

RI Department of Environmental Management

Division of Marine Fisheries

Advanced Notice of Proposed Rulemaking Workshop

**Proposed regulations for an Expanded Aggregate
Program for Commercial Black Sea Bass and
Summer Flounder**

February 19, 2018



- **Goal of workshop** and comment period is to solicit feedback and gain consensus.
- Regulations have been provided and are available for review on the Division's webpage.

Timeline:

- If consensus obtained, and no objections are anticipated, will file regulation as a “Direct Final Rule”, there would be no hearing, rule would go into effect 30 days from filing.
- **If cannot obtain consensus, if objections anticipated, then would need to be placed on docket for the next public hearing, possibly in May, with an effective date of late June at the earliest.**



Purpose of regulations

- Expanded aggregate opportunities have been proposed for multiple years.
- One criticism has been lack data to determine impacts.
- Propose setting up a pilot with multiple gear types to gather data on impacts.
- Proposing to keep it to 10 – 15 vessels, will have a diversity of gear types and need applicants to have a fishing history so that comparisons can be made.



Key points of regulations

- Application required
- Rigorous reporting requirements and vessel monitoring
- Eligibility:
 - Applicants that participated in the winter 1 aggregate program for summer flounder will not be considered for the pilot program.
 - Applicants need to have a historical record of fishing for summer flounder and black sea bass as recorded in SAFIS and either their federal vessel trip report or state catch and effort logbook dating back to at a minimum 2013.
- Applicants must agree to data collection elements including VMS and use of smartphone app to submit catch and effort information. Cost shall be beared by the participant.



Key points of regulations cont'd:

- 3 participating vessels from each of the following gear types will be selected for participation:
 - Gill net, Otter trawl, Rod and reel, Fish pot, and Lobster pot
- Participants electronic applications (VMS and reporting) must be kept in running order for the duration of the pilot program. Malfunctioning of any device will prohibit the vessel from fishing per the allowances of the pilot program until the device is fixed and in running order.



Key points of regulations cont'd:

- Approval of Pilot Program participants by the Director:
 - Evaluation criteria: Applications will be reviewed and assessed by the Director for completeness and accuracy.
 - Final decision: The Director shall select participants based on review of applications.
 - If more qualified applicants by gear type category apply than there are spots available, the applicants will be selected through a lottery process.



Key points of regulations cont'd:

• Program Implementation - Terms and Conditions:

- Participants must allow the Department to publicly disclose all landings of summer flounder and black sea bass made by all participating vessels, on a single-vessel resolution basis.
- Participating vessels must agree to take any state or federally authorized observers at any time. Participants must fund the full costs of any and all observer coverage requested or required by the Division or the National Marine Fisheries Service.
- Participating vessels must remain in the program and abide by the terms and conditions of the program throughout 2018. Any vessel that drops out of, or is expelled from, the program will be prohibited from harvesting and landing summer flounder and black sea bass in an aggregate amount for the duration of 2018.



Key points of regulations cont'd:

• Program Implementation - Terms and Conditions cont'd:

- License/permit holders and participating vessels must adhere to all applicable rules and regulations governing commercial fishing operations, including but not limited to mesh size restrictions, offloading hours, at-sea transfers, and reporting and record-keeping requirements.
- License/permit holders and participating vessels will be subject to all State and Federal small mesh landing levels for summer flounder when fishing with small mesh. All license/permit holders and participating vessels will be allowed to fish south of the Southern New England DDAS counting area for summer flounder when properly enrolled in the Small Mesh Exemption Program.

Authorization to participate in the pilot program is non-transferable. Only vessels authorized by the Director may participate in the pilot program during 2018.



Key points of regulations cont'd:

- Aggregate Possession Limits:

- Participants will be allowed an aggregate limit for summer flounder and black sea bass which will be equal to the daily limit multiplied by 5 days.
- Participants will be allowed to aggregate their harvest over a week period but may not exceed the weekly limit.
- Exceeding the weekly limit will result in immediate removal from the pilot program.
- The weekly periods for the duration of the program will be issued explicitly by the Division to each participant. Alternate weekly periods will not be allowed.



Key points of regulations cont'd:

- Enforcement:

- If weekly aggregate limit exceeded, or if the participating vessel is found to be in violation of any of the terms and conditions set forth in these regulations, the participant will be removed from the pilot program and will be subject to potential enforcement action, including but not limited to: **confiscation of catch, prohibition on the harvest and landing of summer flounder and black sea bass for the remainder of the year, license and/or permit suspension or revocation, fines, and disqualification from participation in any future alternative management programs.** All penalty provisions applicable to violations of marine fisheries laws and regulations will also be applicable to participants in the pilot program.



End of Slides!

