RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

To: Jason McNamee
Chief, Marine Resource Management

From: Janet Coit
Director

Date: March 11, 2020

Re: Final Decisions Pertaining to the February 10, 2020 Marine Fisheries Public Hearing Items

I have received and reviewed your memo to me, dated March 6, 2020, and attached herewith, regarding the public hearing items from the February 10, 2020 public hearing. I have also received and reviewed all relevant supporting documentation, including the public hearing documents and the summary report (draft meeting minutes) from the March 2, 2020 meeting of the RI Marine Fisheries Council (Council).

With one exception, I hereby approve all the Council recommendations, as set forth in your memo, which are also supported by the Division. The exception pertains to the Council's recommendation for 2020 recreational striped bass. I am addressing that issue, and final decision, via a supplemental memo (attached).

For all public hearing items except recreational striped bass, the final decisions for each are as follows:

1. **2020 Recreational Black Sea Bass Management**

    - Decision: Maintain regulatory status quo as noticed and recommended by the Council.

2. **2020 Recreational Scup Management**

    - Decision: Maintain regulatory status quo as noticed and recommended by the Council.

3. **2020 Recreational Summer Flounder Management**

    - Decision: Maintain regulatory status quo as noticed and recommended by the Council.

4. **2020 Commercial Summer Flounder - Aggregate Landing Program Possession Limit**

    - Decision: Amend the rule from 1,000 lbs/vessel/week to 2,000 lbs/vessel/bi-week as noticed and recommended by the Council (and which was already effectuated on January 15, 2020 via the Division's authority established per R.I. Gen. Laws § 20-1-12.1).

5. **2020 Recreational Striped Bass Management**

    - Decision: See supplemental memo (attached)

6. **2020 Commercial Striped Bass General Category Management**

    - Decision: Amend the rule as recommended by the Council, which maintains the current five fish/day possession limit, adds an additional day closed to harvest on Sunday of each week, and amends the allocation from 70% to 60% for the sub-period May 20 – June 30, and from 30% to 40% for the July 1 – Dec. 31 sub-period.

7. **2020 Commercial Striped Bass Floating Fish Trap Management**

    - Decision: Maintain regulatory status quo as noticed and recommended by the Council.

8. **2020 Recreational Tautog Management**

    - Decision: Maintain regulatory status quo as noticed and recommended by the Council.

9. **2020 Commercial Tautog Management**

    - Decision: Amend the rule as recommended by the Council (noticed option 2), which adds a summer season from August 1 - Sept, 15 @ 15% allocation, which allocation is met through reduction in the allocations from 50% to 42.5% for each of the other two sub-periods (April 1 – May 31, and Oct. 15 – Dec. 31).

10. **2020 Recreational Bluefish Management**

    - Decision: Amend the rule as noticed and recommended by the Council (noticed Option 1), which establishes a possession limit of three fish/person/day for the

private/shore mode and five fish/person/day for the for-hire mode (adjusted down from the current fifteen fish/person/day for all recreational fishermen).

11. **2020 Commercial Monkfish Management**

- Decision: Amend the rule as noticed and recommended by the Council, which adjusts the possession limit from 700 lbs tail weight/2,037 lbs whole weight/vsl/day to 4,900 lbs tail weight/14,259 lbs whole weight/vsl/week (i.e., establishes a new weekly aggregate possession limit).

12. **2020 Commercial State-Waters Skate Wing Management**

- Decision: Amend the rule as recommended by the Council, which amends to possession limit from 18,200 to 35,000 lbs wings/week.

RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

Memorandum

To: Jason McNamee, Deputy Director, Natural Resources Bureau

From: Janet Coit, Director

Date: March 12, 2020

Re: Final Decisions Pertaining to the February 10, 2020 Marine Fisheries Public Hearing Items – Supplemental Memo Setting Forth Final Decision Pertaining to the Recreational Striped Bass Fishery for 2020

I have received and reviewed your attached memo, dated March 6, 2020, regarding the public hearing items from the February 10, 2020 public hearing. I have also reviewed all relevant supporting documentation, including the public hearing documents and the summary report (draft meeting minutes) from the March 2, 2020 meeting of the RI Marine Fisheries Council (Council). I have also reviewed relevant materials from the Atlantic States Marine Fisheries Commission (ASMFC), including the Summary Report of the 2019 Benchmark Stock Assessment for Striped Bass (April 2019), Addendum VI to Amendment 6 to the ASMFC's Interstate Fishery Management Plan for Striped Bass (adopted October 2019), and the meeting summary from the February 4, 2020 meeting of the ASMFC's Striped Bass Management Board.

Drawing upon all of this information, this memo sets forth the final decision regarding 2020 recreational striped bass management in Rhode Island.

Striped bass management continues to be one of the most challenging marine fisheries issues we face. This is due to the declining condition of the resource, the vital importance of the resource to a multitude of users, the mixed and competing views of users regarding preferred management approaches, and the shared jurisdictional authority over the management of this migratory resource among East Coast states from Maine through North Carolina.

For the reasons detailed below, I find that it is in the best interest of the striped bass resource, and the Rhode Island recreational fishing community as a whole, to enact the Addendum VI coastwide measure of a one fish bag limit, slot limit of 28" - < 35", with a season open year round, for the entire Rhode Island recreational striped bass fishery. The regulation applies to the 2020 calendar year and is subject to revision in the future.

It is my understanding that this same coastwide measure has been or will be implemented by all East Coast states from Maine through New York/New Jersey for 2020.

This decision dissents from the recommendation of the RI Marine Fisheries Council, which was to adopt the ASMFC-approved RI Conservation Equivalency (CE) split-mode proposal, involving one set of regulations (30" - < 40" slot limit) for the RI for-hire sector and another set (32" - <40" slot limit) for the RI general (shore/private) recreational fishery.

The perspectives of stakeholders and advisors are given due consideration in the decision-making process. Upon review of the record, it is apparent that the opinions of the RI recreational fishing community are split between the three management options offered at hearing. However, given that the striped bass stock is overfished and experiencing overfishing, the factor that emerges as the most important, and upon which my final decision rests, is risk to the resource. Minimizing such risk is essential to maximizing the efficacy of our management response. Of the three options, I find the coastwide measure to be most risk-averse and best suited to quickly and effectively reduce fishing mortality and rebuild the striped bass stock. Other key factors I considered in making my decision included resource conservation, compliance and enforcement, and equity.

I recognize that the majority of the RI for-hire fleet strongly favors the RI split-mode CE proposal and will thus be disappointed by my decision. To their credit, the RI Party and Charter Boat Association spearheaded the development of the RI split-mode CE proposal which, with assistance from the DEM, was approved by the ASMFC. Advancing the interests of RI's for-hire industry is a core principle of our fisheries management program in RI. The for-hire industry provides access to the resource for those unable to access it on their own, and in so doing supports jobs and economic activity. As such DEM plans to continue our efforts through the ASMFC to pursue separate for-hire sector regulations across species, as we have done successfully for scup, tautog, eel, and bluefish. Striped bass may well follow suit; however, given the circumstances, there is too much risk in doing so at this particular time.

This was a difficult decision. It warrants a full overview and explanation, which I am providing via this detailed memo.

Background

Stock Status

- The 2019 Benchmark Stock Assessment for Atlantic Striped Bass was accepted for management use by the ASMFC's Striped Bass Management Board (Board) in May 2019. The stock assessment found that in 2017, the terminal year of the assessment, the estimated female spawning stock biomass was below the threshold level and the estimated fishing mortality rate was above the threshold level, indicating the stock is overfished and experiencing overfishing.

ASMFC Management Response

- The 2019 stock status determination tripped several management triggers contained in the ASMFC's Striped Bass Fishery Management Plan (FMP), thereby requiring the Board to take immediate action to address overfishing by reducing fishing mortality to a level that is at or below the fishing mortality target in one year; and to adjust the management program to rebuild spawning stock biomass.
- In response, the Board adopted Addendum VI to the FMP in October 2019. Addendum VI addresses overfishing by implementing measures to reduce total striped bass removals coastwide by 18% relative to 2017 levels. (Rebuilding of the spawning stock biomass is slated to be addressed via a subsequent management action initiated this year.)
- Addendum VI addresses reductions to the commercial sector by reducing all commercial quotas by 18%.
- Addendum VI addresses reductions to the recreational sector by implementing a one-fish bag limit and a slot limit of 28" - < 35" for all recreational fisheries operating in the ocean region. (Also implementing a one-fish bag limit and an 18" minimum-size limit for all recreational fisheries operating in the Chesapeake Bay region.)
- Addendum VI maintains the flexibility for states to pursue alternative management regulations through conservation equivalency (CE). All CE proposals must demonstrate that the alternative management program is equivalent to the measures adopted under Addendum VI and must be reviewed by the Board's Technical Committee and approved by the Board.

Rhode Island's Position Via ASMFC

- The RI delegation to the ASMFC strongly supported the adoption of Addendum VI to reduce fishing mortality in 2020, as mandated by the FMP.
- The RI delegation also supported the development of two state-specific CE proposals, as well as a regional CE proposal that included the neighboring states of CT and NY, to address the explicit needs of RI stakeholders and promote regional consistency. All proposals were viewed as more conservative options for RI as they were projected to achieve at least an 18% reduction in harvest. Although the Addendum VI measure is projected to achieve an 18% overall reduction in harvest, this is achieved on a coastwide basis and the state specific reductions vary by state, with RI projected to achieve a 14% reduction in harvest.

- Rhode Island's two state-specific options were as follows:
    - A one-fish bag limit and 32" - < 40" slot limit to apply to all recreational anglers; and
    - A one-fish bag limit and 32" - < 40" slot limit to apply to shore/private anglers and a one-fish bag limit and 30" - < 40" slot limit to apply to all individuals fishing aboard RI-licensed charter and party boats (split-mode proposal)
- The RI-supported regional option was as follows:
    - A one fish bag limit and 30" - < 40" slot limit to apply to all recreational anglers in the states of RI, CT, and NY.

ASMFC Management Response Regarding State CE Proposals

- At the February 2020 Board meeting, the Board considered multiple CE proposals submitted by a number of states which resulted in a wide range of measures being considered, and raised questions about consistency, equitability, and accountability if CE measures didn't meet their respective targets. Furthermore, the Board recognized that the effects of combined CE measures had the potential to fall short of the 18% reduction needed to achieve the fishing mortality target in 2020. These realizations led to focused discussion on a few proposals that relied heavily on assumptions regarding angler behavior, and proposals that would achieve a lower percent reduction at the state-level under CE measures than under the Addendum VI measure.

- After lengthy deliberations, and while acknowledging the need for CE to address unique state and regional differences, the Board pared down the number of measures being considered and approved implementation plans and CE proposals on a state-by-state basis. During the deliberations, the Board discussed the need to revisit the CE provisions in the next management document, and the need for unique accountability measures for this predominantly recreational fishery.

- Against this backdrop, all three of Rhode Island's CE proposals were advanced through the Board at the February 2020 meeting. The Board approved RI's two state-specific proposals, but did not approve the regional proposal submitted by RI, NY, and CT.

State Review of Rhode Island's Management Options

- DEM administered the following meetings and hearings to solicit feedback and proposals from stakeholders regarding 2020 striped bass regulations:
    - January 13, 2020 - DEM held a pre-hearing workshop.
    - January 23, 2020 - DEM public notice issued.
    - February 10, 2020 – DEM public hearing conducted. DEM kept the public hearing open until February 23, 2020. A large number of public comments were provided, with strong but mixed support for RI's two state-specific CE proposals as well as the Addendum VI coastwide measure.
- On March 2, 2020, the RI Marine Fisheries Council met to formulate a recommendation to the DEM Director on the matter. On a 5-1 vote, with two recusals, the Council recommended adoption of the RI split-mode CE proposal.

Analysis

Resource Conservation

Striped bass is an iconic marine resource, highly valued by both recreational and commercial fishermen. The stock migrates extensively, ranging from North Carolina to Maine. The past 50 years have been a story of rise and fall. After experiencing a complete stock collapse in the 1970's, the striped bass fishery was closed, pursuant to a coastwide moratorium that lasted until 1989. Thereafter, the population rebuilt and remained strong and healthy from the 1990's through the early 2000's. In recent years however, stock status has been trending downward. The most recent 2019 Benchmark Assessment found that the resource had fallen below the threshold for spawning stock biomass, and was thus overfished; additionally, fishing mortality had increased above the threshold for the fishing mortality rate, meaning that overfishing was occurring.

Doing what it takes to end overfishing and restore the population of Atlantic striped bass is a top priority – indeed, a legal mandate -- for Rhode Island and for all Atlantic coast states. There is no dispute regarding this goal and imperative.

Risk

While risk is an inherent aspect of fisheries management, certain management options may have more risk than others and thus need to be carefully considered. It has been demonstrated for the striped bass fishery that changes in angler behavior can greatly impact recreational harvest, even in the absence of regulatory changes. In 2018 the Atlantic coast experienced an 18% reduction in total removals of striped bass compared to 2017 levels as a result of decreased effort in all recreational fisheries. It is unclear what caused that reduction, since regulations for the coastal recreational fishery remained consistent during those two years (a one-fish bag limit and a 28" minimum size). The point being that angler behavior is an unknown in any given year and can result in unforeseen impacts.

For 2020, the Board has set forth a new management program, implementing for the first time a coastwide slot limit. By maintaining the 28" minimum size and instituting a first-ever <35" maximum size, the new program seeks to protect large, fecund female bass, as well as young fish that have not yet had the chance to recruit to the fishery. The scientists working on this issue for the ASMFC project that the new regulation, if implemented on a coastwide basis in 2020, should reduce fishing mortality to the target in 2020, and thus end overfishing. The projection is associated with some scientific uncertainty. The projection thus has risk, but it is acceptable risk, provided all states, and fishermen, comply.

Conservation equivalency serves as a useful mechanism to tailor state-specific management programs to meet the needs and interests of fishermen from different states; but it also injects additional uncertainty into the mix. Rhode Island has implemented CE proposals for striped bass and other species in the past and I continue to endorse the concept of CE going forward. However, I am mindful of the need to ensure that alternate state-specific management approaches are conservationally equivalent to coastal management programs for migratory stocks – particularly

when those stocks are in poor shape and subject to overfishing, as is currently the case with regard to striped bass.

On paper, the split-mode CE proposal for RI will achieve an 18+% reduction in fishing mortality. But in reality, the proposal introduces additional uncertainties and thus heightens the risk associated with its implementation. The increased risk relates to several factors:

- There are currently no standardized accountability measures in place for alternate management programs implemented by a state as part of an approved CE proposal. This has led to strong criticism of the CE program in recent years. As noted earlier, the ASMFC's Striped Bass Board plans to address CE accountability at an upcoming meeting, possibly through its next striped bass management action.

- RI has recently enacted mandatory for-hire reporting, and that mechanism could serve as a strong basis for accountability. However, there is no protocol in place, yet, to ensure compliance with the reporting requirement and validate the results. To its credit, the for-hire sector is well positioned to achieve a sufficient level of accountability, but more progress is needed.

- The adoption of the split-mode CE proposal could affect angler behavior in ways we can't project. For example, if, as expected, the neighboring states of MA, CT, and NY all adopt the coastwide option, with a <35" maximum size limit, and RI adopts the split-mode option with a <40" maximum size limit, there may be a resulting spike in effort in RI waters which could in turn negatively impact our RI recreational fisheries and our ability to achieve the necessary harvest reductions. With CE accountability likely to be an element of a future management action, it is not advisable to enter into a CE where we could face further reductions should our CE-based projected reductions not be realized. A proposal to maintain the coastwide measure for the private and shore anglers while adopting a larger slot limit for the for-hire sector would have offered a more risk-averse approach, since the removals attributable to the for-hire sector constitute a relatively small percentage of total removals. But such an option would not have met the necessary reductions, and thus was not feasible.

- I recognize that the calculations conducted by the Board's Technical Committee show that both of RI's CE proposals are more conservative, as they project an 18+% reduction in harvest whereas the coastwide measure projects a 14% reduction in harvest; however, the envelope of uncertainty around these options is such that the proposals may not be meaningfully different from each other. The math is based on assumptions that all things will be equal regarding angler behavior. As noted above, a stand-alone RI management program for striped bass in 2020 that differs significantly from that of other states, particularly neighboring states, could induce significant shifts in angler behavior, which could increase the risk to the resource and to the future of our state's fishery.

- The Addendum VI coastwide recreational measure of a one-fish bag limit and 28" - < 35" slot limit was designed with the intent that it would be implemented in all Atlantic coast states. Preservation of large spawning females, 35" and greater, is the rationale used to

establish this coastwide measure, and by the Board when they voted to not approve the vast majority of recreational CE proposals submitted by other states. As it stands, if RI were to adopt either of our CE options, we would be the only state from ME through NY/NJ providing access to larger fish in the 35" to < 40" size range. This would lead to increased mortality on those fish the ASMFC is seeking to protect, including the strong 2011 year class. I appreciate that this increased take of larger fish would be compensated by a decreased take of fish in the 28"-30"/32" range, but I am not comfortable being the only state engaging in this potentially risky trade-off.

For the above reasons, I find that adoption of the coastwide measure in RI will involve less risk, to the resource and the fishery, than the other available options.

Compliance and Enforceability

Compliance with and the enforceability of striped bass regulations remains a top priority for Rhode Island. DEM already experiences significant challenges to enforce compliance with the current coastwide measure, particularly in the waters surrounding Block Island, which hosts large volumes of striped bass and as a result attracts anglers from throughout the region. Whenever a new set of regulations goes into effect, it takes time for anglers to get the word and become compliant. For recreational striped bass, the regulations in 2020 will be much different than ever before, with a first-ever slot limit. That alone will pose new challenges regarding compliance. If coupled with disparate regulations for anglers fishing in RI waters and returning to RI versus anglers fishing in RI waters and returning to neighboring states, compliance and enforceability will be even more difficult. Also, for those fishing in RI waters from neighboring states, the slot limit would effectively be narrowed to 32" - <35" for private vessels and 30" - <35" for for-hire vessels, leading inevitably to increased discards.

What's more, by having less of an overlap between the RI recreational and commercial (34") size limits, our Division of Law Enforcement will be better able to discern between a recreational and commercial trip, and thus better able to prevent fish from being harvested recreationally in RI state waters and sold illegally in the commercial market.

In view of the significant enforcement efforts and coordination undertaken last summer between RI, CT, and NY to better enforce striped bass regulations, particularly in the vicinity of Block Island, maintaining coastwide measures constitutes a concerted effort by all three states to continue and strengthen this collaboration. Without sound and effective enforcement, a state-specific, stand-alone CE program can't be achieved regardless of its projected conservation benefits.

For the above reasons, I find that adoption of the coastwide measure in RI will support compliance and enforceability in RI waters more effectively than the other available options.

Equity

The issue of equity is perhaps the most difficult issue to reconcile and address. Many recreational fishermen who commented on the record expressed opposition to the notion of disparate regulations applied to the for-hire industry. I do not share that view and believe the charter and party business sector to be fundamentally different from the general recreational fishery.

With continued improvements in data reporting and catch/effort estimations, and the potential for sector-separation proposals to emerge from the MAFMC/ASMFC allocation process pertaining to summer flounder, black sea bass, and scup, the opportunity to pursue a separate for-hire sector across all fisheries, including striped bass, may come to fruition in the near future. To be sure, the RI delegation to the ASMFC plans to bring a proposal addressing this issue to the next meeting of the ASMFC's "Mode Split Working Group" (a subcommittee of the ASMFC's Executive Committee). Given our strong support for this approach, I find it to be in the best interest of the RI for-hire industry to refrain from enacting a risky split-mode CE proposal for 2020, and focus instead on maintaining coastwide consistency while pushing for a fair, equitable, risk-averse, fully accountable, and enforceable split-mode program via subsequent management action.

Equity could be a significant issue if any neighboring state were to enact separate regulatory programs for their for-hire sectors. But that is not the case at this time. No other neighboring state has enacted or is considering a separate for-hire program for striped bass this year. As such, there will be no competitive disadvantage for Rhode Island's for-hire industry under a coastwide standard.

For the above reasons, I find that adoption of the coastwide measure in RI waters will be more equitable for all participants in the fishery than the other available options.

RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

INTER-OFFICE MEMO

TO: Janet Coit, Director

FROM: Jason McNamee, Deputy Director JEM

DATE: March 5, 2020

SUBJECT: Decisions regarding proposed amendments to the RI Marine Fisheries regulations that were the subject of a public hearing held on February 10th and RI Marine Fisheries Council (RIMFC) on March 2nd. The public hearing folder contains all the necessary documentation related to this hearing, including a summary of the oral comments made at the hearing, written comments received, the noticed annotated regulations, and public notice.

1. **2020 recreational Black Sea Bass management:**

- Background: Annual review of the management program. Status quo is the only ASMFC compliant option for 2020.
- Proposal: No amendments were proposed.
- Public comments: Comments provided in support of an earlier opening date for 2021.
- RIMFC: 8 - 0 in support of recommending status quo.
- Marine Fisheries: Support for status quo as the only ASMFC compliant option for 2020.
- Timing to file: N/A (no changes to be filed).

2. **2020 recreational Scup management:**

- Background: Annual review of the management program. Status quo is the only ASMFC compliant option for 2020.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 8 - 0 in support of recommending status quo.
- Marine Fisheries: Support for status quo as the only ASMFC compliant option for 2020.
- Timing to file: N/A (no changes to be filed).

3. **2020 recreational Summer Flounder management:**

- Background: Annual review of the management program. Status quo is the only ASMFC compliant option for 2020.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 8 - 0 in support of recommending status quo.
- Marine Fisheries: Support for status quo as the only ASMFC compliant option for 2020.
- Timing to file: N/A (no changes to be filed).

4. **2020 commercial Summer Flounder - Aggregate Landing Program possession limit:**

- Background: This rule was brought to public hearing on November 12, 2019, which resulted in a change in the rule from a bi-weekly to a weekly possession limit. Upon learning of this change, several fishermen expressed concern that reverting back to a one week aggregate limit would decrease fishermen's flexibility and pose increased safety risks. As a result, and in consultation with legal counsel, on January 15, 2020 I opted to utilize our authority established per R.I. Gen. Laws § 20-1-12.1 to change the possession limit from 1,000 lbs/vessel/week to 2,000 lbs/vessel/bi-week. This amendment serves to codify in rule that change.
- Proposal: Amend rule from 1,000 lbs/vessel/week to 2,000 lbs/vessel/bi-week.
- Public comments: None provided.
- RIMFC: 8 - 0 in support of recommending adoption of the proposal as noticed.
- Marine Fisheries: Support as proposed.
- Timing to file: Immediately.

5. **2020 recreational Striped Bass management:**

- Background: Annual review of management program. Addendum VI was adopted by the ASMFC Striped Bass Management Board (Board) in October 2019 to reduce fishing mortality to the target in 2020. This addendum requires an 18% reduction to both the recreational and commercial fisheries. For the recreational fishery, a slot limit of 28" - < 35" was adopted by the Board as the coastwide measure to be implemented by all states. In response to comments received by stakeholders, Rhode Island submitted two state specific Conservation Equivalency (CE) proposals as well as a regional CE proposal that included CT and NY. The regional proposal is no longer a viable option as CT and NY will be adopting the coastwide measure. RI's two state specific CE proposals were approved by the Technical Committee (TC) and the Board and remain viable ASMFC compliant options in addition to the coastwide measure.
- Proposal: Each of the options under consideration at the time of noticing are summarized in the table below. As a result of the February 2020 ASMFC Striped Bass Management Board meeting, all options presented below are ASMFC compliant except for noticed Option 1 (ASMFC Regional CE Option B proposal). The options as provided in the notice and notice summary were:

Option	Mode	Min/Max size	Season	Possession Limit
~~Noticed Option 1 (ASMFC Regional CE Option B proposal):~~	~~All modes~~	~~30 - < 40”~~	~~1/1 – 12/31~~	~~1 fish/person/day~~
Noticed Option 2 (ASMFC Rhode Island CE Option C proposal):	Private/Shore	32 - < 40”	1/1 – 12/31	1 fish/person/day
	For-hire	30 - < 40”		
ASMFC Addendum VI consistency proposal:	All modes	28 - < 35”	1/1 – 12/31	1 fish/person/day
Additional Option not noticed (ASMFC CE proposal):	All modes	32 - < 40”	1/1 – 12/31	1 fish/person/day

- Public comments: Significant number of comments were received, with support for each of the three options. A majority of comments were received in support of noticed Option 2 (ASMFC Rhode Island CE Option C).
- RIMFC: 5 - 1 in support of recommending adoption of noticed Option 2, ASMFC Rhode Island CE Option C (D. Monti and A. Dangelo recused).
- Marine Fisheries: While recognizing that all three options are viable, and that noticed Option 2 received strong public support and is recommended by the Council, the Division urges adoption of the ASMFC Addendum VI consistency proposal due to concerns regarding resource conservation and accountability.

  As a result of the 2018 benchmark stock assessment, the striped bass stock is currently overfished and experiencing overfishing. The Addendum VI coastwide measure of a one fish bag limit and 28” - < 35” slot limit, aims to reduce fishing mortality in 2020 and protect large spawning females as well as young immature fish that have not yet had a chance to recruit to the fishery. If RI chose to adopt one of our approved CE options, we would be the only state from NY/NJ north fishing on fish greater than 35”. This runs counter to the point of using a slot limit for management, which is meant to protect this segment of the population. With the proposed CE options, RI would have exclusive access to these fish, some of which belong to an important 2011 cohort that should be protected.

  While we acknowledge that on paper the CE options are more conservative and would achieve larger harvest reductions for RI compared to the coastwide measure, these differences as far as conservation benefit are probably within the envelope of uncertainty and are likely not meaningfully different from each other. Additionally, adoption of the CE could affect fishing behavior in ways we don’t understand, which will be exacerbated by the fact that we would be the sole state fishing on this size range. This could increase effort locally and potentially negatively impact our recreational and for-hire fisheries, thereby increasing uncertainty in the effect of the CE proposal.

  If the CE didn’t require an adjustment to the general recreational fishery, we would feel differently as the for-hire sector is only a small part of the overall

removals; however, the only way to achieve the CE was to adjust the private and shore modes to compensate for the change to the for-hire mode.

Given that CE accountability will likely be an element of future action at the ASMFC, entering into a risk prone CE at this time is not advisable. The long-term solution is for the for-hire mode to have its own fishery accountability and management plan. I fear that pursuing this CE now could negatively impact that goal. Furthermore, the fact that adopting the coastwide measure will keep our local fisheries consistent with neighboring states, and will not disadvantage our fishery relative to those states, leads me to recommend that adoption of the coastwide measure is the right management action to take at this time.

- Timing to file: Immediately.

6. **2020 commercial Striped Bass General Category management:**

- Background: Annual review of management program. Addendum VI was adopted by the ASMFC Striped Bass Management Board (Board) in October 2019 to reduce fishing mortality to the target in 2020. This addendum requires an 18% reduction to both the recreational and commercial fisheries. For the commercial fishery, a quota reduction is required to meet this reduction.
- Proposal: To achieve the required reduction, two options were noticed, with an additional option provided in the notice summary for consideration. Additionally, the Division proposed sub-period allocation changes, as provided in Noticed Option 1, to better manage the fishery by reducing the potential for a harvest overage in the second sub-period; if such an overage were to occur, the overage would need to be deducted from RI's commercial quota in the following year. The options as provided in the notice and notice summary were:

Option	Min. size	Season	Allocation	Poss. limit	Closed days
Noticed Option 1:	34"	5/20 – 6/30	~~70~~ 60%	5 fish/day	Thurs, Fri. & Sat.
		7/1 – 12/31	~~30~~ 40%	5 fish/day	
Noticed Option 2:		5/20 – 6/30	70%	~~5~~ 4 fish/day	Fri. & Sat.
		7/1 – 12/31	30%	~~5~~ 4 fish/day	Fri. & Sat.
Additional option (not noticed):		5/20 – 6/30	70%	~~5~~ 3 fish/day	Thurs, Fri. & Sat.
		7/1 – 12/31	30%	~~5~~ 3 fish/day	Thurs, Fri. & Sat.

- Public comments: Significant support received to maintain the 5 fish/day possession limit and add a day closed to harvest, with the additional closure day being Sunday instead of Thursday. Support received for both the 70/30 allocation (status quo) and change to 60/40 for the two sub-periods respectively.
- RIMFC: 7 - 1 in support of recommending adoption of Option 1, with Sunday closed to harvest instead of Thursday.

- Marine Fisheries: In support of noticed Option 1, however the Division does not have a preference on which additional day should be closed to harvest provided the three closed days are contiguous. In regard to the sub-period allocations, with the 18% quota reduction in 2020, the 30% allocation in the second sub-period becomes too small for the Division to manage, and the Division therefore supports the allocation change from 70/30 to 60/40 as provided in noticed Option 1.
- Timing to file: Immediately.

7. **2020 commercial Striped Bass Floating Fish Trap management:**

- Background: Annual review of the management program.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 8 - 0 in support of recommending status quo.
- Marine Fisheries: Support for status quo.
- Timing to file: N/A (no changes to be filed).

8. **2020 recreational Tautog management:**

- Background: Annual review of the management program. Status quo is the only ASMFC compliant option for 2020.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 8 - 0 in support of recommending status quo.
- Marine Fisheries: Support for status quo as the only ASMFC compliant option for 2020. The Division will proceed with the pursuit of a CE to add one fish to the fall season for the for-hire sector and will bring this change back out to hearing this year.
- Timing to file: N/A (no changes to be filed).

9. **2020 commercial Tautog management:**

- Background: Annual review of management program.
- Proposal: Two proposals for a change in management were submitted by industry:

Option	Season	Allocation	Poss. limit
Noticed Option 1:	4/1 – 5/31	~~50~~ 35%	10 fish/day
	6/1 – ~~10/14~~ 7/31	Closed	
	8/1 – 9/15	15%	10 fish/day
	9/16 – 10/14	Closed	
	10/15 – 12/31	50%	10 fish/day

Noticed Option 2:	4/1 – 5/31	~~50~~ 42.5%	10 fish/day
	6/1 – ~~10/14~~ 7/31	Closed	
	8/1 – 9/15	15%	10 fish/day
	9/16 – 10/14	Closed	
	10/15 – 12/31	~~50~~ 42.5%	10 fish/day

- Public comments: Support for both options provided.
- RIMFC: A motion in support of recommending noticed Option 1 failed 1 - 7. A second motion made in support of recommending noticed Option 2 passed 8 - 0.
- Marine Fisheries: Support for either noticed option as manageable by the Division.
- Timing to file: Immediately.

10. **2020 recreational Bluefish management:**

- Background: Annual review of management program. The MAFMC and ASMFC approved new recreational measures for 2020 management to constrain harvest in 2020 to the recreational harvest limit (RHL), which has been set at 9.48 million lbs for 2020 and 2021 (an 18% decrease from 2019 RHL).
- Proposal: Two options were noticed. Noticed Option 1 represents the ASMFC/MAFMC management proposal; noticed Option 2 represents an ASMFC Regional CE proposal that RI and CT were considering putting forward to the TC and Board. Prior to the February 2020 Board meeting it was determined that this Regional CE proposal could not achieve the necessary reductions and it was subsequently withdrawn from consideration. The only viable ASMFC compliant option therefore remains as noticed Option 1. The noticed options were:

Option	Mode	Min. size	Season	Poss. limit
Noticed Option 1 (MAFMC/ASMFC management proposal):	Private/shore	No min. size	1/1 – 12/31	~~15~~ 3 fish/day
	For-hire			~~15~~ 5 fish/day
~~Noticed Option 2 (ASMFC Regional CE proposal):~~	~~Private~~	~~No min. size~~	~~1/1 – 12/31~~	~~3 fish/day~~
	~~For-hire~~			~~5 fish/day~~
	~~Shore~~	~~≤ 12”~~		~~6 fish/day~~
		~~> 12”~~		~~2 fish/day~~

- Public comments: None provided.
- RIMFC: 7 - 1 in support of recommending noticed option 1 as noticed.
- Marine Fisheries: Support for option 1 as noticed as the only ASMFC compliant option.
- Timing to file: Immediately.

11. **2020 commercial Monkfish management:**

- Background: Change to management requested by industry. The noticed amendment represents a weekly (i.e., aggregate) possession limit of seven times the current daily limit. Analyses suggested that under some scenarios a weekly aggregate equal to seven times the daily could result in total landings that would trigger a possession limit reduction to the state waters fishery.
- Proposal: One proposal was noticed:

Min. size	Season	Poss. Limit
17" total/11" tail length	5/1 – 4/30 (federal fishing year)	~~700~~ 4,900 lbs tail weight/~~2,037~~ 14,259 lbs whole weight/vsl/~~day~~ week

- Public comments: Two comments provided at the hearing in support for the proposal.
- RIMFC: 8 - 0 in support of recommending adoption of the proposal as noticed.
- Marine Fisheries: Support as proposed.
- Timing to file: Immediately.

12. **2020 commercial State-waters Skate Wing management:**

- Background: Change to management requested by industry. The NEFMC proposed specifications for the next fishing season beginning May 1, 2020 that provides for an increase in the possession limit from 2,600 to 3,000 lbs/vessel/day for Season 1 (May 1 – August 30) and from 4,100 to 5,000 lbs/vessel/day for season 2 (Sept. 1 – April 30). The current regulation is based on seven times the current Season 1 possession limit.
- Proposal: The proposed (noticed) change represents a weekly limit equal to five times the proposed Season 2 daily limit, with the additional option representing seven times the proposed Season 2 daily limit:

Option	Min. size	Season	Poss. Limit
Noticed	No min. size	5/1 – 4/30 (federal fishing year)	~~18,200~~ 25,000 lbs wings/week
Additional option (not noticed)	No min. size	5/1 – 4/30 (federal fishing year)	~~18,200~~ 35,000 lbs wings/week

- Public comments: Support provided for the possession limit increase to 35,000 lbs wings/week.
- RIMFC: 8 - 0 in support of recommending adoption of a 35,000 pound/week possession limit.
- Marine Fisheries: Support for either option as manageable by the Division. It is important to note that the Division made the RIMFC aware that the 35,000 lbs of

wings/week carried with it a higher risk of hitting the possession limit trigger. Additionally, the RIMFC was made aware that the Division tracks demographics in the fishery and if this change alters those demographics (for instance, a bunch of federal permit holders not renewing their permits to be able to fish in state waters) we will revisit this issue.

- Timing to file: Immediately.