



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

MEETING NOTICE

October 6, 2014 – 6:00 PM

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

Robert Ballou
Chairman

Richard Hittinger
Vice Chair

Richard Bellavance

Kenneth Booth

Jeff Grant

William Mackintosh, III

David Monti

Christopher Rein

Michael Rice, Ph.D.

Agenda item	Agenda item detail	Recommended action(s)
1. Approval of Agenda	10-6-2014 RIMFC agenda.	Approval of agenda.
2. Approval of Minutes	RIMFC 9-3-2014 meeting minutes	Approval of minutes.
3. Public Comments	Comments from the public on any items not on agenda	Take under consideration for possible discussion and/or future action.
4. New business	a. <u>Proposed aquaculture lease applications:</u> <i>J. Grant</i> <ul style="list-style-type: none"> • <u>Walrus and Carpenter (Jules Opton-Himmel) – Ninigret Pond;</u> • <u>Whilden Unlimited - West Passage, Narr. Bay.</u> 	Review of applications; SAP review; discussion of potential use conflicts; vote to recommend to CRMC approval or denial of applications.
	b. <u>Public hearing (9/30) items:</u> <i>B. Ballou</i> <ul style="list-style-type: none"> • <u>2015 Finfish Sector Mgmt. Plan;</u> • <u>2015 Shellfish Sector Mgmt. Plan;</u> • <u>2015 Crustacean Sector Mgmt. Plan;</u> • <u>Amendments to the Licensing regulations.</u> 	Recommendations to Director on proposed plans and regulations
	c. <u>Winter Harvest schedules in Shellfish Management Areas:</u> <i>J. Grant; J. Mercer</i> <ul style="list-style-type: none"> • <u>SMA's other than Greenwich Bay;</u> • <u>Greenwich Bay;</u> 	Recommendation to the Director to amend Shellfish regs to accommodate revised schedules
	d. <u>Winter flounder – possession limit discrepancy between state and federal waters:</u>	Determination of needed Council action and/or recommendation for Director action.
	e. <u>Aquaculture review policy:</u> Possible need for changes to policy regarding RIMFC review: <i>B. Ballou</i>	Review of SAP aquaculture review policy; discussion and determination of needs and policy moving forward.
	f. <u>Advisory Panel reports:</u> <ul style="list-style-type: none"> • <u>Shellfish (8/27):</u> <i>J. Grant</i> • <u>Groundfish (9/2):</u> <i>K. Booth</i> 	Approval of meeting minutes.
5. Other business	Any other matters that Council members would like to discuss.	FYI, discussion, and/or consideration for future action.
6. Adjourn		

All RIMFC Meetings are open to the public

Date Posted 10/02/2014



Rhode Island Marine Fisheries Council

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

MEETING MINUTES

September 3, 2014

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

Chairperson: *B. Ballou*

RIMFC Members Present: *K. Booth, R. Hittinger, D. Monti, J. Grant, C. Rein, W. Mackintosh, M. Rice, R. Bellavance*

DEM: *L. Mouradjian, G. Powers, J. McNamee, J. Mercer, P. Duhamel, T. Rosa, Andy Manca (Office of Customer and Technical Assistance); Sgt. Dan White (Law Enforcement)*

Public:

1. **Approval of the Agenda:** *B. Ballou* inquired as to recommended modifications to the agenda. *K. Booth* asked to add a discussion of Winter flounder as item 4d. under New Business. *B. Ballou* inquired as to any other recommendations for additions or modifications; hearing none, the agenda was approved as amended.
2. **Approval of RIMFC meeting minutes from July 24, 2014:** *B. Ballou* inquired as to any proposed changes to the minutes or any objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:**
 - *S. Parente* inquired as to advances by the Division relative to the Whaletake program, specifically in regard to restrictions on singles in state waters. *B. Ballou* offered that there was intent to request an exemption and *J. McNamee* added that the Division was preparing a letter and proposal to request an exemption. *W. Macintosh* asked as to the locations where this exemption applied, to which *J. Grant* offered that it applied to waters between the Colregs and EEZ.
 - *G. Schey* asked for a meeting to discuss the minimum size of Conch, specifically the increase in length to 3" set to take effect January 1, 2015. He offered that he believed that there was currently insufficient information to support this size increase, that a stock assessment hasn't been completed, and that the potential adverse impacts from larger sized animals to shellfish beds needs to be addressed. He also offered that the 90% spawn figure may be inaccurate. He therefore offered opposition to the adopted size increase set to take effect in 2015. *B. Ballou* offered that the matter would be taken under advisement to be brought before the Council at a future date. *D. Ghigliotty* offered on behalf of the RI Shellfisherman's Assoc., concurrence with *G. Schey* with regard to opposition to the size increase to 3". He offered that he was particularly concerned with

potential damage to shellfish beds if these larger animals were left un-harvested, and that there was insufficient information to support this size increase.

4. New business:

a. Proposed closure of areas in Ninigret Pond Shellfish Management Area (Foster Cove), Charlestown, for Oyster Restoration activities:

- *J. Mercer* provided an overview of the proposal, which involves a wild harvest closure of 2 small areas within Fosters' Cove (Ninigret Pond Shellfish Mgmt. Area) for the purposes of conducting oyster restoration activities as part of the NRCS EQUIP Program. He offered that closure of these areas to wild harvest should have minimal impact to wild harvest due to the minimal amount of legal size oysters found in the area; this being due to substantial commercial harvest from Ninigret Pond over the past 2 years. He offered that the SAP voted unanimously to approve the closures as proposed, with the caveat that a sunset end date be included to provide assurance that the area wouldn't be closed permanently. *J. McNamee* then offered that the inclusion of sunset provisions in regulations aren't necessarily the most effective means to assure that the area is re-opened, due to difficulty with tracking. He offered that there were numerous examples of regulations sunseting, but due to lack of awareness, no actual change occurred on the sunset date. He offered that the best means would be to provide for periodic (e.g., annual) review by the Council and/or SAP of all SMA closures. *J. Grant* offered that the SAP was unanimously in support of the proposal, but that there was concern about the ability to re-open the areas once the project is complete. *J. Mercer* offered that the project would take approximately 5 years to complete. *C. Rein* offered that use of Outlook calendar to set up a reminder could help with tracking. *M. Rice* offered that review of SMA closures should be part of regular routine for SAP. *G. Schey* offered that sunset dates were needed. *J. Carvalho* offered that sunset dates serve as a reminder that issue needs review. For this project, he inquired if the area would be closed to all wild harvest; to which *J. Mercer* said that it would in order to protect the oyster restoration efforts, and that wild harvest for all shellfish species is minimal in these areas. *B. Ballou* inquired as to the process that resulted in the selection of these sites; to which *J. Mercer* replied that it was a lengthy process in which Division staff conducted site inspections with a NRCS geologist, and that these sites were determined to be prime locations based on suitable sediment samples and the presence of a freshwater stream feeding this area. *B. Ballou* offered that the intent of the project was to restore wild oyster populations. *R. Rheault* offered that sunset clauses were necessary to gain support for closures, and that the area needs to be re-opened for wild harvest to remove oysters due to higher probability of disease for older oysters. ***M. Rice* offered a motion to recommend to the Director that these 2 areas be closed to wild harvest as proposed, with the inclusion of a sunset provision of 5 years (from effective date of regulation); and that the SAP be charged with periodic review of the status of all SMA closures; 2nd by R. Hittinger.** *W. Macintosh* offered that the sunset clause should indicate a maximum of 5 years; to which *R. Hittinger* replied that the contract needs to be a minimum of 5 years, the net result being that it should be exactly 5 years. *J. Mercer* offered that that all closed SMA areas (i.e., "spawner sanctuaries") are currently

being reviewed to determine if the intended goals are being met. **The motion passed 8 – 0.**

- **SAP verbal report:** *J. Grant* provided a verbal report of the 8/27 meeting; namely the review of the oyster restoration sites in Foster Cove, four aquaculture lease applications, and the winter harvest schedule in selected Shellfish Management Area; details of which will be reflected in the SAP meeting minutes that will be prepared and submitted to Council for review and discussion at the October meeting.

b. Spiny Dogfish Conservation Equivalency (C/E) Proposal:

K. Booth provided an overview of the Groundfish AP meeting, namely a discussion of the potential of proposing a Spiny dogfish Conservation Equivalency proposal to the ASMFC in October. He offered that roughly 15 million pounds were un-harvested in the Northeast sector, and that a proposed CE program would entail opening an aggregate program of 28,500 pounds/week, which is approximately 80% of daily quota for that period, with an August closure. This would allow fishermen to harvest dogfish when fishing for Cod, with fewer discards, and also to target dogfish during slower fishing periods for other species. He offered that Maine and New Hampshire were interested in a similar program, and that a RI Program should be consistent with those state's programs. He offered that the aggregate program would end when 80% of the quota is harvested, but the daily limit would still be available for harvest, which would allow for the harvest of the 15 million un-harvested pounds. He offered that if desired to proceed with a proposal, the Division would need to draft the proposal and submit to the ASMFC in October. *B. Ballou* offered that once a draft proposal is submitted for approval to ASMFC, and subsequently receives approval, that the Division would then need to draft regulations to proceed through the normal public notice/hearing process. *B. Ballou* offered that at such time if the proposal was to move forward there would be greater detail and an action item for vote at subsequent Council meetings. This discussion was for preliminary conceptual and informational purposes only; no action or decisions were necessary at this time. *J. McNamee* offered that data is presently coming in, which will then be used to form the proposal. *B. Ballou* inquired if the proposal would be for state waters only; to which *J. McNamee* confirmed. *J. Grant* offered that the disparity between federal and state waters should be reviewed.

c. Director's LEAN initiative – continued discussion from last meeting and proposed meeting re-structuring:

J. McNamee provided a summary of the proposal, with more emphasis (from last meeting) as to specifics of how the new structure would look like for the November public hearing. He offered that "gaps" identified in the LEAN process showed a need for improvement in the RIMFC/DEM regulatory process in terms of number of meetings and methodology for presenting information and soliciting feedback from the public and Council. He offered that the current process has shown to be inefficient in terms of soliciting input, mainly due to number of meetings. He offered that the most significant change being proposed was to suspend the current AP meetings that normally occur within weeks of the hearing, and move to a workshop format that would take place immediately prior to the hearing; the goal being more concise and current information presented in a single meeting, thus

hopefully generating better attendance, and thus better discussion. He offered that the workshop presentations would be provided several days in advance as possible; and also that the public comment period will be extended beyond the hearing date to allow for time to formulate and submit comments and proposals. He offered a proposed additional benefit of the new structure in terms of AP structure; in that attendance and membership would no longer be necessary, which would solve on-going attendance problems, and would also provide for equal input, the feeling by some non-members that their voice is not equally heard. He added that the same information normally presented at the AP meetings will be presented at the workshop, though in a more standardized and concise format. He offered that the proposed new structure should also help to alleviate the current problem of re-discussing the same topic several times at different meetings, thus adding efficiency; and also that as the Council members would be present at the workshop/hearing (rather than the AP meetings), they would be hearing the discussion first hand, rather than a summarized report. He ended by offering that both the IAC and Shellfish AP would need to remain intact, and there are no changes proposed for these two panels at this time. *L. Mouradjian* offered a brief statement for the Director, as she was unable to attend, that summarized the LEAN initiative as a means to provide clear, predictable, and reliable processes, and to re-focus staff time and expertise on important technical work rather than administration of programs, which should ultimately result in more timely and better informed decisions. *J. McNamee* offered that the IAC, while currently utilized mainly for Licensing matters, could be used for any matters deemed appropriate by the Council. *B. Ballou* concurred that the IAC can be utilized as a discussion panel for any topic. *W. Macintosh* recommended that this trial should also be tried for recreational matters, in order to understand fully how the structure would work for both commercial and recreational issues; to which *J. McNamee* concurred and offered that the hearing for recreational regulations is normally held in February. *S. Parente* offered that he was concerned about possible contentious issues, and how it may be difficult to adequately address all public hearing matters if a particular issue were to dominate a meeting. *J. McNamee* answered that this would hopefully be alleviated by both the notification of the presentations in advance of the workshop/hearing, thus allowing for better preparation by interested persons, and by extending the public comment period beyond the date of the hearing, thus allowing for time to further discuss the topic with staff and allow for submittal of comments and proposals. He also noted that the new procedure for noticing the Council agendas and information (i.e., the “ePacket”), which was previously unavailable to the general public, would help to better inform the public and thereby allowing for ample time for the public to digest a particular matter. *R. Rheault* and *D. Ghigliotty* both expressed concern about contentious issues dominating a meeting. *B. Ballou* offered that it was hoped this at the new structure would help with avoiding this problem by disseminating information better, and by structuring meetings efficiently. *P. Brodeur* offered that he was concerned that the Lobster AP was a good means to involve lobster fishermen with proposed regulations. *W. Macintosh* offered that the new structure would not preclude an advisory/focus meeting from taking place. *K. Booth* offered concern that it could be difficult to address all hearing matters if a particular matter required a lengthy discussion. *J. McNamee* answered that good time management will be critical. *C. Rein* offered that focus groups, fishermen groups, could also meet on their own in order to vet a particular issue and prepare for the workshop/hearing. *J. Grant* offered that it will need to be determined as issues arise and regulations are proposed, what the most appropriate means is in order to best reach out to the affected parties and solicit the best input, and that an advisory panel could still be used if determined

appropriate by the Council. *M. Rice* offered that contentious issues shouldn't be a regular occurrence and could be properly managed by a Chair/facilitator. *R. Hittinger* offered the example of the fluke sector program and the lengthy discussion that resulted. He offered that a special workshop/meeting could be added at the pleasure of the Council to address such matters. *J. McNamee* offered that issues such as lobster are not part of the regular annual hearing cycle, and can therefore be handled differently in terms of meetings and public input. *B. Ballou* offered that the current process has resulted in issues being discussed and re-hashed multiple times over several meetings, resulting in inefficiencies, and that the new structure is meant to alleviate these inefficiencies and provide for more productive and concise meetings. ***D. Monti* offered a motion to recommend approval for a trial for the new structure, for both commercial issues in November and, if successful, also for recreational issues in February/March; 2nd by *M. Rice*. The motion passed unanimously 8 – 0.**

d. **Winter Flounder:**

K. Booth offered that the issue involves the large disparity in possession limit between state (50 lbs/day) and federal waters (5,000 lbs/day), and how this is a concern for many fishermen. He offered that while the state possession limit was set in an effort to restore the health of the fishery, the federal waters possession limit may be hurting this effort. To address this issue, he would like to approach ASMFC to reduce the federal possession limit. *B. Ballou* noted that this has been attempted in the past unsuccessfully. He offered that it could be tried again and would look into the next ASMFC agenda, and that this matter would be added to the next Council agenda as an action item. *J. Grant* offered that it is the NEFMC that regulates this possession limit, and that body would therefore need to be approached to address this matter. *J. Carvalho* offered that the Winter flounder fishery is primarily a state waters fishery, and that the federal possession limit is grossly unfair, and the NEFMC has failed to properly address this matter. He offered that this matter should be aggressively pursued in terms of approaching NEFMC to reduce the federal possession limit. *J. Grant* offered that the federal fishery is managed by quota and therefore closes once quota reached, as opposed to state waters, which remains open. *J. Carvalho* suggested that the Council request that the Director be involved in the matter to provide additional leverage.

5. **FYI items:**

- a. **ASMFC Summer 2014 report:** *B. Ballou* highlighted that a ASMFC hearing on Striped bass will be occurring on September 17th; and that a public information document on Cancer crabs has been developed, which may be a precursor to management plan for this fishery, and that there is a public hearing on September 25th regarding this matter; and MAMFC and ASMFC have jointly moving forward with a comprehensive amendment to the fluke management plan. A hearing has been tentatively scheduled for October 8th on this matter.
- b. **Council letter to CRMC:** Letter from *B. Ballou* as Council Chair to CRMC offering objection to Bazarnick aquaculture lease application.

6. **Other business:** *J. Grant* offered that he had reviewed the new recently adopted Shellfish regulations that found four locations where he thought changes were made that were substantive

in nature; i.e., beyond the scope of what was proposed, and inquired as to the most appropriate means by which to address this matter. *B. Ballou* offered that *Mr. Grant* should contact *P. Duhamel* for the specific instances and locations; *P. Duhamel* then offering that correction could be made by technical correction or possibly re-noticing if necessary, depending on the change needed. *B. Ballou* offered that the Council would be informed of any action taken on this matter

7. **Adjournment:** The meeting adjourned at approximately 8:00.

Prepared by *P. Duhamel*

DRAFT

2014-08-013

Jules Opton-Himmel

Ninigret Pond
Charlestown

3.0 acres

Oyster

Oyster Gro Floating Cages & Bottom
Planting + Barge

SAP: 2-1 Object

- Concerns about attracting birds to floating gear and impact on water quality.

Site Assessment on 8/22/14:

- Sand Bottom
- 2-3 feet
- Bullrake Quahog Density 0.31 /m²
0.93 /m²
0 /m²
0 /m²

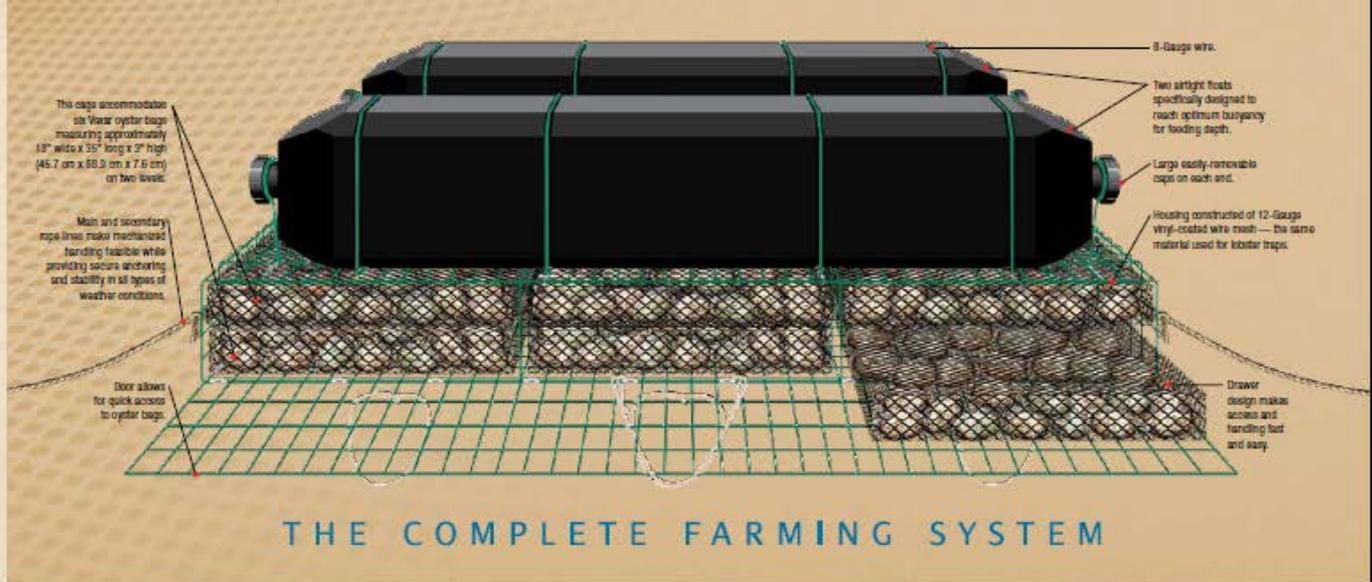


Benefits of OysterGro™ from Bouctouche Bay Industries

- Cost-efficient operation
- Durable and rugged construction
- Significantly reduced mortality losses
- Easy wintering procedure (no need to recover buoys and lines for storage)
- Submerging and resurfacing are easier and more efficient than other methods
- Produces high-quality oysters
- Superior system that has been tried and proven over the last 10 years



From a submerged metal platform, the cage is easily flipped over. This process is very effective at controlling fouling and secondary spat.



Positioned for profitable growth.

Feeding position

The stability of the OysterGro™ system optimizes conditions for continuous loading and maximum growth each year. In the feeding position, the Veevor bags are maintained level and steady at the ideal loading depth of 8" to 12" (20.3 cm to 30.5 cm) where plankton is plentiful. Since the bags are held securely to prevent shaking and sliding, the distribution of oysters within the bags remains constant, contributing to a higher quality oyster.

Prescribed exposure to sun (UV) and air controls secondary spat, competitors, predators and contaminants.

Submerging

In areas where ice is prevalent, submerging the unit is as simple as removing the caps from the floats which enables the water to enter floats and acts as a ballast to sink unit to sea floor.

resurfacing

Re-floating of the OysterGro™ system is done by reversing the submerging process; dashing the floats and replacing the caps.

Both operations are completed with specialized equipment that has been designed to work efficiently with the OysterGro™ system.

Wintering is a matter of cap removal compared to arduous equipment retrieval.

Wintering position

OysterGro™ is specially designed for shallow waters inside of bays. It requires a clearance of only 18" (45.7 cm) between the ice and the sea bed.

As illustrated above, the floats keep the oysters off the ocean floor, thus substantially reducing winter mortality rates.

Wintering amounts to a process of "cap collector" — not the back-breaking, time-consuming work of retrieving buoys and lines and transporting them to shore for winter storage.

3 Rows of 50 = 150 cages = 300 floats

Float = 9" W x 54" L x 12" H (8' above surface) = 3.375 sqft x 300 floats = **1012 sqft**

Flipped Cage = 37" W x 69" L x 9" H = 17.729 sqft x 150 cages = **2659 sqft**

Barge = 20' x 40' = **800 sqft**

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

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

File No. <u>2014-08-013</u>	
Location: Street <u>Ninigret Pond</u> City/Town <u>Charlestown, RI</u>	
Applicants Name <u>Walrus and Carpenter Oysters, LLC</u>	
Mailing Address <u>73 Harrison Street</u>	Res. Tel. # <u>401.742.6190</u>
City/Town <u>Providence</u> State <u>RI</u> Zip Code <u>02909</u>	Bus. Tel. #
Location of Proposed Aquaculture Project: <u>Charlestown, RI</u>	
Name of Waterway <u>Ninigret Pond</u>	Fee/Costs \$
Est. Project Cost \$ <u>10,000</u>	<u>200</u>

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

No

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION? YES _____ NO X

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

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

Date: 6/28/14 Owner's Signature 

Appendix C
Rev. 05/0



Concise Description of Proposed Project:

I am applying to lease an additional 3.0-acre aquaculture site directly adjacent to my existing 2.75-acre aquaculture lease in Ninigret Pond, Charlestown, RI (Figure 1 and Figure 4). I have been operating a successful oyster farm, Walrus and Carpenter Oysters LLC, for five years on my original site. The site is now completely full of aquaculture gear and/or bottom planted oysters, to the point where it was a struggle to find room for all of the product this fall. Additional acreage will allow me to continue to grow my business.



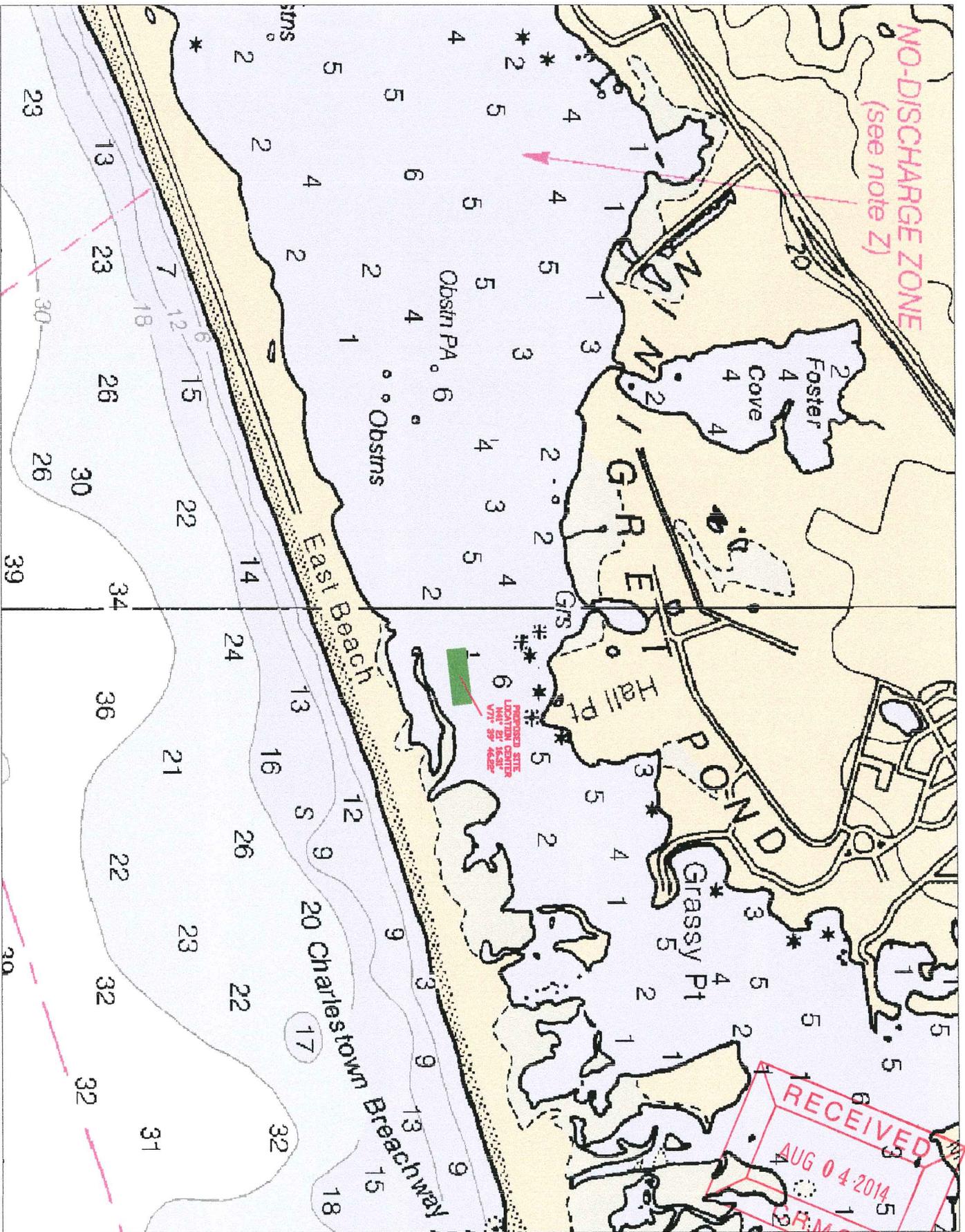


Figure 1: Location map of proposed site – NOAA nautical chart

SCALE: 1" = 1500'



PROPOSED SITE LOCATION
 NINIGRET POND, CHARLESTOWN, RI

RECEIVED
 AUG 04 2014
 S.H.M.C.
 WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: FEBRUARY 22, 2014

Figure 2a. Photo taken from the center of the proposed site facing to the North



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AUG 04-2014
C.R.M.C.

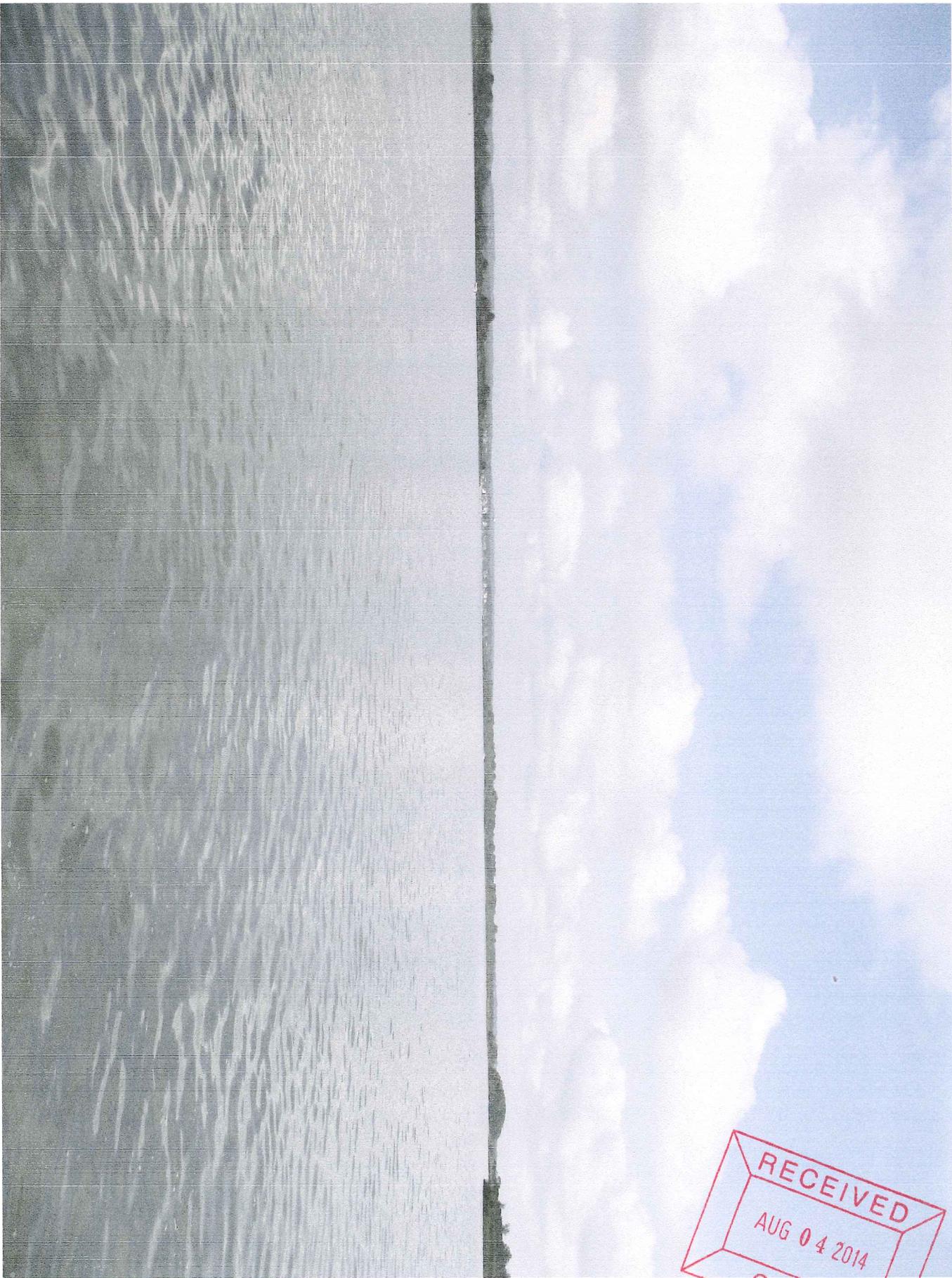


Figure 2b. Photo taken from the center of the proposed site facing to the East

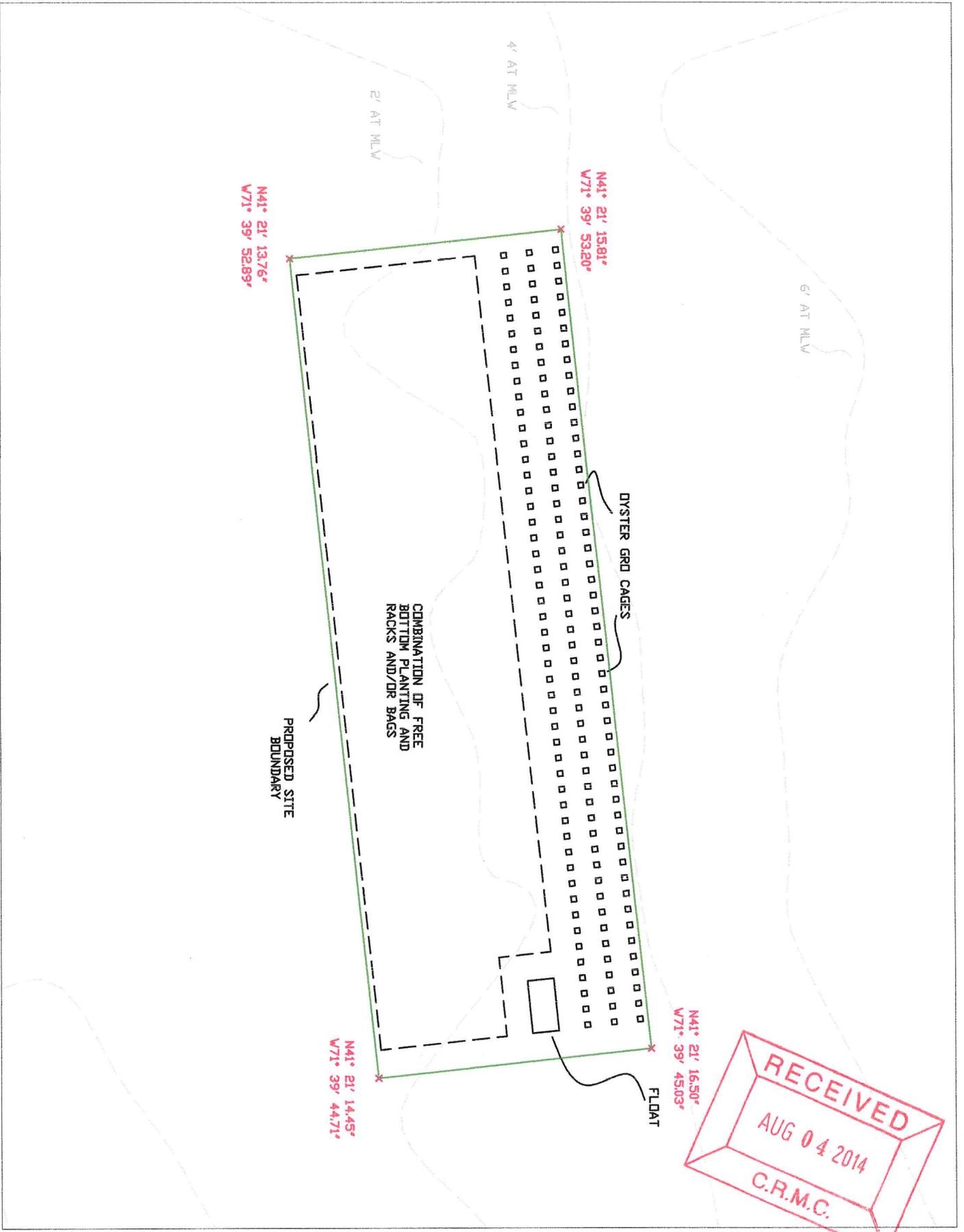
Figure 2c. Photo taken from the center of the proposed site facing to the South





Figure 2d. Photo taken from the center of the proposed site facing to the West

Figure 3: Plan view of grow-out site



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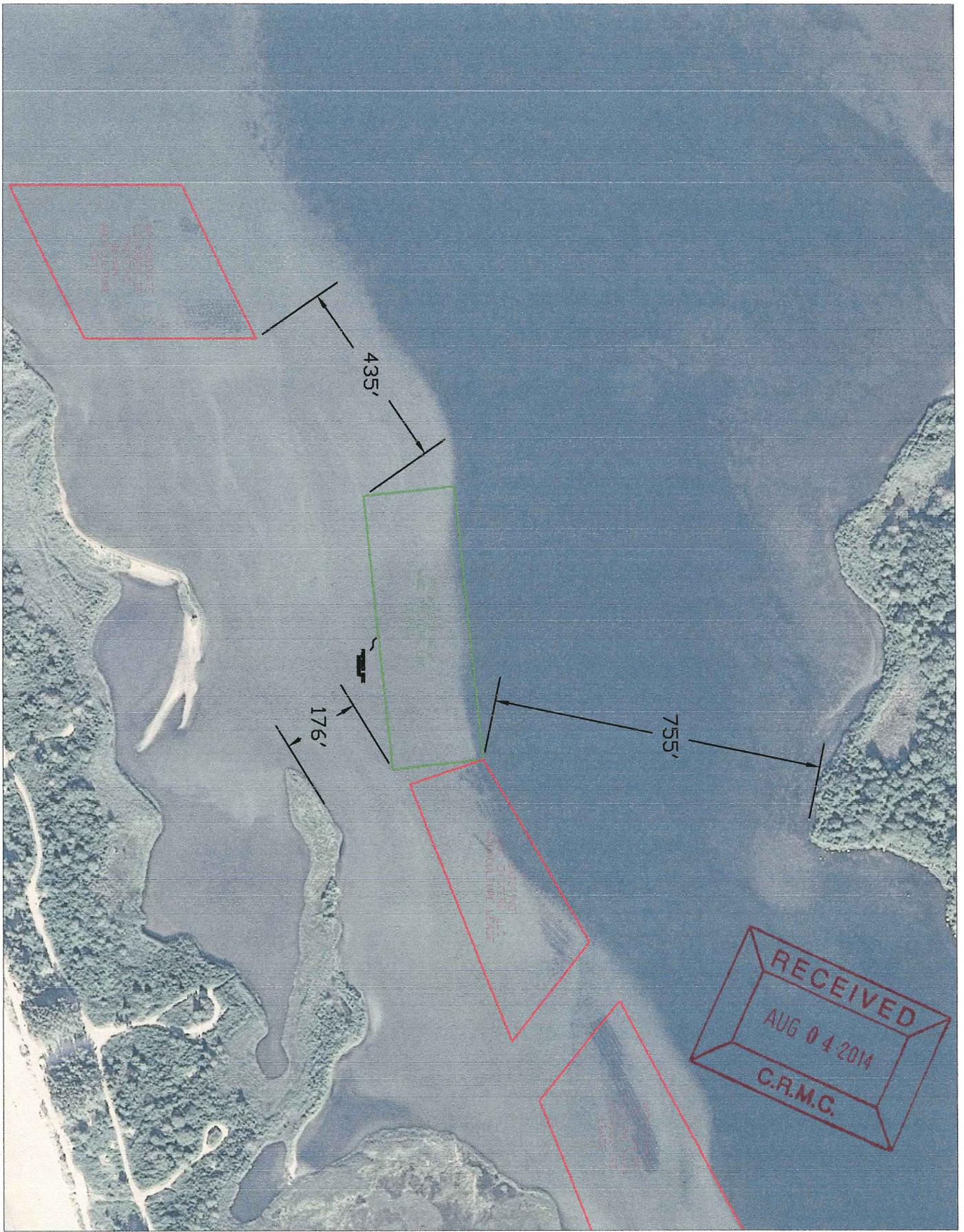
SCALE: 1" = 100'



PROPOSED SITE PLAN
 NINIGRET POND, CHARLESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: FEBRUARY 22, 2014

Figure 4: Distance to nearest shoreline features of proposed site



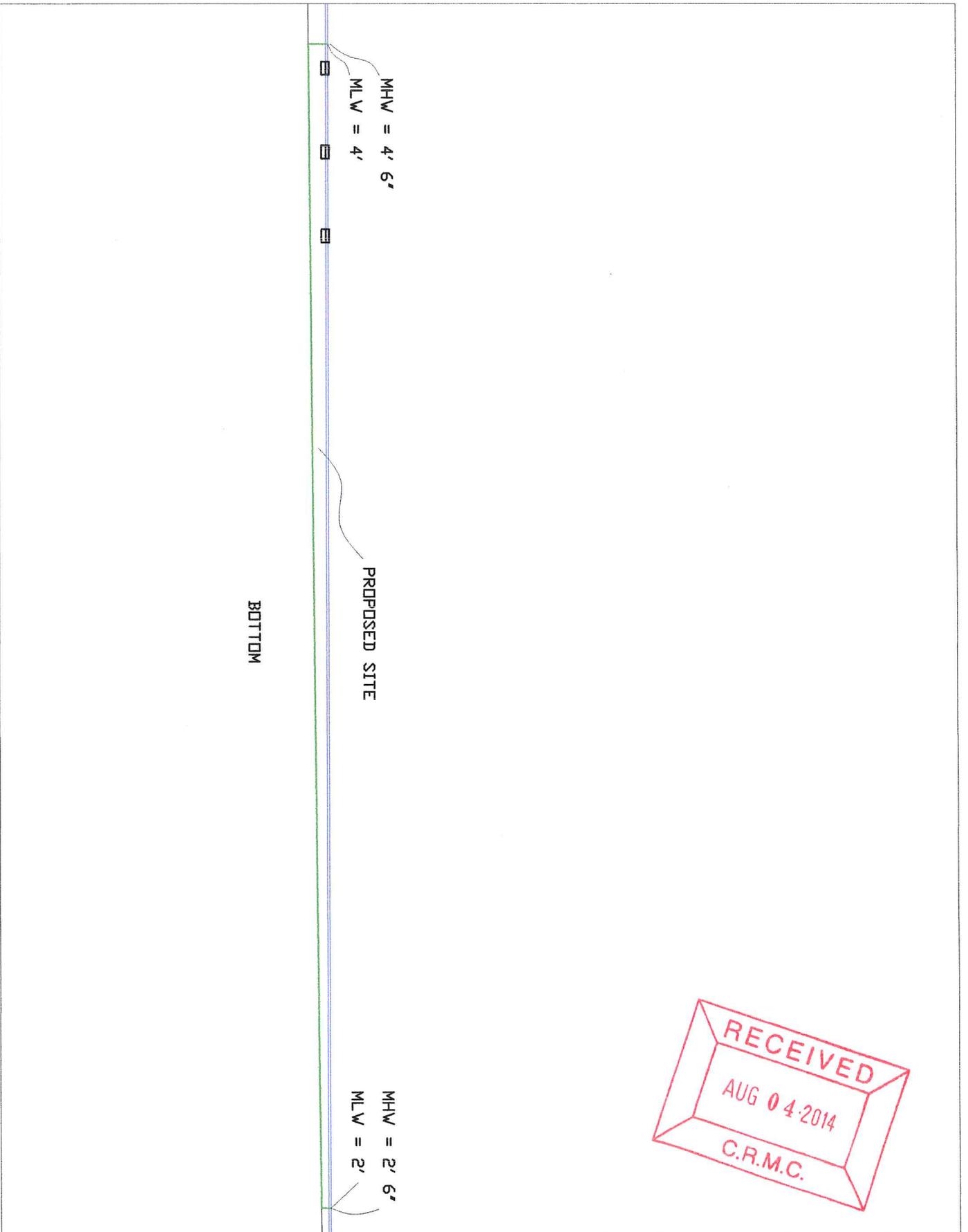
SCALE: 1" = 300'



PROPOSED SITE CONTEXT
NINIGRET POND, CHARLESTOWN, RI

WALRUS AND CARPENTER
OYSTERS LLC
PREPARED: FEBRUARY 22, 2014

Figure 5: Cross-section view of proposed site



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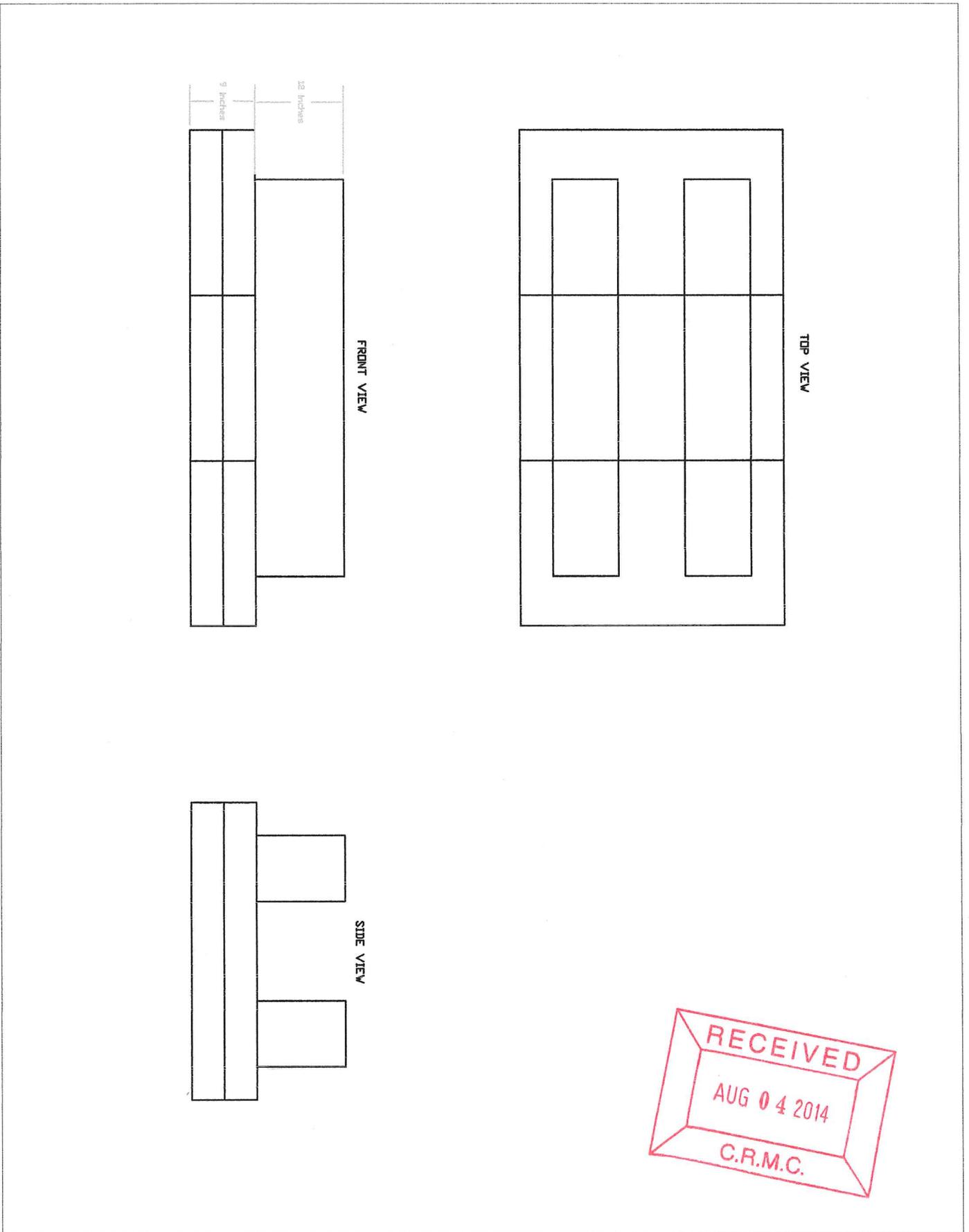
SCALE: 1" = 30'

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PROPOSED SITE SECTION
NINIGRET POND, CHARLESTOWN, RI

WALRUS AND CARPENTER
OYSTERS LLC
PREPARED: MAY 1, 2010

Figure 6: Details of the proposed site gear – OysterGro cage with shelves for six ADPI bags



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C.R.M.C.

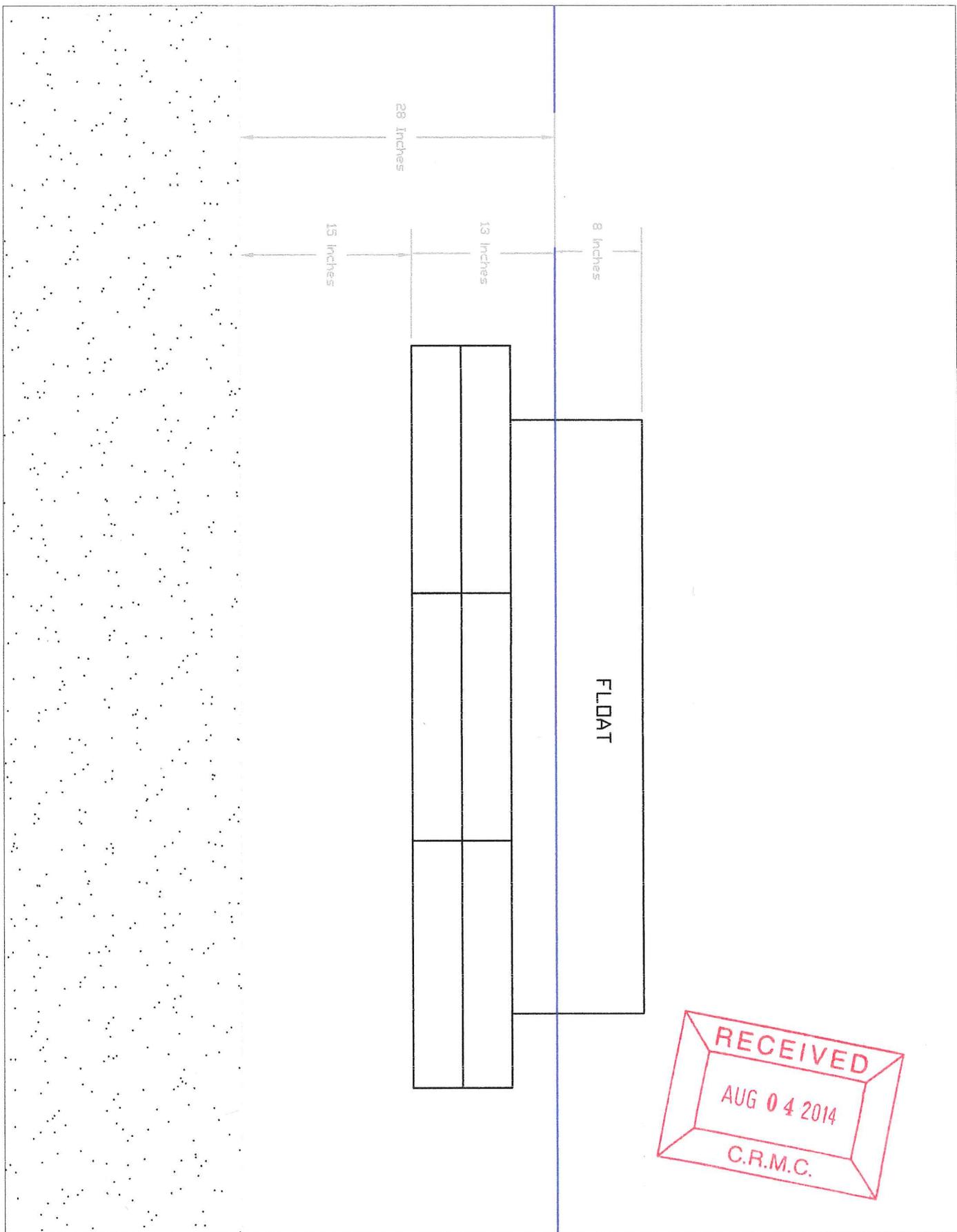
SCALE: 1' = 1.5'



GEAR DETAILS - OYSTER GRO RACKS
NINIGRET POND, CHARLESTOWN, RI

WALRUS AND CARPENTER
OYSTERS LLC
PREPARED: FEBRUARY 24, 2014

Figure 7: Cross-section view of depth of water covering proposed site gear at mean low tide at the shallowest portion of the site.

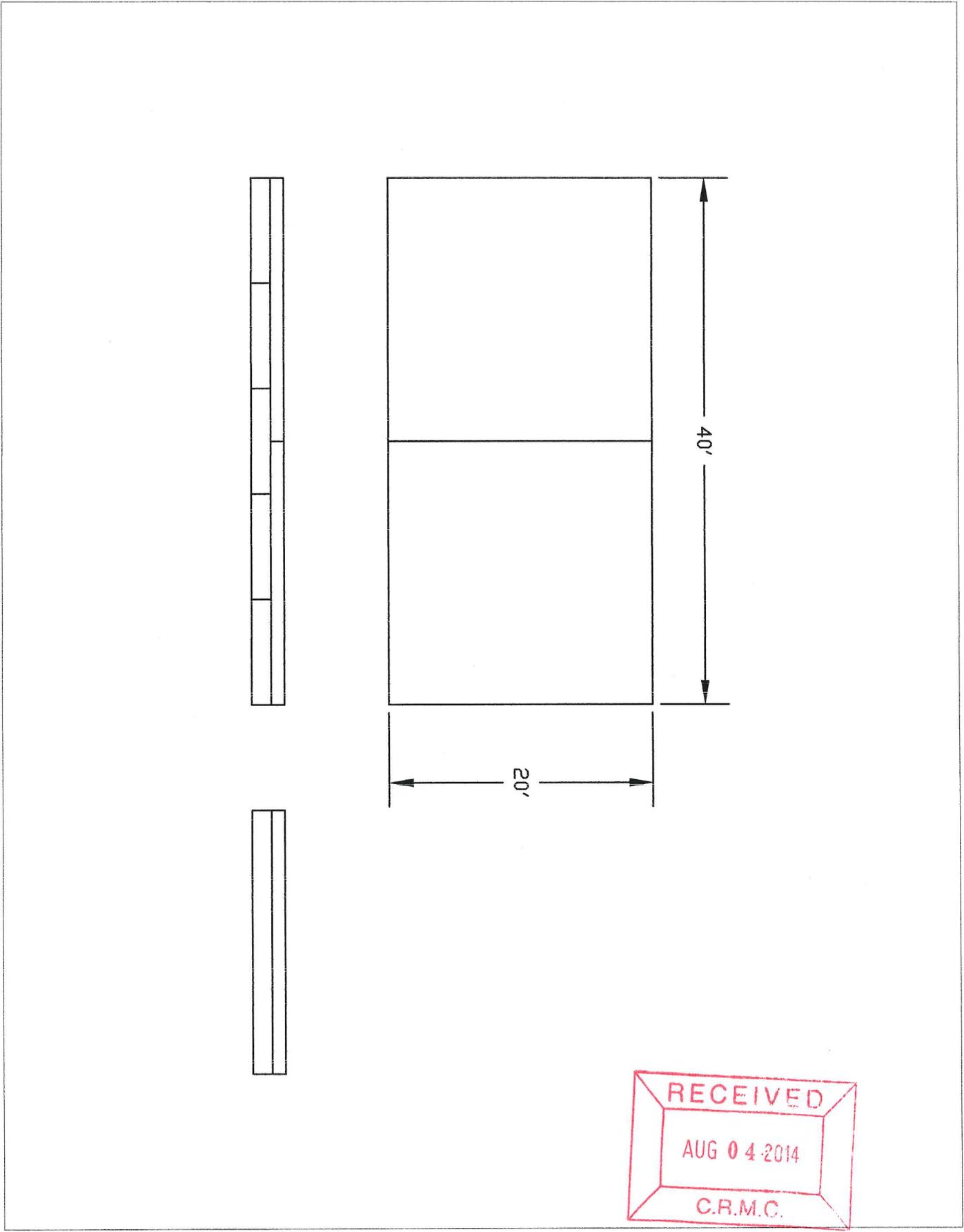


SCALE: 1" = 1'

OYSTER GRO GEAR - DEPTH AT
SHALLOWEST DEPLOYMENT
NINIGRET POND, CHARLESTOWN, RI

WALRUS AND CARPENTER
OYSTERS LLC
PREPARED: FEBRUARY 22, 2014

Figure 8: Details of proposed work platform.



SCALE: 1' = 20'



FLOATING WORK PLATFORM DETAILS
NINIGRET POND, CHARLESTOWN, RI

WALRUS AND CARPENTER
OYSTERS LLC
PREPARED: FEBRUARY 24, 2014

Operational Plan:

I am applying to lease an additional 3.0-acre aquaculture site directly adjacent to my existing 2.75-acre aquaculture site in Ninigret Pond, Charlestown, RI (Figure 1 and Figure 2). I have been operating a successful oyster farm, Walrus and Carpenter Oysters LLC, for five years on my original site. The site is now completely full of aquaculture gear and/or bottom planted oysters, to the point where it was a struggle to find room for all of the product this fall. Additional acreage will allow me to continue to grow my business.

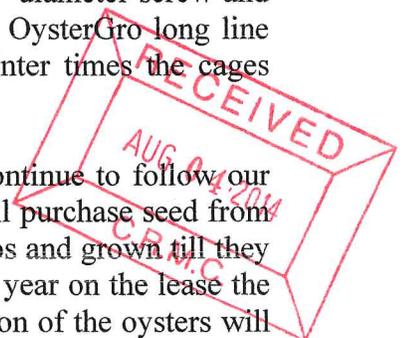
Over the last five years I have found that the two greatest drawbacks to operating an efficient and productive oyster farm in Ninigret Pond to be (1) the lack of commercial working waterfront space to efficiently maintain and process our crop and (2) the combination of limited flow and high nutrient enrichment resulting in an enormous amount of biofouling on aquaculture gear. To overcome these hurdles I am proposing the following two new additions to my existing operating plan: (1) an on-site floating work platform and (2) floating gear.

A work platform would greatly improve the efficiency of grading, bagging, and processing our oysters. Currently all of this work is done on two 20' boats. These boats are also used to transport clean and fouled oyster bags to and from the farm on a daily basis. Given their dual purpose there is not sufficient room on these boats to perform all of the necessary maintenance tasks the oyster crop demands. The work platform would be 20'x40'. It would be anchored on the lease from April through November. Four 300lb pyramid anchors, with 10ft of 1" bottom chain and 12ft of 5/8" top chain would be installed to secure it in place. In the winter time the platform would be hauled out and stored at Lavin's Landing.

The biofouling on our oyster gear restricts the already limited flow of water to our oyster crop. The result is reduced growth and higher mortality rates. Currently to combat this problem we expend an enormous amount of time and energy switching fouled gear with clean gear or manually removing biofouling. Periodically exposing aquaculture gear to the air is a proven method of efficiently controlling biofouling. The "OysterGro" cages I am proposing in this application would allow us to do this quickly and easily by periodically flipping the floating cages over so that the biofouling on the oysters and the gear would dry out and die. The cages would be flipped over several times during each growing season (April through November) and be exposed for one to two days at a time. The OysterGro cages would be deployed on long lines. Each long line would be 150-feet long and contain 12 cages tethered together with 3/8" line. The long lines would be secured to the bottom with helix anchors (8" diameter screw and 1" x 4' shaft) and 1" bottom chain on either end. For details of a typical OysterGro long line layout please see attached document "OysterGro Guidelines". In the winter times the cages would be sunk to the bottom protecting them from ice and wind damage.

Other than the additions to my operation plan described above we will continue to follow our existing operation plan as described below. In the spring of each year I will purchase seed from a variety of certified hatcheries. Seed oysters will be placed in upweller silos and grown till they are large enough to be transferred to the lease for grow-out. For their first year on the lease the oysters will be housed in the OysterGro cages. After their first year a portion of the oysters will be free planted on the bottom of the lease where they will grow until they are market size. The remainder of the oysters will be grown to market size in sub-tidal racks and/or bags.

We use a 20-foot wooden skiff and a 20-foot pontoon boat for all farm activities. We plan to remove biofouling by air-drying all gear monthly during the growing season. If bags or gear



become excessively fouled we will switch them out with clean gear and bring the fouled gear to our storage facility in Charlestown, RI (on private property). Throughout the growing season oysters will be tumbled and sorted by size by our hydraulic grader. We will grade and adjust densities of oysters in bags during the growing season. When the oysters reach market size we will either harvest the product directly from bags or with a bull rake and/or scallop dredge from the bottom. In the winter bags and gear will be placed in the deeper sections of the lease to enable retrieval when ice limits access and to avoid potential ice damage.

We have developed a system to track oysters on the farm to ensure that seed from upwellers or hatcheries in “closed” or “conditional” waters is not harvested before it has been in the “open” water of my farm for one-year. First we created a spreadsheet that represents the spatial configuration of my farm and depicts all of the individual units of gear on the farm. Next, we created a color code for each batch of seed and numerical code for each size grade of oyster. We then filled in the spreadsheet with the current inventory of oysters on the farm. We record each week’s farm activity in a new tab in the spreadsheet. The result is a constantly updated map/inventory depicting the location, source, number and size class of all of the oysters on the farm, as well as a weekly record of the inventory and the status of the farm at that time. To compliment the spreadsheet and make daily operations easier we have also labeled each piece of gear with a color-coded and numbered plastic tag. This system allows us to track each batch of oysters as they move through the farm and ensures that seed from “closed” or “conditional” waters will remain in the “open” water on the farm for a minimum of one year.

We currently sell our oysters directly to approximately 25 restaurants throughout Rhode Island and plan to continue to do so. If at some point our production level exceeds local market availability we will explore avenues for selling our product through distributors.



Layout of Long Lines

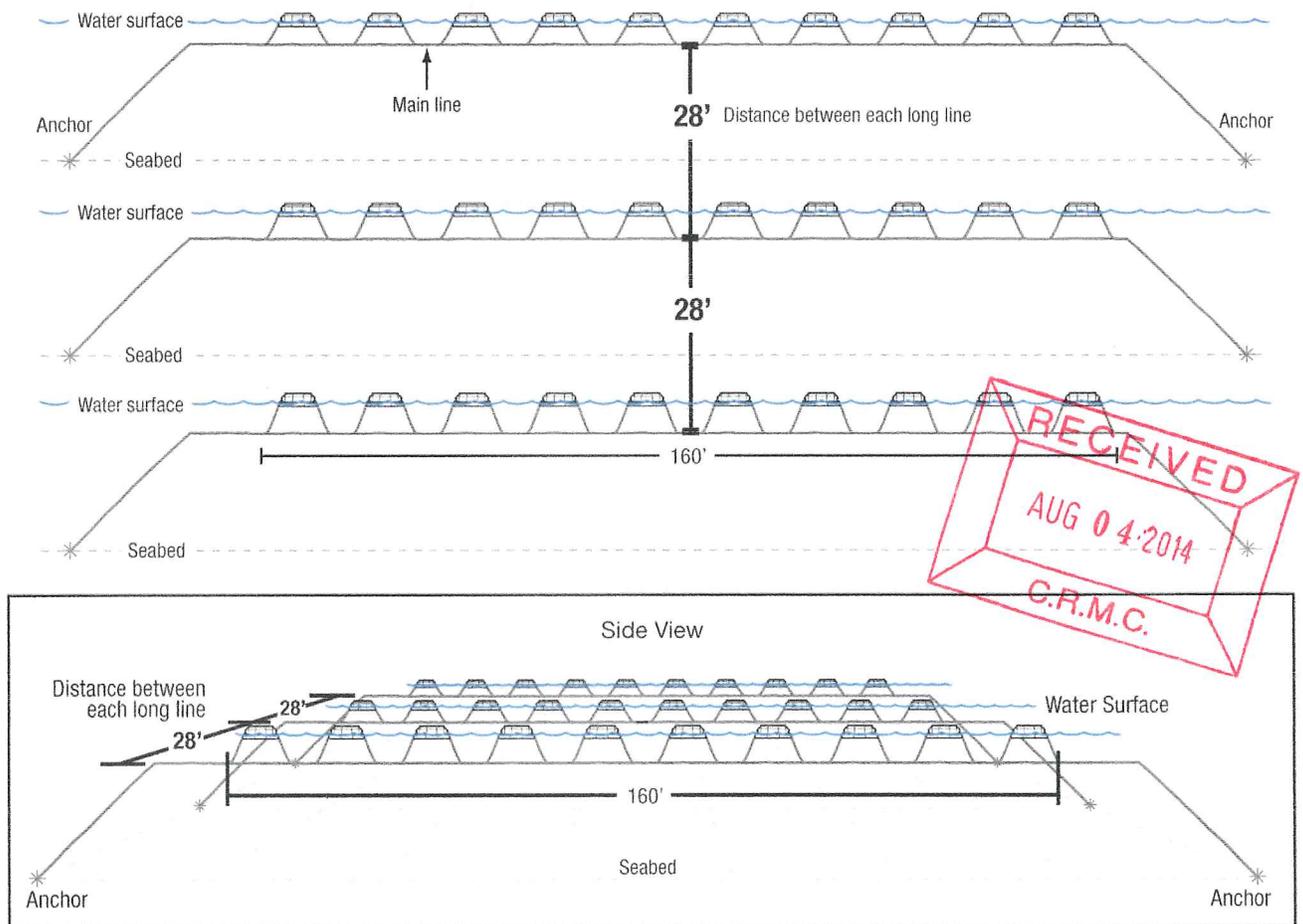
A typical long line consists of one individual row of 10 to 12 OysterGro Units (view figure II). The units are linked together with 3/8" ropes (view figure III). Proper anchorage is necessary to hold the units to the seabed. A long line is about 160 ft long and rule of thumb, 100 OysterGro cages can be set on a one-acre lot.

The distance between the long lines must be sufficient to allow for navigation and to provide easy access when tending to the cages - 28 feet is suggested.

Bouctouche Bay Industries Ltd will supply a rope kit to new growers. This kit can be used as a model.

Figure II – Long lines

This figure shows the layout of 3 - 10 OysterGro cages long lines on the water surface.



Controlling Biofouling and Secondary Spat

The OysterGro System is amongst the most efficient systems on the market today to control fouling and secondary spat. The two floats on top of the cage (figure V) have been designed specifically for this cage and for this purpose.

Controlling fouling and secondary spat is as easy as flipping the cage over on the two floats (figure VI). This will expose the cage and all its content to the sun and wind and within a short period of time (no more than 48 hours) all the fouling and secondary spat should be eliminated.

Please note: Exposing the oysters to the sun should be done with care. Even if oysters can survive a few days outside their natural habitat (water) we have found that if the oyster is stressed it could stop feeding, thus affecting its growth. It is strongly recommended that you pay careful attention to these suggestions:

- Do not flip the cages over if it calls for very hot and sunny weather.
- Do not flip the cages over if it calls for strong winds – the wave action will keep the bottom of the cage wet and therefore will not eliminate the fouling and secondary spat.
- Ideal time to flip: Warm, dry, calm weather forecasted for a few days.

Figure V – Feeding position - Positioned for profitable growth

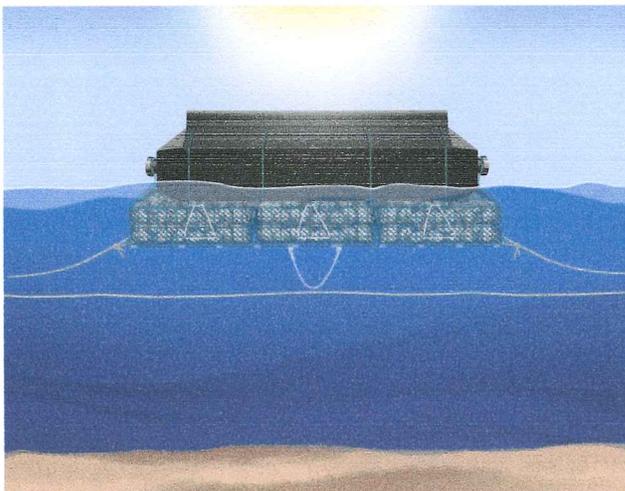
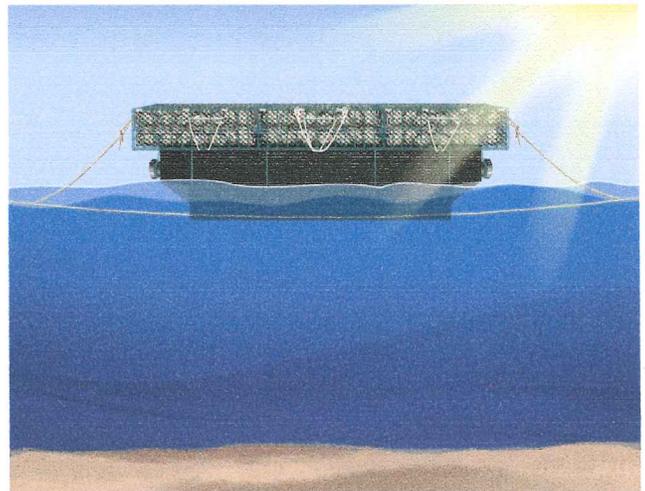
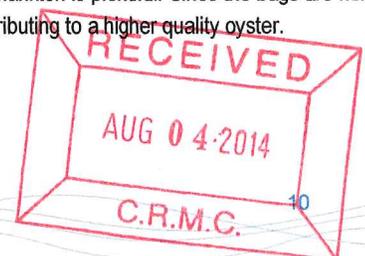


Figure VI – Prescribed exposure to sun (UV) and air controls secondary spat, competitors, predators and contaminants



The stability of the OysterGro system optimizes conditions for continuous feeding and maximum growth each year. In the feeding position, the Vexar bags are maintained level and steady at the ideal feeding depth of 6" to 12" (15.2 cm to 30.5 cm) where plankton is plentiful. Since the bags are held securely to prevent shaking and sliding, the distribution of oysters within the bags remains constant, contributing to a higher quality oyster.

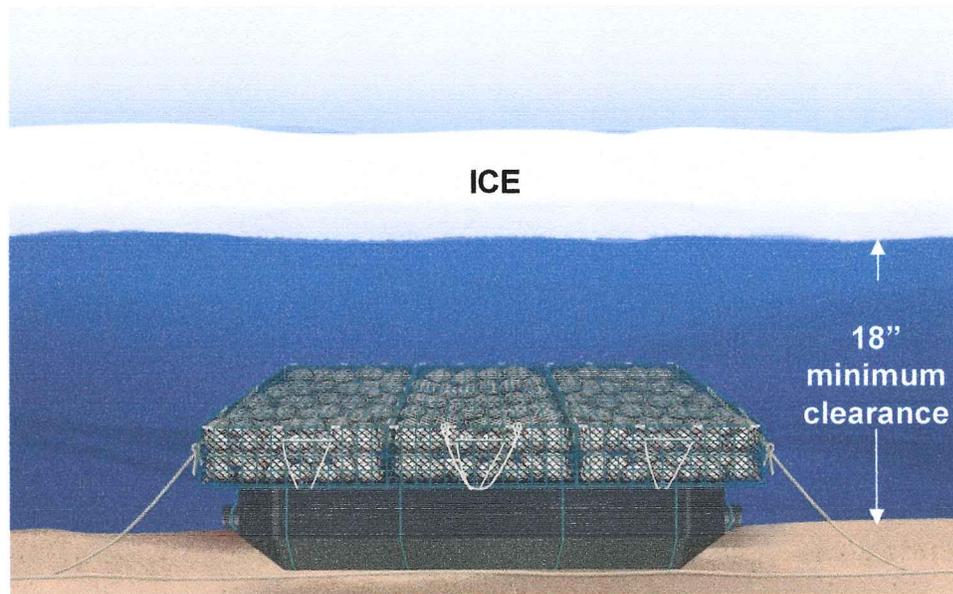


Over Wintering / Submerging the OysterGro Cages

Oysters lower their metabolism when the water temperature drops below 10°C (50°F).

In the fall, before the ice begins to form, it is time to submerge the cages to the seabed. Submerging the OysterGro cages is as simple as removing the caps from the floats. This will enable the water to enter the floats and act as a ballast to sink the unit to the sea floor.

Figure VII – Wintering Position - Wintering is a matter of cap removal compared to arduous equipment removal.



OysterGro™ is specially designed for shallow waters inside of bays. As illustrated above, the floats keep the oysters off the ocean floor, thus substantially reducing winter mortality rates. Wintering amounts to a process of “cap collection” — not the back-breaking, time-consuming work of retrieving buoys and lines and transporting them to shore for winter storage.

The Oyster Cage T-Bar (tong) (image available soon) is a wonderful tool that was developed by oyster growers to make the operation of submerging fast and easy. This tool also lets you guide the oyster cage to the bottom, making sure that your cage is resting on the floats and not on the cage. This is very important because your oysters will not be sitting in the mud. This should help keep your mortality rate much lower.



Re-Floating

Come spring, you will reverse the process and re-float the cages. The OysterGro cages are designed to empty quickly when they are positioned at an inclined angle (See Figure IX). Some growers have constructed a platform on pontoons to make handling the cages easy and fast. Typically, the platform is equipped with a boarding ramp, hydraulic winch, and worktable and re-floating ramp. The re-floating operation can also be accomplished with commercial boat such as the Carolina Skiff (See Figure X).

Figure IX – Emptying a cage



In this diagram, we can see the cage being brought up from the seabed. The floats, when positioned at an inclined angle, will empty quickly.

Figure X – Marine Vessel



The individual flipping the cage is standing in a metal platform (see below) that is attached to a marine vessel. This position facilitates the flipping of the cage.



Coastal Resources Management Program

Section 300.1

Category B Requirements

All persons applying for a Category B Assent are required to:

- (1) demonstrate the need for the proposed activity or alteration;

There is currently a demand for responsibly cultivated seafood in the region. Shellfish aquaculture is a means of meeting this demand. Our goal is to cultivate and harvest oysters to meet this market demand and at the same time have a positive impact on the environment.

- (2) demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for nontidal portions of a project in Sections 300.2, 300.3, 300.6, 300.8, 300.9, 300.11, 300.13, 300.15 and 300.17; for projects on state land, the state building official, for the purposes of this section, is the building official,

This question does not apply to our activities given that all of our activities will occur in State owned sub-tidal waters.

- (3) describe the boundaries of the coastal waters and land area that are anticipated to be affected;

All of our activities will occur in sub-tidal portions of Ninigret Pond and there will be no impact on coastal lands.

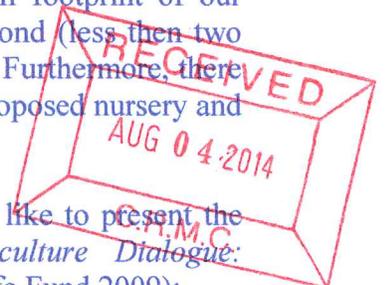
- (4) demonstrate that the alteration or activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters.

Our mobile and seasonal aquaculture gear is constructed out of 4.5 inch lobster wire that permits water to flow through the gear freely. Therefore, our gear will not restrict or alter circulation within the estuary. As a result, We expect no impact on sediment transport; and therefore our activities will not effect erosion or deposition processes.

- (5) demonstrate that the alteration or activity will not result in significant impacts on the abundance and diversity of plant and animal life.

Given that we will be cultivating a native species of oyster there is no risk of introducing invasive species that would out compete native flora or fauna. The small footprint of our proposed lease area, which in turn is only a minute fraction of the entire pond (less than two tenths of a percent), will cause minimal disturbance to benthic communities. Furthermore, there is no eelgrass and a very low abundance of hard clams in the vicinity of the proposed nursery and grow-out sites

In regards to pulse disturbances resulting from harvest activities, we would like to present the following short excerpt from the recently published "Bivalve Aquaculture Dialogue: Environmental and Social Standards for Bivalve Aquaculture" (World Wildlife Fund 2009):



“Most shellfish farming takes place in shallow coastal waters with sandy or silty bottom. The species that live in these waters are well-adapted to periodic disturbances from storms and wave action. (DeAlteris et al. 1999) Species in these environments tend to be opportunists that rapidly re-colonize disturbed bottom and are tolerant of high loads of suspended sediment (Coen, 1995). Studies have shown that these environments will recover from dredge harvesting in a few weeks or months. Perhaps most significantly, shellfish farmers replant seed (and often replace shell) following harvest and allow that seed to grow undisturbed for many months (and, in some cases, up to three years), replacing and improving the firm substrate that provides important habitat for many species. It has been observed that cultured bottom is typically far more diverse and productive than nearby areas devoid of shellfish cultivation or areas that are regularly dredged by wild harvest fishermen. (DeAlteris et al. 2004)”

We do not anticipate that my proposed farm would have a negative impact on the diversity and abundance of native species in Ninigret Pond. Rather, we expect our proposed aquaculture activities to have a beneficial effect on native plant and animal life. The gear and the oysters planted on the bottom should provide structure and therefore habitat for a wide array of native species.

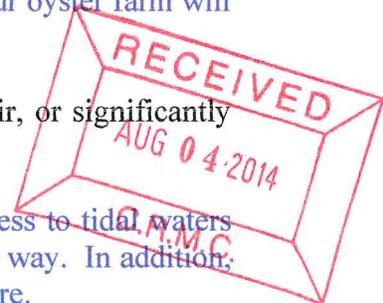
In addition, oysters are prodigious filter feeders (one adult oyster can filter 50 gallons of water a day) capable of removing enormous amounts of phytoplankton and other seston from the water column – which can greatly improve water clarity. Water clarity, which determines light attenuation, is a limiting factor for eelgrass growth and survival. Eelgrass beds, which are endangered in Rhode Island, provide critical habitat for marine life. Our hope is that by reducing water turbidity in Ninigret Pond our oyster farm can contribute to the restoration and protection of eelgrass beds.

Finally, raising and harvesting 400,000 oysters per year will directly remove roughly 200 pounds of nitrogen per year from Ninigret Pond. The concentration of total nitrogen in Ninigret Pond has been increasing at an alarming rate as the watershed becomes more developed. The excessive loading of nitrogen from land based anthropogenic activity is an increasing threat to the ecological integrity of the salt pond. In recent years, local “pond watchers” and aquaculturists have observed an increase in algal blooms, a decrease in dissolved oxygen levels during the warmest months of the year, and localized hypoxic events. It is our hope that by sequestering and removing a portion of the excess nitrogen in Ninigret Pond our oyster farm will contribute to the restoration and protection of the salt pond.

(6) demonstrate that the alteration will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore;

The proposed lease is not in front of or adjacent to any public or private access to tidal waters and/or the shore. Therefore, it would not restrict access to the salt pond in any way. In addition, the entire proposed lease area is sub-tidal and would have no impact on the shore.

(7) demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation;



Circulation and flushing will not be impacted because our racks are constructed from 4.5 inch lobster trap wire which allows water to flow freely through it. It is in our best interest not to obstruct natural circulation or flushing patterns in any way given that our oysters will depend on the flow of water for survival and growth. As filter feeders, oysters remove seston from the water column and help to decrease turbidity. Our activities will have no significant effect on sedimentation as most of our harvesting will be by hand and all of it will be limited to a very small area.

(8) demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM;

Shellfish aquaculture is extremely low impact. Unlike fish farming, it does not require any external inputs of feed or chemicals to raise the product. Therefore, there will not be deterioration in the quality of the water in the vicinity of the proposed farm. In fact, we anticipate a local improvement in water quality due to (1) decreased turbidity, (2) increased pelagic-benthic coupling which can lead to enhanced denitrification, and (3) the sequestration and removal of excess nitrogen.

(9) demonstrate that the alteration or activity will not result in significant impacts to areas of historic and archaeological significance;

The proposed lease will in no way impact an area that has neither, historic nor archeological significance given that the entire area is sub-tidal and devoid of historic or archaeological relics.

(10) demonstrate that the alteration or activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce, and;

Our proposed site is located in a shallow area clear of the boating channel and not in the direct path of any destination. Given the shallow water depth of the site, which makes it already inaccessible to power boaters, and the out of the way location of the gear there should be no conflict with motorized boaters.

Recreational kayakers pass by our existing lease from time to time as they tour the pond. We always make an effort to say hello and explain what we are doing on the oyster farm. The response from kayakers has been extremely enthusiastic and supportive. I would like to believe that our farm and presence on the water adds to their enjoyment of the resource and provides a point of interest for the public.

I am aware that in some locations in Rhode Island conflicts have arisen between the windsurfing community and proposed aquaculture locations. While windsurfers do frequent Ninigret Pond, in my five years of working on the water I have not seen a single windsurfer within one-mile of our proposed new lease site. I have observed that all of the windsurfing and kite boarding activity on Ninigret Pond is confined to the western basin of the pond likely because of the public access at the end of East Beach Road. Therefore I do not believe that there will be any conflict with this use of the resource.

Cultured areas are typically far more diverse and productive than nearby areas devoid of shellfish cultivation. Aquaculture gear provides bottom structure habitat for juvenile fish rearing.



Therefore, our activities should actually enhance fishing opportunities in Ninigret Pond and beyond.

(11) demonstrate that measures have been taken to minimize any adverse scenic impact. (see Section 330).

The proposed floating gear has the smallest amount of above-water surface area per unit of cultivated oyster among all other commercially available types of floating gear. The floats are black and will only be 6-8" above the surface of the water. Given the color and low profile of the float, they will not be highly visible.

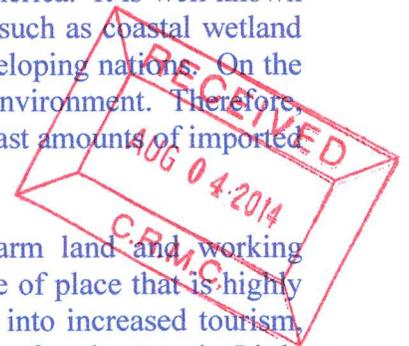
The floating gear and the work platform will have an undeniable visual impact. However, it is subjective as to whether this is a positive or a negative impact. To see a tractor tilling a field, or an oyster boat working a lease, is to witness the production of food and the growth of our local economy. I believe that the sight of a well-kept working farm, whether in the water or on the land, is a beautiful addition to the landscape.

A powerful argument for domestic production of resources is a concept called "the illusion of preservation" explained as follows:

"The United States (US) and other affluent countries consume vast quantities of global natural resources, but contribute proportionately less to the extraction of many raw materials. This imbalance is due, in part, to domestic policies intended to protect the environment. Ironically, developed nations are often better equipped to extract resources in an environmentally prudent manner than the major suppliers. Thus, although citizens of affluent countries may imagine that preservationist domestic policies are conserving resources and protecting nature, heavy consumption rates necessitate resource extraction elsewhere and oftentimes under weak environmental oversight. A major consequence of this "illusion of natural resource preservation" is greater global environmental degradation than would arise if consumption were reduced and a large portion of production was shared by affluent countries." (Berlik et al 2002)

Aquaculture is a perfect example of this commonly believed "illusion". In the United States 90% of the seafood consumed is imported. Of this the number one import by volume (28%) is shrimp. The majority of this shrimp is farm-raised in Asia and South America. It is well known that shrimp aquaculture results in extensive environmental degradation, such as coastal wetland destruction and the unregulated use of toxic chemicals, especially in developing nations. On the other hand, domestic production of shellfish is actually beneficial to the environment. Therefore, to discourage local shellfish aquaculture while we continue to consume vast amounts of imported farm-raised shrimp is quite short sighted.

Throughout communities across New England the preservation of farm land and working waterfronts has served to stimulate the local economy and create a sense of place that is highly valued by local residents and those from away. This directly translates into increased tourism, higher real estate values and job growth. For example, the high value of real estate in Little Compton, RI is directly related to the preservation of farmland, the national recognition of Wellfleet, MA is in no small part due to their farmed oysters, and the celebration of the lobster industry in Maine encourages millions of people to visit the state every year. Rhode Island has



an opportunity to celebrate and promote the renaissance of oyster farms in our coastal waters.
We should not turn our back on this local success story.



2014-05-072

Whilden

Fox Island

North Kingstown

4.2 acres

Oysters Only

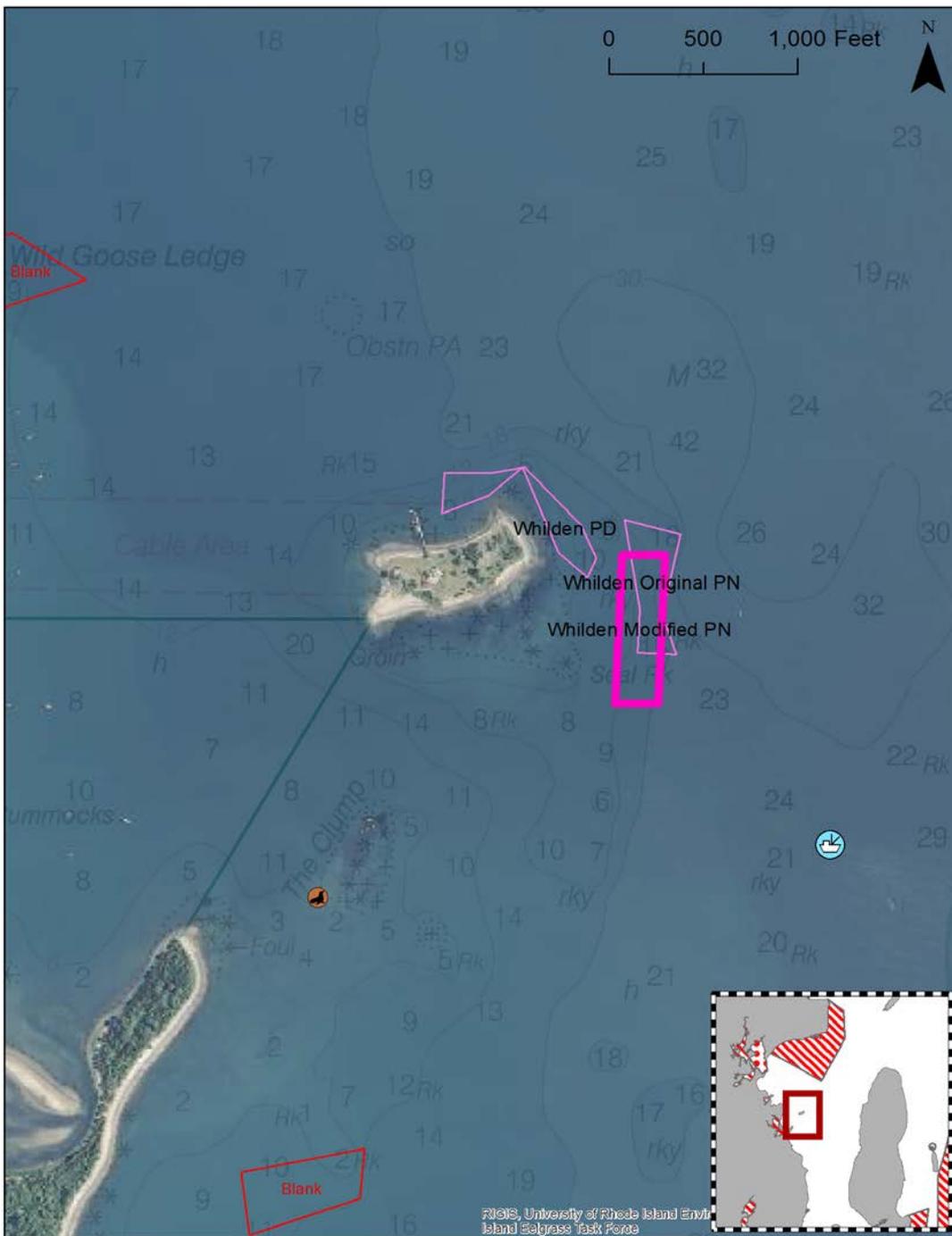
Cage and Bag on Trawl Lines

SAP: 5-1 No objections

- Ghigliotti lone objection. Concerns about competition with bass fishing.

Site Assessment on 7/24/14:

- Sand Bottom
- 8-10 buoys just to west of lease and 1 inside on southern edge
- Dredge Quahog Density 1.23 /m² (adjusted for efficiency 2.05 /m²)
 - 0.18 /m²
 - 1.29 /m²
 - 2.21/m²





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

PUBLIC RE-NOTICE

File Number: 2014-05-072 Date: June 26, 2014

This office has under consideration the application of:

Whilden Unlimited
1026 Ten Rod Road
North Kingstown, RI 02852

for a State of Rhode Island Assent to construct and maintain: a 4.2 acre oyster aquaculture farm. The new notice includes a small modification of location and increase in acreage from 3 acres to 4.2 acres. Bottom cage culture continues as the proposed farming method.

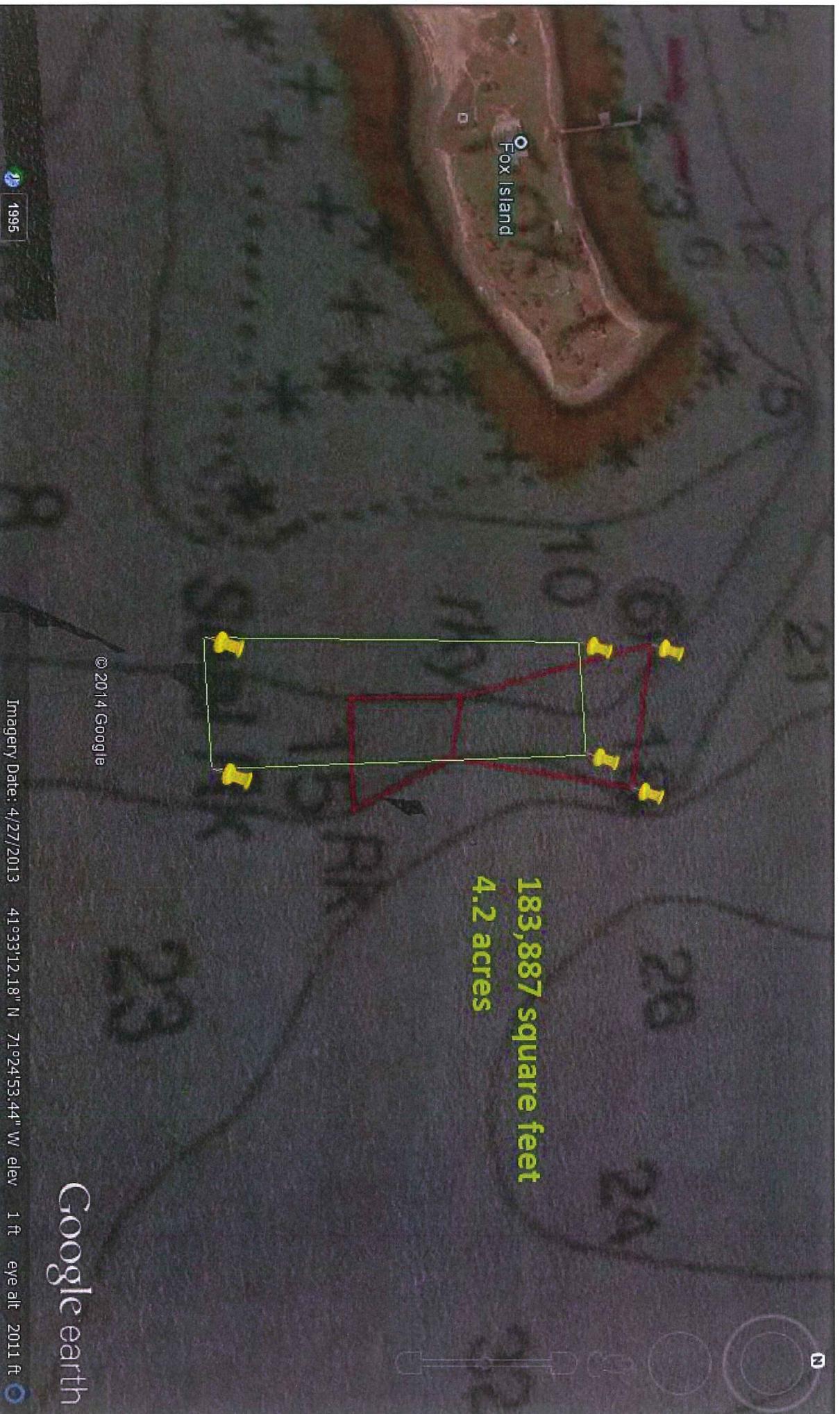
Project Location:	Narragansett Bay
City/Town:	North Kingstown
Plat/Lot:	/
Waterway:	West Passage

Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before July 26, 2014.



183,887 square feet
4.2 acres

1995

© 2014 Google

Imagery Date: 4/27/2013 41°33'12.18" N 71°24'53.44" W elev 1 ft eye alt 2011 ft

Google earth

Fox Island

41°33'16.00"N
71°24'55.00"W

803 feet

41°33'8.10"N
71°24'55.50"W

226 feet

41°33'16.00"N
71°24'52.00"W

803 feet

41°33'8.10"N
71°24'52.50"W

© 2014 Google

226 feet

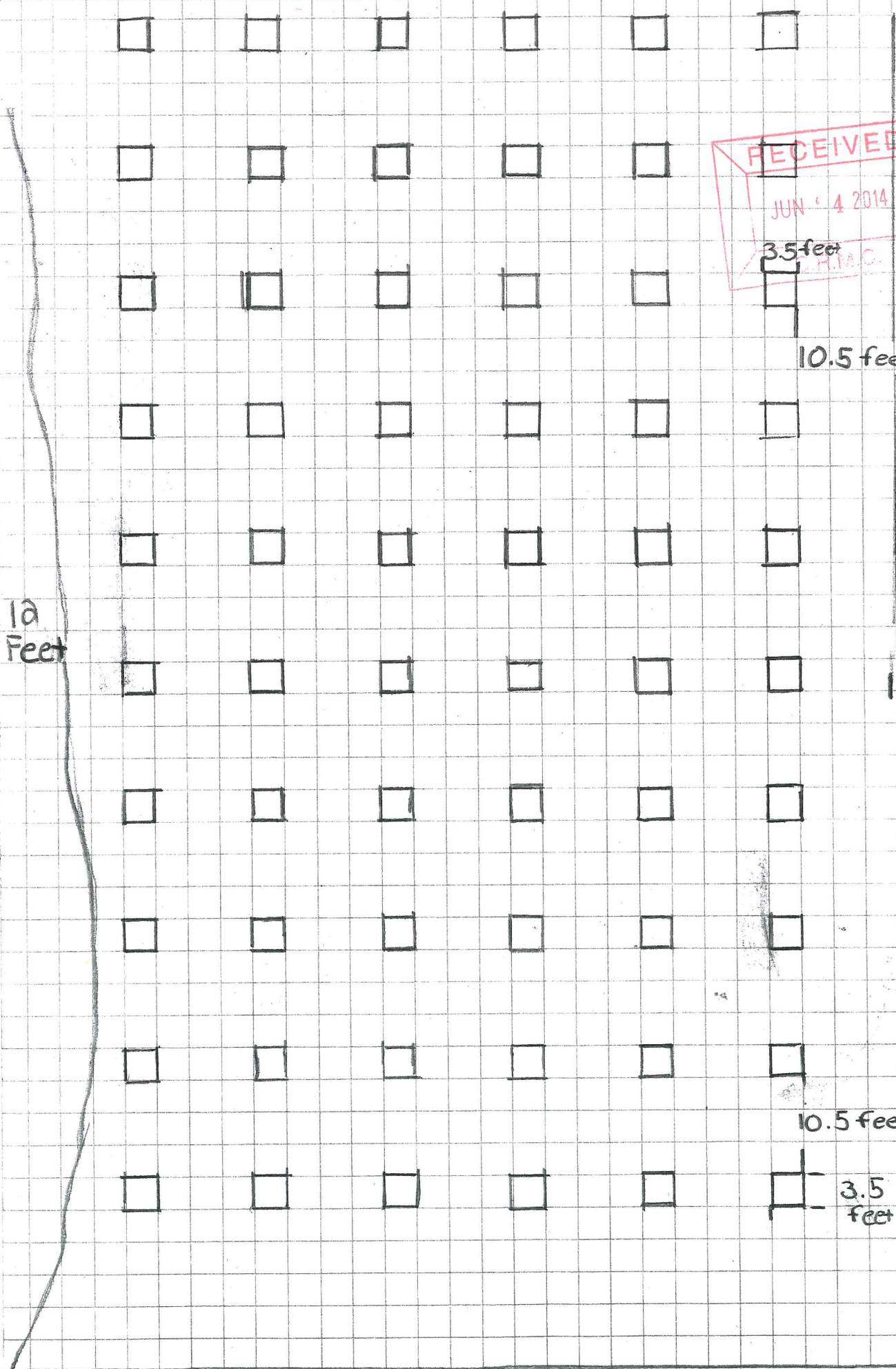
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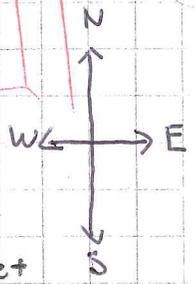
41°33'13.24" N 71°24'53.64" W elev

1 ft eye alt 1834 ft

Google earth



RECEIVED
 JUN 4 2014
 3.5 feet
 H.M.C.



Proposed
 Layout
 of
 Cages

12
 Feet

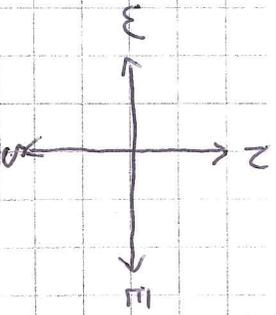
147
 Feet

10.5 feet

3.5
 feet

95 feet

41°33'8.10" N
 71°24'52.50" W



Cross Sectional View
of Cages North West Side

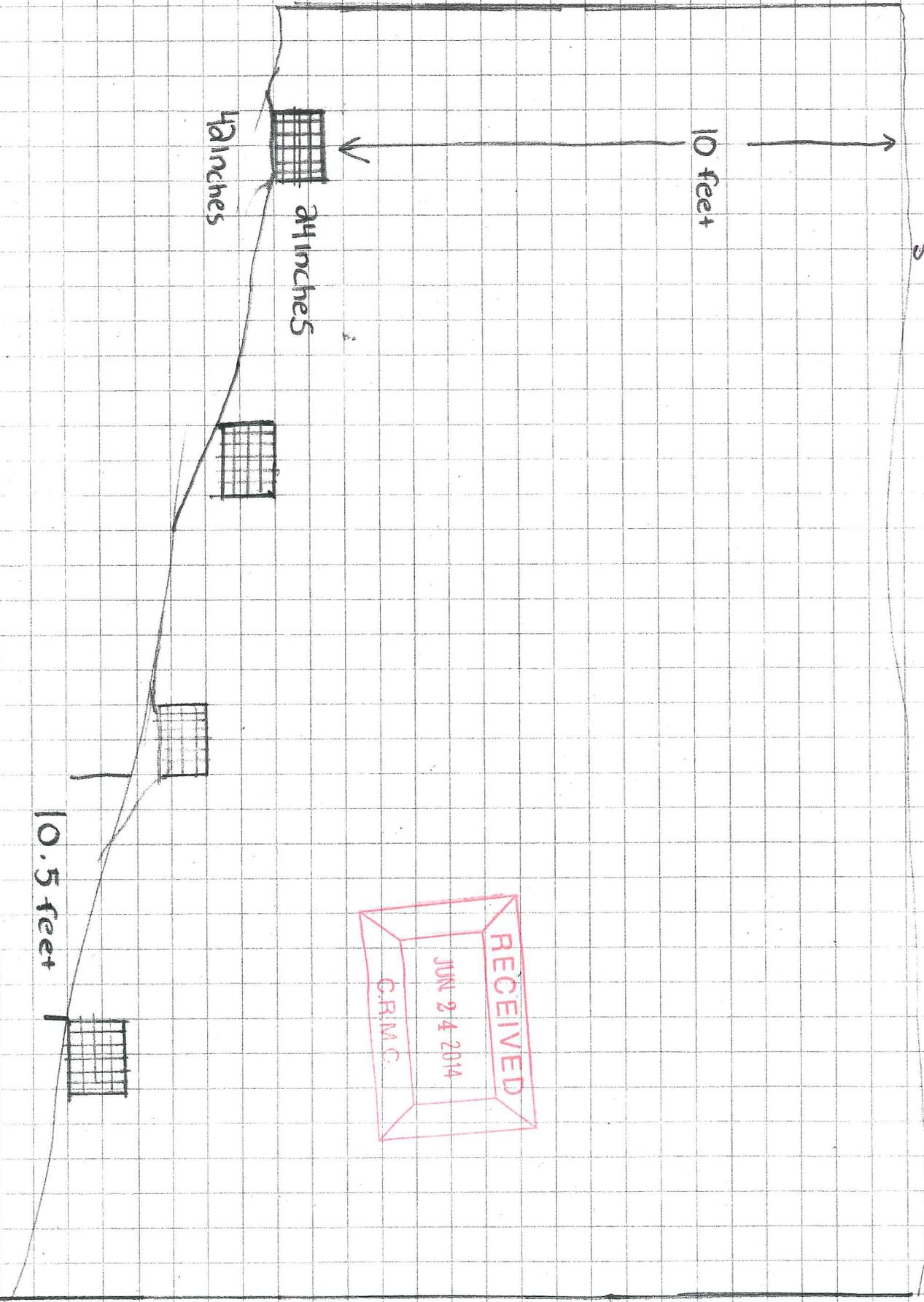
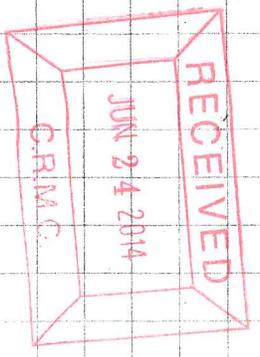
19
feet

10 feet

18
feet

4 inches
3 inches

10.5 feet



**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 and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment.

Public comment will be solicited on the following proposals:

- 1) Finfish Sector Management Plan for 2015;
- 2) Shellfish Sector Management Plan for 2015;
- 3) Crustacean Sector Management Plan for 2015;
- 4) Amendments to the RI Marine Fisheries regulations, "Commercial and Recreational Saltwater Fishing Licensing Regulations".

The public hearing will commence at **6:00 PM** on **Tuesday, September 30, 2014** in the University of Rhode Island, Graduate School of Oceanography, Corless Auditorium, 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 two (2) weeks 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 30, 2014. A copy of the proposed regulations will be available for review from August 29 through September 30, 2014 at the Marine Fisheries offices, or by mail. A copy of the proposed regulation(s) will also be available on the DEM website at the following web address: <http://www.dem.ri.gov/programs/bnatres/fishwild/pn093014.htm>.

Mark Gibson,
Deputy Chief

RI Department of Environmental Management

Division of Fish and Wildlife Marine Fisheries

PUBLIC HEARING

September 30, 2014



PUBLIC HEARING ITEMS

- 1) Finfish Sector Management Plan for 2015;
- 2) Shellfish Sector Management Plan for 2015;
- 3) Crustacean Sector Management Plan for 2015;
- 4) Amendments to the RI Marine Fisheries regulations, “Commercial and Recreational Saltwater Fishing Licensing Regulations”;



Sector Management Plans - General

- For each species, will go through:
 - Stock Status;
 - Recommended effort for 2015;
 - Licensing recommendations



Hearing item #1: 2015 Finfish Sector Management Plan:

◆ Restricted species:

• Scup:

◆ Stock Status:

- Not overfished;
- Overfishing is not occurring;
- Quota will be 6% less than 2014.

◆ Recommended 2015 effort:

- Maintain 2014 effort during Summer;
- Continue in non-restricted category during Winter sub-periods.



2015 Finfish Sector Management Plan cont'd:

◆ Summer flounder:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
- Recommended 2015 effort:
 - ◆ Maintain effort at or below 2014 level;
 - ◆ Continue in restricted category.



2015 Finfish Sector Management Plan cont'd:

◆ Tautog:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Benchmark assessment underway; may be ready for management in 2015.
- Recommended 2015 effort:
 - ◆ Maintain effort at or below 2014 level;
 - ◆ Continue in restricted category.



2015 Finfish Sector Management Plan cont'd:

◆ Striped Bass:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Addendum currently in process; will be ready for management in 2015.
- Recommended 2015 effort:
 - ◆ Maintain effort at or below 2014 level;
 - ◆ Continue in restricted category.



2015 Finfish Sector Management Plan cont'd:

◆ Black Sea Bass:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Stock still managed by constant catch; benchmark assessment to take place in 2015.
- Recommended 2015 effort:
 - ◆ Maintain effort at or below 2014 level;
 - ◆ Continue in restricted category.



2015 Finfish Sector Management Plan cont'd:

- Non-restricted species:

- ♦ Winter Flounder:

- Stock Status:

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

- Recommended 2015 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.



2015 Finfish Sector Management Plan cont'd:

◆ Bluefish:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring.
- Recommended 2015 effort:
 - ◆ Could increase effort above current level;
 - ◆ Maintain in non-restricted category.



2015 Finfish Sector Management Plan cont'd:

◆ Menhaden:

- Stock Status:
 - ◆ Unclear if overfished;
 - ◆ Overfishing is occurring according to last assessment update, magnitude is unclear;
 - ◆ Benchmark assessment is underway; will be ready for management in 2015.
- Recommended 2015 effort:
 - ◆ Maintain effort at or below current level;
 - ◆ Maintain in non-restricted category.



2015 Finfish Sector Management Plan cont'd:

◆ Monkfish:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring.
- Recommended 2015 effort:
 - ◆ Could increase effort above current level;
 - ◆ Maintain in non-restricted category;
 - ◆ State waters ACL is not reached; could allow for increased landings.



2015 Finfish Sector Management Plan cont'd:

◆ Cod:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is occurring.
- Recommended 2015 effort:
 - ◆ Could increase effort above current level;
 - ◆ Maintain in non-restricted category;
 - ◆ State waters ACL is not reached; could allow for increased landings.



2015 Finfish Sector Management Plan cont'd:

- Licensing recommendations:
 - ◆ Restricted finfish endorsement: Maintain 1:1 exit/entrance ratio of active licenses that have left the fishery, resulting in 3 new PEL licenses w/restricted finfish to be issued).
 - ◆ Non-restricted finfish endorsement: Maintain open entry into the non-restricted finfish endorsement.



Hearing Item #2: Shellfish Sector Management Plan for 2015

- Stock Status and licensing recommendations:

- ♦ Quahaugs:

- Stock Status: Stable.
- Licensing recommendations:
 - 42 eligible licenses not renewed;
 - Maintain 2:1 exit/entry ratio: = 21 new CFL licenses with Quahaug endorsement



2015 Shellfish Sector Management Plan cont'd:

◆ Soft-shell Clams:

- Stock Status: Status is poor.

- Licensing Recommendations:

- ◆ 64 eligible licenses not renewed;

- ◆ Maintain 5:1 exit/entry ratio: = 12 new CFL licenses with SS Clam endorsement



2015 Shellfish Sector Management Plan cont'd:

♦ Whelk:

- Stock Status: Abundance is declining; fishing mortality is increasing;
- Unlikely that overfishing is currently occurring.

- Licensing Recommendations:
 - ♦ 69 eligible licenses not renewed;
 - ♦ Maintain status quo - Whelk endorsement not available to new applicants; fishery open to PEL or CFL license holders w/ Quahaug or SS Clam endorsement.



2015 Shellfish Sector Management Plan cont'd:

- ◆ Shellfish – Other:

- Stock Status:

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

- Licensing Recommendations:

- ◆ Maintain harvest level for Shellfish Other endorsement;
- ◆ No changes to species listed in endorsement category;
- ◆ Maintain open entry into the Shellfish Other endorsement.



Hearing Item #3: Crustacean Sector Management Plan for 2015

◆ 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 currently underway; will be ready for management in late 2015.

• Licensing recommendations:

- ◆ Maintain moratorium on the issuance of new lobster licenses.



2015 Crustacean Sector Management Plan cont'd:

◆ Horseshoe Crab:

• Stock Status:

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

• Licensing recommendations:

- ◆ Maintain open entry into Horseshoe Crab harvest permit;
- ◆ The current permit required to harvest Horseshoe crabs should be added as a license endorsement; DFW may look to pursue in future.



2015 Crustacean Sector Management Plan cont'd:

♦ Jonah and Rock Crabs:

• Stock Status:

- ♦ Not overfished;
- ♦ FMP development process currently underway which may develop biological reference points.

- Licensing recommendations: Maintain open entry into Non-lobster Crustacean endorsement.



2015 Crustacean Sector Management Plan cont'd:

◆ Blue Crab:

• Stock Status:

- ◆ Abundance currently above the time-series mean;
- ◆ Insufficient data to assess.

• Licensing recommendations:

- ◆ Do not need to limit access to this fishery at this time; maintain open entry into Non-lobster Crustacean endorsement.



2015 Crustacean Sector Management Plan cont'd:

- ♦ Other crabs: Insufficient data
- Licensing recommendations: Do not need to limit access to this fishery at this time; maintain open entry into Non-lobster Crustacean endorsement;



Hearing Item #4: Amendments to the RI Marine Fisheries regulations, “Commercial and Recreational Saltwater Fishing Licensing Regulations”.

- Proposed changes to Over 65 licensing provisions:
 - ♦ Offer opportunity to Over 65 license holders to upgrade their license to a CFL w/Quahaug endorsement:

(6.7-4) License Renewals, Transitions and Upgrades: (e)
Applicants who possessed a valid 65 and Over Shellfish License (resident only) as of the immediately preceding year, and who have been actively fishing their license, may obtain a Commercial Fishing License with a Quahaug endorsement for the immediately following year. This provision only applies to applicants who have not been cited for a violation of Rhode Island’s marine fisheries laws or regulations during the two-year period preceding the date of application.



Item #4 - Licensing cont'd:

- ◆ Clarify provisions of PEL license with all shellfish endorsements for license holders over the age of 65:

(6.8-3) Principal Effort License: The holder of a Principal Effort License with a Quahaug endorsement shall not be required to pay the annual fee for that license if the license holder is at least sixty-five (65) years old as of February 28 of the applicable license year. The license holder is still required to pay the fee for the Non-Lobster Crustacean (6.8-1 (a)), Lobster (6.8-1 (b)), Non-Restricted Finfish (6.8-1(f)), Restricted Finfish (6.8-1 (g)) as well as all additional Gear (6.8-7) endorsements on their Principal Effort License.

(6.8-6) 65 and Over Shellfish License: (e) The holder of a 65 and Over Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, to fish other fishery sectors at Basic or Full Harvest or Gear Levels, if such licenses or endorsements are available and the application requirements are met for any given license year; provided that the holder of a 65 and Over Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.



Item #4 - Licensing cont'd:

- Remove Gear Declaration from License Application:
 - ◆ Remove the language ~~“At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding”~~ from the following sections:
 - (6.8-2 (b)) Commercial Fishing License;
 - (6.8-3 (c)) Principal Effort License;
 - (6.8-4 (b)) Multipurpose Fishing License;
 - (6.9-2 (d)) Non-Resident Commercial Fishing License; and
 - (6.9-3 (c)) Non-Resident Principal Effort License



Item #4 - Licensing cont'd:

- ◆ Allow Trips reported to SAFIS on a landing Permit to be considered for activity standard:

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

(a) To meet the standard of actively fishing, an applicant must be able to demonstrate by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least seventy-five (75) days in the preceding two (2) calendar years, pursuant to a valid RI license (~~not landing permit~~). Such fishing activity must have spanned the preceding two (2) calendar years, meaning that some activity occurred in each of the two (2) years. Such fishing activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-4, 6.7-6, 6.7-7, 6.7-8, and 6.7-9 herein.

(h) Transaction records established in SAFIS which are recorded on an applicants Landing Permit (6.10) may be considered for the verification of activity standards provided that the applicant also possesses a Commercial Fishing License (6.8-2), Principal Effort License (6.8-3), or Multipurpose Fishing License (6.8-4) which was valid at the time of the activity being considered.



Item #4 – Licensing cont'd:

◆ Proposed changes to provisions of the Paper Logbook Endorsement - Declaration of Reporting Method & Renewal Deadline:

(6.8-11) Paper Catch and Effort Harvester Logbook Endorsement:

(a) The logbook endorsement shall enable the holder to obtain a paper harvester catch and effort logbooks, printed by RIDFW, that will be used to report all catch and effort information required by RIGL 20-4-5.

(b) The endorsement shall be automatically available to anyone who holds a Rhode Island landing permit, multipurpose fishing license, commercial fishing license, ~~with restricted or non-restricted finfish, lobster or non-lobster crustacean, horseshoe crab – biomedical, horseshoe crab – bait or whelk endorsements,~~ or a principle effort license.

(c) At the time of initial license/permit purchase or license/permit renewal, the applicant is required to declare a reporting method: harvester catch and effort logbook, federal vessel trip report, or e-TRIPS. The harvester catch and effort logbook and e-TRIPS reporting methods cannot be declared together.

~~(d e) By default, if the logbook endorsement is not purchased, license holders are required to electronically report all catch and effort and dockside sales data to the eTRIPS application of the Standard Atlantic Fisheries Information System (SAFIS) or if applicable, submit the state copies of the federal vessel trip reports (VTR). If the declared reporting method is harvester catch and effort logbook, the applicant is required to purchase the logbook endorsement at time of initial license/permit purchase or license/permit renewal.~~

~~(e d)~~ Paper harvester catch and effort logbook submissions will not be accepted by RIDFW to meet the license holder's reporting requirement from any license holder who does not ~~obtain~~ have the logbook endorsement.

~~(f e)~~ All trips via electronic or paper recording, are required to be filled out ~~at the end of each day~~ fished before the start of the next trip, and at a minimum both trip reports and did not fish reports are due to the Division of Fish and Wildlife quarterly.

~~(h g)~~ The logbook endorsement is ~~not~~ subject to the application deadline provisions as set forth in Rule 6.7-3; ~~as such, the endorsement shall be available at any time during the year to holders of current and proper commercial fishing licenses issued by the Department.~~



Item #4 – Licensing cont'd:

◆ Proposed changes to provisions of the Dockside Sales Endorsement:

(6.8-9) Dockside Sales Endorsement:

(b) The endorsement shall be available to all Rhode Island license and landing permit holders who are authorized to harvest and land for sale lobsters and/or crabs. With regard to lobsters, such licenses and permits shall include: multi-purpose license, principal effort license with lobster endorsement, commercial fishing license with lobster endorsement; and resident and non-resident ~~multipurpose~~ landing permit and ~~resident and non-resident crustacean landing permit~~. With regard to crabs, such licenses and permits shall include: multipurpose license; principal effort license with non-lobster crustacean endorsement; commercial fishing license with non-lobster crustacean endorsement; resident and non-resident ~~multipurpose~~ landing permit; and ~~resident and non-resident crustacean landing permit~~.

(c) The purchase of a dockside sales endorsement will ensure that the licensee/permittee receives a paper dockside sales logbook.

(d) A licensee/permittee who declared their reporting method as a federal vessel trip report is required to report all dockside sales via the paper dockside sales logbook.

(g i) Licensees/permittees offering live lobsters and crabs for sale at dockside may only sell live lobsters and crabs that they harvested, and all sales must be made from the vessel that harvested the product, unless otherwise authorized by the Director.

(m) All dockside sales reports and reports of no sales activity are due to the Division of Fish and Wildlife quarterly.



End of Slides!



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES



2015 Sector Management Plan for the Finfish Fishery

Developed in association with the commercial fishing licensing provisions set forth in the "Commercial and Recreational Saltwater Fishing Licensing Regulations"

FILING DATE

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

PURPOSE	3
AUTHORITY	3
APPLICATION	3
SEVERABILITY.....	3
SUPERSEDED RULES AND REGULATIONS	3
INTRODUCTION.....	4
RESTRICTED FINFISH	5
Scup.....	5
Summer Flounder	7
Tautog.....	9
Striped Bass	10
Black Sea Bass.....	13
NON-RESTRICTED FINFISH	13
Winter Flounder	13
Bluefish	15
Monkfish	17
Cod	19
LICENSING OPTIONS AND RECOMMENDATIONS	21
LITERATURE CITED	23
TABLES	27
EFFECTIVE DATE PAGE.....	32

PURPOSE

The purpose of these rules and regulations is to manage the marine resources of Rhode Island.

AUTHORITY

These rules and regulations are promulgated pursuant to 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.

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.

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.

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 this regulation 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.

2015 Sector Management Plan for the Finfish Fishery

INTRODUCTION

During the 2002 legislative session the General Assembly adopted the Commercial Fisheries Management Act, implementing 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; however, provisions providing the authority to limit access were included. Fisheries identified for consideration of limited access are those “for which there is adequate or greater than adequate harvesting capacity currently in the fishery” and those that are managed under a state quota system. In accordance with RIGL Section 20–2.1-9(5), this management plan has been developed to identify fisheries that the Department of Environmental Management (DEM) proposes to limit entry at current levels of effort and fisheries for which new licenses may be issued.

Regulations implemented by DEM in 2002 created two endorsement categories for finfish, restricted and non-restricted. The restricted category is reserved for species that DEM chooses to limit effort to multipurpose license (MPURP) holders and principal effort license (PEL) holders with a restricted finfish endorsement while species in the non-restricted category are available to all participants including new participants issued a basic commercial fishing license (CFL) with a non-restricted endorsement.

Since promulgation, six species were listed in the restricted category; striped bass, scup, summer flounder, black sea bass, winter flounder, 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). There were a total of 1,074 license holders eligible to harvest the restricted species in 2014. Nine (9) new restricted finfish endorsements for PEL fishing licenses were issued for the 2014 fishing season and 373 non-restricted finfish endorsements were issued for the 2014 fishing season (Table 2). The Division of Fish and Wildlife (DFW) proposes issuing new licenses to harvest species in the non-restricted category, which contains all other species not included in the restricted category. The DFW also recommends allowing restricted endorsements to be issued for the 2015 fishing season, as the new endorsements issued for 2014 did not impact the restricted species quotas negatively and 17 PEL and MPURP licenses were not renewed in 2014.

This management plan will be updated on an annual basis and the list of restricted and non-restricted species will be evaluated with respect to stock status, quotas, current performance of the fishery, etc. A review of the number of restricted finfish licenses renewed will be conducted in consideration of exit-entry ratios needed to attain desired effort levels (i.e. those effort levels that can be maintained while keeping fisheries open with economically viable possession limits). Based on this information, DEM will propose for public hearing a new management plan each year.

RESTRICTED FINFISH

Summarized below are the stock status reports, management programs, and performance reports of species relegated to the restricted finfish category. All of these species are currently managed through a state quota system, with the exception of winter flounder. DEM's interest in limiting participation in the quota-managed fisheries is not based purely on concern for stock dynamics since quotas limit total landings within the State and since these species are migratory, Rhode Island landings account for only a portion of the total. The main concern is with allowing too much effort on the resource, which would impact current license holders through shorter seasons, lower possession limits, and ultimately fewer pounds of fish. The primary goal for quota-managed fisheries has been to keep seasons open as long as possible. At times this results in low possession limits that are not economically viable for the whole industry. Furthermore, shorter seasons resulting from increased effort would also lead to an increase in regulatory discards since fishing activity continues during closures due to the multi species nature of the fishing industry. Many quota-managed species when closed are captured as by-catch by industry targeting species that are open for harvest.

Several questions need to be addressed with regard to expansion of effort in these fisheries. First, have management goals been satisfied with the current conditions? The management goals, as previously mentioned, are full seasons with reasonable possession limits. Ideally, fisheries would remain open throughout the season with possession limits that are profitable for the industry and that diminish regulatory discards. 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 most likely be? Finally, what would be the impact of increased effort?

SCUP

Stock Status: The scup stock is no longer considered overfished and overfishing is not occurring. Previously, the scup resource was defined as overfished when the three-year average of the spawning stock biomass (SSB) index, based on the Northeast Fisheries Science Center's (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 ASAP (age structured assessment program). The update of this model indicated that the 2011 SSB level for the scup stock is 189,964 mt, well above the SSB target of 92,034 mt (Terceiro 2012a). SSB is projected to remain above the target as indicated in the most recent assessment update. The overfishing definition for the scup resource is defined as the fishing mortality (F) $F_{40\%} = F_{msy} = 0.177$. The most recent terminal year reference point from the stock assessment update for scup concluded that overfishing was not occurring with $F_{2011} = 0.034$ (Terceiro 2012a).

Management Program: DEM manages scup within state waters based on advice from the Rhode Island Marine Fisheries Council (RIMFC) and DFW. Regional management of the scup resource is the shared responsibility of the Mid-Atlantic Fishery Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (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. Beginning in 2004 the fishery remained open for the entire season. In 2014 the quota for the general category was 1,921,327 pounds, a decrease of 138,346 pounds from 2013. The 2014 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. In 2008, an aggregate program was implemented in state waters. The program performed well since its inception, 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 category was allocated 2,881,991 pounds in 2014. This sector has only harvested 10% of its quota so far in 2014. 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 2014. As of the date of this report, 69% of the floating fish trap quota has been rolled in to the general category fishery.

DFW Recommendation: The quota for 2015 has been reviewed by the ASMFC and MAFMC (Table 3). The quota will be less than the quota seen in 2014 by 6%. Catch rates in 2014 were high as of the writing of this document, and the quota so far has been adequate to maintain an open fishery without any possession limit adjustments. The DFW recommends keeping effort at the current level in the commercial scup fishery during the summer state quota period to account for potential high catch rates in subsequent years which will work towards keeping an open fishery. One additional recommendation is to leave scup out of the restricted species category during the winter sub periods where the quota is managed by the federal government. This would continue to allow for scup to come in to the state from any license holder fishing during this federal period, but will not have adverse impacts to any state waters quota. The

modification to scup during the federal management period did not have any negative impacts in 2014 and allowed this resource to be landed in RI without unneeded restrictions.

SUMMER FLOUNDER

Stock Status: In 2013, the stock assessment and biological reference points for the summer flounder stock were updated and reviewed through a benchmark assessment process. The new assessment results, using the ASAP modeling approach similar to scup, indicated that the summer flounder resource is not experiencing overfishing and is not overfished relative to the established biological reference points. The most recent stock assessment continues to indicate no overfishing, not overfished, and in the latest update indicates that the stock was considered fully rebuilt in 2010 (NEFSC 2013c). 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 2012 was estimated to be 125.97 million lbs. This is 8% below the SSBtarget = 137.55 million lbs. The overfishing definition for the summer flounder stock is defined as $F_{msy} = 0.31$. The 2012 fishing mortality rate estimate ($F_{2012} = 0.29$) is below the fishing mortality reference point. Fishing mortality in 2012 may have been higher, as a retrospective analysis indicated that the current assessment method tends to underestimate F in recent years. This retrospective pattern, however, is reduced compared to the previous stock assessment.

Management Program: The DEM manages summer flounder within state waters based on advice from the RIMFC and DFW. Regional management of the summer flounder resource is the shared responsibility of MAFMC and 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). Along with the combining of the summer sub periods, the management plan also included two closure days (Friday and Saturday) in an effort to curtail the weekly landings and extend the season. 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 2011, and in to 2012 with two significant changes. The 2012 fishing year saw the termination of a pilot program set up to test the use of “sectors” for summer flounder management in RI, and in addition, the Friday and Saturday closed days were reopened. The 2012 management plan was extended in to 2013. A further modification was put in place for 2014, 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.

The sector pilot program that had operated in the state was ended in 2012 so that a thorough analysis and vetting of the program could be undertaken. The information from the pilot programs was presented during a summer flounder symposium in early 2012. A second summer flounder workshop was then held in January of 2013 to continue the discussion on summer flounder management in RI. A new program has not been established, but discussions and review of this management type continue. 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 predicted increase in 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 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 fishing year has remained open with one downward modification to the possession limits to prevent an early closure. The summer has remained open to date, and is projected to be fully harvested without a closure.

DFW Recommendation: The quota for 2015 has been reviewed by the ASMFC and MAFMC (Table 3). The quota will see a slight increase of 2% in 2015. 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 or possession limit decreases. DFW recommends maintaining effort at or below the current level in the commercial summer flounder fishery and to leave summer flounder in the restricted species category.

TAUTOG

Stock Status: The ASMFC Tautog Technical Committee completed the most recent coastwide assessment of tautog in 2011 (ASMFC 2011a). Results indicated that coastwide fishing mortality rates have increased since 2005. The stock was found to be experiencing overfishing in 2009 (Faverage 2007-2009=0.38); indicating it was significantly above the target F rate (FTarget = 0.15, recently adjusted via addendum VI). The assessment through 2005 indicated a slight increase in biomass and recruitment for recent years; however the biomass increases were not adequate to rebuild the stock in a reasonable time frame. There are also indications that a considerable proportion of the recent growth in the stock is from fish younger than spawning age. 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. An addendum was initiated in 2010 that decrease the fishing mortality target to F=0.15 in an effort to promote biomass increases at a faster rate, the addendum was approved in 2011. This addendum also required states to reduce harvest to meet this new F target.

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. The most recent regional stock assessment indicated a decrease in fishing mortality to F2009 = 0.12, below the new Ftarget = 0.15, thus overfishing is not currently occurring. Spawning stock has not responded in a significant way and remains below the SSB target of 8,750 mt with the 2009 estimate being SSB2009 = 4,000 mt, thus the stock is

overfished. Commercial landings have not risen appreciably since plan implementation in RI due to the constraint of a quota. Indices of abundance based on the DFW trawl survey indicate a flat trend in abundance locally (Olszewski 2013). Abundance indices for young-of-year tautog, point to sporadic changes in abundance over the past several years, overall indicating a downward trend (McNamee 2013). These trends coupled with new regional approaches to stock assessment for these species may lead to a need for harvest restrictions in the coming years.

Management Program: The tautog resource is managed within state waters by the DEM with advice from the RIMFC and DFW. 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 2014, 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: Since the beginning of the tautog management plan in RI, the commercial tautog fishery has closed early with excessive overages in the spring season. 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 2013 and 2014 had only small overages relative to recent years.

DFW Recommendation: DFW recommends maintaining effort at or below the current level in the commercial tautog fishery and to leave tautog in the restricted species category.

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 F reference points to be consistent with

the spawning stock biomass reference points. Total fishing mortality (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).

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.

In 2013, in response to the findings of the benchmark stock assessment, the Board initiated the development of draft Addendum IV to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan. The draft addendum proposes options for fishing mortality reference points as well as a suite of management options for the recreational and commercial fisheries. At their August 2014 meeting, the Board reviewed the draft addendum and approved the draft addendum for public comment. A public comment period is now open and will be open through 5pm on September 30th. During this public comment period, public hearings will be held in states that request them. Following the public comment period the Board will review the draft Addendum and all public comment at their October meeting and render a decision. Implementation of the addendum will occur January 1, 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 2013. 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 2013 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. These changes were maintained in 2008 through the present.

Performance of Fishery and Quotas: The 2013 general category quota was 146,107 pounds and the first sub-period quota was fully harvested within 15 days. The second sub period was initially open for 7 days. Due to an under-harvest, there was a single day re-opening 5 days after the initial closure. DFW staff waited a period of 5 days to ensure that all dealer reports had been submitted and they could accurately calculate how much quota remained. At the end of the second sub-period there was a small overage for the general category of 5,191 pounds. The floating fish traps agreed to rollover pounds from the fish trap quota to cover this overage. The floating fish trap quota was initially 93,586 pounds in 2013 and decreased to 88,395 pounds after the rollover to the general category. Of this, the floating fish traps only harvested 79,996, leaving 8,399 pounds un-harvested. The DFW attempted to re-open the general category fishery to allow the general category the opportunity to catch the un-harvested floating fish trap quota, however it was too late in the year and landings during the re-opening were negligible.

The total RI commercial striped bass quota for 2014 is 239,963 pounds. The general category received 61% of this and therefore has a quota of 146,377 pounds. The split between the two seasons for the general category is 70% for the first season and 30% for the second season in 2014. So far in 2014 the first sub-period quota was fully harvested in 15 days and had an underage of 3,185 pounds. Max landings per day during this sub-period were ~13,000 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 ~47,000 pounds to be harvested and will open on September 8th. The floating fish trap quota is 93,586 pounds in 2014, of which 15,096 pounds has been harvested at the time of this report writing. In 2014, a regulation was instituted that would allow DFW to rollover any unused portion of the floating fish trap quota as they deemed fit beginning October 15. This rollover date should prevent an underage from occurring in 2014 like that which occurred in 2013.

DFW Recommendation: Commercial quotas of the magnitude needed to keep the fishery open throughout most of the season are unlikely in the next few years because the most recent stock assessments indicate that the population of striped bass has declined in abundance since the high level observed in 2004 and the recreational catch has increased over recent years. DFW recommends maintaining effort at or below the current level in the commercial striped bass fishery and to leave striped bass in the restricted species category.

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). This model was updated and it estimated that the 2011 SSB level for the black sea bass stock is 11,145 mt, below the SSB target of $SSB_{msy} = SSB_{40\%} = 12,537$ mt (Shepherd 2012a). The most recent update indicates that biomass remains at high levels despite the recent declines in biomass. The overfishing definition for the black sea bass resource is defined as the fishing mortality (F) $F_{40\%} = F_{msy} = 0.42$. The most recent stock assessment update for black sea bass concluded that overfishing was not occurring ($F_{2011} = 0.21$). 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. The finding was reassessed in 2013. While the SSC did not change their opinion of the current stock assessment model and its ability to determine an over fishing limit, they did reconsider the level of constant catch and allowed for additional catch to occur in this fishery, increasing the coastwide quota by 1 million pounds in 2014, a portion of which came to increase the RI state quota.

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 2014 due to the quota remaining at low levels. This trend is expected to continue in to 2015. RI's quota in 2014 was 238,700 pounds. The quota for 2015 will remain close to the quota allowed for in 2014. 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: For 2015, the DFW continues to recommend maintaining effort at or below current levels in the commercial black sea bass fishery and to leave black sea bass in the restricted species category.

NON-RESTRICTED FINFISH

The species included in the non-restricted categories include all species of finfish with the exception of those listed in the restricted category. All species for which the state is allocated a quota are listed as restricted with the exception of bluefish, since the quota allocated to the state has been more than the industry is able to harvest since it was implemented. Three additional species have self imposed quotas applied to them in RI state waters: menhaden, cod, and monkfish. Stock status and management are summarized for bluefish, menhaden, cod, and monkfish.

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).

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 2013-2014 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 5,000 lb/vsl/day 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 2014 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. The rationale for placing this species in the restricted category is based on the low levels of abundance locally and overfishing on a regional basis.

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 bluefish stock is not considered overfished and overfishing is not occurring according to the 2014 stock assessment update. The update indicated that the 2013 total biomass estimate for the bluefish stock is 123,716 mt, which is above the biomass threshold ($1/2 B_{msy}$) = 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 stock is currently scheduled to be completed in 2015.

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 1 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.

In 2013 the commercial quota was 617,902 pounds, of which 456,910 was harvested, ~74% of the quota. The commercial bluefish quota in RI for 2014 is 507,786 pounds, a slight reduction from the 2013 quota. As of this writing ~119,000 pounds of bluefish

have been harvested in 2014. No closures have been implemented, nor are any projected to occur.

DFW Recommendation: DFW's recommendation is to allow effort to increase above current levels in the commercial bluefish fishery and to leave bluefish in the non-restricted species category. In the future, if effort increases beyond what the quota can sustain and remain open for the entire year, or if the quota decreases to lower levels due to the stock status, DFW will re-assess whether bluefish needs to be moved in to the restricted species category, or a more likely scenario would be to implement more restrictive possession limits and seasons in order to control harvest.

MENHADEN

Stock Status: 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 2012. The 2012 assessment update was deemed to be inappropriate for management purposes though the technical committee did conclude that overfishing was occurring on menhaden at some level (ASMFC 2012). The ASMFC Atlantic Menhaden Technical Committee went on to state that because the stock is assessed as a single coastwide unit, the assessment might not account for factors affecting the stock at the local level such as fishing, predation, or climatological events. Recently, the Technical Committee has worked on looking at new reference points with which to measure stock status. The management board approved what they called an "interim" reference point of maximum spawning potential (MSP) which resulted in a new reference point of $F15\%MSP=1.32$. A final item being worked on by the Technical Committee is the consideration of ecosystem based reference points. These items are being studied and may be important factors for future stock status determinations. Amendment 2 to the Atlantic menhaden FMP was approved in 2013. The intent of the amendment was to set the management measures to bring the stock status to the new MSP reference points. The next benchmark stock assessment for Atlantic menhaden is scheduled to be peer reviewed in December 2014.

Management Program: Atlantic Menhaden are managed in RI through the use of seasons and management areas. In general, Narragansett Bay in its entirety is designated a Menhaden Management Area. The Management Area allows purse seine fishing for menhaden through the main stems of Narragansett Bay while excluding the Providence River. There are also weekend, holiday, and Sunday closures in the Bay. Beginning January 9, 2003, purse seining for menhaden for use in the reduction fishery was prohibited in RI state waters. This regulation is still in effect. 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 will close 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.

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 2014.

DFW Recommendation: At this point the DFW's recommendation is to allow effort to remain at or below current levels in the menhaden bait fishery and to leave menhaden in the non-restricted species category. 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 (2014 = 178 purse seine endorsements) has decreased slightly from the 2012 level (189 endorsements) however the current level is an unsustainable number and it may be necessary to institute a history based restriction in the future if a large percentage of the existing latent effort becomes activated.

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 (i.e. update) 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 per-reviewed SAW 50 benchmark stock assessment (NEFSC 2010e). Although the recent operational stock assessment recalculated the fishing mortality rate corresponding to the overfishing threshold (F_{max}) and updated the biomass reference points (BRPs) that were generated in SAW 50 (NEFSC 2010) the stock status remained unchanged for both stock components. Specifically, the SMA stock is not overfished and overfishing is not occurring.

Results from the Statistical Catch At Length (i.e. SCALE) model used for both the recent update (NEFSC 2013b) and in SAW 50 (NEFSC 2010) still contain high levels of uncertainty due to weaknesses in input data, such as under-reported landings and unknown discards during the 1980s, incomplete understanding of key biological parameters such as age and growth, longevity, natural mortality, sex ratios and stock structure, and the relatively short reference time frame of the model (i.e. no information prior to 1980) (NEFSC 2013b). The current update also retained the retrospective pattern from SAW 50, which potentially underestimates F and overestimates biomass. The current 2011 estimate of fishing mortality is $F_{2011} = 0.11$ (retrospective bias -22%, corrected $F_{2011} = 0.14$) does not exceed the new updated definition of $F_{max} = 0.37$. The southern monkfish stock is considered overfished when total biomass falls below $B_{threshold} = 23,204\text{mt}$ (revised OFL equal to a 36% reduction from the previous 35,834 mt estimate based on September 2013 NEFMC Science and Statistical Committee (SSC) decision). Total biomass in 2011 was estimated to be approximately 131,218 mt (retrospective bias +24%, corrected total biomass = 88,806 mt), above both $B_{target} = 71,667\text{ mt}$ and $B_{threshold}$. Although the NEFMC's revised the estimates of OFL for both monkfish stocks, it recommended status quo ABC for both the northern (7,592mt) and southern (12,316mt) stocks for FY 2014-2016.

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 fishing year, with a minimum size limit of 11" tails or 17" whole fish.

Performance of Fishery and Quotas: During the 2009 fishing year state-water landings approached 90% of the quota; however, the threshold was not reached and there was no disruption to the fishery. During the 2010 fishing year state-water landings approached 90% of the quota in late October and the possession limit was reduced per regulation, which closed the directed monkfish fishery in state waters. Total state-water landings for the 2010 fishing year were 106,518 lbs or 97% of the state quota. The increase in state-water landings from the 2009 to 2010 fishing year was in part attributed to increased biomass in state waters, as well as increased participation in the state-water fishery by vessels with access to federal monkfish permits. The latter appears to have reduced duration of the directed RI state-water monkfish fishery and the portion of quota available to state-water only vessels.

Total state-water landings for the 2011 and 2012 fishing years were 182,443 lbs (71% increase from 2010) and 144,599 lbs (21% decrease from 2011), respectively. As of March 13, 2014 the estimated state-water landings for the 2013 fishing year was 164,111 (~13.5% increase from 2012) and represented 42% of the state possession limit reduction threshold (2% SMA TAL) and 28% of the state quota (3% SMA TAL). Note these are not finalized year-end totals, and updated totals will be provided when finalized. 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: The rationale for leaving this species in the unrestricted 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. DFW's recommendation is to allow effort to increase above current levels in the commercial monkfish fisheries and to leave monkfish in the non-restricted species category. In the future, if effort increases beyond what the state imposed quotas can sustain and remain open for most if not the entire year, or if the quota decreases to lower levels due to the stock status, DFW will re-assess whether monkfish need to be moved in to the restricted species category. An alternative scenario would be to implement more restrictive possession limits or seasons in order 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 GB Cod annual catch limit (ACL) for the 2013 fishing year

will be 58% lower than in 2012 ACL (NEFMC 2013). Based on the results of SAW 55 (NEFSC 2013a) the current non-parametric biological reference points (BRP) for GB cod, based on F40% are: SSB2011 = 13,216 mt; F2011 = 0.43; FMSY proxy (F40%) = 0.18, SSBMSY proxy = 186,535 mt (80% CI: 155,398 - 220,756), and MSY proxy = 30,622 mt, (80% CI: 25,450- 36,302). Based on the accepted BASE ASAP model results, adjusted for retrospective bias, the stock is overfished (SSB2011 = 13,216 mt < ½ SSBMSY) and overfishing is occurring (F2011 = 0.43 > F40%).

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 48 to the Northeast Multispecies FMP (NEFMC 2013) specified the total annual catch limits (ACL) and sub-ACLs for GB cod for 2013-2015 fishing years, which as stated above are ~ 58% lower than recent years. More specifically the 2013 ACL for GB Cod is 1,907 mt, which converts to a 19.07 mt or 42,042 lbs RI state-water quota.

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.

Performance of Fishery and Quotas: The state quota for cod has not been met since its inception in 2009. During the 2009 fishing year state landings of cod equaled 5, 233 lbs or 6.8% of the 77,307 lb state quota. During the 2010 and 2011 fishing years state landings of cod equaled 13,653 lbs (17.1% of the 79,821 lb state quota) and 15,538 lbs (15.5% of the 100,090 lb state quota), respectively. During the 2012 fishing year state landings of cod equaled 31,868 lbs (32% of the state quota), which is more than double the 2011 total state landings. Considering the both dramatic increase in state-water landings and the decrease in the federal ACL, it appeared the possession limit reduction could be triggered in the 2013 fishing year (2013 trigger is 37,838 (90% of 2013 state-water quota of 42,042 lbs). However, as of March 13, 2014 the estimated state-water landings for the 2013 fishing year was 8,096 lbs, which is an ~74.5% reduction from 2012 and represents only 19% of the state-water quota. Note these are not finalized year-end totals, and updated totals will be provided this fall. 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: The rationale for leaving cod in the unrestricted category is based on the ephemeral nature, as well as relatively low levels of cod abundance in state waters, relative to the state quota. DFW's recommendation is to allow effort to increase above current levels in the commercial cod fisheries and to leave cod in the non-restricted species category. In the future, if effort increases beyond what the state imposed quotas can sustain and remain open for most, if not the entire year, or if the quota decreases to lower levels due to the stock status, DFW will re-assess whether cod need to be moved in to the restricted species category. An alternative scenario would be to implement more restrictive possession limits and seasons in order to control harvest.

LICENSING OPTIONS AND RECOMMENDATIONS

For the 2014 fishing season, DEM issued 9 new PEL licenses with a Restricted Finfish Endorsement. This decision 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 eligible to harvest restricted species that was 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. The 9 new endorsements were made available at a full harvest level. A total of 17 licenses - 13 MPURP + 4 PEL - that were eligible to catch restricted finfish in 2013 were not renewed for 2014. Of these 17 licenses, **X** had some activity associated with them. Constraining the new license opportunities to those that were retired and had some activity protects against dramatically increasing effort.

RI Marine Fisheries Council Advice: **[PENDING]** The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing and recommended status quo for the restricted finfish fishery in 2014. To continue to apply a 1:1 exit/entry ratio to active licenses (MPURP + PEL w/RFF) that retired in 2013, with active being any level of reported landings of restricted finfish during the prior calendar year. This would allow 9 new PEL licenses with a Restricted Finfish Endorsement to be made available for 2014.

The RIMFC recommendation to the Director was to remain with the status quo as the IAC had recommended, allowing 9 new PEL licenses with a Restricted Finfish Endorsement to be made available for 2014.]

Of the non-renewals mentioned above, **X** had some level of fishing effort (based on 2013 landings data from SAFIS). The catch rates of the 2014 restricted finfish species were similar or less than the rates in 2013; therefore the increase in licenses made available in 2014 did not translate into a noticeable increase in effort on these species.

The quota allocated to RI in 2015 for a few of the restricted finfish and quota species (i.e., black sea bass, tautog, striped bass, and scup) are assumed to be equal to or less than in 2014. As stated by the legislature 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” while “Providing 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(ing) 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.”

DFW Recommendation: To protect against increasing effort on decreasing or stagnant quotas, while allowing some increase in effort on species that are not currently experiencing stock impairment (i.e. the non-restricted species), DFW recommends to not dramatically increase effort on any of the restricted species, but to allow effort to be maintained at current levels, or to have modest increases in effort in the case of scup. Since active licenses have left the fishery in 2014, DFW feels that replacing these licenses with an exit entrance ratio of 1:1 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. As well, there does not appear to be the need to add complexity in to the licensing system by continuing to only allow new entrants a license with restricted possession rules, therefore any new endorsements issued should be at the full harvest level (i.e., PEL). In summary, DFW recommends the following:

1. New restricted finfish endorsements for the 2015 fishing season based on a 1:1 exit/entrance ratio of active licenses that have left the fishery, which would result in X new restricted finfish licenses to be issued at the PEL level in 2015.
2. Maintain open entry in to the non-restricted finfish endorsements.
3. Cap access to the purse seine and pair trawl endorsements and only allow issuance of renewed endorsements (place moratoria on new endorsements).

Director Decision: [PENDING] The Director of DEM supported the recommendations from the RIMFC and DFW by adopting status quo, a 1:1 exit/entry ratio for the restricted finfish fishery allowing 9 new PEL licenses with a Restricted Finfish Endorsement to be made available for 2014.]

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TABLES

Table 1. Historical commercial license counts.

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

Table 2a. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2014 (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	CLOSED	100/day	700/wk or 100/day	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 2014.

2014 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
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

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Table 2b. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2013.

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)	50,000/day (1/1)	CLOSED (1/1)	200/day (1/1)	300/day (1/1)	CLOSED (1/1)
February	750/day	50,000/day	CLOSED	200/day	300/day 2,500/wk or 300/day (2/3)	CLOSED
March	750/day	50,000/day	CLOSED	200/day	2,500/wk or 300/day 2,000/wk or 300/day (3/3)	CLOSED
April	750/day 200/day (4/14) CLOSED (4/21)	50,000/day	CLOSED	200/day 100/day (4/21)	2,000/wk or 300/day (4/1) 1,000/wk or 200/day (4/14) 100/day (4/21)	CLOSED 10 fish (4/15)
May	50/day (5/1)	10,000/wk (5/1) 5,000/wk (5/26)	CLOSED	100/day	100/day	10 fish CLOSED (5/12)
June	50/day CLOSED (6/3)	5,000/wk	CLOSED 5 fish (6/6) CLOSED Fri/Sat thru-out CLOSED (6/27)	100/day 50/day (6/23)	700/wk or 100/day (6/1) 350/wk or 50/day (6/23)	CLOSED
July	50/day (7/1) CLOSED (7/31)	5,000/wk (7/1) 10,000/wk (7/7)	CLOSED	50/day	350/wk or 50/day	CLOSED
August	CLOSED	10,000/wk	CLOSED	50/day	350/wk or 50/day 50/day (8/25)	10 fish (8/1)
September	50/day (9/1) CLOSED (9/4)	10,000/wk 15,000/wk (9/29)	CLOSED 5 fish (9/8) CLOSED Fri/Sat thru-out CLOSED (9/17) 5 fish (9/22) CLOSED (9/23)	50/day	50/day	10 fish CLOSED (9/16)
October	CLOSED	15,000/wk 20,000/wk (10/13) 25,000/wk (10/24)	CLOSED	50/day CLOSED (10/10)	50/day CLOSED (10/10)	CLOSED 10 fish (10/15) CLOSED (10/31)
November	50/day (11/1)	8,000/day (11/1)	CLOSED 5 fish (11/24) CLOSED (11/29)	200/day (11/1)	700/day (11/1) 500/day (11/15) 350/day (11/27)	CLOSED
December	50/day CLOSED (12/2)	8,000/day	CLOSED	200/day	350/day 500/day (12/14) 700/day (12/25)	CLOSED
Days in Season	334	365	202	365	365	169
Days Closed	157	0	167	0	22	75

Table 2b. (continued) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2013.

2013 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 - Oct. 31 Nov. 1 - Dec. 31	Jan. 1 - April 30 ^F May 1 - July 6 July 7 - Sept. 14 Sept. 15 - Oct. 31 Nov. 1 - Dec. 31 ^F	June 6 - Aug. 31* Sept. 8 - Dec. 31*	Jan. 1 - April 30 May 1 - Oct. 31 Nov. 1 - Dec. 31	April 15 - May 31 Aug 1 - Sept. 15 Oct. 15- Dec. 31
2013 COMMERCIAL QUOTAS				
Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder	Tautog
238,700	2,059,673	146,107	1,794,100	51,348

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

^F Federal coastwide quota

* Closed Fridays and Saturdays

Table 3. The proposed 2015 Coastwide Commercial Quotas being considered by the ASMFC and MAFMC in comparison the 2014 Commercial Quotas. The limits proposed for 2015 will be sent to NOAA for final approval. The values in the table represent millions of pounds and are preliminary until approved by NOAA fisheries.

Species	2014	2015
Scup	21.95	20.60
Summer Flounder	10.51	10.74
Black Sea Bass	2.17	2.17
Bluefish	3.30	2.07

Table 4. Summary of actions to date for the 2014 RI commercial menhaden fishery.

Date	Action	Area	Reason
5/12/14	OPEN	NB Management Area	Biomass threshold
5/23/14	CLOSED	State waters outside NB Management Area	State quota fully harvested
5/30/14	OPEN	State waters outside NB Management Area	RI opted into Episodic Event set aside program
7/14/14	CLOSED	NB Management Area	Biomass threshold

EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this **Date** to become effective 20 days from filing, unless otherwise indicated below, in accordance with the provisions of 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..

Janet L. Coit, Director
 Department of Environmental Management

Notice Given: 08/29/2014
 Public Hearing: 09/30/2014

Filing date: XX/XX/2014
 Effective date: XX/XX/2014

ERLID# 7444

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

DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES



2015 Sector Management Plan for the Shellfish Fishery

Developed in association with the commercial fishing licensing provisions set forth in the “Commercial and Recreational Saltwater Fishing Licensing Regulations”

FILING DATE

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

PURPOSE	3
AUTHORITY	3
APPLICATION.....	3
SEVERABILITY.....	3
SUPERSEDED RULES AND REGULATIONS.....	3
QUAHAUG ENDORSEMENT	4
SOFT-SHELL CLAM ENDORSEMENT.....	7
WHELK ENDORSEMENT.....	9
OTHER SHELLFISH ENDORSEMENTS	11
SHELLFISH HARVESTING METHODS CLARIFICATION.....	12
LITERATURE CITED	13
TABLES AND FIGURES	14
EFFECTIVE DATE PAGE	20

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PURPOSE

The purpose of these rules and regulations is to manage the marine resources of Rhode Island.

AUTHORITY

These rules and regulations are promulgated pursuant to 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..

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.

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.

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 this regulation 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

2015 Sector Management Plan for the Shellfish Fishery

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 (Figure 1) but there has been an increasing trend in both landings and catch per unit effort since then (Figure 2). In 2013 landings totaled 2,759 metric tons (6.08 million lbs., Table 1), which is a 12% decrease from 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 (64%), followed by top-necks (23%), chowders (10%) and cherrystones (3%).

Resource Assessment: RI Division of Fish and Wildlife (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 Department 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 Department 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 precise estimates of biomass by size class. In 2012 Greenwich Bay and the High Banks Management Area and surrounding waters were sampled extensively (Figure 3). At the request of industry, the High Banks Management area was opened year round beginning May 1, 2013 after it was determined that the area could sustain higher levels of harvest based upon the surveys and landings data from SAFIS. In 2013 a large portion of the northern Bay were sampled and the remaining stations in the Bay

will be sampled in 2014.

Management Program: Quahaugs are managed entirely within state waters by the RI Department of Environmental Management (DEM) with advice from the Rhode Island Marine Fisheries Council (RIMFC). The DEM, through the DFWDFW, 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.

Fishery Management Goals and Objectives:

Goal: The following goal is consistent with the objectives of the Rhode Island quahaug management plan (Ganz et al. 1999).

Rhode Island will have a healthy bay quahaug 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 that minimize the risk of stock depletion and recruitment failure.
2. Conserve, enhance, and rebuild quahaug resources in Narragansett Bay and the coastal ponds with appropriate management strategies including transplanting, area closures, establishment of spawner sanctuaries, and daily possession limits based upon sustainability.
3. Maintain existing social and cultural characteristics of the fishery wherever possible.
4. Provide for cooperative management with industry and efficient operation, consistent with biological objectives.
5. Provide for adaptive management that is responsive to unanticipated short term events or circumstances via establishment of shellfish management areas.
6. Provide for a simple, uniform, and enforceable set of regulations.

Fishery Management and Licensing Recommendations: A 2:1 exit/entry ratio for the quahaug fishery was implemented in 2011. In 2013 RIDEM issued a total of 181 quahaug endorsements for the basic commercial fishing license (CFL) which have limited harvest levels of 3 bushels per day state wide. Thirty of these were to new fishermen who did not have a quahog endorsement the previous year. In total, there were 84 CFL licenses that 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 995 quahogs per day.

In 2014 the Department issued 347 Principal Effort Licenses (PEL) with quahaug

endorsements compared to 376 in 2013, a decrease of 29 licenses. PEL license holders with quahaug endorsements have access to full harvest levels. Of the 376 PEL licenses issued, 182 licenses reported landing quahogs on at least one day. Of those reporting landings the average number of days fished was 71 days with an average of 1,148 quahogs landed each day. In addition, 816 multipurpose (MPURP) licenses were issued in 2014 which also have access to full harvest levels. There were 202 MPURP license holders who reported quahog landings on at least one day and the average number of days fished amongst these fishermen was 63 days with an average of 1,236 quahogs landed each day.

There are two additional license categories that are not subject to the 2:1 exit:entry ratio and are restricted to basic harvest levels. Student shellfish licenses decreased by 1 (from 48 in 2013 to 47 in 2014) but only 19 of these licenses reported any landings in 2013. The average number of days fished by this license group was 28 days and the daily average catch was 273 quahogs. Over 65 shellfish licenses increased by 21 (268 in 2013 to 289 in 2014). Only 26 of these license holders reported any landings in 2013 and the average number of days fished by this license group was 11 days. The average daily catch was 1,592 quahogs.

The provision set forth in the RI Marine Fisheries Commercial and Recreational Saltwater Fishing Licensing Regulations Section 6.7-4 (e) was continued in 2014 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.

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.

RI Marine Fisheries Council Advice: The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing and recommended status quo for the quahaug fishery in 2015. To continue to apply a 2:1 exit/entry ratio to all eligible licenses (MPLs + PELs with a quahaug endorsement) that retired in 2014. This would allow 21 new CFL licenses with a quahaug endorsement to be made available for 2015.

The RIMFC recommended remaining with the status quo as recommended by the IAC which would allow 21 new CFL licenses with a quahaug endorsement to be made available for 2015.

Future Management Considerations and Recommendations: 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. The state is currently in the

process of developing a comprehensive Shellfish Management Plan that will be completed by the end of 2014. The plan puts forth many recommendations that should be considered for implementation in the near future.

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.

The Narragansett Bay Commission's combined sewer overflow project combined with more-intensive water quality monitoring by RIDEM Office of Water Resources (OWR), 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.

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 93.4% statewide in 2013 when compared to 2010. 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 two years the majority of landings have come from the Coastal Ponds comprising 64% of the landings statewide. The harvest in the upper portions of Narragansett Bay was down to only 2.4% of the landings observed in 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 the only change to the existing regulations consisting of increasing the minimum size from 1 ½" to 2". The daily catch limit of 12 bushels was not changed resulting in the biomass being depleted to less than 1/10th it's former abundance, and follow up surveys in the fall of 2011 showed astoundingly low densities (Gibson 2012).

A dynamic depletion model for open populations based on the work of Restrepo (2001) and Sosa-Cordero (2003) was recently 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 is declining from 2006 to present with recruitment failing to replace fishery removals (Gibson 2012). Although the model could benefit from another year of data, present results suggest that the recent increase in minimum size will not by itself stop overfishing and catch limits may need to be reduced to < 3 bushels per day to bring fishing mortality rate into balance with resource productivity (Gibson 2012).

Fishery Management and Licensing Recommendations: Soft-shell clams are managed entirely within state waters by DEM with advice from the RIMFC. For 2008, in response to increased landings and evidence of population decline in upper Narragansett Bay, DEM limited the number of eligible participants in the fishery to the level present in 2007. The DEM issued 155 CFL licenses and 204 PEL licenses with soft-shell clam endorsement for 2014 with 12 new CFL licenses with soft shell endorsements issued. Other restrictions in the fishery include permanent and conditional pollution closures, establishment of Conimicut Shellfish Management Area, a daily possession limit reduction from 12 bushels per day to 3 bushels per day in the area, and a recent minimum size increase to 2 inches statewide.

RI Marine Fisheries Council Advice: The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing and recommended status quo for the soft-shell clam fishery in 2015. To continue to apply a 5:1 exit/entry ratio to all retired licenses (MPLs + PELs w/SS + CFLs w/SS endorsement) that retired in 2014. This would allow 12 new CFL licenses with a soft-shell clam endorsement to be made available for 2015.

The RIMFC recommended remaining with the status quo as recommended by the IAC which would allow 12 new CFL licenses with a soft-shell clam endorsement to be made available for 2015.

Future Management Considerations and Recommendations: 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 decrease 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.

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. Individuals fishing for razor clams have been observed either harvesting soft-shell clams with water pumps and air compressors or facilitating harvest by others through substrate disturbance. These methods facilitate rapid shellfish harvest and make enforcement problematic.

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. As such, it addresses statutory requirements for sustainable shellfish management plans (RIGL 20-2-44) and duties of the Director to develop fishery management plans in support of commercial licensing (RIGL 20-2.1-9(5)).

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 397,330 pounds annually and years 2009-2013 averaging 765,561 pounds annually (Figure 6). The average whelk landings per trip shows a decreasing trend from 2009 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: On the basis of Biomass Dynamic Model observations, it was concluded that $F_{msy} = 0.33$ is an appropriate overfishing reference point for whelk in Rhode Island and an $F = 0.25$ would be an appropriate mortality target providing a buffer between the overfishing threshold. Current F rate is at or below this level indicating that overfishing is not occurring (Gibson 2010). Biomass was estimated to be near the B_{msy} reference level so an overfished condition is not likely. In addition, a Yield Per Recruit (YPR) analysis indicated that the recently the minimum size of 2.5" shell width would produce little benefit to spawning stock biomass since the fishery harvests few animals smaller and some remain immature at 2.5". An increase of 1/8th" over the next two years to a size of 2.75" shell width is estimated to increase SSB/R levels about 7% at current F and provide a pre-cautionary buffer against recruitment declines without reducing fishery yield much. An increase to 3.0" shell width would produce a more substantive increase in SSB/R (23%) but with an YPR loss of 15%. In light of this evidence the minimum size was increased in 2014 from 2 3/4" to 2 7/8" minimum width and an additional 1/8" increase in width to 3" minimum width will occur in 2015.

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).

Fishery Management and Licensing 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. The RIMFC Ad Hoc Whelk Committee met in November 2011 and recommended a license moratorium on new whelk endorsements for the 2013 licensing year, which was adopted and implemented based on the Industry Advisory Committee (IAC) support of

the proposal described in the following section.

RI Marine Fisheries Council Advice: The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing 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 recommended no new whelk endorsements, except to allow those “actively fishing” CFL or PEL license holders with a quahaug and/or a soft-shell clam endorsement as of the immediately preceding year (2014) to obtain a whelk endorsement in 2015. (Note: “Active Fishing” meaning fished at least 75 days in the preceding two calendar years).

OTHER SHELLFISH ENDORSEMENTS

Other species of shellfish commercially harvested within Rhode Island waters include oysters, blue mussels, 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 2013, 315,577 wild oysters (54,900 pounds) were landed in RI. To put this number in perspective, the aquaculture industry in Rhode Island (52 farms) sold 6.4 million oysters in 2013. Therefore only 5% of the oysters from 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 and blue mussels 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 2006, 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 six established shellfish spawner sanctuaries in state waters with habitat suitable for placement of the oysters. They are in designated portions of Winnapaug and Ninigret Ponds, Potters Pond, Jenny's Creek, and Bissell cove. The Nature Conservancy (TNC) is also assisting with restoration efforts.

Licensing Options and Recommendations: DFW recommends no changes for the licensing program for shellfish that fall under the non-quahaug endorsement category, excluding soft-shell clams and whelks until better data is available on their status. It is also recommended that new commercial licenses continue to have basic harvest levels equal to current licensees for this endorsement.

SHELLFISH HARVESTING METHODS CLARIFICATION

Current harvesting regulations were developed and implemented to facilitate harvest of specific shellfish species of economic interest to the commercially fishing community. Permissible harvest methods were implemented with the intent of minimizing habitat impacts and protecting juvenile stocks while allowing a reasonable harvest. As demand has developed for alternative species of mollusks, crustaceans, and finfish; requirements relating to fishing methods have remained stagnant.

Species-specific regulatory language has resulted in commercial fishing activities targeting unregulated (or under-regulated) species. Industry has interpreted existing regulatory language to mean that harvest of unregulated species is permissible by fishing methods considered too intrusive or unsuitable by RIDFW. Examples include: dredging for whelk, horseshoe crabs (and other unregulated species) and 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 species-specific regulations tie the hands of law enforcement. The insufficiencies also make proper resource management and habitat protection problematic.

Regulations need to be crafted that address omissions and insufficiencies in the regulations that do not prevent these activities (and associated impacts) while facilitating intended fishing opportunities.

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TABLES AND FIGURES

Table 1. RI commercial quahaug landings (A= numbers and B= lbs) for 2013 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>	24,281	10,639	891	8,482	44,293	0.1%
RI 1A - Conditional Area A	6,205,888	2,260,822	92,451	1,182,676	9,741,837	28.3%
RI 1B - Conditional Area B	5,937,783	1,982,959	176,569	596,927	8,694,239	25.3%
RI 1C - Conditional Area C	8,257	3,207	1,015	2,683	15,162	0.0%
RI 2 - Greenwich Bay	1,674,587	386,948	24,577	47,569	2,133,680	6.2%
RI 3A,C,F,H - West Passage Management Areas	103,559	38,096	14,772	5,235	161,662	0.5%
RI 3W - West Passage	4,977,544	1,723,105	417,133	687,156	7,804,937	22.7%
RI 4A,B - East Passage	2,905,519	1,314,105	65,436	769,877	5,054,936	14.7%
RI 5A,K - Mount Hope Bay	37,153	20,710	0	15,016	72,879	0.2%
RI 5B - Sakonnet River	58,231	34,835	0	44,570	137,636	0.4%
RI 6B,N,P,Q,W - Coastal Ponds & Block Island	426,107	52,182	5,881	23,372	507,542	1.5%
Grand Total	21,932,802	7,775,426	792,842	3,360,191	34,368,803	-

B

Shellfish Tagging Areas	Pounds (lbs) Landed by Market Size				Total (lbs)	% of Total
	Littleneck	Top Neck	Cherry	Chowder		
<i>Unknown</i>	3,469	1,850	198	3,393	8,910	0.1%
RI 1A - Conditional Area A	886,555	393,186	20,545	473,070	1,773,357	29.2%
RI 1B - Conditional Area B	848,255	344,862	39,238	238,771	1,471,126	24.2%
RI 1C - Conditional Area C	1,180	558	226	1,073		
RI 2 - Greenwich Bay	239,227	67,295	5,461	19,028	331,011	5.4%
RI 3A,C,F,H - West Passage Management Areas	14,794	6,625	3,283	2,094	26,796	0.4%
RI 3W - West Passage	711,078	299,670	92,696	274,862	1,378,306	22.7%
RI 4A,B - East Passage	415,074	228,540	14,541	307,951	966,106	15.9%
RI 5A,K - Mount Hope Bay	5,308	3,602	0	6,007	14,916	0.2%
RI 5B - Sakonnet River	8,319	6,058	0	17,828	32,205	0.5%

RI 6B,N,P,Q,W - Coastal Ponds & Block Island	60,872	9,075	1,307	9,349	80,603	1.3%
Grand Total	3,194,130	1,361,323	177,494	1,353,425	6,083,336	-

Table 2. RI commercial soft-shell clam landings (lbs) for 2008-2012 by shellfish tagging area.

Shellfish Tagging Areas	2008	2009	2010	2011	2012	2013	% Δ '10-'13
<i>Unknown</i>	8,820	46,169	7,922	183	1,134	410	-94.8%
RI 1A - Conditional Area A	519,762	351,635	138,754	66,576	2,371	999	-99.3%
RI 1B,C - Conditional Area B & C	-	-	498,901	46,476	192	92	-100.0%
RI 2 - Greenwich Bay	5,704	4,182	70	358	286	0	-100.0%
RI 3 - West Passage	151,825	72,660	36,227	16,745	10,377	14,453	-60.1%
RI 4 - East Passage	4,856	5,636	2,692	19,400	377	336	-87.5%
RI 5 - Sakonnet River & Mount Hope	860	1,930	427	394	97	157	-63.2%
RI 6 - Coastal Ponds	22,333	12,421	13,602	33,619	27,053	29,334	115.7%
Grand Total	714,160	494,633	698,595	183,751	41,887	45,781	-93.4%

Figure 1. Shell weight (metric tons) of quahaugs commercially landed in Rhode Island from 1946 – 2013.

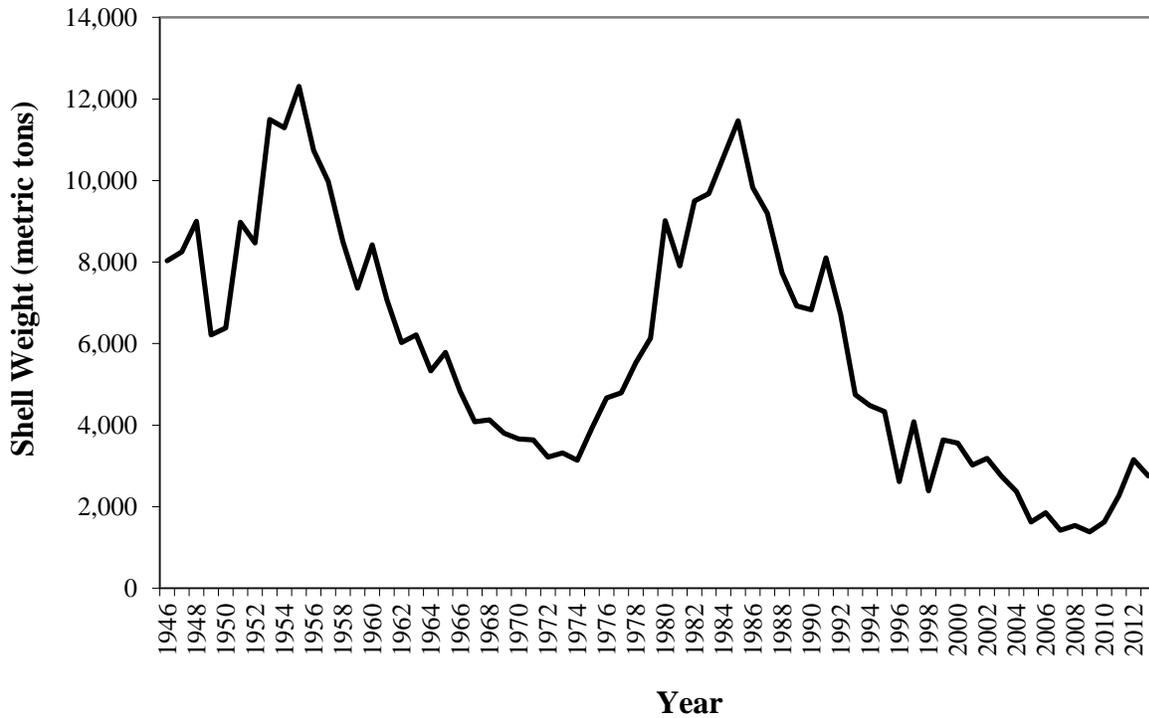


Figure 2. RI commercial quahaug landings in metric tons of shell weight and catch per unit effort (CPUE) from 2006-2013. CPUE was calculated as metric tons landed per year divided by the total number of SAFIS trips.

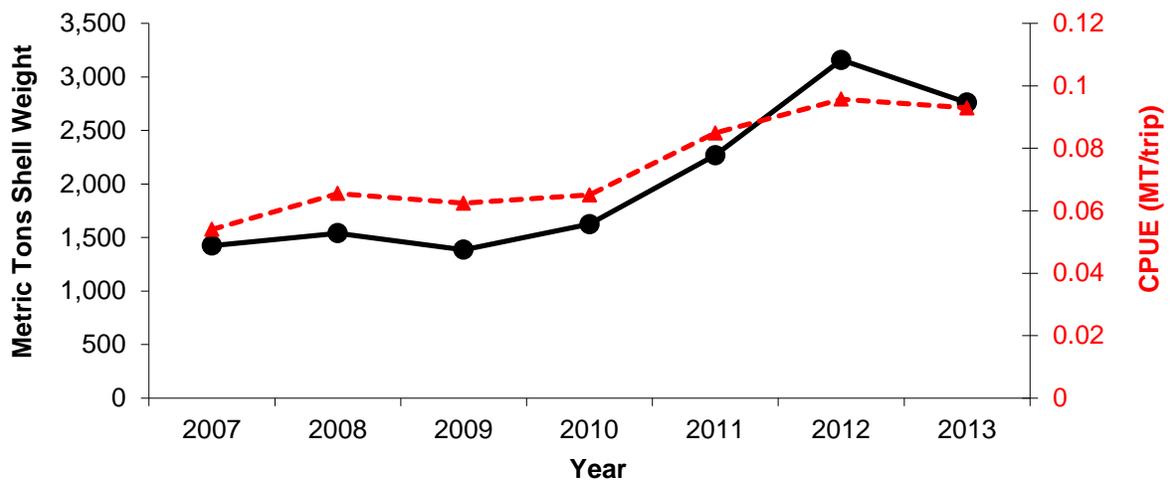


Figure 3. Recent sampling locations and survey strata in Narragansett Bay as measured by RI DEM Fish and Wildlife’s hydraulic dredge survey (2012-2013)

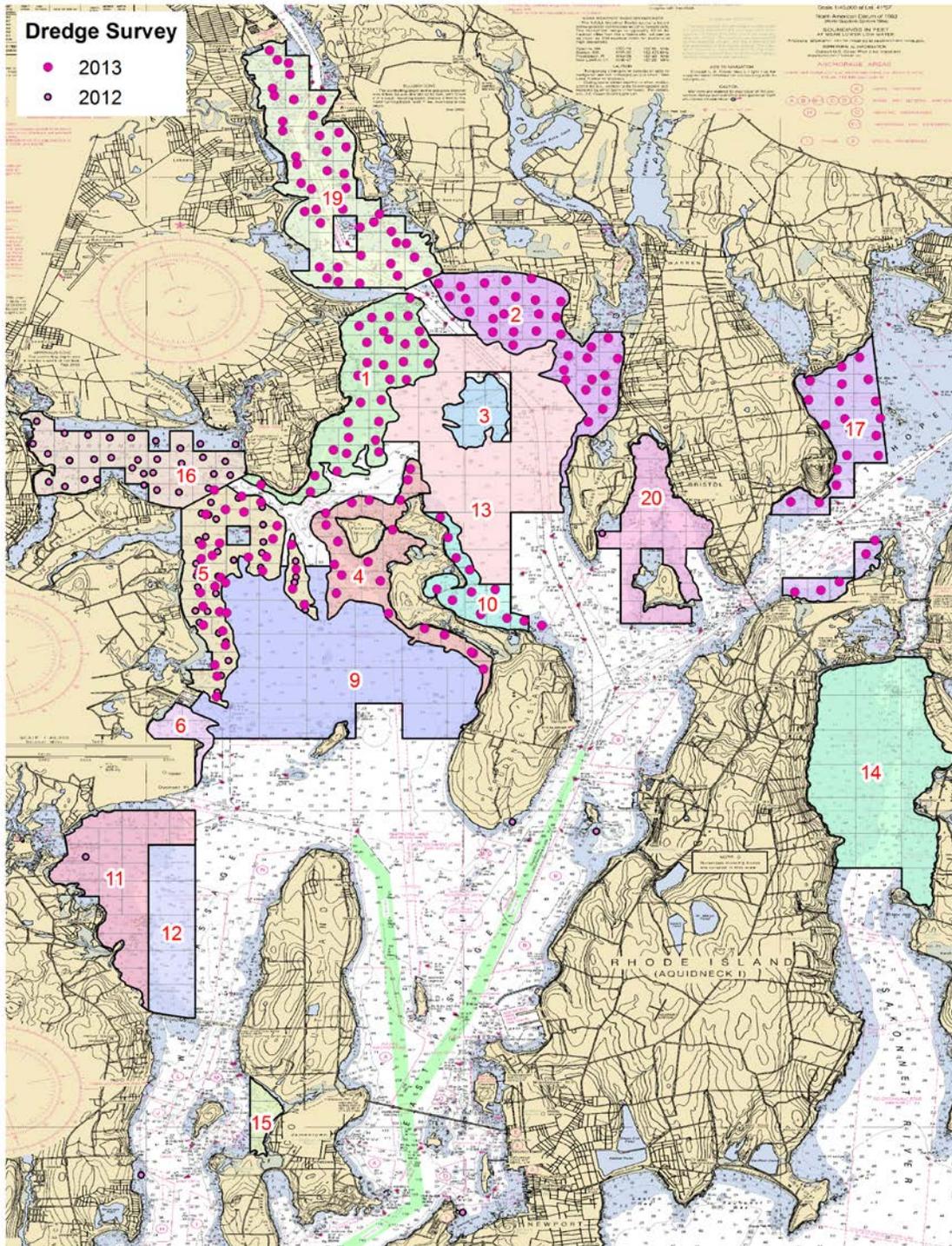


Figure 4. RI commercial soft-shell clam landings (shell weight, metric tons) from 1945-2013.

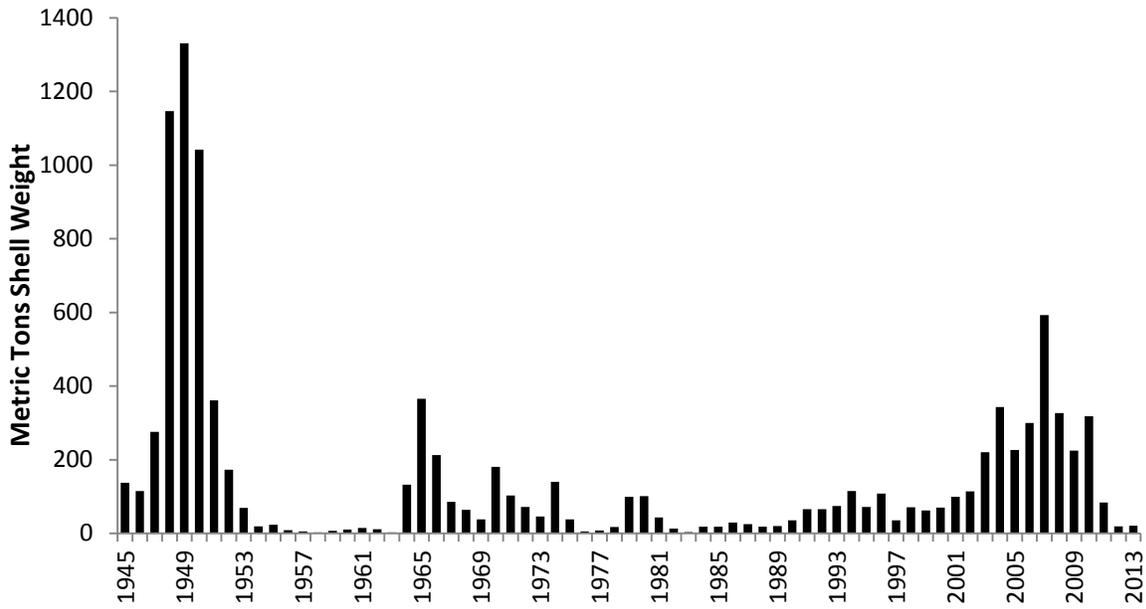


Figure 5. RI commercial soft-shell clam landings and catch per unit effort (CPUE) from 2006-2013. CPUE was calculated as pounds landed divided by the total number of SAFIS trip per year.

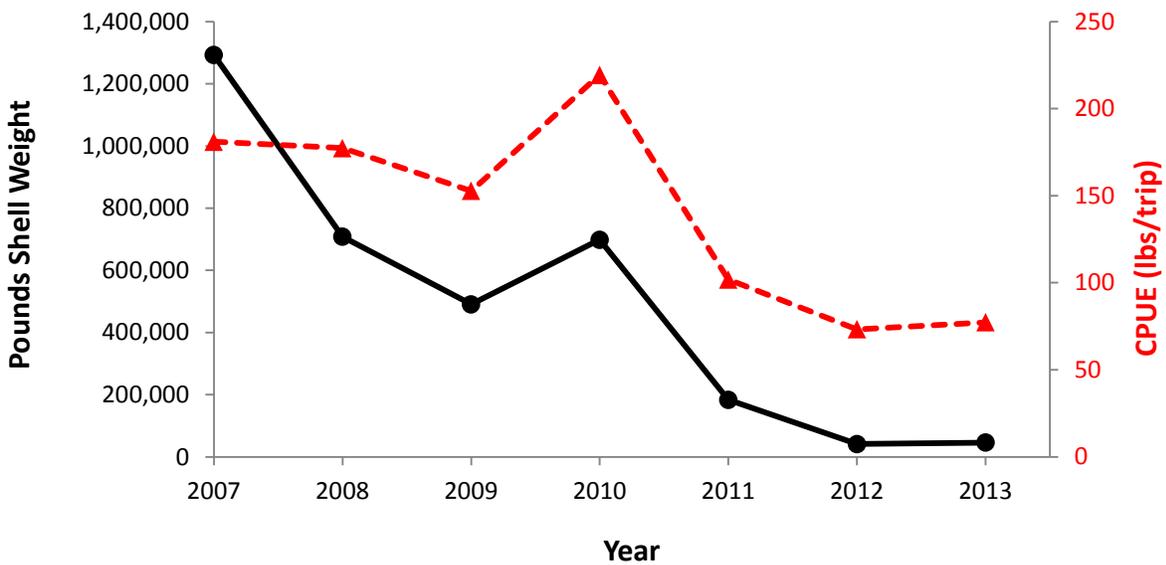


Figure 6. RI commercial whelk landings (species combined) for 2006-2013.

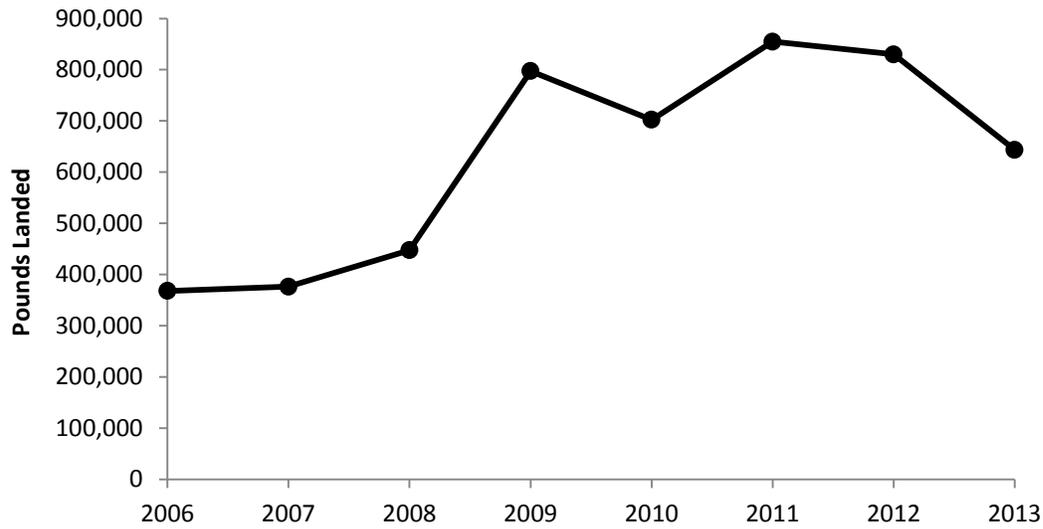
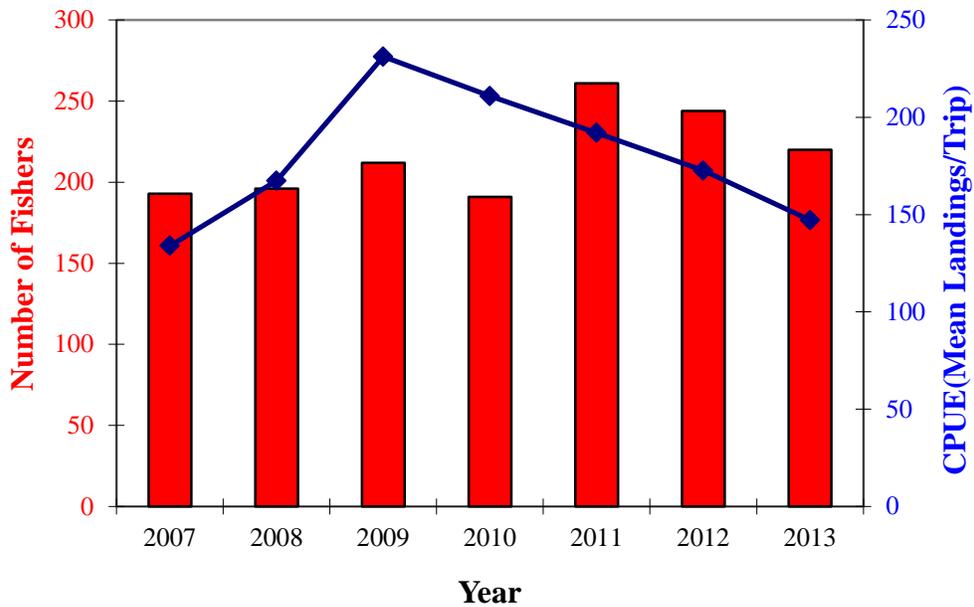


Figure 7. Number of reported fishers active in the fishery and mean landings per fisher per day recorded in SAFIS in the RI commercial whelk fishery from 2007-2013.



Rule 8. EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this **Date** to become effective 20 days from filing, unless otherwise indicated below, in accordance with the provisions of Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02- 047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

Janet L. Coit, Director
Department of Environmental Management

Notice Given: 08/29/2014
Public Hearing: 09/30/2014

Filing date: XX/XX/2014
Effective date: XX/XX/2014

ERLID# 7038

DRAFT

RHODE ISLAND AND PROVIDENCE PLANTATIONS DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
MARINE FISHERIES



2015 Sector Management Plan for the Crustacean Fishery

Developed in association with commercial fishing licensing provisions set forth in the
"Commercial and Recreational Saltwater Fishing Licensing Regulations"

FILING DATE

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

PURPOSE.....	2
AUTHORITY	2
APPLICATION	2
SEVERABILITY.....	2
SUPERSEDED RULES AND REGULATIONS	2
INTRODUCTION.....	3
AMERICAN LOBSTER.....	3
OTHER CRUSTACEANS.....	8
LITERATURE CITED	9
TABLES AND FIGURES.....	11
EFFECTIVE DATE PAGE.....	18

DRAFT

PURPOSE

The purpose of these rules and regulations is to manage the marine resources of Rhode Island.

AUTHORITY

These rules and regulations are promulgated pursuant to 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..

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.

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.

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 this regulation 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.

2015 Sector Management Plan for the Crustacean Fishery

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 2015. Two crustacean sector license endorsements, lobster and crustaceans other than lobster (crabs, shrimps) 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. The 2014 licensing plan recommended no new lobster licenses in view of the poor resource status and ongoing management activities designed to rebuild the lobster resource in the Rhode Island area.

AMERICAN LOBSTER

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. On a pessimistic note, settlement from 2007-2012 was poor, suggesting that a return to high stock levels is unlikely in the foreseeable future.

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 is currently under preparation and should be released in late 2014 or early 2015.

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) 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 shape, 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 the DEM implemented a State only Lobster Trap Transferability program which allows State only license holders to transfer traps within the pool of State licenses along with a 10% transfer tax to further reduce traps.

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.

Licensing Options and Recommendations: 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 2014, and none are recommended by DEM for 2015. Table 2 shows Rhode Island commercial fishing license and lobster license/endorsement issuance data for 2003-2014.

RI Marine Fisheries Council Advice: The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing and recommended status quo for the lobster fishery regarding licenses for 2014 (no new lobster licenses). The RIMFC agreed with the IAC and recommend status quo to the Director of DEM, no new lobster endorsements for 2014.

DFW 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 in 2013-2014 via addendums to the interstate fishery management plan including a 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 2015. 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 so that it cannot 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, is under development in consultation with ASMFC 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.

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 lobster declined during 2006-2009. This warrants close monitoring since industry based v-notching post North Cape is needed 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

Stock Status: The commercial crab fisheries in state waters are relatively small with landings of green (*Carcinus maenas*), Jonah (*Cancer borealis*), rock (*Cancer irroratus*), and blue crabs (*Callinectes sapidus*) being made. Total Rhode Island landings of these species is currently (2012) about 3.9 million pounds and worth about 2.62 million dollars (Atlantic Coastal Cooperative Statistics Program 2012). However, only a small amount of this is taken from state waters. Landings of deep-sea red crabs (*Chaceon quinque-dens*) are also made, but these come strictly from federal waters and participation is limited by federal permit. Fishing mortality rate on the two *Cancer* crab species (Jonah and Rock crabs, species combined) has recently exceeded the F_{msy} level (Figure 6) and should be monitored in the future. 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). Figure 8 shows the URIGSO trawl survey time-series for the two *Cancer* crab species (Jonah and Rock crabs, species combined). Recent (2006-2011) *Cancer* crab abundance is below the time-series mean. Figure 9 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 show a continuing trend of low abundance. An updated Horseshoe Crab stock assessment is currently being conducted. 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. An update of the stock assessment shows that while fishing mortality rate has been reduced to below the F_{msy} reference point, stock abundance has not yet recovered toward B_{msy} (Figures 10 and 11).

Management Program: Horseshoe crabs and crustaceans other than lobster are managed in state waters by the DEM with advice from the RIMFC. DEM uses seasons, 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.

Fishery Management and Licensing 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.

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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	0.44
Recent effective exploitation 2005-2007	0.32
Effective Exploitation Below Threshold?	YES
Reference Abundance (number of lobster)	
Abundance Threshold	25,372,700
Recent Abundance 2005-2007	14,676,700
Abundance Above Threshold?	NO

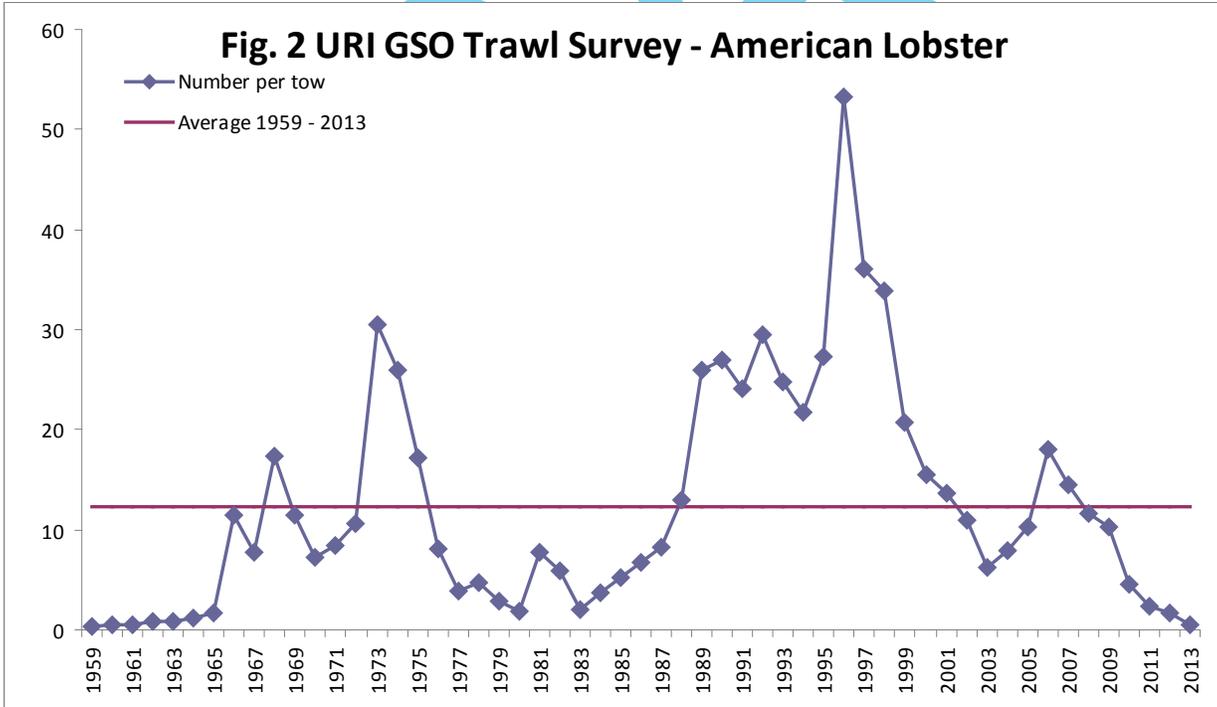
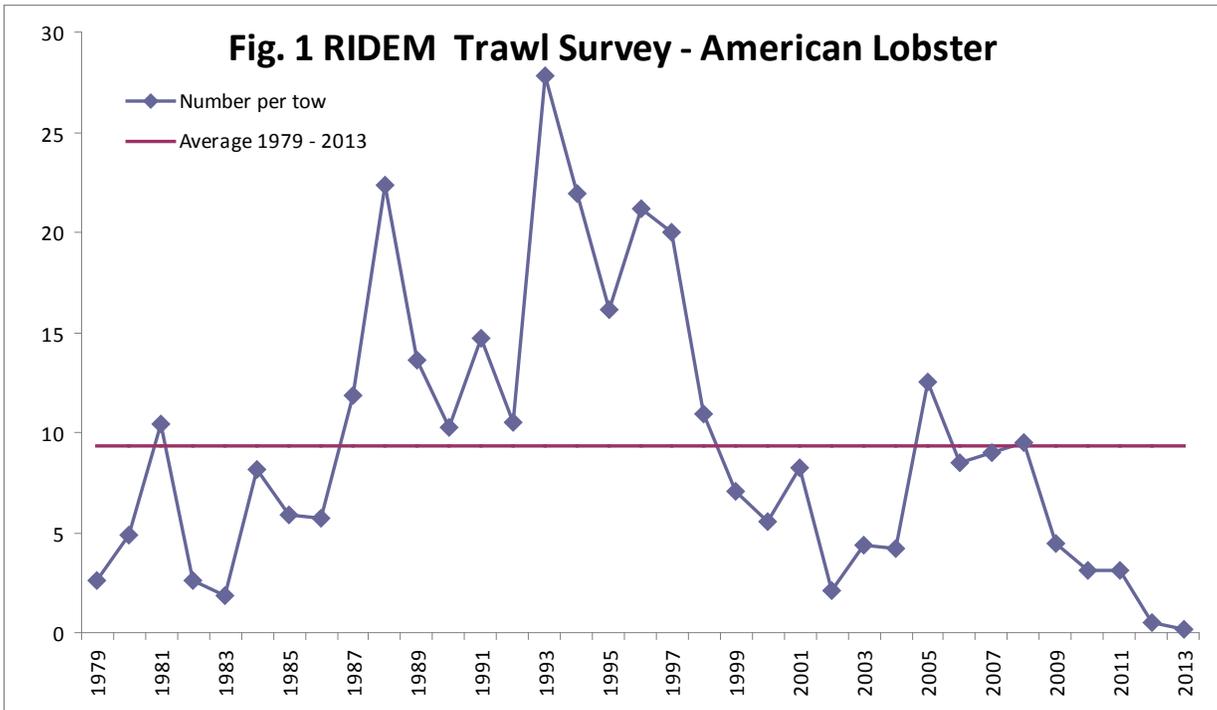
Table 2 - Rhode Island Commercial Fishing License and Lobster License/Endorsement Issuance Data, 2003-2014.

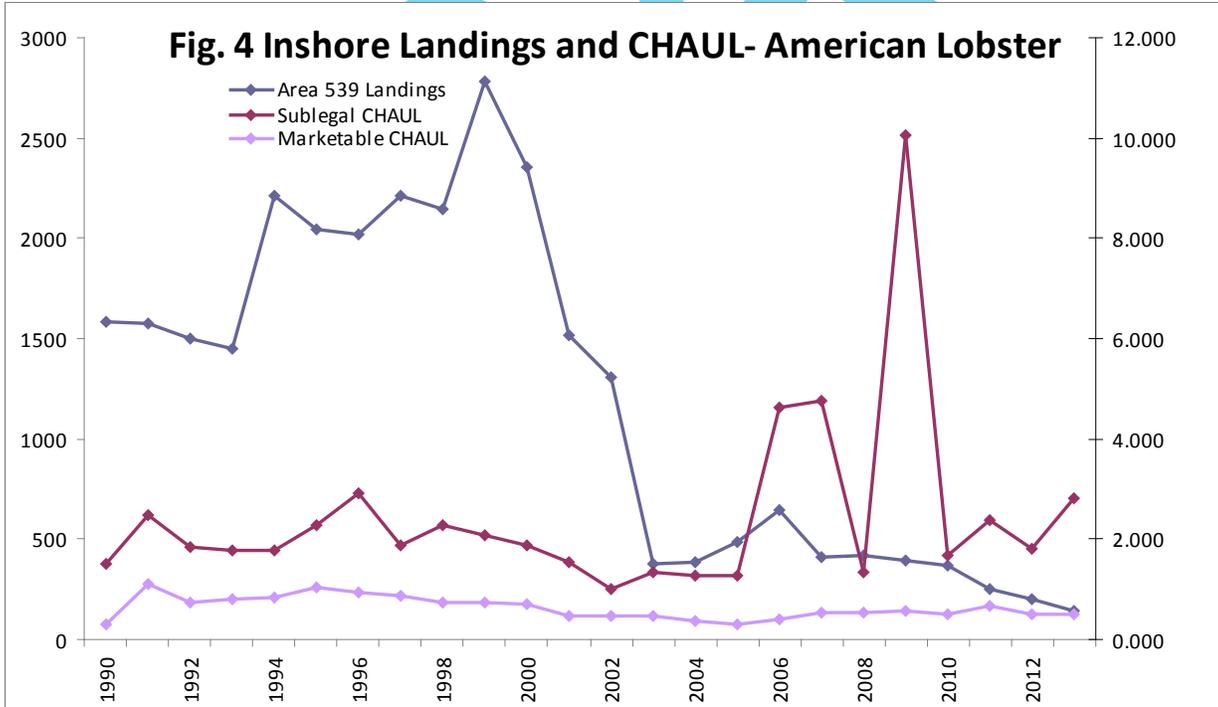
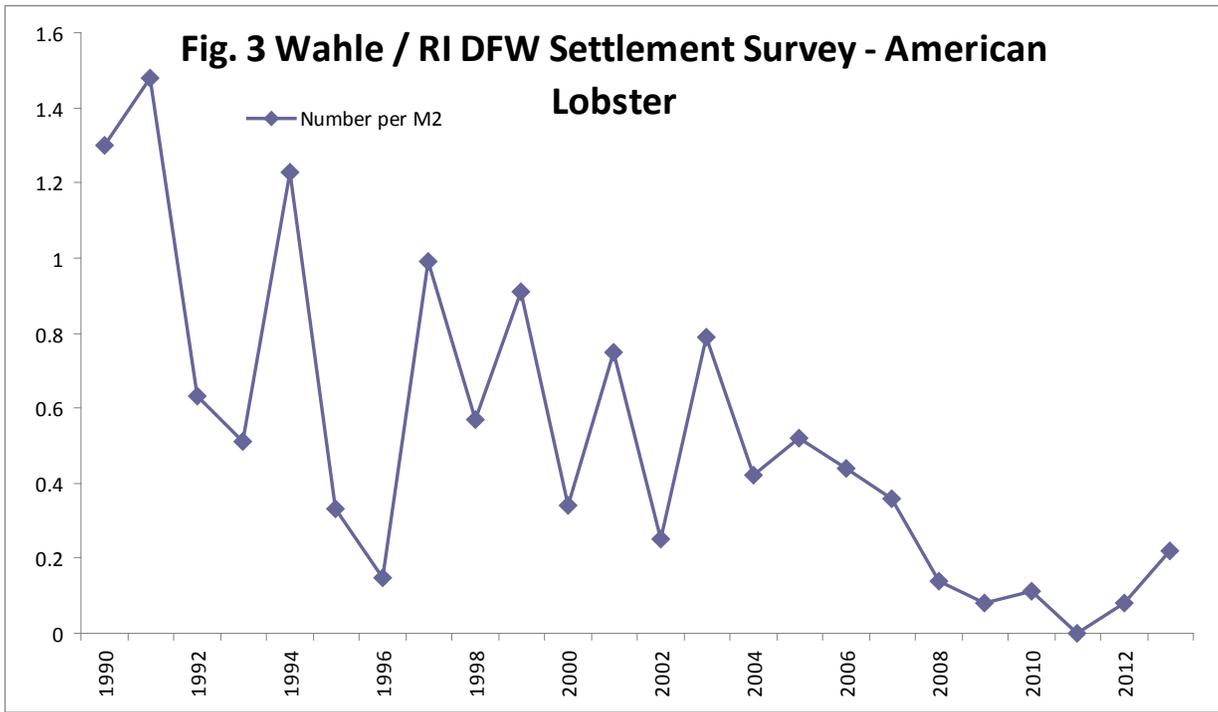
License Type	YEAR											
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Total Multi-Purpose Licenses MPL	1191	1135	1075	1019	973	939	917	891	868	853	829	816
MPL w/ lobster endorsement*	1191	1135	1075	1019	973	939	917	891	868	853	829	816
MPL ordered trap tags (State only/Area2)**	265	243	228	207	154	172	148	156	141	108	113	88
MPL w/ lobster trap allocation (State only/Area2)*					210	219	215	210	209	209	210	200
MPL ordered trap tags (Federal/Area 2)**	130	130	119	108	95	91	87	89	81	78	83	64
MPL w/ lobster trap allocation (Federal/Area 2)*					112	111	112	110	110	104	107	108
Total Principal Effort Licenses PEL	1325	1148	997	930	862	810	776	737	717	690	655	615
PEL w/ lobster endorsement*	61	56	52	46	45	44	40	38	37	36	30	27
PEL ordered trap tags (State only/Area 2)**	25	21	19	18	20	17	17	17	13	10	10	5
PEL w/ lobster trap allocation (State only/Area 2)*					23	22	22	21	21	21	21	16
PEL ordered trap tags (Federal/Area 2)**	16	15	15	10	12	12	13	13	12	7	7	7
PEL w/ lobster trap allocation (Federal/Area 2)*					14	14	15	15	14	14	13	13
Total Commercial Fishing Licenses CFL	271	283	317	397	464	421	433	450	394	398	420	404
CFL w/ lobster endorsement***	50	48	41	38	32	27	22	19	17	16	15	14
CFL ordered trap tags (State only/Area 2)**	24	16	13	10	6	6	6	6	5	4	4	2
CFL w/ lobster trap allocation (State only/Area 2)***					9	8	8	8	8	8	8	6
CFL ordered trap tags (Federal/Area 2)**	0	2	2	2	2	2	1	1	1	1	1	1
CFL w/ lobster trap allocation (Federal/Area 2)***					2	2	2	1	1	1	1	1
Total Effective Lobster Licenses	1302	1239	1168	1103	1050	1010	979	948	922	905	874	857
Total Effective Lobster Licenses w/ trap allocation	0	0	0	0	370	376	374	365	363	357	360	344

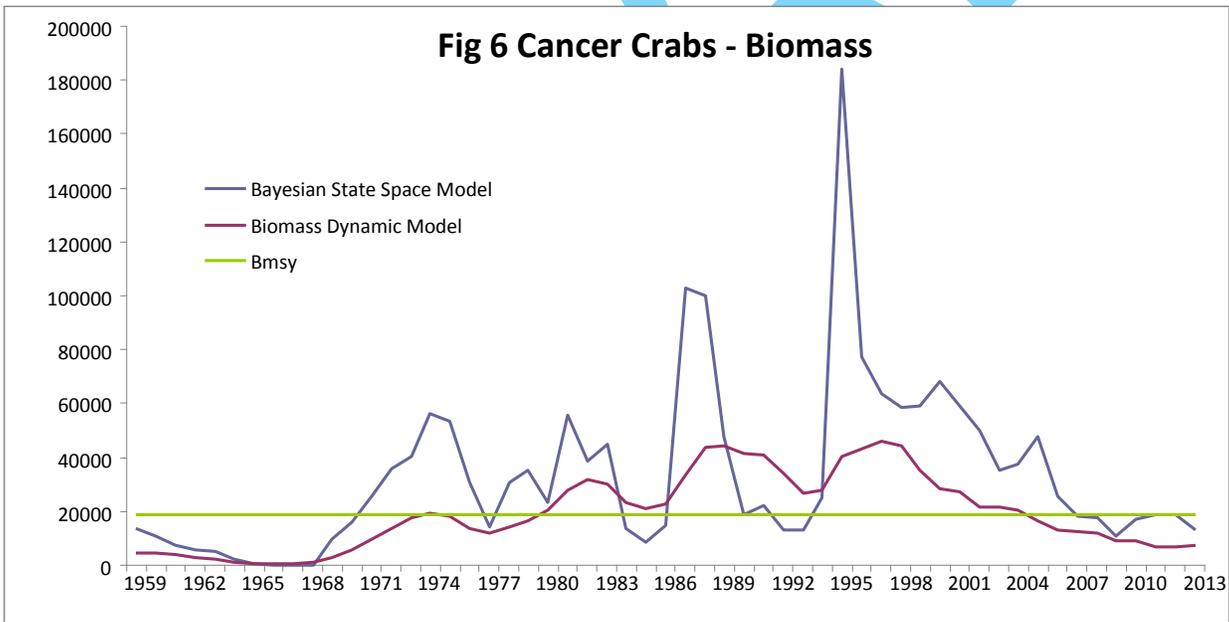
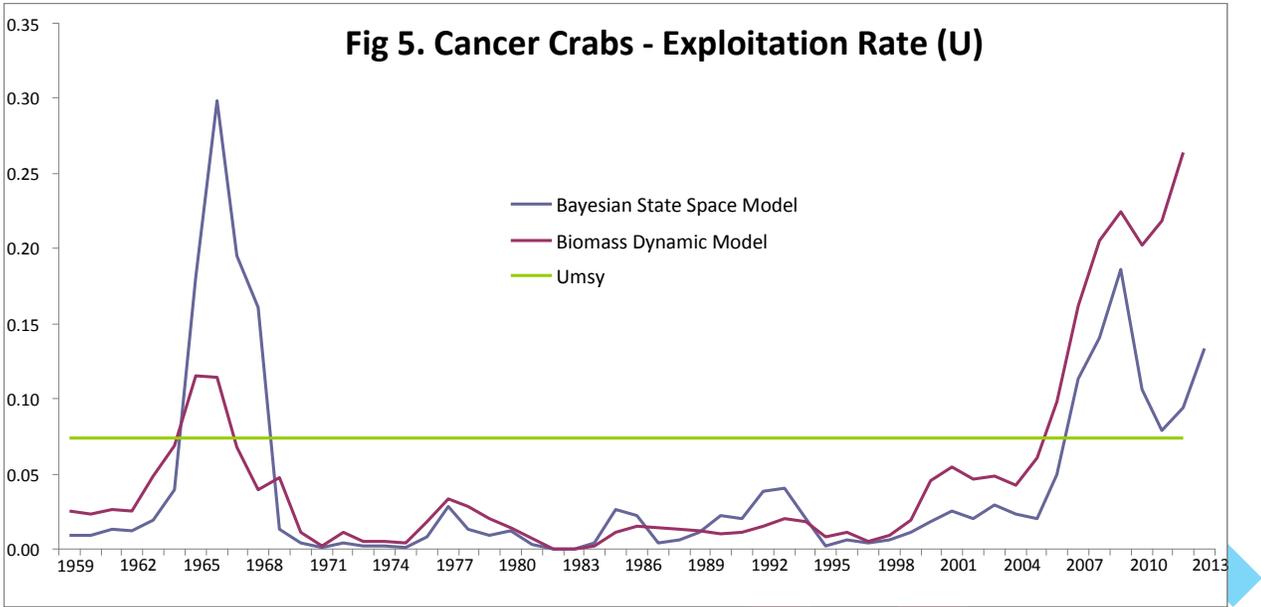
* 800 trap limit during 2003-2006; individual history-based lobster trap allocation starting in 2007; all MPL licenses are endorsed to take lobster.

** 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







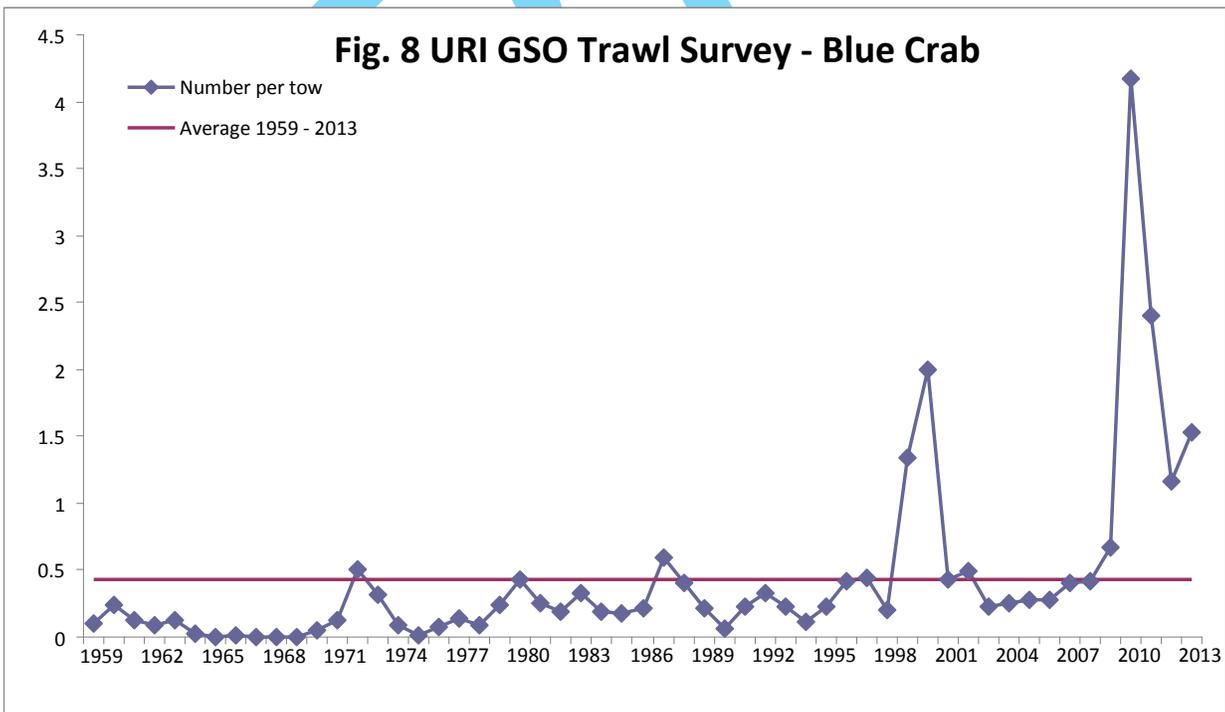
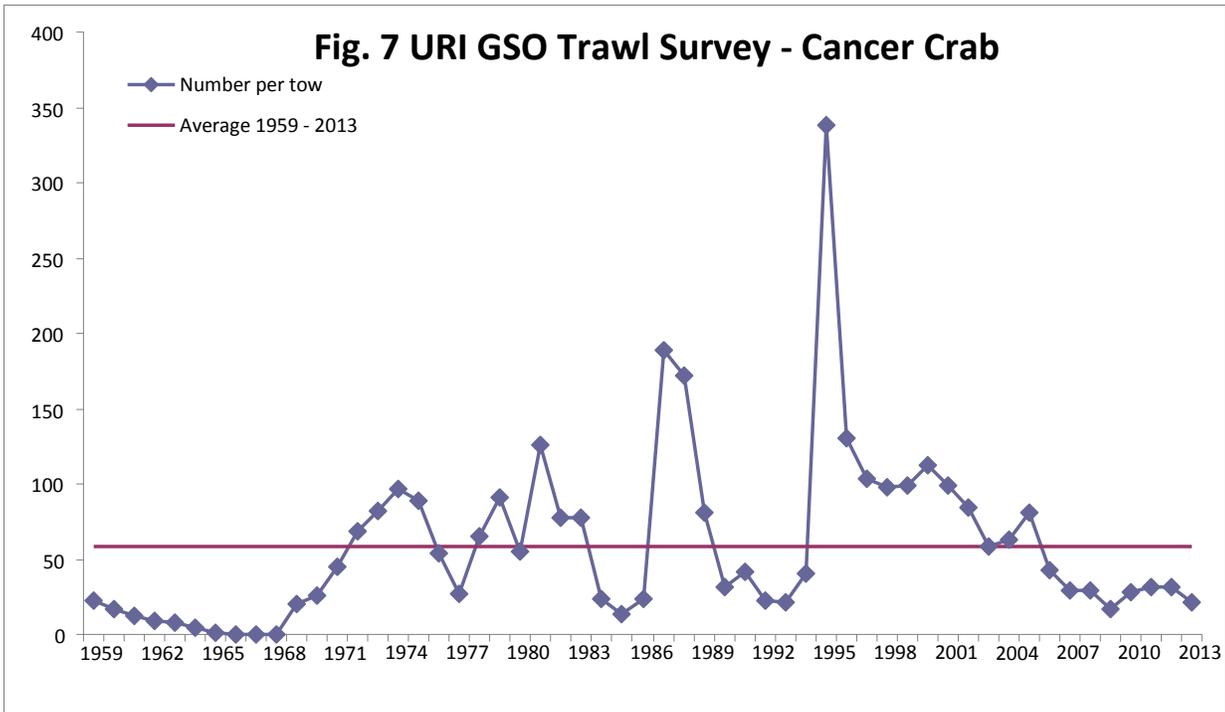


Figure 9- RI Horseshoe Crab Fishing Mortality Rate Compared to MSY Reference Level

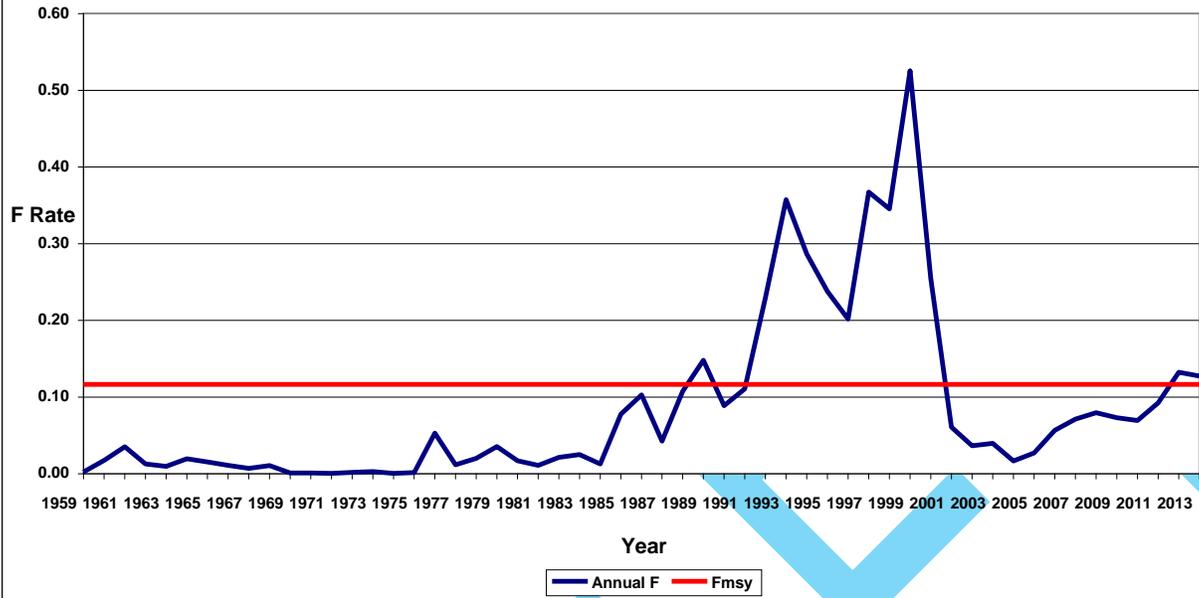
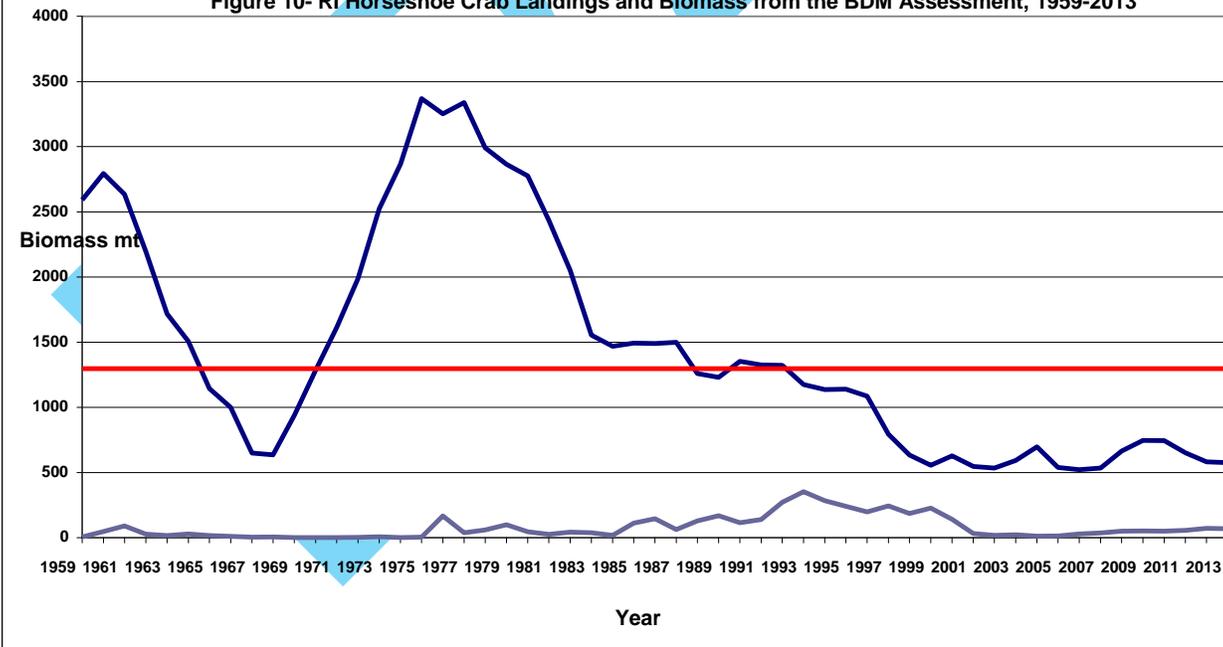


Figure 10- RI Horseshoe Crab Landings and Biomass from the BDM Assessment, 1959-2013



EFFECTIVE DATE

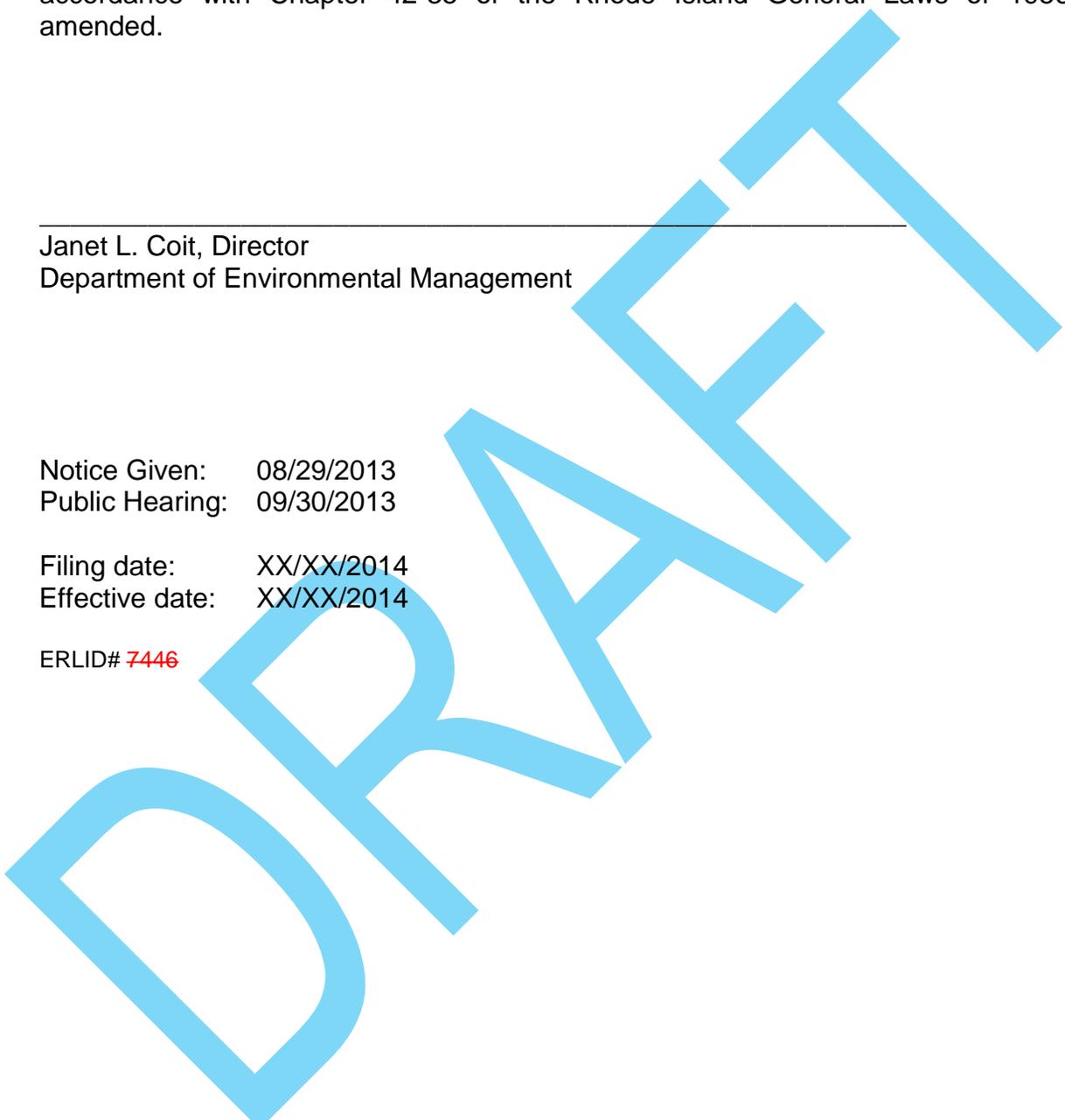
The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this **Date** to become effective 20 days from filing, unless otherwise indicated below, in accordance with the provisions of Chapter 42-17.1, Section 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.

Janet L. Coit, Director
Department of Environmental Management

Notice Given: 08/29/2013
Public Hearing: 09/30/2013

Filing date: XX/XX/2014
Effective date: XX/XX/2014

ERLID# 7446



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

DIVISION OF FISH AND WILDLIFE
~~Marine Fisheries~~
DIVISION OF LAW ENFORCEMENT

Rhode Island Marine Fisheries Regulations



**Commercial and Recreational Saltwater Fishing
Licensing Regulations**

**Proposed/annotated (excerpts) for public hearing on
September 30, 2014**

December 19, 2013 New (filing) date

AUTHORITY: Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02- 047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

(6.7-4) License Renewals, Transitions and Upgrades

(e) Applicants who possessed a valid 65 and Over Shellfish License (resident only) as of the immediately preceding year, and who have been actively fishing their license, may obtain a Commercial Fishing License with a Quahaug endorsement for the immediately following year. This provision only applies to applicants who have not been cited for a violation of Rhode Island's marine fisheries laws or regulations during the two-year period preceding the date of application.

(6.7-6) Issuance of New Licenses and Endorsements; Prioritization

(e) In the event that the number of qualified applicants in any of the first three prioritization tiers (6.7-6 a,b,c) is less than the new endorsement opportunities available to that tier, the remaining endorsement opportunities will be offered to qualified applicants of the remaining tiers. If the number of remaining endorsements is less than the number of remaining tiers or cannot be distributed evenly between the remaining tiers, the number of remaining endorsements will be rounded up to provide each remaining tier with endorsement .

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

(a) To meet the standard of actively fishing, an applicant must be able to demonstrate by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least seventy-five (75) days in the preceding two (2) calendar years, pursuant to a valid RI license (~~not landing permit~~). Such fishing activity must have spanned the preceding two (2) calendar years, meaning that some activity occurred in each of the two (2) years. Such fishing activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-4, 6.7-6, 6.7-7, 6.7-8, and 6.7-9 herein.

(b) Transaction records, and Vessel Trip Reports, if applicable, submitted in accordance with subsection (a) above, must correspond to fisheries in which the applicant is licensed to fish commercially. Such transaction records, and Vessel Trip Reports if applicable, shall be subject to verification by the Department in accordance with dealer reports submitted to the Department via the SAFIS reporting system.

(c) To meet the standard of actively participating, an applicant must be able to demonstrate via one or more affidavits that they have worked as a **paid** crew member for one or more licensed captains for at least seventy-five (75) days in the preceding two (2) calendar years. **To be considered a paid crew member the crew member must have record of being paid by the vessel owner or person licensed to fish commercially such as a W2 form or paycheck stub from a financial institution.** Such activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-6 and 6.7-7.

(h) Transaction records established in SAFIS which are recorded on an applicants Landing Permit (6.10) may be considered for the verification of activity standards provided that the applicant also possesses a Commercial Fishing License (6.8-2), Principal Effort License (6.8-3), or Multipurpose Fishing License (6.8-4) which was valid at the time of the activity being considered.

(6.8) Licenses, Endorsements and Vessel Declarations; Resident

(6.8-1) Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a Rhode Island resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors at levels established pursuant to Rule 8:

- (a) Non-Lobster Crustacean;
- (b) Lobster;
- (c) Quahaug;
- (d) Soft-shell clam;
- (e) Shellfish Other;
- (f) Non-Restricted Finfish;
- (g) Restricted Finfish;
- (h) Whelk

(6.8-2) Commercial Fishing License

(a) Applicants must provide proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50), plus twenty-five dollars (\$25) per fishery endorsement.

~~(b) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(c) **(b)** The holder of a Commercial Fishing License may participate in any fishery sector for which he/she holds an endorsement at Basic Harvest and Gear Levels set by the Department pursuant to Rule 8.

(6.8-3) Principal Effort License

(a) Eligible applicants must present proof of Rhode Island residency and pay an annual fee of one hundred and fifty dollars (\$150) which entitles them to fish in a single fishery endorsement category.

~~(b) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(c) **(b)** The holder of a Principal Effort License may participate in any fishery sector for which he/she holds a fishery endorsement at Full Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(d) **(c)** The holder of a Principal Effort License may also obtain a Commercial Fishing License with applicable endorsements to fish other sectors at Basic Harvest and Gear Levels, and/or obtain additional fishery endorsements on his or her Principal Effort License to fish other sectors at Full Harvest and Gear Levels, if such endorsements are available for any given license year; provided that a license holder may not hold both a Principal Effort and Commercial Fishing License in the same fishery sector. The annual fee for additional fishery endorsements on Principal Effort Licenses is seventy-five dollars (\$75) each.

(e) **(d)** The holder of a Principal Effort License with a Quahaug endorsement shall not be required to pay the annual fee for that license if the license holder is at least sixty-five (65) years old as of February 28 of the applicable license year. **The license holder is still required to pay the fee for the Non-Lobster Crustacean (6.8-1 (a)), Lobster (6.8-1 (b)), Non-Restricted Finfish (6.8-1(f)), Restricted Finfish (6.8-1 (g)) as well as all additional Gear (6.8-7) endorsements on their Principal Effort License.**

(6.8-4) Multi-Purpose License

(a) Eligible applicants must present proof of Rhode Island residency and pay an annual fee of three hundred dollars (\$300).

~~(b) At the time of application, applicants must identify the fishery endorsement sector or sectors into which they intend to place significant fishing effort during the license year, as well as the primary gear type they intend to employ. These declarations of intent are for informational purposes only and are non-binding.~~

(c) **(b)** The holder of a Multi-Purpose License may participate in all fishery endorsement sectors at Full Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(6.8-6) 65 and Over Shellfish License

(a) Applicants must present proof of Rhode Island residency.

(b) There is no fee.

(c) Applicants must be at least sixty-five (65) years old as of February 28 of the license year.

(d) The holder of a 65 and Over 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 65 and Over Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, to fish other fishery sectors at Basic or Full Harvest or Gear Levels, if such licenses or endorsements are available **and the application requirements are met** for any given license year; provided that the holder of a 65 and Over Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.

(6.8-9) Docksides Sales Endorsement

(a) The endorsement shall enable the holder to sell live lobsters and crabs directly to consumers at docksides. Only live lobsters and crabs may be sold under the endorsement. Sales of shellfish and finfish to anyone other than licensed dealers are prohibited.

(b) The endorsement shall be available to all Rhode Island license and landing permit holders who are authorized to harvest and land for sale lobsters and/or crabs. With regard to lobsters, such licenses and permits shall include: multi-purpose license, principal effort license with lobster endorsement, commercial fishing license with lobster endorsement; **and** resident and non-resident ~~multi-purpose landing permit; and resident and non-resident crustacean landing permit.~~ With regard to crabs, such licenses and permits shall include: multi-purpose license; principal effort license with non-lobster **crustacean** endorsement; commercial fishing license with non-lobster **crustacean** endorsement; **and** resident and non-resident ~~multi-purpose landing permit; and resident and non-resident crustacean landing permit.~~

(c) The purchase of a docksides sales endorsement will ensure that the licensee/permittee receives a paper docksides sales logbook.

(d) A licensee/permittee who declared their reporting method as a federal vessel trip report is required to report all docksides sales via the paper docksides sales logbook.

(c) **(e)** Individuals selling lobsters and crabs under the docksides sales endorsement must at all times possess, and display upon request, a current and proper license or landing permit, as set forth above; and said license or permit must include a docksides sales endorsement.

(d) **(f)** Only the licensee/permittee, or a regularly employed crew member of the licensee/permittee, may sell lobsters and crabs at docksides under the docksides sales endorsement. To be eligible to conduct such sales, a crew member must first receive written authorization from the licensee/permittee. Such authorization shall be in the form of a type-written statement, signed and dated by the licensee/ permittee, that expressly authorizes the crew member to act on behalf of the licensee/permittee with

regard to dockside sales. The statement shall further specify: the name of the crew member, the name of the vessel from which the sales are conducted, and the month and year that the crew member began working on the vessel. The statement shall be kept on the vessel and be available at all times for inspection by department personnel. A crew member who is acting on behalf of a licensee/permittee in accordance with this subsection must comply with all applicable regulations governing dockside sales, as set forth herein, and the licensee/permittee shall be responsible for any violations of regulations by the crew member.

(e) **(g)** Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal and State laws and regulations governing harvest and possession relating to the species being sold.

(f) **(h)** Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal, State, and local laws and regulations governing retail sales operations, including but not necessarily limited to those governing taxation, signage, noise, and hours of operation.

(g) **(i)** Licensees/permittees offering live lobsters and crabs for sale at dockside may only sell live lobsters and crabs that they harvested, and all sales must be made from the vessel that harvested the product, **unless otherwise authorized by the Director.**

(h) **(j)** Sales at dockside may only be to the final consumer – i.e. the individual(s) who will be consuming the product -- and no resale of, or commercial transaction involving, the product beyond the final consumer is allowed.

(i) **(k)** Licensees shall include, on all landing reports and other data submitted to the National Marine Fisheries Service and/or the department, the lobsters and crabs offered for sale at dockside to the general public.

(j) The annual fee for the dockside sales endorsement shall be twenty-five dollars (\$25.00).

(k) **(l)** The dockside sales endorsement is not subject to the application deadline provisions as set forth in Rule 6.7-3; as such, the endorsement shall be available at any time during the year to holders of current and proper commercial fishing licenses and landing permits issued by the department.

(m) All dockside sales reports and reports of no sales activity are due to the Division of Fish and Wildlife quarterly.

(6.8-10) Research Set Aside (RSA) Endorsement

(a) The RSA endorsement shall enable the holder to land marine species, for sale, in Rhode Island, in accordance with RSA quota obtained from the National Marine Fisheries Service.

(b) The endorsement shall be automatically available to anyone who obtains an Exempted Fishing Permit from the department, allowing for the harvest and/or landing of RSA quota in Rhode Island.

(c) Both the endorsement and the permit must be obtained prior to the landing of any RSA quota for state quota monitored species in Rhode Island.

(d) Upon presentation of an approved and valid Exempted Fishing Permit from the Department, an RSA endorsement will be issued.

(e) The annual fee for the issuance of an RSA endorsement for state quota monitored species shall be twenty-five dollars (\$25).

(f) The RSA endorsement is not subject to the application deadline provisions as set forth in Rule 6.7-3; as such, the endorsement shall be available at any time during the year to holders of current and proper commercial fishing licenses, and Exempted Fishing Permits, issued by the Department.

(6.8-11) Paper Catch and Effort Harvester and Dockside Sales Logbooks Endorsement

(a) The logbook endorsement shall enable the holder to obtain a paper **harvester catch and effort** logbooks, printed by RIDFW, that will be used to report all catch and effort information required by RIGL 20-4-5.

(b) The endorsement shall be automatically available to anyone who holds a **Rhode Island landing permit**, multipurpose fishing license, commercial fishing license ~~with restricted or non-restricted finfish, lobster or non-lobster crustacean, horseshoe crab – biomedical, horseshoe crab – bait or whelk endorsements~~, or a principle effort license with restricted or non-restricted finfish, lobster or non-lobster crustacean, horseshoe crab – biomedical, horseshoe crab - bait or whelk endorsements.

(c) At the time of initial license/permit purchase or license/permit renewal, the applicant is required to declare a reporting method: harvester catch and effort logbook, federal vessel trip report, or e-TRIPS. The harvester catch and effort logbook and e-TRIPS reporting methods cannot be declared together.

(d) By default, if the logbook endorsement is not purchased, license holders are required to electronically report all catch and effort and dockside sales data to the eTRIPS application of the Standard Atlantic Fisheries Information System (SAFIS) or if applicable, submit the state copies of the federal vessel trip reports (VTR). If the declared reporting method is harvester catch and effort logbook, the applicant is required to purchase the logbook endorsement at time of initial license/permit purchase or license/permit renewal.

(d) ~~(e)~~ Paper **harvester catch and effort** logbook submissions will not be accepted by RIDFW to meet the license holder's reporting requirement from any license holder who does not ~~obtain~~ **have** the logbook endorsement.

(e) ~~(f)~~ All trips via electronic or paper recording, are required to be filled out ~~at the end of each day fished~~ **before the start of the next trip**, and **at a minimum**, both trip reports and did not fish reports are due to the Division of Fish and Wildlife quarterly.

(f) ~~(g)~~ The annual fee for the issuance of a logbook endorsement shall be twenty-five dollars (\$25).

(g) ~~(h)~~ The logbook endorsement is ~~not~~ subject to the application deadline provisions as set forth in Rule 6.7-3; ~~as such, the endorsement shall be available at any time during the year to holders of current and proper commercial fishing licenses issued by the Department.~~

(6.9) Licenses, Endorsements and Vessel Declarations; Non-Resident

(6.9-1) Non-Resident Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a non-resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors at levels established pursuant to Rule 8:

- (a) Non-Restricted Finfish;
- (b) Restricted Finfish.

(6.9-2) Non-Resident Commercial Fishing License

(a) Applicants must be at least eighteen (18) years old.

(b) The holder of a Non-Resident Commercial Fishing License may participate in either or both fishery sectors for which he/she holds an endorsement, provided that his/her state of residence does not prohibit commercial licensing opportunities for Rhode Island residents in finfish fisheries for which licensing opportunities are available for residents of that state.

(c) The Marine Fisheries section of the Department of Environmental Management, Division of Fish and Wildlife shall annually review the regulations of the states of Massachusetts, Connecticut, and New York to determine whether those states provide Rhode Island residents the privileges referenced in subsection (b) above. For applicants from any other state, it shall be the applicant's burden to prove that his/her state of residence provides Rhode Island residents the privileges referenced in subsection (b) above through a certified copy of the relevant regulation. This copy is to be forwarded to the Marine Fisheries section of the Department of Environmental Management, Division of Fish and Wildlife for review and approval a minimum of two weeks before a license may be issued.

~~(d) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(e) **(d)** The annual fee for a Non-Resident Commercial Fishing License shall be one hundred and fifty dollars (\$150) plus fifty dollars (\$50) per endorsement.

(6.9-3) Non-Resident Principal Effort License;

(a) Eligible applicants must demonstrate that their state of residence complies with section 6.9-2(b) regarding treatment of Rhode Island residents.

(b) The holder of a Non-Resident Principal Effort License may harvest, land and sell any species of fish for which he/she holds the appropriate endorsement(s) -- Restricted and/or Non-Restricted Finfish -- at Full Harvest and Gear Levels established pursuant to Rule 8.

~~(c) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(d) **(c)** The annual fee for a Non-Resident Principal Effort License shall be four hundred dollars (\$400), plus one hundred dollars (\$100) per endorsement.

(6.9-4) Non-Resident Vessel Declaration

(a) Applicants must comply with the requirements of subsection 6.8-8, provided that temporary transfers of vessel declarations between vessels less than twenty-five (25) feet in length via vessel declaration plates are not permitted.

(b) The fee for a Non-Resident Vessel Declaration shall be fifty dollars (\$50), plus one dollar and fifty cents (\$1.50) for each whole foot over twenty-five (25) feet in length overall.

2015 Winter Harvest Schedules

Winter Management Areas

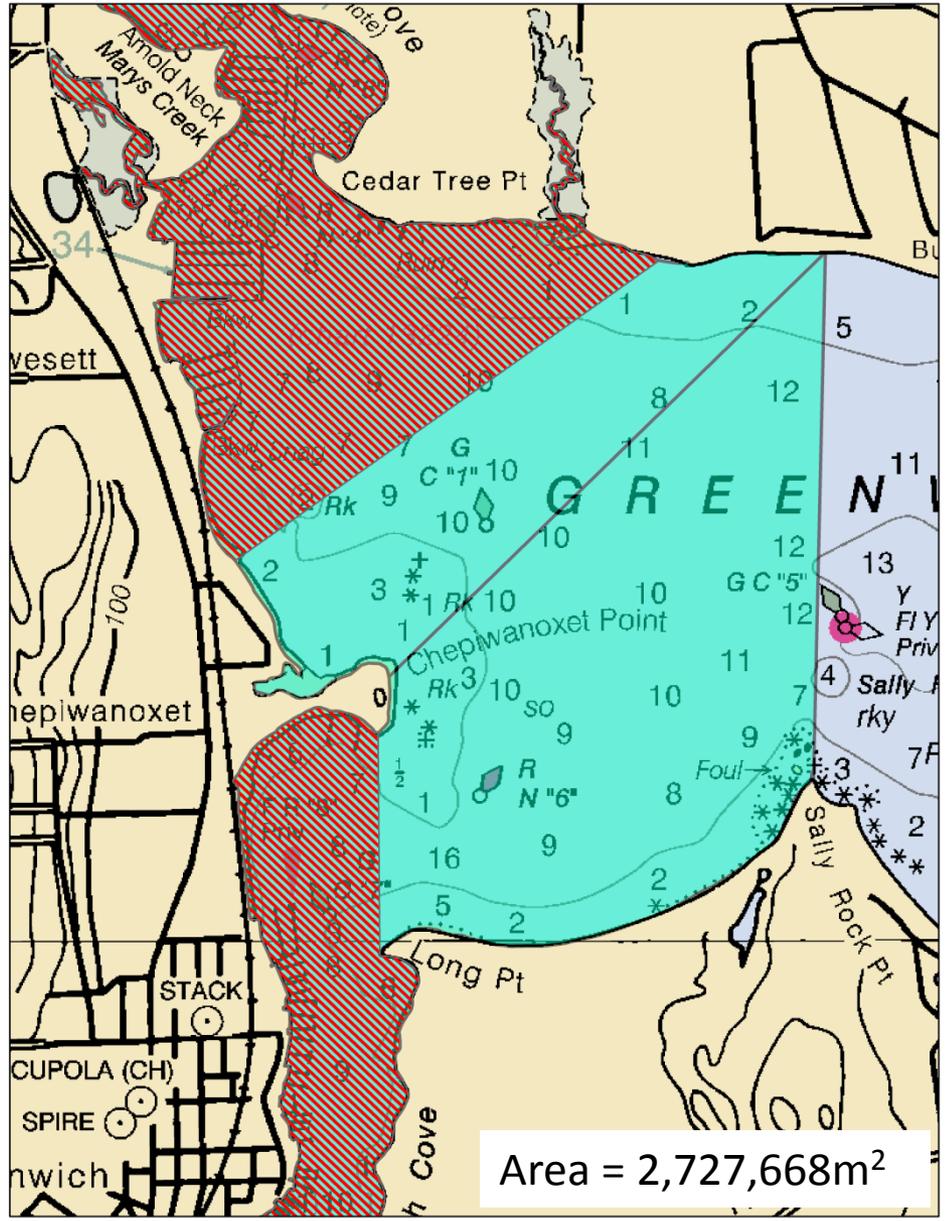
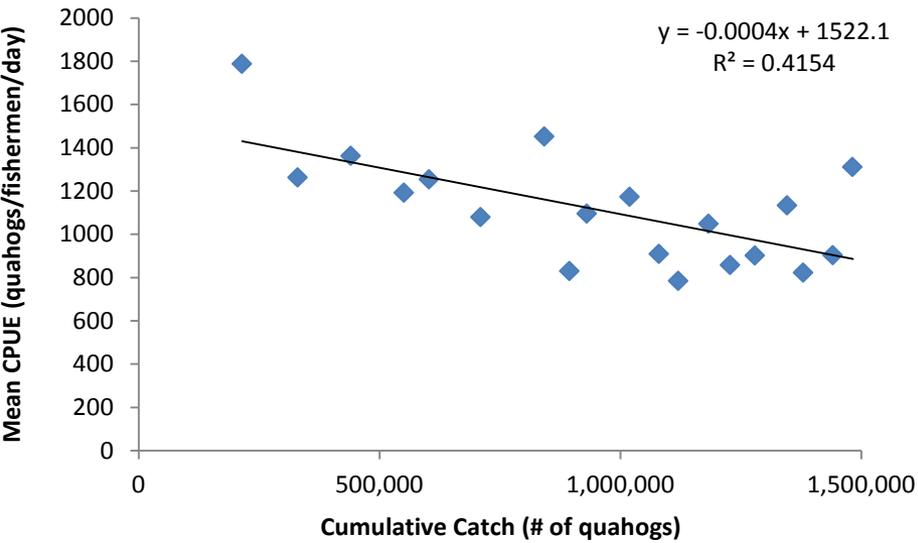
Proposed SAP Schedule

	DEC	JAN	FEB	MARCH	APRIL
GB Sub Area 1 & 2	CLOSED OWR	8-12 MWF*	8-12 MWF	8-12 MWF	8-12 MWF
High Banks & Pot C	Open	Open	Open	Open	Open
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

* Proposed slight change from 2014 schedule, which was modified to avoid fishing on New Years Day holiday.

Greenwich Bay – Leslie Depletion Model

Jan 2014 - March 2014

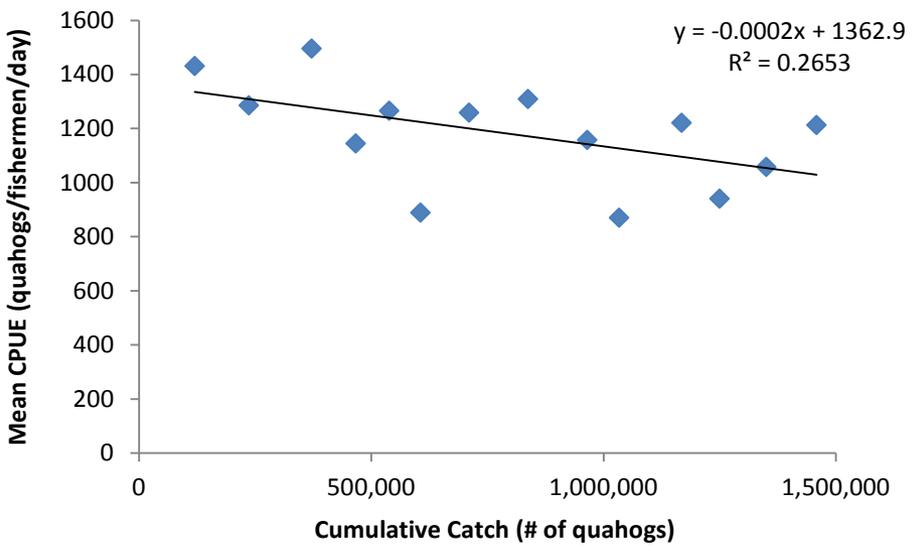


Starting #	Start #/m ²	Catch	End #	End #/m ²
3,544,222	1.30	1,482,124	2,062,099	0.76

F Rate = 0.542

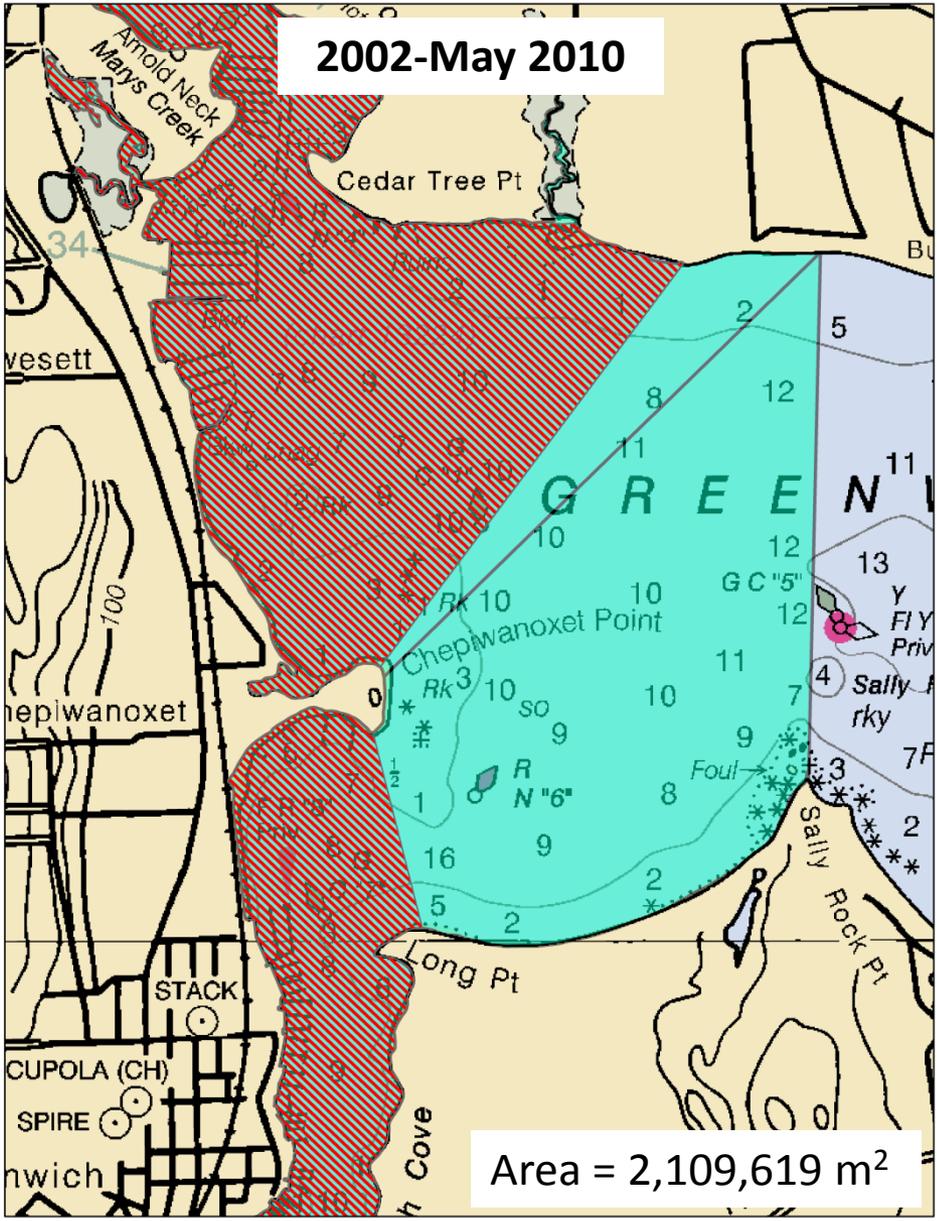
Greenwich Bay – Leslie Depletion Model

December 2009 – March 2010



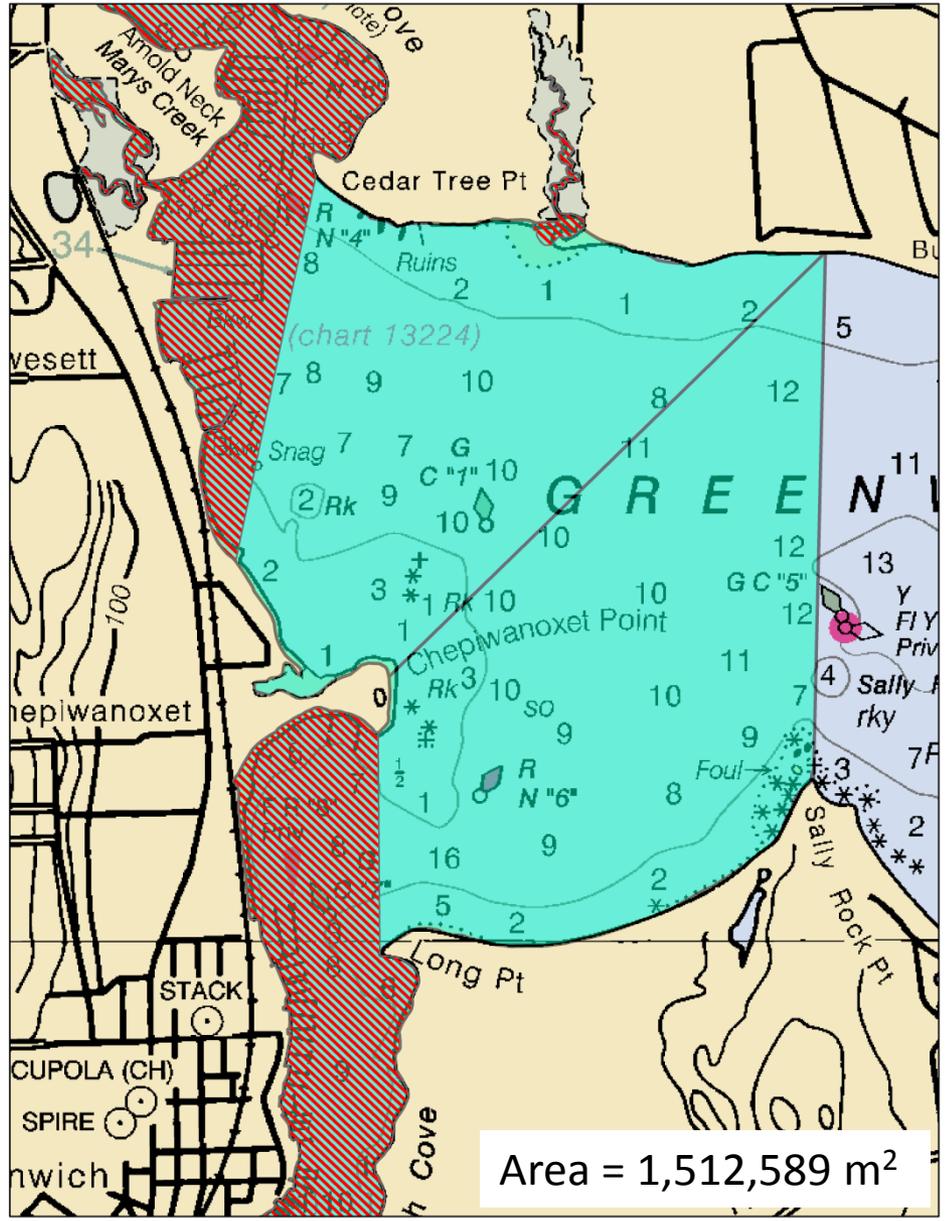
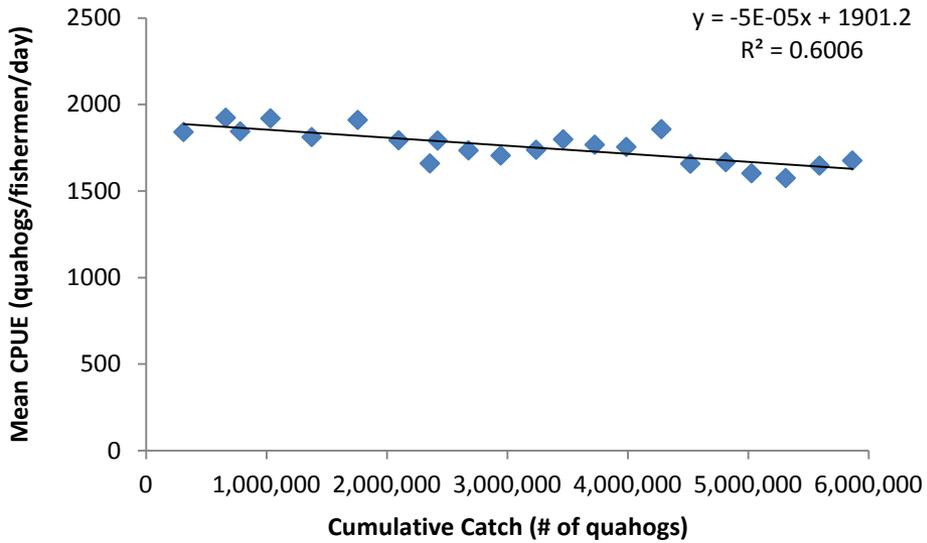
Starting #	Start #/m ²	Catch	End #	End #/m ²
5,963,116	2.82	1,458,649	4,504,467	2.13

F Rate = 0.281



Greenwich Bay – Leslie Depletion Model

Dec. 2010- March 2011

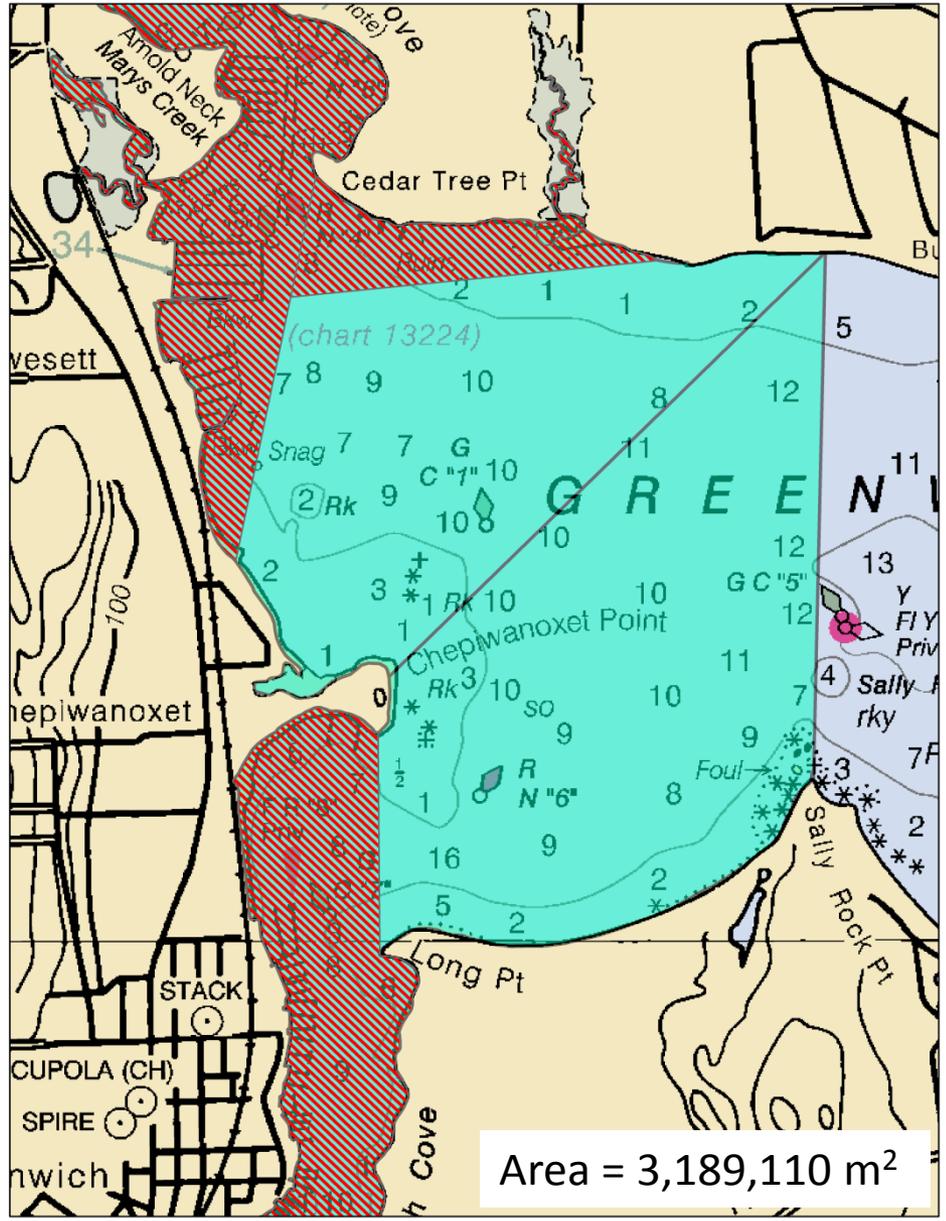
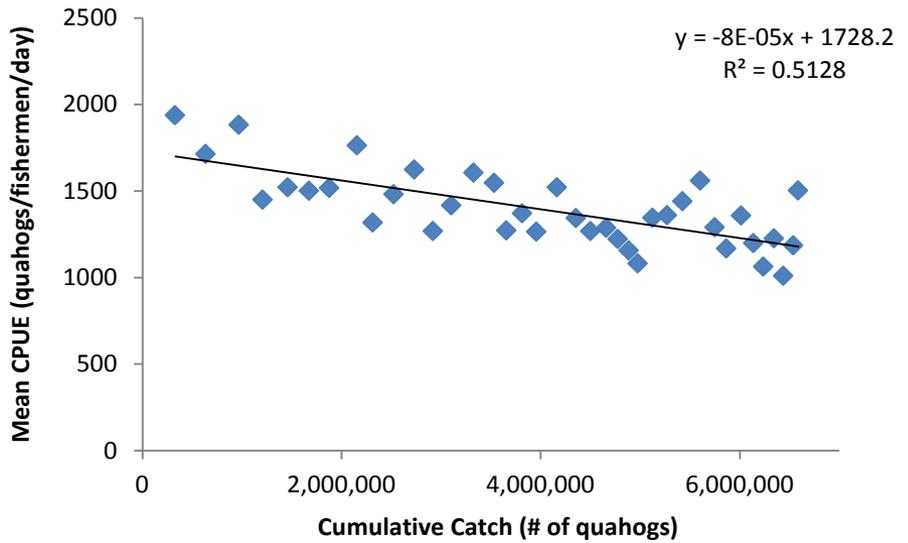


Starting #	Start #/m ²	Catch	End #	End #/m ²
40,983,314	27.09	5,866,505	35,116,809	23.21

F Rate = 0.154

Greenwich Bay – Leslie Depletion Model

Dec. 2011- March 2012

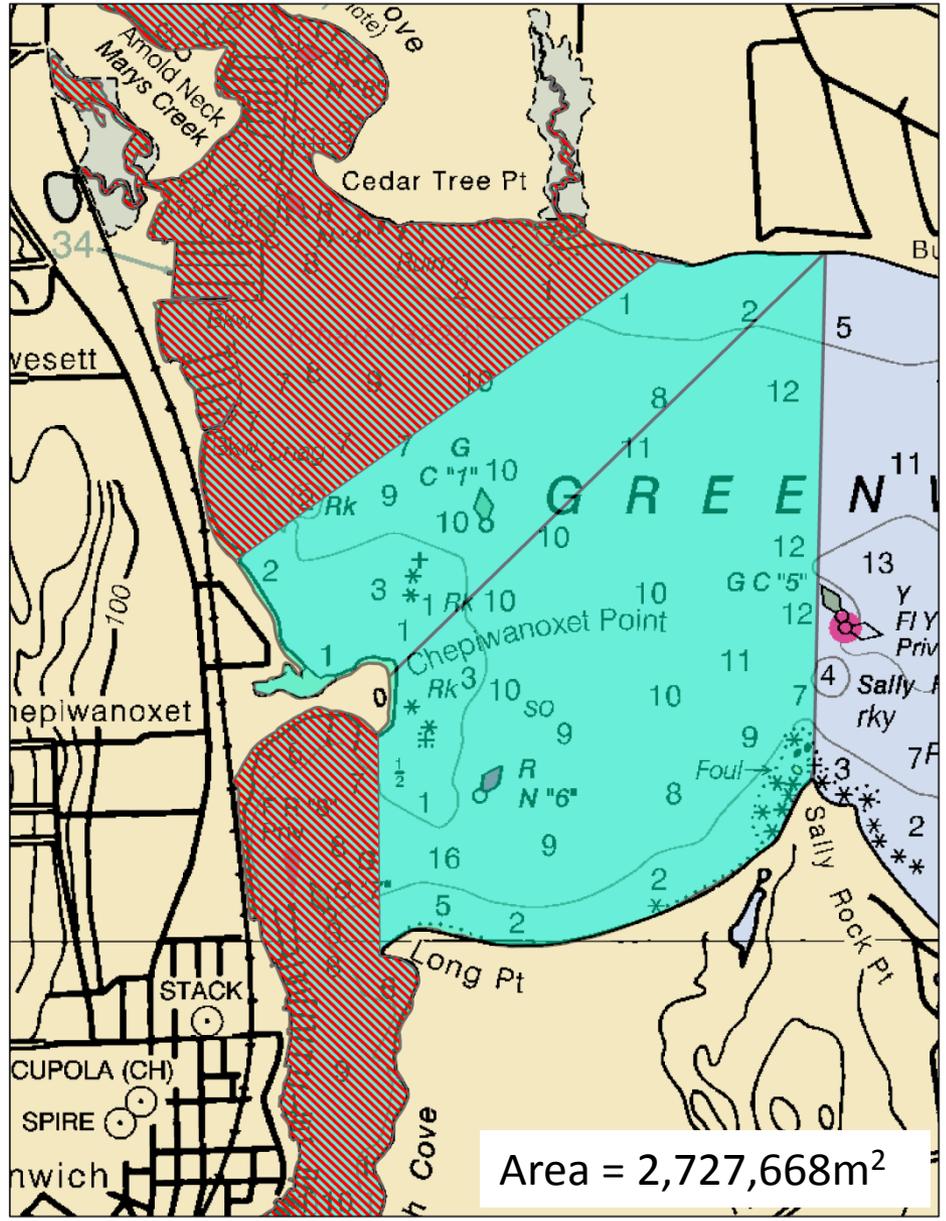
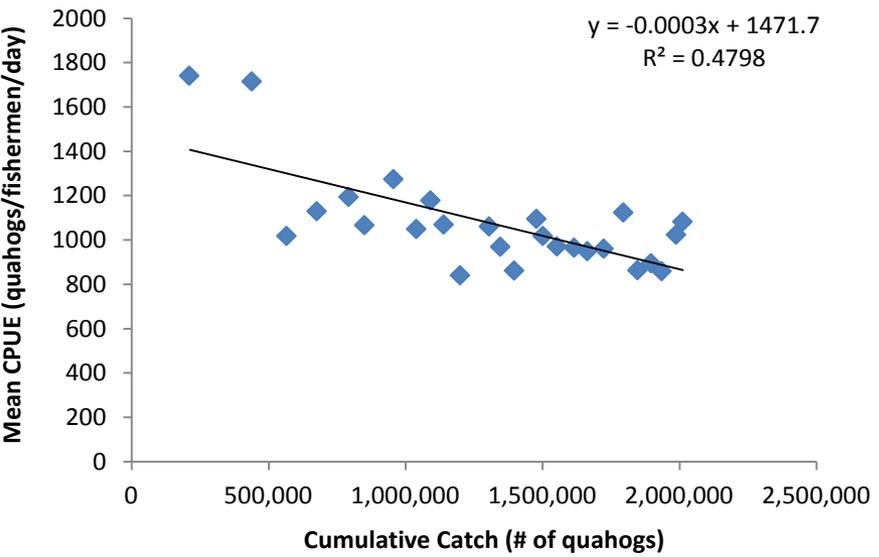


Starting #	Start #/m ²	Catch	End #	End #/m ²
20,765,498	6.51	6,588,476	6,588,478	4.45

F Rate = 0.382

Greenwich Bay – Leslie Depletion Model

Jan 2013- March 2013

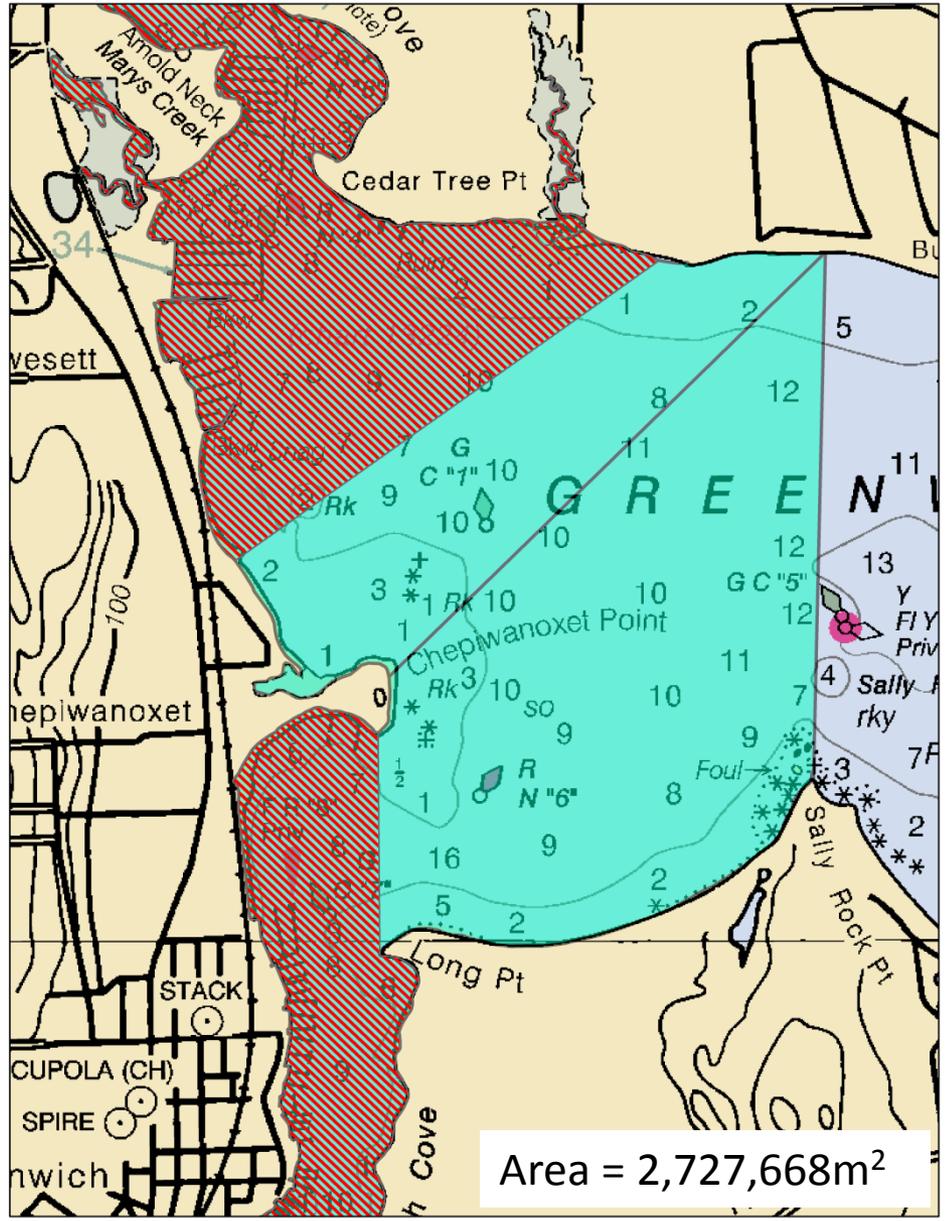
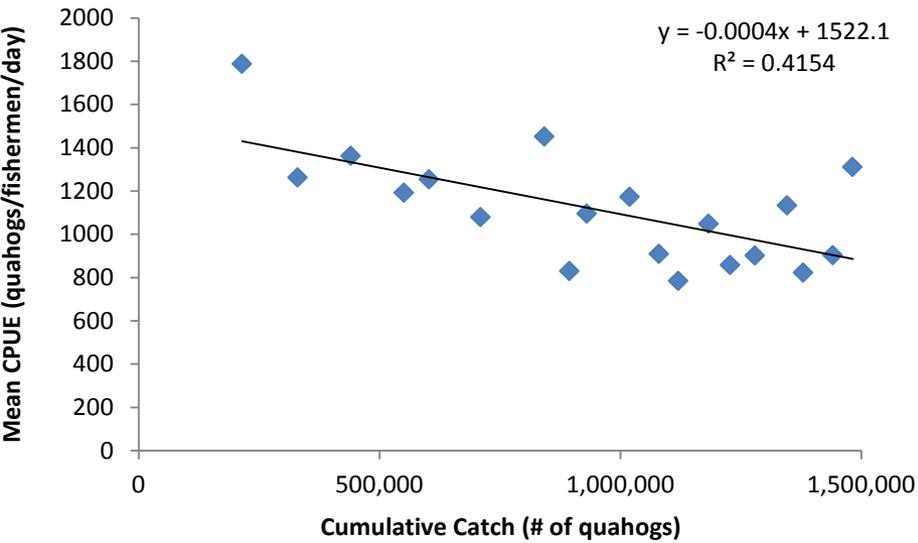


Starting #	Start #/m ²	Catch	End #	End #/m ²
4,872,719	1.79	2,012,279	2,860,440	1.05

F Rate = 0.533

Greenwich Bay – Leslie Depletion Model

Jan 2014 - March 2014



Starting #	Start #/m ²	Catch	End #	End #/m ²
3,544,222	1.30	1,482,124	2,062,099	0.76

F Rate = 0.542

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

(1) January 6 1, 2014 2015 through April 30, 2014 2015: 8:00 A.M. to 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

13.7 **Potowomut:**

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:**

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, 2014: Open daily for the harvest of bay quahaugs, soft-shell clams, and blue mussels.

(B) May through November annually: Closed.

13.10 **Mill Gut:**

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:**

13.11.1 Boat harvest schedule:

(A) December 2013: Closed.

(B) Beginning January 3 1, 2014 2015: Open between 8:00 A.M. and 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

(C) February 1 through April 30, 2014: Open daily.

(D) May through November annually: Closed.

Shellfish Aquaculture Lease Proposals

Policies and Procedures Governing RIMFC and DEM Reviews

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

Policy #1:

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

Policy #2:

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

Policy #3:

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

Procedures:

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

6. The SAP meeting takes place. At the meeting, the AC, in coordination with the applicant, addresses any preliminary modifications to the application; DEM presents its preliminary comments on the application; and industry interests (among others) are given the opportunity to comment. Those unable to attend the meeting are encouraged to submit written comments. The SAP seeks consensus on a recommendation regarding the application, including any potential additional modifications thereto.
7. Within ten (10) days following the SAP meeting, the SAP Chair develops minutes of the meeting, with particular reference to the panel's recommendation(s). Upon completion of the minutes, they are submitted to the RIMFC, with a copy to DEM and the AC; the AC then forwards the recommendation(s) to the applicant. Simultaneously, DEM's preliminary comments on the application are submitted to the RIMFC, with a copy to the AC, who then forwards said comments to the applicant. Relevant application materials, provided by the AC, are included in the RIMFC submittal.
8. Within ten (10) days following receipt of the SAP meeting minutes, and all associated documents, and DEM's preliminary comments on the application, any RIMFC member may request that the matter be brought before the full RIMFC at the next regularly scheduled RIMFC meeting.
9. If no RIMFC member makes such a request, DEM notifies the AC, on behalf of the RIMFC, that the SAP recommendation(s) constitute(s) the RIMFC recommendation. That recommendation stands unless and until an applicant seeks further review and consideration by the full RIMFC, pursuant to #11 below.
10. If any RIMFC member does request that the matter be brought before the full RIMFC, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
11. Notwithstanding the process outlined above, any applicant wishing to bring the SAP recommendation(s) pertaining to his/her lease application before the full RIMFC for further review and consideration may do so, at any time, by making that request to the AC, who in turn forwards the request to DEM. Upon receipt of such request, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may

continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.

12. Immediately following the SAP meeting, or, if the matter is brought before the RIMFC, immediately following adoption of their final recommendation, DEM submits its final written comments on the application to the AC.
13. The AC completes the regulatory review process pursuant to CRMC's programmatic requirements.

TITLE 20

Fish and Wildlife

CHAPTER 20-2.1

Commercial Fishing Licenses

SECTION 20-2.1-11

§ 20-2.1-11 Industry advisory committee. – The council shall establish an industry advisory committee to provide coordination among commercial fisheries sectors and to review plans and recommendations that affect more than commercial fishery sector, and to advise the council and the department on matters which affect commercial fishing as a whole, which committee shall include representatives of each commercial fisheries sector and of manners of commercial fishing.

History of Section.
(P.L. 2002, ch. 47, § 4.)



Rhode Island Marine Fisheries Council

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

Panel Chair:
Jeff Grant

Scientific Advisor:
Dale Leavitt

DFW Staff:
Jeff Mercer

Advisory Panel Members:

Commercial User Groups:

Aquaculture:
Primary: Jeff Gardner
Alternate: Bob Rheault

Bullrakers:
Primary: David Ghigliotty
Alternate: open
Primary: Mike McGiveney
Alternate: Bruce Eastman
Primary: Robert Bercaw
Alternate: James Logiodice
Primary: Gerald Schey
Alternate: open
Primary: Owen Kelly
Alternate: Martin McGiveney
Primary: Donald Goebel
Alternate: Michael Bradshaw
Primary: William Cote
Alternate: John Nolan

Tong:
Primary: open
Alternate: open

Diver:
Primary: Bill Blank
Alternate: Russell Blank

East Bay:
Primary: Katie Eagan
Alternate: open

Dealer:
Primary: Bob Smith
Alternate: open

Recreational User Group:
Primary: open
Alternate: John Vivari

Meeting Notice

Shellfish Advisory Panel

Date: Wednesday August 27, 2014 @ 4:30

Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI

MEETING AGENDA

1. Proposed Aquaculture Lease: CRMC File # 2014-04-083, Campanale, Point Judith Pond, Narragansett.
2. Proposed Aquaculture Lease: CRMC File # 2014-05-072, Whilden, West Passage near Fox Island, North Kingstown.
3. Proposed Aquaculture Lease: CRMC File # 2014-06-076, Sousa, Island Park Cove, Portsmouth.
4. Proposed Aquaculture Lease: CRMC File # 2014-08-013, Opton-Himmel, Ninigret Pond, Charlestown.
5. Discussion of Oyster Restoration Reserves in Ninigret Pond.
6. Discussion of 2014-2015 winter shellfish management area schedules.
7. Discussion of Shellfish Advisory Panel vacancies.

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

For more information please contact Jeff Mercer at (401) 423-1937.

RHODE ISLAND MARINE FISHERIES COUNCIL
Shellfish Advisory Panel
August 27, 2014, 4:30 pm
Fort Wetherill Marine Laboratory, Jamestown, RI
Meeting Minutes

RIMFC Members Present: J. Grant (Chair); M. Rice

SAP Members Present: J. Gardner; B. Bercaw; M. McGiveney; D. Ghigliotty; K. Eagan; G. Schey

Scientific Advisor Present: D. Leavitt

Public Present: R. Campanale; D. Campanale; R. Sousa; J. Opton-Himmel; T. Whilden; G. Whilden; C. Johnson; D. Tucker

CRMC: D. Beutel

DEM Fish and Wildlife: J. Mercer

New Business:

1. Proposed Aquaculture Lease: CRMC File # 2014-05-072, Whilden, West Passage near Fox Island, North Kingstown.

Beutel gave a brief description of the site. Mercer presented a map of the location and noted that a field survey was done with moderate densities of quahogs found within the lease. Bercaw noted that he fishes out of Wickford and had observed only light fishing activity in the area. Mercer noted that Chief Hall from DEM has concerns about impacts to recreational boating in the area. Bercaw said that he does not think that the area is heavily used for boating. McGiveney stated that Ghigliotty stated that he and other use the area to fish for bass in the spring and fall along the 8-12 foot contour in the rocky bottom. McGiveney asked Beutel if other recreational fishermen had any objections. Beutel noted that RISAA submitted objections because of the fluke fishing that occurs in the area. McGiveney asked if they should only be concerned with shellfish. Grant noted that the SAP was concerned with wild harvest fisheries in their review of aquaculture leases. Beutel stated that he believes that the SAP is only concerned with shellfish and that the full RIMFC takes into account other fisheries if it is requested to go before the full council for review. Gardner asked if the lease could be moved further offshore to avoid conflict with bass fishing. Beutel stated that if moved further offshore it would interfere more with the fluke fishing. Beutel said that SAP had the options of objecting, not objecting or deferring to the full council. McGiveney made a motion to defer to the full council but was not seconded. There was further discussion of the adult quahog densities and fishing activity in the area with the general consensus being that there would be little impact on the quahog

fishery. Motion made by Eagan to **not object** due to minimal impact on shellfishing, Bercaw seconded the motion. **The board voted 5-1 to not object to the application with Ghigliotty the lone vote not in favor.**

2. *Proposed Aquaculture Lease: CRMC File # 2014-06-076, Sousa, Island Park Cove, Portsmouth.*

Beutel gave a brief description of the lease and existing leases in Island Park Cove. Mercer presented a map of the location and also stated DEM conducted a site visit with an average density less than 1/m². Gardner asked about the water quality closure line which is south of this lease. There was some discussion about the shellfishing activity in the area. Eagan noted that she spoke to 4 fishermen who fish in the cove and 2 of them stated that they had fished in the area in the past but it wasn't very productive. The applicant gave a description of fishing activities that he has observed in the area. She asked about the saturation point for ponds. Beutel noted that there is a 5% rule for coastal ponds but noted that he conferred with the state geologist who would not classify Island Park Cove as a coastal pond. McGiveney offered a motion to **not object** to this application. Gardner seconded the motion. **The board voted 5-1 to not object to the application with Ghigliotty the lone vote not in favor.**

3. *Proposed Aquaculture Lease: CRMC File # 2014-07-067, Campanale, Point Judith Pond, Narragansett.*

Beutel gave a brief description of the lease. Mercer presented a map of the site and noted that a site assessment was completed and very low densities of quahogs and a very muddy bottom. The applicant explained that he has never seen anyone clamming in the specific area but there is clamming activity in surrounding areas. Beutel noted that there were significant numbers of quahogs near shore and the lease was moved approximately 100 feet offshore to avoid conflicts with the fishery. There was further discussion of clamming around Ram Island. Grant asked for a motion. Gardner offered a motion to **not object** to this application. Bercaw seconded the motion. **The board voted 4-1 to not object to the application with Ghigliotty the vote not in favor. Eagan abstained from voting.**

4. *Proposed Aquaculture Lease: CRMC File # 2014-08-013, Opton-Himmel, Ninigret Pond, Charlestown.*

Beutel gave a brief description of the lease. Mercer presented a map of the site and noted the low density of quahogs in the area. Mercer also expressed DEM concerns in regards to the use of the Oyster Gro floating cages and 1000-2600 sq ft of structure that will be above the surface of the water and an additional 800 sq ft barge. Beutel stated that he did not think that the gear usage was under the purview of the SAP. Mercer disagreed with this point of view as there is an aquaculturist on the SAP and the methods that other aquaculturist use can impact the perception of the industry. Gardner stated that he believed that aquaculture is considered a fishery by the state and that is why he was on the board. He reviewed the Oyster Gro system and its merits. He mentioned that the above water structure will give a place for birds to sit and will attract more birds. The birds will eat fish in the ponds and defecate in the

water, potentially creating an issue with E.coli levels. He also expressed concern about the social impact that above water structures would have and the precedent it would set for the other leases in the area. Eagan noted that the lease in Hog Island that uses Oyster Gro cages has lots of birds on the structure. Gardner further discussed the issue with birds, in particular cormorants and their impact on fisheries resources. He stated that he has no issue with the lease location but does not support the gear usage. The applicant noted that there is already plenty of structure for birds on the pond and he doesn't believe there will be more birds if the lease is allowed. She asked about the history of upwellers and floats in ponds and if they are permitted. Beutel noted that there are 3 leases where rafts are allowed. There was further discussion about the gear usage and the precedent it would set. Gardner stated that he had spoken to other aquaculturists and they object to the methods for the lease. The applicant discussed his lack of workspace and growing methods and how the raft and Oyster Gro cages would make his operation more efficient. McGiveney asked about the fishing in the area and the density of the leases in the area. Beutel stated that there was an agreement with the Town of Charlestown and USFW that no new leases would be allowed to the west of the existing Behan lease. McGiveney suggested that the concerns of aquaculturists are not the purview of this board and since there was no shellfishing activity that he recommend that they not oppose the lease. Mercer disagreed with the statement and noted that there was an aquaculturist on the board to represent the views of that industry. Bercaw asked to make a motion to send it to the council but was not seconded. Gardner made a motion to object to the application due to concerns with the bird population gathering on the exposed gear causing degradation of the water quality and impact on the other aquaculturists and their ability to market their product. Grant asked for a motion. Gardner offered a motion to **object** to this application. She seconded the motion. **The board voted 2-1 to object to the application with Gardner and Shey in favor of the motion and Eagan opposed to the motion. Ghigliotty, McGiveney, and Bercaw abstained from voting.**

There was further discussion about the merits of the application and growing methods and the advancement of the industry.

The applicant requested that his application be brought before the full RIMFC.

5. *Discussion of Oyster Restoration Reserves in Ninigret Pond.*

Eric Schneider from DEM Marine Fisheries gave a presentation on establishing oyster reserves in Foster Cove in Ninigret Pond. He proposed establishing a $\frac{3}{4}$ acre rectangular area on the north shore of the pond for restoration through the EQIP program administered by NRCS. The second site is a 2.4 acre area extending 75 ft from shore surrounding a peninsula on the east shore of the cove. This area already contains a number of restoration plots created by TNC and is targeted for future restoration work as well. He also noted that there has been substantial harvest in Ninigret Pond in the last 2 years (260,000 oysters) and the population of legally harvestable oysters in the area has been depleted and at present is very low. There was discussion about the projects and methods employed and how they might increase oyster populations. Grant asked why it was necessary to close the areas. Beutel noted that the areas needed to be closed for NRCS to pay for the restoration. Bercaw asked about the length of time and if 4-5 years and noted that some of the adults would die

before they had the opportunity to be harvested. Leavitt stated that he thinks that clutching the waters is very important and would support the project. Rice described other clutching projects and the positive impacts that they have had on the environment. Grant asked about the duration of the projects that are taking place and Schneider described the various projects that are planned for the area. Eagan asked about evaluation of the project and Mercer responded that there was plans and money to evaluate the site. Grant expressed concern about the length that the areas would be closed for and did not want them to be closed indefinitely. Ghigliotty asked about where oyster harvest is coming from. Schneider described the areas that are heavily fished. Mercer explained that the site was surveyed and very few legal-sized oysters were present. Gardner made a motion to recommend approval of both sites for a period of 5 years. Motion seconded by Shey. **The board voted 6-0 to recommend approval.**

6. Discussion of 2014-2015 winter shellfish management area schedules.

Mercer gave a presentation describing current trends in fishing effort and abundance. There appears to be a general trend of increasing abundance in the Bay since 2004. In western Greenwich Bay the fishing rate has exceeded 0.5 a level at which recruitment cannot keep up with exploitation and there is a drop in abundance. At the end of the 2014 fishing season the estimated densities were 0.76 quahogs/m², a density at which spawner stock-recruitment relationships predict complete recruitment failure. DEM has plans to use the dredge survey to evaluate the standing stock in October prior to the opening of the fishery for 2015 in western Greenwich Bay. McGiveney stated that the number of days were limited to about 20 days last year due to pollution issues and those days were needed due to windy conditions. Shey mentioned that it worked well last year when January was closed due to pollution. McGiveney noted that RISA would like to see the schedule the same as last year. Ghigliotty stated that he thinks that western Greenwich isn't as depleted as the model suggest. Shey noted that when the area is very dense the area gets part-timers who exploit the resource and drive down prices. Rice asked about the transplant program and McGiveney described that they haven't asked for transplants in recent years to allow the populations to rebuild. Rice stated that he thinks that the broodstock in the closed areas need to be managed. Grant stated that he thinks that Greenwich Bay as a whole including closed areas need to be considered as the stock due to larval exchange. There was discussion about waiting until the dredge survey is complete in October to make a decision and the default schedule. Eagan stated that she would like to keep the Bristol schedule the same and asked that there be an announcement about the boundaries of the Bristol Transplant area and the changes that were made. Grant asked if there were any recommended changes to the other areas other than Greenwich. McGiveney made a motion to maintain status quo for all the areas except for Greenwich Bay with a minor change to start January 1 instead of January 3 in Bristol. The motion was seconded by Gardner. **The board voted 6-0 to recommend approval.**

McGiveney made a motion to maintain status quo for Greenwich Bay with a minor change to start January 1 instead of January 6. The motion was seconded by Bercaw. **The board voted 6-0 to recommend approval.**

The meeting was then adjourned.



Rhode Island Marine Fisheries Council

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

Panel Chair:
Ken Booth

Advisory Panel Members:

Commercial User Groups

Hook & Line:
Gerard Tremblay (primary)
John Gadzik (alternate)

Trawl-Inshore (State permitted ONLY):
Douglas Kissick (primary)
Carl Granquist (alternate)

Trawl-Offshore (Federal permitted ONLY):
Paul Westcott (primary)
Stephen A. Arnold (alternate)

Fish Pots:
Richard Fuka (primary)
Open (alternate)

Floating traps:
Luke Wheeler
Open (alternate)

Gillnet-Inshore (State permitted ONLY):
Aaron Gewirtz (primary)
Stephen Parente (alternate)

Gillnet-Inshore (Federal permitted ONLY):
Ted Platz (primary)
Open (alternate)

Seafood Dealer:
Al Conti (primary)
Open (alternate)

Scallop/Dredge Fishery:
Michael Marchetti (primary)
Open (alternate)

Recreational User Groups

Recreational:
John Troiano, III (primary)
William Bento (alternate)

Party Boat:
Frank Blount, Jr. (primary)
Open (alternate)

Charter Boat:
Jim White
Open (alternate)

Scientific Advisor:
Open

DFW Staff:
Eric Schneider
423-1933

Groundfish/Federally Managed Species Advisory Panel MEETING NOTICE

Tuesday - September 2, 2014 at 6:00 PM

Hazard Room B
URI Narragansett Bay Campus
South Ferry Road, Narragansett, RI

AGENDA

1. Welcome
2. Approval of Agenda
3. RI commercial spiny dogfish fishery
 - a. Review of RI commercial spiny dogfish fishery
 - b. Discuss the *potential* Div. of Fish & Wildlife spiny dogfish conservation equivalency proposal for State waters
 - c. Advisory Panel proposals for 2014-2015 commercial fishing year
(Please bring any proposal you have to the meeting for discussion)
4. Other business
5. Adjourn

Please submit proposals to Eric Schneider at least 24-hours prior to the meeting via email: Eric.Schneider@dem.ri.gov or mail at:

Division of Fish & Wildlife, Attn: Eric Schneider
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

ALL RIMFC Species Advisory Panel meetings are open to the public.
For more information, please contact Eric Schneider at (401) 423-1933.

Date Posted: 08/26/2014

RIMFC Groundfish & Federally Managed Species Advisory Panel Meeting

September 2, 2014

6:00 PM

URI Narragansett Bay Campus
Hazard Room at the Coastal Institute
South Ferry Road, Narragansett, RI

Eric Schneider - RI DEM Marine Fisheries
401.423-1933 <eric.schneider at dem.ri.gov>



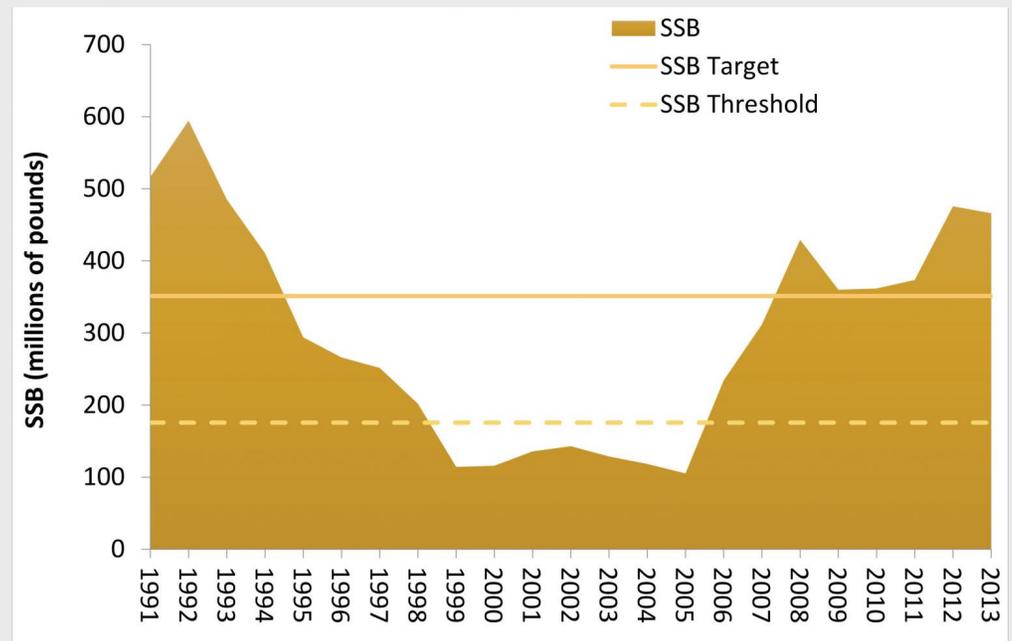
Overview

- ♦ Review of RI commercial spiny dogfish fishery
- ♦ Discuss the *potential* Div. of Fish & Wildlife spiny dogfish conservation equivalency proposal for State waters
- ♦ Advisory Panel proposals for 2014-2015 commercial fishing year
- ♦ Other business



Stock Status

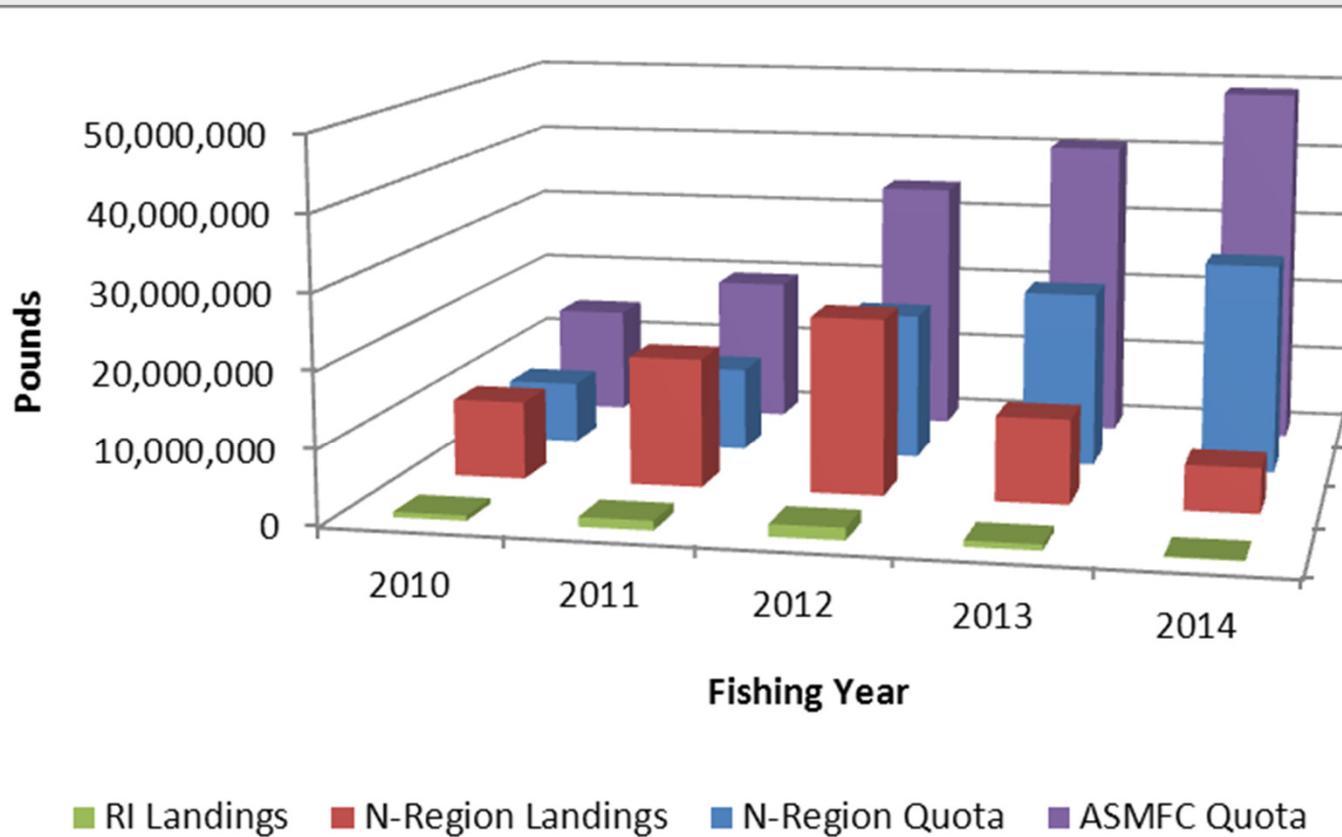
- ◆ **The spiny dogfish stock is not overfished and overfishing is not occurring**
- ◆ Spawning stock biomass (SSB) was estimated at 465.99 million pounds in 2013 and has exceeded the target (351.23 million pounds) for the past six years
- ◆ Fishing mortality was estimated to be 0.15 in 2012, well below the plan's threshold (0.2439)
- ◆ Rebuilding, initiated in 2000, officially ended in 2010
- ◆ Discards have been and are expected to remain stable around 11 million pounds



Spiny Dogfish Spawning Stock Biomass (SSB) (≥ 80 cm). Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the FMSY Proxy & PSTAR of 40%, 2013

ASMFC Regional/state quotas and possession limits for the 2014/2015 and 2015/2016 fishing seasons (in pounds). Quotas will be adjusted for any over/under harvests in the previous fishing season.

	Northern Region (ME - CT)	NY	NJ	DE	MD	VA	NC
5,000 Possession Limit	4,000	To be specified by individual southern region states					
% Allocation	58.00%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
2014/2015	28,634,600	1,336,446	3,773,843	442,355	2,922,704	5,329,492	6,929,573
2015/2016	29,354,960	1,370,067	3,868,781	453,484	2,996,230	5,463,565	7,103,900



ASMFC Regional/state quotas and possession limits for the 2014/2015 and 2015/2016 fishing seasons (in pounds). Quotas will be adjusted for any over/under harvests in the previous fishing season.

5,000	Northern Region (ME - CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	4,000	To be specified by individual southern region states					
% Allocation	58.00%	2.71%	7.64%	0.90%	5.92%	10.80%	14.04%
2014/2015	28,634,600	1,336,446	3,773,843	442,355	2,922,704	5,329,492	6,929,573
2015/2016	29,354,960	1,370,067	3,868,781	453,484	2,996,230	5,463,565	7,103,900

Fishing Year	Quota		Landings		% of N. Region Quota	
	ASMFC	N-region	N-Region	RI landings	N. Region Landings	RI landings
2010	14,400,000	8,352,000	10,553,827	708,319	126.4%	8.5%
2011	19,500,000	11,310,000	17,350,957	1,265,072	153.4%	11.2%
2012	34,200,000	19,836,000	23,632,056	1,620,729	119.1%	8.2%
2013	40,800,000	23,664,000	11,405,150	789,334	48.2%	3.3%
2014	49,037,000	28,420,000	6,049,711	136,719	21.3%	0.5%
2015	50,612,000	29,348,000	-	-		



Recent Management Changes

- Given the large underage from the 2013 FY, the Councils considered increasing the federal possession limit
 - NEFMC recommended eliminating the possession limit
 - MAFMC recommended status quo (4,000)
 - This results in NOAA setting the federal possession limit
- At the ASMFC Spiny Dogfish Mang Board - May 2014
 - RI Commissioners requested:
 - increasing the ASMFC possession limit
 - The motion did not pass
 - Permission to submit a conservation equivalency proposal
 - Permission granted
- August 2014
 - NOAA and ASMFC increase possession limits at 5,000 lbs/day starting Sept 8, 2014



Discuss the *potential* Div. of Fish & Wildlife spiny dogfish conservation equivalency proposal for State waters

- The goal of the conservation equivalency would be to reduce regulatory discards by managing its commercial dogfish fishery via a weekly aggregate program, similar to the aggregate programs already in place (per Commission approval) for scup and summer flounder.
- Importantly, the program should reduce regulatory discards and improve the economics of the fishery.
- This will apply only to State-water vessels, as the federal 5,000 possession limit is in place for all federally permit holders.
- Weekly aggregate could probably be 25,000 lbs/week until 75% of the regional quota is harvested.
- Feed back....



Advisory Panel proposals for 2014-2015 commercial fishing year



Meeting Minutes for the RIMFC Groundfish & Federally Managed Species Advisory Panel Meeting

September 2, 2014 at 6:00pm

URI/GSO Narragansett Bay Campus, Coastal Institute Building, Hazard Room

The following people attended this meeting, including 1 AP member (*).

1. <i>Ken Booth (Chair)</i> 2. <i>Ted Platz*</i> 3. <i>Jerry Carvalho (Rhode Island Fishermen's Alliance)</i>	<ul style="list-style-type: none">• Eric Schneider, RI F&W• Dave Borden (ASMFC Commissioner, RI)
---------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------

Groundfish Members Absent: Jerry Tremblay, Douglas Kissick, Paul Westcott, Richard Fuka, Luke Wheeler, Aaron Gewirtz, Al Conti, Michael Marchetti, John Troiano III, Frank Blount, Jr., Jim White.

Handouts: Agenda

Presentation: (see attached presentation)

K. Booth (Chair) called the meeting to order at approximately 6:10pm. He noted that he E. Schneider (RI F&W) had a presentation prepared and would lead a discussion on each of the agenda items. He then turned the meeting over to E. Schneider.

E. Schneider welcomed and thanked everyone for coming. He said the purpose of tonight's meeting was to discuss the *potential* Div. of Fish & Wildlife spiny dogfish conservation equivalency (CE) proposal for the state-water fishery. Specifically, the Division requested this meeting in to get feedback from the AP regarding whether the Division should develop and submit said proposal to ASMFC for consideration at the annual meeting in October 2014.

Eric then began the attached presentation, which provided background on the stock, management, recent ASMFC spiny dogfish board meeting in May 2014, and a general outline the CE proposal. The group decided to go through the outline of the CE proposal, with the goal of defining the particular aspects of each element. The following is a summary of the group's recommendation.

- Goal: is to develop a program that will allow RI participants to improve the efficiency of their spiny dogfish fishing operations without increasing the probability of overharvesting the regional quota and overfishing.
 - The significant changes to current management practices include operating on a weekly possession limit, rather than a daily limit, with provisions that require the state to monitor landings to ensure we do not cause the region to overharvest the quota and prevents RI from substantially changing its status relative to other states within the region.
- Elements of the proposal include:
 - Season: Although there was discussion as to whether a season should be included, the group decided to simply provide the Division the authority to develop seasons as needed.

- Implementation date: If ASMFC approves the CE, then RI would apply to NOAA for a federal consistency. If both are approved the plan would begin in May of 2016.
- Weekly Possession Limit: 80% of a 7-day limit
 - $((5,000 \times 7 \text{ days} = 35,000) \times .8) = 28,000 \text{ lbs/week}$
- Program Cap = The program will end when either 3,000,000 lbs are landed in RI or 80% of the regional quota is harvested. At that point the possession limit reverts to the current 5,000 lbs a day possession limit
 - This is designed to ensure that RI does not unduly impact surrounding states by grabbing a historically-disproportionate chunk of the regional quota.
 - The 3,000,000 lbs figure could also allow each state to operate in a similar mode if the recent under harvest rate continues.
- Reporting: RI will have to monitor landings using SAFIS.
 - Thus, all participants must land at federal or state dealer who reports landings electronically.
 - The Division will monitor landings to ensure compliance of the program.
 - Each participant must have an active RI fishing license and report their activity must be captured in a logbook or VTR

The group discussed that, at some point, NOAA will require a letter of authorization or some mechanism to recognize federal fishers who are participating in this program. This will be evaluated after ASMFC consideration. That concluded the Spiny dogfish discussion

J. Carvalho requested the group discuss winter flounder management.

E. Schneider said that J. Carvalho may proceed with his winter flounder comment, but noted that this will also need to go the RIMFC so that they can either have the discussion at the council level or request a Winter Flounder AP to convene.

In short, J. Carvalho stated that the inequity in harvest and possession limit between the Commission and Federal plan is unacceptable and unfair to state-water participants. He requested that the RI Commissioners address this at the next ASMFC meeting. As noted earlier, J. Carvalho agreed to make this comment at the next RIMFI meeting.

K. Booth said if there is no further business that the meeting is adjourned (~8:15pm).