



# Rhode Island Marine Fisheries Council

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

## MEETING NOTICE

**December 1, 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	12-1-2014 RIMFC agenda.	Approval of agenda.
2. Approval of Minutes	RIMFC 9-3-2014 (as revised) and 10-6-14 meeting minutes	Approval of minutes.
3. Public Comments	Comments from the public on any items not on agenda	Discussion and/or possible future action.
4. New business	a. <b><u>Winter Harvest schedule for Greenwich Bay Shellfish Management Area:</u></b> <i>J. Grant; J. Mercer</i>	Recommendation to the Director to amend Shellfish regulations to accommodate revised schedule.
	b. <b><u>Public hearing (11/12) items:</u></b> <i>J. McNamee; P. Duhamel</i> <ul style="list-style-type: none"> <li>• <u>Comm. Summer flounder;</u></li> <li>• <u>Comm. Scup;</u></li> <li>• <u>Comm. Black sea bass;</u></li> <li>• <u>Comm. Monkfish.</u> <ul style="list-style-type: none"> <li>○ <i>Workshop presentation</i></li> <li>○ <i>Public hearing presentation</i></li> <li>○ <i>Written comments received</i></li> <li>○ <i>Summary of public hearing comments</i></li> </ul> </li> </ul>	Recommendations to the Director on proposed regulations.
	d. <b><u>Shellfish advisory panel membership application:</u></b> <ul style="list-style-type: none"> <li>• <u>J. Vivari – to replace P. Kennedy are primary recreational shellfish rep.:</u> <i>R. Hittinger</i></li> </ul>	Council vote to approve or deny application.
5. FYI	a. <b><u>Director Decision memos;</u></b> b. <b><u>RIMFC Aquaculture letters;</u></b> c. <b><u>NEFMC Report – Sept./Oct.;</u></b> d. <b><u>2015 Meeting schedule</u></b>	FYI
6. Other business	Any other matters that Council members would like to discuss.	FYI, discussion, and/or consideration for future action.
7. Adjourn		

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

Date Posted 11/28/2014



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(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; 2<sup>nd</sup> 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; 2<sup>nd</sup> 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 was historically a state waters fishery, that Rhode Island has implemented extreme conservation measures over an extended period of time and that there is a great disparity between state and federal possession limits. He offered that this matter should be aggressively pursued in terms of approaching ASMFC to increase the states' fifty pound possession limit and that the state could ill afford the loss of access to this resource. *J. Carvalho* suggested that the Council request from the Director a letter directed to the ASMFC in support of this issue. *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.

5. **FYI items:**

- a. **ASMFC Summer 2014 report:** *B. Ballou* highlighted that a ASMFC hearing on Striped bass will be occurring on September 17<sup>th</sup>; 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 25<sup>th</sup> 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 8<sup>th</sup> 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



# Rhode Island Marine Fisheries Council

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## MEETING MINUTES

October 6, 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: *M. Gibson, J. McNamee, J. Mercer, P. Duhamel, Lt. Joe Poccia (Law Enforcement)*

Public: *G. Allen, Jules Opton-Himmel*

1. **Approval of the Agenda:** *B. Ballou* inquired as to recommended modifications to the agenda; hearing none, the agenda was approved.
2. **Approval of RIMFC meeting minutes from September 3, 2014:** *B. Ballou* inquired as to any proposed changes to the minutes or any objections to approving the minutes. *J. McNamee* offered that a modification request was submitted by *J. Carvalho* regarding comments he had made regarding the discussion on Winter flounder. *B. Ballou* then offered to hold off on the approval of the minutes until the next meeting and the proposed modifications could be reviewed.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **New business:**
  - b. **Public hearing (9/30) items** (note: agenda items a. and b. were switched in order):
    - **2015 Sector Mgmt. Plans (Finfish, Shellfish, and Crustacean):**

*B. Ballou* offered that the crux of the proposed plans were the licensing and endorsement recommendations that were made, and that no changes were proposed in terms of endorsement categories and exit/entry ratios from the 2014 plans. He therefore offered that only the specific licensing recommendations be heard in order to expedite the process.

*K. Booth* offered that he would like to look at Licensing in its entirety in terms of what has occurred and direction moving forward, and that he is uncomfortable making recommendations on these plans every year without such a complete review. He offered



that he was concerned about possible imbalance amongst different sectors and that a statistical analysis over the past 5 – 10 years is needed. *R. Bellavance* offered that a review of a restructuring of the entire licensing system and process is needed. *B. Ballou* offered that this would be appropriate particularly due to the significant decrease in number of active licenses. Discussion revolved upon the need for data and the review of this data in order to be able to fully understand the system. *J. McNamee* offered that the Division could provide data. *B. Ballou* offered that an IAC should be tasked with addressing this matter, as a range of issues with potential regulatory and statutory changes. *M. Gibson* offered that original intent with number and types of licenses was for effort control, but that in reality is irrelevant in terms of effort control. He offered that the Sector plans do not address fishery performance per se and how different fishery sectors may be performing relative to each other. He offered that the plans as currently structured would not be suited to provide the information being discussed presently as a means to evaluate the Licensing program. He offered support of a discussion to evaluate the content of the Sector Plans. *J. McNamee* offered that the Council should determine exactly the types of information needed from the Division. He offered that *J. Lake* would be the lead person to prepare an agenda and convene the IAC. *B. Ballou* offered that an item would be added to the agenda under new business to authorize an IAC meeting and agenda to address this topic.

*B. Ballou* then proceeded to address the **Finfish Sector Management Plan**. *J. McNamee* went through each of the species and offered rationale for Division recommendations. *R. Bellavance* offered that the IAC recommended status quo on the proposed exit/entry ratios. ***R. Bellavance* offered a motion to recommend adoption of the 2015 Finfish Sector Management Plan as proposed; 2<sup>nd</sup> by *J. Grant*. The motion passed 8 – 0.**

*J. McNamee* then addressed the **Shellfish Sector Management Plan** and the Division recommendation of status quo regarding the exit/entry ratios of each of the shellfish endorsement categories. *R. Bellavance* offered that the IAC recommended status quo for each of the endorsements. ***J. Grant* offered a motion to recommend adoption of the 2015 Shellfish Sector Management Plan as proposed; 2<sup>nd</sup> by *M. Rice*. The motion passed 8 – 0.**

*J. McNamee* then addressed the **Crustacean Sector Management Plan** and each of the species in the plan. He offered that the Division was recommending status quo regarding the exit/entry ratios of each of the crustacean endorsement categories. He offered that the main species of this plan is Lobster and that the ASMFC requires that no new licenses be offered in this fishery. *M. Gibson* offered that the status of Jonah/Rock crabs is not known, rather than not overfished as shown. He offered that an FMP is being considered for this fishery which could affect the Division recommendation in the future. *R. Bellavance* offered that the IAC had minimal discussion on this plan. ***D. Monti* offered a motion to recommend adoption of the 2015 Crustacean Sector Management Plan as proposed; 2<sup>nd</sup> by *C. Rein*. The motion passed 8 – 0.**

- **Amendments to the Licensing regulations:**
  - **Offer opportunity to Over 65 license holders to upgrade their license to a CFL w/Quahaug endorsement:** *J. McNamee* explained the basis of the amendment;

that as written that language was confusing and that the proposed language was meant to offer clarification. He offered that the language would not result in expansion of participation in the fishery, but that the fisherman's priority status would be improved for potential license upgrades, but that this would be negligible. *B. Ballou* offered the current language resulted in a loophole in terms of what an Over 65 licensee could or could not do in terms of upgrading their license for this license. He offered that as currently written, the Over 65 license is a dead-end license, in that it does not provide for the ability to upgrade the license base or to increase priority status based on fishing history. The proposed language is to provide for equitable status based on an actively fished license. ***M. Rice* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *W. Macintosh*. The motion passed 8 – 0.**

○ **Clarify provisions of PEL license with all shellfish endorsements for license holders over the age of 65:** *J. McNamee* offered that the proposed language is to clarify that only the Over-65 w/quahaug endorsement is free, and that other endorsements associated with Over-65 have fees and are not free. *M. Gibson* offered that any increase in activity should have an additional fee based on activity in the fishery. *B. Ballou* offered that the overall review of fees and Licensing will be tasked to the IAC in the near future. ***R. Hittinger* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 8 – 0.**

○ **Remove Gear Declaration from License Application:** *J. McNamee* offered that this information is no longer needed on the application form and was often completed inaccurately. He offered that the information is obtained by electronic reporting. ***R. Hittinger* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *W. Macintosh*. The motion passed 8 – 0.**

○ **Allow Trips reported to SAFIS on a landing permit to be considered for activity standard:** *J. McNamee* offered that this proposal is specific for active RI state waters fishermen with an actively fished commercial fishing license, and is to allow these fishermen to utilize landing permit landings (as opposed to landing using their commercial fishing license) to count toward their activity standard. He offered that this is not applicable to federal fishermen or crew fishing in federal waters and landing in RI. ***C. Rein* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *M. Rice*. The motion passed 8 – 0.**

○ **Proposed changes to provisions of the Paper Logbook Endorsement - Declaration of Reporting Method & Renewal Deadline:** *J. McNamee* offered that the current language that allows for the paper logbook to be applied for at any time during the year has presented logistical administrative problems, and that the proposal is to correct this problem by requiring this endorsement to be selected at the time of annual license renewal. He offered that this would provide benefit for both the Division and the fishermen. *R. Bellavance* offered that the IAC had no objection to the amendment as proposed. ***D. Monti* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *C. Rein*. The motion passed 8 – 0.**

o **Proposed changes to provisions of the Dockside Sales Endorsement:** *J. McNamee* offered that that proposal would require the submittal of paper reporting in addition to eTrips, as a means for tracking this activity, and that this would eliminate double reporting. *W. Macintosh* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *D. Monti*. The motion passed 7 – 0 (Note: *R. Bellavance* was not present for this vote).

o **Crew Member:** *J. McNamee* explained the significance of this proposal; that it is to create more stringent criteria in the documentation of an active crew member, which is significant in that this is used to determine priority status for eligibility for upgrades to a commercial fishing license. He explained that DFW is proposing to require a W-2 form to replace a signed affidavit due to possible falsifications of affidavits. *R. Bellavance* offered that the IAC was split on the issue in terms of documentation requirements, mainly due to poor records of payments and/or cash payments in which no documentation was kept by the crew member. *K. Booth* offered that the language should be specific as to the documentation required; *W. Macintosh* concurred, offering that a paystub or deposit slip could be used. *C. Rein* offered that as this is about priority status, that more rigorous documentation requirements are needed. *J. Grant* offered that crew members/deckhands in the shellfish industry are often unpaid; that they work as apprentices in order to learn the business. *B. Ballou* offered that this will be in effect for 2015, in that crew members seeking priority status will be required to provide the documentation specified in the regulation. *R. Bellavance* offered that 1099 forms may not be available at the time of application. *M. Gibson* offered that the definition of crew member requires that the person be “employed”. *R. Hittinger* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *K. Booth*. *K. Booth* then offered a friendly amendment to amend the language as follows: “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 by either a W-2 form, ~~or~~ paycheck stub, or 1099 form”; *R. Hittinger* concurring with the friendly amendment. *J. McNamee* offered that he was uncomfortable with requiring specific documentation rather than allowing for discretion, as there could be other acceptable documentation not considered at this time. *C. Rein* offered that the documentation should be official from a financial or government institution. *R. Hittinger* offered that he maintained his motion as stated. The motion passed 8 – 0.

o **Tiered Lottery contingencies:** *B. Ballou* offered that this is a proposal to allow for improved equity amongst the tiers. *W. Macintosh* offered a motion to recommend adoption of the amendment as proposed; 2<sup>nd</sup> by *M. Rice*. The motion passed 8 – 0.

a. **Proposed aquaculture lease applications:**

- **Walrus and Carpenter (Jules Opton-Himmel):** *Mr. Himmel* offered a brief description of his application. *B. Ballou* offered that the SAP vote was 2-1 in favor of recommending denial of the application. Discussion focused mainly on the type of gear used; in that it was floating gear and therefore more visually apparent, as opposed to gear on the bottom. *J. Grant* offered that the SAP was concerned about the floating gear and

the potential for birds sitting on the gear and impacting water quality. *B. Ballou* offered that the Council review was specific per statute; to which *J. Grant* offered that he also reminded the SAP membership that their purview was limited to impacts to wild harvest, not to visual aesthetics or water quality impacts. *R. Hittinger* offered that he wasn't aware of impacts to wild fisheries from the proposal and was therefore thinking that no objection should be offered. *J. Mercer* offered that the amount of floating gear is substantial; approximately 2,600 sq. ft. He offered that DFW has not completed a review at this time. *D. Monti* offered that he saw no impacts to wild harvest and other potential adverse impacts are beyond the scope of Council review. ***D. Monti* offered a motion to recommend to the CRMC that the Council finds no objection based on competing uses engaged in the exploitation of marine fisheries; 2<sup>nd</sup> by *C. Rein*. The motion passed 8 – 0.**

- **Whilden Unlimited:** *B. Ballou* offered that this application was brought to Council review from *R. Hittinger*. *J. Mercer* offered that the SAP voted 5 – 1 to recommend no objection to the application. He offered that *Chief Steve Hall* expressed concerns about competing uses with recreational fishing. *R. Hittinger* offered that his membership was concerned about competition with recreational fishing; that fluke and striped bass frequented the area; that the area was a productive recreational fishing area and the lease would remove a significant area from recreational fishing. *D. Monti* offered concurrence with comments by *R. Hittinger*, and also offered that the impact is greater than the actual lease footprint; that it was much larger due to the need to stay far from the gear. ***R. Hittinger* offered a motion to recommend to the CRMC objection to the proposed lease based on a significant impact to recreational fishing; 2<sup>nd</sup> by *D. Monti*. The motion passed 5 – 0 (3 abstentions).**

c. **Winter Harvest schedules in Shellfish Management Areas:**

- **SMA's other than Greenwich Bay:** *J. Mercer* offered that the SAP recommended the changes as proposed, which is slightly altered from the previous year. He offered that Greenwich Bay (GB) is still being surveyed by DFW, and that as this area is closed by the Division of Water Resources for the month of December. *M. Gibson* offered that a Division recommendation on this area would be provided upon conclusion of the survey, and suggested that the Council wait to act on a recommendation until the December meeting. *J. Grant* offered SAP recommendations as proposed for all areas other than GB. ***J. Grant* offered a motion to recommend adoption of the harvest schedules as proposed, with a recommendation to address GB at the December Council meeting upon conclusion of the survey work; 2<sup>nd</sup> by *W. Macintosh*. *J. McNamee* offered that the Division would provide a recommendation on GB at the December Council meeting. The motion passed 8 – 0.**

d. **Winter Flounder – possession limit discrepancy between state and federal waters:**

*K. Booth* offered that a decision on a recommendation on possible actions should wait until more information is reviewed. *M. Gibson* offered that thought needs to be put into the process and jurisdiction. He offered that the New England Council would not be making any changes until the next stock assessment was completed in 2015, which would then result in possible changes in the fishery beginning at the subsequent start of the fishing year beginning May 1, 2016. He offered that he didn't believe there was an opportunity for either the

ASMFC or NEFMC to address the matter until the next stock assessment update is complete, and an action by the NEFMC is ongoing in order to make changes effective for the fishing season beginning on May 1, 2016. He advised the Council to follow-up on the NEFMC actions, in that there was a negative vote to increase the commercial possession limit in state waters; but there was consensus that RI should engage NEFMC in a broader discussion regarding resource sharing between state and federal waters, and that he advised that the Council to write a letter to both ASMFC and NEFMC to engage in such a discussion prior to the time of the new stock assessment. He offered that this was the advice of the NEFMC. He thought that any discussion regarding data on fishing activity in federal and state water was premature until the stock assessment was available. *K. Booth* offered that it was illogical and inconsistent to have such disparity in possession limits between federal and state water when conservation was needed to rebuild the fishery. *M. Gibson* offered that while the federal possession limit may appear high, it was a fraction of previous years. *M. Gibson* asked for specific guidance as to the objectives and content of a letter written to the NEFMC, and cautioned about language regarding reduction of federal possession limit or transfer of fish between federal and state waters. *R. Hittinger* offered that he thought that the state acted responsibly to end the directed fishery with such a collapsed fishery, and that a 5,000 lb federal fishery possession limit not only encourages a directed fishery but also is a slap in the face of the state's conservation and recovery efforts. *M. Gibson* offered that the 5,000 possession limit only applied to common pool fishermen, which was a small percentage of the total. The Sector fishermen made up the larger percentage and were more restricted. He offered that the 5,000 lb possession limit is only for this small percentage of fishermen. *G. Allen* offered the possibility of spawner sanctuaries to help rebuilding efforts. He offered that he would not support any effort to move federal quota to the states. *J. Grant* offered that he could not support a Council recommendation for a Director letter without specifics as to how the disparity could be changed, and that such specifics are not known at this time; to which *B. Ballou* concurred. *B. Ballou* offered that there were 3 options being considered: A letter from the Director requesting a reduction in federal possession limits; no action; or further deliberation by the Winter flounder AP. *K. Booth* did not offer support for the AP option. ***R. Hittinger* offered a motion to draft a letter regarding state efforts to rebuild the fishery and apparent lack of such effort by the federal regulations; and that the draft letter be brought back before the Council at the next meeting for review and further actions; 2nd by *D. Monti*. The motion passed 6 – 2.**

e. **Aquaculture review policy: Possible need for changes to policy regarding RIMFC review:** *B. Ballou* offered that this issue was brought due to recent applications that were brought before the Council due to potential conflicts with recreational fishing, rather than only potential impacts to wild shellfish harvest, and that it was therefore questioned as to the appropriateness of the SAP to review aquaculture applications when such broader issues are within the purview of Council review. He offered if it would be better suited to the IAC or the full Council to review applications. *J. McNamee* offered that perhaps the SAP membership was not broad enough to review for all potential conflicts as directed by statute. *J. Grant* recommended against the IAC due to timing and need for a quorum, and that if only aquaculture was on the agenda a quorum would be difficult. He offered that the IAC membership was also not broad enough in scope to provide a full review. *B. Ballou* offered that a separate panel could be developed solely for aquaculture, or that the current SAP review is adequate and full Council review occurs when a Council member determines that broader issues are involved and can then bring before full Council for review. *D. Monti*

offered that most aquaculture does mainly impact wild shellfish harvest, and he would not want to see the wild harvest industry to be under-represented and favored maintaining status quo with the SAP as Council's advisory panel to review applications, and also a request for additional recreational interest membership to the SAP. **No motion was taken on the matter at this time.**

f. **Shellfish and Groundfish Advisory Panel reports:** *B. Ballou* inquired as to any objections to accepting the reports and placing them on file. Hearing none, the reports were approved.

5. **Other business:**

- **Authorize an IAC meeting:** *B. Ballou* inquired as to the authorization of an IAC meeting to evaluate Licensing data and address a host of Licensing issues, as recommended by the Council and the Division. **A motion was made by R. Hittinger to authorize the meeting; 2<sup>nd</sup> by M. Rice. The motion passed 8 – 0.** *B. Ballou* tasked the Council with getting issues to *J. Lake* to begin in the development of the issues and agenda.
- **Fees for aquaculture leases:** *W. Macintosh* offered that the lease fees are extremely low; that the state is getting enough for the use of these sites. *J. Grant* offered that RI has some of the highest lease rates.

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

Prepared by *P. Duhamel*

**2014 – 2015 proposed Winter harvest schedule**  
**Greenwich Bay Shellfish Management Area**

**RIMFC Meeting – 12/1/2014**

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

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

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

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

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

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

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

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

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

(1) **January 6 2, 2014 2015 through April 30-29, 2014 2015**: 8:00 A.M. to 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

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

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

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

(1) **Boat harvest schedule**: Open daily.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES  
FISH AND WILDLIFE  
&  
LAW ENFORCEMENT



**RHODE ISLAND MARINE FISHERIES  
REGULATIONS**

**Part VII  
Finfish**

**~~May 8, 2014~~**  
**New Date**

**Annotated (applicable sections only) Regulations**  
**November 12, 2014 Public Hearing**



R.I. Marine Fisheries Regulations  
PART VII - FINFISH

**PUBLIC HEARING ITEM # 1**  
**Commercial Summer flounder management**

**Option 1 (of 3): Status quo (Division proposal)**

7.7 Summer Flounder (Fluke):

7.7.2 Commercial:

(A) Minimum size: Fourteen (14) inches.

(B) Seasons, allocations, and possession limits: A total annual statewide quota for Summer flounder will be established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or NOAA Fisheries.

(1) Winter sub-period: January 1 - April 30 annually:

(a) Target allocation: 54% of the annual quota.

(b) Possession limit between January 1 and the start of the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(c) Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program but which possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(iii) Aggregate Landing Program: 2,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.

(2) Summer sub-period: May 1 - September 15 annually:

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

(b) Possession limit between May 1 and May 31, annually:

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

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

(c) Possession limit during the Summer sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program, but which possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

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

(iii) Aggregate Landing Program: Beginning June 1, seven hundred (700) pounds per vessel per week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When 80% of the Summer sub-period quota has been harvested as determined by the DFW the program will terminate and the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(3) Fall Sub-Period: September 16 – December 31 annually:

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

(b) Possession limit:

(i) Vessels that possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(C) Any unused portion of the quota from a sub-period will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the target allocations specified in this section shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the next following year.

### 7.7.3 Aggregate Landing Program:

(A) Sub-periods:

(1) Winter: January 1 until the Sunday of the first full week in February annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DFW.

(2) Summer: June 1 through September 15 annually, or until 80% of the Summer sub-period quota has been harvested as determined by the DFW.

(B) Eligibility: An applicant vessel shall be considered eligible and may apply for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement that it satisfies each of the following criteria:

(1) The vessel, if harvesting Summer flounder from federal waters possesses a valid federal Summer Flounder Moratorium Permit and possesses a valid RI Summer Flounder Exemption Certificate (Exemption Certificate); or, if harvesting exclusively in State waters, the vessel's operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid Exemption Certificate;

(2) The vessel shall be operated by a person who possesses a valid multipurpose, principal effort, or landing license issued by the State of Rhode Island to land Summer flounder for commercial purposes; and

(3) The vessel shall be operated by a licensed person who has not been assessed a criminal or administrative penalty in the past three years for a violation of RIMF Part VII, section 7.7 or more than one marine fisheries violation.

(C) Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.

(D) No vessel shall possess simultaneously more than one Aggregate Landing Program permit;

(E) Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.

(F) Any applicant who is permitted for the Winter sub-period for the Aggregate Landing Program may not participate in the Summer sub-period within the same year.

**Option 2 (of 3): Remove Summer Aggregate Landing Program; daily possession limit all year, [Note: possession value of 200 may change as data is added to the simulation model used to construct this option]**

7.7 Summer Flounder (Fluke):

7.7.2 Commercial:

(A) Minimum size: Fourteen (14) inches.

(B) Seasons, allocations, and possession limits: A total annual statewide quota for Summer flounder will be established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or NOAA Fisheries.

(1) Winter sub-period: January 1 - April 30 annually:

(a) Target allocation: 54% of the annual quota.

(b) Possession limit between January 1 and the start of the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(c) Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program but which

possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be ~~one hundred (100)~~ **two hundred (200)** pounds per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be ~~one hundred (100)~~ **two hundred (200)** pounds per calendar day.

(iii) Aggregate Landing Program: ~~2,000~~ **1,400** pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the Aggregate Landing Program will terminate and the possession limit shall be ~~one hundred (100)~~ **two hundred (200)** pounds per vessel per calendar day.

(2) Summer sub-period: May 1 - September 15 annually:

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

(b) Possession limit between May 1 and May 31, annually:

(i) Vessels that possess a valid Exemption Certificate: ~~one hundred (100)~~ **two hundred (200)** pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: ~~one hundred (100)~~ **two hundred (200)** pounds per vessel per calendar day.

(c) Possession limit during the Summer sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program, but which possess a valid Exemption Certificate: ~~one hundred (100)~~ **two hundred (200)** pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: ~~one hundred (100)~~ **two hundred (200)** per vessel per calendar day.

~~(iii) Aggregate Landing Program: Beginning June 1, seven hundred (700) pounds per vessel per week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at~~

~~11:59 PM. When 80% of the Summer sub-period quota has been harvested as determined by the DFW the program will terminate and the possession limit per vessel shall be one hundred (100) pounds per calendar day.~~

(3) Fall Sub-Period: September 16 – December 31 annually:

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

(b) Possession limit:

(i) Vessels that possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(C) Any unused portion of the quota from a sub-period will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the target allocations specified in this section shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the next following year.

7.7.3 Aggregate Landing Program:

(A) Sub-periods:

(1) Winter: January 1 until the Sunday of the first full week in February annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DFW.

~~(2) Summer: June 1 through September 15 annually, or until 80% of the Summer sub-period quota has been harvested as determined by the DFW.~~

(B) Eligibility: An applicant vessel shall be considered eligible and may apply for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement that it satisfies each of the following criteria:

(1) The vessel, if harvesting Summer flounder from federal waters possesses a valid federal Summer Flounder Moratorium Permit and possesses a valid RI Summer Flounder Exemption Certificate (Exemption Certificate); or, if harvesting exclusively in State waters, the vessel's operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island and possesses a valid Exemption Certificate;

(2) The vessel shall be operated by a person who possesses a valid multipurpose, principal effort, or landing license issued by the State of Rhode Island to land Summer flounder for commercial purposes; and

(3) The vessel shall be operated by a licensed person who has not been assessed a criminal or administrative penalty in the past three years for a violation of RIMF Part VII, section 7.7 or more than one marine fisheries violation.

(C) Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.

(D) No vessel shall possess simultaneously more than one Aggregate Landing Program permit;

(E) Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.

~~(F) Any applicant who is permitted for the Winter sub-period for the Aggregate Landing Program may not participate in the Summer sub-period within the same year.~~

### **Option 3 (of 3): Remove Exemption Certificate requirement for the Aggregate Landing Program**

#### 7.7 Summer Flounder (Fluke):

##### 7.7.2 Commercial:

(A) Minimum size: Fourteen (14) inches.

(B) Seasons, allocations, and possession limits: A total annual statewide quota for Summer flounder will be established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or NOAA Fisheries.

(1) Winter sub-period: January 1 - April 30 annually:

(a) Target allocation: 54% of the annual quota.

(b) Possession limit between January 1 and the start of the Winter sub-

period of the Aggregate Landing Program, annually:

(i) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(c) Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program but which possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(iii) Aggregate Landing Program: 2,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.

(2) Summer sub-period: May 1 - September 15 annually:

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

(b) Possession limit between May 1 and May 31, annually:

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

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

(c) Possession limit during the Summer sub-period of the Aggregate Landing Program, annually:



(i) Vessels not permitted in the Aggregate Landing Program, but which possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

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

(iii) Aggregate Landing Program: Beginning June 1, seven hundred (700) pounds per vessel per week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When 80% of the Summer sub-period quota has been harvested as determined by the DFW the program will terminate and the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(3) Fall Sub-Period: September 16 – December 31 annually:

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

(b) Possession limit:

(i) Vessels that possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(C) Any unused portion of the quota from a sub-period will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the target allocations specified in this section shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the next following year.

### 7.7.3 Aggregate Landing Program:

(A) Sub-periods:

(1) Winter: January 1 until the Sunday of the first full week in February annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DFW.

(2) Summer: June 1 through September 15 annually, or until 80% of the Summer sub-period quota has been harvested as determined by the DFW.

(B) Eligibility: An applicant vessel shall be considered eligible and may apply for

a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement that it satisfies each of the following criteria:

(1) The vessel, if harvesting Summer flounder from federal waters possesses a valid federal Summer Flounder Moratorium Permit ~~and possesses a valid RI Summer Flounder Exemption Certificate (Exemption Certificate)~~; or, if harvesting exclusively in State waters, the vessel's operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island ~~and possesses a valid Exemption Certificate~~;

(2) The vessel shall be operated by a person who possesses a valid multipurpose, principal effort, or landing license issued by the State of Rhode Island to land Summer flounder for commercial purposes; and

(3) The vessel shall be operated by a licensed person who has not been assessed a criminal or administrative penalty in the past three years for a violation of RIMF Part VII, section 7.7 or more than one marine fisheries violation.

(C) Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.

(D) No vessel shall possess simultaneously more than one Aggregate Landing Program permit;

(E) Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.

(F) Any applicant who is permitted for the Winter sub-period for the Aggregate Landing Program may not participate in the Summer sub-period within the same year.

## **PUBLIC HEARING ITEM # 2** **Commercial Scup management**

### **Option 1 (of 1): Status Quo (Division proposal)**

#### 7.11 Scup

##### 7.11.2 Commercial:

(A) Minimum size: Nine (9) inches.

(B) Seasons, quotas and possession limit: A total allowable harvest of Scup will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the ASMFC.

(1) Winter I sub-period (January – April): 50,000 pounds per vessel per calendar day, decreasing to 1,000 pounds per vessel per calendar day once 80% of the federal Winter I coastwide Scup quota has been harvested as determined by NOAA Fisheries.

(2) Summer - Fall sub-period (May - October): The State quota for scup will be divided as follows:

(a) General Category (gear types other than floating fish traps): Forty percent (40%) of the Summer- Fall sub-period quota will be allocated to all gear types except floating fish traps and allocated as follows:

(i) Summer sub-period (May 1 through the Saturday before the third Sunday in September):

- a. Allocation: Two-thirds (2/3) of the General Category quota.
- b. Possession limit: 10,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the Summer sub-period quota has been harvested as determined by the DFW, the fishery will close. The fishery will re-open on the third Sunday in September.

(ii) Fall sub-period (third Sunday in September through October 31):

- a. Allocation: One-third (1/3) of the General Category quota.
- b. Possession limit: 10,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the Fall sub-period quota has been harvested as determined by the DFW, the fishery will close. The fishery will re-open at the beginning of the Winter II sub-period.

(b) Floating fish trap: Sixty percent (60%) of the Summer-Fall sub-period quota will be allocated to the floating fish trap sector.

(i) During those years in which the federal Winter I coastwide Scup quota is completely exhausted prior to April 15, the floating fish trap

quota will be available on April 15. During those years in which the federal Winter I coastwide Scup quota is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1.

(ii) If the DFW estimates that the Floating Fish Trap sector will not fully utilize its scup allocation prior to the end of the Summer-Fall sub-period, beginning on June 15, the DFW has the authority to move the designated Floating Fish Trap sector allocation in to the general category fishery as set forth in this part. The DFW will consult with the Floating Fish Trap operators or their designee prior to enacting any allocation roll over, and will maintain written correspondence in the form of a letter on file as proof of said consultation.

(iii) If the DFW estimates that the Floating Fish Trap sector may have a reasonable likelihood of utilizing prior to the end of the Summer-Fall sub-period, a portion of its scup allocation that has been transferred to the general category scup fishery, and has not as yet been used by the general category scup fishery, the DFW has the authority to move the designated general category Scup fishery quota to the Floating Fish Trap sector. Any quota that was rolled over from the General Category to the Floating Fish Trap sector shall not exceed the amount that may have been transferred from the Floating Fish Trap sector to the General Category.

(iv) Floating Fish Trap Reporting Requirement: Floating fish trap operators permitted pursuant to RIGL Section 20-5-1 will be required to report landings of scup to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation. If there is non-compliance with this reporting requirement, the Floating Fish Trap operators will be notified and will default to the following program:

a. April 15 – October 31: During those years in which the Winter I Federal Coastwide Scup Quota Allocation is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. The possession limit will be 25,000 pounds per floating fish trap per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.

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

possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested

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

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

### **PUBLIC HEARING ITEM # 3** **Commercial Black sea bass management**

#### **Option 1 (of 1): Status Quo (Division proposal)**

#### 7.14 Black Sea Bass

##### 7.14.2 Commercial:

(A) Minimum size: Eleven (11) inches total length, whether caught within the jurisdiction of this State or otherwise.

(B) Seasons, allocations, and possession limits: A state quota for Black sea bass will be established annually and shall be the most recent amount allocated to the State of Rhode Island by the ASMFC and/or the Secretary of the NOAA Fisheries. The quota shall be available during the following sub-periods:

(1) January 1 – April 30:

(a) Allocation: Twenty-five percent (25%) of the quota.

(b) Possession limit: 750 pounds per vessel per calendar day.

(2) May 1 – June 30:

- (a) Allocation: Twenty-five percent (25%) of the quota.
- (b) Possession limit: Fifty (50) pounds per vessel per calendar day.
- (3) July 1 – July 31:
  - (a) Allocation: Nineteen and a half percent (19.5%) of the quota.
  - (b) Possession limit: Fifty (50) pounds per vessel per calendar day.
- (4) September 1 – October 31:
  - (a) Allocation: Nineteen and a half percent (19.5%).
  - (b) Possession limit: Fifty (50) pounds per vessel per calendar day.
- (5) November 1 – December 31:
  - (a) Allocation: Eleven percent (11%).
  - (b) Possession limit: One hundred (100) pounds per vessel per calendar day.

(C) Any unused portion of the quota from a sub-period will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the quota allocations specified in the above sections shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the following year.

## **PUBLIC HEARING ITEM # 4** **Commercial management of Monkfish**

### **Option 1 (of 3): Status Quo**

#### 7.21 Monkfish:

##### 7.21.2 Commercial:

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

(1) Non-federally permitted RI licensed vessel: 550 pounds tail weight or 1,826 pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the “whole” is reported using the grade “gutted, head on, tail on”.

(a) The possession of monkfish livers may not exceed the number of gutted-fish and tails combined.

(b) The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.

(2) The possession limit may be modified on the basis of a RI state water monkfish quota as set by DEM, which shall be equal to 3% of the federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When 2% of the SMA TAL has been harvested as determined by the DFW, the possession limit will decrease to 50 pounds tail weight or 166 pounds whole weight per vessel per calendar day for the remainder of the fishing year.

(D) Vessels in possession of a federal permit allowing the harvest of monkfish may harvest monkfish in state waters if and only if they are operating during a previously and properly declared day-at-sea; in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to federal regulations.

**Option 2 (of 3):**  
**Aggregate possession limit of 13,000/week (Division proposal)**

7.21.2 Commercial:

(A) Minimum size: Seventeen inches (17”) total length or eleven inches (11”) tail length whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial monkfish fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) Non-federally permitted RI licensed vessel: ~~550 pounds tail weight or 1,826 pounds whole weight per vessel per calendar day.~~ **3,915 pounds tail weight or 13,000 pounds whole weight per vessel calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM.** Whole weight is defined as the weight

of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the “whole” is reported using the grade “gutted, head on, tail on”.

(a) The possession of monkfish livers may not exceed the number of gutted-fish and tails combined.

(b) The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.

(2) The possession limit may be modified on the basis of a RI state water monkfish quota as set by DEM, which shall be equal to 3% of the federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When 2% of the SMA TAL has been harvested as determined by the DFW, the possession limit will decrease to 50 pounds tail weight or 166 pounds whole weight per vessel per calendar day for the remainder of the fishing year.

(D) Vessels in possession of a federal permit allowing the harvest of monkfish may harvest monkfish in state waters if and only if they are operating during a previously and properly declared day-at-sea; in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to federal regulations.

**(E) Non-compliance with the provisions of these regulations shall subject both the owner and the operator to revocation of participation in the monkfish commercial fishery for remainder of the fishing year.**

**Option 3 (of 3):**

**Aggregate possession limit of 25,000/week w/eligibility criteria of minimum 1000k landed in single day in 2012 or 2013; permit required; plus daily possession limit (Industry proposal)**

7.21.2 Commercial:

(A) Minimum size: Seventeen inches (17”) total length or eleven inches (11”) tail length whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial monkfish fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) Non-federally permitted RI licensed vessel:



~~(a) 550 pounds tail weight or 1,826 pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the “whole” is reported using the grade “gutted, head on, tail on”.~~

**(b) Aggregate Landing Program: 7,530 pounds tail weight or 25,000 pounds whole weight per vessel calendar week. The calendar week period shall begin on Sunday at 12:00 AM and end on the following Saturday at 11:59 PM.**

**(i) Eligibility requirements for participation in the Aggregate Landing Program: An applicant vessel operator shall be considered eligible and may apply to participate in the Aggregate Landing Program only if the applicant vessel landed a minimum of 1,000 pounds (whole weight) of monkfish in a single day during either the 2012 or 2013 fishing year. Landings associated with a federal monkfish permit during 2012 and 2013 may not be used.**

**(ii) Application: Application for participation in the Aggregate Landing Program shall be made on forms prescribed by the Director.**

**(iii) A permit (Letter of Authorization) shall be issued by DFW to vessels authorized to participate in the program.**

~~(a) The possession of monkfish livers may not exceed the number of gutted fish and tails combined.~~

~~(b) The possession of monkfish heads may not exceed the number of gutted head-off fish and tails combined.~~

**(2c)** The possession limit may be modified on the basis of a RI state water monkfish quota as set by DEM, which shall be equal to 3% of the federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When 2% of the SMA TAL has been harvested as determined by the DFW, the possession limit will decrease to 50 pounds tail weight or 166 pounds whole weight per vessel per calendar day for the remainder of the fishing year.

**(2) Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the “whole” is reported using the grade “gutted, head on, tail on”.**

**(3) The possession of monkfish livers may not exceed the number of**

**gutted-fish and tails combined.**

**(4) The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.**

(D) Vessels in possession of a federal permit allowing the harvest of monkfish may harvest monkfish in state waters if and only if they are operating during a previously and properly declared day-at-sea; in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to federal regulations.

**(E) Non-compliance with the provisions of these regulations shall subject both the owner and the operator to revocation of participation in the monkfish commercial fishery for remainder of the fishing year.**

**EFFECTIVE DATE**

The foregoing rules and regulations "Rhode Island Marine Fisheries Regulations, Part VII - Finfish" after due notice, are hereby adopted and filed with the Secretary of State this ~~8<sup>th</sup> day of May, 2014~~ **New filing date** to become effective 20 days from filing, unless otherwise indicated below, in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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Janet L. Coit, Director  
Department of Environmental Management

Notice Given: ~~02/21/2014~~ **10/21/2014**

Public Hearing: ~~03/25/2014~~ **11/19/2014**

Filing date: ~~05/08/2014~~ **New filing date**

Effective date: ~~05/28/2014~~ **New effective date**

ERLID# ~~7673~~ **7920**

# **Marine Fisheries Informational Workshop**

**November 20, 2014**



# Marine Fisheries Informational Workshop – Rules of Engagement

- ◆ **RIDFW staff will go through informational presentation species by species**
  - Please hold all questions until the end, presentations are relatively brief and we can go back when complete
- ◆ **After each species section is complete, discussion will ensue**
- ◆ **Goal is to reach consensus on a proposal**
- ◆ **Discussion should focus on:**
  - Existing proposals
  - Clarifying questions regarding proposals
  - Recommendation of a new/different proposal
- ◆ **If consensus can not be reached, please offer your preferred option at the public hearing, the workshop discussion is not an official public comment**
- ◆ **Public comment period will be extended to November 26**



# Summer Flounder

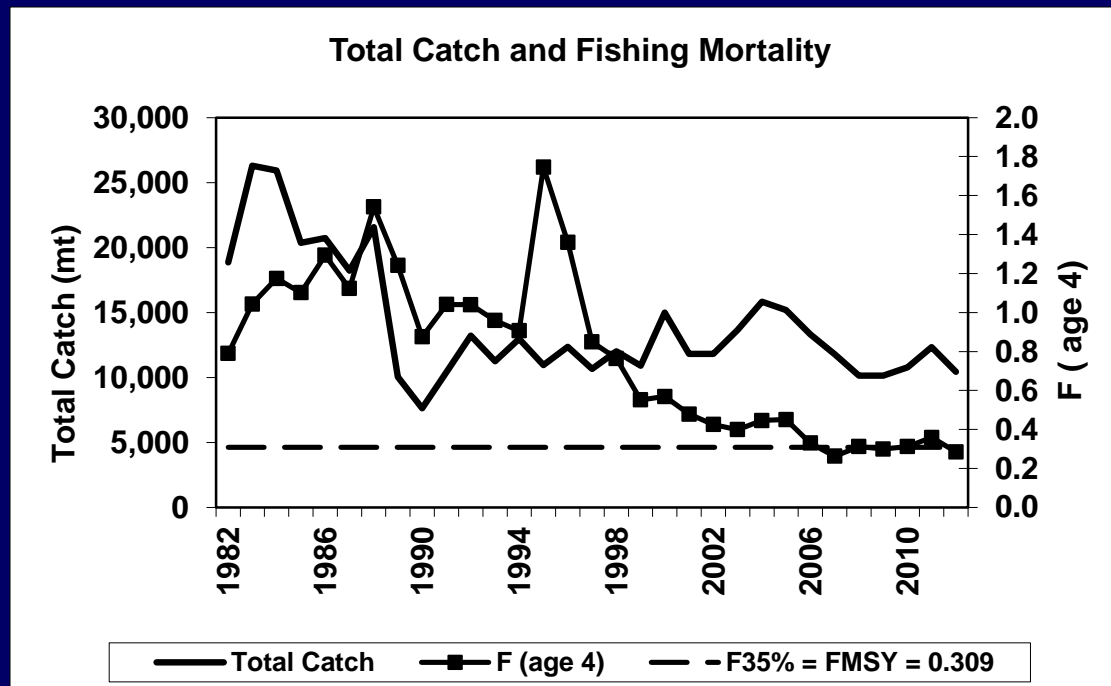
- Summary of Stock Status;
- 2014 Rhode Island Commercial Fishery Performance; and
- Recommendations for the 2015 Summer Flounder Fishery



# Summer Flounder Stock Status

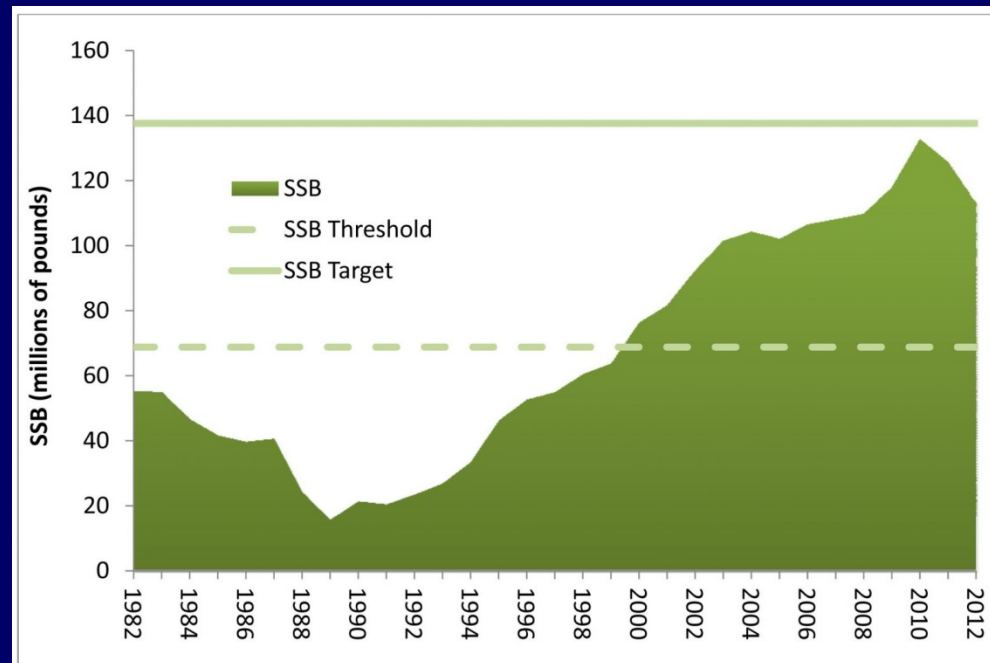
## ♦ Stock Status:

- ♦ Benchmark in 2013: SAW/SARC 57 and peer review
- ♦ The summer flounder stock is not overfished and overfishing is not occurring relative to biological reference points.
- ♦ Further summer flounder is considered rebuilt.
- ♦ Fishing mortality was estimated to be 0.285 in 2012, below the threshold F reference point = 0.309 but above the F target = 0.255.



# Summer Flounder Stock Status

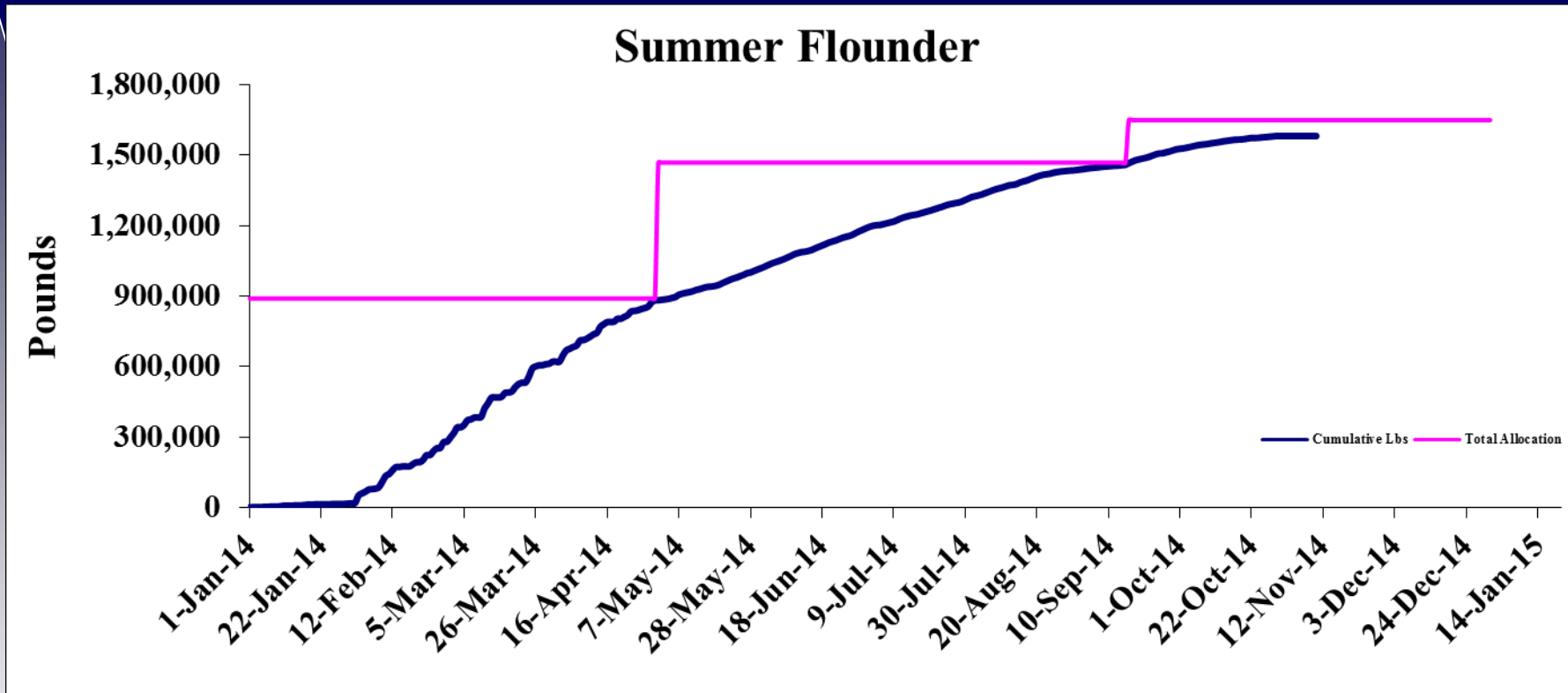
- ◆ Stock Status:
  - ◆ SSB estimated to be 113 m lbs in 2012, below the SSB reference point = 137.6 m lbs but above the SSB threshold = 66.2 m lbs.
  - ◆ The 2011 year class is currently estimated to be about 26 million fish, below the average of 42 million fish
  - ◆ A retrospective pattern in recruitment is evident, the 2008 and 2009 large year classes have dropped significantly in recent updates



Summer Flounder Spawning Stock Biomass (SSB). Source: Northeast Fisheries Science Center Stock Assessment Summary, 2013



# RI Fishery Performance - Commercial Landings



To date, no closures in 2014 with new sub periods, but did need to drop below starting possession limit in winter 2





# Preliminary 2015 Commercial Allocations

- ♦ RI 2015 Projected Commercial Quota = 1,735,547 lbs
- ♦ RI 2014 Commercial Quota = 1,648,193 lbs
- ♦ 2015 has an increase of 87,354 lbs (5.3% increase)
- ♦ 2015 Allocations based on estimated RI Quota:
  - ♦ Winter - 54% = 937,195 lbs
  - ♦ Summer - 35% = 607,442 lbs
  - ♦ Fall - 11% = 190,910 lbs
- ♦ For reference, 2014 adjusted allocations:
  - ♦ Winter - 54% = 890,024 lbs
  - ♦ Summer - 35% = 576,868 lbs
  - ♦ Fall - 11% = 181,301 lbs



# DEM/Marine Fisheries Proposed Changes

- ◆ The Division does not have any recommended changes for 2015
- ◆ An alternative for 2015 was to maintain the existing sub periods but determine one consistent possession limit for the entire year:
  - Aggregate would remain in winter
  - Built a multiple regression model that predicts landings based on possession limit
    - ◆ Prediction was that 150-200 lbs/day would work
- ◆ An additional option was to remove the requirement for an exemption certificate to participate in the summer aggregate
  - All other requirements would remain



# Scup

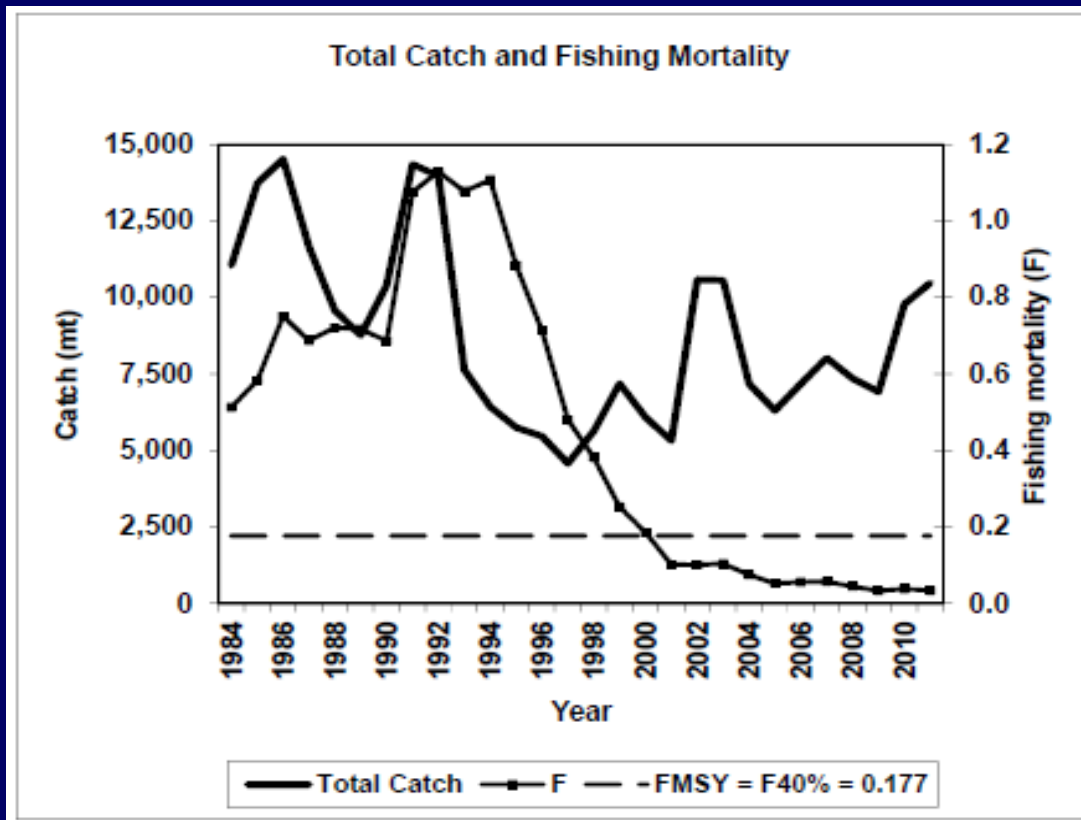
- Summary of Stock Status;
- 2014 Rhode Island Commercial Fishery Performance; and
- Recommendations for the 2015 Scup Fishery



# Scup Stock Status

- ◆ Stock Status:

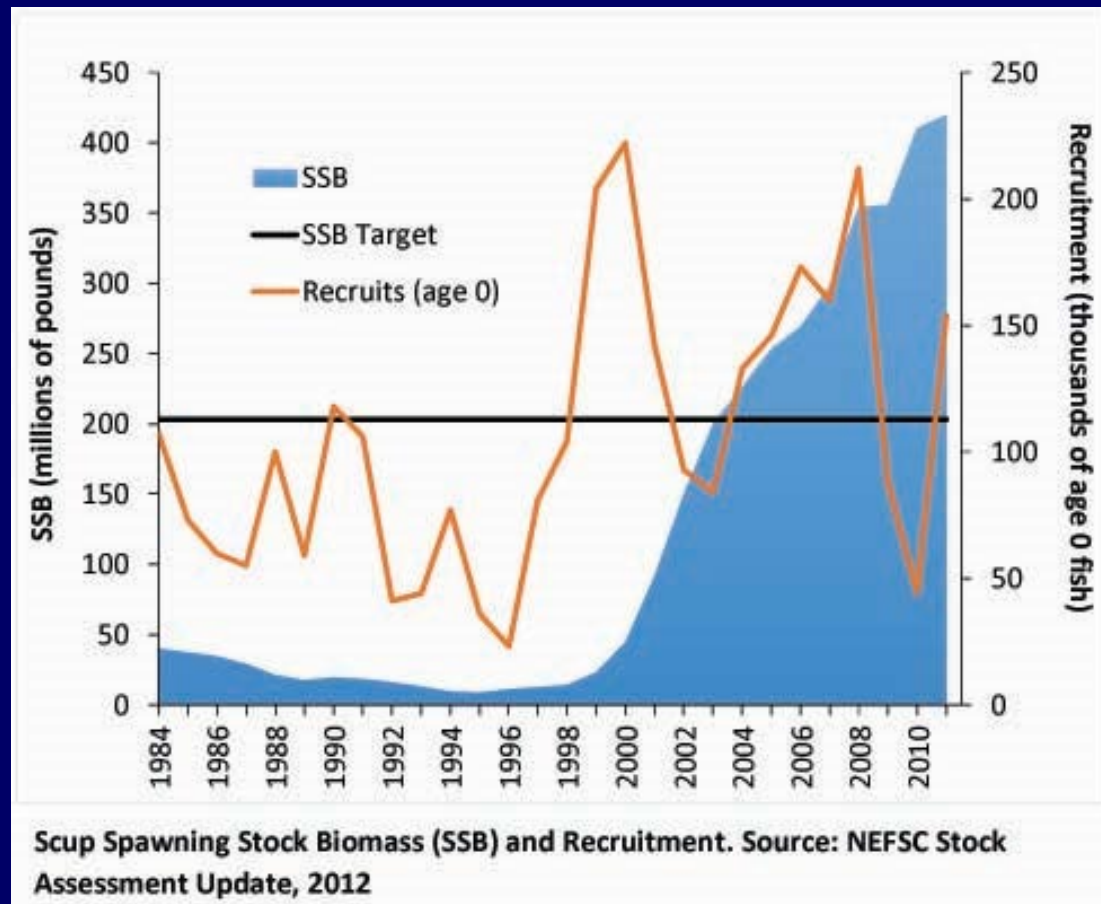
- Relative to the DPSWG biological reference points, the stock is not overfished and overfishing is not occurring.
- There is a 50% probability that  $F$  in 2011 was between 0.026 and 0.042. The fishing mortality threshold is  $FMSY = 0.177$ .
- Benchmark assessment is underway, to be reviewed in 2015



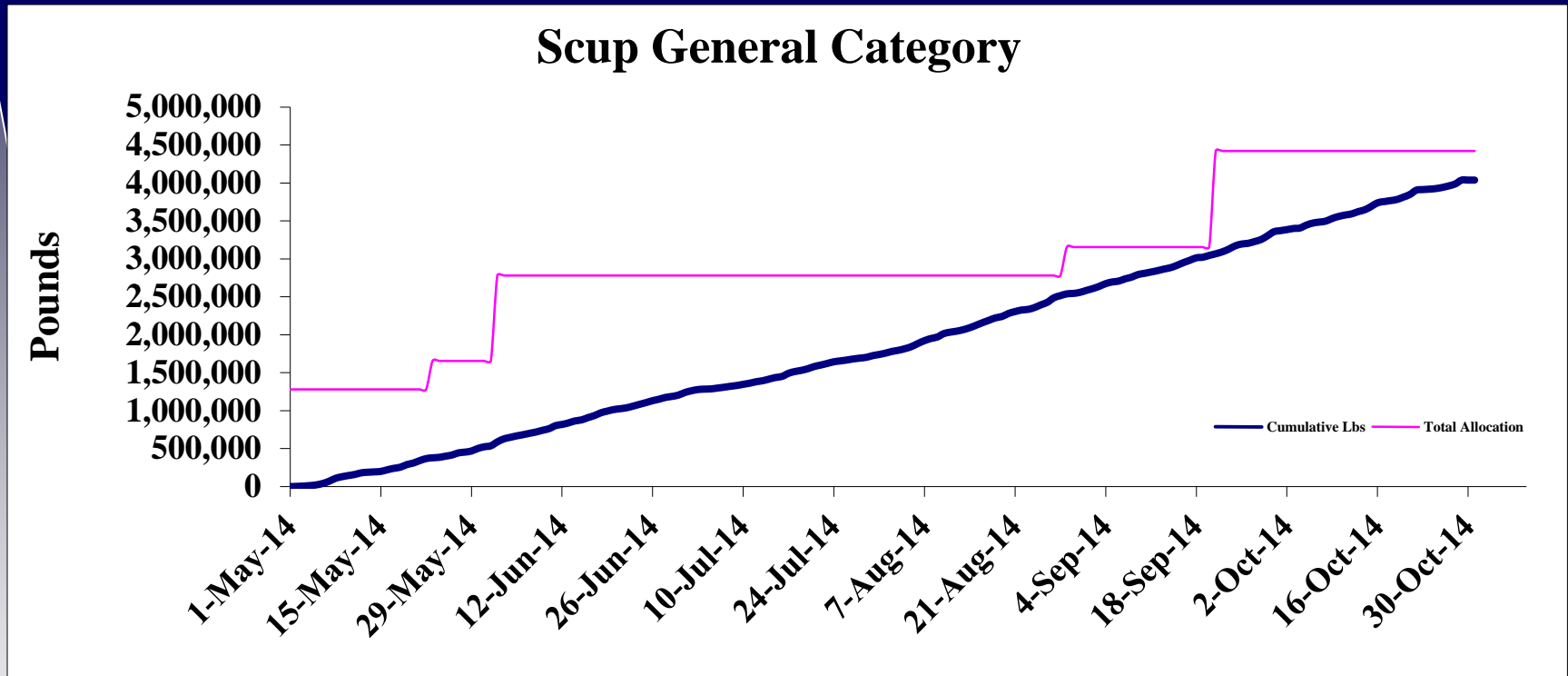
# Scup Stock Status

## ◆ Stock Status:

- SSB has steadily increased to about 418.8 m lbs in 2011 (slightly down from 2008) . The SSB reference point is  $SSB_{MSY} = 202.9$  m lbs. The minimum stock size threshold, one-half  $SSB_{MSY}$ , is estimated to be 101.5 m lbs.
- Recruitment exceeded the 1984-2011 average of 104 million in 2011.



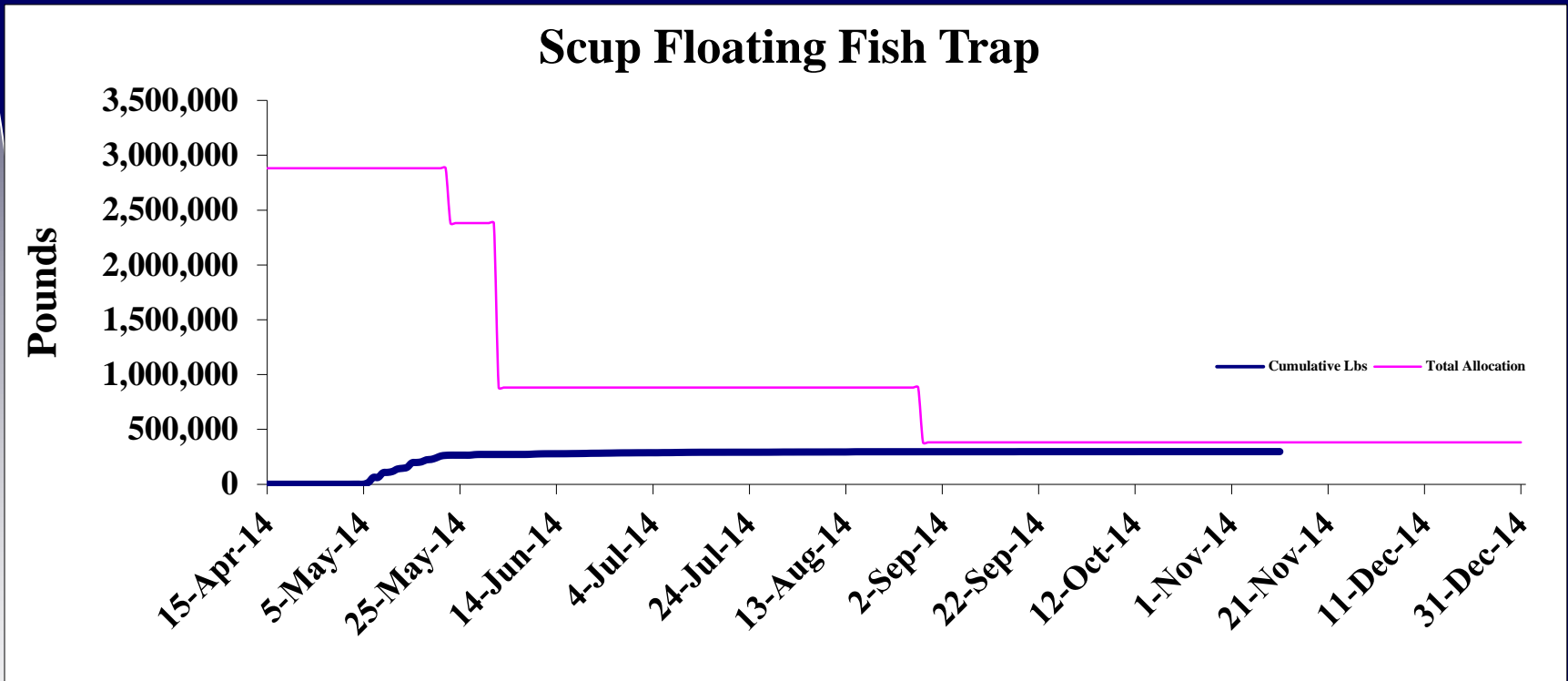
# RI Fishery Performance - Commercial Landings



- To date, no closures in 2014
- Several roll over events from the FFT fishery



# RI Fishery Performance - Commercial Landings



# Preliminary 2015 Commercial Allocations

- ◆ RI 2015 Commercial Gen Cat Quota = 1,856,001 lbs
- ◆ RI 2015 Commercial FFT Quota = 2,784,003 lbs
  
- ◆ RI 2014 Commercial Gen Cat Quota = 1,921,327 lbs
- ◆ RI 2014 Commercial FFT Quota = 2,881,991 lbs
  
- ◆ 2015 Gen Cat has a decrease of 65,325 lbs (3.4% decrease)
- ◆ 2015 FFT has a decrease of 97,988 lbs (3.4% decrease)
  
- ◆ 2015 Allocations based on estimated RI Quota:
  - Spring/Summer 66.66% = 1,237,334 lbs
  - Fall 33.33% = 618,667 lbs
  
- ◆ FFT has single sub period with no possession limit





# DEM/Marine Fisheries Proposed Changes

- ◆ The Division does not have any recommended changes for 2015
- ◆ No alternatives were received prior to the development of this presentation



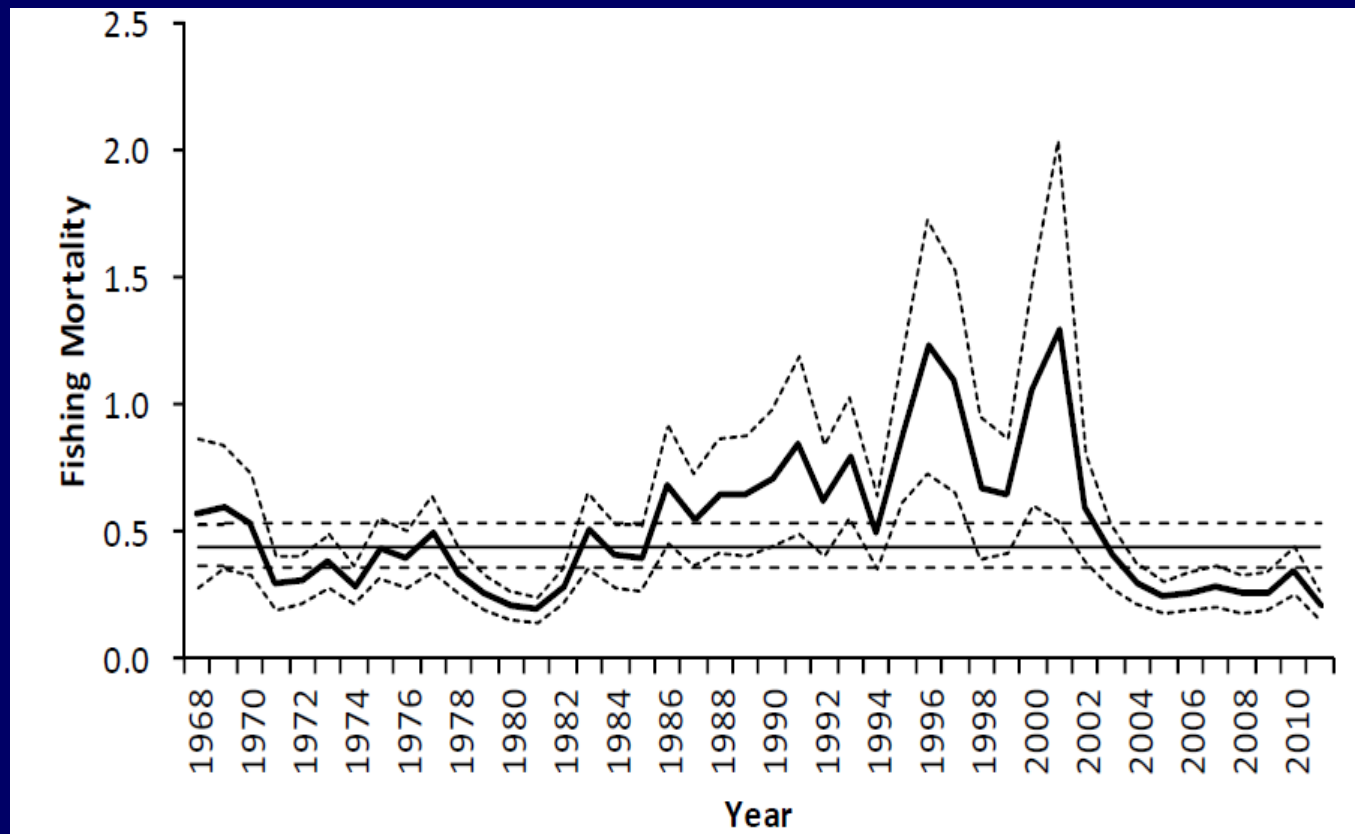
# Black Sea Bass

- Summary of Stock Status;
- 2014 Rhode Island Commercial Fishery Performance; and
- Recommendations for the 2015 Black Sea Bass Fishery



# Black Sea Bass Stock Status

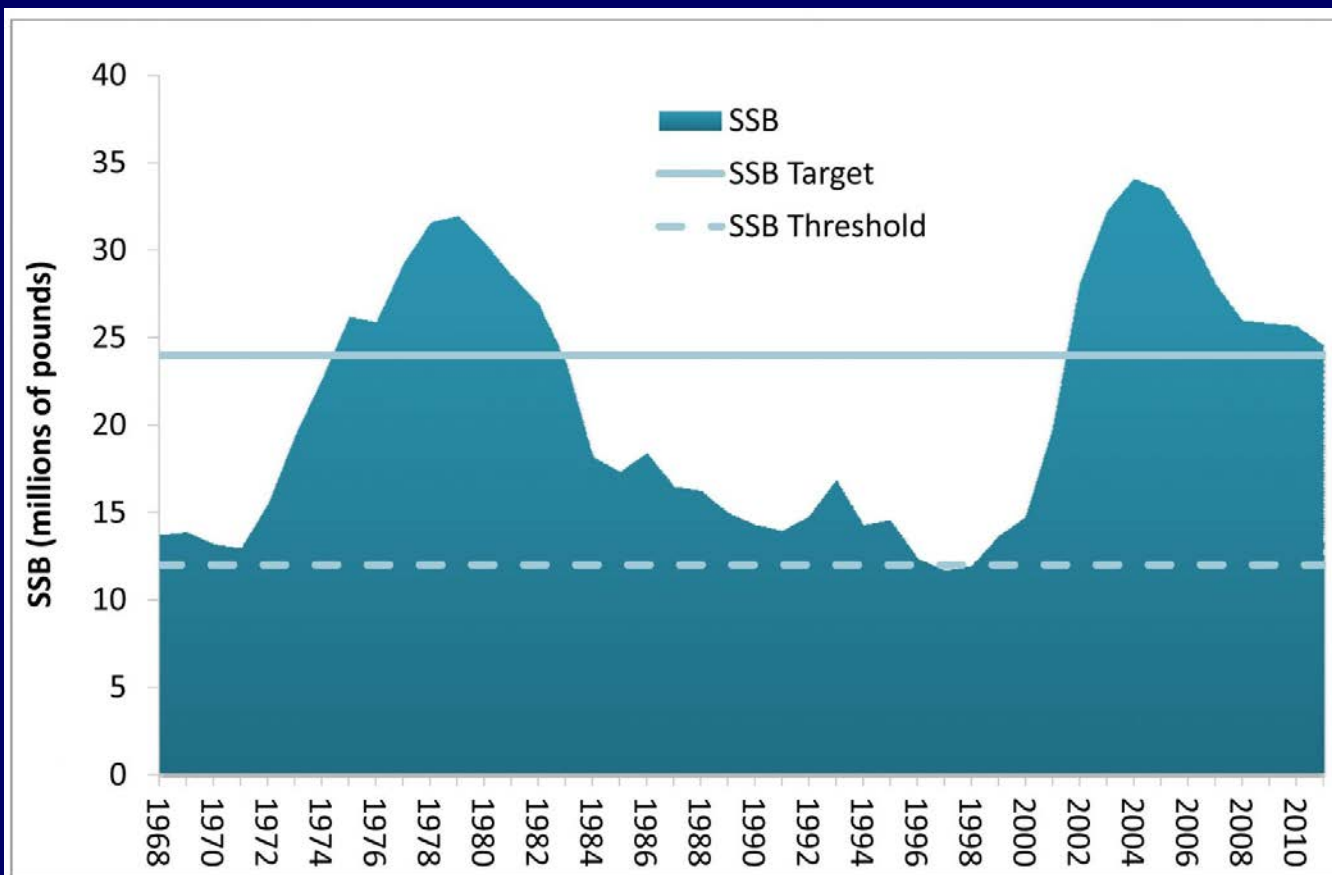
- ◆ Stock Status:
  - Relative to the DPSWG biological reference points, the stock is not overfished and overfishing is not occurring.
  - Fishing mortality  $F = 0.21$  in 2011, less than the threshold  $F = 0.44$
  - Benchmark currently underway, to be reviewed in early 2016



# Black Sea Bass Stock Status

## Stock Status:

SSB was 24.6 million lbs in 2011. The SSB reference point is  $SSB_{MSY} = 24.9$  million lbs. The minimum stock size threshold, one-half  $SSB_{MSY}$ , is estimated to be 12.5 million lbs.

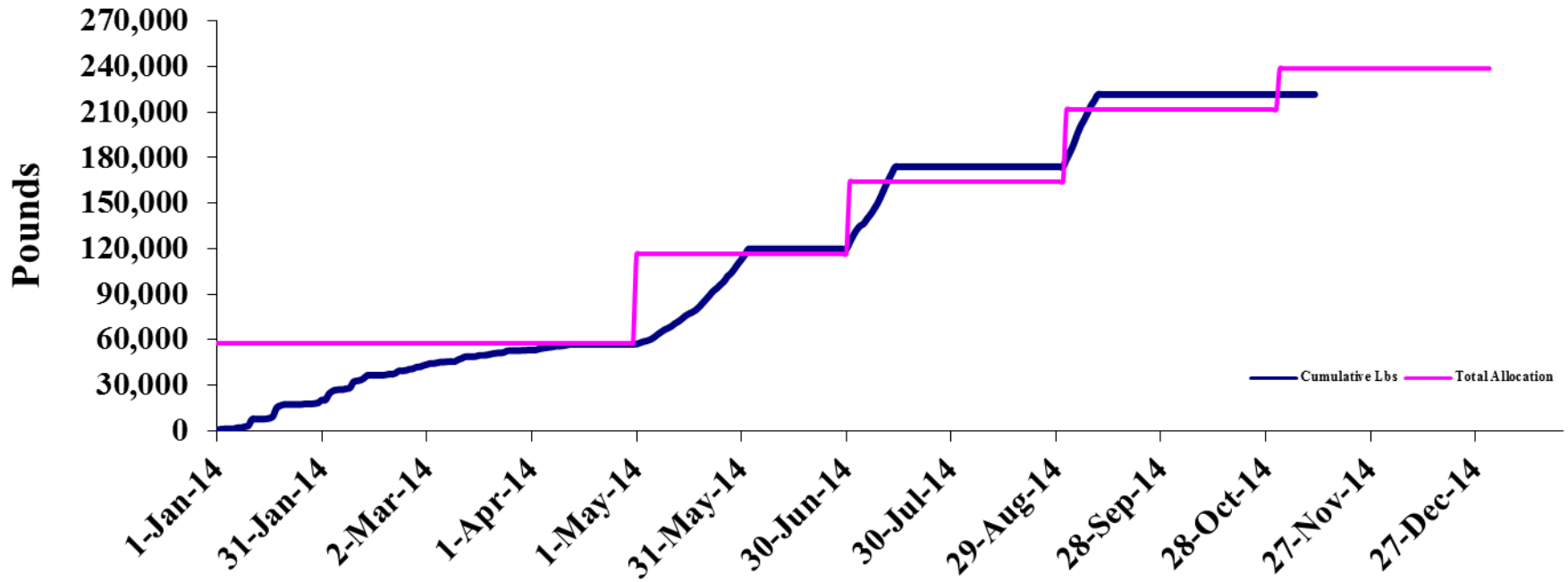


Black Sea Bass Spawning Stock Biomass (SSB). Source: Northeast Fisheries Science Center Black Sea Bass Projections, 2012



# RI Fishery Performance - Commercial Landings

## Black Sea Bass



- Numerous closures in 2014



# Preliminary 2015 Commercial Allocations

- ◆ RI 2015 Projected Commercial Quota = 245,861 lbs
- ◆ RI 2014 Commercial Quota = 238,700 lbs
- ◆ 2015 has an increase of 7,161 lbs (3% increase)
- ◆ 2015 Allocations based on estimated RI Quota:
  - Winter 1 25% = 61,465 lbs
  - Spring 25% = 61,465 lbs
  - Summer 19.5% = 47,943 lbs
  - Fall 19.5% = 47,943 lbs
  - Winter 2 11% = 27,045 lbs
- ◆ For reference, 2014 adjusted allocations:
  - Winter 1 25% = 57,774 lbs
  - Spring 25% = 58,786 lbs
  - Summer 19.5% = 47,579 lbs
  - Fall 19.5% = 47,579 lbs
  - Winter 2 11% = 26,981 lbs



# DEM/Marine Fisheries Proposed Changes

- ◆ The Division does not have any recommended changes for 2015
- ◆ One alternative came forward to decrease the possession limit in the winter 1 sub period
- ◆ One alternative came forward to add an aggregate limit in to the winter period
- ◆ One alternative was brought forward to set one possession limit throughout the year and move to numbers of fish rather than pounds



# Monkfish

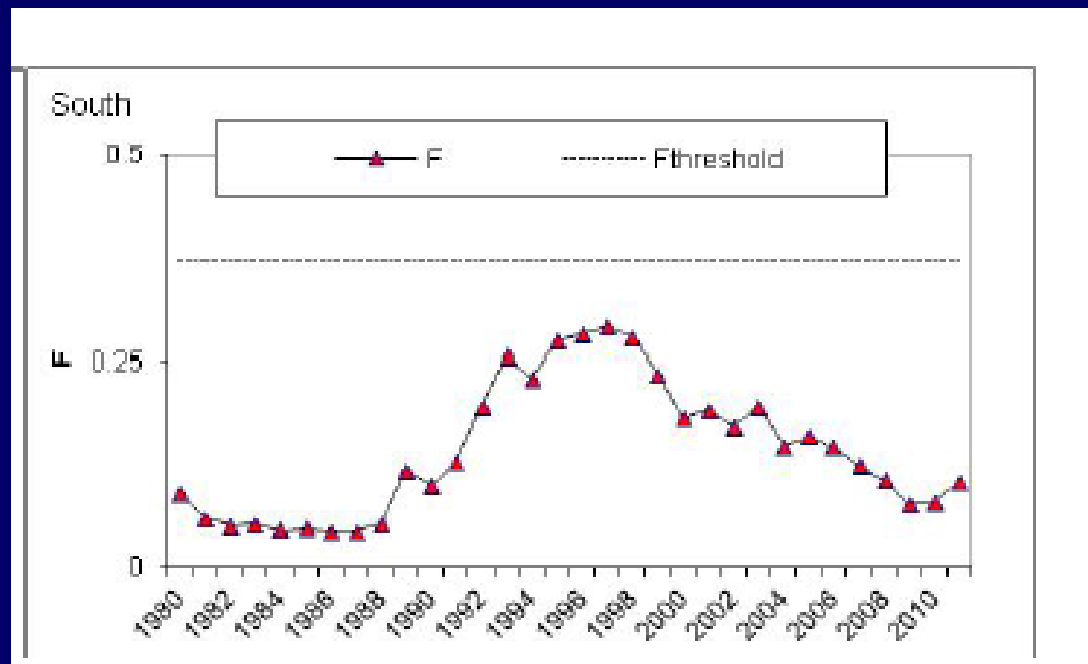
- Summary of Stock Status;
- 2014 Rhode Island Commercial Fishery Performance; and
- Recommendations for the 2015 Monkfish Fishery





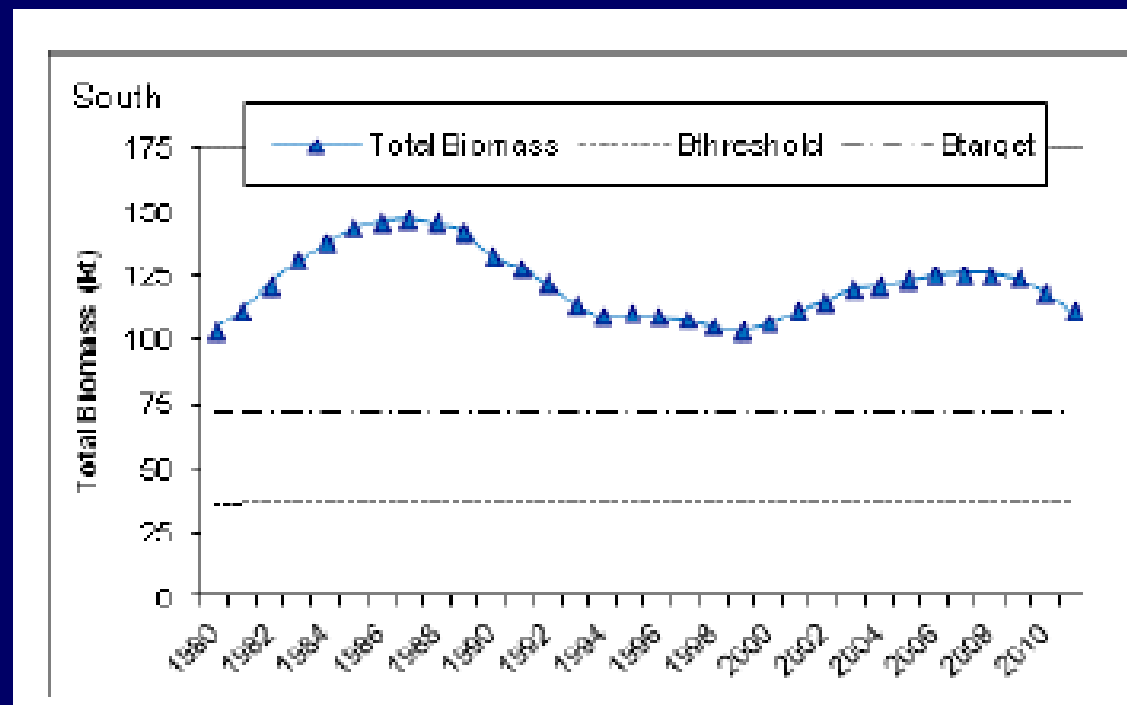
# Monkfish Stock Status

- ◆ Stock Status:
  - The 2013 operational stock assessment suggested minimal changes to SAW 50 benchmark stock assessment.
  - Relative to the biological reference points, the Southern Management Area (SMA) stock is not overfished and overfishing is not occurring.
  - Fishing mortality  $F = 0.11$  in 2011, less than the threshold  $F = 0.37$

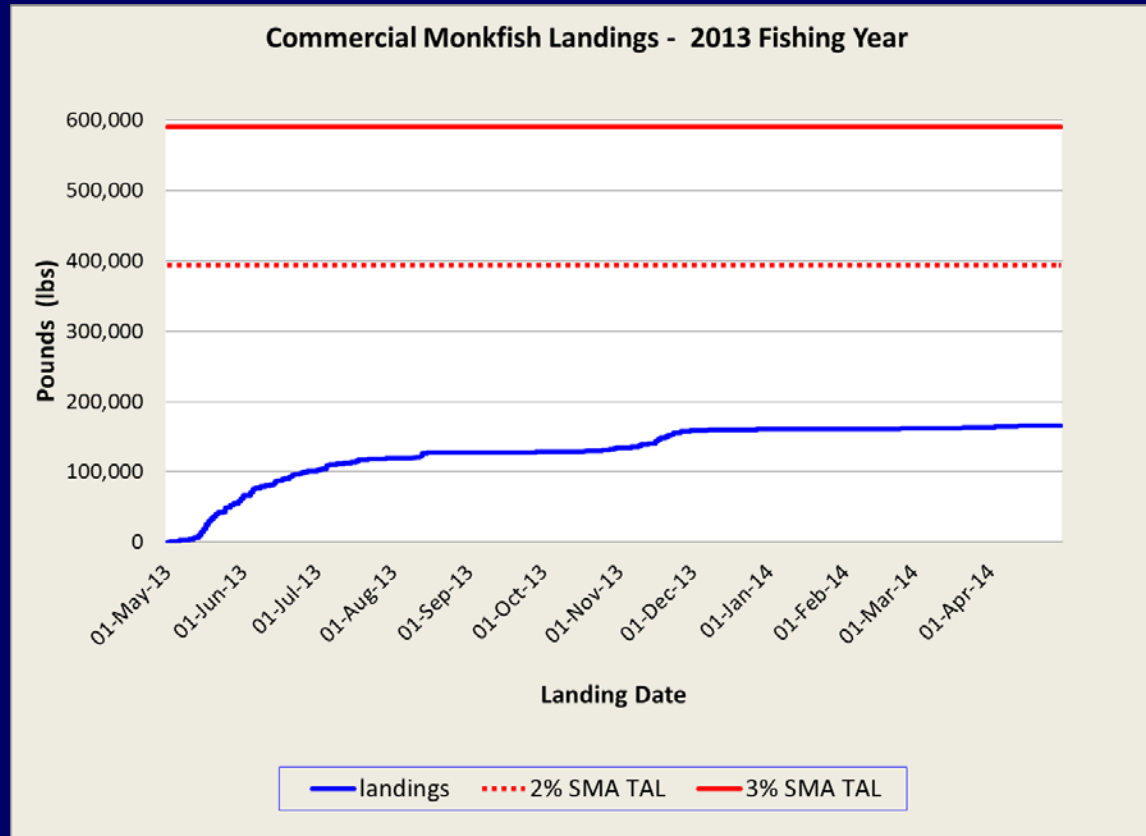


# Monkfish Stock Status

- ◆ Stock Status:
  - Total biomass in 2011 was estimated to be approximately 131,218 mt, which is above both  $B_{\text{target}} = 71,667$  mt and  $B_{\text{threshold}} = 35,834$  mt.



# RI Fishery Performance - Commercial Landings



- Updated data suggests 165,820 lbs of monkfish were landed by the state-water commercial fishery.
- Landings have not approached the possession limit trigger since the 2010 Fishing Year.



# RI Fishery Performance - Commercial Landings

Fishing Year	SMA TAL (lbs)	RI Landings (lbs)		State-water Quota		Percent of SMA TAL		Percent of state-water Landings as	
		Federal *	State-water	Quota	PL Trigger	Federal Landings	State-water Landings	Quota	PL Trigger
2007	11,243,574	3,399,281	100,427	NA	NA	30%	1%		NA
2008	11,243,574	3,026,245	128,591	NA	NA	27%	1%		NA
2009	11,243,574	2,412,879	99,119	112,436	101,192	21%	1%	88%	98%
2010	11,243,574	1,553,768	106,518	112,436	101,192	14%	1%	95%	105%
2011	19,676,257	3,351,445	182,443	590,288	393,525	17%	1%	31%	46%
2012	19,676,257	2,111,374	144,599	590,288	393,525	11%	1%	24%	37%
2013	19,676,257	2,517,080	165,820	590,288	393,525	13%	1%	28%	42%
2014	19,676,257	-	-	590,288	393,525	-	-	-	-
2015	19,676,257	-	-	590,288	393,525	-	-	-	-

\* Estimated landings

- ◆ RI 2015 Projected Commercial Quota = 590,288 lbs
- ◆ RI 2015 Projected Commercial Poss. Limit Trigger = 393,252 lbs
- ◆ Landings have not approached the possession limit trigger since the 2010 Fishing Year.



# RI Fishery Performance - Commercial Landings

Fishing Year	SMA TAL (lbs)	RI Landings (lbs)		State-water Quota		Percent of SMA TAL		Percent of State-water Landings as	
		Federal *	State-water	Quota	PL Trigger	Federal Landings	State-water Landings	Quota	PL Trigger
2007	11,243,574	3,399,281	100,427	NA	NA	30%	1%		NA
2008	11,243,574	3,026,245	128,591	NA	NA	27%	1%		NA
2009	11,243,574	2,412,879	99,119	112,436	101,192	21%	1%	88%	98%
2010	11,243,574	1,553,768	106,518	112,436	101,192	14%	1%	95%	105%
2011	19,676,257	3,351,445	182,443	590,288	393,525	17%	1%	31%	46%
2012	19,676,257	2,111,374	144,599	590,283	393,525	11%	1%	24%	37%
2013	19,676,257	2,517,080	165,820	590,288	393,525	13%	1%	28%	42%
2014	19,676,257	-	-	590,288	393,525	-	-	-	-
2015	19,676,257	-	-	590,288	393,525	-	-	-	-

\* Estimated landings

- RI 2015 Projected Commercial Quota = 590,288 lbs
- RI 2015 Projected Commercial Poss. Limit Trigger = 393,252 lbs
- Landings have not approached the possession limit trigger since the 2010 Fishing Year.



# RI Fishery Performance - Commercial Landings

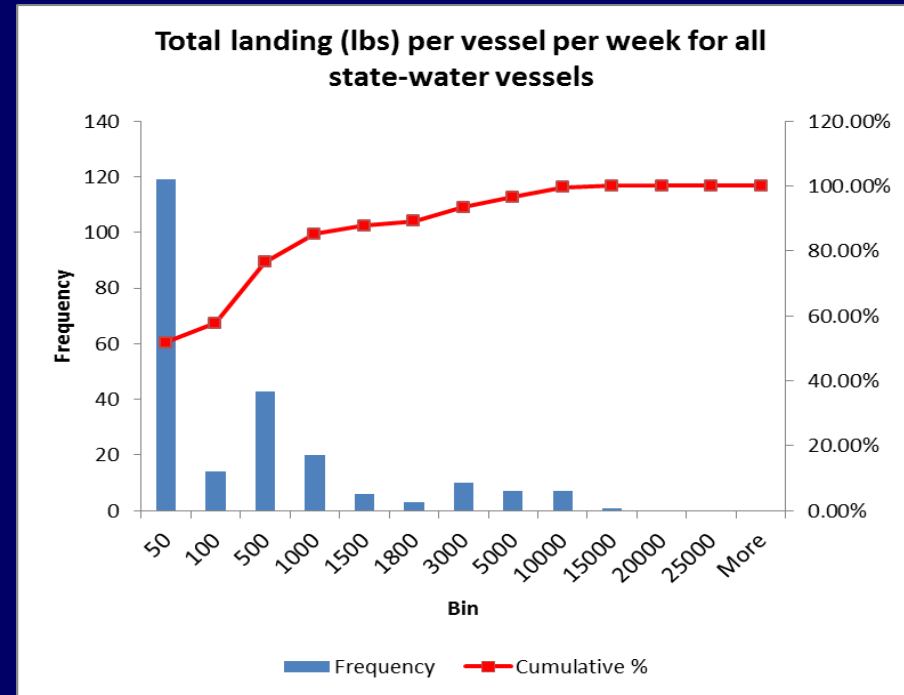
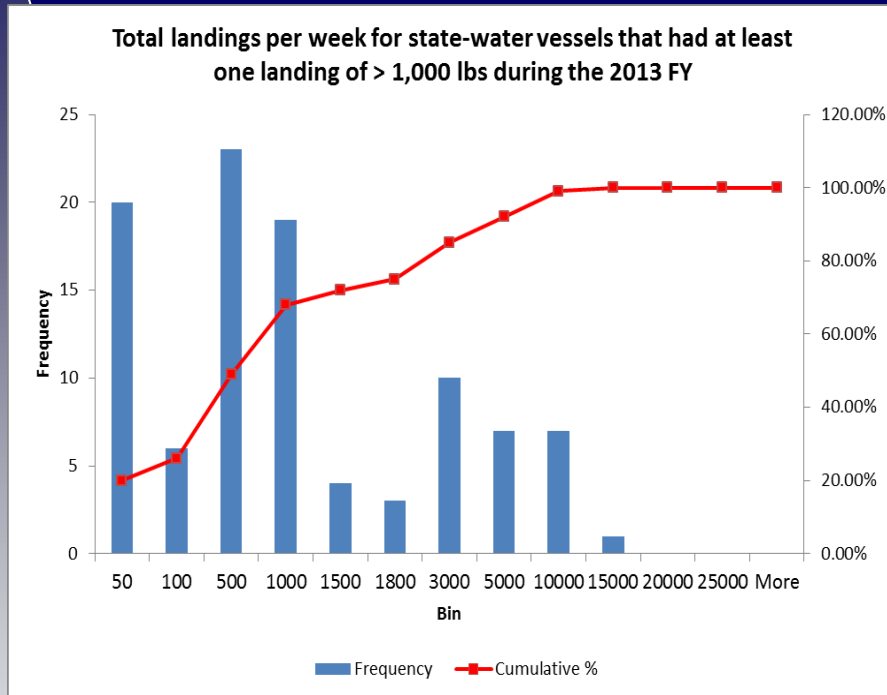
## State-water landings for the 2013 FY

Trips landing x (lbs)	No. of trips	lbs landed	% of total landings	
			No. of trips	lbs landed
< 50	423	6,782	54%	4%
51 - 100	99	7,712	13%	5%
101 - 500	158	38,019	20%	23%
501 - 800	48	30,513	6%	18%
801 - 1000	10	9,005	1%	5%
1001 - 1500	18	22,853	2%	14%
> 1500	26	50,936	3%	31%
total	782	165,820	100%	100%

- ◆ Unclear if the current possession limit is constraining harvest



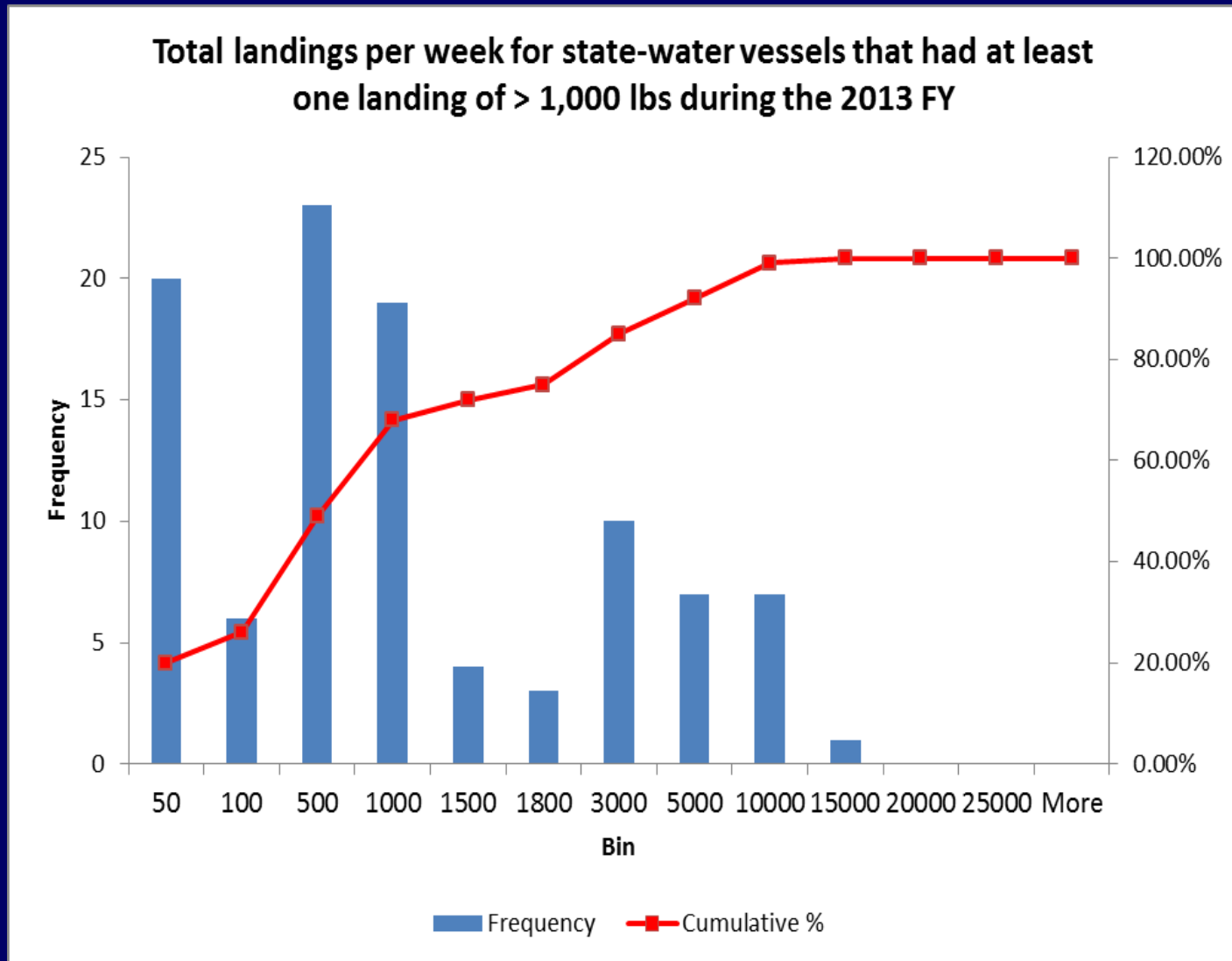
# RI Fishery Performance - Commercial Landings



- ◆ Unclear if the current possession limit is constraining harvest



# RI Fishery Performance - Commercial Landings



- ◆ Unclear if the current possession limit is constraining harvest



# DEM/Marine Fisheries Proposed Changes

- ◆ The Division does not have a recommended option for 2015
- ◆ An option is establishing an aggregate possession limit of 25,000 lbs/week (~14 x daily limit) with eligibility criteria of a minimum 1,000 lbs landed in single day in 2012 or 2013; aggregate permit required; daily possession limit for non aggregate permit holders and all participants when 2% of SMA TAL is landed (Industry proposal)
- ◆ A Division alternative to the industry proposal is to implement an aggregate possession limit of 13,000 lbs/week (~7 x daily limit) for 2015
- ◆ An additional alternative option is to require use of a Vessel Monitoring System (VMS) for all state-water vessels participating in the directed monkfish fishery (anonymous proposal)



# **RI Department of Environmental Management**

## **Division of Fish and Wildlife Marine Fisheries**

**PUBLIC HEARING**

**November 20, 2014**



# PUBLIC HEARING ITEMS

- 1) Amendments to the RI Marine Fisheries regulations, Part VII - Finfish, regarding the commercial management of Summer flounder;
- 2) Amendments to the RI Marine Fisheries regulations, Part VII - Finfish, regarding the commercial management of Scup;
- 3) Amendments to the RI Marine Fisheries regulations, Part VII - Finfish, regarding the commercial management of Black Sea Bass;
- 4) Amendments to the RI Marine Fisheries regulations Part VII - Finfish, regarding the commercial management of Monkfish.



## Notation used on slides:

- When actual regulatory language is shown, language proposed for deletion is shown as ~~red strikethrough~~; language proposed to be added is as **red bold underline**.



# Hearing Item #1: Commercial management of Summer flounder

- ◆ Option 1 (of 3): Status quo (Division proposal)

Period	Daily limit	Aggregate limit
Winter (1/1 – 4/30)	200 lbs	2,000 lbs/week
Summer (5/1 – 9/15)	100 lbs	700 lbs/week (begins 6/1)
Fall (9/16 – 12/31)	200 lbs	N/A



# Hearing Item #1: Commercial management of Summer flounder cont'd

## ◆ Option 2 (of 3): Modify Aggregate Landing Program

- Consistent daily possession limit all year (note: daily limit of 200 lbs may change as data added to simulation model used for this option);
- Decrease aggregate possession limit for Winter sub-period;
- Remove program for Summer sub-period;

Period	Daily Limit	Aggregate Limit
Winter	200 lbs	1400 lbs/week (200 lbs x 7days)
Summer	200 lbs	None
Fall	200 lbs	None



# Hearing Item #1: Commercial management of Summer flounder cont'd

## ◆ Option 3 (of 3): Remove Exemption Certificate requirement for the Aggregate Landing Program

7.7.3 Aggregate Landing Program: (B) Eligibility: An applicant vessel shall be considered eligible and may apply for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement that it satisfies each of the following criteria:

- (1) The vessel, if harvesting Summer flounder from federal waters possesses a valid federal Summer Flounder Moratorium Permit ~~and possesses a valid RI Summer Flounder Exemption Certificate (Exemption Certificate)~~; or, if harvesting exclusively in State waters, the vessel's operator possesses a valid license to harvest or land summer flounder for commercial purposes in Rhode Island ~~and possesses a valid Exemption Certificate~~;



# Proposed Management of Summer flounder

- ◆ **Public Hearing Option 1: Status quo (Division proposal)**
- ◆ **Public Hearing Option 2: Modify Aggregate Landing Program**
  - Consistent daily possession limit all year (note: daily limit of 200 lbs may change as data added to simulation model used for this option);
  - Decrease aggregate possession limit for Winter sub-period;
  - Remove program for Summer sub-period;
- ◆ **Public Hearing Option 3: Remove Exemption Certificate requirement for the Aggregate Landing Program**





# Hearing Item #2: Commercial management of Scup

## Option 1: Status quo (Division proposal)

<u>Gen Cat:</u> <u>Period</u>	<u>Aggregate Limit</u>
Spring/Summer (May 1 – Sept 19)	10,000 lbs
Fall (Sept 20 – Oct 31)	10,000 lbs

<u>FFT:</u> <u>Period</u>	<u>Possession Limit</u>
Spring/Fall (May 1 – Oct 31)	Unlimited



# Hearing Item #3: Commercial management of Black sea bass

## Option 1: Status quo (Division proposal)

Gen Cat: Period	Daily Poss. Limit	Allocation
Winter 1 (Jan 1 – Apr 30)	750	25%
Spring (May 1 – June 30)	50	25%
Summer (July 1 – July 31)	50	19.5%
Fall (Sept 1 – Oct 30)	50	19.5%
Winter 2 (Nov 1 – Dec 31)	100	11%



# Proposed Management of Black Sea Bass

- ◆ Public Hearing Option 1: Status quo (Division proposal)
- ◆ Public Comment Option 1: Decrease the possession limit in the winter 1 sub period
- ◆ Public Comment Option 2: Add an aggregate limit into the winter period
- ◆ Public Comment Option 3: Set one possession limit throughout the year and move to numbers of fish rather than pounds



# Hearing Item #4: Commercial management of Monkfish

## ◆ Option 1: Status quo

Min. size	Season	Poss. limit
17" (11" tail length)	5/1 – 4/30	550 lbs/day tail weight; 1,826 lbs/day whole weight



# Hearing Item #4: Commercial management of Monkfish cont'd

- ◆ Option 3: Maintain daily poss. limit: add aggregate possession limit of 25,000/week w/eligibility requirements (industry proposal)

Min. size	Season	Daily poss. limit	Aggregate Poss. limit*
17" (11" tail length)	5/1 – 4/30	3,915 lbs tail weight; 1,826 lbs whole weight	7,530 lbs tail weight; 25,000 lbs whole weight/week.

\* Eligibility requirements:

- ◆ Minimum 1000 lbs (whole weight) landed in single day in 2012 or 2013;
- ◆ Landings associated with a federal monkfish permit during 2012 and 2013 may not be used;
- ◆ Application/permit required.



# Hearing Item #4: Commercial management of Monkfish cont'd

- ◆ Option 2: Aggregate possession limit of 13,000/week (no daily limit)

Min. size	Season	Agg. Poss. limit*
17" (11" tail length)	5/1 – 4/30	13,000 lbs/week

\* No eligibility requirements



# Proposed Management of Monkfish

- ◆ Public Hearing Option 1: Status quo
- ◆ Public Hearing Option 3: Maintain daily poss. limit: add aggregate possession limit of 25,000/week w/eligibility requirements (industry proposal)
- ◆ Public Hearing Option 2: Aggregate possession limit of 13,000/week (no daily limit)
- ◆ Public Comment Option 1: Require use of VMS for all state-water vessels participating in the directed monkfish fishery (anonymous proposal)



End of Slides!





## **Proposal for Summer Flounder Aggregate Program 2015**

### **Proposed:**

Relax current restrictions that require a RI Fluke Exemption Certificate for entry into the Summer Flounder Aggregate Program. The purpose/intent of this proposal is **not** to remove or eliminate the current RI Fluke Exemption Certificate program. Under this proposal none of the rules currently associated with the RI Fluke Exemption would be changed, except for the requirement that fishermen possess one in order to participate in the **Summer Aggregate Program only**. Under this proposal fishermen will still need the exemption to participate in the winter aggregate program and possess more than 200 lbs of fluke per day should that scenario arise. Additionally, fishermen will still need to choose between participation in the winter **or** summer aggregate program under this proposal (provided they possess a valid RI Fluke Exemption Certificate).

The true intention of this proposal is to give fishermen more flexibility to pursue their livelihood in the most safe, efficient and environmentally responsible manner possible. Additionally, this proposal seeks to help reduce fluke discards (by turning those discards into landings) and to help give managers more certainty in monitoring and accounting for discards and landings as they pertain to quota management.

### **Rationale:**

Previous proposals for a more inclusive Summer Flounder Aggregate Program were not deemed possible due to the small size of the summer period's quota and the length of time it needed to last in order to avoid reduced DPLs and/or closures. However, with the shortening of the summer period and scheduled increases in the fluke quota over the next two years, it is now believed to be unlikely that a scenario of early closures and/or radically earlier reductions in DPLs would occur should this proposal become law.

### **Benefits:**

1. Reduce Discards
2. Provide managers with greater certainty of actual landings and discards
3. Provide fishermen with more flexibility to pursue their livelihood in the most safe, responsible, efficient and profitable manner possible.
4. Allow multiple user groups greater access to the same harvest locations
5. Reduce gear conflicts between user groups

Question/Comments/Suggestions can be sent to Aaron Gewirtz via phone or email: (401) 218 5764 or NBF05@Verizon.Net



## ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

David Spencer, President  
[exec@offshorelobster.org](mailto:exec@offshorelobster.org)

David Borden, Executive Director  
[dborden@offshorelobster.org](mailto:dborden@offshorelobster.org)

Jason McNamee, Supervising Biologist  
RI Division of Fish and Wildlife  
Marine Fisheries  
Jamestown, RI 02835-9906

Tuesday, November 18, 2014

Dear Jason:

I would like to offer a few comments in regards to the RI black sea bass regulations, specifically to the current possession requirements. I have attached a copy of a letter I submitted last year which characterized the discard problem that continues this year. This problem is no doubt expanding as the sea bass population expands and I think it is time for the Department to experiment with another way of managing the fishery, particularly during the winter / spring period when the fishery is generally offshore.

As I recommended last year, I believe that adoption of a properly structured weekly aggregate program could convert some of the dead discards to landings, particularly for vessels that make multi day trips. I am therefore requesting that the Department consider including a provision in the next regulatory action to convert the current black sea bass regulatory program into a weekly aggregate program during the time period of November 1 through April 30. The specifics of the proposal need to be developed after staff examine current catch rates for 2013 and 2014, and quota levels for 2015. Staff would then be in position to offer strategies and aggregate landing alternatives that reduce this unnecessary waste of an extremely valuable resource.

Current regulations provide for lower possession limits from November 1 to December 31, and much higher possession limits from January 1 to April 30, so it might also make sense to standardize the regulation during this entire timeline. To be clear, I am not suggesting that the sub-period allocations be changed at this time, but that this concept is utilized within the current sub-period framework.

Thank you for the opportunity to comment.

Sincerely

David Borden

cc: John Peabody/ AOLA Members  
Chris Brown President RI Commercial Fishermen's Association;  
Lanny Dellinger, President RI Lobstermen's Associations



## ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

David Spencer, President  
[exec@offshorelobster.org](mailto:exec@offshorelobster.org)

David Borden, Executive Director  
[dborden@offshorelobster.org](mailto:dborden@offshorelobster.org)

Jason McNamee, Supervising Biologist  
RI Division of Fish and Wildlife  
Marine Fisheries  
Jamestown, RI 02835-9906

Tuesday, October 15, 2013

Dear Jason:

I would like to offer a few comments in regards the RI black sea bass regulations, specifically in regards the current possession requirements. I am aware that you have a meeting on this issue tonight and request that you discuss these concerns during the session. I recently assumed the position of interim Executive Director of the Atlantic Offshore Lobstermen's Association, and attended the September membership meeting. During the meeting a member of the Association, who is a RI resident, and docks his vessel in Pt. Judith, commented on the large and increasing by-catch of black sea bass in his lobster traps, asking if there is anything that can be done about the low possession limits. His point was that the low possession limit has the unintended effect of causing regulatory discards. After the meeting I also checked with a number of RI fishermen and confirmed that this problem is also manifesting itself in other inshore fisheries, and I have copied them so that they can comment directly.

As far as background, there has always been a traditional by-catch of black sea bass by gill net fishermen, trawlers, and inshore and offshore lobster gear but the situation has become more pronounced in recent years as the population has been rebuilt and expanded. This creates a number of problems, one of which is that the by-catch in general is exceeding the daily possession limits by a substantial margin, resulting in regulatory discards. This occurs primarily in the spring, fall and summer periods. Most of the black sea bass being caught are in the jumbo and large size category, which command premium prices in the market, so the regulatory discards result in not only an unnecessary waste of resources, but also a substantial loss of income. Due to a lack of NMFS observer coverage on some of these vessels, this by-catch in generally is not well documented or quantified in the NMFS data base.

The RI daily possession limits were historically set at levels to accommodate this by-catch during a period in which the black sea population was over exploited and at low biomass levels. Black sea bass are no longer overfished and neither is there overfishing taking place, and yet the possession limits and quotas have essentially remained unchanged for a considerable period of time, slightly increasing in recent years. This situation has been caused by the high degree of uncertainty in the stock assessment, which causes a continuation of low quotas for this species.

Although there are a significant number of aspects of this problem, one key feature relates to the fact that black sea bass have air bladders which expand when they are retrieved from depths greater than approximately 70 feet. There is little scientific information available on the actual

mortality rates on fish that get subjected to this condition , but it is logical to assume that there is some, if not a significant amounts of discard mortality. Since the by-catch in lobster gear is unavoidable, the combination of increasing abundance and low daily possession limits invariably results in increasing regulatory discards. Keep in mind that the lobster fishery is in the process of dramatically reducing the number of traps in the water, but that action alone has not avoided this condition.

Equally problematic is that the condition perpetuates itself, since the resulting mortality causes future quota reductions, when factored into the stock assessment, even if there is a lack of observer data to quantify the extent of the problem. I also note that although the problems outlined above are lobster gear specific, I believe that the same problems may manifest themselves in the otter trawl fishery. This potentially can result from the disconnect between high weekly limits on scup and a low daily possession limit on black sea bass, all of which are typically caught on similar tows and areas . I suggest you discuss or confirm that aspect of issue with someone like Chris Brown who I have copied with this email.

It is highly unlikely that the uncertainty in the stock assessment will be clarified soon, thus resulting in substantial increases in quota which could be used to address this problem. I therefore believe the Department should explore other alternatives to the current daily possession system which convert black sea bass regulatory discards into landings, as we should be accounting for, and managing, all mortality on the stock.

I am therefore requesting that the Department include a provision in the next, or subsequent, regulatory action to convert the current black sea bass regulatory program into a weekly aggregate program. The specifics of the proposal need to be developed, after staff examines current catch rates for 2013, and quota levels for 2014. Staff would then be in position to offer strategies and aggregate landing alternatives that address the regulatory discard problem. To be clear I am not suggesting that the sub-period allocations be changed at this time, but that this concept be utilized within the current sub-period framework. .

Thank you for the opportunity to comment.

Sincerely;

David Borden

cc: AOLA Members

Mark Gibson, Deputy Chief Fish and Wildlife

Chris Brown President RI Commercial Fishermen's Association;

Lanny Dellinger, President RI Lobstermen's Associations

## Duhamel, Peter (DEM)

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**From:** McNamee, Jason (DEM)  
**Sent:** Thursday, November 20, 2014 9:44 AM  
**To:** Duhamel, Peter (DEM)  
**Subject:** FW: Questions

Pete, the relevant proposal is 4b

-J

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**From:** Katie Almeida [<mailto:kalmeida@towndock.com>]  
**Sent:** Wednesday, November 19, 2014 7:46 AM  
**To:** McNamee, Jason (DEM); Donald Fox  
**Subject:** Questions

Hi Mr. McNamee,

I'm sorry we weren't able to meet prior to the meeting, but I appreciate you agreeing to look over some of the questions we have ahead of the meeting tomorrow.

1. Summer Flounder - It seems that in all three of the proposals, those with and without an Exemption Certificate have the same possession limit, 200 lbs/vessel/day. Was this the department's intention? If that is the case it seems that the only advantage to having the Exemption Certificate is to qualify for the Aggregate Program. Are we correct to assume this?
2. Summer Flounder sub-periods - The current "Status Quo" sub-periods which started this year for Summer Flounder are broken out as so:

Jan 1 <sup>st</sup> -April 30 <sup>th</sup>	54%
May 1 <sup>st</sup> -Sept 15 <sup>th</sup>	35%
Sept 16 <sup>th</sup> -Dec 31 <sup>st</sup>	11%

However, the previous years "Status Quo" sub-periods were broken out as so:

Jan 1 <sup>st</sup> -April 30 <sup>th</sup>	54%
May 1 <sup>st</sup> -Oct 31 <sup>st</sup>	35%
Nov 1 <sup>st</sup> -Dec 31 <sup>st</sup>	11%

The periods that the department refers to as "Status Quo" has yet to be in effect for a year. The concern we have is in regards to the "Status Quo" Winter Period II. Instead of having two months to fulfill the quota, we now have to make same amount of quota (11%) last over a longer period of time.

Would you be able to tell us how this rule came to be? Both Donald Fox and Mike Roderick recall the industry not supporting this change when it was brought up as an option last year.

3. Summer Flounder – Would you be able to tell us where the support for option #2 and #3 came from?
4. Black Sea Bass – We mostly have comments regarding Black Sea Bass:
  - a. The possession limit for the Jan 1<sup>st</sup>-April 30<sup>th</sup> sub-period is 750lbs/vessel/day. Our preferred alternative would be to lower that limit as the current limit is quickly reached.

- b. BSB summer/fall sub-periods: July 1<sup>st</sup>-July 31<sup>st</sup> and Sept 1<sup>st</sup>-Oct 31<sup>st</sup>. Our preferred alternative would be to get rid of the Sept 1<sup>st</sup>-Oct 31<sup>st</sup> sub-period and allow the entire summer/fall quota of 39% to be caught in the month of July.

Thank you in advance for your insight. Both Donald and I plan on attending tomorrow's meeting, hopefully we can be introduced then.

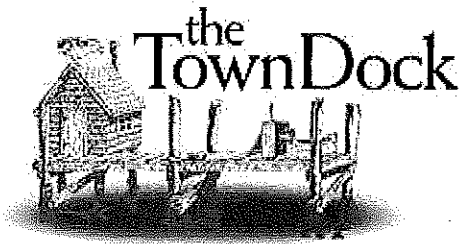
Thank you and looking forward to meeting you!

Katie Almeida

Katie Almeida  
Fisheries Policy Analyst

The Town Dock  
45 State Street  
Narragansett, RI 02882

Phone: 508-930-2633  
Email: [kalmeida@towndock.com](mailto:kalmeida@towndock.com)



The following proposed language changes are for the Rhode Island Summer Flounder Exemption Certificate Program as found in **Rhode Island Marine Fisheries Statutes and Regulations, Part VII, Minimum Sizes of Fish/Shellfish**. Listed below is a summary of what the changes will accomplish.

1. The exemption certificate program for summer flounder will be eliminated for commercially licensed RI residents. All qualified RI resident licensed holders will be held to the same standard and possession limits for summer flounder.
2. Non-resident restricted finfish license holders will retain the two hundred pound (200 lb) daily possession limit.
3. Non-resident summer flounder exemption certificate holders will retain their exemption from the two hundred pound daily possession limit. Non-resident exemption certificates cannot be transferred or sold and are applicable only to the individual presently issued the certificate and the named vessel. Non-resident exemption certificate holders may upgrade or replace the named vessel with restrictions.
4. Eliminate the aggregate landing program for the summer period.

**7.7.6 Non-Resident Possession Limit** – No non-resident commercially licensed under RIGL 20-2.1-6 and 20-2.1-7 shall possess, offer for sale or sell in excess of two hundred (200) pounds of summer flounder *Paralichthys dentatus*, in any calendar day, in the State of Rhode Island. Provided however, that the two hundred pound possession limit shall be waived for every non-resident that has been issued a Non-Resident Exemption Certificate for summer flounder.

**7.7.7 Non-Resident Exemption Certificate** – For every non-resident and named vessel issued an exemption certificate by Fish and Wildlife prior to January 1, 2012, the following rules apply.

- (a) A certificate of exemption issued by the Division is valid only for the individual and named vessel to which it was issued.
- (b) A certificate of exemption shall not be pledged, mortgaged, leased, attached, transferred or sold and shall possess no property right of exchange.
- (c) **Upgrading or Replacement Vessels:** A vessel owner possessing an exemption certificate wishing to upgrade or change the named vessel shall apply to the Division for approval and provide to the satisfaction of the Division, proof that the upgrade or applicant vessel is replacing the vessel named in the exemption certificate.
- (d) The exemption certificate holder shall supply credible written evidence verifying that the upgraded or replacement vessel is fully owned by the exemption certificate holder. Proof of full ownership of both vessels is required and ownership shall be determined solely by an issued and valid US Coast Guard documentation or state registration.
- (e) The upgraded or replacement vessel shall not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the named vessel as issued on the initial exemption certificate.

~~(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]~~

~~**7.7.6 Moratorium on the Landing of Summer Flounder** -- No person shall possess, land, sell, or offer for sale in excess of two hundred (200) pounds of summer flounder *Paralichthys dentatus*, in any calendar day, in the State of Rhode Island or the jurisdictional waters of the state without a summer flounder exemption certificate issued by Fish and Wildlife and a valid Rhode Island commercial fishing license. Application for a summer flounder exemption permit must be received by Fish and Wildlife prior to January 1,~~



~~1997. Provided, however, that the two hundred (200) pound daily limit shall be waived, during the 2010 calendar year, for any vessel whose owner does not have a summer flounder exemption certificate but has been authorized for participation by the Director in an approved summer flounder sector allocation pilot program, conducted pursuant to section 7.7.11.~~

~~7.7.7 Exemption Certificates – Fish and Wildlife will issue an exemption certificate for a vessel if the owner of the vessel or his/her representative applies to Fish and Wildlife prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:~~

~~7.7.7-1 the operator of the vessel possesses a valid Rhode Island commercial fishing license to land summer flounder up to the amount permitted by the Rhode Island Marine Fisheries Council regulations; and~~

~~7.7.7-2 the subject vessel meets any of the following criteria:~~

~~a. the vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992; or~~

~~b. the vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips; or~~

~~c. the vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss; or~~

~~d. the vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.~~

~~e. If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.~~

~~**7.7.8 Application for Certificate of Exemption** – A vessel is eligible to receive a Rhode Island Summer Flounder Exemption Certificate if it meets the following conditions. The applicant applying for an exemption certificate shall:~~

~~**7.7.8-1** provide Fish and Wildlife with a copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the Exclusive Economic Zone (EEZ); and~~

~~**7.7.8-2** submit a completed notarized application for said certificate; and~~

~~**7.7.8-3** submit proof that the vessel meets the requirements set out in 7.7.7 and~~

~~**7.7.8-4** provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in 7.7.7; and~~

~~**7.7.8-5** provide Fish and wildlife with a copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.~~

~~**7.7.9 Submission of Application** – Application for an exemption certificate shall be mailed or submitted prior to January 1, 1997 to the office of Fish and Wildlife at: Oliver Stedman Government Center, 4808 Tower Hill Rd., Wakefield, RI 02879, Attention: Fluke Exemption.~~

~~**7.7.10 Transfer of Rhode Island Summer Flounder Certificate of Exemption** –~~

~~Any Certificate of Exemption issued by the Division is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.~~

~~(f) Change in ownership: A Certificate of Exemption is presumed to transfer with the vessel whenever it is bought, sold, or otherwise~~

~~transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued a Certificate of Exemption must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.~~

~~(g) Replacement Vessels: A vessel owner wishing to transfer a Certificate of Exemption issued by the Division must apply to the Division for approval and provide to the satisfaction of the Division of Fish and Wildlife proof that the applicant vessel is replacing a vessel which has been removed from the Summer Flounder Exemption Program (as described in 7.7.6)~~

~~(1) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Certificate of Exemption for purposes of replacing the vessel. If a vessel owner elects to sever the Certificate of Exemption from a vessel, the Certificate of Exemption may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.~~

~~(2) Vessel permits (state and federal), Certificates of Exemption, and fishing history cannot be split.~~

~~(3) Certificates of Exemption may not be combined to create larger replacement vessels.~~

~~(4) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.~~

~~(5) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued a Certificate of Exemption.~~

~~(6) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain a Certificate of Exemption, only if the upgrade complies with the following:~~

- ~~i. The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.~~
- ~~ii. The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.~~

~~(c) Certificates of Exemption or permits may not be:~~

- ~~(1) pledged, mortgaged, leased, or encumbered in any way;~~
- ~~(2) transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer;~~
- ~~or~~
- ~~(3) attached, distrained, or sold on execution of judgment.~~

~~(RIMF REGULATION) [Penalty – Part 3.3; (RIGL 20-3-3)]~~

# Rhode Island Fishermen's Alliance

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P.O. Box 337

East Greenwich, RI 02818

## **Proposed changes for the Black Seabass Commercial management for 2015**

1. Eliminate sub periods and establish a uniform daily possession limit applied the same throughout the year with bi-weekly or monthly review by the division to ensure consistency and uniformity.
2. Determine daily possession by numbers of fish per day unless the average daily numbers exceed one hundred pounds (100 lbs) per day.

Gerald M Carvalho, RIFA, vp, 1 Nov 2015

# Rhode Island Fishermen's Alliance

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P.O. Box 337

East Greenwich, RI 02818

## **Proposed changes for the Summer Flounder Commercial management for 2015**

1. Eliminate sub periods and establish a uniform daily possession limit applied the same throughout the year with bi-weekly or monthly review by the division to ensure consistency.
2. Allow an aggregate program for the winter/spring period whereby the individual daily possession limit may be aggregated and assigned to a named federally permitted vessel for reasons of safety and economic viability. Aggregate numbers/days shall be determined by the division with consultation from industry.
3. Eliminate the aggregate program during the summer period.
4. Terminate the so called "fluke exemption certificate" for all RI licensed commercial fishermen and all RI based commercial vessels.
5. Maintain the two hundred pound (200 lbs) maximum daily passion limit for qualified non-resident restricted finfish licensed holders
6. Maintain the so called "fluke exemption certificate" for those non-residents who possess such and further implement and enforce the non-transferrable provisions as defined in Proposed changes for summer flounder exemption certificate program RIFA 11/9/11.

Gerald M Carvalho, RIFA, vp, 1 Nov 2015



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

401 423-1923  
FAX 401 423-1925

### SUMMARY OF PUBLIC HEARING COMMENTS

A public hearing was held on **November 20, 2014** at 6:00 PM in Narragansett, RI at the URI/GSO Bay Campus, Coastal Institute Building, Hazard Room. Approximately 50 persons from the public were present.

Hearing Officer: *B. Ballou*

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

Four (4) items to the RI Marine Fisheries regulations, Part VII – Finfish, were presented for public comment:

1) **Commercial management of Summer flounder:** Three (3) options were presented for comment and are as follows:

- **Public Hearing Option 1:** Status quo (Division proposal); no changes to current regulation;
- **Public Hearing Option 2:** Modify the Aggregate Landing Program: Consistent daily possession limit of 150 – 200 lbs all year; decrease aggregate possession limit for Winter sub-period; and remove program for Summer sub-period;
- **Public Hearing Option 3:** Remove Exemption Certificate requirement for the Aggregate Landing Program. *J. McNamee* offered clarification for this proposal: in that the public notice provided proposed language that removed this requirement for both Winter and Summer sub-period; clarification offered that this was incorrect and this requirement would only be pertain to the Summer sub-period; the Exemption certificate would still be required for the Winter sub-period.

#### **Public Comments:**

- *R. Enright, Commercial Rod & Reel fisherman: In support of option 1, status quo.*
- *J. Jordan: In support of option 1, status quo, and against option 3.*
- *B. Mattucci: In support of option 1, status quo.*
- *D. Fox: In support of option 1, status quo. In favor of getting Summer sub-period possession limit back to what it was in 2013, as this resulted in a reduction in the Winter 2 sub-period.*
- *J. Micari: Commercial Rod and Reel Assoc. Public comment: In support of status quo.*
- *A. Gewirtz: In support of option 3 as a means to harvest fish more responsibly and allow for better access to fishery with fewer days at sea.*

- *G. Carvalho, RIFA: He offered that it was not the State's responsibility to provide for unfair advantages to one user group over another, but to provide for the availability of the resource on a continuous basis. In support of a modification of option 2 as presented as it did not represent exactly as his written proposal; (his/RIFA's proposal option 2) would provide equal access to the fishery for all licensed fishermen; that the "exemption certificate" provides an unfair advantage to certain fishermen; under his proposal there would be no closed seasons.*
- *G. Duckworth, gillnetter: In support of option 3, not as a means to catch additional fish but as a means to reduce discards and fish responsibly.*
- *J. Dwells, commercial rod and reel: In support of option 1, status quo.*
- *P. Duckworth, gillnetter: In support of option 3 and a weekly possession limit.*
- *B. Allen, commercial rod and reel: In support of option 1, status quo, as a means to provide for equal access to all user groups.*
- *B. ? (Town Dock): In support of option 1, status quo. He offered that there would be too much uncertainty with option 2.*
- *H. Bernacky, commercial rod and reel, In support of option 1, status quo.*
- *B. Weinstein, commercial rod and reel: In support of option 1, status quo.*
- *B. Morris, commercial rod and reel: In support of option 1, status quo.*
- *C. Matchy, commercial rod and reel: In support of option 1, status quo.*
- *J. Grant: In support of option 3 to provide for greater flexibility to fish.*
- *D. Blackburn, commercial rod and reel: In support of option 1, status quo.*

## 2) **Commercial management of Scup:**

- Public Hearing Option 1: Status quo (Division proposal);

### **Public Comments:**

- *J. Jordan: Proposed that weekly possession limit should be changed to a daily limit once the floating fish trap sector is aware (normally the beginning of June) that they will not be able to harvest their full quota.*

## 3) **Commercial management of Black Sea Bass:**

- Public Hearing Option 1: Status quo (Division proposal);
- Public Comment Option 1: Decrease the possession limit in the winter sub-period;
- Public Comment Option 2: Add an aggregate limit into the winter sub-period;
- Public Comment Option 3: Set one possession limit throughout the year and move to numbers of fish rather than pounds.

### **Public Comments:**

- *D. Borden, AOLA: In support of option 2, adding that staff should determine specific possession limit to implement for November 1, status quo until November 1.*
- *G. Carvalho, RIFA: In support of option 3 to eliminate closed season and to provide for equal access to the resource throughout the year. He offered that for possession limits of less than 100 lbs, it is easier to count # of fish than it is to weigh. He offered no objection*



*to an aggregate possession limit for the winter sub-period as a total of daily possession limits.*

- *Dan Jockey, AOLA: In support of option 2.*
- *P. Duckworth: In support of option 2 for the entire year.*
- *G. Mataronas: In support of option 2 and in support of an aggregate possession limit for the Summer sub-period.*
- *Public comment (name?), commercial rod and reel: In support of option 1, status quo.*
- *B. Morris: In support of option 3 as a means to keep season open and maintaining markets.*
- *J. Grant: In support of option 2 and in support of an aggregate possession limit for the Summer sub-period.*
- *T. Mulvey: In support of option 2 and in support of an aggregate possession limit for the Summer sub-period.*
- *B. Weinstein, commercial rod and reel: In support of option 1, status quo.*
- *Jim ?, commercial rod and reel: In support of option 1, status quo.*
- *R. Jordan: In support of option 3 as a means to keep season open*
- *H. Bernacky: commercial rod and reel: In support of option 1, status quo.*

#### 4) **Commercial management of Monkfish:**

- Public Hearing Option 1: Status quo.
- Public Hearing Option 3: Maintain daily poss. limit: add aggregate possession limit of 25,000 lbs/week w/eligibility requirements (industry proposal).
- Public Hearing Option 2: Aggregate possession limit of 13,000 lbs/week; remove daily limit; no eligibility requirements (Division counter proposal to industry proposal).
- Public Comment Option 1: Require use of VMS for all state-water vessels participating in the directed monkfish fishery (anonymous proposal)

#### **Public Comments:**

- *A. Gewirtz: In support of option 2 or 3, with preference to option 3 due to greater possession limit and importance of eligibility criteria as a means to avoid illegal fishing.*
- *G. Duckworth: Primarily in support of option 3 as a means to reduce discards; secondarily in support of option 2.*
- *T. Mulvey: In support of option 3 as a means to fully harvest quota and to not lose RI quota.*
- *G. Mataronas: In support of option 1 or option 2.*
- *P. Duckworth: In support of option 2 or 3.*

Prepared by P. Duhamel



# Rhode Island Marine Fisheries Council

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

## Advisory Panel Application

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

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

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

If alternate, provide primary panel member name: \_\_\_\_\_

Print Your Name: JOHN VIVARI Date of Birth: \_\_\_\_\_

Mailing Address: 4 Appletree Lane

City: Greenville State: RI Zip: 02828

Phone (Home/Work/Cell): 401-787-1701 cell; 401-949-0977 home

Email: clamintime@gmail.com

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

First Choice: shellfish

Second Choice: \_\_\_\_\_

2. **FOR COMMERCIAL FISHERMEN:**

Provide type and license number(s): \_\_\_\_\_

Number of years as a commercial fisherman? \_\_\_\_\_

What is your primary fishery? \_\_\_\_\_

Other fisheries fished: \_\_\_\_\_

What gear types do you use? \_\_\_\_\_

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

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Narragansett Bay   | <input checked="" type="checkbox"/> Coastal Ponds | <input type="checkbox"/> Inshore (inside 3 miles)   |
| <input type="checkbox"/> Upper or Lower Bay | <input type="checkbox"/> East or West Bay         | <input type="checkbox"/> Offshore (outside 3 miles) |

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

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

5. **FOR RECREATIONAL FISHERMEN:**

How many years have you been engaged in recreational fishing in RI waters? 15

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

Boat fishing Narragansett Bay  
Clamming coastal ponds

6. **FOR SEAFOOD DEALERS:**

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

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

Please provide DEM Seafood Dealer License Number: \_\_\_\_\_

7. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s): \_\_\_\_\_

retired

Please list any organizations you belong to: RISAA

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

You may attach additional pages or other information as necessary.

Have been alternate on shellfish A.P. for many years

Signature of Applicant:

*John Devereux*

Date:

10/31/14

Date Approved by RIMFC: \_\_\_\_\_



# Rhode Island Marine Fisheries Council

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Robert Ballou  
Chairman  
222-4700 x4420

Richard Hittinger  
Vice Chair  
739-1875

Richard Bellavance  
741-5648

Kenneth Booth  
793-0454

Jeff Grant  
243-5123

William  
Mackintosh, III  
477-0603

David Monti  
480-3444

Christopher Rein  
525-4969

Michael Rice, Ph.D.  
874-2943

November 25, 2014

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

Re: CRMC Aquaculture Lease Application 2014-07-067 – Campanale

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on August 27, 2014 for review. The Panel found that the proposal poses no significant conflicts with wild-fishery activities in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



# Rhode Island Marine Fisheries Council

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Michael Rice, Ph.D.  
874-2943

November 25, 2014

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

Re: CRMC Aquaculture Lease Application 2014-06-076 – Sousa

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), via the Council's Shellfish Advisory Panel, on August 27, 2014 for review. The Panel found that the proposal poses no significant conflicts with wild-fishery activities in the area. In accordance with RIMFC Policy, the recommendation of the Panel constitutes the recommendation of the Council, unless there is a request to bring the matter before the full Council. Given that no such request was made on this matter, the Panel's recommendation stands and the Council's review is complete.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



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Michael Rice, Ph.D.  
874-2943

November 25, 2014

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

Re: CRMC Aquaculture Lease Application 2014-08-013 – Walrus and Carpenter

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC) on October 6, 2014 for review. The Council found that the proposal poses no significant conflicts with wild-fishery activities in the area.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



# Rhode Island Marine Fisheries Council

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November 25, 2014

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

Re: CRMC Aquaculture Lease Application 2014-05-072 -- Whilden

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC) on October 6, 2014. Based on the determination that the proposal poses potential conflicts with wild-fishery activities in the area, the RIMFC voted not to recommend approval of the application. In making its determination, the RIMFC focused specifically on the use of the area by recreational fishermen targeting striped bass, summer flounder, and other species.

Sincerely,

Robert Ballou, Chair  
RIMFC

cc: RIMFC



# Council Report

Sept/Oct2014

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest to stakeholders.

**At its Sept., 30 – Oct. 2 2014 meeting in Hyannis, MA the Council:**

- **Added measures to Framework Adjustment 26 to the Sea Scallop FMP**
- **Worked on Framework Adjustment 53 to the Groundfish FMP, adding measures to address the status of Gulf of Maine cod**
- **Approved management adjustments to the whiting rules for further analysis**

*Next Council Meeting*

*Please note the dates!*

*Monday-Thursday*

*Nov. 17-20, 2014  
Newport, RI*

## Member News

### *Council Members Elected for 2014-2015*

As its first order of business at the September 30 - October 2 Council meeting in Hyannis, MA, the Council elected officers for the upcoming year. Last year's Chair, Terry Stockwell and Vice Chair, Dr. John Quinn, were each named by acclamation last month to again serve in their respective positions.

Mr. Stockwell, who been the Council's Vice Chair for a number of years, is the Director of External Affairs at the Maine Department of Marine Resources. Dr. Quinn is a former Massachusetts legislator and the Director of Public Interest Law Programs at UMASS Dartmouth's School of Law.

Three members were elected to serve on the NEFMC's Executive Committee. Again, these are the same individuals who held leadership positions last year. The Council put their confidence in NH fisherman Peter Kendall, who is serving his second term on the NEFMC, and officials from two state fisheries agencies. They are NH Fish and Game Department Chief Doug Grout, and MA Division of Marine Fisheries Deputy Director Dr. David Pierce.

The fall meeting was the first for newly-appointed Council member Libby Etrie from Gloucester, MA.

## Sea Scallops

### *Alternatives Added to Scallop FW 26*

Since its June meeting, the Council added several new alternatives for consideration in Framework Adjustment 26 to the Atlantic Sea Scallop Plan. The highlights are provided below for quick reference:

- Measures to reduce incidental mortality on small scallops in three specific areas; in an extension of the scallop access area in Closed Area II, a small extension of the scallop access area in Nantucket Lightship, and a closure within the northwest corner of the Elephant Truck Access Area
- Limits on crew sizes as a potential measure to reduce impacts on small scallops in the Mid-Atlantic Access Areas only
- A slight revision to the regulations for the flaring bar on turtle deflector dredges
- An alternative that would increase the access for Limited Access General Category (LAGC) vessels in the Mid-Atlantic Access Areas, in addition to access planned for the limited access fleet

In addition, the Council recognized the lengthy list of items now in Framework 26 and

*continued on next page*





Photo courtesy of NOAA Fisheries

### Important Meeting Dates!

**Scallop Advisory Panel**  
Tues., Oct. 28, Providence, RI

**Scallop Committee**  
Wed., Oct. 29, Providence, RI

**Scallop Advisory Panel**  
Thurs., Nov. 13, Revere, MA

**Scallop Committee**  
Fri., Nov. 14, Revere, MA

### ACE

*or annual catch entitlement, with respect to the groundfish fishery, means the share of the annual catch limit (ACL) for each groundfish stock that is allocated to an individual sector or state-operated permit bank, based upon the cumulative fishing history attached to each permit participating in that sector or held by a state-operated permit bank in a given year.*

## More Scallop Framework 26

*continued from p. 1*

prioritized the issues for the Scallop PDT, given the limited time available to complete any necessary analyses by the November meeting, when the Council takes final action. The issues are in the order agreed to by the Council.

1. Develop specifications, including modifications to the scallop access areas (and a scenario with increased access in the Mid-Atlantic Access Areas for the LAGC fishery, up to 2 million pounds)
2. Revise turtle deflector dredge regulations associated with the flaring bar
3. Address the ME state waters issue associated with fishing in the Northern Gulf of Maine
4. Provide consistency among turtle regulations (turtle deflector dredge and chain mat regulations)
5. Develop proactive accountability measures to address potential overages of northern windowpane flounder, and the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder
6. Allow limited access vessels to operate off the clock when steaming back to port
7. Develop reactive accountability measures for northern windowpane flounder, and similarly revise the scallop fishery's yellowtail flounder accountability measures for yellowtail stocks on Georges Bank and in Southern New England/Mid-Atlantic area

## Groundfish

**Emergency Action for Gulf of Maine Cod** As has been widely reported by the media, the Council approved a motion on October 2 "to request an emergency action to reduce fishing mortality on Gulf of Maine cod for fishing year 2014."

Notably, the Regional Administrator of NOAA's National Marine Fisheries Service (NMFS) agreed with the majority of Council members by voting yes on the action, although he could not provide details on what the agency might do in response to the request. Emergency actions are developed and implemented solely by NMFS outside of the Council process.

**U.S./Canada TACs Approved** The Council approved the 2015 quotas, or Total Allowable Catches as recommended by the Transboundary Management Guidance Committee, a group made up of Council members, NOAA/NMFS representatives, and Canadian officials, for the three stocks governed by the U.S./Canada Resource Sharing Understanding. They will be incorporated into Framework 53 at the November Council meeting.

- Eastern Georges Bank cod – 650 metric tons (mt) U.S. share, 124 mt
- Eastern Georges Bank haddock – 37,000 mt; U.S. share, 17,760 mt
- Georges Bank yellowtail flounder – 354 mt; U.S. share, 248 mt

**Framework Adjustment 53 Alternatives** The Council focused on a number of Framework 53 alternatives in September, approving them for further analysis and discussion, and approval, if appropriate, at its November meeting in Newport, RI. They addressed several major topics.

*continued on next page*

## More Groundfish Framework 53

### Actions Affecting Cod Fishery

**Operations** The Council tasked the Groundfish Plan Development Team (PDT) with analyzing the impacts of a zero possession limit in the commercial and recreational fisheries for Gulf of Maine cod. The groups would continue to receive an allocation of the species to account for catches of cod, and be subject to existing accountability measures.

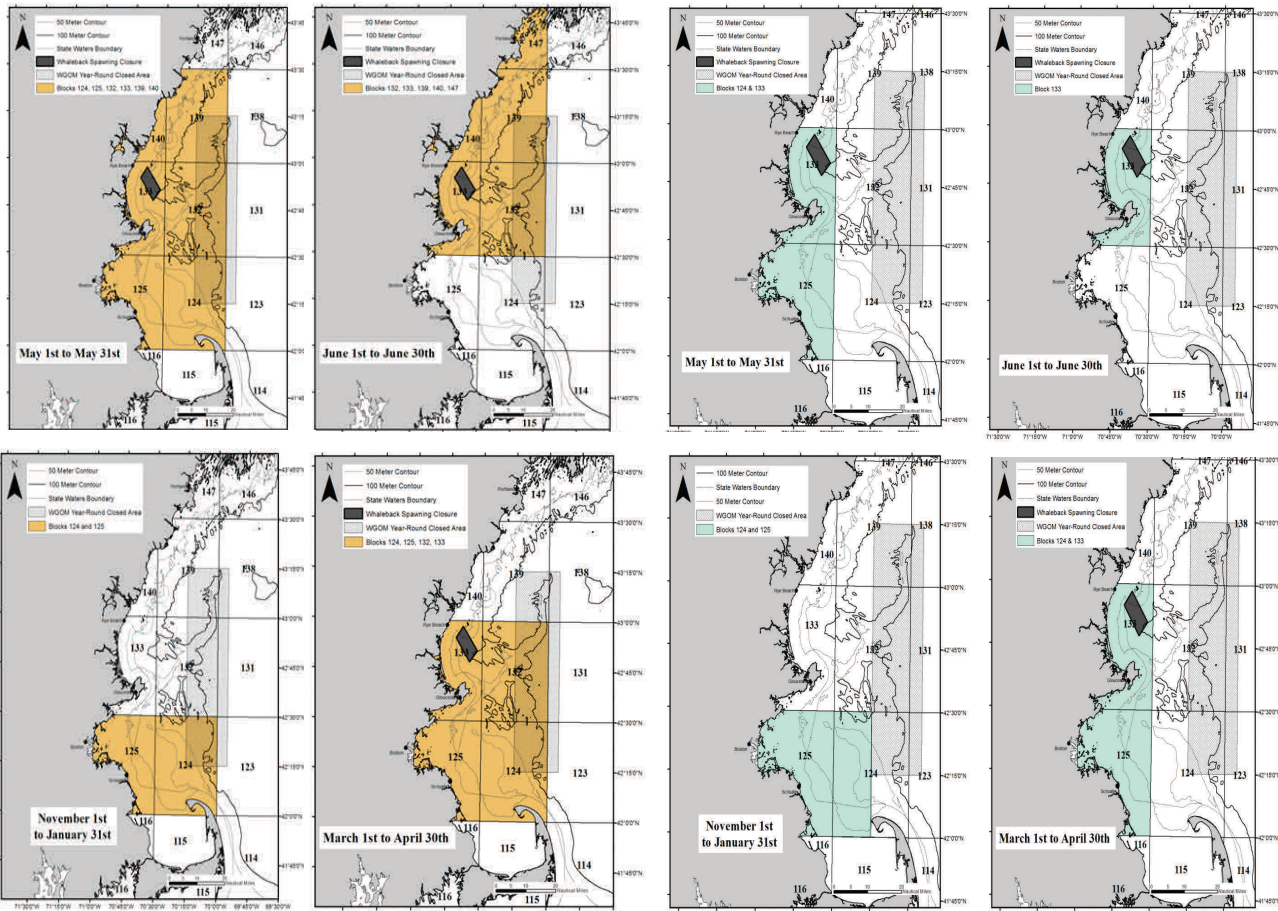
An additional alternative that is designed in a way similar to measures adopted in North-east Groundfish Sector operations plans would prohibit commercial groundfish vessels from operating west of 70° 15' W longitude and from conducting fishing activity east of 70° 15' W longitude, on the same trip, unless carrying an observer. This option aims

to improve catch accounting of Gulf of Maine cod by restricting where commercial vessels can fish without an observer onboard.

**Cod Spawning Closures** To protect spawning fish from the impacts of fishing operations, the Council tasked the PDT to further analyze two sets of spawning closure alternatives for consideration in the framework. They would apply to both commercial and recreational fisheries. The numbers refer to the 30-minute squares on the maps below.

**1<sup>st</sup> Alternative — Left Maps/Yellow**  
 May: 124, 125, 132, 133, 139, 140  
 June: 132, 133, 139, 140, 147  
 November-January: 124-125  
 March-April: 124, 125, 132, 133  
 Prohibit recreational fishing in the Western Gulf Maine Closed Area.

**2<sup>nd</sup> Alternative — Right Maps/Green**  
 May - 125, 133  
 June - 133  
 Nov – January – 124, with an eastern boundary defined at 70° 15' W, 125  
 March – April - 125, 133



**NEW ENGLAND  
FISHERY MANAGEMENT  
COUNCIL**

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this publication,  
please contact  
Patricia Fiorelli  
at  
pfiorelli@nefmc.org  
or 978 465 0492  
ext. 106.

**Correspondence  
to NOAA/NMFS**

The Council approved  
several requests to the  
agency to be made via  
correspondence:

- \* Examine the eligibility of extending the rebuilding period for GOM cod beyond ten years, in accordance with the criteria provided in the National Standard I guidelines.
- \* Support at least the same number of observed trips on directed groundfish trips in the Gulf of Maine in fishing year 2015 as were taken in that same broad stock area in FY2014.
- \* Target recreational anglers in outreach efforts if an emergency action is approved that affects that sector of the groundfish fishery.
- \* Request the NEFSC to review, summarize and communicate as quickly as possible the most recent updated information on Georges Bank cod (the available survey indices, catch and recruitment indicators).

The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.

**Framework 53 - continued from p.3**

**Rollover of Current Specifications** To address the issue of beginning a fishing year without specifications (OLFs, ABCs ACLs), so-called "rollover provisions" or "default measures" have been adopted in other NEFMC and MAFMC FMPs. Through Framework 53, the Council has explored options that would enable the rollover of prior-year's specifications to address all instances in which a fishing year could begin without OFLs, ABCs, and ACLs in place for a stock due to a potential delay in rule making.

The Council directed the Groundfish PDT to examine a range of percentages for their consideration at the November meeting — specifically, to rollover a small percentage (10-35%) of the stock specific ABC and ACLs — until new specifications are implemented, (unless the rolled over ACLs exceed forthcoming ABC recommendations).

**Cap Sector ACE Carryover** This alternative would cap the available unused sector annual catch entitlement, or ACE, carried over from, in this case, fishing year 2014. The amount could not exceed the ABC level, minus the annual catch limits for the fishing year in which the carryover would be landed --- in this case again, fishing year 2015. Sectors also would be required to pay back any used carry-over catch only when both the sector sub-ACL and total stock ACL is exceeded.

**Windowpane Flounder** Council members voted to include in Framework 53 an alternative that would split the existing commercial sub-ACLs for the northern and southern windowpane stocks between groundfish sectors and the common pool.

The PDT is also exploring a broader range of sub-allocation options for a scallop sub-ACL for the northern windowpane stock based on recent catch by scallop vessels. The PDT will apply methods similar to those used to establish the yellowtail flounder. sub-ACLs in the scallop fishery.

**Small Mesh Multispecies**

**Preliminary Discussion on Specifications** The Council moved specification and management measures forward for small mesh multispecies at the September Council meeting. They will be finalized at the November 17-19 in Newport, RI. If approved by the NOAA/NMFS the measures will become effective in May 2015 for the 2015-2017 fishing years.

In the Gulf of Maine and northern Georges Bank, the proposed silver hake catch limit would increase by 85%, while the red hake limit would increase by 2.6%. For southern Georges Bank, Southern New England, and the Mid-Atlantic, silver hake catch limits would decline by 8.2%. Red hake catch limits would decrease by 2.4%. Except for northern red hake, where overfishing was occurring in 2013, no overfishing is occurring on any stock and all stocks are above minimum biomass thresholds.

Other measures may include changes in the northern red hake possession limits to reduce the risk of future overfishing. Lower possession limits are expected to discourage targeting red hake in the Gulf of Maine and encourage vessels to avoid areas of high red hake catches when targeting silver hake.



# Rhode Island Marine Fisheries Council

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**David Monti**

**Christopher Rein**

**Michael Rice, Ph.D.**

## 2015 MEETING SCHEDULE

January 5

February 9 (2<sup>nd</sup> Monday so as to not to conflict with ASMFC 2015 Winter Meeting)

March 2

April 6

May 11 (2<sup>nd</sup> Monday so as to not to conflict with ASMFC 2015 Spring Meeting)

June 1

July 6

August 10 (2<sup>nd</sup> Monday so as to not to conflict with ASMFC 2015 Summer Meeting)

September 7

October 5

November 2

December 7

Meetings are scheduled on an as-needed basis. Dates above do not automatically mean a meeting will be held. All meetings will be posted at the Office of the Secretary of State website at <http://sos.ri.gov/openmeetings/> in advance of the meeting, as well as announced via the Division's listserv and website at <http://www.dem.ri.gov/topics/mftopics.htm>. Meetings may be re-scheduled, and additional meetings scheduled as needed. Meetings are normally held at 6:00 PM at the URI/GSO Narragansett Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

For further information please contact Peter Duhamel at (401) 423-1927 or [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov); or check the DEM, Division of Fish & Wildlife, Marine Fisheries Section link at: <http://www.dem.ri.gov/topics/mftopics.htm> and look for the heading "RI Marine Fisheries Council" on the left hand side of the webpage.

Date Posted: 12/6/2014