



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

MEETING NOTICE

September 3, 2014 – 6:00 PM

URI Narragansett Bay Campus

Corless Auditorium

South Ferry Road, Narragansett, RI

Robert Ballou
Chairman

Richard Hittinger
Vice Chair

Richard Bellavance

Kenneth Booth

Jeff Grant

William Mackintosh, III

David Monti

Christopher Rein

Michael Rice, Ph.D.

Agenda item	Agenda item detail	Recommended action(s)
1. Approval of Agenda	9-3-2014 RIMFC Agenda	Approval of agenda.
2. Approval of Minutes	RIMFC 7-24-2014 meeting minutes	Approval of minutes.
3. Public Comments	Comments from the public on any items not on agenda	Take under consideration for possible discussion and/or future action.
4. New business	a. <u>Proposed closure of areas in Ninigret Pond Shellfish Management Area (Foster Cove), Charlestown, for Oyster Restoration activities:</u> <ul style="list-style-type: none"> • <u>Staff presentation:</u> <i>J. Mercer</i> • <u>SAP meeting (8/27) verbal report:</u> <i>J. Grant</i> 	Advice to Director re: enactment of closed areas.
	b. <u>Spiny Dogfish C/E Proposal</u> <ul style="list-style-type: none"> • <u>Staff presentation:</u> <i>E. Schneider</i> • <u>Groundfish AP meeting (9/2) verbal report:</u> <i>K. Booth</i> 	Advice to Director on pursuing a spiny dogfish conservation equivalency proposal in State waters.
	c. <u>Director's LEAN initiative:</u> Continued discussion from last meeting: <i>B. Ballou, M. Gibson, J. McNamee, A. Manca</i>	Approval to test new structure for the review and consideration of management and regulatory issues in November.
5. FYI	a. <u>Meeting/Report Summaries:</u> – <i>M. Gibson, B. Ballou</i> <ul style="list-style-type: none"> • ASMFC Summer 2014 b. <u>Council letter to CRMC</u> re: Bazarnick aquaculture lease application	FYI and discussion.
6. Other business	Any other matters that Council members would like to discuss.	FYI, discussion, and/or consideration for future action.
7. Adjourn		

All RIMFC Meetings are open to the public

Date Posted 08/29/2014



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

MEETING MINUTES

July 24, 2014

URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, J. Grant, C. Rein,*

RIMFC Members Absent: *W. Mackintosh, M. Rice, R. Bellavance*

DEM: *L. Mouradjian, G. Powers, M. Gibson, J. McNamee, J. Mercer, P. Duhamel, Andy Manca (Office of Customer and Technical Assistance)*

Public: *Dave Beutel, Jesse Bazarnick (aquaculture applicant), Jerry Carvalho.*

1. **Approval of the Agenda:** *B. Ballou* inquired as to objections to approving the agenda; hearing none, the agenda was approved. *B. Ballou* inquired to thoughts about the *ePacket*, this being the 2nd meeting in which meeting materials were provided via electronic format. All Council members present expressed approval of the *ePacket*.
2. **Approval of RIMFC meeting minutes from April 7, 2014:** *B. Ballou* inquired as to any proposed changes to the minutes or any objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **New business:**
 - a. **Approval of Advisory Panel meeting minutes (Winter Flounder (4/2); Groundfish (4/15); and Shellfish (5/28):**
 - Winter Flounder: *J. McNamee* provided a summary of the meeting.
 - Groundfish: *K. Booth* provided a summary of the meeting.
 - Shellfish: *J. Grant* provided a summary of the meeting.

A summary of each of the meetings and minutes were briefly discussed. *B. Ballou* inquired as to any modifications or objections to approving the minutes; hearing none, **each of the minutes were approved.**

b. Aquaculture application – Jesse Bazarnick:

D. Beutel provided an overview of the application and site. He offered the site was selected based on high water flow and food source through the area, and that the site was originally proposed further west than the current proposed site based on objections from RISAA. He offered that RISAA did none-the-less provide an objection based on its location within the footprint of former Jamestown bridge and proposed fishing pier location. The applicant offered that he didn't believe that the pier would ever be built, and that his proposal was a very good use of the area. *R. Hittinger* offered objection based on conflict with recreational fishing; that the site has a great deal of history as a recreational fishing location, particularly when fishing was allowed from the old bridge. He offered that the section of the bridge approach that was to be left and maintained as a fishing pier had to be removed only due to poor maintenance and funding by RIDOT. He offered that as an agreement to the removal of this pier, a law was passed offering protection of this footprint area for potential future use as a public use fishing pier. He concurred with the applicant that the area has high water flow, and is therefore a good fishing area due to the baitfish and predatory fish located there. He emphasized the need to preserve this location for a future fishing pier. *D. Monti* offered concurrence with *R. Hittinger* and emphasized the state statute that was enacted to preserve this site for potential use a fishing pier. *K. Booth* inquired as to moving the aquaculture site further south, so as to avoid conflict with the protected pier footprint, to which the applicant responded he could not as he was bordering a mooring field. *D. Monti* again emphasized advocating the site as a potential future fishing pier, as access to good fishing locations was a topic that often heard in his profession as a writer. Discussion ensued regarding if a pier would in actuality ever be built. *C. Rein* offered that it would not be good practice form to offer support of an activity (aquaculture) that was in apparent direct conflict with a potential use protected by statute, particularly in light that it is clear that a great deal of thought was put into preserving the site as a fishing pier, and as the Director of DEM was specifically charged with protecting the site. ***R. Hittinger* offered a motion to recommend to the CRMC not to approve the application due to potential direct conflict with recreational fishing, as described in state statute 24-12-51.1, "Former Jamestown Verrazano Bridge – Public fishing area"; 2nd by *D. Monti*.** *J. Grant* inquired as to if the pier would in actuality ever be built, to which *L. Mouradjian* replied that it was still an active debate, to which *R. Hittinger* concurred. The applicant offered that he was very doubtful it would be built as it would be too expensive. *K. Booth* offered that he thought the site could be pushed into the mooring field to the south as would not necessarily be a conflicting use; that a few of the moorings could be re-located; to which *D. Beutel* replied that this would be very difficult to accomplish. **The motion passed 4 – 0; J. Grant abstaining.**

c. Proposed AP meetings and agendas:

- IAC: *B. Ballou* provided an overview of the proposed agenda. *M. Gibson* inquired as to possible fee increases; to which *B. Ballou* offered that it would be discussed at the meeting. A tentative date of August 28th was selected for the meeting.
- Groundfish/Federally Managed species: *R. Ballou* offered that the meeting was mainly to discuss the Spiny dogfish Conservation Equivalency proposal being developed

by DFW. *C. Rein* inquired as to the market issues of spiny dogfish, and also of mercury and PCB contamination in the fishery; to which *B. Ballou* offered these would be matters of discussion at the meeting. *M. Gibson* offered that the most recent scientific literature only addresses mercury, not PCB's; and also that he didn't believe that the NMFS had made a decision on federal possession limits, so that any proposal brought forth would only be applicable to state waters.

- Shellfish: *J. Grant* offered an overview of the proposed agenda, and also that three aquaculture lease applications would most likely be needed to add. He offered a meeting date of August 27th.
- Scup/Black Sea Bass: *J. McNamee* offered that this would be a typical annual agenda.
- Summer Flounder: *J. McNamee* offered that this would be a typical annual agenda. *R. Hittinger* inquired as to there being a discussion of sectors, to which *J. McNamee* answered that there would be a statement provided. He then inquired if the "Fish for the Future" proposal should be re-visited at this meeting. There was debate if this should be a separate discussion for a later date (January, 2015). *J. McNamee* offered that the agenda would be revised to include this topic.

B. Ballou inquired as to objections to approving the proposed agendas. *M. Gibson* inquired as to the potential need for a Striped Bass AP meeting for federal compliance. *B. Ballou* offered that there would be no actions needed until after October, so would therefore be another Council meeting where the matter could be discussed. *B. Ballou* inquired as to any objections to approving the agendas; hearing none, all proposed agendas were approved.

d. Director's LEAN Initiative:

A. Manca provided a presentation of an overview of the initiative; which is to provide maximize good customer service and environmental protection through efficient processes with less staff. He offered that the program attempts to map processes and procedures, and then identify gaps and ways to implement efficiencies. *J. McNamee* then provided specifics regarding how LEAN was applied to the Marine Fisheries office; specifically that it was applied to address the functioning and efficiency of the office in terms of regulatory processes and procedures. He offered that the process identified gaps in processes involving the RIMFC and the regulatory process, and that the purpose of the night was to present the findings, and to generate thoughts and discussion on proposed changes to the procedures currently practiced. He offered that the Marine Fisheries office would like to test the new format being proposed for the November public hearing on commercial fisheries. He then offered that the basic premise was to attempt to standardize the meeting schedules accordingly: to run only four public hearings annually, to add pre-hearing workshops, and to eliminate most of the advisory panel meetings; the purpose of the pre-hearing workshop being to present the information normally presented at AP meetings. He offered that the gap identified in LEAN indicated a great deal of staff time with administration of AP meetings, and that the benefit of these meetings was low due to consistent poor attendance. The purpose of the proposed format

was to eliminate several meetings in favor of a single meeting (workshop), the benefit being less meetings, resulting in better attendance and therefore a broader range of ideas and opinions being discussed. He offered that this could be beneficial as information presented immediately prior to the hearing would be very fresh and current, thus generating better public hearing comments. He acknowledged that the down-side would be that the public would have less time to decipher information presented and offer proposals, but that this would be off-set by several improvements, namely that the public comment period would be extended beyond the close of the hearing (specific time period tbd), rather than closing immediately after each item is presented; workshop presentations would be provided via webpage and listserv as soon as practical prior to the meeting; and improved attendance thus generating better discussion and proposals. *M. Gibson* offered that attendance at AP meetings is a problem, but more importantly, that attendance, and subsequent dialogue and advice to the Council, can be skewed depending on the issue and audience, and that a broader range of input should be the goal in order for the best advice to be brought before the Council. He offered that a workshop format would allow for discussion throughout the audience and between the audience and DFW staff, and would therefore be a more effective approach towards achieving this goal. *J. McNamee* concurred that the workshop format would solve the AP attendance problem, and would greatly reduce staff time regarding administration of AP meetings. He offered that AP meetings take up a considerable amount of staff time, with little benefit due to poor attendance. He also offered that the workshop format would allow for better input to the Council without the constraints of attendance and voting; votes not necessarily representative of a broader dialogue. He offered that the information would be put out in a more timely, efficient, and standardized format, which along with reducing no. of meetings, should greatly enhance efficiency. Having an open dialogue immediately prior to the hearing should greatly enhance the comments presented at the hearing. He concluded with a request to the Council to run the new format for the public hearing that usually occurs in November regarding many of the commercial fisheries. *D. Monti* asked for clarification regarding content of workshops vs. hearings. *J. McNamee* answered that he envisioned that workshop presentations would be the same information that would have been contained in the AP meeting presentations, albeit more efficiently presented and standardized. The public hearing would occur as it does now; that we present each item and take comments on that item. The major difference now being that the public comments period would be extended beyond the hearing. *R. Hittinger* expressed concern that there wouldn't be sufficient time between the presentation of information at the workshop and the hearing for the public to formulate proposals and provided comments/proposals at the hearing. He also expressed concern that the AP meetings were used as a means by which other new ideas were brought forward, and that this would be lost. *J. McNamee* offered that the workshop will still provide for this, but that it needs to be tested to see how it works; and also that the Council meeting will still be a public forum to discuss the issues. *L. Mouradjian* offered that this new format offered a means to reduce duplication of discussions across multiple meetings, and that the Council meeting would now be more efficient in terms of providing Council advice to the Director. *K. Booth* expressed concern that the workshop may have the potential to offer skewed advice; that the AP had a tendency to balance skewed opinions due to the broad membership of the AP. *J. McNamee* offered agreement that the AP's were developed as a balanced body representing all aspects of a given fishery, but that in practice it is not occurring this way. There is therefore nothing to be lost with a workshop format to generate balanced input. *K. Booth* offered that difficult topics should be selected for the

trial to assure that it works. *C. Rein* offered that he had always been aware of the limited attendance at AP meetings by the AP members; and that he was intrigued by the proposed new format and offered support for a trial. *D. Monti* offered that it will be difficult for the public to be ready to offer proposals at the hearing. *L. Mouradjian* offered that the public comments will be allowed beyond the hearing and those comments will be made available for the subsequent Council meeting for their final review prior to offering advice to the Director. *J. McNamee* offered that much of what was being discussed as a problem that may arise as a result of the new format is already occurring. *B. Ballou* offered that if this new format were to be adopted, then the Council policy on AP's would need to be revised. *D. Monti* offered that the AP membership will need to be informed about the new format.

A date of September 3rd was set as for the next Council meeting as a follow-up to this meeting. It was determined that contact to AP membership is a priority. The goal of this follow-up meeting is to inform the AP membership, to continue to address procedures moving forward, and to endorse a trial of the new format for the November public hearing.

5. **NEFMC/ASMFC Reports:** These reports were offered as FYI items only.
6. **FYI Items:** The Director Decision memo and ASMFC letter regarding Black sea bass were offered as FYI items. *R. Hittinger* offered that the situation with a low quota for Black sea bass undermines the status of the RIMFC with fishermen and the process for developing change. *M. Gibson* offered that the Commercial Fisheries Research Foundation has taken an interest in the matter in terms of developing funding sources. *B. Ballou* offered that he was aware of a movement that was suggesting an increase in the quota and a “see what happens” approach.
7. **Other business:** There were no other matters discussed.
8. **Adjournment:** The meeting adjourned at approximately 9:00.

Prepared by *P. Duhamel*



Atlantic States Marine Fisheries Commission

2014 Summer Meeting Summary

Vision: Sustainably Managing Atlantic Coastal Fisheries

2014 Summer Meeting
Alexandria, VA
August 5-7, 2014

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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ATLANTIC HERRING SECTION (AUGUST 5, 2014)

Meeting Summary

The Atlantic Herring Section met to review comments on the Public Information Document (PID) and tasked the Plan Development Team (PDT) to develop Draft Amendment 3. The Draft Amendment will propose management options to increase spawning area protection, remove the fixed gear set-aside rollover provision, and empty fish holds prior to fishing trips. In addition to existing spawning area regulations, there will be a new option to extend the Massachusetts-New Hampshire area closure by two weeks (for a total of six weeks) based on observations of spawning fish after the initial four-week closure and as a precaution to the gear bias in commercial sampling. The Draft Amendment will propose an option for removing the fixed gear rollover provision because sea herring may be shifting patterns in migration and staying in Maine coastal waters after November 1. The third issue will introduce a new provision requiring fish holds to be empty of fish prior to departure on a trip and offer a range of options on the number of waivers.

Staff asked the Section to review and populate the Atlantic Herring Advisory Panel with new and/or active members.

The Section also received an update on the development of Nantucket Shoals/Georges Bank spawning study. Staff submitted a letter to the Northeast Regional Coordinating Council (NRCC) requesting collaboration and support. The NRCC will be addressing the issue and an update will be provided to the Section during the Commission's Annual Meeting in October. For more information, please contact Melissa Yuen, Fishery Management Plan Coordinator, at myuen@asmfc.org.

Motions

Motion to include a section on spawning area efficacy, extending the spawning closure in Maine – New Hampshire by two weeks.

Motion made by Mr. Grout and seconded by Dr. Pierce. Motion carries without objection

Motion to remove the section on gear declaration in the Draft Amendment.

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

Move to task the Plan Development Team with drafting the amendment.

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

AMERICAN LOBSTER MANAGEMENT BOARD (AUGUST 5, 2014)

Press Release

ASMFC American Lobster Board Approves Habitat Addendum and Initiates Development of Management Plan for Cancer Crabs

Alexandria, VA – The Commission's American Lobster Management Board approved Addendum XXIII to Amendment 3 to the Interstate Fishery Management Plan (FMP) for American Lobster. The Addendum updates Amendment 3's habitat section to include information on the habitat requirements and tolerances of American lobster by life stage. The Addendum focuses on habitat components that play a vital role in the reproduction, growth, and the sustainability of commercial and recreational fisheries by providing shelter, feeding, spawning and nursery grounds for lobsters to survive. While the Addendum does not implement any changes to the lobster management program, it is intended to advance our

understanding of the habitat needs and requirements of American lobster and provides the most current information to inform management decisions.

The Board also approved the Public Information Document (PID) for Cancer Crabs for public comment. The PID was initiated in response to concern about increasing targeted fishing pressure for Jonah crab and rock crab (collectively referred to as cancer crabs). Both species have long been considered a bycatch in the lobster fishery, however, growing market demand has doubled landings in the past seven years. Landings of both species in 2012 was over 12 million pounds and estimated to be worth over \$9 million. Given the absence of state and federal management programs and stock assessments for cancer crabs, there is concern the current harvest may compromise the sustainability of the resource.

As the first step in the development of a FMP, the PID seeks public input on information concerning cancer crab fisheries, including the identification of major issues and options relative to the management of these species. It is anticipated that several states will be conducting public hearings on the PID; a subsequent press release will announce the details of those hearings once they become finalized.

Fishermen and other interested groups are encouraged to provide input on the PID either by attending state public hearings or providing written comment. The PID will be available on the Commission website (www.asmf.org) under Public Input by August 18, 2104. Public comment will be accepted until 5:00 PM (EST) on October 3, 2014 and should be forwarded to Kate Taylor, Senior FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at ktaylor@asmfc.org (Subject line: Cancer Crabs). For more information, please contact Kate Taylor, at ktaylor@asmfc.org or 703.842.0740.

Meeting Summary

The American Lobster Management Board met to consider final approval of Draft Addendum XXIII, as well as approval of a Draft Cancer Crab PID for Public Comment (see press release), review the Technical Committee (TC) evaluation of measures implemented under Addendum XVII, discuss recent proposed and implemented federal measures by NOAA Fisheries, and receive an update on the American lobster stock assessment.

Under Addendum XVII all Lobster Conservation Management Areas (LCMAs) within Southern New England (SNE) were required to reduce exploitation by 10% in order to address rebuilding. The TC reviewed the implemented measures within SNE (with the exception of New York which was unavailable) and found the required reduction by LCMA, with the exception of LCMA 6, were either not achieved or were achieved mainly as a result of declining stock abundance and effort. Those LCMAs that did not meet the required reductions will develop proposed changes for the Board's review at the Annual Meeting in October.

NOAA Fisheries provided an update on recent changes to federal regulations including the implementation of the LCMA 2 and Outer Cape Area Limited Access Program and a Trap Transfer Program, based on recommendations by the Board. The Board also was informed of proposed measures to implement the trap reductions in LCMAs 2 and 3, as well as corresponding conservation measures within SNE, as recommended by the Board. The Board also reviewed inconsistencies between the Commission and federal management programs and initiated a technical addendum to remove language in Addendum XXI Section 3.1.4 that was inadvertently included.

The Board received an update on the progress of the American Lobster Stock Assessment. Preliminary results indicate that the Gulf of Maine and George's Bank stocks continue to be in good condition, while the SNE stock continues to be in poor condition. The final assessment is expected to be presented to the

Board in May 2015. For more information, please contact Kate Taylor, at ktaylor@asmfc.org or 703.842.0740.

Motions

Move to approve Addendum XXIII to the American Lobster FMP.

Motion by Mr. Adler and seconded by Mr. Gilmore. Motion carries.

Move to approve the Cancer Crab PID with the additional language as modified today.

Motion made by Mr. Borden and seconded by Mr. Adler. Motion carries unanimously.

Move to initiate a technical addendum that would remove the wording in Addendum XXI that was inadvertently added.

Motion by Mr. Grout. Second by Mr. Gibson. Motion carries without objection.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (AUGUST 5, 2014)

Press Release

ASMFC Atlantic Striped Bass Board Approves Draft Addendum IV for Public Comment

Alexandria, VA – The Commission’s Atlantic Striped Bass Management Board approved Draft Addendum IV for Public Comment to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Draft Addendum proposes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment, and associated management measures to reduce F to a level at or below the proposed target within one or three years.

The Draft Addendum responds to results of the 2013 Atlantic striped bass benchmark assessment indicating F in 2012 was above the proposed F target, and female spawning stock biomass (SSB) has been steadily declining below the target since 2006. This means even though the stock is not overfished and overfishing is not occurring, SSB is approaching its overfished threshold and stock projections show SSB will likely fall below the threshold in the coming years. In addition, a similar decline has been observed in total harvest. In response to these factors, the Draft Addendum proposes management options to reduce fishing mortality to the target level.

The Draft Addendum includes a suite of management options to reduce recreational and commercial harvest along the coast and in the Chesapeake Bay under three reduction timeframes. The timeframes include (1) reducing F to its target in one year with a 25% reduction in 2013 harvest in 2015 (2) reducing F to its target within three years with a 17% reduction in 2013 harvest in 2015, and (3) reducing F to its target within three years with a 7% sequential reduction in harvest for three consecutive years starting in 2015. Specific options to be considered include bag, size, slot and trophy size limits for the recreational fishery and quota reductions for the commercial fishery.

Given the Albemarle Sound/Roanoke River (A/R) stock of striped bass contributes minimally to the coastwide complex when compared to the Chesapeake Bay, Delaware, and Hudson stocks, Draft Addendum IV proposes it be managed by the State of North Carolina using stock-specific biological reference points. These stock-specific reference points, which have been approved by the Board, would result in a separate quota that is set to maintain F for the A/R stock at its target level. The Board tasked

the Technical Committee with the continued development of Chesapeake Bay-specific reference points for future use.

It is anticipated the majority of Atlantic coastal states will conduct public hearings on the Draft Addendum; a subsequent press release will announce the details of those hearings once they become finalized. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum will be available on the Commission website (www.asmfc.org) under Public Input the week of August 11th. Public comment will be accepted until 5:00 PM (EST) on September 30, 2014 and should be forwarded to Mike Waine, Fishery Management Plan Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at mwaine@asmfc.org (Subject line: Draft Addendum IV). For more information, please contact Mike Waine, at mwaine@asmfc.org or 703.842.0740.

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PR14-26

Motions

Move to approve North Carolina's 2013 benchmark Albemarle/Roanoke stock assessment for management use.

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

Move to approve all of the recommendations of the Striped Bass Board Subcommittee to remove the options B14, B15, C9, C10 and D6 from Draft Addendum IV to the Striped Bass Fishery Management Plan.

Motion made by Mr. Diodati and seconded by Mr. Hasbrouck. Motion approved unanimously.

Move to include an option under Option B that would reduce the Amendment 6 state coastal commercial quotas by 30%.

Motion made by Mr. White and seconded by Dr. Duval. Motion fails for lack of majority (Roll call vote: In favor – NH, MA, CT, PA, MD, PRFC, NMFS, USFWS; Opposed – ME, RI, NY, NJ, DE, DC, VA, NC).

Move to add Option C to Section 2.5.2 Chesapeake Bay Stock Reference Points where the Chesapeake Bay jurisdictions would manage the striped bass fisheries so as not to exceed target fishing mortality rate of $F = 0.058$.

Motion made by Mr. O'Connell, second by Mr. O'Reilly. Motion fails (Roll call vote: In favor – NY, MD, DC, PRFC, VA, NC, NMFS Opposed – ME, NH, MA, RI, CT, NJ, PA, DE, USFWS).

Move to include a sunset provision in 3 years after implementation for Section 3.0.

Motion made by Mr. Fote and seconded by Mr. Meyers. Motion fails (Roll call vote: In favor – NY, NJ, NMFS, USFWS; Opposed – ME, NH, MA, CT, PA, DE, MD, DC, PRFC, VA, NC; Null – RI).

Move to add an Option to take necessary harvest reductions (25%, 17%, 7+7+7%) from the 2012 harvest for the Chesapeake Bay jurisdictions instead of the 2013 harvest.

Motion made by Mr. O'Reilly and seconded by Mr. Gary. Motion carries (Roll call vote: In favor – ME, MA, CT, PA, DE, MD, DC, PRFC, VA, NC, NMFS; Opposed – NH, RI, NY, NJ, USFWS).

Move to include in Draft Addendum IV for Public Comment the reductions that would be obtained in the coastal recreational fishery with options of one fish at 30” or one fish at 32”.

Motion made by Mr. Hasbrouck and seconded by Dr. Duval. Motion carries unanimously.

Move to approve Draft Addendum IV for Public Comment as modified today.

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

EXECUTIVE COMMITTEE (AUGUST 6, 2014)

Meeting Summary

The Executive Committee met to discuss a number of procedural issues including the Draft Financial Disclosure and Conflict of Interest Policy, use of meeting-specific proxies, and technical group guidelines on consensus building. The Committee forwarded the Draft Financial Disclosure and Conflict of Interest Policy to the Business Session for its consideration and final approval (see Business Session Meeting Summary). No action was taken on the remaining issues, with the Committee continuing to explore the issues at future meetings. For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

Motions

No motions made.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (AUGUST 6, 2014)

Meeting Summary

The Interstate Fisheries Management Program Policy Board (Policy Board) met to consider a number of issues including the annual performance of the stocks, progress on three upcoming stock assessments, progress on river herring work by the Technical Expert Working Group (TEWG), and an update on Atlantic Coastal Fish Habitat Partnership (ACFHP) projects.

The Policy Board reviewed the rebuilding progress for each of the species under Commission management. This review was intended to determine if the progress toward each species rebuilding goals was occurring at an appropriate rate. The Board focused on the species in the categories of “concern,” “depleted,” and “unknown” in their discussions.

The Policy Board reviewed NOAA Fisheries’ proposed rule to implement special management zones (SMZ) in federal waters off the coast of Delaware for five artificial reefs to minimize gear conflicts with commercial and recreational fishermen utilizing the reefs. The Commission is concerned there will be significant impact to the scallop fleet if reef site 14 is closed to mobile gear and will recommend the site not be designated a SMZ to NOAA. The Commission will also recommend NOAA not implement a buffer zone around the SMZs.

The Board reviewed the progress reports on upcoming stock assessments for Atlantic menhaden, tautog and Atlantic sturgeon. Both the Atlantic menhaden and tautog assessments are on-going and will be peer reviewed this year; meeting details for both assessments will be posted on the Commission website on its Calendar page. Through the process of data gathering and preliminary model development, the Atlantic Sturgeon Stock Assessment Subcommittee (SASC) has determined two possible timelines for completion of the benchmark assessment (2015 or 2017). The Policy Board directed the SASC to complete the

sturgeon assessment by 2017 to allow for a more comprehensive assessment on a stock or distinct population segment scale as well as incorporate the most recent data from studies currently underway.

The Policy Board reviewed progress to date on the River Herring TEWG. NOAA Fisheries' and the Commission are collaborating to develop a dynamic conservation plan to help restore river herring stocks coastwide. The TEWG is identifying important conservation efforts, critical data gaps, as well as monitoring and evaluating progress in achieving its conservation goals. The TEWG was split into subgroups (stock status, genetics/hybrids/landlocked, habitat, fisheries, climate change, and species interactions), with an overarching committee that integrates the work of each subgroup and TEWG discussions. NOAA Fisheries is providing ASMFC with \$295,000 to support independent research projects to fill in data gaps and implement conservation actions for river herring. A competitive request for research projects or conservation actions will be released in the fall.

The Atlantic Coastal Fish Habitat Partnership (ACFHP) received eighteen project applications for 2014 funding and is providing support to two on-the-ground habitat conservation projects. The first project is Oyster Reef and Salt Marsh Habitat Restoration in Stump Sound, North Carolina. Red drum, spotted seatrout, weakfish, spot, croaker, and shrimp will benefit from the restored and protected salt marsh and oyster habitat. The second project is a Barrier Removal in Westcunk Creek, a tributary in Barnegat Bay, New Jersey. The improved fish passage will restore access to over 13km of stream habitat for river herring, American eel, and other diadromous species. The ACFHP is accepting requests project applications to restore and conserve habitat for coastal, estuarine dependent, and diadromous fish species until September 26, 2014. Funds can be used for on-the-ground habitat conservation and improvement projects and related design and monitoring activities. For more information and proposal submission guidelines go to: www.atlanticfishhabitat.org/acfhpfunding/.

The Policy Board also discussed collaborative conservation initiatives for US American eel stocks and committed to renewing its efforts to work more closely with the Great Lakes Fisheries Commission on such initiatives. For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

No motions made.

BUSINESS SESSION (AUGUST 6, 2014)

Meeting Summary

The Business Session approved the Commission Policy on Financial Disclosure and Conflict of Interest, which requires financial disclosure and notification of the state appointing authority when a Legislative Commissioner or Governor Appointee is appointed to the Commission as well as when a Legislative Commissioner or Governor Appointee appoints a proxy. Disclosure forms will be made available to the public through the Commission website and will be available to the public during the Commission meetings. This policy applies only to Legislative Commissioners and Governors' Appointees and their proxies since Administrative Commissioners, by virtue of their standing as state officials, are required by their state to fully disclose their financial and any other conflicts of interests.

The Commission has a long-standing tradition of stakeholders serving as Commissioners. However, the member states making up the Commission have varying disclosure requirements to characterize direct or indirect financial interests. Further, these disclosures are not always made available to the Commission,

its Commissioners, or the public. Additionally, Commissioners frequently appoint proxies and are not required by the Commission to notify their home states of such appointments or the proxy's financial interests.

The policy defines conflict as interest as when a Legislative Commissioner, Governor Appointee or proxy:

1. has greater than 10 percent interest in the total harvest of the fishery under consideration by the Commission;
2. has greater than 10 percent interest in the marketing or processing of the total harvest of the fishery under consideration by the Commission;
3. has full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery under consideration by the Commission; and
4. is an employee or representative of a harvesting entity that harvests greater than 10% of total harvest of the fishery under consideration by the Commission. This includes, but is not limited to, fishery association employees, lobbyists, and industry representatives.

The policy also requires a Legislative Commissioner, Governor Appointee and proxy, prior to the Board/Section discussion on an issue, to announce to the board/section that he/she is recusing himself/herself from participating in the caucus and voting. Once recused, the Legislative Commissioner, Governor Appointee, or proxy will be able to participate in the board/section debate but will not be able to make or second motions on the issue. The final policy will be available the Commission website, www.asmfc.org.

The Business Session also discussed decision-making procedures for species technical committees. It encouraged technical committees to continue to strive toward consensus-based recommendations and only vote on issues for which the technical committee cannot come to consensus. Minority reports may be provided in cases where a subset of the technical committee does not support the majority position. For more information, please contact Robert Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

Move to approve Issue 1 – Items 1-4; On Issue 2 – Item 2; On Issue 3 – Item 1.

Motion made by Rep. Kumiega and seconded by Mr. Fote. Motion carries (8 in favor, 6 opposed, 1 null).

SPINY DOGFISH MANAGEMENT BOARD (AUGUST 6, 2014)

Press Release

ASMFC Spiny Dogfish Board Approves Draft Addendum V for Public Comment

Alexandria, VA – The Commission's Spiny Dogfish Board approved Draft Addendum V to the Interstate Fishery Management Plan (FMP) for Spiny Dogfish for public comment. The Draft Addendum proposes requiring fins remain naturally attached to spiny dogfish through landing in order to ensure consistency with the Shark Conservation Act of 2010. The Act was signed into law to close loopholes in the U.S. shark finning regulations. Specifically, the Act prohibits the removal of any fins of the shark (including the tail) while at sea (with an exemption for smooth dogfish). Fins must remain naturally attached to the corresponding carcass through landing of the fish (including while aboard a fishing vessel or transferred at sea from one vessel to another).

Currently, the Interstate FMP allows removal of the fins of spiny dogfish at-sea as long as the corresponding carcass is retained. The wet weight of fins on-board may not exceed 5% of the dressed weight of carcasses on-board (a 5-to-95 fin-to-carcass ratio). Maine, New Jersey, Delaware, Virginia, South Carolina, Georgia and Florida already require fins to remain naturally attached to the fish through landing. The Board will review and consider final approval of the Draft Addendum at the Commission's Annual Meeting in October 2014.

The Board also approved increasing the commercial possession limit from 4,000 to 5,000 pounds for the northern region (Maine to Connecticut) for the 2014/2015 spiny dogfish fishing season. This action will be effective beginning September 8, 2014 and is consistent with recently adopted measures for federal waters.

It is anticipated that several states will be conducting public hearings on the Draft Addendum; information on those hearings will be released when it is finalized. Fishermen and other interested groups are encouraged to provide input on the Draft Addendum either by attending state public hearings or providing written comment. The Draft Addendum will be available on the Commission website (www.asmf.org) under Public Input by August 18, 2014. Public comment will be accepted until 5:00 PM (EST) on September 30, 2014 and should be forwarded to Marin Hawk, Fishery Management Plan Coordinator, at 1050 N. Highland St., Suite 200 A-N, Arlington, VA 22201; 703.842.0741 (FAX) or comments@asmfc.org (Subject line: Spiny Dogfish Draft Addendum V). For more information, please contact Marin Hawk, Fishery Management Plan Coordinator, at mhawk@asmfc.org.

PR14-27

Motions

Move to approve Draft Addendum V for public comment.

Motion made by Mr. Stockwell and seconded by Mr. Bellavance. Motion carries unanimously.

Move to increase the trip limit to 5,000 pounds in the northern region effective September 8, 2014.

Motion made by Mr. Grout and seconded by Mr. Stockwell. Motion carries (Roll call vote: In favor – ME, NH, RI, CT, NY, NJ, DE, MD, VA, NMFS; Opposed – MA; Abstain – USFWS).

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (AUGUST 6, 2014)

Meeting Summary

The Summer Flounder, Scup, and Black Sea Bass Board met to review the Draft Public Information Document (PID) on Amendment 21 to the Summer Flounder, Scup, and Black Sea Bass FMP; review and consider changes to the Summer Flounder, Scup, and Black Sea Bass Advisory Panels (APs); and consider extending the black sea bass recreational season for the states of Delaware to North Carolina (north of Cape Hatteras).

The Board reviewed the PID and will consider approval for public comment at its joint meeting with the Mid-Atlantic Fishery Management Council (MAFMC) next week when the Council considers a similar scoping document. To increase participation and engagement in its advisory panel process, and better coordinate its advisors with those of the Mid-Atlantic Council, the Board will be consolidating its three APs into one and will review and update membership.

Lastly, the Board extended the black sea bass recreational season by three days in September for Delaware through North Carolina (north of Cape Hatteras) as the federal regulations were extended due to updated 2013 harvest estimates. The Board also tasked the Technical Committee with developing management options for Massachusetts through New Jersey that would achieve a 5% reduction in harvest relative to the 2013 coastwide harvest for the remainder of the 2014 black sea bass recreational fishery season. This 5% reduction is also reflected in the aforementioned changes in the southern states (the initial reduction was 7% but changed with updated harvest estimates).

For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to adopt the adjustment for the states of DE to NC for the recreational black sea bass 2014 season (extend the season to September 21).

Motion made by Mr. O'Reilly and seconded by Mr. Borden. Motion carries without objection.

Move to have the Technical Committee provide options for the northern states of MA to NJ to achieve the 5% reduction instead of the 7% reduction for the black sea bass recreational fishery.

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

AMERICAN EEL MANAGEMENT BOARD (AUGUST 7, 2014)

Press Release

ASMFC American Eel Management Board Delays Action on Draft Addendum IV until October

Alexandria, VA – The Commission's American Eel Management Board met to consider final approval of Draft Addendum IV to the Interstate Fishery Management Plan (FMP) for American Eel. Draft Addendum IV proposes a suite of options to address the commercial glass, yellow, and silver eel fisheries along the Atlantic coast. Management options under consideration include glass and yellow eel quotas, a catch cap for the yellow eel fishery, and a seasonal closure and license cap for the silver eel fishery in the Delaware River in New York. The Draft Addendum also includes glass eel harvest allowances for aquaculture purposes and as credit for habitat restoration programs.

The Board reviewed public comment from state public hearings conducted along the coast and written comment submitted to the Commission. After lengthy deliberations of the extensive proposed management options and in recognition of the states' varying interests and needs, the Board decided to postpone final action on the Draft Addendum IV. In the interim, Board will convene a subcommittee of its members to identify preferred management measures to be considered by the Board for final action at the Commission's Annual Meeting in Mystic, Connecticut the week of October 27, 2014.

The Draft Addendum is the second phase of management action in response to the 2012 American Eel Benchmark Stock Assessment indicating the American eel population in U.S. waters is depleted. Causes of decline are likely due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. The stock has declined in recent decades and is currently under consideration by the U.S. Fish and Wildlife Service for listing as threatened under the Endangered Species Act. For more information, please contact Kate Taylor, at ktaylor@asmfc.org or 703.842.0740.

PR14-28

Motions

Main Motion

Move to implement a license cap of nine annual permits for the New York Delaware River weir fishery.

Motion made by Mr. Gilmore and seconded by Mr. Stockwell.

Motion to Amend

Move to amend to limit those permitted participants that fished and reported landings from 2010 to 2013 without transferability.

Motion made by Mr. Nowalsky and seconded by Mr. Lustig. Motion carries (9 in favor, 8 opposed, 1 null).

Main Motion as Amended

Move to implement a license cap of nine annual permits for the New York Delaware River weir fishery and limit to those permitted participants that fished and reported landings from 2010 to 2013 without transferability.

Motion fails (4 in favor, 10 opposed, 2 abstentions, 1 null).

Move to implement a license cap of nine annual permits for the New York Delaware River weir fishery and limit to those permitted participants that fished and reported landings from 2010 to 2013.

Motion carries (13 in favor, 4 opposed, 1 null).

Main Motion

Move to approve option 5a and option 6 for the yellow eel fishery.

Motion made by Mr. O'Connell and seconded by Mr. O'Reilly. Motion postponed.

Motion to Substitute

Move to substitute option 1 status quo.

Motion made by Mr. Nowalsky and seconded by Mr. Gilmore. Motion fails (5 opposed, 13 in favor).

Motion to Amend

Move to amend option 5a to read option 5 with a 5% reduction.

Motion made by Mr. O'Connell and seconded by Mr. Gary. Motion fails (7 in favor, 9 opposed, 2 abstentions).

Motion to Amend

Move to amend to approve option 4a.

Motion made by Mr. Nowalsky and seconded by Mr. Gilmore. Motion fails (7 in favor, 11 opposed).

Motion to Amend

Move to amend to base quotas on 2010 harvest as reduced by 5% for a total allowable quota of 929,104 pounds with a 2,000 pound minimum allocation added.

Motion made by Dr. Daniel and seconded by Mr. Bellavance. Motion fails (6 in favor, 12 opposed).

Motion to Amend

Move to amend for option 8a.

Motion made by Mr. Clark and seconded by Rep. Kumiega. Motion fails (2 in favor, 16 opposed).

Motion to Amend**Move to amend option 5a to option 2a with a 15% reduction.**

Motion made by Mr. O'Connell and seconded Dr. Daniel. Motion fails (Roll call vote: In favor – NH, MD, NC, SC, GA, FL; Opposed – ME, MA, RI, CT, NJ, PA, DE, PRFC, VA; Null – NY; Abstentions – NMFS, USFWS).

Move to postpone further action on this addendum until the October meeting.

Motion made by Mr. Abbott and seconded by Mr. Stockwell. Motion carries.

Move to give working group guidance that the yellow eel quota meet the TC's recommendation (907,671 pounds).

Motion made by Mr. Grout and seconded by Mr. Simpson. Motion carries (Roll call vote: In favor – NH, MA, RI, CT, NY, NJ, PA, MD, PRFC, NC, SC, GA, FL, NMFS, USFWS; Opposed – ME, DE, VA).

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (AUGUST 7, 2014)*Press Release***ASMFC South Atlantic Board Approves Traffic Light Approach to Assess Stock Trends and Initiate Management Response for Spot & Atlantic Croaker**

Alexandria, VA – The Commission's South Atlantic State/Federal Fisheries Management Board approved two Addenda, one to the Omnibus Amendment for Spot and one to Amendment I to the Atlantic Croaker Fishery Management Plan (FMP). The Addenda establish a new management framework (i.e., Traffic Light Approach or TLA) to evaluate fisheries trends and develop state-specified management actions (i.e., bag limits, size restrictions, time & area closures, and gear restrictions) when harvest and abundance thresholds are exceeded.

The TLA is a statistically-robust way to incorporate multiple data sources (both fishery-independent and -dependent) into a single, easily understood metric for management advice. It is often used for data-poor species, or species which are not assessed on a frequent basis, such as blue crabs in North Carolina and snow crabs in the Gulf of St. Lawrence. As such, it serves as an excellent management tool for spot, which has not been assessed on a coastwide basis and Atlantic croaker, which was last assessed in 2010.

The name comes from assigning 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 increase relative to their long-term mean, the proportion of green in a given year will increase and as harvest or abundance decrease, the amount of red in that year becomes more predominant. Under the Addenda, state-specific management action would be initiated when the proportion of red exceeds the specified thresholds (for both harvest and abundance) over three consecutive years for Atlantic croaker and two consecutive years for spot. Management measures would remain in place for three years for Atlantic croaker and two years for spot.

The current management triggers for Atlantic croaker and spot compare annual changes in various indices (e.g. recent landings and survey information) to review trends in the fisheries. The Atlantic Croaker Technical Committee and Spot Plan Review Team had expressed concern that this annual review did not illustrate long-term trends in the stock nor did it include specific management measures to implement in

response to declines in the stock or fishery. The adopted TLA management framework replaces the current management triggers for both species.

The approved management frameworks for both species will be in place until the next benchmark stock assessment, currently scheduled for both species in 2016. Both Addenda will be available on the Commission website, www.asmf.org, under Breaking News. For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR14-29

Meeting Summary

The South Atlantic Board met to review and consider approval of the Atlantic Croaker and Red Drum FMP Reviews and consider *de minimus* status requests and the Draft Red Drum Terms of Reference (TORs) for the upcoming benchmark stock assessment. The Board approved the FMP Reviews and compliance reports for both species, granting *de minimus* status for New Jersey (red drum), Delaware (Atlantic croaker and red drum), South Carolina (Atlantic croaker), Georgia (Atlantic croaker), and Florida (Atlantic croaker).

The Board reviewed and approved the draft TORs for 2015 red drum stock assessment. The Board discussed the need to evaluate and determine when the red drum stocks could be considered rebuilt, while acknowledging the difficulty in doing so given the limitations of the biomass estimates. The Red Drum Stock Assessment Subcommittee will work on these considerations through modeling and data updates.

For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

Motions

Move to adopt Option 3: the state-by-state management framework and Sub-Option 3B: Multiple Population Characteristics criteria, for Draft Addendum I to the Omnibus Amendment for Spot and Draft Addendum II to Amendment 1 of the Atlantic Croaker FMP.

Motion by Mr. Grist, second by Mr. Woodward. Motion carries unanimously.

Move to accept compliance reports for Atlantic croaker and approve *de minimis* requests as presented.

Motion made by Mr. Nowalsky and seconded by Mr. Grist. Motion carries without opposition.

Move to approve compliance reports and accept *de minimis* requests for DE and NJ.

Motion made by Dr. Daniel and seconded by Mr. Boyles. Motion carries.

Move to approve the TORs for the red drum stock assessment as presented.

Motion made by Mr. Woodward and seconded by Mr. Grist. Motion carries.



Rhode Island Marine Fisheries Council

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August 25, 2014

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

Re: CRMC Aquaculture Lease Application 2014-03-013 -- Bazarnick

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC) on July 24, 2014 for review. Based on the determination that the proposal poses potential conflicts with wild-fishery activities in the area, the RIMFC voted not to recommend approval of the application. In making its determination, the RIMFC focused specifically on RIGL §24-12-51.1, which authorizes the Directors of DEM and DOT to consider use of the former Jamestown Bridge site and adjacent waters for the establishment of a public fishing pier, boat access and/or park. Since the proposed aquaculture lease application would be located within the area set aside for the above-described uses, the RIMFC considers the lease application to be in conflict with those uses.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC