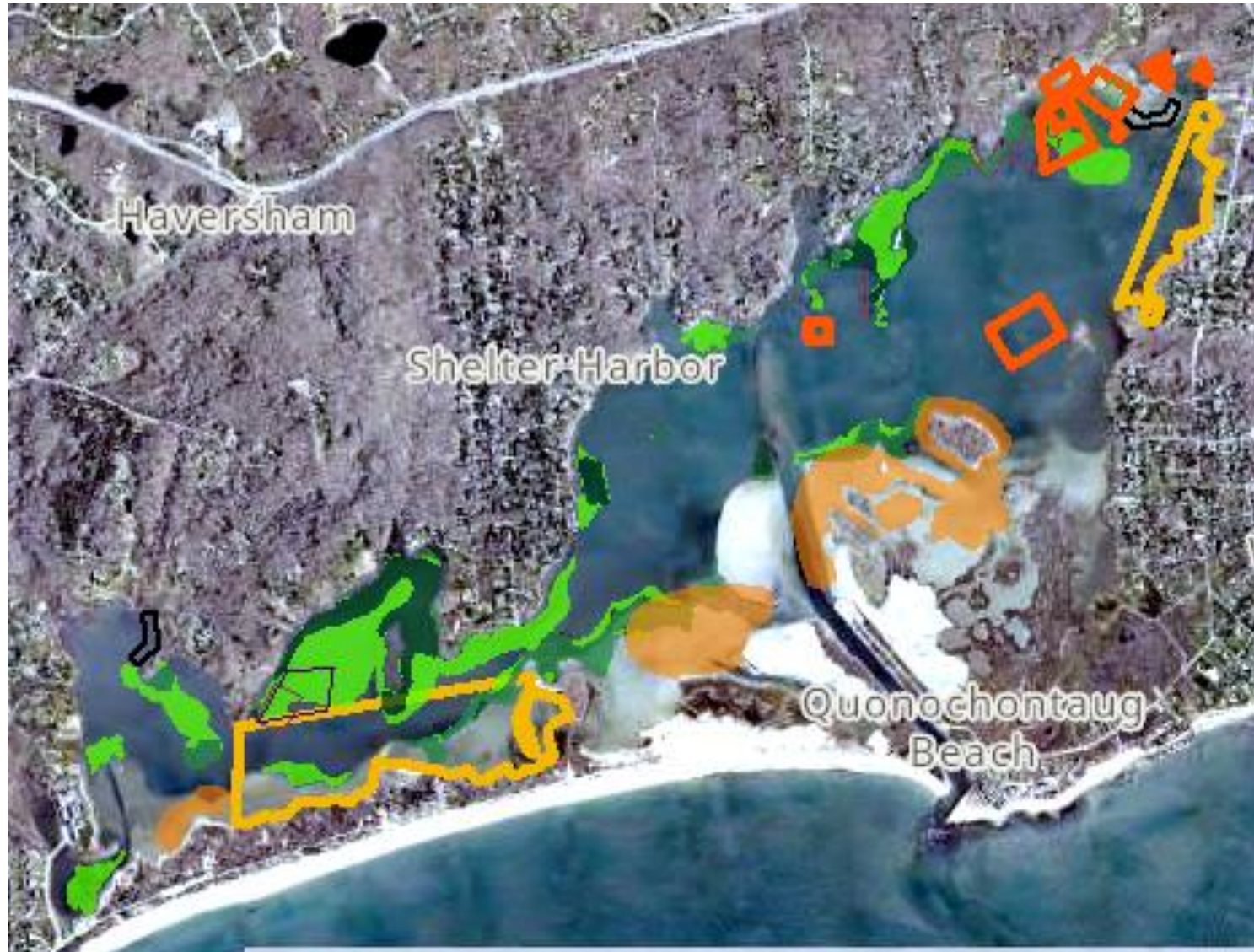
*Continue the oyster moratorium until Nov 15, 2025* (align with Bissel Cove/Fox Island sunset date).

- Provides a few years of spawning by oysters on restoration reefs and recruitment to new areas
- Allows for information gained from upcoming oyster surveys and stakeholder aspects of the RI Shellfish Restoration Plan to be considered in management.

## SAP Action (Voting Item):

- Provide a recommendation to RIMFC regarding oyster harvest moratorium in Quonochontaug Pond.

# Oyster harvest moratorium in Quonochontaug Pond





## 5. Any Other Matters?



5. Adjourn

# Shellfish Advisory Panel

April 14, 2021; 4:30PM

Virtual public meeting

Zoom webinar

## MEETING SUMMARY

RIMFC members: K. Eagan (Chair)

DEM: A. Gerber-Williams, C. McManus, E. Schneider, P. Barrett, J. Livermore, P. Duhamel, D. Borkman;

CRMC: B. Goetsch;

SAP members: J. Gardner, M. McGiveney, G. Schey, R. Tellier, E. Troiano, J. McDonald, B. Bica;

Public: D. Erkan, H. Kinney, J. Goulart, J. Primiano, J. Soares, M. Griffin, M. Jarbeau, N. Celico, M. Kearns, J. Cavalgo;

### 1. Aquaculture application 2021-02-054 (Boehringer & Lundgren):

2021-02-054 (Boehringer & Lundgren), Sakonnet River, Tiverton: *B. Goetsch* provided a brief overview of the proposal, which consists of a 2.96-acre site for cultivating oysters (*Crassostrea virginica*) and Bay scallops (*Argopectin irradians*) using floating and submerged gear in the Sakonnet River, north of Sapowet Point off the shore of Tiverton. The site is approximately 400 feet from shore. CRMC performed a site assessment on 12/3/2020 using 14-foot tongs (12 tooth) and performing 4 grab samples per station. The Density of quahogs was found to be at 0.08 quahogs/m<sup>2</sup> (1 quahog) with mostly mud and small rock bottom. There was one objection submitted to CRMC regarding the floating gear. DEM had no objections to the proposed site. *G. Schey* asked what the future of aquaculture in that area looks like now that the coastal ponds are close to their maximum capacity. *J. Soars* said that he's worried about expansion and new sites in certain areas such as Sapowet. *B. Goetsch* stated that the next agenda item will address this more. *M. McGiveney* asked if it's in an area where leases must be 3 acres or less. *B. Goetsch* said that it is above the 41 35 line for that criteria and that if an expansion is requested then this would be further discussed as whether Sakonnet River also applies.

- **Motion made by *E. Troiano* to recommend to CRMC that the aquaculture activities proposed in the application is consistent with competing uses engaged in the exploitation of marine fisheries; 2<sup>nd</sup> by *G. Schey*. The motion passed with a unanimous vote of 7-0.**

### 2. Update on the status of the Bay SAMP:

*B. Goetsch* provided an update of the Bay Special Area Management Plan (SAMP) planning. The initiative for the SAMP is for the submerged cable coming in from the



revolution wind offshore waters into Quonset, this part has been mostly completed. The Aquaculture part of the Bay SAMP will follow a similar process. The goal is to add an aquaculture element, which guides the aquaculture process to minimize impacts to resources within Narragansett Bay and aid in the CRMC review process. The Main product is a map compiled of various uses and resources within the bay. It would identify preferred areas of aquaculture within Narragansett Bay and the Sakonnet River, where the Ocean SAMP did not cover. The working groups are being created and hopefully finalized within the next few months. *K. Eagan* stated that the timing of this process isn't ideal due if you would like full stakeholder involvement because the start of the fishing season is ramping up and that this would be better suited for a winter project.

### 3. **Providence River Harvest Schedule:**

A. *Gerber-Williams* presented the six proposed Providence River harvest schedules submitted by the SAP members.

- I. Open MWF from 8AM-12PM (4 hours) at 6 bushels a day for a total of 26 days – start/end dates to be determined.
- II. Open 2-3 days/week from 8AM-12PM (4 hours) at either a 4-bushel limit (39 days per year) or a 6-bushel limit (26 days per year) - start/end dates to be determined.
- III. RISA proposal – open 3 hours a day from 7AM-10AM at a 6-bushel limit during the following days (38 days total):
  - May 26, 28
  - June 2, 4, 7, 9, 11, 14, 16, 25, 28, 30
  - July 2, 6, 7, 9, 12, 14, 16, 19, 21, 23, 26, 28, 30
  - August 2, 4, 6, 9, 11, 13, 16, 18, 20, 23, 25, 27, 30
  - September 1, 3, closed to be evaluated for future scheduling
- IV. Open 2 days a week through Labor Day from 8AM-12PM (4 hours) at 6 bushels a day. After Labor Day 1 day per week from 8AM-12PM (4 hours) at 6 bushels per day until the quota is reached (2 million clams).
- V. 6 bushels per day limit with a 4-hour opening – no preference on the number of days per week. SAFIS tracking used to decide when to close.
- VI. Open MWF for 3 hours per day with a 6-bushel limit until Labor Day (27 days per year). No SAFIS tracking but survey to see what impact the opening has had.

*M. McGiveney* stated that they were aggressive on the number of extra days (38) because they knew that they would lose a lot of days due to rainfall closures. It is also important to industry and dealers that it open before Memorial Day. *J. Soares* stated that using SAFIS to track the landings would not provide an accurate measurement of landings in the Providence River because if you harvest from another area nearby the dealers will only take one tag for the day thus that harvest counts against the total being taken out of the Providence River. It depends on what the dealer wants to put the tag as for that day even if it's coming from more than one tagging area. *J. McDonald* stated that the 2 million quota needs to be played out through the season. *M. McGiveney* said that letting it stay open past Labor Day would most likely see a price drop so it's beneficial to maximize harvest during the summer and then for extra days to be pushed to a winter harvest schedule. *J. McDonald* said that he doesn't want

to see any days go to waste. *K Eagan* clarified that SAFIS would dictate any days remaining after the proposed schedule has been met and then these days would be applied to a winter harvest schedule to be determined by the SAP in September 2021. *C. McManus* clarified that from the schedule laid out in the motion, that the first 27 days in list will be open and that if there is a rainfall closure during any of those days this will launch the opening of any subsequent days to reach a total of 27 days open. *M. McGiveney* agreed to the clarification. *C. McManus* also stated that the DEM DMF suggestion is to include the tracking of the quota (2 million) through SAFIS.

- **Motion made by *M. McGiveney* to recommend to the Council that the Providence River open 3 hours a day from 8AM-11AM at a 6-bushel limit during the following days:**
  - **May 26, 28**
  - **June 2, 4, 7, 9, 11, 14, 16, 25, 28, 39**
  - **July 2, 6, 7, 9, 12, 14, 16, 19, 21, 23, 26, 28, 30**
  - **August 2, 4, 6, 9, 11, 13, 16, 18, 20, 23, 25, 27, 30**
  - **September 1, 3, closed to be evaluated for future scheduling.**

**and to add a 27-day addendum to open further days. Additional days added to the harvest schedule will be discussed during the winter harvest SAP meeting; 2<sup>nd</sup> by *G. Schey*. The motion passed with a unanimous vote of 6-0.**

4. **Information on Upcoming State-wide Shellfish Restoration Planning Process:**

*E. Schneider* presented the project need and goals of the shellfish restoration planning process, which is to implement a restoration planning process that considers both social and ecological information to develop a plan to restore and enhance wild oyster populations and habitats in Rhode Island. He stated that the DEM DMF was awarded a SNEP grant to collect biological information needed to develop a habitat suitability index model for oyster in Rhode Island and that this work will begin during the summer of 2021.

5. **Update: Quonnie Oyster Restoration:**

*E. Schneider* presented an update on the Quonochontaug Pond oyster restoration work. He provided a history of the shellfish management in the pond, beginning in 2007 when the DEM DMF conducted surveys in Quonnie for oysters and found no wild populations, which triggered the pond-wide closure and the start of restoration efforts. In 2010 the first moratorium was initiated to support restoration work. The moratorium has been extended up until the present because the wild oyster resource has been increasing due to restoration efforts but not at a sustainable level, the stock is still depressed and not self-sustaining. Since 2016, 20 oyster reefs have been created, with 12 more reefs to be added by 2024. The monitoring conducted during the fall of 2020 in Quonnie showed that oyster densities were 5 times higher than in 2015. There is a lot of potential spawning that is about to occur due to reproductive maturity that is determined by shell height. *E. Schneider* stated that recruitment outside of the restored reefs will be documented by the SNEP survey work over the next three years (2021-2023).

6. **Oyster harvest moratorium in Quonnie Pond:**

*E. Schneider* recommended to the SAP that the oyster harvest moratorium be continued until November 15<sup>th</sup>, 2025 (align with Bissel Cove/Fox Island sunset date). This would allow for a few years of spawning by oysters on restoration reefs and recruitment to new areas. It would also provide time to collect information from oyster surveys and stakeholder aspects of the of the RI Shellfish Restoration Plan to be considered in management.

- **Motion made by *M. McGiveney* to recommend to the Council to maintain a two-year extension of the oyster closure and to revisit prior to November 15<sup>th</sup>, 2023; 2<sup>nd</sup> by *R. Tellier*. The motion passed with a unanimous vote of 7-0.**

7. **Any other matters:**

*A. Gerber-Williams* announced that the DEM DMF is finalizing the update to the shellfish tagging area labels, which had previously been presented to the SAP.

8. **Adjourn:**

*Prepared by: A. Gerber-Williams*

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Title of Rule:** Definitions and General Provisions

**Rule Identifier:** 250-RICR-90-00-1

**Rulemaking Action:** Proposed Amendment

**Important Dates:**

Date of Public Notice: 03/16/2021

Hearing Date: 04/05/2021

End of Public Comment: 04/15/2021

**Authority for this Rulemaking:**

R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures Act

**Summary of Rulemaking Action:**

1. Section 1.9(D): Amend the transiting provision to provide for the harvest of summer flounder and black sea bass in the marine waters of Rhode Island while in possession of the current authorized possession limit as provided by the Massachusetts Pilot Program.
  
2. Section 1.15: Add Sand lance to species list

**Additional Information and Comments:**

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until April 15, 2021 by contacting the appropriate party at the address listed below:

Peter Duhamel  
Department of Environmental Management  
3 Fort Wetherill Road  
Jamestown, RI 02835  
peter.duhamel@dem.ri.gov

**Public Hearing:**

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on April 5, 2021 at 6:00 pm at Zoom: <https://us02web.zoom.us/j/86817256110>, Meeting ID: 868 1725 6110, Jamestown, RI 02835 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons

participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**Regulatory Analysis Summary and Supporting Documentation:**

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.

## Proposed amendments

Note: Proposed new language is identified as track changes red underline; proposed language to be deleted is identified as ~~track changes red stricken~~.

**250-RICR-90-00-1**

### **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

#### **CHAPTER 90 – MARINE FISHERIES**

##### **SUBCHAPTER 00 – N/A**

###### **PART 1 – Definitions and General Provisions**

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## **1.1 Purpose**

The purpose of these Rules and Regulations is to efficiently manage the marine resources of Rhode Island.

## **1.2 Authority**

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures Act.

## **1.3 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of State law, goals, and policies.

## **1.4 Severability**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

## **1.5 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of these Regulations shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

## **1.6 General Provisions**

- A. Use of explosives: The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island is prohibited.
- B. Transfer at sea: No one may transfer or attempt to transfer at sea, from one (1) vessel to another, any finfish that are subject to these Regulations.
- C. Obstruction of migratory fish passage: No person shall obstruct the free passage of anadromous or catadromous fish in any marine waters, river, or stream, of the State of Rhode Island.

## 1.7 Quota Management

- A. Modification of sub-period allocations based on under/over-harvest:
1. Under-harvest: Any un-harvested quota from a sub-period allocation will be equally distributed to the allocations of the remaining sub-periods in the same calendar year.
  2. Over-harvest:
    - a. Any over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods in the same calendar year.
    - b. Any over-harvest from the previous year will be deducted from the entire State allocation of the current year before redistributing according to the species-specific management plan.
- B. Modifications of allocations, seasons and possession limits: For quota managed species, in order to maintain compliance with a Federal or regional fisheries management plan (FMP), the DEM has the authority to distribute allocations, including the distribution of allocations among the various gear types, modify possession limits, and change seasons, unless specifically prohibited by the Secretary of Commerce or the Atlantic States Marine Fisheries Commission (ASMFC), in the following manner:
1. Allocation changes: If DEM projects that an allocation assigned for a sub-period, or assigned to be available for taking by a particular gear type during that sub-period, may be exhausted prior to the end of the sub-period, or may not be met for a sub-period, DEM may modify the allocation.
  2. Possession limit changes: If DEM projects that the allocation for a given species may be exhausted prior to the end of a sub-period or may not be met for a sub-period, DEM may modify the possession limit.
  3. If the quota for a sub-period allocation is fully harvested prior to the end of the sub-period, the DEM will close the fishery for the remainder of the sub-period.
  4. Notification of modifications to possession limits and/or seasons for marine species regulated under quota: Such notification shall take place in accordance with R.I. Gen. Laws § 20-1-12.1, and be provided to the public via the Marine Fisheries listserve, dedicated phone line (401-423-1920) and webpage. It is the responsibility of the licensed fishermen to know and abide by all possession limits and seasons.

## 1.8 Possession Limit and Vessel Operating Compliance

### A. General

1. In any instance when there is a violation of the size, possession, or daily limit on board a vessel carrying more than one (1) person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
2. A person who takes marine product/species utilizing a vessel and also without the assistance of a vessel is only allowed one (1) possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation.

### B. Vessels operating recreationally

1. Any vessel, including a commercially declared and/or licensed party/charter vessel, may operate recreationally in accordance with all applicable recreational Regulations.
2. With regard to all species that are not subject to per-vessel restrictions, compliance with possession limits while operating recreationally shall be determined by dividing the total number of fish aboard the vessel by the total number of licensed or exempt recreational fishers or spearfishers aboard the vessel.
3. If a vessel makes more than one (1) recreational trip per day, the catches attributable to the same licensed or exempt fishers or spearfishers who go out again are cumulative.

### C. Party/charter vessels operating recreationally

1. Only vessels licensed in accordance with R.I. Gen. Laws § 20-2-27.1 may operate as a party or charter vessel.
2. A vessel is operating as a party or charter vessel whenever the vessel is carrying one (1) or more passengers for hire for the purpose of engaging in recreational fishing or spearfishing.
3. Unless otherwise specified in this [Subchapter](#), vessels operating as a party or charter vessel must adhere to recreational Regulations.
4. With regard to all species that are not subject to per-vessel restrictions, compliance for party/charter vessels operating recreationally shall be determined by dividing the total number of fish aboard the vessel by the total number of anglers or spearfishers aboard the vessel.

5. If a party/charter vessel makes more than one (1) recreational trip per day, any marine species possessed by the captain and mate are cumulative.

D. Vessels operating commercially

1. Only vessels that are commercially declared may operate as a commercial vessel.
2. A vessel is operating commercially whenever the vessel is engaged in the process of taking, harvesting, holding, transporting, loading or off-loading marine species for sale or intended sale.
3. Vessels making more than one (1) commercial trip per calendar day must have onboard a Rhode Island catch and effort logbook or a Federal VTR, and the logbooks or VTRs must be completed prior to the initiation of the second (2<sup>nd</sup>) commercial or recreational fishing trip on the same day. An exemption from carrying the Rhode Island catch and effort logbook shall be granted for vessels which are operated by licensed captains who are enrolled and currently active participants in the eTrips electronic reporting program. The eTrips report of the first (1<sup>st</sup>) commercial or recreational fishing trip must be entered prior to the initiation of the second (2<sup>nd</sup>) commercial or recreational fishing trip on the same day.
4. Any vessel operating commercially, including any vessel fishing commercially using rod and reel, may utilize, without restriction, any number of unlicensed crew members to assist with any commercial operations.
5. For all commercial fisheries except shellfish, any number of unlicensed crews may assist in direct commercial harvest operations regardless of the manner, method or contrivance employed, as long as said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher. With respect to commercial shellfish operations, unlicensed crews may only assist with culling activities and other indirect harvest operations, while said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher.
6. Vessels making more than one (1) commercial trip per calendar day are bound by all applicable per-vessel, per-day possession limits.
7. A vessel operating commercially may not possess or land more than the per-vessel limit; however, a portion of the catch may be retained for (non-

commercial) personal use, provided that the amount of fish retained for personal use must be recorded in the licensee's commercial logbook.

E. Vessels Operating in More Than One Mode

1. On a per trip basis, a vessel may only operate recreationally, or as a party or charter vessel, or commercially. No vessel may operate in more than one (1) mode during the same trip.
2. A vessel that is commercially declared may operate in commercially during one (1) portion of a calendar day and operate recreationally or as a party or charter vessel during a separate trip on the same day, subject to separate and non-overlapping commercial and recreational or party/charter Regulations.
3. Upon boarding or inspection, the captain or operator of a commercially declared vessel must disclose whether the vessel is operating commercially, or as a party or charter vessel, or recreationally.

F. Weekly and bi-weekly possession limits: In any instance where the first (1<sup>st</sup>) week in a given sub-period begins on any day other than Sunday, or the last week in a given sub-period ends on any day other than Saturday, resulting in a shortened week or bi-week, the following shall apply:

1. A person may land a full weekly or bi-weekly possession limit; and
2. The cumulative landings must occur during the shortened week or bi-week.

## **1.9 Transiting**

A. Finfish

1. During the closure of a Rhode Island State-allocated fishery quota, a Federally-permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island State waters for the purpose of landing that species in another State, provided the vessel is in compliance with their Federal permit, and the vessel nets are stowed.
2. A Federally-permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island State waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a State-allocated quota that is currently closed, provided the vessel is in compliance with their Federal permit, provided the vessel nets are stowed, and provided that the owner or operator possesses a valid Rhode Island Landing License.

3. A vessel in possession of a regulated species harvested in an open area of State waters may transit a closed portion of State waters in possession of that species for the purpose of landing, provided the operator of the vessel has a valid fishing license, and if fishing with nets, the nets are stowed.

B. Shellfish

1. During the closure of a Rhode Island State-allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island State waters for the purpose of landing that species in another State, provided the vessel is in compliance with their Federal permit, and all gear capable of harvesting shellfish is stowed and not engaged in the act of taking or harvesting while transiting State waters.
2. A Federally-permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island State waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a State-allocated quota that is currently closed, provided the vessel is in compliance with their Federal permit, and provided that all gear capable of harvesting shellfish is stowed and not engaged in the act of taking or harvesting while transiting State waters, and provided that the owner or operator possesses a valid Rhode Island Landing License pursuant to DEM's Commercial and Recreational Saltwater Fishing Licensing Regulations, Part 2 of this Subchapter.

C. Stowage of nets: A net that conforms to one (1) of the following specifications and that can be shown not to have been in recent use is considered to be "not available for immediate use."

1. A net stowed below deck, provided:
  - a. It is located below the main working deck from which the net is deployed and retrieved;
  - b. The towing wires, including the leg wires are detached from the net; and
  - c. It is fan folded (flaked) and bound around its circumference.
2. A net stowed and lashed down on deck, provided:
  - a. It is fan folded (flaked) and bound around its circumference;
  - b. It is securely fastened to the deck or rail of the vessel; and
  - c. The towing wires, including the leg wires, are detached from the net.



3. A net that is on a reel and is covered and secured, provided:
  - a. The entire surface of the net is covered with canvas or other similar material that is securely bound;
  - b. The towing wires, including the leg wires, are detached from the net; and
  - c. The cod end is removed from the net and stored below deck.
4. National Marine Fisheries Service authorized: Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid-Atlantic regulated mesh area defined as "that area bounded by the intersection of the outer boundary of the Exclusive Economic Zone (EEZ)."

D. Transiting of Summer Flounder and Black Sea Bass for participants in the Massachusetts Pilot Program:

1. Applicability: Authorizes participants to harvest summer flounder and black sea bass in the marine waters of Rhode Island while in possession of the current authorized possession limit as provided by the Massachusetts Pilot Program.
2. Letter of Authorization (LOA) required: An LOA issued from the Director is required to participate in this program. Application for an LOA shall be completed on forms as prescribed by the Director. Applications not completed in their entirety shall not be considered.
3. Eligibility:
  - a. Applicants must hold a valid RI commercial fishing license that authorizes the possession of summer flounder and black sea bass; and
  - b. Applicants must be authorized to participate in the Massachusetts Pilot Program.
  - c. Applicants must not have been assessed a criminal or administrative penalty for violations of State commercial fishing Regulations or Laws within any cooperating State, or for violations of Federal commercial fishing Regulations or laws, within the past three (3) years.
  - d. Applicants must be in compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter.
4. LOA conditions:

- a. Participants must maintain compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter.
- b. Participants must maintain compliance with all requirements of the Massachusetts Pilot Program.
- c. LOAs are non-transferable.
- d. LOAs are valid only for the calendar year issued.

5. Penalties for non-compliance:

- a. In addition to the penalties for non-compliance specified in § 1.11 of this Subchapter, the Director may revoke, in writing, the authorization to participate in this Program, should the Director determine that such participant:
  - (1) Has been assessed a criminal or administrative penalty for violations of State commercial fishing Regulations or laws within any cooperating State, or for violations of Federal commercial fishing Regulations or laws, within the past three (3) years.
  - (2) Has had pilot program privileges revoked by the Massachusetts Division of Marine Fisheries.

## **1.10 Control Dates**

- A. The Department may establish control dates, which shall serve as cut-off dates for potential use in establishing eligibility criteria for future access to a fishery.
- B. Eligibility criteria may include, but are not limited to, historic participation and/or gear levels as documented by transaction records and official State or Federal logbooks.
- C. The establishment of a control date is intended to promote awareness of the potential establishment of eligibility criteria for future access to a fishery and to discourage speculative shifting of effort into that fishery. To this end, the Department may give various weighted considerations to those active in the fishery before and after the control date.
- D. Establishing a control date does not commit the Department to any management regime or criteria for limiting future access to a fishery; however, once enacted, control dates may only be used to limit future access to a fishery in accordance with a fisheries management plan.
- E. Control dates may only be established prospectively, unless a retroactive control date is expressly required by Federal law, Regulation or court decision.

## **1.11 Penalties for Non-Compliance**

- A. If the Director determines that there has been non-compliance with the provisions of these Regulations or a permit agreement, the owner and/or operator of the vessel and/or license holder shall be advised of such determination and the specific grounds therefore in writing. The determination shall specifically include notice that an opportunity for a hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these Regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to R.I. Gen. Laws § 20-1-16.
- B. Judicially imposed penalty for violations:
  - 1. Unless otherwise specifically provided, the violation of any Law or Rule or Regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for up to ninety (90) days, or both (R.I. Gen. Laws § 20-1-16).
  - 2. Additionally, a person may be subject to the imposition of an administrative penalty pursuant to DEM's Rules and Regulations Governing the Suspension/Revocation of Commercial and Recreational Fishing Licenses, Part 80-00-6 of this Title, licenses issued pursuant to R.I. Gen. Laws Title 20.

## **1.12 Appeals**

- A. Denial of a license or permit: Persons denied a license or permit may request an appeal within thirty (30) days of the receipt of the denial as provided by R.I. Gen. Laws Chapter 42-17.7 and pursuant to the Rules and Regulations for the Administrative Adjudication Division, Part 10-00-1 of this Title.
- B. Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these Regulations may file and appeal within twenty (20) days after the date of receipt of the enforcement action in accordance with R.I. Gen. Laws Chapter 42-17.7 and Rules and Regulations for the Administrative Adjudication Division, Part 10-00-1 of this Title.

## **1.13 Definition of Terms**

"Adequately iced" means the amount and application of ice sufficient to ensure that immediate cooling begins and continues for all shellfish. Ice should be produced from a potable water source and shall be maintained to prevent contamination of shellfish.

"Affidavit" means a sworn statement of facts made under oath as to the truthfulness therein, and made before an authorized person such as a Notary Public. For the purposes of these Rules and Regulations, affidavits must be on forms provided by the Department.

"Agent" means a representative of a licensed dealer with a place of business in the State of Rhode Island wherein transaction records of said dealer are maintained and available for inspection during normal business hours.

"Air-assisted harvest" means the use of an air compressor or any device capable of pressurizing air/gas or compressed gas in a tank, to power any device designed to disturb the substrate, create a vacuum effect or sediment displacement effect in collection of aquatic species.

"Anadromous fish" means any species of fish which ascends rivers or streams from the sea for breeding purposes (e.g. Alewife, Salmon, Shad).

"Angling" means to fish recreationally using hook and line (R.I. Gen. Laws § 20-2.2-3).

"Approved waters" or "Approved growing areas" means marine waters of the State that have been classified by the DEM Division of Water Resources as Approved Areas, fit for the taking of shellfish for human consumption on a regular basis, in accordance with the criteria established by the National Shellfish Sanitation Program (NSSP) Manual of Operations. These classifications may be subject to change as water quality conditions dictate.

"Bait gill net" means a gill net not exceeding one hundred feet (100') nor exceeding a mesh size greater than three and three quarters inches (3-3/4") (stretched).

"Bay scallop dredging" means the towing of a bay scallop dredge during the established bay scallop dredging season.

"Bay scallop seed" means a bay scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-defined raised annual growth line, and the bay scallop being less than one (1) year old.

"Beach seine" means a seine that is deployed from the shore.

"Bill of lading" means an invoice which identifies a shipment of fish, shellfish or crustaceans as to seller, buyer, source, type, quantity and sale price.

"Bi-week" means a two (2) week period beginning 12:00 A.M. on a Sunday and ending on the second (2<sup>nd</sup>) Saturday at 11:59 P.M.

"Bullrake" means any curved metal instrument or basket with four (4) or more metal tines (teeth) which is customarily used to harvest quahaugs.

"Bycatch" means marine species which have been harvested, but which are not sold or kept for personal use and includes species that are discarded while a fisher is directing his/her effort toward the harvest of another marine species.

"Bushel" means a standard U.S. bushel, 2150.4 cubic inches capacity (R.I. Gen. Laws § 20-1-3).

"Catadromous fish" means any species which lives in fresh water, but must go to sea for breeding purposes (e.g., American eel, *Anguilla rostrata*).

"Carapace" means the un-segmented body shell of the American lobster.

"Carapace length" means the length of a lobster measured from the rear of the eye socket along a line parallel to the center of the body shell to the rear of the body shell.

"Catastrophic trap tag loss" means the loss of original lobster trap tags in excess of the ten percent (10%) over-allotment trap tags issued for routine loss, in which instance the original trap tags become invalid and must be replaced in their entirety by catastrophic trap tags.

"Circle hook" means a non-offset hook where the point is pointed perpendicularly back towards the shank.

"Coastal salt pond" means a pond abutting a barrier beach; some are periodically fresh; others are brackish or salt.

"Coastal salt pond channel" means a natural or man-made, temporary or permanent waterway, allowing for the passage of water to and from any coastal salt pond. Distances (in feet) describing the following salt pond channel areas are measured from the seaward extremity of any channel to a point measured in a northerly direction, or as specifically described herein.

#### Coastal Salt Pond Channel Distances

Pond/Channel	Town	Distance
Quicksand	L. Compton	750'
Tunipus	L. Compton	200'
Briggs Marsh	L. Compton	600'
Ship Pond Cove	L. Compton	200'

Long	L. Compton	400'
Round	L. Compton	250'
Nonquit (Puncatest)	Tiverton	1,800'
Nannaquaket (measured from the mouth of the Quaket River to the eastern side of the Nannaquaket Bridge abutment)	Tiverton	400'
Narrow/Pettaquamscutt	Narragansett/N. Kingstown	3,850'
Point Judith (measured in a northerly direction from the mouth of the Point Judith Breachway to a line drawn from Strawberry Hill Point on the east to High Point on the west)	Narragansett/S. Kingstown	6,000'
Potter (measured from the western entrance of Potter Pond channel to the eastern tip of Gooseberry Island in Point Judith Pond)	South Kingstown	2,800'
Card	South Kingstown	200'
Trustom	South Kingstown	500'
Green Hill: Potato Point (measured from the easternmost point of Stevens Island in Ninigret/Charlestown Pond to the westernmost point of Potato Point in Green Hill Pond)	S. Kingstown/Charlestown	1,800'
Ninigret/Charlestown	Charlestown	3,200'
Quonochontaug	Charlestown/Westerly	2,800'
Winnapaug/Brightman	Westerly	2,800'
Little Maschaug	Westerly	250'



Maschaug	Westerly	300'
Great Salt	Block Island	1,800'
Trim	Block Island	850'
Harbor	Block Island	1,000'

"Codend" means the terminal section of a trawl net in which captured fish may accumulate, and is further defined as the last forty-five (45) rows of meshes in the terminal section of the net.

"Colregs demarcation line" means the lines of demarcation, as defined on National Oceanic and Atmospheric Administration chart #13221, delineating those waters upon which mariners must comply with the international regulations for preventing collisions at sea, and those waters upon which mariners must comply with the inland navigation rules. For Point Judith the "Port" is to be all waters inside of and north of the southern end of the riprap wall at Salty Brine State Beach so-called. The demarcation lines for Block Island are as follows: the area enclosed by the breakwaters at Old Harbor, and the entirety of Great Salt Pond so called.

"Commercial fisherman/fishermen" means a person(s) who catches, harvests, or takes finfish, crustaceans, or shellfish from the marine waters for sale (R.I. Gen. Laws § 20-2.1-3).

"Commercial fishing" means to take, harvest, hold, transport, or off-load marine species for sale or intended sale (R.I. Gen. Laws § 20-1-3).

"Commercial fishing vessel" means any vessel, boat or craft employed in the harvesting of marine species commercially, which shall first be declared with the Department.

"Conditionally approved waters" means shellfish grounds underlying waters examined and found fit for the taking of shellfish for human consumption on an intermittent basis, declared by the Director as conditionally approved waters pursuant to R.I. Gen. Laws §§ 20-8.1-3 and 20-8.1-4. Such classification may be subject to change as water quality conditions dictate (R.I. Gen. Laws § 20-8.1-1).

"Constantly tended" means that a person setting a net shall remain within one hundred feet (100') of the net at all times.

"Container" means any bag, sack, tote, or other receptacle that contains shellfish to be held or transported.

"Control date" means a cutoff date for potential use in establishing eligibility criteria for future access to a fishery.

"Crab pot" means any pot designed or adapted principally for the catching or taking of crabs.

"Crew" means a person, aged sixteen (16) or older, employed for purposes of assisting in the operation of a commercial fishing vessel and its gear by another person licensed to fish commercially pursuant to the Commercial and Recreational Saltwater Fishing Licensing Regulations, Part 2 of this Subchapter.

"Cultured crops" means aquatic or marine animals or plants that are in the location, water column or artificial conditions specified in a valid aquaculture permit; or that have been taken by the holder of such permit from the location, water column or artificial conditions specified in such permit; or that have been produced by aquaculture methods outside the State and have not been commingled with wild stocks that are in or have been removed from the waters of the State. Appropriate bills of sale, bills of lading and proper tags and all other applicable State and Federal laws and Regulations shall be *prima facie* evidence of the origin of cultured crops inside or outside the State.

"Day" means a calendar day, or the twenty-four (24) hour period of time beginning at 12:00 A.M. and ending at 11:59 P.M.

"Dealer" means a person licensed to barter or trade in marine species.

"Director" means the Director of the Department of Environmental Management or his or her duly appointed agents.

"Discards" means marine species that are discarded overboard by fishers because their possession is prohibited by regulations or for economic reasons.

"Disposition" means the intended use or fate of landed marine species after leaving the dealer premises (e.g., food, or bait).

"Dredge" means a mechanical device that is towed behind a fishing vessel and whose purpose is to collect shellfish from the sea floor.

"Drift gill net" means a floating gill net that is floating unattached to the ocean bottom and not anchored, secured, or weighted to the ocean bottom.

"Dual federal permit/state license holder" means a person who holds both a Federal Limited Access Lobster Permit and a State of Rhode Island Commercial Fishing License endorsed for American lobster.

"Eel trap/pot" means any pot or trap designed or adapted principally for the catching or taking of American eels.

"Endorsement" means a notation on a license that indicates the right to harvest a marine species or group of similar species, the right to utilize a particular type of gear or harvesting method, or the right to sell a particular marine species or group of similar species directly to consumers at dockside, in accordance with applicable harvest and/or gear restrictions.

"Endorsement category" means a marine species or group of similar species that may be legally harvested by a fisher whose license allows the taking of those species; or a gear type or harvesting method that may be legally utilized by a fisher whose license is properly endorsed.

"Exclusive economic zone" or "EEZ" means those waters three (3) to two hundred (200) miles (five (5) to three hundred twenty-two (322) kilometers) offshore which are under the direct jurisdiction of the Federal government.

"Exit/entry ratio" means the number of restricted license endorsements made available for each endorsement surrendered to the Department, on an annual basis.

"Family member" means a spouse, mother, father, brother, sister, child or grandchild of a licensed fisher. Spouse shall include a person who is currently a party to a marriage that was legally recognized in the State or Territory in which the marriage was solemnized.

"February 28" means the twenty-eighth (28<sup>th</sup>) day in the month of February or the next business day if February 28 falls on a Saturday or Sunday or holiday for the purpose of application submittals and renewal deadlines.

"Fishery" means one (1) or more stocks of marine species which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks.

"Fishery performance" means properly documented commercial lobster fishing activity; namely pounds landed and traps fished in LCMA 2 during the applicable qualifying period.

"Fishery sector" means and comprises crustaceans, finfish, shellfish, as defined in this section, each of which shall singularly be considered a fishery sector (R.I. Gen. Laws § 20-2.1-3).

"Floating fish trap" means a floating trap, weir, pounds net, or any equivalent contrivance set on, in or anchored to the bottom or shore, used for the purpose of catching fish (R.I. Gen. Laws § 20-5-1).

"Fork length" means the straight linear distance from the tip of the snout to the fork of the tail.

"Fyke net" means a conical shaped net supported by hoops, which also utilizes a leader to direct fish to the net.

"Gear" means any device or mechanism other than a vessel employed to catch marine species.

"Gill net" means a net used to catch fish by means of meshing or entanglement.

"Grace period" means sixty (60) calendar days commencing on the day immediately following the application deadline, as defined herein. The grace period is applicable only to renewals of licenses from the immediately preceding year.

"Grade" means the landing condition of each marine species (e.g., whole, gutted).

"Harbor of refuge breakwater" means the three (3) sections of breakwater off of Point Judith in the town of Narragansett.

"Harvest" means the act of removing a marine species with the intention of not returning it to the water.

"Hinge width" means the distance between the convex apex of the right shell and the convex apex of the left shell.

"Incapacity" means death of, or injury that renders an active license holder unable to fish for a period in excess of fourteen (14) days either as a result of the physical loss of function or impairment of a body part or parts, or debilitating pain.

"Incidental catch" means unintended harvest of non-targeted marine species, which may be sold or kept for personal use, as established by rule.

"Initial LCMA 2 LTA" means the initial (maximum) number of lobster traps authorized in 2007 to be fished by an individual permit or license holder in LCMA 2.

"Land" or "landing" means to offload marine species harvested within or outside of Rhode Island waters for sale or intended sale, or to secure a vessel with marine species on board to a shoreside facility where the marine species may be offloaded for sale or intended sale (R.I. Gen. Laws § 20-1-3).

"LCMA 2 lobster trap allocation" or "LTA" means the maximum number of lobster traps authorized to be fished by an individual permit or license holder in LCMA 2.

"Licensed captain" means a person who holds or held a valid commercial fishing license issued by the Department.

"License year" means January 1 of any given year through December 31 of the same year.

"Lobster pot" means any pot designed or adapted principally for the catching or taking of lobsters or Jonah Crab.

"Lottery" means any of a variety of procedures used to determine priority in the issuance of new licenses or permits in cases where only a limited number of new licenses are available; such procedures having the common characteristics of being verifiably blind, random, fair and equitable.

"LTA transfer" means a change in ownership of a partial or entire Department or NOAA Fisheries-issued LTA by a person.

"LTA transferor" means the license or permit holder from whom an LTA transfer is made.

"LTA transferee" means the person or fishing vessel to whom/which an LTA transfer is made.

"Marine species" means any animal species found in the marine waters of Rhode Island, including but not limited to finfish, shellfish, crustaceans, and squid.

"Marine waters of Rhode Island" means all tidal and territorial waters of the State out to three (3) nautical miles from the coastline (R.I. Gen. Laws § 20-2.2-3).

"Mechanical power" means any source of energy or power other than exclusively human power.

"Mechanical refrigeration" means storage in a container that is approved by the Rhode Island Department of Health and capable of cooling to, and maintaining, an ambient temperature of forty-five degrees Fahrenheit (45° F) or less.

"Medical hardship" means a significant medical condition that prevents a license holder from meeting licensing application requirements.

"Netting" means a meshed fabric which exceeds eight feet (8') in length or width including, but not be limited to seines, weirs, fyke nets, otter trawls, and gill nets.

"Non-resident" means a person who does not present proof of Rhode Island residency.

"Non-resident landowner" means a non-resident citizen of the United States and owner of real estate in Rhode Island as evidenced by deed filed in the Recorder of Deeds office in a Rhode Island town or city hall (R.I. Gen. Laws § 20-1-3).

"Obstructing the free passage of fish" means the blocking of a stream, river, or pond so as to impede the passage of anadromous and/or catadromous fish, e.g., shad, alewife, and the American eel.

"Offload" means to begin to remove, to remove, to pass over the rail, or otherwise take away fish from any vessel.

"Open to the sea" means a coastal salt pond will be considered open to the sea if any flow of water connects coastal salt pond with the sea.

"Original lobster trap tags" means those trap tags available for purchase to a Rhode Island Commercial License holder or a Federal Limited Access Lobster Permit holder based on their lobster trap allocation, including an additional ten percent (10%) over-allotment to allow for routine trap or tag losses.

"Overfishing" or "Overfished" means a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

"Party vessel" or "Charter vessel" means any vessel that carries passengers for hire to engage in fishing.

"Peck" means one fourth (1/4) of a bushel (R.I. Gen. Laws § 20-1-3).

"Permanently disabled" means a person who is one hundred percent (100%) permanently disabled in accordance with R.I. Gen. Laws §§ 20-2-31 and 20-2.2-3.

"Person" means an individual, corporation, partnership, co-partnership, association, private or Municipal Corporation, or other legal entity firm (R.I. Gen. Laws § 20-1-3).

"Place of business" means a building or office located in the State of Rhode Island where a licensed fish dealer maintains records of sales and purchases which are available for inspection by the Department during normal business hours.

"Polluted area" means shellfish grounds underlying waters examined and found to be unfit for the taking of shellfish for human consumption declared by the Director as polluted areas pursuant to R.I. Gen. Laws §§ 20-8.1-3 and 20-8.1-4. For the purposes of any criminal or civil proceeding instituted under this chapter, a declaration by the Director shall be *prima facie* evidence of a polluted area (R.I. Gen. Laws § 20-8.1-1).

"Port" means any town or city with a harbor and docking facilities where vessels can land.



"Possession" means the exercise of dominion or control over the resource commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. The decision must be made at the first practical opportunity.

"Possession limit" means the maximum quantity of marine species that may be possessed by a vessel or person per specified period of time (i.e., day or week) regardless of the means by which the marine species may have been taken.

"Pot" or "Trap" means any stationary bottom-fishing contrivance or device made of wood, wire mesh, or plastic mesh, fished individually or linked by a common line and generally baited; used to catch finfish, crabs, conchs, or lobsters that enter through a conical or rectangular opening where escape is difficult.

"Power hauling" means the raising or moving of fishing implements including dredges, rakes, tongs, or other apparatus used to harvest marine organisms from the waters of the State or the underlying sediment.

"Quota" means the maximum weight or number of marine species which can legally be landed within a stated time period.

"Recreationally fishing" means the process of taking marine species by any means (e.g., hook and line, net, spear, pot, or powerhead) for personal use and not for sale.

"Resident" means a person who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, voter registration card or a notarized statement from a City or Town Clerk (R.I. Gen. Laws § 20-1-3).

"Routine trap tag loss" means the loss of lobster trap tags that does not exceed the ten percent (10%) over-allotment trap tags issued for routine loss.

"Season" means a period of time established by Regulation during which management Rules specific to that period are in effect.

"Seine" means any net used to catch fish by encirclement or herding that hangs vertically in the water with its bottom edge held down by weights and its top edge buoyed by floats.

"Shading" means to shelter by intercepting the direct rays of the sun to protect the shellfish from heat. Shading may be accomplished by any means that effectively protects the harvested shellfish from direct sunlight and prevents excessive heat build-up in the shaded area.

"Shellfish" means any molluscan species growing in Rhode Island tidal waters, including, but not limited to, bay quahaug, ocean quahaug, blue mussel, oyster, soft shell clam, bay scallop, and surf clam.

"Shellfish grounds" means all land underlying waters within the rise and fall of the tide and the marine limits of the jurisdiction of the State (R.I. Gen. Laws § 20-8.1-1).

"Shellfish harvest tagging area" means the marine waters of the State where shellfish are harvested (refer to <http://www.dem.ri.gov/programs/marine-fisheries/shelltag.php>).

"Shoreward" means that point or end of any net which is closest/nearest the coast or the closest coastal outcropping.

"Sink gill net" means any bottom tending gill net that is designed to be or is fished on or near the bottom of the water column by means of a weight line or enough weights and/or anchors that the bottom of the gill net sinks to, on, or near the ocean bottom.

"Shoredigging" means the taking of shellfish from shallow areas or the intertidal zone of the waters of the State without the use of a boat or SCUBA gear and when body contact is made with the bottom substrate.

"Take" or "taking" means the process and each of the activities in that process undertaken to remove the resource from its natural habitat until the time at which possession begins.

"Temperature control" means the use of ice or mechanical refrigeration, which is capable of lowering the temperature of the shell stock and maintaining it at fifty degrees Fahrenheit (50° F) or less.

"Tongs" means any shellfishing implement constructed with heads attached to stales (handles) and pinned at a pivot point to allow the opening and closing of the basket mouth formed by the two.

"Total length" means the straight linear distance from the tip of the snout to the end of the tail of a finfish species. All finfish species' minimum sizes are measured as total length, except for coastal sharks, in which minimum size is measured by fork length.

"Transaction records" means invoices or similar records of the purchase marine species by a licensed dealer, which identify the boat, license holder, the Rhode Island dealer name, and the date sold, species landed, pounds landed, name of the seller, and license number of the seller.

"Trawl devices" means any type of fishing apparatus drawn behind a vessel which consists of otter doors and/or ground cables, ropes, and/or netting,

including, but not be limited to beam trawls, otter trawls, Scottish seines, and pair trawls.

"Trip" means a fishing voyage beginning with the departure from any port and terminating with the return to any port regardless of the duration of time.

"Trip level data" means data reported to the detail of each individual fishing trip.

"V-notched female American lobster" means any female American lobster with a v-notch mark, or the remnant of a healed v-notch mark in the end part of the right tail flipper adjacent to the middle tail flipper, or any lobster which is mutilated in such a manner which could hide, obscure, or obliterate such a mark, including a missing right tail flipper. A v-notch shall be a notch or the remnant of a healed notch, with or without setal hairs, at least one eighth of an inch (1/8") in depth. Any licensed/permitted commercial fisherman required or authorized to mark lobsters with a v-notch mark in LCMA 2 shall make a v-notch mark by means of a sharp-blade instrument, at least one quarter of an inch (1/4") and not greater than one half of an inch (1/2") in depth and tapering to a sharp point. The flipper to the right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

"Vessel" means every description of watercraft, other than a seaplane on the water, used, or capable of being used as a means of transportation on water.

"Water-assisted harvest" means the attempt to collect aquatic species by using a water pump or pressurized water, or device designed to disturb the substrate, create a vacuum effect or sediment displacement.

"Week" means a calendar week, or the period beginning on Sunday at 12:00 A.M. and ending on 11:59 P.M. of the immediately following Saturday.

"Weir" means a barrier of interwoven twine, branches, or other material used to catch fish.

"Wet storage" means the temporary storage of shellfish (from growing areas) in the approved classification or in the open status of the conditional approved classification in containers or floats in natural bodies of water or in tanks containing natural or synthetic sea-water; this includes flow-through systems.

"Whelk pot" means any pot designed or adapted principally for the catching or taking of whelks.

"Wild shellfish stock" means natural shellfish resources that set and grow within the waters of the State and are not cultured in any way; however, cultured shellfish crops that are stocked in tidal waters of the State that are not within an aquaculture lease or facility are considered wild stock shellfish.

"Wild stock" means natural resources, including aquatic or marine animals or plants, which grow within the waters of the State, and are not cultured in any way. Any shellfish that have settled naturally within an aquaculture facility are considered wild stock.

## **1.14 Commonly Used Acronyms**

"ACCSP" means Atlantic Coastal Cooperative Statistics Program.

"ASMFC" means Atlantic States Marine Fisheries Commission.

"CRMC" means Rhode Island Coastal Resources Management Council.

"DEM" or "Department" means Rhode Island Department of Environmental Management.

"Division" means the Division of Marine Fisheries of the Department of Environmental Management.

"DOH" means Rhode Island Department of Health.

"LCMA" means Lobster Conservation Management Area.

"LCMA 2" means Lobster Conservation Management Area 2, as delineated in Amendment 3, Appendix 1 to the Interstate Fishery Management Plan for American Lobster, adopted by the ASMFC in December 1997.

"LTA" means Lobster trap allocation, either issued by the Department or NOAA Fisheries.

"NOAA" means National Oceanic and Atmospheric Administration.

"RIMFC" means the Rhode Island Marine Fisheries Council (R.I. Gen. Laws § 20-10-2).

"SAFIS" means Standard Atlantic Fisheries Information System.

"TAL" means Total allowable landings.

## **1.15 Common Species**

"Alewife" means *Alosa pseudoharengus*, alewives.

"American eel" means *Anguilla rostrata*.

"American lobster" means *Homarus americanus* (R.I. Gen. Laws § 20-1-3).

"American plaice" means *Hippoglossoides platessoides*, Dab.

"American shad" means *Alosa sapidissima*.

"Atlantic angel shark" means *Squatina dumeril*.

"Atlantic cod" means *Gadus morhua*, cod, codfish.

"Atlantic menhaden" means *Brevoortia tyrannus*, pogies, menhaden, peanut bunker.

"Atlantic herring" means *Clupea harengus*.

"Atlantic rock crab" means *Cancer irroratus*, sand crab.

"Atlantic horseshoe crab" means *Limulus polyphemus*.

"Atlantic salmon" means *Salmo salar*.

"Atlantic sturgeon" means *Acipenser oxyrinchus*.

"Barndoor skate" means *Dipturus laevis*.

"Basking shark" means *Cetorhinus maximus*.

"Bay quahaug" means *Mercenaria mercenaria*, hard clam, quahaug, quahog (R.I. Gen. Laws § 20-1-3).

"Bay scallop" means *Argopecten irradians* (R.I. Gen. Laws § 20-1-3).

"Blacknose shark" means *Carcharhinus acronotus*.

"Black sea bass" means *Centropristes striatus*.

"Blacktip shark" means *Carcharhinus limbatus*.

"Blueback herring" means *Alosa aestivalis*.

"Blue crab" means *Callinectes sapidus* (R.I. Gen. Laws § 20-1-3).

"Bluefish means" *Pomatomus saltatrix*, skipjack.

"Blue mussel" means *Mytilus edulis* (R.I. Gen. Laws § 20-1-3).

"Blue shark" means *Prionace glauca*.

"Bigeye sandtiger shark" means *Odontaspis noronhai*.

"Bigeye sixgill shark" means *Hexanchus nakamurai*.

"Bigeye thresher" shark means *Alopias superciliosus*.

"Bignose shark" means *Carcharhinus altimus*.

"Bluntnose sixgill shark" means *Hexanchus griseus*.

"Bonnethead shark" means *Sphyrna tiburo*.

"Bull shark" means *Carcharhinus leucas*.

"Caribbean sharpnose shark" means *Rhizoprionodon porosus*.

"Common thresher" shark means *Alopias vulpinus*.

"Conch" means Channeled Whelk – *Busycotypus canaliculatus*; or Knobbed Whelk – *Busycon carica* (R.I. Gen. Laws § 20-1-3).

"Dusky shark" means *Carcharhinus obscurus*.

"Finetooth shark" means *Carcharhinus isodon*.

"Florida smoothhound shark" means *Mustelis norrisi*.

"Galapagos shark" means *Carcharhinus galapagensis*.

"Great hammerhead shark" means *Sphyrna mokarran*.

"Green crab" means *Carcinus maenas* (R.I. Gen. Laws § 20-1-3).

"Haddock" means *Melanogrammus aeglefinus*.

"Jonah crab" means *Cancer borealis*, Rock crab.

"Monkfish" means *Lophius americanus*, goosefish.

"Narrowtooth shark" means *Carcharhinus brachyurus*.

"Night shark" means *Carcharhinus signatus*.

"Ocean quahog" means *Arctica islandica* (R.I. Gen. Laws § 20-1-3).

"Nurse shark" means *Ginglymostoma cirratum*.

"Ocean quahog" means *Arctica islandica*.

"Oyster" means American oyster, *Crassostrea virginica* or European oyster – *Ostrea edulis* (R.I. Gen. Laws § 20-1-3).

"Pollock" means *Pollachius virens*.

"Porbeagle shark" means *Lamna nasus*.

"Reef shark" means *Carcharhinus perezii*.

"River herring" means blueback herring and alewife.

"Sand lance" means all species of the genus *Ammodytes*.

"Sand tiger shark" means *Carcharias taurus*.

"Scalloped hammerhead shark" means *Sphyrna lewini*.

"Scup" means *Stenotomus chrysops*, porgie.

"Sea scallop" means *Placopecten magellanicus* (R.I. Gen. Laws § 20-1-3).

"Sharpnose sevengill shark" means *Heptranchias perlo*.

"Shortfin mako shark" means *Isurus oxyrinchus*.

"Silky shark" means *Carcharhinus falciformis*.

"Smalltail shark" means *Carcharhinus porosus*.

"Smooth dogfish" means *Mustelus canis*, smoothhound shark.

"Smooth hammerhead shark" means *Sphyrna zygaena*.

"Soft-shelled clam" means *Mya arenaria*, steamer (R.I. Gen. Laws § 20-1-3).

"Spinner shark" means *Carcharhinus brevipinna*.

"Spiny dogfish" means *Squalus acanthias*.

"Striped bass" means *Morone saxatilis*, rockfish, striper.

"Summer flounder" means *Paralichthys dentatus*, fluke.

"Surf clam" means *Spisula solidissima*, sea clam.

"Tautog" means *Tautoga onitis*, blackfish.

"Thorny skate" means *Amblyraja radiata*.

"Tiger shark" means *Galeocerdo cuvier*.

"Weakfish" means *Cynoscion regalis*, Squeteague.

"Whale shark" means *Rhincodon typus*.

"White shark" means *Archarodon carcharias*.



"Winter flounder" means *Pleuronectes americanus*.

"Witch flounder" means *Glyptocephalus cynoglossus*, gray sole.

"Yellowtail flounder" means *Limanda ferruginea*.

## **1.16 Shellfish and Marine Life Management Areas**

- A. Shellfish and Marine Life Management Areas are established by the Director pursuant to R.I. Gen. Laws § 20-3-4.
- B. Greenwich Bay (GB) Shellfish Management Area: The marine waters of Greenwich Bay in its entirety located west of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West), in the town of East Greenwich and city of Warwick.
1. GB sub-area 1 (western GB): The marine waters located north of a line extending from the far northeastern section of Chepiwanoxet Point (Latitude: 41.674585 Decimal Degrees North, Longitude: -71.441152 Decimal Degrees West) to the western fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West) in the town of East Greenwich and city of Warwick.
  2. GB sub-area 2 (mid-GB): The marine waters located west of a line extending from Sally Rock Point (Latitude: 41.671413 Decimal Degrees North, Longitude: -71.425511 Decimal Degrees West) to the western fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West); and south of a line extending from the far northeastern section of Chepiwanoxet Point (Latitude: 41.674585 Decimal Degrees North, Longitude: -71.441152 Decimal Degrees West) to the western fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West) in the town of East Greenwich and city of Warwick.
  3. GB sub-area 3 (eastern GB): The marine waters located east of a line extending from Sally Rock Point (Latitude: 41.671413 Decimal Degrees North, Longitude: -71.425511 Decimal Degrees West) northward to the fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West); and west of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the end of Sandy Point on the Potowomut

Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West) in the town of East Greenwich and city of Warwick.

- C. Conimicut Point Shellfish Management Area: The marine waters located south of a line extending from a pole on Conimicut Point (Latitude: 41.717493 Decimal Degrees North, Longitude: -71.357820 Decimal Degrees West) to the center of the Old Tower at Nayatt Point (Latitude: 41.725121 Decimal Degrees North, Longitude: -71.338957 Decimal Degrees West); and north of a line extending from the western most extension of Samuel Gorton Avenue (Latitude: 41.703781 Decimal Degrees North, Longitude: -71.365120 Decimal Degrees West) in the city of Warwick, to the southern-most extension of Bay Road in the town of Barrington (Latitude: 41.722546 Decimal Degrees North, Longitude: -71.309105 Decimal Degrees West).
  
- D. Potowomut Shellfish Management Area: The marine waters located south of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West); and north of a line extending from the end of Pojac Point (Latitude: 41.650506 Decimal Degrees North, Longitude: -71.408400 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the Warwick Lighthouse (Latitude: 41.667124 Decimal Degrees North, Longitude: -71.378385 Decimal Degrees West), including all the marine waters of the Potowomut River seaward of the Forge Road Spillway, in the town of East Greenwich and city of Warwick.
  - 1. Potowomut sub-area 1 (western Potowomut): The marine waters located west of a line extending from the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the end of Pojac Point (Latitude: 41.650506 Decimal Degrees North, Longitude: -71.408400 Decimal Degrees West) in the town of East Greenwich and city of Warwick.
  
  - 2. Potowomut sub-area 2 (mid-Potowomut/closed area): The marine waters within a triangular area located north of a line extending from the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and west of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and east

of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the seaward end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West) in the town of East Greenwich and city of Warwick.

3. Potowomut sub-area 3 (eastern Potowomut): The marine waters east of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and west of a line extending from buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the Warwick Lighthouse (Latitude: 41.667124 Decimal Degrees North, Longitude: -71.378385 Decimal Degrees West) in the town of East Greenwich and city of Warwick.
- E. High Banks Shellfish Management Area: The marine waters located south of a line extending from the seaward end of Pojac Point (Latitude: 41.650506 Decimal Degrees North, Longitude: -71.408400 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and west of a line extending from buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the southeast corner coordinate (Latitude: 41.635211 Decimal Degrees North, Longitude: -71.396539 Decimal Degrees West); and north of a line extending from the seaward end of the fence located between the former Davisville Navy property and Pettee Street in the Mount View section (Latitude: 41.634401 Decimal Degrees North, Longitude: -71.407115 Decimal Degrees West) to High Banks southeast corner coordinate (Latitude: 41.635211 Decimal Degrees North, Longitude: -71.396539 Decimal Degrees West), in the town of North Kingstown. The southeast corner coordinate is established at the intersection of two lines described as follows: One (1) line extends from the easternmost end of Pier 2 at Davisville (Latitude: 41.615012 Decimal Degrees North, Longitude: -71.402139 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); The second line extends from the seaward end of the fence between the former Davisville Navy property and Pettee Street in the Mount View section (Latitude: 41.634401 Decimal Degrees North, Longitude: -71.407115 Decimal Degrees West) to buoy N6 (Latitude: 41.637323 Decimal Degrees North, Longitude: -71.369265 Decimal Degrees West), located mid-bay west of Prudence Island.
- F. Bissel Cove/Fox Island Shellfish Management Area: The marine waters of Bissel Cove in its entirety and adjacent waters of Narragansett Bay located south of a line extending from utility pole #275 at the corner of Waldron and Seaview Avenues (Latitude: 41.553567 Decimal Degrees North, Longitude: -71.429705

Decimal Degrees West) to the southwestern-most point of Fox Island (Latitude: 41.553236 Decimal Degrees North, Longitude: -71.419937 Decimal Degrees West); and west of a line extending from the southwestern-most point of Fox Island (Latitude: 41.553236 Decimal Degrees North, Longitude: -71.419937 Decimal Degrees West) to the northern-most point of Rome point (Latitude: 41.548853 Decimal Degrees North, Longitude: -71.423836 Decimal Degrees West), in the town of North Kingstown.

- G. Mill Gut Shellfish Management Area: The marine waters of Mill Gut in its entirety located south of the northern-most bridge on Colt Drive (Latitude: 41.681840 Decimal Degrees North, Longitude: -71.299113 Decimal Degrees West), in the town of Bristol.
- H. Bristol Harbor Shellfish Management Area: The marine waters of Bristol Harbor and its tributaries located south of a line extending from the CRMC permitted dock #419 located at 163 Poppasquash Road (Latitude: 41.669558 Decimal Degrees North, Longitude: -71.288764 Decimal Degrees West) to the northwest corner of the Rockwell Pier municipal parking lot (Latitude: 41.669742 Decimal Degrees North, Longitude: -71.279250 Decimal Degrees West); and north of a line extending from the north side of CRMC Permitted Dock #1601 where it meets the shoreline (Latitude: 41.664246 Decimal Degrees North, Longitude: -71.290396 Decimal Degrees West), located at 363 Poppasquash Road to the northwest corner of the U.S. Coast Guard station pier (Latitude: 41.666268 Decimal Degrees North, Longitude: -71.278351 Decimal Degrees West); and west of a line extending from utility pole # 20 on Poppasquash Road (Latitude: 41.682529 Decimal Degrees North, Longitude: -71.285175 Decimal Degrees West) to the northern extremity of Hog Island (Latitude: 41.647959 Decimal Degrees North, Longitude: -71.279880 Decimal Degrees West) in the town of Bristol. The northeast corner coordinate is established at (Latitude: 41.669666 Decimal Degrees North, Longitude: -71.283207 Decimal Degrees West). The Southeast Corner Coordinate is established at (Latitude: 41.665503 Decimal Degrees North, Longitude: -71.282569 Decimal Degrees West).
- I. Kickemuit River Shellfish Management Area: The marine waters of the Kickemuit River in its entirety located north of a line extending from the seaward end of Narrows Road (Latitude: 41.696927 Decimal Degrees North, Longitude: -71.246322 Decimal Degrees West) in the town of Bristol to Nun Buoy 6 (Latitude: 41.698489 Decimal Degrees North, Longitude: -71.244195 Decimal Degrees West) to a point (Latitude: 41.699115 Decimal Degrees North, Longitude: -71.243342 Decimal Degrees West) in the southwestern section of the Little Neck/Touisset section of the town of Warren.
- J. Jenny Creek Shellfish Management Area: The marine waters of Jenny Pond on Prudence Island in its entirety located north of its mouth at its inlet at Pine Hill Cove (Latitude: 41.629838 Decimal Degrees North, Longitude: -71.333696 Decimal Degrees West) in the town of Portsmouth.

- K. Sakonnet River Shellfish Management Area: The marine waters located north of a line extending from Sachuest Point (Latitude: 41.472362 Decimal Degrees North, Longitude: -71.247257 Decimal Degrees West) in the town of Middletown to Sakonnet Light (Latitude: 41.453130 Decimal Degrees North, Longitude: -71.202434 Decimal Degrees West) in the town of Little Compton to Sakonnet Point (Latitude: 41.454587 Decimal Degrees North, Longitude: -71.195124 Decimal Degrees West) in the town of Little Compton; and south of a line extending from a point on the shoreline (Latitude: 41.519498 Decimal Degrees North, Longitude: -71.230893 Decimal Degrees West) in the town of Portsmouth to Brown Point (Latitude: 41.519896 Decimal Degrees North, Longitude: -71.204959 Decimal Degrees West) in the town of Little Compton; and east of a line extending from a point on the shoreline (Latitude: 41.504347 Decimal Degrees North, Longitude: -71.239782 Decimal Degrees West) in the town of Middletown to Flint Point (Latitude: 41.486523 Decimal Degrees North, Longitude: -71.237974 Decimal Degrees West) in the town of Middletown.
- L. Point Judith Pond Shellfish Management Area: The marine waters of Point Judith Pond in its entirety located east of the bridge at Succotash Road (Latitude: 41.386004 Decimal Degrees North, Longitude: -71.526019 Decimal Degrees West) in the town of South Kingstown; and north of the mouth of the breachway where it meets the Harbor of Refuge (Latitude: 41.375149 Decimal Degrees North, Longitude: -71.513755 Decimal Degrees West) in the town of Narragansett.
- M. Potter Pond Shellfish Management Area: The marine waters of Potter Pond in its entirety located west of the bridge at Succotash Road (Latitude: 41.386004 Decimal Degrees North, Longitude: -71.526019 Decimal Degrees West) in the town of South Kingstown.
1. Potter Pond sub-area 1 (closed area): The marine waters of Sycamore Cove located north of a line extending easterly from point "A" (Latitude: 41.383435 Decimal Degrees North, Longitude: -71.537009 Decimal Degrees West) to point "B" (Latitude: 41.383661 Decimal Degrees North, Longitude: -71.533286 Decimal Degrees West); from point "B" following the Sycamore Cove shoreline approximately six hundred thirty-eight (638) meters back to point "A."
- N. Ninigret (Charlestown) Pond Shellfish Management Area: The marine waters of Ninigret Pond in its entirety located west of the bridge at Charlestown Beach Road (Latitude: 41.364173 Decimal Degrees North, Longitude: -71.625958 Decimal Degrees West) in the town of Charlestown; and north of the mouth of Charlestown Breachway (Latitude: 41.354865 Decimal Degrees North, Longitude: -71.638536 Decimal Degrees West) in the town of Charlestown.
1. Ninigret Pond sub-area 1 (western closed area): The marine waters within an area enclosed by the following points and boundaries: from point "A" at the north end of the Ninigret Conservation Area parking lot (Latitude:

41.344726 Decimal Degrees North, Longitude: -71.690149 Decimal Degrees West); following the Ninigret Conservation Area shoreline approximately five hundred eighty (580) meters eastward to point "B" (Latitude: 41.346815 Decimal Degrees North, Longitude: -71.683958 Decimal Degrees West); from point "B" approximately one thousand three hundred eighty-two (1,382) meters northward to point "C" at the Ninigret Landing Marina (Latitude: 41.358561 Decimal Degrees North, Longitude: -71.689409 Decimal Degrees West); from point "C" following the shoreline approximately nine hundred sixty-two (962) meters westward to "D" at the westernmost end of Reeds Point (Latitude: 41.352794 Decimal Degrees North, Longitude: -71.694621 Decimal Degrees West); from point "D" approximately nine hundred seventy-one (971) meters southward to point "A", completing the final boundary.

2. Ninigret Pond-Foster Cove sub-area 1 (northern closed area): The marine waters within an area enclosed by the following points and boundaries: from point "A" on the Foster Cove shoreline (Latitude: 41.366362 Decimal Degrees North, Longitude: -71.676036 Decimal Degrees West); from point "A" approximately forty-six (46) meters southward to point "B" (Latitude: 41.365970 Decimal Degrees North, Longitude: -71.676220 Decimal Degrees West); from point "B" approximately eighty-two (82) meters eastward to point "C" (Latitude: 41.365690 Decimal Degrees North, Longitude: -71.675310 Decimal Degrees West); from point "C" approximately forty-six (46) meters northward to point "D" (Latitude: 41.366086 Decimal Degrees North, Longitude: -71.675128 Decimal Degrees West); from point "D" following the shoreline approximately one hundred nine (109) meters eastward to point "A" completing the final boundary.
  3. Ninigret Pond-Foster Cove sub-area 2 (eastern closed area): The marine waters within twenty-five (25) meters of the shoreline surrounding the Ninigret National Wildlife Refuge western point enclosed by the following points and boundaries: from point "A" on the Foster Cove shoreline (Latitude: 41.363705 Decimal Degrees North, Longitude: -71.673512 Decimal Degrees West); following the shoreline approximately 209 meters westward to point "B" at the end of the point (Latitude: 41.364515 Decimal Degrees North, Longitude: -71.675236 Decimal Degrees West); from point "B" following the shoreline approximately one hundred eighty-three (183) meters eastward to point "C" (Latitude: 41.364330 Decimal Degrees North, Longitude: -71.673220 Decimal Degrees West).
- O. Quonochontaug Pond Shellfish Management Area: The marine waters of Quonochontaug Pond in its entirety located north of the mouth of Quonochontaug Breachway (Latitude: 41.330878 Decimal Degrees North, Longitude: -71.718764 Decimal Degrees West) in the towns of Charlestown and Westerly.

1. Quonochontaug Pond sub-area 1 (western closed area): The marine waters within an area enclosed by the following points and boundaries: the waters south of a line extending approximately nine hundred eleven (911) meters easterly from "A" on the southern end of Quahaug Point (Latitude: 41.333330 Decimal Degrees North, Longitude: -71.744365 degrees West) in the town of Westerly; to "B" at the northern end of Nope's Island (Latitude: 41.334528 Decimal Degrees North, Longitude: -71.733593 Decimal Degrees West) in the town of Westerly; from "B" following the Quonochontaug Barrier shoreline generally westward, approximately one thousand five hundred forty-five (1,545) meters to "C" in the town of Westerly (Latitude: 41.330564 Decimal Degrees North, Longitude: -71.744459 degrees West); from "C" approximately three hundred seven (307) meters northward to "A" completing the final boundary, in the town of Westerly.
  2. Quonochontaug Pond sub-area 2 (eastern closed area): The marine waters within an area enclosed by the following points and boundaries: the waters east of a line extending approximately six hundred seventy-three (673) meters southerly from point "A" on the eastern end of the QYC stone pier (Latitude: 41.350312 Decimal Degrees North, Longitude: -71.709292 degrees West) in the town of Charlestown; to point "B" at the eastern end of the unnamed island (Latitude: 41.344710 Decimal Degrees North, Longitude: -71.712336 Decimal Degrees West) in the town of Charlestown; from point "B" following the Quonochontaug Pond shoreline generally northward, approximately one thousand one hundred twenty (1,120) meters back to point "A" completing the final boundary.
- P. Winnapaug Pond Shellfish Management Area: The marine waters of Winnapaug Pond in its entirety located north of the mouth of Weekapaug Breachway (Latitude: 41.327627 Decimal Degrees North, Longitude: -71.762913 Decimal Degrees West) in the town of Westerly.
1. Winnapaug Pond sub-area 1 (closed area): The marine waters within an area enclosed by the following points and boundaries: the waters north of a line extending approximately one thousand two hundred thirty nine (1,239) meters easterly from point "A" on the southeastern portion of Big Rock Point (Latitude: 41.330229 Decimal Degrees North, Longitude: -71.799555 Decimal Degrees West) in the town of Westerly; to point "B" at the southern end of Larkin's Island (Latitude: 41.331958 Decimal Degrees North, Longitude: -71.784941 Decimal Degrees West) in the town of Westerly; from point "B" approximately one hundred nineteen (119) meters northwesterly to point "C" adjacent to the end of Bayside Avenue (Latitude: 41.332611 Decimal Degrees North, Longitude: -71.786066 Decimal Degrees West) in the town of Westerly; from point "C" following the shoreline generally westward, approximately one thousand five hundred ninety (1,590) meters to point "A", completing the final boundary.



- Q. Green Hill Pond Shellfish Management Area: The marine waters of Green Hill Pond in its entirety located east of the bridge at Charlestown Beach Road (Latitude: 41.364173 Decimal Degrees North, Longitude: -71.625958 Decimal Degrees West), in the towns of Charlestown and South Kingstown.
- R. Narrow River Shellfish Management Area: The marine waters of the Narrow River in its entirety located west and north of its mouth at the Narrows (Latitude: 41.442019 Decimal Degrees North, Longitude: -71.440679 Decimal Degrees West) in the town of Narragansett; south of Gilbert Stuart Rd. (Latitude: 41.519845 Decimal Degrees North, Longitude: -71.444608 Decimal Degrees West) in the town of and North Kingstown; and north of Mumford Rd. (Latitude: 41.439006 Decimal Degrees North, Longitude: -71.473478 Decimal Degrees West) in the town of Narragansett.
- S. Little Narragansett Bay and Pawcatuck River Shellfish Management Area: The marine waters of Little Narragansett Bay and Pawcatuck River within the State of Rhode Island located northeast of a line extending from the DEM range marker on a pole near the southeastern extremity of Sandy Point (Latitude: 41.321703 Decimal Degrees North, Longitude: -71.878691 Decimal Degrees West) to a DEM range marker on a pole on the northern shoreline of Napatree Point (Latitude 41.310300 Decimal Degrees North, Longitude -71.877500 Decimal Degrees West), including all waters of the "Kitchen" so called, and those waters northeast of the southwest shoreline of Sandy Point to the State line (and south of the Route 1 Bridge (Latitude: 41.377688 Decimal Degrees North, Longitude: -71.831481 Decimal Degrees West) in the town of Westerly.
- T. Providence and Seekonk Rivers Shellfish Management Area: The marine waters of the Providence and Seekonk Rivers and their tributaries located north of a line extending from the flagpole on Conimicut Point in the city of Warwick (Latitude: 41.717493 Decimal Degrees North, Longitude: -71.35820 Decimal Degrees West) to the center of the Old Tower at Nayatt Point in the town of Barrington (Latitude: 41.725121 Decimal Degrees North, Longitude: -71.338957 Decimal Degrees West); and southerly and seaward of the Hurricane barrier (Latitude: 41.815785 Decimal Degrees North, Longitude: -71.401958 Decimal Degrees West) in the city of Providence; and southerly and seaward of the Main Street Dam (Latitude: 41.876594 Decimal Degrees North, Longitude: -71.383100 Decimal Degrees West) in the in the city of Pawtucket.
- U. Warren River Shellfish Management Area: The marine waters of the Warren River and its tributaries located north and east of a line extending from the flagpole at 178 Adams Point Road in town of Barrington (Latitude: 41.716089 Decimal Degrees North, Longitude: -71.293291 Decimal Degrees West) to the DEM range marker at Jacobs Point in the town of Warren (Latitude: 41.714306 Decimal Degrees North, Longitude: -71.286673 Decimal Degrees West); and southerly and downstream of the Main Street/Route 114 bridge at its intersection with the Barrington River in the town of Barrington (Latitude: 41.736701 Decimal Degrees North, Longitude: -71.295451 Decimal Degrees West); and southerly

and downstream of the Main Street/Route 114 bridge at its intersection with the Palmer River in towns of Bristol and Warren (Latitude: 41.737396 Decimal Degrees North, Longitude: -71.289081 Decimal Degrees West).

- W. Town Pond Shellfish Management Area: The marine waters of Founders Brook and Town Pond in their entirety located south of the tidal connection to Mount Hope Bay in the town of Portsmouth (Latitude: 41.638944 Decimal Degrees North, Longitude: -71.245269 Decimal Degrees West).
- X. Jacobs Point Shellfish Management Area: The marine waters of the Warren River located south of a line extending from the DEM range marker on the shore north of Jacobs Point (Latitude: 41.714306 Decimal Degrees North, Longitude: -71.286673 Decimal Degrees West) to nun buoy 12 in the town of Warren (Latitude: 41.713780 Decimal Degrees North, Longitude: -71.291593 Decimal Degrees West); and east of a line extending from nun buoy 12 to the DEM range marker on the shore south of Jacobs Point in the town of Bristol (Latitude: 41.710253 Decimal Degrees North, Longitude: -71.291327 Decimal Degrees West).
- Y. Upper Sakonnet River Marine Life Management Area: The marine waters of the Sakonnet River north of a line extending from McCurry Point in the town of Portsmouth to the southern end of Jack's Island (so-called) in the town of Tiverton, and south of the Sakonnet River Bridge (Rt. 24).
- Z. Upper Narragansett Bay Marine Life Management Area: The marine waters north of a line extending from Spink Neck in the town of North Kingstown to Pine Hill Point on Prudence Island, and from Homestead Dock on the easterly shore of Prudence Island to the Hog Island Shoal Light in the town of Bristol; and south of a line extending from Sandy Point to the southern tip of Warwick Point in the city of Warwick; and from the dock at Rocky Point in the city of Warwick to the southern tip of Poppasquash Point to Hog Island Shoal Light in the town of Bristol.
- AA. Menhaden Management Area: Narragansett Bay in its entirety is designated a Menhaden Management Area pursuant to R.I. Gen. Laws § 20-4.1-1. This area shall include the east and west passages of Narragansett Bay, Mount Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet Point to Beavertail Point to Castle Hill Light. The southern boundary further extends from Land's End to Sachuest Point and then to Sakonnet Light.

**Rhode Island Saltwater Recreational  
Fishing License Program**

**Draft Annual Report**

**Fiscal Year 2020**

**Draft**

**RI Department of Environmental Management  
Division of Fish and Wildlife  
Marine Fisheries Section  
3 Fort Wetherill Road  
Jamestown RI 02835**

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## **I. Purpose of Report**

The purpose of this report is to fulfill the requirements set forth by Section 20-2.2-10 of the Rhode Island General Laws. In accordance therewith, this report provides an overview of the Recreational Saltwater License Program for Rhode Island for FY20, offers a brief review of the status of state-based recreational fishing assessments, and sets forth the FY21 programmatic budget.

## **II. Overview of License Program**

### **a. Background**

The State of Rhode Island enacted legislation in January 2010 establishing a new Recreational Saltwater License Program for Rhode Island. The program has two primary purposes:

1) It provides a state-based alternative to federal saltwater angler registry requirements, which are administered by the National Marine Fisheries Service (NMFS) pursuant to the 2006 Amendments to the federal Magnuson-Stevens Fishery Conservation Act (section 401(g)) (hereinafter referred to as the “Magnuson Act Amendments”).

2) It provides a source of state funding for programs and activities that benefit marine recreational fishing interests in Rhode Island.

The Magnuson Act Amendments mandate the establishment of a national registry program for all saltwater anglers, for use in conducting more accurate marine recreational fisheries statistical surveys; those surveys serve as the backbone of marine fisheries management programs for the recreational fishing sector. In December 2008, NMFS promulgated the final rule creating the registry, and also established an option for states to develop their own state-based licensing programs as an alternative, provided that the state programs meet federal criteria.

The RI license fees -- \$7/year for residents (under age 65), \$10/year for non-residents, and \$5 for a 7-day license – are designed to both cover the administrative costs of the license program and provide additional support to programs and activities that serve the needs and interests of saltwater recreational fishermen in Rhode Island.

The statute establishing RI’s Recreational Saltwater License Program – RIGL Chapter 20-2.2 – was shaped and supported by a Recreational Marine License Study Group, co-chaired by the R.I. Department of Environmental Management (hereinafter, the “Department”) and the R.I. Saltwater Anglers’ Association. The group included representatives from a variety of recreational fishing groups and interests from Rhode Island.

The statute includes a section titled *Accountability and oversight* (RIGL Section 20-2.2-10). Pursuant to that section, the Department is charged with preparing an annual report that details the number of recreational saltwater licenses issued, the total amount of license fee revenue received, the expenditures made during the prior year from the license fee account, and how the Department plans to allocate and use the fee revenue during the next year. The report is also slated to include any additional, relevant information relating to the administration and enforcement of the licensing program, and the status of state-based recreational fishing assessments and stock assessments.

The statute calls upon the Department to submit the report to the Rhode Island Marine Fisheries Council, and for the Department and Council to then conduct one or more public meetings to solicit input from recreational fishermen and the general public. The Council is then tasked with preparing an addendum to the report, setting forth its opinion on whether the licensing program is meeting its intended purpose, and offering any recommendations for modifying the program. The report and addendum are then to be submitted to the Rhode Island General Assembly.

#### **b. Status**

The Department's Division of Fish & Wildlife, Marine Fisheries Program (hereinafter, the "Division") developed the RI recreational saltwater license program early in 2010, and the program officially took effect on April 15, 2010.

As established by the statute, anyone wishing to recreationally fish or spearfish in the marine waters of Rhode Island must possess either a RI state fishing license, a state fishing license from a reciprocal state, or a federal registration. The requirement solely pertains to those harvesting, or attempting to harvest, finfish for non-commercial purposes. In 2012, regulations were amended to have the requirements also include those harvesting, or attempting to harvest, squid. Exemptions are provided for the following categories:

- Children under 16,
- Anglers fishing on licensed party or charter boats,
- RI residents who are blind or permanently disabled, and
- RI residents who are on leave from active military duty.

RI residents over the age of 65, and active military personnel stationed in RI, are eligible to obtain RI state licenses at no cost.

The new federal registry requirements also pertain to for-hire vessels, requiring that they either register federally or be subject to state-based licensing. Pursuant to a previously enacted state statute – RIGL section 20-2-27.1 – Rhode Island requires for-hire vessels (charter and party boats carrying recreational fishermen) to obtain a RI party and charter boat license.

In the summer of 2010, the Division submitted the new RI recreational saltwater fishing license program, and the existing RI party and charter boat license program, to

NMFS for review. On October 25, 2010, NMFS and the Division entered into an MOU, pursuant to which the Division agreed to regularly collect and transmit to NMFS the contact information generated by the two programs.

On the basis of NMFS' review and approval of the RI license programs, and the commitments set forth in the MOU, the State of Rhode Island was officially designated as an exempted state for all anglers, spear fishers, and for-hire fishing vessels on November 8, 2010 – enabling the RI recreational saltwater fishing license program, and the RI party and charter boat license program, to serve as a valid, legal substitutes for the federal registry.

During 2010, a federal registration was available at no cost. Beginning in 2011, NMFS enacted a \$15 annual fee for the federal registration. The annual cost has since increased to \$29.

Because the federal registration did not have a fee during 2010, it was difficult to assess the metrics of the RI program during its inaugural year. Since 2011, the program has equilibrated, providing more predictable participation and revenue rates. The average number of licenses issued between 2011 - 2017 was approximately 42,000 per year, generating average revenues of about \$270,000 gross and \$180,000 net. For the last two years (2018 and 2019) this figure has risen to approximately 50,000 licenses issued per year generating average revenues of about \$300,000 gross and \$200,000 net. All net license fee revenues, those not retained by the program vendor, are deposited into a restricted receipt account.

### **c. Benefits**

The overarching benefits of recreational license programs are their potential for improving recreational fishing management by:

- Allowing flexibility in the administration of the recreational license program to suit the needs of Rhode Island.
- Improving the quality and accuracy of marine recreational fishing data; and
- Providing an improved means for quantifying the scope of recreational saltwater fishing and spearfishing in Rhode Island, and throughout the U.S.

A key benefit of having the State of Rhode Island administer its own license program is the opportunity to make the license available at a lower cost than a federal registration. The \$7 (resident) and \$10 (non-resident) fees for the RI license compare favorably to the \$29 fee for the federal registration. Moreover, RI does not require state residents over the age of 65, or any active military personnel stationed in RI, to pay a fee for a license. RI offers a 7-day license at a reduced rate of \$5, available to both residents and nonresidents.



An additional benefit of having RI administer its own program is that the State program offers certain exemptions that are not available under the federal program – namely, exemptions for RI residents who are blind or permanently disabled, and RI residents who are on leave from active military duty.

Another benefit of having a RI state program is reciprocity with neighboring states and federal waters. Pursuant to Rhode Island’s licensing statute, Rhode Island will extend reciprocity to any other state that offers reciprocity to Rhode Island. Any resident from a reciprocal state who is licensed by that state can fish in RI waters without having to obtain a RI license, provided that a RI resident with a RI license can fish in the waters of the reciprocal state without having to obtain a license from that state. The states currently covered by a reciprocity agreement with Rhode Island are: New York, Connecticut, Massachusetts, and Maine.

A portion of each Rhode Island license sold, \$2 for every license sold online, and \$3 for every resident license sold via a vendor, is used to cover the costs of administering the licensing program. An additional charge of \$3 per license is assessed if a non resident buys a license at a brick and mortar vendor. This money goes directly to the vendors who administer the program, and are not revenues received by the state. In this way, the program covers its own costs and is self-sustaining.

The balance of the revenues derived from license sales are deposited into a restricted receipt account, which is managed by the Department and subject to the exclusive-use restrictions set forth by statute. Monies from the account may only be used for: managing Rhode Island's marine recreational fisheries, with particular reference to improving State-based recreational fishery catch and effort statistics and stock assessments; and enhancing recreational fishing opportunities in the State. The availability of this dedicated revenue source for use in supporting programs and activities that address the priority interests of RI’s recreational fishing community is a major benefit associated with the RI license program. Of particular value is the opportunity to use the state funds to leverage federal funds.

The US Fish and Wildlife Service’s (USFWS) Sport Fish Restoration Program provides federal funding for saltwater recreational fishing programs. The funding is administered via grants to the State; projects written into these grants require a 25% state match. The fees generated by the RI saltwater license program are used to leverage an additional \$3 for every \$1 dedicated to projects and activities that enhance recreational saltwater fishing access, as well as science and management programs that relate directly to recreational fish stocks. It is the policy of the Division to only fund Saltwater Fishing License Fee projects which have been matched with USFWS grants unless absolutely necessary.

#### **d. Implementation**

##### ***Internet Based System & Local Vendors***

Section 20-2.2-7 of the statute establishing the license program authorizes and directs the Department to engage the contractual services of a state-approved vendor to develop and implement a web-based system that serves as a portal to obtain licenses. The system developed by the vendor is used directly by recreational fishermen and by authorized licensing agents.

During the initial program development stage, the Department entered into a formal agreement with Rhode Island Interactive (RII), which administers the Rhode Island state government web portal, known as RI.gov. Pursuant to the agreement, RII is responsible for developing and implementing the internet-based licensing system. RII followed through by developing and implementing a system that serves as the mechanism for issuing licenses, and for collecting all of the required contact information at the point of sale for the national registry.

The internet-based system is used by authorized vendors to provide a point of sale alternative for anglers and spear fishers to acquire a license. These vendors include bait and tackle shops, marinas and big box stores. To date, there are twenty-five (25) authorized vendors. RII is responsible for handling the business arrangements with each vendor, including billing, remittance and technical support. Vendors must pay an annual fee of \$75 to RII to cover these service costs.

To cover the overall costs of administering the web-based license program, RII retains \$2 for each license sold via the internet. If a license is sold by a vendor, RII retains \$1 and the vendor retains \$2. Neither RII nor the vendors receive any compensation for no-fee licenses issued to RI residents over the age of 65 or active military personnel stationed in RI.

RII provides all angler contact information (name, address, phone number, date of birth – and if provided, email address) to the Division monthly via electronic transfer. The confidentiality of the data is protected via the use of encryption. The Division, in turn, provides the encrypted data to the NMFS MRIP program for incorporation into the national registry.

##### ***Information & Outreach***

Since the rollout of the Rhode Island Saltwater Recreational Fishing License, the Division has continued to provide information and outreach to the Rhode Island angling community. The primary vehicle is the webpage, [www.saltwater.ri.gov](http://www.saltwater.ri.gov), which provides direct access to the licensing portal. The page includes a detailed FAQ section, covering all aspects of the license program, a link to all authorized license vendors, links to recreational fishing regulations, the locations of all public boat ramps that provide access

to marine waters in Rhode Island, and other information pertinent to recreational saltwater fishing.

Since 2013, the Division has contracted with a publishing company to create a recreational fishing guide for distribution throughout the state. The guide provides information on a variety of recreational-fishing-related issues, including current recreational fishing regulations, information on local fishing and boating access sites, and commonly caught species. It also provides information on the license program. The guide has emerged as a popular, widely circulated annual publication that serves to both promote recreational saltwater fishing in RI and inform the angling community on saltwater license revenue supported programs and regulations.

The Division continues to issue periodic press releases regarding the license program and produce fact sheets, informational cards and brochures for dissemination at public events, such as the Rhode Island Saltwater Anglers Association (RISAA) annual New England Saltwater Fishing Show. The Division continues to man a booth at the show to answer questions about recreational fishing, and to support issuing licenses in a convenient forum for the community. The show offers an ideal opportunity to interact directly with the recreational fishing community. Per the suggestion of our recreational saltwater license study group, the Division will provide more frequent updates to the RISAA and other interested parties on projects funded by recreational license funds. For example, the Division will report any boat ramp repairs or construction updates to RISAA to disseminate to their members. Another valuable suggestion generated by the group was to communicate any maintenance / infrastructure via press releases. The group feels that it is important to increase public awareness of how the recreational saltwater license funds are being spent. Tangible results increase the positive perception of the program. To that end the Division will also highlight these projects in its annual magazine. The group also suggested more communication between the Division and the angling public to direct where access point maintenance is needed.

To help increase awareness regarding the license program in the field, the Division also continues to maintain weatherproof vinyl signs at fishing access points throughout RI. The signs feature an illustration of the license and clear text informing the public that the license is required and how it can be acquired. RI also continues to provide informational signs to vendors to advertise the availability of licenses at their places of business.

In the FY2017 funding cycle the Division started funding an annual youth fishing camp administered by the Rhode Island Saltwater Anglers Association (RISAA) with oversight from the Division. The camp was a success enrolling 51 children for three days all centered around fishing. The popularity of the camp has prompted the Division and RISAA to continue the camp in FY2020, at Rocky Point. Unfortunately, due to the Covid -19 crisis the 2020 kids fishing camp was cancelled. Hopefully conditions will improve and the camp can be held in 2021. RISAA is a very active, large recreational fishing organization based in the state of Rhode Island. An overview of the association can be found on their website: [www.risaa.org](http://www.risaa.org). The state funding used to match the

federal USFWS sportfish grant in the past has been derived almost entirely from credits derived from the donated time spent by the RISAA volunteers. The grant the volunteer time was matched to was the USFWS RI Aquatic Education grant. Future camps will continue to leverage volunteer hours to match federal funding. Future camps will use recreational saltwater license revue will be used to match the federal grant in the event that volunteer hours are not available.

### ***Free Fishing Day***

In accordance with the statutory allowance for one free fishing day a year, during which all license requirements are waived, the DEM Director continues to declare a free fishing day each summer. Since 2010, the free fishing day has coincided with Governor's Bay Day.

#### **e. Licenses Issued, Revenues Received: Fiscal Years 2011-2020**

Tables 1-3 summarize licenses issued and revenue generated since the inception of the license program. For the purposes of this report gross revenue is the total amount of fees paid to RIDEM for the saltwater recreational license. Net revenue is the balance of fees deposited into the restricted account after the administrative costs are paid to the internet portal contractor and other brick and mortar vendors. License numbers and revenues increased after FY11, as expected, as the federal registry switched from being a free alternative to a costly alternative. In the nine years since FY11, license issued have increased to approximately 50,000 per year, generating an average gross revenue of about \$330,000, and average net revenue of about \$234,000. Despite the increases, the number of licenses sold and revenue generated fall well short of initial predictions from 2010, resulting in a much more constrained budget then originally envisioned. FY20 was a good year for license sales. The number of licenses increase by approximately 9,000 licenses. During FY20 57,732 licenses were issued resulting in \$387,801 in gross revenue and \$264,131 in net revenue. This was an significant increase from FY19 and above the average and the highest total in the series. While sales fluctuate from year to it is still an indication that the recreational saltwater licensing program is not losing ground and still has potential to grow. The unexpected high number of sales this year is likely contributed to the public's reaction to Covid – 19 restrictions. Fishing allows for recreation in the outdoors which is relatively safe due to inherent social distancing of fishing. In fact it is estimated that use of all of RI's outdoor access points and resources increased approximately 80% during the pandemic. With more people recreating outdoors it is not surprising that the number of fishing licenses sold trend upward as well.

Table 1. RI Saltwater Recreational Fishing Licenses – Number Issued: FY11 through FY20

<b>License Type</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>
Resident Full Year	18,658	26,556	25,864	25,938	26,084
Non-Resident Full Year	5,249	7,649	6,975	7,432	7,381
Resident 7-Day	60	122	107	144	134
Non-Resident 7 Day	1,310	2,505	2,730	2,958	3,055
Resident Over 65	3,635	4,613	4,653	4,667	4,704
Active Military Stationed in RI	703	993	996	1,055	992
<b>Totals:</b>	<b>29,615</b>	<b>42,438</b>	<b>41,325</b>	<b>42,194</b>	<b>42,350</b>

<b>License Type</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
Resident Full Year	29,335	28,605	31,576	30,155	37,664
Non-Resident Full Year	8,428	8,378	8,762	8,721	9,815
Resident 7-Day	159	158	167	135	185
Non-Resident 7 Day	3,141	3,221	3,436	3,430	3,395
Resident Over 65	5,078	5,613	5,879	5,489	5,858
Active Military Stationed in RI	1,006	971	975	807	815
<b>Totals:</b>	<b>47,147</b>	<b>46,946</b>	<b>50,795</b>	<b>48,737</b>	<b>57,732</b>

Table 2. RI Saltwater Recreational Fishing Licenses -- Gross Revenue: FY11 through FY20

<b>License Type</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>
Resident Full Year	\$130,606	\$185,892	\$181,048	\$181,566	\$182,588
Non-Resident Full Year	\$52,490	\$76,490	\$69,750	\$74,320	\$73,810
Resident 7-Day	\$300	\$610	\$535	\$720	\$670
Non-Resident 7 Day	\$6,550	\$12,525	\$13,650	\$14,790	\$15,275
Resident Over 65	\$0	\$0	\$0	\$0	\$0
Active Military Stationed in RI	\$0	\$0	\$0	\$0	\$0
<b>Totals:</b>	<b>\$189,946</b>	<b>\$275,517</b>	<b>\$264,983</b>	<b>\$271,396</b>	<b>\$272,343</b>

<b>License Type</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
Resident Full Year	\$205,345	\$200,235	\$221,032	\$211,085	\$263,648
Non-Resident Full Year	\$84,280	\$83,780	\$90,938	\$93,495	\$104,210
Resident 7-Day	\$795	\$790	\$835	\$675	\$925
Non-Resident 7 Day	\$15,705	\$16,105	\$17,639	\$19,562	\$19,018
Resident Over 65	\$0	\$0	\$0	\$0	\$0
Active Military Stationed in RI	\$0	\$0	\$0	\$0	\$0
<b>Totals:</b>	<b>\$306,125</b>	<b>\$300,910</b>	<b>\$330,444</b>	<b>\$324,817</b>	<b>\$387,801</b>

Table 3. RI Saltwater Recreational Fishing Licenses -- Net Revenue: FY11 through FY20

License Type	FY11	FY12	FY13	FY14	FY15
Resident Full Year	\$88,462	\$124,413	\$120,880	\$120,736	\$121,175
Non-Resident Full Year	\$40,702	\$58,566	\$53,340	\$56,970	\$56,682
Resident 7-Day	\$174	\$352	\$304	\$411	\$382
Non-Resident 7 Day	\$3,605	\$6,528	\$6,988	\$7,794	\$8,085
Resident Over 65	\$0	\$0	\$0	\$0	\$0
Active Military Stationed in RI	\$0	\$0	\$0	\$0	\$0
<b>Totals:</b>	<b>\$132,943</b>	<b>\$189,859</b>	<b>\$181,512</b>	<b>\$185,911</b>	<b>\$186,324</b>

License Type	FY16	FY17	FY18	FY19	FY20
Resident Full Year	\$136,810	\$133,772	\$155,040	\$140,853	\$177,714
Non-Resident Full Year	\$64,923	\$64,664	\$68,952	\$67,723	\$76,372
Resident 7-Day	\$453	\$430	\$477	\$384	\$541
Non-Resident 7 Day	\$8,445	\$8,765	\$9,465	\$9,488	\$9,504
Resident Over 65	\$0	\$0	\$0	\$0	\$0
Active Military Stationed in RI	\$0	\$0	\$0	\$0	\$0
<b>Totals:</b>	<b>\$210,631</b>	<b>\$207,631</b>	<b>\$233,934</b>	<b>\$218,448</b>	<b>\$264,131</b>



### **III. Status of State-Based Fishing Assessments**

Rhode Island's recreational catch and effort data is collected via the Marine Recreational Information Program (MRIP). MRIP is designed to improve recreational data collection by using the data generated from license sales to create a national recreational angler registry and by employing new angler survey protocols. This registry of licensees is a known sampling frame that can be drawn upon to conduct more focused surveys. Addresses taken from the registry are used to assess fishing effort, i.e., the number of anglers and the number of trips they make in Rhode Island. Catch data is collected by intercept interviews with anglers at fishing access sites. This catch data is used to calculate the number, species, and size of the fish being caught by recreational anglers in Rhode Island. Data from the two independent surveys is combined to produce regional and coast wide estimates of recreational harvest. Results are reported in two-month periods called waves. This data is collected during the months of March through December; no intercepts for shore, private/rental, or party charter modes are collected in Rhode Island during wave 1 (January - February) due to low fishing activity. RIDMF does sample in Head boat mode during wave one as part of the add on sampling coverage. Samplers ride along on head boats twice per month in January and February to collect data on cod, tautog, and black sea bass winter fishing trips. The covid -19 crisis prevented us from sampling head boats in FY 2020 from January, 2020 to July, 2020.

The portion of MRIP that collects recreational fishing effort data is currently being collected by the Fishing Effort Survey (FES) a mail based system which has replaced the Coastal Household Telephone Survey (CHTS). A benchmarking period during which data collection was conducted with both methodologies and was successful. The data collected during benchmarking period was used to calculate a conversion factor used to relate effort data collected in the past with the CHTS to the new effort data collected by the FES.

The FES methodology uses information provided by anglers when purchasing a Rhode Island Saltwater Recreational Fishing License as the sample frame for the surveys. The data is provided to MRIP to create a registry of anglers whose addresses are randomly drawn from to receive a mail survey concerning fishing effort. The new system has proven to be a better estimator of fishing activity than the CHTS, one outcome of which is higher angler effort statistics. The improved accuracy of the FES has provided a better understanding of the number of anglers and trips taking place and has shown that more anglers were making fishing trips than previously thought using CHTS data. The increased effort combined with the existing catch rates has highlighted that previous catch and harvest estimates were much lower than previously thought. Comparisons of catch and harvest estimates using the two methods are available on the MRIP website.

The second portion MRIP focuses on the collection of recreational catch statistics. As of 2016, the Division is responsible for conduct of the Access Point Angler Interview Survey (APAIS). Prior to that, the Division had a contract with the federally approved contractor, to perform the APAIS. APAIS is the portion of MRIP which captures the

recreational catch data. The accuracy of the data collected via angler intercepts has been improving over the past three years, due to the new approaches employed under MRIP. The number of attempted interviews is increasing, as is the spatial and temporal distribution of the interviews. A more comprehensive sampling frame of potential sampling locations with accompanying site pressures is being used to better distribute the interviews. Better statistical sample distribution is expected to continue to increase the accuracy of the estimates. Additionally, interviews are now being conducted at increasing rates during the winter months on head boat trips. Intercept refusal rates have remained level, despite the change to the Division conducting the APAIS. The Division is working hard to improve this aspect of the processes and engaged stakeholders at local club events to foster buy in to the APAIS. This face to face approach has been well received and will continue into the future. The Division has also reached out to NOAA Fisheries for outreach materials and strategies which should have positive results.

To further add to the above-described improvements, the Division is increasing the number of sample draws across all months using revenues from Rhode Island Saltwater Recreational Fishing License matched 3:1 with USFWS federal grant money. The funds are being used to hire four additional seasonal employees during the summer months to perform these additional interview shifts. The Division plans to continue this practice into the foreseeable future. This state-specific increase in sample numbers has increased the accuracy and precision of recreational catch and effort data for RI.

As mentioned above, APAIS has transitioned from contractor-based administration to state-based administration. The transition occurred in 2016. The data collected from APAIS is displayed in table 4a, 4b, 4c and 5. Recreational Saltwater License funds were not used to make this transition; it was a federally funded initiative. Agreements have been forged between NOAA Fisheries and the Atlantic States Marine Fisheries Commission (ASMFC) outlining the duties and responsibilities the Division must accomplish to successfully transition and run the program. To accomplish this transition the Division hired a full time coordinator to administer the program. The funding for this position is provided annually by NOAA Fisheries. The MRIP coordinator is responsible for maintaining and scheduling personnel who will conduct angler intercepts throughout RI. In addition to staffing duties, the coordinator is responsible for QA/QC, validation, and disseminating of data collected to the Atlantic Coast Cooperative Statistics Survey (ACCSP). ACCSP is part of ASMFC and is coordinating the collection of data from state partners for delivery to NOAA Fisheries.

The Division has hired 2 full time field interviewers to perform angler intercepts during waves 2 -6 throughout Rhode Island. NOAA Fisheries provides funding for one staff via funding for APAIS and ~75% of the other staff via funding to conduct the For Hire Telephone Survey (FHTS). NOAA Fisheries provides funding as well as for four seasonal employees each year. These employees travel to shore based sites and ride on board head boats to conduct angler interviews routinely as prescribed by APAIS. The full time employee also provides back office support to the MRIP coordinator.

As mentioned above, Recreational Saltwater License funds will be used each year to increase the number of interviews beyond the base number funded by NOAA

Fisheries. These additional interviews are accomplished by hiring additional seasonal employees during peak fishing waves. The funding for the three additional seasonal employees and three months of a full time staff member's time is provided by Rhode Island Recreational Saltwater License fees matched 3:1 with USFWS grant money. It is estimated that the four additional temporary samplers will accomplish the same number of additional samples (likely more) than were purchased directly from the contractor in the past. After one year of the new methodology it has been determined that two additional seasonal employees is an effective number to conduct the additional site assignments requested by the Division. By ordering additional samples from NOAA Fisheries, the tiered nature of the sample draws can result in summer weekend days requiring six staff members to carry out all of the site assignments. Non weekend sample draws are less intensive and require fewer staff.

The Division intends to build on the recent improvements to the survey and anticipates better data collection and more accurate information going forward with the program. Tables 4a and 4b, show the assignment statistics by wave and mode for 2019 and 2020. Table 5 compares 2016- 2020 APAIS interview statistics. The results compare the first four years of RI State conduct of the survey. Notably the number of completed interviews has increased but refusal rates only slightly decreased. Staff will continue to develop strategies to reduce the number of refusals.

The higher number of completed interviews is a function of higher angler encounter rates. During the early sampling waves of 2016, the Division was still learning the nuances of conducting the survey. A key part of the process involved adjusting the site pressures used by NOAA Fisheries to make the random assignments directing where interviews take place. Rhode Island site pressures needed adjustment because they were not resulting in random draws that would direct field interviewers to popular fishing sites. The adjustments have been accomplished and their effectiveness is reflected in a higher number of completed interviews between 2017 and 2020 relative to 2016. Field interviewer production rates continued to contribute to more completed interviews in 2020. Production rates remained steady between 2019 and 2020 with an average of ~ 6 interviews/assignment. The sustained high field interviewer production rates are the result of the experience gained in our first year of the program and a more refined training regimen. It is anticipated to maintain this increased production in 2021 as there is 1 field interviewer returning from 2020. This FI has one or two years of training under their belts, which should foster higher productivity.

Refusal rates have decreased slightly between 2016 and 2019 but increased slightly in 2020. This increase in refusals is likely contributed to Covid – 19 and anglers social distancing/avoiding our interviewers. The Division will continue its outreach efforts to reduce this statistic. Most of the refusals occur in Party/Charter mode. Staff has been focused on obtaining interviews from all clients from any given charter boat trip to bring this number down with some good preliminary results. Since 2016, any angler that is not interviewed from a boat party from which at least one angler was interviewed is coded as an initial refusal, and the count of missed anglers only refer to anglers who were eligible but could not be interviewed because the interviewer was busy interviewing other

anglers. This procedural change has increased the number of refusals in this mode. The Division constructed a kiosk at the main charter boat dock in the state. The kiosk is meant to raise awareness to the survey and provide a central location from which our field interviewers may operate.

New for FY2020, RIDMF has assumed the duties for maintaining the vessel registry, the For-Hire Telephone Survey (FHTS), and Large Pelagics Survey (LPS) for Party/Charter and Head Boats. The vessel registry is used to randomly select for hire vessels for inclusion in the FHTS as well as add them to the vessel good list. The good list is the list of vessels which are active in any given wave and are available to be interviewed as part of APAIS and surveyed via the FHTS. The FHTS is used instead of the FES to collect fishing effort data to be compiled with APAIS to create recreational harvest estimates for the for-hire fleet. The LPS is another telephone survey which collects fishing effort data but specific to large pelagic species of fish such as tunas and sharks. RIDMF received additional funds from NOAA Fisheries to provide for staff time to make these calls throughout the year. No recreational license fees have been used to run this survey. As mentioned above the Division hired an additional full-time staff member, that persons main focus is the FHTS. The three months funded by the RI Saltwater License Fees and USFWS Sportfish funding take place during the winter season to help with add on Head Boat rides, add on Fall interviews and preparation for spring each year.

The concept behind the state taking over the FHTS and LPS is that those surveys will now have a local brand associated with them which will in turn increase participation. Other states that have already taken over conduct of these two surveys have experienced better results since taking over the job from the federal contractor (Quantech). The increased participation can be credited to having the same core group of staff making the calls building a repour with the for-hire captains as opposed to a random person calling them from week to week. RIDMF plans to use similar methods using the same two staff members to make all the calls to the RI for-hire fleet.

Table 4a. APAIS Interview Statistics from 2019 Assignments. (CH = Party/Charter, PR = Private/Rental Boat, SH = Shore, HB = Head Boat)

Year	Wave	Mode	Assignments	Completed	Initially Refused	Language Barrier	Missed Anglers	Productivity
2019	2	CH	3	0	0	0	0	0
2019	2	HB	5	53	14	10	0	10.6
2019	2	PR	13	43	8	18	0	3.31
2019	2	SH	30	103	41	3	0	3.43
2019	3	CH	37	258	234	2	10	6.97
2019	3	HB	16	225	124	38	0	14.06
2019	3	PR	42	230	50	20	0	5.48
2019	3	SH	61	288	52	82	1	4.72
2019	4	CH	61	417	283	11	24	6.84
2019	4	HB	19	357	294	16	0	18.79
2019	4	PR	80	674	133	75	9	8.43
2019	4	SH	51	211	55	45	2	4.14
2019	5	CH	28	156	141	8	7	5.57
2019	5	HB	12	122	68	50	0	10.17
2019	5	PR	58	566	100	53	5	9.76
2019	5	SH	44	200	45	71	3	4.55
2019	6	CH	6	19	44	6	0	3.17
2019	6	HB	7	77	29	16	0	11
2019	6	PR	14	0	0	0	0	0
2019	6	SH	25	44	2	5	0	1.76
			<b>612</b>	<b>4043</b>	<b>1717</b>	<b>529</b>	<b>61</b>	<b>6.64</b>

Table 4b. APAIS Interview Statistics from 2020 Assignments. (CH = Party/Charter, PR = Private/Rental Boat, SH = Shore, HB = Head Boat)

Year	Wave	Mode	Assignments	Completed	Initially Refused	Language Barrier	Missed Anglers	Productivity
2020	2	CH	0	0	0	0	0	0
2020	2	HB	1	6	3	5	0	6
2020	2	PR	8	0	0	0	0	0
2020	2	SH	28	40	9	3	17	1.43
2020	3	CH	35	155	269	5	66	4.43
2020	3	HB	0	0	0	0	0	0
2020	3	PR	46	234	80	57	66	5.09
2020	3	SH	60	272	77	66	95	4.53
2020	4	CH	60	523	831	8	249	8.72
2020	4	HB	0	0	0	0	0	0
2020	4	PR	82	638	183	60	172	7.78
2020	4	SH	48	302	68	79	65	6.29
2020	5	CH	36	274	297	27	65	7.61
2020	5	HB	0	0	0	0	0	0
2020	5	PR	69	524	109	45	119	7.59
2020	5	SH	54	317	116	83	77	5.87
2020	6	CH	9	42	80	0	9	4.67
2020	6	HB	0	0	0	0	0	0
2020	6	PR	10	4	1	0	0	0.4
2020	6	SH	25	72	24	7	32	2.88
			<b>571</b>	<b>3403</b>	<b>2147</b>	<b>445</b>	<b>1032</b>	<b>5.96</b>

Table 5. Summary of APAIS interview Statistics from 2016 – 2020 assignments by wave.

Year	Wave	Completed	Refused	Missed	Percent Refused	Percent Complete
2016	2	116	63	8	35.20%	62.03%
2016	3	396	549	65	58.10%	39.21%
2016	4	857	1157	260	57.45%	37.69%
2016	5	665	557	143	45.58%	48.72%
2016	6	111	61	4	35.47%	63.07%
<b>2016</b>		<b>2145</b>	<b>2387</b>	<b>480</b>	<b>53.00%</b>	<b>42.80%</b>
2017	2	124	15	13	10.79%	81.58%
2017	3	759	579	146	43.27%	51.15%
2017	4	1908	1011	629	34.64%	53.78%
2017	5	901	518	267	36.50%	53.44%
2017	6	149	94	37	38.68%	53.21%
<b>2017</b>		<b>3841</b>	<b>2217</b>	<b>1092</b>	<b>36.60%</b>	<b>53.72%</b>
2018	2	149	46	19	23.58%	69.63%
2018	3	782	532	277	40.49%	49.15%
2018	4	1740	989	704	36.24%	50.68%
2018	5	1058	583	434	35.53%	50.99%
2018	6	199	147	87	42.48%	45.96%
<b>2018</b>		<b>3928</b>	<b>2297</b>	<b>1521</b>	<b>36.90%</b>	<b>50.71%</b>
2019	2	199	63	31	21.50%	67.92%
2019	3	1001	460	188	27.90%	60.70%
2019	4	1659	765	431	26.80%	58.11%
2019	5	1044	354	249	21.49%	63.39%
2019	6	140	75	10	33.33%	62.22%
<b>2019</b>		<b>4043</b>	<b>1717</b>	<b>909</b>	<b>25.75%</b>	<b>60.62%</b>
2020	2	46	12	17	20.69%	61.33%
2020	3	661	426	227	39.19%	50.30%
2020	4	1463	1082	486	42.51%	48.27%
2020	5	1115	522	261	31.89%	58.75%
2020	6	118	105	41	47.09%	44.70%
<b>2020</b>		<b>3403</b>	<b>2147</b>	<b>1032</b>	<b>38.68%</b>	<b>51.70%</b>

#### IV. Issues & Initiatives

##### a. Increasing the Number of Local Vendors

Although the internet remains the most convenient means for obtaining a license for most people, it is apparent that a portion of the population continues to prefer to obtain a license, in-person, at a local store or shop. Such individuals may either not have, or may not be comfortable using a home computer and printer. Additionally, some individuals may have the need to pay for their license using cash, instead of a debit or credit card, which is required for the online transaction. This precipitates the need to maintain and increase brick and mortar vendors in RI.

To date, there are twenty-five local vendors authorized to issue licenses at their places of business. This is up from just seven vendors at the start of the 2011 fishing



season. The locations of the twenty-five vendors cover the major population areas of Rhode Island, including Block Island. Increasing the number of vendors should remain a top priority, since adding more vendors to the program will make it easier for more people to get their licenses, thereby enhancing compliance.

The Division applied for and was awarded a grant from the Atlantic States Marine Fisheries Commission to administer a vendor-incentive program. The program started in 2011. Pursuant to the program, the Division loans computers and printers to any establishment that agrees to vend licenses for a period of five years. The Division has enough funds to provide equipment for up to 50 vendors. This grant ended as of November of 2015. The Division has exhausted its supply of computers.

In 2018 RIDEM successfully rolled out a new outdoor recreational licensing system which will allow saltwater, freshwater, and hunting licenses to be purchased over the internet at once. By way of background, the saltwater and freshwater licenses were already available online, hunting licenses were still being issued via a paper system. The new system has both an online and agent module to allow both online and brick and mortar sales outlets. Combining all three licenses into one system has resulted in the saltwater license being available at more brick and mortar locations. Saltwater recreational fishing licenses are now sold at over 25 locations throughout the state including municipalities and the RIDEM Boating Registration office. This increased access to the fishing license and a sustained outreach campaign associated is the likely contributed to license sales remained relative level in FY2020.

#### **b. Developing Regulations for the License Program**

In 2010 the Division developed and enacted comprehensive regulations for the recreational license program. The regulations largely codify the key statutory provisions governing the license program. The Division tracks recreational fishing issues and strives to keep pace with advances in technology as it pertains to fishing licenses and will amend regulations if needed to address current issues. At this time, the Division plans to pursue legislation to supplement the new combined online system to create a license that would cover saltwater, freshwater, and hunting licenses. This legislation would also address license fees and agent fees. It is not anticipated that saltwater license fees will increase, hunting license fees may need to be adjusted higher. Allowing for a combination purchase will enhance the customer service aspect of the licensing program, and is therefore an important initiative for the State.

#### **c. Meeting with the Recreational Saltwater License Study Group**

The Division plans to continue meeting annually with the Recreational Saltwater License Study Group. This ad-hoc group worked closely with the Division on the development of the original saltwater recreational license bill. The purpose of these annual meetings is to review and get input on the status of the overall license program, as well as the draft budget for the saltwater license restricted receipt account. These

meetings are in addition to, not in lieu of, the Council and public comment processes set forth by the license statute.

**d. Allowing Volunteer Contributions to the Restricted Receipt Account**

It has been suggested that some anglers and spear fishers would welcome the opportunity to make an additional, voluntarily contribution to the restricted receipt account associated with the license program at the time they purchase their license. It is unclear whether this could be done without additional statutory authority, but if there is enough interest on the part of the Rhode Island recreational fishing community to pursue the initiative, it can be pursued further. Examples of voluntary methods for contribution include license plate programs and donations on state tax forms. There are no proposals to develop additional means of acquiring voluntary contributions at this time.

**e. Streamlining the Online License Renewal Process**

The Division has continued to coordinate with RII in an effort to streamline the renewal process, namely, by having prior contact information recalled and re-inserted, with an onus on the licensee to verify that it is up-to-date and accurate. Phone numbers remain an important data field, the system still requires phone numbers to be re-entered every year, to help ensure that they are up-to-date and accurate. The future of MRIP's methods is still unclear but will likely shift to a mail based survey. This change will make the address of the applicant the key data element. It is unclear if the telephone number will become self-populated from previous license data after the switch is made to the mail survey, but for now it will still be a required data element of the RI program.

It should be noted that the new online system took ease of license renewal into its design specification's. A new unique identifying number will be assigned to each license holder that will directly link to an account in the system. The user accounts will maintain a history of past transactions and store all demographic information. These changes have reduced the amount of time any given user spends renewing their recreational saltwater fishing license.

**f. Compliance**

As mentioned above, the number of licenses issued for the past three years has remained static at approximately 42,000 until 2016. During the 2018 and 2019 fiscal cycles, this number increased to ~50,000 licenses. In 2020 the number increased further to ~57,000 licenses. Increases were seen in both the resident and non-resident demographic. Although it is too soon to predict whether these sales numbers will be sustained, it is a positive sign that general awareness to the licensing program has increased. It is speculated that the presence of APAIS field interviewers dressed in RIDFW uniforms was also a factor in raising awareness of the program or perception that an angler's license may be checked more frequently. The Division is vested in providing outreach and education to the public, this positive sign is encouraging and fosters a belief that the outreach funds are well spent.

It is important to know how closely the number of licenses tracks the actual number of anglers in order to assess the effectiveness of the saltwater license program. RIDEM Division of Law Enforcement (DLE) conducts field checks of the recreational license to ensure compliance with the saltwater license requirement with good results. These field checks are essential to the success of the program, the officer's invest numerous patrol hours checking for compliance and are the Departments hands on ambassadors. On average approximately 1,200 license checks take place annually. These results have yielded an approximate 90% compliance rate with the Saltwater Recreational License program. DLE states that this is similar to rates seen by other regional law enforcement agencies. While 90% is a good compliance rate it still remains necessary to promote a high level of awareness of the saltwater license program to keep noncompliance in check, to facilitate good quality data collection, and continue to foster the gains in sales from FY2020 into the future.

The Division will continue working to increase compliance as well as prevent license sales from eroding. Several ideas provided by the Saltwater Recreational License advisory group will be pursued to this end. The Division collects email addresses from license applicants; these email addresses will be used in the future to send an electronic reminder to renew their licenses annually. The Division executed these email reminders beginning in 2017 and will continue to do so. The new online recreational licensing system will allow the Division to continue this functionally for all three types of recreational licenses types.

It is generally accepted that the frequent recreational angler is aware of the recreational license requirement; a lack of compliance likely exists in the casual angling population. To address this compliance gap the Division expanded its distribution of its saltwater fishing magazine to more diverse locations such as popular tourist hotels and attractions.

## **V. Expenditures and Budget**

### **a. Preface**

The goal of the saltwater recreational fishing license is to promote healthy and diverse recreational fisheries which are easily accessible by the fishing public. By providing funds to promote better data collection and stock assessment, the license leads to better management programs which should ensure sustainable fishing into the future. Robust fishing opportunities coupled with modern, well thought out, and convenient fishing access is ultimately the best strategy to increase awareness of the license to ensure that all Rhode Islanders are participating in the program equally. To this end the saltwater recreational license program will continue to direct funding towards recreational fishing programs that work towards completing our goal.

As noted previously, in accordance with the provisions of the RIGL Chapter 20-2.2, all funds from the saltwater license fees are deposited into a restricted receipt account that can only be used for the purposes list below.

- Administering and enforcing the Rhode Island license program;
- Managing Rhode Island's marine recreational fisheries, with particular reference to improving state-based recreational fishery catch and effort statistics and stock assessments; and
- Enhancing recreational fishing opportunities in the State.

It is important to note that this account does not need to be spent down every year. License revenue that is not spent remains in the account and is available for projects the following year and into the future. If designated funds are not spent in any given category they are kept in that category for the next budget cycle.

The Division undertakes a range of programs that address and support recreational fishing interests in Rhode Island. These programs are largely funded via a federal grant administered by the US Fish & Wildlife Service's Sport Fish Restoration (SFR) Program. The SFR Program is derived from excise taxes on fishing and boating equipment, and is structured as a user-pay/user-benefit program. The SFR program is the primary source of funding for recreational fishing programs in Rhode Island, providing some \$2 million annually. SFR grants require a 25 percent non-federal match.

The primary RIDEM programs pertaining to recreational fishing fall into the following general categories:

- Fish stock assessments
- Recreational catch and effort estimates
- Management programs and regulations
- Boating and fishing access
- Artificial reefs and habitat protection/enhancement
- Public information, outreach, and education
- Enforcement

In developing annual budgets for the recreational saltwater license account, RIDEM draws upon the following guidelines: projects must be consistent with the licensing statute; address the needs and interests of the recreational fishing community in Rhode Island; and maximize opportunities and benefits by leveraging federal SFR funds whenever possible.

#### **b. FY20 Expenditures**

During the 2020 fiscal year, a total \$359,185 of was spent on the Rhode Island Marine Recreational Fishing Program (Table 6). This amount is up from the \$159,628 expended in FY2019. Of that total:

- \$22,429 was used to hire two additional seasonal field interviewers and part of a full time staff member to accomplish additional MRIP intercept interviews, \$1,307 on programmatic supplies.
- \$139,857 was used for personnel costs related to the management of the Marine Recreational Fisheries Program and Stock Assessment. \$15,024 was used for equipment costs in support of the Division's finfish surveys for stock assessments. The total for this category was \$154,881.
- \$138,475 was used to provide match to USFWS Sportfish funding to complete major renovations of the Quonochontaug Boat Ramp. The old ramp was destroyed and filled in and a new ramp with finger pier was constructed. Survey, engineering, and construction costs for the project were included in this figure.
- \$5,502 was used to hire two seasonal employees to monitor the Camp Cronin fishing area. These employees helped coordinate parking, monitored for user conflicts, and picked up trash. \$22,094 was used to support the Division's boating/fishing access site maintenance program. Maintenance performed at marine ramps included mowing, brush removal, dead tree limbs and downed trees removal. Litter and trash is removed weekly, or biweekly as needed. Fishing line recycle boxes under our oversight are emptied of fishing line. Snow was plowed in some saltwater access areas. Location and regulation signs were inspected monthly at each fishing site and repaired or replaced as needed. Specifically:
  - Supervised and provided oversight at annual float removal and winter storage of docks at Mt Hope, Haines Park, Galilee and Fort Adams boat ramps with contract vendor- Steel Giraffe. Assisted with the spring installation.
  - Quonochontaug boat ramp-repaired (prior to upgrade) and graded roads, trim brush along access road and removed downed trees following a storm;
  - Colt Park-checked periodically, contracted dock services, remove rocks from ramp and install safety barrier at end of floating dock;
  - Haines Park-contracted dock services, periodically inspect, repair dock;
  - Longmeadow-relocated boulders for habitat protection and install location sign;
  - Mount Hope- contracted dock services;
  - Goddard Park-contracted dock services and removed debris from ramp area;
  - Narrow River Ramp- trash, trimming, graded parking area and ramp repairs;
  - Pawcatuck River Boat Ramp, Westerly- trash and continued to monitor ramp damage;
  - Passeonquois Cove-grade and repair ramp and lot areas;
  - Sakonnet Point boat ramp-replaced location sign;

- Galilee Boat Ramp-repair and grade parking lot, contracted dock services, and checked periodically;
  - Charlestown Breachway- periodically checked and ramp repairs;
  - Ft. Adams - transported gravel for repairs and contracted dock services;
  - Gull Cove-trash, grade access road and parking area.
  - Removed trash from portajons at Quonochontaug.
- \$14,494 was used for staff time and supplies relative to public education, information, and outreach. This includes production of the sixth annual Rhode Island Recreational Saltwater Fishing Guide, the one page laminated fishing abstract, and other outreach materials.

Table 6. FY2020 Recreational Saltwater License Program budget. Please note the category Rec Fisheries Support is being combined with Fish Stock Assessment Support.

Category	FY19 Carryover	FY20 Revenue	FY20 Available	FY20 Expended
Enhanced MRIP Data Collection	\$60,495	\$26,413	\$86,908	\$23,736
Boating/Fishing Access I	\$155,686	\$52,826	\$208,512	\$138,475
Boating/Fishing Access II	\$38,764	\$26,413	\$65,177	\$27,597
Rec Fisheries Support	\$31,186	\$0	\$0	\$0
Fish Stock Assessment Support	\$72,738	\$158,479	\$262,403	\$154,881
Artificial Reef	\$32,502	\$0	\$32,502	\$0
Public Education, Information, and Outreach	\$54,382	\$0	\$54,382	\$14,494
<b>TOTAL</b>	<b>\$445,753</b>	<b>\$264,131</b>	<b>\$709,884</b>	<b>\$359,183</b>

**c. FY20 Budget**

The budget for FY21 is described in Table 7. It is anticipated that the restricted receipt account will receive another \$200,000 from FY21 license sales, and the proposed FY21 Programmatic Budget, as set forth below, is based on that amount. The revenue will be allocated into each of the budget categories based on projected short and long term spending.

Table 7. FY2021 Recreational Saltwater License Program budget.

Category	FY20 Carryover	FY21 Revenue	FY21 Available	FY21 Budgeted
Enhanced MRIP Data Collection	\$63,172	\$10,000	\$70,495	(\$25,000)
Boating/Fishing Access I	\$70,037	\$50,000	\$185,686	(\$150,000)
Boating/Fishing Access II	\$37,580	\$0	\$38,764	(\$25,000)
Rec Fisheries Support	\$0	\$0	\$0	(\$0)
Fish Stock Assessment Support	\$107,521	\$140,000	\$212,738	(\$150,000)
Artificial Reef	\$32,502	\$0	\$32,502	(\$0)
Public Education, Information, and Outreach	\$39,888	\$0	\$64,382	(\$15,000)
<b>TOTAL</b>	<b>\$350,699</b>	<b>\$200,000</b>	<b>\$645,753</b>	<b>(\$365,000)</b>

**1. Enhanced MRIP Data Collection (\$25,000)**

**Proposal.** Continue to expand the recreational catch and effort data collection program for Rhode Island (under the MRIP sampling umbrella) by providing funding for add-on intercept surveys to increase the overall precision of the overall catch estimates and better enable mode-specific (e.g., shore-based) estimates.

**Rationale.** The MRIP program is the major source for marine recreational catch and effort fishing assessments. Data collected via the program is used to estimate catch (landings and discards) and effort by species/state/mode/wave. Estimates of catch and effort are used to develop status of the stock for all species, including striped bass, summer flounder, scup, tautog, bluefish, winter flounder, cod, black sea bass, and weakfish. In addition, indices of abundance using catch per unit of effort are incorporated into age-structured models to track abundance in comparison to other fisheries independent surveys. Estimates of catch and effort can have high variability in part due to sampling levels. These sampling levels are directly correlated to the level of funding allocated for each survey.



The marine recreational catch and effort fishing assessments yield fishery dependent information which, coupled with the fishery independent trawl and seine surveys, serve as the basis for marine recreational fishing regulations. The accuracy and fairness of recreational fishing regulations is directly related to the quality and precision of the assessments. Better accuracy and precision will lead to a better understanding of fishing activities by mode. This information is paramount if the Division is to pursue mode splits such as differential regulations for shore-based fishermen versus boat-based fishermen. Mode specific regulations require adequate survey and sampling of the two modes to enable relatively precise estimates of respective catch and effort.

The proposed enhanced data collection initiative will continue to attempt to maintain sampling to prior levels (2002-2005). The \$25,000 investment will leverage an additional \$75,000 in federal (SFR) funds to provide \$100,000 in total programmatic benefits. The \$100,000 will allow the Division to provide three months of full time interviewers time allow the hire of three additional seasonal field interviewers to staff additional samples ordered from NOAA Fisheries. The addition of these three staff members plus the full time coordinator, two full time field interviewers, and three seasonal field interviewers funded via NOAA Fisheries base MRIP grant bring the total number of staff working on the APAIS to nine. The Division has a contract with the Atlantic States Marine Fisheries Commission to provide staffing support for these employees. The \$25,000 figure was derived from personnel costs incurred in 2020.

## **2. Boating/Fishing Access I (\$150,000)**

***Proposal.*** Major renovations at Westerly Main Street boat ramp.

***Rationale.*** The next fishing access projects to be funded with recreational saltwater license funds will be the ramp located at the Westerly Main Street boat ramp. This boat ramp is heavily used during the summer and fall. The ramp slab has been undermined by natural occurring spring currents which has resulted in significant erosional damage and needs repair. The damage is such that the existing ramp will need to be completely replaced and regraded. The project is currently in the planning phase and is on track to be completed by 2022. The funding provided by the Saltwater Recreational Fishing License and USFWS SFR will begin once the construction has started at the site. Using \$150,000 in licensing to leverage \$450,000 in SFR funds frees up \$600,000 to be used on this project, expediting the public access program as a whole.

## **3. Boating/Fishing Access II (\$25,000)**

***Proposal.*** Continue to support the Division's boating/fishing access site maintenance program.

***Rationale.*** The Division is responsible for maintaining 60 state-owned and operated boating/ fishing access sites used by an estimated 28,000 boats that are less than 24 feet in length. In order to foster compliance and repeat participation in the saltwater recreational license program, it is as important to keep our public access points clean and

functional as it is to build new ones. The Division lacks adequate resources to undertake all of the work that's needed to maintain these sites on a regular basis. The allocation of these funds from the license fee account, leveraged with federal funds, supports the Division's ability to properly maintain state-owned boating/fishing access sites throughout Rhode Island. The \$25,000 investment will leverage an additional \$75,000 in federal (SFR) funds to provide \$100,000 in total programmatic benefits. This amount was estimated based last years costs. It is fully anticipated that the Division will be hiring two Park Rangers to accomplished the work described above at Camp Cronin hence the increase in budget for this category Additionally, It should be noted that two years ago there was some confusion with the accounts charged to accomplish the maintenance work at the access sites. A new funding source was secured to accomplish some of the work done by the RIDEM development crew. The original plan was to draw from both grant where appropriate. Due to overlap in work scope far less than anticipated was drawn from this grant in FY18. This was be addressed in FY19 and FY20 and will continue into the future as in the past and work expanded if possible.

#### **4. Recreational Fisheries Management Support (\$0)**

**Proposal.** Discontinue this category and combine with Fish Stock Assessment Support category.

**Rationale.** This category was made up of costs incurred for staff time working on recreational project management. It has been difficult to separate these costs with the staff time spent for this category due to overlap. This change is for accounting purposes only, the Division is still providing staff time to the recreational program to address:

- Coordinating the overall license program, in concert with Rhode Island Interactive and local vendors; and serving as the conduit for data management between the program and NOAA Fisheries, pursuant to the Division's MOU with NOAA Fisheries.
- Coordinating recreational fishing assessments; continued coordination of RIDFW APAIS; serving on the ACCSP's Recreational Technical Committee; advancing Rhode Island's electronic reporting program.
- Coordinating the development of marine recreational fishing management programs in Rhode Island; applying recreational fishing assessments to recreational management programs; developing mode-specific recreational fishing management programs and other recreational fishing alternatives for important ASMFC-managed species.
- Serving as a principal point of contact for recreational fishing groups and organizations throughout Rhode Island.
- Assisting with the coordination of the Division's boating/fishing access program – including assessment, maintenance, and management of existing sites; pursuing grants to upgrade/improve existing sites and develop new sites; and conveying information on access opportunities to the Rhode Island recreational fishing community.

## **5. Fish Stock Assessment Support (\$150,000)**

**Proposal.** Support the continuation of finfish stock assessment surveys of recreationally important species in Rhode Island waters as well as other recreational management initiatives and activities. Note this category is now combined with the old Recreational Fisheries Management Support category going forward.

**Rationale.** The key programs funded via the federal SFR grant are the continuation of the Narragansett Bay trawl survey; the juvenile finfish seine survey conducted in the coastal ponds, and the newly developed fish pot survey. These projects are important annual finfish fisheries surveys in Rhode Island waters with long standing time series of data. In the past, these programs have been funded by the Division's federal SFR grant and matched entirely with commercial fishing license fee revenues. Given the importance of these programs to the recreational fishing community, it stands to reason that a portion of the recreational fishing license fees should continue to cover the non-federal match requirements of the SFR grant pertaining to these projects. Project reports are submitted annually for these programs to USFWS and are available upon request. The \$150,000 investment will leverage an additional \$450,000 in federal (SFR) funds to provide \$600,000 in total programmatic benefits. The amount allocated for this category is being increased in anticipation of providing partial funds to complete the purchase a new research vessel which will be used as the platform for the RIDMF black sea bass pot survey, being completed in 2021. The vessel build was delayed due to Covid-19 complications related to supply requisition issues. RIDMF expects to take delivery of the boat in March 2021.

## **6. Artificial Reef Support (\$0)**

**Proposal.** The Division has successfully deployed a small scale artificial reef adjacent to the state fishing pier at Sabin Point. No new artificial reef projects have been proposed currently hence no budgeted expenditures for FY2021. The Division anticipates more artificial reef work to in the future and will keep the \$32,502 in this budget category to be used as match for future projects.

**Rationale.** The Division is currently working on a fish habitat enhancement project with support from The Nature Conservancy and the USFWS SFR program. The project is in the early stages of a major investigation of fish habitat quality in upper Narragansett Bay over the next two years. This information will be used to develop plans for habitat improvement opportunities as well as evaluate the most effective methodologies. A variety of habitat enhancement and restoration techniques are being considered, including "reef balls". The reef balls are small low relief concrete domes with various holes to provide shelter for small fish. Now that Sabin Point is complete, the Division will evaluate other locations for deployment, likely the newly built Rocky Point Fishing Pier.

## **7. Public Education, Information, and Outreach (\$15,000)**

**Proposal.** To continue the annual one-page water resistant regulation abstract and the Rhode Island Recreational Saltwater Fishing Magazine, fund a youth fishing camp conducted by the Rhode Island Saltwater Angler's Association, and purchase new field interviewer uniforms. Additionally, RIDMF staff will be creating instructional videos on a range of saltwater fishing topics including safe handling practices, use of circle hooks, fish identification, as well as other relevant topics. This will require additional staff time, the purchase of a go pro style camera and some video editing software hence the increase in projected budget in this category.

**Rationale.** Although compliance with the new license program has generally been good, it is clear that a number of recreational fishermen and spear fishers remain unaware of the program, not only in terms of the need to obtain a license, but also with regard to the purpose of the program and the benefits it provides to the recreational fishing community. Since the primary purpose of the license program is to develop a comprehensive database of contact information for all recreational fishermen and spear fishers, it makes sense to continue making a modest investment in public outreach, aimed at increasing awareness among the recreational fishing community regarding the license program, particularly during the summer season, thereby enhancing compliance and bolstering programmatic support.

Each year the Division publishes a one page regulation abstract which contains the current year's recreational fishing rules and regulations. These are printed on glossy water resistant paper and supplied to various locations throughout the state. The abstracts are heavily utilized and raise awareness and foster compliance to the current regulations.

In 2020, the Division published the seventh annual edition of the Rhode Island Recreational Saltwater Fishing Magazine. The publication, done in a colorful and appealing magazine style, offers a wealth of information of interest to the marine recreational fishing community in the State. The guide informs fishermen on the issues associated with the licensing program and the associated benefits. It also provides recreational fishing information as well as other issues of interest to the community, including current regulations, informative articles, and lists of local bait and tackle shops and party/charter boat services. While the Division continues to provide information to the Rhode Island recreational fishing community via the Division's website and an annual abstract that features recreational and commercial fishing regulations, the magazine enhances the Division's ability to connect with and inform recreational fishermen, and to promote recreational fishing in Rhode Island. The publication has been well-received, and so it makes sense to continue utilizing a small portion of funds from the license account to fund it annually.

Since 2016, the Division has participated in the Rhode Island Saltwater Anglers Association's (RISSA) youth fishing camp. Prior to 2016, there were no dedicated Saltwater Fishing community based instructional programs in Rhode Island. Each year, RISSA has conducted a successful pilot youth fishing camp for 50 children between the

ages of 7 and 14 at the end of June. The camp doesn't just focus on fishing techniques but additional taught the attendees about fishing regulations, ecology and sustainable practices. Youth programs have been recognized as important to keeping vitality in the recreational fishing industry as well as developing a more informed and responsible fishing populace. (1) This educational program was a pilot program intended to show proof of concept, funding is required to keep it going into the future. The Division provided funding to RISAA in 2017 to keep the program going into future to fill this programmatic gap.

The 2017 camp began to be funded completely by the Division's Aquatic Education program via credits for volunteer hours spent by RISAA member's and USFWS Sportfish Aquatic Education grant. The Division proposes to continue to support and fund the camp into the future. While it is anticipated that volunteer hours will provide the match for the camps federal funds, recreational saltwater license funds will be available to cover any shortfall.

A memorandum of understanding has been established with RISAA to conduct the camp. The day camp will be run by RISAA with RIDEM participation and oversight. The camp will continue to accommodate 50 children between the ages of 7 and 14. The camp will be planned, coordinated, and implemented by a hired camp coordinator. The base location for the camp will be Rocky Point State Park, Warwick, RI. Part of the camp will involve children fishing on boats launched at local marinas for two of the camp days. These two days will require the use of a bus to transport children to and from Rocky Point State Park. Vessel captains will be provided by RISAA. The camp will last for three days include but is not limited to the following activities:

- Classroom setting instruction of basic fish biology and identification, sustainable fishing methods and practices, fishing tackle, safety on and around the water, fishing regulations, and recreational data collection
- Hands on fish capture and identification using beach seines and dip nets
- Hands on knot tying and casting instruction
- Hands on fishing from shore
- Hands on fishing from boats

The Division is hopeful that the camp can take place in 2021. At this point no decision has been made and the progress of the pandemic is being monitored.

The proposed outreach budget would spend \$15,000 of Recreational Saltwater Fishing License funds to leverage additional \$45,000 in USFWS SFR funding resulting in \$60,000 used for outreach and education pertaining to the recreational fishing license.

## **VII. Looking Ahead to FY21**

There is cautious optimism that the increased revenue generated in FY16 – FY19 from Saltwater Recreational Licenses will hold steady into the future. Time will tell if the increase seen in FY2020 will be sustained or was the result of the large increase in outdoor related activities observed during the pandemic. The Division is looking into

other programs to enhance recreational fishing opportunities in Rhode Island in anticipation of pre-pandemic license issuances. One such program, mentioned above, is to place artificial reefs adjacent to state fishing piers. Additionally, as mentioned above, the Division is in the build phase of purchasing of a new research vessel. This vessel will be used to survey sportfish species and specifically be used to conduct the Black Sea Bass pot survey in 2021 (among other activities). It is anticipated that recreational saltwater license fees will be used to partially match the federal funding required for this purchase. We plan to continue to evaluate fishing access points and make improvements at locations where needed. Also be sure to look out for us on social media as we have plans to increase our presence in the form of instructional videos and other educational topics relative to Marine Fisheries.

Draft



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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**Robert Ballou**  
Chairman

**David Monti**  
Vice Chair

**Travis Barao**

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**Christopher Rein**

**Michael Rice, Ph.D.**

**Michael Roderick**

February 24, 2021

Ben Goetsch, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2020-07-068, Jordan Viera, Long Neck Cove, Portsmouth

Dear Mr. Goetsch:

Pursuant to RIGL §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council's (hereafter "Council" or "RIMFC) via the Council's Shellfish Advisory Panel (SAP) on December 16, 2020. At this meeting the SAP noted concerns about the number of aquaculture leases within Long Neck Cove and cautioned against additional leases, However, with regard to this particular application, the SAP found it to be consistent with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC policy, the recommendation of the SAP constitutes the recommendation of the Council.

Sincerely,

*Robert I. Ballou*

Robert Ballou, Chair  
RIMFC

cc: RIMFC membership  
Mike Wierbonics, USACOE  
Alicia Wilson, USACOE





# Rhode Island Marine Fisheries Council

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**Christopher Rein**

**Michael Rice,**  
**Ph.D.**

**Michael Roderick**

March 3, 2021

Ben Goetsch, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2014-12-056, Antonio and Joseph Pinheiro, Dutch Island Harbor/West Passage, Jamestown

Dear Mr. Goetsch:

Pursuant to R.I. Gen. Laws §20-10-5, the above-referenced aquaculture lease application was brought before the RI Marine Fisheries Council (hereafter "RIMFC") on March 1, 2021. At that meeting, the RIMFC reviewed the application, considered the recommendation of the RIMFC's Shellfish Advisory Panel, heard from you and the applicants, posed questions to you and the applicants, and deliberated on the matter. On a 5-1 vote, the RIMFC decided to advise the CRMC that the proposal is not consistent with competing uses engaged in the exploitation of marine fisheries in the area. This advice stems largely from the shellfish survey conducted at the site by CRMC staff, which found an average density of 6.4 shellfish/sq. meter, and the proximity of the site to the shore. Those factors support the suitability of the area for wild shellfish harvest, particularly recreational harvest.

Sincerely,

Robert Ballou, Chair  
RIMFC

Cc:RIMFC membership  
Mike Wierbonics, USACOE  
Alicia Wilson, USACOE