



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Rd
Jamestown, RI 02835

401 423-1920
FAX 401 423-1925
TDD 401 831-5508

TO: Janet L. Coit, Director

FROM: Mark Gibson, Deputy Chief for Marine Fisheries DFW

DATE: October 28, 2013

SUBJECT: Request for Decisions on the August 15, 2013 Marine Fisheries Public Hearing Items

Proposed regulatory changes have moved through the regulatory review process and are hereby presented for final decision.

The items summarized and set forth herein were the subject of a public hearing held on August 15, 2013, and subsequent consideration by the RI Marine Fisheries Council (RIMFC) at their September 9, 2013 meeting. Supporting documentation submitted along with this memorandum include: the public hearing summary document; a summary of public hearing comments (no written comments were submitted); the September 9 RIMFC meeting minutes; and the applicable advisory panel meeting minutes.

The proposed changes, which are summarized below, are detailed in the attached annotated regulatory document.

Having reviewed the entire record, and conferred with staff, I hereby urge adoption of the proposed changes, as set forth below and in the attached annotated regulatory document. If you concur, please indicate by signing this memo at the end and returning it to me. Upon receipt of the signed memo, I will initiate the filing process. If you wish to make any changes that differ from those proposed, please delineate those changes via a separate memo.

1. **Proposed amendments to Pot/Trap regulations** (changes to Parts I, X, XI, and XV)

The need to distinguish, and institute controls on, pots and traps used for commercial and recreational harvesting of scup, black sea bass, conch, crabs, and eel – i.e., all traps other than lobster traps – was reviewed and discussed at various advisory panels (including, lobster, whelk, and the IAC) over the past several years. The issue is a timely and important one, given the growing use of such pots and traps in recent years and the loophole created by the use of non-lobster traps to harvest lobster. Ultimately, an ad hoc panel was established, and that panel

worked with DEM staff to develop a series of proposed regulatory changes pertaining to pots and traps. The suite of proposals includes:

- New/revised definitions, and gear specifications (namely, escape vents and ghost panels), for:
 - Scup pot/trap
 - Black sea bass pot/trap
 - Conch pot/trap (no ghost panel requirement)
 - Jonah crab or rock crab pot/trap (replacing crab pot/trap)
 - Green crab pot/trap (replacing crab pot/trap)
 - Miscellaneous pot/trap (no escape vent requirement)
 - Eel pot/trap (no gear specifications)
- New trap tagging requirement for all pots/traps, except green crab and eel
- New buoy requirement for all pots/traps
- New miscellaneous pot/trap limit (300)
- Clarification that existing lobster bycatch provision (100 lobsters/day) applies specifically and exclusively to trawl and gill net operations
- Establishment of 20 lobsters/day bycatch provision for all pot/trap fisheries other than lobster pot/trap
- Technical (non-substantive) adjustments to lobster trap regulations (consistency of definition in Part I)
- Reorganization and consolidation of existing regulatory provisions pertaining to pots and traps.

Three public comments were received at the public hearing: One comment expressed concern that the changes would result in a requirement for tags for baitfish traps; two comments expressed concern and dissatisfaction with the proposed reduction in by-catch allowance from 100 lobsters to 20 lobsters for all pot/trap types other than lobster pot/traps. At the September 9 RIMFC meeting, the Division noted its support for the proposed changes, with the caveat that the amended regulations not take effect until January 2015, to allow for the time necessary to design and fund the new tagging program, procure tags, and coordinate with the DEM Licensing Office. The RIMFC recommended adoption of the proposed measures, with a January 2015 effective date, but urged the Division to carve out an exemption to the tagging requirement for small bait traps, e.g., those used to obtain mummichogs.

Consistent with the Council's recommendation, the Division recommends adoption of the proposed definitions, limits, bycatch allowance, and tagging requirements, with an effective date of January 2015, after fine-tuning them to address the small-trap marking exception and finalizing the provisions of the new trap tagging program. The Division notes the need to further streamline some of the draft regulatory language, which remains spread throughout several parts. Depending on the outcome of those follow-up steps, it may be appropriate to re-notice the regulations. Regardless, the Division intends to hold off on filing the regulations until it has undertaken and completed the follow-up steps and consulted with industry interests. At this point, the Division recommends approving the proposed regulatory package in concept, given the need to establish controls on pots and traps used for species other than lobsters, and to

address the lobster bycatch provision as it relates to non-lobster traps. Such approval will enable the Division to move forward with the implementation process.

2. Proposed amendments to Conch (aka whelk) regulations (changes to Part IV)

In coordination with an ad hoc whelk advisory panel, the Division has been working on the development of a whelk management plan over the past two years. A suite of proposed initial measures were developed and noticed, with the recognition that there is a need to further develop the management plan, particularly since conchs in RI waters are approaching an overfished status and females are subject to harvest before full sexual maturity is reached.

The initial regulatory measures now being proposed for adoption include:

- New commercial limit of 35 bushels/vessel/day;
- New penalty provision for the possession of undersized conchs
 - with 10% tolerance
 - modeled after existing penalty provision that applies to all other shellfish;
- Extension of the existing moratorium on new conch licenses/endorsements;
- Establishment of a recreational conch season (mirroring the existing January-December commercial conch season);
- Modification to existing regulation prohibiting the mutilation of conchs prior to landing (applying it to cooked as well as uncooked conchs);
- New prohibition on hauling or setting conch pots at night (extending existing prohibition that applies to lobster pots)
- New prohibition on possessing conch pots/traps that are improperly marked (extending existing prohibition that applies to lobster pots);
- New prohibition on possessing or utilizing anyone else's conch pots/traps without the owner's written permission (extending existing prohibition that applies to lobster pots);
- The new/revised definitions and gear specifications (namely, escape vents) for conch pots/traps, as set forth in #1 above;
- The new trap tagging requirement for conch pots/traps, as set forth in #1 above;
- The new buoying requirement for conch pots/traps, as set forth in #1 above; and
- Reorganization and consolidation of existing regulatory provisions pertaining to conchs.

No comments were received at the public hearing. At the September 9 RIMFC meeting, the Division noted its support for the proposed changes, as initial steps towards establishing a more comprehensive management program, while the Division continues to conduct research on conch biology and the conch fishery with a view to revisiting the issue of overfishing and the harvesting of immature females in the near future. The RIMFC recommended adoption of the proposed measures, with the caveat that the proposed extension of the existing moratorium on new conch licenses/endorsements be held pending the outcome of the September 18 public hearing and October 7 RIMFC meeting, at which the same issue will be considered.

Consistent with the Council's recommendation, the Division recommends adoption of the proposed conch measures, with the caveat that the proposal to extend the moratorium on new conch licenses/endorsements be held for now and addressed via the next decision memo. The Division further recommends combining those measures pertaining to new/revised gear specifications (i.e., escape vents), the new trap tagging requirement, and the new buoying requirement with the same suite of measures that apply to all pots/traps, as set forth above in #1, possibly with an effective date of January 2015, if appropriate, to allow all related pot/trap provisions to take effect at the same time. All of the measures relating to conch constitute reasonable steps that have emerged from discussions with industry and seek to strengthen RI's conch management program. Looking ahead, the Division anticipates moving forward with additional regulatory proposals to address biological concerns after completing an analysis of relevant commercial and fishery independent data.

3. Proposed amendments to Winter Flounder regulations (changes to Part VII)

The proposed amendments address transiting provisions pertaining to winter flounder.

RI waters are closed to the commercial harvest and possession of winter flounder north of the ColRegs line (i.e., Narragansett Bay) and in the coastal ponds. RI waters south of the ColRegs line and outside of the coastal ponds are open to commercial harvesting at a 50 pound/vessel daily possession limit. Recent federal action increased winter flounder harvesting opportunities in federal waters off southern New England. That action precipitated a review of RI's transiting provisions, with a view to ensuring that vessels legally harvesting winter flounder could land in RI. The existing transiting provision allows for transiting through the closed portions of RI waters, but it does not allow for transiting of state waters where the possession limit is lower than the limits in federal waters; the existing transiting provision also only applies to commercial vessels, and thus does not include party/charter vessels. The proposed amendments seek to expand and clarify transiting by vessels with winter flounder by specifically allowing for transiting:

- Through the closed portions of RI waters for commercial vessels fishing south of the ColRegs line (i.e., in state waters);
- Through the closed portions of RI waters, as well as through the open portion of RI waters subject to state-waters possession limits, for commercial vessel fishing in federal waters; and
- Through the closed portions of RI waters, as well as through the open portion of RI waters subject to state-waters possession limits, for party/charter vessels fishing in federal waters.

The Winter Flounder AP did not offer any formal recommendations relating to the measures that went to public hearing, although some members voiced support for the provision pertaining to party/charter vessels. Many in attendance advocated for increasing the state-waters possession limit to align with the recently enacted increases in harvest opportunities in federal waters; others expressed opposition to increasing harvest in state waters. That issue was not put out to notice because any proposed change in state-waters limits would first need to be vetted through ASMFC. At the public hearing, two comments were received, both voicing concern regarding

the disparity in possession limits between federal and state waters. At the RIMFC meeting, the Division offered its support for the proposed measures. The RIMFC recommended adoption of the proposed measures, with the following recommended language change: in the first measure, replace “south of the ColRegs line” with “in open portions of state waters.”

Consistent with the Council’s recommendation, the Division recommends adoption of the proposed amendments, including the proposed language modification offered by the Council. The State needs to provide full transiting opportunities for all vessels that legally harvest winter flounder in state and federal waters. The ongoing tension between state (ASMFC-driven) and federal waters (NEFMC) winter flounder management is a related, but separate, issue that will be subject to subsequent review and discussion.

4. Proposed amendments to Cod regulations (changes to Part VII)

The proposed amendments align state and federal commercial cod regulations pertaining to minimum size, establish a single daily possession limit for commercial cod applicable to all vessels fishing in state waters, and amend the existing closure provision that’s enacted if/when the State’s commercial cod quota is harvested. The major impetus for the proposed amendments was a recently enacted change to federal regulations governing cod (Framework 48 to the Northeast Multispecies FMP), which reduced the minimum commercial size from 22 inches to 19 inches (effective July 1, 2013). Another factor is that there are two RI state regulatory provisions pertaining to commercial cod that warrant revision. One is a provision that establishes a 1,000 pound/vessel/day limit for all non-federally permitted vessels, and an exemption from that limit for federally permitted vessels operating under a declared day at sea. The other is a provision that closes the state-waters cod fishery, indefinitely, if/when the State’s (self-imposed) commercial cod quota is harvested. To address these issues, the proposed amendments:

- Decrease the minimum commercial size for cod from 22 to 19 inches;
- Subject all vessels fishing commercially in RI state waters to the state possession limit, regardless of whether or not they are federally permitted.
- Clarify that if/when 90 percent of RI’s cod quota is harvested, the possession limit shall decrease from 1,000 pounds/vessel/day to 75 pounds/vessel/day and remain at that level for the remainder of the fishing year, which is defined as the period from May 1 through April 30.

The Groundfish AP lacked a quorum and did not offer any formal recommendations on the proposals, but there was some consensus in support of establishing consistency with the federal changes pertaining to minimum size. No comments were received at the public hearing. At the RIMFC meeting, the Division noted its concerns regarding the reduced minimum size, but offered its support for the proposed measures, for the purpose of maintaining consistency with already enacted federal regulations, and suggested that consideration be given to a sunset clause. The RIMFC engaged in a thoughtful discussion regarding the minimum size issue, focusing largely on the potential advantages of converting more dead discards into landings versus the potential disadvantages of targeting smaller fish. The Council’s discussion also focused on whether the problem of having to discard smaller cod is best addressed by reducing the minimum size or reducing mesh size. Ultimately, the Council, voting 5-2, recommended adoption of the

proposed amendments, with the caveat that the minimum size reduction be coupled with an April 30, 2015 sunset clause. The intent of the sunset clause would be to allow for a review of the effectiveness of the minimum size reduction and then revert back to the 22 inch standard if the reduction does not achieve its desired outcome.

Consistent with the Council's recommendation, the Division recommends adoption of the proposed cod management measures. There is a need to update certain provisions of the state waters quota program. The decrease in minimum size enacted by the NEFMC and NMFS has been controversial, particularly since the biological basis for the existing minimum is well established and the rationale for reduction -- limiting discards under quota management -- is untested. However, maintaining a state-waters minimum size that is significantly higher than the new federal-waters minimum size would create inequities and enforcement challenges. With regard to the Council's recommended sunset provision, which the Division initially supported, the Division now recommends against taking that approach, given the difficulty of specifying a sunset clause in rule. As an alternative, the Division recommends revisiting the issue with the Council next year, in advance of the recommended sunset date, to enable the Division and Council to assess the effectiveness of the management measure and determine whether it should be modified or left in place. In the meantime, the Division, through its participation at the NEFMC, will continue to monitor developments as they relate to the discard minimization objective.

5. Proposed amendments to Monkfish regulations (changes to Part VII)

The proposed amendment clarifies the definition of "whole weight" as it applies to monkfish possession limits (commercial and recreational) for the purpose of rendering the state definition/standard consistent with the recently updated federal definition/standard. The federal change reduces the whole-weight commercial possession limit in federal waters from 1,806 pounds to 1,601 pounds; and reduces the whole-weight recreational limit from 166 to 146 pounds. Current RI state-waters regulations are 1,806 pounds commercial and 166 pounds recreational. Two options for amending state-waters regulations were considered: adopting the new whole-weight definition (for purposes of establishing a common unit of measure for recording commercial landings) and decreasing the possession limit; and adopting the new definition but maintaining the current possession limit.

The Groundfish and Federally Managed Species AP lacked a quorum, and did not offer any formal recommendations on the proposals, but there was some consensus in support of remaining at status quo. Three comments were received at the public hearing: two voicing support for maintaining the current possession limit; and a third comment voicing concern that the decreased possession limit would result in a higher quantity of dead discards and would not have a positive effect on federal management efforts. At the RIMFC meeting, the Division offered its support for maintaining the current state-waters possession limits (both commercial and recreational), since they comport with current state industry practice. A member of the RIMFC expressed concern regarding the enforcement challenges associated with differing state and federal possession limits. Largely on that basis, the RIMFC recommended adoption of the reduced possession limits.

Notwithstanding the Council's recommendation, the Division recommends adopting the new definition for "whole weight" while maintaining the current state-waters possession limits. The state-waters possession limits are tied to a self-imposed state-waters commercial quota for monkfish, and landings over recent years have remained well within that quota. In contrast to the RI quota management program for monkfish, the federal program is based on a Days at Sea (DAS) management system. RI regulations already provide that federally permitted vessels fishing in RI state waters, under the federal DAS system, are not bound by the state-waters possession limit, so maintaining that limit, in support of the interests of state-waters fishermen, will not affect the concern raised by the Council. (Also, in accordance with RI's existing transiting provision, federally permitted vessels fishing in federal waters may transit RI waters and land, notwithstanding a differing state-waters possession limit.)

6. Proposed amendment to American Shad regulation (changes to Part VII)

The proposed amendment clarifies that the prohibition on the harvest and possession of American shad applies to recreational harvest as well as commercial harvest. The existing regulation applies only to commercial harvest. The recreational loophole needs to be closed to render RI's American shad management program consistent with ASMFC plan requirements. There was no advisory panel available to comment on the proposed amendment. No comments were received at the public hearing. At the RIMFC meeting, the Division recommended adoption of the proposed amendment. The Council concurred and recommended adoption as proposed.

Consistent with the Council's recommendation, the Division recommends adoption of the proposed amendment for the purpose of achieving full compliance with the ASMFC's FMP for shad and river herring.

7. Proposed amendments to American Plaice (Dab), Haddock, Pollock, Witch Flounder (Grey Sole), and Yellowtail Flounder regulations (changes to Part VII)

The proposed amendments align RI state-waters regulations with recently enacted changes to federal regulations pertaining to commercial and recreational minimum sizes for dab, haddock, grey sole, and yellowtail flounder. The proposed amendments also clarify, establish, and render consistent state-waters regulations pertaining to fishing years, possession limits for federally permitted vessels, and transiting for dab, haddock, grey sole, and yellowtail flounder, as well as pollock.

The federal changes pertaining to minimum size were enacted via amendments to Framework 48 to the Northeast Multispecies FMP and took effect July 1, 2013. The commercial minimum size changes were as follows:

- dab – reduction from 14" to 12"
- haddock – reduction from 19" to 16"
- grey sole – reduction from 14" to 13"
- yellowtail flounder – reduction from 13" to 12"

The one change pertaining to recreational minimum size was a reduction from 19” to 18” for haddock.

All of RI’s existing minimum sizes are the same as the federal minimum sizes that were in effect prior to the reductions.

With regard to fishing years, possession limits, and transiting, the proposed amendments establish the following provisions (in addition to establishing the reduced minimum sizes) applicable to all five species:

- A commercial and recreational fishing year that runs from May 1 to April 30, annually.
- For non-federally permitted vessels fishing in RI waters: no possession limits (commercial or recreational)
- For federally permitted vessels fishing in RI waters: possession limits consistent with applicable federal regulations
- For federally permitted vessels transiting RI waters with fish harvested in federal waters: authorization to transit and land, provided that all fish-harvesting gear onboard the vessel is stowed.

There are no existing RI regulations pertaining to any of the above provisions.

The Groundfish and Federally Managed Species AP lacked a quorum, and did not offer any formal recommendations on the proposals, but there was some consensus in support of remaining at status quo (i.e., not adopting the new federal minimum sizes for the four species). No comments were received at the public hearing.

At the RIMFC meeting, the comments and recommendations from the Division and the Council were essentially the same as those offered with regard to cod. The Division noted its concerns regarding the reduced minimum sizes, but offered its support for the proposed measures to maintain state consistency with already enacted federal regulations. The Council also expressed its concern over the minimum size issue, but on a 5-2 vote, recommended adoption of the proposed amendments, with the caveat that, as with cod, to couple the minimum size reductions with an April 30, 2015 sunset clause. As with cod, the intent of the sunset clause would be to allow for a review of the effectiveness of the minimum size reductions with a view to reverting back to prior (currently existing) standards if the reductions do not achieve their desired outcome.

Consistent with the Council’s recommendation, the Division recommends adoption of the proposed minimum size reductions for dab, haddock, grey sole, and yellowtail flounder; and further recommends adoption of the proposed new regulations pertaining to fishing years, possession limits for federally permitted vessels, and transiting for dab, haddock, grey sole, yellowtail flounder, and pollock. As with cod, the decrease in minimum sizes enacted by the NEFMC and NMFS has been controversial, particularly since the biological basis for the existing minimums are well established and the rationale for reduction -- limiting discards under quota management -- is untested. However, maintaining state-waters minimum sizes that are higher than the new federal-waters minimum sizes would create inequities and enforcement challenges. With regard to the Council’s recommended sunset provision, the Division

recommends against taking that approach, given the difficulty of specifying a sunset clause in rule. As an alternative, the Division recommends revisiting the issue with the Council next year, in advance of the recommended sunset date, to enable the Division and Council to assess the effectiveness of the management measure and determine whether it should be modified or left in place. In the meantime, the Division, through its participation at the NEFMC, will continue to monitor developments as they relate to the discard minimization objective.

8. Proposed amendments to Gill Net regulations (changes to Part XIII)

The proposed amendments 1) modify the marking requirements for gill nets set in the portion of RI waters that extend from one-half mile to three miles from the coast, and 2) enact a relatively minor adjustment to the line that divides the waters of Narragansett Bay/Mount Hope Bay/Sakonnet River from the waters that extend one-half mile from the coast. Existing regulations require that all gill nets set in the portion of RI waters that extend from one-half mile to three miles from the coast be marked, every 600 feet, with a vertical line attached to an orange or fluorescent orange float. The proposed amendment would replace that requirement with the following new requirements:

- For gill nets that are between 600 feet and 1,200 feet in length:
 - The westernmost end must be marked with two orange or fluorescent orange floats, 9x16” in size; and
 - The easternmost end must be marked with a single orange or fluorescent orange float, 9x16” in size.
 - If the net is set in a line running due north and south, the two floats must be on the southern end, with the one float on the north end.
 - All three floats must be marked with the net operator’s name and license number (as currently required)

- For gill nets that are greater than 1,200 feet in length:
 - Both ends must be marked with a radar-reflective highflyer and a single orange or fluorescent orange float, 9x16” in size; and
 - The highflyer on the westernmost end, or the southern end if the net is set in a line running due north and south, must also be marked with a flag.
 - Both floats must be marked with the net operator’s name and license number (as currently required)

The proposed amendment would also adopt the ColRegs line, in lieu of certain landmarks, as the line of demarcation between the waters of Narragansett Bay/Mount Hope Bay/Sakonnet River and the waters extending out to one-half mile from the coast – within which certain gill net regulations apply.

The proposed changes to the marking regulations were brought forward by industry to address safety concerns associated with the existing vertical-line-every-600-feet requirement, which had been largely unenforced until recently. More buoy lines on vessels increase the risk of entanglement by crew members at the nets are being set. The additional buoy lines also make working with the net onboard small vessels almost impossible. Finally, the additional buoy lines

increase the risk of entanglement by marine mammals. The proposed changes render state-waters regulations for nets set from one-half mile off the coast to three miles off the coast consistent with federal waters regulations.

The RIMFC's Industry Advisory Committee (IAC), unanimously recommended adoption of the above-described proposal. A representative of DEM's Office of Law Enforcement attended that meeting and offered the Office's full support. Three comments were received at the public hearing, all in support of proposal. At the RIMFC meeting, the Division expressed its support for the proposal, noting that it had been collaboratively developed and struck an appropriate balance between the need to ensure that gill nets are highly visible and the need to reduce the number of vertical lines to protect the safety of crew members and reduce the risk of entanglements by marine mammals. Some members of the Council supported the proposal; others expressed concern that reduced vertical lines would render gill nets less visible to rod and reel fishermen. The Council was unable to reach consensus on the issue. (A motion to recommend adoption failed on a 2 – 5 votes; no other motion was offered for consideration).

The Division recommends adoption of the proposed amendments. The new marking requirements, developed collaboratively by industry and the Department, and fully supported by the IAC, strike a balance between the needs of enforcement and those of industry. The proposed change to the demarcation line is essentially a technical clarification and received no comments; it is recommended for adoption as proposed.

9. Proposed amendment to Horseshoe Crab regulations (changes to Part XV)

The proposed amendment would adopt in final form a regulation that has already been enacted as an emergency regulation. The regulation prohibits the possession of non-indigenous horseshoe crab species, without written authorization by the Department. The need for the prohibition stems from an advisory issued by the ASMFC. The Commission received information that non-indigenous horseshoe crab species were being imported into US markets. That activity raises concerns regarding the potential introduction of disease into domestic horseshoe crab populations. The ASMFC passed a resolution requesting state support for banning the importation and possession of non-indigenous horseshoe crabs. The initial RI response was a series of emergency regulatory actions, filed on several occasions over the past several months. The current proposal completes the process, as it follows a public hearing. No comments were received at the public hearing. At the RIMFC meeting, the Division recommended adoption of the proposed amendment. The Council concurred and recommended adoption as proposed.

Consistent with the Council's recommendation, the Division recommends final adoption of the original emergency regulation, pursuant to the request made by the ASMFC.

10. Proposed amendments to Menhaden regulations (changes to Part XVI)

The proposed amendment would adopt in final form a regulation that has already been enacted as an emergency regulation. The regulation establishes a new state quota management program for menhaden, as required by the ASMFC pursuant to Amendment 2 to the Commission's Menhaden FMP, which was adopted in December 2012 and instituted as a requirement for all

states in 2013. The crux of the regulations is 1) a state quota, as established by the ASMFC, 2) a 6,000 pound/vessel/day bycatch provision for non-directed fisheries after the quota is reached, and 3) an episodic event set aside program enabling RI to accommodate additional harvests of menhaden from RI waters, to be landed in RI, from directed fisheries, after the state's quota is reached. The Menhaden AP did not offer a formal recommendation regarding the new regulatory program, but did suggest that an additional set aside be established to stretch out the state's quota and thereby support the needs and interests of small-vessel operators who supply menhaden to bait shops. The panel also offered its hope that RI could achieve a higher state quota through the ASMFC process. The AP Chair offered a summary of the AP meeting at the public hearing, and noted that the AP may not have fully understood that keeping the fishery open for small vessel fishermen to supply bait shops would prevent the state from being able to participate in the episodic event set aside program. At the RIMFC meeting, the Division offered its support for final adoption of the new quota management program, and further noted that the Division could not support the AP's suggestion for a small-vessel bait fishery set aside, given its potential impact on the episodic event set aside program. The Council recommended adoption of the recommended regulatory program, with an additional recommendation to enact a 13% set-aside quota for small vessels.

Consistent with the Council's recommendation, the Division recommends final adoption of the original emergency regulations in order to maintain compliance with the ASMFC's Menhaden FMP. However, at this time, the Division does not recommend adoption of the 13% bait shop set aside proposal since the measure could compromise other elements of the plan. The Division is committed to exploring additional opportunities to improve menhaden management for RI through the ASMFC process..



Approved for filing as presented

Janet Coit

Janet L. Coit, Director

10/29/13

Date