

RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Marine Fisheries

Public Hearing

March 11, 2019





Important Dates

- **March 30:** End of public comment period.
- **April 1:** RI Marine Fisheries Council.
- **April XX or May 6:** Possible 2nd Council meeting (tbd).

Summer Flounder 2019 Recreational Management



Proposal 1: Management – no changes proposed.

Min. Size	Season	Possession Limit
19"	May 1 – Dec. 31	6 fish

Proposal 2: Special shore provision proposal*

Mode	Min. Size	Season	Possession Limit
<u>Special Shore*</u>	<u>16"</u>	<u>May 1 – Dec. 31</u>	<u>2 fish</u>

- * This will need to be vetted by the ASMFC, assessment delay may impact our ability to achieve in 2019.
- * Locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge), Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport.

Summer Flounder 2019 Commercial Management



Option 1: Status quo.

Min. Size	Season	Allocation	Days closed	Starting Possession Limit
14"	1/1 – 4/30	54%	N/A	100 lbs/day
	5/1 – 9/15	35%	Fri/Sat/Sun	50 lbs/day
	9/16 – 12/31	11%	N/A	100 lbs/day
	2/5 – 4/30	Agg. Program	N/A	1,500 lbs/2 wks

Option 2: Re-open on Sunday during the Summer sub-period.

Min. Size	Season	Allocation	Days closed	Starting Possession Limit
14"	1/1 – 4/30	54%	N/A	100 lbs/day
	5/1 – 9/15	35%	Fri/Sat/ Sun	50 lbs/day
	9/16 – 12/31	11%	N/A	100 lbs/day
	2/5 – 4/30	Agg. Program	N/A	1,500 lbs/2 wks

Summer Flounder 2019 Commercial Management



Option 3: Re-open on Friday and Sunday during the Summer sub-period.

Min. Size	Season	Allocation	Days closed	Starting Possession Limit
14"	1/1 – 4/30	54%	N/A	100 lbs/day
	5/1 – 9/15	35%	Fri/Sat/Sun	50 lbs/day
	9/16 – 12/31	11%	N/A	100 lbs/day
	2/5 – 4/30	Agg. Program	N/A	1,500 lbs/2 wks

Option 4: Re-open on Saturday and Sunday during the Summer sub-period.

Min. Size	Season	Allocation	Days closed	Starting Possession Limit
14"	1/1 – 4/30	54%	N/A	100 lbs/day
	5/1 – 9/15	35%	Fri/Sat/Sun	50 lbs/day
	9/16 – 12/31	11%	N/A	100 lbs/day
	2/5 – 4/30	Agg. Program	N/A	1,500 lbs/2 wks



Black Sea Bass 2019 Recreational Management

- No amendments proposed for 2019.

Current Rules:

Min. Size	Season	Possession Limit
15"	1/1 – 6/23	Closed
	6/24 – 8/31	3 fish
	9/1 – 12/31	7 fish

Note: Season currently in effect is as shown, which was modified on May 9, 2018, pursuant to the Department's authority under R.I. Gen. Laws § 20-1-12.1. *Modifications to possession limits and seasons for marine species managed under quotas.* Current rule does not reflect this modification, and therefore must be amended as such to sync rule with this filed modification.

Black Sea Bass 2019 Commercial Management



Option	Min. Size	Season	Allocation	Starting Possession Limit
Option 1: Status Quo.	11"	1/1 – 4/30	25%	500 (vsl/week)
		5/1 – 6/30	25%	50 (vsl/day)
		7/1 – 7/31	19.5%	50 (vsl/day)
		8/1 – 9/14	Closed	
		9/15 – 10/31	19.5%	50 (vsl/day)
		11/1 – 12/31	11%	50 (vsl/day)
Option 2: Industry proposal - combine sub-periods.	11"	1/1 – 4/30	25%	N/A
		5/1 – 6/30	25%	50 (vsl/day)
		7/1 <u>5/1</u> – 7/31	19.5 <u>44.5</u> %	50 (vsl/day)
		8/1 – 9/14	Closed	
		9/15 – 10/31	19.5%	50 (vsl/day)
		11/1 <u>9/15</u> – 12/31	11 <u>30.5</u> %	50 (vsl/day)

Black Sea Bass 2019 Commercial Management



Option	Min. Size	Season	Allocation	Days closed	Starting Possession Limit
<u>Option 3:</u> Industry proposal – align closed days for Black sea bass with Summer flounder.	11”	1/1 – 4/30	25%	--	500 (vsl/week)
		5/1 – 6/30	25%	--	50 (vsl/day)
		7/1 – 7/31	19.5%	<u>Fri/Sat/Sun</u>	50 <u>85</u> (vsl/day)
		8/1 – 9/14	Closed		
		9/15 – 10/31	19.5%	--	50 (vsl/day)
		11/1 – 12/31	11%	--	50 (vsl/day)

Scup

2019 Recreational Management



Option 1: Status quo.

Mode	Min. size	Season	Possession Limit
Recreational	9"	5/1 – 12/31	30 fish
P/C	9"	5/1 – 8/31	30 fish
		9/1 – 10/31	45 fish
		11/1 – 12/31	30 fish
Special Shore	8"	5/1 – 12/31	30 fish

Option 2: Earlier opening date.

Mode	Min. size	Season	Possession Limit
Recreational	9"	5/1 <u>1/1</u> – 12/31	30 fish
P/C	9"	5/1 <u>1/1</u> – 8/31	30 fish
		9/1 – 10/31	45 fish
		11/1 – 12/31	30 fish
Special Shore	8"	5/1 <u>1/1</u> – 12/31	30 fish

Scup - 2019 Recreational Management



Option 3: Increase poss. limit for P/C.

Mode	Min. size	Season	Possession Limit
Recreational	9"	5/1 – 12/31	30 fish
P/C	9"	5/1 – 8/31	30 fish
		9/1 – 10/31	45 <u>50</u> fish
		11/1 – 12/31	30 fish
Special Shore	8"	5/1 – 12/31	30 fish

Option 4: Amend season and poss. limit for P/C.

Mode	Min. size	Season	Possession Limit
Recreational	9"	5/1 – 12/31	30 fish
P/C	9"	5/1 – 8/31 <u>6/30</u>	30 <u>50</u> fish
		<u>7/1 – 8/31</u>	<u>30 fish</u>
		9/1 – 10/31	45 <u>50</u> fish
		11/1 – 12/31	30 fish
Special Shore	8"	5/1 – 12/31	30 fish



Scup 2019 Recreational Management

Option 5: Increase poss. limit for P/C.

Mode	Min. size	Season	Possession Limit
Recreational	9"	5/1 – 12/31	30 fish
P/C	9"	5/1 – 8/31	30 fish
		9/1 – 10/31	45 <u>50</u> fish
		11/1 – 12/31	30 <u>50</u> fish
Special Shore	8"	5/1 – 12/31	30 fish



Commercial Scup

Gear-based possession limit thresholds

- Adjust the commercial Scup gear-based possession limit thresholds consistent with the final rule published by NOAA (effective date 1/1/2019).
- **Proposed language (section 3.8.3(C)):** Trawl vessel gear restrictions - minimum mesh size: Owners or operators of otter trawl vessels possessing ~~five hundred (500)~~ **greater than one-thousand (1,000)** pounds ~~or more~~ of scup from ~~November 1~~ **October 1** through April ~~30~~ **14**; **or greater than two-thousand (2,000) pounds or more of scup from April 15 through June 15**; or **greater than** two hundred (200) pounds ~~or more~~ of scup from ~~May 1~~ **June 16** through ~~October 31~~ **September 30**, may only fish with nets that have a minimum mesh size of five (5) inches diamond (inside measure) **or** square mesh with a minimum length of seventy-five (75) meshes from the terminus of the net. For nets with less than seventy-five (75) mesh cod ends, the entire net will be five (5) inch minimum size diamond or square mesh.

Striped Bass 2019 Recreational Management



- No amendments proposed for 2019.

Current Rules:

Min. size	Season	Possession Limit
28"	1/1 – 12/31	1 fish

Striped Bass - 2019 Commercial General Category Management



Option	Min. Size	Season	Allocation	Possession Limit
Option 1: Status quo	34"	5/20 – 8/4 (closed Fri & Sat)	70%	5 fish/person/day (max 5 fish/vessel)
		8/5 – 12/31 (closed Fri & Sat)	30%	
Option 2: Industry proposal		5/20 – 8/4 <u>12/31</u> (closed Fri & Sat)	70 <u>100</u> %	
		8/5 – 12/31 (closed Fri & Sat)	30 %	
Option 3: Industry proposal		5/20 <u>6/2</u> – 8/4 <u>12/31</u> (closed Fri & Sat)	70 <u>100</u> %	
		8/5 – 12/31 (closed Fri & Sat)	30 %	

Striped Bass - 2019 Commercial Floating Fish Traps Management



- No amendments proposed for 2019.

Current Rules:

Min. Size	Season	Possession Limit
26"	4/1 – 12/31	Unlimited



Tautog

2019 Party/Charter possession limit

- Recreational possession limit was amended from 6 fish to 5, as well as extending the season to Dec 31, as a result of public hearing February 2018. These changes were also to apply to the party/charter regulations, but were inadvertently missed at that time.

Option 1: Amend possession limit.

Season	Possession Limit
1/1 – 4/14	Closed
4/15 – 5/31	3 fish/day
6/1 – 7/31	Closed
8/1 – 10/14	3 fish/day
10/15 – 12/15	6 5 fish/day
12/16 – 12/31	Closed



Bluefish

2019 Recreational Management

- No amendments proposed for 2019.

Current Rules:

Min. size	Season	Poss. Limit
No min. size	1/1 – 12/31	15 fish

Bluefish

2019 Commercial Management



Option	Min. size	Sub-period	Poss. Limit
<u>Option 1:</u> Status Quo	12"	1/1 – 4/30	1,000 lbs/2 wks
		5/1 – 2 nd Sat. in Nov.	6,000 lbs/wk
		2 nd Sun. in Nov. – 12/31	500 lbs/wk
<u>Option 2:</u> Increase possession limit		1/1 – 4/30	1,000 lbs/2 wks
		5/1 – 2 nd Sat. in Nov.	6,000 <u>8,000</u> lbs/wk
		2 nd Sun. in Nov. – 12/31	500 lbs/wk
<u>Option 3*:</u> Decrease possession limit		1/1 – 4/30	1,000 <u>500</u> lbs/2 wks
		5/1 – 2 nd Sat. in Nov.	6,000 <u>1,000</u> lbs/wk
		2 nd Sun. in Nov. – 12/31	500 <u>250</u> lbs/wk

* Contingency option if quota transfer from recreational to commercial is not approved by NOAA

Blacknose shark possession limit



- Seeks consistency with the 2019 ASMFC specifications for coastal sharks, which prohibits possession of Blacknose sharks north of 34°N latitude in the commercial fishery.
- **Proposed language (Part 3, section 3.19.2.):**
 1. Prohibited: Sand tiger, Bigeye sandtiger, Whale, Basking, White, Dusky, Bignose, Galapagos, Night, Reef, Narrowtooth, Caribbean sharpnose, Smalltail, Atlantic angel, Longfin mako, Bigeye thresher, Sharpnose sevengill, Bluntnose sixgill, **Blacknose**, and Bigeye sixgill shark.
 1. Possession limit: Smoothhound, Non-Blacknose Small Coastal, **Blacknose**, and Pelagic shark species groups: Unlimited.

Cod - Recreational minimum size



- Seeks consistency with the 2018 federal specifications for the Georges Bank (GB) recreational Cod fishery.

- **Proposed language (Part 3, section 3.20.1):**

A. Minimum size: ~~Twenty-two inches (22")~~ **Vessels in state waters may harvest, possess, or land cod in state waters at the minimum size equal to that allowable for federal waters, Outside Gulf of Maine (GOM) Regulated Mesh Area as codified at 50 C.F.R. §648.89.b. A summary of the current minimum size for Atlantic Cod in federal waters, Outside GOM Regulated Mesh Area can be found at NOAA Fisheries: <https://www.greateratlantic.fisheries.noaa.gov/sustainable/recfishing/regs/index.html>.**

B. Possession limit:

- Ten (10) fish per person per calendar day.
- **Vessels in possession of a federal permit authorizing the recreational harvest of cod in federal waters may harvest, possess, or land cod in state waters in the amount equal to the federal regulations.**



Menhaden

2019 Commercial Management

- **Proposal 1:** Division proposal to broaden the commercial vessel restrictions to apply to all commercial vessels (other than small-scale fisheries and floating fish traps); currently applies only to purse seines (section 3.22.2(A)(2)).
 - Rule currently applies only to purse seine operations.
 - Would not be applicable to small-scale (defined in rule) and floating fish traps.
 - For all proposed changes see the noticed annotated language.

Menhaden

2019 Commercial Management



- **Proposal 2:** Industry proposal to restrict vessel size (new sections 3.22.2(A)(2)(e) and 3.22.2(A)(2)(f)).

- **Proposed language:**

e. Fish storage capacity: A **fishing** vessel engaged in the commercial menhaden fishery may not have a **useable** fish storage capacity greater than 120,000 pounds. Prior to ~~the commencement of fishing, for any vessel not previously certified through this process,~~ **engaging in commercial fishing operations,** each vessel must be inspected by a certified marine surveyor ~~and~~ **for the purpose of** ~~assessing with regard to its~~ **the size of its** fish storage capacity. Such certification must be kept aboard the vessel at all times. ~~Vessels must either be certified as having a useable storage capacity of 120,000 pounds or less, or for vessels with a fish storage capacity greater than 120,000 pounds, the excess capacity is rendered unusable in accordance with the specifications set forth in the assessment.~~

f. Vessel length: **Vessels shall not exceed eighty (80) feet in length.**

Menhaden

2019 Commercial Management



- **Proposal 3:** Division proposal to replace instances of “landing limit” with “possession limit” (several instances in section 3.22.2(B)).
 - Rationale: Original intent was to still allow for possession once the state quota and episodic had been reached if the management area remained open, and prohibit landing. Requirement felt no longer necessary due to Amendment 3 quota increase.
 - For all proposed changes see the noticed annotated language.

Menhaden

2019 Commercial Management



- **Proposal 4:** Industry proposal to add a reduced possession limit trigger under the State Quota Program (section 3.22.2(B)(2)).
- **Proposed language:** Once **50% of** the quota has been reached, the ~~fishery will close for directed fisheries, including but not limited to purse seine operations, and the incidental catch fishery will be in effect~~ **possession limit will be 80,000 pounds per vessel per day.**

Menhaden

2019 Commercial Management



- **Proposal 5:** Division proposal to clarify the transiting rule as it pertains to the commercial menhaden fishery (proposed new section 3.22.2(B)(4)).
 - **Proposed language: The transiting provision in § 1.6(C)(1)(b) of this Subchapter does not apply to the commercial menhaden fishery. Any vessel transiting state waters must abide by the current state possession limit.**
 - *1.6(C)(1)(b): A federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, provided the vessel nets are stowed, and provided that the owner or operator possesses a valid RI Landing License.*

Menhaden

2019 Commercial Management



- **Proposal 6:** Division proposal to amend the date of the end of the Episodic Event Set Aside Program consistent with the ASMFC FMP (section 3.22.2(C)(2)).
 - **Proposed language:** The Episodic Event Set Aside Program will end on ~~November 1~~ **October 31** annually, or when the Set Aside quota has been harvested, whichever first occurs.



Whelk Management

- Amend the whelk minimum size measurement (Part 4 – Shellfish; section 4.9(F)):

Proposed language:

- Three inches (3'')~~(76.2mm)~~ shell width ~~or five and three eighths inches (5 3/8'')~~~~(136.5 mm)~~ shell length.
- **Shell width is measured as the longest straight-line distance from one shell margin to the opposite shell margin when the shell is positioned flat on a horizontal surface with the aperture opening facing down, and oriented such that the columella axis is parallel to a vertical surface.**

Whelk Management



- Proposed adoption of a whelk pot tagging program (Part 4 – Shellfish; proposed new section 4.18)):
 - Establishes commercial whelk pot tagging requirements
 - Administered similar to lobster tag program.
 - Maintain 300 pot limit (no changes proposed).
 - Allow for 10% extra for routine loss (like lobster trap tags).
 - Fastenable single use tag (like lobster trap tags).
 - Tag cost ~ \$0.14 per tag borne by license holder.
 - Tags proposed to be valid from March 1 through the last day in February annually.
 - Rule would take effect in 2020.
 - For all proposed changes see the noticed annotated language.

Lobster Trap Tag Management



- Division proposal to replace original lobster trap tags ordered but not initially received with catastrophic tags in the event tags were not received and are presumed lost (Part 5 – Lobsters, Crabs, and Other Crustaceans; section 5.8.1(R)(11)(c)).

Proposed language: Catastrophic loss trap tags: Commercial licensees may order up to two (2) complete sets of catastrophic **loss** trap tags, in an amount equal to the number of original tags ordered, to be used in the event of catastrophic loss **or to replace original trap tags not received.**

Upper Narragansett Bay Trawling Area



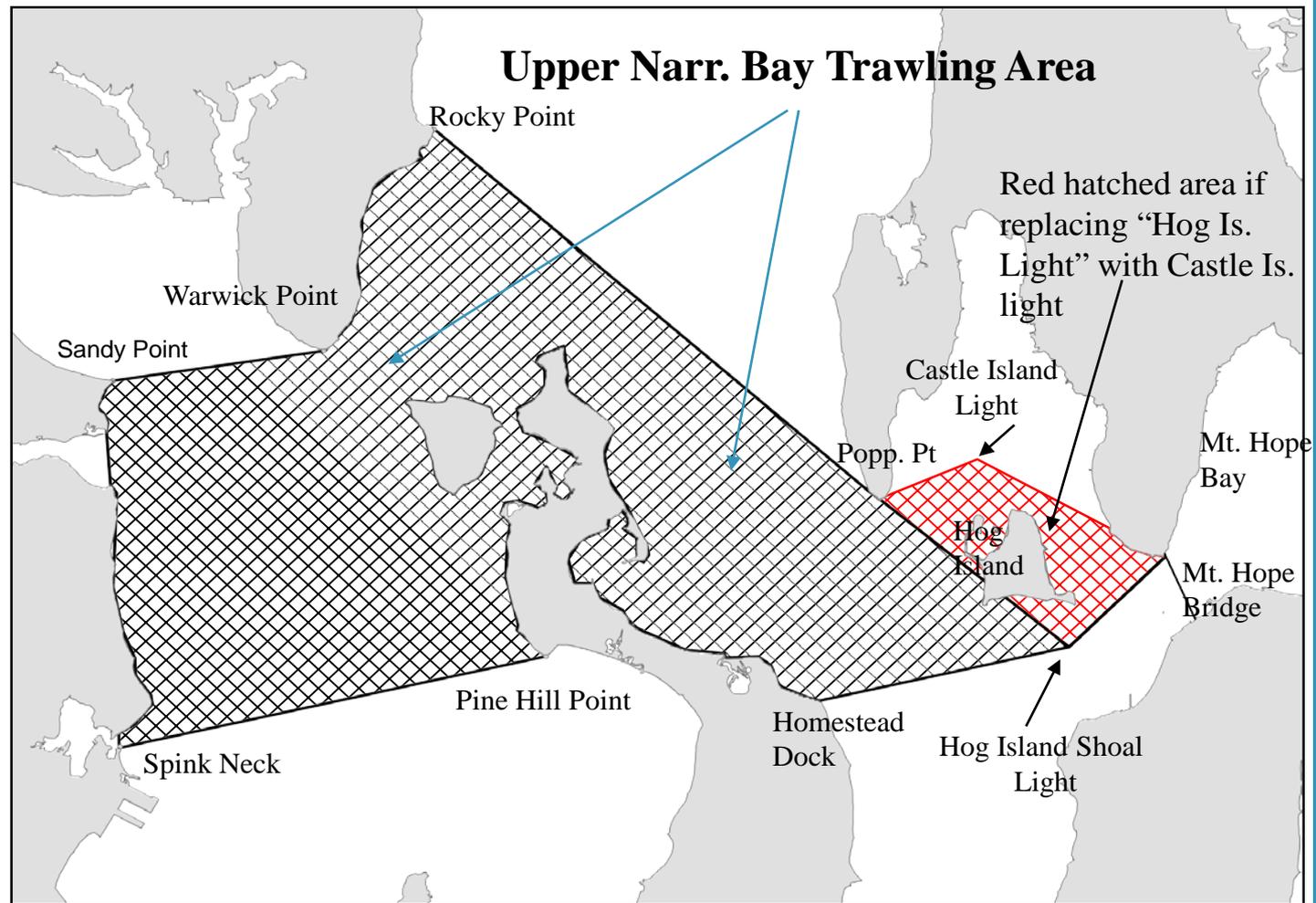
- Clarification of open and closed periods of the Upper Narragansett Bay Trawling Area to trawling (Part 6 – General Equipment Provisions; section 6.8.2(C)(1)).
- Area is open for trawling July 1 through November 1 annually, except on weekends and holidays. As written, rule is not clear that area is closed to trawling the remainder of the year from November 2 through June 30.
- **Proposed language:**
- **Prohibited areas:** In addition to those waters where all netting is prohibited, a trawling device is prohibited in the following areas:
 - In the Upper Narragansett Bay Trawling Area **from November 2 through June 30, and** on any Saturday, Sunday, or legal State holiday **between from** July 1st **and through** November 1st annually.

Upper Narragansett Bay Trawling Area



- Clarification of area description of the Upper Narragansett Bay Trawling Area (Part 6 – General Equipment Provisions; section 6.8.2(C)(1)(a)).

- As written, description of area is unclear in the area of Hog Island and the Mt. Hope bridge



End of Slides!



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