



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

**RIMFC:** Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

## MEETING NOTICE RI MARINE FISHERIES COUNCIL

March 1, 2021 – 6:00 PM

Virtual public meeting only

Zoom webinar:

<https://us02web.zoom.us/j/83941560588>

Meeting ID: 839 4156 0588

Dial in: 1-929-205-6099

### AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s)
<b>1. Tonight's agenda</b>	Approval of agenda	• Tonight's meeting agenda.
<b>2. Meeting minutes from last meeting (Dec. 7, 2020)</b>	Approval of meeting minutes	• Draft meeting minutes.
<b>3. Public comment on any matters not on the agenda</b>	Discussion and/or recommendations for future action.	N/A
<b>4. <u>Napatree Point:</u> C. <i>McManus</i></b>	FYI only	N/A
<b>5. <u>Shellfish Advisory Panel meeting minutes (Dec. 16, 2020):</u> K. Eagan</b>	Approval of minutes	• SAP ePacket • Draft meeting minutes
<b>6. <u>Aquaculture lease application review (Antonio and Joseph Pinheiro):</u> K. Eagan</b>	Provide recommendation to the CRMC	• <a href="#">CRMC Public notice 2014-12-056</a> • 12/16/21 SAP draft meeting minutes • 12/16/21 SAP ePacket • DEM review letter

<p><b>7. <u>Proposed regulation amendments:</u> <i>J. Lake</i></b></p>	<p>Provide recommendations to the Director regarding proposed regulations</p>	<ul style="list-style-type: none"> <li>• Hearing recording/oral comments</li> <li>• Written comments submitted</li> <li>• Hearing presentation</li> <li>• <u>Proposed rules:</u> <ul style="list-style-type: none"> <li>○ Recreational black sea bass management</li> <li>○ Recreational scup management</li> <li>○ Recreational summer flounder management</li> <li>○ Recreational striped bass management</li> <li>○ Commercial general category striped bass management</li> <li>○ Commercial floating fish trap striped bass management</li> <li>○ Recreational tautog management</li> <li>○ Commercial tautog management</li> <li>○ Recreational bluefish management</li> <li>○ Commercial bluefish management</li> <li>○ Commercial menhaden management</li> <li>○ Sand lance management</li> <li>○ Proposed prohibition on the use of midwater gear in the marine waters of Rhode Island</li> </ul> </li> </ul>
<p><b>8. <u>RI Saltwater Recreational Fishing License Program Report:</u> <i>J. Lake</i></b></p>	<p>Approval of report for submittal to the General Assembly.</p>	<ul style="list-style-type: none"> <li>• Draft Report</li> <li>• <a href="#">RIGL 20-2.2-10</a></li> </ul>
<p><b>9. <u>RIMFC Annual Report:</u> <i>B. Ballou</i></b></p>	<p>Approval of report for submittal to the General Assembly.</p>	<ul style="list-style-type: none"> <li>• Draft Report</li> <li>• <a href="#">RIGL 20-3.2-10</a></li> </ul>
<p><b>10. Any other matters?</b></p>		
<p><b>11. Adjourn</b></p>		

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

Posted to Sec. of State Open Meetings pursuant to R.I. Gen. Laws § 42-46-6 on February 22, 2021



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**RIMFC:** Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

## MEETING SUMMARY

December 7, 2020

Zoom webinar virtual meeting

Chairperson: B. Ballou

RIMFC members in attendance: T. Barao, A. Dangelo, K. Eagan, J. Jarvis, D. Monti, C. Rein, M. Rice, D. Monti, M. Roderick

Director's office: J. McNamee

Division: C. McManus, S. Olszewski, J. Lake, N. Costa, N. Ares, C. Parkins, P. Duhamel

DEM Legal: J. LoBianco

Public: Approximately 10 persons in attendance.

1. Approval of the agenda: The Chair inquired to any objections to approving the agenda or if there were any requests for modifications; hearing no objections or requests for modifications, the agenda was approved by consent.
2. Approval of minutes from meeting on November 2, 2020: The Chair inquired to any objections to approving the minutes or if there were any requests for modifications; hearing no objections or requests for modifications, the minutes were approved by consent.
3. Public comments regarding any other matters not on agenda: No comments were offered.
4. Recommendations on noticed regulation amendments:
  - 2021 Commercial Black Sea Bass Management:
    - Motion by D. Monti to recommend adoption of the proposed increase of the Winter I starting possession limit from 500 to 750 lbs; 2<sup>nd</sup> by M. Rice. The motion passed 7-0 (M. Roderick abstention).
    - Motion made by M. Rice to recommend eliminating the summer closure, extending the second sub-period from 7/31 to 8/15, re-allocate as proposed, increase the possession limit from 50 to 100 lbs/vsl/day for the first two sub-periods (5/1 – 6/30; 7/1 – 8/15), maintain status quo possession limits for the remaining two sub-periods (9/15 – 10/31; 11/1 – 12/31); 2<sup>nd</sup> by J. Jarvis. The motion passed 7-0 (M. Roderick abstention).

Motion in table form

Season	Allocation	Starting Poss. limit (lbs)
5/1 – 6/30	25%	<del>100</del> 50 (vsl/day)
7/1 – <del>7/31</del> 8/15	<del>19.5</del> 20%	<del>100</del> 50 (vsl/day)
<del>8/1 – 9/14</del>	<del>Closed</del>	
<del>8/16 – 9/14</del>	<del>10%</del>	<del>50 (vsl/day)</del>
9/15 – 10/31	19.5 10%	50 (vsl/day)
11/1 – 12/31	11 10%	50 (vsl/day)

- Recreational Striped Bass circle hook provision: Motion made by A. Dangelo to recommend adoption of the rule as proposed; 2<sup>nd</sup> by T. Barao. The motion passed 8-0.
- 2021 Commercial Summer Flounder Management:
  - Motion made by D. Monti to adopt the industry proposal of 1,000 lbs/vessel/wk for the Aggregate Landing Program as proposed; 2<sup>nd</sup> by M. Rice. After discussion the motion was withdrawn.
  - Motion made by M. Rice to maintain status quo at 2,000 lbs/bi-week for the Aggregate Landing Program; 2<sup>nd</sup> by D. Monti. The motion passed 7-0 (M. Roderick abstention).
- Summer Flounder Aggregate Landing Program (Winter I) Permit - Eligibility Requirements: Motion made by T. Barao to recommend adoption of the rule as proposed; 2<sup>nd</sup> by D. Monti. The motion passed 8 – 0.
- Summer Flounder Aggregate Landing Program Permit (Winter I) - Penalties for Non-Compliance: Motion made by C. Rein to recommend adoption of the rule as proposed; 2<sup>nd</sup> by J. Jarvis. The motion passed 8 – 0.
- Summer Flounder Aggregate Landing Program Permit (Winter I) - Permit Conditions: Motion made by D. Monti to recommend adoption of the rule as proposed; 2<sup>nd</sup> by A. Dangelo. The motion passed 8 – 0.
- Bio-medical Horseshoe Crab Handling BMPs: Motion by J. Jarvis to recommend adoption of the rule as proposed; 2<sup>nd</sup> by K. Eagan. The motion passed 8-0.
- Bio-medical Horseshoe Crab Allowable Harvest: Motion by D. Monti to recommend adoption of the rule as proposed; 2<sup>nd</sup> by M. Roderick. The motion passed 8-0.

- Part 12 - Research Pilot Aggregate Program Eligibility Requirements: Motion by T. Barao to recommend adoption of the rule as proposed; 2<sup>nd</sup> by C. Rein. The motion passed 8-0.
  - Part 13 Cooperative Multi-State Possession and Landing Pilot Program for Summer Flounder: Motion by D. Monti to recommend eliminating the term of the program and to adopt the permit conditions as proposed, and to add black sea bass to the program; 2<sup>nd</sup> by C. Rein. The motion passed 8-0.
  - Summer Flounder Exemption Certificate Program: Motion by M. Rice to recommend adoption of the rule as proposed regarding the application for transfer, the time period to apply for the Certificate to a replacement vessel upon transfer/sale, and splitting the Certificate from a federal permit; 2<sup>nd</sup> by C. Rein. The motion passed 7-0 (M. Roderick abstention).
  - Summer Flounder Exemption Certificate Program – Automatic Transfer of Certificate Upon Transfer/Sale of Vessel: Motion by C. Rein to recommend to *not* adopt the proposed rule regarding the transfer of the Certificate upon transfer or sale of the vessel; 2<sup>nd</sup> by M. Rice. The motion passed 7-0 (M. Roderick abstention).
5. Any Other Matters: No other matters were discussed.
6. Adjournment: The meeting was adjourned by the Chair at @ 7:53pm.

Note: This document represents a meeting summary. The full video recording of the meeting is available at the Division of Marine Fisheries YouTube channel [here](#). Individual agenda items and their times can be viewed by expanding the “SHOW MORE” tab.



# Rhode Island Marine Fisheries Council

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

## Meeting Notice

Shellfish Advisory Panel

Wednesday December 16, 2020, 4:00PM

Virtual public meeting - Zoom webinar

## MEETING AGENDA

**Panel Chair:**

Katie Eagan

**Scientific Advisor:**

Michael Rice

**Membership:**

Jeff Gardner

*Aquaculture*

Bob Rheault

*Alternate for J. Gardner*

David Ghigliotti

*Comm. Bullrake*

Mike McGiveney

*Comm. Bullrake*

Gerald Schey

*Comm. Bullrake*

Manuel Sousa

*Comm. Bullrake*

Bob Smith

*Dealer*

Roger Tellier

*Recreational Rod & Reel*

Richard Pastore

*Recreational Rod & Reel*

Edward Troiano

*Recreational Shellfish*

Kenneth Murgo

*Comm. Shellfishing*

John McDonald

*Comm. Shellfishing*

Brennan Bica

*Comm. Fishing & Dealer*

**Marine Fisheries staff:**

Anna Gerber-Williams

Agenda item	Recommended action(s)	ePacket Attachment(s)/links
1. Aquaculture application <a href="#">2020-07-068</a> (Jordan Viera)	Provide recommendation to the CRMC/Council pursuant to <a href="#">RI Gen. Laws §20-10-5(d)</a>	<ul style="list-style-type: none"> <li>• Application out to public notice</li> <li>• CRMC site assessment map and results</li> <li>• DEM Review letter and map</li> </ul>
2. Aquaculture application <a href="#">2020-08-001</a> (Antonio and Joseph Pinheiro)	Provide recommendation to the CRMC/Council pursuant to RI Gen. Laws §20-10-5(d)	<ul style="list-style-type: none"> <li>• Application out to public notice</li> <li>• CRMC site assessment map and results</li> <li>• DEM Review letter</li> </ul>
3. Proposal to the SAP for additional involvement during the aquaculture application Preliminary Determination review process.	Discussion and/or recommendations to CRMC regarding the proposed changes.	<ul style="list-style-type: none"> <li>• PD process description</li> <li>• Aquaculture application and permitting process diagram</li> </ul>
4. Any other matters	FYI/discussion and/or recommendations for future actions	
5. Adjourn		

**To join the webinar, [click here](https://us02web.zoom.us/j/81051076080).** Or enter the following into your web browser:  
<https://us02web.zoom.us/j/81051076080>

To join by phone, call: 1-929-205-6099

Meeting ID: 810 5107 6080

Participant ID: Provided once you log onto webinar. If not logging onto webinar, simply wait on the line to be connected on the phone.

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

For more information please contact Anna Gerber-Williams at (401) 423-1930.

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

\* Posted to Sec. of State November XX, 2020



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

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

## PUBLIC NOTICE

File Number: 2020-07-068 Date: July 29, 2020

This office has under consideration the application of:

Jordan Viera  
18 Wilson Street  
Bristol, RI 02809

for a State of Rhode Island Assent to construct and maintain:

a two-acre oyster farm using submerged cages and bottom plant.

Project Location:	The Cove
City/Town:	Portsmouth
Waterway:	Long Neck Cove

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

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

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

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before August 29, 2020.

/lat



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

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

## APPLICATION FOR STATE ASSENT

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

Project Location <u>The Cove</u> <u>Portsmouth</u> <small style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>No. Street</span> <span>City/Town</span> </small>	File No. (CRMC USE ONLY) <span style="font-size: 1.2em; color: red;">2020-07-068</span>
Owner's Name <u>Jordan Viera</u>	Plat: Lot(s):
Mailing Address <u>18 Wilson St.</u> <small style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>City/Town <u>Bristol</u> State <u>RI</u> Zip Code <u>02809</u></span> </small>	Contact No.: <span style="font-size: 1.2em;">401-533-2984</span>
Name of Waterway <u>Long Neck Cove</u>	Estimated Project Cost (EPC): <span style="font-size: 1.2em;">≤ \$1000</span> Application Fee: <span style="font-size: 1.2em;">\$50</span>
<b>Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees):</b> <div style="display: flex; justify-content: space-around; font-family: monospace; font-size: 1.1em;"> <div style="text-align: left;">           NE - 41.637582N                  071.222875W             SE - 41.636877N                  071.222746W         </div> <div style="text-align: left;">           NW - 41.637582N                  071.223583W             SW - 41.636893N                  071.224441W         </div> </div>	

Have you or any previous owner filed an application for and/or received an assent for any activity on this property?  
 (If so please provide the file and/or assent numbers): No

Is this site within a designated historic district?       YES       NO  
 Is this application being submitted in response to a coastal violation?       YES       NO

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

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

55 Hummocks Ave Portsmouth RI 02871

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

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.08/04

\_\_\_\_\_  
 Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



**STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES**

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

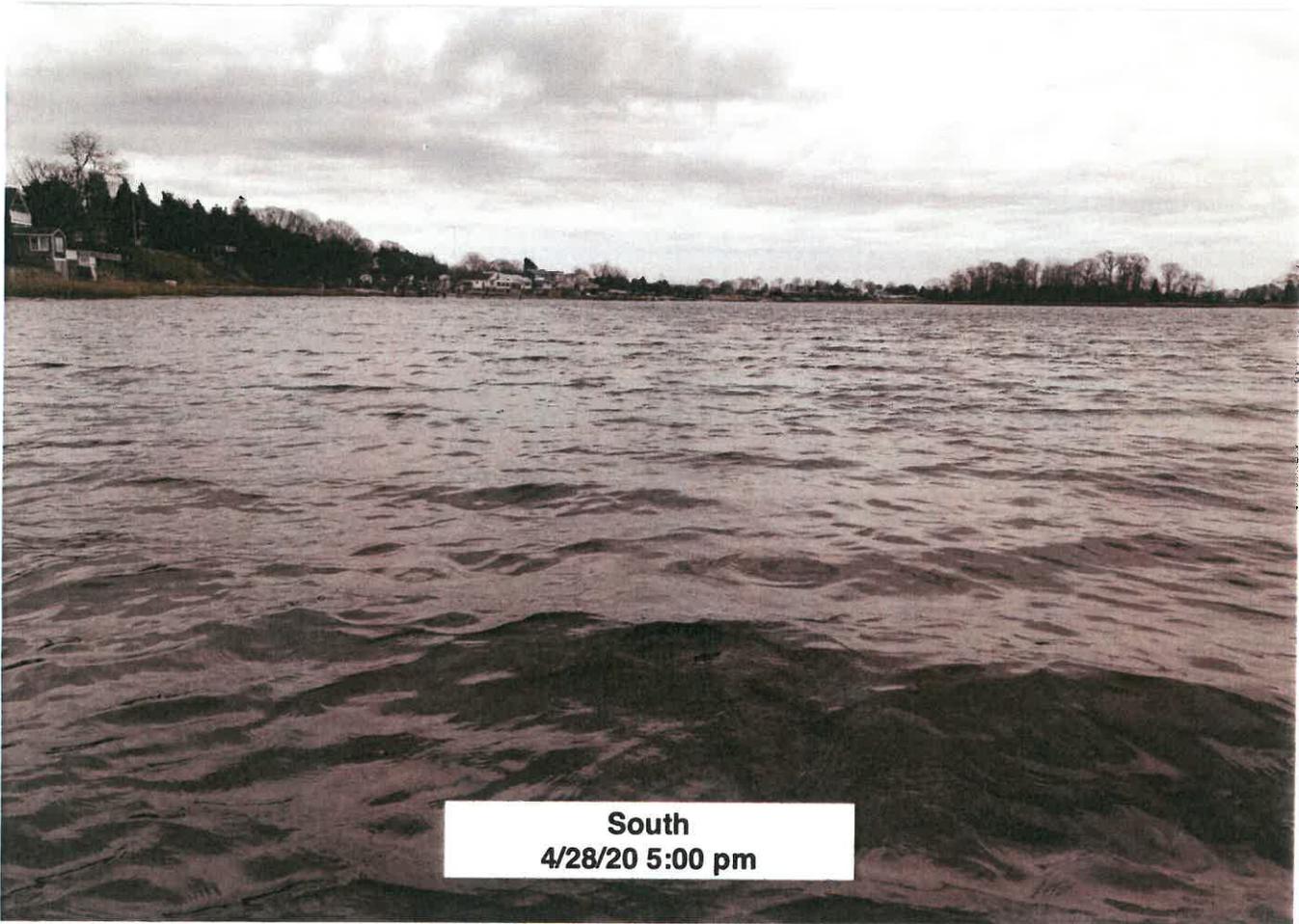
The applicant understands the above conditions and agrees to comply with them.

  
Signature

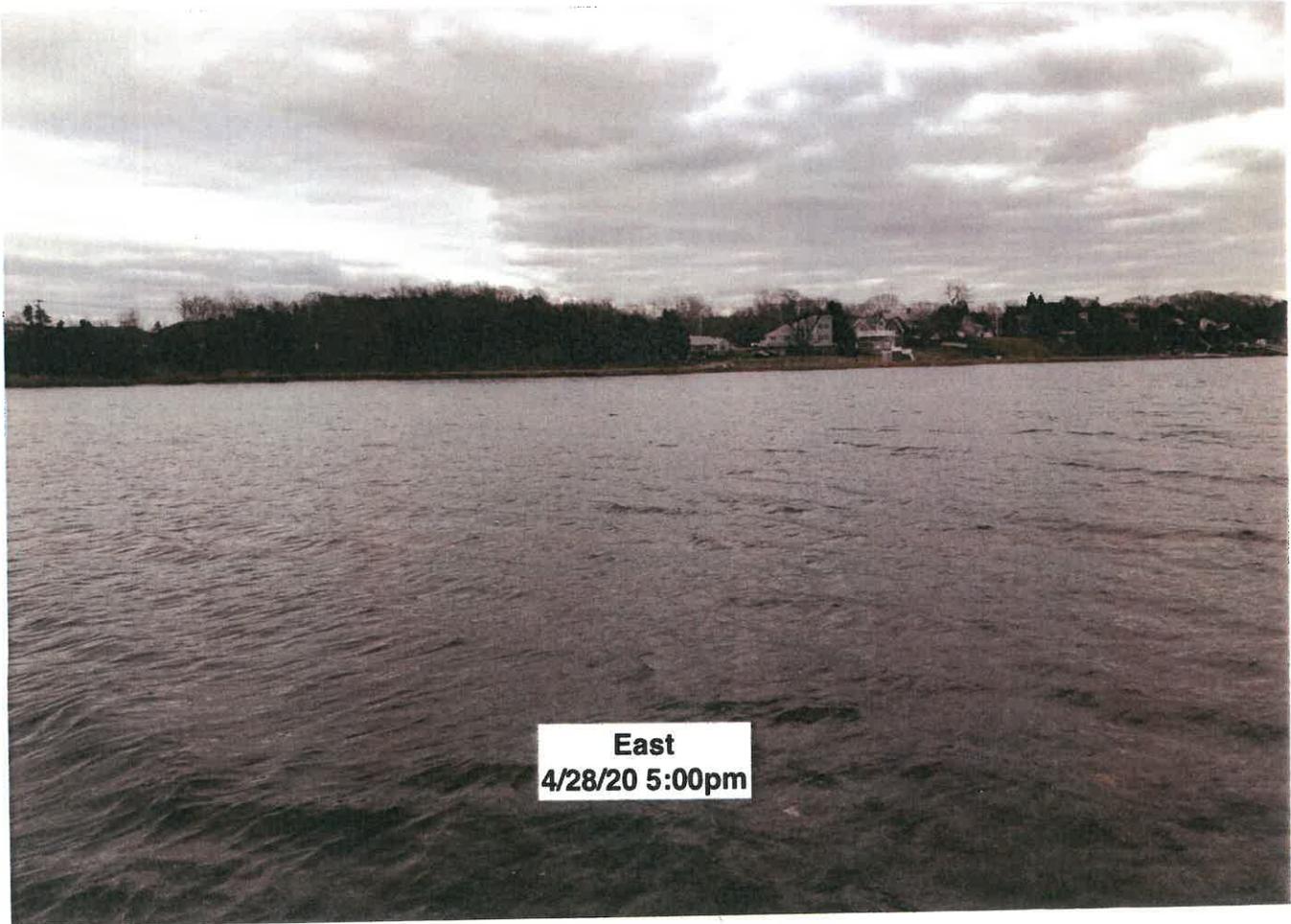
7/19/20  
Date

Jordan Viera 18 Wilson St Bristol RI 02809  
Print Name and Mailing Address



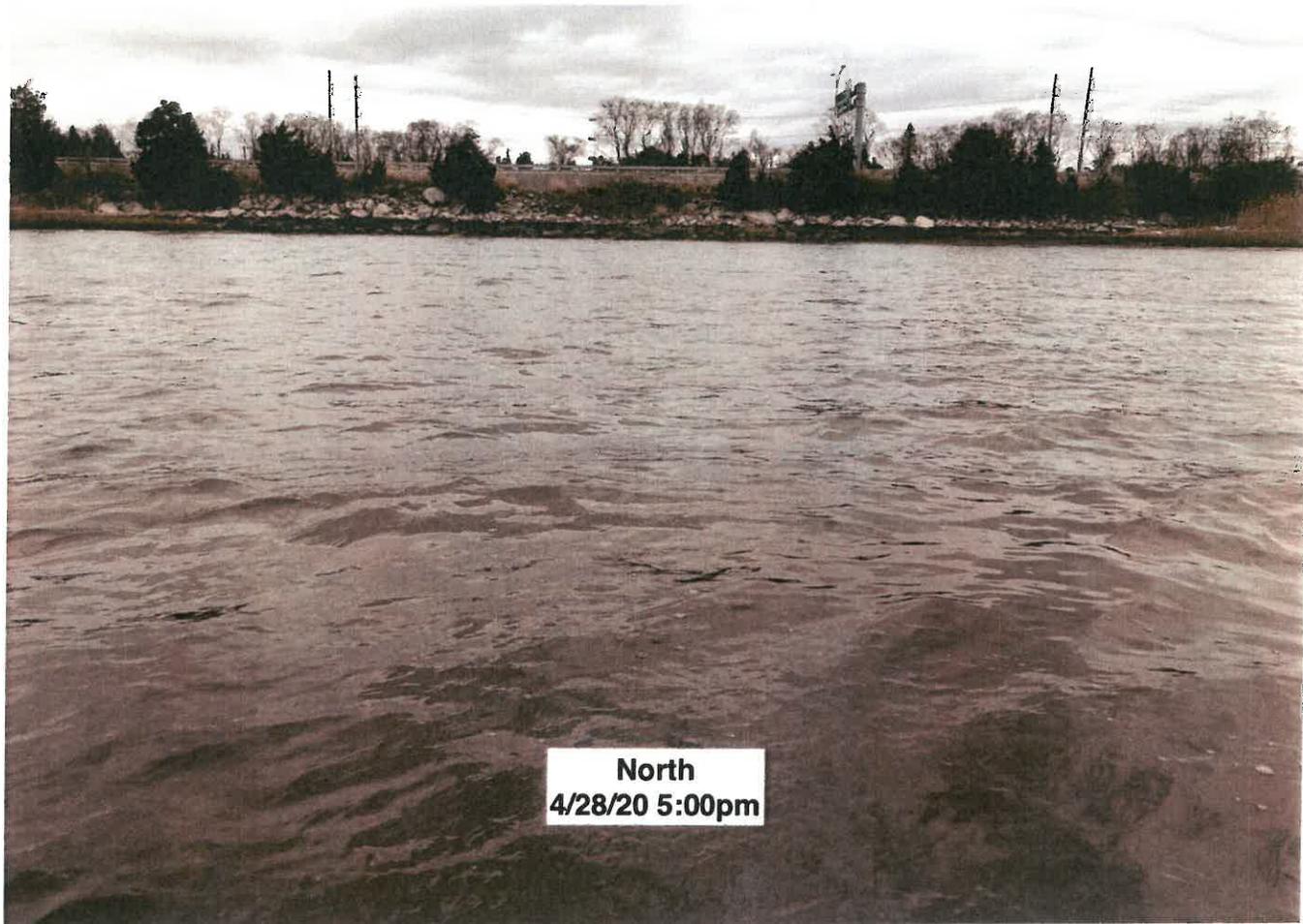


**South**  
**4/28/20 5:00 pm**

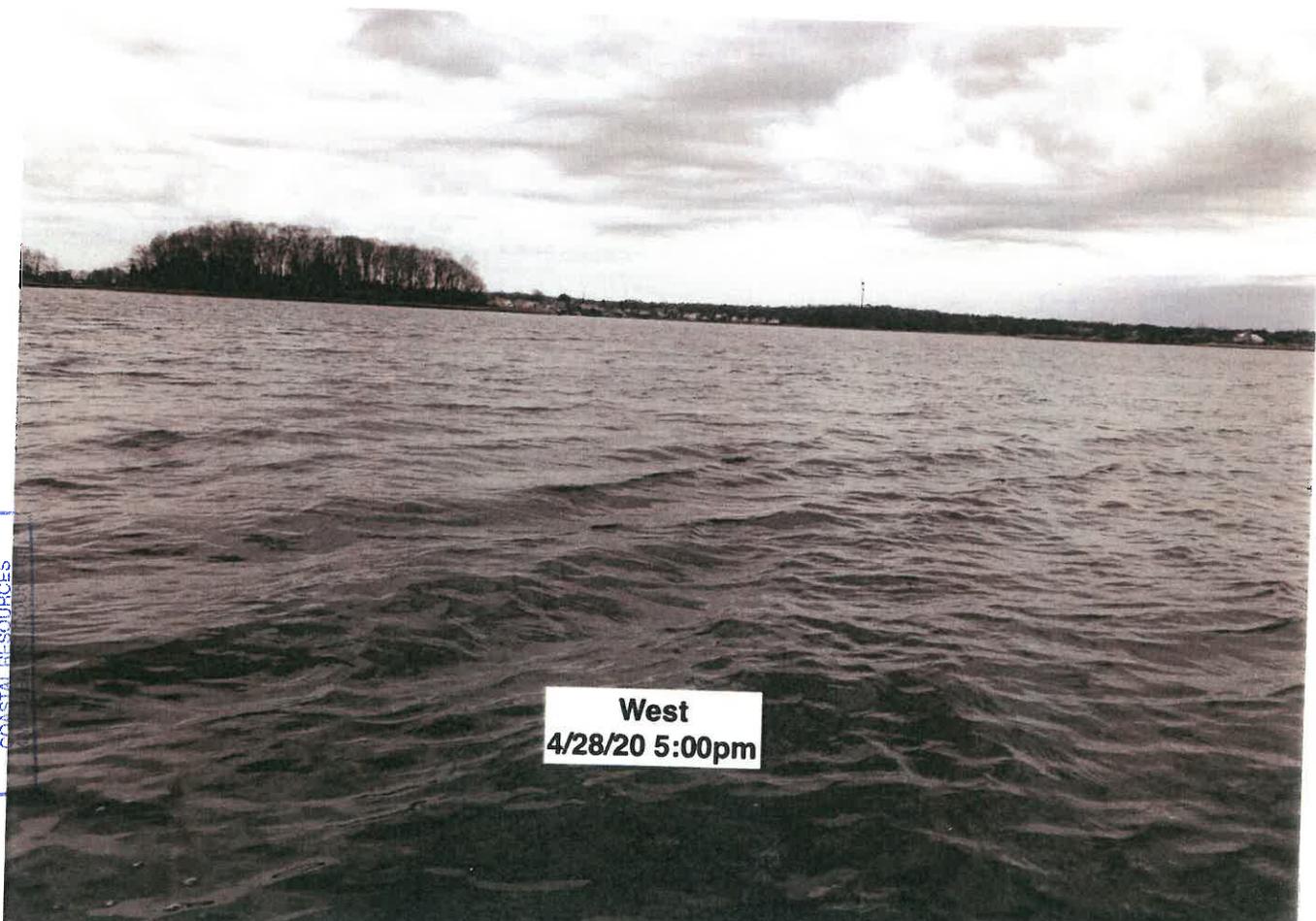


**East**  
**4/28/20 5:00pm**

RECEIVED  
JUL 20 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL



**North**  
**4/28/20 5:00pm**



**West**  
**4/28/20 5:00pm**

RECEIVED  
JUL 20 2020  
CRISTAL RESOURCES

Aquaculture Site Proposal  
Jordan Viera  
7/2020

This is a proposal for the start of a 2.0 acre shellfish farm in the Northeast corner of “The Cove” in Portsmouth RI. Seed oysters will start in oyster bags, that will be held in six slotted bag cages. As the oysters grow they will be sorted and some of the large enough inventory will be transferred to two tiered bottom tray cages, others will be bottom planted. As product reaches a marketable size, both cage and bottom planted oysters will be harvested and sold to local distributors.

Over the past few years there has been increasing demand for high quality “craft” oysters. While the amount of farmers in RI has been steadily increasing, so has the demand for this product; markets are expanding and as of recently shellfish farmers have been more successful than ever. This proposed site is an ideal location for growing shellfish and would almost certainly be profitable, benefitting not only the grower, but the economy of RI as a whole.

The location of this site is ideal for a shellfish farm; oysters, quahogs and mussels thrive naturally in these waters. This area is inaccessible on foot and unappealing to recreational boaters due to the shallow waters and close relation to a heavily trafficked road. Lack of visitors and shallow waters is both an ideal and hard to find combination in RI waters. Being close to a heavily trafficked road may not be aesthetically pleasing but there are no physical downsides; in fact a farm would likely be beneficial to the ecosystem by mitigating the negative impacts. It should also be noted that currently this area is covered in debris and litter; this would not be the case if a shellfish farm was present here.

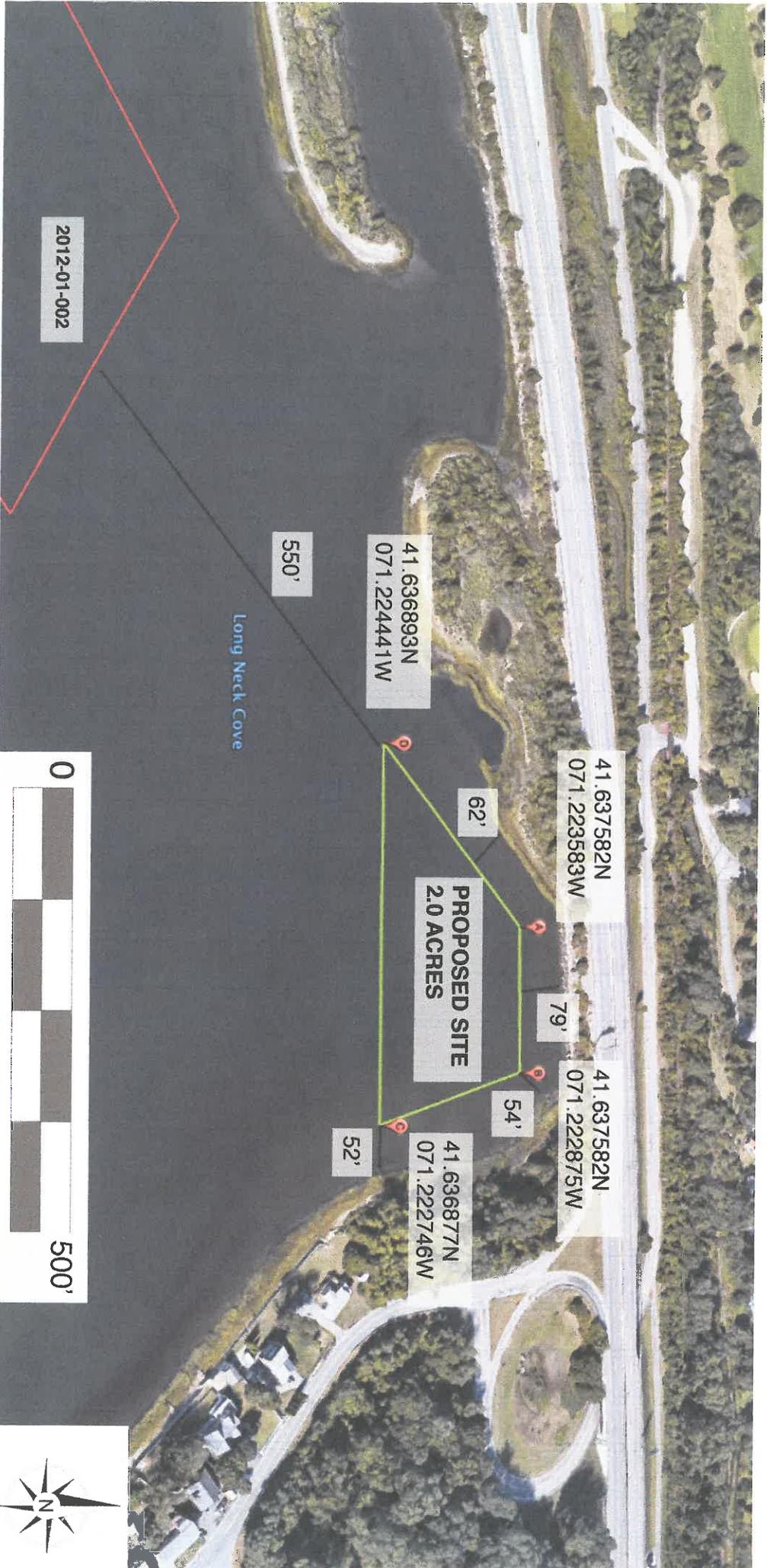
In addition to the economic and environmental benefits of a shellfish farm, its simply a lifestyle that many people, including myself, desire. I am a graduate of the University of Rhode Island's Fisheries and Aquaculture Technology program; I have completed Dr. Dale Leavitt's Applied Shellfish Farming course, I have been working in the aquaculture industry full time for five years. I enjoy being a steward of the environment and hope to bring my passion and skills in shellfish farming to Rhode Island waters.





**Proposed Aquaculture Site:  
 Jordan Viera  
 7/2020**

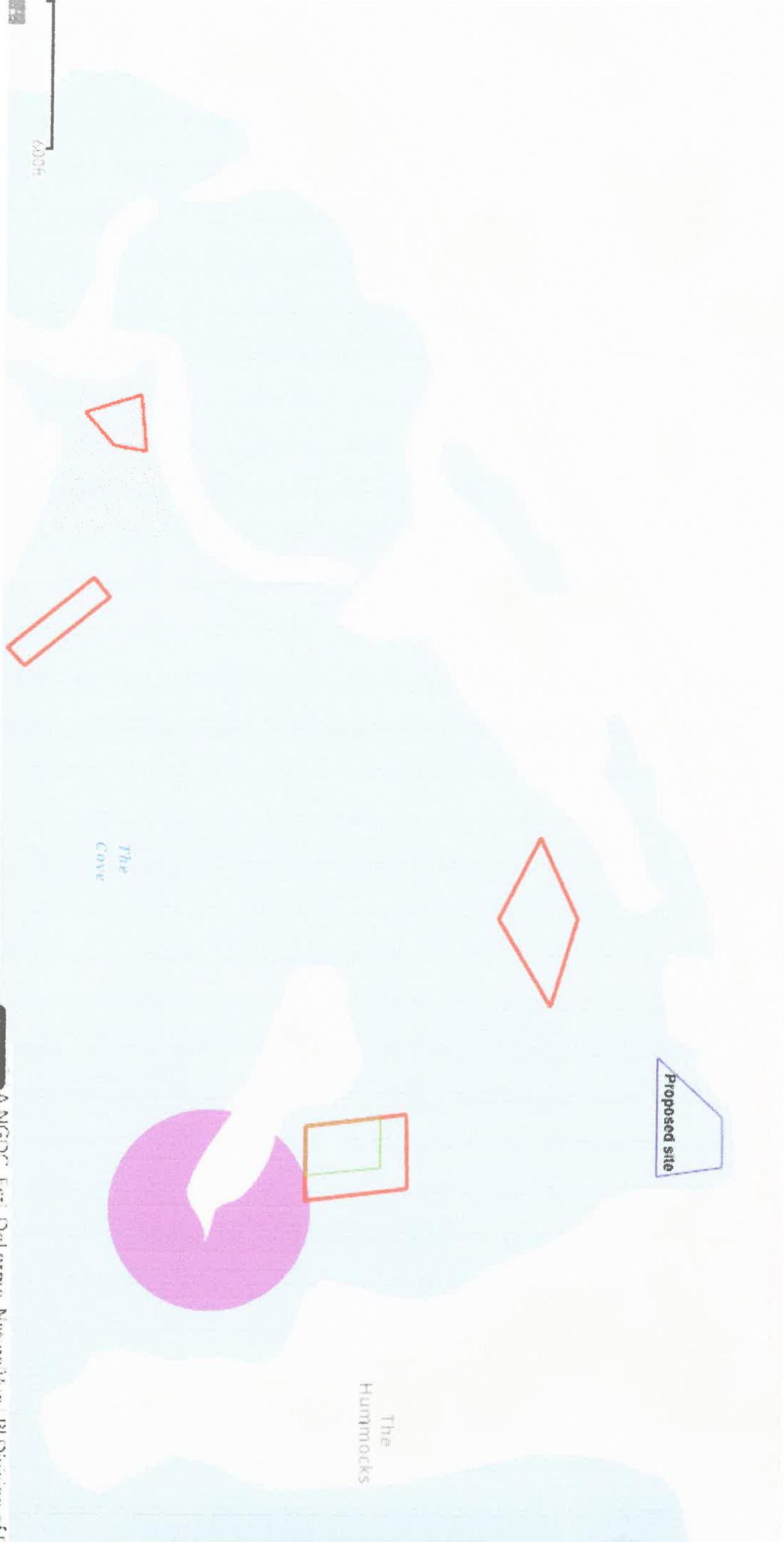
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**JUL 20 2020**  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL



**Proposed Aquaculture Site:**  
**Jordan Viera**  
**7/2020**

**RECEIVED**  
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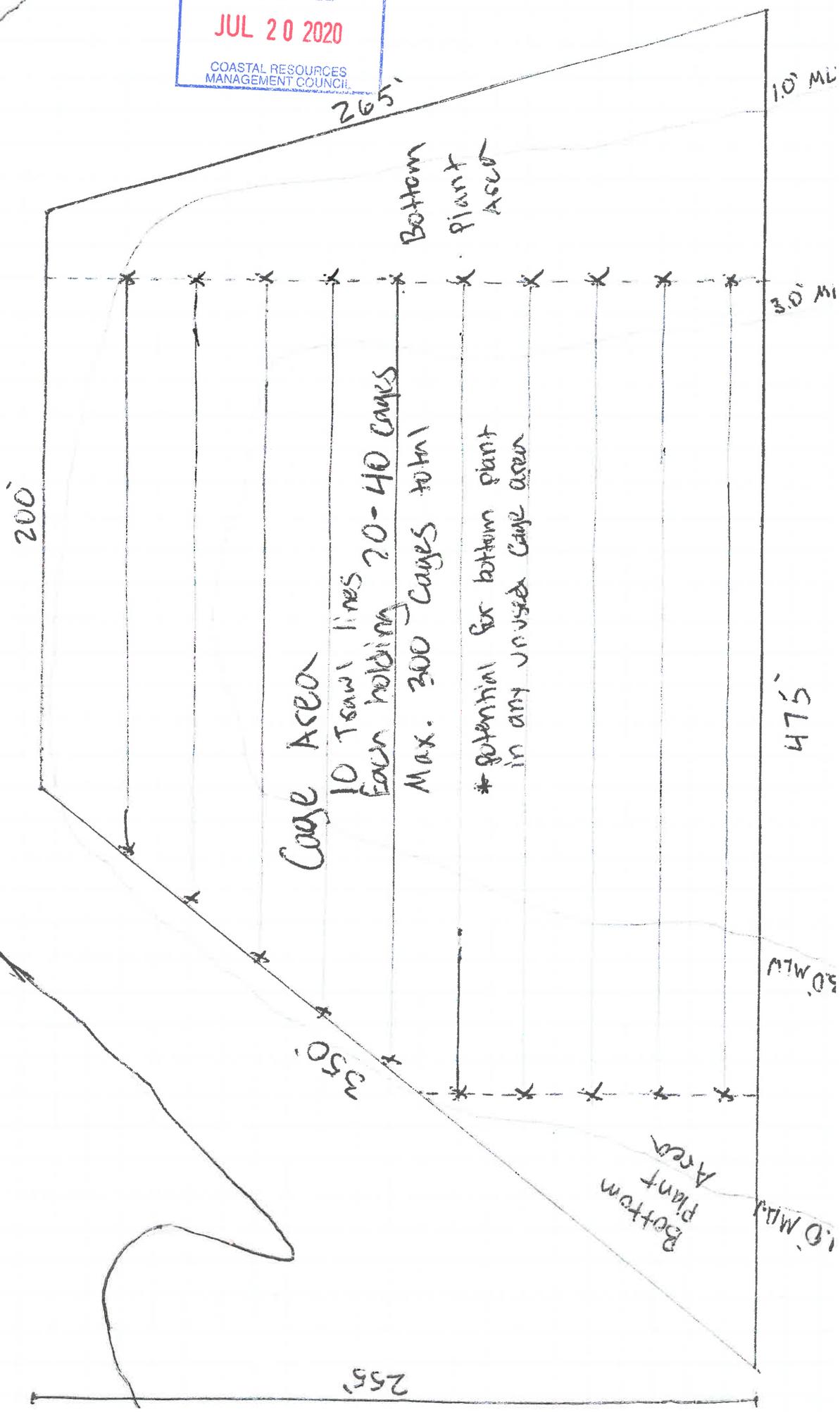
A NIGON East Oakland Natural Area (RI) Division of E

Proposed Site Layout  
Susan Viera 7/2020

1" = 48'

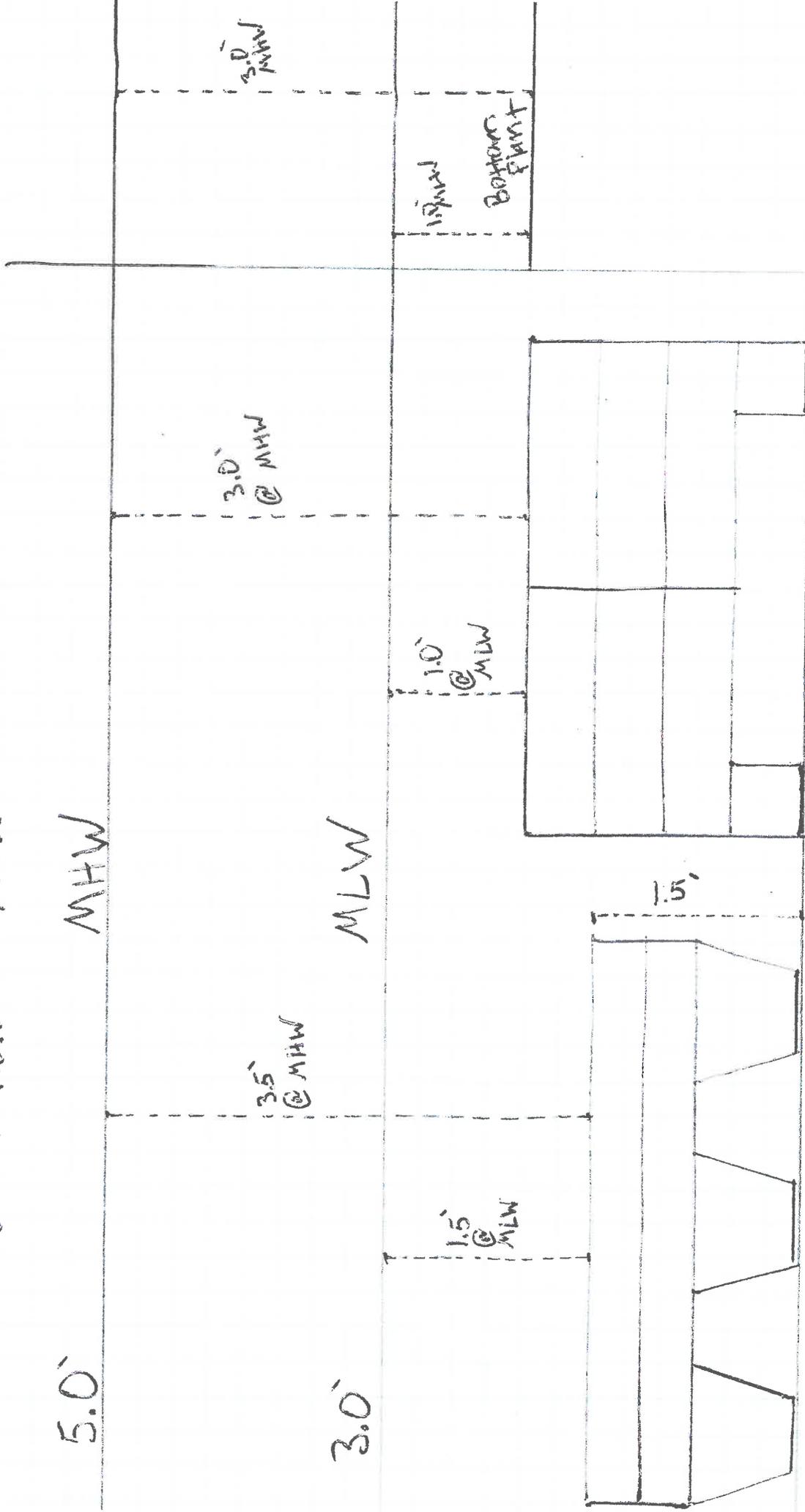
Shoreline

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JUL 20 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL



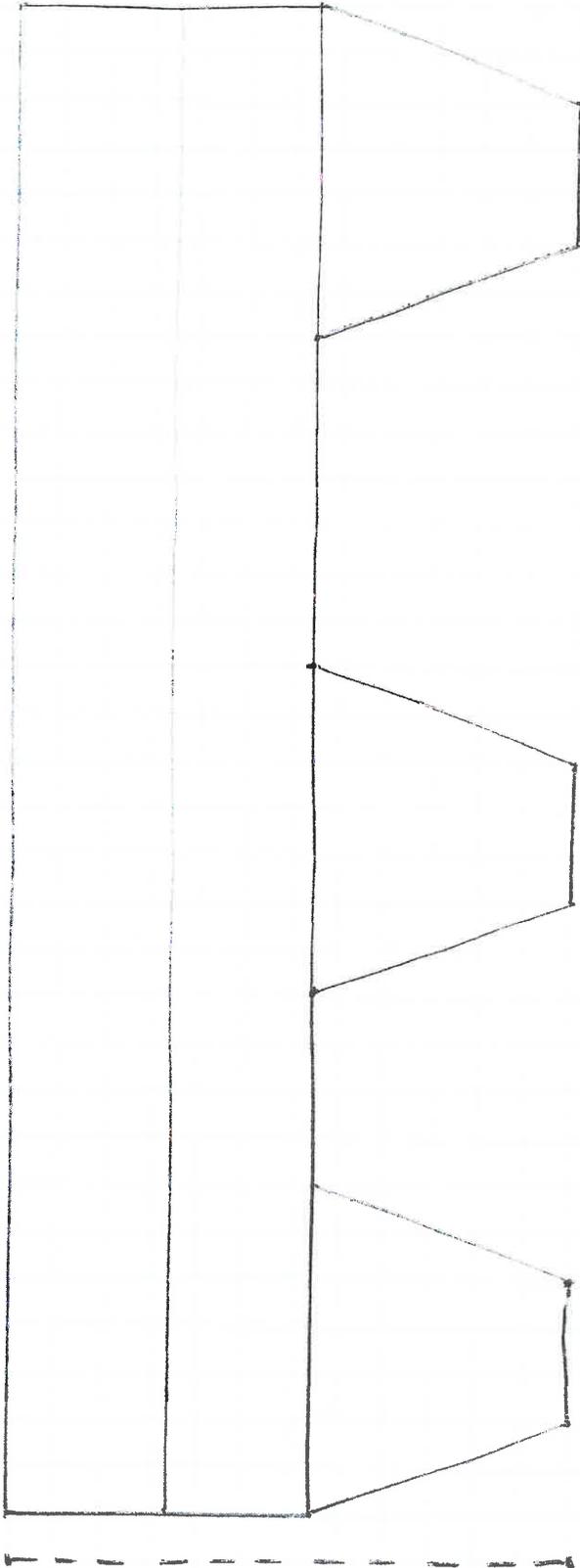
Site Cross Section  
Susan Viera 7/2020

1" = 1'



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MANAGEMENT COUNCIL

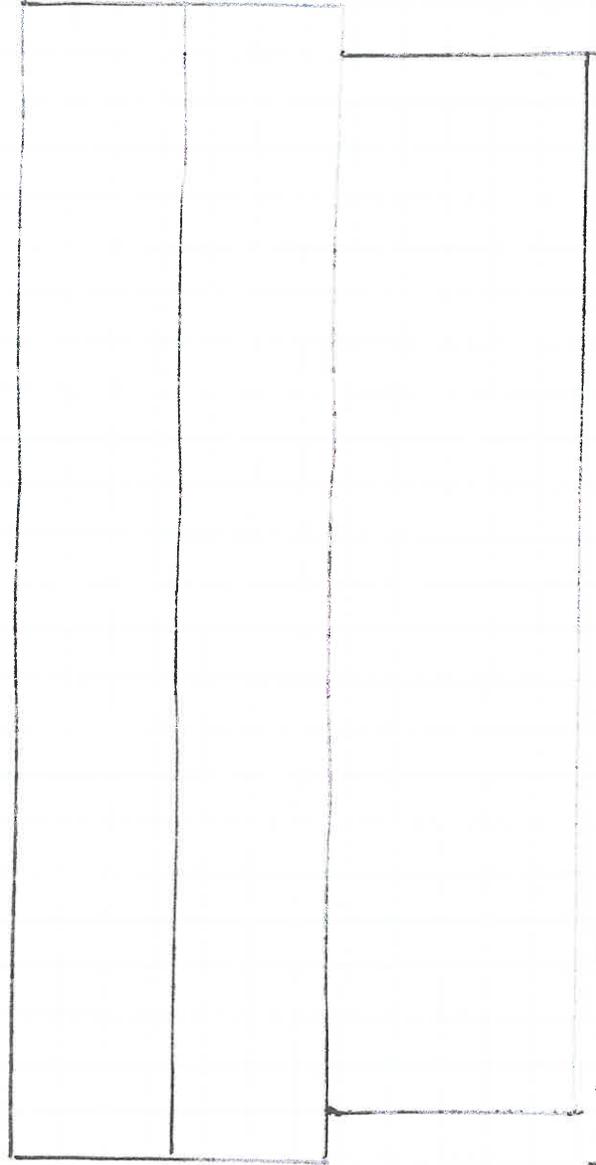
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JUL 20 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL



Long side  
1.5'



4.0'



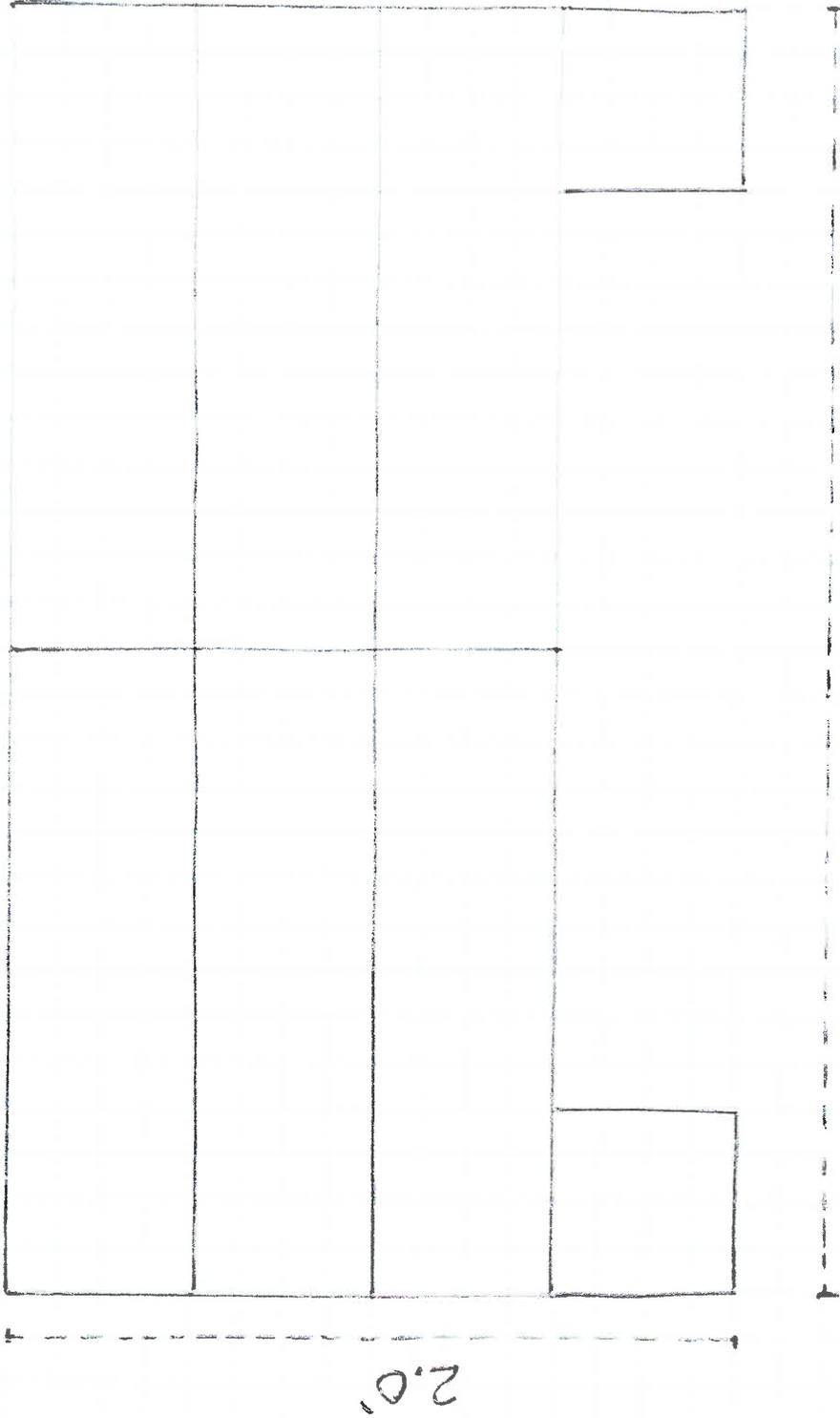
Short side

2.0'

2" = 1'

Tray Cage  
Details

Sordan Vera  
7/2020



Bag Cages will be 3.5' x 3.5' x 2.0' and hold 6 standard oyster bags

Bag Cage Details

Sosanna Viera 7/20/20

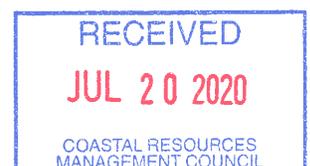
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 JUL 20 2020  
 COASTAL RESOURCES  
 MANAGEMENT COUNCIL

Aquaculture Operational Plans  
Jordan Viera  
7/2020

1. Jordan Viera 18 Wilson Street Bristol RI
2. CRMC File Number - D 2020-04-016
3. DEM Aquaculture License Number - N/A
4. This location will be used as a commercial lease site for both nursery and growout of oysters. Seed will be grown throughout 100 bag cages, each containing six oyster bags; 200 bottom tray cages, along with basic bottom planting will be used for growout.
5. The proposed site is in the Northeast corner of "The Cove" in Portsmouth RI. Center coordinate - 41.637227N 071.223372W (for corner coordinates see maps).
6. The main species raised on this site will be the Eastern Oyster, *Crassostrea virginica*. However, we would like to be able to experiment with and possibly growout the Northern Quahog, *Mercenaria mercenaria*. All seed will meet biosecurity board protocols for pathology testing.
7. Two types of cages will be used for growing, with a maximum of 300 cages:  
Bag cages, each containing six oyster bags, will be used to raise seed. These cages will be kept on the southern three trawl lines (See Proposed Site Layout), which is the deepest part of the proposed site. They will be held onto the line with gangions, thus helping stay organized and limiting the amount of buoys needed on the site. See "Bag Cage Details" and "Site Cross Section" for cage dimensions. Bottom tray cages will be used for growout. These cages will be kept on the North most seven trawl lines (See Proposed Site Layout). They will be held onto the line with gangions, thus helping stay organized and limiting the amount of buoys needed on the site. See "Tray Cage Details" and "Site Cross Section" for cage dimensions.
8. The site will be marked at each corner by a standard pot buoy with assent numbers, unless otherwise instructed by CRMC.
9. DEM Shellfish Harvesting Classification - GA4-1
10. Seed will be purchased and brought to site following state protocol in the spring. Seed will be dispersed throughout the bag cages. Over the next couple months, on a biweekly basis cages will get hauled up and washed, bags will be shaken to ensure even growth, and the cages will be put back down. On an as need be basis, cages will be held on the boat for air drying. After about two months, once seed has reached a sufficient size it will be sorted on a tumbler. Large enough seed will be transferred to tray cages and/or bottom planted and anything too small will go back into bag cages to be sorted again in the future. During growing season, the plan is to be on a cycle of washing and sorting all tray cages every two months. They will be hauled up, washed, tumbled and graded by size. Then redistributed throughout the cages based on size. Occasionally tray cages may be washed and air dried on the boat on an as needed basis. As product in tray cages reaches a marketable size, it will be sorted and bagged by hand directly out of the cage. As bottom planted areas reach marketable size, they will be hand raked, using an "oyster rake", allowed to purge in a bottom cage for a week and then hand picked and bagged. All product going to market will be harvested, handled, transported and sold strictly following Rhode Islands Shellfish handling, processing and selling regulations. Quahogs will be started in oyster bags and once of sufficient size will be bottom planted in bottom plant areas, they will then be covered in netting of the appropriate size until they are ready to be harvested with a bullrake. It is likely that quahogs will not be successful at this site.



11. Seed will always be purchased from a reputable source. Seed purchased from out of state will be pathology tested prior to shipment; this pathology report will then be submitted to the Aquaculture Coordinator five days before the planned shipment.
12. Currently, the plan is for all oysters to always be grown in approved waters. In the unlikely event that the business model changes and seed is grown in prohibited waters, strict records will be maintained and regular grading will be performed. The seed would be continually graded as often as possible, as they approach 30mm they will be moved to approved waters and kept separate from other crop. Strict records will be kept in a waterproof logbook of when the prohibited water seed came to the approved location.
13. In the unlikely event that seed is purchased from prohibited waters, they will be grown separate from other crop on the farm. When the seed arrives, they will go into cages that are marked with flagging tape, to identify them as prohibited water seed. When the seed gets sorted it will be sorted separate from any other product. Detailed notes and records will be kept on file during all operations. Once the product has been in the approved waters for at least 12 months it will be put on track to be sorted for marketable product. As previously stated, any cages of prohibited water seed would be marked with flagging tape for quick identification, in addition to this cages of the same cohort would always be kept on the same trawl line together. So in addition to flagging tape, we would also know complete trawl lines that contain prohibited water seed (i.e. "lines 7-10 contain all cages of prohibited water seed"). Prior to receiving any seed from prohibited waters, we would get in contact with the Aquaculture Coordinator, providing them with the source of the seed and making sure the pathology report had been received. Once this information has been confirmed, we will provide a date of shipment. When seed arrives it will be grown in the arrived waters of the site for a minimum of six months before being sold.



Jordan Viera  
07/20

Coastal Resources Management Program - Section 1.3.1(A) - Category B Requirements

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

(1) demonstrate the need for the proposed activity or alteration;

***The demand for high quality shellfish has been continually growing over the past several years; even with the introduction of more farms there is still high demand. Our goal is to cultivate high quality oysters to help fill this void while also having a positive impact on the surrounding marine environment.***

(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 1.3.1(B), 1.3.1(C), 1.3.1(F), 1.3.1(H), 1.3.1(I), 1.3.1(K), 1.3.1(M), 1.3.1(O) and 1.3.1(Q); for projects on state land, the state building official, for the purposes of this section, is the building official;

***N/A***

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

***All activities will occur in the sub tidal regions of "The Cove" 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 goal is to always use the largest mesh size gear possible, not only does this allow more flow and food for the oysters but it will also be the least intrusive in terms of restricting natural water flow. Since our gear will have minimal to no impact on water flow and circulation we will not have any impacts on erosion and/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;

***Crassostrea virginica is a native species to this body of water. Lines and cages will act as habitat for other native marine species. It is unlikely that increasing the abundance of oysters in this small footprint of this site would have absolutely no impact on abundance and diversity of local marine fauna, however with the small size of this site, any impacts would be negligible. It should also be noted that any impacts would likely be positive, since oysters are known for increasing water quality.***

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

***This area within "The Cove" is inaccessible by foot and its shallow waters and close proximity to route 24 make it unappealing to boaters. The selected site has been studied throughout all seasons for the past couple years, occasionally kayakers can be seen in this area, but the described plans should have no impact on this activity.***



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

***As previously stated, we plan to always be using the largest meshed gear possible, thus reducing impacts on water circulation, flushing, turbidity and sedimentation to the point where they are negligible.***

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

***Oysters are known for their positive impacts on water quality. As oysters pump water over their gills they trap suspended particles of food and nutrients as well as sediment and chemical contaminants, thus improving water quality for other marine life.***

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

***N/A***

(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;

***This area within "The Cove" is inaccessible by foot and its shallow waters and close proximity to route 24 make it unappealing to boaters. The selected site has been studied throughout all seasons for the past couple years, occasionally kayakers can be seen in this area, but the described plans should have no impact on this activity. See attached photos showing lack of recreation.***

(11) demonstrate that measures have been taken to minimize any adverse scenic impact (see Section 1.3.5).

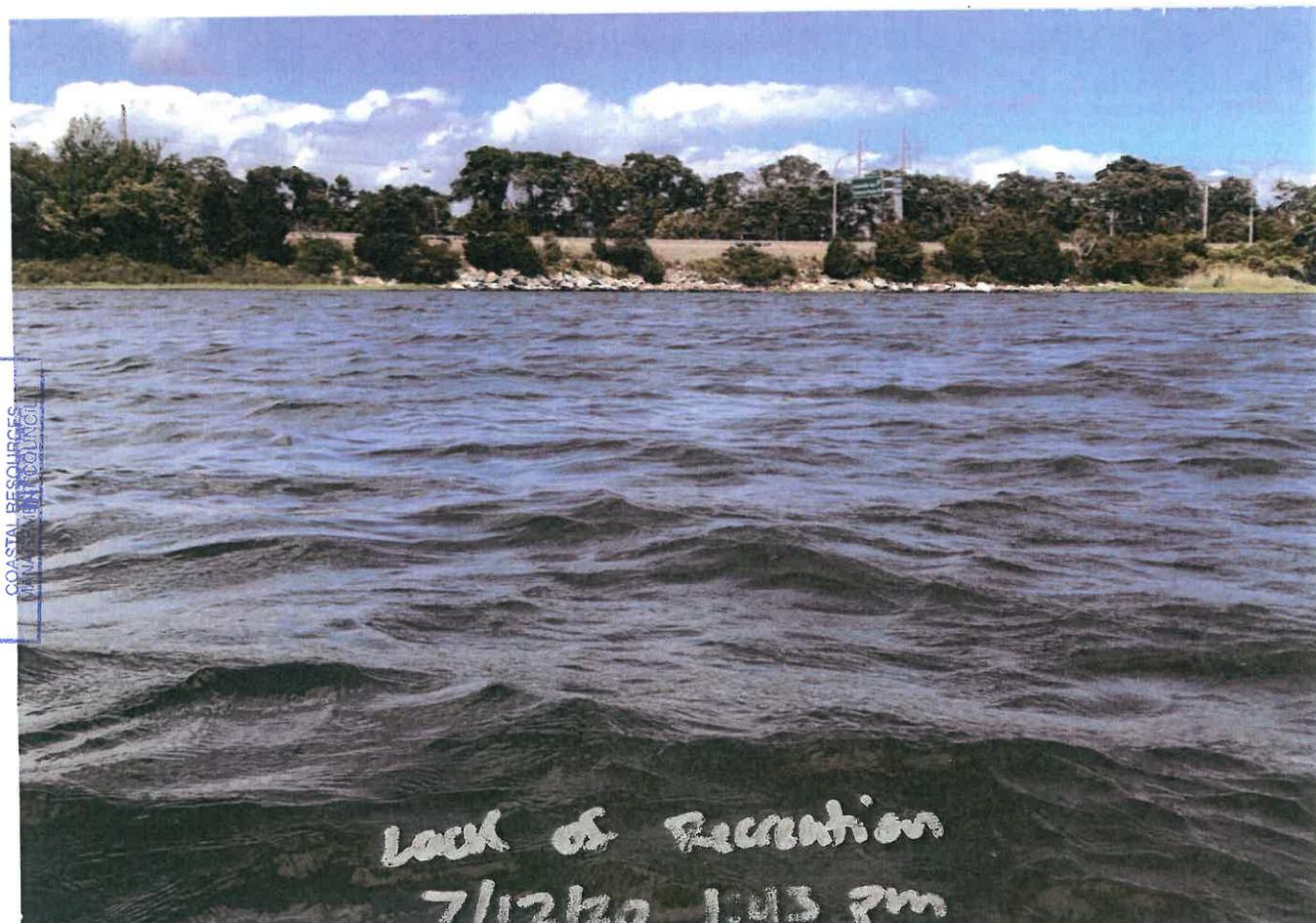
***The only thing that will be visible on the surface is buoys, cages and oysters will always be well below the low tide level so they should never become exposed. In order to minimize the amount of buoys needed, we will be using 10 trawl lines. When not in use there will be no buoys on the lines, when in use there will be a dark colored buoy on each end of the trawl. We will always attempt to use as few buoys as possible, during busy times of the year there may be up to 20 in use, however for the majority of the year there will be as few as 5.***



RECEIVED  
JUL 20 2020

COASTAL RESOURCES  
COUNCIL

7/19/20, 1:02 P



Lack of Recreation  
7/12/20 1:43 pm



Lack of Recreation  
7/19/20 1:02 pm

# Viera Survey Stations

Write a description for your map.

## Legend

 Viera





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

(401) 783-3370  
Fax (401) 783-3767

**Shellfish Survey for Viera proposed lease, CRMC File# 2020-04-016**

Date completed: 9/24/20

Investigator: Ben Goetsch, Aquaculture Coordinator

Gear used: tongs, 12 tooth

Sampling method: 4 grab samples per station

Substrate: soft mud, muddy sand with gravel

Tidal stage: high

Vegetation and other invertebrates observed: sand worms

Observations: low density of quahogs, very mucky in the middle, slightly harder on edges

Station 1: 2 quahogs (including 1<1")

Station 2: 1 quahog

Station 3: 3 quahogs (including 1<1")

Station 4: 1 quahog

Station 5: 2 quahogs

Station 6: 1 quahogs

Station 7: 4 quahogs

Station 8: 2 quahogs

Results: 2 quahogs per square meter

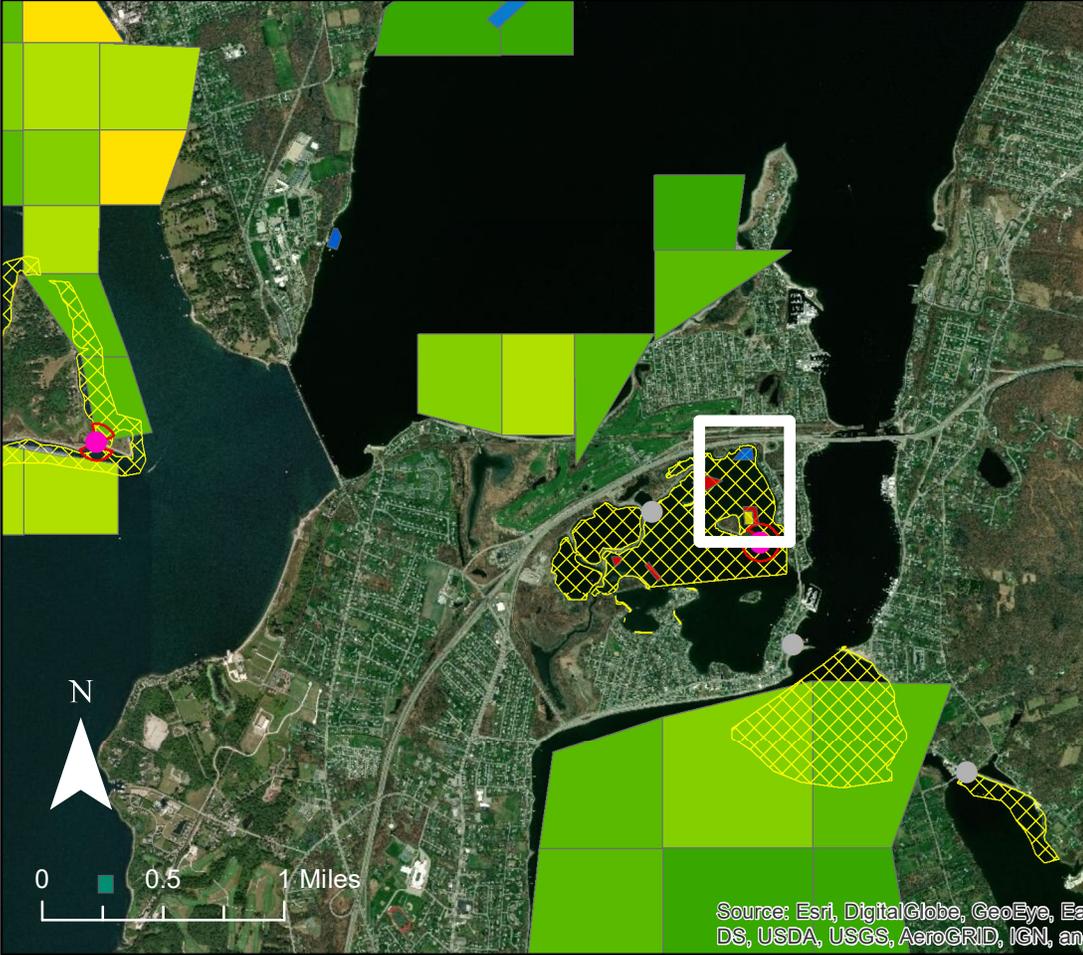
# Viera

## 2020-04-016

0 250 500 Feet

2020-04-016  
2.0 ac total

Coordinate System: NAD 1983 StatePlane Rhode Island FIPS 3800 Feet



### Aquaculture Sites

- Approved
- Expanded
- PD App
- PN App
- Withdrawn/Expired
- DMF\_Fixed\_Monitoring\_Sites
- DMF\_Sites\_400ft
- Boat\_Access

### SAV Weight

- 0.166667 - 0.333333
- 0.333334 - 0.500000
- 0.500001 - 0.666667
- 0.666668 - 0.833333
- 0.833334 - 1.000000
- Rec. Shellfishing (SMP)

### Quahog Abund/m^2

- 0.000000 - 0.386564
- 0.386565 - 0.742760
- 0.742761 - 1.255957
- 1.255958 - 1.826788
- 1.826789 - 2.461520
- 2.461521 - 3.179719
- 3.179720 - 4.582960
- 4.582961 - 6.309102
- 6.309103 - 9.490298
- 9.490299 - 17.698588



0 0.5 1 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, and



**RHODE ISLAND**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE**

3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

October 30, 2020

Benjamin Goetsch  
Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: Jordan Viera 2020-07-068

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DWF), has received and reviewed the application submitted by Jordan Viera for a 2.0 acre site in Long Neck Cove (Portsmouth) for cultivating eastern oysters (*Crassostrea virginica*) and potentially the Northern quahog (*Mercenaria mercenaria*). The site will use three growing methods, which include to hanging cages with bags for oyster seed, bottom cages, and direct bottom plant for larger oysters.

The DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. However, the DMF would like the applicant to be aware that this area is used for recreational shellfishing.

The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,



Jason McNamee,  
Deputy Director, RIDEM



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

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

### PUBLIC NOTICE

File Number: 2020-08-001 Date: September 22, 2020

This office has under consideration the application of:

Antonio & Joseph Pinheiro  
161 Beacon Avenue  
Jamestown, RI 02835

for a State of Rhode Island Assent for a 0.57 acre landward expansion of their existing shellfish farm, 2014-12-056, for the bottom planting, with no gear, of eastern oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*), and soft-shell clams (*Mya arenaria*).

Project Location:	West Passage
City/Town:	Jamestown
Waterway:	Dutch Island Harbor

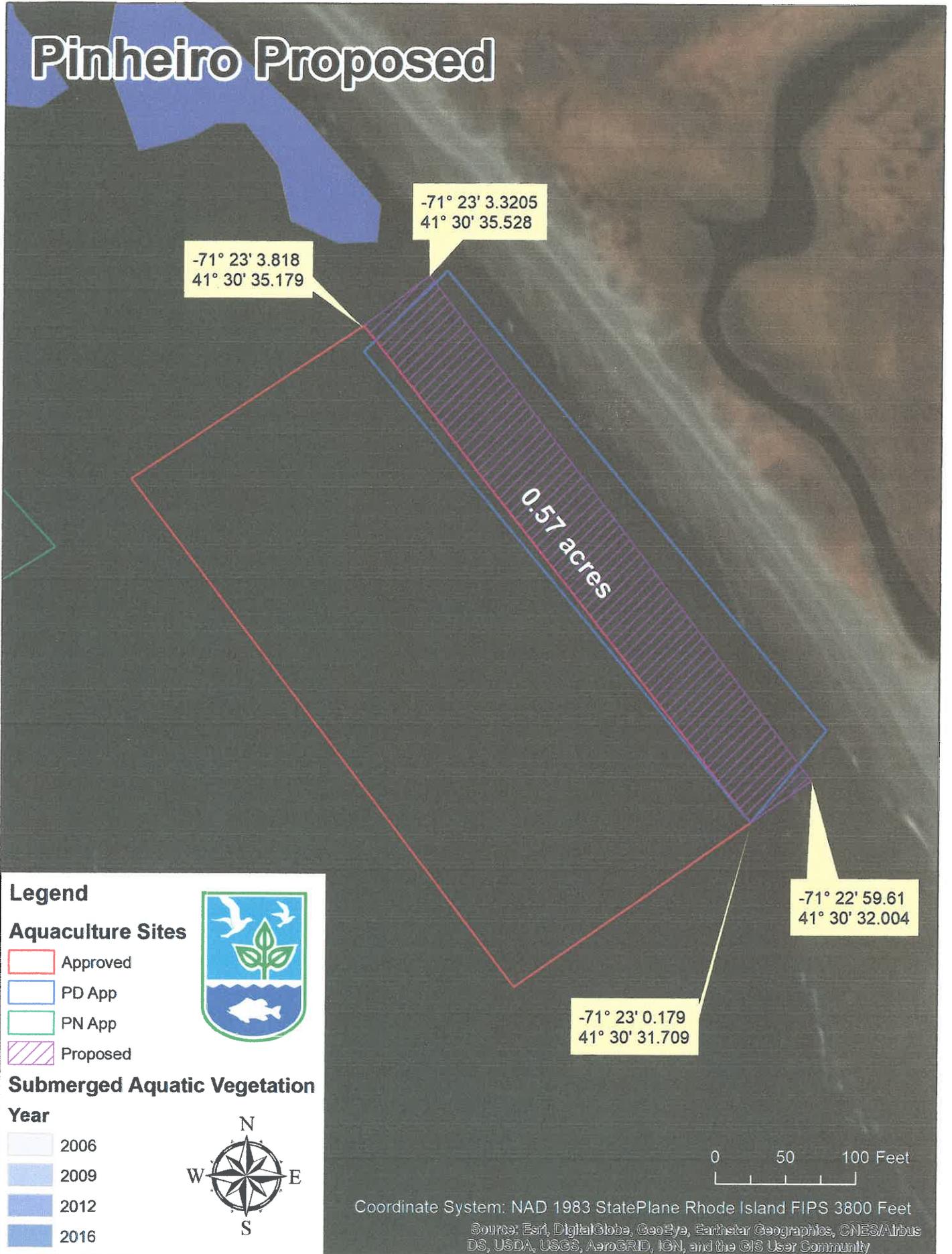
Plans of the proposed work may be seen at the CRMC office in Wakefield.

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 October 22, 2020.

# Pinheiro Proposed



-71° 23' 3.818  
41° 30' 35.179

-71° 23' 3.3205  
41° 30' 35.528

-71° 23' 0.179  
41° 30' 31.709

-71° 22' 59.61  
41° 30' 32.004

0.57 acres



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

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

## APPLICATION FOR STATE ASSENT

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

Project Location <u>West Passage</u> <u>Jamestown, RI</u> <small>No. Street City/Town</small>	File No. (CRMC USE ONLY) <u>2020-08-001</u>								
Owner's Name <u>Antonio &amp; Joseph Pinheiro</u>	Plat: Lot(s): <u>N/A</u>								
Mailing Address <u>161 Beacon Ave</u> City/Town <u>Jamestown</u> State <u>RI</u> Zip Code <u>02835</u>	Contact No.: <u>401 374 5301</u>								
Name of Waterway <u>West Passage, Narragansett Bay</u>	Estimated Project Cost (EPC):  Application Fee:								
<b>Longitude/latitude of all corners of Proposed Aquaculture Project Location (preferably in decimal degrees):</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><u>-71° 23' 3.32059</u></td> <td style="width: 50%;"><u>-71° 23' 0.179</u></td> </tr> <tr> <td><u>41° 30' 35.528</u></td> <td><u>41° 30' 31.709</u></td> </tr> <tr> <td><u>-71° 22' 59.61</u></td> <td><u>-71° 23' 3.818</u></td> </tr> <tr> <td><u>41° 30' 32.004</u></td> <td><u>41° 30' 35.179</u></td> </tr> </table>		<u>-71° 23' 3.32059</u>	<u>-71° 23' 0.179</u>	<u>41° 30' 35.528</u>	<u>41° 30' 31.709</u>	<u>-71° 22' 59.61</u>	<u>-71° 23' 3.818</u>	<u>41° 30' 32.004</u>	<u>41° 30' 35.179</u>
<u>-71° 23' 3.32059</u>	<u>-71° 23' 0.179</u>								
<u>41° 30' 35.528</u>	<u>41° 30' 31.709</u>								
<u>-71° 22' 59.61</u>	<u>-71° 23' 3.818</u>								
<u>41° 30' 32.004</u>	<u>41° 30' 35.179</u>								

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

Is this site within a designated historic district?  YES  NO

Is this application being submitted in response to a coastal violation?  YES  NO

If YES, you must indicate NOV or C&D Number: N/A

Name and Addresses of adjacent property owners whose property adjoins the project site. (Accurate addresses will insure proper notification. Improper addresses will result in an increase in review time.)

N/A

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

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. If the information provided to the CRMC for this review is inaccurate or did not reveal all necessary information or data, then the permit granted under this application may be found to be null and void. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicant's property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.08/04

Owner's Signature (sign and print)

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM



**STATEMENT OF DISCLOSURE AND APPLICANT AGREEMENT AS TO FEES**

The fees which must be submitted to the Coastal Resources Management Council are based upon representations made to the Coastal Resources Management Council by the applicant. If after submission of this fee the Coastal Resources Management Council determines that an error has been made either in the applicant's submission or in determining the fee to be paid, the applicant understands that additional fees may be assessed by the Coastal Resources Management Council. These fees must be paid prior to the issuance of any assent by the Coastal Resources Management Council.

The applicant understands the above conditions and agrees to comply with them.

Joseph Pinheiro / Antonio Pinheiro  
Signature

8/3/2020  
Date

Joseph Pinheiro / Antonio Pinheiro  
Print Name and Mailing Address  
161 Beaton Ave  
Jamestown, RI 02835



Antonio and Joseph Pinheiro

08/26/2020

161 Beacon avenue

Jamestown, RI 02835

Application for Aquaculture Assent

Location:

North Westerly Corner 41.509878 N, -71.384178 W

North Easterly Corner 41.508987 N, -71.383187 W

South Easterly Corner 41.508808 N, -71.383383 W

South Westerly Corner 41.509722 N, -71.384394 W

-We are applying for a roughly .57 acre expansion of our current Assent off the Jamestown Brook in Dutch Harbor. The area is known as 3W and classified as approved for shellfish harvesting by the RI Dem.

-Our current lease is at capacity. We attached a map of roughly where the gear is now. We have 10 trawls with roughly 17 floating cages or floating boxes. This year we have deployed 250 bottom planted bags of spat on shell oysters for the EQUIP Oyster restoration program. We also have quahogs and Oysters planted directly on the bottom throughout the whole lease.

-The species we wish to culture are Mercenaria Mercenaria, Mya Arenaria, Crassostrea Virginica. These are currently marketable species and needed in today's market. They will be sold for human consumption. All three species will be planted together over the entire site.

- All species will be bottom planted. The Mercenaria Mercenaria and Mya Arenaria will be spread on the bottom and will bury themselves into the substrate. The Crassostrea Virginica will be planted on top of the previously stated two species and will rest on the bottom during grow-out. We will not use any netting to protect them. Instead, we will control predators by checking the site as needed and removing manually or with traps through our Commercial Fishing license.

-We are commercial shellfish harvesters. We will not shellfish commercially and then visit the lease in the same day.

-We will bottom plant numerous species of bi-valve shellfish using no gear. Daily routine will consist of checking on the shellfish, bringing them aboard one of our vessels, cleaning and tumbling them as



needed. Depending on the size of shellfish bought, they can take anywhere from 18 months to 3 or more years to reach market size.

-We will acquire seed from New England based Hatcheries, such as Muscongus Bay Aquaculture and the like and purchased according to all current CRMC and Bio-Security rules and regulations and follow NSSP guidelines and be accompanied, when required by CRMC, with a pathology report. We will purchase the seed at a very small size, possibly as small as eyed larvae. The shellfish, depending on the size, may be grown in our Upweiler or in our existing gear on our other lease before being transferred to the proposed site. Shellfish from our current site and/or Upweller may be transferred to this lease as well. We will notify the CRMC at least 5 days in advance for any out of state Seed deliveries and will follow all Bio-Security protocols.

-If shellfish spat are bought in other than Approved waters, they will spend a minimum of 6 months on the lease before being sold for consumption. They will be planted in a specific area and records of such will be kept to insure they are not sold before applicable rules and regulations apply

-Each corner of the lease will be marked with a Spar Buoy with the Assent number

-Harvest will be done with rakes and follow RI Vibrio guidelines/ regulations for cooling and safe harvest. NSSP guidelines will be followed.

-We are licensed through the RI Department of Health (license number RI510ss) as Shellfish Shippers. Once the shellfish are harvested for intended consumption, they are shaded and cooled, and transferred in a timely manner to buyers. (please see attached document ..... for detailed harvest methods)

-There is minimal recreation and shellfish harvesting in the proposed area. The public is encouraged to utilize the area for recreation, except for shellfish harvesting. We expect that the shellfish we plant will help increase the population in abutting areas and therefore be a benefit to shellfish harvesting by the public.

-The proposed site will be utilized for Commercial sales. We also have worked with URI, CRMC, Seagrass and Others for research purposes, which we intend to continue if this site is approved.

-There is a recommendation by the CRMC not to expand landward from the southwest corner, however such recommendation references the Geologist's report contained in the Preliminary Determination report. The Geologist recommended not extending to the MLW mark. Our current proposal is 25'-30' from the MLW mark in a seaward direction. This is the area where the Jamestown Brook frequently empties directly on to. In today's market, Shellfish with a unique flavor is sought after. This area gives the shellfish a mild brine, and one of the most unique tasting shellfish we have experienced. There-fore, being as close to that outlet is our preferred method of growing and what we feel to be the most viable way to be successful. It should be noted that when our current lease was starting to come out of the water on a moon low tide, (also: not mean low as stated in the preliminary determination report) we were the ones to notify the CRMC and inquire the best route, to avoid potential conflict. We feel that a little faith between us and the CRMC would be the best course of action. We will do what we have done in the past and notify the CRMC and work with them to move to a non-intertidal area if the problem arises.



Antonio and Joseph Pinheiro

161 Beacon ave

Jamestown, RI 02835

**Responses to Section 300.1**

1. Demonstrate the need for the proposed activity or alteration

To supplement the need for seafood for human consumption. Our current site is being fully utilized using bottom gear, bottom planting and floating gear, and we have another 500,000 seed on order which will soon need a space to grow.

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.

N/A

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

This expansion should have minimal to no negative effect on the above stated areas. While we have noticed some shellfish wash ashore, we can utilize methods, such as using cages (bottom and floating) on our currently approved site to help reduce the fetch in the proposed area. We will plant the Oysters a little at a time to ensure they do not wash ashore. The two species of Clams we have listed will be buried in the substrate and will not be washed ashore.

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.

Shellfish were once abundant in the area. This application should have no negative impact on such. It should help to reduce erosion.

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

There is very little plant and animal life in the area. Shellfish will act as a cornerstone of a new bio-diverse marine community which should prove to be positive impact. There is no eel-grass on the proposed site. There historically has been some to the North-West, but that has seemed to disappeared over the past couple of years, according to our observations.



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 proposal is 25-30' from mean low water and should not interfere with access for the public. Traditional uses, other than shellfishing, are implied and encouraged. If the site proves to be intertidal, we will do what we have in the past, and contact CRMC, and either move, or eliminate the area in the intertidal zone. It should be noted that this is similar to many restoration sites/ efforts that are employed in shallow water throughout the State which are generally seem to be highly encouraged by the public and are not known to be intrusive at all to access.

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

There are significant tides in the area. The shellfish planted on bottom will have no negative impact.

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

Shellfish are filter feeders and will help clean the water

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

N/A

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.

Traditional uses, such as boating, swimming, fin-fishing and the like (except for shellfishing) are implied and encouraged. We have had no negative feedback from the users we have encountered while using the area, and it seems a lot of them are using the area for the sole purpose of viewing the Shellfish Farm for recreation. If approved, this site should act as a restoration site to surrounding areas for shellfish.

11. Demonstrate that measures have been taken to minimize any adverse scenic impact

The proposal is for bottom planting shellfish with no gear. There should be no negative visual impact.



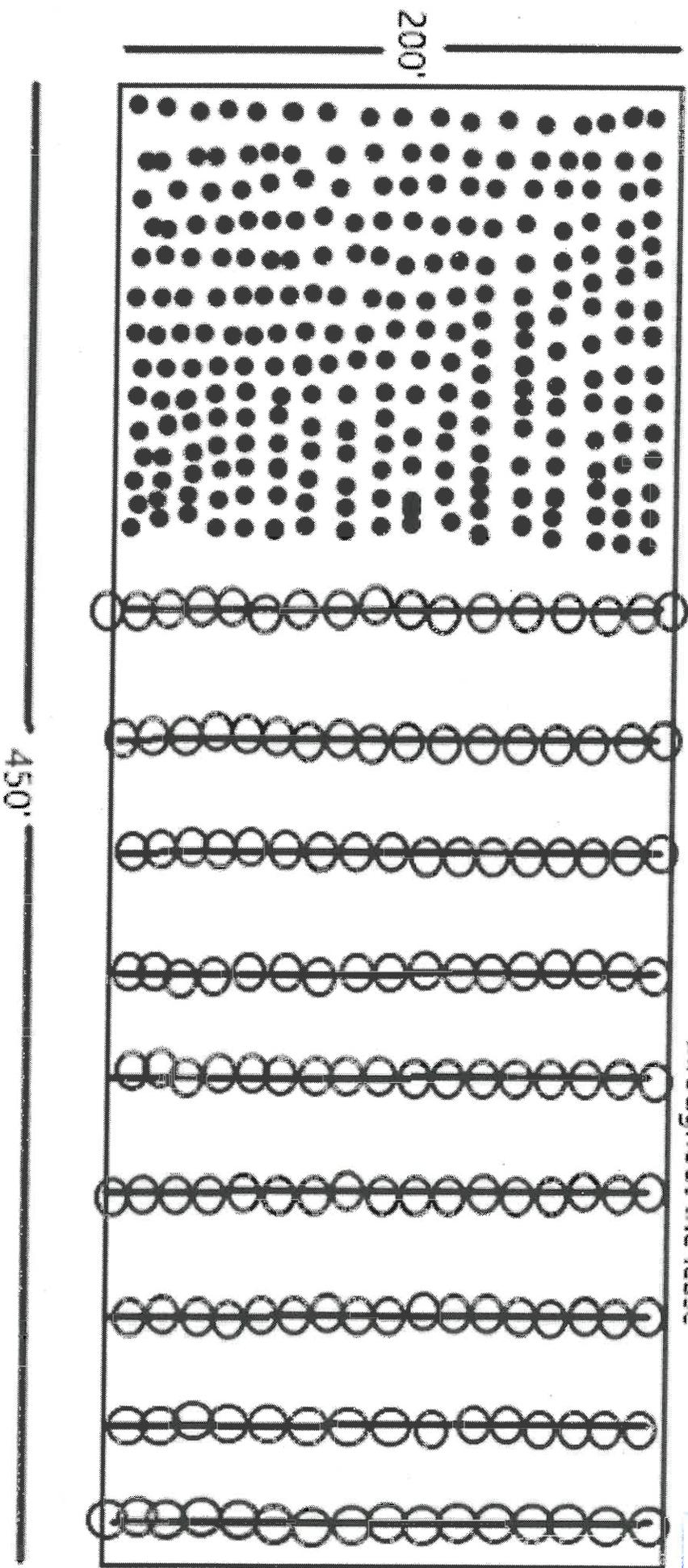


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 MANAGEMENT COUNCIL

# CURRENT LEASE GEAR LAYOUT

\*There is also bottom planted Oysters and Quahogs spread everywhere throughout the lease\*



Antonio and Joseph Pinheiro

161 Beacon ave

Jamestown, RI 02835

## KEY

- Floating Cages/ Boxes
- Equip Restoration Bottom Planted Bags

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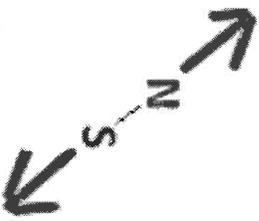
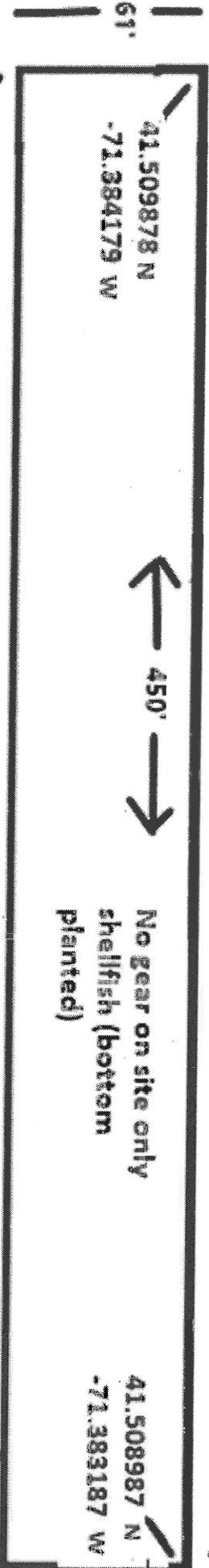
Antonio and Joseph Pinheiros  
161 Beacon Ave  
Jamestown, RI 02835

SITE PLANS

Inside Corner roughly  
2' at MLW

Shoreline at Mean Low Tide roughly 25-30' from lease

Inside Corner roughly  
7" depth at MLW



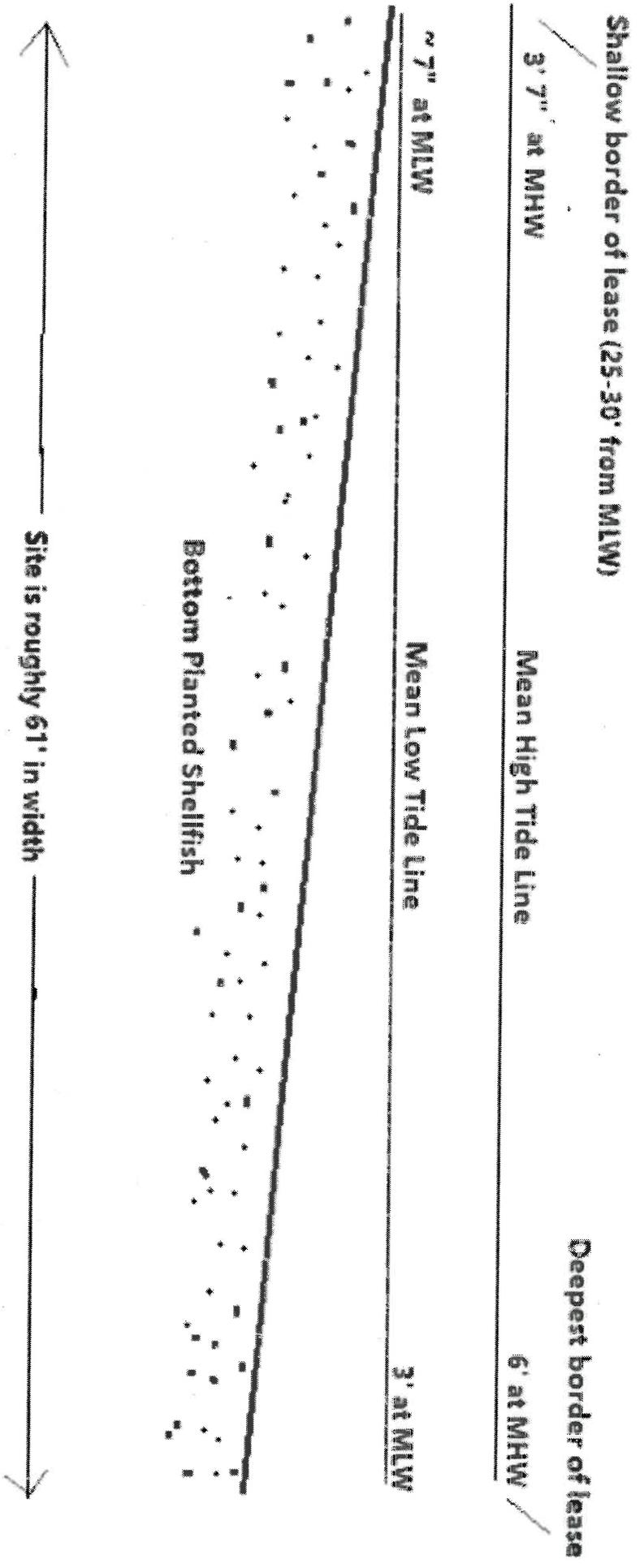
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MANAGEMENT COUNCIL

Date of Preparation 08/16/2020

Scale  
1" = 45.57'

Antonio and Joseph Pinheiro  
161 Beacon ave  
Jamestown, RI 02835

Cross Section Depths at Mean Low and Mean High Tide



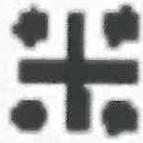
Scale  
1" = 6.1'

RECEIVED  
SEP 02 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

Antonio and Joseph Pinheiro

COORDINATES

Coastal  
Lobster  
Habitat  
Census



41.509878

-71.384179

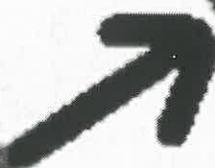
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8

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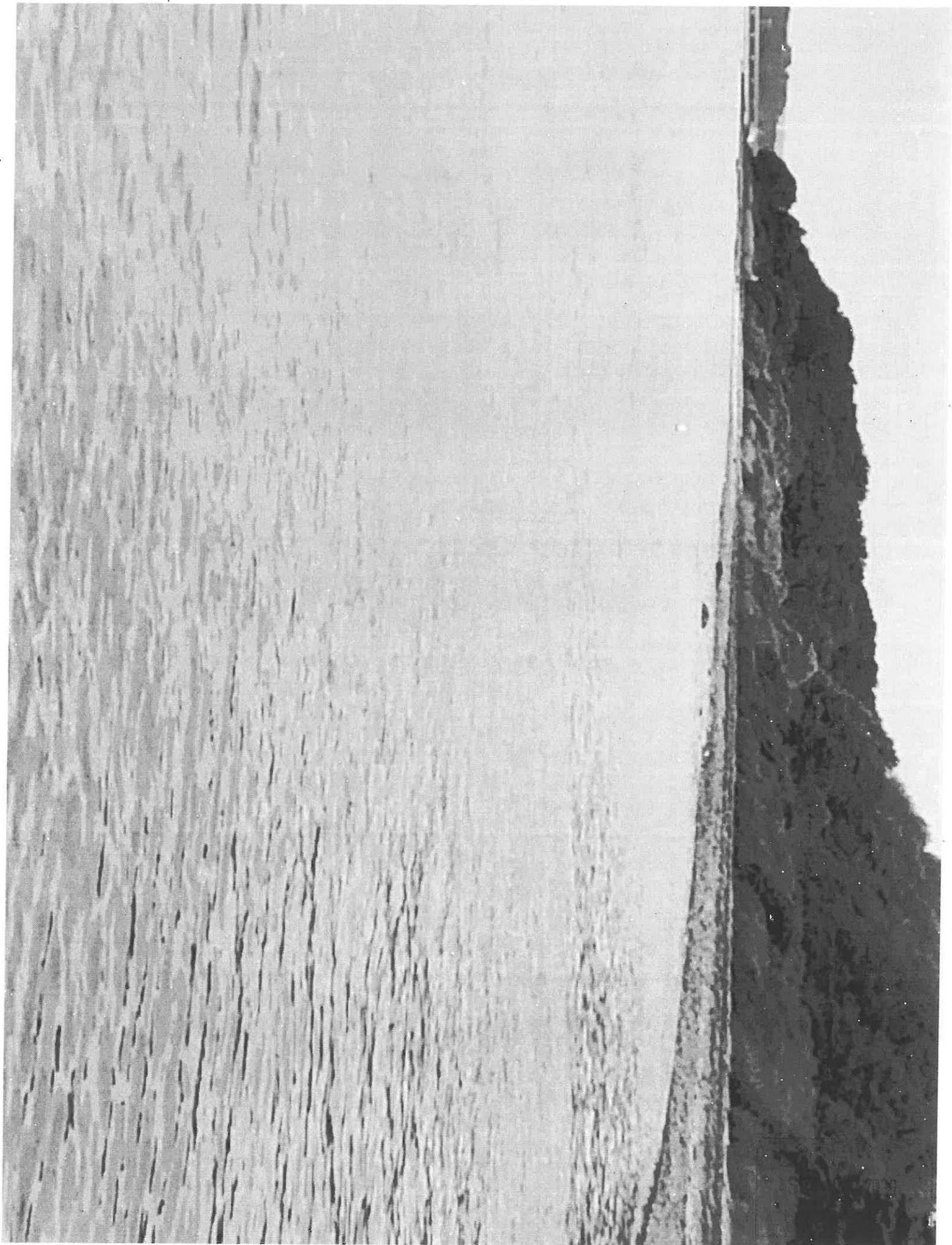
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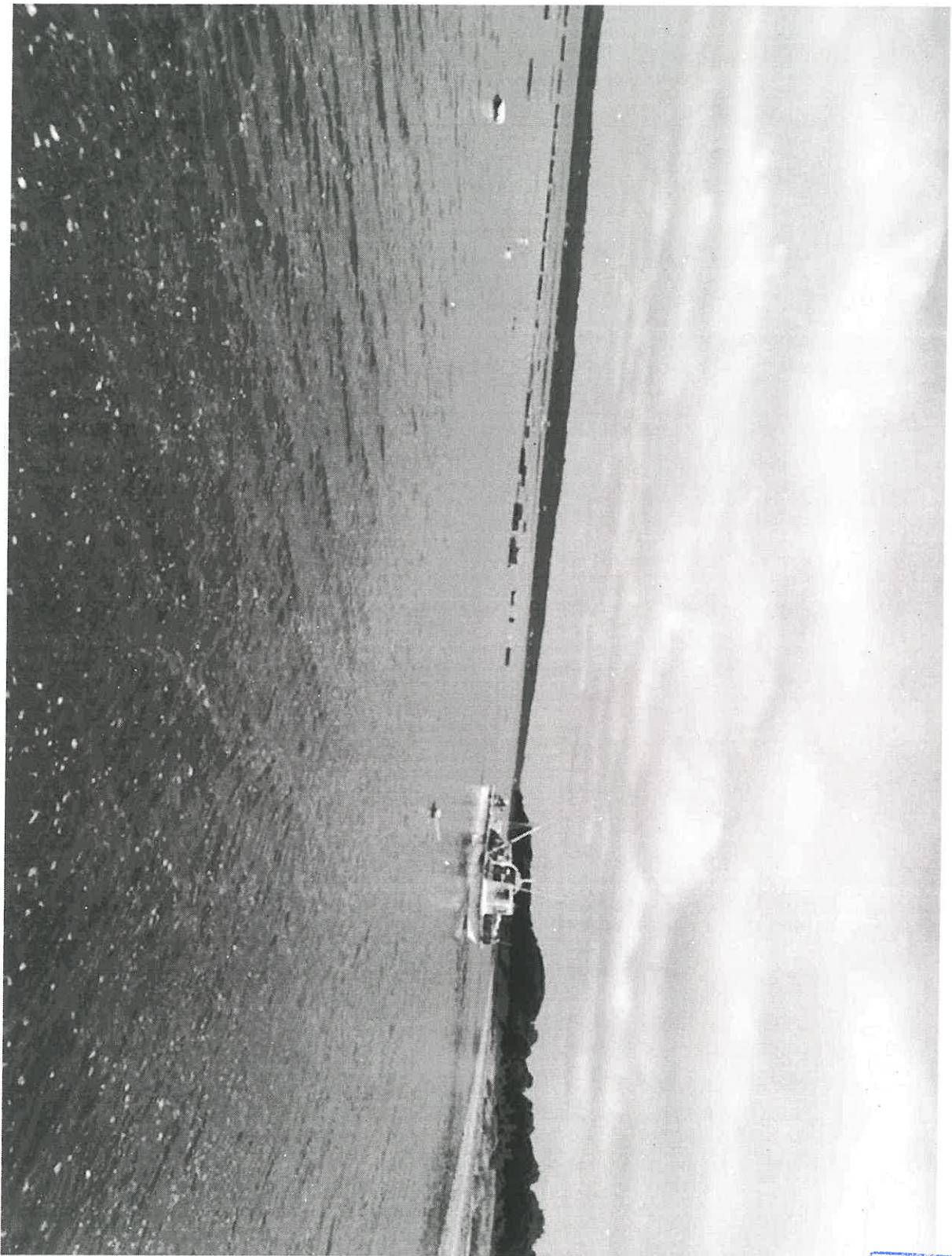
14



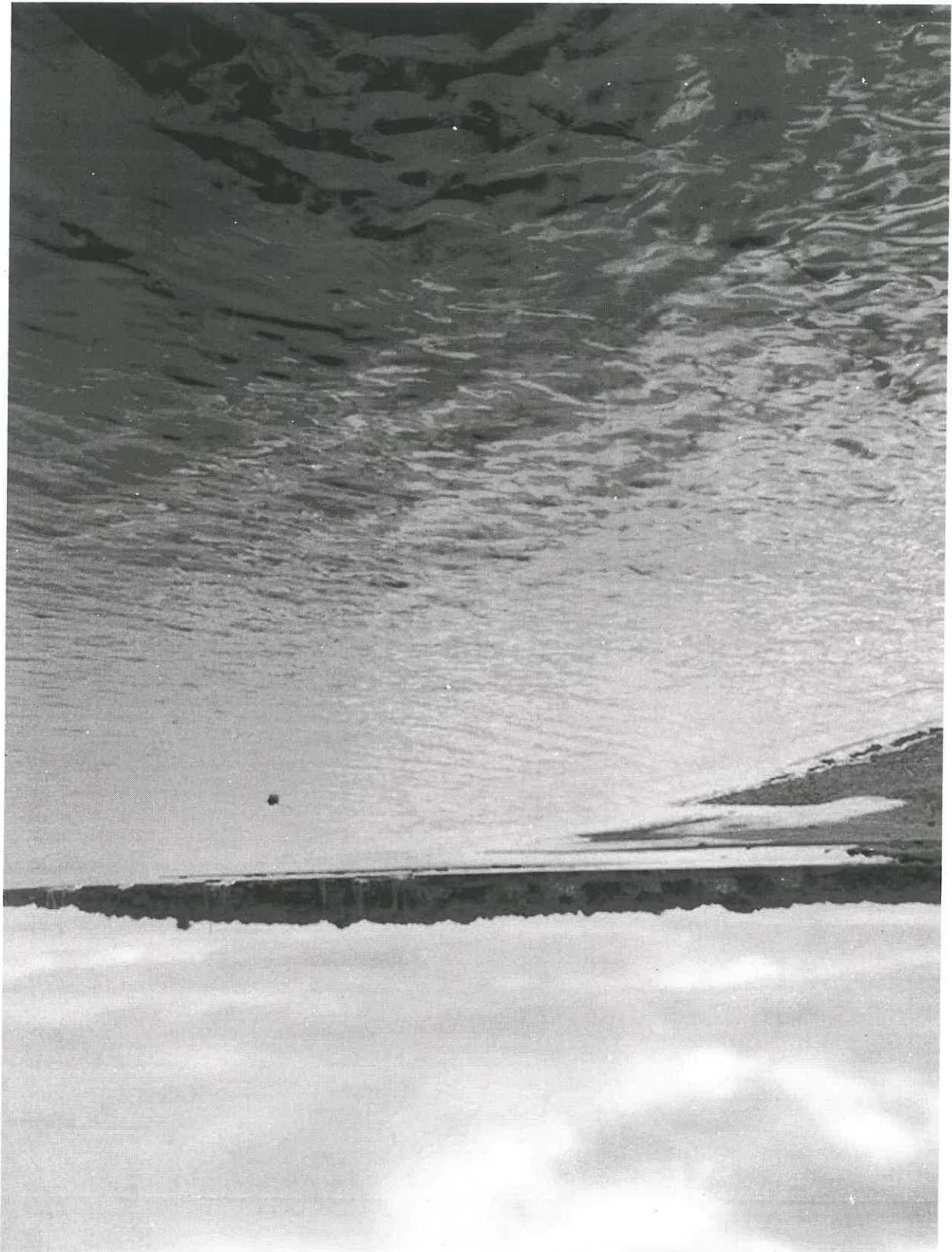
9

RECEIVED  
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COASTAL RESOURCES  
MANAGEMENT DIVISION





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SEP 02 2020  
COASTAL RESOURCES  
MANAGEMENT DIVISION



RECEIVED  
SEP 02 2020  
COASTAL RESOURCES  
MANAGEMENT COUNCIL

# HACCP Plan Form

Firm Name: Sunset Beach Aquaculture llc.

Firm Address: 161 Beacon avenue  
Jamestown, RI 02835

Product Description: OYSTER

Method of Storage and Distribution: To be stored and shipped under ice

Intended Use and Consumer: General Public



(1) Critical Control Point	(2) Significant Hazards	(3) Critical Limits for each Preventive Measure	Monitoring			(7) Who	(8) Corrective Actions	(9) Verification	(10) Records
			(4) What	(5) How	(6) Frequency				
Live shellfish cooler storage	Pathogen Growth	Product adequately iced  Shellstock cooled to internal temp of 50° or less within 10 hrs, prior to shipping	Product iced  Temp and cooling time	Visual check for ice  Clock and Thermometer	Each container when in operation  Each container	Owner	Check temp if not adequately iced, make sure product is less than or equal to 45°F. Add ice if necessary.  Hold and evaluate product IAW the procedures in 2015 NSSP MO Chapter X 01. (F)(3)  Dispose product	Review and signature of monitoring and corrective action records within one (1) week of preparation.  Thermometer Calibration (minimum 2x year)	Cooler temperature/ ice log  Corrective action record  Thermometer calibration record.

Signature of Company Official:

Date: 04/17/2017

-626-19-8112020



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

(401) 783-3370  
Fax (401) 783-3767

**Shellfish Survey for Pinheiro expansion, CRMC File# 2020-08-001**

Date completed: 10/18/20

Investigator: Ben Goetsch, Aquaculture Coordinator

Gear used: Ribb Recreational Rake, 9 tooth

Sampling method: 8 pulls per transect

Substrate: sand, sand and rocks

Tidal stage: low

Vegetation and other invertebrates observed: crepidula, spider crab, dead man's fingers

Observations: very low density of clams found in most areas with some high density pockets

Transect 1: 5 quahogs (including 1 <1"); 3 oysters

Transect 2: 8 quahogs; 1 oyster

Transect 3: 7 quahogs; 1 oyster

Transect 4: 6 quahogs (including 1 <1")

Transect 5: 6 quahogs (including 1 <1")

Results: 6.4 quahogs per square meter



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE**

3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

October 26, 2020

Benjamin Goetsch  
Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: Pinheiro 2020-08-001

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by Antonio and Joseph Pinheiro for a 0.57 acre site expansion of their existing lease (2014-12-056) in Dutch Harbor for cultivating eastern oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*), and soft-shell clams (*Mya arenaria*). The site will use direct bottom planting with no gear.

Given the use of bottom planting in the expanded area, the DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,

Jason McNamee,  
Deputy Director, Bureau of Natural Resources



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

(401) 783-3370  
Fax (401) 783-3767

Dear Shellfish Advisory Panel,

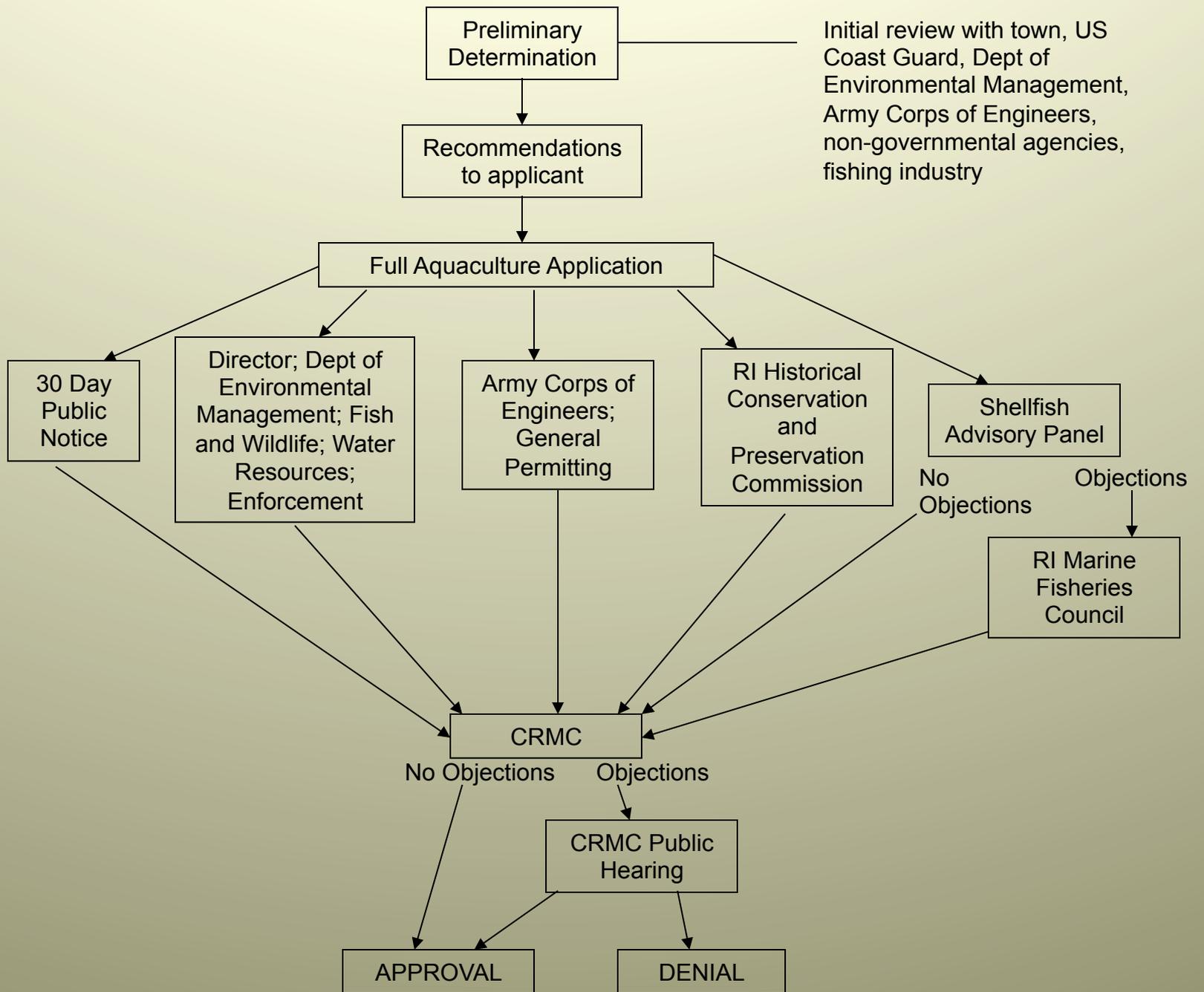
The CRMC's program for comprehensively managing aquaculture applications includes the important first step of the preliminary determination (PD) process, which is purposefully designed to give the stakeholders such as town officials, harbor committee, harbor master, planning department, etc., the RI Department of Environmental Management and the applicant a chance to review and discuss the proposal with CRMC staff. This PD meeting (lately held via Zoom) usually occurs in the town offices of the community with the proposed aquaculture site and may include representatives from the U.S. Army Corps of Engineers, National Marine Fisheries Service, environmental organizations, commercial and recreational fishing industry associations, and town residents.

At this CRMC meeting the proposed aquaculture lease will be discussed and the applicant will be expected to answer any questions that arise. After the meeting the CRMC Aquaculture Coordinator will prepare a report to the applicant detailing suggestions and/or recommendations that arise from the meeting. The applicant is not required to take these suggestions into account when preparing the full CRMC application. However, the applicant will be aware that these suggestions and/or recommendations will surface again during the full application review process and the choice of not heeding them will have to be defended. Once the applicant has received the PD report they can apply for an aquaculture lease from the CRMC.

While many SAP members are notified individually of PD meetings, CRMC would like to formally invite and welcome the SAP into the PD process. CRMC suggests that the SAP members deliver any questions, suggestions or comments to the SAP chair. The chair can then attend the PD meeting on behalf of the SAP and report back to the members on the meeting. If the chair cannot attend, she may designate another member to attend in her stead or alternatively written comments would be accepted as well. When the PD report is complete, the Aquaculture Coordinator will share a copy with the SAP chair.

Sincerely,

Benjamin Goetsch  
Aquaculture Coordinator



# Shellfish Advisory Panel

December 16, 2020; 4:00PM

Virtual public meeting

Zoom webinar

## MEETING SUMMARY

RIMFC members: K. Eagan (Chair)

DEM: A. Gerber-Williams, C. McManus, D. Erkan;

CRMC: B. Goetsch;

SAP members: J. Gardner, D. Ghigliotty, M. McGiveney, G. Schey, M Sousa, R. Tellier, E. Troiano, J. McDonald, K. Murgo;

Public: J. Viera, J. Pinheiro, A. Pinheiro;

### 1. Aquaculture application 2020-07-068 (Jordan Viera):

2020-07-068 (Viera), Long Neck Cove, Portsmouth: *B. Goetsch* provided a brief overview of the proposal, which consists of a 2-acre site for cultivating oysters (*Crassostrea virginica*) and hard shell clams (*Mercenaria mercenaria*) using direct bottom plant and bottom cages in Long Neck Cove, Portsmouth. Bottom planting would occur along the edges of the site where the substrate is slightly more firm. CRMC performed a site assessment on 9/24/2020 using tongs (12 tooth) and performing 4 brag samples per station (8 stations total). The Density of quahogs was found to be at 2 quahogs/m<sup>2</sup> with mostly soft mud and muddy sand with gravel around the perimeter. *M. McGiveney* asked whether there were any objections to the application and *B. Goetsch* stated that there were none. *J. Gardner* asked whether there were any water quality concerns due to the culvert located nearby? *B. Goetsch* said that he spoke with *C. Hannus* in the Office of Water Resources and that they said that there is a potential point source located at the culvert but that it has not been sampled during their shoreline surveys because it has been dry. However, their nearby sampling station has been within NSSP standards, thus they do not have any water quality concerns for this site location. *R. Tellier* asked what the depth is at this site and *B. Goetsch* replied that it is 2-3 feet deep. *M. McGiveney* asked *K. Eagan* whether there was any commercial fishing within the area and *K. Eagan* replied that there is none because the bottom is too mucky. Furthermore, *M. McGiveney* asked what the size of Long Neck Cove is and what amount of area is aquaculture. *B. Goetsch* stated that 235-acres of the cove is approved waters (114 is restricted) and that this proposed site would bring the total aquaculture acreage for five farms to a total of 9-acres out of 235-acres of approved waters. Additionally, *B. Goetsch* explained that this cove does not fall into the 5% rule like the salt ponds due to it being a man-made cove from prior gravel pit operations, which eventually flooded. *J. McDonald* voiced that he had no concerns regarding this application at the moment but is weary of aquaculture growth in the area with time.

- **Motion made by *M. McGiveney* to recommend to CRMC that the aquaculture activities proposed in the application is consistent with competing uses engaged in the exploitation of marine fisheries. The SAP has concerns about the number of aquaculture leases within Long Neck Cove and would caution against additional leases; 2<sup>nd</sup> by *J. McDonald*. The motion passed with a unanimous vote of 8-0.**

2. **Aquaculture application 2020-08-001 (Antonio and Joseph Pinheiro):**

2020-08-001, Pinheiro, Dutch Harbor, Jamestown: *B. Goetsch* provided a brief overview of the proposal, which consists of a 0.57 - acre site expansion for bottom planting of oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*) and soft shell clams. CRMC performed a site assessment on 10/18/2020 using a Ribb Recreational Rake (9 tooth) with 8 pulls per transect (5 transects total), which found 6.4 quahogs/m<sup>2</sup> and a sandy to sandy and rocky bottom. *B. Goetsch* noted this lease would remove access for recreational shellfishing. CRMC did not receive any objections to the application during the 30-day notice but afterwards received one from an abutting landowner stating that he uses that shoreline for recreational shellfishing and that there should be an established buffer for recreational activity. CRMC has reservations about the application due to the public access and use of this area. *A. Pinheiro* stated that you need to cross private land to access the site from the Jamestown Water Treatment facility. *B. Goetsch* confirmed that he found 32 quahogs during his site assessment (approximately a peck). Additionally, he doesn't think that their proposed site expansion is a commercially viable area shellfishing. *M. McGiveney* stated that they have never approved a lease with such a high quahog density, additionally, it being so close to shore is of concern. *G. Schey* if this lease expansion is approved with such a high density of quahogs, it will set a precedence to others to allow to expand into areas viable for recreational shellfishing. *A. Pinheiro* restated that this area is not viable for recreational or commercial shellfishing unless they are allowed to grow in this area. Additionally, he stated that due to their current farm the nearby area is being seeded by their farm. *G. Schey* said that this can not be an example for others to expand into an area with such densities. *J. Pinheiro* says that he has not found that many quahogs in this particular area. He stated that the site conditions are not suitable for recreational shellfishing and that there was only one objection from a recreational shellfisherman. *J. Gardner* was concerned with how close this expansion is to the shoreline. He also stated that the cobble in the area is great habitat for baby quahogs. *J. Pinheiro* responded that CRMC guidelines were 25 feet from shoreline. Also, he doesn't see how their site would exploit the fisheries. *G. Schey* restated that his only concern is the fact that this would set a precedence to other applicants. *D. Ghigliotti* stated that size is irrelevant but that the quahog concentration is very high for recreationalists, so 32 clams is a lot. *J. Gardner* asked the applicants whether they could move the acreage south or further out into deeper water? *A. Pinheiro* replied that moving the site would need gear, which people don't like and they would receive complaints. Moving to the south would be onto a sandbar, CRMC asked them to move 100 feet north into deeper water, which they did.

- **Motion made by *M. McGiveney* to recommend to CRMC that the aquaculture activities proposed in the application is not consistent with competing uses engaged in the exploitation of marine fisheries; 2<sup>nd</sup> by *G. Schey*. The motion passed with a vote of 7-0-1 (*J. Gardner* abstained).**

3. **Proposal to the SAP for additional involvement during the aquaculture application Preliminary Determination review process:**

*B. Goetsch* provided background information to the SAP about the history of SAP involvement during the aquaculture application review process. It was proposed to the SAP members that an earlier involvement during the aquaculture application review process during the Preliminary Determination (PD) stage would be beneficial to both the SAP and applicants. This would hopefully solicit knowledge and feedback from the panel members at an early stage in the application so that applicants can incorporate these comments into their full applications. The process would notify SAP members of a PD application and meeting so that they can provide written comments to either *B. Goetsch* or *K. Eagan*. This follows the procedures stated in the RIMFC policy document. *K. Murgo* stated that earlier involvement of the SAP members would be a very good idea and that SAP and RIMFC should be notified of the PD application. *M. McGiveney* suggested putting the PD notification on the Marine Fisheries Listserve to get the word out more. *G. Schey* agreed that it would be best for the applicants since they would receive earlier feedback or objections before the final application. *J. Gardner* stated that he believes that the current process works well between the town, harbor master, Save The Bay, town recreation department, Salt Pond Coalition along with others and that additional involvement would be helpful. *D. Ghigliotty* how do we get the word out to the recreational people? *B. Goetsch* it gets posted on the CRMC website but it is a challenge to get it out to the recreational community and right now we rely on the SAP. *D. Ghigliotty* we should find a way to improve this notification to the recreational community. *B. Goetsch* noted that SeaGrant may maintain a list of people interested in recreational shellfishing since they were responsible for the recreational fishing layer in the Ocean SMP. *J. McDonald* suggested the Harbor Commission is a good avenue for public notice. *E. Troiano* said that towns may have some sort of public notice system. *B. Goetsch* agreed that the town is a good way to provide public notice. He also is looking to add a public notice window to the CRMC website. *K. Eagan* asked whether the site assessment would be performed before the PD. *B. Goetsch* said that ideally the site assessment would be performed the PD meeting. It is determined by weather when the assessment can be performed, and he will try his best to have that information in advance since it does make for a more informative meeting. *J. Gardner* commented that DEM helped provide maps and this was helpful during his application process. *R. Tellier* suggested sending the PD notification to RISA. *M. McGiveney* stated that CRMC is in the process of working on the Narragansett Bay SMP, which would help aquaculturists know where areas of wild harvest may be located and help direct aquaculture siting.

4. **Any other matters:**

*M. McGiveney* introduced a discussion about the Lower Providence River opening for harvest. The commercial community would like to see an opening in early summer, around the third week of June. He stated that he would like to schedule a SAP as soon as possible to discuss the opening. *A. Gerber-Williams* stated that DEM DMF is working on determining a harvest schedule for the Lower Providence River and that once this is

finalized it will be presented to the SAP. DEM will notify the SAP about the status of this work as soon as possible.

*G. Schey* asked whether the Greenwich Bay harvest schedule could be modified to be open more in January? Katie may be able to write to the director for emergency ruling to open it due to the pandemic.

5. **Adjourn:**

*Prepared by: A. Gerber-Williams*



**RHODE ISLAND**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF MARINE FISHERIES/DIVISION OF FISH AND WILDLIFE**

3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

October 26, 2020

Benjamin Goetsch  
Aquaculture Coordinator  
Coastal Resources Management Council  
4808 Tower Hill Road  
Wakefield, RI 02879

Re: Pinheiro 2020-08-001

Dear Mr. Goetsch:

The Rhode Island Department of Environmental Management (Department), through the Division of Marine Fisheries (DMF) and the Division of Fish and Wildlife (DFW), has received and reviewed the application submitted by Antonio and Joseph Pinheiro for a 0.57 acre site expansion of their existing lease (2014-12-056) in Dutch Harbor for cultivating eastern oysters (*Crassostrea virginica*), quahogs (*Mercenaria mercenaria*), and soft-shell clams (*Mya arenaria*). The site will use direct bottom planting with no gear.

Given the use of bottom planting in the expanded area, the DMF believes that the adverse impacts to marine fisheries and their habitat from this prospective site would be minimal. As such, the DMF does not have objections to this application. The DMF and DFW's acceptance of the current proposal is specific to the location (provided by the coordinates) and specifications outlined in the application.

Sincerely,

Jason McNamee,  
Deputy Director, Bureau of Natural Resources

# **RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

## **Division of Marine Fisheries**

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### **Public Hearing**

February 8, 2021



# Virtual Meeting Participation



1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the **Raise Hand** feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

**Please minimize background noise while unmuted! –  
Thank you**

# Black Sea Bass 2021 Recreational Management



## **Option 1 – Status quo:**

Min. size	Season	Poss. limit
15"	1/1 – 6/23	Closed
	6/24 – 8/31	3 fish/day
	9/1 – 12/31	7 fish/day

# Scup

## 2021 Recreational Management



### **Option 1 – Status quo:**

Sector	Min. size	Season	Poss. limit
Gen. rec.	9”	1/1 – 12/31	30 fish/day
Party/ Charter	9”	1/1 – 8/31	30 fish/day
		9/1 – 10/31	50 fish/day
		11/1 – 12/31	30 fish/day
Special Shore	8”	1/1 – 12/31	30 fish/day

# Summer Flounder 2021 Recreational Management



## **Option 1 – Status quo:**

Sector	Min. size	Season	Poss. limit
Gen. Rec.	19"	5/3 – 12/31	6 fish/day
Special Shore	19" (2 fish may be 17")	5/3 – 12/31	6 fish/day

# Striped Bass 2021 Recreational Management



## **Option 1 – Status quo:**

Min. size	Max. size	Season	Poss. limit
28"	< 35"	1/1 – 12/31	1 fish/person/day

**NOTE: The current recreational striped bass circle hook requirement will be changing due to recent action by the ASMFC Striped Bass Management Board, timing TBD.**

# Striped Bass 2021 Commercial GC Management



## Option 1 – Status Quo:

Min. size	Season	Allocation	Poss. limit	Closed Days
34”	5/20 – 6/30	60%	5 fish/person/day	Fri., Sat. & Sun.
	7/1 – 12/31	40%	5 fish/person/day	Fri., Sat. & Sun.

## Option 2 – Industry proposal:

Min. size	Season	Allocation	Poss. limit	Closed Days
34”	5/20 – 6/30	60%	5 fish/person/day	Fri., Sat. & Sun.
	7/4 <u>15</u> – 12/31	40%	5 fish/person/day	<u>Thu.</u> , Fri., Sat. & Sun.

## Option 3 – Industry proposal:

Min. size	Season	Allocation	Poss. limit	Closed Days
34”	<del>5/20</del> <u>6/1</u> – 6/30	60%	5 fish/person/day	Fri., Sat. & Sun.
	7/4 <u>12</u> – 12/31	40%	5 fish/person/day	Fri., Sat. & Sun.

## Option 4 – Industry proposal:

Min. size	Season	Allocation	Poss. limit	Closed Days
34”	5/ <del>20</del> <u>24</u> – 6/30	60%	5 fish/person/day	Fri., Sat. & Sun.
	7/1 – 12/31	40%	5 fish/person/day	Fri., Sat. & Sun.

# Striped Bass 2021 Commercial Floating Fish Trap Management



## **Option 1 – Status quo:**

Min. size	Season	Poss. limit
26"	4/1 – 12/31	Unlimited; @ 70% trigger, reduces to 500 lbs/licensee/day

# Tautog 2021 Recreational Management



## Option 1 – Status quo:

Min. size	Season	Poss. limit*
16"	1/1 – 3/31	Closed
	4/1 – 5/31	3 fish/day
	6/1 – 7/31	Closed
	8/1 – 10/14	3 fish/day
	10/15 – 12/31	5 fish/day

\* 10 fish/vessel maximum

# Tautog 2021 Commercial Management



## Option 1 – Status quo:

Min. size	Season	Allocation	Poss. limit
16"	4/1 – 5/31	42.5%	10 fish/vsl/day
	6/1 – 7/31		Closed
	8/1 – 9/15	15%	10 fish/vsl/day
	9/16 – 10/14		Closed
	10/15 – 12/31	42.5%	10 fish/vsl/day

# Bluefish

## 2021 Recreational Management



### Option 1 – Status quo:

Mode	Min. size	Season	Poss. limit
Private/Shore	N/A	1/1 – 12/31	3 fish/day
For-hire			5 fish/day

# Bluefish

## 2021 Commercial Management



### Option 1 – Status quo:

Min. size	Season	Poss. limit
18”	1/1 – 4/30	1,000 lbs/vessel/bi-week
	5/1 – 11/15	6,000 lbs/vessel/week
	11/16 – 12/31	500 lbs/vessel/week

# Menhaden 2021 Commercial Management



The Division is not proposing changes to commercial Menhaden management for 2021.

# Sand Lance Proposed Management



- **Proposed Language:**

Possession limit: Two-hundred (200) pounds per vessel per day.

# Midwater Gear Prohibition



- **Division Proposal for consistency with Amendment 8 to the Atlantic herring FMP:**
- **Proposed Language (Part 6 – General Equipment Provisions, section 6.8.2(E)):**

**The use of midwater trawl gear is prohibited in the marine waters of Rhode Island.**

End of Slides!



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## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

## Public Hearing Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier: Part 3 - Finfish (250-RICR-90-00-3)

Type of Filing: Amendment

Timetable for action on the proposed rule:

- Date of public notice: January 22, 2021
- Date of hearing: February 8, 2021 (virtual)
- End of comment period: February 21, 2021

Testimony and Comments:

- 2021 Recreational Black Sea Bass Management (Part 3, section 3.7.1):
  - D. Smith: Opposed to status quo; support for an earlier opening in May.
  - R. Bellavance/RIPCBA: Support for status quo.
- 2021 Recreational Scup Management (Part 3, section 3.8.1):
  - R. Bellavance/RIPCBA: Support for status quo.
- 2021 Recreational Summer Flounder Management (Part 3, section 3.10.1):
  - D. Smith: Support to provide for one fish @ 17" for the party/charter boats. Support for a lower possession limit to accomplish. Massachusetts minimum size is 17".
- 2021 Recreational Striped Bass Management (Part 3, section 3.9.1):
  - R. Bellavance/RIPCBA: Support for status quo. Supports removal of the maximum size for 2022 as problematic for the P/C industry.
- 2021 Commercial Striped Bass General Category Management (Part 3, section 3.9.2(A)):

- J. Macari: Support for option 4 as noticed.
- J. Dodge: Support for option 4 as noticed.
- 2021 Commercial Striped Bass Floating Fish Trap Management (Part 3, section 3.9.2(B)):
  - No comments provided.
- 2021 Recreational Tautog Management (Part 3, section 3.11.1):
  - D. Smith: Support that only 1 fish > 22” be allowed, with all other fish between 16” and 22”.
  - R. Bellavance/RIPCBA: Support for status quo.
- 2021 Commercial Tautog Management (Part 3, section 3.11.2):
  - B. Morris: Written comment provided.
- 2021 Recreational Bluefish Management (Part 3, section 3.18.1):
  - No comments provided.
- 2021 Commercial Bluefish Management (Part 3, section 3.18.2):
  - No comments provided.
- 2021 Commercial Menhaden Management (Part 3, section 3.22):
  - No comments provided.
- Sand Lance Management (proposed new section 3.34):
  - No comments provided.

The hearing was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). Written comments submitted are filed individually and separately.



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF MARINE FISHERIES**  
Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

## **Public Hearing Comments**

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier: Part 6 – General Equipment Provisions (250-RICR-90-00-6)

Type of Filing: Amendment

Timetable for action on the proposed rule:

- Date of public notice: January 22, 2021
- Date of hearing: February 8, 2021 (virtual)
- End of comment period: February 21, 2021

Testimony and Comments: No comments or testimony were provided. The meeting was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). Written comments submitted are filed individually and separately.

**From:** [fastboom6kt@aol.com](mailto:fastboom6kt@aol.com)  
**To:** [Duhamel, Peter \(DEM\)](#)  
**Subject:** [EXTERNAL] : Tautog Management Proposal  
**Date:** Monday, February 1, 2021 11:48:03 AM

---

Peter,

Please send the Commercial / Recreational Tautog proposal that is written below to the proper person(s), in order to proceed as a topic on the agenda, which can be discuss at the next upcoming or earliest Rhode Island Marine Council meeting. I'm not sure if the 80% breakdown of recreational / commercial figures are correct. Please apply the proper percentage.

Thank You,

Robert Morris  
93 Kickemuit Ave  
Bristol, R.I. 02809

Tel: 401-253-4763 Home  
Tel: 401-297-5640  
E-mail: [fastboom6kt@aol.com](mailto:fastboom6kt@aol.com)

## Commercial / Recreational Tautog / Blackfish Proposal: February 1, 2021

In order to support future sustainability and availability of the Tautog species with fairness and equity for the commercial and recreational fisheries, the goals of this proposal are three-fold.

### Goals:

- I. To increase the overall egg production of the tautog species.
- II. To expand the tautog availability and choice within the consumer market.
- III. To increase the annual allocation of tautog for both the recreational and commercial fisheries.

### Items of proposal:

- 1) A tautog slot limit is proposed for the lengths between fourteen to eighteen inches (14-18) for the commercial harvest.

2) A commercial bag limit of twenty (20) tautog per day.

3) A 'fifty fifty' (50-50) commercial/recreational allocation is proposed.

Advantages and Considerations:

A- The marketability of the tautog stock will be increased due to its long term integrity; also benefiting the non-fishing seafood resident's the right of access to the fish.

B- Studies done by research teams, including those of Oceana and Wood's Hole Oceanographic Institute, have advocated "big fish release" in the interest of increased egg productions (ie. Stripe Bass, Codfish, Southern Grouper programs).

C- The current stock of tautog will be able to produce benefits for a longer harvest season, while protecting the larger spawning fish population.

D- Presently, 80% of the tautog quota is harvested by the recreational sector. It is imperative that the regulations remain fair and equitable as applied to all in order to rebuild the tautog fish stock.

Signatures of Supporters:

**From:** [Nancy Christensen](#)  
**To:** [Duhamel, Peter \(DEM\)](#)  
**Subject:** [EXTERNAL] : Comment on commercial striped bass proposed amendments  
**Date:** Sunday, February 14, 2021 5:38:58 PM

---

Hi Peter,

I want to voice my strong support for maintaining the status quo on the proposed amendments for the commercial striped bass fishery. I especially object to the proposed closure for the first 12-14 days in July, when demand is highest around the holiday.

Thank you,

Bo Christensen

Sent from my iPad

**From:** [Gerry Schey](#)  
**To:** [Duhamel, Peter \(DEM\)](#)  
**Subject:** [EXTERNAL] : Striped bass  
**Date:** Sunday, February 14, 2021 6:18:27 PM

---

Peter  
I would like the striped bass to stay status quo  
Thanks  
Gerry Schey

Sent from my iPhone

Kenneth T Murgo  
Trident Fisheries LLC.  
RI MP License #001365  
Kenneth.Murgo@gmail.com  
(401) 368-4397

February 9, 2021

Subject: Written Comments on Commercial Tautog Regulations for 2021

Dear RIMFC,

As an active participant in the Tautog fishery I support status quo for 2021 Commercial Tautog Management.

Thank you,  
Ken Murgo

**From:** [micheal mcelroy](#)  
**To:** [Duhamel, Peter \(DEM\)](#)  
**Subject:** [EXTERNAL] : commercial striped bass  
**Date:** Monday, February 15, 2021 9:46:42 PM

---

Peter

just my input for the commercial SB season 2021

Mike McElroy M/P 0082

I go with status quo start 5/15/2021 / 4 days a week M-T end date will take care of itself

Thankyou

**From:** [Richard Miner](#)  
**To:** [Duhamel, Peter \(DEM\)](#)  
**Subject:** [EXTERNAL] : Striped Bass Season  
**Date:** Sunday, February 14, 2021 7:53:47 PM

---

Hi Peter, Rick Miner here. I would like to propose a status quo for the commercial bass season. MP 130 lic #.  
Thanks . Best Regards Rick

Sent from my iPhone

**From:** [fixadental](#)  
**To:** [Duhamel, Peter \(DEM\)](#)  
**Subject:** [EXTERNAL] : Striped Bass season  
**Date:** Tuesday, February 16, 2021 3:50:00 PM

---

Hello Peter, I am a new guy on the water as I was able to keep my Dads legacy going last year after he passed away suddenly July 1 2019. The reason I'm writing is to make a request to maintain the status quo regarding the 2021 Striped Bass season. I appreciate any and all consideration you give this matter! Thanks very much.

Robert N. Sevigny Jr.  
Sent from my Sprint Samsung Galaxy S10.

## Proposed amendments

Note: Proposed new language is identified as track changes red underline; proposed language to be deleted is identified as ~~track changes red stricken~~.

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

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

#### **CHAPTER 90 – MARINE FISHERIES**

##### **SUBCHAPTER 00 – N/A**

##### **PART 3 – Finfish**

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### **3.1 Purpose**

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

### **3.2 Authority**

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

### **3.3 Application**

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

### **3.4 Definitions**

See Definitions and General Provisions, Part [1](#) of this Subchapter.

### **3.5 Severability**

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

### **3.6 Superseded Rules and Regulations**

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

### **3.7 Black Sea Bass**

#### **[2021 Recreational Black Sea Bass Management \(section 3.7.1\)](#)**

#### **Status Quo:**

##### **3.7.1 Recreational**

- A. Minimum size: Fifteen inches (15"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.
- B. Seasons and possession limits:
  - 1. January 1 through June 23: Closed.
  - 2. June 24 through August 31: Three (3) fish per person per calendar day.
  - 3. September 1 through December 31: Seven (7) fish per person per calendar day.

### **3.7.2 Commercial**

- A. Minimum size: Eleven inches (11").
- B. Seasons, allocations, and possession limits:
  - 1. January 1 through April 30:
    - a. Allocation: Twenty-five percent (25%) of the quota.
    - b. Possession limit: Seven hundred fifty (750) pounds per vessel per week.
  - 2. May 1 through June 30:
    - a. Allocation: Twenty-five percent (25%) of the quota.
    - b. Possession limit: One hundred (100) pounds per vessel per calendar day.
  - 3. July 1 through August 15:
    - a. Allocation: Twenty percent (20%) of the quota.
    - b. Possession limit: One hundred (100) pounds per vessel per calendar day.
  - 4. August 16 through September 14:
    - a. Allocation: Ten percent (10%) of the quota.
    - b. Possession limit: Fifty (50) pounds per vessel per calendar day.
  - 5. September 15 through October 31:
    - a. Allocation: Ten percent (10%) of the quota.

- b. Possession limit: Fifty (50) pounds per vessel per calendar day.
  - 6. November 1 through December 31:
    - a. Allocation: Ten percent (10%) of the quota.
    - b. Possession limit: Fifty (50) pounds per vessel per calendar day.
- C. Minimum mesh size – otter trawl:
  - 1. Owners or operators of otter trawl vessels possessing greater than five hundred (500) pounds of black sea bass from January 1 through March 31; or greater than one hundred (100) pounds of black sea bass from April 1 through December 31, may only use nets that have a minimum mesh size of four and one half inches (4-1/2") diamond mesh (inside measure) applied throughout the codend for at least seventy-five (75) continuous meshes forward of the terminus of the net; or, for trawl nets with codends (including an extension) less than seventy-five (75) meshes, the trawl net must have a minimum mesh size of four and one half inches (4-1/2") diamond mesh throughout.
  - 2. Vessels possessing trawl devices while harvesting black sea bass in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and is not available for immediate use.
- D. Black sea bass pot construction
  - 1. All black sea bass pots must be constructed with two (2) escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of two and one half inches (2-1/2") diameter if circular, one and three eighths inches (1-3/8") by five and three quarters inches (5-3/4") if rectangular, two inches (2") by two inches (2") if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
  - 2. The hinges or fasteners of one (1) panel or door must be made of one (1) of the following degradable materials:
    - a. Un-treated hemp, jute, or cotton string three sixteenths of an inch (3/16") or smaller;
    - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
    - c. Un-galvanized or uncoated iron wire of three thirty seconds of an inch (3/32") or smaller; or

- d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

## **3.8 Scup**

### **2021 Recreational Scup Management (section 3.8.1)**

#### **Status Quo:**

##### **3.8.1 Recreational**

- A. Minimum size: Nine inches (9")
- B. Season: January 1 through December 31
- C. Possession limit: Thirty (30) fish per person per calendar day
- D. Special shore angling sites:
  - 1. Locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge), Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport
  - 2. Minimum size: Eight inches (8")
  - 3. Season: January 1 through December 31
  - 4. Possession limit: Thirty (30) fish per person per calendar day
- E. Licensed Party and Charter vessels seasons and possession limit:
  - 1. January 1 through August 31: Thirty (30) fish per person per calendar day
  - 2. September 1 through October 31: Fifty (50) fish per person per calendar day
  - 3. November 1 through December 31: Thirty (30) fish per person per calendar day

##### **3.8.2 Commercial**

- A. Minimum size: Nine inches (9")
- B. Seasons, quotas and possession limit:
  - 1. January 1 through April 30 (Federal Winter I) possession limit: Fifty thousand (50,000) pounds per vessel per calendar day, decreasing to one thousand (1,000) pounds per vessel per calendar day once eighty percent

(80%) of the Federal Winter I coastwide scup quota has been harvested as determined by NOAA Fisheries

2. May 1 through September 30: The State quota for this sub-period will be divided as follows:
  - a. General Category (gear types other than floating fish traps): Forty percent (40%)
    - (1) Possession limit: Ten thousand (10,000) pounds per vessel per calendar week
  - b. Floating fish trap: Sixty percent (60%)
    - (1) During years in which the Federal Winter I coastwide scup quota is exhausted prior to April 15, the floating fish trap quota will be available on April 15. During years in which the Federal Winter I coastwide scup quota is not exhausted prior to April 15, the floating fish trap quota will be available on May 1.
    - (2) If the DEM estimates that the floating fish trap sector will not fully utilize its scup allocation prior to the end of the Summer-Fall sub-period, beginning on June 15, the DEM may transfer the floating fish trap sector allocation to the general category sector. DEM will consult with the floating fish trap operators or their designee prior to enacting any allocation transfer, and will maintain written correspondence in the form of a letter on file as proof of said consultation.
    - (3) If the DEM estimates that the floating fish trap sector has a reasonable likelihood of utilizing its quota prior to the end of the sub-period, a portion of any unused allocation that was transferred to the general category sector may be transferred back to the floating fish trap sector. Any quota that was transferred from the general category sector 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 sector.
    - (4) Reporting: Floating fish trap operators shall report landings of scup to Standard Atlantic Fisheries Information System (SAFIS) every Monday, Wednesday, and Friday, of every week that the trap is in operation. If there is non-compliance with this reporting requirement, the floating fish trap operators will be notified and will default to the following program:

- (AA) April 15 through September 30: During those years in which the Federal Winter I coastwide scup quota is exhausted prior to April 15, the floating fish trap quota will be available on April 15. The possession limit will be twenty-five thousand (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 five thousand (5,000) pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.
    - (BB) May 1 through September 30: During those years in which the Federal Winter I coastwide scup quota is not exhausted prior to April 15, the floating fish trap quota will be available on May 1. The possession limit will be twenty-five thousand (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 five thousand (5,000) pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.
    - (CC) Floating fish trap operator: For purposes of this section, a fish trap operator shall refer to a resident person or resident corporation currently issued a permit pursuant to R.I. Gen. Laws § 20-5-2. The maximum possession limit per floating fish trap licensee shall be the amount set forth above regardless of the number of authorized trap locations, the number of vessels or the number of licensed fishermen who may be working for or may enter into contract with the floating fish trap operator. While engaged in the operation of a fish trap, any licensed fisherman that may be working for or may enter into contract with the floating fish trap operator waives any individual right to possess scup pursuant to a possession limit set out in these Regulations.
  - 3. October 1 – December 31 (Federal Winter II): Two thousand (2,000) pounds per vessel per calendar day, decreasing to five hundred (500) pounds per vessel per calendar day once seventy percent (70%) of the Federal Winter II coastwide scup quota has been harvested as determined by NOAA Fisheries
- C. Minimum mesh size – otter trawl:

1. Owners or operators of otter trawl vessels possessing greater than one thousand (1,000) pounds of scup from October 1 through April 14; or greater than two thousand (2,000) pounds of scup from April 15 through June 15; or greater than two hundred (200) pounds of scup from June 16 through September 30, may only fish with nets that have a minimum mesh size of five inches (5") diamond (inside measure) or square mesh with a minimum length of seventy-five (75) meshes from the terminus of the net. For nets with less than seventy-five (75) mesh cod ends, the entire net will be five inches (5") minimum size diamond or square mesh.
2. Vessels possessing trawl devices while harvesting scup in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and is not available for immediate use.

D. Scup pots:

1. Pot limits: Each person utilizing pots in the scup fishery shall be authorized to deploy up to one hundred fifty (150) 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 three and one tenth inches (3-1/10") diameter, two and one quarter inches (2-1/4") by five and three quarter inches (5-3/4") if rectangular or may be constructed of two and one quarter inches (2-1/4") by two and one quarter inches (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 (1) panel or door must be made of one (1) of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string three sixteenths of an inch (3/16") or smaller;
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
  - c. Un-galvanized or uncoated iron wire of three thirty seconds of an inch (3/32") or smaller; or
  - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

### 3.9 Striped Bass

[2021 Recreational Striped Bass Management \(section 3.9.1\)](#)

## Status Quo:

### **3.9.1 Recreational**

- A. Minimum size: Twenty-eight inches (28").
- B. Maximum size: Less than thirty-five inches (35").
- C. Season: January 1 through December 31.
- D. Possession limit: One (1) fish per person per day.
- E. Any person recreationally harvesting a striped bass thirty-four inches (34") or larger shall at the time of harvest have the right pectoral fin removed at a point as close to the body of the fish as possible.
- F. The use of circle hooks is required by any vessel or person while fishing recreationally with bait for striped bass.

### **3.9.2 Commercial**

#### **2021 Commercial Striped Bass General Category Management (section 3.9.2(A))**

## Status Quo:

- A. General Category:
  - 1. Minimum size: Thirty-four inches (34") or greater.
  - 2. Allocation: Sixty-one percent (61%) of the annual Rhode Island commercial quota.
  - 3. Seasons and possession limits:
    - a. January 1 through May 19: Closed.
    - b. May 20 through June 30:
      - (1) Allocation: Sixty percent (60%) of the general category quota.
      - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
      - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.

- c. July 1 through December 31:
    - (1) Allocation: Forty percent (40%) of the general category quota.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
- 

### Industry Proposal #1:

#### A. General Category:

- 1. Minimum size: Thirty-four inches (34") or greater.
- 2. Allocation: Sixty-one percent (61%) of the annual Rhode Island commercial quota.
- 3. Seasons and possession limits:
  - a. January 1 through May 19: Closed.
  - b. May 20 through June 30:
    - (1) Allocation: Sixty percent (60%) of the general category quota.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.

c. July 1 through July 14: Closed.

ed. July ~~15~~ through December 31:

- (1) Allocation: Forty percent (40%) of the general category quota.

- (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
  - (3) The fishery will be closed in each calendar week on Thursday, Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
- 

### Industry Proposal #2:

#### A. General Category:

1. Minimum size: Thirty-four inches (34") or greater.
2. Allocation: Sixty-one percent (61%) of the annual Rhode Island commercial quota.
3. Seasons and possession limits:
  - a. January 1 through May ~~19~~31: Closed.
  - b. ~~May 20~~June 1 through June 30:
    - (1) Allocation: Sixty percent (60%) of the general category quota.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
  - c. July 1 through July 11: Closed.
  - ed. July ~~4~~12 through December 31:
    - (1) Allocation: Forty percent (40%) of the general category quota.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.

- (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
- 

### Industry Proposal #3:

#### A. General Category:

1. Minimum size: Thirty-four inches (34") or greater.
2. Allocation: Sixty-one percent (61%) of the annual Rhode Island commercial quota.
3. Seasons and possession limits:
  - a. January 1 through May ~~1923~~: Closed.
  - b. May ~~2024~~ through June 30:
    - (1) Allocation: Sixty percent (60%) of the general category quota.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
  - c. July 1 through December 31:
    - (1) Allocation: Forty percent (40%) of the general category quota.
    - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.
    - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.

4. If DEM estimates that the floating fish trap sector will not fully utilize its striped bass allocation prior to the end of the season, the DEM may transfer all or a portion of the floating fish trap sector allocation into the general category fishery. DEM will consult with the floating fish trap licensees or their designee prior to enacting any such transfer, and will maintain written correspondence of this consultation.
5. Floating fish trap allocation that has been transferred to the general category fishery in accordance with § 3.9.2(A)(4) of this Part may be transferred back to the floating fish trap fishery. Any allocation transferred back to the floating fish trap fishery shall not exceed the amount of the original transfer.

### **2021 Commercial Striped Bass Floating Fish Trap Management (section 3.9.2(B))**

#### **Status Quo:**

##### **B. Floating Fish Traps:**

1. Floating fish trap operators must be permitted pursuant to the General Equipment Provisions, Part [6](#) of this Subchapter.
2. Allocation: During a single calendar year, the floating fish trap quota shall not be more than thirty-nine percent (39%) of the annual Rhode Island commercial quota.
3. Minimum size: Twenty-six inches (26").
4. Season: April 1 through December 31.
5. Possession limit: Unlimited. Once seventy percent (70%) of the seasonal allocation is projected to be harvested, the possession limit shall be five hundred (500) pounds per floating fish trap licensee per calendar day.
6. Reporting: All floating fish trap operators shall keep daily records of striped bass landings and report landings to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation.
7. If the floating fish trap operators are found to be out of compliance with the reporting requirements, the operators will be notified, and default to following program:
  - a. April 1 through December 31: One hundred percent (100%) of the floating fish trap quota shall be available during this sub-period. Once seventy percent (70%) of the seasonal allocation is projected to be harvested, the possession limit shall be five hundred (500) pounds per floating fish trap licensee per calendar day.

C. Gillnet Prohibition for Striped Bass: No person shall take or possess any striped bass while gillnetting, or while hauling a gillnet.

D. Hybrid or Cultured Striped Bass:

1. Aquaculture-reared striped bass or hybrid striped bass brought into Rhode Island for sale or resale, which is wholly or partially processed, except for cultured striped bass or hybrid striped bass from a fish farm or processor which are a fully processed and packaged product whether fresh or frozen, shall have affixed to it a tag identifying it as an aquaculture product.

2. Packages, containers, and each fish or fish product containing aquaculture products shall be tagged or labeled with a uniform series of fourteen (14) digit numbers and letters as shown in the example below:

MD	= State of origin
123	= Permit number (producing state issued permit number)
0889	= Month and year of shipment
A1234	= Species ID and number of product

3. Each fish or fish product shall have affixed to it a tag bearing the same information listed in § 3.9.2(D)(2) of this Part.

4. The sale of this product shall be accompanied by a receipt showing:

- a. The date of sale;
- b. Name, address, and permit number of the aquaculture facility;
- c. Numbers and species of striped bass sold;
- d. Name of purchaser.

5. Fish shipped in the round and filleted by the seller, shall have the tag removed and wrapped in with the fillets when sold.

6. The consignee of each subsequent sale shall retain a copy of the bill of lading or similar accountable document for one (1) year, and make it available to the Department upon request.

E. Commercial Striped Bass Tags: Each individual striped bass shall be immediately marked with tags available from DEM. No striped bass may be sold unless it has been properly identified with such tag. DEM may designate tagging

agents as appropriate. All designated tagging agents shall keep and maintain the required forms and reports specified by DEM. All tag reports and unused tags must be returned to DEM by January 1 of the following year. Failure to return reports and unused tags may result in the tagging agent becoming ineligible to receive striped bass tags in the future.

### **3.10 Summer Flounder**

#### **2021 Recreational Summer Flounder Management (section 3.10.1)**

##### **Status Quo:**

##### **3.10.1 Recreational**

- A. Minimum size: Nineteen inches (19")
- B. Season: May 3 through December 31
- C. Possession limit: Six (6) fish
- D. Special shore angling sites:
  - 1. Special shore angling site locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge); Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport
  - 2. Minimum size: Seventeen inches (17"). This applies to only two (2) fish of the allowed total possession limit.
  - 3. Season: May 3 through December 31
  - 4. Possession Limit: Six (6) fish. The minimum size of two (2) of the six (6) fish may be seventeen inches (17"). The remaining four (4) fish shall be nineteen inches (19").

##### **3.10.2 Commercial**

- A. Minimum size: Fourteen inches (14")
- B. Seasons, allocations, and possession limits:
  - 1. January 1 through April 30:
    - a. Allocation: Fifty-four percent (54%) of the annual quota
    - b. Possession limit between January 1 and the start of the Winter sub-period of the Aggregate Landing Program:

- (1) Vessels that possess a valid Rhode Island Summer Flounder Exemption Certificate : One hundred (100) pounds per vessel per calendar day
    - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
  - c. Possession limit during the Winter sub-period of the Aggregate Landing Program:
    - (1) Vessels not permitted in the Aggregate Landing Program but which possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
    - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
    - (3) Aggregate Landing Program: Two thousand (2,000) pounds per vessel per bi-week. The bi-weekly periods shall be specified in the Aggregate Landing Permit.
    - (4) The Aggregate Landing Program will terminate when ninety percent (90%) of the Winter sub-period quota has been harvested and the possession limit shall be one hundred (100) pounds per vessel per calendar day.
2. May 1 through September 15:
  - a. Allocation: Thirty-five percent (35%) of the annual quota
  - b. Possession limit:
    - (1) Vessels that possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
    - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
3. September 16 through December 31:
  - a. Allocation: Eleven percent (11%) of the annual quota
  - b. Possession limit:

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

C. Aggregate Landing Program:

1. Applicability: Authorizes the aggregate possession limit of summer flounder during the Aggregate Landing Program season.
2. Permit required: A permit issued from the Director is required to participate in the Aggregate Landing Program. Permit applications shall be completed on forms as prescribed by the Director. Applications not completed in their entirety shall not be considered.
3. Eligibility: An applicant vessel shall demonstrate the following:
  - a. The vessel, if harvesting summer flounder from Federal waters, holds a valid Federal Summer Flounder Moratorium Permit and Rhode Island Summer Flounder Exemption Certificate issued pursuant to Part [14](#) of this Subchapter;
  - b. The vessel's operator, if harvesting exclusively in State waters, holds a valid Rhode Island Commercial Fishing License to harvest or land summer flounder and possesses a valid Summer Flounder Exemption Certificate;
  - c. The vessel's operator has not been assessed a criminal or administrative penalty for violations of State or Federal commercial fishing Regulations or laws within the past three (3) years.
  - d. Applicants must be in compliance with commercial fishing data reporting requirements pursuant to Part [2](#) of this Subchapter.
4. Season: Begins on the Sunday of the first full week in January through April 30, or until ninety percent (90%) of the Winter sub-period quota has been harvested as determined by the DEM
5. Permit conditions:
  - a. Participants must maintain compliance with commercial fishing data reporting requirements pursuant to Part [2](#) of this Subchapter.
  - b. Permits are non-transferable. Only vessels authorized by the Director may participate in the pilot program.

- c. Permits are valid only for the calendar year issued.
- 6. Penalties for non-compliance:
  - a. In addition to the penalties for non-compliance specified in § [1.11](#) of this Subchapter, 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.
  - b. The Director may also revoke, in writing, the authorization to participate in this Program, should the Director determine that such program participant has been assessed a criminal or administrative penalty for violations of State commercial fishing Regulations or for violations of Federal commercial fishing Regulations or laws, within the past three (3) years.
- D. Minimum mesh size – otter trawl:
  - 1. Owners or operators of otter trawl vessels possessing one hundred (100) pounds or more of summer flounder per day from May 1 through October 31; or two hundred (200) pounds 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 five and one half inches (5-1/2") diamond, or six inches (6") square mesh applied throughout the body, extension(s) and cod end portion of the net.
  - 2. Vessels possessing trawl devices while harvesting summer flounder in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and is not available for immediate use.
- E. Summer flounder may be landed between the hours of 6:00 AM to 8:00 PM only;
- F. Control Date: A control date of December 31, 2010, is established for the commercial summer flounder fishery in Rhode Island. This control date has been established by the Department for potential future use in establishing eligibility criteria for future access to the fishery.

### **3.11 Tautog**

#### **[2021 Recreational Tautog Management \(section 3.11.1\)](#)**

## Status Quo:

### **3.11.1 Recreational**

- A. Minimum size: Sixteen inches (16")
- B. Seasons and possession limits:
  - 1. January 1 through March 31: Closed
  - 2. April 1 through May 31: Three (3) fish per person per calendar day
  - 3. June 1 through July 31: Closed
  - 4. August 1 through October 14: Three (3) fish per person per calendar day
  - 5. October 15 through December 31: Five (5) fish per person per calendar day
  - 6. Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.
  - 7. Licensed Party and Charter vessels seasons and possession limits:
    - a. January 1 through March 31: Closed
    - b. April 1 through May 31: Three (3) fish per person per calendar day
    - c. June 1 through July 31: Closed
    - d. August 1 through October 14: Three (3) fish per person per calendar day
    - e. October 15 through December 31: Five (5) fish per person per calendar day
    - f. Licensed Party/charter vessels are not subject to the ten (10) fish per vessel per calendar day restriction.

### **2021 Commercial Tautog Management (section 3.11.2)**

## Status Quo:

### **3.11.2 Commercial**

- A. Minimum size: Sixteen inches (16")
- B. Seasons, allocations, and possession limit:

1. January 1 through March 30: Closed
2. April 1 through May 31:
  - a. Allocation: Forty-two and one half percent (42.5%) of the annual quota
  - b. Possession limit: Ten (10) fish per vessel per day
3. June 1 through July 31: Closed
4. August 1 through September 15:
  - a. Allocation: Fifteen percent (15%) of the annual quota
  - b. Possession limit: Ten (10) fish per vessel per day
5. September 16 through October 14: Closed
6. October 15 through December 31:
  - a. Allocation: Forty-two and one half percent (42.5%) of the annual quota
  - b. Possession limit: Ten (10) fish per vessel per day

C. Commercial tautog tagging

1. No tautog shall be sold, purchased, bartered, or traded in Rhode Island unless a tautog tag issued by the Director has been affixed to the left opercula bone with the tag number displayed.
2. All tautog harvested and landed in Rhode Island must be tagged at the time of harvest, prior to offloading.
3. Eligibility: Tags shall be available only to Rhode Island commercially licensed fishermen authorized to harvest and/or land tautog.
4. No person shall transfer tautog tags between individuals or fish.
5. Tags are valid for one (1) calendar year.
6. All unused tags shall be returned to DMF by February 15 of the following year accompanied by the tag reporting form with the disposition of all tags (used, returned, broken, or lost) recorded. Failure to return tags and reports may result in the harvester's inability to participate in the commercial tautog fishery in the future.

7. No person shall reuse, counterfeit, alter, or modify any tautog tag, or possess, use, or attempt to use any counterfeit, altered or modified tags. Any person found in violation may be prohibited from participating in the commercial tautog fishery in the future.
8. Tautog must remain tagged until they reach the final consumer. Processed or fileted tautog shall be packed with the tag and available for inspection, with tags retained until all process or fileted tautog are sold.
9. This section shall become effective on January 1, 2020.

## **3.12 American Eel**

### **3.12.1 Recreational**

- A. Minimum size: Nine inches (9")
- B. Season: January 1 through December 31
- C. Possession limit: Twenty-five (25) fish per angler per day
- D. Licensed Party and Charter vessel season and possession limit:
  1. Season: January 1 through December 31
  2. Possession limit: Fifty (50) fish per angler per day for the licensed captain and any employed crew member; and twenty-five (25) fish per angler per day for any paying customer

### **3.12.2 Commercial**

- A. Minimum size: Nine inches (9")
- B. Season: January 1 through December 31
  1. Closed season: September 1 through December 31 for any gear type other than baited traps/pots or spears
- C. Possession limit: Unlimited
- D. Commercial eel pot restrictions: Eel pots shall have a minimum mesh size of one half inch ( $\frac{1}{2}$ " ) by one half inch ( $\frac{1}{2}$ " ).

## **3.13 American Plaice**

### **3.13.1 Recreational**

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

- B. Fishing year: May 1 through April 30
- C. Possession limit: Unlimited

### **3.13.2 Commercial**

- A. Minimum size: Twelve inches (12")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
  - 1. There is no commercial possession limit for american plaice provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of american plaice.
  - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of american plaice in Federal waters may harvest american plaice in State waters in the amount equal to the Federal Regulations.

### **3.14 American Shad**

The harvest, landing, or possession of american shad in the marine waters of Rhode Island is prohibited.

### **3.15 Atlantic Herring**

#### **3.15.1 Commercial**

- A. Season: January 1 through December 31
- B. Possession limit: Two thousand (2,000) pounds per vessel per day, unless the vessel holds a Rhode Island State Waters Atlantic Herring Fishing Permit
- C. Rhode Island State Waters Atlantic Herring Fishing Permit: A permit from DEM is required for vessels engaged in the fishing and/or processing of over two thousand (2,000) pounds of atlantic herring per day in Rhode Island State waters.
  - 1. Issuance of this permit is contingent on fishing vessel captains attending a meeting with DEM staff where they are required to give proof that:
    - a. The vessel and its captain(s) have obtained all necessary and applicable authorizations to fish for atlantic herring in Rhode Island waters (license, endorsements(s), and vessel declarations);

- b. The vessel captain(s) have provided a valid email address to DEM at which the captain can access while fishing for the purpose of receiving advisories pertaining to river herring;
    - c. The vessel captain(s) have received from DEM a chart of fixed commercial fishing gear locations in Rhode Island waters and will have said chart in his/her possession while engaged in the fishing and/or processing of atlantic herring in Rhode Island waters;
    - d. The vessel captain(s) have received from DEM a copy of all applicable Regulations governing the commercial harvest of atlantic herring in Rhode Island waters.
  2. Permits shall be issued annually and are valid for one (1) calendar year from January 1 to December 31.
  3. Issuance of the permit is contingent upon a background check to determine if the applicant captain or vessel has been assessed a criminal or administrative penalty in the past three (3) years of this section or § 3.25 of this Part (river herring) or more than one (1) marine fisheries violation.
- D. River Herring Bycatch Allowance: Vessels possessing a Federal atlantic herring permit fishing in Federal waters may transit Rhode Island State waters and make a landing in possession of alewives, or blueback herring provided that the count of the combined river herring is five percent (5%) or less than the count of atlantic herring onboard the vessel.
  1. The percentage of river herring in the catch will be assessed by sorting and counting a batch of fish taken from the catch of atlantic herring on board the vessel or being landed by the vessel. This determination as to the percentage of river herring in the catch shall be accomplished by filling a container as defined herein, with a portion of the catch and examining the contents of said container. The percentage of river herring in said container shall be deemed to be representative of the percentage of river herring in the catch as a whole for purposes of a determination as to whether a vessel is in compliance with the requirements of this section.
  2. A batch of fish is defined as all fish in a separate container.
  3. A container is defined as any box, tote, bag, bucket or other receptacle capable of retaining at least twenty-five (25) gallons of loose fish which may be separated from the total catch of atlantic herring being landed.
- E. Atlantic Herring Processing: No person may process atlantic herring for purposes other than human consumption. Direct mealing of atlantic herring is prohibited.

- F. Vessel restrictions: No vessel harvesting atlantic herring in the atlantic coast herring fishery shall exceed one hundred sixty-five feet (165') in length overall, and three thousand (3,000) horsepower.

### **3.16 Atlantic Salmon**

The harvest, landing, or possession of atlantic salmon in the marine waters of Rhode Island is prohibited.

### **3.17 Atlantic Sturgeon**

The harvest, landing, or possession of atlantic sturgeon in the marine waters of Rhode Island is prohibited.

### **3.18 Bluefish**

#### **[2021 Recreational Bluefish Management \(section 3.18.1\)](#)**

##### **Status Quo:**

#### **3.18.1 Recreational**

- A. Minimum size: No minimum size
- B. Season: January 1 through December 31
- C. Possession limit: Three (3) fish per person per calendar day
  - 1. Licensed Party and Charter vessels possession limit: Five (5) fish per person per calendar day

#### **[2021 Commercial Bluefish Management \(section 3.18.2\)](#)**

##### **Status Quo:**

#### **3.18.2 Commercial**

- A. Minimum size: Eighteen inches (18")
- B. Seasons and possession limits:
  - 1. January 1 through April 30: One thousand (1,000) pounds per vessel per bi-week
  - 2. May 1 through November 15: Six thousand (6,000) pounds per vessel per week
  - 3. November 16 through December 31: Five hundred (500) pounds per vessel per week

## 3.19 Coastal Sharks

### 3.19.1 Recreational

- A. Prohibited species. Taking or possessing any of the following shark species is prohibited: sandbar, silky, sand tiger, bigeye sand tiger, whale, basking, white, dusky, bignose, galapagos, night, reef, narrowtooth, caribbean sharpnose, smalltail, atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, and bigeye sixgill.
- B. Landings requirements: No person fishing recreationally shall possess or land sharks that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.
- C. Minimum size:
1. Smooth dogfish, atlantic sharpnose, finetooth, blacknose, and bonnethead shark: No minimum size
  2. Tiger, blacktip, spinner, bull, lemon, nurse, porbeagle, common thresher, oceanic whitetip, and blue shark: Minimum fork length is fifty-four inches (54").
  3. Scalloped hammerhead, smooth hammerhead, and great hammerhead shark: Minimum fork length is seventy-eight inches (78").
  4. Shortfin mako:
    - a. Females: Minimum fork length is eighty-three inches (83").
    - b. Males: Minimum fork length is seventy-one inches (71").
- D. Shore-based possession limits:
1. One (1) shark per person per calendar day, with one (1) additional bonnethead and one (1) additional atlantic sharpnose shark per person per calendar day
  2. Smoothhound sharks: Unlimited
- E. Vessel-based possession limits:
1. One (1) shark per vessel per calendar day, or per trip per calendar day, whichever is less, regardless of the number of people on board the vessel, with one (1) additional bonnethead and one (1) additional atlantic

sharpnose shark per vessel per calendar day, or per trip per calendar day, whichever is less

2. Smoothhound sharks: Unlimited
  3. Sharks that are transported by vessel are considered "boat assisted" and "vessel-based" regardless of how or where they were caught.
- F. Authorized gear: No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two (2) gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.
1. Any vessel using rod and reel, must adhere to the following:
    - a. Use corrodible circle hooks, except when fishing with flies or artificial lures; and
    - b. Maximize gear removal, as safely as possible, when releasing sharks.

### **3.19.2 Commercial**

- A. Commercial species groups: Coastal sharks are grouped into commercial species groups as follows:
1. Prohibited: sand tiger, bigeye sandtiger, whale, basking, white, dusky, bignose, galapagos, night, reef, narrowtooth, caribbean sharpnose, smalltail, atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, blacknose, and bigeye sixgill shark
  2. Research: Sandbar shark
  3. Smoothhound: Smooth dogfish and florida smoothhound shark
  4. Non-Blacknose Small Coastal: Atlantic sharpnose, finetooth, and bonnethead shark
  5. Blacknose: Blacknose shark
  6. Aggregated Large Coastal: Silky, tiger, blacktip, spinner, bull, lemon, and nurse shark
  7. Hammerhead: Scalloped hammerhead, great hammerhead, and smooth hammerhead shark
  8. Pelagic: Shortfin mako, porbeagle, common thresher, oceanic whitetip, and blue shark

- B. Prohibited species: Taking or possessing any of the species of sharks in the Prohibited and Research species groups is prohibited.
- C. Fishing year: January 1 through December 31
- D. Quota specification:
  - 1. Smoothhound sharks: A total annual statewide quota will be established for the State by the ASMFC and/or NOAA Fisheries.
  - 2. Species groups other than smoothhound sharks will be established annually by the ASMFC and/or NOAA Fisheries.
- E. Seasons: Seasonal periods for commercial shark fisheries may be established annually either through NOAA Fisheries, ASMFC, or DEM.
- F. Possession limit:
  - 1. Smoothhound, non-blacknose small coastal, and pelagic shark species groups: Unlimited
  - 2. Aggregated large coastal and hammerhead species groups: Twenty-five (25) sharks per vessel per day, adjusting to between fifty-five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries
  - 3. It shall be unlawful for any person to possess any species of shark in State waters when NOAA Fisheries prohibits the possession of that species in Federal waters.
- G. Display and research of sharks: No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species groups without a valid State collector's permit obtained from the Director. Any person so authorized shall:
  - 1. Report to the Director within thirty (30) days of possession the species identification, length, weight, date, and location where caught by latitude and longitude coordinates, and the gear used; and
  - 2. For each shark taken for live display, the holder of the permit shall also report to the Director annually by December 31 for the life of the shark. The report shall include all of the information specified in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.
- H. Authorized sale: No person shall sell any shark species to a person or dealer who does not possess a Rhode Island Commercial Dealer License, and a Federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.

- I. Authorized commercial gear: No person shall take or possess sharks using any method other than the following gear types:
  1. Rod and Reel. Any vessel using Rod and Reel, must adhere to the following:
    - a. Use corrodible circle hooks; and
    - b. Maximize gear removal, as safely as possible, when releasing sharks.
  2. Handlines, which are defined as a mainline to which no more than two (2) gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel;
  3. Small mesh gillnets which are defined as having a stretch mesh size smaller than five inches (5");
  4. Large mesh gillnets which are defined as having a stretch mesh size equal to or greater than five inches (5"). Any vessel using large-mesh gillnets, must use nets that are shorter than two and one half (2-1/2) kilometers;
  5. Trawl nets;
  6. Shortlines which are defined as fishing lines containing fifty (50) or fewer hooks and measuring less than five hundred (500) yards in length. A maximum of two (2) shortlines shall be allowed per vessel. Any vessel using a shortline shall adhere to the following:
    - a. Use corrodible circle hooks; and
    - b. Practice the protocols, and possess the Federally-required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and
    - c. All captains and vessel owners must be certified in using, handling and release equipment. Captains and vessel owners can become certified by attending a Protected Species Safe Handling, Release, and Identification Workshop offered by NOAA Fisheries.
  7. Pound nets/fish traps;
  8. Weirs.
- J. Prohibition of finning: Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all State waters. All sharks, with the exception of smoothhound, possessed by commercial fishermen within

State boundaries must have the tails and fins attached naturally to the carcass until landed. Fins may be cut as long as they remain attached to the carcass, by natural means, with at least a small portion of uncut skin. Sharks may be gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

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

## **3.20 Cod**

### **3.20.1 Recreational**

- A. Minimum size: Twenty-one inches (21")
- B. Possession limit: Ten (10) fish per person per day

### **3.20.2 Commercial**

- A. Minimum size: Nineteen inches (19")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
  1. One thousand (1,000) pounds per vessel per calendar day for any vessel fishing in State waters. The possession limit may be modified on the basis of a Rhode Island State water cod quota as set by DEM, which shall be equal to one percent (1%) of the Federal Georges Bank cod annual catch limit (ACL) for the given fishing year. When ninety percent (90%) of the State water quota has been harvested as determined by the DEM, the possession limit will decrease to seventy-five (75) pounds of cod per vessel per calendar day for the remainder of the fishing year.
  2. Vessels in possession of a Federal permit authorizing the commercial harvest of cod in Federal waters may harvest, possess, or land cod in State waters in the amount equal to the Federal Regulations

## **3.21 Haddock**

### **3.21.1 Recreational**

- A. Minimum size: Eighteen inches (18")
- B. Fishing year: May 1 through April 30
- C. Possession limit: Unlimited

### **3.21.2 Commercial**

- A. Minimum size: Sixteen inches (16")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
  - 1. There is no commercial possession limit for haddock provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of haddock.
  - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of haddock in Federal waters may harvest, possess, or land haddock in State waters in the amount equal to the Federal Regulations.

## **3.22 Menhaden**

### **3.22.1 Recreational**

- A. Minimum size: No minimum size
- B. Season: January 1 through December 31
- C. Possession limit:
  - 1. Less than or equal to four inches (4"): Unlimited
  - 2. Greater than four inches (4"): Two hundred (200) fish per person per day

### **[2021 Commercial Menhaden Management \(section 3.22.2\)](#)**

#### **[Status Quo:](#)**

### **3.22.2 Commercial**

- A. Menhaden Management Area: Narragansett Bay in its entirety is designated a Menhaden Management Area pursuant to R.I. Gen. Laws § 20-4.1-1. This area shall include the east and west passages of Narragansett Bay, Mt. Hope Bay,

and the Sakonnet River, and be bordered on the south by a line from Bonnet Point to Beavertail Point to Castle Hill Light. The southern boundary further extends from Land's End to Sachuest Point and then to Sakonnet Light. The following Regulations govern all commercial menhaden operations conducted in the Menhaden Management Area (Management Area).

1. Opening and closure of fishery:
  - a. Fishery opening – possession limits:
    - (1) Biomass Floor: On an annual basis in the spring, the DEM shall conduct regular estimates of the standing stock of menhaden utilizing approved scientific monitoring methods. On the basis of those estimates, DEM shall open the commercial fishery at an initial possession limit of one hundred twenty thousand (120,000) pounds per vessel per calendar day when the estimated weekly standing stock reaches two million (2,000,000) pounds.
  - b. Fishery closure:
    - (1) Biomass Ceiling: When fifty percent (50%) of the estimated standing stock of menhaden, above the minimum threshold amount of one million five hundred thousand (1,500,000) pounds, is harvested, the DEM shall close the menhaden fishery until further notice.
    - (2) If at any time the stock estimate drops below one million five hundred thousand (1,500,000) pounds, the DEM shall close the commercial fishery and the incidental catch fishery will be in effect until further notice.
  - c. Fall opening in the Menhaden Management Area:
    - (1) Beginning September 1, the area south of a line extending from the Jamestown and Newport Bridges, and the area south of a line extending from Fogland Point to Sandy Point in the Sakonnet River, to the southern extent of the Management Area, will be open to the harvest of menhaden by purse seine provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island.
    - (2) Possession limit: Twenty-five thousand (25,000) pounds per vessel per day
2. Commercial Vessel restrictions:

- a. This section does not apply to small scale fisheries as defined in § 3.22.2(D)(1)(b) of this Part, or floating fish traps.
- b. The use of purse seines shall be permitted only in accordance with the following terms and conditions:
  - (1) All nets shall be less than one hundred (100) fathoms (six hundred feet (600')) in length and less than fifteen (15) fathoms (ninety feet (90')) in depth.
  - (2) All nets shall be marked with fluorescent-colored float buoys, distinguishable from the other float buoys on the net, at intervals of fifty feet (50').
  - (3) Annually, prior to use, all nets shall be inspected and certified as being in conformance with the provisions of this section by the DEM Division of Law Enforcement (DLE). Once inspected and certified, a net may be used throughout the duration of the calendar year in which it was inspected, provided that it is not altered with regard to any of the provisions of this section. Any net that is altered with regard to any of the provisions of this section must be re-inspected and recertified prior to use.
- c. The possession or taking of menhaden by a fishing vessel engaged in the commercial menhaden fishery is prohibited in the following areas:
  - (1) Providence River: Described as the waters north of a line extending from Rocky Point to Conimicut Light in the city of Warwick, and further extending to Nayatt Point in the town of Barrington.
  - (2) Greenwich Bay: Described as the waters of Greenwich Bay west and north of a line extending from the flagpole on Warwick Point to Sandy Point in the city of Warwick.
- d. The possession or taking of menhaden by a fishing vessel engaged in the commercial menhaden fishery is prohibited on any Saturday, Sunday, official State holiday, or prior to sunrise or following sunset.
- e. Fish storage capacity: A fishing vessel engaged in the commercial menhaden fishery may not have a useable fish storage capacity greater than one hundred twenty thousand (120,000) pounds. Prior to the commencement of fishing, for any vessel not previously certified through this process, each vessel must be inspected by a certified marine surveyor and assessed with regard to its fish

storage capacity. Such certification must be kept aboard the vessel at all times. Vessels must either be certified as having a useable storage capacity of one hundred twenty thousand (120,000) pounds or less, or for vessels with a fish storage capacity greater than one hundred twenty thousand (120,000) pounds the excess capacity is rendered unusable in accordance with the specifications set forth in the assessment.

B. Possession of Menhaden in Rhode Island under State Quota Program:

1. Possession limit: One hundred twenty thousand (120,000) pounds per vessel per day
2. Once the quota has been reached, the fishery will close for directed fisheries, including but not limited to purse seine operations, and the incidental catch fishery will be in effect.
3. All commercial menhaden operations conducted in the Management Area, prior to and after the State's quota has been reached, are subject to the provisions of § 3.22.2(A) of this Part.
4. The transiting provision in § [1.6\(C\)\(1\)\(b\)](#) of this Subchapter does not apply to the commercial menhaden fishery. Any vessel transiting State waters must abide by the current State possession limit.

C. Episodic Event Set Aside Program:

1. After the State's quota has been reached, if Rhode Island is approved to participate in the Episodic Event Set Aside Program for menhaden, as established by the ASMFC, the possession limit for menhaden will be one hundred twenty thousand (120,000) pounds per vessel per day, until the Set Aside quota has been exhausted, as determined by the ASMFC and/or the DEM, at which time the program will end and the directed fishery will close. Vessels that target and land menhaden in Rhode Island under this program must harvest only from Rhode Island waters and, if operating in the Management Area, must adhere to all the provisions as specified in § 3.22.2(A) of this Part.
2. The Episodic Event Set Aside Program will end on October 31, or when the Set Aside quota has been harvested, whichever first occurs.

D. Incidental Catch Fishery:

1. Upon closure of the commercial menhaden fishery, an incidental catch fishery will be in effect as follows:
  - a. Possession limit:

- (1) Six thousand (6,000) pounds per vessel per day for non-directed and small-scale gears
- (2) Twelve thousand (12,000) pounds per vessel per day for two (2) commercially licensed individuals harvesting from the same vessel, fishing stationary multi-species gear

b. Gear Types:

- (1) Non-directed: Anchored/stake gillnets, trawls, fyke nets, and floating fish traps
- (2) Small-scale: Cast nets, pots, hook and line, hand lines, trammel nets, and bait nets
- (3) Stationary multi-species: Anchored/stake gillnets, floating fish traps, and fyke nets

E. Commercial Vessel Reporting Requirements:

1. This section does not apply to small scale fisheries as defined in § 3.22.2(D)(1)(b) of this Part, or floating fish traps.
2. Any fisher intending to engage in the commercial menhaden fishery in the Management Area shall notify the DLE at (401) 222-3070 prior to taking or possessing menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification which may have been established in the possession limit for menhaden.
3. Each person engaging in the commercial menhaden fishery shall contact the DEM at (401) 423-1940 at the end of each day to report the area fished and the amount of menhaden in possession by the fisher in pounds.

F. Prohibition on the harvesting of menhaden for reduction processing: The taking of menhaden for reduction (fish meal) purposes is prohibited in Rhode Island waters. A vessel will be considered in the reduction (fish meal) business if any portion of the vessel's catch is sold for reduction.

G. No person may transfer or attempt to transfer at sea, from one (1) vessel to another, any finfish identified in these Regulations.

H. Possession limit compliance: It shall be unlawful for any commercial menhaden operation to land more than one (1) possession limit per day.

## **3.23 Monkfish**

### **3.23.1 Recreational**

- A. Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length
- B. Possession limit: Fifty (50) pounds tail weight, or one hundred sixty-six (166) pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached.

### **3.23.2 Commercial**

- A. Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length
- B. Fishing year: May 1 through April 30
- C. Possession limit:
  - 1. Non-federally permitted Rhode Island licensed vessel: Four thousand nine hundred (4,900) pounds tail weight or fourteen thousand two hundred fifty-nine (14,259) pounds whole weight per vessel per week. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the "whole" is reported using the grade "gutted, head on, tail on."
    - a. The possession of monkfish livers may not exceed the number of gutted-fish and tails combined.
    - b. The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.
  - 2. The possession limit may be modified on the basis of a Rhode Island State water monkfish quota as set by DEM, which shall be equal to three percent (3%) of the Federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When two percent (2%) of the SMA TAL has been harvested as determined by the DEM, the possession limit will decrease to fifty (50) pounds tail weight or one hundred sixty-six (166) pounds whole weight per vessel per calendar day for the remainder of the fishing year.
- D. Vessels in possession of a Federal permit authorizing the harvest of monkfish may harvest monkfish in State waters if and only if they are operating during a previously and properly declared Day At Sea (DAS); in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to Federal Regulations.

## **3.24 Pollock**

### **3.24.1 Recreational**

- A. Minimum size: Nineteen inches (19")
- B. Fishing year: May 1 through April 30
- C. Possession limit: Unlimited

### **3.24.2 Commercial**

- A. Minimum size: Nineteen inches (19")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
  - 1. There is no commercial possession limit for pollock provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of pollock.
  - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of pollock in Federal waters may harvest, possess, or land pollock in State waters in the amount equal to the Federal Regulations.

## **3.25 River Herring**

The harvest, landing, or possession of river herring in the marine waters of Rhode Island is prohibited.

## **3.26 Skate**

### **3.26.1 Recreational**

- A. Possession limit: Ten (10) fish per person per day

### **3.26.2 Commercial**

- A. Fishing year: May 1 through April 30
- B. State-waters skate wing fishery: Shall be defined as skate harvested, possessed, or landed by a vessel:
  - 1. Fishing in State waters, not on a previously declared DAS, and without an active Federal open-access skate permit; and
  - 2. For food for human consumption with a designated Atlantic Coastal Cooperative Statistics Program (ACCSP) Disposition Code 001 = Food.

3. Minimum size: No minimum size
  4. Possession limit: Thirty-five thousand (35,000) pounds per vessel per week for wings only; or seventy-nine thousand four hundred fifty (79,450) pounds per vessel per week for whole skate
    - a. Barndoor skate shall not comprise more than twenty-five percent (25%) of total skate wing by weight per vessel per day at the time of landing.
    - b. Barndoor skate shall be kept separate from other species harvested.
    - c. When in possession of barndoor skate, vessels are prohibited from discarding any skate species that has been winged.
- C. Skate bait fishery: Shall be defined as skate harvested, possessed, or landed by a vessel:
1. Fishing in State waters, not on a previously declared DAS, without an active Federal open-access skate permit, and without a Federal skate bait Letter of Authorization (LOA); and
  2. For use as bait with a designated ACCSP Disposition Code 008 = Bait.
  3. Maximum length: Whole skates must measure less than twenty-three inches (23") total length.
  4. Seasons and possession limits:
    - a. May 1 through July 31: Twenty-five thousand (25,000) pounds whole skate per vessel per day. When NOAA Fisheries determines that ninety percent (90%) of a bait skate TAL for sub-period I is landed, the possession limit will be reduced to an incidental catch limit of eight thousand (8,000) pounds whole skate.
    - b. August 1 through October 31: Twenty-five thousand (25,000) pounds whole skate per vessel per day. When NOAA Fisheries determines that ninety percent (90%) of a bait skate TAL for sub-period II is landed, the possession limit will be reduced to an incidental catch limit of eight thousand (8,000) pounds whole skate.
    - c. November 1 through April 30: Twenty-five thousand (25,000) pounds whole skate per vessel per day. When NOAA Fisheries determines that eighty percent (80%) of a bait skate TAL for sub-period III is landed, the possession limit will be reduced to an incidental catch limit of eight thousand (8,000) pounds whole skate.

- d. Possession limit adjustments: Following the implementation of the incidental catch limit, additional adjustments may be enacted, in accordance with actions by NOAA Fisheries.
  - (1) To ensure the skate bait fishery does not exceed its seasonal or annual TAL, the fishery will close when NOAA determines that one hundred percent (100%) of the skate bait TAL for a season is to be harvested.
  - (2) To achieve the seasonal or annual TAL, incidental possession limits may be lifted, reinstating the standard seasonal possession limit.

### **3.26.3 Prohibited Species**

The harvest, landing, or possession of thorny skate in the marine waters of Rhode Island is prohibited.

## **3.27 Spiny Dogfish**

### **3.27.1 Commercial**

- A. Seasons, allocations, and possession limit: Rhode Island is currently designated as a State that is part of the Northern region. A Northern region possession limit and quota for spiny dogfish will be established annually by the ASMFC. The Northern region quota for spiny dogfish shall be the most recent allocation by the ASMFC, which is currently set at fifty-eight percent (58%) of the coastwide quota.
  - 1. Season: May 1 through April 30.
  - 2. Possession limit: Six thousand (6,000) pounds per vessel per calendar day. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the NOAA Fisheries or the ASMFC, the DEM shall close the fishery for the remainder of the designated period.
  - 3. DEM is hereby authorized to enter into agreements with the other Northern region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish, and may make adjustments as deemed necessary to comply with said agreements. DEM will consult with the Rhode Island State water spiny dogfish fishers prior to negotiating the subject agreements.
- B. Prohibition of Finning: Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish is prohibited in State waters. In addition, removing any fin of spiny dogfish at sea is prohibited (including the tail). All spiny dogfish must be

landed with fins-naturally-attached to the corresponding carcass. Gutting fish at sea is permitted, so long as the fins remain attached by a portion of uncut skin.

### **3.28 Yellowtail Flounder**

#### **3.28.1 Recreational**

- A. Minimum size: Thirteen inches (13”).
- B. Fishing year: May 1 through April 30.
- C. Possession Limit: Unlimited.

#### **3.28.2 Commercial**

- A. Minimum size: Twelve inches (12”).
- B. Fishing year: May 1 through April 30.
- C. Possession Limit:
  - 1. There is no commercial possession limit for yellowtail flounder provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of yellowtail flounder.
  - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of yellowtail flounder in Federal waters may harvest, possess, or land yellowtail flounder in State waters in the amount equal to the Federal Regulations.

### **3.29 Weakfish**

#### **3.29.1 Recreational**

- A. Minimum size: Sixteen inches (16”).
- B. Season: January 1 through December 31.
- C. Possession limit: One (1) fish per person per calendar day.

#### **3.29.2 Commercial**

- A. Minimum size: Sixteen inches (16”).
- B. Seasons and possession limits:
  - 1. June 1 through June 30: One hundred (100) pounds per vessel per calendar day.

2. August 7 through November 8: One hundred (100) pounds per vessel per calendar day.
  3. At all other times, the possession limit is one hundred (100) pounds per vessel per calendar day as incidental catch only with an equivalent poundage of other species required to be on board the vessel. Provided, however, that the commercial hook and line fishery is not permitted an incidental catch allowance.
- C. For directed trawl operations, cod end mesh size must be greater than or equal to four and one half inches (4-1/2") diamond or four inches (4") square.

### **3.30 Winter Flounder**

#### **3.30.1 Recreational**

- A. Minimum size: Twelve inches (12").
- B. Season: March 1 through December 31.
- C. Possession limit: Two (2) fish per person per calendar day in Rhode Island waters.
- D. Closed Areas: The harvest or possession of winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond; and the Harbor of Refuge.

#### **3.30.2 Commercial**

- A. Minimum Size: Twelve inches (12").
- B. Season: January 1 through December 31.
- C. Possession limit: Fifty (50) pounds per vessel per day.
- D. Closed Areas: The harvest or possession of winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond and the Harbor of Refuge.
- E. Minimum mesh size:
  1. Bottom trawl nets: Six inches (6") diamond mesh or six and one half inches (6-1/2") square mesh applied throughout the body and extension of the net, or any combination thereof, and six and one half inches (6-1/2") diamond mesh or six and one half inches (6-1/2") square mesh applied to the cod end of the bottom trawl nets

2. Gill nets: Six and one half inches (6-1/2") diamond mesh or six and one half inches (6-1/2") square mesh applied throughout the net. Vessels may utilize commercial fishing gear with mesh smaller than the sizes referenced in this section provided they do not possess any winter flounder.
    - a. For vessels greater than forty-five feet (45') in length overall, a diamond mesh cod end is defined as the first fifty (50) meshes counting from the terminus of the net, and a square mesh cod end is defined as the first one hundred (100) bars counting from the terminus of the net.
    - b. For vessels forty-five feet (45') or less in length overall, a diamond mesh cod end is defined as the first twenty-five (25) meshes counting from the terminus of the net, and a square mesh cod end is defined as the first fifty (50) bars counting from the terminus of the net.
  3. Vessels possessing trawl devices while harvesting winter flounder in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and not available for immediate use.
- F. With the exception of the use of gillnets and fyke nets, the taking of winter flounder is prohibited from one (1) hour after sunset until one (1) hour before sunrise in the following areas:
1. In all coastal salt ponds, (with the exception of Point Judith Pond and the Harbor of Refuge where the harvest or possession of winter flounder is prohibited).
  2. In all coastal salt pond channels.
  3. In the Narrow River.
  4. In Little Narragansett Bay and the Pawcatuck River north and east of a line extending from Napatree Point to the western end of Sandy Point.
  5. Gillnets and fyke nets may not be hauled in these areas from one (1) hour after sunset to one (1) hour before sunrise.

### **3.31 Witch Flounder**

#### **3.31.1 Recreational**

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

- B. Fishing year: May 1 through April 30.
- C. Possession Limit: Unlimited.

### **3.31.2 Commercial**

- A. Minimum size: Thirteen inches (13”).
- B. Fishing year: May 1 through April 30.
- C. Possession limit:
  - 1. There is no commercial possession limit for witch flounder provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of witch flounder.
  - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of witch flounder in Federal waters may harvest, possess, or land witch flounder in State waters in the amount equal to the Federal Regulations.

### **3.32 Ocean Pout**

The harvest, landing, or possession of ocean pout in the marine waters of Rhode Island is prohibited.

### **3.33 Atlantic Wolffish**

The harvest, landing, or possession of atlantic wolffish in the marine waters of Rhode Island is prohibited.

### **[Sand Lance Management \(proposed new section 3.34\)](#)**

### **3.34 Sand Lance**

Possession limit: Two hundred (200) pounds per vessel per day.

## **Proposed amendments**

Note: Proposed new language is identified as track changes red underline; proposed language to be deleted is identified as ~~track changes strikethrough~~.

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

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

#### **CHAPTER 90 – MARINE FISHERIES**

#### **SUBCHAPTER 00 – N/A**

#### **PART 6 – General Equipment Provisions**

##### **6.1 Purpose**

The purpose of these Rules and Regulations is to supplement and simplify and/or clarify existing Regulations in order to more efficiently manage the marine resources of Rhode Island.

##### **6.2 Authority**

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

##### **6.3 Application**

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

##### **6.4 Definitions**

See Definitions and General Provisions, Part [1](#) of this Subchapter.

##### **6.5 Severability**

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

## 6.6 Superseded Rules and Regulations

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

## 6.7 General

### A. Recreational use of nets:

1. Nets shall not exceed four feet (4') in depth and twenty feet (20') in length.
2. Possession limit for any marine finfish species that is not regulated by size, possession, and/or season in Part 3 of this Subchapter, Finfish: Two (2) quarts per person per day.
3. Nets must be constantly tended.

### B. Obstruction of migratory fish passage: No person shall obstruct the free passage of fish in any marine waters, river, or stream of the State of Rhode Island.

### C. Pots and buoys:

1. No person except the Director shall unduly disturb any pot or associated line (warp) and/or buoy, or remove any marine species from a pot, without the written permission of the owner. (R.I. Gen. Laws § 20-4-8)
2. Each pot used for the taking of marine species shall have attached a buoy, and each pot and buoy shall be identified with the name and license number of the owner. (R.I. Gen. Laws § 20-4-7)
3. The use of floating line within eight feet (8') of the surface of the water, that is attached to any fixed gear buoy, is prohibited.
4. Each pot used for the taking of marine species shall bear a color scheme on the attached buoy consistent with the color specified on the license. The buoy color scheme shall also be displayed on any vessel used by the licensee, such that the colors shall be painted on the port and starboard sides of the hull in a section, not less than one foot (1') square; or a clearly painted buoy shall be set at the highest point on the vessel excluding the mast and be visible for three hundred sixty degrees (360°). The buoy or colors must be prominently displayed on the vessel at all times that gear is in the water.

5. No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot unless the color scheme of the attached buoy is the same as the color scheme that is on file with the license application and displayed on the boat used by that person, or unless that person is duly licensed and possesses written permission from the rightful owner of the pot, trap, or other device. (R.I. Gen. Laws § 20-7-11.1(b))
6. Escape vents: Hinges or fasteners of one (1) panel or door must be made of one (1) of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string three sixteenths of an inch (3/16") (4.8 mm) or smaller.
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners.
  - c. Un-galvanized or uncoated iron wire of ninety-four one thousandths of an inch (.094") (2.4 mm) or smaller.
  - 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.

## **6.8 ~~Commercial Netting~~ Areas (Waters) Prohibited for All Commercial Netting**

### **~~6.8.1 Areas (Waters) Prohibited for All Commercial Netting:~~**

- A. All netting, except licensed fish traps are prohibited in the Harbor of Refuge and within one hundred (100) yards of the Harbor of Refuge breakwater;
- B. In all coastal salt pond channels;
- C. In Point Judith Pond in the towns of South Kingstown and Narragansett in the following locations:
  1. South of a line extending from Strawberry Hill Point to High Point; and west of the Great Island Bridge;
  2. East of a line extending from Betty Hull Point to Short Point; and west of a line extending from Blue Rock Point to Old Cellar Point;
  3. North of a line extending from Ram Point to Squally Point;
- D. In the northern portion of Potter Pond within one hundred feet (100') of the Captain's Brook in the town of South Kingstown;
- E. In the Narrow River in the following locations:

1. Within three hundred (300) yards of the seaward entrance to the river;
  2. Between Middle Bridge and a point located eight hundred feet (800') north of Bridgetown Road Bridge;
  3. Within one hundred feet (100') north and south sides of the upper Narrows;
  4. Within one hundred feet (100') seaward of the mouth of Gilbert Stuart Brook;
- F. In the Pawcatuck River north of a line extending from Pawcatuck Rock in the town of Stonington, Connecticut to Thompson Point in the town of Westerly, except for seining between February 1 and April 15 annually;
- G. Fixed gear is prohibited in the Foster Cove channel and in the narrows in Charlestown Pond.

## **6.9 Trawling Devices**

### **6.8.2 Trawling Devices**

- A. Net obstruction or constriction: Any fishing vessel subject to minimum mesh size restrictions using a trawl net shall not use any device or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of a trawl net, except that one (1) splitting strap and one (1) bull rope (if present), consisting of line and rope no more than three inches (3") in diameter, may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the trawl net. "The top of the trawl net" means the fifty percent (50%) of the net that (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes are not considered part of the top of the trawl net.
- B. ~~Trawling ground gear~~: The use of rollers, rockhoppers or discs greater than twelve inches (12") in diameter is prohibited ~~while fishing~~ in the marine waters of Rhode Island ~~waters~~.
- C. Prohibited areas: In addition to those waters where all netting is prohibited, a trawling device is prohibited in the following areas:
1. In the Upper Narragansett Bay ~~Trawling~~ Marine Life Management Area as follows:
    - a. From November 2 through June 30;
    - b. On any Saturday, Sunday, or legal State holiday from July 1 through November 1;

- c. The Upper Narragansett Bay Trawling Area is designated a Marine Life Management Area pursuant to R.I. Gen. Laws § 20-3-4, and is described as the waters north of a line extending from Spink Neck in the town of North Kingstown to Pine Hill Point on Prudence Island, and from Homestead Dock on the easterly shore of Prudence Island to the Hog Island Shoal Light in the town of Bristol; and south of a line extending from Sandy Point to the southern tip of Warwick Point in the city of Warwick; and from the dock at Rocky Point in the city of Warwick to the southern tip of Poppasquash Point to Hog Island Shoal Light in the town of Bristol.
  2. In Narragansett Bay north of a line extending from the dock at Rocky Point in the city of Warwick, to the southern tip of Poppasquash Point to Hog Island Shoal Light to the north abutment of Mt. Hope Bridge in the town of Bristol. (R.I. Gen. Laws §§ 20-4-2 and 20-4-3);
  3. In the Upper Sakonnet Marine Life Management Area. The Upper Sakonnet River is designated a Marine Life Management Area pursuant to R.I. Gen. Laws § 20-3-4 and is described as the waters of the Upper Sakonnet River north of a line extending from McCurry Point in the town of Portsmouth to the southern end of Jack's Island (so-called) in the town of Tiverton, and south of the Sakonnet River Bridge (Rt. 24).
  4. In all coastal salt ponds, except for otter trawling in Charlestown Pond and Quonochontaug Pond in accordance with these Regulations.
- D. Otter Trawling:
1. Areas prohibited:
    - a. Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, south of a line extending from Marsh Point and Horseshoe Point on the Arnolds shore; west of a line extending from DEM markers located on Marsh Point and Marsh Neck Point; and east of a line extending from the east shore of the Foster Cove channel and a DEM marker located on the barrier beach;
    - b. Quonochontaug Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, south of a line extending from a DEM marker located at the southernmost end of Quahaug Point to the northern end of Nopes (Barn) Island; and east of a line extending south from Quahaug Point to a DEM marker located on the barrier beach;
    - c. In Potter Pond in its entirety.

- d. No person shall utilize an otter trawl from December 1 through February 28 annually, that has a mesh size which measures less than six inches (6") stretched mesh (measured inside knot to inside knot), in the following areas:
- (1) In Narragansett Bay north of a line extending from the easternmost extension of Carrier Pier in the town of North Kingstown to Conanicut Point in the town of Jamestown, thence to the tips of the T Pier on Prudence Island to Carr's Point in the town of Portsmouth;
  - (2) In the Sakonnet River north of a line from Sachuest Point in the town of Newport to Sakonnet Point in the town of Little Compton;
  - (3) In Quonochontaug and Charlestown Pond in their entireties.

E. The use of midwater trawl gear is prohibited in the marine waters of Rhode Island.

## **6.10 Gill netting**

### **6.8.3 Gill Netting**

- A. Gill netting for bait:
1. Bait gill nets must be clearly labeled with the name of the person setting or tending the net and be constantly tended.
  2. A bait gill net shall not exceed one hundred feet (100') nor exceed a mesh size greater than three and three quarter inches (3-3/4") stretched.
- B. Prohibited areas: In addition to those areas where all netting is prohibited, and with the exception of gill netting for bait, commercial gill netting is prohibited in the following areas:
1. In all coastal salt ponds;
  2. In the Pawcatuck River;
  3. In Little Narragansett Bay;
  4. Within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point;
  5. Within one half (1/2) mile in both directions of the seaward entrance to a coastal salt pond channel, and for a distance of three hundred (300) yards seaward, when such coastal salt pond is open to the sea;

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

measuring twelve inches (12"): one (1) at the top, one (1) at the midway point, and one (1) at the bottom of each buoy line.

I. Tagging of nets:

1. Vessels permitted and participating in the gill net tagging program administered by the NOAA Fisheries Greater Atlantic Regional Office, and which are not participating in the Rhode Island tagging program, may transit the marine waters of Rhode Island ~~State waters~~ with gill nets on board the vessel only if all gill nets are stowed, and, when applicable, have the Federal gill net tags permanently attached.
2. No gill net shall be set, hauled and/or maintained in the marine waters of Rhode Island ~~State waters~~ without permanently attached non-transferable tags issued by the Director.
3. Eligibility: Gill net tags are available only to a multipurpose license holder with gill net endorsement.
4. Only one (1) set of tags shall be designated to a commercial license holder.
5. License holders are eligible to receive a maximum of eighty (80) tags, plus an additional ten (10) tags for routine loss. No more than eighty (80) tags shall be in the water at any one time. No person shall possess at any one time more tags than are authorized.
- ~~6. Nets are required to be tagged beginning January 1, 2017. The current valid tags are colored orange and will be valid through February 28, 2021.~~
76. Tags shall be attached to every string of gill nets as follows: one (1) tag shall be attached on each of the two (2) terminal ends, at the bridle of each end net panel; and one (1) tag shall be attached on every other bridle of each net panel within the string.
87. No person shall transfer gill net tags between nets or between individuals or vessels.
98. No person shall file a false claim of tag loss.

J. Tending of nets:

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

- K. Weak link and anchor requirements for gill nets set, hauled, and/or maintained south of the Colregs line:
1. All buoys, floatation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than one thousand one hundred (1,100) pounds.
  2. For nets that return to port each day with the vessel, net panels must have a weak link having a breaking strength of no greater than one thousand one hundred (1,100) pounds at the center or each float line or at least every twenty-five (25) fathoms along the float line of a panel longer than fifty (50) fathoms.
  3. For nets which do not return to port with the vessel, weak links of not greater than one thousand one hundred (1,100) pounds must be incorporated into net panels following one (1) of the two (2) configurations required by the NOAA Fisheries Atlantic Large Whale Take Reduction Plan.
  4. All gill nets that do not return to port with vessel, regardless of number of net panels, shall be required to be anchored with the holding power of at least a twenty-two (22) pound Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights).
- L. Pinger Specifications
1. A pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz ( $\pm 2$  kHz) sound at 132 dB ( $\pm 4$  dB) re 1 micropascal at 1 m, lasting 300 milliseconds ( $\pm 15$  milliseconds), and repeating every 4 seconds ( $\pm 0.2$  seconds).
  2. Pingers shall be properly attached to each gill net during the following time periods, annually:
    - a. December 1 through February 28 (February 29 on leap years); and,
    - b. April 1 through May 31.
  3. Pinger Attachment: A pinger shall be attached at the end of each string of each gill net and at the bridle of every net within a string of nets (e.g., in a gill net string consisting of three (3) nets, four (4) pingers would be required).
  4. Pinger Maintenance: Pingers shall be maintained in an activated state at all times.
- M. Drift and sink gill nets: Only a floating and bottom tending gill net may be set, hauled, or maintained in Rhode Island waters.

1. A floating gill net must be constantly tended.
2. Minimum mesh size for a bottom tending gill net: No bottom tending gill net shall have a mesh size smaller than five inches (5") stretched mesh.

N. Additional area specific Regulations

1. No person shall set, haul, and/or maintain a gill net in Narragansett Bay, Mount Hope Bay, or Sakonnet River, north of the Colregs line, which does not meet the following specifications:
  - a. Maximum length: A single gill net, or series of connected gillnets, shall not exceed three hundred feet (300').
  - b. Spacing:
    - (1) No gill net shall be set within one hundred fifty feet (150') of shore at mean low water, ~~or,~~
    - (2) No gill net shall be set within two thousand feet (2,000') of another gill net.
2. Waters within one half (1/2) nautical miles of the Rhode Island coast (mean high tide line) and south of the Colregs line:
  - a. Maximum length: A series of connected gillnets shall not exceed a total length of six hundred feet (600').
  - b. Setting pattern: Each gill net shall be set perpendicular to the shore.
  - c. Spacing: No gill net shall be set within two thousand feet (2,000') of another gill net.
3. Waters between one half (1/2) nautical miles and three (3) nautical miles from the Rhode Island coast (mean high tide line):
  - a. No gill net shall be set within two thousand feet (2,000') of another gill net ~~during the period~~ from April 1 through October 1.
  - b. Marking
    - (1) A series of connected gill nets greater than six hundred feet (600') and less than or equal to one thousand two hundred feet (1,200') must be marked with two (2) orange or fluorescent orange floats with a size of nine inches (9") by sixteen inches (16") on the westernmost end as measured on a compass circle from magnetic south through west to,

and including, north and one (1) orange or fluorescent orange float with a size of nine inches (9") by sixteen inches (16") on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two (2) orange or fluorescent orange floats with a size of nine inches (9") by sixteen inches (16") should be placed on the southernmost end.

- (2) A series of connected gill nets greater than one thousand two hundred feet (1,200') must be marked with an orange or fluorescent orange float with a size of nine inches (9") by sixteen inches (16") and a radar reflective highflyer at each end. One (1) of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end.

## **6.11 Fyke Nets**

### **6.8.4 Fyke Nets**

- A. No person shall set, haul, and/or maintain a commercial fyke net in the waters of the State unless permitted by the Director.
- B. Persons applying for such permit shall provide the dates of use, location, and net measurements.
- C. Any fyke net placed in the marine waters of the State shall meet the following dimensions:
1. Maximum length of fyke net leader: One hundred feet (100')
  2. Maximum mesh size: Stretched mesh shall not be greater than two and one half inches (2-1/2").
  3. Leader: Must not extend more than four feet (4') off the bottom
- D. Fyke nets must be tended and hauled every forty-eight (48) hours.
- E. Fyke nets shall not be placed within two hundred fifty feet (250') of any other fishing net.

- F. Prohibited areas: In addition to those waters where all netting is prohibited, fyke nets are prohibited in Charlestown and Quonochontaug Ponds between June 15 and September 15, annually.

## **6.12 Seine Nets**

### **~~6.8.5 Seine Nets~~**

Prohibited areas: In addition to those waters where all netting is prohibited, seine nets are prohibited within one half (½) mile in both directions of the seaward entrance of a coastal salt pond channel for a distance of three hundred (300) yards seaward, when the coastal salt pond is open to the sea.

## **6.13 Fish Traps**

### **~~6.8.6 Fish Traps~~**

- A. Permit required: No person shall set a fish trap in the public waters of the State without first obtaining a permit as provided in these Regulations. (R.I. Gen. Laws § 20-5-1)
- B. Eligibility: A permit may be issued to any resident of this State or to any corporations incorporated in the State licensed in accordance with R.I. Gen. Laws Chapter 20-2.1 upon payment of a permit fee of twenty dollars (\$20.00) per trap location. (R.I. Gen. Laws § 20-5-2)
- C. Application: Application for a fish trap permit shall be made on forms as prescribed by the Director.
- D. Expiration and renewal of permits:
1. Permits shall be provided for a three (3) year period, or for that portion thereof expiring on the last day of December of each third (3<sup>rd</sup>) year thereafter.
  2. On termination of any permit, the Director may renew the permit by issuing a new permit in place of the permit.
  3. Eligibility: Application for permit renewal shall be made within ten (10) days before its termination. Failure to apply for a permit renewal shall allow for a permit application in the location as specified in the permit by any other person. (R.I. Gen. Laws § 20-5-9)
- E. Exclusive right of permittee; assignment of permit:
1. The holder of any permit, or the holder's heirs, executors, administrators, successors, or assigns shall have the exclusive right to fish the location by means of a fish trap, provided that the site is and has been actively fished.

2. Any holder of a permit may, upon approval of the Director, transfer the permit to any suitable person. This approval must be endorsed on the permit in order to become effective. (R.I. Gen. Laws § 20-5-10)
- F. Report as to traps placed; failure to occupy location; removal of permit from State: By January 10 annually, every person holding a permit pursuant to this [Chapter](#) shall notify the DEM in writing, under oath, what traps were placed under the permit during the preceding calendar year. Failure to furnish this information makes the permit null and void after that date. Failure to place a complete fish trap on a permitted location for a part of one (1) calendar year may, in the discretion of the Director, make the permit for the fish trap null and void; and the location will then become available for any suitable applicant. A permit for a fish trap location becomes null and void upon the removal of the holder from the State. (R.I. Gen. Laws § 20-5-13)
  - G. Removal of trap on cessation of use; closed season; damaged or dilapidated traps: Upon ceasing to use any fish trap as authorized, that structure shall at once be removed by the owner at the owner's expense and to the satisfaction of the Director. Failure to remove it shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance or for revocation of the fish trap permit. Unless otherwise specified by Regulations, all fish traps authorized in this [Chapter](#) shall be completely removed by or before the last day of December of each year; and no fish trap shall be reset before the first (1<sup>st</sup>) day of the following March. All submerged or broken stakes must be promptly removed. Any fish trap damaged or allowed to get into a dilapidated condition will be regarded as abandoned unless promptly removed or rebuilt. Failure to do this will subject the owner to prosecution and forfeiture of the trap. (R.I. Gen. Laws § 20-5-14)
  - H. Reporting requirements: By January 10 annually, each licensee/fish trap operator shall submit a written report to the DEM, indicating those locations where the licensee shall be setting fish traps during the upcoming fishing season. These locations shall be identified by GPS, LORAN and/or latitude and longitude coordinates and shall also include the dates upon which the licensee anticipates setting and removing the traps. This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835 prior to the setting of the trap. Failure to provide this information makes the fish trap operator's license null and void.
  - I. By January 31 annually, the DEM shall review all trap site permits and shall eliminate those sites from the list of authorized sites for which a permit has not been issued. The DEM shall provide written notice by registered mail to all those licensees who had most recently been issued permit(s) to set fish trap(s) in the

locations of the sites to be eliminated. Said notice shall advise the affected licensee that the licensee may avoid the elimination of the trap location if written notice of such a desire to avoid elimination is received by the Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835, on or before thirty (30) days of the licensee's receipt of the notice of elimination.

- J. Sub-leasing of permitted fish trap locations: It is prohibited to sub-lease or allow any other person to use a permitted fish trap location; any violation of this prohibition shall make the permit for the fish trap null and void. (R.I. Gen. Laws §§ 20-5-10(b) and 20-5-13)
- K. Hook-backs in Leaders: Each leader shall be set as nearly as may be in a straight line. No bend or angle, known commonly as a "hook-back," shall be permitted (R.I. Gen. Laws § 20-5-7).
- L. Minimum distance between traps: The Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet (3,000') of an adjoining trap if the parties interested agree in writing to such a lesser distance. Such decisions shall be made with the advice of the Rhode Island Marine Fisheries Council. (R.I. Gen. Laws § 20-5-4)
- M. Maximum length of trap leader: No permit shall be granted for a fish trap in which the length of the trap and leader is greater than two hundred eighty (280) fathoms. (R.I. Gen. Laws § 20-5-4)
- N. Willful injury to traps: No person shall willfully or maliciously cut, remove, displace, tamper with, or in any way damage any trap, leader, or pound set by virtue of the permit provided for in these Regulations. (R.I. Gen. Laws § 20-5-18)
- O. Navigational Aids to Fish Traps and Appurtenances:
  - 1. Licensees must comply with the following requirements; failure to comply shall make license null and void. All floating fish traps deployed within the marine waters of Rhode Island ~~State waters~~ shall be marked with no less than four (4) radar reflective buoys (hi-flyers) each positioned no more than one hundred feet (100') from the trap or its appurtenances in the following locations: one (1) buoy shall be located at the shoreward end of the leader, one (1) buoy on the seaward end of the leader adjacent to the head of the trap, and (2) two buoys shall be located on the seaward side of the head of the trap.
  - 2. Floating fish traps located at sites 13F, 26C, 25B, 398, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as follows:
    - a. Site 13F shall be marked with a 5th class buoy with a four (4) second flashing light.

- b. Site 26C shall be marked with a 5th class buoy with a six (6) second flashing light.
- c. Site 25B shall be marked with a 5th class buoy with a four (4) second flashing light at the southern end of the trap and an unlit 5th class buoy at the northern end.
- d. Sites 398 and 383-19 shall be marked with an unlit 5th class buoy.
- e. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6th class buoy.
- f. Sites 122-19 and 400-23 shall be marked with a 5th class buoy with a two and one half (2-1/2) second flashing light.
- g. Each of the above-described buoys shall be positioned within one hundred feet (100') of the head of the floating fish trap and its appurtenances.

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

1. The following sites are located south of the city of Newport and town of Middletown within the area designated for floating fish traps by the Army Corp of Engineers:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
13B	DDD.DDDDD°	41.44409	-71.34711	41.44052	-71.34237	135	1680
	DDD° MM.MMM'	41 26.645	-71 20.826	41 26.431	-71 20.542		
13C	DDD.DDDDD°	41.44052	-71.34237	41.43695	-71.33763	135	1680
	DDD° MM.MMM'	41 26.431	-71 20.542	41 26.217	-71 20.257		
13D	DDD.DDDDD°	41.43695	-71.33763	41.43338	-71.33289	135	1680
	DDD° MM.MMM'	41 26.217	-71 20.257	41 26.002	-71 19.973		
13E	DDD.DDDDD°	41.43338	-71.33289	41.42981	-71.32815	135	1680

	DDD° MM.MMM'	41 26.002	-71 19.973	41 25.788	-71 19.688		
13F	DDD.DDDDD°	41.42981	-71.32815	41.42624	-71.32341	135	1680
	DDD° MM.MMM'	41 25.788	-71 19.688	41 25.574	-71 19.404		
26A	DDD.DDDDD°	41.45083	-71.30667	41.44726	-71.30193	135	1680
	DDD° MM.MMM'	41 27.049	-71 18.400	41 26.835	-71 18.115		
26B	DDD.DDDDD°	41.44726	-71.30193	41.44369	-71.29719	135	1680
	DDD° MM.MMM'	41 26.835	-71 18.115	41 26.6214	-71 17.831		
26C	DDD.DDDDD°	41.44369	-71.29719	41.44012	-71.29245	135	1680
	DDD° MM.MMM'	41 26.6214	-71 17.831	41 26.407	-71 17.547		
26D	DDD.DDDDD°	41.44012	-71.29245	41.43655	-71.28771	135	1680
	DDD° MM.MMM'	41 26.407	-71 17.547	41 26.193	-71 17.262		
111	DDD.DDDDD°	41.44944	-71.33750	41.44766	-71.34008	225	750
	DDD° MM.MMM'	41 26.966	-71 20.250	41 26.859	-71 20.404		
112	DDD.DDDDD°	41.44766	-71.34008	41.44607	-71.34220	225	750
	DDD° MM.MMM'	41 26.859	-71 20.404	41 26.764	-71 20.532		
133	DDD.DDDDD°	41.44961	-71.33436	41.44676	-71.33217	150	1100
	DDD° MM.MMM'	41 26.976	-71 20.061	41 26.805	-71 19.930		
136	DDD.DDDDD°	41.44676	-71.33217	41.44391	-71.32998	150	1100
	DDD° MM.MMM'	41 26.805	-71 19.930	41 26.634	-71 19.798		
324	DDD.DDDDD°	41.44391	-71.32998	41.44106	-71.32779	150	1100
	DDD° MM.MMM'	41 26.634	-71 19.798	41 26.463	-71 19.667		

113A	DDD.DDDDD°	41.43500	-71.28222	41.43143	-71.27748	135	1680
	DDD° MM.MMM'	41 26.100	-71 16.933	41 25.885	-71 16.648		
113B	DDD.DDDDD°	41.43143	-71.27748	41.42786	-71.27274	135	1680
	DDD° MM.MMM'	41 25.885	-71 16.648	41 25.671	-71 16.364		
113C	DDD.DDDDD°	41.42786	-71.27274	41.42429	-71.26800	135	1680
	DDD° MM.MMM'	41 25.671	-71 16.364	41 25.457	-71 16.080		
113D	DDD.DDDDD°	41.42429	-71.26800	41.42072	-71.26326	135	1680
	DDD° MM.MMM'	41 25.457	-71 16.080	41 25.243	-71 15.795		
113E	DDD.DDDDD°	41.42072	-71.26326	41.41715	-71.25852	135	1680
	DDD° MM.MMM'	41 25.243	-71 15.795	41 25.029	-71 15.511		
113F	DDD.DDDDD°	41.41715	-71.25852	41.41358	-71.25378	135	1680
	DDD° MM.MMM'	41 25.029	-71 15.511	41 24.814	-71 15.226		
25A	DDD.DDDDD°	41.45083	-71.30667	41.44726	-71.30193	120	1680
	DDD° MM.MMM'	41 27.049	-71 18.400	41 26.835	-71 18.115		
25B	DDD.DDDDD°	41.44726	-71.30193	41.44369	-71.29719	120	1680
	DDD° MM.MMM'	41 26.835	-71 18.115	41 26.621	-71 17.831		
25C	DDD.DDDDD°	41.44369	-71.29719	41.44012	-71.29245	120	1680
	DDD° MM.MMM'	41 26.621	-71 17.831	41 26.407	-71 17.547		
54A	DDD.DDDDD°	41.41657	-71.28733	41.41981	-71.29246	310	1680
	DDD° MM.MMM'	41 24.994	-71 17.239	41 25.188	-71 17.547		
54B	DDD.DDDDD°	41.41981	-71.29246	41.42305	-71.29759	310	1680

	DDD° MM.MMM'	41 25.188	-71 17.547	41 25.383	-71 17.855		
37A	DDD.DDDDD°	41.41324	-71.26933	41.41648	-71.27446	310	1680
	DDD° MM.MMM'	41 24.794	-71 16.159	41 24.988	-71 16.467		
37B	DDD.DDDDD°	41.41648	-71.27446	41.41972	-71.27959	310	1680
	DDD° MM.MMM'	41 24.988	-71 16.467	41 25.183	-71 16.775		
116	DDD.DDDDD°	41.45917	-71.30028	41.45659	-71.29538	125	1500
	DDD° MM.MMM'	41 27.550	-71 18.016	41 27.395	-71 17.722		
117	DDD.DDDDD°	41.45659	-71.29538	41.45401	-71.29048	125	1500
	DDD° MM.MMM'	41 27.395	-71 17.722	41 27.240	-71 17.428		
501A	DDD.DDDDD°	41.45222	-71.29306	41.44933	-71.28757	125	1680
	DDD° MM.MMM'	41 27.133	-71 17.583	41 26.959	-71 17.254		
501B	DDD.DDDDD°	41.44933	-71.28757	41.44644	-71.28208	125	1680
	DDD° MM.MMM'	41 26.959	-71 17.254	41 26.786	-71 16.924		
287	DDD.DDDDD°	41.47389	-71.29694	41.47301	-71.29030	100	1680
	DDD° MM.MMM'	41 28.433	-71 17.816	41 28.380	-71 17.418		
23	DDD.DDDDD°	41.46556	-71.27528	41.46376	-71.27530	180	600
	DDD° MM.MMM'	41 27.933	-71 16.516	41 27.825	-71 16.518		
383-19A	DDD.DDDDD°	41.47455	-71.24348	41.47098	-71.23874	135	1680
	DDD° MM.MMM'	41 28.473	-71 14.608	41 28.258	-71 14.324		
383-19B	DDD.DDDDD°	41.47098	-71.23874	41.46741	-71.23400	135	1680
	DDD° MM.MMM'	41 28.258	-71 14.324	41 28.044	-71 14.039		

512-19	DDD.DDDDD°	41.48066	-71.23695	41.47709	-71.23221	135	1680
	DDD° MM.MMM'	41 28.839	-71 14.216	41 28.625	-71 13.932		
364	DDD.DDDDD°	41.45750	-71.35972	41.45750	-71.36134	270	400
	DDD° MM.MMM'	41 27.450	-71 21.583	41 27.450	-71 21.680		
191	DDD.DDDDD°	41.47917	-71.27500	41.47504	-71.27115	145	1680
	DDD° MM.MMM'	41 28.750	-71 16.500	41 28.502	-71 16.269		
192	DDD.DDDDD°	41.47504	-71.27115	41.47091	-71.26735	145	1680
	DDD° MM.MMM'	41 28.502	-71 16.269	41 28.254	-71 16.041		

2. The following sites are located near Sakonnet Point within the area designated by the Army Corp of Engineers:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
119-19	DDD.DDDDD°	41.48667	-71.19583	41.48495	-71.20213	250	1680
	DDD° MM.MMM'	41 29.200	-71 11.749	41 29.097	-71 12.127		
581-19	DDD.DDDDD°	41.48444	-71.20389	41.48272	-71.21019	250	1680
	DDD° MM.MMM'	41 29.066	-71 12.233	41 28.963	-71 12.611		
580-19	DDD.DDDDD°	41.48389	-71.19778	41.48217	-71.20408	250	1680
	DDD° MM.MMM'	41 29.033	-71 11.866	41 28.930	-71 12.244		
293-19	DDD.DDDDD°	41.48183	-71.19168	41.48011	-71.19798	250	1680
	DDD° MM.MMM'	41 28.909	-71 11.500	41 28.806	-71 11.878		
227-19	DDD.DDDDD°	41.47536	-71.19205	41.47536	-71.19875	270	1680

	DDD° MM.MMM'	41 28.521	-71 11.522	41 28.521	-71 11.925		
584-19	DDD.DDDDD°	41.47333	-71.19639	41.47333	-71.20309	270	1680
	DDD° MM.MMM'	41 28.399	-71 11.783	41 28.399	-71 12.185		
122-19	DDD.DDDDD°	41.47056	-71.19333	41.46925	-71.19981	255	1680
	DDD° MM.MMM'	41 28.233	-71 11.599	41 28.155	-71 11.988		
120-19	DDD.DDDDD°	41.46595	-71.19625	41.46595	-71.20295	270	1680
	DDD° MM.MMM'	41 27.957	-71 11.775	41 27.957	-71 12.177		
261-19	DDD.DDDDD°	41.45933	-71.19548	41.45933	-71.20218	270	1680
	DDD° MM.MMM'	41 27.559	-71 11.728	41 27.559	-71 12.130		
398	DDD.DDDDD°	41.45278	-71.20278	41.45026	-71.20858	240	1680
	DDD° MM.MMM'	41 27.166	-71 12.166	41 27.015	-71 12.514		
118	DDD.DDDDD°	41.45026	-71.20858	41.44774	-71.21438	240	1680
	DDD° MM.MMM'	41 27.015	-71 12.514	41 26.864	-71 12.862		
58	DDD.DDDDD°	41.45278	-71.20278	41.44774	-71.20280	180	1680
	DDD° MM.MMM'	41 27.166	-71 12.166	41 26.864	-71 12.168		
79A	DDD.DDDDD°	41.44863	-71.19876	41.44691	-71.20506	250	1680
	DDD° MM.MMM'	41 26.917	-71 11.925	41 26.814	-71 12.303		
79B	DDD.DDDDD°	41.44691	-71.20506	41.44519	-71.21136	250	1680
	DDD° MM.MMM'	41 26.814	-71 12.303	41 26.711	-71 12.681		
114A	DDD.DDDDD°	41.49667	-71.12583	41.49170	-71.12467	170	1680

	DDD° MM.MMM'	41 29.800	-71 07.549	41 29.502	-71 07.480		
29	DDD.DDDDD°	41.42944	-71.21139	41.42440	-71.21139	180	1680
	DDD° MM.MMM'	41 25.766	-71 12.683	41 25.463	-71 12.683		
614A	DDD.DDDDD°	41.45361	-71.18528	41.44857	-71.18528	180	1680
	DDD° MM.MMM'	41 27.216	-71 11.116	41 26.914	-71 11.116		
614B	DDD.DDDDD°	41.44857	-71.18528	41.44353	-71.18528	180	1680
	DDD° MM.MMM'	41 26.914	-71 11.116	41 26.611	-71 11.116		
FC-1	DDD.DDDDD°	41.54250	-71.31444	41.54444	-71.31167	240	1680
	DDD° MM.MMM'	41 32.549	-71 18.866	41 32.666	-71 18.700		
FC-2	DDD.DDDDD°	41.54083	-71.32278	41.53917	-71.32750	250	1680
	DDD° MM.MMM'	41 32.449	-71 19.366	41 32.350	-71 19.650		
FC-3	DDD.DDDDD°	41.44194	-71.20250	41.43690	-71.20250	180	1680
	DDD° MM.MMM'	41 26.516	-71 12.150	41 26.214	-71 12.150		
FC-4	DDD.DDDDD°	41.42750	-71.20444	41.42578	-71.19814	110	1680
	DDD° MM.MMM'	41 25.650	-71 12.266	41 25.546	-71 11.888		
583-19	DDD.DDDDD°	41.46233	-71.20205	41.45796	-71.20535	90	1680
	DDD° MM.MMM'	41 27.739	-71 12.122	41 27.477	-71 12.320		
585-19	DDD.DDDDD°	41.47583	-71.21139	41.47583	-71.20470	90	1680
	DDD° MM.MMM'	41 28.549	-71 12.683	41 28.549	-71 12.282		
586-19	DDD.DDDDD°	41.45952	-71.20514	41.45952	-71.19840	270	1680

	DDD° MM.MMM'	41 27.571	-71 12.308	41 27.571	-71 11.904		
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3. The following sites are located east of the shore in the town of Narragansett north of Scarborough Beach and south of Narragansett Pier within the area designated by the Army Corp of Engineers for fish traps:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
68A	DDD.DDDDD°	41.41876	-71.45272	41.41624	-71.44690	120	1680
	DDD° MM.MMM'	41 25.125	-71 27.163	41 24.974	-71 26.813		
68B	DDD.DDDDD°	41.41624	-71.44690	41.41372	-71.44110	120	1680
	DDD° MM.MMM'	41 24.974	-71 26.813	41 24.823	-71 26.466		
69A	DDD.DDDDD°	41.41454	-71.45230	41.41241	-71.44623	115	1680
	DDD° MM.MMM'	41 24.872	-71 27.137	41 24.744	-71 26.773		
69B	DDD.DDDDD°	41.41241	-71.44623	41.41028	-71.44016	115	1680
	DDD° MM.MMM'	41 24.744	-71 26.773	41 24.616	-71 26.409		
70A	DDD.DDDDD°	41.40875	-71.45376	41.40662	-71.44769	115	1680
	DDD° MM.MMM'	41 24.524	-71 27.225	41 24.397	-71 26.861		
70B	DDD.DDDDD°	41.40662	-71.44769	41.40449	-71.44162	115	1680
	DDD° MM.MMM'	41 24.397	-71 26.861	41 24.269	-71 24.269		
74A	DDD.DDDDD°	41.40185	-71.45790	41.39861	-71.45277	130	1680
	DDD° MM.MMM'	41 24.111	-71 27.473	41 23.916	-71 27.166		
74B	DDD.DDDDD°	41.39861	-71.45277	41.39537	-71.44764	130	1680

	DDD° MM.MMM'	41 23.916	-71 27.166	41 23.722	-71 26.858		
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4. The following sites are located within the area of the Harbor of Refuge in Point Judith:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
22-29	DDD.DDDDD°	41.36854	-71.51594	41.36797	-71.51797	250	550
	DDD° MM.MMM'	41 22.112	-71 30.956	41 22.078	-71 31.078		
400-23	DDD.DDDDD°	41.36702	-71.51544	41.36633	-71.51793	250	675
	DDD° MM.MMM'	41 22.021	-71 30.926	41 21.979	-71 31.075		
475-29	DDD.DDDDD°	41.36464	-71.48970	41.36273	-71.49224	225	900
	DDD° MM.MMM'	41 21.878	-71 29.381	41 21.763	-71 29.534		
475-30	DDD.DDDDD°	41.35990	-71.48999	41.36116	-71.49199	310	650
	DDD° MM.MMM'	41 21.594	-71 29.399	41 21.669	-71 29.519		

**Rhode Island Saltwater Recreational  
Fishing License Program**

**Draft Annual Report**

**Fiscal Year 2020**

**Draft**

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

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## **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 FY20, offers a brief review of the status of state-based recreational fishing assessments, and sets forth the FY21 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 fishing license, a state fishing 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 \$29.

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 between 2011 - 2017 was approximately 42,000 per year, generating average revenues of about \$270,000 gross and \$180,000 net. For the last two years (2018 and 2019) this figure has risen to approximately 50,000 licenses issued per year generating average revenues of about \$300,000 gross and \$200,000 net. All net license fee revenues, those not retained by the program vendor, 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 \$29 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 resident license sold via a vendor, is used to cover the costs of administering the licensing program. An additional charge of \$3 per license is assessed if a non resident buys a license at a brick and mortar vendor. This money goes directly to the vendors who administer the program, and are not revenues received by the state. 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 (USFWS) 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. It is the policy of the Division to only fund Saltwater Fishing License Fee projects which have been matched with USFWS grants unless absolutely necessary.

#### **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 encrypted 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](http://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 on saltwater license revenue supported programs and regulations.

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 to support issuing licenses in a convenient forum for the community. 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. Another valuable suggestion generated by the group was to communicate any maintenance / infrastructure via press releases. 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 positive 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.

In the FY2017 funding cycle the Division started funding an annual youth fishing camp administered by the Rhode Island Saltwater Anglers Association (RISAA) with oversight from the Division. The camp was a success enrolling 51 children for three days all centered around fishing. The popularity of the camp has prompted the Division and RISAA to continue the camp in FY2020, at Rocky Point. Unfortunately, due to the Covid -19 crisis the 2020 kids fishing camp was cancelled. Hopefully conditions will improve and the camp can be held in 2021. RISAA is a very active, large recreational fishing organization based in the state of Rhode Island. An overview of the association can be found on their website: [www.risaa.org](http://www.risaa.org). The state funding used to match the

federal USFWS sportfish grant in the past has been derived almost entirely from credits derived from the donated time spent by the RISAA volunteers. The grant the volunteer time was matched to was the USFWS RI Aquatic Education grant. Future camps will continue to leverage volunteer hours to match federal funding. Future camps will use recreational saltwater license revue will be used to match the federal grant in the event that volunteer hours are not available.

### ***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 2011-2020**

Tables 1-3 summarize licenses issued and revenue 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 and other brick and mortar vendors. License numbers and revenues increased after FY11, as expected, as the federal registry switched from being a free alternative to a costly alternative. In the nine years since FY11, license issued have increased to approximately 50,000 per year, generating an average gross revenue of about \$330,000, and average net revenue of about \$234,000. Despite the increases, the number of licenses sold and revenue generated fall well short of initial predictions from 2010, resulting in a much more constrained budget then originally envisioned. FY20 was a good year for license sales. The number of licenses increase by approximately 9,000 licenses. During FY20 57,732 licenses were issued resulting in \$387,801 in gross revenue and \$264,131 in net revenue. This was an significant increase from FY19 and above the average and the highest total in the series. While sales fluctuate from year to it is still an indication that the recreational saltwater licensing program is not losing ground and still has potential to grow. The unexpected high number of sales this year is likely contributed to the public's reaction to Covid – 19 restrictions. Fishing allows for recreation in the outdoors which is relatively safe due to inherent social distancing of fishing. In fact it is estimated that use of all of RI's outdoor access points and resources increased approximately 80% during the pandemic. With more people recreating outdoors it is not surprising that the number of fishing licenses sold trend upward as well.

Table 1. RI Saltwater Recreational Fishing Licenses – Number Issued: FY11 through FY20

<b>License Type</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>
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
<b>Totals:</b>	<b>29,615</b>	<b>42,438</b>	<b>41,325</b>	<b>42,194</b>	<b>42,350</b>

<b>License Type</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
Resident Full Year	29,335	28,605	31,576	30,155	37,664
Non-Resident Full Year	8,428	8,378	8,762	8,721	9,815
Resident 7-Day	159	158	167	135	185
Non-Resident 7 Day	3,141	3,221	3,436	3,430	3,395
Resident Over 65	5,078	5,613	5,879	5,489	5,858
Active Military Stationed in RI	1,006	971	975	807	815
<b>Totals:</b>	<b>47,147</b>	<b>46,946</b>	<b>50,795</b>	<b>48,737</b>	<b>57,732</b>

Table 2. RI Saltwater Recreational Fishing Licenses -- Gross Revenue: FY11 through FY20

<b>License Type</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	<b>FY15</b>
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
<b>Totals:</b>	<b>\$189,946</b>	<b>\$275,517</b>	<b>\$264,983</b>	<b>\$271,396</b>	<b>\$272,343</b>

<b>License Type</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
Resident Full Year	\$205,345	\$200,235	\$221,032	\$211,085	\$263,648
Non-Resident Full Year	\$84,280	\$83,780	\$90,938	\$93,495	\$104,210
Resident 7-Day	\$795	\$790	\$835	\$675	\$925
Non-Resident 7 Day	\$15,705	\$16,105	\$17,639	\$19,562	\$19,018
Resident Over 65	\$0	\$0	\$0	\$0	\$0
Active Military Stationed in RI	\$0	\$0	\$0	\$0	\$0
<b>Totals:</b>	<b>\$306,125</b>	<b>\$300,910</b>	<b>\$330,444</b>	<b>\$324,817</b>	<b>\$387,801</b>

Table 3. RI Saltwater Recreational Fishing Licenses -- Net Revenue: FY11 through FY20

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
<b>Totals:</b>	<b>\$132,943</b>	<b>\$189,859</b>	<b>\$181,512</b>	<b>\$185,911</b>	<b>\$186,324</b>

License Type	FY16	FY17	FY18	FY19	FY20
Resident Full Year	\$136,810	\$133,772	\$155,040	\$140,853	\$177,714
Non-Resident Full Year	\$64,923	\$64,664	\$68,952	\$67,723	\$76,372
Resident 7-Day	\$453	\$430	\$477	\$384	\$541
Non-Resident 7 Day	\$8,445	\$8,765	\$9,465	\$9,488	\$9,504
Resident Over 65	\$0	\$0	\$0	\$0	\$0
Active Military Stationed in RI	\$0	\$0	\$0	\$0	\$0
<b>Totals:</b>	<b>\$210,631</b>	<b>\$207,631</b>	<b>\$233,934</b>	<b>\$218,448</b>	<b>\$264,131</b>

### **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. This data is collected during the months of March through December; no intercepts for shore, private/rental, or party charter modes are collected in Rhode Island during wave 1 (January - February) due to low fishing activity. RIDMF does sample in Head boat mode during wave one as part of the add on sampling coverage. Samplers ride along on head boats twice per month in January and February to collect data on cod, tautog, and black sea bass winter fishing trips. The covid -19 crisis prevented us from sampling head boats in FY 2020 from January, 2020 to July, 2020.

The portion of MRIP that collects recreational fishing effort data is currently being collected by the Fishing Effort Survey (FES) a mail based system which has replaced the Coastal Household Telephone Survey (CHTS). A benchmarking period during which data collection was conducted with both methodologies and was successful. The data collected during benchmarking period was used to calculate a conversion factor used to relate effort data collected in the past with the CHTS to the new effort data collected by the FES.

The FES methodology uses information provided by anglers when purchasing a Rhode Island Saltwater Recreational Fishing License as the sample frame for the surveys. The data is provided to MRIP to create a registry of anglers whose addresses are randomly drawn from to receive a mail survey concerning fishing effort. The new system has proven to be a better estimator of fishing activity than the CHTS, one outcome of which is higher angler effort statistics. The improved accuracy of the FES has provided a better understanding of the number of anglers and trips taking place and has shown that more anglers were making fishing trips than previously thought using CHTS data. The increased effort combined with the existing catch rates has highlighted that previous catch and harvest estimates were much lower than previously thought. Comparisons of catch and harvest estimates using the two methods are available on the MRIP website.

The second portion MRIP focuses on the collection of recreational catch statistics. As of 2016, the Division is responsible for conduct of the Access Point Angler Interview Survey (APAIS). Prior to that, the Division had a contract with the federally approved contractor, to perform the APAIS. APAIS is the portion of MRIP which captures the

recreational catch data. The accuracy of the data collected via angler intercepts has been improving over the past three years, due to the new approaches employed under MRIP. The number of attempted 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 continue to increase the accuracy of the estimates. Additionally, interviews are now being conducted at increasing rates during the winter months on head boat trips. Intercept refusal rates have remained level, despite the change to the Division conducting the APAIS. The Division is working hard to improve this aspect of the processes and engaged stakeholders at local club events to foster buy in to the APAIS. This face to face approach has been well received and will continue into the future. The Division has also reached out to NOAA Fisheries for outreach materials and strategies which should have positive results.

To further add to the above-described improvements, the Division is increasing the number of sample draws across all months using revenues from Rhode Island Saltwater Recreational Fishing License matched 3:1 with USFWS federal grant money. The funds are being used to hire four additional seasonal employees during the summer months to perform these additional interview shifts. The Division plans to continue this practice into the foreseeable future. This state-specific increase in sample numbers has increased the accuracy and precision of recreational catch and effort data for RI.

As mentioned above, APAIS has transitioned from contractor-based administration to state-based administration. The transition occurred in 2016. The data collected from APAIS is displayed in table 4a, 4b, 4c and 5. Recreational Saltwater License funds were not used to make this transition; it was 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 hired a full time coordinator to administer the program. The funding for this position is provided annually by NOAA Fisheries. The MRIP coordinator is responsible for maintaining and scheduling personnel who will conduct angler intercepts throughout RI. In addition to staffing duties, the coordinator is responsible for QA/QC, validation, and disseminating of data collected to the Atlantic Coast Cooperative Statistics Survey (ACCSP). ACCSP is part of ASMFC and is coordinating the collection of data from state partners for delivery to NOAA Fisheries.

The Division has hired 2 full time field interviewers to perform angler intercepts during waves 2 -6 throughout Rhode Island. NOAA Fisheries provides funding for one staff via funding for APAIS and ~75% of the other staff via funding to conduct the For Hire Telephone Survey (FHTS). NOAA Fisheries provides funding as well as for four seasonal employees each year. These employees travel to shore based sites and ride on board head boats to conduct angler interviews routinely as prescribed by APAIS. The full time employee also provides back office support to the MRIP coordinator.

As mentioned above, Recreational Saltwater License funds will be used each year to increase the number of interviews beyond the base number funded by NOAA

Fisheries. These additional interviews are accomplished by hiring additional seasonal employees during peak fishing waves. The funding for the three additional seasonal employees and three months of a full time staff member's time is provided by Rhode Island Recreational Saltwater License fees matched 3:1 with USFWS grant money. It is estimated that the four additional temporary samplers will accomplish the same number of additional samples (likely more) than were purchased directly from the contractor in the past. After one year of the new methodology it has been determined that two additional seasonal employees is an effective number to conduct the additional site assignments requested by the Division. By ordering additional samples from NOAA Fisheries, the tiered nature of the sample draws can result in summer weekend days requiring six staff members to carry out all of the site assignments. Non weekend sample draws are less intensive and require fewer staff.

The Division intends to build on the recent improvements to the survey and anticipates better data collection and more accurate information going forward with the program. Tables 4a and 4b, show the assignment statistics by wave and mode for 2019 and 2020. Table 5 compares 2016- 2020 APAIS interview statistics. The results compare the first four years of RI State conduct of the survey. Notably the number of completed interviews has increased but refusal rates only slightly decreased. Staff will continue to develop strategies to reduce the number of refusals.

The higher number of completed interviews is a function of higher angler encounter rates. During the early sampling waves of 2016, the Division was still learning the nuances of conducting the survey. A key part of the process involved adjusting the site pressures used by NOAA Fisheries to make the random assignments directing where interviews take place. Rhode Island site pressures needed adjustment because they were not resulting in random draws that would direct field interviewers to popular fishing sites. The adjustments have been accomplished and their effectiveness is reflected in a higher number of completed interviews between 2017 and 2020 relative to 2016. Field interviewer production rates continued to contribute to more completed interviews in 2020. Production rates remained steady between 2019 and 2020 with an average of ~ 6 interviews/assignment. The sustained high field interviewer production rates are the result of the experience gained in our first year of the program and a more refined training regimen. It is anticipated to maintain this increased production in 2021 as there is 1 field interviewer returning from 2020. This FI has one or two years of training under their belts, which should foster higher productivity.

Refusal rates have decreased slightly between 2016 and 2019 but increased slightly in 2020. This increase in refusals is likely contributed to Covid – 19 and anglers social distancing/avoiding our interviewers. The Division will continue its outreach efforts to reduce this statistic. Most of the refusals occur in Party/Charter mode. Staff has been focused on obtaining interviews from all clients from any given charter boat trip to bring this number down with some good preliminary results. Since 2016, any angler that is not interviewed from a boat party from which at least one angler was interviewed is coded as an initial refusal, and the count of missed anglers only refer to anglers who were eligible but could not be interviewed because the interviewer was busy interviewing other

anglers. This procedural change has increased the number of refusals in this mode. The Division constructed a kiosk at the main charter boat dock in the state. The kiosk is meant to raise awareness to the survey and provide a central location from which our field interviewers may operate.

New for FY2020, RIDMF has assumed the duties for maintaining the vessel registry, the For-Hire Telephone Survey (FHTS), and Large Pelagics Survey (LPS) for Party/Charter and Head Boats. The vessel registry is used to randomly select for hire vessels for inclusion in the FHTS as well as add them to the vessel good list. The good list is the list of vessels which are active in any given wave and are available to be interviewed as part of APAIS and surveyed via the FHTS. The FHTS is used instead of the FES to collect fishing effort data to be compiled with APAIS to create recreational harvest estimates for the for-hire fleet. The LPS is another telephone survey which collects fishing effort data but specific to large pelagic species of fish such as tunas and sharks. RIDMF received additional funds from NOAA Fisheries to provide for staff time to make these calls throughout the year. No recreational license fees have been used to run this survey. As mentioned above the Division hired an additional full-time staff member, that persons main focus is the FHTS. The three months funded by the RI Saltwater License Fees and USFWS Sportfish funding take place during the winter season to help with add on Head Boat rides, add on Fall interviews and preparation for spring each year.

The concept behind the state taking over the FHTS and LPS is that those surveys will now have a local brand associated with them which will in turn increase participation. Other states that have already taken over conduct of these two surveys have experienced better results since taking over the job from the federal contractor (Quantech). The increased participation can be credited to having the same core group of staff making the calls building a repour with the for-hire captains as opposed to a random person calling them from week to week. RIDMF plans to use similar methods using the same two staff members to make all the calls to the RI for-hire fleet.

Table 4a. APAIS Interview Statistics from 2019 Assignments. (CH = Party/Charter, PR = Private/Rental Boat, SH = Shore, HB = Head Boat)

Year	Wave	Mode	Assignments	Completed	Initially Refused	Language Barrier	Missed Anglers	Productivity
2019	2	CH	3	0	0	0	0	0
2019	2	HB	5	53	14	10	0	10.6
2019	2	PR	13	43	8	18	0	3.31
2019	2	SH	30	103	41	3	0	3.43
2019	3	CH	37	258	234	2	10	6.97
2019	3	HB	16	225	124	38	0	14.06
2019	3	PR	42	230	50	20	0	5.48
2019	3	SH	61	288	52	82	1	4.72
2019	4	CH	61	417	283	11	24	6.84
2019	4	HB	19	357	294	16	0	18.79
2019	4	PR	80	674	133	75	9	8.43
2019	4	SH	51	211	55	45	2	4.14
2019	5	CH	28	156	141	8	7	5.57
2019	5	HB	12	122	68	50	0	10.17
2019	5	PR	58	566	100	53	5	9.76
2019	5	SH	44	200	45	71	3	4.55
2019	6	CH	6	19	44	6	0	3.17
2019	6	HB	7	77	29	16	0	11
2019	6	PR	14	0	0	0	0	0
2019	6	SH	25	44	2	5	0	1.76
			<b>612</b>	<b>4043</b>	<b>1717</b>	<b>529</b>	<b>61</b>	<b>6.64</b>

Table 4b. APAIS Interview Statistics from 2020 Assignments. (CH = Party/Charter, PR = Private/Rental Boat, SH = Shore, HB = Head Boat)

Year	Wave	Mode	Assignments	Completed	Initially Refused	Language Barrier	Missed Anglers	Productivity
2020	2	CH	0	0	0	0	0	0
2020	2	HB	1	6	3	5	0	6
2020	2	PR	8	0	0	0	0	0
2020	2	SH	28	40	9	3	17	1.43
2020	3	CH	35	155	269	5	66	4.43
2020	3	HB	0	0	0	0	0	0
2020	3	PR	46	234	80	57	66	5.09
2020	3	SH	60	272	77	66	95	4.53
2020	4	CH	60	523	831	8	249	8.72
2020	4	HB	0	0	0	0	0	0
2020	4	PR	82	638	183	60	172	7.78
2020	4	SH	48	302	68	79	65	6.29
2020	5	CH	36	274	297	27	65	7.61
2020	5	HB	0	0	0	0	0	0
2020	5	PR	69	524	109	45	119	7.59
2020	5	SH	54	317	116	83	77	5.87
2020	6	CH	9	42	80	0	9	4.67
2020	6	HB	0	0	0	0	0	0
2020	6	PR	10	4	1	0	0	0.4
2020	6	SH	25	72	24	7	32	2.88
			<b>571</b>	<b>3403</b>	<b>2147</b>	<b>445</b>	<b>1032</b>	<b>5.96</b>

Table 5. Summary of APAIS interview Statistics from 2016 – 2020 assignments by wave.

Year	Wave	Completed	Refused	Missed	Percent Refused	Percent Complete
2016	2	116	63	8	35.20%	62.03%
2016	3	396	549	65	58.10%	39.21%
2016	4	857	1157	260	57.45%	37.69%
2016	5	665	557	143	45.58%	48.72%
2016	6	111	61	4	35.47%	63.07%
<b>2016</b>		<b>2145</b>	<b>2387</b>	<b>480</b>	<b>53.00%</b>	<b>42.80%</b>
2017	2	124	15	13	10.79%	81.58%
2017	3	759	579	146	43.27%	51.15%
2017	4	1908	1011	629	34.64%	53.78%
2017	5	901	518	267	36.50%	53.44%
2017	6	149	94	37	38.68%	53.21%
<b>2017</b>		<b>3841</b>	<b>2217</b>	<b>1092</b>	<b>36.60%</b>	<b>53.72%</b>
2018	2	149	46	19	23.58%	69.63%
2018	3	782	532	277	40.49%	49.15%
2018	4	1740	989	704	36.24%	50.68%
2018	5	1058	583	434	35.53%	50.99%
2018	6	199	147	87	42.48%	45.96%
<b>2018</b>		<b>3928</b>	<b>2297</b>	<b>1521</b>	<b>36.90%</b>	<b>50.71%</b>
2019	2	199	63	31	21.50%	67.92%
2019	3	1001	460	188	27.90%	60.70%
2019	4	1659	765	431	26.80%	58.11%
2019	5	1044	354	249	21.49%	63.39%
2019	6	140	75	10	33.33%	62.22%
<b>2019</b>		<b>4043</b>	<b>1717</b>	<b>909</b>	<b>25.75%</b>	<b>60.62%</b>
2020	2	46	12	17	20.69%	61.33%
2020	3	661	426	227	39.19%	50.30%
2020	4	1463	1082	486	42.51%	48.27%
2020	5	1115	522	261	31.89%	58.75%
2020	6	118	105	41	47.09%	44.70%
<b>2020</b>		<b>3403</b>	<b>2147</b>	<b>1032</b>	<b>38.68%</b>	<b>51.70%</b>

#### 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 may not be comfortable using a home computer and printer. Additionally, some individuals may have the need to pay for their license using cash, instead of a debit or credit card, which is required for the online transaction. This precipitates the need to maintain and increase brick and mortar vendors in RI.

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 started in 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 ended as of November of 2015. The Division has exhausted its supply of computers.

In 2018 RIDEM successfully rolled out a new outdoor recreational licensing system which will allow saltwater, freshwater, and hunting licenses to be purchased over the internet at once. By way of background, the saltwater and freshwater licenses were already available online, hunting licenses were still being issued via a paper system. The new system has both an online and agent module to allow both online and brick and mortar sales outlets. Combining all three licenses into one system has resulted in the saltwater license being available at more brick and mortar locations. Saltwater recreational fishing licenses are now sold at over 25 locations throughout the state including municipalities and the RIDEM Boating Registration office. This increased access to the fishing license and a sustained outreach campaign associated is the likely contributed to license sales remained relative level in FY2020.

#### **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, the Division plans to pursue legislation to supplement the new combined online system to create a license that would cover saltwater, freshwater, and hunting licenses. This legislation would also address license fees and agent fees. It is not anticipated that saltwater license fees will increase, hunting license fees may need to be adjusted higher. Allowing for a combination purchase will enhance the customer service aspect of the licensing program, and is therefore an important initiative for the State.

#### **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. 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 on the part of the Rhode Island recreational fishing community to pursue the initiative, it can be pursued further. Examples of voluntary methods for contribution include license plate programs and donations on state tax forms. There are no proposals to develop additional means of acquiring voluntary contributions at this time.

**e. 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 but 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, but for now it will still be a required data element of the RI program.

It should be noted that the new online system took ease of license renewal into its design specification's. A new unique identifying number will be assigned to each license holder that will directly link to an account in the system. The user accounts will maintain a history of past transactions and store all demographic information. These changes have reduced the amount of time any given user spends renewing their recreational saltwater fishing license.

**f. Compliance**

As mentioned above, the number of licenses issued for the past three years has remained static at approximately 42,000 until 2016. During the 2018 and 2019 fiscal cycles, this number increased to ~50,000 licenses. In 2020 the number increased further to ~57,000 licenses. Increases were seen in both the resident and non-resident demographic. Although it is too soon to predict whether these sales numbers will be sustained, it is a positive sign that general awareness to the licensing program has increased. It is speculated that the presence of APAIS field interviewers dressed in RIDFW uniforms was also a factor in raising awareness of the program or perception that an angler's license may be checked more frequently. The Division is vested in providing outreach and education to the public, this positive sign is encouraging and fosters a belief that the outreach funds are well spent.

It is important to know how closely the number of licenses 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. These field checks are essential to the success of the program, the officer's invest numerous patrol hours checking for compliance and are the Departments hands on ambassadors. On average approximately 1,200 license checks take place annually. These results have yielded an approximate 90% compliance rate with the Saltwater Recreational License program. DLE states that this is similar to rates seen by other regional law enforcement agencies. While 90% is a good compliance rate it still remains necessary to promote a high level of awareness of the saltwater license program to keep noncompliance in check, to facilitate good quality data collection, and continue to foster the gains in sales from FY2020 into 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. The Division executed these email reminders beginning in 2017 and will continue to do so. The new online recreational licensing system will allow the Division to continue this functionally for all three types of recreational licenses types.

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.

## **V. Expenditures and Budget**

### **a. Preface**

The goal of the saltwater recreational fishing license is to promote healthy and 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 into 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 recreational fishing programs that work towards completing our goal.

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. FY20 Expenditures**

During the 2020 fiscal year, a total \$359,185 of was spent on the Rhode Island Marine Recreational Fishing Program (Table 6). This amount is up from the \$159,628 expended in FY2019. Of that total:

- \$22,429 was used to hire two additional seasonal field interviewers and part of a full time staff member to accomplish additional MRIP intercept interviews, \$1,307 on programmatic supplies.
- \$139,857 was used for personnel costs related to the management of the Marine Recreational Fisheries Program and Stock Assessment. \$15,024 was used for equipment costs in support of the Division's finfish surveys for stock assessments. The total for this category was \$154,881.
- \$138,475 was used to provide match to USFWS Sportfish funding to complete major renovations of the Quonochontaug Boat Ramp. The old ramp was destroyed and filled in and a new ramp with finger pier was constructed. Survey, engineering, and construction costs for the project were included in this figure.
- \$5,502 was used to hire two seasonal employees to monitor the Camp Cronin fishing area. These employees helped coordinate parking, monitored for user conflicts, and picked up trash. \$22,094 was used to support the Division's boating/fishing access site maintenance program. Maintenance performed at marine ramps included mowing, brush removal, dead tree limbs and downed trees removal. Litter and trash is removed weekly, or biweekly as needed. Fishing line recycle boxes under our oversight are emptied of fishing line. Snow was plowed in some saltwater access areas. Location and regulation signs were inspected monthly at each fishing site and repaired or replaced as needed. Specifically:
  - Supervised and provided oversight at annual float removal and winter storage of docks at Mt Hope, Haines Park, Galilee and Fort Adams boat ramps with contract vendor- Steel Giraffe. Assisted with the spring installation.
  - Quonochontaug boat ramp-repaired (prior to upgrade) and graded roads, trim brush along access road and removed downed trees following a storm;
  - Colt Park-checked periodically, contracted dock services, remove rocks from ramp and install safety barrier at end of floating dock;
  - Haines Park-contracted dock services, periodically inspect, repair dock;
  - Longmeadow-relocated boulders for habitat protection and install location sign;
  - Mount Hope- contracted dock services;
  - Goddard Park-contracted dock services and removed debris from ramp area;
  - Narrow River Ramp- trash, trimming, graded parking area and ramp repairs;
  - Pawcatuck River Boat Ramp, Westerly- trash and continued to monitor ramp damage;
  - Passeonquois Cove-grade and repair ramp and lot areas;
  - Sakonnet Point boat ramp-replaced location sign;

- Galilee Boat Ramp-repair and grade parking lot, contracted dock services, and checked periodically;
  - Charlestown Breachway- periodically checked and ramp repairs;
  - Ft. Adams - transported gravel for repairs and contracted dock services;
  - Gull Cove-trash, grade access road and parking area.
  - Removed trash from portajons at Quonochontaug.
- \$14,494 was used for staff time and supplies relative to public education, information, and outreach. This includes production of the sixth annual Rhode Island Recreational Saltwater Fishing Guide, the one page laminated fishing abstract, and other outreach materials.

Table 6. FY2020 Recreational Saltwater License Program budget. Please note the category Rec Fisheries Support is being combined with Fish Stock Assessment Support.

Category	FY19 Carryover	FY20 Revenue	FY20 Available	FY20 Expended
Enhanced MRIP Data Collection	\$60,495	\$26,413	\$86,908	\$23,736
Boating/Fishing Access I	\$155,686	\$52,826	\$208,512	\$138,475
Boating/Fishing Access II	\$38,764	\$26,413	\$65,177	\$27,597
Rec Fisheries Support	\$31,186	\$0	\$0	\$0
Fish Stock Assessment Support	\$72,738	\$158,479	\$262,403	\$154,881
Artificial Reef	\$32,502	\$0	\$32,502	\$0
Public Education, Information, and Outreach	\$54,382	\$0	\$54,382	\$14,494
<b>TOTAL</b>	<b>\$445,753</b>	<b>\$264,131</b>	<b>\$709,884</b>	<b>\$359,183</b>

**c. FY20 Budget**

The budget for FY21 is described in Table 7. It is anticipated that the restricted receipt account will receive another \$200,000 from FY21 license sales, and the proposed FY21 Programmatic Budget, as set forth below, is based on that amount. The revenue will be allocated into each of the budget categories based on projected short and long term spending.

Table 7. FY2021 Recreational Saltwater License Program budget.

Category	FY20 Carryover	FY21 Revenue	FY21 Available	FY21 Budgeted
Enhanced MRIP Data Collection	\$63,172	\$10,000	\$70,495	(\$25,000)
Boating/Fishing Access I	\$70,037	\$50,000	\$185,686	(\$150,000)
Boating/Fishing Access II	\$37,580	\$0	\$38,764	(\$25,000)
Rec Fisheries Support	\$0	\$0	\$0	(\$0)
Fish Stock Assessment Support	\$107,521	\$140,000	\$212,738	(\$150,000)
Artificial Reef	\$32,502	\$0	\$32,502	(\$0)
Public Education, Information, and Outreach	\$39,888	\$0	\$64,382	(\$15,000)
<b>TOTAL</b>	<b>\$350,699</b>	<b>\$200,000</b>	<b>\$645,753</b>	<b>(\$365,000)</b>

**1. Enhanced MRIP Data Collection (\$25,000)**

**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 overall catch estimates and better enable mode-specific (e.g., shore-based) estimates.

**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 can have high variability in part due to sampling levels. These sampling levels are directly correlated to the level of funding allocated 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.

The proposed enhanced data collection initiative will continue to attempt to maintain sampling to prior levels (2002-2005). The \$25,000 investment will leverage an additional \$75,000 in federal (SFR) funds to provide \$100,000 in total programmatic benefits. The \$100,000 will allow the Division to provide three months of full time interviewers time allow the hire of three additional seasonal field interviewers to staff additional samples ordered from NOAA Fisheries. The addition of these three staff members plus the full time coordinator, two full time field interviewers, and three seasonal field interviewers funded via NOAA Fisheries base MRIP grant bring the total number of staff working on the APAIS to nine. The Division has a contract with the Atlantic States Marine Fisheries Commission to provide staffing support for these employees. The \$25,000 figure was derived from personnel costs incurred in 2020.

## **2. Boating/Fishing Access I (\$150,000)**

*Proposal.* Major renovations at Westerly Main Street boat ramp.

*Rationale.* The next fishing access projects to be funded with recreational saltwater license funds will be the ramp located at the Westerly Main Street boat ramp. This boat ramp is heavily used during the summer and fall. The ramp slab has been undermined by natural occurring spring currents which has resulted in significant erosional damage and needs repair. The damage is such that the existing ramp will need to be completely replaced and regraded. The project is currently in the planning phase and is on track to be completed by 2022. The funding provided by the Saltwater Recreational Fishing License and USFWS SFR will begin once the construction has started at the site. Using \$150,000 in licensing to leverage \$450,000 in SFR funds frees up \$600,000 to be used on this project, expediting the public access program as a whole.

## **3. Boating/Fishing Access II (\$25,000)**

*Proposal.* Continue to support the Division's boating/fishing access site maintenance program.

*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 saltwater recreational 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. The \$25,000 investment will leverage an additional \$75,000 in federal (SFR) funds to provide \$100,000 in total programmatic benefits. This amount was estimated based last years costs. It is fully anticipated that the Division will be hiring two Park Rangers to accomplished the work described above at Camp Cronin hence the increase in budget for this category Additionally, It should be noted that two years ago there was some confusion with the accounts charged to accomplish the maintenance work at the access sites. A new funding source was secured to accomplish some of the work done by the RIDEM development crew. The original plan was to draw from both grant where appropriate. Due to overlap in work scope far less than anticipated was drawn from this grant in FY18. This was be addressed in FY19 and FY20 and will continue into the future as in the past and work expanded if possible.

#### **4. Recreational Fisheries Management Support (\$0)**

**Proposal.** Discontinue this category and combine with Fish Stock Assessment Support category.

**Rationale.** This category was made up of costs incurred for staff time working on recreational project management. It has been difficult to separate these costs with the staff time spent for this category due to overlap. This change is for accounting purposes only, the Division is still providing staff time to the recreational program to address:

- 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; continued coordination of RIDFW APAIS; 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.

## **5. Fish Stock Assessment Support (\$150,000)**

**Proposal.** Support the continuation of finfish stock assessment surveys of recreationally important species in Rhode Island waters as well as other recreational management initiatives and activities. Note this category is now combined with the old Recreational Fisheries Management Support category going forward.

**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. The \$150,000 investment will leverage an additional \$450,000 in federal (SFR) funds to provide \$600,000 in total programmatic benefits. The amount allocated for this category is being increased in anticipation of providing partial funds to complete the purchase a new research vessel which will be used as the platform for the RIDMF black sea bass pot survey, being completed in 2021. The vessel build was delayed due to Covid-19 complications related to supply requisition issues. RIDMF expects to take delivery of the boat in March 2021.

## **6. Artificial Reef Support (\$0)**

**Proposal.** The Division has successfully deployed a small scale artificial reef adjacent to the state fishing pier at Sabin Point. No new artificial reef projects have been proposed currently hence no budgeted expenditures for FY2021. The Division anticipates more artificial reef work to in the future and will keep the \$32,502 in this budget category to be used as match for future projects.

**Rationale.** The Division is currently working on a fish habitat enhancement project with support from The Nature Conservancy and the USFWS SFR program. The project is in the early stages of a major investigation of fish habitat quality in upper Narragansett Bay over the next two years. This information will be used to develop plans for habitat improvement opportunities as well as evaluate the most effective methodologies. A variety of habitat enhancement and restoration techniques are being considered, including "reef balls". The reef balls are small low relief concrete domes with various holes to provide shelter for small fish. Now that Sabin Point is complete, the Division will evaluate other locations for deployment, likely the newly built Rocky Point Fishing Pier.

## **7. Public Education, Information, and Outreach (\$15,000)**

**Proposal.** To continue the annual one-page water resistant regulation abstract and the Rhode Island Recreational Saltwater Fishing Magazine, fund a youth fishing camp conducted by the Rhode Island Saltwater Angler's Association, and purchase new field interviewer uniforms. Additionally, RIDMF staff will be creating instructional videos on a range of saltwater fishing topics including safe handling practices, use of circle hooks, fish identification, as well as other relevant topics. This will require additional staff time, the purchase of a go pro style camera and some video editing software hence the increase in projected budget in this category.

**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 publishes 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 2020, the Division published the seventh 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.

Since 2016, the Division has participated in the Rhode Island Saltwater Anglers Association's (RISSA) youth fishing camp. Prior to 2016, there were no dedicated Saltwater Fishing community based instructional programs in Rhode Island. Each year, RISSA has conducted a successful pilot youth fishing camp for 50 children between the

ages of 7 and 14 at the end of June. The camp doesn't just focus on fishing techniques but additional taught the attendees about fishing regulations, ecology and sustainable practices. Youth programs have been recognized as important to keeping vitality in the recreational fishing industry as well as developing a more informed and responsible fishing populace. (1) This educational program was a pilot program intended to show proof of concept, funding is required to keep it going into the future. The Division provided funding to RISAA in 2017 to keep the program going into future to fill this programmatic gap.

The 2017 camp began to be funded completely by the Division's Aquatic Education program via credits for volunteer hours spent by RISAA member's and USFWS Sportfish Aquatic Education grant. The Division proposes to continue to support and fund the camp into the future. While it is anticipated that volunteer hours will provide the match for the camps federal funds, recreational saltwater license funds will be available to cover any shortfall.

A memorandum of understanding has been established with RISAA to conduct the camp. The day camp will be run by RISAA with RIDEM participation and oversight. The camp will continue to accommodate 50 children between the ages of 7 and 14. The camp will be planned, coordinated, and implemented by a hired camp coordinator. The base location for the camp will be Rocky Point State Park, Warwick, RI. Part of the camp will involve children fishing on boats launched at local marinas for two of the camp days. These two days will require the use of a bus to transport children to and from Rocky Point State Park. Vessel captains will be provided by RISAA. The camp will last for three days include but is not limited to the following activities:

- Classroom setting instruction of basic fish biology and identification, sustainable fishing methods and practices, fishing tackle, safety on and around the water, fishing regulations, and recreational data collection
- Hands on fish capture and identification using beach seines and dip nets
- Hands on knot tying and casting instruction
- Hands on fishing from shore
- Hands on fishing from boats

The Division is hopeful that the camp can take place in 2021. At this point no decision has been made and the progress of the pandemic is being monitored.

The proposed outreach budget would spend \$15,000 of Recreational Saltwater Fishing License funds to leverage additional \$45,000 in USFWS SFR funding resulting in \$60,000 used for outreach and education pertaining to the recreational fishing license.

## **VII. Looking Ahead to FY21**

There is cautious optimism that the increased revenue generated in FY16 – FY19 from Saltwater Recreational Licenses will hold steady into the future. Time will tell if the increase seen in FY2020 will be sustained or was the result of the large increase in outdoor related activities observed during the pandemic. The Division is looking into

other programs to enhance recreational fishing opportunities in Rhode Island in anticipation of pre-pandemic license issuances. One such program, mentioned above, is to place artificial reefs adjacent to state fishing piers. Additionally, as mentioned above, the Division is in the build phase of purchasing of a new research vessel. This vessel will be used to survey sportfish species and specifically be used to conduct the Black Sea Bass pot survey in 2021 (among other activities). It is anticipated that recreational saltwater license fees will be used to partially match the federal funding required for this purchase. We plan to continue to evaluate fishing access points and make improvements at locations where needed. Also be sure to look out for us on social media as we have plans to increase our presence in the form of instructional videos and other educational topics relative to Marine Fisheries.

Draft

# Rhode Island Marine Fisheries Council

2020 Annual Report



Approved by the RI Marine Fisheries Council on March 1, 2021

Prepared pursuant to R.I. Gen. Laws § 20-3-2

## **Introduction**

In accordance with [R.I. Gen Laws § 20-3-2\(b\)](#), the Rhode Island Marine Fisheries Council (hereafter, RIMFC or Council) is charged with reporting annually, by March 1, to the Governor and the RI General Assembly for the preceding calendar year, with regard to: the advice it has given to state agencies, particularly the RI Department of Environmental Management (DEM), on marine fisheries issues; the response it has received to such advice; any findings or position it may have with regard to the status and/or condition of marine fisheries; and any recommendations it may have for maintaining, improving, or changing laws, regulations, or management programs for marine fisheries.

This is the Council's report for calendar year 2020.

## **Council Responsibility**

The Council is established in accordance with [R.I. Gen Laws § 20-3-1](#) to serve in an advisory capacity to the DEM Director and/or other state agencies on marine fisheries issues pertaining to the State of Rhode Island, particularly those involving the planning, management, and regulation of the State's marine fisheries pursuant to [R.I. Gen Laws § 20-3-2](#).

Pursuant to [R.I. Gen Laws § 20-10-5\(d\)](#), the Council is responsible for the review of aquaculture lease applications submitted to the RI Coastal Resources Management Council (CRMC) for the purpose of formulating recommendations to the CRMC as to whether the aquaculture activities proposed in each application are consistent with competing uses engaged in the exploitation of the marine fisheries.

Pursuant to [R.I. Gen Laws § 20-2.1-10](#), the Council is also responsible for advising DEM concerning the development of annual plans for the allocation and use of the funds made available to the department from commercial fishing license fees, tags, permits, and vessel fees as provided in [R.I. Gen Laws § 20-2-28.2](#).

Pursuant to [R.I. Gen Laws § 20-2.2-10](#), the Council is also responsible for reviewing DEM's annual report on the RI Saltwater Recreational Fishing License Program, and rendering its opinion as to whether the program is continuing to meet its intended purpose.

## **Council Membership**

Council members are appointed by the RI Governor, and subject to advice and consent by the RI Senate. Members serve four-year terms, and are eligible for reappointment once. The DEM Director or his or her designee serves as the Council Chair.

Three members serve as representatives of the commercial fishing industry; three serve as representatives of the recreational fishing industry; and two members have skill, knowledge, and experience in the conservation and management of fisheries resources and/or marine biology.

In 2020, the Council consisted of the following membership:

- [Robert Ballou, Assistant to the Director](#): Chair

- Travis Barao: Sport fishing industry (appointed June 2016; 1<sup>st</sup> full term expires April 2020)
- Andrew Dangelo: Sport fishing industry (appointed June 2015; reappointed June 2019; 2<sup>nd</sup> full term expires April 2023)
- Katie Eagan: Commercial fishing industry (replacement for Jeff Grant; appointed June 2019; 1<sup>st</sup> full term expires April 2023)
- Jason Jarvis: Commercial fishing industry (appointed June 2018; 1<sup>st</sup> full term expires May 2022)
- David Monti, Vice-Chair: Sport fishing industry (appointed June 2011 (partial term); re-appointed May 2014; reappointed June 2019; 2<sup>nd</sup> full term expires April 2023)
- Christopher Rein: Conservation and management of fisheries resources/marine biology (appointed May 2013 (partial term); re-appointed May 2014; reappointed June 2019; 2<sup>nd</sup> full term expires April 2023)
- Dr. Michael Rice: Conservation and management of fisheries resources/marine biology (appointed May 2013 (partial term); re-appointed June 2016; 1<sup>st</sup> full term expires February 2020)
- Michael Roderick: Commercial fishing industry (appointed June 2016; 1<sup>st</sup> full term expires April 2020)

### **Council Meetings**

In 2020, the Council met on four (4) occasions: [March 2](#), [June 1](#), [November 2](#), and [December 7](#).

### **Council Advice – Regulatory Proposals**

In 2020 the Council provided recommendations to DEM Director Coit on the following regulatory proposals brought forth by the Division of Marine Fisheries:

- 2020 recreational black sea bass management
- 2020 recreational scup management
- 2020 recreational summer flounder management
- 2020 commercial summer flounder management – Aggregate Landing Program
- 2020 recreational striped bass management
- 2020 commercial general category and floating fish trap management
- 2020 recreational tautog management
- 2020 recreational bluefish management
- Commercial monkfish management
- Commercial state-waters skate wing management
- Control dates for commercial summer flounder, horseshoe crab, and atlantic rock crab
- Recreational cod minimum size and possession limit
- Recreational possession limit for american plaice, haddock, pollock, yellowtail flounder, and witch flounder
- 2020 commercial bluefish possession limit
- Clarification of “bycatch” vs. “incidental catch” for weakfish, Sakonnet River bay quahaug possession limit, and American lobster
- Whelk minimum size measurement

- Addition of coordinates to Shellfish Mgmt. Area boundary descriptions
- Commercial Jonah Crab management
- Programmatic changes to the Summer Flounder Exemption Certificate Program
- Re-establishment of areas closed to shellfish harvest in Ninigret Pond Shellfish Management Area (Foster Cove) for oyster restoration activities conducted by the Division
- Extension of the oyster harvest moratorium in Bissel Cove/Fox Island Shellfish Management Area
- Commercial Licensing – annual review of rules and programmatic requirements, including the addition of the new Direct Sale Dealer license
- Research Pilot Aggregate Program for the commercial harvest of Black sea bass and Summer flounder
- Cooperative Multi-State Possession and Landing Pilot Program for Summer Flounder
- Shellfish Management Area winter harvest schedules
- Commercial licensing:
  - Correction to activity standard criteria for the issuance of a new license in instances of incapacity
  - Amendment to the activity standard in instances of incapacity
  - Clarification of eligibility requirements in the issuance of a new license in instances of incapacity
  - Addition of prioritization criteria for the issuance of new licenses and endorsements for veterans
  - Direct Sale Dealer License (initially adopted via emergency rule in response to Covid-19)
- Shellfish harvest schedules for winter management areas (Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas)
- 2021 commercial black sea bass management
- 2021 commercial summer flounder management
- Bio-medical horseshoe crab handling best management practices and allowable harvest
- Research Pilot Aggregate Program eligibility requirements
- Program changes to the Cooperative Multi-State Possession and Landing Pilot Program for Summer Flounder

The Director concurred with the Council's recommendations on all matters except one, which was in regard to recreational striped bass management. The Director's final decision on this matter is detailed in her memo dated [March 12, 2020](#).

### **Advisory Panels**

The Council maintains two advisory panels: The [Industry Advisory Committee](#), chaired by Council member Chris Rein, met on August 24 (no quorum) to deliberate proposed amendments to [commercial licensing regulations](#), including annual review of exit/entry ratios on restricted licensing endorsements. The [Shellfish Advisory Panel](#) met on four (4) occasions: [April 29](#), [May 27](#), [September 2](#), and [December 16](#), on the following matters:

- Aquaculture application review:
  - [2019-05-061](#), Napatree Point
  - [2019-10-057](#), West Passage Narragansett Bay
  - [2019-11-010](#), West Passage Narragansett Bay
  - [2019-11-082](#), Ninigret Pond
  - [2019-12-055](#), West Passage Narragansett Bay
  - [2019-12-079](#), West Passage Narragansett Bay (Dutch Island harbor)
  - [2019-10-047](#), Ninigret Pond
  - [2020-05-083](#), Point Judith Pond
  - [2020-04-037](#), Sakonnet River
  - [2020-07-068](#), Long Neck Cove (Portsmouth)
  - [2020-08-001](#), West Passage Narragansett Bay (Dutch Island harbor)
- Providence River Shellfish Management Area transplant and harvest
- Re-establishment of areas closed to shellfish harvest in Ninigret Pond Shellfish Management Area (Foster Cove) for oyster restoration activities conducted by the Division
- Extension of the oyster harvest moratorium in Bissel Cove/Fox Island Shellfish Management Area
- Proposed amendments to whelk minimum size
- Proposed amendment to include latitude and longitude decimal degrees in area descriptions of Shellfish Management Areas
- Shellfish harvest schedules for winter management areas (Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas)
- Providence river quahaug transplant
- Shellfish Advisory Panel responsibilities in aquaculture application review during the Preliminary Determination review process.

In 2020, one (1) new member was appointed to the Council's Shellfish Advisory Panel. Also in 2020, Council member Dr. Michael Rice was appointed as the new scientific advisor to the Shellfish Advisory Panel to replace Dr. Dale Leavitt (retired).

The minutes for all meetings are posted to the [Sec. of State website](#) pursuant to [R.I. Gen. Laws Chapter 42-46](#), and also the [Council's webpage](#) as an added convenience to the public.

### **Aquaculture Lease Applications**

Aquaculture applications out to public notice by the CRMC initially reviewed by the Shellfish Advisory Panel are brought before the Council for additional review and recommendation at the request of a Council member or applicant. In 2020, two (2) aquaculture lease applications were brought before the Council for review and recommendation:

- [2019-05-061](#), Napatree Point: In the opinion of the Council, this application was found to be inconsistent with competing uses engaged in the exploitation of marine fisheries in the respective areas.

- [2020-04-037, Sakonnet River](#): No recommendation was made due to conflicting information presented in the application. This application will be brought before the Council again in 2021.

### **Council Advice -- RI Saltwater Recreational Fishing License Program**

At their meeting on March 2<sup>nd</sup>, the Council reviewed the Annual Report for the RI Saltwater Recreational Fishing Program for Fiscal Year 2020 pursuant to [R. I. Gen. Laws § 20-2.2-10](#), and found that the program is continuing to meet its intended purposes.

### **Other matters considered by the Council**

- Aquaculture planning in Narragansett Bay
- Commercial licensing legislative re-structuring initiative
- Commercial horseshoe crab bait management and stock assessment
- Application of commercial fishing history to a commercial fishing license rather than a vessel.