

RI Department of Environmental
Management

Marine Fisheries

**INFORMATIONAL PRE-HEARING
WORKSHOP**

September 21, 2015



Marine Fisheries Informational Workshop – Rules of Engagement

- ◆ 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;
- ◆ Discussion will ensue upon completion of each presentation;
- ◆ Discussion should focus on:
 - Understanding of the rationale behind each of the proposed amendments;
 - Recommendations of alternatives.
- ◆ 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.



2016 SECTOR MANAGEMENT PLANS

- ◆ Purpose of Plans are to formulate licensing recommendations and exit/entry ratios to manage effort and harvest of marine species
- ◆ Developed for each major fishery type:
 - Finfish
 - Shellfish
 - Crustacean
- ◆ Management recommendations formulated based on stock status and health of species



FINFISH



2016 *Finfish* Sector Management Plan

Restricted species

◆ Summer flounder:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is occurring as of 2014;
 - ◆ Quota will decrease by 29% in 2016.
- Recommended 2016 effort:
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

- Scup:
 - ◆ Stock Status:
 - Not overfished;
 - Overfishing is not occurring;
 - Quota will be slightly less than 2015.
 - ◆ Recommended 2016 effort:
 - Maintain 2015 effort during Summer;
 - Continue in non-restricted category during Winter sub-periods.



2016 *Finfish* Sector Management Plan

◆ Tautog:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is occurring;
 - ◆ Benchmark assessment complete; management being contemplated at ASMFC for 2016.
- Recommended 2016 effort:
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

◆ Striped Bass:

• Stock Status:

- ◆ Not overfished;
- ◆ Overfishing is not occurring;
- ◆ Addendum implemented in 2015;
- ◆ Draft update stock assessment completed, to be reviewed at November board meeting.

• Recommended 2016 effort:

- ◆ Maintain effort at or below 2015 level;
- ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

◆ Black Sea Bass:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Stock still managed by constant catch; benchmark assessment to take place in 2016.
- Recommended 2016 effort:
 - ◆ Maintain effort at or below 2015 level;
 - ◆ Continue in restricted category.



2016 *Finfish* Sector Management Plan

Non-restricted species

◆ Winter Flounder:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is not occurring;
- Recommended 2016 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.



2016 *Finfish* Sector Management Plan

◆ Bluefish:

• Stock Status:

- ◆ Not overfished;
- ◆ Overfishing is not occurring;
- ◆ Benchmark assessment completed;
- ◆ Quota could be reduced from 2015.

• Recommended 2016 effort:

- ◆ Consider changes in management to stabilize catch rates such as implementing sub-period possession limits;
- ◆ Maintain effort at or below 2015 level;
- ◆ Maintain in non-restricted category.



2016 *Finfish* Sector Management Plan

◆ Menhaden:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring;
 - ◆ Amendment 3 is being developed, should be ready for management in 2016 (potentially alters allocations for states).
- Recommended 2016 effort:
 - ◆ Maintain effort at or below current level;
 - ◆ Maintain in non-restricted category.



2016 *Finfish* Sector Management Plan

◆ Monkfish:

- Stock Status:
 - ◆ Not overfished;
 - ◆ Overfishing is not occurring.
- Recommended 2016 effort:
 - ◆ RI state-water quota was not reached in 2014 federal fishing year;
 - ◆ Allow effort to increase above current levels;
 - ◆ Maintain in the non-restricted species category.



2016 *Finfish* Sector Management Plan

◆ Cod:

- Stock Status:
 - ◆ Is overfished;
 - ◆ Overfishing is occurring.
- Recommended 2016 effort:
 - ◆ RI state-water quota was not reached in 2014 federal fishing year;
 - ◆ Allow effort to increase above current levels;
 - ◆ Maintain in the non-restricted species category.



2016 *Finfish* Sector Management Plan

- ◆ Licensing recommendations:
 - Restricted finfish endorsement: Maintain 1:1 exit/entrance ratio (6 licenses with activity not renewed = 6 new PEL licenses w/restricted finfish available).
 - Non-restricted finfish endorsement: Maintain open entry into the non-restricted finfish endorsement.



SHELLFISH



2016 *Shellfish* Sector Management Plan

◆ Quahaug:

- Stock Status: Stable; fishing mortality under 0.3 which is below overfishing threshold.
- Licensing recommendation:
 - ◆ IAC: Amend current 2:1 exit/entry ratio to 1:1 for Quahaug endorsement.
 - ◆ Division: Agrees with IAC recommendation as does not anticipate significant increase in participation or resulting impact to fishery (32 eligible licenses not renewed = 32 quahaug endorsements available).



2016 *Shellfish* Sector Management Plan

◆ Soft-shell Clam:

- Stock Status: Status is poor, 2012-2014 landings were down ~94% from the 2005 – 2010 average
- Licensing Recommendation:
 - ◆ IAC: Amend current 5:1 exit/entry ratio to 1:1 for soft-shell clam endorsement (51 eligible licenses not renewed = 51 new endorsements available);
 - ◆ Division: Due to poor stock status, maintain current 5:1 exit/entry ratio 1:1 (51 eligible licenses not renewed = 12 new endorsements available);



2016 *Shellfish* Sector Management Plan

◆ Whelk:

- Stock Status: Abundance is declining; fishing mortality is increasing, however unlikely that overfishing is currently occurring.
- Licensing Recommendations:
 - ◆ Maintain status quo;
 - Whelk endorsement not available to new license applicants;
 - Endorsement available **only** to PEL or CFL license holders w/ Quahaug or SS Clam endorsement.
 - 39 eligible licenses not renewed.



2016 *Shellfish* Sector Management Plan

♦ Shellfish Other:

• Stock Status:

- ♦ Oysters: Sharp decline in abundance since 1990's.
- ♦ Other species: Data largely unavailable.

• Licensing Recommendations for Shellfish Other endorsement:

- ♦ Maintain status quo
 - Maintain harvest level;
 - Maintain current species listed in endorsement category;
 - Maintain open entry.



CRUSTACEAN



2016 Crustacean 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 moratorium on the issuance of new American lobster endorsements.



2016 Crustacean Sector Management Plan

♦ Horseshoe Crab:

• Stock Status:

- ♦ Is overfished;
- ♦ Overfishing is not occurring.

• Licensing recommendations:

- ♦ Maintain open entry for the issuance of Horseshoe Crab harvest permits;
- ♦ The current permit required to harvest Horseshoe crabs should be added as a license endorsement; DFW may look to pursue in future.



2016 Crustacean 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



2016 Crustacean Sector Management Plan

- ◆ Licensing recommendations for non-lobster Crustacean endorsement:
 - **Maintain open entry to all non-lobster crustacean fisheries at this time.**



PUBLIC HEARING ITEMS



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: Due to poor status, maintain 5:1 exit/entry 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 Regulations

b. Procedures for adopting Sector Management Plan (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 Regulations

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 Regulations

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

- Proposal stems from recently passed legislation;
- Proposed date change from February 28 to June 30 for 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 regulations

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 regulations

- 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 regulations

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 regulations

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 regulations

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



Hearing Item #3: Repeal of RIMFR – “Part III – Marine Fisheries Council

- Regulation no longer serves its original intent when RIMFC was a regulatory body;
- Currently used only 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: 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.



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 unobstructed 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 unobstructed 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...



End of Slides!

