

RI Department of Environmental  
Management

**Marine Fisheries**

**INFORMATIONAL PRE-HEARING  
WORKSHOP**

September 19, 2016



# Marine Fisheries Informational Workshop

- RIDFW staff will provide presentation on each of the proposed regulation amendments
- Please hold all questions until the end, presentations are relatively brief and we can go back when complete
- Open Q/A and discussion upon completion of each presentation
- **IMPORTANT!** The workshop discussion is *not* an official public record. Please offer your preferred option(s) and comments for the public hearing record during the public hearing that follows the workshop
- Refer to full annotated regulations provided in public notice and Division website
- Public comment period will end at 4:00PM on September 28



# 2017 SECTOR MANAGEMENT PLAN

- Purpose of Plan is to formulate licensing recommendations and exit/entry ratios to manage effort and harvest of marine species
- Developed for each fishery type (sector):
  - Finfish
  - Shellfish
  - Crustacean
- Management recommendations formulated based on stock status and health of species
- Final exit/entry ratios included in Licensing regulations



# PART 1

# FINFISH



# 2017 Sector Management Plan

## Restricted species

(Restricted Finfish endorsement)

### Summer flounder

- Stock Status:
  - Not overfished
  - Overfishing is occurring as of 2014
  - Quota decrease of 30% for 2017
- Recommended 2017 effort:
  - Maintain effort at or below 2016 level
  - Continue in restricted category



# 2017 Sector Management Plan

## Scup

- Stock Status:
  - ◆ Not overfished
  - ◆ Overfishing is not occurring
  - ◆ Quota decrease of 6% for 2017
- Recommended 2017 effort:
  - ◆ Maintain 2016 effort during Summer
  - ◆ Continue in non-restricted category during Winter sub-periods only



# 2017 Sector Management Plan

## Tautog

- Stock Status:
  - ♦ Is overfished
  - ♦ Overfishing is occurring
  - ♦ Benchmark assessment complete; stock units awaiting ASMFC approval
  - ♦ Fishing mortality rates have increased in recent years and is currently above the overfishing threshold
- Recommended 2017 effort:
  - ♦ Maintain effort at or below 2016 level
  - ♦ Continue in restricted category



# 2017 Sector Management Plan

## Striped Bass

- Stock Status:
  - ♦ Not overfished
  - ♦ Overfishing is not occurring
  - ♦ Addendum IV implemented in 2015
  - ♦ Stock assessment update being completed, to be reviewed at October board meeting
- Recommended 2017 effort:
  - ♦ Maintain effort at or below 2016 level
  - ♦ Continue in restricted category



# 2017 Sector Management Plan

## Black Sea Bass

- Stock Status:
  - Not overfished
  - Overfishing is not occurring
  - Stock still managed by constant catch; new method for assessing the SSC level 4 stocks introduced in 2015, resulting in increased quotas for 2016. In parallel with the new data poor approach, a new benchmark assessment has been initiated and should be completed at the end of 2016 for potential use in 2017 management
- Recommended 2017 effort:
  - Maintain effort at or below 2016 level
  - Continue in restricted category



# 2017 Sector Management Plan

- 2016 Licensing Activity - Restricted Finfish endorsement:
  - 5 PEL restricted endorsements not renewed in 2016; 2 with activity in 2015
  - 10 MPURP not renewed in 2016; 1 with activity in 2015
- Licensing Recommendation:
  - Option 1\*: Maintain 1:1 exit/entry ratio on active licenses (= 3 new endorsement (PEL w/ RFIN) opportunities
  - Option 2/IAC recommendation\*: 1:1 **active eligible** licenses (= 15 new endorsement opportunities

\* Division in support of either option



# 2017 Sector Management Plan

## Non-restricted species

(Non-restricted Finfish endorsement)

### Winter Flounder

- Stock Status:
  - ♦ Is overfished
  - ♦ Overfishing is not occurring
- Recommended 2017 effort:
  - ♦ Consider changes in management to allow more liberal commercial possession limit in state waters
  - ♦ Any changes in state waters management would be the result of and in accordance with an increased ACL allotted to states from the ASMFC Winter Flounder Management Board



# 2017 Sector Management Plan

## Bluefish

- Stock Status:
  - ♦ Not overfished
  - ♦ Overfishing is not occurring
  - ♦ Benchmark assessment completed in 2015; update currently underway
  - ♦ Expected quota increase 24% for 2017
- Recommended 2017 effort:
  - ♦ Continue implementing sub-period possession limits
  - ♦ Maintain effort at or below 2016 level
  - ♦ Maintain in non-restricted category



# 2017 Sector Management Plan

## Menhaden

- Stock Status:
  - ♦ Not overfished
  - ♦ Overfishing is not occurring
  - ♦ Socioeconomic study is currently scheduled to be completed in 2017; will allow sufficient time for the findings to be considered in Amendment 3 management options
  - ♦ Amendment 3 is being developed
- Recommended 2017 effort:
  - ♦ Maintain effort at or below current level
  - ♦ Maintain in non-restricted category



# 2017 Sector Management Plan

## Monkfish

- Stock Status:
  - ◊ Not overfished
  - ◊ Overfishing is not occurring
- Recommended 2017 effort:
  - ◊ RI state-water quota was not reached in 2016 federal fishing year
  - ◊ Allow effort to increase above current levels
  - ◊ Maintain in the non-restricted species category



# 2017 Sector Management Plan

## Cod

- Stock Status:
  - ◊ Is overfished
  - ◊ Overfishing is occurring
- Recommended 2017 effort:
  - ◊ RI state-water quota was not reached in 2016 federal fishing year
  - ◊ Allow effort to increase above current levels
  - ◊ Maintain in the non-restricted species category
  - ◊ If effort increases and/or quota related closures are enacted, DEM will re-assess whether cod should be moved to the restricted species category, or to reduce possession limits and/or seasons to manage harvest.



# 2017 Sector Management Plan

- Licensing Recommendation - Non-restricted Finfish endorsement: Maintain open entry



# **PART 2**

# **SHELLFISH**



# 2017 Sector Management Plan

## Bay Quahaug

(Bay quahaug endorsement)

- Stock Status: Stable; fishing mortality under 0.3 which is below overfishing threshold.
- Licensing Activity 2016: 39 eligible licenses not renewed
- Licensing Recommendation:
  - IAC/Division: Status quo 1:1 exit/entry ratio (= **39** new endorsement (CFL w/ QUOH) opportunities)



# 2017 Sector Management Plan

## Soft-shell Clam

(Soft-shell Clam endorsement)

- Stock Status: Status is poor, 2012-2014 landings were down ~94% from the 2005 – 2010 average
- Licensing Activity 2016: 34 eligible licenses not renewed
- Licensing Recommendation:
  - IAC/Division: Status quo 5:1 exit/entry ratio (= **9** new endorsement (CFL w/ SSCLM) opportunities)



# 2017 Sector Management Plan

## Whelk

(Whelk endorsement)

- Stock Status: Abundance is declining; fishing mortality is increasing, however unlikely that overfishing is currently occurring.
- Licensing Activity 2016: 26 eligible licenses not renewed
- Licensing Recommendation:
  - Division/IAC: Status quo – new endorsements only available to PEL or CFL QUOH/SSCLM license holders



# 2017 Sector Management Plan

## Shellfish Other

(Shellfish Other endorsement)

- Stock Status:
  - Oysters: Sharp decline in abundance since 1990's
  - Other species: Data largely unavailable
- Licensing Recommendation: Status quo – open entry



# **PART 3**

# **CRUSTACEAN**



# 2017 Sector Management Plan

## American Lobster

- Stock Status:
  - Is in poor condition
  - Is below the abundance threshold
  - Is at or near the fishing mortality threshold
  - Is depleted with overfishing occurring
  - Is below the effective exploitation threshold
  - Benchmark assessment completed
- Licensing Recommendation: Maintain ASMFC moratorium on the issuance of new licenses
- IAC request: DEM to engage ASMFC regarding the moratorium on the issuance of new lobster licenses



# 2017 Sector Management Plan

## Non-lobster Crustacean endorsement

- Jonah and Rock Crab:
  - ♦ Stock Status:
    - Not overfished;
    - ASMFC Fishery Management Plan approved August 2015.
- Blue Crab:
  - ♦ Stock Status:
    - Abundance currently above the time-series mean;
    - Insufficient data to assess.
- Other crabs: Insufficient data
- Licensing Recommendation: Maintain open entry



# 2017 Sector Management Plan

## Horseshoe Crab

- Stock Status:
  - As of last regional and state stock assessment in 2013, continued trend in low abundance.
- Licensing Recommendation:
  - Maintain open entry for the issuance of Horseshoe Crab harvest permits.
  - The Division feels that current approach is not providing adequate management. Creation of an endorsement category should be continued to be reviewed as a future management option.



# PUBLIC HEARING ITEMS



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

## 1a. Annual review of endorsement exit/entry ratios

### Finfish sector

- Option 1: Status quo - Maintain status quo for all endorsement categories
  - Restricted Finfish: 1:1 active licenses; **results in 3 new endorsements opportunities**
  - Non-restricted Finfish: No ratio established; open entry
- Option 2: IAC proposal
  - Restricted Finfish: 1:1 **active eligible** licenses; **results in 15 new endorsement opportunities**
  - Non-restricted Finfish: No ratio established; open entry

- Division in support of either option



# Hearing Item #1 cont'd: Licensing Regulations

## 1a. Annual review of endorsement exit/entry ratios

### Shellfish Sector

- Option 1 (IAC recommendation): Status quo - Maintain status quo for all endorsement categories
  - Quahaug: 1:1 eligible licenses; **results in 39 new endorsements opportunities**
  - Soft-shell Clam: 5:1 eligible licenses; **results in 9 new endorsements opportunities**
  - Whelk: No ratio established; no new Whelk endorsements available; open entry only to PEL or CFL w/Quahaug or SS Clam endorsement
  - Shellfish Other: No ratio established; open entry

- Division in support of status quo



## Hearing Item #1 cont'd: Licensing Regulations

- Non-hearing item: IAC motion that all shellfish be governed by a single Shellfish license
- DEM response:
  - RIGL requires 2 shellfish endorsements: quahaug, non-quahaug (20-2.1-3(6))
  - Cannot implement at this time as would need legislative change to effectuate.



## Hearing Item #1 cont'd: Licensing Regulations

- Non-hearing item: IAC motion that a uniform possession limit apply to all regulated shellfish species
- DEM response:
  - CFL, student, and over 65 would be increased from basic to full harvest levels (upwards of 500 licensees affected)
  - CFL licenses would need to be upgraded to PEL licenses to address discrepancy in fee structure
  - License upgrades would result in fee increase for ~500 CFL licensees
  - Fee changes CFL License \$50, Endorsement \$25; PEL License \$150, Endorsement \$75
  - Cannot implement at this time



# Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

## 1c. Proposed amendments regarding the Issuance of new licenses upon sale of vessel and gear

- Proposed clarification of requirements regarding the sale of a fishing business resulting in issuance of a new commercial fishing license
- Currently 75 landings/previous two years to meet the activity standard tied to both the commercial fishing license and vessel involved in the sale
- Regulation is vague and results in applicants attempting to conduct a transaction involving a vessel which does not meet the activity standard. Those transactions are denied initially but often end up in the RIDEM Administrative Adjudication Division
- RIDEM proposes to make vessel requirement less restrictive to reduce the number of these cases
- New regulation would not require landings history used for activity standard to be linked to the vessel involved in the sale
- Vessel involved in the sale must have been registered and commercially declared with RIDEM during the period used to meet activity standard



# Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

1c cont'd. Proposed amendments regarding the Issuance of new licenses upon sale of vessel and gear

- Option 1 - Status quo: Maintain current language regarding the sale of the business
- Option 2 - DEM proposal: Vessel involved in sale must have been registered and commercially declared during period of use

Proposed language: (6.7-8) Issuance of New Licenses upon Sale of Vessel and Gear: Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel *and* gear is prohibited; provided, however, that if the seller of a vessel and gear who is actively fishing his or her license, and said vessel must be is employed and declared in the fishery during the period of the actively fished time frame shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and gear, pursuant to the terms and conditions of this section.



## Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

- IAC proposal: Remove all criteria associated with the sale of a business
- DEM response:
  - Statute does not allow for the direct sale of the licenses as it is not a property right; any transaction therefore requires the transfer of gear or a vessel with the license (RIGL 20-2.1-4(c))
  - However, the statute (20-2.1-5(3)(ii)) is ambiguous in that the issuance of a new license requires “*vessel and/or gear*” as part of the transaction
  - A vessel is required per regulation, however statute’s requirement of a vessel and/or gear will allow loosening of this requirement, but not its removal



# Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

- IAC proposal cont'd: Remove all criteria associated with the sale of a business
- Public comment is requested as to how this requirement may be loosened.
- Suggested language:

**Proposed language: (6.7-8) Issuance of New Licenses upon Sale of Vessel and/or Gear: Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel and/or gear is prohibited; provided, however, that if the seller of a vessel and/or gear who is actively fishing his or her license, and shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and/or gear, pursuant to the terms and conditions of this section.**



# Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

1d. Request for comments for possible amendments regarding Activity Standards “*Actively Fishing*” and “*Actively Participating*”

- Option 1: Status quo: Maintain status quo – 75 landings/2 years
- Option 2: Division proposal:
  - Actively Fishing (fisherman): (~~75~~) 40 days in the preceding two (2) calendar years
  - Actively Participating (crew member): (~~75~~) 40 days in the preceding two (2) calendar years
  - Based upon 50% of active fishing licenses fished =  $\approx$  40 days
- Option 3: IAC proposal
  - Actively Fishing and Actively Participating: Remove activity standard as it applies to sale of business or transfer to family member/crew; maintain as it applies to prioritization for issuance of new licenses
- DEM in support of option 3 for issuance of new license to family member/crew and still discussing support for option 3 for other transactions



# Hearing Item #1 cont'd: Licensing Regulations

## IAC proposal: Hardship Conditions: Renewal (section 6.7-9)

- Section addresses issuance of a fishing license to a family member following death or disability of the licensee
- If license is not renewed during the calendar year when fishing ceased licensee is no longer active and cannot be renewed
- Suggested changes would allow license to be issued during the year following establishment of hardship provisions as well as preserve the licenses activity
- Proposed intent: In the event of hardship issuance of license, allow 2 years from the time of hardship or settlement of probate to re-issue license to family/crew member. The activity standard would not apply in these cases

### Proposed language:

(a) A hardship shall be deemed to exist if a license holder ~~who is actively fishing~~ dies or becomes permanently or temporarily incapacitated by illness or injury so as to not be able to fish for any period in excess of fourteen (14) days.

(g) Issuance of a new license or operator permits resulting from a licensee classified under hardship status pursuant to subsection 6.7-9(a) will be allowed during the current or next two calendar years following the establishment of hardship status or settlement of probate.



## Hearing Item #2 (&1b): Proposed amendments to “RIMFR Part 1 - Definitions”

- Re-location of terms from Licensing regulations to Part 1 Definitions to house all terms in a single location
- Proposed clarification of several terms
- Proposed removal of terms not used in RIMFR
- Proposed addition of several terms found in statute
- Proposed addition of terms commonly used in RIMFR
- Amend “Actively Fishing” and “Actively Participating” dependent upon outcome of hearing item 1d.
- Need to amend “Land/landing” due to inconsistency as used in Licensing and Part 1

Land or landing: To offload ~~seafood~~ marine products species including, ~~but not limited to, finfish, shellfish, and crustaceans,~~ harvested within or outside of Rhode Island waters for sale or intended sale, or to secure a vessel with ~~the seafood~~ marine products species on board to a shoreside facility where the marine products species may be offloaded for sale or intended sale. (RIGL 20-1-3)

- Full review of terms as defined and used in RIMFR is on-going.



# RI Department of Environmental Management

## **Marine Fisheries**

### **PUBLIC HEARING**

September 19, 2016



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

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# Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

1c cont'd. Proposed amendments regarding the Issuance of new licenses upon sale of vessel and gear

- Option 1 - Status quo: Maintain current language regarding the sale of the business
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Proposed language: (6.7-8) Issuance of New Licenses upon Sale of Vessel and Gear: Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel *and* gear is prohibited; provided, however, that if the seller of a vessel and gear who is actively fishing his or her license, and said vessel must be is employed and declared in the fishery during the period of the actively fished time frame shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and gear, pursuant to the terms and conditions of this section.



# Hearing Item #1 cont'd: Commercial and Recreational Saltwater Fishing Licensing Regulations

- IAC proposal cont'd: Remove all criteria associated with the sale of a business
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(g) Issuance of a new license or operator permits resulting from a licensee classified under hardship status pursuant to subsection 6.7-9(a) will be allowed during the current or next two calendar years following the establishment of hardship status or settlement of probate.



## **Hearing Item #1b & 2:** Proposed amendments to “RIMFR *Part 1 - Definitions*”

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- Amend “Land/landing” due to inconsistency as used in Licensing and Part 1



End of Slides!

