



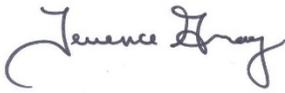
## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### OFFICE OF THE DIRECTOR

235 Promenade Street, Room 425  
Providence, Rhode Island 02908

**To:** Conor McManus  
Chief, Division of Marine Fisheries

**From:** Terrence Gray, P.E.  
Acting Director 

**Date:** October 15, 2021

**Re:** Final Decisions Pertaining to the September 13, 2021 Marine Fisheries Public Hearing Items and October 12, 2021 Marine Fisheries Council meeting.

I have received and reviewed your memo to me, dated October 14, 2021 (attached) regarding the regulatory matters that were subject to a public hearing on September 13, 2021 and the RI Marine Fisheries Council (Council) meeting on October 12, 2021. I have also received and reviewed all relevant supporting documentation, including the draft minutes of the October 12<sup>th</sup> meeting of the Council.

I hereby approve all the recommendations, as set forth in your memo, which are consistent with those provided by the Council. The specific regulatory items, and the final decisions for each, are as follows:

1. **Exit/entry ratio for the Restricted Finfish endorsement (Part 2 – Commercial Saltwater Fishing Licenses and Landing Permits):**

Decision: Amend the rule as noticed and as recommended by the Council, which changes the exit:entry ratio for the Restricted Finfish endorsement from 1:1 to 1:2. The change will result in twenty-four (24) new endorsements available for issuance in 2022.

This expanded opportunity for new entry into the fishery stems from growing concern regarding the demographics of RI's commercial fishery, which continue to skew toward older participants. I recognize that public comments were largely split between status quo and an increase to 1:2. I agree with the need to provide increased opportunity for new and/or younger participants interested in pursuing a career in commercial fishing. This important objective notwithstanding, I recognize this

change is likely to lead to a modest increase in effort in the quota-managed fisheries linked to the endorsement, which could affect harvest rates for current participants. I thereby call upon the Division to closely monitor harvest rates in the year ahead, with particular emphasis on early-season closures for restricted finfish species, and vet this information during the workshops, hearings and Council meeting conducted next year when these regulations are subject to annual review.

2. **Proposed amendments to Floating Fish Trap regulations (Part 6 – General Equipment Provisions):**

Decision: Amend the rule as noticed and as recommended by the Council, which provides for an improved administrative process for the issuance of a new floating fish trap (FFT) permits, and also clarifies various regulatory provisions pertaining to the FFT regulations.

3. **Shellfish harvest schedules in Greenwich Bay, Bristol Harbor, and Bissel Cove/Fox Island, Shellfish Management Areas (Part 4 – Shellfish):**

Decision: Amend the rule as proposed and as recommended by the Council, which provides for a December 2021 harvest schedule for Greenwich Bay and Bissel Cove/Fox Island Shellfish Management Areas.

4. **Providence River Shellfish Management Area harvest schedule (Part 4 – Shellfish):**

Decision: Amend the rule as recommended by the Council, which provides for a December 2021 harvest schedule for the Providence River Shellfish Management Area.

Designing the appropriate harvest schedule for this newly opened management area is critical to ensuring a sustainable stock and the fishery it supports. I appreciate the Division's concern regarding additional harvest in December, based on the volume of quahogs already harvested from the area this year, which is very close to the MSY estimate and the associated risk of overfishing the resource. However, I feel that three additional days of harvest strikes a reasonable balance between 1) the interests of industry and seafood consumers during a period of high consumer demand and 2) the relatively low risk of overfishing given the precautionary aspects of the MSY estimate for 2021 and the small number of additional days the area will be open to harvest in December. It is understood that the total harvest from this area during 2021, including harvests taken during the new openings in December, will influence the total allowable catch for 2022. I therefore call upon the Division to closely monitor participation and harvest rates for the December openings and use the total landings data for the year, along with updated fisheries-independent survey data to reassess stock status, and provide a robust maximum sustainable yield (MSY) estimate for 2022. In keeping with comments offered by the Council, the Division should consider the ecosystem services provided by differential densities of quahogs

in the management area and account for this as best as possible when providing catch advice for 2022.



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**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF MARINE FISHERIES**  
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INTER-OFFICE MEMO

TO: Terrence Gray, P.E.  
Acting Director

FROM: Conor McManus, Chief

MCM

DATE: October 14, 2021

SUBJECT: Decisions regarding proposed regulation amendments that were subject of a public hearing held on September 13, 2021, and a RI Marine Fisheries Council (RIMFC) meeting on October 12<sup>th</sup>. The public hearing folder contains all the necessary documentation related to this hearing, including the proposed rules that were publicly noticed and the comments received. Below is a summary of each of the proposed amendments:

1. **Exit/entry ratio for the Restricted Finfish endorsement (Part 2 – Commercial Saltwater Fishing Licenses and Landing Permits):**

- **Background:** A workshop was held on June 22<sup>nd</sup> to solicit any public/industry proposals for amendments to the commercial licensing regulations. Two proposals were received to amend the exit/entry ratios (i.e., the number of endorsements available for issuance for each license or endorsement not renewed) for the Restricted Finfish endorsement.
- **Proposal:** Two industry proposals were received, with a total of three options noticed, as follows:
  - **Option 1 - Status Quo (1:1 ratio):** For each license eligible to harvest restricted finfish that was not renewed in 2021 (i.e., Multipurpose license or Principal Effort license with Restricted Finfish (RFF) endorsement), one (1) new PEL license w/RFF endorsement would be available for issuance in 2022; which would result in 12 new PEL licenses w/RFF endorsements available for issuance in 2022 (based on 12 multi-purpose or PEL licenses not renewed in 2021).
  - **Option 2 – 1:0 ratio (industry proposed):** For each license eligible to harvest restricted finfish that was not renewed in 2021, zero (0) new PEL license w/RFF endorsement would be available for issuance in 2022.

- Option 3 – 1:2 ratio (industry proposed): For each license eligible to harvest restricted finfish that was not renewed in 2021, two (2) new PEL license w/RFF endorsement would be available for issuance in 2022; which would result in 24 new PEL licenses w/RFF endorsements available for issuance in 2022.
- Public comments:
  - A. Lotz: In support of option 1, status quo.
  - D. Sheehan: In support of option 1, status quo.
  - D. Grachek: In support of option 3.
  - J. Boyd: In support of either option 1 or option 3; does not support option 2.
  - K. Almeida: In support of option 2.
  - F. Mattera (representing Commercial Fisheries Center of RI):
    - ≈ 40% of membership respondents in support of option 1, status quo;
    - ≈ 30% of membership respondents in support of option 2;
    - ≈ 30% of membership respondents in support of option 3.
  - F. Mattera (representing himself): In support of option 3
- RIMFC: 6 - 0 to recommend Option 3.
- Marine Fisheries: The Division remains neutral regarding exit/entry ratios for restricted endorsements providing there is no impact to the Division’s ability to manage quota. The Division conveyed to the RIMFC that the fate of the current aggregate pilot program could impact future harvest and quota utilization rates, and also acknowledged other sources of uncertainty (e.g. increase in black sea bass quota).

2. **Proposed amendments to Floating Fish Trap regulations (Part 6 – General Equipment Provisions)**:

- Background: The Division determined that current regulations do not adequately address a process for the issuance of a new floating fish trap (FFT) permit in instances where a currently held permit expires or is revoked and thus available for re-issuance.
- Proposal: Division proposal to establish an administrative and priority process for the re-issuance of new permits when a site(s) becomes available; and to also provide for re-organization of the section for improved clarity of rule (non-substantive changes).
- Public comments: No comments received.
- RIMFC: 6 - 0 in support of adopting the rule as proposed.
- Marine Fisheries: In support of amending as proposed.

3. **Shellfish harvest schedules in Greenwich Bay, Bristol Harbor, and Bissel Cove/Fox Island Shellfish Management Areas (Part 4 – Shellfish)**:

- Background: The Council’s Shellfish Advisory Panel (SAP) met on October 6<sup>th</sup> and recommended adoption of a December 2021 harvest schedule for the

Greenwich Bay and Bissel Cove/Fox Island Shellfish Management Areas. No changes were recommended regarding Bristol Harbor SMA, so that the current default schedule as provided in rule would be in effect.

- SAP recommended schedules for December 2021:
  - Greenwich Bay: Open 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 27, 28, and 29. If any days prior to December 21 are closed due to water quality impairment, December 23 and 30 will be opened to harvest.
  - Bissel Cove/Fox Island: Open 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 23, 27, 28, 29, 30.
- Public comments: N/A (this amendment filing is exempt from requirements of APA pursuant to [R.I. Gen. Laws § 20-3-4](#)).
- RIMFC: 6 - 0 in support of adopting the SAP recommended schedule.
- Marine Fisheries: Support as recommended by the SAP and Council.
- Timing to file: Immediately.

4. **Providence River Shellfish Management Area harvest schedule (Part 4 – Shellfish):**

- Background: The Council’s Shellfish Advisory Panel (SAP) met on October 6th and recommended adoption of a December 2021 harvest schedule for the Providence River Shellfish Management Areas.
- SAP recommended schedule for December 2021: Open 8AM – 11AM on the following days: December 13, 20, and 27. If the area is closed on any of these dates due to water quality impairment, the area shall open on the first available weekday following the respective Monday open date, so long as water quality allows.
- Public comments: N/A (this amendment is exempt from requirements of APA pursuant to [R.I. Gen. Laws § 20-3-4](#)).
- RIMFC: 6 - 0 in support of adopting the SAP recommended schedule changes. Dr. Rice noted that future harvest schedules should consider ecosystem services provided by quahaugs in management areas including the Providence River, and particularly for the larger sized quahaugs. He offered that future fisheries science and management should include linking these services to MSY.
- Marine Fisheries: Opposes this proposal based on the volume of quahogs that were already harvested from the area this year and concerns of overfishing the resource, but the Division is supportive of December openings in future years.