



Rhode Island Marine Fisheries Council

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

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

MEETING NOTICE RI MARINE FISHERIES COUNCIL

December 5, 2016 – 6:00 PM
 URI Narragansett Bay Campus, Corless Auditorium
 South Ferry Road, Narragansett, RI

AGENDA

Agenda item	ePacket Attachment(s)	Recommended action(s)
1. Approval of tonight’s agenda	<ul style="list-style-type: none"> • Tonight’s agenda 	Approval of agenda and/or recommendations for modifications.
2. Approval of minutes from last meeting	<ul style="list-style-type: none"> • Meeting minutes 10-3-16 	Approval of minutes and/or recommendations for modifications.
3. Public Comments on any items not on agenda		Discussion and/or possible future action.
4. <u>Advisory Panel Meeting Minutes approval:</u> <ul style="list-style-type: none"> • SAP 11/9 – <i>J. Grant</i> 	<ul style="list-style-type: none"> • Presentation • Minutes 	Approval of minutes
5. <u>November 14 Public Hearing</u> <u>Items:</u> <i>J. McNamee</i> <ul style="list-style-type: none"> • Commercial Summer flounder • Commercial Scup • Commercial Black sea bass • Commercial Coastal sharks • <u>Shellfish:</u> <ul style="list-style-type: none"> ○ Transiting ○ Clarification of process to amend winter boat harvest schedules ○ Temp. possession limit ○ <u>Gen edits:</u> <ul style="list-style-type: none"> • Clarification of language re: default harvest schedules • Min. size soft-shell clam • Horseshoe Crab management • Fish Trap Site # 29 	<ul style="list-style-type: none"> • Presentation • Noticed regulations <ul style="list-style-type: none"> ○ Summer flounder ○ Scup ○ Black sea bass ○ Coastal sharks ○ Shellfish: <ul style="list-style-type: none"> • Transiting • Winter harvest schedule • Temp. poss. limit ○ <u>Gen edits:</u> <ul style="list-style-type: none"> • Default harvest schedules • Min. size soft-shell clam ○ Horseshoe Crabs ○ Fish Trap Site # 29 	Provide recommendations to the Director regarding proposed regulations.

	<ul style="list-style-type: none"> • Written comments received • Summary of oral comments 	
6. <u>SAP & IAC Membership:</u>	N/A	Determination of needed actions
7. <u>FYI:</u> <ul style="list-style-type: none"> • ASMFC 75th Annual Meeting Summary • Aquaculture letters 	<ul style="list-style-type: none"> • Report • Letters 	FYI
8. Adjourn		

All RIMFC Meetings are open to the public

Posted to the Office of the Department of State 11/30/2016



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3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

MEETING SUMMARY

October 3, 2016

Chairperson: *B. Ballou*

RIMFC Members: *C. Rein* absent

DEM: *G. Powers, J. McNamee, S. Olszewski, J. Lake, P. Duhamel, D. Costa, Sgt. D. White*

CRMC: *D. Beutel*

Public: Approximately 30 persons (including *M. Rice* students)

1. **Approval of the Agenda:** The Chair offered the addition of 2 FYI non-action items to be included in *Other Matters* at the end of the agenda: acknowledgement of the final approved Policy and Procedures document; and response to G. Duckworth regarding review of marine fisheries penalty regulations. After requesting and receiving no additional requests for changes, the agenda as modified was approved.
2. **Approval of RIMFC meeting minutes from September 13, 2016:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
3. **Public comments regarding other matters not on agenda:** No comments were made.
4. **Election of Council Vice-President:** Motion made by *T. Barao* to nominate *D. Monti* as vice-president to replace *R. Hittinger*; 2nd by *M. Rice*. The motion passed 7 – 0.
5. **IAC Meeting Summary approval:** *B. Ballou* offered that discussion and approval of the summary would be wrapped into the hearing items discussion, as the IAC meeting was directly related to the hearing items.
6. **September 19 Public Hearing Items:** *J. McNamee* provided presentation of the sector management plans, which was provided to the IAC at their last meeting. Upon conclusion of the presentation, he offered that the Division would be seeking Council approval of the plan at their December meeting.
 - **Proposed amendment regarding issuance of New Licenses and Operator Permits under Hardship Conditions (section 6.7-9):** *J. Lake* provided presentation and explanation of proposal to remove the activity standard in cases of hardship so as to provide for an easier track for family and crew members to receive a license from a fisher in hardship conditions. *J. McNamee* offered Division support for the proposal. *J. Grant* offered that wording found in RIGL 20-2.1-5 may preclude the Department's ability to make this change due to an apparent requirement for fishing activity. He also offered that there needs to be a protection in place so that the license isn't made available in the

lottery process and then again upon establishment of hardship and/or settlement of probate as proposed. In such cases the license needs to be held and not counted for the purposes of exit/entry ratios. *M. Rice* offered that the proposed removal of language regarding the activity standard as written in 6.7-9(a) is not inconsistent with statute in that the statute refers to a person who has fished in the past vs. the regulation which states that the person must be currently actively fishing. *G. Powers* offered that he did not believe an inconsistency existed. Regarding the license not being counted as an exit from the system, *J. Lake* offered that such license would be renewed and not retired, and held by the Department. **Motion made by *D. Monti* to recommend adoption of option 2; 2nd by *M. Rice*. The motion passed 7 – 0.** *J. Grant* offered that a fall back motion should be considered in the event that statute requires activity to meet hardship. **A second motion was made by *J. Grant* to add a provision be added to the regulation whereby a fisher who dies in a year when they would be considered to be actively fishing on January 1 of the following year, that the hardship provision apply in such cases; 2nd by *A. Dangelo*. The motion passed 7 – 0.**

- **Hearing Item 1d. – proposed liberalization of the activity standards (actively fishing and actively participating):** *J. Lake* offered an explanation and rationale of the proposal. He offered that such was proposal to remove the activity standard as it applies to sale of business or transfer to family member/crew; and to maintain it as it applies elsewhere throughout reg (e.g., prioritization and upgrades). *J. McNamee* offered that the provision has potential to add many commercial licenses, and that if adopted would be closely monitored for additional activity. *J. Grant* offered that he was not in support of the provision due to its impact on the lottery process for the issuance of new licenses, in that the provision would prevent most licenses from re-entering the system by retirement without the activity standard in place, and that such was not the intent of legislation §20-2.1-2(3) which supports up-grading of licenses for those persons actively engaged in commercial fishing. He offered that the intent was to provide for increasing levels of participation by those who are actually active, rather than those who may continue to renew their licenses but are not in actuality active. *B. Macintosh* offered support for option 3 as presented, in that the activity standard is difficult to maintain for many fishermen, and that these fishermen should be entitled to a return for the license they have maintained regardless of activity. *A. Dangelo* made a motion to recommend adoption of option 3 with the inclusion of a grandfather clause; no 2nd was provided due to lack of understanding. Motion made by *M. Roderick* to recommend adoption of option 3 as proposed; 2nd by *B. Macintosh*. *J. Grant* offered that he could not support the proposal as it would result in the open sale of licenses with unknown and potentially significant implications, and offered that the proposed activity standard of 40 days/2 years be applied to the sale of the business as well to temper the potential impacts. The motion failed 2 – 5 (only *M. Roderick* and *B. Macintosh* in support). **Motion made by *M. Rice* to recommend adoption of option 2 as proposed with the activity standard applied to the sale of business; 2nd by *D. Monti*. The motion passed 6 – 1 (*M. Roderick* opposed).**
- **Hearing Item 1c. - proposed amendments regarding the issuance of new licenses upon sale of vessel and gear (section 6.7-8):** *J. Lake* provided presentation of the matter, and offered the revised Division proposal resulting from recommendations of the IAC at their last meeting (option 3). *J. McNamee* offered that statute does not allow for the removal of all criteria as recommended by the IAC. The language offered (option 3)

is meant to remove the vessel requirement as part of the sale. *B. Macintosh* offered that inclusion of the vessel as part of the sale is not generally practiced, and that the precedent was set by NOAA Fisheries in that the vessel and permit are no longer tied together as part of a transaction. *J. Grant* offered that the statute is vague regarding inclusion of the vessel as part of the sale. **Motion made by *B. Macintosh* to recommend adoption of option 3 as proposed; 2nd by *A. Dangelo*. The motion passed 7 – 0.**

- **Hearing Item 1a. - Annual review of endorsement exit/entry ratios:**

- Restricted finfish endorsement: *J. Lake* provided presentation of the matter. *J. McNamee* offered Division support for option 2, the IAC proposal. He offered that the Department needed to assure that additional licenses opportunities aren't inadvertently added into the system when licenses not renewed are active in multiple fishery sectors. **Motion made by *M. Rice* to recommend adoption of option 2; 2nd by *A. Dangelo*. The motion passed 7 – 0.**
- Shellfish (Bay Quahaug, soft-shell clam, whelk, and shellfish other endorsements): **Motion made by *M. Rice* to recommend adoption of option 1 (status quo); 2nd by *D. Monti*. The motion passed 7 – 0.**

- Regarding the IAC recommendation that all shellfish be governed under a single license, *J. McNamee* offered support for simplification, but that such would require a legislative change prior to changing the regulation, and that such changes are being planned as part of larger licensing re-structuring effort. *J. Grant* offered support for such an effort.
- Regarding the IAC recommendation that a uniform possession limit apply to all regulated shellfish species, *J. McNamee* offered support for simplification, but that such would result in significant changes in licensing fees, and such matter would need much more vetting, including the Council's Shellfish Advisory Panel, before moving forward. *J. Grant* offered that such a proposal may not be support by commercial shellfishermen with CFL licenses.
- **Hearing Item 1b and 2. - Definitions:** *P. Duhamel* provided explanation of the proposal. **Motion made by *D. Monti* to recommend adoption of the revisions as proposed; 2nd by *T. Barao*. The motion passed 7 – 0.**

7. **Other Matters:** No other matters were presented for discussion.

Meeting adjourned at approximately 7:45

Prepared by *P. Duhamel*

Shellfish Advisory Panel Meeting

Nov. 9, 2016

URI Bay Campus, Coastal Institute Building, Hazard Room

4:30 PM

218 S Ferry Road, Narragansett, RI 02874

1. Review of Aquaculture Applications sent to Public Notice

- a. 2016-07-061, Gardner, Winnapaug Pond
- b. 2016-08-092, Papa, Ninigret Pond
- c. 2016-09-080, Brown/Sebring, Bristol
- d. 2016-09-104, Hess, Hog Island
- e. 2016-10-036, Lovesky et al., Quonochontaug Pond
- f. 2016-10-057, Yankocy, Pt. Judith Pond

2. Harmful Algae Bloom Summary and Discussion on Prospective Tagging Area Changes*

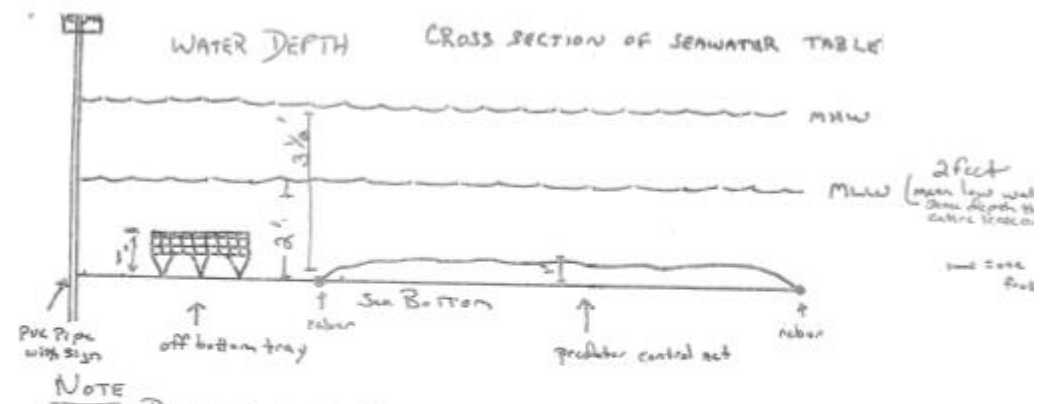
3. Future Harvester Education Training Requirement*

*Non-voting items

1a. Jeffrey Gardner – Winnapaug Pond

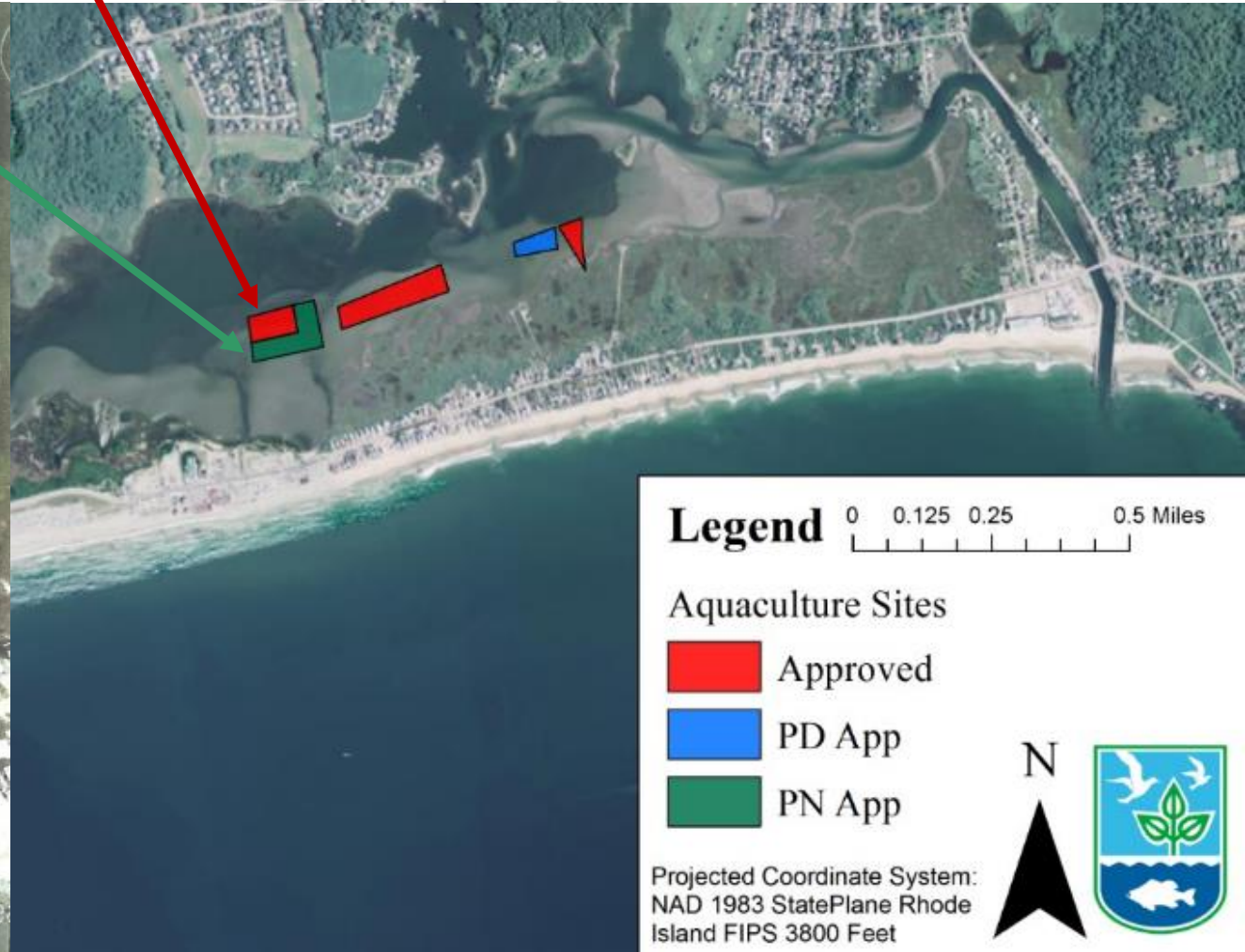
File # 2016-07-061

Off-bottom trays and bottom culture for oysters and hard clams



4.08 ac expansion

Existing lease



Legend 0 0.125 0.25 0.5 Miles

Aquaculture Sites

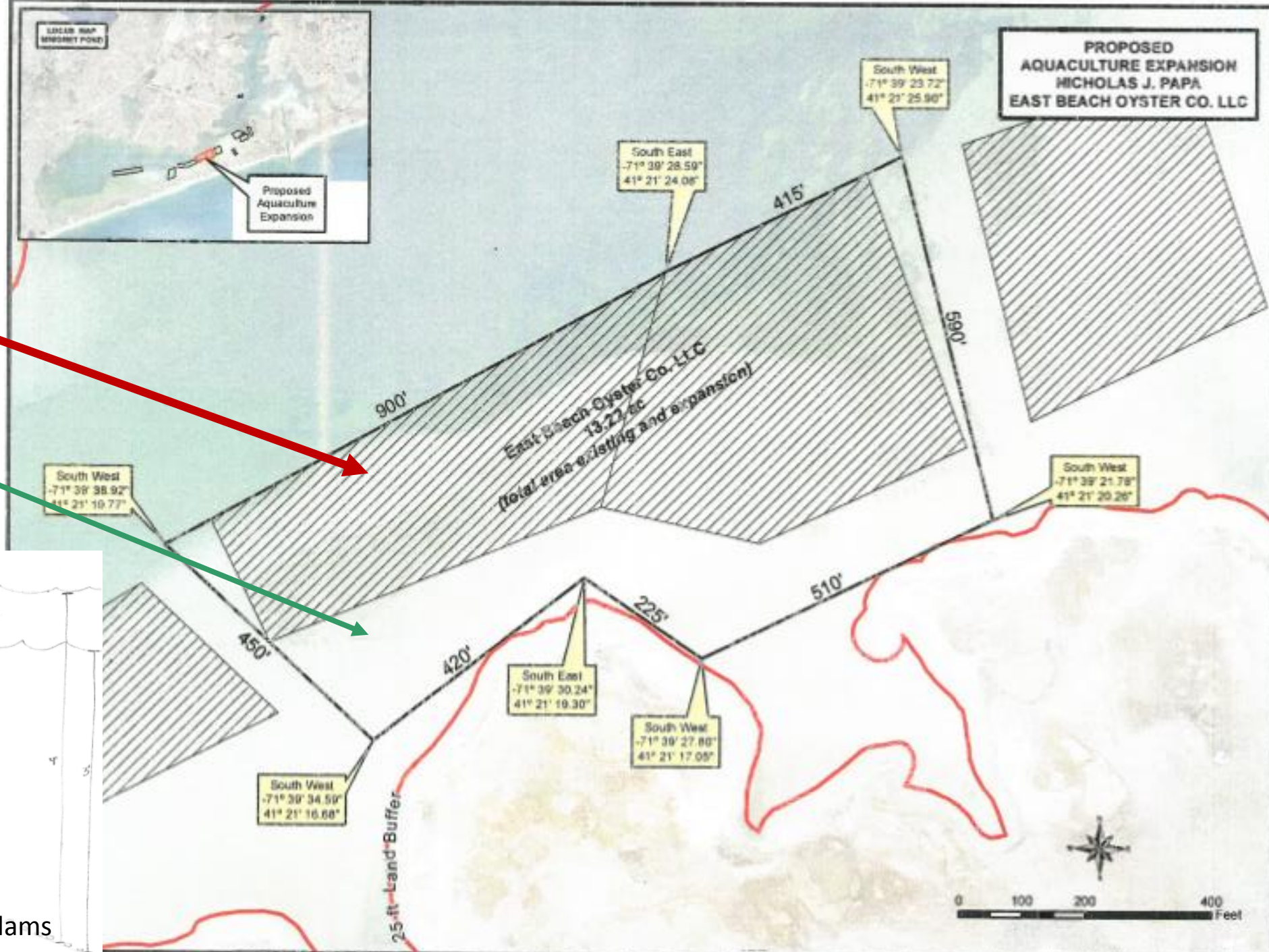
- Approved
- PD App
- PN App

Projected Coordinate System:
NAD 1983 StatePlane Rhode
Island FIPS 3800 Feet

1b. Nicholas Papa– Ninigret Pond File # 2016-08-092

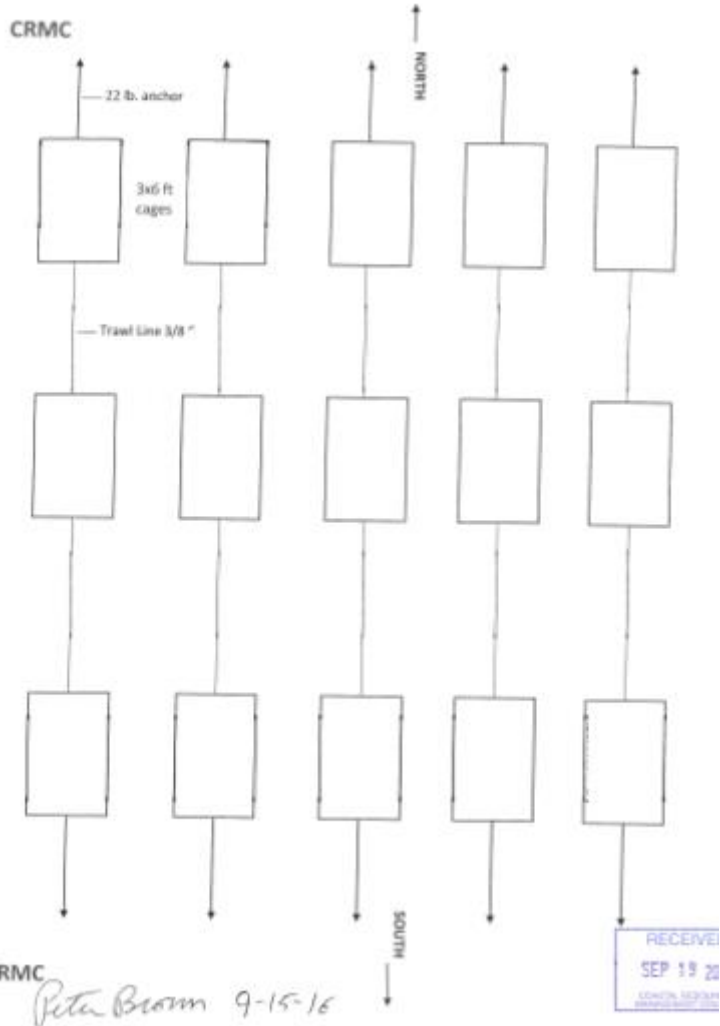
Existing lease

4.08 ac expansion



Expansion to be used for bottom culture of Eastern oysters and hard clams

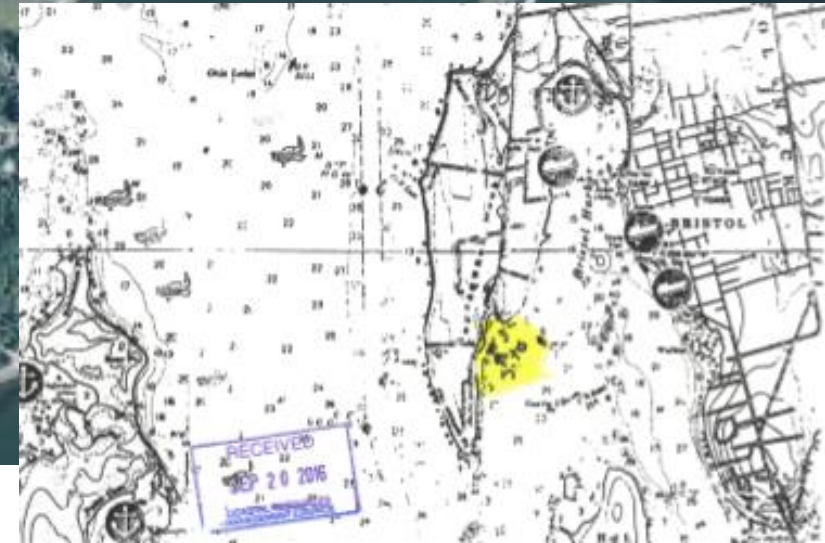
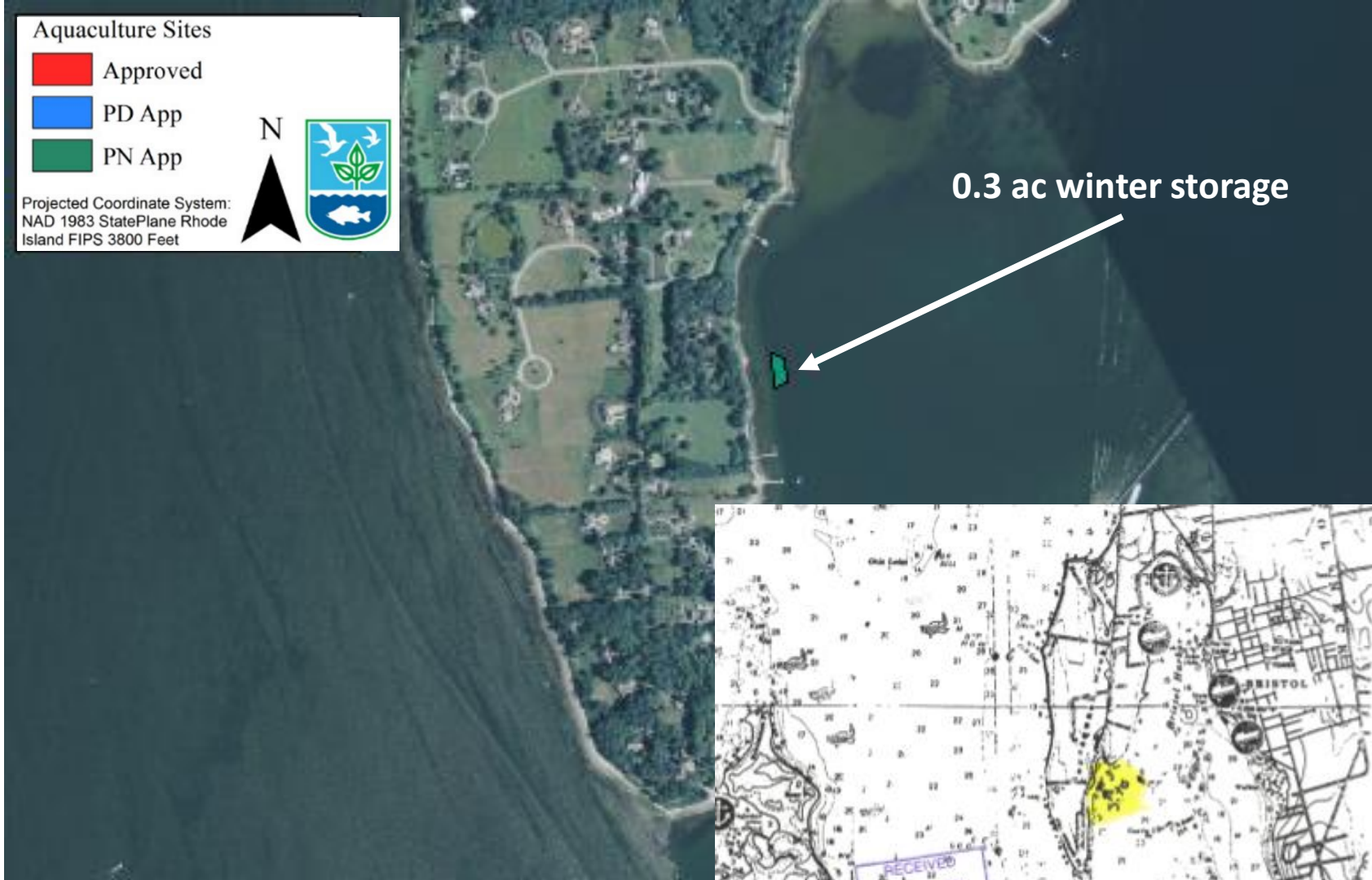
1c. Brown/Sebring Bristol File # 2016-09-080



Aquaculture Sites

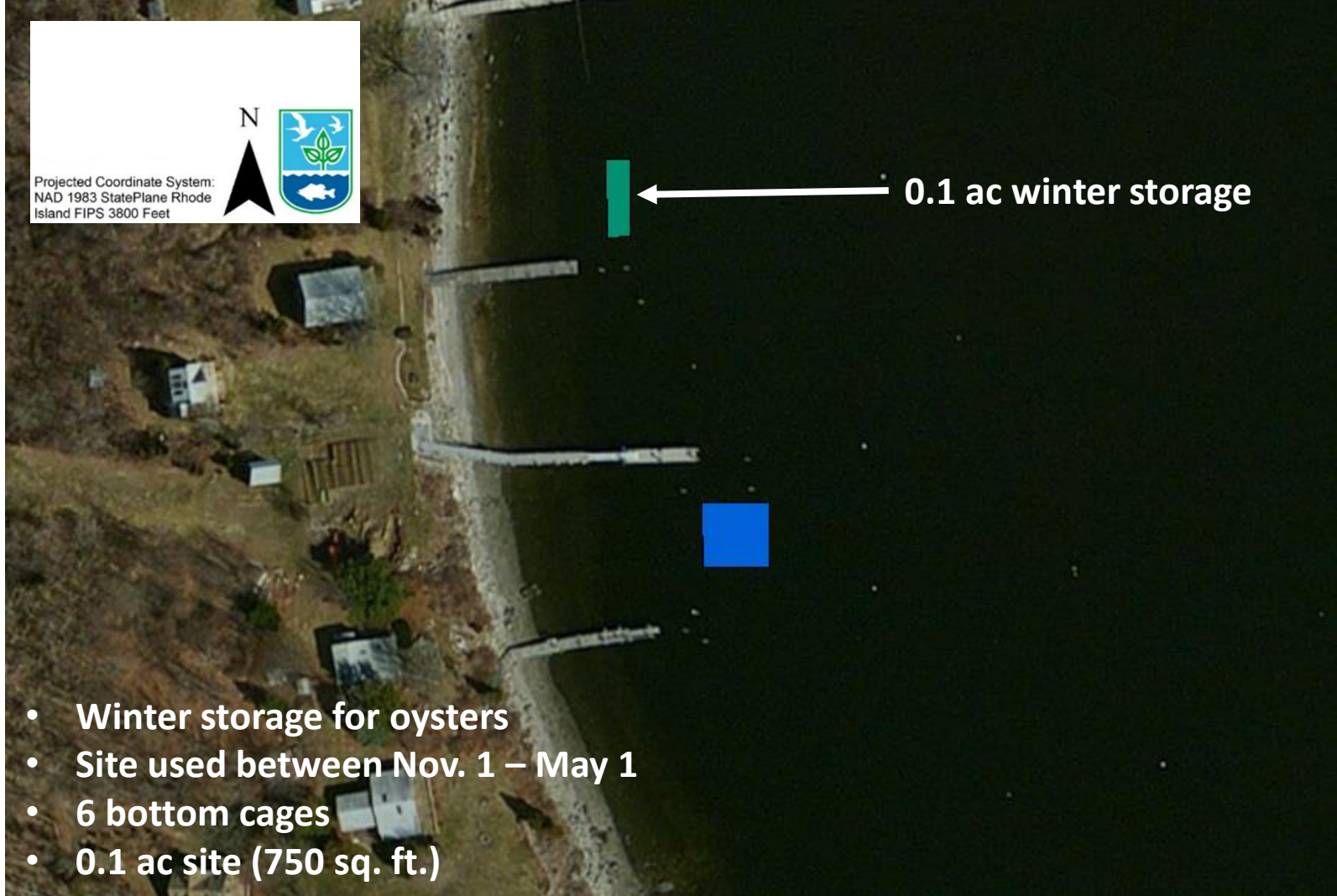
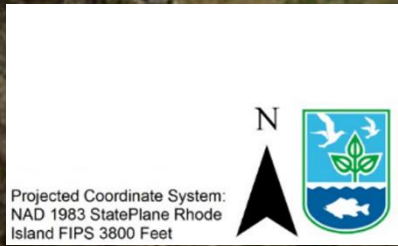
- Approved
- PD App
- PN App

Projected Coordinate System:
NAD 1983 StatePlane Rhode
Island FIPS 3800 Feet



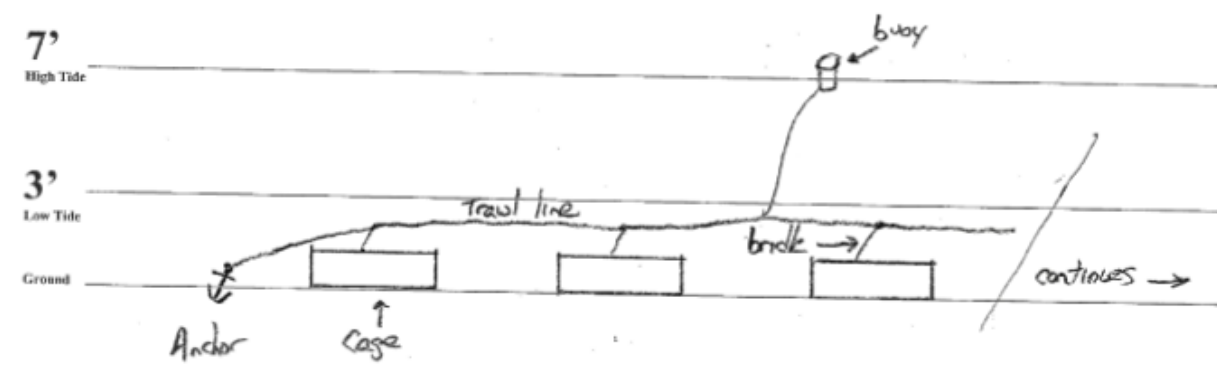
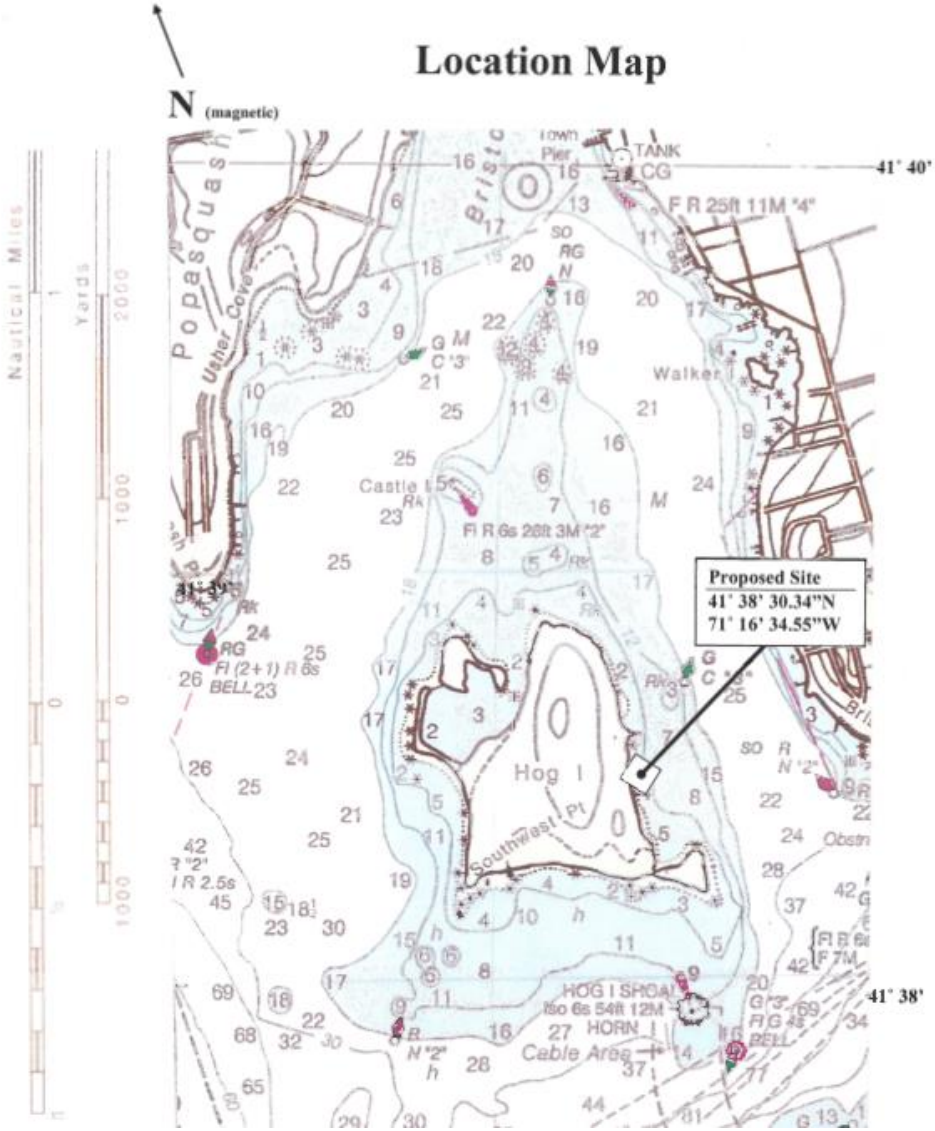
- Winter storage
- Site used between Nov. 1 – May 1
- Oysters stored in 3x6 ft. cages
- 0.3 ac site

1d. Kyle Hess
 Hog Island
 File # 2016-09-104



0.1 ac winter storage

- Winter storage for oysters
- Site used between Nov. 1 – May 1
- 6 bottom cages
- 0.1 ac site (750 sq. ft.)



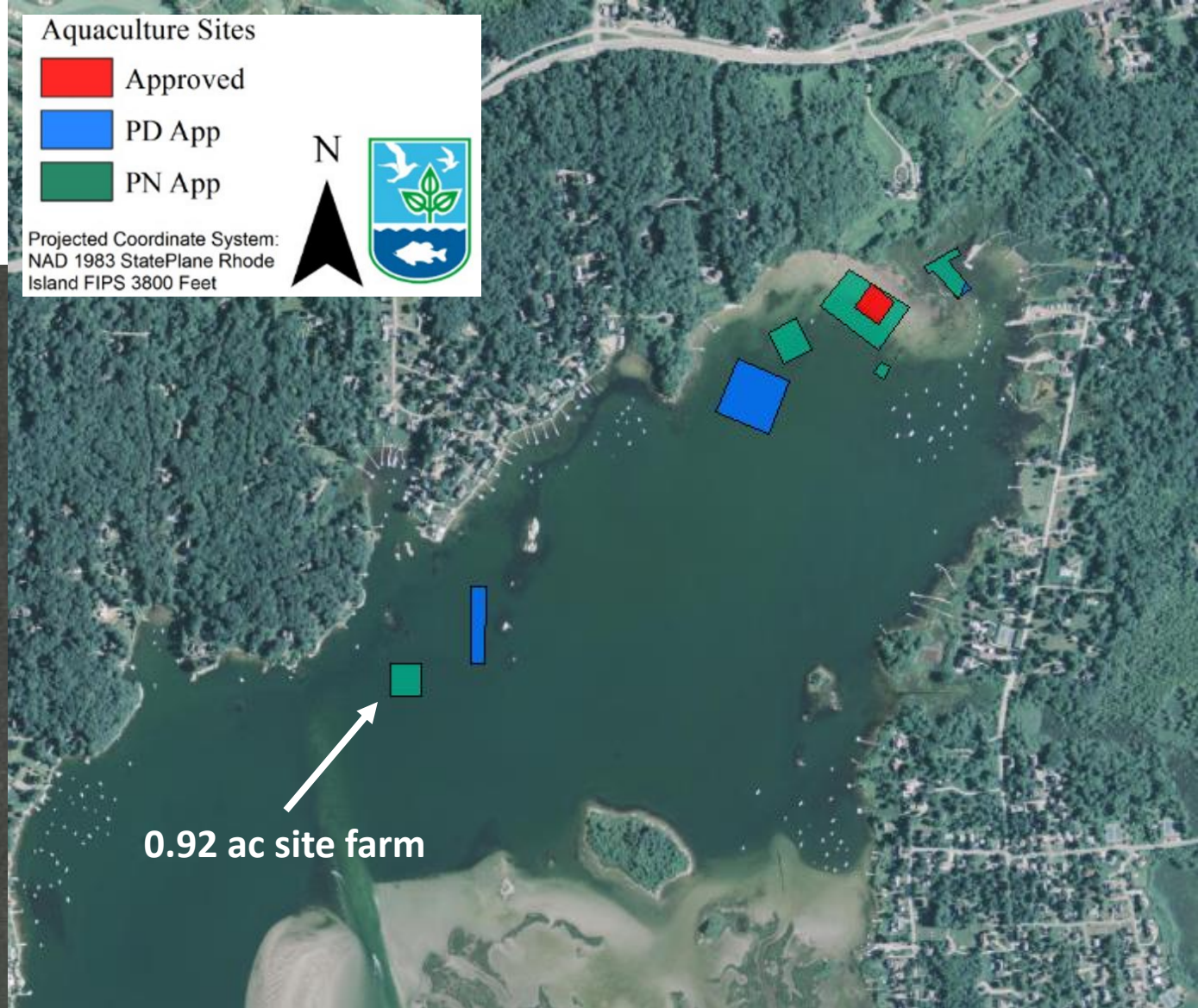

1e. David Lovesky, et al Quonochontaug Pond File # 2016-10-036



Aquaculture Sites

- Approved
- PD App
- PN App

Projected Coordinate System:
NAD 1983 StatePlane Rhode
Island FIPS 3800 Feet



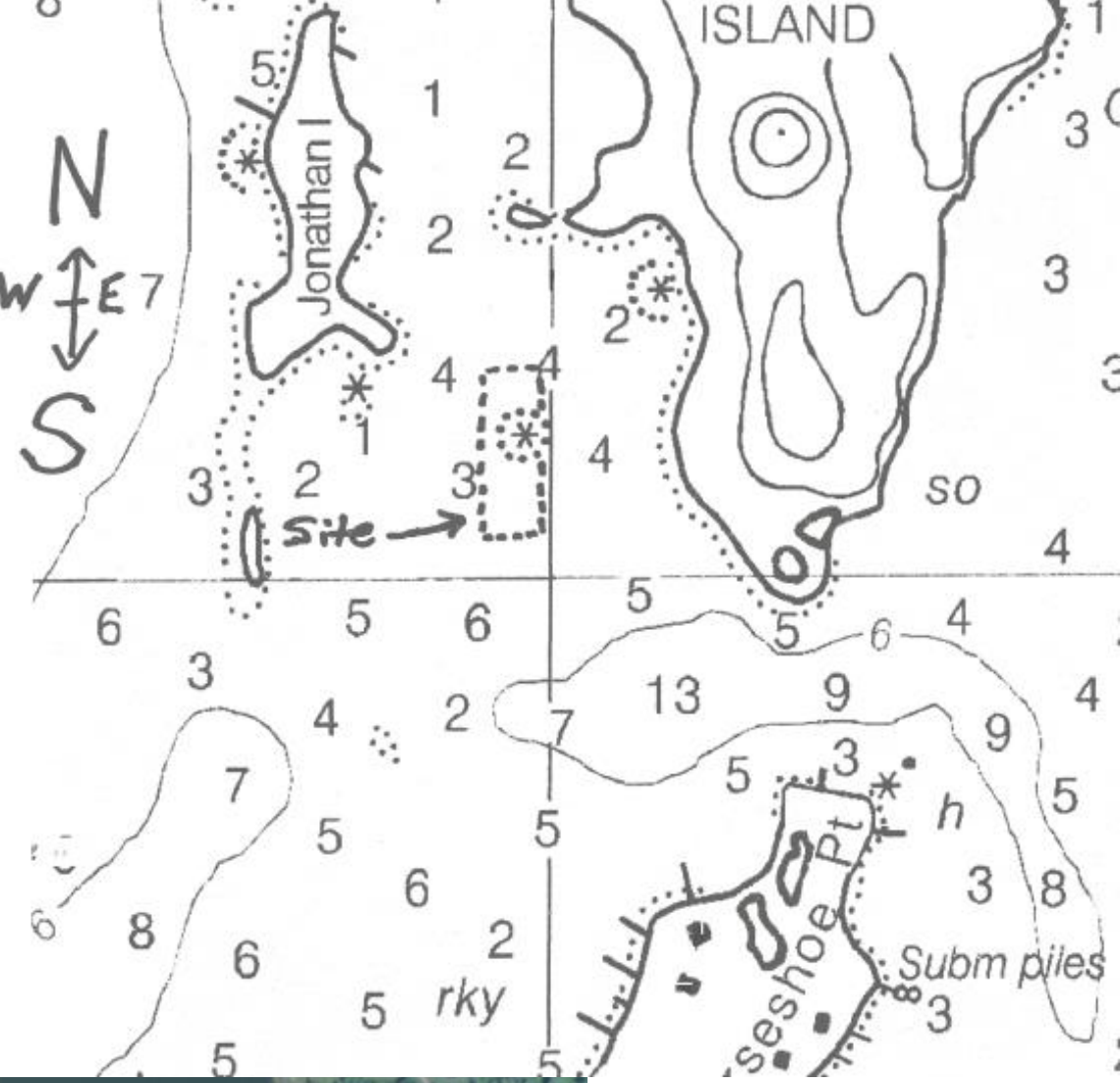
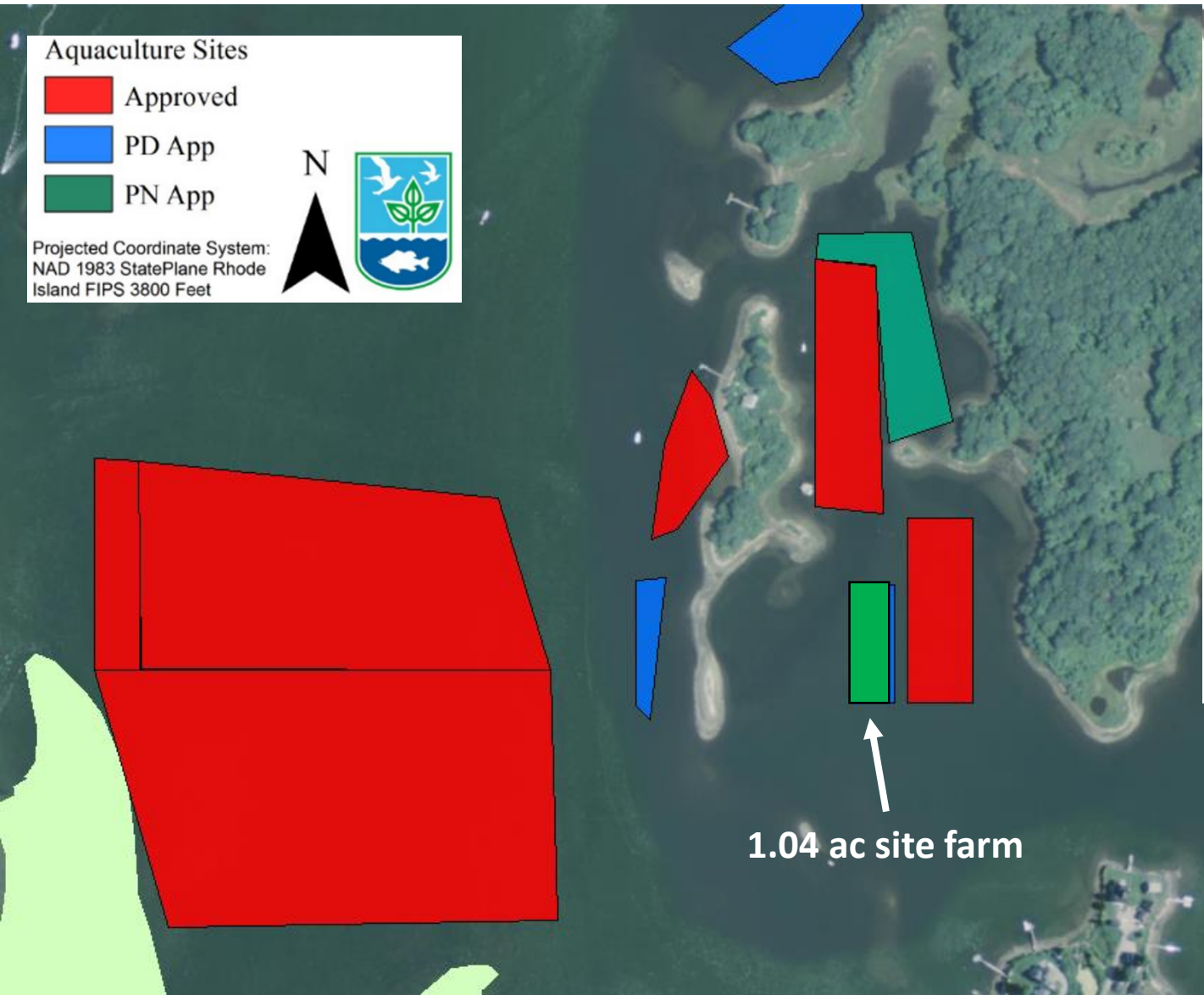
- Bottom plant oysters
- 0.92 ac site

1f. Steve Yankocy Point Judith Pond File # 2016-10-057

Aquaculture Sites

- Approved
- PD App
- PN App

Projected Coordinate System:
NAD 1983 StatePlane Rhode
Island FIPS 3800 Feet



- Submerged cages and racks for oysters
- 1.04 ac site

2. Harmful Algal Bloom (HAB) Monitoring - Fall 2016



- Collecting bacteria, phytoplankton samples 1–2x week in open areas
- Phytoplankton (April – Nov):
 - cell counts for potentially harmful taxa: *Alexandrium* spp, *Dinophysis* spp, *Pseudo-nitzschia* spp.
- To date: ~150 phytoplankton samples analyzed for HAB species identification



pseudo-nitzschia in R.I. waters

- **May be present year-round in low numbers**
- **No strong seasonality**
- **Highest abundance (>10,000 cells/L)**
 - **During May-Nov (slight preference in Fall)**
 - **Water temperature greater than ~50°F (~10°C)**
- **Problem of species ID and toxicity on/off**

sampling plan during a bloom

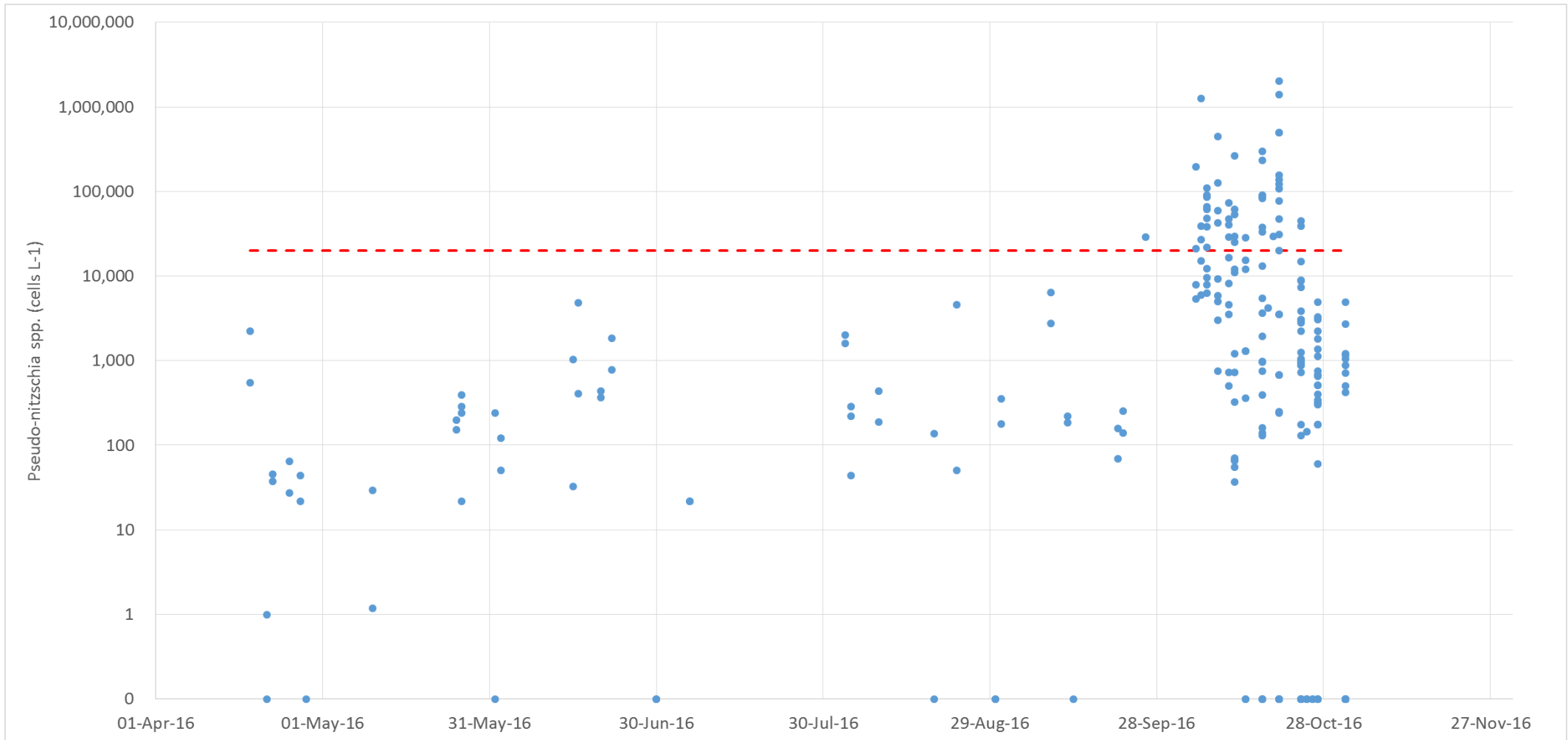
- **Goal:** plankton collection, toxicity screening across all shellfish areas at once: 2x week
- This was a cooperative effort between RIDEM OWR and F&W along with BI Harbor Master
- **Protocol:**
 - Positive plankton toxicity = shellfish toxicity screening
 - Positive shellfish screening = closure, domoic acid confirmation
 - Reopening based on domoic acid concentrations + cell counts

Shellfish Meat Sampling

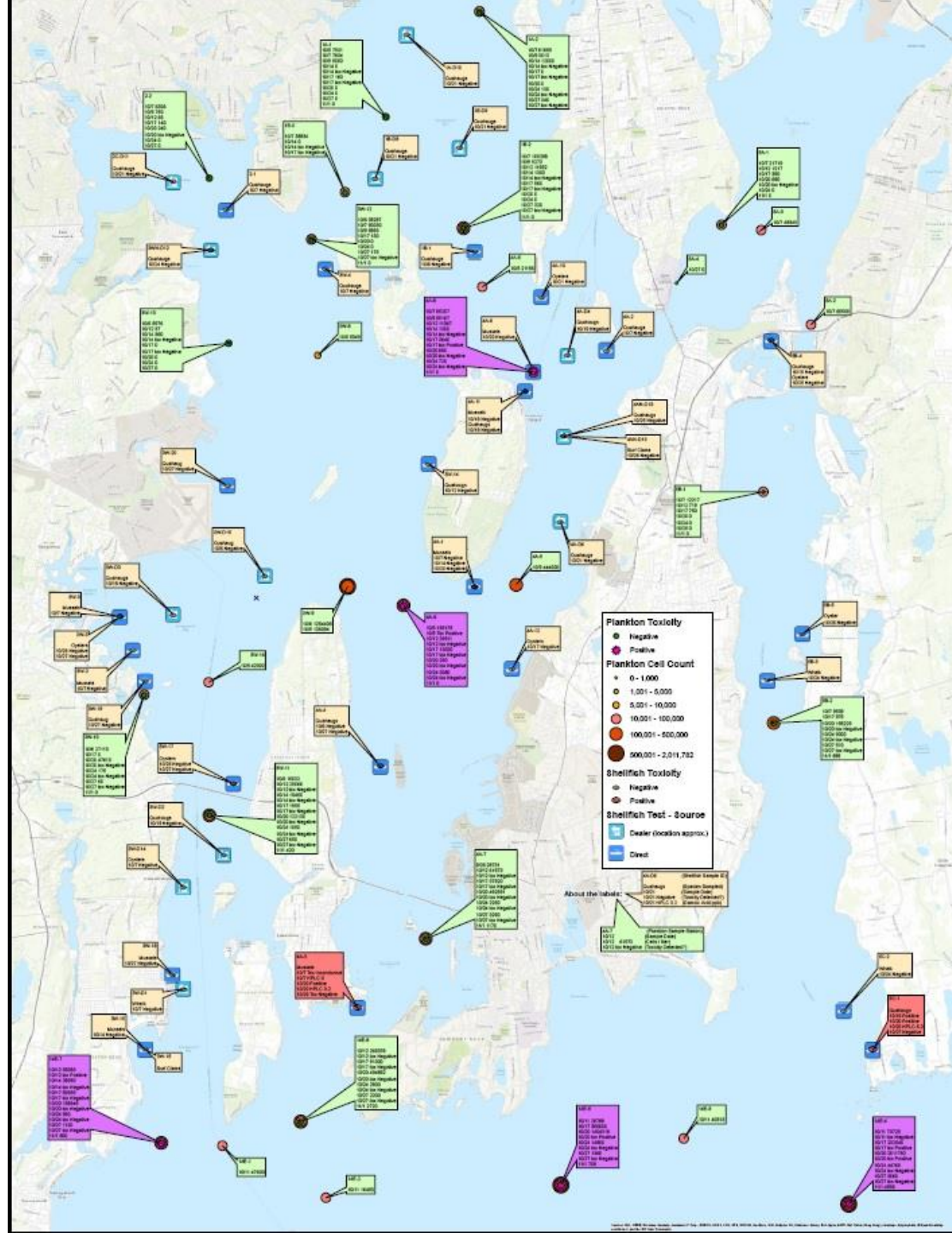
- Once a positive in plankton was received the goal was to collect shellfish meats from the area to determine if plankton toxicity had transferred to shellfish.
 - Take up rates are ranked from quickest to slowest in the following order by animal
 - Mussels
 - Soft shell clams
 - Hard shell clams
 - Oysters
 - Again a cooperative effort between RI DOH inspectors, F & W, Aquaculturists, Harvesters, Dealers and volunteers was needed to provide meat samples for screening.

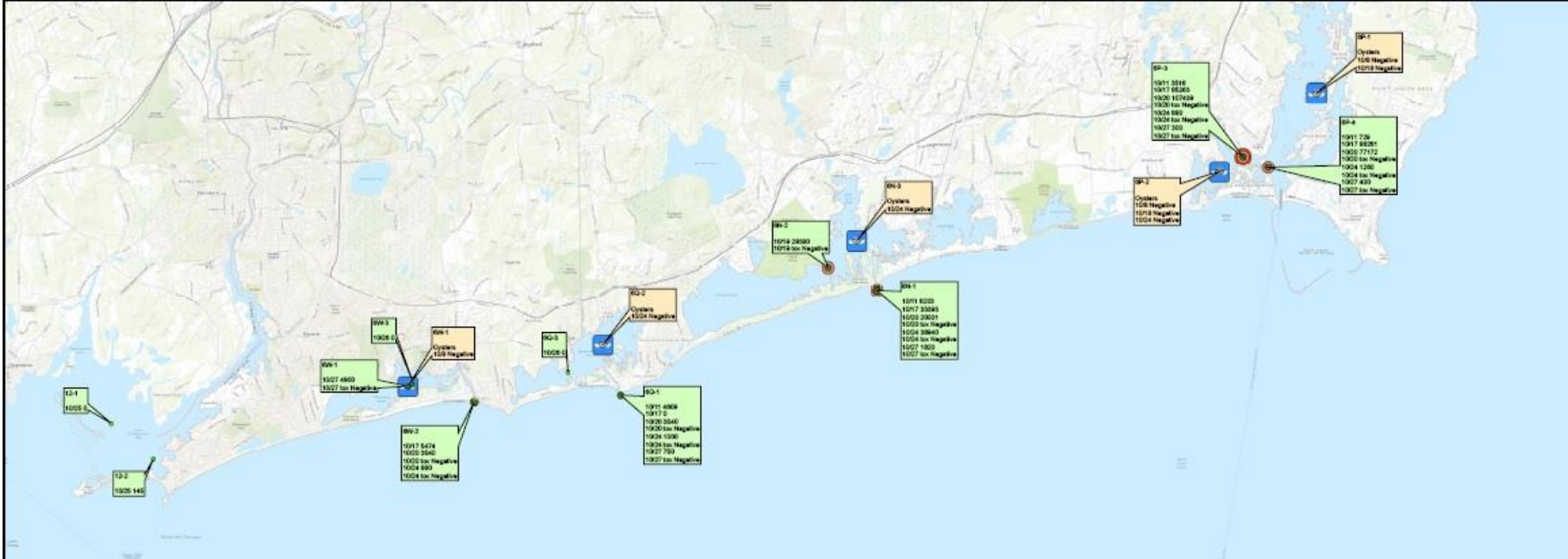
Summary of Results and Sampling

- 17 Plankton runs were completed in approximately 4 weeks resulting in over 190 plankton samples collected for cell counts and/or toxicity screening
 - Compared to routine sampling of 150 samples in an entire season April – November
 - 6 Plankton samples screened positive for Domoic Acid
- Approximately 45 samples of shellfish were collected and screened for toxicity
 - 4 shellfish samples screened positive or inconclusive for Domoic Acid
 - Of those positive screening results samples sent to a laboratory in Maine to complete HPLC (High performance liquid chromatography) analysis
 - 0.0 ug/g (Inconclusive screen)
 - 3.1/3.2 ug/g
 - 6.1/5.9 ug/g
 - 4th sample same location as above insufficient sample to have tested re-collected
 - Level of Concern 20 ug/g (NSSP Model Ordinance / State Contingency Plan)
 - Samples taken from these same stations are now screening negative
- Dealer stock was held but no recalls of shellfish were required
- Various areas closed to shellfishing from 8 to 18 days



Pseudo-nitzschia cell count results for 2016





Pseudo-nitschia Monitoring
9/26 to 10/27
 RI Department of Environmental Management
 October, 2016

Plankton Toxicity

- Negative (Green circle)
- Positive (Red circle)

Plankton Cell Count

- 0 - 1,000 (Small green circle)
- 1,001 - 5,000 (Medium green circle)
- 5,001 - 10,000 (Large green circle)
- 10,001 - 100,000 (Large orange circle)
- 100,001 - 500,000 (Large red circle)
- 500,001 - 2,011,782 (Large dark red circle)

Shellfish Toxicity

- Negative (Green circle)
- Positive (Red circle)

Shellfish Test - Source

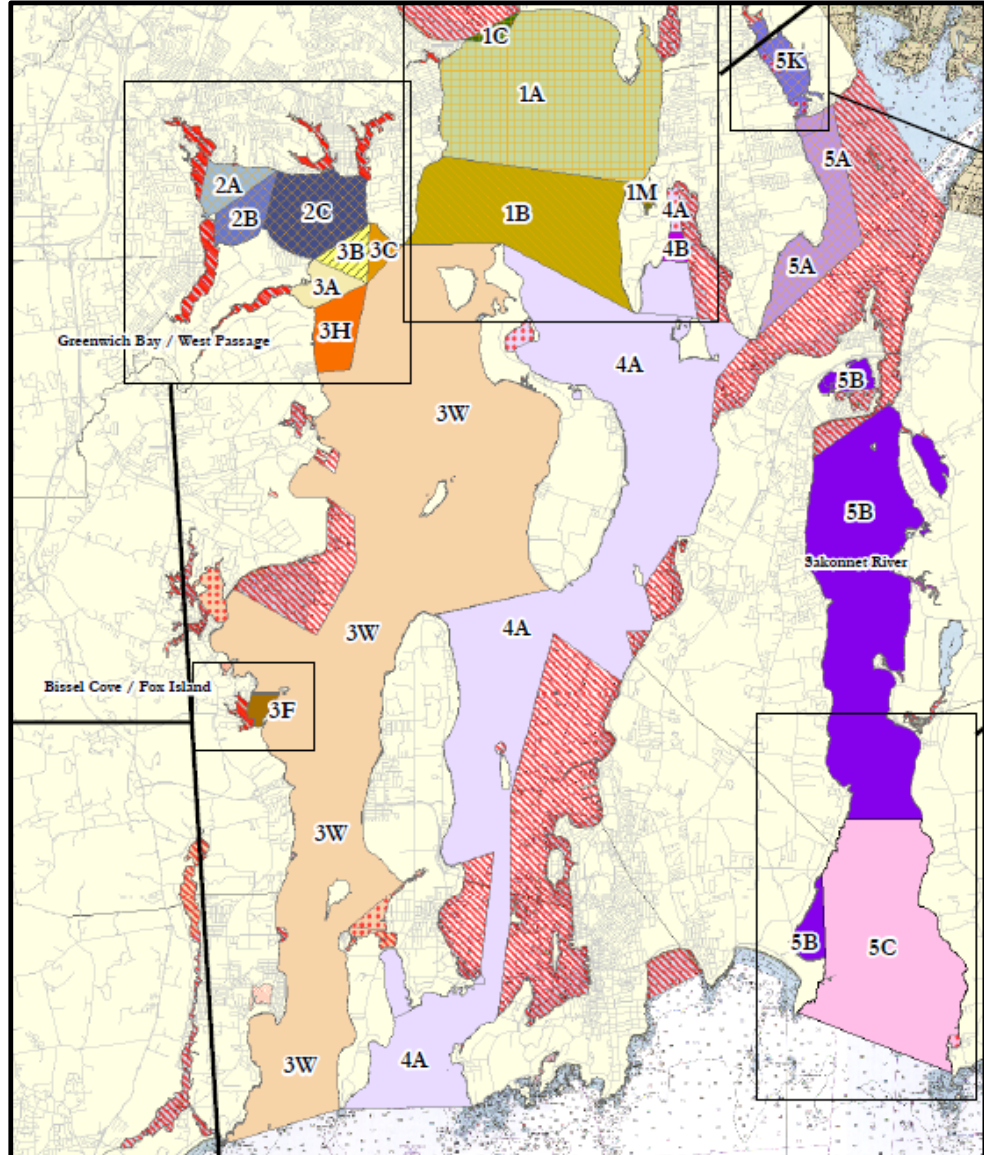
- SW (Dewler (location approx.))
- Direct (Blue square)

About the labels:

- SW-06 (Shellfish Sample Station)
 Quahog (Species Sampled)
 10/27
 10/27 Negative (Toxicity Detected?)
 10/27 HPLC 3.2 (Detected Acid Uptake)
- SW-7 (Plankton Sample Station)
 Clam (Species Sampled)
 10/27
 10/27 Negative (Toxicity Detected?)



Tagging Area Revisions



- Through this sampling, current tagging area management made it difficult for sequential openings
- Ability segment large horizontal management areas would allow for sequential opening
 - Beneficial for both concerns entering the Bay from the ocean/offshore or the Providence River
- Tagging Areas Proposed for Revision
 - East Passage (4A)
 - West Passage (3W)
 - Sakonnet River/Third Beach (5B)
- Information to be used for decision
 - Biological data collected at DEM DFW
 - Toxicity and *Pseudo-nitzschia* cell count data
 - Industry Comments/Concerns
 - Enforcement Comments/Concerns
 - Dealer Comments/Concerns



State of Rhode Island
Department of Environmental Management

3. Shellfish Harvester Education and Certification Program





State of Rhode Island
Department of Environmental Management

PROGRAM GOALS

- 🍷 **The goal of this program** is to ensure that harvesters are delivering safe, properly handled shellfish to dealers. The first step to a wholesome product for consumers.
- 🍷 This program is also intended to meet the harvester education requirement of the National Shellfish Sanitation Program (NSSP) as adopted at the 2012 Interstate Shellfish Sanitation Conference (ISSC).

Will not be mandatory for 2017 license cycle

Will be mandatory for 2018 license cycle

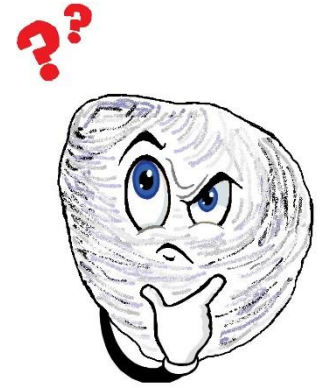
Please register and complete program as soon as you can once we have notified you that it is available on line.

How else might we present the program to you as an individual or group?

- Library computer

- Evening meeting at RIDEM in Providence

- Meeting such as this at a location and time to be determined



Rhode Island Marine Fisheries Council
SHELLFISH ADVISORY PANEL
Wednesday, November 9, 2016, 4:30PM
URI Bay Campus, Coastal Institute Building, Hazard Room
218 S Ferry Road, Narragansett, RI

MEETING MINUTES

RIMFC members present: J. Grant (SAP Chair)

DEM DFW: C. McManus; W. Helt; J. Livermore;

DEM OWR: K. Rodrigue;

CRMC: D. Beutel;

SAP members present: K. Eagan; G. Schey; M. McGivney; D. Ghigliotty; R. Tellier. R. Pastore

Public: S. Schumann;

Applicants: S. Yankocy; D. & E. Lovesky; K. Hess; P. Sebring

1. CRMC Aquaculture Applications

- a) CRMC Aquaculture Lease Application: CRMC File # 2016-07-061, Gardner, Winnapaug Pond

D. Beutel provided a brief overview of the proposal and comments from other agencies, while also answering questions from the SAP and audience. **A motion was made by M. McGivney to recommend no objection to the application; 2nd by G. Schey. The motion passed 6 – 0.**

- b) CRMC Aquaculture Lease Application: CRMC File # 2016-08-092, Papa, Ninigret Pond

D. Beutel provided a brief overview of the proposal and comments from other agencies, while also answering questions from the SAP and audience. **A motion was made by D. Pastore to recommend no objection to the application; 2nd by D. Ghigliotty. The motion passed 6 – 0.**

- c) CRMC Aquaculture Lease Application: 2016-09-080, Brown/Sebring, Bristol

D. Beutel provided a brief overview of the proposal and comments from other agencies, while also answering questions from the SAP and audience. **A motion was made by M. McGivney to recommend no objection to the application; 2nd by K. Egan. The motion passed 5 – 1.**

- d) CRMC Aquaculture Lease Application: CRMC File # 2016-09-104, Hess, Hog Island

D. Beutel provided a brief overview of the proposal and comments from other agencies, while also answering questions from the SAP and audience. **A motion was made by *K. Egan* to recommend no objection to the application; 2nd by *D. Pastore*. The motion passed 5 – 1.**

- e) CRMC Aquaculture Lease Application: CRMC File # 2016-10-036, Lovesky et al., Quonochontaug Pond

D. Beutel provided a brief overview of the proposal and comments from other agencies, while also answering questions from the SAP and audience. **A motion was made by *M. McGiveney* to recommend no objection to the application; 2nd by *D. Pastore*. The motion passed 5 – 0 (*K. Egan abstained*).**

- f) CRMC Aquaculture Lease Application: CRMC File # 2016-10-057, Yankocy, Pt. Judith Pond

D. Beutel provided a brief overview of the proposal and comments from other agencies, while also answering questions from the SAP and audience. **A motion was made by *M. McGiveney* to recommend no objection to the application; 2nd by *G. Schey*. The motion passed 6 – 0.**

2. Harmful Algae Bloom Summary and Discussion on Prospective Tagging Area Changes

C. McManus provided an overview of the monitoring DEM conducted regarding the fall 2016 harmful algal bloom (HAB) in Rhode Island waters. Monitoring logistics, sample types collected, phytoplankton biology, and ecosystem concerns were reviewed.

Discussion was then held on whether reorganizing certain tagging areas would allow for greater flexibility regarding response times for shellfish closures and openings. Topics discussed specifically were: diving 4A and 3W into north-south components, and either merging the 5B portion by Third Beach with 5C or designate it as a new area. ***No final decisions were made on restructuring tagging areas.*** Formal proposals will be made at a later date.

3. Future Harvester Education Training Requirement

C. McManus spoke about the harvester education course that will be federally required by all harvesters to take for 2018 license renewals. Completion will not impact license renewal for the 2017 harvest year. This conversation was to inform industry members early on about this regulation change. More information on how to complete the training will be provided to harvesters when the course becomes available.

Prepared by: C. McManus

RI Department of Environmental Management

Marine Fisheries

PUBLIC HEARING

November 14, 2016



Workshop/Public Hearing Items

- 1) Proposed amendments to RIMFR “Part 3 - Finfish”:
 - a. Commercial management of Summer Flounder
 - b. Commercial management of Scup
 - c. Commercial management of Black Sea Bass
 - d. Commercial management of Coastal Sharks
- 2) Proposed amendments to RIMFR “Part 4 – Shellfish”:
 - a. Transiting
 - b. Temporary shellfish possession limit
 - c. Clarification of process to amend commercial boat harvest schedules in Shellfish Management Areas
 - d. Editing/clarifications
- 3) Proposed amendments to RIMFR “Part 5 – Lobsters, Crabs, and Other Crustaceans”:
 - Management of or horseshoe crab.
- 4) Proposed amendments to RIMFR “Part 6 – General Equipment Provisions”:
 - Correction of the location of Fish Trap Site # 29.



Hearing Item 1a: Commercial Summer Flounder

- Proposal 1: Annual review of management parameters

Option	Min. size	Quota	Sub-period	Starting Poss. limit (vsl/day)	Days closed	Starting Aggregate poss. limit (lbs/vsl)
<u>Option 1</u>	14"	54%	Winter (1/1 – 4/30)	200 lbs	Open 7 days	<u>2,500/bi-week</u> <u>1,700/bi-week</u>
		35%	Summer (5/1 – 9/15)	50 lbs	Fri./Sat./ <u>Sun.</u>	<u>250/week</u> <u>200/week</u>
		11%	Fall (9/16 – 12/31)	100 lbs	Open 7 days	No agg. program
<u>Option 2</u>		54%	Winter (1/1 – 4/30)	200 lbs	Open 7 days	<u>2,500/bi-week</u> <u>1,700/bi-week</u>
		35%	Summer (5/1 – 9/15)	50 lbs	<u>Thu.</u> /Fri./Sat.	<u>250/week</u> <u>200/week</u>
		11%	Fall (9/16 – 12/31)	100 lbs	Open 7 days	No agg. program
<u>Town Dock</u>		54%	Winter (1/1 – 4/30)	200 lbs	Open 7 days	<u>2,500/bi-week</u> <u>1,300/bi-week or</u> <u>90/day</u>
		35%	Summer (5/1 – 9/15)	50 lbs	<u>Mon.</u> /Fri./Sat.	<u>2,500/bi-week</u> <u>No agg. program</u>
		11%	Fall (9/16 – 12/31)	100 <u>70</u> lbs	Open 7 days	No agg. program



Hearing Item 1a cont'd: Commercial Summer Flounder

Proposal 2: Industry proposal to remove eligibility requirement to participate in the Summer Flounder Aggregate program for the summer sub-period

Option 1 - proposed language:

3.7.3 Aggregate Landing Program:

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

(1) Summer sub-period: Any person commercially licensed to harvest summer flounder is eligible to participate in the Summer sub-period; a RI Summer Flounder Exemption Certificate is not required for persons to participate in the Summer sub-period.



Hearing Item 1b: Commercial Scup

- Proposal 1: Annual review of management parameters
 - Option 1: Status quo

Min. size	Seasons	Sub-periods	Quota		Starting Poss. limit
9"	<u>Winter I:</u> (1/1 – 4/30)		Coastwide		50,000 lbs/vsl/day
	<u>Summer – Fall:</u> (5/1 – 10/31)	<u>Gen. Cat. Summer:</u> (5/1 – 9/17)	40% of sub-period quota	2/3 of Gen. Cat. quota	10,000 lbs/vsl/wk
		<u>Gen. Cat. Fall:</u> (9/18 – 10/31)		1/3 of Gen. Cat. quota	10,000 lbs/vsl/wk
		<u>FFT:</u> (5/1 – 10/31)	60% of sub-period quota		Unlimited
	<u>Winter II:</u> (11/1 – 12/31)		Coastwide		2,000/18,000 lbs/vsl/day*

* Winter II possession limit begins at 2,000 lbs/vsl/day; change to 18,000/day after Winter I roll over calculated



Hearing Item 1c: Commercial Black sea bass

Proposal 1: Annual review of management parameters

- Option 1: Status quo.

Season	Min. size	Allocation	Starting Poss. limit (vsl/day)
Jan 1 – Apr 30	11"	25%	1,000 (vsl/week)
May 1 – June 30		25%	50 (vsl/day)
July 1 – July 31		19.5%	50 (vsl/day)
Sept 15 – Oct 31		19.5%	50 (vsl/day)
Nov 1 – Dec 31		11%	100 (vsl/day)

Note: 2016 was the first year of the winter aggregate, the season closed 7 days earlier than 2015 with slightly more quota, and two downward adjustments were needed. Aggregate seemed to increase catch rates in 2016 winter



Hearing Item 1d: Commercial Coastal Sharks

Proposal 1: Division proposal to meet FMP compliance regarding finning

Option 1 - proposed language:

(1) Commercial fishermen may eviscerate and remove the head and all shark fins of smooth dogfish while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass ~~completely remove all smoothhound fins year round.~~ If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smoothhound carcasses landed or found on board a vessel. Commercial fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading.



Hearing Item 2a: RIMFR Part 4 – Shellfish

Proposal 1: Correction to transiting provision (section 4.2.7) to allow for transiting when using gear other than nets

Option 1 - proposed language:

4.2.7 Transiting:

(A) During the closure of a Rhode Island state allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island state waters for the purpose of landing that species in another state, provided the vessel is in compliance with their federal permit, and ~~the vessel nets~~ **all gear capable of harvesting shellfish are is** stowed pursuant to the stowage of nets provisions as provided for in RIMFR Part 3 - Finfish.

(B) A federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, **and** provided the vessel nets **all gear capable of harvesting shellfish are is** stowed pursuant to the stowage of nets provisions as provided for in RIMFR Part 3 - Finfish, and provided that the owner or operator possesses a valid RI Landing License pursuant to DEM's "Commercial and Recreational Saltwater Fishing Licensing Regulations".



Hearing Item 2b: RIMFR Part 4 – Shellfish

Proposal 2: Clarification of process to amend commercial boat harvest schedule in Shellfish Management Areas

- Intent is to apply more broadly to all SMAs (as written only applies to Greenwich Bay; is applicable to Bissel/Fox and Bristol as well)
- No changes proposed to process:
 - 60 day notification required if wishing to amend
 - Specific provisions applicable only to GB Areas 1 & 2:
 - * Month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.
 - * If weather or water quality conditions during the month of December prevent opening on two or more scheduled days, the DEM may modify the December schedule to allow for additional hours or days of permitted shellfishing.



Hearing Item 2c: RIMFR Part 4 – Shellfish

Proposal 3: Deletion of section 4.7.3 regarding “Temporary shellfish possession limit”. Rule is obsolete with management area-specific possession limits in place.

Option 1 - proposed language:

4.7 Shellfish Management Areas – Descriptions, Seasons, and Possession Limits:

4.7.3 Daily possession limits:

~~(D) Temporary possession limit: The Director may establish a reduced possession limit in any Shellfish and Marine Life Management Area for a period not to exceed sixty (60) days. The following reduced possession limit for bay quahaugs, soft-shell clams, surf clams, and oysters shall apply in any area so designated:~~

~~(1) Recreational – resident: One (1) peck per person per calendar day.~~

~~(2) Recreational – licensed non-resident: One half (½) peck per person per calendar day.~~

~~(3) Commercial: One (1) bushel per person per calendar day.~~



Hearing Item 2d: RIMFR Part 4 – Shellfish

Proposal 4: General edits – clarification of default harvest schedule language

Default harvest schedule: If ~~no action is taken to establish specific a~~ previously established boat harvest schedules ~~annually expires~~, the following default schedule shall be in effect:

- GB: 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.
- Bissel/Fox Is.: Between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April annually.
- Bristol Harbor: Between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April. Harvest is prohibited on December 25 and January 1 annually.
- High Banks: Open year round; no default schedule needed at this time



Hearing Item 2d: RIMFR Part 4 – Shellfish

Proposal 4 cont'd: General edits – min. size soft-shell clam

4.4 Minimum Sizes:

4.4.2 Soft-shell clam: Two inches (2") ~~taking the maximum shell diameter~~ measured parallel to the long axis of the clam. (20-6-11)



Hearing Item 3: RIMFR Part 5 – Lobster, Crabs, and Other Crustaceans

Proposal 1: Proposed amendments regarding management of Horseshoe Crab

Option 1 - Division proposal:

- Intent is to promote equity among participants.
- **7" minimum size (proposed by industry).**
- Daily possession limit for the bait fishery of 60 crabs/person/day. Figure is the RI average daily landings for last 3 years.
- **Improve reporting and reporting compliance (proposed by industry).**
- Improve return process for crabs used for bio-medical.
- **Adjust sub-period quota resulting from over-harvest in prior sub-period (proposed by industry).**

Option 2 - Industry proposal:

- Proposed 7" minimum size.
- **Improve reporting and reporting compliance.**
- 2 seasons and allocations proposed for bait fishery.
- **Over-harvest provision.**
- Moratorium on the issuance of new permits to persons not previously permitted. Forfeiture if fail to renew.



Hearing Item 3: RIMFR Part 5 – Lobster, Crabs, and Other Crustaceans

Option 3 - Save the Bay proposal:

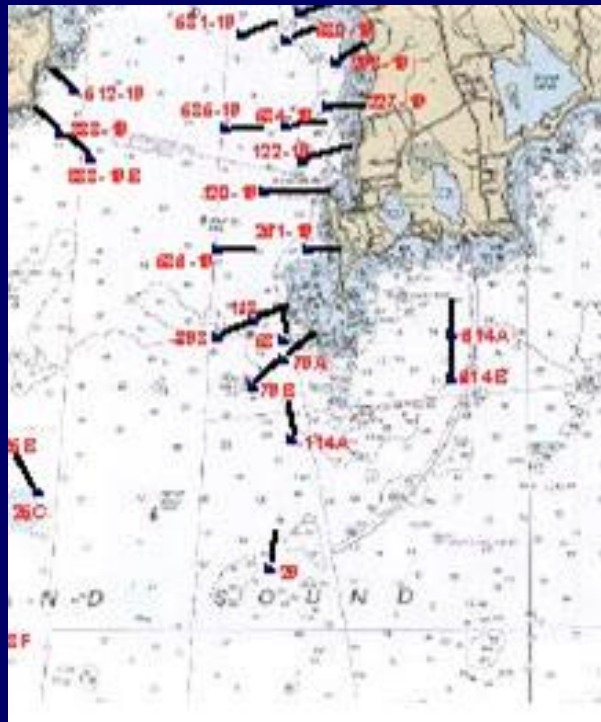
- Improved reporting consistent with Division and Industry proposals
- No harvest April 4 **15** through May 31 annually.
- ~~Deduct crabs taken for the biomedical industry from the total quota and allow bled animals to be sold for bait.~~
- Establish daily commercial possession limit of 60 crabs/day consistent with Division proposal
- Establish daily recreational possession limit of 3 crabs/day.
- Moratorium on the issuance of new permits to persons not previously permitted consistent with industry proposal. Forfeiture if fail to renew.



Hearing Item 4: RIMFR Part 6 – General Equipment Regulations

Proposal 1: Location correction of Fish Trap site # 29

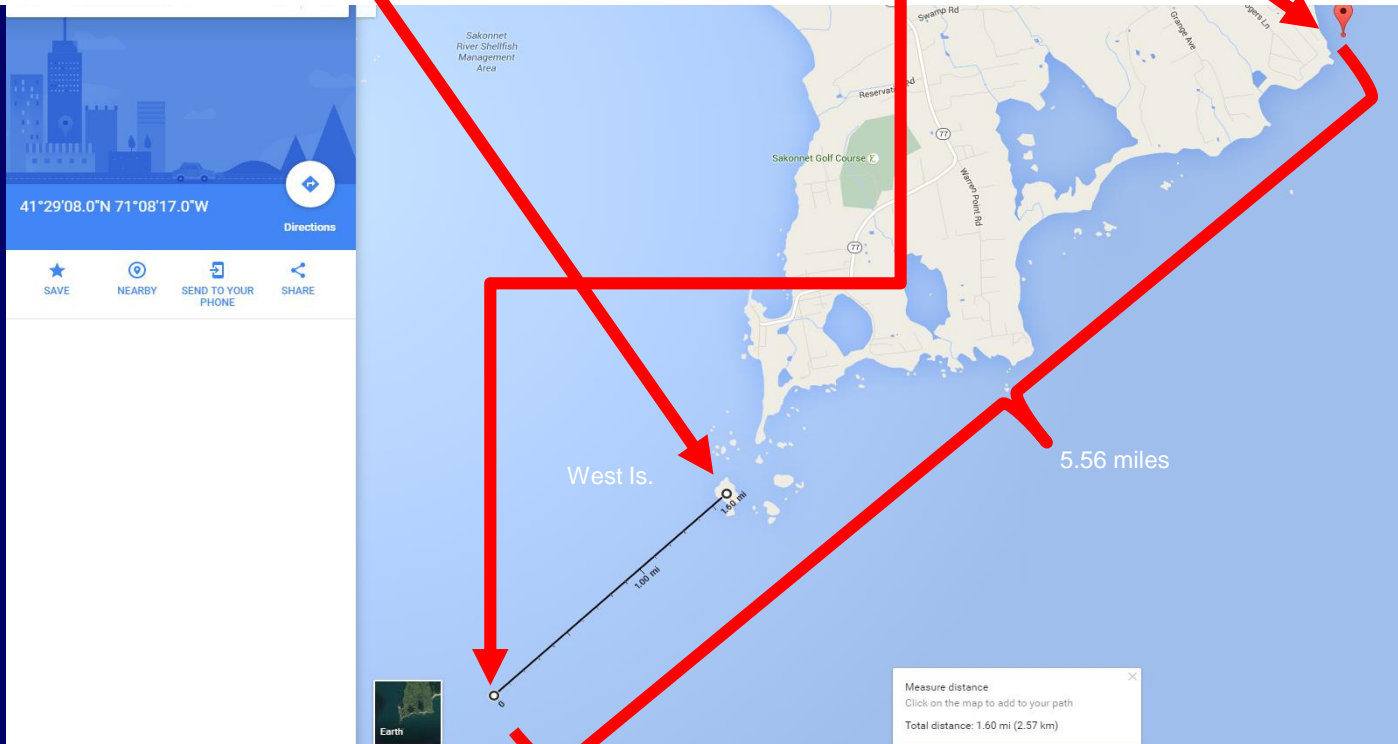
- Correct location shown in RIMFR “Part 17 – Maps”



Hearing Item 4 cont'd: Location correction of Fish Trap site # 29

- Incorrect location as described in RIMFR “Part 6 – General Equipment Regulations”. Was inadvertently amended in regulation several years ago

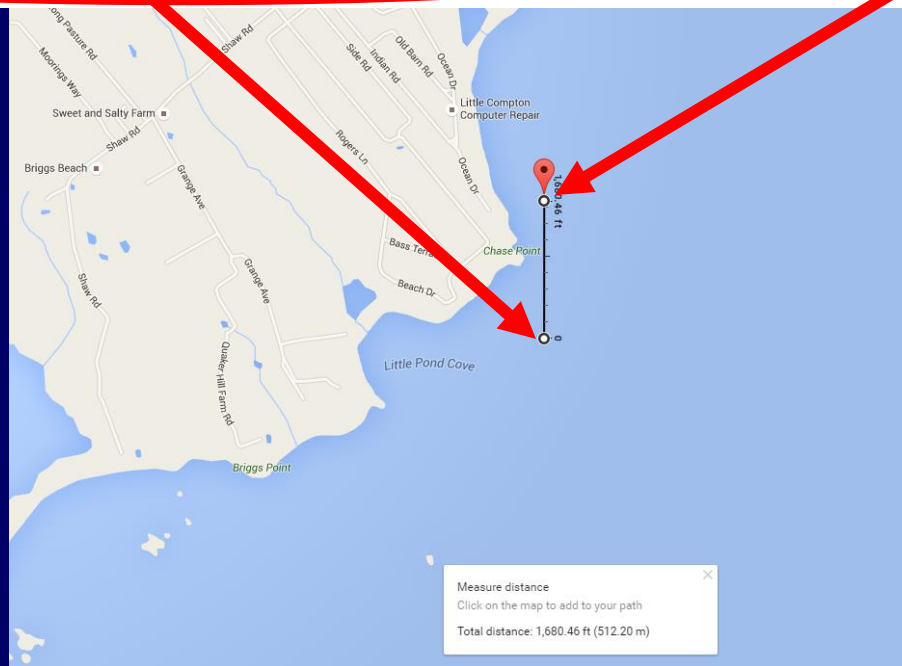
(14) Site 29 begins approximately 8,400 feet south by west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately (41°29'8"N, 71°8'17"W) and extends at approximately 180° for 1,680 feet.



Hearing Item 4 cont'd: Location correction of Fish Trap site # 29

- Incorrect location as described in RIMFR "*Part 6 – General Equipment Regulations*". Was inadvertently amended in regulation several years ago

(14) Site 29 begins approximately 8,400 feet south by west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 41°29'8"N, 71°8'17"W and extends at approximately 180° for 1,680 feet.



Hearing Item 4 cont'd: Location correction of Fish Trap site # 29

- Annotated correction:

Site 29 begins ~~approximately~~ 8,400 feet south ~~by~~ west of West Island (~~41°27'0"N, 71°11'54"W~~) so-called, at ~~approximately 41°29'8"N, 71°8'17"W~~ 41°25'46.1"N, 71°12'41.7"W and extends ~~at approximately 180°~~ due south (180° on the compass rose) to 41°25'46.1"N, 71°12'41.7"W for a distance of 1,680 feet.

41°25'46.1"N, 71°12'41.7"W



41°25'46.1"N, 71°12'41.7"W

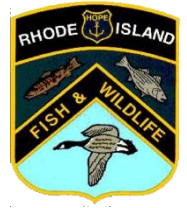


End of Slides!





RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH & WILDLIFE / MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835



PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES

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

The following regulatory items will be presented for public comment:

1. Proposed amendments to **RIMFR Part 3 - Finfish**, regarding the following:
 - a. Commercial Management for Summer flounder (sections 3.7.2 and 3.7.3);
 - b. Commercial management for Scup (section 3.11.2);
 - c. Commercial management for Black sea bass (section 3.14.2);
 - d. Commercial management of Coastal sharks (section 3.24)
2. Proposed amendments to **RIMFR Part 4 – Shellfish**, regarding the following:
 - a. Transiting (section 4.2.7)
 - b. Temporary shellfish possession limit (section 4.7)
 - c. Clarification of process to amend commercial boat harvest schedules in Shellfish Management Areas (sections 4.7.3 and 4.7.4)
 - d. Editing. Clarifications (sections 4.3.13(C), 4.4.2, 4.7.4(4), 4.7.8(A)(3), 4.7.10(A)(5)).
3. Proposed amendments to **RIMFR Part 5 – Lobsters, Crabs, and Other Crustaceans**, regarding management for horseshoe crab (section 5.4).
4. Proposed amendments to **RIMFR Part 6 – General Equipment**, regarding correction of the location of Fish Trap Site # 29 (section 6.6(B)(14)).

The **WORKSHOP** will be held at **6:00PM** on **Monday, November 7th** at the University of Rhode Island, Graduate School of Oceanography, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

The **PUBLIC HEARING** will be held at **6:00PM** on **Monday, November 14th** at the University of Rhode Island, Graduate School of Oceanography, Coastal Institute Building, Hazard Rooms, South Ferry Road, Narragansett, RI 02882.

The rooms are accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

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

Written comments concerning the proposed regulations may be submitted to Peter Duhamel, Division of Fish and Wildlife – Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835, until the close of the public comment period on November 25th. A copy of the proposed regulations is available for review at the Marine Fisheries offices, or may be requested by mail. Proposed regulation(s) have been filed with the Office of the Secretary of State's website at <http://sos.ri.gov/ProposedRules/>, and are available on the DEM Marine Fisheries webpage at <http://www.dem.ri.gov/programs/fish-wildlife/marine-fisheries/rimfc/index.php>.

Jason McNamee,
Chief

Hearing Item 1a.

Commercial summer flounder management

Proposal 1: Division proposal to meet the required 30% reduction in Summer flounder quota

Option 1: Reduce aggregate possession limit in winter sub-period and CLOSE FISHERY on SUNDAYS each week

3.7 Summer Flounder (Fluke)

3.7.2 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: ~~Two thousand five hundred (2,500)~~ One

thousand seven hundred (1,700) pounds per vessel per bi-weekly period. The bi-weekly periods shall be specified in the Aggregate Landing Permit. 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: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, ~~and~~ Saturday, ~~and~~ Sunday each week.

(ii) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, ~~and~~ Saturday, ~~and~~ Sunday each week.

(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: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, ~~and~~ Saturday, ~~and~~ Sunday each week.

(ii) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, ~~and~~ Saturday, ~~and~~ Sunday each week.

(iii) Aggregate Landing Program: ~~Two hundred and fifty (250)~~ Two hundred pounds per vessel per week. 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 fifty (50) pounds per calendar day. The fishery is closed Friday, ~~and~~ Saturday, ~~and~~ Sunday each week.

(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: 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.

3.7.3 Aggregate Landing Program:

(A) Sub-periods:

(1) Winter: Beginning on the Sunday of the first full week in February through April 30 annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DFW.

(2) Summer: Beginning on 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 for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement each of the following:

(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);

(2) The vessel's operator, if harvesting exclusively in State waters, holds a valid RI commercial fishing license to harvest or land summer flounder and possesses a valid Exemption Certificate;

(3) The vessel's operator has not been assessed a criminal or administrative penalty in the past three years for a violation of this section or has 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: Reduce aggregate possession limit in winter sub-period and CLOSE FISHERY on THURSDAYS each week

3.7 Summer Flounder (Fluke)

3.7.2 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: ~~Two thousand five hundred (2,500)~~ **One thousand seven hundred (1,700)** pounds per vessel per bi-weekly period. The bi-weekly periods shall be specified in the Aggregate Landing Permit. 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: Fifty (50) pounds per vessel per calendar day. The fishery is closed **Thursday,** Friday, and Saturday each week.

(ii) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed **Thursday,** Friday, and Saturday each week.

(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: Fifty (50) pounds per vessel per calendar day. The fishery is closed **Thursday,** Friday, and Saturday each week.

(ii) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed **Thursday,** Friday, and Saturday each week.

(iii) Aggregate Landing Program: ~~Two hundred and fifty (250)~~ **Two hundred** pounds per vessel per week. 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 fifty (50) pounds per calendar day. The fishery is closed **Thursday,** Friday, and Saturday each week.

(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: 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.

Proposal 2: Industry proposal to remove eligibility requirement to participate in the Summer Flounder Aggregate program for the summer sub-period

3.7.3 Aggregate Landing Program:

(A) Sub-periods:

(1) Winter: Beginning on the Sunday of the first full week in February through April

30 annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DFW.

(2) Summer: Beginning on 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 for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement each of the following:

(1) **Summer sub-period: Any person commercially licensed to harvest summer flounder is eligible to participate in the Summer sub-period; a RI Summer Flounder Exemption Certificate is not required for persons to participate in the Summer sub-period.**

(2) Winter sub-period:

~~(1a)~~ (1a) The vessel, if harvesting Summer flounder from federal waters, possesses a valid federal Summer Flounder Moratorium Permit and RI Summer Flounder Exemption Certificate (Exemption Certificate);

~~(2b)~~ (2b) The vessel's operator, if harvesting exclusively in State waters, holds a valid RI commercial fishing license to harvest or land summer flounder and possesses a valid Exemption Certificate;

~~(3c)~~ (3c) The vessel's operator has not been assessed a criminal or administrative penalty in the past three years for a violation of this section or has 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.

Hearing Item 1b. Commercial scup management

Proposal 1: Status quo

3.11 Scup

3.11.2 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.

Hearing Item 1c.
Commercial Black sea bass management

Proposal 1: Status quo

3.14 Black Sea Bass

3.14.2 Commercial:

(A) Minimum size: Eleven (11) inches, 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: One thousand (1,000) pounds per vessel per week.

(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. The commercial fishery is closed on Friday of each week during this sub-period.

(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. The commercial fishery is closed on Friday of each week during this sub-period.

(4) August 1 – September 14: Closed.

(5) September 15 – October 31:

(a) Allocation: Nineteen and a half percent (19.5%).

(b) Possession limit: Fifty (50) pounds per vessel per calendar day. The commercial fishery is closed on Friday of each week during this sub-period.

(6) November 1 – December 31:

(a) Allocation: Eleven percent (11%).

(b) Possession limit: One hundred (100) pounds per vessel per calendar day. \

3.24 Coastal Sharks

3.24.1 Recreational:

(A) Recreationally permitted species: Recreational fishermen may possess any of the species of sharks listed in Table 3.1.

Table 3.1: Recreationally Permitted Species List

Smooth Dogfish (Smoothhound) ¹	<i>Mustelus canis</i>
Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>
Finetooth	<i>Carcharhinus isodon</i>
Blacknose	<i>Carcharhinus acronotus</i>
Bonnethead	<i>Sphyrna tiburo</i>
Tiger	<i>Galeocerdo cuvier</i>
Blacktip	<i>Carcharhinus limbatus</i>
Spinner	<i>Carcharhinus brevipinna</i>
Bull	<i>Carcharhinus leucas</i>
Lemon	<i>Negaprion brevirostris</i>
Nurse	<i>Ginglymostoma cirratum</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>Sphyrna mokarran</i>
Smooth hammerhead	<i>Sphyrna zygaena</i>
Shortfin mako	<i>Isurus oxyrinchus</i>
Porbeagle	<i>Lamna nasus</i>
Common thresher	<i>Alopias vulpinus</i>
Oceanic whitetip	<i>Carcharhinus longimanus</i>
Blue	<i>Prionace glauca</i>

¹ Smooth dogfish are considered and referred to as smoothhound.

(B) Recreationally prohibited species: No person fishing recreationally shall possess, in state waters any shark species that is not permitted to be taken in federal waters, as listed in Table 3.2.

Table 3.2: Recreationally Prohibited Species List.

Sandbar	<i>Carcharhinus plumbeus</i>
Silky	<i>Carcharhinus falciformis</i>
Sand tiger	<i>Carcharias taurus</i>
Bigeye sand tiger	<i>Odontaspis noronhai</i>
Whale	<i>Rhincodon typus</i>
Basking	<i>Cetorhinus maximus</i>
White	<i>Carcharodon carcharias</i>
Dusky	<i>Carcharhinus obscurus</i>
Bignose	<i>Carcharhinus altimus</i>
Galapagos	<i>Carcharhinus galapagensis</i>
Night	<i>Carcharhinus signatus</i>
Reef	<i>Carcharhinus perezii</i>
Narrowtooth	<i>Carcharhinus brachyurus</i>
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic angel	<i>Squatina dumeril</i>
Longfin mako	<i>Isurus paucus</i>

Bigeye thresher	<i>Alopias superciliosus</i>
Sharponose sevengill	<i>Hepranchias perlo</i>
Bluntnose sixgill	<i>Hexanchus griseus</i>
Bigeye sixgill	<i>Hexanchus nakamurai</i>

(C) Recreational landings requirements: No person fishing recreationally shall possess or land sharks that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

(D) Recreational minimum size limits: No person fishing recreationally shall possess a shark with a fork length less than 54 inches, with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smoothhound, which have no minimum size limit. (Table 3.3)

Table 3.3: Recreational Minimum Size Limits

No Minimum Size	Minimum Fork Length of 54 inches (4.5 Feet)		Minimum Fork Length of 78 inches (6.5 Feet)
Smooth Dogfish (Smoothhound)	Tiger	Shortfin mako	Scalloped hammerhead
Atlantic sharpnose	Blacktip	Porbeagle	Smooth hammerhead
Finetooth	Spinner	Common thresher	Great hammerhead
Blacknose	Bull	Oceanic whitetip	
Bonnethead	Lemon	Blue	
	Nurse		

(E) Authorized recreational gear: No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.

(F) Recreational shore-fishing possession limits: One shark per person per calendar day, with one additional bonnethead and one additional Atlantic sharpnose per person per calendar day. The possession limit for smoothhound is unlimited.

(G) Sharks that are transported by vessel are considered “boat assisted” and are regulated under the more restrictive vessel-fishing possession limits in section 3.24.1(H) regardless of how or where they were caught.

(H) Recreational vessel-fishing possession limits: One (1) shark per vessel per calendar day, or per trip per calendar day, whichever is less, regardless of the number of people on board the vessel, with one additional bonnethead and one additional Atlantic sharpnose per vessel per calendar day, or per trip per calendar day, whichever is less. The possession limit for smoothhound is unlimited.

3.24.2 Commercial:

(A) Commercial species groupings: Coastal Sharks are grouped into eight

commercial “species groups” for management purposes, hereafter referred to as: Prohibited Species, Research Species, Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks. These groupings apply to all commercial shark fisheries in state waters.

(1) Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 3.4 below in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks species groups.

(B) Fishing year: January 1 through December 31.

(C) Quota specification:

(1) Smoothhound sharks: A total annual statewide quota will be established for the State by the ASMFC and/or NOAA Fisheries.

(2) Quotas for coastal shark commercial species and species groups except Smoothhound sharks will be established annually by the ASMFC and/or NOAA Fisheries. It shall be unlawful for any person to possess any species of shark in state waters when NOAA Fisheries prohibits the possession of that species in federal waters.

(D) Seasons: Seasonal periods for commercial shark fisheries may be established annually either through NOAA Fisheries, ASMFC, or DFW.

(E) Possession limit: Possession limits will be established annually by NOAA Fisheries, ASMFC, or DFW.

(1) There are no commercial possession limits for Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, and Pelagic Species groups.

(2) Aggregated Large Coastal Sharks and Hammerhead Sharks species groups: Forty five (45) sharks per vessel per day, adjusting to between fifty five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries.

Table 3.4: Sharks in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks Species Groups

Common Name	Scientific Name
Smoothhound Sharks	
Smooth Dogfish	<i>Mustelus canis</i>
Florida smoothhound	<i>Mustelis norrisi</i>
Non-Blacknose Small Coastal Sharks	
Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>
Finetooth	<i>Carcharhinus isodon</i>
Bonnethead	<i>Sphyrna tiburo</i>
Blacknose Sharks	
Blacknose	<i>Carcharhinus acronotus</i>

Aggregated Large Coastal Sharks	
Silky	<i>Carcharhinus falciformis</i>
Tiger	<i>Galeocerdo cuvier</i>
Blacktip	<i>Carcharhinus limbatus</i>
Spinner	<i>Carcharhinus brevipinna</i>
Bull	<i>Carcharhinus leucas</i>
Lemon	<i>Negaprion brevirostris</i>
Nurse	<i>Ginglymostoma cirratum</i>
Hammerhead Sharks	
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>Sphyrna mokarran</i>
Smooth hammerhead	<i>Sphyrna zygaena</i>
Pelagic Sharks	
Shortfin mako	<i>Isurus oxyrinchus</i>
Porbeagle	<i>Lamna nasus</i>
Common thresher	<i>Alopias vulpinus</i>
Oceanic whitetip	<i>Carcharhinus longimanus</i>
Blue	<i>Prionace glauca</i>

(F) Prohibition on the possession of sharks in the Prohibited and Research Species Groups: No person shall possess any species of sharks listed in Table 3.5 below in the Prohibited Species and Research Species groups, except in accordance with the provisions of section 3.24.2(G).

Table 3.5: Sharks in the Prohibited and Research Species Groups

Prohibited Species Group	
Common Name	Scientific Name
Sand tiger	<i>Carcharias taurus</i>
Bigeye sandtiger	<i>Odontaspis noronhai</i>
Whale	<i>Rhincodon typus</i>
Basking	<i>Cetorhinus maximus</i>
White	<i>Carcharodon carcharias</i>
Dusky	<i>Carcharhinus obscurus</i>
Bignose	<i>Carcharhinus altimus</i>
Galapagos	<i>Carcharhinus galapagensis</i>
Night	<i>Carcharhinus signatus</i>
Reef	<i>Carcharhinus perezii</i>
Narrowtooth	<i>Carcharhinus brachyurus</i>
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic angel	<i>Squatina dumeril</i>
Longfin mako	<i>Isurus paucus</i>
Bigeye thresher	<i>Alopias superciliosus</i>
Sharpnose sevengill	<i>Heptanchias perlo</i>
Bluntnose sixgill	<i>Hexanchus griseus</i>
Bigeye sixgill	<i>Hexanchus nakamurai</i>
Research Species Group	
Sandbar	<i>Carcharhinus plumbeus</i>

(G) Display and research of sharks: No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species Groups without the possession of a valid state collector's permit obtained from the DFW. Any person granted a collector's permit shall:

(1) Report to the Director, within thirty (30) days after coming into possession of a shark. For each and every shark collected for research or display, the report to the Director shall include the following information: species identification, length, weight, date and location where caught by latitude and longitude coordinates, and the gear used; and

(2) For each shark taken for live display, the holder of the permit shall also report to the Director annually, by December 31 of each year, for the life of the shark. The annual report shall include all of the information set forth in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.

(H) Authorized sale: No person shall sell any shark species to a person or dealer who does not possess a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.

(I) Authorized commercial gear: No person shall fish commercially for sharks in state waters by any method other than the following gear types:

(1) Rod & reel;

(2) Handlines, which are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel;

(3) Small mesh gillnets which are defined as having a stretch mesh size smaller than five (5) inches;

(4) Large mesh gillnets which are defined as having a stretch mesh size equal to or greater than five (5) inches;

(5) Trawl nets;

(6) Shortlines which are defined as fishing lines containing fifty (50) or fewer hooks and measuring less than five hundred (500) yards in length. A maximum of two (2) shortlines shall be allowed per vessel;

(7) Pound nets/fish traps;

(8) Weirs.

(J) Bycatch reduction measures: Vessels using shortlines and large-mesh gillnets to catch sharks must abide by the following bycatch regulation measures. Any vessels using shortlines or large-mesh gillnets that do not follow the following bycatch

reduction measures are prohibited from possession, landing or selling any sharks.

(1) Any vessel using a shortline shall adhere to the following:

(a) Use corrodible circle hooks, which are defined as non-offset hooks with the point turned perpendicularly back to the shanks; and

(b) Practice the protocols, and possess the federally required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and

(c) All captains and vessel owners must be certified in using, handling and release equipment. Captains and vessel owners can become certified by attending a *Protected Species Safe Handling, Release, and Identification Workshop* offered by NOAA Fisheries.

(2) Any vessel using large-mesh gillnets, must use nets that are shorter than 2.5 kilometers.

Hearing Item 1d. **Commercial Coastal shark management**

Proposal 1: Division proposal to meet FMP compliance

(K) Prohibition of finning: Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all state waters. All sharks, with the exception of smoothhound, possessed by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass until landed. Fins may be cut as long as they remain attached to the carcass, by natural means, with at least a small portion of uncut skin. Sharks may be gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

(1) Commercial fishermen may **eviscerate and remove the head and all shark fins of smooth dogfish while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass** ~~completely remove all smoothhound fins year round~~. If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smoothhound carcasses landed or found on board a vessel. **Commercial fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading.**

Hearing Item 2a. Transiting

4.2.7 Transiting:

(A) During the closure of a Rhode Island state allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island state waters for the purpose of landing that species in another state, provided the vessel is in compliance with their federal permit, and ~~the vessel nets~~ **all gear capable of harvesting shellfish are is** stowed pursuant to the stowage of nets provisions as provided for in RIMFR Part 3 - Finfish.

(B) A federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, **and** provided the ~~vessel nets~~ **all gear capable of harvesting shellfish are is** stowed pursuant to the stowage of nets provisions as provided for in RIMFR Part 3 - Finfish, and provided that the owner or operator possesses a valid RI Landing License pursuant to DEM's "*Commercial and Recreational Saltwater Fishing Licensing Regulations*".

Hearing Item 2b.

Clarification of process to amend commercial boat harvest schedule in Shellfish Management Areas

4.7 Shellfish Management Areas – Descriptions, Seasons, and Possession Limits:

4.7.1 Greenwich Bay, Conimicut Point, Potowomut, High Banks, Bissel Cove/Fox Island, Mill Gut, Bristol Harbor, Kickemuit River, Jenny's Creek, Sakonnet River, Pt. Judith Pond, Potter Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, and Winnapaug Pond have been declared Shellfish Management Areas pursuant to RIGL 20-3-4.

4.7.2 Shellfish Management Areas may have additional regulations specific to the Management Area. Refer to each Management Area listed below.

(A) Shoredigging: Open daily at reduced Shellfish Management Areas possession limits, unless closed due to pollution or other management purposes.

(B) Commercial boat harvest schedule in Shellfish Management Areas: Recommendation for a change to the default schedules specified herein shall be submitted to the Director at least sixty (60) days prior to the first proposed opening date.

(1) Greenwich Bay Area's 1 & 2:

(a) The schedule for the month of December may include up to 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 opening on two or more scheduled days, the DEM may modify the December schedule to allow for additional hours or days of permitted shellfishing.

4.7.4 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.

(A) 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 marker 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.

(B) 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.

~~(1) 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.~~

~~(2) 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:~~

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

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

~~(c) 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.~~

Hearing Item 2c.
Temporary shellfish possession limit

~~(D) Temporary possession limit: The Director may establish a reduced possession limit in any Shellfish and Marine Life Management Area for a period not to exceed sixty (60) days. The following reduced possession limit for bay quahaugs, soft-shell clams, surf clams, and oysters shall apply in any area so designated:~~

~~(1) Recreational – resident: One (1) peck per person per calendar day.~~

~~(2) Recreational – licensed non-resident: One half (½) peck per person per calendar day.~~

~~(3) Commercial: One (1) bushel per person per calendar day.~~

Hearing Item 2d. General edits/clarifications

- Clarification of measurement of soft-shell clam:

4.4.2 Soft-shell clam: Two inches (2") ~~taking the maximum shell diameter measured parallel to the long axis of the clam.~~ (20-6-11)

- Clarification of default harvest schedules for the Winter harvest Management Areas:

- ~~(3C)~~ Commercial boat harvest schedule for GB sub-areas 1 and 2:

~~(a1)~~ January 4, 2016 through April 28, 2016: 8:00 A.M. to 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

~~(42)~~ Default commercial boat harvest schedules for GB sub-areas 1 & 2: If ~~no action is taken to establish specific~~ a **previously established boat** harvest schedules ~~annually expires~~, the following default schedule shall be in effect:

(a) 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.

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

(A) Boat harvest schedule:

(1) Beginning the 2nd Wednesday of December through April 30, 2016: Open daily for the harvest of bay quahaugs, soft-shell clams, and blue mussels.

(3) Default harvest schedule: If ~~no action is taken to establish specific~~ a **previously established boat** harvest schedules ~~annually expires~~, the following default schedule shall be in effect:

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

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

(A) Boat harvest schedule:

(2) Beginning January 11, 2016: Open between 8:00 A.M. and 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

(3) February 1 through April 30, 2016: Open daily.

(4) May through November annually: Closed.

(5) Default harvest schedule: If ~~no action is taken to establish~~ specific a **previously established boat** harvest schedules ~~annually expires~~, the following default schedule shall be in effect:

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

Hearing Item 3. Management of the Horseshoe Crab fishery

Option 1: Division proposal

5.4 Horseshoe Crab:

5.4.1 License and permit required:

(A) Commercial harvest: No person shall harvest horseshoe crabs for commercial purposes without a valid ~~commercial marine fishing~~ license and a Horseshoe Crab Harvest Permit obtained from the Director.

(B) Recreational harvest: No person shall harvest horseshoe crabs for recreational purposes without a valid Horseshoe Crab Harvest Permit obtained from the Director.

(C) Application for a Horseshoe Crab Harvest Permit shall be made on forms prescribed by the Director.

(D) A Horseshoe Crab Harvest Permit is valid only for the calendar year of issuance.

(E) Reporting:

(1) Reporting of landings is required as described in this section on forms as prescribed by the Director.

(2) Weekly reporting: ~~The conditions of the permit require~~ All permit holders shall provide a ~~weekly~~ report of landings for each calendar week either by telephone or in writing, including reports of no landings. Reports shall be submitted no later than Monday 4:00PM for the previous calendar week's landings.

(3) Monthly reporting: ~~In addition,~~ All permit holders shall provide a monthly report ~~shall be provided to the DFW on forms prescribed by the DFW. This report must~~ in writing ~~including~~ the number of crabs taken, locations of harvest, and use (bait, biomedical purposes, or other reasons). These reports shall not be made public and shall be kept only for statistical purposes.

(4) Reporting compliance: Instances of reporting non-compliance shall result in the following penalties:

(a) First instance: A first offense shall result in a warning being

issued to the permit holder.

(b) Second instance: A second offense shall result in revocation of the permit for the remainder of the calendar year for which the permit is issued.

(c) Third instance: A third offense shall result in revocation of the permit for the remainder of the calendar year for which the permit is issued, and also result in the prohibition to apply for the permit in the subsequent year.

5.4.2 Harvest by RI residents only: The harvest of horseshoe crabs by non-residents is prohibited.

5.4.3 Seasons and possession limits:

(A) Recreational possession limit: Five (5) horseshoe crabs per person per day.

(B) Commercial: A total allowable harvest (quota) of horseshoe crabs ~~for the bait fishery and biomedical industry~~ will be established annually. ~~The quota will be the amount~~ as allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status.

(1) Bait fishery:

(a) Season: January 1 through December 31 annually.

(b) Possession limit: 60 crabs per person per day.

(2) Bio-medical fishery:

(a) Season: January 1 through December 31 annually.

(b) Possession limit: Unlimited.

(C) Prohibition on possession of non-indigenous horseshoe crab species: No person shall possess or attempt to possess in the cooked or un-cooked (frozen) state any non-indigenous (non-native) Horseshoe Crab species without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.

5.4.4 Harvest Restrictions:

(A) No person shall harvest horseshoe crabs for commercial or recreational purposes on or within 100 feet seaward of Patience and Prudence Islands in

Narragansett Bay.

(B) No person shall harvest horseshoe crabs from waters or shoreline of the state during the period 48-hours preceding and 48-hours following the new and full moons during the months of May, June, and July, annually.

(C) ~~Bait and~~ Biomedical fishery: Horseshoe crabs ~~employed in~~ harvested and transported to a the biomedical industry facility for purposes of extracting bodily fluids shall be returned to the waters from which they ~~came~~ were taken within 72 hours following the completion of the ~~intended~~ biomedical procedure, or intended procedure if no procedure was performed. The harvester is responsible and liable for returning the crabs and shall make every attempt to assure their survival. Prior to returning the crabs to the water, the harvester shall report to DEM's Division of Law Enforcement by calling 401-222-3070, and include the name of harvester, the number of crabs being returned, and location where the crabs will be returned.

5.4.5 Minimum size: Seven (7) inches carapace width.

Option 2: Industry proposal

5.4.1 License and permit required:

(A) Commercial harvest: No person shall harvest horseshoe crabs for commercial purposes without a valid ~~commercial marine fishing~~ license and a Horseshoe Crab Harvest Permit obtained from the Director.

(B) Recreational harvest: No person shall harvest horseshoe crabs for recreational purposes without a valid Horseshoe Crab Harvest Permit obtained from the Director.

(C) Application for a Horseshoe Crab Harvest Permit shall be made on forms prescribed by the Director.

(D) A Horseshoe Crab Harvest Permit is valid only for the calendar year of issuance.

(E) Reporting:

(1) Reporting of landings is required as described in this section on forms as prescribed by the Director.

(2) Weekly reporting: ~~The conditions of the permit require~~ All permit holders shall provide a weekly report of landings for each calendar week either by telephone or in writing, including reports of no landings. Reports shall be submitted no later than Monday 4:00PM for the previous

calendar week's landings.

(3) Monthly reporting: ~~In addition, All permit holders shall provide~~ a monthly report ~~shall be provided to the DFW on forms prescribed by the DFW. This report must~~ **in writing** include ~~ing~~ the number of crabs taken, locations of harvest, and use (bait, biomedical purposes, or other reasons). These reports shall not be made public and shall be kept only for statistical purposes.

(4) Reporting compliance: Instances of reporting non-compliance shall result in the following penalties:

(a) First instance: A first offense shall result in a warning being issued to the permit holder.

(b) Second instance: A second offense shall result in revocation of the permit for the remainder of the calendar year for which the permit is issued.

(c) Third instance: A third offense shall result in revocation of the permit for the remainder of the calendar year for which the permit is issued, and also result in the prohibition to apply for the permit in the subsequent year.

5.4.2 Harvest by RI residents only: The harvest of horseshoe crabs by non-residents is prohibited.

5.4.3 **Seasons, allocations, and possession limits:**

(A) Recreational possession limit: Five (5) horseshoe crabs per person per day.

(B) Commercial: A total allowable harvest (quota) of horseshoe crabs ~~for the bait fishery and biomedical industry~~ will be established annually. ~~The quota will be the amount~~ **as** allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status.

(1) Bait fishery:

(a) January 1 through June 30 annually:

(i) Allocation: 60% of the annual quota.

(ii) Possession limit:

(a.) January 1 through April 14: 60 crabs per person per day.

(b.) April 15 through June 30: 300 crabs per vessel per day.

(iii) Over-harvest: Any over-harvest of this sub-period allocation will be deducted from the allocation of the remaining sub-period in the same calendar year.

(b) July 1 through December 31, annually:

(i) Allocation: 40% of the annual quota.

(ii) Possession limit: 60 crabs per vessel per day.

(iii) Over-harvest: Any over-harvest of this sub-period allocation will be deducted from the allocation of the first sub-period in the immediate following year.

(2) Bio-medical fishery:

(a) Season: January 1 through December 31 annually.

(b) Possession limit: Unlimited.

(C) Prohibition on possession of non-indigenous horseshoe crab species: No person shall possess or attempt to possess in the cooked or un-cooked (frozen) state any non-indigenous (non-native) Horseshoe Crab species without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.

5.4.4 Harvest Restrictions:

(A) No person shall harvest horseshoe crabs for commercial or recreational purposes on or within 100 feet seaward of Patience and Prudence Islands in Narragansett Bay.

(B) No person shall harvest horseshoe crabs from waters or shoreline of the state during the period 48-hours preceding and 48-hours following the new and full moons during the months of May, June, and July, annually.

(C) Bait and Biomedical fishery: Horseshoe crabs employed in the biomedical industry for purposes of extracting bodily fluids shall be returned to the waters from which they came within 72 hours following the completion of the intended biomedical procedure.

5.4.5 Minimum size: Seven (7) inches carapace width.

Hearing Item 4.
Location correction of Fish Trap site # 29

6.6 Fish traps:

6.6.15 Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites:

(B) The following sites are located near Sakonnet Point within the area designated by the Department of the Army:

(14) Site 29 begins ~~approximately~~ 8,400 feet south-by-west of West Island (~~41°27'0"N, 71°11'54"W~~) so-called, at ~~approximately 41°29'8"N, 71°8'17"W~~ 41°25'46.1"N, 71°12'41.7"W and extends ~~at approximately 180°~~ due south (180° on the compass rose) to 41°25'46.1"N, 71°12'41.7"W for a distance of 1,680 feet.

Form letters
53 letters

To: DEM Director Janet Coit

From: Kenneth W. Paterson

Date: January 22, 2016

Subject: Emergency petition to remove the Summer Flounder Exemption Letter requirement for Summer Flounder Aggregate Program in the summer period

It is my understanding the summer flounder quota was cut by 33% for 2016. As of a result we will be limited by regulation to 50 lbs./per vessel/per day and a closure on Fridays and Saturdays. Compared to recent years this will limit our landings from a possible 700 lbs. of fluke in a given week to 250 lbs. in a week. This is a 66% reduction.

I would like to offer a proposal to eliminate the hardship. Understanding that we are late in the vetting process of the 2016 regulations and that an emergency meeting would have to be held for any changes, we hope to gain some support from DEM, the Council and the Industry.

The summer flounder exemption letter stands in our way in obtaining an aggregate permit. A vessel may only fish one period per year under the aggregate program and a weekly aggregate has many benefits. It would reduce bycatch and limit high-grading in order to put a paycheck together for the week. Weather is always factor. Allowing a fisherman to pick and choose which days of the week will increase safety and eliminate the derby style fishing. Catching fish when the opportunity presents itself would increase profit margins while decreasing our time on the water, pollution and habitat destruction.

I would like to make one of the following proposal,

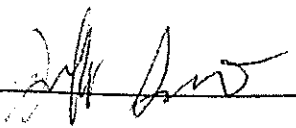
Eliminate the summer flounder exemption letter as a condition and requirement to the summer flounder weekly aggregate permit for the summer period only.

Your support in this matter would be greatly appreciated.

In support:

Jeff Grant

Sign: _____



Date: _____

2-1-16

CC: Governor Gina Raimondo, Representative John Edwards, Marine Resources Chief Jason McNamee, Principal Biologist Kevin Smith, and the Rhode Island Marine Fisheries Council

From: Aaron Gewirtz [<mailto:nbf05@verizon.net>]
Sent: Wednesday, November 23, 2016 7:02 AM
To: McNamee, Jason (DEM) <jason.mcnamee@dem.ri.gov>
Subject: Re: Fluke

Hey Jason,

Wanted to submit this old email to you as part of my public comments on next years fluke regs. Any way you could forward these to Peter or the appropriate party? Thanks.

As far as new comments go.....

Without an aggregate program in place for next year (preferably one that starts May 1st), I will for the second year in a row, be shut out of the fluke fishery during the spring. While this is apparently an outcome that is acceptable to some people, clearly it is not to me. One way or another, Im going to be catching fluke at that time of year. They are thick enough and abundant enough to be caught in my monkfish gear with no direct effort from me to target them. I am not alone in this. There are many other trip fishing vessels that will also harvest these animals regardless of desire to do so, or regulations that will not allow them to land this valuable product. Not only will this cost us thousands of dollars but it is also an unnecessary and demoralizing waste of fish. I have full faith and confidence in the Division to monitor and regulate an aggregate possession limit to avoid a fluke closure during the summer period. I believe Jason McNamee's prior modeling showed the potential for a slight increase in landings (10%?)if an "aggregate for all" were to be instituted and, again, I have full faith and confidence that he and his department can monitor the catch rate and modify limits to avoid a closure. As well, I would add that this modeling was done when the aggregate would have been for a starting weekly limit of 700lbs and not 200lbs per week as it would be now. This is a far less incentivizing number for those who are worried about a major "ramp up" in effort. These are survival rations, not incentives. I would ask the department and the director to please not manage this year's fluke quota by using complete exclusion of fishermen such as myself as a "tool" to spread the quota out throughout the season. Last year my personal reduction in fluke landings was far more than 30%, costing me thousands and thousands of dollars. Without an aggregate landing program for fluke that comes online May 1, 2017, I am certain this coming year will be the same, if not worse.

If there is to be no aggregate program, then I would urge the state to maintain its status quo approach. I am not in favor of the proposals submitted by The Town Dock. I think the division can monitor landings and modify limits to ensure that summer flounder remains open throughout the summer/winter periods, and that a consistent supply reaches market. I believe the further cuts offered by the Town Dock are unnecessary and really only stand to benefit a very small number of fishermen and businesses, if any at all. I would not be in favor of a 70lb per day limit during the winter period. I do not have a RI Fluke Exemption Certificate and can only get offshore a few times a month. The ability to land 200lbs is therefore crucial to my business when the opportunity presents itself. As I have just stated, I can only get out a few times a month in the winter and I do not believe I, or those like me without exemption certificates, pose enough of a threat to the quota to justify these non-state mandated cuts. All this does is further hurt RI fishermen who currently exist at a great disadvantage due to not being fortunate enough to possess a RI Fluke Exemption Certificate. Fishermen such as myself pose no real threat to the quota during this sub period. Please do not further handicap us by taking away an enormously important part of any trip we can make at this time of year.

Thanks you,

Aaron Gewirtz
F/V Nancy Beth
401 218 5764
Nbf05@Verizon.net

Kenneth W. Paterson
7 Paterson Court
Narragansett, RI 02882

February, 1 2016

Director Coit
235 Promenade St
Providence, RI

Director Coit,

The latest Brooking's report named one of Rhode Island's strengths as the Marine Industry. The most current amendment to RIMFR 7.7.2 (summer flounder) is going to produce an economic hardship to the commercial fishing industry in the 2016 summer period. We believe this hardship is a situation of unintended consequences. As required by the RI Small Business Regulatory Fairness Administrative Procedures Act (RIGL 42-35.1), I am wondering if a business assessment was completed to determine the impact of the reduction of the summer flounder possession limit. If the Summer Flounder Aggregate Permit was available it would lessen the hardship.

Enclosed you will find signed memorandums to petition the removal of the Summer Flounder Exemption Letter requirement in the Summer Flounder Aggregate Program during the summer period only. I realize that this action will require an emergency RIMFC meeting and that it is an uphill battle. The memos have been signed in support by fellow licensed fisherman in the State. I will continue to forward more signed memos in support to strengthen our position. You will find support from rod and reel fisherman, gill netters, and draggers.

You will find 46 signed petitions and your prompt consideration and support would be greatly appreciated.

I may be reached by phone at 401-742-4045 or by email kpat18@aol.com.

Respectfully,



Kenneth W. Paterson

Kenneth W. Paterson
7 Paterson Court
Narragansett, RI 02882

October 3, 2016

Director Coit
235 Promenade St
Providence, RI 02908

Director Coit,

As you may recall we attempted to remove the eligibility requirement that you must possess a Summer Flounder Exemption Certificate to participate in the Aggregate Program in February 2016. We attempted this late in the process and pursued all avenues for the 2016 Summer Period. Our original request was denied but in your denial letter you stated that "your proposal presents sufficient grounds to warrant its placement on the fall 2016 docket when the Summer Flounder summer sub-period 2017 is considered". As we pursued our options in the spring of 2016, the change in regulation received enough support to require this change to go to public hearing under the Administrative Procedures Act.

We would like to continue this process for the November 2016 RIMFC meeting to pursue changes in the Summer Flounder Aggregate Program for the Summer Period only. We are facing further cuts and amendments to RIMFR 7.7.2 (summer flounder). ASMFC is requiring another 30% reduction. This is going to produce an economic hardship to the commercial fishing industry in the 2017 summer period. Allowing fishermen to participate in the Aggregate program will lessen the hardship.

We are requesting that our proposal to remove the eligibility requirement of a Summer Flounder Exemption Certificate in the Summer Aggregate Program be placed on the docket of the November 2016 RIMFC meeting. Enclosed you will find signed memorandums to petition the removal of the Summer Flounder Exemption Letter requirement in the Summer Flounder Aggregate Program during the summer period only. Over 50 memos have been signed in support by licensed State fishermen which include all gear types.

I may be reached by phone at 401-742-4045 or by email kpat18@aol.com.

Respectfully,

Kenneth W. Paterson

October 21, 2016

RIDEM Division of Fish and Wildlife – Marine Fisheries office

Attention Peter Duhamel

3 Fort Wetherill Road

Jamestown, RI 02835

I would like to offer my support in the proposed regulatory changes in RIMFR 3.7.3 (Summer Flounder). The item I am in support of is specifically "Hearing Item 1a";

Proposal 2: Industry proposal to remove eligibility requirement to participate in the Summer Flounder Aggregate program for the summer sub-period.

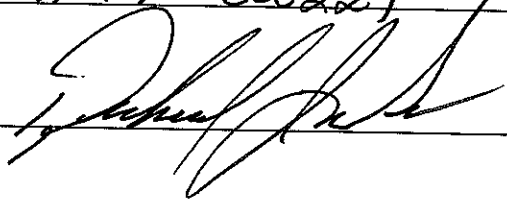
Name:

Richard Jackson

License #:

MP44P 080229

Signature:



Jason,

MY NAME IS PEIRCE B CHAPPELL JR. I'M 70 YRS old. I started fishing in the 1950 like my father before. We made a living off of the ocean. In 2003 I made a career change and went to electric boat. I put 30 years on the water, now I fished from the Hague line to Fla. I fished harpoon swordfish, gill net swordfish, herring. Needless I have done it all. I have more water out of my socks than they sailed across. I do very well rod and reel, please keep it (summer flounder) at 50 lbs, last year was a great year, best price and open all summer, you guys did it right. Keep it open. It works don't fix it please. I support the Town Dock proposal.

Peirce Browning Chappell JR

RIDEM and RIMFC,

I am writing to comment on the record for two items on the public hearing; commercial horseshoe crab and black sea bass quota management.

Commercial horseshoe crab:

I am in support of some items from both Dem and industry. I am in support of increased compliance measures for the bait fishery. I also feel that open permitting should be closed as we already have too many participants for the allowed quota. Late and non-reporting have severely damaged the fishery, and thus the third reporting penalty should be permanent revocation of the permit. I support the 7in minimum size.

The commercial bait fishery should be managed more equally between users. However, the DEM's proposal just shifts this inequity to eliminate any legal directed fishery. I therefore support the industry's quota management proposal to equally distribute quota to both the directed and incidental fisheries. A 60 crab limit as proposed by DEM would not only eliminate a legal directed fishery, but encourage and enable a "black market fishery". The fishery takes place at night and most crabs are gone before daylight, making poaching very easy. As it is now, and would continue to be under the industry's proposal, once the season is closed the illegal fishing I have seen becomes minimal. It is crucial to the management of crabs to have a reasonable limit of bait crabs during the spring run or to have the season closed. Doing otherwise would greatly increase poaching. To facilitate the directed fishery, the reporting requirements for the April 15-June30th season should be increased to daily calls to DEM for any positive landings, and DEM should work with industry to monitor the fishery for prompt closure.

For the biomedical fishery, if the state goes with some reporting on the release of biomedical crabs it should not be on the harvester, but dealers. Once the crabs are sold to the biomedical dealer, the harvester can no longer be responsible for their disposition. If all the harvesters worked directly with the biomedical company this would work, however this is not the case.

Commercial Black Sea Bass:

I support any quota management where the limit does not go below 50lbs. A 50lb limit is the bare minimum for any profitable fishing. To decrease landings below current levels, more days should be removed from fishing or an aggregate limit enacted. As limits become more and more out of line with abundance the chances for poaching increase. I believe going below 50lbs would be a major turning point in that battle.

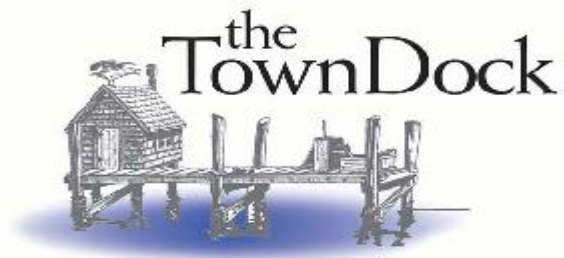
Thank You,
Brian Grant



Letters of Support received regarding industry proposal to remove
eligibility requirement to participate in the Summer Flounder Aggregate
program for the summer sub-period
(Hearing Item 1a., Proposal 2, Option 1)

William Allen
David Aylsworth
Richard Browning
Douglas Barker
Thomas Beattie
Willaim Beattie
Beck Bennett
Paul Bennett
William Bennett
Lance Banfield
Steven Bouquet
Christopher Bowley
Robert Barneschi
Bo Christensen
Daniel Caletri
Steve Crandall
John Crandall
Lawrence Durfee
Stephen Dobson
James Dzwil
Frank Field
John Flanagan
Jeff Grant
Anthony Guarino Jr
Joseph Goodness Jr
John Gingerella
James Gallant
William Gavitt
Krzysztof Hermanowski
Bruce Harvey
Jeffrey Hall
Richard Jackson
Curtis Jackson
Raymond Jobin
Jason Jarvis
John Kowaleski
Walter Kowal
Patrick King
James Kaczynski
Don Keney

Dwight Kuhl
Brian Loftes
Richard Lema
Kyle Murray
Richard Mancini
Terrence McCurdy
Bob Morel
Brad Matthews
Tom McMahan
Robert Mitchell
John Miranda
Robert Mitchell Jr.
John Palumbo
Anthony Ponte
Nicholas Pacheco
Ken Patterson
Joshua Ponte
Ed Rooney
Scott Rogers
James Riccitelli
Gilbert Rene
Wayne Silva
William Sieczkiewicz
John Solenski
Jon Regini
Maxwell Sherman
Gordon Sinclair
Bruce Seveney
David Tria
Jeff Tabele
Erik Trager
Robert Trager



Director Janet Coit
Rhode Island DEM
235 Promenade Street
Providence, RI 02908

November 22nd, 2016

Dear Director Coit,

Last week I attended the second RI Fisheries meeting and explained to the room our reasoning for the plan we submitted to DEM. I stressed the importance of keeping the summer flounder fishery open year round without any closures and how the market depends on it.

With that we continue to support our plan for summer flounder that we originally put forth:

Winter I: Aggregate landing limit of 1,300 pounds every two weeks or a daily possession limit of 90 lbs/vessel/day. The non-aggregate daily limit would remain status quo at 200 lbs/vessel/day.

Summer: Fishery is opened Sunday, Tuesday, Wednesday, and Thursday at 50 lbs/vessel/day. No aggregate landing would be available for the summer period.

Winter II: 70 lbs/vessel/day. This can be reduced to 50 lbs/vessel/day day if needed to keep fishery open all trimester.

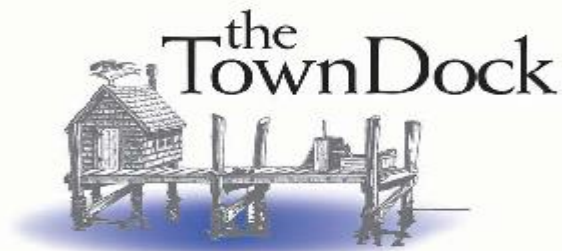
Regarding black sea bass, we suggest the following:

For the Jan-April aggregate we are proposing a limit of 700 lbs/vessel/week. For the rest of the periods we are suggesting a 25 lbs/vessel/day limit with no daily closures.

Thank you for the opportunity to comment.

Sincerely,

Katie Almeida
Fishery Policy Analyst



October 28, 2016

Director Janet Coit
Rhode Island DEM
235 Promenade Street
Providence, RI 02908

Dear Director Coit,

As you know we are facing additional cuts to the summer flounder quota in 2017. It is imperative to the local economy that we keep this fishery open throughout the winter and summer. Seafood dealers have built markets that depend on the regular supply of this fish. We would like to share with you a proposal we have for changes as an attempt to keep the fishery open throughout each trimester:

Winter I: Aggregate landing limit of 1,300 pounds every two weeks or a daily possession limit of 90 pounds per day.

Summer: Fishery is opened Sunday, Tuesday, Wednesday, and Thursday at 50 pounds per day. Another option is to have a daily limit of 50 pounds per day for four days. No aggregate landing would be available for the summer period.

Winter II: 70 pounds per day daily limit. This can be reduced to 50 pounds per day if needed to keep fishery open all trimester.

The goal is to keep this fishery open year round; we are open to considering any plan that reaches this goal. The industry has worked hard throughout the years establishing a stable market and it would be damaging to the local economy to disrupt it.

Please let us know if you have any questions regarding our proposal.

Sincerely,

Katie Almeida

Regarding the proposed regulatory changes to the RIMFR, Part 3, which were open for comment at the November 14th public hearing, I wish to go on record as supporting the following:

3.7 Summer Flounder - I support the Option 3 as proposed by Town Dock which would allow fishing on Sundays, Tuesdays, Wednesdays, and Thursdays each week.

Proposal 2 - I strongly oppose the elimination of the eligibility requirement for participation in the Summer Flounder aggregate program for the summer period.

Black Sea Bass - I support the proposal that would set a 25lb per day limit for black sea bass [from May 1, 2017 through July 31, 2017.](#)

Thank you.

Gordon Cooper

Lic000991

Sent from my iPad

Regarding the proposed regulatory changes to the RIMFR, Part 3, which were open for comment at the November 14th public hearing, I wish to go on record as supporting the following:

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Black Sea Bass - I support the proposal that would set a 25lb per day limit for black sea bass from May 1, 2017 through July 31, 2017.

J. Low
943 Matunuck Beach Road
Wakefield, RI 02879

Regarding the proposed regulatory changes to the RIMFR, Part 3, which were open for comment at the November 14th public hearing, I wish to go on record as supporting the following:

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Black Sea Bass - I support the proposal that would set a 25lb per day limit for black sea bass [from May 1, 2017 through July 31, 2017](#).

Regards,
Jim Noon
Lincoln Fine ingredients

Sent from my iPhone

Regarding the proposed regulatory changes to the RIMFR, Part 3, which were open for comment at the November 14th public hearing, I wish to go on record as supporting the following:

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Black Sea Bass - I support the proposal that would set a 25lb per day limit for black sea bass from May 1, 2017 through July 31, 2017.

Thank you.

Keith A Bilodeau

keithinlylme@yahoo.com

RI PEL 1308

Regarding the proposed regulatory changes to the RIMFR, Part 3, which were open for comment at the November 14th public hearing, I wish to go on record as supporting the following:

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Proposal 2 - I strongly oppose the elimination of the eligibility requirement for participation in the Summer Flounder aggregate program for the summer period.

Black Sea Bass - I support the proposal that would set a 25lb per day limit for black sea bass from May 1, 2017 through July 31, 2017.

Thank you.

Michael Colby
21 Woodalnd dr.
Charlestown RI 02813
Member RICRRA
508-254-4651

Dear Mr. Duhamel,

Regarding the proposed regulatory changes to the RIMFR, Part 3, which were open for comment at the November 14th public hearing, I wish to go on record as supporting the following:

3.7 Summer Flounder - I support the Option 3 as proposed by Town Dock which would allow fishing on Sundays, Tuesdays, Wednesdays, and Thursdays each week.

Proposal 2 - I strongly oppose the elimination of the eligibility requirement for participation in the Summer Flounder aggregate program for the summer period.

Black Sea Bass - I support the proposal that would set a 25lb per day limit for black sea bass [from May 1, 2017 through July 31, 2017](#).

Thank you.

Richard Golembeski

Sent from my iPhone

Duhamel, Peter (DEM)

From: Kenneth Booth <kenbbooth@yahoo.com>
Sent: Monday, November 14, 2016 1:15 PM
To: McNamee, Jason (DEM)
Cc: Duhamel, Peter (DEM)
Subject: Marine Fisheries Public Hearing- 11/14/16

Jason,

The Rhode Island Commercial Rod and Reel Association would like to submit an alternative proposal for the 2017 Black Sea Bass season.

We propose status quo with the exception of reducing the daily limit 50lbs/day to 25lbs/day for the sub periods between May 1, 2017 to July 31, 2016.

This alternative was discussed at the workshop but was not submitted prior to the workshop. Unfortunately, I realize that the current process will not allow this proposal to be presented as an option at the public hearing tonight but we ask that it be presented to the Council for consideration at that next step.

Thank you,

Ken

Karp Comments on §3.24 Coastal sharks/Shark finning

Caroline A. Karp
122 Blaisdell Ave
Pawtucket, RI 02860

14 November 2016

Mr. Jason McNamee, Chief of Marine Resource Management
c/o Peter Duhamel, Division of Fish and Wildlife
RDEM Marine Fisheries office
3 Fort Wetherill Road, Jamestown, RI 02835

SUBJECT: Shark finning and recreational and commercial harvest of coastal sharks

Dear Mr. McNamee,

I am writing to comment on RIDEM's proposed revisions to RIDEM Marine Fisheries Regulations, Part 3 §3.24 *Coastal Sharks*. In my opinion, the proposed revision regarding commercial harvesting of coastal sharks does NOT adequately protect coastal sharks in accordance with federal law or with the laws of surrounding states.

In my opinion, the Division of Marine Fisheries should revise Part 3 §3.24 *Coastal Sharks* of the Marine Finfish Regulations to:

- Prohibit possession, sale or offering shark fins for sale in Rhode Island EXCEPT in conformance with federal law and the ASMFC re smooth and spiny dogfish.
- Prohibit the commercial and recreational catch, and landing in all RI ports of any shark species listed as "Protected" by NOAA-NMFS or any regional or State FMP. The species that are currently prohibited are listed at <http://www.asmfc.org/species/coastal-sharks> (Appendix 1).
- Prohibit the commercial and recreational catch, and landing in all RI ports of any shark species listed as *Overfished* by the ASMFC, NOAA-NMFS or any contiguous State's FMPs. For instance, the following shark species are listed as overfished by the ASMFC but may be caught by RI recreational and commercial fishermen: porbeagle, scalloped hammerhead, blacknose, sandbar and dusky (Appendix 2).
- Adopt gear restrictions with respect to longlines and gill nets to reduce the bycatch of protected and overfished species and species where overfishing is occurring.
- Conform with the ASMFC's August 2016 Addendum IV to the Coastal Sharks FMP as literally and narrowly as possible, as follows:

"Smooth dogfish or smoothhound carcasses may be landed with corresponding fins removed from the carcass as long as the total retained catch on board at the time of landing is composed of at least 25 percent smooth dogfish or smoothhound sharks. Trips that do not meet the 25 percent catch composition requirement can land smooth or smoothhound dogfish, but the fins must remain naturally attached to the carcass."

In addition, I think the RIDEM should:

- Propose revisions to the RI General Laws as necessary to match Massachusetts' law governing shark finning to avoid creating a Rhode Island loophole to prohibitions on finning coastal sharks. [MA G.L. Ch130 §106 allows lawfully landed sharks to be processed for consumption BUT prohibits "possessing,

Karp Comments on §3.24 Coastal sharks/Shark finning

selling, offering for sale, trading or distributing of shark fins” and requires fins to be destroyed UNLESS used for taxidermy.]

- Propose revisions to Part 3 of the Marine Fisheries regulations or state law, as necessary, to establish penalties for violation of prohibitions on landing protected and overfished shark species; and for possessing shark fins in accordance with federal laws governing harvesting of coastal shark species.
- Limit the commercial and recreational catch, and landing in all RI ports of any shark species for which there are insufficient data to develop catch limits in accordance with the precautionary principle. NOTE that the NMFS reduces the TAC of regulated species by 10 to 20% where there are insufficient data to establish catch limits.
- Require full utilization of all parts of the shark except for head, guts and skin in accordance with the ICCAT and NAFO.
- Adopt gear and harvest provisions to significantly reduce or eliminate:
 - Harvest and landing of inedible shark species, and
 - Bycatch of coastal sharks associated with commercial or recreational tuna and swordfish fisheries.

In sum, I think that Section 3.24 should completely ban shark finning in conformance with the Magnuson-Stevens Fishery Conservation and Management Act of 2000, and the federal Shark Conservation Act of 2010 as implemented by the final rule published by NOAA in June 2016.

I shall submit these comments in writing and would be happy to pursue this conversation with you and others at the RI Department of Environmental Management.

With best regards,

Caroline A. Karp

Caroline A. Karp

cc.

Catherine Sparks Assistant to RIDEM Director for Natural Resources
Janet Coit, Director, RIDEM
The Nature Conservancy
Kat Burnham, President Elect, ECRI

APPENDIX 1. ASMFC, List of Coastal Sharks, by Management Group

Source: ASMFC <http://www.asafc.org/species/coastal-sharks> (accessed 11-14-16)

Coastal Shark Management Groups	
Species Group	Species within Group
Prohibited	Sand tiger, bigeye sand tiger, whale, basking, white, dusky, bonnose, Galapagos, night, reef, narrowtooth, Caribbean sharpnoses, smalltail, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill and bigeye sixgill sharks
Research	Sandbar sharks
Non-Blacknose Small Coastal Blacknose	Atlantic sharpnose, finetooth, and bonnethead sharks
Aggregated Large Coastal Hammerhead	Silky, tiger, blacktip, spinner, bull, lemon, and nurse scalloped hammerhead, great hammerhead and smooth hammerhead
Pelagic	Shortfin mako, porbeagle, common thresher, oceanic whitetip and blue sharks
Smoothhound	Smooth dogfish and Florida smoothhound

APPENDIX 2. ASMFC, Status of Atlantic Coast Shark Species

Source: ASMFC <http://www.asafc.org/species/coastal-sharks> (accessed 11-14-16)

Stock Status of Atlantic Coastal Shark Species and Species Groups			
Species/Complex Name	Stock Status		References/Comments
	Overfished	Overfishing	
Pelagic			
Porbeagle	Yes	No	Porbeagle Stock Assessment, ICCAT Standing Committee on Research and Statistics Report (2009); Rebuilding ends in 2108 (HMS Am. 2)
Blue	No	No	ICCAT Standing Committee on Research and Statistics Report (2015)
Shortfin mako	No	No	ICCAT Standing Committee on Research and Statistics Report (2012)
All other pelagic sharks	Unknown	Unknown	
Aggregated Large Coastal Sharks (LCS)			
Atlantic Blacktip	Unknown	Unknown	SEDAR 11 (2006)
Aggregated Large Coastal Sharks - Atlantic Region	Unknown	Unknown	SEDAR 11 (2006); difficult to assess as a species complex due to various life history characteristics/ lack of available data
Non-Blacknose Small Coastal Sharks (SCS)			
Atlantic Sharpnose	No	No	SEDAR 34 (2013)
Bonnethead	Unknown	Unknown	SEDAR 34 (2013)
Finetooth	No	No	SEDAR 13 (2007)
Hammerhead			
Scalloped	Yes	Yes	SEFSC Scientific Review by Hayes et al. (2009)
Blacknose			
Blacknose	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2043 (HMS Am. 5a)
Smoothhound			
Atlantic Smooth	No	No	SEDAR 39 (2015)
Research			
Sandbar	Yes	No	SEDAR 21 (2010)
Prohibited			
Dusky	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2108 (HMS Am. 2)
All other prohibited	Unknown	Unknown	

To: DEM Division of Marine Fisheries
From: Sarah Schumann, CFL 000799
Subject: Proposed changes to horseshoe crab harvesting rules
Date: November 16, 2016

I am writing to express my support for Option 1 (Division) and my opposition to Options 2 (industry) and 3 (Save the Bay) for proposed changes to management for the horseshoe crab fishery. The principle reason for my opposition to Options 2 and 3 relates to the proposal to institute a moratorium on horseshoe harvesting permits for the bait fishery.

Previously, in March 2016, I submitted public comment supporting a DEM proposal to institute regulatory changes to extend the bait fishery season. Until now, the bait fishery quota has traditionally been harvested by a few people by the month of May, making it unavailable to those of us who use horseshoe crabs for bait during the fall (and even the bulk of the spring) whelk fishing season. Bait is the most expensive input for the whelk fishery. The opportunity to harvest one's own bait would represent a significant opportunity to make one's whelk operation more profitable.

In my case, as a shallow-waters shellfisher, I often come across horseshoe crabs in the course of my daily activities during the fall. But current regulations and short seasons have meant that instead of simply collecting the horseshoe crabs that I see during my shellfish harvesting activities, I must instead purchase horseshoe crabs from a dealer at up to \$5/crab for my whelk pots.

That is why I felt a great deal of hope when a discussion emerged earlier this year that would extend the bait horseshoe crab season through daily possession limits. However, if a moratorium is enacted, my hopes of being able to harvest my own horseshoe crabs for bait would be blocked. You may wonder why I haven't obtained a horseshoe crab harvesting permit previously, since if I had, a moratorium would not affect me. The simple reason is that I would not have been able to use one if I had obtained it, so it did not occur to me to obtain it: since the bait harvesting quota is used up by the time my fishing activities begin for the year, I would have gained nothing from obtaining a permit, and would have only wasted DEM time. Now, if Option 2 is successful, I will never be able to take advantage of the new rules that I myself advocated for in my previous letter to DEM.

I do not know how many others there may find themselves in a similar situation; I can only speak for myself. Please consider my comments as you proceed with new rules for the horseshoe crab fishery.



October 20, 2016

Mr. Peter Duhamel
 Division of Fish and Wildlife – Marine Fisheries Office
 3 Fort Wetherill Road
 Jamestown, RI 02835

Re: Comment on the Proposed Amendments to RIMFR Part 5 – Lobsters, Crabs, and Other Crustaceans, regarding management for horseshoe crab (section 5.4).

Horseshoe crabs are among the oldest, unchanged living species on earth and are culturally iconic creatures to anyone familiar with Narragansett Bay. Sadly, the horseshoe crab population in Rhode Island has failed to recover since DEM imposed conservation measures in 2000, and state survey data have clearly shown that the horseshoe crab population has declined dramatically in the last several decades. Overfishing has been documented for decades and has been identified by state fisheries biologists as a major or main contributor to this decline. The reduction in the horseshoe crab population in Rhode Island waters impacts the ecological health of the Bay. In addition to being a valuable commercial fishery, horseshoe crabs provide a valuable food source for a variety of migratory shore birds, game fish and sharks, and are vital to the ecosystem. Protecting and restoring Narragansett Bay and its watershed through, among other things, ensuring that native species are not depleted is germane to Save The Bay's mission. Save The Bay is a membership-based organization and routinely acts as a proxy for the will of its members. The interests of Save The Bay's members and supporters are harmed by regulations that do not ensure the survival and recovery of the horseshoe crab population.

In June of 2000, DEM promulgated emergency regulations based on a
 “dramatic reduction in the abundance of horseshoe crabs from 1959 to the present. Although the URI data indicate[d] a partial recovery in the 1970’s, the numbers declined again thereafter and have been consistently low since the early 1990’s....it is responsible fisheries management to take a conservation position and significantly reduce the fishing pressure on the resource while we continue to monitor the population. If necessary, we can adjust the regulations in the future to reflect any new information we receive.” *DEM News Release, June 13, 2000.*

DEM expected that the population would recover but sixteen years later it has not and DEM “is not seeing any signs that conservation efforts are lifting the population.”
Horseshoe crabs: Moonlight dalliances, but dwindling numbers Providence Journal, June 1, 2014.

Save The Bay Center
 100 Save The Bay Drive
 Providence, RI 02905

phone: 401-272-3540
 fax: 401-273-7153
www.savebay.org

The Atlantic States Marine Fisheries Commission (ASMFC), in the *2013 Horseshoe Crab Stock Assessment Update*, determined that populations of horseshoe crabs in New York and New England continue to decline and the current harvest within these areas is not sustainable. According to the Department's abundance indices for horseshoe crabs in Rhode Island waters from the ASMFC 2014 Compliance Report, the horseshoe crab population has not recovered since the emergency regulations were implemented in 2000. (Olszewski, 2015)

Regulations restricting the horseshoe crab harvest have led to increasing populations in other states. The ASMFC Fisheries Management Plan for horseshoe crabs allows states to be more restrictive than the quota set by the ASMFC. Many east coast states have imposed additional restrictions beyond what Rhode Island has done. Connecticut and Massachusetts have imposed additional seasonal harvest restrictions and possession limits because updated stock assessments clearly show that their populations have not recovered. Specifically, Massachusetts has imposed daily catch limits on all commercial harvesting permits and established quotas, and has closed the fishery 48 hours before and after the moon tides in late April as well as May and June. Connecticut has closed the fishery during the first part of the spawning season through May 21st and every weekend from May 21st to July 8th from 6PM on Fridays through 6PM on Sundays. In Maryland and Delaware, harvesting female horseshoe crabs is prohibited. In New Jersey, a temporary moratorium on the harvest of horseshoe crabs was imposed. And, South Carolina prohibits the harvesting horseshoe crabs for bait, allowing harvest within quotas only for biomedical use.

DEM has recently recognized that the

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

RIDEM, Division of Marine Fisheries, 2016 Crustacean Sector Management Plan.

In March of this year, DEM proposed a commercial possession limit for the bait fishery of 60 crabs per person per day for those with harvest permits, but this was never implemented.

Save The Bay is submitting the following comments on the proposed changes:

It does not appear that DEM has complied with the Administrative Procedures Act as it has not set forth the language it is proposing but instead noticed two very different versions of the regulations, one from the "Division" and one from "Industry." Save The Bay submits that DEM may not adopt either

version of proposed amendments as the limitations on the horseshoe crab fishery are not sufficient to fulfill DEM's statutory duty to preserve and protect horseshoe crabs.

The legislature determined that animal life inhabiting marine waters "are precious, renewable, natural resources of the state which...can be developed, preserved, and maintained..." R.I. Gen. Laws §20-1-1(a). It further found that conservation policies should be established for the "perpetuation of all species of fish and wildlife." R.I. Gen. Laws § 20-1-1(b). The Director of DEM is specifically charged with the "authority and responsibility over the fish and wildlife of the state and over the fish, lobsters, shellfish, and other biological resources of marine waters of the state." R.I. Gen. Laws § 20-1-2. The Director has not only the power, but the duty to "supervise and control the protection... of amphibians, fish, shellfish, and other forms of aquatic, insect, and animal life..." R.I. Gen. Laws § 42-17.1-2(1). In accordance with § 20-2.1-9, it is the duty of the director to establish a commercial fisheries licensing system and that system must "[p]reserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation;" R. I. Gen. Laws § 20-2.1-2(1). The adaptive management system should be based on principles, which include those noted above as well as the following measures:

- (A) Regulation of the design and use of gear;
 - (B) Limitations on the amount of gear that may be used by a license holder;
 - (C) Restrictions on when and where commercial fishing may be done;
 - (D) Quotas and limitations on catch or landings; and
 - (E) Restrictions on the number of license holders;
 - (7) Provide a licensure system that facilitates data collection and management so that marine fisheries can be managed more efficiently and effectively....
- R. I. Gen. Laws § 20-2.1-2(6).

Rhode Island has not taken any substantial steps to protect the species since 2000, even as DEM has clearly documented overfishing while the horseshoe crab population continues to decline. It is evident that the existing management approach and restrictions are not effective in reversing the trending decline and the proposed amendments do not fulfill DEM's statutory duty to preserve the species and allow it to regenerate. As an important commercial and recreational fishery, the restrictions on harvesting must be sufficient to allow the crab population to a recover and be maintained to ensure sustainable levels of spawning stock biomass. It is clear that responsible fisheries management will require:

1. Regulatory conservation measures that significantly reduce fishing pressure on the resource,
2. Regulations that are sufficiently clear so that they are easily enforceable, and
3. Reporting on the number of horseshoe crabs harvested with sufficient rigor to determine when the quota has been reached.

Save The Bay therefore submits that it is necessary to extend the seasonal closure of the fishery and establish daily limits on commercial harvesters. We support the reporting requirements proposed by the Division on commercial harvesting permits and limiting the size of crabs that may be taken. We also support the daily quota on the bait fishery but believe it needs to be applied to the biomedical fishery as well. We also support the clear requirement for written reporting by commercial harvester

permittees, imposing consequences for failing to report, and deduction of any over-harvest from the allocation of crabs. Reporting is a key component to preventing further decline in the population so that DEM will know, in a timely fashion, when the quota has been reached and will be able to take timely action to close the fishery. However, it is clear that further steps must be taken immediately to ensure the sustainability of the species. The amendments proposed by the Division are simply not sufficient to give horseshoe crabs an opportunity to recover.

Save The Bay proposes the following amendments:

1. Close the horseshoe crab fishery from April 1 through May 31, each year. Additional restrictions to harvesting during spawning season are critical to protect horseshoe crabs and reverse the persistent declining trend. Cheng et al. (2015) found spawning appeared to be triggered by water temperature and not by the highest tides associated with the new and full moons. Save The Bay staff has witnessed horseshoe crabs being harvested during spawning on beaches more than 48 hours before spring moon tides, and days later observed no crabs spawning at those same locations within 48 hours of the moon tides, indicating that virtually all spawning crabs were harvested before the regulatory closure period. In 2014 the bait quota was exhausted in May, prior to spawning closures. The current closure is clearly not protecting spawning animals from harvest.

This proposed management approach is easier to monitor and enforce than lunar-based closures, and will protect spawning horseshoes crabs if they spawn earlier due to warmer water temperatures.

This management approach follows the State of Connecticut, which adopted it because the fishery closure allowed the horseshoe crab eggs to be deposited and still permits a productive harvest later in the spawning season. Additionally, delaying the opening of the horseshoe crab harvest season ensures that migratory shorebirds have access to an important food source during their migratory stopover. New Jersey and New York have closed the horseshoe crab fishery altogether to save the resource in those states. Seasonal closure of the fishery throughout April and May would aim to avoid the need for a complete closure in the future.

2. Deduct crabs taken for the biomedical industry from the total quota and allow bled animals to be sold for bait.

The impacts from the bleeding process that draws approximately 30% of a horseshoe crab's blood are still unclear, but recent studies reveal that the process results in fatality or otherwise lowered reproductive capacity for a higher percent of crabs than initially predicted. And, there is little information available on the re-bleeding of crabs and the difficulties associated with returning crabs to the location where they were taken.

Rather than continue to manage for uncertain mortality rates and spawning impacts as the population continues to decline, it is more responsible and predictable management to simply deduct the bled crabs from the quota and allow the biomedical industry to either sell the crabs for bait or release them back into the Bay.

Save The Bay Center
100 Save The Bay Drive
Providence, RI 02905

phone: 401-272-3540
fax: 401-273-7153
www.savebay.org

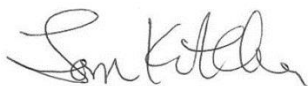
Since the 2000 emergency regulations, the ASMFC Technical Committee has evaluated the mortality rate during and after the bleeding process and changed the estimated 15% mortality rate in June of 2011 to 5-30% (accounting for known variances in conditions and situations). Further, according to ASMFC's 2014 Fishery Management Plan "based on state reports for 2014, approximately 11% of crabs (or 27,837 crabs) harvested and brought to bleeding facilities were rejected." The mortality rate from bleeding is less than clear. Anderson et al. (2013) found that behavioral and physiological changes may also result from the bleeding process, decreasing overall fitness and contributing to the decline in the population. The Study also states that 20 to 30 percent of those crabs do not survive. "Verification of returned bled horseshoe crabs to the waters in which they came is problematic and ways to better track this practice should be explored." 2014 Annual State of Rhode Island Compliance Report to the Atlantic States Marine Fisheries Commission on the Interstate Horseshoe Crab Fishery Management Plan, Scott D. Olszewski, March 1, 2015 (2014 RIDEM Compliance Report). Further, to reduce mortality prior to bleeding, the licensed biomedical harvesters should adopt the Biomedical Best Management Practices, suggested in the Horseshoe Crab Biomedical Ad-Hoc Working Group Report (BMP Report), October 3, 2011. Such practices will "ensure a quality product for the biomedical and bait industries." (BMP Report).

3. Establish daily limits of 60 crabs per day for all commercial harvesters and weekly limits for recreational harvesters. As required by law, limits must be imposed that are stringent enough to ensure the sustainability of the resource. Daily quotas of 60 crabs will facilitate equitable distribution of the quota among harvesters and written weekly reporting will ensure that DEM is provided with timely information so that the fishery can be closed as soon as the quota is reached. Since 2009, the bait quota was exceeded four times in 2009, 2012, 2013 and 2014.

4. Prohibit the issuance of new commercial permits and clarify that failure to renew results in loss of permit. This strategy is already being implemented to equitably manage fishing pressure on shellfish species in Rhode Island. It will allow more invested harvesters to sustain viable income, while encouraging others to focus on other fisheries. The State of Massachusetts currently has a ban on new permits.

Thank you for the opportunity to submit these comments. Please feel free to contact me directly if you have any questions or concerns.

Respectfully submitted,



Tom Kutcher
Narragansett Baykeeper
Save The Bay

Save The Bay Center
100 Save The Bay Drive
Providence, RI 02905

phone: 401-272-3540
fax: 401-273-7153
www.savebay.org

Literature Cited:

- Anderson, R.L., W.H. Watson, III and C. Chabot. 2013. Sublethal behavioral and physiological effects of the biomedical bleeding process on the American Horseshoe Crab, *Limulus Polyphemus*. *Biological Bulletin*. 225:137-151.
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- Smith, D. R., Mandt, M. T., & MacDonald, P. D. (2009). Proximate causes of sexual size dimorphism in horseshoe crabs (*Limulus polyphemus*) of the Delaware Bay. *Journal of Shellfish Research*, 28(2), 405-417.
- Olszewski, Scott. (2015). 2014 Annual State of Rhode Island Compliance report to the Atlantic States Marine Fisheries Commission on the Interstate Horseshoe Crab Fishery Management Plan. *Proposed Changes to Rhode Island Marine Fisheries Regulations – Part 5 - Lobsters, Crabs and Other Crustaceans. Section 5.4*

Enclosure: RI Marine Fisheries Regulations – Part 5 - Lobsters, Crabs and Other Crustaceans, 5.4 Horseshoe Crab:

The changes proposed by Save The Bay are set forth below, additional language is underlined.

5.4 Horseshoe Crab:

5.4.1

(1) We support the Division's proposed amendment.

(2) Weekly reporting. We support the Division's proposed amendment with the deletion of "*either by telephone or.*" All reports should be written.

(3) We support the Division's proposed amendment.

5.4.2 Harvest by RI residents only. The harvest of horseshoe crabs by non-residents is prohibited.

5.4.3 Seasons and possession limits:

(A) Recreational: Three (3) horseshoe crabs per person per day.

(B) Commercial: A total allowable harvest (quota) of horseshoe crabs for the bait fishery and biomedical industry will be established annually. The quota will be the amount allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status. It shall be unlawful for any commercial harvester to take more than 60 horseshoe crabs per day.

(C) Prohibition on possession of non-indigenous horseshoe crab species: No person shall possess or attempt to possess in the cooked or un-cooked (frozen) state any non-indigenous (non-native) Horseshoe Crab species without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.

5.4.4 Harvest Restrictions.:

(A) No person shall harvest horseshoe crabs for commercial or recreational purposes on or within one hundred (100) feet seaward of Patience and Prudence Islands in Narragansett Bay.

(B) No person shall harvest horseshoe crabs from waters or the shoreline of the state from April 1 through May 31, annually.

(C) Bait and biomedical fishery: Horseshoe crabs employed in the biomedical industry for purposes of extracting bodily fluids shall be counted against the quota and may be sold as bait or returned to the waters from which they came within 72 hours following the completion of the intended biomedical procedure.

5.4.5 Minimum Size: We support the Division's proposed amendment.

5.4.6 Permit Moratorium. As of January 2017, the Director will not issue any new Horseshoe Crab Harvest Permits until the population shows substantial recovery. Failure to renew a Horseshoe Crab Harvest Permit in any calendar year shall result in permit forfeiture to the Division.

Comments: Public Hearing, Monday, November 14th: Proposed amendments to RIMRF Part 5-Lobsters, Crabs, and Other Crustaceans, regarding management for horseshoe crabs (Section 5.4)

Save The Bay submits the following comments on the proposed amendments to RIMRF Part 5-Lobsters, Crabs, and Other Crustaceans, regarding management for horseshoe crabs (section 5.4).

Save The Bay supports the amendments set forth in “Proposal 1: Division” with proposed revisions/additions to Proposal 1 noted in red font.

5.4 Horseshoe Crab:

5.4.1 (E)(5) Save The Bay proposes new additional language. “Biomedical harvesters shall also report the mortality of crabs taken from the water.”

5.4.3 Seasons and possession limits:

(B) Commercial: A total allowable harvest (quota) of horseshoe crabs for the bait fishery and biomedical industry will be established annually. The annual quota will be the amount allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status. In establishing the quota for the biomedical industry the DFW shall account for a 30% mortality rate.

5.4.4 Harvest Restrictions:

(B) No person shall harvest horseshoe crabs from waters or the shoreline of the state from April 15 through May 31, annually.

Please contact me if you need any additional information in furtherance of Save The Bay’s comments.

Sincerely,

Wenley Ferguson
Director Habitat Restoration



November 23, 2016

Mr. Peter Duhamel
 Division of Fish and Wildlife – Marine Fisheries Office
 3 Fort Wetherill Road
 Jamestown, RI 02835

Dear Mr. Duhamel:

Re: Comment on the Proposed Amendments to RIMFR Part 5 – Lobsters, Crabs, and Other Crustaceans, regarding management for horseshoe crab (section 5.4).

Horseshoe crabs are among the oldest, unchanged living species on earth and are culturally iconic creatures to anyone familiar with Narragansett Bay. Sadly, the horseshoe crab population in Rhode Island has failed to recover since DEM imposed conservation measures in 2000, and state survey data have clearly shown that the horseshoe crab population has declined dramatically in the last several decades. Overfishing has been documented for decades and has been identified by state fisheries biologists as a major or main contributor to this decline. The reduction in the horseshoe crab population in Rhode Island waters impacts the ecological health of the Bay. In addition to being a valuable commercial fishery, horseshoe crabs provide a valuable food source for a variety of migratory shore birds, game fish and sharks, and are vital to the ecosystem. Protecting and restoring Narragansett Bay and its watershed through, measures such as ensuring that native species are not depleted, is germane to Save The Bay's mission. Save The Bay is a membership-based organization and routinely acts as a proxy for the will of its members. The interests of Save The Bay's members and supporters are harmed by regulations that do not ensure the survival and recovery of the horseshoe crab population.

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DEM expected that the population would recover but sixteen years later it has not and

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The Atlantic States Marine Fisheries Commission (ASMFC), in the *2013 Horseshoe Crab Stock Assessment Update*, determined that populations of horseshoe crabs in New York and New England continue to decline and the current harvest within these areas is not sustainable. According to the Department’s abundance indices for horseshoe crabs in Rhode Island waters from the ASMFC 2014 Compliance Report, the horseshoe crab population has not recovered since the emergency regulations were implemented in 2000. (Olszewski, 2015)

Regulations restricting the horseshoe crab harvest have led to increasing populations in other states. The ASMFC Fisheries Management Plan for horseshoe crabs allows states to be more restrictive than the quota set by the ASMFC. Many east coast states have imposed additional restrictions beyond what Rhode Island has done. Connecticut and Massachusetts have imposed additional seasonal harvest restrictions and possession limits because updated stock assessments clearly show that their populations have not recovered. Specifically, Massachusetts has imposed daily catch limits on all commercial harvesting permits and established quotas, and has closed the fishery 48 hours before and after the moon tides in late April as well as May and June. Connecticut has closed the fishery during the first part of the spawning season through May 21st and every weekend from May 21st to July 8th from 6PM on Fridays through 6PM on Sundays. In Maryland and Delaware, harvesting female horseshoe crabs is prohibited. In New Jersey, a temporary moratorium on the harvest of horseshoe crabs was imposed. And, South Carolina prohibits the harvesting horseshoe crabs for bait, allowing harvest within quotas only for biomedical use.

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

RIDEM, Division of Marine Fisheries, 2016 Crustacean Sector Management Plan.

Save The Bay supports the proposed amendments submitted by the Division but submits that they are not sufficient to fulfill DEM’s statutory duty to preserve and protect horseshoe crabs and the additional restrictions set forth below are needed to ensure that horseshoe crab population has an opportunity to recover to a sustainable level and to assess the current stock.

The legislature determined that animal life inhabiting marine waters “are precious, renewable, natural resources of the state which...can be developed, preserved, and maintained...” R.I. Gen. Laws §20-1-1(a). It further found that conservation policies should be established for the “perpetuation of all species of fish and wildlife.” R.I. Gen. Laws § 20-1-1(b). The Director of DEM is specifically charged with the “authority and responsibility over the fish and wildlife of the state and over the fish, lobsters, shellfish, and other biological resources of marine waters of the state.” R.I. Gen. Laws § 20-1-2. The Director has not only the power, but the duty to “supervise and control the protection... of amphibians, fish, shellfish, and other forms of aquatic, insect, and animal life...”R.I. Gen. Laws § 42-17.1-2(1). In accordance with § 20-2.1-9, it is the duty of the director to establish a commercial fisheries licensing system and that system must “[p]reserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation;” R. I. Gen. Laws § 20-2.1-2(1). The adaptive management system should be based on principles, which include those noted above as well as the following measures:

- (A) Regulation of the design and use of gear;
 - (B) Limitations on the amount of gear that may be used by a license holder;
 - (C) Restrictions on when and where commercial fishing may be done;
 - (D) Quotas and limitations on catch or landings; and
 - (E) Restrictions on the number of license holders;
 - (7) Provide a licensure system that facilitates data collection and management so that marine fisheries can be managed more efficiently and effectively...”
- R. I. Gen. Laws § 20-2.1-2(6).

Rhode Island has not taken additional steps to protect the species since 2000, even as DEM has clearly documented overfishing while the horseshoe crab population continues to decline. It is evident that the existing management approach and restrictions are not effective in reversing the trending decline and the proposed amendments do not fulfill DEM’s statutory duty to preserve the species and allow it to regenerate. As an important commercial and recreational fishery, the restrictions on harvesting must be sufficient to allow the crab population to a recover and be maintained to ensure sustainable levels of spawning stock biomass. It is clear that responsible fisheries management will require:

1. Regulatory conservation measures that significantly reduce fishing pressure on the resource,
2. Regulations that are sufficiently clear so that they are easily enforceable, and
3. Reporting on the number of horseshoe crabs harvested with sufficient rigor to determine when the quota has been reached.

Save The Bay therefore submits that it is necessary to extend the seasonal closure of the fishery and establish daily limits on commercial harvesters. We support the reporting requirements proposed by the Division on commercial harvesting permits and limiting the size of crabs that may be taken and the commercial possession limit for the bait fishery of 60 crabs per person per day. Daily quotas of 60 crabs per fishermen will facilitate equitable distribution of the quota among harvesters and written weekly reporting will assist in providing DEM with timely information so that the fishery can be closed

as soon as the quota is reached. Since 2009, the bait quota was exceeded four times in 2009, 2012, 2013, 2014 and 2016. We also support the clear requirement for written reporting by commercial harvester permittees, imposing consequences for failing to report, and deduction of any over-harvest from the allocation of crabs. Reporting is a key component to preventing further decline in the population so that DEM will know, in a timely fashion, when the quota has been reached and will be able to take timely action to close the fishery. We support the Division's reporting requirement for the biomedical harvesters to notify the Division of Law Enforcement when returning bled crabs to better track this practice. However, it is clear that further steps must be taken immediately to ensure the sustainability of the species. The amendments proposed by the Division are a good start but simply not sufficient to give horseshoe crabs an opportunity to recover. As required by law, limits must be imposed that are stringent enough to ensure the sustainability of the resource and reporting requirements clarified to improve management of the fishery. Therefore, Save The Bay proposes the following amendments:

1. Close the horseshoe crab fishery from April 15th through May 31, each year. Additional restrictions to harvesting during spawning season are critical to protect horseshoe crabs and reverse the persistent declining trend. Horseshoe crab spawning can occur prior to the lunar closure period. Save The Bay staff has witnessed spawning horseshoe crabs being harvested on beaches more than 48 hours before spring moon tides, and days later observed no crabs spawning at those same locations within the 48 hours of the moon tide indicating that virtually all spawning crabs were harvested before the regulatory closure period. Additionally, Cheng et al. (2015) found spawning appeared to be triggered by water temperature and not by the highest tides associated with the new and full moons. Adding protection of spawning crabs during the second half of April will protect crabs as water temperatures continue to increase in Rhode Island waters. Warmer water temperature triggered horseshoe crab spawning in April of 2014. The bait quota was exhausted by May, prior to the spawning closures. The current closure is clearly not protecting spawning animals from harvest.

This proposed management approach is easier to enforce and monitor than lunar-based closures. This management approach follows the State of Connecticut, which adopted it because the fishery closure allowed the horseshoe crab eggs to be deposited and still permits a productive harvest later in the spawning season. Additionally, delaying the opening of the horseshoe crab harvest season ensures that migratory shorebirds have access to an important food source during their migratory stopover. New Jersey has closed the horseshoe crab fishery altogether to protect the resource. Seasonal closure of the fishery from April 15th through May 31st annually may avoid the need for a complete closure in the future.

Save The Bay was involved in the initial spawning assessment in 2000 and requests that the assessment be updated. Closure of the fishery at the beginning of the spawning season will allow the Division and its partners to conduct an assessment while there is no pressure on the fishery. An updated stock assessment is necessary to evaluate the effectiveness of the existing restrictions on the horseshoe crab harvest and to update the assessment of the horseshoe crab population in Rhode Island waters.

2. Biomedical harvesters must be required to report the mortality of crabs taken from the water.

According to ASMFC's 2014 Fishery Management Plan "based on state reports for 2014, approximately 11% of crabs (or 27,837 crabs) harvested and brought to bleeding facilities were rejected." Mortality rate data provided by biomedical harvesters will help the Division of Fish and Wildlife better manage the fishery in future years.

Thank you for the opportunity to submit these comments. Please feel free to contact me directly at 401-272-3540 if you have any questions or concerns.

Respectfully submitted,



Wenley Ferguson
Director Habitat Restoration

Cc: Janet Coit, Director RIDEM

Enclosure: RI Marine Fisheries Regulations – Part 5 .4 Horseshoe Crab, proposed revision.

Literature Cited:

Cheng, H., Chabot, C. C., & Watson III, W. H. (2015). The Life History Cycle of *Limulus polyphemus* in the Great Bay Estuary, New Hampshire USA. In *Changing Global Perspectives on Horseshoe Crab Biology, Conservation and Management* (pp. 237-253). Springer International Publishing.

Olszewski, Scott. (2015). 2014 Annual State of Rhode Island Compliance report to the Atlantic States Marine Fisheries Commission on the Interstate Horseshoe Crab Fishery Management Plan. Proposed Changes to *Rhode Island Marine Fisheries Regulations – Part 5 - Lobsters, Crabs and Other Crustaceans. Section 5.4*

The changes proposed by Save The Bay to RI Marine Fisheries Regulations – Part 5.4 Horseshoe Crab are set forth below.

5.4 Horseshoe Crab:

5.4.1 (F) Biomedical harvesters shall also report the mortality of crabs taken from the water prior to bleeding.

5.4.4 Harvest Restrictions:

(B) No person shall harvest horseshoe crabs from waters or the shoreline of the state from April 15th through May 31, annually.

To: Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835

Regarding the Proposed Regulatory Changes to the Rhode Island Marine Fisheries Regulations (RIMFR), we write in specific reference to the Proposed Amendments to RIMFR Part 6 - General Equipment, regarding correction of the location of Fish Trap Site #29 (section 6.6(B)(14)).

We, the undersigned, are Chace Pt residents and a fish trap was illegally placed off of Butt's Rock on Chace Pt last summer. We write to support the proposed amendment which would correct the location to an approved site for a fish trap. This new site would not be located off Butt's Rock on Chace Pt.

Sometime last spring, a hole was drilled in a large rock abutting owned Chace Pt property. A large chain was attached to an anchor in the rock and extended well out into the ocean. This large trap with buoys, nets and anchors, was an eyesore and dramatically changed the seascape and the usage and access to the water by swimmers, kayakers and local surf casting fishermen. In addition, seabirds attracted by the nets fouled the rock to make it further unusable. We have learned that the trap was not placed in an approved location.

We fully support the proposed amendment and appreciate the DEM's willingness to work this to a good conclusion. We have line of sight to the trap and know several others on Chace Pt who access the spot and have done so for decades. We are in total agreement with this amendment and do NOT support the trap being placed there again.

William and Amy Corbett
89 Butts Rock Rd.
Little Compton, RI

To: Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835

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We fully support the proposed amendment and appreciate the DEM's willingness to work this to a good conclusion. We have the support of every neighbor who has line of sight to the trap and several more on Chace Pt who access the spot and have done so for decades. In addition, the President of the Chace Pt Association is in total agreement with this amendment, DOES NOT support the trap being placed there again and separately will confirm this in writing.

Sincerely,
Kathleen M Haley
Keith D Haley
38 Butts Rock Road
Little Compton, RI 02837
401-965-2208

Kathleen M Haley, President
Framework Performance Consulting, LLC
401-965-2208



Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, [3 Fort Wetherill Road, Jamestown, RI 02835](https://www.dem.state RI.us/3-Fort-Wetherill-Road-Jamestown-RI-02835)

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Sincerely,
Paul and Barbara Darcy
Sent from my iPad

To: Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835

Re: Proposed Regulatory Changes to the Rhode Island Marine Fisheries Regulations (RIMFR), Proposed amendments to RIMFR Part 6 - General Equipment, regarding correction of the location of Fish Trap Site #29 (section 6.6(B)(14)).

Dear Mr. Duhamel:

We have owned property overlooking Butts Rock in Little Compton for nearly 20 years. For the first time since moving here, a fish trap was illegally placed off of Butt's Rock on Chace Point last summer. We write to support the proposed amendment to your regulations which would correct the location to an approved site for a fish trap. This new site would not be located off Butt's Rock on Chace Point.

Sometime last spring, two holes were drilled in a large rock abutting our Chace Point property. A large chain was attached to anchors in the rock and extended well out into the ocean. This large trap with buoys, nets and anchors, was an eyesore and dramatically changed the seascape and the usage and access to the water by swimmers, kayakers, small boats, and local surf casting fishermen. In addition, seabirds attracted by the nets fouled the rock, making it further unusable. We worked with DEM over the summer to understand the issue and learned that the trap was not in an approved location.

We fully support the proposed amendment to confirm the improper location of the trap last summer and appreciate the DEM's willingness to reach an appropriate conclusion to this situation. We have the support of every neighbor who has line of sight to the trap and several more on Chace Point who access the spot and have done so for decades. In addition, the President of the Chace Pt. Association is in total agreement with this amendment, DOES NOT support the trap being placed there again and will separately confirm this to you in writing.

Thank you for working to correct this situation.

Sincerely,

John and Kristin Montgomery
92 Rogers Lane
Little Compton, RI 02837

John T. Montgomery
ROPES & GRAY LLP

T +1 617 951 7565 | M +1 617 281 1100
Prudential Tower, 800 Boylston Street
Boston, MA 02199-3600
john.montgomery@ropesgray.com
www.ropesgray.com

Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, [3 Fort Wetherill Road, Jamestown, RI 02835](#)

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We fully support the proposed amendment and appreciate the DEM's willingness to work this to a good conclusion. We have the support of every neighbor who has line of sight to the trap and several more on Chace Pt who access the spot and have done so for decades. In addition, the President of the Chace Pt Association is in total agreement with this amendment, DOES NOT support the trap being placed there again and separately will confirm this in writing. He is actively polling the Chace Pt Association BOD if needed.

Amy Lange [63 Beach Dr, Little Compton RI](#)

Dear Mr. Duhamel:

As a property owner of a seaside lot on Chace Point in Little Compton, RI, I am writing in support of the proposed regulatory changes to the Rhode Island Marine Fisheries Regulations (RIMFR), specifically in reference to the proposed amendments to RIMFR Part 6 - General Equipment, regarding correction of the location of Fish Trap Site #29 (section 6.6(B)(14)).

My family have been property owners on Chace Point for 50 years. Until last summer, we recreated along the unspoiled beachfronts of Chase Point, with much of our swimming, fishing, windsurfing, kayaking, beach combing and picnic activities occurring in the immediate vicinity of Butts Rock. It holds a special place in the hearts of generations of sea lovers and beach goers who have been drawn to recreate in the natural splendor of this point of shoreline where the surf, sand, salty breeze and sealife swirl together in ebb and flow.

In the spring of 2016, this habitat was disrupted by the placement of purse seine nets, buoys, chains, and anchor bolts in Butts by a commercial fishing operation with a dubious claim of grandfathered rights to fish there. The air was fouled by the diesel trawlers tending the nets, the sea was afloat with dead and discarded fish which washed ashore, and Butts Rock reeked in white excrement from the sea fowl that mustered upon it.

The location of this fish trap significantly altered the habitat of Butts Rock and vicinity, rendering low-impact recreation there less suitable and unpleasant.

I urge you to help remedy this situation by amending the regulations to correct and clarify the permitted location of the approved fish trap site, well away from Butts Rock and the vicinity of Chace Point beachfront.

I fully support the proposed amendment and appreciate the DEM's efforts to bring this matter to a legal conclusion which better balances the needs of commercial fishing locations with the needs of residents and recreation use in sustainable practices that protect and preserve the natural environment.

My Personal Best,

***Hank Lange
140 Wantastiquet Drive
Brattleboro, VT 05301
ph: 802-257-1208***

Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835

>

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In addition, I have fished, surfed and paddled off of this spot for the past two decades. The catching of fish from shore this past summer was non existent because of the trap. In addition, I understand from commercial fisherman at Sakonnet Point that this fish trap was a non profitable venture for the illegal fisherman. It doesn't make sense to ruin recreational fishing for a unprofitable commercial venture.

>

> We fully support the proposed amendment and appreciate the DEM's willingness to work this to a good conclusion. We have the support of every neighbor who has line of sight to the trap and several more on Chace Pt who access the spot and have done so for decades. In addition, the BOD and the President of the Chace Pt Association are in total agreement with this amendment, DO NOT support the trap being placed there again and separately will confirm this in writing.

>



Paul Cissel / Chief Executive Officer

pcissel@itllc.net

421 Merrimack Street, Methuen, MA 01844 (978) 683-9100
11 Manchester Sq., Pease International Tradeport, Portsmouth, NH 03801 (603) 431-7864
1 Summer Street, Boston, MA 02110 (617) 303-6300

www.itllc.net



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Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, [3 Fort Wetherill Road, Jamestown, RI 02835](#)

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Peter & Katie Dolan [60 Beach Dr, Little Compton RI](#)

Sent from my iPad

To: Peter Duhamel, Division of Fish and Wildlife-Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835

Re: Proposed Regulatory Changes to the Rhode Island Marine Fisheries Regulations (RIMFR), we specifically write in reference to the Proposed amendments to RIMFR Part 6 - General Equipment, regarding correction of the location of Fish Trap Site #29 (section 6.6(B)(14)).

Dear Mr. Duhamel:

We have owned property abutting Butts Rock in Little Compton for 30 years. For the first time since moving here, a fish trap was illegally placed off of Butt's Rock on Chace Pt last summer. We write to support the proposed amendment which would correct the location to an approved site for a fish trap. This new site would not be located off Butt's Rock on Chace Pt.

Sometime last spring, two holes were drilled in a large rock abutting our Chace Pt property. A large chain was attached to anchors in the rock and extended well out into the ocean. This large trap with buoys, nets and anchors, was an eyesore and dramatically changed the seascape and the usage and access to the water by swimmers, kayakers and local surf casting fishermen. In addition, seabirds attracted by the nets fouled the rock, making it further unusable. We worked with DEM over the summer to understand the issue and learned that the trap was not in an approved location.

We fully support the proposed amendment and appreciate the DEM's willingness to work this to a good conclusion. We have the support of every neighbor who has line of sight to the trap and several more on Chace Pt. who access the spot and have done so for decades. In addition, the President of the Chace Pt. Association is in total agreement with this amendment, DOES NOT support the trap being placed there again and will separately confirm this to you in writing.

Thank you for working to correct this situation.
Sincerely,

John Barylick and Jenna Hashway Barylick
86 Butts Rock Rd.
Little Compton, RI 02837

Re: Proposed Regulatory Changes to the RIMFR: Proposed Amendments to RIMFR Part G -
General Equipment re: correction of location of Fish Trap Site #29 (section 6.6 (B)(14))

Dear Mr. Duhamel,

I am president of the Chace Point Association. I have never indicated that the Association favors the illegally-located fish trap off Chace Point. I am not, nor have I ever been, authorized by the Association's board to make such a statement.

Sincerely,

Gib Conover
President, Chace Point Association



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

401 423-1923
FAX 401 423-1925

SUMMARY OF ORAL COMMENTS

A public hearing was held on **November 14, 2016** at 6:00 PM, URI Narragansett Bay Campus, Corless Auditorium, Narragansett, RI. Approximately 25 persons from the public were present.

Hearing Officer: J. McNamee

DEM: L. Mouradjian, G. Powers, S. Olszewski, D. Costa, Jacqueline Hall, P. Duhamel

Public comments were solicited on the following items:

1. **Commercial Summer flounder:**

• **Proposal #1 – proposed management parameters:**

- K. Booth/RICRRA: *In support of the industry option (i.e., Town Dock).*
- K. Almeida/Town dock: *Offered that the days selected for opening are the best days for marketing historically. Offered that their proposal to suspend the summer sub-period was to maintain the fishery open throughout the entire year, needed due to the reduction in quota for 2017.*
- J. Macari: *In support of Town Dock proposal.*
- R. Enright: *In support of Town Dock proposal.*
- J. Martini: *In support of Town Dock proposal.*
- M. Monteforte: *In support of Town Dock proposal. Recommended eliminating fall sub-period to allow fish to spawn, and apply allocation to other sub-periods*
- H. Bernacki: *In support of Town Dock proposal.*
- F. Pasquale: *In support of Town Dock proposal. Offered that program is effective as currently managed.*
- K. Patterson: *In support of option 1. If proposal 2 is implemented, preference is not to split up week for days open as offered in the town dock proposal.*
- B. Weinstein: *In support of Town Dock proposal.*
- D. Blackburn: *In support of Town Dock proposal as a means to keep fishery open for the most fishermen.*
- M. Conti (Snug Harbor Marina): *In support of Town Dock proposal as a means to keep the fishery open and reduce discards.*
- P. Chappell: *In support of Town Dock proposal.*
- D. Fox: *In support of Town Dock proposal as most equitable.*
- C. Karp: *Provide allocation to different user groups as a means to provide greater equitability and compliance.*

• **Proposal #2 – Industry proposal to remove eligibility requirement to participate in the Summer Flounder Aggregate program for the summer sub-period:**

- *P. Duckworth: In support of an aggregate/weekly possession limits as a means to provide for greater flexibility to fishermen, reduce days at sea, and reduce mortality via discards. Offered that participation would be voluntary – and suggested that a weekly possession limit could be reduced by one daily limit as a means to reduce weekly catch rates. Offered that an exemption certificate is not required if a weekly possession limit were to be implemented.*
- *B. Mattiucci: Strongly opposed. Offered that potential for damage far outweighs benefit. Would rather see the summer sub-period removed from the program.*
- *K. Almeida/Town dock: In support of suspending the summer sub-period of the aggregate program as a means to reduce catch and keep the fishery open throughout the entire year; due to the reduction in quota for 2017.*
- *R. Enright: Opposed. Offered that such would result in significant non-compliance.*
- *K. Patterson: Author of proposal. Offered that he didn't believe the market would suffer if proposal implemented. Offered that proposal provides a smarter way to fish to prevent unnecessary days at sea.*
- *R. Browning: Support.*
- *D. Blackburn: Opposed. Would favor a few financially at the expense of the fishery and other fishermen.*
- *R. Lema: Support as a means to reduce mortality via discards. Offered that fisherman can choose to fish a daily limit or an aggregate limit.*
- *P. Chappell: Opposed to required participation as some vessels prefer daily trips.*
- *Public comment: Support as a means to reduce discards and provide greater flexibility.*
- *Public comment: Support as a means for greater flexibility and to save fuel.*
- *K. Booth: Strongly opposed due to uncertainty of potential increase in catch rate and potential for early closure. Would create a sector allocation with uncertain implications. Would not reduce discards. Would be problematic for Enforcement.*

2. **Commercial management for Scup:**

- *P. Duckworth: In support of Status quo.*

3. **Commercial management for Black sea bass:**

- *K. Booth/RICCRA: Support for reducing starting possession limit to 25 lbs/vsl/day from May 1 – June 30 as a means to extend season and maintain a good price.*
- *M. Monteforte: In support 25 lb/day and coinciding with summer flounder season. It's important to keep season open for stable market.*
- *R. Enright: In support of a 25 lbs starting possession limit.*
- *Public comment: In support of a 25 lbs starting possession limit.*
- *P. Duckworth: In support of weekly possession limit.*
- *H. Bernacki: In support of a 25 lbs starting possession limit.*
- *F. Pasquale: In support of a 25 lbs starting possession limit.*
- *K. Almeida/Town dock: In support of a 25 lbs starting possession limit; and reducing form 1,000 lbs/vsl/week beginning Jan. 1st to 700 lbs/week.*

- R. Browning: In support of a 25 lbs starting possession limit and the season coinciding with summer flounder.
- B. Weinstein: In support of a 25 lbs starting possession limit.
- Public comment: In support of a 25 lb starting possession limit.
- Public comment: In support of a 35 lb starting possession limit.
- Public comment: In support of a 25 lb starting possession limit.
- D. Blackburn: In support of a 25 lb starting possession limit.
- Public comment: Opposed to 25 lb starting possession limit.
- R. Lema: In support of a 25 lb starting possession limit and an increase in the minimum size.
- Public comment: In support of a 25 lb starting possession limit and an increase in the minimum size.
- Public comment: Opposed to 25 lb starting possession limit; maintain 50 lbs.
- Public comment: Opposed to 25 lb starting possession limit; maintain 50 lbs.
- P. Duckworth: Maintain 1,000 lb/wk possession limit starting Jan. 1st.

4. **Commercial management of Coastal sharks:**

- C. Karp: Provided written comment.
- P. Duckworth: Dealers do not want sharks with fins attached. Opposed as proposed.

5. **Shellfish (RIMFR Part 4 – Shellfish):**

- No comments were made

6. **Horseshoe Crab management (RIMFR Part 5 – Lobsters, Crabs, and Other Crustaceans):**

- Save the Bay: In support of option 1, Division proposal; in support of obtaining data regarding mortality on crabs used for bio-medical. Not opposed to allowing new entries/participants (no longer proposing moratorium on the issuance of new permits). Written comment provided.

7. **Correction of location of Fish Trap # 29 (RIMFR Part 6 – General Equipment Provisions):**

- Public comment (captain of vessel operating the fish trap): Opposed as proposed. Believes location as proposed is inaccurate or obsolete, as cannot set a trap there due to navigation hazard. Believes the site where trap is currently being set (i.e., Chace Pt.) is a historically used location based on physical characteristics of the site (site was cleared of boulders to allow for the trap to be set; holes found drilled in rocks on shore used to anchor the trap). Trap net was built specific to the site costing extensive cost. Is not possible that proposed correction was ever fished due to depth and navigational hazard. Trap employs 10 persons. Believes that attempts to remove trap is a result of person complaining about their view.
- Public comment (deckhand on vessel operating the fish trap): Opposed as proposed. Discontinuing to allow use of location currently being used would put him out of work.
- N. Hayes (owner of trap): Opposed as proposed. Believes that site currently being used is correct location based on physical characteristics. Extensive cost to build trap net to be used in location currently being used. Owners/association is

unopposed to trap location; maybe one owner is opposed. Proposed location is a navigational/safety hazard. Believes that DEM is not working with him to resolve matter.

- *P. Duckworth:* *Would like information on the location of active fish traps*

Prepared by P. Duhamel



Atlantic States Marine Fisheries Commission

75th Annual Meeting Summary

Vision: Sustainably Managing Atlantic Coastal Fisheries

75th Annual Meeting
Bar Harbor, ME
October 23 – 27, 2016

Toni Kerns, ISFMP, or
Tina Berger, Communications
For more information, please contact
the identified individual at
703.842.0740

Meeting Summaries, Press Releases and Motions

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ACFHP MELISSA LASER HABITAT CONSERVATION AWARD (OCTOBER 23, 2016)

Summary

Bonnie Bick and Jim Long of the Mattawoman Watershed Society were awarded the Atlantic Coastal Fish Habitat Partnership (ACFHP)'s 2016 Melissa Laser Habitat Conservation Award at the Commission's 75th Annual Meeting Reception on Sunday, October 23rd in Bar Harbor, Maine.

Over the past two decades this year's awardees have worked tirelessly without financial compensation to protect one of the most important fish breeding grounds in the Chesapeake Bay watershed, Mattawoman Creek. It is used by striped bass, American and hickory Shad, alewife, and blueback herring for spawning and nursery habitat. It is one of the more productive and high quality tributaries to the Bay and is also facing significant development pressure. Their successful efforts to preserve a watershed threatened with conversion to other uses in this southern Maryland stream system are important to maintain the ecological resiliency of the watershed. Their penultimate achievement has been the recent resource-friendly comprehensive growth plan adopted by Charles County. Among other things, this plan recognizes the role of conserving Mattawoman Creek's watershed for anadromous fish – a groundbreaking achievement. This comprehensive growth plan, the blueprint for future growth, opens a new door for managing fisheries in Maryland that, hopefully, will become widespread. They have been tireless volunteers that have greatly aided the Department of Natural Resources by collecting data that otherwise would not exist. In turn, they have used the science generated by these data to defend their beloved watershed.



From Left: ACFHP Steering Committee member Dr. Wilson Laney, Award recipient Jim Long, Mrs. and Mr. Laser, Award recipient Bonnie Bick, and Maine Commissioner Patrick Keliher

In addition to the comprehensive growth plan, their accomplishments include protecting more than 1,000 acres along Mattawoman Creek, stopping the proposed Cross County Connector Extension across the watershed's headwaters in Charles County, and encouraging replacement of the road project with a proposed bike path, as well as promoting a 10% impervious surface cap within the watershed, and serving as enthusiastic citizen scientists collecting the critical fish spawning and habitat data necessary to support their efforts. They also attend and testify at countless development hearings.

Bonnie and Jim display tenacity, energy, intelligence, and organizational skills in protecting fish habitat in Mattawoman Creek. Managing inland fish habitat is challenging because these watersheds are under the jurisdiction of local, not state or federal, governments, with which the natural resources management community often do not have sufficient collaboration. The awardees provide a glowing

example of how to achieve significant success through positive influence on local decision-making processes.

The Melissa Laser Fish Habitat Conservation Award is bestowed upon individuals deemed to further the conservation, protection, restoration, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes in a unique or extraordinary manner. The award was established in memory of Dr. Melissa Laser who passed away unexpectedly on April 27, 2010. Melissa was a biologist with the Maine Department of Marine Resources where she worked tirelessly to protect, improve, and restore aquatic ecosystems in Maine and along the entire Atlantic Coast. As an astute strategic thinker and leader, Melissa edited and coordinated the Strategic and Operational Plan for the Restoration of Diadromous and Resident Fishes to the Penobscot River. She coordinated fish passage projects, managed and oversaw the biological field staff for the Maine Western Region, and was the Bureau of Sea Run Fisheries and Habitat Program lead for habitat restoration studies and projects. She was also an effective champion for Atlantic salmon, directing and coordinating Endangered Species Act-related actions pertaining to the species. Melissa brought her smiling dedication and enthusiasm to the Commission’s Habitat Committee and ACFHP’s Steering Committee, catalyzed by ASMFC in 2006.

Dr. Wilson Laney, ACFHP Steering Committee member and previous award recipient, and Patrick Keliher, Annual Meeting host and Melissa’s former boss, presented the award, and Melissa’s family were in attendance to share in the celebration as well.

For more information, please contact Dr. Lisa Havel, ACFHP Coordinator, at lhavel@asmfc.org or 703.842.0740.

SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 24, 2016)

Press Release

ASMFC Spiny Dogfish Board Approves 2017 Fishery Specifications

Bar Harbor, ME – The Commission’s Spiny Dogfish Management Board approved a spiny dogfish commercial quota of 39,099,717 pounds for the 2017 fishing season (May 1, 2017 – April 30, 2018). The Board maintained a 6,000 pound commercial trip limit in state waters (0-3 miles from shore) in the northern region (Maine through Connecticut). States in the southern region (New York to North Carolina) have the ability to set state-specific trip limits based on the needs of their fisheries.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
Possession Limit	6,000	To be specified by the individual southern region states					
Allocation	58%	2.707%	7.644%	0.896%	5.92%	10.795%	14.036%
2017 Quota	22,677,836	1,058,429	2,988,782	350,333	2,314,703	4,220,814	5,488,036

The quota and northern region trip limit are consistent with the measures recommended to NOAA Fisheries by the Mid-Atlantic Fishery Management Council. Although the spiny dogfish commercial quota represents a slight decrease from the previous year, the 2015 assessment update projects spawning stock biomass to increase starting in 2019. Therefore, the commercial quota is expected to increase in the next specifications cycle if the projection is supported by catches in the Northeast Fisheries Science Center spring survey.

The 2017 spiny dogfish commercial quota allocations (in pounds) for the northern region and the states of New York through North Carolina are described below. Any overages from the 2016 season will be deducted from that region's or state's 2017 quota allocation.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

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PR16-28

Motions

Move to adopt the 2017 commercial quota of 39,099,717 pounds, which is consistent with the commercial quota recommended by the Mid-Atlantic Fishery Management Council to NOAA Fisheries, and a 6,000 pound trip limit for the Northern Region.

Motion made by Mr. Stockwell and seconded by Mr. Reid. Roll call vote. Motion passes unanimously.

Move to approve the 2016 Spiny Dogfish FMP Review and state compliance, and *de minimis* status for Delaware in 2016.

Motion adopted by consensus.

COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 24, 2016)

Meeting Summary

The Coastal Sharks Management Board received an overview from NOAA Fisheries Highly Migratory Species (HMS) Management Division on four proposed rules. Amendment 5b to the 2006 Consolidated HMS Fishery Management Plan (FMP) proposes a range of management measures to prevent overfishing and rebuild overfished shark stocks. These measures are based on recent assessments that determined dusky sharks are overfished and experiencing overfishing. NOAA Fisheries is accepting public comment through December 22, 2016. If alternative management measures are implemented by HMS, they will apply to commercial fishermen with HMS permits and recreational fishing in federal waters. The Coastal Sharks Board has implemented some management measures that are complementary to the federal FMP, therefore these alternatives may be considered by the Board at a future date. Interested states should forward their comments to staff by November 15. If comments are received, they will be compiled and sent in the form of a letter to NOAA Fisheries HMS as part of public comment.

The Board reviewed the Draft Environmental Assessment for Amendment 10 to the HMS FMP on essential fish habitat (EFH). As proposed it would update and revise existing HMS EFH, modify existing Habitat Areas of Particular Concern (HAPCs) or designate new HAPCs for bluefin tuna and sandbar, lemon, and sand tiger sharks, and analyze fishing and non-fishing impacts on EFH since 2009. Draft

Amendment 10 does not propose implementing regulations. States are encouraged to submit individual public comments to NOAA Fisheries through December 22, 2016.

A proposed rule that would establish a commercial retention limit (CRL) for blacknose sharks was presented; the HMS preferred alternative would establish a CRL of 8 blacknose sharks/trip. The public comment period is closed. If the preferred alternative is implemented in the final rule then the Coastal Sharks Board can consider establishing an 8 blacknose shark/trip possession limit for commercial fishermen with state licenses at a future Board meeting.

The proposed specifications for the 2017 Atlantic shark fishing season were presented. Similar to the 2016 fishing season, NOAA Fisheries is proposing a January 1 opening date for all shark management groups and a variable CRL for sharks in the aggregated large coastal and hammerhead management groups. The Board will set the 2017 coastal shark specifications via an email vote after the final rule is published.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Move to approve the 2017 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2017 Atlantic Shark Commercial Fishing season.

Motion made by Mr. Baum, seconded by Mr. O'Reilly. Motion carries without objection.

Move to approve Roger Wooleyhan Jr. and Charles Witek as members of the Coastal Sharks Advisory Panel.

Motion by Mr. Luisi and seconded by Mr. Heins. Motion carries without objection.

ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 24, 2016)

Meeting Summary

The Atlantic Striped Bass Management Board (Board) met to review the Technical Committee's (TC) report evaluating the variables affecting the harvest in 2015 under Addendum IV, and to review the 2016 stock assessment update.

The Atlantic Striped Bass Plan Review Team (PRT) conducted a preliminary review on the performance of the Addendum IV measures during the annual FMP review process to determine if the target reductions in harvest had been achieved in each region and sector. The PRT review indicated that realized harvest from the commercial fisheries, and on a coastwide scale, was very close to those estimated by the TC. However, 2015 harvest from the recreational fisheries in the ocean and in the Chesapeake Bay diverged significantly from those estimated by the TC. At its August meeting, the Board tasked the TC to investigate a number of variables for the recreational fisheries to explain the large differences in the realized harvest in 2015 compared to those predicted by the TC. The TC concluded that changes in effort and changes in the size and age structure of the population, and the distribution of the 2011 year class along the coast relative to the Chesapeake Bay were the most significant variables contributing to the

large differences in the realized harvest compared to those estimated by the TC. Effort (i.e., number of trips targeting striped bass) in the Chesapeake Bay recreational fishery increased by 50% in 2015 compared to the reference period, while effort in the ocean recreational fisheries decreased by 27%. Additionally, age and length structure of the recreational catch data suggest that the large 2011 year class was nearly fully recruited to the Chesapeake Bay fisheries, but only partially available to the ocean fisheries. In other words, not only are these fish just starting to migrate into the ocean populations, but a large proportion of fish from this year class are of harvestable size in the Bay (i.e., greater than or equal to 20" total length).

The 2016 stock assessment update results indicated that although the Atlantic striped bass stock is not overfished and overfishing is not occurring, spawning stock biomass (SSB) continues to decline towards the threshold level. SSB in 2015 was estimated at 58,853 metric tons with a 40% probability of being below the SSB threshold level of 57,626 metric tons. Fishing mortality (F) in 2015 was estimated at 0.16 which is below the threshold and the target levels (0.22 and 0.18, respectively). A primary goal of Addendum IV was to bring F back down to the target level. Since F was estimated to be below the target in 2015, the Board tasked the TC to determine the percent liberalization in harvest that would increase F from the 2015 point estimate of 0.16 to the target level of 0.18. As part of this tasking, and because Addendum IV continues to set the regulatory program for Atlantic striped bass (i.e., commercial quotas, and recreational size and bag limits), the TC will provide a recommendation to the Board on the preferred dataset using updated length-frequency data for states to use when preparing conservation equivalency proposals.

For more information please contact Max Appelman, Fishery Management Plan Coordinator, at mappelman@asmfc.org or 703.842.0740.

Motions

Move to task the Striped Bass Technical Committee to 1) determine the percent liberalization in harvest that would increase fishing mortality (F) from the 2015 terminal year estimate of 0.16 to the FMP target F of 0.18, and 2) to recommend a preferred dataset using updated length frequency data for states to use when preparing conservation equivalency proposals for recreational regulations.

Motion made by Mr. Luisi and seconded by Mr. Clark. Motion carries (8 in favor, 6 opposed).

EXECUTIVE COMMITTEE (OCTOBER 24, 2016)

Meeting Summary

The Executive Committee reviewed the FY16 Audit and deferred approval until the February meeting to allow staff additional time to resolve some issues identified in the draft audit. The committee reviewed the updated Conservation Equivalency guidance document and recommended it for approval by the ISFMP Policy Board. They reviewed an updated draft of the ASMFC standard meeting practices document and provided additional editorial feedback. This document will be considered for approval by the policy board at the February 2017 meeting. The Executive Committee discussed a number of Human Resources issues associated with having multiple ASMFC employees housed in our member states. The Committee agreed to include an ACCSP goal in the Commission's annual action plan. Under other business, the committee discussed pending MRIP economic surveys. They agreed to engage MRIP staff on to determine if there is a more appropriate way to collect this information.

For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

LAW ENFORCEMENT COMMITTEE (OCTOBER 24 & 25, 2016)

Meeting Summary

The Law Enforcement Committee (LEC) met over two days during the 2016 annual meeting of the Atlantic States Marine Fisheries Commission (ASMFC) in Bar Harbor, Maine. The LEC welcomed new LEC member Grant Burton representing Florida.

Species Issues

American Lobster — Megan Ware of ASMFC staff briefed the LEC on development of an addendum to address the Southern New England stock. One issue of concern was the possible increase in regulatory complexity in offshore harvest areas, given the recent work of a subcommittee to address existing enforcement limitations in the offshore trap fishery. The LEC will review and comment on proposed management measures as they are developed.

The **Lobster Enforcement Subcommittee** also reported on its work to identify and recommend enhancements to existing enforcement efforts for the lobster trap fishery. The subcommittee was formed to proactively address enforcement needs in response to trap limitation programs and increasing activity in more remote waters. The LEC reviewed language in a draft letter from the ASMFC requesting that NOAA Office of Law Enforcement increase its priority ranking for American lobster work. The ranking is important to providing federal reimbursement to states for enforcement activities targeting the fishery. The NOAA representative to the LEC confirmed that it is timely to submit such a letter now in advance of planning for 2018-2023 priorities. The LEC continued a discussion of the limitations of enforcement vessels for reaching and checking offshore lobster trap lines. Where enforcement actions have occurred, untagged traps are being discovered. The United States Coast Guard District 5 considers American lobster a priority species for their work, but they are not set up to pull and check traps on their vessels. In addition to increased federal funding to support enforcement efforts, the LEC concluded that the next best area to focus on would be the comprehensive establishment of a vessel monitoring system (VMS) for the lobster fishery, with design characteristics suitable for law enforcement uses.

Jonah Crab — Megan Ware provided information on a proposed addendum to address claw harvest and bycatch standards. After reviewing management options the LEC expressed its continued support for a whole-crab-only harvest. Given the direction of the ASMFC to allow claw harvest, the LEC discussed one complication. If a minimum claw size is specified along with a whole-crab minimum size, confusion in the markets could ensue if claws removed from legal whole crabs do not meet the minimum claw size. This confusion would lead to greater difficulty in enforcing any minimum size limit for claw harvest. The LEC also supported reintroducing an option to allow a 5-gallon bucket volume allowance for harvesting crabs for personal consumption as a relatively straightforward means of enforcing a bag limit. The LEC opposes a bycatch definition based on percent composition as difficult to manage and monitor by both the fisherman and a checking officer. They are also difficult cases to successfully prosecute. The ASMFC's *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures*,

Second Ed. 2015 ranked bycatch limits based on percent composition the 3rd lowest of 26 management measures included in the guidelines.

American Eel — Kirby Rootes-Murdy reviewed the modifications to the eel aquaculture plan from the state of North Carolina. The LEC discussed the removal of warrantless search provisions that were part of the 2016 plan. Despite this change, the LEC reaffirmed its support of the proposed aquaculture operation. Recognizing that the North Carolina General Assembly has provided statutory direction to disallow such warrantless searches, the LEC felt that the remaining general permit conditions and limitations of the proposal, along with its limited application to a single Permittee, would be sufficient to monitor and ensure compliance. On a broader level, the LEC established that under nearly all situations with which it is familiar, issuance of permits or licenses allows for such searches and is considered a vital component of enforcement to ensure compliance with regulations and harvest limits. The LEC is concerned about the possible precedent of removing what is considered an effective compliance tool; namely the ability to conduct warrantless inspections and searches directly related to the actions of permitted or licensed individuals, and where such inspections or searches are made a condition of the permit or license. That ability was a primary consideration of the LEC in rating “Permits” among the most enforceable management measures in its *Guidelines for Resource Managers on the Enforceability of Fishery Management Measures, Second Ed. 2015*.

Summer Flounder — Kirby Rootes-Murdy requested input from the LEC on current state safe harbor provisions and the related idea of landings flexibility for summer flounder that is being considered in the ongoing development of a summer flounder ‘Comprehensive’ amendment. Members pointed out that these items should be understood or seen as two separate issues. For the first issue, Safe Harbor requests are essential to address safety-at-sea concerns, and should be kept separate from management considerations of multi-state landings allowances and quota transfers. Members pointed out recent increases in safe harbor requests in the summer flounder fishery, often from the same individuals or vessels. It is a concern that safe harbor requests may be abused in the interest of off-loading catches for business or convenience purposes. Several states have now adopted policies for handling legitimate safe-harbor requests, and the LEC supports development of a single, standardized policy that all states could adopt. On the second issue as states move towards more and more management policies that allow flexibility in landings (e.g. aggregate, dual-landings permits, out-of-state) the result is inevitably less and less enforceability. The LEC expressed concern that abuse of safe harbor requests is already leading to harvest of flounder that are not accounted for, or ultimately become commercial discards. It was highlighted that this byproduct of abuses of safe harbor may be contributing to fishing mortality that is currently accounted for in a limited capacity, and may have implications on recent stock assessment findings (2015 and 2016 Summer Flounder Stock Assessment Update). Moving forward, Kirby will work to get information on active/in-active permits and dual-state permit holders at the state level to better understand the number of individuals or vessels that may benefit from ‘landings flexibility’, and share this information with the LEC as soon as possible. Kirby will likely schedule a call with the LEC prior to the joint ASMFC and MAFMC Meeting in December 2016.

Other Issues

The LEC reviewed proposed **2017 Action Plan** items and confirmed that its work will address the tasks outlined in Goal 3 of the plan.

Members shared information on their states' participation levels in the **Interstate Wildlife Violators Compact**. In most cases adherence to the compact includes recognition of another state's action to suspend or revoke licenses of a resource violator, and an equivalent suspension in the cooperating state. Members discussed problems of sharing data on license suspensions, and inconsistencies among the states in how provisions of the compact may be applied. While the language of the compact is general in nature, some states do not apply it to commercial or fisheries violations. The LEC Coordinator will review and compile information for more in-depth review by the committee.

Dan McKiernan requested information from the LEC on state regulations or statutes that address **combining recreational and commercial landings** on the same trip. Members provided general information from their states, which varied widely in approaches. Mark Robson was directed to forward additional details of state regulations for Massachusetts' use when those are provided.

The work of the **Aerial Enforcement Subcommittee** was reported to the LEC. There are two primary issues. First, the current *Enforceability Guidelines* ratings of management measures include separate ratings for "Aerial Enforcement". The LEC has concluded that these ratings are not justified as a stand-alone category. Rather, as with vessels, vehicles and other equipment, aerial resources are part of the suite of tools that enable at-sea and dockside enforcement. The LEC recommends that this category be removed from the rating system, conduct an updated survey with the current LEC members, and amend the guidelines document. The second issue relates to funding of aerial enforcement work by NOAA through joint enforcement agreements (JEAs) with the states. NOAA OLE reported on changes underway that will guide how state enforcement activities will be reimbursed through JEAs.

Commissioner Dennis Abbott presented information on a fund-raising **effort to honor Chris Schoppmeyer** for his years of dedication to the Town of Newmarket, NH, and for his distinguished career in conservation enforcement. Funds will be used to secure land for a local park dedicated to Mr. Schoppmeyer.

Members shared information from their respective agencies on recent **staffing and training activities**. Several LEC members reported on the high-value training offered by the National Association of Conservation Law Enforcement Chiefs Leadership Academy. The LEC currently has two members of the Academy steering team and three additional recent graduates.

For more information, please contact Mark Robson, LEC Coordinator, at markrobson2015@outlook.com.

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (OCTOBER 25, 2016)

Press Release

ASMFC South Atlantic Board Approves Cobia PID for Public Comment

Bar Harbor, ME – The Commission's South Atlantic State/Federal Fisheries Management Plan approved for public comment the Public Information Document (PID) for the Interstate Fishery Management Plan (FMP) for Cobia. As the first step in the FMP development process, the PID provides stakeholders with an opportunity to inform the Commission about changes observed in the

fishery and provide feedback on potential management measures as well as any additional issues that should be included in the Draft FMP. Specifically, the PID seeks comment on the management unit; goals and objectives of the plan; commercial and recreational measures; coastwide, regional or state-by-state measures; and other issues.

This action responds to a request by the South Atlantic Fishery Management Council (SAFMC) for the Commission to consider joint or complementary management of the resource in light of the significant overage of the 2015 recreational annual catch limit (ACL) and the impact of those overages to state management. Further, during most recent years, a majority of recreational landings of cobia along the Atlantic coast occurs in state waters. The Commission considered this request in August and agreed to move forward with the development of a complementary FMP.

Widely distributed throughout the western Atlantic and Gulf of Mexico, cobia are managed as two distinct groups – the Gulf Migratory Group and the Atlantic Migratory Group. The Atlantic Migratory Group, which range from New York to Georgia, is managed by the SAFMC. The east coast of Florida falls under the Gulf Migratory Group. The SAFMC manages the east coast of Florida sub-ACL which is set by the Gulf of Mexico Fishery Management Council. Recreational landings of the Atlantic Migratory Group in 2015 were approximately 1.5 million pounds, 145% over the ACL, resulting in a June 20, 2016 closure of the fishery by NOAA Fisheries. Commercial cobia landings in 2015 were 83,148 pounds, 38% over the ACL. Late landings reports in 2015 precluded a timely closure of the commercial fishery.

Concerns were expressed by some states whose recreational seasons would have been significantly reduced by federal waters closure due to the 2015 quota overage. Instead of following the federal closure, several states developed alternate management strategies to reduce economic impacts to their state fisheries which resulted in differing regulations for federal and state water fishing. An intent of the complementary Cobia FMP is to provide the states the flexibility to respond to changes in the fishery and stock that meet their state fisheries needs without impacting federal fishermen while meeting the goals and objectives of the FMP.

The PID will be available on the Commission website early next week under Public Input (<http://www.asmfc.org/about-us/public-input>). It is anticipated states from Delaware through Florida will be conducting hearings over the next couple of months. The details of those hearings will be released in a subsequent press release. For more information, please contact Louis Daniel at ldaniel@asmfc.org or 252-342-1478.

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PR16-29

Meeting Summary

The South Atlantic State/Federal Fisheries Management Board met to review the Red Drum Technical Committee (TC) and Stock Assessment Subcommittee (SAS) to investigation of the appropriateness of current biological reference points and development of an overfished reference point, investigate the feasibility of an F-based reference point that looks strictly at the harvest of juvenile red drum, evaluate how red drum life history and current regulations may limit the validity of an age-based model, and provide a recommendation on how to proceed with the Stock Synthesis III (SS3) model. The Red Drum

TC and SAS jointly constructed a report recommending the use of spawning potential ratios as appropriate reference points for management use. The TC and SAS do not recommend using a reference point for overfished status because of difficulties in reliably estimating spawning stock biomass for this stock. The TC and SAS do not recommend using a juvenile fishing mortality reference point for management because this reference point would require information on a stock-recruit relationship (which is currently unreliable), would not account for adult mortality, and would not be able to reliably account for recruitment variability. The TC and SAS recommended the use of an age-structured model and did not recommend SS3 as the modeling framework at this time due to current data limitations. The TC and SAS recommended using a statistical catch-at-age model (consistent with that used in SEDAR 18), with the addition and continuation of current survey indices, as the base model for the stock assessment.

The Board discussed the timing and ways in which the red drum stock assessment could be completed. Currently, only data through 2013 is being used in the assessment model. The decision before the Board was to complete the ongoing assessment using the currently available data and plan to update the assessment soon after its completion or to delay the completion of the assessment until data for more recent years could be compiled and incorporated into the stock assessment data set. The Board decided to have the TC/SAS complete the ongoing assessment through 2013, with the intent of updating with data through 2015 or 2016 soon after the assessment's completion.

Lastly, the Board approved FMP Reviews, State Compliance Reports, and *de minimis* statuses where applicable for black drum, Spanish mackerel, and spotted seatrout.

For more information, please contact Michael Schmidtke, Fishery Management Plan Coordinator, at mscmidtke@asmfc.org or 703.842.0740.

Motions

Move to accept the Draft Cobia FMP Public Information Document for public comment as amended.

Motion made by Mr. Boyles and seconded by Ms. Fegley. Motion passes unanimously.

Move to accept the FMP Review and compliance reports for the black drum 2014 and 2015 fishing years.

Motion made by Dr. Rhodes and seconded by Dr. Laney. Motion passes unanimously.

Move to approve the FMP Review and compliance reports for the Spanish mackerel 2015 fishing year, approve *de minimis* status for Georgia, New Jersey, and Delaware.

Motion made by Dr. Rhodes and seconded by Mr. Clark. Motion passes unanimously.

Move to accept the FMP Review and compliance reports for the spotted seatrout 2015 fishing year, and approve *de minimis* status for New Jersey, and Delaware.

Motion made by Mr. Boyles and seconded by Mr. Geer. Motion passes unanimously.

Move to accept Bill Parker, Glenn Ulrich, Lee Southward, and Aaron Kelly to the South Atlantic Advisory Panel.

Motion made by Dr. Rhodes and seconded by Mr. Batsavage. Motion passes unanimously.

TAUTOG MANAGEMENT BOARD (OCTOBER 25, 2016)

Meeting Summary

The Tautog Management Board reviewed the regional and coastwide assessment update results. The update includes data through 2015 for all regions which include Massachusetts-Rhode Island (MA-RI), Long Island Sound (LIS), New Jersey-New York Bight (NJ-NYB) and Delaware-Maryland-Virginia (DMV). See the table for regional stock status.

Stock Region	Maximum Sustainable Yield (MSY) or Spawning Potential Ratio (SPR)	Spawning Stock Biomass (SSB) Target (mt)	SSB Threshold (mt)	SSB 2015 (mt)	Fishing Mortality (F) Target	F Threshold	F 3-year Avg (2013-15)	Stock Status
MA-RI	MSY	3,631	2,723	2,196	0.14	0.28	0.23	Overfished, Overfishing not occurring
	SPR	2,684	2,004	2,196	0.28	0.49	0.23	Stock not overfished, Overfishing not occurring
LIS	MSY	2,865	2,148	1,603	0.28	0.49	0.51	Overfished, Overfishing
	SPR	2,980	2,238	1,603	0.27	0.46	0.51	Overfished, Overfishing
NJ-NYB	SPR	3,154	2,351	1,809	0.20	0.34	0.54	Overfished, Overfishing
DMV	SPR	1,919	1,447	621	0.16	0.24	0.16	Overfished, Overfishing not occurring
Coastwide	MSY	14,944	11,208	6,014	0.17	0.24	0.38	Overfished, Overfishing
	SPR	9,448	7,091	6,014	0.25	0.43	0.38	Overfished, Overfishing not occurring

The Board provided the Plan Development Team with guidance on Draft Amendment 1 management options. Specifically, the Board discussed the following issues: reference points, projections to reduce fishing mortality, rebuilding plan, commercial and recreational harvest reductions, commercial quota, commercial harvest tagging program and management within a region. The Board elected to create regional working groups that will meet prior to the February 2017 Board meeting to further discuss the issues and the best approach relative to the region. Feedback from the working groups will be presented at the February 2017 Board meeting and Draft Amendment 1 for public comment will be presented at the May 2017 Board meeting.

The Board received an update on the tautog tagging trial that is underway. The research team will prepare a project report after the trial has concluded. It will be presented to the Law Enforcement Subcommittee in the fall and to the Board at the February 2017 meeting.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

No motions made.

SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (OCTOBER 25, 2016)

Press Release

ASMFC Summer Flounder Board Initiates Draft Addendum for Alternative Management Options for 2017 Recreational Fishery

Bar Harbor, ME – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board initiated development of Draft Addendum XXVIII to the Summer Flounder Fishery Management Plan (FMP) to consider alternative management approaches, including regional options, for the 2017 recreational summer flounder fishery. The Draft Addendum will have options which are designed to achieve the 2017 recreational harvest limit (RHL).

Changes in summer flounder distribution, abundance and availability created problems under the static state-by-state allocations, with overages often occurring. In response, states would implement regulations to reduce harvest, resulting in differing regulations between neighboring states. In 2014, the Board shifted away from traditional state-by-state allocations to a regional approach for managing summer flounder recreational fisheries. A benefit of the regional approach is it provides the states the flexibility to temporarily share allocations. The intent is to set regulations that account for shifting distribution, abundance and availability while providing stability and greater regulatory consistency among neighboring states as well as individual states in achieving but not exceeding the coastwide RHL.

In August, the Board and Mid-Atlantic Fishery Management Council (Council) approved a 30% reduction in the 2017 coastwide RHL relative to 2016. This was in response the 2016 Stock Assessment Update which found fishing mortality was higher in recent years and population estimates were lower than previously projected.

The Draft Addendum will be presented to the Board for its consideration and approval for public comment at its joint meeting with the Council in December in Baltimore, Maryland. At that meeting, the Board and Council will also consider extending ad-hoc regional approaches for 2017 black sea bass and scup recreational management in state waters. The Board and Council are scheduled to review the Black Sea Bass Stock Assessment Report and Peer Review Report and consider possible management responses at their joint meeting in February 2017 in Kitty Hawk, North Carolina.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR15-36

Motions

Move to initiate an addendum to consider adaptive management, including regional approaches, for the 2017 summer flounder recreational fishery.

Motion made by Mr. Clark and seconded by Mr. Simpson. Motion passes (11 in favor, 1 opposed).

SHAD AND RIVER HERRING MANAGEMENT BOARD (OCTOBER 25, 2016)

Meeting Summary

The Shad and River Herring Management Board met to consider approval of Massachusetts's Nemasket River Sustainable Fishery Management Plan for River Herring. The Massachusetts Division of Marine Fisheries developed the plan in partnership with the Middleborough-Lakeville Herring Fishery Commission. The proposed management measures include an allowance of unlimited local permits (residents of the towns of Middleborough and Lakeville) and restricts the non-resident permits to 250 per year. It also restricts the harvest period to 3 days of fishing per week over 5 weeks and a weekly catch limit of 20 fish per person. The primary sustainability measure to monitor run status is the ongoing run count. Harvest will be capped at 10% of the time series mean (TSM) and recalculated each year. Action thresholds such as, exceeding the catch cap or a run count that is below the 25th percentile, will trigger management action. Potential management responses include an allowable harvest reduction from 10% to 5% of the TSM or a three-year closure (refer to the SFMP for a complete overview of the sustainability measures). The Technical Committee reviewed the Nemasket River Sustainable Fishery Management Plan and had no critiques. The Board approved the Nemasket River Sustainable Fishery Management Plan for river herring.

The Board reviewed a timetable for existing sustainable fishery management plans to be updated in 2017. Three plans will be reviewed at the February meeting (2 river herring and 1 shad). Eight plans will be reviewed at the May meeting (2 river herring and 6 shad).

The Board received an update on the Mid-Atlantic Fishery Management Council's (Council) decision regarding shad and river herring management. In October the Council determined management of shad and river herring through a Council fishery management plan is not warranted. The Council will continue to use catch caps to incentivize harvesters to reduce shad and river herring bycatch.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Move to approve the Nemasket River, Massachusetts Sustainable Fishery Management Plan for river herring.

Motion made by Mr. Adler and seconded by Mr. Simpson. Motion passes unanimously.

HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 26, 2016)

Press Release

ASMFC Horseshoe Crab Board Sets 2017 Specifications for Horseshoe Crabs of Delaware Bay Origin

Bar Harbor, ME – The Commission’s Horseshoe Crab Management Board approved the harvest specifications for horseshoe crabs of Delaware Bay origin. Under the Adaptive Resource Management (ARM) Framework, the Board set a harvest limit of 500,000 Delaware Bay male horseshoe crabs and zero female horseshoe crabs for the 2017 season. Based on the allocation mechanism established in Addendum VII, the following quotas were set for the states of New Jersey, Delaware, Maryland and Virginia, which harvest horseshoe crabs of Delaware Bay origin:

	Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)	Total Quota**
State	Male Only	Male Only
Delaware	162,136	162,136
New Jersey	162,136	162,136
Maryland	141,112	255,980
Virginia*	34,615	81,331

*Virginia harvest refers to harvest east of the COLREGS line only

** Total male harvest includes crabs which are not of Delaware Bay origin.

The Board chose a harvest package based on the Technical Committee and ARM Subcommittee recommendation. The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. Previously, the horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute. However, due to a lack of funding, the Benthic Trawl Survey has not been conducted in recent years. Therefore, a composite index of the Delaware Trawl Survey, New Jersey Delaware Bay Trawl Survey, and New Jersey Ocean Trawl Survey was used instead. The Benthic Trawl Survey has been funded for 2016 and is currently underway. Funding for future years is being explored.

Given the upcoming benchmark stock assessment in 2018 and the potential for management changes resulting from the assessment, the Board postponed any further action of Draft Addendum VIII until after the assessment and peer review. In preparation for the assessment, the Horseshoe Crab Technical Committee, Delaware Bay Ecosystem Technical Committee, and the ARM Subcommittee emphasized the need for information on sex-specific mortality of horseshoe crabs from the time of collection to release by biomedical bleeding facilities. Further, the committees recommended the states conduct surveys of eel and whelk fishermen to gain information on current baiting practices for these fisheries. The states agreed to work on both issues with its biomedical industries and fishermen. Results of these surveys are expected to be made available to the Board in May 2017.

For more information, please contact Michael Schmidtke, FMP Coordinator, at 703.842.0740 or mschmidtke@asmfc.org.

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Motions

Move to postpone development of Draft Addendum VIII until after the 2018 Horseshoe Crab Benchmark Stock Assessment has been completed.

Motion made by Mr. Luisi and seconded by Mr. Miller. Motion passes (15 in favor).

Move to select harvest package 3 for 2017 horseshoe crab harvest in Delaware Bay.

Motion made by Mr. Luisi and seconded by Mr. Michels. Motion carries without objection (Roll Call Vote: In favor - MA, RI, CT, NY, NJ, DE, MD, DC, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS).

Move to accept the Horseshoe Crab 2016 FMP Review and state compliance reports, and approve *de minimis* requests for the Potomac River Fisheries Commission, South Carolina, Georgia, and Florida.

Motion made by Mr. Boyles and seconded by Mr. Adler. Motion is adopted unanimously.

Move that the Board approve the request to transfer quota (1,250 crabs) from Georgia to North Carolina.

Motion made by Dr. Duval seconded by Mr. Geer. Motion is adopted unanimously.

ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 26, 2016)

Meeting Summary

The ACCSP Coordinating Council met to receive Program and Committee Updates, an overview presentation on “The Universe of Electronic Reporting Efforts on the Atlantic Coast”, take Final Action on the FY17 funding distribution and approval of the Addendum to the Memorandum of Understanding and the Governance Transition Document. Both the Chair and the Vice-chair requested that ACCSP take an opportunity to give a presentation of the “Universe of Electronic Reporting on the Atlantic Coast”. This presentation encompassed the status of reporting whether electronic or paper, of dealers, commercial fisheries and for-hire fisheries for both federal and state reporting requirements. This presentation will likely be used to discuss the electronic reporting status on the Atlantic Coast for external ACCSP presentations such as at the regional councils. The Council took final action and approved the consensus recommendation of the Advisory and Operations Committee to fully fund all Maintenance proposals, fully fund the MA DMF sea bass aging and the GA DNR trip ticket new proposals and partially fund the SEFSC snapper-grouper observer new proposal. If additional funds are available the ACCSP Leadership Team will meet to determine the additional allocation. The Council also took final action and approved the Governance Transition Workgroup’s unanimous recommendation to approve the ACCSP Transition Document and MOU Addendum thereby approving the transfer of ACCSP from an independent program to a program of the ASMFC.

Finally, under Other Business Mark Alexander presented the Council with a concern from SeaPlan (who conducted andocean use pilot using eTrips/Mobile). There are concerns about the collection and retention of vessel location data. Mike Cahall will have a conference call with SeaPlan to determine the best way to proceed. SeaPlan will be closing by the end of the year, thus the outcome will be coordinated through the Leadership Team.

For more information, please contact Mike Cahall, ACCSP Director, at mike.cahall@accsp.org.

Motions

Motion to accept the Operations and Advisory Committee recommendation of funding all maintenance proposals, fund MA DMF sea bass aging and GA DNR trip ticket and partially fund the SEFSC snapper-grouper observer project. If additional funds are available the ACCSP Leadership Team will meet to determine additional allocation.

Motion made by Mr. Stockwell and seconded by Ms. Patterson. Motion carries.

Motion to accept the Governance Transition Workgroup unanimous recommendation of the approval of the ACCSP Transition Document and MOU Addendum thereby approving the transfer of ACCSP from an independent program to a program of the ASMFC.

Motion made by Mr. Heins and seconded by Dr. Duval. Motion carries.

BUSINESS SESSION (OCTOBER 26, 2016)

Meeting Summary

The Business Session reelected Douglas Grout of New Hampshire and James Gilmore of New York as its Chair and Vice-chair, respectively. It also reviewed and approved the 2017 Action Plan, to guide Commission activities throughout the coming year. The approved Action Plan will be available on the Commission website, www.asmfc.org, early next week. For more information, please contact Bob Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

On behalf of the Nominating Committee, I move to nominate Jim Gilmore as the ASMFC Vice Chair for 2017.

Motion made by Mr. Miller. Motion passes unanimously.

Move to add task 1.2.7 to work with the regional fishery management councils and NOAA Fisheries to review changes in national standard 1 guidelines and their implications for alignment of state and federal fishery management programs.

Motion made by Dr. Pierce and seconded by Mr. McNamee. Motion carries unanimously.

On behalf of the Administrative Oversight Committee, I move to recommend approval of the 2017 ASMFC Action Plan as amended today.

Motion made by Mr. Grout. The motion passes unanimously.

CAPTAIN DAVID H. HART AWARD LUNCHEON (OCTOBER 26, 2016)

Press Release

ASMFC Presents William Goldsbrough Prestigious Captain David H. Hart Award

Bar Harbor, ME – The Atlantic States Marine Fisheries Commission presented William “Bill” Goldsbrough of the Chesapeake Bay Foundation the Captain David H. Hart Award, its highest annual award, at the Commission’s 75th Annual Meeting in Bar Harbor, Maine. Bill is the first person to receive all three Commission awards, having previously received an Annual Award of Excellence for Management & Policy Contributions and the Atlantic Coastal Fish Habitat Partnership (ACFHP) Melissa Laser Fish Habitat Conservation Award.



Hart Award recipient Bill Goldsbrough (front row center) joined by ASMFC Executive Director Bob Beal, ASMFC Chair Doug Grout and 10 previous Hart Award recipients.

Throughout his 30 years on the front lines of fisheries management and conservation, Bill has remained a thoughtful and persistent voice of reason in his commitment to science-based decision making. A senior scientist for the Chesapeake Bay Foundation since 1988, Bill has provided an independent, conservation-oriented voice to the fisheries discussion. Bill joined the Commission in 1995 after having served as a member of the Commission’s Atlantic Coastal Fisheries Cooperative Management Act Transition Team. From 1995 through 2004 he was the Maryland Governor’s Appointee and again from 2007 until this year.

During his career, Bill has made significant contributions to the protection and recovery of several key Chesapeake Bay fishery species. He played a central role in the striped bass recovery, beginning with the

implementation of the Maryland moratorium in 1985 and continuing through to the reopening the fishery in 1990, having achieved consensus among diverse stakeholders to move towards a conservation-based approach to striped bass management. He also led a public blue crab conservation campaign that resulted in a broad commitment to cap effort in the fishery and led to the adoption of bay-wide fishery management plans under the Chesapeake Bay Agreement.

A passionate advocate for aquatic habitat, Bill made habitat protection and restoration a topic of critical and common concern among fishermen. Regionally, he brought together a diverse group of commercial and recreational fishermen to adopt codes for protecting the Chesapeake Bay. Coastwide, he has left an indelible mark on the Commission's Habitat Program as one of the earliest members of the Habitat Committee and its longest serving Chair, having serving in that position for 10 years. Thanks to his leadership and participation, the Committee has developed habitat sections for many of the Commission's fishery management plans and released numerous publications – all of which have elevated our understanding that healthy aquatic habitats are the foundation of abundant fisheries. As a Steering Committee member, Bill also played an important role in the development and launching of the Atlantic Coastal Fish Habitat Partnership.

Perhaps one of Bill's most notable and lasting endeavors is his commitment to ecological fisheries management, which the Atlantic Menhaden Board is now pursuing through Amendment 3. In 2005 and 2006, he was instrumental in developing the Chesapeake Bay reduction cap for menhaden and prompting a five-year Chesapeake Bay population research program. Throughout the oftentimes contentious deliberations, Bill's was the calm voice reminding us to stay the course.

His contributions and composure in the face of challenging decision-making negotiations undoubtedly spring from his concurrent participation in other fisheries management fora, including his work with the EPA Chesapeake Bay Program where he serves on the Sustainable Fisheries Goal Implementation Team, and his tenures as a member of the Chesapeake Bay Program's Fishery Management Workgroup (1987-2001), Aquatic Reef Habitat Workgroup (1993-2000), Fish Passage Workgroup (1987-2000), and the Fishery Management Plan Review Taskforce (1993). From 1996 through 2003, he was a member of NOAA's Bi-State Blue Crab Advisory Committee. For eight years (2002-2010), he was the NGO representative on NOAA's Chesapeake Bay Fisheries Steering Committee.

These are only some of the highlights in the remarkable career of an exceptional ecologist who has found ways to bridge gaps between stakeholders and the environment while deftly negotiating the terrain between what could be ideal and what is humanly possible.

The Commission instituted the Award in 1991 to recognize individuals who have made outstanding efforts to improve Atlantic coast marine fisheries. The Hart Award is named for one of the Commission's longest serving members, who dedicated himself to the advancement and protection of marine fishery resources.

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PR16-32

ATLANTIC MENHADEN MANAGEMENT BOARD (OCTOBER 26, 2016)

Press Release

ASMFC Atlantic Menhaden Board Sets 2017 TAC at 200,000 MT & Approves Draft Amendment 3 Public Information Document for Public Comment

Bar Harbor, ME – The Commission’s Atlantic Menhaden Management Board approved a total allowable catch (TAC) for the 2017 fishing season of 200,000 mt, a 6.45% increase from the 2016 TAC. According to Technical Committee analysis this increase has a zero percent probability of resulting in overfishing. The TAC will be made available to the states/jurisdictions based on the state-by-state allocation established by Amendment 2 (see accompanying table).

“Given the healthy condition of the resource, this modest increase provides additional fishing opportunities while the Board proceeds with the development of Draft Amendment 3 to the Interstate Fishery Management Plan.” stated Board Chair Robert Ballou from Rhode Island.

Additionally, the Board approved the Public Information Document (PID) for Draft

Amendment 3 for public comment. As the first step in the amendment process, the PID provides stakeholders with an opportunity to inform the Commission about changes observed in the fishery and provide feedback on potential management measures as well as any additional issues that should be included in the Draft Amendment. Specifically, the PID presents a suite of tools to manage the menhaden resource using ecological reference points as well as options to allocate the resource among the states, regions, and user groups.

The PID will be available on the Commission website, www.asmfc.org, early next week. It is anticipated that the majority of states will be conducting public hearings over the next couple months. A subsequent press release to provide the details of those hearings. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

2017 ATLANTIC MENHADEN QUOTAS*		
STATE	QUOTA (MT)	QUOTA (LBS)
ME	77.96	171,882
NH	0.06	131
MA	1,660.35	3,660,454
RI	35.47	78,195
CT	34.54	76,152
NY	109.78	242,032
NJ	22,159.75	48,853,880
DE	26.15	57,646
MD	2,717.77	5,991,662
PRFC	1,229.15	2,709,809
VA	168,937.75	372,443,990
NC	975.68	2,150,995
SC	-	-
GA	-	-
FL	35.58	78,449
TOTAL	200,000	440,924,524

*Quotas may be adjusted pending final 2016 landings. Total landings after 1% set-aside for episodic events.

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PR16-32

Meeting Summary

At their October 2016 meeting, the Atlantic Menhaden Management Board (Board) set fishery specifications for the 2017 fishing year, approved a Public Information Document (PID) for Draft Amendment 3, and approved nominations to the Atlantic Menhaden Advisory Panel (AP).

The Board set the 2017 Total Allowable Catch (TAC) at 200,000 metric tons, a 6.45% increase from the 2016 TAC. The TAC will be provided to jurisdictions based on the state-by-state allocation method established in Amendment 2. The Board also approved the Amendment 3 PID for public comment. The document presents a suite of management tools regarding ecological reference points and allocation methods, and provides stakeholders the opportunity to inform the Commission of changes in the fishery.

A TC report reviewing the paper “The Fate of an Atlantic Menhaden Year Class” was presented to the Board as well as an update from the Biological Ecological Reference Point (BERP) Working Group. Multispecies models from the BERP Working Group are expected to be peer reviewed in 2019. Finally, the Board approved Bob Hannah (MA), Patrick Paquette (MA), Dave Monti (RI), Meghan Lapp (RI), Paul Eidman (NJ), Leonard Voss (DE), Peter Himchak (VA), and Scott Williams (NC) to the Menhaden AP. The Board also approved Jeff Deem as a third representative from Virginia, adding another seat to the AP.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Tabled Motion from August 2016

Motion to set the 2017 coastal total allowable catch (TAC) for the Atlantic menhaden fishery at 255,456 metric tons (20% increase).

Motion made by Mr. Gary and seconded by Mr. Schill. Motion amended.

Motion to Amend

Move to amend the motion to set the 2017 coastal total allowable catch for Atlantic menhaden at 200,000 metric tons (approximate 6.45% increase).

Motion made by Dr. Rhodes and seconded by Mr. Stockwell. Motion passes unanimously. Roll Call Vote: In favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NFMS, USFWS.

Main Motion as Amended

Move to set the 2017 coastal total allowable catch for Atlantic menhaden at 200,000 metric tons (approximate 6.45% increase).

Motion to Amend

Move to amend to set the 2017 coastal total allowable catch for Atlantic menhaden at 187,880 metric tons (status quo).

Motion made by Mr. Goldsborough and seconded by Mr. White. Motion fails (8 in favor, 10 opposed). Roll Call Vote: In favor – NH, MA, CT, PA, SC, GA, FL, USFWS; Opposed – ME, RI, NY, NJ, DE, MD, PRFC, VA, NC, NMFS.

Main Motion as Amended

Move to set the 2017 coastal total allowable catch for Atlantic menhaden at 200,000 metric tons (approximate 6.45% increase).

Motion passes (16 in favor, 2 opposed). Roll Call Vote: ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS; Opposed – PA, USFWS.

Move to approve the Atlantic Menhaden PID with the additions suggested and discussed by the Board today, and including editorial changes submitted to the FMP Coordinator by Friday COB.

Motion made by Mr. Boyles and seconded by Mr. Gilmore. The motion passes unanimously.

Move to appoint Bob Hannah (MA), Patrick Paquette (MA), Dave Monti (RI), Meghan Lapp (RI), Paul Eidman (NJ), Leonard Voss (DE), Peter Himchak (VA), and Scott Williams (NC) to the Atlantic Menhaden Advisory Panel.

Motion made by Dr. Duval and seconded by Mr. Adler. The motion is approved by consent.

Move to appoint Jeff Deem as a third member from Virginia to the Atlantic Menhaden Advisory Panel.

Motion made by Mr. O'Reilly and seconded by Ms. Meserve. The motion is approved by consent.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (OCTOBER 27, 2016)

Meeting Summary

Chair Grout updated the ISFMP Policy Board on the actions of the Executive Committee (see Executive Committee Meeting summary). The Board reviewed and approved the second edition to the Conservation Equivalency Guidance Document. The Commission employs the concept of conservation equivalency in a number of interstate fishery management programs (FMPs). Conservation equivalency allows states/jurisdictions the flexibility to develop alternative regulations that address specific state or regional differences while still achieving the goals and objectives of interstate FMPs. The guidance document was updated to reflect the current practices of the Commission. It includes standards for proposals, submission timelines, and review and evaluation protocols.

The Risk and Uncertainty Policy Workgroup updated the ISFMP Policy Board on its progress to develop a policy that provides a way to account for both scientific and management uncertainty in the Commission's decision making process. The Workgroup presented a white paper which outlines the goals and objectives of the Commission's policy as well as an example of a decision-tree framework. This framework would allow the Commission to set acceptable risk levels when determining quotas for data-rich species. The Board agreed the Workgroup should host a workshop for the Board that tests the decision-tree approach for Atlantic striped bass during an ASMFC meeting next year.

The Habitat Committee presented a summary of the activities from its meeting in October. The Board reviewed and approved sending a letter drafted by the Habitat Committee to BOEM regarding its concerns with seismic testing. The letter highlights that fish and other marine resources depend on sound for vital life functions and there is insufficient information on how seismic surveys and G&G activities affect fisheries and ecosystem structure and function. Research is needed to better understand the consequences of these activities. The letter, which also extends an invitation to BOEM to join the

Habitat Committee as a member, is similar to that already sent by the Mid-Atlantic and South Atlantic Fishery Management Councils. The Board also approved the Sciaenid Habitat Source Document, which covers the biology, habitat needs, habitat research needs and habitat stresses for Atlantic croaker, black drum, red drum, spot, spotted seatrout, weakfish, northern kingfish, southern kingfish and Gulf kingfish. The Committee identified ongoing practices in each state's coastal regulatory planning that address climate change impacts which were compiled into a report.

The Atlantic Coast Fish Habitat Partnership (ACFHP) Steering Committee met in November and reported a summary of its activities to the Board. The Committee received presentations from the Gulf of Maine Research Institute on an overview of coastal ecosystem monitoring projects, and from the Great Bay-Piscataqua Waterkeepers on the status of submerged aquatic vegetation (SAV) in the Great Bay Estuary and the Exeter Dam Removal endorsed by ACFHP. The Committee received updates on the National Fish Habitat Partnership (NFHP), Coastal FHPs, and Whitewater to Bluewater Initiatives. A report on progress with the Mid-Atlantic black sea bass habitat research project was also provided. The Science and Data Subcommittee updated the Steering Committee on recruiting new membership, and the status of the NOAA-funded Southeast Habitat Mapping Project to prioritize restoration and protection areas. ACFHP also developed recommendations for habitat restoration projects to be supported by FY2017 USFWS-NFHAP funding.

From 2010 to 2016 the USFWS has awarded more than \$480,000 to partners to complete 15 on-the-ground projects from Florida to Maine. Funding supported three marsh/mangrove projects, two SAV projects, two oyster reef restoration projects, seven fish passage projects, and one sturgeon spawning habitat restoration project. The Steering Committee had a working session to further develop ACFHP's new five-year Conservation Strategic Plan. An update was provided on ACFHP operations funding, and reallocation of \$20,000 in unspent FY16 funds towards the Bradford Dam removal. Finally, the Committee visited two habitat restoration project sites, Edwards Dam removal on the Kennebec River, and the Coopers Mill Dam and fishway on the Sheepscot River.

The National Parks Service (NPS) released updates to the Director's Order on Fishing. The policies in the Order are not new but derived directly from the 2006 version of the NPS management Policies. Some of these policies are specific to regulations for commercial and recreational fishermen that could be in conflict with state regulations. The Board formed a working group to review the Order and make recommendations on comments to the NPS regarding fishing regulations.

The American Fisheries Society (AFS) developed a document to provide the next Administration with a summary of the challenges faced by fisheries in 2017 and beyond. AFS is asking groups with interests in fisheries to endorse the document. Given there was not a consensus to support the document, the Commission decided not to become signatories.

The Board agreed to send several letters. The first is a letter to HMS for comments that will be collected from the states on the proposed Dusky Shark Amendment 5b (see coastal sharks meeting summary). The second is a letter to NOAA requesting fishermen be allowed to transit through federal waters in possession of species which have open seasons in state waters but closed in federal waters. The third is a letter to NOAA's Office of Law Enforcement requesting lobster become a higher enforcement priority within the Northeast Region.

For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

Move that we approve the Conservation Equivalency Guidance Document as modified today.

Motion made by Dr. Duval and seconded by Mr. Fote. Motion is approved by consensus (Roll Call Vote: In Favor - ME, NH, MA, RI, CT, NY, NJ, PA, DE, MD, PRFC, VA, NC, SC, GA, FL, NMFS, USFWS).

Move to approve the Sciaenid Habitat Source Document, with editorial discretion to staff.

Motion made by Mr. Fote and seconded by Dr. Laney. Motion is approved by unanimous consent.

Move to approve the draft letter to BOEM regarding seismic testing.

Motion made by Mr. Fote and seconded by Mr. Blazer. Motion is approved by unanimous consent.

Main Motion

Move to send a letter to NOAA's Office of Law Enforcement asking for lobster to become a higher priority within the northeast region through their Joint Enforcement Agreements Program.

Motion made by Mr. Borden and seconded by Mr. Keliher.

Motion to Postpone

Move to postpone the motion until a draft set of priorities is developed for each region within the Commission's range.

Motion made by Mr. Simpson and seconded by Mr. Gilmore. Motion fails (6 in favor, 8 opposed, 1 null).

Move to send a letter to NOAA's Office of Law Enforcement asking for lobster to become a higher priority within the Northeast region through their Joint Enforcement Agreements Program.

Motion made by Mr. Borden and seconded by Mr. Keliher. Motion carries (11 in favor, 3 opposed, 2 abstentions).

ATLANTIC HERRING SECTION (OCTOBER 27, 2016)

Press Release

ASMFC Atlantic Herring Section Initiates Addendum to Improve Performance of Area 1A Fishery

Bar Harbor, ME – The Commission's Atlantic Section initiated Addendum I to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring to improve the performance of the Area 1A (inshore Gulf of Maine) Atlantic herring fishery. The purpose of the addendum is to develop additional management alternatives for the days out program. It is in response to the accelerated pace of Area 1A Trimester 2 (June through September) landings in recent years and the increasingly dynamic nature of days out measures to control Trimester 2 effort that have varied across states.

The Section utilizes days out of the fishery to slow the rate of Area 1A catch so the seasonal quota can be distributed throughout each trimester. Currently, the days out program is specific to landing day

restrictions. The increase in the number of larger carrier vessels in the area has rendered days out less effective in controlling effort because vessels can transfer catch to large carrier vessels at-sea, allowing harvesters additional days of fishing beyond the days that are open to landings.

In 2016, Maine's Department of Marine Resources (DMR) implemented a series of emergency rules that were more restrictive than Commission measures in an attempt to extend the Trimester 2 quota into September. These rules included a weekly landing limit, restricted landing and fishing days, as well as at sea transfer restrictions. DMR's measures only applied to vessels landing in Maine. New Hampshire and Massachusetts implemented one of these management measures – three consecutive landing days. The Draft Addendum will explore these measures and potentially others that could be uniformly applied by the Area 1A of Maine, New Hampshire and Massachusetts.

For more information on Area 1A fishery performance in the 2015 and 2016 fishing year that brought about the need for alternative management measures refer to a white paper, which is available on the Commission website at http://www.asafc.org/uploads/file/58124582AtHerringArea1AFisheryPerformance_2015_2016.pdf.

For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

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PR16-34

Meeting Summary

In addition to initiating an addendum to consider improvements to Area 1A days out measures (see above), the Section allocated the 2017 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period quota has been harvested. Quota underages from June through September may be rolled into the October through December period. For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Move to elect Mark Gibson as vice-chair of the Atlantic Herring Section.

Motion made by Mr. Abbott and seconded by Mr. Simpson. Motion carries without objection.

Move to initiate an Addendum to improve the performance of the Area 1A Atlantic herring fishery. The purpose of this addendum is to develop additional management alternatives for the landings day program. These measures will include:

- 1. Mandatory daily reporting. Two options: Category A, B and C permits and Category A and B permits.**
- 2. Modify the day out program such that the small-mesh bottom trawl fleet (SMBT) with C or D herring permits could have a different allocation of landings days and times that are separate from the purse seine and mid-water trawl fleet landing days.**

3. **Modify the program to restrict fishing days for purse seiners and midwater trawlers, in addition to landing days. Two options: Category A, B and C permits and Category A and B permits.**
4. **Modify the program to create a weekly landing limit (pounds or trucks) for purse seines and midwater trawls. Two options: Category A, B and C permits and Category A and B permits.**
5. **Modify the program to restrict harvester vessels making at-sea transfer for purse seine and midwater trawls. Two options: All carrier vessels landing herring are limited to receiving at-sea transfers from one vessel per week and no transfer at sea.**
6. **Modify the program to implement a tiered weekly landing limit for Category A and B permits.**
7. **Modify the program to allow for a set-aside a percentage or value of the Area 1A sub-ACL for the SMBT.**
8. **Modify the program to restrict a vessel from using a different gear type mid-season within Area 1A.**
9. **Clarify what it means for states to “agree” on the numbers of days out in the fishery, does this mean consensus or vote? If states, cannot agree then what is the default landing day scenario, 7 landing days?**

Motion by Mr. Stockwell, seconded by Mr. Grout. Motion carries without objection.

Move to allocate the 2017 Area 1A sub-ACL seasonally with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The fishery will close when 92 percent of the seasonal period quota has been harvested; and underages from June through September may be rolled into the October through December period.

Motion made by Mr. Grout and seconded by Mr. Stockwell. The motion passes unanimously.

AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 27, 2016)

Press Release

ASMFC American Lobster Board Approves Jonah Crab Draft Addendum II for Public Comment

Bar Harbor, ME – The Commission’s American Lobster Management Board approved Draft Addendum II to the Jonah Crab Fishery Management Plan (FMP) for public comment. The Draft Addendum considers establishing a coastwide standard for claw harvest to address concerns regarding the equity of the current claw provision. Specific options include establishing a whole crab fishery or allowing for the harvest of claws coastwide. The Draft Addendum also considers establishing a definition of bycatch, based on a percent composition of catch, in order to minimize the expansion of a small-scale fishery under the bycatch allowance.

The FMP currently establishes a whole crab fishery with the exception of fishermen from NJ, DE, MD, and VA who have a history of claw landings prior to June 2, 2015. Following approval of the FMP, claw fishermen from NY and ME were identified. Currently, these fishermen are required to land whole crabs. As a result, jurisdictions have expressed concern regarding the equity of this provision as some fishermen with a history of claw landings are allowed to continue this practice while others must land whole crabs.

In order to address concerns regarding the expansion of a small-scale fishery, consideration of a bycatch definition was added as a second issue in the Draft Addendum. Addendum I established a bycatch allowance of 1,000 crabs per trip for non-trap gears and non-lobster trap gears (i.e., fish pots, crab pots, whelk traps). Fishermen using these gears are not required to have other species on Board when harvesting Jonah crab. As a result, fishermen harvesting Jonah crab under the bycatch limit may, in fact, directly target Jonah crab by landing 1,000 crabs per trip and nothing else. This does not reflect the intention of the bycatch allowance which is to account for Jonah crab caught while targeting another species.

The Draft Addendum will be available on the Commission website, www.asmfc.org (under Public Input) by mid-November. It is anticipated that the majority of states of Maine through Maryland will be conducting public hearings; the details of those hearings will be released in a subsequent press release. The Board will review submitted public comment and consider final action on the Draft Addendum at the Commission's Winter Meeting in February. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

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PR16-35

Meeting Summary

The American Lobster Management Board met to discuss Draft Addendum XXV to Amendment 3 to the American Lobster Fishery Management Plan (FMP), Draft Addendum II to the Jonah Crab FMP, and consider improvements to the harvester reporting requirements for lobster.

The Board reviewed Draft Addendum XXV, which seeks to address the poor condition of the Southern New England (SNE) lobster stock. Results of the 2015 stock assessment found the SNE stock to be depleted, with record low abundance and recruitment. In response, the Board initiated Addendum XXV with the goal of increasing egg production and reducing fishing mortality. The Draft Addendum outlines a suite of targeted increases in egg production, ranging from 0% to 60%, as well as potential tools to achieve them (i.e., gauge size changes, trap reductions, and season closures). The document also considers where these management measures should apply in Lobster Conservation Management Area (LCMA) 3 (offshore waters), since the LCMA contains both the Gulf of Maine/Georges Bank and SNE stocks. Following review of the document, the Board decided to provide an opportunity for industry input via Lobster Conservation Management Teams (LCMTs) prior to approving the document for public comment. States will submit industry comments to the Commission by November 30th and these will be reviewed by a subset of Commissioners and the Plan Development Team. The Board will consider approving Draft Addendum XXV for public comment in February 2017.

The Board also reviewed and approved Draft Addendum II to the Jonah Crab FMP for public comment. The Draft Addendum considers establishing a coastwide standard for claw harvest and proposes a definition for bycatch in the fishery. Further information on Draft Addendum II and public hearings can be found in above press release.

Given the increasing need for improved harvester reporting in the lobster fishery, the Board reviewed goals and recommendations proposed by the Lobster Reporting Work Group. These included a higher percentage of harvester reporting, the collection of additional data on trap hauls, soak time, and gear configuration, and the incorporation of VMS on lobster vessels. The Board will consider the initiation of an addendum in February 2017 to comprehensively examine reporting in the fishery.

The Board also reviewed a report by the Trap Cap Working Group which discussed the implementation of trap caps in federal waters, as specified in Addenda XXI and XXII. Currently, NOAA Fisheries has suspended its rule-making process for trap caps and banking as the Commission considers changes to the management of SNE lobster. The Board decided to re-examine this issue following final action on Draft Addendum XXV. Finally, the Board approved the 2016 FMP Review, state compliance reports, and *de minimis* status for DE, MD, and VA.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Move to include in Option C a range of small volumetric claw harvest from 5 gallons to the bycatch limit of 2,000 claws.

Motion made by Mr. Luisi and seconded by Mr. Clark. Motion postponed until October meeting.

Motion to postpone indefinitely.

Motion made by Mr. Gibson and seconded by Mr. Gilmore. Motion passes by unanimous consent.

Move to add option D (Claw Harvest Permitted Coastwide) under Section 3.0 Management Measures.

Under this option, there shall be no minimum size for claws. Claws may be detached and harvested, but may not exceed a volumetric limit of 5 gallons. If a fisherman chooses to participate in the claw fishery, possession of whole crabs is prohibited.

Motion made by Mr. Keliher and seconded by Mr. Gilmore. Motion postponed indefinitely.

Motion to postpone indefinitely.

Motion made by Mr. Grout and seconded by Mr. Gibson. Motion passes.

Move to add under option C, if a volumetric measure greater than 5 gallons is retained, the claws must meet a minimum size of 2.75 inches.

Motion made by Mr. Keliher and seconded by Mr. Grout. Motion passes by unanimous consent.

Move to approve Draft Addendum II to the Jonah Crab FMP for public comment as modified by the comments today.

Motion made by Mr. Heins and seconded by Mr. Keliher. Motion passes by unanimous consent.

Move to approve the 2016 Lobster FMP Review, state compliance reports, and *de minimis* status for Maryland, Delaware, and Virginia.

Motion made by Mr. McKiernan and seconded by Mr. Muffley. Motion passes by unanimous consent.



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

Robert Ballou
Chairman

David Monti
Vice Chair

Travis Barao

Andrew Dangelo

Jeff Grant

William
Mackintosh, III

Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

November 29, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-09-080 -- Brown/Sebring

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 November 9, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries 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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Chairman

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Vice Chair

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Andrew Dangelo

Jeff Grant

William
Mackintosh, III

Christopher Rein

Michael Rice, Ph.D.

Michael Roderick

October 20, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-06-047 – Chessawanock Island
Oyster Co.

Dear Mr. Beutel:

Pursuant to RIGL §20-10-5, the above-referenced application was brought before the RI Marine Fisheries Council (RIMFC), on September 13, 2016 for review. The Council found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries in the area; additionally, the Council found that proposal no navigational hazard.

Sincerely,

Robert Ballou, Chair
RIMFC

cc: RIMFC



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Michael Roderick

November 29, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-07-061 – Gardner

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 November 9, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries 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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November 29, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-09-104 -- Hess

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 November 9, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries 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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November 29, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-10-036 -- Lovesky et al.

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 November 9, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries 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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November 29, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-08-092 – Papa

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 November 9, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries 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 Roderick

November 29, 2016

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

Re: CRMC Aquaculture Lease Application # 2016-10-057 -- Yankocy

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 November 9, 2016 for review. The Panel found that the proposal poses no inconsistency with competing uses engaged in the exploitation of marine fisheries 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