

RI Department of Environmental Management

Marine Fisheries

PUBLIC HEARING

September 21, 2015



Hearing Items

- 1) Proposed amendments to “RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”
- 2) Proposed amendments to “RIMFR - Aquaculture Marine Species in Rhode Island Waters”
- 3) Proposed repeal of “RIMFR – Marine Fisheries Council”
- 4) Proposed repeal of 2015 Finfish, Shellfish, and Crustacean Sector Management Plans
- 5) Proposed amendments to RIMFR – Lobster, Crabs, and Other Crustaceans” to correct the minimum escape vent size and season closure dates for LCMA 4 for consistency with the federal management plan (sections 8.4.3 and 8.4.10)



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

a. **Exit/entry ratios for quahaug and soft-shell clam endorsement (section 6.1-10);**

- ◆ **Option 1: Division proposal**
 - **Quahaug:** Proposed change from 2:1 exit/entry ratio to 1:1
 - **Soft-shell clam:** Maintain 5:1 ratio
- ◆ **Option 2: Industry/IAC proposal**
 - **Quahaug:** Proposed change from 2:1 exit/entry ratio to 1:1
 - **Soft-shell clam:** Proposed change from 5:1 exit/entry ratio to 1:1



Hearing Item #1 cont'd: Licensing

b. Procedures for adopting Sector Management Plan (proposed deletion of section 6.2-1);

- ◆ Proposal is only to eliminate filing of plans as regulation;
- ◆ Recent legislation passed no longer requires that plans are filed as regulation;
- ◆ Plans will be developed and provided to public and RIMFC for comment as always;
- ◆ Proposed exit/entry ratios in plans are also contained in Licensing regulations;
- ◆ Plans to be “adopted” after final decisions on Licensing regulations made by Director.



Hearing Item #1 cont'd: Licensing

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

(6.7-8) (b) 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 using the vessel involved in the sale 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. In the case where the seller changed the primary vessel involved in the fishing business during the period being considered for the actively fished requirement, the vessel involved in the sale must have greater than fifty percent of the landings used to qualify for the history requirement and the other vessel(s) must be documented as owned by the seller during the period being considered for the actively fished requirement.



Hearing Item #1 cont'd: Licensing

d. Date for submittal of Student Shellfish licenses (sections 5, 6.7-3, and 6.8-5):

- Proposed date change from February 28 to June 30 for the submittal of an application.



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

a. Additional and revised definitions (new section 7):

- ♦ “Director” means the Director of the RI Department of Environmental Management or his or her duly appointed agents.
- ♦ “Operational plan” means a written plan filed with CRMC and, approved by DEM and DOH prior to its implementation....
- ♦ “Person” means an individual, firm, corporation, society, association, partnership, or private or public body.
- ♦ “Shellfish seed” means, for quahaugs, *Mercenaria mercenaria*, a shell size less than 20 mm (0.78”) (longest axis length), for oysters, *Crassostrea virginica* and *Ostrea edulis*, a shell size less than 32 mm (1.25”) longest axis length, and for blue mussels (*Mytilus edulis*) any mussel that settled during the current calendar year. All measurements are taken along the longest axis.
- ♦ “Spat ” means newly settled post-metamorphic bivalve.
- ♦ “Spat collection” means the use of artificial apparatus (spat collectors) ~~or cultch~~ to attract or capture induce settlement of larval shellfish.



Hearing Item #2 cont'd: Aquaculture

- b. Clarify and update permitting and application requirements (new section 8.0):
- ◆ Proposal stems from recommendations of SMP and need to clarify DEM, RIMFC, and CRMC roles;
 - ◆ Eliminate DEM permit requirement;
 - ◆ Clarify DEM license application and compliance requirements;
 - ◆ Clarify DEM license application (initial application and renewal) review criteria;
 - ◆ Clarify RI Marine Fisheries Council review criteria.



Hearing Item #2 cont'd: Aquaculture

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

9.2 Shipment and importation of shellfish seed: All shipments of undersized shellfish brought into Rhode Island for aquaculture operations must be approved by the Director or his/her designee and must be labeled or tagged indicating the origin (operator/company name, license number and body of water), date of importation and destination and must be accompanied by a certificate of disease inspection.

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

9.2.2 Prior to shipment, the Aquaculture Coordinator will make a recommendation to the Director whether to approve or deny any request to import shellfish seed and notify DEM Division of Law Enforcement and Agriculture. The Aquaculture Coordinator may seek the advice and consent of the Aquaculture Biosecurity Board in regard to such request to import shellfish seed.



Hearing Item #2 cont'd: Aquaculture

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

- Proposal stems from meetings with industry and has been cleared by FDA and RIDOH as compliant with NSSP model ordinance.

9.8 Harvest of shellfish transferred from other than approved waters as seed: “...No shellfish may be harvested until they have spent at least ~~twelve (12)~~ **six (6)** months in approved waters.



Hearing Item #2 cont'd: Aquaculture

- e. Proposed clarification of tagging requirements (new section 11.1):

11.1 Required Use of Tagged Containers: Aquaculturists must place any and all shellfish taken by them (except those shellfish returned to the waters of the aquaculture lease or facility) into containers, and must tag each and every container with a completed, ~~as defined in Rule 6.8.2 below, except for the information in Rule 6.8.2.5, which will be provided at the conclusion of the harvest,~~ harvester tag, ~~as defined in Rule 6.8.2.5 below,~~ prior to harvested shellfish being placed in the container. **The approximate quantity of shellfish may be completed at the conclusion of harvest.**



Hearing Item #2 cont'd: Aquaculture

f. Proposed general editing throughout entire regulation to improve clarity and readability:



Hearing Item #3: Proposed repeal of “RIMFR – Marine Fisheries Council”

- Regulation no longer serves its original intent when RIMFC was a regulatory body;
- Currently used primarily to house changes to commercial trip possession limits;
- Due to recently passed legislation, changes to commercial trip possession limits moving from regulatory filing to administrative process;
- Maintain communication to public in a timely manner (dedicated phone line, listserve, and website);
- Other parts of regulation regarding Shellfish and Marine Life Management Areas mainly statutory authority and/or administrative in nature – not regulation.



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

- Plans are not regulatory in nature; purpose is to formulate licensing recommendations and exit/entry ratios to manage effort and harvest of marine species;
- Due to recently passed legislation, plans no longer required to be filed as a regulation;
- Plans will still be developed as in the past – no change proposed for preparation of plans;
- Draft plans to be presented to RIMFC and public at time of annually proposed amendments to Licensing regulations;
- Proposed exit/entry ratios of licensing endorsements contained in plans also contained in Licensing regulations;
- Approval of plans upon review by RIMFC at regularly scheduled monthly meeting. Opportunity for public discussion and input at this time.



Hearing Item #5: Proposed amendments to RIMFR – Lobster, Crabs, and Other Crustaceans”:

- Proposed corrections in LCMA 4 for consistency with federal management plan (sections 8.4.3 and 8.4.10).

8.4 LCMA 4 (Inshore Northern Mid-Atlantic) regulations:

8.4.3 Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an un-obstructed opening measuring not less than two inches by five and three-quarters (2 X 5³/₄) inches (50.8mm X 146.05mm), or two (2) circular escape vents, each with an un-obstructed opening measuring not less than ~~two and one half (2¹/₂)~~ two and five eighths (2 5/8) inches (~~63.5~~ 66.68 mm) diameter.

8.4.10 Season closure: A season closure to the landing of lobsters from ~~February 1 through March 31~~ April 30 through May 31 annually is required for any person or vessel permitted and declared to fish in LCMA 4...



Thank You!

