



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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Office of the Director

Memorandum

To: Mark Gibson, Deputy Chief

From: Janet Coit, Director

Date: January 5, 2015

Re: Final Decisions Pertaining to November 20, 2014 Marine Fisheries Public Hearing Items; and Winter Harvest Schedule for Greenwich Bay Shellfish Management Area

This memo codifies the final decisions on the following five regulatory matters:

- 2015 commercial management measures for summer flounder
- 2015 commercial management measures for scup
- 2015 commercial management measures for black sea bass
- 2015 commercial management measures for monkfish
- Winter harvest schedule for Greenwich Bay Shellfish Management Area

In rendering these final decisions, I reviewed all relevant supporting documentation, including the November 20, 2014 public hearing document and public hearing comments; the minutes of the November 25, 2014 Shellfish Advisory Panel meeting; the minutes of the December 1, 2014 meeting of the RI Marine Fisheries Council; and your memos to me, summarizing the Division's positions, dated December 5, 2014.

2015 Commercial Management Program for Summer Flounder

Issue: In addition to status quo, two options for modifying the commercial management program for summer flounder were presented at the public hearing: (1) a proposal to maintain a consistent possession limit throughout the year; decrease the aggregate possession limit during the winter sub-period; and eliminate the summer aggregate program; and (2) a proposal to remove the exemption certificate requirement for the summer aggregate program.

Review: Most of the public hearing comments favored status quo, while several offered support for the proposal to remove the exemption certificate requirement for the summer aggregate program.

At the Council meeting, the Division recommended maintaining status quo. The Division also noted that while it wasn't opposed to the proposal to remove the exemption certificate requirement for the summer aggregate program, the proposal would likely result in reduced possession limits and/or closures during the summer sub-period. If

participation in the fishery remained the same, approximately 15 vessels that are currently constrained by the exemption certificate requirement would be able to participate in the summer aggregate program. However, there could be additional increases in effort if other vessels that haven't been participating in the fishery become active, incentivized by the removal of the exemption certificate requirement.

The Council engaged in a thoughtful and thorough deliberation, with considerable focus on the pros and cons of removing the exemption certificate requirement for the summer aggregate program. While the Council recognized that allowing access to the program by the 15 or so vessels that are currently ineligible to participate would likely help to reduce discards and improve efficiencies for those vessels, the Council further recognized that a significant expansion in effort would cut into the summer sub-period quota and make an already challenging situation worse, namely with regard to low daily possession limits and an early, or earlier, closure of the sub-period. On that basis, the Council voted unanimously to recommend status quo.

Decision: First, I want to commend the industry interests who offered the proposal, and the Council for its thoughtful consideration. Second, I am struck by the positive aspects of the proposal, particularly with regard to its potential to reduce regulatory discards and afford more flexibility to those who harvest fluke commercially during the summer sub-period. While I concur with the Council, and the Division, that maintaining status quo is the best way to proceed for this year, I urge the Division to continue working with industry interests and the Council to address the valid concerns affecting the approximately 15 vessels, active in the commercial summer flounder fishery, that do not hold exemption certificates.

Consistent with the Council's and Division's recommendation, I support remaining at status quo for 2015

2015 Commercial Management Program for Scup

Issue: The only option presented at the hearing was status quo.

Review: One comment was offered – a suggestion to change the weekly limit to a daily limit once it becomes evident that the floating fish trap sector will not be able to harvest its full quota.

At the Council meeting, the Division recommended maintaining status quo. There was no further discussion, and the Council voted unanimously to recommend status quo.

As noted in your memo to me, management of the commercial scup fishery was very stable and consistent in 2014, with no adjustments needed.

Decision: *Consistent with the Council's and Division's recommendations, I support remaining at status quo for 2015.*

2015 Commercial Management Program for Black Sea Bass

Issue: In addition to status quo, three options for modifying the commercial management program for black sea bass were presented at the public hearing: (1) a proposal to decrease the possession limit during the winter sub-period; (2) a proposal to add an aggregate limit during the winter sub-period; and (3) a proposal to maintain a consistent possession limit throughout the year, an to regulate possession limits based on numbers of fish rather than pounds.

Review: The comments offered at the public hearing were mixed, with some support for option (3), a fair amount of support for maintaining status quo, and the most support for option (2).

At the Council meeting, the Division recommended maintaining status quo. The Council briefly discussed the pros and cons of option (2), with particular focus on the likelihood that an aggregate program would lead to a significant increase in catch rates, which in turn would lead to an even earlier sub-period closure. While the Council was sympathetic to the bycatch and discard issues affecting the lobster fishery, the Council recognized that the very low commercial quotas are the major concern. Accordingly, the Council voted unanimously to recommend status quo.

Decision: *Consistent with the Council's and Division's recommendations, I support remaining at status quo for 2015.*

2015 Commercial Management Program for Monkfish

Issue: In addition to status quo, three options for modifying the commercial management program for monkfish were presented at the public hearing: (1) a proposal to eliminate the daily possession limit and replace it with a weekly aggregate limit of 13,000 pounds; (2) a proposal to establish a weekly aggregate program with a 25,000 pound/week limit, available to certain eligible applicants; and (3) a proposal to require use of VMS for all state-water vessels participating in the directed monkfish fishery.

Review: Most of the comments offered at the hearing were in support of options (2) or (3).

At the Council meeting, the Division recommended maintaining status quo. The Division further noted that while it could not support option (2), due to the administrative burden, it could support option (1). However, the division offered two key points. First, for those currently participating in the fishery, the current daily possession limit (1,826 pounds) does not appear to be constraining harvest or contributing to high levels of discards since only about 3% of the 782 monkfish trips undertaken in 2013 had landings higher than 1,500 pounds. Second, while total state-waters landings have fallen far short of the state-waters quota over the past few years, the state-waters fishery involves a relatively small number of vessels. Since the fishery remains, essentially, an open-access fishery in state waters, a weekly aggregate program could result in a significant shift of effort into the fishery, with uncertain consequences. The Division recognized that this concern gave rise to the qualification-based approach set forth in option (2), but again, the Division maintained that it would be too burdensome to have to develop and administer a new permitting program for the commercial monkfish fishery. Finally, the Division noted that it could accept and support option (3), which would help to prove that fishing activity is occurring solely in state waters and help to guard against the concern of fish being transferred from federal to state waters,

but the Division maintained that it would not be possible to get such a program in place until 2016.

The Council briefly reviewed the options, and after considering all the factors offered by the Division, the Council voted unanimously to recommend status quo.

Decision: I appreciate the efforts on behalf of industry interests and the Division to explore options for more fully utilizing the state's quota, in a way that minimizes the administrative burden on the Division and provides full accountability. While I concur with the Council that maintaining status quo is the best way to proceed for this year, I would urge that the proposals be subject to further evaluation and development, with a view to reconsidering a well-crafted, weekly aggregate program, with a VMS requirement, for next year.

Consistent with the Council's recommendation, I support remaining at status quo for 2015.

Winter harvest schedule for Greenwich Bay Shellfish Management Area

Issue: The six shellfish management areas that are subject to winter harvest schedules are reviewed every year to determine the need for any adjustments to the schedules. Final decisions on the 2015 schedules for five of the six areas were issued in December 2014. The schedule for Greenwich Bay was held, pending completion of the Division's field assessment for that area.

Review: On November 25, 2014, the Division presented its survey results to the Shellfish Advisory panel. The Division noted that the survey data is inconclusive, although there is an indication that quahog abundance may be decreasing. The Division supported the industry's proposal to maintain the same harvest schedule for 2015 as was in place for 2014 (with two minor tweaks to the start and end dates).

At the December 1, 2015 Council meeting, the Council voted unanimously to support the recommendation of the Panel and the Division.

Decision: *Consistent with the Council's and the Division's recommendation, I support remaining at status quo for 2015, with the caveat that the management area will open on January 2, 2015, and close on April 29, 2015.*