



# Rhode Island Marine Fisheries Council

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

**RIMFC:** Robert Ballou, *Chairman*; Richard Hittinger, *Vice Chair*; David Monti; Jeff Grant; William Mackintosh, III; Michael Rice, Ph.D.; Christopher Rein; Andy Dangelo

## MEETING NOTICE

**September 13, 2016 – 6:00 PM**  
**URI Narragansett Bay Campus, Corless Auditorium**  
**South Ferry Road, Narragansett, RI**

### AGENDA

Agenda item	ePacket Attachment(s)	Recommended action(s)
<b>1. Approval of tonight's agenda</b>	<ul style="list-style-type: none"> <li>Tonight's agenda</li> </ul>	Approval of agenda and/or recommendations for modifications.
<b>2. Approval of minutes from last meeting</b>	<ul style="list-style-type: none"> <li>Meeting minutes 4-20-16</li> </ul>	Approval of minutes and/or recommendations for modifications.
<b>3. Public Comments on any items not on agenda</b>	N/A	Discussion for possible future action.
<b>4. <u>Introduction of new Council members:</u> B. Ballou</b>	N/A	Meet and greet
<b>5. <u>Aquaculture Review:</u> J. Grant</b> <ul style="list-style-type: none"> <li>Kyle Hess</li> </ul>	<ul style="list-style-type: none"> <li>CRMC application</li> <li>Division recommendation</li> </ul>	Provide recommendation to CRMC pursuant to RIGL 20-10-5(d).
<b>6. <u>Review of updated Council Policies and Procedures:</u> B. Ballou</b>	<ul style="list-style-type: none"> <li>Draft Policy</li> </ul>	Adoption of policy.
<b>7. <u>Advisory Panel Meeting Minutes approval:</u></b> <ul style="list-style-type: none"> <li><u>SAP 4/27:</u> J. Grant</li> <li><u>SAP 8/10:</u> J. Grant</li> <li><u>IAC 8/23:</u> C. Rein</li> </ul>	<ul style="list-style-type: none"> <li>SAP Minutes 4/27</li> <li>SAP Minutes 8/10</li> <li>IAC presentation and minutes 8/23</li> </ul>	Approval of minutes
<b>8. <u>SAP Agenda Approval:</u> J. Grant</b>	<ul style="list-style-type: none"> <li>Draft agenda</li> </ul>	Approval of agenda
<b>9. <u>AP Membership:</u></b> <ul style="list-style-type: none"> <li>SAP</li> <li>IAC</li> </ul>	<ul style="list-style-type: none"> <li>Current IAC membership</li> <li>Current SAP membership</li> </ul>	Discussion regarding membership and attendance needs

<b>10. FYI:</b> <ul style="list-style-type: none"> <li>• Director regulatory decisions</li> <li>• ASMFC/NEFMC reports</li> <li>• Aquaculture review letters</li> </ul>	<ul style="list-style-type: none"> <li>• Director Decision - March and April hearing items</li> <li>• ASMFC/NEFMC reports</li> <li>• Aquaculture review letters</li> </ul>	FYI
<b>11. Other matters.</b>	N/A	FYI, discussion, and/or consideration of future actions.
<b>12. Adjourn</b>		

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

ePacket agenda available at:

<http://www.dem.ri.gov/programs/fish-wildlife/marine-fisheries/rimfc/index.php>

Posted 9/9/2016



# Rhode Island Marine Fisheries Council

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

## MEETING MINUTES

April 20, 2016

Chairperson: *B. Ballou*

RIMFC Members Present: *R. Hittinger, D. Monti, J. Grant, M. Rice, A. Dangelo*

DEM: *L. Mouradjian, G. Powers, J. McNamee, S. Olszewski, N. Lengyel, E. Schneider, P. Duhamel, D. Costa, Will Helt, Nicole Ares, Katie XXXXX, Sgt. Dan White.*

Public: Approximately 20 persons.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; *R. Hittinger* requested that the item # 5 regarding recreational black sea bass be moved to the top of agenda item 4 so that those in attendance for that topic could leave upon its conclusion. Hearing no other proposed modifications, the agenda as revised was approved.
2. **Approval of RIMFC meeting minutes from March 7, 2016:** *R. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **Agenda item 5 - Recreational Black Sea Bass:** *D. Monti* inquired as to the possibility of adding an LOA program to any of the options presented; to which *J. McNamee* replied that he thought it would be within the scope of the notice as it was offered in one of the options offered for notice and comment, but that he could not provide specifics of the program at this time, to which *G. Powers* concurred. *D. Monti* then inquired how the Council would vote on such a measure without knowing specifics, to which *B. Ballou* offered that the Council would need to approve without knowing specifics; to which *A. Dangelo* offered that as an opt-in program, the P/C operators could always choose not to participate if they chose and not be bound by the LOA program. **Motion made by *D. Monti* to recommend adoption of Option 2 as proposed with the inclusion of an LOA program for P/C, details of which will be determined by the Division; 2nd by *A. Dangelo*. The motion passed 5 - 0.**
5. **Agenda item 4 – March 23<sup>rd</sup> public hearing items:**
  - **Menhaden Regulations – General editing for improved clarity:** *P. Duhamel* offered that public comment was received regarding additional clarifications needed, and that such revisions were made and provided in the Council's ePacket. He noted that revisions were vetted through legal and DLE and no issues were noted as revised, and that the commenter was also satisfied with the revisions. **Motion made by *R. Hittinger* to recommend adoption as of the language as revised; 2nd by *D. Monti*. The motion passed 5 - 0.**

- **Commercial Menhaden:** Motion made by *D. Monti* to recommend status quo; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 5 - 0.
- **Recreational Menhaden:** *P. Duhamel* offered that a public comment was received from RISAA supporting a possession limit of 200 fish/vessel/day. *J. McNamee* offered that discussion at the last (cancelled) Council meeting indicated that a 200 fish limit may not be adequate for small menhaden (i.e., peanut bunker) and offered a for consideration by the Council that the 200 fish limit could apply to fish > 4", as the intent of the proposal was to regulate the larger fish only, and that for fish smaller than 4", the possession limit could be unlimited. **Motion made by *A. Dangelo* to recommend adoption of a 200 fish/person/day possession limit for fish 4 inches and larger, and an unlimited possession limit for fish smaller than 4 inches; 2<sup>nd</sup> by *C. Rein*.** A question from the audience inquired as to the potential impact to the fishery with an unlimited possession limit; to which *J. McNamee* replied that such impact would be negligible due to the negligible impact on menhaden attributable to recreational harvest. **The motion passed 5 – 0.**
- **Horseshoe Crab:** *S. Olszewski* provided that the proposal of a 60 crab possession limit would allow for improved commercial access to the fishery and for improved management through improved monitoring and reporting. *J. Grant* offered that the proposal was not sufficiently comprehensive, and that as the regulations would not effect this year's harvest, there is ample time to perfect the proposal before next year's harvest. **Motion made by *J. Grant* to recommend tabling the proposal for now until such time that the regulations can be re-visited; 2<sup>nd</sup> by *A. Dangelo*.** *J. McNamee* inquired as to the Council's preference for a means by which to further develop the language. *B. Ballou* inquired to *G. Powers* as to the need to specify a timeframe by which to prepare the language; to which *G. Powers* offered that a date should be determined at this time; and to which *J. McNamee* offered that the normal November hearing on commercial fisheries regulations would be the most suitable opportunity by which to address this topic again. *J. Grant* offered that his organization would provide proposed language to the Division. **The motion passed 5 – 0.**
- **Jonah/Cancer Crab:** *S. Olszewski* offered a summary of the proposal, separating the proposal into ASMFC Jonah Crab FMP requirements, and the additional Division proposals for both Jonah and Atlantic Rock crab. *J. McNamee* offered that it was the Division's perspective that the 2 species must be addressed together due to the mixed nature of the 2 species. *J. Grant* offered concern about the use of traps other than properly tagged lobster traps to harvest lobster, and that the proposed requirement that crabs from only lobster pots would remedy this problem. *S. Olszewski* offered that such is needed to assure that lobster harvest reduction efforts are realized and to reduce the number crab pots and associated vertical lines as required per ALWTRP if no such requirement is in place. He added that such is also needed to pro-actively manage the Rock crab fishery. He offered that the ASMFC is requiring that measures be taken to assure that effort is not increased in the lobster fishery, and that the proposed 1,000 crab possession limit for non-LTA holders is such a measure. **Motion made by *J. Grant* to recommend adoption of the regulations as proposed, less the 1,000 crab possession limit for non-LTA holders, where his motion is**



**that this possession limit should be unlimited; 2<sup>nd</sup> by M. Rice.** J. Walker commented that the proposed measure as motioned would put him out of business, as he does not hold any lobster allocation. He offered that there are many whelk fishermen supplementing with crab harvest from their whelk pots, and they would also be negatively impacted as proposed. J. Grant inquired as to an LOA program for non-LTA holders; to which S. Olszewski replied that such was the proposed non-LTA possession limit proposed. **The motion failed 0 - 5.** R. Hittinger offered that the control date may be warranted to put industry on notice that additional participation is not encouraged while a program is being developed. **Motion made by R. Hittinger to recommend adoption of all FMP requirements for Jonah Crabs, but only the control date provision as proposed for Atalantic Rock Crab; 2<sup>nd</sup> by M. Rice. The motion passed 5 – 0.**

- **Gillnets:** J. McNamee offered a summary of the proposal, to include the most relevant and important components of the federal regulations, and to also adopt new regulations for state waters in order to provide for net limits that are currently absent from regulation. He offered that the control date and owner/operator rule originally proposed was no longer considered by the Division as necessary components of the program. **Motion made by D. Monti to recommend adoption of the federal regulations currently in place; 2<sup>nd</sup> by R. Hittinger.** J. Grant offered concern regarding large whale provisions that are currently exempted north of the Colregs line in the federal regulations; to which S. Olszewski replied that such can be clarified in the regulation to better reflect the federal plan for whales and porpoises. Discussion ensued regarding bait gillnets, to which JM relied that bait gillnets are separately regulated. **The motion passed 5 – 0.**

Regarding new regulations for state waters, **motion made by M. Rice to recommend adoption as proposed less the control date and owner/operator rule; 2<sup>nd</sup> by A. Dangelo. The motion passed 5 – 0.** J. Grant offered that tags must be removal and reusable, unlike lobster trap tags which are single use tags. G. Duckworth offered that the owner/operator rule is needed to properly manage fderal boats in state waters

Hello, you captured it for the gill net section. By way of background the reg treats all fishermen in state waters equal because it reads refers to tagged nets being hauled/set/maintained not possessed while in state waters. My only comment would be if you want to add that DFW will develop complimentary regulations for the administration of the tagging program as a next step (fall meetings). John

- **Adoption of “Part 6 – General Equipment Provisions”; in conjunction with repeal of “Part X - Equipment Restrictions”, “Part XI – Commercial Fisheries”, “Part XIII – Gill Net Regulations”, and “Part XIV – Fish Traps”:**

**Motion was made by D. Monti to recommend adoption of the regulations as proposed; 2<sup>nd</sup> by M. Rice. The motion passed 5 – 0.**

- **Agenda item 5. – rreview and recommendations to the Director regarding 2/16/2016 public hearing items:**

## 5. **Quonnie Oyster Moratorium:**

*J. Grant* provided an overview of the meeting as reflected in the minutes. *J. McNamee* offered that the Division would be presenting information regarding oyster restoration efforts and Quonochontaug Pond Shellfish Management Area and requesting a recommendation on Division proposals at that time. *B. Ballou* inquired as to any objection to approving the minutes; hearing none, the minutes were approved.

6.  
Meeting adjourned at approximately 8:30

Prepared by *P. Duhamel*



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

## PUBLIC NOTICE

File Number: 2016-06-047

Date: June 20, 2016

This office has under consideration the application of:

Chessawanock Island Oyster Co.  
c/o Kyle Hess  
400 Station Street  
Cranston, RI 02910

for a State of Rhode Island Assent to: expand an existing three acre aquaculture lease site in Hog Island Cove by two acres. The gear proposed includes floating bags and flip bags. A complete application may be sent electronically upon request to the CRMC Aquaculture Coordinator.

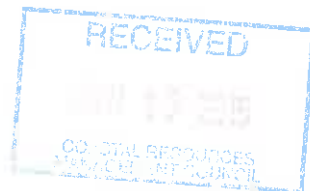
Project Location:	Hog Island Cove
City/Town:	Portsmouth
Plat/Lot:	/
Waterway:	Hog Island Cove

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 July 20, 2016.



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

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

File No.	2016 06 047	
Location: Street	City/Town	
Applicants Name.	Chessawanock Island Oyster Co	
Mailing Address	400 Station St.	Res. Tel. # 401-578-1924
City/Town	Cranston State RI Zip Code 02910	Bus. Tel. #
Location of Proposed Aquaculture Project:	41deg 38' 36" N, 71 deg 17' 8" W	
Name of Waterway	Hog Island Cove	Fee/Costs \$ \$250
Est. Project Cost \$	\$15,000	

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

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

YES \_\_\_\_\_ NO X

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

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

Date: 6/1/2016 Owner's Signature [Signature]

Appendix C  
 Rev. 05/05

Looking West

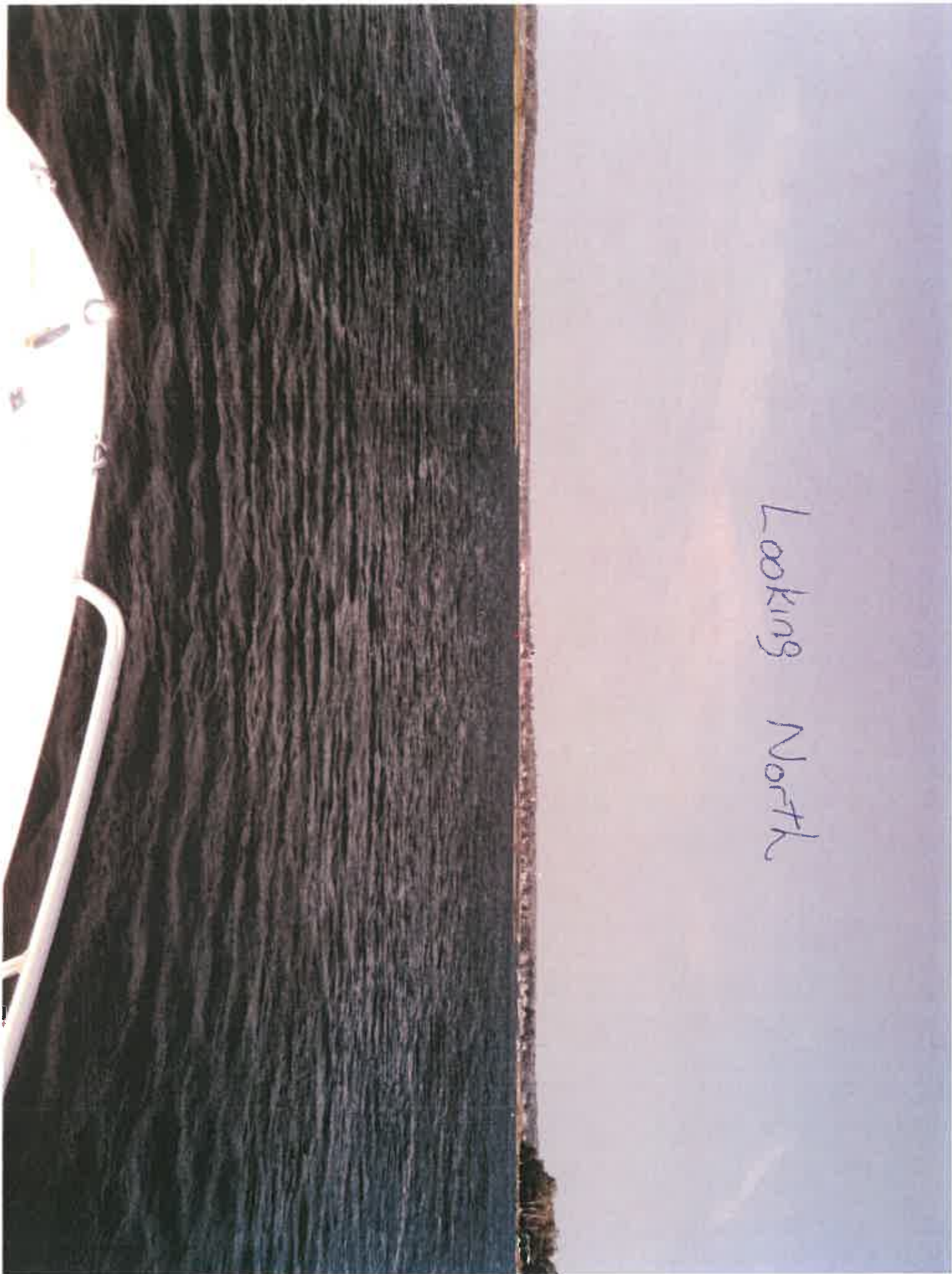




Looking South

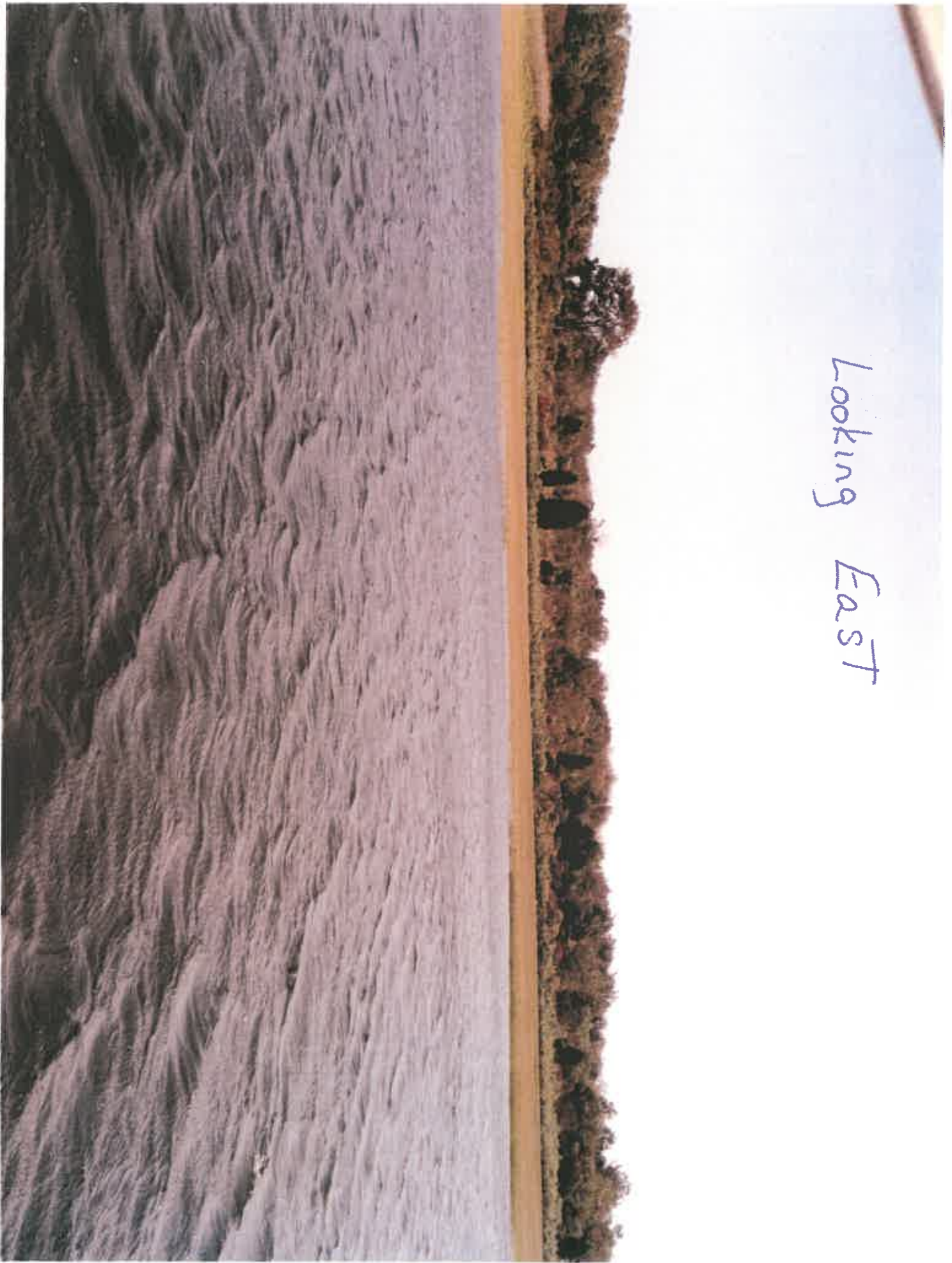


Looking North





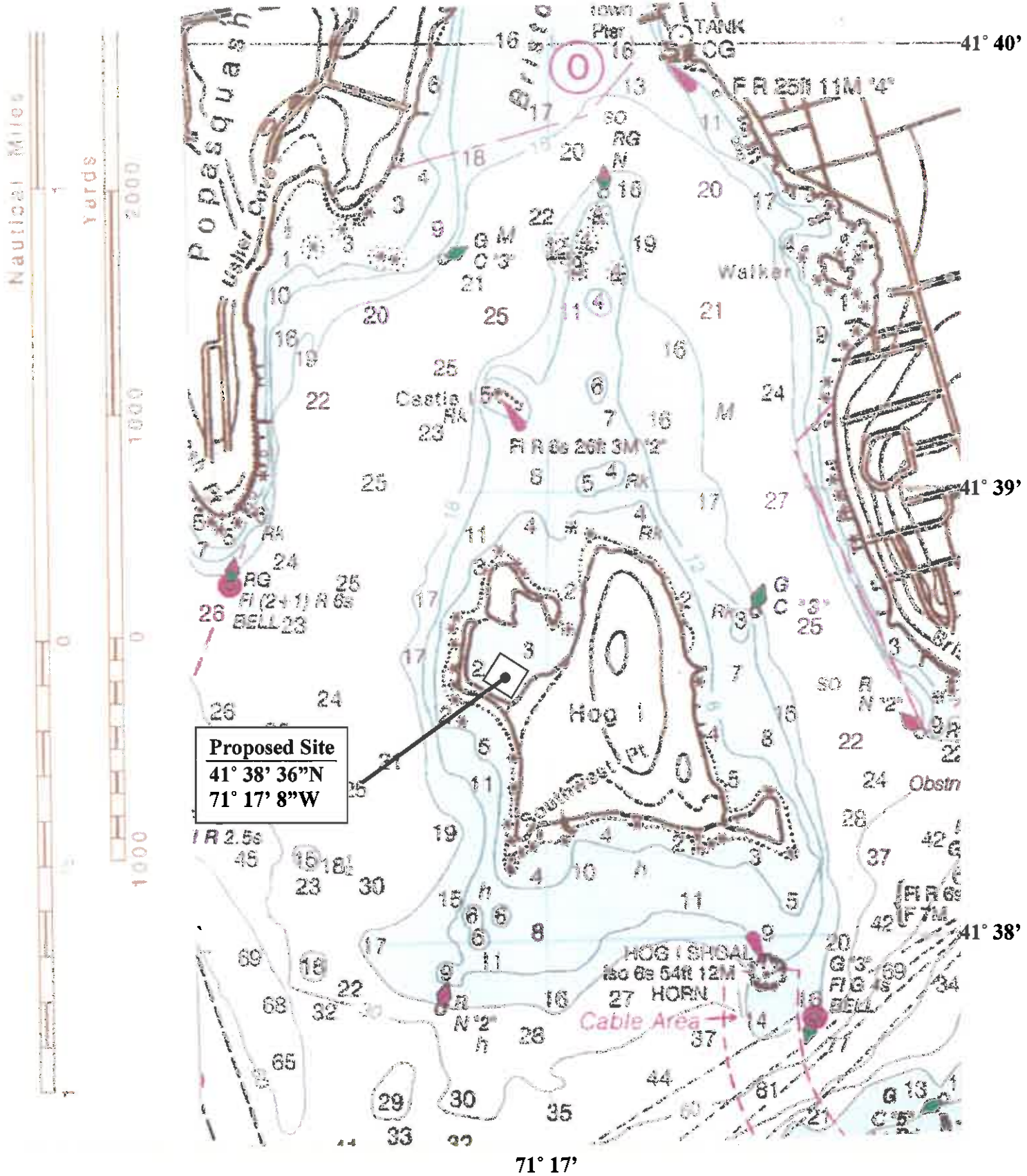
Looking East





# Location Map

N (magnetic)



# Plan View

Scale: 1" = 100'

Kyle Hess  
3/26/2016

N (magnetic)

4' Depth

3' Depth

41° 38' 40.66" N  
71° 17' 9.78" W

NW

Mooring Area for  
Storage Float

430'

Winter Storage Area  
for Flipped Bags

Mooring Area  
for Barge

41° 38' 38.60" N  
71° 17' 4.78" W

2' Depth

Oyster Gro Area

14 cages/line  
Each line is 175' L  
2 lines end-to-end  
25' space between lines

5.0'

3' Depth

2' Depth

41° 38' 36.35" N  
71° 17' 12.91" W

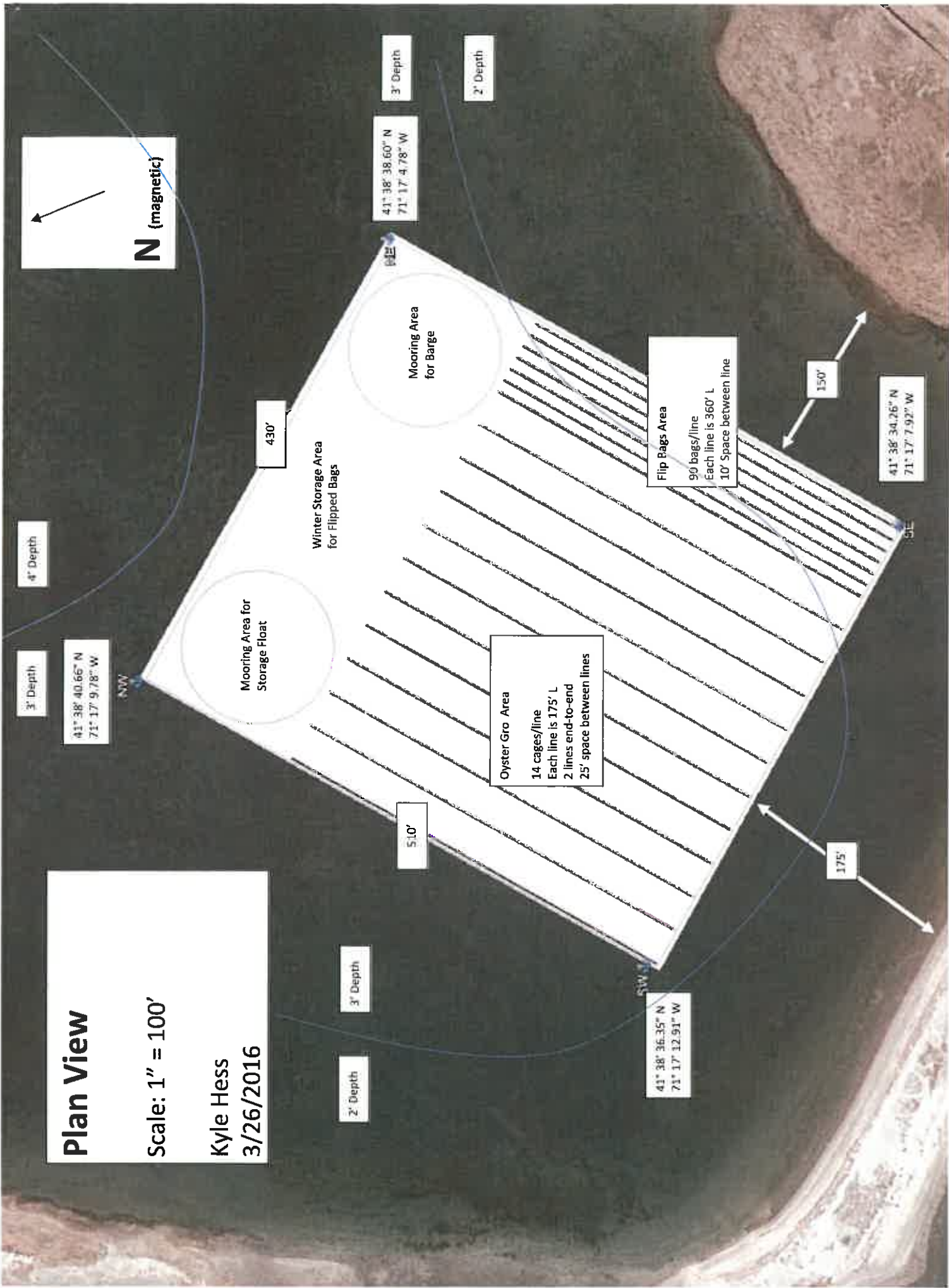
Flip Bags Area

90 bags/line  
Each line is 360' L  
10' Space between line

150'

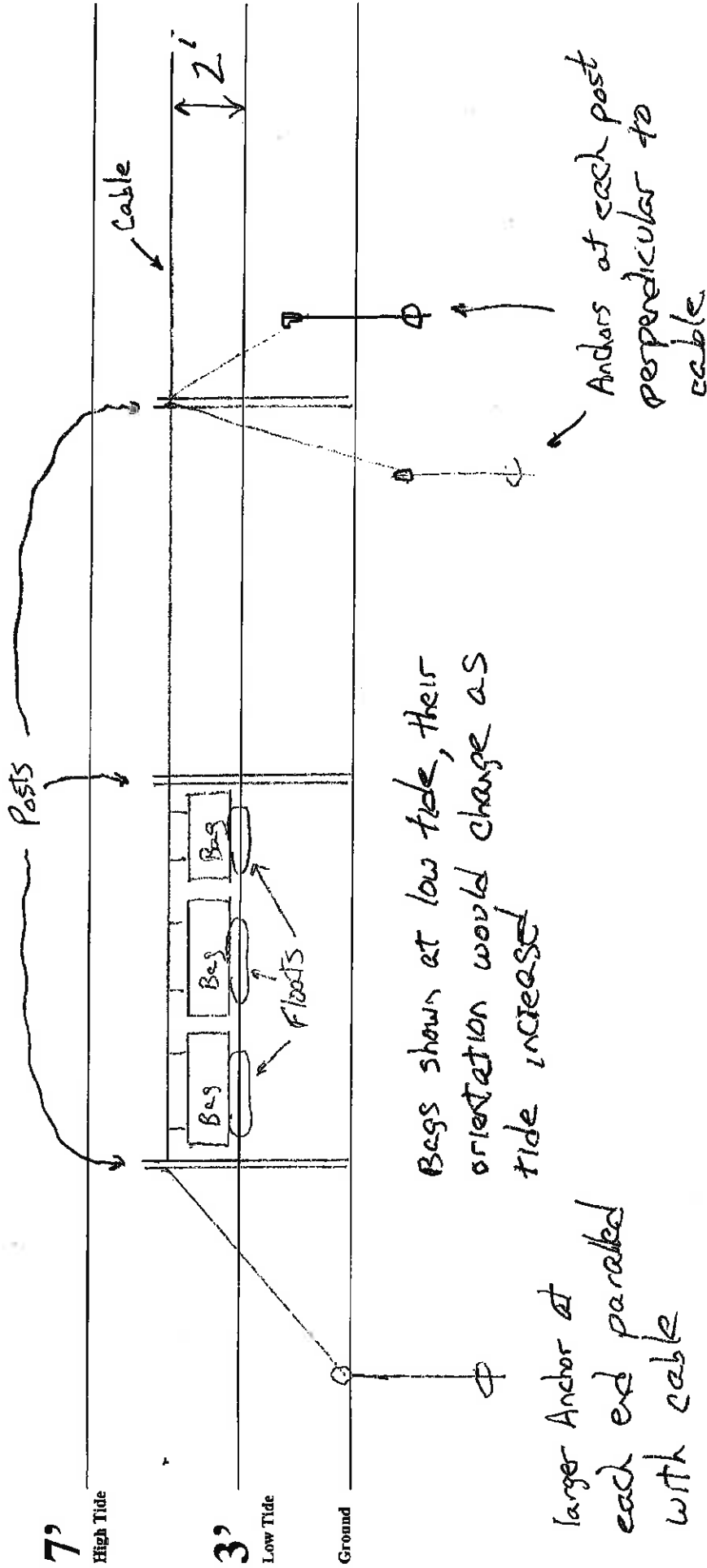
41° 38' 34.26" N  
71° 17' 7.92" W

175'



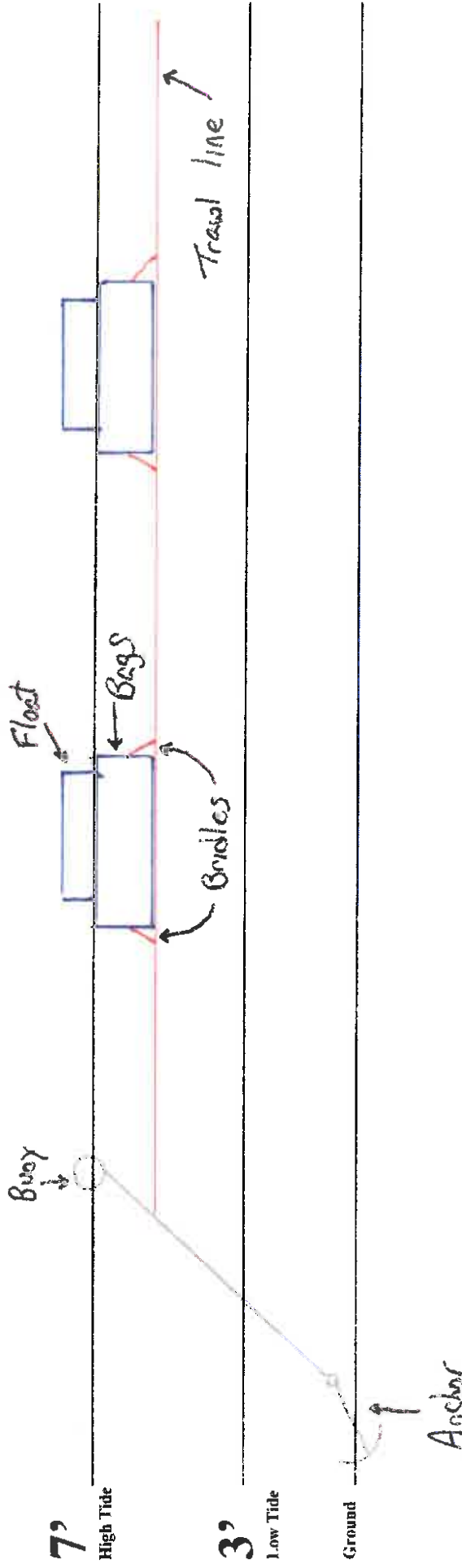
# Cross-Section View

Scale: 1" = 4'



# Cross-Section View

Scale: 1" = 4'



# Operational Plan

Chessawanock Island Oyster farm is a 3 acre site in Hog Island's northwest cove (fyi: Hog Island Oyster has been trademarked by a San Francisco operation and Chessawanock is the native American name for the island). I've been in operation since 2012 selling premium eastern/atlantic oysters to local wholesalers. We began slowly but are now at full operation. The 3 acres are maxed out and feel the area is being utilized very efficiently. The product is being very well received by the community but additional opportunities are being passed up because I have no space to for more gear and thus more oysters. This proposed expansion would increase the farm from 3 to 5 acres. The objectives of this expansion would be to:

- Place more grow out gear including additional OysterGro cages as well as incorporating flip bags to further improve quality
- Harvest staging raft
- Winter storage of shallow area gear

Oyster seed is purchased from nearby hatcheries such as ARC and Muscongus Bay. The seed is initially raised in the flupsy nursery which is located off-site. Once they are 1" in size they moved to the farm. They are put into standard poly grow out bags that are 36"l and 18"w. These bags are in turn put into floating OysterGro cages. The cages hold 6 bags each and are tethered to ½ inch diameter trawl lines. The lines will hold 14 cages each and are 175' long, anchored at each end with a 4' helical mooring sized for this application, and marked with end buoys. The trawl lines will be placed with a 25' gap between them which will allow for navigation.

Once the oysters are 2-2.5" in size they will be transferred to flip bags. The bags will be attached to a 180' long stainless cable running at a height of 2.5' above the mean low tide mark. The line will be pulled tight and be held in place with posts every 10' with helical anchors providing stabilization. The bags will have a float on one side allowing it to rotate as the tide rises and falls. This constant rotating greatly increases the depth of cup, thickness of shell, and overall mass. Additional cable lines will be positioned with a 8-10' gap between them. The flip bag area is in the shallowest (south eastern corner) area of the lease which is also littered with large rocks. It is effectively unnavigable waters. During winter, these bags would be transferred out of this area and sunk in deeper waters on the northern side of the farm.

Once oysters become ready for sale, they are transferred to a temporary holding area. A wooden floating raft similar to typical dock/marina floats will be moored on corner of farm. Integrated in the float will be removable racks that hang below it and will hold market ready oysters. Oysters can stay in this area for a few weeks while awaiting sale. The raft will have multiple helical anchors to keep it in place.

An 18' center console work skiff and a 27' barge will work the farm. The process has different steps done at different times of the year.

## 1. Spring Startup Timeline

April 1: sunken cages will be refloated. Posts and cables reattached to flip bag area.  
April 15: flip bags reattached to posts/cables  
May 1: Harvest raft and sorting barge placed on moorings.

2. Bags will be processed on the barge 4-6 times per year depending on the size oyster contained. Processing consists of removal of oysters, cleaning them off, sorting by size and counted. Market ready oysters are identified and transferred to storage raft.
3. Weekly or as required, market ready oysters are taken, cleaned again and packaged for sale. Vibrio plan regarding resubmergence time and time to dealer is monitored precisely.
4. Approximately every 3-4 weeks, the cages will be flipped upside down for 1 day/night (18-20 hours total). Air drying will kill any attached fouling organisms without the need for any aggressive actions (power washing, brine dipping, etc).
5. Winter Shutdown Timeline  
November 30: Harvest raft and sorting barge removed from site. The flip bags will be removed from cable and sunk.  
Early December: Cages will be sunk onto the sea floor so that the stock will survive the winter freezing temperatures. The posts and cables removed from area.

The site will be actively farmed from April to December. The site will be inactive from December through April as noted above. Adult oysters will be sold to local wholesale buyers. As owner of the abutting land (listed as Hog Island, Inc.), I have space on the interior of the island to store extra lines, anchors, bags, etc. This area is thousands of feet from the nearest abutters and will not pose any nuisance to any homeowner. Furthermore, since I live on Hog Island for half of the calendar year, I will have a constant presence on the site which will help to quickly contain any problems. Finally, during the winter of 2011 I attended the "Practical Shellfish Farming" course at Roger Williams University, taught by Dale Leavitt.

The site has been chosen specifically because of its remoteness and minimal recreational and navigation uses. There are few powerboats that even enter the cove though there are kayakers. The open areas between trawls allow plenty of room for basic navigation through the farm. Also, the site is very poor in natural shellfish population and so as a whole I honestly feel there are no competing uses for this space.



## Category B Requirements

1. Oyster aquaculture is an area of growth, and would provide economic stability.
2. Not Applicable, no buildings or land use required.
3. The location of site is in Hog Island Cove. 41°38'36" N, 71°17'8" W. The area is rectangular in shape, 430' x 510'. The total proposed area is 5 acres.
4. Erosion and/or deposition are not known to occur with oyster aquaculture. The lease site lies completely in the water.
5. Oysters will be beneficial to all native species. The gear (bags and cages) form a small ecosystem whereby seaweed grows on gear, fish swim through cages and hide, and green and blue crabs hang onto cages and forage. Also, birds (geese, ducks, loons, cormorants, turns, gulls) have been seen many times swimming through the area or flying close by. Their behavior does not seem to differ much when on or near the farm than when in other areas of the island and surrounding waters. It's my general impression that the presence of the farm and the activity does not seem to negatively impact the local waterfowl. Furthermore, as outlined in the Operation Plan, the gear and objects are removed from the area completely during the winter months and work there is limited to a half day per week. Potential impacts to winter waterfowl and legal, DEM authorized hunting should be negligible.
6. The site is located in an area of very low general usage. Due the shallow and rocky undersea terrain, typical power and sail vessels very rarely enter the cove. For those that do or in the case of kayak's, the trawls are spaced with a 25' gap between them. This should leave ample space for small craft to maneuver through the site. A 150' buffer will separate the site from shore so beach access would not be affected.
7. This gear will float and thus should not affect water circulation in the cove at all.
8. Since oysters are filter feeders, their presence would result in an increase in water quality.
9. There are no historic or archaeologically significant areas in the cove.
10. The proposed site is situated in the crook of the corner formed by the sand bar and the island itself. Local knowledge is needed to even enter the cove as the entrance is unmarked and extremely shallow and rocky at anything but dead high tide. As a result, general navigation in this area is

practically nil. It has been observed that although on occasion some boats do land on the sand bar, they do so from its outboard side.

11. A lot of attention will be paid to its aesthetics. The layout will not be done haphazardly and instead will be neat and orderly. The area will be kept clean and attractive. Furthermore, the location is all the way into the crook of the sand bar. This will help keep it out of the way of any scenic views. The area that it sits directly in front of is undeveloped acreage, most of which is marsh.



# Tracking Plan

Oyster seed will be sourced from approved hatcheries that are listed on ECSGA list. The particular source will be based on performance of the seed as well as price and availability. Seed obtained from sources in “closed” waters will remain on my lease site for a minimum of 12 months. Currently I purchase seed from 2 sources but future ones may be used.

A detailed logging program will be done to monitor the activity on the site as well as product performance. The trawls will be numbered (1, 2, 3, etc.) with orientation (South or North) and the individual OysterGro cages on each trawl will be numbered (1, 2, 3, etc.). The result will be a coordinate system which allows specific and unique naming of every cage on the site (1S2, 5N10, 9S8, etc.). Recordings will be made in the log for any activity made. Such activity entries will include the date, specific cage number, and description of activity. Activities include:

- Seed deposited into cages
- Cages flipped (to contain fouling)
- Seed re-deposited due to growth\*\*
- Cages sunk to the bottom (due to storm or winter)
- Cages re-floated
- Oysters removed/sold

\*\* When oysters need to be spread out, they will not be combined with seed from a different planting date. This will ensure that there will be no “cross-contamination.”

One of the results of this log will be the ability to track the duration the seed has been on-site. Prior to any sorting process for market sized oyster, only cages with that have exceed 12 months will be chosen.

The log will be in the form of a hardcopy book brought to the site every time. Additionally, the log entries will also be typed into a spreadsheet on a pc. This will be done for two reasons. First, the pc copy will act as a backup (also, the pc hard drive is also backed up routinely) in case the log book was ever lost. Second, the spreadsheet will allow for the detailed analysis of performance. Trends will be identified, helping make decisions about any adjustments which may be needed.

# Guidance Document

1. Chesswanock Island Oyster Co.  
400 Station St.  
Cranston, RI 02910
2. Assent: 2011-11-027
3. DEM license Aqua 75R
4. Commercial Lease Site
5. Portsmouth, RI  
Hog Island Cove  
41deg 38' 36" N, 71 deg 17' 8" W
6. The only species is the eastern/atlantic oyster.
7. The proposed gear is long lines of floating oystergro cages and intertidal flip bags. Site plans and cross-sections are enclosed.
8. The site is marked on the 4 corners with a 16" round ball with CRMC and the assent #. There are additional buoys present within the farm to mark additional areas.
9. DEM Harvest Area: 4A
10. Oyster seed is purchased from nearby hatcheries such as ARC and Muscongus Bay. The seed is initially raised in the flupsy nursery which is located off-site. Once they are 1" in size they moved to the farm. They are put into standard poly grow out bags that are 36"l and 18"w. These bags are in turn put into floating OysterGro cages. The cages hold 6 bags each and are tethered to ½ inch diameter trawl lines. The lines will hold 14 cages each and are 175' long, anchored at each end with a 4' helical mooring sized for this application, and marked with end buoys. The trawl lines will be placed with a 25' gap between them which will allow for navigation.

Once the oysters are 2-2.5" in size they will be transferred to flip bags. The bags will be attached to a 180' long stainless cable running at a height of 2.5' above the mean low tide mark. The line will be pulled tight and be held in place with posts every 10' with helical anchors providing stabilization. The bags will have a float on one side allowing it to rotate as the tide rises and falls. This constant rotating greatly increases the depth of cup, thickness of shell, and overall mass. Additional cable lines will be positioned with a 8-10' gap between them. The flip bag area is in the shallowest (south eastern corner) area of the lease which is also littered with large rocks. It is effectively unnavigable waters. During winter, these bags would be transferred out of this area and sunk in deeper waters on the northern side of the farm.

Once oysters become ready for sale, they are transferred to a temporary holding area. A wooden floating raft similar to typical dock/marina floats will be moored on corner of farm. Integrated in the float will be removable racks that hang below it and will hold market ready oysters. Oysters can stay in this area for a few weeks while awaiting sale. The raft will have multiple helical anchors to keep it in place.

11. Out of State seed is purchased from approved hatcheries that appear on ECSGA's list. Notification is given to CRMC 5-10 days prior to delivery to ensure compliance.
12. Not Applicable. Nursery is in approved waters.
13. Not Applicable.



Rhode Island  
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road  
Jamestown, RI 02835

401 423-1920  
FAX 401 423-1925  
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July 13, 2016

David Beutel  
Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: Kyle Hess/Chessawanock Island Oyster Co. Lease Application # 2016-06-047

Dear Mr. Beutel:

The Rhode Island Department of Environmental Management (Department), through the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by Kyle Hess (Chessawanock Island Oyster Co.) for a proposed 2 acre aquaculture lease expansion in Hog Island Cove (Portsmouth, RI) for to include floating and flip bags for raising Eastern Oysters (*Crassostrea virginica*).

The applicant states that the harvest raft and sorting barge will be removed from the site along with removing and sinking flip bag gear by November 30 annually. In addition, the applicant states that in early December cages will be sunk to the sea floor with posts and cables removed. The DFW accepts the dates for gear removal but requests that sinking of cages be completed by 1 December annually. Hog Island cove is an important overwintering site for waterfowl and a popular waterfowl hunting area. Removal of equipment and sinking of cages by 1 December will minimize impacts to waterfowl and the sportsmen and women that hunt them.

While the DFW has concerns regarding the operation time window at the proposed site, the DFW does not have objections to the proposed expansion at this time. However, the Division's non-objection to the current proposal is specific to the location outlined in the application and the given the dates both proposed within the application and requested above.

Larry Mouradjian,  
Associate Director for Natural Resources

# TITLE 20

## Fish and Wildlife

### CHAPTER 20-10

#### Aquaculture

#### SECTION 20-10-5

**§ 20-10-5 Procedures for approval.** – (a) Upon submission of a completed application to the CRMC, the CRMC shall notify the director and MFC and any other parties that the CRMC may by regulation designate.

(b) No application shall be approved by the CRMC or a permit granted prior to the consideration of recommendations by both the director and the MFC.

(c) The director shall review the application to determine whether the aquaculture activities proposed in the application are:

(1) Not likely to cause an adverse effect on the marine life adjacent to the area to be subject to the permit and the waters of the state;

(2) Not likely to have an adverse effect on the continued vitality of indigenous fisheries of the state.

(d) The MFC shall review the application to determine whether the aquaculture activities proposed in the application are consistent with competing uses engaged in the exploitation of the marine fisheries.

(e) The approval by the CRMC shall be subject to any public hearings, consistent with chapter 35 of title 42, that it may require.

History of Section.

(P.L. 1980, ch. 219, § 2.)



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

## **Administrative Policies and Procedures of the Rhode Island Marine Fisheries Council**

**Draft**

**September 13, 2016**

This document sets forth the administrative policies and procedures of the Rhode Island Marine Fisheries Council, with particular reference to the operations of the Council and its committees. This document updates and replaces the *Species Advisory Panel Policy*, adopted by the Council on June 4, 2007 and revised on January 5, 2009. It incorporates by reference the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*.

### **Part A – General**

1. The RI Marine Fisheries Council (Council) is established in accordance with RIGL Section 20-3-1 to serve in an advisory capacity to the Director of the Rhode Island Department of Environmental Management (Director) and/or other state agencies on marine fisheries issues pertaining to the State of Rhode Island, particularly those involving the planning, management, and regulation of the State's marine fisheries.
2. Council members are appointed by the RI Governor, and subject to advice and consent by the RI Senate. Members serve four-year terms, and are eligible for reappointment once. Members appointed to fill a seat vacated during a term serve the remainder of the term and are then eligible for reappointment to a full term. Members whose terms have expired may continue to serve until replaced or reappointed.
3. No person may serve on the Council if assessed a criminal or administrative penalty in the past three (3) years for a violation of a marine fisheries law or regulation, including any suspension or revocation of a commercial or recreational fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law.
4. The Director or his or her designee shall serve as the Council Chairperson (Chair).
5. The Chair's principal role is to manage the agenda for the meeting and provide for an orderly flow of the meeting. The Chair shall follow Robert's Rules of Order to the extent necessary and appropriate. The Chair shall call meetings to order, call for final approval by

the Council of the meeting agenda, ensure that meetings are conducted in a civil manner, and manage the dialogue by the Council and comments from the public. The Chair may inform the discussion, but should not advocate a position, nor vote, unless a vote is deemed necessary and appropriate for the purpose of breaking an otherwise tie vote. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.

6. The Council shall elect a Vice-Chair, who shall serve as Acting Chair if the Chair is unable to attend all or part of a Council meeting, or opts not to participate in a given agenda item that is before the Council for consideration.
7. Meetings of the Council shall be held on an on-needed basis. All Council meetings are open to the public. Meeting agendas shall be prepared by the Chair in consultation with the Rhode Island Department of Environmental Management, Division of Fish & Wildlife, Marine Fisheries Program (Division) and Council members. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), posted at the Department's main office in Providence and the Division's office in Jamestown, and also noticed via the Division's listserv and website. In advance of Council meetings, meeting materials will be provided to the Council electronically, and made available to the public via the Division's website.
8. The Chair shall assure that a quorum is present at each meeting. In the event that a quorum is not present, the Chair shall decide whether to hold or cancel the meeting. No votes may be taken if a quorum is not present.
9. The Council shall deliberate and, by vote, provide recommendations to the Director on all proposed regulatory matters. The Council shall also deliberate and vote on any other matters brought before the Council for the purpose of rendering a recommendation to the Director, or another state agency. Such matters shall include, but are not limited to: commercial licensing; aquaculture lease proposals; annual plans for the allocation and use of funds from commercial license fees, tags, permits, and vessel fees; and the recreational saltwater fishing license program.
10. Agendas for all Council meetings shall include an opportunity for any member of the public to address the Council on any matter that is not on the agenda for that meeting. The Council may respond to any such comments, but shall not vote on the matter raised. The matter may be added to the agenda for a subsequent meeting of the Council, at the behest of the Council.
11. The Division shall provide a staff person to provide administrative support to the Chair and Council. Such support shall include, but not be limited to, the scheduling of meetings, the preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.
12. Draft minutes of each Council meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings").

13. The Council shall establish and maintain two standing committees of the Council: an Industry Advisory Committee (IAC) and Shellfish Advisory Panel (SAP), in accordance with Parts D and E herein. The Council may also establish ad-hoc committees as necessary and in accordance with applicable procedures (see Part F herein).
14. For each calendar year, the Council shall report annually, by March 1, to the Governor and the RI General Assembly with regard to: the advice it has given to state agencies, particularly DEM, on marine fisheries issues; the response it has received to such advice; any findings or position it may have with regard to the status and/or condition of marine fisheries; and any recommendations it may have for maintaining, improving, or changing laws, regulations, or management programs for marine fisheries.

**Part B – Roles and Responsibilities of the Council Relative to Administrative Procedures Act and Code of Ethics**

1. In accordance with the Council’s statutory responsibility to provide recommendations to the Director on proposed regulatory matters, the Council’s role is intertwined with, and thus influenced by, the State’s *Administrative Procedures Act*, RIGL Chapter 42-35 (APA). The Division, on behalf of and in coordination with the Director, is responsible for conducting the regulatory process, pursuant to the APA. The regulatory process, and the Council’s role and responsibilities relative to it, are as follows:
  - A. A notice is posted by the Division advising the public of proposed regulatory action and soliciting written comments on the proposed action for a specified period of time, that being at least thirty (30) days. All written comments received during the comment period will be included in the administrative record.
  - B. The notice also states that the Division will conduct a public workshop at a specified date and time prior to the hearing, at which interested parties will be afforded the opportunity to interact with Division staff and engage in discussion concerning the proposed regulatory action. Council members are encouraged to attend and participate in the workshop.
  - C. The notice also states that following the workshop, at a specified date and time, a public hearing will be held at which interested parties will be afforded the opportunity to offer oral and additional written comments concerning the proposal; said comments to be included in the administrative record. Council members are encouraged to attend the public hearing; however, members are dissuaded from commenting at the hearing due to their subsequent role in deliberating on and providing advice to the Director on the same matter(s) being considered. Members who feel compelled to provide comment on a matter at a public hearing may do so, provided they recuse themselves from the subsequent Council deliberation and vote on the matter.
  - D. The notice also states that, for a period extending at least five (5) days following the public hearing, interested parties will be afforded the opportunity to submit written comments concerning the proposed regulatory action; said comments to be included in the administrative record.
  - E. At the end of the written comment period following the public hearing, the administrative record is closed.



- F. After the close of the administrative record, the Division assembles the administrative record, i.e., a summary of the oral comments provided at the public hearing and copies of the written comments submitted during the written comment period. The Division then distributes the administrative record to the Council members with an agenda providing notice that the Council will be meeting, at a specified date and time, to deliberate and vote upon a recommendation to the Director regarding the proposed regulatory action.
- G. Council members shall refrain from communicating with, or considering oral or written comments offered by, members of the public after the close of the administrative record.
- H. The Council then meets to deliberate upon the administrative record and vote on a recommendation to the Director regarding the proposed regulatory action. In rendering its advice, the Council is bound by the notice, but not by the public comment portion of the record – i.e., the Council may render any recommendation that falls within the ambit of the notice, drawing upon public comment but not necessarily consistent with public comment. During its meeting, the Council may consider additional input from the Division and/or the public, but is not obligated to do so.
- I. After the Council meeting, the Division forwards the administrative record, the recommendation of the Council, and its own recommendation to the Director for final consideration. The Director then renders a final decision. The Director’s decision shall be provided in writing and made available to the Council and the public via the Division’s website.
- J. The final regulations are then filed with the RI Secretary of State, taking effect twenty (20) days from the date of filing. Concurrently, a link to the final regulations is posted on the Division’s website, coupled with an announcement provided via the Division’s listserv.

2. Recusals:

- A. Council members are subject to the provisions of the *Rhode Island Code of Ethics*, R.I. Gen. Laws Chapter 36-14 and the regulations promulgated by the Rhode Island Ethics Commission pursuant thereto. As such, a member may occasionally determine that he or she should recuse him or herself from voting on and otherwise participating in the Council's consideration or disposition of a matter pending before the Council if the matter under consideration may potentially financially impact the member, or any person within member’s family, or any business associate of the member, or any business entity in which the member or any person within the member’s family or any business associate of the member has an equity interest. However, given the statutory obligation that the Council be composed of members who are actively engaged in certain commercial activities or operations pertaining to marine fishing, a financial interest, per se, should not be deemed to require a council member to recuse him/herself. Rather, the Rhode Island Ethics Commission applies what is referred to as a “class exception” pursuant to which a member is not required to recuse him/herself if the subject matter/regulation applies equally to the member and to all other participants in a large class that is subject to or impacted by the regulatory matter under consideration. For example, a member who is a commercial fisher and harvests summer flounder may vote on and otherwise participate in the Council's consideration and disposition of a matter pending before the Council

involving the regulation of summer flounder if the matter's provisions apply equally to all commercial harvesters of summer flounder. However, if a member is a participant in a small group that would or might be impacted financially by a pending matter/regulation, the member should recuse him/herself. If a member is uncertain as to whether a given matter/regulation poses a potential conflict of interest, he/she should seek advice from the Council's legal counsel and exercise their best judgment in accordance with that advice. Ultimately, it is the individual responsibility of each Council member to assess their status relative any conflict of interest and conduct themselves in a manner consistent with the *Rhode Island Code of Ethics*.

- B. If a Council member deems it appropriate to recuse him/herself, the member must notify the Chair prior to Council consideration of the matter. Ideally, such notification should occur in advance of the start of the meeting, and involve consultation with the Council's legal counsel. During the meeting, when the agenda item is reached, the member should note, for the record, that he/she is recusing him/herself and then leave the council table. The member is then barred from voting on and otherwise participating in the Council's consideration or disposition of the matter pending before the Council in his/her role as a Council member. If the member is so inclined, he/she may join the public in the gallery and, at the behest of the Chair, may be recognized and offer public comment on the same manner, with his/her status being the same as any other member of the public for that matter. In the event of recusal, the member is required to complete the recusal form of the Rhode Island Ethics Commission and, within twenty-four (24) hours of the recusal, hand deliver or mail the completed form to the Rhode Island Ethics Commission, with a copy to the Chair. The recusal form may be obtained from the Council's legal counsel or downloaded from the Rhode Island Ethics Commission's website.
- C. One or more recusals does not affect the Council's quorum, and thus does not affect the Council's ability to vote on any given matter, provided that a quorum exists at the time the matter in question is being considered. A member who recuses him/herself on a given matter continues to count toward the quorum, notwithstanding the member's inability to vote or otherwise participate in the Council's consideration and disposition of the matter.

### **Part C – Recommendations Regarding Aquaculture Lease Proposals**

- 1. In accordance with RIGL 20-10-5(d), the Council is responsible for the review of aquaculture lease applications submitted to the RI Coastal Resources Management Council (CRMC) for the purpose of formulating recommendations to the CRMC as to whether the aquaculture activities proposed in each application are consistent with competing uses engaged in the exploitation of the marine fisheries.
- 2. The Council shall undertake this responsibility pursuant to the policies and procedures set forth in the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*.

### **Part D – Industry Advisory Committee**

- 1. In accordance with RIGL 20-2.1-11, the Council is responsible for establishing an Industry Advisory Committee (IAC) to provide coordination among commercial fisheries sectors and

to review plans and recommendations that affect more than one commercial fishery sector and to advise the Council and the Director on matters which affect commercial fishing as a whole – e.g., commercial licensing. The IAC is to be comprised of representatives of each commercial fisheries sector and of manners of commercial fishing.

2. The IAC shall consist of a minimum of six (6) and maximum of fifteen (15) members. Alternate members may be selected by the Council to serve in the event that a primary member cannot attend a meeting. In addition to broad commercial representation, the Council will appoint to the IAC at least one representative from the recreational fisheries sector and one from the for-hire fisheries sector, for the purpose of incorporating the perspectives of those sectors when considering commercial fisheries issues. Members are not subject to term limits; however, the Council shall review the IAC membership at least once every two (2) years. Members may be removed from service on the IAC, by vote of the Council, for failure to appear, without cause, at two (2) or more consecutive meetings or for disruptive behavior at two (2) or more meetings. New members may be solicited via any process that the Council wishes to employ, with assistance from the Division.
3. No person may serve on the IAC if assessed a criminal or administrative penalty in the past three (3) years for a violation of a marine fisheries law or regulation, including any suspension or revocation of a commercial or recreational fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law.
4. The IAC shall deliberate and, by vote, provide recommendations to the Council on all matters that are brought before the committee for consideration.
5. At a minimum, the IAC shall meet annually prior to the Division's public notice on proposed amendments to DEM's *Commercial and Recreational Saltwater Fishing Licensing Regulations* to offer recommendations to the Council, and on behalf of the Council to the Division, relative to proposed amendments. At the same meeting, the IAC shall review and offer recommendations to the Council, and on behalf of the Council to the Division, on the exit/entry ratios for each license endorsement category, in context with the Division's annually updated Sector Management Plans.
6. IAC members shall seek to be knowledgeable on the issues brought before the committee, drawing upon input sought from a broad cross-section of individuals from the fisheries sector or user group they represent.
7. The Council shall appoint one of its members to serve as IAC Chair. If the Chair is unable to attend a given meeting, the Chair shall call upon another Council member to serve as a substitute. The Chair's principal roles are to call the meeting to order, manage the agenda for the meeting, provide for an orderly flow of the meeting, and facilitate a broad and inclusive discussion of the issue(s) at hand, prioritizing dialogue by the Committee and allowing for comments from the public. The Chair shall follow Robert's Rules of Order to the extent necessary and appropriate. For issues that lend themselves to recommendation or advice, the Chair shall advance any proposals offered by the Council or the Division, solicit additional proposals from those attending the meeting, subject each proposal to review and discussion, identify pros and cons, and seek consensus as to which proposal(s) should be forwarded to the Council, and through the Council to the Division, for further consideration. The Chair may inform the discussion, but should not advocate a position, nor vote, unless a

vote is deemed necessary and appropriate for the purpose of breaking an otherwise tie vote. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.

8. Meetings of the IAC shall be held on an on-needed basis. All IAC meetings are open to the public. Meeting agendas shall be prepared and approved by the IAC Chair, in consultation with the Division and Council. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”), posted at the Department’s main office in Providence and the Division’s office in Jamestown, and also noticed via the Division’s listserv and website. In advance of IAC meetings, meeting materials will be provided to the IAC electronically, and made available to the public via the Division’s website.
9. The IAC Chair shall ensure that a quorum is present for each meeting of the IAC. In the event that a quorum is not present, the Chair shall decide whether to hold or cancel the meeting. No votes may be taken if a quorum is not present.
10. The Division shall provide a staff person to provide administrative support to the IAC. Such support shall include, but not be limited to, the scheduling of meetings, the preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.
11. Draft minutes of each IAC meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”).

#### **Part E – Shellfish Advisory Panel**

1. The SAP shall deliberate and, by vote, provide recommendations to the Council on all shellfish-related matters brought before the committee for consideration. At a minimum, such matters shall include the annual review of, and recommendations for, commercial winter shellfish harvest schedules in Shellfish Management Areas.
2. The SAP shall also be responsible for acting on behalf of the Council for the review of aquaculture lease applications submitted to the CRMC for the purpose of formulating recommendations to the CRMC as to whether the aquaculture activities proposed in each application are consistent with competing uses engaged in the exploitation of the marine fisheries, consistent with the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*. In the exercise of this responsibility, the SAP shall render its advice by vote.
3. The SAP shall consist of a minimum of six (6) and maximum of fifteen (15) members, appointed by the Council. Alternate members may be selected by the Council to serve in the event that a primary member cannot attend a meeting. Membership on the SAP shall include representation from a broad array of commercial and recreational shellfish interests in RI, including the various species harvested, gear types utilized, and areas fished. Membership may also include other relevant interests or user groups, as the Council sees fit. Recognizing that commercial aquaculture operations may compete with a range of marine

fishery activities in addition to shellfishing, the Council may appoint SAP members who represent fishery interests other than shellfishing. Members are not subject to term limits; however, the Council shall review the SAP membership at least once every two (2) years. Members may be removed from service on the SAP, by vote of the Council, for failure to appear, without cause, at two (2) or more consecutive meetings or for disruptive behavior at two (2) or more meetings. New members may be solicited via any process that the Council wishes to employ, with assistance from the Division.

4. SAP members shall seek to be knowledgeable on the issues brought before the committee, drawing upon input sought from a broad cross-section of interests from the fisheries sector or user group they represent.
5. No person may serve on the SAP if assessed a criminal or administrative penalty in the past three (3) years or has more than one marine fisheries violation (including any suspension or revocation of a commercial or recreational fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law);
6. The Council shall appoint one of its members to serve as SAP Chair. If the Chair is unable to attend a given meeting, the Chair shall call upon another Council member to serve as a substitute. The Chair's principal roles are to call the meeting to order, manage the agenda for the meeting, provide for an orderly flow of the meeting, and facilitate a broad and inclusive discussion of the issue(s) at hand, prioritizing dialogue by the Panel and allowing for comments from the public. The Chair shall follow Robert's Rules of Order to the extent necessary and appropriate. For issues that lend themselves to recommendation or advice, the Chair shall advance any proposals offered by the Council or the Division, solicit additional proposals from those attending the meeting, subject each proposal to review and discussion, identify pros and cons, and seek consensus as to which proposal(s) should be forwarded to the Council, and through the Council to the Division, for further consideration. The Chair may inform the discussion, but should not advocate a position, nor vote, unless a vote is deemed necessary and appropriate for the purpose of breaking an otherwise tie vote. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.
7. Meetings of the SAP shall be held on an on-needed basis. All SAP meetings are open to the public. Meeting agendas shall be prepared and approved by the SAP Chair, in consultation with the Division and Council. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), posted at the Department's main office in Providence and the Division's office in Jamestown, and also noticed via the Division's listserve and website. In advance of SAP meetings, meeting materials will be provided to the SAP electronically, and made available to the public via the Division's website.
8. The SAP Chair shall ensure that a quorum is present for each meeting of the SAP. In the event that a quorum is not present, the Chair shall decide whether to hold or cancel the meeting. No votes may be taken if a quorum is not present.
9. The Division shall provide a staff person to provide administrative support to the SAP. Such support shall include, but not be limited to, the scheduling of meetings, the

preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.

10. Draft minutes of each SAP meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”).

### **Part F – Ad Hoc Committees**

1. The Council may establish ad hoc committees, on an as-needed basis, to review and provide recommendations and/or advice to the Council, relative to any marine fishery issue which, in the opinion of the Council, warrants committee-based consideration.
2. The Council shall appoint one of its members to serve as Chair of each committee. If the Committee Chair is unable to attend a given meeting, the Chair shall call upon another Council member to serve as a substitute. The Chair’s principal role is to manage the agenda for the meeting and provide for an orderly flow of the meeting. The Chair may inform the discussion, but should not advocate a position. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.
3. The Council will not appoint members to ad-hoc committees; rather, in collaboration with the Division, the Council shall seek participation by a representative cross-section of individuals and user groups whose interests relate closely to the issue(s) being addressed by the committee.
4. All committee meetings will be open to the public. Meeting agendas shall be prepared by the Committee Chair, in consultation with the Division and Council. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”), posted at the Department’s main office in Providence and the Division’s office in Jamestown, and also noticed via the Division’s listserve and website. In advance of committee meetings, meeting materials will be provided to the committee electronically, and made available to the public via the Division’s website.
5. For each committee meeting, the Committee Chair shall manage the agenda, provide for an orderly flow, and facilitate a broad and inclusive discussion of the issue(s) at hand, prioritizing dialogue by the Committee and allowing for comments from the public. For issues that lend themselves to recommendation or advice, the Chair shall advance any proposals offered by the Council or the Division, solicit additional proposals from those attending the meeting, subject each proposal to review and discussion, identify pros and cons, and seek consensus as to which proposal(s) should be forwarded to the Council, and through the Council to the Division, for further consideration. The process may involve a single meeting, or span a series of meetings, as determined by the Chair.
6. The Division shall provide a staff person to provide administrative support to each committee. Such support shall include, but not be limited to, the scheduling of meetings, the preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.

7. Draft minutes of each committee meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”).

# *Shellfish Aquaculture Lease Proposals*

## *Policies and Procedures Governing RIMFC and DEM Reviews*

Adopted by the RI Marine Fisheries Council – August 3, 2009  
As Amended September 2009

### Policy #1:

The RI Marine Fisheries Council (RIMFC) authorizes the Council's Shellfish Advisory Panel (SAP) Chair to schedule SAP meetings, on an as-needed basis, for the purpose of reviewing applications for issuance of aquaculture leases that have been submitted to CRMC and that CRMC has referred to the RIMFC for review for the consideration of recommendations pursuant to R.I. Gen. Laws §20-10-5(b). The RIMFC hereby determines that it is procedurally unnecessary for the full RIMFC to conduct preliminary reviews of each of the individual aquaculture lease applications prior to designating them for consideration as SAP agenda items. The SAP Chair will provide updates to the full Council at every regularly scheduled Council meeting regarding any/all meetings or activities involving the SAP or the SAP Chair.

### Policy #2:

In accordance with the procedures set forth below, the RIMFC will be provided with full and timely notification regarding all SAP recommendations pertaining to aquaculture lease applications. The RIMFC hereby delegates the SAP with the authority to prepare recommendations concerning individual aquaculture lease applications and to forward said SAP recommendations to the CRMC, with said SAP recommendations being deemed approved by the RIMFC, and reflective of the RIMFC's final recommendation pertaining to the application, unless, within ten (10) days of the receipt of said SAP recommendation, any member of the RIMFC notifies DEM of his/her desire to bring the SAP recommendation before the full RIMFC for further review and consideration, in which case the matter will be placed on the agenda for the next RIMFC meeting.

### Policy #3:

Upon receipt of SAP recommendations pertaining to aquaculture lease applications, the CRMC will immediately forward said recommendations to the applicants. If any applicant wishes to bring the SAP recommendation(s) before the full RIMFC for further review and consideration, the applicant will so notify the CRMC who in turn will notify DEM, and the matter will be placed on the agenda for the next RIMFC meeting.



Procedures:

1. The CRMC receives an initial, draft proposal for a new or expanded aquaculture facility. In response, the CRMC Aquaculture Coordinator (AC) distributes the proposal to all interested parties and conducts a Preliminary Determination (PD) meeting, inviting: ACOE, NMFS, USCG, DEM, DOH, adjacent municipality(s), the RIMFC Shellfish Advisory Panel (SAP) Chair, commercial and recreational fishing industry representatives, and other interested parties.
  - DEM and the SAP Chair make every effort to respond to the draft proposal, via the PD process.
  - As part of the PD process, DEM and the SAP Chair identify information needs and key issues to be addressed by the applicant, in coordination with the AC.
2. The AC provides recommendations back to the applicant, drawing upon the comments provided through the PD process.
3. DEM and the SAP Chair remain available for consultation with the AC, as the applicant addresses preliminary suggested modifications to his/her lease application.
4. The applicant submits a lease application to the AC, which the AC, as an action in the 30 day public notice process, distributes to all interested parties, including DEM, the RIMFC, and all members of the SAP. (\*In advance, DEM shall provide the AC with names and addresses of all SAP and Council members.) During the 30-day period:
  - The SAP Chair, in coordination with DEM, schedules a SAP meeting, with a target date within 15-20 days following the close of the 30-day period.
  - DEM conducts an internal preliminary review of the application, with a target date for completion of no more than 15-20 days following the close of the 30-day period (i.e., corresponding to the date of the SAP meeting).
  - The AC remains available for consultation with DEM and SAP Chair during the review process.
  - The AC helps ensure that key interests, including the applicant, as well as all other interested parties, are invited to attend and participate in the SAP meeting.
5. Upon completion of the 30-day notice period, the AC coordinates with the applicant regarding public comments and any potential modifications to lease application based thereupon.
6. The SAP meeting takes place. At the meeting, the AC, in coordination with the applicant, addresses any preliminary modifications to the application; DEM presents its preliminary comments on the application; and industry interests (among others) are given the opportunity to comment. Those unable to attend the meeting are encouraged to submit written comments. The SAP seeks consensus on a recommendation regarding the application, including any potential additional modifications thereto.
7. Within ten (10) days following the SAP meeting, the SAP Chair develops minutes of the meeting, with particular reference to the panel's recommendation(s). Upon completion

of the minutes, they are submitted to the RIMFC, with a copy to DEM and the AC; the AC then forwards the recommendation(s) to the applicant. Simultaneously, DEM's preliminary comments on the application are submitted to the RIMFC, with a copy to the AC, who then forwards said comments to the applicant. Relevant application materials, provided by the AC, are included in the RIMFC submittal.

8. Within ten (10) days following receipt of the SAP meeting minutes, and all associated documents, and DEM's preliminary comments on the application, any RIMFC member may request that the matter be brought before the full RIMFC at the next regularly scheduled RIMFC meeting.
9. If no RIMFC member makes such a request, DEM notifies the AC, on behalf of the RIMFC, that the SAP recommendation(s) constitute(s) the RIMFC recommendation. That recommendation stands unless and until an applicant seeks further review and consideration by the full RIMFC, pursuant to #11 below.
10. If any RIMFC member does request that the matter be brought before the full RIMFC, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
11. Notwithstanding the process outlined above, any applicant wishing to bring the SAP recommendation(s) pertaining to his/her lease application before the full RIMFC for further review and consideration may do so, at any time, by making that request to the AC, who in turn forwards the request to DEM. Upon receipt of such request, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
12. Immediately following the SAP meeting, or, if the matter is brought before the RIMFC, immediately following adoption of their final recommendation, DEM submits its final written comments on the application to the AC.
13. The AC completes the regulatory review process pursuant to CRMC's programmatic requirements.

**For consideration as potential alternative to maintaining current Aquaculture Policy, as is:**

**Delete “Shellfish Aquaculture Lease Proposals – Policies and Procedures Governing RIMFC and DEM Reviews” in its entirety, as well as Part C (“Recommendations Regarding Aquaculture Lease Proposals”) in its entirety, and replace with the following language, added to the “Shellfish Advisory Panel” section of this document:**

The SAP shall also ~~be responsible for acting on behalf of the Council for the review of aquaculture lease applications submitted to the CRMC for the purpose of formulating recommendations to the CRMC as to whether the aquaculture activities proposed in each application are consistent with competing uses engaged in the exploitation of the marine fisheries, consistent with the document titled *Shellfish Aquaculture Lease Proposals—Policies and Procedures Governing RIMFC and DEM Reviews—Adopted by the RI Marine Fisheries Council—August 3, 2009—As Amended September 2009.* In the exercise of this responsibility, the SAP shall render its advice by vote **provide preliminary review of all applications before the CRMC in accordance with RIGL 20-10-5(d), which states “the RIMFC shall review the application to determine whether the aquaculture activities proposed in the application are consistent with competing uses engaged in the exploitation of the marine fisheries”**~~

**If the SAP votes to recommend objection to the application, no further Council action is required, unless the applicant wishes that review go before the full Council, at which time the application shall be placed on the next Council agenda. If the SAP votes to recommend no objection, no further Council action is required, unless any member of the Council requests that the matter be placed on the next Council agenda for a full Council review. Such request shall be made within ten (10) days from the date of notification of the SAP recommendation. If no such request is made, the recommendation of the SAP shall be considered to be endorsed by the Council. All recommendations shall be provided in writing from the Council Chair to the CRMC.**

Rhode Island Marine Fisheries Council  
**SHELLFISH ADVISORY PANEL**  
Wednesday, April 27, 2016  
Fort Wetherill Marine Laboratory  
3 Fort Wetherill Road, Jamestown, RI

**MEETING MINUTES**

RIMFC members present: J. Grant (SAP Chair)

SAP members present: K. Eagan; J. Gardner; R. Tellier; D. Leavitt

CRMC: D. Beutel

DEM: C. McManus; P. Duhamel; W. Helt

Public: Applicants and the general public (7 people)

1. CRMC Aquaculture Lease Application: CRMC File # 2016-02-051 Franford and Huggins, Pt. Judith Pond;

*D. Beutel* provided a brief overview of the proposal. The applicants followed Dave's overview with brief comments for further site description and activity plans. **A motion was made by *J. Gardner* to recommend no objection to the application; 2nd by *R. Tellier*. The motion passed 3 – 0.**

2. CRMC Aquaculture Lease Application: CRMC File # 2016-03-024 Arnoux, Ninigret Pond;

*D. Beutel* provided a brief overview of the proposal. The applicants followed Dave's overview with brief comments for further site description and activity plans. **A motion was made by *J. Gardner* to recommend no objection to the application; 2nd by *K. Eagan*. The motion passed 3 – 0.**

3. Description of Sea Grant Fishermen-Based Quahog Research Fleet Project

*D. Leavitt* provided background and description of an upcoming Sea Grant funded project working with commercial shellfishermen to sample quahogs in Narragansett Bay. The project is a collaboration between the Commercial Fisheries Research Foundation (CFRF), Roger Williams University (RWU) and RI DEM. The discussion did not require any voting.

Prepared by: C. McManus

Rhode Island Marine Fisheries Council  
**SHELLFISH ADVISORY PANEL**  
Wednesday, August 10, 2016  
URI Bay Campus, Coastal Institute Building, Large Conference Room  
218 S Ferry Road, Jamestown, RI

**MEETING MINUTES**

RIMFC members present: J. Grant (SAP Chair)

DEM DFW: C. McManus; W. Helt; J. Livermore;

Scientific Advisor: D. Leavitt;

CRMC: D. Beutel;

SAP members present: K. Eagan; J. Gardner; M. McGivney; D. Ghigliotty

Public: B. Christensen;

Applicants: J. Arnoux; K. Hess; A. Silkes; B. Silkes; R. Sousa;

1. CRMC Aquaculture Lease Application: CRMC File # 2016-03-111 Salt Water Farms; East Passage.

*D. Beutel* provided a brief overview of the proposal and comments from other agencies. The applicants followed *D. Beutel's* overview with brief comments for further site description and activity plans, while also answering questions from the SAP. **A motion was made by M. McGivney to recommend no objection to the application; 2nd by D. Ghigliotty. The motion passed 3 – 0 (note: K. Eagan not present for first application).**

2. CRMC Aquaculture Lease Application: CRMC File # 2016-06-046 R. Sousa; Island Park Cove.

*D. Beutel* provided a brief overview of the proposal and comments from other agencies. The applicant followed *D. Beutel's* overview with brief comments for further site description and activity plans, while also answering questions from the SAP. **A motion was made by J. Gardner to recommend no objection to the application; 2nd by M. McGivney. The motion passed 3 – 1.**

3. CRMC Aquaculture Lease Application: CRMC File # 2016-06-047 Chessawanock Island Oyster Co.; Hog Island Cove.

*D. Beutel* provided a brief overview of the proposal and comments from other agencies. The applicant followed Dave's overview with brief comments for further site description and activity plans. The SAP members had concerns regarding the proposed site due to navigation in the cove and the shellfish densities in the expansion area (quahog density: 2.6 per m<sup>2</sup>). **A**

**motion was made by K. Eagan to recommend objection to the application; 2nd by M. McGiveney. The motion passed 3 – 1.**

4. CRMC Aquaculture Lease Application: CRMC File # 2016-04-009 East Beach Farms; Ninigret Pond.

*D. Beutel* provided a brief overview of the proposal, and how comments from other agencies and the CRMC site assessment may result in reducing the size of the proposed site. The applicant followed *D. Beutel's* overview with brief comments for further site description and activity plans, while also answering questions from the SAP. **A motion was made by M. McGiveney to recommend no objection to the application; 2nd by J. Gardner. The motion passed 4 – 0.**

5. CRMC Aquaculture Lease Application: CRMC File # 2016-05-019 East Beach Farms; Ninigret Pond.

*D. Beutel* provided a brief overview of the proposal, and how comments from other agencies may result in moving the proposed site slightly west/southwest. The applicant followed *D. Beutel's* overview with brief comments for further site description and activity plans, while also answering questions from the SAP. **A motion was made by M. McGiveney to recommend no objection to the application; 2nd by J. Gardner. The motion passed 4 – 0.**

Prepared by: C. McManus

# **RIMFC Industry Advisory Committee**

**August 23, 2016**



# 2015 -2016 License Activity Summary

LICENSE TYPE	ENDORSEMENT	2015 Totals	2016 Totals	15-16 DELTA
<b>CFL</b>		<b>412</b>	<b>416</b>	<b>4</b>
	CLOBS	14	12	-2
	CNLOBS	95	95	0
	CQUOH	189	197	8
	CNQUOH	N/A	N/A	N/A
	CSSCLM	148	139	-9
	CSFOTH	152	142	-10
	CNFIN	243	248	5
	CRFIN	N/A	N/A	N/A
	DOCKC	16	15	-1
	CPURSE	43	41	-2
	CMWPT	39	40	1
	CWLK	65	58	-7
	RSA	0	0	0
<b>MPURP</b>		<b>804</b>	<b>802</b>	<b>-2</b>
	MGILL	218	218	0
	DOCKM	236	245	9
	FTRAPM	5	7	2
	MMWPT	137	139	2
	MPURSE	129	136	7
	RSA	0	0	0
<b>PEL</b>		<b>593</b>	<b>580</b>	<b>-13</b>
	PLOBS	21	20	-1
	PNLOBS	33	33	0
	PNQUOH	N/A	N/A	N/A
	PSSCLM	194	183	-11
	PSFOTH	177	177	0
	PQUOH	340	322	-18
	PRFIN	251	252	1
	PNFIN	130	152	22
	DOCKP	11	13	2
	PPURSE	5	9	4
	PMWPT	7	10	3
	PWLK	62	53	-9
	RSA	0	0	0
<b>STUDSF</b>		<b>37</b>	<b>48</b>	<b>11</b>
<b>SFO65</b>		<b>309</b>	<b>350</b>	<b>41</b>





# Shellfish Sector

## 2015

- 32 CFL CQUOH new licenses issued
- 12 CFL SSCLM new licenses issued
- 0 CFL CWLK new licenses issued

## 2016

- ♦ Commercial Fishing Licenses (CFL)
  - 14 CFL Quahaug endorsements not renewed
  - 14 CFL Soft Shell Clam endorsements not renewed
  - 7 CFL Whelk endorsements not renewed
- ♦ Principal Effort Licenses (PEL)
  - 15 PEL Quahaug endorsements not renewed
  - 10 PEL Soft Shell Clam endorsements not renewed
  - 9 PEL Whelk endorsements not renewed
- ♦ Multipurpose Licenses (MPURP)
  - 10 MPURP not renewed



# Shellfish Sector

## 2016

- Quahaug License opportunities: 39 eligible licenses not renewed
  - ♦ **At 1:1 ratio = 39 new CFL w/ QUOH available**
- Soft Shell Clam License opportunities: 34 eligible license not renewed
  - ♦ **At 5:1 ratio = 9 new CFL w/ SSCLM available**
- Whelk License opportunities: 26 eligible licenses not renewed
  - ♦ **Status Quo: No new WLK endorsements. Open to PEL or CFL QUOH/SSCLM license holders**



# Finfish Sector

## 2015

- ◆ 6 PEL PRFIN new licenses issued

## 2016

### ◆ Commercial Fishing Licenses (CFL)

- CFL restricted endorsement no longer exists

### ◆ Principal Effort Licenses (PEL)

- 5 PEL restricted endorsements not renewed, 2 had some activity in 2015 (> 1 landing)

### ◆ Multipurpose Licenses (MPURP)

- 10 MPURP not renewed, 1 had some activity in 2015 (> 1 landing)

### ◆ Restricted Finfish License opportunities:

- ◆ 15 eligible licenses not renewed
- ◆ 3 licenses considered active (> 1 landing in 2015)
- ◆ **1:1 ratio of active license = 3 new PEL w/ RFIN**



# Crustacean Sector

## 2015

- ♦ 0 CFL CLOBS new licenses issued

## 2016

- ♦ Commercial Fishing Licenses (CFL)
  - ♦ 2 CFL lobster endorsement not renewed
- ♦ Principal Effort Licenses (PEL)
  - ♦ 1 PEL restricted endorsements not renewed
- ♦ Multipurpose Licenses (MPURP)
  - ♦ 10 MPURP not renewed
- ♦ Lobster License opportunities
  - ♦ ASMFC moratorium on issuance of new lobster licenses still in effect
  - ♦ Transferability of traps in regulation window for transfers June – November
  - ♦ Trap reduction schedule started 2015 continuing through 2021 (5% per year)



## Sale of Business: License, Vessel and Gear

- RIDEM proposes to clarify the requirements for the sale of a fishing business resulting in a new commercial fishing license being issued
- RIDEM standard operating procedure requires 75 landings over the previous two years to meet the activity standard tied to both the commercial fishing license and vessel involved in the sale
- Regulation is vague and results in applicants attempting to conduct a transaction involving a vessel which does not meet the activity standard
- Those transactions are denied initially but often end up in the RIDEM Administrative Adjudication Division
- RIDEM proposes to make vessel requirement less restrictive to reduce the number of these cases
- New regulation would not require landings history used for activity standard to be linked to the vessel involved in the sale
- Vessel involved in the sale must have been registered and commercially declared with RIDEM during the period used to meet activity standard



# Sale of Business: License, Vessel and Gear

## Proposed Language:

### (6.7-8) Issuance of New Licenses upon Sale of Vessel and Gear

(b) Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel and gear is prohibited; provided, however, that if the seller of a vessel and gear who is actively fishing his or her license and **said vessel must be employed and declared in the fishery during the period of the actively fished time frame**, shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and gear, pursuant to the terms and conditions of this section.



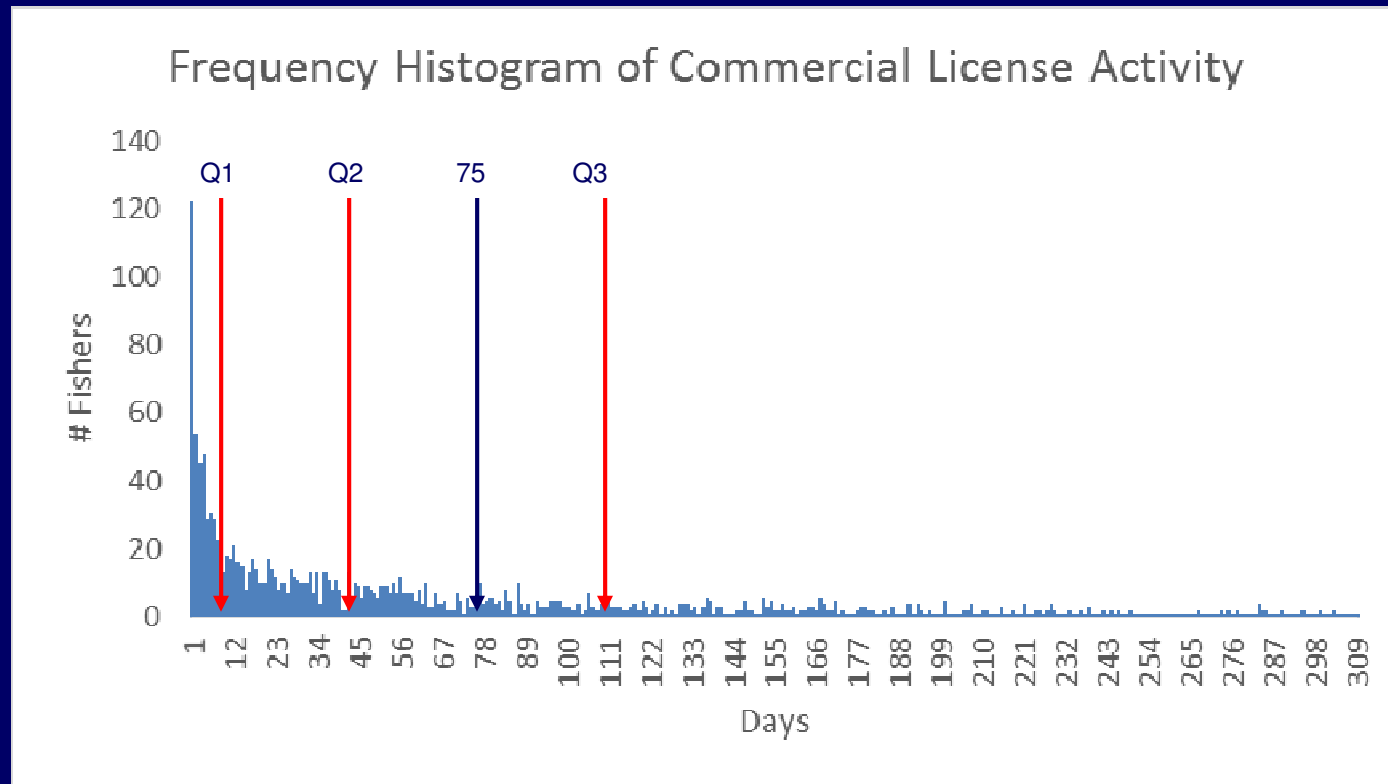
## License Activity Standard

- RIDEM proposes to amend the activity standard used to determine whether a fishing license is actively fished
- Current standard enacted in 2003 requires 75 landings over the previous two years to establish activity
- Feedback from industry that the 75 landings is difficult to maintain and not appropriate for all types of fishing operations
- RIDFW proposes 40 landings over the previous two years to establish activity





# Commercial Fishing Activity (2013 – 2014)



- Landing days pooled by license from 2013 – 2014
- 1510 licenses with 1 or more day landed
- 1<sup>st</sup> quartile = 8 days, 2<sup>nd</sup> quartile = 39 days 3<sup>rd</sup> quartile = 110 days
- Approx. 65% licensees below active fishing standard of 75 days



# License Activity Standard

## Proposed Language:

### (6.7-11) Demonstration and Verification of Actively Fishing and Actively Participating Standards

(a) To meet the standard of actively fishing, an applicant must be able to demonstrate by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least ~~seventy-five (75) XX~~ days in the preceding ~~two (2) X~~ calendar years, pursuant to a valid RI license. Such fishing activity must have spanned the preceding ~~two (2) X~~ calendar years, meaning that some activity occurred in each of the ~~two (2) X~~ years. Such fishing activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-4, 6.7-6, 6.7-7, 6.7-8, and 6.7-9 herein.

(c) To meet the standard of actively participating, an applicant must be able to demonstrate via one or more affidavits that they have worked as a paid crew member for one or more licensed captains for at least ~~seventy-five (75) XX~~ days in the preceding ~~two (2) X~~ calendar years. To be considered a paid crew member the crew member must have valid record of being paid by the vessel owner or person licensed to fish commercially such as a W-2 form, 1099 form, and/or paycheck stub from a financial institution. Such activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-6 and 6.7-7.



# License Activity Standard Definitions

## Proposed Language:

**Actively Fishing:** A license holder will be considered to have been actively fishing that license/endorsement if he or she demonstrates by dated transaction records, as verified by dealer reports to the Department, that he or she has fished at least ~~seventy-five (75)~~ **XX** days in the preceding ~~two~~ **X** calendar years, with some of the fishing activity occurring in each of the two years. Evidence as to days fished may be supplemented by one or more Vessel Trip Reports, which specifically reference the license holder's name and license number, and correspond to dated transaction records, where in the determination of the Department such dates are verified by dealer reports to the Department; where such reports verifiably reflect two or more calendar days at sea during a single trip, those days may be used to establish fishing activity. For the purpose of this definition the term "day" shall mean any 24-hour period or part thereof.

A license holder with a dockside sales endorsement who sells all of his or her lobster and/or crab landings dockside may utilize documentation other than dated transaction records to establish fishing activity, pursuant to the standards and criteria set forth in section 6.7-11(f) "*Commercial and Recreational Saltwater Fishing Licensing Regulations*".

**Actively Participating:** A crew member will be considered to have been actively participating in the fishery if he or she demonstrates via one or more affidavits that he or she has fished in the fishery with one or more licensed captains at least ~~seventy-five (75)~~ **XX** in the preceding ~~two~~ **X** calendar years, with some of the fishing activity occurring in each of the ~~two~~ **X** years. Crew members may also demonstrate longevity in the fishery via one or more affidavits from licensed captains who they fished with in previous years.



## Tiered Lottery Priorities

- First tier: Resident license holders who have been actively (75 days/2 year) participating in the fishery sector in which the endorsement is being offered
  - Three categories: CFL, PEL license holders and crew members
  - Endorsements split evenly between category rounded up if necessary
- Second tier: Resident license holders who have been actively (75 days/2 year) participating in the another fishery sector from which the endorsement is being offered
  - Two categories: CFL license holders and crew members
  - Endorsements split between categories
- Third tier: Residents over 16
- Fourth tier: Non-residents over 16



**Slide 13**

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**LJ(1**

I have left this slide in the presentation for clarification of the activity standard

Lake, John (DEM), 8/4/2016

Industry Advisory Committee Meeting  
August 23, 2016  
6 PM Hazard Room, URI Coastal Institute

Members in attendance:

Chris Rein, RIMFC, Chair (CG)	Robert Mattiucci (RM)
Mike McGiveney (MM)	Mike Roderick (MR)
Steve Anderson (SA)	Gerald Carvalho (GC)
Aaron Gewirtz (AG)	Lanny Dellinger (LD)
John Lake RIDFW, Staff (JL)	

The meeting began at 6 PM having achieved a quorum of 7 out of 10 members. JL gave a brief over view of exiting license trends and last year's actions.

1. The first item for consideration was the number of restricted finfish licenses to be issued by DEM in 2017. JL briefed the committee that 15 licenses eligible to land restricted finfish were not renewed in 2016, 3 of which had activity (>1 day of landing restricted finfish) in 2015. The result would be 3 new restricted finfish licenses offered by RIDEM based on current regulations.

**A motion was made by RM, 2<sup>nd</sup> by GC, to offer new restricted finfish PEL license endorsements at a ratio of 1:1 of licenses *eligible* (i.e., change criteria from *active* licenses to *eligible* licenses) to land restricted finfish.**

JL noted that the result of the motion would be 15 PEL Restricted finfish license endorsement opportunities in 2017. RM noted that the current methodology is not increasing the number of restricted finfish licenses and that in fact the number is still declining, this is hurting the fishery by not allowing opportunities to younger fishermen. GC asked if RIDFW had a goal as to how many restricted finfish license should be issued during any given year. Jason McNamee (JM), RIDFW Chief, replied stating that he is working on a statistical model to address that question based on those used for stock assessment and that it should be ready for next year. The model would be a tool for the group to use, he stated that the groups advice on the number of licenses issued should also consider the economics of the fishery. GC asked if increasing the number of licenses issued would make a difference as far as the resource is concerned. JM stated that it would not as the species involved are managed on a quota system. GC stated that the state of the resource and the economics of individual fishing operations would ultimately dictate participants and license issuance should not be the limiting factor. GC also noted that the average age of the commercial fleet is 57 years old and that a lack of younger participants will ultimately hurt the fishery. MR stated that he thought the status quo option should be followed (1:1 ratio of exiting *active* licenses) and that next year when the model is available changes could be made with better understanding of the potential impacts.

**The motion passed 5 in favor; 2 opposed.**

2. The next item up for discussion was the number of restricted shellfish endorsements to be issued by DEM in 2017. JL briefed the committee that 39 licenses eligible to land quahaugs, 34 licenses eligible to

land soft shell clams, and 26 licenses eligible to land whelk were not renewed in 2016. The result would be 39 new quahaug licenses, 9 new softshell clam licenses, and 0 new whelk licenses issued in 2017 based on current regulations of a 1:1 ratio of exiting quahaug licenses, 5:1 ratio of exiting soft shell clam licenses, and allow whelk endorsements to be issued only to fishermen who currently hold a quahaug or soft-shell clam endorsement.

**A motion has made by MM, 2nd by MR, that current exit/entry ratios should be maintained for all restricted shellfish licenses. The motion passed 6 in favor; 0 opposed; 1 abstained.**

**3. A new motion was made by GC 2nd by LD: Amend the current shellfish sector license structure to eliminate 4 shellfish categories in favor of a single (1) license (category) governing the harvest of all species of shellfish.**

GC stated that the current system limits shellfishermen's ability to access the entire resource and is not on a level playing field with the license structure of the other two sectors, in that a shellfisherman must acquire 4 endorsements to harvest the entire suite of shellfish species, while the other 2 sectors only require 2. JM stated that legal review would be needed and that the fee structure is in RIGL. JL stated that this concept is part of DEM's legislative initiative to consolidate shellfish licenses. MM stated that he is in favor of the motion but thought there was potential for a shift in effort within the sector. The effect would likely be minimal.

**The motion passed 7 in favor; 0 opposed.**

**4. A new motion was made by GC 2nd by RM: The possession limit for all species of shellfish should be the same across all license categories.**

Currently only PEL and MPURP licenses can harvest at the full level, this is restrictive to shellfishermen and disadvantages new entrants to the fishery. MM noted that the licenses that only can harvest the lower possession limits have lower fees. RM stated that he agreed with the motion citing that cost of license should not be a factor in determining possession limits.

**The motion passed 4 in favor; 2 opposed; 1 abstained.**

**5. The next item up for discussion was the number of lobster endorsements to be issued by DEM in 2017. JL reminded the group that RI is currently under a moratorium on the issuance of new licenses per the Atlantic States Marine Fisheries Commission (ASMFC) fisheries management plan. LD requested that work be initiated to reopen lobster licenses. He stated that most of the attrition in the lobster sector has been from the inshore fishery which needs to be replenished. He stated that more licenses would result in more lobster trap allocation transfers which would reduce effort by reducing the overall number of traps via the conservation tax on each transfer. Brian Thiebault, RILA, stated that he and his membership agree with the request. JM advised that this would have to be accomplished through the ASMFC process and would be helped along by industry feedback. RIDFW will organize a workshop to discuss the possibility of re-opening lobster licenses.**



6. The next item up for discussion was amending the regulations concerning the sale of business and gear. JL outlined DEM's proposal of clarifying that the vessel involved in the sale of a fishing business resulting in a new license being issued to the buyer be at least registered and commercially declared at some point during the period establishing the license's activity.

**GC made a motion, 2nd by MR: Remove any criteria associated with sale of a commercial fishing business and transfer of license. Remove the activity standard requirement, and all such criteria restricting the sale of the business or transfer of license, including no vessel or gear requirements. The business would either be comprised of some gear or a vessel but not necessarily both. A business should qualify regardless of assets.**

GC stated that the state should not limit business practices with management plans that determine the number of participants in a fishery. Many issues with license attrition would be solved with a mechanism allowing easy business sales. The resource and associated economics would dictate the fishing effort and number of licenses being sold. LD stated that the current system is too restrictive and was not the intention. It is a waste of effort to have business owners meet artificial requirements to sell a business. He cited the example of a business being sold and the vessel involved being sold right back to the original seller after the transaction is complete. Al Eagles, lobsterman, stated that the restrictive rules hurt the lobster industry because many of the people leaving the industry are not selling all of their business as one single piece, but instead assets are sold separately, which only serves to impede that process and potentially limit the lobsterman from selling all of his/her assets.

**The motion passed 6 in favor; 0 opposed; 1 abstained.**

7. The next item up for discussion was amending the regulations concerning the fishing activity standard. JL outlined DEM's proposal of liberalizing the standard to 40 days of landing over 2 years.

**GC made a motion 2nd by RM: Eliminate all landing activity criteria from transfer of license when concerning family member/crew, or sale of business.**

GC stated the activity standard is difficult to maintain and impedes a fisherman from selling his business. Family members/crew have lost license opportunities because of the activity standard. A license should stay in a family or fishing business to maintain an opportunity to conduct a fishing business. Megan Lapp, Seafreeze, stated that the standard is difficult to meet for fishing vessels employed year round that make long trips and less frequent landings. JM asked if the use of the activity standard in the license issuance prioritization process should also be abolished. LD stated that the standard can be gamed and is another artificial impediment. MR stated that he thought that it should remain for license opportunity priority. The committee agreed and offered no resistance.

**The motion passed 7 in favor; 0 opposed.**

8. The next item up for discussion was amending the regulations concerning the provisions of issuance of a license to a family member/crew under hardship provisions. JL briefed the committee that Jeff Grant (JG), RIMFC, had submitted a proposal to address cases where a licensee is disabled or dies and

the license is not renewed over a calendar year change resulting in the license no longer being active and not reissued. JL presented both JG's proposed language and a RIDEM response. Both of which were intended to attain the same result. The group agreed they were both similar. JG wanted to make sure the licenses activity remained intact. GC stated that wouldn't matter if the abolishment of the activity standard occurred. The RIDFW proposed language would allow the issuance of a license to a family member/crew a full calendar year after the establishment of disability (or death).

**GC made a motion 2<sup>nd</sup> by RM which was amended by MM and LD: In the event of hardship, issuance of license to family/crew member to be allowed for two years from the time of hardship or settlement of probate. The activity standard should not apply to these cases.**

MM amend: **Activity standard will not apply.**

LD amend: **Probate cases could allow extension of license issuance to time after case is settled.**

The committee and RIDEM agree that whenever possible a license should be retained by a family or crew if desired in established hardship cases.

**The motion passed 7 in favor; 0 opposed.**

Having no other business the meeting adjourned at 8:00 PM.



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835  
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Scientific Advisor:  
Dale Leavitt

DFW Staff:  
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Advisory Panel Members:

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*Alternate:* Bob Rheault

Commercial Bullrake:  
*Primary:* David Ghigliotti  
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*Primary:* Mike McGiveney  
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*Primary:* Owen Kelly  
*Alternate:* Martin McGiveney  
*Primary:* Donald Goebel  
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Tong:  
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Diver:  
*Primary:* Bill Blank  
*Alternate:* Russell Blank

East Bay:  
*Primary:* Katie Eagan  
*Alternate:* open

Dealer:  
*Primary:* Bob Smith  
*Alternate:* open

Recreational:  
Roger Tellier  
Richard Pastore

## Meeting Notice Shellfish Advisory Panel September XX, 2016 Time/date/place TBD

### AGENDA

1. Annual review and/or amendment of Shellfish Management Area winter harvest schedules.

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

For more information please contact Conor McManus @ [conor.mcmanus@dem.ri.gov](mailto:conor.mcmanus@dem.ri.gov)  
or (401) 423-1941.

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

Posted to Sec. of State on September XX, 2016

## SHELLFISH ADVISORY PANEL

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*Updated Feb., 2016*



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**OFFICE OF THE DIRECTOR**

235 Promenade Street, Room 425  
Providence, Rhode Island 02908

To: Jason McNamee  
Chief, Marine Resource Management

From: Janet Coit  
Director

Date: May 4, 2016

Re: Final Decisions Pertaining to March 23, 2016 and April 20, 2016 Marine Fisheries Public Hearing Items; and Quonochontaug Pond Oyster Moratorium

I have received and reviewed your memo to me, dated April 26, 2016 and attached herewith, regarding the seven public hearing items from the March 23, 2016 public hearing; the one public hearing item from the April 20, 2016 public hearing; and the Quonochontaug Pond Oyster Moratorium. With that memo, I have also received and reviewed all relevant supporting documentation, including the March 23, 2016 and April 20, 2016 public hearing documents and public hearing comments, and the summary report from the April 20, 2016 meeting of the RI Marine Fisheries Council.

I hereby approve all of the recommendations, applicable for 2016, as set forth in your memo. With a few minor exceptions, noted herein, all of your recommendations are consistent with the recommendations of the RI Marine Fisheries Council, rendered at their April 20, 2016 meeting. The specific regulatory items, and the final decisions for each are as follows:

1. **Menhaden Regulations – General Editing:**

- Decision: Adoption of new regulations (all involving clarification and streamlining, no substantive changes) as revised per public hearing process.

2. **Commercial Menhaden Regulations:**

- Decision: Status quo

3. **Recreational Menhaden Regulations:**

- Decision: Adoption of new regulations, as revised by the Division and recommended by the Council, which:
  - Establish an unlimited possession limit for menhaden up to 4” in size; and
  - Establish a possession limit of 200 fish/person/day for menhaden over 4” in size;
  - With a year-round season

#### 4. **Horseshoe Crab Regulations:**

- **Decision:** Status quo
  - **Comment:** I recognize and support the need for management reforms for this fishery; and further recognize and support the Council's advice to table the matter until next fall, by which time the Division will develop a modified set of regulatory proposals for consideration via a subsequent public notice and hearing process.

#### 5. **Jonah/Cancer Crab Regulations:**

- **Decision 1:** Adoption of new regulations pertaining to Jonah crabs, as proposed, which:
  - Establish a minimum size of 4.75" carapace width;
  - Establish an unlimited possession limit for holders of lobster trap allocations (fishing with tagged lobster traps);
  - Establish an 1,000 crab possession limit for *non-trap gear* (i.e., otter trawl and gillnet);
  - Establish an 1,000 crab possession limit for *non-lobster trap gear* (e.g., fish/whelk pots);
  - Establish a recreational possession limit of 50 crabs/person/day (no license required);
  - Prohibit the harvest and possession of egg-bearing females;
  - Require that only whole crabs may be retained and sold (i.e., prohibit the possession of crab claws or other body parts); and
  - With a year-round season.
- **Decision 2:** Adoption of a June 1, 2016 control date for the commercial rock crab fishery.
  - **Comment:** I concur with your recommendation, consistent with the Council's consideration, not to enact any of the other proposed regulations for the rock crab fishery at this time. I support your intent to further develop the proposed regulatory program for consideration via a subsequent public comment and hearing process.

#### 6. **Gillnet Regulations:**

- **Decision 1:** Codification of existing federal regulations pertaining to gillnets, already applicable in Rhode Island waters, in Rhode Island's marine fisheries regulations. They are as follows:
  - Pattern – Must be set in a straight line;
  - March closure – Setting of nets prohibited during the month of March, annually;

- Weak links – Breaking strength must be  $\leq 1,100$  pounds. Buoys and weights must be attached to buoy line with a weak link. Weak links on float line must be compliant with ALWTRP;
- Anchors – Gillnets remaining in water must be anchored at each end with anchors that have a holding power of at least a 22-pound Danforth-style, burying anchor (no dead weights);
- Marking of nets:
  - Color coding – Buoy lines must be marked with 3 individual green-colored marks measuring 12 inches; one at the top, one at the midway point, and one at the bottom of each buoy line;
  - Pingers – Required; must be properly attached between 1/21-2/29 and between 4/1-5/31, annually; pingers must be attached at the end of each string of each gillnet and at the bridle of every net within a string of nets; pingers must be maintained in an activated state at all times; pingers must broadcast a 10 kHz (+/- 2kHz) sound at 132 dB (+/- 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (+/- 15 milliseconds) and repeating every 4 seconds (+/- 0.2 seconds)
- Comment: As noted in your memo, and consistent with the Council’s recommendation, these regulations are not to be imposed north of the Colregs line in a manner that is inconsistent and/or broader than existing federal requirements.
- Decision 2: Adoption of new regulations, as proposed, which;
  - Establish a maximum net length limit of 3,000 linear feet;
  - Maintain status quo requirement for the tending of small mesh nets ( $<10''$ ), i.e., that they must be hauled once each day;
  - Establish a new requirement for the tending of large-mesh nets ( $\geq 10''$ ), namely, that they must be hauled at least once every 7 days;
  - Require all nets to be tagged every 300 linear feet;
  - Establish an 80 tag limit per eligible license holder/vessel, plus an additional 10 tags for routine loss; and
  - Establish a net tag application period of 11/1-2/29 for the following fishing year, with tags being valid for 2 years.

7. **Adoption of Part 6 – General Equipment Provisions, and repeal of Part X - Equipment Restrictions, Part XI – Commercial Fisheries, Part XIII – Gill Net Regulations, and Part XIV – Fish Traps:**

- Decision: Adoption of new regulations (all involving clarification and streamlining, no substantive changes) as proposed.

8. **Recreational Black Sea Bass Regulations:**

- Decision: Adoption of new regulations, as follows:
  - 15” minimum size;
  - 3-fish possession limit from June 24 – August 31; and
  - 7-fish possession limit from September 1 – December 31



- Comment: I recognize that the Council recommended consideration of an additional LOA program for the for-hire sector, as an alternative to the above-noted general fishery regulations, but that you found that the program (3-fish possession limit from August 1-31, then a 10-fish limit from September 1 – December 31) would not be an agreeable or equitable program for that sector; as such, it will not be offered as an option.
9. **Quonochontaug Pond Oyster Moratorium:** (not subject to public notice or hearing given status of pond as a shellfish management area)
- Decision: Extension of existing prohibition on the harvest of oysters for an additional five years.



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF FISH & WILDLIFE / MARINE FISHERIES**

Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

INTER-OFFICE MEMO

TO: Janet Coit, Director

FROM: Jason McNamee, Chief

DATE: May 3, 2016

SUBJECT: Update regarding proposed regulations for Jonah Crab

Please be advised that as of today, the ASMFC announced via press release that Addendum 1 of the Jonah Crab FMP was passed with the following amendments.

The base Jonah Crab FMP linked the crab fishery to the lobster fishery via lobster trap allocation (LTA) and trap tags (i.e., crabs to be harvested only from tagged lobster pots). The base FMP also provides for an unlimited possession limit for LTA holders, sets minimum sizes, and prohibitions on retention of egg bearing crabs.

While providing a 200/day or 500/multiday trip possession limit for otter trawl and gillnet possession (now classified in the FMP as *non-trap gear*), the FMP was largely silent on *non-lobster trap gear* (e.g., fish/whelk pots). Addendum 1 corrects this problem by providing for participation by *non-lobster trap gear* with a 1,000 crab/day possession limit. As part of this amendment, the 200/500 limit for *non-trap gear* was also changed to 1,000/day.

The compliance date for the base FMP is June 1, 2016, and January 1, 2017 for the addendum approved last week. However, we believe it best to wrap both base FMP and addendum compliance into one package of regulations for adoption now. The 1,000 crab limit was not specifically noticed for Jonah crabs explicitly, it was noticed as part of the generalized “cancer crab” regulations which is inclusive of Jonah crabs and is now part of the FMP and should be adopted both for compliance and to provide for participation by *non-lobster trap gear*. We believe this was also the Council’s intent when voting unanimously to adopt Jonah crab compliance measures.



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF FISH & WILDLIFE / MARINE FISHERIES**

Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

INTER-OFFICE MEMO

TO: Janet Coit, Director

FROM: Jason McNamee, Chief

DATE: April 26, 2016

SUBJECT: Request for decision regarding proposed amendments to the RI Marine Fisheries regulations

Marine Fisheries conducted a public hearing on March 23<sup>rd</sup> and April 20<sup>th</sup>, 2016 on the subject matters identified below, which were subsequently deliberated by the RI Marine Fisheries Council at their April 20<sup>th</sup>, 2016 meeting. At their meeting on April 20, the Council also heard a presentation from Marine Fisheries regarding a proposed continued oyster harvest moratorium in the Quonochontaug Pond Shellfish Management Area.

1. **Gen. edits – RIMFR Part XVI - Menhaden Regulations:** Regulations proposed for improved clarity and readability of the regulation consistent with on-going regulatory re-write efforts.
  - **Public comment:** Comment submitted regarding need for additional clarifications.
  - **Council:** Motion to recommend adoption of the proposal as revised passed 5 – 0 (B. Mackintosh and C. Rein absent).
  - **Marine Fisheries:** Marine Fisheries worked with the commenter and revised the language. The revisions were approved by DEM Law Enforcement and Legal, **therefore Marine Fisheries supports filing the proposed revisions as supported by the Council.** Additionally, it was determined that the regulations regarding the *Harvest of menhaden in permanently closed areas* may require additional revisions regarding the use of gear other than non-directed gear, but such revisions were not within the scope of this hearing. As such this matter has been placed in Marine Fisheries regulatory queue for potential later rule-making.
  - **Timing to file:** Immediately.
  
2. **Commercial Menhaden (RIMFR Part XVI - Menhaden Regulations):**
  - **Options proposed:**
    - **Option 1:** Status Quo (Marine Fisheries)
    - **Option 2:** Industry proposal as follows:

<u>Trigger</u>	<u>Pounds</u>
Biomass "Floor"	<del>2,000,000</del> <u>1,500,000</u>
Biomass "Ceiling"	<del>1,500,000</del> <u>1,000,000</u>

- **Public comment:** 1 comment from RISAA in support of SQ.
- **Council:** Motion to recommend adoption of option 1 (SQ) passed 5 - 0.
- **Marine Fisheries:** **Marine Fisheries supports remaining at Status Quo.** While Marine Fisheries could manage the proposed change by industry it would make management more difficult for a species that can have large swings in biomass in very short amounts of time. Additionally, the reasoning behind the change was not biologically based, but based on a desire to incur fewer closures during the year, therefore Marine Fisheries does not have data driven support to change management at this point.
- **Timing to file:** Immediately.

3. **Recreational Menhaden (RIMFR Part XVI - Menhaden Regulations):**

- Option proposed by Marine Fisheries:

<u>Min. size</u>	<u>Season</u>	<u>Possession Limit</u>
<u>No min. size</u>	<u>Open year round</u>	<u>200 fish*</u>

- **Public comment:** RISAA: 200 fish/*person/day*.
- **Council:** Motion to recommend adoption as offered and revised by Marine Fisheries (see below) passed 5 – 0.
- **Marine Fisheries:** Marine Fisheries, after considering feedback that a 200 fish limit on small menhaden may adversely impact existing practices while not doing much to promote conservation, offered for the Council’s consideration that the 200 fish limit need not apply to menhaden less than 4” in length. **Marine Fisheries** offered support for an unlimited possession limit for the smaller fish (as recreational impact to menhaden is negligible), and therefore **supports the recommendation per the Councils advice.**

<u>Size</u>	<u>Season</u>	<u>Possession Limit</u>
<u>0 – 4”</u>	<u>Open year round</u>	<u>Unlimited</u>
<u>&gt; 4”</u>		<u>200/person/day</u>

- **Timing to file:** Immediately

4. **Horseshoe Crab (RIMFR Part 5 – Lobster Crabs and Other Crustaceans):**

- **Options presented at hearing:**
  - **Option 1:** Status Quo - no daily commercial possession limit.



- **Option 2:** Establish a commercial possession limit of 60 crabs/person/day.
- **Public comment:** Support/minimal opposition for the proposed possession limit.
- **Council:** Motion to recommend tabling proposed regulations until the November hearing passed 5 - 0.
- **Marine Fisheries:** Marine Fisheries supports the proposal as a means to provide for both better commercial access to the fishery and improved management. As currently managed, and combined with a very low quota, the fishery is difficult to manage. The quota is consistently exceeded in only a few days, which limits most fishermen's ability to access the fishery for personal use as bait, and results in exceedances that must be remedied in the following year. Despite the identified need for management changes, **Marine Fisheries support's Councilman Grant's position that the matter can be tabled** for now and regulations can be further developed and brought back to hearing in late fall. Even if regulations were to be filed at this point, the regulatory change would most likely not be effective until after the bulk of the horseshoe crab bait season was over, therefore the delay will not impact the 2016 fishery.
- **Timing to file:** N/A (Status Quo for now).

5. **Jonah/Cancer Crab (RIMFR Part 5 – Lobster Crabs and Other Crustaceans):**

- **Public comment:** Broad and varied. Refer to written comments received and summary of oral comments (from hearing).
- **Council:**
  - Regarding the ASMFC requirements for Jonah Crab, a motion was made to recommend adoption of the regulations as proposed passed 5 – 0.
  - Regarding the additional requirements proposed by Marine Fisheries for both Cancer Crab species, a motion was made to adopt the regulations as proposed, less the 1,000 crab possession limit for non-LTA holder's, where the recommendation is that the possession limit be unlimited. The motion failed 0 – 5. A second motion was then made to only adopt the June 1, 2016 control date for Atlantic Rock Crab, but no other provisions for Cancer crab. The motion passed 5 – 0.
- **Marine Fisheries:** **Marine Fisheries supports the motions as passed by the Council**, namely adopt the Jonah crab requirements and the control date for the Atlantic rock crab fishery. One additional recommendation, **Marine Fisheries suggests withholding the possession limit portion of the Jonah crab regulations at this point pending the outcome of the ASMFC Addendum I process**, which should conclude at their May meeting. The state is not under any obligation to manage the rock crab fishery at this time, but was proposing to do so in an effort to provide effective management for the entire mixed crustacean fishery. As a mixed species fishery involving the same gear, effort controls focused on trap gear for lobsters can be weakened by lack of management on gear used in the crab fishery. The motions as passed by the Council will meet our obligations per the ASMFC Fishery Management Plan for Jonah crabs, and the control date will give us flexibility in how to manage the rock crab fishery while providing time to construct a management plan that takes into account those issues learned during the public

hearing process. We will place the rock crab plan in our regulatory queue for a future hearing, most likely November of 2016.

- **Timing to file:** Immediately.

6. **Gillnet regulations:**

- **Public comment:** Broad and varied. Refer to written comments received and summary of oral comments (from hearing).
- **Council:**
  - Regarding the federal gillnet regulations currently in place, a motion was made to recommend adoption of the regulations as proposed passed 5 – 0. Also part of this motion was to not impose any regulations north of the Colregs line that are inconsistent and/or broader than the federal requirements.
  - Regarding the proposed new regulations proposed by Marine Fisheries, motion was made to recommend adoption of the regulations as proposed, minus the control date and owner/operator provisions, passed 5 – 0.
- **Marine Fisheries: Marine Fisheries supports the changes as proposed, less the control date and owner/operator provisions as recommended by the Council.**

The large whale provisions that are exempted north of the Colregs line in the federal regulations can be accommodated with a minor addition to the proposed language, and Marine Fisheries recommends clarifying this language to better reflect the federal plan for whales and porpoises. Regarding the most restrictive rule and its impacts on state waters fishermen, Marine Fisheries contends that the proposed regulations will provide greater protection to state waters fishermen from large influxes of effort from federal waters, which can occur under the current program that does not contain net limits. At this time, Marine Fisheries does not see the need to create a program that restricts federal fishermen from their existing program requirements while fishing in federal waters. As was the case in the recent decision for skate fishing in state waters, Marine Fisheries will closely monitor the fishery in 2016 for behavior changes detrimental to state waters fishing practices, and will address these concerns in a subsequent action, if needed.
- **Timing to file:** Immediately.

7. **Proposed adoption of RIMFR Part 6 – General Equipment Provisions, and repeal of Part X - Equipment Restrictions, Part XI – Commercial Fisheries, Part XIII – Gill Net Regulations, and Part XIV – Fish Traps:**

This proposal is part of Marine Fisheries continued regulatory re-write effort designed to streamline RIMFR regulations for improved clarity and readability. No significant content changes were made; contents of the repealed regulations in their entirety are to be transferred to the new regulation.

- **Public comment:** None.
- **Council:** Motion to recommend adoption as proposed passed 5 - 0.
- **Marine Fisheries:** Supports the changes as proposed.
- **Timing to file:** Immediately.

8. **Recreational Black Sea Bass:**

- **Options presented at hearing:**

Proposed Options	Min. Size	Season/Possession Limit (person/day)
Option 1:	14" <u>15"</u>	<del>7/2</del> <u>6/15</u> – 8/31: <del>1</del> <u>2</u> fish 9/1 – 12/31: 7 fish
Option 2:	14" <u>15"</u>	<del>7/2</del> <u>6/24</u> – 8/31: <del>1</del> <u>3</u> fish 9/1 – 12/31: 7 fish
Option 3:	14"	<del>7/2 – 8/31: 1 fish</del> <del>9/1 – 12/31: 7 fish</del> <u>7/11 – 12/31: Three (3) fish</u>
Option 4:	14"	<del>7/2 – 8/31: 1 fish</del> <del>9/1 – 12/31: 7 fish</del> <u>Gen. Rec: 7/5 – 12/31: Three (3) fish</u> <u>P/C: 8/1 – 8/31 @ 2 fish</u> <u>9/1- 12/31 @ 5 fish</u>

- **Public comment:** Majority of comments in support of option 2; rec. fishermen in support of option 2; Party and Charter fishermen (P/C) in support of option 2 and an LOA program if feasible.
- **Council:** Motion to recommend adoption of option 2 with LOA program for P/C passed 5 - 0.
- **Marine Fisheries:** Marine Fisheries supports the Council recommendation of **option 2**. Upon analysis, it was found that an LOA program would result in, at best, a program that did not start until August 1 for P/C participants, with a starting limit of 3 fish in August and increasing to 10 fish on September 1. Marine Fisheries believes that the disparity between the loss of an open early season at 3 fish for the tradeoff of an additional 3 fish in waves 5 and 6 (from 7 to 10 fish) would not be an agreeable or equitable program for the P/C mode, and therefore our recommendation is option 2 without the addition of an LOA program.
- **Timing to file:** Immediately.

9. **Quonochontaug Pond Oyster moratorium:**

The current moratorium expires on September 15 of this year. Marine Fisheries presented to the Council the need to extend the moratorium in order to assure that restoration and fish habitat enhancement efforts can be maintained and expanded, and to assure that such efforts are properly monitored to measure success of these efforts. Please note that this matter was not brought to hearing due to your authority as established under RIGL §20-3-4 *Shellfish and marine life management areas*.

- **Public comment:** None (i.e., no comments from the public at the Council meeting).
- **Council:** Motion to recommend extension of the moratorium for an additional 5 years passed 5 - 0.

- **Marine Fisheries:** Support as proposed and per the Council recommendation. The continued moratorium is critical to the success of restoration and fish habitat enhancement efforts.
- **Timing to file:** Immediately.





# Atlantic States Marine Fisheries Commission

## 2016 Summer Meeting Summary

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

2016 Summer Meeting  
Alexandria, VA  
August 2-4, 2016

Toni Kerns, ISFMP, or  
Tina Berger, Communications  
For more information, please contact  
the identified individual at  
703.842.0740

### Meeting Summaries, Press Releases and Motions

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## **EXECUTIVE COMMITTEE (AUGUST 2, 2016)**

### ***Meeting Summary***

The Executive Committee met to discuss several issues, including stock assessment leads, conservation equivalency, board member participation on Plan Development Teams (PDTs), Commission-specific meeting procedures, and Saltonstall-Kennedy (S-K) funding priorities. The Committee discussed the staff stock assessment capacity and supported having ASMFC Stock Assessment Scientists take the lead on assessments. Members also committed to encouraging their technical staff members to be fully engaged in the stock assessment process. The Executive Committee selected preferred options to update the conservation equivalency document to ensure the process reflects current practices. A final conservation equivalency document will be presented to the Executive Committee and Policy Board at the Annual Meeting in October.

The Committee discussed the practice of having Board members serve on PDTs and did not recommend any changes to PDT membership at this time. The Committee also initiated development of Commission-specific meeting procedures and will follow-up on this issue at the Annual Meeting. The Committee also discussed and identified S-K funding priorities given the reduced level of funding for 2016 projects. For more information, please contact Laura Leach, Director of Finance and Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to accept the S-K funding priorities as follows: SEAMAP-SA Coastal Trawl Survey; Georgia, South Carolina and North Carolina Longline Surveys, with the remainder going to support the ME/NH portion of the NEAMAP Survey.**

Motion made by Mr. Boyles and seconded by Mr. Keliher. Motion passes unanimously.

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (AUGUST 2, 2016)**

### ***Meeting Summary***

After discussing the merits of joint, complementary and exclusive management, the South Atlantic State/Federal Fisheries Management Board recommended the Commission initiate a complementary fishery management plan for cobia under the purview of the South Atlantic Board. This action responds to a request by the Council for the Commission to consider joint or complementary management of the resource in light of the significant overage of the 2015 recreational annual catch limit (ACL), the impact of those overages to state management, and the observation that approximately 82% of reported recreational landings are harvested in state waters. A complementary Commission FMP for cobia will provide the states the flexibility to respond to changes in the fishery and stock that meet their state fisheries needs while staying within the ACL (see press release under ISFMP Policy Board for more details).

The 2016 red drum stock assessment and peer review was presented to the Board in May of 2016. The models, using stock synthesis framework, suggest overfishing is occurring in both the northern and southern regions. The northern model predicts low adult abundance (age 6+) since 1989. The southern

model shows increasing fishing mortality, resulting in low escapement of juveniles from the fishery. The Board had questions regarding the assessment inputs, reference points, and model types and tasked the Technical Committee and Stock Assessment Committee (TC/SAS) to investigate several issues. The TC/SAS has begun work on the tasks, which are scheduled to be completed for Board review in October.

The TC/SAC is investigating whether the current biological reference point for overfishing (SPR40% target, SPR30% threshold) is appropriate given the species' long life history. This task is two-fold in that the Board is interested in whether spawning potential ratio is an appropriate metric and whether the 30% threshold and 40% target are suitable goals. The Board also requests the development for an overfished reference point recommendation.

Given concerns regarding the appropriateness of the current reference point and the lack of data on adult red drum, the Board requested an investigation of the feasibility of a fishing mortality-based reference point that looks strictly at the harvest of juvenile red drum. The Board is looking for guidance on whether this type of reference point would provide an appropriate level of information for management.

The TC/SAS were tasked with conducting continuity runs of the statistical catch-at-age (SCAA) model used in SEDAR 18 for comparison to the new stock synthesis 3 (SS3) model used in SEDAR 44. The TC/SAS is updating the SCAA model inputs to correspond, as well as possible, with those used in SS3. Therefore, these are not true continuity runs (i.e. only updates to the data inputs used in SEDAR 18). This will allow for a comparison of the results between the two models, focusing on the effect of the change in models between the two assessments.

Given the sensitivity of the SS3 models to the tag return reporting rate, the Board has requested an evaluation of potential tag return rates for each region and determine if the tag return data should be incorporated into new model runs. The Board is specifically interested in a run which uses an 18% tag return rate, per the suggestion of the desk review report.

The Board is concerned that the lack of information on adult red drum, especially in the northern stock, may impact the ability of the SS3 models to accurately measure stock abundance. As a result, the Board requested an evaluation of how red drum life history and current regulations (namely the moratorium on fishing in federal waters) may limit the validity of an age-based model such as SS3. The lack of information on adult red drum has precluded prior assessments from providing reliable estimates of spawning stock biomass. Some noted sources of data gaps and assumptions impacting estimates for adult red drum include regulations, life history and management strategy and size distribution of recreational releases.

The Commission is undergoing a benchmark stock assessment for Atlantic croaker and spot. A data workshop for both species was held in September 2015. The first of two assessment workshops was held in February 2016 and a second workshop will be held the second week in August. It is expected that both assessments will be completed and peer reviewed this winter. For more information, please contact Toni Kerns, ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

**Motions**

**Move that the South Atlantic Board recommend to the Policy Board for development of a complementary Fishery Management Plan for Cobia.**

Motion made by Dr. Duval and seconded by Mr. Boyles. Motion passes.

**Move to recommend to the ISFMP policy board that the South Atlantic Board is the appropriate venue to develop the FMP for Cobia.**

Motion made by Mr. Boyles and seconded by Mr. Woodward. Motion passes unanimously.

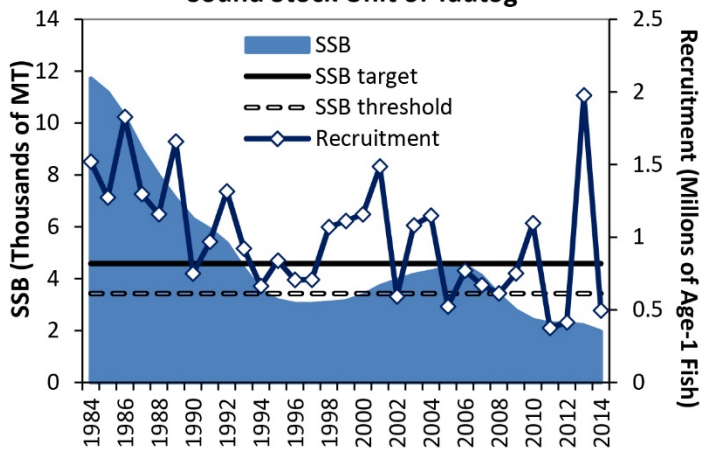
**TAUTOG MANAGEMENT BOARD (AUGUST 2, 2016)**

**Press Release**

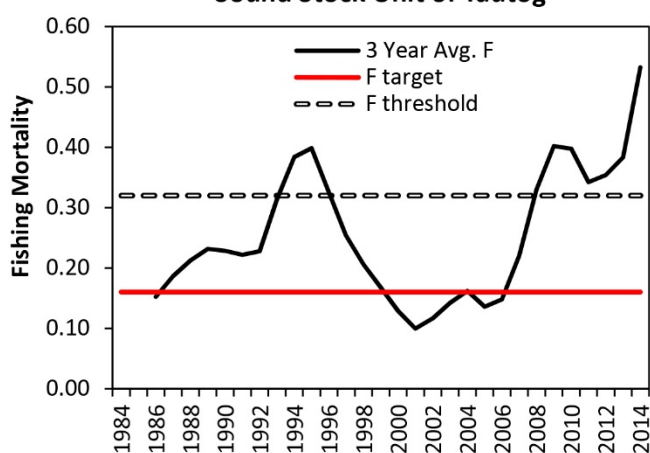
**ASMFC Tautog Board Accepts Regional Assessments for Long Island Sound and New Jersey/New York Bight Management Use**

Alexandria, VA – The Commission’s Tautog Management Board approved regional stock assessments for Long Island Sound (LIS) and New Jersey-New York Bight (NJ-NYB) for management use. Stock status for both regions was found to be overfished and experiencing overfishing. The assessments were initiated in response to the findings of the 2015 benchmark stock assessment which explored a number of regional breakdowns for management purposes, including the option of: (1) Massachusetts and Rhode Island; (2) Connecticut, New York and New Jersey; and (3) Delaware, Maryland and Virginia. The Board had concerns about the biological implications of grouping LIS with New Jersey ocean waters. The Board requested a new assessment that would explore the population dynamics of the Connecticut, New York and New Jersey region in more detail. The regional assessments propose two additional stock unit boundaries for consideration at a finer regional scale: LIS, which consists of Connecticut and New York waters north of Long Island, and NJ-NYB, which consists of New Jersey and New York waters south of Long Island.

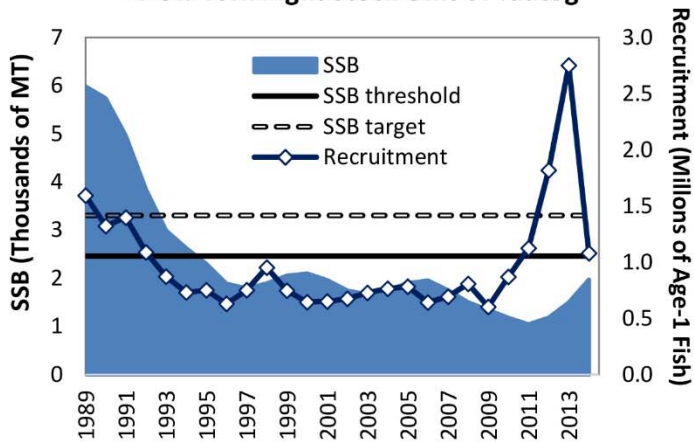
**Spawning Stock Biomass for the Long Island Sound Stock Unit of Tautog**



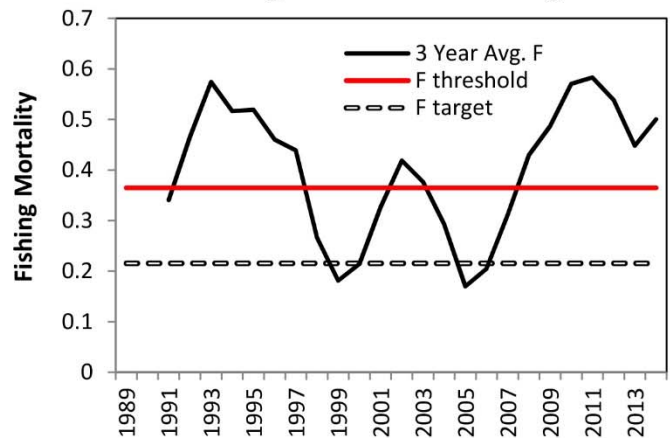
**Fishing Mortality for the Long Island Sound Stock Unit of Tautog**



**Spawning Stock Biomass for the New Jersey  
- New York Bight Stock Unit of Tautog**



**Fishing Mortality for the New Jersey - New  
York Bight Stock Unit of Tautog**



Given approval of the regional assessments by the peer review panel and Management Board, the Tautog Technical Committee will move forward with updating the benchmark stock assessment, including data through 2015 for all four regions for Board review and approval in October. Upon its completion, work on developing a new amendment to the Tautog Fishery Management Plan can begin. The draft amendment will propose a four region management approach: Massachusetts and Rhode Island; Long Island Sound; New Jersey/New York Bight; and Delaware, Maryland and Virginia. It is anticipated a draft for public comment will be presented to the Board for its review and approval in February 2017, with final amendment approval later in the year.

The stock assessments and peer review report, which are combined into one document, will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Tautog page by the end of August. For more information on the stock assessments, please contact Katie Drew, Senior Stock Assessment Scientist, at [kdrew@asmfc.org](mailto:kdrew@asmfc.org); and for more information on tautog management, please contact Ashton Harp, FMP Coordinator, at [aharp@asmfc.org](mailto:aharp@asmfc.org).

###

PR16-19

**Motions**

**Move to approve the Long Island Sound and New Jersey-New York Bight stock assessment and peer review report for management use.**

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

**Move to approve four region management approach for Tautog Draft Amendment 1.**

Motion made by Mr. Fote and seconded by Mr. Adler. Motion carries (7 in favor, 1 opposed, 2 abstentions).

## **HORSESHOE CRAB MANAGEMENT BOARD (MAY 3, 2016)**

### ***Press Release***

### **ASMFC Horseshoe Crab Management Board Initiates Draft Addendum to Modify Adaptive Resource Management Framework for the Delaware Bay Region**

Alexandria, VA – The Commission’s Horseshoe Crab Board approved development of Draft Addendum VIII to the Horseshoe Crab Fishery Management Plan (FMP). The Draft Addendum will propose changes to the Adaptive Resource Management (ARM) Framework, which is used annually to set harvest specifications for the Delaware Bay states, taking into consideration horseshoe crab abundance and red knot forage needs.

This action is in response to a recent technical review, which suggested changes to the ARM Framework, including the incorporation of mortality associated with biomedical bleeding activities into the Framework, and the exploration of options that allow for the harvest of female horseshoe crab in the Delaware Bay Region. In its review, the ARM Subcommittee suggested mortality associated with biomedical activities due to capture, handling, or post-bleeding stress and could be considered to be a form of harvest and recommended its inclusion in the Framework. This source of mortality had not been included in the ARM Framework as initially established in 2012.

The ARM Framework currently presents five harvest packages to ensure the sustainable annual harvest of horseshoe crab in the Delaware Bay Region. While the Framework can produce harvest packages that include female crab harvest, the threshold for horseshoe crab abundance precludes allowing for female harvest at this time. However, the Board expressed interest in exploring alternatives that allow for female harvest without compromising the integrity of the ARM Framework. As a result, the Draft Addendum will present alternative harvest packages which allow for female harvest. Further, the Draft Addendum will propose incorporating mortality associated with biomedical bleeding activities into the ARM Framework. The Draft Addendum will be presented to the Board for its consideration and possible approval for public comment at the Commission’s Annual Meeting in October 2016.

The ARM Framework was developed by the Commission, U.S. Fish and Wildlife Service, and U.S. Geological Survey in recognition of the relationship between horseshoe crab eggs and shorebirds in the Delaware Bay Region. The ARM predicts the optimal strategy for horseshoe crab bait harvest in the Delaware Bay Region while accounting for the need for successful red knot stopover feeding during migrations through the region.

Additionally, the Board tasked the Technical Committee with developing a proposal to test the use of alternative bait in the whelk and eel fisheries. The Board will review the proposal in October 2016. For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org) or 703.842.0740.

###

PR16-21

### ***Motions***

#### **Main Motion**

**Move to approve all Adaptive Resource Management (ARM) Subcommittee and Technical Committee recommendations except for the biomedical data incorporation.**

Motion made by Mr. Muffley and seconded by Mr. Boyles.

**Motion to Amend**

**Move to amend to initiate an addendum to the HSC management plan to address the ARM Subcommittee’s recommendation to the ARM framework regarding 1) mortality associated with the biomedical industry; and 2) bait harvest packages which allow female horseshoe crab harvest as presented in Appendix C of the framework review.**

Motion made by Mr. Luisi and seconded by Mr. Pugh. Motion carries (10 in favor, 5 opposed).

**Main Motion as Amended**

**Move to initiate an addendum to the HSC management plan to address the ARM Subcommittee’s recommendation to the ARM framework regarding 1) mortality associated with the biomedical industry; and 2) bait harvest packages which allow female horseshoe crab harvest as presented in Appendix C of the framework review.**

Motion carries (13 in favor, 2 opposed).

**Move to task the Technical Committee with designing bait experiments to be completed in 2017 for those states that opt to participate—involving reduced amounts of horseshoe crab, relative to status quo, in the whelk and eel fisheries—to be developed for Board review and approval by October 2016.**

Motion made by Mr. Ballou and seconded by Mr. Muffley. Motion carries unanimously.

**COASTAL SHARKS MANAGEMENT BOARD (AUGUST 2, 2016)**

***Press Release***

**ASMFC Coastal Sharks Board Approves Addendum IV to the FMP**

Alexandria, VA – The Coastal Sharks Management Board approved Addendum IV to the Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks. The Addendum amends the FMP to allow smooth dogfish carcasses to be landed with corresponding fins removed from the carcass as long as the total retained catch on board at the time of landing is composed of at least 25 percent smooth dogfish. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass. Naturally attached is defined as attached to the corresponding shark through some portion of uncut skin.

Through the Board’s action, the Addendum maintains consistency between federal and state shark FMPs and better incorporates the intent of the smooth dogfish limited exception in the Shark Conservation Act of 2010 (SCA) into state regulations. States are required to implement the Addendum’s management measure by January 1, 2017.

The Addendum will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Coastal Sharks page by mid-August. For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at [aharp@asmfc.org](mailto:aharp@asmfc.org) or 703.842.0740.

###

PR16-20



### ***Motions***

#### **Move to approve Addendum IV with the following option: Issue 1, Option B.**

Motion made by Mr. Muffley and seconded by Mr. Hasbrouck. Motion carries (7 in favor, 6 opposed, 1 abstention).

#### **Move to approve Addendum IV, with an implementation date of January 1, 2017, with the options selected here today.**

Motion made by Mr. Muffley and seconded by Dr. Laney. Motion carries (Roll Call Vote: In favor – ME, MA, NY, NJ, DE, SC, GA, FL, USFWS, NMFS; Opposed – RI, CT, MD, VA, NC).

#### **Motion to approve the FMP Review and compliance reports submitted.**

Motion made by Mr. Adler and seconded by Mr. Heins. Motion carries.

#### **Move to approve Katie Westfall as a member of the Coastal Sharks Advisory Panel.**

Motion made by Mr. Boyles and seconded by Mr. Michels. Motion carries without objection.

#### **Move to nominate Roy Miller as vice chair of Coastal Sharks Management Board.**

Motion made by Mr. Michels and seconded by Mr. Luisi. Motion carries without objection.

### **ATLANTIC STURGEON MANAGEMENT BOARD (AUGUST 2, 2016)**

#### ***Meeting Summary***

The Atlantic Sturgeon Management Board (Board) received an overview from NOAA Fisheries on [two proposed rules](#), one for each of NOAA Fisheries Regional Offices (i.e., GARFO and SERO), designating critical habitat for Atlantic sturgeon per the requirements of Section 4(b)(2) of the Endangered Species Act. Specific areas (e.g., rivers) within each distinct population segment (DPS) were proposed as critical habitat based on the presence of physical or biological features essential to the conservation of the species. Public comment on the proposed rules is due September 1, 2016. The Board will consider submitting comment to NOAA on the proposed rules emphasizing issues applicable to both rules (e.g., the importance of research and sampling programs that occur in the proposed areas, and timing and process of Section 7 consultations), while states will submit their input on the proposed areas within their respective jurisdictions.

The benchmark stock assessment is on schedule for review in mid-2017. During the stock assessment workshop (held July 12-15, in Hanover, Maryland), the Stock Assessment Subcommittee continued to evaluate usable data for the stock assessment (e.g., bycatch, survey, genetic, and tag data) and made considerable progress on model development and potential biological reference points. A second assessment workshop will be held in early 2017 to rigorously evaluate the methods and stock assessment models developed, ensure appropriate use of the data in the models, and determine the status of Atlantic sturgeon populations where possible.

Lastly, the Board elected Adam Nowalsky (NJ) as Board Chair and Ross Self (SC) as Vice-Chair to the Atlantic Sturgeon Management Board.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703-842-0740.

***Motions***

**Move to elect Adam Nowalsky as Chair and Ross Self as Vice Chair of the Atlantic Sturgeon Management Board.**

Motion made by Dr. Duval and seconded by Mr. Allen. Motion carries without objection.

**ATLANTIC MENHADEN MANAGEMENT BOARD (AUGUST 3, 2016)**

***Press Release***

**ASMFC Atlantic Menhaden Board Approves Addendum I**

Alexandria, VA – The Commission’s Atlantic Menhaden Management Board approved Addendum I to Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden. The Addendum modifies the bycatch provision of Amendment 2 by allowing two permitted commercial fishermen working together from the same vessel using stationary multi-species gear to land up to 12,000 pounds of menhaden per trip per day. In this case, stationary multi-species gears are defined as pound nets, anchored/staked gillnets, and fyke nets. Interested states may implement the new bycatch provision as their regulatory processes allow, but no earlier than August 15.

The practice of two permitted fishermen working together from the same vessel to harvest Atlantic menhaden primarily occurs in the Chesapeake Bay pound net fishery. This practice enables the fishermen to pool resources for fuel and crew. However, the practice was constrained under Amendment 2’s bycatch allowance provision, which stipulated a 6,000 pound/vessel/day limit.

Board members also discussed 2017 specifications but postponed final action on these measures until the Commission’s Annual Meeting in late October. Addendum I will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Atlantic Menhaden page by mid-August. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

###

PR16-22

***Meeting Summary***

In addition to the Atlantic Menhaden Board’s discussion on Addendum I and the 2017 fishery specifications, the Board provided feedback on a draft of the Public Information Document (PID) for Draft Amendment 3. The PID, which focuses on ecological reference points and allocation, will be considered for approval for public comment in October 2016, with a potential public comment period between November 2016 and January 2017. The Board also reviewed the timeline for draft Amendment 3 which currently has the Board taking final action on the document in November 2017. Finally, the Board received an update on the ongoing socioeconomic study in the commercial menhaden fishery and discussed the need to revitalize Advisory Panel membership in preparation for the Amendment 3 process.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

### **Motions**

#### **Move to approve Addendum I with the following option: Option B.**

Motion made by Ms. Fegley and seconded by Mr. Train. Motion carries unanimously.

#### **Move to approve Addendum I, with an implementation date of August 15, 2016, with the options selected here today.**

Motion made by Ms. Fegley and seconded by Mr. Gary. Motion carries unanimously.

#### **Move to approve Addendum I as modified today.**

Motion made by Mr. Adler and seconded by Mr. Hasbrouck. Motion carries unanimously. Roll Call Vote: In favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS.

### **Main Motion**

#### **Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at 225,456 metric tons (20% increase).**

Motion made by Mr. Gary and seconded by Mr. Schill.

### **Motion to Amend**

**Move to amend to maintain status quo (187,880 metric tons) for the 2017 fishing year.** Motion made by Mr. Boyles and seconded by Mr. White. Motion fails (9 in favor, 9 opposed). Roll Call Vote: In favor – NH, MA, RI, CT, PA, SC, GA, FL, USFWS; Opposed – ME, NY, NJ, DE, MD, PRFC, VA, NC, NMFS.

### **Motion to Amend**

#### **Move to amend to set the 2017 coastal TAC for the Atlantic menhaden fishery at 206,668 metric tons (10% increase).**

Motion made by Ms. Fegley and seconded by Mr. Stockwell. Motion fails. Roll Call Vote: In favor – ME, NY, NJ, DE, MD, VA, NMFS, USFWS; Opposed – NH, MA, CT, PA, PRFC, NC, SC, GA, FL; Null – RI.

### **Motion to Amend**

#### **Move to amend to set the 2017 coastal TAC for the Atlantic menhaden fishery by a 5% increase (197,274 metric tons).**

Motion made by Mr. Simpson and seconded by Mr. Gilmore. Motion fails. Roll Call Vote: In favor – ME, CT, NY, DE, MD, VA, NC, NMFS, USFWS; Opposed – NH, MA, RI, NJ, PA, PRFC, SC, GA, FL.

### **Motion to Amend**

#### **Move to amend to set the 2017 coastal TAC for the Atlantic menhaden fishery to a 1% increase (20,666 metric tons).**

Motion made by Ms. Peake and seconded by Mr. Abbott. Motion fails. Roll Call Vote: In favor – NH, MA, RI, CT, PA, NMFS, USFWS; Opposed – ME, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL.

**Motion to Reconsider an Amended Motion**

**Move to reconsider the amended motion for a 10% increase (206,668 metric tons) to the Atlantic menhaden 2017 coastal TAC.**

Motion made by Mr. Gary and seconded by Mr. Nowalsky. Motion passes. Roll Call Vote: (In favor – ME, NY, NJ, DE, MD, PRFC, VA, NC, NMFS; Opposed – NH, MA, CT, PA, SC, GA, FL, USFWS; Null – RI.

**Amended Motion**

**Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at a 10% increase (206,668 metric tons).**

Motion fails. Roll Call Vote: In favor – ME, NY, NJ, DE, MD, PRFC, VA, NMFS; Opposed – NH, MA, CT, PA, NC, SC, GA, FL, USFWS; Null – RI.

**Main Motion**

**Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at 225,456 metric tons (20% increase).**

Motion made by Mr. Gary and seconded by Mr. Schill.

**Motion to Amend**

**Move to amend the main motion to set the 2017 coastal TAC for the Atlantic menhaden fishery at 19% increase of 2016 TAC.**

Motion made by Mr. Boyles and seconded by Mr. Gary. Motion fails. Roll Call Vote: In favor – ME, NJ, PRFC, VA, NMFS; Opposed – NH, MA, RI, CT, NY, PA, DE, NC, GA, FL, USFWS; Null – MD, SC.

**Motion to Postpone Main Motion**

**Move to postpone until the next meeting of the Menhaden Board.**

Motion made by Mr. Abbott and seconded by Mr. Adler. Motion carries. Roll Call Voter: In favor – NH, MA, NY, PA, DE, MD, VA, NC, NMFS, USFWS; Opposed – RI, CT, NJ, PRFC, SC, GA, FL; Null – ME.

**Main Motion**

**Move to set the 2017 coastal TAC for the Atlantic menhaden fishery at 225,456 metric tons (20% increase).**

Motion made by Mr. Gary and seconded by Mr. Schill. Motion postponed until next meeting.

**LEGISLATORS AND GOVERNORS' APPOINTEES (AUGUST 3, 2016)**

***Meeting Summary***

The Legislative and Governor Appointee Commissioners (LGA) received a report from their Co-chairs on the proceedings of the Executive Committee, which occurred earlier in the week. The LGAs discussed renaming the Hart Award to honor former Commissioner Patten White, ultimately deciding the Hart Award should not be renamed. However, there was consensus that a new award should be created to honor Mr. White. Ideas for the new award included honoring a marine educator or fellow Commissioners and individuals with unusual skills sets similar to Mr. White's (consensus building, close working relationships with fellow Commissioners, and willingness to volunteer for extra duties, just to name a few of Pat's many good qualities). The LGAs received a federal legislative update from Deke Tompkins concerning bills of relevance to the Commission and discussed the importance of building

relationships with federally-elected officials and staff. The meeting was successful in building and strengthening relationships of new and long-standing LGAs. The group agreed to meet again as early as the Commission's 2017 Winter Meeting.

For more information, please contact Deke Tompkins, Legislative Executive Assistant, at [dtompkins@asmfc.org](mailto:dtompkins@asmfc.org) or 703.842.0740.

### **ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 3, 2016)**

#### ***Meeting Summary***

The Atlantic Striped Bass Management Board reviewed the Advisory Panel (AP) meeting summary. The AP met via conference call to discuss two striped bass fishery issues that are not currently being discussed at the Board-level; the EEZ Transit Zone Clarification and Access Act and potential impacts from the above-average harvest of squid on the availability of striped bass in Nantucket Sound. The meeting was held at the request of the AP, and was not Board directed. In the future, if a similar request is made by the AP, the Board Chair will be consulted to maintain transparency between the Board, the AP, and the public.

The Board approved the 2016 Fishery Management Plan Review for Atlantic Striped Bass. The Review included a preliminary evaluation of the performance of Addendum IV in 2015 by comparing 2015 harvest estimates via the Marine Recreational Information Program to those predicted by the Technical Committee last year. Although insightful, the ultimate goal of the addendum is to reduce fishing mortality to a level at or below the target, and this evaluation does not consider fishing mortality. The 2016 assessment update utilizing data through 2015 will be available for Board review in October. The Technical Committee will also conduct a formal evaluation of the mechanisms affecting harvest in 2015, and will provide recommendations to the Board at its October meeting.

Lastly, the Board approved Patrick Paquette's (MA) membership to the Striped Bass Advisory Panel. For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703-842-0740.

#### ***Motions***

##### **Move to approve the 2016 Atlantic Striped Bass FMP Review and state compliance reports.**

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

##### **Move to approve Patrick Paquette membership to the Atlantic Striped Bass Advisory Panel.**

Motion made by Dr. Duval and seconded by Mr. Nowalsky. Motion carries.

### **INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (AUGUST 3, 2016)**

#### ***Press Release***

#### **ASMFC Initiates Interstate Fishery Management Plan for Cobia**

Alexandria, VA – The Atlantic States Marine Fisheries Commission approved the initiation of a new Interstate Fishery Management Plan (FMP) for the Atlantic Migratory Group of Cobia to complement fishery management efforts of the South Atlantic Fishery Management Council (Council). This action

responds to a request by the Council for the Commission to consider joint or complementary management of the resource in light of the significant overage of the 2015 recreational annual catch limit (ACL), the impact of those overages to state management, and the observation that approximately 82% of reported recreational landings are harvested in state waters.

Widely distributed throughout the western Atlantic and Gulf of Mexico, cobia are managed as two distinct groups – the Gulf Migratory Group and the Atlantic Migratory Group. The Atlantic Migratory Group, which ranges from New York to Georgia, is managed by the Council. Recreational landings of the Atlantic Migratory Group in 2015 were approximately 1.5 million pounds, 145% over the ACL, resulting in a June 20, 2016 closure of the fishery by NOAA Fisheries. Commercial cobia landings in 2015 were 83,148 pounds, 38% over the ACL. Late landings reports in 2015 precluded a timely closure of the commercial fishery.

Concerns were expressed by individual states whose recreational seasons were significantly reduced by the closure due to the overage of the 2015 quota. North Carolina and Virginia developed alternate management strategies to avoid the June 20, 2016 closure enacted by NOAA Fisheries for federal waters. South Carolina has recently implemented more restrictive measures that are consistent with the actions of NOAA Fisheries in some areas. A complementary Commission FMP for cobia will provide the states the flexibility to respond to changes in the fishery and stock that meet their state fisheries needs while staying within the ACL.

A Draft Public Information Document, the first step in the development of a Commission FMP, will be presented to the South Atlantic State/Federal Fisheries Management Board for its review and possible approval in October at the Commission's Annual Meeting. For more information, please contact Louis Daniel at [ldaniel@asmfc.org](mailto:ldaniel@asmfc.org) or 252.342.1478.

###

PR16-22

### ***Meeting Summary***

Chairman Grout updated the ISFMP Policy Board on the actions of the Executive Committee (see Executive Committee meeting summary) and the State Directors Meeting. As a part of the Commission's 2016 Action Plan, the Policy Board conducted a review of stock rebuilding performance to determine if rebuilding for each species is consistent with the Commission Vision and Goals. The Board reviewed the rebuilding progress for each of the species under Commission management. This review was intended to determine if the progress toward each species rebuilding goals was occurring at an appropriate rate. The Board focused on the species in the categories of "concern," "depleted," and "unknown" in its discussions, as well as the species boards' response to scientific advice.

The Executive Committee tasked staff to update the Conservation Equivalency Guidance Document to reflect the current practices of the Commission. The Management and Science Committee (MSC) and Assessment and Science Committee (ASC) reviewed proposed revisions and made recommendations to the Executive Committee for its review. The Executive Committee discussed the proposed revisions and tasked staff to make changes to the guidance document. The revised document will be presented for approval at the Annual Meeting in October.

The Risk and Uncertainty Policy Workgroup, comprised of representatives from the MSC, ASC and the Policy Board, updated the ISFMP Policy Board on its progress thus far. The Workgroup was created to

develop a Commission policy to account for both scientific and management uncertainty in the Commission's decision making process. For its first task, the Workgroup developed an overarching purpose statement for the policy that was reviewed and approved by the Policy Board. The Workgroup will continue to develop the full policy for Board review during Annual Meeting.

The Habitat Committee met and received a presentation from Dr. Ken Able of Rutgers University, reviewed the process for making recommendations to the Policy Board, reviewed the 2016 Action Plan progress, finalized topics and articles for the 2016 issue of *Habitat Hotline Atlantic*, and discussed seismic testing effects on fish habitat. Regarding seismic testing, the Committee requested the Policy Board consider adopting positions similar to the Mid-Atlantic Fishery Management Council and South Carolina Wildlife Federation, and convey that position to the Bureau of Ocean Energy Management (BOEM) and other entities. The Policy Board directed the Committee to draft a letter to BOEM, similar to those from the Mid-Atlantic and South Atlantic Fishery Management Councils, and present it to the Policy Board at the Annual Meeting for further discussion and/or approval.

The Artificial Reef Committee had a joint meeting with the Gulf States Marine Fisheries Commission this spring. ASMFC and NOAA Fisheries co-hosted a two-day National Artificial Reef Workshop June 9-10 in Alexandria, VA. It was attended by federal, state, non-profit, commercial, and recreational fishing entities. The objectives were to provide an overview of the current science, explore using artificial reefs as management tools, identify management challenges and associated research needs, and discuss the potential for future partnerships. The workshop summary will be released in August.

The Science and Data and Steering Committees of the Atlantic Coastal Fish Habitat Partnership (ACFHP) recently met and began development of the 2017-2021 Conservation Strategic Plan. Recently, the manuscript describing the Species-Habitat Matrix results was published in *BioScience*, and ACFHP is currently working on a website for users to query those data. ACFHP's grant to support habitat research in the Mid-Atlantic from the Mid-Atlantic Fishery Management Council was awarded to Dr. Bradley Stevens of University of Maryland Eastern Shore. The project is titled 'Hab in the MAB: Characterizing Black Sea Bass Habitat in the Mid-Atlantic Bight.' ACFHP also recently received funding from NOAA to spatially prioritize fish habitat protection and restoration sites using GIS mapping and analysis from North Carolina to Florida. ACFHP will be using FY2016 NFHAP-USFWS funding to support ACFHP operations, a complimentary mapping project from Maine to Virginia, and to partially fund the Bradford Dam removal in Westerly, Rhode Island. The FY2017 habitat restoration funding announcement will be released August 11<sup>th</sup>, with a September 22<sup>nd</sup> deadline to submit proposals.

In October the Mid-Atlantic Fishery Management Council will consider whether to develop an Amendment that could add species of river herring and shad as Council-managed species. The Council's River Herring and Shad Committee will meet in early August to review a white paper and draft decision document related to the need for Council management of blueback herring, alewife, American shad, and hickory shad. Depending on the outcome of the Council Shad and River Herring Committee's recommendation, the Commission will consider sending a letter to the Council regarding future Council action on shad and river herring.

Lastly, the Board discussed the concept of managing a resource for the benefit of another fishery but specifically referencing the Atlantic herring fishery. One of the objectives in managing the Area 1A quota

is to provide a constant supply of bait to the lobster fishery. Some Board members expressed concern that managing the herring fishery for the benefit of the lobster fishery may not be the appropriate role of the Commission. They suggested that perhaps this issue should be considered outside of the Commission process by the involved states. It was acknowledged that the Commission's management actions can benefit a sector, gear type or other species, but these actions are fully vetted through a public input process. No final actions or recommendations on this issue were made at this time.

For more information, please contact Toni Kerns, ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

### ***Motions***

**On behalf of the South Atlantic State/Federal Fisheries Management Board, move to recommend that the ISFMP Policy Board develop a complementary Fishery Management Plan for Cobia.**

Motion made by Mr. Estes. Motion carries without objection.

**On behalf of the South Atlantic State-Federal Fisheries Management Board, move to recommend to the Policy Board that the South Atlantic Board is the appropriate venue to develop the FMP for Cobia.**

Motion made by Mr. Estes. Motion carries without objection.

**Move to task the Habitat Committee to draft a base letter to express the Commission's concerns regarding seismic testing and its possible impacts on fisheries and fish habitat, for review by the Policy Board at the Annual Meeting.**

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

### **ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (AUGUST 3, 2016)**

#### ***Meeting Summary***

The ACCSP Coordinating Council met to receive Program and Committee Updates as well to discuss the first draft of the Governance Transition Plan and the ACCSP Memorandum of Understanding (MOU) Addendum provided by the Governance Transition Workgroup. It was reported that the FY17 proposals were initially reviewed during a joint webinar/conference call by the Operations and Advisory Committees. During that webinar/conference call it was brought to the committees' attention that the Recreational Technical Committee Headboat Add-on Maintenance Proposal had not been drafted or submitted. Members of the Recreational Technical Committee requested that the committee be given the opportunity to make a late submission for this proposal. This maintenance proposal has been submitted for the past 14 years and is a vital source of recreational data along the Atlantic coast. Due to the vital nature of this long-standing time series for recreational data, the Operations and Advisory Committee unanimously agreed to make a recommendation to the Coordinating Council in support of the request. The Coordinating Council voted via email to accede to this request. During the Council meeting, there were some concerns that this might have set a bad precedent. The Council discussed this issue and determined that this was a singular event that was reluctantly approved due to concern over the potential data loss. The Recreational Technical Committee has already taken action to ensure this does not occur again.



The Council was presented with the first draft of the Governance Transition Document and the Addendum to the ACCSP MOU. Within the Governance Transition Document a short term, mid-term and long-term plan is presented along with the changes that would need to occur to the MOU. Final action will occur at the Commission's Annual Meeting in October. For more information, please contact Mike Cahall, ACCSP Director, at [mike.cahall@accsp.org](mailto:mike.cahall@accsp.org).

### ***Motions***

No motions made.

## **AMERICAN EEL MANAGEMENT BOARD (AUGUST 4, 2016)**

### ***Meeting Summary***

The American Eel Management Board met to consider changes to the Addendum IV commercial yellow eel allocations and consider North Carolina's revised Glass Eel Aquaculture Plan for 2017.

In considering changes to the Addendum IV commercial yellow eel allocation, staff presented New York's proposal to adjust the commercial yellow eel fishery quota as stipulated in Addendum IV. In follow up to the May 2016 Board Meeting, New York submitted a proposal outlining the state's efforts to improve accuracy in landings data, options for adjusting the current commercial yellow eel allocation, and options for revisiting the allocation moving forward. The American Eel Technical Committee reviewed the proposal via conference call in July and recommended that any consideration of changing the current allocations should be taken up after the 2017 stock assessment update. During the update process, all states will have the opportunity to provide the most up-to-date and accurate landings for consideration in the stock assessment model. After discussing the tabled motion from the May 2016 Meeting to initiate a draft addendum, the Board moved to postpone the decision to initiate an addendum to address yellow eel allocation until after the 2017 stock assessment update is completed.

The Board was presented the North Carolina revised aquaculture plan for 2017. In February 2016, the Board approved North Carolina's initial aquaculture plan to harvest up to 200 pounds of glass eels for domestic aquaculture purposes. Due to delays in the issuance of permits, the aquaculture facility was not able to catch glass eels in 2016. North Carolina developed a revised aquaculture plan for 2017 that outlined a number of changes including: fishing from January through April, reporting out harvest in actual weight (not estimated), reduction in the number of individuals fishing under the permit, calculating monthly catch per unit effort (CPUE), changes to the permit conditions regarding warrantless searches, and the addition of new primary harvest site in the White Oak River. The Technical Committee reviewed the revised aquaculture plan and provided two recommendations: 1) a young-of-the-year survey should be developed at one of the harvest sites in conjunction with the aquaculture plan in year 3 of the plan (2018); and 2) fyke net mortality should be addressed during the months of January and February when the 24 hour soak times are allowed. The Board considered these recommendations and discussed the revisions of plan; in particular, the change in conditions of the permit that now require a warrant for searches of any gear, vessels, equipment, vehicles, and persons. North Carolina clarified that this change to the permit was caused by a recent change in North Carolina Statutory Law that was enacted from a recent legislative session. The Board requested that the Law Enforcement Committee review the new North Carolina statute and consider how it may affect enforcement of American eel regulations as well as other species managed through the Commission. The Board approved the revised

North Carolina aquaculture plan for 2017 including the Technical Committee's recommendations, with the understanding the Board would be presented the results of revised aquaculture plan in late 2017.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to initiate an addendum to reconsider the coastal cap and the state by state yellow eel allocation.**

Motion made by Mr. Gilmore and seconded by Mr. Borden. Motion postponed indefinitely.

**Move to postpone until the August meeting.**

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

**Move to postpone indefinitely.**

Motion made by Mr. Heins and seconded by Mr. Keliher. Motion passes.

**Move to approve the proposed North Carolina Glass Eel Aquaculture Plan for 2017 and the Technical Committee recommendations.**

Motion made by Mr. Ballou and seconded by Mr. Adler. Motion passes unanimously.

## **BUSINESS SESSION (AUGUST 4, 2016)**

### ***Meeting Summary***

As part of the integration of the Atlantic Coastal Cooperative Statistics Program (ACCSP) into the Commission's governance structure, the Commission was presented the first draft of the Governance Transition Document and the Addendum to the ACCSP Memorandum of Understanding (MOU). Within the Governance Transition Document a short term, mid-term and long-term plan is presented along with the changes that would need to occur to the MOU. Final action on both documents will occur at the Commission's Annual Meeting in October.

### ***Motions***

No motions made.

## **AMERICAN LOBSTER MANAGEMENT BOARD (AUGUST 4, 2016)**

### ***Press Release***

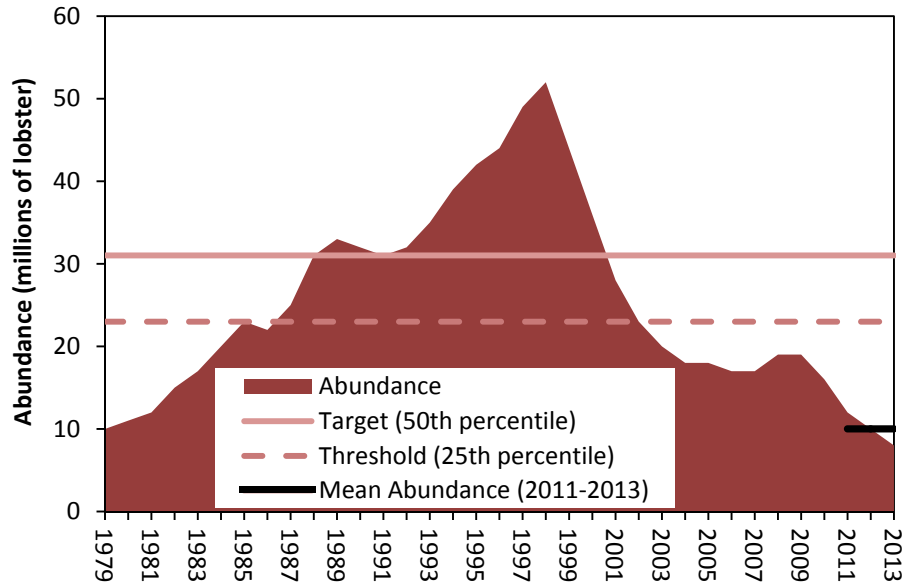
### **ASMFC American Lobster Board Identifies Management Goal and Options for Draft Addendum XXV to Address Southern New England Stock Declines**

Alexandria, VA – The American Lobster Management Board approved development of Draft Addendum XXV to Amendment 3 to the Interstate Fishery Management Plan for American Lobster. The Draft Addendum seeks to respond to the depleted condition of the SNE stock while preserving a

functional portion of the lobster fishery in this area. The document will present a suite of management measures to increase egg production and lower fishing mortality through a combination of management tools including lobster size and escape vent changes, season closures, and trap limits and reductions.

The Draft Addendum responds to the results of the 2015 American lobster benchmark stock assessment which found the SNE stock severely depleted and undergoing recruitment failure with poor prospects of recovery. Declines in population abundance were most pronounced in the inshore portion of the stock where environmental conditions have remained unfavorable to lobsters since the late 1990s. Despite fleet attrition, stock declines have continued. These declines are largely in response to adverse environmental conditions including increasing water temperatures over the last 15 years combined with continued fishing mortality.

**SNE American Lobster Abundance and Reference Points**



Declines in in the offshore portion of the fishery were evident as well though not as severe. However, the offshore portion of the SNE stock likely depends on nearshore larval settlement and offshore migration as the source of recruits (e.g., young of the year lobsters). Therefore, the offshore component is expected to see eventual declines as well.

The Draft Addendum will include a suite of management options aimed to increase egg production from zero to 60%. In its discussion of the stock, the Board agreed the addendum is an initial response to the 2015 stock assessment and stock status will continue to be reviewed. The Draft Addendum will be presented for Board review and possible approval for public comment at the Commission’s Annual Meeting in late October. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

###

PR16-24

**Meeting Summary**

At its August 2016 meeting, the American Lobster Management Board discussed reporting in the lobster fishery, reviewed a conservation equivalency proposal from Maine, and considered approval of Jonah Crab Draft Addendum II for public comment. Following a recommendation from the Technical Committee for increased and improved reporting in the lobster fishery, the Board established a Lobster

Reporting Working Group to outline data deficiencies in the fishery and potential solutions. The Working Group will report back to the Board in October 2016 with its recommendations. The Board also approved Maine's conservation equivalency proposal, which allows lobster fishermen to attach trap tags via hog rings as they move gear in and out of the water. The proposal eliminates the need for exchange tags in the state and improves enforcement in the fishery.

The Board also reviewed Draft Addendum II to the Jonah Crab FMP, which considers a coastwide standard for claw harvest. Given the Board's request that an additional option be added to the document and that the definition of bycatch in the fishery be reviewed, the Board postponed action on the Addendum to allow for further review and development. The Board will consider approving Draft Addendum II for public comment in October.

Finally, the Board received an update on the New England Fishery Management Council and tasked the Technical Committee with creating a map of lobster and Jonah crab harvest in the Gulf of Maine. The Board recommended to the ISFMP Policy Board that a letter be sent to NOAA's Office of Law Enforcement requesting lobster become a higher priority through its Joint Enforcement Agreements Program.

The Board also initiated Draft Addendum XXV to address the poor condition of the Southern New England lobster stock (see above press release for more details). For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

### ***Motions***

**Recognizing the impact of climate change on the stock, move to make the goal of Addendum XXV to respond to the decline of the SNE stock and its decline in recruitment while preserving a functional portion of the lobster fishery in this area. This Addendum is intended to be an initial response to the most recent stock assessment. Options for the PDT to develop include:**

- **Status quo (0% increase in egg production)**
- **20% increase in egg production**
- **40% increase in egg production**
- **60% increase in egg production**

**The PDT is tasked with developing specific management options that meet these goals. These options should be phased in over 2 years and reviewed periodically to determine progress.**

Motion made by Mr. McKiernan and seconded by Mr. McNamee. Motion carries unanimously.

**Move to add an alternative to Draft Addendum II, including a delineation line at 41 degrees north latitude for a Jonah crab claw-only fishery.**

Motion made by Mr. Luisi and seconded by Mr. Muffley. Motion fails.

**Move to approve Draft Addendum II to the Jonah Crab FMP for public comment.**

Motion made by Mr. Heins and seconded by Mr. Keliher. Motion postponed until next meeting.

**Move to include in Option C a range of small volumetric claw harvest from 5 gallons to the bycatch limit of 2,000 claws.**

Motion made by Mr. Luisi and seconded by Mr. Clark. Motion postponed until next meeting.

**Move to postpone approval of Draft Addendum II and consideration of above motion regarding option C until the next meeting.**

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

**Move to approve Maine's conservation equivalency proposal on trap tags.**

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

**Move to recommend that the ISFMP Policy Board have the ASMFC send a letter to NOAA's Office of Law Enforcement asking for lobster to become a higher priority through their Joint Enforcement Agreements Program.**

Motion made by Mr. Keliher and seconded by Mr. McKiernan. Motion carries without objection and an abstention from NOAA Fisheries.

NEW ENGLAND  
FISHERY  
MANAGEMENT  
COUNCIL

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

At its April 19-21 meeting in Mystic CT, the Council approved actions related to the development of its fishery management plans.

The issues involved:

- ◆ Development of a Deep Sea Coral Amendment
- ◆ Atlantic Herring Amendment 8
- ◆ The Industry-Funded Monitoring Amendment
- ◆ Sea Scallops and the NGOM Area
- ◆ EBFM
- ◆ Spiny Dogfish
- ◆ At-Sea Monitoring
- ◆ Small Mesh Multispecies

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# Council Report

April/May 2016

## Habitat

**Work on Coral Amendment Continues** As development of the NEFMC's Deep-Sea Coral Amendment moves ahead, the Council received an update on the Habitat Committee's work to date on the action. Several motions forwarded by the committee were approved for the purpose of conducting in-depth analyses based on new information provided by researchers over the past several years.

These included revised and new coral zone boundaries for a number of canyons south of Georges Bank and for locations in the Gulf of Maine, as well as a provision that would allow modifications to the coral management areas in the future through framework adjustments.

Significantly, Council members approved by a unanimous vote the following statement that will guide work on the amendment as the draft is refined over the next 6-7 months prior to public hearings.

"The Council is utilizing its discretionary authority under Section 303(b) in the MSA to identify and implement measures that reduce, to the extent practicable, impacts of fishing gear on deep sea corals in New England.

This amendment contains alternatives that aim to identify and protect concentrations of corals in select areas and restrict the expansion of fishing effort into areas where corals are likely to be present.

Deep sea corals are fragile, slow-growing organisms that play an important role in the marine ecosystem and are vulnerable to various types of disturbance of the seafloor. At the same time, the importance and value of commercial fisheries that operate in or near areas of deep sea coral habitat is recognized by the Council. As such, measures in this amendment will be considered in light of their benefit to corals."



**Next Council Meeting**  
**June 21-23, 2016**  
**Portland, ME**



**How much haddock is allocated to the Atlantic herring midwater trawl fishery?**

The herring fishery is allocated one percent of the haddock total acceptable biological catch for each of the two stocks located off the New England coast (Gulf of Maine and Georges Bank) each year.

**What happens when the catch cap is reached?**

When the catch cap for a particular haddock stock has been caught, it triggers an accountability measure. All herring vessels fishing with midwater trawl gear are prohibited from fishing for, possessing, or landing more than 2,000 pounds of herring from the particular haddock accountability measure area (Gulf of Maine or Georges Bank) for the remainder of the multispecies fishing year (May 1 – April 30). Also, the overage deduction is subtracted from the TAC during the following fishing year.

**Atlantic Herring**

**Amendment 8 Takes Shape** In discussing Amendment 8 to the Atlantic herring fishery management plan, the Council addressed two issues related to the development of management measures:

- ◆ The NEFMC will host a May 16-17 herring workshop in Portland, ME, during which participants will share their ideas about developing catch strategies that will more explicitly account for the role of Atlantic herring in the ecosystem; staff will share the workshop outcomes at the June Council meeting in Portland, ME.
- ◆ It approved the problem statement below that will guide the development of management measures to address concerns about localized depletion; Herring Committee work on this issue will be reviewed again at the September 2016 Council meeting.

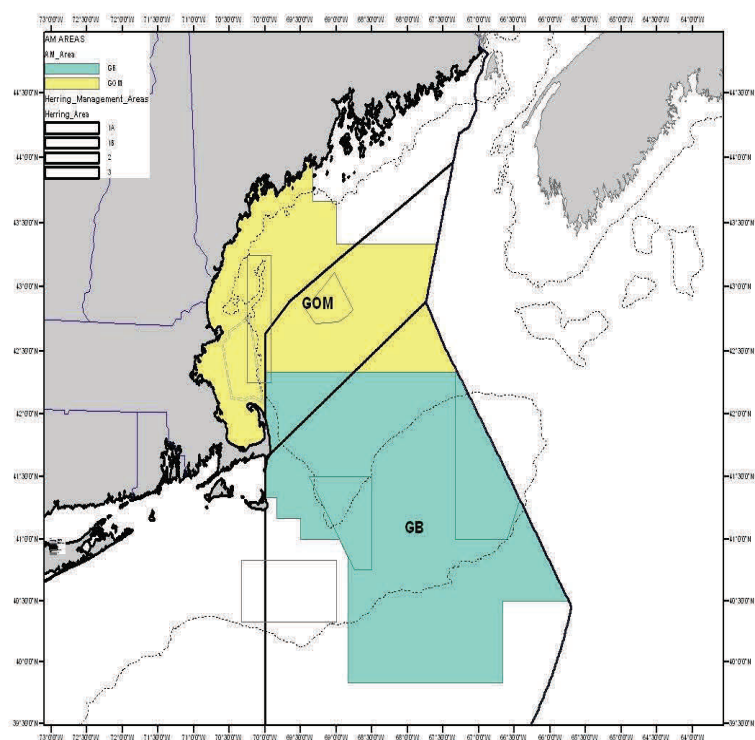
“Scoping comments for Amendment 8 identified concerns with concentrated, intense commercial fishing of Atlantic herring in specific areas and at certain times that may cause detrimental socioeconomic impacts on other user groups (commercial, recreational, ecotourism) who depend upon adequate local availability of Atlantic herring to support business and recreational interests both at sea and on shore.

The Council intends to further explore these concerns through examination of the best available science on localized depletion, the spatial nature of the fisheries, reported conflicts among users of the resources and the concerns of the herring fishery and other stakeholders.”

As a final matter of business under the herring agenda item, the Council initiated a framework adjustment to the FMP in which it will consider revising the Georges Bank haddock catch cap and associated accountability measures (AMs), and their implementation.

The issue becomes complicated when looking at the details. Haddock, particularly on Georges Bank, is a robust stock. This is also the case with the Atlantic herring resource --- it is not overfished, overfishing is not occurring, and catches have remained steady, between 70 and 95,000 metric tons, since 2010.

*Continued on page 3*



## Atlantic Herring - *continued*

Because of interactions between the two stocks, the mid-water trawl fleet is faced with a potential out-sized problem if the AM is triggered again. The fleet was not allowed to fish in a large portion of Herring Areas 3 and 1B because the six-month long Georges Bank AM was triggered in October 2015 (see aqua-colored areas on the map, p. 2). The result has been a six-month long closure that was just lifted on May 1, 2016. A repeat of the same situation would likely produce substantial negative impacts on the herring fleet, the majority of which are mid-water trawlers.

In seeking a remedy, the Council initiated the frame-

work with the following goal:

*To incentivize the midwater trawl fleet to minimize the incidental catch of haddock in the herring fishery while providing the opportunity to fully harvest the sub-ACL of herring for herring management Areas 3 and 1B.*

In June, the Council will review the Herring Committee's progress on developing measures, with final action planned later this year and implementation during fishing year 2017. Depending on the specific measures included, the action will likely involve the Groundfish Committee and its PDT.

## Industry-Funded Monitoring

**IFM Herring Fishery Alternatives Receive Further Attention** The Council refined the herring fishery monitoring alternatives now under consideration in the Industry-Funded Monitoring (IFM) Amendment. The NEFMC plans to select preferred alternatives and to review and approve the draft Environmental Assessment associated with this action at its June meeting in Portland, ME.

Approved motions in April addressed: A.) slippage restrictions and consequence measures on trips selected for monitoring (exceptions would be allowed for safety, mechanical failure, or excessive amounts of dogfish in the net); and B.) slippage reporting requirements (affidavit or VMS) on herring trips selected for at-sea monitoring and electronic monitoring/portside sampling coverage.

The Council also approved two types of approaches that would apply to the percent monitoring target levels. A "combined" approach for the at-sea monitoring alternatives would allow coverage through the Standard Bycatch Reporting Methodology, or SBRM, to count towards the overall selected coverage target level. The second, an "additive" approach for the electronic monitoring/portside sampling alternatives would mean that the selected coverage target level would not include the SBRM coverage.

Proposed refinements were made to catch and biological sampling protocols for at-sea monitors who would collect information on any retained catch (kept and incidental) and discarded catch, to better meet the objectives identified for the herring coverage target alternatives. In addition, at-sea monitors would collect information on fish lengths, but not on marine mammals, sea birds, and sea turtles. Finally, more training was recommended for monitors of high-volume fisheries, as well as analyses on impacts related to ports not currently available for portside sampling.

**How Does SBRM Relate to IFM?** In June 2015, NOAA Fisheries, implemented a revised SBRM amendment that was developed in coordination with the New England and Mid-Atlantic Councils. The action implemented 1.) a new prioritization process for the allocation of observers if agency funding is insufficient to achieve target observer coverage levels; 2.) bycatch reporting and monitoring mechanisms; 3.) analytical techniques and allocation of at-sea fisheries observers; 4.) a precision-based performance standard for discard estimates; 5.) a review and reporting process; 6.) framework adjustment and annual specifications provisions; and 7.) provisions for industry-funded observers and observer set-aside programs.

The Omnibus IFM Amendment proposes to establish a standardized administrative structure that could apply to any new industry-funded monitoring programs. Currently, provisions include monitoring coverage targets for the herring and mackerel fisheries, which are under development as described above. Industry funding would be used in conjunction with, not instead of, federal funding to pay for *additional* monitoring to meet FMP-specific monitoring coverage targets that would be determined by each Council.



## Sea Scallops

### Scallop Advisory Panel Meeting

Tuesday  
June 7  
9:30 a.m.

Hilton Garden Inn  
Logan Airport  
Boston, MA

Tentative Topics  
2017 Management  
Priorities  
Research Priorities  
Scallop Wkshop  
Review  
Five-Year IFQ  
Report

### Scallop Committee Meeting

Wednesday  
June 8  
9:30 a.m.

Location and  
tentative topics  
same as above.

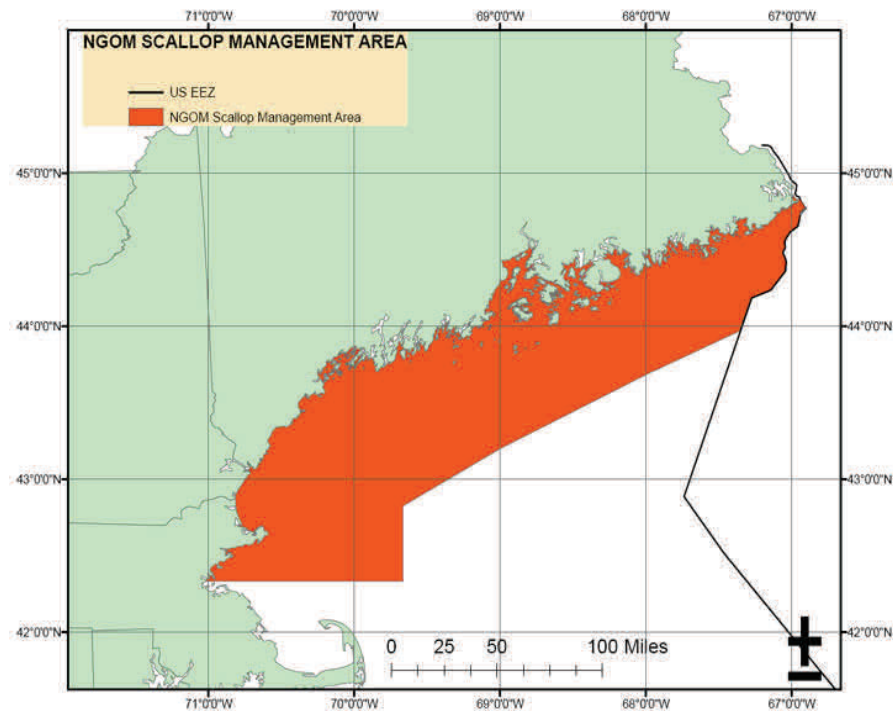
**Resolution to NGOM Area Issues Sought** At the request of the Council’s Scallop Committee, the Council staff provided a summary concerns that scallop fishing has increased in the southern part of the Northern Gulf of Maine (NGOM) Area since the fishing year began this March.

Two major issues were identified:

- An increase in limited access general category (LAGC) fishing effort in southern portion of NGOM Area, exacerbating the potential that the total allowable catch, or TAC, would be reached well before winter and close the fishery before many of the LAGC NGOM permitted vessels participate in the federal fishery.
- An increase in limited access (LA) vessel effort in the same area within the NGOM. Both the LAGC IFQ and NGOM vessels are concerned that limited access fishing activity in the NGOM Area may not be sustainable considering the amount of resource in that area. Another sticking point is that limited access vessel landings do not count toward the 70,000 NGOM TAC and LA vessels are not subject to the 200 pound possession limit. However, LA vessels operate under days-at-sea limits.

The NGOM Area management program was implemented in 2008 through Amendment 11 to the Scallop Fishery Management Plan. The program was developed with separate measures and qualification criteria to preserve a fishery that formerly existed in the area and would hopefully return in the future.

The abundance of scallops in the area has fluctuated widely over the years, and although resource distribution was “patchy,” it supported profitable if sporadic fishing. That situation was generally temporary as the heavily fishery beds became rapidly depleted.



## Sea Scallops - *continued*

The NGOM Area management measures established fishing controls appropriate for the scale of the fishery while protecting the resource from overharvest if and when scallops were present in the area. Measures were developed to recognize the unique characteristics of the fishery, while allowing (largely Maine) scallop fishermen to qualify for the program that might not have been able to do so under the Scallop IFQ program for general category boats.

Based on the information provided as well as fishermen's testimony, the Council responded with two approved motions as a start to address the above concerns.

It approved development of a measure that would prohibit limited access vessels from possessing 50 or more bushels of in-shell scallop product when inside the vessel monitoring system (VMS) demarcation line

when fishing north of 42 degrees 20 minutes. This would mirror the regulations for limited access boats south of the line. The measure original was put in place to accommodate shore-side processing for several live scallop markets. As discussed at the meeting, the markets for in-shell scallop landings no longer exist.

The Council also, by a unanimous vote, approved modifications to the management of the NGOM Area as a potential priority for 2017 with the intent of having remedies in place by the beginning of the scallop fishing year in 2018. The Scallop Committee will discuss and make recommendations for priorities later this year. As a start, issues that could be addressed might include a change to the opening date of the NGOM Area, gear restrictions, scallop possession limits, and effort controls throughout the area for all permit types fishing.

## Ecosystem-Based Fisheries Management

**Development of Prototype Moving Ahead** The Council received an update from its EBFM Committee and Plan Development Team on their efforts to develop an example Fishery Ecosystem Plan (eFEP). Since late 2015, the PDT has inventoried and categorized the various types of ecosystem models that have been applied to New England waters, developed a goals and objectives strawman, and developed a rough outline of an eFEP. Other eFEP sections that provide more detail are still under development.

The committee reported that it had refined the goals and objectives for this action and directed the PDT to focus on the development of an operating model for a management strategy evaluation. This exercise is intended to help describe the framework for setting eFEP catch advice by functional groups of similar species, as well as identify models to be used to analyze strategic outcomes and tactical catch advice.

Because of the number of ecosystem models available for Georges Bank, the eFEP will initially focus on this area. A report on the topic is tentatively scheduled for the September Council meeting.

The Council is developing its eFEP as a prototype to engage the public in evaluating goals and objectives and defining various management strategies to be tested and verified. If effective, the Council would prepare a Fishery Ecosystem Plan or may apply parts of the eFEP to existing management plans.

## Spiny Dogfish

**Spiny Dogfish Request for Increased Possession Limit Approved** The Council voted to request that NMFS increase the federal spiny dogfish possession limit to 6,000 pounds --- up from the current 5,000 pound limit --- for fishing years 2016-2018.

Agreeing with the Mid-Atlantic Council and the Atlantic States Marine Fisheries Commission, the NEFMC approved the change, based on the condition of the stock, which is at 106 percent of its biomass target, and the fact that the fishery is currently underutilizing its quota by a substantial amount. Other considerations included a reduction in regulatory discards, and adoption of a conservative approach toward catch increases that could cause a change in stock status and, accordingly, disrupt markets.

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

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

## Groundfish

**Work on Monitoring Continues** The Council received an update from its Groundfish Committee on progress to date on its 2016 management priorities, in particular revisions to the at-sea monitoring program, windowpane flounder management measures, and the process to develop recreational management measures.

Discussion on monitoring, however, was the focus of the groundfish discussion. For purposes of digging deeper into the entire monitoring program to make improvements, as the Council's Groundfish Plan Development Team has been asked to do, the NEFMC asked NOAA Fisheries for detailed information on compliance with groundfish catch reporting.

Through formal motions, the NEFMC requested that the Fisheries Service provide baseline information on compliance relative to harvester and dealer reporting, given this information may not be accessible to the Groundfish PDT.

As it proceeds with work on improvements to the monitoring program, the Council made clear it places importance on information that would best inform where and how accuracy and precision in groundfish catch reporting can be achieved.

Such a program is not just dependent on system design, but on the actual performance of the current harvester/dealer verification system. For example, Council members indicated their interest in understanding such issues as the frequency of the reconciliation between harvester and dealer reports (VTR and SAFIS), measures that verify and improve the accuracy of VTR locations, and the enforcement of and compliance with reporting requirements.

## Small Mesh Multispecies

**Amendment 22 Future Unclear** In reviewing progress to date on Amendment 22 to the Northeast Multispecies FMP, an action that would limit vessel access to the small-mesh multispecies (whiting and red hake) fishery, Council staff summarized the landings history of the small-mesh multispecies fleet for a five-year period (2008-2012) as part of an effort to evaluate potential limited access qualification alternatives and other information.

During the ensuing Council discussion, members focused on questions about criteria that would differentiate qualifying and non-qualifying vessels, qualification criteria equivalency for the northern and southern management areas, and the need for further analysis of fleet history based on trip landing thresholds, among other matters.

While further PDT work will proceed, the Council discussed whether to continue to work on Amendment 22 based on the information provided. Members' primary concerns were about whether the action justifies further work on limited access given its stated purpose and need, and if the fishery is even performing anywhere near capacity now. No decision was made to discontinue development of the amendment in April, but the topic will be on the Council's June agenda. Additionally, the Whiting Committee will meet on June 20 in Portland, the day before the Council meets on June 21-23.

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NEW ENGLAND  
FISHERY  
MANAGEMENT  
COUNCIL

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

At its June 21-23 meeting in Portland, ME, the Council approved actions related to the development of its fishery management plans. The issues involved:

- ◆ Sea Scallop FW 28 and the RSA Program
- ◆ Small Mesh Multisp. Amendment 22
- ◆ Industry-Funded Monitoring Amendment
- ◆ Atlantic Herring Amendment 8
- ◆ Groundfish FW 56 and the haddock catch cap for herring midwater-trawl gear
- ◆ Other Items of Interest

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# Council Report

June/July 2016

## Sea Scallops

### FW 28 takes shape, RSA revised

Following up on recommendations from its Scallop Committee and industry advisors, the Council initiated Framework Adjustment 28 to the Atlantic Scallop Plan and voted on several items related to the Scallop Research Set-Aside (RSA) Program.

On the RSA end:

The Council approved 2017 and 2018 RSA priorities and ranked them as follows:

**HIGHEST PRIORITY** – Intensive surveys of identified access areas (Elephant Trunk, Closed Area II and surrounding bottom, and a portion of Closed Area I), along with continued resource-wide surveys of Georges Bank and the Mid-Atlantic;

**HIGH PRIORITY** – Bycatch issues and scallop meat quality research;

**MEDIUM PRIORITY** – Research involving (a) non-harvest scallop mortality such as predation, disease, and discarding, (b) loggerhead turtles, and (c) scallop spat and seeding project evaluations; and

**OTHER POTENTIAL OPPORTUNITIES** – Research related to (a) habitat characterization, (b) environmental stressors, (c) scallop length per unit effort projections, and (d) additional resource surveys to expand or enhance current coverage.

The Council requested that NOAA Fisheries to provide future summaries of all submitted RSA proposals, reviewer comments, and funding decision rationale --- to the extent possible given confidentiality constraints --- in order to help guide the NEFMC and public during subsequent RSA priority-setting endeavors.

The Council also voted to revise its Scallop RSA policy to reflect recent changes to the program that increase transparency. This particular change calls for a panel of experts to provide a technical review of all survey proposals vs. individual reviewers. *Continued on p.2.*



**Next Council  
Meeting  
Sept. 20-22, 2016  
Danvers, MA**

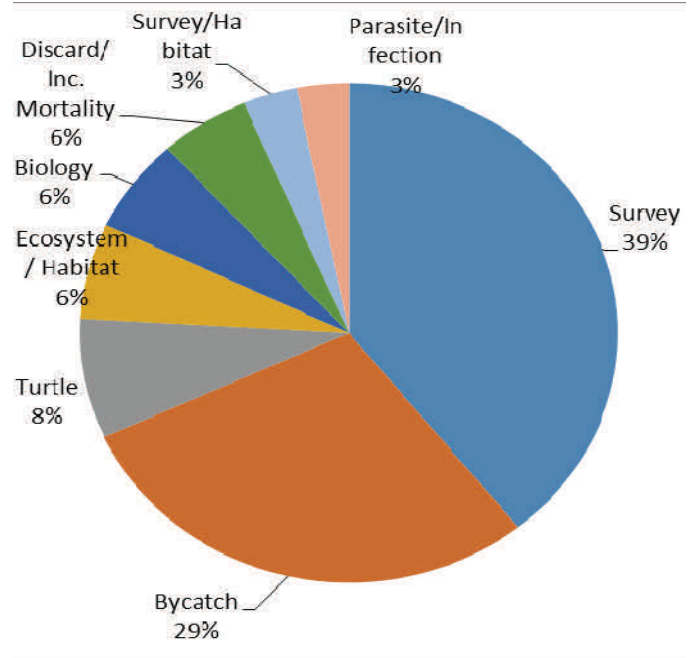
## Sea Scallops - *continued*

During the 2016 and 2017 funding cycle, NOAA Fisheries awarded roughly \$15.6 million in funds to 15 different scallop research projects. Six of those projects were funded for two years. Resource surveys and bycatch projects topped the list, as has been the case since 2010 (see pie chart).

The Scallop RSA program is funded by industry, which “sets aside” 1.25 million pounds of the fleet’s overall allocation to support research. NOAA Fisheries takes that poundage and multiplies it by an estimated scallop price-per-pound to put a dollar figure on the program’s considerable value. The price used for 2016-2017 was \$12 per pound, meat weight.

As for Scallop Framework Adjustment 28, the Council officially launched the framework with the following items:

- Fishery specifications for fishing year 2017 and default measures for 2018;
- A prohibition on possessing more than 50 bushels of shell stock inshore of the days-at-sea demarcation line north of 42° 20’ N, which covers the Northern Gulf of Maine Management Area;
- Adjustments to the process for setting scallop annual catch limits; and
- Modifications to the Closed Area I Access Area boundary.



The Closed Area I proposal is complicated but, if ultimately approved, would open and expand the access area to include a “sliver” of bottom that scallop fishermen have been seeking access to for years.

Access to the sliver is contingent on two factors: final approval of Framework 28; and final approval of the Council’s Omnibus Habitat 2 package, which currently is under review by NOAA Fisheries. The Habitat Amendment includes many significant changes to existing closed areas and proposes several new ones.

The Council further agreed to consider making all flatfish bycatch accountability measures (AMs) for scallopers consistent, to the extent feasible, with gear modification AMs for southern windowpane flounder. Given the heavy load already required to develop and analyze the other Framework 28 measures over the summer and fall, the Council voted that this additional action should be set as a priority for Framework 29.

### Upcoming Scallop Meetings

**PDT, July 21 in Newburyport, MA**

**PDT, August 30-31 Falmouth, MA**

**Advisory Panel, Sept. 13, New Bedford, MA**

**Committee, Sept. 14, New Bedford, MA**

### Framework 28 Final Action

This is likely to occur during the NEFMC’s November meeting in Newport, RI in order to facilitate NOAA Fisheries’ ability to review and implement the regulatory package by early spring.

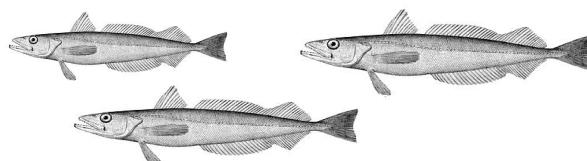


## Small Mesh Multispecies

### Limited access still in the works

The Council approved continued development of limited access alternatives in Small Mesh Multispecies Amendment 22 to the Groundfish Plan. In taking this position, the NEFMC tasked the Whiting Plan Development Team with drafting a limited access option that would take a last in/first out approach; new entrants to the fishery would be allowed, but would be first to exit when catches reach the annual catch limit. Once the PDT's work is complete, the issue will be further developed at future Whiting Committee meetings.

The Council also approved consideration of a measure that would increase the southern whiting possession limit from 40,000 to 50,000 lbs. Staff and the Council will decide later whether to address this issue in a framework adjustment or in the next specifications package.



## Industry-Funded Monitoring

### A quick refresher on the Industry-Funded Monitoring Amendment

The NMFS-led IFM amendment is being developed jointly as an omnibus action to ensure consistency among any new industry-funded monitoring programs included in New England and Mid-Atlantic Council's fishery management plans. The amendment also would include specific coverage levels for the Atlantic mackerel and Atlantic herring fisheries. The Councils are currently involved in crafting the specifics.

If approved by both Councils and the agency, provisions would allow increased monitoring and/or other types of data collection in the herring and mackerel fisheries for the purpose of more accurately characterizing catch, monitoring annual catch limits, and/or providing other information for management. The increased monitoring under consideration would be independent of NOAA Fisheries' Standardized Bycatch Reporting Methodology (SBRM) requirements.

**Final products** The amendment will include a standardized administrative structure. The action also clarifies that industry funding would be used in conjunction with, not instead of, federal funding to pay for additional monitoring to meet FMP-specific monitoring coverage targets that would be determined by each Council.

**What has happened to date?** Earlier in the year both Councils approved preferred alternatives for the omnibus elements of the amendment, or those that would apply to all programs initiated through this action. Other than refining one of the omnibus alternatives (see number 1 below), at the June meeting the NEFMC focused its attention on changes to the monitoring coverage targets that would apply to the Atlantic herring fishery.

Below is a list of the specific changes approved by the New England Council:

1. An equal weighting approach to prioritize funding to support the administrative functions for new industry-funded monitoring programs among affected fisheries;
2. Two options for at-sea monitoring sampling design. The additional option would include the collection of additional biological information on kept and discarded catch;
3. After previously approving a measure that slippage reporting requirements, restrictions, and consequence measures be extended to herring trips that are also selected for at-sea monitoring coverage and electronic monitoring/portside sampling coverage, the NEFMC reconsidered that decision in June. Their conversations were based on concerns that cameras might not be able to determine the cause of slippage events, possibly resulting in enforcement problems. Ultimately, the NEMFC members did not recommend removal of slippage consequence measures for any alternatives. *Continued on p. 4.*



### Extra Herring Info



#### What is a performance metric?

A performance metric is a means to measure something. The range of performance metrics in this case includes factors such as predator abundance/condition and the inter-annual ABC fluctuation.

#### Amendment 8 next steps



A technical team within the Northeast Fisheries Science Center will work on the analyses and present its results in early December at a second MSE Workshop.

The PDT will continue to work on the second major component of Amendment 8, localized depletion.

## IFM Amendment - *continued*

4. An additional herring monitoring coverage target alternative that would apply monitoring coverage based on permit category or gear type. Based on permit category, the added alternative would apply at-sea monitoring (ASM) coverage on Category A and B vessels using a midwater trawl, purse seine and small mesh bottom trawl gear at a rate of 25%, 50%, 75%, or 100%.

Based on gear type rather than permit category, the additional alternative would apply ASM coverage on vessels targeting herring using midwater trawl, purse seine, and small mesh bottom trawl gear at a rate of 25%, 50%, 75%, or 100%.

The Council also determined that pending satisfactory completion of the Fisheries Service electronic monitoring (EM) pilot project and an NEFMC review, vessels subject to IFM coverage could choose to continue with at-sea monitors or use EM/portside monitoring. These vessels would be limited to choosing one monitoring type per fishing year, and would be required to declare their preferred monitoring type six months in advance of the fishing year. The action would establish a minimum participation threshold for each monitoring type.

The IFM discussion ended with Council approval of the Draft Environmental Assessment for purposes of seeking input at public hearings. The NEFMC also recommended a 45-day public comment period for this action and asked the agency for an update on the progress of the EM pilot project at its September 20-22, 2016 meeting in Danvers, MA.

## Atlantic Herring

### Amendment 8 moves forward

Amendment 8 to the Atlantic Herring Fishery Management Plan will progress considerably over the summer and early fall with additional direction from the Council, which is using a new Management Strategy Evaluation (MSE) process to develop a long-term control rule for specifying the herring fishery's Acceptable Biological Catch (ABC). A control rule is a formulaic approach for establishing a catch limit or target fishing level based on the best scientific information available.

Amendment 8 has three goals, which are to: a.) account for the role of Atlantic herring within the ecosystem, including as forage; and b.) stabilize the fishery at a level designed to achieve optimum yield; and c.) address localized depletion in inshore waters.

The stated objective is to “develop and implement an ABC control rule that manages Atlantic herring within an ecosystem context and addresses the goals of Amendment 8.”

Back in January, the Council agreed to use MSE – a process new to New England but often used elsewhere – to develop alternatives for the herring ABC control rule. MSE utilizes a collaborative approach that calls for more public input and technical analysis upfront – before alternatives are actually selected – so that all involved have a better understanding of the potential impacts of various proposals. Stakeholders who attended a facilitated herring MSE workshop in May welcomed the approach.

At its June meeting, the full Council reviewed the workshop's outcomes, as well as additional recommendations from the PDT, and the Herring Advisory Panel and Committee. By consensus, the Council approved the ABC control rule objectives, performance metrics, and a range of ABC control rules for analysis.

## Groundfish

**Details outlined for upcoming actions** The Council received several updates and took action on the following during the Groundfish Committee Report on June 22nd. Three major topics were considered.

*The Groundfish Plan Development Team's white paper on monitoring strategies for the commercial groundfish fishery* Council staff reported that, at the direction of the committee, the PDT has been evaluating existing dockside monitoring programs in detail as it attempts to develop alternative scenarios that would achieve greater accuracy and precision in groundfish catch reporting. Other types of monitoring programs and issues will be addressed and a draft paper will be presented to the Groundfish Committee later this summer.

*Topics for Framework Adjustment 56 to the Groundfish Plan* After discussing timing for the industry and Council alike and on-going priorities, the Council approved a motion to separate the development of the Georges Bank haddock catch cap for the Atlantic herring mid-water trawl fishery from the on-going groundfish framework. Framework 56 will now include the following types of management measures:

- ⇒ Updates to status determination criteria, stock status, and annual catch limits based on upcoming stock assessments for witch flounder and the US/CA stocks --- Eastern Georges Bank (cod and haddock and Georges Bank yellowtail flounder);
- ⇒ A sub-annual catch limit for northern windowpane flounder for the scallop fishery;
- ⇒ An increase in the Georges Bank haddock sub-annual catch limit, or sub ACL, for the Atlantic herring mid-water trawl fishery;
- ⇒ Revisions to the process used to develop management measures for the recreational fishery; and
- ⇒ Modification of Atlantic halibut management measures (to avoid a possible overage of the annual catch limit in state waters fisheries, measure).

Note that the Groundfish Committee will develop measures to increase the Georges Bank haddock sub-ACL only, while the Herring Committee will continue work on the details of any changes to the accountability measures that relate to overages of the GB haddock sub-ACL. The details of the haddock catch cap will be included in a future herring framework adjustment.

*The development of revisions to the Georges Bank haddock accountability measures in the Atlantic herring midwater trawl fishery* The Council reviewed and approved revisions to the “purpose and need” for this action (see April Council Report, p. 3-4) to now include: a.) increased emphasis on reducing potential negative impacts on the herring fishery that could result if opportunities to fish in Area 3 and 1B are curtailed mid-season; and b.) reducing the potential negative impacts on the mackerel fishery, given that these vessels are also affected by any accountability measures (AMs) for Georges Bank haddock if they participate in the Georges Bank winter mackerel fishery.



The Council passed several motions to identify the range of alternatives, reflecting discussions held by the Groundfish and Herring Committees prior to this Council meeting. In addition to approving the “No Action” alternative, the items approved by the Council addressed the magnitude of the catch cap, changes to the herring fishery accountability measures, and their implementation. No pro-active accountability measures are to be considered at this time. Draft measures would:

- 1) Increase the existing 1% haddock catch cap to something higher – 1.5% or 2%;
- 2) Pair an increased cap with a transfer provision that permits any unused portion of Georges Bank haddock sub-ACL to revert back to the groundfish fishery mid-year;
- 3) Modify the Georges Bank AM area based on new information about the highest bycatch rate areas;
- 4) Potentially identify a season for the AM, rather than have an area close for the remainder of the groundfish fishing year once the AM is implemented;
- 5) Allow a seasonal (80%/20%) split of the Georges Bank haddock sub-ACL to reserve some haddock bycatch for herring fishing activity later in the year; and
- 6) Amend how catch is estimated through the addition of dockside monitoring in addition to sea sampling.



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

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

## Other Items That May Interest You

The following issues, with the exception of the Risk Policy Implementation Plan, were addressed or discussed by the Council members in June. Each address a matter that may be of interest or concern to fishermen, but are not the subject of Council action. The NEFMC does, however, provide formal comments, or its members and the public may express their individual positions to presenters at Council meetings.

**NEFMC Risk Policy** – The Council reviewed and finalized its Risk Policy Implementation Plan in June. You can take a look at the plan here - [www.nefmc.org/library/june-2016-risk-policy](http://www.nefmc.org/library/june-2016-risk-policy). The policy itself was approved at the November 2014 Council meeting and can be found on p. 4 of the document labeled "Road Map." It addresses risk and uncertainty when setting ABCs, ACLs, and other management measures.

**BOEM** – The Council intends and fishermen may wish to track the activities of the Bureau of Ocean Energy Management's (formerly the Minerals Management Service) plans for Atlantic Offshore Wind Energy leasing. The deadline for comments on the Environmental Assessment for the New York Wind Energy Area (WEA) is July 13.

BOEM has also published a proposed sale notice in the *Federal Register* for the WEA with a 60-day comment period and a deadline of August 5. See [http://s3.amazonaws.com/nefmc.org/3\\_June2016NEFMC\\_briefingbook\\_BOEM.pdf](http://s3.amazonaws.com/nefmc.org/3_June2016NEFMC_briefingbook_BOEM.pdf) for helpful information, a map, and the BOEM site which provides more details.

The proposed lease area, located about 11 miles south of Long Island, is identical to the WEA, which BOEM identified earlier this year. The presentation delivered at the Council meeting [http://s3.amazonaws.com/nefmc.org/3a\\_NEFMC\\_June2016\\_BOEMupdate.pdf](http://s3.amazonaws.com/nefmc.org/3a_NEFMC_June2016_BOEMupdate.pdf) provides additional information about the BOEM process.

**Enforcement** – The Council provided comments on the NOAA Office of Law Enforcement's Northeast Priorities at the June meeting. At the recommendation of its Enforcement Committee it also approved further development of a cod-end certification program. See <http://www.nefmc.org/library/june-2016-enforcement-vms-committee-report> for the information used at the Council meeting.

**NOAA's Draft Northeast Climate Science Action Plan** – This step implements NOAA's Fisheries Climate Science Strategy. The strategy itself represents a national framework to meet the growing demand for information to better prepare for and respond to climate-related impacts on the nation's living marine resources and resource-dependent communities. The Council has supported the agency's efforts with a letter that also includes comments. See <http://www.nefmc.org/library/june-2016-noaa-fisheries-draft-northeast-climate-science-action-plan>.

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All photos and line art courtesy of NOAA Fisheries.



# Rhode Island Marine Fisheries Council

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Chairman

Richard Hittinger  
Vice Chair

Andrew Dangelo

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William  
Mackintosh, III

David Monti

Christopher Rein

Michael Rice, Ph.D.

April 28, 2016

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2015-12-014 - Berg

Dear Mr. Beutel: *Dave*

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on February 18, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area, provided that a shellfish density survey finds less than 3 clams per square meter in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



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April 28, 2016

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2015-07-027 - Blaney

Dear Mr. Beutel: *Dave*

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on February 18, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



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**Michael Rice, Ph.D.**

August 30, 2016

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2016-05-019 – East Beach Farms

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on August 10, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



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**Michael Rice, Ph.D.**

August 30, 2016

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2016-03-111 – Salt Water Farms

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on August 10, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC





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**Christopher Rein**

**Michael Rice, Ph.D.**

August 30, 2016

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2016-06-046 – R. Sousa

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on August 10, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



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**Michael Rice, Ph.D.**

June 20, 2016

Dave Beutel, Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: CRMC Aquaculture Lease Application # 2016-02-051 – Venus Oysters LLC

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on April 27, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC