



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

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

## MEETING NOTICE RI MARINE FISHERIES COUNCIL

**March 5, 2018 – 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>• March 5, 2018 meeting agenda</li> </ul>	Approval of agenda.
<b>2. Approval of minutes from last meeting</b>	<ul style="list-style-type: none"> <li>• Meeting minutes from December 4, 2017</li> </ul>	Approval of meeting minutes.
<b>3. Public comment</b>	N/A	Discussion and/or recommendations for future action.
<b>4. <u>February 19 public hearing items:</u></b> <i>Division staff</i> <ul style="list-style-type: none"> <li>• Recreational black sea bass</li> <li>• Recreational scup</li> <li>• Commercial scup</li> <li>• Recreational striped bass</li> <li>• Commercial general category striped bass</li> <li>• Floating fish trap allocation transfer provision</li> <li>• Commercial floating fish trap striped bass</li> <li>• Recreational summer flounder</li> <li>• Recreational tautog</li> <li>• Commercial tautog</li> <li>• Recreational bluefish</li> <li>• Commercial bluefish</li> <li>• Commercial menhaden</li> <li>• Commercial skate</li> </ul>	<ul style="list-style-type: none"> <li>• Workshop presentation (Jan. 8<sup>th</sup>)</li> <li>• Public Notice</li> <li>• Hearing presentation</li> <li>• Annotated regulations (<i>click on individual items in left column</i>)</li> <li>• Summary of oral comments from hearing</li> <li>• Written comments received</li> </ul>	Provide recommendations to DEM Director regarding proposed regulations.

<ul style="list-style-type: none"> <li>Proposed Jacob's Point Shellfish Management Area</li> <li>Proposed floating buoy line prohibition</li> <li>Proposed buoy and vessel color scheme requirement to all pots</li> </ul>	<ul style="list-style-type: none"> <li>Approved SAP minutes of meeting 10-11-2017 (relevant to Jacob's Point hearing item)</li> </ul>	
<b>5. <u>Proposed Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass: J. McNamee</u></b>	<ul style="list-style-type: none"> <li>Notice</li> <li>Workshop presentation</li> <li>Proposed regulations</li> <li>Comments received</li> </ul>	Recommendations for future action.
<b>6. <u>FYI:</u></b> <ul style="list-style-type: none"> <li>Letter from Council to CRMC re: development of updated used maps of Narr. Bay and coastal ponds.</li> <li>ASMFC Meeting Summary, Feb. 2018</li> </ul>	<ul style="list-style-type: none"> <li>Letter dated Dec. 5, 2017</li> <li>ASMFC Meeting summary</li> </ul>	FYI and/or discussion.
<b>7. <u>Any other matters:</u></b>	N/A	Discussion and/or recommendations for future action.
<b>8. Adjourn</b>		

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

*Posted to Sec. of State Open Meetings on February 23, 2018*

*Updated and reposted February 26, 2018*



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## MEETING SUMMARY

December 4, 2017

Chairperson: *B. Ballou*

RIMFC Members: *All members present*

DEM: *G. Powers, S. Olszewski, J. Lake, P. Duhamel*

Public: Approximately 12-15 persons in attendance

1. **Approval of the Agenda:** The Chair inquired as to modifications to the agenda or objections to approving the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of RIMFC meeting minutes from October 2, 2017:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:** *R. Bellavance*, president of the RI Party and Charter Boat Association, offered a recommendation to the Council regarding a recent rule enacted by NMFS requiring electronic vessel trip reporting for the for-hire fleet that fish on federally permitted species managed by the Mid-Atlantic Council. He offered that most charter vessels in RI already submit VTRs, but that this reporting is for federally permitted vessels only. He offered that in the best interest of accurate data collection, state permitted vessels should also be required to report, preferably in electronic format. His second recommendation involved the EEZ transit issue for black sea bass. He offered that the closure of federal waters in September and October would create major problems for the RI fleet if state waters were open, given the amount of fishing that takes place near Block Island. He noted that the matter is slated to be addressed by the Mid-Atlantic Council via an Amendment, and requested a letter of support from the RI Council. *B. Ballou* offered to place the both matters on the next RI Council agenda, and also maintain close coordination between the Division, the ASMFC, and the Mid-Atlantic Council.
4. **November 20 public hearing items:**
  - **Proposed amendment to definition of “resident” (Part 1 – Definitions):** *S. Olszewski* noted that the proposal is to correct a loophole involving the ability to use automobile registrations as a means of establishing residency status. **Motion made by *C. Rein* to recommendation adoption of the proposed amendment; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 8 – 0.**

- Commercial Black Sea Bass:** *S. Olszewski* offered that the Division was in support of either of the two options noticed, and also requested Council guidance on the possession limit floor (i.e., to either reduce the possession limit to as low as 25 lbs/day, or close the fishery instead). *B. Macintosh* offered that he did not support a possession limit of less than 50 lbs/day. *J. Grant* inquired to the Division regarding support for an expanded aggregate program for black sea bass; to which *S. Olszewski* replied that the Division was not ready at this time due to concerns about reporting and compliance, but that a pilot program may be developed in the near future, and that black sea bass could be the subject species for the trial. **Motion made by *D. Monti* to recommend adoption of option 2, and also to advise the Division not to reduce the possession limit below 50 lbs/day; 2<sup>nd</sup> by *J. Grant*.** *J. Grant* offered support for an aggregate program and support for the motion. **The motion passed 8 – 0.**
- Commercial Scup:** *B. Ballou* explained that the proposal reflects regulatory adjustments needed for consistency with recent change to summer period dates, adopted by the Mid-Atlantic Council and ASMFC, per the joint FMP. While the proposed adjustments were presented at hearing, inadvertently, they were not noticed. He offered that since the change would not affect management until October 2018, there would be ample time to re-notice the proposal and bring it back before the Council in early 2018. The Division offered that the matter would be re-noticed for a planned hearing in February, to which the Division's legal counsel *G. Powers* concurred. The Council therefore did not offer a recommendation on the proposal.
- Commercial Summer flounder:** *S. Olszewski* offered that the Division could manage the option 3 proposal, but noted that there is uncertainty with regards to the winter period (i.e., federal Winter I period 1/1 – 4/30), with the model predicting lower landings than those seen in the previous year. Regarding option 4, he offered Division support, with closure dates of either Thursday, Friday and Saturday as proposed, or the current closed days of Friday, Saturday and Sunday. **Motion made by *M. Rice* to recommend adoption of option 4, with the caveat that the current closed dates of Friday, Saturday and Sunday be maintained; 2<sup>nd</sup> by *D. Monti*.** The motion passed 8 – 0. *J. Grant* offered that an aggregate program needs to be seriously considered for the summer flounder fishery, and also that the possession limit not drop below 50 lbs/day (i.e., close instead). *M. Roderick* offered support for reducing daily possession limits as needed in order to keep the fishery open. Upon a subsequent motion to reconsider – motion by *C. Rein*; 2<sup>nd</sup> by *A. Dangelo*; passed 8-0 – the matter was brought back before the Council. It was determined that the slide presented at the hearing and Council meeting describing option 4 was inaccurate, in that it showed a proposed starting possession limit change in the summer sub-period from 50 to 100 lbs/day, which was not provided in the annotated regulation provided with the notice. **Motion then made by *A. Dangelo* to recommend adoption of option 4, with the caveat that the current closed dates of Friday, Saturday and Sunday be maintained, and also that the starting possession limit in the summer sub-period remain at 50 lbs/day; 2<sup>nd</sup> by *B. Macintosh*.** The motion passed 8 – 0.

Another motion for commercial summer flounder was made by *M. Roderick* to recommend to the Division to not reduce the possession limit below 25 lbs/day; 2<sup>nd</sup> by *M.*

*Rice*. *C. Rein* offered that while he understood the reasons for floors of 50 or 25 lbs/day due to the respective needs of both the fishermen and the dealers, he wanted additional input from the Council members on the matter. *J. Grant* offered that a possession limit of less than 50 lbs/day is not viable for his fishing operation; to which *B. Macintosh* concurred, and offered support for an additional closed day rather than possession limits less than 50 lbs/day. The motion failed 0 - 6 (*M. Roderick* and *C. Rein* abstaining). **Motion was then made by *D. Monti* to recommend to the Division to not reduce the possession limit to below 50 lbs/day; 2<sup>nd</sup> by *A. Dangelo*. The motion passed 7-1 (*M. Roderick* opposed).**

- **Commercial Spiny Dogfish:** *S. Olszewski* offered Division support for the increased possession limit as proposed as an FMP compliance matter. *J. Grant* inquired as to developing an aggregate program for Spiny dogfish; to which *S. Olszewski* offered that such matter should be addressed through the FMP. **Motion made by *J. Grant* to recommend adopting the amendment as proposed; 2<sup>nd</sup> by *B. Macintosh*. The motion passed 8 – 0.**
  - **Gill net tagging:** *S. Olszewski* offered that the proposal is a continuation of measures adopted in the previous year regarding placement of tags. *J. Lake* offered that the Division would support bi-annual validity of tags rather than a single year only as proposed. He offered that the requirement to place tags on the two vertical lines at the bridles, which was implemented last year, was due to the poor quality of the tags and resulting tag breakage. As proposed this year, the tags to be purchased will be the higher quality tags currently used at the federal level, so breakage is no longer a concern, and the proposal therefore is to now require that the tags be attached to each net panel. He also offered Division support for placement on each net panel and also the bridle, for purposes of net identification and to mirror the federal program, and also for ease of compliance inspection. *D. White* from the Division of Law Enforcement offered support for tag placement on both the net panels and bridal lines. *B. Macintosh* offered that he did not support placement in both locations. **Motion made *B. Macintosh* to recommend adoption of the proposal, with the caveat that the program follow the federal regulations; 2<sup>nd</sup> by *C. Rein*. *B. Macintosh* offered that the federal program requires tags to be placed in the net mesh, not the float line; to which *J. Lake* responded that such could be accommodated for in the regulations if appropriate. *D. Monti* asked if the federal tags are currently available; to which *J. Lake* responded that he had been in contact with the vendor and the tags are currently available. The motion passed 8 – 0.**
  - **RI Shellfish Harvester Education Program:** *B. Ballou* provided a summary of the program. *M. Rice* corrected the spelling of the word “adductor” on the slide summarizing the program. **Motion made by *J. Grant* to recommend adopting the rule as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 8 – 0.**
5. **Shellfish Advisory Panel (SAP) meeting summary (10/11/2017):** *D. Monti* offered a summary of the meeting; the meeting minutes having been provided in the ePacket.

Without objection, the Council agreed to accept the minutes as presented and have them placed on file.

6. **Aquaculture lease application review (Watson, Rome Point):** *D. Beutel* provided the main points of the application. *D. Monti* offered that his understanding of the objections were due to boating activity, its nearness to shore, and potential for recreational fishing conflict, and that he therefore wanted full Council input, as he did not feel that such positions may be adequately represented in the SAP vote. *J. Grant* offered that such objections based on recreational fishing have been made by SAP members in the past, but they may be uncomfortable making this type of objection. *B. Ballou* offered that Council review is appropriate anytime it is requested by a Council member. **Motion made by *M. Rice* to recommend to the CRMC that the application is consistent with competing uses engaged in the exploitation of marine fisheries and therefore does not represent a conflict; 2<sup>nd</sup> by *C. Rein*. The motion passed 6-1-1 (*D. Monti* opposed; *T. Barao* abstained).**
7. **SAP membership - update:** *P. Duhamel* offered that he had reached out to Bill Blank regarding his membership due to a lack of attendance, resulting in the submission of his resignation. *B. Ballou* asked for any objections to accepting the resignation; hearing none, the resignation was accepted.
8. **Commercial Licensing Legislation:** *S. Olszewski* offered an update of the effort to revise the statutes involving the commercial licensing program. He offered that the language is being worked on internally, with the intent to submit to the Governor's office for review in early 2018. He offered however that it remains unclear if the legislation will be introduced this legislative session. *B. Ballou* offered new information that the implementation date would be 2020, in order to provide time for computer upgrades needed to implement the proposed changes.

Meeting adjourned approximately 7:30

Prepared by *P. Duhamel*

**RI Department of Environmental  
Management**

**Division of Marine Fisheries**

**PRE-HEARING WORKSHOP**

January 8, 2018



# Workshop Guidelines of Engagement

- Marine Fisheries staff will provide presentation on each of the possible regulation amendments.
- Discussion will ensue upon completion of each presentation. Discussion should focus on:
  - Understanding of the rationale behind each of the proposed amendments.
  - If possible, providing additional recommendations and/or alternatives (ideally prior to noticing but can be provided at any time during the comment period).
- Dates to remember:
  - January 19: Hearing items to be public noticed with Sec. of State. Any additional or alternate proposals must be provided no later than January 17 to be considered for inclusion into the public notice.
  - February 19: Public hearing.
  - February 26: End of public comment period.
  - March 5: RI Marine Fisheries Council.
- IMPORTANT! The workshop discussion is not an official public record. Comments and/or proposals may be submitted during the public hearing on February 19<sup>th</sup> or provided in writing/email during the public comment period.



# Workshop Items

- Recreational Summer Flounder
- Recreational Black Sea Bass
- Recreational and commercial Scup
- Recreational and commercial Tautog
- Recreational and commercial Bluefish
- Recreational and commercial Striped Bass
- Commercial Menhaden
- Skate
- Proposed Jacobs Point Shellfish Management Area
- Clarification of language regarding shellfish harvest in areas declared polluted
- Clarification of language regarding prohibited area for the harvest of Surf clams
- Floating buoy line prohibition within eight (8) feet of the surface of the water for all fixed fishing gear (currently required only for BSB/Scup pots).
- Commercial buoy and vessel color scheme requirement for all pots (currently required only for lobster pots)





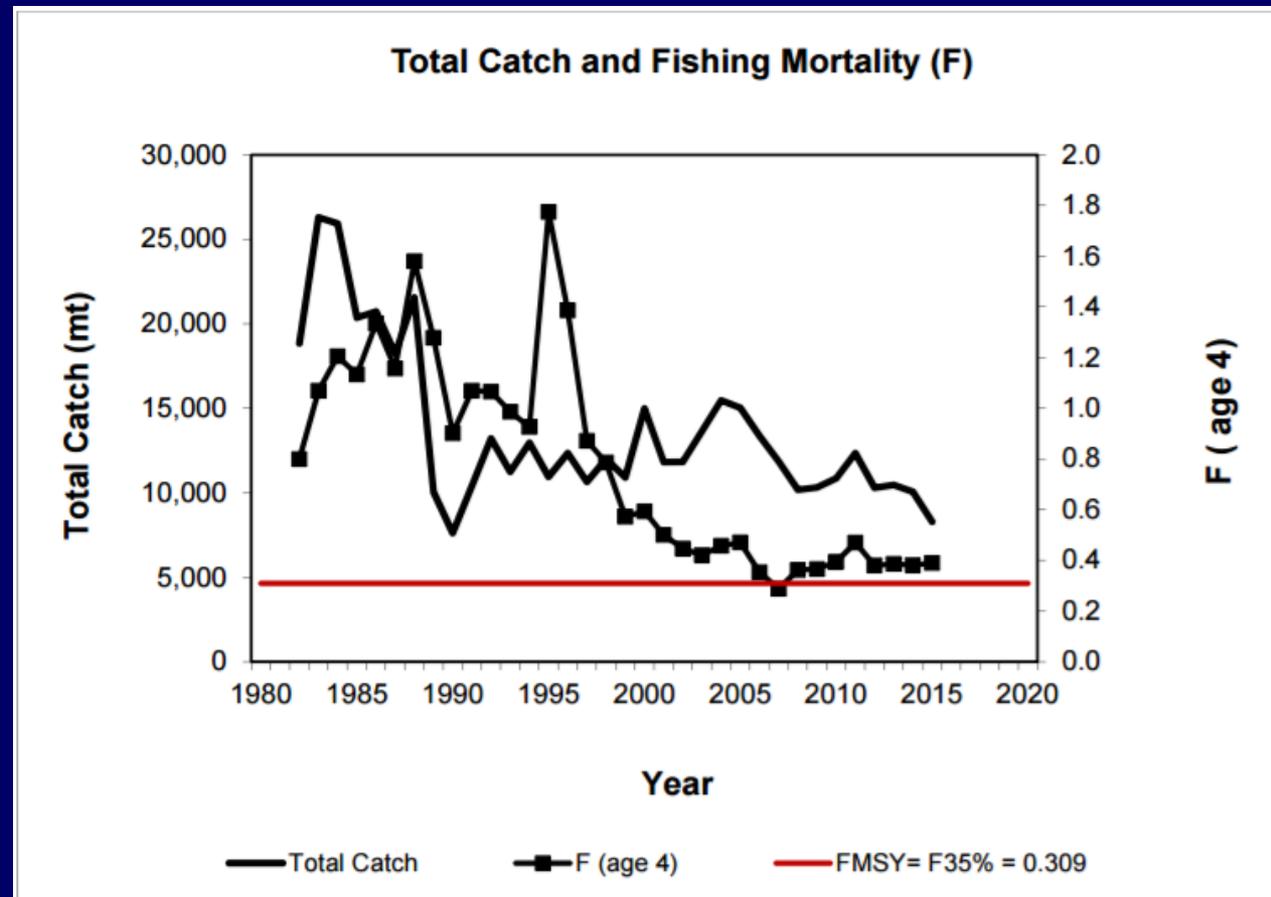
## Summer Flounder

- Summary of Stock Status
- ASMFC Management of Summer flounder
- 2017 Rhode Island Recreational Fishery Performance
- Recommendations/proposals for 2018



# Summer Flounder Stock Status

- Update in 2016: Based on SAW/SARC 57 assessment.
- The summer flounder stock is not overfished, but overfishing is occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.390 in 2015, above the threshold F reference point = 0.309 (also above F target = 0.255).



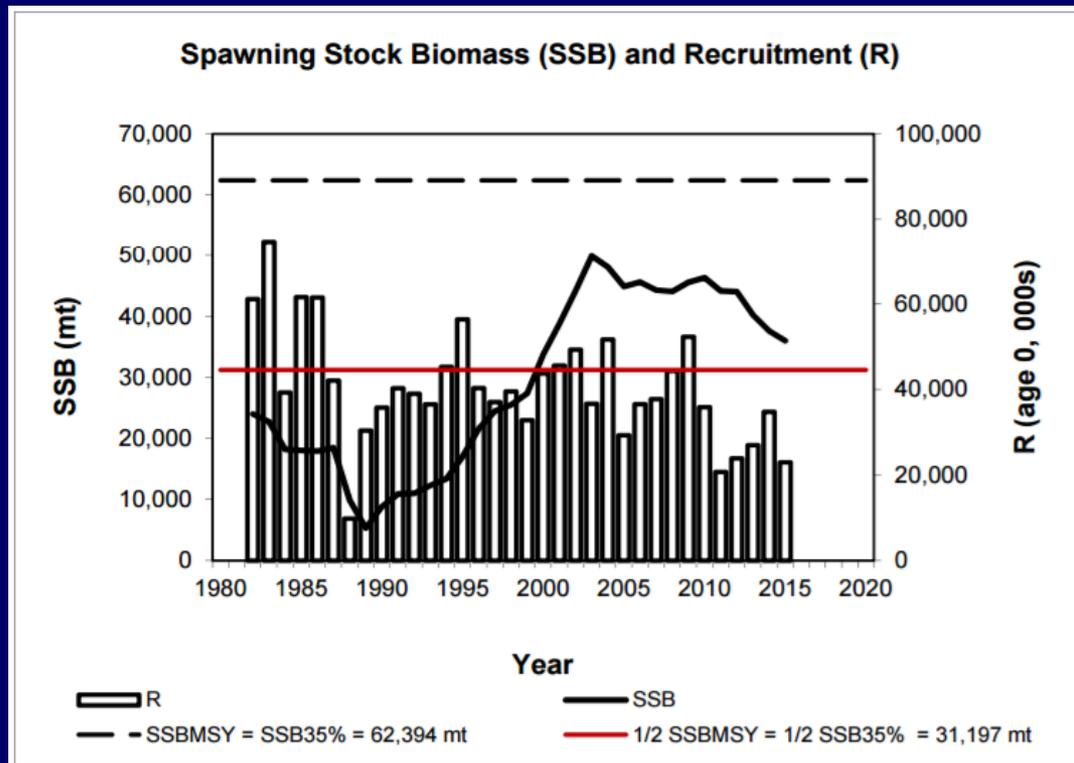
# Summer Flounder

- Stock Status cont'd:

- SSB estimated to be 79.9 m lbs in 2015, below the SSB reference point = 137.6 m lbs but above the SSB threshold = 66.2 m lbs.
- The 2015 year class is currently estimated to be about 23 million fish, well below the average of 41 million fish.

- A retrospective pattern in recruitment is evident, the 2008 and 2009 large year classes have dropped significantly in recent updates.

- **Given previous specification setting, a 15% increase in quota is predicted for 2018.**

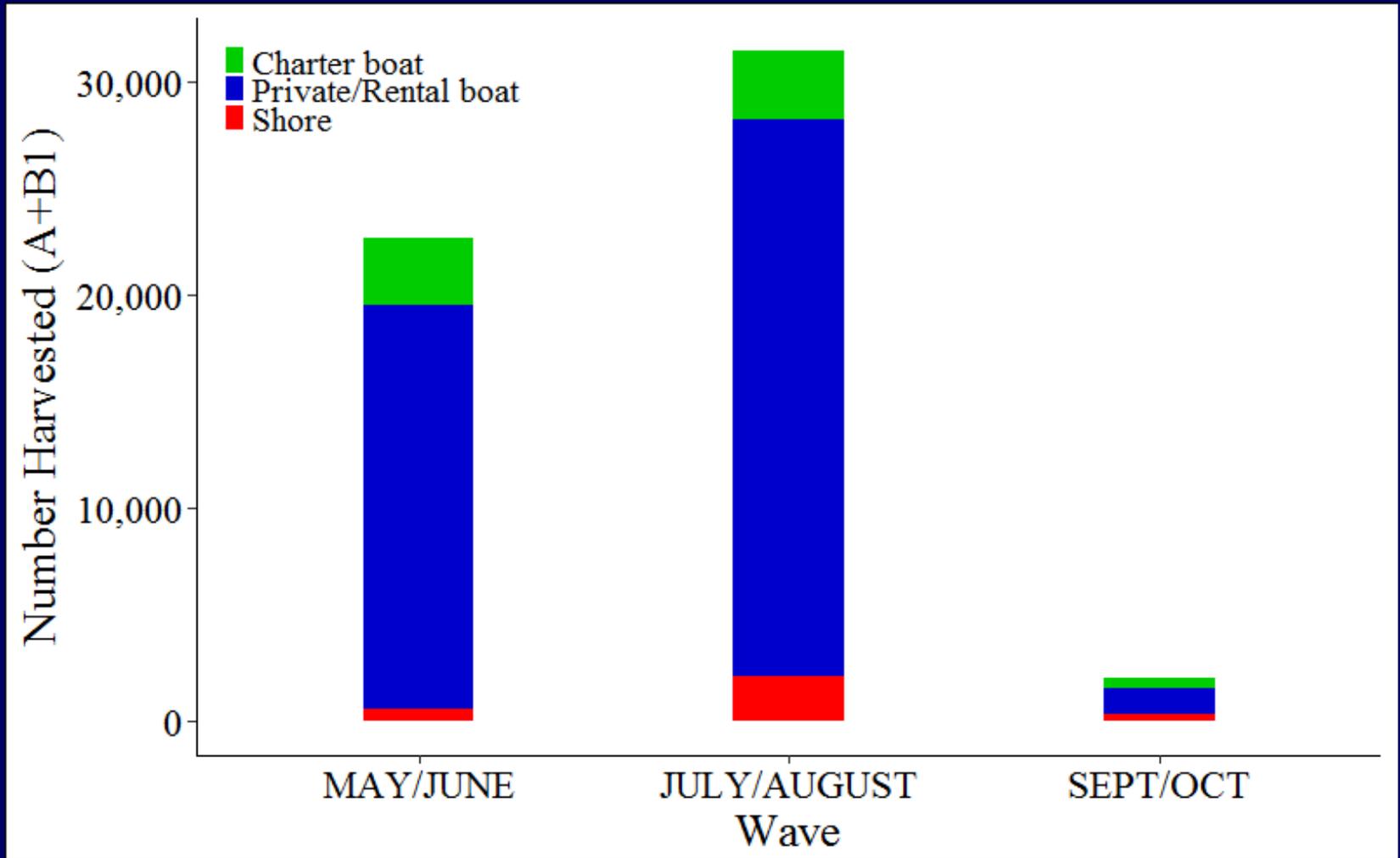


# ASMFC Management of Summer Flounder

- 2017 coastwide recreational summer flounder harvest came in under target, therefore there is an allowance of a 17% increase in harvest to meet the 2018 RHL.
- Benchmark stock assessment taking place in 2018, RI has a member on that team.
  - Will look at multiple models, including sex specific.
- 17% does not give RI much to work with by way of liberalizing:
  - Already a long season.
  - Not enough for a minimum size decrease.
  - Bag limit can be adjusted.
- The bag limit was the controversial part of the last addendum, therefore it may make sense to gain that ground back.



# 2017 RI Recreational Summer Flounder Fishery Performance



- Note: Data only through wave 5



# Recreational Summer Flounder 2018 Proposed Management Options

- No changes proposed for 2018

<b>Current Management</b>	<b>Minimum size</b>	<b>Season</b>	<b>Possession Limit</b>
	19"	May 1 – Dec. 31	4 fish





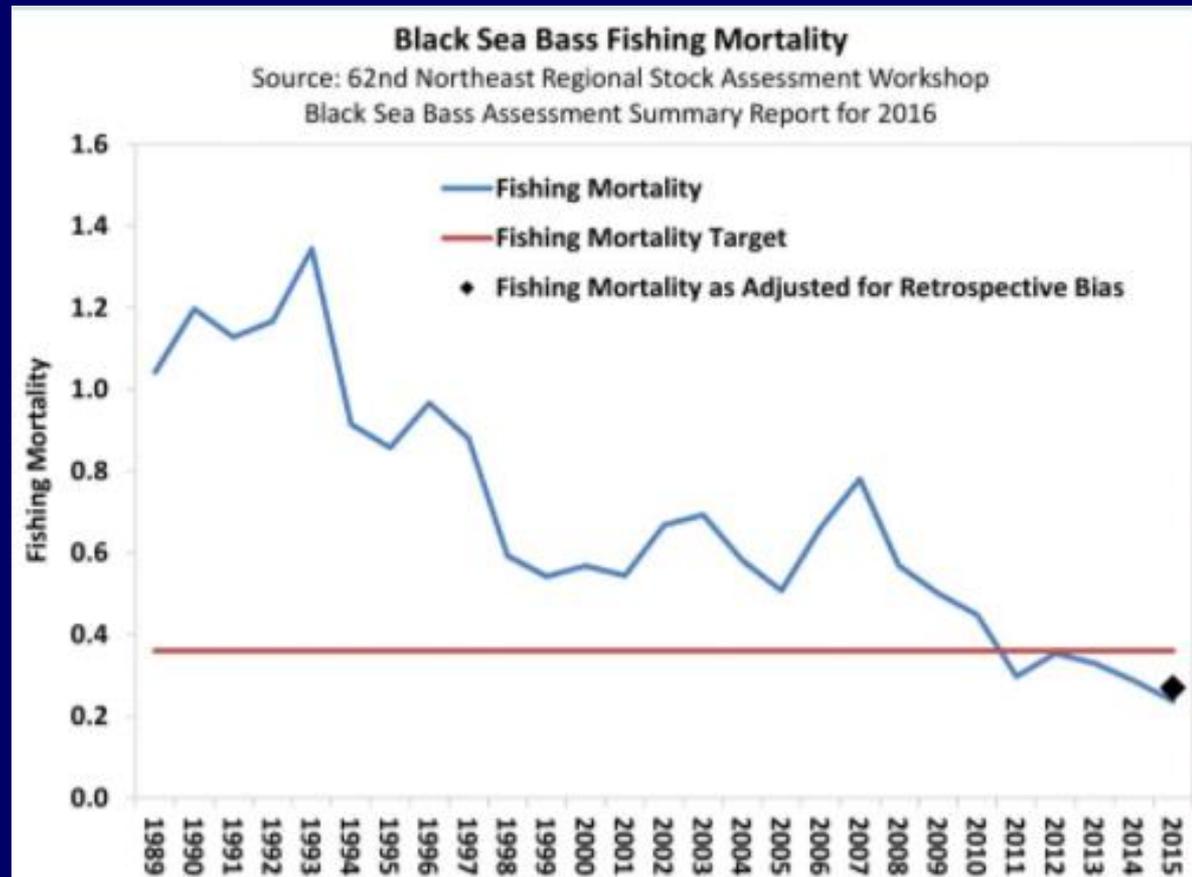
## Black Sea Bass

- Summary of Stock Status
- ASMFC Management of Black Sea Bass
- 2017 Rhode Island Recreational Fishery Performance
- Recommendations/proposals for the 2018



# Black Sea Bass Stock Status

- Data update in 2016.
- The black sea bass stock is not overfished, overfishing is not occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.27 in 2015, below the threshold F reference point = 0.36



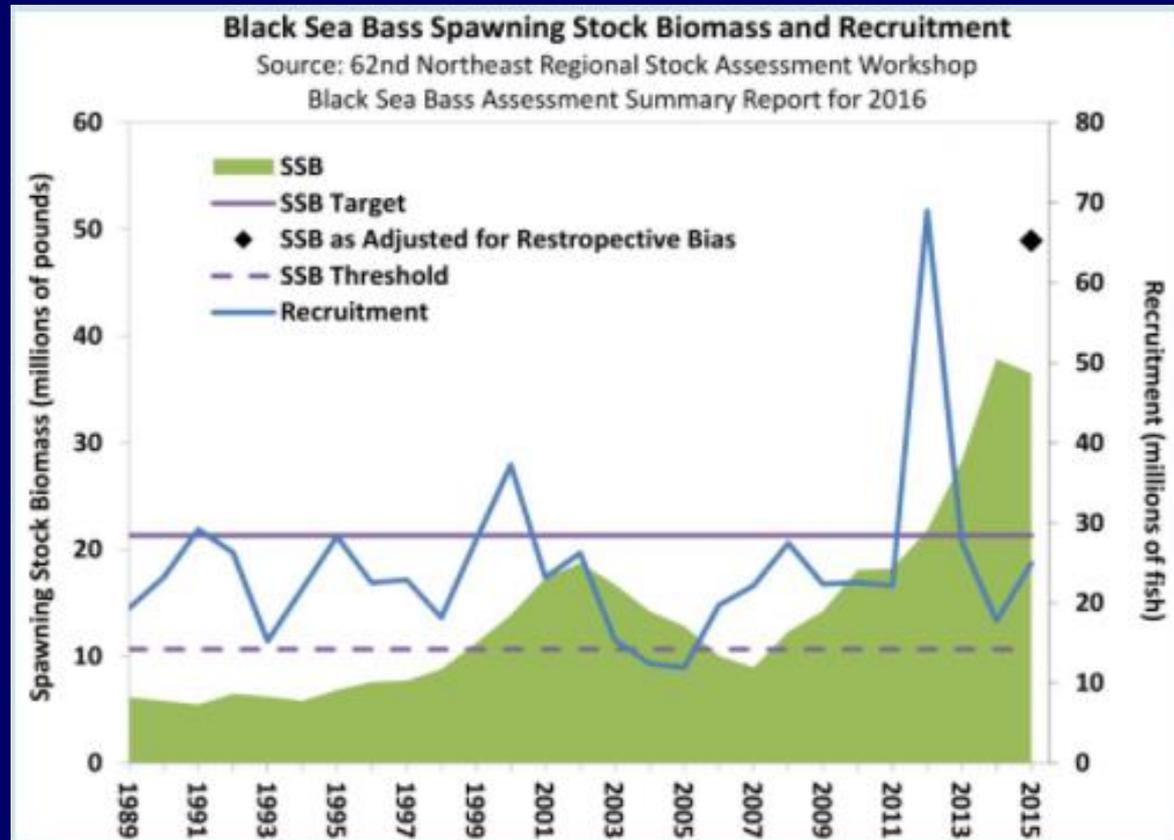
# Black Sea Bass

- Stock Status cont'd:

- SSB estimated to be 48.9 m lbs in 2015, above the SSB reference point = 21.3 m lbs.

- The 2014 year class is currently estimated to be about 24.9 million fish, around average.

- Small decrease in quota expected in 2018.

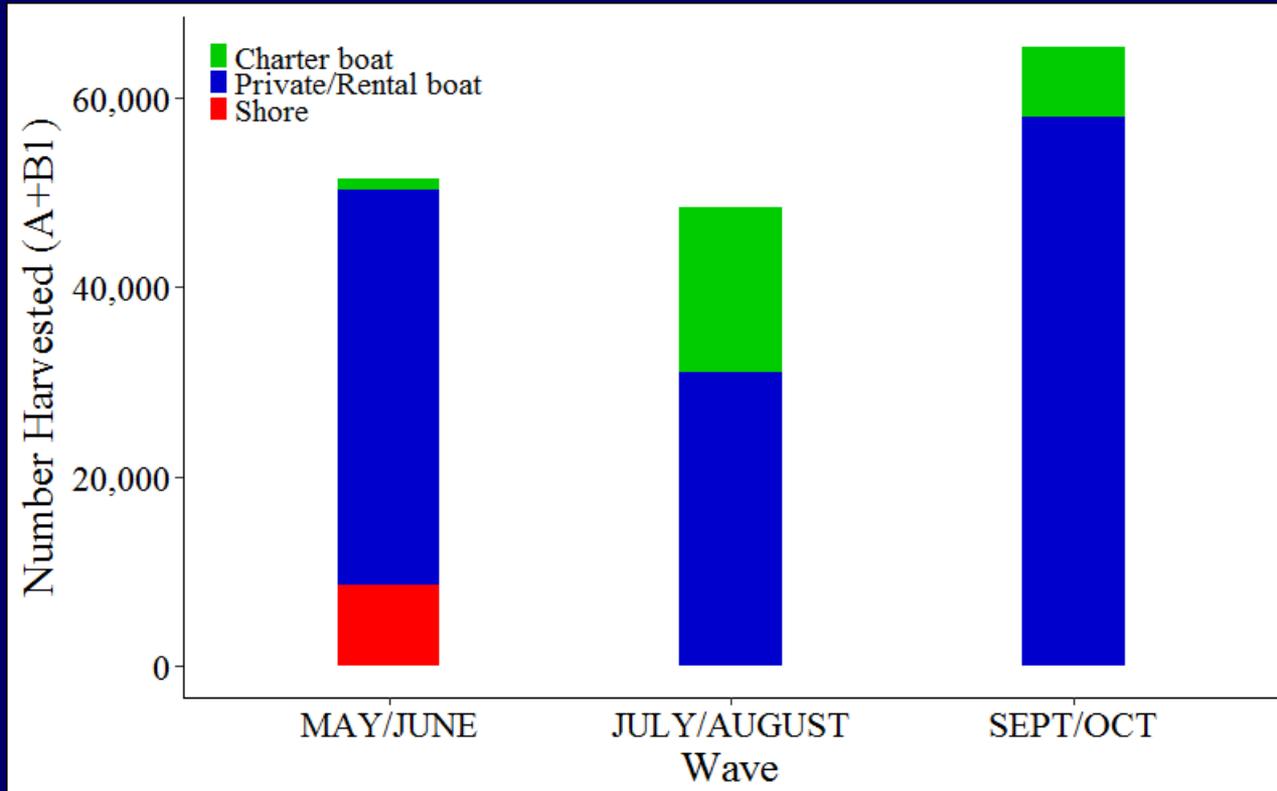


# ASMFC Management of Black Sea Bass

- Addendum XXX out for public review:
  - RI hearing on January 17, 2017!
- There are numerous options with different configurations of regions and management units.
- Decisions will be made in February, there is no way to offer specific options for management at this point.
- We urge you to review the addendum and voice your support for the option you think is best for RI.
- It will also be helpful if you let us know your priorities as far as the most important measures to change.



# 2017 RI Recreational Black Sea Bass Fishery Performance



\* Note: Data only through wave 5



# Recreational Black Sea Bass 2018 Proposed Management Options

- No changes proposed for 2018

	<b>Min. Size</b>	<b>Season</b>	<b>Possession Limit</b>
<b>Current Management</b>	15"	5/25 – 8/31	3 fish
		9/1 – 9/21	7 fish
		9/22 – 10/21	Closed
		10/22 – 12/31	7 fish





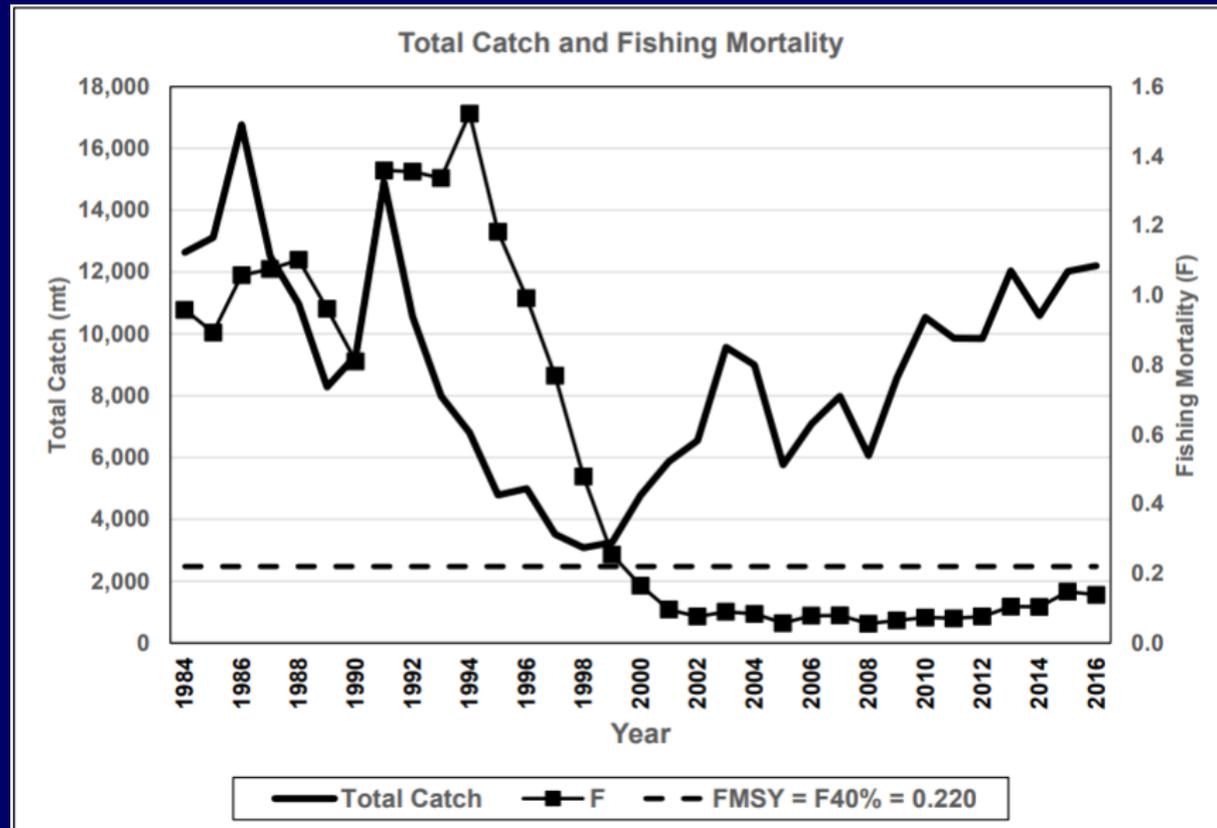
## Scup

- Summary of Stock Status
- ASMFC Management of Scup
- 2017 Rhode Island Commercial Fishery Performance
- 2017 Rhode Island Recreational Fishery Performance
- Recommendations/proposals for 2018



# Scup Stock Status

- Benchmark in 2015; data update in 2016.
- The scup stock is not overfished, overfishing is not occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.139 in 2016, below the threshold F reference point = 0.22.



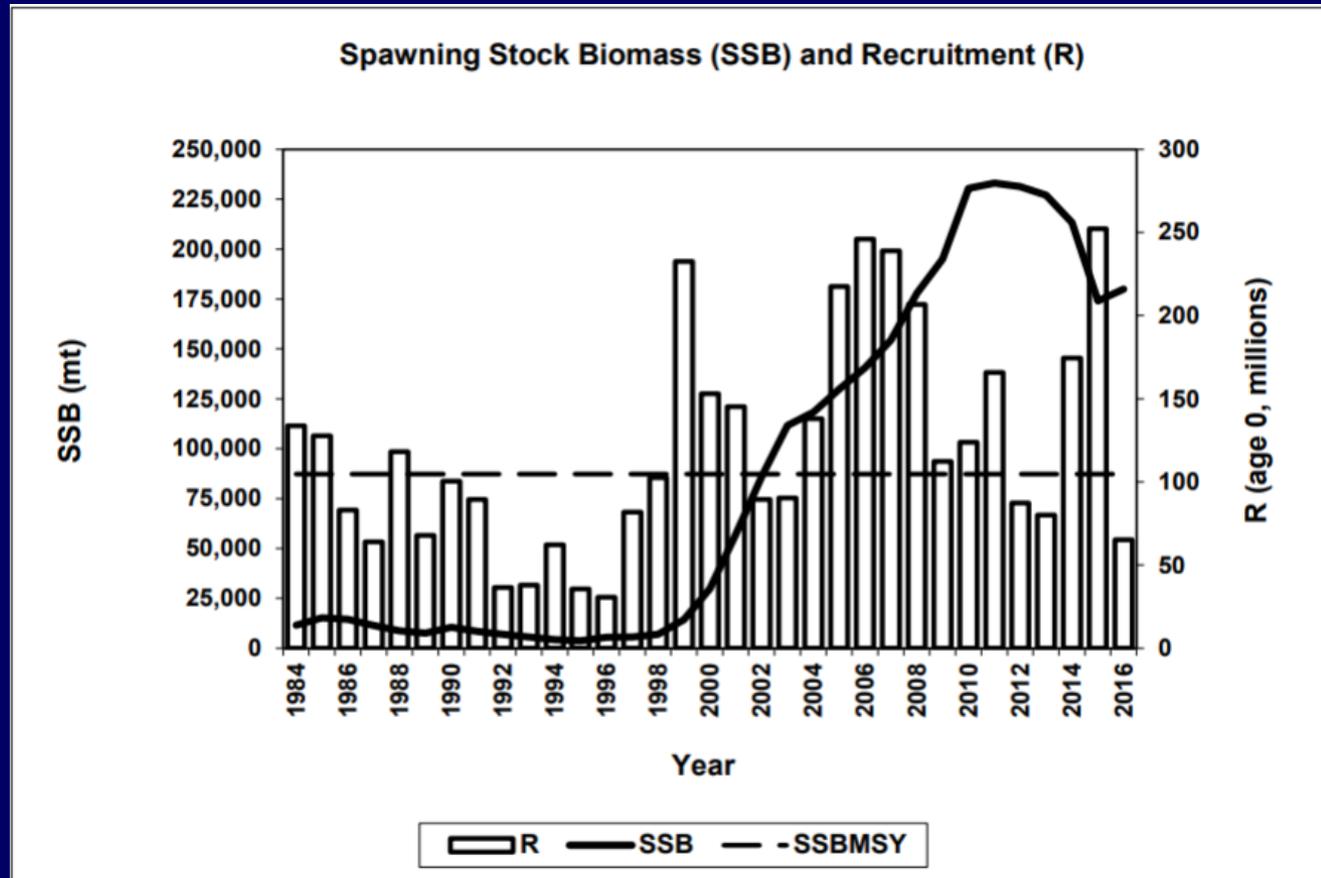
# Scup

- Stock Status cont'd:

- SSB estimated to be 397 m lbs in 2016, above the SSB reference point = 192.47 m lbs and above the SSB threshold = 96.23 m lbs.

- The 2016 year class is currently estimated to be about 60 million fish, around average.

- Large increase in quota expected in 2018.



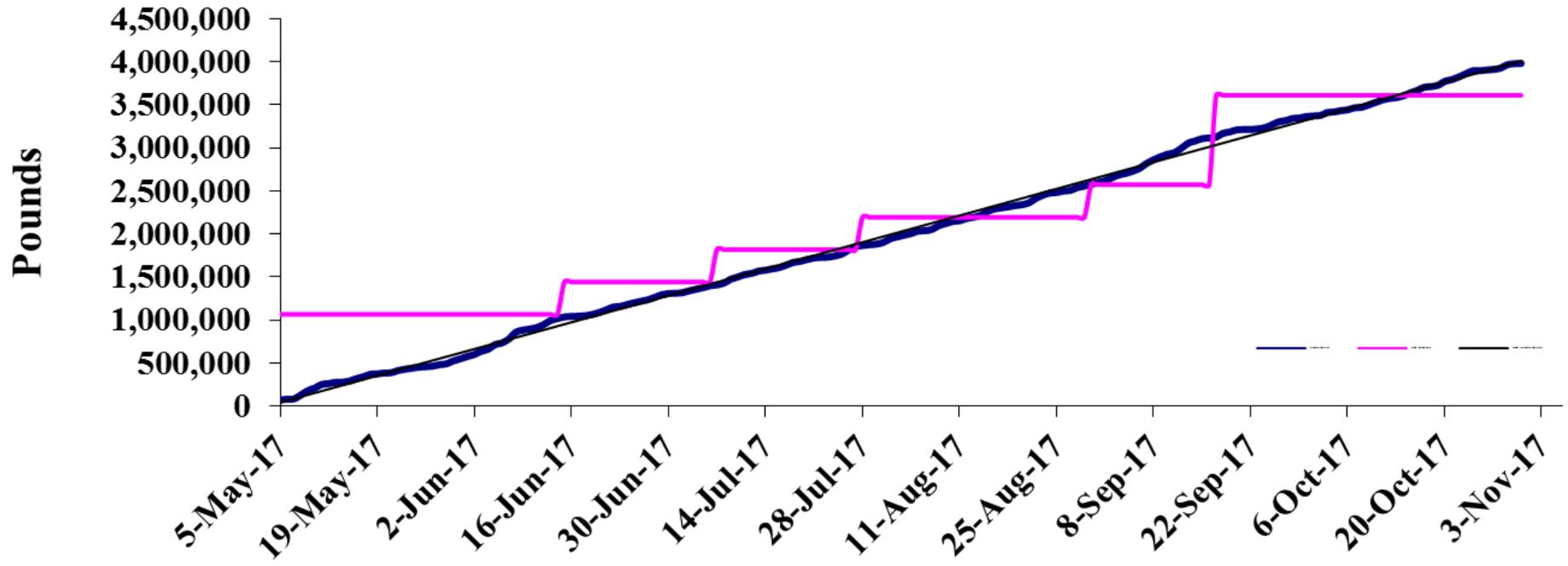
# ASMFC Management of Scup

- Large increase in quota for 2018.
- Rec. harvest has been under target.
- No plans to change the federal rules at this point.
- Discussions ongoing with Northern Region colleagues on some potential liberalization in state waters:
  - Could try to match up with fed regs such as bag limit.
  - Would like some feedback on this.



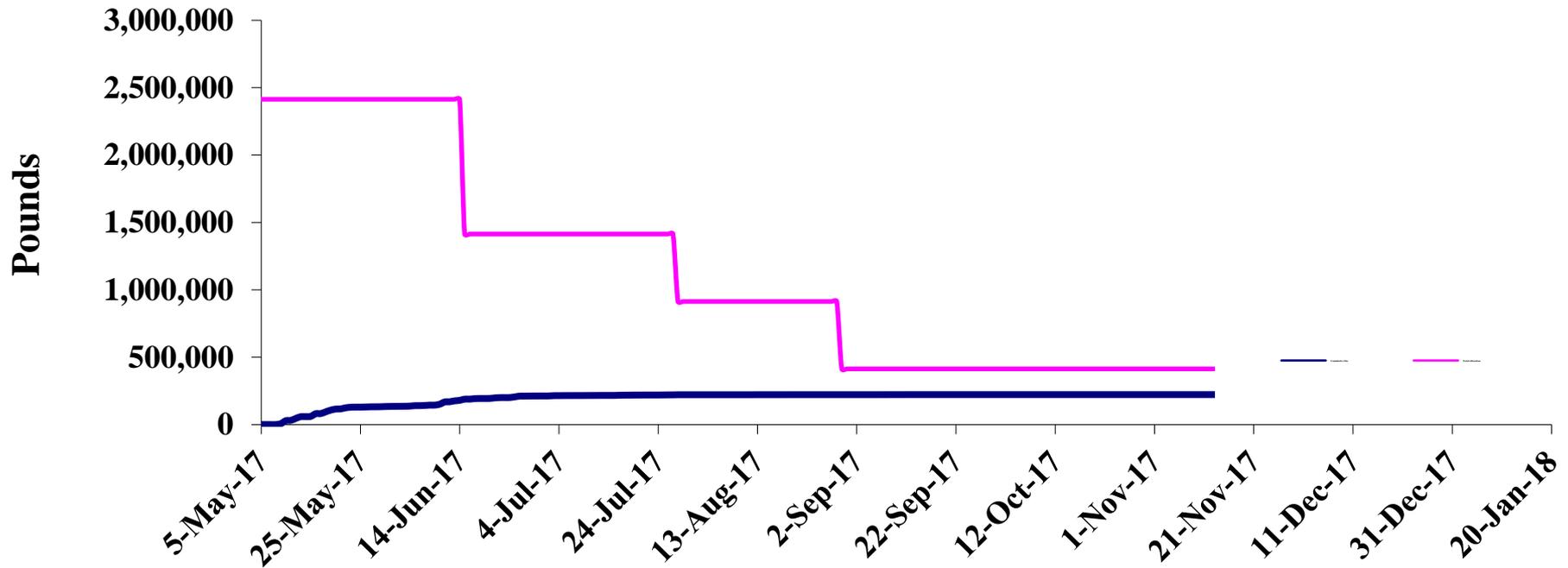
# 2017 RI Commercial Scup Fishery Performance

## Scup General Category



# 2017 RI Commercial Scup Fishery Performance

## Scup Floating Fish Trap



- Overage in general category partially offset by underage in FFT.
- Additionally, large increase in quota for 2018.



# Commercial Scup 2018 Proposed Management Options

Option	Min. size	Seasons	Sub-periods	Quota		Starting Poss. limit
<b><u>Option 1: FMP compliance with single summer sub-period</u></b>	9"	<b><u>Winter I:</u></b> (1/1 – 4/30)		Coastwide		50,000 lbs/vsl/day
		<b><u>Summer – Fall:</u></b> (5/1 – <del>10/31</del> <b><u>9/30</u></b> )	<b><u>Gen. Cat. Summer:</u></b> (5/1 – <del>9/17</del> <b><u>9/30</u></b> )	40% of sub-period quota	<del>2/3 of Gen. Cat. quota</del>	10,000 lbs/vsl/wk
			<del>Gen. Cat. Fall:</del> ( <del>9/18 – 10/31</del> )		<del>1/3 of Gen. Cat. quota</del>	
			<b><u>FFT:</u></b> (4/1 – <del>10/31</del> <b><u>9/30</u></b> )	60% of sub-period quota		Unlimited
		<b><u>Winter II:</u></b> ( <del>11/1</del> <b><u>10/1</u></b> – 12/31)		Coastwide		2,000/ 18,000* lbs/vsl/day



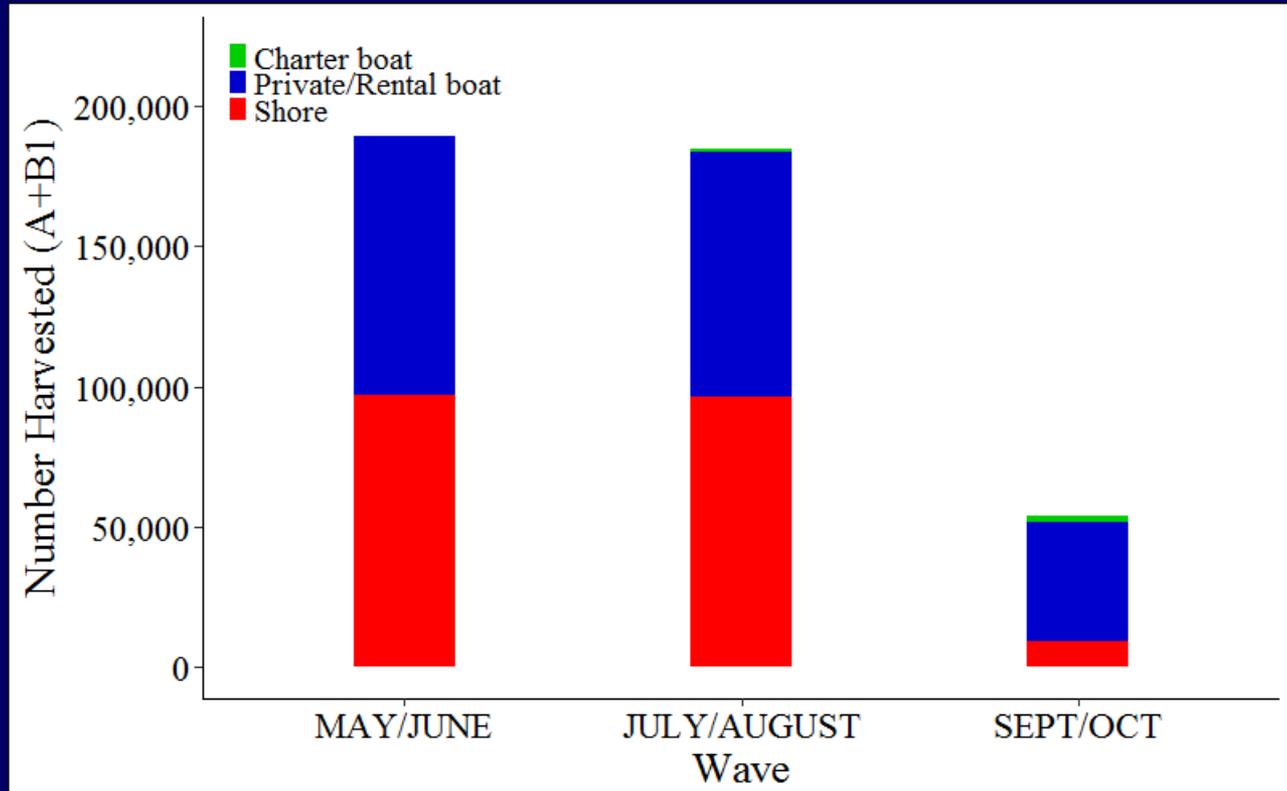
# Commercial Scup 2018 Proposed Management Options cont'd:

## Option 2: Option 1 plus removal of Scup as a Restricted species

- Would involve amendment to Licensing regulations to implement.
- As a licensing matter, will convene IAC to deliberate and offer a recommendation to the RI Marine Fisheries Council.



# 2017 RI Recreational Scup Fishery Performance



- Note:  
Data only through wave 5



# Recreational Scup 2018 Proposed Management Options

- No changes proposed for 2018

	Mode	Min. Size	Season/Possession Limit
<b>Current Management</b>	General Fishery	10"	<u>May 1 – Dec. 31: 30 fish</u>
	P/C	10"	<u>May 1 – Aug. 31: 30 fish</u> <u>Sept. 1 – Oct. 31: 45 fish</u> <u>Nov. 1 – Dec. 31: 30 fish</u>
	Special Shore	9"	<u>May 1 – Dec. 31: 30 fish</u>



# Pilot Expanded Aggregate Program

- Expanded aggregate opportunities have been proposed for multiple years.
- One criticism has been lack data to determine impacts.
- Propose setting up a pilot with multiple gear types to gather data on impacts.
- Pilot will require application and will have rigorous reporting requirements and vessel monitoring.
- Proposing to keep it to 10 – 15 vessels, will have a diversity of gear types and need applicants to have a fishing history so that comparisons can be made.
- Proposing for black sea bass initially, but could expand for fluke as well.





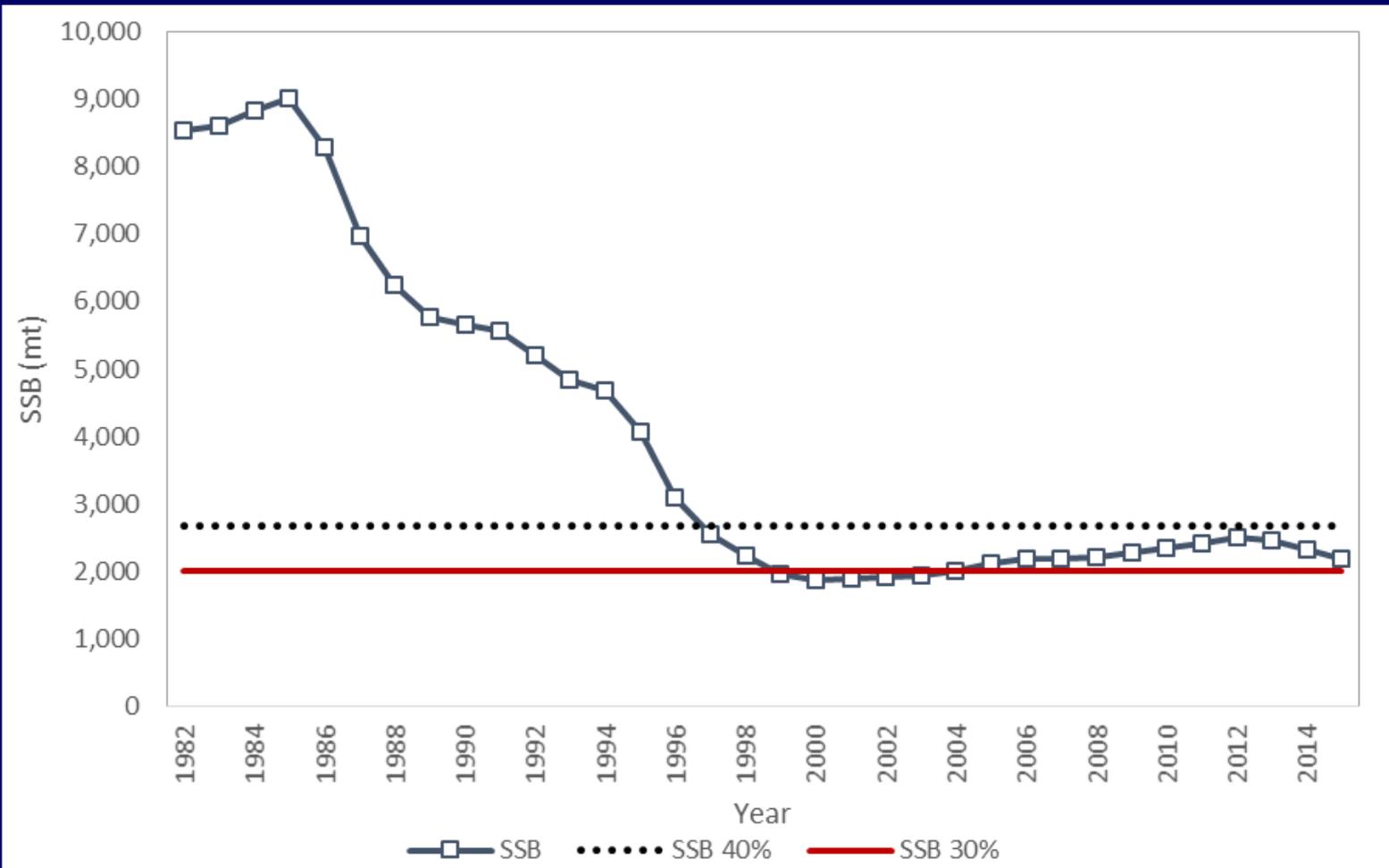
## Tautog

- Summary of Stock Status
- ASMFC Management of Scup
- 2017 Rhode Island Commercial Fishery Performance
- 2017 Rhode Island Recreational Fishery Performance
- Recommendations/ proposals for 2018



# Tautog Stock Status

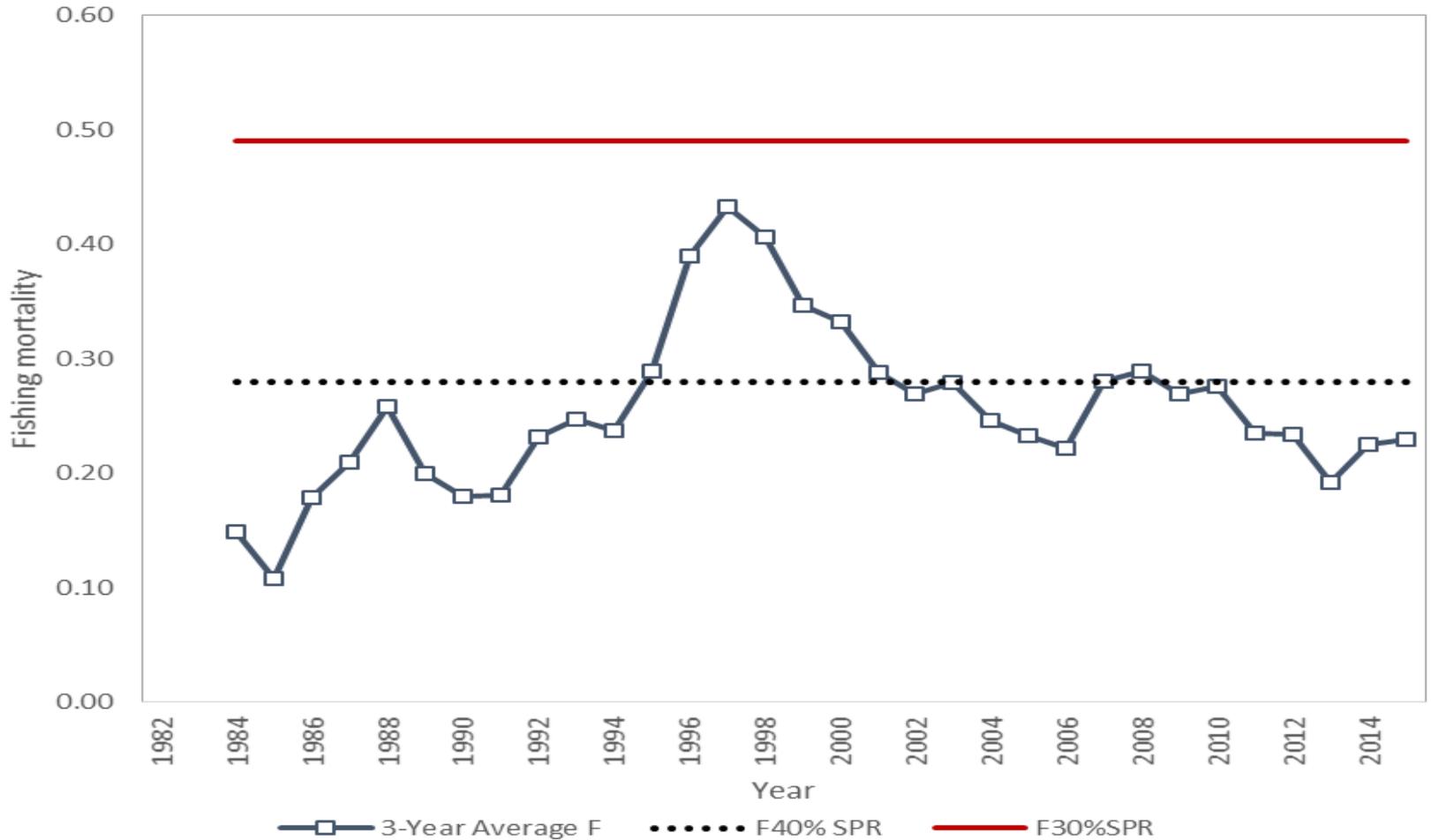
- SPR Reference Points approved
- **SSB estimated at 2,196mt (target 2,684 threshold 2,004)**



# Tautog

## Stock Status cont'd:

- F estimated at 0.23 (target 0.28 threshold 0.49)

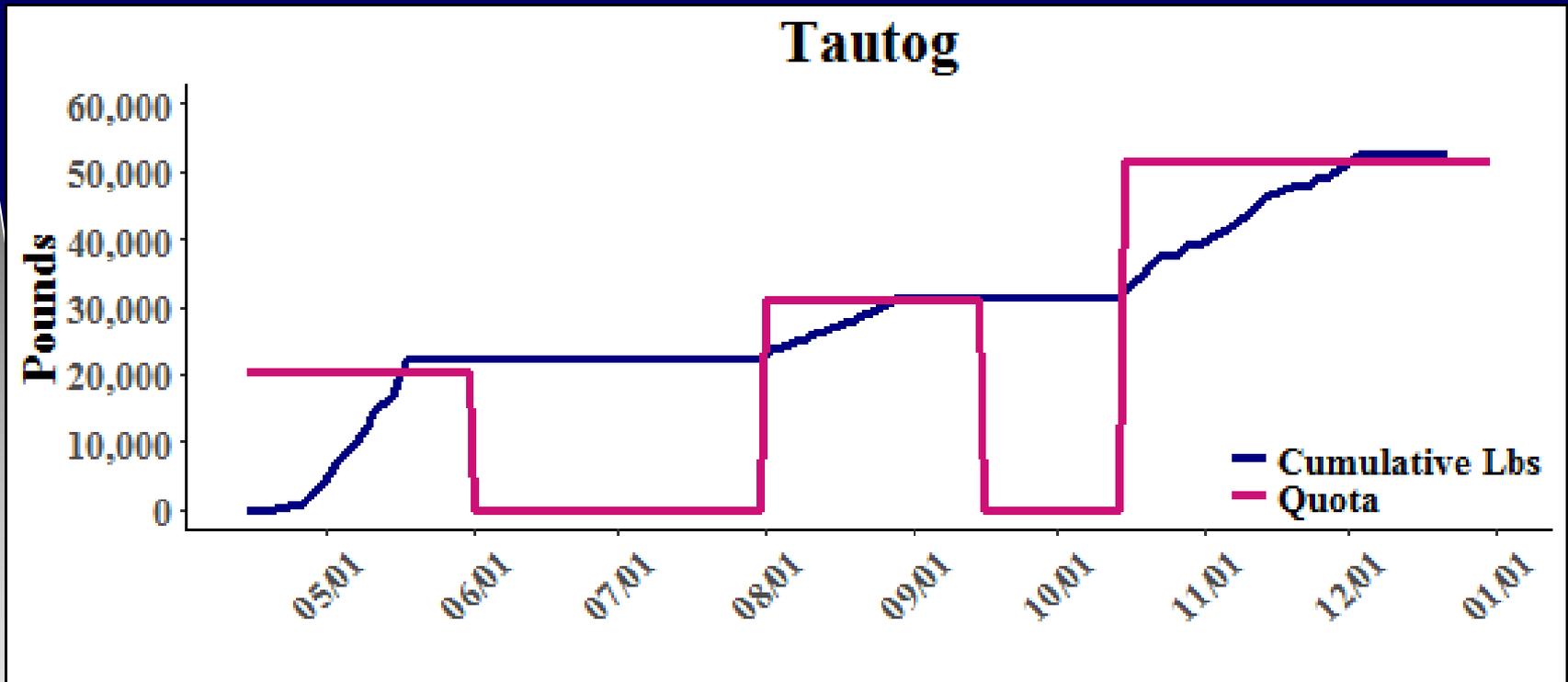


# ASMFC Management of Tautog

- Benchmark assessment completed in 2014 with an update in 2016.
- A regional approach presented in the update was accepted by the board, RI is in a region with Massachusetts (MARI).
- Amendment 1 was passed in August 2017:
  - Changes in recreational management.
  - Commercial tagging by the harvester (not active in 2018).
- Anticipated RI 2018 Commercial Quota: 51,348 lbs



# 2017 RI Commercial Tautog Fishery Performance



- Total overage 1,460 lbs.
  - Spring: 20,539 lbs
  - Summer: 10,270 lbs
  - Fall: 20,539 lbs

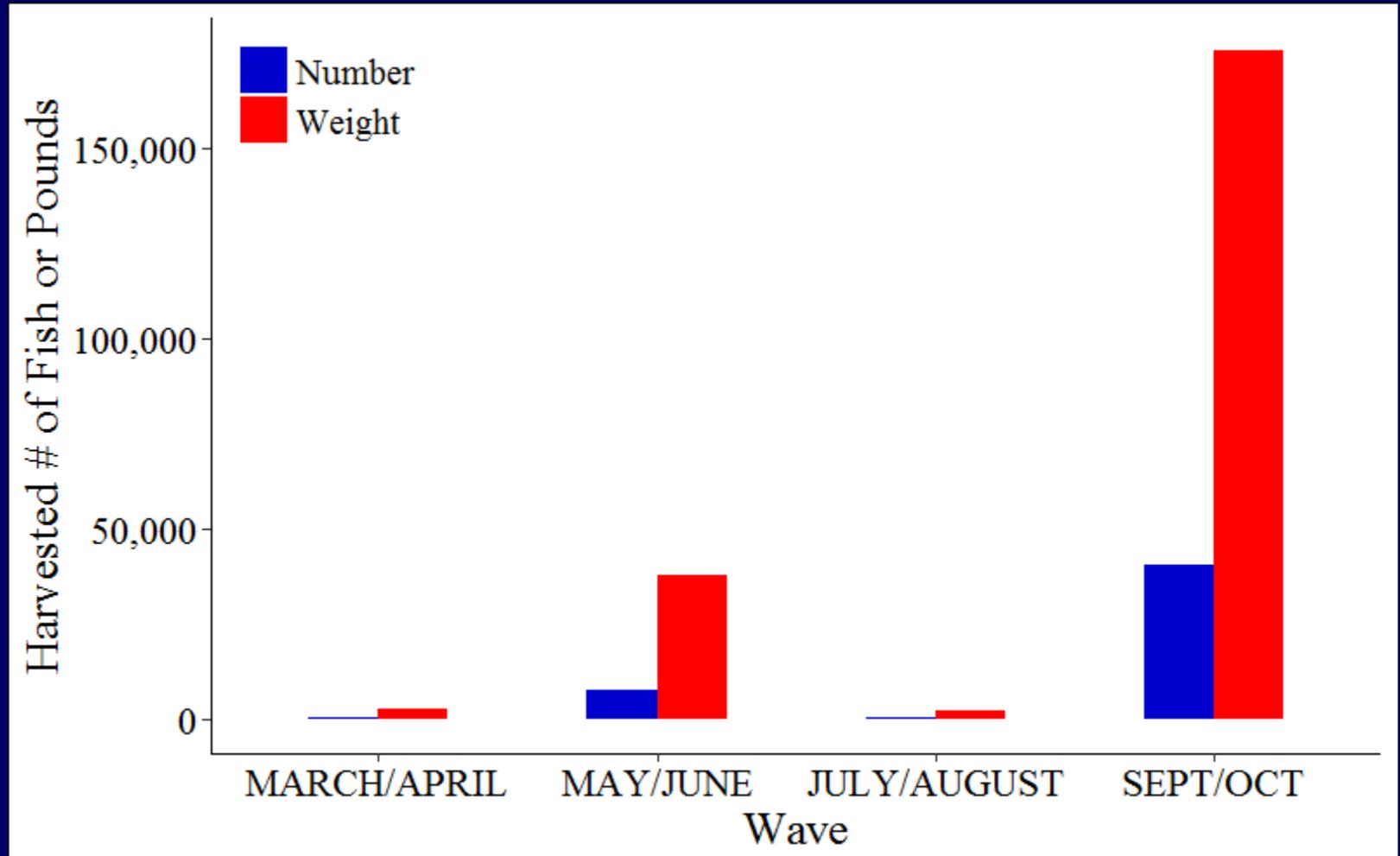


# Commercial Tautog 2018 Proposed Management Options

Option	Min. Size	Season	Allocation	Possession Limit
<b><u>Option 1:</u></b> <b><u>Status Quo</u></b>	16"	April 15 – May 31	40%	10 fish/vsl/day
		June 1 – July 31		Closed
		Aug. 1 – Sept. 15	20%	10 fish/vsl/day
		Oct. 15 – Dec. 31	40%	10 fish/vsl/day
<b><u>Option 2:</u></b> <b><u>Earlier Spring opening</u></b>	16"	April <del>15</del> <b>1</b> – May 31	40%	10 fish/vsl/day
		June 1 – July 31		Closed
		Aug. 1 – Sept. 15	20%	10 fish/vsl/day
		Oct. 15 – Dec. 31	40%	10 fish/vsl/day



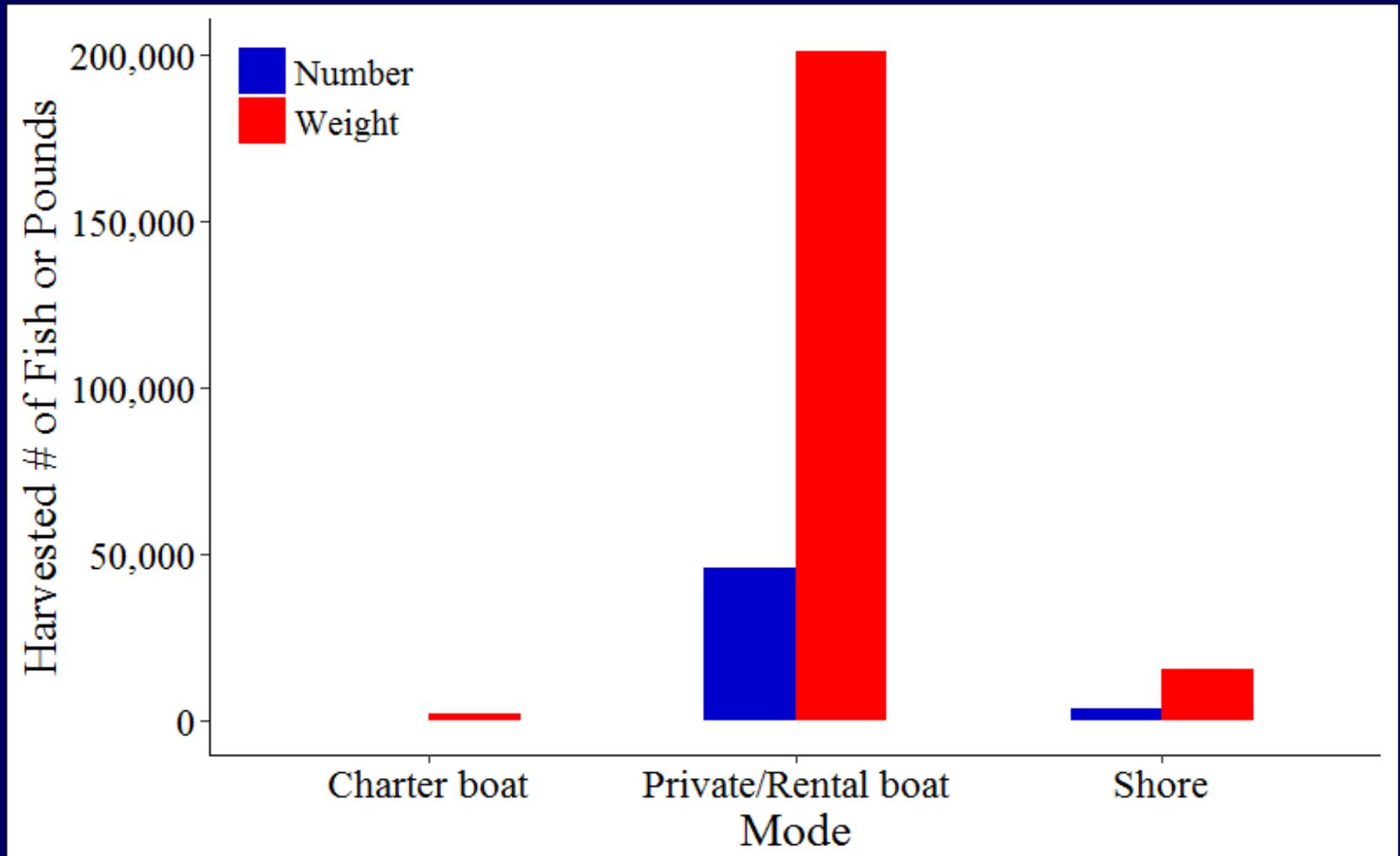
# 2017 RI Recreational Tautog Fishery Performance



- **Note:** Data only through wave 5



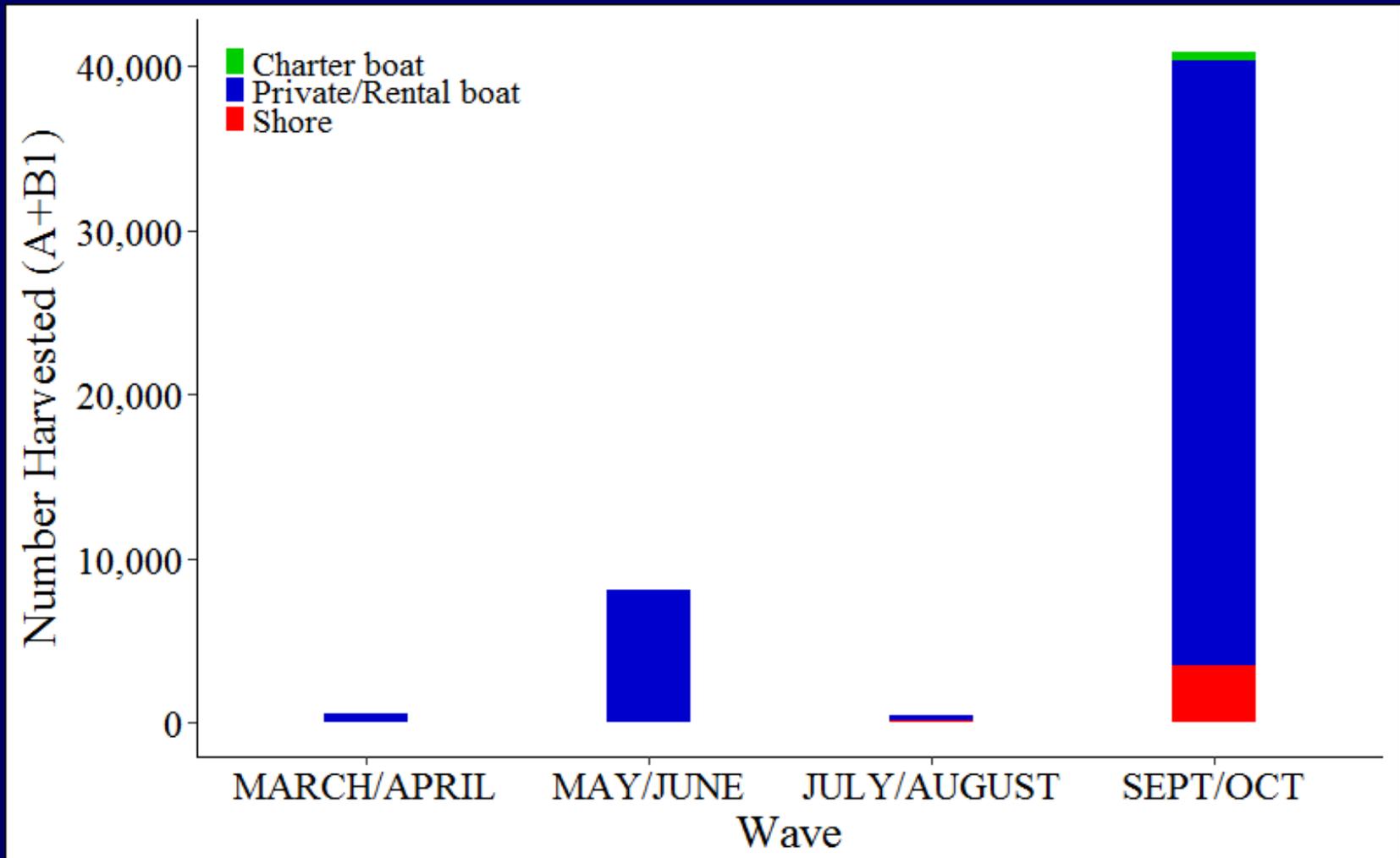
# 2017 RI Recreational Tautog Fishery Performance



- **Note:** Data only through wave 5



# 2017 RI Recreational Tautog Fishery Performance



- **Note:** Data only through wave 5



# Recreational Tautog 2018 Proposed Management Options

Option	Min. Size	Rec. and P/C Season	Poss. Limit
<b><u>Option 1:</u></b> <b><u>Status Quo</u></b>	16"	April 15 – May 31:	3 fish/person/day*
		June 1 – July 31:	Closed
		Aug. 1 – 3 <sup>rd</sup> Sat. in Oct:	3 fish/person/day*
		3 <sup>rd</sup> Sat. in Oct. – Dec. 15:	6 fish/person/day* * max. 10 fish/vessel (n/a for P/C)
<b><u>Option 2:</u></b> <b><u>Earlier Spring opening</u></b>	16"	April <del>15</del> <b>1</b> – May 31:	3 fish/person/day*
		June 1 – July 31:	Closed
		Aug. 1 – 3 <sup>rd</sup> Sat. in Oct:	3 fish/person/day*
		3 <sup>rd</sup> Sat. in Oct. – Dec. 15:	<del>6</del> <b>5</b> fish/person/day* * max. 10 fish/vessel (n/a for P/C)





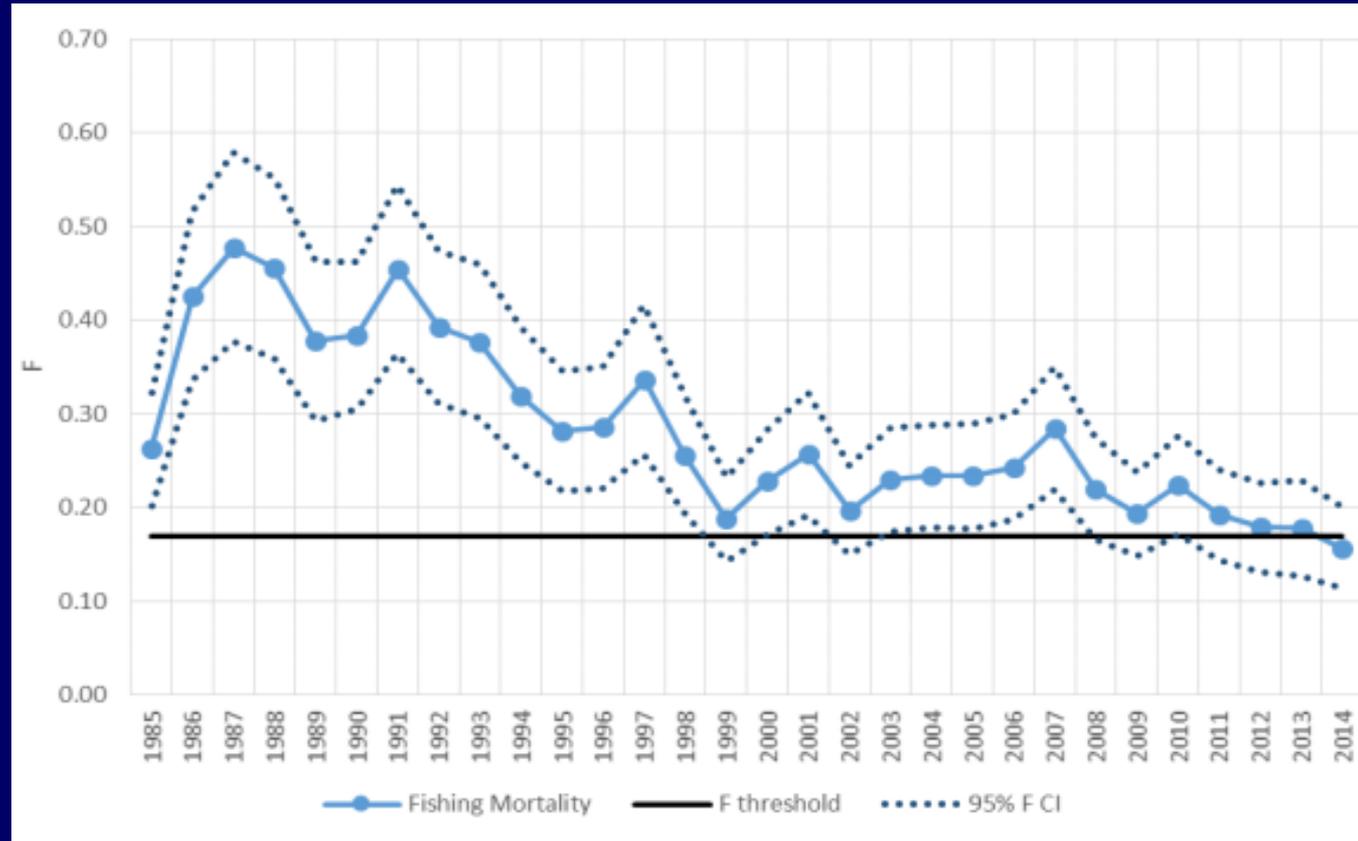
## Bluefish

- Summary of Stock Status
- **ASMFC Management of Bluefish**
- 2017 Rhode Island Commercial Fishery Performance
- **2017 Rhode Island Recreational Fishery Performance**
- Recommendations/proposals for 2018



# Bluefish Stock Status

- Benchmark in 2015.
- The bluefish stock is not overfished, and overfishing is not occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.157 in 2014, below the threshold  $F$  reference point = 0.19.



# Bluefish

- Stock Status cont'd:

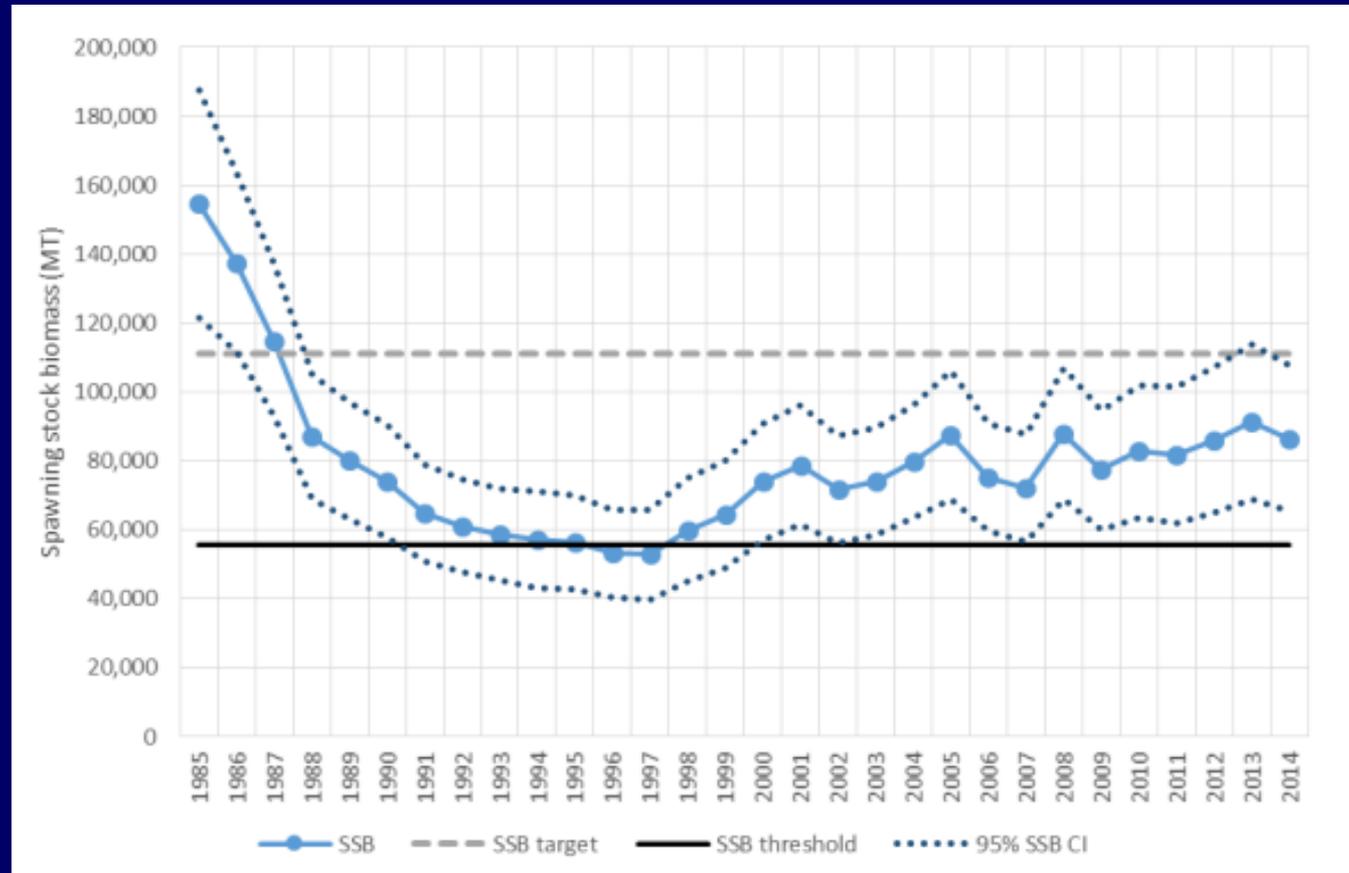
- Biomass estimated to be 207.96 m lbs in 2014, above the Biomass threshold = 162.1 m lbs, but below the Biomass target of 324.19 m lbs.

- The 2014 year class is currently estimated to be approx. 29.6 million fish, above the median.

2018

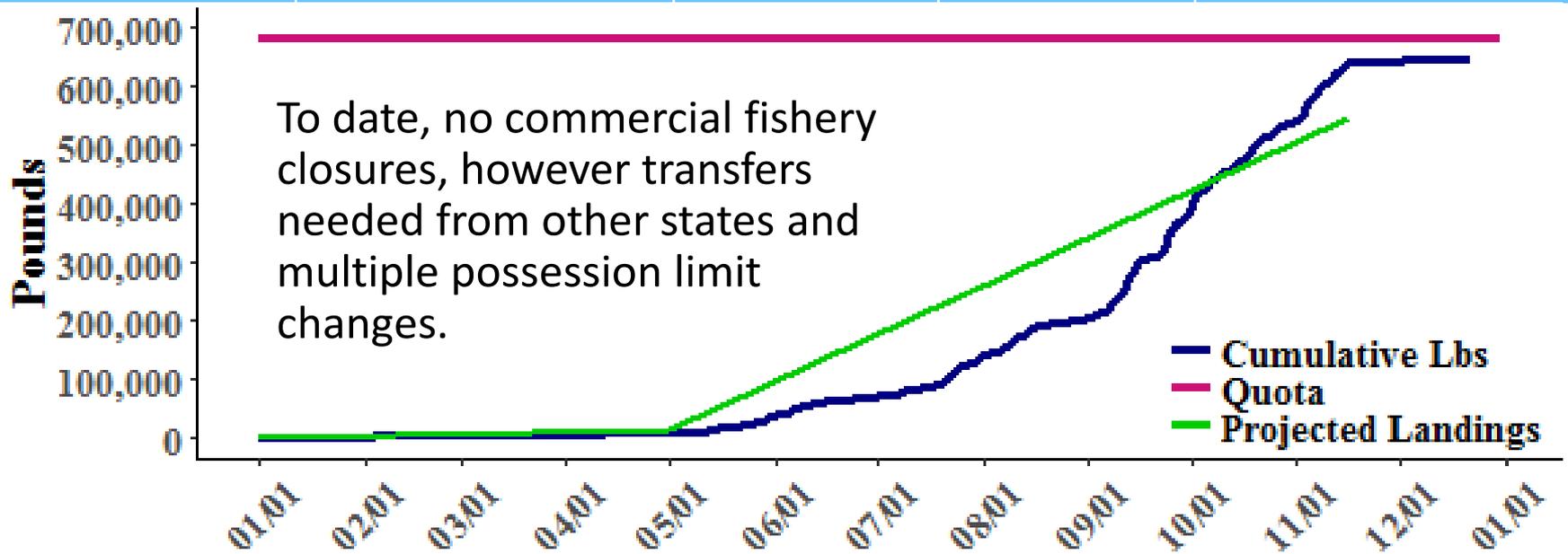
Commercial Quota:

493,160 lbs  
(increase of ~ 19% from 2017 initial quota)



# RI Commercial Bluefish Fishery Performance

Sub-period	2017 Initial Projected Poundage	Transfers	2017 Landings	Possession Limit
1/1 – 4/30	17,154		11,315	500 lbs/vsl/wk (1/1); 250 lbs/vsl/wk (3/5); 500 lbs/vsl/wk (3/26); 750 lbs/vsl/wk (4/16)
5/1 – 11/11	529,585	150,338	625,665	6,000 lbs/vsl/wk (5/1); 10,000 lbs/vsl/wk (5/28); 15,000 lbs/vsl/wk (7/30)
11/12 – 12/31	34,824		9,335	15,000 lbs/vsl/wk (11/12); 10,000 lbs/vsl/wk (11/19); 15,000 lbs/vsl/wk (12/3)
<b>TOTAL</b>	<b>581,563</b>	<b>150,338</b>	<b>646,315</b>	



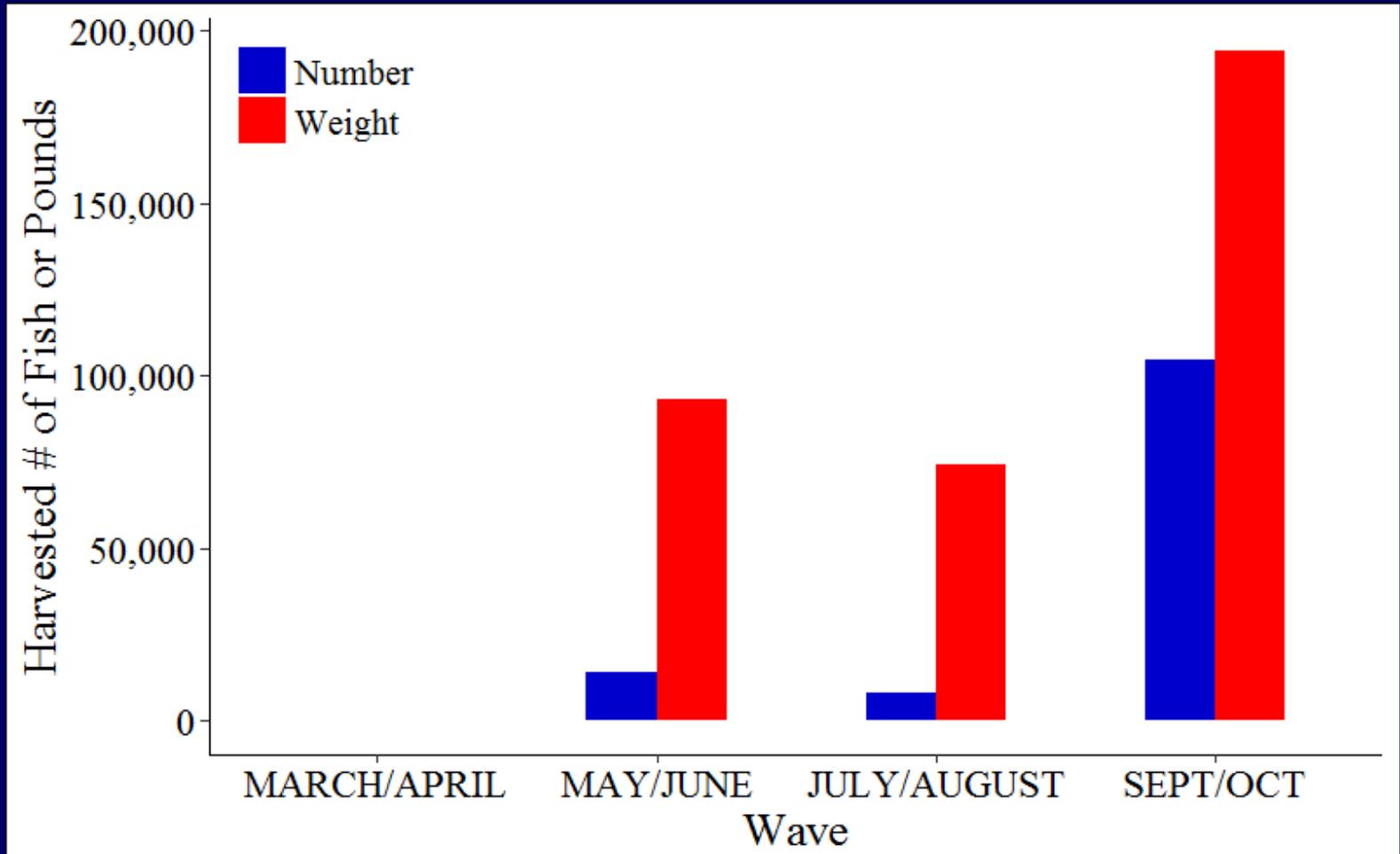
# Commercial Bluefish

## 2018 Proposed Management Options

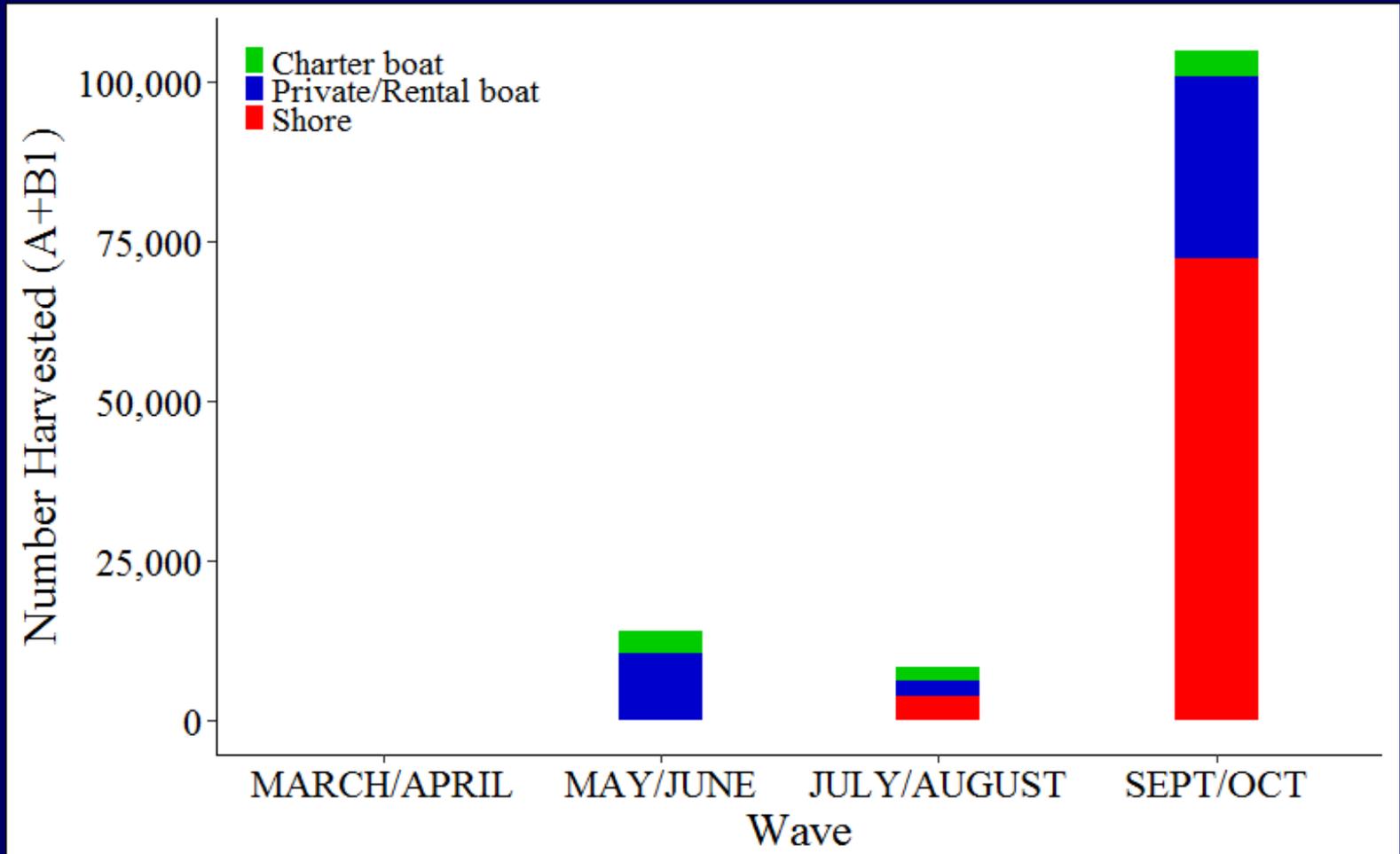
Option	Min. size	Sub-period	Poss. Limit	2018 Projected Poundage
<u>Option 1:</u> <u>Status Quo</u>	12"	1/1 – 4/30	500 lbs/vsl/wk	11,361
		5/1 – 11/11	6,000 lbs/vsl/wk	464,141
		11/12 – 12/31	500 lbs/vsl/wk	12,380
<u>Option 2:</u> <u>Earlier Fall</u> <u>Start Date</u>	12"	1/1 – 4/30	500 lbs/vsl/wk	11,361
		5/1 – 11/ <del>14</del> <u>10</u>	6,000 lbs/vsl/wk	464,141
		11/ <del>12</del> <u>11</u> – 12/31	500 lbs/vsl/wk	12,380
<u>Industry</u> <u>Proposal:</u> <u>2-week</u> <u>Aggregate in</u> <u>Sub-Period 1</u>	12"	1/1 – 4/30	<del>500</del> <u>1,000</u> lbs/vsl/ <u>2 wks</u>	15,361
		5/1 – 11/11	6,000 lbs/vsl/wk	464,141
		11/12 – 12/31	500 lbs/vsl/wk	12,380



# RI Recreational Bluefish



# RI Recreational Bluefish



# Recreational Bluefish 2018 Proposed Management Options

- No changes proposed for 2018

<b>Current Management</b>	<b>Min. size</b>	<b>Sub-period</b>	<b>Poss. Limit</b>
	No min. size	1/1 – 12/31	15 fish





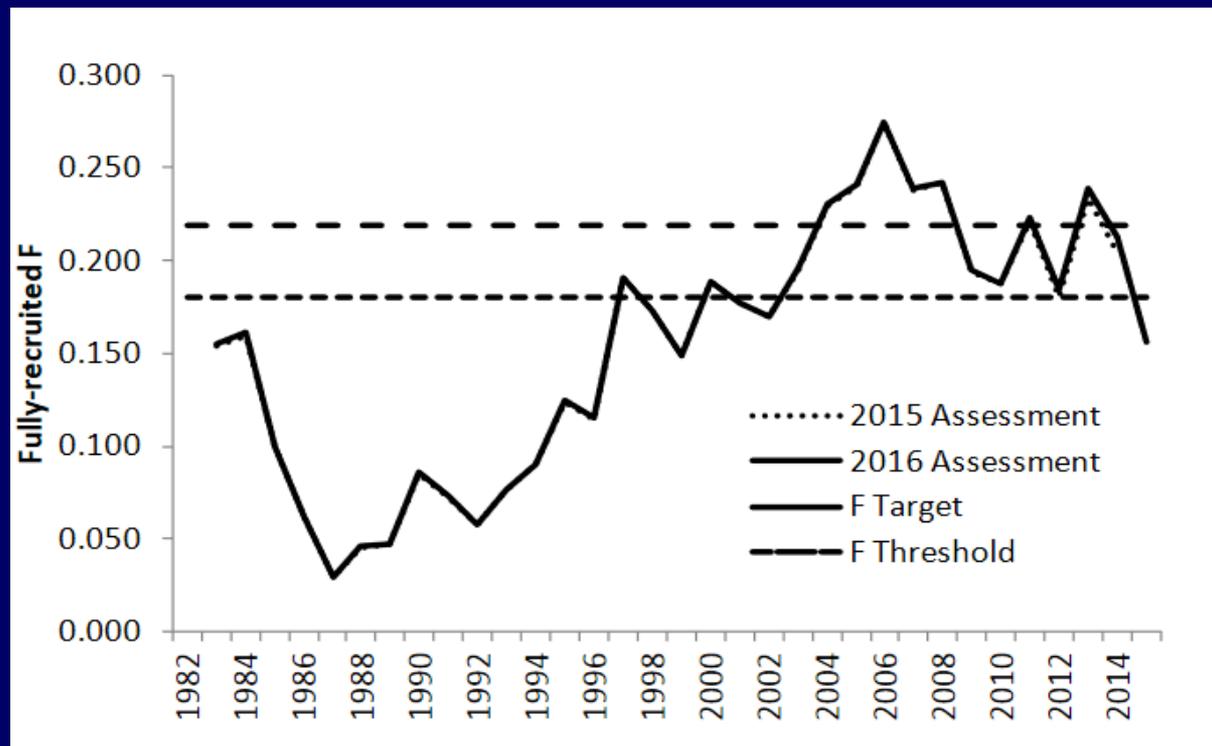
## Striped Bass

- Summary of Stock Status
- **ASMFC Management of Striped Bass**
- 2017 Rhode Island Commercial Fishery Performance
- **2017 Rhode Island Recreational Fishery Performance**
- Recommendations/proposals for 2018



# Striped Bass Stock Status

- Update in 2016: Based on SAW/SARC 57 and peer review, the striped bass stock is not overfished and overfishing is not occurring relative to biological reference points.
- **Benchmark stock assessment underway, to be peer reviewed in Fall 2018.**
- Fishing mortality was estimated to be 0.16 in 2015, a value below both the fishing mortality threshold (0.22) and the fishing mortality target (0.18).

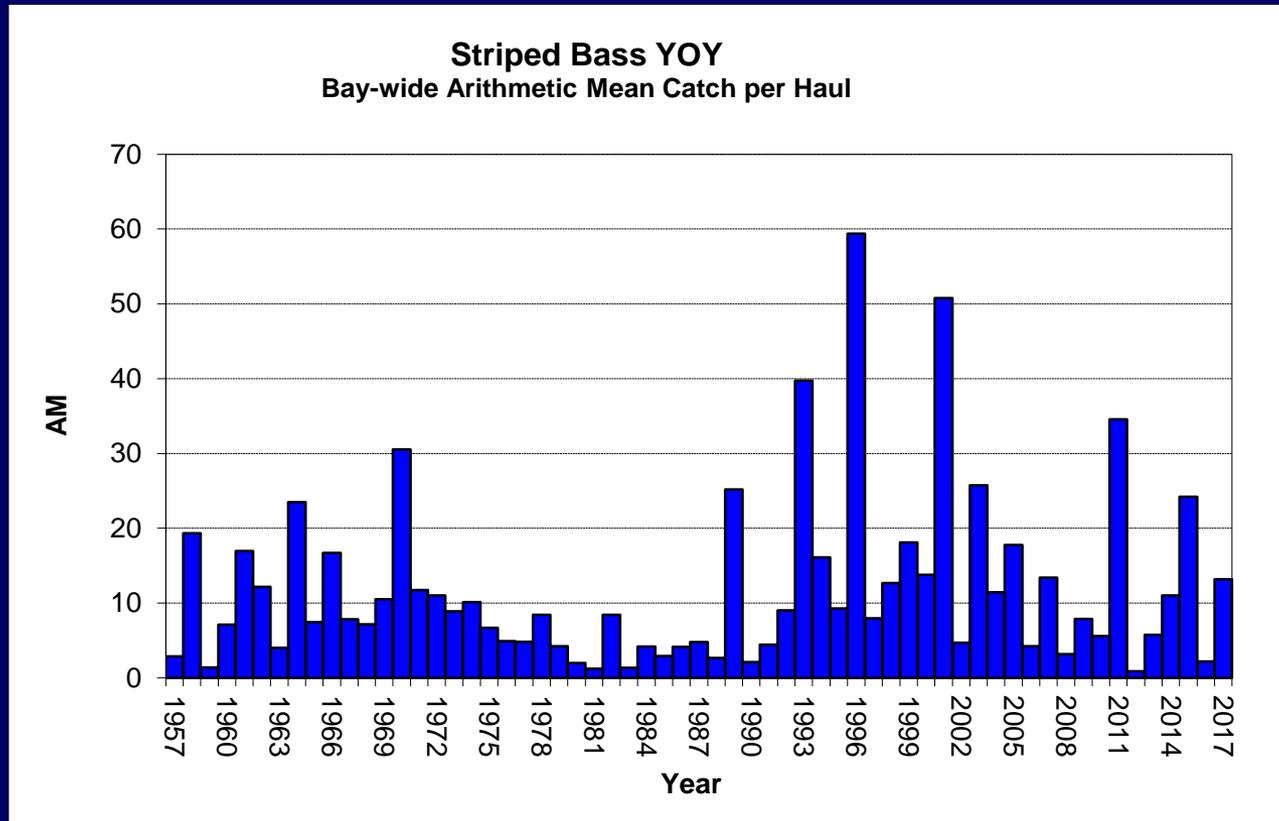


Source: 2016 Update of the Striped Bass Stock Assessment (Figure 14)



# Striped Bass

- Stock Status cont'd:
- SSB was estimated to be 129 million pounds in 2015, just above the threshold but below the target (127 million and 159 million respectively).
- In 2015 high recruitment and a strong year class were observed.
- In 2017 the MD YOY survey indicated a high abundance relative to 2016.



# ASMFC Management of Striped Bass

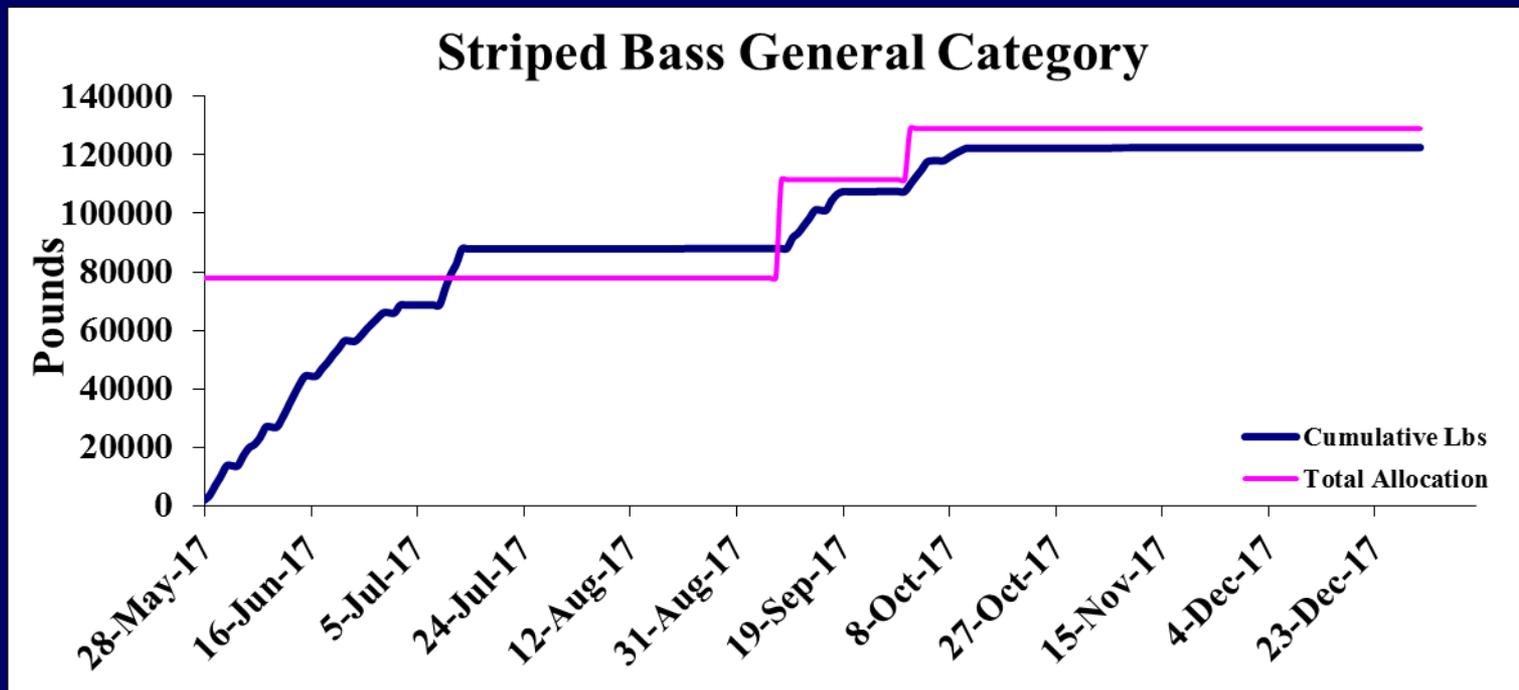
- Addendum IV implemented in 2015.
- RI implemented:
  - Rec: 1 fish at 28" min.
  - Comm. GC: 25 % quota reduction – 111,459 lbs
  - Comm. FFT: 25% quota reduction w/ CE – 70,113 lbs
- Draft Addendum V initiated in February 2017:
  - Withdrawn in May 2017 pending the outcome of the 2018 benchmark stock assessment.
- Addendum IV management options to remain in effect in 2018.



# 2017 RI Commercial Striped Bass Fishery Performance - General Category

- Quota: Initial - 111,457 lbs; after rollover – 128,840 lbs.
- 6,283 lb underage in 2017.

Season	Days Open	Initial Allocation	Trap Rollover	Final Allocation	Landings
5/28 – 7/2; 7/10-7/13	29	78,020 lbs	N/A	78,020 lbs	87,957 lbs
9/10 – 9/19; 10/1 – 10/11; 11/5 – 12/31	58	33,437 lbs	17,383 lbs	40,883 lbs	34,600 lbs



# Commercial General Category Striped Bass 2018 Proposed Management Options

- RI 2018 Commercial Quota = 182,719 lbs:
  - General Category: 111,459 lbs
  - Floating Fish Trap: 69,992

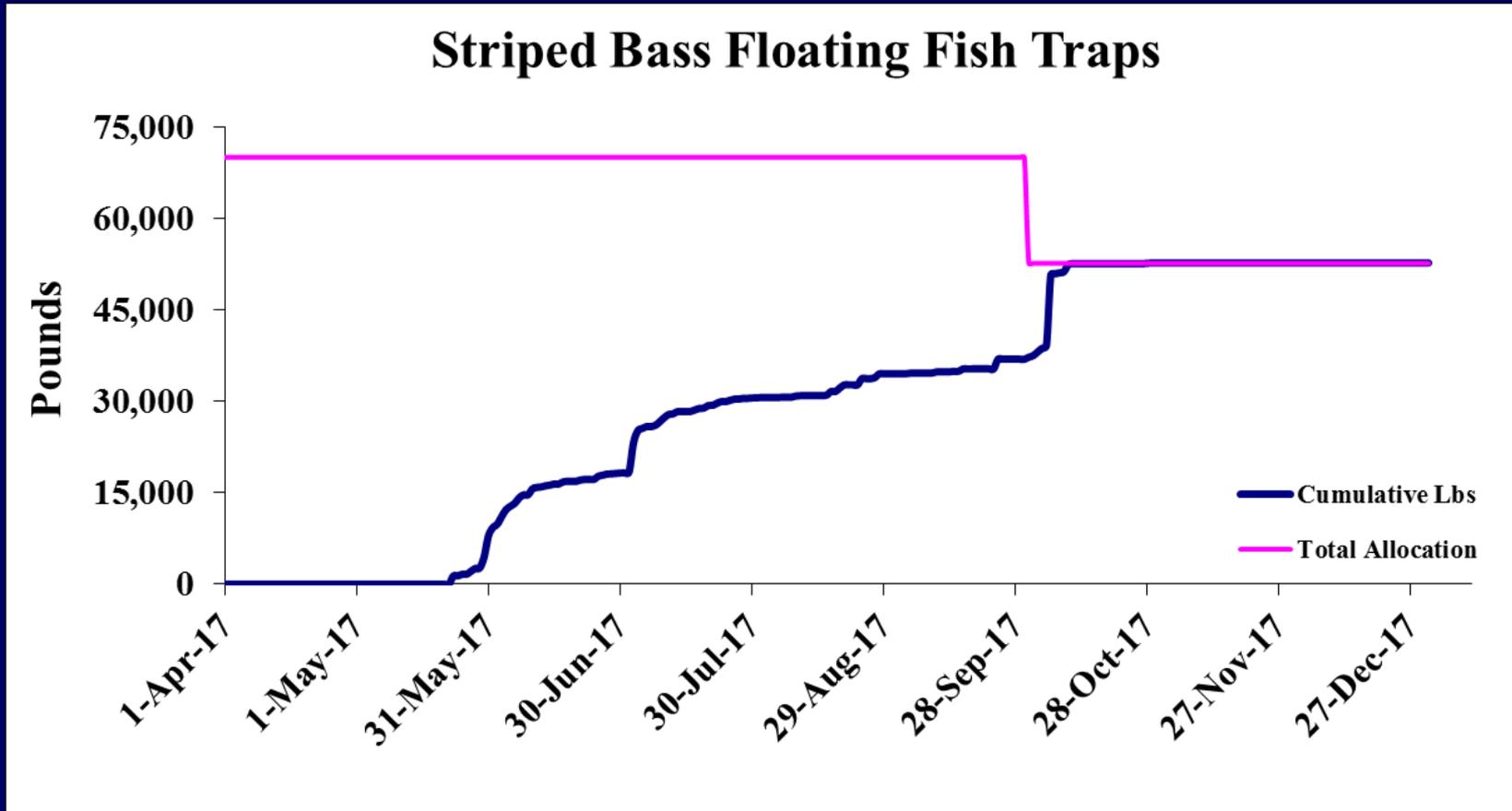
Option	Min. Size	Season	Allocation	Possession Limit
<u>Option 1:</u> <u>Status quo</u>	34"	5/28 – 8/31 (closed Fri & Sat)	70%	5 fish/person/day (max 5 fish/vessel)
		9/8 – 12/31 (closed Fri & Sat)	30%	5 fish/person/day (max 5 fish/vessel)
<u>Option 2:</u> <u>Industry proposal</u>	34"	5/28 – <del>8/31</del> <b>7/31</b> (closed Fri & Sat)	70%	5 fish/person/day (max 5 fish/vessel)
		<del>9/10</del> <b>8/1</b> – <del>12/31</del> <b>8/31</b> (closed Fri & Sat)	30%	

- Will also be soliciting feedback from the RIMFC on how to handle GC re-openings when sub-period quota is under-harvested, would like feedback from the public as well



# 2017 RI Commercial Fishery Performance - Floating Fish Trap

- Quota = Initial - 69,992 lbs, After Rollover – 52,609 lbs
- No underage/overage in 2017



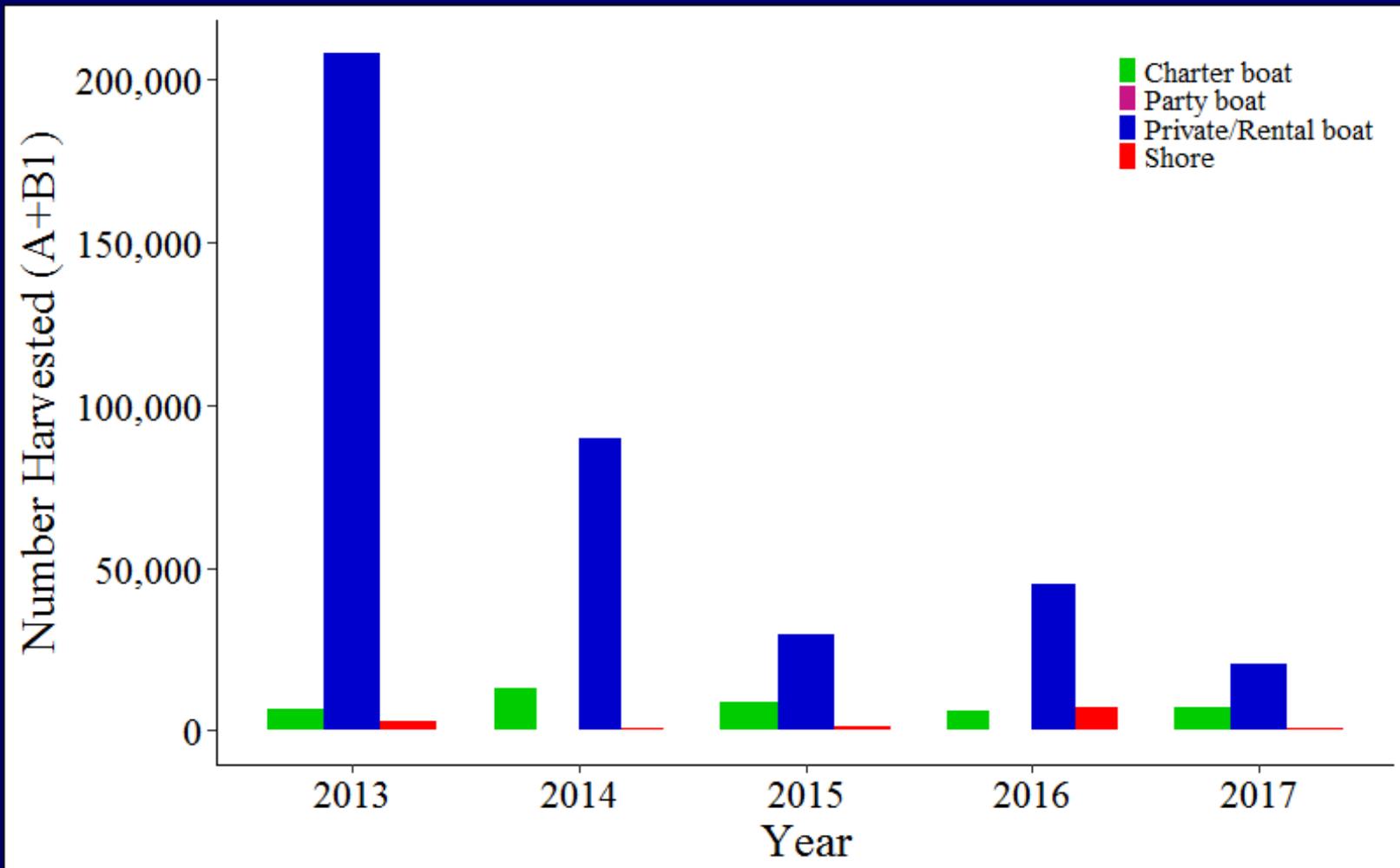
# Commercial Floating Fish Trap Striped Bass Proposed 2018 Management Options

- RI 2018 Commercial Quota = 181,572 lbs:
  - General Category: 111,459 lbs
  - Floating Fish Trap: 70,113 lbs

Option	Min. Size	Possession Limit	Season
<u>Option 1:</u> <u>Status Quo</u>	26"	Unlimited	4/1 – 12/31
<u>Option 2:</u> <u>Modify FFT</u> <u>Rollover</u> <u>Provision</u>	<u>Maintain current management and remove the October 15<sup>th</sup> date from the rollover provision (Part 3 – Finfish, section 3.9.2(A)(3))</u>		



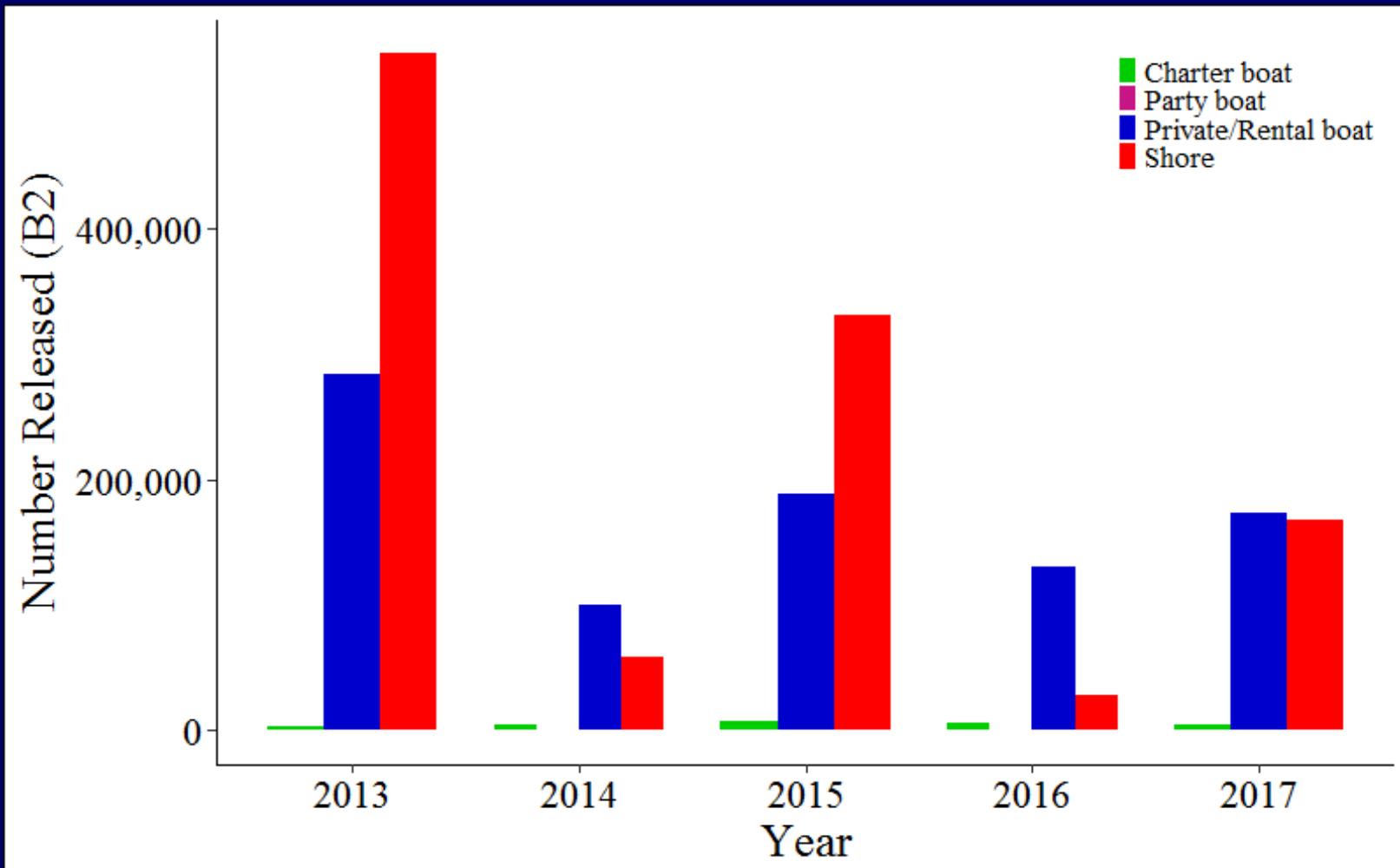
# RI Recreational Striped Bass Fishery Performance



Source: 2017 MRIP, 2017 data preliminary and only through wave 5



# RI Recreational Striped Bass Fishery Performance cont'd:



Source: 2017 MRIP, 2017 data preliminary and only through wave 5



# Recreational Striped Bass 2018 Proposed Management Options

- No changes proposed for 2018

<b>Current Management</b>	<b>Min. Size</b>	<b>Possession Limit</b>	<b>Season</b>
	28"	1 fish/person/day	Open year round





## Skate

- Summary of Stock Status
- NEFMC Management of Skate Complex and changes to Bait Skate
- Recommendations/proposals for the 2018 Commercial Bait Skate Fishery



# Skate (Winter & Little) Stock Status

- Skate Stock Status Update (Aug 2017), based on most recent 3 years of NEFSC Trawl Survey data, shows that Winter and Little Skate are not overfished, and overfishing is not occurring. Barndoor was rebuilt as of fall of 2016.

- The 3-year average for:

- Winter skate increased
- Little skate decreased

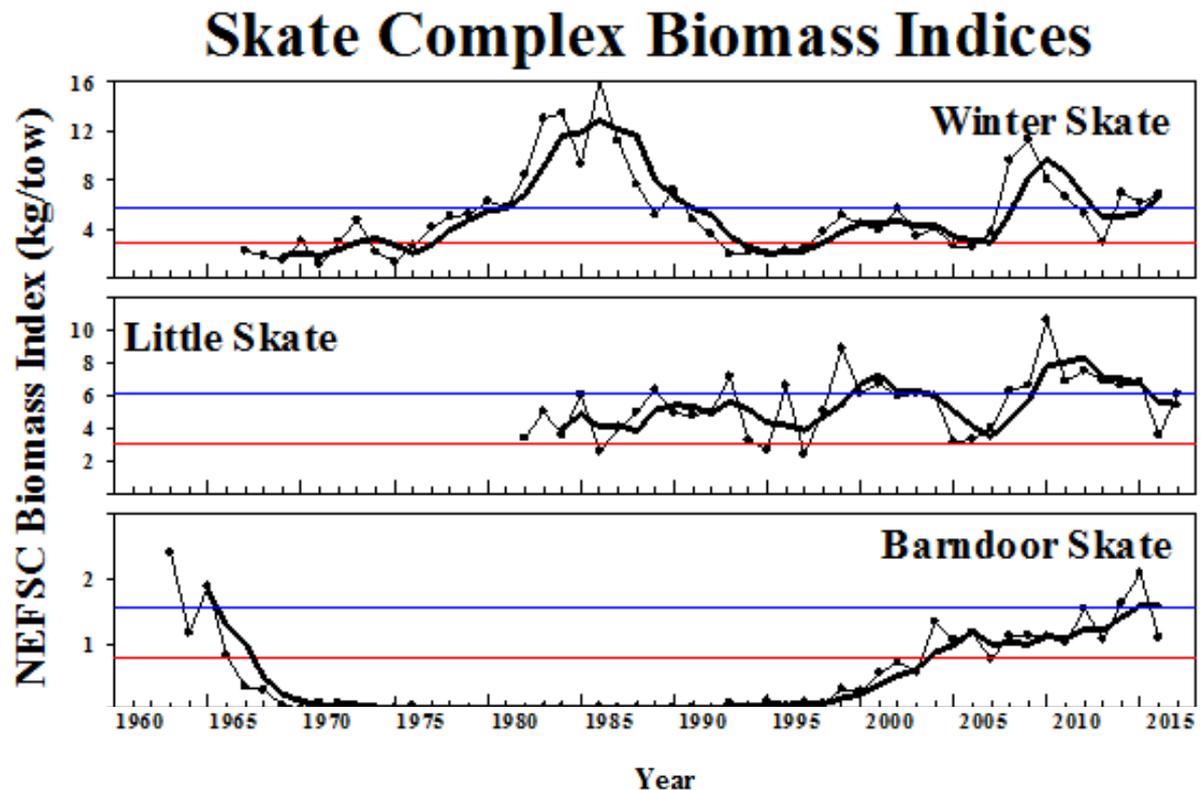
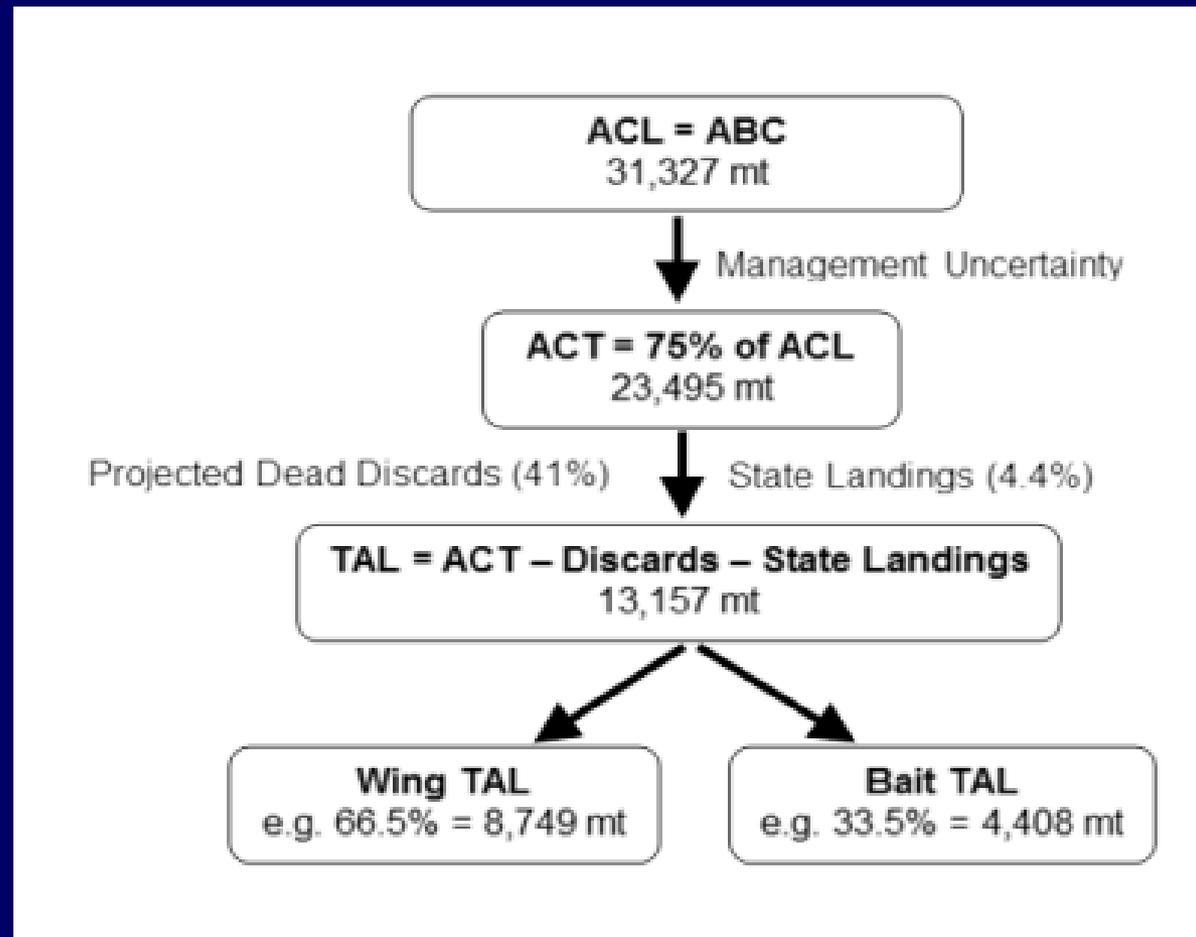


Figure 2 - NEFSC survey biomass indices (kg/tow). Thin lines with symbols are annual indices, thick lines are 3-year moving averages, and the thin horizontal lines are the biomass thresholds using consistent FSV Albatross/Bigelow strata.



# NEFMC Skate Management

- The NEFMC approved Framework Adjustment 5 to the Northeast Skate Complex Fishery Management Plan (FMP). The framework contains specifications for the 2018 and 2019 fishing years, including total allowable landings (TALs) for both the skate wing and skate bait fisheries.



# NEFMC Bait Skate Management

- The NEFMC approved Framework 4, which contains the following seasons and possession limits for the Bait Skate fishery.
- Will look to amend the RI Skate regulations to complement the federal Skate Bait FMP.

Table 2. Skate Bait Fishery Seasons

Season		Percentage of Skate Bait TAL
1	May 1-July 31	30.8
2	August 1-October 31	37.1
3	November 1-April 30	Remainder of Skate Bait TAL

Framework Adjustment 4 Skate Bait Fishery Possession Limits and Triggers

	Season 1 May 1-July 31 30.8% of TAL allocated	Season 2 August 1-October 31 37.1% of TAL allocated	Season 3 November 1-April 30 Remainder of TAL
25,000 pounds	X	X	
12,000 pounds			X
80% trigger			X
90% trigger	X	X	
8,000-pound Incidental limit	X	X	X
Closure			X





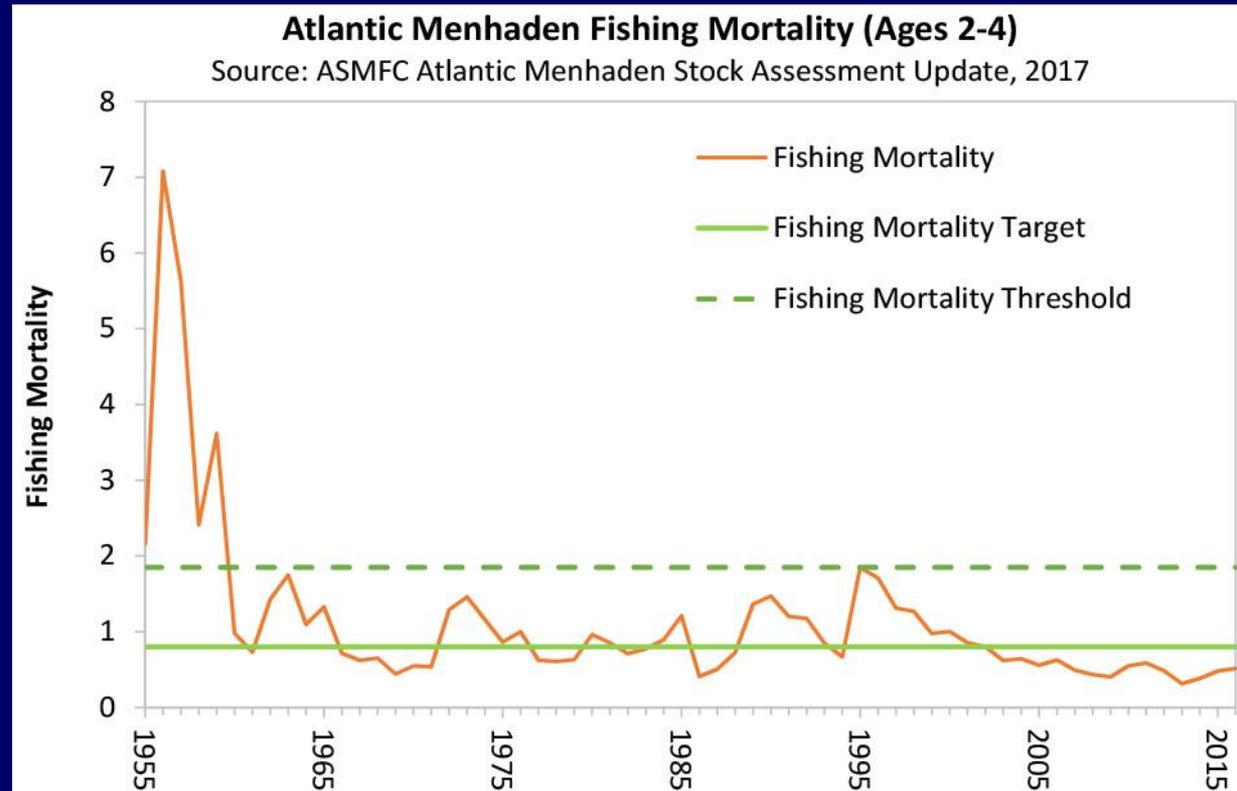
## Menhaden

- Summary of Stock Status
- ASMFC Management of Menhaden
- 2017 Rhode Island Commercial Fishery Performance
- Recommendations for the 2018 Menhaden Fishery



# Menhaden Stock Status

- Update in 2017: Based on 2015 ASMFC/SEDAR assessment
- The population is not overfished and overfishing is not occurring (ASMFC, 2017).
- Fishing mortality was estimated to be 0.51 in 2016, a level below the fishing mortality Threshold ( $F_{21\%}=1.85$ ) and the fishing mortality target ( $F_{36\%}=0.8$ ).

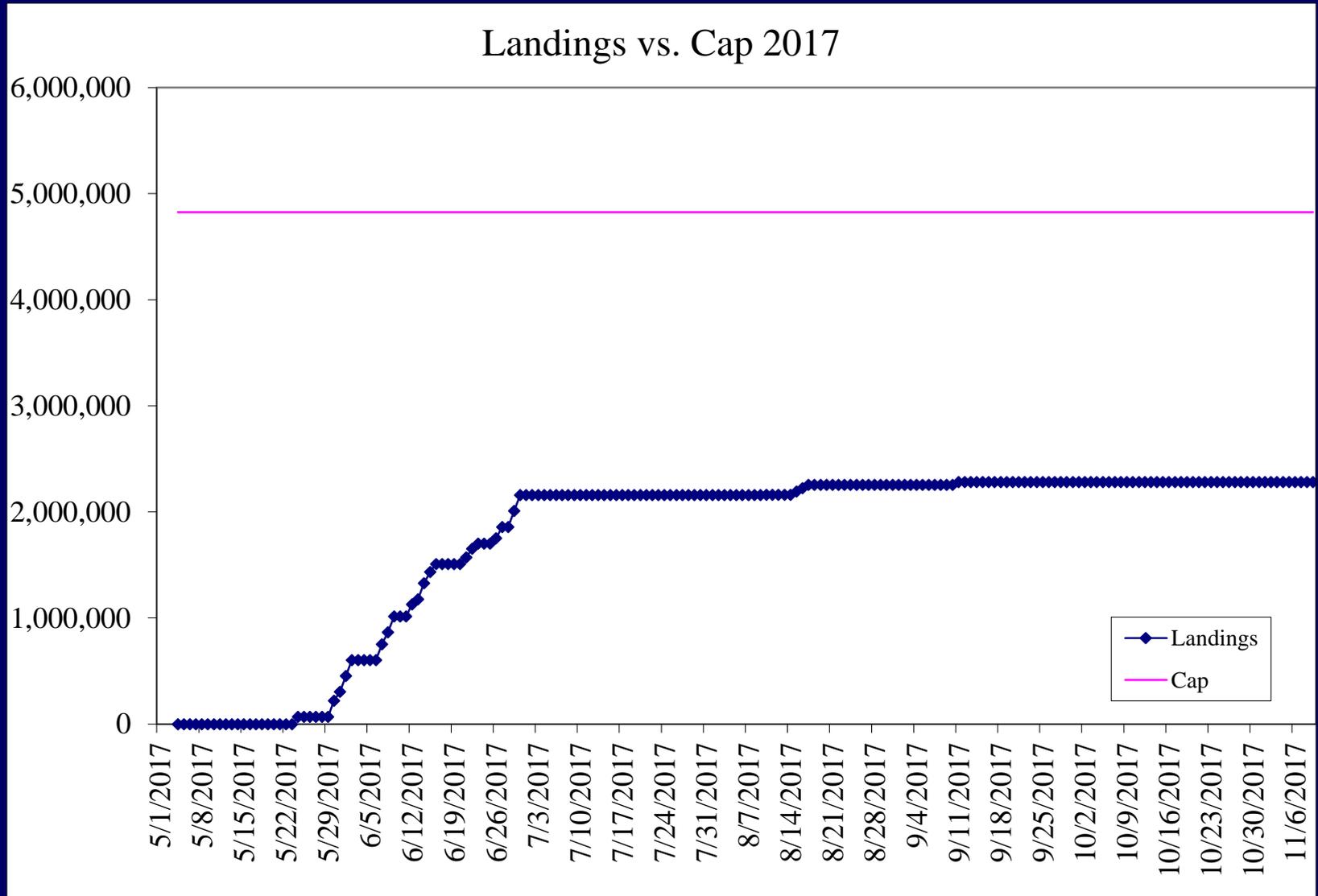


# ASMFC Management of Menhaden

- Amendment 3 approved in 2017:
  - Total allowable catch (TAC) increased 8% for 2018 and 2019 (216,000 mt).
  - State-by-state quota allocations:
    - Each state allocated 0.5% fixed minimum with remainder of the TAC distributed based on 2009-2011 historic landings. RI = 2,440,542 lbs.
  - Quota transfers allowed.
  - Quota rollovers not allowed.
  - Incidental catch and small-scale fisheries:
    - After quota is harvested the fishery becomes incidental catch with a 6,000 lb/vessel/day possession limit for non-directed and small-scale fisheries.
    - Two licensed individuals working from the same vessel fishing stationary multi-species gear may harvest 12,000 lbs/vessel/day.
    - Episodic events remains the same at 1% of overall TAC (4,761,985 lbs).
- Board currently moving forward with development of:
  - Ecological based reference points.



# 2017 RI Landings\*

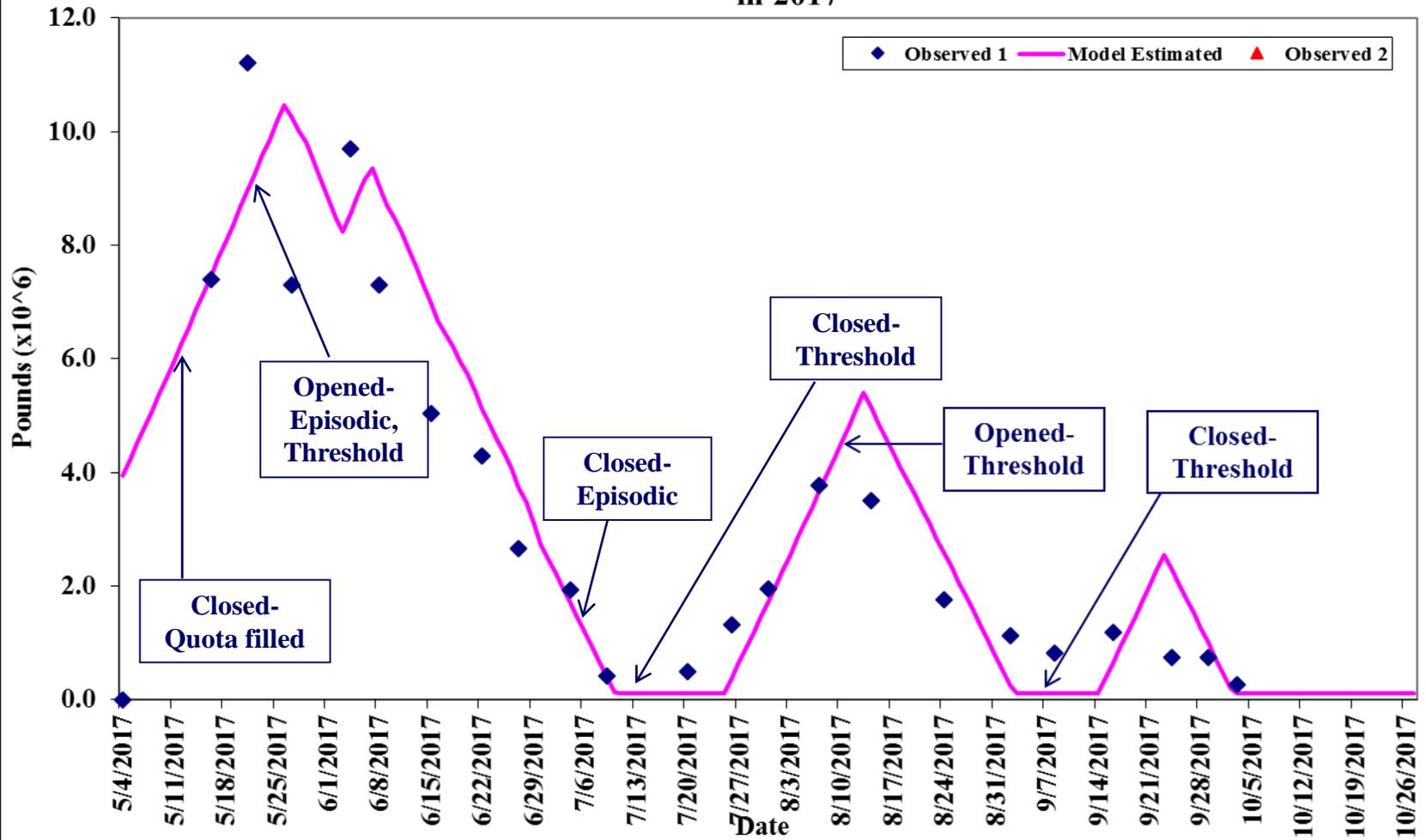


\* Note: Actual landing amounts transformed to protect confidentiality



# 2017 RI Spotter Pilot Observations

Observed and Model Estimated Spotter Index of Menhaden in Narragansett Bay in 2017



# Commercial Menhaden

- 2017 Landings by sector

Quota	Total Landings	Quota Remaining	Bycatch Landed (< 6,000 lbs)	Episodic Event Landings
78,195	153,408	-75,213	131,176	Confidential

- 2017 Overage to be deducted from 2018 quota



# Commercial Menhaden

## Proposed 2018 Management Options

- Division proposal for ASMFC compliance:
  - Define non-directed, small-scale, and stationary multi-species gear
    - Non-directed: Anchored/stake gillnets, trawls, fyke nets, floating fish traps.
    - Small-scale: Cast nets, pots, hook and line, hand lines, trammel nets, bait nets.
    - Stationary multi-species: Anchored/stake gillnets, floating fish traps, fyke nets.
  - Allow 6,000 lb/vessel/day possession limit for non-directed and small scale gears upon fishery closure.
  - Allow 12,000 lb/vessel/day possession limit for stationary small-scale gear when 2 licensed individuals are on the same vessel and state quota has been reached.
  - Modify starting possession limit under state quota from unlimited to 120,000 lbs/vessel/day.

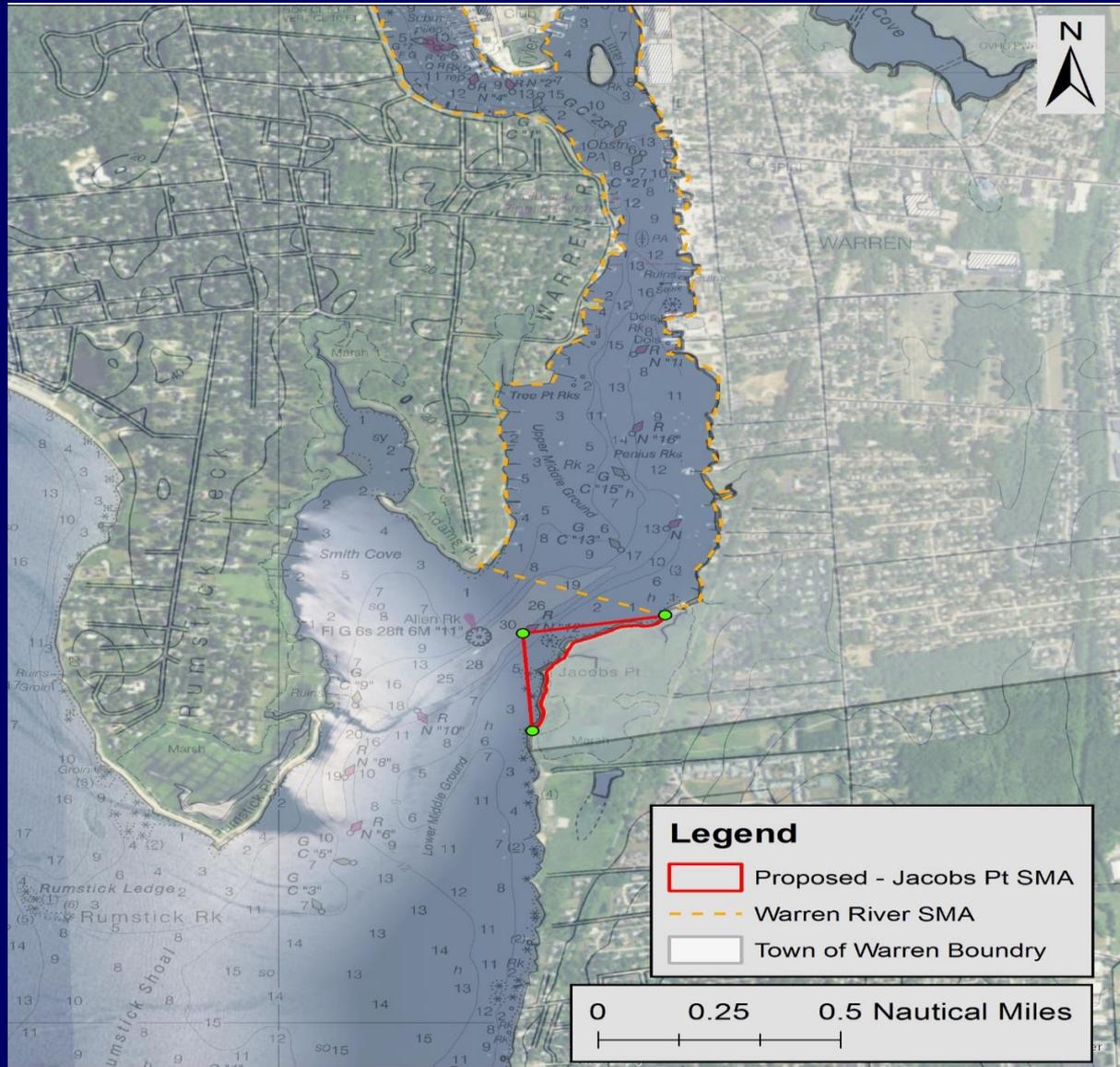


# Commercial Menhaden Proposed 2018 Management Options

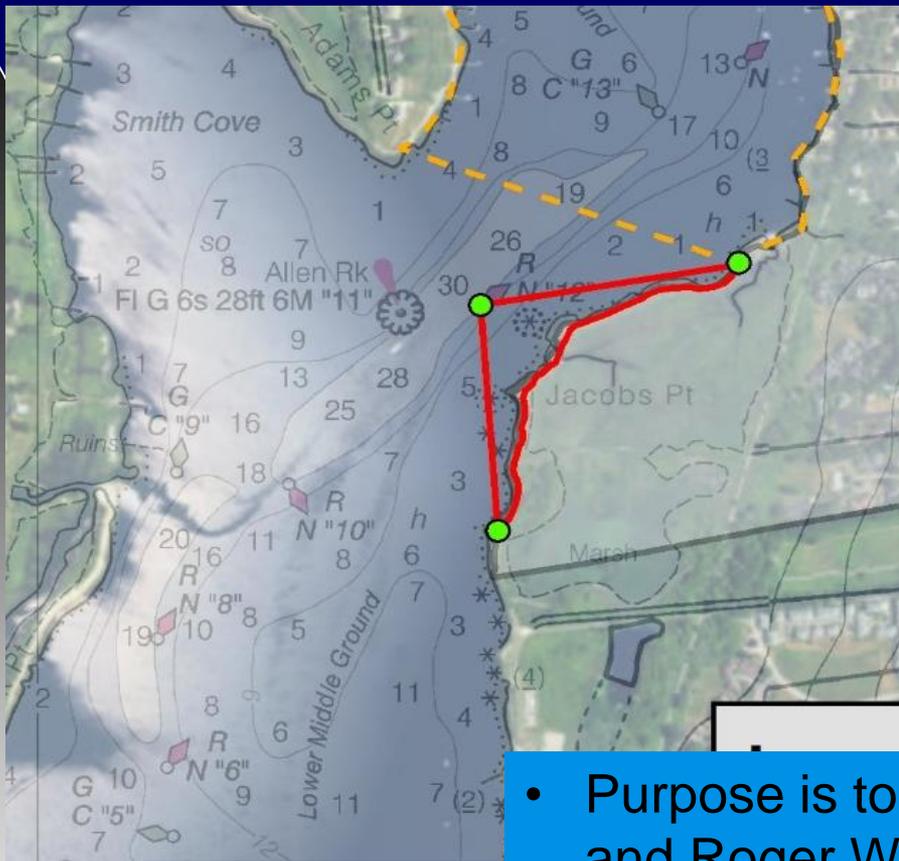
- Division proposal for ASMFC compliance cont'd:
  - Add provision stating that only one landing per purse seine operation or company per day is permitted.
  - Allow possession or taking of menhaden on any Saturday, Sunday, official state holiday, or prior to sunrise or following sunset, for non-directed gear or small-scale gear.
  - Modify call-in reporting requirement language to only apply to purse seine operations.
  - Modify episodic event set aside program language to allow participation from all gear types.
  - Modify other minor instances where “non-directed gear” was used to include non-directed and small-scale gear.



# Proposed Jacob's Point Shellfish Management Area



# Proposed Jacob's Point Shellfish Management Area



- Purpose is to facilitate support to town of Warren and Roger Williams Univ. for seeding of oysters
- Goals includes short-term enhanced opportunities for commercial and recreational harvest, long-term potential for increased sustainability of the resource, as well as a strong educational tool for school children and the general public.
- Proposed reduced commercial possession limit of one peck/day for oysters



## Proposed clarification of language regarding shellfish harvest in areas declared polluted (Part 4 – Shellfish).

- See annotated language (Part 4, section 4.7(B)&(C)). This is a clarification of language only; no actual changes proposed



## Proposed clarification of language regarding prohibited area for the harvest of Surf clams (Part 4 – Shellfish).

- See annotated language (Part 4, section 4.8(L)(2). This is a clarification of language only; no actual changes proposed



**Proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots (Part 6, section 6.7(C)(3))**

- Proposal originated from Div. of Law enforcement.
- Requirement currently applies only to Black sea bass and Scup pots.
- Proposal is to broaden rule so is applicable to all fixed fishing gear.
- Would not apply to net float lines.



## Proposal to broaden the buoy and vessel color scheme requirement to all pots (Part 6, section 6.7(C)(4)&(5))

- Proposal originated from Div. of Law Enforcement.
- Requirement currently applies only to Lobster pots.
- Proposal is to broaden rule and apply to all pots and vessels that harvest pots.



End of Slides!





## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

## PUBLIC NOTICE OF PROPOSED RULEMAKING

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier:

1. *Part 3 – Finfish* (250-RICR-90-00-3)
2. *Part 4 – Shellfish* (250-RICR-90-00-4)
3. *Part 6 – General Equipment Provisions* (250-RICR-90-00-6)

Rulemaking action: Proposed rulemaking

Timetable for action on the proposed rule:

- Submission to Office of Regulatory Reform: December 15, 2017 (*as applicable*)
- Date of public notice: January 19, 2018
- Date of hearing: February 19, 2018
- End of Comment period: February 26, 2018

Summary of proposed rule:

1. Hearing Item #1a: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding recreational black sea bass management (section 3.7.1).
2. Hearing Item #1b: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding recreational scup management (section 3.8.1).
3. Hearing Item #1c: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial scup management (section 3.8.2).
4. Hearing Item #1d: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding recreational striped bass management (section 3.9.1).
5. Hearing Item #1e: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial general category striped bass management (section 3.9.2(A)).
6. Hearing Item #1f: Proposed AMENDMENT to “*Part 3 – Finfish*”, to remove the October 15th date from the floating fish trap allocation transfer provision (section 3.9.2(A)(3)).
7. Hearing Item #1g: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial floating fish trap striped bass management (section 3.9.2(B)).

8. Hearing Item #1h: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding recreational summer flounder management (section 3.10.1).
9. Hearing Item #1i: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding recreational tautog management (section 3.11.1).
10. Hearing Item #1j: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial tautog management (section 3.11.2).
11. Hearing Item #1k: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding recreational bluefish management (section 3.18.1).
12. Hearing Item #1l: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial bluefish management (section 3.18.2).
13. Hearing Item #1m: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial menhaden management (section 3.22.2).
14. Hearing Item #1n: Proposed AMENDMENT to “*Part 3 – Finfish*”, regarding commercial skate management (section 3.26.2).
15. Hearing Item #2: Proposed AMENDMENT to “*Part 4 – Shellfish*”, regarding proposed Jacob’s Point Shellfish Management Area (proposed section 4.12(V)).
16. Hearing Item #3a: Proposed AMENDMENT to “*Part 6 – General Equipment Provisions*”, regarding broadening the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots (section 6.7).
17. Hearing Item #3b: Proposed AMENDMENT to “*Part 6 – General Equipment Provisions*”, regarding broadening the buoy and vessel color scheme requirement to all pots (section 6.7).

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on February 26, 2018. Comments may be submitted to the following address:

DEM Division of Marine Fisheries  
3 Fort Wetherill Road  
Jamestown, RI 02835  
ATTN: Peter Duhamel

Alternatively, written comments may be submitted by email to [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov).

Public hearing information:

The PUBLIC HEARING will be held at **6:00PM** on **Monday, February 19, 2018** at the University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

The rooms are accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

For further information please contact the email or address provided above.

Authority for this rulemaking: R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

Regulatory Findings: In the development of the proposed amendment, consideration will be given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business.

*Filed with Sec. of State's office pursuant to R.I. Gen. Laws § 42-35-2.7 "Notice of proposed rulemaking" on February 19, 2018.*

**RI Department of Environmental  
Management**

**Division of Marine Fisheries**

**PUBLIC HEARING**

February 19, 2018



# Hearing Item #1a: Recreational Black Sea Bass

## 2018 Proposed Management Options:

Option	Min. Size	Season	Possession Limit
<b><u>Option 1:</u> Status Quo</b>	15"	5/25 – 8/31	3 fish
		9/1 – 9/21	7 fish
		9/22 – 10/21	Closed
		10/22 – 12/31	7 fish
<b><u>Option 2:</u> Later opening, early closure; remove mid- season closure</b>		<del>5/25</del> <b><u>6/21</u></b> – 8/31	3 fish
		9/1 – <del>9/21</del> <b><u>12/4</u></b>	<del>7 fish</del> <b><u>5 fish</u></b>
		<del>9/22 – 10/21</del>	Closed
		<del>10/22 – 12/31</del>	<del>7 fish</del>



# Hearing Item #1a cont'd: Recreational Black Sea Bass

## 2018 Proposed Management Options cont'd:

Option	Min. Size	Season	Possession Limit
<b><u>Option 3:</u></b> Later opening; remove mid- season closure	15"	<del>5/25</del> <b><u>6/26</u></b> – 8/31	3 fish
		9/1 – <del>9/24</del> <b><u>12/23</u></b>	<del>7 fish</del> <b><u>5 fish</u></b>
		<del>9/22 – 10/21</del>	Closed
		<del>10/22 – 12/31</del>	7 fish
<b><u>Option 4:</u></b> Later opening, incr. bag; remove mid- season closure		<del>5/25</del> <b><u>6/26</u></b> – 8/31	3 fish
		9/1 – <del>9/24</del> <b><u>11/30</u></b>	<del>7 fish</del> <b><u>6 fish</u></b>
		<del>9/22 – 10/21</del>	Closed
		<del>10/22 – 12/31</del>	7 fish



# Hearing Item #1a cont'd: Recreational Black Sea Bass

## 2018 Proposed Management Options cont'd:

Option	Min. Size	Season	Possession Limit
<b><u>Option 5:</u></b> Later opening; remove mid-season closure	15"	<del>5/25</del> <b><u>7/1</u></b> – 8/31	3 fish
		9/1 – <del>9/21</del> <b><u>11/2</u></b>	<del>7 fish</del> <b><u>5 fish</u></b>
		<del>9/22 – 10/21</del>	Closed
		<del>10/22 – 12/31</del>	7 fish
<b><u>Option 6:</u></b> Even later opening; remove mid-season closure		<del>5/25</del> <b><u>7/12</u></b> – 8/31	3 fish
		9/1 – <del>9/21</del> <b><u>12/31</u></b>	<del>7 fish</del> <b><u>5 fish</u></b>
		<del>9/22 – 10/21</del>	Closed
		<del>10/22 – 12/31</del>	7 fish
<b><u>Option 7:</u></b> Early opening; remove mid-season closure		<del>5/25</del> <b><u>6/22</u></b> – 8/31	3 fish
		9/1 – <del>9/21</del> <b><u>10/25</u></b>	<del>7 fish</del> <b><u>5 fish</u></b>
		<del>9/22 – 10/21</del>	Closed
		<del>10/22 – 12/31</del>	7 fish



# Hearing Item #1b: Recreational Scup

## 2018 Proposed Management Options:

Option	Mode	Min. Size	Season/Possession Limit
<b><u>Option 1:</u> Status Quo</b>	General Fishery	10"	<u>May 1 – Dec. 31</u> : 30 fish
	P/C	10"	<u>May 1 – Aug. 31</u> : 30 fish <u>Sept. 1 – Oct. 31</u> : 45 fish <u>Nov. 1 – Dec. 31</u> : 30 fish
	Special Shore	9"	<u>May 1 – Dec. 31</u> : 30 fish
<b><u>Option 2:</u> Dec. min. size</b>	General Fishery	<del>10</del> <u>9</u> "	<u>May 1 – Dec. 31</u> : 30 fish
	P/C	<del>10</del> <u>9</u> "	<u>May 1 – Aug. 31</u> : 30 fish <u>Sept. 1 – Oct. 31</u> : 45 fish <u>Nov. 1 – Dec. 31</u> : 30 fish
	Special Shore	<del>9</del> <u>8</u> "	<u>May 1 – Dec. 31</u> : 30 fish



# Hearing Item #1c: Commercial Scup

## 2018 Proposed Management Options:

Option	Min. size	Seasons	Sub-periods	Quota		Starting Poss. limit
<b><u>Option 1:</u> FMP compliance with single summer sub-period</b>	9"	<u>Winter I:</u> (1/1 – 4/30)		Coastwide		50,000 lbs/vsl/day
		<u>Summer – Fall:</u> (5/1 – 10/31 <b>9/30</b> )	<u>Gen. Cat. Summer:</u> (5/1 – <del>9/17</del> <b>9/30</b> )	40% of sub- period quota	<del>2/3 of Gen. Cat. quota</del>	10,000 lbs/vsl/wk
			<del>Gen. Cat. Fall:</del> ( <del>9/18</del> – 10/31)		<del>1/3 of Gen. Cat. quota</del>	
			<u>FFT:</u> (4/1 – 10/31 <b>9/30</b> )	60% of sub- period quota		Unlimited
	<u>Winter II:</u> ( <del>11/1</del> <b>10/1</b> – 12/31)		Coastwide		2,000/ 18,000* lbs/vsl/day	

# Hearing Item #1d: Recreational Striped Bass

- No changes proposed for 2018

	<b>Min. Size</b>	<b>Possession Limit</b>	<b>Season</b>
<b>Current Management</b>	28"	1 fish/person/day	Open year round



# Hearing Item #1e: Commercial General Category Striped Bass

## 2018 Proposed Management Options:

Option	Season	Alloc.	Poss. limit
<u>Option 1:</u> <b>Maintain current management parameters; remove Sept. 15 quota adjustment provision</b>	5/28 – 8/31 (closed Fri & Sat)	70%	5 fish/person/day; max 5 fish/vessel
	9/10 – 12/31 (closed Fri & Sat)	30%	
	<del>If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.</del>		
<u>Option 2:</u> <b>Industry proposal</b>	5/28 – <del>8/31</del> <u>7/31</u> (closed Fri/Sat)	70%	5 fish/person/day; max 5 fish/vessel
	<del>9/10 – 12/31</del> <u>8/1 - 8/31</u> (closed Fri/Sat)	30%	
<u>Option 3:</u> <b>Industry proposal</b>	<del>5/28 – 8/31</del> <u>5/15 – 8/23</u> (closed Fri/Sat)	70%	5 fish/person/day; max 5 fish/vessel
	<del>9/10</del> <u>8/24</u> – 12/31 (closed Fri/Sat)	30%	



# Hearing Item #1e cont'd: Commercial General Category Striped Bass

## 2018 Proposed Management Options cont'd:

Option	Season	Alloc.	Poss. limit
<b><u>Option 4:</u></b> <b>Industry proposal</b>	<del>5/28—8/31</del> <b><u>5/15 – 8/23</u></b> (closed Fri & Sat)	<del>70</del> <b><u>80</u></b> %	5 fish/ person/ day; max 5 fish/ vessel
	<del>9/10</del> <b><u>8/24</u></b> – 12/31 (closed Fri & Sat)	<del>30</del> <b><u>20</u></b> %	
<b><u>Option 5:</u></b> <b>Industry proposal</b>	<del>5/28—8/31</del> <b><u>5/15 - 12/31</u></b> (closed Fri & Sat)	<del>70</del> <b><u>100</u></b> %	
	<del>9/10—12/31 (closed Fri &amp; Sat)</del>	<del>30</del> %	
<b><u>Option 6:</u></b> <b>Industry proposal</b>	5/28 – <del>8/31</del> <b><u>7/14</u></b> (closed <del>Fri</del> <b><u>Tues, Wed,</u></b> Sat)	<del>70</del> <b><u>60</u></b> %	
	<del>9/10—12/31</del> <b><u>7/15 - 8/31</u></b> (closed <del>Fri &amp;</del> <b><u>Tues, Wed,</u></b> Sat)	<del>30</del> <b><u>40</u></b> %	
<b><u>Option 7:</u></b> <b>Industry proposal</b>	<del>5/28—8/31</del> <b><u>5/24 – 6/30</u></b> (closed <del>Fri &amp;</del> <b><u>Tues, Wed,</u></b> Sat)	<del>70</del> <b><u>60</u></b> %	5 <b><u>4</u></b> fish/person/day; max 5 <b><u>4</u></b> fish/vessel
	<del>9/10</del> <b><u>7/15</u></b> – 12/31 (closed <del>Fri</del> <b><u>Tues,</u></b> <b><u>Wed,</u></b> Sat)	<del>30</del> <b><u>40</u></b> %	



# Hearing Item #1e cont'd: Commercial General Category Striped Bass

Additional proposals submitted as public comments:

Option	Season	Alloc.	Poss. limit
<u>Option 8:</u>	<del>5/28</del> <u>5/27</u> – 8/31 (closed Fri & Sat)	<del>70</del> <u>60</u> %	5 fish/person/ day; max 5 fish/ vessel
	<del>9/10</del> <u>8/12</u> – 12/31 (closed Fri & Sat)	<del>30</del> <u>40</u> %	
<u>Option 9:</u>	<del>5/28</del> <u>5/23</u> – 8/31 (closed <del>Fri &amp; Sat</del> <u>Sun, Mon. Tues</u> )	<del>70</del> <u>60</u> %	
	<del>9/10</del> <u>8/8</u> – 12/31 (closed <del>Fri &amp; Sat</del> <u>Sun, Mon. Tues</u> )	<del>30</del> <u>40</u> %	



**Hearing Item #1f:**  
**Proposed amendment to remove the**  
**October 15th date from the floating fish trap**  
**allocation transfer provision**

**Proposed amendment (Part 3, section 3.9.2(A)(3)):**

If DEM estimates that the Floating Fish Trap sector will not fully utilize its allocation prior to the end of the season, ~~beginning on October 15,~~ the Division may ~~move~~ **transfer** the Floating Fish Trap allocation into the General Category fishery. DEM will consult with the Floating Fish Trap Licensees or their designee prior to enacting any allocation ~~roll-over~~ **transfer**, and ~~will~~ **shall** maintain written ~~correspondence in the form of a letter on file as proof~~ **documentation** of said consultation.



# Hearing Item #1g: Commercial Striped Bass Floating Fish Traps

- No changes proposed for 2018

	<b>Min. Size</b>	<b>Season</b>	<b>Possession Limit</b>
<b>Current Management</b>	26"	4/1 – 12/31	Unlimited (200 lbs/day @ 70% of quota)



# Hearing Item 1h: Recreational Summer Flounder

## 2018 Proposed Management Options:

Option	Minimum size	Season	Possession Limit
<b><u>Option 1:</u> Status Quo</b>	19"	May 1 – Dec. 31	4 fish
<b><u>Option 2:</u> Inc. bag limit</b>	19"	May 1 – Dec. 31	<b><u>6</u></b> fish



# Hearing Item 1i: Recreational Tautog

## 2018 Proposed Management Options:

Option	Min. Size	Rec. and P/C Season	Poss. Limit
<p style="text-align: center;"><u>Option 1:</u> <u>Earlier Spring</u> <u>opening;</u> <u>ASMFC</u> <u>compliance;</u> <u>extend season</u></p>	16"	April <del>15</del> <u>1</u> – May 31:	3 fish/person/day*
		June 1 – July 31:	Closed
		Aug. 1 – 3 <sup>rd</sup> Sat. in Oct:	3 fish/person/day*
		3 <sup>rd</sup> Sat. in Oct. – Dec. <del>15</del> <u>31</u> :	<del>6</del> <u>5</u> fish/person/day* * max. 10 fish/vessel (n/a for P/C)



# Hearing Item 1j: Commercial Tautog

## 2018 Proposed Management Options:

Option	Min. Size	Season	Allocation	Poss. Limit
<b><u>Option 1:</u></b> <b><u>Status Quo</u></b>	16"	April 15 – May 31	40%	10 fish/vsl/day
		June 1 – July 31	Closed	
		Aug. 1 – Sept. 15	20%	10 fish/vsl/day
		Oct. 15 – Dec. 31	40%	10 fish/vsl/day
<b><u>Option 2:</u></b> <b><u>Earlier Spring opening</u></b>		April <del>15</del> <b>1</b> – May 31	40%	10 fish/vsl/day
		June 1 – July 31	Closed	
		Aug. 1 – Sept. 15	20%	10 fish/vsl/day
		Oct. 15 – Dec. 31	40%	10 fish/vsl/day
<b><u>Option 3:</u></b> <b><u>Eliminate Spring sub-period;</u></b> <b><u>allocation adjustment</u></b>		<del>April 15 – May 31</del>	<del>40%</del>	<del>10 fish/vsl/day</del>
		<del>June</del> <b><u>Jan.</u></b> 1 – July 31	Closed	
		Aug. 1 – Sept. 15	<del>20</del> <b><u>40</u></b> %	10 fish/vsl/day
		Oct. 15 – Dec. 31	<del>40</del> <b><u>60</u></b> %	10 fish/vsl/day

# Hearing Item 1k: Recreational Bluefish

- No changes proposed for 2018

<b>Current Management</b>	<b>Min. size</b>	<b>Sub-period</b>	<b>Poss. Limit</b>
	No min. size	1/1 – 12/31	15 fish



# Hearing Item 1I: Commercial Bluefish

## 2018 Proposed Management Options:

Option	Min. size	Sub-period	Poss. Limit
<b><u>Option 1:</u> Change season dates</b>	12"	1/1 – 4/30	500 lbs/vsl/wk
		5/1 – <del>11/11</del> <b><u>second Saturday in November</u></b>	6,000 lbs/vsl/wk
		<del>11/12</del> <b><u>Second Sunday in November</u></b> – 12/31	500 lbs/vsl/wk
<b><u>Option 2:</u> Industry Proposal – bi-weekly Agg. limit</b>	12"	1/1 – 4/30	<del>500</del> <b><u>1,000</u></b> lbs/vsl/ <b><u>2 wks</u></b>
		5/1 – <del>11/11</del> <b><u>second Saturday in November</u></b>	6,000 lbs/vsl/wk
		<del>11/12</del> <b><u>Second Sunday in November</u></b> – 12/31	500 lbs/vsl/wk



# Hearing Item 1m: Commercial Menhaden

- Division proposal for ASMFC compliance:
  - Define non-directed, small-scale, and stationary multi-species gear as part of “Incidental Catch Fishery”
    - Non-directed: Anchored/stake gillnets, trawls, fyke nets, floating fish traps.
    - Small-scale: Cast nets, pots, hook and line, hand lines, trammel nets, bait nets.
    - Stationary multi-species: Anchored/stake gillnets, floating fish traps, fyke nets.
  - Allow 6,000 lb/vessel/day possession limit for non-directed and small scale gears upon fishery closure.
  - Allow 12,000 lb/vessel/day possession limit for stationary small-scale gear when 2 licensed individuals are on the same vessel and state quota has been reached.
  - Modify starting possession limit under state quota from unlimited to 120,000 lbs/vessel/day.



# Hearing Item 1m cont'd: Commercial Menhaden

- Division proposal for ASMFC compliance cont'd:
  - Add provision stating that only one landing per purse seine operation or company per day is permitted.
  - Allow possession or taking of menhaden on any Saturday, Sunday, official state holiday, or prior to sunrise or following sunset, for non-directed gear or small-scale gear.
  - Modify call-in reporting requirement language to only apply to purse seine operations.
  - Modify episodic event set aside program language to allow participation from all gear types.
  - Modify other minor instances where “non-directed gear” was used to include non-directed and small-scale gear.
  - Please see annotated regulations for proposed language



# Hearing Item 1n: Commercial Skate Bait Fishery

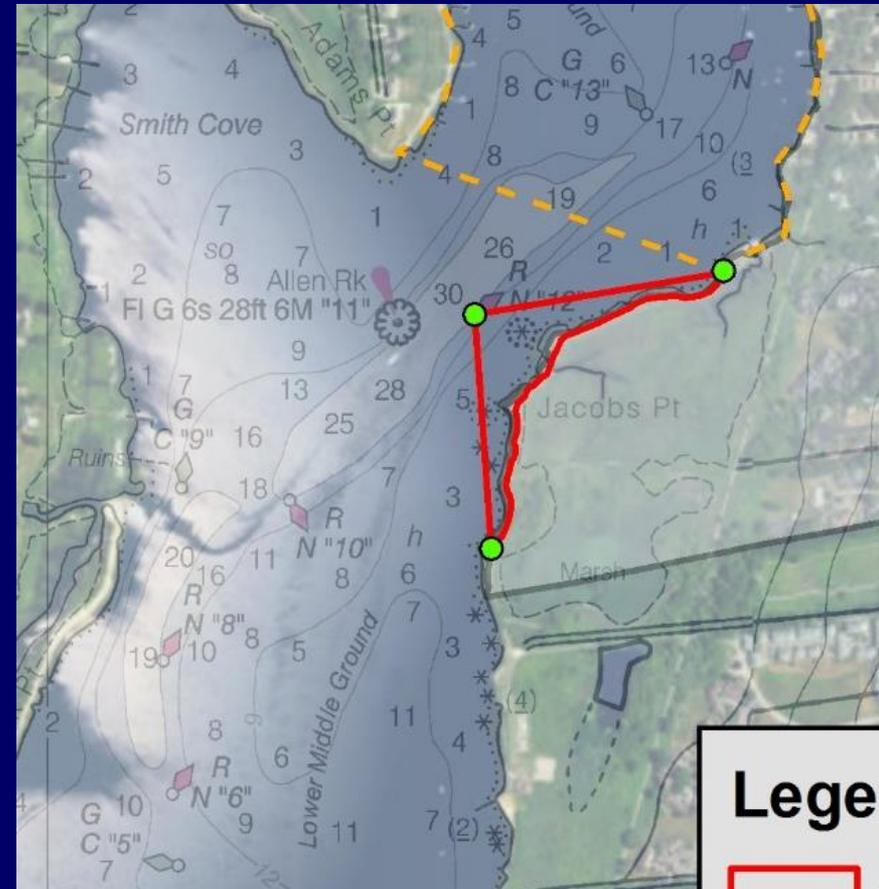
- Division proposal for compliance with NEFMC Framework 3 Adjustment

Sub-period	Poss. Limit (whole skate)
5/1 – 7/31	<u>25,000 lbs/vsl/day. Poss. limit = 8,000/vsl/day when 90% bait skate TAL landed</u>
8/1 – 10/31	<u>25,000 lbs/vsl/day. Poss. limit = 8,000/vsl/day when 90% bait skate TAL landed</u>
11/1 – 4/30	<u>12,000 lbs/vsl/day. Poss. limit = 8,000/vsl/day when 80% bait skate TAL landed</u>

- To ensure the skate bait fishery does not exceed its seasonal or annual TAL, the fishery will close when NOAA determines that 100% of the skate bait TAL for a season is to be harvested.
- To achieve the seasonal or annual TAL, incidental possession limits may be lifted, reinstating the standard seasonal possession limit.

# Hearing Item 2: Proposed Jacob's Point Shellfish Management Area (Part 4, section 4.12.2(V))

- Purpose: Facilitate a collaborative project, between the Town of Warren, Roger Williams Univ., and DEM, for seeding oysters in the Warren River.
- Goals:
  - Enhanced opportunities for commercial and recreational harvest
  - Assessment of harvest impacts on enhanced stocks
  - Strong educational tool for school children and the general public.
- Proposed reduced commercial possession limit = one peck/day for oysters.



# Hearing Item 2 cont'd: Proposed Jacob's Point Shellfish Management Area

Proposed language (Part 4, section 4.12.2(V)):

V. Jacobs Point Shellfish Management Area: Described as the marine waters of the Warren River south of a line extending from the DEM range marker on the shore north of Jacobs Point, located at 71°17'12.104"W, 41°42'51.541"N, to nun buoy 12; and east of a line extending from nun buoy 12 to the DEM range marker on the shore south of Jacobs Point, located at 71°17'28.61"W, 41°42'36.91"N.

1. Harvest schedule: Open daily.

2. The reduced Shellfish Management Area possession limit applies only to oysters. The commercial possession limit for oysters is one (1) peck per person per day.



**Hearing Item 3a:**  
**Proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots**

- Proposal originated from Div. of Law enforcement.
- Requirement currently applies only to Black sea bass and Scup pots.
- Proposal is to broaden rule so is applicable to all fixed fishing gear.
- Not applicable to net float lines.

**Proposed language (Part 6, section 6.7(C)(3)):**

**The use of floating line within eight (8) feet of the surface of the water, that is attached to any fixed fishing gear, is prohibited.**



**Hearing Item 3b:**  
**Proposal to broaden the buoy and vessel color scheme requirement to all pots**

- Proposal originated from Div. of Law Enforcement.
- Requirement currently applies only to Lobster pots.
- Proposal is to broaden rule and apply to all pots and vessels that harvest pots.

**Proposed language (Part 6, section 6.7(C)(4)&(5))**

**Please see noticed regulations**



End of Slides!



**Public Hearing**  
**February 19, 2018**

**Proposed/annotated amendments**

Note: Proposed new language is identified as **red, bold, underline**; proposed language to be deleted is identified as ~~red-stricken~~.

**250-RICR-90-00-3**

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

**PART 3 – Finfish**

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### **3.1 Purpose**

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

### **3.2 Authority**

These rules and regulations are promulgated pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws Chapter 42-35-18(b)(5), Administrative Procedures Act, as amended.

### **3.3 Application**

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

### **3.4 Definitions**

See Rhode Island Marine Fisheries Regulations, Part 1 of this Subchapter.

### **3.5 Severability**

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

### **3.6 Superseded Rules and Regulations**

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

**Hearing Item 1a:**  
**Proposed amendment regarding recreational Black Sea Bass**  
**management (section 3.7.1)**

**Special note: as of this notice, the black sea bass changes have not been approved by the ASMFC therefore these changes may not be possible or may change from what's noticed**

**Option 1: Status Quo.**

**3.7 Black Sea Bass**

**3.7.1 Recreational**

- A. Minimum size: Fifteen inches (15"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.
- B. Seasons and possession limits:
  - 1. January 1 through May 24: Closed.
  - 2. May 25 through August 31: Three (3) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  - 3. September 1 through September 21: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  - 4. September 22 through October 21: Closed.
  - 5. October 22 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

**Option 2: Proposed removal of mid-season closure with later Spring opening date.**

**3.7.1 Recreational**

- A. Minimum size: Fifteen inches (15"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.
- B. Seasons and possession limits:
  - 1. January 1 through May 24: Closed.
  - 2. ~~May 25~~ **June 15** through August 31: Three (3) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

3. September 1 through ~~September 21~~ **December 31**: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
- ~~4. September 22 through October 21: Closed.~~
- ~~5. October 22 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~

**Option 3: Proposed removal of mid-season closure with earlier closure in last sub-period.**

**3.7.1 Recreational**

- A. Minimum size: Fifteen inches (15"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.
- B. Seasons and possession limits:
  1. January 1 through May 24: Closed.
  2. May 25 through August 31: Three (3) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  3. September 1 through ~~September 21~~ **November 15**: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  - ~~4. September 22 through October 21: Closed.~~
  - ~~5. October 22 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~

**3.7.2 Commercial**

- A. Minimum size: Eleven (11) inches, whether caught within the jurisdiction of this State or otherwise.
- B. Seasons, allocations, and possession limits: A state quota for Black sea bass will be established annually and shall be the most recent amount allocated to the State of Rhode Island by the ASMFC and/or the Secretary of the NOAA Fisheries. The quota shall be available during the following sub-periods:
  1. January 1 through April 30:
    - a. Allocation: Twenty-five percent (25%) of the quota.
    - b. Possession limit: Five hundred (500) pounds per vessel per week.

2. May 1 through June 30:
  - a. Allocation: Twenty-five percent (25%) of the quota.
  - b. Possession limit: Fifty (50) pounds per vessel per calendar day.
3. July 1 through July 31:
  - a. Allocation: Nineteen and a half percent (19.5%) of the quota.
  - b. Possession limit: Fifty (50) pounds per vessel per calendar day.
4. August 1 through September 14: Closed.
5. September 15 through October 31:
  - a. Allocation: Nineteen and a half percent (19.5%).
  - b. Possession limit: Fifty (50) pounds per vessel per calendar day.
6. November 1 through December 31:
  - a. Allocation: Eleven percent (11%).
  - b. Possession limit: Fifty (50) pounds per vessel per calendar day.

C. Black sea bass pot construction

1. All black sea bass pots must be constructed with two escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of 2.5" diameter if circular, 1- 3/8" X 5- 3/4" if rectangular, 2" X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
2. The hinges or fasteners of one panel or door must be made of one of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
  - c. Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or
  - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

- ~~3. Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.~~

**Hearing Item 1b:**  
**Proposed amendment regarding Recreational Scup management**  
**(section 3.8.1).**

**Special note: as of this notice, the scup changes have not been approved by the ASMFC therefore these changes may not be possible or may change from what's noticed**

**Option 1: Status Quo.**

**3.8 Scup**

**3.8.1 Recreational**

- A. Minimum size: Ten inches (10").
- B. Season: May 1 through December 31.
- C. Possession limit: Thirty (30) **Scup fish** per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
- D. Special shore-fishing provision:
  - 1. 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:
  - 2. Minimum size: Nine inches (9").
  - 3. Season: May 1 through December 31.
  - 4. Possession limit: Thirty (30) **Scup fish** per person per calendar day.
- E. Licensed Party and Charter vessels seasons and possession limit:
  - 1. May 1 through August 31: Thirty (30) **Scup fish** per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  - 2. September 1 through October 31: Forty-five (45) **scup fish** per person per calendar day whether caught within the jurisdiction of this State or otherwise.

3. November 1 through December 31: Thirty (30) ~~Scup fish~~ per person per calendar day whether caught within the jurisdiction of this State or otherwise.

### **Option 2: Proposed decrease in minimum size.**

#### **3.8.1 Recreational**

- A. Minimum size: ~~Ten inches (10")~~ **Nine inches (9")**.
- B. Season: May 1 through December 31.
- C. Possession limit: Thirty (30) ~~Scup fish~~ per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
- D. Special shore-fishing provision:
  1. 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:
  2. Minimum size: ~~Nine inches (9")~~ **Eight inches (8")**.
  3. Season: May 1 through December 31.
  4. Possession limit: Thirty (30) ~~Scup fish~~ per person per calendar day.
- E. Licensed Party and Charter vessels seasons and possession limit:
  1. May 1 through August 31: Thirty (30) ~~Scup fish~~ per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  2. September 1 through October 31: Forty-five (45) ~~scup fish~~ per person per calendar day whether caught within the jurisdiction of this State or otherwise.
  3. November 1 through December 31: Thirty (30) ~~Scup fish~~ per person per calendar day whether caught within the jurisdiction of this State or otherwise.

### **Option 3: Proposed decrease in minimum size and increase in bag limit.**

#### **3.8 Scup**

##### **3.8.1 Recreational**

- A. Minimum size: ~~Ten inches (10")~~ **Nine inches (9")**.

- B. Season: May 1 through December 31.
- C. Possession limit: ~~Thirty (30) Scup per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~
1. May 1 through August 31: Thirty (30) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
  2. September 1 through October 31: Fifty (50) fish per person per calendar day whether caught within the jurisdiction of this State or otherwise.
  3. November 1 through December 31: Thirty (30) fish per person per calendar day whether caught within the jurisdiction of this State or otherwise.
- D. Special shore-fishing provision:
1. 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:
  2. Minimum size: ~~Nine inches (9")~~ Eight inches (8").
  3. Season: May 1 through December 31.
  4. Possession limit: Thirty (30) ~~Scup~~ fish per person per calendar day.
- ~~E. Licensed Party and Charter vessels seasons and possession limit:~~
1. ~~May 1 through August 31: Thirty (30) Scup per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~
  2. ~~September 1 through October 31: Forty five (45) scup per person per calendar day whether caught within the jurisdiction of this State or otherwise.~~
  3. ~~November 1 through December 31: Thirty (30) Scup per person per calendar day whether caught within the jurisdiction of this State or otherwise.~~

Hearing Item 1c:  
Proposed amendment regarding Commercial Scup management for ASMFC compliance, and combining two summer sub-periods into a single sub-period. (section 3.8.2)

**3.8.2 Commercial**

- A. Minimum size: Nine (9) inches.
- B. Seasons, quotas and possession limit: A total allowable harvest of Scup will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the ASMFC.
1. January 1 through April 30 (**federal** Winter I): 50,000 pounds per vessel per calendar day, decreasing to 1,000 pounds per vessel per calendar day once 80% of the federal Winter I coastwide Scup quota has been harvested as determined by NOAA Fisheries.
  2. May 1 through ~~October 31~~ **September 30** (Summer ~~-Fall~~): The State quota for ~~scup~~ **this sub-period** will be divided as follows:
    - a. General Category (gear types other than floating fish traps): Forty percent (40%) of the Summer~~-Fall~~ sub-period quota will be allocated to all gear types except floating fish traps ~~and allocated as follows:~~
      - ~~(1) — May 1 through the Saturday before the third Sunday in September (Summer):~~
        - ~~(AA) — Allocation: Two-thirds (2/3) of the General Category quota.~~
        - (BB1)** Possession limit: 10,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the Summer sub-period quota has been harvested as determined by the DEM, the fishery will close. ~~The fishery will re-open on the third Sunday in September.~~
      - ~~(2) — Third Sunday in September through October 31 (Fall):~~
        - ~~(AA) — Allocation: One-third (1/3) of the General Category quota.~~
        - ~~(BB) — Possession limit: 10,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following~~

~~Saturday at 11:59 PM. When the Fall sub-period quota has been harvested as determined by the DEM, the fishery will close. The fishery will re-open at the beginning of the Winter II sub-period.~~

- b. Floating fish trap: Sixty percent (60%) of the Summer-Fall sub-period quota will be allocated to the floating fish trap sector.
- (1) During those years in which the federal Winter I coastwide Scup quota is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. During those years in which the federal Winter I coastwide Scup quota is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1.
  - (2) If the DEM estimates that the Floating Fish Trap sector will not fully utilize its scup allocation prior to the end of the Summer-Fall sub-period, beginning on June 15, the DEM has the authority to move the designated Floating Fish Trap sector allocation in to the general category fishery as set forth in this part. DEM will consult with the Floating Fish Trap operators or their designee prior to enacting any allocation roll over, and will maintain written correspondence in the form of a letter on file as proof of said consultation.
  - (3) If the DEM estimates that the Floating Fish Trap sector may have a reasonable likelihood of utilizing prior to the end of the Summer-Fall sub-period, a portion of its scup allocation that has been transferred to the general category scup fishery, and has not as yet been used by the general category scup fishery, the DEM has the authority to move the designated general category Scup fishery quota to the Floating Fish Trap sector. Any quota that was rolled over from the General Category to the Floating Fish Trap sector shall not exceed the amount that may have been transferred from the Floating Fish Trap sector to the General Category.
  - (4) Floating Fish Trap Reporting Requirement: Floating fish trap operators permitted pursuant to R.I. Gen. Law § 20-5-1 will be required to report landings of scup to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation. If there is non-compliance with this reporting requirement, the Floating Fish Trap operators will be notified and will default to the following program:
    - (AA) April 15 through October 31: During those years in which the Winter I Federal Coastwide Scup Quota

Allocation is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. The possession limit will be 25,000 pounds per floating fish trap per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.

(BB) May 1 through October 31: During those years in which the Winter I federal coastwide scup quota allocation is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1. The possession limit will be 25,000 pounds per floating fish operator per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested

(CC) Floating Fish trap operator: For purposes of this section, fish trap operator shall refer to a resident person or resident corporation currently issued a permit pursuant to R.I. Gen. Laws § 20-5-2. The maximum possession limit per floating fish trap licensee shall be the amount set forth above regardless of the number of authorized trap locations, the number of vessels or the number of licensed fishermen who may be working for or may enter into contract with the floating fish trap operator. While engaged in the operation of a fish trap, any licensed fisherman that may be working for or may enter into contract with the floating fish trap operator waives any individual right to possess scup pursuant to a possession limit set out in these regulations.

3. ~~November~~ **October** 1 – December 31 (Winter II): 2,000 pounds per vessel per calendar day, decreasing to 500 pounds per vessel per calendar day once 70% of the federal Winter II coastwide Scup quota has been harvested as determined by NOAA Fisheries.

C. Trawl vessel gear restrictions - minimum mesh size: Owners or operators of otter trawl vessels possessing five hundred (500) pounds or more of scup from November 1 through April 30; or two hundred (200) pounds or more of scup from May 1 through October 31, 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.

D. Scup pots:

1. Pot limits: Each person utilizing pots in the scup fishery shall be permitted to fish up to fifty (50) pots regardless of the number of licenses on board the vessel.
2. Pot construction - escape vents: All scup pots must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2-1/4" X 5-3/4" if rectangular or may be constructed of 2-1/4" X 2-1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
3. The hinges or fasteners of one panel or door must be made of one of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
  - c. Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or
  - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.
- ~~4. Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.~~

**Hearing Item 1d:**  
**Recreational Striped Bass (section 3.9.1)**  
**(no amendments proposed)**

**3.9 Striped Bass**

**3.9.1 Recreational**

- A. Minimum size: Twenty-eight inches (28") in total length, whether caught within the jurisdiction of this State, or otherwise.
- B. Season: January 1 through December 31.

- C. Possession limit: One (1) fish per person per day, whether caught within the jurisdiction of Rhode Island or otherwise.
1. Possession limit compliance aboard vessels:
    - a. Licensed party/charter vessels: Possession limit compliance aboard licensed party/charter vessels will be determined by dividing the number of fish by the number of fishermen onboard the boat.
    - b. Multiple licensed recreational fishermen fishing from a single vessel: Possession limit compliance aboard vessels with multiple licensed fishermen will be determined by dividing the number of fish by the number of licensed fishermen on board said vessel.
- D. Any person recreationally harvesting a striped bass thirty-four (34) inches or larger shall at the time of harvest have the right pectoral fin removed at a point as close to the body of the fish as possible

**Hearing Item 1e:**  
**Proposed amendment regarding Commercial General Category**  
**Striped Bass management (section 3.9.2(A))**

**Option 1: Maintain current management parameters and remove September 15 quota adjustment provision.**

**3.9.2 Commercial**

- A. General Category:
1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.
  2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.
    - a. January 1 through May 27: Closed.
    - b. May 28 through August 31:
      - (1) Allocation: Seventy percent (70%) of the general category quota will be available in this sub-period.
      - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.

- (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
  - (4) The sub-period will close once seventy percent (70%) of the general category quota is projected to be harvested if prior to August 31.
- c. September 1 through September 9 Closed.
- d. September 10 through December 31:
- (1) Allocation: Thirty percent (30%) of the general category quota will be available in this sub-period.
  - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
  - (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
  - (4) The sub-period will close when 30% of the general category quota is projected to be harvested.
  - ~~(5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.~~

### **Option 2: Industry proposal to amend seasons.**

#### **3.9.2 Commercial**

##### **A. General Category:**

1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.
2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.

- a. January 1 through May 27: Closed.
- b. May 28 through ~~August~~ July 31:
  - (1) Allocation: Seventy percent (70%) of the general category quota will be available in this sub-period.
  - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
  - (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen
  - (4) The sub-period will close once seventy percent (70%) of the general category quota is projected to be harvested if prior to August 31.

~~c. September 1 through September 9: Closed.~~

~~dc.~~ ~~September 10~~ August 1 through ~~December 31~~ August 31:

- (1) Allocation: Thirty percent (30%) of the general category quota will be available in this sub-period.
- (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
- (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen
- (4) The sub-period will close when 30% of the general category quota is projected to be harvested.
- (5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.

### Option 3: Industry proposal to amend seasons.

#### 3.9.2 Commercial

##### A. General Category:

1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.
2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.
  - a. January 1 through May ~~27~~ 14: Closed.
  - b. May ~~28~~ 15 through August ~~31~~ 23:
    - (1) Allocation: Seventy percent (70%) of the general category quota will be available in this sub-period.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
    - (4) The sub-period will close once seventy percent (70%) of the general category quota is projected to be harvested if prior to August 31.
  - ~~c. September 1 through September 9: Closed.~~
  - ~~dc.~~ September 10 August 24 through December 31:
    - (1) Allocation: Thirty percent (30%) of the general category quota will be available in this sub-period.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub

period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.

- (4) The sub-period will close when 30% of the general category quota is projected to be harvested.
- (5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.

#### **Option 4: Industry proposal to amend seasons and allocations.**

### **3.9.2 Commercial**

#### **A. General Category:**

1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.
2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.
  - a. January 1 through May ~~27~~ **14**: Closed.
  - b. May ~~28~~ **15** through August ~~31~~ **23**:
    - (1) Allocation: ~~Seventy percent (70%)~~ **Eighty percent (80%)** of the general category quota will be available in this sub-period.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
    - (4) The sub-period will close once ~~seventy percent (70%)~~ **eighty percent (80%)** of the general category quota is projected to be harvested if prior to August 31.

~~c. September 1 through September 9: Closed.~~

d. ~~September 10~~ **August 24** through December 31:

- (1) Allocation: ~~Thirty percent (30%)~~ **Twenty percent (20%)** of the general category quota will be available in this sub-period.
- (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
- (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
- (4) The sub-period will close when ~~thirty percent (30%)~~ **twenty percent (20%)** of the general category quota is projected to be harvested.
- (5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.

### **Option 5: Industry proposal to amend seasons and allocations.**

#### **3.9.2 Commercial**

A. General Category:

1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.
2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.
  - a. January 1 through May ~~27~~ **14**: Closed.
  - b. May ~~28~~ **15** through ~~August 31~~ **December 31**:
    - ~~(1) Allocation: Seventy percent (70%) of the general category quota will be available in this sub-period.~~

- (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
- (3) The fishery will be closed in each calendar week ~~from 12:00 AM on~~ Friday ~~and until 11:59 PM~~ Saturday during this sub period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
- ~~(4) The sub-period will close once seventy percent (70%) of the general category quota is projected to be harvested if prior to August 31.~~

~~c. September 1 through September 9: Closed.~~

~~d. September 10 through December 31:~~

- ~~(1) Allocation: Thirty percent (30%) of the general category quota will be available in this sub-period.~~
- ~~(2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.~~
- ~~(3) The fishery will be closed in each calendar week from 12:00 AM Friday until 11:59 PM Saturday during this sub period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.~~
- ~~(4) The sub-period will close when 30% of the general category quota is projected to be harvested.~~
- ~~(5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.~~

### **Option 6: Industry proposal to amend seasons, allocations, and closed days.**

#### **3.9.2 Commercial**

##### **A. General Category:**

- 1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.

2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.
- a. January 1 through May 27: Closed.
  - b. May 28 through ~~August 31~~ July 14:
    - (1) Allocation: ~~Seventy percent (70%)~~ Sixty percent (60%) of the general category quota will be available in this sub-period.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week ~~from 12:00 AM Friday until 11:59 PM~~ on Tuesday, Wednesday, and Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
    - (4) The sub-period will close once ~~seventy percent (70%)~~ sixty percent (60%) of the general category quota is projected to be harvested if prior to August 31.
  - ~~c. September 1 through September 9: Closed.~~
  - d. ~~September 10~~ July 15 through ~~December 31~~ August 31:
    - (1) Allocation: ~~Thirty percent (30%)~~ Forty percent (40%) of the general category quota will be available in this sub-period.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week ~~from 12:00 AM Friday until 11:59 PM~~ on Tuesday, Wednesday, and Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
    - (4) The sub-period will close when ~~thirty percent (30%)~~ forty percent (40%) of the general category quota is projected to be harvested.

- (5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.

**Option 7: Industry proposal to amend seasons, allocations, closed days, and possession limits.**

**3.9.2 Commercial**

A. General Category:

1. Minimum size: Thirty-four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.
2. Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.
  - a. January 1 through May ~~27~~ **23**: Closed.
  - b. May ~~28~~ **24** through ~~August 31~~ **June 30**:
    - (1) Allocation: ~~Seventy percent (70%)~~ **Sixty percent (60%)** of the general category quota will be available in this sub-period.
    - (2) Possession limit: ~~Five (5)~~ **Four (4)** fish per person per calendar day, or if fishing from a vessel, ~~five (5)~~ **four (4)** fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week ~~from 12:00 AM Friday until 11:59 PM~~ **on Tuesday, Wednesday, and Saturday** during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
    - (4) The sub-period will close once ~~seventy percent (70%)~~ **sixty percent (60%)** of the general category quota is projected to be harvested if prior to August 31.
  - c. ~~September 1 through September 9~~ **July 1 through July 14**: Closed.
  - d. ~~September 10~~ **July 15** through December 31:

- (1) Allocation: ~~Thirty percent (30%)~~ **Forty percent (40%)** of the general category quota will be available in this sub-period.
- (2) Possession limit: ~~Five (5)~~ **Four (4)** fish per person per calendar day, or if fishing from a vessel, ~~five (5)~~ **four (4)** fish per vessel per calendar day.
- (3) The fishery will be closed in each calendar week ~~from 12:00 AM Friday until 11:59 PM~~ **on Tuesday, Wednesday, and** Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.
- (4) The sub-period will close when ~~thirty percent (30%)~~ **forty percent (40%)** of the general category quota is projected to be harvested.
- (5) If DEM determines that the quota will be exceeded or will not be met before the end of the fall season, DEM may adjust that catch rate accordingly on or after September 15 annually.

#### Hearing Item 1f:

### Proposed amendment to remove the October 15th date from the floating fish trap allocation transfer provision (section 3.9.2(A)(3))

3. If DEM estimates that the Floating Fish Trap sector will not fully utilize its allocation prior to the end of the season, ~~beginning on October 15,~~ the Division may ~~move~~ **transfer** the Floating Fish Trap allocation into the General Category fishery. DEM will consult with the Floating Fish Trap Licensees or their designee prior to enacting any allocation ~~roll over~~ **transfer**, and ~~will~~ **shall** maintain written ~~correspondence in the form of a letter on file as proof~~ **documentation** of said consultation.

#### Hearing Item 1g:

### Proposed amendment regarding Commercial Floating Fish Trap Striped Bass management (section 3.9.2(B)) (no amendments proposed)

#### B. Floating Fish Trap:

1. Floating fish trap operators must be permitted pursuant to RIMFR “Part 6 – General Equipment Provisions” of this Subchapter.

2. Allocation: During a single calendar year, the floating fish trap quota shall not be more than thirty-nine percent (39%) of the annual Rhode Island commercial quota.
  3. Minimum size: Twenty-six inches (26") in total length.
  4. Season: April 1 through December 31.
  5. Possession limit: Unlimited. Once seventy percent (70%) of the seasonal allocation is projected to be harvested the possession limit shall be 200 pounds per floating fish trap licensee per calendar day.
  6. When DEM has determined that the annual quota allocated to floating fish traps has been reached, the fishery will terminate.
  7. Reporting: All floating fish trap operators shall keep daily records of striped bass landings and report landings to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation.
  8. If the floating fish trap operators are found to be out of compliance with the reporting requirements, the operators will be notified, and default to following program:
    - a. April 1 through December 31: One hundred percent (100%) of the floating fish trap quota shall be available during this sub-period. Once eighty percent (80%) of the seasonal allocation is projected to be harvested the possession limit shall be 500 pounds per floating fish trap licensee per calendar day.
- C. Gillnet prohibition for Striped bass: No person shall take or possess any striped bass while gillnetting, or while hauling a gill net.
- D. Hybrid Striped bass Cultured Striped Bass:
1. Aquaculture-reared striped bass or hybrid striped bass brought into Rhode Island for sale or resale, which is wholly or partially processed, except for cultured striped bass or hybrid Striped bass from a fish farm or processor which are a fully processed and packaged product whether fresh or frozen, shall have affixed to it a tag identifying it as an aquaculture product.
  2. Packages, containers, and each fish or fish product containing aquaculture products shall be tagged or labeled with a uniform series of 14 digit numbers and letters as shown in the example below:  
  
MD = State of origin  
  
123 = Permit number (producing state issued permit number)

0889 = Month and year of shipment

A1234= Species ID and number of product

3. Each fish or fish product shall have affixed to it a tag bearing the same information listed in section 3.10.2 E. of these regulations.
  4. The sale of this product shall be accompanied by a receipt showing:
    - a. the date of sale;
    - b. name, address, and permit number of the aquaculture facility;
    - c. numbers and species of Striped bass sold;
    - d. name of purchaser.
  5. Fish shipped in the round and filleted by the seller, shall have the tag removed and wrapped in with the fillets when sold.
  6. The consignee of each subsequent sale shall retain a copy of the bill of lading or similar accountable document for 1 year, and make it available to the Department upon request.
- E. Commercial Striped Bass Tags: Each individual Striped bass shall be immediately marked with tags available from DEM. No Striped bass may be sold unless it has been properly identified with such tag. DEM may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and reports specified by DEM. All tag reports and unused tags must be returned to DEM by January 1st of the following year. Failure to return reports and unused tags may result in the tagging agent becoming ineligible to receive striped bass tags in the future.

#### Hearing Item 1h:

### Proposed amendment regarding Recreational Summer Flounder management (section 3.10.1)

#### Option 1: Status Quo.

### **3.10 Summer Flounder**

#### **3.10.1 Recreational**

- A. Minimum size: Nineteen inches (19”).
- B. Season: May 1 through December 31.
- C. Possession limit: Four (4) fish, whether caught within the jurisdiction of this state or otherwise.

## Option 2: Increase possession limit due to quota increase.

### 3.10 Summer Flounder

#### 3.10.1 Recreational

- A. Minimum size: Nineteen inches (19”).
- B. Season: May 1 through December 31.
- C. Possession limit: ~~Four (4)~~ **Six (6)** fish, whether caught within the jurisdiction of this state or otherwise.

#### 3.10.2 Commercial

- A. Minimum size: Fourteen (14) inches.
- B. Seasons, allocations, and possession limits: A total annual statewide quota for Summer flounder will be established for the State by the ASMFC and/or NOAA Fisheries.
  - 1. January 1 through April 30 (Winter):
    - a. Target allocation: 54% of the annual quota.
    - b. Possession limit between January 1 and the start of the Winter sub-period of the Aggregate Landing Program, annually:
      - (1) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): One hundred (100) pounds per vessel per calendar day.
      - (2) Vessels that do not possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.
    - c. Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:
      - (1) Vessels not permitted in the Aggregate Landing Program but which possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DEM, the possession limit per vessel shall be one hundred (100) pounds per calendar day.
      - (2) Vessels that do not possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been

harvested as determined by the DEM, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

- (3) Aggregate Landing Program: One thousand five hundred (1,500) pounds per vessel per bi-weekly period. The bi-weekly periods shall be specified in the Aggregate Landing Permit. When 90% of the Winter sub-period quota has been harvested as determined by the DEM, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.

2. May 1 - September 15 (Summer):

a. Target allocation: 35% of the annual quota.

b. Possession limit:

(1) Vessels that possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.

(2) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.

3. September 16 – December 31 (Fall):

a. Target allocation: 11% of the annual quota.

b. Possession limit:

(1) Vessels that possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

(2) Vessels that do not possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

C. Aggregate Landing Program:

1. Sub-periods:

a. Winter: Beginning on the Sunday of the first full week in February through April 30 annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DEM.

2. Eligibility: An applicant vessel shall be considered eligible for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DEM and the Division of Law Enforcement each of the following:
  - a. The vessel, if harvesting Summer flounder from federal waters, possesses a valid federal Summer Flounder Moratorium Permit and RI Summer Flounder Exemption Certificate (Exemption Certificate);
  - b. The vessel's operator, if harvesting exclusively in State waters, holds a valid RI commercial fishing license to harvest or land summer flounder and possesses a valid Exemption Certificate;
  - c. The vessel's operator has not been assessed a criminal or administrative penalty in the past three years for a violation of this section or has more than one marine fisheries violation.
3. Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.
5. Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.

D. Rhode Island Summer Flounder Exemption Certificate:

1. Application: Applicant's shall provide each of the following:
  - a. A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the EEZ;
  - b. A completed notarized application;
  - c. Proof that the vessel meets the requirements set out in this section;
  - d. Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and
  - e. A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.

2. Eligibility: DEM will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to DEM prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:
  - a. The operator of the vessel possesses a valid Rhode Island commercial fishing license to land Summer flounder up to the amount permitted by these regulations; and
  - b. The subject vessel meets any of the following criteria:
    - (1) The vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992;
    - (2) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips;
    - (3) The vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss;
    - (4) The vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.
    - (5) If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard

report, or some other valid evidence of ownership to the satisfaction of the Director.

3. Transfer of an Exemption Certificate: An Exemption Certificate issued by the DEM is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.
  - a. Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued an Exemption Certificate must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
  - b. Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the DEM that the applicant vessel is replacing a vessel and that said certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.
    - (1) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Exemption Certificate for purposes of replacing the vessel. If a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
    - (2) Vessel permits (state and federal), Exemption Certificates, and fishing history cannot be split.
    - (3) An Exemption Certificate may not be combined to create larger replacement vessels.

- (4) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.
  - (5) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued an Exemption Certificate.
  - (6) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:
    - (AA) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.
    - (BB) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.
4. Exemption Certificates may not be:
  - a. Pledged, mortgaged, leased, or encumbered in any way;
  - b. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or
  - c. Attached, distrained, or sold on execution of judgment.
5. Otter trawl Mesh size: Otter trawlers that land or possess 100 pounds (45.4 kg) or more of Summer flounder per day from May 1 through October 31; or 200 pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and cod end portion of the net.

6. Summer flounder may be landed between the hours of 6:00 AM to 8:00 PM only;
7. Control Date: A control date of December 31, 2010, is established for the commercial Summer flounder fishery in Rhode Island.

**Hearing Item 1i:**  
**Proposed amendment regarding Recreational Tautog management for**  
**ASMFC compliance (section 3.11.1)**

### **3.11 Tautog**

#### **3.11.1 Recreational**

- A. Minimum size: Sixteen (16) inches.
- B. Seasons and possession limits:
  1. January 1 through ~~April 14~~ **March 30**: Closed.
  2. April ~~15~~ **1** through May 31: Three (3) fish per person per calendar day.
  3. June 1 through July 31: Closed.
  - ~~34.~~ August 1 through October 14: Three (3) fish per person per calendar day.
  - ~~45.~~ October 15 through December ~~15~~ **31**: ~~Six (6)~~ **Five (5)** fish per person per calendar day.
  - ~~5. — December 16 through December 31: Closed~~
  6. Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.
  7. Licensed Party and Charter vessels seasons and possession limits:
    - a. January 1 through April 14: Closed
    - b. April 15 through May 31: Three (3) fish per person per calendar day.
    - c. August 1 through October 14: Three (3) fish per person per calendar day.
    - d. October 15 through December 15: Six (6) fish per person per calendar day.

- e. December 16 through December 31: Closed
- 38.** Licensed Party/charter vessels are not subject to the ten (10) fish per vessel per calendar day restriction.
- 49.** Reporting: Any Party and Charter vessel participating in the tautog fishery must report each trip targeting tautog into the elogbook (the electronic logbook hosted by ACCSP).

**Hearing Item 1j:**  
**Proposed amendment regarding Commercial Tautog management**  
**(section 3.11.2)**

**Option 1: Status Quo.**

**3.11.2 Commercial**

- A. Minimum size: Sixteen (16) inches.
- B. Seasons, allocations, and possession limit: The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the ASMFC. The quota shall only be available during the following seasons:
  - 1. January 1 through April 14: Closed.
  - 2. April 15 through May 31:
    - a. Allocation: 40% of the annual quota.
    - b. Possession limit: Ten (10) fish per vessel per day.
  - 3. June – July 31: Closed.**
  - 34.** August 1 through September 15:
    - a. Allocation: 20% of the annual quota.
    - b. Possession limit: Ten (10) fish per vessel per day.
  - 45.** September 16 through October 14: Closed.
  - 56.** October 15 through December 31:
    - a. Allocation: 40% of the annual quota
    - b. Possession limit: Ten (10) fish per vessel per day.

**Option 2: Proposed earlier Spring opening date.**

**3.11.2 Commercial**

- A. Minimum size: Sixteen (16) inches.
- B. Seasons, allocations, and possession limit: The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the ASMFC. The quota shall only be available during the following seasons:
1. January 1 through ~~April 14~~ **March 30**: Closed.
  2. April ~~15~~ **1** through May 31:
    - a. Allocation: 40% of the annual quota.
    - b. Possession limit: Ten (10) fish per vessel per day.
  - 3.** **June – July 31: Closed.**
  - ~~34.~~ August 1 through September 15:
    - a. Allocation: 20% of the annual quota.
    - b. Possession limit: Ten (10) fish per vessel per day.
  - ~~45.~~ September 16 through October 14: Closed.
  - ~~56.~~ October 15 through December 31:
    - a. Allocation: 40% of the annual quota
    - b. Possession limit: Ten (10) fish per vessel per day.

**Option 3: Proposed elimination of Spring sub-period and equal transfer of allocation to remaining sub-periods.**

**3.11.2 Commercial**

- A. Minimum size: Sixteen (16) inches.
- B. Seasons, allocations, and possession limit: The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the ASMFC. The quota shall only be available during the following seasons:
1. January 1 through ~~April 14~~ **July 31**: Closed.

~~2.~~ ~~April 15 through May 31:~~

~~a.~~ ~~Allocation: 40% of the annual quota.~~

~~b.~~ ~~Possession limit: Ten (10) fish per vessel per day.~~

32. August 1 through September 15:

a. Allocation: ~~20~~ 40% of the annual quota.

b. Possession limit: Ten (10) fish per vessel per day.

43. September 16 through October 14: Closed.

54. October 15 through December 31:

a. Allocation: ~~40~~ 60% of the annual quota

b. Possession limit: Ten (10) fish per vessel per day.

## **3.12 American eel**

### **3.12.1 Recreational**

A. Minimum size: Nine (9) inches.

B. Season: January 1 through December 31.

C. Possession limit: Twenty-five (25) fish per angler per day.

D. Licensed Party and Charter vessel season and possession limit:

1. Season: January 1 through December 31.

2. Possession limit: Fifty (50) fish per angler per day for the licensed captain and any employed crew member; and twenty-five (25) fish per angler per day for any paying customer.

### **3.12.2 Commercial**

A. Minimum size: Nine (9) inches.

B. Season: January 1 through December 31.

1. Closed season: September 1 through December 31 annually for any gear type other than baited traps/pots or spears.

C. Possession limit: Unlimited.

- D. Commercial Eel pot restrictions: Eel pots shall have a minimum mesh size of  $\frac{1}{2}$  by  $\frac{1}{2}$  inches or shall have a 4 by 4 inch escape panel constructed of a mesh size of at least  $\frac{1}{2}$  by  $\frac{1}{2}$  inch mesh. The escape vent allowance will be in effect from January 1, 2014 – December 31, 2016, after which the entire pot must meet the  $\frac{1}{2}$  by  $\frac{1}{2}$  inches mesh requirement.

### **3.13 American plaice**

#### **3.13.1 Recreational**

- A. Minimum size: Fourteen inches (14”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The recreational American plaice fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  - 1. There is no recreational possession limit for American plaice provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of American plaice.
  - 2. Vessels in possession of a federal permit authorizing the recreational harvest of American plaice in federal waters may harvest American plaice in state waters in the amount equal to the federal regulations.

#### **3.13.2 Commercial**

- A. Minimum size: Twelve inches (12”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial American plaice fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  - 1. There is no commercial possession limit for American plaice provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of American plaice.
  - 2. Vessels in possession of a federal permit authorizing the commercial harvest of American plaice in federal waters may harvest American plaice in state waters in the amount equal to the federal regulations.

### **3.14 American shad**

The harvest, landing, or possession of American shad in the marine waters of Rhode Island is prohibited.

## 3.15 Atlantic herring

### 3.15.1 Commercial

- A. Season: The season for Atlantic herring begins annually on January 1. When the Atlantic herring quota has been harvested as determined by NOAA Fisheries, the season will close.
- B. Possession limit: 2,000 pounds per vessel per day, unless the vessel holds a RI State Waters Atlantic Herring Fishing permit.
- C. Rhode Island State Waters Atlantic Herring Fishing Permit: A permit from DEM is required for vessels engaged in the fishing and/or processing of over 2,000 pounds of Atlantic herring per day in Rhode Island state waters.
  - 1. Issuance of this permit is contingent on fishing vessel captains attending a meeting with DEM staff where they are required to give proof that:
    - a. The vessel and its captain(s) have obtained all necessary and applicable authorizations to fish for Atlantic herring in RI waters (license, endorsements(s), and vessel declarations);
    - b. The vessel captain(s) have provided a valid email address to DEM at which the captain can access while fishing for the purpose of receiving advisories pertaining to river herring;
    - c. The vessel captain(s) have received from DEM a chart of fixed commercial fishing gear locations in Rhode Island waters and will have said chart in his/her possession while engaged in the fishing and/or processing of Atlantic Herring in RI waters;
    - d. The vessel captain(s) have received from DEM a copy of all applicable regulations governing the commercial harvest of Atlantic herring in Rhode Island waters.
  - 2. Permits shall be issued annually and are valid for one calendar year from January 1 to December 31.
  - 3. Issuance of the permit is contingent upon a background check to determine if the applicant captain or vessel has been assessed a criminal or administrative penalty in the past three years of this section or 7.20 (River herring) or more than one marine fisheries violation.
- D. River Herring Bycatch Allowance: Vessels possessing a federal Atlantic herring permit fishing in federal waters may transit Rhode Island state waters and make a landing in possession of alewives, or blueback herring, *Alosa aestivalis* (river herring) provided that the count of the combined river herring is 5% or less than the count of Atlantic herring onboard the vessel.

1. The percentage of River herring in the catch will be assessed by sorting and counting a batch of fish taken from the catch of Atlantic herring on board the vessel or being landed by the vessel. This determination as to the percentage of River herring in the catch shall be accomplished by filling a container as defined herein, with a portion of the catch and examining the contents of said container. The percentage of river herring in said container shall be deemed to be representative of the percentage of River herring in the catch as a whole for purposes of a determination as to whether a vessel is in compliance with the requirements of this section.
  2. A batch of fish is defined as all fish in a separate container.
  3. A container is defined as any box, tote, bag, bucket or other receptacle capable of retaining at least 25 gallons of loose fish which may be separated from the total catch of Atlantic herring being landed.
- E. Atlantic Herring Processing: No person may process Atlantic herring for purposes other than human consumption. Direct mealing of Atlantic herring is prohibited.
- F. Atlantic Herring - Vessel Size and Horsepower: No vessel harvesting Atlantic herring in the Atlantic coast herring fishery shall exceed 165 feet in length overall, and 3,000 horsepower.

### **3.16 Atlantic salmon**

The harvest, landing, or possession of Atlantic salmon in the marine waters of Rhode Island is prohibited.

### **3.17 Atlantic sturgeon**

The harvest, landing, or possession of Atlantic sturgeon in the marine waters of Rhode Island is prohibited.

#### Hearing Item 1k:

#### Proposed amendment regarding Recreational Bluefish management (section 3.18.1) (no amendments proposed)

### **3.18 Bluefish**

#### **3.18.1 Recreational**

Possession limit: Fifteen (15) fish per person per calendar day.

**Hearing Item 1:**  
**Proposed amendment regarding Commercial Bluefish management**  
**(section 3.18.2)**

**Option 1: Proposed sub-period date change.**

**3.18.2 Commercial**

- A. A total allowable harvest of Bluefish will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the ASMFC.
- B. Minimum size: Twelve inches (12”).
- C. Seasons and possession limits:
  - 1. January 1 through April 30: Five hundred (500) pounds per vessel per week.
  - 2. May 1 through ~~November 11~~ **second Saturday in November**: Six thousand (6,000) pounds per vessel per week.
  - 3. ~~November 12~~ **Second Sunday in November** through December 31: Five hundred (500) pounds per vessel per week.

**Option 2: Option 1 plus proposed change to two-week aggregate possession limit in first sub-period.**

**3.18.2 Commercial**

- A. A total allowable harvest of Bluefish will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the ASMFC.
- B. Minimum size: Twelve inches (12”).
- C. Seasons and possession limits:
  - 1. January 1 through April 30: ~~Five hundred (500)~~ **One thousand (1,000)** pounds per vessel per ~~bi~~-week.
  - 2. May 1 through ~~November 11~~ **second Saturday in November**: Six thousand (6,000) pounds per vessel per week.
  - 3. ~~November 12~~ **Second Sunday in November** through December 31: Five hundred (500) pounds per vessel per week.

## 3.19 Coastal sharks

### 3.19.1 Recreational

- A. Prohibited species. Taking or possessing any of the following shark species is prohibited: Sandbar, Silky, Sand tiger, Bigeye sand tiger, Whale, Basking, White, Dusky, Bignose, Galapagos, Night, Reef, Narrowtooth, Caribbean sharpnose, Smalltail, Atlantic angel, Longfin mako, Bigeye thresher, Sharpnose sevengill, Bluntnose sixgill, and Bigeye sixgill.
- B. Landings requirements: No person fishing recreationally shall possess or land sharks that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.
- C. Minimum size:
1. Smooth Dogfish, Atlantic sharpnose, Finetooth, Blacknose, and Bonnethead shark: No minimum size.
  2. Tiger, Blacktip, Spinner, Bull, Lemon, Nurse, Shortfin mako, Porbeagle, Common thresher, Oceanic whitetip, and Blue shark: Minimum fork length is 54 inches.
  3. Scalloped hammerhead, Smooth hammerhead, and Great hammerhead shark: Minimum fork length is 78 inches.
- D. Shore-based possession limits:
1. One (1) shark per person per calendar day, with one additional bonnethead and one (1) additional Atlantic sharpnose shark per person per calendar day.
  2. Smoothhound sharks: Unlimited.
- E. Vessel-based possession limits:
1. One (1) shark per vessel per calendar day, or per trip per calendar day, whichever is less, regardless of the number of people on board the vessel, with one (1) additional bonnethead and one additional Atlantic sharpnose shark per vessel per calendar day, or per trip per calendar day, whichever is less.
  2. Smoothhound sharks: Unlimited.
  3. Sharks that are transported by vessel are considered "boat assisted" and "vessel-based" regardless of how or where they were caught.

- F. Authorized gear: No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.

### **3.19.2 Commercial**

- A. Commercial species groups: Coastal sharks are grouped into commercial species groups as follows:
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, and Bigeye sixgill shark.
  2. Research: Sandbar shark.
  3. Smoothhound: Smooth dogfish and Florida smoothhound shark.
  4. Non-Blacknose Small Coastal: Atlantic sharpnose, Finetooth, and Bonnethead shark.
  5. Blacknose: Blacknose shark.
  6. Aggregated Large Coastal: Silky, Tiger, Blacktip, Spinner, Bull, Lemon, and Nurse shark.
  7. Hammerhead: Scalloped hammerhead, Great hammerhead, and Smooth hammerhead shark.
  8. Pelagic: Shortfin mako, Porbeagle, Common thresher, Oceanic whitetip, and Blue shark.
- B. Prohibited species: Taking or possessing any of the species of sharks in the Prohibited and Research species groups is prohibited:
- C. Fishing year: January 1 through December 31.
- D. Quota specification:
1. Smoothhound sharks: A total annual statewide quota will be established for the State by the ASMFC and/or NOAA Fisheries.
  2. Species groups other than Smoothhound sharks will be established annually by the ASMFC and/or NOAA Fisheries.
- E. Seasons: Seasonal periods for commercial shark fisheries may be established annually either through NOAA Fisheries, ASMFC, or DEM.

- F. Possession limit: Possession limits will be established annually by NOAA Fisheries, ASMFC, or DEM.
1. Smoothhound, Non-Blacknose Small Coastal, Blacknose, and Pelagic shark species groups: Unlimited.
  2. Aggregated Large Coastal and Hammerhead species groups: Forty five (45) sharks per vessel per day, adjusting to between fifty five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries.
  3. It shall be unlawful for any person to possess any species of shark in state waters when NOAA Fisheries prohibits the possession of that species in federal waters.
- G. Display and research of sharks: No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species groups without a valid state collector's permit obtained from the Director. Any person so authorized shall:
1. Report to the Director within thirty (30) days of possession the species identification, length, weight, date, and location where caught by latitude and longitude coordinates, and the gear used; and
  2. For each shark taken for live display, the holder of the permit shall also report to the Director annually by December 31 for the life of the shark. The report shall include all of the information specified in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.
- H. Authorized sale: No person shall sell any shark species to a person or dealer who does not possess a Rhode Island commercial dealer license, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.
- I. Authorized commercial gear: No person shall take or possess sharks using any method other than the following gear types:
1. Rod & reel;
  2. Handlines, which are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel;
  3. Small mesh gillnets which are defined as having a stretch mesh size smaller than five (5) inches;
  4. Large mesh gillnets which are defined as having a stretch mesh size equal to or greater than five (5) inches;

5. Trawl nets;
  6. Shortlines which are defined as fishing lines containing fifty (50) or fewer hooks and measuring less than five hundred (500) yards in length. A maximum of two (2) shortlines shall be allowed per vessel;
  7. Pound nets/fish traps;
  8. Weirs.
- J. Bycatch reduction measures: Vessels using shortlines and large-mesh gillnets to catch sharks must abide by the following bycatch regulation measures. Any vessels using shortlines or large-mesh gillnets that do not follow the following bycatch reduction measures are prohibited from possession, landing or selling any sharks.
1. Any vessel using a shortline shall adhere to the following:
    - a. Use corrodible circle hooks, which are defined as non-offset hooks with the point turned perpendicularly back to the shanks; and
    - b. Practice the protocols, and possess the federally required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and
    - c. All captains and vessel owners must be certified in using, handling and release equipment. Captains and vessel owners can become certified by attending a Protected Species Safe Handling, Release, and Identification Workshop offered by NOAA Fisheries.
  2. Any vessel using large-mesh gillnets, must use nets that are shorter than 2.5 kilometers.
- K. Prohibition of finning: Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all state waters. All sharks, with the exception of smoothhound, possessed by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass until landed. Fins may be cut as long as they remain attached to the carcass, by natural means, with at least a small portion of uncut skin. Sharks may be gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea.
1. Commercial fishermen may eviscerate and remove the head and all shark fins of smooth dogfish while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. 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. If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smoothhound carcasses landed or found on board a vessel. Commercial fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading.

## **3.20 Cod**

### **3.20.1 Recreational**

- A. Minimum size: Twenty-two inches (22”), whether caught within the jurisdiction of this State or otherwise.
- B. Possession limit: Ten (10) fish per person per calendar day.

### **3.20.2 Commercial**

- A. Minimum size: Nineteen inches (19”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial Cod fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit: 1,000 pounds per vessel per calendar day for any vessel fishing in state waters. The possession limit may be modified on the basis of a RI state water cod quota as set by DEM, which shall be equal to 1% of the federal Georges Bank cod annual catch limit (ACL) for the given fishing year. When 90% of the state water quota has been harvested as determined by the DEM, the possession limit will decrease to 75 pounds of cod per vessel per calendar day for the remainder of the fishing year.

## **3.21 Haddock**

### **3.21.1 Recreational**

- A. Minimum size: Eighteen inches (18”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The recreational haddock fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  - 1. There is no recreational possession limit for haddock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of haddock.

2. Vessels in possession of a federal permit authorizing the recreational harvest of haddock in federal waters may harvest haddock in state waters in the amount equal to the federal regulations.

### **3.21.2 Commercial**

- A. Minimum size: Sixteen inches (16”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial haddock fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  1. There is no commercial possession limit for haddock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of haddock.
  2. Vessels in possession of a federal permit authorizing the commercial harvest of haddock in federal waters may harvest haddock in state waters in the amount equal to the federal regulations.

## **3.22 Menhaden**

### **3.22.1 Recreational**

- A. Minimum size: No minimum size.
- B. Season: January 1 through December 31.
- C. Possession limit:
  1. Less than or equal to four (4) inches in total length: Unlimited.
  2. Greater than four (4) inches in total length: Two hundred (200) fish/person/day.

**[Hearing Item 1m:  
Proposed amendment regarding Commercial Menhaden management  
for ASMFC compliance and clarifications \(section 3.22.2\)](#)**

### **3.22.2 Commercial**

- A. Menhaden Management Area: Narragansett Bay in its entirety is designated a Menhaden Management Area pursuant to R.I. Gen. Laws § 20-4.1-1. This area shall include the east and west passages of Narragansett Bay, Mt. Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet

Point to Beavertail Point to Castle Hill Light. The southern boundary further extends from Land's End to Sachuest Point and then to Sakonnet Light. The following regulations govern all commercial menhaden operations conducted in the Menhaden Management Area (Management Area).

1. Opening and closure of fishery:

a. Fishery opening - possession limits:

(1) Biomass Floor: On an annual basis in the spring, the DEM shall conduct regular estimates of the standing stock of menhaden ~~present in the Management Area~~ utilizing approved scientific monitoring methods. On the basis of those estimates, DEM shall open the commercial fishery at an initial possession limit of 120,000 pounds per vessel per calendar day when the estimated weekly standing stock reaches 2,000,000 pounds.

~~(2) The possession limits may be modified by the DEM on the basis of the estimated weekly standing stock of menhaden in the Management Area derived via approved scientific monitoring methods.~~

~~(3) The possession or taking of menhaden is prohibited on any Saturday, Sunday, official state holiday, or prior to sunrise or following sunset, unless using a non-directed gear type for menhaden. Non-directed gear shall be defined as cast nets, floating fish traps, and rod and reel.~~

b. Fishery closure:

(1) Biomass Ceiling: When 50% of the estimated standing stock of menhaden stock ~~present in the Management area~~, above the minimum threshold amount of 1,500,000 pounds, is harvested, the DEM shall close the menhaden fishery until further notice.

(2) If at any time the stock estimate drops below 1,500,000 pounds, the DEM shall close the commercial fishery **and the incidental catch fishery will be in effect** until further notice.

~~(3) Non-directed gear possession limit allowance: Upon closure of the fishery, the possession limit is 6,000 pounds per vessel per day for vessels utilizing non-directed gear.~~

**c. Fall opening in the Menhaden Management Area:**

(1) Beginning September 1 annually, the area south of a line extending from the Jamestown and Newport Bridges, and the area south of a line extending from Fogland Point to Sandy Point in the Sakonnet River, to the southern extent of the Management Area, will be open to the harvest of menhaden by purse seine provided that the state's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in RI.

(2) Possession limit: 25,000 pounds per vessel per day.

2. Purse seine restrictions:

a. The use of purse seines ~~in the Management Area~~ shall be permitted only in accordance with the following terms and conditions:

~~a.~~(1) All nets shall be less than 100 fathoms (600 feet) in length and less than 15 fathoms (90 feet) in depth.

~~b.~~(2) All nets shall be marked with fluorescent-colored float buoys, distinguishable from the other float buoys on the net, at intervals of 50 feet.

~~c.~~(3) Annually, prior to use, all nets shall be inspected and certified as being in conformance with the provisions of this section by the DEM Division of Law Enforcement (DLE). Once inspected and certified, a net may be used throughout the duration of the calendar year in which it was inspected, provided that it is not altered with regard to any of the provisions of this section. Any net that is altered with regard to any of the provisions of this section must be re-inspected and recertified prior to use.

3.b. ~~Permanently closed areas (waters) to purse seining for menhaden~~  
The possession or taking of menhaden by purse seine is prohibited in the following areas:

a.(1) Providence River: Described as the all waters north of a ~~straight~~ line extending from Rocky Point to Conimicut Light in the city of Warwick, and further extending to Nayatt Point in the town of Barrington.

b.(2) Greenwich Bay: Described as the all waters ~~in of~~ Greenwich Bay west and north of a line extending from the flag pole on Warwick Point to Sandy Point in the city of Warwick.

- ~~e. Harvest of menhaden in permanently closed areas: No person harvesting menhaden shall possess more than 200 menhaden per vessel per calendar day unless using gear types other than purse seine.~~

**c. The possession or taking of menhaden by purse seine is prohibited on any Saturday, Sunday, official state holiday, or prior to sunrise or following sunset.**

- 43.** Commercial vessel restrictions: 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, each vessel must be inspected by a certified marine surveyor and assessed with regard to 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.

~~5. Fall opening in the Menhaden Management Area:~~

- ~~a. Beginning September 1 annually, the area south of a line extending from the Jamestown and Newport Bridges, and the area south of a line extending from Fogland Point to Sandy Point in the Sakonnet River, to the southern extent of the Management Area, will be open to the harvest of menhaden by purse seine provided that the state's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in RI.~~

- ~~b. Possession limit: 25,000 pounds per vessel per day.~~

~~6. Reporting requirements:~~

- ~~a. Any fisher intending to engage in the commercial menhaden fishery in the Management Area shall notify the DLE at (401) 222-3070 prior to taking or possessing menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification which may have been established in the possession limit for menhaden.~~

- ~~b. Each person engaging in the commercial menhaden fishery shall contact the DEM at (401) 423-1940 at the end of each day to report the area fished and the amount of menhaden in possession by the fisher in pounds.~~

- B. Landing of menhaden in RI under State Quota Program: An annual statewide quota for menhaden is established annually for the State by the ASMFC. The quota shall pertain solely to landings of menhaden in RI and shall not pertain to the possession of menhaden in RI waters prior to landing.
1. The landing limit is ~~unlimited~~ **120,000 pounds/vessel/day** until the quota has been reached, as determined by the DEM.
  2. Once the quota has been reached, the fishery will close for directed fisheries, including but not limited to purse seine operations, and ~~a bycatch limit~~ **the incidental catch fishery** will be in effect. ~~The bycatch limit will be:~~
    - ~~a. Non-directed fisheries: 6,000 pounds per vessel per day.~~
    - ~~b. Pound nets, fish traps, anchored/staked gill nets, and fyke nets: If two commercially licensed individuals are harvesting from the same vessel, two (2) daily possession limits (12,000 pounds per vessel per day).~~
  3. All commercial menhaden operations conducted in the Management Area, prior to and after the State's quota has been reached, are subject to the provisions of § 3.22.2(A) of this Part, ~~unless using non-directed gear.~~
- C. Episodic Event Set Aside Program:
1. After the State's quota has been reached, if RI is approved to participate in the Episodic Event Set Aside Program for Menhaden, as established by the ASMFC, the landing limit for menhaden will be 120,000 pounds per vessel per day ~~for vessels associated with directed fisheries for Menhaden~~, until the Set Aside quota has been exhausted, as determined by the ASMFC and/or the DEM, at which time the program will end and the directed fishery will close. Vessels that target and land menhaden in RI under this program must harvest only from RI waters and, if operating in the Management Area, must adhere to all ~~of~~ the provisions as specified in ~~these regulations~~ **§ 3.22.2(A) of this Part**.
  - ~~2. Reporting Requirements:~~
    - ~~a. Any person intending to engage in the commercial menhaden fishery under the Episodic Event Set Aside Program must notify the DLE at (401) 222-3070 prior to taking or possessing menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification to the possession limit for menhaden that is applicable to operations conducted in the Management Area.~~

- ~~b. Each person engaged in the commercial menhaden fishery shall contact the Division of Marine Fisheries at (401) 423-1940 at the end of each daily trip or within four hours thereof to report the amount of menhaden landed by the fisher in pounds. These menhaden-specific reporting requirements are in addition to all other existing commercial fishing reporting requirements as set forth in the RI Marine Fisheries regulations.~~
- ~~3. Vessels not associated with directed fisheries for menhaden may continue to harvest and land in RI up to 6,000 pounds per vessel per day as bycatch. Such vessels are not subject to the provisions of §§ 3.22.2(A)(1)(a)((2)) and ((3)) of this Part, but are subject to the provisions of § 3.22.2(A) of this Part with regard to operations conducted in the Management Area, and are subject to all existing commercial fishing reporting requirements as set forth in the RIMFR.~~
42. The Episodic Event Set Aside Program will end on November 1 annually, or when the Set Aside quota has been harvested, whichever first occurs.

**D. Incidental catch Fishery:**

**1. Upon closure of the commercial menhaden fishery, an incidental catch fishery will be in effect as follows:**

**a. Possession limit:**

- (1) 6,000 pounds/vessel/day for non-directed and small-scale gears.**
- (2) 12,000 pounds/vessel/day for two commercially licensed individuals harvesting from the same vessel, fishing stationary multi-species gear.**

**b. Gear Types:**

- (1) Non-directed: Anchored/stake gillnets, trawls, fyke nets, and floating fish traps.**
- (2) Small-scale: Cast nets, pots, hook and line, hand lines, trammel nets, and bait nets.**
- (3) Stationary multi-species: Anchored/stake gillnets, floating fish traps, and fyke nets.**

**E. Purse seine reporting requirements:**

- 1. Any fisher intending to engage in the commercial menhaden fishery in the Management Area shall notify the DLE at (401) 222-3070 prior to taking or possessing menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification which may have been established in the possession limit for menhaden.**
- 2. Each person engaging in the commercial menhaden fishery shall contact the DEM at (401) 423-1940 at the end of each day to report the area fished and the amount of menhaden in possession by the fisher in pounds.**

**DF.** Prohibition on the harvesting of menhaden for reduction processing: The taking of Menhaden for reduction (fish meal) purposes is prohibited in Rhode Island waters. A vessel will be considered in the reduction (fish meal) business if any portion of the vessel's catch is sold for reduction.

**EG.** No person may transfer or attempt to transfer at sea, from one vessel to another, any finfish identified in these regulations.

**H. Possession limit and landing limit compliance:**

- 1. It shall be unlawful for any purse seine operation and/or company to land more than one possession limit and/or landing limit per day.**

### **3.23 Monkfish**

#### **3.23.1 Recreational**

- A. Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length, whether caught within the jurisdiction of this State or otherwise.
- B. Possession limit: 50 pounds tail weight, or 166 pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached.

#### **3.23.2 Commercial**

- A. Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial monkfish fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:

1. Non-federally permitted RI licensed vessel: 700 pounds tail weight or 2,037 pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the “whole” is reported using the grade “gutted, head on, tail on”.
    - a. The possession of monkfish livers may not exceed the number of gutted-fish and tails combined.
    - b. The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.
  2. The possession limit may be modified on the basis of a RI state water monkfish quota as set by DEM, which shall be equal to 3% of the federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When 2% of the SMA TAL has been harvested as determined by the DEM, the possession limit will decrease to 50 pounds tail weight or 166 pounds whole weight per vessel per calendar day for the remainder of the fishing year.
- D. Vessels in possession of a federal permit authorizing the harvest of monkfish may harvest monkfish in state waters if and only if they are operating during a previously and properly declared day-at-sea; in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to federal regulations.

## **3.24 Pollock**

### **3.24.1 Recreational**

- A. Minimum size: Nineteen inches (19”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The recreational Pollock fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  1. There is no recreational possession limit for pollock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of pollock.
  2. Vessels in possession of a federal permit authorizing the recreational harvest of pollock in federal waters may harvest pollock in state waters in the amount equal to the federal regulations.

### **3.24.2 Commercial**

- A. Minimum size: Nineteen inches (19”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial pollock fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  - 1. There is no commercial possession limit for pollock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of pollock.
  - 2. Vessels in possession of a federal permit authorizing the commercial harvest of pollock in federal waters may harvest pollock in state waters in the amount equal to the federal regulations.

### **3.25 River herring**

The harvest, landing, or possession of River herring in the marine waters of Rhode Island is prohibited.

### **3.26 Skate**

#### **3.26.1 Recreational**

Possession limit: Ten (10) fish per person per day.

#### **[Hearing Item 1n:](#)**

#### **[Proposed amendment regarding Commercial Skate management for compliance with NEFMC Framework 3 Adjustment \(section 3.26.2\)](#)**

#### **3.26.2 Commercial**

- A. Fishing year: May 1 through April 30 annually.
- B. State-waters skate wing fishery: Shall be defined as skate harvested, possessed, or landed by a vessel:
  - 1. Fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit; and
  - 2. For food for human consumption with a designated ACCSP Disposition Code 001 = Food.
  - 3. Minimum size: No minimum size.
  - 4. Possession limit: 18,200 pounds per vessel per week for wings only; or 41,314 pounds per vessel per week for whole skate.

- C. Skate bait fishery: Shall be defined as skate harvested, possessed, or landed by a vessel:
1. Fishing in state waters, not on a previously declared DAS, without an active federal open-access skate permit, and without a federal skate bait Letter of Authorization (LOA); and
  2. For use as bait with a designated ACCSP Disposition Code 008 = Bait.
  3. Maximum length: Whole skates must measure less than twenty-three (23) inches total length.
  4. Seasons and possession limits:
    - a. Sub-period I - May 1 through July 31:

**(1) Possession Limit: 25,000 pounds whole skate per vessel per day. When NOAA Fisheries determines that 90 percent of a bait skate TAL for Sub-period I is landed, the possession limit will be reduced to an incidental catch limit of 8,000 pounds whole skate.**
    - b. Sub-period II - August 1 through October 31:

**(1) Possession Limit: 25,000 pounds whole skate per vessel per day. When NOAA Fisheries determines that 90 percent of a bait skate TAL for Sub-period II is landed, the possession limit will be reduced to an incidental catch limit of 8,000 pounds whole skate.**
    - c. Sub-period III - November 1 through April 30:

**(1) Possession Limit: 12,000 pounds whole skate per vessel per day. When NOAA Fisheries determines that 80 percent of a bait skate TAL for Sub-period III is landed, the possession limit will be reduced to an incidental catch limit of 8,000 pounds whole skate.**
    - d. Possession limit **adjustments: Following the implementation of the incidental catch limit, additional adjustments may be enacted, in accordance with actions by NOAA Fisheries.** ~~The starting possession limit for each sub-period will be 25,000 pounds whole skate per vessel per day. When 90 percent of a bait skate TAL allocation in either Sub-period I or II, or when 90 percent of the annual Skate Bait TAL is landed, as determined by NOAA Fisheries, the possession limit will be reduced to the whole weight equivalent of the skate wing possession limit in effect at that time (either 5,902 pounds, 9,307 pounds, or 1,135 pounds whole skate).~~

(1) To ensure the skate bait fishery does not exceed its seasonal or annual TAL, the fishery will close when NOAA determines that 100% of the skate bait TAL for a season is to be harvested.

(2) To achieve the seasonal or annual TAL, incidental possession limits may be lifted, reinstating the standard seasonal possession limit.

### 3.26.3 Prohibited species

The harvest, landing, or possession of barndoor or thorny skate within the territorial waters of the state of Rhode Island is prohibited.

## 3.27 Spiny dogfish

### 3.27.1 Commercial

- A. Seasons, allocations, and possession limit: RI is currently designated as a state that is part of the Northern region. A Northern region possession limit and quota for spiny dogfish will be established annually by the ASMFC. The Northern region quota for spiny dogfish shall be the most recent allocation by the ASMFC, which is currently set at 58% of the coastwide quota.
1. Season: May 1 until April 30 of the following year.
  2. Possession limit: 6,000 pounds per vessel per calendar day. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the NOAA Fisheries or the ASMFC, the DEM shall close the fishery for the remainder of the designated period.
  3. DEM is hereby authorized to enter into agreements with the other Northern Region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish, and may make adjustments as deemed necessary to comply with said agreements. DEM will consult with the Rhode Island state-water spiny dogfish fishers prior to negotiating the subject agreements.
- B. Prohibition of Finning: Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish is prohibited in state waters. In addition, removing any fin of spiny dogfish at-sea is prohibited (including the tail). All spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass. Gutting fish at-sea is permitted, so long as the fins remain attached by a portion of uncut skin.

## **3.28 Yellowtail flounder**

### **3.28.1 Recreational**

- A. Minimum size: Thirteen inches (13”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The recreational Yellowtail flounder fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession Limit:
  - 1. There is no recreational possession limit for Yellowtail flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Yellowtail flounder.
  - 2. Vessels in possession of a federal permit authorizing the recreational harvest of Yellowtail flounder in federal waters may harvest Yellowtail flounder in state waters in the amount equal to the federal regulations.

### **3.28.2 Commercial**

- A. Minimum size: Twelve inches (12”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial Yellowtail flounder fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession Limit:
  - 1. There is no commercial possession limit for Yellowtail flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Yellowtail flounder.
  - 2. Vessels in possession of a federal permit authorizing the commercial harvest of Yellowtail flounder in federal waters may harvest Yellowtail flounder in state waters in the amount equal to the federal regulations.

## **3.29 Weakfish**

### **3.29.1 Recreational**

- A. Minimum size: Sixteen inches (16”).
- B. Season: January 1 through December 31.
- C. Possession limit: One (1) fish per person per calendar day, whether caught within the jurisdiction of this state or otherwise.

### **3.29.2 Commercial**

- A. Minimum size: Sixteen inches (16”), whether caught within the jurisdiction of this State or otherwise.
- B. Seasons and possession limits:
  - 1. June 1 through June 30: One hundred (100) pounds per vessel per calendar day.
  - 2. August 7 through November 8: One hundred (100) pounds per vessel per calendar day.
  - 3. At all other times, the possession limit is one hundred (100) pounds per vessel per calendar day as bycatch only with an equivalent poundage of other species required to be on board the vessel. Provided, however, that the commercial hook and line fishery is not permitted a bycatch allowance.
- C. For directed trawl operations, cod end mesh size must be  $\geq 4.5$ ” diamond or 4.0” square.

### **3.30 Winter Flounder**

#### **3.30.1 Recreational**

- A. Minimum size: Twelve (12) inches whether caught within the jurisdiction of this State or otherwise.
- B. Season: March 1 through December 31.
- C. Possession limit: Two (2) fish per person per calendar day in Rhode Island waters.
- D. Closed Areas: The harvest or possession of Winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond; and the Harbor of Refuge.

#### **3.30.2 Commercial**

- A. Minimum Size: Twelve (12) inches whether caught within the jurisdiction of this State or otherwise.
- B. Season: January 1 through December 31.
- C. Possession limit: Fifty (50) pounds per vessel per day.
- D. Closed Areas: The harvest or possession of Winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond and the Harbor of Refuge.

- E. Minimum mesh size:
1. Bottom trawl nets: Six (6) inch diamond mesh or six and one half (6.5) inch square mesh applied throughout the body and extension of the net, or any combination thereof, and six and one half (6.5) inch diamond mesh or six and one half (6.5) inch square mesh applied to the cod end of the bottom trawl nets.
  2. Gill nets: Six and one half (6.5) inch diamond mesh or six and one half (6.5) inch square mesh applied throughout the net. Vessels may utilize commercial fishing gear with mesh smaller than the sizes referenced in this section provided they do not possess any Winter flounder.
    - a. For vessels greater than 45 ft. in length overall, a diamond mesh cod end is defined as the first 50 meshes counting from the terminus of the net, and a square mesh cod end is defined as the first 100 bars counting from the terminus of the net.
    - b. For vessels 45 ft or less in length overall, a diamond mesh cod end is defined as the first 25 meshes counting from the terminus of the net, and a square mesh cod end is defined as the first 50 bars counting from the terminus of the net.
- F. With the exception of gillnets and fyke nets, fishing for Winter flounder in waters north of the seaward entrance to all coastal salt ponds, (with the exception of Point Judith Pond and the Harbor of Refuge where the harvest or possession of winter flounder is prohibited), including the waters of Narrow River, and the waters of Little Narragansett Bay north of a line from Napatree Point to the western end of Sandy Point, including the waters of the Pawcatuck River, will be prohibited from one hour after sunset until one hour before sunrise. Gillnets and fyke nets may not be hauled from one hour after sunset to one hour before sunrise.

### **3.31 Witch flounder**

#### **3.31.1 Recreational**

- A. Minimum size: Fourteen inches (14”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The recreational Witch flounder fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession Limit:
  1. There is no recreational possession limit for Witch flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Witch flounder.

2. Vessels in possession of a federal permit authorizing the recreational harvest of Witch flounder in federal waters may harvest Witch flounder in state waters in the amount equal to the federal regulations.

### **3.31.2 Commercial**

- A. Minimum size: Thirteen inches (13”), whether caught within the jurisdiction of this State or otherwise.
- B. Fishing year: The commercial Witch flounder fishery shall operate on a May 1 through April 30 fishing year.
- C. Possession limit:
  1. There is no commercial possession limit for Witch flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Witch flounder.
  2. Vessels in possession of a federal permit authorizing the commercial harvest of Witch flounder in federal waters may harvest Witch flounder in state waters in the amount equal to the federal regulations.

**Public Hearing**  
**February 19, 2018**

**Proposed/annotated amendments**

Note: Proposed new language is identified as **red, bold, underline**; language proposed for deletion is identified as ~~red stricken~~. Unless specifically presented as a hearing item, all other proposed changes are considered technical revisions (i.e., clarifications) of language only.

**250-RICR-90-00-4**

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

PART 4 – Shellfish

**4.12 Shellfish Management Areas – Descriptions, Seasons, and Possession Limits**

**Hearing Item 2.**

**Proposed Jacobs Point Shellfish Management Area (section 4.12.2(V))**

**V. Jacobs Point Shellfish Management Area: Described as the marine waters of the Warren River south of a line extending from the DEM range marker on the shore north of Jacobs Point, located at 71°17'12.104"W, 41°42'51.541"N, to nun buoy 12; and east of a line extending from nun buoy 12 to the DEM range marker on the shore south of Jacobs Point, located at 71°17'28.61"W, 41°42'36.91"N.**

**1. Harvest schedule: Open daily.**

**2. The reduced Shellfish Management Area possession limit applies only to oysters. The commercial possession limit for oysters is one (1) peck per person per day.**

**Public Hearing**  
**February 19, 2018**

**Proposed/annotated amendments**

Note: Proposed new language is identified as **red, bold, underline**; proposed language to be deleted is identified as ~~red-stricken~~.

250-RICR-90-00-6

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

**PART 6 – General Equipment Provisions**

**6.7 General**

**Hearing Item 3a.**

**Proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots (currently required only for Black sea bass and Scup pots) (proposed section 6.7(C)(3))**

**3. The use of floating line within eight (8) feet of the surface of the water, that is attached to any fixed fishing gear, is prohibited.**

**Hearing Item 3b.**

**Proposal to broaden the commercial buoy and vessel color scheme requirement to all pots (currently required only for lobster pots) (proposed section 6.7(C)(4)&(5))**

**4. Each pot used for the taking of marine species shall bear a color scheme on the attached buoy consistent with the color specified on the license. The buoy color scheme shall also be displayed on any vessel used by the licensee, such that the colors shall be painted on the port and starboard sides of the hull in a section, not less than one foot (1') square; or a clearly painted buoy shall be set at the highest point on the vessel excluding the mast and be visible for 360°. The buoy or colors must be prominently displayed on the vessel at all times that gear is in the water.**

**5. No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot unless the color scheme of the attached buoy is the same**

**as the color scheme that is on file with the license application and displayed on the boat used by that person, or unless that person is duly licensed and possesses written permission from the rightful owner of the pot, trap, or other device (ref. R.I. Gen. Laws § 20 7 11.1(b)).**



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### DIVISION OF MARINE FISHERIES

3 Fort Wetherill Road

Jamestown, Rhode Island 02835

## SUMMARY OF ORAL COMMENTS

A public hearing was held on **February 19, 2018** at 6:00 PM, URI Narragansett Bay Campus, Corless Auditorium, Narragansett, RI. Several (50 +/-) persons were in attendance.

Hearing Officer: *J. McNamee*

DEM Staff: *B. Ballou, C. Hoefsmit, S. Olszewski, N. Lengyel, C. Parkins, J. Lake, J. Livermore, Nicole Ares, D. Costa, P. Duhamel, Lt. Joe Poccia*

RIMFC: *A. Dangelo, D. Monti, J. Grant, T. Barao*

Public comments were solicited on the following items:

1. Hearing Item 1a: Proposed management of **recreational black sea bass** management (Part 3, section 3.7.1). Seven (7) options were offered

- S. Medeiros/RISWAA: Initially in support of option 2, but preference is option 7, including removal of the fall closure. Being open in Nov.-Dec. not as important.
- R. Bellavance: Fall season is the more important for P/C industry; keeping open through November important to coincide with Tautog fishing. Consider for future management an increase in minimum size in order to extend the season, separate regulations for the for-hire sector from recreational angling due to the special needs of the for-hire sectors.
- F. Blount: In support of an increase in minimum size; maintain 3 fish bag limit until after Labor Day to gain a few more days in September; keep fishery open in November – December. 2017 shows that closing in November and December gains about 4 hours of fishing. Wave 6 has shown the lowest landings in the past few years, so minimal benefit to closing, but significant impact to P/C industry. He questions the May-June data for past 2 years - not a single A1 or B1 fish has been observed for 66,000 discards in 2016 for shore mode; in 2017 there were zero A fish and 8,700 B1 fish, and another 66,000 discards. He concluded that there were 133,00 discards without a single observed fish.
- D. McPherson: In support of option 7 as most equitable for bay fishermen
- M. Conti: Supports maintaining the season open in Nov. – Dec.
- R. Chatowsky: Fall season most important for P/C industry; does not support decrease in bag limit.
- S. Anderson: In support of comments made by F. Blount and R. Bellavance.
- K. Smith: In support of maintaining the season open in Nov. – Dec. Strongly in support of removing fall closure. Fall season very important to P/C industry.
- J. Rainone: May-June season not important to the P/C industry. Would like to see separate/distinct regulations for P/C. Fall closure was very bad for P/C industry.
- S. Lundberg: In support of comments made by other charter boat captains.

- C. Donolin: In support of increasing the minimum size to 16” to keep fishery open in December; would be beneficial to P/C vessels targeting Cod in December. Would also support reducing bag limit to 4 fish to keep fishery open in December.
2. Hearing Item 1b: Proposed management of **recreational scup** (Part 3, section 3.8.1).
    - S. Medeiros/RISWAA: In support of option 2.
    - F. Blount: Does not support a decrease in minimum size; both fisheries target fish > 10”; in support of a 5-fish bag limit increase during a bonus season.
    - J. Rainone: In support of option 1; does not support decrease in minimum size.
  3. Hearing Item #1c: Proposed management of **commercial scup** management (Part 3, section 3.8.2).
    - No comments were made.
  4. Hearing Item #1d: Proposed amendment of **recreational striped bass** management (Part 3, section 3.9.1).
    - R. Chatowsky: In support of increasing the bag limit to 2 fish/day. Make concessions for P/C captain crew as needed to make it work. Feels that fishery health can support the increase.
    - R. Bellavance: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - T. Terranova: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - S. Lundberg: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - M. Ambrosia: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - K. Smith: In support of increasing the bag limit to 2 fish/day for the P/C industry.
  5. Hearing Item #1e: Proposed amendment of **commercial general category striped bass** management (Part 3, section 3.9.2(A)).
    - P. Duckworth: In support of amending regulations to provide for striped bass harvest by gill net.
    - J. Walker: In support of amending regulations to provide for striped bass harvest by gill net.
    - M. Lanni: In support of option 2 as a first preference; 2<sup>nd</sup> preference is option 5. Opening date earlier than May 28 disproportionately favors bay fishermen. Would only support an opening date earlier than May 28 if allocations adjusted per option 5.
    - K. Booth: In support of option 9.
    - M. McElroy: In support of 70% allocation for the first sub-period; strongly opposed to a 4-day fishing week.
    - J. Baker: In support status quo, but with no closed days; in support of amending regulations to provide for striped bass possession when gill nets on board to provide for flexibility (allow to rod & reel when nets stowed).
    - B. Christensen: In support of option 3; would support opening first sub-period no later than May 20; very important to maintain 5 open days.
    - J. Martini: In support of option 9.
    - M. Conti: In support of option 9.

- F. Pascale: In support of option 9.
- R. King: In support of option 9.
- G. Corsetti: In support of option 9.
- R. Enright: In support of option 9.
- K. Murgo: In support of option 9; in support of an earlier Spring opening.
- P. Chappell: In support of option 9.
- Public comment: In support of option 3.
- M. McGivney/RISA: Earlier Spring opening is positive for bay fishermen and market; in support of option 3.
- R. Mayer: In support of option 3.
- A. Nero: In support of option 9.
- J. Stevens: In support of option 3.
- E. Wilcox: In support of option 3.
- J. Donahue: In support of option 3; important to maintain 5 open days; does not support any reduction in allocation for the first sub-period; would not support any reduction in bag limit. Opposes option 9.
- M. Sherer: In support of option 3.
- Public comment: In support of option 9.
- M. Vieira: In support of option 3.
- M. McElroy: In support of option 3.
- R. Chatowsky: Prefers option 9; as a P/C captain and commercial license holder, in support of amending the Licensing regulations to provide for switching from P/C mode to commercial mode on the same trip.
- J. Jarvis: In support of option 3; 2<sup>nd</sup> preference is option 9.
- Public comment: In support of option 3.
- D. Pascale: In support of option 9.
- M. Sherman: In support of option 9.

6. Hearing Item #1f: Proposed amendment **to remove the October 15th date from the floating fish trap allocation transfer provision** (Part 3, section 3.9.2(A)(3)).

- B. Christensen: In support of proposal.
- M. Conti: In support of proposal to assure full utilization of quota. Keep FFT fishery open after transfer to GC to assure full utilization of quota.
- I. Campbell: Opposed to proposal.
- T. Hoxsie: Opposed to proposal. Important to maintain quota available to FFT in first half of October when striped fishing is picking up.
- J. Grant: Opposed to proposal.
- J. Donahue: In support of proposal.
- Public comment: In support of a regulatory provision to transfer a portion of the quota initially, followed by a transfer of the remaining quota only if warranted.
- S. Campbell: Opposed to proposal.

7. Hearing Item #1g: Proposed amendment of **commercial floating fish trap striped bass management** (Part 3, section 3.9.2(B)).

- No comments were made.

8. Hearing Item #1h: Proposed amendment of **recreational summer flounder** management (Part 3, section 3.10.1).
- C. Donolin: In support of decreasing minimum size to 18” as a means to reduce discards.
  - S. Lundberg: In support of option 2.
  - Public comment: Larger minimum sizes results in increased discards.
  - R. Bellavance: In support of option 2.
  - M. Ambrosia: In support of option 2.
  - T. Terranova: In support of option 2; would prefer decrease in minimum size.
  - Public comment: In support of option 2.
  - R. Chatowsky: In support of option 1.
  - F. Blount: In support of option 2.
  - S. Anderson: In support of option 2.
9. Hearing Item #1i: Proposed amendment of **recreational tautog management** (Part 3, section 3.11.1).
- Public comment: In support of status quo.
  - R. Chatowsky: In support of status quo.
  - Public comment: In support of status quo.
  - Public comment: In support of status quo.
  - Bonita II: In support of status quo.
  - K. Smith: In support of status quo.
  - Public comment: In support of status quo.
  - F. Blount: In support of status quo. Mass. Landings increasing consistently; 2017 landings in R.I. lowest in 10 years. P/C harvest is smallest % of total catch. Fish given up in R.I. are harvested in Mass.
  - Public comment: In support of option 1.
  - F. Pascale: In support of status quo.
  - R. Bellavance: The R.I. spawning closure in June-July is not in effect in Mass. Mass should have the same spawning closure as R.I.
  - C. Donolin: In support of status quo.
10. Hearing Item #1j: Proposed amendment of **commercial tautog** management (Part 3, section 3.11.2).
- J. Walker: Strongly opposed to option 3; does not support option 2; in support of option 1. Any time a fish is removed it is prevented from spawning again; does not support a Spring closure as a means to protect spawning fish as the fish have already spawned several times. Supports increasing minimum size to 17”.
  - K. Booth: In support of option 3. Fishery is in trouble; proposal is designed to prevent harvest during spawning season.
  - K. Murgo: In support of option 1.
  - P. Chappell: In support of option 3 as a means to better protect fishery.
  - J. Martini: In support of option 3 to support spawning.
  - J. Donahue: In support of option 1; opposed to option 3.
  - Public comment: In support of option 3.
  - Public comment: In support of option 3.
  - M. Conti: In support of option 3.

- G. Corsetti: In support of option 3.
- C. Donolin: In support of option 3. Would not hurt fisherman as fish will be larger in the Fall if not harvested in the Spring, thereby off-setting losses resulting from not harvesting in the Spring. Would support harvest of males only in the Spring.
- T. Hoxsie: In support of option 1.
- I. Campbell: In support of option 1.
- P. Duckworth: In support of option 1.
- D. Pascale: In support of option 1. Would support measures to increase bag limit consistent with Mass.
- J. Jarvis: In support of status quo. In support of only harvesting male fish in the Spring as a means to better manage the fishery.
- R. Chatowsky: In support of only harvesting male fish in the Spring as a means to better manage the fishery. In support of option 3.

11. Hearing Item #1k: Proposed amendment of **recreational bluefish** management (Part 3, section 3.18.1).

- A. Nero: In support of a minimum size of 12” 14”.
- K. Murgo: Does not support a minimum size; would negatively impact fishing for skipjacks. Fishing for skipjacks can be first fishing experience for kids.
- J. Donahue: Does not support a minimum size; would negatively impact fishing for skipjacks.
- J. Walker: Does not support a minimum size; would negatively impact fishing for skipjacks.

12. Hearing Item #1l: Proposed amendment of **commercial bluefish** management (Part 3, section 3.18.2).

- A. Gerwitz: In support of increasing possession limit during mid- season sub-period so as to not lose harvest opportunity when fish are present and to assure full harvest of the quota. In support of a bi-week aggregate limit for the 3<sup>rd</sup> sub-period as proposed for the 1<sup>st</sup> sub-period.
- P. Duckworth: In support of comments made by A. Gerwitz. In support of obtaining quota transfers from other states as soon as it is known that additional quota is needed.
- T. Hoxsie: In support of option 1 and increasing possession limit in 2<sup>nd</sup> sub-period.

13. Hearing Item #1m: Proposed amendment of **commercial menhaden** management (Part 3, section 3.22.2).

- J. Donahue: In support as proposed.

14. Hearing Item #1n: Proposed amendment of **commercial skate** management (Part 3, section 3.26.2).

- No comments were made.

15. Hearing Item #2: Proposed amendment to **establish a new Shellfish Management Area, Jacob’s Point**, in the town of Warren (Part 4, section 4.12(V)).

16. Hearing Item #3a: Proposed amendment **to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots** (Part 6, section 6.7).

- No comments were made.

17. Hearing Item #3b: Proposed amendment **to broaden the buoy and vessel color scheme requirement to all pots** (Part 6, section 6.7).

- No comments were made.

*Prepared by P. Duhamel*

Kenneth T Murgo  
Trident Fisheries LLC.  
RI MP License #001365  
Kenneth.Murgo@gmail.com  
(401) 368-4397

February 19, 2018

Subject: Written Comments on Proposed Commercial Tautog Regulations for 2018

Dear Peter Duhamel, Jason McNamee, the RIMFC, and Director Coit

I am writing to support the status quo management option for 2018 Commercial Tautog. I am **strongly** opposed to option 3, which eliminates the spring sub-period. As a full time inshore commercial fisherman based in Narragansett Bay, tautog are the first fish I land every year. This revenue is my first significant income after the winter months where I have minimal income, and it comes at a time when other inshore fishing opportunities are scarce. As a younger (28) up and coming commercial fisherman trying to build my business in the current age of strict regulations and quotas, I have focused on being highly diversified and harvesting as many different species over the course of the year as possible. The loss of this spring tautog season would have a significant adverse impact on my business.

It has become an annual tradition for the rod and reel sector of RI fisherman to lobby for more quota in the fall sub-period. Last year they pushed for a 25%/25%/50% split between sub periods and now they are pushing for an ever more severe redistribution at 0%/40%/60%. This redistribution benefits the rod and reel sector at the expense of trap fisherman, lobstermen, gill net fisherman, and the floating fish traps, all of which land tautog in the spring-sub period. Also, inshore, Narragansett Bay based commercial fisherman have the best opportunity to harvest tautog in the spring sub-period, by the time the fall sub-period opens the fish are leaving the bay and concentrating on the ocean-front where most of the rod and reel sector operates. The redistribution proposed by option 3 is unfair to the majority of RI fisherman as it benefits one small sector at the expense of other fisherman. We came to a compromise last year and ended up at the 40%/20%/40% split that is the status quo option for this year. This gave more quota to the fall sub-period as the rod and reel sector wanted while being fair to all RI fisherman.

Additionally, the price per pound we receive for tautog is always the highest in this spring sub-period. There are multiple other states, including Massachusetts, that have fall seasons for tautog with much higher daily landings limits (40 fish/vessel in Massachusetts) than RI. This results in a much higher supply of fish going into the market in the fall and therefore reduces the demand for, and price paid for, RI tautog. With our relatively small annual quota for tautog we should craft our regulations to maximize the dollar value of the resource available to us. Moving more quota to the fall sub-period would be a mistake as it would lower the dollar value of the fishery. In light of this, I strongly urge you to adopt the status quo management option for commercial tautog in 2018.

My license # is 1028

I'm for option #2 on striped bass and option #3 on tautog.

Thanks

AL GOLINSKI

Good Morning Natalie

I would like to comment on the upcoming Striped Bass proposal,

I recommend option #3 for the following reasons: With the limited amount of fish available to harvest we need to focus on price, In my opinion the best price for our resources are in the spring fisheries, SAFIS will concur this fact, also we harvest smaller more marketable St Bass in May ,

If you would toward this comment to Jason,

Thank you  
Adam Lotz

**From:** David Borden [<mailto:lizzy.2@charter.net>]

**Sent:** Sunday, January 07, 2018 6:24 PM

**To:** McNamee, Jason (DEM) <[jason.mcnamee@dem.ri.gov](mailto:jason.mcnamee@dem.ri.gov)>

**Cc:** John Peabody <[jpeab6375@gmail.com](mailto:jpeab6375@gmail.com)>; J. Grant Moore <[grantmoore55@gmail.com](mailto:grantmoore55@gmail.com)>

**Subject:** [EXTERNAL] : aggregate program

Since I have other commitments, and will not be able to attend tomorrows workshop, I would like to offer a few comments on behalf of AOLA.

- As you know the Association has gone on record in writing, a number of times, in support of an aggregate program, as we believe it an important way of reducing discards, improving compliance, and improving fishery performance. We therefore support the development of a pilot expanded aggregate program. However, we suggest that at least one of the vessels in the pilot program be an offshore lobster trap vessel that has a history of landing Black Sea Bass. It is also critical to limit participation in the pilot program to vessels with a documented landing history in the fishery so that comparison can be made regarding how the program changes behavior. In addition, I suggest that you select a minimum of five trap vessels, five gill net vessels, and five trawlers for the pilot if possible, for comparison sake as the behavior may change based on gear type. I also suggest that the five Trawlers be given a weekly aggregate of scup, sea bass, **and summer flounder**. Since trawlers are the primary gear that catches summer flounder I think it important to include summer flounder on their LOA, otherwise they will be fishing on two aggregate species programs, and still be required to fish under the daily limit regulations for summer flounder, which will significantly complicate any interpretation of the data. Final point is that if you intend to include rod and reel as a gear type then I suggest the pilot be expanded to 20 vessels if possible.
- One personal observation. On the issue of removing scup from the restricted species list, I think that a positive concept offer that you should consider a liberation by gear type. Given the abundance of sea bass it is almost impossible to catch scup without catching sea bass therefore any liberalization of the licensing regulations should be limited to gear types with low dead discard rates. Since black sea bass will remain a restricted finfish species, you want to avoid a situation that has the unintended consequence of enhancing black sea bass discards. Therefor any liberation should be limited to the most selective gear types or those with low dead discard rates.

Dear Peter,

As I am not able to attend tonight's Public Hearing, I would like to offer my input as follows:

With regard to the Striped Bass General Category Commercial Fishing Season, I am in support of **Hearing Item #1E, Option 2**.

With regard to the Tautog Commercial Fishing Season, I am in support of **Hearing Item #1J, Option 3**.

Respectfully submitted,

Raymond A. Jobin  
Multi-Purpose Fishing License #0612  
[rayjobin68@aol.com](mailto:rayjobin68@aol.com)

Mr. Duhamel,

As a commercial rod & reel fisherman I SUPPORT the following proposals:

1. Hearing item 1e. section 3.9.2(A) commercial Striped bass: SUPPORT OPTION 2.
2. Hearing item 1j. section 3.11.2 Commercial Tautog: SUPPORT OPTION 3.

Thank you,

Keith Bilodeau

Rhode Island license #PEL 1308

Peter, my comments/votes on the commercial proposals are as follows;

1e - Commercial Striped Bass – I prefer option # 9.

1j – Commercial Tog – I prefer option # 3.

If I'm allowed to comment on Rec;

1a – Recreational Sea Bass – All options are awful. The limits should be tripled with no closed season. They are everywhere and an incredible nuisance for all parties involved.

1b – Recreational Scup – I prefer option 2.

1h – Recreational Fluke – I prefer option 2 but I would rather see a lower size with 4 fish/day.

Thanks.

Dave Tria

Support hearing item 1-E Option #2  
Support hearing item 1-J Option #3

William Gavitt Licence # 000898MP

# Rhode Island Fishermen's Alliance

P.O. Box 337

East Greenwich, RI 02818

TO: Rhode Island Division of Marine Fisheries

SUBJECT: Public Hearing February 19, 2018

The following are comments and positions for the record on the proposed regulations as filed with the Secretary of State and presented at the public hearing of February 19 affecting the marine fisheries. Included are alternatives which would be as effective but cause less harm to the affected persons.

**Harvesting the marine resource and balancing equal access** – commercial Scup, Striped Bass, Tautog, Bluefish, Menhaden, Skate and Oysters.

The imposition of regulations for the management of the marine fisheries are derived from and mandated by the Rhode Island Constitution. Those responsibilities are further clarified in several RI Supreme Court decisions. They are also referenced in my paper “*A Guide to Managing Rhode Island's Marine Resources 2012*” of which I have offered copies to everyone who has expressed an interest. The commercial fisherman is licensed to exercise the fundamental rights of all those RI residents that cannot or choose not to exercise those rights for themselves. It is imperative to make the marine resource available throughout the year and in a manner that does not favor or discriminate in access. It is also recognized that there are certain mandates that may be incorporated as dictated by regional management plans. Two of the basic goals affecting the commercial fisheries include, **no closed seasons** and **consistent daily possession limits throughout the year**. Rather than seasonal or multiple closures, close only prime spawning areas when and where appropriate.

1. **Equitable Access** – Summer Flounder, Black Sea Bass, Tautog, and Striped Bass are continued to be unevenly distributed throughout the year. Multiple openings, closings and varying possession limits plague the fisheries, do not provide a continuing supply of resource to the public and discriminate in access to the resource.

2. **The Warren oyster farm** – The proposal as submitted including possession limits opens the door to a dangerous and slippery slope. Here we have a town going into the semi-aquiculture business in state waters specifically for the benefit of town recreational residents. Sounds innocent and harmless enough... but. The marine waters of the state belong to the state and not the town. And, the marine resources belong to all state residents equally. For the state, the marine fisheries division, to initiate or take the lead on such a project would be in alignment with the state's greater responsibility. To relinquish that lead role to a town is an invitation to trouble. Towns are generally not interested in providing invested benefits to the residents of

other towns. Think about somebody from Pawtucket taking oysters from an area that the people in Warren planted for themselves. Experience one having to pay an exorbitant non-resident fee to the town of Narragansett in an effort by that town to keep non residents off of “their” beach.

The division should not abrogate its state authority or responsibility to a town. The division can work with the town but not relinquish authority to them. Aquiculture can and has been used to enhance the wild fishery but there is a delicate balance between aquiculture and the free and common fishery. For every recreational fisherman, there are over 30 residents in the state that do not fish for themselves. Those residents maintain the same fundamental rights to the marine resource through the licensing of commercial fishermen who, in effect, are exercising the rights of others on their behalf. Those commercial fishermen are compensated not for the product that they have harvested, but for the service that they have provided by the harvesting the marine resources for others. Theoretically and under RI law, compensation is based on the value of the service provided as determined by the market system. Commercial fishermen do not own the resource even after they have reduced it to possession. The state could demand it from them but would then be responsible for compensating the fishermen for their labor in the process. The idea that the commercial harvester is limited to the same possession limits as a recreational harvester extinguishes the justification for his license and his ability to exercise the rights of others. His possession limit is now reduced to his own and not on behalf of the many others. Turning a state shellfish area into a favored benefit of a particular town for a privileged group is never a good direction to go. Reducing the commercial possession limit to the same as an individual under the guise of equal access is a farce. Changing the daily possession limit to **one peck for recreational and 3 pecks for commercial** would be a reasonable application.

3. **Tautog** – Are Tautog primarily a food resource or a game of catch for fun seekers? This state managed fish has been granted a special priority to recreational fishermen at the expense of all those who do not fish for themselves. Somehow, the people who fish for fun are more important than the people who fish for food. And, the people who take the people who are fishing for fun out to fish for fun would like a greater privilege for the service of providing that fun. It would be far less expensive for the fun seekers to purchase this food resource if it were truly treated as a food resource.

The state has no obligation to provide special access to those who profit by providing a service to recreation fun seekers and it should never be done at the expense of the whole. The live marine resource should never be prioritized to the status of an amusement park or a game of fun. I have no objection to the recreational service providers but I strongly object to a management plan that takes a food resource from the whole in order to provide a recreation activity for a few. To say the least, **Tautog should be made available to all of the state residents in a volume that is not less than the same amount as available for recreation.**

Jerry Carvalho  
V. Pres. RIFA

To: Peter Duhamel

From: Ray Masciarelli

License PEL 924

I am voting for Option #2 regarding Striped Bass Commercial General Category

I heard about this late last night but would like to voice my opinion.

Item 1e: support option 2

Item 1j: support option 3

Thank you  
Sean Bradshaw  
PEL 894

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

6

THANKS TO ALL OF YOU WHO SUPPORTED US LAST YEAR  
**PROPOSAL FOR 2018: DEM "OPTION 3"**

**SPRING SEASON OPENING MAY 15, (CURRENTLY MAY 29)**  
**70% OF QUOTA (CURRENTLY 70%)**  
**FALL SEASON OPENING AUGUST 24, (CURRENTLY SEPT. 8)**  
**30% OF QUOTA (CURRENTLY 30%)**

EARLIER START DATES ALLOW PRODUCT TO BE ON MARKET BEFORE THE HOLIDAYS,  
WHEN DEMAND AND PRICE IS HIGHER. LAST YEAR, PRICES WERE HIGHEST IN THE  
SPRING.

Please sign below if you wish to support this option. Thank you  
Bo Christensen

Eric Marcus multi 465  
Eric Marcus

LOU FRATTARELLI multi 710  
Lou Frattarelli

Raymond F. Wood 704 RAYMOND F. WOOD

Jeff Doyle #163 JEFF DOYLE

Joe Goodness 1927 JOE GOODNESS

Chris Rayhill #057 Chris Rayhill

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

10

THANKS TO ALL OF YOU WHO SUPPORTED US LAST YEAR  
**PROPOSAL FOR 2018: DEM "OPTION 3"**

**SPRING SEASON OPENING MAY 15, (CURRENTLY MAY 29)**  
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**30% OF QUOTA (CURRENTLY 30%)**

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WHEN DEMAND AND PRICE IS HIGHER. LAST YEAR, PRICES WERE HIGHEST IN THE  
SPRING.

Please sign below if you wish to support this option. Thank you  
Bo Christensen

Russell Field	Russell Field	CFB 906
Brian Murphy	Brian Murphy	CFI 1268
Zach Staves	Zach Staves	MPURP 1357
Richard Benton	Richard Benton	CFI 1501
Walter Mills	Walter Mills	PEL 102
Russell Sylvestre	Russell Sylvestre	CFL 1389
Peter Silvia	Peter Silvia	MPURP 1409
Chris Ouellet	Chris Ouellet	CFI 1733
RONALD FORREST	Ronald Forrest	MPURP 001319
ALTON EMERY	Alton Emery	MOLPT 569

000

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

11

THANKS TO ALL OF YOU WHO SUPPORTED US LAST YEAR  
**PROPOSAL FOR 2018: DEM "OPTION 3"**

**SPRING SEASON OPENING MAY 15, (CURRENTLY MAY 29)**  
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Bo Christensen

John Stevens PEL 1527  
Greg ~~BASSON~~ PEL 1647

*John Stevens*  
*Greg Basson*  
*Greg Janone*

GREG JANONE MP 216  
Joe Bennett RG 1076

Bob BRIELEY MP 303

*Robert Simon*  
*Norman Zischler*

Norman Zischler MULT 193

Ray Kettell MP 214

William P. Bennett MP 344 (13)

Ron Tabete Jr POL 1654

JEFF TABELE MPL 1321

Joseph Hallane

*William P. Bennett*  
*Ronald P. Zischler*  
*Joseph Hallane*

FOLK Joe McDonald

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

9

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Bo Christensen

Joseph McDonald

Joseph McDonald

696

Robert T Goodman

Robert T Goodman

0050

Norm Myers

Norman Myers

0568

**ROBERT HOGAN**

**Bob City**

**0208**

Robert Simmons

Robert 2 Simon

147

Joseph H Vespa

00048

Ant Alley

466

Tony Maush

Antony Maush

622

Chris Dawley

0168

Chris Dawley

PAID FEB 15 2018

PAID FEB 16 2018

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

2

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Please sign below If you wish to support this option. Thank you

Sign

Bo Christensen

Print

Lic. #

*Donny J. Martin*

Lic # 1382

Donny Martin

000650

*Vincent Ferranti*

VINCENT FERRANTI

2

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

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Bo Christensen

Sign  
  


Print  
Christopher LaVasseur  
OWEN KELLY  
Lic. #  
MPURP 000653  
MPURP 000029R

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

85

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① Vincent Carvalho VIN CARVALHO

② William D. SIECZKIEWICZ  
124 MP

③ Frank Field  
FRANK FIELD  
LIC. MP 495

④ Craig Abhamer #685

⑤ Paul Forder #1348

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

13

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Bo Christensen

Bo Christensen Bo Christensen MP 429

Thomas Blank Thomas Blank CFI 1284

RAYMOND RYAN PEL 0046

Joseph Pinheiro Mpurp 1327

Fred Mower MP 130

Ernest P. Wilcox Ernest P. Wilcox 000306MP

Michael McGivney Michael McGivney 401 MP

John Bonner John Bonner 1610

Allan Dunklee Allan Dunklee 000302

MATTHEW MCGIVERNEY 304<sup>pel</sup>

PHILIP SPADOLA PHILIP SPADOLA MP 106

Greg Maxwell Greg Maxwell 00 1670

Chris Lavine Chris Lavine 00 1173

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

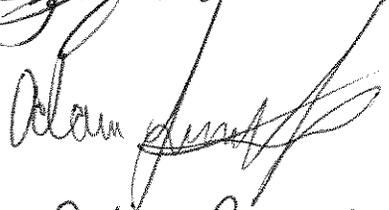
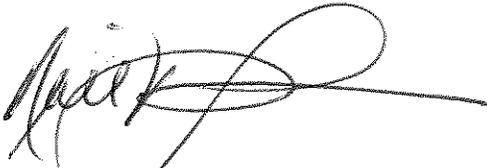
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Bo Christensen

	Stephen Barry	CFL 001588
	Ezequiel Costa	0605
	ALAN LITTLEFIELD	
	John C. Panizza	406
	Ralph Iobello	MP 0038
	DAVID AMOR	686
	TONY DeB. FALCONE	493
	Betsy Hill	MP 1346
	Mike McElroy	MP 0082
	Krzysztof Hermanowicz	MP 0275

# ITS TIME AGAIN TO FIGHT FOR OUR STRIPED BASS FISHERY!

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Please sign below If you wish to support this option. Thank you  
Bo Christensen

*Manuel Vieira*

MURP. 1311

*Paulo Vieira*

MURP 1293

*Ryan Sabatini*

MURP 885

*Al Sabatini*

MURP 887

Attn: Peter Duhamel  
RI DEM

February 22, 2018

Re: Proposed regulations for commercial striped bass fishery

Peter:

This letter is to restate my reasons for support of option 3:

Earlier openings (May 15 and August 24))

Bass have often arrived in the bay in early May; opening earlier would allow us to catch them while they are here

Prices are usually higher in the spring; I got my best price ever first few days last year.

Allows time for product to be on the market for both Memorial Day and Labor Day

Maintain a 5 day work week: reducing open days to 4/week means a potential 20% cut in weekly income.

Dealers usually ship Sunday thru Thursday

For us in the bay, striped bass is the only fishery available to us; we don't have sea bass or fluke.

Thank you,

Bo Christensen

PS Even though the bottom of the bay is covered in quahogs, they are tough to catch with a rod and reel; not impossible but hard to do commercially.

Jason,

The RICRRA met recently to review the proposals that have notified for the upcoming public hearing. **As a result, we would like to modify the two proposals that we had submitted to you on January 11, 2018.**

**The two revised proposals are as follows:**

**Tautog** - RICRRA proposes that for the 2018 season that there be two sub-periods, one in the summer and one in the fall. The summer period would be allocated 50% of the quota and begin on 8/1/2018 and run until the quota is reached or until 9/15/18, whichever occurs first. The fall period would be allocated 50% of the quota and begin on 10/1/2018 and run until the quota is reached or until 12/31/18, whichever occurs first.

The purpose of this proposal is to relieve pressure on the fish leading up to and during their spawning period. It really doesn't make sense to fish a stressed species before and during its reproductive cycle. Recognizing that we are in a management region with Massachusetts, it makes sense to follow their lead in trying to give the fish a break during that period to benefit the both the fish and the recreational and commercial fisheries. The later start date of August 1st would ensure that their spawning cycle is not impacted.

**Striped Bass** - RICRRA proposes a 2018 season of two periods. The first of which would be allocated 60 percent of the quota and begin on May 23, 2018. This period would run until 60 % of quota is reached. Any unused quota from that first period would roll over into the second period. That second period would begin on August 8, 2018 and be allocated 40 % of the quota. This period would end on December 31, 2018 or when the quota is reached, whichever come first. Possession and sale of Striped bass during both periods would be limited to five fish per day and sale allowed on Wednesday, Thursday, Friday, and Saturday. The fishery would be closed on Sunday, Monday, and Tuesday.

The logic behind this proposal is to provide a fair and equitable fishery to all fishermen. This proposal provides for an earlier than traditional first period opening to allow fishermen in upper Narragansett Bay to harvest early season fish before the fish population builds along the oceanfront, and includes a second period which occurs when there is still a healthy fish population in State waters. This proposal also provides fishermen with more productive days at sea as it enables fishermen to fish on Friday and Saturday when other species are typically closed. This is important to many in the industry; fishermen, buyers, fuel and tackle suppliers, and restaurants who all benefit economically from daily fishing activity. Fishermen who attempt to maximize their catch in the shortest period of time possible ignore the concerns of other stakeholders who are affected. The four day period should also help extend the season and eliminate the "derby" mentality of fishing. There is no negative effect on the recreational fishery by including Saturday as a fishing day due to the fact that a weekend day (Sunday) had already been an open day for fishing and there will still only be one weekend day open

If you have any questions please let me know. Thank you for your time and consideration.

Kenneth Booth, President

Peter, I would like you to place a vote for me at the meeting tomorrow because I will be offshore until Tuesday.

I am voting in support of Option 6 for General Category Striped Bass. I believe this will provide the greatest economic option for both buyers and fisherman.

Thank you,  
Jean LeComte  
Multipurp 1332

**RI Department of Environmental Management Division of Marine Fisheries**

**PUBLIC HEARING**

February 19, 2018

Re: **Commercial General Category Striped Bass**

Feb 19,2018

**I would like to submit my support for Option 2 (Industry Proposal).**

I believe that this would be the most equitable plan to distribute the commercial striped bass quota to all participants that are involved in the fishery, for the forthcoming season of 2018.

As you know, in the past, more quota was available for the Rhode Island fishermen. But the recent decrease instituted by ASMFC , several years ago, has made yearly regulatory changes much more difficult for ALL parties involved, i.e., fishermen, fish buyers, regulators. I believe, going forward, more discussion, striped bass data gathering, by all parties would be beneficial in equitably regulating the small quota that the State presently has available for the fishermen.

I believe if the Department could factually determine where the striped bass are sold, and are being harvested, they could make a determination who, and where, the fish are caught. Through sales records available, SAFIS data, etc., i.e., the weight of the individual fish, the Port being reported, and the dealer that is buying, recording the fish, a rather accurate Coast/ Bay breakdown of the fishery could be determined.

As a past member of the RI Striped Bass Advisory, I believe that that forum was a very fair, and representative avenue for determining, recommending regulatory actions that RIDEM needed to be promulgated for the seasonal, commercial striped bass fishery in Rhode Island. Possibly going back to that type of discussion may be advantageous.

Just to sum up, I believe Option 2 is fair and equitable to both factions involved in the commercial Striped Bass fishery (Coast and Bay fishermen). AND by opting for this proposal, an earlier fall fishery would be available before the migratory dispersal of striped bass begins.

Sincerely,

Joe Macari

PEL # 793

This proposal is being submitted by Snug Harbor Marina. We submit this proposal as a fish dealer and retailer of most products used to harvest Striped Bass in the state of Rhode Island. Also, with the best interests of regulating quotas, stock sustainability and greatest economic value of an already small allowed quota.

This proposal has two periods. The first would allow 60% of the quota start on May 27, 2018 and run till quota is met. The Second period would start with the remaining 40% of quota on August 12, 2018 and run till quota is met. If first period quota is not met, the remaining is added to the second period and would close when total state allocated quota is full or December 31, 2018. If the first period goes over then it's subtracted from the second period.

Fishery will be closed Friday and Saturday throughout both periods and possession limit will be 5 fish per license per boat per day.

This proposal helps the DEM monitor the rate of harvesting. Because the bag limit is in count of fish and the quota is measured in pounds, the earlier the season opens the harder it is to close first period without over catching. This is due to the size class of the fish harvested in the upper Narragansett Bay. The fish are much smaller in weight.

Some factors need to be recognized. First, the timing of fish migration into the upper bay is earlier than all other open waters of Rhode Island. The migration of Rhode Island's open water fish i.e. (Rhode Island Sound, Block Island Sound, Block Island and South Shore Estuaries) is later in June and tend to have much larger fish. The timing of these migrations overlap at the end of the first period. Larger fish are added to a quota that is mostly full which creates difficulty to close in a timely manner. Resulting in an overage in the first period and subtracting quota from an already smaller second period. Next, because fish caught outside Narragansett Bay are larger, most of the time twice as big, we would be killing less fish to fill the quota. These dates would allow fishing in Narragansett Bay as well as open waters. Giving some immature 10 to 20 pound fish a chance to spawn. Opening later in May and dividing periods more evenly will allow easier and more accurate regulating for DEM. Opening the second period on August 12 allows more user groups to participate when Striped Bass are larger and prices are traditionally higher, therefore making the economic value of the fishery higher. Having the August period allows fishermen to catch Striped Bass in Rhode Island waters before they migrate out into Federal waters.

Using the Proposal is the best way to spread out the economic value of the fishery while making it easier to regulate and take less fish.

Please contact Matthew Conti if further explanation is needed at [contimathew@yahoo.com](mailto:contimathew@yahoo.com) or 401-783-7766

Mark Sherer

1059 Frenchtown Road  
East Greenwich, RI 02818  
401-595-5050  
shererm@cox.net

February 20, 2018

DEM Division of Marine Fisheries 3 Fort Wetherill Road  
Jamestown, RI 02835  
ATTN: Peter Duhamel

Re: 2018 General Category Commercial Striped Bass

Dear Mr Duhamel:

At last night's public hearing, I voiced my support for option 9. In conversation with management at Sea Fresh, it appears this option would adversely effect their distribution efficiency. Fish harvested on Friday and Saturday would not get shipped until the following Monday. For this reason, I would like to change my support to option 2.

Option 2 allows the bay fisherman to harvest fish, while still allowing the south shore fisherman an opportunity.

Bo's option 3 would be a good option if the late summer/ fall season started earlier. That season needs start on August 1st at the latest. I think you are well aware that in the last several years, the majority of the fall quota has been harvested illegally outside RI waters.

In my opinion, the department is allowing this activity if the season dates occur after the fish have moved into the EEZ. There has been little or no enforcement activity at SW ledge. More fisherman are getting comfortable with wandering over the line. We are going to have another fiasco like September of 2015 when the Enforcement Division "unjustly" (Word used by NOAA OLE attorney who investigated the case) targeted specific rod and reel commercial fisherman.

Please consider an option which promotes harvesting stripers while they are still in legal waters.

Respectfully;

Mark Sherer

My name is Raymond Masciarelli Jr. license# 907.

I would like to vote for option #2 for this year's commercial striper season

Thank you

Re: Striped Bass General Category, February 2018

I vote for option 2.

Robert Sevigny PEL # 884

Hi Peter

RE: Commercial Striped Bass

My name is Zak Zollver. I choose option number three for a few reasons. First off, the bass come into the bay in early May. Starting the season earlier gives us a chance to catch them before they leave the bay. Not allowing this puts the guys in the bay at a great disadvantage. By the time the season starts a good percentage of our possible fish are gone. Secondly a five day work week would be preferred. Shortening it to four would be a 20 percent loss in income per week. Being that we don't have a good catch of black sea bass and fluke in the bay like those outside the bay the guys working the bay again are at a disadvantage. For the general public and for the industry as a whole another great reason for option three is that it allows striped bass to be on the market for both Memorial Day and Labor Day. Availability of product during holidays seems to be the best way to maximize and spread awareness of the delicious and fresh product we have in our state. This would obviously be an advantage to all fishermen, dealers and the state overall. Option number three is the best option for the majority and for the state. That is truly what is most important. So many people work the bay and it seems repeatedly we are put at a disadvantage for the sake of those who work outside of the bay. Please allow fairness and positive outcomes to weigh the heaviest in your decision and please choose option number three.

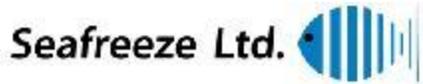
Thank you Peter.

Sincerely,  
Zak Zollver.

From Tom Hoxsie to RI DEM

In regard to RI floating fish trap Regs. Can we change the last 30 percent of the striped bass quota  
From 200lbs to 500 lbs?

Thank you  
Tom Hoxsie



January 18, 2018

100 Davisville Pier  
North Kingstown, R.I. 02852 U.S.A.  
Tel: (401)295-2585

Janet Coit, Director  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908

**Comment on Commercial Bluefish 2018 Proposed Management Options**

We are writing to express our support for the Industry Proposal of a 2 week aggregate possession limit in Sub-Period 1 of 1,000 lbs/vsl/2 wks. Our vessels sporadically encounter bluefish while fishing far offshore in the winter months for other species. In the past, we have retained these fish and landed them. Since the state moved to the new Sub-Period scheme in 2015, it has drastically reduced the possession limit from January-April, which is when our vessels encounter bluefish. The possession limits dropped from unlimited retention to as low as 250 lbs/vsl/wk. Seafreeze vessels are at sea for up to 2-3 weeks at a time during the winter/spring months. Therefore, low weekly possession limits become even lower trip limits for a 2-3 week trip. These low weekly trip limits force our vessels to discard bluefish if they happen to encounter them, creating a situation which we would like to avoid. Therefore, we support moving towards an aggregate possession limit.

At this time of year, i.e., January-April, the state waters and inshore vessels which account for the majority of state landings do not encounter bluefish, since the fish have moved offshore and to the south to follow warmer water temperatures, far out of the range of these vessels. The only vessels which do encounter bluefish at this time of the year are offshore vessels which do not target the species but occasionally encounter them as incidental catch. Therefore, there is no real threat of a state quota overage or excessive catch at this time of year if the possession limits in Sub-Period 1 were relaxed. However, relaxing the Sub-Period possession limits or management strategy would allow what historically were landings to continue to be landings rather than regulatory discards. We are willing to work with DEM in the future to continue to address this issue in such a way that historic winter landings as well as historic summer landings are preserved.

Thank you for your consideration.

Sincerely,  
Meghan Lapp  
Fisheries Liaison, Seafreeze Ltd.

**Shellfish Advisory Panel**  
**October 11, 2017, 4:30PM**  
URI Bay Campus, Coastal Institute Building, Large Conference Room  
218 S Ferry Road, Narragansett, RI 02874

**MEETING SUMMARY**

RIMFC members: D. Monti (SAP Chair, in place of J. Grant)

DEM: C. McManus; E. Schneider; P. Barret; C. Hannus (Water Resources)

SAP members: K. Eagan; M. McGiveney; R. Tellier; D. Ghigliotty; M. Sousa

Science Adviser: D. Leavitt

CRMC: D. Beutel

Public: G. Watson, W. Kemp, N. Lazar, G. Carvalho

1. **Proposed Modification to the Warren River Shellfish Management Area**

*E. Schneider, D. Leavitt, and W. Kemp* explained the Warren River project in seeding oysters in approved waters along Jacob's Point south of the Warren River Shellfish Management Area boundary. They explained the goals of this work, including short-term enhanced opportunities for commercial and recreational harvest, long-term potential for increased sustainability of the resource, as well as a strong educational tool for school children and the general public. *G. Carvalho* suggested this proposal be a new shellfish management area from the Warren River shellfishing management area, even though they share a boundary, given differences in how Water Resources classifies them. *M. McGiveney* and *D. Ghigliotty* explained a similar seeding project conducted on a smaller scale in Greenwich Bay to benefit future commercial harvest. *K. Eagan* asked the proposed area had to be so big if the seeding was confined to the shoreline and only 50,000 oysters, and why Bristol was not included in the proposal conversations given one point of the proposed area is on Bristol town land. *C. McManus* asked *K. Eagan* if she knew what shellfishermen who work this area thought of the proposal, and if she thought the reduced commercial harvest amount of 1 peck would impact the industry. *K. Eagan* said the resistance from shellfishermen in the area was based on the size proposed and management action, and not specific to the harvest restrictions on oysters. *C. McManus* noted that the new proposal presented was a vast improvement over the last version, which addressed the concerns that industry presented last time (i.e. the size of the proposed area is much smaller now, excluding highly used fishing grounds, and only applies to oysters). ***M. McGiveney* motioned to show the SAP's support of the project and the idea of the proposed management area, but that the area should be reduced to a smaller size that is more reflective of the project's size. 2<sup>nd</sup> by *M. Sousa*. The motion passed 5-0.**

2. **Review of Aquaculture Applications:**

a. **Application # 2017-07-021, Watson, Narragansett Bay (Rome Point):**

*D. Beutel* provided a brief overview of the proposal. He offered that his site survey revealed a low density of quahaugs, and that multiple objections were received. He offered that there were objections about the impacts to recreational boating and recreational fin-fishing, one of the latter coming from Rhode Island Saltwater Angler's Association. **Motion made by *M. McGiveney* to not recommend objection to the application; 2nd by *M. Sousa*. The motion passed 3-1-1 (*R. Tellier* voted against the motion, *K. Eagan* abstained).**

3. **Discussion on Noon-Time Openings for Conditional Areas:** *C. McManus* offered that commercial quahoggers had expressed concerns to him and *J. Grant* about health concerns that may arise with noon-time openings. The theoretical scenario described was that if a shellfishermen fished in the afternoon after a Conditional Area opened, but missed the operating hours of a dealer at the end of the day, and elected illegally to hold shellfish overnight longer than the permitted period and dishonestly labeled the tags for the next day to sell them, this could cause health concerns. Members of the SAP explained that this is likely a non-issue and is at most an individual issue, not a pervasive industry-wide issue that can be easily fixed with a management decision. *M. McGiveney* noted that several industry members had asked him why the closure is 7 days and not 6.5 days, noting other states have a shorter period. *C. Hannus* described that each state's rules are specific to their bodies of water, given that circulation and water sheds are different across the states and can influence the residence times differently. As a non-voting item, the SAP suggested no further action or discussion needed.

*Prepared by: C. McManus*



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

## ADVANCE NOTICE OF PROPOSED RULEMAKING

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier: *Part 12- Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder (250-RICR-90-00-12)*

Rulemaking action: ADVANCE NOTICE OF PROPOSED RULEMAKING

Timetable for action on the proposed rule:

- Date of notice: February 2, 2018
- Workshop: February 19, 2018
- End of comment period: February 26, 2018

Summary of proposed rule: In accordance with R.I. Gen. Laws § 42-35-2.5 “Advance notice of proposed rulemaking”, the Department seeks public input in advance of a public notice in the development of program requirements and regulations for an expanded pilot aggregate program for commercial black sea bass and summer flounder.

#### **Workshop:**

A workshop will be held on **Monday, February 19, 2018, at 7:30PM (immediately following the public hearing)**, at the University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882. The purpose of this workshop is to afford the public an opportunity to provide comments and recommendations on the proposed program requirements and regulations.

The rooms are accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on February 26, 2018. Comments may be submitted to the following address:

DEM Division of Marine Fisheries  
3 Fort Wetherill Road  
Jamestown, RI 02835  
ATTN: Peter Duhamel

Alternatively, written comments may be submitted by email to [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov).

*Filed with Sec. of State's office pursuant to R.I. Gen. Laws § 42-35-2.7 "Notice of proposed rulemaking" on February 2, 2018.*

# **RI Department of Environmental Management**

## **Division of Marine Fisheries**

### **Advanced Notice of Proposed Rulemaking Workshop**

**Proposed regulations for an Expanded Aggregate  
Program for Commercial Black Sea Bass and  
Summer Flounder**

**February 19, 2018**



- **Goal of workshop** and comment period is to solicit feedback and gain consensus.
- Regulations have been provided and are available for review on the Division's webpage.

### **Timeline:**

- If consensus obtained, and no objections are anticipated, will file regulation as a “Direct Final Rule”, there would be no hearing, rule would go into effect 30 days from filing.
- **If cannot obtain consensus, if objections anticipated, then would need to be placed on docket for the next public hearing, possibly in May, with an effective date of late June at the earliest.**



## Purpose of regulations

- Expanded aggregate opportunities have been proposed for multiple years.
- One criticism has been lack data to determine impacts.
- Propose setting up a pilot with multiple gear types to gather data on impacts.
- Proposing to keep it to 10 – 15 vessels, will have a diversity of gear types and need applicants to have a fishing history so that comparisons can be made.



## Key points of regulations

- Application required
- Rigorous reporting requirements and vessel monitoring
- Eligibility:
  - Applicants that participated in the winter 1 aggregate program for summer flounder will not be considered for the pilot program.
  - Applicants need to have a historical record of fishing for summer flounder and black sea bass as recorded in SAFIS and either their federal vessel trip report or state catch and effort logbook dating back to at a minimum 2013.
- Applicants must agree to data collection elements including VMS and use of smartphone app to submit catch and effort information. Cost shall be beared by the participant.



## Key points of regulations cont'd:

- 3 participating vessels from each of the following gear types will be selected for participation:
  - Gill net, Otter trawl, Rod and reel, Fish pot, and Lobster pot
- Participants electronic applications (VMS and reporting) must be kept in running order for the duration of the pilot program. Malfunctioning of any device will prohibit the vessel from fishing per the allowances of the pilot program until the device is fixed and in running order.



## Key points of regulations cont'd:

- Approval of Pilot Program participants by the Director:
  - Evaluation criteria: Applications will be reviewed and assessed by the Director for completeness and accuracy.
  - Final decision: The Director shall select participants based on review of applications.
  - If more qualified applicants by gear type category apply than there are spots available, the applicants will be selected through a lottery process.



## Key points of regulations cont'd:

### • Program Implementation - Terms and Conditions:

- Participants must allow the Department to publicly disclose all landings of summer flounder and black sea bass made by all participating vessels, on a single-vessel resolution basis.
- Participating vessels must agree to take any state or federally authorized observers at any time. Participants must fund the full costs of any and all observer coverage requested or required by the Division or the National Marine Fisheries Service.
- Participating vessels must remain in the program and abide by the terms and conditions of the program throughout 2018. Any vessel that drops out of, or is expelled from, the program will be prohibited from harvesting and landing summer flounder and black sea bass in an aggregate amount for the duration of 2018.



## Key points of regulations cont'd:

### • Program Implementation - Terms and Conditions cont'd:

- License/permit holders and participating vessels must adhere to all applicable rules and regulations governing commercial fishing operations, including but not limited to mesh size restrictions, offloading hours, at-sea transfers, and reporting and record-keeping requirements.
- License/permit holders and participating vessels will be subject to all State and Federal small mesh landing levels for summer flounder when fishing with small mesh. All license/permit holders and participating vessels will be allowed to fish south of the Southern New England DDAS counting area for summer flounder when properly enrolled in the Small Mesh Exemption Program.

Authorization to participate in the pilot program is non-transferable. Only vessels authorized by the Director may participate in the pilot program during 2018.



## Key points of regulations cont'd:

- Aggregate Possession Limits:

- Participants will be allowed an aggregate limit for summer flounder and black sea bass which will be equal to the daily limit multiplied by 5 days.
- Participants will be allowed to aggregate their harvest over a week period but may not exceed the weekly limit.
- Exceeding the weekly limit will result in immediate removal from the pilot program.
- The weekly periods for the duration of the program will be issued explicitly by the Division to each participant. Alternate weekly periods will not be allowed.



## Key points of regulations cont'd:

- Enforcement:

- If weekly aggregate limit exceeded, or if the participating vessel is found to be in violation of any of the terms and conditions set forth in these regulations, the participant will be removed from the pilot program and will be subject to potential enforcement action, including but not limited to: **confiscation of catch, prohibition on the harvest and landing of summer flounder and black sea bass for the remainder of the year, license and/or permit suspension or revocation, fines, and disqualification from participation in any future alternative management programs.** All penalty provisions applicable to violations of marine fisheries laws and regulations will also be applicable to participants in the pilot program.



End of Slides!



**Advance Notice of Proposed Rulemaking**

**Workshop - February 19, 2018**

**Proposed regulations for public comment**

**250-RICR-90-00-12**

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

PART 12 – Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass

**12.1 Purpose**

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

**12.2 Authority**

These rules and regulations are promulgated pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws Chapter 42-35-18(b)(5), Administrative Procedures Act, as amended.

**12.3 Application**

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

**12.4 Definitions**

See Rhode Island Marine Fisheries Regulations, Part 1 of this Subchapter.

**12.5 Severability**

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

## **12.6 Superseded Rules and Regulations**

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

## **12.7 Regulations**

### **12.7.1 Research Pilot.**

- A. A group of vessels will be selected to run a pilot program to gather data on aggregate limits and their effect on harvest rates and quotas. The purpose of the program will be to assess the effectiveness and viability of an aggregate landings approach as an alternative to traditional daily possession limit quota management in the commercial summer flounder and black sea bass fisheries. The Department will undertake the assessment by carefully monitoring the program throughout the course of 2018, evaluating the short-term and potential long-term impacts of the program, including the impacts to non-participating licensed fishermen and prospective future license holders, and determining the extent to which the program meets the goals, principles and standards for marine fisheries management in Rhode Island, as set forth in the RI General Laws. The Department will provide a report on the preliminary findings to the Council no later than December 1, 2018 and a final report by March 2019. The program may be extended beyond 2018 if recommended by the RI Marine Fisheries Council.
- B. Participants in the program will be authorized to commercially harvest and land summer flounder and black sea bass in Rhode Island in any amount, up to the amount of the weekly aggregate limit as specified below. Participants will also be required to meet all other terms and conditions of the program, as set forth below.

### **12.7.2 Participants.**

- A. Anyone may be deemed eligible to participate in the pilot program, provided they meet the following requirements:
  - 1. A participant must be the owner and operator of a vessel that is licensed to harvest and land summer flounder and black sea bass in state waters, and must remain so licensed in 2018.
  - 2. A participant need not have a summer flounder exemption certificate issued to their vessel to participate, however if the participant does not have a summer flounder exemption certificate, the fisherman without the summer flounder exemption certificate on their vessel is prohibited from

possessing more than 200 pounds of summer flounder on any given day until the aggregate limit is reached.

3. Participants must be formally selected by the department to participate in the pilot program per the criteria set forth below.
4. Participants must apply to be considered for the pilot program through a formal application process as set forth by the department, no later than April 15, 2018.

### **12.7.3 Vessel selection criteria.**

- A. Any participant may apply for participation in the pilot program, provided the following requirements are met:
  1. Each interested fisher must submit an application to the Division, on the application form as developed by the Division.
  2. Applicants that participated in the winter 1 aggregate program for summer flounder will not be considered for the pilot program.
  3. To gather data across fisheries and fishing gear types, three participating vessels from each of the following gear types will be selected for participation: gill net, otter trawl, rod and reel, fish pot, lobster pot. Gear type will be verified for each applicant by reviewing the gear reported on state catch and effort or federal vessel trip reports as submitted to the Division from the applicant.
  4. The applicant needs to have a historical record of fishing for summer flounder and black sea bass as recorded in SAFIS and either their federal vessel trip report or state catch and effort logbook dating back to at a minimum 2013.
  5. Each applicant must agree to the following data collection elements if they are selected to participate:
    - a. Each participant shall agree to install a vessel monitoring device on their vessel. The vessel monitoring device must be approved by the Division.
    - b. Each participant shall agree to submit catch and effort information through an electronic application. The electronic reporting application must be a Division approved application.
    - c. The cost of the technology needs for items 1 and 2 above will be accommodated by the participant.

- d. The participants electronic applications (vessel monitoring and reporting) must be kept in running order for the duration of the pilot program. Malfunctioning of any device will prohibit the vessel from fishing per the allowances of the pilot program until the device is fixed and in running order.
- e. Lack of adherence to any of the above will lead to removal of the participant from the pilot program for the remainder of the pilot program duration.

#### **12.7.4 Approval of the Pilot Program Participants by the Director.**

- A. Evaluation criteria: All applications submitted to the Division will be reviewed and assessed by the Director for completeness and accuracy.
- B. Final decision: Based on the Director's review of applications, the Director shall select the participants for the pilot program. The selection will be announced publicly as soon as it is made, and the announcement shall include the names of all participating vessels and/or license/permit holders.
- C. If more qualified applicants by gear type category apply than there are spots available, the applicants will be selected through a lottery process.

#### **12.7.5 Program Implementation - Terms and Conditions.**

- A. All participants must allow the Department to publicly disclose all landings of summer flounder and black sea bass made by all participating vessels, on a single-vessel resolution basis.
- B. All participating vessels must agree to take any state or federally authorized observers at any time. Each participant must fund the full costs of any and all observer coverage requested or required by the Division or the National Marine Fisheries Service.
- C. Participating vessels must remain in the program and abide by the terms and conditions of the program throughout 2018. Any vessel that drops out of, or is expelled from, the program will be prohibited from harvesting and landing summer flounder and black sea bass in an aggregate amount for the duration of 2018.
- D. All license/permit holders and vessels participating in the pilot program must adhere to all applicable rules and regulations governing commercial fishing operations, other than those set forth in section 7.7.1, including but not limited to mesh size restrictions, offloading hours, at-sea transfers, and reporting and record-keeping requirements. All license/permit holders and participating vessels will be subject to all State and Federal small mesh landing levels for summer flounder when fishing with small mesh. All license/permit holders and participating vessels will be allowed to fish south of the Southern New England

DDAS counting area for summer flounder when properly enrolled in the Small Mesh Exemption Program.

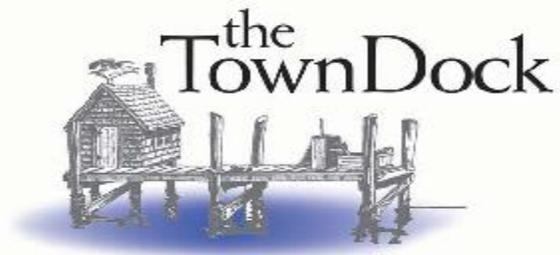
- E. The authorization to participate in the pilot program is non-transferable. Only vessels authorized by the Director may participate in the pilot program during 2018.

#### **12.7.6 Aggregate Possession Limits.**

- A. Participants in the pilot program will be allowed an aggregate limit for summer flounder and black sea bass which will be equal to the daily limit for each species as set forth in Part 3 of this Subchapter (250-RICR-90-00-3) multiplied by 5 days.
- B. Participants will be allowed to aggregate their harvest over a week period but may not exceed the weekly limit as specified in sub section a above.
- C. Exceeding the weekly limit will lead to immediate removal from the pilot program.
- D. The weekly periods for the duration of the program will be issued explicitly by the Division to each participant. Alternate weekly periods will not be allowed.

#### **12.7.7 Enforcement.**

- A. If a participant exceeds their weekly aggregate limit for either species, or if the participating vessel is found to be in violation of any of the terms and conditions set forth in these regulations, the participant will be removed from the pilot program and will be subject to potential enforcement action, including but not limited to: confiscation of catch, prohibition on the harvest and landing of summer flounder and black sea bass for the remainder of the year, license and/or permit suspension or revocation, fines, and disqualification from participation in any future alternative management programs. All penalty provisions applicable to violations of marine fisheries laws and regulations will also be applicable to participants in the pilot program.



February 23, 2018

Director Janet Coit  
DEM Division of Marine Fisheries  
235 Promenade Street  
Providence, RI 02908

Dear Director Coit,

I am writing to comment on the proposed pilot project for an expanded fluke and black sea bass aggregate program.

Presently we see no positive benefit for this type of expanded program for either species. Rhode Island simply does not have enough of a quota of either species to make an aggregate program work to our advantage. We are extremely concerned about avoiding any fishery closures and worry that this type of program might *increase* the number of participants causing our quota to be reached even faster, thereby ending in an early closure.

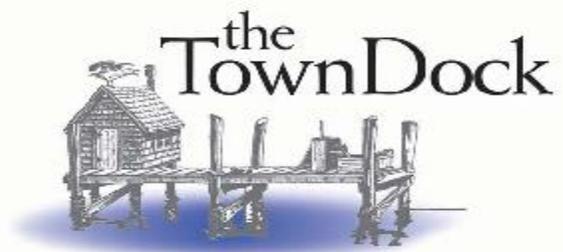
Since the last early fluke closure, customers were forced to find an alternative species, such as Chinese halibut, to fill the hole in the market. Since then, we have not been able to reclaim that part of the market since it was filled with a species that has a steady supply. This is the situation we try desperately to avoid and why we stress each year the need to make sure the quota lasts throughout the whole season.

Until there are more fish available for Rhode Island to fish for we do not think a project like this is worth exploring at the risk of the delicate market balance that we work very hard to maintain.

Thank you for taking the time to consider our concerns.

Sincerely,

Katie Almeida  
Fishery Policy Analyst



**The Town Dock: P.O. Box 608; 45 State St Narragansett, RI 02882**  
**PH: 401-789-2200 FAX: 401-782-4421**  
**Website: [www.towndock.com](http://www.towndock.com)**

**From:** David Borden [<mailto:lizzy.2@charter.net>]

**Sent:** Thursday, February 22, 2018 10:54 AM

**To:** McNamee, Jason (DEM) <[jason.mcnamee@dem.ri.gov](mailto:jason.mcnamee@dem.ri.gov)>

**Cc:** Olszewski, Scott (DEM) <[scott.olszewski@dem.ri.gov](mailto:scott.olszewski@dem.ri.gov)>

**Subject:** [EXTERNAL] : comments on proposed expanded aggregate

I highlighted the section that these comment refer to in the attachment. My assumption is that these are draft rules and that you intend to finalize them after public input and prior to implementing the program.

1. 12.7.1. A I suggest you add in prior to March 2019, as this only leaves you and staff a single month to finalize regulations for May 1 .
2. 12.7.2 This appears to conflict with 12.7.6 A. I thought summer flounders was open four days a week at 50 LBS so that would total 200 vs five days at 50 LBS ( 250 LBs) from 12.7.6 A. But maybe I am missing something, If that is what you intend then with summer flounder someone in aggregate gets to land an additional day of catch and the guy in BSB get two less days. I always thought it made sense to penalize the participants by taking one day away from what they could catch on a daily basis, so if a BSB fishermen could land 350 lbs. for the week you would only give them 300, since they will be far more cost efficient .
3. 1.7.2.4 No later than April 15. You might want to back that date up to end of March or even earlier as April 15 only gives you 15 days to finalize the permits before May 1 , which could be a problem if you get a lot of applications,
4. 12.7.3 Vessel selection criteria. These are all fine but I suggest you consider adding a sentence to 4 which says: Applicants must also not have any fishery violation during the period of Jan 1, 2013 until the start of the program or pick another date like since 2010. You don't want to include individuals who had violations in the program as the data you intend to use for comparison sake may be biased due to the violation . I would also consider adding a sentence that give you a little flexibility to choose the participants. Something like : Applicants with a document history of participation in these fisheries prior to 2013 will also be afforded higher priority in the selection process. So if you have two individual one with five years of history and another with 10 years of history you may want to be able to pick the later as it will be more informative as to how they changed their behavior under the program.

Other than that they look good.

**From:** Mike Tourville [<mailto:mtourville@bakefresh.com>]  
**Sent:** Monday, February 19, 2018 4:42 PM  
**To:** Duhamel, Peter (DEM) <[peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov)>  
**Subject:** [EXTERNAL] : Written Comment / Questions

Hi I have a question-

Part 12 – Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder (250-RICR-90-00-12)

**Questions about section 12.7.3(A)(4)**

**The applicant needs historical Data dating back to at a minimum 2013?**

Does the applicant need to have held the license all the way back to 2013 or is the data from a previous owner of the license acceptable and qualify the new license holder?

Thank You

Mike Tourville  
PEL License # 1682

Hi Mr Tourville.

In answer to your question, the fishing history will need to be for the actual fisherman, as the idea is to be able to track a specific persons fishing behavior and then see if that changes. That being said, 2013 isn't necessarily set in stone, I think at a minimum I would like to have 3 years, 5 years is ideal, but feedback on this would be appreciated.

Just an added note on this, we will be discussing this at the next RIMFC meeting on March 5<sup>th</sup> if you are interested to continue tracking this topic. We received an objection to the program which complicates things for us a bit, so we will be seeking guidance from the RIMFC to see if they want to proceed.

Thanks  
-Jason

Hi Jason,

I want to start by saying I am in favor of an aggregate program if it is vetted and installed in a way that minimizes the impact on the length of the season and keeps everyone on a level playing field.

We all know that aggregate is a better way to fish. It will put less stress on the species and ecosystem, but it will put more stress on the quota. It will allow for fisherman to change their business model to catch the quota with less effort, letting them work on other species. It will also allow fishermen who have not targeted the species at a high level in the recent past to increase their effort because it becomes more cost effective. IT WILL HOWEVER USE UP THE QUOTA AT A FASTER PACE! We as a whole should understand this!

It may be that we need to change or tweak the whole RI fishing philosophy from "trying to keep every fishery open all the time" to a "catch the quota and move on"(derby style fishing). Thus, trying not to overlap fisheries too much. I am not in favor of that at this time.

I know that a pilot program probably is needed to ease this change to the fishing community. I believe that you now realize that there are problems with the way it was put forth at the meeting. Here are some ideas that MAY make it work better.

1. It should be limited to no more than the daily quota multiplied by the days open in the week.
2. BSB and Fluke should be separate.
3. Allowable days to fish should be the same as if they were subject to daily quota. At least until the program is over. You have to realize that there will be no reason to not participate.
4. Safeguards must be taken to keep everybody honest! I Believe that VMS is not really needed but may help, electronic reporting is good but not enough. I believe a simple call to a recorded line with daily landings BEFORE a boat hits the dock is important, but only for the aggregate program.
5. When the program is installed then the aggregate should be attached to the boat as well as the license. Thus, two or more aggregate landings cannot be landed with the same boat but multiple licenses in one week. I am not sure if this is already addressed in any way in current regulations.
6. Consider limiting it to otter trawl and gill net for SFL. These two methods generally get their weekly quota every week anyway and likely have the most discards per vessel. This would limit the impact on the length of the season and the resource. I understand that most rod and reel fisherman will be against this and it could only hurt me, but it makes sense.

7. Consider having a slightly lower weekly quota for the aggregate than if you went by daily limit. This should extend the season and allow for flexibility. This might work well for both BSB and SFL if the program gets installed.

BSB aggregate is a much different dynamic than SFL. One reason is the quota is much lower. Another is that at times it is very easy to catch. Therefore it will become more of a derby type fishing. I believe this kind of fishing is not good for anyone so we should not have an aggregate until the quota is increased. If we had enough quota to keep the season open most of the time then aggregate makes more sense. The season right now only lasted a few weeks at best.

I see one major problem being enforcement for BSB. It is not fair to end a week in the middle unless it is common knowledge before the week begins. It would give anyone who happened to fish early in the week an advantage. With only a two to three week season and increased pressure from aggregate landings, close monitoring will be needed and changes must be made very quickly to avoid significant overages.

I understand that as a scientist you need more data. The most important data to me is how much sooner will the season close due to more pressure.

Everyone, including myself, "shoots from where they sit" and wants to make more money. My fear with an aggregate is that I will not be able to harvest my historical share of the quota through no fault of my own. I am not entitled to this share in any way but I should be entitled to the same opportunity as everyone else to harvest it. I understand that an aggregate program WILL decrease this historical share for me but I believe I will be able to make up for it by changing my business model. I should have more time to shift my effort to something else.

These are only ideas. I am curious to see what other fishermen think. I am sure I have not thought of all the possibilities.

Thanks, Tim Baker



# Rhode Island Marine Fisheries Council

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

**Robert Ballou**  
Chairman

**David Monti**  
Vice Chair

**Travis Barao**

**Andrew Dangelo**

**Jeff Grant**

**William Mackintosh, III**

**Christopher Rein**

**Michael Rice, Ph.D.**

**Michael Roderick**

December 5, 2017

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

Dear Dave:

On October 2, 2017, the Rhode Island Marine Fisheries Council ("Council") agreed to notify the CRMC regarding the Council's interest in the development of updated use maps of Narragansett Bay and the southern coastal ponds to help guide the proper siting of aquaculture leases and avoid user conflicts. The Council took up the matter in response to a recommendation from its Shellfish Advisory Panel. The Council emphasized that such mapping should include all wild-fishery uses. The Council further noted that the mapping should be part of the Narragansett Bay SAMP process.

The RI Shellfish Management Plan, adopted in 2014, includes two specific recommendations pertaining to use mapping: recommendations #12 and #76 in Chapter 11. In addition, and as a complement, the Rhode Island Shellfish Initiative, launched in April 2017, is poised to move forward with bay-wide use mapping as a key action item.

The Council recognizes and appreciates the commitment to move forward with mapping work, and welcomes your feedback on the status of this effort.

Sincerely,

Robert Ballou, Chair

cc: Grover Fugate, CRMC Executive Director  
Janet Coit, DEM Director  
Larry Mouradjian, DEM Associate Director  
Jason McNamee, DEM Marine Resources Chief



# Atlantic States Marine Fisheries Commission

## 2018 Winter Meeting Summary

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

2018 Winter Meeting  
Alexandria, VA  
February 6 – February 8, 2018

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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The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and anadromous species.

***Press Release***

**ASMFC American Lobster Board Approves Addenda XXVI/III to the American Lobster/Jonah Crab FMPs**

Arlington, VA – The Commission’s American Lobster Management Board (Board) approved American Lobster Addendum XXVI/Jonah Crab Addendum III (Addenda) to the American Lobster and Jonah Crab Fishery Management Plans (FMPs). The Addenda improves the spatial resolution of harvester data collection, expands the required harvester reporting data elements, establishes a timeline for increased harvester reporting in the American lobster and Jonah crab fisheries, and prioritizes the development of electronic harvester reporting. In addition, the Addenda includes recommendations for improved reporting and biological sampling in federal waters.

The Addenda responds to two concerns: 1) the current requirements for harvester reporting are insufficient to respond to external management actions; and 2) while the American lobster and Jonah crab fisheries continue to expand offshore, most of the biological sampling occurs inshore or nearshore. In particular, the Board expressed concern the spatial resolution of harvester data is too coarse to respond to finer-scale management issues. As a result, the Addenda improves the spatial resolution of data by requiring fishermen to report via 10 minute squares, which further divide the existing statistical areas. In addition, the addenda establishes a one year pilot program to explore electronic tracking devices in the fishery which would address the special resolution and enforcement concerns. The addenda requires additional data elements in harvester reports including number of traps per trawl and number of buoy lines in order to collect information on gear configurations. Finally, the Addenda establishes a deadline that, within five years, states are required to implement 100% harvester reporting, with the prioritization of electronic harvester reporting development during that time. In the interim, jurisdictions not at 100% harvester reporting should redistribute the current effort associated with harvester reporting to focus on active, as opposed to latent, permit holders.

The Addenda also improves the biological sampling requirements by establishing a baseline of ten sampling trips per year in the American lobster/Jonah crab fishery and encourages states with more than 10% of coastwide landings in either the American lobster or Jonah crab fisheries to conduct additional sampling trips.

Finally, the Addenda provide three recommendations for actions in federal waters. Specifically, a harvester reporting requirement be established for federal lobster permits in order to collect information from the growing offshore fishery; a fixed-gear VTR form be created to improve data collection in the American lobster and Jonah crab fisheries; and a biological sampling program be established in federal waters in order to address current data gaps in the assessment. These recommendations will be forwarded to NOAA Fisheries.

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

pr18-03

## ***Meeting Summary***

In addition to approving Addendum XXVI/III to the American Lobster and Jonah Crab Fishery Management Plans (see press release), the American Lobster Management Board (Board) reviewed a report from the Southern New England Workgroup (SNE WG), approved Terms of Reference (TORs) for the 2020 Benchmark Stock Assessment, and elected Dan McKiernan (MA) as Vice-Chair.

The Board reviewed a report from the SNE WG, which assessed the applicability of the goals and objectives by which the SNE stock is managed. The report concluded that while some goals in Amendment 3 are still applicable, others are no longer germane given concern that the SNE stock may not rebuild to historic levels. As a result, the SNE WG concluded there may be a need to update the goals in the FMP to address current issues in the fishery, such as climate change and the expansion of a multi-crustacean fishery. In addition, the SNE WG concluded while it is valuable to have a set of overarching goals for the lobster fishery, it may be appropriate to further refine the goals specific to the two biological stocks. Since changes to the goals and objectives will require an Amendment, the Board agreed to take such action in relation to other on-going Board activities.

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

## ***Motions***

### **Main Motion**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach.**

Motion by Mr. Keliher, seconded by Mr. Gilmore.

### **Motion to Amend**

**Move to amend to add “100% harvester reporting to be required through electronic reporting within 5 years.”**

Motion by Mr. Nowalsky, seconded by Mr. White.

### **Motion to Table**

**Move to table the main motion and the motion to amend until later within this meeting.**

Motion by Mr. Borden, seconded by Senator Langley.

**Move to approve Issue 2, Option C, expanded data elements regarding gear configuration.**

Motion by Mr. Grout, seconded by Mr. Borden. Motion approved with no opposition.

**Move to approve Issue 3, 10 minute squares, and LCMAs, and to allow states to maintain their within-state statistical reporting areas.**

Motion by Mr. Borden, seconded by Mr. Grout. Motion passes by consensus.

**Move to implement the pilot tracking program within one year.**

Motion by Mr. Borden, seconded by Mr. Keliher. Motion passes by consensus.

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**Move to bring the tabled motions back to the Board.**

Motion by Mr. Abbott, seconded by Senator Langley. Motion approved by consensus.

**Main Motion**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach.**

Motion by Mr. Keliher, seconded by Mr. Gilmore.

**Motion to Amend**

**Move to amend to add “100% harvester reporting to be required through electronic reporting within 5 years.”**

Motion by Mr. Nowalsky, seconded by Mr. White.

**Motion to Amend**

**Move to amend to add “or paper” following “electronic” in the amended motion.**

Motion by Mr. McKiernan, seconded by Mr. Keliher. Motion carried unanimously.

**Main Motion as Amended**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach.**

Motion by Mr. Keliher, seconded by Mr. Gilmore.

**Motion to Amend**

**Move to amend to add “100% harvester reporting to be required through electronic or paper reporting within 5 years.”**

Motion by Mr. Nowalsky, seconded by Mr. White. Motion passes by consensus.

**Main Motion as Amended**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach. 100% harvester reporting to be required through electronic or paper reporting within 5 years.**

**Motion to Amend**

**Move to amend to add “if a state waters commercial harvester landed less than 1000 lbs of lobster and Jonah crab in the previous year, that individual can submit a monthly summary of landings data, rather than trip-level reports.”**

Motion by Mr. Grout, seconded by Mr. Hasbrouck. Motion passes by consensus.

**Main Motion as Amended**

**Move to approve Issue 1 Option B, maintain current harvester reporting effort and allocate reporting through an optimal approach. 100% harvester reporting will be required through electronic or paper reporting within 5 years. If a state waters commercial harvester landed less than 1000 lbs of lobster and Jonah crab in the previous year, that individual can submit a monthly summary of landings data, rather than trip-level reports.**

Motion approved 12-0-0-0.

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**Move to approve Addendum XXVI to the American Lobster FMP/Addendum II to the Jonah Crab FMP as modified today.**

Motion by Mr. Grout, seconded by Mr. Borden. Roll Call Vote: Motion passes, 11 in favor, 1 abstention (NMFS).

**Move to include the following TOR:**

**Evaluate the implications of habitat expansion or contraction on population productivity.**

**Review evidence for stock boundaries and associated stock structure and confirm the current stock units are appropriate.**

Motion by Mr. Keliher, seconded by Mr. Cimino. Motion passes 11-1-0-0.

**Move to accept the Terms of Reference for the 2020 American Lobster Benchmark Stock Assessment.**

Motion passes unanimously.

**Move to elect Dan McKiernan at Vice-Chair of the American Lobster Management Board.**

Motion by Mr. Grout, seconded by Mr. Keliher.

## **ATLANTIC HERRING SECTION (February 6, 2018)**

### ***Meeting Summary***

The Atlantic Herring Section (Section) met to review a Technical Committee (TC) report on the current spawning closure procedure. The report evaluated the current closure procedure in relation to the Section's goal to both protect spawning herring and provide access to the quota. The TC report found the current GSI<sub>30</sub> protocol, as established in Amendment 3, is a significant improvement over the previous length-based protocol as spawning closures are now within days, rather than weeks, of the spawning season. In addition, given the annual variability in the length of the spawning season, the report found the four week closure with the option for a two week re-closure effectively covers this variation. As a result, the Section decided not to make any changes to the spawning closure procedure this time. The Section did task the TC with developing a system to scale up samples of herring which fall below the required 100 fish but are above 90 fish, in order to more effectively collect biological information in the fishery.

Finally, the Section elected Pat Keliher from Maine as Chair and David Pierce from Massachusetts as Vice-Chair.

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 elect Pat Keliher as Chair and Dr. David Pierce as Vice-Chair of the Atlantic Herring Section.**

Motion by Mr. White, seconded by Mr. Ballou. Motion passes unanimously.

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## **WINTER FLOUNDER MANAGEMENT BOARD (FEBRUARY 6, 2018)**

### ***Meeting Summary***

The Winter Flounder Management Board (Board) met on February 6, 2018 to review the 2017 stock assessments for the Gulf of Maine (GOM) and Southern New England/Mid-Atlantic (SNE/MA) stocks, and to consider changes to the specifications for the 2018 fishing year.

Technical Committee (TC) Chair Paul Nitschke presented results from the 2017 Operational Stocks Assessments for the GOM and SNE/MA stocks. The assessments found the GOM stock biomass is unknown and overfishing is not occurring and the SNE/MA stock is overfished and overfishing is not occurring. Primary sources of uncertainty include the catchability parameter in the GOM stock assessment and the appearance of cryptic biomass (biomass seen in the model but not seen in the surveys) in the SNE/MA stock.

Next, the Board discussed specifications for the 2018 fishing year. The biggest change occurred to the GOM state-waters sub-component, which decreased from 122mt to 67mt. The SNE/MA state waters sub-component slightly increased from 70mt to 73mt. The Board decided not to change the winter flounder specifications at this time, but did highlight the need for improved communication with the New England Fishery Management Council regarding mutual management goals. The Board tasked the TC to review a potential conservation equivalency proposal submitted by Rhode Island regarding aggregate commercial trip limits in the SNE/MA stock.

Finally, the Board approved the 2017 FMP Review and state compliance reports and elected David Pierce from Massachusetts as Chair and David Borden from Rhode Island as Vice-Chair.

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 elect Dr. David Pierce as Chair and David Borden as Vice-Chair of the Winter Flounder Board.**

Motion by Mr. Keliher, seconded by Mr. White. Motion carries unanimously.

**Move to approve the 2017 Winter Flounder FMP Review and state compliance reports.**

Motion by Mr. Grout, seconded by Ms. Giannini. Motion passes unanimously.

## **AMERICAN EEL MANAGEMENT BOARD (FEBRUARY 6, 2018)**

### ***Press Release***

#### **ASMFC American Eel Board Approves Draft Addendum V for Public Comment**

Arlington, VA – The Commission’s American Eel Management Board (Board) approved American Eel Draft Addendum V for public comment. The Draft Addendum proposes alternative coastwide landings caps, management triggers, state-by-state allocations, and transfer provisions for the yellow eel commercial fishery; as well as alternatives to the current Maine glass eel commercial quota and the aquaculture

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provisions of the plan. The Board initiated Draft Addendum V in October 2017 in response to concerns over the management program as specified in Addendum IV.

Currently, the yellow eel fishery is managed to an annual coastwide landings cap of 907,671 pounds. The coastwide cap is evaluated against two management triggers: (1) the coastwide cap is exceeded by more than 10% in a given year; or (2) the coastwide cap is exceeded for two consecutive years, regardless of the percent overage. If either of these triggers are tripped, state by state quotas will be implemented. 2016 landings exceeded the coastwide cap by less than ten percent. If landings in 2017 exceeded the coastwide cap by any amount, state-by-state quotas would be implemented. The Board expressed concern that the current management triggers do not account for annual fluctuations in landings and the immediate implementation of state-by-state quotas would pose significant administrative challenges. Draft Addendum V proposes alternatives to the coastwide cap, management triggers, state-by-state allocations and transfer provisions to address the Board concerns.

Draft Addendum V proposes alternative quota levels for the Maine glass eel fishery. Specifically, increasing the quota above the 2015-2018 level of 9,688 pounds. The Draft Addendum also proposes changes to the aquaculture provisions of the plan. It includes an option that would allow contiguously bordered states to pool their 200 pound glass eel aquaculture allowance, up to a maximum of 600 pounds.

It is anticipated the majority of states from Maine through Florida will be conducting public hearings on the Draft Addendum. The details of those hearings will be released in a subsequent press release. The Draft Addendum will be available on the Commission's website, [www.asmf.org](http://www.asmf.org) (under Public Input) this spring. For more information on American eel, please contact Kirby Rootes-Murdy, Senior FMP Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

pr 18-04

### ***Meeting Summary***

The American Eel Management Board met to consider approval of Draft Addendum V for public comment and receive feedback from the Stock Assessment Subcommittee (SAS) on the Draft Addendum; receive an Advisory Panel (AP) Report; and consider the 2017 Fishery Management Plan (FMP) Review and state compliance reports.

The AP met in December to receive the 2017 Stock Assessment Update, an update on Technical Committee (TC) work, and recent Board actions. Based on the Stock Assessment Update - which indicated the resource remains depleted- the AP encouraged the SAS to collaborate with biologists at Canada's Department of Fisheries and Oceans to complete a range wide stock assessment of the resource using data from both the U.S. and Canada. In reviewing recent TC work, the following items were highlighted; 1) recent Ageing Workshop, 2) Nematode Research conducted by VIMS graduate student Zoemma Warshafsky, and 3) analysis on young of year (YOY) fishery independent surveys.

Lastly, the Board received a report on FMP Review and state compliance. All states were in compliance with the FMP for the 2016 fishing season. The Board approved the FMP Review and granted *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia, and Florida for the yellow eel fishery.

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Lynn Fegley from Maryland was elected Vice-Chair.

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 strike the following language from the Draft Addendum V:**

**Given the American eel's panmictic life history, if the fishery were causing a population decline, that population decline should be evident in all areas of its range, especially the areas of maximum exploitation.**

Motion by Ms. Patterson, seconded by Ms. Fegley. Motion passes without opposition.

**Move to establish a transfer cutoff date of no more than 45 days after the fishing season ends (February 15).**

Motion by Mr. O'Reilly, seconded by Dr. Duval. Motion passes without opposition.

**Move to delete Option 3 of Issue 3, Modified Addendum IV Quotas, which discusses minimum landings to states.**

Motion by Ms. Patterson, seconded by Sen. Miner. Motion fails.

**Move to add an option to the Addendum that sets the coastwide cap at 836,969 pounds, a 12% reduction from baseline catch from 1998-2016.**

Motion by Mr. Ballou, seconded by Mr. White. Motion passes (15 in favor, 2 opposed).

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

Motion by Mr. Reid, seconded by Mr. Hasbrouck. Motion passes unanimously.

**Move to approve the 2017 FMP Review of the 2016 fishing year and approve *de minimis* requests for New Hampshire, Massachusetts, Pennsylvania, District of Columbia, South Carolina, Georgia, and Florida for yellow eel.**

Motion by Mr. Miller, seconded by Mr. Gilmore. Motion passes unanimously.

**Move to nominate Ms. Lynn Fegley as Vice-Chair.**

Motion by Ms. Patterson, seconded by Mr. Clark. Motion passes unanimously.

### **EXECUTIVE COMMITTEE (FEBRUARY 7, 2018)**

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

The Executive Committee received an update on the activities of the Atlantic Coastal Cooperative Statistics Program. The Committee discussed the Leadership Nominating & Election Process, the Appeals process and the Conservation Equivalency process. It also received a report on the indirect cost rate proposal of the Commission. The appeals process & the conservation equivalency process will be further reviewed by a small group of Commissioners and staff and will be on the agenda of the Spring meeting.

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For more information, please contact Laura Leach, Director of Finance and Administration, at [lleach@asmfc.org](mailto:lleach@asmfc.org) or [703.842.0740](tel:703.842.0740).

### ***Motions***

**Move the Executive Committee adopt “A member of the Nominating Committee will contact the Administrative Commissioner from each state and request they communicate with the States’ L/GA Commissioners” for the appropriate approach to contact Commissioners for nominations; and “Commissioners and Ongoing Proxies are eligible to serve as Officers. However the appointing Commissioner must agree to the eligibility of a proxy”.**

Motion made by Mr. Abbott, seconded by Mr. Estes. Motion passed unanimously.

### **STRATEGIC PLANNING WORKSHOP (FEBRUARY 7, 2018)**

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

The Commission held a workshop to initiate development of the Commission’s next 5-year Strategic Plan, which will span 2019-2023. The Commissioners agree the current Plan should be updated to reflect the contemporary issues associated with the Commission’s activities. A working group of Commissioners will be formed to draft an updated plan for consideration at a subsequent meeting. The leadership of the Commission will schedule the next Strategic Planning Workshop for either the Spring or Summer Meeting after considering the other priority issues that need to be addressed during those meetings.

### **WEAKFISH MANAGEMENT BOARD (FEBRUARY 7, 2018)**

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

The Weakfish Management Board reviewed annual state compliance with the FMP. The Board found all states to be in compliance with the measures of the FMP. The Board then discussed the biological sampling requirements of Addendum I to Amendment 4 to the FMP and determined fishery-independent samples are not appropriate for fulfilling length sample requirements, but fishery-independent samples may be appropriate for fulfilling age sample requirements, depending on whether the length distribution and capture location of fishery-independent samples are reflective of the weakfish fishery. The Board also tasked the TC to review weakfish discard data to determine whether occurrences of commercial trips approaching the 100 pound trip limit have increased and what actions could be taken to reduce discards, such as adjusted trip limits to retain more fish or fishing modifications to reduce discards.

For more information on black drum, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to accept the 2017 FMP Review and State Compliance Reports for weakfish and approve *de minimis* requests for Massachusetts, Connecticut, Georgia, and Florida.**

Motion by Mr. Clark, seconded by Mr. Hasbrouck. Motion passes unanimously.

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**Move to task the Technical Committee to review weakfish discard data from the Northeast Federal Observer Program and from vessel trip reports (VTRs), to analyze landings data to see if the occurrences of commercial trips approaching the 100-lb. trip limit have increased, and to characterize the fisheries with substantial weakfish discards to see if different trip limits could be implemented to turn discards into landings and/or if fishing modifications could be made to minimize discards.**

Motion by Mr. Batsavage, seconded by Mr. Clark. Motion passes unanimously.

## **SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (FEBRUARY 7, 2018)**

### ***Press Release***

### **ASMFC South Atlantic State/Federal Fisheries Management Board Approves Draft Addendum I to the Black Drum Fishery Management Plan for Public Comment**

Arlington, VA – Arlington, VA – The Commission’s South Atlantic State/Federal Fisheries Management Board approved Draft Addendum I to the Black Drum Interstate Fishery Management Plan (FMP) for public comment. The Draft Addendum proposes to open Maryland’s black drum commercial fishery.

Draft Addendum I was initiated in October 2017 in response to a proposal from the state of Maryland to reopen its commercial fishery for black drum in the Chesapeake Bay (Bay). In the late 1990s, Maryland closed the commercial black drum fishery in its Bay waters to conduct a tagging and migration study. The fishery was not reopened after the study. In 2013, the Black Drum FMP extended this closure by requiring states to maintain management measures in place at the time of the FMP’s approval.

Draft Addendum I presents a management option that would reopen Maryland’s commercial fishery for black drum in the Chesapeake Bay with a daily vessel limit of up to 10 fish and a 28 inch minimum total length size limit.

It is anticipated that a public hearing on the Draft Addendum will be conducted in Maryland, although other states may request additional public hearings. The details of any public hearings will be released in a subsequent press release. The Draft Addendum will be available on the Commission’s website, [www.asmfc.org](http://www.asmfc.org) (under Public Input) by February 14, 2018. Fishermen and other interested groups are encouraged to provide input on the Draft Addenda either by attending state public hearings or providing written comment. Public comment will be accepted until **5:00 PM (EST) on March 23, 2018** and should be forwarded to Dr. Mike Schmidtke, FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at [comments@asmfc.org](mailto:comments@asmfc.org) (Subject line: Draft Addendum I). For more information on black drum, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

pr18-05

### ***Meeting Summary***

The Board also approved state implementation plans for the recently approved Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group (AMG) Cobia.

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The FMP, approved in November 2017, complements South Atlantic Fishery Management Council's (SAFMC) management of cobia in federal waters by the by implementing similar commercial and recreational regulations for bag, minimum size, possession, and maximum vessel limits. One distinction from SAFMC management is that the FMP allocates the coastwide recreational harvest limit (RHL), set equivalent to the recreational federal ACL, to the states. State allocations are set as harvest targets, and overages of these targets will be evaluated over a three-year time frame. Virginia, North Carolina, South Carolina, and Georgia initially received recreational harvest targets.

The FMP also provides the opportunity for states to declare *de minimis* status for their recreational fishery if landings constitute less than 1% of the recreational AMG cobia harvest. *De minimis* states do not receive state-specific allocations of the RHL, but 1% of the RHL is set aside from state allocations to account for landings in these areas. New Jersey, Delaware, Maryland, and the Potomac River Fisheries Commission declared *de minimis* status in their state implementation plans.

State implementation plans were submitted to the Commission and reviewed by the Cobia Technical Committee (TC) in January, 2018. State plans included regulatory language for implementing all measures of the FMP. For those states with recreational harvest targets, the TC evaluated whether the submitted regulations would be sufficient to achieve the harvest target, using previous harvests in pounds of fish, and recommended at least one proposal per state for Board approval.

The Board approved the state implementation plans as recommended by the TC. States with multiple approved plans will go through their administrative processes to choose one of the approved plans, and all states will implement a Board-approved plan by April 1, 2018. The Board also tasked the Cobia TC with evaluating the best method to determine harvest impacts of management measures of the Cobia FMP.

The Board also reviewed results and recommendations from the Atlantic Croaker TC's and Spot Plan Review Team's (PRT) review of the annual Traffic Light Analyses (TLA) for Atlantic croaker and spot. The TLA assigns a color (red, yellow, or green) to categorize relative levels of indicators on the condition of the fish population (abundance metric) or fishery (harvest metric). For example, as harvest or abundance increases relative to its long-term mean, the proportion of green in a given year will increase and as harvest or abundance decreases, the amount of red in that year will increase. The Board annually evaluates amounts of red against threshold levels to potentially trigger management action.

Recent years of data have shown conflicting trends in the harvest and abundance metrics for Atlantic croaker and spot, indicating harvest has been decreasing while abundance has been increasing. Typically, harvest and abundance would be expected to show similar trends in the absence of changes in harvest effort or efficiency, neither of which seem to be responsible for the recent trends. Therefore, the TC and PRT were tasked to review the TLAs for Atlantic croaker and spot to determine any adjustments that could improve these analyses. The TC recommended several adjustments, including use of additional abundance survey indices, region-specific analyses, age-proportioning of abundance indices, updated reference periods, and a new management-triggering mechanism. The Board decided that any action on these recommendations would be addressed at a future meeting.

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For more information, please contact Dr. Mike Schmidtke, FMP Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

### **Motions**

**Move that *de minimis* states that are mirroring VA only mirror those regulations that keep them in compliance with the Cobia FMP.**

Motion by Ms. Fegley, seconded by Mr. Estes. Motion passes unanimously.

**Move to recommend that the TC evaluate the best method (i.e., pounds or numbers of fish) by which to determine the harvest impact of the management measures.**

Motion by Dr. Duval, seconded by Mr. Estes. Motion passes unanimously.

### **Main Motion**

**Move to approve the state implementation plans for the Cobia FMP as recommended by the TC.**

Motion by Mr. Boyles, seconded by Mr. Haymans.

### **Motion to Substitute**

**Move to substitute to approve all the state implementation plans as presented today.**

Motion by Mr. Nowalsky, seconded by Mr. Bush. Motion fails (4 in favor, 6 opposed, 1 abstention).

### **Main Motion**

**Move to approve the state implementation plans for the Cobia FMP as recommended by the TC.**

Motion by Mr. Boyles, seconded by Mr. Haymans. Motion passes unanimously.

**Move to approve Draft Addendum I to the Black Drum Fishery Management Plan for Public Comment.**

Motion by Ms. Fegley, seconded by Mr. Woodward. Motion passes unanimously.

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (FEBRUARY 7, 2018)**

### ***Meeting Summary***

The Atlantic Striped Bass Management Board (Board) reviewed a Conservation Equivalency Proposal (proposal) submitted by Maryland for its recreational striped bass fisheries in the Chesapeake Bay. Maryland anglers, particularly the charter boat sector, have expressed concerns regarding the high ratio of released fish to retained fish since the size limit in the Chesapeake Bay was increased to 20 inches (to meet the requirements of Addendum IV to Amendment 6 to the Atlantic Striped Bass FMP), which has made it difficult to attract customers. Additionally, there is evidence that the release mortality rate, particularly in the summer months, is higher than the 9% value used in the coast-wide striped bass stock assessment. Accordingly, Maryland proposed a number of alternative measures for its recreational fishery in the Chesapeake Bay, with the primary goal of reducing dead discards (i.e., direct harvest would increase but the number of fish released would decrease resulting in minimal change of total removals). However, after consulting with its constituents and stakeholders, Maryland sought Board approval for one option: 19 inches minimum size limit from May 16-December 15 with a two-fish bag limit (only one fish can be

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greater than 28 inches) and all anglers fishing with non-artificial bait or lures would be required to use circle hooks.

The Atlantic Striped Bass Technical Committee (TC), the Advisory Panel (AP) and the ASMFC Law Enforcement Committee (LEC) reviewed the proposal and provided comment for Board consideration. Regarding Option B, while the TC supported the implementation of circle hook requirements to improve post-release survival, it did not endorse such requirements for conservation equivalency at this time due to challenges and uncertainty with determining the realized mortality reductions. Essentially, angler response and other variables, including enforceability challenges corroborated by the LEC, make it difficult to accurately quantify the realized benefits from a mandatory circle hook requirement. However, the AP commented that the conservation benefits outweigh those concerns, as long as the mandatory circle hook provision is explicitly defined regarding hook specifications (i.e., definition of a "circle hook," hook size, and specifying offset versus inline).

The Board approved Option B from Maryland's proposal for implementation in 2018, with the understanding that Maryland would include circle hook specifications in its regulations. The Board's decision acknowledges the current issue in the Chesapeake Bay regarding high discards (resulting from a combination of more restrictive regulations and the availability of recent strong year classes to the fishery) and the challenges that has created for for-hire fisheries operating in the Bay. Maryland will collect enforcement, compliance, and other relevant information during 2018 and will report back to the Board with a review of the effectiveness of the measures in February 2019. The Board will review the information from the 2018 fishery and determine if new measures met the intent of the proposal. If the intent was not realized, adjustments for 2019 and later may be required.

The Board also received a progress update on the 2018 benchmark stock assessment. The benchmark is schedule for peer-review in November 2018 at the 66th SAW/SARC. The first modeling workshop will be in the spring with a second modeling workshop likely in late summer or early fall.

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 Option B in Maryland's Conservation Equivalency Proposal for its Summer/Fall Recreational Striped Bass Fishery in the Chesapeake Bay (Season: May 16 - December 15; Size and Bag: 2 fish at 19" minimum with only 1 fish allowed greater than 28 inches; Non-offset circle hooks required when fishing with bait / non-artificial lures). Additionally, Maryland will collect enforcement, compliance, and other relevant information during 2018 and will report back to the Board with a conservation equivalency effectiveness review in February 2019.**

Motion by Mr. Luisi, seconded by Mr. Clark. Roll Call: Motion passes unanimously with one abstention (VA).

## **RISK AND UNCERTAINTY POLICY WORKSHOP (FEBRUARY 8, 2018)**

### ***Meeting Summary***

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The Atlantic States Marine Fisheries Commission was formed by the 15 Atlantic coastal states in 1942 for the promotion and protection of coastal fishery resources. The Commission serves as a deliberative body of the Atlantic coastal states, coordinating the conservation and management of nearshore fishery resources, including marine, shell and anadromous species.

Commissioners worked through an interactive exercise simulating the process for defining acceptable risk levels in managing fisheries. The Workshop was the next step in the development of a Commission Risk and Uncertainty Policy which would serve as guidance to all management boards in their decision making processes. Policy development originated from a 2016 ISFMP Policy Board task to the Risk and Uncertainty Policy Work Group (WG). Development of a draft policy and associated Risk and Uncertainty Decision Tree has also involved vetting by the Assessment Science Committee and Management and Science Committee.

The Commission Chair and Executive Director provided an overview of why the Commission is working on a policy, including relevancy to past and upcoming FMP Amendments. Jason McNamee (RI DEM), Chair of the WG, outlined workshop objectives and structure, then led Commissioners through a series of questions defined in the Risk and Uncertainty Decision Tree, using the striped bass fishery as an example. Commissioner responses were collected and summarized in real-time using Instant Response Technology. Commissioners provided comments and questions expressing support for continued work on the policy, interest in Board members making the final decisions on risk tolerance levels, and guidance to the WG to provide a draft policy and next version of the Decision Tree by the ASMFC Summer Meeting.

Next steps for continued work on the policy are refinements from the WG as requested by Commissioners, as well as consultation with the Striped Bass Technical Committee to provide input on specific quantitative and qualitative elements of the striped bass Decision Tree.

## **INTERSTATE FISHERIES MANAGEMENT POLICY BOARD (FEBRUARY 8, 2018)**

### ***Meeting Summary***

The ISFMP Policy Board Chair reviewed the Executive Committee Report (see Executive Committee Meeting Summary). The Board approved the white paper from the Climate Change Working Group (see meeting materials). The Climate Change Working Group was tasked with developing science, policy, and management strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change impacts. The white paper presents adaptation strategies as guidelines to assist Boards and Sections in the management of species impacted by climate change, with a focus on stocks with low biomass and allocation. Specifically, the guidance document reviews: (a) a proposed approach for working through climate-related fishery management issues; (b) a list of management options for stocks at persistent low biomass; (c) a list of management options for stocks with changing spatial distributions; (d) a recommendation to consider inclusion of a climate change terms of reference for stock assessments; and (e) a recommendation to create a list of climate change data available for inclusion in analyses.

### **Habitat Committee**

Dr. Lisa Havel presented two Habitat Committee documents for Board approval. The Climate Change Gaps and Recommendations Report identifies gaps across state initiatives to address climate change, particularly in regards to fish habitat, and provides recommendations for the addressing these gaps in future. The report identifies opportunities for more states to respond to climate change on the ground, to improve collaboration and outreach efforts, and to create more working groups or legislation to reduce carbon outputs and respond to climate change threats. Recommendations are grouped under three categories: energy production and use, science and monitoring, and increasing resiliency. The report also

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includes a summary of actions by state and additional literature and links to initiatives underway along the coast.

Dr. Havel also presented the Habitat Committee's updated ASMFC Submerged Aquatic Vegetation (SAV) Policy, first developed 20 years ago. After re-evaluating the SAV Policy's recommendations and importance, the Habitat Committee concluded an SAV policy is arguably more important now than ever. While the updated document's goals remain largely unchanged, the background information, policies, and recommended actions have all been updated to reflect emerging issues and new information. The policy also includes a summary of initiatives taken by state and federal partners, as well as a list of each state's SAV point(s) of contact. Both reports were approved unanimously and will be posted to the Commission's website.

### **North Atlantic Right Whales**

In September 2017, new information indicating that the North Atlantic right whale abundance has been in decline since 2010 was made available (briefing materials). A re-initiation of formal consultation on the fisheries covered by the ISFMP (lobster, bluefish, spiny dogfish, summer flounder, scup, and black sea bass) is required due to the new information regarding the changed status of right whales. NOAA staff presented on the North Atlantic Right Whale Five-Year Review, the re-initiation of Endangered Species Act Section 7 Fishery Biological Opinion, and the formal consultation process. The Board emphasized that consideration of enforcement will be very important as the formal consultation process moves forward. The Commission will be participating in the process via the Take Reduction Team.

### **American Shad**

The next American shad benchmark stock assessment is scheduled to be completed in the summer of 2019. Staff presented the recommended a set of terms of reference (TORs) for the assessment and peer-review panel, which the Board unanimously approved.

### **BOEM Renewable Energy Leases**

The Bureau of Ocean Energy Management (BOEM) has 11 active renewable energy leases from Massachusetts to North Carolina and is considering additional lease sales in 2018 and 2019. BOEM has committed via Northeast and Mid-Atlantic Ocean Plans to coordinate with the Commission. BOEM staff presented on the status of current and future leases.

### **Aquaculture**

Aquaculture, particularly for shellfish, has become a significant management responsibility for many of the states' fisheries agencies. The growth in this industry has resulted in an increasing number of requests for the interstate transfer of shellfish seed. With this increased rate of movement comes an increased risk of spreading shellfish veterinary disease, pathogens, and invasive species. To address this issue, the Board will re-populate the Interstate Shellfish Committee to explore development of a cooperative arrangement between shellfish seed-producing states. Such an arrangement would aim to: (1) enable enhanced control over the inter-state sale of seed as a means to prevent the spread of shellfish disease and parasites; and (2) level the playing field for growers and seed sources operating in good faith under the existing requirements.

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## **Electronic Reporting Subcommittee**

The Board also clarified a motion made at the American Lobster Board meeting regarding the establishment of a subcommittee to address electronic reporting. The clarification was in the membership and specific tasks for the group. Lastly, the Board tasked the Law Enforcement Committee with investigating the enforceability of ropeless fishing (see American Lobster Board meeting summary).

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

### ***Motions***

**Move to approve the Climate Change White Paper: Management, Policy and Science Strategies for Adapting Fisheries Management to Changes in Species Abundance and Distribution Resulting from Climate Change and to distribute this policy to Boards and Sections for consideration.**

Motion by Mr. Grout, seconded by Mr. McNamee. Motion passes unanimously.

**Move to adopt the Climate Change Gaps and Recommendations Report and the revised SAV Policy Report put forward by the Habitat Committee.**

Motion by Mr. Grout, seconded by Mr. Brust. Motion approved by unanimous consent.

**Move that the Board establish a working subcommittee to develop direction and policy as it pertains to the protection of right whales in relation to Commission activities.**

Motion by Mr. Keliher, seconded by Mr. Borden. Motion approved by unanimous consent.

**Move to approve the 2019 shad stock assessment and peer review terms of reference.**

Motion by Dr. Duval, seconded by Mr. Shiels. Motion approved unanimously.

**Move to convene a Lobster Electronic Reporting Subcommittee, with representatives from the Lobster Board, state and federal agencies, ACCSP, and ASMFC staff. The objectives for this Subcommittee are to: (1) Evaluate the needs for an electronic harvester reporting form based on stipulations in the Lobster and Jonah Crab FMPs, and individual state requirements. (2) Evaluate various electronic reporting platforms and their ability to be housed within SAFIS, as well as state specific databases. (3) Recommend simple and logical solutions to improve the ease of electronic harvester reporting. This includes evaluating the best way to report spatial location considering the new requirements to report LCMA and 10 minute squares, and the ability for states to use state-specific sub-areas in state waters. (4) Outline a timeline for development of electronic harvester reporting in the lobster/Jonah crab fisheries.**

Motion by Mr. Keliher, seconded by Mr. Borden. Motion approved unanimously.

**Move to task the Law Enforcement Committee with investigating the enforceability of ropeless fishing in the lobster fishery on behalf of the Lobster Board.**

Motion by Mr. Keliher, seconded by Mr. Borden. Motion approved unanimously.

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## **SUMMER FLOUNDER, SCUP, AND BLACK SEAS BASS MANAGEMENT BOARD (FEBRUARY 8, 2018)**

### ***Press Release***

### **ASMFC Summer Flounder, Scup and Black Sea Bass Board Approves Addendum XXX for Recreational Black Sea Bass Management**

Arlington, VA – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved Addendum XXX to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan. The Addendum establishes a regional allocation of the coastwide Recreational Harvest Limit (RHL) to address state concerns regarding equity and accountability in recreational black sea bass management.

From 2012-2016, the recreational fishery was managed under an ad-hoc regional management approach, whereby the states of Massachusetts through New Jersey individually crafted measures aimed at adjusting harvest by the same percentage, while the states of Delaware through North Carolina set their regulations consistent with the federal waters measures. While this approach allowed the states flexibility in setting management measures, some states expressed a need for increased equity and accountability in managing harvest to coastwide catch limits.

Accounting for geographic differences in the stock and fishery interests, Addendum XXX uses a combination of exploitable biomass information from the latest stock assessment and historical harvest to regionally allocate the coastwide RHL. The final allocation is based on a hybrid of the allocation options that were presented in the Draft Addendum. The three management regions are defined as Massachusetts through New York, New Jersey as a state-specific region, and Delaware through North Carolina; their respective allocations of the 2018 coastwide RHL are 61.35%, 30.24%, and 8.41%. The Technical Committee will work with the states to develop regional proposals for Board review and approval in March 2018.

To improve accountability, the states within each region will be collectively responsible for managing harvest to their regional allocation through the cooperative development of recreational measures. To increase regional consistency in measures, each region will establish a standard set of measures, with each state in the region afforded the flexibility to adjust their measures up to one inch in minimum size and three fish in possession limit. The Addendum also initiates the development of a new process for evaluation and specification of measures against the annual catch limit, which aims to provide more year-to-year stability in management measures.

The Addendum will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Black Sea Bass webpage by late February. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Management Board met to consider conservation equivalency proposals on recreational Summer Flounder and Scup management measures for 2018 as well as consider the 2017 Scup Fishery Management Plan (FMP) Review and state compliance reports.

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### **Summer Flounder**

For Summer Flounder, all states and regions with the exception of North Carolina submitted proposals to adjust their 2018 recreational management measures. In December 2017, the Board approved continuation of Addendum XXVIII for 2018 and specified the proposed measures could liberalize harvest up to 17% above projected 2017 harvest (3.23 million pounds). Collectively, the potential measures outlined in the proposals would result in an approximate 15.8% increase in coastwide harvest from 2017 levels. Based on the recommendations of the Technical Committee (TC), the Board approved the proposals and methodologies submitted by the states. The states will finalize their summer flounder management measures by the spring of 2018.

### **Scup**

For Scup, the northern region of Massachusetts through New York and the state of New Jersey submitted proposals to adjust their 2018 recreational management measures. At their previous meeting in December, the Board tasked the TC with evaluating the potential increase in harvest if the northern region states reduced their minimum size limit from 10 to nine inches. The 2018 RHL for Scup is 7.37 million pounds, and based on preliminary harvest in 2017 (4.65 million pounds through October), measures could be adjusted to allow up to 59% increase in harvest for 2018. The northern region states' proposal put forward analysis that demonstrated reducing the size limit by one inch could increase harvest up to 27% from the region's 2017 harvest levels. Additionally, the proposal outlined that the states of Rhode Island and Connecticut would reduce their minimum size limit at select shore sites from nine to eight inches. Lastly, New Jersey proposed to extend its season length 243 days to a year-round open season, resulting in an approximate 34% increase from the 2017 harvest level. The combined changes in measures would result in a coastwide harvest of approximately 6.73 million pounds (~91% of the 2018 RHL). Based on the TC's recommendation, the Board approved both the size limit adjustments for the states of Massachusetts through New York (nine inch minimum size limit; eight inch size limit for Rhode Island and Connecticut at select shore sites) and an increase in New Jersey's season length to 365 days. States will finalize their regulations over the next couple of weeks for the 2018 recreational scup fishery.

Next, the Board considered the Scup FMP Review and state compliance. The Board previously postponed consideration of the FMP Review due to inconsistency with Massachusetts' state measures specific to the minimum mesh size and trigger requirements in their small-mesh squid fishery and the FMP. The commonwealth outlined their plan to implement measures to be consistent with the FMP prior to the start of their 2018 squid fishery. The Board approved the FMP Review and granted *de minimis* request to Delaware.

Lastly, Adam Nowalsky was nominated as Vice-Chair to the Board.

For more information on summer flounder and scup, 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 adopt Option 3.1.2, Regional Management, and under section 3.1.2.1, Option B, Regional allocation based on exploitable biomass and historical harvest, and under section 3.1.2.2, Option B, 3 Regions.**

Motion by Dr. Pierce, seconded by Mr. Luisi. Motion passes (8 in favor, 0 opposed, 3 abstentions).

### **Main Motion**

**Move to approve timeframe Option B under section 3.1.2.3, 2011-2015 timeframe.**

Motion by Mr. Reid, seconded by Dr. Pierce.

### **Motion to Substitute**

**Move to substitute, for section 3.1.2.3, an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35% allocation to the north, a 38.65% allocation to the south, and then the southern allocation split based on the average historical harvest between the state of NJ (78.25%) and the states of DE to NC (21.75%).**

Motion by Mr. Nowalsky, seconded by Mr. Clark. Motion passes (6 in favor, 4 opposed, 2 abstentions).

### **Main Motion as Substituted**

**Move that, for section 3.1.2.3, an averaging of the allocations resulting from the two time series to be adopted that gives a 61.35% allocation to the north, a 38.65% allocation to the south, and then the southern allocation split based on the average historical harvest between the state of NJ (78.25%) and the states of DE to NC (21.75%).**

Motion passes (6 in favor, 4 opposed, 2 abstentions).

### **Main Motion**

**Move to approve Option B under section 3.1.2.4, Regulatory standard with conservation equivalency allowed.**

Motion by Dr. Pierce, seconded by Mr. O'Reilly.

### **Motion to Amend**

**Move to amend to waive the maximum deviation in days allowed for season length.**

Motion by Mr. Reid, seconded by Mr. Alexander. Motion passes by consent.

### **Main Motion as Amended**

**Move to approve Option B under section 3.1.2.4, Regulatory standard with conservation equivalency allowed with the maximum deviation in days allowed for season length waived.**

Motion passes (11 in favor, 0 opposed).

**Move to adopt, Option B under section 3.1.2.5, (in concept) adjusting management measures to the ACL, with implementation delayed pending further refinement by the Board/Council.**

Motion by Mr. Luisi, seconded by Mr. O'Reilly. Motion passes (9 in favor, 0 opposed, 2 abstention).

**Move to approve Option A in section 3.2, a 2 year timeframe for addendum provisions.**

Motion by Mr. Miller, seconded by Mr. Borden. Motion passes (10 in favor, 0 opposed, 1 abstention).

**Move to approve Addendum XXX as modified today with a March 31st implementation date.**

Motion by Mr. Clark, seconded by Mr. O'Reilly. Roll Call Vote: (In Favor- NJ, DE, MD, PRFC, VA, NC; Opposed- MA, RI, CT, NY, Abstention- NMFS) Motion passes (6 in favor, 4 opposed, 1 abstention).

**Move that the 2018 federal waters black sea bass measures include a 15-fish possession limit, 12.5-inch minimum size and season from May 15 – December 31. These measures assume the Commission process will develop measures to constrain harvest to the 2018 RHL. A backstop measure of 14 inches, 5 fish possession limit and a season from May 15 – September 15 would go into effect should the Commission not implement measures to constrain harvest to the 2018 RHL.**

Motion by Mr. Nowalsky, seconded by Mr. Borden. Motion passes unanimously.

**Move to approve the methodology for the summer flounder proposals and methodologies for use in the 2018 recreational summer flounder fishing season as recommended by the Technical Committee.**

Motion by Mr. Nowalsky, seconded by Mr. Reid. Motion passes by unanimous consent.

**Move to approve a size limit change for the states of Massachusetts through New York of 9 inch minimum size limit for the 2018 recreational scup fishing season. For the states of Rhode Island and Connecticut, the minimum size limit at shore site programs would be set at 8 inch minimum size limit. Approve an open season length from January 1st through December 31st for the state of New Jersey.**

Motion by Mr. Nowalsky, seconded by Mr. Maniscalco. Motion passes by unanimous consent.

**Move to accept the Scup Fishery Management Plan Review of the 2016 fishing year and approve *de minimis* request from Delaware.**

Motion by Dr. Pierce, second by Mr. Clark. Motion passes by unanimous consent.

**Move to nominate Adam Nowalsky as Vice-Chair to the Summer Flounder, Scup, and Black Sea Bass Board.**

Motion by Mr. Clark, second by Mr. Reid. Motion passes unanimously.