



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
 (401) 423-1920 Fax: (401) 423-1925

RIMFC: Robert Ballou, *Chairman*; Richard Hittinger, *Vice Chair*; David Monti; Jeff Grant; William Mackintosh, III; Michael Rice, Ph.D.; Christopher Rein; Andy Dangelo

MEETING NOTICE RI MARINE FISHERIES COUNCIL

March 7, 2016 – 6:00 PM
URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

AGENDA

Agenda item	ePacket Attachment(s)	Recommended action(s)
1. Approval of tonight’s agenda	<ul style="list-style-type: none"> • Tonight’s agenda 	Approval of agenda and/or recommendations for modifications.
2. Approval of minutes from last meeting	<ul style="list-style-type: none"> • Meeting minutes 12-7-15 	Approval of minutes and/or recommendations for modifications.
3. Public Comments on any items not on agenda	N/A	Discussion and/or possible future action.
4. <u>Public Hearing (2/16) Items:</u> <i>Division staff</i> <ul style="list-style-type: none"> • Rec. Summer Flounder; • Rec. Tautog; • Comm. Tautog; • Rec. Scup; • Rec. Black Sea Bass; • Coastal Sharks; • Skate; • Finfish regs gen. edits; • Rec. Striped Bass; • Comm. Striped Bass general category; • Comm. Striped Bass floating fish trap; • Comm. striped bass tags; • Striped bass fin clipping; • Dealer Regs – Striped Bass fin-clipping; • Dealer Regs general editing; 	<ul style="list-style-type: none"> • Public Notice • Workshop presentation • Annotated regs: <ul style="list-style-type: none"> ○ Rec. Summer Flounder; ○ Rec. Tautog; ○ Comm. Tautog; ○ Rec. Scup; ○ Rec. Black Sea Bass; ○ Coastal Sharks; ○ Skate; ○ Finfish regs gen. edits ○ Rec. Striped Bass; ○ Comm. general category Striped Bass; ○ Comm. floating fish trap Striped Bass; ○ Comm. striped bass tags; ○ Striped bass fin clipping; ○ Dealer Regs – Striped Bass fin-clipping; 	Provide recommendations to the Director on hearing items.

<ul style="list-style-type: none"> • Repeal of Part 1 – Legislative Findings; • Adopt Part 1 – Definitions; • Repeal Part 17 – Maps. 	<ul style="list-style-type: none"> ○ Dealer Regs gen. edits summary of changes; ○ Part 1 summary of changes; ○ Part 17 – Maps. • Written comments received • Division of Law Enforcement comments • Summary of oral comments 	
<p>5. <u>Advisory Panel Reports/Aquaculture:</u></p> <ul style="list-style-type: none"> • <u>Shellfish (1/21/15): J. Grant</u> • <u>Shellfish (2/18/16): J. Grant</u> 	<ul style="list-style-type: none"> • 1/21/15 meeting minutes • 2/18 meeting minutes 	Accept reports
<p>6. FYI</p> <ul style="list-style-type: none"> • NEFMC Council Reports 	<ul style="list-style-type: none"> • December, 2015 Report • Jan./Feb 2016 Report 	FYI
<p>7. Other matters.</p>	N/A	FYI, discussion, and/or consideration of future actions.

All RIMFC Meetings are open to the public

Posted 3/1/2016

[ePacket](#)



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3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

MEETING MINUTES

December 7, 2015

Chairperson: *B. Ballou*

RIMFC Members Present: *R. Hittinger, D. Monti, J. Grant, A. Dangelo, C. Rein, W. Macintosh, J. Grant*

DEM: *G. Powers, J. McNamee, S. Olszewski, C. Deacutis, P. Duhamel, D. White (DLE)*

Public: Approximately 15 persons attended.

- 1) **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda. Hearing none, the agenda was approved.
- 2) **Approval of RIMFC meeting minutes from October 5, 2015:** *B. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.
- 3) **Public comments regarding other matters not on agenda (added agenda item as inadvertently omitted in preparation of agenda):** No comments were offered by the public.
- 4) **Public Hearing Items – November 16 public hearing:**
J. McNamee provided an overview of all proposals via a powerpoint presentation which included a summary of additional industry proposals as well as those options that were noticed.
 - **Hearing item #1a - Commercial Summer Flounder:**

J. McNamee offered that comment and discussion were provided concerning keeping the fishery open as long as possible, which was different than years past when a minimum possession limit of 50 lbs/day was proposed as the lowest limit that could be caught while still being economically viable. He offered that the Council should think about this in particular. He provided a summary of the other possible management alternatives that were presented or provided as comments. *D. Monti* inquired as to the reasoning behind the 50 lb floor, to which *J. McNamee* replied that it was proposed that possession limits below 100/day are not economically viable, that it isn't worth the trip for possession limits lower than 100 lbs/day. He offered that this was in contrast to comments made by the Dealer who was present at the hearing, who preferred keeping the fishery open at a lower limit in order to keep the fishery open and maintain flow of product into the market. *C. Rein* inquired as to the Division's experience with bi-weekly aggregates; to which *J. McNamee* offered that the

Division had done it in the past and it is manageable, but that it may be necessary to reduce possession limits mid-period to avoid exceeding the quotas, which can be problematic for both the fishermen and Enforcement. **C. Rein offered a motion to institute the industry proposed and Division supported a bi-weekly aggregate possession limit @ 2,500 lbs/vsl/week during the Winter sub-period, a Friday closure, and to allow the possession limit to drop below 50 lbs; 2nd by M. Rice.** *J. Grant* offered that a possession limit lower than 50 lbs/day is not economically viable, to which *A. Dangelo* concurred, and also suggested a 2-day closure as an alternative. *J. McNamee* offered that he believed a 2-day closure was not favorable to dealers due to disruption of supply. *R. Hittinger* offered that aggregate possession limit should be based on a 5-day opening each week (Friday and Saturday closure) rather than a 7-day week, to which it was agreed was the intent of the motion. Upon conclusion of the discussion, **J. Grant offered an amended motion to recommend a bi-weekly aggregate possession limit @ 2,500 lbs/vsl/2 weeks during the Winter sub-period; a Friday and Saturday closure during the Summer and Fall sub-periods; and to not allow the possession limit to drop below 50 lbs/vsl/day (i.e., fishery would close instead); 2nd by C. Rein.** The motion passed 7 – 0.

- **Hearing Item #1b: Commercial Bluefish:**

J. McNamee provided an overview of the noticed options, comments received, and an additional industry proposal that was provided during the workshop and hearing. *N. Lengyel* provided rationale for the 18” minimum size; that 95% of fish are sexually mature at this size. *B. Macintosh* expressed concern that the Summer period possession limit is insufficient and could result in discards. Upon conclusion of the discussion, **M. Rice offered a motion to recommend adoption of the industry proposal as provided; 2nd by D. Monti.** The motion passed 7 – 0.

- **Hearing item #1c - Commercial Scup:**

J. McNamee provided an overview of the noticed proposal and industry considerations, and explained as the current management strategy of obtaining quota from the FFT sector to the GC sector in order to keep the GC fishery open, but that this transfer of quota cannot be relied upon. **B. Macintosh offered a motion to recommend adoption of status quo; 2nd by M. Rice.** The motion passed 7 – 0.

- **Hearing item #1d - Commercial Black sea bass:**

J. McNamee offered a summary of the noticed proposals, as well as his analysis for the aggregate limits proposed for each sub-period. After a lengthy discussion, **J. Grant offered a motion to recommend an aggregate in the Winter 1 sub-period @ 1000 lbs/week; an aggregate in Winter 2 @ 250/week; maintain the current 50 lbs/day starting possession limit and add a Friday closure for the other 3 sub-periods; do not allow the possession limit to drop below 50 lbs (would close instead); and delay the 9/1 starting date to 9/15. 2nd by B. Macintosh.** The motion passed 4-3 (*R. Hittinger, D. Monti, and A. Dangelo* voting against the motion).

- **Hearing item #1e and 2 – Editing of Finfish regulations and Part 1 - Definitions:**

D. Monti* offered a motion to recommend adoption of all noticed proposals, including additional amendments offered by the Division of Law Enforcement; 2nd by *R.

***Hittinger*. The motion passed 7 – 0.**

- 5) **SAP Minutes:** *J. Grant* provided a meeting recap, of which there were 5 aquaculture lease applications reviewed. *B. Ballou* offered that the 2 applications that received objection from the SAP were subject of agenda item #6 of tonight’s meeting. He then inquired as to any objections with approving the minutes. Hearing none, the minutes were approved.

6) **Aquaculture Lease Applications:**

Peet application: *J. Grant* provided an overview of the reasons which brought the application before the Council and which are reflected in the SAP meeting minutes. Upon conclusion of the discussion, ***J. Grant* offered a motion to not object to the application based upon wild harvest conflicts (lack thereof); 2nd by *M. Rice*.** *J. Grant* offered that the density survey of 5/sq. meter would normally be criteria for objection, but that in this case, because of both the small size of the site and that it would be closed only in winter months, that a direct conflict with wild fishery harvest would be minimal. *R. Hittinger* offered that the application was circulated and that no objections were received. *J. Grant* offered that 2 recreational representatives on the SAP did not offer objection. **The motion passed 7 – 0.**

Walrus and Carpenter: *J. Grant* provided an overview of the reasons which brought the application before the Council and which are reflected in the SAP meeting minutes. *R. Hittinger* offered that he received many objections about this site as a popular recreational fishing area. *D. Buettel* offered that the application had been modified such that these impacts would be minimized by growing kelp only from Nov. 1 to May 1, and that all gear would be removed for the Summer months. *R. Hittinger* offered objection that a revised application was not currently before the Council. ***M. Rice* offered a motion to not object to the application contingent upon the revision of the proposal being a kelp based operation only (no oysters) between Nov. 1 and May 1 only; 2nd by *R. Hittinger*.** *J. Grant* offered that an objection was also provided from a whelk fisherman as the area is used for whelk fishing into December. **The motion passed 6 – 1 (*J. Grant* opposing).**

7) **Presentation of RI Saltwater Recreational Fishing License Program Report:**

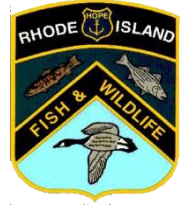
B. Ballou provided the Council with the statutory obligation that the report must be presented at a public meeting, and that the Council shall provide a recommendation as to whether or not the Licensing program is meeting its intended purpose per RIGL 20-2.2-10. ***D. Monti* offered that he had reviewed the report and offered a motion to accept the report; 2nd by *M. Rice*. The motion passed 7 – 0.**

Meeting adjourned at approximately 8:25

Prepared by *P. Duhamel*



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH & WILDLIFE / MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835



PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES

Pursuant to the provisions of Chapters 42-17.1 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Director of the Department of Environmental Management (DEM) proposes amendments to the **Rhode Island Marine Fisheries Regulations (RIMFR)** and gives notice of intent to hold a workshop and public hearing to afford interested parties the opportunity for public comment.

The following regulatory items will be presented for public comment:

1. Proposed amendments to **RIMFR-Finfish** regarding the following:
 - a. **Recreational Summer Flounder;**
 - b. **Recreational Tautog;**
 - c. **Commercial Tautog;**
 - d. **Recreational Scup;**
 - e. **Recreational Black Sea Bass;**
 - f. **Commercial Coastal Sharks;**
 - g. **Skate;**
 - h. **General editing.**
2. Proposed amendments to **RIMFR-Striped Bass**, regarding the following:
 - a. **Recreational Striped Bass;**
 - b. **Commercial Striped Bass general category;**
 - c. **Commercial Striped Bass floating fish trap;**
 - d. **Commercial striped bass tags;**
 - e. **Striped bass fin clipping provision** (in conjunction with hearing item # 3b.)
3. Proposed amendments **RIMFR-Fish/Shellfish Dealer Regulations**, regarding the following:
 - a. **General editing** for improved clarity and readability of the regulations;
 - b. **Striped bass fin clipping provision.**
4. Proposed **REPEAL** of **RIMFR Part 1 – Legislative Findings** (in conjunction with hearing item # 5);
5. Proposed **ADOPTION** of **RIMFR Part 1 – Definitions** (in conjunction with hearing item # 4);

6. Proposed **REPEAL** of **RIMFR Part 17 – Maps**.

The **WORKSHOP** will be held at **6:00PM** on **Tuesday, February 9th** at the University of Rhode Island, Graduate School of Oceanography, Coastal Institute Building, Hazard Rooms, South Ferry Road, Narragansett, RI 02882.

The **PUBLIC HEARING** will be held at **6:00PM** on **Tuesday, February 16th** at the University of Rhode Island, Graduate School of Oceanography, Coastal Institute Building, Hazard Rooms, South Ferry Road, Narragansett, RI 02882.

The rooms are accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

The Department has determined that small businesses may be adversely impacted by the proposed regulations. Small businesses which are either currently licensed, or in the future may seek a license to harvest, buy, sell, or produce seafood products, as well as the small businesses that provide services related to those engaged in such industries, are requested to comment on the proposed regulations on how such proposed action can be changed to minimize the impact on those small businesses affected.

Written comments concerning the proposed regulations may be submitted to Peter Duhamel, Division of Fish and Wildlife – Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 Noon on February 16, 2016. A copy of the proposed regulations will be available for review from January 15 through February 16, 2016 at the Marine Fisheries offices, or by mail. A copy of the proposed regulation(s) has been filed with the Office of the Secretary of State’s website at <http://sos.ri.gov/ProposedRules/>. Proposed annotated regulations are also available on the DEM Marine Fisheries webpage at <http://www.dem.ri.gov/programs/bnatres/fishwild/pn021615.htm>.

Jason McNamee,
Chief

RI Department of Environmental Management

Marine Fisheries

PUBLIC HEARING

February 16, 2016



Public Hearing Items

1. Proposed amendments to **RIMFR-Finfish** regarding the following:
 - a. Recreational Summer Flounder;
 - b. Recreational Tautog;
 - c. Commercial Tautog;
 - d. Recreational Scup;
 - e. Recreational Black Sea Bass;
 - f. Commercial Coastal Sharks;
 - g. Skate;
 - h. General editing.

2. Proposed amendments to **RIMFR-Striped Bass**, regarding the following:
 - a. Recreational Striped Bass;
 - b. Commercial Striped Bass general category;
 - c. Commercial Striped Bass floating fish trap;
 - d. Commercial striped bass tags;
 - e. Striped bass fin clipping provision (in conjunction with hearing item # 3b.)



Public Hearing Items cont'd:

3. Proposed amendments **RIMFR-Fish/Shellfish Dealer Regulations**, regarding the following:
 - a. General editing for improved clarity and readability of the regulations;
 - b. Striped bass fin clipping provision.
4. Proposed **REPEAL** of **RIMFR Part 1 – Legislative Findings** (in conjunction with hearing item # 5);
5. Proposed **ADOPTION** of **RIMFR Part 1 – Definitions** (in conjunction with hearing item # 4);
6. Proposed **REPEAL** of **RIMFR Part 17 – Maps**.



Hearing Item 1a: Recreational Summer Flounder

Proposed Management Options:

Option	Min. size	Season	Possession Limit
<u>Option 1</u> : Status quo	18"	May 1 – Dec. 31	8 fish
<u>Option 2</u> : Industry proposal (pre-empt future reductions)			8 5 fish



Hearing Item 1b: Recreational Tautog

- Proposed Management Options:

Option	Min. Size	Rec. and P/C Season/Poss. Limit
<u>Option 1:</u> Status quo	16"	<u>April 15 – May 31:</u> 3 fish <u>June 1 – July 31:</u> Closed <u>Aug. 1 – 3rd Sat. in Oct:</u> 3 fish <u>3rd Sat. in Oct. – Dec. 15:</u> 6 fish • max. 10 fish/vessel (n/a for P/C)
<u>Option 2:</u> <u>Decrease Poss. Limit due to poor stock status</u>	16"	<u>April 15 – May 31:</u> 3 fish <u>June 1 – July 31:</u> Closed <u>Aug. 1 – 3rd Sat. in Oct. Dec. 31:</u> 3 fish <u>3rd Sat. in Oct. – Dec. 31: 6 3 fish</u> • max. 10 fish/vessel (n/a for P/C)
<u>Additional proposal submitted</u>	16"	<u>April 15 – May 31:</u> 3 fish <u>June 1 – July 31:</u> Closed <u>Aug. 1 – 3rd Sat. in Oct:</u> 6 3 fish • max. 10 fish/vessel (n/a for P/C)



Hearing Item 1c: Commercial Tautog

Proposed Management Options:

	Min. Size	Season	Quota	Possession Limit
<u>Option 1:</u> Status quo	16"	April 15 – May 31	1/3 of total	10 fish/vsl/day
		Aug. 1 – Sept. 15	1/3 of total	10 fish/vsl/day
		Oct. 15 – Dec. 31	1/3 of total	10 fish/vsl/day
<u>Option 2:</u> <u>RIFA</u> <u>proposal</u>	<u>The commercial regulations regarding the harvest of Tautog shall be the same as that of the recreational fishery.</u>			
<u>Option 3:</u> <u>Additional</u> <u>Industry</u> <u>proposal</u>	16"	April 15 – May 31	<u>25%</u>	10 fish/vsl/day
		Aug. 1 – Sept. 15	<u>25%</u>	10 fish/vsl/day
		Oct. 15 – Dec. 31	<u>50%</u>	10 fish/vsl/day



Hearing Item 1d: Recreational Scup

Proposed Management Options:

Option	Mode	Min. Size	Season/Possession Limit
<u>Option 1:</u> Status quo	General Fishery	10"	<u>May 1 – Dec. 31: 30 fish</u>
	P/C	10"	<u>May 1 – Aug. 31: 30 fish</u> <u>Sept. 1 – Oct. 31: 45 fish</u> <u>Nov. 1 – Dec. 31: 30 fish</u>
	Special Shore	9"	<u>May 1 – Dec. 31: 30 fish</u>



Hearing Item 1e: Recreational Black Sea Bass

Proposed Management Options:

Option	Min. Size	Season/Possession Limit
Option 1	14"	7/2 – 8/31: 1 fish 9/1 – 12/31 <u>10/9</u> : 7 fish
Option 2		7/2 – 8/31: 1 fish; 9/1 – 12/31: 7 fish <u>7/2 – 10/10: 3 fish</u>
Option 3		7/2 – 8/31: 1 fish; 9/1 – 12/31: 7 fish <u>7/20 – 12/31: 3 fish</u>
Option 4		7/2 <u>7/25</u> – 8/31: 4 <u>2</u> fish 9/1 – 12/31 <u>10/23</u> : 7 <u>5</u> fish
Option 5		<u>Shore/Priv/Rent: 7/20 – 12/31 @ 3 fish</u> <u>P/C with LOA: 9/1 – 12/31 @ 7 fish</u>
Option 6		7/2 <u>8/6</u> – 8/31: 4 <u>2</u> fish 9/1 – 12/31: 7 <u>5</u> fish
Option 7		7/2 <u>7/5</u> – 8/31: 4 <u>2</u> fish 9/1 – 12/31: 7 <u>3</u> fish
Option 8		<u>Shore/Priv/Rent:</u> 7/2 – 8/31: 1 fish 9/1 – 12/31: 7 fish <u>P/C:</u> 7/2 <u>7/15</u> – 8/31: 4 <u>3</u> fish 9/1 – 12/31 <u>10/31</u> : 7 <u>5</u> fish
3 State Option		7/2 <u>7/22</u> – 8/31: 4 <u>3</u> fish 9/1 – 12/31: 7 <u>5</u> fish



Hearing Item 1f: Commercial Coastal Sharks Smoothhound Sharks

- Establish mechanism to receive and manage state quota for Smoothhound Sharks:

Proposed language:

Smoothhound sharks: A total annual statewide quota will be established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or NOAA Fisheries.

Seasons: Seasonal periods for commercial shark fisheries may be established annually either through the NOAA Fisheries, the ASMFC, or the DFW.



Hearing Item 1f cont'd: Commercial Coastal Sharks

- Establish framework for the 2016 Commercial Aggregated Large Coastal Sharks and Hammerhead Sharks Species Groups Fishery to maintain consistency with ASMFC possession limit for Aggregated Large Coastal Sharks and Hammerhead Sharks species groups

Proposed language:

~~No person shall possess more than thirty six (36) sharks per vessel per calendar day, regardless of species, from the Aggregated Large Coastal Sharks or Hammerhead Sharks species group.~~ Aggregated Large Coastal Sharks and Hammerhead Sharks species groups: Forty five (45) sharks per vessel per day, adjusting to between fifty five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries.



Hearing Item 1g: Skate

- Establish a recreational possession Limit:

Proposed language:

~~There is no recreational possession limit for skate provided the vessel is fishing in state waters.~~ One hundred (100) pounds per vessel per day.

DLE Comment:

~~There is no recreational possession limit for skate provided the vessel is fishing in state waters.~~ 80 fish per vessel per day.



Hearing Item 1g cont'd: Skate

- Clarify definition of the commercial Skate Wing fishery:

Proposed language:

Skate Wing Fishery: **The skate wing fishery** shall be defined as skate harvested, possessed, or landed **by a vessel:**

(1) That is fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit

(2) For food for human consumption, with a designated ACCSP Disposition Code 001 = Food.



Hearing Item 1g cont'd: Skate

- Establish commercial sub-periods and possession limits for the Skate Wing fishery:

<u>Sub-period</u>	<u>Poss. Limit</u>
<u>5/1 – 8/31</u>	<u>2,600 pounds wings, or 5,902 whole, per vessel per day; decreasing to 500 pounds wings, or 1,135 pounds whole, per vessel per day once 85% of the TAL allocated to Sub-period I is landed as determined by NOAA Fisheries. During the period between August 18 and August 31, the Director may increase the possession limit to compliment the federal possession limit determined by NOAA Fisheries.</u>
<u>9/1 – 4/30</u>	<u>4,100 pounds wings, or 9,307 whole, per vessel per day; decreasing to 500 pounds wings, or 1,135 whole, per vessel per day once 85% of the remaining annual TAL is landed as determined by NOAA Fisheries.</u>



Hearing Item 1g cont'd:

Skate

- Clarify definition of the commercial Skate Bait fishery:

Proposed language:

The skate bait fishery shall be defined as skate harvested, possessed, or landed by a vessel fishing in state waters, not on a previously declared DAS, without an active federal open-access skate permit, and without a federal skate bait Letter of Authorization (LOA)

- Establish maximum length:

Proposed language:

Maximum length: Whole skates must measure less than twenty three (23) inches total length.



Hearing Item 1g cont'd:

Skate

- Establish commercial sub-periods and possession limits for the Skate Bait fishery:

Sub-period	Poss. Limit
<u>5/1 – 7/31</u>	<u>Possession Limit: The starting possession limit for each sub-period will be 25,000 pounds whole skate per vessel per day. When 90 percent of a bait skate TAL allocation in either Sub-period I or II, or when 90 percent of the annual Skate Bait TAL is landed, as determined by NOAA Fisheries, the possession limit will be reduced to the whole weight equivalent of the skate wing possession limit in effect at that time (either 5,902 pounds, 9,307 pounds, or 1,135 pounds whole skate).</u>
<u>8/1 – 10/31</u>	
<u>11/1 – 4/30</u>	



Hearing Item 1h: General Editing of Finfish regulations

- ◆ To re-locate sections to and/or from the Finfish regulations to and/or from more appropriate locations in other Marine Fisheries regulations



Hearing Item 2a: Recreational Striped Bass

Proposed Management Options:

Option	Min. Size	Possession Limit	Season
<u>Option 1:</u> Status quo	28"	1 fish/day	Open year round



Hearing item 2b: Commercial General Category Striped Bass

◆ Proposed Management Options:

Option	Min. Size	Possession Limit	Quota	Season
<u>Option 1:</u> Status quo	34"	5 fish/person/day (max 5 fish/vessel)	70%	6/8 – 8/31 Closed Fri & Sat
			30%	9/8 – 12/31 Closed Fri & Sat
<u>Industry Option 1</u>	34"	5 fish/person/day (max 5 fish/vessel)	70%	6/8 <u>5/15</u> – 8/31 Closed Fri & Sat
			30%	9/8 – 12/31 Closed Fri & Sat
<u>Industry Option 2</u>	34"	5 fish/person/day (max 5 fish/vessel)	70 <u>80</u> %	6/8 <u>5/15</u> – 8/31 Closed Fri & Sat
			30 <u>20</u> %	9/8 – 12/31 Closed Fri & Sat



Hearing Item 2c: Commercial Floating Fish Trap Striped bass

Proposed Management Options:

Option	Min. Size	Possession Limit	Season
<u>Option 1:</u> Status quo	26"	Unlimited	4/1 – 12/31



Hearing Item 2d: Commercial Striped Bass Tags

12.8 Commercial Striped Bass Tags: Each individual Striped bass shall be immediately tagged with a current year striped bass tag by a designated tagging agent at the point of sale. No Striped bass may be sold unless it has been properly identified with such tag. Tags shall be available from DFW and DFW may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and ~~logs~~ reports specified by DFW. All tag reports and unused tags must be returned to DFW by January 1st of the following year. Failure to return reports and unused tags may result in the tagging agent becoming ineligible to receive striped bass tags in the future.

- Re-written and presented at hearing based on comments from DLE



Hearing Item 2e: Striped Bass Fin-clipping Provision

Option 1: Any striped bass harvested by a commercial license holder while fishing recreationally must have the entire right pectoral fin removed at the time of harvest at a point as close to the body of the fish as possible.

Option 2: Any striped bass thirty-four inches (34”) and greater harvested by a commercial license holder while fishing recreationally must have the entire right pectoral fin removed at the time of harvest at a point as close to the body of the fish as possible.

Option 3: Any person recreationally harvesting striped bass, shall at the time of harvest, have the right pectoral fin removed at a point as close to the body of the fish as possible.

Option 4: Any person recreationally harvesting a striped bass 34 inches or larger, shall at the time of harvest, have the right pectoral fin removed at a point as close to the body of the fish as possible.

- All options re-written and presented at hearing based on public comment and comments from DLE. DLE preference is 3 or 4



Hearing Item 3a. Fish/Shellfish Dealer Regulations

- Proposed Striped Bass Fin-clipping provision:

7.5 Striped bass finning: No licensed fish/shellfish dealer may purchase and/or offer for sale, any striped bass where the entire right pectoral fin has been removed.

Hearing Item 3b. Fish/Shellfish Dealer Regulations

- General editing for improved clarity and readability of regulation:



Hearing Item 4: Proposed REPEAL of RIMFR “*Part 1 – Legislative Findings*” (in conjunction with hearing item # 5)

Hearing Item 5: Proposed ADOPTION of RIMFR “*Part 1 – Definitions*” (in conjunction with hearing item # 4)

- ◆ Determined to be best to house all definitions in a single location (i.e., regulation);
- ◆ Review of all definitions in all RI Marine Fisheries regulations and statutes conducted – corrections of inconsistencies when found;
- ◆ *Summary of Changes* document has been provided to show all proposed changes;
- ◆ Removal of all non-regulatory language consistent with other re-written regulations;
- ◆ Definitions contained in other RI Marine Fisheries regulations to be subsequently removed so definitions only to be located in a single regulation.



◆ Additional definitions provided from Law Enforcement:

- ACCSP means Atlantic Coastal Cooperative Statistics Program
- SAFIS means Standard Atlantic Fisheries Information System
- LOA means Letter of Authorization
- Crab trap/pot means any pot or ~~trap~~ designed or adapted principally for the catching or taking of crabs other than Cancer Crab.
- Lobster trap/pot means any pot or ~~trap~~ designed or adapted principally for the catching or taking of lobsters or Cancer Crab.
- Cancer Crab means *Cancer borealis* (Jonah Crab) and *Cancer irroratus* (Atlantic Rock Crab)
- ~~Bottom tending gillnet means a gillnet, anchored or otherwise, which is fished on or near the bottom or within the lower one third (1/3) of the water column.~~
- Sink gillnet means a gillnet that is designed to be or is fished on or near the bottom of the water column by means of a weight line or enough weights and/or anchors that the bottom of the gillnet sinks to, on, or near the ocean bottom
- ~~Floating gillnet means a gillnet set in which any portion of the gillnet is exposed at the surface.~~
- Drift gillnet means a gillnet that is floating unattached to the ocean bottom and not anchored, secured, or weighted to the ocean bottom
- Constantly tended means ~~a bait gillnet shall be constantly tended if the~~ that a person setting such a bait net shall remain is within one hundred (100) feet of said gill the net at all times ~~when setting said gillnet in any area closed to gill netting and/or all netting.~~



Hearing Item 6: Proposed REPEAL of RIMFR “Part 17 – *Maps*”

- Areas shown in “*Maps*” contain several inaccuracies;
- Areas are correctly described in other RI Marine Fisheries regulations – there is no net effect of repealing “*Maps*”;
- Repeal necessary to avoid inconsistencies;
- Maps to be provided at a later date as informational documents separate from regulation.



End of Slides!



PUBLIC HEARING ITEM 1a.
RECREATIONAL SUMMER FLOUNDER

Option 1: Status Quo

73.7 Summer Flounder (Fluke)

73.7.1 Recreational:

- (A) Minimum size: Eighteen inches (18”).
- (B) Season: May 1 through December 31.
- (C) Possession limit: Eight (8) fish, whether caught within the jurisdiction of this state or otherwise.

PUBLIC HEARING ITEM 1b. **RECREATIONAL TAUTOG**

Option 1: Status Quo

73.9 Tautog (Blackfish)

73.9.1 Recreational:

(A) Minimum size: Sixteen (16) inches.

(B) Seasons and possession limits:

(1) April 15 through May 31: Three (3) fish per person per calendar day.

(2) June 1 through July 31: Closed.

(3) August 1 through the Friday before the third Saturday in October: Three (3) fish per person per calendar day.

(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.

(5) Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.

(C) Licensed Party and Charter vessel seasons and possession limits:

(1) April 15 through May 31: Three (3) fish per person per calendar day.

(2) June 1 through July 31: Closed.

(3) August 1 through the Friday before the third Saturday in October: Three (3) fish per person per calendar day.

(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.

(5) Licensed party/charter boats are not subject to the ten (10) fish per vessel per calendar day restriction.

(6) Reporting: Any licensed party/charter boat participating in the tautog fishery must report each trip targeting tautog into the elogbook (the electronic logbook hosted by ACCSP).

Option 2: Recreational bag limit reduction due to poor stock status

73.9 Tautog (Blackfish)

73.9.1 Recreational:

- (A) Minimum size: Sixteen (16) inches.
- (B) Seasons and possession limits:
 - (1) April 15 through May 31: Three (3) fish per person per calendar day.
 - (2) June 1 through July 31: Closed.
 - (3) August 1 through **December 31** ~~the Friday before the third Saturday in October:~~ Three (3) fish per person per calendar day.
 - ~~(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.~~
 - (5) Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.
- (C) Licensed Party and Charter vessel seasons and possession limits:
 - (1) April 15 through May 31: Three (3) fish per person per calendar day.
 - (2) June 1 through July 31: Closed.
 - (3) August 1 through **December 31** ~~the Friday before the third Saturday in October:~~ Three (3) fish per person per calendar day.
 - ~~(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.~~
 - (5) Licensed party/charter boats are not subject to the ten (10) fish per vessel per calendar day restriction.
 - (6) Reporting: Any licensed party/charter boat participating in the tautog fishery must report each trip targeting tautog into the elogbook (the electronic logbook hosted by ACCSP).

PUBLIC HEARING ITEM 1c.
COMMERCIAL TAUTOG

Option 1: Status Quo

73.9.2 Commercial:

(A) Minimum size: Sixteen (16) inches.

(B) Seasons, allocations, and possession limit: The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the ASMFC. The quota shall only be available during the following seasons:

(1) Spring sub-period (April 15 – May 31):

(a) Allocation: 1/3 of the annual quota.

(b) Possession limit: Ten (10) fish per vessel per day.

(2) Summer sub-period (August 1 – September 15):

(a) Allocation: 1/3 of the annual quota.

(b) Possession limit: Ten (10) fish per vessel per day.

(3) Fall sub-period (October 15 – December 31):

(a) Allocation: 1/3 of the annual quota

(b) Possession limit: Ten (10) fish per vessel per day.

PUBLIC HEARING ITEM 1d.
RECREATIONAL SCUP

Option 1: Status Quo

73.11 Scup

73.11.1 Recreational:

- (A) Minimum size: Ten inches (10").
- (B) Season: May 1 through December 31 annually.
- (C) Possession limit: Thirty (30) Scup per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
- (D) Special shore-fishing provision:
 - (1) Locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge), Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport:
 - (2) Minimum size: Nine inches (9").
 - (3) Season: May 1 through December 31.
 - (4) Possession limit: Thirty (30) Scup per person per calendar day.
- (E) Licensed Party and Charter vessels seasons and possession limit:
 - (1) May 1 through August 31: Thirty (30) Scup per person per calendar day, whether caught within the jurisdiction of this State or otherwise.
 - (2) September 1 through October 31: Forty-five (45) scup per person per calendar day whether caught within the jurisdiction of this State or otherwise.
 - (3) November 1 through December 31: Thirty (30) Scup per person per calendar day whether caught within the jurisdiction of this State or otherwise.

PUBLIC HEARING ITEM 1e. **RECREATIONAL BLACK SEA BASS**

***Note: Black sea bass options are based on preliminary calculations;
exact dates may change**

OPTION 1: Reduction based on shortened late season

73.14 Black Sea Bass

73.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) July 2 through August 31: One (1) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

(2) September 1 through ~~October 10~~ **December 31:** Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

OPTION 2: Reduction based on 3 fish with shortened late season

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) July 2 through August ~~17~~ **31:** ~~One (1)~~ **Three (3)** fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

~~(2) September 1 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~

OPTION 3: Reduction based on 3 fish with shortened early season

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) ~~August 10 through December 31 July 2 through August 31: One (1)~~
Three (3) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

~~(2) September 1 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~

OPTION 4: Reduction based on 2 fish early, 5 fish late, with shortened season

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) ~~August 2 through August 31 July 2 through August 31: One (1)~~ Two (2) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

(2) ~~September 1 through December 31:~~ October 15 ~~December 31:~~ Five (5) ~~Seven (7)~~ fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

PUBLIC HEARING ITEM 1f. **COMMERCIAL COASTAL SHARKS**

73.24.2 Commercial:

(A) Commercial Species Groupings: ~~Species managed under the ASMFC Interstate Fishery Management Plan (IFMP) for Atlantic~~ Coastal Sharks ~~shall be~~ **are** grouped into eight commercial “species groups” for management purposes, hereafter referred to as: Prohibited Species, Research Species, Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks. These groupings apply to all commercial shark fisheries in state waters.

(1) Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 3.4 below in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks species groups.

(B) Fishing Year: ~~The commercial shark fishery shall operate on a~~ January 1 through December 31 ~~fishing year.~~

(C) Quota Specification:

(1) Smoothhound sharks: A total annual statewide quota will be established for the State by the ASMFC and/or NOAA Fisheries.

(2) Quotas for coastal shark commercial species and species groups **except Smoothhound sharks** will be established annually by the ASMFC and/or NOAA Fisheries. It shall be unlawful for any person to possess any species of shark in state waters when ~~the~~ NOAA Fisheries prohibits the possession of that species in federal waters.

(D) Seasons: Seasonal periods for commercial shark fisheries may be established annually either through NOAA Fisheries, ASMFC, or DFW.

(E) Commercial Possession Limits: Possession limits, ~~quotas, and seasonal periods for commercial shark fisheries~~ will be established annually **either through the by** NOAA Fisheries, ASMFC, or DFW. ~~in accordance therewith:~~

~~(1) Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 7.4 below in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks species groups.~~

(21) There are no commercial ~~trip limits or~~ possession limits for Smoothhound Sharks, ~~or for the sharks listed in the~~ Non-Blacknose Small Coastal Sharks, Blacknose Sharks, and Pelagic Species groups.

(32) ~~No person shall possess more than thirty six (36) sharks per vessel per calendar day, regardless of species, from the Aggregated Large Coastal Sharks or Hammerhead Sharks species group.~~ **Aggregated Large Coastal Sharks and Hammerhead Sharks species groups: Forty five (45) sharks per vessel per day, adjusting to between fifty five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries.**

PUBLIC HEARING ITEM 1g. SKATE

73.25 Skate

73.25.1 Prohibited Species: The harvest, landing, or possession of barndoor (*Dipturus laevis*) or thorny (*Amblyraja radiata*) species of skate within the territorial waters of the state of Rhode Island is prohibited.

73.25.2 Recreational:

(A) Possession Limit: ~~There is no recreational possession limit for skate provided the vessel is fishing in state waters.~~ **One hundred (100) pounds per vessel per day.**

~~(1) Possession Limit Adjustment: The recreational possession limit for skate shall be adjusted to the most restrictive commercial possession limit if a possession limit is imposed on either of the two commercial skate fisheries.~~

73.25.3 Commercial:

(A) Fishing year: ~~The commercial skate fishery shall operate on a~~ May 1 through April 30 ~~fishing year~~ **annually.**

(B) Skate Wing fishery: **The skate wing fishery** shall be defined as skate harvested, possessed, or landed **by a vessel:**

(1) Fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit; and

(2) For food for human consumption, ~~i.e., product landed~~ with a designated ACCSP Disposition Code 001 = Food.

(3) Minimum size: No minimum size.

~~(4) Seasons and possession limits: There is no commercial possession limit for the skate wing fishery, provided the vessel is fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit.~~

(a) Sub-Period I - May 1 through August 31: 2,600 pounds wings, or 5,902 whole, per vessel per day; decreasing to 500 pounds wings, or 1,135 pounds whole, per vessel per day once 85% of the TAL allocated to Sub-period I is landed as determined by NOAA Fisheries.

(i) During the period between August 18 and August 31, the Director may increase the possession limit to compliment the federal possession limit determined by NOAA Fisheries.

(b) Sub-Period II - September 1 through April 30: 4,100 pounds wings, or 9,307 whole, per vessel per day; decreasing to 500 pounds wings, or 1,135 whole, per vessel per day once 85% of the remaining annual TAL is landed as determined by NOAA Fisheries.

(C) Skate Bait fishery: The skate bait fishery shall be defined as skate harvested, possessed, or landed by a vessel:

(1) Fishing in state waters, not on a previously declared DAS, without an active federal open-access skate permit, and without a federal skate bait Letter of Authorization (LOA); and

(2) For use as bait i.e., product landed with a designated ACCSP Disposition Code 008 = Bait.

(3) Maximum length: Whole skates must measure less than twenty three (23) inches total length.

(14) Seasons and possession limits: ~~There is no commercial possession limit for the vessel is fishing in state waters, not on a previously declared DAS, without an active federal open-access skate permit, and without a federal skate bait Letter of Authorization (LOA).~~

(a) Sub-period I - May 1 through July 31:

(b) Sub-period II - August 1 through October 31:

(c) Sub-period III - November 1 through April 30:

(a) Possession Limit: The starting possession limit for each sub-period will be 25,000 pounds whole skate per vessel per day. When 90 percent of a bait skate TAL allocation in either Sub-period I or II, or when 90 percent of the annual Skate Bait TAL is landed, as determined by NOAA Fisheries, the possession limit will be reduced to the whole weight equivalent of the skate wing possession limit in effect at that time (either 5,902 pounds, 9,307 pounds, or 1,135 pounds whole skate).

~~(D) Possession Limit Adjustments: When notified by the NOAA Fisheries that the federal Skate Wing or Skate Bait fishery possession limit is being reduced due to a federally specified percentage of the Total Allowable Landings (TAL)~~

~~being harvested, DFW will promulgate a comparable reduced possession limit until the end of the fishing year or unless the federal restriction is relinquished.~~

PUBLIC HEARING ITEM 1h.
GENERAL EDITING

Option 1: Status Quo

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~~73.2~~ Transiting:

~~73.2.1~~ During the closure of a Rhode Island state allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing that species in another state, provided the vessel is in compliance with their federal permit, and the vessel nets are stowed pursuant to ~~RIMFR Part X~~ this section.

~~73.2.2~~ A federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, provided the vessel nets are stowed pursuant to ~~RIMFR Part X~~ this section, and provided that the owner or operator possesses a valid RI Landing License pursuant to DEM's "Commercial and Recreational Saltwater Fishing Licensing Regulations".

~~73.2.3~~ A vessel in possession of a managed species caught in an open area of state waters may transit a closed portion of RI state waters in possession of that species for the purpose of landing, provided the operator of the vessel has a valid commercial or recreational fishing license, and if fishing with nets, the nets are stowed pursuant to ~~RIMFR Part X~~ this section.

3.2.4 Stowage of nets: Vessels possessing trawl devices while harvesting summer flounder, scup, black sea bass, or winter flounder, in excess of the limits specified in RIMFR may have nets with mesh less than the minimum size specified in the regulations provided that the net is stowed and is not available for immediate use in accordance with this section. A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be "not available for immediate use".

(A) A net stowed below deck, provided:

(1) It is located below the main working deck from which the net is deployed and retrieved;

(2) The towing wires, including the "leg" wires are detached from the net; and

(3) It is fan folded (flaked) and bound around its circumference.

(B) A net stowed and lashed down on deck, provided:

(1) It is fan folded (flaked) and bound around its circumference;

(2) It is securely fastened to the deck or rail of the vessel; and

(3) The towing wires, including the leg wires, are detached from the net.

(C) A net that is on a reel and is covered and secured, provided:

(1) The entire surface of the net is covered with canvas or other similar material that is securely bound;

(2) The towing wires, including the leg wires, are detached from the net; and

(3) The cod end is removed from the net and stored below deck.

(D) National Marine Fisheries Service authorized: Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid Atlantic regulated mesh area defined as "that area bounded on the east by a line running from the shoreline along 72° 30' west longitude to the intersection of the outer boundary of the Exclusive Economic Zone (EEZ)."

Commented [DP(1)]: Re-located from Equipment Regs

7.4 Net obstruction or constriction: A fishing vessel subject to minimum mesh size restrictions shall not use any device or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of a trawl net, except that one splitting strap and one bull rope (if present), consisting of line and rope no more than 3/8 in (7.6 cm) in diameter, may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the trawl net. "The top of the trawl net" means the 50 percent of the net that (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes are not considered part of the top of the trawl net.

Commented [DP(2)]: Re-located to Equipment Regs section 6.5.2

3.4 Recreational use of nets for bait:

3.4.1 Marine species may lawfully be taken for personal use (not for sale) with nets, provided that all existing minimum size and possession limit restrictions for the species possessed are adhered to.

3.4.2 A two-quart per person possession limit is allowed for all unregulated marine species.

3.4.3 Beach seines or other nets, where allowed for the recreational harvest of marine species shall not exceed four (4) feet in depth and twenty (20) feet in

~~length.~~

Commented [DP(3)]: Re-located from Equipment Regs section 7.4

~~73.7 Summer Flounder (Fluke)~~

~~73.7.6 Dealer Regulations:~~

~~(A) Prohibition on the transfer of Summer flounder: No Summer flounder may be purchased, bartered, or sold within the State of Rhode Island unless marked, processed, shipped, labeled, and handled in accordance with the following rules:~~

~~(1) The licensed person in charge of the vessel may only transfer Summer flounder to dealers who possess a valid Rhode Island Dealer's License;~~

Commented [DP(4)]: Duplicate. Licensing Regs

~~(2) No licensed person in charge of the vessel may land Summer flounder after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from **may be landed between the hours of** 6:00 AM to 8:00 PM only;~~

Commented [DP(5)]: This provision applies to fisherman so remains

~~(3) All Summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer;~~

~~(4) The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;~~

~~(5) All Summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Division of Law Enforcement;~~

Commented [DP(6)]: Re-located to Dealer Regs

~~73.11 Scup~~

~~7.11.3 Dealer Regulations:~~

~~(A) Prohibition on the transfer of Scup: No Scup may be purchased, bartered, or sold within the State of Rhode Island unless in compliance with the following:~~

~~(1) The licensed person in charge of the vessel may only transfer scup to a dealer licensed by the State of Rhode Island. Dealers are required to be licensed by the Department (in compliance with RIGL 20-2-27 (d), or 20-2-28.1).~~

Commented [DP(7)]: Duplicate with Licensing Regs

~~(2) All scup must be weighed prior to the removal of the scup from the dealer's premises or from the point of transfer.~~

Commented [DP(8)]: Repealed statutes

~~(3) The weight scales must be certified in accordance with RIGL Chapter 47-1.~~

Commented [DP(9)]: Re-located to Dealer regs as a general provision

~~73.24 Coastal Sharks~~

~~(GH) Dealer Permit Authorized sale:-(4)~~ No person shall sell any shark species to a person or dealer who does not possess a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.

~~(2) No person shall purchase any shark species for sale or resale unless such person, possesses a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries. [Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the NOAA Fisheries Southeast Regional Office in St. Petersburg, FL at (727) 824-5326. Applications are available on the web at <http://sero.nmfs.noaa.gov/permits/permits.htm>].~~

Commented [DP(10)]: Re-located to Dealer Regs

PUBLIC HEARING ITEM 2a.
RECREATIONAL STRIPED BASS

Option 1: Status Quo

12.1 Recreational:

12.1.1 Minimum size: Twenty-eight inches (28") in total length, whether caught within the jurisdiction of this State, or otherwise.

12.1.2 Season: There is no closed season for recreational striped bass.

12.1.3 Possession limit: One (1) fish per person per day, whether caught within the jurisdiction of Rhode Island or otherwise.

(A) Possession limit compliance aboard vessels:

(1) Licensed party/charter vessels: Possession limit compliance aboard licensed party/charter vessels will be determined by dividing the number of fish by the number of fishermen onboard the boat.

(2) Multiple licensed recreational fishermen fishing from a single vessel: Possession limit compliance aboard vessels with multiple licensed fishermen will be determined by dividing the number of fish by the number of licensed fishermen on board said vessel.

~~12.2 Possession limit changes: Any modifications made to the possession limit as set forth in these regulations will be promulgated in the RI Marine Fisheries regulations (RIMFR) Part III.~~

PUBLIC HEARING ITEM 2b.
STRIPED BASS - COMMERCIAL GENERAL CATEGORY

Option 1: Status Quo

12.32 Commercial – General Category:

12.32.1 Minimum size: Thirty four (34) inches or greater in total length, whether caught within the jurisdiction of this state or otherwise.

12.32.2 Seasons, allocations, and possession limits: During a single calendar year, the general category Striped bass fishery shall be allowed to harvest not more than sixty-one percent (61%) of the annual Rhode Island commercial quota.

(A) January 1 – June 7: Closed annually.

(B) June 8 – August 31:

(1) Allocation: Seventy percent (70%) of the general category quota will be available in this sub-period.

(2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.

(3) The fishery will be closed in each calendar week from 12:00 AM Friday until 11:59 PM Saturday during this sub-period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.

(4) The sub-period will close once seventy percent (70%) of the general category quota is projected to be harvested if prior to August 31.

(C) September 8 – December 31:

(1) Allocation: Thirty percent (30%) of the general category quota will be available in this sub-period.

(2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day.

(3) The fishery will be closed in each calendar week from 12:00 AM Friday until 11:59 PM Saturday during this sub period. There will be no commercial possession or sale of Striped bass on these days for general category commercial fishermen.

(4) The sub-period will close when 30% of the general category quota is projected to be harvested.

(5) If DFW determines that the quota will be exceeded or will not be met before the end of the fall season, DFW may adjust that catch rate accordingly on or after September 15 annually.

12.4.3 If the Division estimates that the Floating Fish Trap sector will not fully utilize its allocation prior to the end of the season, beginning on October 15, the Division may move the Floating Fish Trap allocation into the general category fishery. The Division will consult with the Floating Fish Trap Licensees or their designee prior to enacting any allocation roll over, and will maintain written correspondence in the form of a letter on file as proof of said consultation.

PUBLIC HEARING ITEM 2c.
STRIPED BASS - COMMERCIAL FLOATING FISH TRAPS

Option 1: Status Quo

12.54 Commercial - Floating Fish Trap:

12.54.1 Floating fish trap operators must be permitted pursuant to RIGL §20-5-1, and abide by all conditions as specified in RIGL Chapter 20-5 and RIMFR Part XIV. Application shall be made to the DFW on forms prescribed by the Director.

12.54.2 Allocation: During a single calendar year, the floating fish trap quota shall not be more than thirty-nine percent (39%) of the annual Rhode Island commercial quota.

12.54.3 Minimum size: Twenty-six inches (26”) in total length.

12.54.4 Season: April 1 through December 31.

12.54.5 When DFW has determined that the annual quota allocated to floating fish traps has been reached, the fishery will terminate.

12.54.6 Reporting: All floating fish trap operators shall keep daily records of striped bass landings and report landings to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation.

12.54.7 If the floating fish trap operators are found to be out of compliance with the reporting requirements, the operators will be notified, and default to following program

(A) April 1 – December 31: One hundred percent (100%) of the floating fish trap quota shall be available during this sub-period. Once eighty percent (80%) of the seasonal allocation is projected to be harvested the possession limit shall be 500 pounds per floating fish trap licensee per calendar day.

PUBLIC HEARING ITEM 2d.
COMMERCIAL STRIPED BASS TAGS

12.98 Commercial Striped Bass Tags: Each individual Striped bass shall be immediately marked with tags available from DFW. No Striped bass may be sold unless it has been properly identified with such tag. DFW may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and logs reports specified by DFW. **All tag reports and unused tags must be returned to DFW by January 1st of the following year. Failure to return reports and unused tags may result in the tagging agent becoming ineligible to receive striped bass tags in the future.**

PUBLIC HEARING ITEM 2e.
STRIPED BASS FIN CLIPPING

Option 1:

12.9 Fin clipping: Any striped bass harvested by a commercial license holder while fishing recreationally must have the entire right pectoral fin removed at the time of harvest.

Option 2:

12.9 Fin clipping: Any striped bass thirty-four inches (34") and greater harvested by a commercial license holder while fishing recreationally must have the entire right pectoral fin removed at the time of harvest.

Option 3:

12.9 Fin clipping: Any striped bass harvested by a commercial license and/or recreational license holder must have the entire right pectoral fin removed at the time of harvest.

Option 4:

12.9 Fin clipping: Any striped bass thirty-four inches (34") and greater harvested by a commercial license and/or recreational license holder must have the entire right pectoral fin removed at the time of harvest.

PUBLIC HEARING ITEM 3b.
STRIPED BASS FIN CLIPPING PROVISION

7.5 Striped bass finning: No licensed fish/shellfish dealer may purchase and/or offer for sale, any striped bass where the entire right pectoral fin has been removed.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES

DIVISION OF FISH AND WILDLIFE
DIVISION OF LAW ENFORCEMENT



**RHODE ISLAND MARINE FISHERIES ~~Statutes and~~
REGULATIONS**

Part ~~XIX~~ **Z**
FISH AND SHELLFISH DEALERS REGULATIONS

~~December 19, 2013~~

Summary of Changes

Proposed/annotated regulations

Public hearing

February 16, 2016

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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PURPOSE

The purpose of these regulations is to prescribe the proper conduct of licensed shellfish dealers for the purpose of protecting the public health, safety and welfare.

AUTHORITY

These rules and regulations are promulgated pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

~~Rules and regulations are based upon the need to modify existing regulations in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.~~

APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of ~~Part XIX these regulations~~ shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

DEFINITIONS

See RIMFR Part I – Definitions.

REGULATIONS

~~19.1 Licensed Shellfish Dealers:~~

~~19.1.1 An applicant for a shellfish dealer’s license shall complete such forms containing such information as DEM may require.~~

Commented [DP(1)]: Duplicate with Licensing Regs section 6.11-1. Administrative

~~19.1.2 Each licensed shellfish dealer shall maintain a place of business or an agent at which transaction records are maintained and available during normal business hours.~~ Further, each licensed dealer must have a DOH shellfish license pursuant to RIGL Chapter 21-14.

Commented [DP(2)]: Duplicate with Licensing Regs section 6.11-1(d). Administrative

Commented [DP(3)]: Re-located to Shellfish Dealer section below

49.2 Bartering and Trading in Shellfish:

49.2.17.1 License required

~~7.1.1~~ No person, partnership, firm, association, or corporation shall sell, purchase, barter, or trade shellfish marine fisheries species in Rhode Island unless ~~such person, partnership, firm, association, or corporation is~~ properly licensed, ~~as set forth below as specified in RI Marine Fisheries regulations (RIMFR) "Commercial and Recreational Saltwater Fishing Licensing Regulations",~~ or is exempt from such licensing requirements as authorized by the Director.

Commented [DP(4)]: "Person" defined; covers all

Commented [DP(5)]: Consistent with Licensing Regs

~~49.2.1-1 No person, partnership, firm, association, or corporation shall barter or trade in shellfish in Rhode Island unless such person, partnership, firm, association, or corporation first obtains from the Department of Environmental Management a shellfish dealer's license or multipurpose dealer's license.~~

Commented [DP(6)]: Duplicate with 7.1 above

49.147.2 Dealer Electronic Reporting Requirements:

49.14.2 General Requirements

~~A~~ 7.2.1 Dealers shall accurately identify all marine species received as categorized in the Standard Atlantic Fisheries Information System (SAFIS) system;

Commented [DP(7)]: Currently required but not specifically written in regs

7.2.2 Dealers shall weigh all marine species prior to their removal from the dealer's premises or from the point of transfer;

7.2.3 Dealer weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;

Commented [DP(8)]: From Scup and Fluke sections in Fish Regs. Currently required for all marine species but not specifically written.

~~7.2.4 All RI licensed seafood Dealers will be required to obtain and utilize a personal computer in working condition which is capable of~~ shall submitting an electronic report to the SAFIS. ~~B~~ In cases where a seafood dealer falls under the jurisdiction of both the state of RI and the federal government (NMFS), said dealer must comply with the more frequent of the minimum reporting schedules or the more detailed data requirement.

49.14.37.2.5 Reporting frequency and required data elements:

(A) Trip level data for all species harvested ~~required on a bi-weekly basis, to~~ shall be reported on Monday and Thursday of each week, ~~will~~ and consist of the following elements:

- (1) The species common name including market level and grade;
- (2) The amount landed or purchased including the units the product was measured in (i.e. pounds);

- (3) The area where product was taken (only applicable to shellfish purchases);
- (4) The date the product was landed or purchased;
- (5) The RI Commercial license or landing permit number of the fisherman selling the product to the dealer;
- (6) The vessel identification number (Coast Guard documentation number and/or state of RI registration number);
- (7) The port or location where the catch was landed or purchased; **and**

(8) When a seafood dealer is purchasing research set aside from a permitted and properly licensed fisherman, the poundage purchased will be designated ~~as either "RSA - Food," "RSA - Bait," or "RSA - Research" in the SAFIS field titled "Disposition"~~ **in the catch source field as "RSA"**.

Commented [DP(9)]: Updated

(B) Trip Level Data for all species harvested ~~required, to shall~~ be reported within thirty (30) days of the landing or purchase date. ~~Such data shall~~ **and** consist of the following elements:

- (1) The price at which the product was purchased; **and**
- (2) The disposition ~~(what the product was used for, i.e. bait, consumer consumption, etc.)~~

Commented [DP(10)]: "Disposition" is defined

19.14.47.2.3 Negative reports:

(A) RI licensed seafood dealers ~~will be required to shall~~ submit a negative report to SAFIS for each reporting period during which no ~~finfish, shellfish, crustacean, or any other~~ seafood product was landed or purchased;

(B) Dealers may file negative reports for a maximum of three (3) months in advance.

~~19.14.5 Penalty - In addition to the penalty described in RIGL 20-1-16, the license of any person who violates any of the terms of 19.14 shall have their commercial seafood dealers license suspended by the Director for a period of 30 days for a first offence, 90 days for a second offence, and 365 days for a third offence, and revocation for a fourth offence.~~

Commented [DP(11)]: Specific penalties provisions deleted. General provisions provided consistent with other re-write regs

19.14.17.2.4 Control Date: The date for compliance with **this** section ~~19.14 as set forth below for all RI licensed seafood dealers will be is~~ March 1, 2006.

7.3 Shellfish Dealers

~~49.2.1-27.3.1~~ **49.2.1-27.3.1** Licensed shellfish dealers may only purchase, barter, or trade **in wild or cultured** shellfish ~~(wild or cultured)~~ **that have been:**

~~(i)(A)~~ **(i)(A)** Harvested from or cultured in Rhode Island waters from licensed shellfishermen, licensed aquaculturists, or other licensed shellfish dealers; or

~~(ii)(B)~~ **(ii)(B)** Taken from other than Rhode Island waters from a dealer whose shellfish business appears on the US Public Health Service, Food and Drug Administration list of certified shippers, and tagged in accordance with Rhode Island DOH regulations.

~~49.2.1-37.3.2~~ **49.2.1-37.3.2** Licensed shellfish dealers may not purchase or accept any shellfish (wild or cultured) from a shellfisherman or aquaculturist without first being presented with a valid shellfish or multipurpose license issued by DEM to said shellfisherman or aquaculturist.

7.3.3 **Further,** Each licensed shellfish dealer must have a DOH shellfish license pursuant to RIGL Chapter 21-14.

~~49.2.1-47.3.4~~ **49.2.1-47.3.4** Any person, ~~partnership, firm, association, or corporation~~ engaged solely in the business of selling seafood, including shellfish (wild or cultured), to consumers, either directly or through restaurants or other retail outlets, and/or engaged solely in the processing or preparation of seafood, including shellfish (wild or cultured), for sale directly to consumers, is not required to be licensed under these regulations, provided that such person, ~~partnership, firm, association, or corporation~~ purchases or otherwise acquires said shellfish from licensed shellfish dealers.

~~49.2.1-57.3.5~~ **49.2.1-57.3.5** Shellfish harvested from or cultured in Rhode Island waters may only be sold to out-of-state buyers by licensed shellfish dealers whose businesses appear on the US Public Health Service, Food and Drug Administration list of certified shippers. Said dealers must also comply with all applicable DEM and DOH rules governing the handling, tagging and sale of shellfish, as well as all applicable state and federal rules governing the interstate shipment of shellfish.

~~49.2.1-67.3.6~~ **49.2.1-67.3.6** Shellfish harvested from or cultured in other than Rhode Island waters may only be sold to buyers in or from Rhode Island by out-of-state sellers whose businesses appear on the US Public Health Service, Food and Drug Administration list of certified shippers; and said transactions must comply with all applicable state and federal rules governing the interstate shipment of shellfish.

~~49.2-27.3.7~~ **49.2-27.3.7** Licensed shellfish dealers may not purchase or accept any shellfish from shellfishermen or aquaculturists unless such shellfish are bagged and tagged in accordance with ~~the applicable Aquaculture and Shellfish Harvesting Regulations~~ **RIMFR “Shellfish” and/or “Aquaculture of Marine Species in RI Waters”**. ~~Shellfish must be received in containers with a harvester tag attached to each container. The harvester tag shall be durable, waterproof and sanctioned by DOH. The tag shall contain the following indelible, legible information in order specified below:~~

- ~~harvester's identification number as assigned by DEM.;~~
- ~~date of harvest;~~
- ~~harvest location as identified on the R.I. Shellfish Harvest Area tagging map, shellfish management area or aquaculture lease site identified by the GRMC Assent number;~~
- ~~type (species) of shellfish;~~
- ~~approximate quantity of shellfish; and~~
- ~~the following statement in bold capitalized type: "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS"~~

~~19.2.3 The tag shall serve as prima facie evidence of the identity of the shellfish.~~

Commented [DP(12)]: Duplicate with Shellfish regulations which are properly referenced.

~~19.2.4 Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations~~

~~19.2.5 Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations~~

~~19.2.6 Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations~~

Commented [DP(13)]: Duplicate. References itself.

49.37.3.8 Undersize Shellfish Provisions:

~~19.3.1(A) At no time shall a dealer possess undersize wild stock shellfish.~~ A dealer may possess undersize cultured shellfish crops, excluding **bay** quahaugs (*Mercenaria mercenaria*), provided the dealer has obtained said cultured crops from a licensed aquaculturist or dealer.

~~19.3.2(B)~~ Any shellfish possessed by a dealer that measures less than the State minimum size for wild stock must be properly identified as cultured product with appropriate tagging as required by the Director. Each dealer shall maintain complete, accurate and legible records sufficient to: (i) document the source of shellfish, and (ii) permit the contents of the container of shellfish to be traced back to the aquaculture lease site and date of harvest. In addition, all purchases and sales shall be recorded in a permanently bound ledger book or other approved recording method authorized by DEM and DOH.

~~19.3.3(C)~~ Cultured shellfish crops **may shall** not be commingled with any wild stock shellfish or other cultured shellfish crops from a different harvest date or location.

~~19.4 Dealer Reporting of Landings: Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations~~

49.57.3.9 Wet Storage of Shellfish:

19.5-14(A) No person shall engage in wet storage of molluscan shellfish without first obtaining a dealer's license from DOH and DEM.

19.5-13(B) The DEM Director shall determine the compatibility of any wet storage facility with the resources in surrounding areas and shall be satisfied that every practical precaution is in place to prevent the spread of shellfish disease and pathogens. The DEM Director shall have the authority to limit or restrict the wet storage and transplant activities in areas within waterways that are considered to be at risk for the transmission of shellfish diseases, or grant an exception if justified, after careful consideration of disease monitoring studies.

19.5-4(C) For purposes of open water wet storage, the licensed dealer shall apply to the CRMC for an assent for an initial wet storage site or modification to an existing aquaculture facility or lease. A CRMC assent shall be required for a wet storage facility located within the CRMC's jurisdiction, as specified in CRMC Management Procedures, Section 4-1.

19.5-2(D) If the open water wet storage is conducted as part of an aquaculture operation, the licensed dealer shall apply to DEM for a DEM Aquaculture Permit; if the permit is issued, it should appropriately address the possession of shellfish held for wet storage.

19.5-3(E) Molluscan shellfish to be wet stored must be harvested from or cultured in approved shellfish growing areas or conditionally approved areas when open.

19.5-4(F) All facility designs, structures and methods used for wet storage of molluscan shellfish must be approved by DOH pursuant to the National Shellfish Sanitation Program (NSSP) standards. The CRMC shall determine the structural suitability of any apparatus used for in-water storage of molluscan shellfish.

19.5-5(G) The CRMC shall be responsible for the approval of the location of all open water storage facilities. When a wet storage facility is operated in conjunction with an aquaculture operation, the wet stored products shall be maintained separately from the cultured products designated by CRMC and the approved Operational Plan.

19.5-6(H) Containers used in wet storage of molluscan shellfish shall be approved by DOH and shall be marked appropriately (indicating that they contain either wet stored wild or cultured stock).

19.5-7(I) The shellfish dealer shall maintain accurate and complete records of all wet storage activities including, but not limited to, the source of the molluscan shellfish, the amounts stored, and the times/dates of storage/disposition of the molluscan shellfish. Such records shall be maintained for a minimum of two years and shall be available for inspection by DOH and DEM upon request.

~~49.5-8(J)~~ The shellfish dealer shall submit an operational plan specifying how the wet storage of molluscan shellfish will be carried out. Such an operational plan is subject to approval by DOH and DEM prior to approval of the wet storage facility.

~~49.5-9~~ The molluscan shellfish that are in wet storage shall be tagged in accordance with Rule 7.2, herein.

Commented [DP(14)]: Duplicate. Said in 7.3.11 below

~~49.5-10(K)~~ Permitted, open-water wet storage facilities shall only store wild or cultured molluscan shellfish that have been harvested from or cultured in the same waterway in which the wet storage facility is located. In all other cases, shellfish must be wet stored in an approved closed tank system.

~~49.5-14(L)~~ A permitted wet storage facility shall only store legal sized molluscan shellfish, which have been harvested as specified in the approved Operational Plan.

~~49.5-12(M)~~ Each wet storage facility shall be evaluated and approved annually by DOH. Since water quality and water quality classification of waters within the state are subject to change due to environmental conditions, shellfish dealers conducting wet storage of molluscan shellfish shall be required to respond to these changes. Wet storage of shellfish in waters other than those in the approved classification or in the open status of the conditional approved classification is prohibited. The CRMC, DEM and DOH shall not assume any liability for any environmental changes nor liability for potential damages incurred by shellfish dealers.

~~49.67.3.10~~ Handling of Shellfish:

~~49.6-4(A)~~ Rhode Island licensed shellfish dealers are prohibited from mixing or commingling shellfish taken from Rhode Island waters with shellfish taken from other state's waters.

~~49.6-27.3.11~~ **Dealer tagging of shellfish:** Shellfish dealers shall properly tag each bag or container of shellfish as follows:

~~49.6-2-4(A)~~ The dealer shall keep the harvester's tag affixed to each container of shellfish until the container is (i) shipped, or (ii) emptied to wash, grade, or pack the shellfish.

~~49.6-2-2(B)~~ The dealer shall affix his/her dealer's tag to each container of shellfish prior to shipment, and immediately after shellfish emptied from a tagged container have been washed, graded, or packed.

~~49.6-2-3(C)~~ When the dealer is also a licensed aquaculturist and he/she elects not to use a harvester's tag, he/she shall affix his/her dealer's tag to each container of shellfish prior to leaving the aquaculture site, removing the shellfish from a vessel, or offering the shellfish for sale.

~~19.6.2-4(D)~~ The dealer's tag shall be (i) durable, waterproof and sanctioned by DOH prior to use, and (ii) at least 2 5/8 inches by 5 1/4 inches (6.7 x 13.3 cm) in size.

~~19.6.2-5(E)~~ The dealer's tag shall contain the following indelible, legible information in the order specified below:

- ~~(1)~~ Dealer's name and address;
- ~~(2)~~ Dealer's certification number as assigned by DOH and the original shellfish shipper's certification number;
- ~~(3)~~ The date of harvest;
- ~~(4)~~ The most precise identification of the harvest location as is practicable including the initials of the state of harvest, and the DOH/DEM designation of the growing area by indexing, administrative or geographic designation;
- ~~(5)~~ When the shellfish has been placed in wet storage in a dealer's operation, the statement: **"THIS PRODUCT IS A PRODUCT OF (NAME OF STATE) AND WAS WET STORED AT (FACILITY CERTIFICATION NUMBER) FROM (DATE) TO (DATE)"**;
- ~~(6)~~ The type and quantity of shellfish; and
- ~~(7)~~ The following statement in bold capitalized type on each tag: **"THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS"**.

~~19.6.37.3.12~~ Shellfish purchased or acquired by a Rhode Island licensed shellfish dealer may be separately sorted by type, size, or other basis. The original containers with tags must be kept in close proximity while sorting, grading and processing is taking place.

~~19.6.47.3.13~~ Shell stock shall be washed reasonably free of bottom sediments as soon after harvesting as possible. The harvester shall be primarily responsible for washing shell stock. If shell stock washing is not feasible at the time of harvest, the dealer shall assume this responsibility. Water used for washing shall be from a potable water source, or growing area in the approved classification or open status of the conditionally approved classification.

~~19.7 False Statements: No licensed shellfisherman, aquaculturist or licensed shellfish dealer or his/her agent shall make any false statement, misrepresentation or alteration of any statement on the forms required by these rules.~~

Commented [DP(15)]: Duplicate. Licensing Regs section 6.12-2

~~19.8 Inspection of Shellfish Dealers Business: The Director or his/her agents may enter and inspect the business premises, wet storage facilities, appurtenance structures, or vehicles and vessels of a shellfish dealer to determine compliance with the provisions of RIGL Section 20-6-24, these rules, or any order issued by the Director, and no person shall interfere with such entrance and inspection.~~

Commented [DP(16)]: Statute

~~19.11 Other Requirements: Persons subject to these rules are also responsible for complying with other applicable state, local and federal laws, including DOH laws and regulations relating to shellfish businesses.~~

~~19.13 Severability: If a court of competent jurisdiction holds any section or provision of these rules and regulations invalid, the remaining sections of provisions of these rules and regulations shall not be affected thereby.~~

Commented [DP(17)]: Duplicate

~~19.14 Dealer Electronic Reporting Requirements:~~

~~19.14.2 General Requirements:~~

~~19.157.4 Importation of non-indigenous (non-native) Marine Species Horseshoe Crabs: No licensed fish/shellfish dealer shall import, attempt to import, or possess in the cooked or un-cooked (frozen) state any non-indigenous (non-native) Horseshoe Crab species within the State of Rhode Island without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.~~

PUBLIC HEARING ITEM 3b. **STRIPED BASS FIN CLIPPING PROVISION**

7.5 Striped bass finning: No licensed fish/shellfish dealer may purchase and/or offer for sale, any striped bass where the entire right pectoral fin has been removed.

~~19.127.6 Exemption for Surf clams and/or Ocean Quahaugs for use as bait: These rules shall not apply to persons buying surf clams (*Spisula olividissima*) or ocean quahaugs (*Arctica islandica*) for use as bait and not for human consumption. However, any other rule or law governing these species shall remain in effect and not be superseded by this exemption.~~

7.7 Summer flounder:

7.7.1 Dealers may only ship shall place Summer flounder out of state in standard 60 or 100 pound cartons (containers) prior to their removal from the dealer's premises or from the point of transfer, unless specific prior written authorization is requested and received from the Division of Law Enforcement;

7.7.2 Dealers shall receive Summer flounder between the hours of 6:00 AM to 8:00 PM only.

Commented [DP(18): Not new. Re-located from FF regs as applicable only to Dealers.

7.8 Coastal sharks: No person dealer shall purchase any coastal shark species for sale or resale unless such person, possesses a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries. [Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the NOAA Fisheries Southeast Regional Office in St. Petersburg, FL at (727) 824-5326. Applications are available on the web at <http://sero.nmfs.noaa.gov/permits/permits.htm>].

Commented [DP(19): Re-located from FF regs

19.9. Denial, Suspension or Revocation of License:

19.9.1 In addition to other penalties provided by law or other rule or regulation, any licensed shellfish dealer who violates the provisions of RIGL Section 20-6-24, these rules, or any order issued by the Director shall be subject to suspension, revocation or denial of his/her license in accordance with RIGL Sections 20-2-13 and 42-17.1-2(e).

19.9.2 The Director may deny renewal of shellfish dealer's license for violation of the provisions of RIGL Section 20-6-24, these rules, or any order issued by the Director during a prior license period.

19.9.3 The Director may suspend, revoke or deny issuance of a shellfish dealer's license where a) the license holder or applicant is involved in the management of a shellfish dealer business for which DEM has suspended, revoked or denied a license on account of noncompliance with these regulations, or b) the business of the license holder or applicant is owned, managed or operated, in whole or in part, by a person, firm, association or corporation whose shellfish dealer's license has been suspended, revoked or denied on account of noncompliance with these regulations.

19.10 Penalties: The following penalties shall apply to violations of these regulations:

- forfeiture of the shellfish;**
- administrative action, which may result in suspension and/or revocation of applicable licenses or permits and/or imposition of additional penalties;**
- criminal prosecution pursuant to RIGL Section 20-1-16, which imposes a maximum fine of \$500, 90 days imprisonment, or both.**

Commented [DP(20): Obsolete and/or inaccurate. General provisions provided in next sections

7.9 Violations for non-compliance: If the DFW and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or a permit agreement, the owner and/or operator of the permitted vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The

determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to RIGL 20-1-16 as well as the ineligibility to reapply for a permit for the subject vessel for the remainder of the Summer sub-period.

7.10 Penalties

7.10.1 Judicially imposed penalty for violations: Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for up to ninety (90) days, or both (RIGL §20-1-16)

7.10.2 Additionally, a person may be subject to the imposition of a administrative penalty pursuant to DEM's "Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife".

7.11 Appeals

7.11.1 Denial of a license or permit: Persons denied a license or permit may request an appeal as provided by RIGL Chapter 42-17.7 and pursuant to DEM's "Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters"

7.11.2 Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these regulations may file and appeal in accordance with RIGL Chapter 42-17.7 and DEM's Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters.

Commented [DP(21)]: Added consistent with all RIMFR revisions

EFFECTIVE DATE

The foregoing rules and regulations ~~Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this 19th day of December, 2013 to become effective 20 days from filing, unless otherwise indicated,~~ pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

Janet L. Coit, Director,

RI Marine Fisheries ~~Statutes and~~ Regulations
Part ~~XIX~~ 7 ~~Fish/Shellfish~~ Dealer Regulations

Department of Environmental Management

Notice Given: ~~N/A~~ 01/15/2016
Public Hearing: ~~N/A~~ 02/16/2016
Filing date: ~~12/19/2013~~
Effective date: ~~12/02/2013~~
ERLID # ~~7630~~
~~Technical Revision~~



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES

DIVISION OF FISH AND WILDLIFE
DIVISION OF LAW ENFORCEMENT



**RHODE ISLAND MARINE FISHERIES
REGULATIONS**

Part I
DEFINITIONS

Summary of Changes

Proposed ADOPTION of Regulation

**In conjunction with proposed REPEAL of "RIMFR – Part I –
Legislative Findings"**

Public hearing
February 16, 2016

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed for ADOPTION as a new regulation. However, the majority of the language contained herein is not in actuality proposed new language, but has only been re-located to this proposed new regulation as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This Summary of Proposed Changes provides annotated changes to assist the reader with understanding the proposed changes

PURPOSE

The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.

AUTHORITY

These rules and regulations are promulgated pursuant to Title 20, Chapters 42.17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of ~~Part I~~ **these regulations** shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

~~1.1 Legislative Findings -- The General Assembly finds that the animal life inhabiting the lands of the State, its lakes, ponds, streams, and rivers, and the marine waters within its territorial jurisdiction, are a precious, renewable, natural resource of the State which, through application of enlightened management techniques, can be~~

~~developed, preserved, and maintained for the beauty and mystery that wild animals bring to our environment.~~

~~—The General Assembly further finds that the management of fish and wildlife through the establishment of hunting and fishing seasons, the setting of size, catch, possession and bag limits, the regulation of the manner of hunting and fishing, and the establishment of conservation policies should be pursued utilizing modern scientific techniques, having regard for the fluctuations of species populations, the effect of management practices on fish and wildlife, and the conservation and perpetuation of all species of fish and wildlife. (RIGL 20-1-1)~~

~~1.2 Authority over Fish and Wildlife — The General Assembly hereby vests in the director of the department of environmental management authority and responsibility over the fish and wildlife of the State and over the fish, lobsters, shellfish and other biological resources of marine waters of the State. (RIGL 20-1-2)~~

Commented [DP(1)]: Non-regulatory statutory language

REGULATIONS

1.1 Definition of Terms:

ACCSP means Atlantic Coast Cooperative Statistics Program

Actively Fishing means a license holder will be considered to have been actively fishing that license/endorsement if he or she demonstrates by dated transaction records, as verified by dealer reports to the Department, that he or she has fished at least seventy-five (75) days in the preceding two calendar years, with some of the fishing activity occurring in each of the two years. Evidence as to days fished may be supplemented by one or more Vessel Trip Reports, which specifically reference the license holder's name and license number, and correspond to dated transaction records, where in the determination of the Department such dates are verified by dealer reports to the Department; where such reports verifiably reflect two or more calendar days at sea during a single trip, those days may be used to establish fishing activity. For the purpose of this definition the term "day" shall mean any 24-hour period or part thereof.

A license holder with a dockside sales endorsement who sells all of his or her lobster and/or crab landings dockside may utilize documentation other than dated transaction records to establish fishing activity, pursuant to the standards and criteria set forth in section 6.7-11(f) "*Commercial and Recreational Saltwater Fishing Licensing Regulations*".

Commented [DP(2)]: From Licensing regs

Actively Participating means a crew member will be considered to have been actively participating in the fishery if he or she demonstrates via one or more affidavits that he or she has fished in the fishery with one or more licensed captains at least seventy-five (75) days in the preceding two calendar years, with some of the fishing activity occurring in each of the two years. Crew members may also demonstrate longevity in the fishery via one or more affidavits from licensed captains who they fished with in previous years.

Commented [DP(3)]: From Licensing regs

Adequately iced means that the amount and application of the ice is sufficient to ensure that immediate cooling begins and continues for all shellfish. Ice should be produced from a potable water source and shall be maintained to prevent contamination of shellfish.

Commented [DP(4)]: From Aqua Regs

Affidavit means a sworn statement of facts made under oath as to the truthfulness therein, and made before an authorized person such as a Notary Public. For the purposes of these Rules and Regulations, affidavits must be on forms provided by the Department.

Commented [DP(5)]: From Licensing regs

Agent means a representative of a licensed dealer with a place of business in the State of Rhode Island wherein transaction records of said dealer are maintained and available for inspection during normal business hours.

Commented [DP(6)]: From Licensing regs

Application Deadline means February 28, or the first business day following February 28 if that day falls on a Saturday, Sunday, or holiday. See subsection 6.7-3(c) "Commercial and Recreational Saltwater Fishing Licensing Regulations" for additional clarifications.

Commented [DP(7)]: From Licensing regs

Air-assisted harvest means the use of an air compressor or any device capable of pressurizing air/gas or compressed gas in a tank, to power any device designed to disturb the substrate, create a vacuum effect or sediment displacement effect in collection of aquatic species.

Alewife means *Alosa pseudoharengus*.

American eel means *Anguilla rostrata*.

American lobster means *Homarus americanus*. (RIGL 20-1-3)

American plaice (Dab) means *Hippoglossoides platessoides*.

Anadromous fish means any species of fish which ascends rivers or streams from the sea for breeding purposes, e.g. Alewife -- *Alosa pseudoharengus*. Salmon -- *Salmo salar*, Shad -- *Alosa sapidissima*.

Approved means approved by the Director.

Approved waters or **Approved growing areas** means waters of the State that have been classified by the DEM Division of Water Resources as Approved Areas, fit for the taking of shellfish for human consumption on a regular basis, in accordance with the criteria established by the National Shellfish Sanitation Program (NSSP) Manual of Operations. These classifications may be subject to change as water quality conditions dictate.

Aquaculture means the cultivation, rearing, or propagation of aquatic plants or animals, herein referred to as cultured crops, under natural or artificial conditions.

Aquaculture facility means any properly permitted aquaculture operation, either in upland areas or the State's waters or submerged lands.

Aquaculture lease means the permitted area for which the Coastal Resources Management Council (CRMC) issues a lease in which aquaculture can be conducted. Leases are discretionary and granted for the express purpose of allowing aquaculture activities on the State's submerged lands or in the water column. Certain types of permitted activities, such as experimental aquaculture operations, may not require a lease.

Aquaculturist means the individual, firm, partnership, association, academic institution, municipality, or corporation conducting commercial, experimental, or restoration aquaculture in Rhode Island.

~~Area fished: this data element is only required for shellfish (i.e. quahogs, soft shelled clams, oysters, bay scallops, whelks) purchases. The data consists of the location where the shellfish were harvested in accordance with the RI shellfish harvest area codes.~~

Atlantic cod means *Gadus morhua*.

Atlantic menhaden means *Brevoortia tyrannus*.

Atlantic herring means *Clupea harengus*.

Atlantic Horseshoe Crab means *Limulus polyphemus*.

Authorized individual person means an Environmental Police Officer or any other representative of the Director authorized to administer or enforce these regulations.

~~Bait fish means any species of fish being pursued by bait a gillnetter, which includes, but may not be limited to, Alewife — *Alosa pseudoharengus* and (menhaden) — *Brevoortia tyrannus*.~~

~~Bait gillnet means any gillnet used in pursuit of bait species (e.g., menhaden, alewife, etc.). There will be one (1) size of bait gillnet permitted: Size No. 1. Lengths not to exceed one hundred (100) feet, no license required. The net must be marked with the owner/operator's name and address and be constantly tended. The total length of a bait gillnet may not exceed **ing** one hundred (100) feet nor **may the exceeds a** mesh size **be** greater than three and three quarters inches (3 3/4") (stretched). **Anyone setting a Size No. 1 gillnet for bait must be within one hundred (100) feet of the net at all times.**~~

Basic Harvest and Gear Level means the harvest and/or gear restrictions governing

Commented [DP(8)]: Not an accurate term. Refers to "Shellfish Harvest Tagging Area" defined herein

Commented [DP(9)]: From Dealer and Crustacean regs

Commented [DP(10)]: Consistent language

Commented [DP(11)]: Term inaccurate and confusing. Delete, not needed

Commented [DP(12)]: Possession of alewife prohibited

Commented [DP(13)]: Duplicate. Used wording from Gillnet regs in sentence below

Commented [DP(14)]: Duplicate. Covered in Equipment regs

Commented [DP(15)]: Better language taken from Gillnet regs to replace sentence deleted above

Commented [DP(16)]: Duplicate. Regulation, not definition. Covered in Equipment Regs

each fishery endorsement category pertaining to Commercial Fishing Licenses, as well as Student Shellfish Licenses, and 65 and Over Shellfish Licenses.

Basking shark means that species of fish known as *Cetorhinus maximus*.

Commented [DP(17)]: From Licensing regs

Bay quahaug means *Mercenaria mercenaria*. (RIGL 20-1-3)

Bay scallop means *Argopecten irradians*. (RIGL 20-1-3)

Bay scallop dredging means towing of a bay scallop dredge during the established bay scallop dredging season.

Bay scallop seed means a bay scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-defined raised annual growth line, and the bay scallop being less than one (1) year old.

Commented [DP(18)]: From SF regs

Bill of Landing means an invoice which identifies a shipment of fish, shellfish or crustaceans as to seller, buyer, source, type, quantity and sale price.

Commented [DP(19)]: From Licensing regs

Biosecurity Board means the board within the CRMC established pursuant to RIGL Section 20-10-1.1 charged with assisting and advising the CRMC in carrying out its role under the provisions of RIGL Chapter 20-10.

Commented [DP(20)]: Re-located from SF and Aquaculture Regs

Black sea bass means *Centropristes striatus*.

Blue crab means *Callinectes sapidus*. (RIGL 20-1-3)

Bluefish means *Pomatomus saltatrix*.

Blue mussel means *Mytilus edulis*. (RIGL 20-1-3)

~~**Bottom tending gillnet** means a gillnet, anchored or otherwise, which is fished on or near the bottom or within the lower one third (1/3) of the water column.~~

Commented [DP(21)]: Deleted in favor of new definition of "Sink Gillnet" for consistency with federal terms

Bullrake means any curved metal instrument or basket with four (4) or more metal tines (teeth) which is customarily used to harvest quahaugs.

Bycatch means fish, marine species which have been harvested, but which are not sold or kept for personal use. It, and includes fish species that are discarded for either economic or regulatory reasons while a fisher is directing his/her effort toward the harvest of another fish, shellfish, or crustacean marine species.

Commented [DP(22)]: Term defined in both Licensing regs and Part I. Inconsistency between terms. Revised to correct inconsistency

Bushel means a standard U.S. bushel, 2150.4 cubic inches capacity. (RIGL 20-1-3)

Cancer Crab means **Cancer Borealis (Jonah Crab) or Cancer irroratus (Atlantic Rock Crab).**

Catadromous fish means any species which lives in fresh water, but must go to sea for breeding purposes (e.g., American eel, *Anguilla rostrata*).

Carapace is the un-segmented body shell of the American lobster.

Carapace length means the length of a lobster measured from the rear of the eye socket along a line parallel to the center of the body shell to the rear of the body shell.

Commented [DP(23)]: From Crust regs

Catastrophic trap tag loss means the ~~loss of lobster trap tags that exceed the 10% over-allotment trap tags issued for routine loss, based on the maximum number of lobster traps deployed~~ loss of original lobster trap tags in excess of the 10% over-allotment trap tags issued for routine loss, in which instance the original trap tags become invalid and must be replaced in their entirety by catastrophic trap tags.

Commented [DP(24)]: From Crust regs. Updated

Charter and party boat means any vessel that carries passengers for hire to engage in fishing

Coastal salt pond means a pond abutting a barrier beach; some are periodically fresh; others are brackish or salt

Coastal salt ponds and/or river system channels means a natural or man-made, temporary or permanent waterway, allowing for the passage of water to and from any coastal salt pond and/or river system -- Distances (in feet) describing the following salt pond channel areas are measured from the seaward extremity of any channel to a point measured in a northerly direction, or as specifically described herein.

Coastal Salt Pond – River Channel Distances

Pond/Channel	Town	Distance
Quicksand	L. Compton	750'
Tunipus	L. Compton	200'
Briggs Marsh	L. Compton	600'
Ship Pond Cove	L. Compton	200'
Long	L. Compton	400'
Round	L. Compton	250'
Nonquit (Puncatest)	Tiverton	1,800'
Nannaquaket (measured from the mouth of the Quaket River to the eastern side of the Nannaquaket Bridge abutment)	Tiverton	400'
Narrow/Pettaquamscutt	Narragansett/N.Kingstown	3,850'
Point Judith (measured in a northerly direction from the mouth of the Pt. Judith Breachway to a line drawn from Strawberry Hill Pt. on the east to High Point on the west)	Narragansett/S.Kingstown	6,000'
Potter (measured from the western entrance of Potter Pond channel to the eastern tip of Gooseberry Island in Pt. Judith Pond)	South Kingstown	2,800'
Card	South Kingstown	200'
Trustom	South Kingstown	500'

Green Hill: Potato Pt. (measured from the easternmost point of Stevens Island in Ninigret/Charlestown Pond to the westernmost point of Potato Point in Green Hill Pond)	S.Kingstown/Charlestown	1,800'
Ninigret/Charlestown	Charlestown	3,200'
Quonochontaug	Charlestown/Westerly	2,800'
Winnapaug/Brightman	Westerly	2,800'
Little Maschaug	Westerly	250'
Maschaug	Westerly	300'
Great Salt	Block Island	1,800'
Trim	Block Island	850'
Harbor	Block Island	1,000'

Codend means the terminal section of a trawl net in which captured fish may accumulate, and is further defined as the last 45 rows of meshes in the terminal section of the net

Colregs demarcation line means the lines of demarcation, as defined on National Oceanic and Atmospheric Administration chart #13221, delineating those waters upon which mariners must comply with the international regulations for preventing collisions at sea, and those waters upon which mariners must comply with the inland navigation rules. For Point Judith the "Port" is to be all waters inside of and north of the southern end of the riprap wall at Salty Brine State Beach so-called. The demarcation lines for Block Island are as follows: the area enclosed by the breakwaters at Old Harbor, and the entirety of Great Salt Pond so called.

~~**Commerce** means the transfer of finfish, mollusks, or crustaceans transferred to a dealer, or offered for sale, barter, trade, shipment on consignment, or packed for shipment.~~

Commented [DP(25)]: Not used

Commercial Fishing Vessel means any vessel, boat or craft employed in the harvesting of marine species commercially, which shall first be declared with the Department.

Commented [DP(26)]: From Licensing regs

Conch means Channeled Whelk - *Busycotypus canaliculatus*; or Knobbed Whelk - *Busycyon carica*. (RIGL 20-1-3)

Conch trap/pot means any pot or trap designed or adapted principally for the catching or taking of conchs.

Conditionally approved waters means any shellfish grounds underlying waters examined and found fit for the taking of shellfish for human consumption on an intermittent basis, declared by the Director as conditionally approved waters pursuant to RIGL §§ 20-8.1-3 and 20-8.1-4. Such classification may be subject to change as water quality conditions dictate. (RIGL 20-8.1-1)

Constantly tended means ~~a bait gillnet shall be constantly tended if the~~ **that a** person

setting ~~such a~~ net is **shall remain** within one hundred (100) feet of ~~said-gill the~~ net at all times ~~when setting said-gillnet in any area closed to gill-netting and/or all netting~~.

Commented [DP(27)]: Refer to Gillnet regs section 13.5. Makes no mention of closed areas. If gillnetting for bait, must be constantly tended

Container means any bag, sack, tote, or other receptacle that contains shellfish to be held or transported.

Commented [DP(28)]: From Aqua regs

Control date means a cutoff date for potential use in establishing eligibility criteria for **future access to a fishery**.

Commented [DP(29)]: From Licensing regs

Crab trap/pot means any pot ~~or trap~~ designed or adapted principally for the catching or taking of crabs.

Crew means an individual, aged sixteen (16) or older, employed for purposes of assisting in the operation of a commercial fishing vessel and its gear by another person licensed to fish commercially pursuant to these **“Commercial and Recreational Saltwater Fishing Licensing Regulations”**.

Commented [DP(30)]: From Licensing regs

CRMC means the Rhode Island Coastal Resources Management Council.

Cultured crops mean aquatic or marine animals or plants: (i) that are in the location, water column or artificial conditions specified in a valid aquaculture permit issued pursuant to RIGL section 20-10-3 or that have been taken by the holder of such permit from the location, water column or artificial conditions specified in such permit, or (ii) that have been produced by aquaculture methods outside the state and have not been commingled with wild stocks that are in or have been removed from the waters of the state. Appropriate bills of sale, bills of lading and proper tags used in accordance with Rule 6.6 herein and all other applicable state and federal laws and regulations shall be prima facie evidence of the origin of cultured crops inside or outside the state.

Commented [DP(31)]: From Aqua regs

~~**Cultured shellfish crop** means shellfish species: (i) that are in the location, water column or artificial conditions specified in a valid aquaculture permit issued pursuant to RIGL Section 20-10-3 or that have been taken by the holder of such permit from the location, water column, or artificial conditions specified in such permit, or (ii) that have been produced by aquaculture methods outside the State and have not been commingled with wild stocks that are in or have been removed from the waters of the state. Appropriate bills of sale, bills of lading, and proper tags used in accordance with Part 19.2 herein and all other applicable state and federal laws and regulations shall be prima facie evidence of the origin of cultured crops inside or outside the state.~~

Commented [DP(32)]: Duplicate with "Cultured crops" above

Dealer means a person ~~who is licensed by the State of Rhode Island to sell, purchase, barter, and/or trade seafood~~ means a person, partnership, firm, association, or corporation licensed to barter or trade in marine species.

Commented [DP(33)]: Omitted language from Part I. Kept language from Licensing regs

DEM or **Department** means the Rhode Island Department of Environmental Management

~~**Designated Temperature Control Areas** means an area designated by the Department in which harvesters must comply with more stringent temperature controls for harvested quahogs and oysters. These areas have been determined to have a higher risk of Vibrio illness associated with consumption of wild quahogs and oysters due to warm temperatures or a history of illness. These areas include Winnapaug Pond (6W), Quonochontaug Pond (6Q), Ninigret Pond (6N), Potter Pond (6P), and Point Judith Pond (6P).~~

Commented [DP(34): Deleted in favor of current definition in Aquaculture Regs "Designated Temperature Control or Thermally Impacted Area"

Designated Temperature Control or Thermally Impacted Area means an area designated by the Department in which aquaculturists must comply with more stringent temperature controls for harvested shellfish. These areas have been determined to be Winnapaug Pond, Quonochontaug Pond, Ninigret Pond, Potter Pond, Point Judith Pond, Island Park Cove (Spectacle Cove), Hog Island Cove and Great Salt Pond.

Commented [DP(35): From Aqua regs

Director means the Director of the Department of Environmental Management or his or her duly appointed agents. (20-2.1-3; 20-8.1-1; 20-10-2)

Discards means fish, shellfish or crustaceans that are discarded overboard by fishers because their possession is prohibited by regulations or for economic reasons.

Commented [DP(36): From Licensing regs

Disposition means the intended use or fate of the catch after leaving the dealer, such as sold for food, sold for bait, etc.

DFW or **Division** means the Division of Fish and Wildlife of the Department of Environmental Management ~~so-called in the RIGL's.~~

~~**Drift gillnet** means a gillnet that is floating unattached to the ocean bottom and not anchored, secured, or weighted to the ocean bottom.~~

Dockside sales endorsement means a notation on a license or landing permit that authorizes the holder to sell live lobsters and/or crabs directly to consumers at dockside.

Commented [DP(37): From Licensing regs

DOH means the RI Department of Health.

Dual federal permit/state license holder means an individual who holds both a federal limited access lobster permit and a State of RI commercial fishing license endorsed for American lobster.

Commented [DP(38): From Crust regs

Dusky shark means ~~that species of fish known as~~ *Carcharhinus obscurus*.

Eel trap/pot means any pot or trap designed or adapted principally for the catching or taking of American eels.

Endorsement means a notation on a license that indicates the right to harvest a marine species or group of similar species, the right to utilize a particular type of gear or harvesting method, or the right to sell a particular marine species or group of similar

species directly to consumers at dockside, in accordance with applicable harvest and/or gear restrictions.

Commented [DP(39)]: From Licensing regs

Endorsement Category means a marine species or group of similar species that may be legally harvested by a fisher whose license allows the taking of those species; or a gear type or harvesting method that may be legally utilized by a fisher whose license is properly endorsed.

Commented [DP(40)]: From Licensing regs

Exclusive Economic Zone (EEZ) means those waters three (3) to two hundred (200) miles (five to 322 kilometers) offshore which are under the direct jurisdiction of the federal government.

Commented [DP(41)]: From Crust regs

Exit/Entry Ratio means a formula established by regulation for a fishery or fisheries which identifies the number of new fishing licenses in each category that will be issued for each one that is retired and surrendered to the Department.

Family Member means the spouse, mother, father, brother, sister, child or grandchild of a licensed fisher. Spouse shall include a person who is currently a party to a marriage that was legally recognized in the state or territory in which the marriage was solemnized.

Commented [DP(42)]: From Licensing regs

February 28 means the twenty-eighth (28th) day in the month of February or the next business day if February 28 falls on a Saturday or Sunday or holiday for the purpose of application submittals and renewal deadlines.

Commented [DP(43)]: From Licensing regs

Fishery means one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks.

Commented [DP(44)]: From Crust and Licensing regs

Fishery Performance means properly documented commercial lobster fishing activity – namely pounds landed and traps fished in LCMA 2 during the applicable qualifying period.

Commented [DP(45)]: From Crust regs

Fishery Sector means one of three general fishery classifications, each encompassing two or more fishery endorsement categories: Shellfish (encompassing Quahaug, Soft-shell Clam, Whelk, and Other Shellfish); Finfish (encompassing Restricted and Non-Restricted Finfish); and Crustacean (encompassing Lobster and Non-Lobster Crustacean).

Commented [DP(46)]: From Licensing regs

Fish trap means a ~~floating trap, pound, stub, or any other equivalent or thing set on, in, or anchored to the bottom or shore for extended periods of time, for the purpose of catching fish – (each fish trap is required to be individually licensed by the Department of Environmental Management)~~ floating trap, weir, pounds net, or any equivalent contrivance set on, in or anchored to the bottom or shore, used for the purpose of catching fish. **(RIGL 20-5-1)**

Commented [DP(47)]: Omitted language from Part I; kept language from Licensing regs

Floating gillnet means a gillnet set in which any portion of the gillnet is exposed at the surface.

Commented [DP(48): Deleted in favor of new definition of "Drift Gillnet" for consistency with federal terms

Fork length means the straight linear distance from the tip of the snout to the fork of the tail.

Full Harvest and Gear Level means the harvest and/or gear restrictions governing each fishery endorsement category pertaining to Principal Effort Licenses, and for all species pertaining to Multi-Purpose Licenses.

Commented [DP(49): From Licensing regs

Fyke net means a conical shaped net supported by hoops, which also utilizes a leader to direct fish to the net.

Gear means any device or mechanism other than a vessel employed to catch fish, shellfish or crustaceans.

Gear Level means ~~as set by regulation~~, the amount, type capacity and design of gear that may legally be employed in a given fishery.

Commented [DP(50): From Licensing regs

Gill net ~~trammel net~~ means a net used to catch fish by means of meshing or entanglement.

Commented [DP(51): "Trammel" not used

Goosefish (monkfish) means *Lophius americanus*.

Grace period means sixty (60) calendar days commencing on the day immediately following the application deadline, as defined herein. The grace period is applicable only to renewals of licenses from the immediately preceding year.

Commented [DP(52): From Licensing regs

Grade means landing condition of each marine species such as whole, gutted, etc.

Green crab means *Carcinus maenas*. (RIGL 20-1-3)

Haddock means *Melanogrammus aeglefinus*.

Harbor of Refuge breakwater means the three ~~outermost~~ sections of breakwater off of Pt. Judith.

Commented [DP(53): There are only 3

Harvest means ~~the act of removing any shellfish for the purpose of human consumption. Harvest commences when the first shellfish is no longer submerged.~~ the act of removing ~~shellstock a marine species~~ with the intention of not returning ~~it~~ to the water ~~after husbandry practices. Harvest commences when the first shellfish not returned to the water is removed from the water on any given day, or is exposed by the receding tide.~~

Commented [DP(54): Contained in both SF and Aquaculture regs. Revised to reflect harvest of species other than shellfish

Harvest Level means ~~As set by regulation~~, the amount of fish, shellfish or crustaceans that may be legally harvested, possessed, and/or sold by a licensed fisher during a

given period of time, usually a calendar day. That amount may vary according to the type of license held and/or the species involved.

Commented [DP(55)]: From Licensing regs

Hinge width means the distance between the convex apex of the right shell and the convex apex of the left shell.

Husbandry means any activity related to the cultivation and management of shellfish crops, including but not limited to grading, sorting, cleaning, or planting.

Commented [DP(56)]: From Aqua regs

Incapacity means death of, or injury that renders an active licensed fisher unable to fish for a period in excess of fourteen (14) days either as a result of the physical loss of function or impairment of a body part or parts, or debilitating pain.

Initial LCMA 2 LTA means the initial (maximum) number of lobster traps authorized in 2007 to be fished by an individual permit or license holder in LCMA 2.

Commented [DP(57)]: From Crust regs

Jonah crab means *Cancer borealis*.

Land or landing ~~to enter port with fish on board, to begin offloading fish, or to offload fish~~ means to off-load seafood products, including, but not limited to, finfish, shellfish, and crustaceans, for sale or intended sale, or to secure a vessel with the seafood products on board to a shoreside facility where the products may be offloaded for sale or intended sale. (RIGL 20-1-3)

Commented [DP(58)]: Omitted language from Part I. Kept language from SF, Crust and Licensing regs and statute

LCMA means Lobster Conservation Management Area.

LCMA 2 means Lobster Conservation Management Area 2, as delineated in Amendment 3, Appendix 1 to the Interstate Fishery Management Plan for American Lobster, adopted by the ASMFC in December 1997.

LCMA 2 Lobster Trap Allocation (LTA) means the maximum number of lobster traps authorized to be fished by an individual permit or license holder in LCMA 2.

Commented [DP(59)]: From Crust regs

Licensed aquaculturist means any person licensed by the State of Rhode Island to culture and possess shellfish, finfish, or aquatic plants pursuant to the provisions of RIGL Chapter 20-10 and § 20-2-27.2.

Licensed Captain means ~~an individual person~~ who holds or held ~~any valid~~ commercial fishing license issued by the Department, ~~as set forth under sections 6.8, or 6.9.~~

Commented [DP(60)]: From Licensing regs

Licensed shellfisherman means any person licensed by the State of Rhode Island to take and possess shellfish from Rhode Island waters pursuant to the provisions of RIGL Chapter 20-6 and §§ 20-2-1, 20-2-20, or 20-2-28.1 and must possess the appropriate license when engaged in shellfishing activities.

Licensed shellfish dealer means any person, partnership, firm, association, or

corporation engaged in bartering or trading in shellfish taken, cultured, or possessed by licensed shellfishermen, licensed aquaculturists, or other licensed shellfish dealers, or their authorized agents, and licensed by the State of Rhode Island under the provisions of RIGL §§ 20-6-24, 21-14, 22-24, 20-2-28.1, 20-7-5.1, 20-4-1.1, or 21.17

License Year means January 1 of any given year through December 31 of the same year.

Commented [DP(61)]: From Licensing regs

LOA means Letter of Authorization

Lobster trap/pot means any pot ~~or trap~~ designed or adapted principally for the catching or taking of lobsters **other than Cancer Crab**.

Commented [DP(62)]: "trap" part of the definition

Lottery means any of a variety of techniques to distribute licenses or permits when the demand for such licenses or permits exceeds the supply, such techniques having the common characteristics of being verifiably blind, random, fair and equitable.

Commented [DP(63)]: From Licensing regs

LTA means lobster trap allocation, either issued by the Department or NOAA Fisheries.

LTA transfer means a change in ownership of a partial or entire Department- or NOAA Fisheries-issued LTA by an individual or Corporation.

LTA transferor means the license or permit holder from whom an LTA transfer is made.

LTA transferee means the individual, corporations or fishing vessel to whom/which an LTA transfer is made.

Commented [DP(64)]: From Crust regs

Material Incapacitation means a significant and verifiable event, involving either a medical condition or military service, that reasonably prevented the license holder from meeting the actively fishing standard during the two calendar years preceding the sale of the license holder's vessel and gear. A short-term illness or injury, which cannot be reasonably construed to have prevented the license holder from meeting the actively fishing standard during the two-year period, does not constitute a material incapacitation. ~~Material incapacitation is further defined in subsection 6.7-8(d).~~

Commented [DP(65)]: From Licensing regs

Mechanical power means any source of energy or power other than exclusively human power.

Mechanical refrigeration means storage in a container that is approved by the Rhode Island Department of Health and capable of cooling to, and maintaining, an ambient temperature of 45°F or less.

Commented [DP(66)]: From Aqua regs

Medical Hardship means an applicant's significant medical condition that prevents them from meeting ~~the~~ **Licensing** application requirements.

Menhaden means *Brevoortia tyrannus*.

Near shore (shoreward) means that point or end of any net which is closest/nearest the coast or the closest coastal outcropping.

Netting means a meshed fabric which exceeds eight (8) feet in length or width including, but not be limited to seines, weirs, fyke nets, otter trawls, and gill nets.

Non-resident means a person who does not present proof of Rhode Island residency.

Non-resident landowner means a nonresident citizen of the United States and owner of real estate in Rhode Island as evidenced by deed filed in the Recorder of Deeds office in a Rhode Island town or city hall. (RIGL 20-1-3)

Obstructing the free passage of fish means the blocking of a stream, river, or pond so as to impede the passage of anadromous and/or catadromous fish, e.g., shad, alewife, and the American eel.

Ocean quahog means *Arctica islandica*. (RIGL 20-1-3)

Offload means to begin to remove, to remove, to pass over the rail, or otherwise take away fish from any vessel.

Offshore means that point of any net which is the greatest distance from the coast.

Open to the sea means a coastal salt pond, as described in this Section, will be considered open to the sea if any flow of water connects coastal salt pond with the sea.

Operational plan means a written plan filed with CRMC and approved by DEM prior to its implementation, that includes at a minimum: description of the design and activities of the culture facility, specific site and boundaries, types and locations of structures (rafts, pens, tanks, etc.), species to be cultured, source of these organisms, procedures to prevent contamination, program of sanitation and maintenance, description of the water source including details of water treatment, program to maintain water quality, maintenance of records, and how shell stock will be harvested.

Original lobster trap tags means those trap tags available for purchase to a RI commercial license holder or a Federal Limited Access Lobster Permit holder based on their lobster trap allocation, including an additional 10% over- allotment to allow for routine trap or tag losses.

Commented [DP(67)]: From Crust regs

Oyster means American oyster, *Crassostrea virginica* or European oyster, *Ostrea edulis*. (RIGL 20-1-3)

Peck means one fourth (1/4) of a bushel. (RIGL 20-1-3)

Person means an individual, corporation, partnership, co-partnership, association, private or municipal corporation, or other legal entity firm. (RIGL 20-1-3; 20-8.1-1)

Commented [DP(68)]: From Part I and SF regs; combined language from both statutes

Place of Business means a building or office located in the State of Rhode Island where a licensed fish dealer maintains records of sales and purchases which are available for inspection by the Department during normal business hours.

Commented [DP(69)]: From Licensing regs

Point of Sale means the point in time and place where ownership of a given quantity of fish, shellfish, and/or crustaceans is transferred from a licensed fisher to a licensed dealer.

Pollock means *Pollachius virens*.

Polluted area means any shellfish grounds underlying waters examined and found to be unfit for the taking of shellfish for human consumption declared by the Director as polluted areas pursuant to RIGL § 20-8.1-3 and 20-8.1-4. For the purposes of any criminal or civil proceeding instituted under this chapter, a declaration by the Director shall be prima facie evidence of a polluted area. (RIGL 20-8.1-1)

Port means any town or city with a harbor and docking facilities where vessels can land.

Possession means the exercise of dominion or control over the resource commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. The decision must be made at the first practical opportunity.

Possession limit means the maximum quantity of marine product/species that may be possessed by a vessel or person per specified period of time (i.e., day or week) regardless of the means by which the marine product/species may have been taken.

Possession of aquaculture crops means the exercise of dominion or control over cultured crops commencing at the time at which a decision is made not to return the crops to the aquaculture lease or facility from which they were taken. This decision must be made at the first practical opportunity, taking into consideration the management practices set forth in the approved operational plan.

Commented [DP(70)]: From Aqua regs

Possession of wild stocks means the exercise of dominion or control over wild stocks commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. This decision must be made at the first practical opportunity.

Commented [DP(71)]: From Aqua regs

Pot/Trap means any stationary bottom-fishing contrivance or device made of wood, wire mesh, or plastic mesh, fished individually or linked by a common line and generally baited; used to catch finfish, crabs, conchs, or lobsters that enter through a conical or rectangular opening where escape is difficult.

Commented [DP(72)]: "Trap" is defined as a "pot"

Power hauling means the raising or moving of fishing implements including dredges, rakes, tongs, or other apparatus used to harvest marine organisms from the waters of the state or the underlying sediment.

Qualifying Period means the entire three-year period from January 1, 2001 through December 31, 2003. For individuals meeting the standards governing material incapacitation, the qualifying period means the entire two-year period from January 1, 1999 through December 31, 2000.

Commented [DP(73)]: From Crust regs

Quart means one thirty-second (1/32) of a bushel.

Quota means ~~An allocation of an amount of a specific species of fish, shellfish or crustaceans available to be harvested by Rhode Island fishers. This allocation is made by regional management councils and commissions and may be further allocated by the Department by season or among different types of fishers means~~ the maximum weight or number of fish **marine species** which can legally be landed within a stated time period. ~~A quota can apply to an entire fishery or to an individual vessel or fisherman.~~

Commented [DP(74)]: Inconsistency. Omitted language from Licensing regs; kept language from Part I

Rainbow smelt means *Osmerus mordax*.

Replace means to substitute an equivalent vessel in place of a vessel, and does not permit the vessel being replaced to continue to be employed in the taking of summer flounder.

Reporting period means the period of time between the dates where dealers must provide reports on their activities (i.e. if the reports are required on Monday and Thursday, the reporting periods are Friday, Saturday, Sunday, and Monday for period one and Tuesday, Wednesday, and Thursday for period two).

Resident means an individual who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, automobile registration, voter registration card or a notarized statement from a City or Town Clerk. (RIGL 20-1-3)

Commented [DP(75)]: From Licensing regs

Resubmerge means, and is strictly limited to, reintroduction of shell stock into approved waters following the removal of such stock from approved waters for husbandry purposes.

Commented [DP(76)]: From Aqua regs

RIGL means Rhode Island General Laws.

RIMFC means the Rhode Island Marine Fisheries Council. (RIGL 20-10-2)

Rock crab means *Cancer irroratus*.

Routine trap tag loss means the loss of lobster trap tags that does not exceed the 10% over-allotment trap tags issued for routine loss, ~~based on the maximum number of~~

~~lobster traps deployed.~~

Commented [DP(77)]: As written in Crust regs

SAFIS means Standard Atlantic Fisheries Information System.

Sand tiger shark means ~~that species of fish known as~~ *Carcharias taurus*.

Scup means *Stenotomus chrysops*.

Sea scallop means *Placopecten magellanicus*. (20-1-3)

Season means a period of time established by regulation during which management rules specific to that period are in effect.

Seine means any net used to catch fish by encirclement or herding. ~~including haul seines, beach seines, and purse seines; haul seines and beach seines may not exceed six hundred (600) feet in length.~~

Commented [DP(78)]: Obsolete and/or inconsistent with other regs

Shading means to shelter by intercepting the direct rays of the sun to protect the shellfish from heat. Shading may be accomplished by any means that effectively protects the harvested shellfish from direct sunlight and prevents excessive heat build-up in the shaded area.

Commented [DP(79)]: From Aqua regs

Shellfish means ~~all species of: (a) Oysters, clams or mussels, whether: (i) Shucked or in the shell; (ii) Raw, including post-harvest processed; (iii) Frozen or unfrozen; (iv) Whole or in part; and (b) Scallops in any form, except when the final product form is the adductor muscle only~~ means and includes any molluscan species growing in Rhode Island tidal waters, including, but not limited to, bay quahaug (*Merconaria mercenaria*), ocean quahaug (*Arctica islandica*), blue mussel (*Mytilus edulis*), oyster (*Crassostrea virginica and Ostrea edulis*), soft shell clam (*Mya arenaria*), bay scallop (*Argopectans irradians*), **and** surf ~~or sea~~ clam (*Spisula solidissima*).

Commented [DP(80)]: From Aqua regs.

Shellfish dredge means a mechanical device that is towed behind a fishing vessel and whose purpose is to collect shellfish from the sea floor.

Commented [DP(81)]: From SF regs

Shellfish grounds means all land underlying waters within the rise and fall of the tide and the marine limits of the jurisdiction of the State. **(RIGL 20-8.1-1)**

Shellfish harvest tagging area means the area of the waters of the state where shellfish are harvested (refer to <http://www.dem.ri.gov/programs/bnatres/fishwild/shelltag.htm>)

Commented [DP(82)]: From SF regs

Shellfish seed means for bay quahaug, a shell size less than 20 mm (0.78") longest axis length, and 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.

Commented [DP(83)]: From Aqua regs

Shellfish Seeding means the introduction of shellfish spat or sub-legal juvenile animals into an area for purposes of increasing the population of shellfish in that area.

Commented [DP(84)]: From Licensing regs

Sink gillnet means a gillnet that is designed to be or is fished on or near the bottom of the water column by means of a weight line or enough weights and/or anchors that the bottom of the gillnet sinks to, on, or near the ocean bottom

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.

Commented [DP(85)]: From Aqua regs

Shoredigging means the taking of shellfish from shallow areas or the intertidal zone of the waters of the State without the use of a boat or SCUBA gear and when body contact is made with the bottom substrate.

Smelt means *Osmerus mordax*.

Soft-shelled clam means *Mya arenaria*. (RIGL 20-1-3)

Spiny dogfish means *Squalus acanthias*.

~~Stake traps means nets and/or netting, set on stakes or poles, for the purpose of catching fish.~~

Commented [DP(86)]: Not used in regs

Striped bass means *Morone saxatilis*.

Summer flounder (fluke) means *Paralichthys dentatus*.

Surf clam or sea clam means *Spisula solidissima*.

Take or **taking** means the process and each of the activities in that process undertaken to remove the resource from its natural habitat until the time at which possession begins.

TAL means total allowable landings.

Commented [DP(87)]: Used throughout regulations

Tautog (blackfish) means *Tautoga onitis*.

Temperature control means the use of ice or mechanical refrigeration, which is capable of lowering the temperature of the shellstock and maintaining it at 4550°F or less.

Commented [DP(88)]: From Aqua and SF regs; deleted language from SF regs

Tongs means any shellfishing implement constructed with heads attached to stales (handles) and pinned at a pivot point to allow the opening and closing of the basket mouth formed by the two.

Total length means the straight linear distance from the tip of the snout to the end of the tail of a finfish species. All finfish species minimum size are measured as total length, except for coastal sharks, in which minimum size is measured by fork length.

Transaction Records means invoices or similar records of the purchase of fish, shellfish, crustaceans or other seafood products by a licensed dealer, which identify the boat, license holder, the Rhode Island dealer name, and the date sold, species landed, pounds landed, name of the seller, and license number of the seller.

Commented [DP(89)]: From Licensing regs

Transfer means to convey, pass, or remove something from one person, place, and/or vessel to another.

Trawl devices means any type of fishing apparatus drawn behind a vessel which consists of otter doors and/or ground cables, ropes, and/or netting -- this will apply to, but not be limited to beam trawls, otter trawls, Scottish seines, and pair trawls.

Trip means a fishing voyage beginning with the departure from any port and terminating with the return to any port regardless of the duration of time.

Trip Level Data means data reported to the detail of each individual fishing voyage.

Unreasonable Hardship means substantial economic loss which is unique to an individual, including but not limited to adverse medical or personal circumstances, and which has not been caused or exacerbated by prior actions of or inaction on the part of that individual.

Commented [DP(90)]: From Licensing regs

V-Notched female American lobster means a V-notched female lobster means any female American lobster with a V-notch mark, or the remnant of a healed V-notch mark in the end part of the right tail flipper adjacent to the middle tail flipper, or any lobster which is mutilated in such a manner which could hide, obscure, or obliterate such a mark, including a missing right tail flipper. A V-notch shall be a notch or the remnant of a healed notch, with or without setal hairs, at least 1/8 inch (1/8") in depth. Any licensed/permitted commercial fisherman required or authorized to mark lobsters with a v-notch mark in LCMA 2 shall make a v-notch mark by means of a sharp-blade instrument, at least 1/4 inch (1/4") and not greater than 1/2 inch (1/2") in depth and tapering to a sharp point. The flipper to the right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

Vessel means every description of watercraft, other than a seaplane on the water, used, or capable of being used as a means of transportation on water.

Vessel Declaration means declaration of a vessel as a commercial fishing vessel with the Department as required herein.

Vessel Upgrade means the acquisition by a licensed fisher of a vessel that is longer, of

greater displacement, or increased horsepower relative to the vessel it is replacing.

Commented [DP91]: From Licensing regs

Water-assisted harvest means the attempt to collect aquatic species by using a water pump or pressurized water, or device designed to disturb the substrate, create a vacuum effect or sediment displacement.

Week means calendar week, which means the period beginning on Sunday at 12:00AM and ending on 11:59PM of the immediately following Saturday.

Weir means a barrier of interwoven twine, branches, or other material used to catch fish.

Wet storage means the temporary storage of shellfish (from growing areas) in the approved classification or in the open status of the conditional approved classification in containers or floats in natural bodies of water or in tanks containing natural or synthetic sea-water; this includes flow-through systems.

White Shark means ~~that species of fish known as~~ *Carcharodon carcharias*.

Wild shellfish stock means natural shellfish resources that set and grow within the waters of the State and are not cultured in any way; however, cultured shellfish crops that are stocked in tidal waters of the State that are not within an aquaculture lease or facility are considered wild stock shellfish.

Wild stock means natural resources, including aquatic or marine animals or plants, which grow within the waters of the state, and are not cultured in any way. Any shellfish that have settled naturally within an aquaculture facility are considered wild stock.

Commented [DP92]: From Aqua regs

Winter flounder (~~Blackback flounder, flatfish~~) means *Pleuronectes americanus*.

Witch flounder (gray sole) means *Glyptocephalus cynoglossus*.

Yellowtail flounder means *Limanda ferruginea*.

~~1.4 Rules and Regulations -- The Director is authorized to promulgate, adopt, and enforce any and all rules and regulations deemed necessary to carry out duties and responsibilities under this Title. (RIGL 20-1-4)~~

~~1.5 General Enforcement Powers. -- The Director and the Director's authorized agents, employees, and designees shall protect the wild birds, wild animals, fisheries, and shell fisheries throughout the State and shall administer and enforce the provisions of this Title and the rules and regulations adopted pursuant to this title and shall prosecute violations of these laws and rules and regulations. (RIGL 20-1-5)~~

~~1.6 Appointment and Delegation of Powers to Conservation Officers. -- The Director shall appoint any number of conservation officers as he or she may deem necessary for~~

~~the detection and prosecution of any violations of the laws of this State enumerated in § 20-1-8. The Director may delegate any and all of his or her powers and duties to each of these conservation officers who shall serve at the Director's pleasure. (RIGL 20-1-6)~~

~~1.7 Deputy Wardens. -- The Director may appoint such a number of deputy wardens as he or she may deem necessary. The deputy wardens shall not be authorized to carry pistols or revolvers but shall be authorized to detect violators of the laws of this State enumerated in § 20-1-8. Such detection shall be reported to the Director, who may proceed with the prosecution. Deputy wardens shall be given an identification badge by the Director and shall serve at the Director's pleasure. (RIGL 20-1-7)~~

~~1.8 Enforcement Powers of Director and Conservation Officers. -- (A) The Director and each conservation officer shall have the power:~~

- ~~(1) to enforce all laws, rules, and regulations of this State pertaining to:
 - ~~(i) fish, wildlife, and all vertebrates, invertebrates, and plants;~~
 - ~~(ii) fresh water wetlands, dams, and resources;~~
 - ~~(iii) areas and activities subject to the jurisdiction of the Coastal Resources Management Council;~~
 - ~~(iv) state parks, reservations, Management Areas, hatcheries and game preserves, and any law of the State within such State parks, reservations, Management Areas, and game preserves;~~
 - ~~(v) solid and hazardous waste transportation, storage and disposal and any other laws of the State regarding solid and/or hazardous wastes;~~
 - ~~(vi) boating safety, water safety, and drowning prevention;~~
 - ~~(vii) water and air pollution and open burning;~~
 - ~~(viii) firearms;~~
 - ~~(ix) littering;~~
 - ~~(x) trees and forests, forestry, and protection of forests from fire hazards and trespass;~~
 - ~~(xi) agriculture, farmland, and pest control.~~~~
- ~~(2) to issue summonses and to execute all warrants and search warrants for the violation of the laws, rules and regulations enumerated in subdivision (a)(1) or (a)(9) of this section;~~
- ~~(3) to serve subpoenas issued for the trial or hearing of all offenses against the law, rules and regulations enumerated in subsection (a)(1) or (a)(9) of this section;~~
- ~~(4) to arrest without a warrant any person found violating any law, rule, or regulation enumerated in subdivision (a)(1), take that person before a court of competent jurisdiction and detain that person in custody at the expense of the State until arraignment, except when a summons can be issued in accordance with § 12-7-11;~~
- ~~(5) to seize and take possession of all fish, shellfish, crustaceans, marine mammals, amphibians, reptiles, birds, and mammals in possession or under control of any person~~

~~or which have been shipped or are about to be shipped, at any time, in any manner, or for any purpose contrary to the laws of this State, and dispose of them at the discretion of the Director;~~

~~(6) to seize all fishing tackle, firearms, shooting and hunting paraphernalia, hunting, fishing, or trapping licenses, traps, decoys, tongs, bullrakes, dredges or other implements or appliances used in violation of any law, rule, or regulation relating to fish, shellfish, crustaceans, marine mammals, amphibians, reptiles, birds, and mammals; or any equipment, materials, tools, implements, samples of substances or any other item used in violations of any other law, rule, or regulation enumerated in subdivision (a)(9) when making an arrest as found in the execution of a search warrant, and hold the seized item or items at owner's expense until the fine and costs imposed for the violation have been paid in full;~~

~~(7) (i) to go on board any boat or vessel engaged or believed to be engaged in fishing and examine any fishing, shellfish, scallop, lobster, multipurpose, or other license issued under this title.~~

~~(ii) to go on board any boat or vessel engaged or believed to be engaged in fishing and to inspect that boat or vessel for compliance with the provisions of this title and any rules relative to the taking of fish, shellfish, crustaceans marine mammals, amphibians, and reptiles. In the absence of probable cause to believe that a crime relative to the taking of such marine species has been, or is being, committed, any evidence obtained as the result of a boarding (other than for the purpose of examining a license) or of an inspection, may not be used in a criminal prosecution.~~

~~(8) to carry firearms or other weapons, concealed or otherwise, in the course of and in performance of the duties of office;~~

~~(9) and to arrest without a warrant, to execute all warrants and search warrants, and to make and execute complaints within any district to the justice or clerk of the district court without recognizance or surety, against any person for the following criminal offenses:~~

- ~~(i) assault;~~
- ~~(ii) assault with a dangerous weapon;~~
- ~~(iii) larceny;~~
- ~~(iv) vandalism;~~
- ~~(v) obstructing officer in execution of duty.~~

~~(B) Conservation Officers shall be deemed "officer" within the meaning of § 11-32-1.~~

~~(C) it shall be a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days, or both, for any person to refuse to move or to stop on an oral command or order of a Conservation Officer, when the officer is acting in the performance of his or her duties. (RIGL-20-1-8)~~

~~1.9 Procedures for Seizure and Forfeiture.—~~

- (A) Any vessel, boat, fishing tackle, guns, shooting and hunting paraphernalia, traps, decoys, or any other implements, appliances or equipment used in violation of any law, rule or regulation relating to fish and wildlife which, by provision of any Section of this Title, is subject to forfeiture to the State, shall be seized pursuant to § 20-1-8(a)(6) and forfeited under the provisions of this Section.
- (B) The Attorney General shall proceed pursuant to §§ 12-21-23 to 12-21-32, to show cause why the vessel, boat, fishing tackle, guns, shooting, and hunting paraphernalia, traps, decoys, and any other implements, appliances or equipment used in the knowing and willful violation of any law, rule, or regulation relating to fish and wildlife which, by provision of any Section this Title, is subject to forfeiture to the State, may be forfeited to the use of or the sale of the Department on producing due proof that the vessel, fishing tackle, guns, shooting and hunting paraphernalia, traps, decoys, or any other implements, appliances or equipment was used in such violation.
- (C) Whenever property is forfeited under this Section, and the specific provision of this Title requiring forfeiture for a particular offense, the Department may:
- (1) retain the property for official use;
 - (2) sell any forfeited property which is not required by this Title to be destroyed and which is not harmful to the public; but the proceeds of this sale, after first deducting the amount sufficient for all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody and advertising and court costs, shall be paid to the General Treasurer for the use of the State.

(RIGL 20-1-8.1)

1.10 Operation of Patrol Boats. — The General Assembly shall annually appropriate any sum as it may deem necessary to patrol and police the shellfish grounds, check licenses of fishermen, protect the scallop areas, collect animal specimens and execute special work incidental to the lobster and other shellfisheries and enforce the provisions of Chapter 22 of Title 46, this sum to be expended under the direction of the Director of the Department of Environmental Management for the purpose of maintaining and operating patrol boats and their crews. The Controller is hereby authorized and directed to draw orders upon the General Treasurer for the payment of such sum or sums as may be required from time to time upon the receipt by the controller of proper vouchers approved by the Director. (RIGL 20-1-9)

1.11 Obligation of Vessels to Heave to on Command of a Patrol Boat.

- (A) Every person operating a boat or vessel in Rhode Island territorial waters who fails to immediately heave to upon a shouted command or a flare fired into the air from a marine patrol boat operated by the Department of Environmental Management and carrying the identification "Department of Environmental Management, State of Rhode Island" shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).
- (B) Every person who shall, while aboard a boat or vessel in Rhode Island territorial waters which has been ordered to heave to upon shouted command or a flare fired into the air from a marine patrol boat operated by the Department of Environmental Management and carrying the identification "Department of Environmental Management, State of Rhode Island" dumps, destroys, or throws anything from the vessel or

boat shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).
(RIGL 20-1-10)

~~1.12 Prosecution of Violations.~~ -- It shall be the duty of the Attorney General to conduct the prosecution of all court proceedings brought by the Director as requested by the Director. (RIGL 20-1-11)

~~1.13 Fixing of Seasons and Bag Limits.~~

(A) The Director is hereby authorized to adopt regulations fixing seasons, bag limits, size limits, possession limits, and methods of taking on any species of fish, game, bird, or other wild animal occurring within the State, other than marine species regulated by the Marine Fisheries Council.

(1) These regulations may prohibit the taking, holding, or possession of any species, prohibit the taking, molestation, or disturbance in any way of nesting, breeding or feeding sites of any species and/or prohibit, control or regulate any commercial use, importation into the State or exportation from the State of any species.

(2) Such regulations may be of statewide applicability or may be applicable in any specified locality or localities within the State when the Director shall find, after investigation, that the regulations are appropriate.

(B) Any person who violates any provision of chapter or any rule or regulation made under the provisions of this chapter shall be guilty of a violation and shall be subject to a fine of one hundred dollars (\$100) for each violation.

(C) Notwithstanding any inconsistent provision of law, the district court shall have exclusive jurisdiction to hear and determine all violations specified in this chapter and shall be afforded those options as provided for in § 46-22-19.2.

(D) The regulations shall be adopted only after the holding of a public hearing subject to the provisions of the Administrative Procedures Act, Chapter 35 of Title 42. (RIGL 20-1-12)

~~1.14 Publication and Effective Date of Seasons and Bag Limits.~~ -- Notice of the Director's intention to adopt regulations pursuant to § 20-1-12, and the holding of a public hearing of these regulations, shall be published in at least one newspaper of general statewide circulation, not less than twenty (20) days prior to the date of the public hearing. These regulations shall remain in effect not longer than one (1) year following the date of their effectiveness. (RIGL 20-1-13)

~~1.15 Entry of Private Property.~~ -- The Director of Environmental Management and each duly authorized employee of that Department may, in the discharge of his or her duties under this Title, enter upon and pass over private property without liability for trespass. If feasible, the employee shall give notice to the property owner. (RIGL 20-1-15)

~~1.16 Penalty for Violations.~~ -- Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish,

marine, freshwater and anadromous fisheries, and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for up to ninety (90) days, or both. (RIGL 20-1-16)

~~1.17 Cooperation with Other States. -- The Director may cooperate with the fish and wildlife commissioners or other similar bodies or agencies of other states in carrying out the purpose of this Title. (RIGL 20-1-17)~~

~~1.18 Collector's Permits. -- Notwithstanding any other restriction or prohibition set forth in this Title, the Director is authorized to issue special permits for the taking, handling, and/or possession of any species of wild animal, of any size, age and numbers as may be appropriate, to persons for the purpose of carrying out scientific experiments and cultivation projects for which the Director has responsibility. The Director may require an applicant to provide any information as that the Director deems necessary to ascertain that the person is involved in a bona fide experiment or project. Failure to abide by the provisions of any permit or failure to report any information required by the Director shall be cause for suspension or revocation of permit. (RIGL 20-1-18)~~

~~1.19 Powers of Enforcement of Officers in Waters Between States. -- If and when the states of New York and Connecticut and the Commonwealth of Massachusetts, or any of them, shall enact similar laws for the arrest and punishment for violations of the conservation or fish laws of this State or the state so enacting the similar law, committed or attempted to be committed by any person or persons fishing in waters lying between states, any wildlife protector, fish warden, or other person of either state who is authorized to make arrests for violations of the conservation or fish laws of state, shall have power and authority to make arrest on any part of waters between states or the shores thereof and to take any person or persons so arrested for trial to the state in which the violation was committed and there to prosecute the person or persons according to the laws of that state. (RIGL 20-1-19)~~

~~1.20 Power to Require Reports. -- When deemed necessary to carry out the Director's duties under this Title, the Director may require that reports detailing hunt, catch, effort, and other data be provided to the Director by any person who hunts or fishes in this State or who lands his or her catch in this State. These individual reports and other data shall remain confidential and may only be disseminated to the public or persons outside the Department in a statistical format. (RIGL 20-1-20) (Penalty 20-1-16 -- Part 1.16 and 20-4-6 -- Part 11.11)~~

~~1.21 Severability. -- The provisions of this Title shall be interpreted and construed liberally in aid of its declared purpose. If any provision of any of the Chapters in this Title or any rule or regulation issued is held invalid by a court of competent jurisdiction, the remainder of the Title and rules and regulations shall not be affected, but shall be construed in such a way as to give all the provisions of this Title full and valid effect to the fullest extent consistent with the law. The invalidity of any Section or parts of any Section shall not affect the validity of the remainder of this Title.~~

~~(RIGL 20-1-22)~~

~~1.22 General powers.~~

~~(a) The following fees shall be established and paid to the Department of Environmental Management for issuance of the following special permits:~~

Ferret Permit	\$10.00
Scientific Collector's Permit	\$25.00

~~(b) Any fees collected under authority of this section shall be deposited into restricted receipt accounts established by this Title, as appropriate to the type of special permit issued, and shall be used only for the authorized purposes of such restricted receipts account. The accounts include, but are not limited to: fishing license account, hunting license account, wildlife fund.~~

~~(c) The Division of Fish and Wildlife shall be authorized to establish fees for reference, educational, and souvenir type materials provided upon request to interested parties. Such materials include, but are not limited to: surveys, guides, maps, posters, reference, and educational booklets and materials, and articles of clothing. No fee shall be required for any materials describing or implementing any licensing or regulatory authority of the Division. Any fees collected under authority of this section shall be deposited as general revenues. (RIGL 20-1-21)~~

Commented [DP93]: Non-regulatory statutory language, and/or not pertinent to Marine Fisheries regulations

EFFECTIVE DATE

The foregoing rules and regulations, after due notice, are hereby adopted in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

Janet L. Coit, Director
Department of Environmental Management

Notice Given: 01/15/2016
Public Hearing: 02/16/2016
Filing date: XX/XX/2016
Effective date: XX/XX/2016

ERLID # XXXX



R.I. Party and Charter Boat Association
140 Jerry Lane
North Kingstown, RI 02852
401-741-5648
www.rifishing.com



President
Vice President
Treasurer
Secretary
Director

Capt. Rick Bellavance
Capt. Steve Anderson
Capt. Andrew D'Angelo
Capt. Paul Johnson
Capt. Nick Butziger

February 22, 2016

Peter Duhamel
Division of Fish and Wildlife, Marine Fisheries
3 Fort Wetherhill Rd
Jamestown, RI 02835

Dear Peter,

On behalf of the 65 members of the Rhode Island Party and Charter Boat Association(RIPCBA), please consider these comments regarding recent workshops and public hearings conducted by the RIDEM Division of Fish and Wildlife.

Recreational Tautog:

We support Status Quo for managing the recreational tautog fishery until such a time that the Atlantic States Marine Fisheries Commission completes their process of accepting a new stock assessment for management purposes.

Recreational Black Sea Bass:

The Charter/Party industry is very concerned with the proposals for recreational Black Sea Bass(BSB) management in 2016. In particular, the regulations proposed by our neighboring states, which could be significantly more liberal than RI. We believe the Division should consider the 2015 catch data, which shows that the charter/party mode under harvested and the private angler mode over harvested the states RHL. Additionally, many charter/party businesses are federally permitted and subject to a 30 day closure in wave 5 if they do not go through a difficult and burdensome federal process of relinquishing and then regaining that permit before and after the closure. Lastly, the regulations in place in 2015 resulted in a 20% reduction in BSB trips taken on RI charter/party vessels while at the same time private trips were stable. Further reductions will surely result in more economic hardship to an industry already struggling to remain profitable.

We suggest that the Division consider the above and implement for fishing year 2016, a Letter of Authorization(LOA) program that will allow the RI charter/party permitted vessels to harvest BSB under measures competitive with our neighboring states. Waves 5 and 6 are important to many of the charter/party operators while wave 4 is important to the others. Based on the performance of our mode in 2015, we feel status quo measures would be appropriate again in 2016, or a slight modification where LOA permitted charter/party vessels could harvest 2 BSB per person at 14 inches from Mid-July to August 31st and 5 or 6 BSB per person at 14 inches during all of wave 5 and 6. We have no reason to believe that these measures will risk overharvest by our mode in 2016, but our optimism is that an approved stock assessment during 2016 could result in increased RHL for 2017, an additional safe guard to consider.

Recreational Striped Bass:

The 2015 implemented 1 fish per person limit on recreational striped bass had a greater than expected reduction of the harvest of striped bass in RI as well as along the entire coast. Retrospective analysis also remained consistent by showing a lower than expected F rate and larger than expected SSB when an additional year of data was considered. 2015 YOY indices in the Chesapeake are also encouraging and we look forward to the large 2011 year class entering the fishery in 2016 and 2017. We feel the charter/party permitted vessels in RI should be allowed 2 fish per person at 28 to 30 inches and a program to allow that should be implemented as soon as possible.

Recreational Scup and Recreational Summer Flounder:

RIPCBA supports Status Quo for 2016

Commercial Striped Bass: (Fin Clipping)

The RIPCBA recommends Option 3 12.9 Fin clipping: Any striped bass harvested by a commercial license and/or recreational license holder, while fishing recreationally, must have the entire right pectoral fin removed at the time of harvest.

Recreational Skate:

If the Division decides to set a possession limit for recreational skate, a per person limit is more consistent with how the recreational sector is managed, we would prefer and suggest a 10 fish per person limit for charter/party permit holders. If the Division chooses a pound per vessel per day limit, we ask that a limit of 300 pounds per vessel per day be set for charter/party permit holders.

General Editing:

The RIPCBA supports the General Editing and Maps changes proposed at public hearing.

Thank you for permitting us to comment on these important public hearing items and we look forward to working with the Division on developing an LOA for BSB as soon as practical.

~Rick

Capt. Rick Bellavance, President
R.I. Party and Charter Boat Association

February 24, 2016

Peter Duhamel
Division of Fish and Wildlife, Marine Fisheries
3 Fort Wetherill Rd
Jamestown, RI 02835

Dear Peter

Please consider these comments regarding recent workshops and public hearings conducted by the RIDEM Division of Fish and Wildlife.

Recreational Tautog

I support Status Quo for managing the recreational tautog fishery until such a time that the Atlantic States Marine Fisheries Commission completes their process of accepting a new stock assessment for management purposes.

Recreational Black Sea Bass:

I am very concerned with the proposals for recreational Black Sea Bass (BSB) management in 2016. In The regulations proposed by our neighboring states, could be significantly more liberal than RI. I believe the Division should consider the 2015 catch data, which shows that the charter/party mode landings were down nearly from 2014. Additionally, many charter/party businesses are federally permitted and subject to a 30 day closure in wave 5; Lastly, the regulations in place in 2015 resulted in a 20% reduction in BSB trips taken on RI charter/party vessels. Further reductions will surely result in more economic hardship to an industry already struggling to remain profitable.

I suggest that the Division consider the above and implement for fishing year 2016, a Letter of Authorization (LOA) program that will allow the RI charter/party permitted vessels to harvest BSB under measures competitive with our neighboring states. Waves 5 and 6 are important to many of the charter/party operators while wave 4 is important to the others. Based on the performance of the party and charter boat mode in 2015, I feel status quo measures would be appropriate again in 2016 for the for hire mode, or a slight modification where LOA permitted charter/party vessels could harvest 1 BSB per person at 14 inches from Mid-July to August 31st and 5 BSB per person at 14 inches during all of wave 5 and 6. I have no reason to believe that these measures will risk over harvest by the for hire fleet in 2016.

Recreational Scup

It would be nice to see scup open 12 months. The fish typically leave our waters in early December but there are time when we run into them on our offshore winter trips. The fishery is open year round from NJ south. I know this is not possible to be opened for this year but there if it was done now it could be in place for next year. The resource is not over fished and over fishing is not occurring. The recreational sector hasn't achieved it's ACL in many years, Open this fishery year round will have a negligible effect on landings.

Recreational Summer Flounder:

Summer flounder should remain Status Quo for 2016

Recreational Skate:

If the Division decides to set a possession limit for recreational skate, a per person limit is more consistent with how the recreational sector is managed, I would prefer and suggest a 10 fish per person limit for all recreation fishermen. If the Division chooses a pound per vessel per day limit, we ask that a limit of 300 pounds per vessel per day be set for charter/party permit holders. A 75 to 100 pound limit might make it a target for some vessels but on a party boat with 50 anglers making 2 trips a day it would be difficult to stay under the limit.

I want to thank you in advance for taking the time for considering these comments for the upcoming rule making.

Frank Blount
Frances Fleet
Point Judith, RI

Feb., 11, 20216
92 Harris Ave, West Warwick, RI 02893
Tel: 401-828-3823

Peter,
In regards to our earlier conversation today by phone:

My first comment is in regards to the recreational Black Sea Bass season:
I liked Option 4 w/ a twist. Option 4 started 7/20/15 w/ a 2-fish limit, the second season was a 5 - fish limit. I 'd like to see a 2- fish limit starting 7/5/15 (which Jason said was possible on the Feb. 9TH discussion) with the second season having a 3-fish limit. This way the season is longer, you can catch 2-fish as opposed to 1-fish -like last year in the early season w/ cutting the second season down to 3-fish so that the season is longer.

My second comment, regarding the recreational Tautog season, is have a 3-fish limit throughout all the open seasons (staying the same seasons as last year) for 2-reasons: The tautog grow very slowly (so we don't want to overfish them now, in case there will be a reduced season in the future), and 3- fish is all most people would catch anyway - so why offer one of the seasons w/ a bigger catch limit.

The recreational summer flounder seasons and catches I'd leave the way they are, except I would be open to reducing the catch limits of fluke down from last year in each season to be pre-emptive in front of any foresee-able catch reductions in the future - Say a total of 5- fish per each season instead of 8.

Please let me know you've received my comments,

Thanks for your time in these matters,
Sincerely,
Ed Porter

After reading about the pending regulations and after last year's regulations I had to write to you.

I have been a recreational fisherman for over 30 years. I am also a member of the RI Saltwater Anglers Association and have been a member there for 10 years. I own a boat and fish in the bay, and lower coastal area I know regulators are waiting for a new assessment on Black Sea bass, but it is a bit ridiculous. Last year's regulation of a late season start and only one fish was over the top. That is why I am writing to you. I have never seen so many Black sea bass in my life, in the last two years. While fluke fishing on fluke rigs I was catching them as small as five inches! You cannot catch scup because the sea bass won't leave your bait alone. I would say they are five times more abundant than scup in the past two years!!! Regulators need to stop listening to scientists and start talking to people who fish!! It is very easy. I have had a saltwater license since the law was enacted. Do a computer search for people like me, and ask them for their assessment!!!

The Black Sea Bass regulations are ridiculous!!!! It's time to change the regulations to allow for more Black Sea Bass to be caught in RI!!!! Make them the same as the scup regulations!!!

Thank you,

Thomas Poirier

Dear Mr. Duhamel

I need to make another comment as a result of the meeting held on Feb. 9th, at the URI Graduate School at the Narragansett Bay Campus.

Several people, who were either Commercial fishermen or Charter captains, suggested raising the legal limit for Black Sea Bass from 14" to 15". This is patently unfair to recreational fishermen who have "bay" boats. In other words, boats that aren't big enough to go out in the ocean. The bigger Sea Bass are in the ocean not the bay, so this would be a punishing restriction to all the people that fish the bay, only. There are a lot of recreational fishermen who put money into the economy of the state w/ registration fees, gas fees, slip fees, marina fees, tackle fees, etc. - that don't have the money to buy large cabin cruisers, yachts, etc.

Thanks for your time,
Edward Porter

Dear Mr. Peter Duhamel:

I am the owner/operator of the Bonita II Sport Fishing Charter boat operating out of Westerly, RI. The 2015 regulations on striped bass and black sea bass are having a dramatic negative impact on my business. This letter is an attempt to offer suggestions and ask consideration for a change in the regulations for Party & Charter Boats (P + C) for the 2016 season.

Bonita II is a second generation charter business. My father was a charter captain in RI for over 30 years. I have a primarily out-of-state clientele who brings in revenue to hotels, restaurants and many other businesses within the state. I began to see a dramatic loss in my business this past year. The 2015 regulation invoking the 1 striped bass/person limit coupled with the black sea bass limits is severely impacting our ability to keep existing and attracting new customers.

Please give thoughtful consideration to the following options:

Proposed Striped Bass Options for P + C

Increase the striped bass catch limits to 2 fish/person and charge a fee for the privilege.

(This options provides the P + C industry the additional fish for their clientele while keeping the number of licenses to a minimum by charging them an optional fee.)

Proposed Black Sea Bass Options for P + C

- Change the Black Sea Bass catch limits to 3 fish/person from 7/15 - 9/1 and 5 fish/person from 9/1 - 10/31.

While it has been extremely disheartening to see the decline in our industry this past decade and so many talented captains leave the business, I was particularly encouraged to hear the honorable Gov. Raimondo's commitment to attract and enhance business in the state of RI. These few changes I propose will be a great help to the industry and have minimal impact on fish stocks.

Sincerely,

Captain Timothy C. Terranova
Bonita II Sportfishing Charters
401-596-6433
mail@bonita2.com
www.bonita2.com

Rhode Island Fishermen's Alliance

P.O. Box 337
East Greenwich, RI 02818

February 16, 2016

RI Marine Fisheries Public Hearing for proposed amendments for the 2016 **Commercial Tautog** fisheries management plan.

The Alliance proposes the following changes:

7.9.2 Commercial:

(A) Minimum size: Sixteen (16) inches.

(B) Seasons, allocations, and possession limit: The commercial harvest shall be the same seasons and the same bag limit as the recreational fishery.

~~(B) Seasons, allocations, and possession limit: The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the ASMFC. The quota shall only be available during the following seasons:~~

~~(1) Spring sub-period (April 15 – May 31): (a) Allocation: 1/3 of the annual quota. (b) Possession limit: Ten (10) fish per vessel per day. RI Marine Fisheries Regulations Part VII – Finfish Page 15 of 40~~

~~(2) Summer sub-period (August 1 – September 15): (a) Allocation: 1/3 of the annual quota. (b) Possession limit: Ten (10) fish per vessel per day.~~

~~(3) Fall sub-period (October 15 – December 31): (a) Allocation: 1/3 of the annual quota (b) Possession limit: Ten (10) fish per vessel per day.~~

~~(4) Sub-period quotas may be harvested until exhausted. Any quota not harvested during a sub-period will be added to the next sub-period. If an over-harvest has occurred, that over-harvest will be deducted equally from all remaining sub-periods in the same calendar year. If an over-harvest has occurred for the entire year, that over-harvest will be deducted from the Summer sub-period of the following calendar year.~~

Note:

1. There are around one million residents in the state and around 31,000 salt water licensed residents or approximately three percent (3%) of the resident population.

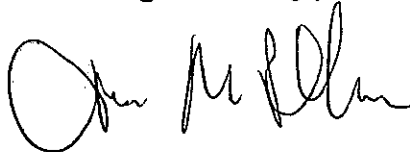
2. The RI recreational fishery currently harvests over 500,000 lbs of tautog annually while the commercial fishery is limited to approximately 50,000 lbs.
3. RI non-fishing residents representing 97% of the population have less than 10% of the resource available to them.
4. Active resident recreational fishermen representing 3% of the population and non-resident fishermen take more than 90% of the resource.
5. More than half of the recreational salt water anglers fishing in RI waters are non-residents and take more than 250,000 lbs .
6. Non-resident recreational fishermen take more than 5 times as much of the Tautog resource as is made available to the non-fishing RI resident.
7. Recreational fishermen have access to the tautog resource for 174 days out of the year while non-fishing residents dependent upon commercial fishermen have access for only 111 days.

Exhibit # 22

To The Attention of the Director-RIDEM,

I am firmly in favor of adjusting the Commercial Tautog season to shift a percentage of the Spring and Summer allotments to allow for an extended fall period.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas Pelletier". The signature is fluid and cursive, with a large initial "T" and "P".

Thomas Pelletier

License# PEL 001167 POT

H: Scott, + Jason,

I would suggest a slot
limit on blackfish 17" to

the index of ≈ 10 or 11 # Black

So I'm suggest a slot. limit I

am only speaking on behalf

of the commercial rod + reel.

Blackfish as you know are a

very slow growing fish, and

my personal feeling is

that it is fair enough for this

group.

Sincerely

Jim Downey

commercial rod reel

Boat Joyce Ann

P.S Hope to Do More FISHING SICK LAST
YEAR.



February 11, 2016

Mr. Jason McNamee, Chief
DFW, Marine Fisheries
Rhode Island Department of Environmental Management

This letter serves as notice of the Rhode Island Commercial Rod and Reel Association's position on the proposed regulations for the 2016 Commercial Striped Bass and Tautog seasons.

Striped Bass (Item 2b)

RICRRA recommends status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. Opening the spring season at the end of the first week in June was a compromise reached a number of years ago, and it has proven to be an equitable solution for commercial fishermen in all ports.

Striped Bass (Item 2e)

RICRRA recommends adoption of a fin clipping requirement for striped bass. The only option which would provide a clear solution to the problem of stockpiling and illegal sale of striped bass would be Option 3. This option would remove any ambiguity regarding recreationally or commercially caught fish, and would work in concert with the Massachusetts fin clipping requirement. Requiring all size recreationally harvested fish to be clipped will eliminate possible confusion between smaller recreational fish and sub 34" commercial fish harvested by the floating fish trap sector. A clear definition of what constitutes "fin clipping" should also be incorporated into the regulations.

Tautog (Item 1c)

RICRRA proposes a change in the allocation of the quota for the 2016 season. We recommend allotment of the quota according to the following:

Spring	= 25% of quota
Summer	= 25% of quota
Fall	= 50% of quota

During the spring and summer seasons there are other species open and available for harvest at the same time, providing fisherman with the ability to fish every day. Those options do not exist in the fall and extending the fall season will allow all fishermen the opportunity to extend their fishing season.

Kenneth Booth, President

Mrs. Janet Coit, Director

Rhode Island Department of Environmental Management

Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass and Tautog regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

I believe that the fairest and most equitable option for all fishermen is status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. Opening the spring season at the end of the first week in June was a compromise reached a number of years ago, and it has proven to be an equitable solution with commercial fishermen from all ports having the opportunity to harvest fish. If the season were to be opened earlier in May a substantial amount of the quota would be harvested in upper Narragansett Bay before the fishery becomes active along the Newport and South County shorelines.

Striped Bass (Item 2e)

I would like to see adoption of a fin clipping requirement for striped bass. The only option which would provide a clear solution to the problem of stockpiling and illegal sale of striped bass would be Option 3. This option would remove any ambiguity regarding recreationally or commercially caught fish, and would work in concert with the Massachusetts fin clipping requirement. Requiring all size recreationally harvested fish to be clipped will eliminate possible confusion and enforcement problems between smaller recreational fish and sub 34" commercial fish harvested by the floating fish trap sector. A clear definition of what constitutes "fin clipping" should also be incorporated into the regulations. An effective p.r. campaign involving signage at bait shop and boat ramps, social media, and outreach via fishing organizations would provide adequate notice. Options 1 and 2, if adopted, would continue to allow poaching in RI waters for sale in Massachusetts.

Tautog (Item 1c)

I recommend the change in the allocation of the quota for the 2016 season, with allotment of the quota according to the following: Spring = 25% of quota, Summer = 25% of quota, Fall = 50% of quota. During the spring and summer seasons there are other species open and available for harvest at the same time, providing fisherman with the ability to fish every day. Those options do not exist in the fall and extending the fall season will allow all fishermen the opportunity to extend their fishing season. All fishermen would have the same opportunity to harvest the fish as they are available throughout state waters during the fall season.

Sincerely,

Al Conti

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass and Tautog regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

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Yours truly,

Anthony Padula
159 Congdon Mill
W. G. R.I. 02817

RECEIVED
RI D.E.M.
FEB 22 2016
Office of the Director

February 3, 2016

RE: Stripe Bass Opening

RIDEM

To Whom It May Concern;

Please leave the "Stripe Bass Opening Date" the same as it has been in previous years. This has provided each user group in the bay and the south shore an equal opportunity to catch Stripers. If you open it early, it will eliminate the opportunity for south shore fishermen to catch sellable stripers.

Thanking you in advance for seriously considering this matter, I remain

Robert P. Smith
Respectfully yours,

RI 00180
Fishing License #

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass and Tautog regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

I believe that the fairest and most equitable option for all fishermen is status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. Opening the spring season at the end of the first week in June was a compromise reached a number of years ago, and it has proven to be an equitable solution with commercial fishermen from all ports having the opportunity to harvest fish. If the season were to be opened earlier in May a substantial amount of the quota would be harvested in upper Narragansett Bay before the fishery becomes active along the Newport and South County shorelines.

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Yours truly,

William R Barbours member
159 Congdon Mill Rd
W.9 R.I. 02817
R.I.C.R.R.A
WIC # 00262

2015 Fishing Regulations

<http://www.onthewater.com/massachusetts-saltwater-fishing-regulations/>

http://www.ct.gov/deep/cwp/view.asp?a=2696&q=322740&deepNav_GID=1647

<http://www.dec.ny.gov/outdoor/7894.html>

<http://www.dem.ri.gov/programs/bnatres/fishwild/mfsizes.htm#recre>

To Whom It May Concern:

I just wanted to give you my input as to the fishing regulations of 2015 and my personal experiences. I am a RI recreational fisherman, commercial fisherman, mate and charter captain. I spend most days out on the waters between June 1st and November 30th. In particular I looked at 4 species, striped bass, fluke, tautog and sea bass because I spend almost all my time fishing for these species and feel my observations are worth some consideration.

As you can see in the table below there is almost no difference in the striped bass regulations. But it should be mentioned that the 1 fish limit did negatively impact my charter boat business. Less customers booked striped bass trips and I was forced to fish for other species.

State	Species	Season	Size Limit	Daily Bag Limit
Massachusetts	Striped Bass	No closed season	28 in	1 fish
Connecticut	Striped Bass	No closed season	28 in	1 fish
New York	Striped Bass	April 15 - Dec 15	28 in	1 fish
Rhode Island	Striped Bass	1/1 - 12/31	28 in	1 fish

There are slight differences in the fluke category. Mass has a slightly smaller fish size and RI is allowed 8 fish. Also RI has a longer season. My personal experience is that I don't do much (or any) fluke fishing after the second week of September. My understanding of these slight differences may be due to scientific data, such as Mass can only catch small fluke and RI has an abundance of fluke or in the previous year Mass and RI did not reach their quota.

State	Species	Season	Size Limit	Daily Bag Limit
Massachusetts	Fluke	May 22–September 23	16 in	5 fish
Connecticut	Fluke	May 17 – September 21	18 in	5 fish
New York	Fluke	May 17 – September 21	18 in	5 fish
Rhode Island	Fluke	5/1 – 12/31	18 in	8 fish

The tautog size regulations are all the same, but after that there are differences. Mass has no closed season, NY only has a fall season, with Connecticut and RI being slotted. A big difference is in bag limits. RI has a max of 10 per vessel, which means you really don't want to go fishing with more than 3 people. Lastly RI charter boats enjoy 6 fish per person with no boat limit. This is a huge advantage over the other states, which I am happy to say works out to my benefit. I personally believe NY has the best regulations, but as a RI charter boat captain I am very happy with the status quo.

***As a side note with tautog fishing it is becoming more and more difficult to limit out. In years past I would limit out on every trip but for the last 2 years I limit out on about half the trips. There is an abundance of small fish and they seem to do very well when I release them.

State	Species	Season	Size Limit	Daily Bag Limit
Massachusetts	Tautog	No closed season	16 in	3 fish
Connecticut	Tautog	April 1 - April 30	16 in	2 fish
		July 1 - August 31	16 in	2 fish
		October 10 - Dec. 6	16 in	4 fish
New York	Tautog	Oct 5 - Dec 14	16 in	4 fish
Rhode Island	Tautog	4/15 - 5/31	16 in	3 fish Max of 10 fish/vsl during all periods
		6/1 - 7/31		CLOSED
		8/1 - 10/14	16 in	3 fish Max of 10 fish/vsl during all periods
		10/15 - 12/15	16 in	6 fish Max of 10 fish/vsl during all periods
Rhode Island (Party and Charter)		10/15 - 12/15	16 in	6 fish

Just as tautog (charter) is unfairly in favor of RI, sea bass is completely in favor of Mass, Conn, and NY with RI being left high and dry. Zero to one fish bag limit for the entire summer is ridiculous especially when you consider that sea bass do not do well after you attempt to release them back in the water. Nothing can be more demoralizing than have to throw back a large sea bass only to watch it float away half dead and then pecked to death by a seagull. An argument could be made that sea bass are invading RI waters to the point where you can't catch anything else along the RI coastal beaches. I have personally lost multiple charters to Conn charters due to their 8 fish per person bag limit verses our one. I can only conclude there is some scientific data that is causing RI to be limited to so few fish. But whatever that scientific data is telling the scientists, the reality is we have way too many sea bass.

State	Species	Season	Size Limit	Daily Bag Limit
Massachusetts	Black Sea Bass	May 23–August 27	14 in	8 fish
Connecticut	Black Sea Bass	June 1 - August 31	14 in	3 fish
		September 1 - December 31	14 in	5 fish
Connecticut (Party and Charter)		June 21 - December 31	14 in	8 fish
New York	Black Sea Bass	July 15 - Oct 31	14 in	8 fish
		Nov 1 - Dec 31	14 in	10 fish
Rhode Island	Black Sea Bass	7/2 - 8/31	14 in	1 fish
		9/1 - 12/31	14 in	7 fish

In conclusion I compared Massachusetts, Connecticut, New York and Rhode Island fishing regulations because I consider these states to be in competition for charters. I also feel that the regulations should be either exactly the same or at least very similar such as the striped bass and fluke.

Thank you for listening.

Captain Chris Herz
Hiz and Herz Fishing Charters
ckh62@hotmail.com
(401) 474-1325

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass and Tautog regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

I believe that the fairest and most equitable option for all fishermen is status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. Opening the spring season at the end of the first week in June was a compromise reached a number of years ago, and it has proven to be an equitable solution with commercial fishermen from all ports having the opportunity to harvest fish. If the season were to be opened earlier in May a substantial amount of the quota would be harvested in upper Narragansett Bay before the fishery becomes active along the Newport and South County shorelines.

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I would like to see adoption of a fin clipping requirement for striped bass. The only option which would provide a clear solution to the problem of stockpiling and illegal sale of striped bass would be Option 3. This option would remove any ambiguity regarding recreationally or commercially caught fish, and would work in concert with the Massachusetts fin clipping requirement. Requiring all size recreationally harvested fish to be clipped will eliminate possible confusion and enforcement problems between smaller recreational fish and sub 34" commercial fish harvested by the floating fish trap sector. A clear definition of what constitutes "fin clipping" should also be incorporated into the regulations. An effective p.r. campaign involving signage at bait shop and boat ramps, social media, and outreach via fishing organizations would provide adequate notice. Options 1 and 2, if adopted, would continue to allow poaching in RI waters for sale in Massachusetts.

Tautog (Item 1c)

I recommend the change in the allocation of the quota for the 2016 season, with allotment of the quota according to the following: Spring = 25% of quota, Summer = 25% of quota, Fall = 50% of quota. During the spring and summer seasons there are other species open and available for harvest at the same time, providing fisherman with the ability to fish every day. Those options do not exist in the fall and extending the fall season will allow all fishermen the opportunity to extend their fishing season. All fishermen would have the same opportunity to harvest the fish as they are available throughout state waters during the fall season.

Yours truly,

Keith Bilodeau PEL 1308

Mrs. Janet Coit, Director

Rhode Island Department of Environmental Management

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Yours truly,

~~XXXXXXXXXXXXXXXXXXXX~~

JOSEPH Filipkowski

28 MILL WHEEL RD

WARWICK, RHODE ISLAND 02886

Joseph Filipkowski

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Rhode Island Department of Environmental Management

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Yours truly,

Joseph Anselolo Jr
XXXXXXXXXXXXXXXXXXXX
89 Manorwood Drive
Branford CT 06405
203 605 0578

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Yours truly,

Mike Capaulle

Box 53

Foster R.I. 02825 LIC# 0028

As a RI and Mass Commercial Fisheries license holder I would like to see an early opening of (May 15th) for the striped bass season due to the overlapping of both states affecting lower prices and lost fishing days.

Thank You,

Alton Emery
(multipurpose M 569 license holder)

January 26, 2016

My name is Bo Christensen and I am a full time commercial fisherman.

The spring striped bass season has been repeatedly pushed back later in the year which does not match the availability of bass in Narragansett Bay. Often stripers will start to appear in early to mid May, so a number of the best weeks of commercial fishing are lost to us when the season starts in June. It seems the stock has already started to leave the bay by mid June, which also affects our livelihood.

My recommendation would be to start the spring season on May 15th.

Since the spring run is usually more extensive than the fall, it makes sense to increase the quota percentage back to 80% in the spring and 20% in the fall. There have been times in the past when the fall quota has not been filled.

Thank you for considering my proposals.

- Bo Christensen Manta Pump 429
- Michael McGiverey Meloni MP 401
- MARTIN McGiverey Mat m... MP 205
- Ralph Ibello Ralph Ibello MP 0038
- KEE MIVER Kee Miver MP 130
- Kris Heermanas Kris Heermanas MP 275
- Joseph Dailo Joseph Dailo MP 374
- Philip B Spadola PHILIP B SPADOLA MP 106
- Tom Anderson Tom Anderson MP # 1132 RI
- GREGORY RENZULLI GREGORY RENZULLI PEL # 1554 RI
- MICHAEL PAPA MICHAEL PAPA PEL # ~~255~~ RI
- ROBERT SEVIGNY ROBERT SEVIGNY PEL 884

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6 {	*Bo Christensen	Bo Christensen	MP 429
	Adam McEweney	Adam	Pe 1 1609
	Greg Maxwell	Greg Maxwell	Pe 1 1330
	Jim Fisetle	James Fisetle	MP 420
	MATTHEW McEweney	Matt McEweney	PeL-304
	John Michelotti	John Michelotti	PeL-712
	Krzysztof Hermanski	Krzysztof Hermanski	MP-275
	Zachary S. Oves	Zachary S. Oves	MP 1357

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* Bo Christensen Bo Christensen M.P. 4129

Gerald T S Drey M.P. 334

2 { *Chris Leksar* M.P. 5392

Wle

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Manny Vieira	Manny Vieira	MP 1311
Carlos Vieira	CARLOS VIEIRA	PEL 000100
Paulo Vieira	PAUL Vieira	MP 1293
Al Salvador	AL Salvador	MP 887
Ryan Saldaña	RYAN SALVADORE	MP 885
Donald J. Martin	DONALD J. MARTIN	CFL 1382

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Joe Goodness Joe Goodness MP 41

Joseph Gallucci Joseph Gallucci MP 293

John & Anthony M # 124

Zak Zoller MP 1370

Frank Field FRANK FIELD 495

Albert Peltier R1 Peltier 142

Jerry Myers Jerry Myers 61

ERIC MAYER Eric Mayer

1084

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8

Robert Goodman	0050 mp	Robert Goodman
Joseph Mc Donald	696	Joseph McDonald
Richard Apperis	00970 mp	Richard Apperis
Dwayne Lagdon	0544 mp	DWAYNE LAGDON
Norman Myers (0568)		NORMAN MYERS
Anthony J. Manish	0622	ANTHONY MANISH
Mark Newton	0677	MARIB NEWTON
Owens Kelly	0029 MP	OWEN KELLY

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* Bo Christensen master Permit 4291

NORMAN ZWOLINSKI LIC #93

Gregory Bassett #1647

John Stevens #1547

Bob Brierty #0303

Greg Jammone #MP 216

William Bennett #344

John Bucklin #206

Jonathan Wilson #125

I am writing to say that I am in favor of keeping commercial stripe bass season status quo. Not opening it May 15th.

And I am also in favor of a tautog quota increase in the fall, by taking some quota from spring and summer quotas and moving it to the fall.

Sincerely
Wade Baker
PEL 1562
CFL 246

My name is Bo Christensen and I initiated the petition for the Industry option. I have made my year round living on the bay for 45 years.

Additional points:

1. Fisherman in Narragansett Bay have a relatively small window to catch striped bass commercially, historically May 15-June 7.
2. Striped bass is the primary fin fish option for bay fisherman, so it is critically important that the season be open when the fish are actually in the bay.
3. Opening the season in June often results in an overlap with the MA season, resulting in a lower price for all RI fishermen.

Thank you for your consideration; please feel free to reply to this email if you have any questions.

Bo

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

Dear Mrs. Coit,

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Yours truly,

Derek Pascale

PEL001552

Member of CARRA

[Handwritten Signature]

RECEIVED
RI D/EM
FEB 14 2013
Office of the Director

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Yours truly,

Mike Caplaulli

Box 53

Foster R.I. 02825 LIC# 0028

Director Coit,

Striped Bass (Item 2b)

I am in favor of keeping the status quo as we seldom see bass on the south shore before mid-June

Striped Bass (Item 2c)

I am in favor of fin clipping and option 3

Tautog (Item 1c)

I am in favor of a fall quota of 50% as there are more tautog available at that time

Thank you for your consideration.

Sincerely,

Ronald King (PEL 921)

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

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Yours truly,

William J. Payne
REL # 419

Director
Rhode Island Department of Environmental Management
Janet Coit
Director

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RI DEM
FEB 24 2016
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Striped Bass (Item 2e)

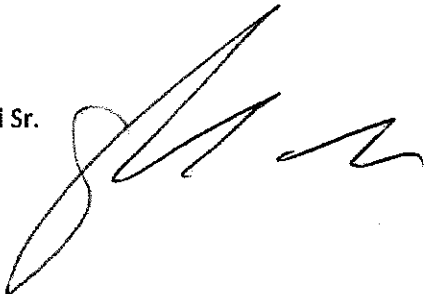
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I recommend the change in the allocation of the quota for the 2016 season, with allotment of the quota according to the following: Spring = 25% of quota, Summer = 25% of quota, Fall = 50% of quota. During the spring and summer seasons there are other species open and available for harvest at the same time, providing fisherman with the ability to fish every day. Those options do not exist in the fall and extending the fall season will allow all fishermen the opportunity to extend their fishing season. All fishermen would have the same opportunity to harvest the fish as they are available throughout state waters during the fall season.

Yours truly,

Glen Corsetti Sr.



Hi Pete

My name is Tony Guarino my license number is 0001501. I would like to say that I am against moving striped bass commercial opening to May 15th and for moving spring and summer tautog quota to fall.

Thank you
Capt. Tony Guarino

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass and Tautog regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

I believe that the fairest and most equitable option for all fishermen is status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. Opening the spring season at the end of the first week in June was a compromise reached a number of years ago, and it has proven to be an equitable solution with commercial fishermen from all ports having the opportunity to harvest fish. If the season were to be opened earlier in May a substantial amount of the quota would be harvested in upper Narragansett Bay before the fishery becomes active along the Newport and South County shorelines.

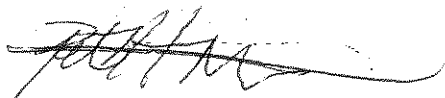
Striped Bass (Item 2e)

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I recommend the change in the allocation of the quota for the 2016 season, with allotment of the quota according to the following: Spring = 25% of quota, Summer = 25% of quota, Fall = 50% of quota. During the spring and summer seasons there are other species open and available for harvest at the same time, providing fisherman with the ability to fish every day. Those options do not exist in the fall and extending the fall season will allow all fishermen the opportunity to extend their fishing season. All fishermen would have the same opportunity to harvest the fish as they are available throughout state waters during the fall season.

Yours truly,



CFL#: 004411

Patrick Harkin

RECEIVED
RID.EM.
FEB 24 2016
Office of the Director

February 3, 2016

RE: Stripe Bass Opening

RIDEM

To Whom It May Concern;

Please leave the "Stripe Bass Opening Date" the same as it has been in previous years. This has provided each user group in the bay and the south shore an equal opportunity to catch Stripers. If you open it early, it will eliminate the opportunity for south shore fishermen to catch sellable stripers.

Thanking you in advance for seriously considering this matter, I remain

Respectfully yours,

Frederick F. Lewis

Fishing License # *PEL 001059*

To Peter Duhamel,

I think that the start of the commercial striped bass season starting on June 8th is too late in the month. It will run into the start of Massachusetts season again this upcoming year. I would like to see the proposal for May 15th, but I propose the start be on June 1st. This would make it fair to bay and South County commercial fishermen.

Thank you,

Frank Tameo commercial rod and reel # 1074

ATT JASON MCNAMEE

I RONALD FORREST AGREE
ON NEW DATE SET
AT LAST MEETING

FOR MAY 15 2016
STRIPED BASS

MPURP 001319 Ronald Forrest

10 Sampan Avenue
Jamestown, RI 02835
February 3, 2016

RE: Stripe Bass Opening

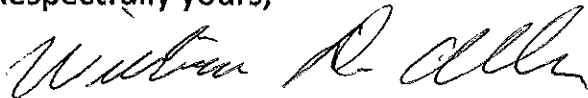
RIDEM

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Thanking you in advance for seriously considering this matter, I remain

Respectfully yours,

A handwritten signature in cursive script, appearing to read "William D. Allen".

William D. Allen

RI License #001271

February 3, 2016

RE: Stripe Bass Opening

RIDEM

To Whom It May Concern;

Please leave the "Stripe Bass Opening Date" the same as it has been in previous years. This has provided each user group in the bay and the south shore an equal opportunity to catch Stripers. If you open it early, it will eliminate the opportunity for south shore fishermen to catch sellable stripers.

Thanking you in advance for seriously considering this matter, I remain

Respectfully yours, *Robert W Jolie*

Fishing License #

PEL 000075

Hi Jason,

I signed Bo`s early opening petition for Bass on May 15, but I would be in favor of June 1st as an alternative.

Thanks, Bob Sevigny PEL# 884

Mr. McNamee,

As a commercial fisherman I support the industry option May 15th opening.

Thank you,
Neill Lyon

Hi Jason my name is Manny Vieira I'm a commercial fishermen and I support Bo Christensen proposal on opening the striped bass opening on May 15, 2016 it's the only chance we have to be able to enjoy & be able to some money since we have a short season for striped bass .

Ty

I'm Zachary St. Ours, Commercial Fisherman (RI Lic. # 1357MP) from Bristol, RI. I attended the DEM meeting at URI concerning the opening day of bass season. The current date of [June 8th](#) works for the people with easiest access to Block Island.

They were there in abundance at the meeting, and do not want to see the opening date changed. I am part of the 50 signatures representing the Commercial Fishermen who work daily in Narragansett Bay. We are strongly in favor of changing the date of the opening to an earlier date. We feel the larger bass have already come thru these waters and are off Block Island by the current opening date. I am 25 years old and trying to make a living. Please consider our request to move the date and make our access to these fish available to us.

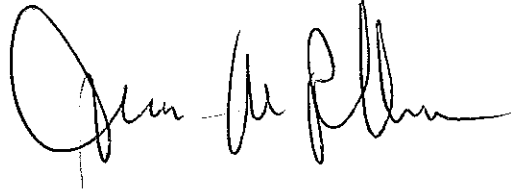
Zachary St. Ours

Exhibit # 23

To The Attention of the Director-RIDEM,

I strongly support leaving the Commercial Striped Bass opening dates at status quo.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas Pelletier". The signature is fluid and cursive, with a large initial "T" and a long horizontal stroke at the end.

Thomas Pelletier

License# PEL 001167 POT

I'm a full time Comm. Fisherman in Narragansett Bay and I support the May 15th 2016 opening of Striped Bass.

Gilbert Rene

Nicole,

I am Jeff Grant from the Fishery Council. I have been contacted by a group of fishermen interested in forwarding a proposal for the general category commercial striped bass fishery. I informed them that the public notice had gone out already so it would be excluded from that. I told them I would check with you to see if it was too late to include it in the public workshop presentation. If it is not too late, I am requesting on behalf of these fishermen that the following proposal be presented at the workshop:

Change the opening date to May 15th and keep all other measures the same.

Thanks, Jeff

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management
Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass and Tautog regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

I believe that the fairest and most equitable option for all fishermen is status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. Opening the spring season at the end of the first week in June was a compromise reached a number of years ago, and it has proven to be an equitable solution with commercial fishermen from all ports having the opportunity to harvest fish. If the season were to be opened earlier in May a substantial amount of the quota would be harvested in upper Narragansett Bay before the fishery becomes active along the Newport and South County shorelines.

Striped Bass (Item 2e)

I would like to see adoption of a fin clipping requirement for striped bass. The only option which would provide a clear solution to the problem of stockpiling and illegal sale of striped bass would be Option 3. This option would remove any ambiguity regarding recreationally or commercially caught fish, and would work in concert with the Massachusetts fin clipping requirement. Requiring all size recreationally harvested fish to be clipped will eliminate possible confusion and enforcement problems between smaller recreational fish and sub 34" commercial fish harvested by the floating fish trap sector. A clear definition of what constitutes "fin clipping" should also be incorporated into the regulations. An effective p.r. campaign involving signage at bait shop and boat ramps, social media, and outreach via fishing organizations would provide adequate notice. Options 1 and 2, if adopted, would continue to allow

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I recommend the change in the allocation of the quota for the 2016 season, with allotment of the quota according to the following: Spring = 25% of quota, Summer = 25% of quota, Fall = 50% of quota. During the spring and summer seasons there are other species open and available for harvest at the same time, providing fisherman with the ability to fish every day. Those options do not exist in the fall and extending the fall season will allow all fishermen the opportunity to extend their fishing season. All fishermen would have the same opportunity to harvest the fish as they are available throughout state waters during the fall season.

Yours truly,

~~XXXXXXXXXXXXXXXXXXXX~~

JOSEPH Filipkowski

28 MILL WHEEL RD

WARWICK, RHODE ISLAND 02886

Joseph Filipkowski

Please see the attached link below for striper migration in Narragansett Bay in 2015. You can see the bass were in the bay at this time by way of Point Judith and Block Island, so why open so late? The southern fishermen have 4x the opportunity to catch the fish than the northern fishermen.

I believe 90% of the people who signed my petition for an earlier opening are full time year round commercial fishermen. Last year the season overlapped the Massachusetts season, which caused the RI price to drop, which is a major impact on those who fish for their livelihood.

I am also concerned that cutting off the pectoral fin for recreational catches that are thrown back could be caught at a later date by commercial fishermen...how would this issue be addressed? Over the years I have caught many fish with notches in the fins and tails.

Please contact me if you have any questions,

Thank you, Bo Christensen

<http://www.onthewater.com/striper-migration-map-may-19-2015/>

Mrs. Janet Coit, Director
Rhode Island Department of Environmental Management

Dear Mrs. Coit,

I am writing to state my position on the proposed 2016 Commercial Striped Bass regulations. I am in favor of the following regulations:

Striped Bass (Item 2b)

I believe that the fairest and most equitable option for all fishermen is status quo for the 2016 season. This includes a spring season opening date of June 8, 2016. I was a long-time member of the Rhode Island Department of Environmental Management Striped Bass Advisory Panel; opening the spring season at the end of the first week in June was a compromise reached a number of years ago by that panel, after many lengthy discussions, and it has proven to be an equitable solution with commercial fishermen from all ports having the opportunity to harvest fish. If the season were to be opened earlier in May a substantial amount of the quota would be harvested in upper Narragansett Bay before the fishery becomes active along the Newport and South County shorelines. Also, I believe this early opening date would have an adverse effect on the price the fishermen would receive for such an important resource. The demand is just not there before the summer actually begins. Also, at this time of year, the vagaries of late spring weather may be detrimental to the pursuit of striped bass in Bay, and open ocean waters.

Striped Bass (Item 2e)

I would like to see adoption of a fin clipping requirement for striped bass. The only option which would provide a clear solution to the problem of stockpiling and illegal sale of striped bass would be **Option 3**. This option would remove any ambiguity regarding recreationally or commercially caught fish, and would work in concert with the Massachusetts fin clipping requirement. Requiring all size recreationally harvested fish to be clipped will eliminate possible confusion and enforcement problems between smaller recreational fish and sub 34" commercial fish harvested by the floating fish trap sector. A clear definition of what constitutes "fin clipping" should also be incorporated into the regulations. An effective public relations campaign involving signage at bait shop and boat ramps, social media, and outreach via fishing organizations would provide adequate notice. Options 1 and 2, if adopted, would continue to allow poaching in RI waters for sale in Massachusetts.

Yours truly,
Joe Macari

Jason-

Several of us (commercial fishermen), need a clarification on the forthcoming Public Hearing Item 2e- Striped Bass Fin Clipping; specifically the last 2 options listed (3 & 4)...

As posted-

Option 3: 12.9 Fin clipping: Any striped bass harvested by a commercial license and/or recreational license holder must have the entire right pectoral fin removed at the time of harvest.

Option 4: 12.9 Fin clipping: Any striped bass thirty-four inches (34") and greater harvested by a commercial license and/or recreational license holder, must have the entire right pectoral fin removed at the time of harvest.

Should they be reworded to specify the following? I added phrase/text (bold, increased font) that seems to be needed in these options-

Option 3: 12.9 Fin clipping: Any striped bass harvested by a commercial license and/or recreational license holder, **while fishing recreationally**, must have the entire right pectoral fin removed at the time of harvest.

Option 4: 12.9 Fin clipping: Any striped bass thirty-four inches (34") and greater harvested by a commercial license and/or recreational license holder, **while fishing recreationally**, must have the entire right pectoral fin removed at the time of harvest.

As posted, It seems as though NO FISH harvested, could be sold, if either of these options were to become law?? Maybe I am interpreting this wrongly?

Any info would be appreciated.

Thanks-

Joe Macari

Jmacari1@cox.net

Eric and Peter.

Below is an industry based proposal for skate wings endorsed by 3 RI state water fishermen who direct on skate wings. Individuals are Patrick Duckworth, Gregory Duckworth and Terry Mulvey.

Industry proposal:

Create a weekly skate wing possession limit of 18,200 to RI state only vessels that do not possess a federal permit between May 1 and Aug. 31.

Skate wing limits for vessels not eligible would be (follow the federal plan)

Period 1 2600 pounds of wings per day

Period 2 4100 pounds of wings per day

Reduced to 500 wings per day if feds go to bycatch limits

2016 Skate Proposal

2016 Skate Fisheries Proposal

For this proposal, I propose a weekly possession limit of eighteen thousand two hundred pounds(18,200lbs)be created for any vessel not in possession of any active federal permits falling between the months of May 1st through August 31st.

Sincerely,

Terence J Mulvey



Capt. F/V Tiger Jo

2/16/16



To whom it may concern,

I am writing to support Rhode Island adapting its winter skate landing limit to match the limits established by the NEFMC. There are economic, environmental and sustainability rationales for supporting this measure. All of which add up to a host of benefits to the fishing industry in both the long term and the short term.

Unlike Rhode Island's management plan for winter skate, the federal winter skate management plan has built in mechanisms to ensure the long term health of this now economically valuable stock. This consideration for the sustainability of the harvest of this, or any stock, is critical to the long term health of the fishing industry as much as to the stock itself. For this reason alone, having the Rhode Island management plan mirror the federal management plan is to the benefit of the Rhode Island fishing industry as a whole. It is also worth noting that winter skate became a valuable stock when the federal winter skate management plan went into effect. Ex vessel prices and total landed value have nearly doubled since the inception of the federal management plan for this species.

The federal plan presently has two triggers to limit the catch of winter skate and prevent over-fishing. The second one is at the end of the winter period when there are no winter skate in Rhode Island state waters. The first one would effect the end of the summer fishing period if landings cause the trigger to be hit. This would cause the landing limit to drop from 2,600 lb to 500 lb. until September 1st.

Economically speaking, several processors have already stated that they are in favor of this approach and that they believe price will rise to \$1.50 or more during the period. Normally, skate wing prices are about .25 to .30 cents per lb. in the month of August due to the severe lack of demand in Europe in general and France in particular. The reality is that fishermen will likely make the same amount of money while landing one fifth the amount of fish. This is not just speculation, in 2010 the landing limit dropped to 500 lb. at this time of year and the ex vessel price went up to \$2.50/lb. There is a strong likelihood that fishermen will actually make more money during the period of lower landing limits because the reduction of landings is matched to a period of reduced demand.

Processors have also indicated that upon resumption of the 4,100 lb. winter skate landing limit in September, industry can expect a stronger ex vessel price for skate wing precisely because the market has not been glutted with unwanted product during the month of August. There is every reason to expect that the reduction in landings caused by hitting the summer trigger for reduced landings will financially benefit industry in both the short and long term by producing higher prices in both periods.

There is also a significant environmental benefit to any reduction in effort that the trigger would produce. By having less nets in the water during the late summer period there will be a consequent reduction in the bycatch of Sandbar sharks. Given that sandbar sharks are currently under a rebuilding plan which stretches to 2070, any reduction in the bycatch of this species will benefit the long term interests of the Rhode Island fixed gear industry. Sandbar sharks are plentiful in Rhode Island waters and are a known bycatch of the summer time large mesh gillnet fishery. Given the slow rate of reproduction of this species, any sort of listing of sandbar sharks would profoundly injure the interests of the entire Rhode Island fixed gear industry for more than one human generation. This is a danger well worth avoiding.

The big picture reality is that the winter skate fishery can serve its long term environmental and sustainability interests while simultaneously serving its near term and long term economic interests. Bringing Rhode Island winter skate management into consistency with the federal winter skate management plan is in the best interests of all Rhode Island fixed gear fishermen.

Ted Platz

President, Southern New England Commercial Fishermen's Association
Member, NEFMC skate advisory panel

Rhode Island Fishermen's Alliance

P.O. Box 337
East Greenwich, RI 02818

February 5, 2016

RI Marine Fisheries Public Hearing for proposed amendments to the RI Marine Fisheries Regulations dated February 9, 2016 in section 6, "**REPEAL of RIMFR Part 17 - Maps**"

The Alliance formally opposes the repeal or removal of R.I. Marine Fisheries Statutes and Regulations, section titled, "PART XVII – MAPS".

1. The maps as historically presented and made available have been and remain an essential part of the fisheries management plan.
2. The maps provide a common and clear description of management areas to all participants both commercial and recreational fishermen alike, whether fishing with sophisticated electronic positioning equipment or while fishing absent any such devices.
3. The absence and availability of such mapping and descriptive boundaries decreases fishery participants from knowingly adhering to the management boundaries as clearly marked in traditional mapping.
4. Marine enforcement's ability to effectively enforce and prosecute is substantially diminished when dealing with an inadequately informed public.

Jerry Carvalho
Vice President, RIFA



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Law Enforcement
235 Promenade Street, Room 250
Providence, RI 02908

401-222-3070
Fax 401-222-6823
Telecommunication for Hearing Impaired 711

February 24, 2016

Dear Mr. Duhamel,

The Division of Law Enforcement (DLE) respectfully submits the following suggested revisions to be entered in the public record for the February 16, 2016 public hearing. This is a secondary letter with additional suggested revisions.

1. Hearing Item 1g. – recreational skate possession limit:

DLE supports this proposal, however the recreational limit should be specified by number of fish rather than pounds of fish, which is consistent with recreational limits for other finfish species, and should provide for better enforcement and compliance.

2. Hearing Item 2d - Commercial Striped Bass Tags: The DLE supports this proposal with the following modification as identified in blue below. Such language is necessary to provide for additional clarity of the requirement and therefore improved compliance.

12.8 Commercial Striped Bass Tags: Each individual Striped bass shall be immediately ~~marked with tags available from DFW~~ tagged with a current year striped bass tag by a designated tagging agent at the point of sale. No Striped bass may be sold unless it has been properly identified with such tag. Tags shall be available from DFW and DFW may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and ~~logs~~ reports specified by DFW. All tag reports and unused tags must be returned to DFW by January 1st of the following year. Failure to return reports and unused tags may result in the tagging agent becoming ineligible to receive striped bass tags in the future.

3. Hearing item 2e. - Striped Bass Fin-clipping provision: The DLE supports a modification of either option 3 or 4 as proposed with the following modification as identified in blue below. This additional language is necessary to clarify and communicate the specific requirement in order to facilitate compliance.

Option 3: ~~Any striped bass harvested by a commercial license and/or recreational license holder must have the entire right pectoral fin removed at the time of harvest.~~ Any person recreationally harvesting


striped bass shall, at the time of harvest, have the right pectoral fin removed at a point as close to the body of the fish as possible.

Option 4: Any striped bass thirty-four inches (34") and greater harvested by a commercial license and/or recreational license holder must have the entire right pectoral fin removed at the time of harvest. Any person recreationally harvesting a striped bass 34 inches or larger, shall at the time of harvest, have the right pectoral fin removed at a point as close to the body of the fish as possible.

4. Hearing items 4 and 5 - Definitions: The DLE supports this proposal to provide for all RIMFR definitions in a single location, and also offers the following additional definitions to be added or amended as follows:

- ACCSP means Atlantic Coastal Cooperative Statistics Program.
- SAFIS means Standard Atlantic Fisheries Information System.
- LOA means Letter of Authorization.
- Crab trap/pot means any pot ~~or trap~~ designed or adapted principally for the catching or taking of crabs other than Cancer Crab.
- Lobster trap/pot means any pot ~~or trap~~ designed or adapted principally for the catching or taking of lobsters or Cancer Crab.
- Cancer Crab means *Cancer borealis* (Jonah Crab) and *Cancer irroratus* (Atlantic Rock Crab)
- ~~Bottom tending gillnet means a gillnet, anchored or otherwise, which is fished on or near the bottom or within the lower one third (1/3) of the water column.~~
- Sink gillnet means a gillnet that is designed to be or is fished on or near the bottom of the water column by means of a weight line or enough weights and/or anchors that the bottom of the gillnet sinks to, on, or near the ocean bottom
- ~~Floating gillnet means a gillnet set in which any portion of the gillnet is exposed at the surface.~~
- Drift gillnet means a gillnet that is floating unattached to the ocean bottom and not anchored, secured, or weighted to the ocean bottom
- Constantly tended means ~~a bait gillnet shall be constantly tended if the~~ that a person setting ~~such a bait~~ net shall remain is within one hundred (100) feet of ~~said gill~~ the net at all times ~~when setting said gillnet in any area closed to gill netting and/or all netting.~~

Sincerely,



Dean Hoxsie
Chief



Rhode Island
Department of Environmental Management
DIVISION OF FISH AND WILDLIFE
3 Fort Wetherill Road
Jamestown, RI 02835

401 423-1923
FAX 401 423-1925

SUMMARY OF ORAL COMMENTS

A public hearing was held on **February 16, 2016** at 6:00 PM, URI Narragansett Bay Campus, Coastal Institute Building, Narragansett, RI. Approximately 60 persons from the public were present.

Hearing Officer: M. Gibson

DEM Staff: B. Ballou, M. Gibson, L. Mouradjian, G. Powers, J. McNamee, N. Lengyel, S. Olszewski, J. Lake, P. Duhamel, D. Costa, Lieutenant J. Poccia.

Public comments were solicited on the following items:

Hearing Item 1a. - Recreational Summer Flounder:

- S. Medeiros -RISWAA: *In support of status quo*
- R. Bellavance - RIPCBA: *In support of status quo*

Hearing Item 1b. - Recreational Tautog:

- S. Medeiros -RISWAA: *In support of status quo*
- R. Bellavance - RIPCBA: *In support of status quo*
- Public comment: *In support of status quo*
- Aquidneck Island Striper Team: *In support of status quo*
- F. Blount: *In support of status quo*

Hearing Item 1c. - Commercial Tautog:

- R. Enright – comm. rod and reel: *In support of hearing option 3*
- H. Bernacki – comm. rod and reel: *In support of hearing option 3*
- R. Mancini: *In support of hearing option 3*
- Public comment: *In support of status quo*
- J. Martini: *In support of status quo*
- B. Morel: *In support of status quo*
- B. Weinstein – comm. rod & reel: *In support of hearing option 3*
- C. Chappell – comm. rod & reel: *In support of hearing option 3*
- J. Macari - comm. rod & reel: *In support of hearing option 3*
- Public comment: *In support of hearing option 3*
- D. Lessard: *In support of hearing option 3*
- Public comment – comm. rod & reel: *In support of hearing option 3*

Hearing Item 1d. - Recreational Scup:

- *No comments were provided*

Hearing Item 1e. - Recreational Black Sea Bass:

- S. Medeiros: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 3*
- R. Hittinger: *In support of the 3 state option*
- R. Bellavance - RIPCBA: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*
- A. Dangelo: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*
- F. Blount: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*
- Public comment – comm. rod & reel/charter boat: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*
- Public comment – comm. rod & reel/charter boat: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*
- S. Anderson: *in support of option 3 if viable; or option 5*
- G. Allen – Newport County Fishing club: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*
- C. Donilon: *In support of the 3 state option; or if the 3 state option becomes unviable, then option 5*

Hearing Item 1f. - Commercial Coastal Sharks:

- *No comments were provided*

Hearing Item 1g. - Skate:

- **Establish a recreational possession limit:**
 - F. Blount: *Offered that 100 pounds was too low for P/C, and offered 300 pounds as a more appropriate possession limit*
- **Clarify definition of the commercial Skate Wing fishery:**
 - *No comments were provided*
- **Establish commercial sub-periods and possession limits for the Skate Wing fishery:**
 - G. Duckworth, P. Duckworth, and T. Mulvey: *Written comment submitted*
- **Clarify definition of the commercial Skate Bait fishery:**
 - *No comments were provided*

- **Establish commercial sub-periods and possession limits for the Skate Bait fishery:**
 - *No comments were provided*

Hearing Item 1h. - General editing of Finfish regs:

- *No comments were provided*

Hearing Item 2a. - Recreational Striped Bass:

- *Public comment – RIPCBA member: In support of a 2 fish bag limit and an increase in minimum size to 30” for the P/C sector.*
- *G. Allen: Status quo*

Hearing Item 2b. - Commercial Striped Bass general category:

- *Public comment: In support of industry option 2 and re-allocation of the quota as proposed*
- *K. Booth – RICRRA: In support of status quo as the most equitable option*
- *Public comment – comm. rod & reel: Status quo*
- *Public comment – comm. rod & reel: Status quo*
- *R. Enright – comm. rod and reel: Status quo*
- *H. Bernacki – comm. rod and reel: Status quo*
- *Public comment: Status quo*
- *B. Morel: Status quo*
- *C. Chappell – comm. rod & reel: Status quo*
- *Public comment – comm. rod & reel: Status quo*
- *D. Ghigliotty – RISA: In support of Industry option 2 to allow for smaller boat bay fishermen to be able to catch stripers before the fish leave the bay*
- *M. McGiveney: In support of Industry option 2 to allow for better access to the fish by local markets at an earlier date*
- *R. Miner – comm. rod and reel: Industry option 2*
- *J. Harvey: Industry option 2*
- *Narr Bay Lobster: Status quo*
- *F. Pasquale – comm. rod and reel: Status quo*
- *J. Macari: In support of status quo as the most equitable option*
- *R. Mancini: Status quo*
- *B. Weinstein – comm. rod & reel: Status quo*
- *D. Lessard: Status quo*
- *G. Schey: Industry option 2*
- *Public comment: Status quo*
- *Public comment: Industry option 2*
- *R. Masciarelli: Status quo*
- *M. Sisson: Status quo*
- *Public comment: Industry option 2*
- *Public comment: Status quo*
- *R. Lima: Status quo*

Hearing Item 2c. - Commercial Striped Bass floating fish trap:

- *No comments were provided*

Hearing Item 2d. - Commercial striped bass tags:

- *No comments were provided*

Hearing Item 2e. - Striped bass fin clipping provision:

- *K. Booth - RICRRA: In support of option 3 to be in sync with Massachusetts and provide for better enforcement*
- *S. Medeiros: Option 2*
- *R. Enright – comm. rod and reel: Option 3*
- *D. Monti: Option 2*
- *D. Lessard: Option 2*
- *Public comment: Option 3*
- *Public comment: Option 3*
- *J. Martini: Option 3*
- *H. Bernacki – comm. rod and reel: Option 3*
- *C. Chappell – comm. rod & reel: Option 3*
- *B. Morel: Option 3*
- *J. Macari: Option 3*
- *Public comment – rec. fisher: Option 2*
- *Public comment: Option 3*
- *Aquidneck Island Striper Team: Option 2*
- *Public comment: Option 3*
- *G. Allen: Option 2*
- *Public comment – comm. rod and reel: Option 3*
- *B. Weinstein – comm. rod & reel: Option 3*
- *Public comment – comm. rod and reel: Option 3*
- *F. Pasquale – comm. rod and reel: Option 3*
- *R. Mancini: Option 3*
- *Public comment: Option 3*
- *J. Donahue – comm. rod & reel: Option 3*
- *R. Bellavance: Option 2*
- *Public comment: Clipping of fins and returning to the water by recreational fishermen will be a problem*

Hearing Items 3a. and 3b. - Fish/Shellfish Dealer regs:

- **General editing** for improved clarity and readability of the regulations;
- **Striped bass fin clipping provision**
 - *No comments were provided*

Hearing Items 4, 5 and 6: Proposed repeal of RIMFR Part 1 – Legislative Findings; proposed adoption of RIMFR Part 1 – Definitions; and proposed repeal of RIMFR Part 17 – Maps.

- *P. Duckworth: Would like areas better described by the use of coordinates*

Prepared by P. Duhamel

RHODE ISLAND MARINE FISHERIES COUNCIL

Shellfish Advisory Panel

Date: Tuesday Dec. 1, 2015 @ 4:30PM

Fort Wetherill Marine Laboratory

3 Fort Wetherill Road, Jamestown, RI

MEETING MINUTES

RIMFC Members Present: J. Grant (Chair); M. Rice

SAP Members Present: M. McGiveney; D. Ghigliotty; R. Tellier; R. Pastore

CRMC: D. Beutel

DEM: J. McNamee; S. Olszewski; C. Deacutis; P. Duhamel

Aquaculture Lease Applications

1. Sousa, Island Park Cove/Gull Cove, Portsmouth; CRMC File # 2015-08-101:

D. Beutel provided a brief overview of the proposal. He offered that an objection was received from another aquaculturist in the vicinity. The objection noted that the site was very close to closed pollution area. The applicant acknowledged that his site was near the pollution area but went on to state that it was far enough away to not be a problem. **Motion made by M. McGiveney to not object; 2nd by D. Ghigliotty. The motion passed 4 – 0.**

2. Bazarnick, Dutch Harbor, Jamestown; CRMC File # 2015-08-073:

D. Beutel provided a brief overview of the proposal. Discussion followed regarding marking of the site and the operational plan. D. Beutel offered that an objection was received from a local property owner to prohibit all aquaculture in the area to the west of Jamestown. Discussion followed regarding other uses of the site, namely a previous lobster reef area developed as a mitigation effort to an oil spill marked on the NOAA chart. C. Deacutis offered that new uses in a previously designated area that may have received federal dollars could be a potential issue. **Motion made by R. Pastore to not object; 2nd by R. Tellier. The motion passed 2-0 (D. Ghigliotty and M. McGiveney abstaining).**

3. Walrus & Carpenter Oysters LLC/Opton-Himmel, Dutch Harbor, Jamestown; CRMC File # 2015-09-103:

D. Beutel provided a brief overview of the proposal. He offered that a number of objections were received. He offered that ACOE are currently working on the island to fill in old cisterns as a plan to promote increased recreational opportunities on the island. **Motion made by M. McGiveney to object; 2nd by D. Ghigliotty.** R. Pastore offered that the area is a popular fluke drift area and suggested re-locating to the other side of the channel in the lee of the Fort Getty.

R. Tellier expressed that the potential increased recreational activity on Dutch Island will result in increased boat anchoring and recreational activity at this site, and that aquaculture would be in conflict with this use. **The motion passed 4 – 0.**

4. Walrus & Carpenter Oysters LLC/Opton-Himmel, Dutch Harbor, Jamestown; CRMC File # 2015-09-105:

D. Beutel provided a brief overview of the proposal. He offered that quahaug densities were found to be low in the general area during a survey conducted for a previous application, but noted these densities were not from the defined application area. Discussion followed regarding shellfish densities. D. Ghigliotty offered that his support for the application would be predicated on results of a new survey, as he personally had used the area in the past, and was aware of other commercial use, when upper portions of the bay were closed to shellfish harvest. **Motion made by M. McGiveney to not object if the new survey shows a quahog density of < 3/sq. meter; 2nd by D. Ghigliotty. The motion passed 4 – 0.**

5. Cregan, Dutch Harbor, Jamestown; CRMC File # 2015-11-032:

D. Beutel provided a brief overview of the proposal. Discussion followed regarding the anchoring system proposed for the operation. D. Beutel offered that this anchoring system should result in less movement of the gear. R. Pastore stressed the importance of assuring that the anchoring is adequate, and that a proper analysis should be performed due to potential impacts from anchor dragging and navigational hazards. D. Beutel offered that the density survey results were <1/sq. meter. **Motion made by D. Ghigliotty to not object; 2nd by M. McGiveney. The motion passed 3 – 1 (R. Pastore objecting due to insufficient information provided regarding the anchoring).**

6. Peet, Quonochontaug Pond, Charlestown; CRMC File # 2015-09-030:

D. Beutel provided a brief overview of the proposal. He offered that DFW had objected during the PD process due to close proximity to the shoreline, and that the proposal was re-located to accommodate this. D. Beutel also offered that the grow-out portion received an objection due to conflict with boating. He offered that quahaug densities were > 5/sq. meter. After continued discussion, the membership decided to defer review to the full Council, and that D. Ghigliotty would solicit input from fishermen that may use the area, and report this information to J. Grant for presentation to the full Council. **Motion made by M. McGiveney to defer to the full Council; 2nd by R. Pastore. The motion passed 4 – 0.**

Prepared by: P. Duhamel

Rhode Island Marine Fisheries Council
SHELLFISH ADVISORY PANEL
Wednesday, February 18, 2016
Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI

MEETING MINUTES

RIMFC members present: J. Grant (SAP Chair)

SAP members present: M. McGiveney; D. Ghigliotty; R. Tellier; R. Pastore; B. Rheault; D. Leavitt

CRMC: D. Beutel

DEM: C. Deacutis; P. Duhamel; D. Erkan; W. Helt

Public: D. Blaney; J. Soares; C. Berg; M. Griffin; D. Leavitt

1. CRMC Aquaculture Lease Application: CRMC File # 2015-07-027 Blaney, Harbor of Refuge:

D. Beutel provided a brief overview of the proposal. He offered that objections were raised By DEM regarding impacts to waterfowl habitat and waterfowl hunting. He offered that there were 2 other objections: one from a property owner concerned about visual impacts; and a second from “windsurfers” expressing concern about wintertime conflicts with their activities. In response to concerns raised from DEM, *D. Beutel* offered that the application currently before CRMC now proposes seasonal use only (November 1 through May 1) and a new location, and that DEM no longer opposes based on this new location. **A motion was made by *D. Ghigliotty* to recommend no objection to the application; 2nd by *M. McGiveney*. The motion passed 5 – 0.**

2. CRMC Aquaculture Lease Application: CRMC File # 2015-12-014 Berg, Sakonnet River:

D. Beutel provided a brief overview of the proposal. He offered that a shellfish density survey would be performed in the near future. He offered that his review revealed no conflicts with submerged aquatic vegetation. *Mr. Soares* expressed concern with impacts to commercial whelk fishing. He indicated his primary concern was with increasing aquaculture activities in this general area and with expanding this lease greater than the 3 acres currently proposed. *D. Beutel* offered an objection was raised concerning the tops of oyster cages snagging ospreys. Discussion ensued regarding details of anchoring and other equipment. Discussion ensued regarding a shellfish density at which the SAP would object. *D. Erkan* stressed the importance of capturing sub-legal (undersized) shellfish in the survey. A low legal-size shellfish density could indicate shellfishing pressure rather than unsuitable habitat. *M. McGiveney* inquired to *D. Beutel* if his survey captured under-sized shellfish, to which *D. Beutel* replied “sometimes”. Discussion ensued regarding survey methods. *Mr.*

Berg inquired if suitability of the site was based on shellfish densities alone or if historical fishing presence was a factor, as he didn't think shellfishing was presently occurring in the area. *J. Grant* offered that both are considered. *M. McGiveney* expressed concern about expansion of future aquaculture in this area and possible additional impacts to whelk and shellfishermen that may result from such expansion; and that such an expansion would be objected to. **Motion made by *M. McGiveney* to not object, dependent on a shellfish density of < 3 clams/sq. meter; 2nd by *D. Ghigliotty*. The motion passed 4 – 0.**

3. Discussion of Fish Habitat Enhancement Sites and Oyster Restoration Areas in the Quonochontaug Pond Shellfish Management Area and discussion of oyster harvest moratorium in the Quonochontaug Pond Shellfish Management Area. Moratorium expires on September 15, 2016:

W. Helt provided a presentation of the oyster restoration efforts both currently underway and planned. *D. Ghigliotty* expressed a desire to open the pond to oyster harvest. Discussion ensued regarding rationales supporting both opening and maintaining the closure. *D. Ghigliotty* expressed a desire to work the area and find if any oysters are present, even if in low densities. *D. Erkan* noted that the area was open for quahog and steamer harvest so the ability to work the area is available. *R. Pastore* inquired as to the specific harvest restrictions currently underway and planned from this proposal. **A motion was made by *B. Rheault* to recommend establishment of the new sanctuary as proposed in the eastern portion of the pond but that it be re-opened to harvest in 4 years if the pond-wide oyster moratorium is also lifted. No 2nd was provided.** *M. McGiveney* inquired as to the possibility of maintain the moratorium in the new areas proposed and lifting the moratorium in the rest of the pond; to which *D. Erkan* offered that such would severely jeopardize pond-wide oyster restoration programs and the federal funding provided to the state for these programs. Discussion ensued regarding restoration activities. **A motion made by *R. Pastore* to recommend establishment of the new sanctuaries as proposed and to maintain the pond-wide moratorium as proposed so as not to jeopardize restoration efforts.** *D. Erkan* explained that evaluating the oyster restoration efforts can only be determined by maintaining the pond-wide moratorium, and is also necessary to protect disease-resistant oyster brood stock. *M. McGiveney* inquired if under-sized oysters could be used to determine recruitment, and therefore allow the moratorium to expire without jeopardizing restoration efforts. *D. Erkan* explained the restoration effort involved allowing all oysters to spawn and provide disease resistance, so that removing legal-sized disease resistance oysters would jeopardize this effort. *P. Duhamel* suggested splitting into 2 separate motions. **A motion made by *R. Pastore* to recommend establishment of the new sanctuaries as proposed for 4 years; 2nd by *R. Rheault*. The motion passed 5 – 0. A motion was then made by *R. Pastore* to recommend maintaining the pond-wide moratorium for an additional 4 years; no 2nd was provided. A motion was then made by *D. Ghigliotty* to allow the moratorium to expire; 2nd by *M. McGiveney*. The motion passed 3-2 (*D. Pastore* and *B. Rheault* voting against).**

NEW ENGLAND
FISHERY
MANAGEMENT
COUNCIL



Council Report

December 2015

The Council Report summarizes major actions approved at NEFMC meetings and highlights items of interest.

At its Dec 1-3 meeting in Portland, ME, the Council approved a number of important actions for the upcoming fishing years, pending NOAA Fisheries approval. They included:

- ◆ The 2016 - 2017 scallop specifications (Framework 27) and Amendment 19 to the Scallop Plan
- ◆ Framework 3 to the Northeast Skate Complex Plan
- ◆ Spiny Dogfish specifications for 2016-2018
- ◆ Framework 55 to the Groundfish Plan

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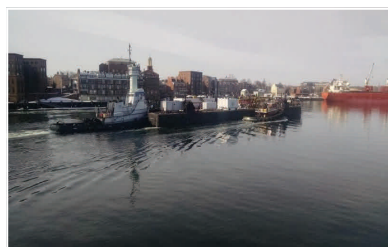
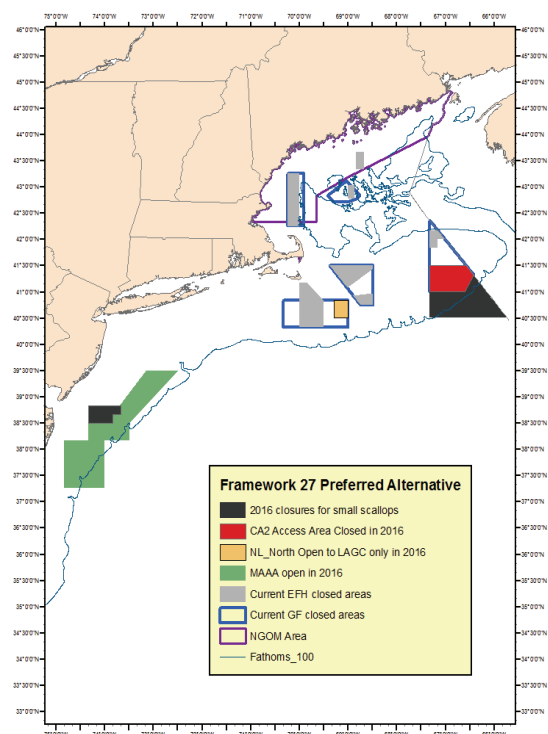
Sea Scallops Specs Set for 2016 - 2017

Framework Adjustment 27 At its early December meeting, the New England Council finalized its recommendations for Framework 27 to the Atlantic Sea Scallop FMP. The action contains catch specifications for the 2016 and 2017 (default) fishing years.

Fishermen will receive allocations that are projected to result in landings of about 47 million pounds of scallops in 2016. Forty million pounds are allocated to the scallop limited access fleet. Of the remainder, about 4.5 million pounds are allocated to the limited access general category (LAGC) fishery which numbers about 100 active vessels, and about 800,000 pounds are reserved for the observer set-aside program.

Several other specifications are the same as fishing year 2015 — 1.25 million pounds for the research set-aside program, 70,000 pounds for vessels with Northern Gulf of Maine LAGC permits, and 50,000 pounds for vessels with incidental LAGC permits.

Compared to 2015, the approximately 340 active limited access vessels will be allocated slightly more days-at-sea (DAS) in open areas this year and the same level of effort in the Mid-Atlantic Access Area (Delmarva, Hudson Canyon and Elephant Trunk Areas are combined in this action). *Scallop Framework 27 continued, page 2.*



**Next Council
Meeting
January 26-28, 2016
Portsmouth, NH**

Default Measures -

Are provided each year so that specs will be in place at the start of the fishing year without delay, and until they are replaced by the 2017 specs.

The overall limited access general category fleet IFQ will roll-over from 2016 to 2017, and the limited access fishery will be allocated a reduced allocation until final measures are adopted through a subsequent action.



Photos courtesy NOAA Fisheries and NOAA Ocean Explorer

Scallop Framework 27 — continued

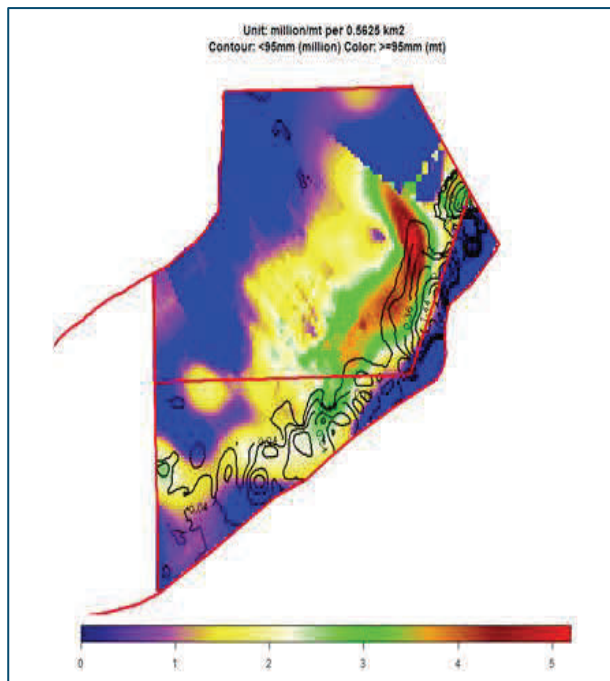
The proposed allocations for limited access vessels, as approved by the Council, will be 34.55 open area days-at-sea (as opposed to 31 DAS in 2015) for full-time vessels and 51,000 pounds in the Mid-Atlantic Access Area. Part-time vessels will receive 13.82 days-at-sea and 20,400 pounds in the Mid-Atlantic Access Area.

After much discussion, the New England Council also would allow a portion of the total LAGC allocation to be taken from the northern part of the Nantucket Lightship Access Area. The maximum removal from this relatively small area is proposed at 300,000 pounds, or about 7% of the LAGC total allocation. The proposed action also prohibits any scallop vessel from undertaking research set-aside compensation trips in the Lightship Area. The LAGC fleet's total allocation from the Mid-Atlantic Access Area is

1.2 million pounds. Both areas would be closed to these vessels once the fleet-wide LAGC quota is reached.

The action was taken in order to allow the relatively small LAGC vessels from northern ports to also have some opportunity to harvest scallops from areas with higher catch rates. Open areas currently have lower catch rates and it is not practical for all LAGC vessels to fish in the Mid-Atlantic Access Area.

With the exception of the limited area in the northern part of Nantucket Lightship, all the access areas on Georges Bank will remain closed to the scallop fishery in 2016 — the Nantucket Lightship Area and Closed Areas I and II. While total biomass is up, most of the increase comes from juvenile scallops found on Georges



Estimate of biomass from 2015 Habcam survey near CAII (color represents biomass larger than 95mm and contours indicate concentrations of smaller scallops, less than 95mm).

Bank and in the Mid-Atlantic. Therefore, the Council's proposed action will include a new closure south of Closed Area II and will also maintain two closures east of Nantucket Lightship and within Elephant Trunk to protect the small animals that have been observed in those areas for the last two years.

Scallop Amendment 19 The Council also took final action on Amendment 19 to the Scallop FMP, approving a specification setting process that would enable the Council to develop fishery allocations outside of the framework process. Its members further recommended changing the start of the fishing year from March 1 to April 1.

Both Framework 27 and Amendment 19 will be submitted to NOAA Fisheries who will publish a proposed and final rule for each action.

Skate Framework 3 Approved

The NEFMC took final action on Framework Adjustment 3 to the Northeast Skate Complex FMP. The action set specifications for fishing years 2016 and 2017, maintained current bait and wing possession limits, and established new seasonal total allowable landings (TALs) for the wing fishery, consistent with the current seasonal structure used for the wing possession limits.

The Council adopted, by a unanimous vote, the SSC's recommended acceptable biological catch, or ABC, of 31,081 MT for 2016 and 2017, and revised specifications for the skate complex based on the control rule established in Amendment 3 to the FMP:

- An annual catch target (ACT) of 23,311 MT
- A TAL 12,872 MT in federal waters
- A wing TAL of 8,560 MT, and
- A bait TAL of 4,312 MT with status quo possession limits and seasonal TAL structure

New Wing Fishery Measures For the first season, from May 1 through August 31, the fishery would be allocated a percentage of the annual wing TAL based on the three-year moving average for landings over the most recent three fishing years, representing 57% or 4,872 MT in 2016 and 2017.

The seasonal skate wing possession limit for May 1 to August 31 would remain at 2,600 lbs. Once 85% of the allocated TAL is reached between May 1 and August 17, the 500 pound incidental possession limit would be implemented.

Between August 18 and August 31, the Regional Administrator would use discretion as to whether or not the 500 pound incidental possession limit should be implemented. Any unused portion of the TAL would be rolled over into the latter part of the fishing year.

The second season would be allocated the remainder of the annual TAL (representing 43% or 3,681 MT in 2016 and 2017) for September 1 to April 30. The seasonal skate wing possession limit for this period would remain at 4,100 lbs. Once 85% of the allocated TAL is reached, the Regional Administrator would have the discretion to implement the incidental possession limit if the fishery is projected to exceed the TAL.

Once prepared for submission, NOAA Fisheries will review Skate Framework 3 and provide final approval of the above measures, if that is their determination.

Thorny Skate As reviewed by NOAA Fisheries staff at the Council's Portland meeting, thorny skate is a NOAA Fisheries Species of Concern. It is also the topic of a petition to be listed as a threatened or endangered species under the ESA. The agency has determined the petition is warranted and has now, or soon will, undertake a status review. If approved for listing, the Council could be compelled to consider management measures beyond the continuing prohibition on the possession of the species.

Spiny Dogfish Specifications Set

The New England Council approved the 2016-2018 spiny dogfish specifications at its early December meeting, followed by matching action at the Mid-Atlantic Council's meeting last week. Given the decrease in dogfish biomass, the specifications have been similarly affected. In 2015 the annual catch limit (ACL) was 62.270 million pounds. This recent round of specifications calls for at least a 10 million pound drop in the ACL.

Specifications	Basis	2016 (pounds)	2016 (MT)	2017 (pounds)	2017 (MT)	2018 (pounds)	2018 (MT)
New ABCs	Council Risk Policy	52,066,572	23,617	50,805,528	23,045	49,901,633	22,635
ACL	= Domestic ABC	51,923,272	23,552	50,662,228	22,980	49,758,333	22,570
ACT	= ACL - Mg Uncertainty	51,923,272	23,552	50,662,228	22,980	49,758,333	22,570
TAL	ACT - Discards	40,429,105	18,338	39,168,060	17,766	38,264,165	17,356
U.S. Rec Landings	= 2014 Estimate	68,343	31	68,343	31	68,343	31
Comm. Quota	TAL - Rec Landings	40,360,761	18,307	39,099,717	17,735	38,195,822	17,325

Groundfish Framework 55 Approved

Framework 55 to the Northeast Multispecies FMP was approved and will be submitted to NOAA Fisheries for agency review and approval prior to the May 1 start of the 2016 fishing year.

The largest, and yet least complicated portion of the framework was the approval of the Scientific and Statistical Committee's recommendations for overfishing levels and associated acceptable biological catches (ABCs) for 19 of the 20 groundfish stocks managed through the Council's Groundfish FMP.

Approval of the witch flounder ABC proved much more problematic for the majority of Council members who voted to recommend a preliminary ABC of 394 metric tons (MT) and requested that the SSC develop an additional alternative for the 2016 ABC without being constrained by 75% Fmsy.

The rationale for this request was driven by the fact witch flounder is caught throughout the EEZ from Maine to the Mid-Atlantic. The stock is caught not only by federal groundfish vessels but also by vessels fishing in state waters and in other fisheries. Exceeding the low witch flounder ACL could trigger an accountability measure that could close the groundfish fishery in all areas.

The Council stated it would accept the temporary risk level associated with an ABC up to the OFL for fishing year 2016. For purposes of expediting Framework 55, the action will include a range for the witch flounder ABC of 394 to 513 MT. Should the SSC develop an additional alternative, the Council will consider it at its January 2016 meeting.

Annual catch limits (ACLs) are based on the ABCs and are allocated to the various fishery components. Of the commercial groundfish ACLs, nine of the stocks had higher ACL's than in the previous year, some with substantial gains, including both Georges Bank and Gulf of Maine haddock, Gulf of Maine winter flounder and pollock. Eleven stocks had a decrease, notably the Georges Bank cod and a number of flounder stocks. *Framework 55 continued on p. 5.*

Stock	2014 Commercial Groundfish Catch (MT)	Commercial Groundfish Sub-ACLs (MT)		
		Fishing Year 2015	Fishing Year 2016	% Change
GB Cod	1386	1787	608	-66%
GOM Cod	663	207	280	36%
GB Haddock	5449	21759	51667	137%
GOM Haddock	325	958	2416	152%
GB Yellowtail Flounder	62	195	211	9%
SNE/MA Yellowtail	400	557	189	-66%
CC/GOM Yellowtail	250	458	341	-26%
American Plaice	1301	1408	1183	-16%
Witch Flounder	515	610	277	-55%
GB Winter Flounder	1149	1891	590	-69%
GOM Winter Flounder	124	392	639	63%
SNE/MA Winter Flounder	546	1306	585	-55%
Redfish	4687	11034	9526	-14%
White Hake	1749	4343	3459	-20%
Pollock	4016	13720	17817	30%
N. Windowpane	158	98	66	-33%
S. Windowpane	96	102	104	2%
Ocean Pout	33	195	137	-30%
Atlantic Halibut	48	64	91	43%
Atlantic Wolffish	14	62	72	17%

The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.

Merry Christmas and Happy New Year to All!

Groundfish Framework 55 — continued

The Council also recommended recreational management measures for the 2016 fishing year. If approved by NOAA Fisheries, the Gulf of Maine haddock measures would include a bag limit of 15 fish, with all seasons open (except in Wave 2, March and April, in which only April 15-30 would be open), and a 17-inch minimize size. The Gulf of Maine cod measures would allow anglers to retain one cod of at least 24 inches from August 1 through September 30.

Stock	FY 2015	FY 2016	% Change
GOM cod	121 MT	157 MT	+30%
GOM haddock	372 MT	926 MT	+149%

As part of Framework 55, the Council approved several measures that are intended to streamline the At-Sea Monitoring (ASM) program for groundfish sectors. Currently, NOAA Fisheries calculates the total observer coverage rate needed for the next fishing year, based on the most recent fishing year with complete information. For example, 2014 information is used to set the rate for fishing year 2016.

The Council also clarified how it would like NOAA to determine the total coverage rate by approving several motions on this topic. The NEFMC's recommended approach would use more data --- multiple years of information on discards and past fishery performance --- to determine a total coverage rate rather than data from a single fishing year. The Council also recommended that ASM coverage requirements be removed for certain sector trips with low groundfish catches.

Finally, the Council recommended inclusion of an additional groundfish sector, provisions to allow sectors to move Georges Bank cod quota from the eastern management area to the western management area, and modified the definition of a haddock separator trawl so the separator panel is easily identifiable to enforcement personnel.

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NEW ENGLAND
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COUNCIL



Council Report

The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest.

At its Jan. 26-28 meeting in Portsmouth, NH, the Council approved actions related to the development of several fishery management plans. The issues involved:

- ◆ A witch flounder ABC
- ◆ At-Sea Monitoring
- ◆ Small Mesh Multispecies
- ◆ The Omnibus Industry-Funded Monitoring Amendment
- ◆ Amendment 8 to the Atlantic Herring FMP

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January/February 2016

Groundfish

Witch Flounder ABC Set for 2016-2018

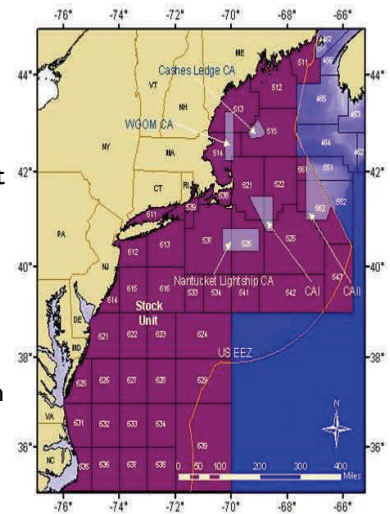
Acting on the advice and recommendations of its Scientific and Statistical Committee the Council moved ahead with a 460 metric ton (mt) ABC for witch flounder, or grey sole, at its January meeting.

Responding to an initial SSC recommendation of 394 mt in December, and based on the reaction of the fishing industry and a number of Council members who cited widespread economic harm with the new limit, the Council queried the SSC about recommending an additional alternative. Stating it would accept a temporary increased risk to stock rebuilding, the Council requested that the SSC consider an ABC within a range up to the overfishing level or OFL.

The SSC revised its recommendation to an ABC with an upper limit of 500 mt, accompanied by an increasing OFL, for the next three fishing years (2016-2018), based on the following:

- The revised ABC incorporates the 2015 catch estimate for witch flounder.
- The Groundfish Plan Development Team (PDT) recommended retaining some buffer between OFL and ABC.
- Economic benefits appear to be modest, but differences in biological risk also appear to be modest, with important uncertainties underlying both models that might underestimate outcomes.
- The recommendation allows the Council to select lower value if it determines costs do not outweigh benefits.
- A constant ABC is consistent with approach for overfished stocks.
- The ABC will be revisited following a benchmark stock assessment in late fall/early winter 2016.

The Council ultimately recommended a 460 mt ABC for witch flounder for fishing years 2016-2018, 40 mt lower than the SSC's upper limit for the ABC, to reduce the risk of overfishing while providing some economic relief for the fishing industry.



Statistical areas used to define the witch flounder stock in red.
Courtesy of NOAA/NEFSC.



Next Council Meeting
April 19-21, 2016
Mystic, CT

Groundfish — *continued*

Items of Interest

The Council initiated an omnibus amendment to address the regulatory changes needed to fully implement the agency's Fishery Dependent Data Visioning Project. View the presentation here:

[GAR/NEFSC Data Visioning Project.pdf](#)

Northeast Fisheries Science Center staff presented plans for an improved stock assessment process that includes greater stakeholder involvement. Take a look!

[Improved Assessments_NEFSC.pdf](#)

At-Sea Monitoring Work A Priority During the Groundfish Committee's Report at the January meeting the Council also approved a problem statement that relates to the at-sea monitoring program (ASM) and the development of alternatives by the Groundfish Plan Development Team. The motion was unanimously approved and reads as follows:

"When ASM requirements were established in Amendment 16, the expectation was that increased catch limits – resulting from stock rebuilding – would enable the industry to afford the cost of monitoring. Since 2010, annual catch limits for many stocks have declined sharply, along with groundfish revenues, and the size of the fleet. The affordability of the ASM program for groundfish sectors is in question.

The current configuration of the ASM program may lead to significant economic impacts (i.e., economic losses) to the groundfish fishery and negative social impacts (i.e., those that reduce resiliency and increase vulnerabilities of fishing communities). Therefore, the Council requests analysis of the following by the PDT prior to the April Council meeting to assess whether:

1. [Sampling methods] are the most appropriate to verify area fished, catch, and discards by species and gear type for the sector system, and;
2. ASM provides the sector fishery, recognizing the heterogeneity within the fleet (trip length, homeport, etc.) the maximum flexibility to meet ASM goals and objectives."

It determined that work on ASM would be the PDT's highest priority in 2016 while recognizing the possibility that not all of tasks would be completed by the next Council meeting.

Small Mesh Multispecies

Development of Amendment 22 alternatives Begins The Council reviewed scoping hearing and written comments on Amendment 22 to the Northeast Multispecies (Groundfish) FMP. In its initial stages of development, the action is intended to establish a limited access program for silver and offshore hake, aka whiting and red hake. Limiting access is meant to prevent new entrants from increasing the catch of 'choke' species with low annual catch limits. During the scoping period, the NEFMC received nearly 100 oral comments and 12 written comments on the proposed amendment

The range of measures the Council approved for further development include single and multi-level (or tiered) qualification criteria with and without different criteria for the northern and southern management areas. Vessels qualifying for a limited access permit would be able to fish for whiting and red hake with possession limits that reflect recent activity by vessels in the tier and management area.

The Council also approved the development of alternatives that may add to or modify the boundaries and/or seasons of the exemption areas where vessels with small-mesh trawls may fish for whiting, red hake, and other species. The existing November 28, 2012 control date was re-affirmed as the basis for determining limiting future access.

Development of measures to improve bycatch monitoring and reduction was also discussed and referred to the Small-Mesh Multispecies Committee for consideration in the amendment or in a future action.

Industry-Funded Monitoring

Preferred Omnibus Alternatives Identified The Council approved preferred alternatives for the omnibus elements of an Industry-Funded Monitoring (IFM) Amendment for public review at hearings this spring.

In development since 2014 with NOAA Fisheries in the lead and participation and support from the New England and Mid-Atlantic Councils, the Omnibus IFM Amendment proposes to establish a standardized administrative structure that could apply to any new industry-funded monitoring programs. The amendment also would include monitoring coverage targets for the herring and mackerel fisheries.

Future IFM programs would be developed on an FMP-specific basis through future framework adjustments to each plan. Industry funding would be used in conjunction with, not instead of, federal funding to pay for *additional* monitoring to meet FMP-specific coverage targets that would be determined by each Council.

NOAA and the Councils are not looking at a one-size-fits-all set of requirements for IFM. Instead, each Council would determine which fisheries, if any, need additional monitoring. If adopted, the IFM Amendment would not affect the existing sea scallop and groundfish IFM programs.

The amendment includes proposals to a.) apportion the costs of any additional monitoring between NOAA Fisheries and fishermen based on the availability of federal funding; b.) establish standardized service pro-

vider requirements with flexibility to modify some elements; and c.) allow Councils to establish a “monitoring set-aside” mechanism to fund additional monitoring in individual FMPs.

The amendment also proposes to establish a prioritization process to determine how funding would be allocated among IFM programs when there is a federal budget shortfall to pay for total administrative cost for IFM programs.

The preferred omnibus alternatives approved by the Council in January refer to Alternative 2 of the *IFM Discussion Document* found here http://s3.amazonaws.com/nefmc.org/1_Discussion-Document-and-Appendix-1-3_01.12.16.pdf, beginning on page 7, including:

1. Omnibus Alternative 2.2 (Council-led Prioritization Process for IFM programs); the NEFMC added that this process could be modified through a future framework adjustment; and
2. Omnibus Alternative 2.6 (Monitoring Set-Aside Provision) which also could be modified via a framework adjustment.

The NEFMC is scheduled to review and select preferred alternatives for the herring and mackerel components to the IFM Amendment in April, while the Mid-Atlantic Council will take its first crack at selecting preferred omnibus alternatives on February 9-11 in New Bern, NC.

NEFMC-Approved Guiding Principles for Data Collection Programs Established to Estimate Fishery Catch

- ⇒ Identify a clear purpose and need, and articulate objectives for industry-funded monitoring programs to ensure appropriate design criteria;
- ⇒ Ensure affordability especially for fisheries on the economic margins, but also give the necessary consideration to conservation and sustainability;
- ⇒ Recognize that an affordable robust program is likely to need a mix of data collection using people as well as technology; and
- ⇒ Incentivize reliable self-reporting

The New England Fishery Management Council is one of eight regional organizations created by the Magnuson-Stevens Fishery Conservation and Management Act, initially enacted in 1976.

The Council develops rules for both commercial and recreational fisheries that operate between three and 200 miles off the region's coastline. NEFMC management authority extends to fishing grounds in the Gulf of Maine, Georges Bank and southern New England and overlaps with the Mid-Atlantic Council for some species.

Atlantic Herring

Committee Recommendations Approved Following the Herring Advisory Panel and Committee meetings earlier in the month, the Council took up recommendations at the January meeting that were recently vetted by these groups. The focus was Amendment 8 to the Atlantic Herring Fishery Management Plan, an action that will establish a long-term harvest strategy, or control rule, that is intended to guide how future acceptable biological catches, or ABC's, will be set and that explicitly accounts for the role of Atlantic herring in the ecosystem. The amendment also will address the issue of possible localized depletion.

Following a review and encouragement by its Scientific and Statistical Committee, the Council adopted the use of a Management Strategy Evaluation (MSE) approach to developing the amendment's ABC control rule. MSE is a collaborative decision-making process to aid in the development of alternatives. It involves greater upfront public involvement in identifying potential objectives and technical analyses on how potential alternatives perform relative to the objectives. It is a tool increasingly used by NMFS and Councils to support decision-making, though new to New England.

An expanded explanation published by a researcher with New England experience stated: "Unlike many bio-economic models, MSE is specifically designed to realistically account for error and uncertainty in data and model structures and to provide explicit quantitative management advice that can be directly applied by fishery managers to set catch or effort limits. MSEs also generally assess performance based on multiple objectives rather than focusing solely on optimal economic performance." (Holland, D. S. (2010), "Management Strategy Evaluation and Management Procedures: Tools for Rebuilding and Sustaining Fisheries", OECD Food, Agriculture and Fisheries Working Papers, No. 25, OECD Publishing)

In an 8/7/1 vote, the Council directed the Herring Committee to discuss five specific examples of alternatives suggested in scoping comments for Amendment 8. All were potential area closures that would limit when and how close to shore midwater trawl vessels could operate. The Herring Committee will continue developing the range of amendment alternatives through early spring.

The Council also asked the Herring and Groundfish Committees to examine the potential of allowing the herring midwater trawl fleet operating on Georges Bank to catch up to 50% above their current 1% haddock catch cap as a buffer to avoid a fishery closure, while still retaining the 1% cap. A large area closure is in place until May 1, 2016 as an accountability measure because the 1% cap was exceeded in 2015. Further consideration will include the economics of the herring fishery and the large biomass of Georges haddock. Work on this issue will not begin until after the April Council meeting.

And finally, the Council agreed to recommend the use of state portside data to monitor the current river herring/shad and haddock catch caps. Many believe this method will enhance the accuracy of the bycatch estimates for the herring fishery.

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