



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

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

## MEETING NOTICE RI MARINE FISHERIES COUNCIL

**December 4, 2017 – 6:00 PM**  
URI Narragansett Bay Campus, Corless Auditorium  
South Ferry Road, Narragansett, RI

### AGENDA

Agenda item	ePacket Attachment(s)	Recommended action(s)
<b>1. Approval of tonight’s agenda</b>	<ul style="list-style-type: none"> <li>• December 4, 2017 meeting agenda</li> </ul>	Approval of agenda.
<b>2. Approval of minutes from last meeting</b>	<ul style="list-style-type: none"> <li>• Meeting minutes from October 2, 2017</li> </ul>	Approval of meeting minutes.
<b>3. Public comment</b>	N/A	Discussion and/or recommendations for future action.
<b>4. <u>November 20 public hearing items:</u></b> <i>Division staff</i> <ul style="list-style-type: none"> <li>• Proposed amendment to definition of “resident”;</li> <li>• Commercial Black Sea Bass;</li> <li>• Commercial Scup;</li> <li>• Commercial Summer flounder;</li> <li>• Commercial Spiny dogfish;</li> <li>• Gill net tagging</li> <li>• RI Shellfish Harvester Education Program</li> </ul>	<ul style="list-style-type: none"> <li>• Public Notice</li> <li>• Workshop presentation</li> <li>• Annotated regulations               <ul style="list-style-type: none"> <li>○ Proposed amendment to definition of “resident”</li> <li>○ Commercial Black Sea Bass</li> <li>○ Commercial Scup</li> <li>○ Commercial Summer flounder</li> <li>○ Commercial Spiny dogfish</li> <li>○ Gill net tagging</li> <li>○ RI Shellfish Harvester Education Program</li> </ul> </li> <li>• Summary of oral comments from hearing</li> <li>• Written comments received</li> </ul>	Provide recommendations to DEM Director regarding proposed regulations.
<b>5. <u>Shellfish Advisory Panel meeting summary (10/11/2017):</u></b> <i>D. Monti</i>	<ul style="list-style-type: none"> <li>• Agenda</li> <li>• Powerpoint presentation</li> <li>• Draft meeting minutes</li> </ul>	Approval of meeting minutes.

<b>6. <u>Aquaculture lease application review (Watson, Rome Point):</u></b>	<ul style="list-style-type: none"> <li>• Lease application</li> <li>• Division letter to CRMC</li> </ul>	Provide recommendation to CRMC
<b>7. <u>SAP membership - update:</u> P. Duhamel</b>	<ul style="list-style-type: none"> <li>• Resignation from B. Blank</li> </ul>	Accept resignation
<b>8. <u>FYI:</u></b> <ul style="list-style-type: none"> <li>• Commercial Licensing Legislation</li> <li>• ASMFC meeting summary, Oct. 2017</li> </ul>	<ul style="list-style-type: none"> <li>• ASMFC Meeting summary</li> </ul>	FYI.
<b>10. <u>Any other matters:</u></b>	N/A	Discussion and/or recommendations for future action.
<b>11. Adjourn</b>		

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

Posted to Sec. of State Open Meetings on November 27, 2017



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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## MEETING SUMMARY

October 2, 2017

Chairperson: *B. Ballou*

RIMFC Members: *B. Mackintosh, M. Rice, C. Rein, D. Monti, T. Barao, A. Dangelo, M. Roderick*

DEM: *G. Powers, J. McNamee, J. Lake, P. Duhamel, Lt. Joe Poccia*

Public: Approximately 11-12 persons (*including approximately 8 students of M. Rice's class*)

1. **Approval of the Agenda:** The Chair offered a suggested addition to allow for a brief presentation by Dr. Anna Mercer Malek from the Commercial Fisheries Research Foundation. Items 8 and 9 were moved up as items 5 and 6 respectively after item 4, Public comment, with other items following in their original orders. The Chair the inquired as to an objections or other modifications; hearing none, the agenda was approved as revised.
2. **Approval of minutes from meeting on June 26, 2017:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Approval of minutes from meeting on February 28, 2017, as revised:** *P. Duhamel* explained that there were additional minutes regarding removal of SAP members that were not present in the approved minutes. **Motion made by *D. Monti* to amend the previously adopted minutes as presented in the Council ePacket; 2<sup>nd</sup> by *M. Rice*. The motion passed 7 - 0.**
4. **Public comments regarding other matters not on agenda:**
  - Mr. Jim Salisbury from Westerly explained that he was concerned about the number of draggers off the Westerly beaches, sometimes within ½ miles of the beach, and the effects on other forms of fishing. He requested that the Council consider recommending regulatory action to address.
  - Dr. Anna Mercer Malek from the Commercial Fisheries Research Foundation gave a brief introduction and showed a short film regarding an economic impact study she is involved with, and passed out flyers to solicit participation from commercial fishermen.
5. **Shellfish Advisory Panel (SAP) meeting summary:** *C. McManus* provided an overview of the meeting, which took place on July 26<sup>th</sup>; agenda, presentation, and draft minutes are provided in the Council ePacket. *D. Beutel* offered an overview of the Troiano aquaculture lease application. The applicant, Mr. Troiano, offered rationale for his site selection. *B. Ballou* offered that the following two agenda items, which were also SAP agenda items,

would be discussed before the Council would be asked to approve the meeting minutes. *M. McGiveney* offered reasoning regarding the SAP recommendation to object to the application and site. He offered that the survey conducted by CRMC as part of the review process is not an adequate criterion by which to assess suitability of aquaculture as areas change over time. *M. Monteforte*, a commercial fisherman in the audience, offered that he shellfishes in the location where the lease is being proposed. Upon conclusion of the discussion and votes for the lease application and the SAP motion regarding mapping of areas in Narr. Bay for aquaculture suitability (see below), *B. Ballou* inquired as to any objections to approving the SAP meeting minutes. Hearing none, **the minutes were approved by consent.**

6. **Aquaculture lease application review (Troiano):** The matter was discussed as part of the SAP meeting summary (see above). Details of the SAP recommendations are provided in the SAP meeting minutes. **Motion made by *D. Monti* to recommend that the application not be approved due to conflicts with wild harvest; 2<sup>nd</sup> by *B. Macintosh*.** *C. Rein* offered that he supported the application due to its small size and low shellfish density; that it was therefore not a conflict with wild harvest and should be supported as a desirable commercial activity to produce shellfish for consumption. **Substitute motion made by *M. Rice* to recommend not to object due to lack of conflict with wild harvest and consistency with historic uses (i.e., oyster harvest); 2<sup>nd</sup> by *C. Rein*; this motion failed 3 – 4 (*M. Roderick*, *D. Monti*, *A. Dangelo*, and *B. Macintosh* not in support of the motion).** *M. McGiveney* offered that while that area may currently have low shellfish densities, historically that area has been highly productive for quahaugs. *C. Rein* emphasized that both activities could coincide; that this aquaculture activity should not significantly impact wild harvest fisheries. Mr. Troiano offered that he agreed that there was very little area available for aquaculture in the area, in that most of the area is highly productive for quahaug harvest. Concern was expressed regarding a precedent set if this lease were to be approved. Vote then was taken on the original motion made by *D. Monti*: **The original motion passed 4 – 3 (*M. Rice*, *C. Rein*, and *T. Barao* not in support of the motion).**
7. **SAP motion regarding mapping of areas in Narr. Bay for aquaculture suitability:** *C. McManus* offered a summary of the discussion as occurred at the SAP meeting. *D. Beutel* offered that CRMC would like a map of fisheries uses which would be used to determine aquaculture suitability; and offered that maps specifically prohibiting aquaculture is not desired. He offered that such maps were promoted as part of the state-wide Shellfish Management Plan, but have not been produced. *C. Rein* inquired as to why aquaculture would not be specifically prohibited in some areas; to which *D. Beutel* replied that such is not the goal, but only to understand all uses so as to evaluate potential conflicts. He offered the last time such maps were developed was in 2000. *B. Macintosh* offered support for use maps and the need to efficiently evaluate competing uses. *M. McGiveney* offered that the exercise that took place in 2000 resulted in the Rome Point area being determined to be suitable for aquaculture. He offered that commercial quahaug fishing in the upper Bay needs protection from the threat of loss of fishable areas. He offered that the CRMC's proposed Narragansett Bay Special Area Management Plan (SAMP) should address this issue. **Motion made by *M. Rice* to request to the CRMC to undertake an update of their use mapping as part of the development of the Narragansett Bay SAMP, and to assure the inclusion of all fisheries uses; 2<sup>nd</sup> by *C. Rein*. The motion passed 7 – 0.**

8. **Industry Advisory Committee (IAC) meeting summary:** *J. Lake* provided an overview of the meeting, which took place on July 26<sup>th</sup>; agenda, presentation, and draft meeting minutes are provided in the Council ePacket. *J. McNamee* will provide a presentation of the commercial licensing program and proposed legislation that will be submitted this fall at the December Council meeting. *B. Ballou* inquired as to any objections to approving the IAC meeting minutes. Hearing none, the minutes were approved by consent.
9. **September 18 public hearing items (Part 2 - Licensing):**
- **Part 2 – Licensing: Exit/entry ratio Restricted Finfish Endorsement, Bay Quahaug Endorsement, and Soft-shell Clam Endorsement:** *P. Duhamel* offered that no proposals for modifications were received, that the IAC recommended status quo, and no public comments provided at the hearing. **Motion made by *D. Monti* to recommend status quo for all endorsements; 2<sup>nd</sup> by *M. Rice*. The motion passed 7 – 0.**
  - **Part 2 – Licensing: Proposed amendment to the Activity Standard involving the issuance of new licenses upon sale of vessel and/or gear:** *J. Lake* offered that the annotated language before the Council for review was modified since the public notice as better reflective of the intent of the proposal as offered by the IAC. He noted that provisions relating to the transfer of a fishing business to a family or crew member under hardship conditions was addressed and modified in 2016, and is therefore believed to be adequate in terms of intent of this most recent IAC proposal. Discussion ensued as to the requirement to hold the license for two full years prior to being eligible for a transfer, which remains unchanged and was determined to not be part of the IAC proposal. **Motion made by *C. Rein* to recommend adoption of new language as proposed as section 6.7.8(e); 2<sup>nd</sup> by *B. Macintosh*. The motion passed 7 – 0.** *J. McNamee* offered that the draft 2018 Sector Management Plans would be finalized to include the Council recommendations.
10. **Winter harvest schedules for Greenwich Bay, Bristol Harbor, and Bissel Cove/Fox Island Shellfish Management Areas:** *B. Ballou* offered a summary of the current default schedules and that a proposal was received to amend to the schedule for Greenwich Bay. *M. McGiveney* offered that as Christmas fell on a normally closed day (i.e., Monday), he was looking that the following Tuesday be opened. *P. Duhamel* offered that no requests for modifications to the schedules for Bristol Harbor or Bissel Cove/Fox Island was received. **Motion made by *D. Monti* to recommend that the schedule for the Greenwich Bay Shellfish Management Areas be modified to be open on Tuesday, December 26<sup>th</sup>, in addition to the already scheduled open days; 2<sup>nd</sup> by *M. Rice*. The motion passed 7 – 0.**
11. **IAC Membership:** *B. Ballou* offered that resignations were received for Mr. Carl Granquist and Mr. Eric Reid, and that an application for membership was received by Ms. Katie Almeida (Town Dock). **Motion made by *A. Dangelo* to accept resignations and approve new member as received; 2<sup>nd</sup> by *B. Macintosh*. The motion passed 7 – 0.** *D. Monti* offered that he and Council Member *T. Barao* would solicit membership for the currently vacant recreational slot.

12. **SAP Membership:** *B. Ballou* offered that two applications for membership were received from Mr. Ed Troiano and Mr. Manuel Sousa. **Motion made by *C. Rein* to approve both members; 2nd by *B. Macintosh*. The motion passed 7 – 0.**

13. **Other matters:** Regarding the public comments made by Mr. Jim Salisbury earlier in the meeting, *J. McNamee* offered that it was explained by the Division to Mr. Salisbury that the Division didn't have any incentive to move forward on a regulatory amendment regarding draggers in close proximity to the coastal shore, and that it was therefore offered to him to present the matter to the Council as a means to deliberate the matter. He offered that the Division would bring forward a regulatory proposal if recommended by the Council. *C. Rein* inquired to *J. McNamee* as to any scientific or fisheries management need for such a measure; to which *J. McNamee* replied that Mr. Salisbury did not offer any specificity to his request. *D. Monti*, in his capacity as a marine fisheries journalist, offered that he hears about this issue routinely from concerned recreational shore anglers. Upon conclusion of the discussion, **no motion was made to address the matter further at this time.**

Meeting adjourned at approximately 8:15; Prepared by *P. Duhamel*



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

## PUBLIC NOTICE OF PROPOSED RULEMAKING

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier:

1. *Part 1 - Definitions and General Provisions* (250-RICR-90-00-1; ERLID 8832)
2. *Part 3 – Finfish* (250-RICR-90-00-3; ERLID 8611)
3. *Part 6 – General Equipment Provisions* (250-RICR-90-00-6; ERLID 8767)
4. *Part 11 - Regulations Governing Education Certification for Commercial Shellfish Harvesters* (250-RICR-90-00-11; ERLID 8962)

Rulemaking action: Proposed rulemaking

Timetable for action on the proposed rule:

- Submission to Office of Regulatory Reform: September 20, 2017
- Date of public notice: October 19, 2017
- Date of hearing: November 20, 2017
- End of Comment period: November 27, 2017

Summary of proposed rule:

1. Hearing Item #1: Proposed AMENDMENT to “*Part 1 - Definitions and General Provisions*”, regarding the definition of “resident”, to remove wording “automobile registration”. (section 1.7)
2. Hearing item #2: Proposed AMENDMENT to “*Part 3 – Finfish*” regarding:
  - a. Commercial management of Black Sea Bass (section 3.7.2);
  - b. Commercial management of Scup (section 3.8.2);
  - c. Commercial management of Summer flounder (section 3.10.2);
  - d. Commercial management of Spiny dogfish (section 3.27.1)
3. Hearing item #3: Proposed AMENDMENT to “*Part 6 – General Equipment Provisions*” regarding gill net tagging requirements (section 6.8.3(I))
4. Hearing item #4: Proposed ADOPTION of new regulation regarding education certification requirements for licensed commercial shellfish harvesters, pursuant to the

FDA National Shellfish Sanitation Program (NSSP) Model Ordinance (Section II - Chapter VIII, Control of Shellfish Harvesting)

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on November 27, 2017. Comments may be submitted to the following address:

DEM Marine Fisheries  
3 Fort Wetherill Road  
Jamestown, RI 02835  
ATTN: Peter Duhamel

Alternatively, written comments may be submitted by email to [peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov).

Public hearing information:

The PUBLIC HEARING will be held at **6:00PM** on **Monday, November 20, 2017** at the University of Rhode Island Bay Campus, Corless Auditorium, 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/>.

For further information please contact the email or address provided above.

Authority for this rulemaking: R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

Regulatory Findings: In the development of the proposed amendment, consideration will be given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business.

*Filed with Sec. of State's office pursuant to R.I. Gen. Laws § 42-35-2.7 "Notice of proposed rulemaking" on October 20, 2017*



# RI Department of Environmental Management

## Division of Marine Fisheries

### PRE-HEARING WORKSHOP

October 11, 2017



# Marine Fisheries Informational Workshop – Rules of Engagement

- ◆ RIDFW staff will provide presentation on each of the proposed regulation amendments
- ◆ Discussion will ensue upon completion of each presentation;
- ◆ Discussion should focus on:
  - Understanding of the rationale behind each of the proposed amendments;
  - Recommendations of alternatives.
- ◆ **IMPORTANT!** The workshop discussion is ***not*** an official public record. Please offer your preferred option(s) and comments for the public hearing record during the public hearing on November 20<sup>th</sup>
- ◆ Full annotated regulations and public notice October 20<sup>th</sup>. Refer to Division and Sec. of State websites
- ◆ Public comment period will end at 4:00PM on Monday, November 27<sup>th</sup>



# Workshop/Public Hearing Items

1. Definition of “Resident”
2. 2018 commercial Spiny Dogfish management
3. Gill net tagging requirements
4. Commercial Shellfish Harvester Education and Training Program
5. 2018 commercial scup management
6. 2018 commercial black sea bass management
7. 2018 commercial summer flounder management



# Proposed amendment to Definition of “Resident” (Part 1 – Definitions)

- Removal of “automobile registration” as part of the definition
- DEM has identified this documentation as a potential means to exploit the system

**Proposed language:** "Resident" means a person who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, ~~automobile registration~~, voter registration card or a notarized statement from a City or Town Clerk.



## 2018 commercial management of Spiny Dogfish (*Part 3 – Finfish*)

- Consistency with the ASMFC Fisheries Management Plan (FMP) for Spiny dogfish.
- Increase the RI state-water starting possession limit in *Part 3 – Finfish* to 6,000 lbs/vsl/day (note that possession limit is currently 6,000 lbs/vsl/day via noticed possession limit modification).



# Proposed amendment to gill net tagging requirements (Part 6 – General Equipment Provisions)

- Main points:
  - Tags valid April 1 – March 31 to coincide with license renewals
  - Tags valid for one season; new tags must be ordered annually
  - Tags attached to each vertical line of a string of nets and also along float line of the string every 300 feet.
  - Ordering form and instructions being developed; will detail \$ cost/tag and vendor info (~\$1.55 / tag)
  - See proposed regulation for full annotated language



# Commercial Shellfish Harvester Education and Training Program

## Background:

- Requirement of NSSP Model Ordinance (Section II - Chapter VIII, Control of Shellfish Harvesting).
- Anyone who commercially harvests/lands shellfish must complete a training course, designed and implemented by the State, prior to obtaining their commercial license or landing permit.
- Applies to all license and landing permit renewals, as well as all new licenses and landing permits.
- Applies to all shellfish, harvested and landed in RI, except whelk, and except scallops (if shucked at sea, with only abductor mussels landed).
- Separate training requirement, administered by CRMC, applies to shellfish farmers who only harvest and land farmed stock.



# Commercial Shellfish Harvester Education and Training Program

## Elements of RI Program (proposed):

- Develop a tutorial, for presentation to groups in public forums (e.g., RISA membership meetings, sessions at Bay Campus, etc.), with certificates of completion automatically linked to licensing database.
- Post tutorial on Marine Fisheries website, and establish process enabling license holders (existing and prospective) to complete it on their own, with certificates of completion automatically linked to licensing database
- Promulgate regulations requiring all commercial shellfish harvesters to complete tutorial prior to obtaining new license; provide grace period, until April 6, 2018, for all 2018 renewals.
- Certificate of completion valid for 5 years





# Commercial Shellfish Harvester Education and Training Program

## Elements of regulations (proposed):

- Applicable to:
  - All holders of commercial shellfish licenses (PEL and CFL with Quahog, Soft-shell clam, and/or Shellfish other; 65 and Over Shellfish; and Student Shellfish);
  - All holders of MPLs who harvest shellfish; and
  - All holders of landing permits who land shellfish.
- Not applicable to:
  - Holders of MPLs or landing permits who do not harvest and land shellfish; and
  - Holders of licenses and/or landing permits who only harvest and land whelk, or only harvest and land shucked scallops.



# Commercial Shellfish Harvester Education and Training Program

## Elements of regulations (proposed):

- Compliance:
  - No new license will be issued unless applicant has first completed the tutorial.
  - For 2018 only: grace period until April 6 for all renewed licenses. Notice will be issued. After April 6, if license holder has not yet taken the tutorial, license will be suspended until tutorial is completed.
  - Any holder of an MPL or landing permit who begins to harvest and land shellfish will have 90 days, from date of first landing, to complete tutorial. Notice will be issued within 90-day period. If, after 90 days, license/permit holder has not yet taken the tutorial, license/permit will be suspended until tutorial is completed.



# Commercial management of Summer Flounder for 2018

- Summary of Stock Status
- 2017 Rhode Island Commercial Fishery Performance
- Recommendations for the 2018 Summer Flounder Fishery



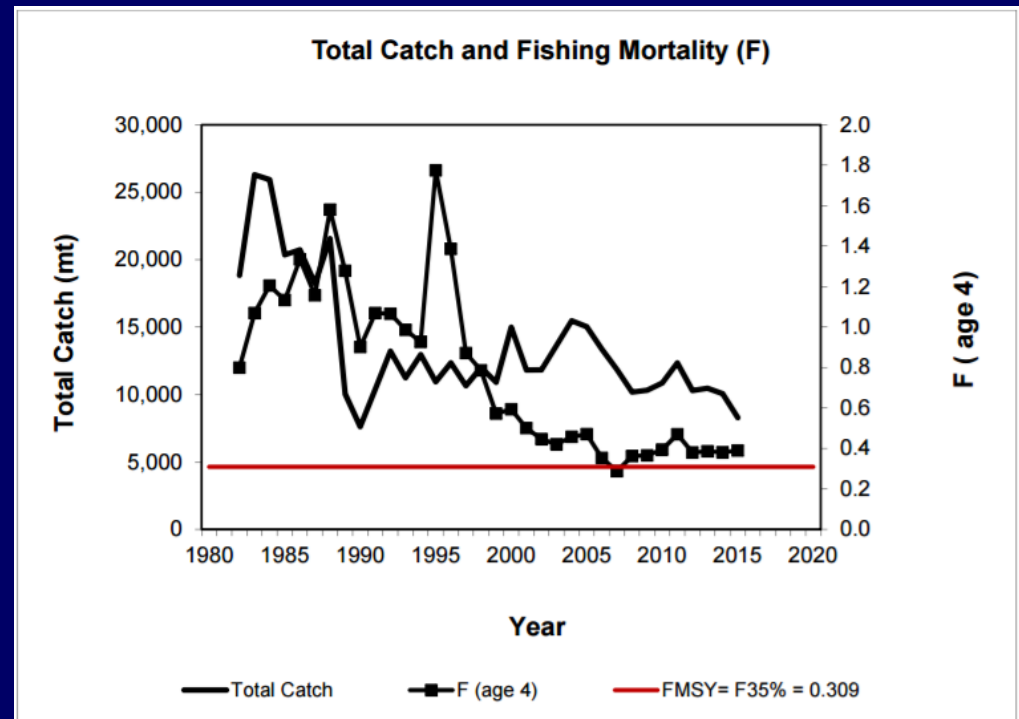
# Commercial Summer Flounder

- Stock Status:

- Update in 2016: based on SAW/SARC 57 assessment

- The summer flounder stock is not overfished, but overfishing is occurring relative to biological reference points.

- Fishing mortality was estimated to be 0.390 in 2015, above the threshold F reference point = 0.309 (also above F target = 0.255).



# Commercial Summer Flounder

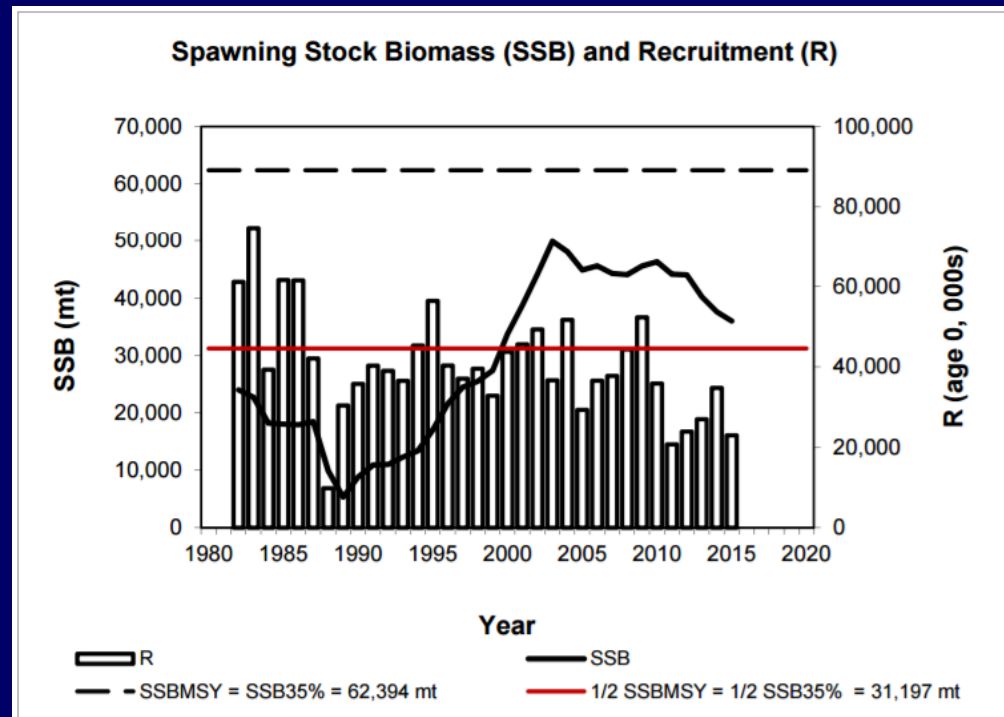
- Stock Status cont'd:

- SSB estimated to be 79.9 m lbs in 2015, below the SSB reference point = 137.6 m lbs but above the SSB threshold = 66.2 m lbs.

- The 2015 year class is currently estimated to be about 23 million fish, well below the average of 41 million fish.

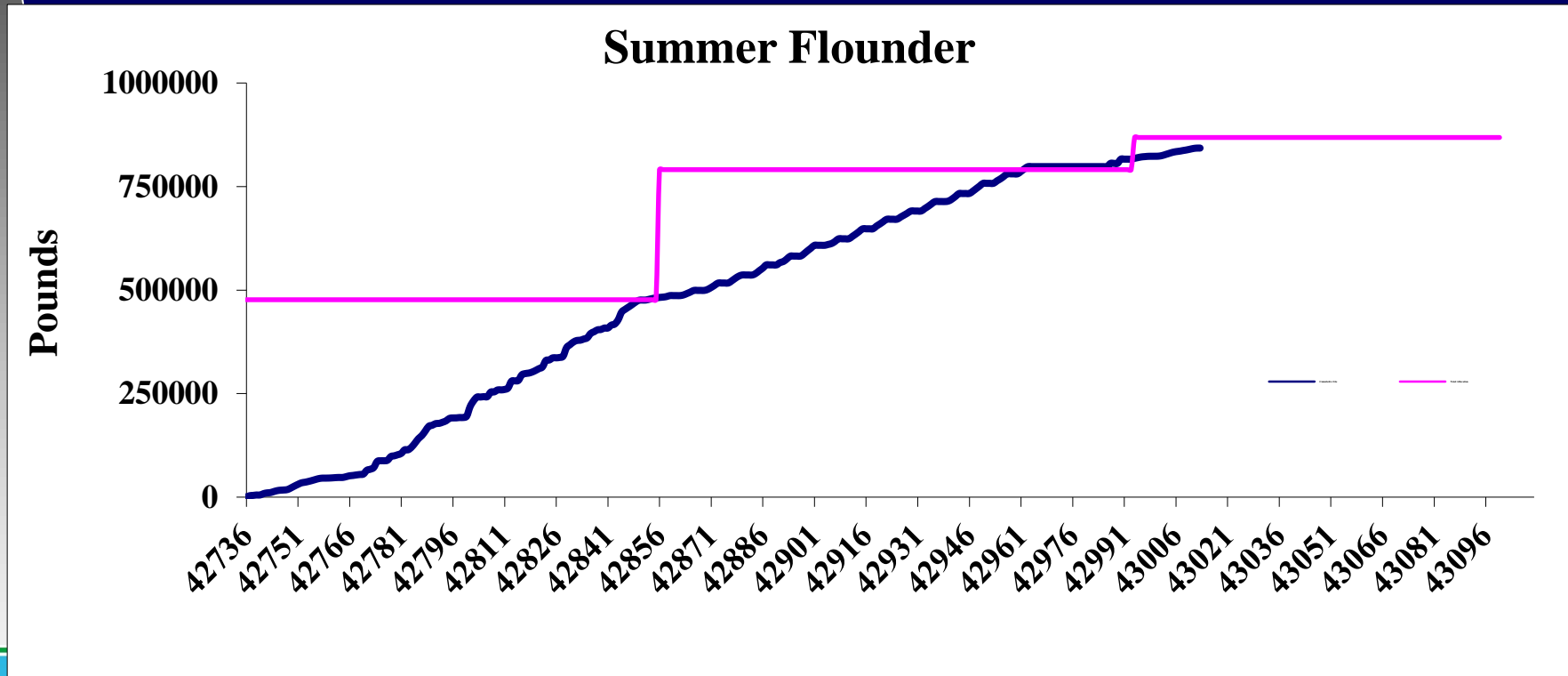
- A retrospective pattern in recruitment is evident, the 2008 and 2009 large year classes have dropped significantly in recent updates.

- Given previous specification setting, a 15% increase in quota is predicted for 2018



# Commercial Summer Flounder

- First commercial fishery closures since 2013 this year.



# Commercial Summer Flounder

- Per the Director's Decision memo from 2016, we will comprehensively review the options available for summer flounder management
- Some of these may take more time to develop so may not be ready for 2018
- The following is a comprehensive list of potential management options, with some analysis on their impacts
- Other proposals are welcome, the following are based on previous discussions/ideas that have been offered through recent history



# Commercial Summer Flounder

**Gear Specific Quotas**





# Commercial Summer Flounder

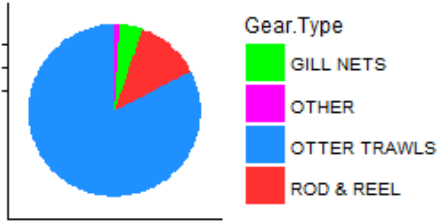
## Gear Specific Quotas - Method

- Based on historical landings
- Used VTR and logbook submissions back to 2006
- Total pounds were used to determine what percentage of total landings were attributed to each gear type

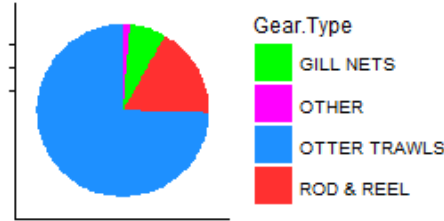


# Commercial Summer Flounder-Gear Specific Quotas-Method

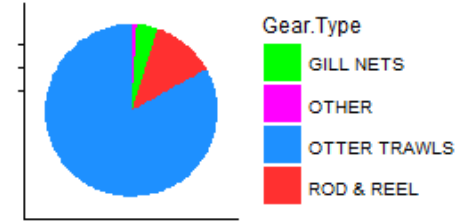
Fluke Pounds by Gear 2007



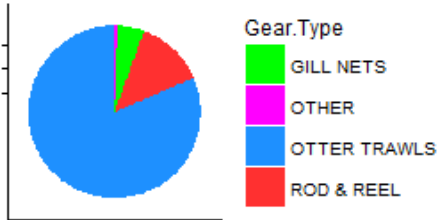
Fluke Pounds by Gear 2008



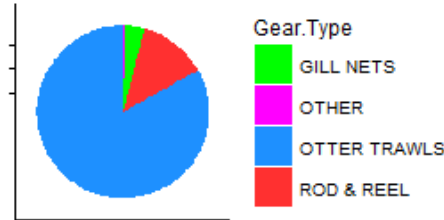
Fluke Pounds by Gear 2010



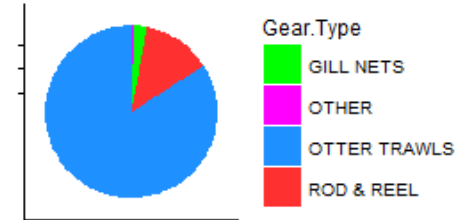
Fluke Pounds by Gear 2011



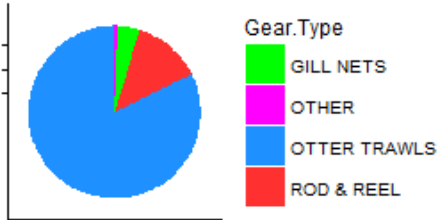
Fluke Pounds by Gear 2012



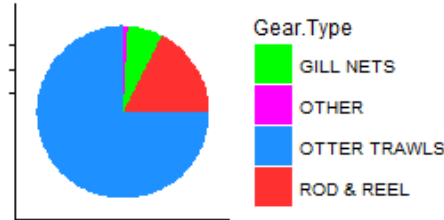
Fluke Pounds by Gear 2013



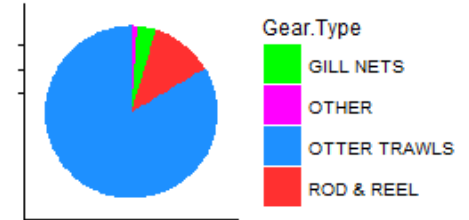
Fluke Pounds by Gear 2014



Fluke Pounds by Gear 2015



Fluke Pounds by Gear 2016



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
GILL NETS	2%	4%	7%	5%	4%	5%	4%	2%	4%	7%	3%	4%
OTHER	0%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
OTTER TRAWLS	96%	83%	75%	82%	83%	81%	83%	84%	82%	75%	84%	83%
ROD & REEL	1%	12%	17%	13%	12%	13%	13%	13%	13%	18%	12%	12%

# Commercial Summer Flounder

## Gear Specific Quotas - Method

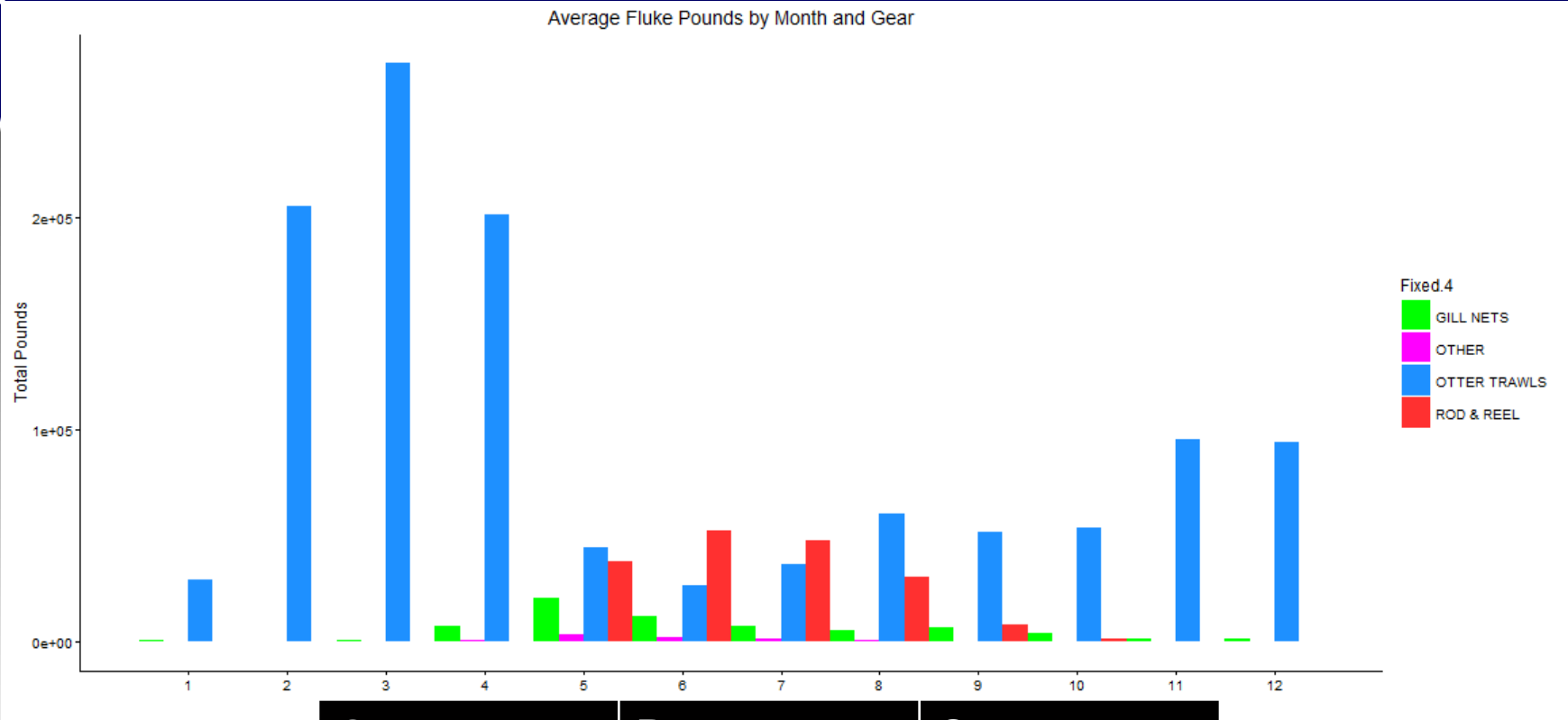
Using the average percent's 2018 quota (preliminary)

Gear	Percent	Quota
Gill Net	4%	40,826
Other	1%	10,206
Otter Trawl	83%	847,158
Rod & Reel	12%	132,687



# Commercial Summer Flounder-Gear Specific Quotas-Method

Individual quotas would then be distributed across sub periods



Gear	Percent	Quota
Gill Net	4%	40,826
Other	1%	10,206
Otter Trawl	83%	847,158
Rod & Reel	12%	132,687



# Commercial Summer Flounder

## Gear Specific Quotas

### Administration

- This would be a permit program
  - Fishermen would need to declare which quota they would be fishing under (which gear they use)
- Quotas would be tracked using the permit program
  - Switching from one quota to another would be not possible
- Compliance checked using logbook and VTR data
- Would need follow up meetings to set gear specific management measures
  - Doubtful this could be achieved for 2018, but could try



# Commercial Summer Flounder

## Expansion of the Aggregate Program



# Commercial Summer Flounder

## Expansion of the Aggregate Program - Method

- All activity prior to start of aggregate assumed to remain the same
- Assumed all vessels in aggregate for 2017, would land a full limit each week during aggregate in 2018
- Assume 15% quota increase for 2018
- Full aggregate amount would be 200 lbs per week
- Scenario 1: If a vessel landed at least 1 daily limit between 40 and 50 pounds, assume they will land the full aggregate limit
- Scenario 2: If a vessel landed at least 2 daily limits between 40 and 50 pounds, assume they will land the full aggregate limit



# Commercial Summer Flounder

## Expansion of the Aggregate Program - Method

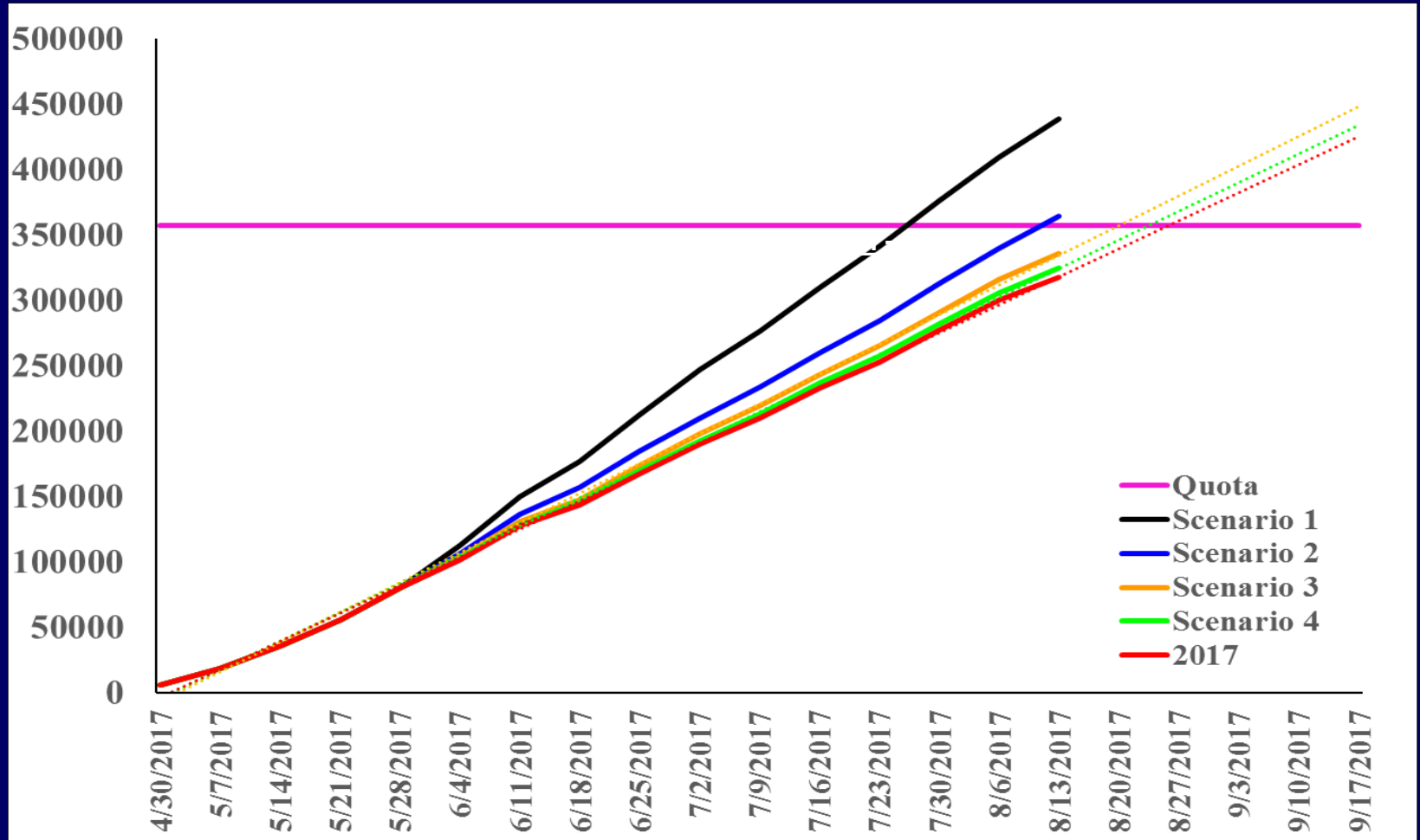
- Scenario 3: If a vessel landed at least 3 daily limits between 40 and 50 pounds, assume they will land the full aggregate limit
- Scenario 4: If a vessel landed 4 daily limits between 40 and 50 pounds, assume they will land the full aggregate limit
- Did not account for the 80% aggregate trigger; would close aggregate when 80% trigger reached so the scenarios are conservative by way of closure dates





# Commercial Summer Flounder

## Expansion of the Aggregate Program - Method



# Commercial Summer Flounder

## Expansion of the Aggregate Program - Method

<b>Closure Date</b>	<b>Scenario</b>
<b>7/30/2017</b>	<b>Scenario 1</b>
<b>8/13/2017</b>	<b>Scenario 2</b>
<b>8/20/2017</b>	<b>Scenario 3</b>
<b>8/24/2017</b>	<b>Scenario 4</b>
<b>8/27/2017</b>	<b>2017 Activity</b>



# Commercial Summer Flounder

## Expansion of the Aggregate Program - Administration

- Participation in 1 aggregate sub-period only, cannot participate in both Winter and Summer
- Fluke exemption certificate remains in effect
- Fisherman who voluntarily sign up to participate will be required to satisfy the following:
  - Sign up for e-Trips/Mobile
  - Attend e-Trips/Mobile training
  - Sign acknowledgement of the reporting elements required for all trips where summer flounder is harvested
    - \* Standard logbook/VTR reporting elements
    - \* Future Evolution: Vessel tracking



# Commercial Summer Flounder

One Possession Limit for the Entire Year



# Commercial Summer Flounder

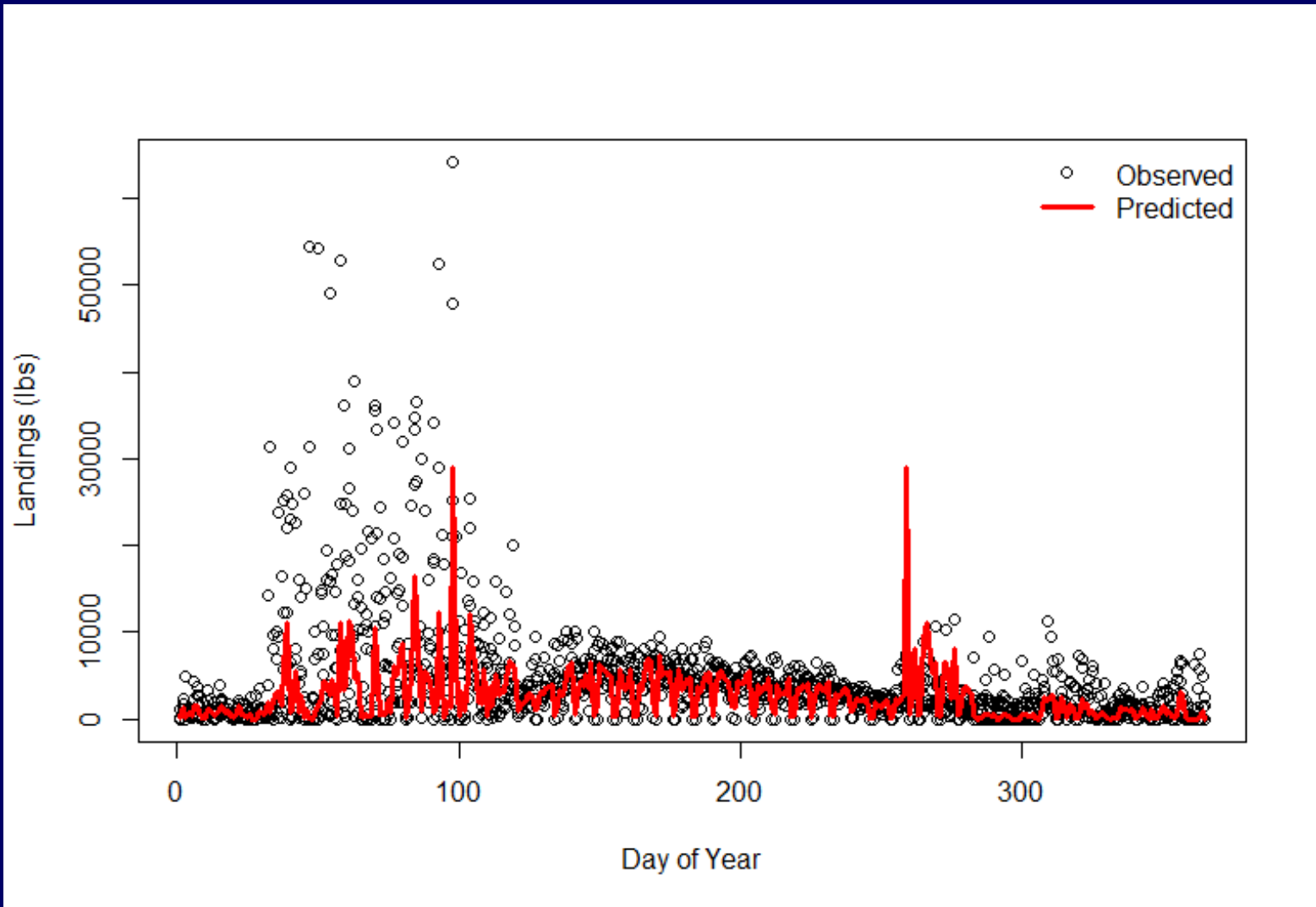
## One Possession Limit for the Entire Year

- To calculate which possession limit would get from Jan. 1 to Dec. 31, developed a generalized linear model
- The model was populated with data from 2013 – 2016
- Model Formula
  - $\text{Log (Landings)} \sim \text{Possession limit} + \text{Day of Year} + \text{Season}$
- Assumptions:
  - Missing part of 2015 data so had to use “day of report” rather than day of landing for a portion of the year
  - Added 0.1 lbs to days with 0 lbs landed
  - Adjusted to meet preliminary 2018 quota (15% increase from 2017)
  - Modeled winter under weekly possession limit during aggregate period



# Commercial Summer Flounder

## One Possession Limit for the Entire Year



# Commercial Summer Flounder

## One Possession Limit for the Entire Year

### Results

- ◆ The possession limit that gets us through the year is:
  - ◆ 175 lbs/day
  - ◆ Would equate to 1,225 lbs/week in winter aggregate
- ◆ Results in total harvest of 1,041,232 lbs
  - ◆ Slightly higher than preliminary quota (1,020,673 lbs) but pretty close considering biases
- ◆ Defacto reallocates quota:

Period	Allocation
Winter 1	40%
Summer	42%
Winter 2	18%



# Commercial Summer Flounder

## One Possession Limit for the Entire Year - Administration

- No differences in administration for this type of management from current state
- Division would continue to use authority to adjust the quota in order to avoid closures
- Would not need year broken down in to sub periods





# Commercial Summer Flounder

## Sector



# Commercial Summer Flounder

## Sector – Method

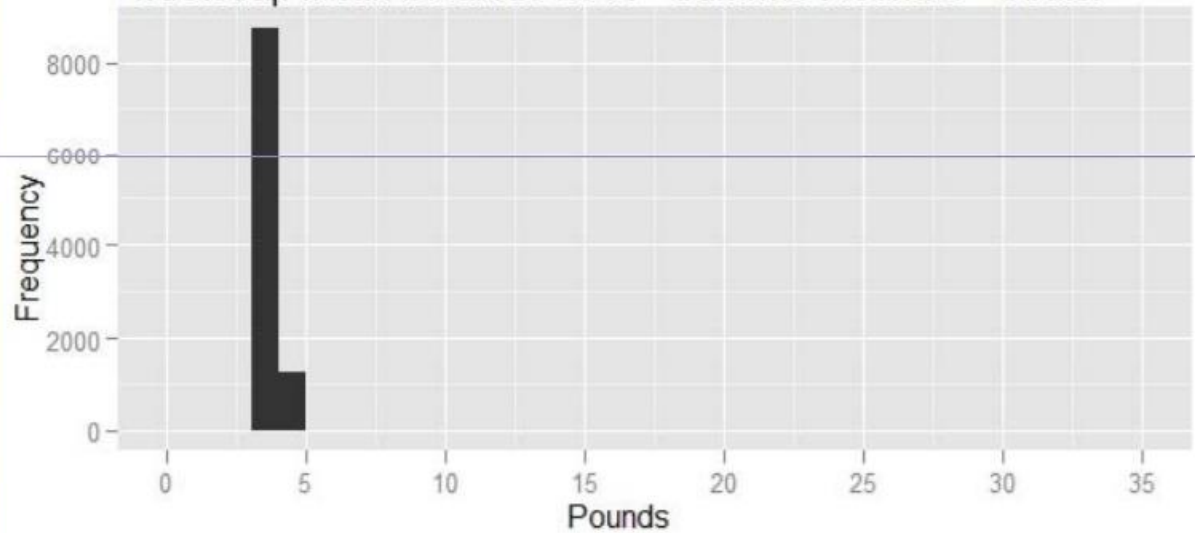
- ◆ Would more or less follow the process set forth during the pilot project
- ◆ Would be open to any entity wishing to develop a sector
- ◆ Allocation methodology could be investigated
  - ◆ Historical
  - ◆ Formulaic
  - ◆ Hybrid of the two above
  - ◆ Auction process (would need more time and state legislature involvement)



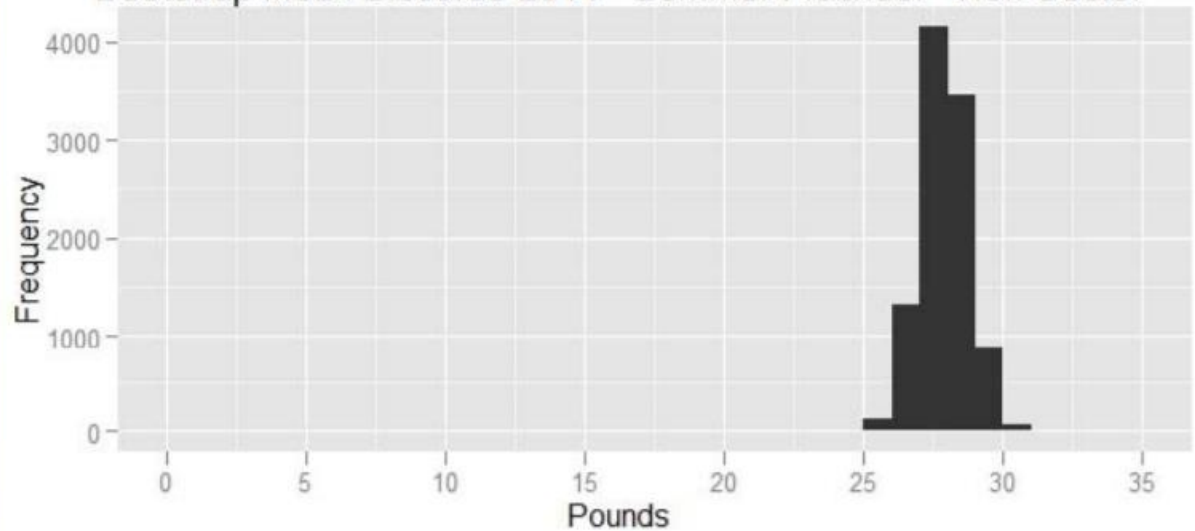
# Commercial Summer Flounder

## Sector – Method

Bootstrap Mean Discards 2011 - Summer Flounder - Sector



Bootstrap Mean Discards 2011 - Summer Flounder - Non-Sector



# Commercial Summer Flounder

## Sector – Administration

- Sectors would be monitored independently from rest of the fishery
- There would be no daily or weekly possession limits, but sector would be held to overall allocation
  - Could continue to count discards against allocation
- Severe penalties for violations of the sector agreement as developed during the pilot program would be continued
- Similar to expanded aggregate idea, would need sector participants to agree to electronic monitoring, perhaps progressing to vessel tracking tech



# Commercial Summer Flounder

## Standard Management Approach w/ 2018 Quota Adjustment



# Commercial Summer Flounder

## Standard Approach

- Received a proposal from industry
- It follows a standard approach to management but was adjusted for presumed 2018 quota
- **Winter I**: Aggregate landing limit of 1,500 pounds every two weeks or a daily possession limit of 100 pounds/vessel/day.
- **Summer**: Fishery is opened Sunday, Monday, Tuesday, Wednesday at 50 pounds/vessel/day. No aggregate landing would be available for the summer period.
- **Winter II**: A 100 pound daily limit. However, we ask the Council to consider reducing this limit if necessary in order to keep the fishery open until the end of the year so as not to disrupt the markets.



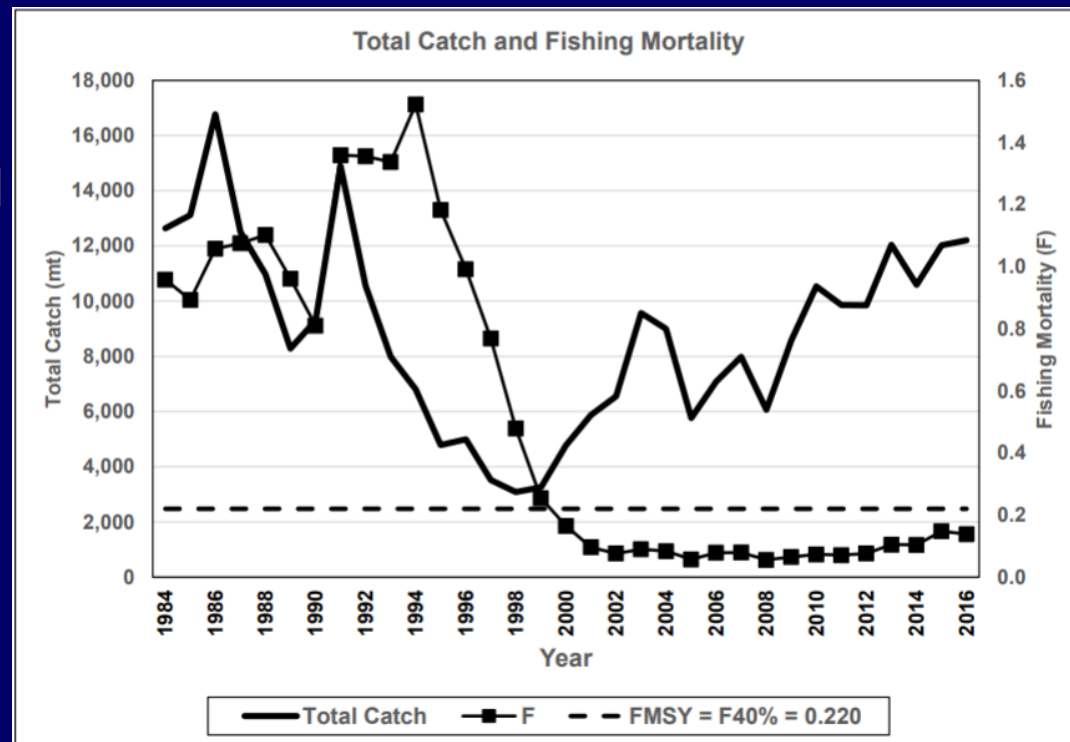
# Commercial management of Scup for 2018

- Summary of Stock Status
- 2017 Rhode Island Commercial Fishery Performance
- Recommendations for the 2018 Scup Fishery



# Commercial Scup

- Stock Status:
  - Benchmark in 2015, data update in 2016
  - The scup stock is not overfished, overfishing is not occurring relative to biological reference points.
  - Fishing mortality was estimated to be 0.139 in 2016, below the threshold F reference point = 0.22

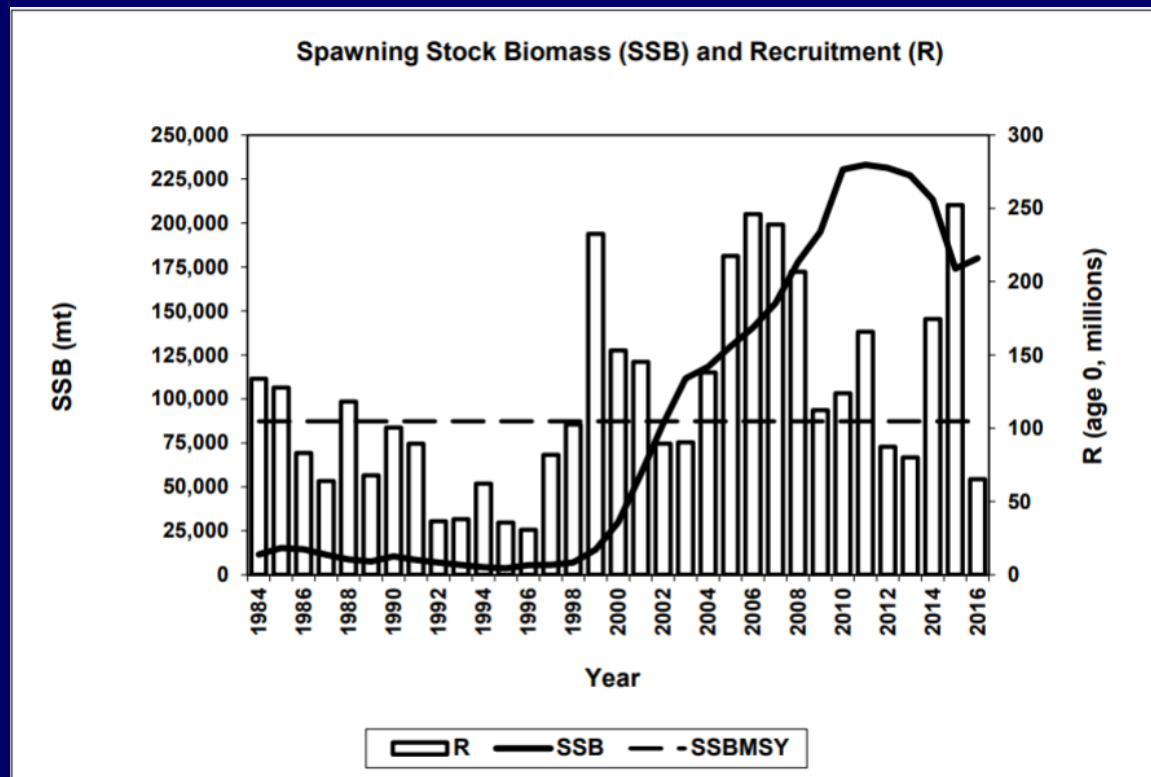




# Commercial Scup

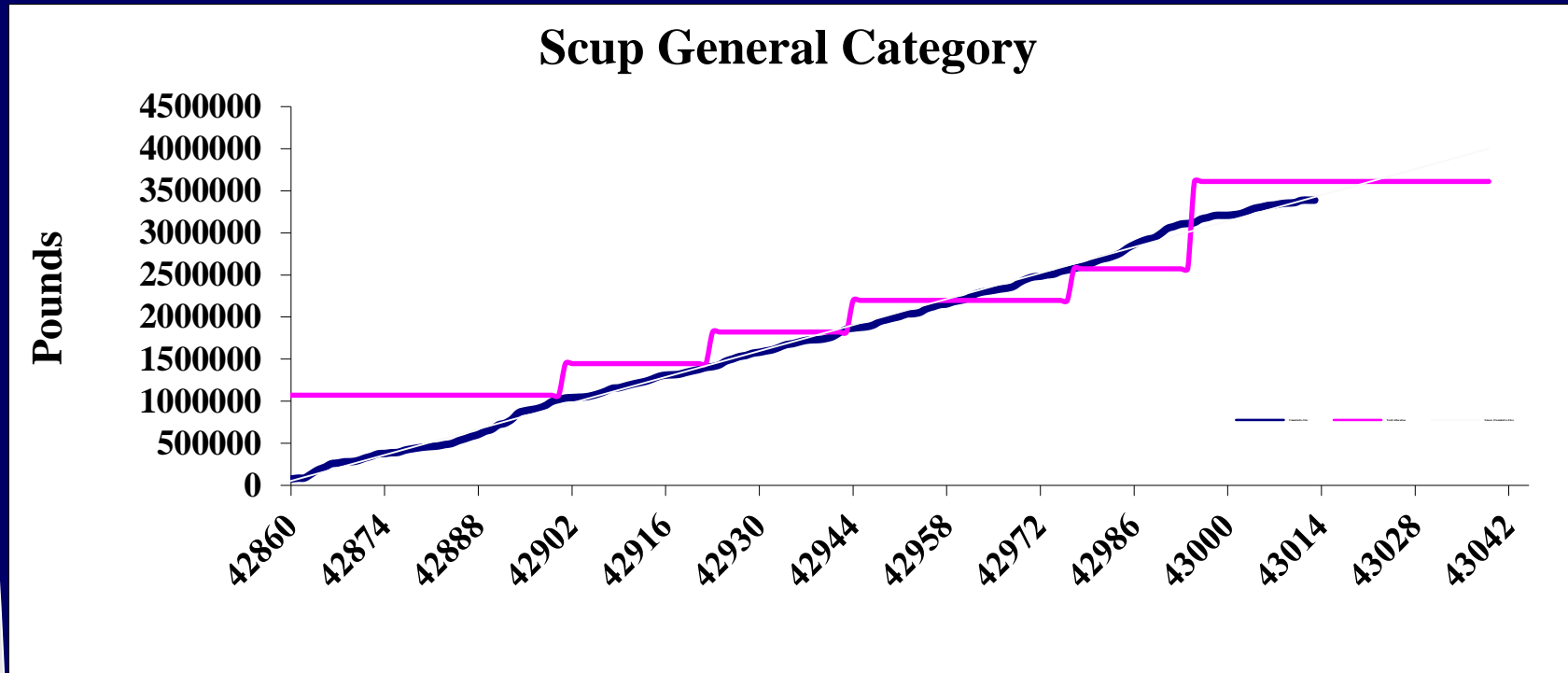
## ◆ Stock Status:

- SSB estimated to be 397 m lbs in 2016, above the SSB reference point = 192.47 m lbs and above the SSB threshold = 96.23 m lbs.
- The 2016 year class is currently estimated to be about 60 million fish, around average.
- Increase in quota expected in 2018



# Commercial Scup

- To date, no commercial fishery closures



# Commercial Scup

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

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



# Commercial management of Black Sea Bass for 2018

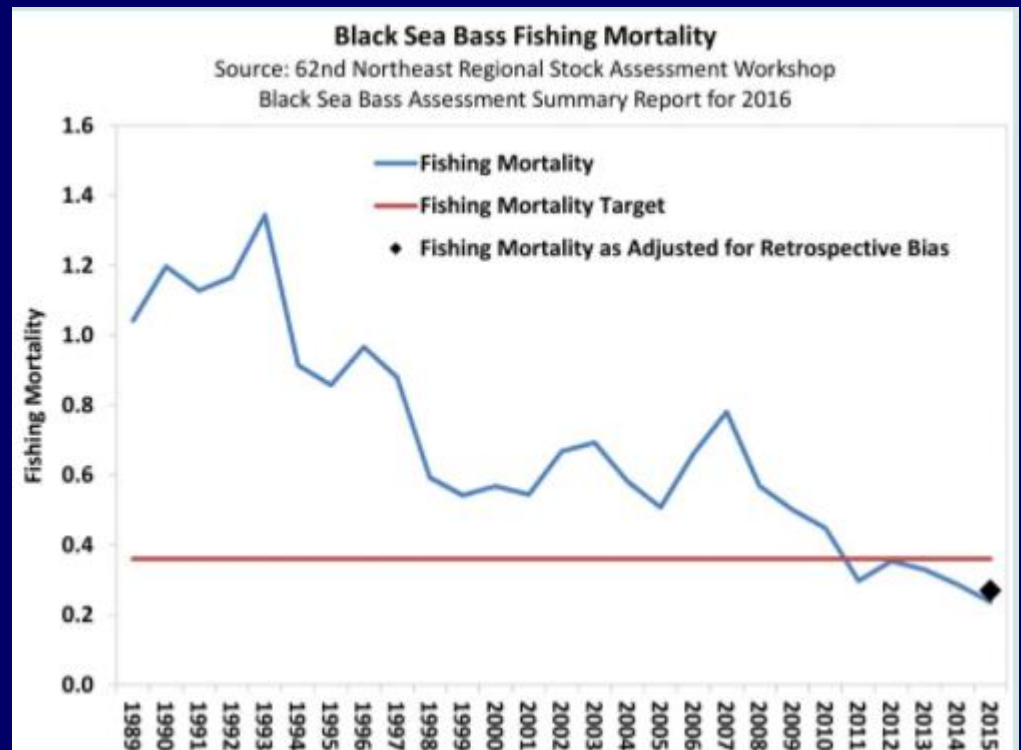
- Summary of Stock Status
- 2017 Rhode Island Commercial Fishery Performance
- Recommendations for the 2018 Black Sea Bass Fishery



# Commercial Black Sea Bass

- Stock Status:

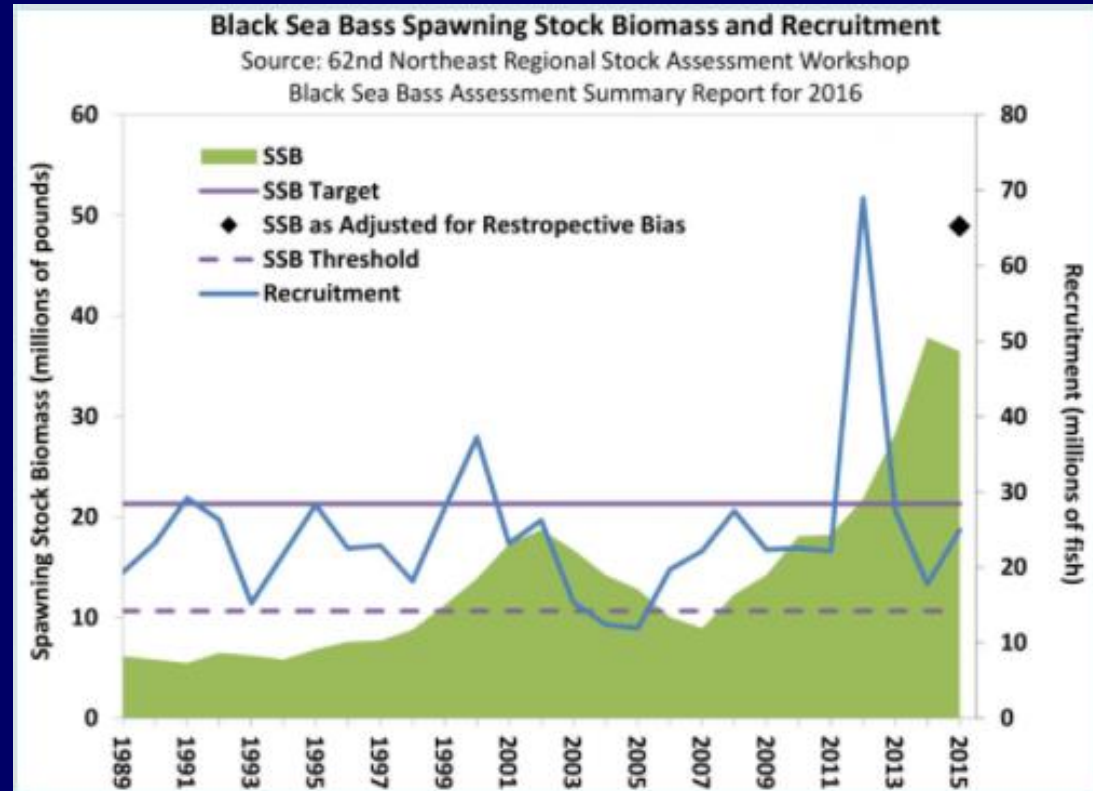
- Data update in 2016
- The black sea bass stock is not overfished, overfishing is not occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.27 in 2015, below the threshold F reference point = 0.36



# Commercial Black Sea Bass

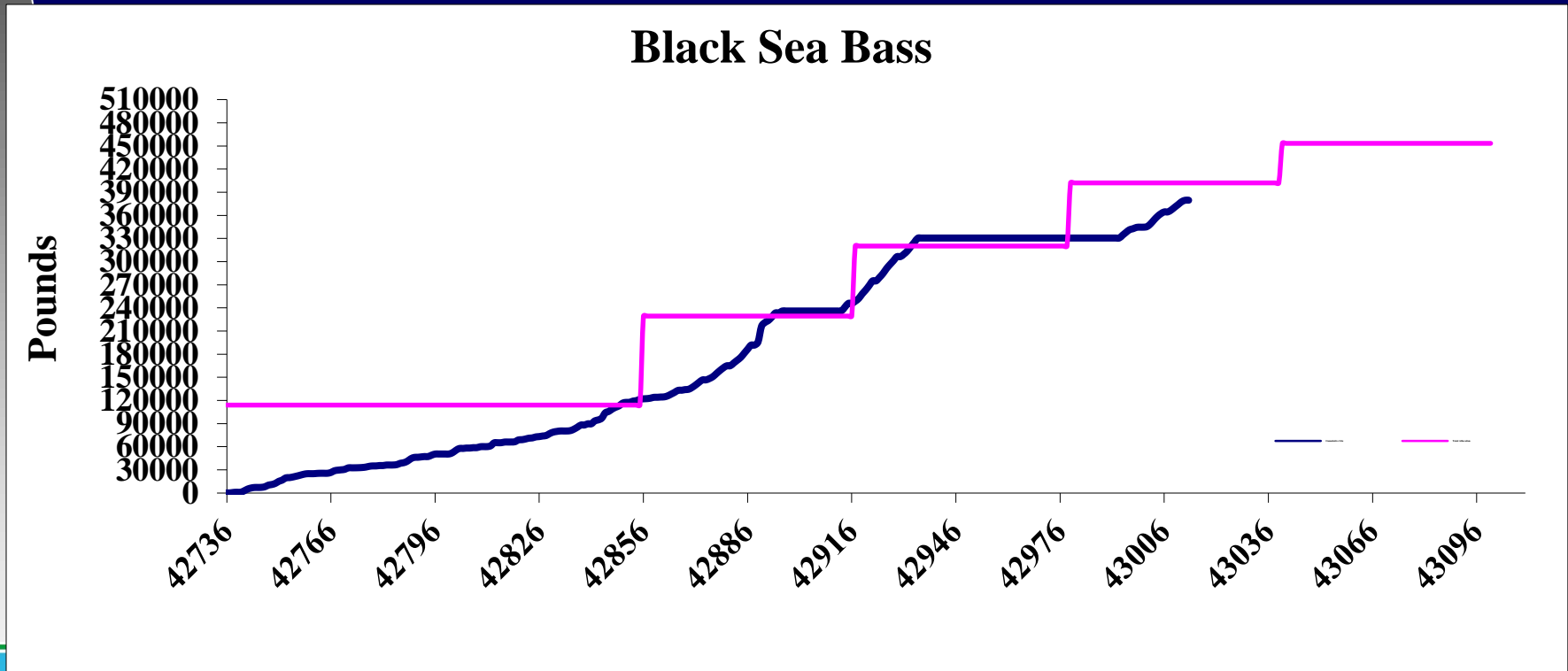
## ◆ Stock Status:

- SSB estimated to be 48.9 m lbs in 2015, above the SSB reference point = 21.3 m lbs
- The 2014 year class is currently estimated to be about 24.9 million fish, around average.
- Small decrease in quota expected in 2018



# Commercial Black Sea Bass

- Despite doubling the quota, still have numerous fishery closures



# Commercial Black Sea Bass

**Proposal 1:** Annual review of management parameters

- **Option 1:** Status quo.

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





# Commercial Black Sea Bass

- Received comments in support of an aggregate program for black sea bass
- Most cited the need to reduce discarding in inshore fishery as a main reason
- Also discussed economics and disconnect between fisheries (scup is aggregate, bsb is daily, etc)
- Additional proposal:
  - Jan-April aggregate 500 pounds/vessel/week.
  - Remaining periods 50 pound/vessel/day limit with no daily closures



End of Slides!



# RI Department of Environmental Management

## Division of Marine Fisheries

### PUBLIC HEARING

November 20, 2017



## Hearing Item #1: Proposed amendment to definition of “Resident” (*Part 1 – Definitions*)

- Removal of language “*automobile registration*” from the definition

**Proposed language:** “*Resident*” means a person who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, ~~automobile registration~~, voter registration card or a notarized statement from a City or Town Clerk.



# Hearing Item 2a: 2018 commercial management for Black Sea Bass (*Part 3 – Finfish*)

- Option 1: Status quo.

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



# Hearing Item 2b: 2018 commercial management for Scup (*Part 3 – Finfish*)

- 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 2b: 2018 commercial management for Scup (*Part 3 – Finfish*)

- Option 2: Change in seasons for FMP compliance

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 – <del>10/31</del> <u>9/30</u> )	<u>Gen. Cat. Summer:</u> (5/1 – <del>9/17</del> <u>9/30</u> )	40% of sub-period quota	<del>2/3 of Gen. Cat. quota</del>	10,000 lbs/vsl/wk
		<del>Gen. Cat. Fall:</del> ( <del>9/18</del> – 10/31)		<del>1/3 of Gen. Cat. quota</del>	
		<u>FFT:</u> (4/1 – <del>10/31</del> <u>9/30</u> )	60% of sub-period quota		Unlimited
<u>Winter II:</u> ( <del>11/1</del> <u>10/1</u> – 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 2c: 2018 commercial management for Summer flounder (*Part 3 – Finfish*)

## Option 1: Status quo

Min. size	Quota	Sub-period	Starting Poss. limit (vsl/day)	Days closed	Starting Aggregate poss. limit (lbs/vsl)
14"	54%	Winter (1/1 – 4/30)	200 lbs	Open 7 days	1,300/bi-week
	35%	Summer (5/1 – 9/15)	50 lbs	Fri./Sat./Sun.	200/week
	11%	Fall (9/16 – 12/31)	100 lbs	Open 7 days	N/A





# **Hearing Item 2c cont'd:** 2018 commercial management for Summer flounder (*Part 3 – Finfish*)

## **Option 2:** **Expansion of the Aggregate program.**

- Main points (see proposed annotated regulations for full details):
  - **Maintain current management parameters (status quo)**
  - Remove eligibility requirement of Exemption Certificate during summer sub-period
  - **Additional reporting requirements**



# Hearing Item 2c cont'd: 2018 commercial management for Summer flounder (*Part 3 – Finfish*)

## Option 3: Maintain single possession limit for entire year.

Min. size	Quota	Sub-period	Starting Poss. limit (vsl/day)	Days closed	Starting Aggregate poss. limit (lbs/vsl)
14"	54%	Winter (1/1 – 4/30)	<del>200</del> <u>100</u> lbs	Open 7 days	<del>1,300/bi-week</del> <u>700/week</u>
	35%	Summer (5/1 – 9/15)	50 <u>100</u> lbs	<del>Fri./Sat./Sun.</del> <u>Open 7 days</u>	<del>200</del> <u>700</u> /week
	11%	Fall (9/16 – 12/31)	100 lbs	Open 7 days	N/A



# Hearing Item 2c cont'd: 2018 commercial management for Summer flounder (*Part 3 – Finfish*)

## Option 4: Standard Management Approach w/ 2018 Quota Adjustment.

Min. size	Quota	Sub-period	Starting Poss. limit (vsl/day)	Days closed	Starting Aggregate poss. limit (lbs/vsl)
14"	54%	Winter (1/1 – 4/30)	<del>200</del> <u>100</u> lbs	Open 7 days	<del>1,300/bi-week</del> <u>1,500/bi-week</u>
	35%	Summer (5/1 – 9/15)	<del>50</del> <u>100</u> lbs	<del>Fri./Sat./Sun.</del> <u>Thu./Fri./Sat</u>	<del>200/week</del> <u>No Agg. Program</u>
	11%	Fall (9/16 – 12/31)	100 lbs	Open 7 days	No Agg. Program



## Hearing Item 2d: 2018 commercial management for Spiny Dogfish (*Part 3 – Finfish*)

- Consistency with the ASMFC Fisheries Management Plan (FMP) for Spiny dogfish.
- Possession limit: ~~5,000~~ 6,000 pounds per vessel per calendar day.



## **Hearing Item 3:** Proposed amendment to gill net tagging requirements (*Part 6 – General Equipment Provisions*)

- Main points (see proposed annotated regulations for full details):
- Tags valid April 1 – March 31 to coincide with license renewals
- Tags valid for one season; new tags must be ordered annually
- Tags attached along float line of the string of nets, one tag attached to each panel.
- Ordering form and instructions being developed; will detail \$ cost/tag and vendor info (~\$1.55 / tag)



**Hearing Item 4:** Proposed adoption of new regulation regarding commercial shellfish harvester education and training program (proposed *Part 11 - Regulations Governing Education Certification for Commercial Shellfish Harvesters*)

- **Main points** (see proposed regulations for full details):
  - Requirement of NSSP Model Ordinance (Section II - Chapter VIII, Control of Shellfish Harvesting).
  - Anyone who commercially harvests/lands shellfish must complete a training course, designed and implemented by the State, prior to obtaining their commercial license or landing permit.
  - Applies to all license and landing permit renewals, as well as all new licenses and landing permits.
  - Applies to all shellfish, harvested and landed in RI, except whelk, and except scallops (if shucked at sea, with only abductor mussels landed).
  - Separate training requirement, administered by CRMC, applies to shellfish farmers who only harvest and land farmed stock.
  - Certificate of completion valid for 5 years



End of Slides!



**Public Hearing**  
**November 20, 2017**

**Proposed/annotated amendments**

Note: Proposed new language is identified as **red, bold, underline**; proposed language to be deleted is identified as ~~red-stricken~~.

**250-RICR-90-00-1**

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

PART 1 – Definitions and General Provisions

**Hearing Item 1.**

**Proposed amendment to the definition of “resident” (section 1.7)**

"Resident" means a person who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, ~~automobile registration~~, voter registration card or a notarized statement from a City or Town Clerk (R.I. Gen. Laws § 20-1-3).



**Public Hearing**  
**November 20, 2017**

**Proposed/annotated amendments**

Note: Proposed new language is identified as **red, bold, underline**; proposed language to be deleted is identified as ~~red-stricken~~.

**250-RICR-90-00-3**

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

**PART 3 – Finfish**

**Hearing Item 2a.**

**Commercial management of Black Sea Bass (section 3.7.2)**

**Option 1 - Status quo:**

**3.7 Black Sea Bass**

**3.7.2 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 through April 30:
    - a. Allocation: Twenty-five percent (25%) of the quota.
    - b. Possession limit: 750 pounds per vessel per week.
  - 2. May 1 through 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 through 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 through September 14: Closed.
- 5. September 15 through 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 through December 31:
  - a. Allocation: Eleven percent (11%).
  - b. Possession limit: One hundred (100) pounds per vessel per calendar day.

C. Black sea bass pot construction

- 1. All black sea bass pots must be constructed with two escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of 2.5" diameter if circular, 1- 3/8" X 5- 3/4" if rectangular, 2" X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
- 2. The hinges or fasteners of one panel or door must be made of one of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
  - c. Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or

- d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.
3. Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.

**Option 2 – decrease Jan. – April aggregate limit; decrease Nov. – Dec. poss. limit; no closed days:**

**3.7.2 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 through April 30:
    - a. Allocation: Twenty-five percent (25%) of the quota.
    - b. Possession limit: ~~750~~ **500** pounds per vessel per week.
  2. May 1 through 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 through 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 through September 14: Closed.
  5. September 15 through 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 through December 31:
    - a. Allocation: Eleven percent (11%).
    - b. Possession limit: ~~One hundred (100)~~ **Fifty (50)** pounds per vessel per calendar day.
- C. Black sea bass pot construction
  - 1. All black sea bass pots must be constructed with two escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of 2.5" diameter if circular, 1- 3/8" X 5- 3/4" if rectangular, 2" X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
  - 2. The hinges or fasteners of one panel or door must be made of one of the following degradable materials:
    - a. Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
    - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
    - c. Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or
    - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.
  - 3. Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.

### [Hearing Item 2b.](#)

## [Commercial management of Scup \(section 3.8.2\)](#)

### [Option 1 - Status quo:](#)

#### **3.8 Scup**

##### **3.8.2 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. January 1 through April 30 (Winter I): 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. May 1 through October 31 (Summer - Fall): 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:
      - (1) May 1 through the Saturday before the third Sunday in September (Summer):
        - (AA) Allocation: Two-thirds (2/3) of the General Category quota.
        - (BB) 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~~ **DEM**, the fishery will close. The fishery will re-open on the third Sunday in September.
      - (2) Third Sunday in September through October 31 (Fall):
        - (AA) Allocation: One-third (1/3) of the General Category quota.
        - (BB) 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~~ **DEM**, 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.

- (1) 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.
- (2) If the ~~DFW~~ DEM 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~~ DEM 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~~ DEM 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.
- (3) If the ~~DFW~~ DEM 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~~ DEM 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.
- (4) Floating Fish Trap Reporting Requirement: Floating fish trap operators permitted pursuant to R.I. Gen. Law § 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:
  - (AA) April 15 through 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.

(BB) May 1 through 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

(CC) 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 R.I. Gen. Laws § 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. November 1 – December 31 (Winter II): 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.

C. Trawl vessel gear restrictions - minimum mesh size: Owners or operators of otter trawl vessels possessing five hundred (500) pounds or more of scup from November 1 through April 30; or two hundred (200) pounds or more of scup from May 1 through October 31, may only fish with nets that have a minimum mesh size of five (5) inches diamond (inside measure) or square mesh with a minimum length of seventy-five (75) meshes from the terminus of the net. For nets with less than seventy-five (75) mesh cod ends, the entire net will be five (5) inch minimum size diamond or square mesh.

D. Scup pots:

1. Pot limits: Each person utilizing pots in the scup fishery shall be permitted to fish up to fifty (50) pots regardless of the number of licenses on board the vessel.
2. Pot construction - escape vents: All scup pots must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2-1/4" X 5-3/4" if rectangular or may be constructed of 2-1/4" X 2-1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
3. The hinges or fasteners of one panel or door must be made of one of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
  - c. Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or
  - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.
4. Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.

### [Hearing Item 2c.](#)

## [Commercial management of Summer flounder \(section 3.10.2\)](#)

### [Option 1: Status quo.](#)

#### **3.10 Summer Flounder**

##### **3.10.2 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 ASMFC and/or NOAA Fisheries.
  1. January 1 through April 30 (Winter):
    - 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:
    - (1) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): Two hundred (200) pounds per vessel per calendar day.
    - (2) 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:
    - (1) 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~~ **DEM**, the possession limit per vessel shall be one hundred (100) pounds per calendar day.
    - (2) 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~~ **DEM**, the possession limit per vessel shall be one hundred (100) pounds per calendar day.
    - (3) Aggregate Landing Program: One thousand three hundred (1,300) 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~~ **DEM**, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.
2. May 1 - September 15 (Summer):
- a. Target allocation: 35% of the annual quota.
  - b. Possession limit between May 1 and May 31, annually:
    - (1) Vessels that possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.

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

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

(1) 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, Saturday, and Sunday each week.

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

(3) Aggregate Landing Program: Two hundred (200) pounds per vessel per week. When 80% of the Summer sub-period quota has been harvested as determined by the ~~DFW~~ DEM the program will terminate and the possession limit per vessel shall be fifty (50) pounds per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.

3. September 16 – December 31 (Fall):

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

b. Possession limit:

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

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

C. Aggregate Landing Program:

1. Sub-periods:

a. 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~~ DEM.

b. 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~~ DEM.

2. 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~~ DEM each of the following:
  - a. 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);
  - b. 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;
  - c. 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.
3. Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.
4. No vessel shall possess simultaneously more than one Aggregate Landing Program permit;
5. 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.
6. 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.

D. Rhode Island Summer Flounder Exemption Certificate:

1. Application: Applicant's shall provide each of the following:
  - a. A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the EEZ;
  - b. A completed notarized application;
  - c. Proof that the vessel meets the requirements set out in this section;

- d. Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and
  - e. A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.
2. Eligibility: ~~DFW~~ **DEM** will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to ~~DFW~~ **DEM** prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:
- a. The operator of the vessel possesses a valid Rhode Island commercial fishing license to land Summer flounder up to the amount permitted by these regulations; and
  - b. The subject vessel meets any of the following criteria:
    - (1) The vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992;
    - (2) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips;
    - (3) The vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss;
    - (4) The vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise

destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.

- (5) If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.
3. Transfer of an Exemption Certificate: An Exemption Certificate issued by the **DFW DEM** is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.
    - a. Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued an Exemption Certificate must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
    - b. Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the **DFW DEM** that the applicant vessel is replacing a vessel and that said certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.
      - (1) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Exemption Certificate for purposes of replacing the vessel. If a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.

- (2) Vessel permits (state and federal), Exemption Certificates, and fishing history cannot be split.
- (3) An Exemption Certificate may not be combined to create larger replacements vessels.
- (4) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.
- (5) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued an Exemption Certificate.
- (6) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:
  - (AA) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.
  - (BB) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.

- 4. Exemption Certificates may not be:
  - a. Pledged, mortgaged, leased, or encumbered in any way;
  - b. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or
  - c. Attached, distrained, or sold on execution of judgment.

5. Otter trawl Mesh size: Otter trawlers that land or possess 100 pounds (45.4 kg) or more of Summer flounder per day from May 1 through October 31; or 200 pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and cod end portion of the net.
6. Summer flounder may be landed between the hours of 6:00 AM to 8:00 PM only;
7. Control Date: A control date of December 31, 2010, is established for the commercial Summer flounder fishery in Rhode Island.

## **Option 2: Expansion of the Aggregate program.**

### **3.10.2 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 ASMFC and/or NOAA Fisheries.
  1. January 1 through April 30 (Winter):
    - 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:
      - (1) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): Two hundred (200) pounds per vessel per calendar day.
      - (2) 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:
      - (1) 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~~ **DEM**, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

- (2) 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~~ **DEM**, the possession limit per vessel shall be one hundred (100) pounds per calendar day.
  - (3) Aggregate Landing Program: One thousand three hundred (1,300) 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~~ **DEM**, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.
2. May 1 - September 15 (Summer):
- a. Target allocation: 35% of the annual quota.
  - b. Possession limit between May 1 and May 31, annually:
    - (1) Vessels that possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.
    - (2) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.
  - c. Possession limit during the Summer sub-period of the Aggregate Landing Program, annually:
    - (1) 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, Saturday, and Sunday each week.
    - (2) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.
    - (3) Aggregate Landing Program: Two hundred (200) pounds per vessel per week. When 80% of the Summer sub-period quota has been harvested as determined by the ~~DFW~~ **DEM** the program will terminate and the possession limit per vessel shall be fifty (50) pounds per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.



3. September 16 – December 31 (Fall):
  - a. Target allocation: 11% of the annual quota.
  - b. Possession limit:
    - (1) Vessels that possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.
    - (2) Vessels that do not possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

C. Aggregate Landing Program:

1. Sub-periods:
  - a. 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~~ **DEM**.
  - b. 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~~ **DEM**.
2. 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~~ **DEM** and the Division of Law Enforcement each of the following:
  - a. 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)~~;
  - b. 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~~;
  - c. 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.
  - d. The vessel's operator has signed up for e-Trips/Mobile;**
  - e. The vessel's operator has attended e-Trips/Mobile training;**
  - f. The vessel's operator has signed an acknowledgement of the reporting elements required for all trips where summer flounder is harvested.**

3. Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.
4. No vessel shall possess simultaneously more than one Aggregate Landing Program permit.
- 5. Each trip under the Summer Flounder Aggregate program must be reported using e-Trips/Mobile; reports must be completed upon completion of each trip.**
- 56.** 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.
- ~~6. 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.~~

D. Rhode Island Summer Flounder Exemption Certificate:

1. Application: Applicant's shall provide each of the following:
  - a. A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the EEZ;
  - b. A completed notarized application;
  - c. Proof that the vessel meets the requirements set out in this section;
  - d. Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and
  - e. A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.
2. Eligibility: **DFW DEM** will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to **DFW DEM** prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:

- a. The operator of the vessel possesses a valid Rhode Island commercial fishing license to land Summer flounder up to the amount permitted by these regulations; and
  - b. The subject vessel meets any of the following criteria:
    - (1) The vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992;
    - (2) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips;
    - (3) The vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss;
    - (4) The vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.
    - (5) If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.
3. Transfer of an Exemption Certificate: An Exemption Certificate issued by the **DFW DEM** is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history

transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.

- a. Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued an Exemption Certificate must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
- b. Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the ~~DFW~~ **DEM** that the applicant vessel is replacing a vessel and that said certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.
  - (1) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Exemption Certificate for purposes of replacing the vessel. If a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
  - (2) Vessel permits (state and federal), Exemption Certificates, and fishing history cannot be split.
  - (3) An Exemption Certificate may not be combined to create larger replacements vessels.
  - (4) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.

- (5) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued an Exemption Certificate.
  - (6) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:
    - (AA) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.
    - (BB) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.
4. Exemption Certificates may not be:
- a. Pledged, mortgaged, leased, or encumbered in any way;
  - b. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or
  - c. Attached, distrained, or sold on execution of judgment.
5. Otter trawl Mesh size: Otter trawlers that land or possess 100 pounds (45.4 kg) or more of Summer flounder per day from May 1 through October 31; or 200 pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and cod end portion of the net.
6. Summer flounder may be landed between the hours of 6:00 AM to 8:00 PM only;

7. Control Date: A control date of December 31, 2010, is established for the commercial Summer flounder fishery in Rhode Island.

### Option 3 – Maintain single possession limit for entire year:

#### 3.10.2 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 ASMFC and/or NOAA Fisheries.
  1. January 1 through April 30 (Winter):
    - 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:
      - (1) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): ~~Two hundred (200)~~ **One hundred (100)** pounds per vessel per calendar day.
      - (2) Vessels that do not possess a valid Exemption Certificate: ~~Two hundred (200)~~ **One hundred (100)** pounds per vessel per calendar day.
    - c. Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:
      - (1) Vessels not permitted in the Aggregate Landing Program but which possess a valid Exemption Certificate: ~~Two hundred (200)~~ **One hundred (100)** 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.~~
      - (2) Vessels that do not possess a valid Exemption Certificate: ~~Two hundred (200)~~ **One hundred (100)** 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.~~

- (3) Aggregate Landing Program: ~~One thousand three hundred (1,300)~~ **Seven (700)** pounds per vessel per ~~bi-weekly period week~~. ~~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 DEM~~, the Aggregate Landing Program will terminate and the possession limit shall be ~~one hundred (100)~~ **one hundred (100)** pounds per vessel per calendar day.
2. May 1 - September 15 (Summer):
  - a. ~~Target allocation: 35% of the annual quota.~~
  - b. Possession limit between May 1 and May 31, annually:
    - (1) Vessels that possess a valid Exemption Certificate: ~~Fifty (50)~~ **One hundred (100)** pounds per vessel per calendar day. ~~The fishery is closed Friday, Saturday, and Sunday each week.~~
    - (2) Vessels that do not possess a valid Exemption Certificate: ~~Fifty (50)~~ **One hundred (100)** pounds per vessel per calendar day. ~~The fishery is closed Friday, Saturday, and Sunday each week.~~
  - c. Possession limit during the Summer sub-period of the Aggregate Landing Program, annually:
    - (1) Vessels not permitted in the Aggregate Landing Program, but which possess a valid Exemption Certificate: ~~Fifty (50)~~ **One hundred (100)** pounds per vessel per calendar day. ~~The fishery is closed Friday, Saturday, and Sunday each week.~~
    - (2) Vessels that do not possess a valid Exemption Certificate: ~~Fifty (50)~~ **One hundred (100)** pounds per vessel per calendar day. ~~The fishery is closed Friday, Saturday, and Sunday each week.~~
    - (3) Aggregate Landing Program: ~~Two hundred (200)~~ **Seven hundred (700)** pounds per vessel per week. When 80% of the Summer sub-period quota has been harvested as determined by the ~~DFW DEM~~ the program will terminate and the possession limit per vessel shall be ~~fifty (50)~~ **one hundred (100)** pounds per calendar day. ~~The fishery is closed Friday, Saturday, and Sunday each week.~~
3. September 16 – December 31 (Fall):

a. ~~Target allocation: 11% of the annual quota.~~

b. Possession limit:

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

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

C. Aggregate Landing Program:

1. Sub-periods:

a. 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~~ **DEM**.

b. 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~~ **DEM**.

2. 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~~ **DEM** each of the following:

a. 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);

b. 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;

c. 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.

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

4. No vessel shall possess simultaneously more than one Aggregate Landing Program permit;



5. 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.
6. 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.

D. Rhode Island Summer Flounder Exemption Certificate:

1. Application: Applicant's shall provide each of the following:
  - a. A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the EEZ;
  - b. A completed notarized application;
  - c. Proof that the vessel meets the requirements set out in this section;
  - d. Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and
  - e. A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.
2. Eligibility: ~~DFW~~ **DEM** will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to ~~DFW~~ **DEM** prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:
  - a. The operator of the vessel possesses a valid Rhode Island commercial fishing license to land Summer flounder up to the amount permitted by these regulations; and
  - b. The subject vessel meets any of the following criteria:
    - (1) The vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode

Island licensed dealer during the period from January 1, 1987, through December 31, 1992;

- (2) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips;
  - (3) The vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss;
  - (4) The vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.
  - (5) If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.
3. Transfer of an Exemption Certificate: An Exemption Certificate issued by the **DFW DEM** is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.
- a. Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the

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

- b. Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the ~~DFW~~ **DEM** that the applicant vessel is replacing a vessel and that said certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.
- (1) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Exemption Certificate for purposes of replacing the vessel. If a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
  - (2) Vessel permits (state and federal), Exemption Certificates, and fishing history cannot be split.
  - (3) An Exemption Certificate may not be combined to create larger replacement vessels.
  - (4) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.
  - (5) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued an Exemption Certificate.
  - (6) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:

- (AA) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.
  - (BB) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.
- 4. Exemption Certificates may not be:
  - a. Pledged, mortgaged, leased, or encumbered in any way;
  - b. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or
  - c. Attached, distrained, or sold on execution of judgment.
- 5. Otter trawl Mesh size: Otter trawlers that land or possess 100 pounds (45.4 kg) or more of Summer flounder per day from May 1 through October 31; or 200 pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and cod end portion of the net.
- 6. Summer flounder may be landed between the hours of 6:00 AM to 8:00 PM only;
- 7. Control Date: A control date of December 31, 2010, is established for the commercial Summer flounder fishery in Rhode Island.

#### **Option 4 – Standard Management Approach w/ 2018 Quota Adjustment:**

##### **3.10.2 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 ASMFC and/or NOAA Fisheries.
1. January 1 through April 30 (Winter):
    - 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:
      - (1) Vessels that possess a valid RI Summer Flounder Exemption Certificate (Exemption Certificate): ~~Two hundred (200)~~ **One hundred (100)** pounds per vessel per calendar day.
      - (2) Vessels that do not possess a valid Exemption Certificate: ~~Two hundred (200)~~ **One hundred (100)** pounds per vessel per calendar day.
    - c. Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:
      - (1) Vessels not permitted in the Aggregate Landing Program but which possess a valid Exemption Certificate: ~~Two hundred (200)~~ **One hundred (100)** pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the ~~DFW DEM~~, the possession limit per vessel shall be one hundred (100) pounds per calendar day.
      - (2) Vessels that do not possess a valid Exemption Certificate: ~~Two hundred (200)~~ **One hundred (100)** pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the ~~DFW DEM~~, the possession limit per vessel shall be one hundred (100) pounds per calendar day.
      - (3) Aggregate Landing Program: ~~One thousand three hundred (1,300)~~ **One thousand five hundred (1,500)** 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 DEM~~, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.
  2. May 1 - September 15 (Summer):

- a. Target allocation: 35% of the annual quota.
- b. Possession limit between May 1 and May 31, annually:
  - (1) Vessels that possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed **Thursday**, Friday, **and** Saturday, ~~and Sunday~~ each week.
  - (2) 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, ~~and Sunday~~ each week.

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

- ~~(1) 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, Saturday, and Sunday each week.~~
- ~~(2) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday, Saturday, and Sunday each week.~~
- ~~(3) Aggregate Landing Program: Two hundred (200) 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, Saturday, and Sunday each week.~~

3. September 16 – December 31 (Fall):

- a. Target allocation: 11% of the annual quota.
- b. Possession limit:
  - (1) Vessels that possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.
  - (2) Vessels that do not possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

C. Aggregate Landing Program:

1. Sub-periods:

- a. 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 DEM**.
  - ~~b. 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.~~
2. 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 DEM** and the Division of Law Enforcement each of the following:
    - a. 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);
    - b. 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;
    - c. 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.
  3. Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.
  - ~~4. No vessel shall possess simultaneously more than one Aggregate Landing Program permit;~~
  5. 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.
  - ~~6. 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.~~
- D. Rhode Island Summer Flounder Exemption Certificate:
1. Application: Applicant's shall provide each of the following:

- a. A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the EEZ;
  - b. A completed notarized application;
  - c. Proof that the vessel meets the requirements set out in this section;
  - d. Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and
  - e. A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.
2. Eligibility: ~~DFW~~ **DEM** will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to ~~DFW~~ **DEM** prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:
- a. The operator of the vessel possesses a valid Rhode Island commercial fishing license to land Summer flounder up to the amount permitted by these regulations; and
  - b. The subject vessel meets any of the following criteria:
    - (1) The vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992;
    - (2) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips;
    - (3) The vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the



replaced vessel is required to have been owned by the applicant at the time of the loss;

- (4) The vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.
  - (5) If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.
3. Transfer of an Exemption Certificate: An Exemption Certificate issued by the **DFW DEM** is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.
- a. Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued an Exemption Certificate must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.
  - b. Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the **DFW DEM** that the applicant vessel is replacing a vessel and that said certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.
    - (1) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Exemption Certificate for purposes of replacing the vessel. If

a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.

- (2) Vessel permits (state and federal), Exemption Certificates, and fishing history cannot be split.
- (3) An Exemption Certificate may not be combined to create larger replacement vessels.
- (4) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.
- (5) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued an Exemption Certificate.
- (6) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:
  - (AA) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.
  - (BB) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.

4. Exemption Certificates may not be:

- a. Pledged, mortgaged, leased, or encumbered in any way;
  - b. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or
  - c. Attached, distrained, or sold on execution of judgment.
5. Otter trawl Mesh size: Otter trawlers that land or possess 100 pounds (45.4 kg) or more of Summer flounder per day from May 1 through October 31; or 200 pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and cod end portion of the net.
  6. Summer flounder may be landed between the hours of 6:00 AM to 8:00 PM only;
  7. Control Date: A control date of December 31, 2010, is established for the commercial Summer flounder fishery in Rhode Island.

### [Hearing Item 2d.](#)

## [Commercial management of Spiny dogfish \(section 3.27.1\)](#)

### [Option 1 – increase possession limit consistent with FMP:](#)

#### **3.27 Spiny dogfish**

##### **3.27.1 Commercial**

- A. Seasons, allocations, and possession limit: RI is currently designated as a state that is part of the Northern region. A Northern region possession limit and quota for spiny dogfish will be established annually by the ASMFC. The Northern region quota for spiny dogfish shall be the most recent allocation by the ASMFC, which is currently set at 58% of the coastwide quota.
  1. Season: May 1 until April 30 of the following year.
  2. Possession limit: ~~5,000~~ **6,000** pounds per vessel per calendar day. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the NOAA Fisheries or the ASMFC, the ~~DFW~~ **DEM** shall close the fishery for the remainder of the designated period.
  3. ~~DFW~~ **DEM** is hereby authorized to enter into agreements with the other Northern Region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish, and may make

adjustments as deemed necessary to comply with said agreements. ~~DFW~~  
DEM will consult with the Rhode Island state-water spiny dogfish fishers prior to negotiating the subject agreements.

- B. Prohibition of Finning: Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish is prohibited in state waters. In addition, removing any fin of spiny dogfish at-sea is prohibited (including the tail). All spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass. Gutting fish at-sea is permitted, so long as the fins remain attached by a portion of uncut skin.

**Public Hearing**  
**November 20, 2017**

**Proposed/annotated amendments**

Note: Proposed new language is identified as **red, bold, underline**; proposed language to be deleted is identified as ~~red-stricken~~.

**250-RICR-90-00-6**

**TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 – MARINE FISHERIES**

**SUBCHAPTER 00 – N/A**

**PART 6 – General Equipment Provisions**

**6.8.3 Gill netting**

**A. Gill netting for bait:**

1. Bait gill nets must be clearly labeled with the name of the person setting or tending the net and be constantly tended. No person shall set, haul, and/or maintain a gill net for bait so as to obstruct the free passage of fish in Rhode Island coastal waters, streams, rivers, or bays.
2. A bait gill net shall not exceed one hundred (100) feet nor exceed a mesh size greater than three and three quarters inches (3 3/4") (stretched).

**B. Prohibited areas: In addition to those areas where all netting is prohibited, and with the exception of gill netting for bait, commercial gill netting is prohibited in the following areas:**

1. In all coastal salt ponds;
2. In the Pawcatuck River;
3. In Little Narragansett Bay;
4. Within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point;

5. Within one half ( $\frac{1}{2}$ ) mile in both directions of the seaward entrance to a coastal salt pond channel, and for a distance of three hundred (300) yards seaward, when such coastal salt pond is open to the sea;
  6. Within one half ( $\frac{1}{2}$ ) mile of Block Island between April 15 and November 15 annually.
  7. Within fifty (50) yards of the entire Rhode Island coastline (mean high water line) during the period October 15 - December 31, annually.
  8. Within fifty (50) yards of the Rhode Island coastline (mean high tide line) in the following areas:
    - a. From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Pt. (Carpenter's Bar);
    - b. In Narragansett Bay north of the Colregs line, including Mt. Hope Bay;
    - c. In the Sakonnet River;
    - d. From the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point; and,
    - e. From the southwest corner of Price's Neck to Castle Hill Light House.
- C. Gill nets shall be connected in a continuous series not to exceed 3,000 linear feet.
- D. Setting pattern: Each gill net shall be set in a straight line (from one end buoy to the other).
- E. No person shall set, haul, or maintain a gill net within 3,000 feet of a licensed floating fish trap.
- F. No person shall set, haul, and/or maintain a gill net in R.I. State waters during the month of March, annually.
- G. No person shall take or possess any striped bass while gill netting, or while hauling a gill net, including while gill netting for bait.
- H. Marking of nets with buoys:
1. Both ends of a gill net shall be marked with an orange or fluorescent orange bullet shaped buoy with a size of nine (9) by sixteen (16) inches, and be clearly marked with the letters "GN" with a minimum letter height of three (3) inches and include the name and license number of the licensee.

2. For gill nets set, hauled, and/or maintained south of the Colregs line, all buoy lines must be marked with three (3) individual green colored marks measuring twelve (12) inches: one (1) at the top, one (1) at the midway point, and one (1) at the bottom of each buoy line.

### Hearing Item 3.

#### Proposed amendment to gill net tagging requirements (section 6.8.3(I))

- I. Tagging of nets:
  1. Vessels permitted and participating in the gill net tagging program administered by the NOAA Fisheries Greater Atlantic Regional Office, and which are not participating in the Rhode Island tagging program, may transit Rhode Island State waters with gill nets on board the vessel only if all gill nets are stowed, and, when applicable, have the federal gillnet tags permanently attached.
  2. No gill net shall be set, hauled and/or maintained in Rhode Island State waters without permanently attached non-transferable tags issued by ~~DFW~~ **the Director**.
  3. Eligibility: ~~To receive~~ gill net tags, **are available only to** a multipurpose license holder with gill net endorsement ~~must declare their license and designate a commercially declared vessel to haul that licensee's net.~~
  4. Only one set of tags shall be designated to a commercial license holder.
  5. License holders ~~shall be issued~~ **are eligible to receive a maximum of** 80 tags, plus an additional 10 tags for routine loss. No more than 80 tags shall be in the water at any one time. **No person shall possess at any one time more tags than are authorized.**
  6. ~~Nets are required to be tagged beginning January 1, 2017. Tags shall be valid in (2) year increments beginning January 1 and ending December 31 the following year.~~ **Tags shall be valid from April 1 through March 31 annually.**

7. Tags shall be attached to ~~both vertical lines~~ **the float line of each net panel used in** a string of gill nets ~~at the point proximate to where the bridle is joined to the vertical line. Tags shall be equally distributed between vertical lines, the difference of the number of tags on each vertical line shall not exceed one tag. One tag must~~ **and also be attached along the float line of the string** for every 300 linear feet of net **of each net panel** used in a **the** string.

**8. No person shall transfer gill net tags between nets or between individuals or vessels.**

**9. No person shall file a false claim of tag loss.**

J. Tending of nets:

1. A gill net with a mesh size less than or equal to ten (10) inches must be hauled at least once each calendar day.
2. A gill net with a mesh size greater than ten (10) inches must be hauled at least once every 7 days.

K. Weak link and anchor requirements for gillnets set, hauled, and/or maintained south of the Colregs line:

1. All buoys, floatation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 1,100 pounds.
2. For nets that return to port each day with the vessel, net panels must have a weak link having a breaking strength of no greater than 1,100 pounds at the center or each float line or at least every 25 fathoms along the float line of a panel longer than 50 fathoms.
3. For nets which do not return to port with the vessel, weak links of not greater than 1,100 pounds must be incorporated into net panels following one of the two configurations required by the NOAA Fisheries Atlantic Large Whale Take Reduction Plan.
4. All gill nets that do not return to port with vessel, regardless of number of net panels, shall be required to be anchored with the holding power of at least a 22 pound Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights).

L. Pinger Specifications:

1. A pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz ( $\pm 2$  kHz) sound at 132 dB ( $\pm 4$  dB) re 1 micropascal at 1 m, lasting 300 milliseconds ( $\pm 15$  milliseconds), and repeating every 4 seconds ( $\pm 0.2$  seconds).



2. Pingers shall be properly attached to each gill net during the following time periods, annually:
    - a. December 1 through February 28 (February 29 on leap years); and,
    - b. April 1 through May 31.
  3. Pinger Attachment: A pinger shall be attached at the end of each string of each gill net and at the bridle of every net within a string of nets (e.g., in a gill net string consisting of 3 nets, 4 pingers would be required).
  4. Pinger Maintenance: Pingers shall be maintained in an activated state at all times.
- M. Drift and sink gill nets: Only a floating and bottom tending gill net may be set, hauled, or maintained in Rhode Island waters.
1. A floating gill net must be constantly tended;
  2. Minimum mesh size for a bottom tending gillnet: No bottom tending gill net shall have a mesh size smaller than five (5) inches stretched mesh.
- N. Additional area specific regulations:
1. No person shall set, haul, and/or maintain a gill net in Narragansett Bay, Mount Hope Bay, or Sakonnet River, north of the Colregs line, which does not meet the following specifications:
    - a. Maximum length: A single gillnet, or series of connected gillnets, shall not exceed 300 feet.
    - b. Spacing: No gillnet shall be set within 150 feet of shore at mean low water, or within 2000 feet of another gillnet.
  2. Waters within one half (1/2) nautical miles of the Rhode Island coast (mean high tide line) and south of the Colregs line:
    - a. Maximum length: A series of connected gillnets shall not exceed a total length of six hundred (600) feet.
    - b. Setting pattern: Each gillnet shall be set perpendicular to the shore.
    - c. Spacing: No gillnet shall be set within two thousand (2000) feet of another gillnet.
  3. Waters between one half (1/2) nautical miles and three (3) nautical miles from the Rhode Island coast (mean high tide line):

- a. No gill net shall be set within two thousand (2000) feet of another gillnet during the period from April 1 to October 1.
- b. Marking:
  - (1) A series of connected gill nets greater than six hundred (600) feet and less than or equal to twelve hundred (1,200) feet must be marked with two (2) orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches should be placed on the southernmost end.
  - (2) A series of connected gillnets greater than 1,200 feet must be marked with an orange or fluorescent orange float with a size of 9 x 16 inches and a radar reflective highflyer at each end. One of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end.

**250-RICR-90-00-11**

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 90 – MARINE FISHERIES**

#### **SUBCHAPTER 00 – N/A**

PART 11 – Regulations Governing Education Certification for Commercial Shellfish Harvesters

#### **11.1 Purpose**

The purpose of these Rules and Regulations is to manage the marine resources of Rhode Island.

#### **11.2 Authority**

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

#### **11.3 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

#### **11.4 Definitions**

See Rhode Island Marine Fisheries Regulations, Part 1 of this Subchapter.

#### **11.5 Severability**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

#### **11.6 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of these regulations shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

## 11.7 Regulations

- A. Applicability. These regulations apply to holders of the following commercial fishing licenses, permits, and landing permits issued by the Department:
1. Principal Effort Licenses and Commercial Fishing Licenses with Quahog, Soft-shell clam, and/or Shellfish Other endorsements;
  2. 65 and Over Shellfish Licenses;
  3. Student Shellfish Licenses;
  4. Multipurpose licenses if the holder harvests and lands quahogs, soft-shell clams, and/or any other species of shellfish, with the exception of
    - a. whelk, and
    - b. scallops if shucked prior to landing; and
  5. Resident and Non-Resident Landing Permits if the holder harvests and lands in Rhode Island quahogs, soft-shell clams, and/or any other species of shellfish, with the exception of
    - a. whelk, and
    - b. scallops if shucked prior to landing.
- B. For the 2018 license year only, all applicable license, endorsement, and permit holders, referenced above, who held said license, endorsement, or permit for 2017 and renew said license, endorsement, or permit for 2018, shall be certified, by the Department, as having completed the Commercial Shellfish Harvester Education and Training Program, administered by the Department via an online tutorial, by April 6, 2018.
- C. For the 2018 license year and every license year thereafter, all applicants for new applicable licenses and permits, referenced above, shall be certified, by the Department, as having completed the Commercial Shellfish Harvester Education and Training Program, administered by the Department via an online tutorial, prior to the issuance of said license or permit.
- D. For the 2018 license year and every license year thereafter, any holder of a multipurpose license or landing permit who becomes engaged, initially, in the harvest and landing of shellfish in Rhode Island – excluding whelk, and scallops if shucked prior to landing -- shall be certified, by the Department, as having completed the Commercial Shellfish Harvester Education and Training Program, administered by the Department via an online tutorial, within ninety (90) days of the initial landing.

- E. Certifications shall expire five (5) years from the date of issuance, after which all applicable license and permit holders must obtain recertification by retaking the online tutorial.
- F. Any applicable license, endorsement, or permit held by anyone who has not obtained certification in accordance with the deadlines set forth above in subsections 11.7(B) and (D) shall be suspended by the department until such time as the holder obtains certification. The filing of an appeal shall not stay the suspension.



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 20, 2017** at 6:00 PM, URI Narragansett Bay Campus, Corless Auditorium, Narragansett, RI. Three persons from the public were present.

Hearing Officer: *J. McNamee*

DEM Staff: *B. Ballou, G. Powers, S. Olszewski, N. Lengyel, P. Duhamel.*

RIMFC: *C. Rein*

Public comments were solicited on the following items:

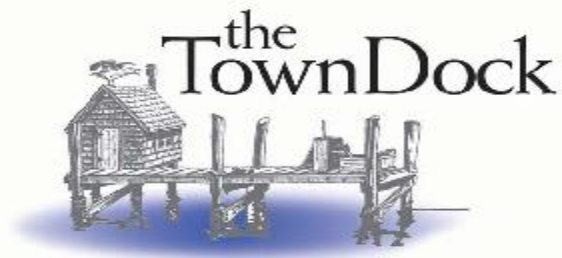
- **Hearing Item 1:** Proposed amendment to definition of “*resident*”, to remove wording “*automobile registration*” (*Part 1 - Definitions and General Provisions*).
  - No comments were provided.
  
- **Hearing Item 2a:** Commercial management of Black Sea Bass.
  - *K. Almeida/Town Dock:* Support to allow possession limit to drop below 50 lbs/day to keep fishery open as long as possible.
  - *J. Kaczynski:* In support comments by K. Almeida.
  - *P. Duckworth:* In support of option 2, and also a weekly possession limit of 6X daily limit.
  - *J. Walker:* In support of comments made by P. Duckworth and strongly opposed to allowing possession limit to drop below 50 lbs/day.
  - *G. Duckworth:* In support of an aggregate program as a means to reduce discards.
  - *J. Macari:* In support of option 2.
  - *R. Enright:* In support of option 2.
  - *Public comment:* In support of option 2.
  - *M. Conti/Snug Harbor marina:* In support of option 2 and comments by K. Almeida to keep fishery open as long as possible.
  - *R. Jobin:* In support of option 2.
  - *D. Pasquale:* In support of option 2 and maintaining starting possession limit of 100 lbs/day in Nov.-Dec. sub-period.
  - *R. King:* In support of option 2.
  - *H. Bernacki:* In support of option 2.
  - *D. Blackburn:* In support of option 2.
  - *Public comment:* In support of option 2.
  - *Public comment:* In support of option 2.
  - *R. Chappell:* In support of option 2.
  - *F. Pasquale:* In support of option 2.
  - *J. Jarvis:* In support of option 2 and an aggregate program as a means to reduce discards.

- **Hearing Item 2b:** Commercial management of Scup.
  - *K. Almeida/Town Dock:* In support of status quo due to concern that shorter summer sub-period (option 2) could result in excess supply and reduced price, which would also be compounded by the increase in quota expected for 2018.
  - *P. Duckworth:* In support of increasing possession limit to assure that all quota is harvested.
  - *M. Conti/Snug Harbor Marina:* In support of Scup being re-categorized as a non-restricted species as a means to support to access to the fishery, particularly by prospective new fishermen, and also to assist in harvesting the full quota.
  - *P. Duckworth:* In support of comments made by M. Conti.
  - *J. Walker:* In support of an aggregate limit with a daily retention limit (i.e., maximum harvest allowed) to break quota up to support better prices.
  - *G. Duckworth:* In support of comments made by J. Walker.
  
- **Hearing Item 2c:** Commercial management of Summer flounder.
  - *K. Almeida/Town Dock:* In support of option 4, but with closed days on Friday, Saturday, and Sunday each week.
  - *J. Walker:* In support of option 3 without specified closed/open days to allow for flexibility.
  - *G. Duckworth:* In support of comments made by J. Walker. In support of aggregate limits.
  - *P. Duckworth:* In support of option 3 and an aggregate possession limit.
  - *J. Kaczynski:* In support of option 1; believes that option 3 is not viable.
  - *J. Martini:* In support of option 1.
  - *H. Bernacki:* In support of option 1.
  - *R. King:* In support of option 1; opposed to a possession limit of 100 lbs/day in the summer.
  - *D. Blackburn:* In support of option 1 to keep seasons open as long as possible, to protect prices and dealers, and to reduce discards. Only option 1 achieves goal of keeping fishery open as long as possible.
  - *R. Enright:* In support of option 1.
  - *Public comment:* In support of option 1, but with closed days only on Friday and Saturday so as to allow one day on the weekend to fish.
  - *J. Macari:* In support of option 1 as advantageous to small vessels.
  - *B. Allen:* In support of option 1 and comments made by D. Blackburn.
  - *R. Jobin:* In support of option 1.
  - *Public comment:* In support of option 1.
  - *T. Lafazia:* In support of option 1, but with closed days only on Friday and Saturday.
  - *F. Pasquale:* In support of option 1.
  - *J. Jarvis:* In support of option 4.
  - *M. Conti:* In support of option 1.
  - *P. Duckworth:* In support of aggregate/weekly possession limits and removing exemption certificate requirement for the summer sub-period as a means to support new access to the fishery.
  - *D. Blackburn:*
  - *D. Pasquale:* In support of option 3 as has no closed days. Would support a lower possession limit if open 7 days/week.
  
- **Hearing Item 2d:** Commercial management of Spiny dogfish.

- *G. Duckworth: In support of aggregate possession limits for dogfish.*
  - *P. Duckworth: In support of aggregate possession limits for dogfish.*
  - *J. Walker: In support aggregate possession limits with a daily retention limit.*
- **Hearing Item 3:** Proposed amendment to “Part 6 – General Equipment Provisions” regarding gill net tagging requirements
    - *G. Duckworth: In support of tags being valid for two seasons as tags will last; in support of tag placement such that half of tags located at each end of the net.*
    - *P. Duckworth: In support of tags being valid for two seasons as tags will last; in support of tag placement such that half of tags located at each end of the net. Tags should have identification numbers and run in numerical series for ease of replacement.*
    - *J. Walker: In support of tags located on buoy lines as a means for Law Enforcement to check for compliance without damaging nets.*
  - **Hearing Item 4:** Proposed adoption of new regulation regarding education certification requirements for licensed commercial shellfish harvesters.
    - *Many questions were asked but no comments received.*

*Prepared by P. Duhamel*





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

October 24<sup>th</sup>, 2017

Dear Director Coit,

We'd like to offer plans for the upcoming 2018 summer flounder and black sea bass season. We ask that you please consider the following:

**Winter I:** Aggregate landing limit of 1,500 pounds every two weeks or a daily possession limit of 100 pounds/vessel/day.

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

**Winter II:** A 100-pound daily limit. However, we ask the Council to consider reducing this limit, even if it has to fall below 50 pounds, to keep it open until the end of the year so as not to disrupt the markets and/or lose buyers. Buyers and markets that are lost are hard to get back if they've found somewhere else to buy the fish from or have found a suitable substitute for that species.

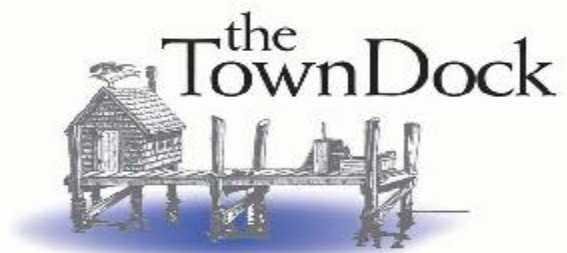
Regarding black sea bass, we suggest the following:

For the Jan-April aggregate we are proposing a limit of 500 pounds/vessel/week. For the remainder of the periods we are suggesting a 50 pound/vessel/day limit with no daily closures; again, the goal is to keep the fishery open for as long as possible so if it has to fall below 50 pounds per day we ok with that.

Thank you for the opportunity to comment.

Sincerely,

Katie Almeida  
Fishery Policy Analyst



**The Town Dock: P.O. Box 608; 45 State St Narragansett, RI 02882**  
**PH: 401-789-2200 FAX: 401-782-4421**  
**Website: [www.towndock.com](http://www.towndock.com)**



## ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President  
[exec@offshorelobster.org](mailto:exec@offshorelobster.org)

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

October 8, 2017

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

Dear Jason:

Over the last several years I have submitted multiple letters (attached) urging the Department to adopt a seasonal, and/or, year-round aggregate landing program for sea bass. The logic for such is detailed in the enclosed letters, but briefly it is to reduce regulatory discards and improve the economic return for the Rhode Island fishing industry.

Sea bass are an unavoidable bycatch in the offshore lobster fishery, and the bycatch issue is increasing in nearshore areas with the expansion of the sea bass population. It is now even a common circumstance for inshore lobstermen to have high encounter rates in their lobster traps and the low daily possession regulations simply promote discarding. There is no reason to continue this management practice, as there are alternative strategies that would avoid this problem.

As recommended in my prior correspondence, I believe adoption of a properly structured weekly aggregate program could convert some of the dead discards to landings, particularly for vessels that make multi-day trips or vessels with high catch rates. The spring aggregate program adopted by the Department for sea bass has proven the merits of this strategy, and I believe it should be extended throughout the year. I believe this to be a prudent and conservative change, which has as its basis the proper stewardship of the resource.

I am, therefore, requesting that DEM include a year-round weekly aggregate for sea bass in the final regulations for 2018.

Thanks, and see you at the workshop on Wednesday.

Sincerely,

David Borden  
Executive Director

cc:

Janet Coit, Director RI DEM  
Gary Mataronas, F/V Edna May  
John Peabody, F/V Lady Clare



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

November 20, 2015

Dear Jason:

I was out of the State for the recent public hearing on the marine regulations and would like to offer a few comments in regards the Rhode Island black sea bass regulations, during the comment period which ends November 26, 2015. During each of the last two years, I have submitted letters in support of the adoption of a weekly aggregate limit for black sea bass, as a means of reducing regulatory discards in the fishery. Our Association, therefore, supports the Department's hearing proposal as written. The logic for this regulatory change has been included in my prior letters on the issue, which I have attached for the record.

However, the rationale for regulatory change can be summarized quickly by saying that during the period of September through April the black sea bass migrate offshore in the fall, and then return to nearshore areas in the spring. This migration is well documented in the literature and stock assessments for the species. The larger, and most valuable fish, generally start their offshore migration in Rhode Island in August. During this migration timeline, the fish are principally captured as a bycatch in the lobster, gillnet, and trawl fisheries as they move offshore. Most of these fisheries do not target black sea bass.

Since these fisheries take place at depths greater than 100 feet, most of the black sea bass caught exhibit air bladder expansion due to the pressure change, yet the low daily possession limits effectively require fishermen to discard fish that are unlikely to survive. In addition, as noted in my letter of October 15, 2013, undocumented discards create technical problems and raise the uncertainty levels in the stock assessment, therefore lowering future quota levels. It is logical to assume that these problems will expand as the sea bass population expands its range into northern waters.

As I recommended in prior correspondence, I believe that adoption of a properly structured weekly aggregate program could convert some of the dead discards to landings, particularly for vessels that make multi-day trips. I believe this to be a prudent and conservative change, which has its basis in the proper stewardship of the resource.

I am therefore requesting that the Department include a weekly aggregate in the final regulations. If for some reason you cannot accommodate a weekly aggregate during the summer months (May through August), I suggest you adopt a weekly aggregate for the period September 1 through April 30 annually, as proposed in the public hearing document.

Thank you for the opportunity to comment.

Sincerely,

David Borden  
Executive Director

cc: John Peabody/AOLA Members



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[exec@offshorelobster.org](mailto:exec@offshorelobster.org)

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

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

Tuesday, November 18, 2014

Dear Jason:

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

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

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

Thank you for the opportunity to comment.

Sincerely

David Borden

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



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

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

Tuesday, October 15, 2013

Dear Jason:

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

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

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

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

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

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

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

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

Thank you for the opportunity to comment.

Sincerely;

David Borden

cc: AOLA Members

Mark Gibson, Deputy Chief Fish and Wildlife

Chris Brown President RI Commercial Fishermen's Association;

Lanny Dellinger, President RI Lobstermen's Associations

On another note I'm not sure why BSB didn't open on 9/1 as opposed to 9/15. New Jersey opened up this weekend at 1000 lbs a day and our price went in half. If it had opened on 9/1 it probably would be closed by now and those heavy landings wouldn't matter.

Gary Mataronas



Jason,

Thank you for the workshop the other night. It seemed to me that we may be making progress to coming to a consensus on the merits of a daily possession limit throughout the year. Of course, there will always be those who will look at it and decide that this plan may adversely affect them and oppose it but honestly, how could anything be more fair, and level the playing field among harvesters? One suggestion I have been giving thought to is this. Rather than starting the summer period at the top end of the spectrum as far as a daily possession limit is concerned, why not start on the lower end, see what is happening through monitoring of catch levels and then hopefully give incremental increases through the summer if possible? After last season's pittance given to the summer period and the associated daily closures, any higher possession limit given with a seven day week would be welcome news and be looked upon favorably by any fair minded businessman. I believe it would also begin to repair some of the damage and the mistrust that industry has felt towards the regulatory system that as you know is at a fairly low level these days.

I look forward to working with you to try to fix what I and many others believe is a broken system.

Please feel free to contact me anytime with concerns you or any others may have.

Thanks again and all the best,

Sincerely,  
Joel Hovanesian

**From:** John Peabody [mailto:[jpeab6375@gmail.com](mailto:jpeab6375@gmail.com)]  
**Sent:** Wednesday, November 15, 2017 2:05 PM  
**To:** McNamee, Jason (DEM) <[jason.mcnamee@dem.ri.gov](mailto:jason.mcnamee@dem.ri.gov)>  
**Subject:** [EXTERNAL] :

Was wondering if you know yet what we are opening at on sea bass in January? I of course like the 1000 more than 750. My biggest catch months are December and January. Of course December is a loss always.

Have heard rumors that there are not a lot of juveniles. Here is a pic

To: Jason McNamee, Chief Marine Resources RI Fish and Wildlife  
From: Lanny Dellinger  
Subject: Aggregate landing limit for RI  
Date: October 5, 2017

We understand you are in the initial process of setting the RI marine regulations for 2018. A workshop has been scheduled for October, 11, 2018. The undersigned respectfully request that the Department include the following concept in the proposals for adoption in 2018.

Request: To implement a weekly aggregate program for scup, sea bass and summer flounder on a year round basis.

Statement of the Problem:

A majority of the current RI marine species are managed with extremely low daily possession limits which are generally less than 100 lbs. a day and frequently in the 25-50 lb. range depending on year. However, the Department has been transitioning some fisheries to weekly aggregate limits which are preferable from an economic and industry perspective with the best examples being scup in the summer and sea bass in spring. Low daily trip limits were adopted decades ago to rebuild some stocks and keep effort away from specific species. Since most of these stocks have been rebuilt, exception being summer flounder, the time has come to implement a uniform system of weekly aggregate limits.

Problems being created by the low daily possession limits:

1. Discards: It is virtually impossible to tow or set a net or trap without having a significant catch and bycatch of these three species, regardless of which species is being targeted. Trawlers catch all three species on the same tow and have no legal mechanism to avoid exceeding the daily possession limits other than to discard the excess. These regulatory discards are lost to the fishery and economy of RI since they get counted against the quota if documented. If not documented they interject a level of uncertainty in the stock assessment that results in more conservative quotas decisions by regulatory agencies. In either case they are lost to the industry and economy of RI.
2. Fishing economics: It make no sense economically to require fishermen to fish seven days a week when they can fish a small portion of that time and land the same volume of fish. A daily possession limit requires fishermen to fish seven days a week which simply increases operating costs, results in needless discards, reduces efficiency, more wear and tear on equipment, needless habitat impacts, and more discards of non-targeted species.
3. Waste of fuel and needless wear and tear on the equipment. Most fishermen in RI have to travel a number of miles to get to specific fishing grounds. It makes no environmental sense to impose a requirement to operate a vessel seven days a week, or in some cases (summer flounder four days a week) when most fishermen can catch the same amount of fish in a fraction of the time with reduced fuel costs.
4. Impact of dealers. Outside of the major port of Pt. Judith, the dealer infrastructure in RI is in sharp decline because of the poor economics of the current system. In the east Bay area there

is only one full service dealer (Tiverton) who picks up and transports fish. It makes no sense economically to send an employee and a truck to the main Eastbay port (Sakonnet Pt.) to pick up a few boats which land 50 lbs. of fish, when a slightly different system would allow them to purchase hundreds of pounds of fish for the same transportation costs. The same is true of Newport, where there are no finfish dealers, with fixed facilities, who buy fish directly off the boat. Most fish are sold to PT. Judith dealers who then truck the product back to the Pt, at great and needless expense. These costs could be reduced substantially with a properly structured aggregate program.

5. Disconnect in current regulations. With the exception of the rod and reel industry, the current regulations do not work together either for the industry or the resource. For example: In the summer period, scup can be landed under a weekly aggregate limit seven days a week, while sea bass are regulated by a daily possession limit six days a week and closed on Friday. Summer flounder are regulated by four days of allowable landings and closed three days a week (Friday, Saturday, and Sunday). All three species are frequently caught in the same tow/set by trawlers and gill netters and two of the three by fish potters and lobstermen. So if you are a lobsterman or a scup pot fisherman, you are required to discard all your sea bass on Friday (unnecessary regulatory discard). Trawlers and gill net fishermen who target scup under the current weekly aggregate program are required to discard summer flounder three days a week and also sea bass on Friday. All of this is a complete waste of marine resources, which can be substantially reduced by regulating these three species under an aggregate program.

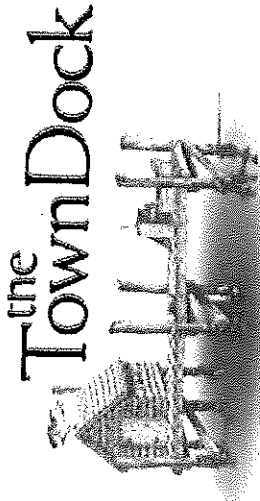
Elements of a new aggregate program:

1. Maintain the current system of daily possession limits for those who prefer that type of system.
2. However, provide fisherman with an option, at their sole discretion, to participate in a weekly aggregate program for all three species spring, summer, or fall or other periods as appropriate.
3. System should provide flexibly for the industry to opt out of the daily possession regulations but require more accountability in terms of reporting landings. This should be accomplished, if possible, utilizing smart phones in conjunction with a reporting software. A number of other states and agencies have started to use this type of system and it should be possible to customize a program for RI.
4. Include a proposal in the 2018 regulatory program and implement this new system on May 1, 2018, which provides the Department with adequate time to design and implement the new system.

Hi Jay,

I saw that there is a state meeting tomorrow to discuss commercial Black Sea bass management. I can't make it because I'm at the MAFMC in NY, but as I have mentioned before, I think an aggregate is the way to go. I hope there is support for this approach, because it will increase profitability and reduce discards. We are looking at Black Sea bass commercial AMs as an action item for 2018 MAFMC priorities because of commercial discards and anything that could reduce them would be very helpful. I know that I've spoken to the issue before, but just wanted to throw my two cents in before the meeting.

Very Best,  
Meghan Lapp



Dear Suppliers,

We are reaching out to you to gain support for the following 2018 marine fishery limit proposals listed below. **The goal is to keep summer**

**flounder open year-round to prevent closures.** With a 15% increase on summer flounder in 2018, this should allow the fishery to stay open at 50 pounds per vessel per day four days a week throughout the summer.

The 2018 marine fishery limits will be discussed and open for public comment at the upcoming RIDEEM, Rhode Island Department of Environmental Management, public hearing on **Monday, November 20<sup>th</sup> @ 6:00 PM** at the University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

**Summer Flounder (Fluke):**

**Winter I:** Aggregate landing limit of 1,500 pounds every two weeks or a daily possession limit of 100 pounds/vessel/day.

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

**Winter II:** A 100 pounds/vessel/day.

**Black Sea Bass:**

**Jan-April:** Aggregate limit of 500 pounds/vessel/week.

**Remainder of the year:** 50 pounds/vessel/day.

If you agree to the 2018 catch limit proposal, please sign the attached Marine Fishery 2018 Fishing Year Plan form, cut on the dotted line and mail back the signed form in the return envelope provided.

We appreciate your support and hope to see you at the RIDEEM public hearing.

Thank you,  
*Michael Roderick*  
C: 401.742.4558  
mroderick@towndock.com

**Marine Fishery 2018 Fishing Year Plan**

**Summer Flounder (Fluke):**

**Winter I:** Aggregate landing limit of 1,500 pounds every two weeks or a daily possession limit of 100 pounds/vessel/day.

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

**Winter II:** A 100 pounds/vessel/day.

**Black Sea Bass:**

**Jan-April:** Aggregate limit of 500 pounds/vessel/week.

**Remainder of the year:** 50 pounds/vessel/day.

If need be, to prevent any fishery closures, I also support a daily limit below 50 pounds/vessel/day (for either species) to keep the fishery open year-round.

By signing below, I agree to the above plan for the 2018 fishing year.

NAME: Ronald Enright  
(PLEASE PRINT)

SIGNATURE: *Ronald Enright*

## Town Dock petition signees

Ron Enright  
William Allen  
Donald Kinney  
Albert Valentini Jr.  
Michael Tourville  
Douglass Barker  
Roger Mrachek  
Pierce Chappell  
Steve Crandall  
Dave Tria  
Thomas Beattie  
James Kelly  
Steven Smith  
Don DeBerardino II  
James Leonard  
Jon Grant  
Christopher Herz  
Robert Barneschi  
William Gavitt  
Robert Bryer  
Richard Colagiovanni  
John Rainone  
Scott Rogers  
Richard Bacon  
Paul Bennett  
Jeffrey Mulligan  
Steven Cafua  
John Crandall  
Raymond Jobin  
Stephen Dobson  
John Garvey  
Charles Julian  
Kenneth Booth  
Noah Clark  
Arthur Johannis  
Raymond Masciarelli  
Frank Como  
John Linton  
Ryan Clark

Richard Scolavino  
John Martini  
Richard Carlson  
Michael McElroy  
Damon Ise  
William Tukey Jr.  
Raymond Vincent Sr.  
Joseph Baglieri  
John Landi  
Stephen Corbett  
Robert Mattiucci  
James Maturo  
James Kaczynski Sr.  
James Kaczynski Jr.  
Joe Filipkowski  
James Violet  
Patrick Knapp  
Robert Murray  
James Riccitelli  
Denis Carlisle  
Joseph Criscuolo Jr.  
Alan Golinski

**From:** [nbf05@verizon.net](mailto:nbf05@verizon.net) [<mailto:nbf05@verizon.net>]

**Sent:** Friday, November 03, 2017 8:41 PM

**To:** Lake, John (DEM) <[john.lake@dem.ri.gov](mailto:john.lake@dem.ri.gov)>

**Subject:** [EXTERNAL] : Re: Gill Net regs

"One tag shall be attached to the float line of each individual net panel deployed in a single string of nets." Does that work?

*Sent from my LG Phoenix 2, an AT&T 4G LTE smartphone*

----- Original message-----

**From:** Lake, John (DEM)

**Date:** Fri, Nov 3, 2017 3:47 PM

**To:** Aaron Gewirtz; Greg Duckworth; [patrickduckworth1986@gmail.com](mailto:patrickduckworth1986@gmail.com);

**Cc:**

**Subject:** Gill Net regs

Hi Guys,

I just wanted to touch base with you all before the council meeting on Monday to let you know I changed the language out to notice for the gill net tagging regs from requiring one tag placed every 300' on a gill net to 1 tag per net panel.

7. Tags shall be attached to ~~both vertical lines~~ **the float line of each net panel used in** a string of gill nets ~~at the point proximate to where the bridle is joined to the vertical line. Tags shall be equally distributed between vertical lines, the difference of the number of tags on each vertical line shall not exceed one tag. One tag must~~ **and also be attached along the float line of the string for every 300 linear feet of net of each net panel** used in a ~~the~~ string.

Let me know if this captures what the intent is. Upon a reread of it is a little clunky not sure why we said the same thing twice, we'll have a chance to clean it up after council / public comment.

Have a good one,

John Lake

RIDFW Marine Fisheries

3 Ft. Wetheril Rd.

Jamestown, RI 02813

[\(401\) 423-1942](tel:(401)423-1942)





# Rhode Island Marine Fisheries Council

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

**Panel Chair:**

Jeff Grant

**Scientific Advisor:**

Dale Leavitt

**DFW Staff:**

Conor Mcmanus

**Advisory Panel Members:**

**Aquaculture:**

*Primary:* Jeff Gardner

*Alternate:* Bob Rheault

**Commercial Bullrake:**

*Primary:* David Ghigliotty

*Alternate:* open

*Primary:* Mike McGiveney

*Alternate:* Bruce Eastman

*Primary:* Robert Bercaw

*Alternate:* James Logiodice

*Primary:* Gerald Schey

*Alternate:* open

*Primary:* Owen Kelly

*Alternate:* Martin McGiveney

*Primary:* Donald Goebel

*Alternate:* Michael Bradshaw

*Primary:* William Cote

*Alternate:* John Nolan

**Tong:**

*Primary:* open

*Alternate:* open

**Diver:**

*Primary:* Bill Blank

*Alternate:* Russell Blank

**East Bay:**

*Primary:* Katie Eagan

*Alternate:* open

**Dealer:**

*Primary:* Bob Smith

*Alternate:* open

**Recreational:**

Roger Tellier

Richard Pastore

## **Meeting Notice**

### **Shellfish Advisory Panel**

**October 11, 2017, 4:30PM**

URI Bay Campus Coastal Institute Building, Large Conference Room  
218 S Ferry Road, Narragansett, RI 02874

## **AGENDA**

1. Review of Aquaculture Applications sent to Public Notice
  - a. 2017-07-021, Watson, Narragansett Bay
2. Discussion on Noon-Time Openings for Conditional Areas
3. Proposed modification to the Warren River Shellfish Management Area

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

Aquaculture applications can be found at

<http://www.crmc.ri.gov/applicationnotices.html>

For more information please contact Conor McManus @ [conor.mcmanus@dem.ri.gov](mailto:conor.mcmanus@dem.ri.gov)  
or (401) 423-1941.

*Posted to Sec. of State pursuant to R.I. Gen. Laws § 42-46-3 on October 3, 2017*

**Shellfish Advisory Panel**  
**October 11, 2017, 4:30PM**  
URI Bay Campus Coastal Institute Building  
Large Conference Room  
215 S Ferry Road, Narragansett, RI 02882

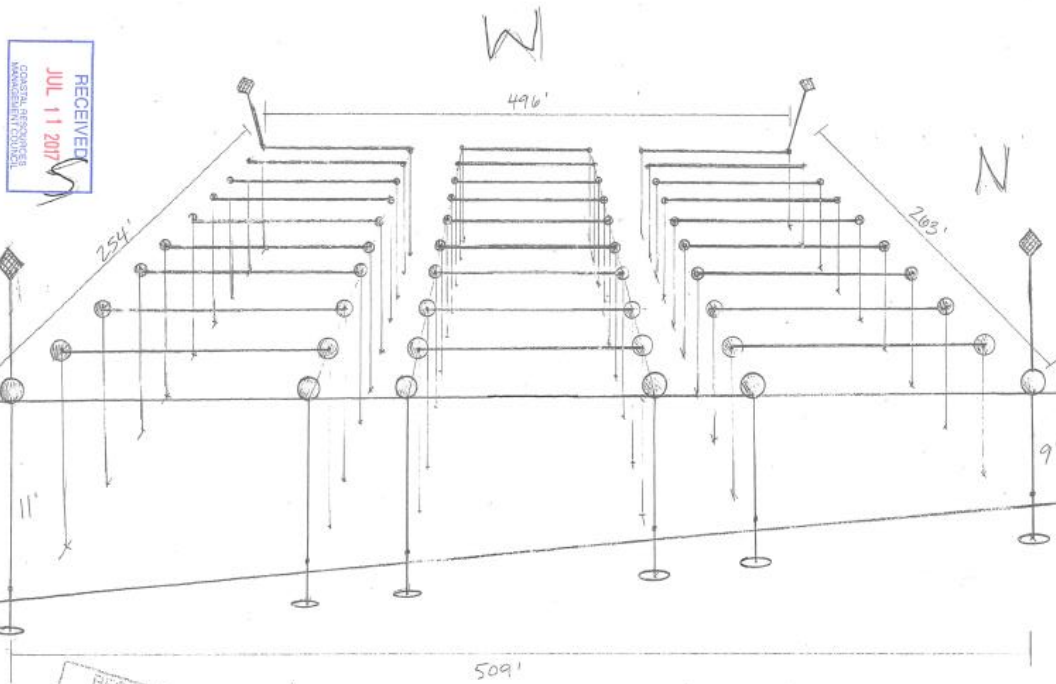
**AGENDA**

1. Review of Aquaculture Applications sent to Public Notice
  - a. 2017-07-021, Watson, Upper Narragansett Bay
2. Discussion on Noon-Time Openings for Conditional Areas
3. Proposed modification to the Warren River Shellfish Management Area

# 1. Aquaculture Leases

## 2017-07-021, Watson - Narragansett Bay

- Rome Point
- 2.91 acre lease
- Oysters in floating cages and bottom cages attached to trawl lines



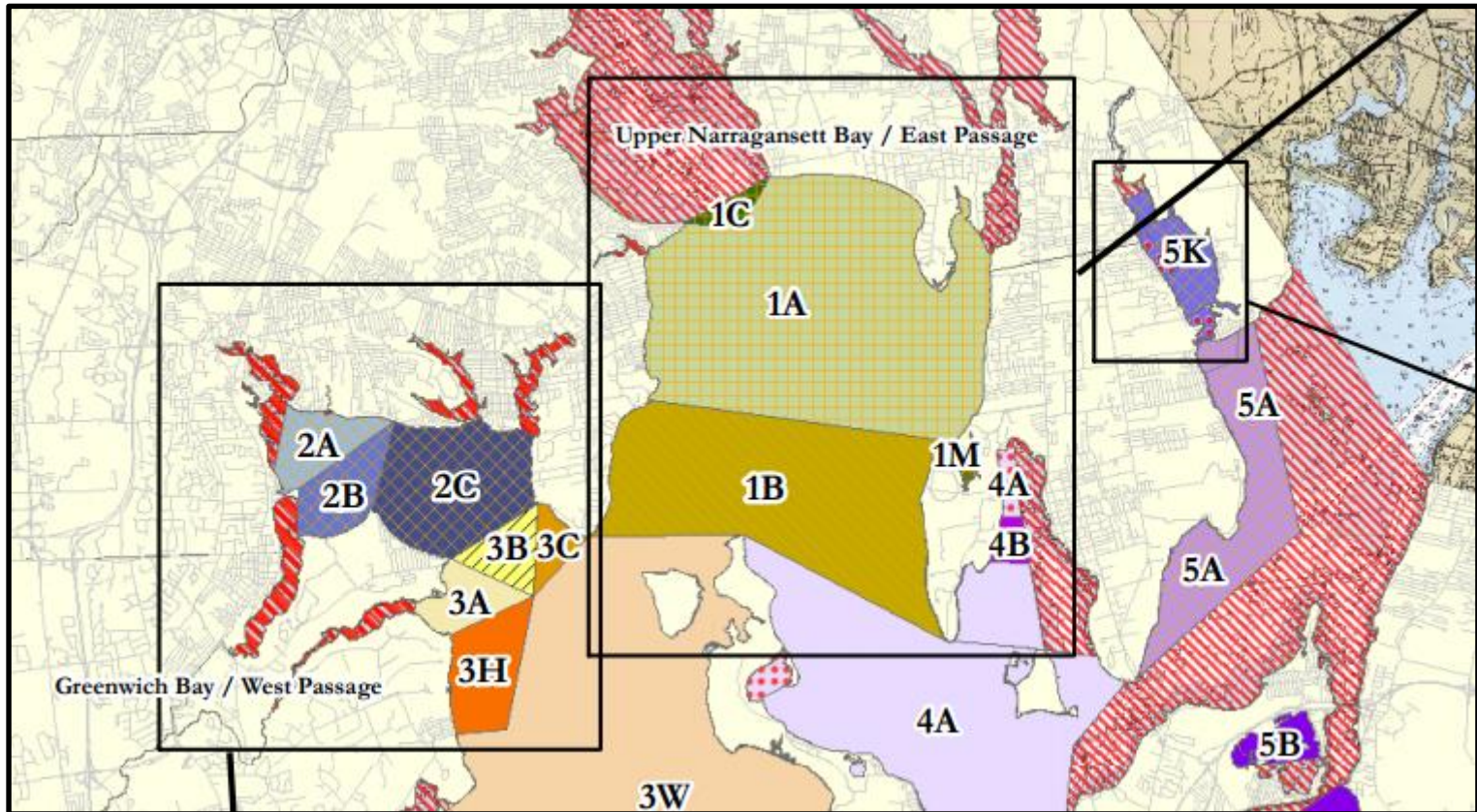
## 2. Proposed modification to the Warren River Shellfish Management Area

Harvest schedule: **Open daily**

**The reduced Shellfish Management Area possession limit applies only to oysters. The commercial and recreational possession limit for oysters is one (1) peck per person per day.**



### 3. Discussion on Noon-Time Openings for Conditional Areas



Discussion on noon time closures based on industry request

**Shellfish Advisory Panel**  
**October 11, 2017, 4:30PM**  
URI Bay Campus, Coastal Institute Building, Large Conference Room  
218 S Ferry Road, Narragansett, RI 02874

**MEETING SUMMARY**

RIMFC members: D. Monti (SAP Chair, in place of J. Grant)

DEM: C. McManus; E. Schneider; P. Barret; C. Hannus (Water Resources)

SAP members: K. Eagan; M. McGiveney; R. Tellier; D. Ghigliotty; M. Sousa

Science Adviser: D. Leavitt

CRMC: D. Beutel

Public: G. Watson, W. Kemp, N. Lazar, G. Carvalho

1. **Proposed Modification to the Warren River Shellfish Management Area**

*E. Schneider, D. Leavitt, and W. Kemp* explained the Warren River project in seeding oysters in approved waters along Jacob's Point south of the Warren River Shellfish Management Area boundary. They explained the goals of this work, including short-term enhanced opportunities for commercial and recreational harvest, long-term potential for increased sustainability of the resource, as well as a strong educational tool for school children and the general public. *G. Carvalho* suggested this proposal be a new shellfish management area from the Warren River shellfishing management area, even though they share a boundary, given differences in how Water Resources classifies them. *M. McGiveney* and *D. Ghigliotty* explained a similar seeding project conducted on a smaller scale in Greenwich Bay to benefit future commercial harvest. *K. Eagan* asked the proposed area had to be so big if the seeding was confined to the shoreline and only 50,000 oysters, and why Bristol was not included in the proposal conversations given one point of the proposed area is on Bristol town land. *C. McManus* asked *K. Eagan* if she knew what shellfishermen who work this area thought of the proposal, and if she thought the reduced commercial harvest amount of 1 peck would impact the industry. *K. Eagan* said the resistance from shellfishermen in the area was based on the size proposed and management action, and not specific to the harvest restrictions on oysters. *C. McManus* noted that the new proposal presented was a vast improvement over the last version, which addressed the concerns that industry presented last time (i.e. the size of the proposed area is much smaller now, excluding highly used fishing grounds, and only applies to oysters). ***M. McGiveney* motioned to show the SAP's support of the project and the idea of the proposed management area, but that the area should be reduced to a smaller size that is more reflective of the project's size. 2<sup>nd</sup> by *M. Sousa*. The motion passed 5-0.**

2. **Review of Aquaculture Applications:**

a. Application # 2017-07-021, Watson, Narragansett Bay (Rome Point):

*D. Beutel* provided a brief overview of the proposal. He offered that his site survey revealed a low density of quahaugs, and that multiple objections were received. He offered that there were objections about the impacts to recreational boating and recreational fin-fishing, one of the latter coming from Rhode Island Saltwater Angler's Association. **Motion made by *M. McGiveney* to not recommend objection to the application; 2nd by *M. Sousa*. The motion passed 3-1-1 (*R. Tellier* voted against the motion, *K. Eagan* abstained).**

3. **Discussion on Noon-Time Openings for Conditional Areas:** *C. McManus* offered that commercial quahoggers had expressed concerns to him and *J. Grant* about health concerns that may arise with noon-time openings. The theoretical scenario described was that if a shellfishermen fished in the afternoon after a Conditional Area opened, but missed the operating hours of a dealer at the end of the day, and elected illegally to hold shellfish overnight longer than the permitted period and dishonestly labeled the tags for the next day to sell them, this could cause health concerns. Members of the SAP explained that this is likely a non-issue and is at most an individual issue, not a pervasive industry-wide issue that can be easily fixed with a management decision. *M. McGiveney* noted that several industry members had asked him why the closure is 7 days and not 6.5 days, noting other states have a shorter period. *C. Hannus* described that each state's rules are specific to their bodies of water, given that circulation and water sheds are different across the states and can influence the residence times differently. As a non-voting item, the SAP suggested no further action or discussion needed.

*Prepared by: C. McManus*



State of Rhode Island and Providence Plantations  
**Coastal Resources Management Council**  
 Oliver H. Stedman Government Center  
 4808 Tower Hill Road, Suite 3  
 Wakefield, RI 02879-1900

(401) 783-3370  
 Fax (401) 783-2069

**PUBLIC NOTICE**

File Number: 2017-07-021 Date: July 18, 2017

This office has under consideration the application of:

Graham Watson  
 161 Riverdell Drive  
 Saunderstown, RI 02874

for a State of Rhode Island Assent to create and maintain: a three acre oyster and kelp farm using both bottom cages and floating cages for the oysters; and suspended longlines for the kelp. Please see the attached map that shows the adjacent lease. A copy of the entire application can be sent via e-mail upon request to the CRMC aquaculture coordinator.

Project Location:	Narragansett Bay
City/Town:	North Kingstown
Plat/Lot:	/
Waterway:	Narragansett Bay Rome Point

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

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

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

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before August 17, 2017.





State of Rhode Island and Providence Plantations  
**Coastal Resources Management Council**  
 Oliver H. Stedman Government Center  
 4808 Tower Hill Road, Suite 3  
 Wakefield, RI 02879-1900

(401) 783-3370  
 Fax (401) 783-2069

**APPLICATION FOR STATE ASSENT**

To perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

Applicant's Name: <u>Graham Watson</u>	File No (CRMC use only): <u>2017-07-021</u>
Mailing Address: <u>1101 Riverdell Drive</u>	Res. Tel. # <u>914-844-7362</u>
City/Town: <u>Swansea</u> State: <u>RI</u> Zip Code <u>02874</u>	Bus. Tel. # _____
Waterway: <u>West Passage (Rome Pt)</u> Est. Project Cost: <u>\$24,000</u>	Fee/Costs: \$ <u>250.00</u>
Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees): <u>NE 41° 32.710' N 71° 25.380' W SE 41° 32.626' N 71° 25.370' W</u> <u>NW 41° 32.709' N 71° 25.438' W SW 41° 32.629' N 71° 25.424' W</u>	

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

Is this application being submitted in response to a coastal violation?  
 Yes \_\_\_\_\_ No ✓

If yes, you must indicate NOV or C&D Number \_\_\_\_\_

Is this site within a designated historic district? NO

 Julian Graham Watson  
 Owner's Signature (sign and print)

**STORMTOOLS** (<http://www.beachsamp.org/resources/stormtools/>) is a planning tool to help applicants evaluate the impacts of sea level rise and storm surge on their projects. The Council encourages applicants to use **STORMTOOLS** to help them understand the risk that may be present at their site and make appropriate adjustments to the project design.

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury. 01/17

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



**Applicant: Graham Watson**  
**Date: July 8<sup>th</sup> 2017**  
**Location: Narragansett Bay (Rome Point)**

**Operational Plan**

**1. Name and Mailing address:**

Graham Watson  
161 Riverdell Drive  
Saunderstown RI 02874

**2. CRMC file number:** ~~2017-03-084~~ 2017-07-021

**3. DEM Aquaculture License number:**

**4. Type of Facility and Nature of Operation:**

Commercial lease site.

Floating cages and bottom cages attached to trawl lines

**5. Location of Facility:**

Town: North Kingstown  
Water Body: Narragansett Bay (Rome Point)  
Lat/Long coordinates of facility:

NW: 41° 32.709'N 71° 25.438'W  
NE: 41° 32.710'N 71° 25.380'W  
SW: 41° 32.629'N 71° 25.424'W  
SE: 41° 32.626'N 71° 25.370'W



6. **Species of Shellfish:** Atlantic oysters (*Crassostrea Virginica*).

Seed will be purchased from:

Great Atlantic Shellfish Farm  
333 Bayview Ave.  
East Islip NY, 11730

Salt Pond Oyster Company  
221 Broad Hill Way  
Wakefield RI, 02879

The applicant, Graham Watson acknowledges and agrees to follow Biosecurity Board seed protocol.

7. **Structures, Gear, Methods:**

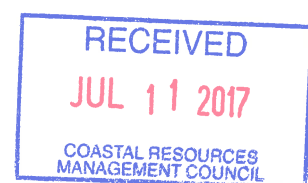
List of gear:

- 12" marker buoys (all four corners of lease)
- 6" trawl line buoys (60 total)
- lobster floats (100 total)
- 5' screw anchors (60 total)
- Trawl line
- 3'x4' Oyster cages (300 total)
- Mesh grow out bags (1500 total)
- Fine mesh seed bags (300 total)
- Highflyers or lighted buoys (4 total)

Large lighted buoys will mark the 4 corners of the site. There will be three rows of ten trawl lines. Each line will have a large buoy on either end. The line will be attached to the bottom by screw anchors on both ends. There will be 10 floating cages per line. If sitting on the bottom, bottom cages will be attached to the trawl line on the bottom. The line can be adjusted at the surface to tighten or decrease tension, making it possible to secure bottom cages on the bottom as well as floating cages at the surface.

When bottom cages are submerged, they will have a line attached to a lobster float at the surface, making it easy to locate and haul the cage onto the boat using a davit.

The boat will be a 20-25 ft pilot house equipped with a davit and oyster tumbler. Most work activities will take place on the lease site, on the boat. The boat will be stored at Northwick Boatyard with Barry Gross.



**8. Methods and equipment used to identify and mark site:**

The site will be marked with 4 lighted high-flier marker buoys on all 4 corners. The buoys will be labeled with CRMC # and name of applicant.

**9. Shellfish Harvesting Classification:**

Approved

**10. Practices and Procedures Used:**

*Planting Seed:* Seed will be purchased from Great Atlantic Shellfish Farm (333 Bayview Ave. East Islip NY, 11730) or Salt Pond Oyster Company (221 Broad Hill Way Wakefield RI, 02879)

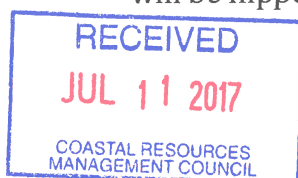
The seed will go into fine mesh plastic bags at a density of approximately 3,000 oysters per bag. The bags will be inserted in Oystergro floating cages, 6 bags per cage. Once the oysters have reached a size of about 5/8", those oysters will be sorted and transferred to a larger mesh bag (9mm), and will continue to be grown in floating cages. The smaller oysters that are sorted out will go back to grow longer in a separate section of the lease.

When oysters reach a length of 1" they will go into grow out bags at a density of 200 oysters per bag. At this stage, the majority of 1" will go into bags and stay in floating cages but some will go into bottom cages to sit on the bottom. This method is intended to see what works better for the grow out process, either bottom cages or floated cages. The bags of oysters will stay at this density (200 per bag) until they are harvested for market. Throughout this process, oysters will be sorted through a tumbler about once every 4-6 weeks.

*Harvest, storage, transportation, sale:* Market size oysters will be stored in floating cages and bottom cages on the eastern side of the lease. This will provide easy access on less than optimal days (cold, choppy, windy, icy, etc). The oysters will be hauled on board and sent through a final sort. The market oysters will go into 100ct bushels and placed in a cooler with ice on board the boat. The oysters that are not ready for market will be returned back to the lease to grow longer.

The bushels will be transported inside the iced cooler back to Northwick Boat Marina where they'll be offloaded into a larger tote with ice on a pickup truck. They'll be driven to local restaurants, farmers markets and or a distributor/wholesaler.

*Gear Maintenance Techniques, Storage and Fouling:* Every 2 weeks, all floating bags will be flipped to air dry for 24 hours. Bottom cages on the other hand will be taken



out of the water and swapped out for “fresh” cages (cages that have dried in the sun).

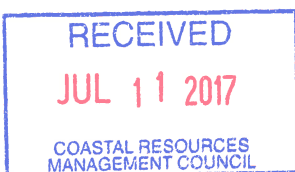
Extra gear (cages, trawl line, screw anchors, etc) will be stored and dried at applicant’s sister’s 1+ acre property in Saunderstown. At this location, there is a garage and 1+ acre fenced in yard for storage.

*Operation Timetable:* Lease work will occur between the hours of 9AM and 11:30AM December-March. Work will occur between the hours of 6AM and 8PM April-November.

#### **11. *Maintaining Records:***

Every cage and bag on the lease will be numbered and labeled with the location and date of where the oysters originated. An identical aerial map of the lease with labels will be recorded and updated on an ipad. Any oysters that get added or returned back to the lease will be recorded and updated on the map. This will ensure the lease stays organized and efficient.

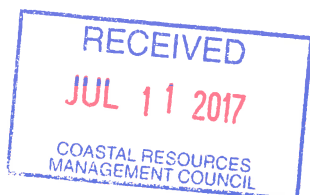
Oysters originating from two different locations or from two different dates will not be combined. They will stay in separate bags and cages to ensure each oyster stay in an approved growing site for at least 12 months.



**Applicant: Graham Watson**  
**Date: July 8<sup>th</sup> 2017**  
**Location: Narragansett Bay (Rome Point)**

**Section 300.1**  
**Category B Requirements**

- (1) To grow shellfish, specifically Atlantic oysters, for sale and consumption in Rhode Island and the surrounding areas.
- (2) Two prior oyster farmers have already been approved to grow in this area. Russ Blank with Rome Point Oysters has been farming here for 10+ years. Mark Boulcher has been farming here for several years.
- (3) This lease will be visible from John H. Chafee Natural Preserve coastline. However, the lease will be at least 500 feet from shore so there should be minimal impact on the users of the park.
- (4) The lease will be in 9-11 ft of water, 500 feet from shore. There will be little to no impact on erosion of the shoreline. Most of the work related activities would occur on the deck of the boat within the boundaries of the lease site. The only contact with bottom of the bay will be by the screw anchors holding the trawl lines in place and cages sitting on the bottom.
- (5) As an oyster farmer with ambitions of having a long-term farm and business, I hope to have a diverse and healthy ecosystem for the oysters or else they won't survive. The healthier the ecosystem, the better off the oysters are. The positive impact oysters have on their environment is what initially attracted me to oysters but what keeps me interested is the ability to grow a healthy oyster and make a living.
- (6) This site is in front of Chafee Nature Preserve. The lease will not be in the way of boaters because it's tucked on the west side behind Russ Blank's lease. It will be off shore by at least 500 feet and there will be little affect on accessibility to the shoreline.
- (7) This lease will not affect water circulation, as it's basically an extension of the leases that already exist in this area. It will not significantly add or detract from the natural circulation of the water because its only 3 acres out of the entire Narragansett Bay and this area has a strong current running through the West passage.



- (8) Because oysters require healthy water to survive and grow, it will be in my best interest to help keep the water quality as clean as possible.
- (9) There are no known historic or archeologically significant sites in the three acres I'm looking to lease.
- (10) The lease being applied for is tucked behind a lease that already exists to the east and is not in the way of boaters.
- (11) This site was chosen because there are no residential houses on its immediate shore. It is far enough away from shore that it is not obstructing the view onto the bay.

**Additional Category B Requirements:**

- (a) The lease being applied for is a 3 acre rectangular space with a southeast corner at 41°32.626'N 71°25.370'W. It has a depth of 9-11ft and is approximately 500 feet off shore from Chafee Nature Preserve at Rome Point.
- (b) Atlantic oysters (*Crassostrea Virginica*) will be cultivated on this lease.
- (c) The oysters will be grown commercially for consumption. They'll be grown in plastic mesh bags inserted into coated wire cages (Oystergro cages). Some of these cages will float on the surface of the water with plastic floats and some cages will sit on the bottom. In the winter months, all cages will be sunk to sit on the bottom.

These cages will be attached to trawl lines, 10 cages per line. The trawl lines will be attached to the bottom on both sides with screw anchors. There will be 30 trawl lines. There will be approximately 300 cages total.

- (d)(4) The projected harvestable product is approximately 300,000 oysters per acre after the first 3 years.
- (d)(6) The applicant is 30 years old, athletic, has 3+ years experience farming oysters with Hog Island Oysters as well as 10+ years of boating experience and an undergraduate degree in business.



**Applicant: Graham Watson**  
**Date: July 8<sup>th</sup> 2017**  
**Location: Narragansett Bay (Rome Point)**

**Provisions for Pedestrian Access**

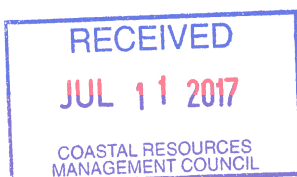
The proposed lease site was selected because it's far enough from the shoreline of Rome Point and Chafee Nature Preserve so that it won't interfere with boating, swimming and fishing.

Between the north boundary of the proposed lease sight and shore, there is more than 500 feet of navigable water. Between the west end and shore, there is also at least 500 feet of open water.

The site was also chosen in a way to allow navigation around its east and south side. To the east lies an existing lease owned by Russ Blank of Rome Point Oysters. There is at least 100 feet of navigable water between the east boundary and Russ Blanks lease. To the south lies an experimental sugar kelp line leased by Matt Griffin. There is over 200 feet of open water between his line and the proposed lease site's west boundary.

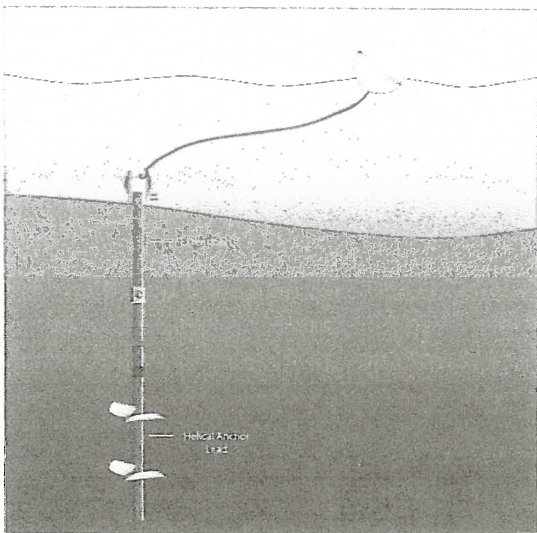
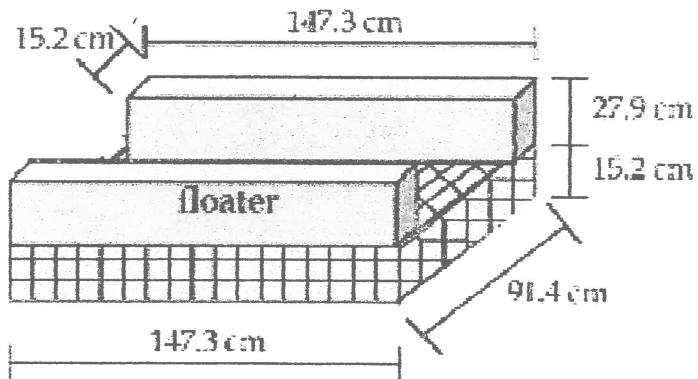
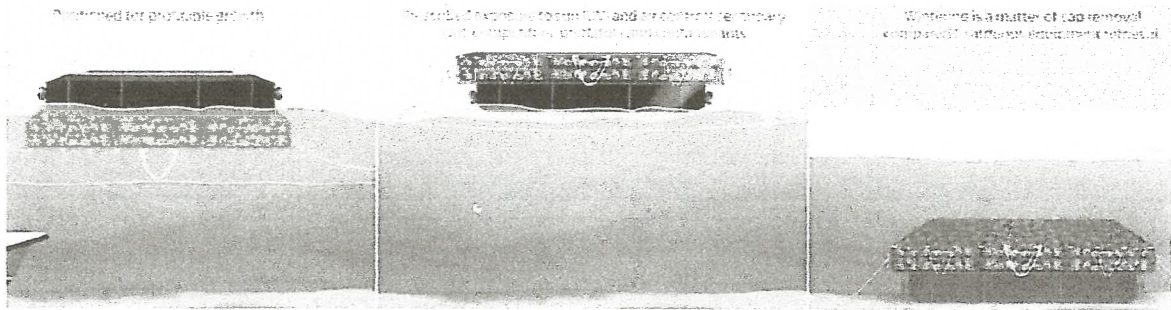
Recreational boaters will have access in and around all boundaries of the proposed lease site. There is enough space within the proposed three acres to navigate a 20-30ft boat. Between each trawl line, there is at least 25 feet of navigable water.

The site being applied for will not impede boaters' access to the shoreline. It will also not prevent navigation through and around the 3-acre parcel.





Applicant: Graham Watson  
Date: March 27<sup>th</sup>



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**Applicant: Graham Watson**

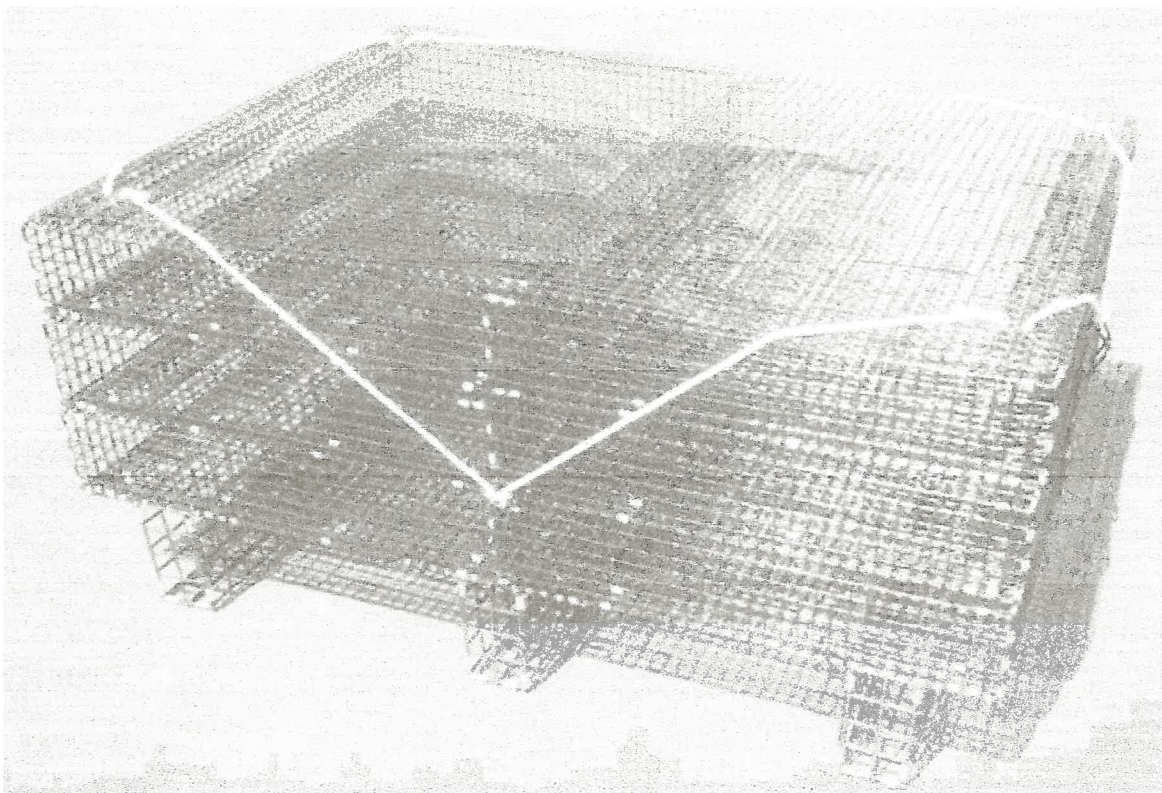
**Date: March 31<sup>st</sup> 2017**

**Location: Narragansett Bay (Rome Point)**

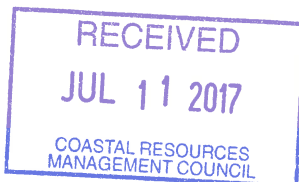
**Description of Bottom Cages**

Bottom cages will sit on the bottom submerged in 9-11' of water. They will each have 6 mesh insert bags filled with oysters. They will also each have a lobster float on the surface attached to the cage with sinking line. These floats will clearly indicate where each cage is located.

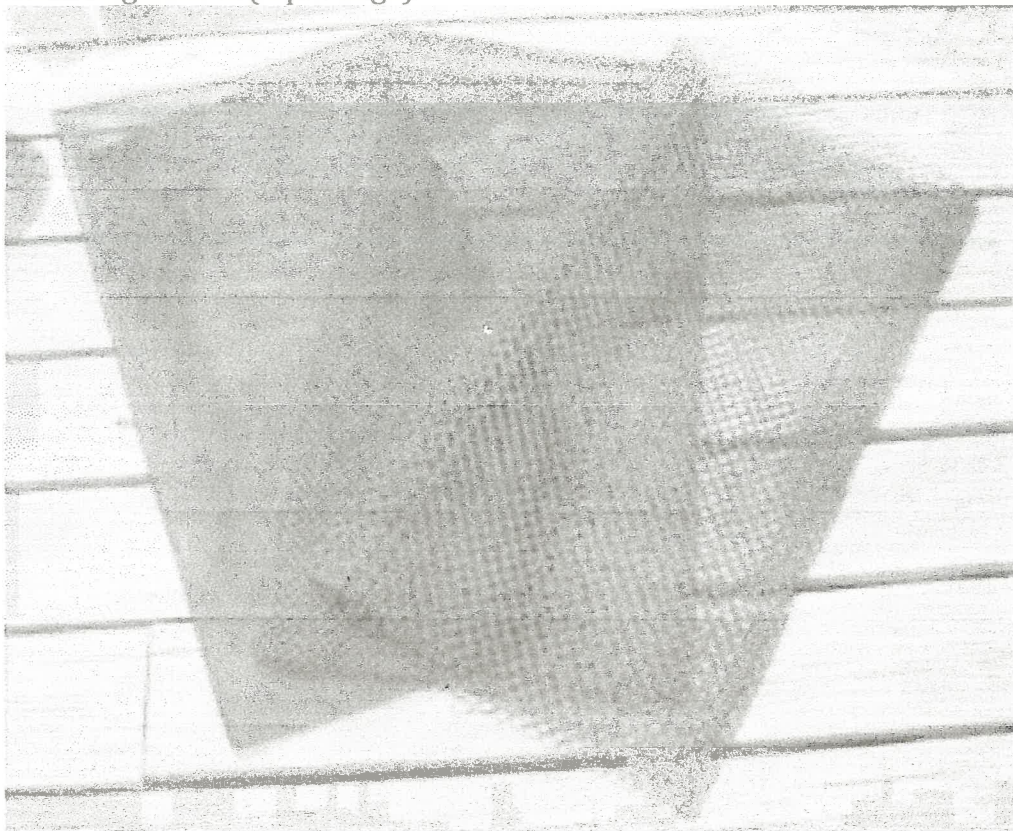
Cage:



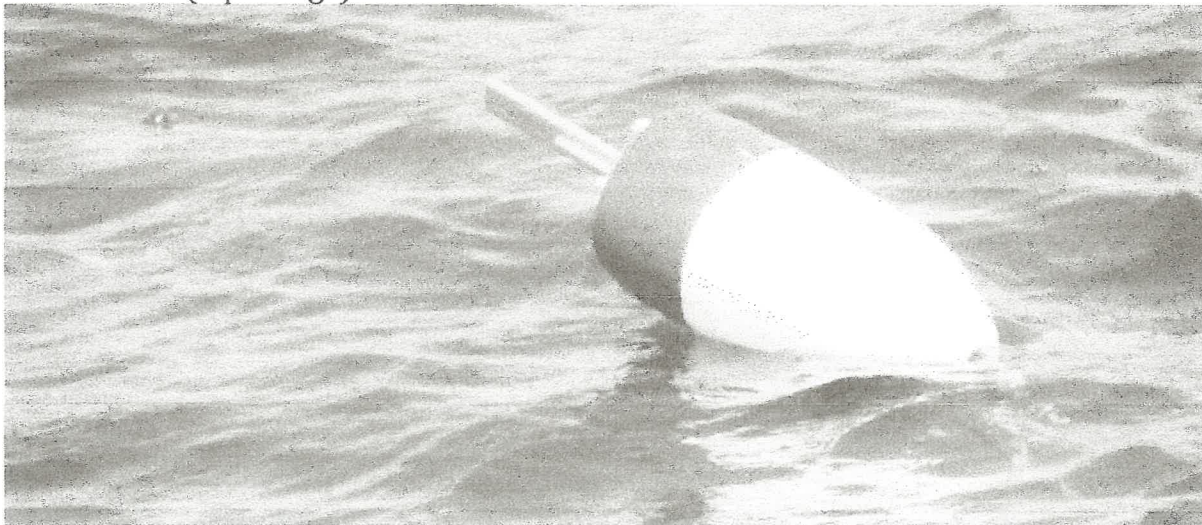
Cage Dimensions: 3'x4'x2'



Mesh Bag Inserts (6 per cage):



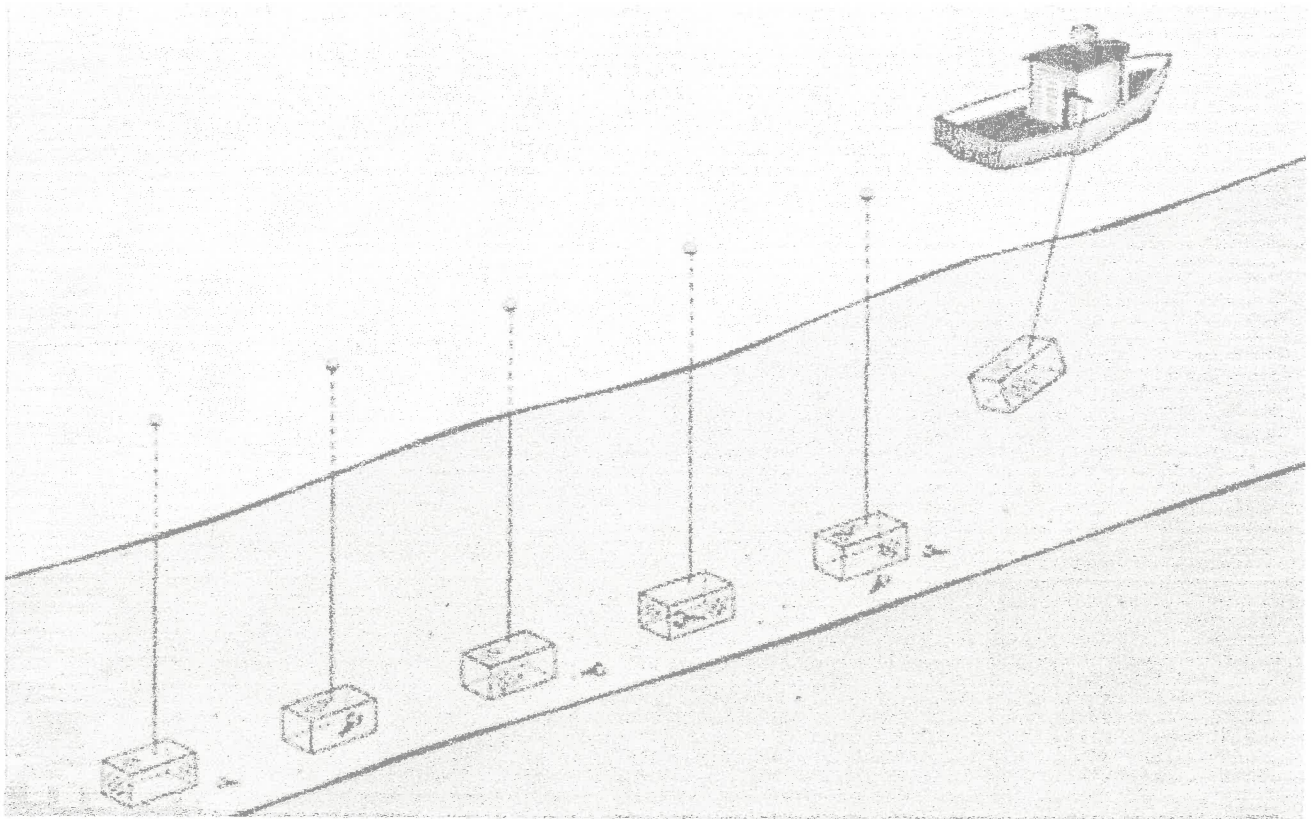
Lobster float (1 per cage)



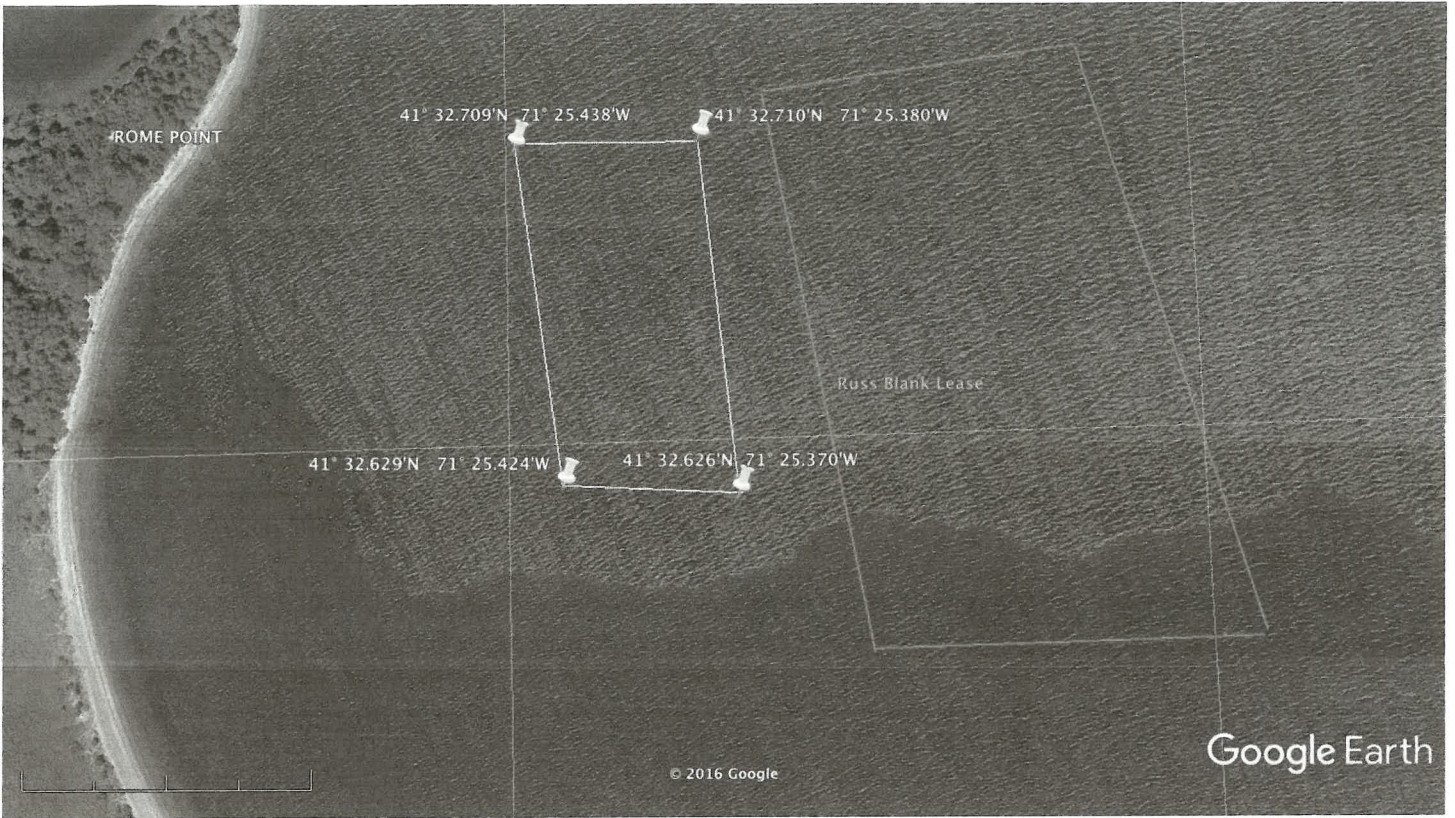
Float Dimensions: 12"x 5"

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Overview:



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Google Earth



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**Site Plan:**

**Narragansett Bay (Rome Point)**  
 Aquaculture Lease Application to Rhode Island CRMC

**Applicant:** Graham Watson  
**Date:** March 27<sup>th</sup> 2017  
**Sources:** Google Earth  
 Chart 13221- Narragansett Bay

**Key:**

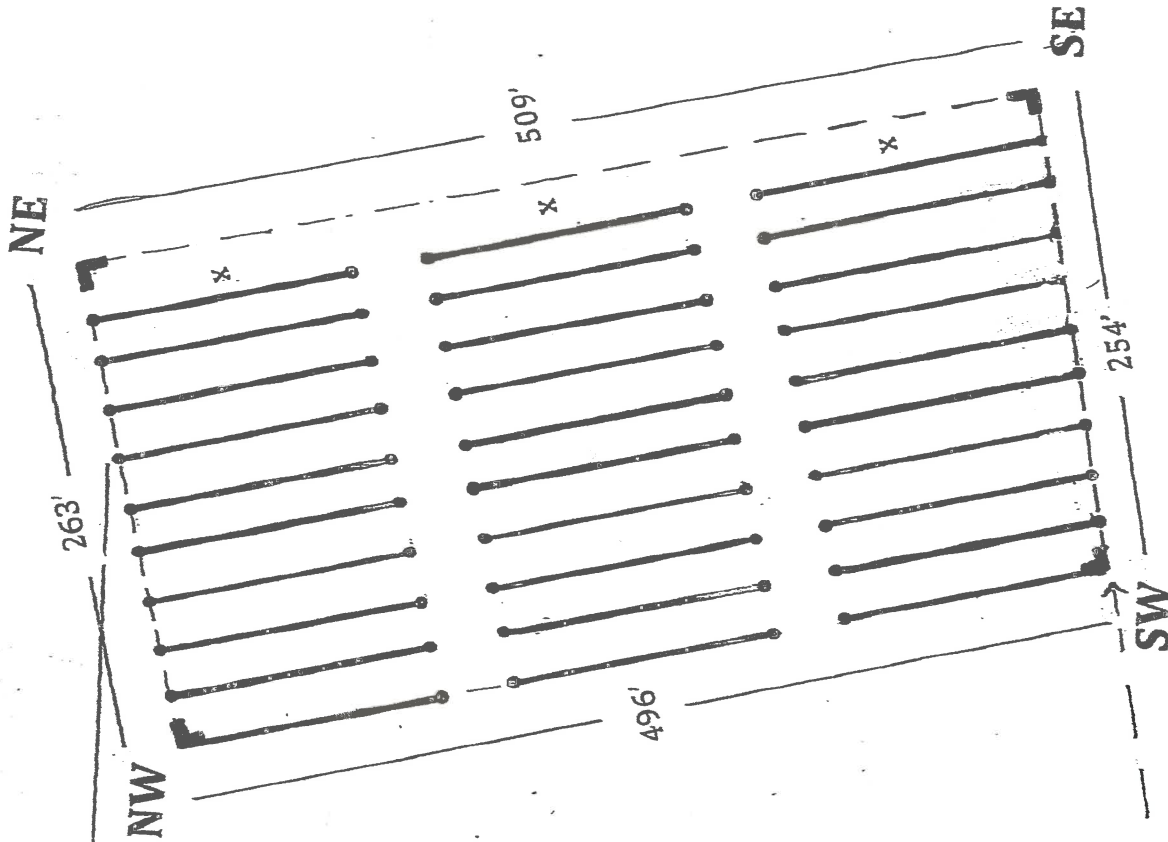
- Buoy
- Trawl Line
- x Market oyster harvest area

- 30 trawls total
- 10 cages per line
- 300 cages total

**Chafee Preserve**

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**SCALE: 1inch = 100ft**



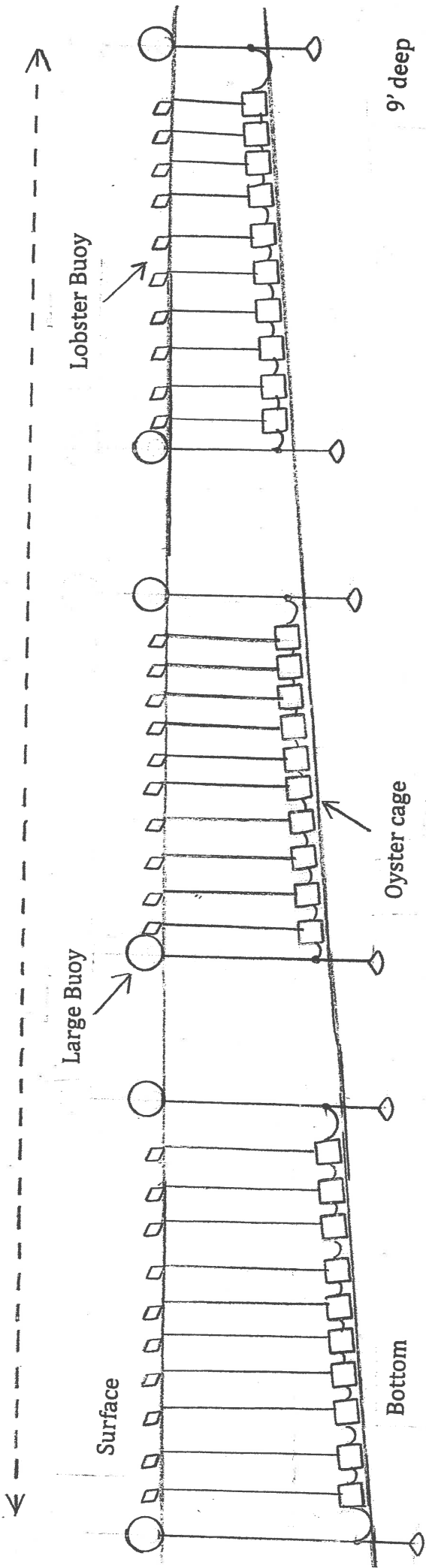
**Coordinates:**

- NE: 41° 32.710'N 71° 25.380'W
- NW: 41° 32.709'N 71° 25.438'W
- SE: 41° 32.626'N 71° 25.370'W
- SW: 41° 32.629'N 71° 25.424'W

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**Applicant: Graham Watson**  
**Date: March 27<sup>th</sup> 2017**  
**Direction: West**

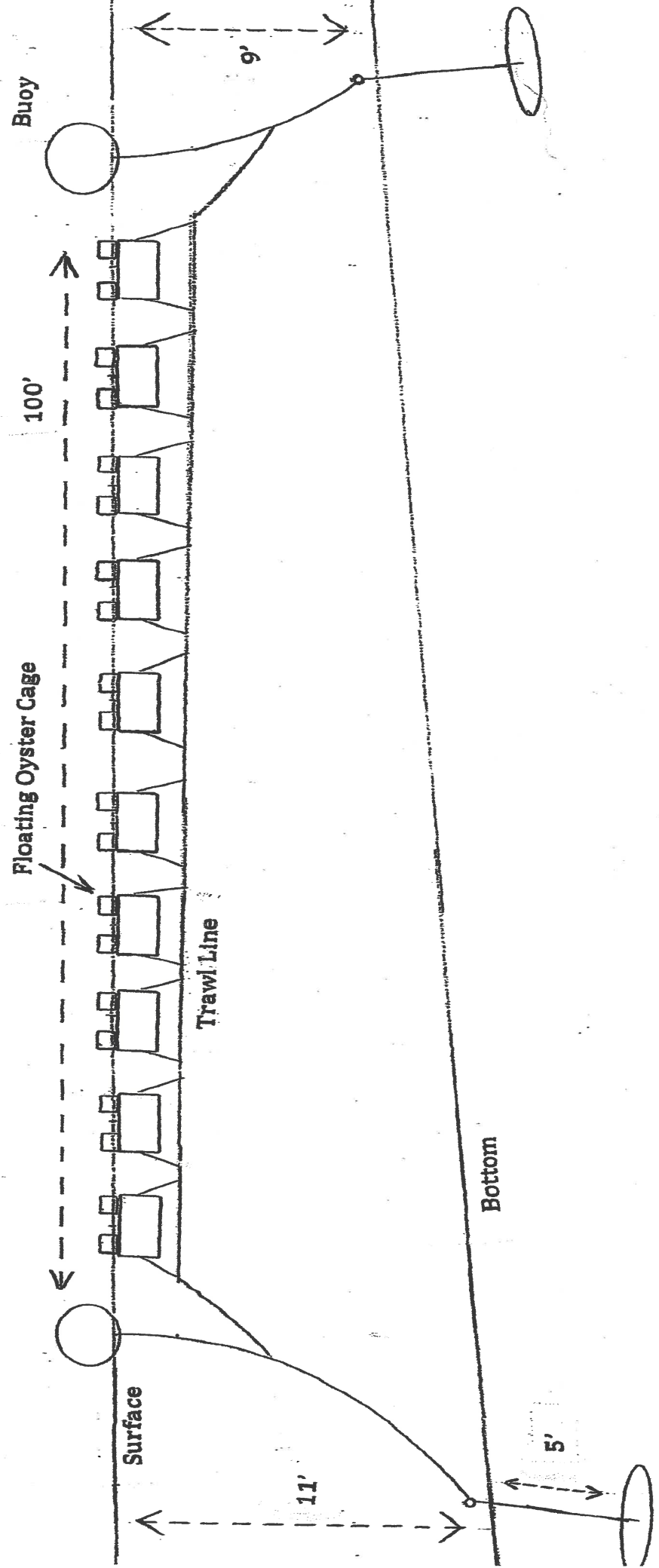
509'



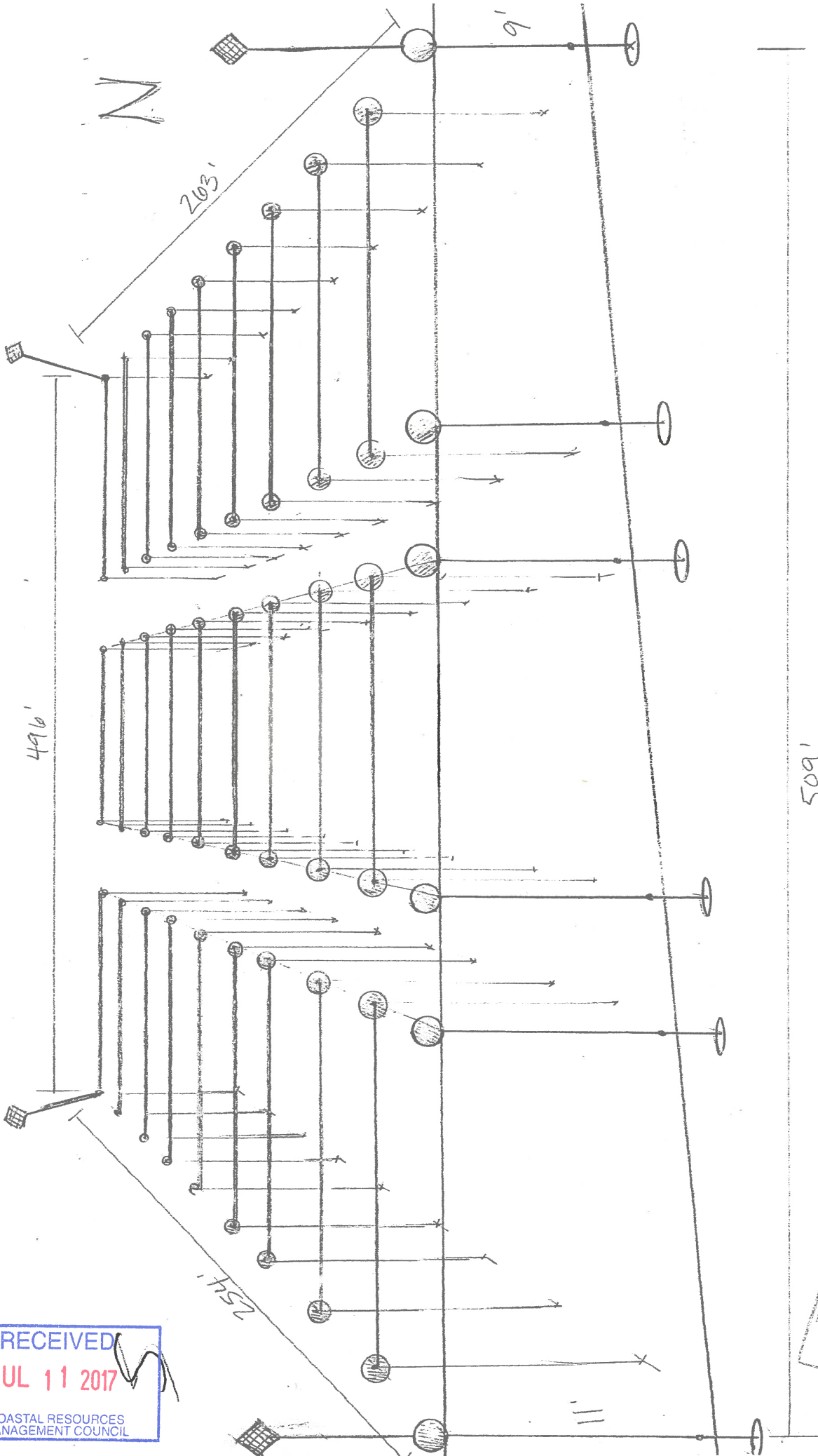
11' deep

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Applicant: Graham Watson  
Date: March 27<sup>th</sup> 2017  
Direction: West







W

496'

N

203'

9'

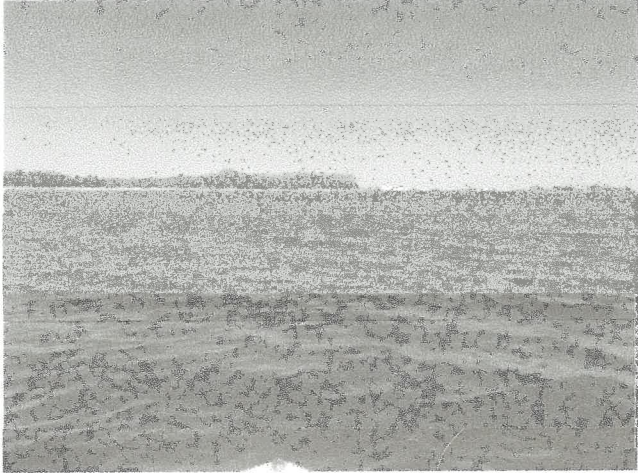
254'

509'

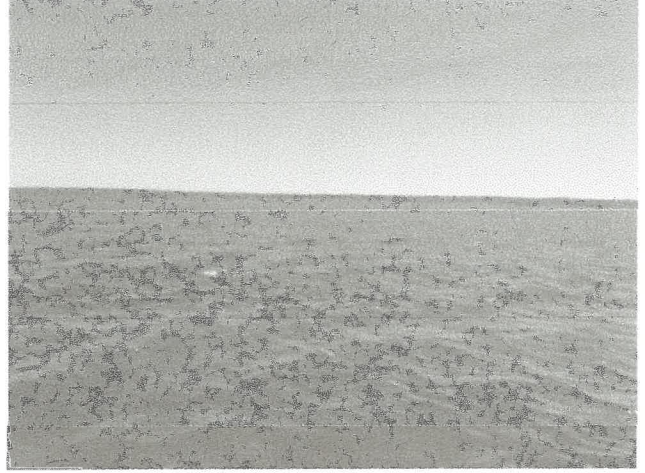
E

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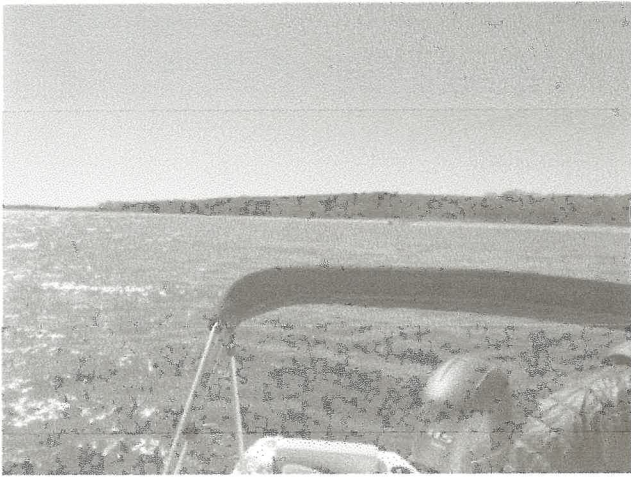
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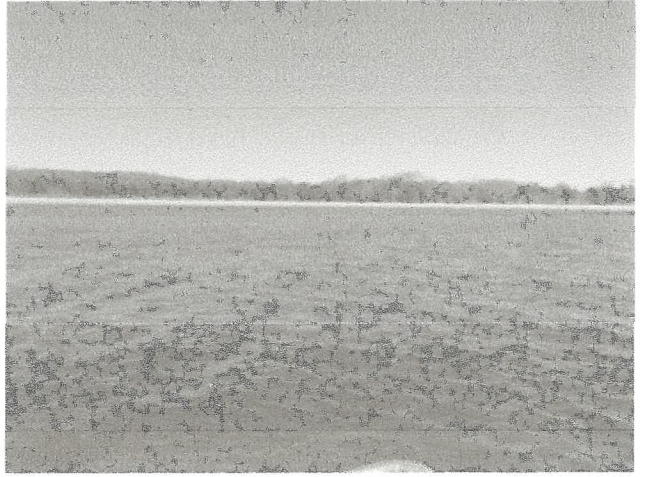
North



East



South



West

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***Proposed Species:***

- A. Sugar Kelp (*Saccharina latissimi*)

***Source of Spore:***

- B. Woods Hole Oceanographic Institute
  - Scott Lindell
    - (508) 289-1113
    - [slindell@whoi.edu](mailto:slindell@whoi.edu)

***Seeding and Harvesting:***

The Sugar Kelp will be grown on 2.5mm spore linings which will be applied to the larger 7/16 long lines at the farm site once maturity has been reached. The spore impregnated line will be coiled around the 7/16 long line and set to grow for the remaining growing season.

***Harvesting***

Kelp will be harvested by lifting the long line to the surface. The Kelp will then be cut at the intersection of the stipe and the holdfast. Yield wet weight per foot of long line will be measured once the Kelp has been removed from the long line system. Harvesting will take place once the Kelp has reached it's optimal size and desired quality. Cleaned of all bio-fouling the Kelp will be either processed or brought to market as a fresh product.

***General Gear Maintenance***

The kelp farm site will be visited every 2 weeks in order to address any buoyant and crossed lines, check kelp growth, and perform any other necessary maintenance.

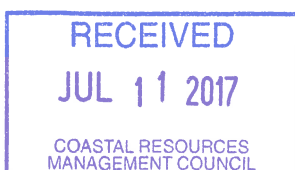
***A. Crossed Lines***

1. Ensure that lines are maintaining equal tension
2. Uncross any lines that appear to be crossed or fouled

***B. Buoyant Lines***

1. As the Kelp develops positive buoyancy as it begins to mature. This will cause the long line to rise out of the water. As soon as this is observed additional droppers will be added in order to ensure that the Kelp sits at an optimal 7' below the surface of the water.

***C. Monitoring Water Quality and Growth***



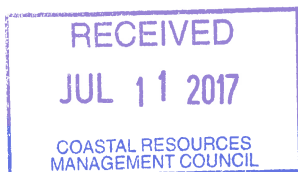
1. Water near the farm will be tested for the following factors.
  - Water temperature
  - Salinity
  - Turbidity
  - Nitrogen Levels
2. Growth rates will also be monitored by measuring the length of 5 pieces of kelp per yard of line.

**D. Prospective Timeline**

- November 1<sup>st</sup> 2017
  - Beginning of the growing season, in accordance to the CRMC regulation.
- Bi-Weekly 2017-2018
  - Farm will be checked and maintained as described above
- March – May 1<sup>st</sup> 2018
  - Depending on the state of the Kelp and prospective buyers desired quality, the kelp will be harvested and brought to market.

**E. Prospective Buyers**

1. Kelp will be sourced to local restaurants that are interested in purchasing the Kelp. In this case the Kelp will be transported in coolers to the customer, directly after the harvest has taken place.
2. Kelp will also be processed by drying and grinding the kelp into a powder and used in many different products.
3. As a means of liquidating the Kelp, in case of an overabundance or lack of local sales, the Kelp will be delivered via coolers to a distributor and turned into their desired product via larger manufacturers such as Ocean Approved.



# Coastal Resources Management Program

## Section 300.1 Category B Requirements

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

1. demonstrate the need for the proposed activity or alteration;

Kelp is an up and coming industry to the of Rhode Island. It has been proven to be successful in Maine and areas of Canada, to be both lucrative, mitigate against storms, create jobs, and absorb nutrients such as carbon and nitrogen that are responsible for harmful algae blooms. Kelp is a species that many are saying will mimic the economic benefits of the Oyster industry that exploded during the mid 2000's and has dominated the aquaculture market in Rhode Island ever since. By farming kelp in Narragansett Bay it will add an additional species to the RI aquaculture market and hopefully improve the Rhode Island market both environmentally and economically.

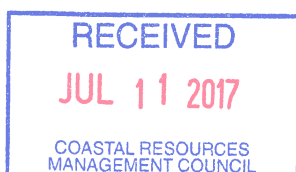
2. demonstrate that all applicable local zoning ordinances, building codes, flood hazard standards, and all safety codes, fire codes, and environmental requirements have or will be met; local approvals are required for activities as specifically prescribed for non tidal portions of a project in Sections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

Zoning ordinances, building codes, flood hazard standards, and all safety codes, and fire codes do not apply to the aquaculture facility. Under section 300.11, all requirements are met and described in the following application.

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

The location of the Farm sits 500' from shore and 1,500' + from any riparian owners. Rocky beaches line the shore adjacent to the farm location. The shoreline will not be impacted in any way due to the farms presence.

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



Kelp is a very low impact species that requires little farm activity, and has minimal visual presence. Due to the slow growth period of Kelp farm activity is limited to a bi-weekly process that can last anywhere between 1-2 hours when performing general maintenance. The bulk of farm activity will take place during the construction and removal of the farm. This process will usually take place over the course of a day. During the harvesting season activity will increase slightly. The Kelp growing season takes place entirely over the winter months and early spring, between November and early May. This is a time of the year where activity on the bay is minimal and the chances of disturbing fishing and recreational vessels and is unlikely.

Impacts to the coastline are zero, creating no erosion, or deposition of any sediments. In fact, during storms the farm system may act as a barrier to wind waves, decreasing the vulnerability of the abutting shoreline.

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

The sea farm does create an obstruction in the water column, but during the winter months Narragansett Bay's biota is relatively dormant, therefore the chance for by-catch is not-likely. Kelp is a naturally occurring species in Narragansett Bay. The farm acts as a FAD or Fish Aggregating Device. FAD's attract fish and benthic organisms and create a habitat for native species within a given area.

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

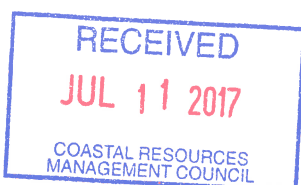
This kelp farm sits 500' off the shoreline, having zero impact to people who are trying to use the shoreline. The farm itself is submerged roughly 7' below the water surface, having little visual impact on surrounding riparian home owners or hikers on Chaffee preserve.

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

Kelp is grown within the water column roughly 7' below the surface of the water. This growing technique minimizes any sediments from being stirred up into the water. The only gear touching the sea floor are the 1,500lb pyramid weights that anchor the entire farm system in place. The farm will have very little impact to water circulation as it ebbs and flows with the tide, allowing the water to flush as if it weren't there.

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

Kelp is a marine plant and naturally absorbs nutrients and heavy metals within the water



column. As a result, any excess nutrients such as carbon and nitrogen will be absorbed by the kelp. This process does not negatively impact the quality of the water, but in fact improves it. Excess nitrogen, from the surrounding shoreline, in the past has lead to algae blooms which turn the water hypoxic, resulting in fish kills and shell fish harvest restrictions. Kelp would be an added mitigation tool to preventing hypoxic situations.

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

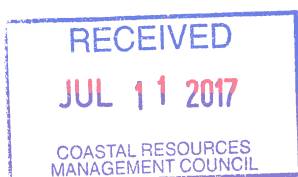
The area in which the farm is located does not pose any historical or archeological significance.

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

The location of the farm will not be of major concern to navigation, boating activities and commerce.

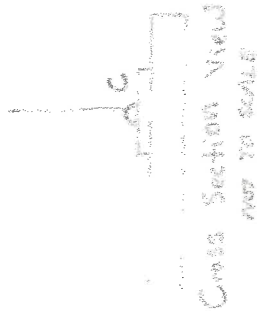
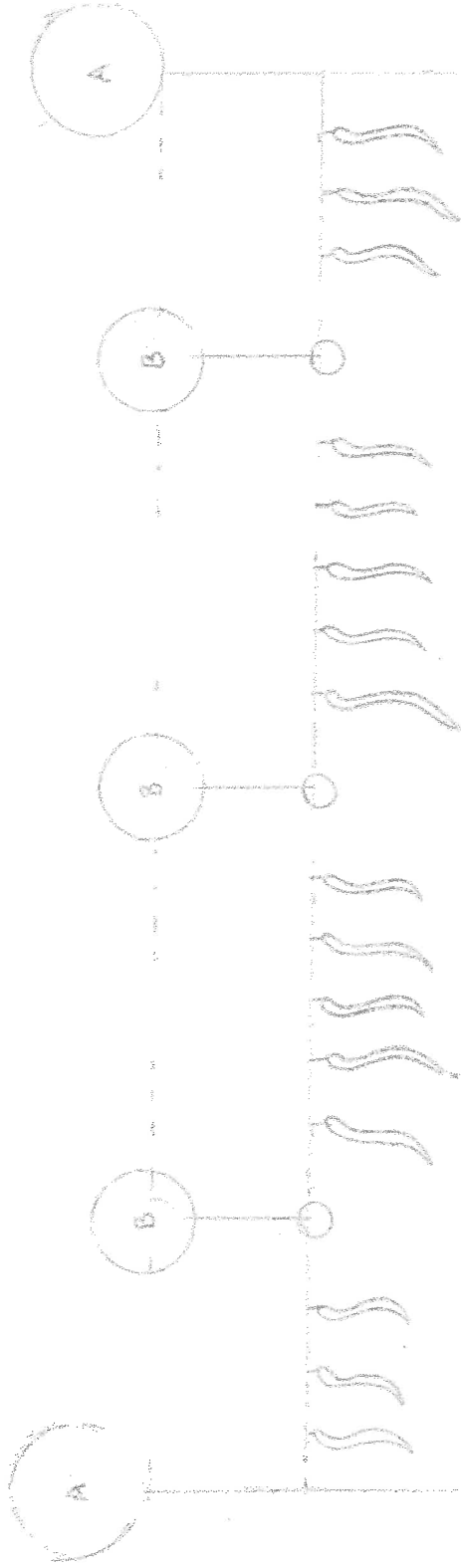
11. demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 330). Each topic shall be addressed in writing. Additional requirements are listed for specific Category B activities and alterations in the sections that follow.

With little visual impacts all efforts to make the presence of the farm as small as possible has been taken into consideration. Constructing the farm with the least amount of visible buoys is the primary way to minimize the visual impacts. A total of 14 buoys including 2 mooring balls will be inherently visible to riparian land owners and water going vessels.



400' long

210' wide



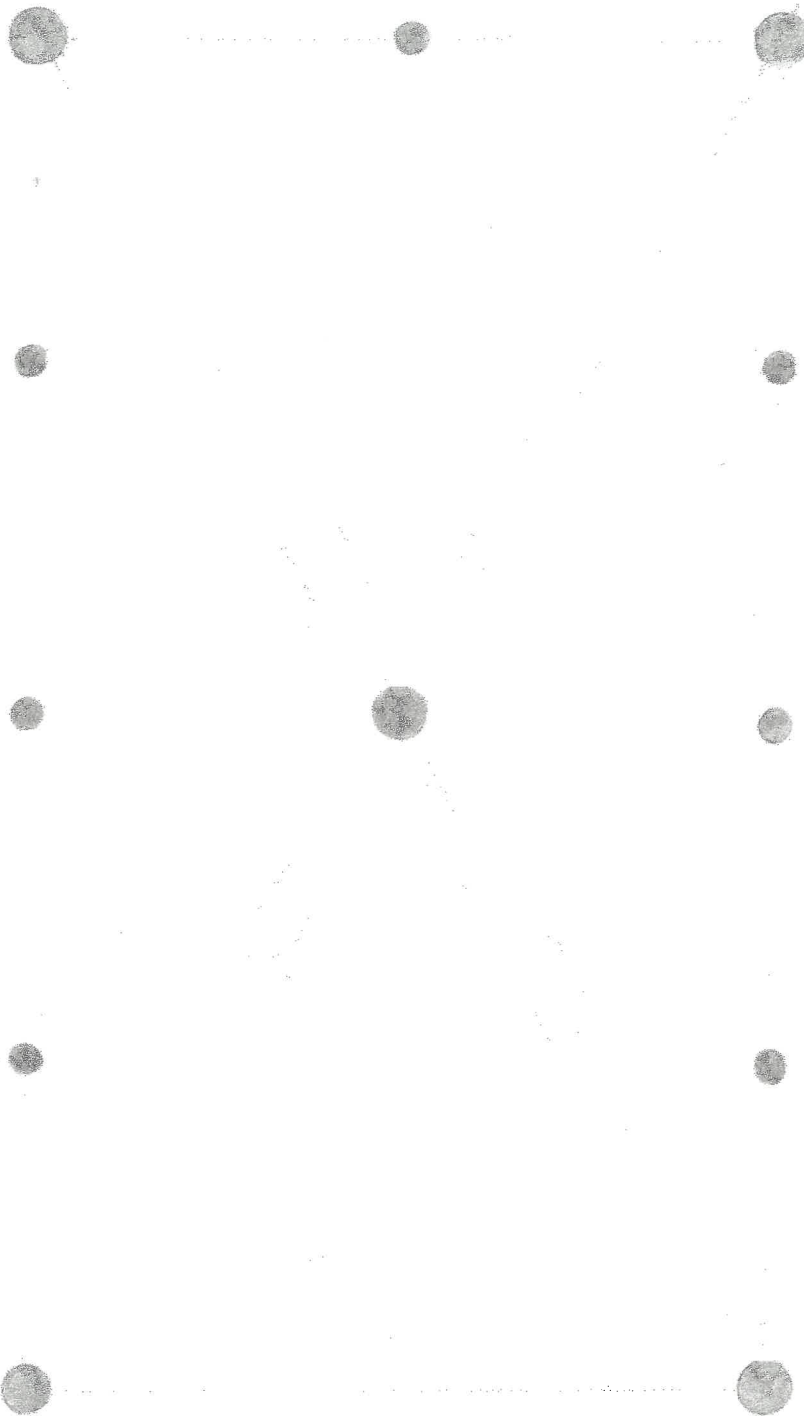
A = 30" mooring

B = Dredger

C = 1,500 lb pyramid weight

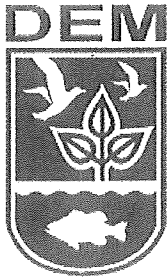
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Rhode Island  
Department of Environmental Management

DIVISION OF MARINE FISHERIES

3 Fort Wetherill Road  
Jamestown, RI 02835

401 423-1920  
FAX 401 423-1925  
TDD 401 831-5508

August 17, 2017

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

Re: Graham Watson Lease Application # 2017-07-021

Dear Mr. Beutel:

The Rhode Island Department of Environmental Management (Department), through the Division of Fish and Wildlife (DFW) and Division of Marine Fisheries (DMF), has received and reviewed the application submitted by Graham Watson for a proposed 2.91-acre aquaculture lease in Narragansett Bay for cultivating eastern oysters (*Crassostrea virginica*) and sugar kelp (*Saccharina latissimi*) using floating cages, bottom cages, and suspended longlines.

The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife (including harbor seals) and their habitat from this prospective site would be minimal. While the aquaculture site is located within 2100 ft. from a well-documented harbor seal haul out site off Rome Point, the seasonality of floating cage use is unlikely to disrupt seal behavior, as harbor seals are generally present between late September – early May (Raposa & Dapp 2009). In terms of submerged longlines, there will be overlap in the seals' presence and the kelp growing season, but due to the distance between the aquaculture site and the haul-out site, aquaculture activity is unlikely to alter seal behavior.

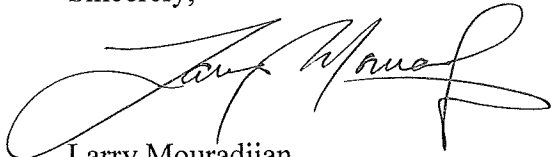
NOAA Fisheries recommends staying at least 50 yards from seals by land or sea in order to avoid Level A Harassment under the Marine Mammal Protection Act (NOAA Fisheries 2016, STB 2017). The distance at which seals become alert and begin to move towards the water can be as much as 500–800 m (Henry & Hammill 2001, Wilson et al. 2011), though the actual distance at which most flushing to the water occurs has varied from study site to site, but has been given as approximately <100m (Wilson 2013, Allen et al 1984, Jackson & Wilson 1990, Calambokidis et al 1991, Brown & Prior 1998, Suryan & Harvey 1999, Henry & Hammill 2001, Johnson & Acevedo 2007, Fox 2008, Jansen et al 2010). The proposed location is greater than 2100 ft. (700 yards; 640 m) from the haul-out site. Although the aquaculture site potentially falls within a range where human activity may attract the attention of hauled-out seals, it is unlikely to cause flushing activity and excess

energy expenditure. Therefore, the gear change is not likely to harm the seals.

The proposed site in this application was shifted between the preliminary determination (Figure 1) and public notice (Figure 2) stages. The new location is closer to shore by approximately 50 ft. Nevertheless, it is still 400 ft. from the shoreline and likely does not limit recreational shellfishing in the area.

As such, the DFW and DMF do not have objections to this application. The Department's acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Mouradjan". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Larry Mouradjan,  
Associate Director for Natural Resources

## References:

- Allen SG, Ainley DG, Page GW and Ribic CA. 1984. The effect of disturbance on harbour seal haul out patterns at Bolinas Lagoon, California. *Fish. Bull.* 82(3): 493–499.
- Brown EG and Prior A. 1998. Recreational disturbance to breeding seabirds and seals on Mousa, SSSI. Report to Scottish Natural Heritage, Contract no: HT/97/98/33.
- Calambokidis J, Jeffries SJ, Huber H, Steiger G and Evenson J. 1991. Censuses and disturbance of harbor seals at Woodward Bay and recommendations for protection. Final report prepared for Washington Department of Natural Resources, Olympia, Washington by Cascadia Research Collective, Olympia, Washington and Washington Department of Wildlife.
- Fox, KS. 2008. Harbor seal behavioural response to boaters at Bair Island refuge. Master's theses, paper 3591, San Jose State University.
- Henry E and Hammill MO. 2001. Impact of small boats on the haulout activity of harbour seals (*Phoca vitulina*) in Métis Bay, St Lawrence Estuary, Québec, Canada. *Aquatic Mammals* 27(2): 140–148.
- Jackson, DB and Wilson SC. 1990. Tees Seals programme: the feasibility study. Final report to Teesside Development Corporation. David Bellamy Associates.
- Jansen JK, Boveng PL, Dahle SP and Bengston JL. 2010. Reaction of harbour seals to cruise ships. *J. Wildlife Management* 74(6): 1186–1194.
- Johnson A and Acevedo-Gutiérrez A. 2007. Regulation compliance by vessels and disturbance of harbour seals (*Phoca vitulina*). *Can. J. Zool.* 85: 290–294.
- Raposa, KB and Dapp, RM. 2009. A protocol for long-term monitoring of harbor seals (*Phoca vitulina concolor*) in Narragansett Bay, Rhode Island.
- NOAA Fisheries. 2016. Feeding or Harassing Marine Mammals in the Wild is Illegal and Harmful to the Animals. <http://www.nmfs.noaa.gov/pr/dontfeedorharass.htm>
- Save the Bay. 2017. Narragansett Bay Seal Monitoring. 1:1.
- Suryan RM and Harvey JT. 1999. Variability in reactions of Pacific harbour seals, *Phoca vitulina richardsi*, to disturbance. *Fish. Bull.* 97: 332–339.
- Wilson S, O'Malley D, Cassidy D and Clarke D. 2011. Surveying the seals of Carlingford Lough –a preliminary study 2008–11. Report to the Loughs Agency (N.Ireland), December 2011.
- Wilson, S. 2013. The impact of human disturbance at seal haul-outs: A literature review for the Seal Conservation Society. Tara Seal Research report. <http://www.pinnipeds.org/attachments/article/199/Disturbance%20for%20SCS%20-%20text.pdf>

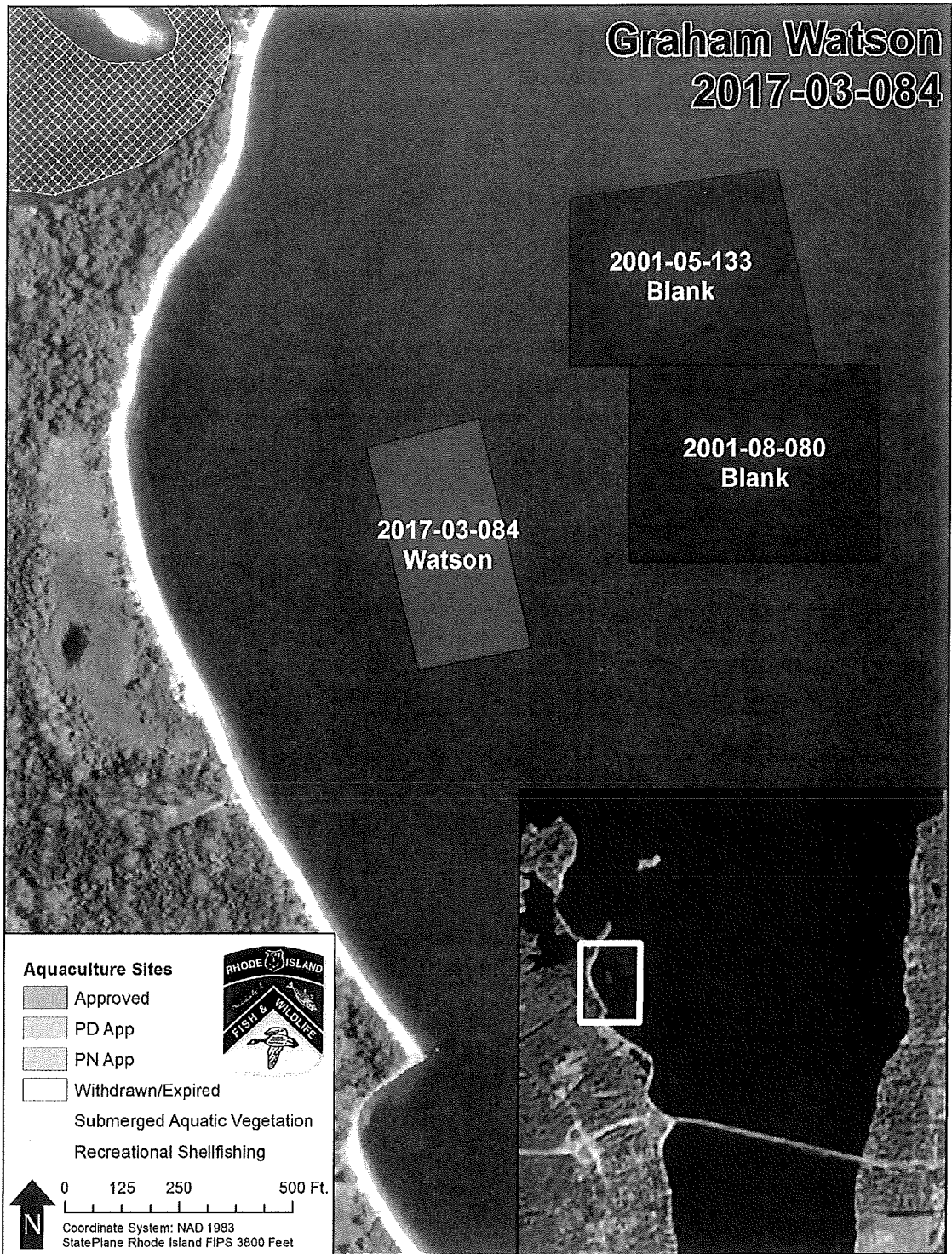


Figure 1. Map of proposed site at the preliminary determination stage

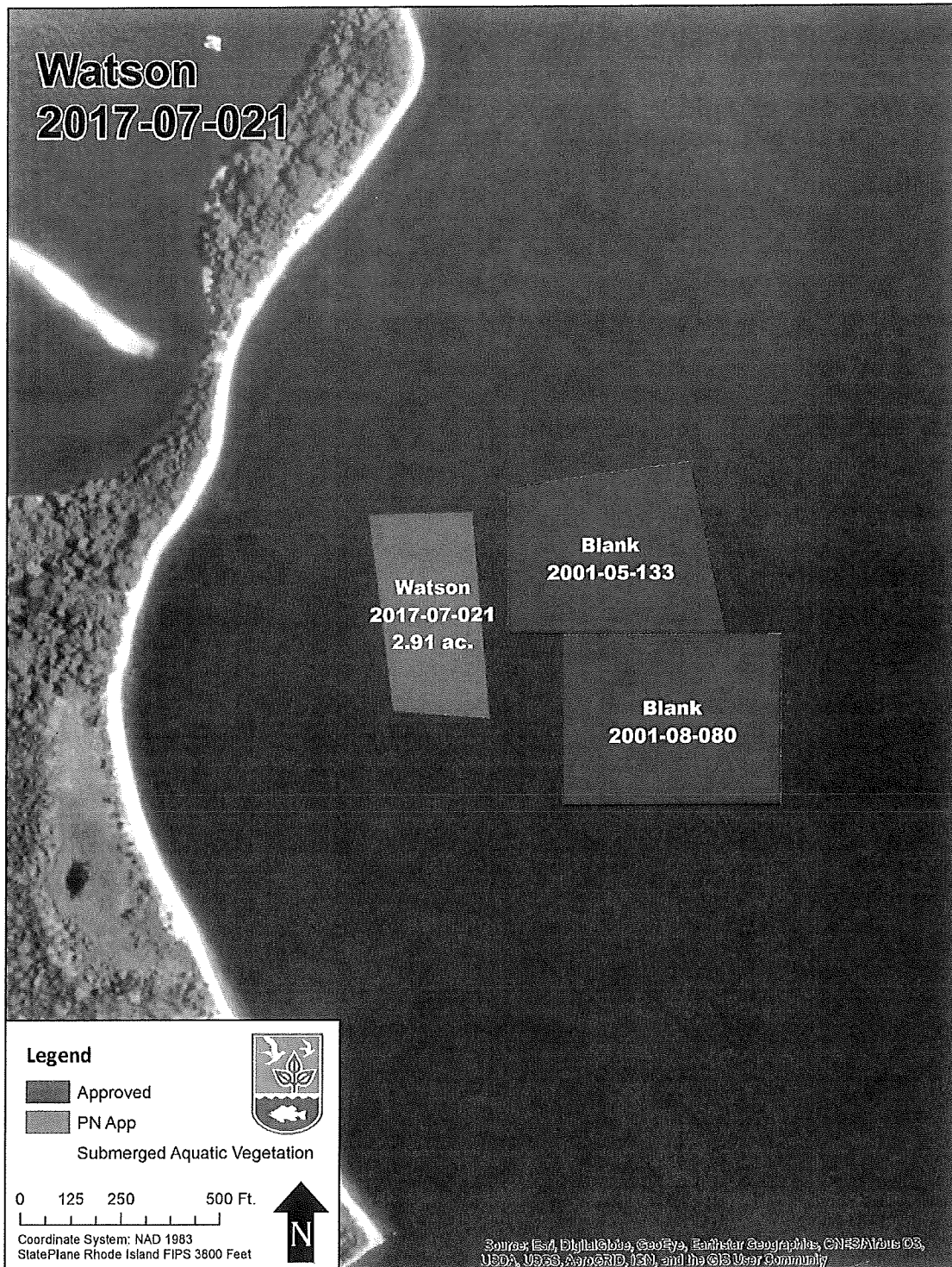


Figure 2. Map of proposed site at the public notice stage

Hi Pete. This is Bill Blank. I am no longer interested in being a member of the SAP.

-----Original Message-----

From: Duhamel, Peter (DEM) (DEM) <[peter.duhamel@dem.ri.gov](mailto:peter.duhamel@dem.ri.gov)>

To: romepoint12 <[romepoint12@aol.com](mailto:romepoint12@aol.com)>

Sent: Tue, Oct 3, 2017 10:39 am

Subject: Shellfish Advisory Panel

Hi Bill

Could you please let me know if you are still interested in being a member of the Shellfish Advisory Panel? I don't believe you've been to a meeting in awhile. It just becomes problematic when we are unsure if we will have a quorum; we have had to cancel meetings in the past due to lack of quorum which is obviously a big waste of time for everyone.

We would certainly prefer that you remain; we would just ask that you attend the meetings and let someone know when you can't make it

Regards

Pete Duhamel

[Peter A. Duhamel, Principal Environmental Planner](#)  
[RI Department of Environmental Management](#)  
[Division of Marine Fisheries](#)  
[3 Fort Wetherill Road](#)  
[Jamestown, RI 02835](#)  
[401-423-1927](#)



# Atlantic States Marine Fisheries Commission

## 76<sup>th</sup> Annual Meeting Summary

*Vision: Sustainably Managing Atlantic Coastal Fisheries*

76<sup>th</sup> Annual Meeting  
Norfolk, VA  
October 16-19, 2017

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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## **AMERICAN LOBSTER MANAGEMENT BOARD (OCTOBER 16, 2017)**

### ***Press Release***

### **ASMFC American Lobster Board Approves Draft Addenda XXVI & III to the American Lobster and Jonah Crab FMPs for Public Comment**

Norfolk, VA – The Commission’s American Lobster Management Board approved American Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III for public comment. Given the same data collection needs apply to both American lobster and Jonah crab fisheries, Draft Addendum XXVI and Draft Addendum III are combined into one document that would modify management programs for both species upon its adoption. The Draft Addenda seek to improve harvest reporting and biological data collection in the American lobster and Jonah crab fisheries. The Draft Addenda propose using the latest reporting technology, expanding the collection of effort data, increasing the spatial resolution of harvester reporting, and advancing the collection of biological data, particularly offshore.

Recent management action in the Northwest Atlantic, including the protection of deep sea corals, the declaration of a national monument, and the expansion of offshore wind projects, have highlighted deficiencies in current American lobster and Jonah crab reporting requirements. These include a lack of spatial resolution in harvester data and a significant number of fishermen who are not required to report. As a result, efforts to estimate the economic impacts of these various management actions on American lobster and Jonah crab fisheries have been hindered. States have been forced to piece together information from harvester reports, industry surveys, and fishermen interviews to gather the information needed. In addition, as American lobster and Jonah crab fisheries continue to expand offshore, there is a greater disconnect between where the fishery is being prosecuted and where biological sampling is occurring. More specifically, while most of the sampling occurs in state waters, an increasing volume of American lobster and Jonah crab are being harvested in federal waters. The lack of biological information on the offshore portions of these fisheries can impede effective management.

The Draft Addenda present three questions for public comment: (1) what percentage of harvesters should be required to report in the American lobster and Jonah crab fisheries; (2) should current data elements be expanded to collect a greater amount of information in both fisheries; and (3) at what scale should spatial information be collected. In addition, the Draft Addenda provide several recommendations to NOAA Fisheries for data collection of offshore American lobster and Jonah crab fisheries. These include implementation of a harvester reporting requirement for federal lobster permit holders, creation of a fixed-gear VTR form, and expansion of a biological sampling program offshore.

It is anticipated the majority of states from Maine through New Jersey will be conducting public hearings on the Draft Addenda. The details of those hearings will be released in a subsequent press release. The Draft Addenda will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org) (under Public Input) by October 27<sup>th</sup>. Fishermen and other interested groups are encouraged to provide input on the Draft Addenda either by attending state public hearings or providing written comment. Public comment will be accepted until **5:00 PM (EST) on January 22, 2017** and should be forwarded

to Megan Ware, FMP Coordinator, 1050 N. Highland St, Suite A-N, Arlington, VA 22201; 703.842.0741 (FAX) or at [comments@asmfc.org](mailto:comments@asmfc.org) (Subject line: Draft Addenda XXVI & III).

###

PR17-45

### ***Meeting Summary***

In addition to approving Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III for public comment (see press release), the American Lobster Management Board reviewed recommendations from a working group regarding future management of the Southern New England (SNE) stock. Based on these recommendations, the Board agreed to review the goals and objectives by which the SNE stock is managed, engage with the Commission's Climate Change Working Group, and develop terms of reference for the 2020 Stock Assessment which investigate reference points and environmental drivers of the stock. In addition, the Board tasked each Lobster Conservation Management Team with developing proposals to reduce latent effort in the respective management areas.

The Board also addressed inconsistencies between the state and federal regulations for the Lobster Conservation Area (LCMA) 4 season closure. The Board agreed that dual-permit holders in LCMA 4 do not need to remove their gear from other management areas during the LCMA 4 season closure, which occurs from April 30 – May 31. The Board also approved state compliance reports and FMP Reviews for lobster and Jonah crab, granting *de minimis* status for Delaware, Maryland, and Virginia in the lobster and Jonah crab fisheries, and *de minimis* status for Connecticut in the Jonah crab fishery. Finally, the Board began discussions on whale interactions in the lobster fishery given a decline in the North Atlantic right whale population.

For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at [mware@asmfc.org](mailto:mware@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to add sub option under issue 1, option c, to allow commercial harvesters with less than a 1,000 pounds of lobster landings in the previous year to report monthly summarized data instead of trip level data.**

Motion by Mr. Grout, seconded by Mr. Keliher. Motion approved by unanimous consent.

**Move to approve Lobster Draft Addendum XXVI/Jonah Crab Draft Addendum III for public comment as amended today.**

Motion made by Mr. Keliher and seconded by Rep. Abbott. Motion approved unanimously.

### **Tabled Motion August 2017:**

**Move to (1), allow LCMA 4 fishermen the ability to continue fishing fixed lobster gear for other legal species, such as Jonah crab, during the closed period and (2), exempt closed seasons from the most restrictive rule; as currently defined by the feds.**

### **Motion to Substitute**

**Move to substitute to: (1) LCMA 4 states (New Jersey and New York) will work with representatives from NOAA Fisheries to develop conservation equivalent alternatives for the current LCMA 4 season**

**closure. We request that the Technical Committee review the alternative management measures to assure that the conservation goals of Addendum XVII are met; and (2) The LCMA 4 seasonal closure relates only to LCMA 4. Permit holders with an LCMA 4 designation and another Lobster Management Area designation on their lobster permit would not have to similarly remove their lobster gear from the other designated management areas during the LCMA 4 closed season. This also applies to seasonal closures in other LCMAs.**

Motion made by Mr. Gilmore and seconded by Mr. Baum. Motion carries unanimously.

**Main Motion as Substituted:**

**1 – LCMA 4 States (New Jersey and New York) will work with representatives from NOAA Fisheries to develop conservation equivalent alternatives for the current LCMA 4 season closure. We request that the Technical Committee review the alternative management measures to assure that the conservation goals of Addendum XVII are met.**

**2 - The LCMA 4 seasonal closure relates only to LCMA 4. Permit holders with an LCMA 4 designation and another Lobster Management Area designation on their lobster permit would not have to similarly remove their lobster gear from the other designated management areas during the LCMA 4 closed season. This also applies to seasonal closures in other LCMAs.**

Motion by Mr. Gilmore, seconded by Mr. Baum. Motion approved unanimously.

**Move to approve the 2017 Lobster FMP Review, state compliance reports, and *de minimis* status for DE, MD, and VA.**

Motion made by Mr. Grout and seconded by Mr. Miller. Motion approved unanimously

**Move to approve the 2017 Jonah Crab FMP Review, state compliance reports, and *de minimis* status for CT, DE, MD, and VA.**

Motion made by Mr. Alexander and seconded by Mr. Gilmore. Motion passes unanimously.

**ATLANTIC COASTAL FISH HABITAT PARTNERSHIP STEERING COMMITTEE (OCTOBER 16 & 17, 2017)**

***Meeting Summary***

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee met at the ASMFC Annual Meeting October 16 – 17 in Norfolk, Virginia. Jeff Beal of the Florida Fish and Wildlife Conservation Commission (FL FWC) provided two presentations. The first was on Lake Okeechobee water releases and the stress responses of St. Lucie reef corals. FL FWC is using assessments of these northernmost Florida reefs to inform estuarine restoration performance measures in the Everglades and along the coast. Mr. Beal also presented on FWC's comparison studies of oyster health between restored and natural reefs in the Indian River Lagoon. Mr. Beal was ACFHP's 2017 Melissa Laser Habitat Conservation Award recipient, which was presented at the welcome reception on Monday evening.

Chris Powell (RI DEM, retired) provided the final report on ACFHP's NOAA-funded project to retrofit traditional boat moorings with conservation moorings in select Jamestown, Rhode Island boatyards. Conservation moorings use a buoyant bungee-like cord to minimize contact with the seafloor and promote SAV conservation. Dr. Lisa Havel (ACFHP Coordinator) gave an update on the Mid-Atlantic Fishery Management Council-funded project to assess the use of natural and artificial habitats by black sea bass, a study being conducted by Dr. Brad Stevens at the University of Maryland Eastern Shore. Dr.

Stevens has led 1.5 field seasons for the project so far, and will continue to collect and analyze data through 2018. Kent Smith (FL FWC) summarized the success of a workshop hosted by The Nature Conservancy and NOAA to develop a web-based tool that calculates the productivity of seagrass and salt marshes.

The ACFHP Steering Committee also received updates on the progress of the NOAA-funded mapping project to spatially analyze fish habitat conservation areas in the Southeastern United States. The ACFHP Science and Data Committee met via webinar on June 12<sup>th</sup> and in-person September 27-28<sup>th</sup> to finalize the recommended variables for diadromous, estuarine, and coastal analyses. The Steering Committee provided feedback for the Science and Data Committee, and the project is expected to be completed in the spring of 2018. The Steering Committee also brainstormed ideas for ACFHP's website update, and checked in on the progress of their two-year Conservation Action Plan.

Finally, the Steering Committee finalized their ranking of recommended conservation projects for FY2018 National Fish Habitat Action Plan (NFHAP) funding. From 2010 to 2017 ACFHP has facilitated NFHAP in awarding >\$530,000 to partners to complete 17 on-the-ground projects from Florida to Maine. Funding supported 3 tidal vegetation projects, 2 SAV projects, 3 oyster reef restoration projects, 8 fish passage projects, and 1 sturgeon spawning habitat restoration project.

For more information, please contact Dr. Lisa Havel, ACFHP Coordinator, at [lhavel@asmfc.org](mailto:lhavel@asmfc.org) or 703.842.0740.

## **TAUTOG MANAGEMENT BOARD (OCTOBER 16, 2017)**

### ***Meeting Summary***

The Tautog Management Board selected final management measures to be included in Amendment 1 to the Interstate Fishery Management Plan and recommended final approval of the Amendment by the Commission's Business Session. For more information on the Amendment, please see the press release found under the Business Session later in this document. The Board reviewed and approved 2017 Fishery Management Plan Review for the 2015 and 2016 Fishing Years. For more information about tautog management, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Move to approve option B: 50% probability of achieving the F target.**

Motion made by Mr. Gilmore and seconded by Mr. Borden. Motion carries without objection.

#### **Move to approve option A: status quo-no reduction schedule to achieve the F target.**

Motion made by Mr. Alexander and seconded by Mr. Gilmore. Motion carries (7 in favor, 1 opposed, 1 abstention).

#### **Move to approve Sub-Option B2: LIS Boundaries, Orient, NY to Watch Hill, RI.**

Motion made by Mr. Gilmore and seconded by Mr. Clark. Motion carries without objection.

**Move to approve the following tautog recreational measures for the MARI region in Amendment 1 section 4.2.2: 16" minimum size, and bag limits that change seasonally as follows: During January through March: 0 fish; During April and May: 3 fish; During June and July: 1 fish in Massachusetts and 0 fish in Rhode Island; During August through October 14: 3 fish; and from October 15-December 31: 5 fish. MA will adopt the private/rental boat vessel limit as is implemented in RI (10 fish per vessel max) and will adopt mandatory electronic reporting for the Party and Charter sector as soon as is practicable.**

Motion made by Mr. McKiernan and seconded by Mr. Ballou. Motion carries without objection.

**Move to approve the following measures for the LIS recreational tautog fishery and reduce the commercial fishery harvest by 20.3%.**

Option 1 20.3% Reduction	Minimum Length	Creel Limit	CT Days Open	NY Days Open
Spring Season	16"	3 (-1)	30	30 (+30)
Summer Season		2	62	0
Fall Season		3 (-1)	50 (-8)	60 (-11)

Motion made by Mr. Gilmore and seconded by Mr. Alexander. Motion carries without objection.

**Move to approve Option A1: Status quo (state specific 2% reduction) for the recreational and commercial measures for the NJ-NY Bight.**

Motion made by Mr. Allen and seconded by Mr. Hasbrouck. Motion carries without objection.

**Move to approve Option D for recreational measures for the DelMarVa region: 16" minimum size limit, up to a four fish bag limit, and a closure of May 16-June 30.**

Motion made by Mr. Luisi and seconded by Mr. Cimino. Motion carries without objection.

**Move to approve for MD and DE to have commercial measures consistent with recreational measures and for VA, status quo for commercial measures with the option for VA to open May 1-15.**

Motion made by Mr. Cimino and seconded by Mr. Luisi. Motion carries without objection.

**Move to approve the following implementation plan:**

- States submit proposals by December 1, 2017
- Implement all measures other than the Commercial tagging program by April 1, 2018
- Implement the Commercial tagging program by January 1, 2019

Motion made by Mr. McKiernan and seconded by Mr. Ballou. Motion carries without objection.

**Move to recommend to the Commission the adoption of Amendment 1 to the Tautog Interstate Fishery Management Plan as modified today and at the August 2017 meeting.**

Motion made by Mr. McKiernan and seconded by Mr. Alexander. Motion approved without objection (1 abstention).

**Move to accept the FMP Review and compliance reports for tautog for the 2015 and 2016 fishing years, and approve *de minimis* status for Delaware and Maryland.**

Motion made by Mr. Clark and seconded by Mr. Luisi. Motion carries without objection.

**SPINY DOGFISH MANAGEMENT BOARD (OCTOBER 16, 2017)**

***Press Release***

**ASMFC Spiny Dogfish Board Approves 2018 Fishery Specifications**

Norfolk, VA – The Commission’s Spiny Dogfish Management Board approved a spiny dogfish commercial quota of 38,195,822 pounds for the 2018 fishing season (May 1, 2018 – April 30, 2019). 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). The quota and northern region trip limit are consistent with the measures recommended to NOAA Fisheries by the Mid-Atlantic Fishery Management Council. 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.

2018 marks the third year of the current federal 3-year specifications cycle. It is anticipated the stock assessment will be updated in 2018 to inform development of fishery specification recommendations, including the commercial quota, for 2019 and beyond. Additionally, the Board intends to discuss issues raised by the Advisory Panel (and other fishery participants) in more detail prior to setting 2019 specifications. The timing of the next benchmark stock assessment for spiny dogfish is less certain, however, the Board supported the Council’s recommendations to conduct a benchmark stock assessment in 2019, or soon after.

The 2018 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 2017 season will be deducted from that region’s or state’s 2018 quota allocation. Similarly, any eligible roll overs from the 2017 season will be applied to that region’s or state’s 2018 quota allocation.

	Northern Region (ME-CT)	NY	NJ	DE	MD	VA	NC
<b>Possession Limit</b>	6,000	To be specified by the individual southern region states					
<b>Allocation</b>	<b>58%</b>	<b>2.707%</b>	<b>7.644%</b>	<b>0.896%</b>	<b>5.92%</b>	<b>10.795%</b>	<b>14.036%</b>
<b>2018 Quota</b>	22,153,577	1,033,961	2,919,689	342,235	2,261,193	4,123,239	5,361,166

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

###

PR17-46

***Motions***

**Move to adopt the 2018 commercial quota of 38,195,822 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. Reid and seconded Mr. Hasbrouck. Motion passes without objection.

**The Board recommends Commission support a spiny dogfish update and benchmark stock assessment at the NRCC.**

Motion made by Dr. Pierce and seconded Mr. O'Reilly. Motion passes.

**Move to approve the 2017 FMP Review, state compliance and *de minimis* status requests from New York and Delaware.**

Motion made by Mr. Grout and seconded by Mr. Clark. Motion approved without objection.

**ATLANTIC HERRING SECTION (OCTOBER 16, 2017)**

***Meeting Summary***

The Atlantic Herring Section met to set specifications for the Area 1A fishery, discuss possible involvement in the research set-aside (RSA) program, and discuss the New England Fishery Management Council (NEFMC) participation in Commission Atlantic herring management. The Section approved a seasonal allocation of the Area 1A total allowable catch (TAC) at 30,300 metric tons, with 72.8 percent available from June through September and 27.2 percent allocated from October through December. The TAC was set previously as a part of a three year specification, this is the last year of that specification.

The Section reviewed the Research Set Aside (RSA) process and the roles and responsibilities of the NEFMC and NOAA Fisheries. At the request of the Section, the Commission had previously requested the NEFMC provide the Section input into the RSA process. Concerns had been raised over gear conflicts with boats fishing outside of the typical season using RSA quota and fixed gear fishermen, mainly lobster and Jonah crab. After discussion, the Section encouraged continued communication between NOAA Fisheries, boats with RSA quota, industry and states on when and where RSA fishing will be occurring to avoid gear conflicts.

The NEFMC requested the Commission provide the Council a voting seat on the Atlantic Herring Section. The Policy Board asked the Section to provide a recommendation to the Policy Board on how to include the Council in Commission management of Atlantic herring. The Section had a long discussion on the importance of communication between the two bodies. Some Section members expressed concern about whether the Council should have a voting or non-voting seat, in particular the ability of a state to have more influence on the outcome of a vote depending on the location of the Council member's home state. The Section recommended to the Policy Board a letter be sent to the Council to establish a working group that would focus on improving communication between the two bodies.

Lastly, the Section briefly discussed the current spawning closure forecasting and protocols. The Section tasked the Technical Committee to: 1) revisit the 2017 fishing season relative to the goals and objectives of Amendment 3 and comment on the effectiveness of the current spawning management measures; 2) make suggestions on technical or management changes to better meet those goals and objectives; and 3) if time allows, make research recommendations to maximize effectiveness and better inform management.



For more information, please contact Toni Kerns, ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to allocate the 2018 Area 1A TAC 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's 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. Keliher. Motion approved by unanimous consent.

**Move that the Section recommend to the Policy Board to send a letter to the New England Fishery Management Council to establish a Working Group with the goal of improving communication between the two bodies.**

Motion made by Mr. Keliher and seconded by Mr. Fote. Motion passes unanimously by consent.

**Move to task the Technical Committee to:**

- **Revisit the 2017 fishing season relative to the goals and objectives of Amendment 3 and comment on the effectiveness of the current spawning management measures;**
- **Make suggestions on technical or management changes to better meet those goals and objectives;**
- **If time would allow make research recommendations to maximize effectiveness and better inform management; and**
- **TC would report back to the Board at the Winter Meeting.**

Motion made by Mr. Keliher and second by Rep. Abbott. Motion passes unanimously by consent.

## **SHAD AND RIVER HERRING MANAGEMENT BOARD (OCTOBER 17, 2017)**

### ***Meeting Summary***

The Shad and River Herring Management Board met to consider recommendations for completing the upcoming American shad stock assessment, review updated sustainable fishery management plans (SFMPs), receive a report from the Technical Committee (TC) regarding inconsistencies between the SFMPs and Amendment 3, and approve the 2017 Fishery Management Plan (FMP) Review.

The Board was presented recommendations from the Assessment Science Committee (ASC) for the American shad stock assessment process. Considering the potential challenges of updating the 2007 Benchmark Assessment based on recent experiences with the recent River Herring Stock Assessment Update and Stock Assessment Subcommittee, the ASC recommended switching from an assessment update to a benchmark stock assessment. A benchmark stock assessment will allow incorporation of new data sets and assessment techniques not used in the 2007 assessment. The recommendation will go to the ISFMP Policy Board for acceptance. If accepted, the assessment process will be initiated immediately following the Annual Meeting. The Benchmark Stock Assessment is expected to be completed in 2019.

The Board was presented updated SFMPs for American shad from Connecticut, the Potomac River Fisheries Commission, North Carolina, South Carolina, and Georgia, and a Bycatch Plan from Virginia.

The TC reviewed these plans and found inconsistencies between several SFMPs and the language in Amendment 2 and 3, which mandates that all river systems with open fisheries must be sustainable. After considering the TC's report and updated SFMPs, the Board approved all of the updated SFMPs as presented, and tasked the TC with developing recommendations to address the issue of inconsistencies prior to SFMPs being updated in the future. The approved SFMPs will be available on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Shad and River Herring webpage.

Lastly, the Board approved the 2017 FMP Review for Shad and River Herring and *de minimis* status for the following states: Maine, New Hampshire, and Massachusetts and Florida for American shad; and New Hampshire and Florida for river herring.

For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to accept the Sustainable Fishery Management Plan (SFMP) updates for shad for Connecticut, Potomac River Fisheries Commission, North Carolina, South Carolina, and Georgia, Virginia's bycatch plan, and task the Technical Committee with developing proposed improvements to Amendments 2 and 3 to address SFMP inconsistencies with the management documents.**

Motion made by Ms. Patterson and seconded by Mr. Geer. Motion carries unanimously.

**Move to accept the 2017 FMP Review of the 2016 fishing year and State Compliance Reports, and approve *de minimis* requests for Maine (both commercial and recreational), New Hampshire, Massachusetts, and Florida for shad; and *de minimis* requests for New Hampshire and Florida for river herring.**

Motion made by Mr. Miller and seconded by Mr. Davis. Motion is approved unanimously.

## **HORSESHOE CRAB MANAGEMENT BOARD (OCTOBER 17, 2017)**

### ***Press Release***

## **ASMFC Horseshoe Crab Board Sets 2018 Specifications for Horseshoe Crabs of Delaware Bay Origin**

Norfolk, VA – 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 2018 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:

	<b>Delaware Bay Origin Horseshoe Crab Quota (no. of crabs)</b>	<b>Total Quota**</b>
<b>State</b>	<b>Male Only</b>	<b>Male Only</b>
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. The horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute (Virginia Tech). This survey has not been funded consistently in recent years, but was funded and conducted in 2016. A composite index of the Delaware Trawl Survey, New Jersey Delaware Bay Trawl Survey, and New Jersey Ocean Trawl Survey has been developed and used in years the Virginia Tech Survey was not conducted. While continued, long-term funding of the Virginia Tech Survey is preferred, the recent revival of this survey also allows the composite index to be improved through “tuning” relative to additional Virginia Tech Survey data points. The Virginia Tech Survey has been funded for 2017 and is currently underway. Funding for future years continues to be explored.

Terms of reference for the 2018 stock assessment were presented to and approved by the Board. Within these terms of reference were tasks specific to the horseshoe crab stock assessment, including assessments of regional populations of horseshoe crabs, incorporation and evaluation of estimated mortality attributed to the biomedical use of horseshoe crabs for *Limulus Amebocyte Lysate* production, and comparisons of assessment results with results from the ARM Framework used to annually set bait harvest levels for horseshoe crabs from the Delaware Bay region. The completed assessment is expected to be presented to the Board in October at the 2018 Annual Meeting.

For more information, please contact Michael Schmidtke, Fishery Management Plan Coordinator, at 703.842.0740 or [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org).

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PR17-49

**Meeting Summary**

In addition to setting 2018 specifications for horseshoe crabs of Delaware Bay origin, the Board reviewed results of alternative runs of the Adaptive Resource Management (ARM) Framework ARM model conducted by the ARM Subcommittee, which incorporated estimates of mortality attributed to the biomedical use of horseshoe crabs for *Limulus Amebocyte Lysate* production. These runs resulted in small changes to the number of population scenarios corresponding to harvest package recommendations, but would have had no impact on recommended harvest levels since use of the

ARM Framework began in 2013. The Board decided that action to incorporate these changes could be considered after completion of the 2018 benchmark stock assessment.

The Board also reviewed results of the Horseshoe Crab Technical Committee's report on baiting practices of the American eel and channeled whelk fisheries. This report includes information on current practices in these fisheries that may be relevant to the development and consideration of alternative baits with reduced amounts of horseshoe crab. The report will be available on the Commission's website, [www.asmfc.org](http://www.asmfc.org), on the Horseshoe Crab webpage.

Finally, the Board reviewed state compliance with the Fishery Management Plan. All states were found to be in compliance. For more information, please contact Michael Schmidtke, Fishery Management Plan Coordinator, at 703.842.0740 or [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org).

### ***Motions***

**Move to accept the Terms of Reference for the 2018 Horseshoe Crab Benchmark Stock Assessment and add a Term of Reference evaluating the sub-lethal effects of biomedical bleeding.**

Motion made by Mr. Michels and seconded by Ms. Giannini. Motion approved by consent.

**Move to select Harvest Package 3 for 2018 Horseshoe crab harvest in Delaware Bay.**

Motion made by Mr. Michels and seconded by Mr. Millard. Motion is approved by consent.

**Move to accept the Horseshoe Crab 2017 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 O'Reilly. Motion passes by consent.

**Move to initiate an addendum that the ARM model incorporate the biomedical harvest using the Preferred Option.**

Motion made by Mr. Millard and seconded by Mr. Wright. Motion fails (2 in favor, 13 opposed).

**Move to nominate Mr. John Maniscalco as Vice-Chair.**

Motion made by Mr. McKiernan and seconded by Dr. Duval. Motion passes by consent.

## **LAW ENFORCEMENT COMMITTEE (OCTOBER 17 & 18, 2017)**

### ***Meeting Summary***

The Law Enforcement Committee (LEC) met during the 76<sup>th</sup> Annual Meeting of the Atlantic States Marine Fisheries Commission in Norfolk, VA. The LEC welcomed alternate representatives Wynn Carney from NOAA Office of Law Enforcement, and Jay Pilgrim from US Fish and Wildlife Service.

### **New Chair and Vice Chair**

The LEC has selected a new chair and vice chair for the upcoming two-year term. The new Chair is **Steve Anthony (NC)** and our Vice-chair is **Doug Messeck (DE)**. The LEC thanked Mike Eastman for his service as Chairman.

## Species Issues

**American lobster** — Megan Ware and David Borden briefed the LEC on recent discussions of the American lobster Management Board and efforts to address electronic tracking and standardization of management measures. David Borden introduced Nick Salvi from Faria Beede Instrument Co., who provided the LEC information on their latest tracking equipment for fishing applications. Tests of products are underway in Maine in the sea urchin fishery. Of interest in the lobster fishery is the possible use of this technology to identify when trap haulers are activated. The need for rapid ping rates and trap-haul signaling are both important for future use in monitoring offshore lobster trap fisheries. Current technology being tested in Maine has an active range of 12-15 miles, but can store up to 20,000 positions when out of active range. LEC members discussed the use of these units for enforcement investigations and also for routine LE fleet monitoring and maintenance. Additional types of technology will be explored by the LEC for possible applications in the offshore lobster fishery.

**Atlantic menhaden** — Megan Ware briefed the LEC on the development of draft amendment 3 of the fishery management plan and sought any LEC feedback on possible management options under development. Of particular interest to the LEC members was the possible handling of incidental catch and the small-scale fishery. Members noted that there were not any unusual enforcement challenges in enforcing a 6000-lb bycatch limit in this case. While a simple closure of the directed fishery when quotas are met was seen as less of a strain on enforcement resources, it was also noted that a closure is more effective if possession of the species in question is prohibited, and that this would not likely be possible for menhaden given its widespread use for bait. The LEC did not comment on various allocation options.

**Cobia** — Mike Schmidtke briefed the LEC on development of a new fishery management plan for cobia. After reviewing the need for a state plan that would be complementary to federal regulations in the EEZ, the LEC focused on possible options for setting regulations for *de minimis* states (states north of Virginia). The LEC strongly encourages development of a plan that would provide the greatest amount of regulatory consistency, particularly for the region encompassing NJ, DE, MD and VA. To the extent those state-waters regulations could mirror federal waters while also being consistent among the states, it would enhance enforcement efforts in that region.

**Black Sea Bass** — Toni Kerns briefed the LEC on the request of the Policy Board to look at existing state or federal regulations providing for the **charging of charter captains or operators**. LEC members had previously shared language from their respective states, if such provisions were in place. ME, MA, DE and SC all reported some success in making cases against for-hire captains or operators with regulations or statutes they have implemented. The LEC discussed this issue relative to the black sea bass fishery and several members observed that repeated abuse of size and bag limits on certain for-hire vessels has been an ongoing problem. If all states could implement the needed measures to charge and prosecute captains or operators (along with customers), it would help in putting a stop to these illegal practices.

**Tautog** — Jason Snellbaker, LEC representative to the Tautog Management Board, asked the LEC for input on any problems associated with the lack of a federal fishery management plan and regulations for tautog in the EEZ. After lengthy discussion it was apparent that states differ in their ability to cite and prosecute violations in federal waters off of their respective coasts. While language in the Magnuson-Stevens Fishery Conservation and Management Act may allow states to enforce regulations

in federal waters in the absence of a federal plan, some states or their respective court systems are unwilling or unable to do so for jurisdictional reasons. LEC members discussed possible mechanisms for states to implement regulations or statutory language specifically extending state rules into federal waters, thus aiding enforcement efforts. As the ASMFC and states move forward on commercial tagging of tautog, especially if point-of-harvest tagging is implemented, the LEC recommends addressing this issue among the affected states.

### **Other Issues**

The LEC reviewed proposed **2018 Action Plan** items and confirmed that its work will address the tasks outlined in Goal 3 of the plan once it is approved by the ASMFC.

Mark Robson reviewed a draft procedure for **orientation of new members** on the LEC. The procedure will include first contacts, follow-up materials, detailed procedural reviews and short-term mentoring or overlap. LEC members agreed an established procedure would be a great help to new members. Mark will coordinate this process with ASMFC staff for implementation.

The LEC reviewed draft changes to its **Enforceability Matrix** table that better reflected the role of aerial enforcement in assessing the enforceability of various management measures. Mark Robson will work with ASMFC staff to revise and update the Enforceability Guidelines.

Three members of the LEC, Bob Lynn of Georgia, Jason Snellbaker of New Jersey, and Mike Eastman of New Hampshire are recent graduates of the highly-regarded **National Leadership Training Program** sponsored by the National Association of Conservation Law Enforcement Chiefs and the United States Fish and Wildlife Service. Training takes place at the National Conservation Training Center in Shepherdstown, WV. Five LEC representatives have completed the program and three additional members of the LEC are on the program's Steering Committee. This high level of participation exemplifies the professionalism of the ASMFC's Law Enforcement Committee.

For more information, please contact Mark Robson, LEC Coordinator, at [markrobson2015@outlook.com](mailto:markrobson2015@outlook.com).

## **COASTAL SHARKS MANAGEMENT BOARD (OCTOBER 17, 2017)**

### ***Meeting Summary***

The Coastal Sharks Management Board met to consider adopting complementary measures to Amendment 5b to the Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP); set 2018 specifications for Atlantic coastal sharks, and elect a new Vice-Chair.

Amendment 5b implements a range of federal management measures to prevent overfishing and rebuild overfished dusky sharks. These measures are based on the 2016 dusky shark stock assessment update that determined the stock is overfished and experiencing overfishing. HMS requested the Board (and state agencies) consider complementary management for state waters. The LEC and TC reports on the measures were presented to the Board. In addition, states provided feedback on whether they have measures in place similar to Amendment 5b and how receptive the state was to complementary measures. Feedback from the states and the TC indicated challenges to implementing

some of the Amendment’s provisions, specifically regarding the educational outreach, gear specifications for recreational shark fishing, cooperative research, and best practices for handling sharks for all state permit holder. Some states have measures in place consistent with parts of Amendment 5b measures and the Board indicated moving forward states could voluntarily adopt other Amendment 5b measures. After considering these reports and Board discussion, the Board did not adopt complementary management measures.

The federal proposed 2018 Atlantic shark specifications were presented. Similar to the 2017, NOAA Fisheries is proposing a January 1 open date for all shark management groups, with an initial 25 shark possession limit for large coastal and hammerhead management groups with the possibility of in season adjustments. The Board will set the 2018 coastal shark specifications via an email vote after the final rule is published.

For more information, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

### **Motions**

**Move to approve the 2018 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2018 Atlantic Shark Commercial Fishing season.**

Motion made by Mr. O’Reilly and seconded by Mr. Baum. Motion carries without objection.

**Move to elect Mr. Pat Geer as Vice-chair to the Coastal Sharks Board.**

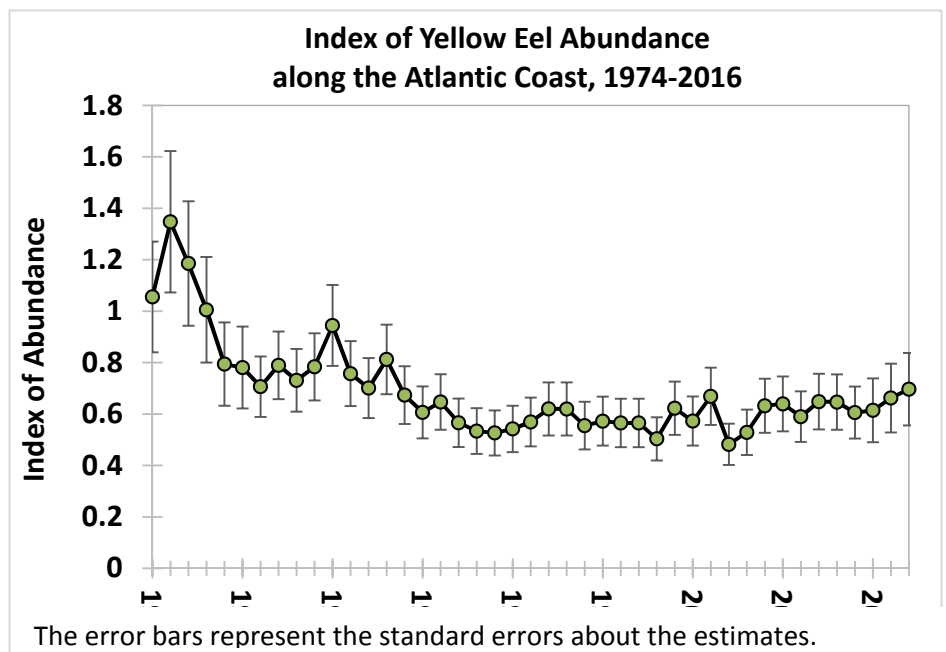
Motion made by Mr. Woodward and second by Mr. Boyles. Motion passes unanimously.

## **AMERICAN EEL MANAGEMENT BOARD (OCTOBER 17, 2017)**

### **Press Release**

## **American Eel Stock Assessment Update Finds Resource Remains Depleted**

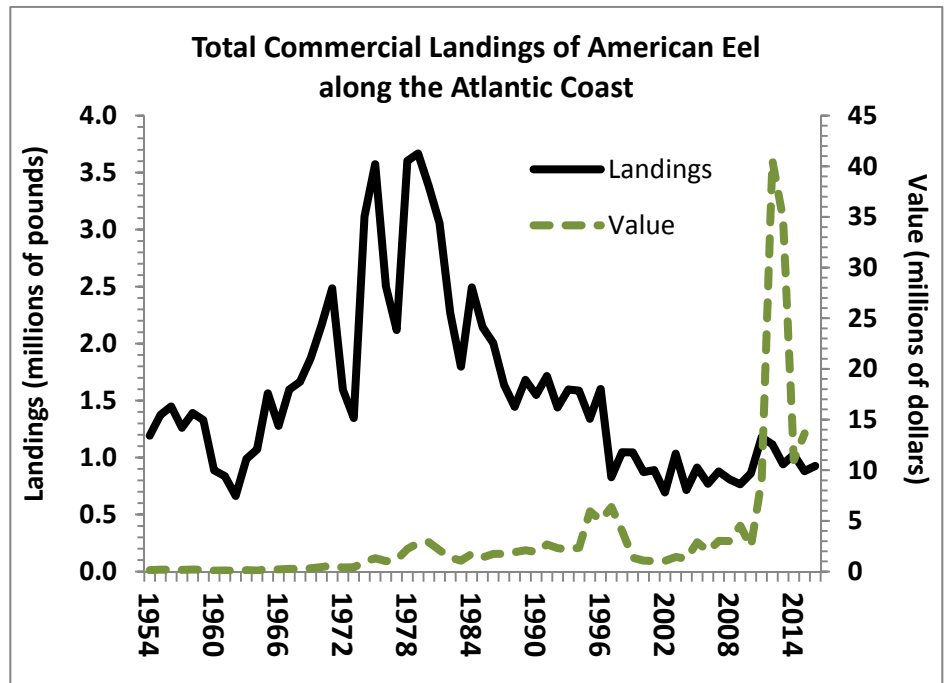
Norfolk, VA – The Commission’s American Eel Management Board reviewed the results of the 2017 American Eel Stock Assessment Update, which indicates the resource remains depleted. The assessment updates the 2012 American Eel Benchmark Stock Assessment with data from 2010-2016. Trend analyses of abundance indices indicated large declines in abundance of yellow eels during the 1980s through the early 1990s, with primarily neutral or stable abundance from



the mid-1990s through 2016. Total landings remain low but stable. Based on these findings, the stock is still considered depleted. No overfishing determination can be made based on the analyses performed.

The American eel fishery primarily targets yellow eel. Glass eel fisheries along the Atlantic coast are prohibited in all states except Maine and South Carolina. In recent years, Maine is the only state reporting significant glass eel harvest. The highest total

landings of all life stages occurred from the mid-1970s to the early 1980s after which they declined. Since the 1990s, landings have been lower than historical landings and have been stable in recent decades. The value of U.S. commercial American eel landings has varied from a few hundred thousand dollars (prior to the 1980s) to a peak of \$40.6 million in 2012 (largely driven by the price of glass eels).



The 2012 benchmark stock assessment found the resource depleted and Addenda III (2013) and IV (2014) were approved with the goal of reducing mortality across all life stages. These addenda established a 9-inch minimum size limit for commercial and recreational fisheries, a yellow eel commercial coastwide cap of 907,671 pounds, and glass eel quota of 9,688 pounds for Maine beginning for the 2015 fishing year. The yellow eel cap has two management triggers: (1) the coastwide cap is exceeded by more than 10% in a given year and (2) the coastwide cap is exceeded for two consecutive years, regardless of the percent over. If either trigger is met, there is an automatic implementation of state-by-state quotas. The 2015 yellow eel landings were below the cap. However, 2016 landings were 925,798 pounds, which exceeded the cap by less than 10%.

A more detailed overview of the American eel stock assessment is available on the Commission website at [http://www.asmfc.org/uploads/file/59e8c077AmericanEelStockAssessmentOverview\\_Oct2017.pdf](http://www.asmfc.org/uploads/file/59e8c077AmericanEelStockAssessmentOverview_Oct2017.pdf). It was developed to aid media and interested stakeholders in better understanding the results. The assessment update will be available on the Commission website on the American Eel webpage the week of October 23<sup>rd</sup>.

In other business, the Board maintained Maine's glass eel quota of 9,688 pounds for the 2018 fishing season. The Board also initiated an addendum to consider alternative allocations, management triggers, and coastwide caps relative to the current management program for both the yellow and glass eel commercial fisheries starting for the 2019 fishing season.



For more information on the stock assessment update, please contact Dr. Kristen Anstead at [kanstead@asmfc.org](mailto:kanstead@asmfc.org) and for information on American eel management, please contact Kirby Rootes-Murdy, Senior Fishery Management Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org).

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PR17-48

***Motions***

**Move to maintain Maine's glass eel quota for 2018 at status quo level from 2015-2017 (9,688 pounds).**

Motion made by Ms. Patterson and seconded by Mr. Keliher. Motion passes unanimously.

**Move to initiate an addendum to consider alternative allocations, management triggers, and coastwide caps relative to the current management program for both the yellow and glass eel commercial fisheries starting in the 2019 fishing season.**

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

**ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM COORDINATING COUNCIL (OCTOBER 17, 2017)**

***Meeting Summary***

The ACCSP Coordinating Council met to receive Program and Committee Updates and take final action on the FY18 funding allocation. The Council took final action and approved the preferred Option 1 as recommended by the Advisory and Operations Committees. Option 1 fully funds all Maintenance proposals, necessitating a deviation from the 75%/25% funding split between Maintenance and New proposals recommended in the Funding Decision Document. The Council also approved the Advisory and Operations Committees' recommendation not to fund the new proposal from the MAFMC, and to expend the remaining funds on the remaining new proposals. If a funding shortage is encountered in FY18, then the ACCSP Management and Policy Committee will be the deciding body for any remaining allocation decisions. To conclude the meeting, the Council elected Lynn Fegley of MD DNR as the new ACCSP Coordinating Council Chair and John Carmichael of the SAFMC as the new Vice-chair.

For more information, please contact Mike Cahall, ACCSP Director, at [mike.cahall@accsp.org](mailto:mike.cahall@accsp.org).

***Motions***

**Motion to fund all Maintenance proposals, deviating from the 75%/25% split, do not fund the new proposal from the MAFMC and use the remaining funds on new proposals as recommended by the Operations and Advisory Committees. If there is a funding shortage the deciding body would be the ACCSP Management and Policy Committee.**

Motion made by Ms. Patterson and seconded by Ms. Fegley. Motion carries unanimously

**Motion to elect Ms. Fegley as Coordinating Council Chair.**

Motion carries.

**Motion to elect Mr. Carmichael as Vice-chair.**

Motion carries.

## **EXECUTIVE COMMITTEE (OCTOBER 18, 2017)**

### ***Meeting Summary***

The Executive Committee reviewed the FY 2017 Commission Audit. The Committee noted that all of the findings from the FY 2016 Audit have been addressed and the FY 2017 Audit contained no findings that need to be addressed. The FY 2017 was approved by the Committee.

The Committee reviewed feedback from participants in the ASMFC technical process to seek ways to improve the Commission's technical meeting weeks. It was agreed the technical weeks will be continued with improved planning to provide as much advance notice as possible.

The Committee discussed the overall pace and workload of Commissioners. The Committee agreed to 1) consider extending the length of the Winter and Summer Meetings if finances allow, 2) increase the use of working groups and subcommittees to make management board meetings more efficient, 3) use the available meeting management tools to increase meeting efficiency, and 4) provide meeting facilitation training every 2-3 years.

In order to develop the Commission's next strategic plan, a Commissioner workshop will be held in February to determine if the current plan needs a major re-write or if there are only minor modifications needed. Based on the outcome of this workshop, a plan will be developed to complete the Action Plan by the 2018 Annual Meeting.

The Committee discussed the process used to develop nominations for Commission leadership. It was agreed this process would be reviewed to consider the process for seeking Commissioner input and the eligibility of Commissioner proxies to serve in leadership roles.

The Committee also agreed to review the Commission's Appeals and Conservation Equivalency Processes to determine whether modifications are needed to reduce future noncompliance findings. For more information, please contact Bob Beal, Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org) or 703.842.0740.

## **HABITAT COMMITTEE (OCTOBER 18, 2017)**

### ***Meeting Summary***

The Habitat Committee (HC) met to review and discuss a number of issues, including an ASMFC term for Habitat Areas of Particular Concern; progress on the current Habitat Management Series document as well as the next installment; content for the next issue of *Habitat Hotline Atlantic*; and ways to extend its outreach.

Michelle Bachman (NEFMC) discussed the New England Fishery Management Council's work modelling fishing impacts on habitat in the North and Mid-Atlantic, and Tina Berger (ASMFC) led a discussion on the Habitat Committee's communications strategy and website presence.

The HC was charged with creating a new term for ‘Habitat Areas of Particular Concern’ by the Policy Board at the 2017 Summer Meeting, and the Board recommended ‘Fish Habitats of Concern’ as a replacement. In 2018, the HC will develop a document that compiles all of ASMFC’s Habitat Areas of Particular Concern/Fish Habitats of Concern and identifies inconsistencies with federal designations, as well as recommends new targeted areas for designation in state waters.

The HC made progress on the Aquaculture Habitat Management Series publication, which summarizes the impacts of aquaculture on fish habitat in U.S. Atlantic waters. The HC is also working on a document that identifies gaps in state initiatives to address climate change, particularly in regards to fish habitat, and provides recommendations for the future. The ASMFC SAV Policy Update is also moving forward, which adds new information to the 20-year old document, as well as updates the recommendations and roles that ASMFC and state and federal agencies can take in conservation SAV. All three documents are projected to be presented to the Policy Board at the winter 2018 meeting.

The HC also finalized the tasks for 2018. In 2018, the *Habitat Hotline Atlantic* will focus on environmental monitoring, highlighting examples of long-term monitoring projects and different ways in which monitoring data is being incorporated into strategic planning and modelling efforts. The next Habitat Management Series publication will focus on the effects of underwater acoustics on fish physiology, behavior, and habitat. Finally, the HC will develop a document that compiles the habitat recommendations found in Fishery Management Plans, Habitat Management Series publications, and other HC publications. The goal of this document is to provide Commissioners and habitat managers with all habitat-related ASMFC recommendations in one location for easier reference.

For more information, please contact Dr. Lisa Havel, Habitat Coordinator, at [lhavel@asmfc.org](mailto:lhavel@asmfc.org) or 703.842.0740.

## **ATLANTIC STURGEON MANAGEMENT BOARD (OCTOBER 18, 2017)**

### ***Press Release***

### **Atlantic Sturgeon Benchmark Stock Assessment Indicates Slow Recovery Since Moratorium; Resource Remains Depleted**

Norfolk, VA – The Commission’s Atlantic Sturgeon Management Board reviewed the results of the 2017 Atlantic Sturgeon Benchmark Stock Assessment, which indicate the population remains depleted coastwide and at the distinct population segment (DPS) level relative to historic abundance. However, on a coastwide basis, the population appears to be recovering slowly since implementation of a complete moratorium in 1998. Despite the fishing moratorium, the population still experiences mortality from several sources but the assessment indicates that total mortality is sustainable. The “depleted” determination was used instead of “overfished” because of the many factors that contribute to the low abundance of Atlantic sturgeon, including directed and incidental fishing, habitat loss, ship strikes, and climate changes.

Atlantic sturgeon are a long lived, slow to mature, anadromous species that spend the majority of their life at sea and return to natal streams to spawn. While at sea, extensive mixing is known to occur in both ocean and inland regions. The Commission manages Atlantic sturgeon as a single stock, however,

NOAA Fisheries identified five DPSs of Atlantic sturgeon based on genetic analysis as part of a 2012 Endangered Species Act listing: Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic. Accordingly, this benchmark assessment evaluated Atlantic sturgeon on a coastwide level as well as a DPS-level when possible.

Atlantic sturgeon are not well monitored by existing fishery-independent data collection and bycatch observer programs, and landings information does not exist after 1998 due to implementation of a coastwide moratorium. Because of this, Atlantic sturgeon are considered a “data-poor” species which hindered the Stock Assessment Subcommittee’s ability to use complex statistical stock assessment models, particularly at the DPS-level. Based on the models used, the stock assessment indicated the Atlantic sturgeon population remains depleted relative to historic levels at the coastwide and DPS levels. Since the moratorium, the probability that Atlantic sturgeon abundance has increased coastwide is high and total mortality experienced by the population is low. The results are more mixed at the DPS-level due to sample size and limited data, but the Gulf of Maine and Carolina DPS appear to be experiencing the highest mortality and abundance in the Gulf of Maine and Chesapeake Bay DPS is not as likely to be at a higher level since the moratorium.

The Board approved the 2017 Atlantic Sturgeon Benchmark Stock Assessment and Peer Review Reports for management use and discussed the need to support management actions that have contributed to recovery seen to date (e.g., the moratorium, habitat restoration/protection, better bycatch monitoring) and continue to work on improving them (e.g., identifying bycatch and ship strike hotspots and ways to reduce those interactions). It is important to note there has been a tremendous amount of new information about Atlantic sturgeon collected in recent years. Although this does not resolve the issue of the lack of historical data, it certainly puts stock assessment scientists and fisheries managers on a better path going forward to continue to monitor stocks of Atlantic sturgeon and work towards its restoration.

Atlantic sturgeon are managed through Amendment 1 and Addenda I-IV to the Interstate Fishery Management Plan (FMP) for Atlantic Sturgeon. The primary goal of the amendment is to achieve stock recovery via implementation of a coastwide moratorium on Atlantic sturgeon harvest and by prohibiting the possession of Atlantic sturgeon and any parts thereof. The moratorium is to remain in effect until 20-year classes of spawning females is realized and the FMP is modified to reopen Atlantic sturgeon fisheries.

The Atlantic Sturgeon Benchmark Stock Assessment, as well as the Stock Assessment Overview (which is intended to aid media and interested stakeholders in better understanding the Commission’s stock assessment results and process), will be available the week of October 23<sup>rd</sup> on the Commission website, [www.asmfc.org](http://www.asmfc.org), on the Atlantic Sturgeon webpage under stock assessment reports. For more information on the stock assessment, please contact Dr. Katie Drew, Senior Stock Assessment Scientist, at [kdrew@asmfc.org](mailto:kdrew@asmfc.org) and for more information on management, please contact Max Appelman, Fishery Management Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703.842.0740.

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PR17-51

## ***Motions***

**Move to approve the 2017 benchmark assessment for Atlantic sturgeon and peer review for management use.**

Motion made by Mr. Batsavage and seconded by Mr. Grout. Motion approved unanimously.

## **CAPTAIN DAVID H. HART AWARD LUNCHEON (OCTOBER 18, 2017)**

### ***Press Release***

## **ASMFC Presents Paul J. Diodati Prestigious Captain David H. Hart Award**

Norfolk, VA – The Atlantic States Marine Fisheries Commission presented Paul J. Diodati, former Director of the Massachusetts Division of Marine Fisheries (MA DMF), the Captain David H. Hart Award, its highest annual award, at the Commission’s 76<sup>th</sup> Annual Meeting in Norfolk, Virginia. For over four decades, Mr. Diodati has been a prominent figure in the marine fisheries management community throughout New England and along the Atlantic coast. While now retired, the impact of his accomplishments to Atlantic coast fisheries conservation and management will be felt for much longer.



Mr. Diodati’s career in marine fisheries began at MA DMF in 1975 as a contracted sea sampler for northern shrimp. Over the years, he worked his way up through the ranks to Division Director, a position he served in for his final 15 years at DMF. In between, Mr. Diodati served as technical and policy advisor for striped bass and northern shrimp, Sportfish Program Director, and co-creator and co-Chair of the Massachusetts Marine Fisheries Institute. Understanding the need to address user conflicts before they begin, he was heavily involved in the development of the Massachusetts Ocean Management Plan and the Federal Ocean Management Plan. Mr. Diodati closed major data gaps by requiring comprehensive reporting from dealers in 2005 and all commercial harvesters in 2010. In 2009, he was instrumental in establishing the state’s saltwater fishing license.

As Massachusetts’ Administrative Commissioner since 2000, Mr. Diodati chaired numerous management boards, overseeing the development and implementation of interstate management plans for species such as striped bass, shad and river herring. From 2010 – 2013, he provided leadership to the Commission serving as Vice-chair and Chair and worked tirelessly to raise the Commission’s profile both on Capitol Hill and within the Administration – ensuring the 15 Atlantic states were well equipped to tackle both current and emerging issues.

Mr. Diodati’s outsized role at the Commission is not limited to his term as Chair. He also helped to improve coordination and the sharing of information between the states and their federal partners. He had impeccable foresight, as evidenced by his role as a principal supporter of the Atlantic Coastal Cooperative Statistics Program; a Program he would later Chair.

Mr. Diodati’s lifetime has been marked by a commitment to science and sound management and his efforts have been instrumental in improving fisheries programs both in Massachusetts and along the

coast. But his legacy is more than scientific papers, surveys conducted, and recovered species; Mr. Diodati will be remembered for his extraordinary way with people. From recreational and commercial fishermen to his peers at the Commission and New England Fishery Management Council, he was well known and trusted as a coalition builder and deal maker.

In honor of Mr. Diodati's lifelong dedication to the conservation of Atlantic striped bass, his innate ability to sense and adapt to changing winds, and the unerring guidance and direction he provided throughout his long career, Mr. Diodati will receive a striped bass weathervane. Due to unforeseen circumstances, Mr. Diodati was not able to attend the award ceremony. Dr. David Pierce, current MA DMF Director and lifelong friend and colleague of Mr. Diodati accepted the award on his behalf.

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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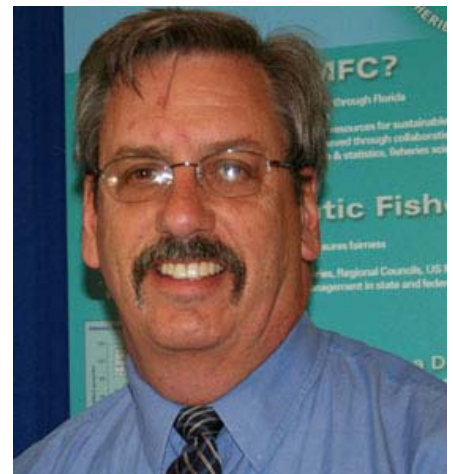
PR17-50

## **BUSINESS SESSION (OCTOBER 18 & 19, 2017)**

### ***Press Releases***

## **James J. Gilmore, Jr. Elected ASMFC Chair**

Norfolk, VA – Today, member states of the Atlantic States Marine Fisheries Commission (Commission) thanked Douglas Grout of New Hampshire for an effective two-year term as Chair and elected James J. Gilmore, Jr. of New York to succeed him.



“I am honored by the support of my colleagues from the 15 Atlantic coast states, and grateful to Doug for shepherding the Commission through two challenging years,” said Mr. Gilmore. “I embrace the challenges that lie ahead and pledge to rise up to the lofty expectations set by my predecessors – especially Doug. Environmental and political threats to fisheries and management for the 15 sovereign coast states have never been greater. As the Commission has always done, we must use these obstacles as stepping stones. I will ensure the voices of our many stakeholders – recreational, commercial, and conservation alike – are heard. The Commission must seek ways to ensure the integrity of our management process is protected, strengthen our collaboration with NOAA Fisheries, and continue forging alliances on Capitol Hill. With all the challenges facing the Commission, it’s all too easy to lose sight of our Vision: *Sustainably Managing Atlantic Coastal Fisheries*. Our Vision must guide the Commission through all its decisions.”

Under Mr. Grout's chairmanship, the Commission made important strides in furthering its strategic goals. The Commission approved new plan amendments for northern shrimp and tautog and, by the end of the year, will likely adopt an important amendment for Atlantic menhaden and a new Cobia

FMP. Commission science staff along with state and federal scientists completed benchmark stock assessments for Atlantic sturgeon, Atlantic croaker, spot, red drum; stock assessment updates for American eel, menhaden and river herring; and regional stock assessments and an assessment update for tautog. All of these have provided much needed insight into the health of these species, as well as identified the continued challenges of assessing fish stocks given limited data and increasingly complex stock assessment models.

The Atlantic Coastal Cooperative Statistics Program (ACCSP) is now fully integrated under the Commission's umbrella. State conduct of the Marine Recreational Information Program's Access Point Angler Intercept Survey is well into its second year and is estimated to have increased the number of angler intercepts by nearly 10%. ACCSP has been collaborating with NOAA Fisheries Greater Atlantic Regional Office on an integrated reporting system, which will allow all related fisheries-dependent data collected from various sources, including vessel, observer, and dealer reports, to be linked. ACCSP has also been working closely with the Mid-Atlantic Council on launching its mandatory for-hire electronic reporting system and have begun discussions with the South Atlantic Council on its efforts to move to for-hire electronic reporting.

The Commission's Habitat Committee and the Atlantic Coastal Fish Habitat Partnership continue to advance our understanding of the importance of the fisheries-habitat connection and provide us and habitat managers with tools to further habitat conservation. The Habitat Committee released the Sciaenid Fish Habitat Source Document, the most comprehensive compilation of habitat information to date on Commission-managed and other common sciaenid species found throughout the Western Atlantic. ACFHP completed its 5-year Conservation Strategic Plan and 2-year Conservation Action Plan which include goals, objectives, strategies, and actions to restore and enhance Atlantic coastal, estuarine, and diadromous fish habitat through conservation, science and data, outreach and communication, and financial initiatives. The Commission's Law Enforcement Committee continued to coordinate enforcement activities directed at illegal glass eel harvest and to respond to lobster industry concerns about illegal activity in federal waters by working with our federal partners to place lobster as a high priority for federal enforcement and joint enforcement agreement activities.

Mr. Gilmore has served as Director of the Division of Marine Resources for New York State Department of Environmental Conservation for the past ten years. As a respected marine scientist and fisheries manager with more than 40 years of experience in both the public and private sector, Mr. Gilmore has built a reputation as a coalition builder and skilled negotiator. Mr. Gilmore is also an Executive Committee member of the New York Sea Grant Board of Directors and holds an adjunct faculty position at SUNY Stony Brook, where he teaches a graduate level fisheries management course. Most importantly, he is an avid marine angler, dividing his efforts between Long Island Sound's south shore and southern New Jersey. Mr. Gilmore received a Bachelor of Arts in Biology from SUNY Plattsburgh and a Master's in Marine Science from SUNY Stony Brook.

The Commission also elected Patrick Keliher, Commissioner of the Maine Department of Marine Resources, as its Vice-Chair.

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PR17-47

## **ASMFC Approves Amendment 3 to the Interstate Fishery Management Plan for Northern Shrimp**

Norfolk, VA – The Atlantic States Marine Fisheries Commission approved Amendment 3 to the Interstate Fishery Management Plan (FMP) for Northern Shrimp. The Amendment is designed to improve management of the northern shrimp resource in the event the fishery reopens (the fishery has been under moratorium since 2014). Specifically, the Amendment refines the FMP objectives and provides the flexibility to use the best available information to define the status of the stock and set the total allowable catch (TAC). Furthermore, the Amendment implements a state-specific allocation program to better manage effort in the fishery; 80% of the annual TAC will be allocated to Maine, 10% to New Hampshire, and 10% to Massachusetts. Fishermen with a trap landings history will continue to operate under gear-specific allocations (i.e., 87% of the state-specific quota will be allocated to the trawl fishery, and 13% to the trap fishery), however, the Section anticipates exploring alternative measures through the adaptive management process that would allow states to modify allocation between gear types on an annual basis. The Section also has the discretion to roll over unused quota from the states of New Hampshire and Massachusetts to Maine by a date determined during annual specifications.

Additionally, the Amendment strengthens catch and landings reporting requirements to ensure all harvested shrimp are being reported, and requires shrimp-directed trawl vessels to use either a double-Nordmore or compound grate system (both designed to minimize the catch of small, presumably male, shrimp). Other changes include the implementation of accountability measures (i.e., penalties if states exceed their quota), specification of a maximum fishing season length, and formalizing fishery-dependent monitoring requirements.

The Section will meet November 29 at the Westin Portland Harborview, Hotel 157 High Street, Portland, ME, to review the 2017 stock status report and set specifications for the 2018 fishing season. For more information, please contact, Max Appelman, FMP Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703.842.0740.

###

PR17-53

## **ASMFC Approves Amendment 1 to the Interstate Fishery Management Plan for Tautog**

Norfolk, VA – The Atlantic States Marine Fisheries Commission has approved Amendment 1 to the Interstate Fishery Management Plan (FMP) for Tautog, which includes new management goals and objectives, biological reference points, fishing mortality targets, and stock rebuilding schedules. The Amendment institutes a fundamental change in tautog management, moving away from coastwide management towards regional management. Specifically, the Amendment delineates the stock into four regions due to differences in biology and fishery characteristics: Massachusetts – Rhode Island (MARI); Long Island Sound (LIS); New Jersey – New York Bight (NJ-NYB); and Delaware – Maryland – Virginia (DelMarVa).



The 2016 stock assessment update indicated that all regions except MARI were overfished, and overfishing was occurring in the LIS and NJ-NYB regions in 2015. As such, LIS and NJ-NYB would be required to take harvest reductions, while MARI and DelMarVa would not have to take harvest reductions, but are proposing regional measures.

Amendment 1 replaces the goal of the FMP to sustainably manage tautog over the long-term using regional differences in biology and fishery characteristics as the basis for management. Additionally, the Amendment seeks to promote the conservation and enhancement of structured habitat to meet the needs of all stages of tautog's life cycle. The plan objectives were modified to achieve this new goal.

Under Amendment 1 the four regions will implement measures to achieve the regional fishing mortality target with at least a 50% probability. No consistent schedule is required to achieve targets, but if the current fishing mortality exceeds the regional threshold, the Board must initiate corrective action within one year. A stock rebuilding schedule can be established via an addendum.

In addition, Amendment 1 establishes a commercial harvest tagging program to address an illegal, unreported and undocumented fishery. The tagging program will be implemented in 2019. Reports of illegally harvested fish have been documented in cases against fishermen, fish houses, and at retail markets and restaurants. The tagging program, which will accommodate both the live and dead commercial markets, was recommended by the Commission's Law Enforcement Committee to increase accountability in the fishery and curb illegal harvest. Tags will be applied by the commercially-permitted harvester at harvest or prior to offloading. Tautog must be landed in the state that is identified on the tag.

The states will submit implementation proposals by December 1, 2017 and all measures in the Amendment except for the commercial tagging program will be implemented by April 1, 2018. The commercial tagging program must be implemented by January 1, 2019.

The final Amendment will be posted to the Commission's website on the Tautog webpage the week of October 31<sup>st</sup>. For more information, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

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PR17-52

### ***Meeting Summary***

The Business Session met to address a number of issues, including the election of a new Commission Chair and Vice-Chair; review and consider approval of the Draft 2018 Action Plan; consider approval of new Amendments to Interstate Fishery Management Plans (FMPs) for Northern Shrimp and Tautog.

By unanimous consent, the Business Session elected James J. Gilmore of New York and Patrick Keliher of Maine as its new Chair and Vice-chair, respectively. It approved the 2018 Action Plan, which guides the activities of Commission programs for fisheries management, fisheries science, law enforcement, habitat conservation, outreach and education, finance and administration and data collection and data management. It approved Amendments to the Interstate FMPs for Northern Shrimp and Tautog (more

detailed information on those amendments can be found in the above press releases). It also directed Commission staff to send a letter to NOAA Fisheries and the New England Fishery Management Council regarding the requirements for size-sorting grates in Amendment 3 to the Northern Shrimp Fishery Management Plan.

For more information, please contact Bob Beal, Executive Director, at [rbeal@asmfc.org](mailto:rbeal@asmfc.org) or 703.842.0740.

### ***Motions***

**Move to approve the 2018 Action Plan on behalf of the Administrative Oversight Committee.**

Motion made by Mr. Gilmore. Motion approved by consent.

**Move the Commission approve Amendment 3 to the Northern Shrimp Interstate Fishery Management Plan.**

Motion made by Mr. Grout and seconded by Mr. Reid. Motion is approved by unanimous consent.

**Move the Commission send a letter to NOAA Fisheries and the New England Fishery Management Council regarding the requirements for size-sorting grates in Amendment 3 to the Northern Shrimp Fishery Management Plan.**

Motion made by Mr. Grout and seconded by Mr. Clark. Motion carries by unanimous consent.

**On behalf of the Tautog Management Board, move the Commission approve Amendment 1 to the Tautog Interstate Fishery Management Plan.**

Motion made by Mr. Nowalsky. Motion carries by unanimous consent.

## **SUMMER FLOUNDER, SCUP AND BLACK SEA BASS MANAGEMENT BOARD (OCTOBER 18, 2017)**

### ***Meeting Summary***

The Summer Flounder, Scup, and Black Sea Bass Management Board met to consider Draft Addendum XXX; receive an update on preliminary recreational harvest estimates through wave 4 (July-August 2017); consider a wave 1 recreational black sea bass fishery for 2018; and consider state compliance and FMP Reviews.

The Board was presented the updated Draft Addendum XXX, which proposes options for management of the recreational black sea bass fishery based on the recommendations of the Black Sea Bass Recreational Working Group. The Draft Addendum offers alternatives for recreational black sea bass regional management and allocations. The main recommendation was to delay considering approval of the Draft Addendum for public comment to allow more time for developing an additional management option focused on improving data collection, compliance with the management measures, and an evaluation of the recreational fishery performance. The Board agreed and will consider the Draft Addendum at the joint meeting with the Mid-Atlantic Fishery Management Council (Council) in December.

The Board received preliminary recreational harvest estimates through wave 4. Coastwide harvest estimates for summer flounder, scup, and black sea bass were below the 2017 recreational harvest

limits for all three species based on the preliminary information, as well as lower than harvest through this wave a year ago. Projections of recreational harvest for all three species will be presented to the Board and Council at their meeting in December as part of the 2018 recreational specification process.

The Board received a presentation on a possible wave 1 recreational black sea bass fishery for 2018. At their meeting last week, the Council approved a recommendation to NOAA Fisheries to open the black sea bass recreational fishery in federal waters for February 2018. As part of the recommendation, the 2018 RHL will be reduced by 100,000 pounds to account for expected harvest during the February season. After discussing the Council's motion and considering the process by which this fishery would be monitored and accounted for, the Board approved the same motion. Adjustments to the 2018 recreational measures to account for this estimated February harvest will be required only of states that participate in the February fishery. State participation will be discussed at the Board and Council joint meeting. As part of the Board and Council's approved motion, management measures for the recreational black sea bass February season (February 1-28) will be a 12.5 inch minimum size limit and 15 fish possession limit per person.

The Board was informed of inconsistencies between the FMP requirements for the scup incidental possession limit and mesh size requirements and Massachusetts' state regulations for participants in the small mesh squid fishery. The Board moved to postpone consideration of the Scup FMP Review and state compliance until the 2018 ASMFC Winter Meeting in order for the state to address the issue. The Summer Flounder and Black Sea Bass FMP Reviews and state compliance will be considered for approval by email vote following the ASMFC Annual meeting.

Last, the Board discussed recent reports of noncompliance in the recreational for-hire fisheries for summer flounder, scup, and black sea bass. The Board moved to task the existing Black Sea Bass Recreational Working Group with developing options aimed at reducing non-compliance in the summer flounder, scup, black sea bass for-hire fisheries.

For more information on summer and scup, please contact Kirby Rootes-Murdy, Senior Fishery Management Plan Coordinator, at [krootes-murdy@asmfc.org](mailto:krootes-murdy@asmfc.org) and for information on black sea bass, please contact Caitlin Starks, Fishery Management Plan Coordinator, at [cstarks@asmfc.org](mailto:cstarks@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Main Motion**

**Move to include a second management issue in Draft Addendum XXX with options aimed to reduce non-compliance in the for-hire fisheries for summer flounder, scup, and black sea bass, including a possible requirement for for-hire permit holders/operators to be held liable for violations of recreational fishing rules occurring during a for-hire trip.**

Motion made by Ms. Meserve and seconded by Mr. Borden.

#### **Motion to Substitute**

**Move to substitute to task our existing working group with developing options aimed at reducing non-compliance in the summer flounder, scup, black sea bass for-hire fisheries.**

Motion made by Mr. Nowalsky and seconded by Mr. Hasbrouck. Motion carries (8 in favor, 2 opposed, 1 abstention, 1 null).

### **Main Motion as Substituted**

**Move to task our existing working group with developing options aimed at reducing non-compliance in the summer flounder, scup, black sea bass for-hire fisheries.**

Motion carries unanimously.

**Move to recommend NMFS open the black sea bass recreational fishery in federal waters from 2/1/18 – 2/28/18 with a minimum size limit of 12.5” and a per person daily possession limit of 15 fish. Based on staff analysis, the 2018 recreational harvest limit that applies to the remainder of the fishing year will be reduced by the preliminary estimate of 100,000 lb to account for expected catch during the February season. Adjustments to the 2018 recreational measures to account for this estimated February catch will be required only of states that participate in the February fishery.**

Motion made by Mr. Nowalsky and seconded by Mr. O’Reilly. Motion carries (5 in favor, 4 opposed, 3 abstentions).

**Move to postpone Board approval of the Scup FMP review and state compliance reports until the Winter Meeting.**

Motion made by Dr. Pierce and seconded by Sen. Boyle. Motion carries (10 in favor, 1 abstention).

## **ATLANTIC STRIPED BASS MANAGEMENT BOARD (OCTOBER 19, 2017)**

### ***Meeting Summary***

As the Atlantic Striped Bass Technical Committee (TC) and Stock Assessment Subcommittee (SAS) continue their work on the 2018 benchmark assessment, they request guidance from the Atlantic Striped Bass Management Board (Board) regarding the management plan objectives to facilitate development of biological reference points (BRPs) that best meet those objectives.

While some Board members are comfortable with the current BRPs, other Board members expressed concern that the BRPs are too conservative for various biological, ecological and socio-economic reasons, and are restricting fishing unnecessarily. These differing opinions raises questions about whether the objectives of the Atlantic Striped Bass Fishery Management Plan (FMP) have changed since the implementation of Amendment 6 in 2003. Determining the best balance between preserving stock biomass and allowing fishing is ultimately a management-level decision. Accordingly, the Board chose to convene a workshop to discuss the direction of management in more detail and to establish a working group of the Board to continue those discussions and provide the necessary guidance to the TC and SAS. The exact timing of the workshop is yet to be determined, but the final guidance to the TC and SAS is expected to occur at the May 2018 Board Meeting, or the August Meeting at the latest. The Board also approved the 2017 FMP Review and State Compliance.

For more information, please contact Max Appelman, Fishery Management Plan Coordinator, at [mappelman@asmfc.org](mailto:mappelman@asmfc.org) or 703-842-0740.

### ***Motions***

#### **Move to approve the 2017 Fishery Management Plan Review and state compliance for Atlantic Striped Bass.**

Motion made by Mr. Luisi and seconded by Mr. Keliher. Motion carries unanimously.

#### **Move to elect Mike Armstrong as Chair of the Atlantic Striped Bass Management Board, and Michelle Duval as Vice-chair.**

Motion made by Mr. White, second by Mr. Allen. Motion carries unanimously.

### **INTERSTATE FISHERIES MANAGEMENT BOARD (OCTOBER 19, 2017)**

#### ***Meeting Summary***

Doug Grout, ASMFC outgoing Chair, presented the Executive Committee Report (see Executive Committee Meeting Summary). Commission leadership will be meeting with the Secretary of Commerce to discuss the noncompliance process, in particular ways to improve the process and make it more transparent. Jason McNamee presented a progress report from the Risk and Uncertainty Workgroup, which was tasked to develop a risk policy for the Commission. The Work Group will present the policy, through an interactive workshop, at the Commission Winter 2018 Meeting in February. The Board received committee reports from the Habitat Committee, Atlantic Coastal Fish Habitat Partnership, and the Law Enforcement Committee (LEC) (see respective meeting summaries in this document).

The Atlantic Herring Section recommended the Commission establish a working group with the New England Fishery Management Council with the goal of improving communication (see Atlantic Herring Committee Meeting Summary). The Board agreed to send a letter to the Council to establish the working group. In addition, the Board will extend a non-voting seat to the Council. Having input from the Council will improve the strength of decisions made by the Section and improve coordination between state and federal water management of Atlantic herring.

The Board discussed recent violations in the for-hire sector where patrons have far exceeded bag limits in addition to possessing undersized fish. Some Commissioners have raised concerns that captains are not being held accountable for activities on their vessel, in particular when flagrant violations occur. Members of the Board recognized captains are not law enforcement and it can be difficult for captains of party boats with a large number of patrons to know everything being caught on Board but vessels should be creating an environment that educates and incentivizes patrons to follow the regulations (e.g. providing the regulations to each patron, marking each patrons cooler, and providing measuring sticks). The LEC discussed the issue earlier in the week. Enforcement officers concluded the ability to charge and prosecute captains or operators along with patrons would help to curtail noncompliance in the for-hire sector. The Summer Flounder, Scup and Black Sea Bass Board established a working group to look at noncompliance and the Policy Board will wait to make any recommendations until after the group has addressed its task.

The Board reviewed a white paper from the Climate Change Working Group which was included in meeting materials. The Climate Change Working Group was tasked with developing science, policy, and management strategies to assist the Commission with adapting its management to changes in species abundance and distribution resulting from climate change impacts. The white paper presents

adaptation strategies as guidelines to assist Boards and Sections in the management of species impacted by climate change, with a focus on stocks with low biomass and allocation. The Board will consider approval of the white paper for species management board use at the February 2018 Board meeting.

The Board received an update from the Assessment Science Committee regarding the new Technical Committee Task Lists included briefing materials. These lists updated and added to the briefing materials for each quarterly Commission meeting. Lists will include all current committee tasks with timelines, assign an activity level, a committee overlap score based on overlap with other TC/SAS, and TC and SAS member lists and their affiliations. The lists are intended to help Boards prioritize and address timeframes when assigning committees additional work.

The Committee on Economics and Social Sciences requested a change in its membership requirements in the ISFMP Charter. The Board agreed to relax requirements to encourage more active participation in drafting management change documents. Staff will work to integrate Board recommendations into ISFMP Charter language. The Board approved two changes in the stock assessment schedule. The shad stock assessment will be moved to 2019 to account for the change from an update to a benchmark stock assessment to incorporate changes in aging. The weakfish assessment update will be moved 2019 to incorporate new MRIP data that will be released in 2018.

For more information, please contact Toni Kerns, ISFMP Director, at [tkerns@asmfc.org](mailto:tkerns@asmfc.org) or 703.842.0740.

### ***Motions***

#### **Main Motion**

**On behalf of the Atlantic Herring Section, I move the Commission to send a letter to the New England Fishery Management Council to establish a Working Group with the goal of improving communication between the two bodies.**

Motion by Mr. White. Motion amended.

#### **Motion to Amend**

**Move to amend to include to provide a permanent non-voting seat to the New England Fishery Management Council on the Atlantic Herring Section.**

Motion by Mr. Reid, seconded by Mr. White. Motion approved by unanimous consensus.

#### **Main Motion as Amended**

**On behalf of the Atlantic Herring Section, move the Commission to send a letter to the New England Fishery Management Council to establish a Working Group with the goal of improving communication between the two bodies and to provide a permanent non-voting seat to the New England Fishery Management Council on the Atlantic Herring Section.**

Motion is approved by unanimous consent.

**Move to approve the recommended changes to the CESS Membership requirements in the ISFMP Charter as modified to reflect the Policy Board discussion today.**

Motion made by Mr. Clark and seconded by Mr. Estes. Motion approved by unanimous consent.

***Press Release***

**ASMFC South Atlantic Board Selects Final Measures  
for the Interstate FMP for the Atlantic Migratory Group Cobia and  
Recommends Final Approval by the Commission**

Norfolk, VA –The Commission’s South Atlantic State/Federal Fisheries Management Board selected final measures for the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group (AMG) Cobia and recommended Commission approval of the FMP at its next Business Session meeting, scheduled for November in Baltimore, MD.

The FMP was initiated in response to recent overages of the federal annual catch limit (ACL) for AMG Cobia. Managing the recreational ACL on a coastwide basis has resulted in federal closures and significant overages in 2015 and 2016, disrupting fishing opportunities and jeopardizing the health of the stock.

The Board-approved FMP complements many of the aspects of the South Atlantic Fishery Management Council’s (SAFMC) cobia regulations from Georgia through New York. The recreational fishery will be managed with a one fish bag limit and minimum size limit of 36” fork length (FL) or total length equivalent. Vessel limits will be determined once individual states set their seasonal restrictions, but may not exceed six fish per vessel. State-specific allocations of a coastwide recreational harvest limit that is equivalent to the federal AMG cobia ACL of 620,000 pounds result in the following state-specific soft targets:

- Georgia: 58,311 pounds
- South Carolina: 74,885 pounds
- North Carolina: 236,316 pounds
- Virginia: 244,292 pounds

Recreational harvest overages of specific-state allocations will be evaluated over a three-year time period. If overages occur, states will be required to adjust management measures to reduce harvest in the subsequent three-year period.

The commercial fishery will maintain the current management measures as implemented through the SAFMC plan and continue to be managed with a 33” FL minimum size limit and 2 fish limit per person, with a 6 fish maximum vessel limit. The federal ACL of 50,000 pounds is allocated to the entire commercial fishery from Georgia through New York. The commercial AMG cobia fishery will close once the ACL is projected to be reached.

The FMP provides the opportunity for states to declare *de minimis* status for their recreational fishery if landings constitute less than 1% of the recreational AMG cobia harvest. States must submit implementation plans to the Commission by January 1, 2018 for Technical Committee review and Board approval at the February 2018 meeting in Alexandria, Virginia. Approved plans must be implemented by April 1, 2018. For more information, please contact Dr. Louis Daniel, Fishery Management Plan Coordinator, at [ldaniel@asmfc.org](mailto:ldaniel@asmfc.org) or 252.342.1478. PR17-54

### **Meeting Summary**

The South Atlantic State/Federal Fisheries Management Board met to review and discuss a number of issues including selection of final measures for the Interstate Fishery Management Plan (FMP) for the Atlantic Migratory Group Cobia; a proposal to re-open Maryland's commercial fishery for black drum in Chesapeake Bay; and annual state compliance with FMPs for black drum, red drum, and spotted seatrout.

The Board reviewed a proposal submitted by Maryland to re-open their commercial black drum fishery in Chesapeake Bay. This historic fishery was closed in the late 1990s to conduct a tagging study to collect biological and movement information and was never re-opened after completion of the study. In 2014, the Interstate Black Drum FMP was approved and required states to maintain current management measures, resulting in a continuation of the commercial closure. The Board approved the initiation of an addendum to the Black Drum FMP that would re-open the Maryland commercial fishery under a 28 inch minimum size and a 10 fish daily vessel limit. The Draft Addendum will be presented to the Board in February 2018. If approved, it will be released for public comment late Winter/early Spring, with final action scheduled for May 2018.

The Board also reviewed annual state compliance with FMPs for black drum, red drum, and spotted seatrout. The Board found all states to be in compliance with the measures included within each species' respective FMP. The Board also revisited a conversation about whether interstate management of spotted seatrout should be continued. Options for future management of spotted seatrout will be explored and reviewed at a later meeting.

For more information, please contact Mike Schmidtke, Fishery Management Plan Coordinator, at [mschmidtke@asmfc.org](mailto:mschmidtke@asmfc.org) or 703.842.0740.

### **Motions**

**Move to initiate an addendum that would allow Maryland to re-open its pre-existing commercial black drum fishery under a 28 inch minimum size and a 10 fish daily vessel limit.**

Motion made by Ms. Fegley and seconded by Dr. Rhodes. Motion passes unanimously.

**Move to accept the 2017 FMP Reviews and State Compliance Reports for black drum, red drum, and spotted seatrout and approve *de minimis* requests for New Jersey and Delaware for both red drum and spotted seatrout.**

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

**Move to adopt Option 2: 36" fork length for recreational minimum size limit options, Option 2: 1 fish per person for recreational bag limit options, and Option 2: up to 6 fish per vessel for recreational vessel limit options.**

Motion made by Mr. Boyles and seconded by Dr. Duval. Motion carries unanimously.

**Move to adopt option 2: soft harvest target for recreational season/allocation options.**

Motion made by Mr. Boyles and seconded by Mr. Woodward. Motion carries unanimously.

**Move to select Sub-option D under Option 2: 5 year/10 year average reference period.**



Motion made by Dr. Duval and seconded by Mr. Cimino. Motion passes (5 in favor, 2 opposed, 3 abstentions).

**Move to adopt Sub-option F under Option 2: 3 years landings monitoring timeframe.**

Motion made by Dr. Duval and seconded by Mr. Boyles. Motion passes unanimously.

**Move to adopt Option 2: 33" commercial minimum size limit under section 4.2.1 and adopt a possession limit of no more than 2 fish per person, not to exceed 6 fish per vessel.**

Motion made by Dr. Duval and seconded by Mr. Boyles. Motion passes unanimously.

**Move to adopt Option 3: a *de minimis* program for recreational fisheries only.**

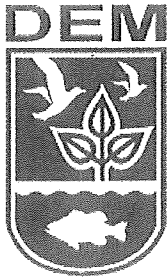
Motion made by Ms. Fegley and seconded by Mr. Woodward. Motion passes unanimously.

**Move to adopt Sub-option B: the ability to match an adjacent non-*de minimis* state and Sub-option D: recreational minimum size of 29".**

Motion made by Ms. Fegley and seconded by Mr. Miller. Motion passes (5 in favor, 1 opposed, 3 abstentions).

**Move to recommend to the Commission the approval of the Cobia Interstate Fishery Management Plan as amended today.**

Motion made by Mr. Boyles and seconded by Dr. Duval. Motion passes with one abstention.



Rhode Island  
Department of Environmental Management

DIVISION OF MARINE FISHERIES

3 Fort Wetherill Road  
Jamestown, RI 02835

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August 17, 2017

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

Re: Graham Watson Lease Application # 2017-07-021

Dear Mr. Beutel:

The Rhode Island Department of Environmental Management (Department), through the Division of Fish and Wildlife (DFW) and Division of Marine Fisheries (DMF), has received and reviewed the application submitted by Graham Watson for a proposed 2.91-acre aquaculture lease in Narragansett Bay for cultivating eastern oysters (*Crassostrea virginica*) and sugar kelp (*Saccharina latissimi*) using floating cages, bottom cages, and suspended longlines.

The DMF and DFW believe that the adverse impacts to marine fisheries and wildlife (including harbor seals) and their habitat from this prospective site would be minimal. While the aquaculture site is located within 2100 ft. from a well-documented harbor seal haul out site off Rome Point, the seasonality of floating cage use is unlikely to disrupt seal behavior, as harbor seals are generally present between late September – early May (Raposa & Dapp 2009). In terms of submerged longlines, there will be overlap in the seals' presence and the kelp growing season, but due to the distance between the aquaculture site and the haul-out site, aquaculture activity is unlikely to alter seal behavior.

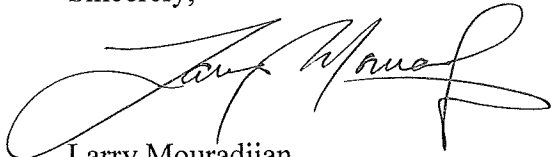
NOAA Fisheries recommends staying at least 50 yards from seals by land or sea in order to avoid Level A Harassment under the Marine Mammal Protection Act (NOAA Fisheries 2016, STB 2017). The distance at which seals become alert and begin to move towards the water can be as much as 500–800 m (Henry & Hammill 2001, Wilson et al. 2011), though the actual distance at which most flushing to the water occurs has varied from study site to site, but has been given as approximately <100m (Wilson 2013, Allen et al 1984, Jackson & Wilson 1990, Calambokidis et al 1991, Brown & Prior 1998, Suryan & Harvey 1999, Henry & Hammill 2001, Johnson & Acevedo 2007, Fox 2008, Jansen et al 2010). The proposed location is greater than 2100 ft. (700 yards; 640 m) from the haul-out site. Although the aquaculture site potentially falls within a range where human activity may attract the attention of hauled-out seals, it is unlikely to cause flushing activity and excess

energy expenditure. Therefore, the gear change is not likely to harm the seals.

The proposed site in this application was shifted between the preliminary determination (Figure 1) and public notice (Figure 2) stages. The new location is closer to shore by approximately 50 ft. Nevertheless, it is still 400 ft. from the shoreline and likely does not limit recreational shellfishing in the area.

As such, the DFW and DMF do not have objections to this application. The Department's acceptance of the current proposal is specific to the location and specifications outlined in the application.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Mouradjan". The signature is fluid and cursive, with a large initial "L" and "M".

Larry Mouradjan,  
Associate Director for Natural Resources

## References:

- Allen SG, Ainley DG, Page GW and Ribic CA. 1984. The effect of disturbance on harbour seal haul out patterns at Bolinas Lagoon, California. *Fish. Bull.* 82(3): 493–499.
- Brown EG and Prior A. 1998. Recreational disturbance to breeding seabirds and seals on Mousa, SSSI. Report to Scottish Natural Heritage, Contract no: HT/97/98/33.
- Calambokidis J, Jeffries SJ, Huber H, Steiger G and Evenson J. 1991. Censuses and disturbance of harbor seals at Woodward Bay and recommendations for protection. Final report prepared for Washington Department of Natural Resources, Olympia, Washington by Cascadia Research Collective, Olympia, Washington and Washington Department of Wildlife.
- Fox, KS. 2008. Harbor seal behavioural response to boaters at Bair Island refuge. Master's theses, paper 3591, San Jose State University.
- Henry E and Hammill MO. 2001. Impact of small boats on the haulout activity of harbour seals (*Phoca vitulina*) in Métis Bay, St Lawrence Estuary, Québec, Canada. *Aquatic Mammals* 27(2): 140–148.
- Jackson, DB and Wilson SC. 1990. Tees Seals programme: the feasibility study. Final report to Teesside Development Corporation. David Bellamy Associates.
- Jansen JK, Boveng PL, Dahle SP and Bengston JL. 2010. Reaction of harbour seals to cruise ships. *J. Wildlife Management* 74(6): 1186–1194.
- Johnson A and Acevedo-Gutiérrez A. 2007. Regulation compliance by vessels and disturbance of harbour seals (*Phoca vitulina*). *Can. J. Zool.* 85: 290–294.
- Raposa, KB and Dapp, RM. 2009. A protocol for long-term monitoring of harbor seals (*Phoca vitulina concolor*) in Narragansett Bay, Rhode Island.
- NOAA Fisheries. 2016. Feeding or Harassing Marine Mammals in the Wild is Illegal and Harmful to the Animals. <http://www.nmfs.noaa.gov/pr/dontfeedorharass.htm>
- Save the Bay. 2017. Narragansett Bay Seal Monitoring. 1:1.
- Suryan RM and Harvey JT. 1999. Variability in reactions of Pacific harbour seals, *Phoca vitulina richardsi*, to disturbance. *Fish. Bull.* 97: 332–339.
- Wilson S, O'Malley D, Cassidy D and Clarke D. 2011. Surveying the seals of Carlingford Lough –a preliminary study 2008–11. Report to the Loughs Agency (N.Ireland), December 2011.
- Wilson, S. 2013. The impact of human disturbance at seal haul-outs: A literature review for the Seal Conservation Society. Tara Seal Research report. <http://www.pinnipeds.org/attachments/article/199/Disturbance%20for%20SCS%20-%20text.pdf>

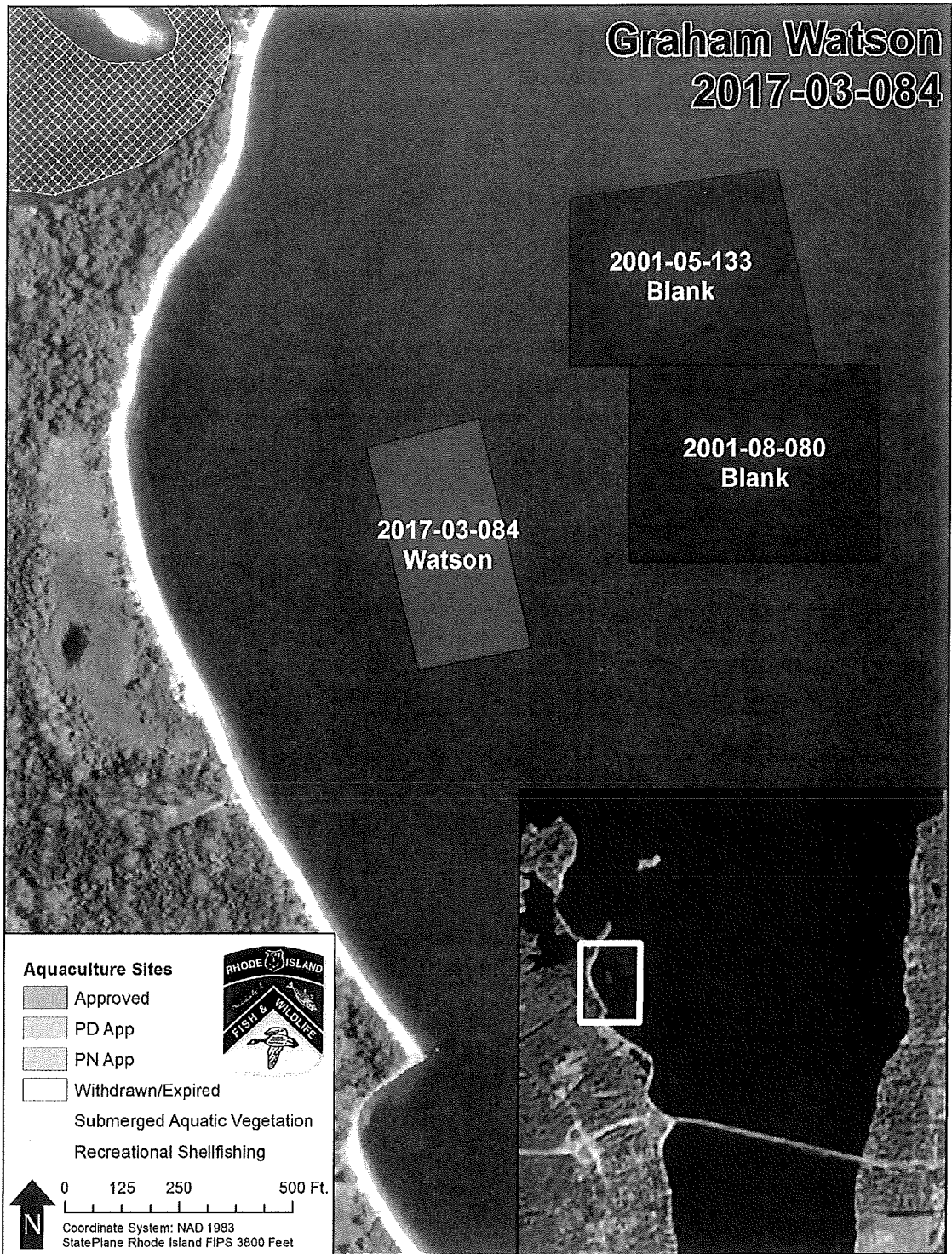


Figure 1. Map of proposed site at the preliminary determination stage

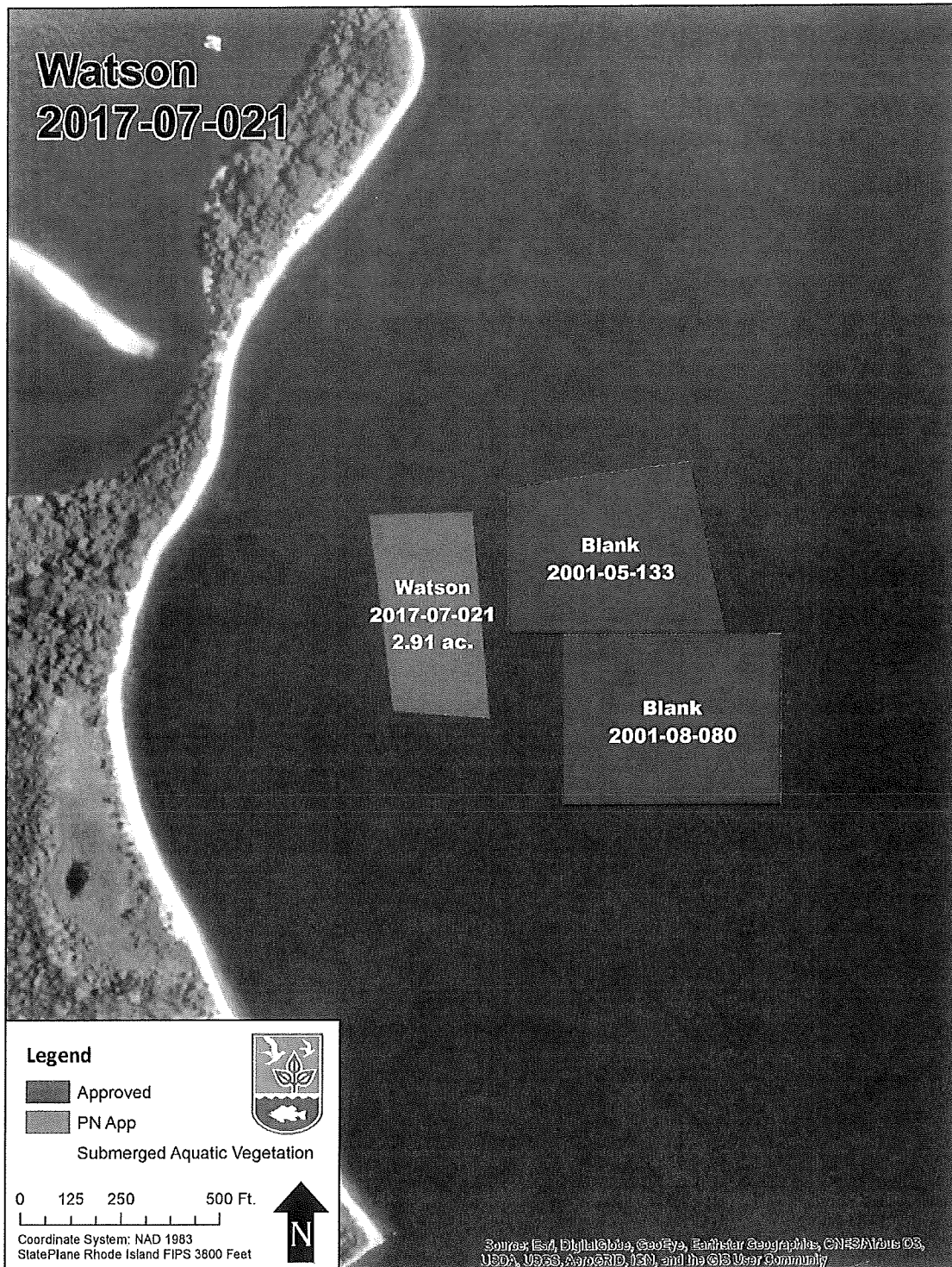


Figure 2. Map of proposed site at the public notice stage