

RI Marine Fisheries Council Summer Flounder Advisory Panel Meeting Minutes
February 20, 2014
URI Bay Campus, Coastal Institute

R. Hittinger, Chairman	M Bucko*
D. Fox ^A	E. Cook*
N. Lazar*	F. Blount*
S. Anderson	J. Barker
G. Latos	P. Heaney
D. Monti	R. Bellavance
C. Donilon	S. Medeiros
R Tellier	J. Taylor
J. Hovanesian	D. Valerin
R. Ballou - RIDEM	J. McNamee, DFW staff

(*primary advisory panel member; ^A alternate member)

R. Hittinger began the meeting. He stated that J. McNamee of the RI Division of Fish and Wildlife (DFW or Division) had a presentation which covered the first several agenda topics. R. Hittinger stated that after the presentation the panel would discuss any proposals they may have for recreational management for summer flounder in 2014.

J. McNamee began with a discussion about stock status for summer flounder. The stock was rebuilt and overfishing was not occurring, though the stock has now dropped back below the biomass target. The summer flounder stock went through a benchmark assessment in 2013, and the benchmark passed peer review. He then went over recreational fishery performance in RI in 2013. The fishery went well in 2013 and RI came in under their harvest target, which normally would have allowed for a small liberalization in 2014 (~10%). In 2013 though, the ASMFC Summer Flounder Management Board approved Addendum XXV to the Summer Flounder Fishery Management Plan. This addendum establishes regional recreational management for 2014, instead of state by state which had been the process before. The approved summer flounder regions are Massachusetts and Rhode Island; Connecticut through New Jersey; Delaware through Virginia; and North Carolina. As stated by the board, the addendum was initiated to address a concern that current management measures were not providing recreational fishermen equitable harvest opportunities along the coast. Under this approach, all states within a region are required to have the same possession limit, size limit, and season length. The goal is for the regions to collectively achieve, but not exceed, the recreational harvest limit for the coast. This adaptive regional management approach has been approved for the 2014 fishing year only. J. McNamee concluded with four options that would meet the metrics for the RI & MA Region as noted above:

1. **Min size = 17"; season = 132 days; bag limit = 5 fish**
2. **Min size = 17"; season = 132 days; bag limit = 8 fish**
3. **Min size = 16.5"; season = 132 days; bag limit = 3 fish**
4. **Min size = 16.5"; season = 132 days; bag limit = 5 fish**

R. Hittinger went to the panel for discussion. M. Bucko asked why the recreational harvest limit (RHL) was only 200,000 fish for the two state region of RI and MA. J.

McNamee noted that the various regions were adjusted so that all of the regions had as similar of regulations as possible, which adjusted the regional RHLs from what they would have been if you simply added up the previous state by state RHLs. He went on to note that even though there were regions, each state was still accountable for its previous state by state conservation equivalency RHL. D. Fox and D. Monti asked clarifying questions about how the addendum would work under various scenarios. The gist of the discussion was that it was risky to adopt regulations that would dramatically increase the harvest in RI.

N. Lazar noted that one positive aspect of the regions was that it improved the harvest estimates of MRIP above what it was for a single state alone. E. Cook asked about additional options. J. McNamee stated that other options could meet the required metrics, but he had developed a range to give the panel something to review.

D. Fox stated that RI would be crazy to go along with the regional approach. He felt it was very risky and could create impacts beyond the recreational fishery, namely it could impact the commercial fishery as well.

F. Blount stated that MA would probably be willing to go to 17", but they would want to increase the bag limit. Despite that, he recommended status quo for RI as he was nervous about dropping the minimum size a whole inch. S. Medeiros agreed and felt they should try to stay as close to status quo as possible. J. Barker also agreed with remaining at status quo as the best approach for RI.

R. Bellavance asked about how much impact there might be for dropping the minimum size an inch. J. McNamee showed some of the calculations, but it would be a significant increase. N. Lazar suggested adopting the region but then implement a more restrictive management plan, which had been allowable in the past. J. Barker noted that we were under our harvest limit so he did not think RI should have to take any cuts, we had been good stewards of the resource both in the previous year and for several past years with very conservative management.

M. Bucko made a motion to remain at status quo and to encourage MA to also adopt their status quo regulations. The motion was seconded.

R. Hittinger asked for discussion on the motion. R. Bellavance stated he was opposed to any regulation that adopts different regulations for RI and MA since customers may decide to go to MA. D. Fox supported the motion and stated that RI should draw a hard line as he feared the precedent that RI would be setting as this could then go in to commercial summer flounder and then other species. N. Lazar supported the motion.

F. Blount made a motion to table the previous motion. This motion was seconded. The vote on the motion to table was 4 to approve and 1 abstention.

F. Blount made a motion to go in with the highest minimum size, bag, and a season from May 10 – September 15. The motion was seconded. The vote was 4 to approve and 1 abstention. The motion passed.

There was an additional proposal offered for management. The proposal was called the

fish for the future proposal (attached). R. Hittinger asked for discussion on the proposal and R. Bellavance discussed it. F. Blount feared that if this goes forward to the summer flounder management board, it could weaken the argument being made for the management idea the panel just voted on. P. Heaney asked about some of the program logistics. D. Monti gave his perspective as a member of the previous program that used RSA. He liked the program, it worked well for his business, and he felt it was a highly accountable program that produced many conservation benefits.

F. Blount asked a question about whether if the minimum size went down for the general recreational fishery if the proposal was still attractive. R. Bellavance stated that his answer was yes because there idea was to prove the concept with this pilot program.

E. Cook stated that RISAA was opposed to the proposal and read a statement developed by RISAA (attached). M. Bucko stated that he supported the program. He thought it was progressive and produced good data. He did state that the program had a serious perception problem though. He brought up a point about MRIP sampling and how the program would deal with that, and the potential problems the program could create if one of the program boats were sampled. He did feel that if the pilot was a stepping stone for a larger program for the whole mode, he was supportive. R. Bellavance stated that they were intentionally keeping it small to test the concept, but if it proved to be a benefit and manageable, he thought it could be applied to the whole mode. P. Heaney supported it if the idea was to expand it.

F. Blount continued to be concerned that it would impact the options discussed earlier in the meeting. J. McNamee stated that the concept was that they would still be fishing for the same number of fish, just taking them in a different way, so he would make that point to the TC when they reviewed the program. In other words, it should not impact the overall harvest.

D. Fox did not support the program because he felt sectors had not worked well on the commercial side and he also did not like the idea that a small group would be given a possible advantage over other groups.

N. Lazar liked the program because it would develop a program that was more like a census rather than collecting the data through the traditional MRIP avenue.

F. Blount asked if the fish were transferable and if so, could one boat end up with all the fish. R. Bellavance said yes but that this was not likely because it was not pragmatic.

F. Blount made a motion to move the proposal forward to the RIMFC for further discussion. The motion was seconded. The vote was 4 to approve and 1 abstention.

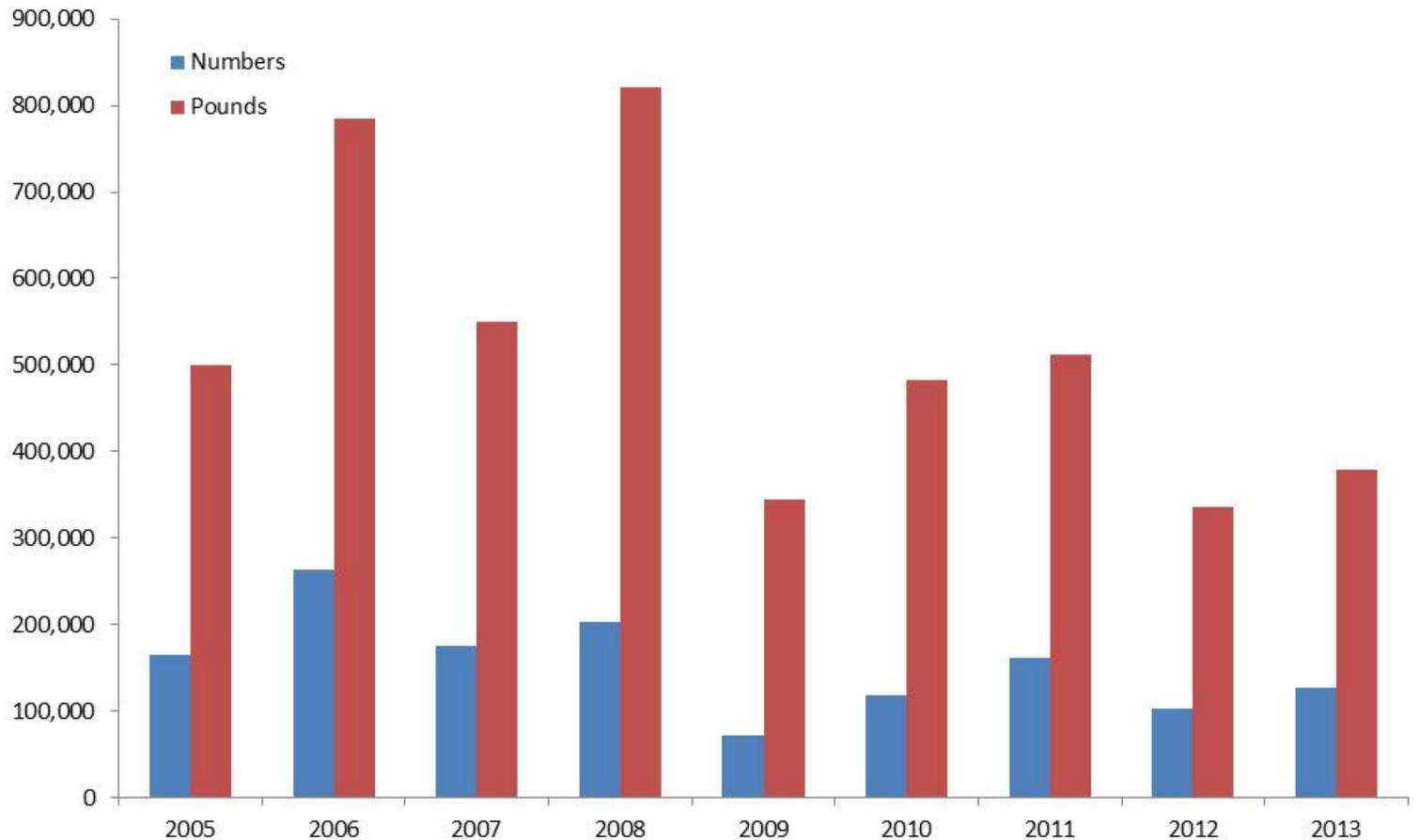
This concluded the discussions and R. Hittinger adjourned the meeting.

Summary of the Rhode Island Recreational Summer Flounder Fishery



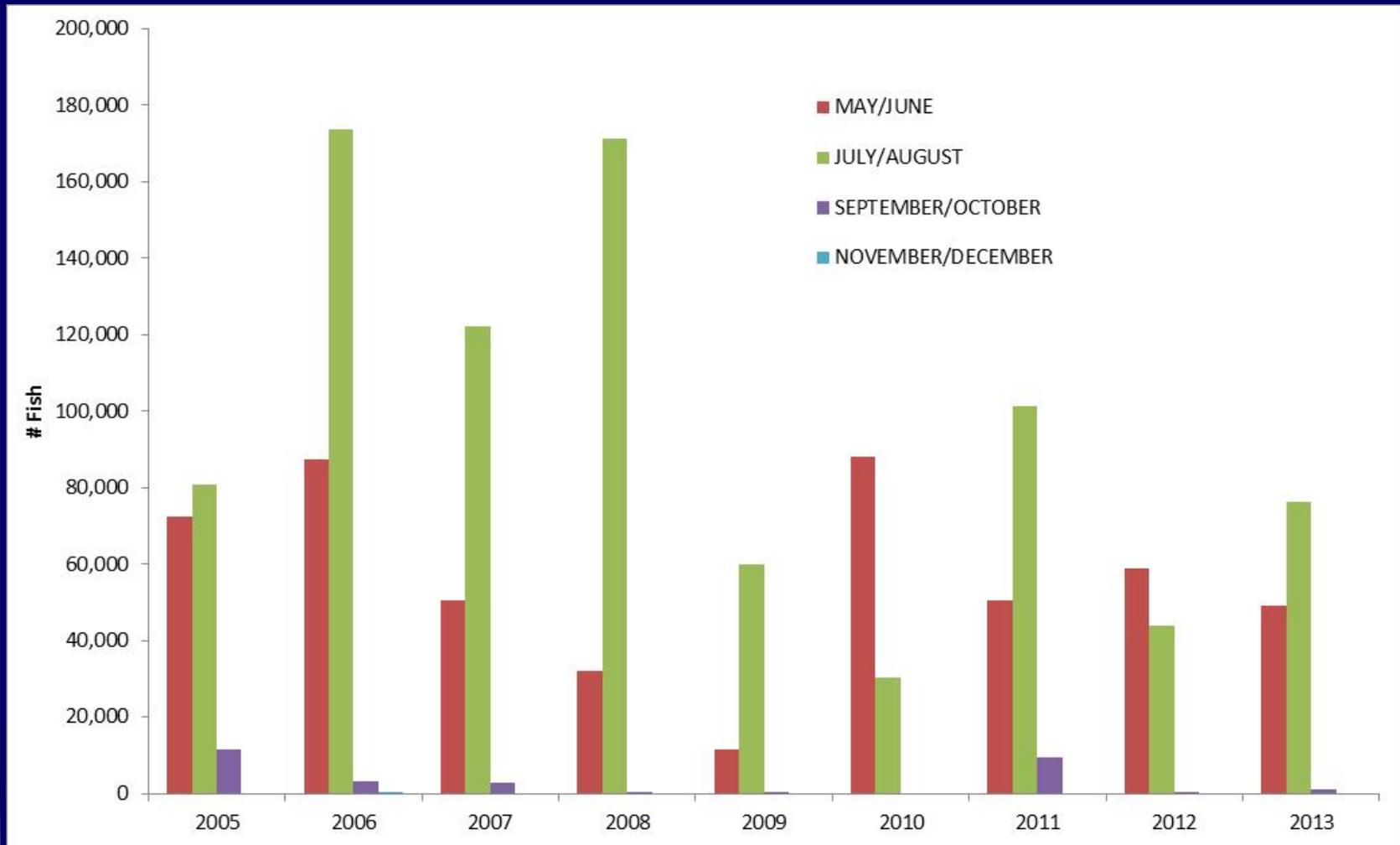
Recreational Harvest - Summer Flounder

***Note: 2013 data preliminary, all waves represented**



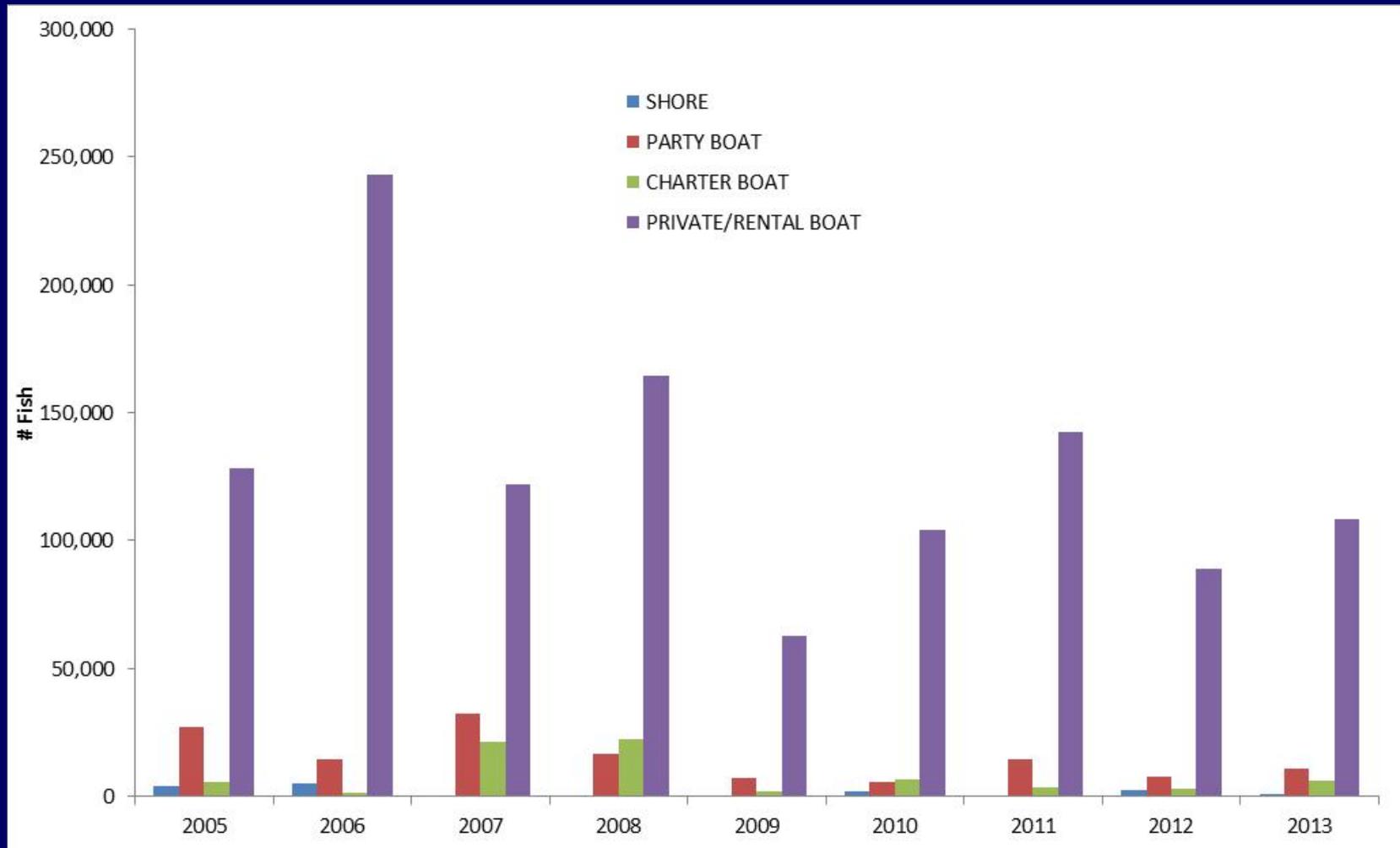
Recreational Harvest By Wave – Summer Flounder

***Note: 2013 data preliminary, all waves represented**



Recreational Harvest By Mode – Summer Flounder

*Note: 2013 data preliminary, all waves represented



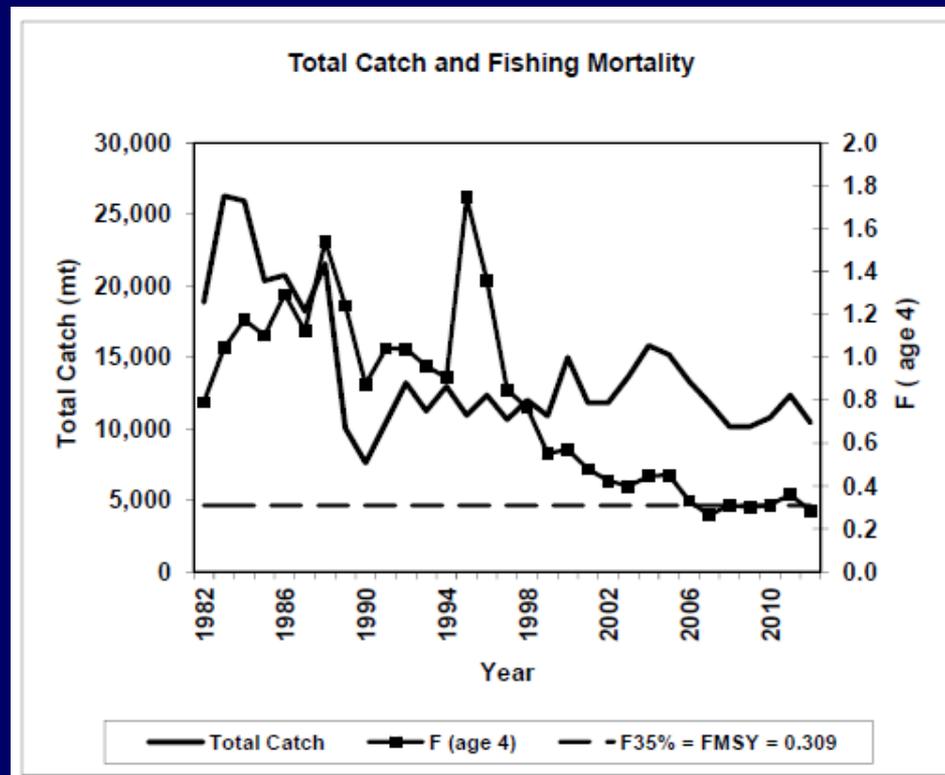
Rhode Island Recreational Fishery Performance – Summer Flounder

- ◆ Landings and targets were analyzed on a state by state basis in the summer flounder fishery until 2014
- ◆ The landings target for 2013 for RI approximately 142,000 fish
- ◆ The projected landings in 2013 for RI 126,725 fish
- ◆ This is approximately a 10% underage



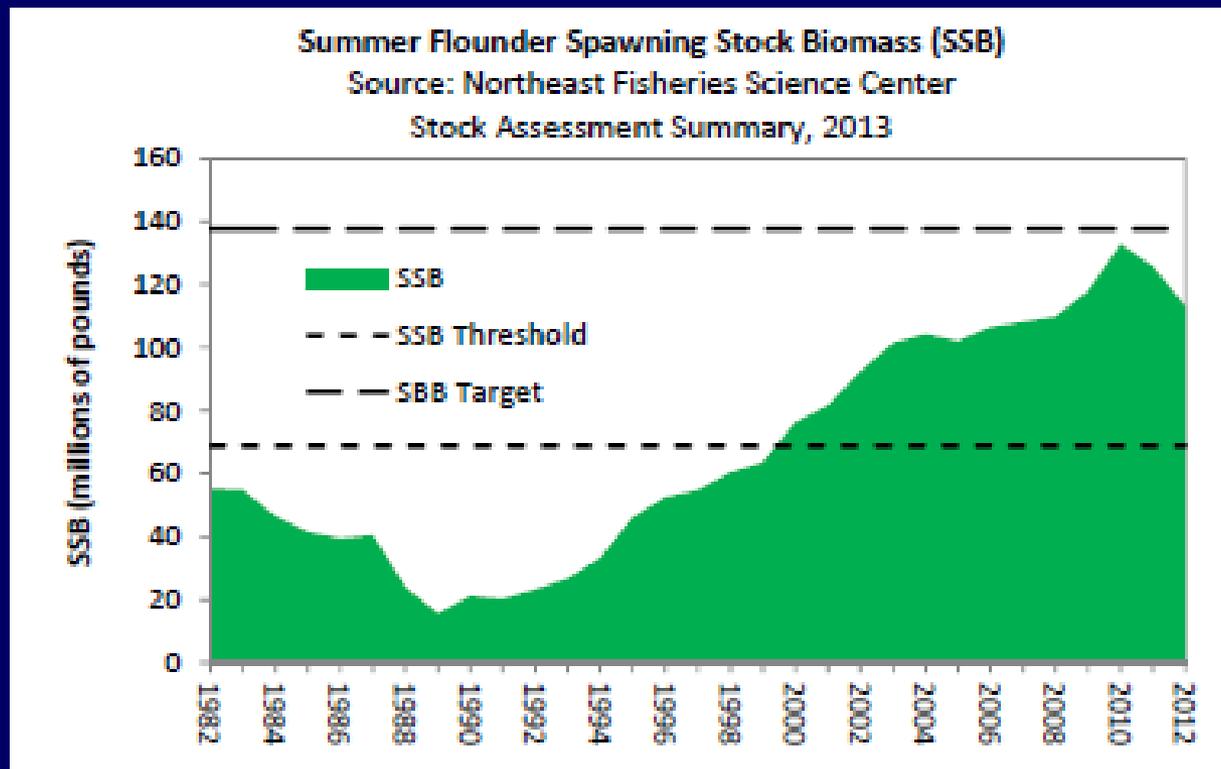
Stock Status – Summer Flounder

- ◆ The summer flounder stock: not overfished, overfishing not occurring according to output of 2013 benchmark stock assessment
- ◆ Fishing mortality (F) ranged between 1.0 and 2.0 during 1982-1996
- ◆ F estimated at 0.285 in 2012; below the threshold fishing mortality reference point $F_{MSY} = F_{35\%} = 0.309$



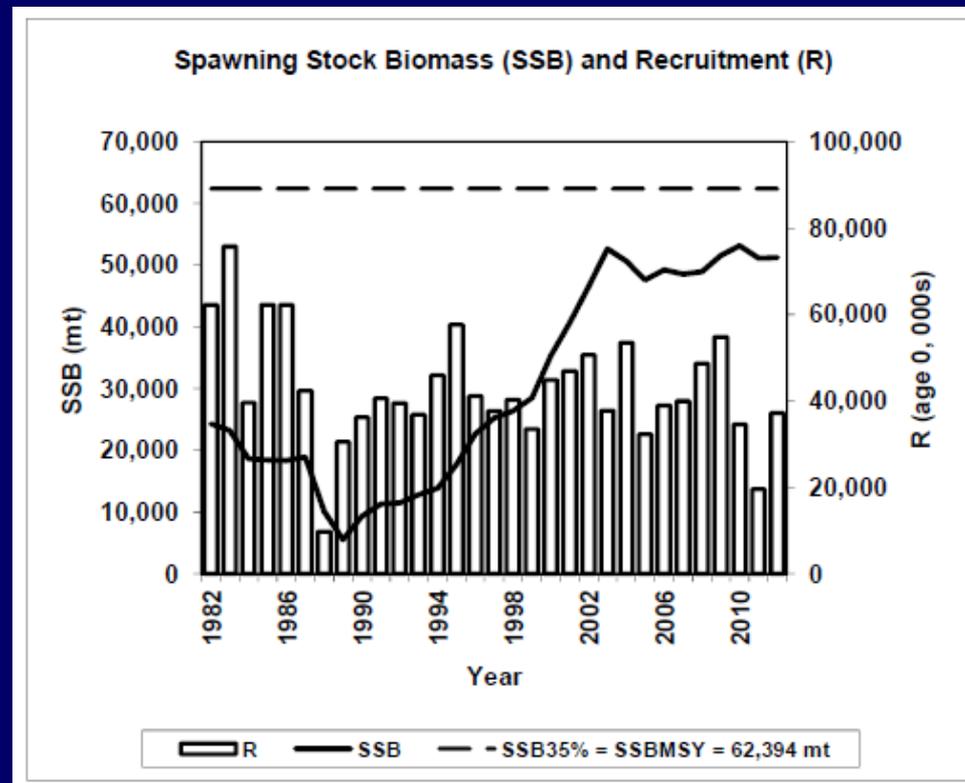
Stock Status – Summer Flounder

- ◆ Spawning stock biomass (SSB) decreased from 60 mlbs in the early 1980s to less than 20 mlbs in 1989
- ◆ SSB estimated at 112.9 mlbs in 2012; about 82% of the SSB_{MSY} = SSB_{35%} reference point = 137.6 mlbs but above the threshold of 68.8 mlbs



Stock Status – Summer Flounder

- ◆ The arithmetic average recruitment 1982 to 2012: 43 mil fish at age 0
- ◆ The 2009 year class currently estimated at 37 million fish; 14% below average
- ◆ This “retrospective pattern” in each subsequent stock assessment update is the reason for the decreasing quotas



Summer Flounder Addendum XXV

- ◆ Summer Flounder Management Board approved Addendum XXV to the Summer Flounder Fishery Management Plan
- ◆ Establishes regional recreational management for the 2014
- ◆ Approved summer flounder regions are Massachusetts and Rhode Island; Connecticut through New Jersey; Delaware through Virginia; and North Carolina



Summer Flounder Addendum XXV

- ◆ Addendum initiated to address a concern that current management measures not providing recreational fishermen equitable harvest opportunities
- ◆ Under this approach, all states within a region will be required to have the same possession limit, size limit, and season length
- ◆ Technical Committee will work with the states to develop, for Board consideration and approval, measures for each region that will collectively achieve, but not exceed, the recreational harvest limit
- ◆ Adaptive regional management approach has been approved for the 2014 fishing year only.



2013 Rhode Island Summer Flounder Recreational Measures

- ◆ **All Modes:**
 - ◆ **Minimum size = 18"**
 - ◆ **Season: May 1 – December 31**
 - ◆ **Possession Limit = 8 fish**



Division of Fish and Wildlife Proposed Changes

The RI Division of Fish and Wildlife will recommend an option that will be approved by ASMFC.

Preliminary discussions are centered around decreasing the minimum size and dropping bag limit

Option has to be coordinated with MA, but DFW is seeking AP input on preferred option metrics

In addition the DFW is concerned about risk of overage, Addendum XXV states that the accountability is still relative to a states RHL as set from 1998 allocations

Options:

1. Min size = 17"; season = 132 days; bag limit = 5 fish
2. Min size = 17"; season = 132 days; bag limit = 8 fish
3. Min size = 16.5"; season = 132 days; bag limit = 3 fish
4. Min size = 16.5"; season = 132 days; bag limit = 5 fish
 - ♦ Note: regional seasons can be different, length must be same



Proposed RIMFC Action:

Approval of the
Rhode Island For-Hire
Fluke Conservation Cooperative
Pilot Program

Type of Statement:

**A Co-Managed
Sustainable Fishery Proposal**

Lead Agency:

Rhode Island For-Hire Fluke Conservation Cooperative

In Consultation with the:

Rhode Island Department of Environmental Management

And

The Rhode Island Division of Fish and Wildlife

For Further Information:

The Rhode Island Party & Charter Boat Association

P.O. Box 177

Narragansett, Rhode Island 02880

Phone: (401)-741-5648

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List of Acronyms

ACL - Annual Catch Limit

ASMFC – Atlantic States Marine Fisheries Commission

MAMFC – Mid Atlantic Marine Fisheries Council

NEFMC – New England Marine Fisheries Council

NMFS - National Marine Fisheries Service

RHL – Recreational Harvest Limit

RIDEM - Rhode Island Department of Environmental Management

RIPCBA - Rhode Island Party & Charter Boat Association

RIFHFCC - Rhode Island For-Hire Fluke Conservation Cooperative

TAC - Total Allowable Catch

1.0 Summary

A group of charter fishing business operators from the Rhode Island Party & Charter Boat Association (RIPCBA) propose to work with the State of Rhode Island Division of Environmental Management (DEM) to develop, establish and carry out a cooperative management solution to address a variety of current and foreseeable problems facing the for-hire fishing industry in Rhode Island. The solution being proposed is a community cooperative.

Beginning in 2010, a group of Rhode Island charter boat captains began a three-year effort to research and design a model program to test a new approach to charter boat fishing. In May 2013, ten captains launched a voluntary pilot program—the first of its kind in the world—that combined increased catch accountability with fishing flexibility in order to:

- 1) Create incentives for stewardship and accountability in the fluke resource;
- 2) Reduce discards of fluke;
- 3) Better serve customer needs and manage charter boat businesses;
- 4) Improve the customer experience of charter boat fishing for fluke.

The pilot program participants were organized as the Rhode Island For-Hire Fluke Cooperative. All captains who participated in the program were active members of the RI Party and Charter Boat Association (RIPCBA). The group branded the pilot program initiative as *Rhode Island Fish for the Future* and created a logo. They also launched a website, www.rifishforthefuture.com, to raise awareness of the program and its goals.

The captains voluntarily limited their fluke catch below the amount they were allowed to harvest under the general recreational fishing regulations while allowing their customers to keep more of the fish that were caught. Their approach greatly increased catch accountability while significantly reduced discards of undersized fish. In addition, it improved the collection of scientific information needed for fluke conservation through strict electronic catch and discard record-keeping. The Cooperative shared this information with RIDEM's fishery managers to better inform scientific stock assessments.

In its first year, the Cooperative acquired the fluke used for this pilot program through the Mid-Atlantic Fishery Management Council's Research Set Aside (RSA) program. Funds for the purchase of RSA fluke were provided through a research grant from the National Fish and Wildlife Foundation (NFWF). The captains subdivided the RSA fluke in accordance with the rules of the cooperative, agreed to by all members. Individual captains were held accountable for fishing within their individual catch limit.

Although the Cooperative was initially comprised of ten boats, two captains were unable to operate their charter boat businesses during the 2013 season. As a result, only 8 boats caught fluke under the program. The members of the Cooperative made **92** fluke fishing trips between May 1 and October 1 with customers catching a total of **2049** fluke, of which they kept **1170** and released **879** fish that were under the 16" minimum size adopted by the Cooperative members. If the customers had been fishing under the general

recreational regulations they would have kept only **488** fish and discarded **1601**. As a result, the average number of fish kept per trip was **12.7** under the pilot program. If they had been fishing under the general recreational fishing rules, the average number of fish kept per trip would have been **4.9**.

The captains carried an average of **4.5** anglers per trip who kept an average of **2.8** fluke per angler. If they had been fishing under the general recreational fishing rules, these anglers would have been able to keep only **1.1** fluke per person.

The Cooperative members achieved the required resource conservation by voluntarily limiting their total catch in return for increased flexibility. While the general recreational rules use larger minimum sizes and bag limits as the method of limiting the total catch by recreational fishermen, the pilot program was able to reduce the minimum size and eliminate the need for bag limits while still maintaining conservation equivalencies.

It is the opinion of the participating charter boat captains that a second year pilot program conducted under the state's recreational allocation is a prudent next step to transition away from current controls that reduce the overall contribution of the for-hire fleet to the State's economy. In addition, the captains expect to meet the social and conservation objectives listed in section 4.0 below.

The RIPCBA and RIFHFCC request that a pilot program be implemented beginning on May 1, 2014 and run for a period of at least one year. It is the group's intention to demonstrate that the model proven to be successful under the RSA program can be applied with equally positive results under the state's recreational target allocation.

Contrary to popular belief, recreational fluke fishing rules such as the minimum size, seasons and bag limits are set to control the total catch, not to control any adverse effect on the biology of the fish.

The member captains have taken a long-term view of the benefits expected from fishing under the cooperative rules. Many of the captains had all but given up fluke fishing as increasingly restrictive regulations made it difficult to book trips in advance due to uncertainty regarding the opening of the season, minimum size restrictions and catch limits. In addition, increases in the minimum size required much of the customer catch to be discarded, resulting in an unfavorable customer experience, lower perceived value of the trip, and ultimately less repeat business for fluke trips.

Because the recreational fluke fishery does not operate under an annual quota, regulators attempt to limit the total catch through adjustments in the length of the season, the minimum size limit, and the bag limit.

As a result, anglers discard as much as 75 percent of the fish that they catch. These high discard rates can discourage both charter customers and captains and potentially undermine conservation. However, under the rules adopted by the Cooperative, member captains fished under an annual catch limit that assured adequate conservation without additional regulations that diminish the fluke fishing experience.

Along with the annual catch limit, the captains adopted a 16-inch minimum size that allows 100 percent of fluke to reach sexual maturity while reducing the number dead discards that must be included in the total fishing mortality.

Charter boat fishing is an integral part of the Ocean State's tourism industry, attracting nearly 50,000 visitors to the state and generating as much as \$34 million in tourism related spending annually. It is therefore imperative for Rhode Island to develop programs that conserve ocean resources while continuing to support and grow charter boat fishing in the state. The For-Hire Fluke Cooperative captains believe that their 2013 pilot program successfully demonstrated a model that can both achieve conservation goals while strengthening the economic viability of the charter boat industry.

2.0 Background

The Rhode Island for-hire fishing fleet consists of small to mid-sized vessels (19-110 ft) that are owned and operated by independent family businesses. Their financial success is heavily dependent upon providing access to Rhode Island's diverse fish stocks to an equally diverse range of customers with specific preferences. Rhode Island requires for-hire fishing vessels to be licensed as commercial businesses. Many of the participating vessels hold federal Fishery Permits in addition to Rhode Island charter fishing licenses.

Amendment 2 to the Summer Flounder Fishery Management Plan was approved by the federal National Marine Fisheries Service (NMFS) on August 6, 1992. This amendment, which was a complete rewrite of the FMP and is the management program that is in force today, includes a moratorium on commercial fishing permits, state-by-state annual commercial landing quotas, and a 14" minimum size for commercial fishing vessels. The recreational fishery is managed differently. Instead of a hard landing quota, the 40% of the allowable biological catch that is allocated to recreational fishing is a harvest target. Each year, the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAFMC), NMFS, and the states establish recreational fishing regulations (seasons, bag limits, and size limits) that are expected to restrict the recreational fishery to its target. In some years, the estimated landings in the recreational fishery have exceeded the target, with the 2000 recreational overage reaching 8 million pounds, more than double the target. Because of the very large number of recreational fishermen, it is virtually impossible to monitor the recreational fishery with enough precision to know when a specific harvest level is reached.¹

Since the early 1990's the State of Rhode Island has managed the for-hire fluke fishery through the same daily possession limits and seasonal closures that apply to private anglers. During the first year of the summer flounder FMP, the coast-wide recreational minimum size was set at 14" with a 6 fish possession limit and a fishing season from May 15 through September 30. Since that time, the season, size limit, and bag limit for the recreational fishery have been adjusted continually in an attempt to achieve the adopted fishing mortality rate reduction strategy.

The recreational fishery management approach has at times created serious problems for the for-hire fishing industry. For-hire fishing boats sell many of their trips during winter-

¹ The H. John Heinz III Center for Science, Economics and the Environment, 2002. Managing Summer Flounder: A Heinz Center Dialogue on Marine Fisheries Initiative.

season boat shows. Charter and party boat businesses can't sell trips when they don't know when the season will start or what minimum size limit and bag limit they can offer to their potential customers. Charter and party boats are buffeted by changing rules that result from the uncertainty surrounding the overall recreational catch, even though charter and party boats must have licenses and permits and file timely catch reports. These problems reduce the economic benefits that could be generated from Rhode Island's fishery resources. The problems created by treating the for-hire industry the same as private anglers include unnecessary discards, unpredictable fishing seasons, and a regulatory environment that has not given adequate consideration to the requirements of for-hire fishing businesses.

The charter boat industry occupies a no-man's land between the commercial and recreational fisheries. The rules require any owner or operator of a party or charter boat (vessels for hire) desiring to fish for summer flounder within the U.S. EEZ to obtain a permit from NMFS for that purpose. The requirement for a party or charter boat to obtain a federal permit and to report all landings monthly clearly sets those boats apart from recreational vessels, which are exempt from the permitting and reporting requirements.

The current approach to managing the recreational summer flounder fishery creates two types of uncertainty for the fishery management system. First, fishery managers can't be sure whether the regulations will keep the catch within the target. Second, managers can only estimate the catch that was actually taken, because private anglers are not required to report their catch. In contrast to the difficulty faced by fishery managers in estimating the fluke catch by private anglers, owners or operators of party and charter boats with Federal permits must submit logbooks (Vessel Trip Reports) monthly, or weekly if the boat also has a federal groundfish permit. With the advent of the electronic vessel trip reporting system (eVTR), landings by party and charter boats can be monitored in the same way that landings by the commercial fleet are monitored. The allocation of a specific number of fish to a for-hire sector would eliminate both sources of uncertainty for the portion of the fluke catch for which the sector was responsible. Both sources of uncertainty would be eliminated if party and charter boats had firm catch limits.

3.0 Need for Action

The current regulatory framework for fluke does not recognize the needs of for-hire fishing businesses. The for-hire fishing industry is treated as if we were recreational fishermen. Yet unlike recreational fishermen, for-hire fishing businesses must develop and carry out a business plan that requires advance bookings tailored to the demands of their customer base. In order to run a successful for-hire fishing business, it is imperative to know when a captain can start fishing, how many fish can be caught, and how long the season will be. Charter boats don't require a large volume of fish, but they do require certainty. The participating charter boats, based on the proposed reporting requirements, will offer certainty to fishery managers in terms of knowing how many fish we catch.

In recent years, fluke have expanded their range and population dramatically and have been restored to their former position of importance as an attraction for for-hire fishing customers. Incoming year classes of fluke have increased in abundance to the point that the prevailing minimum size limit (18.5" in 2011) now requires our customers to throw back far more fluke than are landed. In some recent years charter boat operators have had

to turn away customers because the opening of the fishing season was delayed to control the catch of private anglers. In contrast to the large numbers of independent private anglers, the for-hire sector consists of a small number of boats that are easily capable of keeping their allotted catch within the desired limits without compromising their business needs.

Despite steady increases in the fluke population, recent announcements demonstrate the continuing business challenges facing for-hire fishing businesses. The fluke regulations for 2011 provided ample opportunity for the for-hire industry to satisfy customers in terms of number of fish allowed. The primary problem faced by the charter boat industry was the high discard rate that is required by the current minimum size limit. Neither the captains nor the customers want to throw back more fish than kept. The situation in 2012 has been clouded by the fact that the 2011 catch may have resulted in overfishing and the previously announced catch limits for 2012 would also cause overfishing if not reduced. Once again, the ability to make a business plan and sell trips during the winter trade-show season has been disrupted by unpredictable changes in regulations.

Experience predicts that the for-hire industry can expect to face other problems in future years similar to those experienced in the past. The charter boat industry is seeing those problems come up with fluke and with other species. This proposal is intended to establish a framework within which an economically stable for-hire fishing industry can continue to contribute to Rhode Island's all-important tourism economy. The participating captains are willing to commit to a catch limit that is lower than their allowable catch under the current regulations if given the opportunity to secure a predictable future for their businesses.

Forward thinking and progressive for-hire fishermen know that they can improve the value of Rhode Island's fluke allocation if they are given the discretion to manage their portion of the catch both profitably and sustainably. The best interests of the citizens of Rhode Island are served by maximizing the economic activity generated by each fish available to the State. For-hire fishing serves that purpose while utilizing a fraction of Rhode Island's overall fluke allocation.

4.0 Purpose, Goals, and Objectives

Although the purposes of the For-Hire Fluke Sector Pilot Program are diverse, the main purpose of this action is to request that the State of Rhode Island initiate a process to give the RIFHFCC the authority to manage a catch limit of fluke for its members. This can be achieved through the adoption of rules that will meet the biological objectives set forth in the state fisheries laws and the federal summer flounder FMP and alleviate to the greatest extent possible the economic hardships of future regulatory actions.

It is becoming more and more important for a state to demonstrate that they do not contribute to overfishing or stock depletion. This can be done through the development and administration of an advanced management program such as is offered by firm catch limits and accountability.

Discards in the fluke fishery are a recognized problem that reduces the economic benefits from the fishery and interferes with stock rebuilding and sustainability. Continuing developments in fishery management and in the evolution of our fisheries overall threaten

to handicap the for-hire fishing industry whether or not that sector is responsible for a recognized problem. We are confident that a cooperatively-managed fluke fishery will significantly alleviate this regional problem. Modern management with individual accountability and flexibility will contribute to an environment in which the for-hire fishery will flourish and prosper, providing a needed boost to the broader tourism economy.

In response to these problems, a local group of fishermen have developed a plan to meet the following goals and thereby protect our local resource and industry.

4.1 Goals of the RIFHFCC

4.1.1 ACCOUNTABILITY & CONSERVATION GOALS (biological and ecological)

- Conserve fish populations for the future by creating incentives for stewardship of ocean resources and habitat.
- Be accountable to a specific catch limit of fish and fish within that sustainable catch limit in order to continue to rebuild and maintain the summer flounder fishery.
- Test new, innovative catch accounting and reporting for the recreational sector that provides more accurate and timely fishery-dependent data to fishery managers and scientists.
- Reduce regulatory discards and associated mortality.

4.1.2 FLEXIBILITY & STABILITY GOALS (economic and social)

- Increase flexibility of when to fish in order to better serve the customers of charter boats.
- Improve business planning by achieving stability, predictability and certainty in fishing rules and resource conservation.
- Maximize the value of Rhode Island's fluke resource to the benefit of fishing businesses, fishing communities, ancillary shore/dock side businesses, and the overall State economy.
- Implement stakeholder co-management in Rhode Island in such a way as to align the interests of charter boat businesses with the interests of the public in conserving and utilizing fishery resources.

The RIFHFCC is a group of self-selecting fishermen coming together voluntarily and cooperatively for the purpose of improving the economic viability of the for-hire fishing industry while simultaneously enhancing fluke conservation. Under this proposal the sector will operate under a Hard-TAC for fluke. In doing so, the group will immediately satisfy the overfishing mandates of the Magnuson Act and the requirements of the State of Rhode Island and the Atlantic States Marine Fisheries Commission. In addition, the cooperative will provide its members with greater certainty and flexibility necessary for business planning and economic viability.

It is anticipated that this pilot program will demonstrate environmental, economic and social benefits to the sector members and the surrounding community.

Stewardship Incentives

The RIFHFCC will create a stewardship incentive among its members by offering them improved business planning and stability in return for greater accountability for keeping their catch within a clearly defined limit and reducing discards.

Continue Rebuilding and Maintenance of Summer Flounder Stock

Implementation of the RIFHFCC Pilot Program will immediately contribute to the prevention of overfishing by complimenting existing efforts underway by NMFS, MAMFC, and ASMFC with a Hard-TAC Limit for fluke for cooperative participants. The creation of this cooperative will result in an accountable system of catch limits that is currently lacking for the for-hire fishing industry as a component of the recreational fishery.

The MSA requires catches of all federally managed species to be constrained to conservative Annual Catch Limits (ACL's). If states exceed their allocations, they will be required to impose ever more restrictive management measures. The Hard-TAC component of this proposal is consistent with the future direction of fishery management and should assist fishery managers in moving toward the goal of constraining catches to ACL's.

Minimizing Discards

The RIFHFCC will reduce discards by adopting a combination of a total catch limit and a minimum size that results in the retention of a high proportion of fish caught. The suggested minimum size is 16.0" for cooperative participants. The group will require cooperative participants to land all legal-sized fluke and will count undersize discard mortality against our catch limit. The cooperative will monitor the fleet in such a way as to provide accountability at the individual boat level throughout the course of the program. This will include size stratification of all fluke landed. This level of accountability will promote stewardship and provide fishermen with both the interest and the data to determine their impact on the resources upon which they depend.

Better Meet Customer Demand

Consumers expect for-hire fishing businesses, like other businesses, to meet their varied preferences. The RIFHFCC will give members the flexibility to meet customer demand for fishing opportunities that fit their needs. The ability to do so will increase customer demand for RI charter fishing and associated businesses.

Increase Stability, Predictability and Certainty

The current management approach makes it impossible for the for-hire fishing businesses to develop workable business plans because the rules under which they operate change on a continuing basis. Changes in the rules are based on the need to control the catch by private anglers and do not take into consideration the needs of charter boat operators. The RIFHFCC will provide members with the stability that they need for good business planning.

Maximize Economic Benefit

The RIFHFCC will generate economic benefits by allowing its members to better utilize the available fish to meet the needs of their customers in a way that maximizes the value of RI's fluke resource. These benefits will accrue under the current favorable resource conditions and, equally important, stabilize under declining stock conditions that could to arise in the fluke fishery and other fisheries.

The establishment of the RIFCC will allow its members the option of harvesting cooperatively with other member vessels in order to compensate for unforeseen and unexpected injury, sickness or mechanical breakdowns. In short, participants willing to abide by all sector rules and operate under a Hard-TAC do so in the presence of a number of optimizing strategies that would otherwise be unavailable.

Establish an Effective Co-Management System

Fishery managers have found that co-management systems produce greater conservation and economic benefits than do top-down regulatory systems. Fishing business operators know the requirements of their businesses. Fishery managers contribute their understanding of fish biology and population dynamics. Managers and fishermen both gain from a system that aligns the interests of fishermen with the goals of fishery managers. The fishermen of the RIFHFCC have worked together for years as active members of the RI Party & Charter Boat Association and have demonstrated an interest in working with fishery managers to optimize the benefits available from fishery resources.

Recognize Commercial, For-Hire, and Recreational Fluke Fisheries

The for-hire fluke fishery is a distinct component of the overall fishery. Members of the RIFHFCC recognize the value of all segments of the fishery in maximizing the overall value of the fluke resource to the citizens of RI. The RIFHFCC will enhance the ability of the for-hire fishery to contribute to the overall value of the fishery.

5.0 Proposal

The RIFHFCC proposes to establish a single species community-based fisheries co-management cooperative through the RIDEM. This proposal requires that a portion of the RI fluke quota be used to create a catch limit for the RIFHFCC. The designated catch limit will be managed by the RIFHFCC, which will be an incorporated entity and will be responsible to RIDEM for carrying out the requirements attached to the approval of the cooperative management proposal.

The cooperative will request a distinct allocation of fluke for the year 2014, while agreeing to operate under a Hard-TAC. The cooperative will seek an exemption from daily possession limits and time closures and will seek an alternative minimum size for the purpose of reducing discards. The cooperative members will land and tally all legal-sized fish against a Hard-TAC allocation. If or when the cooperative achieves its Hard-TAC on fluke, the members will cease to fish for fluke for the balance of the year and will maintain a cooperative reserve necessary to cover incidental catches of fluke while fishing for other species. This will insure that the full retention of legal-size fluke can be

done while staying within the sector TAC. The Cooperative Manager will oversee day to day operation of the sector.

All dead discards of sub-legal fluke will be deducted from the Hard-TAC using the 10 percent discard mortality rate accepted by the summer flounder stock assessment. Transferability of quota to assure optimum utilization within the cooperative will be allowed within the duration of the pilot program. Real time landings data will be used to ensure compliance with the Hard-TAC. The cooperative will report to RI DEM with single vessel resolution in any way required by the Department.

Key Proposal Criteria:

- Conduct a pilot program in 2014 that continues the 2013 pilot program
- Pilot program will run from May 1, 2014 – October 30, 2014
- The Cooperative for the 2014 pilot program will include the same initial number of participating boats (10) as the 2013 pilot program.
- Participation in the Cooperative is voluntary.
- Membership in the RIPCBA is required for pilot program participation. Participating boats will voluntarily restrict their seasonal catch to a defined catch limit. The participating boats in the Cooperative would agree to a total restricted catch limit of no more than 2% of Rhode Island's RHL for fluke.
- Participants will be allowed to transfer catch within the cooperative with no sale of fish or fees charged or incurred by either party.

- Should the Cooperative reach the defined catch limit, all participating boats must stop fishing for fluke.
- Any unused catch will be transferred back to the general recreational sector
- Participants must record and report catch data (per RI DEM specifications) electronically using approved software program and suitable tablet device.
- Minimum size is 16.0"
- No daily or per trip bag limits

5.1 Catch Limit for the For-Hire Fluke Conservation Cooperative

The proposal combines a Hard-TAC that will limit the catch by members of the cooperative and a minimum size that was chosen to reduce discards

The proposed minimum size for Cooperative members is 16.0".

The proposed catch limit for the Cooperative for 2014 is 2% of Rhode Island's RHL for fluke. This is a Hard-TAC for the entire season, including dead discards to be counted against the Hard-TAC. Should the Cooperative reach the defined catch limit, all participating boats must stop fishing for fluke.

Under this proposal, RI DEM would be setting a fluke catch limit for the Cooperative that is less than 1% of the total number of fish that the sector members could potentially take under the rules in effect in 2013 and which will result in a dramatic reduction in the ratio of dead discards to kept fish. The members of the cooperative are willing to relinquish potential catch in return for regulations that reduce discards and eliminate uncertainty.

The proposed total catch limit of up to 2% of Rhode Island’s RHL for fluke for ten participating boats in the Cooperative is based on actual electronic trip reports from the 2013 pilot program.

2013 Season	Total Fluke Caught	Total Fluke Landed	Total Fluke Discarded	Discard Rate
Pilot Program	2049	1170	879	42.8%
2013 Rec Rules	2049	449	1601	78.1%

* While there were 10 boats in the Cooperative last year, two captains were unable to operate their charter businesses in 2013 and, therefore, did not fish at all under the pilot program while another two boats were only able to fish on a limited basis.

5.2 Catch Limits for Members of the RIFHFCC

The Cooperative manages the catch limit for the group and sets individual catch limits for the members in accordance with an arrangement approved by the members. Transferring of fish among members of the cooperative is intended to promote flexibility and to offset problems that would otherwise occur because of breakdowns, sickness, or other personal circumstances. Transfers are only allowed on a free and voluntary basis with no sale of fish or fees charged or incurred by either party.

5.3 Duration of Program

This proposal is for a one-year catch limit pilot program to continue to test the concept and the feasibility of a for-hire fluke conservation cooperative. Any catch limit set for the RIFHFCC and by the RIFHFCC to its members shall be for the period from May 1, 2014 to October 30, 2014

No permanent allocation of fish would occur under this proposal and no sales of any individual allocation could take place.

5.4 Limits on Individual Catch

The RIFHFCC supports a limit on the catch limit assigned to any individual in order to prevent monopolies while still allowing individuals to grow their businesses. Transfers of fish among members will be allowed only during the period from May 1, 2014 to October 30, 2014 and will require approval by the cooperative manager. At the end of the fishing year (10/30/14), all individual catch limits will expire, with the result that transfers will be good for one season only – no permanent transfers of quota between licenses or permits will be possible under this program. Individual catch limits in subsequent years

will depend on the renewal of the cooperative program by RIDEM and on the assignment of individual catch limits according to rules established by the RIFHFCC.

5.5 A Stable Regulatory Environment

The maximization of economic benefits from RI's for-hire fluke fishery requires a stable regulatory environment that optimizes the value of each fish. For-hire fishing businesses need to know when they can fish and how much they can catch. They need to make the most of the fish available to them by minimizing discards. They also need to provide their customers with a positive experience, which will be enhanced by reducing discards compared to the existing rules. For these reasons, the RIFHFCC requests a regulatory framework that is based on a specified catch limit with a constant season and a constant minimum size, more like the stable commercial regulations rather than the continually changing recreational regulations. The RIFHFCC requests the following regulations:

- A hard TAC calculated to increase the contribution of program members to the RI economy;
- An open season from May 1 through October 31;
- An unlimited daily bag limit subject to the overall annual cap on the catch by members of the cooperative;
- A size limit of 16.0", calculated to minimize discard mortality associated with the overall catch limit and consistent with the need for a positive customer experience.

5.6 Administrative Systems

The RIFHFCC will employ a cooperative manager to insure compliance with the following catch accounting, monitoring, and verification requirements:

- Submission to the cooperative manager of numbers and length of all fluke caught by member vessels, kept and discarded;
- Discard mortality rate applied to undersize discards;
- Cooperative catch reports submitted to RIDEM on the required schedule;
- Provision to stop all fluke catches by member vessels when the cooperative catch limit has been taken;
- Monitoring and Validation options:
 - Real-time electronic recording of all fish landed in a format consistent with the needs of fishery managers.
 - Call-out and call-in system with catch report and independent dockside checks upon landing.
 - Tracking of member vessels through the use of LocationTracker™ by Harbor Light Software, LLC.
 - Client validation tools including reporting cards or log book with client contact information.

5.7 Cooperative Pilot Program Membership

This is a proposal for a one year pilot program with an option for renewal on an annual basis. The participants must all be members of the RI Party and Charter Boat Association and the program must be approved by the membership of the RIPCBA.

Pilot program members accept responsibility for themselves and for the other members of the program. As such, it is necessary for the pilot program to be self-selecting business partnerships, meaning that members choose to join the program and the program members choose whether or not to accept any new applicant. A unanimous vote is required for acceptance into the 2014 pilot program.

To qualify for participation in the pilot program proposed here, a member must have a valid Rhode Island Charter and Party Boat License and a valid federal Fluke Permit and must have indicated interest in participating in the program. All of the members participated in many proposal development meetings and are fully familiar with the requirements for operating under program management. The fishermen who participated in designing the program and participated in the 2013 RSA pilot program would welcome additional members who meet the criteria outlined in this proposal.

The requirements for a RI party and charter boat license are as follows:

§ 20-2-27.1 Rhode Island party and charter boat license. – (a) All party and charter boats carrying recreational passengers to take or attempt to take marine fish upon the navigable state and coastal waters of Rhode Island shall be required to obtain a Rhode Island party and charter boat license. The licenses shall be issued by the department on a biennial basis for a fee of twenty-five dollars (\$25) per vessel. All licensed party and charter boats shall be required to display a party and charter boat decal provided by the department. To obtain a license, the owner of a qualified vessel must submit:

(1) A current copy of the operator's U.S.C.G. license to carry passengers for hire;

(2) A current copy of the vessel's "Certificate of Documentation" certifying that the vessel is documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's state registration;

(3) Proof that the operator and crew are currently enrolled in a random drug testing program that complies with the federal government's 46CFR "Drug Testing Program" regulations; and

(4) A signed license application form certifying that the vessel is and will be operated in compliance with all state and federal safety regulations for the vessel.

(b) Rhode Island party and charter boat licenses shall expire on the last day of February every other year, with the first expiration date being in February 2001.

Table 1 –Participating members of the 2014 Rhode Island For-Hire Fluke Conservation Cooperative

Captain Name	Home Address	Charter Vessel
1. Steve Anderson	Warwick, RI	Bare Bones
2. Rick Bellavance	N. Kingstown, RI	Priority Too
3. Paul Johnson	Wakefield, RI	Carol J
4. Dave Monti	Warwick, RI	Virginia Joan
5. Joe Pagano	N. Scituate, RI	Stuff It
6. John Rainone	Narragansett, RI	L'il Toot
7. Lynn Smith	Charlestown, RI	Lil' Devil
8. Kelly Smith	Charlestown, RI	C-Devil II
9. Lin Safford	Charlestown, RI	Cherry Pepper
10. Andy D'Angelo	West Kingston, RI	Maridee II

Cooperative members will be required to declare their intention to participate in the pilot program in writing to the Director of the DEM and be subject to an enforcement review process if required by the Director. Members will be legally bound by a membership agreement that outlines expectations of members as well as a schedule of penalties for violations of sector rules.

The cooperative at this time includes members primarily from Point Judith and ports on the west side of Narragansett Bay. It is not the intention of the program to favor one port over another. This group of fishermen is brought together by a common belief that they can improve the stewardship of the fishery and their economic performance by taking a greater responsibility for managing their own fishing activities under a Hard-TAC for fluke. This group has no objection to the formation of additional cooperatives to accommodate similar self-selecting partnerships.

6.0 Legislative and Regulatory Basis for Cooperative Management

The Marine Fisheries Laws of the State of Rhode Island give the Director of the Department of Environmental Management authority and responsibility over fishery resources.

20-1-2 Authority over fish and wildlife. – The general assembly hereby vests in the director of the department of environmental management authority and

responsibility over the fish and wildlife of the state and over the fish, lobsters, shellfish, and other biological resources of marine waters of the state.

20-2.1-9 (2) When implementing the system of licensure set forth in sections 20-2.1-4, 20-2.1-5, 20-2.1-6, and 20-2.1-7 of this chapter and other provisions of this title pertaining to commercial fishing licenses, permits, and registrations, the director shall consider when establishing limitations on effort and/or catch:

(i) The effectiveness of the limitation:

(A) In achieving duly established conservation or fisheries regeneration goals or requirements;

(B) In maintaining the viability of fisheries resources overall, including particularly, the reduction of by-catch, discards, and fish mortality, and in improving efficiency in the utilization of fisheries resources;

20-2.1-9. Powers and duties of the director...

(4) ... This authority shall include the authority of the director to:

(i) Differentiate between the level of access to fisheries provided to license holders or potential license holders on the basis of past performance, dependence on the fishery, or other criteria;

(iii) ... quotas may be allocated proportionally among classes of license holders as needed to maintain the viability of different forms of commercial fishing.

(5) The director shall by rule, with the advice of the Marine Fisheries Council develop conservation and management plans for the fishery resources of the state, which conservation and management plans shall be adopted prior to and at the same time as adoption of any license restrictions on effort or catch. In the development of such fishery conservation and management plans, priority shall be given to those resources with the highest value to the state, either for commercial or recreational purposes.

RI DEM has incorporated the provisions of the RI General Laws related to Fish & Wildlife into an enumerated list of Rules titled "Commercial Fishing Licensing Regulations," which also include provisions related to fishery management plans.

6.2-1: The management controls set forth in 6.1 must be based on fishery management plans that have been adopted by the department or by a federal agency or regional body of competent jurisdiction. Such plans may be species or fisheries specific, or apply to whole endorsement categories.

6.2-2: Purpose and Content

(a) The central objectives of all fishery management plans shall be (1) to prevent overfishing, while achieving on a continuous basis the MSY from each fishery; and (2) to restore overfished stocks to sustainable levels.

(b) Management plans shall be responsive to and reflective of changing stock and fishery conditions and there by support an adaptive management process.

(c) Management plans shall seek to achieve the objectives set forth in subsection (a) above by establishing management measures that may include a mix of input

and output controls, such as limitations or restrictions on effort, gear, catch, areas, time and/or season.

(e) In considering the economic and social impacts of licensing and other management measures on fishers and fishing-dependent communities, as well as on the general public, management plans shall to the maximum extent feasible employ methodologies that are consistent with those employed by the National Marine Fisheries Service.

(g) Management plans shall consider the effectiveness of management measures in reducing by-catch, by-catch mortality, and discards.

(h) Management plans shall complement federal and regional management plans and programs and the reciprocal arrangements with other states.

(j) Management plans may take into consideration other factors that the Director deems appropriate.

Paragraph 6.2-2 of the RI DEM Commercial Fishing Licensing Rules identifies the central objective of a management plan in the State of Rhode Island as one intended to prevent overfishing. Given that fluke have been overfished in the past and that discards and uncertainty concerning the recreational catch are a continuing problem, improvements in fluke management are warranted. RI DEM recognized the need for continuing improvements in fishery management when it approved a pilot commercial fluke sector in 2007 and each year thereafter. The benefits of the commercial fluke sector have been well documented.

Paragraph 6.2-2 (b) recognizes the importance of crafting fisheries laws that respond to the ever-changing needs of fish stocks. This responsiveness is intended to provide the State with the long term benefits that are associated with the partnering of responsive management and stewardship.



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February 20, 2014

Capt. Richard C. Hittinger
1st Vice President
401-739-1875

Chairman
RIMFC Summer Flounder Advisory Panel

Capt. David P. Monti
2nd Vice President
401-480-3444

Dear Sir,

Roger O. Tellier
Secretary
401-398-2670

Be advised, that the Rhode Island Saltwater Anglers Association is opposed to the Rhode Island For-Hire Fluke Conservation Cooperative Pilot Program (Cooperative) request. The recreational share of the Rhode Island summer flounder quota belongs to every recreational angler, individually and equally, and no portion of that common fishery should ever be exclusively given to any individual, or group of individuals, for their own personal or financial gain.

Peter R. O'Biso
Treasurer
401-783-2364

William S. Sosnicki
Sergeant-At-Arms
401-822-2979

Further, we find it objectionable, that any such group be allowed to harvest summer flounder with less-restrictive size limits than the rest of the recreational fishing community.

Travis E. Barao
Director
401-301-7944

Capt. J. Edwin Cook
Director
401-885-0679

We also believe that allowing the creation of a private sector on summer flounder within the recreational fishing community will lead to further attempts to privatize other species of importance to the recreational fishing industry.

Michael W. Lawing
Director
401-255-7866

Therefore, the Board of Directors of the Rhode Island Saltwater Anglers Association strongly requests that the Summer Flounder Advisory Panel reject the Cooperative's request.

Kevin C. Miller
Director
401-497-6794

Respectfully,

Robert S. Murray
Director
401-378-5895

Stephen J. Medeiros
President

Capt. Michael A. Warner
Director
401-364-0027

The Rhode Island Saltwater Anglers Association represents over 7,500 recreational anglers and 34 affiliated clubs

Benjamin's Fishing Club • Blue Water Anglers • Bowling Green Fishing Club • Bristol County Striper Club • Buckeye Brook Coalition
Buzzards Bay Anglers Club • Cape Cod Salties • Connecticut Surfcasters Association • CT/RI Coastal Fly Fishers • East Bay Anglers
East Greenwich Yacht Club • Galilee Tuna Club • Italian Progressive Fishing Club • Jamestown Striper Club
Massachusetts Beach Buggy Association • Massachusetts Striped Bass Association • Narragansett Pier Sportfishing Association
Narragansett Salt Water Fishing Club • Narragansett Surfcasters • Newport County Saltwater Fishing Club • Ocean State Surfcasters
Old Colony Amphibians • Pioneer Valley Boat & Surf Club • Princeton Fishing Team • Rhode Island Marine Trades Association
Rhode Island Mobile Sportfishermen • Rhode Island Party & Charter Boat Association • Rhody Fly Rodders • Slater Mill Fishing Club
St. John's Fishing Club • Strippercoast Surfcasters • Thundermist Striper Club • United Fly Tyers of Rhode Island • Weekapaug SurfCasters