



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

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

MEETING NOTICE

Revised Agenda

RI Marine Fisheries Council

December 7, 2015 – 6:00 PM

URI Narragansett Bay Campus, Corless Auditorium

South Ferry Road, Narragansett, RI

| Agenda item | ePacket Attachment(s) | Recommended action(s) |
|--|--|---|
| 1. Approval of tonight's agenda | <ul style="list-style-type: none"> Tonight's agenda | Approval of agenda and/or recommendations for modifications. |
| 2. Approval of minutes from last meeting | <ul style="list-style-type: none"> Meeting minutes 10-5-15 | Approval of minutes and/or recommendations for modifications. |
| 3. Public Comments on any items not on agenda | N/A | Discussion and/or possible future action. |
| 4. <u>Public Hearing (11/16) Items:</u> <ul style="list-style-type: none"> <u>Commercial Fluke:</u> <i>J. McNamee</i> <u>Commercial Bluefish:</u> <i>J. McNamee</i> <u>Commercial Scup:</u> <i>J. McNamee</i> <u>Commercial Black sea bass:</u> <i>J. McNamee</i> <u>General edits to Finfish regulations:</u> <i>J. McNamee</i> <u>Part I – Definition of Terms:</u> <i>J. McNamee</i> | <ul style="list-style-type: none"> Workshop presentation Public Notice Proposed Fluke regulations Proposed Bluefish regulations Proposed Scup regulations Proposed Black sea bass regulations Proposed general edits to Finfish regulations Proposed definitions Proposed additional definitions and amendments to Finfish regs from the Division of Law Enforcement Written comments received Summary of oral comments | Provide recommendations to the Director on hearing items. |
| 5. <u>Advisory Panel Reports:</u> <ul style="list-style-type: none"> <u>Shellfish (12/1):</u> <i>J. Grant</i> | <ul style="list-style-type: none"> Meeting Minutes. | Accept report |
| 6. <u>Aquaculture Lease applications:</u> <ul style="list-style-type: none"> Peet Optom-Himmel | <ul style="list-style-type: none"> Peet application Opton-Himmel application | Recommendation to object or not to object to proposal to CRMC; or remand to SAP for further deliberation. |

| | | |
|--|--|---|
| 7. Presentation of RI Saltwater Recreational Fishing License Program Report – J. Lake | <ul style="list-style-type: none"> • Presentation • Draft Report • RIGL 20-2.2-10 | Determination as to whether program is meeting its intended purpose per RIGL 20-2.2-10. |
| 8. FYI <ul style="list-style-type: none"> • NEFMC Newsletter • ASMFC Meeting Summary • 2016 Meeting Schedule • Draft Council policy documents | <ul style="list-style-type: none"> • NEFMC Newsletter • ASMFC Meeting Summary • 2016 Meeting Schedule | FYI, discussion, and/or consideration of future actions. |
| 9. Other matters that Council members would like to discuss. | | FYI, discussion, and/or consideration of future actions. |

All RIMFC Meetings are open to the public

Posted 12/04/2015



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

MEETING MINUTES

October 5, 2015

Chairperson: *B. Ballou*

RIMFC Members Present: *R. Hittinger, D. Monti, J. Grant, A. Dangelo, C. Rein*

DEM: *G. Powers, J. McNamee, S. Olszewski, E. Schneider, P. Duhamel, D. White (DLE)*

DEM Marine Fisheries Interns:

Public: 1 person in attendance.

- 1) **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda. *J. McNamee* offered that the recommended action item for agenda item 4a. be modified such that Council recommendations were not being sought for each endorsement category, but only for those that were included as proposed amendments to the Licensing regulations, and which were specifically addressed as part of the September public hearing; but also that comments were also sought on each of the plans. Hearing no objections to the proposed modification, the revised agenda was approved.
- 2) **Approval of RIMFC meeting minutes from August 25, 2015:** *B. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
- 3) **Public comments regarding other matters not on agenda (added agenda item as inadvertently omitted in preparation of agenda):** No comments were offered by the public.
- 4a) **2016 Finfish, Shellfish, and Crustacean Sector Management Plans:**
B. Ballou provided an overview of the recently passed LEAN legislation and its effect of having eliminated the requirement to file these plans as regulation with the RI Secretary of State. He offered that the process of the Division preparing the plans, soliciting comment from the Council and public, and timeframes for adoption will remain unchanged, resulting in no changes to the Council's role.

J. McNamee provided the presentation on each of the plans and endorsement categories, and the Division and IAC recommendations for each species and/or endorsement, which was also presented at the September public hearing as part of the proposed amendments to the Licensing regulations. Upon conclusion of the presentation, no further discussion ensued with these plans.
- 4b) **Public Hearing Items - September 21st public hearing:**

1. **Hearing item #1: Proposed amendments to “RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”:**

a. **Exit/entry ratios for quahaug and soft-shell clam endorsement:**

J. Lake provided an overview of the 2 endorsement categories that were subject of the proposed amendment – Quahaug and Soft-shell clam, and the Division’s and IAC’s recommended options for the exit/entry ratios for each endorsement (Option 1/Division = 2:1 for Quahaug (from 1:1), 5:1 for SS Clam (status quo); Option 2/IAC = 2:1 for Quahaug; 1:1 for SS Clam. He offered that the IAC motion to change the SS Clam ratio to 1:1 was made from a recommendation that people should have the opportunity to buy a SS clam license, and that the fishing effort would be governed by the availability of the resource, and that the current low stock status of SS clams would result in low effort. ***C. Rein offered a motion to recommend the Division’s proposal for both the Quahaug and SS Clam endorsements; 2nd by J. Grant. The motion passed 5 – 0.***

b. **Procedures for adopting Sector Management Plan:**

J. Lake provided an overview of proposal and the LEAN legislation that resulted in the plans no longer filed as regulation. ***D. Monti offered a motion to recommend the Division’s proposal for both the Quahaug and SS Clam endorsements; 2nd by R. Hittinger. The motion passed 5 – 0.***

c. **Issuance of new licenses upon sale of vessel and gear (section 6.7-8):**

J. Lake provided an overview of proposal, the language originating with the office of Boating and Registration and supported by the Division. He offered that the language is meant to clarify the requirement for sale of a business, and that the sale must involve only the vessel that was involved in fishing activity, and that if the vessel changes, at least half of the fishing activity must be attributable to vessel involved in the sale. He indicated that the office of Boating and registration’s current standard operating procedure is to deny any application for a sale of a business that does not involve the vessel which was involved in establishing the activity standard. Those applicants are referred to the Department’s appellate process. He offered that the language is meant to clarify the division’s intentions and thus avoid future appeals. He offered that the IAC was opposed and to any provision which attaches fishing activity to a vessel rather than a person. *P. Duhamel* that 2 public hearing comments were offered that were both in opposition to the proposal. Providing an answer to *J. Grant*, *J. Lake* offered that the language is only meant to offer clarification that the sale of the business must involve an actively fishing vessel. *C. Rein* asked why the vessel need be part of the sale. *B. Ballou* offered that the statute is unclear as to the specific vessel that must be involved in the sale of the business. *J. McNamee* offered that industry feels the language is overly restrictive in terms of what items constitute the business, and is therefore overly and unnecessarily restrictive how the business sale may occur. Discussion ensued regarding sale of licenses involving a structure (building or vessel). *C. Rein* offered that it would seem logical that the business sale should include a vessel that is capable of being used for the type of license and

fishery; that a small boat shouldn't be involved in a fishery that is a much larger operation. *J. Grant* offered that licensing of individuals is problematic when attempting to manage by vessel, and that licensing of vessels could potentially solve the problem. ***R. Hittinger* offered a motion to recommend adoption of the language as proposed; 2nd by *D. Monti*.** Discussion continued regarding clarification of the vessel that must be included in the sale. *J. McNamee* offered that the clarification is meant to prevent an increase in activity that had not been previously permitted; to which *J. Grant* also iterated. **The motion passed 5 – 0.**

- d. Date for submittal of Student Shellfish licenses (sections 5, 6.7-3, and 6.8-5):
J. Lake provided an overview of proposal that the regulation is meant to sync with recently passed legislation. ***R. Hittinger* offered a motion to recommend adoption of the language as proposed; 2nd by *D. Monti*.** The motion passed 5 – 0.

2. **Hearing Item #2: Proposed amendments to “RIMFR - Aquaculture Marine Species in Rhode Island Waters”:**

J. McNamee offered a brief summary of the rationale for the proposed amendments; that of identification in the state Shellfish Management Plan to clarify and update roles of DEM and CRMC regarding aquaculture application review and permitting.

- a. Proposed definitions (new section 7):

B. Ballou offered that comments were received; to which *J. McNamee* offered Division support and amended language from *J. Mercer* as follows:

“Harvest” means the act of removing shellstock ~~for the purpose of human consumption from the waters of growing areas~~ **with the intention of not returning to the water after husbandry practices.** ~~Harvest includes placement of shellfish that has been removed for the purpose of human consumption on or in a manmade conveyance, or other means of transport.~~ Harvest commences when the first shellfish ~~intended for human consumption~~ **not returned to the water** is removed from the water on any given day, or is exposed by the receding tide.

"Operational plan" means a written plan filed with CRMC and, approved by DEM ~~and DOH~~ prior to its implementation....

Regarding the definition of “operational plan”, *P. Duhamel* offered that through his conversations with *J. Mercer* that “DEM” should remain in the definition as plan is approved by DEM by default via the issuance of the DEM aquaculture license.

***J. Grant* offered a motion to recommend adoption of the language as proposed and revised by the Division in response to public comment (as specified above); 2nd by *D. Monti*.** The motion passed 5 – 0.

- b. Clarifying and updating permitting and submission requirements (new section 8.0):

J. McNamee offered a summary of the proposal. *B. Ballou* offered that the regulations were thoroughly vetted by industry and that lack of public comment indicates support as proposed. ***R. Hittinger* offered a motion to recommend adoption of the amendments as proposed; 2nd by *A. Dangelo*. The motion passed 5 – 0.**

- c. Clarifying submission requirements for the shipment and importation of shellfish seed (new section 9.2):

B. Ballou offered that a comment was received regarding proposed section 9.2.1, to which *P. Duhamel* offered the Division’s support per conversation with *J. Mercer* and offered the following revised language:

All persons wishing to import shellfish seed must submit a written request **or email** to the Aquaculture Coordinator of CRMC at least five working days prior to entry into the state. Such request to be mailed to Coastal Resources Management Council, Stedman Government Center, Suite 3, 4808 Tower Hill Road, Wakefield, RI 02879.

Regarding section 9.7 for which comment was received, *P. Duhamel* offered the Division’s support for removal of the word “any” in 2 locations in the rule, and offered the following revised language per conversation with *J. Mercer*:

9.7 6.6.8Transfer of seed from other than approved waters: Shellfish seed cultured in other than approved waters **may in accordance with a CRMC permit must** be transferred by the aquaculturist to an approved aquaculture lease in approved waters in accordance with ~~the terms of the an~~ approved **assent, license, and** operational plan; ~~with DEM Division of Fish and Wildlife and Division of Law Enforcement notification~~ **prior to the shellfish exceeding the seed size limit**. If more than 10 percent of the cultured shellfish within a lot or batch exceed the ~~definition of~~ seed **size limit** (in the case of quahaugs, if **any** exceed 20 mm; and in the case of oysters, if **any** exceed 32 mm), they shall not be moved from other than approved waters to an approved growing area without prior permission of the DEM Director and the DOH. (Note: entire sentence removed as definition of seed is provided in the regulation)

***J. Grant* offered a motion to recommend adoption of the language as proposed and revised by the Division in response to public comment (as specified above); 2nd by *C. Rein*. The motion passed 5 – 0.**

- d. Reduce the time period requirement for the harvest of shellfish transferred from other than approved waters as seed (new section 9.8):

J. McNamee offered a summary of the proposal, and that the matter was thoroughly vetted by FDA, DOH, and DEM Water Resources.

Regarding the public comment received to allow for changes at the ISSC level to be automatically incorporated into DEM regulations without hearing or notice, *G. Powers* offered that such is statutorily prohibited and cannot therefore be accommodated.

C. Rein offered a motion to recommend adoption of the amendment as proposed; 2nd by D. Monti. The motion passed 5 – 0.

e. Updating tagging requirements (new section 11.1):

J. McNamee offered a summary of the proposal. **D. Monti offered a motion to recommend adoption of the amendment as proposed; 2nd by J. Grant. The motion passed 5 – 0.**

f. General editing to improved readability (entire regulation):

J. McNamee offered a summary of the proposal. Regarding comment received for proposed section 12.0, Temperature Control of Shellfish, where the comment recommended replacing “oyster” with “shellfish, *J. McNamee* offered that “shellfish” is overly broad in terms of aquaculture and that it was however appropriate to change to “oysters and quahaugs”:

12. Temperature Control of Shellfish:

12.2 Harvest of oysters **and quahaugs** annually from September 15 through June 30 inclusive: The maximum allowable time between the harvest of shell stock and delivery to a dealer shall be twelve hours. Possession of shell stock by anyone other than a licensed dealer in excess of twelve (12) hours is prohibited. This maximum allowable time may be reduced by DEM, via emergency regulation, in certain harvest areas if environmental changes necessitate such adjustment.

12.3 Harvest of Oysters **and quahaugs** ~~outside of designated Temperature Control or Thermally Impacted areas~~ annually from July 1 through September 14 inclusive:

12.3.1 All oysters **and quahaugs** harvested shall be transferred to a licensed dealer within five (5) hours of the commencement of harvest

12.3.2 All harvested oysters **and quahaugs** shall be subject to shading immediately upon harvest.

2.3.3 All oysters **and quahaugs** that are removed from the water for less than twelve (12) hours for husbandry purposes must be re-submerged for no less than forty-eight (48) hours before harvest.

12.3.4 All oysters **and quahaugs** that are removed from the water for twelve (12) hours or greater for husbandry purposes must be re-submerged for no less than seven days (168 hours) before harvest.

12.3.5 All oysters **and quahaugs** that are exposed to air drying must be re-submerged for no less than seven days (168 hours) before harvest.

12.3.6 ~~In addition to the requirements of Rule 6.9.4 above,~~ All oysters **and quahaugs** harvested from a Designated Temperature Control or Thermally

Impacted area shall **also** be harvested in compliance with one of the following requirements:

(A) Harvesters shall terminate all harvest activities and all harvested oysters **and quahaugs** must be transferred to a dealer or placed in mechanical refrigeration or adequately iced by 11:00 a.m. between the dates of July 1st and August 31st, inclusive; and by noon between September 1 and September 14th, inclusive. **Upon being placed in mechanical refrigeration or adequately iced**, oysters **and quahaugs** must remain under temperature control ~~or adequately iced~~ until transferred to a licensed dealer.

(B) Oysters **and quahaugs** that are harvested after the times specified in ~~Rule 6.9.5.1.1~~ **this section** must be delivered to a licensed dealer within two (2) hours of the commencement of harvest; or placed in mechanical refrigeration or adequately iced within two (2) hours of the commencement of harvest until the oysters **and quahaugs** are transferred to a licensed dealer.

***J. Grant* offered a motion to recommend adoption of the amendment as proposed and revised as shown above in response to comments received at the public hearing and discussion at the Council meeting; 2nd by *C. Rein*. The motion passed 5 – 0.**

3. **Hearing item #3: Proposed repeal of “RIMFR – Marine Fisheries Council”:**

J. McNamee offered a summary of the proposal and the LEAN legislation that resulted in the proposal. ***A. Dangelo* offered a motion to recommend repeal of the regulation as proposed; 2nd by *D. Monti*. The motion passed 5 – 0.**

4. **Hearing item #4: Proposed repeal of 2015 Finfish, Shellfish, and Crustacean Sector Management Plans:**

J. McNamee offered a summary of the proposal and the LEAN legislation that resulted in the proposal. ***D. Monti* offered a motion to recommend repeal of the regulation as proposed; 2nd by *R. Hittinger*. The motion passed 5 – 0.**

5. **Hearing item #5: Proposed amendments to RIMFR – Lobster, Crabs, and Other Crustaceans” to correct the minimum escape vent size and season closure dates for LCMA 4 for compliance with ASMFC:**

J. McNamee offered a summary of the proposal. ***R. Hittinger* offered a motion to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. *P. Duhamel* offered that a public comment was received in opposition to any closed season, to which *B. Ballou* replied that such would not be ASMFC compliant. The motion passed 5 – 0.**

4c) **SAP and IAC Advisory Panel reports:** For the IAC meeting, discussion ensued regarding Licensing regulations re-structuring. For the SAP meeting, *J. Grant* offered that the aquaculture reviews were forwarded to the CRMC.

B. Ballou inquired as to any objections with accepting the reports; hearing none the reports were accepted for placement on file.

4e) **SAP applications:** *D. Monti* offered a motion to recommend appointment of both applicants, Mr. Roger Tellier and Mr. Richard Pastore; 2nd by *R. Hittinger*. The motion passed 5 – 0.

4e) **Winter Harvest Schedules in Shellfish Management Areas:**

E. Schneider offered a summary of the proposed schedule, and that the SAP voted to recommend the schedule as proposed. *J. Grant* offered a motion to recommend adoption of the amendment as proposed; 2nd by *C. Rein*. The motion passed 5 – 0.

5a) **Extension of the Bissel Cove/Fox Island Shellfish Mgmt. Area oyster moratorium:**

E. Schneider offered a summary of the proposal and recent findings by the Division regarding status of the resource in this mgmt., and that the SAP voted to recommend a 5 year extension as proposed by the Division. *C. Rein* offered a motion to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. The motion passed 5 – 0.

J. McNamee then inquired as to the Council's support of restoration efforts by TNC and supported by the Division. He offered that it might be helpful to receive such support in the form of a letter to the CRMC as the matter will be heard (hearing?) by the CRMC later in October. Upon conclusion of the discussion, the Council determined that more specific information and timeframes would be needed before providing such a letter.

5b) **Draft Council documents:**

B. Ballou provided a date of November 13 to provide comments in order for revised drafts to be developed for review and possible adoption at the December 7 Council meeting.

Meeting adjourned at approximately 8:25

Prepared by *P. Duhamel*

RI Department of Environmental
Management

Marine Fisheries

**INFORMATIONAL PRE-HEARING
WORKSHOP**

November 16, 2015



Marine Fisheries Informational Workshop – Rules of Engagement

- ◆ RIDFW staff will provide presentation on each of the proposed regulation amendments;
- ◆ Please hold all questions until the end, presentations are relatively brief and we can go back when complete;
- ◆ 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 that follows the workshop.
- ◆ Refer to full annotated regulations provided in public notice and Division website;
- ◆ Public comment period will end at 4:00PM on Thursday, November 26th.



Workshop/Public Hearing Items

1) Proposed amendments to RIMFR “Finfish”:

- a) Commercial management of Summer Flounder;
- b) Commercial management of Bluefish;
- c) Commercial management of Scup;
- d) Commercial management of Black Sea Bass;
- e) Editing.

2) Proposed amendment to RIMFR “Legislative Findings”.



Hearing Item 1a: Commercial management of Summer Flounder

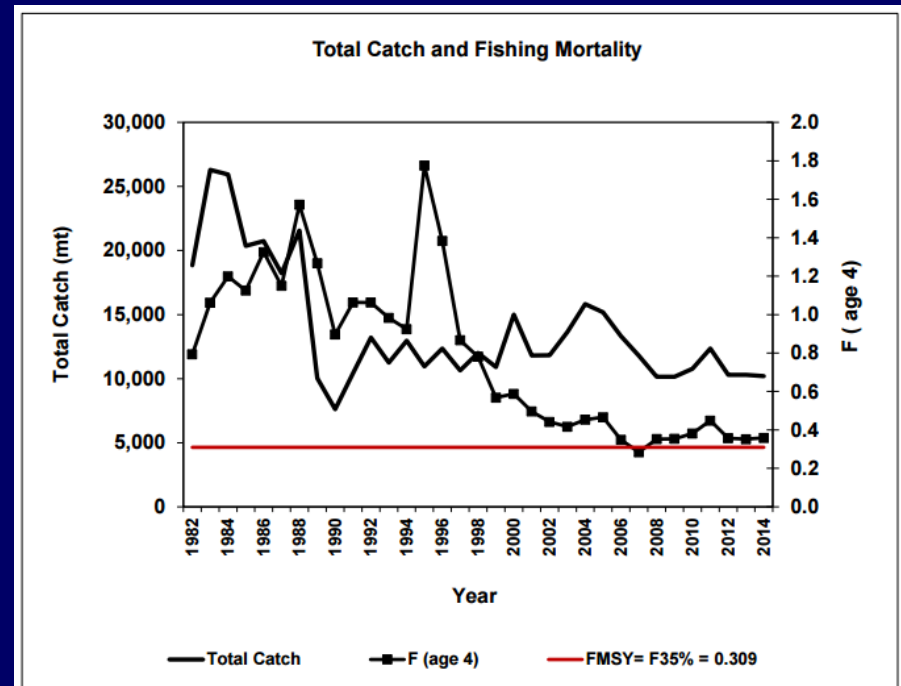
- ◆ Summary of Stock Status
- ◆ 2015 Rhode Island Commercial Fishery Performance
- ◆ Recommendations for the 2016 Summer Flounder Fishery



Hearing Item 1a: Commercial Summer Flounder

◆ Stock Status:

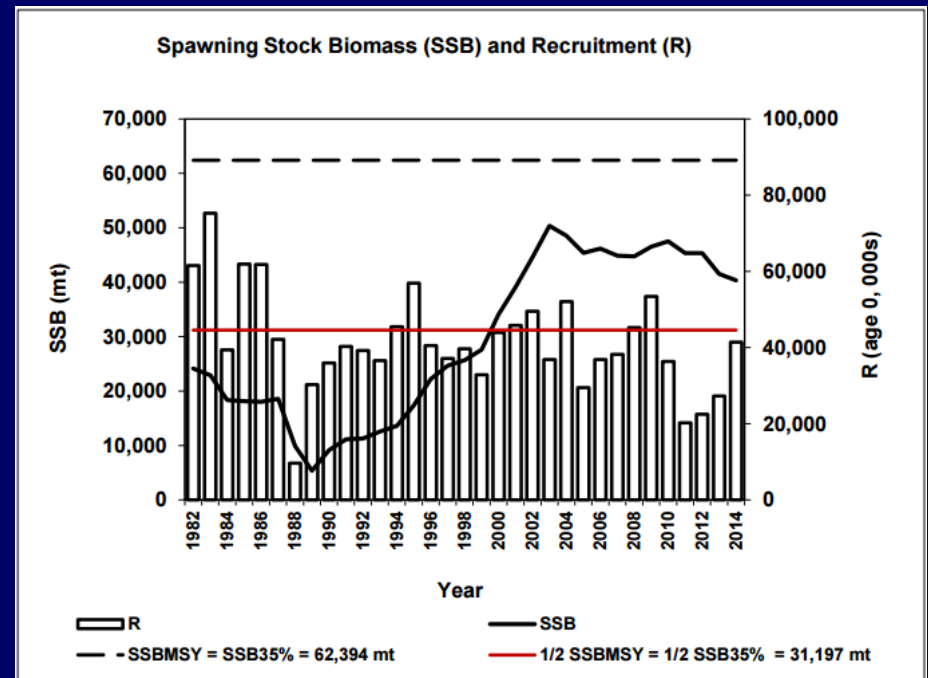
- Update in 2015: based on SAW/SARC 57 assessment
- The summer flounder stock is not overfished, but overfishing is occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.359 in 2014, above the threshold F reference point = 0.309 (also above F target = 0.255).



Hearing Item 1a: Commercial Summer Flounder

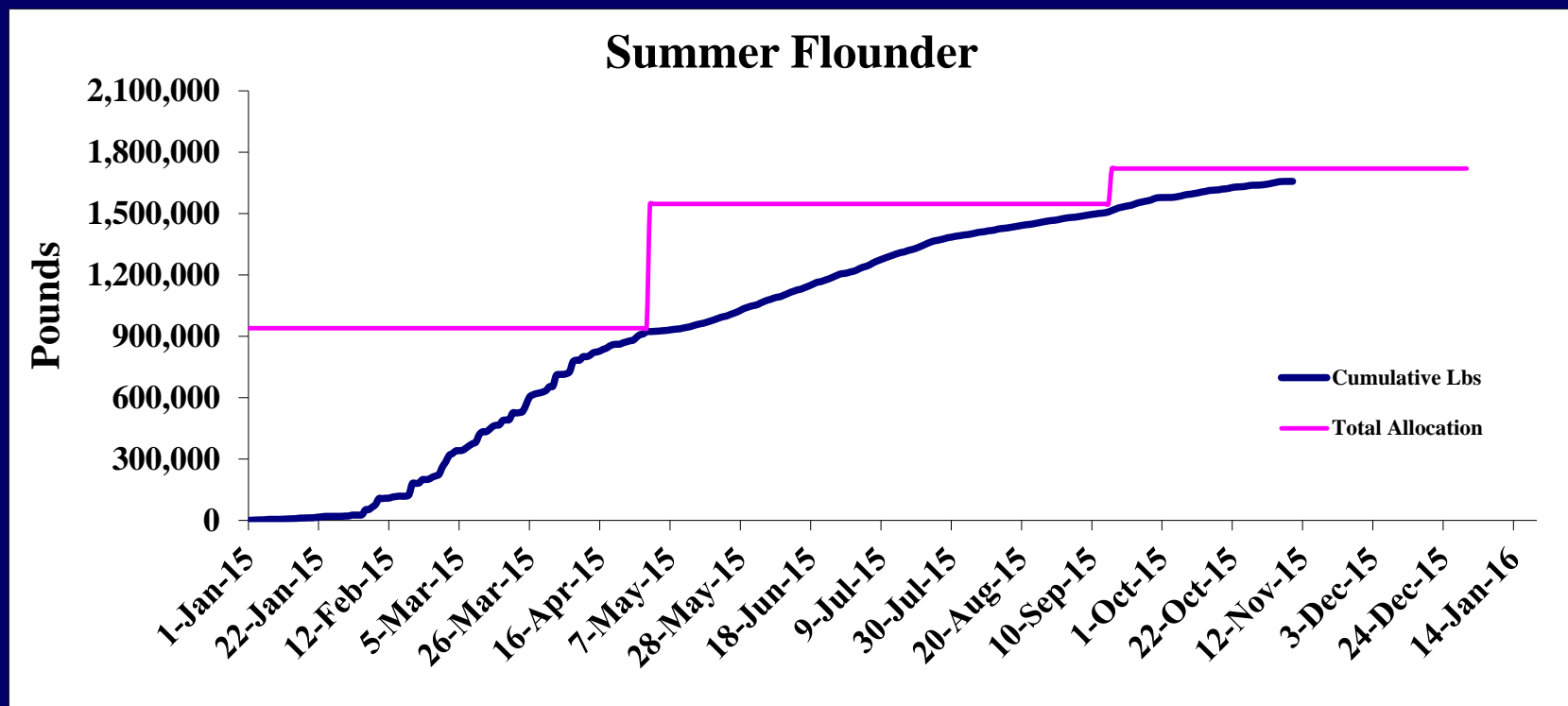
◆ Stock Status cont'd:

- SSB estimated to be 88.96 m lbs in 2014, below the SSB reference point = 137.6 m lbs but above the SSB threshold = 66.2 m lbs.
- The 2014 year class is currently estimated to be about 41 million fish, at the average of 42 million fish.
- A retrospective pattern in recruitment is evident, the 2008 and 2009 large year classes have dropped significantly in recent updates.



Hearing Item 1a: Commercial Summer Flounder

- ◆ To date, no commercial fishery closures.



Hearing Item 1a: Commercial Summer Flounder

- 2016 Projected Commercial Quota = decrease of 445,538 lbs (~ 30%).

| Sub-period | Quota | 2015 Poundage | 2016 Projected Poundage |
|--------------|-------------|------------------|-------------------------|
| Winter | 54% | 939,438 | 688,009 |
| Summer | 35% | 607,233 | 445,932 |
| Fall | 11% | 172,958 | 140,150 |
| Total | 100% | 1,719,629 | 1,274,091 |



Hearing Item 1a: Commercial Summer Flounder

◆ Proposed Management Options:

- Option 1: Status quo.
- Option 2: Reduction in starting possession limits to account for 30% decrease in quota in 2016

| | Min. size | Quota | Sub-period | Poss. limit (lbs/vsl/day) | Aggregate poss. (lbs/vsl/wk) |
|------------------------|-----------|-------|---------------------|---------------------------|------------------------------|
| Status Quo | 14" | 54% | Winter (1/1 – 4/30) | 200 lbs | 2,000 |
| | | 35% | Summer (5/1 – 9/15) | 100 lbs | 700 |
| | | 11% | Fall (9/16 – 12/31) | 200 lbs | No aggregate |
| <u>Option 2</u> | 14" | 54% | Winter (1/1 – 4/30) | 200 lbs | <u>1,400</u> |
| | | 35% | Summer (5/1 – 9/15) | <u>50 lbs</u> | <u>350</u> |
| | | 11% | Fall (9/16 – 12/31) | <u>100 lbs</u> | No aggregate |



Hearing Item 1a: Commercial Summer Flounder

- ◆ Additional Industry proposal submitted:
 - Goal: Keep open year round with no closures;
 - Allow possession limit to drop below 50 lbs per day;
 - Potentially close 1 day per week, namely Friday.



Hearing Item 1b: Commercial management of Bluefish

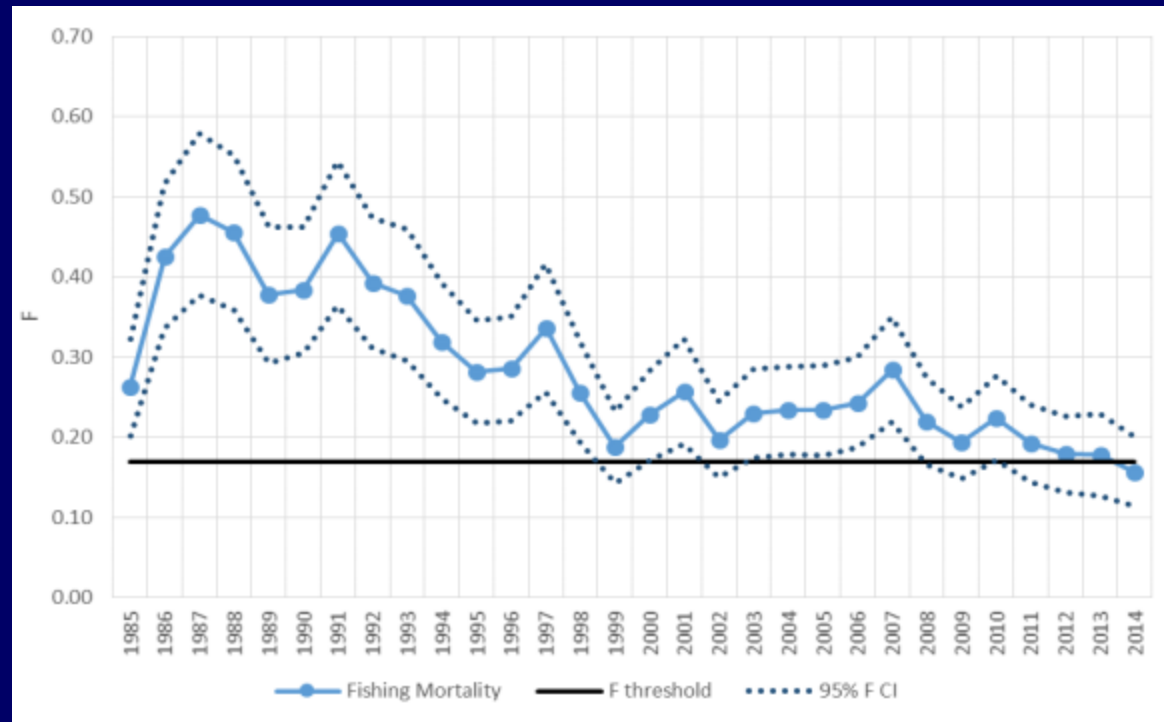
- ◆ Summary of Stock Status
- ◆ 2015 Rhode Island Commercial Fishery Performance
- ◆ Recommendations for the 2016 Commercial Bluefish Fishery



Hearing Item 1b: Commercial Bluefish

◆ Stock Status:

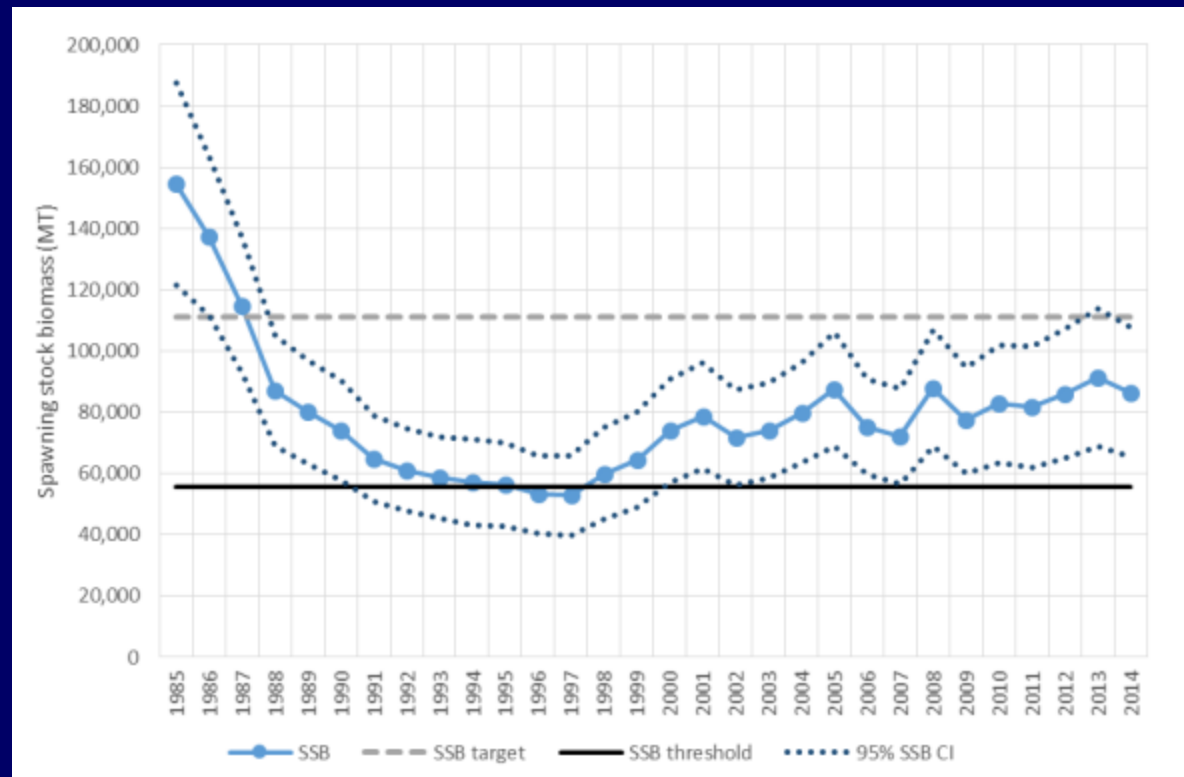
- Benchmark in 2015.
- The bluefish stock is not overfished, and overfishing is not occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.157 in 2014, below the threshold F reference point = 0.19.



Hearing Item 1b: Commercial Bluefish

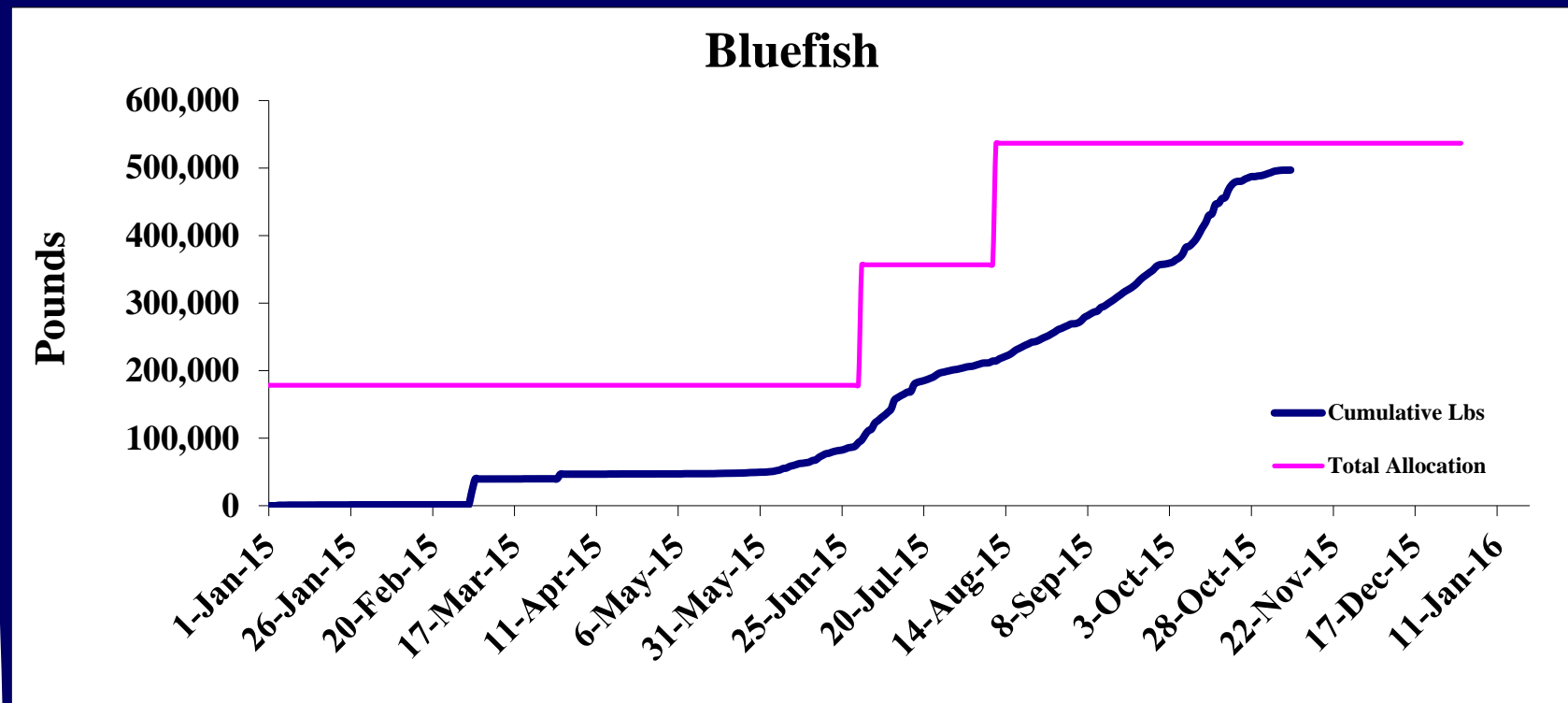
◆ Stock Status cont'd:

- Biomass estimated to be 207.96 m lbs in 2014, above the Biomass threshold = 162.1 m lbs but below the Biomass target of 324.19 m lbs.
- The 2014 year class is currently estimated to be about 29.6 million fish, above the median.



Hearing Item 1b: Commercial Bluefish

- ◆ To date, no commercial fishery closures, however transfers needed from other states.



Hearing Item 1b: Commercial Bluefish

- 2016 Projected Commercial Quota = decrease of 35,683 lbs (~ 10%).

| Sub-period | Quota | 2015 Poundage | 2016 Projected Poundage |
|--------------|-------------|----------------|-------------------------|
| 1/1 – 6/30 | 50% | 178,413 | 160,572 |
| 7/1 – 12/31 | 50% | 178,413 | 160,571 |
| Total | 100% | 356,826 | 321,143 |



Hearing Item 1b: Commercial Bluefish

◆ Proposed Management Options:

- Option 1: Status quo
- Option 2: Remove seasons and adopt year round possession limit

| | Sub-period | Allocation | Poss. Limit |
|------------------------|--|--|---|
| Status Quo | 1/1 – 6/30 | 50% of the annual quota | Unlimited |
| | 7/1 – 12/31 | 50% of the annual quota | Unlimited |
| <u>Option 2</u> | <u>1/1 –</u> <u>12/31</u> | <u>100%</u> of the annual quota | <u>3,500</u> <u>lbs/vsl/week</u> |



Hearing Item 1b: Commercial Bluefish

◆ Additional Industry proposal submitted:

- Industry Option: Adopt minimum size and three seasons with weekly possession limits

| Min. size | Sub-period | Poss. Limit |
|------------|----------------------|---------------------------|
| <u>18"</u> | <u>1/1 – 4/30</u> | <u>500 lbs/vsl/week</u> |
| | <u>5/1 – 11/15</u> | <u>4,000 lbs/vsl/week</u> |
| | <u>11/16 – 12/31</u> | <u>500 lbs/vsl/week</u> |



Hearing Item 1c: Commercial management of Scup

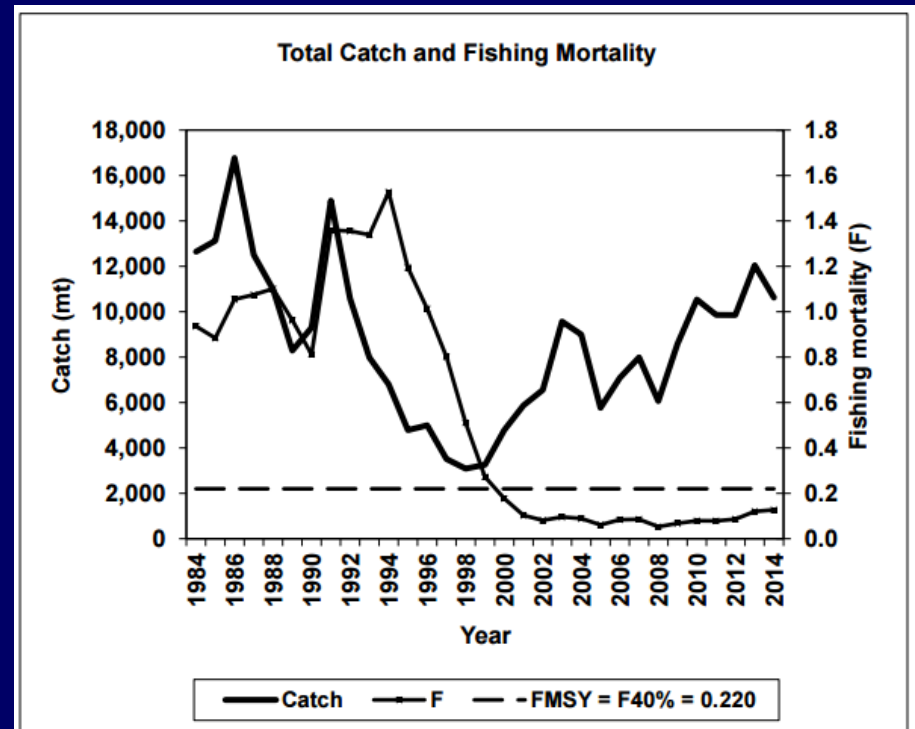
- ◆ Summary of Stock Status
- ◆ 2015 Rhode Island Commercial Fishery Performance
- ◆ Recommendations for the 2016 Scup Fishery



Hearing Item 1c: Commercial Scup

◆ Stock Status:

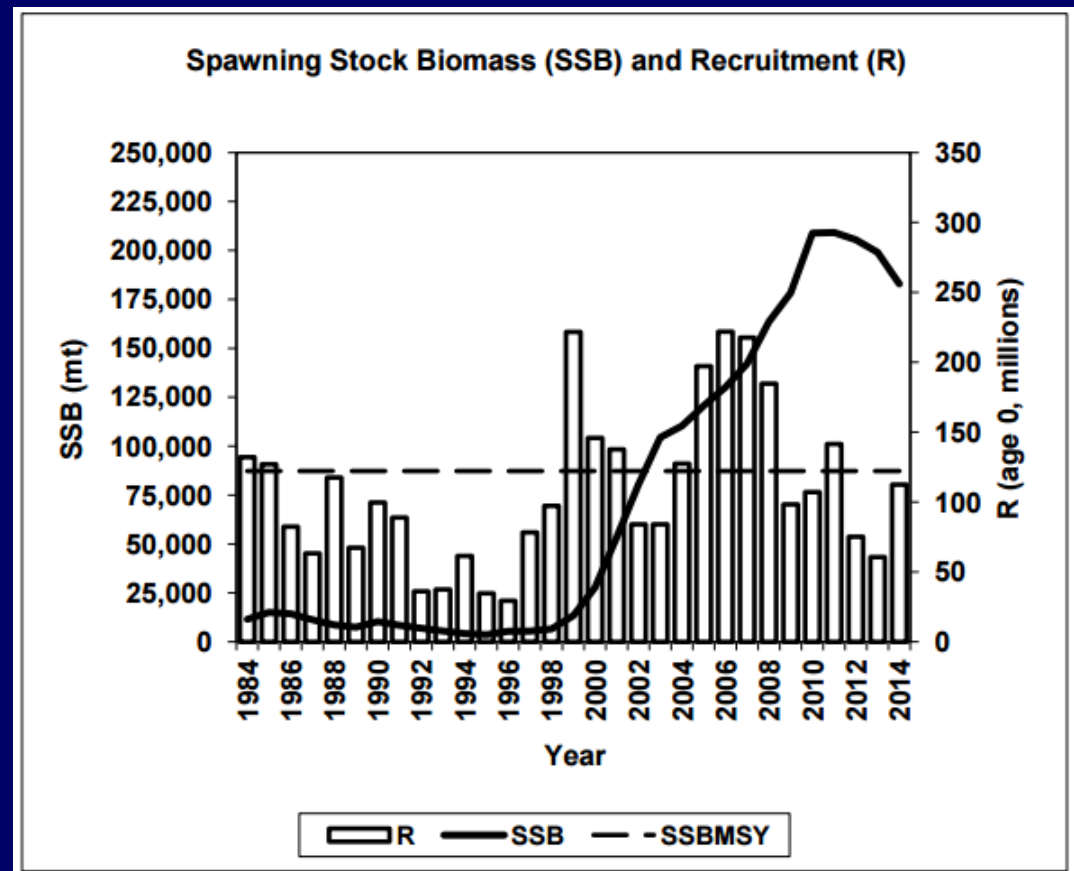
- Benchmark in 2015
- The scup stock is not overfished, overfishing is not occurring relative to biological reference points.
- Fishing mortality was estimated to be 0.127 in 2014, below the threshold F reference point = 0.22



Hearing Item 1c: Commercial Scup

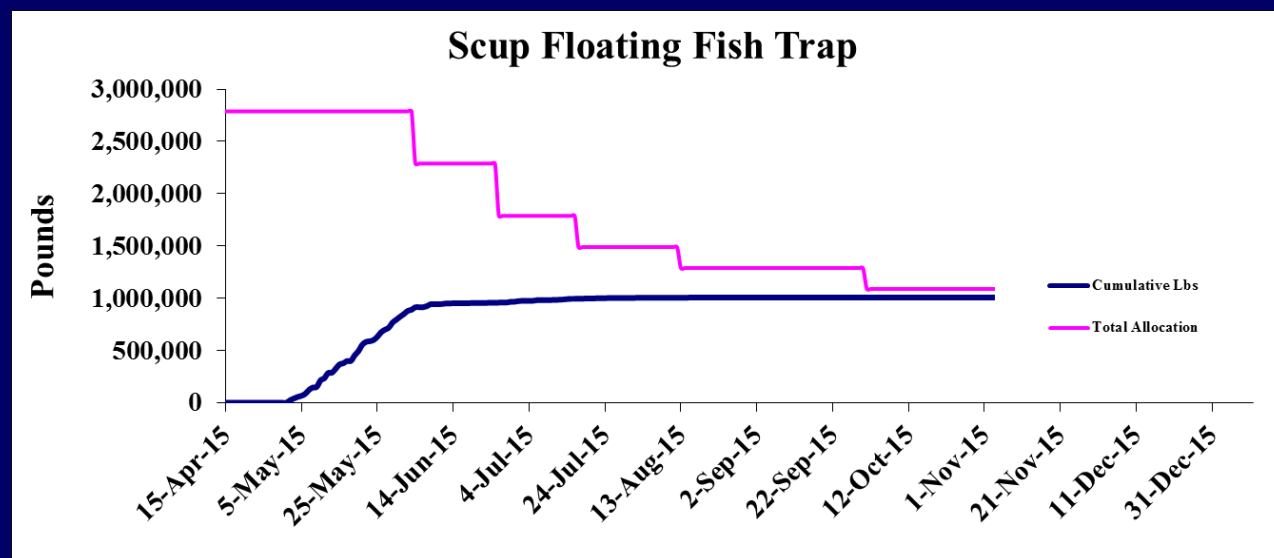
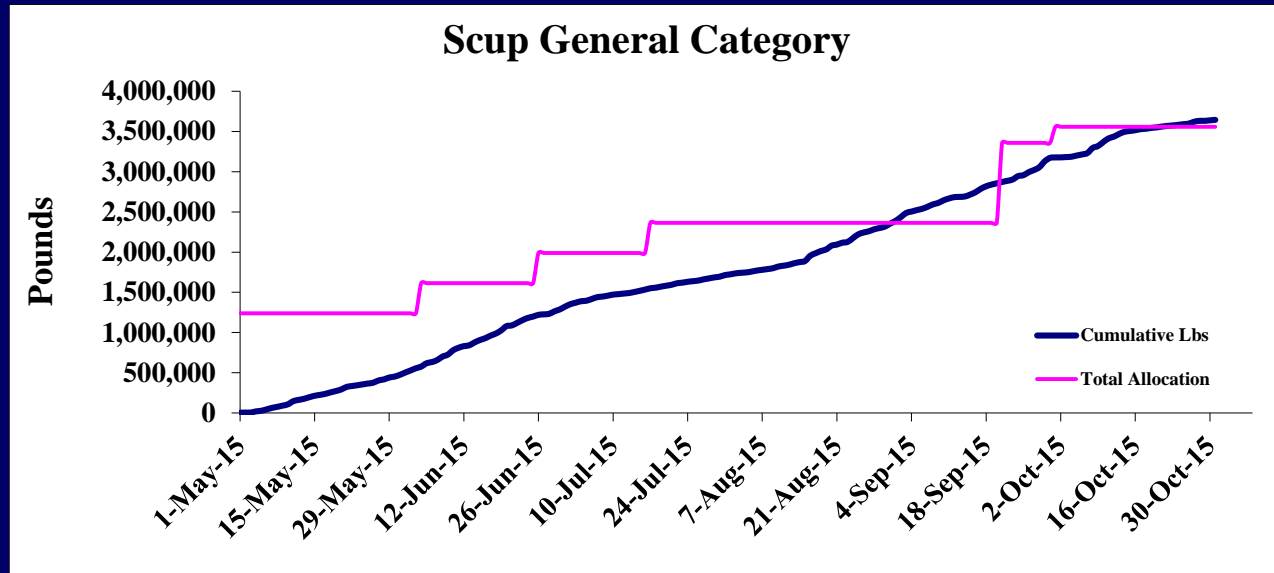
◆ Stock Status:

- SSB estimated to be 403 m lbs in 2014, above the SSB reference point = 192.47 m lbs and above the SSB threshold = 96.23 m lbs.
- The 2014 year class is currently estimated to be about 112 million fish, around average.



Hearing Item 1c: Commercial Scup

- ◆ To date, no commercial fishery closures



Hearing Item 1c: Commercial Scup

- 2016 Projected Commercial Quota = decrease of 167,909 lbs (~ 4%)

| Quota | Quota | 2015 Poundage | 2016 Projected Poundage |
|---|---|---------------|-------------------------|
| <u>Gen Category:</u> 40% of sub-period quota | <u>Summer sub-period:</u> 2/3 of Gen. Cat. quota | 1,239,314 | 1,194,598 |
| | <u>Fall sub-period:</u> 1/3 of Gen. Cat. quota | 619,657 | 597,209 |
| <u>FFT:</u> 60% of sub-period quota | | 2,788,456 | 2,687,711 |
| 100% | | 4,647,427 | 4,479,518 |



Hearing Item 1c: Commercial Scup

◆ Proposed Management Options:

- Option 1: Status quo.

| Min. size | Sub-period | | Quota | | 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 | | 18,000 lbs/vsl/day* |

* Winter II possession limit set after Winter I roll over calculated



Hearing Item 1d: Commercial management of Black Sea Bass

- ◆ Summary of Stock Status
- ◆ 2015 Rhode Island Commercial Fishery Performance
- ◆ Recommendations for the 2016 Black Sea Bass Fishery



Hearing Item 1d: Commercial Black Sea Bass

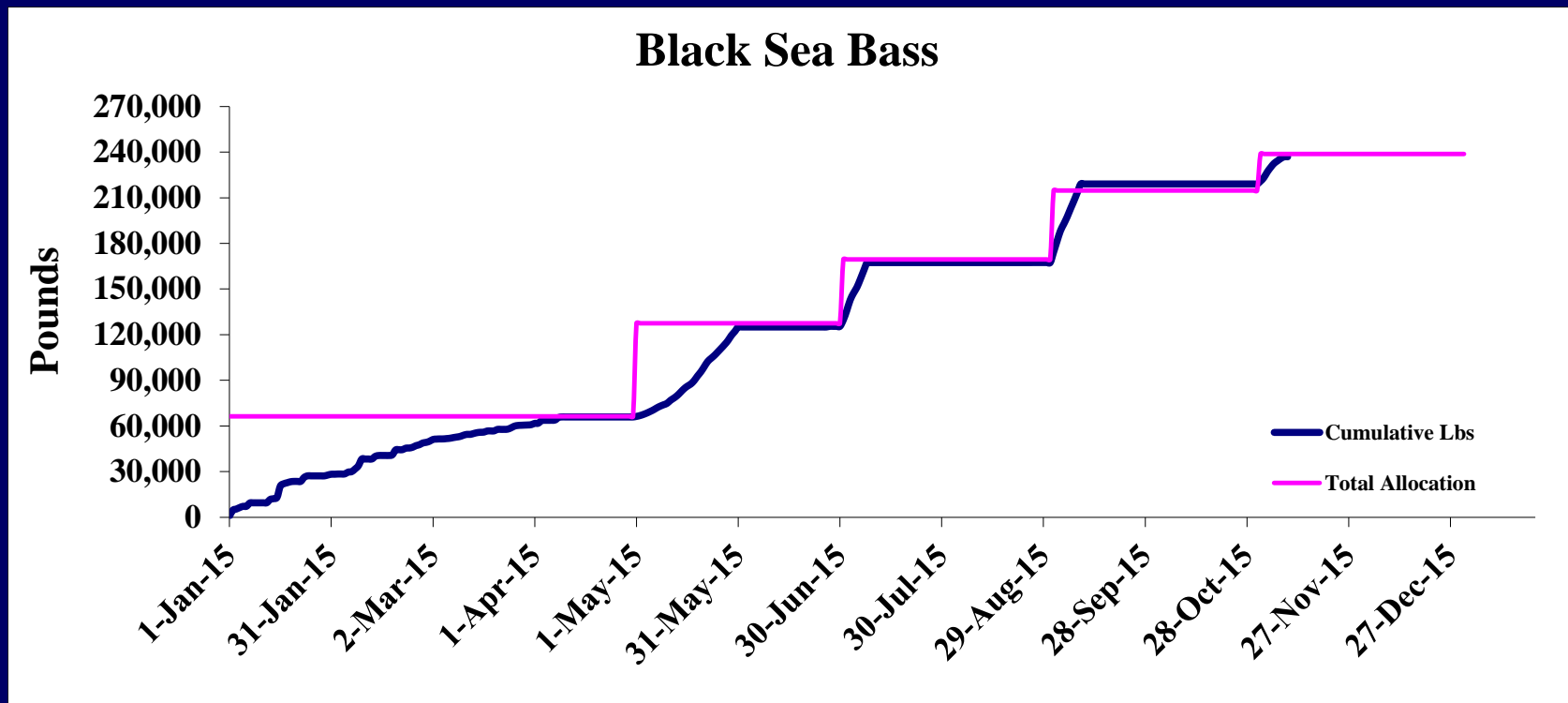
◆ Stock Status:

- Stock status still undetermined.
- Mid Atlantic SSC adopted a new procedure in 2015 to set quota for level 4 stocks, using a data poor procedure ensemble approach.
- This approach led to an increase in quota for 2016.
- Benchmark assessment is underway, should be completed by the end of 2016 for potential use in 2017.



Hearing Item 1d: Commercial Black Sea Bass

- ◆ To date, multiple fishery closures



Hearing Item 1d: Commercial Black Sea Bass

- 2016 Projected Commercial Quota = increase of 59,317 lbs (~ 20%)

| Sub-period | Quota | 2015 Poundage | 2016 Projected Poundage |
|--------------|-------|---------------|-------------------------|
| 1/1 – 4/30 | 25% | 66,300 lbs | 74,525 lbs |
| 5/1 – 6/30 | 25% | 61,193 lbs | 74,525 lbs |
| 7/1 – 7/31 | 11% | 41,976 lbs | 58,130 lbs |
| 9/1 – 10/31 | 19.5% | 45,286 lbs | 58,129 lbs |
| 11/1 – 12/31 | 11% | 24,027 lbs | 32,791 lbs |
| Total | 100% | 238,783 lbs | 298,100 lbs |



Hearing Item 1d: Commercial Black Sea Bass

◆ Proposed Management Options:

- Option 1: Status quo.
- Option 2: Establish Aggregate program

| | Min. size | Sub-period | Quota | Poss. limit |
|------------------------|-----------|--------------|-------|---------------------------------|
| Status Quo | 11" | 1/1 – 4/30 | 25% | 750 lbs/vsl/day |
| | | 5/1 – 6/30 | 25% | 50 lbs/vsl/day |
| | | 7/1 – 7/31 | 11% | 50 lbs/vsl/day |
| | | 9/1 – 10/31 | 19.5% | 50 lbs/vsl/day |
| | | 11/1 – 12/31 | 11% | 100 lbs/vsl/day |
| <u>Option 2</u> | 11" | 1/1 – 4/30 | 25% | <u>1000 lbs/vsl/week</u> |
| | | 5/1 – 6/30 | 25% | <u>250 lbs/vsl/week</u> |
| | | 7/1 – 7/31 | 11% | <u>250 lbs/vsl/week</u> |
| | | 9/1 – 10/31 | 19.5% | <u>250 lbs/vsl/week</u> |
| | | 11/1 – 12/31 | 11% | <u>250 lbs/vsl/week</u> |



Hearing Item 1d: Commercial Black Sea Bass

- ◆ Additional Industry proposal submitted:
 - Goal: Keep open year round with no closures;
 - Start possession limit at 25 lbs per day;
 - Potentially close 1 day per week, namely Friday.



Hearing Item 1e: Editing of RIMFR – “Finfish”

- ◆ Deletion of “total length” throughout regulation as was inconsistently written; in conjunction with hearing item 2.

(ex. Minimum size: Sixteen inches (16”) ~~total length~~ whether caught within the jurisdiction of this State or otherwise).

Hearing Item #2: Editing of RIMFR – “Legislative Findings”

- Total length means the straight linear distance from the tip of the snout to the end of the tail of a finfish species. All finfish species minimum size are measured as total length, except for coastal sharks, in which minimum size is measured by fork length.



Comments submitted from the Division of Law Enforcement:

RIMFR – Legislative Findings:

Day means calendar day, which means the period beginning at 12:00AM and ending on 12:00AM of the immediately following day.

Week means calendar week, which means the period beginning on Sunday at 12:00AM and ending on 11:59PM of the immediately following Saturday.

Trip limit (Possession limit) means the maximum quantity of marine product/species that may be possessed by a vessel or person per specified period of time (i.e., day or week) regardless of the means by which the marine product/species may have been taken; ~~vessels or persons are only allowed one trip limit in possession per calendar day.~~

RIMFR – Finfish:

7.3 Possession limit aboard vessels:

7.3.4 A person who takes marine product /species utilizing a vessel and also without the assistance of a vessel is only allowed one possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation.



Comments submitted from the Division of Law Enforcement:

RIMFR – Finfish:

7.1.2(D) Possession limit changes **Notification of modifications to possession limits and/or seasons for marine species regulated under quota:** Any modifications made to the possession limit as set forth in these regulations will be promulgated in the RI Marine Fisheries regulations (RIMFR) Part III. **Such notification shall take place in accordance with RIGL section 20-1-12.1, and be provided to the public via the Marine Fisheries listserve, dedicated phone line (423-1920) and webpage. It is the responsibility of the licensed fishermen to know and abide by all possession limits and seasons.**



End of Slides!





RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH & WILDLIFE / MARINE FISHERIES

Three Fort Wetherill Road

Jamestown, Rhode Island 02835

PUBLIC NOTICE CONCERNING PROPOSED REGULATORY AMENDMENTS

Pursuant to the provisions of Chapters 42-17.1 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Director of the Department of Environmental Management (DEM) proposes amendments to the **Rhode Island Marine Fisheries Regulations (RIMFR)** and gives notice of intent to hold a workshop and public hearing to afford interested parties the opportunity for public comment.

Public comment will be solicited on the following proposals:

- 1) Proposed amendments to **“RIMFR – Finfish”** regarding the following:
 - a. Commercial Management for Summer flounder;
 - b. Commercial management for Bluefish;
 - c. Commercial management for Scup;
 - d. Commercial management for Black sea bass;
 - e. Editing changes.

- 2) Proposed amendment of **“RIMFR – Legislative Findings”**.

The **workshop will commence at 4:30PM** on **November 16, 2015** followed by the **public hearing at 6:00PM** at the University of Rhode Island, Graduate School of Oceanography, **Coastal Institute Building, Hazard Room**, South Ferry Road, Narragansett, RI 02882. The room is accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

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

Written comments concerning the proposed regulations may be submitted to Peter Duhamel, Division of Fish and Wildlife – Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 Noon on November 16, 2015. A copy of the proposed regulations is available for review from October 16 through November 16, 2015 at the Marine Fisheries offices, or by mail. A copy of the proposed regulation(s) has been filed with the Office of the Secretary of State’s website at <http://sos.ri.gov/ProposedRules/>. Proposed annotated regulations are also available on the DEM Marine Fisheries webpage at <http://www.dem.ri.gov/programs/bnatres/fishwild/pn111615.htm>.

Jason McNamee,
Chief



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT



**RHODE ISLAND MARINE FISHERIES
REGULATIONS**

Finfish

~~March 17, 2015~~
Proposed/annotated regulations
Public hearing
November 16, 2015

7. REGULATIONS

7.7 Summer Flounder (Fluke)

7.7.1 Recreational:

- (A) Minimum size: Eighteen inches (18") ~~total length~~.

PUBLIC HEARING ITEM 1a. **COMMERCIAL MANAGEMENT OF SUMMER FLOUNDER**

Option 1: Status quo

7.7.2 Commercial:

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

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

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

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

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

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

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

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

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

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

DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Possession limit:

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

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

7.7.3 Aggregate Landing Program:

(A) Sub-periods:

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

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

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

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

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

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

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

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

(E) Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially

harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.

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

7.7.4 Rhode Island Summer Flounder Exemption Certificate:

(A) Application: Applicant's shall provide the following:

(1) 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; and

(2) A completed notarized application; and

(3) Proof that the vessel meets the requirements set out in this section; and

(4) 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

(5) A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.

(B) Eligibility: DFW will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to DFW prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:

(1) 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

(2) The subject vessel meets any of the following criteria:

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

(b) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may

require additional supporting documents including but not limited to the ship's logs, ice and fuel slips; or

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

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

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

(C) Transfer of an Exemption Certificate: An Exemption Certificate issued by the DFW 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.

(1) 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.

(2) Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the DFW 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.

(a) 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.

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

(c) An Exemption Certificate may not be combined to create larger replacements vessels.

(d) 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.

(e) 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.

(f) 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:

(i) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.

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

(D) Exemption Certificates may not be:

(1) Pledged, mortgaged, leased, or encumbered in any way;

(2) Transferred with any retained right of repossession or foreclosure, or any

condition requiring a subsequent transfer; or

(3) Attached, distrained, or sold on execution of judgment.

7.7.5 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 codend portion of the net.

7.7.6 Dealer Regulations:

(A) **Prohibition on the transfer of Summer flounder:** No Summer flounder may be purchased, bartered, or sold within the State of Rhode Island unless marked, processed, shipped, labeled, and handled in accordance with the following rules:

(1) The licensed person in charge of the vessel may only transfer Summer flounder to dealers who possess a valid Rhode Island Dealer's License;

(2) No licensed person in charge of the vessel may land Summer flounder after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from 6:00 AM to 8:00 PM only;

(3) All Summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer;

(4) The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;

(5) All Summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Division of Law Enforcement;

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

Option 2: Reduction in starting possession limits to account for 30% decrease in quota in 2016 (Note: The DFW may adjust these numbers moderately based on additional analysis).

7.7.2 Commercial:

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

(B) **Seasons, allocations, and possession limits:** A total annual statewide quota

for Summer flounder will be established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or NOAA Fisheries.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Vessels that possess a valid Exemption Certificate: One hundred

(100) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: ~~One hundred (100)~~ **Fifty (50)** pounds per vessel per calendar day.

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

(i) Vessels not permitted in the Aggregate Landing Program, but which possess a valid Exemption Certificate: ~~One hundred (100)~~ **Fifty (50)** pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: ~~One hundred (100)~~ **Fifty (50)** pounds per vessel per calendar day.

(iii) Aggregate Landing Program: ~~Seven hundred (700)~~ **Three hundred and fifty (350)** pounds per vessel per week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When 80% of the Summer sub-period quota has been harvested as determined by the DFW the program will terminate and the possession limit per vessel shall be one hundred (100) pounds per calendar day.

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

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

(b) Possession limit:

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

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

7.7.3 Aggregate Landing Program:

(A) Sub-periods:

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

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

the DFW.

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

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

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

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

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

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

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

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

7.7.4 Rhode Island Summer Flounder Exemption Certificate:

(A) Application: Applicant's shall provide the following:

(1) 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; and

(2) A completed notarized application; and

(3) Proof that the vessel meets the requirements set out in this section; and

(4) 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

(5) A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.

(B) Eligibility: DFW will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to DFW prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:

(1) 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.

(2) The subject vessel meets any of the following criteria:

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

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

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

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

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

(C) Transfer of an Exemption Certificate: An Exemption Certificate issued by the DFW 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.

(1) 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.

(2) Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the DFW 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.

(a) 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.

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

(c) An Exemption Certificate may not be combined to create larger replacement vessels.

(d) 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.

(e) 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.

(f) 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:

(i) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.

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

(D) Exemption Certificates may not be:

(1) Pledged, mortgaged, leased, or encumbered in any way;

(2) Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or

(3) Attached, distrained, or sold on execution of judgment.

7.7.5 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 codend portion of the net.

7.7.6 Dealer Regulations:

(A) Prohibition on the transfer of Summer flounder: No Summer flounder may be purchased, bartered, or sold within the State of Rhode Island unless marked, processed, shipped, labeled, and handled in accordance with the following rules:

(1) The licensed person in charge of the vessel may only transfer Summer flounder to dealers who possess a valid Rhode Island Dealer's License;

(2) No licensed person in charge of the vessel may land Summer flounder after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from 6:00 AM to 8:00 PM only;

(3) All Summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer;

(4) The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;

(5) All Summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Division of Law Enforcement;

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

7.10 Bluefish

PUBLIC HEARING ITEM 1b. **COMMERCIAL MANAGEMENT OF BLUEFISH**

Option 1: Status quo

7.10.2 Commercial: A total allowable harvest of Bluefish 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.

(A) Seasons and allocations:

(1) Spring sub-period (January 1 through June 30 annually): 50% of the annual quota shall be available during this sub-period.

(2) Summer-Fall sub-period (July 1 through December 31 annually): 50% of the annual quota shall be available during this sub-period.

(B) When 50% of any seasonal sub-period quota is reached, DFW will determine if a possession limit of between 200 - 10,000 pounds should be established depending upon the time remaining in the quota period and the current catch rate.

Option 2: Remove seasons and adopt year round possession limit to account for 30% decrease in quota in 2015 (Note: The DFW may adjust these numbers

moderately based on additional analysis)

7.10.2 Commercial: A total allowable harvest of Bluefish 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.

(A) Seasons, ~~and~~ allocations, and possession limits:

(1) ~~Spring sub-period (January 1 through June 30~~ **December 31** annually): ~~50%~~ **100%** of the annual quota shall be available ~~during this sub-period~~ **at a possession limit of 3,500 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.**

~~(2) Summer-Fall sub-period (July 1 through December 31 annually): 50% of the annual quota shall be available during this sub-period.~~

~~(B) When 50% of any seasonal sub-period quota is reached, DFW will determine if a possession limit of between 200 - 10,000 pounds should be established depending upon the time remaining in the quota period and the current catch rate.~~

7.11 Scup

7.11.1 Recreational:

(A) Minimum size: Ten inches (10") ~~total length~~.

PUBLIC HEARING ITEM 1c.
COMMERCIAL MANAGEMENT OF SCUP

Option 1: Status quo

7.11.2 Commercial:

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

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

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

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

be divided as follows:

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

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

a. Allocation: Two-thirds (2/3) of the General Category quota.

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

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

a. Allocation: One-third (1/3) of the General Category quota.

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

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

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

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

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

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

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

b. May 1 – October 31: During those years in which the Winter I federal coastwide scup quota allocation is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1. The possession limit will be 25,000 pounds per floating fish operator per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested

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

floating fish trap operator waives any individual right to possess scup pursuant to a possession limit set out in these regulations.

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

(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 codends, 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.

7.11.3 Dealer Regulations:

(A) Prohibition on the transfer of Scup: No Scup may be purchased, bartered, or sold within the State of Rhode Island unless in compliance with the following:

(1) The licensed person in charge of the vessel may only transfer scup to a dealer licensed by the State of Rhode Island. Dealers are required to be licensed by the Department (in compliance with RIGL 20-2-27 (d), or 20-2-28.1).

(2) All scup must be weighed prior to the removal of the scup from the dealer's premises or from the point of transfer.

(3) The weight scales must be certified in accordance with RIGL Chapter 47-1.

7.14 **Black Sea Bass**

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14") ~~total length~~. ~~Total length~~ **Minimum size** measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

PUBLIC HEARING ITEM 1d. **COMMERCIAL MANAGEMENT OF BLACK SEA BASS**

Option 1: Status quo

7.14.2 Commercial:

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

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

(1) January 1 – April 30:

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

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

(2) May 1 – June 30:

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

7.14.3 Black sea bass pot construction: 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.

(A) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:

- (1) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
- (2) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
- (3) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or
- (4) 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.

(B) 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: Aggregate program (Note: The DFW may adjust these numbers moderately based on additional analysis)

7.14.2 Commercial:

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

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

(1) January 1 – April 30:

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

(b) Possession limit: ~~750 pounds per vessel per calendar day.~~ **One thousand (1,000) per vessel per calendar week.**

(2) May 1 – June 30:

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

(b) Possession limit: ~~Fifty (50) pounds per vessel per calendar day.~~ **Two hundred and fifty (250) pounds per vessel per calendar week.**

(3) July 1 – July 31:

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

(b) Possession limit: ~~Fifty (50) pounds per vessel per calendar day.~~ **Two hundred and fifty (250) pounds per vessel per calendar week.**

(4) September 1 – October 31:

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

(b) Possession limit: ~~Fifty (50) pounds per vessel per calendar day.~~ **Two hundred and fifty (250) pounds per vessel per calendar week.**

(5) November 1 – December 31:

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

(b) Possession limit: ~~One hundred (100) pounds per vessel per calendar~~

day. Two hundred and fifty (250) pounds per vessel per calendar week.

7.14.3 **Black sea bass pot construction:** 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.

(A) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:

- (1) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
- (2) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
- (3) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or
- (4) 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.

(B) **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.

7.18 Weakfish

7.18.1 **Recreational:**

- (A) **Minimum size:** Sixteen inches (16") **total length**.
- (B) **Season:** January 1 through December 31, annually.
- (C) **Possession limit:** One (1) fish per person per calendar day, whether caught within the jurisdiction of this state or otherwise.

7.18.2 **Commercial:**

- (A) **Minimum size:** Sixteen inches (16") **total length** whether caught within the jurisdiction of this State or otherwise.

7.22 Cod

7.22.1 **Recreational:**

- (A) **Minimum size:** Twenty-two inches (22") **total length**, whether caught within

the jurisdiction of this State or otherwise.

(B) Possession limit: Ten (10) fish per person per calendar day.

7.22.2 Commercial:

(A) Minimum size: Nineteen inches (19") **total length** whether caught within the jurisdiction of this State or otherwise.

7.26 American Plaice (Dab)

7.26.1 Recreational:

(A) Minimum size: Fourteen inches (14") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.26.2 Commercial:

(A) Minimum size: Twelve inches (12") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.27 Haddock

7.27.1 Recreational:

(A) Minimum size: Eighteen inches (18") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.27.2 Commercial:

(A) Minimum size: Sixteen inches (16") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.28 Pollock

7.28.1 Recreational:

(A) Minimum size: Nineteen inches (19") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.28.2 Commercial:

(A) Minimum size: Nineteen inches (19") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.29 Witch Flounder (Grey Sole)

7.29.1 Recreational:

(A) Minimum size: Fourteen inches (14") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.

7.29.2 Commercial:

(A) Minimum size: Thirteen inches (13") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.

7.30 Yellowtail Flounder

7.30.1 Recreational:

(A) Minimum size: Thirteen inches (13") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.

7.30.2 Commercial:

(A) Minimum size: Twelve inches (12") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.

PUBLIC HEARING ITEM 1e.
EDITING

7.7 Summer Flounder (Fluke)

7.7.1 Recreational:

- (A) Minimum size: Eighteen inches (18") ~~total length~~.

7.11 Scup

7.11.1 Recreational:

- (A) Minimum size: Ten inches (10") ~~total length~~.

7.14 Black Sea Bass

7.14.1 Recreational:

- (A) Minimum size: Fourteen inches (14") ~~total length~~. ~~Total length~~ **Minimum size** measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

7.14.2 Commercial:

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

7.18 Weakfish

7.18.1 Recreational:

- (A) Minimum size: Sixteen inches (16") ~~total length~~.

7.18.2 Commercial:

- (A) Minimum size: Sixteen inches (16") ~~total length~~ whether caught within the jurisdiction of this State or otherwise.

7.22 Cod

7.22.1 Recreational:

- (A) Minimum size: Twenty-two inches (22") ~~total length~~, whether caught within the jurisdiction of this State or otherwise.

7.22.2 Commercial:

(A) Minimum size: Nineteen inches (19") **total length** whether caught within the jurisdiction of this State or otherwise.

7.26 American Plaice (Dab)

7.26.1 Recreational:

(A) Minimum size: Fourteen inches (14") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.26.2 Commercial:

(A) Minimum size: Twelve inches (12") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.27 Haddock

7.27.1 Recreational:

(A) Minimum size: Eighteen inches (18") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.27.2 Commercial:

(A) Minimum size: Sixteen inches (16") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.28 Pollock

7.28.1 Recreational:

(A) Minimum size: Nineteen inches (19") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.28.2 Commercial:

(A) Minimum size: Nineteen inches (19") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.29 Witch Flounder (Grey Sole)

7.29.1 Recreational:

(A) Minimum size: Fourteen inches (14") **total length** whether that fish was caught within the jurisdiction of this State or otherwise.

7.29.2 Commercial:

(A) Minimum size: Thirteen inches (13") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.

7.30 Yellowtail Flounder

7.30.1 Recreational:

(A) Minimum size: Thirteen inches (13") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.

7.30.2 Commercial:

(A) Minimum size: Twelve inches (12") ~~total length~~ whether that fish was caught within the jurisdiction of this State or otherwise.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

Part I Legislative Findings



~~December 17, 2012~~
Proposed/annotated regulations
Public hearing
November 16, 2015

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

7. REGULATIONS

1.3 Definition of Terms

Total length: means the straight linear distance from the tip of the snout to the end of the tail **of a finfish species. All finfish species minimum size are measured as total length, except for coastal sharks, in which minimum size is measured by fork length.**



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Law Enforcement
235 Promenade Street, Room 250
Providence, RI 02908

401-222-3070
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Telecommunication for Hearing Impaired 711

November 12, 2015

Peter Duhamel
Principal Planner
RIDEM/Division of Fish & Wildlife
3 Fort Wetherill Road
Jamestown, RI 02835

Dear Mr. Duhamel,

The Division of Law Enforcement respectfully submits the following suggested revisions to be entered in the public record...

Definitions:

Day means calendar day, which means the period beginning at 12:00AM and ending on 12:00AM of the immediately following day.

Week means calendar week, which means the period beginning on Sunday at 12:00AM and ending on 11:59PM of the immediately following Saturday.

Trip limit (Possession limit) means the maximum quantity of marine product/species that may be possessed by a vessel or person per specified period of time (i.e., day or week) regardless of the means by which the marine product/species may have been taken; vessels or persons are only allowed one trip limit in possession per calendar day.

7.3 Possession limit aboard vessels:

7.3.1 Licensed party/charter vessels: Possession limit compliance aboard licensed party/charter vessels is determined by dividing the number of fish by the number fishermen onboard the boat.

7.3.2 Multiple licensed recreational fishermen fishing from a single vessel: Possession limit compliance aboard vessels with multiple licensed recreational fishermen will be determined by dividing the number of fish by the number of licensed recreational fishermen on board said vessel, except for tautog, which has a maximum possession limit per vessel.

7.3.3 Size, possession, and daily limit violations on board vessels: In any instance when there is a violation of the size, possession, or daily limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.

7.3.4 A person who takes marine product /species utilizing a vessel and also without the assistance of a vessel is only allowed one possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation.

7.1.2 Modifications of allocations, seasons and possession limits: For quota managed species, in order to maintain compliance with a federal or regional fisheries management plan (FMP), the DFW has the authority to distribute allocations, including the distribution of allocations among the various gear types, modify possession limits, and change seasons, unless specifically prohibited by the Secretary of Commerce or the ASMFC, in the following manner:

(A) Allocation changes: If DFW projects that an allocation assigned for a sub-period, or assigned to be available for taking by a particular gear type during that sub-period, may be exhausted prior to the end of the sub-period, or may not be met for a sub-period, DFW may modify the allocation.


(B) Possession limit changes: If DFW projects that the allocation for a given species may be exhausted prior to the end of a sub-period or may not be met for a sub-period, DFW may modify the possession limit.

(C) If the quota for a sub-period allocation is fully harvested prior to the end of the sub-period, the DFW will close the fishery for the remainder of the sub-period.

(D) **Possession limit changes Notification of modifications to possession limits and/or seasons for marine species regulated under quota:** Any modifications made to the possession limit as set forth in these regulations will be promulgated in the RI Marine Fisheries regulations (RIMFR) Part III. **Such notification shall take place in accordance with RIGL section 20-1-12.1, and be provided to the public via the Marine Fisheries listserve, dedicated phone line (423-1920) and webpage. It is the responsibility of the licensed fishermen to know and abide by all possession limits and seasons.**

Sincerely,

Joseph Poccia
Lieutenant, Marine Unit



11/13/15

Hello Pete,

Jason told me to submit written comments to you regarding tomorrow's public hearing in the event that I'm fishing and cannot attend. I'll make this brief....

1. I support the division's proposal to begin the summer fluke possession limit at 50 lbs. If it were at all possible to begin at 100 lbs in May and adjust down, even if that only meant a few weeks at 100 lbs, I would obviously prefer that. I assume the numbers have been crunched however and this has not been deemed possible if we are to avoid a closure.
2. I support the division's proposal to eliminate sub periods in the bluefish fishery and begin Jan 1st with a 3500 lb weekly, year round, possession limit. I believe this will not hurt local landings in the wintertime and will prevent large, "out of state" landing events that will (and have) unduly tax a state quota that has seen large reductions during the last couple of years. I believe this plan gives us the best chance to have larger weekly aggregate landings in the summer and fall when Rhode Island fishermen land these fish.
3. I support the division's proposal to allow for Sea Bass to be landed in weekly aggregates. Hopefully this will help eliminate discards and allow more flexibility for fishermen.
4. I support the division's plan to manage the Scup fishery "as is," or status quo.

Thanks very much. I can always be reached at this email address or by phone at 401 218 5764 to answer any questions or expound upon the views expressed here.

Aaron Gewirtz



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President
exec@offshorelobster.org

David Borden, Executive Director
dborden@offshorelobster.org

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



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

David Spencer, President
exec@offshorelobster.org

David Borden, Executive Director
dborden@offshorelobster.org

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

Tuesday, November 18, 2014

Dear Jason:

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

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

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

Thank you for the opportunity to comment.

Sincerely

David Borden

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



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

David Spencer, President
exec@offshorelobster.org

David Borden, Executive Director
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

November 14, 2015

Mr. Jason McNamee, Chief
Division of Fish and Wildlife, Marine Resources

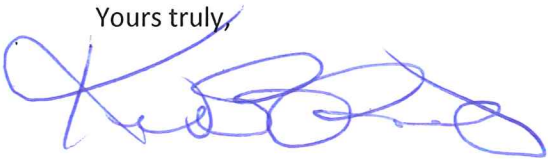
Subject: November 16, 2015 Public Hearing
Rhode Island Commercial Rod and Reel Association Proposals

The Rhode Island Commercial Rod and Reel Association would like to present and recommend adoption of the following proposals for the 2016 commercial fishing season:

- Summer flounder
RICRRA recognizes that there will be a substantial cut to the poundage allotted to the State in 2016. The goal is to keep the fishery open to all fishers for the full summer period, and to that end our recommendation is that the Department maintain the status quo of the 2015 season, with the a beginning daily limit of 100 pounds per day, but to reduce the daily limit as needed as the season progresses in order to keep the fishery open for the entire summer period.

- Black Sea Bass
RICRRA recommends elimination of the September 1st sub- period and moving that percentage of the quota into the period beginning July 1st. We also propose a daily limit of 25 lbs./day between the dates of May 1 and October 31. This would keep the fishery open for more days in each of the periods in that time frame. RICRRA is firmly against the creation of any aggregate program during the May 1 thru December 31 time period. Creation of an aggregate limit during those dates would direct most of the available quota to a small number of fishermen capable of quickly catching an holding an aggregate limit while severely reducing the number of available fishing days and fishing potential of the majority of participants. RICRRA does acknowledge that there is movement to allocate more quota to each of the States, but it is unlikely that the additional poundage would be significant enough to warrant modifying the sub-periods or daily limits. If additional poundage is granted it should be allocated following the existing percentages to each period.

Yours truly,



Kenneth Booth, President

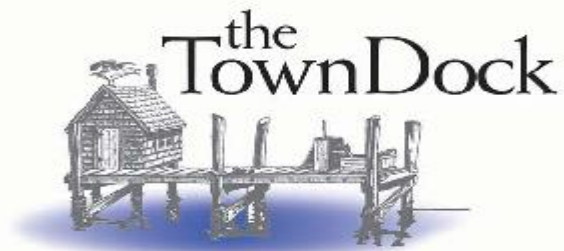
C.c. RICRRA Membership

My name is Tim Baker, I am a small boat commercial fisherman. I used to be on the advisory panel for Scup and Black Sea Bass, as the pot fisherman advocate. I attended the public workshop and hearing 16 Nov '15 and additional proposals to make with comments.

In regards to BSB, I suggest we try 25 lbs per day for the sub period starting in July only, and return the 19.5 percent set aside for September back to July. July historically has the highest price per lb. thus making the 25 lb. limit more viable in July than any other month. Weekends tend to have the lowest prices thus a Friday closure may help keep the market open longer without affecting the part time Fisherman and prices. Any quota left after July would of course roll over to September as in the past. Status quo would be suggested for rest of the year. I am strongly opposed to any aggregate landings at this time because of the easy availability and lucrative nature of the resource will lend to misuse of the system. We have seen it before when the Scup quota was low and prices were high. Although an aggregate would personally benefit myself because I can only fish part time I still oppose it based on fairness.

SCUP The scup pot fisherman's season is basically July thru Sept. I believe a lower weekly aggregate for this time period would increase price thus making this a more viable fishery. 2500 lbs per week would almost insure a higher price. That being said, we still need to make sure the whole quota can be caught by the end of the year. I know little about the other fisheries for scup and would suggest changes in the aggregate landings of other sub periods be made accordingly to satisfy the quota. In this case I propose an aggregate of 3000 lbs per week for the sub period starting in July. And would be open to any appropriate increases to other sub periods as it doesn't affect my fishery.

Thanks you for your time, Tim Baker



November 12th, 2015

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

Dear Director Coit,

We like to share with the Department a few proposals we have for possible changes to the commercial Black Sea Bass and Summer Flounder fisheries.

With the increase in the quota for the 2016 and 2017 Black Sea Bass fishery we think that if the limit is set low enough it could keep Black Sea Bass open all summer long, perhaps a daily limit to 25lbs/vessel/day would work. The other option would be to close the fishery down for a day during the week. We know that Massachusetts uses this approach to keep their Black Sea Bass and Fluke fisheries open for as long as possible. Friday is the best day from a dealer standpoint as Sunday would be our first shipping day of the week.

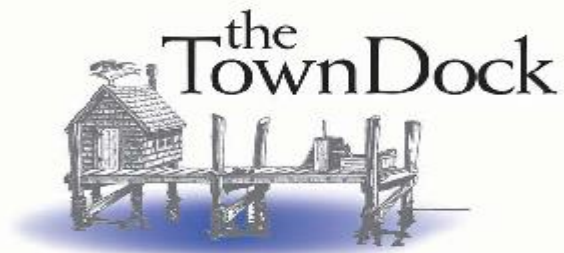
In regards to Summer Flounder, it is extremely important to our local economy that we keep this fishery open throughout the year, especially with the cuts to the quota that we will face over the next few years.

One option is to decrease the daily possession limit. DEM would have to analyze the numbers, but we'd be open to any cuts to the daily limit to preserve the quota so it remains open throughout the year. Another option, again, would be to close the fishery for one day a week.

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

Sincerely,

Katie Almeida
Fishery Policy Analyst



November 18th, 2015

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

Dear Director Coit,

We are submitting a follow up letter to the comments we submitted for the Rhode Island Marine Fisheries meeting held on Monday November 16th, 2015.

During the workshop portion of the meeting we explained our proposal to the Council and attendees. For the black sea bass fishery we suggested that the limit be set low enough so that the fishery would remain open all summer long, perhaps a daily limit to 25lbs/vessel/day would work. The other option we suggested was to close the fishery down for a day during the week. We know that Massachusetts uses this approach to keep their Black Sea Bass and Fluke fisheries open for as long as possible. Friday is the best day from a dealer standpoint as Sunday would be our first shipping day of the week. For summer flounder we are also open to any cuts to the daily limit that would preserve the quota so it remains open throughout the year. Another option, again, would be to close the fishery for one day a week, Friday being the best day. With the cuts to summer flounder over the next few years it's extremely important that we do what is needed to keep this fishery open and running.

There was some discussion and questions surrounding our ideas. During public comment, support from other members of the industry was voiced for setting daily limits that seek to keep the fisheries open year round, avoiding any closures.

We'd also like to take the opportunity to put our support behind an idea that was brought up by another industry member. We agree that it would make economic sense to put more of the black sea bass quota into the July sub-period and start the following sub-period mid-September. The reasoning behind this is that we are the only state open in July and it's the month we get the best prices. By mid-September most of the other states have opened and closed leaving us again the only state open with better prices. This bodes well for both Rhode Island dealers and fisherman.

Thank you again for taking the time to consider our proposals and please let us know if you have any questions regarding them.

Sincerely,

Katie Almeida
Fishery Policy Analyst

Chris Brown

Commercial Summer Flounder

- Due to decrease in quota, interest from industry in changing to a bi-weekly aggregate program during the Winter sub-period (1/1 – 4/30).
- Meant to provide for improved efficiency and flexibility for the off-shore vessels
- 2,500 lbs/vessel/2 weeks

Jason,

Happy Thanksgiving, Could you please forward this email along to the proper avenue to be timely for the RIMFC written comment. Thank you

As a commercial fisherman using gillnet gear, I would be in favor leaving the fluke possession limit as high as possible for as long as possible. When the quota is filled then a reduction or even a closure. Anything would be better than starting at 50 pounds. A 50 pound possession limit would mean an increase in discard fish and mortality, I realize that the fluke quotas are being reduced but starting the limits at 50 pounds would just force the killing and discard of fish and also harm the commercial fishermen who depend on this critical species to earn a living. I am also in favor of aggregate limits for all fishermen, this would also help reduce discards and mortality rates associated with those discards.

If the options are starting at 100 pounds or 50 pounds, my option would be with the 100 pound limit.

Thanks, Greg Duckworth

11/14/2015

Bluefish Management Proposal

SIZE LIMIT: Minimum of 18 inches.

This would allow 95% of the fish to reproduce.

(Recreational and Commercial)

PERIODS AND TRIP LIMITS:

January 1 to April 30 – 500 lbs. / week

May 1 to November 15 – 4000 lbs. / week

November 16 to December 31 – 500 lbs. / week

This would reflect historical landings in Rhode Island.

Dean Pesante F/V Oceana

Hello Peter,

Just got and read the latest RI DFW sea bass proposals. As you know the offshore lobster fishery does not deliberately target sea bass, but has an unavoidable bycatch of sea bass seasonally in our lobster gear. During the last two years our Association (AOLA) has advocated the adoption of an aggregate limit for sea bass as a means of reducing discards. Most of our trips are 50-100 mi offshore, which makes it really impractical to work with a daily limit. In January with the biggest quota, we will make the day trek sometimes to land the limit, but doing so is very expensive in time and fuel. 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. An aggregate program will also improve the economics of the fishery by lowering costs.

I would support the 1000 LB weekly aggregate limit instead of a daily limit, although I am sure some inshore boats, that fish closer to home, might prefer to go back and forth for the extra volume. Too bad it could not be more like 1500#. I suppose the 1000LB limit would also stretch the quota out more. Anyway, at this point, I will gladly take 1000 LB a week and give up the 750 LB day.

Eventually, I hope that whoever is in charge of sea bass stock assessments will do a little work and realize that there are more sea bass out there than there has been for 20 yrs. It is obscene the amount of bass that we encounter

YES! Give us aggregate. It is a good start.

Sincerely:



John Peabody

*would go to meeting
but looks like good
weather then
after a week of
terrible weather*

John Peabody, FV Lady Clare, Pt. Judith, RI - November 11, 2015

Dear Jason:

I understand that the Department is proposing some changes regarding possession limits for black seabass in 2016. Based on what I have seen in the past few years in the fishery this is a good measure to take. It seems as though the population of seabass is increasing every year and by increasing the possession limits it would be beneficial to fishermen and still keep the fish population at a healthy level.

I would like to see the possession limits be changed to 350 pounds per week from May 1 to August 31, and 1,000 pounds per week from September 1, to April 30th. Weekly limits make much more sense than daily limits. Thank you very much for taking the time to read this and the opportunity to comment.

Sincerely;

Seamus S. Sullivan



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



SUMMARY OF ORAL COMMENTS
PUBLIC HEARING
November 16, 2015

A public hearing was held on **November 16, 2015** at 6:00PM in the Hazard Room of the Coastal Institute Building at the URI Narragansett Bay Campus. Approximately XX persons from the public were present.

Hearing Officer: M. Gibson

DEM Staff: L. Mouradjian, G. Powers, J. McNamee, S. Olszewski, N. Lengyel, P. Duhamel.

RI Marine Fisheries Council members present: D. Monti

Public: Approximately 30 persons in attendance

Oral comments were provided as follows:

Hearing Item 1a - Commercial Management of Summer flounder:

- Bob Smith: *In favor of a 50 lbs/vsl/day possession limit during the summer sub-period and the industry recommended proposal of closing on Fridays*
- Ron Enright: *Supports B. Smith proposal*
- Patrick Duckworth: *In favor of status quo*
- Peirce Chappell: *Supports B. Smith proposal*
- Bill Allen: *Supports B. Smith proposal*
- Michael Monteforte: *Supports B. Smith proposal*
- Tim Baker: *Supports B. Smith proposal*
- David Lessard: *Supports B. Smith proposal*
- Katie Almeida: *In favor of a lower possession limit to keep fishery open all year.*

Hearing Item 1b - Commercial Management of Bluefish:

- Dean Pesante: *18" min. size; sub-periods 1/1 – 4/30 @ 500 lbs/vsl/week; 5/1 – 11/15 @ 4,000 lbs/vsl/week; and 11/16 – 12/31 at 500 lbs/vsl/week*
- Greg Duckworth: *Supports D. Pesante proposal*
- Patrick Duckworth: *Supports D. Pesante proposal*

Hearing Item 1c - Commercial Management of Scup:

- Bob Smith: *In favor of an amended sub-period June 1 – Sept. 30 @ 2,500 lbs/vsl/week.*
- Patrick Duckworth: *In favor of status quo*

- Tim Baker: Supports B. Smith proposal
- Dean Pesante: Status quo

Hearing Item 1d - Commercial Management of Black sea bass:

- Katie Almeida/Town Dock: In favor of an increased possession limit during the July sub-period; and in favor of obtaining additional quota so as to maintain an open fishery
- Patrick Duckworth: In favor of an aggregate program
- Brad Matthews: In favor of a possession limit of 75 lbs/vsl/day for 5 days of the week, and to keep the fishery open as long as possible
- Bob Smith: In favor of status quo
- Tim Baker: Supports K. Almeida proposal; against an aggregate program
- Michael Monteforte: Supports K. Almeida proposal and closing a day so as to keep fishery open
- Public member: Supports K. Almeida proposal
- Terry Mulvey: Supports K. Almeida proposal
- Bill Allen: Supports K. Almeida proposal

Hearing Item 1e – Editing of Finfish regulations:

- No comments were provided.

Hearing Item 2 – RIMFR – Legislative Findings.

- No comments were provided.

Prepared by P. Duhamel



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:
Chris Deacutis

Advisory Panel Members:

Commercial User Groups:

Aquaculture:
Primary: Jeff Gardner
Alternate: Bob Rheault

Bullrakers:
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 User Group:
Primary: John Vivari
Alternate: open

Meeting Notice

Shellfish Advisory Panel

Date: Tuesday Dec. 1, 2015 @ 4:30PM
Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI

MEETING AGENDA

1. Aquaculture Lease Applications*
 - a. Proposed Aquaculture Lease: CRMC File # 2015-08-073, Bazarnick, Dutch Harbor, West Passage, Jamestown
 - b. Proposed Aquaculture Lease: CRMC File # 2015-09-030, Peet, Quonochontaug Pond, Charlestown.
 - c. Proposed Aquaculture Lease: CRMC File # 2015-08-101, Sousa, Island Park Cove / Gull Cove, Portsmouth.
 - d. Proposed Aquaculture Lease: CRMC File # 2015-09-103, Walrus & Carpenter Oysters LLC/Opton-Himmel, Dutch Harbor, West Passage, Jamestown.

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

For more information please contact Chris Deacutis at (401) 423-1939.

* Aquaculture applications can be found at <http://www.crmc.ri.gov/applicationnotices.html>

Posted on 10/28/2015

RHODE ISLAND MARINE FISHERIES COUNCIL

Shellfish Advisory Panel

Date: Tuesday Dec. 1, 2015 @ 4:30PM

Fort Wetherill Marine Laboratory

3 Fort Wetherill Road, Jamestown, RI

MEETING MINUTES

RIMFC Members Present: J. Grant (Chair); M. Rice

SAP Members Present: M. McGiveney; D. Ghigliotty; R. Tellier; R. Pastore

CRMC: D. Beutel

DEM: J. McNamee; S. Olszewski; C. Deacutis; P. Duhamel

Aquaculture Lease Applications

1. Sousa, Island Park Cove/Gull Cove, Portsmouth; CRMC File # 2015-08-101:

D. Beutel provided a brief overview of the proposal. He offered that an objection was received from another aquaculturist in the vicinity. The objection noted that the site was very close to closed pollution area. The applicant acknowledged that his site was near the pollution area but went on to state that it was far enough away to not be a problem. **Motion made by M. McGiveney to not object; 2nd by D. Ghigliotty. The motion passed 4 – 0.**

2. Bazarnick, Dutch Harbor, Jamestown; CRMC File # 2015-08-073:

D. Beutel provided a brief overview of the proposal. Discussion followed regarding marking of the site and the operational plan. D. Beutel offered that an objection was received from a local property owner to prohibit all aquaculture in the area to the west of Jamestown. Discussion followed regarding other uses of the site, namely a previous lobster reef area developed as a mitigation effort to an oil spill marked on the NOAA chart. C. Deacutis offered that new uses in a previously designated area that may have received federal dollars could be a potential issue. **Motion made by R. Pastore to not object; 2nd by R. Tellier. The motion passed 2-0 (D. Ghigliotty and M. McGiveney abstaining).**

3. Walrus & Carpenter Oysters LLC/Opton-Himmel, Dutch Harbor, Jamestown; CRMC File # 2015-09-103:

D. Beutel provided a brief overview of the proposal. He offered that a number of objections were received. He offered that ACOE are currently working on the island to fill in old cisterns as a plan to promote increased recreational opportunities on the island. **Motion made by M. McGiveney to object; 2nd by D. Ghigliotty.** R. Pastore offered that the area is a popular fluke drift area and suggested re-locating to the other side of the channel in the lee of the Fort Getty.

R. Tellier expressed that the potential increased recreational activity on Dutch Island will result in increased boat anchoring and recreational activity at this site, and that aquaculture would be in conflict with this use. **The motion passed 4 – 0.**

4. Walrus & Carpenter Oysters LLC/Opton-Himmel, Dutch Harbor, Jamestown; CRMC File # 2015-09-105:

D. Beutel provided a brief overview of the proposal. He offered that quahaug densities were found to be low in the general area during a survey conducted for a previous application, but noted these densities were not from the defined application area. Discussion followed regarding shellfish densities. D. Ghigliotty offered that his support for the application would be predicated on results of a new survey, as he personally had used the area in the past, and was aware of other commercial use, when upper portions of the bay were closed to shellfish harvest. **Motion made by M. McGiveney to not object if the new survey shows a quahog density of < 3/sq. meter; 2nd by D. Ghigliotty. The motion passed 4 – 0.**

5. Cregan, Dutch Harbor, Jamestown; CRMC File # 2015-11-032:

D. Beutel provided a brief overview of the proposal. Discussion followed regarding the anchoring system proposed for the operation. D. Beutel offered that this anchoring system should result in less movement of the gear. R. Pastore stressed the importance of assuring that the anchoring is adequate, and that a proper analysis should be performed due to potential impacts from anchor dragging and navigational hazards. D. Beutel offered that the density survey results were <1/sq. meter. **Motion made by D. Ghigliotty to not object; 2nd by M. McGiveney. The motion passed 3 – 1 (R. Pastore objecting due to insufficient information provided regarding the anchoring).**

6. Peet, Quonochontaug Pond, Charlestown; CRMC File # 2015-09-030:

D. Beutel provided a brief overview of the proposal. He offered that DFW had objected during the PD process due to close proximity to the shoreline, and that the proposal was re-located to accommodate this. D. Beutel also offered that the grow-out portion received an objection due to conflict with boating. He offered that quahaug densities were > 5/sq. meter. After continued discussion, the membership decided to defer review to the full Council, and that D. Ghigliotty would solicit input from fishermen that may use the area, and report this information to J. Grant for presentation to the full Council. **Motion made by M. McGiveney to defer to the full Council; 2nd by R. Pastore. The motion passed 4 – 0.**

Prepared by: P. Duhamel



Oliver Stedman Government Center
4808 Tower Hill Road; Suite 116
Wakefield, RI 02879
401-783-3370

PUBLIC NOTICE

File Number: 2015-09-030 Date: September 23, 2015

This office has under consideration the application of:

Jason Peet
59 Surfside Avenue
Charlestown, RI 02813

for a State of Rhode Island Assent to construct and maintain: an aquaculture operation to grow oysters using two sites in Quonochontaug Pond. One site will be a 0.79 acre year round area to grow oysters in floating bags. The second site proposed is a 0.13 acre area for temporary winter storage of oysters in cages from November 1 to May 1. Please see the attached map.

| | |
|-------------------|--------------------|
| Project Location: | Quonochontaug Pond |
| City/Town: | Charlestown |
| Plat/Lot: | / |
| Waterway: | Quonochontaug Pond |

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 October 23, 2015.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
 4808 TOWER HILL ROAD; Suite 3, WAKEFIELD, RI 02879
 (401) 783-3370

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

| | |
|--|--------------------------------------|
| File No. | 2015-09-030 |
| Location: Street <i>Quonochontaug Pond</i> | City/Town <i>Charlestown</i> |
| Applicants Name. <i>Jason Peet</i> | |
| Mailing Address <i>59 Surfside Ave</i> | Res. Tel. # |
| City/Town <i>Charlestown</i> State <i>RI</i> Zip Code <i>02813</i> | Bus. Tel. # <i>(203) 912-9475</i> |
| Location of Proposed Aquaculture Project: <i>41°21'04.36 / 71°42'38.39, 41°20'58.36 / 71°42'43.93</i> | |
| Name of Waterway <i>Quonochontaug Pond</i> | Fee/Costs \$ |
| Est. Project Cost \$ <i>12,000</i> | <i>\$ 250</i> |

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 *X*

IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

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 applicants 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.

Date: *9/9/15* Owner's Signature *[Signature]*

Appendix C
Rev. 05/05



Jason Peet

9/9/15

Lease Summary

This lease will be composed of the two sites, the Grow-Out Site and the Winter Storage Site. The main component will be the grow-out site. This will be a year round lease occupying 0.79 acres near the Boulder Cottages dock (Address: 99 West Beach Rd, Charlestown RI 02813). This location was chosen considering the lack of recreational use, and close ties to the owners of Boulder Cottages. Also, having a recreational aquaculture license, I have had great success growing oysters under the BC dock. At maximum capacity this site will hold 315 floating oyster bags. These bags are 40 in by 20 in, and are held buoyant by 2in thick floats. At most, this gear will have a 2in profile above the waters surface.

The storage site is needed due to the shallow nature of the grow-out site, which completely freezes over during the winter. The sole reason for the storage site is to protect the oysters from these harsh conditions. This site will only be active between November 1st and May 1st. Although ice generally melts well before the 1st of May, time is needed for the oysters to stabilize after the winter months. This 0.13 acre area was chosen because of its depth and recreational hazards. All four sides of the site are surrounded by boulders, which are dangerous to boating and other activities. At maximum capacity, this site will hold 54 oyster cages. These cages will have 6 slots, 3 high and 2 across. After November 1st, bags will be removed from the grow-out site and placed into these slots. The gear will sink to bottom with at least 2 ft of clearance from the waters surface at mean low tide. By May 1st this process will be reversed and all gear will be removed from the storage site.



PROPOSED
AQUACULTURE SITE
JASON PEET
CRMC FILE #
A 2015-04-093
QUONONCHONTAUG POND
(map 2 of 2)

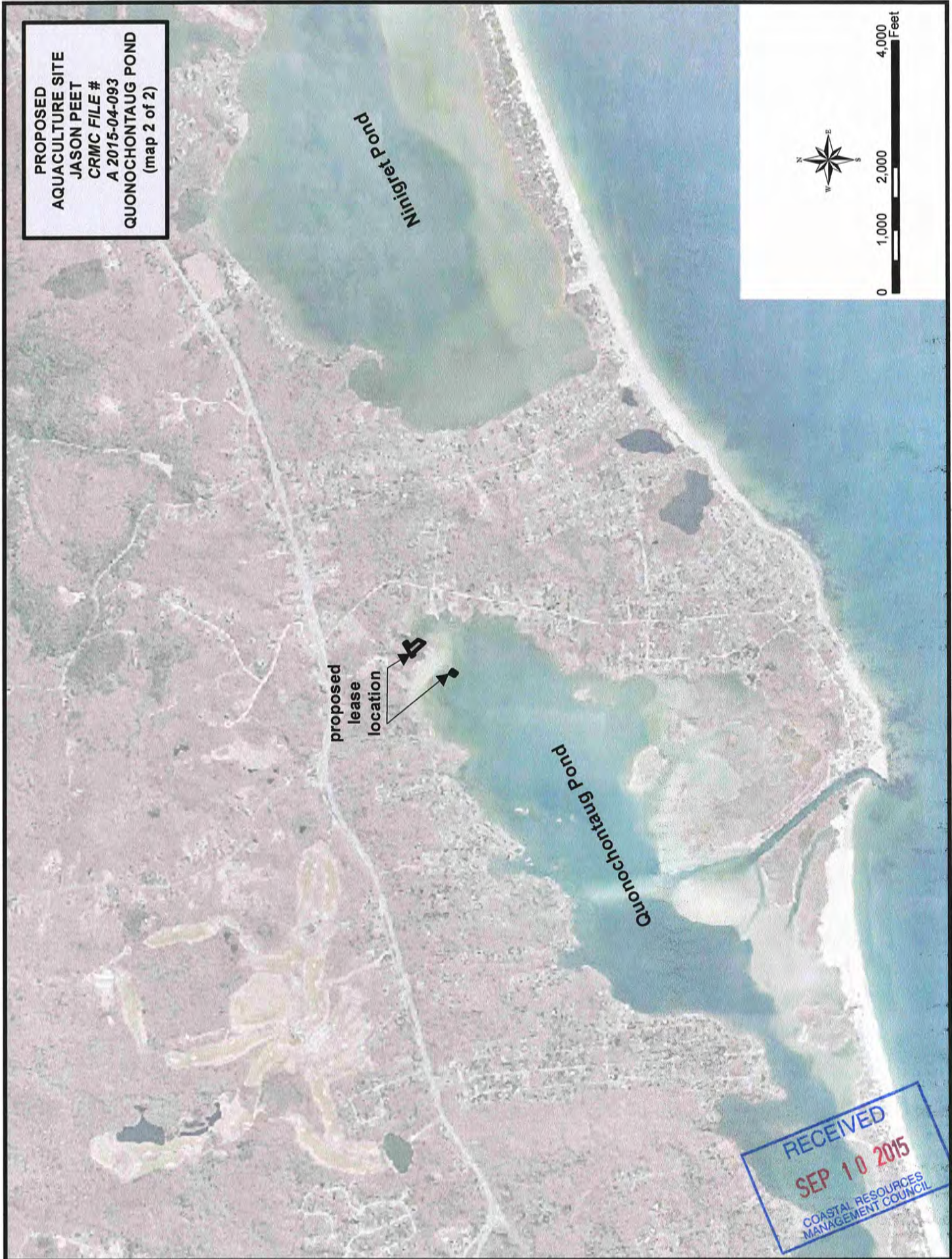
proposed
lease
location

Ninigret Pond

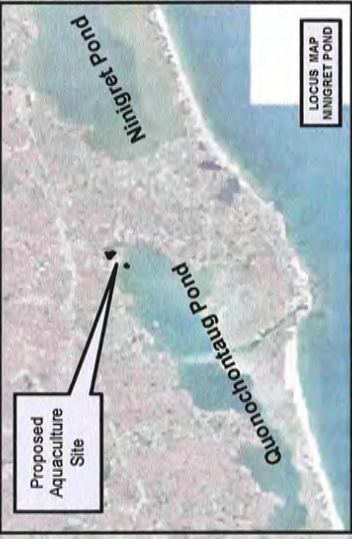
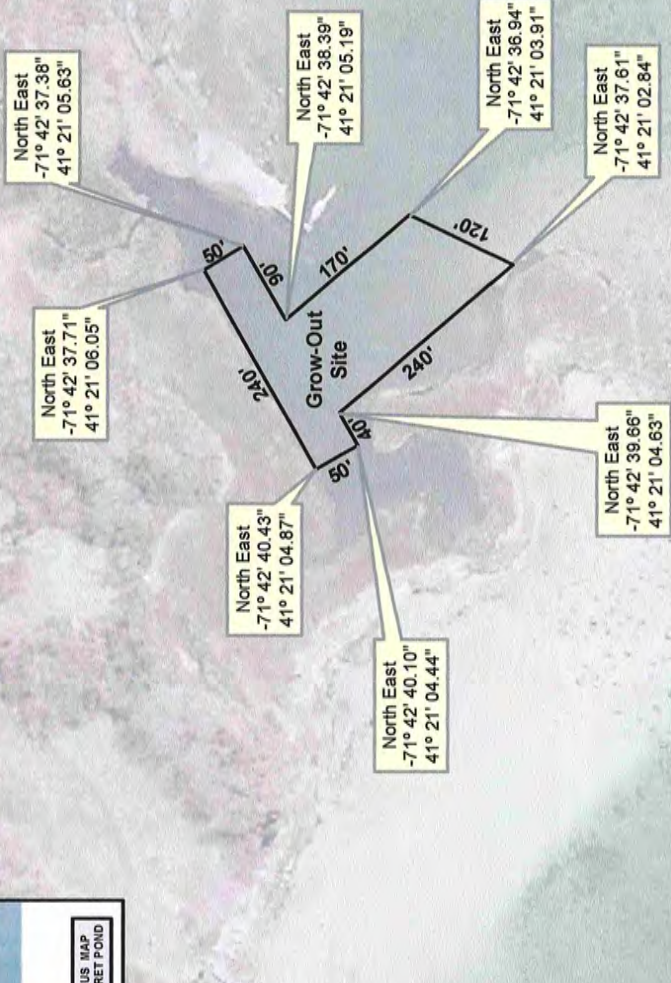
Quonochontaug Pond



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COASTAL RESOURCES
MANAGEMENT COUNCIL



PROPOSED
AQUACULTURE SITE
JASON PEET
CRMC FILE #
A 2015-04-093
QUONOC HONTAUG POND
(map 1 of 2)



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COASTAL RESOURCES
MANAGEMENT COUNCIL

Jason Peet
9/9/15

Grow-Out Site

Operational Plan:

1. **Name and Mailing Address:** Jason Peet - 59 Surfside Ave, Charlestown RI 02813
2. **CRMC File Number:** A 2015-04-093
3. **DEM Aquaculture License Number:** Not yet obtained
4. **Type of Facility:** Commercial Lease
5. **Location of Facility:** North end of Quonochontaug Pond, Charlestown, RI.
41°21'04.35 N / 71°42'38.43 W
6. **Species:** Eastern Oyster (*Crassostrea virginica*). Seed will be purchased from Oyster Seed Holdings, Jim Arnoux (East Beach Farm), and Rob Krause (Ninigret Oyster Farm).
7. **Types of Structures, Gear and Methods:** The site will be composed of 16 trawls. Each trawl will be secured to the bottom by a twist anchor that is designed to screw into the mud. Trawls that border closely to the marsh banks will be secured with extra twist anchors to decrease the amount of swing. The anchors will be connected by 3/8 in sinking poly dacron lines. Oysters will be held in floating bags that will connect to the trawl lines with long line clips. Each bag will have a clip at either end. At maximum capacity the site will hold 315 bags. The floats, which are 2 inches thick, will be attached with UV stabilized zip ties. At most, this gear will have a 2-inch profile above the waters surface. The site will be accessed from an 18 ft skiff, which will be kept on a commercial mooring (#391) adjacent to the proposed site. This skiff will be accessed by a small dinghy kept at the Boulder Cottages dock (99 West Beach Rd, Charlestown RI 02813).
8. **Methods and equipment used to identify and mark the site:** Site coordinates were located using a portable GPS and marked with 11inch white buoys. The buoys are currently anchored by cinder blocks but these will be replaced with twist anchors. Coordinates have been checked and confirmed by Steve McCandless (GIS Specialist).
9. **DEM Shellfish Harvesting Classification:** 11QW
10. **Practices and Procedures Used:** Gear and oysters will be maintained from the 18 ft skiff. This vessel will be pulled along the trawls to access the floating bags. Each bag will be shaken every 1-2 weeks, depending on growth rates. This will help to grow and shape a desirable oyster. At high tide, the bags will be shaken over the side



of the boat. Considering the shallow depth at low tide, bags will be shaken inside a tote of water on board the skiff. Occasionally, the bags may be flipped over to expose and kill fouling organisms. Every 3-6 weeks (depending on growth rates) bags will be split up, sorted by size, and moved to different areas within the site. When it comes time to harvest, oysters will be stored in coolers with ice. These coolers will then be landed at the Boulder Cottages boat launch and loaded onto the back of a pick-up truck. From here, the oysters will be transported and sold to the Ocean State Shellfish Cooperative. Equipment that is not being used will be taken out of the water and stored in a green house at 16 West Beach Rd, Charlestown RI 02813. Gear will also be power washed at this location as needed. Some gear, such as extra bags, lines, clips and zip ties may be kept on board the skiff inside storage compartments. No gear will be left out on deck or on the Boulder Cottages property. After daily use, the skiff will be sprayed down at the Boulder Cottages dock. Further cleaning, maintenance or storage will take place at 16 West Beach Rd. Oysters that have not been harvested by winter will be transported to a separate storage site on Quonnie Pond. This seasonal site will only be active between November 1st and May 1st.

Ideally, the first batch of 40,000 spat will be set in the Spring of 2016. At full size, this amount of seed would fill 200 bags, which would occupy about 2/3 of the proposed site. Judging by the amount of growth within these two months, a second batch of 20,000-40,000 spat will be planted in the Fall of 2016.

11. ***Procedure for maintaining records:*** Seed of separate origin and deployment will be labeled using a color-coding system. Two UV stabilizing zip ties of the same color will be applied to each bag of oysters. This color will remain constant for each set of seed as it is split up and spread through out the site. Records of seed origin, size grade, and set/haul dates will be kept in a waterproof notebook for field use. This information will also be recorded and mapped out on Microsoft Excel.

Section 300.1 B Requirements

- (1) ***Demonstrate the need for the proposed activity:*** The proposed site is needed to start an oyster aquaculture business. I intend to keep the operation small enough to manage on the side of a full-time job, while also conserving the recreational and visual values of the pond. If obtained, my lease would be composed of two sites. This section will be describing the oyster grow-out site. Another seasonal site will be used for winter storage (Nov 1st – May 1st).
- (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:*** There are no land based activities involved with this proposed site.



(3) ***Describe the boundaries of the coastal waters and land area that are anticipated to be affected:*** The north and west boundaries of the proposed site will border unused marshland. The 170ft east boundary faces the property of Boulder Cottages LLC (BC). The owners of this property (BC) are close friends and family members who support all aspects of this operation. At its closest point, the BC dock is 57 feet from this 170 ft boundary line. Additionally, it is 62ft from the start of that first outside slip and 68 ft from the start of the second. This will provide more than sufficient space for boats to navigate too and from the dock. The 120ft southeast border of the site faces the back end of the East Beach Yacht Club mooring field. Justin Vail (Harbor Master) and Steve McCandless (GSI Specialist) have helped to determine and mark a proper distance from this area. The closest mooring is now 70 ft from the site.

(4) ***Demonstrate that the activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:*** The proposed site is located in a low turbulence area with a flat muddy bottom. Here, erosion and deposition rates are extremely slow. The floating oyster bags will stay clear of the pond bottom and edges of the marsh banks. Trawls that border the marsh banks will be secured to the bottom with extra twist anchors to restrict movement. Equipment will be managed by boat away from the banks to help prevent erosion.

(5) ***Demonstrate that the activity will not result in significant impacts on the abundance and diversity of plant and animal life:*** There is no eelgrass or any other plant life on the proposed site. Oyster bags have no harmful effects to any fish species. In fact, studies have shown that oyster equipment provides a safe structure for juvenile fish to hide from predators. According to other oyster farmers in the area, this equipment has had no effect on the local bird populations.

(6) ***Demonstrate that the activity will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:*** This site was chosen to avoid public and recreational activity. The proposed site is tucked inside a cove, adjacent to the BC private dock. The site is past all boating activity from the East Beach



Yacht Club and mooring field. At low tide the water can be less than a foot deep, therefore boats rarely navigate this direction. Occasionally kayakers explore the area but they should be able to navigate around, in between and over the gear. Kayaks are frequently launched from the BC property so there will be space to paddle around. The site is rarely used for clamming due to the very soft bottom.

- (7) ***Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:*** The proposed site is in an area of very little water circulation. Located at the most northern end of the pond, the site is about 1.23 miles from the inside mouth of the breach way. Even so, the gear is built to allow for the greatest amount of water flow in order to provide more food for the oysters. In addition, these floating bags will only take up 3 to 4 inches of the water column.
- (8) ***Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM:*** Oyster farming has been proven to improve water quality. A full-grown oyster will filter through about 50 gallons of water a day, removing any contaminants. Gas tanks for the skiff will be filled on land to avoid spills.
- (9) ***Demonstrate that the activity will not result in significant impacts to areas of historic and archaeological significance:*** There is no known historic or archaeological significance within the proposed site.
- (10) ***Demonstrate that the activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce:*** Due too the shallow depth and soft muddy bottom, this site is rarely used for boating, fishing, clamming, swimming, navigation or commerce. Occasionally the area is used for kayaking but there will be enough space to navigate around and in-between the gear.
- (11) ***Demonstrate that measures have been taken to minimize any adverse scenic impact:*** The proposed site is tucked up inside a cove beyond most public activity. This area of water is not visible from the open pond. The site will have the greatest scenic impact on the BC property. Considering the

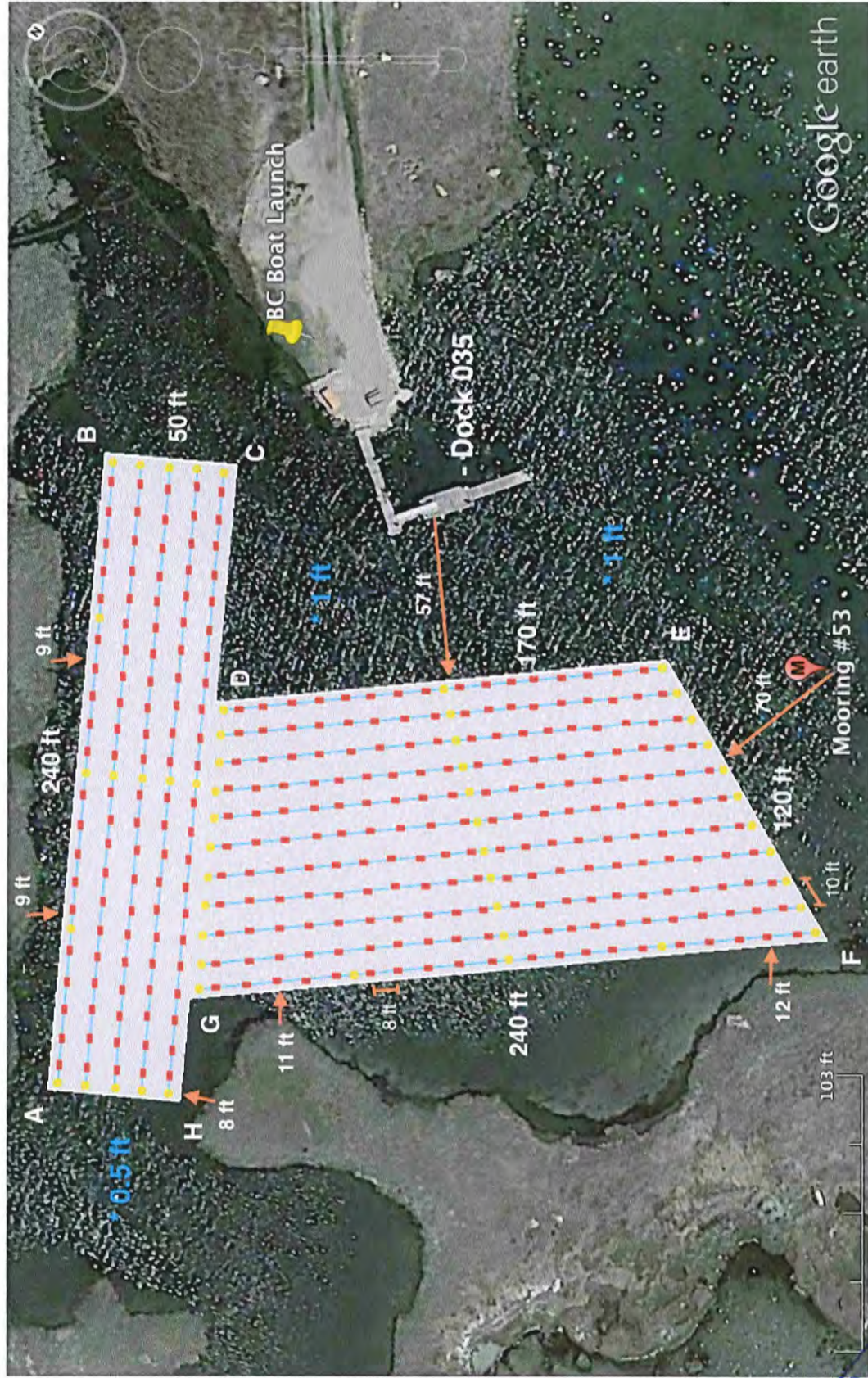


close ties with the BC partners, we will work together to conceal the gear and fulfill the needs of their business. Although floating gear will be used, the bags will maintain a very low profile at the water's surface. Floatation will be adjusted to minimize the amount of visible gear.



Grow-Out Site

Jason Peet
9/9/15



Total Area = 34,550 square feet (0.79 Acres)

Maximum Number of Bags = 315

* Depths at mean low tide

| | |
|---|------------------------------------|
|  | - Trawls (PolyDacron sinking line) |
|  | - Twist Anchors |
|  | - Floating Oyster Bags |
|  | - Distances |

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COASTAL RESOURCE MANAGEMENT COMMISSION

| | | | | | | | | | | | | | |
|----|----------------------------|----|----------------------------|----|----------------------------|----|----------------------------|----|----------------------------|----|----------------------------|----|----------------------------|
| A: | 41°21'04.87 71°42'40.43 | C: | 41°21'05.63 71°42'37.38 | D: | 41°21'05.19 71°42'38.39 | E: | 41°21'03.91 71°42'36.94 | F: | 41°21'02.84 71°42'37.61 | G: | 41°21'04.63 71°42'39.66 | H: | 41°21'04.44 71°42'40.10 |
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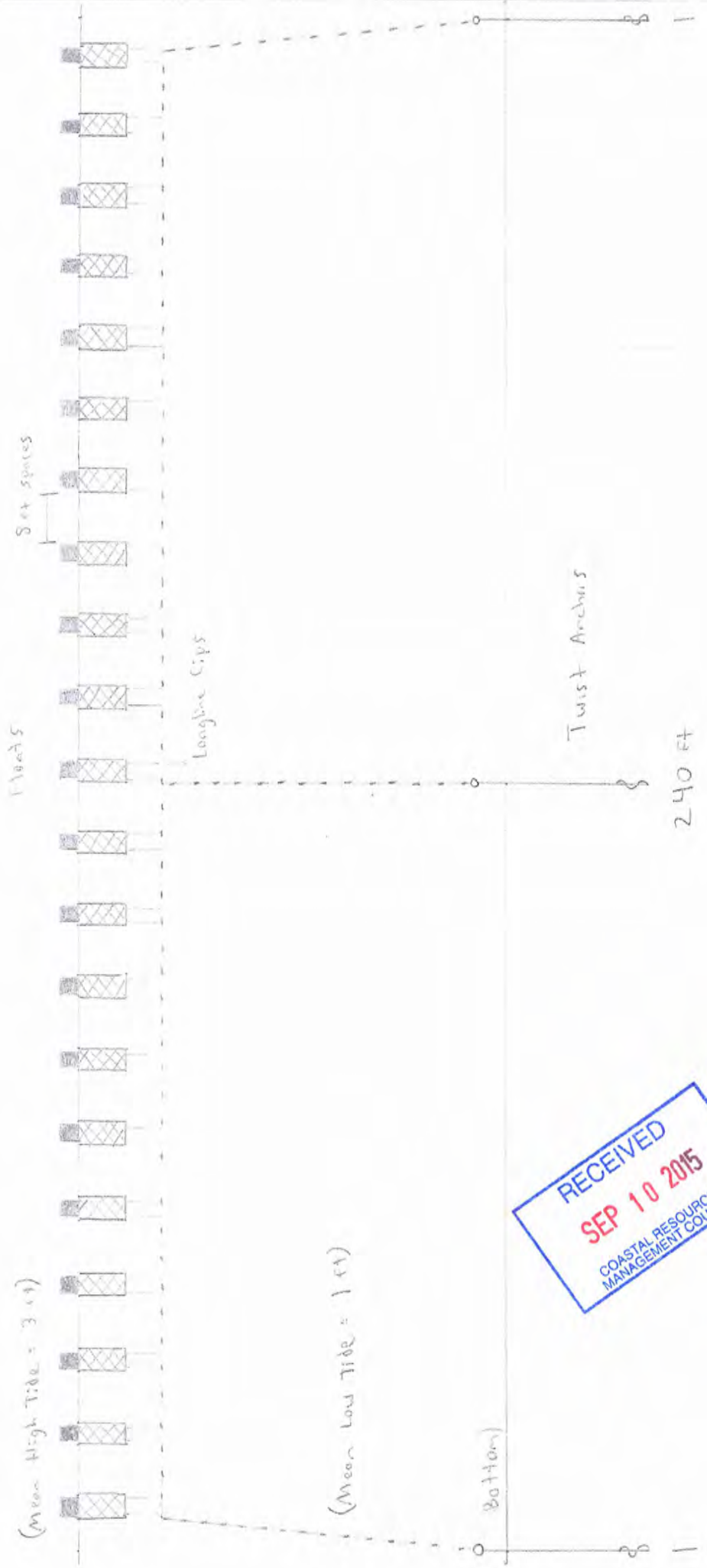
Grow-out site
Jason Peet
4/17/15

Gear Layout Cross Section (Entire Site)

Horizontal Scale: 0 10 20 40 ft

Vertical Scale: 0 1 ft

Floating Bags



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Scale

(Mean Log)

/ Tra

(Mean Log)

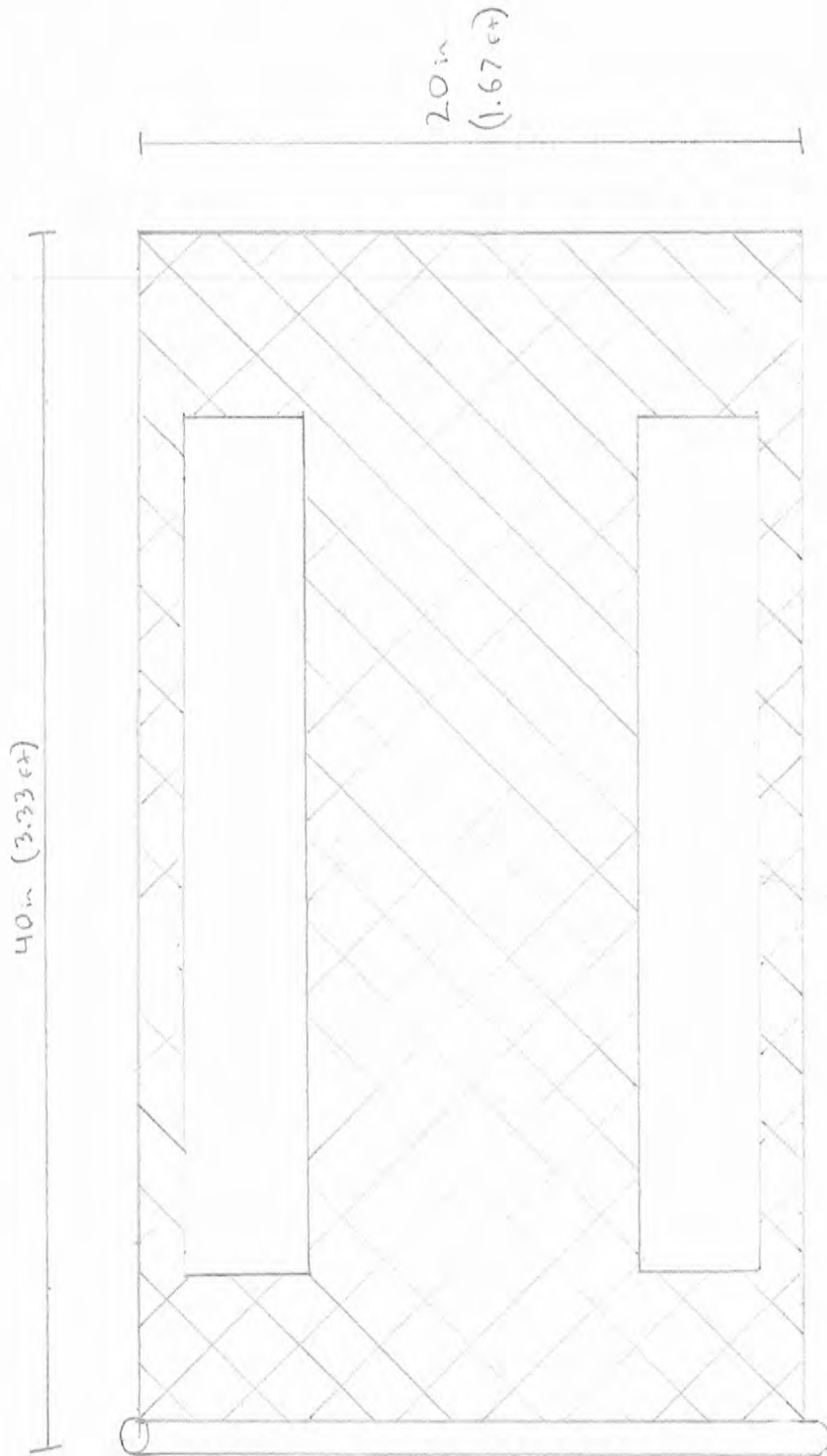
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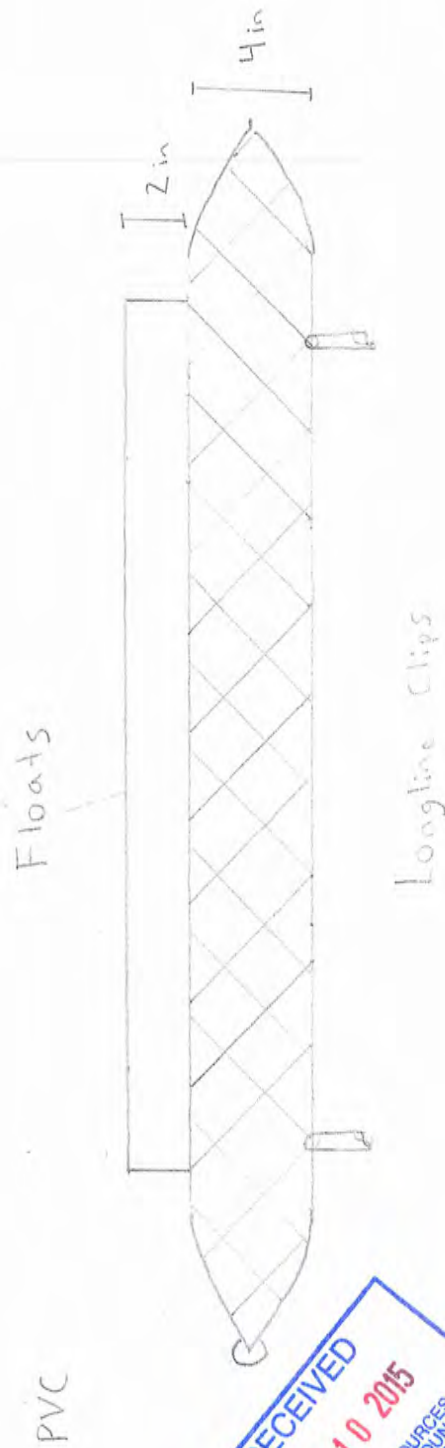
Grow-out Site
Jason Peet
4/17/15

Proposed Gear (Floating Bags)

Scale: 0 1 ft



(Top View)



(Side View)

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Jason Peet
9/9/15

Winter Storage Site (Nov 1st – May 1st)

Operational Plan:

1. **Name and Mailing Address:** Jason Peet - 59 Surfside Ave, Charlestown RI 02813

2. **CRMC File Number:** A 2015-04-093

3. **DEM Aquaculture License Number:** Not yet obtained

4. **Type of Facility:** Commercial Lease

5. **Location of Facility:** North end of Quonochontaug Pond, Charlestown, RI.
41°20'58.37 N / 71°42'43.91

6. **Species:** Eastern Oyster (*Crassostrea virginica*). Seed will be purchased from Oyster Seed Holdings, Jim Arnoux (East Beach Farm), and Rob Krause (Ninigret Oyster Farm).

7. **Types of Structures, Gear and Methods:** At maximum capacity, this site will be composed of 54 bottom cages. Each cage, being three slots high and two across, will hold six oysters bags from the grow-out site. The cages will be submerged to the bottom, organized in six rows of nine. Each cage will have a line that attaches to either side with a buoy in the middle. The buoy will float this loop of line 2 feet below the waters surface at mean low tide. The site will be accessed from an 18 ft skiff, which will be kept on a commercial mooring (#391) adjacent to the grow-out site. The skiff will be accessed by a small dinghy kept at the Boulder Cottages dock (99 West Beach Rd, Charlestown RI 02813). At times of setting and hauling, the skiff may have a pulley system to help handle the heavy gear.

8. **Methods and equipment used to identify and mark the site:** Site coordinates were located using a portable GPS and marked with 11 inch white buoys. These markers are secured to the bottom with dead weight anchors. Coordinates have been checked and confirmed by Steve McCandless (GIS Specialist). Buoys will be removed when the site is inactive (May 2nd – Oct 31st).

9. **DEM Shellfish Harvesting Classification:** 11QW

10. **Practices and Procedures Used:** The proposed site will be specifically used for winter storage between the dates of November 1st and May 1st. After November 1st, oyster bags will be removed from the grow-out site and clipped free of their floats. The bags will then be placed inside bottom cages and transported by boat to the storage site. A pulley system may be rigged to the skiff to set and haul the cages. Once set, the cages will require very little maintenance during these winter months. If weather permits, some oysters may be hauled for sale. Oysters will be stored in



coolers with ice. Depending on pond ice conditions, the totes will be landed at the Boulder Cottages or the breach way boat launch. From here, the oysters will be transported and sold to the Ocean State Shellfish Cooperative. Equipment that is not being used will be taken out of the water and stored in a green house at 16 West Beach Rd, Charlestown, RI 02813. Gear will also be power washed at this location as needed. Some gear, such as extra bags, lines, clips and zip ties may be kept on board the skiff inside storage compartments. No gear will be left out on deck or on the Boulder Cottages property. If possible, the skiff will be sprayed down at the Boulder Cottages dock after use. If the pond begins to freeze, the skiff will be removed and stored at 16 West Beach Rd. If the site needs to be accessed during this time, the skiff will be launched from the Quonnie breach way. Prior to May 1st, all cages will be removed from this site. Cages will be hooked by the floating loop and hauled onto the skiff. Bags will be removed from the cages, rigged with floats, and set back to the grow-out site. Floats will be attached with UV stabilized zip ties.

First cages will be deployed after November 1st 2016 with 40,000 oysters from the grow-out site. Depending on how much the oysters have grown, they will occupy about 20-25 cages. All oysters will be removed by May 1st 2017.

11. **Procedure for maintaining records:** Seed of separate origin and deployment will be labeled using a color-coding system. Two UV stabilized zip ties of the same color will be applied to each bag of oysters. This color will remain constant for each set of seed as it is split up and spread through out the site. Records of seed origin, size grade, and set/haul dates will be kept in a waterproof notebook for in the field use. This information will also be recorded and mapped out on the program Microsoft Excel.

Section 300.1 B Requirements

- (1) **Demonstrate the need for the proposed activity:** The proposed site is needed to start an oyster aquaculture business. I intend to keep the operation small enough to manage on the side of a full-time job, while also conserving the recreational and visual values of the pond. If obtained, my lease would be composed of two sites. This particular site will be used for winter oyster storage between November 1st and May 1st.
- (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:** There are no land based activities involved with this proposed site.
- (3) **Describe the boundaries of the coastal waters and land area that are anticipated to be affected:** The north boundary of the proposed site faces a



boulder field that extends about 450 ft to a strip of unused marshland. To the east is the East Beach Yacht club (800ft) and mooring field (200ft), which are usually inactive during this time of year. The southern boundary faces a couple immediate boulders and then the open pond. The west boundary looks towards a small cove, which sits at the northern tip of the pond. The northeast corner of this cove holds a $\frac{3}{4}$ acre oyster lease utilized by East Beach Farm. The location of the proposed site has been coordinated with the owner of this lease.

- (4) ***Demonstrate that the activity will not result in significant impacts on erosion and/or deposition processes along the shore and in tidal waters:*** The proposed site is located in an area of low turbulence where erosion and deposition rates are very slow. The gear, which will set be on a flat bottom, is built to allow for the movement and passage of small particles. These processes will not be impaired.
- (5) ***Demonstrate that the activity will not result in significant impacts on the abundance and diversity of plant and animal life:*** There is no eelgrass or any other plant life on the proposed site. Oyster bags have no harmful effects to any fish species. In fact, studies have shown that oyster equipment provides a safe structure for juvenile fish to hide from predators. According to other oyster farmers in the area, this equipment has had no effect on the local bird populations.
- (6) ***Demonstrate that the activity will not unreasonably interfere with, impair, or significantly impact existing public access to, or use of, tidal waters and/or the shore:*** The proposed site is surrounded by boulders and is hazardous for boating. Sometimes people will clam at the shallow end of the boulder field but this site will not impair their access. Boaters generally approach this area from the west cove or east mooring field. Kayakers will easily navigate through this site because the gear will be at least 2 ft below the surface at mean low tide.
- (7) ***Demonstrate that the alteration will not result in significant impacts to water circulation, flushing, turbidity, and sedimentation:*** The proposed site is located in an area of very little water circulation. The site is located



about 1.1 miles from the inside mouth of the breach way. The cages, which will only take up the lower 20 inches of the water column, is built to allow for the greatest amount of water flow in order to feed the oysters.

(8) ***Demonstrate that there will be no significant deterioration in the quality of the water in the immediate vicinity as defined by DEM:*** Oyster farming has been proven to improve water quality. A full-grown oyster will filter through about 50 gallons of water a day, removing any contaminants. Gas tanks for the skiff will be filled on land to avoid spills.

(9) ***Demonstrate that the activity will not result in significant impacts to areas of historic and archaeological significance:*** There is no known historic or archaeological significance within the proposed site.

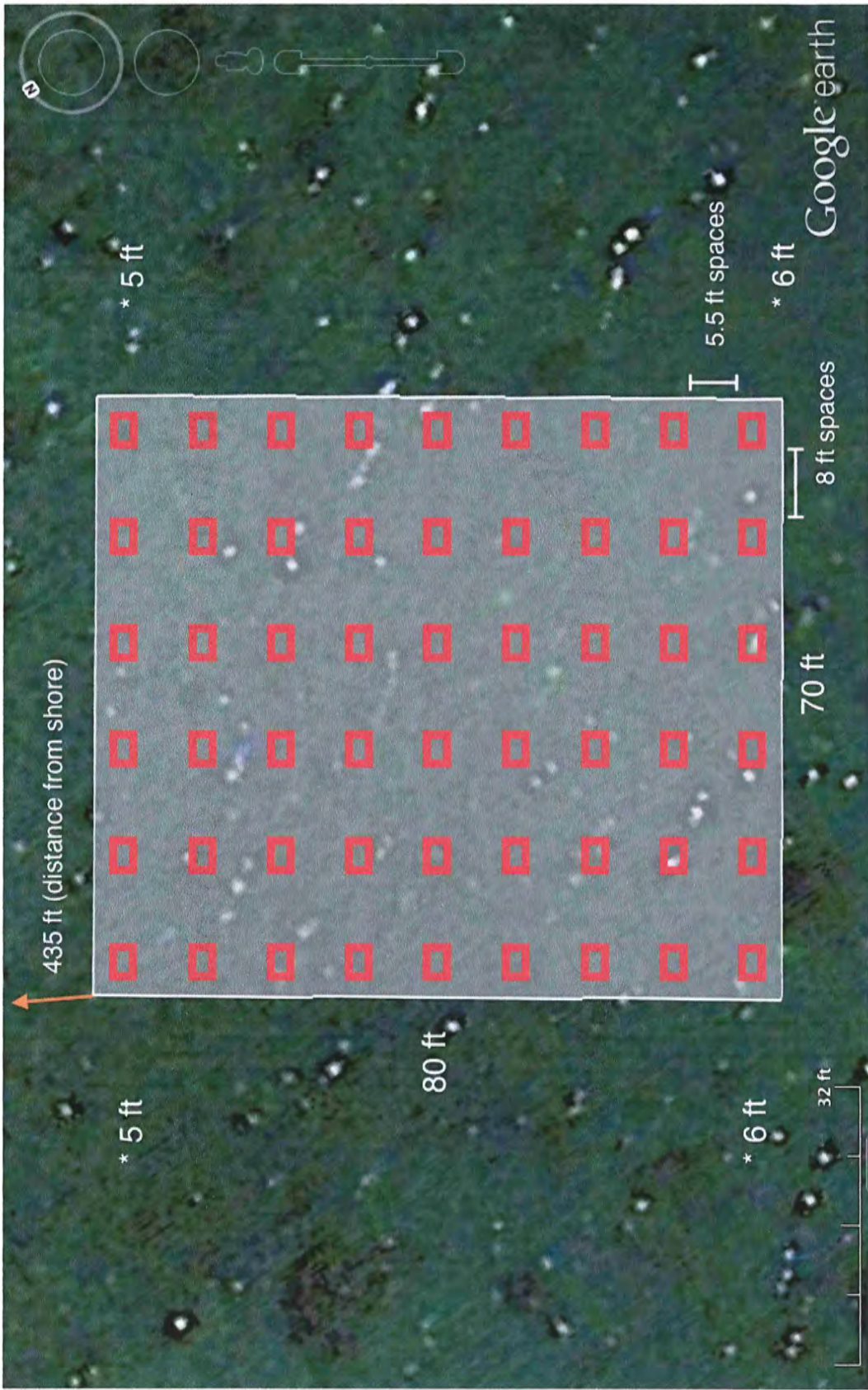
(10) ***Demonstrate that the activity will not result in significant conflicts with water-dependent uses and activities such as recreational boating, fishing, swimming, navigation, and commerce:*** During this time of year (Nov 1st – May 1st) there is very little recreational activity in Quonnie Pond. Most boats are removed from the water by this point. Either way, the site should not pose any conflicts to recreational users. Although it is located close to a mooring field, hazardous boulders surround the site. For this reason, the area is avoided for boating and swimming. The north end of this boulder field is used for clamming, but the water becomes too deep before reaching the site. Kayakers will have no problem navigating over the gear.

(11) ***Demonstrate that measures have been taken to minimize any adverse scenic impact:*** The white buoys at each corner of the site will be the only visible equipment. Oyster cages will be submerged to the bottom with no visual markings. The location of each cage will be marked in a grid system and a handheld GPS may be used to record exact coordinates. Cages should be easily found in the spring when the waters lack nutrients and planktonic organisms.




Winter Storage Site
(Nov 1st - May 1st)

Jason Peet
4/17/15



Total Area = 5,600 square feet (0.13 Acres)
Maximum Number of Cages = 54

 - Bottom Cages

N Corner:
41°20'58.90 N
71°42'44.01 W

E Corner:
41°20'58.52 N
71°42'43.25 W

S Corner:
41°20'57.87 N
71°42'43.83 W

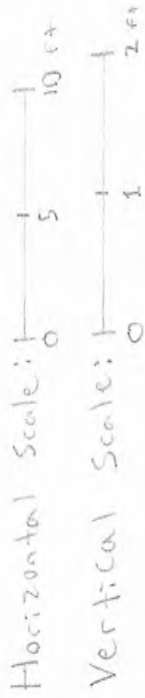
W Corner:
41°20'58.25 N
71°42'44.59 W

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* Depth at mean low tide

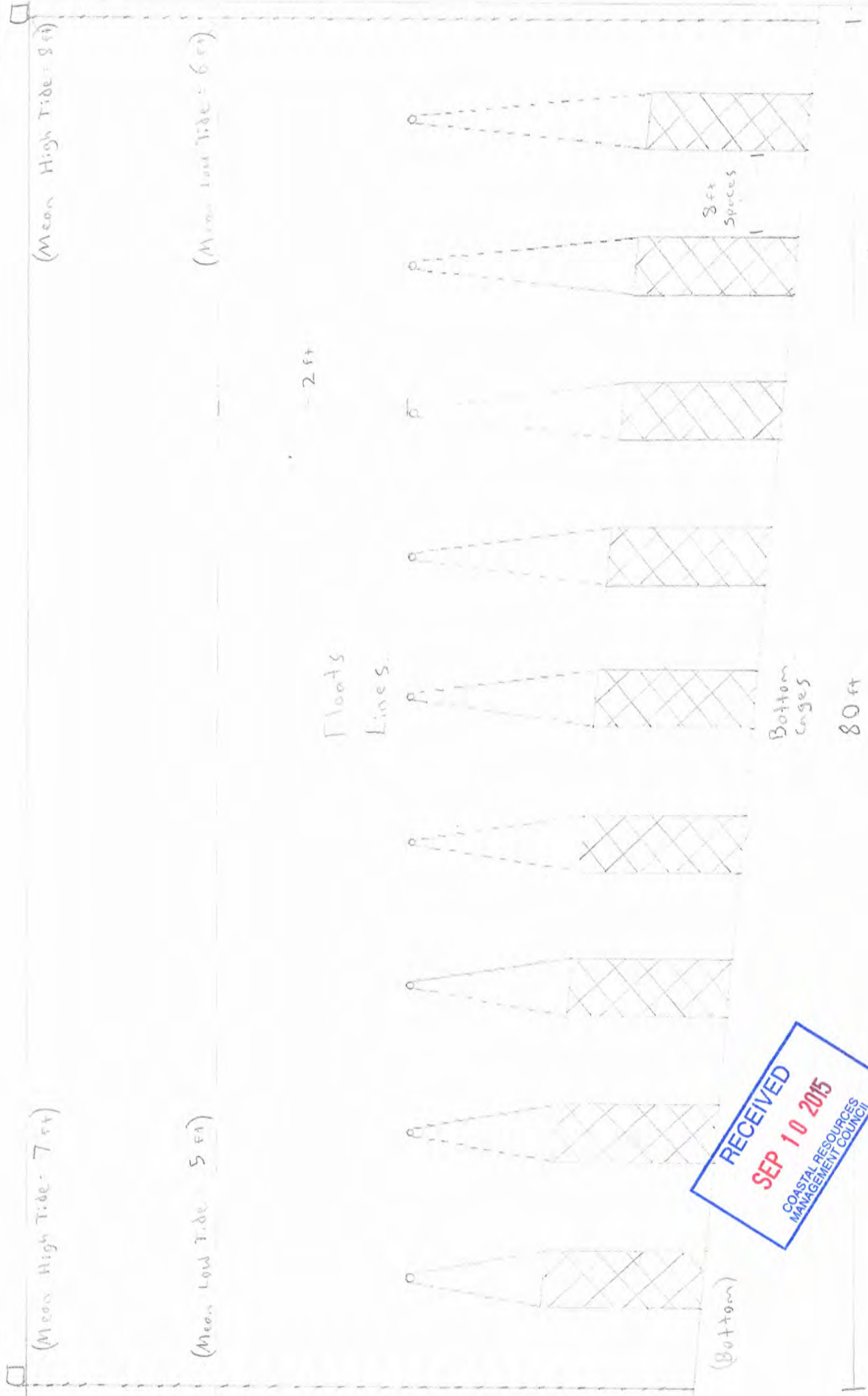
Gear Layout Cross Section (Entire site)

Storage Site
Jason Peet
4/17/19



N Corner Marker

W Corner Marker



Floats Lines

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MANAGEMENT COUNCIL

Gear Layout Cross Section

Storage Site
Jason Peet
4/17/15



North End South End

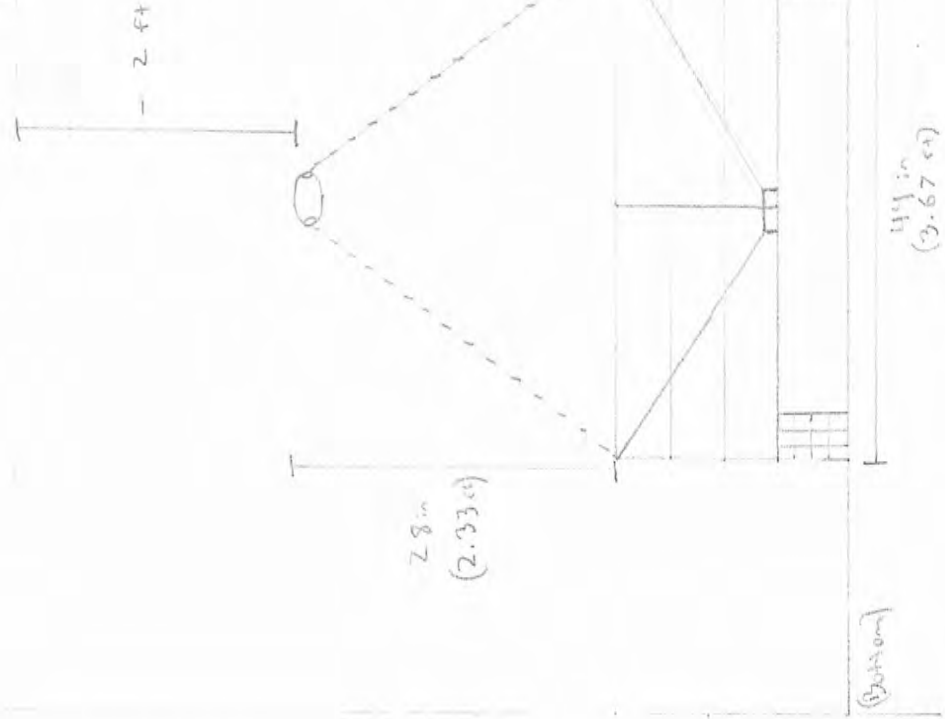
(Mean High Tide: 7 ft)

(Mean Low Tide: 5 ft)



(Mean High Tide: 8 ft)

(Mean Low Tide: 6 ft)



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Grow out

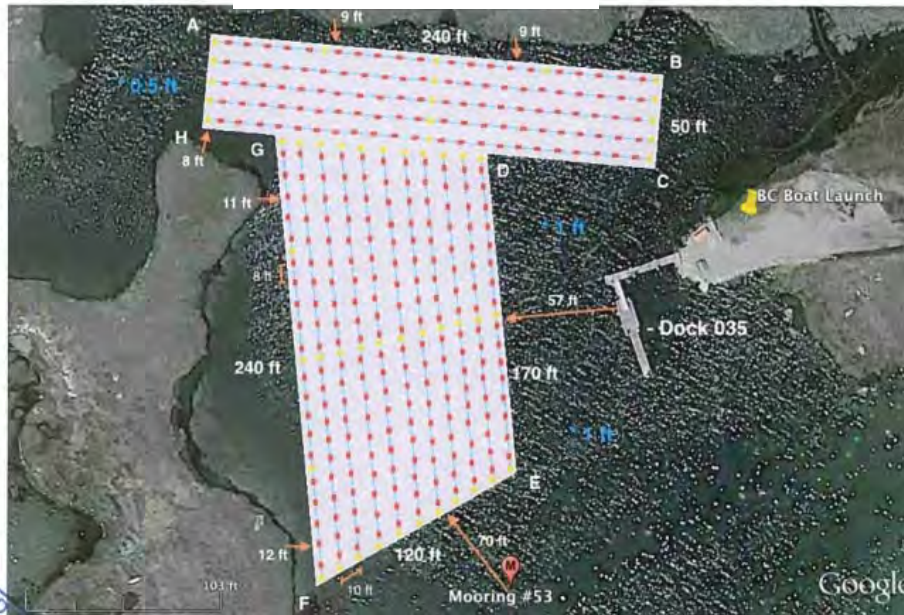
Jasc

Total Area = 34,550 square feet (0.79 Acres)

Maximum Number of Bags = 315

* Depths at mean low tide

-  - Trawls (PolyDacron sinking line)
-  - Twist Anchors
-  - Floating Oyster Bags
-  - Distances



Peet

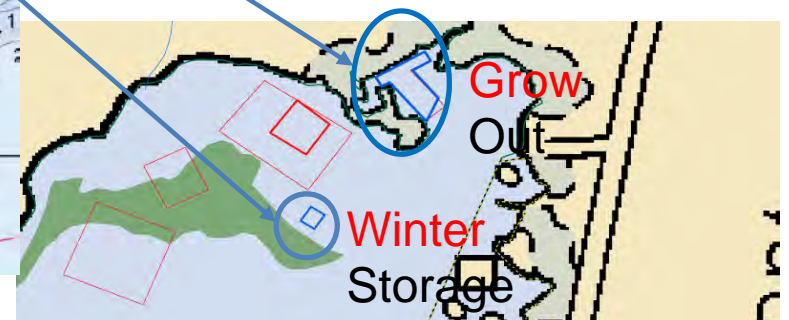
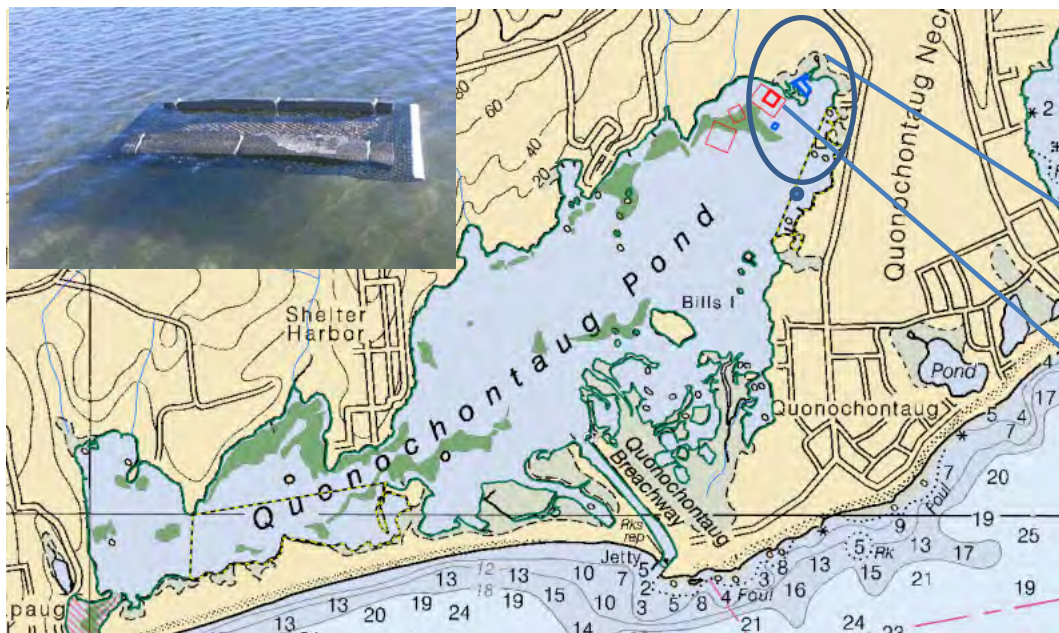
2015-09-030

2 sites – Grow out (0.79 ac) + Winter Storage site (0.13 ac Nov 1 – May 1)

16 trawls – max 315 fltg oyster bags 40"X20"-on long line clips – w/ 2" floats

Quonochontaug Pond, Charlestown

(access via Boulder Cottages dock)





Oliver Stedman Government Center
4808 Tower Hill Road; Suite 116
Wakefield, RI 02879
401-783-3370

PUBLIC NOTICE

File Number: 2015-09-103

Date: October 22, 2015

This office has under consideration the application of:

Walrus & Carpenter Oysters LLC
c/o Jules Opton-Himmel
73 Harrison Street
Providence, RI 02909

for a State of Rhode Island Assent to construct and maintain: a five acre aquaculture site using floating gear to grow oysters in the warm weather months and to grow kelp in the cold weather months. This application is a companion to another that is for a 2 acre site for winter storage of the oysters. A subsequent public notice will be sent for that application. Please see the attached map for this application. A more complete version of the notice is available electronically.

| | |
|-------------------|---------------------|
| Project Location: | Dutch Island |
| City/Town: | Jamestown |
| Plat/Lot: | / |
| Waterway: | Dutch Island Harbor |

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 November 23, 2015.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
 4808 TOWER HILL ROAD; Suite 3, WAKEFIELD, RI 02879
 (401) 783-3370

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

| | |
|---|------------------------------------|
| File No. <u>2015 09 103</u> | |
| Location: Street <u>Dutch Island</u> City/Town <u>Jamestown, RI</u> | |
| Applicants Name. <u>Walrus and Carpenter Oysters, LLC</u> | |
| Mailing Address <u>73 Harrison Street</u> | Res. Tel. # <u>401.742.6190</u> |
| City/Town <u>Providence</u> State <u>RI</u> Zip Code <u>02909</u> | Bus. Tel. # |
| Location of Proposed Aquaculture Project: <u>Jamestown, RI</u> | |
| Name of Waterway <u>Narragansett Bay</u> | Fee/Costs \$ |
| Est. Project Cost \$ <u>10,000</u> | <u>200</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).

No

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION? YES _____ NO X

IF YES, YOU MUST INDICATE NOV OR C&D NUMBER _____

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 applicants 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.

Date: 9/29/15 Owner's Signature 

Appendix C
Rev. 05/



Concise Description of Proposed Project:

Walrus and Carpenter Oysters LLC is an established and successful oyster farming and distribution company located in Rhode Island. The company has been in business for 6 years and has six employees. The company would like to (a) expand its operation to include a new grow-out site, (b) to implement a different method of oyster culture using floating or suspended gear and (c) to diversify its crop production to include kelp and/or possibly mussels in the future.

This application is to lease 5.0-acres in Narragansett Bay off of Conanicut Island for the purpose of aquaculture. The proposed site, which will hereafter be referred to as "Site A", is located on the southeast side of Dutch Island in roughly 30-feet of water at MLW. This site would be used to culture oysters from April thru November in floating or suspended gear and kelp from December to March on submerged long lines.

Site A will be used in conjunction with an additional nearby site, "Site B", for which a separate application has been submitted. Site B would be 2.0-acres located between Jamestown Brook and Great Creek off of the southwest coast of Conanicut Island in 4-10 feet of water at MLW. This site would be used primarily to overwinter oysters in subsurface gear from December thru March.



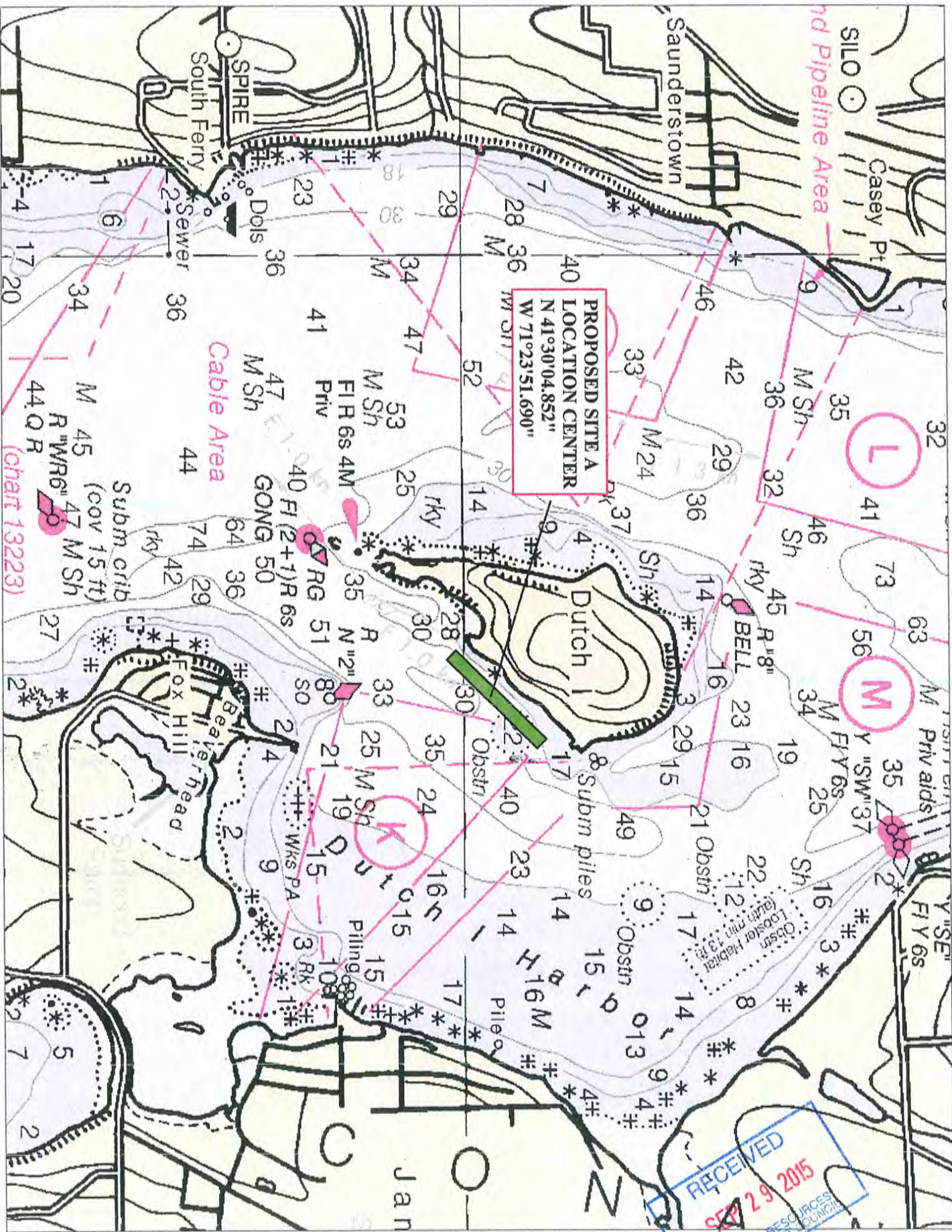


Figure 1: Location map of proposed site A – NOAA nautical chart

| | | |
|-----------------------|--|--|
| SCALE: 1" = 1500' | PROPOSED SITE A LOCATION DUTCH ISLAND, JAMESTOWN, RI | <div style="border: 2px solid blue; padding: 5px; transform: rotate(-15deg); color: blue; font-weight: bold;"> RECEIVED SEP 29 2015 COASTAL RESOURCES MANAGEMENT COUNCIL </div> WALRUS AND CARPENTER OYSTERS LLC PREPARED: SEPTEMBER 28, 2015 |
|-----------------------|--|--|

Operation Plan:

Walrus and Carpenter Oysters LLC is an established and successful oyster farming and distribution company located in Rhode Island. The company has been in business for six years, has six employees, distributes year-round to 35 local restaurants and sells on the wholesale market up and down the east coast. Currently the company farms 6-acres and operates two upweller nurseries in Ninigret Pond.

The goal of this new aquaculture lease would be to (a) expand the companies operation to include a new and improved grow-out site in Narragansett Bay, (b) to implement a different method of oyster culture using floating or suspended gear and (c) to diversify the companies crop production to include kelp and possibly mussels at some future date.

To continue to meet growing demand the company has identified the need to expand to a new location for two reasons. (1) The current lease is planted to capacity. (2) In the first year rapid growth and low mortality are observed at the current site. However, research and experience has shown that mortality is unusually high during the last two years of grow-out. Presumably this is the result of the combined deleterious effects of insufficient flow, eutrophic conditions and elevated water temperatures. This leads to the conclusion that the current lease is an excellent nursery but a less than ideal final grow-out site. If a second site with better flow, less nutrient loading, and cooler water were obtained 25-50mm seed oysters could be transferred from the nursery in Ninigret to the new grow-out location with better overall results in farm production and product quality.

Floating gear offers the ability to efficiently and cost effectively control for fouling organisms by periodically exposing the gear to air-drying. The less fouling on the gear the greater the flow of water across the oysters and therefore the more they are able to feed. This results in faster growing, healthier oysters, which will be more resilient to challenges in their environment.

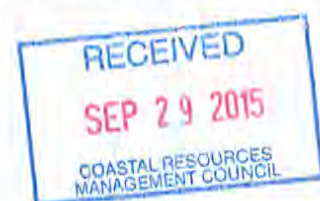
The global aquaculture production of edible seaweed is valued at \$5.5 billion.¹ For the past 10 years seaweed production has grown at an average rate of 5.2% per year.² Of this production 99% is produced in Asia.³ There is an unrealized opportunity to produce and sell this product domestically in the United States. As of yet a market for such a product is undeveloped and an economically feasible method of production is largely unproven. Therefore the kelp production component of this application is being considered as an opportunity to experiment and not as a stand-alone business. Fortunately oysters and kelp have opposite growing seasons. The beauty of the proposed plan is that the deep-water infrastructure investments necessary to grow oysters during the summer at Site A are in place and unused during the winter. This is because in November the oysters will be transferred to the more protected and easily accessible winter storage Site B. As a result the existing deep-water infrastructure can be used to grow kelp (and/or potentially mussels) during the winter. This plan will reduce the financial risk associated with experimenting with the new and unproven crop of kelp.

To achieve these goals, a lease on 7.0-acres in Narragansett Bay off of Conanicut Island are requested for a new aquaculture operation. The acreage would be divided into two separate sites. This application is for "Site A" which would be 5.0-acres located on the southeast side of Dutch Island in roughly 30-feet of

¹ Food and Agriculture Organization of the United Nations, 2013. Global Aquaculture Production Statistics for the Year 2011.

² Ibid

³ Ibid



water at MLW. This site would be used to culture oysters from April thru November in floating or suspended gear and kelp from December to March on submerged long lines. Site A will be used in conjunction with an additional nearby site, "Site B", for which a separate application has been submitted. Site B would be 2.0-acres located between Jamestown Brook and Great Creek off of the southwest coast of Conanicut Island in 4-10 feet of water at MLW. This site would be used primarily to overwinter oysters in subsurface gear from December thru March

Maximum implementation of this proposed plan would require a large capital investment and large annual expenses. The company does not believe it is prudent to go full-scale in year one without first testing the viability of the site and refining the husbandry practices at a reduced scale. Therefore the plan would be to implement only 1/10th of the maximum proposed use in the first year. During this time careful monitoring and experimentation with different cultivation methods, stocking densities and maintenance schedules will help develop an understanding of how best to farm the site. Ideally the experience gained in the first year will help to mitigate the risk of future failures. If a successful farming system can be established the plan will be to scale up to full capacity over time.

If a lease is granted the initial infrastructure for year-one cultivation at Site A will be deployed immediately. This will consist of two parallel 300' submerged long-lines spaced 50' apart. These long lines will be anchored to the bottom with either 8000lb concrete mooring blocks or steel screw anchors at the ends of each long line. Saltwater Farms, has offered to assist with setting the screw anchors if this method is selected. A 3/4" chain of sufficient length to provide the appropriate scope will be attached from the mooring blocks or screw anchors to 24" mooring balls at the surface. At 4-feet below the surface 3/4" holdfast lines will be shackled to the mooring chains. These holdfasts will serve as anchoring points for the submerged long lines. Once this infrastructure is in place Site A will be ready to house either the summer oyster or winter kelp cultivation gear.

In year one the summer oyster cultivation gear will consist of 20 floating OysterGro cages per 300' long line. The 3'x5' cages will be spaced 10-feet apart along the long axis and attached to the submerged long line via 5'9" tethers at either end. Each cage will be capable of housing six plastic mesh grow-out bags. Once a sufficient quantity of seed oysters have reached 25mm at the Ninigret lease, typically after the first growing season, a pathology report will be ordered. If the pathology report is approved by CRMC the seed oysters will be transplanted to the new site. This will likely occur in the early spring. Each mesh grow-out bag will be stocked with roughly 150 oysters. In year-one there will be a total of 40 OysterGro cages with a capacity of 240 bags and 36,000 oysters. At any given time when OysterGro cages are deployed at the surface of the water the corners of the site will be marked with highly visible lighted buoys.

The oysters will be tended to throughout the growing season. This will involve flipping the cages over periodically for 24hrs at a time in order to control fouling by air-drying the cages and bags. It is anticipated that this will occur on a monthly basis but the frequency will ultimately be dictated by the rate of fouling. The oysters will grow at different rates. Once the discrepancy between size classes becomes noticeable the oysters will be put through the companies grading machine. The resulting different size classes will be re-bagged separately to facilitate fast and uniform growth. Any oysters that have reached market size will be separated out during the grading process and sold.



At the end of the oyster-growing season, which is typically around December 1st, the long lines of OysterGro cages will be detached from the holdfasts connected to the anchors and floated over to Site B. There the caps on the floats will be removed and the cages will be sunk to the bottom in rows. Storing the cages on the bottom will protect the oysters and gear from winter storms and ice. The shallower water at Site B will make it much easier to ensure that the OysterGro cages are placed so that the floats, now filled with water, are sitting on the bottom and acting as feet. This is important for keeping the oysters alive during the winter. Storing the cages on the bottom in shallower water also allows for easier weekly access in the winter when it is necessary to harvest market oysters.

Once the oyster cultivation gear has been removed from Site A the submerged long-lines for kelp cultivation can be deployed in their place. Dr. Charles Yarish is a professor at the University of Connecticut who specializes in seaweed research. Dr. Yarish has a fully equipped lab where he is able to isolate and propagate kelp spores originating from wild native specimens collected from Narragansett Bay. Dr. Yarish has agreed to supply seeded grow-out twine for this project. These consist of 1mm twine wound around PVC tubes. One end of a long line is threaded through the PVC tube, the 1mm twine is tied to the long line and the boat is slowly backed away, thereby slowly winding the twine around the long line. Every 150-feet a dropper buoy and weight is spliced in to keep the long line in place. Site B will then be monitored every two weeks to adjust the buoyancy of the line as the kelp grows by adding additional weights to the droppers as necessary. The final product will be harvested periodically in the early spring before the growth of fouling organisms begins to deteriorate the quality. In year one harvest will be accomplished from a 20' skiff with a davit.

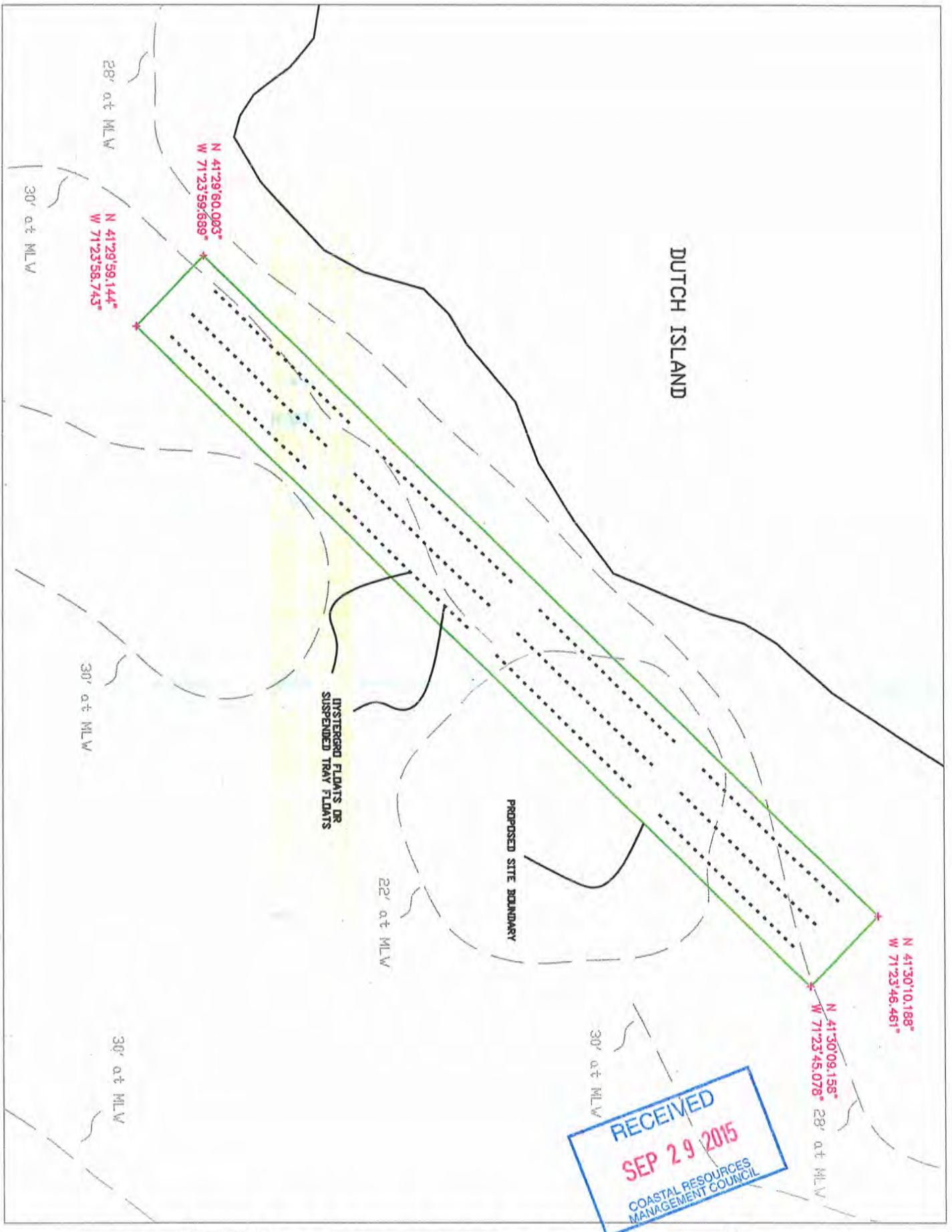
To operate the farm in year-one a 20-foot skiff with a davit will be moored in Dutch Harbor if space is available or if not it will be trailered and launched at Fort Getty. When grading or other space intensive tasks need to be done one of the company's 30' pontoon boats will be trailered and launched at Fort Getty. Saltwater Farms has also suggested that one of their larger boats outfitted for operating a suspended culture farm may be available for lease on an as needed basis. Any gear that is not deployed for a period of time will be stored at the company's storage site in Charlestown, RI. All product harvested from the site will be off-loaded at the public West Ferry Wharf in Dutch Harbor owned by the Town of Jamestown and zoned for such use.

A system will be implemented to track oysters on the farm to ensure that seed from upwellers or hatcheries in "closed" or "conditional" waters are not harvested before they have been in "open" water for one-year. To do this a spreadsheet that represents the spatial configuration of the farm and depicts all of the individual units of gear on the farm will be created. A color code for each batch of seed and numerical code for each size grade of oyster will be assigned. The spreadsheet is then populated with the current inventory of oysters on the farm. Each week's farm activity is recorded in a new tab in the spreadsheet. The result is a weekly record of the inventory and the status of the farm at any given time, including the location, source, number and size class of all of the oysters on the farm. To compliment the spreadsheet and make daily operations easier each piece of gear will be labeled with a color-coded and numbered plastic tag. This system allows each batch of oysters to be tracked as they move through the farm and ensures that seed from "closed" or "conditional" waters will remain in the "open" water on the farm for a minimum of one year.

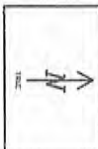
The majority of Walrus and Carpenter Oysters™ are sold directly to approximately 35 restaurants throughout Rhode Island. Our oysters are also sold to distributors up and down the east coast.



Figure 7: Plan view of site A with maximum summer use for oyster cultivation (only gear above water surface is displayed)



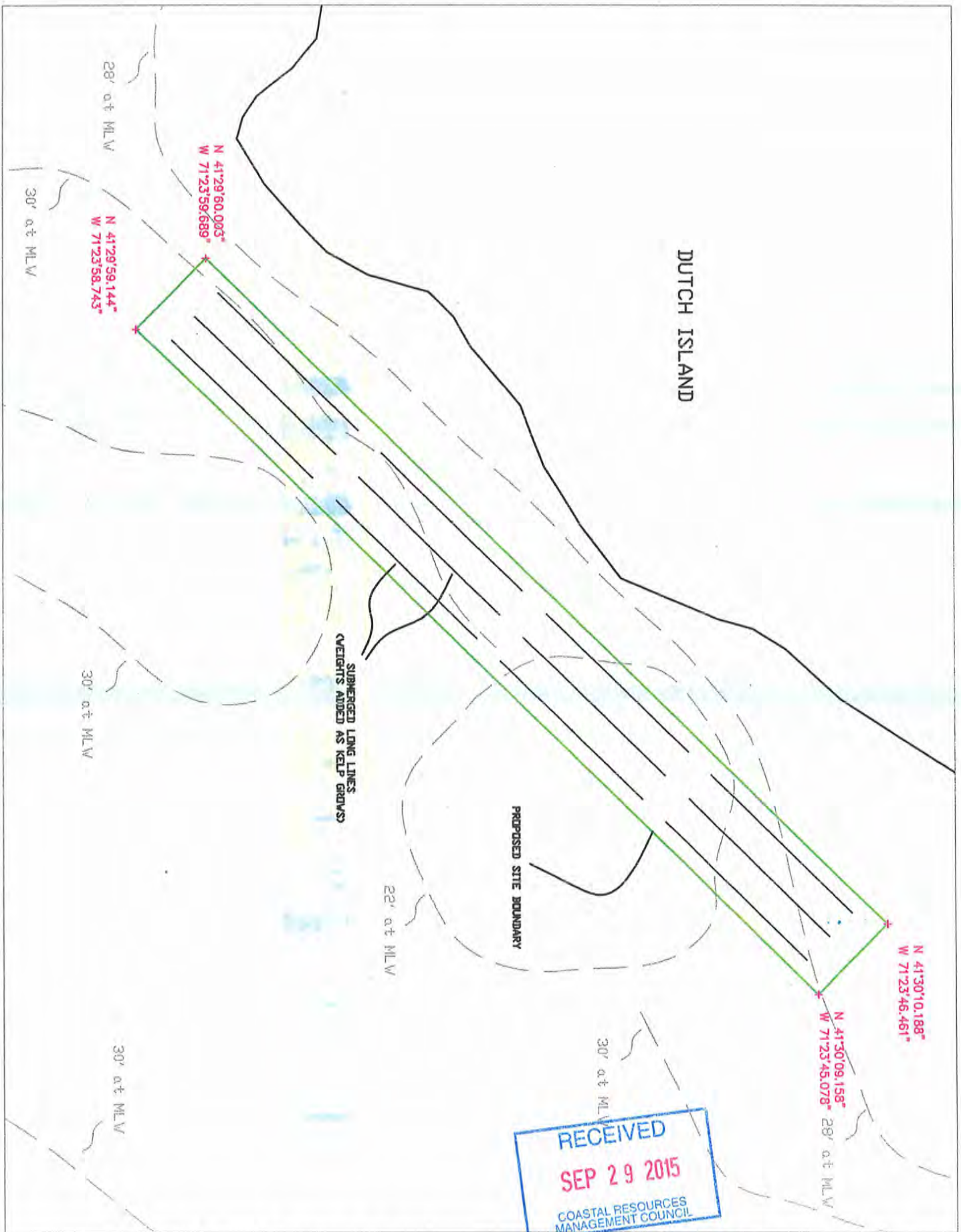
SCALE: 1" = 200'



SITE A PLAN - SUMMER OYSTER CULTIVATION -
SURFACE GEAR - LONG TERM MAXIMUM USE
DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
OYSTERS LLC
PREPARED: JANUARY 28, 2015

Figure 10. Plan view of site A with maximum winter use for kelp cultivation (gear below water surface displayed)

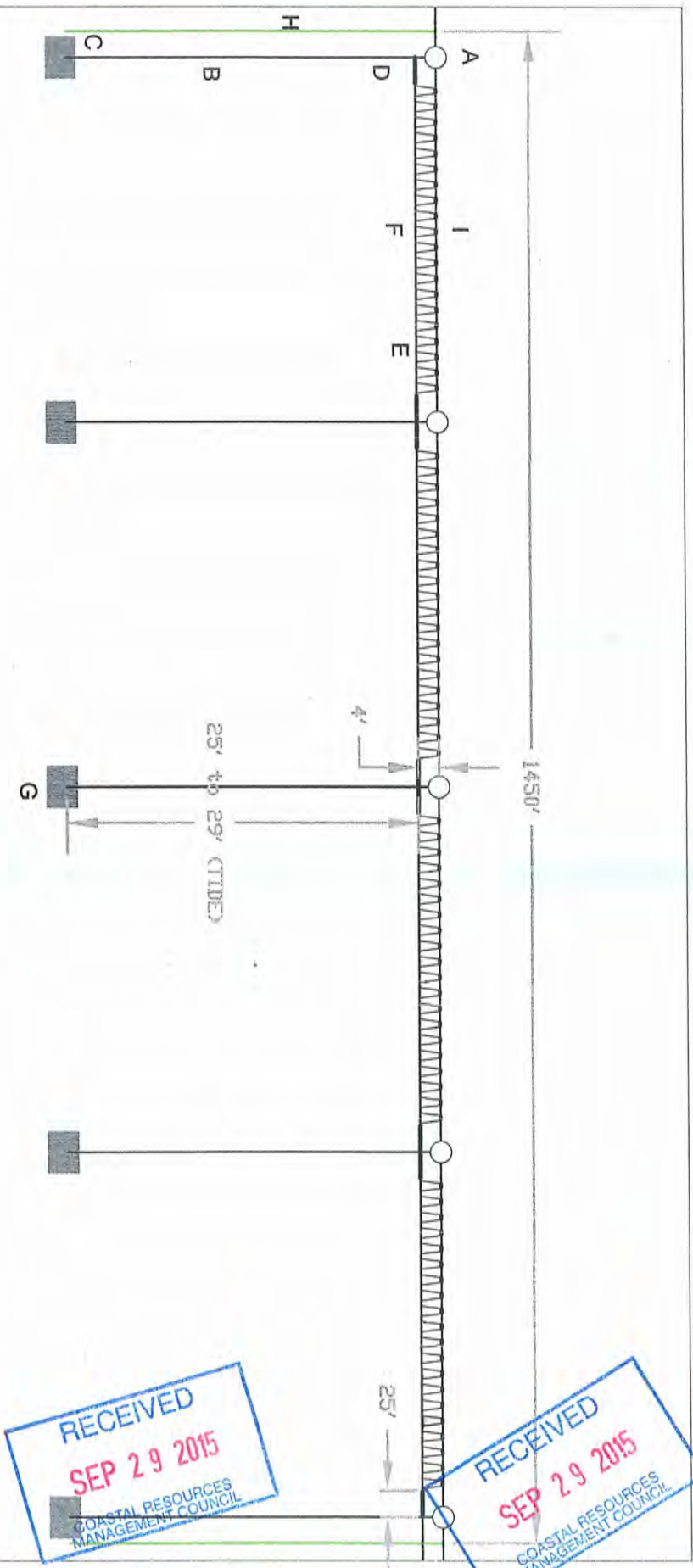


SCALE: 1" = 200'



SITE A PLAN - WINTER KELP CULTIVATION -
 SUBSURFACE GEAR - LONG TERM MAXIMUM USE
 DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: SEPTEMBER 28, 2015



- A = 24" mooring ball w/ 240lb buoyancy
- B = 3/4" mooring chain
- C = 4,000 lb concrete mooring
- D = 3/4" Hold fast shackled to mooring chain
- E = 5' tether from oyster gro cage to submerged long line
- F = 150' length of 1/2" submerged long line
- G = Sea floor
- H = Site boundary
- I = Oystergro cages

Maximum Depth at MLW = 39'
 Minimum Depth at MLW = 29'

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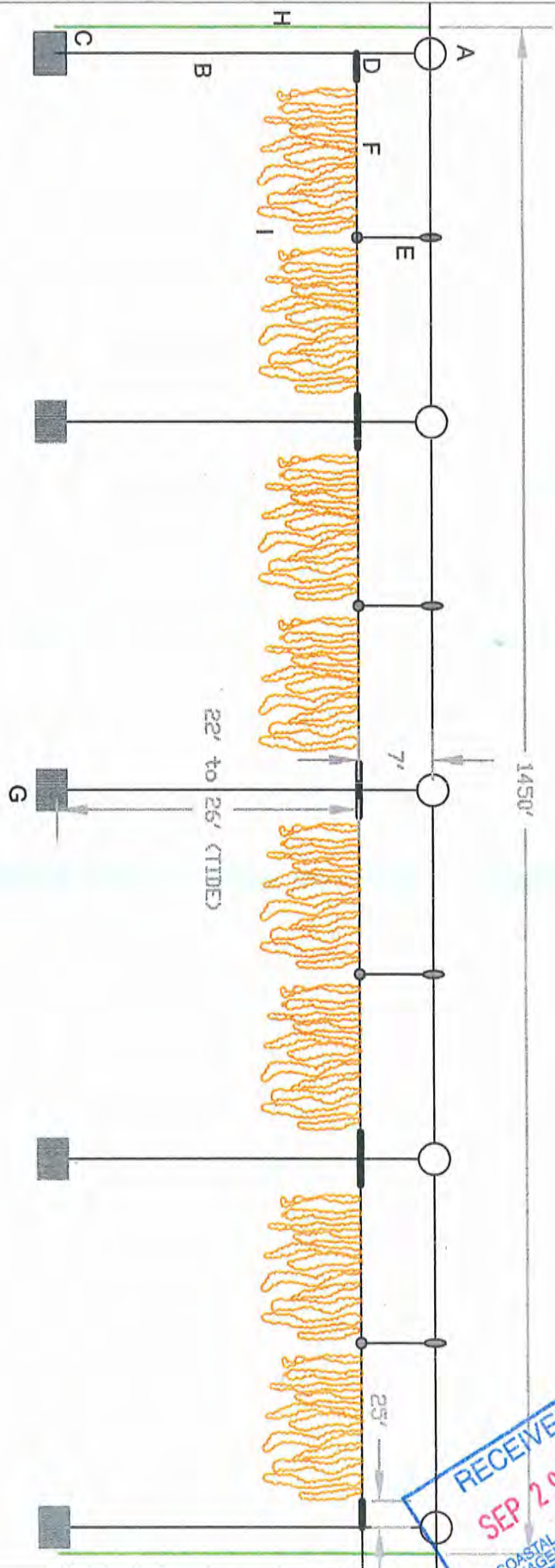
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PROPOSED SITE A SECTION -
 SUMMER OYSTER CULTIVATION
 DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: JANUARY 23, 2015

Figure 12: Cross-section view of proposed site A with maximum summer use for oyster cultivation



- A = 24" Mooring ball w/ 240lb buoyancy
- B = 3/4" mooring chain
- C = 4,000 lb concrete mooring
- D = 3/4" Hold fast shackled to mooring chain
- E = 7' Depth control line with buoy and weight
- F = 150' length of 1/2" submerged long line for kelp culture
- G = Sea floor
- H = Site boundary
- I = Kelp

Maximum Depth at MLW = 39'
 Minimum Depth at MLW = 29'

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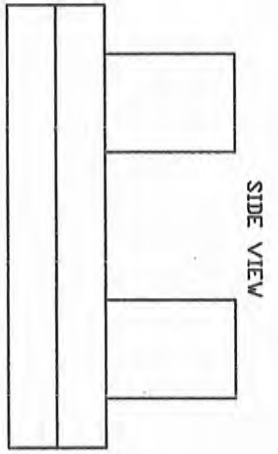
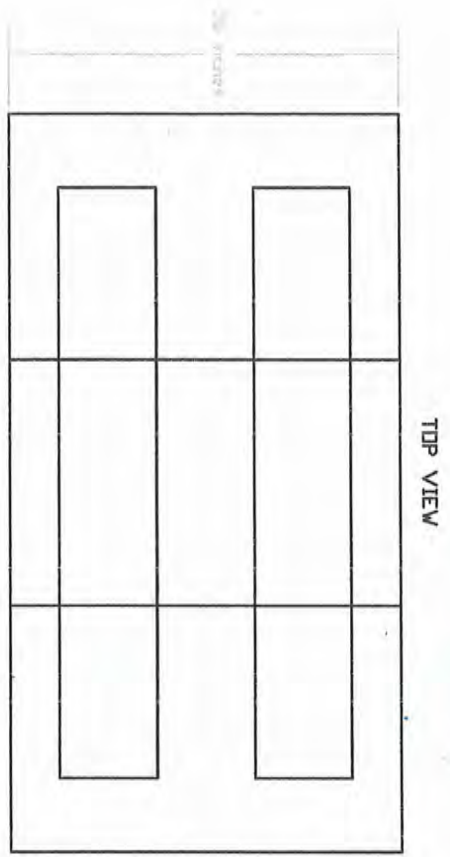
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PROPOSED SITE A SECTION -
 WINTER KELP CULTIVATION
 DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: JANUARY 23, 2015

Figure 13: Cross-section view of proposed site A with maximum winter use for kelp cultivation



A - Plastic Float
 B - Compartment for ADPI bag

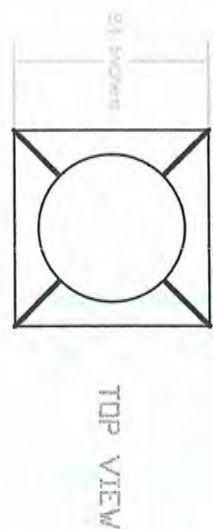
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Figure 14: Details of the proposed site A summer oyster cultivation gear – OysterGro cage with shelves for six ADPI bags

SCALE: 1' = 15'

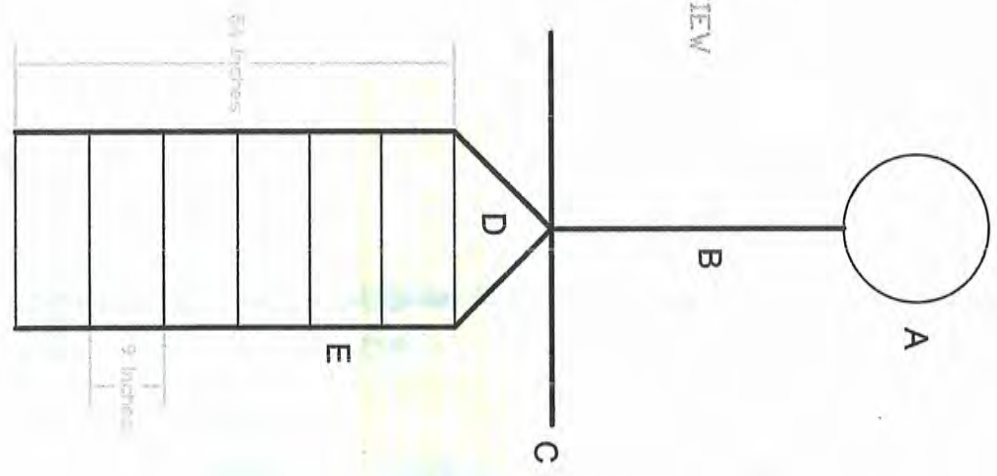
GEAR DETAILS - OYSTER GRO RACKS
 DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: JANUARY 27, 2015

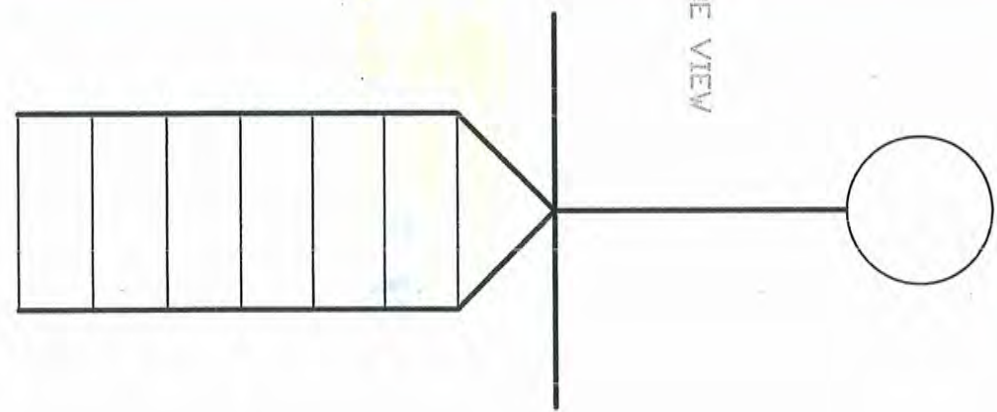


- A = 18" Bouy
- B = 3' Dropper line
- C = Submerged Long Line
- D = Bridle
- E = Suspended trays

FRONT VIEW



SIDE VIEW



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 COASTAL RESOURCES
 MANAGEMENT COUNCIL

Figure 15: Details of the proposed Site A summer oyster cultivation gear – suspended trays

SCALE: 1" = 2'

GEAR DETAILS - SUSPENDED TRAYS
 DUTCH ISLAND, JAMESTOWN, RI

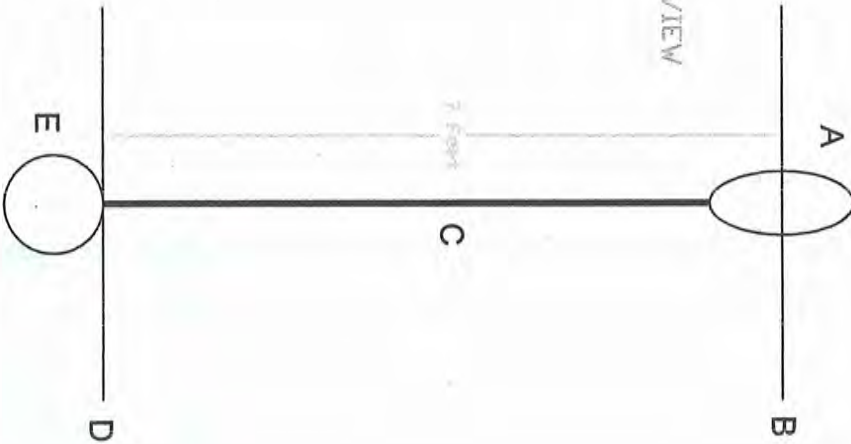
WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: JANUARY 27, 2015

TOP VIEW



- A = Lobster bouy
- B = Water surface
- C = 7' PVC pipe around 1/2" line
- D = Submerged long line for kelp cultivation
- E = 10lb weight

FRONT VIEW



SIDE VIEW



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 MANAGEMENT COUNCIL

Figure 16: Details of the proposed site A winter kelp cultivation gear – dropper and submerged long line

SCALE: 1' = 2'

GEAR DETAILS - KELP SUBMERGED
 LONGLINE DROPPER
 DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: JANUARY 27, 2015

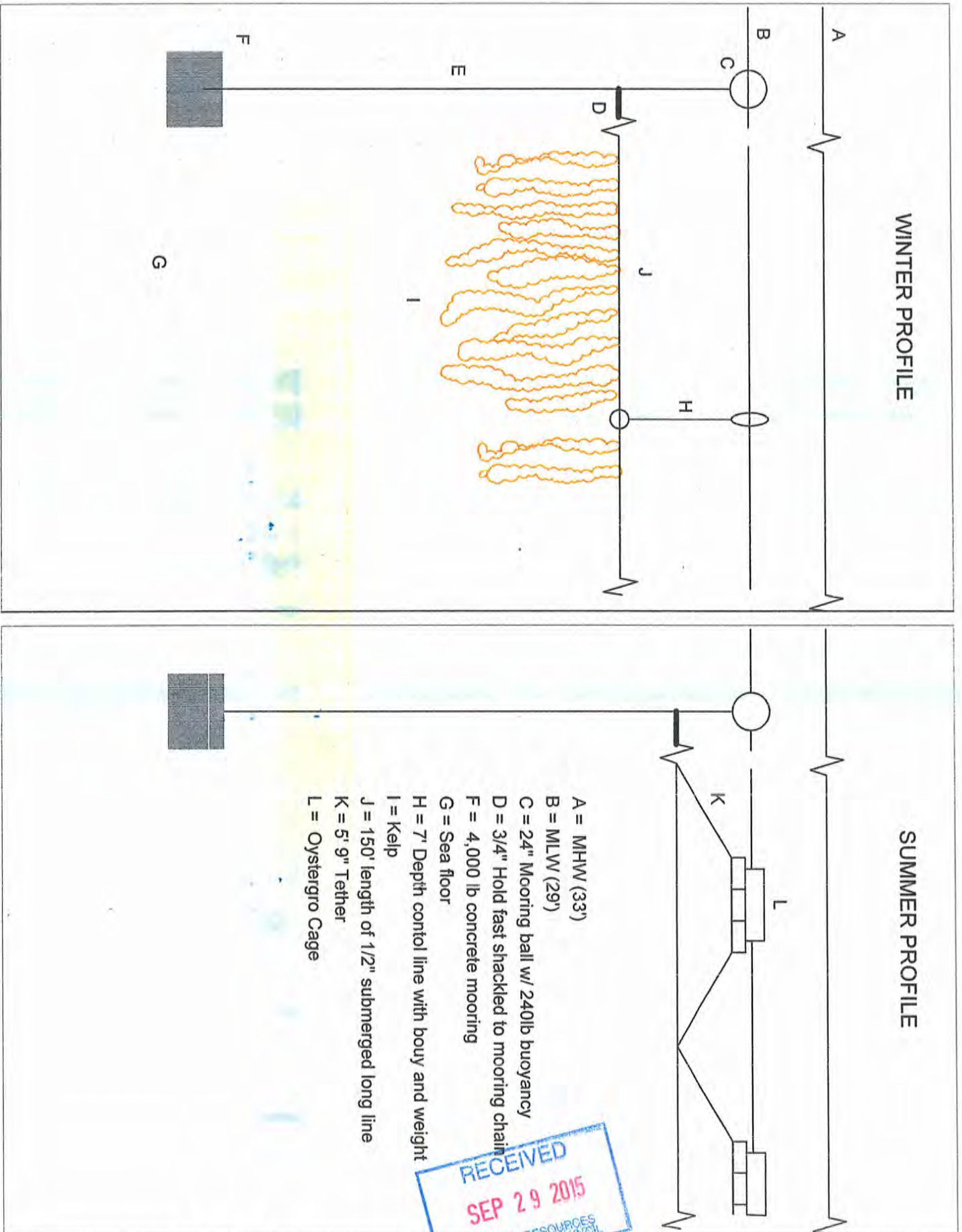


Figure 17: Cross-section view of site A (summer and winter) at mean low tide at the shallowest portion of the site.

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 COASTAL RESOURCES
 MANAGEMENT COUNCIL

SCALE 1" = 8'

S ← → N

PROPOSED SITE A - SECTION AT
 SHALLOWEST DEPTH
 (WINTER AND SUMMER)
 DUTCH ISLAND, JAMESTOWN, RI

WALRUS AND CARPENTER
 OYSTERS LLC
 PREPARED: JANUARY 23, 2015

Layout of Long Lines

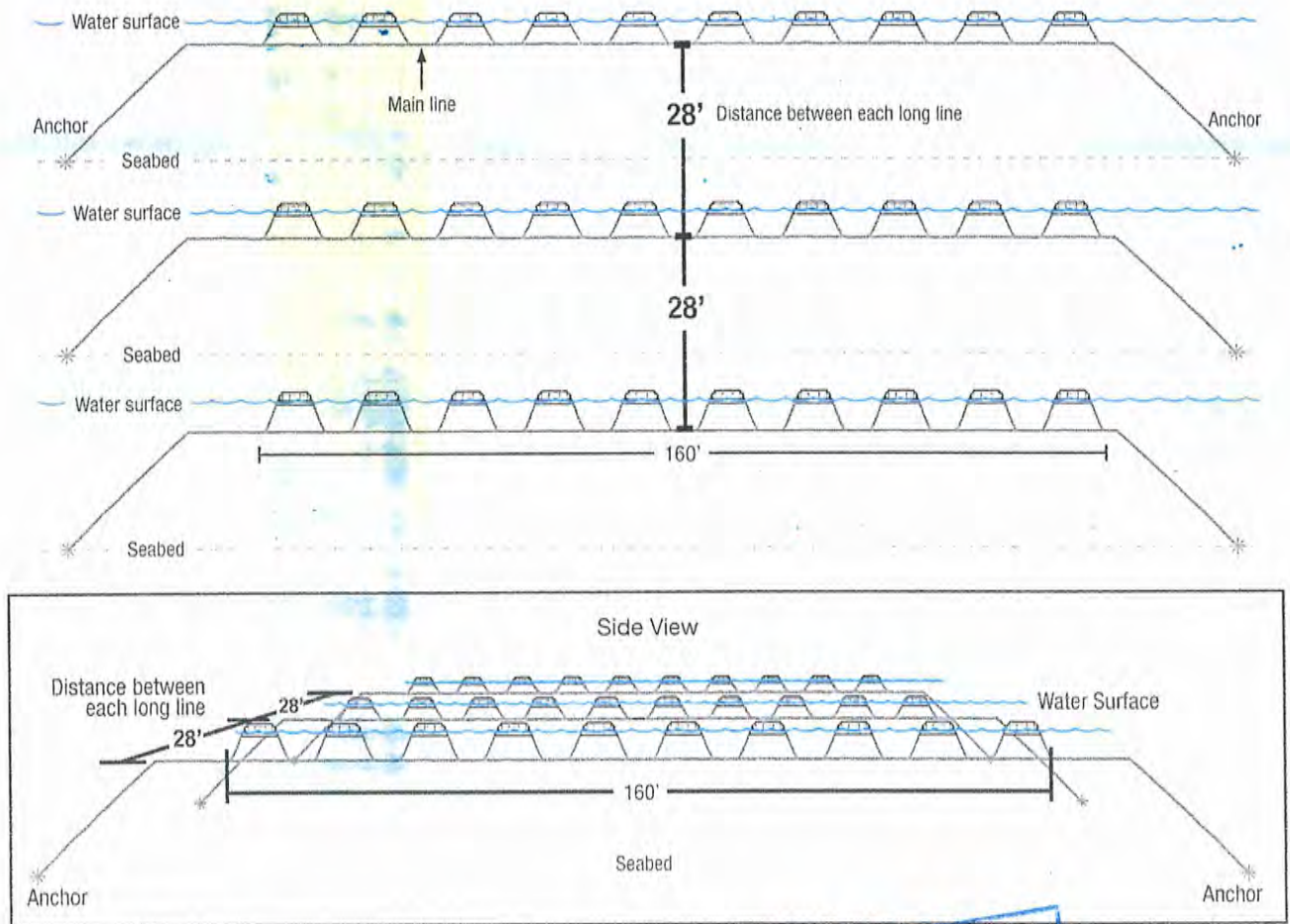
A typical long line consists of one individual row of 10 to 12 OysterGro Units (view figure II). The units are linked together with 3/8" ropes (view figure III). Proper anchorage is necessary to hold the units to the seabed. A long line is about 160 ft long and rule of thumb, 100 OysterGro cages can be set on a one-acre lot.

The distance between the long lines must be sufficient to allow for navigation and to provide easy access when tending to the cages - 28 feet is suggested.

Bouctouche Bay Industries Ltd will supply a rope kit to new growers. This kit can be used as a model.

Figure II – Long lines

This figure shows the layout of 3 - 10 OysterGro cages long lines on the water surface.



Revised date: 04/13/09

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SEP 29 2015
COASTAL RESOURCES
MANAGEMENT COUNCIL

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;

There is currently a demand for responsibly cultivated seafood in the region. Shellfish aquaculture is a means of meeting this demand. Our goal is to cultivate and harvest oysters to meet this market demand and at the same time have a positive impact on the environment. Our experiment with Kelp cultivation could lead to the development of a new low-impact aquaculture industry in Rhode Island.

(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 nontidal 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,

This question does not apply to our activities given that all of our activities will occur in State owned sub-tidal waters.

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

All of our activities will occur in sub-tidal portions of Narragansett Bay and there will be no impact on coastal lands.

(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.

Our mobile and seasonal aquaculture gear will be constructed out of 4.5 inch lobster wire or ½" long lines that both permit water to flow through the gear freely. Therefore, our gear will not restrict or alter circulation within the estuary. As a result, we expect no impact on sediment transport; and therefore our activities will not effect erosion or deposition processes.

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

Given that we will be cultivating a native species of oyster and kelp there is no risk of introducing invasive species that would out compete native flora or fauna. The small footprint of our proposed lease area, which in turn is only a minute fraction of the entire bay, will cause minimal disturbance to benthic communities. Furthermore, there is no eelgrass within the proposed sites.



We do not anticipate that the proposed farm would have a negative impact on the diversity and abundance of native species in Narragansett Bay. Rather, we expect our proposed aquaculture activities to have a beneficial effect on native plant and animal life. The gear should provide structure and therefore habitat for a wide array of native species.

In addition, oysters are prodigious filter feeders (one adult oyster can filter 50 gallons of water a day) capable of removing enormous amounts of phytoplankton and other seston from the water column – which can greatly improve water clarity. Water clarity, which determines light attenuation, is a limiting factor for eelgrass growth and survival. Eelgrass beds, which are endangered in Rhode Island, provide critical habitat for marine life. Our hope is that by reducing water turbidity in our oyster farm can contribute to the restoration and protection of eelgrass beds.

Finally, raising and harvesting 400,000 oysters per year will directly remove roughly 200 pounds of nitrogen per year from Narragansett Bay. Excessive loading of nitrogen from land based anthropogenic activity is a continual threat to the ecological integrity of estuaries in developed regions.

(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;

The proposed lease sites do not directly block any public or private access to tidal waters and/or the shore. How not to block access to Dutch Island was carefully considered when selecting the location of Site A. Dutch Island is owned by RIDEM. Currently there is no official public access but there is the potential to develop a dock just north of Site A where an old pier foundation exists. In speaking with RIDEM officials it was suggested that as long as an aquaculture lease were at least 200' south of this point there should be no future conflict. This 200' buffer was observed when selecting Site A. Unofficial access to the island does occur in the cove south of Site A. Site A was purposely selected to avoid blocking this access. The shoreline of Dutch Island opposite Site A is a steep cliff that is unsuitable for shore access.

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

Circulation and flushing will not be impacted because our racks are constructed from 4.5-inch lobster trap wire, which allows water to flow freely through it. Our long lines will be spaced 50' apart to allow for normal water movement. It is in our best interest not to obstruct natural circulation or flushing patterns in any way given that our oysters and kelp will depend on the flow of water for survival and growth. As filter feeders, oysters remove seston from the water column and help to decrease turbidity. Our activities will have no significant effect on sedimentation as most of the activity will be near the surface of the water column.

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

Shellfish and seaweed aquaculture is extremely low impact. Unlike fish farming, it does not require any external inputs of feed or chemicals to raise the product. Therefore, there will not be deterioration in the quality of the water in the vicinity of the proposed farm. In fact, we anticipate a local improvement in



water quality due to (1) decreased turbidity, (2) increased pelagic-benthic coupling which can lead to enhanced denitrification, and (3) the sequestration and removal of excess nitrogen.

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

The proposed lease will in no way impact an area that has neither, historic nor archeological significance given that the entire area is sub-tidal and devoid of historic or archaeological relics.

(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;

Our proposed sites are located well clear of the boating channel and not in the direct path of any destinations. Given that the kelp long lines will be submerged at a minimum of 4' below the surface boat traffic will be able to pass over them with no obstruction. The floating OysterGro cages will have an impact on fishing and navigation within the 5.0-acre footprint of Site A during the summer. To minimize this impact our plan is (a) to always keep the gear in neat and orderly rows so their location is predictable, (b) to maintain a good deal of distance (50') between the long lines and floating cages (10') and (c) to place highly visible markers along the perimeter and lighted buoys at the corners of the site. This way once users of the area become aware of the gear they should easily be able to navigate right through Site A if they so desire. In fact the use of Site A for aquaculture and recreational or commercial fishing should not be mutually exclusive. For example there are currently a few commercial pots between the proposed Site A and the shore of Dutch Island. If approved this aquaculture lease would make access to these pots slightly more complicated but it would not prevent access. Recreational fishing within Site A should actually be enhanced by the structure provided by the aquaculture gear.

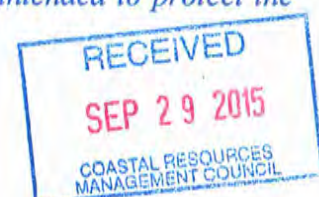
(11) demonstrate that measures have been taken to minimize any adverse scenic impact. (see Section 330).

The proposed floating gear has one of the smallest amount of above-water surface area per unit of cultivated oyster among all other commercially available types of floating gear. The floats are black and will only be 6-8" above the surface of the water. Given the color and low profile of the floats, they will not be highly visible. Furthermore our plan to always maintain neat and orderly rows of gear on the farm should make it more aesthetically pleasing.

The floating gear will have an undeniable visual impact. However, it is subjective as to whether this is a positive or a negative impact. To see a tractor tilling a field, or an oyster boat working a lease, is to witness the production of food and the growth of our local economy. We believe that the sight of a well-kept working farm, whether in the water or on the land, is a beautiful addition to the landscape.

A powerful argument for domestic production of resources is a concept called "the illusion of preservation" explained as follows:

"The United States (US) and other affluent countries consume vast quantities of global natural resources, but contribute proportionately less to the extraction of many raw materials. This imbalance is due, in part, to domestic policies intended to protect the



environment. Ironically, developed nations are often better equipped to extract resources in an environmentally prudent manner than the major suppliers. Thus, although citizens of affluent countries may imagine that preservationist domestic policies are conserving resources and protecting nature, heavy consumption rates necessitate resource extraction elsewhere and oftentimes under weak environmental oversight. A major consequence of this "illusion of natural resource preservation" is greater global environmental degradation than would arise if consumption were reduced and a large portion of production was shared by affluent countries." (Berlik et al 2002)

Aquaculture is a perfect example of this commonly believed "illusion". In the United States 90% of the seafood consumed is imported.⁴ Of this the number one import by volume (28%) is shrimp.⁵ The majority of this shrimp is farm-raised in Asia and South America. It is well known that shrimp aquaculture, especially in developing nations, results in extensive environmental degradation, such as coastal wetland destruction and the unregulated use of toxic chemicals. On the other hand, domestic production of shellfish is actually beneficial to the environment. Therefore, to discourage local shellfish aquaculture while we continue to consume vast amounts of imported farm-raised shrimp is quite short sighted.

Throughout communities across New England the preservation of farm land and working waterfronts has served to stimulate the local economy and create a sense of place that is highly valued by local residents and those from away. This directly translates into increased tourism, higher real estate values and job growth. For example, the high value of real estate in Little Compton, RI is surely related to the preservation of farmland, the national recognition of Wellfleet, MA is in no small part due to their farmed oysters, and the celebration of the lobster industry in Maine encourages millions of people to visit the state every year. Rhode Island has an opportunity to celebrate and promote the renaissance of oyster farms in our coastal waters. We should not turn our back on this local success story.



⁴ Food and Agriculture Organization of the United Nations, 2013. Global Aquaculture Production Statistics for the Year 2011.

⁵ Ibid

Controlling Biofouling and Secondary Spat

The OysterGro System is amongst the most efficient systems on the market today to control fouling and secondary spat. The two floats on top of the cage (figure V) have been designed specifically for this cage and for this purpose.

Controlling fouling and secondary spat is as easy as flipping the cage over on the two floats (figure VI). This will expose the cage and all its content to the sun and wind and within a short period of time (no more than 48 hours) all the fouling and secondary spat should be eliminated.

Please note: Exposing the oysters to the sun should be done with care. Even if oysters can survive a few days outside their natural habitat (water) we have found that if the oyster is stressed it could stop feeding, thus affecting its growth. It is strongly recommended that you pay careful attention to these suggestions:

- Do not flip the cages over if it calls for very hot and sunny weather.
- Do not flip the cages over if it calls for strong winds – the wave action will keep the bottom of the cage wet and therefore will not eliminate the fouling and secondary spat.
- Ideal time to flip: Warm, dry, calm weather forecasted for a few days.

Figure V – Feeding position - Positioned for profitable growth

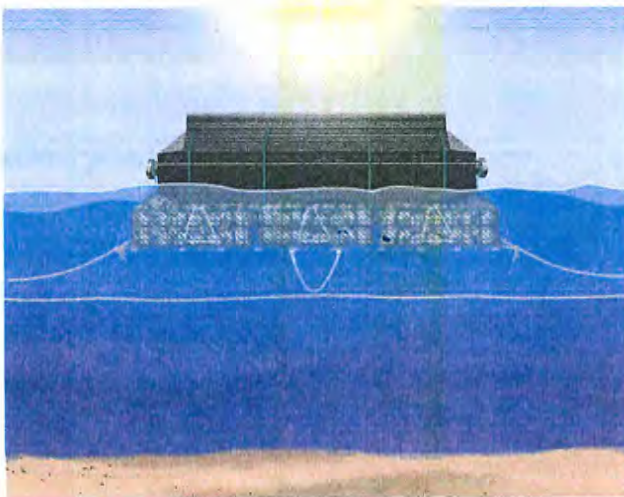
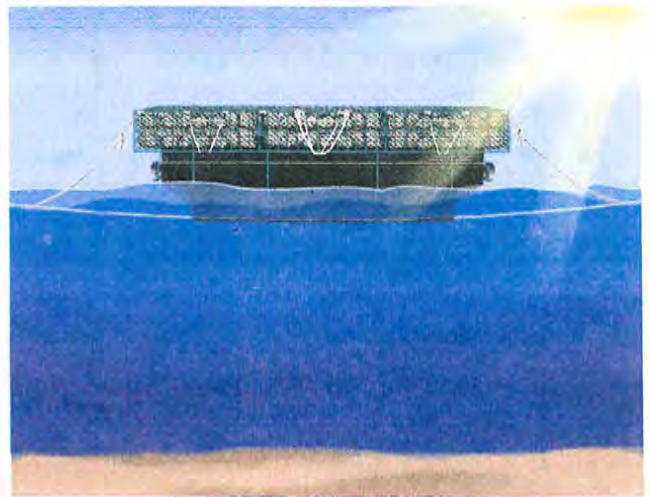


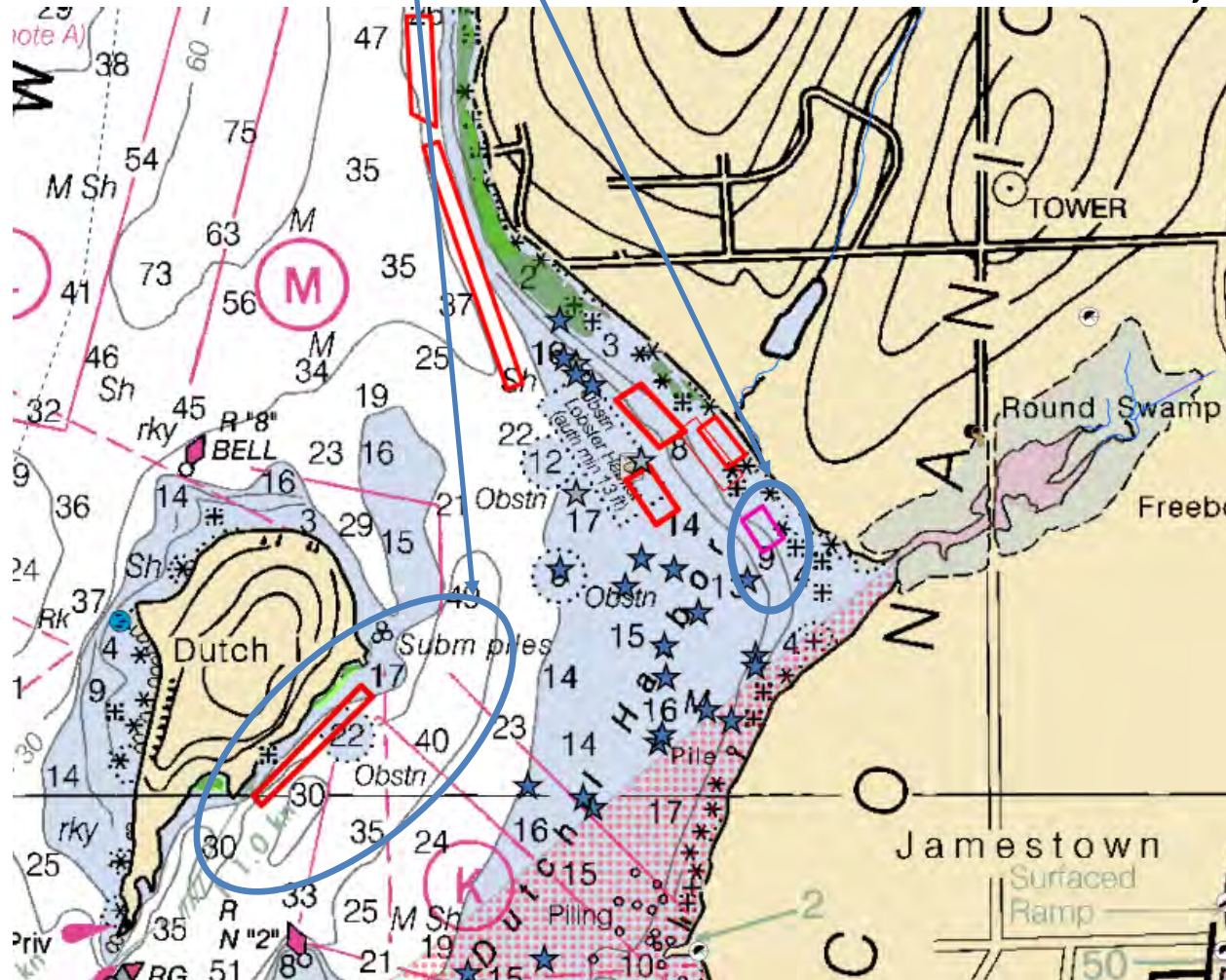
Figure VI – Prescribed exposure to sun (UV) and air controls secondary spat, competitors, predators and contaminants



The stability of the OysterGro system optimizes conditions for continuous feeding and maximum growth each year. In the feeding position, the Vexar bags are maintained level and steady at the ideal feeding depth of 6" to 12" (15.2 cm to 30.5 cm) where plankton is plentiful. Since the bags are held securely to prevent shaking and sliding, the distribution of oysters within the bags remains constant, contributing to a higher quality oyster.

Walrus & Carpenter # 2015-09-103
sites A + B

Dutch Island / Dutch
Harbor, Jameston



site B – 2 ac
4-10' depth
Winter oyster site
Dec-Mar

site A – 5 ac
30' depth

Site A Summer – Fltg cages oyster
Winter – Kelp or possibly mussel on sunken line (4'-5'
depth)

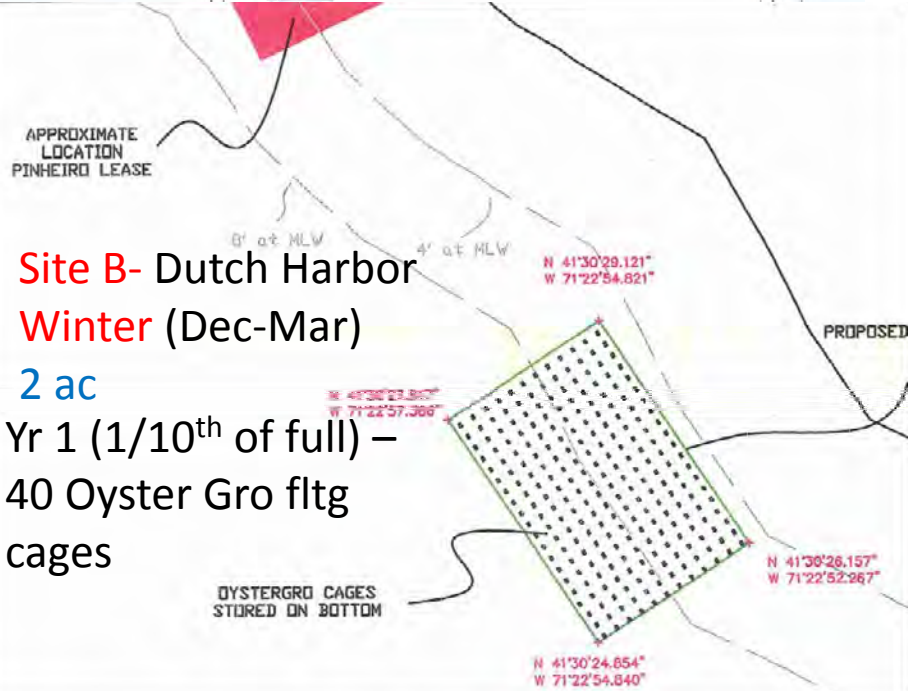
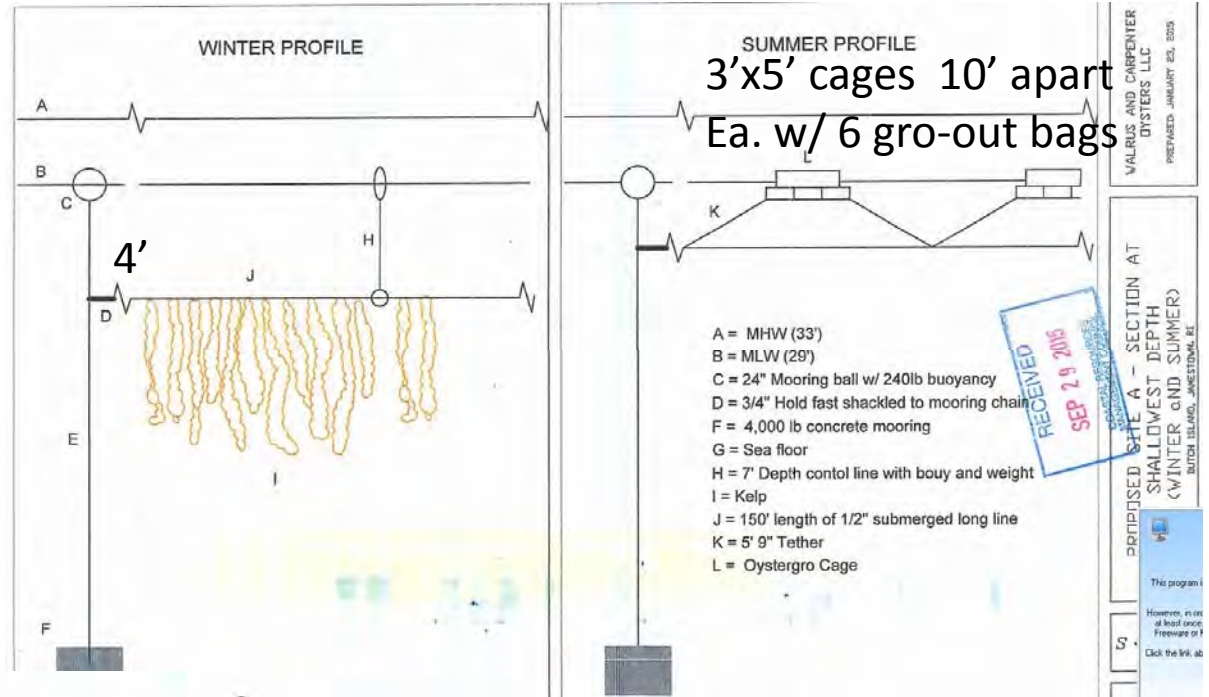
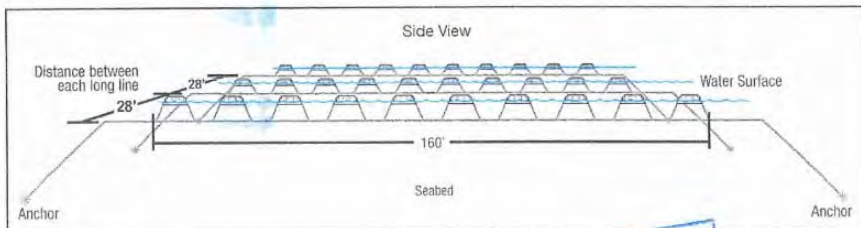
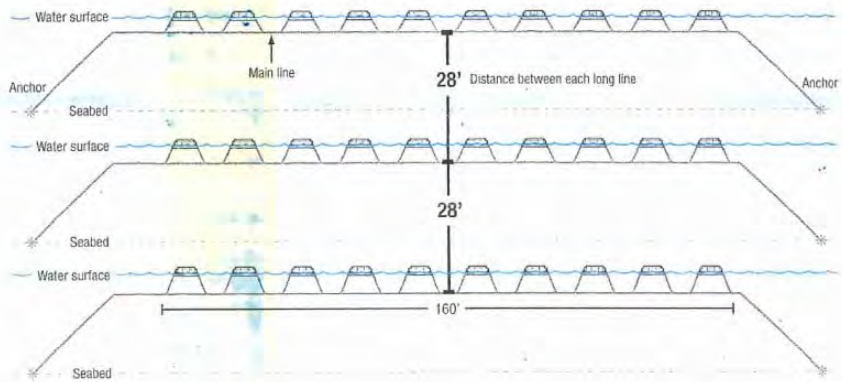
Site A- Dutch Is.

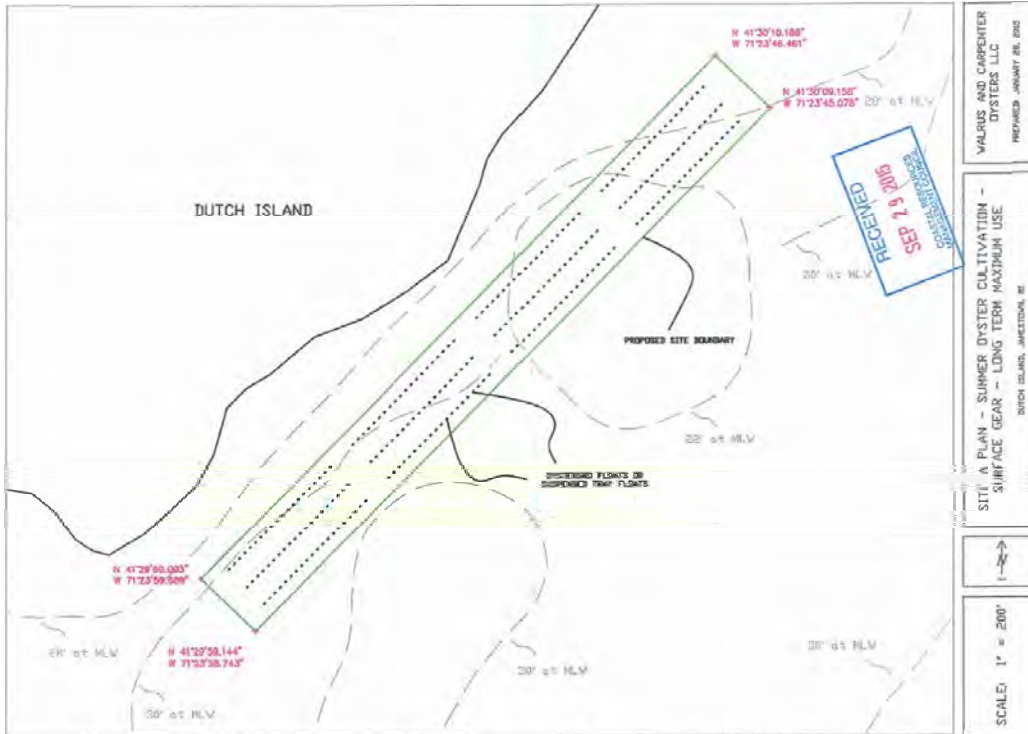
Summer- April-Nov
Oysters in fltg cages

Yr 1 (1/10th of full Capacity)
20 Oyster Gro fltg cages X 2
300' lines 50' apart =
240 bags / 36,000 oyster

Winter - kelp +/- or mussels
on sunken lines

This figure shows the layout of 3 - 10 OysterGro cages long lines on the water surface.





Dutch Island
 Summer – Oyster
 Winter – Sugar kelp- *Laminaria saccharina* = *Saccharina latissima*
 + *Laminaria digitata*
 and/or possibly mussels
 (5ac)

Figure 7: Plan view of site A with maximum summer use for oyster cultivation (only gear above water surface is displayed)

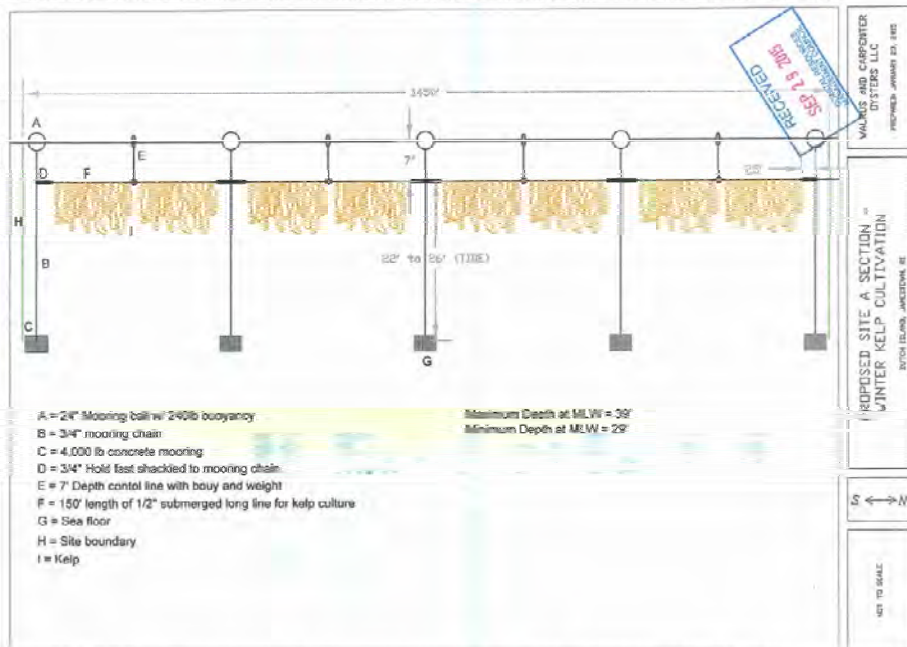


Figure 13: Cross-section view of proposed site A with maximum winter use for kelp cultivation



Figure 10: Plan view of site A with maximum winter use for kelp cultivation (gear below water surface displayed)



RHODE ISLAND
SALTWATER
ANGLERS
Association



P.O. Box 1465, Coventry, Rhode Island 02816

401-826-2121

FAX: 401-826-3546

www.RISAA.org

November 20, 2015

Anne Maxwell Livingston, Chair
R.I. Coastal Resources Management Council
Stedman Government Center, Suite 3
4808 Tower Hill Road
Wakefield, RI 02879

RE: Walrus & Carpenter Oysters, LLC (File 2015-09-103)

Dear Chairwoman Livingston,

The Board of Directors of the R.I. Saltwater Anglers Association (RISAA) finds it necessary to strongly object to the Walrus & Carpenter aquaculture lease application (#2015-09-103) that, if approved, would create a five acre operation just off the southeast shore of Dutch Island.

RISAA has rarely objected to aquaculture operations since most are located in shallow water and areas well out of the way of any recreational fishing. But this Walrus & Carpenter proposal would be placed in deeper waters, and in an area that is actively used by recreational anglers from early spring to late fall, while fishing for striped bass, summer flounder, bluefish, black sea bass, scup and squid.

In addition, it is in an active waterway used by many boaters during the summer. Although it is not in the middle of the channel, during the summer when there is much boat traffic, it's often necessary for boats to move off the channel center to avoid collision.

Therefore, we believe this proposed site would remove an active recreational fishing area from public use and inhibit boat traffic in Dutch Harbor. We urge CRMC to deny the Walrus & Carpenter Oysters application for this area.

Respectfully,

Stephen J. Medeiros
Executive Director

Cc: Grover Frugate, Executive Director; Janet Coit, Director RIDEM;
David Butel, CRMC Aquaculture Coordinator



November 20, 2015

Anne Maxwell Livingston, Chair
Rhode Island Coastal Resources Management Council
Stedman Government Center - Suite 3
4808 Tower Hill Road
Wakefield, RI 02879-1900

Re: Walrus & Carpenter Oysters LLC
File Number: 2015-09-103

Dear Chairperson Livingston;

Save The Bay is concerned about the above referenced application and submits that it should be subject to a hearing in the Town of Jamestown. Under Rhode Island law, “the process of aquaculture should only be conducted within the waters of the state in a manner consistent with the best public interest, with particular consideration given to the effect of aquaculture on other uses of the free and common fishery and navigation, and the compatibility of aquaculture with the environment of the waters of the state;...” R.I. Gen. Laws §20-10-1. We believe that, as sited, this aquaculture lease will impede the common fisheries, navigation, and recreation.

Save The Bay recognizes the economic and social benefits of shellfish aquaculture and its neutral or positive net effect on the environment. We support aquaculture in Narragansett Bay and the coastal ponds, properly sited. We are aware of the rigorous process by which aquaculture leases are permitted; however, we question the effectiveness of the process in reaching all stakeholders and considering their concerns, particularly those of the general public. Adequate information has not been provided by the applicant in accordance with the Coastal Resources Management Program, Section 300.11 Aquaculture, D1(d), which would allow the Council to “determine whether the proposed aquaculture project is compatible with other existing and potential uses of the area and areas contiguous to it, including navigation, recreation, and fisheries.”

The lease area has been expanded by 51%, from 3.3 acres to 5.0 acres, since the preliminary determination, so the preliminary determination substantially underestimates the impacts of the lease. We also question the data upon which CRMC staff stated in the preliminary determination that “It is CRMC staff experience that this area is not heavily used [for] commercial or recreational fishing.”

The application only addresses the proposed main access to Dutch Island. It does not recognize that boaters access Dutch Island from a number of points. The US Army Corps of Engineers is working

cooperatively with other federal agencies and the Department of Environmental Management to address safety risks to those who use the Island. Although preliminary plans do not identify an access point landward of the leased area, common sense compels the conclusion that the public will, and does, access the island from many areas. The shoreline just west of the proposed lease is comprised of low shale cliffs interspersed with intertidal cobble beach sloping to a uniquely steep subtidal drop-off. This shoreline lends itself to beaching and anchoring small craft at low tide for access to the shore. As proposed, this aquaculture array will impede the passage of motorized vessels and other moderate to deep-draft vessels to a substantial portion of the Dutch Island Shoreline for boaters travelling from Jamestown and Dutch Island Harbor.

The prevailing winds on Narragansett Bay range from the southwest to northwest, and the area subject to this application is on the lee side of the island, providing a calm setting for use by fishermen, recreational boaters, sailors, and kayakers. As stated in the application, commercial fishing pots are currently located between proposed Site A and the shore of Dutch Island. The Preliminary Determination Concern/Comments acknowledges that “a part time commercial fisherman states that this area was heavily used in his fishing operation.” Despite the applicant’s representation that “the use of Site A for aquaculture and recreational or commercial fishing should not be mutually exclusive”, recreational boaters and fisherman will no longer be able to use this five-acre site encompassing more than half of the southeast side of Dutch Island. The floating cages and anchoring and connecting lines of the aquaculture array will certainly impede the deployment of lobster, conch, and fish traps, trawling, netting, bull raking, trolling, drifting, and casting by both commercial and recreational fishermen. It will be nearly impossible to land a fish among the aquaculture array and the exclusive lease will not only make setting and hauling traps difficult, but such activities are generally prohibited in an aquaculture area. Additionally, anchoring, motor boating, waterskiing, tubing, and sailing within the leased area will be completely obstructed. The floating array will also pose a concerning navigational hazard to mariners.

In summary, Save the Bay submits that there is not sufficient information to determine whether the application is “...consistent with the best public interest...” The application appears to serve the interest of a singular party and prevent public access to a section of public waters that is used by many. Thank you for considering these comments in your determination. If you have any questions or concerns, please feel free to contact me directly anytime at (401) 272-3540 X116.

Tom Kutcher



Narragansett Baykeeper

CC: Mr. Grover Fugate
Mr. Robert Ballou

Executive Director, CRMC
Assistant to the Director, RIDEM

RIDFW Saltwater Recreational License Program

October 22, 2015



Background

- Saltwater License Implemented April 2010
- Sold via internet or authorized vendors
- Contractor (RI.gov) administers license sale portal
- Revenues deposited in restricted receipt account can only be used for:
 - Administering and enforcing the Rhode Island license program
 - Managing Rhode Island's marine recreational fisheries, with particular reference to improving state-based recreational fishery catch and effort statistics and stock assessments
 - Enhancing recreational fishing opportunities in RI



Licenses Issued FY 2011- 2015

| License | FY11 | FY12 | FY13 | FY14 | FY15 |
|------------------------|---------------|---------------|---------------|---------------|---------------|
| Resident Full Year | 18,658 | 26,556 | 25,864 | 25,938 | 26,084 |
| Non-Resident Full Year | 5,249 | 7,649 | 6,975 | 7,432 | 7,381 |
| Resident 7-Day | 60 | 122 | 107 | 144 | 134 |
| Non-Resident 7 Day | 1,310 | 2,505 | 2,730 | 2,958 | 3,055 |
| Resident Over 65 | 3,635 | 4,613 | 4,653 | 4,667 | 4,704 |
| Active RI Military | 703 | 993 | 996 | 1,055 | 992 |
| Totals | 29,615 | 42,438 | 41,325 | 42,194 | 42,350 |



Net License Revenue FY 2011- 2015

| License | FY11 | FY12 | FY13 | FY14 | FY15 |
|------------------------|------------------|------------------|------------------|------------------|------------------|
| Resident Full Year | \$88,462 | \$124,413 | \$120,880 | \$120,736 | \$121,175 |
| Non-Resident Full Year | \$40,702 | \$58,566 | \$53,340 | \$56,970 | \$56,682 |
| Resident 7-Day | \$174 | \$352 | \$304 | \$411 | \$382 |
| Non-Resident 7 Day | \$3,605 | \$6,528 | \$6,988 | \$7,794 | \$8,085 |
| Resident Over 65 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Active RI Military | \$0 | \$0 | \$0 | \$0 | \$0 |
| Totals | \$132,943 | \$189,859 | \$181,512 | \$185,911 | \$186,324 |



Recreational Catch and Effort Assessment

- Currently, access point and phone interviews conducted by two separate contractors (RTI and ICF International)
- MRIP is changing process for fishing effort estimation from phone interviews to mail interviews
- Angler Point Access Intercept Survey (APAIS) is being assumed by state agencies in 2016
- RIDFW has hired an APAIS coordinator and is ramping up for March 1, 2016 implementation



RIDFW takeover of APAIS

- Federally Funded
- NOAA fisheries remains responsible for survey design and data
- ASMFC/ACCSP will coordinate program directly with state partners
- RIDFW has hired a coordinator
- Two full time field interviewers will be hired in December 2015
- Four part time interviewers will be hired in spring 2016
- Takeover occurs March 1, 2016 (wave 1, 2016 practice period)
- RIDFW will assess the number of interviews each additional interviewer represents and adjust number of part time interviewers in second year (if needed)



FY2015 Expenditures

| Category | FY15 Carryover | FY15 Revenue | FY 15 Available | FY15 Budgeted | FY15 Expended |
|-------------------------------|------------------|------------------|------------------|------------------|------------------|
| Enhanced MRIP Data Collection | \$177,675 | \$27,887 | \$205,562 | \$24,000 | \$35,000 |
| Boating/Fishing Access I | \$42,964 | \$37,182 | \$80,146 | \$75,000 | \$15,933 |
| Boating/Fishing Access II | \$2,756 | \$18,591 | \$21,347 | \$18,000 | \$7,141 |
| Rec Fisheries Support | \$30,919 | \$18,591 | \$49,510 | \$27,000 | \$33,133 |
| Fish Stock Assessment Support | -\$48,308 | \$65,069 | \$16,761 | \$105,450 | \$113,915 |
| Artificial Reef | \$7,389 | \$9,296 | \$16,685 | \$0 | \$0 |
| Outreach | \$29,934 | \$9,296 | \$39,230 | \$5,000 | \$4,321 |
| TOTAL | \$243,329 | \$185,911 | \$429,240 | \$254,450 | \$209,433 |



FY2016 Budget

| Category | FY15 Carryover | FY16 Revenue | FY 16 Available | FY16 Budgeted | FY16 Expended |
|-------------------------------|------------------|------------------|------------------|------------------|---------------|
| Enhanced MRIP Data Collection | \$170,562 | \$0 | \$170,562 | \$24,000 | |
| Boating/Fishing Access I | \$64,213 | \$36,000 | \$100,213 | \$75,000 | |
| Boating/Fishing Access II | \$14,206 | \$18,000 | \$32,206 | \$18,000 | |
| Rec Fisheries Support | \$16,377 | \$18,000 | \$34,377 | \$30,000 | |
| Fish Stock Assessment Support | -\$97,154 | \$108,000 | \$10,846 | \$105,450 | |
| Artificial Reef | \$16,685 | \$0 | \$16,685 | \$0 | |
| Outreach | \$34,909 | \$0 | \$34,909 | \$5,000 | |
| TOTAL | \$219,807 | \$180,000 | \$399,807 | \$257,450 | |



FY2016 Budget Items

- Enhanced MRIP Data Collection (\$24,000)
 - With USFWS SFR match = \$96,000
 - RIDFW will continue to supplement base level interviews with SW recreational license funds
 - In the past 40 Private/Rental, 40 Shore, 5 Party/Charter additional shifts were targeted added approximately 60 interviews/year
 - First year of RIDFW APAIS 2 additional samplers will be hired
 - Additional samplers become the add-on to survey
 - Estimated that one sampler can conduct approximately 20 interviews per month
 - Hiring 2 samplers for six months adds ~240 interviews at an estimated cost of \$24,000
- Boating/Fishing Access I (\$75,000)
 - With USFWS SFR match = \$300,000
 - Goddard State Park Boat ramp, construction contract awarded
 - Rocky Point still in planning phase, design work being contracted



FY2015 Budget Items

- Boating/Fishing Access II (\$18,000)
 - With USFWS SFR match = \$72,000
 - Provides routine maintenance to existing access points
- Recreational Fisheries Management Support (\$30,000)
 - With USFWS SFR match = \$120,000
 - Provides staff time dedicated to RI recreational fishing projects
 - * Coordination with MRIP program
 - * Serving on ACCSP Recreational Technical Committee
 - * Development of new programs and oversight of existing projects
 - * Outreach to recreational fishing community
- Fish Stock Assessment Support (\$105,450)
 - With USFWS SFR match = \$421,800
 - Provides funding for field projects assessing recreationally important finfish species
 - Narragansett Bay trawl, coastal pond seine, and fish pot surveys



FY2015 Budget Items

- Artificial Reef Support (\$0)
 - Staff time being paid by different grant
 - Original reef ball project abandoned
 - Still partnering with The Nature Conservancy
 - Projects underway in upper Narragansett Bay and Coastal ponds.
- Public Education, Information and Outreach (\$5,000)
 - With USFWS SFR match = \$20,000
 - Important to keep awareness up to license requirement
 - Provides funds to publish Saltwater fishing magazine



Looking Ahead

- 2016 RIDFW takeover of APAIS
 - Coordinator and staff hired via ASMFC contract
 - Gives “new look” to survey
 - States that currently run this survey get better results than states who use federal contractor
 - Will give RIDFW more access to survey metrics
 - * Focus on optimizing RI site register
 - * In season monitoring of interview statistics
 - * Better awareness of in season fishing trends



**Rhode Island Saltwater Recreational
Fishing License Program**

Annual Report

Fiscal Year 2015

**RI Department of Environmental Management
Division of Fish and Wildlife
Marine Fisheries Section
3 Fort Wetherill Road
Jamestown RI 02835**

Table of Contents

- I. Purpose of Report
- II. Overview of License Program
 - a. Background
 - b. Status
 - c. Benefits
 - d. Implementation
 - e. Changes to Report Layout
 - f. Licenses Issued, Revenues Received: Fiscal Year 2011-2015
- III. Status of State-Based Fishing Assessments
- IV. Issues & Initiatives
 - a. Increasing the Number of Local Vendors
 - b. Developing Regulations for the License Program
 - c. Meeting with the Recreational Marine License Study Group
 - d. Addressing Additional Options for Obtaining a License
 - e. Allowing Volunteer Contributions to the Restricted Receipt Account
 - f. Streamlining the Online License Renewal Process
 - g. Compliance
- V. Fiscal Year 2016 Programmatic Budget
 - a. Preface
 - b. Expenditures
 - 1. Enhanced MRIP Data Collection
 - 2. Boating/Fishing Access I
 - 3. Boating/Fishing Access II
 - 4. Recreational Fisheries Management Support
 - 5. Stock Assessment Support
 - 6. Artificial Reef Support
 - 7. Public Education, Information, and Outreach
- VI. Looking ahead to Fiscal Year 2017

I. Purpose of Report

The purpose of this report is to fulfill the requirements set forth by Section 20-2.2-10 of the Rhode Island General Laws. In accordance therewith, this report provides an overview of the Recreational Saltwater License Program for Rhode Island for FY15, offers a brief review of the status of state-based recreational fishing assessments, and sets forth the FY16 programmatic budget.

II. Overview of License Program

a. Background

The State of Rhode Island enacted legislation in January 2010 establishing a new Recreational Saltwater License Program for Rhode Island. The program has two primary purposes:

1) It provides a state-based alternative to federal saltwater angler registry requirements, which are administered by the National Marine Fisheries Service (NMFS) pursuant to the 2006 Amendments to the federal Magnuson-Stevens Fishery Conservation Act (section 401(g)) (hereinafter referred to as the “Magnuson Act Amendments”).

2) It provides a source of state funding for programs and activities that benefit marine recreational fishing interests in Rhode Island.

The Magnuson Act Amendments mandate the establishment of a national registry program for all saltwater anglers, for use in conducting more accurate marine recreational fisheries statistical surveys; those surveys serve as the backbone of marine fisheries management programs for the recreational fishing sector. In December 2008, NMFS promulgated the final rule creating the registry, and also established an option for states to develop their own state-based licensing programs as an alternative, provided that the state programs meet federal criteria.

The RI license fees -- \$7/year for residents (under age 65), \$10/year for non-residents, and \$5 for a 7-day license – are designed to both cover the administrative costs of the license program and provide additional support to programs and activities that serve the needs and interests of saltwater recreational fishermen in Rhode Island.

The statute establishing RI’s Recreational Saltwater License Program – RIGL Chapter 20-2.2 – was shaped and supported by a Recreational Marine License Study Group, co-chaired by the R.I. Department of Environmental Management (hereinafter, the “Department”) and the R.I. Saltwater Anglers’ Association. The group included representatives from a variety of recreational fishing groups and interests from Rhode Island.

The statute includes a section titled *Accountability and oversight* (RIGL Section 20-2.2-10). Pursuant to that section, the Department is charged with preparing an annual report that details the number of recreational saltwater licenses issued, the total amount of license fee revenue received, the expenditures made during the prior year from the license fee account, and how the Department plans to allocate and use the fee revenue during the next year. The report is also slated to include any additional, relevant information relating to the administration and enforcement of the licensing program, and the status of state-based recreational fishing assessments and stock assessments.

The statute calls upon the Department to submit the report to the Rhode Island Marine Fisheries Council, and for the Department and Council to then conduct one or more public meetings to solicit input from recreational fishermen and the general public. The Council is then tasked with preparing an addendum to the report, setting forth its opinion on whether the licensing program is meeting its intended purpose, and offering any recommendations for modifying the program. The report and addendum are then to be submitted to the Rhode Island General Assembly.

b. Status

The Department's Division of Fish & Wildlife, Marine Fisheries Program (hereinafter, the "Division") developed the RI recreational saltwater license program early in 2010, and the program officially took effect on April 15, 2010.

As established by the statute, anyone wishing to recreationally fish or spearfish in the marine waters of Rhode Island must possess either a RI state license, a state license from a reciprocal state, or a federal registration. The requirement solely pertains to those harvesting, or attempting to harvest, finfish for non-commercial purposes. In 2012, regulations were amended to have the requirements also include those harvesting, or attempting to harvest, squid. Exemptions are provided for the following categories:

- Children under 16,
- Anglers fishing on licensed party or charter boats,
- RI residents who are blind or permanently disabled, and
- RI residents who are on leave from active military duty.

RI residents over the age of 65, and active military personnel stationed in RI, are eligible to obtain RI state licenses at no cost.

The new federal registry requirements also pertain to for-hire vessels, requiring that they either register federally or be subject to state-based licensing. Pursuant to a previously enacted state statute – RIGL section 20-2-27.1 – Rhode Island requires for-hire vessels (charter and party boats carrying recreational fishermen) to obtain a RI party and charter boat license.

In the summer of 2010, the Division submitted the new RI recreational saltwater fishing license program, and the existing RI party and charter boat license program, to NMFS for review. On October 25, 2010, NMFS and the Division entered into an MOU,

pursuant to which the Division agreed to regularly collect and transmit to NMFS the contact information generated by the two programs.

On the basis of NMFS' review and approval of the RI license programs, and the commitments set forth in the MOU, the State of Rhode Island was officially designated as an exempted state for all anglers, spear fishers, and for-hire fishing vessels on November 8, 2010 – enabling the RI recreational saltwater fishing license program, and the RI party and charter boat license program, to serve as a valid, legal substitutes for the federal registry.

During 2010, a federal registration was available at no cost. Beginning in 2011, NMFS enacted a \$15 annual fee for the federal registration. The annual cost has since increased to \$25.

Because the federal registration did not have a fee during 2010, it was difficult to assess the metrics of the RI program during its inaugural year. Since 2011, the program has equilibrated, providing more predictable participation and revenue rates. The average number of licenses issued since 2010 is approximately 42,000 per year, generating average revenues of about \$270,000. All license fee revenues that are not retained by the program vendor to cover administrative costs are deposited into a restricted receipt account.

c. Benefits

The overarching benefits of recreational license programs are their potential for improving recreational fishing management by:

- Allowing flexibility in the administration of the recreational license program to suit the needs of Rhode Island.
- Improving the quality and accuracy of marine recreational fishing data; and
- Providing an improved means for quantifying the scope of recreational saltwater fishing and spearfishing in Rhode Island, and throughout the U.S.

A key benefit of having the State of Rhode Island administer its own license program is the opportunity to make the license available at a lower cost than a federal registration. The \$7 (resident) and \$10 (non-resident) fees for the RI license compare favorably to the \$25 fee for the federal registration. Moreover, RI does not require state residents over the age of 65, or any active military personnel stationed in RI, to pay a fee for a license. RI offers a 7-day license at a reduced rate of \$5, available to both residents and nonresidents.

An additional benefit of having RI administer its own program is that the State program offers certain exemptions that are not available under the federal program –

namely, exemptions for RI residents who are blind or permanently disabled, and RI residents who are on leave from active military duty.

Another benefit of having a RI state program is reciprocity with neighboring states and federal waters. Pursuant to Rhode Island's licensing statute, Rhode Island will extend reciprocity to any other state that offers reciprocity to Rhode Island. Any resident from a reciprocal state who is licensed by that state can fish in RI waters without having to obtain a RI license, provided that a RI resident with a RI license can fish in the waters of the reciprocal state without having to obtain a license from that state. The states currently covered by a reciprocity agreement with Rhode Island are: New York, Connecticut, Massachusetts, and Maine.

A portion of each Rhode Island license sold, \$2 for every license sold online, and \$3 for every license sold via a vendor, is used to cover the costs of administering the licensing program. In this way, the program covers its own costs and is self-sustaining.

The balance of the revenues derived from license sales are deposited into a restricted receipt account, which is managed by the Department and subject to the exclusive-use restrictions set forth by statute. Monies from the account may only be used for: managing Rhode Island's marine recreational fisheries, with particular reference to improving State-based recreational fishery catch and effort statistics and stock assessments; and enhancing recreational fishing opportunities in the State. The availability of this dedicated revenue source for use in supporting programs and activities that address the priority interests of RI's recreational fishing community is a major benefit associated with the RI license program. Of particular value is the opportunity to use the state funds to leverage federal funds.

The US Fish and Wildlife Service's Sport Fish Restoration Program provides federal funding for saltwater recreational fishing programs. The funding is administered via grants to the State; projects written into these grants require a 25% state match. The fees generated by the RI saltwater license program are used to leverage an additional \$3 for every \$1 dedicated to projects and activities that enhance recreational saltwater fishing access, as well as science and management programs that relate directly to recreational fish stocks.

d. Implementation

Internet Based System & Local Vendors

Section 20-2.2-7 of the statute establishing the license program authorizes and directs the Department to engage the contractual services of a state-approved vendor to develop and implement a web-based system that serves as a portal to obtain licenses. The system developed by the vendor is used directly by recreational fishermen and by authorized licensing agents.

During the initial program development stage, the Department entered into a formal agreement with Rhode Island Interactive (RII), which administers the Rhode Island state government web portal, known as RI.gov. Pursuant to the agreement, RII is responsible for developing and implementing the internet-based licensing system. RII followed through by developing and implementing a system that serves as the mechanism for issuing licenses, and for collecting all of the required contact information at the point of sale for the national registry.

The internet-based system is used by authorized vendors to provide a point of sale alternative for anglers and spear fishers to acquire a license. These vendors include bait and tackle shops, marinas and big box stores. To date, there are twenty-five (25) authorized vendors. RII is responsible for handling the business arrangements with each vendor, including billing, remittance and technical support. Vendors must pay an annual fee of \$75 to RII to cover these service costs.

To cover the overall costs of administering the web-based license program, RII retains \$2 for each license sold via the internet. If a license is sold by a vendor, RII retains \$1 and the vendor retains \$2. Neither RII nor the vendors receive any compensation for no-fee licenses issued to RI residents over the age of 65 or active military personnel stationed in RI.

RII provides all angler contact information (name, address, phone number, date of birth – and if provided, email address) to the Division monthly via electronic transfer. The confidentiality of the data is protected via the use of encryption. The Division, in turn, provides the data to the NMFS MRIP program for incorporation into the national registry.

Information & Outreach

Since the rollout of the Rhode Island Saltwater Recreational Fishing License, the Division has continued to provide information and outreach to the Rhode Island angling community. The primary vehicle is the webpage, www.saltwater.ri.gov, which provides direct access to the licensing portal. The page includes a detailed FAQ section, covering all aspects of the license program, a link to all authorized license vendors, links to recreational fishing regulations, the locations of all public boat ramps that provide access to marine waters in Rhode Island, and other information pertinent to recreational saltwater fishing.

Since 2013, the Division has contracted with a publishing company to create a recreational fishing guide for distribution throughout the state. The guide provides information on a variety of recreational-fishing-related issues, including current recreational fishing regulations, information on local fishing and boating access sites, and commonly caught species. It also provides information on the license program. The guide has emerged as a popular, widely circulated annual publication that serves to both promote recreational saltwater fishing in RI and inform the angling community.

The Division continues to issue periodic press releases regarding the license program and produce fact sheets, informational cards and brochures for dissemination at public events, such as the Rhode Island Saltwater Anglers Association (RISAA) annual New England Saltwater Fishing Show. The Division continues to man a booth at the show to answer questions about recreational fishing, and issue licenses. The show offers an ideal opportunity to interact directly with the recreational fishing community. Per the suggestion of our recreational saltwater license study group the division will provide more frequent updates to the RISAA and other interested parties on projects funded by recreational license funds. For example the division will report any boat ramp repairs or construction updates to RISAA to disseminate to their members. The group feels that it is important to increase public awareness of how the recreational saltwater license funds are being spent. Tangible results increase the perception of the program. To that end the division will also highlight these projects in its annual magazine. The group also suggested more communication between the division and the angling public to direct where access point maintenance is needed.

To help increase awareness regarding the license program in the field, the Division also continues to maintain weatherproof vinyl signs at fishing access points throughout RI. The signs feature an illustration of the license and clear text informing the public that the license is required and how it can be acquired. RI also continues to provide informational signs to vendors to advertise the availability of licenses at their places of business.

The goal of the saltwater recreational fishing license is to foster healthy diverse recreational fisheries which are easily accessible by the fishing public. By providing funds to promote better data collection and stock assessment, the license leads to better management programs which should ensure sustainable fishing in to the future. Robust fishing opportunities coupled with modern, well thought out, and convenient fishing access is ultimately the best strategy to increase awareness of the license to ensure that all Rhode Islanders are participating in the program equally. To this end the saltwater recreational license program will continue to direct funding towards these two aspects of recreational fishing.

Free Fishing Day

In accordance with the statutory allowance for one free fishing day a year, during which all license requirements are waived, the DEM Director continues to declare a free fishing day each summer. Since 2010, the free fishing day has coincided with Governor's Bay Day

e. Licenses Issued, Revenues Received: Fiscal Years 2011-2015

Tables 1-3 summarize licenses issued and fees generated since the inception of the license program. For the purposes of this report gross revenue is the total amount of fees paid to RIDEM for the saltwater recreational license. Net revenue is the balance of fees deposited into the restricted account after the administrative costs are paid to the

internet portal contractor. License numbers and revenues increased after FY11, as expected, as the federal registry switched from being a free alternative to being a more costly alternative. In the three years since FY11, license issued have plateaued at approximately 42,000 per year, generating an average gross revenue of about \$270,000, and average net revenue of about \$186,000. The number of licenses sold and revenue generated fall well short of initial predictions, resulting in a much more constrained budget than originally envisioned.

Table 1. RI Saltwater Recreational Fishing Licenses – Number Issued: FY11 through FY15

| License Type | FY11 | FY12 | FY13 | FY14 | FY15 |
|---------------------------------|---------------|---------------|---------------|---------------|---------------|
| Resident Full Year | 18,658 | 26,556 | 25,864 | 25,938 | 26,084 |
| Non-Resident Full Year | 5,249 | 7,649 | 6,975 | 7,432 | 7,381 |
| Resident 7-Day | 60 | 122 | 107 | 144 | 134 |
| Non-Resident 7 Day | 1,310 | 2,505 | 2,730 | 2,958 | 3,055 |
| Resident Over 65 | 3,635 | 4,613 | 4,653 | 4,667 | 4,704 |
| Active Military Stationed in RI | 703 | 993 | 996 | 1,055 | 992 |
| Totals: | 29,615 | 42,438 | 41,325 | 42,194 | 42,350 |

Table 2. RI Saltwater Recreational Fishing Licenses -- Gross Revenue: FY11 through FY15

| License Type | FY11 | FY12 | FY13 | FY14 | FY15 |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|
| Resident Full Year | \$130,606 | \$185,892 | \$181,048 | \$181,566 | \$182,588 |
| Non-Resident Full Year | \$52,490 | \$76,490 | \$69,750 | \$74,320 | \$73,810 |
| Resident 7-Day | \$300 | \$610 | \$535 | \$720 | \$670 |
| Non-Resident 7 Day | \$6,550 | \$12,525 | \$13,650 | \$14,790 | \$15,275 |
| Resident Over 65 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Active Military Stationed in RI | \$0 | \$0 | \$0 | \$0 | \$0 |
| Totals: | \$189,946 | \$275,517 | \$264,983 | \$271,396 | \$272,343 |

Table 3. RI Saltwater Recreational Fishing Licenses -- Net Revenue: FY11 through FY15

| License Type | FY11 | FY12 | FY13 | FY14 | FY15 |
|---------------------------------|------------------|------------------|------------------|------------------|------------------|
| Resident Full Year | \$88,462 | \$124,413 | \$120,880 | \$120,736 | \$121,175 |
| Non-Resident Full Year | \$40,702 | \$58,566 | \$53,340 | \$56,970 | \$56,682 |
| Resident 7-Day | \$174 | \$352 | \$304 | \$411 | \$382 |
| Non-Resident 7 Day | \$3,605 | \$6,528 | \$6,988 | \$7,794 | \$8,085 |
| Resident Over 65 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Active Military Stationed in RI | \$0 | \$0 | \$0 | \$0 | \$0 |
| Totals: | \$132,943 | \$189,859 | \$181,512 | \$185,911 | \$186,324 |

III. Status of State-Based Fishing Assessments

Rhode Island's recreational catch and effort data is collected via the Marine Recreational Information Program (MRIP). MRIP is designed to improve recreational data collection by using the data generated from license sales to create a national recreational angler registry and by employing new angler survey protocols. This registry of licensees is a known sampling frame that can be drawn upon to conduct more focused surveys. Addresses taken from the registry are used to assess fishing effort, i.e., the number of anglers and the number of trips they make in Rhode Island. Catch data is collected by intercept interviews with anglers at fishing access sites. This catch data is used to calculate the number, species, and size of the fish being caught by recreational anglers in Rhode Island. Data from the two independent surveys is combined to produce regional and coast wide estimates of recreational harvest. Results are reported in two-month periods called waves. No recreational data is collected in Rhode Island during wave 1 (January - February) due to low fishing activity.

Though the end of 2015, the Division has a contract with RTI International, the federally approved contractor, to perform the MRIP intercept surveys. ICF International is the federally approved contractor that conducts the effort survey. Throughout the year, the data collected by both contractors is presented to the Division for review; once approved by the Division, the data is provided to MRIP. The number of effort and intercept interviews and related statistics collected by ICF International and RTI International are displayed, by calendar year, in Tables 4 - 6 respectively. Note that the data is presented by calendar year, not fiscal year, and that 2015 phone data is only for waves 2-3.

To date, the effort data has been collected by random telephone surveys to households in coastal communities. However, successful interview rates have been dropping over the past four years, despite large increases in sample size. This trend is a main driving force behind the planned switch to an alternative mail-based methodology. MRIP has completed pilot research projects in several states evaluating the mail-based survey methodology. Preliminary results show that the response rates are higher and survey answers are more comprehensive using this methodology. The program is expected to fully transition soon.

Collection of catch data via angler intercepts has also been improving over the past two years, due to the new approaches employed under MRIP. The number of successful interviews is increasing, as is the spatial and temporal distribution of the interviews. A more comprehensive sampling frame of potential sampling locations with accompanying site pressures is being used to better distribute the interviews. Better statistical sample distribution is expected to increase the accuracy of the estimate. Additionally, interviews are now being conducted at night and at an increasing rate during the winter months. Intercept refusal rates have been decreasing, likely due to increased outreach activities by NOAA Fisheries and the Division, as well as the recent

change in contractors used to conduct the intercepts. The professionalism of the (now uniformed) employees working for the new contractor is noticeably improved.

As an add-on to the above-described improvements, the Division is increasing the number of angler intercepts across all months using revenues from RI's recreational license program matched 3:1 with federal grant money. The funds are being used to purchase more interviews from the contractor. The Division plans to continue this practice into the foreseeable future. This state-specific increase in sample numbers is expected to further increase the accuracy and precision of recreational catch and effort data for RI. Currently the division accomplishes the increased sample size by purchasing 85 additional interviews from RTI each year. This methodology will change in 2016.

The Access Point Angler Intercept Survey (APAIS) is being transitioned from contractor-based administration to state-based administration. Beginning in 2016, the Division will be responsible for overseeing the surveys. Recreational saltwater license funds are not being used to make this transition; it is a federally funded initiative. Agreements have been forged between NOAA Fisheries and the Atlantic States Marine Fisheries Commission (ASMFC) outlining the duties and responsibilities the Division must accomplish to successfully transition and run the program. To accomplish this transition the Division will hire a full time Coordinator to administer the program. This MRIP coordinator will be responsible for maintaining and scheduling a staff of personnel who will conduct angler intercepts throughout RI. In addition to staffing duties, the coordinator will be responsible for disseminating data collected to the Atlantic Coast Cooperative Statistics Survey (ACCSP). ACCSP is part of ASMFC and will be coordinating the collection of data from state partners for delivery to NOAA Fisheries. The Division will hire two full time field interviewers to perform angler intercepts during waves 2 -6 throughout RI. These full time employees will travel to shore based sites as well as ride on board head boats to collect angler interviews and measurements of recreational catch. Temporary field interviewers will also be hired during waves 3-5 which are the most active fishing periods. As in the past saltwater license funds will be used after the transition to increase the number of interviews beyond the base number funded by NOAA Fisheries, in much the same way as they are now. After the Division takes over the survey, these additional interviews will be accomplished by hiring additional samplers during peak fishing waves. NOAA Fisheries will provide funding for two temporary samplers each year, the Division will hire an additional two temporary samplers using RI saltwater angler license fees matched 3:1 with USFWS grant money. It is estimated that the two additional temporary samplers will accomplish the same number of additional samples (likely more) that were purchased directly from the contractor in the past. After the first year the effectiveness of the two additional hires will be evaluated and if needed more temporary samplers will be hired in future years. The Division intends to build on the recent improvements to the survey and anticipates better data collection and more accurate information will be the result of the change.

Table 4. RI phone Surveys conducted by ICF International: 2011 through 2015

| Category | 2011 | 2012 | 2013 | 2014 | 2015 (W 2 – 3) |
|-----------------------------------|-------------|-------------|-------------|-------------|---------------------------|
| Successful Phone Interviews | 254 | 244 | 252 | 222 | 49 |
| Total Phone Calls | 72834 | 74753 | 90769 | 108055 | 6654 |

Table 5. 2014 RI Phone Interviews Conducted by ICF International

| Disposition | WAVE 2 | | WAVE 3 | | WAVE 4 | | WAVE 5 | | WAVE 6 | | TOTAL | |
|---------------------------------|-------------|---------------|--------------|---------------|--------------|---------------|--------------|---------------|-------------|---------------|---------------|----------------|
| | # | % of total | # | % of total | # | % of total | # | % of total | # | % of total | # | % of total |
| Total Numbers Attempted | 6089 | 5.64% | 23774 | 22.00% | 43411 | 40.17% | 24798 | 22.95% | 9983 | 9.24% | 108055 | 100.00% |
| Non-Response | 4689 | 77.00% | 18669 | 78.50% | 34888 | 80.40% | 19346 | 78.00% | 7691 | 77.00% | 85283 | 78.93% |
| No Contact | 4397 | 72.20% | 17494 | 73.60% | 32982 | 76.00% | 18175 | 73.30% | 7092 | 71.00% | 80140 | 74.17% |
| Busy | 24 | 0.40% | 78 | 0.30% | 671 | 1.50% | 63 | 0.30% | 204 | 2.00% | 1040 | 0.96% |
| No Answer | 645 | 10.60% | 5461 | 23.00% | 15331 | 35.30% | 857 | 3.50% | 1087 | 10.90% | 23381 | 21.64% |
| Not Available for Screening | 3620 | 59.50% | 11345 | 47.70% | 16354 | 37.70% | 17087 | 68.90% | 5650 | 56.60% | 54056 | 50.03% |
| Answering Machine | 108 | 1.80% | 610 | 2.60% | 626 | 1.40% | 168 | 0.70% | 151 | 1.50% | 1663 | 1.54% |
| Contacted Non-Respondents | 292 | 4.80% | 1175 | 4.90% | 1906 | 4.40% | 1171 | 4.70% | 599 | 6.00% | 5143 | 4.76% |
| Language Problem | 15 | 0.20% | 95 | 0.40% | 95 | 0.20% | 72 | 0.30% | 37 | 0.40% | 314 | 0.29% |
| Refused | 277 | 4.50% | 1080 | 4.50% | 1811 | 4.20% | 1099 | 4.40% | 562 | 5.60% | 4829 | 4.47% |
| Response | 1400 | 23.00% | 5105 | 21.50% | 8523 | 19.60% | 5452 | 22.00% | 2292 | 23.00% | 22772 | 21.07% |
| Respondent Ineligible | 1048 | 17.20% | 4100 | 17.20% | 7110 | 16.40% | 4347 | 17.50% | 1833 | 18.40% | 18438 | 17.06% |
| Failed Prescreening | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% |
| Not in Service | 524 | 8.60% | 2168 | 9.10% | 4105 | 9.50% | 2328 | 9.40% | 944 | 9.50% | 10069 | 9.32% |
| Business Phone | 462 | 7.60% | 1723 | 7.20% | 2621 | 6.00% | 1822 | 7.30% | 784 | 7.90% | 7412 | 6.86% |
| Wrong Number | 0 | 0.00% | 3 | 0.00% | 2 | 0.00% | 3 | 0.00% | 1 | 0.00% | 9 | 0.01% |
| Wrong County | 38 | 0.60% | 116 | 0.50% | 245 | 0.60% | 138 | 0.60% | 78 | 0.80% | 615 | 0.57% |
| Not Permanent Resident | 24 | 0.40% | 90 | 0.40% | 137 | 0.30% | 56 | 0.20% | 26 | 0.30% | 333 | 0.31% |
| Eligible Non-Fishing Households | 347 | 5.70% | 959 | 4.00% | 1318 | 3.00% | 1036 | 4.20% | 452 | 4.50% | 4112 | 3.81% |
| No Fishing Last 12 Months | 312 | 5.10% | 926 | 3.90% | 1279 | 2.90% | 978 | 3.90% | 417 | 4.20% | 3912 | 3.62% |
| No Fishing Last 2 Months | 32 | 0.50% | 33 | 0.10% | 36 | 0.10% | 56 | 0.20% | 34 | 0.30% | 191 | 0.18% |
| First-Time Contact/Non-Fishing | 3 | 0.00% | 0 | 0.00% | 3 | 0.00% | 2 | 0.00% | 1 | 0.00% | 9 | 0.01% |
| Eligible Fishing Households | 5 | 0.10% | 46 | 0.20% | 95 | 0.20% | 69 | 0.30% | 7 | 0.10% | 222 | 0.21% |

Table 6. 2015 RI Phone Interviews Conducted by ICF International

| Disposition | WAVE 2 | | WAVE 3 | | WAVE 4 | | WAVE 5 | | WAVE 6 | | TOTAL | |
|---------------------------------|-------------|---------------|--------------|---------------|--------|------------|--------|------------|--------|------------|--------------|---------------|
| | # | % of total | # | % of total | # | % of total | # | % of total | # | % of total | # | % of total |
| Total Numbers Attempted | 5884 | 19.22% | 24737 | 80.78% | | | | | | | 30621 | |
| Non-Response | 4542 | 77.20% | 19425 | 78.50% | | | | | | | 23967 | 78.27% |
| No Contact | 4267 | 72.50% | 18332 | 74.10% | | | | | | | 22599 | 73.80% |
| Busy | 13 | 0.20% | 188 | 0.80% | | | | | | | 201 | 0.66% |
| No Answer | 513 | 8.70% | 7390 | 29.90% | | | | | | | 7903 | 25.81% |
| Not Available for Screening | 3701 | 62.90% | 8672 | 35.10% | | | | | | | 12373 | 40.41% |
| Answering Machine | 40 | 0.70% | 2082 | 8.40% | | | | | | | 2122 | 6.93% |
| Contacted Non-Respondents | 275 | 4.70% | 1093 | 4.40% | | | | | | | 1368 | 4.47% |
| Language Problem | 26 | 0.40% | 38 | 0.20% | | | | | | | 64 | 0.21% |
| Refused | 249 | 4.20% | 1055 | 4.30% | | | | | | | 1304 | 4.26% |
| Response | 1342 | 22.80% | 5312 | 21.50% | | | | | | | 6654 | 21.73% |
| Respondent Ineligible | 1010 | 17.20% | 4380 | 17.70% | | | | | | | 5390 | 17.60% |
| Failed Prescreening | 0 | 0.00% | 0 | 0.00% | | | | | | | 0 | 0.00% |
| Not in Service | 523 | 8.90% | 2364 | 9.60% | | | | | | | 2887 | 9.43% |
| Business Phone | 450 | 7.60% | 1819 | 7.40% | | | | | | | 2269 | 7.41% |
| Wrong Number | 1 | 0.00% | 1 | 0.00% | | | | | | | 2 | 0.01% |
| Wrong County | 30 | 0.50% | 126 | 0.50% | | | | | | | 156 | 0.51% |
| Not Permanent Resident | 6 | 0.10% | 70 | 0.30% | | | | | | | 76 | 0.25% |
| Eligible Non-Fishing Households | 330 | 5.60% | 885 | 3.60% | | | | | | | 1215 | 3.97% |
| No Fishing Last 12 Months | 296 | 5.00% | 826 | 3.30% | | | | | | | 1122 | 3.66% |
| No Fishing Last 2 Months | 33 | 0.60% | 58 | 0.20% | | | | | | | 91 | 0.30% |
| First-Time Contact/Non-Fishing | 1 | 0.00% | 1 | 0.00% | | | | | | | 2 | 0.01% |
| Eligible Fishing Households | 2 | 0.00% | 47 | 0.20% | | | | | | | 49 | 0.16% |

Table 7. 2010 – 2014 RI Intercept Interviews Conducted by RTI International.

| Months | Total Interviews | Successful Interviews | Refused Interviews | Percent Refused |
|------------------------|------------------|-----------------------|--------------------|-----------------|
| 2010 | | | | |
| March – April | 55 | 46 | 9 | 16.40% |
| May – June | 503 | 395 | 108 | 21.50% |
| July – August | 942 | 527 | 415 | 44.00% |
| September - October | 646 | 432 | 214 | 33.10% |
| November - December | 154 | 100 | 54 | 35.10% |
| Totals | 2300 | 1500 | 800 | 34.80% |
| 2011 | | | | |
| March – April | 46 | 35 | 11 | 23.91% |
| May – June | 358 | 273 | 85 | 23.74% |
| July – August | 554 | 428 | 126 | 22.74% |
| September - October | 426 | 323 | 103 | 24.18% |
| November - December | 204 | 163 | 41 | 20.10% |
| Totals | 1588 | 1222 | 366 | 23.05% |
| 2012 | | | | |
| March – April | 79 | 65 | 14 | 17.72% |
| May – June | 364 | 285 | 79 | 21.70% |
| July – August | 935 | 716 | 219 | 23.42% |
| September - October | 761 | 598 | 163 | 21.42% |
| November - December | 147 | 124 | 23 | 15.65% |
| Totals | 2286 | 1788 | 498 | 21.78% |
| 2013 | | | | |
| March – April | 6 | 6 | 0 | 0.00% |
| May – June | 391 | 285 | 106 | 27.11% |
| July – August | 1154 | 1022 | 132 | 11.44% |
| September - October | 525 | 496 | 29 | 5.22% |
| November - December | 115 | 112 | 3 | 2.61% |
| Totals | 2191 | 1921 | 270 | 14.06% |
| 2014 | | | | |

| | | | | |
|------------------------|-------------|-------------|------------|---------------|
| March – April | 12 | 11 | 1 | 8.33% |
| May – June | 817 | 624 | 193 | 23.62% |
| July – August | 1641 | 1167 | 474 | 28.88% |
| September - October | 870 | 672 | 198 | 22.76% |
| November – December | 26 | 22 | 4 | 15.38% |
| Totals | 3366 | 2496 | 870 | 25.85% |

IV. Issues & Initiatives

a. Increasing the Number of Local Vendors

Although the internet remains the most convenient means for obtaining a license for most people, it is apparent that a portion of the population continues to prefer to obtain a license, in-person, at a local store or shop. Such individuals may either not have, or not be comfortable using, a home computer and printer. Or they may have the need to pay for their license using cash, instead of a debit or credit card.

To date, there are twenty-five local vendors authorized to issue licenses at their places of business. This is up from just seven vendors at the start of the 2011 fishing season. The locations of the twenty-five vendors cover the major population areas of Rhode Island, including Block Island. Increasing the number of vendors should remain a top priority, since adding more vendors to the program will make it easier for more people to get their licenses, thereby enhancing compliance.

The Division applied for and was awarded a grant from the Atlantic States Marine Fisheries Commission to administer a vendor-incentive program. The program has been up and running since 2011. Pursuant to the program, the Division loans computers and printers to any establishment that agrees to vend licenses for a period of five years. The Division has enough funds to provide equipment for up to 50 vendors. This grant ends in November of 2015. The Division will continue to distribute computers as long as supplies last.

b. Developing Regulations for the License Program

In 2010 the Division developed and enacted comprehensive regulations for the recreational license program. The regulations largely codify the key statutory provisions governing the license program. The Division tracks recreational fishing issues and strives to keep pace with advances in technology as it pertains to fishing licenses and will amend regulations if needed to address current issues. At this time no new regulations are proposed.

c. Meeting with the Recreational Saltwater License Study Group

The Division plans to continue meeting annually with the Recreational Saltwater License Study Group. This ad-hoc group worked closely with the Division on the development of the original saltwater recreational license bill. The purpose of these annual meetings is to review and get input on the status of the overall license program, as well as the draft budget for the saltwater license restricted receipt account. These meetings are in addition to, not in lieu of, the Council and public comment processes set forth by the license statute.

d. Addressing Additional Options for Obtaining Licenses

Although the internet and the increasing number of local vendors throughout the State offer convenient opportunities for anglers and spear fishers to obtain a license, it is recognized that there are still a large number of people who either do not own a computer and printer or do not have a convenient means of accessing a local library or local vendor. While this constituency may be a minority, it constitutes a meaningful portion of the recreational fishing community in Rhode Island. If too many people perceive the process of obtaining a license as too difficult or inconvenient, it may have the effect of turning people away from fishing, which is clearly counter to the spirit and intent of the license program. The Division is open to exploring options to make it easier for people to obtain a license, e.g., mail-in or call-in options. However, the additional costs for administering such options would have to be assessed and budgeted. There are no proposals for development of additional options to obtain a fishing license at this time.

e. Allowing Volunteer Contributions to the Restricted Receipt Account

It has been suggested that some anglers and spear fishers would welcome the opportunity to make an additional, voluntarily contribution to the restricted receipt account associated with the license program at the time they purchase their license. It is unclear whether this could be done without additional statutory authority, but if there is enough interest in the part of the Rhode Island recreational fishing community to pursue the initiative, it can be pursued. Examples of voluntary methods for contribution include license plate programs and elections on state tax forms. There are no proposals to develop additional means of acquiring voluntary contributions at this time.

f. Streamlining the Online License Renewal Process

The Division has continued to coordinate with RII in an effort to streamline the renewal process, namely, by having prior contact information recalled and re-inserted, with an onus on the licensee to verify that it is up-to-date and accurate. Phone numbers remain an important data field, the system still requires phone numbers to be re-entered every year, to help ensure that they are up-to-date and accurate. The future of MRIP's methods is still unclear and will likely shift to a mail based survey. This change will make the address of the applicant the key data element. It is unclear if the telephone number will become self-populated from previous license data after the switch is made to the mail survey, it will still be required.

g. Compliance

As mentioned above the number of licenses issued for the past three years has plateaued at approximately 42,000. Estimates for the number of potential licenses have proven to be highly unreliable; it can be assumed that the past three years are more representative of future license sales. It is important to know how closely the number of license tracks the actual number of anglers in order to assess the effectiveness of the saltwater license program. RIDEM Division of Law Enforcement (DLE) conducts field

checks of the recreational license to ensure compliance with the saltwater license requirement with good results. In 2014, they conducted 1,161 recreational saltwater license checks resulting in 60 citations and 120 warnings of noncompliance. These results indicate an approximate 85% compliance rate with the saltwater license program. DLE states that this is similar to rates seen by other regional law enforcement agencies. While 85% is a good compliance rate it still remains necessary to promote a high level of awareness to the saltwater license program to keep noncompliance in check and foster steady participation with the program in the future.

The Division will continue working to increase compliance as well as prevent license sales from eroding. Several ideas provided by the Saltwater Recreational License advisory group will be pursued to this end. The Division collects email addresses from license applicants; these email addresses will be used in the future to send an electronic reminder to renew their licenses annually. It is generally accepted that the frequent recreational angler is aware of the recreational license requirement; a lack of compliance likely exists in the casual angling population. To address this compliance gap the Division expanded its distribution of its saltwater fishing magazine to more diverse locations such as popular tourist hotels and attractions. Additionally, the Division will reach out to the office of Boating Registration to include a reminder to get a fishing license and link to www.saltwater.ri.gov on boating registration forms.

V. Expenditures and Budget

a. Preface

As noted previously, in accordance with the provisions of the RIGL Chapter 20-2.2, all funds from the saltwater license fees are deposited into a restricted receipt account that can only be used for the purposes list below.

- Administering and enforcing the Rhode Island license program;
- Managing Rhode Island's marine recreational fisheries, with particular reference to improving state-based recreational fishery catch and effort statistics and stock assessments; and
- Enhancing recreational fishing opportunities in the State.

It is important to note that this account does not need to be spent down every year. License revenue that is not spent remains in the account and is available for projects the following year and into the future. If designated funds are not spent in any given category they are kept in that category for the next budget cycle.

The Division undertakes a range of programs that address and support recreational fishing interests in Rhode Island. These programs are largely funded via a federal grant administered by the US Fish & Wildlife Service's Sport Fish Restoration (SFR) Program. The SFR Program is derived from excise taxes on fishing and boating equipment, and is structured as a user-pay/user-benefit program. The SFR program is the

primary source of funding for recreational fishing programs in Rhode Island, providing some \$2 million annually. SFR grants require a 25 percent non-federal match.

The primary RIDEM programs pertaining to recreational fishing fall into the following general categories:

- Fish stock assessments
- Recreational catch and effort estimates
- Management programs and regulations
- Boating and fishing access
- Artificial reefs and habitat protection/enhancement
- Public information, outreach, and education
- Enforcement

In developing annual budgets for the recreational saltwater license account, RIDEM draws upon the following guidelines: projects must be consistent with the licensing statute; address the needs and interests of the recreational fishing community in Rhode Island; and maximize opportunities and benefits by leveraging federal SFR funds whenever possible.

b. FY15 Expenditures

During the 2015 fiscal year, a total of \$209,433 was spent on the Rhode Island Marine Recreational Fishing Program (Table 8). This amount is down from the \$298,397 expended in FY2014. Of that total:

- \$113,915 was used for personnel and equipment costs in support of the Division's finfish surveys for stock assessments;
- \$33,133 was used for the management of the Marine Recreational Fisheries Program;
- \$7,141 was used to support the Division's boating/fishing access site maintenance program;
- \$15,933 was spent on major repairs to Bold Point and Oakland Beach boat ramps;
- \$4,321 was used for public education, information, and outreach, including production of the second annual Rhode Island Recreational Saltwater Fishing Guide; and
- \$35,000 was used for the purchase of additional MRIP intercept interviews.

Table 8. FY2015 Recreational Saltwater License Program budget.

| Category | FY14 Carryover | FY15 Revenue | FY 15 Available | FY15 Budgeted | FY15 Expended |
|---|------------------|------------------|------------------|------------------|------------------|
| Enhanced MRIP Data Collection | \$177,675 | \$27,887 | \$205,562 | \$24,000 | \$35,000 |
| Boating/Fishing Access I | \$42,964 | \$37,182 | \$80,146 | \$75,000 | \$15,933 |
| Boating/Fishing Access II | \$2,756 | \$18,591 | \$21,347 | \$18,000 | \$7,141 |
| Rec Fisheries Support | \$30,919 | \$18,591 | \$49,510 | \$27,000 | \$33,133 |
| Fish Stock Assessment Support | (\$48,308) | \$65,069 | \$16,761 | \$105,450 | \$113,915 |
| Artificial Reef | \$7,389 | \$9,296 | \$16,685 | \$0 | \$0 |
| Public Education, Information, and Outreach | \$29,934 | \$9,296 | \$39,230 | \$5,000 | \$4,321 |
| TOTAL | \$243,329 | \$185,911 | \$429,240 | \$254,450 | \$209,433 |

c. FY15 Budget

The budget for FY2016 is described in Table 9. It is anticipated that the restricted receipt account will receive another \$180,000 from FY15 license sales, and the proposed FY15 Programmatic Budget, as set forth below, is based on that amount. In the interest of going forward with a more balanced budget, enhanced MRIP data collection and Public Education, Information and Outreach categories will not receive any revenue for FY2016. The expenditures in these account categories will still be actively budget, the expenses will be draw from the current existing balance in the account. This will allow over drawn categories to recover.

Table 9. FY2016 Recreational Saltwater License Program budget.

| Category | FY15 Carryover | FY16 Revenue | FY16 Available | FY16 Budgeted | FY16 Expended |
|-------------------------------|----------------|--------------|----------------|---------------|---------------|
| Enhanced MRIP Data Collection | \$170,562 | \$0 | \$170,562 | \$24,000 | |
| Boating/Fishing Access I | \$64,213 | \$36,000 | \$100,213 | \$75,000 | |

| | | | | | |
|---|------------------|------------------|------------------|------------------|--|
| Boating/Fishing Access II | \$14,206 | \$18,000 | \$32,206 | \$18,000 | |
| Rec Fisheries Support | \$16,377 | \$18,000 | \$34,377 | \$30,000 | |
| Fish Stock Assessment Support | (\$97,154) | \$108,000 | \$10,846 | \$105,450 | |
| Artificial Reef | \$16,685 | \$0 | \$16,685 | \$0 | |
| Public Education, Information, and Outreach | \$34,909 | \$0 | \$34,909 | \$5,000 | |
| TOTAL | \$219,807 | \$180,000 | \$399,807 | \$257,450 | |

1. Enhanced MRIP Data Collection (\$24,000)

Proposal. Continue to expand the recreational catch and effort data collection program for Rhode Island (under the MRIP sampling umbrella) by providing funding for add-on intercept surveys to increase the overall precision of the State-based estimates and better enable mode-specific (e.g., shore-based) estimates. The \$24,000 investment will leverage an additional \$72,000 in federal (SFR) funds to provide \$96,000 in total programmatic benefits. The \$96,000 will allow the Division to continue ordering additional add-on interviews from the APAIS contractor (RTI) in the short term until the transition to the Division’s running of the program. There will be 85 total; 40 for private/rental mode, 40 for shore mode, and 5 for Party/Charter mode per calendar year.

When the transition of the APAIS occurs the Division will hire additional seasonal interviewers during the high fishing months to collect more interviews. These employees will be in addition to the base number of interviewers to be hired with federal funding by the Division to conduct the survey. This significant change in doing business makes the additional interviewers the method of adding extra interviews. The ACCSP recreational technical committee, which is providing oversight for the state takeover of the shore based interviews, estimates that a single interviewer represents 20 shifts (shift = 6 hours) dedicated to interviews per month. By this logic hiring two additional seasonal interviewers should effectively add on approximately 240 shifts. This year as in the past, the Division has purchased 85 additional interviews from the contractor. Although it is unclear what the average number of interviews per shift will be, even if it is as low as one per shift, it will increase the number of interviews almost three fold. Hiring interviewers directly will not only increase the number of add on interviews but will also be less expensive.

Rationale. The MRIP program is the major source for marine recreational catch and effort fishing assessments. Data collected via the program is used to estimate catch (landings and discards) and effort by species/state/mode/wave. Estimates of catch and effort are used to develop status of the stock for all species, including striped bass,

summer flounder, scup, tautog, bluefish, winter flounder, cod, black sea bass, and weakfish. In addition, indices of abundance using catch per unit of effort are incorporated into age-structured models to track abundance in comparison to other fisheries independent surveys. Estimates of catch and effort are quite variable due to sampling levels, which are directly correlated to the level of funding for each survey.

The marine recreational catch and effort fishing assessments yield fishery dependent information which, coupled with the fishery independent trawl and seine surveys, serve as the basis for marine recreational fishing regulations. The accuracy and fairness of recreational fishing regulations is directly related to the quality and precision of the assessments. Better accuracy and precision will lead to a better understanding of fishing activities by mode. This information is paramount if the Division is to pursue mode splits such as differential regulations for shore-based fishermen versus boat-based fishermen. Mode specific regulations require adequate survey and sampling of the two modes to enable relatively precise estimates of respective catch and effort.

It is unclear as to how the transition to a state run recreational sampling program will affect the number of interviews. The proposed enhanced data collection initiative will continue to attempt to maintain sampling to prior levels (2002-2005). An assessment of how many added interviews are derived by the hiring of additional interviewers will be conducted at the end of the year to determine whether the number of additional hires is sufficient to acquire the desired interviews. Additional interviews combined with perceived benefits of a state run recreational sampling program should help to significantly boost the quality and accuracy of the data used to assess Rhode Island's marine recreational fisheries.

2. Boating/Fishing Access I (\$75,000)

Proposal. Improvements to Goddard State Park Boat Ramp

Rationale. The ramp at Goddard State Park is one of the most popular and important ramps in western Narragansett Bay, providing direct access to lots of great fishing and boating. The ramp is heavily utilized and in need of rehabilitation.

The Goddard State Park ramp ranks high on the Division's list of priority boating/fishing access sites in need of upgrade or improvement, and is a worthy candidate for funding via the license fee account. In addition to the Goddard State Park ramp, the fishing pier at Rocky Point, will also benefit from recreational licensing fees once that project starts. Other minor projects can be funded from this category when the need arises. In FY2015 funds from this category were used to make emergency repairs to the Bold Point and Oakland Beach boat ramps where a safety issue had to be addressed. Using \$75,000 in licensing to leverage \$225,000 in SFR funds frees up \$300,000 to be used on these selected projects expediting the public access program as a whole.

3. Boating/Fishing Access II (\$18,000)

Proposal. Continue to support the Division’s boating/fishing access site maintenance program. The \$18,000 investment will leverage an additional \$54,000 in federal (SFR) funds to provide \$72,000 in total programmatic benefits.

Rationale. The Division is responsible for maintaining 60 state-owned and operated boating/ fishing access sites used by an estimated 28,000 boats that are less than 24 feet in length. In order to foster compliance and repeat participation in the recreational saltwater license program, it is as important to keep our public access points clean and functional as it is to build new ones. The Division lacks adequate resources to undertake all of the work that’s needed to maintain these sites on a regular basis. The allocation of these funds from the license fee account, leveraged with federal funds, supports the Division’s ability to properly maintain state-owned boating/fishing access sites throughout Rhode Island.

4. Recreational Fisheries Management Support (\$30,000)

Proposal. Continue to provide staff time, equivalent to a full-time employee (FTE), for the Division’s Recreational Marine Fisheries Program. Staff will coordinate a range of projects and activities that relate directly to priority marine recreational fishing issues. The \$30,000 investment will leverage an additional \$90,000 in federal (SFR) funds to provide \$120,000 in total programmatic benefits.

Rationale. In the past, the Division has never had staff time completely dedicated to marine recreational fishing programs. In 2012, the Division hired a fulltime staff person dedicated to RI’s marine recreational fisheries program and proposes maintaining an FTE equivalent to focus on the following issues:

- Coordinating the overall license program, in concert with Rhode Island Interactive and local vendors; and serving as the conduit for data management between the program and NOAA Fisheries, pursuant to the Division’s MOU with NOAA Fisheries.
- Coordinating recreational fishing assessments; implementing the scheduled RIDFW takeover of angler intercept sampling; serving on the ACCSP’s Recreational Technical Committee; advancing Rhode Island’s electronic reporting program.
- Coordinating the development of marine recreational fishing management programs in Rhode Island; applying recreational fishing assessments to recreational management programs; developing mode-specific recreational fishing management programs and other recreational fishing alternatives for important ASMFC-managed species.
- Serving as a principal point of contact for recreational fishing groups and organizations throughout Rhode Island.
- Assisting with the coordination of the Division’s boating/fishing access program – including assessment, maintenance, and management of existing sites; pursuing grants to upgrade/improve existing sites and develop new sites;

and conveying information on access opportunities to the Rhode Island recreational fishing community.

- Assisting with the coordination of Rhode Island's artificial reef program.

5. Fish Stock Assessment Support (\$105,450)

Proposal. Support the continuation of finfish stock assessment surveys of recreationally important species in Rhode Island waters. The \$105,450 investment will leverage an additional \$316,350 in federal (SFR) funds to provide \$421,800 in total programmatic benefits.

Rationale. The key programs funded via the federal SFR grant are the continuation of the Narragansett Bay trawl survey; the juvenile finfish seine survey conducted in the coastal ponds, and the newly developed fish pot survey. These projects are important annual finfish fisheries surveys in Rhode Island waters with long standing time series of data. In the past, these programs have been funded by the Division's federal SFR grant, and matched entirely with commercial fishing license fee revenues. Given the importance of these programs to the recreational fishing community, it stands to reason that a portion of the recreational fishing license fees should continue to cover the non-federal match requirements of the SFR grant pertaining to these projects. Project reports are submitted annually for these programs to USFWS and are available upon request.

6. Artificial Reef Support (\$0)

Proposal. . The Division has reallocated a dedicated staff person paid from a different grant to administer this project. The project is continuing as planned and is still considered an important recreational fishing initiative. The narrative will remain in the report as it may warrant future funding.

Rationale. Due to public input and interest, the Division, in collaboration with The Nature Conservancy, has undertaken a 5-year artificial reef project. The project is designed to test the feasibility and performance of artificial reefs in Rhode Island waters. The main goal of the project is to determine if artificial reefs actually produce more biomass or merely attract/aggregate fish from surrounding areas. The outcome of this study will help to determine if permanent artificial reefs should be placed in Rhode Island waters. This project was initiated by recreational fishermen's requests for the placement of artificial reefs in RI, if necessary funds from the recreational saltwater license will be reallocated to fund and support the project in the event of loss of current funding.

7. Public Education, Information, and Outreach (\$5,000)

Proposal. The \$5,000 taken from recreational license receipts will leverage an additional \$15,000 in SFR funding resulting in \$20,000 used for outreach and education pertaining to the recreational fishing license. The primary goal is to continue the annual

one page water resistant regulation abstract and the Rhode Island Recreational Saltwater Fishing Magazine and maintain signage informing the public of the license requirement.

Rationale. Although compliance with the new license program has generally been good, it is clear that a number of recreational fishermen and spear fishers remain unaware of the program, not only in terms of the need to obtain a license, but also with regard to the purpose of the program and the benefits it provides to the recreational fishing community. Since the primary purpose of the license program is to develop a comprehensive database of contact information for all recreational fishermen and spear fishers, it makes sense to continue making a modest investment in public outreach, aimed at increasing awareness among the recreational fishing community regarding the license program, particularly during the summer season, thereby enhancing compliance and bolstering programmatic support.

Each year the Division published a one page regulation abstract which contains the current year's recreational fishing rules and regulations. These are printed on glossy water resistant paper and supplied to various locations throughout the state. The abstracts are heavily utilized and raise awareness and foster compliance to the current regulations.

In 2015, the Division published the third annual edition of the Rhode Island Recreational Saltwater Fishing Magazine. The publication, done in a colorful and appealing magazine style, offers a wealth of information of interest to the marine recreational fishing community in the State. The guide informs fishermen on the issues associated with the licensing program and the associated benefits. It also provides recreational fishing information as well as other issues of interest to the community, including current regulations, informative articles, and lists of local bait and tackle shops and party/charter boat services. While the Division continues to provide information to the Rhode Island recreational fishing community via the Division's website and an annual abstract that features recreational and commercial fishing regulations, the magazine enhances the Division's ability to connect with and inform recreational fishermen, and to promote recreational fishing in Rhode Island. The publication has been well-received, and so it makes sense to continue utilizing a small portion of funds from the license account to fund it annually.

VII. Looking Ahead to FY17

While there is reason to believe that the license program, and associated receipts received, could grow at a modest pace over the next several years, there is no clear indication that that is likely to happen. As previously noted, the total number of licenses issued during the 2015 fiscal year was 42,350, and total revenues deposited into the license fund for the calendar year were \$186,324. ***For planning purposes, the FY17 Programmatic Budget is projected to be approximately the same as FY16, i.e., \$180,000.***

TITLE 20

Fish and Wildlife

CHAPTER 20-2.2

Recreational Saltwater Fishing License

SECTION 20-2.2-10

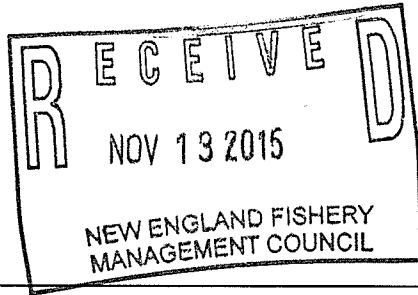
§ 20-2.2-10 Accountability and oversight. – (a) On an annual basis, the department shall prepare a report that details the number of recreational saltwater fishing licenses issued, the total amount of license fee revenue received, the expenditures made during the prior year utilizing the fee revenue, and how the department plans to allocate and use the fee revenue during the next year. The report shall also include any additional, relevant information relating to the administration and enforcement of the licensing program, and status of state-based recreational fishing assessments and stock assessments.

(b) The department shall annually submit the report to the marine fisheries council, and the department, in coordination with the council, shall annually schedule and conduct one or more public meetings to solicit input from recreational fisherman and the general public. On the basis of such input, and the council's own review, the council shall annually prepare an addendum to the report, setting forth the council's opinion on whether the licensing program is meeting its intended purposes, and offering any recommendations for modifying the program.

(c) The department shall annually submit the report, including the addendum developed by the council, to the general assembly.

History of Section.

(P.L. 2009, ch. 375, § 1; P.L. 2009, ch. 379, § 1.)



Atlantic States Marine Fisheries Commission

74th Annual Meeting Summary

Vision: Sustainably Managing Atlantic Coastal Fisheries

74th Annual Meeting
St. Augustine, Florida
November 2-5, 2015

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

TABLE OF CONTENTS:

| | |
|---|----|
| AMERICAN LOBSTER MANAGEMENT BOARD (NOVEMBER 2, 2015) | 3 |
| <i>Press Release</i> | 3 |
| <i>Meeting Summary</i> | 3 |
| <i>Motions</i> | 4 |
| ATLANTIC HERRING SECTION (NOVEMBER 2, 2015) | 5 |
| <i>Press Release</i> | 5 |
| <i>Motions</i> | 6 |
| SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (NOVEMBER 2, 2015) | 6 |
| <i>Press Release</i> | 6 |
| <i>Motions</i> | 7 |
| SEAMAP-SOUTH ATLANTIC & GSMFC CRUSTACEAN WORKGROUPS (NOVEMBER 2 & 3, 2015) | 8 |
| <i>Meeting Summary</i> | 8 |
| EXECUTIVE COMMITTEE (NOVEMBER 3, 2015) | 9 |
| <i>Meeting Summary</i> | 9 |
| HABITAT COMMITTEE (NOVEMBER 3, 2015) | 9 |
| <i>Meeting Summary</i> | 9 |
| AMERICAN EEL MANAGEMENT BOARD (NOVEMBER 3, 2015) | 10 |
| <i>Meeting Summary</i> | 10 |
| <i>Motions</i> | 10 |
| WEAKFISH MANAGEMENT BOARD (NOVEMBER 3, 2015) | 11 |
| <i>Meeting Summary</i> | 11 |
| <i>Motions</i> | 11 |
| LEGISLATORS & GOVERNORS' APPOINTEES LUNCHEON (NOVEMBER 3, 2015) | 11 |
| <i>Meeting Summary</i> | 11 |
| WINTER FLOUNDER MANAGEMENT BOARD (NOVEMBER 3, 2015) | 12 |
| <i>Meeting Summary</i> | 12 |

| | |
|---|-----------|
| <i>Motions</i> | 12 |
| ATLANTIC MENHADEN MANAGEMENT BOARD (NOVEMBER 3, 2015) | 12 |
| <i>Meeting Summary</i> | 12 |
| <i>Motions</i> | 13 |
| ATLANTIC STRIPED BASS MANAGEMENT BOARD (NOVEMBER 4, 2015) | 13 |
| <i>Meeting Summary</i> | 13 |
| <i>Motions</i> | 14 |
| JOINT MEETING OF THE ASMFC LAW ENFORCEMENT COMMITTEE AND GSMFC LAW ENFORCEMENT ADVISORY PANEL (NOVEMBER 4, 2015) | 15 |
| <i>Meeting Summary</i> | 15 |
| TAUTOG MANAGEMENT BOARD (NOVEMBER 4, 2015) | 16 |
| <i>Meeting Summary</i> | 16 |
| <i>Motions</i> | 17 |
| ASMFC CAPTAIN DAVID H. HART AND GSMFC LYLES-SIMPSON AWARDS LUNCHEON (NOVEMBER 4, 2015) | 18 |
| <i>Press Release</i> | 18 |
| ASMFC Presents Willard Cole Prestigious Captain David H. Hart Award..... | 18 |
| BUSINESS SESSION (NOVEMBER 4 & 5, 2015) | 19 |
| <i>Press Release</i> | 19 |
| <i>Meeting Summary</i> | 20 |
| <i>Motions</i> | 20 |
| ATLANTIC COAST FISHERIES HABITAT PARTNERSHIP (NOVEMBER 4 & 5, 2015) | 21 |
| <i>Meeting Summary</i> | 21 |
| COASTAL SHARKS MANAGEMENT BOARD (NOVEMBER 4, 2015) | 22 |
| <i>Meeting Summary</i> | 22 |
| <i>Motions</i> | 22 |
| SPINY DOGFISH MANAGEMENT BOARD (NOVEMBER 4, 2015) | 23 |
| <i>Meeting Summary</i> | 23 |
| <i>Motions</i> | 23 |
| HORSESHOE CRAB MANAGEMENT BOARD (NOVEMBER 5, 2015) | 23 |
| <i>Press Release</i> | 23 |
| <i>Motions</i> | 24 |
| INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (NOVEMBER 5, 2015) | 25 |
| <i>Meeting Summary</i> | 25 |
| <i>Motions</i> | 25 |
| SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (NOVEMBER 5, 2015) | 26 |
| <i>Meeting Summary</i> | 26 |
| <i>Motions</i> | 26 |

AMERICAN LOBSTER MANAGEMENT BOARD (NOVEMBER 2, 2015)

Press Release

**ASMFC American Lobster Board Initiates Addendum to Jonah Crab FMP
*Draft Addendum to Consider Changes to Non-trap Bycatch Limit***

St. Augustine, FL – The Commission’s American Lobster Management Board initiated Addendum I to the Jonah Crab Fishery Management Plan (FMP) to consider changes the incidental bycatch limit for non-trap gear. The FMP currently prescribes a 200 crabs per calendar day/500 crabs per trip incidental bycatch limit; however, concerns were expressed over the appropriateness of these limits. Data submitted by the New England Fishery Management Council and NOAA Fisheries illustrated while 97-99% of trips from 2010 through 2014 have been within the current limit, there were a number of trips above the limit. Furthermore, current bycatch landings are sufficiently low, accounting for approximately 1% of total landings.



Photo © Derek Perry, MA DMF

Given a goal of the Jonah Crab FMP is to prevent expansion of the fishery while including all current participants, the Board has initiated an addendum to consider altering the incidental bycatch limit with options to increase the limit to 1000 crabs per trip or eliminate the bycatch limit for non-trap gear. Draft Addendum I will be presented to the Board in February. If approved, the Board would release the Draft Addendum for public comment and will consider final approval of the addendum at the Commission’s Spring Meeting in May. For more information, please contact Megan Ware, FMP Coordinator, at mware@asmfc.org or 703.842.0740.

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PR15-34

Meeting Summary

The American Lobster Management Board met to discuss potential management measures for the Southern New England (SNE) lobster stock and review aspects of the Jonah Crab Fishery Management Plan (FMP), including effort controls for Jonah-crab only trap fishermen, current claw exemptions, and the incidental bycatch limit for non-trap gear.

The Board reviewed management objectives presented by the SNE Subcommittee which ranged from stabilizing the stock through reductions in fishing mortality to preserving the fishery infrastructure at the expense of the stock. Discussion also focused on ways to reduce natural mortality, which is believed to be a critical component of the stock decline. In order to gain more information on the SNE stock and options moving forward, the Board charged the Technical Committee to complete several tasks, including a review of preliminary stock projections and a recalculation of reference points.

The Board also discussed three aspects of the Jonah Crab FMP: effort control measures for Jonah crab only trap fishermen, claw exemptions, and the incidental bycatch limit for non-trap gear. In order to understand the scale of the fishery, the Board tasked the Plan Development Team (PDT) to examine catch and landings records to characterize participants in the Jonah crab-only trap fishery. Similarly, the PDT was asked to review Jonah crab claw landings given that the number of claw fishermen is greater than expected and the current claw exemption may no longer be appropriate. Finally, following concerns that the incidental bycatch limit does not capture all current participants in the fishery, the Board initiated Addendum I to increase or eliminate the trip limit.

The Board also approved the 2015 FMP Review and *de minimis* requests for Maryland, Delaware, and Virginia. The Board approved 3 new members to the Advisory Panel: John Godwin (NJ), Grant Moore (MA) and Sonny Gwin (MD). Finally, the Board agreed to continue collaboration on federal and state at-sea observer programs so that agreed upon changes can be implemented by the 2016 fishing season. For more information, please contact Megan Ware, FMP Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

Motion to initiate an addendum to remove the non-trap bycatch limit from the Jonah Crab FMP or increase the trip limit to 1,000 crabs.

Motion made by Mr. Stockwell and seconded by Mr. Simpson. Motion carries.

Move to have the Technical Committee (TC) examine the tasks provided today.

TC Tasks:

- Review the SNE projections
- Methods to increase egg production
- Examine the cost/benefit of existing regulations
- Recalculate targets and thresholds without the bubble years (88-99) and based on the existing productivity
- Table of egg production by size for each LCMA
- Examine the relationship of the inshore vs. offshore stocks and describe with a budget need studies
- Review statement of the problem from Ad. 12/17 and provide recommendation on how to solve the described problems
- Characterize the 2014 existing effort by LCMA

Motion made by Mr. Borden and seconded by Mr. Augustine. Motion carries.

Move to approve the 2015 Lobster FMP Review, state compliance reports.

Motion made by Mr. Adler and seconded by Mr. Augustine. Motion carries.

Move to accept MD, VA, and DE for *de minimis* status.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion passes (10 in favor, 1 opposed, 1 abstention).

Move to approve Grant Moore (MA), John Godwin (NJ), and Earl Gwin (MD) to the American Lobster Advisory Panel.

Motion made by Mr. Adler and seconded by Augustine. Motion carries.

Move to continue collaboration on federal/state onboard observer programs, including a discussion at the fall Northeast Regional Coordinating Committee meeting, so that agreed upon changes can be implemented by the start of the 2016 fishing year.

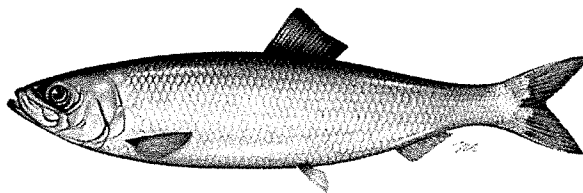
Motion made by Mr. Keliher and seconded by Mr. Borden. Motion passes (11 in favor, 1 opposed, 1 abstention).

ATLANTIC HERRING SECTION (NOVEMBER 2, 2015)

Press Release

ASMFC Atlantic Herring Section Approves Public Hearing Document on Draft Amendment 3 for Public Comment

St. Augustine, FL – The Commission’s Atlantic Herring Section approved the Public Hearing Document for Draft Amendment 3 to the Interstate Fishery Management Plan (FMP) for Atlantic Herring for public comment. Draft Amendment 3 was initiated to strengthen spawning protections in Area 1A (inshore Gulf of Maine) and address concerns raised by the commercial fishing industry. The Public Hearing Document proposes (1) alternatives to the spawning monitoring program (protocol, default start dates, area boundaries, and length of the closure period); (2) removing the fixed gear set-aside rollover provision, and (3) requiring a vessel’s fish hold to be emptied before leaving on a fishing trip.



Today’s rebuilt herring population is comprised of a broader range of age classes with older and larger fish compared to the population during overfished conditions. Analysis of more than a decade’s worth of data suggests larger herring spawn first and the timing of the start of spawning varies from year-to-year. Proposed alternatives to the current spawning monitoring program address inter-annual differences and provide additional measures to more adequately protect spawning fish in the areas where they spawn.

At the request of the fishing industry, the Public Hearing Document includes an option to adjust the fixed gear set-aside rollover provision. Currently, the set-aside of 295 mt is available to fixed gear fishermen through November 1, after which the remaining set-aside becomes available to the rest of the Area 1A fishery. The November 1 date was set because, typically, herring have migrated out of the Gulf of Maine by that time. Anecdotal evidence suggests herring are in the Gulf of Maine after November 1, therefore, fixed gear fishermen requested the set-aside be made available to them for the remainder of the calendar year.

Members of industry also suggested a requirement for fish holds to be empty of fish prior to trip departures. This provision would allow for full accountability and encourage less wasteful fishing practices by creating an incentive to catch herring to meet market demands. The New England Fishery Management Council included a complementary provision in its Framework Adjustment 4 to the Federal Atlantic Herring FMP.

The states will be conducting public hearings on the Public Hearing Document this winter. Fishermen and other interested groups are encouraged to provide input on the Public Hearing Document either by attending state public hearings or providing written comment. A subsequent press release will announce the availability of the Public Hearing Document, details of the scheduled hearings, as well as the deadline for the submission of public comment. For more information, please contact, Ashton Harp, FMP Coordinator, at aharp@asmfc.org or 703.842.0740.

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PR15-35

Motions

Move to approve the 2016 to 2018 Atlantic herring specifications as recommended by the New England Fishery Management Council.

Motion made by Mr. Grout and seconded by Mr. Gibson. Motion carries unanimously (Roll Call Vote: In favor – ME, NH, MA, RI, CT, NY, NJ).

Move to approve Draft Amendment 3 for public comment.

Motion made by Mr. Augustine and seconded by Mr. White. Motion carries (5 in favor, 1 opposed).

SUMMER FLOUNDER, SCUP, AND BLACK SEA BASS MANAGEMENT BOARD (NOVEMBER 2, 2015)

Press Release

ASMFC Summer Flounder, Scup and Black Sea Bass Board Revises 2016 Black Sea Bass Specifications & Initiates Draft Addendum for Regional Management of 2016 Summer Flounder and Black Sea Bass Recreational Fisheries

St. Augustine, FL – The Commission’s Summer Flounder, Scup and Black Sea Bass Management Board approved increases to the 2016 black sea bass commercial quota and recreational harvest limit (RHL), with the commercial quota now being set at 2.71 million pounds and the RHL at 2.88 million pounds. These increases are consistent with actions taken by the Mid-Atlantic Fishery Management Council in October. The increased quota for black sea bass was based on updated catch and survey information. A black sea bass benchmark stock assessment is underway for completion in December 2016.

The Board initiated development of Draft Addendum XXVII to the Summer Flounder and Black Sea Bass Fishery Management Plans (FMP) to consider extending use of regional management approaches for the 2016 recreational summer flounder fishery, including an option that would allow for a Delaware Bay specific region. The Draft Addendum also will propose extending use of ad-hoc regional management approaches for black sea bass recreational fisheries in 2016 and 2017. In the event the options in Draft Addendum XXVII are not approved for management, the Board extended the current summer flounder regional management approach for use in 2016.

In 2014, the Board approved Addendum XXV to shift away from traditional use of state-by-state harvest targets under conservation equivalency to use of an alternative regional strategy for managing summer flounder recreational fisheries. Based on its success in keeping recreational harvest within the RHL and

providing greater regulatory consistency among neighboring states, this strategy was extended for use in 2015. State-by-state harvest targets previously utilized under conservation equivalency created difficulties for some states as overages occurred due largely to state shares and limits not reflecting local summer flounder abundance and its availability to recreational fishermen. In 2014 and 2015 management regions were the following: Massachusetts; Rhode Island; Connecticut-New Jersey; Delaware-Virginia; and North Carolina.

The Draft Addendum also will propose the continued use of regional management for the 2016 black sea bass recreational fishery with a northern (Massachusetts – New Jersey) and southern region (Delaware – North Carolina). The regional management approach has been used since 2011 and offers advantages over coastwide regulations by addressing geographic differences in the stock (size, abundance and seasonality) while maintaining the consistent application of management measures by neighboring states.

Draft Addendum XXVII will be presented to the Board for its consideration and approval for public comment at its joint meeting with the Council in December. At the December meeting, the Board and Council also will consider black sea bass and scup federal management measures for 2016. For more information, please contact Kirby Rootes-Murdy, Fishery Management Plan Coordinator, at krootes-murdy@asmfc.org or 703.842.0740.

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PR15-36

Motions

Main Motion

Move to initiate an addendum to extend ad hoc regional management for black sea bass recreational fisheries in 2016.

Motion made by Mr. Simpson and seconded by Mr. Augustine. Motion amended.

Motion to Amend

Move to amend to include 2017.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries unanimously.

Main Motion as Amended

Move to initiate an addendum to extend ad hoc regional management for black sea bass recreational fisheries in 2016 and 2017.

Motion passes (13 in favor).

Main Motion

Move to extend provision of Addendum XXVI for 2016 [summer flounder regional management].

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

Motion to Substitute

Move to substitute to initiate a draft addendum to establish 2016 regional recreational summer flounder management options, including a regional option for Delaware Bay. Options for consideration in the addendum will only be for Delaware Bay and all other regions will remain as currently constructed, including all other waters of New Jersey implementing the same management measures as New York and Connecticut.

Motion made by Mr. Baum and seconded by Mr. O'Reilly. Motion fails (5 in favor, 6 opposed).

Main Motion

Move to extend provision of Addendum XXVI for 2016 [summer flounder regional management].

Motion made by Mr. Adler and seconded by Mr. Borden. Motion passes (9 in favor, 2 opposed).

Move to initiate an addendum to address the discrepancies in measures within Delaware Bay.

Motion made by Mr. Nowalsky and seconded by Mr. Simpson. Motion carries unanimously.

Move to approve the 2016 black sea bass terms of reference.

Motion made by Dr. Daniel and seconded by Mr. Hasbrouck. Motion carries.

Move to accept a 2.71 million pound commercial quota and 2.88 million pound recreational harvest limit for 2016.

Motion made by Mr. Luisi and seconded by Mr. O'Reilly. Motion passes without objection (Roll Call Vote: In Favor – ME, NH, MA, RI, CT, NY, NJ, DE, MD, PRFC, VA, NC; Abstention – NOAA Fisheries).

Move to postpone decision on this issue (discrepancies in state/federal landings data) until Winter Meeting and ask states to work with NOAA Fisheries to resolve the differences.

Motion made by Mr. Borden and seconded by Mr. Hasbrouck. Motion carries (11 in favor, 1 opposed).

Move to approve *de minimis* status for Delaware for summer flounder and scup.

Motion made by Mr. Augustine and seconded by Mr. O'Reilly. Motion carries.

Move to approve the 2015 FMP Reviews for Summer Flounder, Scup and Black Sea Bass.

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

SEAMAP-SOUTH ATLANTIC & GSMFC CRUSTACEAN WORKGROUPS (NOVEMBER 2 & 3, 2015)

Meeting Summary

The SEAMAP-SA Crustacean Workgroup met on November 2 to discuss emerging issues in each partner state, review the SEAMAP 2016-2020 Management Plan, and discuss SAFMC Fishery Ecosystem Plan Amendment II. The Workgroup received presentations on black gill shrimp research and discussed ideas for future research initiatives. The Workgroup also received a presentation on offshore spawning of blue crabs in the Southeast U.S. This presentation lead directly into a discussion of a potential South Atlantic regional blue crab assessment. On November 3, the SEAMAP-SA Crustacean Workgroup met jointly with the GSMFC TCC Crab Subcommittee. Participants discussed the methodology and outcome of the Gulf States' regional blue crab assessment and how this may apply in the South Atlantic. The group received a presentation on the Atlantic horseshoe crab fishery and discussed the emerging Gulf fishery implications and management. All partners shared information on derelict trap and gear issues and established collection programs. Finally, the group received a report on the status of terrapin in South Carolina and made suggestions for future research. For more information, please contact Shanna Madsen, Fisheries Science Coordinator, at smadsen@asmfc.org or 703.842.0740.

EXECUTIVE COMMITTEE (NOVEMBER 3, 2015)

Meeting Summary

The Executive Committee approved the FY 2015 audit. It discussed the revisions to the Commission's guidance documents, which will be forwarded to the Commission and ISFMP Policy Board for consideration. It also tasked the Management and Science and Assessment Science Committees with developing a framework for a risk and uncertainty policy. Lastly, the Committee discussed its strategy for communicating Commission priorities to Congress. For more information, please contact Laura Leach, Director of Finance and Administration, at lleach@asmfc.org or 703.842.0740.

HABITAT COMMITTEE (NOVEMBER 3, 2015)

Meeting Summary

The Habitat Committee held its second in-person meeting of the year at the Commission's 74th Annual Meeting. The Committee received an update on the Atlantic Coastal Fish Habitat Partnership program from the coordinator, Lisa Havel. The Committee then received presentations from Ron Brockmeyer of the St. Johns River Water Management District, and from Deb Wilson of the ASMFC Shad and River Herring Advisory Panel. Ron presented on marsh habitat restoration success in the Indian River Lagoon, in Florida, and Deb gave a presentation on the restoration of the Damariscotta Mills Dam fish ladder in Maine.

The new Habitat Committee Chair, Jake Kritzer, gave a presentation on the Environmental Defense Fund Northeast Ecosystem Stressors Workshop that was held in September. He summarized the results from both an online survey and meeting discussions on the relative importance of various threats to coastal towns and cities, marsh and estuarine habitats, marine habitats, and fisheries. Four representatives from the Habitat Committee were present at the meeting.

The Committee reviewed its 2015 work plan. The 2015 issue of *Habitat Hotline Atlantic*, with a focus on the impacts of energy development to fish habitats, is on track for publication by the end of the year, although some articles and state/federal agency updates are still needed. The Committee has completed a habitat bottlenecks white paper, which includes case studies on examples of species with physical bottlenecks. The first draft of the *Sciaenid Habitats Source Document*, which was initiated in 2014, is ready for editing from the Habitat Committee and the South Atlantic Species Technical Committee. This latest installment of the *Habitat Management Series* will be ready for approval and publication by the winter Commission meeting. The Habitat Committee also reviewed and updated the each Species Habitat Factsheet, which will be put on the website in the upcoming weeks.

For 2016, the Committee plans to finalize the next installment of the *Habitat Management Series*, which will focus on Aquaculture. Ideas for the next *Habitat Hotline* were discussed, and will be finalized at the Spring Meeting. Potential topics include diversity (genetic, behavioral, life history, and geographic), fishing gear impacts, pelagic habitats, power plant impingement, and living shorelines. The Committee plans to identify common climate change themes and gaps in their state coastal regulatory plans, and will incorporate climate change threats into the upcoming Fishery Management Plans (Northern shrimp, tautog, and menhaden).

For more information on the activities of the Habitat Committee, please contact Lisa Havel, Habitat Coordinator, at lhavel@asmfc.org or 703.842.0740.

AMERICAN EEL MANAGEMENT BOARD (NOVEMBER 3, 2015)

Meeting Summary

The American Eel Management Board met to review and approve Maine's Life Cycle Survey design and Addendum IV implementation plans that detail how states and jurisdictions plan to monitor and manage a state-by-state yellow eel quota if triggered. The Board also accepted the 2014 and 2015 FMP Reviews, as well as a deadline waiver request for an Aquaculture Plan from the State of North Carolina.

The Technical Committee presented its acceptance of Maine's Life Cycle Survey to the Board noting it will review the survey design after the first year of implementation to address any challenges that occur through the first field season. The Technical Committee (TC) notes the sampling framework was approved specifically for the Cobbooseecontee Stream drainage in Maine, and future life cycle survey designs for other river systems will need to be reviewed and approved by the TC separately. The Board also approved Addendum IV implementation plans for the potential implementation of yellow eel state quotas. Included in the Board's approval was the TC's recommendation to use harvester reporting to monitor the quota as well as requiring the states to submit preliminary landings data for the previous fishing year by March 1 so the quota triggers can be evaluated by the Board at its May meeting.

The Board approved the 2014 and 2015 FMP Reviews and approved *de minimis* status for New Hampshire, Massachusetts, Pennsylvania, the District of Columbia, South Carolina, and Georgia yellow eel fisheries. The only notable compliance issue was Delaware's non-compliance for failing to not implement management measures contained in Addendum III (the Commission had found the state out of compliance in August 2015). A moratorium will occur in Delaware state waters on March 18, 2016 unless the Commission finds that Delaware has implemented the necessary measures to come back into compliance with Addendum III.

In the Board's final action, it approved a deadline waiver request from the State of North Carolina allowing the state to submit an Aquaculture Plan by December 1. This plan will be reviewed by the Law Enforcement Committee and TC and submitted to the Board for its consideration at the Commission's Winter Meeting in February 2016. For more information please contact Mike Waine, Senior Fishery Management Plan Coordinator, at mwaine@asmfc.org or 703.842.0740.

Motions

Motion to accept Maine's Life Cycle survey.

Motion made by Mr. Keliher and seconded by Mr. Abbott. Motion passes unanimously.

Move to add to the February agenda a discussion to potentially revisit the Addendum IV allocation.

Motion made by Mr. O'Reilly and seconded by Mr. Gilmore. Motion carries (11 in favor, 3 opposed, 2 abstentions, 1 null vote).

Move to approve the Addendum IV implementation plans with the recommendations from the Technical Committee.

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

Move to accept and approve the compliance reports, FMP Review, and *de minimis* requests.

Motion made by Dr. Daniel and seconded by Mr. Grout. Motion passes unanimously.

Move to accept North Carolina's aquaculture plan for submission on December 1st and Board consideration at the February 2016 Meeting.

Motion made by Dr. Daniel and seconded by Mr. Gilmore. Motion passed by consent.

WEAKFISH MANAGEMENT BOARD (NOVEMBER 3, 2015)

Meeting Summary

The Weakfish Management Board met to review progress on the Weakfish benchmark stock assessment, which is scheduled for peer review in early 2016. The Board also approved the 2015 FMP Review, granting *de minimis* status to Massachusetts, Connecticut, Georgia, and Florida. For more information, please contact Ashton Harp, aharp@asmfc.org or 703.842.0740.

Motions

Move to approve the 2015 Weakfish FMP Review, state compliance reports, and *de minimis* status for Massachusetts, Connecticut, Georgia, and Florida.

Motion made by Mr. Heins and seconded Mr. Fote. Motion passes unanimously.

LEGISLATORS & GOVERNORS' APPOINTEES LUNCHEON (NOVEMBER 3, 2015)

Meeting Summary

The Commission's Legislators and Governor's Appointees (LGAs) met to elect new leadership and discuss issues of importance to the Commission. The following Commissioners were elected to serve as the leadership of the LGAs:

- Dennis Abbott (NH), Legislative Chair
- Roy Miller (DE), Governor's Appointee Chair
- Sarah Peake (MA), Legislative Vice-Chair
- Emerson Hasbrouck, Jr. (NY), Governor's Appointee Vice-Chair

A number of long-serving LGAs encouraged new Commissioners to take advantage of Commission resources and attend non-Board meetings such as the Habitat and Executive Committees whenever possible. Commissioners also discussed ways to communicate the states' needs to Congress as well as the importance of working with other national advocacy groups. Finally, the LGAs discussed the importance of regular communication between all three Commissioners within each of the state delegations. For more information, please contact Deke Tompkins, Legislative Executive Assistant, at dtompkins@asmfc.org or 703.842.0740.

WINTER FLOUNDER MANAGEMENT BOARD (NOVEMBER 3, 2015)

Meeting Summary

The Winter Flounder Management Board met to review the recent stock assessment for the Gulf of Maine (GOM) stock and the Southern New England/Mid-Atlantic (SNE/MA) stock, and discuss potential management responses.

Based on the Northeast Fisheries Science Center (NEFSC) operational (update) stock assessment for GOM, the stock biomass status is unknown and overfishing is not occurring. This assessment updates commercial and recreational fishery catch data, research survey indices of abundance, and the area-swept estimates of 30+ cm biomass based on the fall NEFSC, MDMF, and MENH surveys.

Based on the NEFSC operational assessment, the SNE/MA winter flounder stock is overfished but overfishing is not occurring. This assessment updates commercial fishery catch data, recreational fishery catch data, and research survey indices of abundance, and the analytical ASAP assessment models and reference points through 2014. Additionally, stock projections have been updated through 2018. The Board did not set the 2016 specifications at this time. It will address the issue during the Commission's Winter Meeting, after the New England Fishery Management Council has had an opportunity to set its specifications for the 2016 fishing year.

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

Motions

Move to elect Dr. David Pierce as Vice Chair of the Winter Flounder Board.

Motion made by David Simpson. Motion carries by acclamation.

ATLANTIC MENHADEN MANAGEMENT BOARD (NOVEMBER 3, 2015)

Meeting Summary

The Atlantic Menhaden Management Board met to discuss progress on the development of Draft Amendment, including committee recommendations on ecosystem reference points (ERPs), revisiting allocation, and upcoming socioeconomic analysis of the menhaden fishery. The Amendment will consider both ERPs and revisit allocation. As the first step in the amendment process, a public information document will be developed to scope both allocation options, and available ERPs in early 2017, followed by a Draft Amendment document in mid-2017 for potential implementation of final measures in 2018.

The reason for the extended timeframe is to provide the opportunity to conduct a socioeconomic analysis to further characterize the Atlantic menhaden fishery. The socioeconomic analysis will be conducted through a request for proposals with the goal of providing much needed information on the importance of menhaden to its stakeholders to help inform allocation discussions. The socioeconomic analysis will be conducted throughout 2016, and will rely on stakeholder engagement to obtain socioeconomic data to conduct the analysis.

Simultaneously, the Biological Ecological Reference Point Working Group will continue to work on the development of ERPs through multi-species modeling approaches. Although the development of ERPs

by the Working Group are not anticipated until 2019-2020, the Board will consider any available ERPs in 2017 when moving forward with Amendment 3.

In its final action, the Board extended a provision to allow cast net fisheries to be managed under the bycatch allowance provision of Amendment 2 for 2016. For more information, please contact Mike Waine, Senior Fishery Management Plan Coordinator, at mwaine@asmfc.org or 703.842.0740.

Motions

Motion to not move forward with BERP WG recommended ERP modeling and move forward with a biologically conservative reference point.

Motion made by Dr. Daniel and seconded by Mr. Goldsborough. Motion fails (Roll Call Vote: In Favor – NC, FL; Opposed – ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, PRFC, SC, GA, USFWS, NMFS).

Main Motion

Move to proceed under option 2 which initiates a PID in 2017 and includes ERPs and allocation with the CESS report to be implemented in 2018.

Motion by made Ms. Fegley and seconded by Ms Cary.

Motion to Amend

Motion to amend the substitute to include after 2017 “to include an option to freeze the quota until 2020.”

Motion made by Mr. Grout and seconded Mr. Gary. Motion fails (6 in favor, 11 opposed).

Motion to Substitute

Substitute to proceed with an addendum to implement BRPs from the 2015 benchmark stock assessment for implementation in 2017.

Motion made by Mr. O’Reilly and seconded by Mr. Allen. Motion fails (8 in favor, 9 opposed).

Main Motion

Move to proceed under option 2 which initiates a PID in 2017 and includes ERPs and allocation with the CESS report to be implemented in 2018.

Motion by made Ms. Fegley and seconded by Ms Cary. Motion passes.

Move to continue the management of cast nets under the bycatch provisions for 2016.

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

ATLANTIC STRIPED BASS MANAGEMENT BOARD (NOVEMBER 4, 2015)

Meeting Summary

The Atlantic Striped Bass Management Board met to review the 2015 Stock Assessment Update and receive a Technical Committee Report on fleet-specific fishing mortality reference points using two different time periods for selectivity.

According to the 2015 Stock Assessment Update, female spawning stock biomass (SSB) in the terminal year (2014) was estimated at 63,918 metric tons, which is a slight increase from the 2013 benchmark assessment but still between the SSB reference points (i.e., below the target and above the threshold).

Similarly, fishing mortality (F) is estimated at 0.21 which is just below the F threshold of 0.22. Based on these results and public comment received from Chesapeake Bay stakeholders indicating economic hardships in 2015 due to Addendum IV regulation changes, a motion was made to “initiate an Addendum to reconsider management options in the Chesapeake Bay from Addendum IV for 2016 based on the stock assessment update in 2015 and retrospective projections.” A subsequent motion to amend the original motion was made to remove the words “in the Chesapeake Bay.” Following discussion on the motions, both the original motion and the motion to amend were tabled to the February 2016 Board meeting primarily because the 2015 Stock Assessment Update does not reflect Addendum IV regulation changes. Subsequently, the Board tasked the Technical Committee to conduct a stock assessment update in 2016 utilizing catch and index data through 2015. It is anticipated that no additional management will occur until completion of the 2016 assessment update, which is anticipated for next fall.

At its August meeting, the Board tasked the Technical Committee to recalculate fleet-specific F reference points using a composite selectivity over a 17-year period, 1996-2012, and to compare those results against the 5-year period, 2008-2012. The Technical Committee report indicated that the results of both sets of F reference points are nearly the same, and that the management issues raised in August, e.g., the inability to control discard mortality through direct management action, still exist regardless of which time period the Board chooses. Accordingly, these results provided the necessary information for the Board to reaffirm their commitment to the Technical Committee’s recommendation to pursue a sex-specific approach for the upcoming 2018 Benchmark Stock Assessment.

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

Motions

Main Motion

Move to initiate an Addendum to reconsider management options in the Chesapeake Bay from Addendum IV for 2016 based on the stock assessment update in 2015 and retrospective projections.

Motion made by Mr. Luisi and seconded by Mr. O’Reilly. Motion tabled.

Motion to Amend

Move to amend to remove the words “in the Chesapeake Bay”.

Motion made by Mr. Clark and seconded by Mr. Augustine. Motion tabled.

Move to table motion to amend until the February meeting.

Motion made by Mr. Abbott and seconded by Mr. Keliher. Motion passes (Roll Call Vote: In Favor – ME, NH, MA, CT, NY, PA, NC, USFWS, NMFS; Opposed – RI, NJ, DE, MD, PRFC, VA).

Move to table main motion.

Motion made by Mr. Abbott and seconded by Mr. Keliher. Motion carries (Roll Call Vote: In Favor – ME, NH, MA, RI, CT, NY, NJ, PA, DE, NC, NMFS; Opposed – MD, PRFC, VA, USFWS).

Move to recommend the ISFMP Policy Board adjust the 2016 stock assessment schedule to include a striped bass update in 2016.

Motion made by Mr. Luisi and seconded by Mr. O’Reilly. Motion carries (13 in favor, 2 opposed).

JOINT MEETING OF THE ASMFC LAW ENFORCEMENT COMMITTEE AND GSMFC LAW ENFORCEMENT ADVISORY PANEL (NOVEMBER 4, 2015)

Meeting Summary

The Law Enforcement Committee (LEC) met in joint session with the Gulf States Marine Fisheries Commission's Law Enforcement Advisory Panel (LEAP) on November 4, 2015. Following is a brief summary of the issues discussed at the meeting.

Species Issues

Striped Bass

Mark Robson briefed committee members on a request from ASMFC staff to compile and provide information from their respective states or agencies regarding general understanding of and compliance with changes to Atlantic striped bass bag regulation changes. A Subcommittee of the LEC will compile information for the compliance report on the 2015 fishing year.

Tautog

Four members of the LEC participated in a Law Enforcement Subcommittee with a subset of Tautog Management Board members to review enforcement concerns with the commercial and recreational tautog fishery. Jason Snellbaker presented key findings and recommendations to the Tautog Board, and also reviewed the Subcommittee's work with the LEC. In follow-up, the Enforcement Subcommittee will continue to work on suggested details for implementing a tag system for harvested tautog. The LEC will review and prepare written recommendations regarding regional management options for tautog to be considered in an upcoming addendum.

American Eel

Mike Waine (ASMFC staff) attended the LEC meeting and requested to continue working with the LEC and Mark Robson to document and report on any ongoing enforcement issues with the glass eel fishery. Members reported on the success of the Maine swipe card system in reducing illegal activity, but cautioned that continued vigilance will be necessary to suppress illegal harvest and export of glass eels.

Horseshoe Crab

The LEC had requested that on occasion, it would be helpful to receive reports on the current management and science activities related to ASMFC managed species. This is particularly helpful since the LEC does have newer members who may not be as familiar with ongoing management issues. Kirby Rootes-Murdy (ASMFC staff) presented an overview of the horseshoe crab fishery, including the unique nature of the bait fishery and biomedical harvest.

Action Plan Issues

Mark Robson briefed the LEC on the proposed changes to the ASMFC 2016 Action Plan, and reviewed changes and additions to Goal 3, which specifically addresses enforcement issues. Members were presented with key tasks that need to be accomplished in 2016. While many tasks are ongoing from year to year, there were additional items to consider, including the addition of a new task to review enforcement needs for the offshore American lobster fishery, particularly in the offshore waters of Lobster Conservation Management Area 3.

Other action plan items include providing enforcement advice regarding compliance with new or changed regulations for Atlantic striped bass, tautog, American eel, and Jonah crab.

Members discussed the recent results of the enforcement matrix in the LEC's Enforceability Guidelines. Members discussed the low ratings for "airborne" enforcement and considered changes to that category that reflect the value of airborne assets when used in conjunction with land or water-based patrol or electronic surveillance systems.

Joint Meeting with GSMFC LEAP

Because of the unique opportunity presented by the Annual meeting in Florida, the LEC's of both the ASMFC and GSMFC met in joint session. It was a productive and informative meeting and members appreciated the opportunity afforded to share information. This meeting also meets several objectives of the ASMFC LEC to encourage information exchange among state and federal enforcement partners. There was also opportunity to coordinate areas of enforcement for consistency. Following were some of the joint topics that generated considerable discussion:

- Aerial Enforcement needs and benefits.
- TED enforcement checks and coordination with NOAA OLE reporting needs.
- Enforcement of licensing in federal waters.
- Review of state and federal policies regarding recruitment, hiring and retention of officers.
- Illegal, under-reported and unreported fishing issues in the Gulf of Mexico at the U.S./Mexico border.
- Atlantic states policies regarding safe-harbor provisions and offloading of multi-state quotas.

The LEC thanks all of the members of the GSMFC LEAP and staff for meeting jointly and helping to make for a very productive meeting.

New Members to ASMFC LEC

Colby Schlaht is now on-board as the primary USCG representative. Winn Carney is now attending as a representative for NOAA OLE from the mid-Atlantic region. Bob Lynn is the new representative from the Great State of Georgia. Andrew Aloise attended the meeting as a representative for USFWS. For more information, please contact Mark Robson, LEC Coordinator, at markrobson2015@outlook.com.

TAUTOG MANAGEMENT BOARD (NOVEMBER 4, 2015)

Meeting Summary

The Tautog Management Board reviewed submitted public comment on the Public Information Document (PID) for Amendment 1 to the Tautog Fishery Management Plan and subsequently tasked the Plan Development Team (PDT) with developing a draft Amendment focusing on regional management. The Draft Amendment will include two regional management options, in addition to status quo, shown below.

| Coastwide | Three-Region Approach | Four-Region Approach |
|--|-------------------------------|---|
| Status Quo: Massachusetts – Virginia | 1) Massachusetts–Rhode Island | 1) Massachusetts–Rhode Island |
| | 2) Connecticut–New Jersey | 2) Long Island Sound (Connecticut–New York) |
| | 3) Delaware–Virginia | 3) New York–New Jersey (excluding LIS) |
| | | 4) Delaware–Virginia |

The four-region approach requires the completion of two stock assessments: one for Long Island Sound (LIS) and the other for New York-New Jersey (excluding LIS). The Board expects to review the peer-reviewed assessments at the August 2016 Board meeting. The PDT will start developing the amendment and provide an update at the February 2016 meeting. The Law Enforcement Subcommittee will evaluate the feasibility of a commercial tagging program.

The Board approved Captain Mel True (MA) as a member of the Advisory Panel. For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Main Motion

Move to direct the PDT to develop the draft amendment under option 4 (regions of Massachusetts-Rhode Island; Long Island Sound including Connecticut-New York; New York-New Jersey excluding Long Island Sound; Delaware, Maryland, and Virginia).

Motion made by Mr. Gibson and seconded by Mr. Simpson. Motion amended.

Motion to Amend

Motion to amend to include options 3 and 4.

Motion made by Mr. Gilmore and seconded Mr. Miller. Motion carries (9 in favor, 1 abstention).

Main Motion as Amended

Move to direct the PDT to develop the draft amendment under option 3 (regions of Massachusetts-Rhode Island; Connecticut, New York, New Jersey; Delaware, Maryland, and Virginia) and option 4 (regions of Massachusetts-Rhode Island; Long Island Sound including Connecticut-New York; New York-New Jersey excluding Long Island Sound; Delaware, Maryland, and Virginia).

Motion made by Mr. Gibson and seconded by Mr. Simpson. Motion carries (9 in favor, 1 abstention).

Move to approve Captain Mel True as a member of the Tautog Advisory Panel.

Motion made by Mr. Adler and seconded by Mr. Augustine. Motion carries unanimously.

Move to nominate David Simpson as Vice-chair of the Tautog Management Board.

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

ASMFC CAPTAIN DAVID H. HART AND GSMFC LYLES-SIMPSON AWARDS LUNCHEON (NOVEMBER 4, 2015)

Press Release

ASMFC Presents Willard Cole Prestigious Captain David H. Hart Award

St. Augustine, FL – The Atlantic States Marine Fisheries Commission presented Willard “Bill” Cole, formerly with the U.S. Fish and Wildlife Service, the Captain David H. Hart Award, its highest annual award, at the Commission’s 74th Annual Meeting in St. Augustine, FL.



Throughout his nearly 40-year career as a state, university, and federal fishery manager and scientist, Bill Cole worked to protect, restore, and conserve fisheries resources and their habitats along the Atlantic coast. Bill graduated from North Carolina State University in 1966, and moved to Lake City, Florida, where he began his career with the Florida Game and Freshwater Fish Commission. Shortly after, he joined the U.S. Fish and Wildlife Service (USFWS), where he stayed for the remainder of his career. At USFWS, Bill served in different capacities and numerous offices from North Carolina, to New York, DC, Texas and even New Mexico. In each place he left an indelible mark; serving on review teams for the first Everglades study, developing the Navigable Waters Handbook; protecting riverine, wetland, and coastal habitats in Long Island Sound, the Hudson River and St. Lawrence Seaway; and establishing what ultimately would become the USFWS South Atlantic Fish and Wildlife Conservation Office. While with the South Atlantic Office, he worked closely with the State of North Carolina to restore anadromous fishery resources throughout the Albemarle and Pamlico Sounds, once the site of the largest commercial American shad and river herring fisheries on the entire East Coast.

With his customary vision, Bill understood early on that management of fishery resources in North Carolina required participation in regional fishery management institutions as well. As such, he became involved with both the South Atlantic Fishery Management Council and the Commission, as the Southeast Regional Director’s designee for both institutions. He served in that capacity continuously for 19 years. Bill served on numerous committees and management boards for both institutions, and prior to his retirement served as Chair of the Commission’s South Atlantic State-Federal Fisheries Management Board.

Along with several colleagues, Bill conceived the Cooperative Winter Tagging Cruise off North Carolina and Virginia. The Cruise was designed to tag striped bass in a mixed stock of migratory fish wintering off the North Carolina Outer Banks and southern Virginia as a part of the Commission’s Atlantic migratory striped bass management program. The Cruise began in 1988 and has been conducted annually with few interruptions. It is one of the longest time series of any such coastal tagging program, as well as one of the most effective federal, state, and academic partnerships. Bill served as Chief Scientist on all but two of the cruises during an 18 year period, and annually coordinated scheduling, equipment acquisition, and recruitment of all Scientific Party members. Through the years, tagging of additional ASMFC- and Council-managed species was added to the Cruise protocol. To date,

the Cruise has tagged 252 Atlantic sturgeon and over 47,000 striped bass, with a tag return rate approaching 20 percent.

Bill is a charter member of the Atlantic Coastal Cooperative Statistics Program Operations Committee, and has been an ardent supporter of the Program since its inception, providing staff to serve as the initial Program Coordinator, and working tirelessly with federal and state partners to move the program forward.

Finally, during his last year with USFWS, Bill was detailed to the National Marine Fisheries Service, where he served as Special Assistant to the Assistant Administrator for Fisheries, Dr. William Hogarth. Bill was a key element in the planning of several national-level meetings that brought together fisheries professionals from Regional Fishery Management Councils and Interstate Fisheries Management Commissions to consider the future directions of fisheries management.

Bill has characterized himself as a “biopolitician,” but his contribution to the management of U.S. East Coast fisheries goes well beyond his many notable accomplishments. Bill has been a true friend and mentor to many in our fisheries management family and we are deeply indebted to him. Since Bill was unable to attend the Hart Award ceremony, Dr. Wilson Laney, a longtime colleague and friend, accepted the award on Bill’s 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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PR15-32

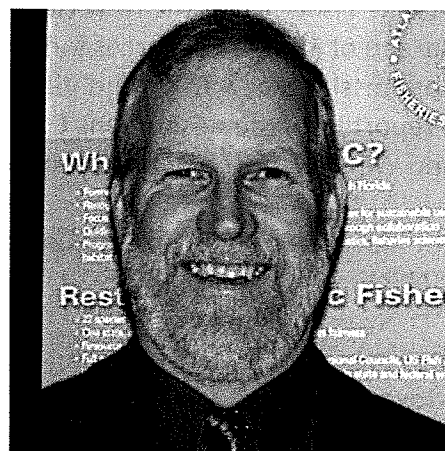
BUSINESS SESSION (NOVEMBER 4 & 5, 2015)

Press Release

Douglas Grout Elected ASMFC Chair

St. Augustine, FL – Today, member states of the Atlantic States Marine Fisheries Commission acknowledged the many accomplishments of outgoing Chair, Dr. Louis B. Daniel of North Carolina and elected Douglas Grout as its new Chair.

In assuming the chairmanship, Mr. Grout spoke enthusiastically about his new position, “I am honored to be elected by my colleagues from the 15 Atlantic coast states, and pledge to uphold the trust they have placed in me as I serve my term chairing the Commission. Under my watch, I will work to lead the Commission responsibly through the many challenges inherent in managing our nation’s coastal fisheries. I look forward to working closely with the Commission’s management partners and will ensure the voices of our many stakeholders are heard.”



“My predecessor, Louis Daniel, has cemented his legacy as a champion of marine fisheries and a role model to those they support by guiding the Commission through two productive years that included major management decisions for two of the Atlantic coast’s most iconic species, Atlantic striped bass and Atlantic menhaden. Evidenced by the fact that a record number of Commission-managed fisheries are thriving, Louis never backed away from making tough decisions and always did what he believed to be the right thing. Under his leadership, the Commission transitioned smoothly through a period of major staff turnover, avoided an Endangered Species Act listing of American eel, and completed numerous benchmark stock assessments. In a tough fiscal environment, he also fought to provide the states with the resources they needed to get the job done.”

Mr. Grout currently serves as the Chief of the Marine Fisheries Division of the New Hampshire Fish and Game Department where he has worked for over 30 years. He has been actively involved in the Commission process for many years, beginning in 1988 serving on the Management and Science Committee and numerous species technical committees. He received the Commission’s Award of Excellence in the Scientific/Technical/Advisory category in 2005. As a Commissioner he has chaired the Northern Shrimp Section, the American Lobster Board, and most recently, the Atlantic Striped Bass Board. Mr. Grout received his M.S. and B.S. in Zoology from the University of New Hampshire and is an American Fisheries Society Certified Fisheries Scientist.

The Commission also elected James Gilmore from New York as its Vice-Chair.

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PR15-32

Meeting Summary

The Business Session met to review the Draft 2016 Action Plan, the FY2015 audit, and elect a new Commission Chair and Vice-Chair. The Business Session approved the 2016 Action Plan, with minor revisions, as well as the FY2015 audit. The Action Plan will guide staff, committee, and board activities throughout 2016 and will be available the week of November 9th on the Commission website at <http://www.asmfc.org/about-us/guiding-documents>. The Session received the Annual Report from the outgoing Chair Dr. Louis Daniel and thanked him for his outstanding leadership over the past four years as Commission Chair and Vice-Chair. By unanimous consent, the Session elected Douglas Grout, Chief of Marine Fisheries for the New Hampshire Fish and Game Department and James Gilmore, Director of the Bureau of Marine Resources for the New York State Department of Environmental Conservation as the Commission’s new Chair and Vice-Chair, respectively. For its last order of business, the Session received a report from the Resolutions Committee honoring Florida Commissioners and staff with the Florida Fish and Wildlife Conservation Commission for hosting this year’s Annual Meeting.

For more information, please contact Robert Beal, Executive Director, at rbeal@asmfc.org or 703.842.0740.

Motions

Move to approve the 2016 Action Plan and budget.

Motion made by Mr. Grout and seconded by Dr. Rhodes. Motion carries without objection.

ATLANTIC COAST FISHERIES HABITAT PARTNERSHIP (NOVEMBER 4 & 5, 2015)

Meeting Summary

The Atlantic Coastal Fish Habitat Partnership (ACFHP) Steering Committee had a productive meeting, covering a variety of topics including science and data, outreach, and on-the-ground restoration projects. The Steering Committee reviewed the applications received for fish habitat restoration project funding and recommended five highly ranked projects to the U.S. Fish and Wildlife Service. A large portion of the meeting was dedicated to discussing the status of the 2012 – 2016 Conservation Strategic Plan and its associated Implementation Plan, starting to formulate ideas on the direction the program would like to take with the subsequent (2017 – 2021) plan.

The Science and Data Committee Chair, Caroly Shumway, presented an update on the September in-person Science and Data meeting. From this update, the Steering Committee decided to move forward with developing the Species-Habitat Matrix website, updating specific aspects of the Assessment of Existing Information, and developing a coastwide fish habitat score and map to inform the next Conservation Strategic Plan. The Committee agreed to set aside operation funds to support a contractor to develop this need in the upcoming months.

There were multiple updates on various ACFHP projects. Dawn McReynolds presented the results of the survey on habitat restoration priorities according to restoration practitioners. Chris Powell gave an update on the conservation mooring project in Jamestown, RI, which is close to completion. Julie Devers provided a status update on the fish habitat decision support tool, which is currently online (www.fishhabitattool.org). Some of the data used in the tool came directly from The Nature Conservancy, which was presented to the Steering Committee at the last fall meeting by Erik Martin. Finally, Lisa Havel provided a summary of the status of a new grant that ACFHP received from the Mid-Atlantic Fishery Management Council to research and/or restore offshore reef in the Mid-Atlantic.

The Steering Committee had the opportunity to hear from invited speaker Chuck Jacoby (St. Johns River Water Management District) about the status of the Indian River Lagoon post-algae blooms.

The Committee also discussed its current collaborative efforts and possible future directions with the National Fish Habitat Partnership, Coastal Fish Habitat Partnership, and the Whitewater to Bluewater collaboration (between ACFHP and the two other eastern Fish Habitat Partnerships: Eastern Brook Trout Joint Venture and the Southeast Aquatic Resources Partnership). The National Fish Habitat evaluation of ACFHP and the current draft of the Business Plan were discussed and areas of improvement are being considered for the next Conservation Strategic Plan. Members of the Steering Committee had the opportunity to visit marsh restoration projects in Mosquito Lagoon, located in the Canaveral National Seashore on Wednesday.

Lastly, at the Annual Meeting evening reception on November 2nd, ACFHP Steering Committee Chair Kent Smith and Habitat Committee Chair Jake Kritzer proudly presented Deb Wilson with the Melissa Laser Fish Habitat Conservation Award for her exemplary work in furthering the conservation, protection, restoration, and enhancement of habitat for native Atlantic coastal, estuarine-dependent, and diadromous fishes. In particular, Deb was recognized for her efforts to restore river herring runs in Nobleboro, Maine through restoration of the Damariscotta Mills fishway. A press release detailing the full extent of Deb's contributions will be released early next week.

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

COASTAL SHARKS MANAGEMENT BOARD (NOVEMBER 4, 2015)

Meeting Summary

The Coastal Sharks Management Board received updates from NOAA Fisheries on Amendment 6 and 9, as well as proposed 2016 specifications. The proposed rule for Amendment 9 focuses on smoothhound shark management. The recent final rule for Amendment 6 to the Atlantic Highly Migratory Species (HMS) Fishery Management Plan (effective August 18, 2015) implemented adjustable commercial retention limits (CRL).

Previously, the CRL for federal and state waters was set at 36 large coastal sharks (LCS) per trip, excluding sandbar sharks, for directed permit holders. Amendment 6 created a default CRL of 45 (and a maximum of 55) LCS per trip, excluding sandbar sharks, for directed permit holders. NOAA Fisheries may modify the LCS CRL, anywhere from 55 LCS to 0 LCS, to ensure equitable distribution of the resource throughout the fishing season. Landings will be monitored on a weekly basis and an adjustment to the LCS CRL will be evaluated when 30% of the quota is harvested.

The proposed 2016 specifications include an opening date of January 1, 2016 and an initial CRL of 45 LCS per trip, excluding sandbar sharks, for directed permit holders. States discussed their ability to implement variable CRLs. Some states have proclamation authority which allows them to amend regulations within 48 hours, while other states would likely take 2-3 months to amend their CRLs.

Given the proposed specifications may differ from the final rule. The Board deferred setting final specifications until NOAA Fisheries publishes the final rule. For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org or 703.842.0740.

Motions

Main Motion

Move that the Board approve the coastal shark specifications including changes in the final rule.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion tabled.

Motion to Amend

Move to amend that the Board agree to the small coastal shark specifications as outlined in the final rule and large coastal shark specifications with a July 15th increase to 45 sharks.

Motion made by Dr. Daniel and seconded by Mr. O'Reilly. Motion fails (12 opposed, 1 abstention).

Move to table the motion for an email vote until after the final rule is published.

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

SPINY DOGFISH MANAGEMENT BOARD (NOVEMBER 4, 2015)

Meeting Summary

The Spiny Dogfish Management Board reviewed the 2015 stock assessment update and the Mid-Atlantic Fishery Management Council's (Council) Science and Statistical Committee's (SSC) recommended acceptable biological catch (ABC). The assessment found the stock to be neither overfished nor subject to overfishing; the estimated stock biomass is 87% of the rebuilt target. The new estimate of stock biomass was a marked decrease from the 2013 update, which indicated that the stock's biomass was at 135% of the target. The SSC recommended an ABC limit of 37 million pounds.

The primary cause of the reduction in the biomass estimate is that the last update was driven by survey data points that were above average (2011), very above average (2012), and near average (2013), while the current update is driven by survey data points that are near average (2013) and below average (2015). There is no NMFS survey value (and therefore no stock size estimate) for 2014 because important spiny dogfish areas were skipped by the Bigelow trawl survey due to a mechanical breakdown.

The SSC is reviewing alternatives to determine an overfishing limit and ABC for 2016 using averaged data to fill in the missing 2014 data point. The SSC will meet in November to discuss alternatives. The Council will review the alternatives in December 2015, thereafter, the Board will review the outcome. Final action on the 2016-2018 spiny dogfish specifications were postponed until the next meeting. For more information, please contact Ashton Harp, Fishery Management Plan Coordinator, at aharp@asmfc.org.

Motions

Move to postpone final action on 2016-2018 spiny dogfish specifications until February 2016 meeting. Motion made by Mr. Stockwell and seconded by Dr. Pierce. Motion passes unanimously.

HORSESHOE CRAB MANAGEMENT BOARD (NOVEMBER 5, 2015)

Press Release

ASMFC Horseshoe Crab Board Sets 2016 Specifications for Horseshoe Crabs of Delaware Bay Origin

St. Augustine, FL – 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 2016 season. Based on the allocation mechanism established in Addendum VII, the following quotas were set for the states of New Jersey, Delaware, Maryland and Virginia, which harvest horseshoe crabs of Delaware Bay origin:

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

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

The Board chose a harvest management program based on the Technical Committee and ARM Subcommittee recommendation. The ARM Framework, established through Addendum VII, incorporates both shorebird and horseshoe crab abundance levels to set optimized harvest levels for horseshoe crabs of Delaware Bay origin. Previously the horseshoe crab abundance estimate was based on data from the Benthic Trawl Survey conducted by Virginia Polytechnic Institute, however, due to the Benthic Trawl Survey not having been conducted in recent years, a composite index of the Delaware 30ft Trawl Survey, New Jersey Delaware Bay Trawl Survey, and New Jersey Ocean Trawl Survey was used instead. Funding has been secured for the Benthic Trawl Survey to be conducted in 2016.

The Horseshoe Crab Technical Committee, Delaware Bay Ecosystem Technical Committee, and the ARM Subcommittee also recommended the ARM Framework be reviewed and updated in 2016. The Board agreed with this recommendation, with specific interest in re-considering the thresholds to allow the harvest of female horseshoe crabs, as well as the recent listing of red knot as a threatened species under the Endangered Species Act by the U.S. Fish and Wildlife Service. The ARM Subcommittee will develop specific recommendations to the Board on changes to the ARM Framework in 2016.

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

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PR15-37

Motions

Motion to approve the 2016 Delaware Bay Horseshoe Crab harvest recommendations, harvest package 3, as provided by the technical committee.

Motion made by Mr. Augustine and seconded by Mr. Millard. Motion carries without objection.

Move to approve the 2015 FMP Review, and approve de minimis status for SC, GA, PRFC and conditional de minimis status for FL.

Motion made by Mr. Augustine and seconded by Mr. Adler. Motion carries without objection.

INTERSTATE FISHERIES MANAGEMENT PROGRAM POLICY BOARD (NOVEMBER 5, 2015)

Meeting Summary

The ISFMP Policy Board met to receive reports from the Executive Committee, Habitat Committee, and Law Enforcement Committee; review progress on changes to the Commission guiding documents; consider changes to the Biological Ecological Reference Points Working Group (BERP); review progress on the Atlantic sturgeon stock assessment; and consider a change in the Atlantic striped bass stock assessment schedule.

The Policy Board reviewed and approved the Habitat Bottlenecks White Paper presented by the Habitat Committee. The white paper will be a living document on the habitat section of the Commission webpage which provides information on habitat bottlenecks for some Commission species including horseshoe crab and tautog.

The Commission's Executive Committee and Administrative Oversight Committee have been reviewing Commission Guidance documents to reflect the current practices (e.g. amendment and addenda process, appeal criteria, and definition of final action). The Policy Board reviewed their recommendations and have placed these issues on its agenda for further consideration at the Commission's Winter Meeting in February 2016.

The BERP is a spin-off of the Multispecies Technical Committee, both of which report to the Policy Board. The Policy Board agreed the BERP should report directly to the Atlantic Menhaden Board since the Working Group is primarily working on menhaden-related issues.

The Atlantic sturgeon benchmark stock assessment is scheduled to undergo a peer review in 2017. The Stock Assessment Committee is making progress on the assessment work. A letter requesting acoustic tagging data, an important component of the assessment, has been sent to states, agencies, and academics. The Committee has also been working on genetic information for the assessment.

The Board approved a request from the Atlantic Striped Bass Management Board to conduct a stock assessment update in 2016 to receive a report on the stock condition that includes 2015 data and reflects Addendum IV regulatory changes. Due to the addition of the update to the Stock Assessment Subcommittee's workload, the 2018 benchmark stock assessment may be delayed. For more information, please contact Toni Kerns, ISFMP Director, at tkerns@asmfc.org or 703.842.0740.

Motions

Move to approve the habitat bottleneck white paper for use by the Commission.

Motion by Mr. Adler, second by Mr. Fote. Motion carries without objection.

On behalf of the Atlantic Striped Bass Board, I move the ISFMP Policy Board adjust the 2016 stock assessment schedule to include a striped bass update in 2016.

Motion made by Mr. Grout. Motion carries (Roll Call Vote: In Favor – MA, RI, NY, NJ, PA, DE, MD, PRFC, VA, NMFS; Opposed – ME, NH, CT, NC, SC, GA, FL, USFWS)

SOUTH ATLANTIC STATE/FEDERAL FISHERIES MANAGEMENT BOARD (NOVEMBER 5, 2015)

Meeting Summary

The South Atlantic State/Federal Management Board discussed progress on the red drum stock assessment, future management of spotted seatrout, and FMP Reviews for Spanish Mackerel and spotted seatrout.

The Board reviewed progress on the red drum stock assessment, which was peer reviewed in August 2015. Throughout the past year, the Stock Assessment Subcommittee (SASC) has worked to develop a new model framework in order to determine an overfishing and overfished status of the stock. During this transition, the SASC encountered several challenges in developing a stable model which estimates plausible stock conditions and dynamics. As a result, the SEDAR peer review workshop was a collaborative effort focusing on model development, where panelists reviewed the assessment work to date and provided constructive comments on modifications to the model. The SASC is currently working to incorporate the recommendations of the peer review panel and the updated model will be desk reviewed this winter. The Board will be presented the complete assessment in February.

Given spotted seatrout's limited migratory range, the Board agreed species management would be best left to the individual states rather than being managed through an interstate fishery management plan. Therefore, the Board recommended to the ISFMP Policy Board that spotted seatrout be removed from ASMFC management authority. The Policy Board will consider this recommendation at its next meeting in February 2016.

Finally, the Board approved the FMP Review for Spanish mackerel and spotted seatrout. The Board also changed the due date for black drum compliance reports from March 1 to August 1. For more information, please contact Megan Ware, Fishery Management Plan Coordinator, at mware@asmfc.org or 703.842.0740.

Motions

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

Motion made by Mr. Boyles and seconded by Mr. Woodward. Motion carries without objection.

Move to approve the 2015 Spotted Seatrout FMP Review, state compliance reports, and *de minimis* status for Delaware and New Jersey.

Motion made by Dr. Daniel and seconded by Mr. Boyles. Motion carries without objection.

Move to recommend to the ISFMP Policy Board that the spotted seatrout FMP be withdrawn.

Motion made by Dr. Daniel and seconded by Mr. Estes. Motion carries (10 in favor, 1 abstention).

NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL



Council Report

September/October 2015

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

At its September 29-Oct 1, 2015 meeting in Plymouth, MA, the Council:

- ◆ Approved Amendment 18 to the Groundfish Plan
- ◆ Refined elements of Framework 55 (annual groundfish specs)
- ◆ Approved the 2016-2018 Atlantic herring specifications
- ◆ Selected preferred alternatives for Scallop Amendment 19 and reviewed information related to Framework 27
- ◆ Modified the red hake specifications
- ◆ Initiated frameworks for the Skate Complex FMP and Habitat Amendment

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If you would like to receive notices for committee meetings and other types of Council information via email, please click on **Subscribe** at the top of the homepage and receive e-notices.

Council Officers Elected

As is the custom every September, the NEMFC elects its officers and Executive Committee members. Last year's Chairman, Terry Stockwell, and Vice Chair, Dr. John Quinn, were named by acclamation to again serve in their respective positions, marking the third consecutive year this team will lead the Council.

Mr. Stockwell, is the Director of External Affairs at the Maine Department of Marine Resources and Dr. Quinn is an attorney and former Massachusetts legislator who is currently the Director of Public Interest Law Programs and External Partnerships at the University of Massachusetts School of Law - Dartmouth.

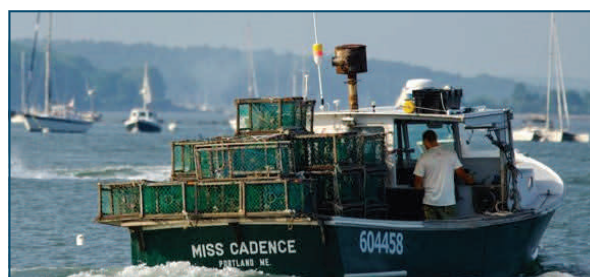
Three members were also elected to the NEFMC's Executive Committee, which oversees the Council budget, appoints advisory panel members and addresses other administrative matters relating to Council operations.

Two of the three will serve again, NH Fish and Game Department Chief Doug Grout and former NH fisherman Peter Kendall. Mr. Kendall is serving his second term on the NEFMC. New to the Executive Committee this year is Dr. Michael Sissenwine who was a 2013 Council appointee. Dr. Sissenwine was a member of the NEFMC's Scientific and Statistical Committee, and formerly served as NOAA Fisheries Chief Science Advisor following several years as the Science Director at the NEFSC.



L to R - Executive Director Tom Nies, Chairman Terry Stockwell, Vice Chairman John Quinn, and NOAA General Counsel Mitch Macdonald

The Plymouth meeting was the first for newly-appointed Council member Eric Reid who hails from North Kingstown, RI.



**Next Council Meeting
December 1-3
Portland, ME**

Upcoming Meetings

EBFM Committee
Nov 10, 9 am
Fairfield Inn
New Bedford, MA

Groundfish AP
Nov 12, 9:30 am
Holiday Inn
Portland, ME

RAP
Nov 17, 9 am
DoubleTree
Hilton, Danvers,
MA

Groundfish Cttee
Nov 18, 9 am
Radisson Airport
Warwick, RI

Scallop Public
Hearings for
Amendment 19

~~~~~  
**Via Webinar**  
**November 16**  
**6 - 8 pm**  
**Details TBA**  
 and  
**Wed, Nov 18**  
**Radisson Airport**  
**Hotel,**  
**Warwick, RI**  
**6 - 8 pm**

## Groundfish

### **NEFMC approves Amendment 18**

Following identification of its preferred alternatives in April and six public hearings held in August, the NEFMC finalized its recommendations for Amendment 18 to the Northeast Multispecies Fishery Management Plan. If NOAA Fisheries concurs with the Council's decisions, agency implementation is expected to occur in spring 2016.

Measures focus on limiting the holdings of individuals, permit banks and other "entities" and would constrain an individual's potential sector contribution, or PSC, in addition to creating permit caps. (PSC is the proportion of the total landings of a particular groundfish stock (live pounds) associated with each limited access permit's history and other detailed information.)

The specifics voted on at the meeting are as follows:

- **Accumulation Limits** The Council approved a groundfish accumulation limit (ACL) for the PSC that may be held to an average of no more than 15.5 percent across allocated stocks. A permit holder could retain one permit with PSC in excess of this limit, and would need to indicate to the Fisheries Service annually which permit(s) would be rendered unusable (so that useable holdings are within the limit). No additional permits could be retained. The unusable permits could not be contributed to a sector or the common pool. This cap would be enforced at the beginning of the fishing year following the year in which the limit is reached.
- The amendment also would create a cap on the limited access Northeast multispecies permits that may be held to no more than 5 percent and could be adjusted in the future due to a permit buyout/buyback program.
- **Handgear A (HA) Permits** Amendment 18 would remove the March 1-20 closure for common pool HA vessels, remove the standard fish tote requirement, and allow sectors to annually request HA vessels fishing in a sector be exempt from use of the Interactive Voice Response (IVR) Call-In System. Additionally, the Council approved a measure that would allow establishment of a Handgear A permit sub-ACL through a future framework adjustment.
  - **Data Confidentiality** The amendment would not adjust what fishery data are considered confidential, specifically the price of ACE transferred within a sector or leased between sectors.
  - **Inshore/Offshore Gulf of Maine** Rather than select preferred alternatives, the Council was interested in further developing the concepts in this section in a future action. These include establishing an inshore/offshore boundary within the Gulf of Maine, splitting the Gulf of Maine cod ACL into and inshore and offshore sub-ACLs, adjusting gear restriction boundaries, and creating declaration time periods for inshore and offshore areas. Current regulations already allow for each of these concepts to be developed through a framework adjustment.
  - **Redfish Exemption Area** There would be no area established in the FMP in which vessels could fish with a smaller mesh net than the standard mesh size, targeting redfish. Rather, periodic sector exemption requests could continue to be made for this exemption.

#### **Note to non-fishing people**

*ACE or Annual Catch Entitlement is a term used in the Council's Groundfish Plan. It is the share of the annual catch limit (ACL) for each Northeast groundfish stock that is allocated to an individual sector.*

## Groundfish - continued

### Work on 2016-2018 specs underway

The Council approved refinements to the ongoing work on Framework Adjustment 55 to the Groundfish Plan. The framework will include specifications for all groundfish stocks for fishing years 2016-2018, as well as for the three U.S./Canada stocks for fishing year 2016, and revisions to the at-sea monitoring (ASM) program in the groundfish fishery. Final Council approval will occur at the December 1-3 meeting in Portland, ME.

Meanwhile, members approved the Transboundary Management Guidance Committee's recommended TACs for the U.S./Canada stocks.

- Georges Bank yellowtail flounder – 354 mt
- Eastern George's Bank haddock – 37,000 mt for 2016 and a target TAC of 50,000 for 2017
- Eastern Georges Bank cod – 625 mt

The alternatives below also were added to the framework at this meeting:

*For enforcement purposes*, modify the definition of the haddock separator trawl so that the separator panel is made of mesh that contrasts with the color of the net sections it separates;

*To allow new sectors*, give NOAA Fisheries the authority to approve operations plans and allocate ACE to new sectors without a previous Council action to implement the sector. Consultation with the Council should occur prior to NOAA approval of the new sector;

*To facilitate quota transfers*, create a mechanism that would allow sectors to transfer E. Georges Bank cod to the W. Georges Bank cod fishery (i.e. mirror the current ability to transfer E. Georges Bank haddock to the W. Georges Bank haddock fishery; and

*For the recreational cod fishery*, remove the zero possession limit of Gulf of Maine cod for the recreational fishery (now part of the current Gulf of Maine cod protection measures); this would allow the Fisheries Service to use its existing authority to adjust recreational measures for Gulf of Maine cod and determine on an annual basis if a zero possession limit is still appropriate.

### ASM measures modified

Because of time constraints, lack of detail on some concepts, or if they are found to be insufficient to address the NEFMC's concerns about the at-sea monitoring (ASM) program, the Council authorized its Groundfish Committee to move some of the ASM alternatives to the "considered but rejected" category in the draft Environmental Assessment that will be available at the December Council meeting.

The list below outlines the ASM measures approved for further consideration, and in order of Council priority:

1. Remove the ASM requirement for extra-large mesh gillnet trips
2. Develop performance criteria indicating when it's necessary for stocks to meet a CV standard
3. Develop sector-specific coverage requirements\*\*
4. Set the CV standard as a target\*\*
5. Develop sector-specific monitoring buffers or discard rates\*\*

\*\*These measures will likely not be developed in Framework 55 if changes to the groundfish monitoring program are to be implemented by May 1, 2016. NOAA Fisheries could develop #3 under its existing authority; and #4 and #5 may require additional time and might be more suitable in an amendment, depending on the specifics of the alternatives.

**CVs or Coefficients of Variation:** CVs provide a convenient way to compare the relative uncertainty of two estimates (lower is better), but they must be interpreted carefully. Assuming a normal distribution, *doubling* the CV produces the approximate 95% confidence interval.

For example, a CV of 30% for a bycatch estimate means that if the data could be re-sampled or re-collected, the resulting new estimate would be within  $\pm 60\%$  of the original estimate 95% of the time (the other 5% of the time the new estimate would be more than 60% different).

## Atlantic Herring

### **NEFMC Approves 2016-2018 specifications, with caps on catches for river herring and shad**

The development and approval of the 2016-2018 Atlantic herring fishery specifications package was a multi-step process that involved the Council, its Scientific and Statistical Committee (SSC) and the Herring Plan Development Team (PDT), with oversight from the NEFMC's Herring Committee and input from the Herring Advisory Panel.

The following were approved at last month's Council meeting, based on the SSC's recommendations for an overfishing limit and an acceptable biological catch, or ABC.

| Specifications                | No Action Alternative (2015 Specifications) | Alternative 2                                      | Final NEFMC Alternative Alternative 3              |
|-------------------------------|---------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| <b>OFL</b>                    | 114,000                                     | 2016 – 138,000<br>2017 – 117,000<br>2018 – 111,000 | 2016 – 138,000<br>2017 – 117,000<br>2018 – 111,000 |
| <b>ABC</b>                    | 114,000                                     | 111,000                                            | 111,000                                            |
| <b>Management Uncertainty</b> | 6,200<br>(3 year avg. 2009-2011)            | 3,000<br>(3 year avg. 2012-2014)                   | 6,200 (Value in 2015)                              |
| <b>ACL/OY</b>                 | 107,800                                     | 108,000                                            | 104,800 <sup>1</sup>                               |
| <b>DAH</b>                    | 107,800                                     | 108,000                                            | 104,800                                            |
| <b>DAP</b>                    | 103,800                                     | 104,000                                            | 100,800                                            |
| <b>USAP</b>                   | 0                                           | 0                                                  | 0                                                  |
| <b>BT</b>                     | 4,000                                       | 4,000                                              | 4,000                                              |
| <b>IA Sub-ACL</b>             | 31,200                                      | 31,212                                             | 30,300                                             |
| <b>IB Sub-ACL</b>             | 4,600                                       | 4,644                                              | 4,500                                              |
| <b>2 Sub-ACL</b>              | 30,000                                      | 30,024                                             | 29,100                                             |
| <b>3 Sub-ACL</b>              | 42,000                                      | 42,120                                             | 40,900                                             |
| <b>RSA</b>                    | 3%                                          | 3%                                                 | 3%                                                 |
| <b>FGSA</b>                   | 295                                         | 295                                                | 295                                                |

<sup>1</sup>**Option for Alternative 3** – If, by considering landings through **October 1**, NMFS determines that less than 4,000 mt has been caught in the New Brunswick weir fishery, it will allocate an additional 1,000 mt to the Area IA sub-ACL to be made available to the directed herring fishery as soon as possible, through the remainder of the fishing year (until the accountability measure is triggered). mt = metric tons

The difference between the Atlantic herring ABC and the stock-wide annual catch limit (ACL) equates to what the Council specifies as management uncertainty. The management uncertainty specification further ensures the Atlantic herring catch will not exceed the ABC in a given year by buffering against uncertainty related to the management system. The deduction for management uncertainty occurs based on the SSC's recommendation for an ABC (111,000 mt) to derive a stock-wide ACL, which represents the U.S. Atlantic herring optimum yield (OY) for 2016-2018.

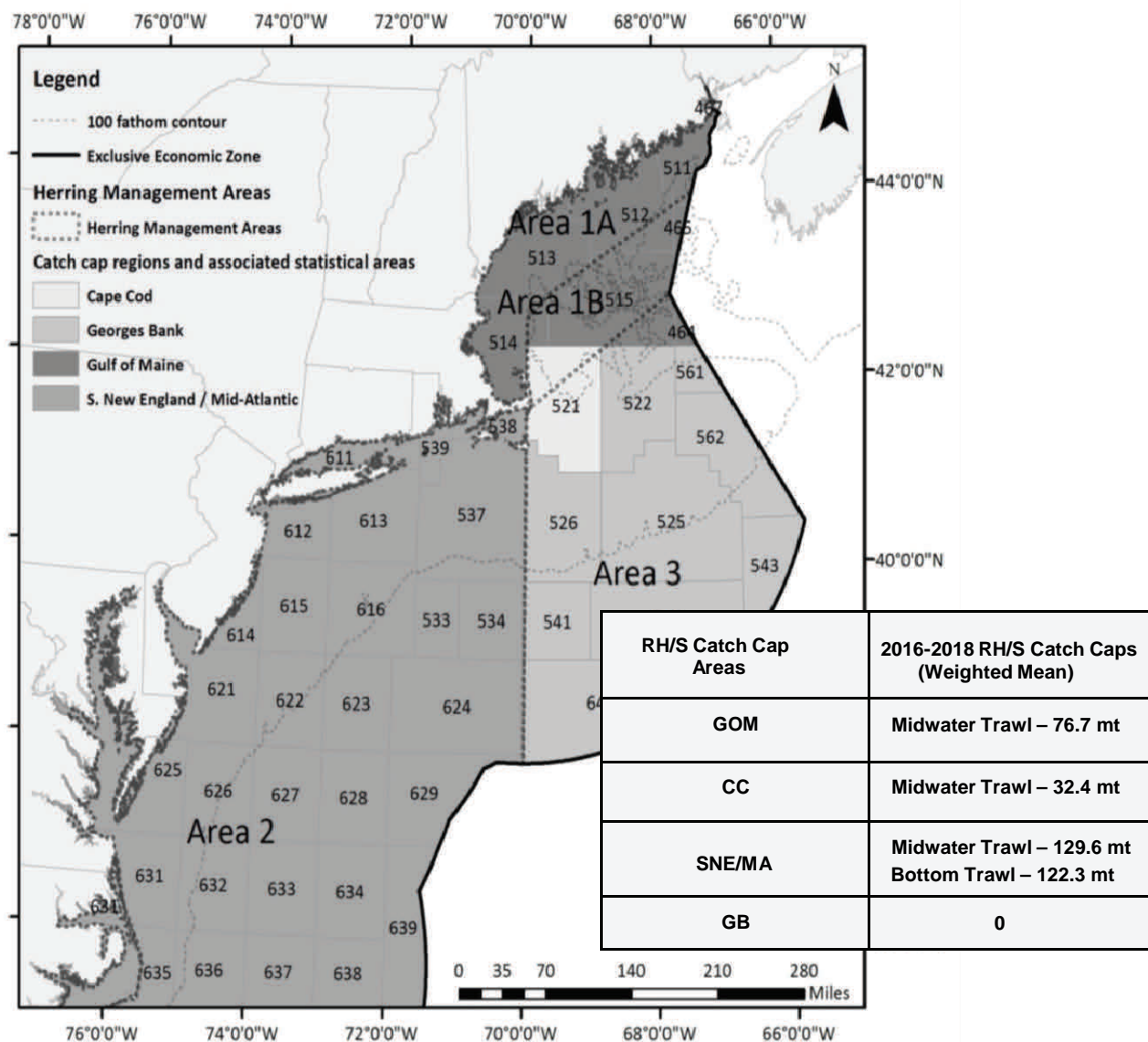
During the specifications process, the Council considered a range of deductions for management uncertainty based on three possible factors: a.) the Canadian catch of Atlantic herring in the New Brunswick weir fishery; b.) uncertainty in estimates of state waters Atlantic herring catch; and c.) uncertainty around Atlantic herring discard estimates.

**Herring specifications—continued**

The Council also adopted river herring and shad catch caps for 2016-2018 based on catch estimates for these species from 2008 through 2014, using the Herring PDT’s revised and updated data. The final alternative selected incorporated catch estimates from the most recent two years, extending the time series to seven years, using the weighted mean values.

The weighted mean represents the arithmetic average of the total river herring and shad catch per year (by area and gear type for each of the seven years in the time series), weighted by the number of sampled trips in the particular stratum being evaluated.

The catch caps apply to midwater trawl vessels in the Gulf of Maine and Cape Cod Catch Cap Areas, and to both midwater trawl and small mesh bottom trawl vessels in the southern New England/Mid-Atlantic Catch Cap Area on all trips landing more than 6,600 pounds of Atlantic herring. No catch caps were adopted for the Georges Bank Catch Cap Area.



## Omnibus IFM Amendment

Faced with problems associated with proposals presented in the draft Omnibus Industry-Funded Monitoring (IFM) Amendment --- and the initial plan was that the NEFMC would have identified its preferred alternatives at this meeting and move on to public hearings --- Council members instead firmly agreed it was appropriate to rethink the direction of the IFM Amendment during their September discussions.

NOAA Fisheries has taken the lead in developing the action, with joint oversight provided by both the New England and Mid-Atlantic Fishery Management Councils. The NEFMC's Observer Policy and Herring Committees have been the focal point for public participation, in addition to the MAFMC's meetings.

For those who might be unaware, the IFM amendment has been envisioned as a vehicle to:

- Implement IFM programs *with available* federal funding, thereby promoting cost-sharing;
- Allow both the New England and Mid-Atlantic Councils, and NOAA Fisheries to prioritize available federal funding among FMPs;
- Establish monitoring coverage targets for the Atlantic herring and Atlantic mackerel fisheries; and
- Apply approved alternatives to all NEFMC and MAFMC and FMPs.

NEFMC members expressed serious concerns about the affordability of various monitoring provisions and the structure of cost-sharing with the agency, the critical need to address broad policy issues, and even the time constraints on development of the action given other Council priorities.

While specifics have been remanded back to the Observer Policy Committee, to include a review of work completed to date, further development will continue at future committee meetings.

A motion also was approved that would allow the development of monitoring set-aside options for individual fishery management plans, that could be included in the amendment. The intent of the motion is to establish a process that would allow monitoring set-asides for individual FMPs to move forward as framework adjustments, rather than plan amendments, with the process be provided for in the IFM Amendment.



## Sea Scallops

### **Amendment 19 moves ahead**

Amendment 19 to the Scallop Fishery Management Plan got a boost at the September meeting when NEFMC members unanimously approved the Scallop Committee's recommendations for preferred alternatives. The action is intended to better align the annual fishery specification-setting with the beginning of the scallop fishing year by implementing a separate specification process and also shifting the start of the fishing year, now proposed for April 1.

The specifications process would contain allocations that could be set for up to two years with a third year as a default, but the Council could also adjust allocations more frequently. As with the current framework adjustment process used to set specifications in the scallop fishery, NOAA Fisheries would have the authority to approve, disapprove or partially approve the specifications.

If approved, the first fishing year after implementation of the action would be 13 months long (from March 1 of year one through March 31 of year 2) with the new start date of April 1. Fishery allocations and limits would be prorated slightly to account for this shift to a month later in the year.

The impetus for Amendment 19 has long been discussed, based on a number of anticipated outcomes, among them the need to: 1.) reduce potential economic and biological consequences from late implementation of specifications, such as complex in-season changes in fishery allocations, confusion and uncertainty for the fleet, as well as potentially negative impacts on the resource and fishery if effort shifts into areas or seasons that are

## Amendment 19 - continued

less desirable as a result of delayed measures; and 2.) reduce or eliminate the overall administrative burden associated with late implementation.

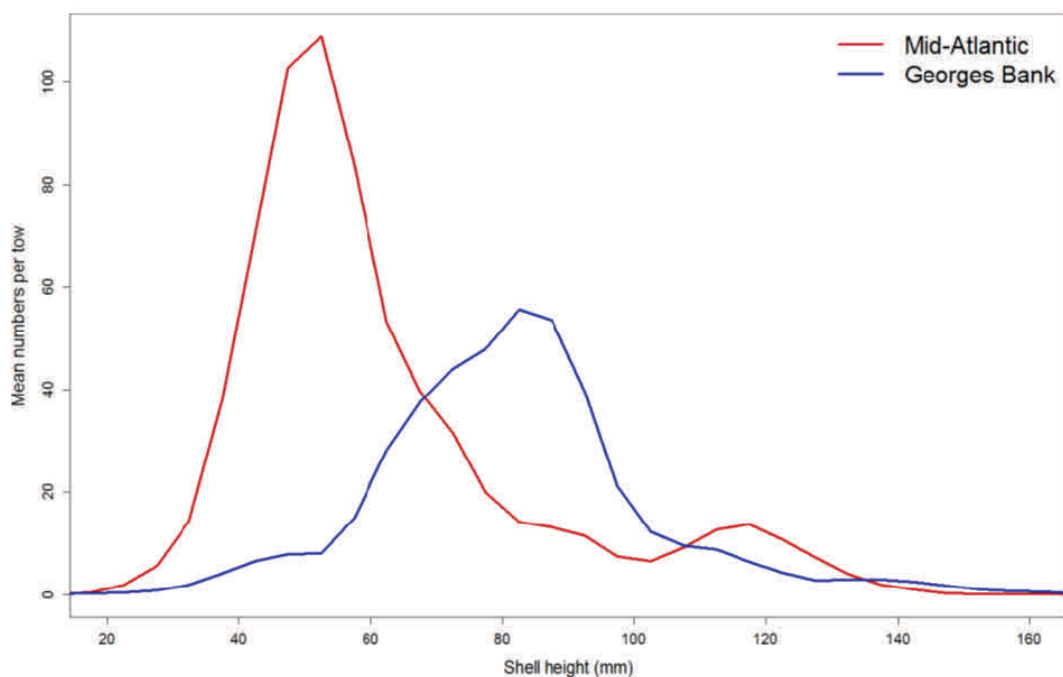
### **Good news in Framework 27, small scallops everywhere... plus increased harvest levels**

The Council was briefed on the 2015 scallop survey results and the Plan Development Team's initial projections for 2016 and 2017 catches, now being considered in Framework 27.

As reported at the meeting, the very successful survey season produced data from four separate surveys (NEFSC, SMAST, VIMS, and the Habcam Group), all indicating the total sea scallop biomass has increased since 2014. Since most of the biomass comes from juvenile scallops found on Georges Bank and in the Mid-Atlantic that are not yet ready for harvest, the Scallop Committee will be developing several different measures in the framework to protect them.

Overall, the initial projections for fishing year 2016 include increased catches above 45 million pounds compared to the 2015 projections of 38 million pounds. Allocations are expected to include modest increases in days-at-sea and the same level of effort in access areas, about 51,000 pounds per full-time limited access vessel. Limited Access General Category IFQ allocations are also expected to increase compared to 2015 levels.

The Council is scheduled to take final action on Framework 27 at the December meeting, setting fishery specifications for fishing year 2016 and default measures for fishing year 2017, as well as finalizing Amendment 19.



#### 2015 Scallop Dredge Survey Shell Heights

The largest amount of small scallops, from the 2013 year-class, are in the Mid-Atlantic region. The Georges Bank boom occurred in 2012 and those scallops are about 80 millimeters. The fishery generally targets animals larger than 100 millimeters, allowing the smaller animals to escape.

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

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

## Small Mesh Multispecies

### *Interim changes to the 2016-2017 specifications approved*

The NEFMC received a summary of the Small Mesh Multispecies Annual Monitoring Report which included an overview of the most recent red hake stock assessment update and recommendations for adjusting the fishery specifications for 2016-2017.

As background, in 2013 the northern red hake stock in the Gulf of Maine was experiencing overfishing. The 2014 update indicated that biomass had increased, catches were stable, and overfishing was not occurring. Meanwhile, the biomass for red hake on southern Georges Bank and in the Mid-Atlantic had declined. In response to the biomass changes, the Council authorized its staff to modify the 2016-21017 specifications and submit them to NOAA Fisheries, pending final review and approval by the Council's Scientific and Statistical Committee (SSC).

The following will be proposed to the Fisheries Service if approved by the SSC. In the Gulf of Maine and northern Georges Bank, the annual catch limit would increase by 73% to 471 metric tons (mt). This would allow more landings and revenue and prevent excessive discarding while not causing overfishing. In the southern area, the annual catch limit would decline by 46% to 1,631 mt. The latter action is needed to prevent overfishing if catches increase from the 1,201 metric tons of red hake that were caught in 2014.

### *Amendment 22 scoping document moves forward*

The Council reviewed and approved a draft scoping document for Groundfish Amendment 22, a small mesh multispecies action that would include alternatives for limited access qualifying and non-qualifying vessels. Public scoping hearings will be announced soon.

## Frameworks Initiated in September

### *Northeast Skate Complex*

The Council initiated a framework to set specifications for the Northeast Skate Complex for fishing years 2016 and 2017. The action may also contain additional measures that could minimize the potential impacts of possibly reduced TALs for the wing and bait fisheries, pending discussions at the Joint Skate Advisory Panel/Skate Committee meeting this week. The Council will take final action at the December meeting.

### *Habitat*

Based on a near unanimous motion, the Council approved the development of a framework that would identify areas in the Great South Channel and Georges Shoal Habitat Management Areas that could potentially be suitable for hydraulic dredge gear exemption. In providing direction to the Habitat Committee and Plan Development Team the Council identified the need to achieve optimum yield for the surf clam and ocean quahog fisheries, but also minimize adverse fishing effects on habitat to the extent practicable. The action also must be consistent with the underlying objectives of Omnibus Habitat Amendment 2.

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# Rhode Island Marine Fisheries Council

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## 2016 MEETING SCHEDULE

January 4

February 8 (2<sup>nd</sup> Monday so as to not to conflict with ASMFC Winter Meeting)

March 7

April 4

May 9 (2<sup>nd</sup> Monday so as to not to conflict with ASMFC Spring Meeting)

June 6

July 11 (2<sup>nd</sup> Monday so as to not to conflict with July 4 holiday)

August 8 (2<sup>nd</sup> Monday so as to not to conflict with ASMFC Summer Meeting)

September 5

October 3

November 7

December 5

**NOTE:** Meetings are scheduled on an as-needed basis. Dates above are place holder dates in the event a meeting is necessary. All meetings will be posted at the Office of the Secretary of State website at <http://sos.ri.gov/openmeetings/> in advance of the meeting, as well as announced via the Division's listserv and website at <http://www.dem.ri.gov/topics/mftopics.htm>. Meetings may be re-scheduled, and additional meetings scheduled as needed. Meetings are normally held at 6:00 PM at the URI/GSO Narragansett Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

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

Date Posted: 12/XX/2015