

RIMFC Industrial Advisory Committee
7/8/13
Hazard Room , URI Coastal Institute

Attendance:

Aaron Gerwitz*	Dean Pesante
Bill Mackintosh	Terry Mulvey
Patrick Duckworth	Greg Duckworth
Lanny Dellinger*	Mike McGivney*
Jeff Grant	Stephen Parente
Bob Mattiucci*	Bob Smith*
Rick Bellavance (Chair)	Steven Anderson*
Carl Granquist*	Lt. Joseph Poccia
Chris Brown	Jason McNamee (RIDFW)
John Lake (RIDFW)	

The meeting began at 6PM with the required quorum of committee members. The group began with a presentation by John Lake on RIDFW gillnet regulations with a focus on current marking and setting requirements (attached). After the proposal A. Gerwitz presented a proposal for changing the marking regulations for gillnets in RI state waters. (attached). He explained that the current requirement of a vertical buoy marking every 600 ft of a gillnet has until recently been unenforced and is a hazard to crew safety. More buoy lines on the vessel increase the chances of entanglement while setting the net. The additional buoys also make working with the net onboard small vessels almost impossible. He noted that right whale takes are insignificant in our area and it should be kept that way by reducing the number of vertical lines in the water. He proposed no change to the marking requirements of nets < 300 ft. Nets < 1200 ft should have one buoy on one end and two on the other end. Nets > 1200 feet should also have a radar reflective buoy on one end. These requirements would be consistent with federal regulations. He stated that buoy sizes should remain the same. T Mulvey added that it would be helpful to mark buoys to indicate the north and south end of the net. He would like to see the soak time requirement of 24 hours relaxed to 72 hours. He explained that the longer nets are wide mesh and fishing for skate and can often be empty after only 24 hours. S Parente asked if the current regulation is being adhered to around Block Island. A Gerwitz stated it was not enforced until recently, but there are not many (< 10 skate) gillnet operations currently fishing. S. Parente noted there is a difference between Block Island and the south shore and that Block Island has many more nets and is difficult to navigate while commercial fishing. D Parente proposed using one center buoy for the large nets. He also noted that many people don't understand the way gillnets are marked and some outreach could help with this. B Mattiucci stated he liked the proposed changes to the marking regulations but said the 72 hour soak time is too long and that the 24 hour requirement should remain in place. M McGivney favored the proposal stating there should be no differences between state and federal regulations. A Gerwitz stated that he had coordinated with RIDEM OLE to determine if the proposal would work for state

waters. J Poccia stated that the high flyers would make the nets more visible and aid their work when trying to locate them. B Mackintosh echoed the concerns for safety on board and agreed that less vertical lines on board vessels would improve this. He agrees that a high flyer with a flag would be sufficient marking for the large nets. He stated to the group that he is on the Harbor porpoise take reduction team and that enforcement is stepping up compliance to the pinger requirements and that all gillnetters should switch to the LED pingers because they will soon be required. He stated that southern new England is under scrutiny due to the high number of porpoise takes and that a closure would be devastating to the fishery. M McGivney asked if there was a way to exchange non LED pingers for LED pingers. B Mackintosh said that is only available to vessel enrolled in the federal groundfish sector program. L Dellinger made a motion to accept the proposal as written. The motion passed unanimously with 7 votes. J Grant noted that the right whale regulations and the RIDEM regulations concerning the lines designating Narragansett bay were slightly out of synch and that the federal whale regulations use the colregs line while RIDEM regulations use a custom boundary and these should be the same. Staff looked into this later and determined it would be a very slight change and thus added this item to the proposed regulation change. J McNamee stated that RIDFW would add some gillnet marking information to the RI recreational fishing guide to promote awareness to the angling community.

The next order of business was a discussion of RIDEM roller gear regulations which was brought up at a RIMFC meeting by C. Brown. J Lake gave a presentation of current regional roller gear regulations (attached). C. Brown gave his proposal to decrease the size of roller/rockhopper gear diameter to 12 inches for all trawl gear. This would be a significant change from the current 18 inch maximum requirement in place only for scup and black sea bass fishery. He stated that the smaller rockhopper sizes would prevent vessels using gear that is usually employed on Georges bank from being used in state waters , particularly the south shore during squid fishing season. Smaller roller gear would not allow access to areas with larger rocks and boulders and protect habitat, squid eggs, and the slow growing tautog. He stated that there was a lot of effort on the south shore during 2012 and that there was evidence of rocks being moved around by larger gear sizes and that squid eggs were likely dislodged from rocks. He noted that during 2013 there was not abundant squid on the south shore which may have been a result of the increased fishing pressure. B Mackintosh agreed with the proposal stating 12 inch gear would be sufficient to fish in RI waters and that this proposal may discourage the number of large (> 110 ft) fishing vessels that have been showing up more frequently on the south shore. B. Smith stated he agreed that this regulation should apply to all fisheries and not be species specific as the intent is to protect squid eggs and habitat. A gerwitz made a motion to accept the proposal which passed unanimously with 7 votes. Having no other business the meeting concluded at 7:30.

RIMFC Industry Advisory Panel

July 8, 2013



RIDEM General Gillnet Regulations

- License endorsement required
- Both ends of gill net must have an orange bullet buoy (9x16 in)
- Buoys must be marked with “GN”, name and license number in 3 inch or larger lettering
- Nets must be hauled once every 24 hours
- Nets must be set in a straight line
- Nets cannot be set within 3,000 feet of a floating fish trap
- Mesh size > 5 inch stretched mesh, area/season specific rules may apply
- No possession of striped bass while gill netting



RIDEM Gillnet Area Specific Restrictions

- Narragansett bay, Mt. Hope bay, Sakonnet river
 - Nets cannot exceed 300 feet
 - Nets must be 50 yards from shore
 - Nets must be 2000 feet from another gillnet
- Waters within ½ nautical mile of coastline
 - Nets cannot exceed 600 feet
 - Nets must be set perpendicular to shore
 - Nets must be 2000 feet from another gillnet
- Waters between ½ and 3 nautical miles of coastline
 - Nets must be 2000 feet from another gillnet from April 1 to October 1
 - Nets must be marked every 600 feet with an orange buoy marked according to general requirements
 - Mesh size > 5 ½ inch stretched mesh from November 1 to March 1



RIDEM Gillnet Prohibited Fishing Areas

Year Round

- Coastal ponds, channels and rivers
- Along the shoreline within ½ mile of seaward coastal pond entrance
- Along shoreline within ½ mile and 300 yards seaward of the Harbor of Refuge

Seasonal

- Waters within 50 yards of shoreline from October 15 to December 31
- Waters within ½ mile of Block Island shoreline from April 15 to November 15
- Block Island waters near Old Harbor from November 1 to December 31



NOAA Fisheries Gillnet Regulations

General Rules:

- Gillnets cannot be longer than 6,600 ft (federal permit holders only)
- Gillnets must be marked at each end with buoys and radar reflectors (federal permit holders only)
- Gillnets not set in a straight line must have an additional buoy at the point of deviation which is marked with 2 or more visible streamers (federal permit holders only)
- All marking buoys must identify owner of vessel or official vessel number
- Some federal fisheries management plans require additional measures
- Federal take reduction plan gillnet rules apply to all gillnets in both state and federal waters



NOAA Fisheries Gillnet Regulations

Atlantic Large Whale Take Reduction Plan Rules:

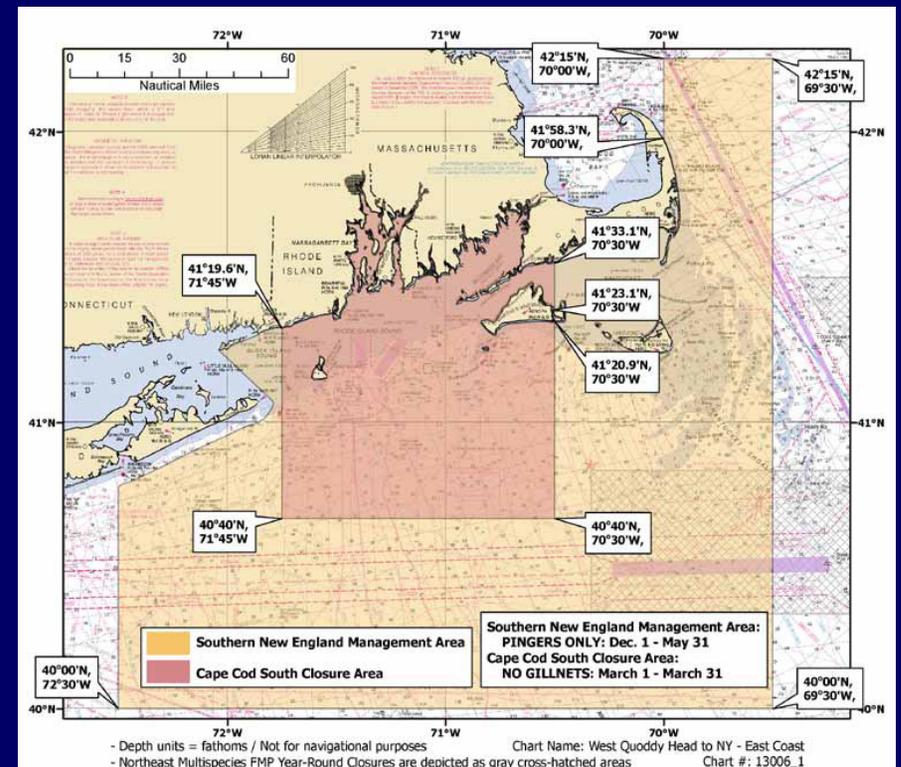
- No floating line at surface
- No wet storage (gear must be hauled every 30 days)
- Fishermen are encouraged, but not required, to maintain knot free lines
- All buoys, floatation devices and/or weights must be attached to the buoy line with a weak link with a breaking strength <1100 pounds
- Each net panel must be configured with 5 or more weak links with a breaking strength of <1100 pounds
- All gillnets must be anchored with a holding power of at least a 22 pound Danforth style anchor at each end, no dead weights
- All groundlines must be made of sinking line
- All buoy lines must be marked with a 4 inch GREEN mark midway along the buoy line



NOAA Fisheries Gillnet Regulations

Harbor Porpoise Take Reduction Plan:

- RI waters part of SNE Management Area and Cape Cod South Closure Area
 - No Gillnets in closure area from March 1 to March 31
 - Pingers required in SNE Management Area from December 1 to May 31
 - Pinger training program certification from NOAA Fisheries required
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- Consequence Closure Areas are triggered if bycatch rate exceeds 0.023 harbor porpoise / mt for two seasons in a row
 - Consequence Closure Area would be closed from February 1 to April 30 the next season if trigger reached
 - Closure lifted only if zero mortality rate goal is achieved or new measures are implemented
 - SNE Management Area bycatch rate was exceeded last season resulting in high scrutiny for the region



NOAA Fisheries Potential Future Management Measures (TBD)

Atlantic Large Whale Take Reduction Plan

- NOAA Fisheries considering rules for vertical line configurations

Harbor Porpoise Take Reduction Plan

- Zero Mortality Rate Goal (ZMRG) is the standard which is 10 % of the Potential Biological Removal (PBR) level
- Reassessing methods used to calculate bycatch rate citing high variability due to landings not being an accurate gauge of fishing effort
- Reassessing consequence closure area triggers to be enacted if PBR is exceeded as opposed to a seasonal bycatch rate
- Requiring all gillnets to have pingers from September 15 to May 31 for vessels fishing north of 40° latitude and east of 72° 30' longitude
- Step up enforcement and compliance measures for pingers
 - Mandatory dockside inspections
 - Require use of LED pingers



Differences between RIDEM and NOAA Fisheries

RIDEM

- Has more restrictive geographic restricted/prohibited areas
- Has more restrictive setting requirements
- Has more restrictive tending requirements
- Has more restrictive buoy marking rules

NOAA Fisheries

- Has more restrictive marine mammal bycatch provisions
- Has more restrictive seasonal closures, although both agencies have closures all of which must be adhered to
- Has more restrictive gear configurations
 - Net length (federal permits only)
 - Pingers
 - Weak links
 - Floating line use



Regional Roller Gear Regulations

RIDEM

- 18 inch max when fishing for Scup and Black Sea Bass
- Permanent mobile gear closures

CTDEEP

- 6 inch max all fisheries

MADMF

- 12 inch max all fisheries
- North Shore management area no rollers
- Permanent and Seasonal mobile gear closures

NYDEC

- 18 inch max when fishing for Scup, Black Sea Bass and Tautog

NOAA Fisheries

- 12 inch max in GOM/GB inshore restricted roller gear area
- 18 inch max when fishing for Scup and Black Sea Bass
- 6 inch max in monkfish southern management area
- Permanent and Seasonal mobile gear closures



Proposal for Changing R.I.'s Current Gillnet Marking Regulations

As they are currently constituted, Rhode Island's requirements for marking gillnets longer than 600 feet pose serious safety problems for participants in the Rhode Island Gillnet Fishery. Industry members are quite willing to adjust how "long" strings of gear are marked so as to create a uniform standard that will allow enforcement and members of other user groups to clearly and definitively identify our gear. We feel that better alternatives (to the use of additional vertical lines every 600 feet) are already in use in the Federal Gillnet Fishery, and could easily be applied (with some minor modifications) at the state level. The following proposal details our reasons for requesting this change and the alternatives that we are putting forward for consideration.

Reasons:

1> Crew safety

Gillnetting is already a dangerous fishery. The act of hauling and setting gillnets presents a variety of ways for crewmen to be seriously injured under normal circumstances. Adding additional vertical lines and buoys to long strings of gear radically increases opportunities for crewmen to become entangled in these lines and buoys as they "slosh" about on a wet deck. As well, these lines present a greater chance of becoming entangled in the net as it is being set back into the ocean, thus creating further opportunities for crewmen to be injured while they "tend" the setting net. This is the primary area of concern for members of Rhode Island's Gillnet Fishery, the safety and well being of ourselves and our crew.

2> Marine Mammal/Sturgeon Entanglement

As Rhode Island Water's Fishermen, we are very fortunate to fish in an area that the Federal Government deems "statistically insignificant" regarding fixed gear and Northern Right Whale entanglements and mortality events. Because of this designation, the state of Rhode Island is under no Federal Mandate to change its requirements that Rhode Island fishermen put more vertical lines in the water than is currently allowed at the federal level. However, common sense dictates that if vertical lines pose any risk of marine mammal (and sturgeon) entanglement, adding more lines than are currently in use now, will only increase the risk of these entanglements. Right now, we fish in an area that is not deemed an area of high entanglement and mortality, and we as Rhode Island State Water's fishermen want to do everything in our power to help maintain and further that designation. To that end, we believe that any alternative to adding more vertical lines to the water column that allows for clear and uniform marking of gillnets set in Rhode Island's territorial waters should be considered seriously.

Alternatives:

1> Radar Reflective Highflyers

The use of radar reflective poles has long been the standard for marking gillnets in the Federal Gillnet Fisheries. Radar reflective poles can be seen by the naked eye over great distances, during periods of relatively clear visibility. An advantage that marking gillnets with radar reflective poles has over the use of additional vertical lines and "middle buoys," is that these poles can be seen on radar, at night, and in times of fog and otherwise poor visibility. We in the Industry believe that this marking method offers superior visibility for enforcement and other user groups who might come into contact with our nets. This method of marking nets would also allow for the use of only 2 vertical lines per string, thus increasing crew safety. This method of marking our gear will also help to maintain our status as an area of low marine mammal entanglement, by not increasing the risk of more entanglements that could arise from a large influx of vertical lines suddenly added to the water column (should current marking regulations be actively enforced).

For the above listed reasons, it is the recommendation of the Rhode Island Gillnet Industry that nets longer than four 300 foot panels (1200 feet) be marked with a radar reflective highflyer at each end. One highflyer is to be marked with a flag, while the other is to remain flagless. In addition, each end should employ an orange 9x16 buoy that is marked with a GN and the boat's name and license/permit number. This is standard practice in Rhode Island State Water's and should continue to promote an organized, uniform standard of marking our gear.

2> Marking "Smaller Nets"

While the use of highflyers is appropriate for "larger" vessels that fish long strings of gear (up to and sometimes more than 1 half mile in length) relatively far from shore (over one half mile), this is not the case for all participants in our fishery. Asking a fisherman in a 19ft skiff to pay for, and actually carry these poles would be a huge financial burden, as well as being practically impossible. Further, the overwhelming number of participants in our fishery, fish single or double nets to which we are proposing no changes in marking requirements. These participants also fish predominately very close to shore, where the use of radar reflective poles would simply be inappropriate and very costly, as boat traffic in these areas would undoubtedly lead to large numbers of lost poles.

There are some "smaller" vessel operators who fish nets up to 1200 feet in length, which happens to be the same length as a 15 pot lobster trawl. For time immemorial, lobstermen have been marking trawls of this length with a single buoy on one end, and a double buoy on the other. These buoys tend to be smaller and less visible than the orange, 9x16 buoys that gillnetters must currently use. It is therefore, our proposal that nets greater than 600 feet (up to a maximum of 1200 feet) be marked with a single, orange 9x16 buoy on one end, and 2 orange 9x16 buoys on the other. Additionally, these buoys should be marked with the boat owner's name and license number in order to keep with current marking

requirements. It is our belief that this requirement will help prevent dangerous crew entanglements aboard smaller vessels. As well, this standard will be far more user friendly for small boat participants in the fishery, and will thus lead to greater compliance. Greater compliance with a uniform standard of marking gear will lead to easier identification of nets, their size, set direction and location. This will, in turn, lead to less gear conflict with rod and reel fishermen and easier identification and visibility for enforcement.

Summation:

-Rhode Island's current gillnet marking requirements, are believed by industry, to have grave risks to crew safety and well-being.

-Rhode Island, State Water's Fishermen wish to be proactive in maintaining our fishing ground's status as an area of "statistically insignificant" whale entanglements and takes.

-Marking gillnet gear with radar reflective highflyers has long been the federal standard for marking gillnet gear and has the endorsement of Industry, the Division of Fish and Wildlife and Enforcement as a marking alternative to additional vertical lines and "middle buoys."

-Not all participants in the state waters fishery fish "very long" strings "relatively far" from shore. In fact, the overwhelming number of participants fish short strings (4 nets or less per string) very close to shore. In order to increase crew safety, ensure greater compliance with Rhode Island's Marine Fisheries Regulations, and help enforcement and other user groups indentify these smaller strings, it is our proposal that no changes be made to the current requirements for marking nets of 1 or 2 panels. We are proposing, however, that nets of 3 and up to 4 panels be marked similarly to lobster trawls of a similar or equal length except the buoys to be used must continue to be orange 9x16 GN buoys bearing the operators name and license number.

Any questions regarding this proposal or its contents can be directed to:
Aaron Gewirtz (401) 218 - 5764 / NBF05@verizon.net

e-CFR Data is current as of May 24, 2012

Title 50: Wildlife and Fisheries

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

Subpart F—Management Measures for the NE Multispecies and Monkfish Fisheries

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§ 648.84 Gear-marking requirements and gear restrictions.

(a) Bottom-tending fixed gear, including, but not limited to, gillnets and longlines designed for, capable of, or fishing for NE multispecies or monkfish, must have the name of the owner or vessel or the official number of that vessel permanently affixed to any buoys, gillnets, longlines, or other appropriate gear so that the name of the owner or vessel or the official number of the vessel is visible on the surface of the water.

~~(b) Bottom-tending fixed gear, including, but not limited to gillnets or longline gear, must be marked so that the westernmost end (measuring the half compass circle from magnetic south through west to, and including, north) of the gear displays a standard 12-inch (30.5-cm) tetrahedral corner radar reflector and a pennant positioned on a staff at least 6 ft (1.8 m) above the buoy. The easternmost end (meaning the half compass circle from magnetic north through east to, and including, south) of the gear need display only the standard 12-inch (30.5-cm) tetrahedral radar reflector positioned in the same way.~~

(c) Continuous gillnets must not exceed 6,600 ft (2,011.7 m) between the end buoys.

(d) In the GOM and GB regulated mesh area specified in §648.80(a), gillnet gear set in an irregular pattern or in any way that deviates more than 30° from the original course of the set must be marked at the extremity of the deviation with an additional marker, which must display two or more visible streamers and may either be attached to or independent of the gear.

[69 FR 22974, Apr. 27, 2004]

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