

RI Department of Environmental Management

Marine Fisheries

PRE-HEARING WORKSHOP

May 9, 2018



Dates to remember

- May 18: Public Notice
- June 4: Public Hearing
- June 18: End of Comment Period
- June 26: Council meeting



Workshop Rules of Engagement

- RIDFW staff will provide presentation on each of the proposed regulation amendments
- Discussion will ensue upon completion of each presentation. Discussion should focus on:
 - Understanding of the rationale behind each of the proposed amendments
 - Recommendations of alternatives
- **IMPORTANT!** Proposals to be considered for noticing must be received by the Division no later than May 16.
- **IMPORTANT!** This workshop discussion is not an official public record. Comments must be provided either at the public hearing on June 4, or submitted in writing during the comment period ending June 18.



Workshop/Hearing Items

1. Proposed amendment to “Part 1 - Definitions and General Provisions”, regarding deletion of terms (section 1.7)
2. Proposed amendment to “Part 3 – Finfish”, regarding commercial striped bass management, specifically regarding the transfer of quota from the floating fish trap fishery to the general category fishery (section 3.9.2(A)(3))
3. Proposed removal of unneeded language “whether caught within the jurisdiction of this State or otherwise”, in several locations throughout the regulation
4. Proposed amendment to “Part 3 – Finfish”, regarding Coastal sharks management (section 3.19)
5. Proposed amendment to “Part 3 – Finfish”, regarding commercial Cod management (section 3.20)
6. Proposed amendment to “Part 3 – Finfish”, regarding commercial Skate management (section 3.26)
7. Proposed adoption on new regulation “Part 12- Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder”



1. Proposed amendments to “*Part 1 – Definitions and General Provisions*” to remove terms not used in RI Marine Fisheries regulations:

- First step in a multi-step process to review all terms
- All regulations being reviewed to determine accuracy and consistent use of terms
- Envisioned that additional steps to follow will be broken up by category (in no particular order):
 - Licensing
 - Gear
 - Shellfish
 - Finfish
 - Crustacean



2. Division proposal to amend the rule regarding the transfer of quota between the floating fish trap and general category sectors:

Problem:

- Current rule is not clear.
- Current rule limits the Division to make transfers from FFT to GC no earlier than October 15. This limit can be problematic if looking to assure full utilization of quota.
- Transfers made only after consultation with FFT operators – no change proposed for this rule.
- Current rule does not provide for ability to transfer back to FFT from GC.

Proposal:

- Remove “October 15” date.
- Add language to provide Division with ability to move back from GC to FFT.



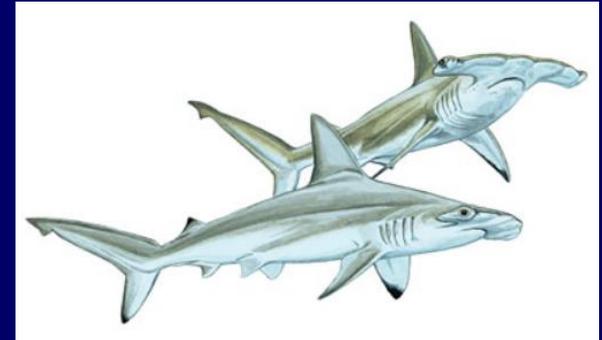
3. Proposed removal of unneeded language “whether caught within the jurisdiction of this State or otherwise”, in several locations throughout the regulation:

- Current rule is confusing where this language exists in terms of applicability.
- If fishing EEZ, federal rules/permits apply. If landing in RI, RI Transiting and Landing rules apply.

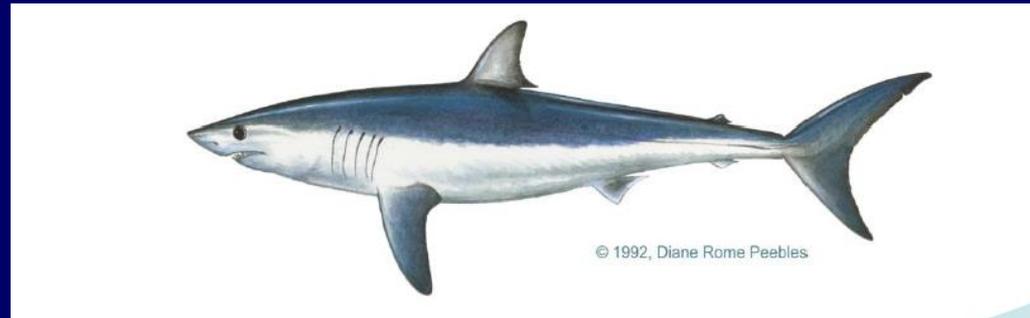


4. Proposed amendments regarding Coastal Sharks management:

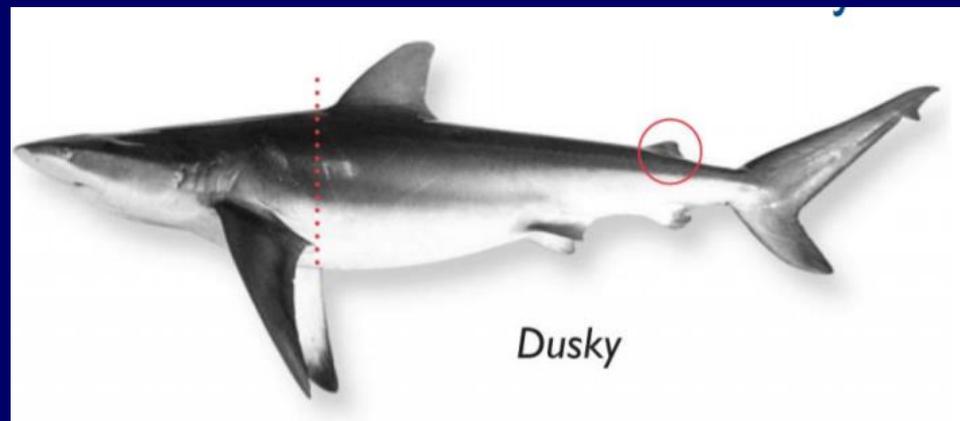
- Aggregated LCS & Hammerhead:



- Shortfin Mako:



- Dusky:



4. Proposed amendment Coastal Sharks:

Aggregated Large Coastal LCS & Hammerhead:

LCS: Silky, Tiger, Blacktip, Spinner, Bull, Lemon, and Nurse shark.

Hammerhead: Scalloped hammerhead, Great hammerhead, and Smooth hammerhead shark.

Proposed Action: For consistency with NOAA and ASMFC, RI seeking to change starting possession limit for LCS and Hammerhead from 45 to 25/person/day.

Rationale:

- 2017 and '18 coastal shark specifications opened the with a commercial possession limit of 25 LCS and hammerhead sharks per vessel per day.
- The limit is subject to change. ASMFC and states follow NMFS for in season changes to the commercial possession limit.



4. Coastal sharks (cont'd)

Shortfin Mako



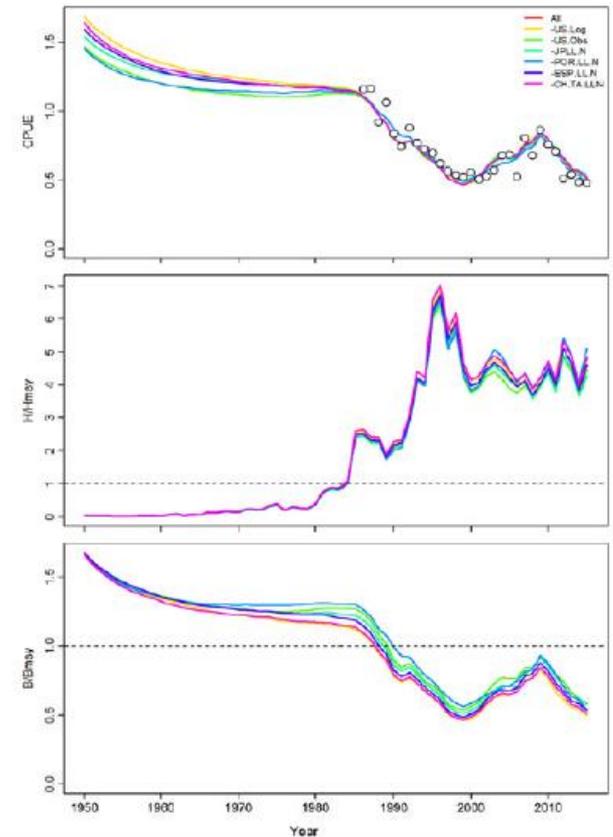
- Summary of Stock Status
- Review NOAA Emergency Rule and relevance for RI
- Recommendations/proposals for consistency with NOAA Emergency Rule



4. Coastal sharks (cont'd): Shortfin Mako

ICCAT 2017 Stock Assessment

- ICCAT's SCRS conducted the assessment in Summer 2017
- Significant data updates from previous assessment (2012)
 - New model structure
 - Longer catch series (1950-2015)
 - Sex-specific biological parameters
 - Updated length compositions
 - New satellite tagging data

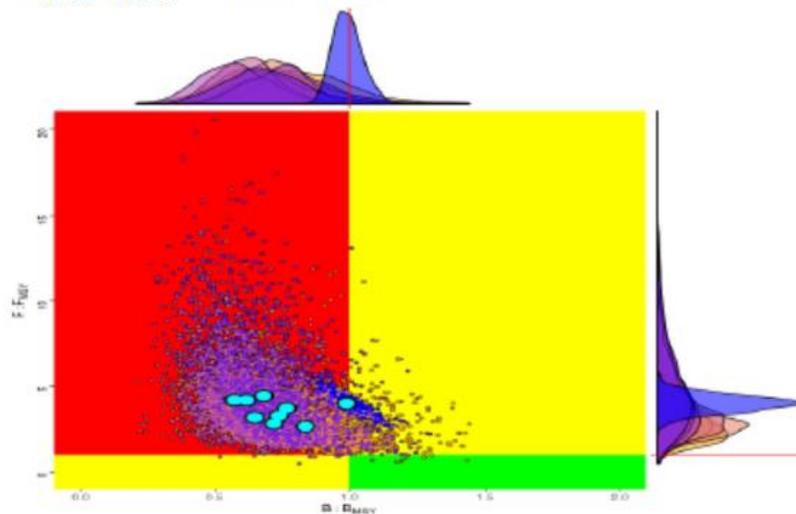


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4. Coastal sharks (cont'd): Shortfin Mako

ICCAT 2017 Stock Assessment

- Overfished
 - $B_{2015}/B_{MSY} = 0.57-0.85$, $SSF_{2015}/SSF_{MSY} = 0.95$
- Overfishing is occurring
 - $F_{2015}/F_{MSY} = 1.93-4.38$



NOAA FISHERIES



4. Coastal sharks (cont'd): Shortfin Mako

ICCAT 2017 Stock Assessment

- Recent catches (all nations) are 3,600-4,750 mt per year
- Assessment indicates that catches should be reduced below 1,000 mt (72-79 percent reductions) to prevent further population declines
- A total allowable catch of 0 mt would be necessary to rebuild the stock by 2040



4. Coastal sharks (cont'd): Shortfin Mako



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NOAA
U.S. DEPARTMENT OF COMMERCE

**NOAA
FISHERIES**

Atlantic Highly Migratory Species

Shortfin Mako Shark Emergency Interim Final Rule



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The image is a slide from a presentation. It features a dark blue background with a white curved shape on the right side. On the left, there is a NOAA Fisheries logo consisting of a circular emblem with a bird and a fish, and the text 'NOAA FISHERIES' below it. To the right of the logo, the text 'Atlantic Highly Migratory Species' is written in a large, bold, teal font. Below that, 'Shortfin Mako Shark' and 'Emergency Interim Final Rule' are written in a smaller, dark blue font. In the center, there is a detailed illustration of a Shortfin Mako Shark, shown in profile, swimming towards the left. The shark has a sleek, greyish-blue body with a lighter underbelly and a prominent dorsal fin. At the bottom right of the illustration, there is a small copyright notice: '© 1992, Diane Rome Peebles'.



4. Coastal sharks (cont'd): Shortfin Mako

ICCAT Recommendation 17-08



- Adopted in November 2017
- Maximizes live releases
- Retention allowed under limited circumstances
 - If dead at haulback (requires observer and/or electronic monitoring (EM))
 - Minimum Size Limits: 180 cm FL male, 210 cm FL female
- November 2018 - review first six months of 2018 catches
- 2019 – SCRS evaluation of measure effectiveness, establish rebuilding plan
- U.S. is obligated to implement ICCAT recommendations as necessary and appropriate under the Atlantic Tunas Convention Act



4. Coastal sharks (cont'd): Shortfin Mako

Summary

- **Shortfin mako shark is overfished and experiencing overfishing**
- **ICCAT has recommended management measures**
- **NMFS has implemented an emergency interim final rule**
 - Live release in commercial fisheries
 - Retention on pelagic longline vessels with EM if dead at haulback
 - 83 in FL minimum size limit in recreational fishery
 - ~79% reduction in U.S. landings
- **ICCAT will evaluate measures in November 2018**
- **Emergency interim final rule expected to be replaced by Amendment 11**



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4. Coastal sharks (cont'd): Shortfin Mako

Next Steps

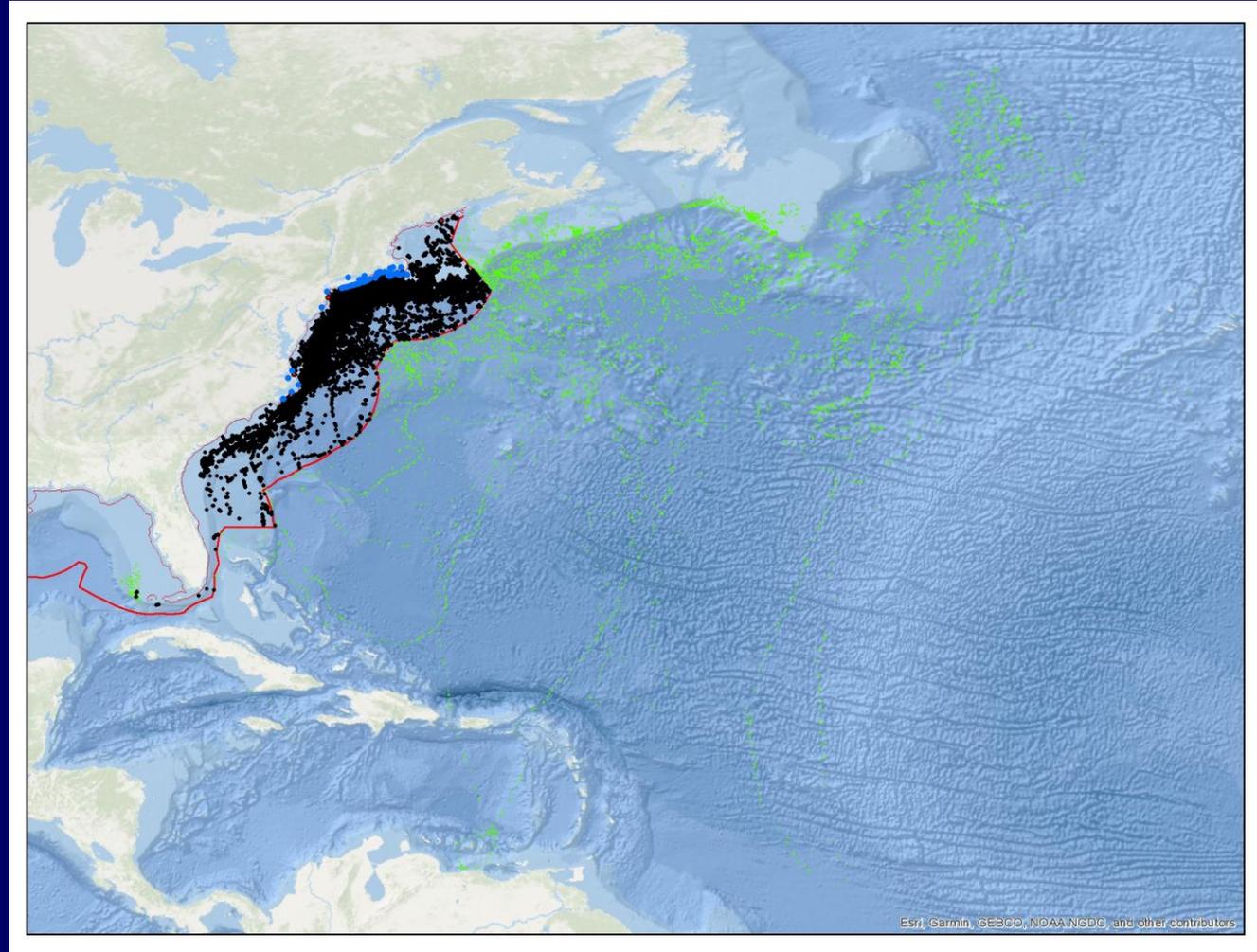
- May 7, 2018: Comment Public Period Ends for both the Emergency Rule and Amendment 11 Scoping
- End of July 2018: Amendment 11 Proposed Rule possible publication (60 day comment period)
- August 29, 2018: Emergency Interim Final Rule expires (possible extension for 186 days)
- March 2019: Final Rule for Amendment 11

ICCAT will evaluate measures in November 2018



4. Coastal sharks (cont'd): Shortfin Mako

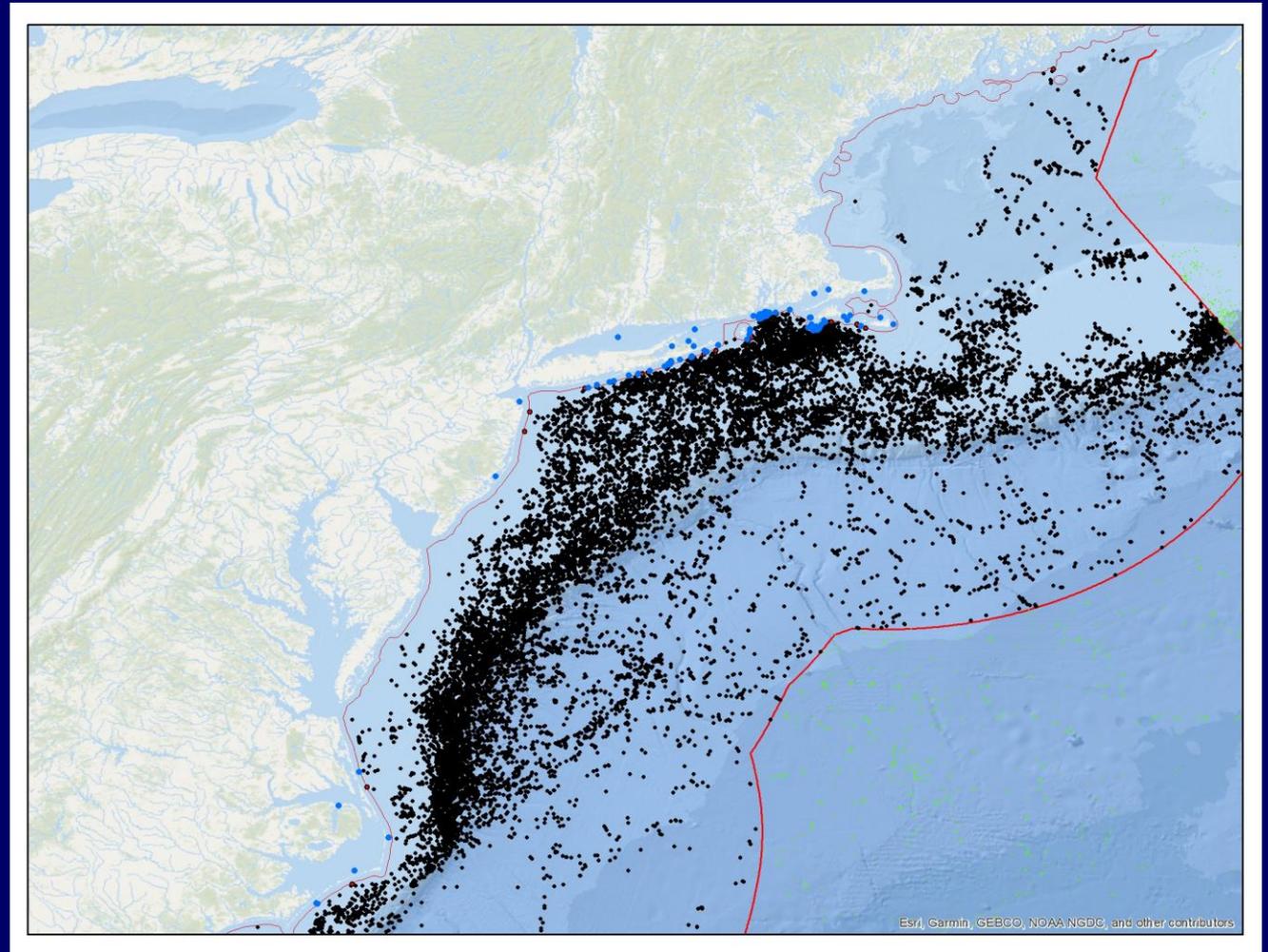
Sat Tag Return Data Locations – Atlantic Basin



Raw data provided by Guy Harvey Research Institute. Analysis conducted by E. Schneider, RI DMF. Figures can not be reused or published without permission. Contact: Eric Schneider – Eric.Schneider@dem.ri.gov

4. Coastal sharks (cont'd): Shortfin Mako

Sat Tag Return Data Locations – EEZ

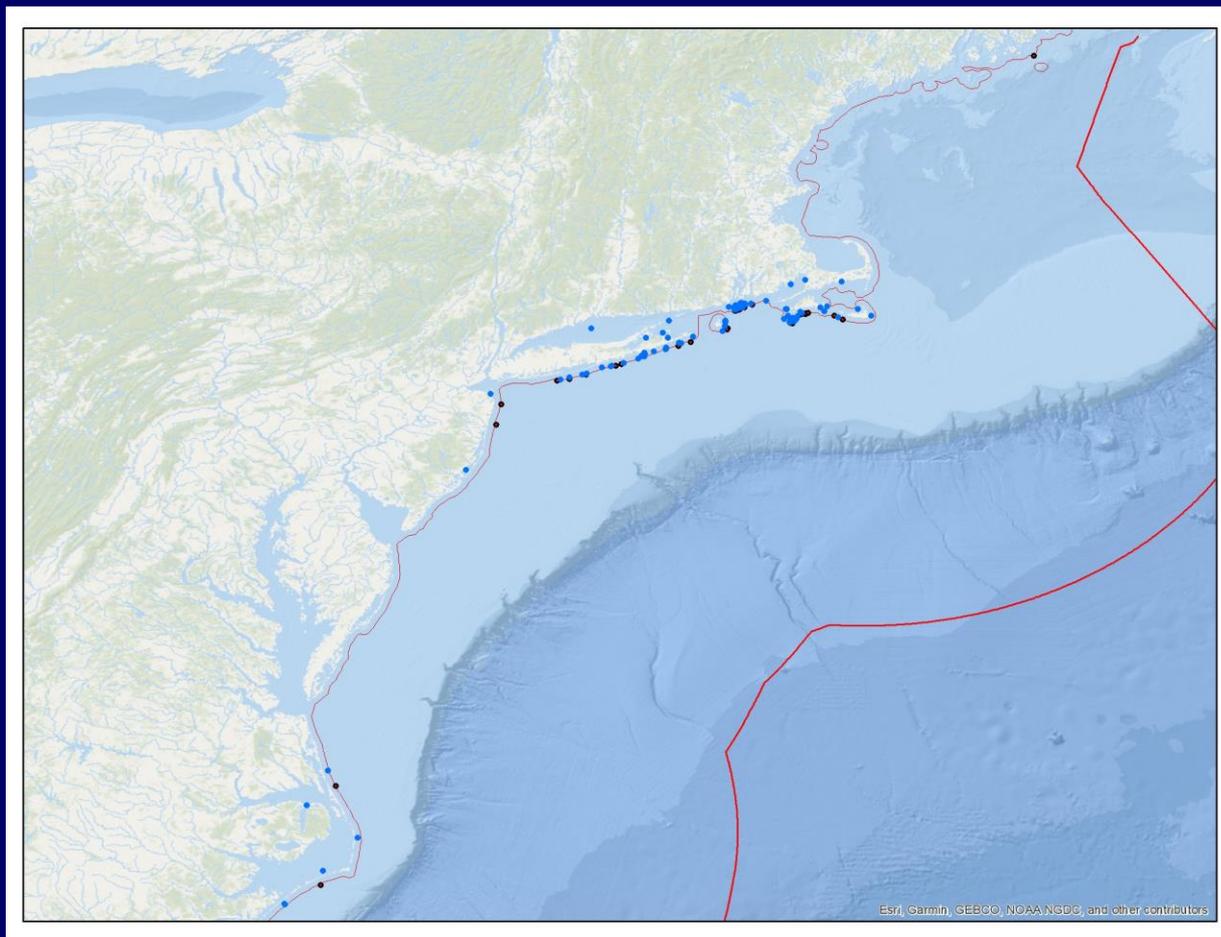


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4. Coastal sharks (cont'd): Shortfin Mako

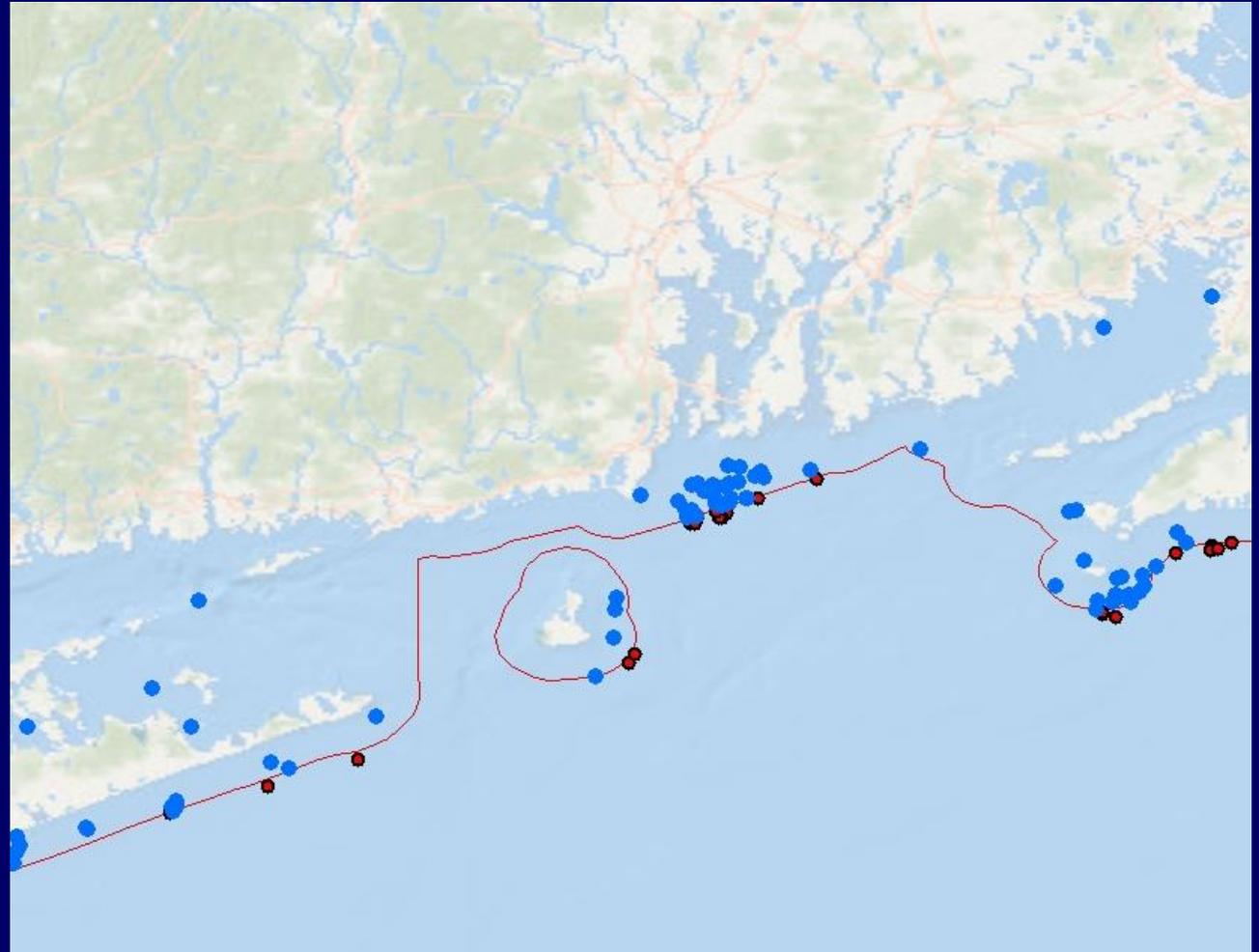
Sat Tag Return Data Locations – State waters



Raw data provided by Guy Harvey Research Institute. Analysis conducted by E. Schneider, RI DMF. Figures can not be reused or published without permission. Contact: Eric Schneider – Eric.Schneider@dem.ri.gov

4. Coastal sharks (cont'd): Shortfin Mako

Sat Tag Return Data Locations – RI, MA, NY



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4. Coastal sharks (cont'd): Shortfin Mako

Recommendations/proposals for consistency with NOAA Emergency Rule

- Commercial:
 - Live release – harvest prohibited
- Recreational:
 - Increase recreational minimum size from 54 to 83 inches (210 cm) FL
 - Possession Limit – status quo
 - One (1) shark per vessel per calendar day



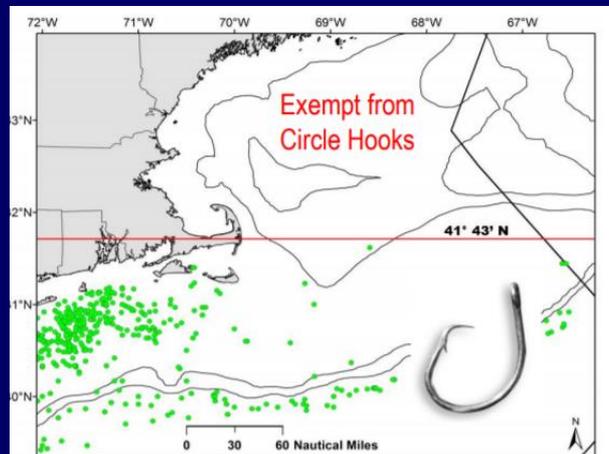
4. Coastal sharks (cont'd): Amend 5b

Dusky Sharks:

- NOAA enacted Amendment 5b (effective 1/1/18)
- ASMFC opted not to take coastwide action (Oct 2017).
- RI evaluating options that would get us closer to the spirit of Amendment 5b.

These include:

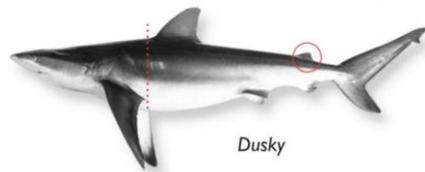
- Implement circle hook requirements for recreational shark fishery
- Provide outreach materials on DMF website
- Require recreational fishers to review outreach and obtain a FREE recreational shark permit



NOAA FISHERIES

Atlantic Highly Migratory Species

Amendment 5b - Dusky Sharks:
Summary of Final Measures & Implementation



Dusky

Presented to:
Atlantic States Marine Fisheries Commission
October 2017



4. Coastal sharks (cont'd): Amend 5b

Summary

- The final measures will:
 - End overfishing immediately
 - Achieve mortality reduction target recommended by the stock assessment update to rebuild by 2107

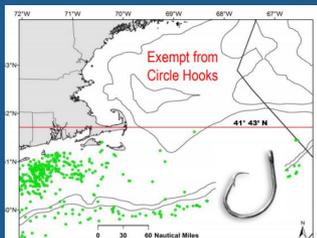
Final Recreational Measures

Alternative A2

Shark Endorsement Training and Quiz
– **Effective Jan. 1, 2018**

Alternative A6d

Non-offset, non-stainless steel circle hooks for all HMS permit holders with a shark endorsement when fishing for sharks recreationally south of 41° 43' N latitude, except when fishing with flies or artificial lures – **Effective Jan. 1, 2018**



Final Commercial Measures

Alternative B3

Shark limited access permit holders fishing with PLL must release all sharks not being retained using a dehooker or cutting the gangion less than three feet from the hook, as safely as practicable – **Effective June 5, 2017**

Alternative B5

Safe Handling, Identification, and Release Workshops for HMS pelagic longline, bottom longline, and shark gillnet vessel owners and operators – **Effective June 5, 2017**

Alternative B6

Commercial outreach, and require HMS PLL, BLL, and shark gillnet vessels to abide by a dusky shark fleet communication and relocation protocol – **Effective June 5, 2017**

Alternative B9

Require the use of circle hooks by all HMS directed shark permit holders using bottom longline gear – **Effective Jan. 1, 2018**



NOAA FISHERIES

4. Coastal sharks (cont'd): Amend 5b

Request from NOAA:

Specifically, we request that the State of Rhode Island implement the following requirements in its state waters to complement the Amendment 5b measures that do not currently apply to state-permitted vessels fishing in state waters or anglers fishing from shore:

1. Require non-offset, corrodible circle hooks in state hook and line fisheries (recreational and commercial) that target sharks.
2. Require fishermen to maximize gear removal, as safely as possible, when releasing sharks.
3. Distribute educational information on prohibited shark identification and best practices for safe handling and release of sharks, including from shore, and provide links to NOAA Fisheries educational materials on your state fisheries agency website. Existing educational materials, including identification placards, brochures, and the shark endorsement video, can be found at the Amendment 5b website link above.

Possible Actions:

- Implement circle hook requirement for recreational shark fishery
- Require maximum gear removal, as safely as poss., when releasing
- Provide outreach materials on DMF website
- Require recreational fishers to review outreach and obtain a FREE recreational shark permit
 - would be available online when purchasing Rec license

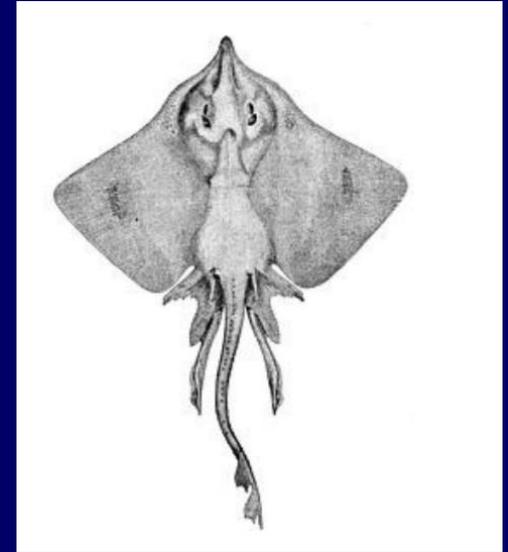


5. Proposed amendment regarding commercial Cod management:

- Proposal is to add language to provide for federally permitted vessels to harvest, possess, or land Cod in state waters in the amount equal to the federal regulations.
- This is consistent with other groundfish species (e.g., haddock), but missing from cod section.



6. Barndoor skate cont.



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

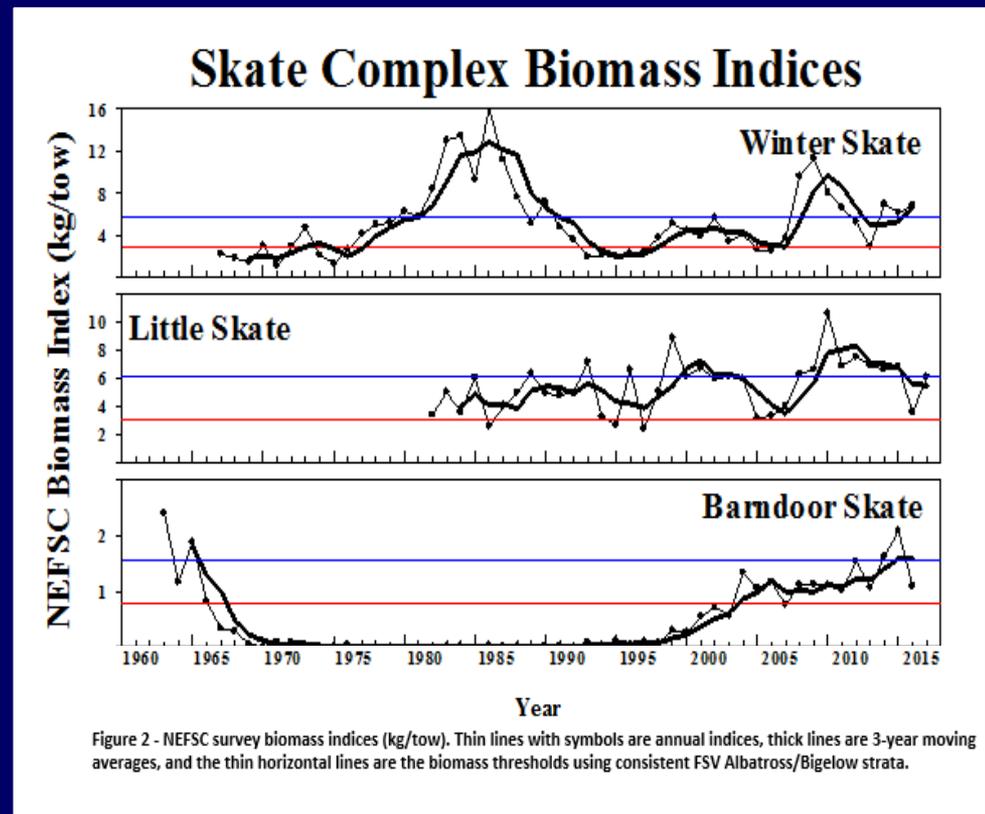


6. Barndoor skate cont.

Skate Stock Status Update (Aug 2017), based on most recent 3 years of NEFSC Trawl Survey data:

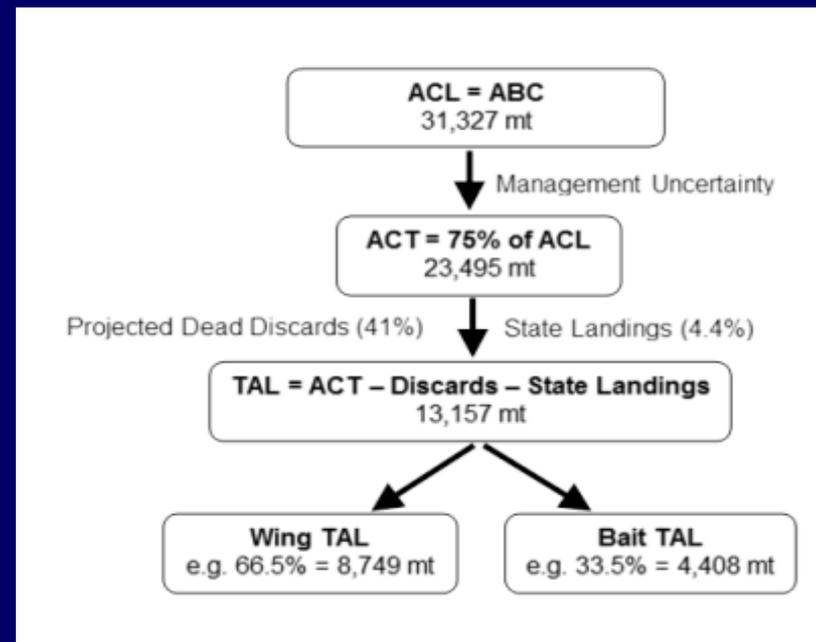
- Winter and Little Skate are not overfished, and overfishing is not occurring.
- Barndoor was rebuilt as of fall of 2016.

- The 3-year average for:
 - Winter skate increased; above target
 - Little skate decreased, b/w target and threshold
 - Barndoor flat; above target



6. Barndoor skate cont.

- The NEFMC approved Framework Adjustment 5 to the Northeast Skate Complex Fishery Management Plan (FMP).
- The framework contains:
 - Specifications for the '18/19 FYs, including TALs
 - Develops a possession limit for barndoor skate
 - Currently under agency review
 - Final rule expected anytime.



6. Barndoor skate cont.

- Framework Adjustment 5 proposed

4.2.3 Option 3: Proportional Barndoor Skate Possession limit (*Preferred Alternative*)

This alternative would establish a barndoor skate wing possession limit that reflected its contribution to overall observed catch based on observer data. For FY2018 and FY2019 this would result in a possession limit of 650 lb wings (25%) in Season 1 and 1,025 lb wings (25%) in Season 2.

Vessels would be allowed to land up to this amount on a trip. Total pounds of skate wings on board would not be allowed to exceed 2,600 lb in Season 1 or 4,100 lb in Season 2. Vessels would not be required to land the maximum allowed poundage of barndoor skate.

Rationale: This alternative would allow landings of barndoor skate in a higher amount in the fall when they are encountered more by the directed fleet. This would be expected to reduce regulatory discards of barndoor skate. The alternative would also allow the possession limit to be revisited in the next specifications cycle and adjusted if any significant changes in the observed interactions with barndoor skates occurs.



6. Barndoor Skate (cont'd)

- Possible Actions:
 - Remove Barndoor skate from prohibited species list (in wing fishery)
 - Total lbs. of barndoor may not exceed 25% of total catch on board.
 - Barndoor catch must be separated
- Change in RI Aggregate: Not needed at this time.
 - At April 2018 NEFMC meeting the Council “task[ed] the Committee to consider seasonal catch triggers and associated reductions in possession limits to minimize the likelihood of premature closures.”
 - In process



7. Proposed adoption on new regulation “Part 12- Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder”.

Purpose of regulations

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



Key points of regulations

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



Selection of participants:

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



Selection of participants cont'd:

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



Program Implementation - Terms and Conditions:

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



Terms and Conditions cont'd:

- License/permit holders and participating vessels must adhere to all applicable rules and regulations governing commercial fishing operations, including but not limited to mesh size restrictions, offloading hours, at-sea transfers, and reporting and record-keeping requirements.
- License/permit holders and participating vessels will be subject to all State and Federal small mesh landing levels for summer flounder when fishing with small mesh. All license/permit holders and participating vessels will be allowed to fish south of the Southern New England DDAS counting area for summer flounder when properly enrolled in the Small Mesh Exemption Program.
- Authorization to participate in the pilot program is non-transferable. Only vessels authorized by the Director may participate in the pilot program during 2018.



Aggregate Possession Limits

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



Enforcement

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



End of Slides!

