



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

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

MEETING NOTICE

October 5, 2015 – 6:00 PM

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

Agenda item	Description	ePacket Attachment(s)	Recommended action(s)
1. Approval of tonight's agenda	10-5-2015 meeting agenda	<u>Tonight's agenda</u>	Approval of agenda and/or recommendations for modifications.
2. Approval of minutes from last meeting	8-25-2015 meeting minutes	<u>Minutes 8-25-15</u>	Approval of minutes and/or recommendations for modifications.
3. Public Comments	Comments from the public on any items not on agenda		Discussion and/or possible future action.
4. New business	a. <u>2016 Sector Management Plans:</u> <ul style="list-style-type: none"> • <u>Finfish plan:</u> <i>N. Lengyel</i> • <u>Shellfish plan:</u> <i>J. Mercer</i> • <u>Crustacean plan:</u> <i>S. Olszewski</i> 	<ul style="list-style-type: none"> • <u>Workshop presentation</u> • <u>Draft Finfish plan</u> • <u>Draft Shellfish plan</u> • <u>Draft Crustacean plan</u> 	Provide recommendations on each licensing endorsement to include in plans.
	b. <u>Public Hearing (9/21) Items:</u> <ul style="list-style-type: none"> • <u>Licensing:</u> <i>J. Lake</i> • <u>Aquaculture:</u> <i>J. Mercer</i> • <u>Lobster:</u> <i>S. Olszewski</i> • <u>Repeal of Part III – Marine Fisheries Council:</u> <i>J. McNamee</i> • <u>Repeal of 2015 Sector Management Plans:</u> <i>J. McNamee</i> 	<ul style="list-style-type: none"> • <u>Public notice</u> • <u>Hearing presentation</u> • <u>Proposed Licensing regs</u> • <u>Proposed Aquaculture regs</u> • <u>Proposed Lobster regs</u> • <u>RIMFR Part III Marine Fisheries Council</u> • <u>Summary of public hearing comments</u> 	Provide recommendations to the Director on hearing items.
	c. <u>Advisory Panel reports:</u> <ul style="list-style-type: none"> • <u>IAC (7/9):</u> <i>C. Rein</i> • <u>Shellfish (8/12):</u> <i>J. Grant</i> 	<ul style="list-style-type: none"> • <u>IAC meeting minutes</u> • <u>SAP meeting minutes</u> 	FYI, discussion, consideration of future actions.

	d. <u>SAP applications/ appointments:</u> <i>B. Ballou</i> <ul style="list-style-type: none"> • Roger Tellier • Richard Pastore 	<ul style="list-style-type: none"> • <u>Tellier application</u> • <u>Pastore application</u> 	Review of applications – appointments.
	e. <u>Winter Harvest Schedules in Shellfish Mgmt. Areas:</u> <i>J. Grant; J. Mercer</i>	<ul style="list-style-type: none"> • <u>Presentation</u> • <u>Proposed annotated regulations</u> 	Provide recommendation to the Director for winter 2015-2016 harvest schedules.
5. Old business	f. <u>Extension of Bissel Cove oyster moratorium:</u> <i>E. Schneider</i>	<ul style="list-style-type: none"> • <u>Presentation</u> • <u>Proposed regulations</u> 	Recommendation to extend moratorium for an additional 5 years.
	e. <u>Draft Council policy documents:</u> <i>B. Ballou</i> <ul style="list-style-type: none"> • RIMFC • Ad-hoc Committees • SAP • IAC 	<ul style="list-style-type: none"> • <u>RIMFC policy</u> • <u>Ad-hoc Committee policy</u> • <u>SAP policy</u> • <u>IAC policy</u> 	Review/discussion of draft policy documents. Provide comments/edits for adoption at future Council meeting.
6. Other business	Any other matters that Council members would like to discuss.		FYI, discussion, and/or consideration of future actions.
7. Next Meeting – P. Duhamel			
8. Adjourn			

All RIMFC Meetings are open to the public



Rhode Island Marine Fisheries Council

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

MEETING MINUTES

August 25, 2015

Chairperson: *B. Ballou*

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

DEM: *L. Mouradjian, G. Powers, J. McNamee, S. Olszewski, J. Mercer, N. Lengyel, E. Schneider, D. Erkan, P. Duhamel, J. Poccia (DLE), D. Costa*

Public: 8 - 10 persons.

- 1) **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; hearing none, the agenda was approved.
- 2) **Approval of RIMFC meeting minutes from June 1, 2015:** *B. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
- X) **Public comments regarding other matters not on agenda (added agenda item as inadvertently omitted in preparation of agenda):** No comments were offered by the public.
- 3a) **Announcement of new Chief of Marine Resource Management, Jason McNamee:**

Remarks were provided by J. McNamee
- 3b) **Announcement of new/newly appointed Council members:**
B. Ballou announced re-appointed member *Jeff Grant* and newly appointed member *Andy Dangelo*.
- 3c) **Review of Council policies and procedures:**
 - *B. Ballou* provided a recap of the Division's LEAN review and the new procedures that have been tested over the past year, with emphasis on the Division's perceived benefits that have been realized with the trial process. *J. McNamee* provided a brief presentation and further detail of the LEAN review, a summary of the new structure of pre-hearing workshops in lieu of AP meetings tried over the past year, and the benefits gained from the new structure. Discussion ensued regarding pros and cons of the new structure. *D. Monti* conveyed concern from fishermen regarding the amount of time that the public and interested groups have time to synthesize information and formulate proposals prior to the meeting. *J. McNamee* responded that the Division had taken great care to assure that such time was available; by extending the public comment period beyond the night of the hearing, posting the workshop presentations well in advance, and the regulations are available 30 days in advance. He offered that a major problem was that more information

would routinely come into the Division after an AP meeting, and emphasized little real difference. *A. Dangelo* offered that some issues require more time to discuss before the hearing and emphasized the need for providing information as soon as possible in order for time to digest information before the hearing. *J. McNamee* offered that the Council could still organize an advisory panel/focus meeting on an on-needed basis, but these would be ad-hoc rather than membership based committees. *R. Hittinger* offered that AP meeting might be best for important issues to allow for industry and/or user group discussion in advance of the hearing, and some panel meetings were well attended and therefore useful (e.g., Fluke). *J. McNamee* emphasized that even panel meetings that were well attended did not usually provide for broad based recommendations to the Council, but more slanted opinions based on the topic and potential impact to affected fishermen. He therefore emphasized that AP's did not function as designed, and that the new structure improves upon this by presentation of up-to-date information and additional time after the hearing to submit comments. *B. Macintosh* offered support for the new process; citing efficiencies gained and improved public participation; to which *J. Grant* concurred. He thought the new structure was much more efficient in terms of time saved by not re-visiting the same matters multiple times, and that the old process did not necessarily provide for better advice to the Council. *A. Dangelo* offered that early meeting offer an opportunity to dispel bad feelings before getting to the hearing, and that ad hoc structure would work best. *K. Booth* emphasized that advisory meetings should occur as needed particularly for derisive issues. *B. Ballou* offered that the Shellfish AP and IAC would remain. *J. McNamee* offered that ad hoc committees are under the Council, so meetings must be requested by a Council member and not originate with Division staff. *J. McNamee* emphasized that it is the goal of the new process to improve dialogue, and he believes that it is. *B. Ballou* offered that Council policy can always be revised at a later date if necessary.

B. Ballou asked *G. Powers* if Council member should be providing public comment at the hearings. *G. Powers* offered that Council members participating in both the hearing and subsequent Council meeting on the same subject matter could be problematic, but that specific guidance is lacking in the matter. *M. Gibson* offered that there needs to be clear distinction between Council and DEM ownership with public meetings, specifically with the workshop. He offered that simultaneously holding DEM workshops while also having AP meetings would nullify any gains that the LEAN structure provides. He emphasized the need for a decision or vote that would assure that no conflicts arise between development of Council advisory/adhoc committees and the workshop. *K. Booth* offered that it is best for Council members to withhold commenting during hearings; that it is best not to compromise ability to freely discuss during the Council meeting. Upon conclusion of the ensuing discussion, ***Dave Monti made a motion to revise Council policy such that Council members are urged to participate freely in workshop discussions, but refrain from commenting during the hearing unless recusing themselves from the matter at the subsequent Council meeting; 2nd by K. Booth.*** *L. Mouradjian* offered that they should consider offering a comment at the hearing if they wanted to present an option for consideration that may not be brought up otherwise; as such option may not be able to be brought up initially at a Council meeting after the close of the public comment period. *J. Carvalho* offered that it was more important for Council members to refrain from commenting during the hearing, as their value was best served as Council members, and that it also had much better appearance. Discussion concluded; **the motion passed 7 – 0.**

B. Ballou went back to *M. Gibson's* comment regarding ownership of public meetings. *J. Grant* offered that the workshop is DEM's, and also that the need for an Adhoc advisory panel meeting should also be DEM's. *M. Gibson* offered that the workshop should replace and serve as the advisory panel meeting to assure that both workshop and AP meeting does not occur on the same topic. He emphasized that if the Council was satisfied that the workshop adequately provides for the input they're looking for, then it should be specifically stated and voted on as such, otherwise there is risk with adding duplication and negating LEAN benefits. *M. Rice* offered that he agreed with *M. Gibson's* comment as long as the Council maintained the ability to establish Adhoc committees as they deem appropriate; to which all concurred. *P. Duhamel* offered to draft a revision of the Council's *Species Advisory Panel* policy to reflect changes as discussed. *J. Carvalho* offered that the Council as a civil body offers a check/balance to proposals offered by DEM, and that such check is a critical component to assure public involvement and protection, and must therefore remain intact.

- Discussion then focused on the Council's **Aquaculture policy**. *P. Duhamel* provided an overview of the current review process and possible issues with this review, namely that of the SAP addressing all competing uses that the Council is required to be reviewing for; and that due to the increase in applications, the issue is becoming more necessary to address. Discussion ensued about the Council's review. *J. McNamee* offered that the SAP may not be addressing all competing uses due to SAP membership and the particular interests of members. Potential conflicts of leases with recreational fishing activity were of particular concern. *J. Grant* offered that he didn't think the Council should review all applications as Council meets infrequently and applications must be reviewed in a timely manner; which a reason that SAP reviews, but offered that the SAP was problematic for a comprehensive review of all competing uses. *K. Booth* inquired as to the CRMC notification process and if all interested parties were made aware of the application. He offered that the Council provides an additional review after SAP if needed to assist in the review and better assure this is met. *J. McNamee* offered that the SAP is problematic as various interests are not always well represented; and offered an example of an application in a coastal pond location may receive no SAP objection as none of the membership fishes in the coastal ponds. He offered broad based recommendations representing a full vetting of all competing uses is not occurring, and that such a review was becoming more important as the frequency of applications and potential for competing conflicts increases. He offered that a recent application was brought to the Council only after *J. Mercer* brought it to the attention of *R. Hittinger* due to potential conflict with recreational fishing; and that he was very uncomfortable with the liability falling upon the Division for Council review. He offered that data for such uses is minimally available, so it is important that persons and entities with personal knowledge of uses are seeing applications and offering comments. *J. Grant* offered that membership at SAP meetings is routinely low when only aquaculture review on the agenda, but he was unaware how best to resolve, that the need is broad and there is currently no group that could comprise such a broad review; and that the IAC was not the solution either. *D. Monti* offered that a recreational fishing representative should be added to the SAP as a best possible solution; to which *R. Hittinger* concurred. *J. Mercer* offered that the current SAP membership is comprised mostly of upper bay fishermen, and that the majority of applications are in lower bay and coastal ponds. Adequate review in these waters is therefore not occurring with the SAP, and may not improve greatly even if all SAP vacancies were filled. *J. McNamee* offered that spatial planning would be extremely beneficial to aid in the review, and that data is becoming available to provide overlays of

potential conflicts. *B. Macintosh* inquired as to a URI study looking at uses in the ponds; to which *J. McNamee* concurred was on-going. *J. Carvalho* offered that CRMC promotes aquaculture, and that therefore DEM and the Council share a greater responsibility as a check/balance of CRMC to assure that a review of all conflicts takes place and the resource is properly protected. *J. Grant* offered that the Council must be more diligent with looking for at applications. *K. Booth* offered that as leases are for 15 years, the Council must be diligent to review applications. He offered that spatial planning would be greatly beneficial to aid in the review. *L. Mouradjian* offered that the wildlife section of F & W has expressed concern regarding potential conflicts with waterfowl hunting, and that DEM must look into reviewing for conflicts previously not considered. *D. Erkan* offered that CRMC is under no obligation to adhere to a Council or DEM recommendation not to approve an application. He offered that the CRMC review criteria of low shellfish densities in the area of the lease is often taken as an endorsement for a lease rather than a need for restoration, which is inconsistent with DEM responsibilities, particularly in the coastal ponds as Shellfish Management Areas.

- **Council approval of SAP and IAC agendas:** *B. Ballou* provided an overview of the current policy; that is that the Council must meet in order to approve a meeting agenda. *J. McNamee* offered that such policy creates seemingly unnecessary additional administrative steps with no perceived benefit. *R. Hittinger* offered that email communication should suffice to solicit comments and get approval for agendas. *J. Grant* offered that agendas should be developed by Panel Chair and Division staff person and forwarded to the Council for input prior to noticing. Concern was expressed about the need for public input into the agenda; to which *J. Grant* replied that any member of the public is afforded opportunity to address issues not on the agenda, and that such issue could then be presented at a future meeting. Upon conclusion of the discussion, it was determined that the policy would be amended such that Council meeting is not required for AP agenda approval, that agendas will be prepared by the Panel chair and Division staff, and be circulated via email to Council members before noticing. *P. Duhamel* will prepare a revised draft policy for consideration.

3d) **Marine Fisheries “LEAN” bill and changes to procedures:** *J. McNamee* provided an overview of recently passed legislation and changes to procedures for the Marine Fisheries office.

3e) **Proposed repeal of RIMFR Part III - Marine Fisheries Council:** *J. McNamee* provided the rationale for repealing this regulation; namely that is mainly utilized for changes to commercial trip possession limits, and that such is no longer required due to recently passed legislation. He explained that the proposed repeal is on the public notice for the September 21 public hearing, and that Council vote will be sought at the October meeting.

3f) **Review of draft Sector Management Plans:**

J. McNamee offered that the annually prepared Sector Management plans are available in draft form for review.

4) **FYI Items:**

B. Ballou provided an overview of the FYI items

Meeting adjourned at approximately 9:00

Prepared by *P. Duhamel*

RIMFC

October 5, 2015

Sector Mgmt. Plans for Finfish,
Shellfish, and Crustacean



2016 SECTOR MANAGEMENT PLANS

- ◆ Purpose of Plans are to formulate licensing recommendations and exit/entry ratios to manage effort and harvest of marine species
- ◆ Developed for each major fishery type:
 - Finfish
 - Shellfish
 - Crustacean
- ◆ Management recommendations formulated based on stock status and health of species



FINFISH



2016 *Finfish* Sector Management Plan

Restricted species

◆ Summer flounder:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is occurring as of 2014;
 - ◆ Quota will decrease by 29% in 2016.
- Recommended 2016 effort:
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

- Scup:
 - ◆ Stock Status:
 - Not overfished;
 - Overfishing is not occurring;
 - Quota will be slightly less than 2015.
 - ◆ Recommended 2016 effort:
 - Maintain 2015 effort during Summer;
 - Continue in non-restricted category during Winter sub-periods.



2016 *Finfish* Sector Management Plan

◆ Tautog:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is occurring;
 - ◆ Benchmark assessment complete; management being contemplated at ASMFC for 2016.
- Recommended 2016 effort:
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

◆ Striped Bass:

• Stock Status:

- ◆ Not overfished;
- ◆ Overfishing is not occurring;
- ◆ Addendum implemented in 2015;
- ◆ Draft update stock assessment completed, to be reviewed at November board meeting.

• Recommended 2016 effort:

- ◆ Maintain effort at or below 2015 level;
- ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

◆ Black Sea Bass:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Stock still managed by constant catch; benchmark assessment to take place in 2016.
- Recommended 2016 effort:
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

- ◆ Licensing recommendations for Restricted Finfish endorsement:
 - Maintain 1:1 exit/entrance ratio (6 licenses with activity not renewed = 6 new PEL licenses w/restricted finfish available).



2016 *Finfish* Sector Management Plan

Non-restricted species

◆ Winter Flounder:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is not occurring;
- Recommended 2016 effort:
 - ◆ Consider changes in management to allow more liberal commercial possession limit in state waters;
 - ◆ Any changes in state waters management would be the result of and in accordance with an increased ACL allotted to states from the ASMFC Winter Flounder Management Board.



2016 *Finfish* Sector Management Plan

◆ Bluefish:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Benchmark assessment completed;
 - ◆ Quota could be reduced from 2015.
- Recommended 2016 effort:
 - ◆ Consider changes in management to stabilize catch rates such as implementing sub-period possession limits;
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Maintain in non-restricted category.



2016 *Finfish* Sector Management Plan

◆ Menhaden:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Amendment 3 is being developed, should be ready for management in 2016 (potentially alters allocations for states).
- Recommended 2016 effort:
 - ◆ Maintain effort at or below current level;
 - ◆ Maintain in non-restricted category.



2016 *Finfish* Sector Management Plan

◆ Monkfish:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring.
- Recommended 2016 effort:
 - ◆ RI state-water quota was not reached in 2014 federal fishing year;
 - ◆ Allow effort to increase above current levels;
 - ◆ Maintain in the non-restricted species category.



2016 *Finfish* Sector Management Plan

◆ Cod:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is occurring.
- Recommended 2016 effort:
 - ◆ RI state-water quota was not reached in 2014 federal fishing year;
 - ◆ Allow effort to increase above current levels;
 - ◆ Maintain in the non-restricted species category.



2016 *Finfish* Sector Management Plan

- ◆ Licensing recommendations for Non-restricted Finfish endorsement:
 - Maintain open entry.



SHELLFISH



2016 *Shellfish* Sector Management Plan

◆ Quahaug:

- Stock Status: Stable; fishing mortality under 0.3 which is below overfishing threshold.
- Licensing recommendation:
 - ◆ IAC: Amend current 2:1 exit/entry ratio to 1:1 for Quahaug endorsement.
 - ◆ Division: Agrees with IAC recommendation as does not anticipate significant increase in participation or resulting impact to fishery (32 eligible licenses not renewed = 32 quahaug endorsements available).



2016 *Shellfish* Sector Management Plan

◆ Soft-shell Clam:

- Stock Status: Status is poor, 2012-2014 landings were down ~94% from the 2005 – 2010 average
- Licensing Recommendation:
 - ◆ IAC: Amend current 5:1 exit/entry ratio to 1:1 for soft-shell clam endorsement (51 eligible licenses not renewed = 51 new endorsements available);
 - ◆ Division: Due to poor stock status, maintain current 5:1 exit/entry ratio 1:1 (51 eligible licenses not renewed = 12 new endorsements available);



2016 *Shellfish* Sector Management Plan

♦ Whelk:

- Stock Status: Abundance is declining; fishing mortality is increasing, however unlikely that overfishing is currently occurring.
- Licensing Recommendations:
 - ♦ Maintain status quo;
 - Whelk endorsement not available to new license applicants;
 - Endorsement available **only** to PEL or CFL license holders w/ Quahaug or SS Clam endorsement.
 - 39 eligible licenses not renewed.



2016 *Shellfish* Sector Management Plan

♦ Shellfish Other:

• Stock Status:

- ♦ Oysters: Sharp decline in abundance since 1990's.
- ♦ Other species: Data largely unavailable.

• Licensing Recommendations for Shellfish Other endorsement:

- ♦ Maintain status quo
 - Maintain harvest level;
 - Maintain current species listed in endorsement category;
 - Maintain open entry.



CRUSTACEAN



2016 Crustacean Sector Management Plan

◆ American Lobster:

• Stock Status:

- ◆ Is in poor condition;
- ◆ Is below the abundance threshold;
- ◆ Is at or near the fishing mortality threshold;
- ◆ Is depleted with overfishing occurring;
- ◆ Is below the effective exploitation threshold;
- ◆ Benchmark assessment completed.

• Licensing recommendation:

- ◆ Maintain moratorium on the issuance of new American lobster endorsements.



2016 Crustacean Sector Management Plan

♦ Horseshoe Crab:

• Stock Status:

- ♦ Is overfished;
- ♦ Overfishing is not occurring.

• Licensing recommendations:

- ♦ Maintain open entry for the issuance of Horseshoe Crab harvest permits;
- ♦ The current permit required to harvest Horseshoe crabs should be added as a license endorsement; DFW may look to pursue in future.



2016 Crustacean Sector Management Plan

- ◆ Non-lobster Crustacean endorsement:
 - Jonah and Rock Crab:
 - ◆ Stock Status:
 - Not overfished;
 - ASMFC Fishery Management Plan approved August 2015.
 - Blue Crab:
 - ◆ Stock Status:
 - Abundance currently above the time-series mean;
 - Insufficient data to assess.
 - Other crabs: Insufficient data



2016 Crustacean Sector Management Plan

- ◆ Licensing recommendations for non-lobster Crustacean endorsement:
 - Maintain open entry to all non-lobster crustacean fisheries at this time.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES



2016 Finfish Sector Management Plan

DRAFT

Authority: R. I. Gen. Laws Chapter 42-17.1, Section 20-1-4, and Section 20-2.1-9, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

TABLE OF CONTENTS

Introduction	3
Restricted Finfish Endorsement	4
Summer Flounder	4
Scup	6
Tautog	7
Striped Bass	9
Black Sea Bass	11
Licensing Options and Recommended Exit/Entry Ratios	11
Non-restricted Endorsement	12
Winter Flounder	12
Bluefish	15
Menhaden	16
Monkfish	17
Cod	19
Licensing Options and Recommendations	20
Literature Cited	21
Tables	23
Signature Page	29

DRAFT

INTRODUCTION

During the 2002 legislative session, the Rhode Island General Assembly adopted the Commercial Fisheries Management Act establishing a new commercial fishing license system and ending the moratorium on the issuance of new commercial fishing licenses that had been in place since 1995. To meet the purposes of the act, licensing regulations developed by DEM in 2002 created two endorsement categories for finfish: *Restricted* and *Non-Restricted*. The *Restricted* category is comprised of those finfish species in which commercial access to the fishery is limited (i.e., restricted); while species in the *Non-Restricted* category are available to all participants. Pursuant to RIGL §20–2.1-9, fisheries identified for consideration of restricted access are those “for which there is adequate or greater than adequate harvesting capacity currently in the fishery”, or are managed under a state quota system to prevent over-fishing. Hence, this management plan has been developed to identify those fisheries where access will be limited and those for which additional effort is warranted and new licenses may be issued pursuant to RIGL §20–2.1-9(5).

As stated in RIGL §20-2.1-2, the licensing regulations should seek to “*preserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation*” and to “*provide Rhode Islanders who wish to fish commercially the opportunity to do so, and end the moratorium on issuance of new commercial fishing licenses so that new licenses may be issued..*” and “*respect the interests of residents who fish under licenses issued by the state and wish to continue to fish commercially in a manner that is economically viable.*” This plan will be updated annually and the list of restricted/non-restricted species evaluated with respect to stock status, current performance of the fishery, and quotas. In order to attain sustainable levels of effort (i.e. those effort levels that can be maintained while keeping fisheries open with economically viable possession limits), the number of restricted finfish licenses renewed will be reviewed annually in consideration of exit-entry ratios needed to maintain desired levels of effort.

One of the primary outcomes of the plan and management tools implemented to manage the fisheries is that of exit/entry ratios, or the number of new entrants allowed into the fishery when an existing license is not renewed. Any recommended exit/entry ratios are also provided in proposed accompanying Licensing regulations, which provides for public comment at a required public hearing. Proposed regulations and exit/entry ratios then go before the RI Marine Fisheries Council, a body of eight (8) members appointed by the governor to provide recommendations on marine fisheries regulations, before the DEM Director renders her final decision.

This management plan is developed in support of commercial licensing pursuant to RIGL 20-2.1-9(5) and will be updated annually.

RESTRICTED FINFISH ENDORSEMENT

The primary goals for quota-managed fisheries are to maintain open seasons while maintaining possession limits that are economically viable for the industry, and results in fewer regulatory discards. Due to the multi-species nature of the fishing industry however, increased effort may result in shorter seasons and an increase in such discards, as many quota-managed species are captured during closed seasons or those species when targeting species that are open for harvest.

Several questions need to be answered prior to increasing effort in these fisheries. First, have management goals been realized with current management? With current levels of effort there is a minimum quota amount needed to attain these goals, which raises a second question. Have any of the quotas in recent years been adequate to meet these goals, and what will future quotas be? Finally, would increasing effort negatively impact current license holders through shorter seasons and lower possession limits?

At this time, five (5) finfish species are included in the restricted category: striped bass, scup, summer flounder, black sea bass, and tautog. Two other species (menhaden and monkfish) have been considered for inclusion in this category, however restrictions were achieved through other methods including gear endorsements (menhaden) and management plan changes (monkfish). All species for which the state is allocated a quota are categorized as restricted, with the exception of bluefish, since the quota has been greater than harvest levels since the quota was established.

Summarized below are the stock status reports, management programs, and performance reports of species currently included in the restricted finfish category.

SUMMER FLOUNDER

Stock Status: In 2015, the stock assessment and biological reference points for the summer flounder stock were updated and reviewed through an update assessment process. The update assessment results, using a statistical catch-at-age modeling approach, indicated that the summer flounder resource is not experiencing overfishing but is overfished relative to the established biological reference points in 2014. The summer flounder stock is defined as overfished if the stock's SSB falls below the biomass (SSB) threshold, currently defined as $\frac{1}{2}SSB_{MSY} = 68.78$ million lbs. The SSB for 2014 was estimated to be 88.90 million lbs. This is 35% below the SSBtarget = 137.55 million lbs. The overfishing definition for the summer flounder stock is defined as $F_{msy} = 0.31$. The 2014 fishing mortality rate estimate ($F_{2014} = 0.359$) is above the fishing mortality reference point. Fishing mortality in 2014 may have been higher, as a retrospective analysis indicated that the current assessment method tends to underestimate F in recent years.

Management Program: In state waters, DEM manages summer flounder in consultation with the RI Marine Fisheries Council (RIMFC). Regional management of summer flounder is the shared responsibility of Mid-Atlantic Fishery Management

Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASMFC). Existing DEM regulations provide a framework to manage the annual summer flounder quota allocated to RI through possession limits and seasons. The total commercial quota was allocated into three sub-periods based on the proportion of catches during the years 1980 through 1989. The original management plan in state waters had four sub periods. These percentages and sub-periods were altered in 2007 by combining the two summer sub-periods and combining the historical summer allocation, giving this period (May–October) a 35% allocation, leaving the winter 1 period allocation at 54% (January – April) and the winter 2 period allocation at 11% (November – December). Another management change in 2007 was the inclusion of an aggregate landings program in the summer sub-period. The 2007 management plan as described above was maintained during 2008 through 2014 when a further modification was put in place, which shortened the summer sub period (now ends on September 15) to better align with the residence time of summer flounder in state waters as well as providing a better opportunity to remain open at 100 pounds per day during this sub period.

In RI, management of the fishery for summer flounder has been difficult and the subject of frequent allocation disputes. Larger trawl vessels prosecute the winter commercial fishery offshore. During the summer, smaller trawl vessels, floating trap, gill net, and rod and reel fishermen direct their efforts on this species inshore, along with a substantial recreational fishery. Frequent possession limit reductions and closures are enacted by the RIDFW during each sub-period to keep RI landings within the quota allocated by MAFMC and ASMFC (Table 2a, b).

DEM implemented a Summer Flounder Exemption Program in 1995 to limit the number of vessels that could participate in the directed fishery, based upon their historical participation. At that time, a 200-pound limit was established for anyone who did not qualify for participation in the Exemption Program. Due to the stock biomass in the near shore waters and the number of license holders eligible to direct on the summer flounder fishery, the spring and summer sub-periods have been fully exhausted, even with low trip limits of 100 to 50 pounds.

Performance of Fishery and Quotas: Under current levels of effort, the summer flounder fishery has been frequently closed or dropped to low possession limits in recent history. The season most affected has been the summer because of the allocation available coupled with many participants. The proportion of summer flounder taken by different gear types during the summer months has changed over the past few years. The percentage harvested by otter trawl has declined each year during the period 1996 to 2000 while the proportion taken by all other gear types has increased with the greatest increase occurring for the rod and reel sector. As a result, the performance of the fishery has also changed over the years. In 2004, the RIMFC shifted the allocation by adding the additional quota of 469,653 pounds to summer I sub-period in order to maintain the fishery year around. This allocation succeeded in keeping the fishery open for the entire year. In 2005, rather than adding extra pounds to the first summer sub-period, an equal split of the summer allocation was implemented. It was thought that with the increase in quota in 2005, the fishery could remain open under this

regime. The summer flounder quota remained open for the entire 2005 season. Due to several factors in 2006, including the complete utilization of the winter I quota and a decreased state quota allocation, the summer flounder summer fishery saw both a possession limit decrease and a fishery closure. This was also the case in 2007 and 2008 due to a large decrease in quota for these years, while effort remained high on this species. The moderate increase in quota for 2009 was not enough to prevent premature closures in the late summer and early fall time period. The 2010 fishing year remained open with a possession limit decrease. The 2011 fishing season remained open all year with no possession limit decreases (and in fact there were several possession limit increases through the summer and fall). During 2012 there also was no closure but a shorter possession limit decrease was enacted during the summer sub period. The 2013 and 2014 fishing years remained open with one downward modification to the possession limits to prevent an early closure. Finally, in 2015 the summer sub period has remained open to date, and is projected to be fully harvested without a closure, though a drop to 50 lbs was needed to maintain an open fishery.

The quota for 2016 has been reviewed by the MAFMC's SSC (Table 3). The quota will see a significant decrease of 28% in 2016. With careful management of the quota during the summer months, the 2015 quota may be able to sustain an open fishery all year with no weekly closed days, but extended possession limit decreases will likely be needed in 2016.

DFW Recommendation: Maintain effort at or below current levels and maintain as a restricted species.

SCUP

Stock Status: The scup stock is not considered overfished and overfishing is not occurring. As for summer flounder, the scup stock is assessed using a statistical catch-at-age model. A benchmark assessment was undertaken in 2015 and this model indicated that the 2014 SSB level for the scup stock is 403.27 million pounds, well above the SSB target of 192.47 million pounds. SSB is projected to remain above the target as indicated in the most recent assessment information. The overfishing definition for the scup resource is defined as the fishing mortality (F) $F_{40\%} = F_{msy} = 0.220$. The most recent terminal year reference point from the stock assessment update for scup concluded that overfishing was not occurring with $F_{2014} = 0.127$ (NEFSC 2015).

Management Program: In state waters, DEM manages scup in consultation with the RI Marine Fisheries Council (RIMFC). Regional management of scup is the shared responsibility of the MAFMC and ASMFC. The scup Fishery Management Plan (FMP) sets annual quota specifications into three sub-periods. During the two winter sub-periods (January – April and November – December), the quota is available coast wide and is restricted through the implementation of trip limits. In 2014, RI moved scup during these winter periods to a non-restricted category. A state-by-state quota system is in place for the summer sub-period (May 1 – October 31), whereby quotas are distributed to the states based upon their percentage share of commercial landings for the period

May through October 1983–1992. RI further divides the state quota into a general category allocation (40%) and a fish trap allocation (60%). Scup remains in the restricted category during the summer months due to the constraint of the state quota.

Performance of Fishery and Quotas: Efforts to keep the scup fishery open throughout the summer period in the past had proven to be difficult due to the number of licensees who have open access to the fishery. A weekly limit was instituted in 2003 and beginning in 2004 the fishery remained open for the entire season. The 2015 quota has been sufficient to keep the fishery open throughout all of the sub-periods under the current management plan as of the date of the writing of this document, though a possession limit decrease was needed to keep the fishery open in 2015. This decreased possession limit was needed because the floating fish trap sector harvested much more of their allocation in 2015, thereby minimizing the amount of rollover pounds moved in to the general category fishery. The program for scup in state waters has performed well for the past several years, remaining open for the entire period, though quota transfers were needed from the floating fish trap sector to keep the general category open due to high catch rates.

The floating fish trap sector has harvested 36% of its quota so far in 2015. Through consultation with the floating fish trap operators, portions of the floating fish trap quota has been rolled in to the general category scup fishery throughout the sub periods to provide the opportunity for the entire commercial sector to harvest its scup allocation for 2015. As of the date of this report, 47% of the floating fish trap quota has been rolled in to the general category fishery.

The quota for 2016 has been reviewed by the MAFMC (Table 3). The quota will be less than the quota seen in 2015 by 1%. Catch rates in 2015 were high as of the writing of this document, but the quota so far has been adequate to maintain an open fishery, though a possession limit adjustment was needed to keep the first sub period open.

DFW Recommendation: Maintain effort at the current level during the summer state quota period to account for potential high catch rates in subsequent years that are scheduled to have quota decreases, which will work towards keeping the fishery open all year; and remove scup from the restricted species category during the winter sub-period where the quota is managed by the federal government, which would then allow for scup to be landed during this federal period without adverse impacts to RI's quota.

TAUTOG

Stock Status: The ASMFC Tautog Technical Committee completed the most recent benchmark stock assessment of tautog in 2015 (ASMFC 2015). This assessment was approved for management use, and is the first approved assessment to create regionally discrete assessments for this stock. As of this writing the stock units are still being debated, but RI will end up in a northern region, and the results of each northern region configuration indicate that fishing mortality rates have increased in recent years and is currently above the overfishing threshold. The northern region assessment

indicated low biomass. The current biomass is well below the SSB threshold. Exact numbers for these metrics will be available in 2016, but are not settled as of this writing due to the regional configuration of the northern region not being set at this point (northern region may or may not include CT). The main contributor to the fishing mortality rates appears to be recreational landings, which comprised approximately 75–90% of total landings over the past six years when viewed coastwide. Rhode Island is at the higher end of that range comprising approximately 90% of the landings coming from the recreational sector.

A regional approach to tautog management was approved by the ASMFC in 2008, allowing MA and RI to assess the tautog stock in the two state's waters. Even though this regional assessment allowed for a status quo management scenario, MA and RI decided on a proactive approach and did implement reduction measures in 2008. Despite these reduction measures the tautog stock continues to be subject to high recreational landings specifically in Rhode Island in the fall months.

Commercial landings have not risen appreciably since plan implementation in RI due to the constraint of a quota.

Management Program: The tautog resource is managed within state waters by the DEM with advice from the RIMFC. Regional management of the tautog resource is conducted by ASMFC through Addendum VI to the Tautog FMP, which was adopted in 2011. The FMP in part requires a reduction in fishing mortality in order to achieve an appreciable increase in spawning stock biomass. States were required to implement regulations that meet the required reductions by the start of their respective fisheries in 2012. The state commercial quota has not increased over the past few years. The commercial fishery in Rhode Island is managed through a combination of seasons, quotas, and possession limits. Although it is not specifically required by the FMP, Rhode Island established a commercial quota, which in part achieves the fishing mortality targets required by the FMP. In 2015, the commercial quota of 51,348 pounds was divided equally into three seasons with a daily possession limit of 10 fish.

Performance of Fishery and Quotas: A substantial increase in the quota would be needed to keep the commercial tautog fishery open throughout the defined seasons. This does not seem to be a realistic goal as the dynamics and size of this stock may never allow for a long open season with a large quota. Current fishing effort levels are clearly above the fishing power needed to harvest the quota with current possession limits and seasons. The spring quota remains difficult to manage due the imbalance of effort and allowable landings resulting in overages and high discard mortality, though with increased reporting accuracy and timeliness from RI seafood dealers, the spring sub period in recent years had only small overages relative to past years performance.

The commercial quota in 2016 will be the same as in 2015, minus any needed adjustments for overages.

DFW Recommendation: Maintain effort at or below current levels and maintain as a restricted species.

STRIPED BASS

Stock Status: The 2013 benchmark stock assessment of the Atlantic coast striped bass stock showed that the stock is not overfished and overfishing is not occurring (ASMFC 2013). The 2013 benchmark stock assessment incorporated changes and additions recommended by the 2007 benchmark review committee and used a statistical catch-at-age (SCA) model with data through 2012. The assessment, approved by the Board in 2013, proposed new fishing mortality (F) reference points to be consistent with the spawning stock biomass reference points. Total F was estimated to be $F=0.20$, between the newly proposed threshold and target levels, $F=0.219$ and $F=0.18$ respectively. Female spawning stock biomass (SSB) was estimated to be at 128 million pounds, above the threshold and below the target, 127 million pounds and 159 million pounds respectively (ASMFC 2013). Overall the assessment concluded that if the current fishing mortality rate is maintained through 2017, there is an increasing probability that the SSB will drop below the threshold (stock overfished) until 2015-2016 where the probability begins to decrease (ASMFC 2013).

In 2015 the Striped Bass technical committee is working to develop fleet-specific fishing mortality reference points for each of the three fleets in the SCA model (Chesapeake Bay, Ocean, and commercial discards). These reference points as well as the 2015 update assessment will be reviewed by the Striped Bass Management board in November of 2015. These fleet specific reference points, if approved for management, will ensure that the impact of the Chesapeake Bay and ocean fleets on the coastwide stock remains sustainable.

Management Program: Striped bass are managed by ASMFC through Amendment 6 to the interstate FMP, which requires minimum sizes for the commercial and recreational fisheries, possession limits for the recreational fishery, and state quotas for the commercial fishery (ASMFC 2003). Addendum 1 to Amendment 6 was approved in November of 2007. In November of 2010 the Striped Bass Management board approved Addendum 2 to Amendment 6 which keeps the coast wide Striped Bass quota at status quo, 70% of historical harvest levels. Addendum 2 redefines the juvenile recruitment data triggers and calculation methods and requires management action if there is recruitment failure for three years in a row. Addendum III to Amendment 6 was approved by the Striped Bass management board in August of 2012 to address the illegal harvest of Striped Bass and makes commercial Striped Bass tagging programs for Atlantic coast states mandatory. Addendum IV to Amendment 6 was approved by the Striped Bass management board in October of 2014. Addendum IV adopted new fishing mortality reference points and adopted new recreational and commercial management measures in order to reduce fishing mortality to at least the target. These management measures were implemented by states in 2015.

Regulations for the commercial striped bass fishery in Rhode Island include minimum sizes, possession limits, gear restrictions, seasons and quotas. The RI commercial quota is divided between two sectors, floating traps (39%) and a general category (61%). The quota for the general category, primarily rod and reel, was made available during two seasons during 2015. The first season was allocated 70% of the quota and the second season was allocated the remaining 30% of the general category quota. The floating fish trap fishery operators worked in a collaborative manner to manage their allocation with just one season in 2015 and no possession limits, but with very stringent reporting requirements.

The management plan for the general category striped bass fishery was modified in 2007. The commercial possession limits changed to a per vessel limit of 5 fish (as opposed to the per person possession limits of the past). A two-day per week (Friday/Saturday) closure was also implemented in 2007. Both of these industry supported changes were an effort to keep the season open longer than what has been the case for the recent past. In 2015, the recreational bag limit for striped bass was reduced to 1 fish per person per day and the commercial quota was reduced by 25% per Addendum IV. The floating fish traps applied for conservation equivalency in 2015 and took an additional 1.61% quota reduction in order to maintain a reduced size limit of 26".

The management plan for the general category striped bass fishery was modified in 2014 to change the start date of the commercial season for the floating fish traps to April 1st and to allow DFW to rollover any unused portion of the floating fish trap quota as they deemed fit beginning October 15. This rollover provision is intended to allow for the full harvest of the RI striped bass quota in the event that the floating fish traps are unable to harvest their entire quota in a given year.

Performance of Fishery and Quotas: The striped bass general category quota is split between two seasons with both seasons closing prematurely once the quota has been reached. The RI commercial striped bass quota for the general category in 2015 is 111,459pounds. The quota was split between two seasons with 70% allocate to the first season and 30% for the second season. So far in 2015 the first sub-period quota was fully harvested in 20 days and had an overage of 2,266 pounds. Max landings per day during this sub-period were ~8,000 pounds and therefore there was not sufficient quota remaining to re-open the fishery for another day. At the time of this report writing the second sub-period has ~31,000 pounds to be harvested and will open on September 8th. The floating fish trap quota is 70,113 pounds in 2015, of which 51,923 pounds has been harvested at the time of this report writing.

DFW Recommendation: Maintain effort at or below current levels and maintain as a restricted species.

BLACK SEA BASS

Stock Status: The black sea bass stock is no longer considered overfished and overfishing is not occurring. Previously, the black sea bass resource was defined as overfished when the three-year average of the spawning stock biomass (SSB) index, based on the NEFSC spring survey, was below the threshold biomass index. A new assessment was introduced and peer reviewed in 2008 that uses a forward projection modeling technique called SCALE (Statistical Catch at Length). A new benchmark assessment was initiated in 2011. The new assessment did not pass peer review; therefore the last peer reviewed assessment is the metric by which stock status is measured. Despite the improved stock status, the MAFMC Science and Statistical Committee (SSC) instituted a constant catch management approach given the guidance from their risk policy. They consider the black sea bass stock a level 4 stock, therefore the SSC produces an OFL (overfishing limit) and ABC (allowed biological catch) based on their control rules for their level 4 stocks. The findings were reassessed in 2014. The SSC did not change their opinion of the current stock assessment model and its ability to determine an OFL, therefore a strategy of constant catch was approved for both 2014 and 2015. A new method for assessing the SSC level 4 stocks was introduced in 2015, this method is still under review, but could potentially result in increased quotas for 2016. In parallel with the new data poor approach, a new benchmark assessment has been initiated and should be completed at the end of 2016 for potential use in 2017 management.

Management Program: The black sea bass stock is managed jointly by ASMFC and MAFMC. Amendment 13, which became effective in 2003, established a state quota system. Rhode Island's share of the commercial coastwide quota is 11%. Through advice from the RIFMC and the industry, DEM adopted regulations to allocate a percentage of the commercial quota into five seasonal sub-periods. The regulations also specified possession limits within each season.

Performance of Fishery and Quotas: The RI commercial fishery closed prematurely in each sub period to date in 2015 due to the quota remaining at low levels. This trend is expected to continue in to 2016, pending the outcome of the data poor approach noted above. RI's quota in 2015 was 238,783 pounds. The quota for 2016 will remain close to the quota allowed for in 2015 if the new data poor approach is not approved by the SSC. Any expansion of effort at this time would hinder DEM from meeting its objective of keeping the fishery open throughout the year under reasonable possession limits, and in fact until the quota increases for this species, in-season closures will be common.

DFW Recommendation: Maintain effort at or below current levels and maintain as a restricted species.

LICENSING OPTIONS AND RECOMMENDED EXIT/ENTRY RATIOS

DFW Recommendations: To protect against increasing effort on decreasing or stagnant quotas, **DFW recommends to not dramatically increase effort on any of the restricted species, but to allow effort to be maintained at current levels, or, in the case of scup, to continue to allow modest increases in effort.** Since active licenses left the fishery in 2015, DFW feels that replacing these licenses would be warranted, as data indicates introducing a small number of restricted endorsements in a cautious manner does not dramatically impact effort in a given year, thereby meeting the intent and goals of the legislature per RIGL 20-2.1-2. In 2015, there were a total of 1,055 license holders eligible to harvest the restricted finfish species; with 3 new restricted finfish endorsements issued (Table 1). For the 2016 fishing season, DFW recommends allowing restricted endorsements to be issued to current license holders, as the new endorsements issued for 2015 did not negatively impact restricted species quotas and as 19 licenses allowing harvest of restricted finfish were not renewed.

The decision to issue 3 new restricted finfish endorsements was based on DFW's assessment of the restricted finfish species, deliberations with the RIMFC, and requirements set forth in statute. An exit/entry ratio was established at 1:1 (for every 1 active licenses not renewed, 1 new restricted finfish endorsement was issued) in order to allow some new entrance into the restricted finfish category as well as replace some effort that had presumably exited the fishery. The ratio was set up to be reflective of both current fishing effort on the restricted finfish species and assuming that the latent effort was accounted for with the activity requirement of the license. Of these 19 licenses that were not renewed, only 6 had fishing activity. Constraining the new license opportunities to those that were retired and had some activity protects against dramatic increases in effort. **DFW therefore recommends an exit/entry ratio of 1:1 to be maintained for the restricted endorsement category for the 2016 fishing year.**

Of the non-renewals mentioned above, 6 had some level of fishing effort (based on 2014 landings data from SAFIS). The catch rates of the 2015 restricted finfish species were similar to the rates in 2014; therefore the increase in licenses made available in 2015 did not translate into a noticeable increase in effort on these species. The quota allocated to RI in 2016 for a few of the restricted finfish and quota species (i.e., black sea bass, tautog, and scup) are assumed to be equal to or less than in 2015.

RI Marine Fisheries Council: The **Industry Advisory Committee (IAC)** of the RIMFC met on July 21, 2015 and recommended status quo of 1:1 exit/entry ratio for restricted finfish category in 2016, which would result in 6 new PEL licenses with a Restricted Finfish Endorsement to be made available for 2016. **The RIMFC met on October 5, 2015 and recommended.....**

NON-RESTRICTED FINFISH ENDORSEMENT

Species included in the non-restricted category include all species of regulated finfish that are not included in the restricted category. Entry into this endorsement category is currently open to all RI residents. Three additional species; menhaden, cod, and monkfish, have self-imposed quotas applied to them in RI state waters. Summarized below are the stock status reports, management programs, and performance reports of species currently included in the non-restricted finfish category. All of these species are currently managed through a state quota system, with the exception of winter flounder.

WINTER FLOUNDER

Stock Status: In 2011, the NEFSC conducted the Northeast Regional Stock Assessment Workshop (SAW 52) and updated the Southern New England/Mid-Atlantic (SNE/MA) complex of winter flounder stock assessment. The previous assessment was completed in 2008 at GARM3 (NEFSC 2008). Results from SAW 52 concluded that the Southern New England/Mid-Atlantic (SNE/MA) winter flounder stock complex is overfished but overfishing is not occurring (NEFSC 2011). An update to winter flounder stocks was carried out in 2014 but not for the SNE/MA stock unit.

The 2011 SAW52 assessment applied a version of an Age Structured Assessment Program (ASAP CAT10), which is an age-structured model that uses forward computations assuming fishing mortality is separated into year and age components to estimate population sizes given observed catches, catch-at-age, and indices of abundance. The workgroup concluded this model was more advanced and flexible than the Virtual Population Analyses (ADAPT VPA vers. 2.8.0) used for the GARM3 2008 assessment. A significant change coming from SAW52 was a change in the value for natural mortality (M) for all three stock groups of winter flounder (including SNE) from 0.2 to 0.3. The change in M is supported by literature values taken from tagging studies and life history equations (NEFSC 2011). Furthermore when the new M value of 0.3 is applied to the ASAP CAT10 model, the retrospective errors that required that the data series be split between 1993 and 1994 were reduced to acceptable levels allowing all data to be considered in one model run. It should be noted that changing the M value from 0.2 to 0.3 results in a downward shift in fishing mortality (F) as well as an upward shift in spawning stock biomass (SSB).

Results from the ASAP CAT10 model estimated fishing mortality (F) in 2010 to be 0.051, well under (17%) the FMSY = 0.310 as well as below (16%) F40% = 0.327. SSB in 2010 was estimated to be 7,076 mt, about 21% of SSBMSY = 33,820 mt and 24% of SSB40% = 29,045 mt. There is an 80% probability that in 2010 F and SSB were between 0.04 and 0.06 and 6,433 mt and 8,590 mt, respectively. Projections at F in 2012-2014 = F = 0.00 indicate a <1% chance that the stock will rebuild to SSBMSY = 38,761 mt by 2014). Nonetheless, substantial increases in SSB can be achieved if F can be kept under 0.248.

Based in part on the high site fidelity of winter flounder and long history of state landings from RI, DFW assessed the local winter flounder stock within state waters in 2011 (M.R. Gibson, DFW Marine Fisheries, unpublished data). A new approach was used for a

local benchmark assessment which examines the impacts of fishing and climate change through the lens of historical stock analysis. DFW determined that the fishing mortality rate in 2010 was below the calculated FMSY = 0.20 and found to be $F = 0.09$, thus overfishing is not occurring. The FMSY calculated in 2011 accounts for rising sea temperatures reducing the sustainable F rate by 50% (M.R. Gibson, DFW Marine Fisheries, unpublished data). Estimates of biomass have fluctuated over the time period 1959–2010, with two peaks occurring in the mid-to late-1960s and early 1980s, but showed a steady decline from 1983-1993, with the estimate for 1993 being the lowest in the time series. Estimates of biomass have remained well below the 2010 calculated BMSY = 5,849 mt since 1988, despite a slight increase between 1994 and 1995. In 2010 the biomass estimate was calculated as 1034 mt indicating that the local stock is still overfished.

Management Program: The NEFMC manages the winter flounder resource through the Northeast Multispecies (Groundfish) Fishery Management Plan. Under the NEFMC Framework 50 for groundfish for the 2015-2016 fishing year, harvest of winter flounder is allowed in the federal SNE/MA stock management area, and federally permitted vessels who are in a sector are allowed to fish with no limit until they reach their sector allowable catch limit. Federally permitted vessels which are in the “common pool” have a 3,000 lb/vsl/day 6,000 lbs/vsl/trip limit which is adjustable by the NMFS regional administrator. The SNE/MA management area remains open to common pool vessels until the allowable catch limit is reached. Federally permitted vessels may transit RI state waters with a federal possession limit as long as their gear is stowed.

At the state level, ASMFC manages the inshore winter flounder stocks through Addendum 1 to Amendment 1 to the interstate fishery management plan for inshore stocks of winter flounder. The current commercial possession limit for state waters is 50 lbs/vsl/day. There are also minimum fish size limits and mesh size restrictions per the requirements of Addendum 1 to the ASMFC FMP. During 2011 DEM extended the area closed to winter flounder fishing to include Point Judith Pond, the Harbor of Refuge, and Potters Pond. Both young of the year and adult spawning indices are at historic lows, the closure aims to protect a recovery of the population in the pond due to the SNE closure (Gibson 2010). In order to maintain a stream of commercial landings for assessment purposes, RI adopted a 50 pound possession limit in the RI coastal ponds (with the exception of Point Judith Pond, the Harbor of Refuge, and Potters Pond) and all state waters, except in Narragansett Bay north of the Colregs line where harvest or possession of winter flounder is prohibited. It should be noted the recreational management measures for winter flounder also reflect an effort to greatly reduce F. The recreational size and bag limit for winter flounder in 2015 remained 12 inch size and 2 fish / person/day limit. The season was extended in 2014 and now runs from March 1st to December 31st. Management of the commercial sector changed in 2013 resulting in winter flounder being removed from the restricted species list. This change allows winter flounder to be harvested in state waters and landed at state ports by commercial fishing license (CFL) holders. The change also allows transit across state waters to land at state ports by resident and non-resident landing licenses. The rationale for this change was to facilitate federally permitted groundfish vessels to land

all of their catch in Rhode Island. Winter flounder was the only groundfish species on the state restricted list, typically these vessels have a whole suite of other groundfish to land including winter flounder. Winter flounder does not operate under a state quota system so this change should not greatly impact fishing practices.

Performance of Fishery and Quotas: A state quota has not existed since 2006.

DFW Recommendation: DFW recommends considering changes in management to allow more liberal commercial possession limit in state waters. Any changes in state waters management would be the result of and in accordance with an increased allowable catch limit allotted to states from the ASMFC Winter Flounder Management Board.

BLUEFISH

Stock Status: The 2014 stock assessment update indicated that the 2013 total biomass estimate for the bluefish stock is 123,716 mt, which is above the biomass threshold ($1/2 \text{ Bmsy}$) = 73,526 mt. The update also estimated that fishing mortality in 2013 was 0.118, well below the fishing mortality target (F_{msy}) = 0.19 (NEFSC 2014). A benchmark stock assessment for the bluefish was completed in 2015 and indicated the stock is not overfished and overfishing is not occurring. Biological reference points will be available in 2016 once the benchmark stock assessment has been approved for management by the MAFMC and ASMFC.

Management Program: Bluefish are managed cooperatively by ASMFC and MAFMC through Amendment 1 to the Bluefish Fishery Management Plan (MAFMC and ASMFC 1998). The Bluefish Monitoring Committee meets annually to review the most recent data and to make recommendations regarding the commercial quota, the recreational harvest limit, and other management measures. Amendment I dictates that 17% of the resource shall be allocated to commercial fisheries which are controlled through state-by-state quotas. The remaining 83% of the resource is allocated to recreational fisheries which are controlled through a 15 fish bag limit.

Performance of Fishery and Quotas: Since 1994 when states were first allocated a commercial quota for bluefish, Rhode Island has not fully harvested its allocation and the fishery has never been closed while the quota system has been in place, until 2006. In 2006 high catch rates in the fall period used up the quota and a commercial closure was implemented for the first time in RI. Since 2012, annual quota reductions for bluefish have been implemented due to a declining trend in biomass. In 2014 due to a smaller quota and high catch rates in the fall, RI requested and received a commercial transfer of 100,000 lbs to avoid a potential closure.

In 2015 the commercial bluefish quota in RI is 356,826 pounds, a 30% reduction from the 2014 quota. As of this writing ~212,000 pounds of bluefish have been harvested. Due to high catch rates in the month of July, for the first time on July 26, 2015, RI had to implement a possession limit of 1400 pounds/vessel/week to avoid a closure.

Additionally, RI requested a commercial quota transfer from several states and as of this writing has received 180,000 lbs. As a result of the imposed possession limit, catch rates dropped significantly the last week of July and even further the first week of August. This coupled with the commercial quota transfer allowed RI to increase the possession limit to 5,000 pounds/vessel/week on August 9, 2015. Weekly quota projections will continue throughout the year and additional possession limit changes may be made if warranted. The possibility of a potential closure still exists but would most likely occur in the latter part of the year when bluefish landings are minimal.

DFW Recommendation: Hold a public workshop and public hearing to discuss potential options for bluefish management in 2016 that would control harvest through possession limits and/or seasons. In the future, if effort increases and/or the quota continues to decrease, DFW will re-assess whether bluefish needs to be placed in to the restricted species category.

MENHADEN

Stock Status: Atlantic menhaden are a highly migratory species that undergo a large amount of mixing off the coast of North Carolina in the winter months. The ASMFC Atlantic Menhaden Stock Assessment Subcommittee last assessed the menhaden stock in 2015. While the assessment considered both the Beaufort Assessment Model (BAM) and Stock Synthesis 3, the BAM model was chosen for providing management advice. The model used fishery fleets broken up into areas to reflect the differences in selectivity along the coast. Starting in 1955, the model estimated population size at age and recruitment and projected forward through the most recent year of data available (2013) to estimate overall trends in recruitment, fecundity, abundance and fishing mortality. The 2015 benchmark stock assessment found the population is not overfished and overfishing is not occurring relative to the new maximum spawning potential (MSP) reference points (ASMFC, 2015). Full fishing mortality in 2013 was estimated at $F_{2013}=0.27$, a level that is below both the threshold and target levels, $F_{15\%MSP}=2.98$ and $F_{30\%MSP}=1.03$ respectively.

A final item being worked on by the Technical Committee is the consideration of ecosystem based reference points. A two day workshop is currently scheduled for 8/31-9/1 to work on developing these reference points. These reference points as well as changes to the current state-by-state quota allocations will be considered in Draft Amendment 3 to the Fishery Management Plan.

Management Program: Narragansett Bay in its entirety is designated a Menhaden Management Area through RI statute, which allows DEM to manage menhaden through the use of seasons and management areas. Purse seine fishing is allowed through the main stems of Narragansett Bay while excluding the Providence River. There are also weekend and holiday closures in the Bay for all directed fisheries. Purse seining for menhaden for use in the reduction fishery has been prohibited in RI state waters since 2003. Similar provisions exist in state waters along the entire Atlantic coast with the exception of North Carolina and Virginia, where the bulk of the reduction fishery takes

place. Purse seining for use in the bait industry is still allowed in RI as set forth above. Emergency regulations were implemented in 2007 that placed a cap on the daily landings that could occur in Narragansett Bay (75,000 pounds). The regulation also placed an overall cap on the amount of fish that could be removed from the Bay, stating that removals could not exceed 50% of the standing stock in the Bay. Once the 50% trigger is hit, the purse seine fishery closes in Narragansett Bay. The trigger is monitored through the use of a depletion model for open systems (Gibson 2007). This same management regime was conducted in 2010 with the exception of the additional gear restrictions on net size certification, vessel capacity restrictions, and a tiered approach to increasing possession limits based on the population level of menhaden in Narragansett Bay. The tiered system also includes a threshold amount of fish that needs to be present in Narragansett Bay before the commercial bait fishery can begin (1.5 million pounds). In 2013 and 2014, all of the elements mentioned above were in place with the exception of the increasing possession limits; the possession limits were kept at a static 120,000 per vessel per day. Amendment 2 required states to implement a state waters quota based on the calculations set forth in the Amendment. The state waters quota was implemented in RI waters via emergency regulation in June of 2013. This item officially went to public hearing in August 2013 and the final regulations were filed in November 2013. The quota monitoring is complex and allows for some landings to occur even after the quota is reached, though at a reduced level. It also allows for the state to opt in to an episodic event quota if certain requirements are met. RI has opted into the episodic event set-aside each year since 2013 as a result of exhausting the state quota early in the year and having a large abundance of fish still residing in state waters.

Performance of Fishery and Quotas: Since 2005, large schools of adult menhaden entered Narragansett Bay to varying degrees. As of the writing of this document, RI has fully harvested its state quota for menhaden and opted into the episodic set aside program through the ASMFC. The Menhaden Management Area is currently CLOSED to the commercial harvest of menhaden however the state waters outside of the Management Area remain open to commercial harvest. Table 4 details the events that have occurred for the commercial menhaden fishery in RI thus far in 2015.

DFW Recommendation: Allow effort to remain at or below current levels in the menhaden bait fishery and to maintain it as a non-restricted species. The approach of adding a gear endorsement was hoped to provide some protection against a large influx of effort in to this fishery, however DFW believes that these endorsements should only be made available on a renewal basis (place a moratoria on issuance of new purse seine endorsements). The current level of purse seine endorsements (2015 = 177 purse seine endorsements) has decreased slightly from the 2012 level (189 endorsements), however much of these are in-active. The current level is unsustainable should a large percentage of the existing latent effort become active, and could necessitate a history based restriction in the future.

MONKFISH

Stock Status: The federal monkfish (*Lophius americanus*) fishery is jointly managed by the New England Fishery Management Council (NEFMC) and Mid Atlantic Management Council (MAFMC), with the NEFMC having the administrative lead. The fishery is managed as two stocks, with the Northern Fishery Management Area (NMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SMA) extending from the southern flank of Georges Bank through the Mid-Atlantic Bight to North Carolina (NEFMC 2011). RI State waters are considered part of the SMA stock.

An operational stock assessment was completed in 2013 (NEFSC 2013b) that included two additional years survey data, revised discard estimates for 1980-2011, and overall contained minimal changes to methodological approaches used in the previous peer-reviewed SAW 50 benchmark stock assessment (NEFSC 2010e). Based on these results the SMA stock is not overfished and overfishing is not occurring. The current 2013 estimate of fishing mortality $F = 0.11$ does not exceed the updated $F_{max} = 0.37$. The 2013 corrected total biomass estimate is 88,806 mt, above both B_{target} (71,667 mt) and the 2013 corrected $B_{threshold}$ (23,204mt). Despite the revised estimates to the OFL, allowable biological catch (ABC) for the SMA remained status quo at 12,316 mt for the 2014-2016 fishing years (FY). A benchmark assessment scheduled for fall 2016.

Management Programs: Fishing mortality for the SMA monkfish stock is regulated by the NEFMC through minimum size limits, gear restrictions, and days at sea (DAS) restrictions. In an effort to meet statutory requirements to complement federal fishery management plans, RI has adopted a minimum size limit, daily possession limit, and state quota on monkfish harvested in state waters.

In December of 2011 RI increased the state quota from 1% to 3% of the SMA Total Allowable Landings (TAL). The current program consists of a state quota set at 3% of the SMA TAL (590,288 lbs) with a daily possession limit of 550 lbs tails or 1,826 lbs whole fish. The possession limit is reduced to 50 lbs tails or 166 lbs whole fish for the remainder of the fishing year when state-water landings reach 2% of the SMA TAL (393,525 lbs). The commercial monkfish fishery operates on a May 1 through April 30 FY, with a minimum size limit of 11" tails or 17" whole fish.

Performance of Fishery and Quotas: Over the previous five years total state-water landings were estimated at 99,119 lbs, 106,518 lbs, 182,443 lbs, 144,599 lbs, and 165,820 lbs for the 2009, 2010, 2011, 2012, and 2013 FY, respectively. Total state-water landings for the 2014 FY are estimated at 93,657lbs, representing 24% of the state possession limit reduction threshold (2% SMA TAL) and 16% of the state quota (3% SMA TAL). Under the current management program it appears this fishery could withstand a modest increase in effort and still provide for the directed fishery to remain open for the entire fishing year.

DFW Recommendation: Allow effort to increase above current levels and maintain in the non-restricted species category. The rationale for leaving this species in the non-

restricted category is based on the ephemeral nature of monkfish abundance in state waters and increasing state quota that should provide for a directed fishery to operate throughout the fishing year. In the future, if effort increases and/or quota decreases, DFW will re-assess whether monkfish need to be placed in to the restricted species category, or to reduce possession limits and/or seasons to control harvest.

COD

Stock Status: In June of 2013 the NEFSC completed a nearly one and one-half year review of the 2012 stock assessment for Gulf of Maine (GOM) and George's Bank (GB) cod stocks with the publication of the 55th Northeast Regional Stock Assessment Workshop (SAW 55) report (NEFSC 2013a). SAW 55 contains the most recent, comprehensive, peer reviewed stock assessment of the George's Bank (GB) cod stock (NEFSC 2008b), which is the stock relative to Rhode Island waters.

In short, the GB Cod stock is at historically low biomass and based on the results of SAW 55 (NEFSC 2013a) the current non-parametric biological reference points (BRP) for GB cod indicate that total biomass (SSB2011) is estimated at 13,216 mt and fishing mortality (F2011) is estimated at $F_{2011} = 0.43$; whereas, the biomass threshold of $\frac{1}{2}$ Bmsy is estimated at 93,268 mt ($B_{msy} = 186,535$ mt) and the fishing mortality target Fmsy proxy (F40%) is estimated at $F_{40\%} = 0.18$. Based on the accepted model results, the stock is overfished ($SSB_{2011} = 13,216$ mt $< \frac{1}{2}$ SSBmsy = 93,268) and overfishing is occurring ($F_{2011} = 0.43 > F_{40\%} = 0.18$).

Management Programs: Atlantic cod (*Gadus morhua*) are managed under the New England Fishery Management Council's (NEFMC) Northeast Multispecies Fishery Management Plan (FMP). The Northeast Multispecies FMP contains a complex of 15 groundfish species that have been managed by time/area closures, gear restrictions, minimum size limits, and recently using a Catch Shares approach (i.e. sectors) under Amendment 16 (NEFMC 2009). Framework Adjustment 53 to the Northeast Multispecies FMP (NEFMC 2013) specified the ACL for the 2015 FY at 1,886 mt.

In an effort to satisfy statutory requirements to complement federal fishery management plans, RI has opted to impose a minimum size limit, daily possession limit, and a state quota. Other than technical changes, the current program has not changed since April of 2009 and consists of a state quota set at 1% of the Georges Bank annual catch limit (ACL) and a 1,000 lb possession limit with a possession limit reduction to 75 lbs limit when 90% of the state quota is harvested. A fishery closure is required when the quota is reached. The commercial codfish fishery operates on a May 1 through April 30 fishing year. During the 2013 commercial fishing year the commercial minimum size limit was reduced from 22" to 19" for federal consistency. The 2015 ACL for GB Cod is 1,886 mt, which converts to a 18.9 mt or 41,667 lbs RI state-water quota.

Performance of Fishery and Quotas: The state quota for cod has not been met since it's inception in 2009. Between the 2009 to 2014 FY total state-water landings have ranged from 5,233 lbs during the 2009 FY (6% of that FY state quota) to 31,868 lbs

during the 2012 FY (32% of that FY state quota). The estimated state-water landings for the 2014 FY were 5,698 lbs, representing 14% of the state-water quota. At present it appears this fishery is resource limited and total landings for a given fishing year may stay well below the state quota, despite the reduced minimum size and dramatic decrease in quota.

DFW Recommendation: Allow effort to increase above current levels and maintain in the non-restricted species category. The rationale for leaving cod in the non-restricted category is based on the ephemeral nature, as well as relatively low levels of cod abundance in state waters, relative to the state quota. In the future, if effort increases and/or quota decreases, DFW will re-assess whether cod should be moved to the restricted species category, or to reduce possession limits and/or seasons to control harvest.

LICENSING OPTIONS AND RECOMMENDED EXIT/ENTRY RATIOS

Division Recommendations: In 2015 there were 1,177 licensed issued with non-restricted finfish endorsements (Table 1. For the 2016 fishing season, DFW recommends maintaining open entry into this endorsement category, as the existing participation in 2015 did not negatively impact fishery management or quotas. The inclusion of bluefish in the non-restricted category may need to be evaluated in future years if catch rates remain high or if the quota continues to decline.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21, 2015 and recommended status quo (open access) for 2016. **The RIMFC met on October 5, 2015 and recommended.....**

LITERATURE CITED

- ASMFC (Atlantic States Marine Fisheries Commission). 2003. Amendment 6 to the interstate fishery management plan for Atlantic striped bass. ASMFC, Fishery Management Report No. 41, Washington, D.C. 81 p.
- _____. 2011b. Atlantic Menhaden Stock Assessment and Review Panel Reports – Revised. Stock Assessment Report No. 10-02 of the Atlantic States Marine Fisheries Commission, Washington, D.C. 328 p.
- _____. 2011. 2011 stock assessment report for Striped Bass. ASMFC, Stock Assessment Report, Washington, D.C. 281 p.
- _____. 2012. 2012 stock assessment update for Atlantic menhaden. ASMFC, Stock Assessment Report, Washington, D.C. 228 p.
- _____. 2015. Tautog benchmark stock assessment and peer review reports. ASMFC, Stock Assessment Report, Washington, D.C. 283 p. Can be viewed at: http://www.asmfc.org/uploads/file//54eccd8cTautogStockAssessment_PeerReviewReport_Feb2015.pdf

- Gibson, M. 2007. Estimating Seasonal Menhaden Abundance in Narragansett Bay from Purse Seine Catches, Spotter Pilot Data, and Sentinel Fishery Observations. Rhode Island Division of Fish and Wildlife, Marine Fisheries Section, Jamestown, RI. Unpublished. Can be viewed at: <http://www.dem.ri.gov/programs/bnatres/fishwild/pdf/menabnbnb.pdf>
- Gibson, M. 2010. Salt Pond Winter Flounder Fishery Issue Paper. Rhode Island Division of Fish and Wildlife, Marine Fisheries Section, Jamestown, RI. Unpublished.
- Gibson, M. 2011. Assessing the Local Population of Winter Flounder with a Two-Era Biomass Dynamic Model: A Narrower View of Southern New England. Rhode Island Division of Fish and Wildlife, Marine Fisheries Section, Jamestown, RI. Unpublished.
- MAFMC (Mid-Atlantic Fishery Management Council) and ASMFC. 1998. Amendment 1 to the bluefish fishery management plan. Publication of the MAFMC pursuant to National Oceanic and Atmospheric Administration Award No. NA57C0002.
- McNamee, J.E. 2013. Juvenile marine finfish survey: 2013. Rhode Island Division of Fish and Wildlife, Marine Fisheries Section, Jamestown, RI. Annual Performance Report to the U.S. Fish and Wildlife Service, Project No. F-61-R.
- NEFSC (Northeast Fisheries Science Center). 2005a. Assessment of 19 northeast groundfish stocks through 2004. 2005 Groundfish Assessment Review Meeting (2005 GARM), Northeast Fisheries Science Center, Woods Hole, Massachusetts, 15–19 August 2005. NEFSC Reference Document 05-13. 499 p.
- _____. 2005b. Report of the 41st Northeast Regional Stock Assessment Workshop (41st SAW): Stock Assessment Review Committee (SARC) Consensus Summary of Assessments. NEFSC Reference Document 05-14. 246 p.
- _____. 2007. Northeast Data Poor Stocks Working Group. 2007. Monkfish assessment summary for 2007. US Dep Commer, Northeast Fish Sci Cent Ref Doc. 07-13; 12 p.
- _____. 2008a. Report of the 47th Northeast Regional Stock Assessment Workshop (47th SAW): 47th SAW assessment summary report. NEFSC Reference Document 08-12a. 339 p.
- _____. 2008b. Assessment of 19 Northeast Groundfish Stocks through 2007 Report of the 3rd Groundfish Assessment Review Meeting (GARM III). NEFSC Reference Document 08-15. 884 p.
- _____. 2008c. Report of the 46th Northeast Regional Stock Assessment Workshop (46th SAW): 46th SAW assessment summary report. NEFSC Reference Document 08-01. 32 p.
- _____. 2009. Amendment 16 to the Northeast Multispecies Fishery Management Plan. New England Fishery Management Council, Newburyport, MA.
- _____. 2009. The Northeast Data Poor Stocks Working Group Report, December 8-12, 2008 Meeting. Part A. Skate species complex, deep sea red crab, Atlantic

- _____. 2009. Monkfish, scup, and black sea bass. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 09-02; 496 p.
- _____. 2010. 50th Northeast Regional Stock Assessment Workshop (50th SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 10-09; 57 p.
- _____. 2011. 52nd Northeast Regional Stock Assessment Workshop (SAW 52) “Southern New England/Mid Atlantic (SNE/MA) Winter Flounder: Stock Assessment for 2011” 2011 Stock Assessment Review Meeting, Northeast Fisheries Science Center, Woods Hole, Massachusetts, 6 – 10 June 2011. NEFSC Reference Document (under review). 196 p.
- _____. 2011a. Amendment 5 to the Monkfish Fishery Management Plan, Incorporating Stock Assessment and Fishery Evaluation (SAFE) Reports for the 2007 & 2008 Fishing Years and the Environmental Assessment, September 20, 2010; Updated January 14, 2011.
- _____. 2011b. Striped Bass Stock Assessment Update for 2011. US Dept Commer, Northeast Fish Sci Cent Ref Doc.; 207 p.
- _____. 2012. Bluefish Stock Assessment Update for 2011. US Dept Commer, Northeast Fish Sci Cent Ref Doc.; 36 p.
- _____. 2013. Framework Adjustment 53 to the Northeast Multispecies Fishery Management. New England Fishery Management Council, Newburyport, MA.
- _____. 2013a. 55th Northeast Regional Stock Assessment Workshop (SAW 55) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 13-11; 849 p.
- _____. 2013b. Monkfish Assessment Update (PRE-PUBLICATION COPY). May 9, 2013. 121 p. < <http://www.nefmc.org/monk/cte%20mtg%20docs/130529-30/pre-publication%20copy%20monkfish%20assessment%20update%202013.pdf>>
- _____. 2013c. 57th Northeast Regional Stock Assessment Workshop (57th SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 13-16; 967 p
- _____. 2015. 60th Northeast Regional Stock Assessment Workshop (57th SAW) Assessment Report. US Dept Commer, Northeast Fish Sci Cent Ref Doc. 15-08; 967 p
- Olszewski, S. 2013. Coastal fishery resource assessment trawl survey: 2013. Rhode Island Division of Fish and Wildlife, Marine Fisheries Section, Jamestown, RI. Annual Performance Report to the U.S. Fish and Wildlife Service, Project No. F-61-R.
- SEDAR. 2015. SEDAR 40 – Atlantic Menhaden Stock Assessment Report. SEDAR, North Charleston SC. 643 pp.

Shepherd, G. 2012. Black Sea Bass Stock Assessment Update for 2011. US Dept Commer, Northeast Fish Sci Cent Ref Doc.; 24 p.

DRAFT

TABLES

Table 1. Historical commercial license counts.

License Type	2010	2011	2012	2013	2014	2015
MULTI-PURPOSE LICENSE	887	867	853	829	816	804
<i>GILLNET ENDORSEMENT</i>	241	236	233	227	221	218
<i>DOCKSIDE SALE ENDORSEMENT</i>	272	261	251	241	236	236
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	123	124	131	132	133	137
<i>PURSE SEINE ENDORSEMENT</i>	136	137	139	134	134	129
<i>RESEARCH SET ASIDE ENDORSEMENT</i>				22	13	0
PRINCIPAL EFFORT LICENSE	735	713	690	655	615	593
<i>LOBSTER ENDORSEMENT</i>	38	37	36	30	27	21
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	22	28	33	35	36	33
<i>QUAHOG ENDORSEMENT</i>	450	422	398	376	347	340
<i>RESTRICTED FINFISH ENDORSEMENT</i>	248	258	266	262	258	251
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	127	127	131	135	133	130
<i>SOFTSHELLED CLAM ENDORSEMENT</i>	304	284	256	235	204	194
<i>WHELK ENDORSEMENT</i>	0	0	146	118	79	62
<i>DOCKSIDE SALE ENDORSEMENT</i>	14	16	13	13	12	11
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	5	9	9	8	9	7
<i>PURSE SEINE ENDORSEMENT</i>	5	7	8	7	6	5
<i>OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)</i>	265	249	225	211	186	177
<i>RESEARCH SET ASIDE ENDORSEMENT</i>	0	0	0	3	1	0
COMMERICAL FISHING LICENSE	449	394	398	420	404	412
<i>LOBSTER ENDORSEMENT</i>	19	17	16	15	14	14
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	119	120	114	100	101	95
<i>QUAHOG ENDORSEMENT</i>	127	141	158	165	181	189
<i>RESTRICTED FINFISH ENDORSEMENT</i>	18	0	0	0	0	0
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	273	238	252	256	240	243
<i>SOFTSHELLED CLAM ENDORSEMENT</i>	191	175	174	163	155	148
<i>WHELK ENDORSMENT</i>	0	0	109	92	75	65
<i>DOCKSIDE SALE ENDORSEMENT</i>	22	20	16	14	16	16
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	39	31	40	46	39	39
<i>PURSE SEINE ENDORSEMENT</i>	28	28	42	40	42	43
<i>OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)</i>	206	201	171	160	149	152
<i>RESEARCH SET ASIDE ENDORSEMENT</i>	0	0	0	10	6	0
OVER 65 SHELLFISH LICENSE	201	217	240	268	289	309
STUDENT SHELLFISH LICENSE	49	55	49	48	47	37

Table 2a. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2015 (through July).

Month/Species	Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder w/out Exemption Certificate	Summer Flounder w/ Exemption Certificate	Tautog
January	750/day (1/1) 500/day (1/30)	50,000/day (1/1)	CLOSED (1/1)	200/day (1/1)	300/day (1/1) 200/day (1/8)	CLOSED (1/1)
February	500/day 250/day (2/10)	50,000/day	CLOSED	200/day	200/day 2,000/wk or 200/day (2/2)	CLOSED
March	250/day 100/day (3/17)	50,000/day	CLOSED	200/day	2,000/wk or 200/day	CLOSED
April	100/day CLOSED (4/13)	50,000/day	CLOSED	200/day 100/day (4/20)	2,000/wk or 200/day 1,500/wk or 200/day (4/6) 1,000/wk or 100/day (4/20)	CLOSED 10 fish (4/15)
May	50/day (5/1)	10,000/wk	CLOSED	100/day	100/day	10 fish CLOSED (5/20)
June	50/day CLOSED (6/3)	10,000/wk	CLOSED 5 fish (6/8) CLOSED Fri/Sat thru-out CLOSED (6/27)	100/day	700/wk or 100/day	CLOSED
July	50/day (7/1) CLOSED (7/15)	10,000/wk 5,000/wk (7/5) 2,500/wk (7/12)	CLOSED	100/day 50/day (7/27)	700/wk or 100/day 350/wk or 50/day (7/27)	CLOSED
Days in Season	334	365	207	365	365	171
Days Closed	SIP	SIP	SIP	SIP	SIP	SIP

Table 2a. (continued) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2015.

2015 COMMERCIAL SEASONS				
Black Sea Bass	Scup ⁺ General Category	Striped Bass ⁺ General Category	Summer Flounder	Tautog
Jan. 1 - April 30 May 1 - June 30 July 1 - July 31 Sept. 1 - Oct. 31 Nov. 1 - Dec. 31	Jan. 1 - April 30 ^F May 1 - Sept. 20 Sept. 21 - Oct. 31 Nov. 1 - Dec. 31 ^F	June 8 - Aug. 31* Sept. 8 - Dec. 31*	Jan. 1 - April 30 May 1 - Sept. 15 Sept. 16 - Dec. 31	April 15 - May 31 Aug. 1 - Sept. 15 Oct. 15 - Dec. 31
2015 COMMERCIAL QUOTAS				
Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder	Tautog
238,783	1,858,971	111,459	1,719,629	51,348

+ Floating Fish Trap management had open seasons and no possession limit

^F Federal coastwide quota

* Closed Fridays and Saturdays

Table 2b. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2014.

Month/Species	Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder w/out Exemption Certificate	Summer Flounder w/ Exemption Certificate	Tautog
January	750/day (1/1) 500/day (1/30)	50,000/day (1/1)	CLOSED (1/1)	200/day (1/1)	300/day (1/1) 200/day (1/8)	CLOSED (1/1)
February	500/day 250/day (2/10)	50,000/day	CLOSED	200/day	200/day 2,000/wk or 200/day (2/2)	CLOSED
March	250/day 100/day (3/17)	50,000/day	CLOSED	200/day	200/day 2,000/wk or 200/day	CLOSED
April	100/day CLOSED (4/13)	50,000/day	CLOSED	200/day 100/day (4/20)	2,000/wk or 200/day 1,500/wk or 200/day (4/6) 1,000/wk or 100/day (4/20)	CLOSED 10 fish (4/15)
May	50/day (5/1)	10,000/wk (5/1)	CLOSED	100/day	100/day	10 fish CLOSED (5/20)
June	50/day CLOSED (6/3)	10,000/wk	CLOSED 5 fish (6/8) CLOSED Fri/Sat thru-out CLOSED (6/29)	100/day	700/wk or 100/day (6/1)	CLOSED
July	50/day (7/1) CLOSED (7/15)	10,000/wk	CLOSED	100/day	700/wk or 100/day	CLOSED
August	CLOSED	10,000/wk	CLOSED	100/day 50/day (8/26)	700/wk or 100/day 50/day (8/26)	10 fish (8/1)
September	50/day (9/1) CLOSED (9/11)	10,000/wk	CLOSED 5 fish (9/8) CLOSED Fri/Sat thru-out	50/day 200/day (9/16) 150/day (9/28)	50/day 200/day (9/16) 150/day (9/28)	10 fish CLOSED (9/16)
October	CLOSED	10,000/wk	5 fish/day CLOSED Fri/Sat thru-out CLOSED (10/7) 5 fish/day (10/19) CLOSED Fri/Sat thru-out	150/day 100/day (10/6)	150/day 100/day (10/6)	CLOSED 10 fish (10/15)
November	50/day (11/1) CLOSED (11/13)	18,000/day (11/1)	5 fish/day CLOSED Fri/Sat thru-out	100/day 200/day (11/28)	100/day (11/1) 300/day (11/28)	10 fish CLOSED (11/11)
December	CLOSED	18,000/day	5 fish/day CLOSED Fri/Sat thru-out	200/day CLOSED (12/26)	300/day 500/day (12/19) CLOSED (12/26)	CLOSED
Days in Season	334	365	200	365	365	171
Days Closed	163	0	78	6	6	62

Table 2b. (continued) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2014.

2014 COMMERCIAL SEASONS				
Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder	Tautog
Jan. 1 - April 30	Jan. 1 - April 30 ^F	June 8 - Aug. 31 [*]	Jan. 1 - April 30	April 15 - May 31
May 1 - June 30	May 1 - Sept. 20	Sept. 8 - Dec. 31 [*]	May 1 - Sept. 15	Aug 1 - Sept. 15
July 1 - July 31	Sept. 21 - Oct. 31		Sept. 16 - Dec. 31	Oct. 15- Dec. 31
Sept. 1 - Oct. 31	Nov. 1 - Dec. 31 ^F			
Nov. 1 - Dec. 31				
2014 COMMERCIAL QUOTAS				
Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder	Tautog
238,700	1,921,327	146,377	1,648,193	49,474

+ Floating Fish Trap management had open seasons and no possession limit

^F Federal coastwide quota

* Closed Fridays and Saturdays

Table 3. The 2016 coastwide commercial quotas approved by the ASMFC and MAFMC in comparison to 2015. The limits for 2016 were approved by ASMFC and the MAFMC in August 2015.

Species	2015	2016
Scup	21.23	20.47
Summer Flounder	11.07	8.12
Black Sea Bass	2.24	2.24
Bluefish	5.24	3.51*

*Based on approved ABC of 19.45 million pounds and SSC and MC recommendations as presented at August 2015 MAFMC meeting.

Table 4. Summary of actions to date for the 2015 RI commercial menhaden fishery.

Date	Action	Area	Reason
5/21/15	OPEN	NB Management Area	Biomass threshold
5/28/15	CLOSED	State waters outside NB Management Area	State quota fully harvested
5/29/15	OPEN	State waters outside NB Management Area	RI opted into Episodic Event set aside program
6/28/15	CLOSED	NB Management Area	Biomass threshold
7/27/15	OPEN	NB Management Area	Biomass threshold
8/9/15	CLOSED	NB Management Area	Biomass threshold

Plan approved:

 Jason McNamee, Chief
 Division of Fish and Wildlife
 Office of Marine Resource Management

 Date

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES



2016 Shellfish Sector Management Plan

DRAFT

DRAFT

Authority: R. I. Gen. Laws Chapter 42-17.1, Section 20-1-4, and Section 20-2.1-9, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

TABLE OF CONTENTS

Introduction	4
Bay Quahaug Endorsement.....	4
Soft-shell Clam Endorsement.....	7
Whelk Endorsement.....	9
Shellfish Other Endorsement	11
Shellfish Harvesting Methods Clarification	12
Licensing Options and Recommendations.....	21
Literature Cited.....	13
Tables and Figures	14
Signature Page	14

DRAFT

INTRODUCTION

During the 2002 legislative session, the Rhode Island General Assembly adopted the Commercial Fisheries Management Act, establishing a new commercial fishing license system and ending the moratorium on the issuance of new commercial fishing licenses that had been in place since 1995. One purpose of the act was to enable new entrants into commercial fisheries, while still limiting access to certain fisheries where warranted. As addressed in RIGL §20–2.1-9, fisheries identified for consideration of limited access are those “*for which there is adequate or greater than adequate harvesting capacity currently in the fishery*”, or are managed under a state quota system to prevent over-fishing. To meet the purposes of the act, licensing regulations developed by DEM in 2002 created four endorsement categories for the shellfish fishery: *Bay Quahaug; Soft-shell Clam; Whelk; and Shellfish Other*.

As stated in RIGL §20-2.1-2, the licensing regulations should seek to “*preserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation*” and to “*provide Rhode Islanders who wish to fish commercially the opportunity to do so, and end the moratorium on issuance of new commercial fishing licenses so that new licenses may be issued..*” and “*respect the interests of residents who fish under licenses issued by the state and wish to continue to fish commercially in a manner that is economically viable.*”

This plan will be updated annually. Exit/entry ratios are reviewed by the Industry Advisory Committee ((IAC) annually in accordance with RIGL§20-2.1-11. Any proposed changes to the currently adopted exit/entry ratios are then presented for public comment and plans are reviewed by the RI Marine Fisheries Council prior to finalization in accordance with RIGL§20-2.1-9

This management plan addresses statutory requirements and duties of the Director to develop sustainable shellfish management plans in accordance with RIGL 20-2-44, and sector fishery management plans in support of commercial licensing (RIGL 20-2.1-9(5)).

The State of Rhode Island, through a collaborative effort between state agencies, industry, and other stakeholders, completed a comprehensive statewide Shellfish Management Plan in 2014. The plan established a number of goals that the DEM hopes to achieve through implementation of proper management.

SMP Goals:

- a. Honor, promote and enhance the existing shellfish resource and uses. Shellfish offer a myriad of ecological services to Rhode Island state waters, jobs and business opportunities to its residents, and recreation for all. As such, actions should strive to maintain healthy populations of shellfish while honoring the current uses of Rhode Island’s natural resources and promoting Rhode Island shellfish as a source of local, sustainable seafood.
- a. Contribute to a properly functioning ecosystem that is both ecologically sound and economically beneficial. The prosperity of the shellfish industry depends on

the health of our marine environment and the quality of the water that shellfish inhabit. It is therefore necessary to evaluate the current status and potential future changes to the natural resources, ecosystem conditions, and anthropogenic impacts on the marine environment and to recommend actions to protect and, where necessary, restore our marine waters.

- b. Manage marine and shellfish resources for equitable and sustainable use. Through both scientific research and practical knowledge, better understand the existing activities taking place in Rhode Island waters. Identify best management practices to support all shellfish activities for long-term sustainability while supporting compatible uses and minimizing user conflicts to ensure the equitable harvest of these marine resources.
 - c. Enhance communication and improve upon the established framework for coordinated decision-making between state and federal management agencies, industry, and other interested parties. Engage management agencies, industry and other interested parties in the development of the shellfish management plan and implementation of recommendations to ensure that all concerns and appropriate legal requirements are integrated into the process. Coordination will allow for the sharing of information across all sectors, improve management, clearly establish roles and responsibilities of all parties and streamline the licensing and permitting process where appropriate.
-

QUAHAUG ENDORSEMENT

Commercial Landings: There are two very distinct peaks in commercial landings of quahaugs in Rhode Island since 1947, the first occurred in 1955 followed by a rapid decline until 1974 and then a second peak in 1985 (Figure 1). Landings reached an all-time low in 2009 but there has been a modest increase in both landings and catch per unit effort since then (Figure 2). In 2014 landings totaled 2,708 metric tons (5.97 million lbs., Table 1), which is a 14% decrease from the most recent high in 2012. According to the Standard Atlantic Fisheries Information System (SAFIS) reporting system, 83% of the landings were harvested from Greenwich Bay, Conditional Areas A & B, and the West Passage of Narragansett Bay (Table 1). Most of the quahaugs landed by count are littlenecks (67%), followed by top-necks (23%), chowders (9%) and cherrystones (1%).

Resource Assessment: DFW conducts a survey of quahaugs in Narragansett Bay on an annual basis that commenced in 1993 (Ganz et al 1999). Both fished and unfished sections of the bay are sampled. The sampling consists of towing a small hydraulic dredge (0.36 meter sweep) for a distance of 30.5 meters (100 ft) at each station. Pressurized water is delivered to the dredge manifold which dislodges shellfish from the substrate. The dredge is designed to retain legal-sized quahaugs (> 25.4mm thickness). All species retained in the dredge when hauled are identified and all shellfish are counted and measured. Based on the survey, the stratified mean density of quahaugs in Narragansett Bay has been

fairly constant through the duration of the survey typically around 2-3 quahogs per square meter.

In short, the Division evaluated the quahog dredge survey design in 2006 and suggested a change from sampling the entire bay in one year to a rotational design that would accommodate additional sampling in each strata. In 2008 the Division started to implement a partially-revised survey design; however, minimal survey work was conducted in 2010-2011 due to vessel age and repair needs. In 2012 the annual survey employed a fully-reconfigured design to increase sampling in specific strata in a given year, ultimately allowing all strata to be sampled over several years rather than in a single year as in years past. In addition, research is being conducted to improve the precision of the survey by relating observed quahaug densities to mapping of submerged sediments. In general, the reconfiguration is designed to increase sampling intensity so that the number of samples per strata is sufficient to produce improved estimates of biomass by size class.

Management Program: Quahaugs are managed entirely by DEM with advice from the Rhode Island Marine Fisheries Council (RIMFC). The DEM, through the DFW, uses a set of management areas and a rotational transplant/harvest system to manage the resource. Permanent and conditional pollution closures restrict the fishery in addition to seasons, possession limits, and management closures.

DFW Recommendations: A 2:1 exit/entry ratio for the quahaug fishery was implemented in 2011. In 2015 DEM issued a total of 189 quahaug endorsements for the CFL license. Twenty-one of these were issued to fishermen who did not have a quahog endorsement the previous year. In 2014, DEM issued a total of 181 quahaug endorsements for the CFL license of which 92 reported landings on at least one day. Of these fishermen reporting landings the average number of days fished was 39 days with an average catch of 811 quahogs per day.

In 2015, the Department issued 340 PEL licenses with quahaug endorsements compared to 347 in 2014, a decrease of seven licenses. Of the 347 PEL licenses issued in 2014, 180 licenses reported landing quahogs on at least one day. Of those reporting landings the average number of days fished was 70 days with an average of 1,040 quahogs landed each day.

In 2015, the Department issued 804 PEL licenses with quahaug endorsements compared to 816 in 2014, a decrease of twelve licenses. Of the 816 MPURP licenses issued in 2014, 214 reported quahog landings on at least one day, with an average number of 57 days fished, and an average of 976 quahogs landed each day.

Two additional license categories are not subject to the 2:1 exit/entry ratio and are restricted to basic harvest levels. *Student shellfish licenses* decreased by 10 (from 47 in 2014 to 37 in 2015) but only 21 of these licenses reported any landings in 2014. The average number of days fished by this license group was 26 days and the daily average catch was 510 quahogs. *Over 65 shellfish licenses* increased by 20 (289 in 2014 to 309

in 2014). Only 31 of these license holders reported any landings in 2014 and the average number of days fished by this license group was 23 days. The average daily catch was 548 quahogs.

The provision set forth in the RI Marine Fisheries Commercial and Recreational Saltwater Fishing Licensing Regulations Section 6.7-4 (e) allowing an actively fishing CFL license holder with a quahaug endorsement to upgrade to a PEL license with a quahaug endorsement, and an actively fishing student shellfish license holder to upgrade to a CFL with a quahaug endorsement after two years of reporting landings and no violations, was continued in 2015.

DFW believes that the number of individuals that are licensed to fish in this fishery and the number of active fishers is more an industry-based economic issue than a resource management issue. As such, the number of people participating in the fishery is becoming less relevant from a resource management perspective. **The Division believes that the change to a 1:1 ratio will not impact the fishery to an appreciable degree.** If fishing effort levels and active participation levels remain at current levels the additional number of licenses issued at a 1:1 ratio would only result in an increase in landings in 2016 of approximately 0.7%.

DEM needs to continue to work with industry to ensure a healthy quahaug fishery consisting of resource sustainability and a licensing system that will maintain an active group of fishermen and facilitate entry of new participants. Continued improvements in the landings data collection system along with DFW resource surveys will provide for accurate evaluation of standing stock and allow for sound management. Acquisition of fishery landings by market class and tagging areas allow for area specific assessment and management. The ability of DFW to manage the resource would be further increased by improved compliance with reporting tagging areas accurately and by reducing the size of some of the larger tagging areas. In concert with transplanting and spawner sanctuaries, other area specific regulations are already established and could be refined to maximize sustainable harvest. In particular, the western Greenwich Bay Management areas have seen a dramatic reduction in biomass and CPUE in recent years despite the reduced Winter Harvest Schedule. Further reductions in the number of days open for fishing in these areas may be warranted if resource levels do not show signs of improvement.

The Narragansett Bay Commission's combined sewer overflow project combined with more-intensive water quality monitoring by RIDEM Office of Water Resources, has resulted in water quality improvements in the Providence River as well as a decreased number and duration of rainfall-induced closures in Conditionally Closed Areas "A" and "B". The high densities of quahaug broodstock observed in the Providence River combined with prior rainfall-induced closures in the Conditionally Closed Areas have resulted in a significant and sustained level of harvest. In order to sustain this harvest, it is recommended that an area-specific assessment and management plans be developed and implemented for the Providence River, Conditional Area "A", Conditional Area "B" and the recently established "Conimicut Triangle". Alternatives include, but are not limited to, establishing new shellfish

management areas, establish area-specific fishing periods, and adopting realistic possession limits.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21 and recommended to reduce the exit/entry ratio for the quahaug fishery in 2015 to 1:1 for all eligible licenses that retired in 2014. This would allow 32 new CFL licenses with a quahaug endorsement to be made available for 2015 (versus 18 at the 2:1 ratio). **The RIMFC met on October 5, 2015 and recommended....**

SOFT-SHELL CLAM ENDORSEMENT

Commercial Landings: Commercial landings of soft-shell clams in Rhode Island showed an increasing trend from the early 1980's until 2007 (Figure 4) but in recent years have been in decline (Figure 5). Soft shell clams were down 94% statewide in 2014 when compared to the 2008-2010 average. With the introduction of SAFIS, landings data have been coded by area allowing for evaluation of landings by area (Table 2) and by catch per unit effort (Figure 5). For the past three years the area with the most landings are the Coastal Ponds comprising 53% of the landings statewide. The 2014 harvest in the upper portions of Narragansett Bay was down to only 2.3% of the average landings observed in 2008-2010.

Resource Assessment: Soft-shell clam resources are distributed from inter-tidal to sub-tidal zones of Narragansett Bay and the coastal ponds and estuaries. Prior to 2012 the bulk of the biomass was located in the Upper Narragansett Bay, particularly in the Conimicut Point area. In recent years, due to the successful results from the Narragansett Bay Commission's combined sewer overflow project, measurable water quality improvements were recorded in the Providence River resulting in a substantial reduction in the number of rainfall-induced closures in Conditionally Closed Areas "A" and "B" and opening of new areas, such as the new soft-shell clam grounds in the Conimicut Pt Area called the "Conimicut triangle". The Conimicut triangle area opened on June 13th, 2010 with no changes to the existing regulations. Neither the daily catch limit of 12 bushels, nor the 1 ½" minimum size were changed resulting in the biomass being depleted to less than 1/10th its former abundance, and follow up surveys in the fall of 2011 showed astoundingly low densities (Gibson 2012). The Conimicut Shellfish Management Area was established in April of 2011 and the SMA possession limit was set at 3 bushels. The 2-inch statewide minimum size was also established in April 2011.

A dynamic depletion model for open populations based on the work of Restrepo (2001) and Sosa-Cordero (2003) was developed and applied to monthly catch and effort data for the period 2006 to 2011 (Gibson 2012). The preliminary depletion model results suggest that the population declined from 2006 to 2011 with recruitment failing to replace fishery removals (Gibson 2012). Although the model could benefit from more recent data, present landings suggest that the recent

increase in minimum size did not by itself stop overfishing and catch limits may need to be reduced to < 3 bushels per day to bring fishing mortality rates into balance with resource productivity (Gibson 2012).

Management Program: Soft-shell clams are managed entirely within state waters by DEM with advice from the Rhode Island Marine Fisheries Council (RIMFC). Permanent and conditional pollution closures restrict the fishery in addition to seasons, possession limits, and management closures.

DFW Recommendations: DFW recommends remaining at the 5:1 exit/entry ratio. The resource is at a depleted state with landings at the lowest point since 1982. The current potential fishing effort far exceeds the current resource levels and effort tends to outpace resource levels in years with higher resource abundance leading to unsustainable harvest levels.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21 and recommended to reduce the exit/entry ratio for the soft shell clam fishery in 2015 to 1:1 for all eligible licenses that retired in 2014. This would allow 51 new CFL licenses with a soft shell clam endorsement to be made available for 2015 versus status quo of 5:1 which would allow for 12 new licenses to be issued. **The RIMFC met on October 5, 2015 and recommended.....**

Future Management Considerations: The Narragansett Bay Commission's combined sewer overflow project combined with more-intensive water quality monitoring by RIDEM OWR, has resulted in further water quality improvements in the Providence River as well as a decrease in the number of rainfall-induced closures in Conditionally Closed Areas "A" and "B". In 2013 RIDEM OWR again modified the boundaries and rainfall thresholds of Conditional Area C (the Conimicut triangle). Landings of soft-shell clams at Conimicut Point area have declined significantly since the overfishing that took place in 2010 and there were no landings reported in the Conimicut Triangle for 2012 or 2013, although it is suspected that some landings did occur and were misreported as Conditional Area B. Stocks could further decline without implementation of more realistic and sustainable management measures. The isolated characteristics of the Conimicut Point fishery make the clams particularly vulnerable to variations in fishing effort. Additionally, a permanent pollution closure line bisecting the bed makes enforcement problematic.

Current harvesting regulations were developed and implemented to facilitate harvest of specific shellfish species of economic interest to the commercially fishing community. Allowable harvest methods were implemented with the intent of minimizing habitat impacts and protecting juvenile stocks while providing for commercial harvest. Species-specific regulatory language has resulted in commercial fishing activities targeting unregulated (or under-regulated) species by fishing methods considered too intrusive or unsuitable by DEM. An example is the use of mechanical harvest methods (including air-assisted and water-assisted methods) in pursuit of razor clams and mantis shrimp in direct proximity to regulated species and inside established pollution closures. The

insufficiencies also make proper resource management and habitat protection problematic. Establishment of comprehensive restrictions against the use of mechanical harvest, and/or air-assisted, and water-assisted harvest methods for all species in Narragansett Bay and the salt ponds with provisions for certain fisheries would aid in protecting soft-shell clam stocks.

Alternatives to protect this fishery include, but are not limited to, establishing new shellfish management areas, establishment of area-specific fishing periods, and adoption of reduced possession limits statewide. Measures should be implemented for the Providence River while the aforementioned pollution-closure boundary at Conimicut Point is in effect.

WHELK ENDORSEMENT

Recently, DFW conducted a new comprehensive analytical assessment on whelk resources in RI (Gibson 2010). This work constitutes the first attempt to assess the status of whelk and their fishery in Rhode Island waters.

Commercial Landings: A commercial fishery for whelks has existed in Rhode Island for many years; however, until September 2009 it was not regulated or the subject of a stock assessment. There are two species commonly landed in RI, the channeled (*Busycotypus canaliculatus*) and knobbed (*Busycon carica*) whelk. According to National Marine Fisheries Service (NMFS) statistics, RI whelk landings were 85,000 pounds of meat weight in 1950 and increased over time to a peak in 1986 at 347,000 pounds. After several years of high landings, the fishery declined rapidly and from 1994 to 2003, when reported landings were less than 2,200 pounds. Since 2006, whelk landings by species have been monitored through the SAFIS reporting system, which captures landings from both state and federally permitted fishers. A sharp increase in whelk landings occurred from 2008 to 2009, with years 2006-2008 averaging 384,489 pounds annually and years 2009-2014 averaging 654,502 pounds annually (Figure 6). The average whelk landings per fisher show a decreasing trend from 2010 onward (Figure 7). Ex-vessel value of whelks from 1950 to 1976 was steady at about \$1.25 per pound of meat. It then increased sharply from \$1.27 to \$3.24 from 1976 to 1983. From 2004 to 2008, value has fluctuated around \$3.00 per pound (Gibson 2010) but has fallen to around \$2.25 in 2013.

Resource Assessment: An initial stock assessment of the RI whelk and fishery was performed by Gibson (2010) using a biomass dynamic model (BDM) and an overfishing reference point of $F_{msy}=0.33$ was calculated. The BDM clearly showed that whelk abundance is strongly influenced by fishing mortality rate (F). High F rates above the $F_{msy}=0.33$ level result in low biomass; high whelk abundance occurs when the F is less than F_{msy} (Figure 8). Based on the available data at that time, it was concluded that $F_{msy}=0.33$ was an appropriate overfishing reference point and a fishing mortality rate target equal to 75% of F_{msy} ($F=0.25$) would provide a buffer between the overfishing threshold. Based on this initial stock assessment, F rate was at or below this level,

indicating that overfishing was not occurring. Also, biomass was estimated to be near the B_{msy} reference level, so an overfished condition was not likely (Gibson 2010).

The whelk stock assessment was updated to include data through 2013 and resulted in re-estimation of $F_{msy}=0.40$. As with the previous stock assessment, high fishing mortality rates above $F_{msy}=0.40$ result in low biomass; high whelk abundance occurs when the F is less than F_{msy} . The updated target F rate is 0.30. F has risen and is now estimated to be at or above F_{msy} (Figure 9), so overfishing is likely. Biomass remains at or above B_{msy} (Figure 10). Projections indicate however that biomass will fall below B_{msy} if overfishing continues.

The fishery seems to have operated in a pulse fishing mode with periodic increases in abundance that attracted fishing effort. High fishing mortality rates ensued (1960's, 1980's), the stock declined, effort dissipated, and a biomass recovery followed. A minimum size limit alone cannot prevent reoccurrence of these fishing pulses. To avoid opportunistic expansions in effort, consideration will need to be given to effort limitation via license/permitting or through output controls such as catch limits and quotas (Gibson 2010).

Management Program: Whelks are managed entirely within state waters by DEM with advice from the Rhode Island Marine Fisheries Council (RIMFC). Minimum sizes and possession limits restrict the fishery.

DFW Recommendations: Whelks are managed entirely within state waters by DEM. To avoid opportunistic expansions in effort, a new endorsement directed at whelk fishing was added to the licensing system for 2012. The goal of the new endorsement is to cap and monitor effort through the use of the endorsement category and avoid future boom and bust cycles that were observed over recent years (Gibson 2010). Other management measures should be considered to control output to limit fishing mortality such as quotas, daily possession limits, closed seasons, and a minimum size based upon sexual maturity. A comprehensive whelk fishery sampling program was conducted by DFW during 2012 and the results of data analyses may be considered for future whelk fishery management plan strategies.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21 and supported status quo to allow holders of a valid CFL or PEL license with a Quahaug and/or Soft-Shell Clam endorsement, as of the immediately preceding year, would be eligible to obtain a Whelk endorsement in 2015. **The RIMFC met on October 5, 2015 and recommended.....**

SHELLFISH OTHER ENDORSEMENT

Other species of shellfish commercially harvested within Rhode Island waters include oysters, blue mussels, scallops and razor clams. While these species are not routinely assessed by RI DFW and little data is available to conduct comprehensive analytical

assessments, landings data and anecdotal evidence from the commercial fishing industry are useful pieces of information in identifying populations that warrant further research.

Commercial Landings: Regarding the oyster stock, landings have decreased since the late 1990's. In 2014, 191,249 wild oysters (33,271 pounds) were landed in RI. To put this number in perspective, the aquaculture industry in Rhode Island (55 farms) sold 7.55 million oysters in 2014. Therefore only 2.5% of the oysters landed in Rhode Island are from wild harvest. According to local researchers studying oyster populations within Narragansett Bay, the effects of disease, environmental conditions, poor sets of new recruits, and fishing pressure are all responsible for the sharp decline in abundance levels (Oviatt et Al. 1998). It is a reasonable assumption that given such high rates of natural mortality, fishing pressure can lead to local depletions of the resource. Recently dead oysters (open shells) are visual evidence of the effects of oyster disease. This occurs in both fished and unfished RI waters. Further investigation into the effects of fishing effort is certainly warranted; however, until the extent of the influence that fishing effort and poor recruitment has on abundance is ascertained DFW recommends reducing the daily possession limit accordingly. Establishment of new spawner sanctuaries and harvest moratoria are considered important components of the collaborative oyster-restoration efforts that are underway. Initiating further research and monitoring to track abundance and recruitment success is needed.

Management Program: Oysters, blue mussels and scallops are managed in state waters by the DEM with advice from the RIMFC. Additional federal regulations apply to surf clams and ocean quahaugs in federal waters. DEM uses seasons and possession limits to manage the state waters fishery. Permanent and conditional pollution closures further restrict the fishery in addition to the above management measures. The DEM, in cooperation with both federal government and non-government organizations, has been conducting oyster restoration in the salt ponds and Narragansett Bay.

In 2014, the Natural Resources Conservation Service (NRCS) provided funding for a statewide oyster restoration project to help increase the spawning and recruitment levels sufficient to reestablish a self-sustaining oyster population. DEM is overseeing and authorizing the placement of the stocked oysters into the state's waters. Currently, there are established shellfish spawner sanctuaries in state waters with habitat suitable for placement of the oysters. They are in designated portions of Winnapaug, Quonochontaug, Ninigret Ponds, Potters Pond, Jenny's Creek, and Bissell cove. The Nature Conservancy (TNC) is also assisting with restoration efforts.

DFW Recommendations: DFW recommends no changes for the licensing program for shellfish that fall under the shellfish other endorsement category until better data is available on their status.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21 and supported status quo in 2016. The RIMFC met on October 5, 2015 and recommended.....

LITERATURE CITED

- Erkan, D.E. and M.R. Gibson. 2006. 2005 Shellfish Survey of Potter Pond South Kingstown, Rhode Island. RI Division of Fish and Wildlife.
- Ganz A., Lazar N., and A. Valliere. 1999. Narragansett Bay Quahaug Management Plan. RI Division of Fish and Wildlife. Report to the Narragansett Bay Project and RI Marine Fisheries Council.
- Gibson, M.R. 1999. Assessment of quahaugs (*Mercenaria mercenaria*) in Narragansett Bay: technical analyses in support of a bay wide quahaug management plan. RI Division of Fish and Wildlife. Res. Ref. Doc. 99/2.
- Gibson, M.R. 2010. Stock Assessment of Whelk in Rhode Island and Recommendations for Research and Management. In progress
- Gibson, M.R. 2012. Stock Assessment of Soft-Shell Clams (*Mya arenaria*) in Rhode Island Using a Dynamic Depletion Model Applied to SAFIS Data. Draft Report - RI Division of Fish and Wildlife.
- Murphy, B.R. 2007. Estimation of Catch per Unit Effort for the Commercial Soft-shell Clam (*Mya arenaria*) Fishery in Rhode Island. RI Division of Fish and Wildlife.
- Oviatt, C, Wolff, N, VanKeuren, D, and E. Nicosia. 1998. Oysters (*Crassostrea virginica*) as indicators of a climate warming trend in Northeast waters. CR822051-010 Final report. Funding agency: Environmental Protection Agency.
- Restrepo, V.R. 2001. Dynamic depletion models. Pages 345-356, In: J. G. Cano and V.R. Restrepo, eds. Report on the FAO/DANIDA/CFRAMP WECAFC regional workshops on the assessment of spiny lobster *Panulirus argus*. Belize City, Belize April 21- May 2, 1997 and Merida, Yucatan Mexico June 1-12, 1998. FAO Fish. Rep. 619. Part III: Stock Assessment Methods.
- Sosa-Cordero, E. 2003. Trends and dynamics of the spiny lobster, *Panulirus argus*, resource in Banco Chinchorro, Mexico. Bull. Mar. Sci. 73: 203-217.
-

TABLES AND FIGURES

Table 1. RI commercial quahaug landings (A= numbers and B= lbs) for 2014 by shellfish tagging area (broad areas) and market category.

A

Shellfish Tagging Areas	Individual Quahogs Landed by Market Size				Total (#)	% of Total
	Littleneck	Top Neck	Cherry	Chowder		
<i>Unknown</i>	409,094	142,362	546	52,527	604,529	1.8%
RI 1A - Conditional Area A	7,493,915	2,740,593	89,336	1,039,491	11,363,335	32.9%
RI 1B - Conditional Area B	5,065,458	1,736,949	68,618	440,631	7,311,656	21.2%
RI 1C - Conditional Area C	5,835	2,149		1,163	9,147	0.0%
RI 2 - Greenwich Bay	1,424,409	246,117	13,540	40,078	1,724,144	5.0%
RI 3A,C,F,H - West Passage Management Areas	86,446	12,680	4,060	2,770	105,956	0.3%
RI 3W - West Passage	5,302,189	1,786,167	257,938	614,944	7,961,238	23.1%
RI 4A,B - East Passage	2,668,124	1,138,083	1,143	704,629	4,511,978	13.1%
RI 5A,K - Mount Hope Bay	2,074	721		266	3,061	0.0%
RI 5B - Sakonnet River	92,127	50,888	324	52,705	196,043	0.6%
RI 6B,N,P,Q,W - Coastal Ponds & Block Island	618,113	66,130	2,797	21,073	708,113	2.1%
Grand Total	23,167,784	7,922,839	438,300	2,970,276	34,499,199	-

B

Shellfish Tagging Areas	Pounds (lbs) Landed by Market Size				Total (lbs)	% of Total
	Littleneck	Top Neck	Cherry	Chowder		
<i>Unknown</i>	58,442	24,759	121	21,011	104,333	1.7%
RI 1A - Conditional Area A	1,070,559	476,625	19,852	415,796	1,982,833	33.2%
RI 1B - Conditional Area B	723,637	302,078	15,248	176,253	1,217,216	20.4%
RI 1C - Conditional Area C	834	374	0	465		
RI 2 - Greenwich Bay	203,487	42,803	3,009	16,031	265,330	4.4%
RI 3A,C,F,H - West Passage Management Areas	12,349	2,205	902	1,108	16,565	0.3%
RI 3W - West Passage	757,456	310,638	57,320	245,978	1,371,391	23.0%
RI 4A,B - East Passage	381,161	197,927	254	281,852	861,193	14.4%
RI 5A,K - Mount Hope Bay	296	125	0	106	528	0.0%
RI 5B - Sakonnet River	13,161	8,850	72	21,082	43,165	0.7%
RI 6B,N,P,Q,W - Coastal Ponds & Block Island	88,302	11,501	622	8,429	108,854	1.8%
Grand Total	3,309,683	1,377,885	97,400	1,188,110	5,971,406	-

Table 2. RI commercial soft-shell clam landings (lbs) for 2008-2014 by shellfish tagging area.

Shellfish Tagging Areas	2008	2009	2010	2011	2012	2013	2014	2014 % Δ from '08-'10 mean
<i>Unknown</i>	8,820	46,169	7,922	183	1,134	410	740	-96.5%
RI 1A - Conditional Area A	519,762	351,635	138,754	66,576	2,371	999	5,225	-98.4%
RI 1B,C - Conditional Area B & C	-	-	498,901	46,476	192	92	6,255	-98.7%
RI 2 - Greenwich Bay	5,704	4,182	70	358	286	0	1,073	-67.7%
RI 3 - West Passage	151,825	72,660	36,227	16,745	10,377	14,453	10,024	-88.5%
RI 4 - East Passage	4,856	5,636	2,692	19,400	377	336	3,926	-10.7%
RI 5 - Sakonnet River & Mount Hope	860	1,930	427	394	97	157	231	-78.5%
RI 6 - Coastal Ponds	22,333	12,421	13,602	33,619	27,053	29,334	10,420	-35.4%
Grand Total	714,160	494,633	698,595	183,751	41,887	45,781	37,894	-94.0%

DRAFT

Figure 1. Shell weight (metric tons) of quahaugs commercially landed in Rhode Island from 1946 – 2014.

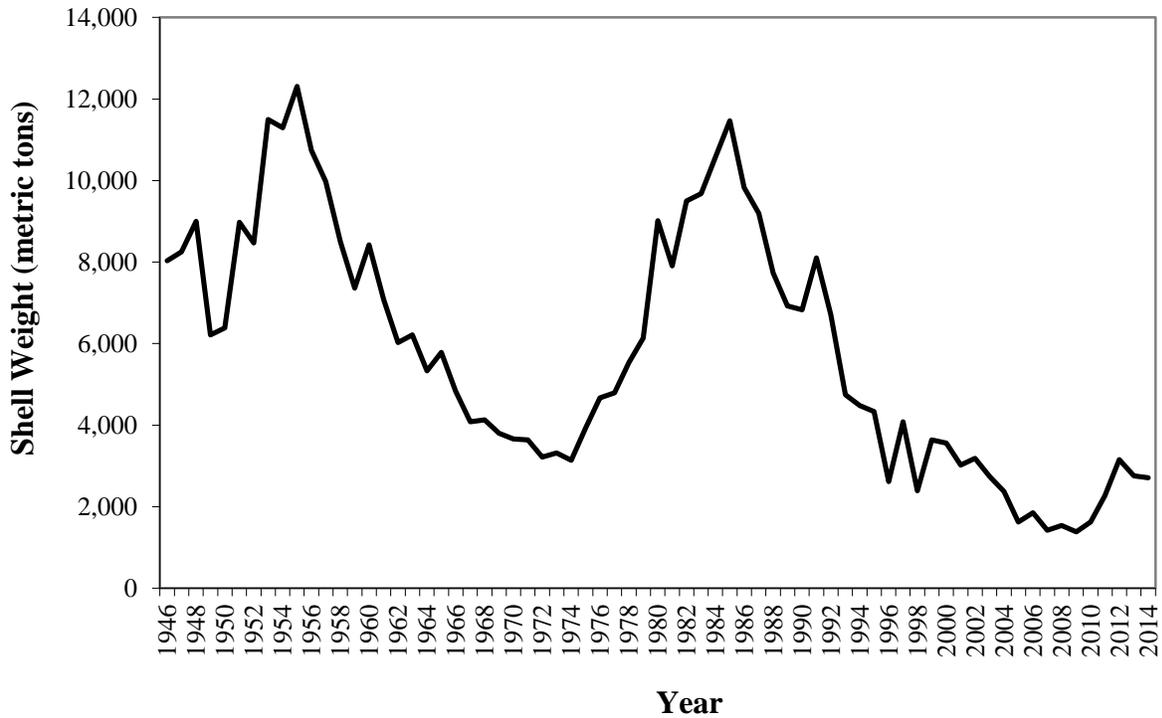


Figure 2. RI commercial quahaug landings in metric tons of shell weight and catch per unit effort (CPUE) from 2006-2014. CPUE was calculated as metric tons landed per year divided by the total number of SAFIS trips.

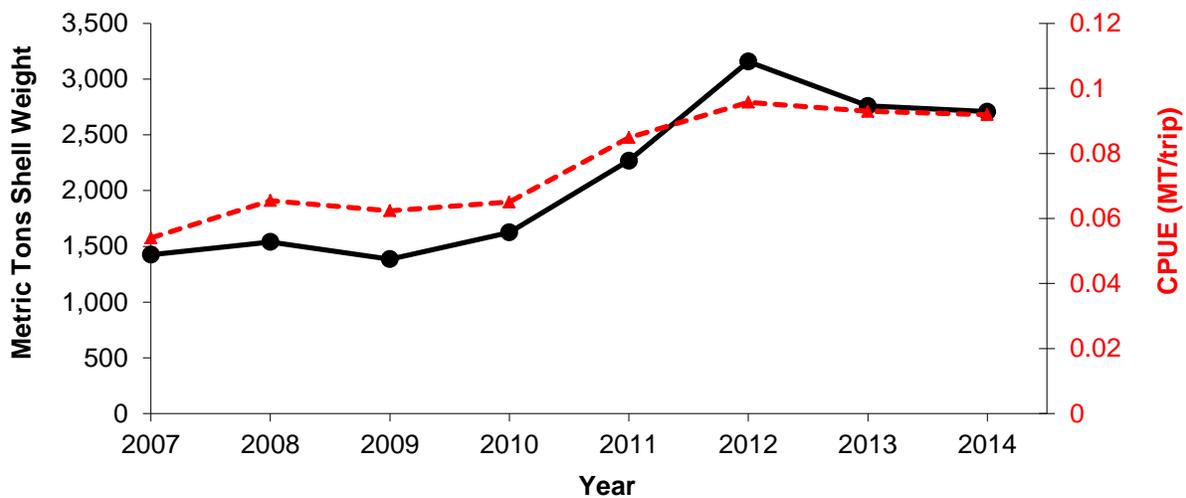


Figure 3. Recent sampling locations and survey strata in Narragansett Bay as measured by RI DEM Fish and Wildlife’s hydraulic dredge survey (2013-2014)

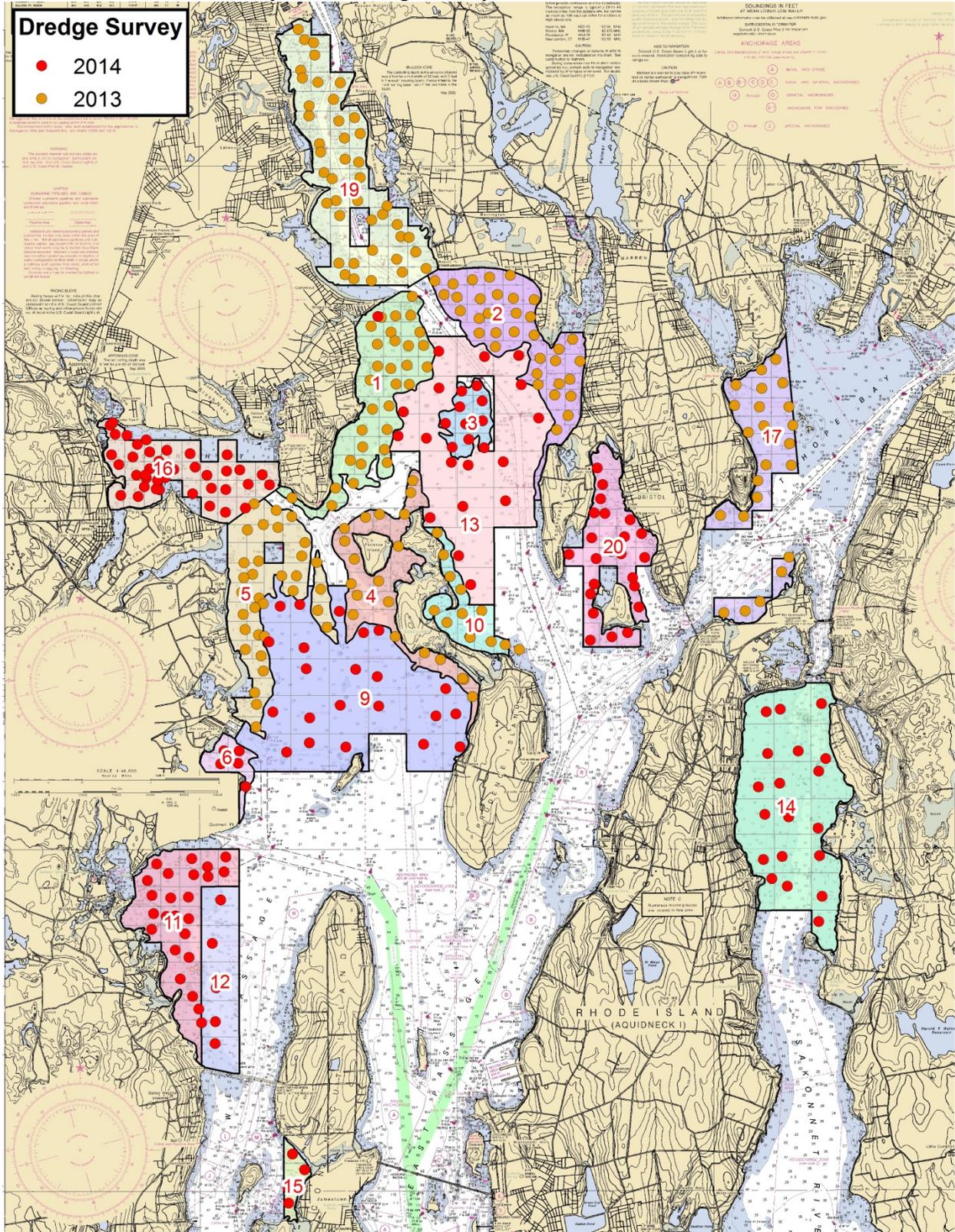


Figure 4. RI commercial soft-shell clam landings (shell weight, metric tons) from 1945-2014.

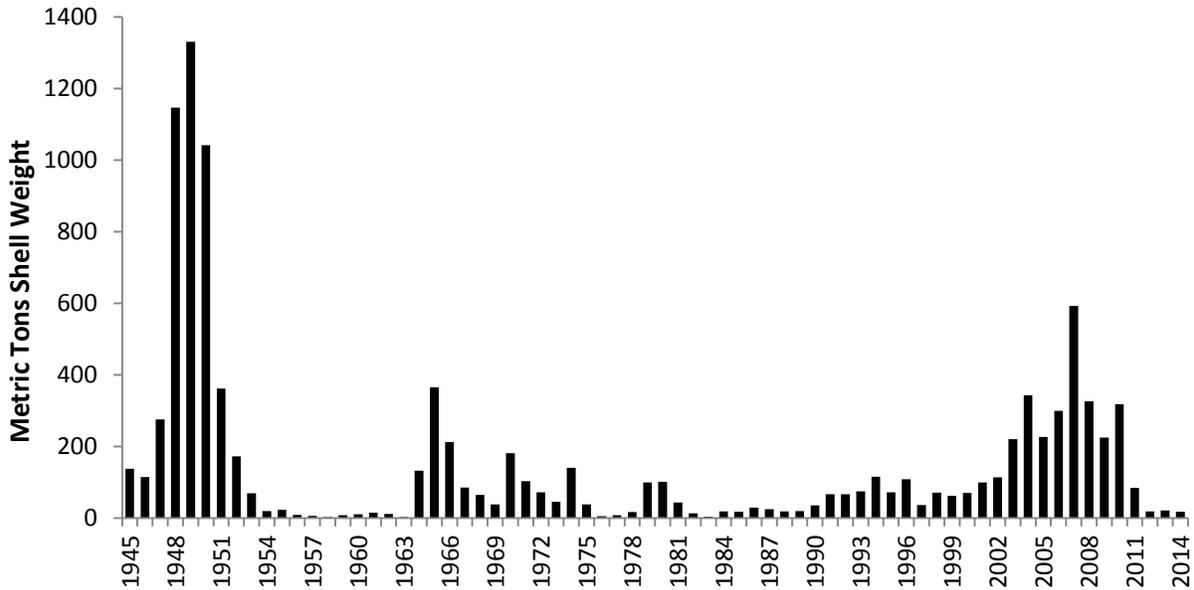


Figure 5. RI commercial soft-shell clam landings and catch per unit effort (CPUE) from 2006-2014. CPUE was calculated as pounds landed divided by the total number of SAFIS trip per year.

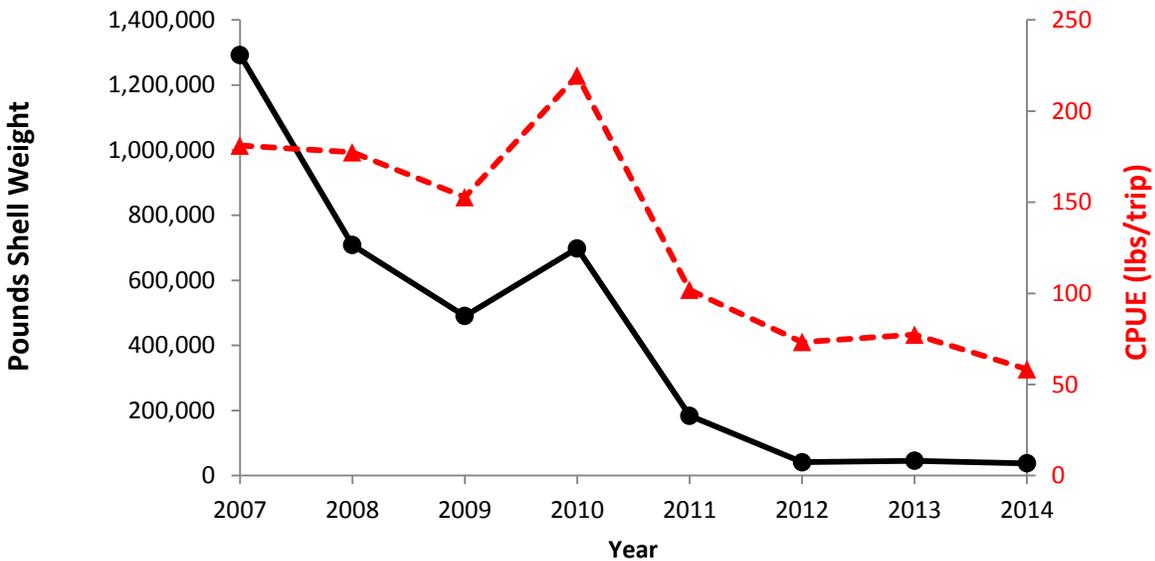


Figure 6. RI commercial whelk landings (species combined) for 2006-2014.

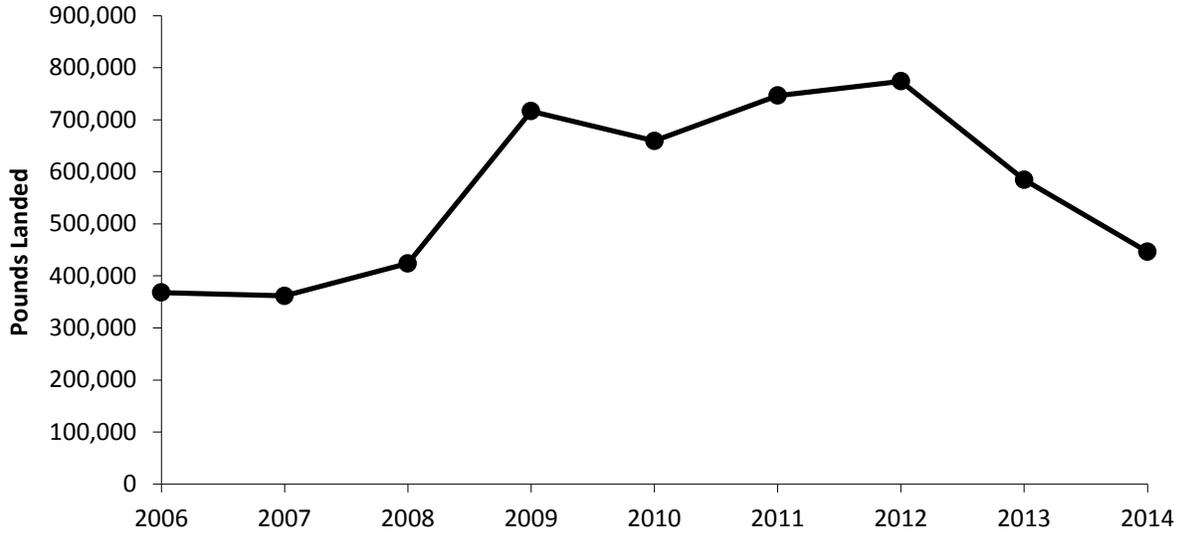


Figure 7. Number of reported fishers active in the fishery and mean landings per fisher recorded in SAFIS in the RI commercial whelk fishery from 2006-2014.

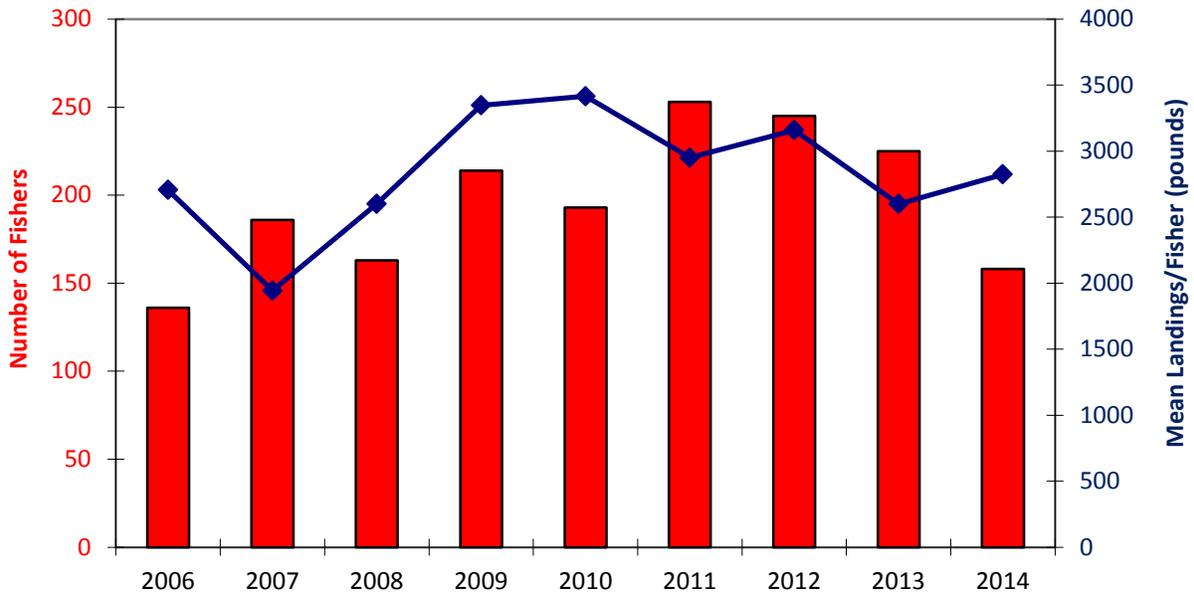


Figure 8. Phase plot for whelk fishing mortality rate (F) and stock biomass.

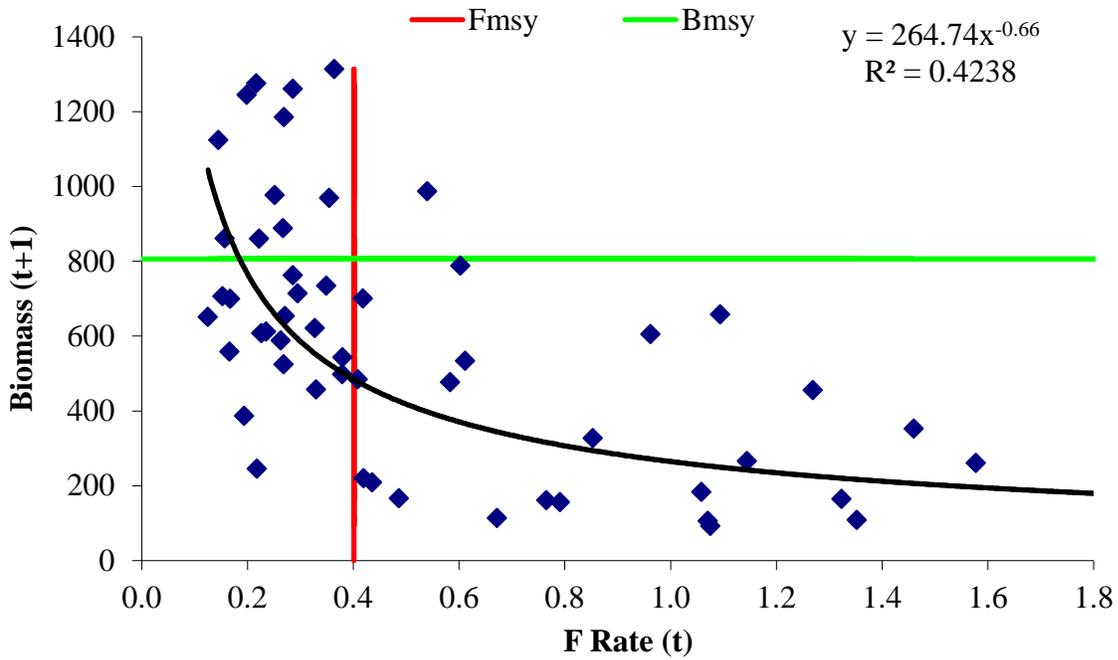


Figure 9. Estimated whelk fishing mortality rate (F) compared to Fmsy.

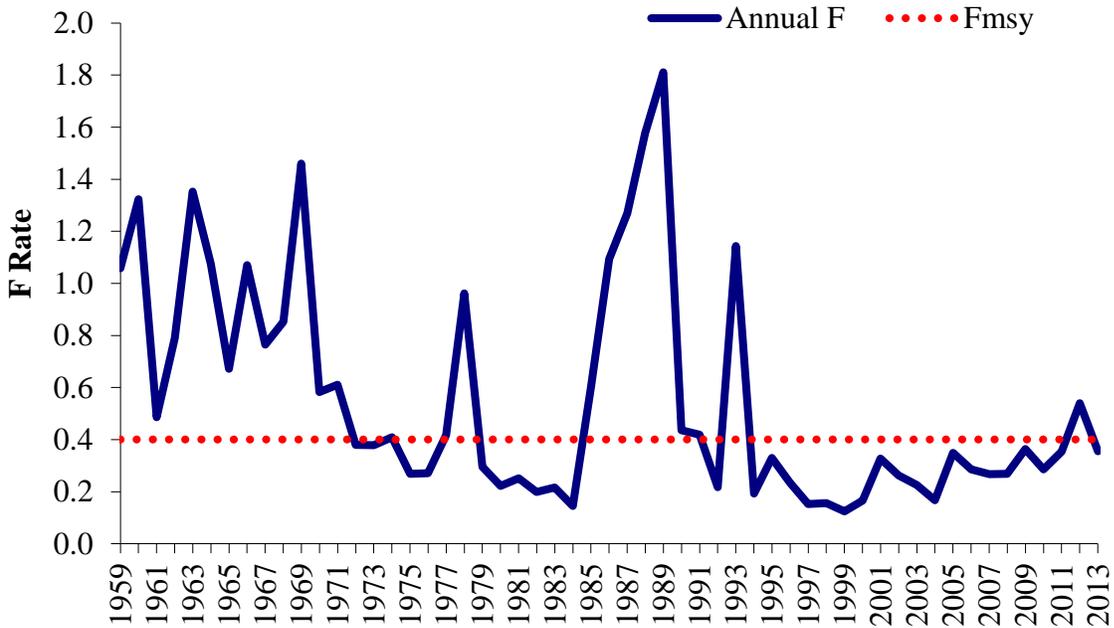
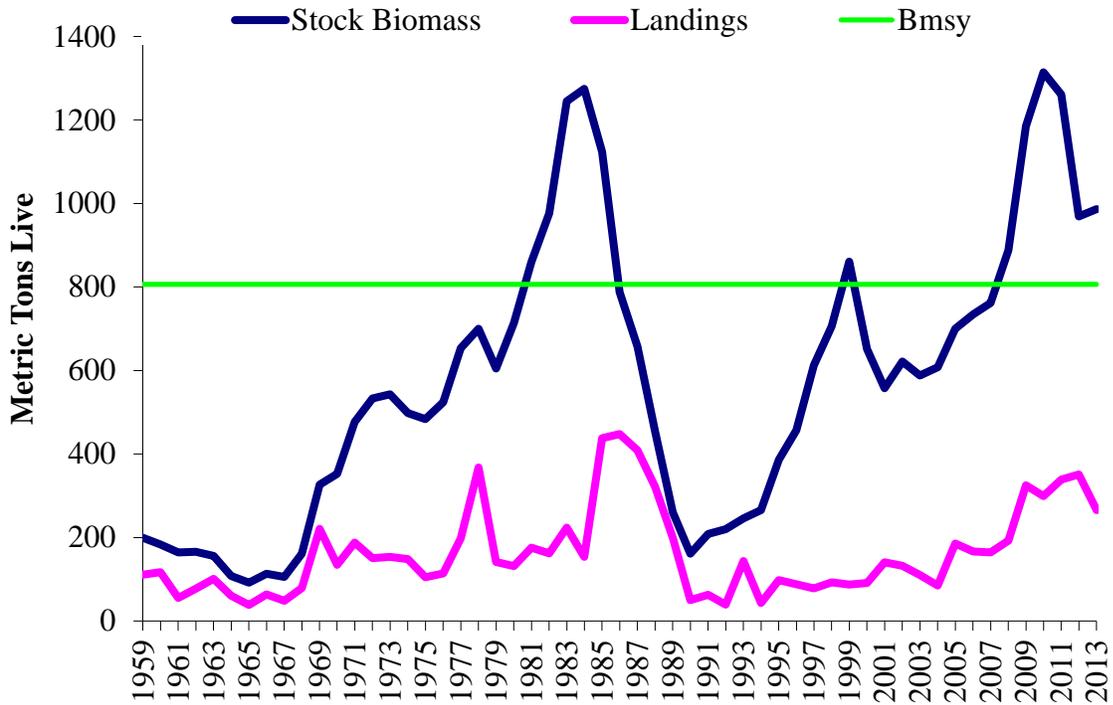


Figure 10. Estimated absolute whelk abundance and landings compared to Bmsy.



DRAFT

Plan approved:

Jason McNamee, Chief
 Division of Fish and Wildlife
 Office of Marine Resource Management

Date

RHODE ISLAND AND PROVIDENCE PLANTATIONS DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES



2016 Crustacean Sector Management Plan

DRAFT

Authority: R. I. Gen. Laws Chapter 42-17.1, Section 20-1-4, and Section 20-2.1-9, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

TABLE OF CONTENTS

Introduction	2
American Lobster Endorsement.....	2
Other Crustaceans Endorsement.....	7
Literature Cited.....	9
Tables and Figures.....	11
Signature Page	17

DRAFT

INTRODUCTION

Rhode Island general law pertaining to commercial fishing licenses requires that the Director of the Department of Environmental Management (DEM) develop conservation and management plans in support of regulations that may restrict the issuance of licenses (RIGL 20-2.1-9(5)). Restrictions on commercial licenses were clearly contemplated by the Rhode Island General Assembly as a means to limit fishing effort and to rebuild depleted fishery resources (RIGL 20-2.1-2, 20-3.1-2 (4)). Such plans are to be developed with advice from the Rhode Island Marine Fisheries Council (RIMFC) (RIGL 20-2.1-10) and shall focus on fishery resources with the greatest value to the state. The current DEM commercial licensing program recognizes three fishery sectors; crustaceans, finfish, and shellfish. The following is the plan for the crustacean sector with recommendations for licensing in 2016. Two crustacean sector license endorsements, *lobster* and *crustaceans other* (e.g., crab, shrimp) are offered by DEM and are considered here. This plan emphasizes American lobster in recognition of their great commercial and recreational value to Rhode Island citizens.

AMERICAN LOBSTER ENDORSEMENT

Stock Status: The lobster resource in Narragansett Bay and Rhode Island coastal waters (Lobster Conservation Management Area 2, Southern New England lobster stock unit) has been over exploited for many years (ASMFC 1996, 2000, 2006a, 2009, Gibson 2000). A stock decline in 2002 prompted the Atlantic States Marine Fisheries Commission (ASMFC) to initiate emergency remedial action in Lobster Conservation Management Area 2 (Area 2), which includes Rhode Island state waters. The two ASMFC lobster stock assessments conducted since 2002 have concluded that the southern New England lobster stock, including Area 2, is in poor condition based on the recommended biological reference points, is below the abundance threshold, is at or near the fishing mortality threshold, is depleted and at the overfishing threshold (ASMFC 2006a), and is below the effective exploitation threshold (ASMFC 2009) (Table 1).

Agency trawl surveys clearly document the abundance decline that triggered the 2002 ASMFC emergency action in Area 2. Rhode Island Division of Fish and Wildlife (DFW) surveys conducted in Narragansett Bay and Rhode Island coastal waters since 1979 show that local lobster abundance dropped from high levels in the mid-1990's to low levels in 2002-2003 (Figure 1). Although surveys conducted during 2005-2008 caught slightly more lobster, abundance has not recovered to former levels and remains below the time-series average. URI scientists have observed a similar pattern in lobster catches made by the Graduate School of Oceanography survey in state waters (Figure 2). Both Massachusetts and Connecticut have reported lobster declines to the east in Buzzards Bay and to the west in Long Island Sound. The decline in abundance of both sub-legal and legal lobster from 1997 to 2002 was preceded by a steep decline in the abundance of newly settled lobster from 1990 to 1996 (Figure 3). These abundance patterns are consistent with the generally accepted time lag of 6-7 years between first settlement and attainment of adult size. In addition to reduced settlement, shell

disease, oil spills, and increasing predation by finfish have likely increased the natural mortality rate and reduced the number of lobster surviving from settlement to legal size. The combined effects of reduced settlement and declining post-settlement survivorship have impacted the fishery, reducing recruitment, landings and catch per unit effort (CPUE) to lower levels (Figure 4). Given the time lag from settler to adult, the increase in legal abundance observed in 2004-2006 was not unexpected. Although settlement from 2007-2012 was poor, on an optimistic note the 2013-2014 settlement index did increase.

The ASMFC lobster technical committee last updated the coast-wide lobster stock assessment, including evaluation of new models that can consider increased natural mortality rate, in 2009. Revisions to their definitions of stock areas and recommendations for new biological reference points were made at that time as well. The ASMFC lobster management board, at their spring 2009 meeting, accepted the assessment results and peer review which have since been published for public information (ASMFC 2009). This last assessment showed that the southern New England (SNE) stock of lobster, spanning the region from Cape Cod to New Jersey, is at low abundance and considered depleted (Figure 5). The above cited assessment results and peer review comments pertain to a broader stock area than the Rhode Island marine waters under jurisdiction of the state. In response to the assessment and peer review, the ASMFC lobster management board authorized development of several addenda to the fishery management plan for lobster pending public comment and further board deliberations. An updated lobster stock assessment based on data through 2013 has been completed and results, following a peer review will be released in late 2015 or early 2016.

The ASMFC lobster technical committee recently examined data collected since the 2009 lobster stock assessment (i.e. 2008-2012 data). The SNE stock continues to be below the reference abundance threshold and below the effective exploitation threshold, meaning *the stock is depleted but overfishing is not occurring* (Table 1). Current abundance of the SNE stock is the lowest observed since the 1980s (Figure 5) even though exploitation rates have declined since 2000. More importantly, the 2009 assessment documented recruitment at very low levels throughout the SNE stock between 1998 and 2005. A number of empirical stock status indicators were examined to judge the stock's overall health independent of assessment model results. Abundance indicators for SNE are generally negative or neutral while fishing mortality indicators are mixed. In the offshore waters covered by the NMFS survey and deeper near shore waters covered by the RI survey, exploitation rates have been neutral or positive for the 2005–2007 time period. However, exploitation for Long Island Sound and the inshore waters of NJ are negative, with the exception of the NJ Fall Survey which is neutral. Fishery performance indicators are generally negative, reflecting the fact that catches and abundance are cascading downward. In general, stock indicators and model results both reflect the same stock status: overall abundance, spawning stock biomass, and recruitment are all at low levels throughout SNE lobster stock; the stock has not rebuilt since the last assessment and is still in poor condition.

Management Program: Lobsters are managed within state waters by the DEM with advice from the RIMFC. Regional management of the lobster resource is the responsibility of the ASMFC. Amendment 3 to the fishery management plan (ASMFC 1997) and associated addenda govern the interstate management program and peer reviewed coast wide stock assessments (ASMFC 2000, 2006a, 2009, 2014) provide information on lobster biology and resource status. The ASMFC management program is organized by lobster management area with Rhode Island state waters being part of Area 2. DEM complies with the Area 2 plan through a set of management measures that includes minimum gauge and escape vent sizes, trap limits, protection of egg-bearing females, and v-notching. Both state (RI-MA) and federal waters are included in Area 2 making cooperative management essential. The plan for Area 2 initially required reductions in trap deployment in addition to a set of gauge and escape vent size increases in order to rebuild egg production to the minimum F10% level. The Addendum VII plan was structured to include transferability of lobster trap allocation, and includes a 10% conservation tax on trap allocation transfers which is expected to result in further reductions in the amount of traps deployed in Area 2 over time. The transferability provisions for Addendum VII have been developed by ASMFC Addenda XII, XVIII, XIX, and XXI. New interim biological reference points were adopted via ASMFC addendum VIII in 2006 and a rebuilding timeline with technical measures via ASMFC addendum XI were adopted in 2007. These actions were taken to remedy the over-fished condition identified in the 2006 stock assessment. ASMFC addendum XVI established new reference points for determination of lobster stock status and was adopted in November 2009.

Additionally, in response to the April 2010 ASMFC Lobster Technical Committee report on recruitment failure in the SNE lobster stock, the ASMFC Lobster Management Board called for development of an addendum (addendum XVII) to address a recommended 50-75% reduction in the exploitation rate on lobster in the SNE stock. The NMFS contracted the services of the Independent Center of Experts (ICE) to conduct a review of the 2009 stock assessment and technical committee report on recruitment failure in SNE. The ICE review produced a consensus that 1) natural mortality rate (M) had likely increased, 2) the stock was in poor condition, and 3) severe reductions in fishing mortality rate were needed immediately. The ASMFC Lobster Management Board approved Addendum XVII to the Interstate Fishery Management Plan for American Lobster in February 2012. This addendum presents a suite of management options to reduce fishing exploitation on the southern New England (including LCMA 2) lobster stock by 10% starting in July 2013. The proposed 10% reduction would come from changes in the minimum size limit, maximum size limit, and/or closed seasons. Proposals would be developed for each affected lobster conservation management area (LCMAs 2, 3, 4, 5, and 6) to meet the 10% reduction in exploitation. In lieu of a closed season, a conservation equivalency program was approved for LCMA 2 to allow the states of Rhode Island and Massachusetts to implement a mandatory v-notch program for all legal sized egg bearing females beginning June 1, 2012. If the measures do not meet the conservation objectives, an annual four month closed season from January 1 to April 30 will be implemented. As part of the Southern New England area-specific measures, LCMA 3 will implement a minimum size of 3 17/32" effective January 1,

2013. In July 2014 staff biologists analyzed available fishery dependent data and determined that the 10% reduction in exploitation had not been met mostly because of further declines in lobster abundance.

In May 2012 the ASMFC American Lobster Management Board approved Draft Addendum XVIII for Public Hearing. The draft Addendum proposed a consolidation program for LCMA's 2 and 3 to address latent effort and reduce the overall number of traps allocated. The specific management tools being considered include trap allocations, trap banking and controlled growth for participants in the fishery. Addendum XVIII was approved in August 2012 with the goal of scaling the southern New England lobster fishery to the size of the resource, with an initial goal of reducing qualified trap allocation by 25% - 50% over a 5-10 year period of time. Addendum XIX was approved in February 2013 as essentially a revision to Addendum XVIII to change the LCMA 3 transfer tax from 20% down to 10%. Addendum XXI is a continuation and refinement of aspects of Addendum XVIII and addresses mechanisms for reductions in fishing capacity for LCMA's 2 and 3 and rules governing lobster trap allocation transferability. In May 2014 and November 2014, the DEM and NOAA Fisheries respectively, implemented a State licensed and Federally permitted Lobster Trap Reduction and Lobster Trap Transferability program which allows State licensed and Federally permitted fishers to transfer traps within the pool of State licenses and Federal Permits along with a 10% transfer tax to further reduce traps in conjunction with an annual trap reduction schedule for both management areas. The 2016 fishing season will be the first reduction in all Lobster Trap Allocations by 25% in Area 2 and 5% in Area 3.

Current Rhode Island lobstermen fishing in state waters must hold either a multipurpose license, lobster principal effort license, or commercial fishing license endorsed for lobster to fish for lobster, as allowed for by existing state and ASMFC regulations. The licensing statutes require that the Director of DEM specify by rule the status of the lobster resource each year and the availability of new lobster licenses. A limited number of individuals were issued limited access, basic commercial fishing licenses in 2003. These licenses allowed for a 100-pot deployment rather than the 800 pot, full access deployment. As a result of implementation of Addendum VII, all license holders are now limited to fishing a number of traps based on their individual lobster landings and trap deployment history during the years 2001-2003 (or 1999-2000 in cases of a proven medical or military service hardship during the years 2001-2003). No new lobster licenses were recommended or issued by DEM for 2015, and none are recommended by DEM for 2016. Table 2 shows Rhode Island commercial fishing license and lobster license/endorsement issuance data for 2003-2014.

Fishery Management Goals and Objectives:

Goal: The following goal is adapted from the coast wide goal of the Atlantic States Marine Fisheries Commission (ASMFC 1996).

Rhode Island will have a healthy American lobster resource and a fishery management regime, which provides for sustainable harvest, cooperative management by stakeholders, and appropriate opportunities for fishery participation.

Objectives:

1. Maintain fishing mortality rates and brood stock abundance at levels, which minimize the risk of stock depletion and recruitment failure.
2. Extend size-age composition of the resource and increase yield per recruit in the fishery while maintaining harvest at a sustainable level.
3. Maintain existing social and cultural characteristics of the fishery wherever possible
4. Promote economic efficiency in harvesting and use of the resource
5. Provide for adaptive management that is responsive to unanticipated short-term events or circumstances.
6. Increase understanding of American lobster biology and improve data collection, stock assessment models, and relationships between harvesters and scientists.

Division Recommendations: It is clear from the above information that the regional lobster resource has undergone a decline in abundance and fishery performance. The decline has imposed substantial economic hardship on industry that has responded with attrition. Recently, the local stock has shown signs of increase but biomass remains below that needed for MSY. The regional rebuilding effort undertaken by the ASMFC has not yet been completed. Additional restrictions may be placed on existing fishers via addendums to the interstate fishery management plan including a continued prohibition on issuance of new Area 2 permits. This prohibition includes state lobster licenses and landing permits applicable to lobster. The finding of reduced resource status (biomass below threshold level) is inconsistent with Rhode Island fishery conservation standard A of RIGL 20-2.1-9. **In view of ASMFC compliance requirements and state law, it is recommended that no new lobster licenses be issued for 2016.** The state should continue to work with the RIMFC and ASMFC to further reduce fishing mortality and to rebuild the lobster resource throughout the region. Attrition is clearly occurring in the industry and contributing to reduced fishing effort. The state is preparing to neutralize latent effort through the trap reductions imbedded in Addendum XVIII starting in 2016 so that it cannot re-activate if resource conditions improve. Participation in Area 2 is based on historical performance and the state has reviewed lobster licensing and made appropriate changes in preparation for limited access-historical performance. A lobster trap allocation transferability program that was initiated with Addendum XII has been developed in consultation with ASMFC and NOAA Fisheries via Addenda XVIII, XIX, and XXI. This can be used to bring new individuals into the fishery without increasing effort above that qualified in the initial trap allocation.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21st to formulate advice for the Council on licensing. No vote or recommendation was provided, and no objection was made regarding the continued moratorium on the issuance of new lobster licenses. **At their meeting on October 5, the Council recommended**

Other Management Considerations: Industry has worked closely with the ASMFC, NOAA Fisheries, and DFW to implement the effort control program approved by the ASMFC lobster management board. Continued agency/industry cooperation is needed as implementation of transferability and historic participation schemes proceeds throughout the region. These programs, although controversial in some quarters, provide the best long-term mechanism to reduce lobster fishing effort. Industry has also expressed support for a replacement for the North Cape v-notching program that ended in July of 2006. As noted above, this has come in the form of ASMFC Addenda VII, XII, XVIII, XIX, and XXI to the American Lobster FMP. The former program had reduced the fishing mortality rate on female lobsters locally and egg production by v-notched females was a substantial component of egg production during 2002-2006. However, this component of egg production has decreased drastically since the termination of the North Cape v-notching program. Re-institution of this program in the context of achieving ASMFC stock rebuilding targets is set to occur. DEM strengthened v-notch protection by implementing a more restrictive v-notch definition on September 12, 2006. The intent was to increase the longevity of v-notched lobsters and encourage industry to practice voluntary notching. Abundance of v-notched lobsters has declined during 2006-present. This warrants close monitoring since industry based v-notching post North Cape is needed in conjunction with the effort control plan to keep mortality rates low on female lobster. The mandatory v-notch program for all legal sized egg bearing females as part of Addendum XVII to the Interstate Fishery Management Plan for American Lobster is currently still in effect. Finally, industry supports continuation of the un-vented trap survey begun in 2006 as the primary abundance-monitoring tool for lobster. Continued federal funding to Rhode Island is needed to continue this survey.

OTHER CRUSTACEANS ENDORSEMENT

Stock Status: The commercial crab fisheries in state waters consists of landings of green (*Carcinus maenas*), Jonah (*Cancer borealis*), rock (*Cancer irroratus*), and blue crabs (*Callinectes sapidus*). Total Rhode Island landings of these species is currently (2014) about 4.5 million pounds and worth about 3.38 million dollars (Atlantic Coastal Cooperative Statistics Program 2014). However, only a small amount of this is taken from state waters. Landings of deep-sea red crabs (*Chaceon quinqueedens*) are also made, but these come strictly from federal waters and participation is limited by federal permit.

An ASMFC Fishery Management Plan is currently under development for the Jonah Crab (*Cancer borealis*) fishery. Probable elements of the management plan could be but not limited to permitting, minimum size requirements, the prohibition of egg bearing females and incidental bycatch limits. Fishing mortality rate on the two *Cancer* crab species (Jonah and Rock crabs, species combined) has recently exceeded the F_{msy} level (Figure 6). Biomass, however, was above the B_{msy} level so the Jonah and Rock crab resource is not considered over-fished at this time. Figure 7 shows the URIGSO trawl survey time-series for the two *Cancer* crab species (Jonah and Rock crabs,

species combined). Recent (2006-2014) *Cancer* crab abundance is below the time-series mean.

Figure 8 shows the URIGSO trawl survey time-series for blue crabs.

There is not sufficient data to assess other crab species in state waters at this time. The introduction of the Japanese shore crab (*Hemigrapsus sanguineus*) has been noted and may have as yet unknown consequences for other crab species.

The horseshoe crab (*Limulus polyphemus*), although not a true crab, is also harvested. Horseshoe crabs in Rhode Island were found to be over-fished and at low abundance in the first DFW assessment (Gibson and Olszewski 2001) and analysis of data through early 2013 shows a continuing trend of low abundance. An updated coastwide Horseshoe Crab stock assessment was conducted in 2013 and declining abundance was evident in the New England region. These declines were evident in the previous 2004 and 2009 stock assessments, and trends have not reversed. The status of horseshoe crabs in the New England region appears worse than what it was during the 2009 stock assessment, with more indices now likely less than their 1998 reference points.

A commercial quota system with additional seasonal harvest restrictions and possession limits is being proposed to better distribute the annual catch to multiple user groups and gear types. The updated stock assessment shows that while the fishing mortality rate has been reduced to below the F_{msy} reference point, stock abundance has not yet recovered toward B_{msy} (Figures 9 and 10).

Management Program: Horseshoe crabs and crustaceans other than lobster are managed in state waters by the DEM with advice from the RIMFC. DEM uses time and area closures, quotas, and possession limits to manage the state waters fishery. Compliance with an ASMFC management plan is required in the case of horseshoe crabs and is achieved with a commercial quota and permitting system.

Division Recommendations: Crab abundance is stable or declining so that additional restrictions may be needed. The recent increase in crab landings should be monitored. The spawning period closures have greatly restricted the horseshoe crab fishery and reduced fishing mortality rates. Currently, the Rhode Island Horseshoe Crab assessment is being updated with the most recent data available. The current management approach has proven to be difficult for enforcement and does not allow multiple gear types and user groups an equal opportunity for harvest on a seasonal basis. Additional limits may be needed in the future. New commercial licenses for most of these species need not be limited and can likely sustain harvest levels equal to current licensees. In order for the DFW to react in a timely fashion to fishery landings, the reports should continue to be submitted in the current manner. However it should be noted that with somewhat un-restricted access to the horseshoe crab fishery, the likelihood of an early closure date due to an exhausted quota is high unless more restrictive daily possession limits are implemented. With a quota based management

regime there is no biological reason for limiting access however as effort increases so do landings.

RI Marine Fisheries Council: The Industry Advisory Committee (IAC) of the RIMFC met on July 21st to formulate advice for the Council on licensing. **At their meeting on October 5, the Council recommended**

LITERATURE CITED

Atlantic States Marine Fisheries Commission (ASMFC). 1996. A review of the population dynamics of American lobster in the northeast. Special Report No. 61 of the Atlantic States Marine Fisheries Commission.

Atlantic States Marine Fisheries Commission (ASMFC). 2000. American lobster stock assessment report for peer review. Stock assessment report No. 00-01 (Supplement) of the Atlantic States Marine Fisheries Commission. July 2000.

Atlantic States Marine Fisheries Commission (ASMFC). 2003a. Total allowable landings for area 2. Report of the ASMFC lobster modeling subcommittee, January 2003.

Atlantic States Marine Fisheries Commission (ASMFC). 2003b. Lobster conservation management area 2: goals and management measures. Report of the ASMFC lobster technical committee, July 2003.

Atlantic States Marine Fisheries Commission (ASMFC). 2006a. American lobster stock assessment for peer review. Stock Assessment Report No. 06-03 (Supplement) of the Atlantic States Marine Fisheries Commission. January 2006.

Atlantic States Marine Fisheries Commission (ASMFC). 2006b. Terms of Reference and Advisory Report to the American lobster stock assessment peer review. Stock Assessment Report No. 06-03 of the Atlantic States Marine Fisheries Commission. January 2006.

Atlantic States Marine Fisheries Commission (ASMFC). 2009. American lobster stock assessment for peer review. Stock Assessment Report No. 09-01 (Supplement) of the Atlantic States Marine Fisheries Commission. February 2009.

Atlantic Coastal Cooperative Statistics Program. (2012) 2012 Rhode Island Cancer Crab Landings Data; generated by Anna Webb; using ACCSP Data Warehouse [online application], Arlington, VA: Available at <http://www.accsp.org> --> Data Center --> Data Warehouse --> Login; accessed July 8, 2013.

Atlantic States Marine Fisheries Commission (ASMFC). 2013. Horseshoe Crab Stock Assessment Update. August 2013.

Atlantic States Marine Fisheries Commission (ASMFC). 2015. American lobster benchmark stock assessment and peer review report. Stock Assessment Report (Supplement) of the Atlantic States Marine Fisheries Commission. August 2015.

Drinkwater, K.F. and D.G. Mountain. 1997. Climate and Oceanography. Pages 3-25 in J. Boreman, B.S. Nakashima, J.A. Wilson, and R.L. Kendall, editors. Northwest Atlantic groundfish: perspectives on a fishery collapse. American Fisheries Society, Bethesda Maryland.

Gibson, M.R. 2000. Alternative assessment and biological reference points for the Rhode Island inshore lobster stock with estimations of unfished stock size. Report to the Atlantic States Marine Fisheries Commission and lobster assessment peer review panel.

Gibson, M.R., and S. Olszewski. 2001. Stock Status of Horseshoe Crabs in Rhode Island in 2000 with Recommendations for Management. RI Division of Fish and Wildlife. Research Reference Document 01/01.

Gibson, M.R., and T. E. Angell. 2006. Estimating the reduction in fishing mortality rate on area 2 lobster associated with the North Cape v-notching program. RI Division of Fish and Wildlife. Report to the ASMFC lobster technical committee.

Hilborn, R., and C.J. Walters. 1992. Quantitative fisheries stock assessment choice, dynamics and uncertainty. Chapman and Hall, New York. 570 p.

Katz, C.H., J.S. Cobb, and M. Spaulding. 1994. Larval behavior, hydrodynamic transport, and potential offshore recruitment in the American lobster, *Homarus americanus*. Mar. Ecol. Prog. Ser. 103: 265-273.

Wahle, R., M. Gibson, R. Glenn, P. Lawton, D. Robichaud, J. Tremblay, and C. Wilson. 2006. New England Lobster Settlement Index: Update 2005 Climate Controls.

TABLES AND FIGURES

Table 1 - Revised threshold reference points with stock status variables for the Southern New England lobster stock unit.

Variable	SNE
Effective Exploitation	
Effective Exploitation Threshold	0.41
Recent effective exploitation 2011-2013	0.27
Effective Exploitation Below Threshold?	YES
Reference Abundance (number of lobster)	
Abundance Threshold	24,000,000
Recent Abundance 2011-2013	10,000,000
Abundance Above Threshold?	NO

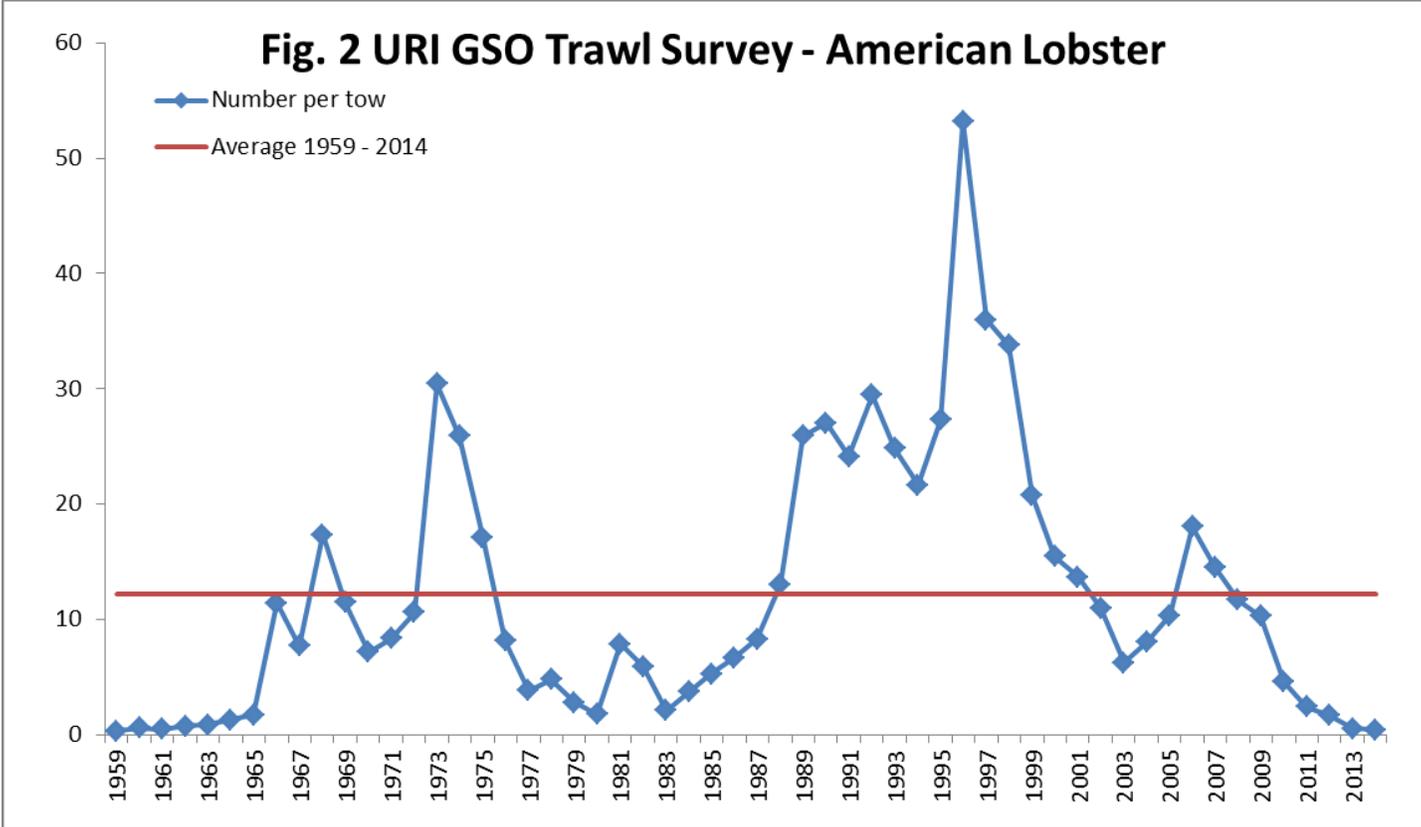
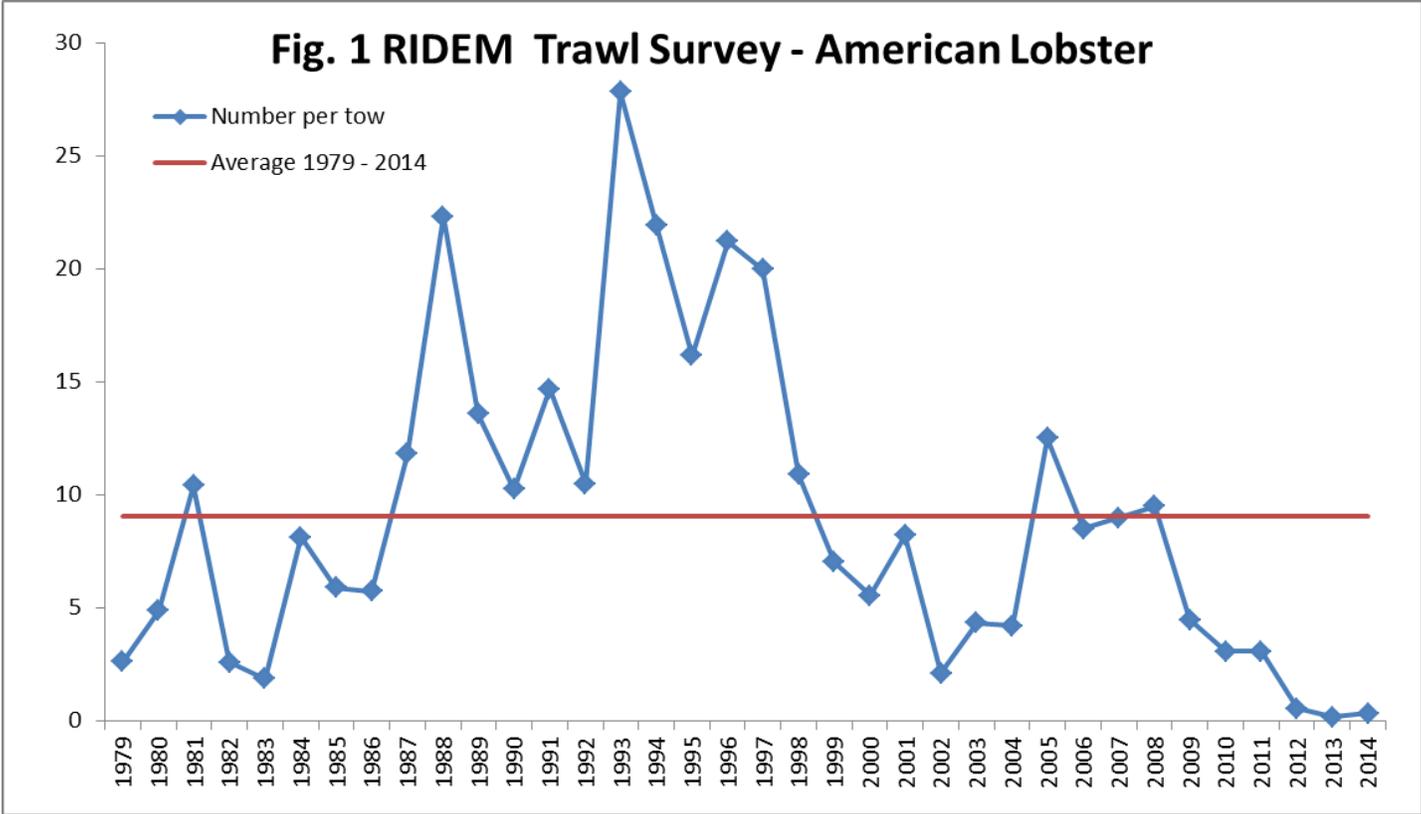
Table 2 - Rhode Island Commercial Fishing License and Lobster License/Endorsement Issuance Data, 2003-2014.

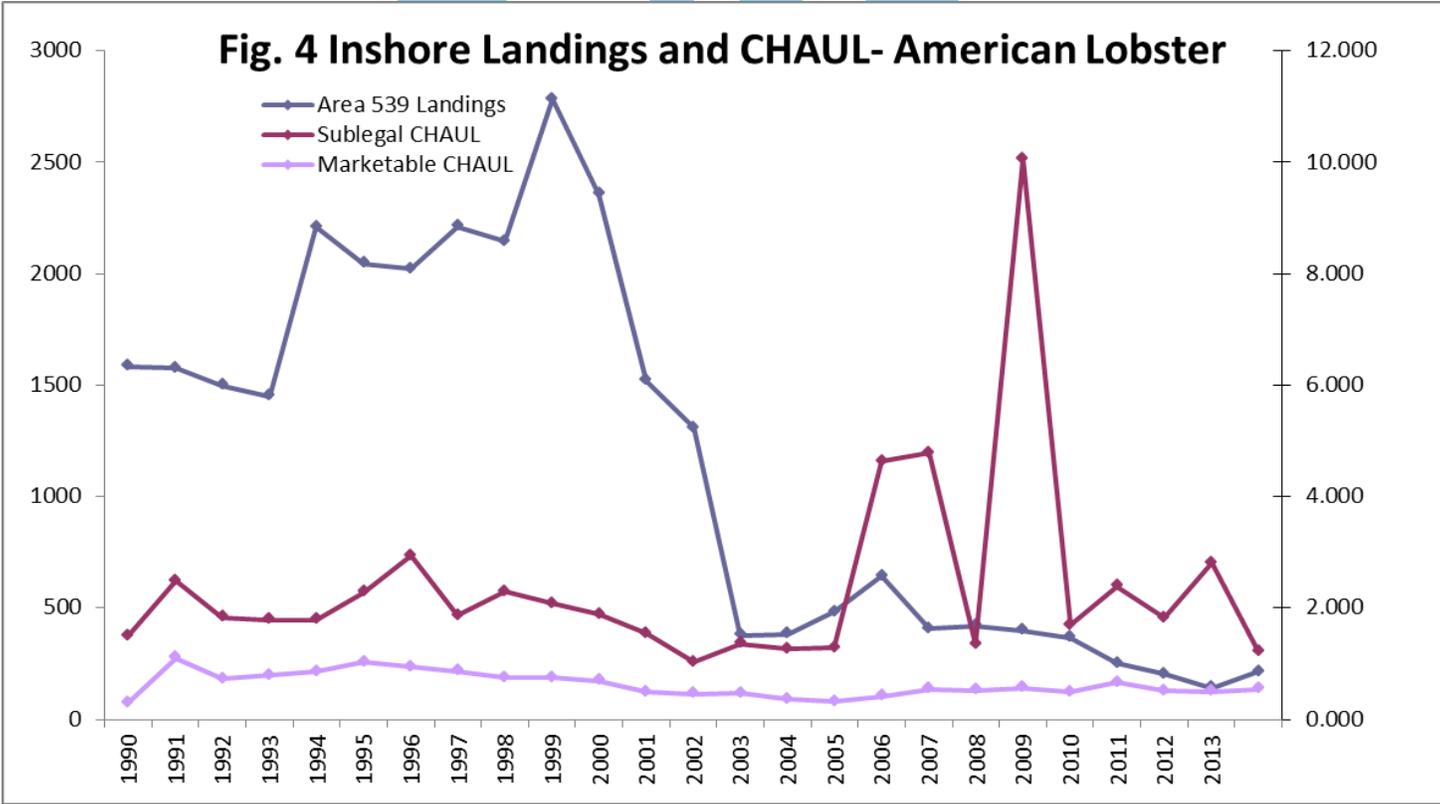
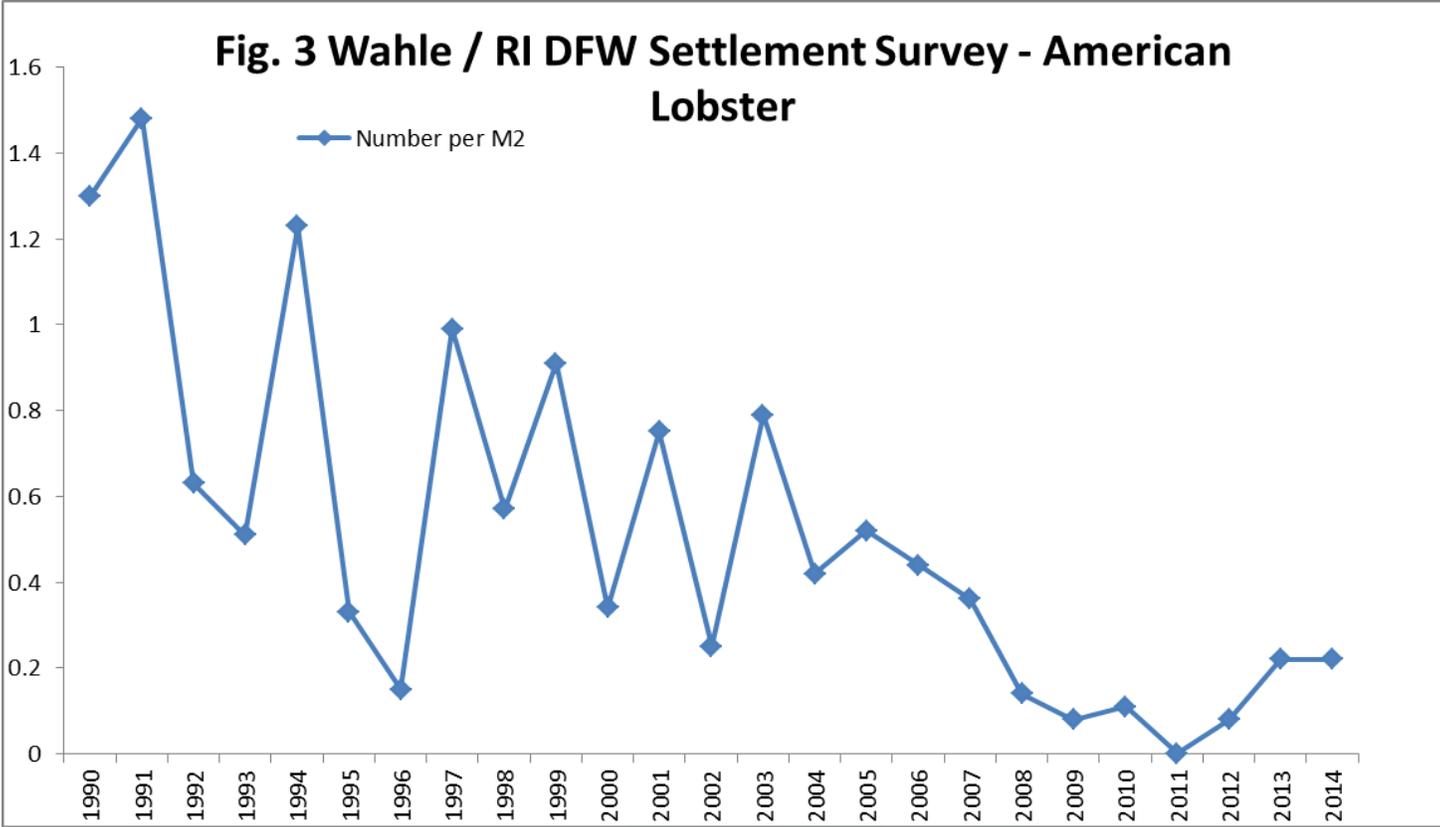
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
License Type													
Total Multi-purpose Licenses MPL	1191	1135	1075	1019	973	939	917	891	868	853	829	816	799
MPL w/lobster endorsement*	1191	1135	1075	1019	973	939	917	891	868	853	829	816	799
MPL ordered trap tags (State only /Area 2)**	265	243	228	207	154	172	148	156	141	108	113	88	86
MPL w/lobster trap allocation (State only/Area 2)*					210	219	215	210	209	209	210	200	196
MPL ordered trap tags (Federal /Area 2)**	130	130	119	108	95	91	87	89	81	78	83	64	63
MPL w/lobster trap allocation (Federal/Area 2)*					112	111	112	110	110	104	107	108	102
Total Principal Effort Licenses PEL	1325	1148	997	930	862	810	776	737	717	690	655	615	590
PEL w/lobster endorsement*	61	56	52	46	45	44	40	38	37	36	30	27	20
PEL ordered trap tags (State only /Area 2)**	25	21	19	18	20	17	17	17	13	10	10	5	6
PEL w/lobster trap allocation (State only/Area 2)*					23	22	22	21	21	21	21	16	15
PEL ordered trap tags (Federal /Area 2)**	16	15	15	10	12	12	13	13	12	7	7	7	5
PEL w/lobster trap allocation (Federal/Area 2)*					14	14	15	15	14	14	13	13	10
Total Commercial Fishing Licenses CFL	271	283	317	397	464	421	433	450	394	398	420	404	404
CFL w/lobster endorsement***	50	48	41	38	32	27	22	19	17	16	15	14	14
CFL ordered trap tags (State only /Area 2)**	24	16	13	10	6	6	6	6	5	4	4	2	2
CFL w/lobster trap allocation (State only/Area 2)***					9	8	8	8	8	8	8	6	6
CFL ordered trap tags (Federal /Area 2)**	0	2	2	2	2	2	1	1	1	1	1	1	1
CFL w/lobster trap allocation (Federal/Area 2)***					2	2	2	1	1	1	1	1	1
Total Effective Lobster Licenses	1302	1239	1168	1103	1050	1010	979	948	922	905	874	857	833
Total Effective lobster Licenses w/trap allocation					370	376	374	365	363	357	360	344	330

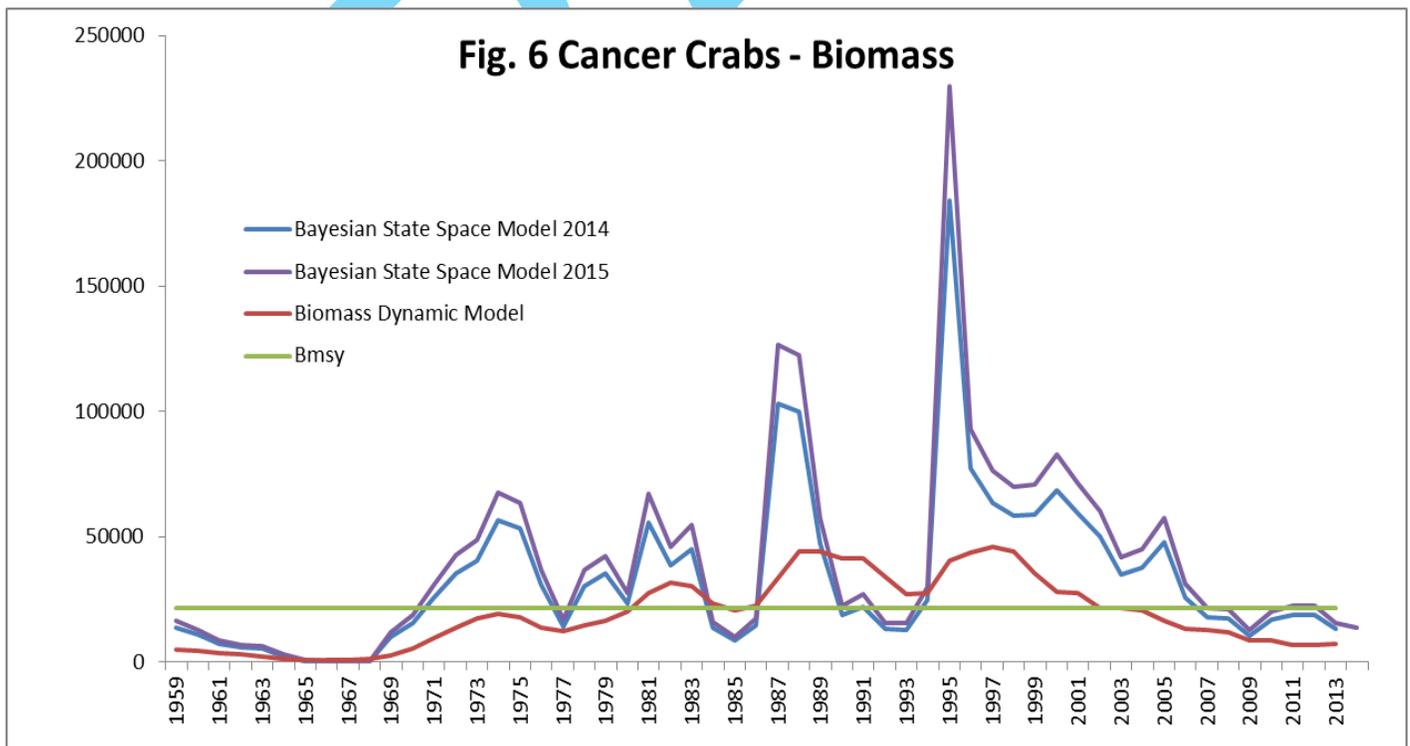
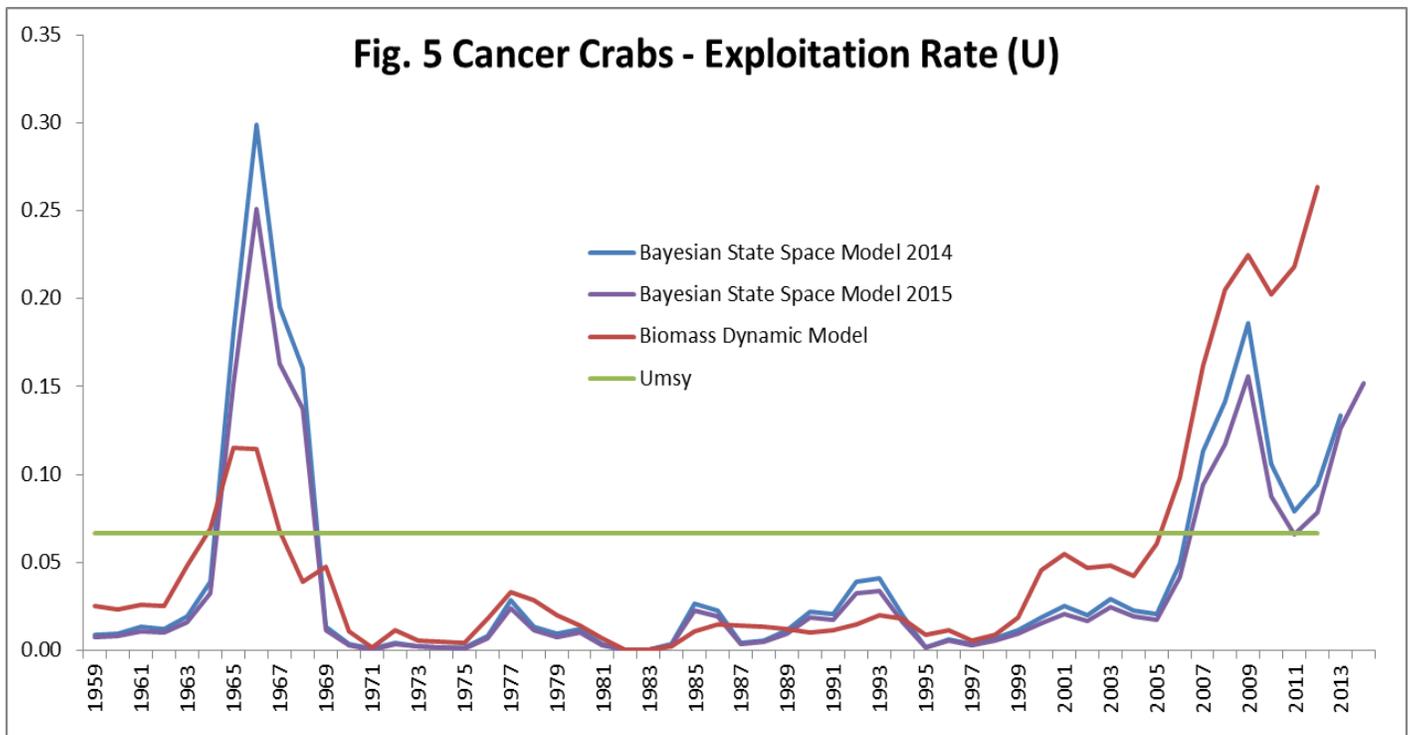
* 800 trap limit during 2003-2006; individual history-based lobster trap allocation starting in 2007; all MPL licenses are endorsed to harvest lobster

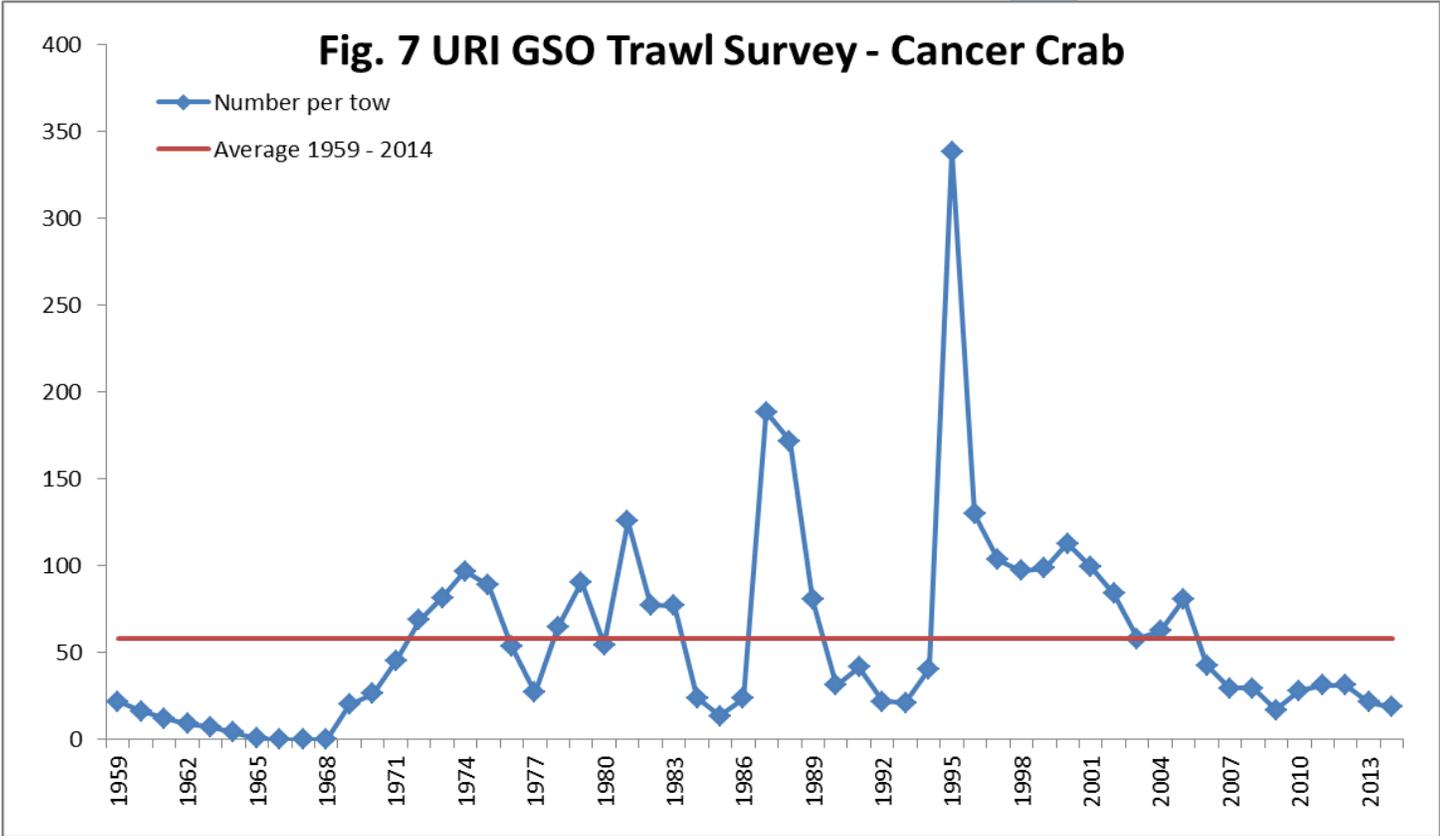
** 2003-2013 used trap tag orders as proxy for "effective" lobster licenses

*** 100 trap limit during 2003-2006; individual history-based lobster trap allocation starting in 2007









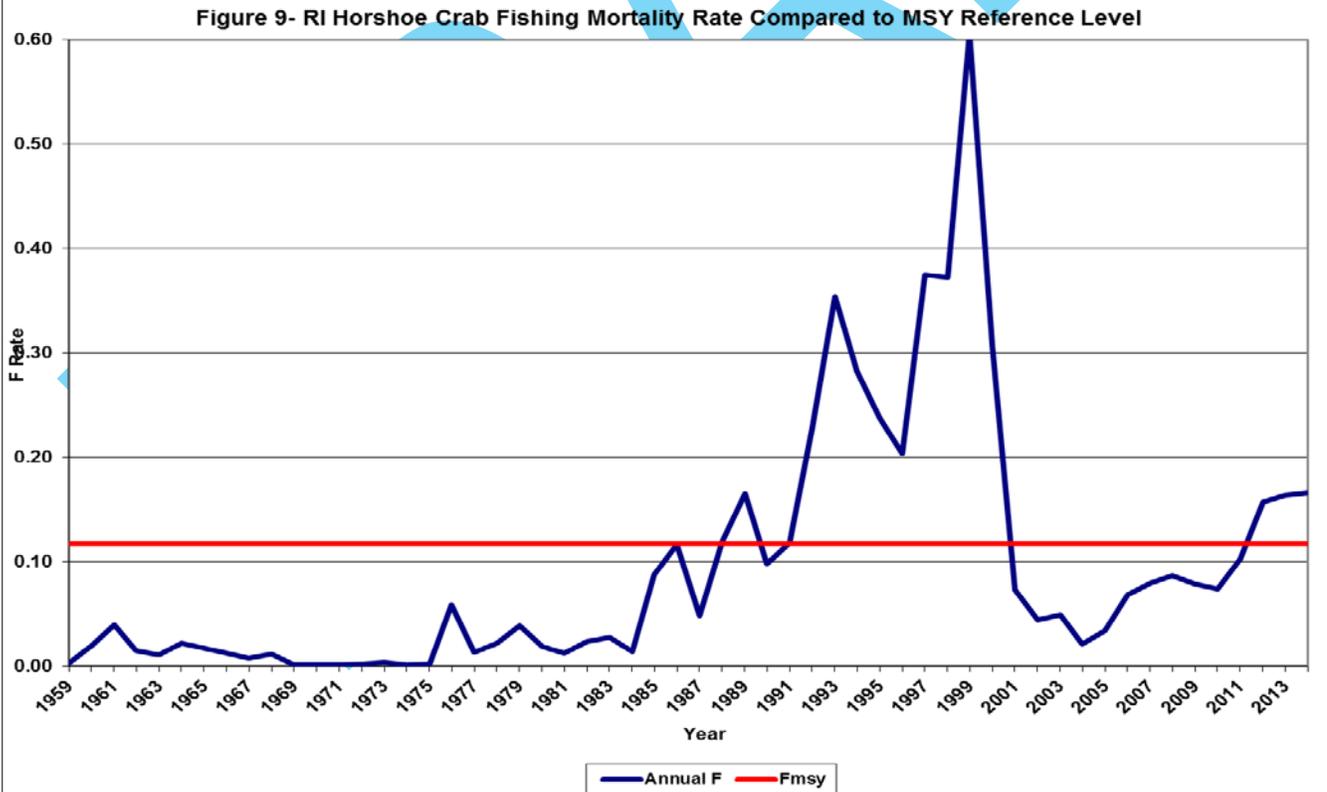
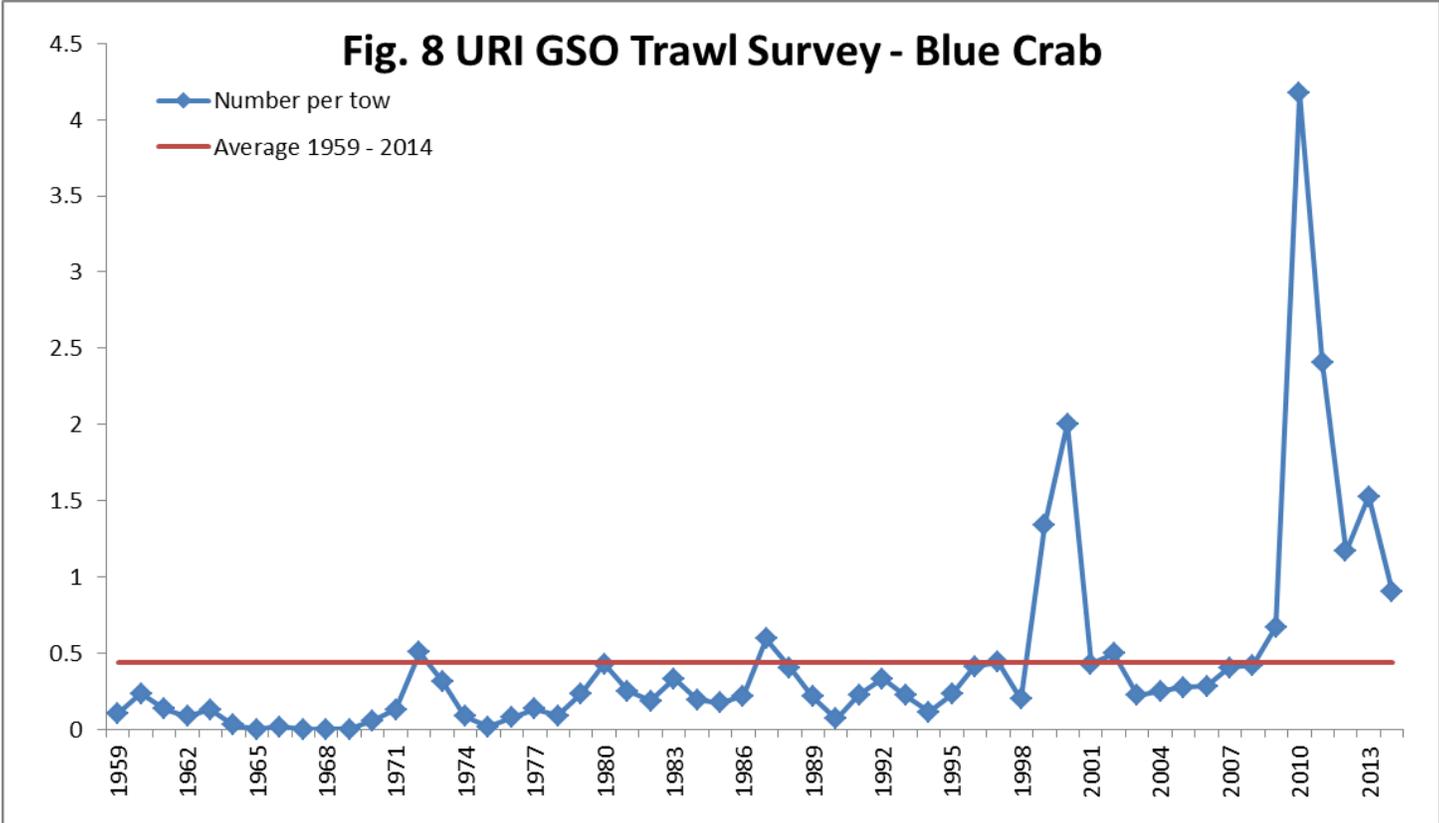
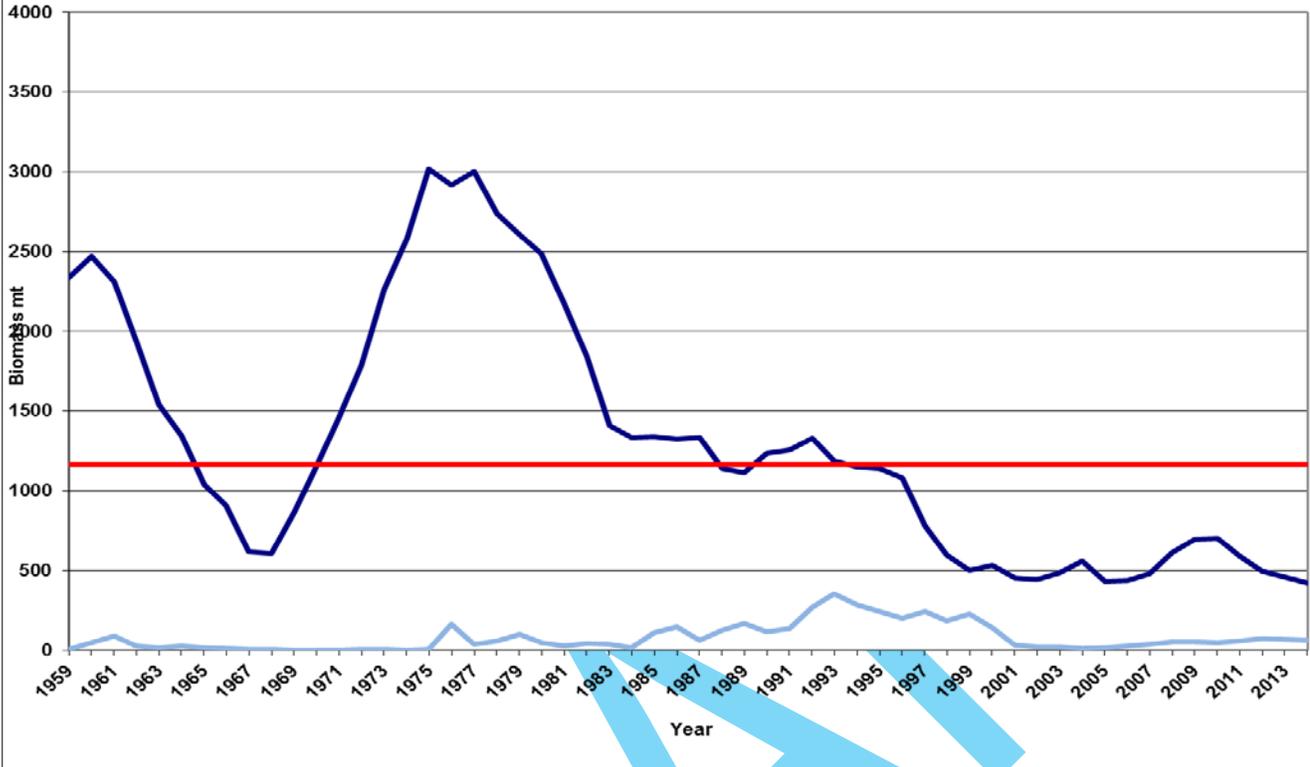


Figure 10- RI Horseshoe Crab Landings and Biomass from the BDM Assessment, 1959-2014



PLAN APPROVED:

Jason McNamee, Chief
Division of Fish and Wildlife
Office of Marine Resource Management

Date

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES SECTION**

PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES

Pursuant to the provisions of Chapters 42-17.1 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Director of the Department of Environmental Management (DEM) proposes amendments to the **Rhode Island Marine Fisheries Regulations (RIMFR)** and gives notice of intent to hold a workshop and public hearing to afford interested parties the opportunity for public comment.

Public comment will be solicited on the following proposals:

- 1) Proposed amendments to **“RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”**:
 - a. Exit/entry ratios for quahaug and soft-shell clam endorsement (section 6.1-10);
 - b. Procedures for adopting Sector Management Plan (section 6.2-1);
 - c. Issuance of new licenses upon sale of vessel and gear (section 6.7-8); and
 - d. Date for submittal of Student Shellfish licenses (sections 5, 6.7-3, and 6.8-5).
- 2) Proposed amendments to **“RIMFR - Aquaculture Marine Species in Rhode Island Waters”**:
 - a. Proposed definitions (new section 7);
 - b. Clarifying and updating permitting and submission requirements (new section 8.0);
 - c. Clarifying submission requirements for the shipment and importation of shellfish seed (new section 9.2);
 - d. Reduce the time period requirement for the harvest of shellfish transferred from other than approved waters as seed (new section 9.8);
 - e. Updating tagging requirements (new section 11.1); and
 - f. General editing to improved readability (entire regulation).
- 3) Proposed repeal of **“RIMFR – Marine Fisheries Council”**.
- 4) Proposed repeal of **2015 Finfish, Shellfish, and Crustacean Sector Management Plans**.
- 5) Proposed amendments to **RIMFR – Lobster, Crabs, and Other Crustaceans** to correct the minimum escape vent size and season closure dates for LCMA 4 for consistency with the federal management plan (sections 8.4.3 and 8.4.10).

The **workshop will commence at 4:30PM on September 21, 2015** followed by the **public hearing at 6:00PM** at the University of Rhode Island, Graduate School of Oceanography, **Coastal Institute Building, Hazard Room**, South Ferry Road, Narragansett, RI 02882. The room is 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/>.

The Department has determined that small businesses may be adversely impacted by the proposed regulations. Small businesses which are either currently licensed, or in the future may seek a license to harvest, buy, sell, or produce seafood products, as well as the small businesses that provide services related to those engaged in such industries, are requested to comment on the proposed regulations on how such proposed action can be changed to minimize the impact on those small businesses affected.

Written comments concerning the proposed regulations may be submitted to Peter Duhamel, Division of Fish and Wildlife – Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 Noon on September 21, 2015. A copy of the proposed regulations is available for review from August 21 through September 21, 2015 at the Marine Fisheries offices, or by mail. A copy of the proposed regulation(s) has been filed with the Office of the Secretary of State's website at <http://sos.ri.gov/ProposedRules/>. Proposed annotated regulations are also available on the DEM Marine Fisheries webpage at <http://www.dem.ri.gov/programs/bnatres/fishwild/pn092115.htm>.

Jason McNamee,
Chief

RI Department of Environmental Management

Marine Fisheries

PUBLIC HEARING

September 21, 2015



Hearing Items

- 1) Proposed amendments to “RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”
- 2) Proposed amendments to “RIMFR - Aquaculture Marine Species in Rhode Island Waters”
- 3) Proposed repeal of “RIMFR – Marine Fisheries Council”
- 4) Proposed repeal of 2015 Finfish, Shellfish, and Crustacean Sector Management Plans
- 5) Proposed amendments to RIMFR – Lobster, Crabs, and Other Crustaceans” to correct the minimum escape vent size and season closure dates for LCMA 4 for consistency with the federal management plan (sections 8.4.3 and 8.4.10)



Hearing Item #1: Proposed amendments to “RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”:

a. **Exit/entry ratios for quahaug and soft-shell clam endorsement (section 6.1-10);**

- ◆ Option 1: Division proposal
 - **Quahaug:** Proposed change from 2:1 exit/entry ratio to 1:1
 - **Soft-shell clam:** Maintain 5:1 ratio
- ◆ Option 2: Industry/IAC proposal
 - **Quahaug:** Proposed change from 2:1 exit/entry ratio to 1:1
 - **Soft-shell clam:** Proposed change from 5:1 exit/entry ratio to 1:1



Hearing Item #1 cont'd: Licensing

b. Procedures for adopting Sector Management Plan (proposed deletion of section 6.2-1);

- ◆ Proposal is only to eliminate filing of plans as regulation;
- ◆ Recent legislation passed no longer requires that plans are filed as regulation;
- ◆ Plans will be developed and provided to public and RIMFC for comment as always;
- ◆ Proposed exit/entry ratios in plans are also contained in Licensing regulations;
- ◆ Plans to be “adopted” after final decisions on Licensing regulations made by Director.



Hearing Item #1 cont'd: Licensing

c. Issuance of new licenses upon sale of vessel and gear (section 6.7-8):

(6.7-8) (b) Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel and gear is prohibited; provided, however, that if the seller of a vessel and gear who is actively fishing his or her license using the vessel involved in the sale shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and gear, pursuant to the terms and conditions of this section. In the case where the seller changed the primary vessel involved in the fishing business during the period being considered for the actively fished requirement, the vessel involved in the sale must have greater than fifty percent of the landings used to qualify for the history requirement and the other vessel(s) must be documented as owned by the seller during the period being considered for the actively fished requirement.



Hearing Item #1 cont'd: Licensing

d. Date for submittal of Student Shellfish licenses (sections 5, 6.7-3, and 6.8-5):

- Proposed date change from February 28 to June 30 for the submittal of an application.



Hearing Item #2: Proposed amendments to “RIMFR - Aquaculture Marine Species in Rhode Island Waters”;

a. Additional and revised definitions (new section 7):

- ♦ “Director” means the Director of the RI Department of Environmental Management or his or her duly appointed agents.
- ♦ "Operational plan" means a written plan filed with CRMC and, approved by DEM and DOH prior to its implementation....
- ♦ “Person” means an individual, firm, corporation, society, association, partnership, or private or public body.
- ♦ "Shellfish seed" means, for quahaugs, *Mercenaria mercenaria*, a shell size less than 20 mm (0.78") (longest axis length), for oysters, *Crassostrea virginica* and *Ostrea edulis*, a shell size less than 32 mm (1.25") longest axis length, and for blue mussels (*Mytilus edulis*) any mussel that settled during the current calendar year. All measurements are taken along the longest axis.
- ♦ "Spat " means newly settled post-metamorphic bivalve.
- ♦ "Spat collection" means the use of artificial apparatus (spat collectors) ~~or cultch~~ to attract or capture induce settlement of larval shellfish.



Hearing Item #2 cont'd: Aquaculture

- b. Clarify and update permitting and application requirements (new section 8.0):
- ◆ Proposal stems from recommendations of SMP and need to clarify DEM, RIMFC, and CRMC roles;
 - ◆ Eliminate DEM permit requirement;
 - ◆ Clarify DEM license application and compliance requirements;
 - ◆ Clarify DEM license application (initial application and renewal) review criteria;
 - ◆ Clarify RI Marine Fisheries Council review criteria.



Hearing Item #2 cont'd: Aquaculture

c. Simplify and clarify submission requirements for the shipment and importation of shellfish seed (new section 9.2):

9.2 Shipment and importation of shellfish seed: All shipments of undersized shellfish brought into Rhode Island for aquaculture operations must be approved by the Director or his/her designee and must be labeled or tagged indicating the origin (operator/company name, license number and body of water), date of importation and destination and must be accompanied by a certificate of disease inspection.

9.2.1 All persons wishing to import shellfish seed must submit a written request to the Aquaculture Coordinator of CRMC at least five working days prior to entry into the state. Such request to be mailed to Coastal Resources Management Council, Stedman Government Center, Suite 3, 4808 Tower Hill Road, Wakefield, RI 02879.

9.2.2 Prior to shipment, the Aquaculture Coordinator will make a recommendation to the Director whether to approve or deny any request to import shellfish seed and notify DEM Division of Law Enforcement and Agriculture. The Aquaculture Coordinator may seek the advice and consent of the Aquaculture Biosecurity Board in regard to such request to import shellfish seed.



Hearing Item #2 cont'd: Aquaculture

d. Proposed reduction in the time period requirement for the harvest of shellfish transferred from other than approved waters as seed (new section 9.8):

- Proposal stems from meetings with industry and has been cleared by FDA and RIDOH as compliant with NSSP model ordinance.

9.8 Harvest of shellfish transferred from other than approved waters as seed: “...No shellfish may be harvested until they have spent at least ~~twelve (12)~~ **six (6)** months in approved waters.



Hearing Item #2 cont'd: Aquaculture

- e. Proposed clarification of tagging requirements (new section 11.1):

11.1 Required Use of Tagged Containers: Aquaculturists must place any and all shellfish taken by them (except those shellfish returned to the waters of the aquaculture lease or facility) into containers, and must tag each and every container with a completed, ~~as defined in Rule 6.8.2 below, except for the information in Rule 6.8.2.5, which will be provided at the conclusion of the harvest,~~ harvester tag, ~~as defined in Rule 6.8.2.5 below,~~ prior to harvested shellfish being placed in the container. **The approximate quantity of shellfish may be completed at the conclusion of harvest.**



Hearing Item #2 cont'd: Aquaculture

f. Proposed general editing throughout entire regulation to improve clarity and readability:



Hearing Item #3: Proposed repeal of “RIMFR – Marine Fisheries Council”

- Regulation no longer serves its original intent when RIMFC was a regulatory body;
- Currently used primarily to house changes to commercial trip possession limits;
- Due to recently passed legislation, changes to commercial trip possession limits moving from regulatory filing to administrative process;
- Maintain communication to public in a timely manner (dedicated phone line, listserve, and website);
- Other parts of regulation regarding Shellfish and Marine Life Management Areas mainly statutory authority and/or administrative in nature – not regulation.



Hearing Item #4: Proposed repeal of 2015 Finfish, Shellfish, and Crustacean Sector Management Plans

- Plans are not regulatory in nature; purpose is to formulate licensing recommendations and exit/entry ratios to manage effort and harvest of marine species;
- Due to recently passed legislation, plans no longer required to be filed as a regulation;
- Plans will still be developed as in the past – no change proposed for preparation of plans;
- Draft plans to be presented to RIMFC and public at time of annually proposed amendments to Licensing regulations;
- Proposed exit/entry ratios of licensing endorsements contained in plans also contained in Licensing regulations;
- Approval of plans upon review by RIMFC at regularly scheduled monthly meeting. Opportunity for public discussion and input at this time.



Hearing Item #5: Proposed amendments to RIMFR – Lobster, Crabs, and Other Crustaceans”:

- Proposed corrections in LCMA 4 for consistency with federal management plan (sections 8.4.3 and 8.4.10).

8.4 LCMA 4 (Inshore Northern Mid-Atlantic) regulations:

8.4.3 Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an un-obstructed opening measuring not less than two inches by five and three-quarters (2 X 5¾) inches (50.8mm X 146.05mm), or two (2) circular escape vents, each with an un-obstructed opening measuring not less than ~~two and one half (2½)~~ two and five eighths (2 5/8) inches (~~63.5~~ 66.68 mm) diameter.

8.4.10 Season closure: A season closure to the landing of lobsters from ~~February 1 through March 31~~ April 30 through May 31 annually is required for any person or vessel permitted and declared to fish in LCMA 4...



Thank You!



Summary of proposed modifications

Commercial and Recreational Saltwater Fishing Licensing Regulations

Public hearing
September 21, 2015

Public Hearing Item #1 Exit/entry ratios

Option 1: Division proposal

(6.1-10) Exit/Entry Ratios

(a) Restricted finfish – For every one (1) license, eligible to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a restricted finfish endorsement, that had some reported landings of restricted finfish during the prior calendar year and are retired, one (1) new Principal Effort License with restricted finfish endorsement will be made available; provided, that if the application of the exit/entry ratio yields a value less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

(b) Quahaug -- For every ~~two~~ **one (1)** license eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a quahaug endorsement, that are retired, one (1) new Commercial Fishing License with quahaug endorsement will be made available; provided, that if the application of the exit/entry ratio yields one (1) or two (2) licenses/endorsements, three licenses/endorsements will be made available.

(c) Soft Shell Clam – For every five licenses, eligible to harvest soft shell clam, namely, Multi-Purpose Licenses, Principal Effort Licenses with a soft shell clam endorsement, and Commercial Fishing Licenses with a soft shell clam endorsement, that are retired, one (1) new Commercial Fishing License with soft shell clam endorsement will be made available; provided, that if the application of the exit/entry ratio yields one or two (2) licenses/endorsements, three licenses/endorsements will be made available.

Option 2: Industry/IAC proposal

(6.1-10) Exit/Entry Ratios

(a) Restricted finfish – For every one (1) license, eligible to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a restricted finfish endorsement, that had some reported landings of restricted finfish during the prior calendar year and are retired, one (1) new Principal Effort License with restricted finfish endorsement will be made available; provided, that if the application of the exit/entry ratio yields a value less than a

multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

(b) Quahaug -- For every ~~two~~ **one (1)** licenses eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a quahaug endorsement, that are retired, one (1) new Commercial Fishing License with quahaug endorsement will be made available; provided, that if the application of the exit/entry ratio yields one (1) or two (2) licenses/endorsements, three licenses/endorsements will be made available.

(c) Soft Shell Clam – For every ~~five~~ **one (1)** licenses, eligible to harvest soft shell clam, namely, Multi-Purpose Licenses, Principal Effort Licenses with a soft shell clam endorsement, and Commercial Fishing Licenses with a soft shell clam endorsement, that are retired, one (1) new Commercial Fishing License with soft shell clam endorsement will be made available; provided, that if the application of the exit/entry ratio yields one or two (2) licenses/endorsements, three licenses/endorsements will be made available.

Public Hearing Item #2 **Sector Management Plans**

(6.2) Management Plans

~~(6.2-1) Procedure for Adopting~~

~~(a) — Management plans shall be adopted by rule consistent with the requirements of the Administrative Procedures Act and as herein described on an annual basis no later than December 1 for the following year, provided that said plans may continue in effect for longer periods if it is determined that management conditions permit or may be adjusted more frequently if it is determined that management conditions require.~~

~~(b) — Plans shall be submitted to the Rhode Island Marine Fisheries Council [RIMFC] for review and advice at least sixty (60) days prior to any Department hearing on said plans.~~

~~(c) — RIMFC may recommend to the Director that a proposed plan be adopted, modified or withdrawn, and the Director may proceed to hearing on the plan as originally proposed or as revised by RIMFC, or both, provided that in all instances both the plan as originally proposed and as recommended by RIMFC shall be entered into the hearing record.~~

~~(d) — In adopting a proposed plan, the Director shall include a concise explanation of the principal reasons for its adoption and his or her response to positions entered into the hearing record.~~

Public Hearing Item #3 **Issuance of New Licenses upon Sale of Vessel and Gear**

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

- (a) This section applies only to purchasers, of vessels and gear, who are residents.
- (b) Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel and gear is prohibited; provided, however, that if the seller of a vessel and gear who is actively fishing his or her license using the vessel involved in the sale shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and gear, pursuant to the terms and conditions of this section. In the case where the seller changed the primary vessel involved in the fishing business during the period being considered for the actively fished requirement, the vessel involved in the sale must have greater than fifty percent of the landings used to qualify for the history requirement and the other vessel(s) must be documented as owned by the seller during the period being considered for the actively fished requirement.

Public Hearing Item #4

Student Shellfish License

5. DEFINITIONS

“June 30.” - The thirtieth (30th) day in the month of June or the next business day if June 30 falls on a Saturday or Sunday or holiday for the purpose of application submittals and renewal deadlines.

(6.7-3) Application Deadlines

- (a) The Department will notify all license and permit holders in writing by November 1 that said license or permit, as well as all vessel declarations, expire on December 31 of that year. The Department will also notify all holders of ~~Student Shellfish (if renewable)~~, 65 and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses in writing by November 1 that said licenses, along with any and all applicable endorsements, must be renewed by February 28 of the following year in order to remain valid. Holders of a Student Shellfish license (if renewable) will be notified by November 1 and the license must be renewed by June 30 of the following year in order to remain valid.
- (b) All notices will be sent by regular mail to the mailing address given on the license or permit holder's last license application or change of address form.
- (c) All applications for ~~Student Shellfish~~, 65 and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses, along with any and all applicable endorsements, whether renewals or new issues, must be made in person by 4:00 PM on February 28, or on the first business day following February 28 if that day falls on a Saturday or Sunday or holiday. Applications for a Student Shellfish license, whether renewal or new issue, must be made in person by 4:00 PM on June 30, or on the first business day following June 30 if that day falls on a Saturday, Sunday, or holiday. All license applications shall be made at the Department of Environmental Management, Office of Boat Registration and Licensing, 235 Promenade Street, Providence, 02908. Alternatively, applications must be posted to the same address with a postmark no later than the above-referenced deadline date. Alternatively,

renewals must be made electronically, via the Department's online renewal service at www.ri.gov/DEM/commercial marine, by midnight on the above-referenced deadline date. In order to be eligible to apply for a license, an application must be received, postmarked, or electronically filed by the above-referenced deadline date.

Alternatively, applications must be posted to the same address with a postmark no later than the above-referenced deadline date. Alternatively, renewals must be made electronically, via the Department's online renewal service at www.ri.gov/DEM/commercial marine, by midnight on the above-referenced deadline date. In order to be eligible to apply for a license, an application must be received, postmarked, or electronically filed by the above-referenced deadline date.

(d) No ~~Student Shellfish~~, 65 and Over Shellfish, Commercial Fishing, Principal Effort or Multi-Purpose License or applicable endorsement will be issued or renewed after the close of business on February 28, or on the first day following February 28 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of subsections 6.7-3(c) or 6.7-3(e), or sections 6.7-8 or 6.7-9. **No student shellfish license will be issued or renewed after the close of business on June 30, or on the first day following June 30 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of subsections 6.7-3(c) or 6.7-3(e), or sections 6.7-8 or 6.7-9.**

(e) **With the exception of Student shellfish license applications,** applications for renewal of licenses referenced in sections (c) and (d) above that are received by the Department or postmarked after February 28 or after the first day following February 28 if that day falls on a Saturday or Sunday or holiday shall be renewed only upon payment of a late fee in the amount of \$200.00 and only during the sixty (60) day grace period commencing on the day immediately following the application deadline. Such renewal applications must be made in person at the Department of Environmental Management, Office of Boat Registration and Licensing, 235 Promenade Street, Providence, 02908; or via mail at the same address; or electronically via the Department's online renewal service at www.ri.gov/DEM/commercialmarine.

(f) No license or permit will be renewed unless the data reporting requirements of Section 6.6 have been met.

(6.8-5) Student Shellfish License

(a) Applicants must present proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50).

(b) Applicants must be no older than twenty-three (23) years as of ~~February 28~~ **June 30** of the license year.

(c) Applicants must present proof that they are full-time students in the form of a notarized letter or transcript from the learning institution in which they are enrolled.

(d) The holder of a Student Shellfish License may participate in the Quahaug endorsement sector at Basic Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(e) The holder of a Student Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, to fish other sectors at Basic or Full Harvest and Gear Levels, if such licenses or endorsements are available for any given license year; provided that the holder of a Student Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Aquaculture of Marine Species in Rhode Island Waters



~~July 1, 2014~~

~~Supersedes and Replaces all Previous Versions~~

Proposed/annotated regulations

Public hearing

September 21, 2015

AUTHORITY: Chapter 42-17.1 and Sections 20-1-2, 20-1-4, 20-1-5, 20-10-5c, and 20-10-12, and in accordance with Chapter 42-35, of the Rhode Island General Laws of 1956, as amended.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**Aquaculture of Marine Species in
Rhode Island Waters**

TABLE OF CONTENTS

RULE 1 PURPOSE	3
RULE 2 AUTHORITY	3
RULE 3 ADMINISTRATIVE FINDINGS.....	3
RULE 4 APPLICATION	3
RULE 85 SEVERABILITY	Error! Bookmark not defined. 3
RULE 96 SUPERSEDED RULES AND REGULATIONS	33
RULE 57 DEFINITIONS	3
RULE 68 <u>REGULATIONS PERMITTING AND LICENSING REQUIREMENTS</u>	7 XX
RULE 79 <u>GENERAL ENFORCEMENT AUTHORITIES SHELLFISH CULTURE</u> <u>REQUIREMENTS</u>	15 XX
<u>RULE 10. HANDLING OF SHELLFISH</u>	XX
<u>RULE 11. TAGGING OF SHELLFISH</u>	XX
<u>RULE 12. TEMPERATURE CONTROL OF SHELLFISH</u>	XX
<u>RULE 13. ENFORCEMENT</u>	XX
<u>RULE 14. EFFECTIVE DATE</u>	XX

~~STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT~~

~~**Aquaculture of Marine Species in
Rhode Island Waters**~~

~~RULE 1.~~ **PURPOSE**

The purpose of these regulations is to describe the permits, licensing, and conditions under which aquaculture shall be conducted in Rhode Island.

~~RULE 2.~~ **AUTHORITY**

Chapter 42-17.1, and §§; 20-1-2; 20-1-4; 20-1-5; 20-10-5c; and 20-10-12, in accordance with Chapter 42-35 of the RIGL 1956, as amended.

~~RULE 3.~~ **ADMINISTRATIVE FINDINGS**

These regulations acknowledge that aquaculture is a form of agriculture (RIGL 2-23-4) and that cultured crops are the property of the aquaculturist and are distinct from wild stocks. Cultured crops are therefore not subject to the statutory and regulatory restrictions governing the protection of wild stocks, except that the minimum size limit established for quahaugs, *Mercenaria mercenaria*, applies to all wild and cultured quahaugs (RIGL 20-10-13.1).

~~RULE 4.~~ **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.

~~RULE 8~~ 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.

~~RULE 9~~ 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 aquaculture shall be superseded. ~~These rules and regulations shall supersede the Department of Environmental Management Regulation “Aquaculture of Marine Species in Rhode Island Waters (June 21, 2002).”~~

~~5.~~ 7. **DEFINITIONS**

As used in these rules and regulations, the following words and phrases have the following meanings:

~~5.4~~ **“Adequately Iced”** means that the amount and application of the ice is

sufficient to ensure that immediate cooling begins and continues for all shellfish. If ice slurry is used and the shellfish are submerged the presence of ice in the slurry indicates adequate icing. The water source for, the production of, and the handling of the ice must be approved by DOH for the intended use of cooling shellfish.

5.2 "Approved waters," or, **"Approved shellfish growing areas"** mean waters of the state which have been classified by the RI Department of Environmental Management (DEM) Office of Water Resources as Approved Areas, fit for the taking of shellfish for human consumption on a regular basis, according to criteria established by the National Shellfish Sanitation Program (NSSP) Manual of Operations. These classifications may be subject to change as water quality conditions dictate.

5.3 "Aquaculture" means the cultivation, rearing, or propagation of aquatic plants or animals, hereinafter referred to as cultured crops, under natural or artificial conditions.

5.4 "Aquaculture facility" means any properly permitted aquaculture operation, either in upland areas or in the State's waters or submerged lands.

5.5 "Aquaculture lease" means the permitted area for which the Coastal Resources Management Council (CRMC) issues a lease in which aquaculture can be conducted. Leases are discretionary and granted for the express purpose of allowing aquaculture activities on the State's submerged lands or in the water column. Certain types of permitted activities, such as experimental aquaculture operations, may not require a lease.

5.6 "Aquaculturist" means the individual, firm, partnership, association, academic institution, municipality, or corporation conducting commercial, experimental or restoration aquaculture in Rhode Island.

5.7 "Biosecurity Board" means the board, within the Coastal Resources Management Council (CRMC), established pursuant to RIGL Section 20-10-1.1 and charged with assisting and advising the CRMC in carrying out **its role under** the provisions of RIGL Chapter 20-10.

5.8 "Conditionally Approved Areas" mean any shellfish grounds underlying waters examined and found fit for the taking of shellfish for human consumption on an intermittent basis, declared by the director as conditionally approved waters pursuant to RIGL Sections 20-8.1-3 and 20-8.1-4. Such classification may be subject to change as water quality conditions dictate.

5.9 "Container" means any bag, sack, tote, conveyance, or other receptacle used for containing shellfish for holding or transporting.

5.10 "CRMC" means the RI Coastal Resources Management Council.

5.11 "Cultured crops" mean aquatic or marine animals or plants: (i) that are in the location, water column or artificial conditions specified in a valid aquaculture permit issued pursuant to RIGL section 20-10-3 or that have been taken by the holder of such permit from the location, water column or artificial conditions specified in such permit, or (ii) that have been produced by aquaculture methods outside the state and have not been commingled with wild stocks that are in or have been removed from the waters of the state. Appropriate bills of sale, bills of lading and proper tags used in accordance with Rule 6.6 herein and all other applicable state and federal laws and regulations shall be prima facie evidence of the origin of cultured crops inside or outside the state.

5.12 "DEM" means the RI Department of Environmental Management.

5.13 "Designated Temperature Control or Thermally Impacted Area" means an area designated by the Department in which aquaculturists must comply with more stringent temperature controls for harvested shellfish. These areas have been determined to be Winnapaug Pond, Quonochontaug Pond, Ninigret Pond, Potter Pond, Point Judith Pond, Island Park Cove (Spectacle Cove), Hog Island Cove and Great Salt Pond.

5.14 "Director" means the Director of the RI Department of Environmental Management or his or her duly appointed agents.

5.15 "DOH" means the RI Department of Health.

5.16 "Harvest" means the act of removing shellstock for the purpose of human consumption from the waters of growing areas. Harvest includes placement of shellfish that has been removed for the purpose of human consumption on or in a manmade conveyance, or other means of transport. Harvest commences when the first shellfish intended for human consumption is removed from the water on any given day, or is exposed by the receding tide.

5.17 "Husbandry" means any activity related to the cultivation and management of shellfish crops, including but not limited to grading, sorting, cleaning, or planting.

5.18 "Mechanical Refrigeration" means storage in a container or conveyance that is approved by the Rhode Island Department of Health and capable of cooling to, and maintaining, an ambient temperature of 45°F or less.

5.19 "Operational plan" means a written plan filed with CRMC and, approved by DEM and DOH prior to its implementation, that includes, at a minimum: description of the design and activities of the aquaculture facility, specific location and boundaries of the aquaculture lease and facility, types and locations of structures (rafts, pens, tanks, etc.), species to be cultured, source of these organisms (i.e., wild or cultured), procedures to prevent contamination, program of sanitation and maintenance, description of the water source

including details of water treatment, program to maintain water quality, maintenance of records, and how shell stock will be harvested.

“Person” means an individual, firm, corporation, society, association, partnership, or private or public body.

5.20 "Possession of aquaculture crops" means the exercise of dominion or control over cultured crops commencing at the time at which a decision is made not to return the crops to the aquaculture lease or facility from which they were taken. This decision must be made at the first practical opportunity, taking into consideration the management practices set forth in the approved operational plan.

5.21 "Possession of wild stocks" means the exercise of dominion or control over wild stocks commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. This decision must be made at the first practical opportunity.

5.22 “Resubmerge” means, and is strictly limited to, reintroduction of shell stock into approved waters following the removal of such stock from approved waters for husbandry purposes.

5.23 “Shading” means to shelter by intercepting the direct rays of the sun to protect the shellfish from heat. Shading may be accomplished by any means that effectively protects the harvested shellfish from direct sunlight and prevents excessive heat build-up in the shaded area.

5.24 “Shellfish” means all species of: (a) Oysters, clams or mussels, whether: (i) Shucked or in the shell; (ii) Raw, including post harvest processed; (iii) Frozen or unfrozen; (iv) Whole or in part; and (b) Scallops in any form, except when the final product form is the adductor muscle only.

5.25 "Shellfish seed" means, for quahaugs, *Mercenaria mercenaria*, a shell size less than 20 mm (0.78" **longest axis length**), ~~and~~ for oysters, *Crassostrea virginica* and *Ostrea edulis*, a shell size less than 32 mm (1.25") **longest axis length, and for blue mussels (*Mytilus edulis*) any mussel that settled during the current calendar year.** ~~All measurements are taken along the longest axis.~~

"Spat " means newly settled post-metamorphic bivalve.

5.26 "Spat collection" means the use of **artificial** apparatus (spat collectors) ~~or cultch~~ to ~~attract or capture~~ **induce settlement of** larval shellfish.

5.27 “Temperature control” means the use of ice or mechanical refrigeration, which is capable of lowering the temperature of the shellstock and maintaining it at 50°F or less.

5.28 "Wild stock" means natural resources, including aquatic or marine animals or plants, which grow within the waters of the state, and are not cultured in any way. Any shellfish that have settled naturally within an aquaculture facility are considered wild stock.

RULE 6 REGULATIONS

8.6.4 GENERAL Permitting and Licensing Requirements:

8.1 Aquaculture shall only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation, and the compatibility of aquaculture with the environment of the waters of the state. Applications shall be reviewed for consistency with RIGL Title 20 and no license shall be issued or renewed to any person where the application is found to be in conflict with any requirement found in these statutes.

8.2 Aquaculture License Permit: An aquaculturist must apply for and obtain an Aquaculture Permit **license** from the Director **is required for an individual** to conduct aquaculture as specified in RIGL Section 20-10-12. The application for an Aquaculture Permit must include an operational plan describing the species to be cultured, the methods to be used, the locations where the work will be done, and other provisions detailed in Rule 6.3 herein. The permit shall specify the conditions governing the taking, possession, sale, importation, and transportation of **to sell to licensed fish and shellfish dealers** cultured crops utilized in **from an** the aquaculture lease or facility **permitted by CRMC and operated in accordance with the aquaculturist's approved operational plan.** The permit shall be automatically renewed January first annually, providing that proper annual reports of aquaculture activities conducted that year are filed with the Director, in a form prescribed by the Director, no later than December first of each year. Aquaculture Permits will be reviewed, modified if appropriate, and renewed by the Director.

8.2.1 Application shall be made on forms as prescribed by the Director and may be submitted at any time during the year. The license shall be issued on a calendar year basis (expiring December 31) with an annual fee of two hundred dollars (\$200).

8.2.2 6.1.4 Endemic species limitation: All species cultured at an aquaculture lease or facility must be specifically authorized via an approved DEM Aquaculture Permit. Under no circumstances **are permits shall a license** to be granted for species that are not endemic to Rhode Island, without prior approval from the Director with the advice of the Biosecurity Board. Determination of what species are endemic to Rhode Island **rests under the authority of shall be determined by** the Director.

8.2.3 No license shall be renewed unless the applicant's aquaculture activities are conducted in accordance with the approved operational plan. The

operational plan must be updated, resubmitted to CRMC, and approved by DEM prior to any operational changes.

8.3 6.1.1 Coastal Resources Management Council (CRMC) Assent or Permit: An aquaculturist must apply for and receive a Coastal Resources Management Council (CRMC) Assent **or permit** to conduct aquaculture **as specified in accordance with RIGL Chapter 20-10.** No application shall be approved by CRMC prior to the consideration of recommendations by the Department of Environmental Management (DEM) Director, who shall consult with and obtain input from appropriate divisions and offices within the department, **and the Rhode Island Marine Fisheries Council and the Department of Health.** ~~No application shall be approved by the CRMC prior to the issuance of a R.I. Pollutant Discharge Elimination System (RIPDES) permit shall be obtained from DEM Office of Water Resources by DEM, if required.~~

8.3.1 The Director may review the application to determine whether the aquaculture activities proposed in the application are not likely to cause and adverse effect on the marine life adjacent to the area to be subject to the permit and the waters of the state, and not likely to have an adverse effect on the continued vitality of indigenous fisheries of the state, and for consistency with other state statutes as applicable.

8.3.2 The RI Marine Fisheries Council (RIMFC) may review the CRMC application to determine whether the aquaculture activities proposed in the application are consistent with competing uses engaged in the exploitation of the marine fisheries. The RIMFC shall provide a recommendation to the CRMC consistent with RIGL 20-10-5.

8.4 As applicable or required, a R.I. Pollutant Discharge Elimination System (RIPDES) permit shall be obtained from DEM Office of Water Resources.

8.5 6.6.5 Approved Waters— Water quality at any site used for open water aquaculture or land-based aquaculture must meet the water quality criteria appropriate to the aquaculture activity as determined by the DEM Office of Water Resources. **As applicable or required, a Water Quality Certification shall be obtained from DEM Office of Water Resources.**

6.2 GEAR REQUIREMENTS

~~6.2.1 Marking~~— All aquaculture apparatus must be marked as specified by the CRMC Assent. Said markings must be clearly visible and maintained at all times.

~~6.2.2 Maintenance and Removal~~— The gear and its contents are the possession and responsibility of the aquaculturist, who shall be responsible for its maintenance and eventual removal. The aquaculturist may be required to post a performance bond in an amount specified by CRMC, to be used to return the site, including tidal waters, to the condition that existed prior to the aquaculture, in the

~~event that the gear is abandoned or permit conditions violated.~~

~~6.3 GENERAL REQUIREMENTS~~

~~6.3.1 Operational Plan -- In accordance with the permitting requirements set forth in Rule 6.1 herein, the aquaculturist must submit a written Operational Plan to be reviewed and approved by DEM and maintained on file with the Division of Fish and Wildlife. Operational Plans will be made available for review and inspection by the U.S. Food and Drug Administration. The Operational Plan must be upgraded and resubmitted prior to any change(s) occurring in the aquaculture operation. Aquaculture shall be practiced only in strict compliance with the provisions of the approved Operational Plan. At a minimum, each Operational Plan shall include the following information: description of the design and activities of the aquaculture facility, specific location and boundaries of the aquaculture lease and facility, types and locations of structures (rafts, pens, tanks, etc.), species to be cultured, source of these organisms (i.e., wild or cultured), procedures to prevent contamination, program of sanitation and maintenance, description of the water source including details of water treatment, program to maintain water quality, maintenance of records, and how shell stock will be harvested.~~

~~6.3.2 Shipment/Importation -- The aquaculturist must notify the DEM Divisions of Law Enforcement and Fish and Wildlife in writing of every shipment of animals for culture entering this state, at least five working days prior to entry into the state, and each shipment must be accompanied by a certificate of disease inspection from a recognized laboratory appropriate to the species received. A copy of the certificate of disease inspection must be provided to the Division of Fish and Wildlife along with the written notice prior to the importation of any animals for culture. The Director, in consultation with the Biosecurity Board, may waive the requirement for a certificate of disease inspection, or set forth specific requirements governing shipments.~~

~~6.4 FINFISH CULTURE REQUIREMENTS -- To be developed~~

~~6.5 ALGAE CULTURE REQUIREMENTS -- To be developed~~

9. 6.6 Shellfish Culture Requirements

6.1.39.1 **Cultured crops exempt from wild stock regulations:** Aquaculturists harvesting their cultured crops, in accordance with their CRMC Assent, **and** DEM Aquaculture Permit **license, and operational plan** are exempt from the statutory and regulatory harvest restrictions governing wild stocks, including: seasons, catch or bag limits, minimum sizes, quotas, and methods of harvest. **However, i** In no case may aquaculturists possess, import, transport or offer for sale for human consumption to any **individual or entity person cultured** quahaugs, *Mercenaria mercenaria*, with a hinge width of less than one inch, unless specifically authorized to possess, import, transport, or sell legal quahaug seed.

9.2 6.6. Shipment and importation of shellfish seed: All shipments of undersized shellfish brought into Rhode Island for aquaculture operations must be approved by the Director or his/her designee and must be labeled or tagged indicating the origin (operator/company name, license number and body of water), date of importation and destination and must be accompanied by a certificate of disease inspection.

9.2.1 All persons wishing to import shellfish seed must submit a written request to the Aquaculture Coordinator of CRMC at least five working days prior to entry into the state. Such request to be mailed to Coastal Resources Management Council, Stedman Government Center, Suite 3, 4808 Tower Hill Road, Wakefield, RI 02879.

9.2.2 Prior to shipment, the Aquaculture Coordinator will make a recommendation to the Director whether to approve or deny any request to import shellfish seed and notify DEM Division of Law Enforcement and Agriculture. The Aquaculture Coordinator may seek the advice and consent of the Aquaculture Biosecurity Board in regard to such request to import shellfish seed.

~~**9.3 6.6.2 Sale for human consumption:** In accordance with all DEM and DOH regulations for the buying, trading, and selling of shellfish, o Only shellfish cultured in approved waters or within an approved land-based system meeting the water quality criteria for harvesting, may be sold for human consumption, and such sales may only be made to licensed RI dealers. All requirements for handling, tagging, use of shellfish containers, and temperature control, as set forth herein in Rules 6.7 through 6.9 inclusive, as well as all other applicable National Shellfish Sanitation Program and DOH standards, must be adhered to. The CRMC lease number will be listed as the harvest area for cultured shellfish. Aquaculturists must hold the appropriate DEM license to sell shellfish to a licensed RI dealer.~~

9.4 6.6.3 Taking or possession of wild stock shellfish by Aquaculturists:

9.4.1 Aquaculturists who also hold a commercial shellfishing or multipurpose license may not take or possess wild stock shellfish while they are in possession of cultured shellfish crops.

9.4.2 ~~Not may~~ An aquaculturist **may not** be in possession of wild stock shellfish while visiting ~~his/her~~ **their** lease or tending ~~his/her~~ **their** shellfish crops, unless they are a properly licensed shellfish dealer and the wild stock shellfish is properly tagged and being held in or at their dealer facility, buy boat, or wet storage operation.

9.4.3 6.6.10 Collection of wild stock shellfish seed: ~~Collection~~ **The taking or possession of undersized** wild stock shellfish ~~seed from other than approved waters~~ is prohibited, **except for spat collection within lease boundaries** unless approved by the Director or his/her designee ~~in a written authorization~~. If ~~permission~~

~~for wild stock seed collection is approved~~ **authorized**, the site, species and amount must be specified by the Director or his/her designee in writing. ~~The aquaculturist must notify the DEM Divisions of Fish and Wildlife and Law Enforcement in writing at least ten (10) days prior to the activity. The aquaculturist may be required to be accompanied by a DEM Environmental Police Officer, and the aquaculturist will have to pay for the Environmental Police Officer detail~~

~~6.6.4 Possession of wild undersized shellfish: Possession of undersized wild stock shellfish is not authorized under any circumstances.~~

9.5 ~~6.6.6~~ **Water quality changes:** Water quality and water quality classification of waters within the state **as determined by the Office of Water Resources** are subject to change due to various environmental conditions. In some cases the aquaculturist shall be required to respond to these changes. DEM shall not assume any liability for any changes in classification and shall assume no liability to the aquaculturist for damages incurred due to such actions.

9.6 ~~6.6.7~~ **Shellfish aquaculture in conditionally approved growing areas:** When a shellfish aquaculture lease is **located** in a conditionally **approved** area, ~~and the area is in the closed status,~~ the aquaculturist ~~may not~~ **is prohibited from** visiting his/her ~~the~~ lease to tend his/her ~~the~~ shellfish crops **when the area is in a closed status**, unless the aquaculturist has ~~applied for and~~ received permission from the Director ~~because of, and to the extent of, exigent circumstances. Under no circumstances may~~ The aquaculturist harvest ~~of~~ cultured stock ~~when his/her~~ **from the** lease ~~is in a~~ **when the** growing area ~~that~~ is in the closed status **is prohibited**.

9.7 ~~6.6.8~~ **Transfer of seed from other than approved waters:** Shellfish seed cultured in other than approved waters ~~may~~ **in accordance with a CRMC permit must** be transferred by the aquaculturist to an approved aquaculture lease in approved waters in accordance with ~~the terms of the~~ an approved **assent, license, and** operational plan, ~~with DEM Division of Fish and Wildlife and Division of Law Enforcement notification~~ **prior to the shellfish exceeding the seed size limit**. If more than 10 percent of the cultured shellfish within a lot or batch exceed the ~~definition of~~ seed **size limit** (in the case of quahaugs, if any exceed 20 mm, and in the case of oysters, if any exceed 32 mm), they shall not be moved from other than approved waters to an approved growing area without prior permission of the DEM Director and the DOH.

9.8 ~~6.6.9~~ **Harvest of shellfish transferred from other than approved waters as seed:** An aquaculturist wishing to use seed that have been produced in other than approved waters must ~~submit an~~ **describe in the** operational plan ~~to the Director~~ how he/she intends to track and document the growth and harvest of these shellfish. Aquaculturists must maintain accurate and complete records of all shellfish seed culture in other than approved waters and removal of such shellfish seed to approved waters including, but not limited to, source, numbers transferred, size composition, time/dates of transfer, harvest and sale of the shellfish. These records must be maintained for a minimum of two years and must be available for inspection by agents of the DOH, DEM ~~Division of~~

Law Enforcement, or DEM Division of Fish and Wildlife, **or CRMC** upon request. If record keeping and tracking protocols are inadequate, then the aquaculturist must only use seed from approved waters. No shellfish may be harvested until they have spent at least ~~twelve (12)~~ **six (6)** months in approved waters.

~~6.6.9.1 Permitted Activities -- If an aquaculturist has a permit to raise shellfish in other than approved water, then it is assumed that all shellfish of that species sold by that aquaculturist have been in other than approved waters, unless the aquaculturist can demonstrate that all shellfish were removed from other than approved waters when seed.~~

~~6.6.9.2 Transplanting of Shellfish Exceeding Seed Size Limits -- No shellfish exceeding the seed size limits shall be transplanted from other than approved waters unless done so under the authority of the DEM Director and DOH Director according to the Memorandum of Agreement for conducting shellfish transplant/relay operations. Possession, culture and transportation of shellfish other than seed (as defined) from other than approved water is prohibited.~~

6.7.10. Handling of Shellfish

6.7.410.1 General requirements: Shellfish aquaculturists shall conduct all activities and operations involving or relating to the possession and handling of shell stock so as to prevent contamination, deterioration and decomposition of such shell stock.

6.7.210.2 Containers: Containers used for storing shell stock must be clean.

6.7.310.3 Vessels: Vessel decks and storage bins used in the harvest or transport of shell stock shall be kept clean with potable water or water from the growing area in approved classification or the open status of conditional areas. Aquaculturists using a vessel to harvest and transport shell stock shall assure that said vessel is properly constructed, operated and maintained to prevent contamination, deterioration and decomposition of shell stock. Aquaculturists using a vessel to harvest and transport shell stock shall prevent bilge water from coming into contact with shell stock.

6.7.410.4 Bilge water: Aquaculturists using a vessel to harvest and transport shell stock shall provide such vessel with effective drainage to avoid contact between bilge water and shell stock. Aquaculturists using a vessel to harvest and transport shell stock shall locate bilge pumps so that discharge shall not contaminate shell stock.

6.7.610.5 Waste discharge prohibited: It is unlawful to discharge any sewage from a vessel into the waters of the state.

6.7.510.6 Washing: Shell stock shall be washed reasonably free of bottom sediments as soon after harvesting as possible. The harvester shall be primarily responsible for washing shell stock. If shell stock washing is not feasible at the time of harvest, the dealer shall assume this responsibility. Water used for washing shall be from a potable

water source, or growing area in the approved classification or open status of the conditionally approved classification.

6.8.11. Tagging of Shellfish

6.8.411.1 Required Use of Tagged Containers: Aquaculturists must place any and all shellfish taken by them (except those shellfish returned to the waters of the aquaculture lease or facility) into containers, and must tag each and every container with a completed, ~~as defined in Rule 6.8.2 below, except for the information in Rule 6.8.2.5, which will be provided at the conclusion of the harvest,~~ harvester tag, ~~as defined in Rule 6.8.2.5 below,~~ **prior to harvested shellfish being placed in the container. The approximate quantity of shellfish may be completed at the conclusion of harvest.**

6.8.211.2 Tags: The harvester tag shall be durable, waterproof and sanctioned by the DOH. The tag shall contain the following indelible, legible information in the order specified below:

6.8.2.111.2.1 Aquaculturist's **license identification** number as assigned by DEM;

6.8.2.211.2.2 Harvest commencement time and date;

6.8.2.311.2.3 The harvest location as identified by the CRMC Assent number;

6.8.2.411.2.4 Type (species) of shellfish;

6.8.2.511.2.5 Approximate quantity of shellfish; and

6.8.2.611.2.6 The following statement in bold capitalized type: **"THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS"**

6.8.311.3 Commingling Prohibition and Tagging by Aquaculturists/Dealers:

Aquaculturists shall not place shell stock harvested from more than one growing area into the same container. When the aquaculturist is also a dealer, the aquaculturist has the option to tag the shell stock with a harvester tag or a dealer's tag meeting the requirements of the DOH regulations.

6.8.411.4 Bulk Tagging: Bulk tagging of shell stock will be permitted under the following criteria:

6.8.4.111.4.1 When shell stock are harvested from one aquaculture lease site or facility on a single day, multiple containers may be utilized on a wrapped pallet, in a tote, in a net brailer, in a single boat, in a vehicle or other container, and the unit tagged with a single tag, provided that the tag specifies the number of individual containers in the unit or an estimate of the total weight, volume, or count; and

~~6.8.4.2~~**11.4.2** A written statement is provided that “All shell stock containers in the lot have the same harvest data and area of harvest.”

6.9.12. Temperature Control of Shellfish

~~6.9.2~~**12.1** General Requirements: Aquaculturists shall not allow shell stock to deteriorate or decompose from exposure to excessive temperature and shall deliver shell stock to a licensed dealer before such deterioration or decomposition occurs.

~~6.9.3~~**12.2** Harvest of Oysters annually from September 15 through June 30 inclusive: The maximum allowable time between the harvest of shell stock and delivery to a dealer shall be twelve hours. Possession of shell stock by anyone other than a licensed dealer in excess of twelve (12) hours is prohibited. This maximum allowable time may be reduced by DEM, via emergency regulation, in certain harvest areas if environmental changes necessitate such adjustment.

~~6.9.4~~**12.3** Harvest of Oysters ~~outside of designated Temperature Control or Thermally Impacted areas~~ annually from July 1 through September 14 inclusive:

~~6.9.4.1~~**12.3.1** All oysters harvested shall be transferred to a licensed dealer within five (5) hours of the commencement of harvest

~~6.9.4.2~~**12.3.2** All harvested oysters shall be subject to shading immediately upon harvest.

~~6.9.4.3~~**12.3.3** All oysters that are removed from the water for less than twelve (12) hours for husbandry purposes must be resubmerged for no less than forty-eight (48) hours before harvest.

~~6.9.4.4~~**12.3.4** All oysters that are removed from the water for twelve (12) hours or greater for husbandry purposes must be resubmerged for no less than seven days (168 hours) before harvest.

~~6.9.4.5~~**12.3.5** All oysters that are exposed to air drying must be resubmerged for no less than seven days (168 hours) before harvest.

~~6.9.5 Harvest of Oysters from Within a Designated Temperature Control or Thermally Impacted area~~

~~6.9.5.1~~**12.3.6** ~~In addition to the requirements of Rule 6.9.4 above,~~ All oysters harvested from a Designated Temperature Control or Thermally Impacted area shall **also** be harvested in compliance with one of the following requirements:

~~6.9.5.1.1~~**(A)** Harvesters shall terminate all harvest activities and all harvested oysters must be transferred to a dealer or placed in mechanical refrigeration or adequately iced by 11:00 a.m. between the dates of July 1st and August 31st,

inclusive; and by noon between September 1 and September 14th, inclusive. Upon being placed in mechanical refrigeration or adequately iced, oysters must remain under temperature control ~~or adequately iced~~ until transferred to a licensed dealer.

6.9.5.1.2(B) Oysters that are harvested after the times specified in ~~Rule 6.9.5.1.4~~ this section must be delivered to a licensed dealer within two (2) hours of the commencement of harvest; or placed in mechanical refrigeration or adequately iced within two (2) hours of the commencement of harvest until the oysters are transferred to a licensed dealer.

~~Rule 7.13.~~ **GENERAL Enforcement AUTHORITIES**

~~7.1 General—The Director’s authority to enforce aquaculture regulations and applicable statutes shall be the same as his or her enforcement powers over the free and common fisheries of the state, as provided for in RIGL Title 20 and Chapter 42-17.1.~~

7.213.1 Authority to Enter and Inspect: The Director shall have the authority to enter and inspect any and all **areas aquaculture facilities** ~~subject to an aquaculture permit~~ for the purposes of determining compliance with the terms and provisions of the CRMC assent or permit, ~~and DEM permit~~ **license, and approved operational plan (RIGL 20-10-15)**.

~~7.313.2~~ Violations: Unless otherwise provided, violations of and/or noncompliance with the regulations set forth herein shall be prosecuted under the applicable sections of RIGL Chapter 20-10. In addition to other penalties provided by law or other rule or regulation, any licensed aquaculturist who violates the provisions of these rules or any order issued by the director shall be subject to suspension, revocation or denial of his/her license and/or permit in accordance with RIGL Sections 20-2-13, 20-10-16.1, and 42-17.1-2(~~s~~**19**).

14. Effective Date

The foregoing rules and regulations, “***Aquaculture of Marine Species in Rhode Island Waters***”, after due notice and an opportunity for hearing, are hereby adopted and filed with Secretary of State this _____ day of _____, ~~2014~~ **2015** become effective twenty (20) days after filing, in accordance with the provisions of the General Laws of 1956, as amended, specifically Chapters 42-17.1 and 42-35 and 4-13.

Janet L. Coit, Director
Department of Environmental Management

Notice Given: 08/21/2015
Public Hearing: 09/21/2015
Filing date: XX/XX/2015
Effective date: XX/XX/2015
ERLID# ~~7758~~ 8177

SUMMARY OF PROPOSED CHANGES

Rhode Island Marine Fisheries Regulations LOBSTERS, CRABS, AND OTHER CRUSTACEANS

Public hearing
September 21, 2015

8.4 LCMA 4 (Inshore Northern Mid-Atlantic) regulations:

8.4.3 Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an un-obstructed opening measuring not less than two inches by five and three-quarters (2 X 5¾) inches (50.8mm X 146.05mm), or two (2) circular escape vents, each with an un-obstructed opening measuring not less than ~~two and one half (2½)~~ two and five eighths (2 5/8) inches (~~63.5~~ 66.68 mm) diameter.

8.4.10 Season closure: A season closure to the landing of lobsters from ~~February 1 through March 31~~ April 30 through May 31 annually is required for any person or vessel permitted and declared to fish in LCMA 4. During this closure, lobster potters will have a two week period to remove lobster pots from the water and may set lobster pots one week prior to the end of the closed season.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT



RHODE ISLAND MARINE FISHERIES REGULATIONS

Part III Marine Fisheries Council

September 18, 2015

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

1. PURPOSE

The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.

2. AUTHORITY

These rules and regulations are promulgated pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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.

4. DEFINITIONS

See Rhode Island Marine Statutes and Regulations, Part I, '1.3.

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.

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 Part III 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.

7. REGULATIONS

7.1 Current Possession limit: If no current possession limit is noted in the table below, refer to RI Marine Fisheries Regulations (RIMFR) Part 7 – Finfish, for the sub-period starting possession limit for all species other than Striped bass, Menhaden, and Horseshoe crabs. For Striped bass, refer to RIMFR Part 12 – Striped Bass; for Horseshoe crabs, refer to RIMFR Part 15 - Lobsters, Other Crustaceans, and Horseshoe Crabs; and for Menhaden, refer to RIMFR Part 16 - Menhaden.

Species	Current possession limit	Effective dates
Atlantic Herring – Area 1A	OPEN UNLIMITED	Effective 12:01AM on January 1, 2015.
Atlantic Herring – Area 1B	Directed Fishery is CLOSED; 2,000 lbs/vessel/calendar day	Effective 12:01AM on May 28, 2014, until the next fishing season opens on May 1, 2015.

	bycatch allowance.	
Atlantic Herring – Area 2	OPEN UNLIMITED	Effective 12:01AM on October 29, 2013, until further notice.
Atlantic Herring – Area 3	Directed Fishery is CLOSED; 2,000 lbs/vessel/calendar day bycatch allowance.	Effective 12:01AM September 26, 2014, until further notice.
Black Sea Bass	CLOSED	Effective 12:01AM on September 10, 2015, until the next sub-period begins on November 1, 2015 at 100 lbs/vessel/day.
Bluefish	OPEN at 10,000 lbs/vessel/week	Effective 12:01AM on September 6, 2015, until the next sub-period begins on January 1, 2016 (unlimited).
Coastal Sharks – Smoothhound Sharks Species Group	OPEN UNLIMITED	Effective 12:01AM on January 1, 2015 until further notice.
Coastal Sharks - Non-Blacknose Small Coastal Shark Species Group	CLOSED	Effective 12:01AM on June 8, 2015, until further notice.
Coastal Sharks - Blacknose Coastal Shark Species Group	CLOSED	Effective 12:01AM on June 8, 2015, until further notice.
Coastal Sharks - Aggregated Large Coastal Sharks Species Group	CLOSED	Effective 12:01AM on December 4, 2014, until the next fishing season opens on July 1, 2015.
Coastal Sharks - Hammerhead Sharks Species Group	CLOSED	Effective 12:01AM on December 4, 2014, until the next fishing season opens on July 1, 2015.
Coastal Sharks - Pelagic Sharks Species Group (excluding Porbeagle sharks)	OPEN UNLIMITED	Effective 12:01AM on January 1, 2015, until further notice.
Coastal Sharks - Porbeagle Sharks of the Pelagic Shark Species Group	CLOSED	Effective 12:01 AM on December 19, 2014, extending through December 31, 2015.
Horseshoe Crab – commercial bait fishery	CLOSED	Effective 12:01AM on May 11, 2015.
Menhaden – in the Menhaden Mgmt. Area	OPEN	Effective 12:01AM on September 15, 2015, until further notice.
Menhaden – In State Waters outside the Menhaden Mgmt. Area	OPEN at 120,000 lbs/vessel/day	Effective 12:01AM on May 29, 2015, until further notice.

Monkfish	OPEN at 550 lbs tail weight or 1,826 lbs whole weight per vessel/calendar day.	Effective May 1, 2014, until further notice.
Scup – General Category	OPEN at 10,000 lbs/vessel/calendar week	Effective 12:01AM on September 20, 2015, until further notice.
Scup – Floating Fish Traps	OPEN at 50,000 lbs/vessel/calendar day	Effective January 1, 2015, until the next sub-period opens on May 1, 2015 (unlimited).
Striped Bass – General Category	CLOSED	Effective 12:01AM on September 21, 2015.
Striped Bass – Floating Fish Traps	CLOSED	Effective 12:01AM on January 1, 2015, until the fishery opens on April 1, 2015 (unlimited).
Summer Flounder	Open at 100 lbs/vessel/calendar day; the Aggregate Landing Program is CLOSED.	Effective 12:01AM on September 6, 2015 until the next sub-period begins on September 16, 2015, at 200 lbs/vessel/day.
Spiny Dogfish	OPEN at 5,000 lbs/vessel/calendar day.	Effective at 12:01AM on September 8, 2014.
Tautog	CLOSED	Effective 12:01AM on May 21, 2015.

7.2 Penalties: Unless another penalty is specified in this Title, any person who violates a rule or regulation of the Department shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days, or both. (RIGL 20-1-16)

7.3 Shellfish and Marine Life Management Areas: The Council may, recommend to the Director, to designate certain portions of the shores of the public waters of the State, or land within the State covered by tidewater at either high or low tide, or portions of the free and common fisheries of the State as Shellfish or Marine Life Project Management Areas pursuant to RIGL Section 20-3-4.

7.3.1 Any designations under these regulations shall include an explicit description of the area to be designated and may include restrictions on the quantities, types, or sizes of shellfish or finfish which may be taken in such area, the times during which shellfish or finfish may be taken, the manner or manners in which shellfish or finfish may be taken, or may close such area to the taking of shellfish or finfish altogether.

7.3.2 A designation under these regulations may be made for a period not to exceed five (5) years. A designation may be renewed at the end of its initial term.

7.3.3 Designations under these regulations may be made pursuant to the Administrative Procedures Act, Chapter 42-35 of the General Laws of Rhode Island as amended. Such designations shall contain a brief description of the purposes for

which they are being made.

7.3.4 Shellfishing and finfishing activity in a Management Area may be regulated by the Director by filing such regulation with the office of the Secretary of State. Such regulation shall take effect twenty (20) days following its filing. In case of emergency or imminent hazard found to require immediate action, the Director may issue regulations governing the taking of shellfish or finfish in a Management Area to become effective without delay. Any regulation issued under this Section shall contain an explicit description of the nature of the emergency or imminent hazard giving rise to the regulation.

7.3.5 Until and unless modified pursuant to these regulations, all Management Areas previously established by the Department shall remain in effect.

7.3.6 The Director may, where he or she reasonably believes that a delay would adversely affect the public purposes sought to be served by Title 20 of the General Laws of Rhode Island and/or would pose a danger to the public health, act to open or close any area (whether or not previously designated as a Marine Life Management Area) within the coastal waters of the State of Rhode Island to the taking of any and all types of fish, lobsters, and shellfish. In determining whether to open or close an area pursuant to this regulation, the Director shall consider what effect, if any, would be occasioned by deferring the decision to open or close such area until the next meeting of the Council. If the Director opens or closes an area without awaiting the next meeting of the Council, he or she shall:

- (A) Immediately give notice, in writing, to the Council members of his/her action, and the basis thereof;
- (B) Immediately give notice of his/her action, in a newspaper of general circulation in the area to be affected thereby; and
- (C) Place his/her decision to open or close an area on the agenda at the next scheduled meeting of the Council, for its consideration.

8. EFFECTIVE DATE

The foregoing rules and regulations "Rhode Island Marine Regulations, Part III - Marine Fisheries Council", are hereby adopted and filed with the Secretary of State in accordance with the provisions of Title 20, Chapters 42.17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

Jason McNamee, Chief of Marine Resource Management
Division of Fish and Wildlife
Department of Environmental Management

Notice Given: N/A
Public Hearing: N/A
Filing date: 09/18/2015
Effective date: 09/18/2015
ERLID# 8208



Rhode Island
Department of Environmental Management
DIVISION OF FISH AND WILDLIFE
3 Fort Wetherill Road
Jamestown, RI 02835

401 423-1923
FAX 401 423-1925

**SUMMARY OF ORAL COMMENTS
PUBLIC HEARING
September 21, 2015**

A public hearing was held on **September 21, 2015** at 6:00PM in the Hazard Room of the Coastal Institute Building at the URI Narragansett Bay Campus. Approximately 10 persons from the public were present.

Hearing Officer: M. Gibson

DEM Staff: L. Mouradjian, G. Powers, J. McNamee, S. Olszewski, N. Lengyel, E. Schneider, P. Duhamel.

Oral comments were provided as follows:

1) **Proposed amendments to “RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”:**

- a. Exit/entry ratios for quahaug and soft-shell clam endorsement (section 6.1-10):
 - *No comments were provided.*
- b. Procedures for adopting Sector Management Plan (section 6.2-1):
 - *No comments were provided.*
- c. Issuance of new licenses upon sale of vessel and gear (section 6.7-8):
 - *R. Hopkins: Strongly objected to the proposal. Stated that landings should be attributed to the person and not the vessel; that the vessel is simply a tool used by the fisherman. Stated that he has had 14 vessels in his career and is also permitted to fish on other vessels and have landings attributed to his license.*
 - *A. Eagles: Stated that regulations regarding the sale of the business need to be revised, in that the vessel need not be part of the business or sale.*
- d. Date for submittal of Student Shellfish licenses (sections 5, 6.7-3, and 6.8-5):
 - *No comments were provided.*

2) **Proposed amendments to RIMFR “Aquaculture Marine Species in Rhode Island Waters”:**

- a. Proposed definitions (new section 7):
 - *R. Rheault:*

- *Definition of “Harvest” needs revision to possibly remove language “human consumption”, as should not involve intent of individual harvesting (could harvest and use for purposes other than human consumption);*
 - *Definition of “Operational Plan” should not include approval from DEM and DOH as these entities do not actually approve or deny approvals of plans.*
 - *B. Silkes: Remove “human consumption” from definition of “harvest”.*
- b. Clarifying and updating permitting and submission requirements (new section 8.0):
- *No comments were provided.*
- c. Clarifying submission requirements for the shipment and importation of shellfish seed (new section 9.2):
- *B. Silkes: Amend such that email is sufficient in addition to written submittal for notification to CRMC.*
 - *R. Rheault: Regarding transfer of seed from other than approved waters (proposed section 9.7), regulations are not clear regarding allowance of up to 10% of batch exceeding the maximum seed size; the word “any” in 2 locations is confusing and needs revision.*
- d. Reduce the time period requirement for the harvest of shellfish transferred from other than approved waters as seed (new section 9.8):
- *R. Rheault: Regulations should allow for changes at ISSC level to be automatically in place in RI regulations when changes occur at ISSC level; due to excessive length of time needed for RI to effectuate a regulation change. He offered that a change at the federal level may be occurring in October of this year and it would be unfortunate if RI didn’t enact the change soon thereafter.*
- e. Updating tagging requirements (new section 11.1):
- *No comments were provided.*
- f. General editing to improved readability (entire regulation):
- *R. Rheault: Regarding proposed section 12.0 Temperature Control of Shellfish, the word “oyster” is mentioned throughout section; should be replaced with “shellfish”.*
- 3) Proposed repeal of **RIMFR “Marine Fisheries Council”:**
- *No comments were provided.*
- 4) Proposed repeal of **2015 Finfish, Shellfish, and Crustacean Sector Management Plans:**
- *No comments were provided.*
- 5) **Proposed amendments to RIMFR “Lobster, Crabs, and Other Crustaceans” to correct the minimum escape vent size and season closure dates for LCMA 4 for consistency with the federal management plan (sections 8.4.3 and 8.4.10):**
- *A. Eagles: Opposed to any closed season.*

RIMFC Industrial Advisory Committee
7/21/15
Large Conference Room , URI Coastal Institute

Attendance:

Stephen Parente	Mike Rodrick*
Rich Fuka	Jerry Carvalho*
Katie Almeida	Ken Booth
Steven Anderson*	Christopher Rein (Chair)
Robert Mattiucci*	Bob Smith*
Eric Reid*	Mike McGiveney*
Jason McNamee (RIDFW)	Margret McGrath (RIDEM)
Robert Ballou (RIDEM)	John Lake (RIDFW)

The meeting began at 6PM and the required quorum was reached. The meeting began with the introduction of the new chair Christopher Rein. The agenda was presented next and BM requested that restricted finfish license endorsement opportunities be discussed prior to the shellfish endorsements. JL explained that 3 PEL restricted finfish and 3 multipurpose licenses were retired in 2014 that had some activity (>1 restricted finfish landing in last year) and that the current exit /entrance ratio of 1 new endorsement : 1 exiting license with activity would allow for 6 new restricted finfish license opportunities. BM made a motion to keep the exit/entrance ratio at 1:1 (status quo), the motion carried 7-0. **The IAC recommends 6 new restricted finfish license opportunities for 2016.**

Shellfish license endorsements were discussed next. JL indicated that under the current 2:1 exit/entry ratio of licenses retired eligible to harvest quahaugs a total of 18 new quahaug license endorsements would be available in 2016. MM proposed the exit/ entry ratio for quahaug endorsements be changed to 1:1 from 2:1. He stated that the RI shellfish association had discussed the matter and would like to see an increase in shell fishers to bring new blood into the industry and keep supply up. The resource is not overfished and could support the increase. MM made a motion to change the exit/entry ratio to 1:1 the motion carries 7-0. **The IAC recommends 32 new quahaug license opportunities for 2016.** Soft Shell clam endorsements were discussed next , JL indicated that under the current exit/entry ratio of 5:1 licenses retired eligible to harvest SS clams a total of 12 new SS clam license endorsements would be available in 2016. MM stated the shellfish association would support a 2:1 exit/entry ratio. GC made a motion to change the ratio to 1:1 stating that people should have the opportunity to buy a SS clam license and that the fishing effort would be governed by the availability of the resource. Currently the low stock status of SS clams would result in low effort. The motion passed 5-2. **The IAC recommends 51 new SS clam license opportunities for 2016.** Whelk endorsements were discussed next. JL indicated that currently whelk endorsements are only available to quahaug and SS clam endorsement holders. GC requested more data on the whelk fishery activity levels. MM stated no indication that whelk fishery needs any new changes. MM made a motion to keep

whelk exit/entry at status quo. Motion passes 6-1. **The IAC recommends that whelk endorsement remain only available to current quahaug and SS clam license holders.** Next there was discussion on the structure of the PEL and CFL shellfish licenses. GC stated that he wants the shellfish licenses simplified to a single shellfish license. MM indicated that his group felt similarly and that this discussion was mirrored in the statewide shellfish management plan initiative currently in progress. The current structure is not equitable to PEL/CFL license holders who pay more money than MPURP license holders for the same access to shell fishing. Additionally, the shellfish sector is now the only one has specific possession limits for the CFL license endorsements which do not meet the current needs of the fishery. JL indicated that RIDFW agrees and that they would like to get rid of the CFL license all together in a license restructure initiative.

The crustacean sector was discussed next, JL indicated that the current moratorium on new lobster licenses is still in effect from the Atlantic States Marine Fisheries Commission (ASMFC) fishery management plan. JL indicated that trap transferability has been in place in RI for a year and that NOAA fisheries is allowing transfers for the 2016 fishing year. Trap reduction schedule starts May 1, 2016. **The IAC recommends no changes to the lobster license endorsement structure.**

Changes to the floating fish trap endorsement were discussed next. JL indicated that RIDFW is interested in altering the provisions of the endorsement in response to so discrepancies in the endorsement issuance process brought to light be a recent sale of a fish trap business. JL indicated that the current rules are not clear as to who may harvest and land fish caught in a fish trap and the intent of the regulations is to clarify the process. The proposed changes would also enhance RIDFW's data collection from the fishery and take the endorsement off of a three year cycle. GC stated that the system is fine as it is and RIDFW should not make the license system more complicated. Adding the new provisions will restrict floating fish trap fishers, these restrictions are not warranted merely so RIDFW can improve its data collection. He does not see the need for a fish trap endorsement at all. BB asked if there were any enforcement issues, JL indicated these changes come from RIDFW and is not aware of any enforcement issues. GC made a motion to not accept the changes to the fish trap endorsement, the motion fails 2-4-1. ER made a motion to accept the changes to the endorsement, the motion does not pass 3-3-1. JL indicated that RIDFW will likely not pursue the changes without the IAC consent and will wait until a broad license restructure to address the issue. **The IAC does not recommend the changes to the floating fish trap endorsement.**

The next item for consideration was alterations to the regulation concerning a sale of commercial fishing business (license/vessel/gear). Language was added to the regulation to clarify that the vessel involved in the sale must be the vessel used to satisfy the fishing activity requirement. GC stated he is opposed to the changes as it would further restrict fishermen from selling their businesses, he supports no changes. MMcG stated that in current system if the vessel involved in the sale is not the vessel with the fishing history it would be denied and the applicant would need to appeal the decision in the

RIDEM AAD process. The new language is clarifying what is already standard procedure. GC made a motion for no new changes to the sale of business regulation, the motion carried 5-0-2. **The IAC recommends no new changes to the regulation concerning sale of vessel and gear.**

Next a broader discussion took place concerning the RIDEM's desire to initiate a restructure of the commercial license system. BB and JL laid out the proposed timeline and process for the initiative. BM stated he sees no need for a restructure. MM stated that the shellfish licenses (PEL/CFL) need to be restructured and desires to see the CFL license done away with. The main issue is that a MPURP license is much cheaper than a PEL license that can harvest the same shellfish (\$300 MPURP/\$375 PEL), this is compounded by the fact that a MPURP could also participate in finfish and crustacean sectors at no extra cost and a PEL would pay an additional \$150 for full participation in each additional sector. A full PEL license costs \$525 compared to a \$300 MPURP. MR stated he agrees that the license need restructure citing that neighboring states are much easier to work in as far as landing of catch. JL stated that a license restructure would likely address that issue and that the idea for the new system could potentially shift some license provisions to vessels. BM made it very clear he opposes a vessel based license system. He asked why it keeps being proposed. JL stated that it has come up at RIMFC meetings and brought to the attention of RIDFW staff. Several other meeting participants echoed this. BB asked that the meeting participants formulate proposals as to what they would like to see come out of a new licensing system as well as any data requests. GC stated he would like some guidance from the RI general laws as to what can and cannot be done. BB indicated the next meeting would be in late September and would examine status and trends of the current license system. Without other business the meeting concluded.

RHODE ISLAND MARINE FISHERIES COUNCIL

Shellfish Advisory Panel
August 12, 2015, 5:00 pm
Warwick Public Library, Room 101
600 Sandy Lane, Warwick, RI

Meeting Minutes

RIMFC Members Present: J. Grant (Chair)

SAP Members Present: M. McGiveney; R. Blank; K. Eagan; J. Gardner; G. Shey; R. Rheault-Alt

Public Present: A. Cycgler; J. Arnoux; N. Papa; J. Roberts; G. Schey; J. Scappatura; B. Boehringer; C. Johnson

CRMC: D. Beutel

DEM: J. Mercer; W. Helt

1. Update on IAC meeting

McGiveney gave a brief overview of the discussion at the IAC meeting and proposal to drop the CFL license for the shellfish sector and reduce the number of PEL endorsements for shellfish.

2. Aquaculture Lease Applications

- a. Proposed Aquaculture Lease: CRMC File # 2015-05-107, Papa, Ninigret Pond, Charlestown.

Beutel gave a brief overview of the lease location and operational plan. Portions of the lease will be used for bottom planting and portions will have gear during the winter months. Mercer stated that portions of the lease were mapped as recreational shellfishing areas through the Shellfish Management Plan mapping efforts. Motion made by McGiveney to not object, Gardner seconded the motion. The board voted 4-0 to not object to the application with Blank abstaining

- b. Proposed Aquaculture Lease: CRMC File # 2015-06-005, Johnson & Scappatura, Quonochontaug Pond, Charlestown.

Beutel gave a brief overview of the lease location and operational plan. Mercer stated that portions of the lease were mapped as falling within eelgrass beds in 2012 but Beutel said that no grass was observed in his inspections. Motion made by Gardner to not object, Schey seconded the motion. The board voted 4-0 to not object to the application with Eagan abstaining.

- c. Proposed Aquaculture Lease: CRMC File # 2015-07-027, Blaney, Harbor of Refuge, Narragansett.

Beutel gave a brief overview of the lease location and operational plan. Concerns were raised about the length of the lease and when the gear would be put in the water and removed. Motion made by Blank to not object, McGiveney seconded the motion. The board voted 3-0 to not object to the application with Gardner and Eagan abstaining

- d. Proposed Aquaculture Lease: CRMC File # 2015-07-031, Arnoux, Quonochontaug Pond, Charlestown.

Beutel gave a brief overview of the lease location and operational plan. Motion made by McGiveney to not object, Gardner seconded the motion. The board voted 4-0 to not object to the application with Blank abstaining

- e. Proposed Aquaculture Lease: CRMC File # 2015-07-083, Boehringer & Hoehn, Point Judith Pond, South Kingstown.

Beutel gave a brief overview of the lease location and operational plan. Mercer stated that portions of the lease were mapped as recreational shellfishing areas through the Shellfish Management Plan mapping efforts. Motion made by Blank to not object, Eagan seconded the motion. The board voted 5-0 to not object to the application.

- f. Proposed Aquaculture Lease: CRMC File # 2015-07-087, Roberts, Ninigret Pond, Charlestown.

Beutel gave a brief overview of the lease location and operational plan. Mercer stated that portions of the lease were mapped as recreational shellfishing areas through the Shellfish Management Plan mapping efforts. Motion made by McGiveney to not object, Blank seconded the motion. The board voted 4-0 to not object to the application with Gardner abstaining

- g. Proposed Aquaculture Lease: CRMC File # 2015-07-089, Cataldo, Point Judith Pond, Narragansett.

Beutel gave a brief overview of the lease location and operational plan. Motion made by Blank to not object, Gardner seconded the motion. The board voted 5-0 to not object to the application.

3. Determination of Winter Harvest Schedule

Mercer presented the findings from RIDEM analysis that the population in Greenwich Bay appeared to be up slightly from 2013-2014. McGiveney suggested maintaining the same schedule as last year with the exception that Greenwich Bay open on January 4th instead of the 1st. Eagan proposed maintaining the same schedule in Bristol with the exception that the area open January 11th instead of the 1st. Motion made by McGiveney to approve the winter harvest schedule as proposed, Blank seconded the motion. The board voted 4-0 to approve (Gardner left meeting prior to vote).

4. Extension of Oyster Harvest Moratorium in Bissel Cove / Fox Island Management Area.

Mercer explained that there is to be ongoing oyster restoration activity in the area over the next 5 years through the NRCS EQUIP program. Motion made by McGiveney to approve a 5 year extension to the oyster harvest moratorium in Bissel Cove / Fox Island Management Area expiring Sept 2020. Blank seconded the motion. The board voted 4-0 to approve (Gardner left meeting prior to vote).

Prepared by: Jeff Mercer

For more information or a copy of the recording from the meeting please contact Jeff Mercer at (401) 423-1937



Rhode Island Marine Fisheries Council

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

Advisory Panel Application

Please complete the application and mail to: **RI Marine Fisheries Council, 3 Fort Wetherill Road, Jamestown, RI, 02835; Attn: Peter Duhamel**, or Fax to: (401) 423-1925. Please print clearly, use a blue or black pen, and sign the application on the back of this page.

Check Species Advisory Panel applying to: Summer Flounder Striped Bass Tautog Shellfish Scup/Black Sea Bass
 Winter Flounder Lobster Groundfish Blue/Weakfish Menhaden Industry Enforcement

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

Print Your Name: ROGER TELLIER Date of Birth: 7-29-45

Mailing Address: NO JERRY LANE

City: NORTH KINGSTOWN State: RI Zip: 02852

Phone (Home/Work/Cell): 401 398 2670 CELL 401 533 1931

Email: ROG TEL @ COX.NET

1. Please list the Advisory Panel position for which you are interested (please contact the AP Chairperson or DFW Marine Fisheries office for types of positions):

First Choice: SHELLFISH
Second Choice: _____

2. **FOR COMMERCIAL FISHERMEN:**

Provide type and license number(s): _____

Number of years as a commercial fisherman? _____

What is your primary fishery? _____

Other fisheries fished: _____

What gear types do you use? _____

3. Where is your **primary** area fished?

Narragansett Bay Coastal Ponds Inshore (inside 3 miles)
 Upper or Lower Bay East or West Bay Offshore (outside 3 miles)

4. **FOR PARTY/CHARTER BOAT CAPTAINS:**

How many years have you been in the Party/Charter boat business? _____ Years

5. **FOR RECREATIONAL FISHERMEN:**

How many years have you been engaged in recreational fishing in RI waters? 50 YEARS

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

BOAT BUT MOSTLY FROM SHORE HAND REELS

6. FOR SEAFOOD DEALERS:

How many years have you been a seafood dealer in RI? _____

How many years have you lived in the home port community? _____

Please provide DEM Seafood Dealer License Number: _____

7. FOR ALL APPLICANTS:

If not described above, please describe your occupation(s): Retired worked AS A FLEET Mgr. SUPERVISOR

Please list any organizations you belong to: _____

Please provide any additional information which you feel would assist the Council in making a selection.

You may attach additional pages or other information as necessary.

RISAA
BANTAL COUNTY STRIPER CLUB

Signature of Applicant: Roger Tobler

Date: 9-13-15

Date Approved by RIMFC: _____



Rhode Island Marine Fisheries Council

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

Advisory Panel Application

Please complete the application and mail to: **RI Marine Fisheries Council, 3 Fort Wetherill Road, Jamestown, RI, 02835; Attn: Peter Duhamel**, or Fax to: (401) 423-1925. *Please print clearly, use a blue or black pen, and sign the application on the back of this page.*

Check Species Advisory Panel applying to: Summer Flounder Striped Bass Tautog Shellfish Scup/Black Sea Bass
 Winter Flounder Lobster Groundfish Blue/Weakfish Menhaden Industry Enforcement

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

Print Your Name: RICHARD PASTORE Date of Birth: 3/29/50
Mailing Address: 121 SUFFOLK DR
City: NORTH KINGSTOWN State: RI Zip: 02852
Phone (Home/Work/Cell): 895-7255
Email: RPENGRI@VERIZON.NET

1. Please list the Advisory Panel position for which you are interested (please contact the AP Chairperson or DFW Marine Fisheries office for types of positions):

First Choice: SHELLFISH
Second Choice: _____

2. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): _____
Number of years as a commercial fisherman? _____
What is your primary fishery? _____
Other fisheries fished: _____
What gear types do you use? _____

3. Where is your **primary** area fished?

Narragansett Bay Coastal Ponds Inshore (inside 3 miles)
 Upper or Lower Bay East or West Bay Offshore (outside 3 miles)

4. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

5. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? 45 YRS

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

BOAT & SHORE ROD & REEL & SPOAR FISHING

6. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? _____

How many years have you lived in the home port community? _____

Please provide DEM Seafood Dealer License Number: _____

7. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s): CIVIL ENGINEER

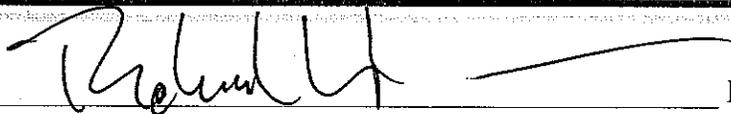
Please list any organizations you belong to: RISAA, SAVE THE BAY

Please provide any additional information which you feel would assist the Council in making a selection.

You may attach additional pages of other information as necessary.

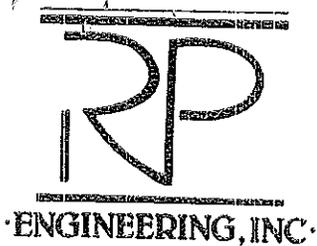
SEE ATTACHED

Signature of Applicant: _____



Date: 9/12/15

Date Approved by RIMFC: _____



RESUME

Richard L. Pastore P.E.

EDUCATION

Worcester Polytechnic Institute, BS Civil Engineering, 1972
Environmental and structural concentration

Worcester Polytechnic Institute, M.S. Civil Engineering, 1974
Environmental concentration

University of Rhode Island, Post Graduate Studies -
Hydrogeology, hydrology, geotechnical and structural engineering,
soil science, biological and oceanographic sciences, innovative/alternative sewage treatment technologies,
geosynthetic soil reinforcement

PROFESSIONAL EXPERIENCE:

Registered Professional Engineer - Rhode Island, Mass. & CT.
Rhode Island Class III OWTS Designer
Rhode Island Class IV Soil Evaluator
Massachusetts Title V ISDS Designer and Soil Evaluator
Connecticut ISDS Designer
Registered Builder - Rhode Island (to 1993)

September 1988 - Present

President, RP Engineering, Inc., North Kingstown, RI

Environmental/Structural/Civil/Marine engineering consulting company
involved in:

I. Engineering Consultant to Municipalities

Town of Jamestown - Served as engineering consultant to Planning Dept, Building Inspector and Public Works Dept. Provided council in the development of the High Groundwater Ordinance for ISDS siting and stormwater control.

Town of Exeter - Serves as engineering/planning consultant to Planning Commission and performs site inspections for conformance to approved land development plans for Planning Department.

Town of Charlestown - Served as engineering and coastal pond consultant to Zoning Board with respect to development impacts in the CRMC SAMP regions.

Town of Barrington - Developed wellhead protection ordinance.

II. Wastewater Treatment

Designed more than 150 innovative/alternative (FAST, Advantex, Bioclere, Eljen) and conventional septic systems ranging from small residential applications (300 gallons per day) to large high-strength waste, commercial systems (41,000 gallons per day). Designs of low pressure and gravity sewer systems. Conducts testing and design review of residential and commercial septic systems.

III. CRMC, RIDEM and US Army Corps Permitting

Developed designs and permitting applications for marinas, coastal protection structures, wetlands projects, dredging and dredge spoil disposal and residential/commercial construction within A and V flood zones.

IV. Hazardous Waste / Materials

Conducts Phase I environmental site assessments and Phase II And III subsurface contamination investigations and remediations. Provides

oversight of underground storage tank installation and closures including remediation of leaking tank contamination.

V. Structural Design

Provides structural design in wood, steel and reinforced concrete, including multi-story commercial and residential buildings, foundations, retaining walls, coastal protection structures, pile foundations, wind load specifications, marine docks and segmental block retaining walls. Design and supervision of building resupport for subsurface hazardous materials remediation and foundation replacements.

VI. Building Inspections

Inspected structural, HVAC, water and waste, and electrical systems of more than 600 residential and commercial buildings, including extensive diagnoses of post construction problems in residential construction.

VII. Groundwater and Potable Well Studies

Developed Barrington, RI's wellhead protection program/ordinance. Conducts assessments of bacterial and chemical contamination of residential and commercial wells including development of remediation plans. Conducts investigations of ground water contamination from releases of petroleum and hazardous materials.

VIII. Stormwater Control/ Drainage

Designed stormwater control and treatment systems for industrial, residential and agricultural sites in conformance with local, state and Federal regulations.

IX. Residential Subdivisions and Land Development

Conducts reviews to determine suitability of land development plans and proposes solutions to promote wise use of available land. Develops designs for residential subdivisions and land development plans including affordable housing.

X. Capital Retirement Studies:

Prepares analyses of existing capital assets, life expectancy, repair or replacement costs and annual sinking fund contributions for residential and commercial building complexes.

XII. Expert Testimony:

Provides expert witness in matters regarding construction and building investigations, structural investigations, hazardous waste and leaking underground fuel tanks, ground water pollution and waste water disposal, septic system designs, storm water control and drainage, land development impacts and coastal development before RI Superior Court, Providence Housing Court, RI Board of Contractors Registration, zoning and planning boards and town councils throughout Rhode Island.

1988-1995

President - Integrated Property Inspections, Inc., North Kingstown, RI

Operated one of the first residential and commercial building inspection companies in Rhode Island.

1974-1988

Environmental Engineer, US Environmental Protection Agency, Region I Boston, MA

Directed programs involving marine and fresh water pollution, wastewater discharge permitting (NPDES), water quality planning, dredge spoil disposal and marine sediment investigations, development of dredge material disposal criteria, oceanographic and estuarine studies of pollutant movements and impacts on fisheries and shellfish resources, non-point source control of impacts from commercial, industrial, agricultural and construction activities, development of regulations for and review of environmental impact statements.

Initiated and served as the first project officer for the Narragansett Bay Estuarine Program. Served as the chief scientist aboard the EPA research vessel OSV Anderson investigating marine sediment quality, shellfish and fisheries resources in Massachusetts and Rhode Island.

PROFESSIONAL /COMMUNITY AFFILIATIONS:

2014 - present Member - RI Fruit Growers Association
2012 - present RI Society of Structural Engineers
1991- 2011 North Kingstown Planning Commission (Chair 2000-2011)
2010 - 2013 Member - Save the Bay Board of Directors
2008- 2011 Member - Quonset Development Corp Board of Directors
(As North Kingstown Town Council representative)
2009 Chair - Wickford Elementary/Beachwood House Reuse Comm
2006-present Member - Save The Bay Program and Policy Committee
2004-present Member - RI Salt Water Anglers Association
2000-2011 President - Concerned Communities Coalition, Inc.
(Quonset container port opposition group)
1998-2009 Assistant Coach - NK High School Weight Training Program
2006 Principal - We The People (casino opposition group)
2005 Member - Carcieri Admin. Narragansett Bay Nutrient Advisory Panel
2004 Member - Carcieri Administration Environmental Transition Team
1998 Member - NK High School Building Committee
1998 Member - NK High School Science Advisory Committee
1990-1996 Assis. Coach - Warwick Junior Hockey League
1989-1993 Chairman - North Kingstown Wastewater Management Committee
1988 Member - NK Town Hall Annex Committee
1988 Assis. Coach - NK Little League
1986-1988 Chairman - North Kingstown Solid Waste Disposal Citizens Advisory Comm
1983-1985 Member - Narrow River Watershed Citizens Advisory Comm

RIMFC 10-5-15

- Winter Harvest Schedule 2015-2016
- Bissel Cove Oyster Harvest Moratorium

Winter Harvest Schedule 2014-2015

	DEC	JAN	FEB	MARCH	APRIL
GB Sub Area 1 & 2	CLOSED OWR	8-12 MWF	8-12 MWF	8-12 MWF	8-12 MWF
Bristol	CLOSED	8-12 MWF	Open	Open	Open
Bissel/Fox	Opens 2nd Wed*	Open*	Open*	Open*	Open*
Mill Gut	Opens 2nd Wed	Open	Open	Open	Open
High Banks & Pot C	Open All Year	Open All Year	Open All Year	Open All Year	Open All Year

Greenwich Bay Sub Area 1 & 2

Year	09-'10	10-'11	11-'12	12-'13	13-'14	14-'15	TREND
Landing Days	26	36	44	33	23	39	
Fishermen Days (effort)	1245	3373	4611	1785	1282	1120	
Modeled Days (>5 fishermen)	14	22	38	26	19	26	
Area (m2)	2,109,619	1,512,589	3,189,110	2,727,668	2,727,668	2,727,668	
Starting N	5,963,116	40,983,314	20,765,498	4,872,719	3,544,222	6,364,559	
End N	4,504,467	35,116,809	14,177,020	2,860,440	2,062,099	5,158,379	
Start Density	2.827	27.095	6.511	1.786	1.299	2.333	
End Density	2.135	23.216	4.445	1.049	0.756	1.891	
Catch	1,458,649	5,866,505	6,588,478	2,012,279	1,482,124	1,206,180	
exp rate	0.245	0.143	0.317	0.413	0.418	0.190	
F Rate	0.281	0.154	0.382	0.533	0.542	0.210	

Dredge up to 0.93/m² (n=10) in 2015 from 0.88/m² (n=21) in 2014

Dredge in all of GB = 3.01/m²

Proposed Winter Harvest Schedule 2015-2016

	DEC	JAN	FEB	MARCH	APRIL
GB Sub Area 1 & 2	CLOSED OWR	8-12 MWF Start Jan 4	8-12 MWF	8-12 MWF	8-12 MWF
Bristol	CLOSED	8-12 MWF Start Jan 11	Open	Open	Open
Bissel/Fox	Opens 2nd Wed*	Open*	Open*	Open*	Open*
Mill Gut	Opens 2nd Wed	Open	Open	Open	Open
High Banks & Pot C	Open All Year	Open All Year	Open All Year	Open All Year	Open All Year

- **IAC recommended schedule**
- **Division concurs with IAC**

Bissel Cove Oyster Harvest Moratorium

- NRCS EQIP program re-established Bissel as one of the sites for 2015;
 - Bissel Cove best combination of survival and recruitment in RI;
 - Recent survey work by DFW found local recruitment but very low adult biomass (at most would support only a few com. poss. limits)
- DEM requesting extension for 5 years to protect this restoration & potential recruitment in SMA;
 - RIMFC approved 2 month temporary extension until Nov 15th;
 - SAP recommended 5 year extension (Expiring Sept 2020).

Related restoration/enhancement work

- NRCS EQIP - cultch and seed-on-shell
 - Bissel & Ninigret sites for 2015
 - Both showed good combination of survival & recruitment
 - Ninigret sites in Wester Spawner Sanctuary
- NRCS EQIP - cultch only
 - Ninigret site in Foster Cove Oyster Restoration Reserve (created in 2014)
 - Reefs created in May; captured set this summer
- DFW-TNC Fish Habitat Enhancement
 - Funded by USFWS Sportfish Restoration
 - Goal: determine if establishing oyster reefs can improve growth and survival (productivity) of targeted sportfish sp.
 - In Oct 2015 creating a series of reefs in Ninigret Wester Spawner Sanctuary.
 - These sites and assoc. control sites will be monitored through 2019.

Bissel Cove Oyster Harvest Moratorium





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
DIVISION OF LAW ENFORCEMENT

Rhode Island Marine Fisheries Regulations



SHELLFISH

June 22, 2015
Annotated - abridged
RIMFC 10/5/15

Bissel Cove/Fox Is. Shellfish Mgmt. Area oyster moratorium
Winter Harvest Schedules in Shellfish Mgmt. Areas

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

13.5 **Greenwich Bay (GB)**: Described as the waters west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore, in the towns of East Greenwich and Warwick.

13.5.1 **GB sub-area 1**: Described as the waters east of a line between the DEM range marker located at the end of Neptune Street in Chepiwanoxet to the DEM range maker located on Cedar Tree Point, and north of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.

13.5.2 **GB sub-area 2**: Described as the waters west of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods; and south of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.

(A) **Commercial boat harvest schedule for GB sub-areas 1 and 2**: GB sub-areas 1 and 2 shall be subject to an annual December harvest schedule established by the Director, pursuant to recommendations developed by the DFW and the RIMFC. Said recommendations shall be submitted to the Director at least sixty (60) days prior to the first scheduled opening. The December schedule may include up to forty-eight (48) hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

(B) If weather or water quality conditions during the month of December prevent this area from opening on two or more scheduled days, the DFW may modify the December schedule to allow for additional hours or days of permitted shellfishing, provided that:

(1) The proposed modification(s) is/are submitted in writing to the DFW by a member of the RIMFC;

(2) The total number of hours of permitted shellfishing for the month does not exceed forty-eight (48) hours; and

(3) The re-scheduled hours or days are announced publicly (i.e., listserv) by the DFW with at least seventy-two (72) hours of advance notice.

(C) **Commercial boat harvest schedule for GB sub-areas 1 and 2**:

(1) **January 24, 20156 through April 298, 20156**: 8:00 A.M. to 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

(D) **Default commercial boat harvest schedules for GB sub-areas 1 & 2**: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:

(1) 8:00 A.M. to 12:00 P.M. on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the last Friday in April, excluding December 25 and January 1 annually.

(E) GB Area 3: Described as the waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods, and west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.

(1) Boat harvest schedule: Open daily.

13.6 **Conimicut Point**: Described as the waters south of a line running from the pole (Latitude: 41° 43' 2.93" North, Longitude: 71° 21' 27.68" West) on Conimicut Point to the center of the Old Tower at Nayatt Point; and north of a line from the western most extension of Samuel Gorton Avenue in the town of Warwick, and the southern most extension of Bay Road in the town of Barrington.

13.6.1 The reduced Shellfish Management Area possession limit applies only to soft-shell clams.

13.7 **Potowomut**: Described as the waters at the mouth of Greenwich Bay south of a line between the flagpole at the Warwick Country Club to the seaward end of Sandy Point and north of a line between and the seaward end of Pojac Point to buoy "G1" (Round Rock) to the Warwick Lighthouse, including all the waters of the Potowomut River seaward of the Forge Road Spillway, in the towns of East Greenwich and Warwick.

13.7.1 Area A: Described as the area west of a line between the seaward end of Sandy Point and buoy "G1" (Round Rock) and north of a line between the seaward end of Pojac Point to buoy "G1" (Round Rock).

(A) Harvest schedule: Open daily.

13.7.2 Area B: Described as the triangular area east of a line between the seaward end of Sandy Point and buoy "G1" (Round Rock) and west of a line between the flagpole at the Warwick Country Club and buoy "G1" (Round Rock) and south of a line between the flagpole at the Warwick Country Club to the seaward end of Sandy Point. Area "B" is closed to shellfishing until further notice.

(A) Harvest schedule: This area is closed to shellfishing, except for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

13.7.3 Area C: Described as the area east of a line between the flagpole at the Warwick Country Club and buoy "G1" (Round Rock) and north of a line from buoy "G1" (Round Rock) to the Warwick Lighthouse.

(A) Harvest schedule: Open daily.

13.8 **High Banks**: Described as the waters of the upper west passage south of a line between the seaward end of Pojac Point to the Round Rock buoy "G1" and north of a line from the seaward end of the fence between the former Davisville Navy property and Pettee Street in the Mount View section of North Kingstown to "N6" buoy located mid-bay west of Prudence Island. The area is bounded on the east by a line projecting from the

easternmost end of Pier 2 at Davisville to the Round Rock buoy "G1" and is bounded to the west by the shore, in the town of North Kingstown.

13.8.1 Harvest schedule: Open daily

13.9 **Bissel Cove/Fox Island:** Described as the waters of Bissel Cove in its entirety and adjacent waters of Narragansett Bay south of a line between Pole #275 at the corner of Waldron and Seaview Avenues and the southwestern most point of Fox Island (south of the cable area), west of a line from the southwestern most point of Fox Island to the northern most point of Rome point, in the town of North Kingstown.

13.9.1 Boat harvest schedule:

(A) Beginning the 2nd Wednesday of December through April 30, 201~~56~~: Open daily for the harvest of bay quahaugs, soft-shell clams, and blue mussels.

(B) May through November annually: Closed.

(C) Default harvest schedule: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:

(1) Between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April annually.

13.9.2 Oyster harvest moratorium: The harvest and possession of oysters in the Bissel Cove/Fox Island Shellfish Management Area is prohibited until November 15, ~~2015~~2020.

13.10 **Mill Gut:** Described as the waters of Mill Gut, lying south of the northern-most bridge on Colt Drive, in the town of Bristol.

13.10.1 Harvest schedule: Open for the harvesting of bay quahaugs, soft-shell clams, blue mussels, and oysters only between the second Wednesday in December and April 30 annually.

13.11 **Bristol Harbor:** Described as the waters of Bristol Harbor southerly of a line between CRMC permitted dock #419 located at 163 Poppasquash Road (so called Rockwell's Dock) to the northwest corner of the Rockwell Pier municipal parking lot in Bristol Harbor, and north of a line between CRMC Permitted Dock # 1601 at the boat house to the rear of 363 Poppasquash Road (so called Johnson's Dock) and the northwest corner of the Coast Guard Dock in Bristol Harbor. The area is bordered on the west by the three (3) foot contour line along the shore between Dock #419 and Dock # 1601 and on the east by the existing pollution line.

13.11.1 Boat harvest schedule:

(A) December 201~~45~~: Closed.

(B) Beginning January 211, 20156: Open between 8:00 A.M. and 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

(C) February 1 through April 30, 20156: Open daily.

(D) May through November annually: Closed.

(E) Default harvest schedule: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:

(1) Between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April. Harvest is prohibited on December 25 and January 1 annually.

13.12 **Kickemuit River**: Described as the waters of the Kickemuit River north of a line connecting nun buoy 6 and can buoy 1 at Bristol Narrows.

13.13 **Jenny's Creek**: Described as the waters of Prudence Island including Jenny's Creek north of the inlet at Pine Hill Cove.

13.13.1 Harvest schedule: Closed to shellfishing.

(A) Exception: The area is open for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

13.14 **Sakonnet River**: Described as the waters north of a line from Sachuest Point to Sakonnet Light. The northern boundary is an east/west line across the Sakonnet River lying one quarter (1/4) mile south of the pipeline found just south of Black Point, so-called; the western boundary is a north/south line running from Flint Point to Taggart's Ferry, so-called, in the town of Tiverton.

13.14.1 The possession limit for surf clams is two hundred (200) bushels/vessel/day.

(A) A bycatch of one (1) bushel of bay quahaugs for each ten (10) bushels of surf clams, not to exceed twelve (12) bushels of bay quahaugs, is allowed per vessel.

13.15 **Point Judith Pond**: Described as the waters of Point Judith Pond, including East Pond, in their entireties, in the towns of South Kingstown and Narragansett.

13.16 **Potter Pond**: Described as the waters of Potter Pond in its entirety, west of the bridge at Succotash Road, in the town of South Kingstown.

13.16.1 Closed area: The harvest and possession of shellfish is prohibited in the following area: The area within Sycamore Cove defined as north of a line running easterly from a special DEM marker located at N 41 degrees 23 minutes 2.0 seconds, W 71 degrees 32 minutes 13.0 seconds; to a second special DEM marker located at N 41 degrees 23 minutes 1.0 second, W 71 degrees 31 minutes 59.5 seconds; and bound by the northern pond shoreline between the special DEM markers.

(A) Exception: The area is open for the harvest of bay scallops by dip-net from a boat during the open season for bay scallops.

13.17 **Ninigret (Charlestown) Pond**: Described as the waters of Ninigret Pond in its entirety, in the town of Charlestown.

13.17.1 Western Closed area: The harvest and possession of shellfish is prohibited in the following area: All waters within an area formed by the following points: from ("A" N 41 degrees 20 minutes 41.7 seconds W 71 degrees 41 minutes 24.3 seconds, the northeast corner of the Ninigret Conservation Area parking lot) following the shoreline to ("B" N 41 degrees 20 minutes 49.6 seconds W 71 degrees 41 minutes 4.6 seconds, a DEM sign approximately 500 meters eastward of "A"); from "B" northward to ("C" N 41 degrees 21 minutes 31.0 seconds W 71 degrees 41 minutes 22.2 seconds, the Lavin's Landing Marina launching ramp); from "C" following the shoreline to ("D" N 41 degrees 21 minutes 10.1 seconds W 71 degrees 41 minutes 40.9 seconds, a DEM sign on the westernmost end of Reeds Point); from "D" southward to "A".

(A) Exception: The area is open for the harvest of bay scallops by dip-net from a boat during the open season for bay scallops.

13.17.2 Foster Cove Northern Closed Area: The harvest and possession of shellfish is prohibited in the following area: All waters within an area formed by the following points: from ("A" N 41 degrees 21 minutes 58.7 seconds, W 71 degrees 40 minutes 33.8 seconds [41°21'58.7"N, 71°40'33.8"W]) to a point 125 feet south-southeast ("B" N 41 degrees 21 minutes 57.5 seconds, W 71 degrees 40 minutes 34.4 seconds [41°21'57.5"N, 71°40'34.4"W]), to a point xxx feet east-southeast ("C" N 41 degrees 21 minutes 56.5 seconds, W 71 degrees 40 minutes 31.1 seconds [41°21'56.5"N, 71°40'31.1"W]), to a point 125 north-northeast ("D" N 41 degrees 21 minutes 57.8 seconds, W 71 degrees 40 minutes 30.5 seconds [41°21'57.8"N, 71°40'30.5"W]), from "D" westward to "A".

(A) This area shall remain closed until January 1, 2020, unless extended by the Director after RIMFC review.

13.17.3 Foster Cove Eastern Closed Area: The harvest and possession of shellfish is prohibited in the following area: All waters within 75 feet of shore beginning at a point ("A" N 41 degrees 21 minutes 49.3 seconds, W 71 degrees 40 minutes 24.8 seconds [41°21'49.3"N 71°40'24.8"W]) continuing along the shore to a point northwest ("B" N 41 degrees 21 minutes 52.4 seconds, W 71 degrees 40 minutes 31.0 seconds [41°21'52.4"N 71°40'31.0"W]), continuing along the shore to a point east-southeast ("C" N 41 degrees 21 minutes 51.6 seconds, W 71 degrees 40 minutes 23.6 seconds [41°21'51.6"N 71°40'23.6"W]).

(A) This area shall remain closed until January 1, 2020, unless extended by the Director after RIMFC review.

13.18 **Quonochontaug Pond**: Described as the waters of Quonochontaug Pond in its entirety, in the towns of Charlestown and Westerly.

13.18.1 Closed areas:

(A) Western closed area: The harvest and possession of shellfish is prohibited in the following area: Described as the waters south of a line running easterly from the special DEM marker at the end of Quahaug Point (N 41 degrees 20 minutes 0.0 seconds, W 71 degrees 44 minutes 39.5 seconds), to a second special DEM marker at the northern end of Nope's Island (N 41 degrees 20 minutes 5.0 seconds, W 71 degrees 44 minutes 1.0 second). The area will be bordered on the west by a line running south from Quahaug Point to a special DEM marker located on the barrier beach shoreline (N 41 degrees 19 minutes 50.0 seconds, W 71 degrees 44 minutes 40.0 seconds). The southern boundary will be the shoreline between the barrier beach special DEM marker and Nope's Island special DEM marker.

(B) Eastern closed area: The harvest and possession of shellfish is prohibited in the following area: Described as the waters east of a line running southerly from the special DEM marker located at N 41 degrees 21 minutes 1.1 seconds W 71 degrees 42 minutes 33.4 seconds, to a second special DEM marker located at N 41 degrees 20 minutes 41.0 seconds W 71 degrees 42 minutes 44.1 seconds; and bound by the eastern pond shoreline between the special DEM markers.

(1) Exception: The area is open for the harvest of bay scallops by dip-net from a boat during the open season for bay scallops.

13.18.2 The harvest and possession of oysters in Quonochontaug Pond is prohibited until September 15, 2016.

13.19 **Winnapaug Pond:** Described as the waters of Winnapaug Pond in its entirety, in the town of Westerly.

13.19.1 Closed Area: The harvest and possession of shellfish is prohibited in the following area: Described as the waters north of a line running easterly from a special DEM marker at Big Rock Point (N 41 degrees 19 minutes 49.0 seconds, W 71 degrees 47 minutes 57.0 seconds), to the special DEM marker at the southern end of Larkin's Island (N 41 degrees 19 minutes 55.0 seconds, W 71 degrees 47 minutes 5.0 seconds),. The area will be bordered on the east by a line running northwesterly the Larkin's Island special marker to a special DEM marker adjacent to the end of Bayside Avenue (N 41 degrees 19 minutes 58.0 seconds, W 71 degrees 47 minutes 9.0 seconds). The northern boundary is the shoreline between the Bayside Ave special DEM marker and the Big Rock Point special DEM marker.

(A) Exception: The area is open for the harvest of bay scallops by dip-net from a boat during the open season for bay scallops.

RI MARINE FISHERIES COUNCIL

Policy Document

Administrative Procedures of the RI Marine Fisheries Council

Adopted by the RIMFC on XX/XX/XXXX

1. The RI Marine Fisheries Council (Council) is established in accordance with RIGL Section 20-3-1 to serve as an advisory board to the Director and/or other state agencies on all marine fisheries management related matters;
2. Council members are appointed by the Governor of the State of Rhode Island, and are eligible to serve two (2) full four (4) year terms. However, a member may continue to serve until his or her replacement has been appointed. In instances when a new member replaces a seat vacated during a term, the new member may be allowed to serve two (2) full terms upon completion of the replacement term;
3. No person may serve on the Council if assessed a criminal or administrative penalty in the past three (3) years or has more than one marine fisheries violation (including any suspension or revocation of a commercial fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law);
4. The DEM Director or his or her designee shall serve as the Council Chairperson (Chair);
5. The Chair's principal role is to provide for an orderly flow of the meeting. The Chair shall follow Robert's Rules of Order to the extent necessary, shall not advocate a position, shall not vote, and shall ensure meetings are conducted in a civil manner. The Chair has the authority to excuse disruptive persons and/or adjourn and reschedule the meeting, and shall manage the dialogue as necessary such as to maintain an orderly and productive meeting;
6. The Council shall deliberate and by vote provide recommendations to the Director on all proposed regulatory matters, and on any other matters as the Chair requires;
7. The Chair shall assure that a quorum will be present at each meeting. In the event that a quorum is not present, the Chair shall decide to hold or cancel the meeting. No votes may be taken if a quorum is not present;
8. Meetings shall be held on an on-needed basis. Meeting agendas shall be prepared by the Chair in consultation with the Division and Council members. Announcement of meetings and agendas will be noticed on the Office of the Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), and on the Division's listserve;

9. The Division shall assign a staff person to serve as secretary and provide administrative support to the Chair and Council;
10. Minutes of each meeting shall be prepared by the secretary in consultation with the Chair, and reviewed by the Council at a subsequent Council meeting. Minutes shall be approved by the Council or edited as needed prior to approval. The secretary shall post minutes to the Office of the Secretary of State in accordance with RIGL Section 42-46-6 (Open Meetings);
11. The Council shall maintain an Industry Advisory Committee (IAC) and Shellfish Advisory Panel (SAP), and establish ad-hoc committees as necessary in accordance with established Council policies (see “Establishment and Procedures of Ad-hoc Advisory Committees”, “Establishment and Procedures of the Industry Advisory Committee”, and “Establishment and Procedures of the Shellfish Advisory Panel”, which were adopted on XX/XX/XXXX);
12. Council members shall make every attempt to attend the Division’s public hearings and pre-hearing workshops, and members are encouraged to participate in the dialogue during pre-hearing workshops. However, if providing public comment at a public hearing, Council members shall recuse themselves from Council deliberations on the matter for which they provided comment;
13. The Council shall provide review of all aquaculture lease applications before the Coastal Resources Management Council (CRMC) in accordance with RIGL 20-10-5(d), which states ***“the RIMFC shall review the application to determine whether the aquaculture activities proposed in the application are consistent with competing uses engaged in the exploitation of the marine fisheries”***.
 - a. The Council directs their Shellfish Advisory Panel (SAP) to provide preliminary review of all applications;
 - b. Upon review of SAP recommendations, the Council may either: (a) provide no additional comments, at which point the SAP review shall be provided directly to the CRMC Aquaculture Coordinator (AC) as the endorsed Council recommendation; or (b) require that the application be heard at a full Council meeting; at which time the Council shall vote to recommend to offer objection or no objection to the CRMC regarding consideration of the application. Any Council member may require that such application be brought before the full Council for review within ten (10) days of the receipt of the SAP recommendation. If no such request is made, the SAP recommendation shall be considered to be endorsed by the Council;
 - c. An applicant may request that an application be brought before the full Council for review and recommendation;
 - d. The Council Chair shall notify CRMC in writing of SAP and/or Council recommendations.
14. Council meetings are open to the public. The secretary shall post meeting notices and agendas on the Sec. of State’s office in accordance with RIGL section 42-46-6 (Open

Meetings) and shall announce on the Division's listserv a minimum of forty-eight (48) hours before the meeting.

DRAFT

RI MARINE FISHERIES COUNCIL

Policy Document

Establishment and Procedures of Ad-hoc Advisory Committees

1. The RI Marine Fisheries Council (Council), established pursuant to RIGL Section 20-3-1 as an advisory board to the Director and state agencies on marine fisheries management, may appoint advisory focus groups or committees as it deems appropriate for the purposes of soliciting focused discussions on marine fisheries matters, and to formulate proposals and advice to the Council and/or Director. The Council will provide tasking to the respective Species Advisory Panels, including a timetable for reporting back to the Council;
2. The Council shall coordinate with the Division regarding the need and scheduling of ad-hoc committees and meetings. Duplication of effort by the Council and Division during Ad-hoc meetings and workshops shall be avoided;
3. Committee meetings shall be facilitated by a Chairperson (Chair); the Chair shall be selected by vote of the Council and be a member of the Council. If the Chair is not able to attend a scheduled meeting, the Chair shall select a substitute Chair for the meeting. The substitute Chair shall be a member of the Council. The Council shall be notified as soon as possible prior to the meeting;
4. The Chair shall facilitate broad based dialogue at the meetings, and that attendance is comprised of the various users and/or user groups which may be affected by the issue(s) for which the committee has been formed to discuss;
5. The Chair's principle role is to provide for an orderly flow of the meeting. The Chair shall follow Robert's Rules of Order to the extent necessary, shall not advocate a position, shall not vote, and shall ensure meetings are conducted in a civil manner. The Chair has the authority to excuse disruptive persons and/or adjourn and reschedule the meeting, and shall manage the dialogue as necessary such as to maintain an orderly and productive meeting;
6. The Division of Fish and Wildlife, Marine Fisheries section (Division) shall assign a staff person to serve as technical advisor and secretary;
7. Draft agendas shall be prepared by the secretary and approved by the Council prior to announcing the meeting via the Division's listserv and Sec. of State Open Meetings website;
8. Minutes of each meeting shall be prepared by the secretary and approved by Chair. The secretary shall post minutes to the Office of the Secretary of State in accordance with RIGL Section 42-46-6 (Open Meetings);

9. In forming the committee and preparing an agenda, the Council may prepare a range of options for consideration by the committee, and the committee shall report back with specific recommendations on each option;
10. As appropriate as determined by the committee Chair, the Chair may solicit a vote from the audience by raise of hand on any proposal or issue being discussed;
11. The committee Chair shall provide a summary of the meeting at the subsequent Council meeting;
12. As needed, a scientific advisory may be appointed to the committee, in consultation with the Division. The scientific advisor shall be selected by vote of the Council;
13. Advisory committee meetings are open to the general public. The secretary shall post meeting notices and agendas on the Sec. of State's office in accordance with RIGL section 42-46-6 (Open Meetings) and shall announce on the Division's listserv a minimum of forty-eight (48) hours before the meeting.

RI MARINE FISHERIES COUNCIL

Policy Document

Establishment and Procedures of the Industry Advisory Committee

Adopted by the RIMFC on XX/XX/XXXX

1. The RI Marine Fisheries Council (Council), established pursuant to RIGL Section 20-3-1 as an advisory board to the Director and state agencies on marine fisheries management, shall establish and maintain an Industry Advisory Committee (IAC) pursuant to RIGL §20-2.1-11, whose primary purpose is *“to provide coordination among commercial and, as appropriate, recreational fisheries sectors, and to review conservation and management plans established pursuant to RIGL 20-2-1-9(5), and to advise the marine fisheries council and the department on matters which affect commercial fishing as a whole..., and of manners of commercial fishing”*;
2. IAC membership shall be selected by the Council based on representation from the various interest and user groups, including but not limited to representatives of each commercial fisheries sector, from the recreational fisheries sector, and for hire industry (i.e., party/charter vessels);
3. Committee meetings shall be facilitated by a Chairperson (Chair); the Chair shall be selected by vote of the Council and be a member of the Council;
4. IAC membership shall consist of a minimum of six (6) and maximum of fifteen (15) members. Alternate members may be selected by the Council to serve in the event that a primary member cannot attend a meeting;
5. IAC members represent their specific user group. Members shall seek input from a broad sector of the user group that they represent;
6. As applicable, all administrative provisions of the Council’s Policy Document “Establishment and Procedures of Ad-hoc Advisory Committees” shall apply to the IAC committee;
7. Meetings shall be held as necessary as determined by the Division, Chair, or Council members. Agendas shall be prepared by Division staff and approved by the Chair. Draft agendas shall be provided to the Council for approval and/or revision at least one (1) week prior to the date of the meeting, and prior to announcing the meeting on the Division’s listserv and Sec. of State Open Meetings website;
8. At a minimum, the IAC shall meet annually prior to the Division’s annual workshop and public hearing on proposed amendments to the “Commercial and Recreational Saltwater

Fishing Licensing regulations”, in order to discuss or formulate proposed amendments. Exit/entry ratios for each licensing endorsement shall be reviewed in context with the Division’s annually prepared Sector Management Plans, with recommendations provided to the Council for each endorsement. Members shall represent the interests of their user group, with consideration of proper management and adequate resource protection;

9. The IAC shall be membership based and be a voting body. Membership appointments shall be made by the Council by vote. In the event that a quorum of members is not present, no votes may be taken, and the Chair shall decide to hold, cancel, or re-schedule the meeting;
10. No person may serve on the IAC if assessed a criminal or administrative penalty in the past three (3) years or has more than one marine fisheries violation (including any suspension or revocation of a commercial fishing license or permit or dealer’s license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law);
11. Members may be removed from service by vote of the Council for failure to appear at two (2) or more consecutive meetings or disruptive behavior;
12. IAC meetings are open to the public; The secretary shall post meeting notices and agendas on the Sec. of State’s office in accordance with RIGL section 42-46-6 (Open Meetings) and shall announce on the Division’s listserv a minimum of forty-eight (48) hours before the meeting;

RI MARINE FISHERIES COUNCIL

Policy Document

Establishment and Procedures of the Shellfish Advisory Panel

Adopted by the RIMFC on XX/XX/XXXX

1. The RI Marine Fisheries Council (Council), established pursuant to RIGL Section 20-3-1 as an advisory board to the Director and state agencies on marine fisheries management, shall establish and maintain a Shellfish Advisory Panel (SAP) for the purposes of soliciting focused discussions on marine fisheries matters, and to formulate proposals and advice to the Council and/or Director;
2. SAP membership shall consist of a minimum of six (6) and maximum of fifteen (15) members, and shall be selected by the Council based on representation from each of commercial shellfishing gear types, from the recreational shellfishing sector, and from any other user groups as the Council chooses;
3. Alternate members may be selected by the Council to serve in the event that a primary member cannot attend a meeting;
4. As applicable, all provisions of the Council's Policy Document "Establishment and Procedures of Ad-hoc Advisory Committees" shall apply to the SAP;
5. The SAP shall be the Council's committee charged with the review aquaculture lease applications before the CRMC. Recognizing that commercial aquaculture operations may compete with a wide range of activities other than commercial and recreational shellfishing, the Council may appoint SAP membership as needed to represent these other user groups. The SAP Chair shall provide application updates to the full Council at each Council meeting or as applications are approved;
6. The SAP shall meet annually to develop proposals and provide recommendations to the Council concerning commercial winter shellfish harvest schedules in Shellfish Management Areas; said harvest schedules shall be annually reviewed in order to meet the best interests of commercial fishermen while providing for proper management and adequate resource protection;
7. The SAP shall be membership based and be a voting body. Membership appointments shall be made by the Council by vote. In the event that a quorum of members is not present, no votes may be taken, and the Chair shall decide to hold, cancel, or re-schedule the meeting;
8. No person may serve on the SAP if assessed a criminal or administrative penalty in the past three (3) years or has more than one marine fisheries violation (including any suspension or revocation of a commercial fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law);

9. Members may be removed from service by vote of the Council for failure to appear at two (2) or more consecutive meetings or disruptive behavior;
10. SAP meetings are open to the public. The secretary shall post meeting notices and agendas on the Sec. of State's office in accordance with RIGL section 42-46-6 (Open Meetings) and shall announce on the Division's listserv a minimum of forty-eight (48) hours before the meeting.

DRAFT