



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

RIMFC: Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

MEETING NOTICE RI MARINE FISHERIES COUNCIL

October 15, 2019 – 6:00 PM

URI Narragansett Bay Campus, Coastal Institute Building, Corless Auditorium
South Ferry Road, Narragansett, RI

AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s)
1. Tonight's agenda	Approval of agenda.	<ul style="list-style-type: none"> • Tonight's meeting agenda.
2. Meeting minutes from last meeting	Approval of meeting minutes.	<ul style="list-style-type: none"> • Draft minutes from meeting on 9/9/2019.
3. Meeting minutes from meeting April 1, 2019	Approval of meeting minutes.	<ul style="list-style-type: none"> • Revised draft minutes from meeting on April 1, 2019
3. Public comment	Discussion and/or recommendations for future action.	N/A
4. <u>Shellfish Advisory Panel meeting summary:</u> K. Eagan	Approval of meeting minutes.	<ul style="list-style-type: none"> • Noticed agenda. • Powerpoint presentation. • Draft meeting minutes.
5. <u>Application to Shellfish Advisory Panel membership:</u> B. Ballou	Vote on applications.	<ul style="list-style-type: none"> • Applications submitted <ul style="list-style-type: none"> ○ Kenneth Murgó ○ John McDonald
6. <u>2020 Sector Management Plan:</u> J. McNamee	Recommend adoption of updated plan	<ul style="list-style-type: none"> • Guiding statute. • Draft plan.
7. <u>September 10 public hearing items:</u> J. McNamee	Provide recommendations to the Director regarding proposed regulations.	<ul style="list-style-type: none"> • Public notice (note: links provided in notice summary will take reader directly to that section in proposed rule). • Annotated rule • Powerpoint presentation from the hearing. • Summary of hearing comments.
8. <u>Division proposal to amend whelk minimum size – process moving forward:</u> J. McNamee	FYI/discussion and/or recommendations for future action.	N/A

9. <u>FYI:</u>		<ul style="list-style-type: none">• Division letter of support re: Framework Adjustment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan
10. Any other matters		
11. Adjourn		

All RIMFC Meetings are open to the public

To be posted to Sec. of State Open Meetings on October 7, 2019



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

MEETING SUMMARY

April 1, 2019

Chairperson: *B. Ballou (DEM)*

RIMFC members present: *J. Grant, D. Monti, M. Roderick, M. Rice, A. Dangelo, C. Rein, J. Jarvis*

Division: *S. Olszewski, C. McManus, J. Lake, J. Livermore, N. Costa, N. Ares, C. Parkins, A. Williams, P. Barrett, K. Rodrigue, C. Truesdale, M. Bucko, P. Duhamel*

DEM Legal: *C. Hoefsmit*

Public: Approximately 25 persons in attendance.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications, or objections to adopting the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of minutes from meeting on December 3, 2019:** *B. Ballou* inquired as to any proposed modifications or objections to adopting the minutes. *D. Monti* noted that his name was not included in the attendance for this meeting, to which *B. Ballou* offered that the minutes would be corrected. Hearing no other requests for modifications, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:**
 - *G. Duckworth* requested that federal transiting rules from Block Island to the mainland be considered for all species harvested within state waters around BI, in addition to species currently under consideration. *B. Ballou* offered that the matter would be placed on the next Council agenda.
 - *R. Kenyon:*
 - Requested that horseshoe crab rules be re-visited as the quota is not being fully harvested due to and unfair disadvantage for bait harvest which results in a shortage of bait for the whelk fishery. He offered that rules are unclear regarding dealer and harvester responsibilities for bio-medical harvest.
 - Requested that rules be considered for amendment regarding two licensees and two possession limits allowed on a single vessel.
 - Requested that rules be considered for amendment regarding the creation of a new endorsement for small scale artisanal type fishing operations that would provide for the direct sales for marine products from the vessel to consumers and restaurants. Another gentleman in the audience expressed support for this proposal.

4. **Shellfish Advisory Panel meeting summary:** *J. Grant* provided a brief overview of the meeting. *B. Ballou* inquired to any objections to accepting the minutes and placing on file; hearing none the minutes were approved.
5. **Aquaculture lease application review:**
 - 2018-05-159, Pinsky, Ninigret Pond: Motion made by *J. Grant* to recommend no objection to the application as the use as proposed is consistent with competing uses engaged in the utilization of marine species; 2nd by *M. Rice*. The motion passed 7-0.
 - 2018-09-033, Torre and Davidson, Sakonnet River: Motion made by *D. Monti* to recommend no objection to the application as the use as proposed is consistent with competing uses engaged in the utilization of marine species; 2nd by *A. Dangelo*. The motion passed 7-0.
 - 2018-08-071, Griffin, Narr. Bay West Passage: Motion made by *M. Rice* to recommend no objection to the application as the use as proposed is consistent with competing uses engaged in the utilization of marine species; 2nd by *J. Jarvis*. The motion passed 7-0.
6. **March 11 hearing items:**
 - **2019 recreational Summer flounder management:** *J. Lake* offered Division support for each of the two proposals noticed, however, with a change to the minimum size for the special shore angling sites increased from 16” to 17 “, and the opening date changed from May 1 to May 3 *if* adopting the special shore angling provision. Motion made by *D. Monti* to recommend an opening date of May 3 and a 16” minimum size for the special shore angling provision; 2nd by *J. Jarvis*. The motion passed 6-0 (*C. Rein* abstained).
 - **2019 commercial summer flounder management:** *J. Lake* provided that the updated quota figures presented at the hearing supported re-opening all three currently closed days during the summer sub-period, without risk of an early closure (based upon average daily 2018 harvest rates). Motion made by *J. Jarvis* to recommend to re-open all three currently closed days; 2nd by *M. Roderick*. The motion passed 7-0.
 - **2019 recreational Black sea bass management:** Motion made by *A. Dangelo* to recommend remaining at status quo; 2nd by *M. Rice*. *D. Monti* offered that he could not support status quo due to the opening date of June 24, in that an earlier opening is needed to provide for equitable access by shore and bay fishermen. *G. Vespe* of the Aquidneck Island Striper Team expressed support for an earlier opening. The motion passed 6-1 (*D. Monti* opposed).
 - **2019 commercial Black sea bass management:** Motion made by *M. Rice* to recommend remaining at status quo (option 1); 2nd by *D. Monti*. The motion passed 6-1 (*J. Grant* opposed).

- **2019 recreational Scup management:** *J. Lake* offered that a combination of options 2 and 3, which is to open January 1 and to increase the party/charter possession limit was a feasible option per ASMFC requirements, and was inadvertently not provided as an option. Motion made by *D. Monti* to recommend opening the season on January 1 and increasing the party/charter possession limit in September and October from 45 to 50 fish/day; 2nd by *C. Rein*. The motion passed 7 - 0.
- **Commercial Scup management regarding possession limits for trawl vessels with a minimum mesh size:** Motion made by *D. Monti* to recommend adopting the amendment as proposed; 2nd by *M. Roderick*. The motion passed 7 - 0.
- **2019 recreational Striped bass management:** Motion made by *A. Dangelo* to recommend remaining at status quo; 2nd by *D. Monti*. The motion passed 7-0.
- **2019 commercial Striped bass general category management:** Motion made by *C. Rein* to recommend adoption of option 2; 2nd by *M. Rice*. A substitute motion was made to recommend adoption of option 1; 2nd by *J. Jarvis*. This substitute motion failed 3-3 (*M. Rice, J. Grant, C. Rein* opposed; *A. Dangelo* abstained). The main motion (to recommend adoption of option 2) failed 3-4 (*M. Roderick, D. Monti, A. Dangelo, J. Jarvis* opposed). Motion made by *M. Rice* to recommend adoption of option 3; 2nd *A. Dangelo*. The Council entertained several comments from members of the audience. *D. Monti* offered that a variation of option 1 should be considered, which amends the season dates while maintaining the two sub-periods. The motion failed 3-4 (*M. Roderick, D. Monti, J. Grant, J. Jarvis* opposed). The Council discussed a possible 4th motion, to amend option 1 to open the second sub-period in July rather than August. *J. Grant* noted that modifying option 1 to open the second sub-period on July 1 is essentially what is offered by option 2. No other motions were made, and no recommendation was ultimately provided.
- **2019 commercial Striped bass floating fish trap:** Motion made by *D. Monti* to recommend remaining at status quo; 2nd by *M. Rice*. The motion passed 6-0 (*J. Grant* recused).
- **2019 party/charter possession limit for Tautog:** ~~Motion made by *D. Monti* to recommend adoption of the amendment as proposed; 2nd by *C. Rein*. The motion passed 7-0. *D. Monti* noted that the slide was inaccurate in that the season opening date is now April 1 and not April 15 as shown. Motion made by *D. Monti* to recommend adopting the amendment as proposed; 2nd by *C. Rein*. *A. Dangelo* noted that RI is at an unfair disadvantage with the state of Massachusetts and would like to re-visit the matter next year. The motion passed 7-0.~~
- **2019 recreational Bluefish management:** Motion made by *A. Dangelo* to recommend remaining at status quo; 2nd by *D. Monti*. ~~*A. Dangelo* noted that RI is at an unfair disadvantage with the state of Massachusetts and would like to re-visit the matter next year.~~ The motion passed 7-0.

- **2019 commercial Bluefish management:** Motion made by *C. Rein* to recommend adoption of option 2 as noticed; 2nd by *J. Grant*. The motion passed 7-0.
- **2019 commercial Blacknose sharks:** Motion made by *A. Dangelo* to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. The motion passed 7-0.
- **2019 recreational Cod management:** *J. Lake* offered that the proposal has been further refined to both remove the minimum size and possession limit from state rules, and to instead incorporate the federal rule by reference in order to ensure consistency with the federal rule at all times. *J. Grant* expressed support as refined but that specific sizes and possession limit should still be included in the Division's webpage and annual abstract. Motion made by *D. Monti* to recommend adoption of the revised language as presented at the Council; 2nd by *A. Dangelo*. The motion passed 7-0.
- **Commercial menhaden proposal #1 – Division proposal to broaden the commercial vessel restrictions to apply to all commercial vessels, other than small-scale fisheries and floating fish traps:** Motion made by *D. Monti* to recommend adoption of the amendment as proposed; 2nd by *J. Jarvis*. The motion passed 5-2 (*J. Grant* and *C. Rein* opposed).
- **Commercial menhaden proposal #2 – Industry proposal to restrict vessel length and useable storage capacity for commercial menhaden operations:** Motion made by *J. Jarvis* to recommend adoption of the amendment as proposed; 2nd by *J. Grant*. Upon discussion the motion was withdrawn with no objection. No motion or recommendation was ultimately provided by the Council.
- **Commercial menhaden proposal #3 - Division proposal to replace instances of “landing limit” with “possession limit”:** Motion made by *M. Rice* to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. The motion passed 7-0.
- **Commercial menhaden proposal #4 - Industry proposal to provide for a possession limit trigger equaling 50% of the quota, which would trigger a possession limit of 80,000 lbs/vessel/day under the State Quota Program:** No motion or recommendation was provided by the Council.
- **Commercial menhaden proposal #5 - Division proposal to clarify the transiting rule as it pertains to the commercial menhaden fishery:** Motion made by *M. Rice* to recommend adoption of the amendment as proposed; 2nd by *J. Grant*. The motion passed 7-0.
- **Commercial menhaden proposal #6 - Division proposal to amend the date of the end of the Episodic Event Set Aside Program consistent with the ASMFC FMP:** Motion made by *D. Monti* to recommend adoption of the amendment as proposed; 2nd by *J. Grant*. The motion passed 7-0.

- **Whelk minimum size measurement:** Upon conclusion of a great deal of the discussion on the matter, no motion or recommendation was ultimately provided by the Council due to concerns raised in public comments that the proposed amendment does not provide clarity to the rule as intended. The Council recommended that the Division continue to work with industry through a workshop to develop clarified language.
 - **Whelk pot tagging program:** Motion made by *M. Rice* to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. The motion passed 6-1 (*J. Jarvis* opposed). A second motion was made by *D. Monti* to recommend that rules be amended to include gear rotation and catastrophic tags due to concerns expressed in public comments; 2nd by *M. Rice*. This motion passed 7-0.
 - **Lobster trap tags – replacement of original tags ordered but not received and presumed to be lost:** Motion made by *M. Rice* to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. The motion passed 7-0.
 - **Clarification of open and closed periods of the Upper Narragansett Bay Trawling Area to trawling:** Motion made by *D. Monti* to recommend adoption of the amendment as proposed; 2nd by *D. Monti*. The motion passed 7-0.
 - **Clarification of area description of the Upper Narragansett Bay Trawling Area (section 6.8.2(C)(1)(a)):** *J. Lake* explained that the area under consideration, including the new area proposed which identifies Castle Island as part of the revised boundary, is no longer recommended for adoption by the Division. He explained that the recommendation by the Division at this time is to revise the language such that it matches the area as depicted in the Division’s repealed rule “Part XVII – Maps”, which terminates the area’s northern and southern boundary at the Hog Island Shoal Light. Motion made by *J. Grant* to recommend adoption of revised language as recommended by the Division, which would depict the area as shown in the Division’s repealed rule “Part XVII - Maps; 2nd by *A. Dangelo*. The motion passed 7-0. A member of the audience offered that “Homestead Dock” as used in the boundary description has been re-built to the north of its previous location. The Division noted that there are several landmarks currently used in rules that may no longer be accurate, and that a review of these rules is needed. The Division offered that the matter would be addressed in subsequent rulemaking. *M. Rice* recommended that coordinates be included in addition to landmarks.
 - **Extension of gill net tag valid dates:** Motion made by *M. Rice* to recommend adoption of the amendment as proposed; 2nd by *J. Jarvis*. The motion passed 7-0.
7. **2018 RI Saltwater Recreational Fishing License Program Report:** *J. Lake* provided an overview of the program in 2018. Motion made by *D. Monti* to approve the report as consistent with its intended objective pursuant to statute; 2nd by *A. Dangelo*. The motion passed 7-0. *M. Rice* offered that as an original author of the legislation, he supports approval of the report as consistent with its intended objective pursuant to statute.

8. **2018 RIMFC Annual Report:** Motion made by *A. Dangelo* to approve the report as consistent with its intended objective pursuant to statute; 2nd by *M. Rice*. The motion passed 7-0.
9. **Offshore wind development update:** *J. Livermore* provided an update on offshore wind development.
10. **Meeting adjournment:** The meeting was adjourned by consent at approximately 8:30pm.

The full video recording of the meeting is available at the DEM YouTube channel at <https://www.youtube.com/watch?v=Fzgz7ILuyFo&t=3452s>. Individual agenda items and their times can be viewed by expanding the “SHOW MORE” tab.



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

MEETING SUMMARY

September 9, 2019

Chairperson: *B. Ballou (DEM)*

RIMFC members present: *T. Barao, A. Dangelo, K. Eagan, J. Jarvis, D. Monti, M. Rice*

Division: *J. McNamee, J. Lake, N. Costa, C. Parkins, A. Williams, C. Truesdale, M. Bucko, P. Duhamel*

DEM Legal: *C. Hoefsmit*

Public: Less than 10 persons in attendance.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications, or objections to adopting the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of minutes from meeting on April 1, 2019:** *B. Ballou* inquired as to any proposed modifications or objections to adopting the minutes. *A. Dangelo* noted an inaccuracy in the vote that took place regarding the hearing item on 2019 party/charter possession limit for Tautog, in that it did not reflect the motion that took place. He noted that his comment was incorrectly placed in the section on recreational bluefish. *P. Duhamel* offered that he would make the correction and place the revised draft minutes on the next meeting agenda for review.
3. **Public comments regarding other matters not on agenda:** A gentleman in the audience inquired about the rule regarding the small mesh requirement in Narragansett Bay from November 1 through February 28; namely if the rule could be changed to change the November 1 date to December 1. *J. McNamee* offered that the matter would be taken into consideration and potentially brought to a hearing scheduled in November, but that due to the timing the measure could not be in effect until next year.
4. **Council webpage:** *B. Ballou* requested that all pictures and bios be completed and sent to *P. Duhamel* by the end of the week so the webpage can go live.
5. **Committee appointments:** Motion made by *M. Rice* to nominate new Council member *K. Eagan* as the new chair of the Shellfish Advisory Panel (SAP); 2nd by *D. Monti*. The motion passed 6 – 0 with *Ms. Eagan* accepting the nomination. Regarding new membership for the Shellfish Advisory Panel and Industry Advisory Committee, *B. Ballou* suggested that the Division would send a listserve to announce vacancies. He offered that Council members should feel free to solicit any prospective members inquired as they see fit, and suggested in particular that *D. Monti* and *T. Barao* seek to fill the recreational fishing representative

opening on the IAC and for *K. Eagan* to seek East Bay commercial representation on the SAP. The Council concurred with *B. Ballou's* recommendations.

6. **Industry Advisory Panel meeting summary:** *J. Lake* provided an overview of the meeting. *B. Ballou* inquired as to any objections to approving the minutes. Hearing none, the agenda was approved by consent. Regarding the Division's commercial licensing legislative initiative, *J. McNamee* offered that the Division's proposal would be brought to a workshop in the near future for discussion and input.
7. **Responses to public comments made from last meeting:** *J. McNamee* initiated a discussion to respond to questions asked during the public comment portion at the last meeting in April which were asked by R. Kenyon, and which involved horseshoe crab management, allowance of two licensees and two possession limits on a single vessel, and direct sales for marine products from the vessel to consumers and restaurants. Upon conclusion of the discussion, *B. Ballou* recommended that R. Kenyon work with him to develop a plan moving forward to work with the Dept. of Health to determine the viability of his proposal which would provide for the direct sales for marine products from vessels to consumers.
8. **Regional fisheries science effort to evaluate impacts of and prepare for offshore wind development:** *J. McNamee* provided a brief overview of the subject matter regarding the recent Request for Proposals (RFP) for regional fisheries and offshore wind research that was noticed via the Division's listserv.
9. **Direct Final Rule (DFR) filings:** *J. McNamee* provided an overview of the process for Direct Final Rule filings and the two filing that took place since the last Council meeting. He noted that the rules had already been filed, but that for future DFR filings the Division would notify the Council of intent to notice before noticing, and then only notice if the Council doesn't object. In that way the Council would be able to weigh in prior to filing as is the normal process for rule filings. Upon conclusion of the discussion, the Council voted unanimously to approve the two filings that had taken place and also the process of notification for future DFR filings.
10. **Economic impact of fishing:** *D. Monti* informed the Council of the report provided in the ePacket and the importance of recreational and commercial fishing in RI.
11. **Transiting to/from Block Island with summer flounder, scup, and black sea bass - update:** *B. Ballou* provided the Division's letter of support to NOAA for the rule change which was submitted today, the final day of the comment period. The Council expressed support for the rule change and the Division's letter of support.
12. **Meeting adjournment:** The meeting was adjourned by consent at approximately 7:38pm.

The full video recording of the meeting is available at the DEM YouTube channel at the following [link](#). Individual agenda items and their times can be viewed by expanding the "SHOW MORE" tab.



Rhode Island Marine Fisheries Council

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

Panel Chair:

Katie Eagan

Scientific Advisor:

Dale Leavitt

Membership:

Jeff Gardner

Aquaculture

Bob Rheault

Alternate for J. Gardner

David Ghigliotty

Comm. Bullrake

Mike McGiveney

Comm. Bullrake

Martin McGiveney

Alternate for Mike McGiveney

Gerald Schey

Comm. Bullrake

Bob Bercaw

Comm. Bullrake

Manuel Sousa

Comm. Bullrake

Katie Eagan

Comm. East Bay

Bob Smith

Dealer

Roger Tellier

Recreational Rod & Reel

Richard Pastore

Recreational Rod & Reel

Edward Troiano

Recreational Shellfish

Marine Fisheries staff:

Anna Gerber-Williams

Meeting Notice

Shellfish Advisory Panel

September 25, 2019, 4:30PM

URI Bay Campus Coastal Institute Large Conference Room
215 South Ferry Road, Narragansett, RI 02882

MEETING AGENDA

1. Division proposal for a whelk pot tagging program and regulations.
2. Shellfish management in Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas. Proposals regarding winter harvest schedules.

All RIMFC Species Advisory Panel meetings are open to the public.

For more information please contact Anna Gerber-Williams at (401) 423-1930.

Posted to Sec. of State Open Meetings on September 18, 2019

Shellfish Advisory Panel
September 25, 2019, 4:30PM
URI Bay Campus, Large Conference Room
215 S Ferry Road, Narragansett, RI 02882

AGENDA

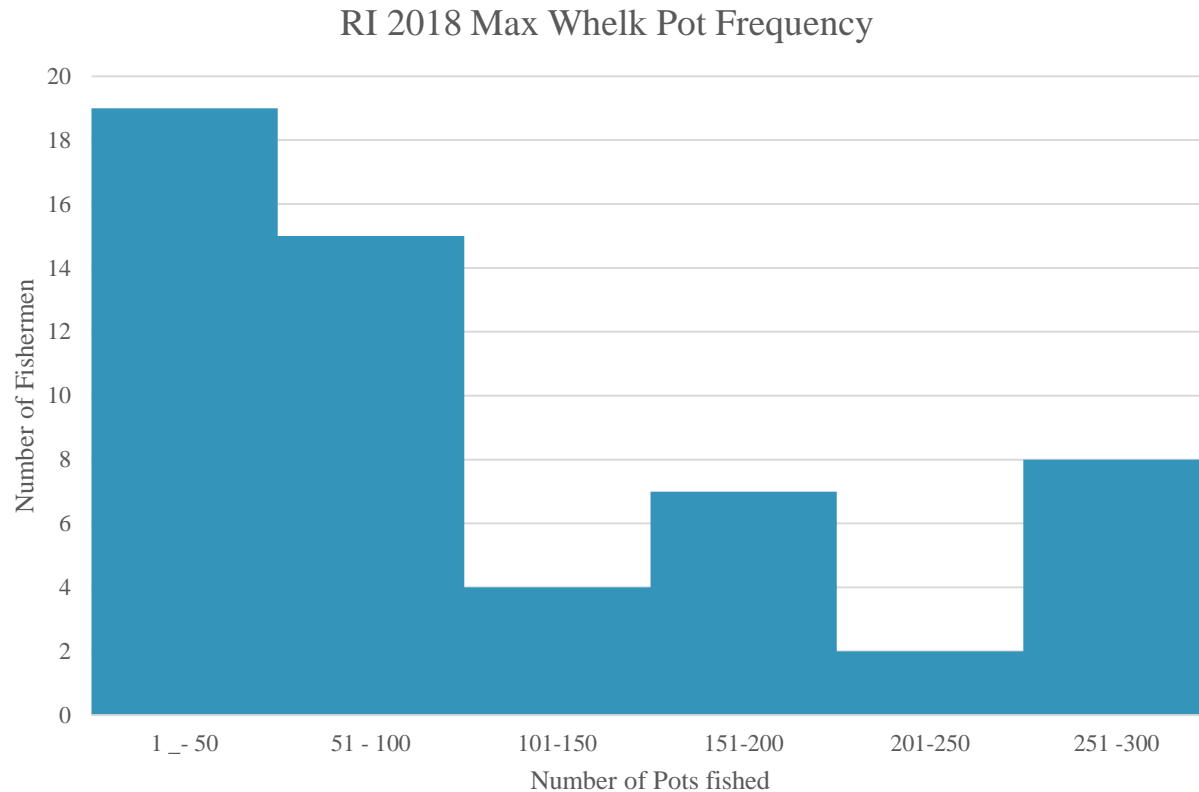
1. Division proposal for a whelk pot tagging program and regulations.
2. Shellfish management in Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas. Proposals regarding winter harvest schedules.

1. Whelk Pot Tagging

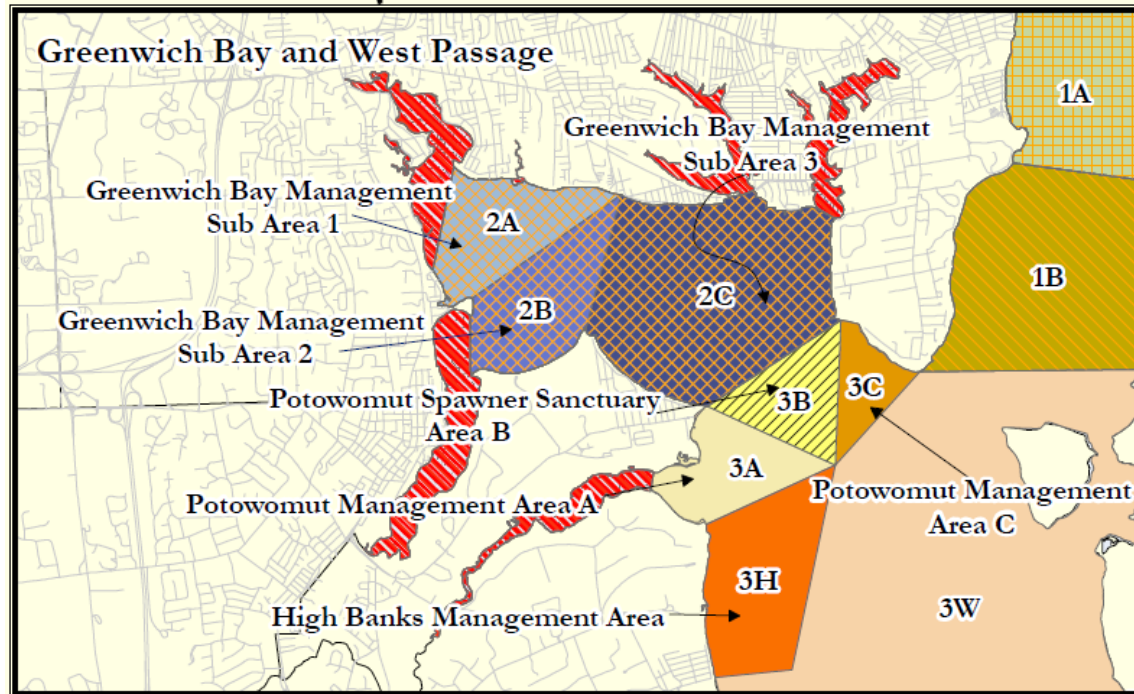


- Adoption tagging program similar to lobster trap tag program
- One time use fastenable tags issued annually
- 300 original tags per fisherman + 10% routine loss provision = 330 tags maximum
- Gear rotation and catastrophic loss tags optional
- Tags purchased by fisherman via RIDMF (\$0.14/ tag)
- Tags valid between September 1 – August 31 annually

1. Whelk Pot Tagging



2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Areas 1 and 2



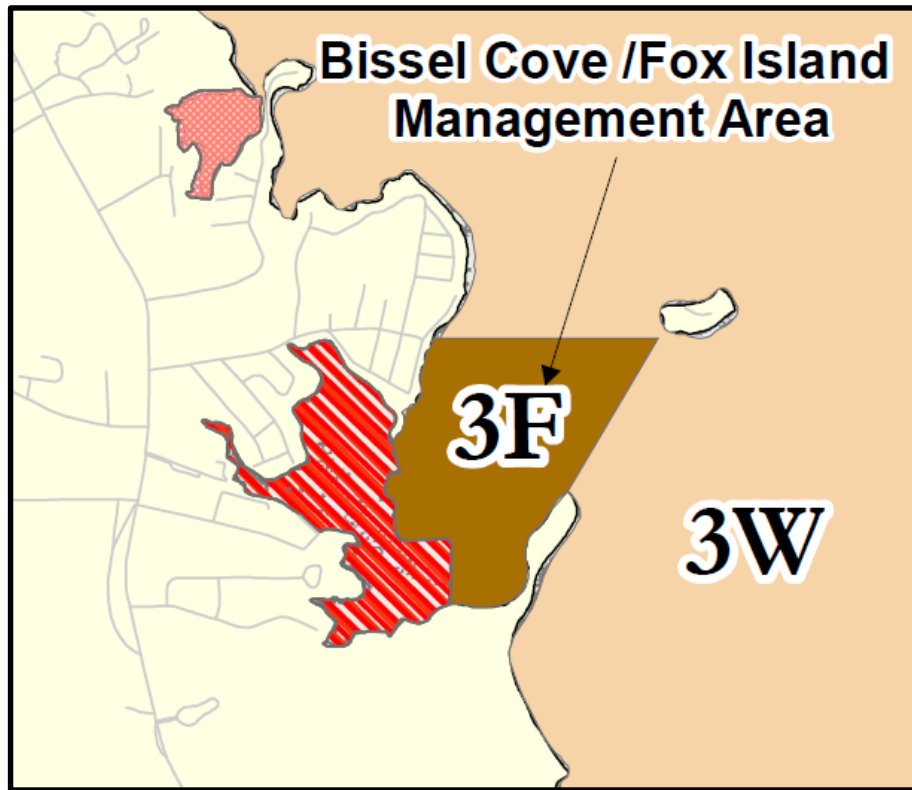
Provisions for Proposal

The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the last Friday in April, excluding December 25 and January 1 annually.

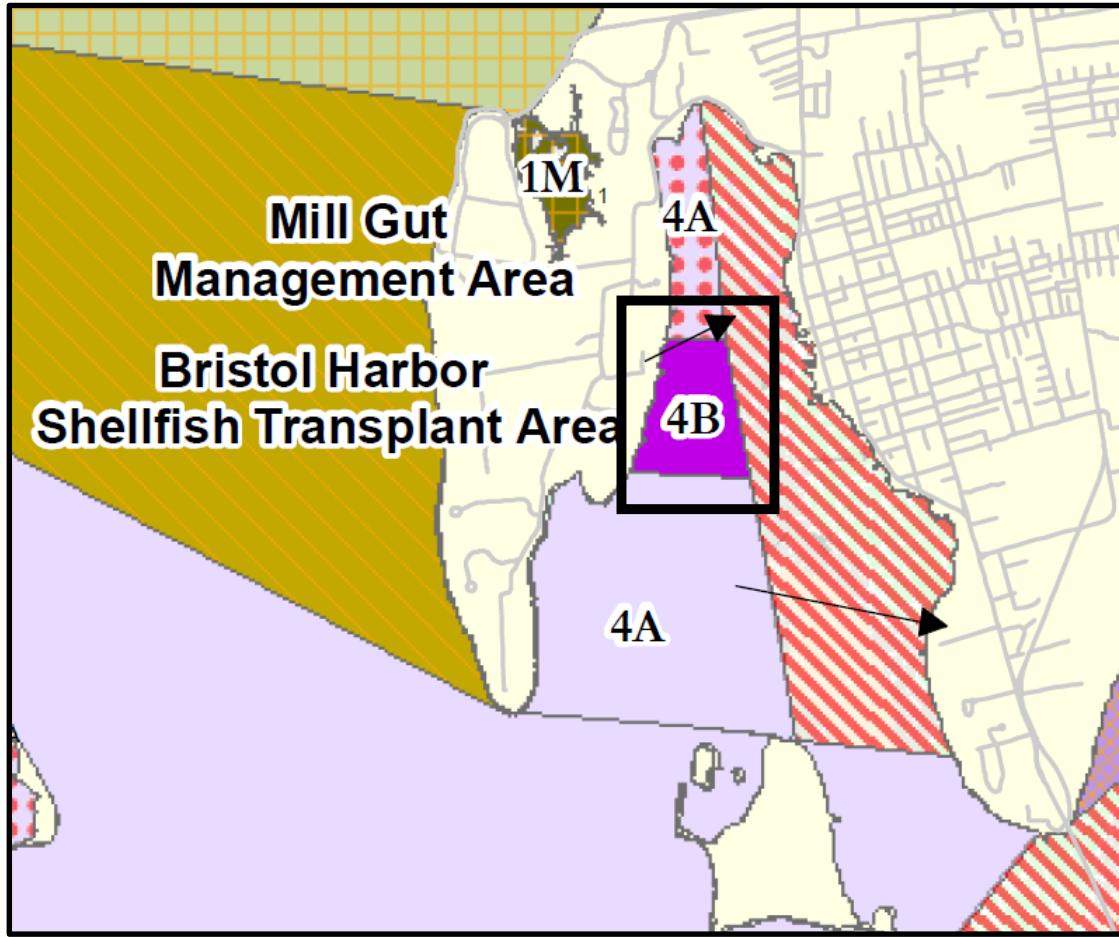
2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove



Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April, excluding December 25 and January 1 annually.

2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor

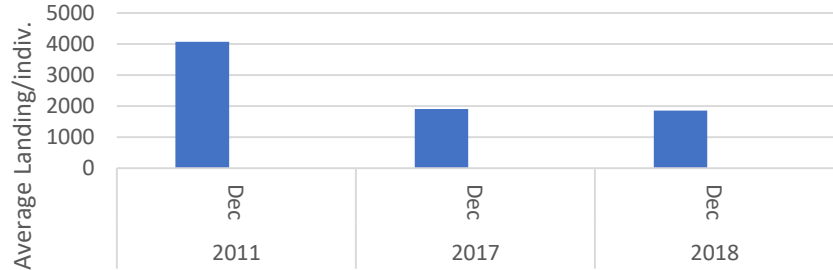


Default

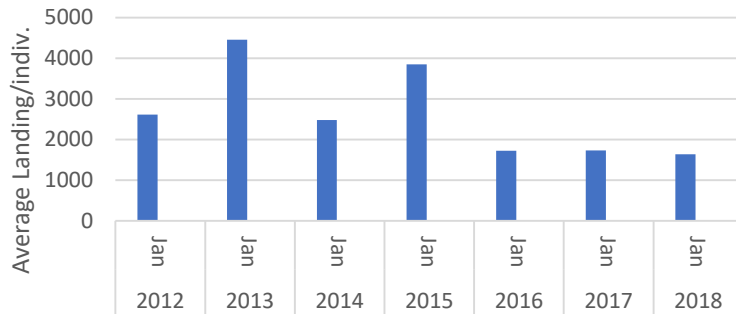
- Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on January 2 and continuing through January 31.
- Open daily February 1 through April 30.
- Closed May 1 through January 1.

2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Area 2A

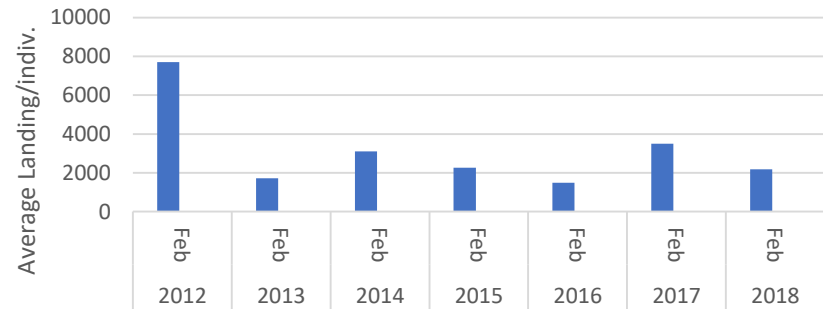
December-Greenwich Bay 2A
Average Winter Harvest Landings



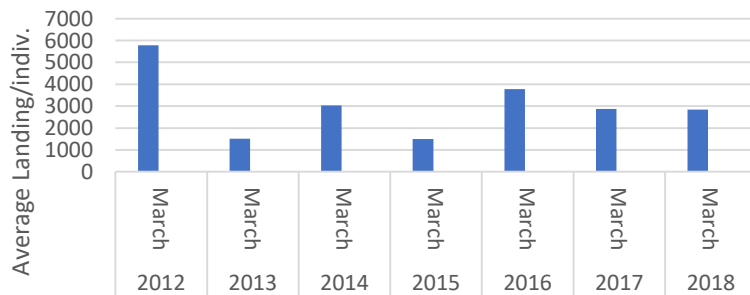
January-Greenwich Bay 2A
Average Winter Harvest Landings



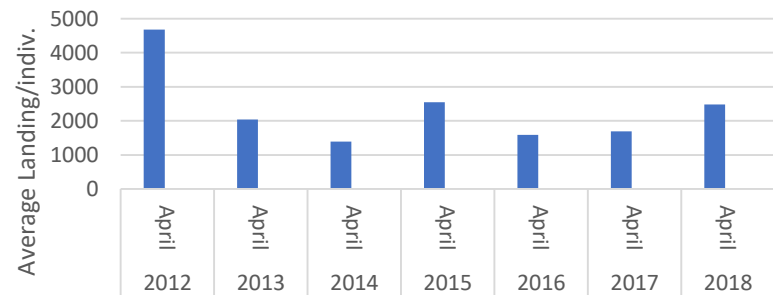
February-Greenwich Bay 2A
Average Winter Harvest Landings



March-Greenwich Bay 2A
Average Winter Harvest Landings

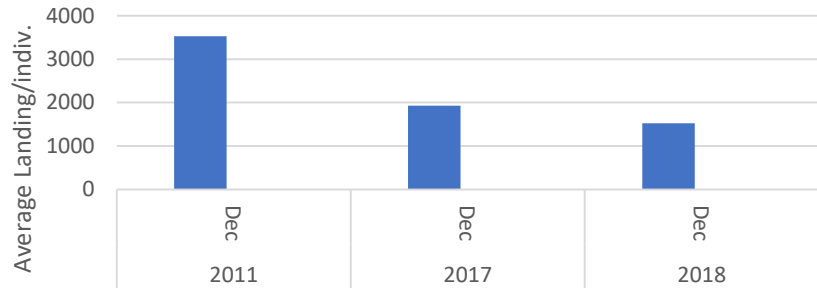


April-Greenwich Bay 2A
Average Winter Harvest Landings

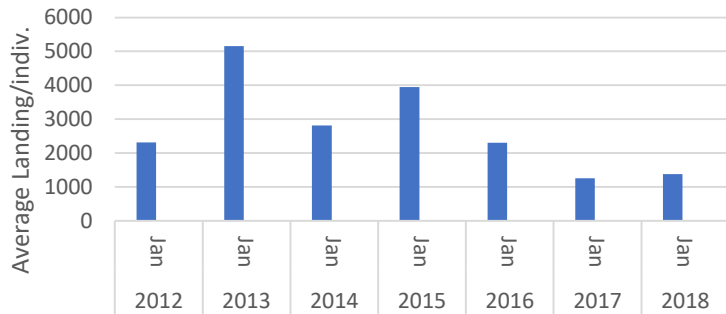


2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Area 2B

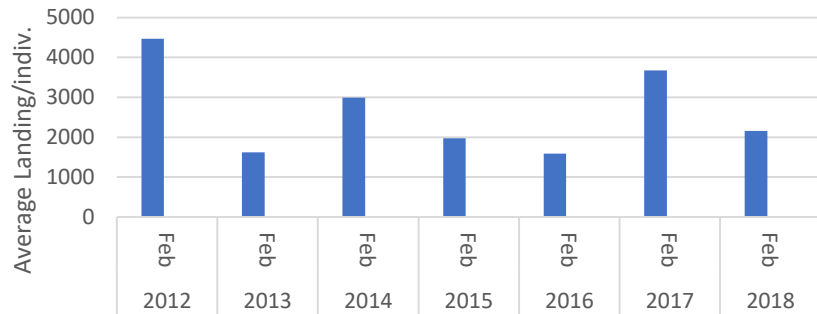
December-Greenwich Bay 2B
Average Winter Harvest Landings



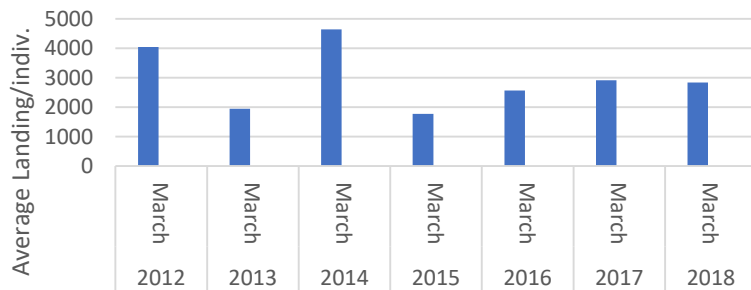
January-Greenwich Bay 2B
Average Winter Harvest Landings



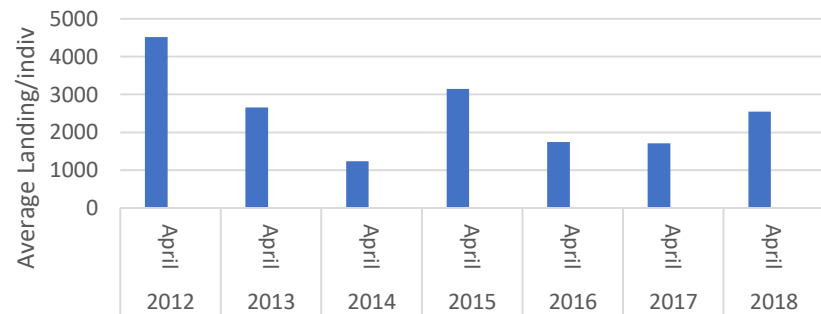
February-Greenwich Bay 2B
Average Winter Harvest Landings



March-Greenwich Bay 2B
Average Winter Harvest Landings

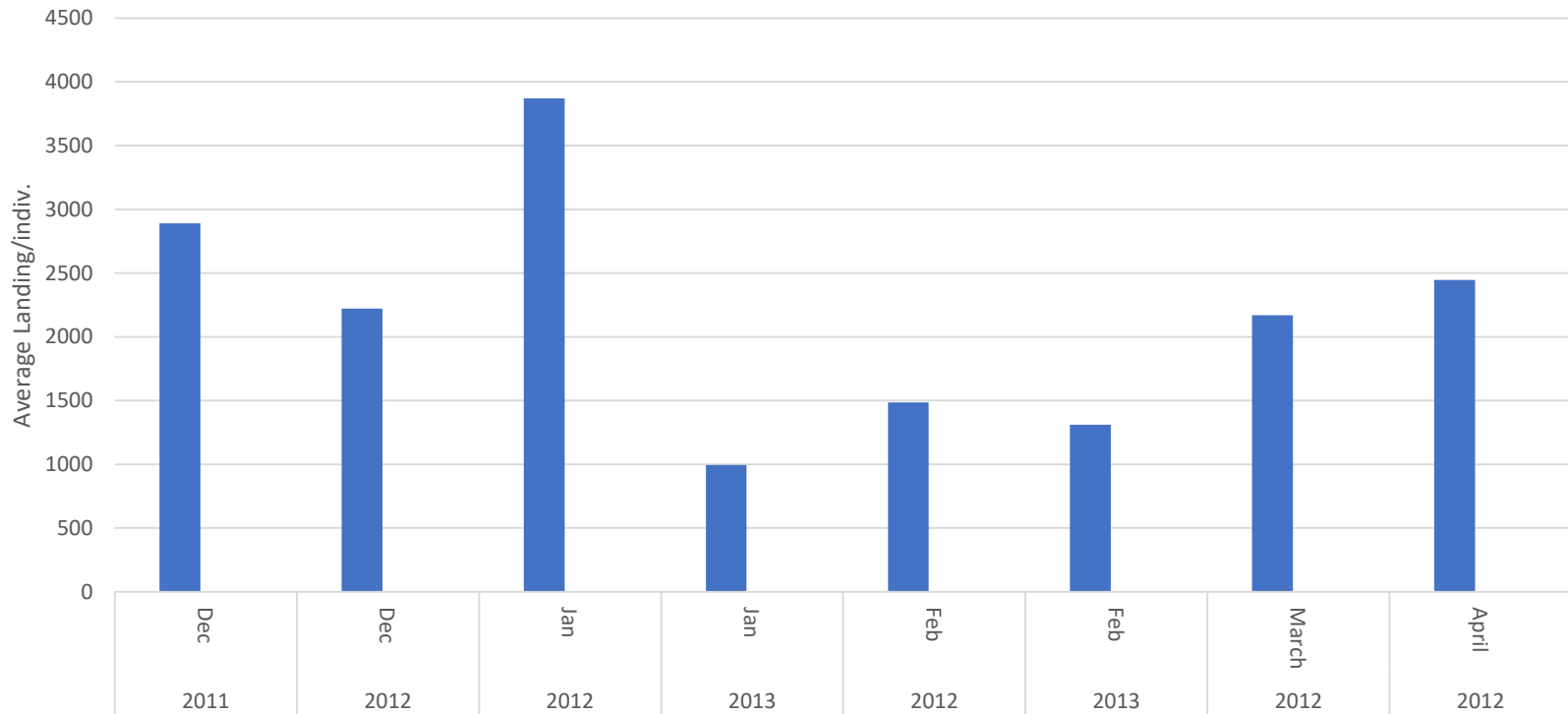


April-Greenwich Bay 2B
Average Winter Harvest Landings



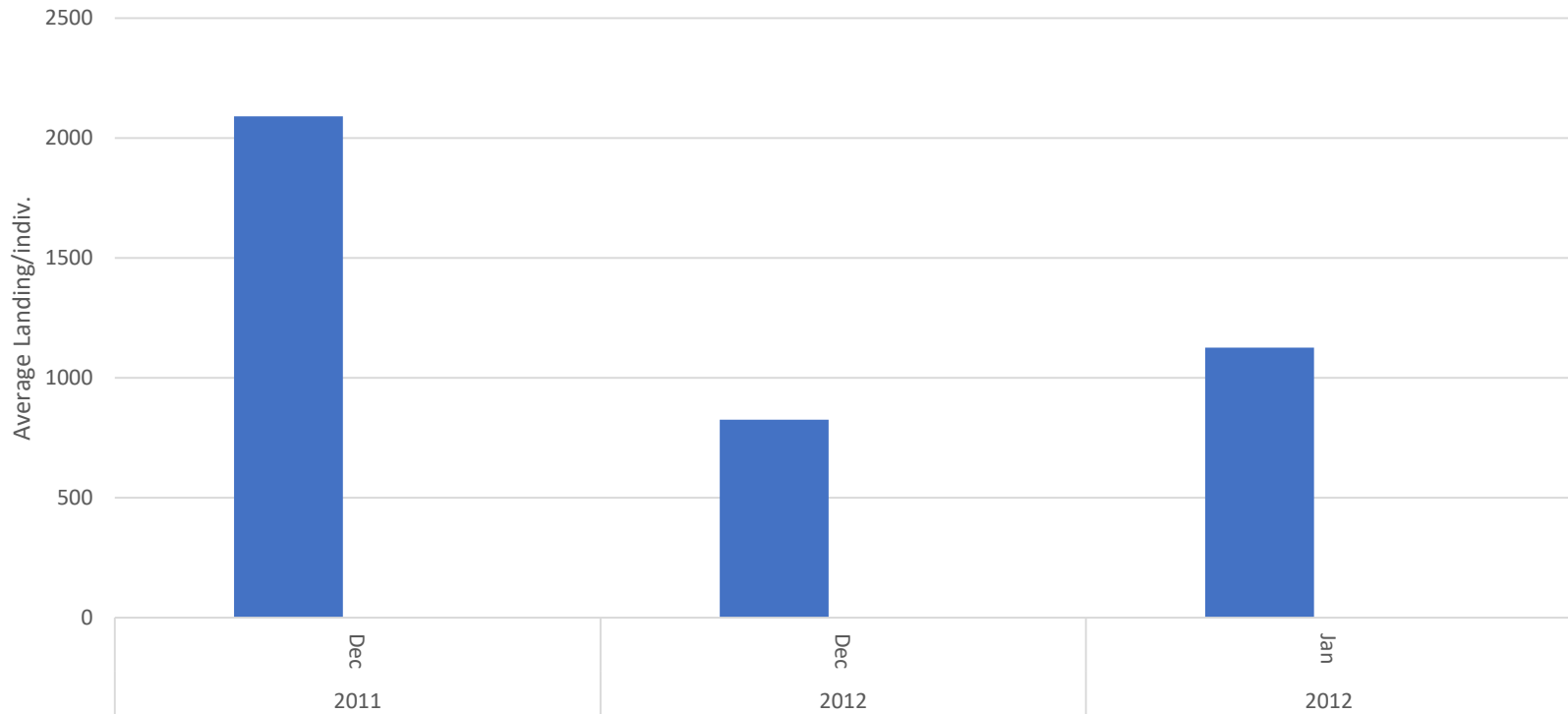
2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove

Bissel Cove 3F
Average Winter Harvest Landings



2. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor

Bristol Harbor 4B
Average Winter Harvest Landings



Shellfish Advisory Panel

September 25, 2019; 4:30PM

URI Bay Campus, Coastal Institute Building, Large Conference Room
218 S Ferry Road, Narragansett, RI 02874

MEETING SUMMARY

RIMFC members: K. Eagan (Chair)

DEM: A. Gerber-Williams, C. McManus, P. Duhamel, J. Lake;

Scientific Advisor: D Leavitt;

SAP members: M. McGiveney, M. Sousa, G. Schey, R. Tellier, J. Gardner;

Public: J. McDonald, D. Eagan, T. Dasilva, L. Frattarelli, K. Murgio;

1. Discussion and/or recommendations regarding winter harvest schedules for Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish Management Areas:

- Greenwich Bay sub-areas 1 and 2: A. Gerber-Williams provided a brief explanation of the default winter harvest schedule for the Greenwich Bay Shellfish Management Areas. **Motion made by M. McGiveney to open additional harvest days from 8:00A.M – 12:00P.M. on Tuesday December 24th, Thursday December 26th, and Tuesday December 31st; 2nd by G. Schey. The motion passed with a unanimous vote of 5-0.**
- Bissel Cove: A. Gerber-Williams provided a brief explanation of the default winter harvest schedule for the Bissel Cove Shellfish Management Area. **Motion made by M. McGiveney to open additional harvest days from 8:00A.M – 12:00P.M. on Tuesday December 24th, Thursday December 26th, and Tuesday December 31st; 2nd by G. Schey. The motion passed with a unanimous vote of 5-0.**
- Bristol Harbor: A. Gerber-Williams provided a brief explanation of the default winter harvest schedule for the Bristol Harbor Shellfish Management Area. **Motion made by M. McGiveney to not alter the default schedule; 2nd by G. Schey. The motion passed with a unanimous vote of 5-0.**

A. Gerber-Williams presented quahog landing data of direct counts collected in each of the shellfish winter harvest management areas going back to 2011. G. Schey recommended collapsing Greenwich Bay Management Areas 2A and 2B into one tagging area because of how small each area is and their proximity to each other.

3. Presentation on Whelk Pot Tagging.

J. Lake presented the proposed whelk pot tagging program, which would adopt a similar tag program to lobster with 300 tags per fisherman plus 10% routine loss provision for a total of 330 tags. In addition, gear rotation and catastrophic loss tags could be purchased twice a year with tags valid between September 1- August 31 annually. *D. Eagan* recommended that 20% routine loss and tag purchasing during the spring would be preferable. The list of motions on the topic are listed below:

- **Motion made by J. Gardner to adopt the whelk pot tagging program; 2nd by G. Schey. The motion passed with a unanimous vote of 5-0.**
- **Motion made by J. Gardner to allow 300 tags per fisherman; 2nd by G. Schey. The motion passed with a unanimous vote of 5-0.**
- **Motion made by G. Schey to allow 400 traps per fisherman on a single boat with 10% tag routine loss provision; 2nd M. Sousa. K. Murgo did not agree with only allowing 1 license per boat. The motion tied with 1 vote in favor and 1 vote to object and 3 abstentions.**
- **Motion made by G. Schey to allow 300 tags per fisherman with 15% routine loss provision, gear rotation and catastrophic loss tags, and that tags be available for purchase April 1st; 2nd J. Gardner. The motion pass with a unanimous vote of 5-0.**

Prepared by: A. Gerber-Williams



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

Advisory Panel Application

Name: Kenneth T. Murgo Date of Birth: 01/14/1990

Mailing Address: 57 Woodlawn Ave.

City: Bristol State: RI Zip: 02809

Phone (Home/Work/Cell): 401 368 4397

Email: Kenneth.Murgo@gmail.com

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

.....
1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): MPURP 001365

Number of years as a commercial fisherman? 8 years FT; 14 years PT while a student.

Please describe fisheries fished and gear types used:

Began in quahog fishery, transitioned into pot fishing business. Whelk pot, lobster pot (lobsters, Atlantic Rock Crab), fish pot (scup, black sea bass, tautog).

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

See below ↓

4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? _____

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

My fishing operation is based out of East Bay, but I fish the entire bay except the Sakonnet River. I fish the lower East + West passage in lobster pot fishery. I fish the upper + lower bay, as well as the East + West Passage throughout the year in Whelk fishery.

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? _____

Where is your dealer premises located? _____

How many years have you lived in the home port community? _____

Please provide DEM Dealer License Number: _____

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

I am a full time Commercial fisherman. All of my fishing activity occurs in Narragansett Bay. The majority of my income comes from the whelk pot fishery. While I have not been bulltraking lately, I started my fishing career in the quahog fishery. I am currently in the process of purchasing a boat to get back into that fishery. As a younger fisherman, I am committed to ensuring a bright future for all RI Commercial fishermen. Additionally, I have been active in attending RI MFC meetings along with IAC, SAP, workshops, + public hearings. I am also a member of CFRF's Black Sea Bass Research Fleet.

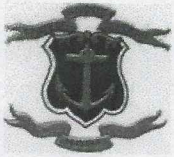
Signature: _____

Kenneth Murgio

Date: _____

9/26/19

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to peter.duhamel@dem.ri.gov



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

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

Advisory Panel Application

Name: John McDonald Date of Birth: 10-21-1966

Mailing Address: 15 Stephen Dr

City: Bristol State: RI Zip: 02809

Phone (Home/Work/Cell): 401 935-2370

Email: quahogs5403@gmail.com

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

.....

1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): MULTI MPURP 000170

Number of years as a commercial fisherman? 35 years

Please describe fisheries fished and gear types used:

Quahog, Conch, Lobster + Crabs, Finfish

Bull Rake Conch Pots Lobster Pots Fish Pots

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? _____

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? _____

Where is your dealer premises located? _____

How many years have you lived in the home port community? _____

Please provide DEM Dealer License Number: _____

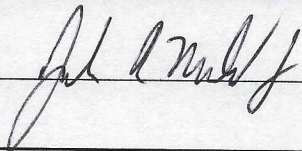
6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

Member of Bristol EIK's Club BPOE #1860

Advisory Panel member Bristol Harbor Commission

Signature: _____



Date: _____

10-8-19

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to peter.duhamel@dem.ri.gov

§ 20-2.1-9. Powers and duties of the director.

(5) The director shall, annually, with the advice of the marine fisheries council, develop and update conservation and management plans for the fishery resources of the state, which conservation and management plans shall be developed and updated prior to, and at the same time as, adoption of any license restrictions on effort or catch. Such plans shall address stock status, performance of fisheries and quotas, and management and licensing programs, and offer any recommendations for new or alternative approaches to management and/or licensing identified by the department or the marine fisheries council. In the development of the fishery conservation and management plans, priority shall be given to those resources with the highest value to the state, either for commercial or recreational purposes.

RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES



2020 Sector Management Plan

DRAFT

TABLE OF CONTENTS

INTRODUCTION	4
RESTRICTED FINFISH	6
BLACK SEA BASS	6
SCUP	8
STRIPED BASS	10
SUMMER FLOUNDER.....	12
TAUTOG.....	13
2020 LICENSING RECOMMENDATIONS - <i>RESTRICTED FINFISH ENDORSEMENT</i>	14
NON-RESTRICTED FINFISH	15
ATLANTIC HERRING	15
BLUEFISH	16
COD.....	18
MENHADEN	20
MONKFISH	22
WINTER FLOUNDER	23
SPINY DOGFISH	24
SMOOTH DOGFISH.....	25
SKATE	26
LONGFIN SQUID	27
NORTHERN SHORTFIN (ILLEX) SQUID	28
2020 LICENSING RECOMMENDATIONS - <i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	28
SHELLFISH	29
BAY QUAHOG	29
2020 LICENSING RECOMMENDATIONS - <i>BAY QUAHOG ENDORSEMENT</i>	29
SOFT-SHELL CLAM.....	29
2020 LICENSING RECOMMENDATIONS - <i>SOFT-SHELL CLAM ENDORSEMENT</i>	30
WHELK (Channeled and Knobbed Whelk).....	31
2020 LICENSING RECOMMENDATIONS - <i>WHELK ENDORSEMENT</i>	31
OYSTER.....	31
OTHER SHELLFISH.....	33
2020 LICENSING RECOMMENDATIONS - <i>SHELLFISH OTHER ENDORSEMENT</i>	33
CRUSTACEANS.....	34
LOBSTER	34
2020 LICENSING RECOMMENDATIONS - <i>LOBSTER ENDORSEMENT</i>	35
HORSESHOE CRAB.....	36

JONAH CRAB 37
ATLANTIC ROCK CRAB 38
OTHER CRUSTACEANS 39
 2020 LICENSING RECOMMENDATIONS - *NON-LOBSTER CRUSTACEAN ENDORSEMENT*
 39
LITERATURE CITED 40
TABLES 42
PHOTO CREDITS..... 48
SIGNATURE PAGE 49

DRAFT

INTRODUCTION

During the 2002 legislative session, the Rhode Island General Assembly adopted the Commercial Fisheries Management Act, establishing a new commercial fishing license system and ending the moratorium on the issuance of new commercial fishing licenses that had been in place since 1995. One purpose of the act was to allow for new entrants into commercial fisheries, while still restricting access to those fisheries where warranted to rebuild depleted marine fishery resources.

To meet the purposes of the act, regulations developed included fishery “endorsements” to restrict access to, or to otherwise manage commercial harvest for a particular marine species, group of species, or by gear type. As implied by name, access to a species or fishery that is included in the *restricted* endorsement category is *limited*; while species or fisheries included in a *non-restricted* endorsement category is *open*. Two commercial license types (i.e., Commercial Fishing License, Principal Effort License) requires the license holder to hold at least one fishery endorsement. The following fishery endorsements are currently included in regulation and addressed in this plan:

- *Restricted Finfish*
- *Non-Restricted Finfish*
- *Bay quahog*
- *Soft-shell clam*
- *Whelk*
- *Shellfish Other*
- *Lobster*
- *Non-lobster Crustacean*

Finfish species for which access is limited in the marine waters of Rhode Island and are therefore included in the *Restricted Finfish Endorsement* include striped bass, scup (during the summer sub-period only), summer flounder, black sea bass, and tautog. All other regulated species of finfish common in RI waters (e.g., winter flounder, monkfish) are included in the *Non-Restricted Finfish Endorsement*, which is available to any resident or non-resident license holder.

Shellfish species for which access is limited include bay quahog, soft-shell clam, and whelk, and are included in the *Bay Quahog, Soft-Shell Clam, and Whelk endorsements* respectively. All other regulated species of shellfish (e.g., blue mussel, oyster) are included in the *Shellfish Other Endorsement*, which is available to any Rhode Island resident license holder.

Species of crustaceans for which access is limited include lobster, which is included in the *Lobster Endorsement*. All other regulated species of crustaceans (e.g., Blue crab, Jonah crab) are included in the *Non-Lobster Crustacean Endorsement* which is available to any Rhode Island resident license holder.

The availability of any new restricted endorsements is determined annually as a ratio of licenses not renewed. These *exit:entry ratios* are a principal mechanism in the Rhode Island commercial licensing system used to manage harvest through license access restrictions. Exit:entry ratios are reviewed annually by the Industry Advisory Committee (IAC) and Rhode Island Marine Fisheries Council (RIMFC) (the Council) and presented for public comment at a public hearing in accordance with the requirements of the Administrative Procedures Act (R.I. Gen. Law §42-35). Determining the level of fishing effort, the impacts to the resource that a particular license type collectively represents, and thus determining the number of licenses desired in a given fishery as a means to limit such effort, is a primary goal of the licensing program.

Pursuant to R.I. Gen. Law §20-2.1-9(5), this management plan is prepared to address the state of the fishery resources of the state, with focus on those fishery resources with the greatest value to the state and is updated annually prior to any proposed changes to commercial license restrictions on effort and catch. Any amendments made to the commercial licensing regulations must be consistent with this management plan.

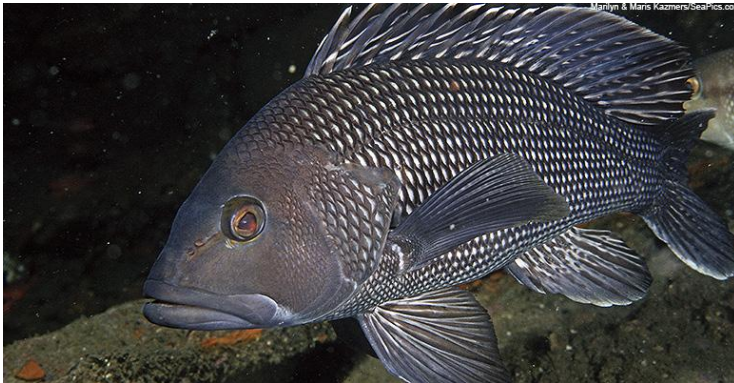
The primary goal for quota-managed fisheries is to maintain open seasons with economically viable possession limits while minimizing regulatory discards, avoiding harvest overages, maximizing harvest opportunities, and ensuring equitable access to the fishery. However, due to the multi-species nature of the commercial fishing industry, increased effort can result in shorter seasons and higher discards for many species. Information contained in this plan seeks to aid in understanding if management goals are being realized under existing management and to provide guidance as to the degree of potential new effort that could be sustained in RI's most important fisheries.

This plan includes up-to-date information on stock status, management programs, and fishery performance of commercially important species in the state and provides licensing recommendations based on these parameters for the following year. The plan is provided to the IAC in draft form in August, followed by a public hearing in September, and a RIMFC meeting in October. At their annual meeting in October, the Council offers final recommendations on all restricted endorsements and matters brought to the hearing in September.

DRAFT

RESTRICTED FINFISH

BLACK SEA BASS



STOCK STATUS

The [2016 benchmark stock assessment](#) found black sea bass is not overfished nor experiencing overfishing. With improved recruitment and declining Fishing mortality (F) rates since 2007, Spawning Stock Biomass (SSB) has steadily increased. SSB in 2015 was estimated at 48.9 million pounds, 2.3 times the SSB target of 21.3 million pounds, and F was estimated at 0.27,

below the F_{target} of 0.36. Recruitment at age 1 averaged 24.3 million fish from 1989 to 2015, with peaks in 2000 (1999 cohort) at 37.3 million and at 68.9 million in 2012 (2011 cohort). The distribution of black sea bass continues to expand northward into the Gulf of Maine (GOM). Quotas since 2015 have been set based on projections from this benchmark assessment (NEFSC, 2017a). An operational assessment is expected to be completed in 2019. This new assessment will include the newly calibrated Marine Recreational Information Program (MRIP) time series and could have significant impacts to the assessment.

MANAGEMENT PROGRAM

Black sea bass is managed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC) through the Summer Flounder, Scup and [Black Sea Bass Fishery Management Plan \(FMP\)](#) and its' subsequent amendments and addenda. The FMP establishes coast-wide quotas for each state annually; with Rhode Island's share of the quota currently at 11%. Minimum size, seasons, and possession limits are then established by each state annually, with review by the ASMFC/MAFMC to assure compliance with the FMP. The specifications for 2019 are presented in the table below. These recommendations are consistent with the advice of the RIMFC. A Multi-Purpose License or *Restricted Finfish Endorsement* is required to harvest black sea bass in RI waters.

2019 RI COMMERCIAL REGULATIONS

Min. Size	Season	2019 Allocation (%)	Possession Limit (lbs/vsl)
11"	1/1 – 4/30	25%	500/week
	5/1 – 6/30	25%	50/day
	7/1 – 7/31	19.5%	50/day
	8/1 – 9/14	CLOSED	
	9/15 – 10/31	19.5%	50/day
	11/1 – 12/ 31	11%	50/day

Currently, only the first sub-period January 1 – April 30 is managed by aggregate, or weekly, possession limits; all other sub-periods are managed by a daily possession limit. As a means to reduce regulatory discards and provide greater flexibility to fishing practices, the Division is currently working to determine if aggregate possession limits are feasible for other sub-periods through an aggregate landings pilot program.

FISHERY PERFORMANCE

In 2018, 507 commercial fishers (Table 2) landed 375,853 pounds of black sea bass in RI valued at \$1,440,258 (Table 1). In 2019, the possession limit in the first sub-period was increased twice, on March 3 from 500 to 750 lbs/week, and then on March 24 to 850 lbs/week. The second sub-period closed on June 11, 19 days before the end of the sub-period. The sub-period beginning on July 1 closed on July 17, 14 days before the end of the sub period (Table 3).

DMF RECOMMENDATIONS FOR 2020

NOAA fisheries has proposed interim specifications for the 2020 fishing year that will be replaced in early 2020 following the results of a black sea bass operational assessment. The coastwide quota for 2020 is anticipated to be 3.52 million lbs, a slight increase from the 2019 coastwide quota of 3.14 million pounds. The current management program is performing reasonably well given the low quota and high availability of this species in our area, with closures minimized to the greatest extent practicable given the current quota and level of effort. Based on the interim 2020 quota and performance to date in 2019, the Division recommends maintaining the level of effort at or below current levels; and maintain as a restricted category species. An important note for 2020 is that there has been a significant recalibration in an important data stream (recreational catch data), and the operational assessment could have major repercussions to the commercial quota, therefore there is high uncertainty in this recommendation for 2020.

SCUP



STOCK STATUS

The [2017 stock assessment update](#) found scup is not overfished nor experiencing overfishing. With improved recruitment and declining F rates since 2000, SSB has steadily increased. SSB in 2016 was estimated at 396 million pounds, higher than the SSB_{target} of 192 million pounds, and F was estimated at 0.139, below the F_{target} of 0.22. Recruitment at age 0 averaged 121 million fish from 1984 to 2016, with peaks in 1999 at 222 million, 2006 at 222 million, and at 218 million in 2007. The 2015 year class estimate was large at 252 million fish while the 2016 estimate was below average at 65 million fish (NEFSC, 2017c).

MANAGEMENT PROGRAM

Scup is managed jointly by the ASMFC and MAFMC through the [Summer Flounder, Scup and Black Sea Bass FMP](#) and its subsequent amendments and addenda. The FMP establishes coast-wide quotas for each state annually, with RI's share currently at 56.19%.

During the two federal sub-periods, the quota is available coast-wide and is managed through daily possession limits. Scup is classified as a non-restricted species in RI during these two federal sub-periods. In the summer however, scup is classified as a restricted species for the purpose of managing catch rates when landings by state waters fishermen increases. RI further manages the summer sub-period by allocating the state quota into a General Category (GC) (i.e., gear types other than floating fish traps) and Floating Fish Trap (FFT) sector, at 40% and 60% respectively, with allocations to these two sectors based on historical landings. Another key aspect of the management program includes DEM's authority to transfer quota between the FFT and GC sectors, which provides for the full harvest of the RI quota each year. A Multi-Purpose License or *Restricted Finfish Endorsement* (summer only, *Non-Restricted Finfish Endorsement* in winter) is required to harvest scup in RI waters.

2019 RI COMMERCIAL GENERAL CATEGORY REGULATIONS

Min. size	Season	2019 Allocation	Starting Poss. limit
9"	Winter I (federal): (1/1 – 4/30)	Coastwide	50,000 lbs/vsl/day
	Summer: (5/1 – 9/30)	40% of sub-period quota	10,000 lbs/vsl/week
	Winter II (federal): (10/1 – 12/31)	Coastwide	2,000/18,000 lbs/vsl/day*

* Winter II possession limit begins at 2,000 lbs/vsl/day; change to 18,000/day if Winter I roll over available

2019 RI COMMERCIAL FLOATING FISH TRAP REGULATIONS

Min. size	Season	2019 Allocation	Starting Poss. limit
9"	Winter I (federal): (1/1 – 4/30)	Coastwide	50,000 lbs/vsl/day
	Summer: (5/1 – 9/30)	60% of sub-period quota	Unlimited
	Winter II (federal): (10/1 – 12/31)	Coastwide	2,000/18,000 lbs/vsl/day*

* Winter II possession limit begins at 2,000 lbs/vsl/day; change to 18,000/day if Winter I roll over available

FISHERY PERFORMANCE

In 2018, 433 commercial fishers (Table 2) landed 4,712,575 pounds of scup in RI valued at \$2,738,740 (Table 1). To date, no early closures have been needed. Two increases to the possession limit have been enacted in 2019 (July 21 to 15,000 lbs/week and August 4 to 20,000 lbs/week) (Table 3).

DMF RECOMMENDATIONS FOR 2020

NOAA fisheries has proposed interim specifications for the 2020 fishing year that will be replaced in early 2020 following the results of a scup operational assessment. The coastwide quota for 2020 is anticipated to be 23.98 million pounds, the same as 2019. Given the anticipated quota, good stock status, and performance to date in 2019, the Division recommends allowing for small increases in effort during the summer sub-period. Additionally, the Division recommends maintaining scup in the restricted category in the summer sub-period and in the non-restricted category only during the federal sub-periods at this time. An important note for 2020 is that there has been a significant recalibration in an important data stream (recreational catch data), and the operational assessment could have repercussions to the commercial quota, therefore there is high uncertainty in this recommendation for 2020.

STRIPED BASS



STOCK STATUS

A [benchmark stock assessment](#) for striped bass was completed and peer reviewed in November 2018 and subsequently adopted for management use by the ASMFC management board in May

2019. The assessment findings indicate that the striped bass stock is overfished and experiencing overfishing relative to the updated Biological Reference Points (BRPs). SSB in 2017 was estimated to be 151 million pounds, below both the SSB_{target} and $SSB_{threshold}$, 252 million pounds and 202 million pounds respectively. SSB has been declining since 2003 and has been below the threshold since 2010. F in 2017 was estimated to be 0.31, above both F_{target} and $F_{threshold}$, 0.20 and 0.24 respectively. F has been at or above the threshold in 13 of the last 15 years (NEFSC, 2019).

MANAGEMENT PROGRAM

Striped bass is managed by ASMFC through [Amendment 6](#) to the Interstate FMP for striped bass and its subsequent addenda I-IV, with [Addendum IV](#) being the most recent management document implemented in 2015. The recreational fishery is managed through minimum size and bag limits while the commercial fishery is managed with size limits and state-specific quota allocations. States can implement alternative management measures that are deemed to be equivalent to the preferred measures in the FMP through a Conservation Equivalency (CE) process. In RI, the recreational fishery has a 1 fish bag limit and a 28" minimum size. The commercial fishery is split between the GC and FFT sectors. The GC has a 5 fish possession limit, a 34" minimum size, and gets 61% of the RI allocation. The GC quota is divided between two sub-periods, designed to allocate harvest between inshore bay and offshore Block Island fishing. Days closed to fishing include Friday and Saturday as a means to extend the season as long as possible. The FFT sector operates under an ASMFC approved CE proposal that allows them to have a lower minimum size limit of 26" in exchange for a reduced quota. The FFT fishery opens annually on April 1 at an unlimited possession limit and continues until 70% of the sectors allocation is projected to be harvested. At the time a reduced possession limit of 500 pounds/fish trap licensee/day goes into effect until the FFT allocation is exhausted. If it is projected that the FFT sector will not be able to fully harvest their allocation, the Division may transfer a portion to the GC fishery. A Multi-Purpose License or *Restricted Finfish Endorsement* is required to harvest Striped bass in RI waters and the harvest of striped bass in federal waters (EEZ) is prohibited.

2019 RI COMMERCIAL GENERAL CATEGORY REGULATIONS

Min. Size	Season	2019 Allocation		Possession Limit
34"	5/20 – 6/30	61%	70%	5 fish/vessel/day
	7/1 – 12/31		30%	

2019 RI COMMERCIAL FLOATING FISH TRAP REGULATIONS

Min. Size	Season	2019 Allocation	Possession Limit
26"	4/1 – 12/31	39%	Unlimited until 70% of quota reached, then 500 lbs/licensee/day

FISHERY PERFORMANCE

In 2018, 267 commercial fishers (Table 2) landed 176,639 pounds of striped bass in RI valued at \$782,131 (Table 1). In 2019, the first sub-period of the GC sector did not experience an early closure and closed at the end of the sub-period, with an underage of 3,685 lbs (Table 3). The second sub-period began immediately on July 1 and closed prior to the end of the sub-period on July 11 with an overage of 9,535 lbs. As of the writing of this report, 57,263 lbs remain in the FFT quota.

DMF RECOMMENDATIONS FOR 2020

As a result of the findings of the 2018 striped bass benchmark stock assessments overfishing and overfished status, ASMFC is currently considering management changes for both the recreational and commercial fisheries in 2020 through Draft Addendum VI to Amendment 6 to the Interstate FMP for striped bass. The current timeline has the management board voting on final action on Addendum VI in October 2019. In the absence of information as to what management changes will occur in 2020, if any, the Division recommends maintaining effort at or below current levels and maintaining striped bass as a restricted category species.

DRAFT

SUMMER FLOUNDER



STOCK STATUS

The [2018 benchmark stock assessment](#) found summer flounder is not overfished or experiencing overfishing. With improved recruitment and declining fishing mortality rates since the late 1980s, SSB steadily increased, peaking in the early 2000s. SSB in 2017 was estimated at 98 million pounds, higher than the SSB_{threshold} of 63 million pounds, and F was estimated at 0.334, lower than the F_{threshold} of 0.448. Recruitment at age 0 was estimated to be below the

time series average of 53 million fish, at 42 million fish in 2017 (NEFSC, 2019).

MANAGEMENT PROGRAM

Summer flounder is managed jointly by the ASMFC and MAFMC via the [Summer Flounder, Scup and Black Sea Bass FMP](#) and its subsequent amendments and addenda. In RI, seasons are divided into three seasonal sub-periods. While previously the fishery had been closed for three days each week in the summer sub-period, following a quota increase in 2019 due to the findings of the benchmark stock assessment, these closed days were deemed no longer necessary and the fishery was restored to 7 days per week. Aggregate possession limits are currently only available to permit holders during the first sub-period. A Multi-Purpose License or *Restricted Finfish Endorsement* is required by license holders to harvest summer flounder in RI waters.

2019 RI COMMERCIAL REGULATIONS

Min. size	Season	2019 Allocation	Starting Poss. Limit (lbs/vsl/day)
14"	1/1 – 4/30 (Winter)	54%	100/1,500 Aggregate (bi-week)
	5/1 – 9/15 (Summer)	35%	50
	9/16 – 12/31 (Fall)	11%	100

FISHERY PERFORMANCE

In 2018, 492 commercial fishers (Table 2) landed 1,022,618 pounds of summer flounder in RI valued at \$4,706,067 (Table 1). In 2019, no early closures or daily possession limit changes were implemented during the first sub-period. The aggregate possession limit was increased once on March 31 to 4,000 lbs/bi-week. The possession limit in the summer sub-period was increased to 75 lbs/day on June 9 and raised again to 100 lbs/day on June 30. There have been no fishery closures to date in 2019 (Table 3).

DMF RECOMMENDATIONS FOR 2020

The coastwide quota for 2020 is estimated to be 11.53 million lbs, the same as 2019. Due to the current quota and current level of effort, the Division recommends maintaining effort at or below current levels and maintain as a restricted category species.

TAUTOG



STOCK STATUS

The [2016 stock assessment update](#), analyzes the stock in 4 regions (Massachusetts/Rhode Island - MARI, Long Island Sound, New Jersey/New York Bight, and Delaware/Maryland/Virginia); the updated assessment finds that the MARI region is not overfished and overfishing is not occurring. SSB has been

fairly steady over the past several years, and is estimated at 2,196 mt, above the threshold of 2,004 mt. F is estimated at 0.23, below the target of 0.28 (ASMFC, 2016).

MANAGEMENT PROGRAM

Tautog is managed regionally by the ASMFC through [Amendment 1](#) to the Interstate [FMP](#) for Tautog. Although not specifically required by the FMP, RI has an established commercial quota, which in part achieves the F targets required by the FMP. The commercial quota has remained stable for the past several years at 51,348 pounds. Traditionally, the quota was split between 3 seasons (spring, summer and fall), however, for 2019 the summer sub-period has been removed. A Multi-Purpose License or *Restricted Finfish Endorsement* is required by license holders to harvest Tautog in RI waters.

2019 RI COMMERCIAL REGULATIONS

Min. Size	Season	2019 Allocation	Possession Limit
16"	1/1 – 3/31		Closed
	4/1 – 5/31	50%	10 fish/day
	6/1 – 10/14		Closed
	10/15 – 12/31	50%	10 fish/day

FISHERY PERFORMANCE

In 2018, 242 commercial fishers (Table 2) landed 51,414 pounds of tautog in RI valued at \$196,178 (Table 1). The fishery experienced an early seasonal closure in the first sub-period in 2019 and closed early on May 24 (Table 3).

DMF RECOMMENDATIONS FOR 2020

The quota for 2020 is anticipated to be 51,348 pounds, minus any overages that may occur in 2019. Due to uncertainty in stock status pending a stock assessment update with the newly calibrated MRIP data and difficulty with maintaining open seasons, the Division recommends maintaining effort at or below current levels and maintain as a restricted category species.

2020 LICENSING RECOMMENDATIONS - *RESTRICTED FINFISH* *ENDORSEMENT*

DMF

Referring to Table 4, the number of licenses eligible to harvest restricted finfish has remained relatively stable in the last three years, which indicates that this ratio is maintaining a consistent number of licenses and participants in the fishery. More importantly however is that the new licenses that replaced the licenses not renewed has not led to an appreciable increase in effort, evidenced by the number of participants landing restricted species. Each of the restricted species had fewer participants in 2018 than 2017 and none have fluctuated more than 5% since 2014. (Table 2). **The Division therefore recommends that the 1:1 exit:entry ratio be maintained, and that the species currently included in the Restricted Finfish category also be maintained.**

In 2019, 13 licenses eligible to harvest restricted finfish were not renewed (8 MPURP, 5 PEL w/RFIN), which would *result in 15 new PEL restricted finfish endorsements being issued in 2020.*

RIMFC

A recommendation will be made at their meeting on October 15, 2019.

DRAFT

NON-RESTRICTED FINFISH

ATLANTIC HERRING



STOCK STATUS

The [2018 Atlantic herring benchmark stock assessment](#), peer reviewed at the 65th [Northeast Regional Stock Assessment Review Committee \(SARC\)](#), indicates Atlantic herring are not overfished and overfishing is not occurring; however, recent estimates of herring recruitment have been below average, leading to in-season ACL

adjustments in 2018 and 2019. SSB in 2017 was estimated at 141,473 mt, below the SSB_{target} (SSB_{MSY proxy}) of 189,000 mt (416 million pounds) and above the SSB_{threshold} ($1/2$ SSB_{MSY proxy}) of 94,500 mt (208 million pounds). In 2017, F was estimated at 0.16, below the F_{threshold} of 0.51 (NEFSC, 2018).

MANAGEMENT PROGRAM

Atlantic herring is managed jointly by the ASMFC, NOAA Fisheries and NEFMC. At ASMFC, Atlantic herring are managed through [Amendment 3 to the Interstate FMP for Atlantic Herring](#) and subsequent addenda I and II. Annual specifications are calculated and regional ACLs (quotas) are broken out into fishing areas. Area 2 encompasses Southern New England (SNE) waters including RI state waters. The 2019 Atlantic herring quota for Area 2 was set to 4,188 metric tons. River herring bycatch is a concern within the Atlantic herring fishery and also has regional ACLs (catch caps) that are set by fishing area and gear type. When the catch cap for river herring is reached in any given area, the Atlantic herring fishery is closed until the next fishing year. The 2019 Area 2 river herring catch cap was set at 251.9 mt. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Atlantic herring in RI waters.

In RI, any vessel is eligible to participate in the state waters Atlantic herring fishery, however a permit is required to possess greater than 2,000 pounds. This permit has been required since 2013 as a means to address issues arising from prohibited species interactions, mainly river herring, and gear conflicts. Fisheries violations may result in a vessel's state water Atlantic herring permit being revoked.

FISHERY PERFORMANCE

In 2018, 27 commercial fishers (Table 2) landed 2,159,432 pounds of Atlantic herring in RI valued at \$571,543 (Table 1). A state quota has not been established.

DMF RECOMMENDATIONS FOR 2020

It is recommended that the current permitting program be reviewed for effectiveness and continue to match federal landing limits in state waters. Maintain as a non-restricted category species.

BLUEFISH



STOCK STATUS

The most recent [ASMFC Benchmark Stock Assessment](#) was conducted by the Northeast Regional Stock Assessment Workshop (SAW) in August 2015. The assessment indicates lower biomass estimates and reference points relative to the previous assessment, though the species is not currently experiencing overfishing, nor is it overfished. SSB

in 2014 was estimated to be 191 million pounds, which is less than the SSB_{target} (223 million pounds) but greater than the SSB_{threshold} (112 million pounds). F in 2014 was estimated to be 0.157, below the F_{threshold} (F_{msy} proxy = F_{35%}SPR = 0.19).

MANAGEMENT PROGRAM

Bluefish is managed jointly by the ASMFC and MAFMC through the [FMP for Bluefish](#) and its subsequent amendment and addendum, which sets annual commercial coast-wide quotas for each state; Rhode Island receives 6.8%. Weekly aggregate possession limits in RI allow for fishermen to maximize harvest when they encounter bluefish in large numbers, while allowing for up-to-date quota tracking. In 2018, the first sub-period possession limit was changed from a 500/week aggregate to a 1000/bi-week aggregate, this approach was maintained in 2019. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Bluefish in RI waters.

2019 RI COMMERCIAL REGULATIONS

Min. Size	Season	Possession Limit (lbs/vsl)
12"	1/1 – 4/30	1000/bi-week
	5/1 – 11/9	8000/week
	11/10 – 12/31	500/week

FISHERY PERFORMANCE

In 2018, 278 commercial fishers (Table 2) landed 237,121 pounds of bluefish in RI valued at \$245,049 (Table 1). In 2019, the first sub-period remained open for its entirety with no possession limit decreases imposed, with a harvest underage of 11,468 pounds, which carried over into the second sub-period. The possession limit in the second sub-period was increased to 12,000/week on June 30 (Table 3) and has ~400,818 pounds remaining as of the writing of this report.

DMF RECOMMENDATIONS FOR 2020

The initial 2020 RI allocation is estimated to be 528,280 lbs., though NOAA may increase the quota in early 2020 in the event of a recreational to commercial sector transfer. This quota is subject to change depending on the performance of the recreational fishery in 2019, the results of the 2019 operational

assessment, and any potential transfers that may occur from the recreational sector to the commercial sector. Given a similar quota and current level of effort, the Division recommends maintaining effort in 2020 at current levels and maintaining bluefish as a non-restricted category species.

However, RI has required frequent commercial transfers from Atlantic states in past years. RI has received transfers ranging from 100,000 lbs. to 180,000 lbs. between 2014 and 2017, averaging an annual +55,949-lb transfer during that time. The Division will continue to monitor the situation and may consider adding bluefish to the restricted category in the future if transfers continue to occur frequently.

DRAFT

COD



STOCK STATUS

RI State waters are considered part of the George's Bank (GB) cod stock. An updated [operational assessment](#) for the GB Atlantic Cod stock was completed in 2017. This was a data-limited assessment using the PlanBsmooth approach that updated commercial fishery catch data through 2016 and updated research

survey indices of abundance. Based on this assessment, stock status cannot be quantitatively determined due to a lack of biological reference points, however it is qualitatively assessed as overfished. Overfishing status is unknown. Projections cannot be computed using the PlanBsmooth assessment approach, but instead this approach applies an estimate of recent change in the smoothed survey biomass (rate of change is estimated to be 1.517 in 2017) to the average of the recent three years of catch to produce catch advice (thus influenced by uncertainty in survey estimates). The smoothed survey biomass is increasing, but without a biomass reference point it is not known if rebuilding is on schedule (NEFSC, 2017b).

MANAGEMENT PROGRAM

Atlantic cod is managed on a federal fishing year (May 1 - April 30) under the NEFMC [Northeast Multispecies FMP](#). Due to the 35-day partial Federal government shutdown, there was a delay in the rulemaking process for Framework Adjustment 58 of the Northeast Multispecies Groundfish FMP. Beginning May 1st, 2019, the annual catch limit was set at 3,348,822 pounds under Framework 57, the same as for FY 2018. Framework 58 was passed and changes to the quota for seven species (including Atlantic Cod) were effective beginning July 18, 2019. The 2019 Annual Catch Limit (ACL) for the GB stock under this new framework is 3,838,248, up 14.6% from the 2018 ACL. In addition, the minimum size was lowered to 19" for the commercial fishery and 21" for the recreational and party/charter fisheries. In an effort to complement federal FMPs, RI has adopted a minimum size limit and daily possession limit consistent with federal regulations, and state quota set at 1% of the GB ACL (equal to 38,382 pounds for 2019). A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Atlantic cod in RI waters.

2019 RI COMMERCIAL REGULATIONS

Min. Size	Season	Possession Limit (lbs/vsl/day)
19"	5/1 – 4/30	1,000

FISHERY PERFORMANCE

In 2018, 87 commercial fishers (Table 2) landed 65,696 pounds of Atlantic cod in RI valued at \$151,667 (Table 1). These landings include fish caught in state waters, as well as fish caught in federal waters. State-water landings for RI during FY2018 totaled approximately 3,144 pounds, or 9.4% of the RI state-water quota (33,488.22 lbs). The state quota for cod has not been harvested since its inception in 2009.

Cod abundance in state waters is ephemeral and potential landings for a given year cannot be accurately projected. This fishery still appears to be resource limited and given the increase in the ACL for 2019, it is unlikely that the RI state quota will be fully harvested.

DMF RECOMMENDATIONS FOR 2020

The 2020 ACL for GB Atlantic Cod is 2,182 mt (4,810,487 pounds). RI's 2020 state quota is set at 1% of the ACL, equal to 48,105 lbs. It is recommended that effort be maintained at current levels and this species be maintained in the non-restricted category.

DRAFT

MENHADEN



STOCK STATUS

A [2017 Atlantic menhaden stock assessment update](#) indicates the stock is neither overfished nor experiencing overfishing. The current BRPs use F and Fecundity (FEC, number of mature ova) to determine stock status. F has been variable over time series ranging between 0.31 and 0.58 with F in 2016 estimated to be 0.51. Fecundity in 2016 was estimated to be 83,486 billion eggs, above the threshold of 57,295 billion eggs but below the target of 99,467 billion eggs (ASMFC, 2017a). Work is currently underway on two benchmark stock assessments for Atlantic menhaden, a single species assessment and a series of assessment models that could be used for ecological reference points. Both assessment processes will be peer reviewed in November 2019 and are scheduled to go to the Atlantic menhaden management board in February 2020.

MANAGEMENT PROGRAM

Atlantic menhaden are managed by the ASMFC under [Amendment 3](#) to the Interstate [FMP](#) for Atlantic Menhaden which maintains the management program's current single-species BRPs until the review and adoption of menhaden-specific ecological reference points as part of the 2019 benchmark stock assessment process. It also addresses multiple commercial management measures, including allocation, quota transfers, quota rollovers, incidental catch, and the Episodic Events (EE) Set Aside Program. The ASMFC's Atlantic Menhaden Management Board sets an annual Total Allowable Catch (TAC) for menhaden that is allocated to the Atlantic coast jurisdictions, with each jurisdiction getting a 0.5% minimum quota allocation, with the remainder of the TAC being distributed to the states based on landings history occurring from 2009-2011. A TAC set-aside of 1% is used each year by states in the New England region (New York to Maine) for EE, or periods of time when large amounts of biomass are present (ASMFC, 2017b). RI has participated in the EE Set-Aside Program, which has allowed RI state waters to re-open to the landing of menhaden until the set-aside quota was harvested or the program ended. The RI menhaden allocation is 0.52% of the overall TAC. Upon harvest of the RI quota, the landing of menhaden in RI is prohibited, except for non-directed fisheries which have a bycatch allowance of 6,000 pounds/vessel/day, or 12,000 pounds/vessel/day if two licensed fishermen are on board the vessel. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Menhaden in RI waters.

In Rhode Island, Narragansett Bay in its entirety is designated a Menhaden Management Area through RI statute, which provides the Division with the ability to manage menhaden through additional [management measures](#) including:

- Areas permanently closed to purse seining (i.e., Providence River, Greenwich Bay);
- A daily possession limit of 120,000 pounds/vessel;
- Net size certification;
- Vessel capacity restrictions;
- Call-in requirements;

- A threshold amount of 2,000,000 lbs of fish that must be present in the management area before opening the commercial bait fishery;
- An overall cap on the amount of fish that can be harvested (i.e., 50% of the standing stock in the Bay over the threshold amount);
- A threshold amount of fish that must be present for the commercial bait fishery to remain open (i.e., 1.5 million pounds);
- A Fall opening of the fishery (subject to quota or EE availability) in the southern portion of the management area, regardless of biomass levels, with a daily possession limit of 25,000 lbs/vessel.

Biomass levels in the Management Area are monitored on a weekly or bi-weekly basis through a contracted spotter pilot who provides school counts and an estimate of biomass in pounds of fish. A depletion model for open systems (Gibson 2007) uses these spotter pilot estimates, commercial bait landings, and biological information to provide an overall estimate of biomass present, which is then used to open and close the commercial bait fishery in the management area.

FISHERY PERFORMANCE

In 2018, 7 commercial fishers (Table 2) landed 722,388 pounds of Atlantic menhaden in RI valued at \$54,990 (Table 1). As of the writing of this report, 50,431 pounds have been landed, with 2,390,949 pounds remaining in the quota. There have been no menhaden management area openings in 2019 to date as the biomass level has not reached the threshold amount to allow fishing to commence.

DMF RECOMMENDATIONS FOR 2020

The TAC for Atlantic menhaden for 2020 has been set by the ASMFC management board at status quo. RI's initial commercial menhaden quota for 2020 is 2,440,542 lbs, minus any overages that occur; therefore, the Division recommends maintaining effort at or below current levels in 2020 and maintaining menhaden as a non-restricted species.

MONKFISH



STOCK STATUS

The [2016 monkfish operational assessment](#) did not include an update to the population model (SCALE) used in previous assessments, because of uncertainty about the ageing methodology used to estimate monkfish growth. As a result, components of the biological reference points, such as $F_{threshold}$, could not be updated resulting in no updates to the Over Fishing Limit (OFL). The 2016 operational assessment did not vacate the 2013 operational assessment, which showed that F was estimated to be 0.11, the updated $F_{threshold}$ was 0.37, and the corrected total

Biomass (B) estimate of 88,806 mt was above both the B_{target} of 71,667 mt (BMSY proxy) and the 2013 corrected $B_{threshold}$ of 23,204mt ($1/2 * B_{target}$). The 2013 BRPs indicated monkfish are not overfished and overfishing is not occurring in the Southern Fishery Management Area; however, high levels of uncertainty in the BRPs likely contribute to underestimates of F and overestimates B in each area (NEFSC, 2016). A new operational assessment is expected to be completed in 2019.

MANAGEMENT PROGRAM

Monkfish is jointly managed by the NEFMC and MAFMC through the [Monkfish FMP](#) on a federal fishing year (May 1 - April 30), with the NEFMC having the administrative lead. Monkfish is managed as two stocks, with RI waters considered part of the Southern Management Area (SMA) stock. The SMA monkfish stock is regulated by the NEFMC through minimum size limits, gear restrictions, and Days at Sea (DAS) restrictions. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest monkfish in RI waters.

In an effort to complement the FMP, RI has adopted a minimum size, daily possession limit, and state quota on monkfish harvested in state waters. The RI state-water quota is set at 3% of the SMA Total Allowable Landings (TAL) with a possession limit reduction to 50 lbs/vessel/day tail weight when state-water landings reach 2% of the SMA TAL

2019 RI COMMERCIAL REGULATIONS:

Min. Size	Season	Possession Limit (lbs/vsl/day)
17" whole/11" tail	5/1 – 4/30	3,027 whole/700 tail

FISHERY PERFORMANCE

In the May 1, 2017 – April 30, 2018 fishing year, 174 commercial fishers (Table 2) landed 3,057,088 pounds of monkfish in RI valued at \$2,329,546 (Table 1).

DMF RECOMMENDATIONS FOR 2020

Allowing for a modest increase in effort would appear to still provide for the directed fishery to remain open for the entire fishing year. Maintain in the non-restricted species category.

WINTER FLOUNDER



STOCK STATUS

The [2017 SNE/MA operational stock assessment](#) for Winter Flounder (WFL) indicates the stock is overfished, but overfishing is not occurring. SSB in 2016 was estimated to be 4,360 mt, which is 18% of the biomass target and 36% of the biomass threshold. F in 2016 was estimated to be 0.21 which is 62% of the overfished threshold (NEFSC, 2017d).

MANAGEMENT PROGRAM

Winter flounder are jointly managed on a federal fishing year (May 1 - April 30) by the ASMFC and NEFMC. At the NEFMC, WFL are managed through the Northeast Multispecies (Groundfish) FMP. Under [Framework Adjustment 58](#), harvest of WFL is allowed in the federal SNE/MA stock management area, and federally permitted vessels participating in a sector are allowed to fish with no limit until they reach their sector allowable catch limit. Federally permitted vessels in the “common pool” are currently restricted to a possession limit of 2,000 lb/vsl/day, or 4,000 lbs/vsl/trip limit, which is adjustable by the NMFS regional administrator. The SNE/MA management area remains open to common pool vessels until the allowable catch limit is reached.

At the state level, ASMFC manages the inshore WFL stocks through the FMP for Inshore Stocks of WFL and its subsequent [amendments and addenda](#). WFL are managed with minimum size, daily possession limits, mesh size restrictions, and areas closed to harvest. In RI, regulations include areas within state waters closed to harvest, including Point Judith Pond, the Harbor of Refuge, Potters Pond, and Narragansett Bay north of the Colregs line, which aim to protect a recovery of the population in these areas due to the SNE closure. In order to maintain a stream of commercial landings for biological data collection used in the stock assessment, RI also adopted a 50 lb daily possession limit. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest WFL in RI waters.

2019 RI COMMERCIAL REGULATIONS

Min. Size	Season	Possession Limit (lbs/vsl/day)
12”	1/1 – 12/31	50

FISHERY PERFORMANCE

In 2018, 100 commercial fishers (Table 2) landed 191,198 pounds of winter flounder in RI valued at \$574,222 (Table 1). A state quota has not existed since 2006.

DMF RECOMMENDATIONS FOR 2020

As the fishery is determined to be overfished, with no overfishing, the Division recommends maintaining effort at or below current levels in 2020 and maintaining winter flounder as a non-restricted species. Any future changes in state waters management would need approval of the ASMFC Winter Flounder Management Board.

SPINY DOGFISH



STOCK STATUS

The [2018 stock assessment update](#) indicated that the spiny dogfish population is not overfished, and overfishing is not occurring. Spawning stock biomass is estimated to be 235 million pounds, a level slightly above the threshold of 175 million pounds (ASMFC, n.d.).

MANAGEMENT PROGRAM

Spiny dogfish is jointly managed on a federal fishing year (May 1 - April 30) by the MAFMC and NEFMC through a joint FMP, with the ASMFC overseeing the species interstate FMP. Spiny dogfish are managed under a quota system. The 2018 fishing season (May 1 - April 30) quota was 38.2 million pounds, with Rhode Island's quota is part of the Northern Region (Maine through Connecticut) at 58% of the coastwide allocation. Vessels are limited by a maximum possession of 6000 pounds per vessel per day. No minimum size exists currently with the species. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Spiny dogfish in RI waters.

FISHERY PERFORMANCE

In the May 1, 2017 – April 30, 2018 fishing year, 35 commercial fishers (Table 2) landed 197,732 pounds of spiny dogfish in RI valued at \$32,359 (Table 1).

DMF RECOMMENDATIONS FOR 2020

At this time, the Division recommends status quo of the current fisheries management plan. Any changes in state waters management would need approval of the ASMFC Spiny Dogfish Management Board. Maintain in the non-restricted species category.

SMOOTH DOGFISH

STOCK STATUS

The [2015 benchmark stock assessment](#) for smooth dogfish indicates that smooth dogfish are not overfished and not experiencing overfishing (SEDAR, 2015).

MANAGEMENT PROGRAM

Smooth dogfish is jointly managed by NOAA Fisheries and [ASMFC](#). In November 2018, NOAA Fisheries published the 2018 Atlantic smooth dogfish quota of 1,802.6 dressed weight (dw) mt (3,973,902 dw lbs). This quota level has not been changed since the 2017 specification. In 2018, less than a quarter of the Atlantic smooth dogfish quota was harvested. Given that smooth dogfish is not overfished, and overfishing is not occurring, up to 50% of the (federal) base quota can be carried over to the following year if there is an under harvest. NOAA Fisheries rolled over 33% of unused 2018 quota to the 2019 base quota. For the 2019 fishing year, Rhode Island received 1.363% of the coastwide quota, equating to 24.6 dw mt (or 54,167 dw lbs).

For Rhode Island management, the fishing season is from January 1 through December 31. There is no possession limit or minimum size. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required by license holders to harvest Smooth dogfish in RI waters.

FISHERY PERFORMANCE

In 2018, 33 commercial fishers (Table 2) landed 55,053 pounds of smooth dogfish in RI valued at \$19,405 (Table 1).

DMF RECOMMENDATIONS FOR 2020

At this time, the Division recommends status quo of the current fisheries management plan. Any changes in state waters management would need approval of the ASMFC Coastal Sharks Management Board. Maintain in the non-restricted species category.

SKATE



STOCK STATUS

The skate fishery is broken into two categories: winter skate (wing fishery) and little skate (bait fishery). Based on updated survey data, winter skate are not overfished, and overfishing is not occurring. The average biomass index of winter skate was 6.65 kg/tow, which is above the biomass threshold reference point (2.83 kg/tow) and above the B_{msy} proxy (5.66 kg/tow). The 2014-2016 average index is above the 2013-2015 index by 24.2%, thus overfishing is determined to not be occurring (GARFO, n.d.).

Little skate are not overfished, and overfishing is not occurring. For little skate, the 2015-2017 NEFSC spring average biomass index of 5.49 kg/tow is above the biomass threshold reference point (3.07 kg/tow) but below the B_{msy} proxy (6.15 kg/tow). The 2015-2017 average index is below the 2014-2016 average by 2.6%, which is less than the 20% change threshold, thus little skate are determined to be not overfished and overfishing is not occurring (GARFO, n.d.).

MANAGEMENT PROGRAM

The skate complex is managed on a federal fishing year (May 1 - April 30) by the NEFMC under the [Northeast Skate Complex FMP](#), which specifies federal-water management for seven skate species (barndoor, clearnose, little, rosette, smooth, thorny and winter skates). The FMP has been updated through a series of amendments and framework adjustments, the most recent being Framework Adjustment 5 to the Northeast Skate Complex FMP. The FMP identifies two skate fisheries, the wing and bait fisheries that focus on winter and little skate, respectively.

In an effort to complement the federal FMP, RI has adopted a weekly possession limit for the wing fishery of 18,200 pounds/vessel/week for wings only; or 41,314 pounds/vessel/week for whole skate. The RI state-water bait fishery is managed and a combination of fishing seasons, daily possession limits, and a maximum size. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest skate in RI waters.

FISHERY PERFORMANCE

In the May 1, 2017 – April 30, 2018 fishing year, 139 commercial fishers (Table 2) landed 1,497,953 pounds (wing weight) of winter skate, a value in RI of \$ 839,618 (Table 1). Also, in 2018, 46 fishers (Table 2) landed 7,064,778 pounds of little skate with a value of \$ 881,935 (Table 1).

DMF RECOMMENDATIONS FOR 2020

Allowing for a modest increase in effort and would appear to still provide for the directed skate wing and bait skate fisheries to remain open for the entire fishing year. Maintain in the non-restricted species category.

LONGFIN SQUID



STOCK STATUS

Based on the [2017 stock assessment update](#), the longfin inshore squid (*Doryteuthis pealeii*) stock is not overfished. In 2016 biomass was estimated to be 73,762mt; much greater than the threshold B_{msy} proxy of 21,203 mt. The overfishing status could not be determined because there are no fishing mortality reference points for the stock (NEFSC, 2017e).

MANAGEMENT PROGRAM

Longfin squid is managed on a federal fishing year (May 1 - April 30) by the MAFMC under the FMP for Squid, Atlantic mackerel, and Butterfish. The management unit includes all U.S. waters off the U.S. East Coast. In RI, longfin squid is not a regulated species in state waters. A *Non-Restricted Finfish Endorsement* is required by license holders to harvest longfin squid in RI waters.

FISHERY PERFORMANCE

In the May 1, 2017 – April 30, 2018 fishing year, 164 commercial fishers (Table 2) landed 14,044,883 pounds of longfin squid in RI valued at \$20,617,445 (Table 1).

DMF RECOMMENDATIONS FOR 2020

There is no quota established for longfin squid in RI State waters. Maintain in the non-restricted species category.

DRAFT

NORTHERN SHORTFIN (ILLEX) SQUID



STOCK STATUS

Northern shortfin squid was last assessed in 2005 at SAW 42 (NEFSC 2006). At SAW 42, it was not possible to evaluate stock status because there were no reliable estimates of stock biomass or fishing mortality rates. Stock status with respect to biomass was unknown (NEFSC, 2005).

MANAGEMENT PROGRAM

Northern shortfin squid is managed by the MAFMC under the [FMP for the Squid, Atlantic mackerel, and Butterfish](#). The management unit includes all U.S. waters off the U.S. East Coast. In RI, Northern shortfin squid is not a regulated species in state waters. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest northern shortfin squid in RI waters.

PERFORMANCE OF THE FISHERY IN 2019

In the May 1, 2017 – April 30, 2018 fishing year, 27 commercial fishers (Table 2) landed 20,786,875 pounds of northern shortfin squid in RI worth \$11,887,408 (Table 1).

DMF RECOMMENDATIONS FOR 2020

There is no quota or regulations established for northern shortfin squid in RI State waters. Maintain in the non-restricted species category.

2020 LICENSING RECOMMENDATIONS - *NON-RESTRICTED FINFISH ENDORSEMENT*

DMF

The *Non-Restricted Finfish Endorsement* is an open and available to anyone during the application period. The number of these endorsements issued has decreased over the past seven years (Table 4). This decrease in participation has not had a discernible effect on the landings of non-restricted species. It should be noted that this endorsement allows new entrants into the finfish sector, with landings generated from the endorsement used to establish priority in the issuance of the Restricted Finfish Endorsement. **The Division recommends maintaining this approach for entry into the fishery and to keep this as an open endorsement for 2019.**

RIMFC

A recommendation will be made at their meeting on October 15, 2019.

SHELLFISH

BAY QUAHOG



RESOURCE ASSESSMENT

A formal, peer-reviewed stock assessment does not currently exist, but is being developed. However, both landings and relative abundance indices (the latter derived from DEM's hydraulic clam dredge survey) suggest the resource has been stable over the last several years. A new assessment is being developed to better assess the stock's status and improve its scientific rigor.

MANAGEMENT PROGRAM

A minimum size of 1 inch (hinge width) and daily possession limits have been established, with reduced possession limits established in Shellfish Management Areas (SMA) to further manage harvest. The fishery is open year-round to RI residents only. A Multi-Purpose License or *Bay Quahog Endorsement* is required to harvest bay quahogs in RI waters.

In 2015, the exit:entry ratio for the *Bay Quahog Endorsement* was changed from 2:1 to 1:1, believing that the number of active fishermen and corresponding effort is more an industry-based economic issue than a resource management or availability issue. While landings have slightly declined over the past five years, the economic value has remained relatively stable. As such, the Division believes that maintaining the 1:1 ratio to increase in number of people participating in the fishery is not having a negative impact and should be continued.

FISHERY PERFORMANCE

In 2018, 538 commercial fishers (Table 2) landed 512,678 meat weight pounds of bay quahogs, in RI worth \$4,805,137 (Table 1).

2020 LICENSING RECOMMENDATIONS - *BAY QUAHOG ENDORSEMENT*

DMF

The Division recommends maintaining effort at current levels by maintaining the 1:1 exit:entry ratio for the Bay Quahog Endorsement. In 2019, 36 licenses eligible to harvest quahog were retired (8 MPURP, 12 PEL QUOH, 16 CFL QUOH). Under the current management program, *this would result in 36 new quahog endorsements on the CFL being issued in 2020.*

RIMFC

[A recommendation will be made at their meeting on October 15, 2019.](#)

SOFT-SHELL CLAM



RESOURCE ASSESSMENT

A dynamic depletion model for open populations, based on the work of Restrepo (1998) and Sosa-Cordero (2003), suggested that the soft shell clam population declined from 2006 to 2011 with recruitment failing to replace fishery removals (Gibson 2012). Thus, overfishing was occurring. Since 2012 the model has not been updated due to a collapse in the fishery and lack of a depletion. During the peak of the fishery in 2010, an increase in minimum size, by itself, did not stop overfishing, and catch limits needed to be reduced to less than three bushels per day to bring fishing mortality rates into balance with resource productivity (Gibson 2012).

In addition, there is evidence of a range-wide decline of soft-shell clams in response to *Mya* leukemia. (Metzger et al. 2016; Walker et al. 2009). In RI, densities have substantially declined in both fished and unfished soft-shell clam beds. Landings of soft-shelled clams continue to decline. Results from work in the coastal ponds combined with anecdotal observations and landings suggest that the stock is severely depleted.

MANAGEMENT PROGRAM

A minimum size of 2 inches (longest axis) and daily possession limits have been established, with reduced possession limits established in SMAs to further manage harvest. The fishery is open year-round to RI residents only. A Multi-Purpose License or *Bay Quahog Endorsement* is required to harvest soft-shell clams in RI waters. The current exit:entry ratio for soft shell clam license endorsements 5:1. The Division is concerned with the low abundance of soft shell clams and thus supports a conservative approach to allowing new entrants in the fishery.

FISHERY PERFORMANCE

In 2018, 31 commercial fishers (Table 2) landed 1,055 pounds meat weight of soft-shell clams in RI, valued at \$16,547 (Table 1). Currently, fishery landings are at the lowest recorded levels in the history of the time series.

2020 LICENSING RECOMMENDATIONS - *SOFT-SHELL CLAM ENDORSEMENT*

DMF

Due to the continued poor status of the resource, **the Division recommends reducing effort by increasing the exit:entry ratio or prohibiting new entrants into the fishery.** In 2019, 23 licenses eligible to harvest soft shell clam were retired (8 MPURP, 7 PEL SSCLM, 8 CFL SSCLM). At the current 5:1 exit:entry ratio, ***this would result in 6 new CFL soft shell clam endorsements being issued in 2020.***

RIMFC

[A recommendation will be made at their meeting on October 15, 2019.](#)

WHELK (Channeled and Knobbed Whelk)



RESOURCE ASSESSMENT

In 2010, DMF conducted its first comprehensive analytical assessment on whelk resources in Rhode Island using a Biomass Dynamic Model (BDM) (Gibson 2010). The whelk BDM stock assessment was updated in 2016 and included data through 2016 and resulted in an estimated $F_{msy}=0.53$. A target F rate was also developed for this fishery as a precautionary measure, the updated target F rate is 0.39. F has risen since the original assessment and is now estimated to be at $F_{2015} = 0.5$, which is at or above both F_{msy} and the F target level, so overfishing is likely occurring. Stock biomass is declining but remains above the threshold for overfished status. An updated whelk stock assessment has not been performed since 2016.

MANAGEMENT PROGRAM

The two species of whelk commonly landed in RI are managed under the same regulatory provisions. The fishery is open year-round to RI residents only. All whelks must be landed whole in the shell and adhere to a minimum size (3-inch shell width or $5\frac{3}{8}$ inch shell length). A commercial possession limit of 35 bushels/day and a 300-pot limit/licensee have been established in rule. Effort is managed by restricting access to the fishery to MPURP holders or PEL and CFL license holders who hold a *Whelk Endorsement*. Eligibility for this endorsement is restricted to holders of a PEL or CFL, who already hold an actively fished *Quahog or Soft-Shell Clam Endorsement*.

FISHERY PERFORMANCE

In 2018, 109 commercial fishers (Table 2) landed 678,433 pounds live weight of whelk (species combined) in RI, with a value of \$2,094,733 (Table 1). Of these two species commonly landed in RI, channeled whelk constitutes 98% of reported landings. Since peaking in 2012, whelk landings fluctuated but generally decreased during 2013-2016, however landings increased in 2017 and again in 2018 with total landings (all species) in 2018 of 674,433 pounds live weight, a 48% increase compared to 2017 (458,765 pounds live weight). Since peaking in 2010, the average whelk landings per license show an overall decreasing trend from 2011-2016 but increased sharply in 2017 (4,498 pounds/fisher) with an 86% increase over the 2016 average (2,421 pounds/fisher). Average whelk landings per fisher increased again in 2018 up to 6,224 pounds/fisher, a 38% increase over the 2017 average.

2020 LICENSING RECOMMENDATIONS - WHELK ENDORSEMENT

DMF

Maintain effort at current levels by maintaining the restriction of new issuance of the whelk endorsement only to active quahog and soft-shell clam harvesters.

RIMFC

[A recommendation will be made at their meeting on October 15, 2019.](#)

OYSTER



STOCK STATUS

The status of the RI oyster stock is currently unassessed, but is considered greatly depressed compared to historic levels (Beck et al. 2011; Griffin 2016). According to local researchers studying oyster populations within Narragansett Bay, the effects of disease, environmental conditions, poor sets of new recruits, and fishing pressure are all responsible for the sharp decline

in abundance levels (Oviatt et al. 1998). Given the low abundance of the wild oyster population, increased fishing pressure would facilitate even greater depletions of the resource. Several oyster restoration and enhancement projects are currently being conducting in RI waters, as well as research investigating factors influencing recruitment or lack thereof, on natural and restored reefs. Until levels of recruitment increase, the stock will likely remain severely depleted. Further investigation into the effects of fishing effort will be revisited when the stock has recovered.

CURRENT MANAGEMENT PROGRAM

Oysters are managed under the *Shellfish Other Endorsement*, which is an open entry endorsement. Minimum size and possession limits are established, with reduced possession limits in SMAs. Oyster restoration efforts are being conducted in a number of coastal ponds and portions of the Narragansett Bay, aimed at identifying the best restoration practices for establishing oyster reefs in the closed areas.

FISHERY PERFORMANCE

In 2018, 28 commercial fishers (Table 2) landed 7,425 meat weight pounds, in RI worth \$31,948 (Table 1).

OTHER SHELLFISH



STOCK STATUS

Other species of shellfish commercially harvested within Rhode Island waters besides oysters include blue mussels, bay scallops, sea scallops, surf clams and razor clams. These species are not routinely assessed by DEM, in large part due to the low volume of landings, which results in a lack of available data to conduct comprehensive analytical assessments on the status of these populations. However, landings data and anecdotal evidence from the commercial

fishing industry are reviewed annually by Marine Fisheries and are used for identifying species that warrant further research.

CURRENT MANAGEMENT PROGRAM

Species of shellfish other than bay quahog, soft-shell clam, and whelk are included and managed under the *Shellfish Other Endorsement*. Minimum size and possession limits are established for oysters, bay scallop, sea scallop, and surf clam. In addition to creating SMAs to support Oyster management (e.g., Jacobs Point, Bissel Cove, Narrow River, Green Hill Pond), the Sakonnet River SMA was created for the management of surf clams. The *Shellfish Other Endorsement* is an open license category available to any license holder and is not managed with an exit/entry ratio system.

FISHERY PERFORMANCE

In 2018, 5 commercial fishers (table 2) landed 2,628 meat weight pounds of other shellfish species not including oysters, worth \$1,831 (Table 1). Combined with oyster landings, fishers of all shellfish other species landed a total of 10,053 meat weight pounds, worth \$33,779.

2020 LICENSING RECOMMENDATIONS - SHELLFISH OTHER ENDORSEMENT

DMF

The Division recommends that the *Shellfish Other Endorsement* remains an open license category available to any license holder.

RIMFC

[A recommendation will be made at their meeting on October 15, 2019.](#)

CRUSTACEANS

LOBSTER



STOCK STATUS

The [2015 American Lobster Benchmark Stock Assessment and Peer Review Report](#) indicates that the GOM /GB stock is at record high abundance and recruitment, whereas the SNE stock is at record low abundance and recruitment. The GOM/GB stock is not overfished and not experiencing overfishing.

Conversely, the SNE stock is severely depleted with poor prospects of recovery, necessitating protection (ASMFC, 2015).

GOM/GB

GOM/GB stock abundance has increased since 1979, but at an accelerated pace since 2007. Current (i.e. 2008 – 2013) stock abundance is at an all-time high and recruitment has remained high. However, since 2012, there have been consistent declines in the young-of-year lobster surveys in the GOM/GB stock. This has been speculated to foreshadow declines in recruitment and landings (ASMFC, 2015).

SNE

SNE stock abundance increased from the early 1980s, peaked during the late 1990s, then declined steeply through the early 2000s to a record low in 2013. Both the stock assessment and its peer review supported the conclusion that the SNE stock is severely depleted, with record low abundance and recruitment failure. This poor stock condition can be attributed to several factors including changing environmental conditions (e.g. warming waters and increased predation) and continued fishing mortality. Declines in population abundance are most pronounced in the inshore portion of the stock where environmental conditions have been increasingly unfavorable for lobsters since the late 1990s (ASMFC, 2015). Despite attrition among the commercial fleet and fewer traps fished for lobster, the population has continued to decline.

Declines in catch and fishery-independent survey indices in the offshore portion are evident as well; however, they are not as severe (ASMFC, 2015). It is believed the offshore area of SNE depends on nearshore larval settlement and offshore migration as the source of recruits (e.g., young of the year lobsters). Therefore, unless fishing effort is curtailed, the offshore component will be in jeopardy in the future when the poor year classes fail to materialize offshore.

MANAGEMENT PROGRAM

Lobster is managed by the ASMFC through the [FMP for lobster](#) and its subsequent [amendments and addenda](#), which is organized by Lobster Conservation Management Areas (LCMA). Rhode Island state waters comprise a portion of LCMA 2. DEM complies with the FMP through a set of management

measures including minimum/maximum gauge and escape vent sizes, trap limits, protection of egg-bearing females, v-notching, a trap reduction schedule (currently in year 4 of a 6-year period), and a 10% conservation tax on trap allocation transfers designed to further reduce the number of traps fished and fishing mortality. Both state (RI-MA) and federal waters are included in LCMA 2, requiring cooperative management. Additionally, in RI, participants in the lobster fishery must possess either a Multipurpose Fishing License, a Principal Effort license with a *Lobster Endorsement*, or a Commercial Fishing License with *Lobster Endorsement*. Participants who do not hold a LCMA 2 Lobster Trap Allocation (LTA) are prohibited from harvesting lobster from pots and are limited to 100 lobsters per day or 500 lobsters for fishing trips 5 days or longer.

FISHERY PERFORMANCE

The regional lobster resource has experienced a significant decline in abundance since the 1990's, which has resulted in the removal of latent effort in the fishery and reduced landings. The number of participants landing lobster decreased from 2017 to 2018 (Table 2). The trap reduction program continued in 2018-2019, with total traps reduced based on the 5% reduction and the conservation tax (Table 7). In 2018, 136 fishers (Table 2) landed 1,904,244 pounds of lobster in RI, with an ex-vessel value of \$10,947,054 (Table 1).

DIVISION RECOMMENDATIONS FOR 2020

The state will continue to work with the ASMFC to rebuild the lobster resource throughout the region. Attrition is still occurring in the industry. The state began to reduce effort through the trap reductions included in Addendum XVIII starting in 2016. This effort aimed to remove latent effort from the fishery that could be reactivated if resource conditions improve, as well as reduce fishing mortality. Participation in LCMA 2 is based on historical performance and the state has reviewed lobster licensing and made appropriate changes in preparation for limited access-historical performance. An LTA transferability program that was initiated with Addendum XII has been developed in consultation with ASMFC and NOAA Fisheries via Addenda XVIII, XIX, and XXI. This can be used to bring new individuals into the fishery without increasing effort above that qualified in the initial trap allocation.

2020 LICENSING RECOMMENDATIONS - *LOBSTER ENDORSEMENT*

DMF: In view of ASMFC compliance requirements and state law, it is recommended that the moratorium on the issuance of new lobster endorsements be continued for 2020.

RIMFC: A recommendation will be made at their meeting on October 15, 2019.

HORSESHOE CRAB



STOCK STATUS

The [2019 benchmark stock assessment](#) of horseshoe crab indicates high variability in trends among the coastal regions. The Southeast is the only area indicating an increase in abundance while Delaware Bay and the Northeast show consistent abundance and the New York region is seeing a decline (ASMFC, 2019). While this is an improvement for the Northeast region from the 2013 stock assessment update status which exhibited a decline, Rhode Island specific data continues to show a downward trend. This neutral status in 2019 was achieved by

Rhode Island's negative trend being counterbalanced by the improving Massachusetts stock status.

MANAGEMENT PROGRAM

The commercial horseshoe crab fishery is managed at the regional level by the ASMFC [Interstate FMP for horseshoe crabs](#) and its subsequent [addenda](#). In RI waters, horseshoe crab is included and managed under the *Non-Lobster Crustacean Endorsement*. DEM uses temporal closures, possession limits, state established quotas, and a permitting/reporting program to achieve compliance with the FMP. In 2017, DEM regulations were adopted establishing broader time closures, improved reporting and reporting compliance measures, a minimum size of 7" (prosomal width), and daily possession limits for the bait fishery of 60 crabs per person per day. The biomedical daily possession limit is equal to the total annual quota.

FISHERY PERFORMANCE

The use of time closures and possession limits in the State's bait fishery has greatly restricted harvest during peak spawning activity and resulted in reduced fishing mortality rates and harvest equity among participants. However, due to a small quota and the nature of accountable commercial harvest, overages may occur annually and must be deducted from the following year possibly resulting in a shorter harvest season and may limit resource access. Annual bait harvest since 2017 has been less than 20% of the allotted quota. Biomedical harvest rates are driven by the needs of biomedical companies which bleed the crabs for medical testing. The estimated mortality rate of bled crabs is 15% (ASMFC, 2019). In 2018, 19 fishers (Table 2) contributed to the combined bait and biomedical fisheries landed 68,171 pounds of horseshoe crab worth \$29,737 in RI (Table 1).

DMF RECOMMENDATIONS FOR 2020

The Division will continue to monitor harvest levels to determine the effects of the management measures and strategy implemented in 2017, however it is too soon to conclude if these measures are effective as intended as this species takes 10 years to reach maturity. Considering the bait fishery has remained open longer than it has in the last 10 years could be an indication of its effectiveness. The Division recommends maintaining as a non-restricted species in the *Other Crustaceans* endorsement category for 2020.

JONAH CRAB



STOCK STATUS

Previously regarded as bycatch in the American lobster fishery, Jonah crab started gaining attention in the mid 2000's as commercial landings started to increase, reaching a high of nearly 20 million pounds in 2018 (ASMFC, n.d.). As commercial landings have increased and since ASMFC has started to manage Jonah crab, state, federal, and academic scientists have endeavored to collect data on Jonah crab life history and population characteristics to perform a formal stock assessment. No time table has been set for such an assessment.

MANAGEMENT PROGRAM

Jonah crab is managed at the regional level by the ASMFC [Interstate FMP for Jonah crab](#) and its subsequent addenda I-III. The FMP was first adopted in 2016 and includes an LTA requirement, a minimum size limit of 4.75", and the prohibition of egg bearing females. Pursuant to the FMP, a control date of June 1, 2016 was established in RI. [Addendum I](#) establishes incidental bycatch limits for non-trap gear and non-lobster trap gear, [Addendum II](#) sets limits on claw harvest, and [Addendum III](#) stipulates requirements for harvester reporting and biological data collection.

Per Addendum I, a bycatch limit of 1,000 crabs per trip for non-trap and non-lobster fishermen was set. To avoid the unintentional outcome of this addendum of creating small industries operating solely under this provision, the ASMFC Jonah Crab Board aimed to define bycatch. As per ASMFC, Jonah crab caught under the bycatch limit must comprise an amount lower, in pounds, than the target species the deployed gear is targeting. Target species is further defined as: "those species primarily sought by the fishermen in the fishery" and are "the subject of directed fishing effort." Addendum II, adopted in early 2017, allows Jonah crab fishermen to detach and harvest claws at sea, with a required minimum claw length of 2.75" if the volume of claws landed is greater than five gallons. Claw landings less than five gallons do not have to meet the minimum claw length standard.

In RI, Jonah crab is included and managed under the *Non-lobster Crustacean Endorsement*. The directed fishery is limited to any licensed person who holds an LTA, or any person who does not hold an LTA but can prove participation in the Jonah crab fishery prior to the control date.

FISHERY PERFORMANCE

In 2018, 67 fishers (Table 2) landed 4,645,747 pounds of Jonah Crab, with an ex-vessel value of \$4,295,861 (Table 1).

DMF RECOMMENDATIONS FOR 2020

The Division recommends that RI remains compliant with the ASMFC provisions, and continues its work toward collecting biological and fishery information on Jonah Crab for a future, formal stock assessment. No changes to Jonah crab licensing requirements are recommended for 2019. Maintain as a non-restricted crustacean species as well as continue requirements for the directed fishery.

ATLANTIC ROCK CRAB



STOCK STATUS

Status unknown; No stock assessment has been performed on Atlantic rock crab.

MANAGEMENT PROGRAM

In RI, Atlantic rock crab is included and managed under the *Non-Lobster Crustacean Endorsement*. As an unrestricted/open endorsement, any license holder may access the fishery. There is neither a possession limit nor any additional restrictions in effort or harvest at this time

A control date was established on June 1, 2016.

FISHERY PERFORMANCE

Being an unregulated fishery, overall performance cannot be determined. In 2018, 31 fishers (Table 2) landed 67,447 pounds of Atlantic rock crab with an ex-vessel value of \$35,322 (Table 1).

DMF RECOMMENDATIONS FOR 2020

The Atlantic rock crab fishery is not managed under any FMP; it is an unregulated species. Effort limitations are not subject to lobster trap allocation and tagging requirements making enforcement of untagged traps problematic in state waters. Consideration should be given to a dedicated trap tag program to potentially control effort and identify fishery specific gear. No changes to licensing requirements are recommended for 2019. Maintain as a non-restricted crustacean.

OTHER CRUSTACEANS



STOCK STATUS

Commercial landings in RI of crustacean species other than lobster, horseshoe crab, Jonah crab, and Atlantic rock crab include green crab (*Carcinus maenas*), blue crab (*Callinectes sapidus*), deep-sea red crab (*Chaceon quinque-dens*), and mantis shrimp (*Squilla empusa*). These species are not routinely assessed by DEM, in large part due to the low volume of landings, which results in a lack of available data to conduct comprehensive analytical assessments. However, landings data and anecdotal evidence

from the commercial fishing industry are reviewed annually by DMF and are useful pieces of information in identifying populations that warrant further research.

MANAGEMENT PROGRAM

In RI, Blue crab are subject to a minimum size of 5" from shell tip to tip. Harvest is limited to 25 individuals, unless using a scoop or crab net, trot, or hand line. Deep-sea red crab is managed by a federal permit.

FISHERY PERFORMANCE

In 2018, 11 fishers (Table 2) landed 27,625 pounds of these species, in RI valued at \$6,958 (Table 1).

2020 LICENSING RECOMMENDATIONS - *NON-LOBSTER CRUSTACEAN* ENDORSEMENT

DMF

The Division recommends that the Non-Lobster Crustacean Endorsement remains an open license category available to any license holder and is not managed with an exit:entry ratio system.

RIMFC

A recommendation will be made at their meeting on October 15, 2019.

LITERATURE CITED

- Atlantic States Marine Fisheries Commission (ASMFC). 2015. “American Lobster Stock Assessment Overview.” : 7 p.
- . 2016. “2016 Tautog Stock Assessment Update.” : 143 p.
- . 2017a. “2017 Atlantic Menhaden Stock Assessment Update.” : 180 p.
- . 2017b. “Amendment 3 to the Interstate Fishery Management Plan for Atlantic Menhaden.” : 111 p.
- . 2019. “2019 Horseshoe Crab Benchmark Stock Assessment and Peer Review Report.” : 316 p.
- . “Jonah Crab.” <http://www.asmfc.org/species/jonah-crab> (August 2, 2019a).
- . “Spiny Dogfish.” <http://www.asmfc.org/species/spiny-dogfish> (July 25, 2019b).
- Beck, Michael W. et al. 2011. “Oyster Reefs at Risk and Recommendations for Conservation, Restoration, and Management.” *BioScience* 61(2): 107–16.
- Gibson, Mark. 2007. *Estimating Seasonal Menhaden Abundance in Narragansett Bay from Purse Seine Catches, Spotter Pilot Data, and Sentinel Fishery Observations*. RI Division of Fish and Wildlife.
- . 2010. *Stock Assessment of Whelk in Rhode Island and Recommendations for Research and Management*. . Draft Report.
- . 2012. *Stock Assessment of Soft-Shell Clams (Mya Arenaria) in Rhode Island Using a Dynamic Depletion Model Applied to SAFIS Data*. RI Division of Fish and Wildlife. Draft Report.
- Greater Atlantic Regional Fisheries Office. “Northeast Skate Complex :: Greater Atlantic Regional Fisheries Office.”
<https://www.greateratlantic.fisheries.noaa.gov/sustainable/species/skate/index.html> (August 6, 2019).
- Griffin, Matthew. 2016. “Fifteen Years of Rhode Island Oyster Restoration: A Performance Evaluation and Cost-Benefit Analysis.” *University of Rhode Island Masters Thesis*: 91 p.
- Metzger, Michael J. et al. 2016. “Widespread Transmission of Independent Cancer Lineages within Multiple Bivalve Species.” *Nature* 534(7609): 705–9.
- Northeast Fisheries Science Center (NEFSC). 2005. “Assessment of Northern Shortfin Squid on the Eastern USA Shelf During 2003 and 2004.” : 83 p.
- . 2016. *2016 Monkfish Operational Assessment*. Northeast Fisheries Science Center (NEFSC). Reference Document. <https://www.nefsc.noaa.gov/publications/crd/crd1609/crd1609.pdf> (August 6, 2019).
- . 2017a. “62nd Northeast Regional Stock Assessment Workshop (62nd SAW) Assessment Summary Report.” *NEFSC Reference Document* 17–03: 822 p.

- . 2017b. “2017 Cod Operational Assessment.” : 9.
- . 2017c. “2017 Scup Stock Assessment Update.” : 11 p.
- . 2017d. “2017 SNE/MA Winter Flounder Operational Stock Assessment.” *Groundfish Operational Assessment 2017*: 11 p.
- . 2017e. “Longfin Inshore Squid (*Doryteuthis (Amerigo) Pealeii*) Stock Assessment Update for 2017.” : 11 p.
- . 2018. “65th Northeast Regional Stock Assessment Workshop (65th SAW) Assessment Summary Report.” *NEFSC Reference Document 18–08*: 43 p.
- . 2019. “66th Northeast Regional Stock Assessment Workshop (66th SAW) Assessment Summary Report.” *NEFSC Reference Document 19–08*: 1175 p.
- Oviatt, Candace, N Wolff, D VanKeuren, and E Nicosia. 1998. *Oysters (Crassostrea Virginica) as Indicators of a Climate Warming Trend in Northeast Waters*. Environmental Protection Agency. Final Report.
- Restrepo, V.R. 1998. “Dynamic Depletion Models.” In *Report on the FAO/DANIDA/CFRAMP WECAFC Regional Workshops on the Assessment of Spiny Lobster Panulirus Argus*, FAO Fish. Rep. 619., Merida, Yucatan Mexico, 345–56.
- SEDAR. 2015. “SEDAR 39 HMS Atlantic Smooth DogfishShark Stock Assessment Report.” : 325 p.
- Sosa-Cordero, E. 2003. “Trends and Dynamics of the Spiny Lobster, *Panulirus Argus*, Resource in Banco Chinchorro, Mexico.” *Bull. Mar. Sci.* 73: 203–17.
- Walker, Charles et al. 2009. “Mass Culture and Characterization of Tumor Cells from a Naturally Occurring Invertebrate Cancer Model: Applications for Human and Animal Disease and Environmental Health.” *The Biological Bulletin* 216(1): 23–39.

TABLES

Table 1. 2018 pounds landed and total x-vessel value for species landed in Rhode Island.

SPECIES	POUNDS	VALUE (X-VESSEL)
Black Sea Bass	375,853	1,440,258
Scup	4,712,575	2,738,740
Striped Bass	176,639	782,131
Summer Flounder	1,022,618	4,706,067
Tautog	51,414	196,178
Bluefish	237,121	245,049
Atlantic Cod	65,696	151,667
Atlantic Herring	2,159,432	571,543
Menhaden	722,388	54,990
Monkfish	3,057,088	2,329,546
Winter Flounder	191,198	574,222
Skates (Wings)	1,497,953	839,618
Skates (Bait)	7,064,778	881,935
Spiny Dogfish	197,732	32,359
Smooth Dogfish	55,053	19,405
Squid (Longfin)	14,044,883	20,617,445
Squid (Illex)	20,786,875	11,887,408
Lobster	1,904,244	10,947,054
Jonah Crab	4,645,747	4,295,861
Horseshoe Crab	68,171	29,737
Atlantic Rock Crab	67,447	35,322
Other Crabs	27,625	6,958
Quahog*	512,678	4,805,137
Soft-shell Clam*	1,055	16,547
Whelk (Channeled and Knobbed)	678,433	2,094,733
Other Shellfish*	2,628	1,831
Sea Scallops*	2,492,618	22,170,026
Oyster*	7,425	31,948
* meat weight		

Table 2: Number of participants per species per year (2014-2018)

SPECIES	2014	2015	2016	2017	2018
Bait skate	32	30	36	42	46
Bluefish	370	340	362	339	278
Quahog	539	524	562	538	538
Clam, soft	58	62	41	35	31
Cod, Atlantic	109	127	139	107	87
Crab, Atlantic Rock	25	20	31	23	31
Crab, Horseshoe	6	3	17	17	19
Crab, Jonah	74	67	69	74	67
Dogfish, Smooth	34	42	32	39	33
Dogfish, Spiny	57	54	57	48	35
Flounder, Summer (fluke)	491	484	527	502	492
Flounder, Winter	140	120	110	115	100
Monkfish	164	145	165	174	174
Herring, Atlantic	30	32	34	30	27
Lobster	164	149	154	149	136
Menhaden	9	9	8	11	7
Other crustacean	6	13	12	12	11
Oyster, eastern	33	39	20	14	28
Sea Scallop	49	36	56	54	57
Scup	449	418	450	437	433
Black Sea Bass	474	484	504	543	507
Shellfish other	5	5	3	4	5
Skate wings	138	127	140	142	139
Squid, long finned (loligo)	161	153	162	160	164
Squid, short finned (illex)	15	6	12	21	27
Striped bass	330	292	267	286	267
Tautog	232	226	231	250	242
Whelk	159	153	140	102	109

Table 3. Possession limit (pounds) modifications for common Rhode Island commercial fisheries January through August 14, 2019.

SPECIES	POSSESSION LIMIT (LBS)	POSSESSION LIMIT MODIFICATION
Black Sea Bass	500/wk (1/1)	750/wk (3/3) 850/wk (3/24)
	50/day (5/1)	Closed (6/11)
	50/day (7/1)	Closed (7/17)
Bluefish	1,000/bi-week (1/1)	
	8,000/week (5/1)	12,000/week (6/30)
Scup (Gen. Cat.)	50,000/day (1/1)	
	10,000/wk (5/1)	15,000/wk (7/21) 20,000/wk (8/4)
Scup (FFT)	50,000/day (1/1)	
	Unlimited (5/1)	
Striped Bass (Gen. Cat.)	5 fish/vessel (5/20)	
	5 fish/vessel (7/1)	Closed (7/11)
Striped Bass (FFT)	Unlimited (4/1)	
Summer Flounder	100/day (1/1)	
	50/day (5/1)	75/day (6/9) 100/day (6/30)
Tautog	10 fish/vessel (4/1)	Closed (5/24)

DRAFT

Table 4. Historical commercial license counts (2012 – 2019).

LICENSE TYPE	2012	2013	2014	2015	2016	2017	2018	2019
MULTI-PURPOSE LICENSE	853	829	816	804	802	789	771	751
<i>Gillnet Endorsement</i>	233	227	221	218	218	214	213	204
<i>Dockside Sale Endorsement</i>	251	241	236	236	245	242	239	237
<i>Midwater/Pair Trawl Endorsement</i>	131	132	133	137	139	145	145	144
<i>Purse Seine Endorsement</i>	139	134	134	129	136	140	144	145
PRINCIPAL EFFORT LICENSE	690	655	615	593	580	586	585	560
<i>Lobster Endorsement</i>	36	30	27	21	20	19	16	16
<i>Non-lobster Crustacean Endorsement</i>	33	35	36	33	33	35	36	32
<i>Quahog Endorsement</i>	398	376	347	340	322	321	327	305
<i>Restricted Finfish Endorsement</i>	266	262	258	251	252	266	277	279
<i>Non-restricted Finfish Endorsement</i>	131	135	133	130	152	159	168	159
<i>Soft Shelled Clam Endorsement</i>	256	235	204	194	183	186	176	154
<i>Whelk Endorsement</i>	146	118	79	62	53	63	60	55
<i>Dockside Sale Endorsement</i>	13	13	12	11	13	15	14	11
<i>Midwater/Pair Trawl Endorsement</i>	9	8	9	7	10	9	13	13
<i>Purse Seine Endorsement</i>	8	7	6	5	9	9	13	13
<i>Other Shellfish Endorsement</i>	225	211	186	177	177	173	166	148
COMMERCIAL FISHING LICENSE	398	420	404	412	416	429	433	445
<i>Lobster Endorsement</i>	16	15	14	14	12	11	9	7
<i>Non-lobster Crustacean Endorsement</i>	114	100	101	95	95	104	104	110
<i>Quahog Endorsement</i>	158	165	181	189	197	217	215	227
<i>Restricted Finfish Endorsement</i>	0	0	0	0	0	0	0	0
<i>Non-restricted Finfish Endorsement</i>	252	256	240	243	248	253	270	213
<i>Soft Shelled Clam Endorsement</i>	174	163	155	148	139	129	124	125
<i>Whelk Endorsement</i>	109	92	75	65	58	56	53	50
<i>Dockside Sale Endorsement</i>	16	14	16	16	15	18	17	18
<i>Midwater/Pair Trawl Endorsement</i>	40	46	39	39	40	37	41	41
<i>Purse Seine Endorsement</i>	42	40	42	43	41	40	42	45
<i>Other Shellfish Endorsement</i>	171	160	149	152	142	129	145	158
OVER 65 SHELLFISH LICENSE	240	268	289	309	350	369	389	372
STUDENT SHELLFISH LICENSE	49	48	47	37	48	39	30	37

Table 5. Historical RI whelk landings and value (2006-2018).

Year	Total Landings (Live Pounds)	Total Landings Value (\$)
2006	368,028	450,137.43
2007	361,486	336,485.75
2008	423,952	407,997.33
2009	716,386	742,411.90
2010	659,204	973,404.09
2011	746,495	1,312,836.57
2012	773,885	1,599,227.40
2013	584,896	1,268,155.53
2014	446,154	1,036,116.42
2015	493,166	1,279,090.83
2016	338,914	909,068.20
2017	458,765	1,318,209.76
2018	678,433	2,094,732.73

Table 6. Rhode Island commercial fishing license and lobster license/endorsement issuance data, 2014-2019 fishing years.

LICENSE TYPE	2014	2015	2016	2017	2018	2019
MULTI-PURPOSE LICENSE	816	804	802	789	771	751
MPL with Area 2 Lobster Trap Allocation (LTA)	308	298	304	304	304	302
Dockside Sale Endorsement	236	236	245	242	239	237
PRINCIPAL EFFORT LICENSE	615	593	580	586	585	560
Lobster Endorsement with LTA	29	25	21	19	19	19
Non-Lobster Crustacean Endorsement	36	33	33	35	36	32
Dockside Sale Endorsement	12	11	13	15	14	11
COMMERCIAL FISHING LICENSE	404	412	416	429	433	445
Lobster Endorsement with LTA	4	4	4	4	4	3
Non-Lobster Crustacean Endorsement	101	95	95	104	104	110
Dockside Sale Endorsement	16	16	15	18	17	18

Table 7. Description of allocated traps, maximum traps fished, and the reduction of traps in 2018. Traps retired include those associated with the reduction program decrease and the conservation transfer tax.

AREA	# OF TRAPS ALLOCATED	# OF TRAPS TRANSFERRED	MAX # OF TRAPS FISHED	# OF TRAPS RETIRED DUE TO REDUCTIONS
Area 2	70,321	3,034	35,406	3,811
Area 3	33,529	100	31,722	1,697

PHOTO CREDITS

- **Black Sea Bass:** <http://www.pewtrusts.org/en/about/news-room/opinion/2013/05/20/federal-fish-law-is-on-the-hook-for-black-sea-bass-recovery>
- **Scup:** <http://keywordsuggest.org/gallery/576192.html>
- **Striped bass:** <http://www.delaware-surf-fishing.com/delawares-2015-striped-bass-regulations/>
- **Summer flounder:** <https://www.sportfishingmag.com/summer-flounder-stock-assessment-2017-congress>
- **Tautog:** <http://www.angling-addict.com/2011/04/tautog-rig.html>
- **Atlantic herring:** <http://www.seachoice.org/our-work/species/atlantic-herring/>
- **Bluefish:** https://en.wikipedia.org/wiki/Bluefish#/media/File:Very_Large_Bluefish.JPG
- **Atlantic cod:** <http://identifyfish.blogspot.com/2010/10/atlantic-cod-gadus-morhua.html>
- **Atlantic menhaden:** <https://www.hatchmag.com/articles/bunker-advocates-deliver-over-90000-comments-asmfc-vote-pending/771137>
- **Monkfish:** <http://www.realmonstrosities.com/2014/12/deep-sea-goosefish.html>
- **Spiny dogfish:** https://en.wikipedia.org/wiki/Spiny_dogfish
- **Smooth dogfish:** <http://www.discovery.com/tv-shows/shark-week/bios/smooth-dogfish-shark/>
- **Longfin squid:** <https://noaateacheratsea.blog/2015/07/03/david-walker-equilibrium-at-sea-days-6-9-july-3-2015/olympus-digital-camera-701/>
- **Northern shortfin squid:** <http://floridasportfishing.com/squid-school/>
- **Bay quahog:** <https://www.rimonthly.com/celebrate-local-clams-quahog-week/>
- **Soft-shell clams:** <http://www.tonyandsonsseafood.com/shellfish.html>
- **Whelk:** <http://seagrant.gso.uri.edu/the-secret-life-of-whelks/>
- **Oyster:** <http://seagrant.gso.uri.edu/research/research-2016-2018/>
- **Other shellfish (blue mussel):** <http://newenglandboating.com/nantucket-sound-home-to-an-aquaculture-first/>
- **American lobster:** <http://theweek.com/articles/469901/how-calculate-lobsters-age>
- **Horseshoe crab:** <https://longreads.com/2017/04/18/the-pitfalls-and-promise-of-the-horseshoe-crab-unlikely-biomedical-hero/>
- **Jonah crab:** <https://www.sciencesource.com/archive/>
- **Atlantic rock crab:** <https://joshfcteau.com/16-30-nature-notes-aug-24-30/atlanticrockcrab08242016/>
- **Other crustaceans (blue crab):** <https://www.instructables.com/id/Crabbing-For-Beginners/>

SIGNATURE PAGE

Plan approved:

Dr. Jason McNamee, Chief
Division of Marine Fisheries

Date

DRAFT

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Commercial and Recreational Saltwater Fishing Licensing Regulations (250-RICR-90-00-2)

Rule Identifier: 250-RICR-90-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 08/22/2019

Hearing Date: 09/10/2019

End of Public Comment: 09/21/2019

Authority for this Rulemaking:

R.I. Gen. Laws Chapters 42-17.1, 20-2.1, and 20-2.2, R.I. Gen. Laws § 20-1-4 and in accordance with R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

- Section 2.7.4(C): Clarify reporting documentation requirements as it pertains to trip data reporting. Trip elements identified currently contained in Paper Catch and Effort Harvester logbook instructions. No substantive changes proposed.
- Section 2.7.4(E): Distinguish that this section applies only to "paper" reports.
- Section 2.7.4(F): Provide timeframe that electronic reports must be submitted as section 2.7.4(E) is being amended to address only "paper" reports.
- Section 2.7.5(D)(1)(b)(3): Amend the standard of "Actively Fishing"; as it pertains to eligibility for the issuance of a new Commercial Fishing License with Quahaug endorsement for holders of a Student Shellfish License, such that the Student Shellfish license must only be held for only one (1) year (instead of the current two (2) year requirement) if the license holder was 22 years of age at the time of initial license issuance.
- Section 2.7.5(E)(3)(a): Add to rule new language consistent with state law that establishes that residency status must be maintained to maintain eligibility for license renewal.
- Section 2.7.5(G)(1)(e): Amend the eligibility requirement for prioritization of the issuance of new licenses, such that in cases where an applicant has previously surrendered a license to the Department pursuant to the sale of vessel and/or gear, and the applicant has subsequently acquired a new license, the applicant must have held the new license for a minimum of seven (7) years before being eligible for prioritization again.
- Section 2.7.5(G): Other proposed amendments to this section other than the proposed amendment to section 2.7.5(G)(1)(e) are clarifications to the language only, no actual changes to the requirements are proposed

- Section 2.7.9(A)(7): Require dealer reporting compliance as a condition of dealer license renewal. Such reporting is currently required per Part 7 Dealers, section 7.7. However the Department lacks means by which to enforce timely reporting critical to managing quota. Proposed amendment provides the Department with greater ability to facilitate timely reporting.
- Section 2.7.10: Delete section as is redundant with Part 1 and state law.
- Section 2.9.2(F)(2): Expand the timeframe for which reporting is required to be submitted by Party/Charter vessels. Provide greater flexibility to fishermen by removing requirement that reporting must be completed "onboard the vessel upon landing" and instead allow for submittal "within 48 hours of end of trip" Also amending this section to add reporting trip data elements that need to be included as part of the reporting submission.
- Section 2.9.2(F)(5): For licensed Party/Charter vessels, add reporting compliance as a condition of maintaining and/or renewing the P/C license. This amendment was proposed by industry as a necessary means for the industry to provide timely and accurate reporting data necessary for fisheries management.
- Several non-substantive clarifications throughout rule

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until September 21, 2019 by contacting the appropriate party at the address listed below:

Peter Duhamel
 Department of Environmental Management
 3 Fort Wetherill Road
 Jamestown, RI 02835
 peter.duhamel@dem.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on September 10, 2019 at 6:00 pm at URI Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.

Public Hearing
September 10, 2019

Proposed/annotated amendments

Note: Proposed new language is identified as **red, bold, underline**; proposed language to be deleted is identified as ~~red-stricken~~.

250-RICR-90-00-2

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 2 – Commercial and Recreational Saltwater Fishing Licensing Regulations

Table of Contents

2.1	Purpose	3
2.2	Authority	3
2.3	Application	3
2.4	Severability	3
2.5	Superseded Rules and Regulations	3
2.6	Definitions	3
2.7	General Management and Licensing Regulations	3
2.7.1	Management Controls	3
2.7.2	Management Plans	6
2.7.3	Emergencies	6
2.7.4	Data Reporting	6
2.7.5	Licensing	8
2.7.6	Licenses, Endorsements and Vessel Declarations; Resident:	19
2.7.7	Licenses, Endorsements and Vessel Declarations; Non-Resident:	26
2.7.8	Landing Permits:	27
2.7.9	Dealer's Licenses:	29

2.7.10 Penalties: 31

 2.8 Recreational Saltwater Fishing Licenses..... 31

 2.8.1 General Provisions: 32

 2.8.2 Exemptions: 32

 2.9 Vessel-Based Regulations 33

 2.9.1 Vessels Fishing Recreationally: 33

 2.9.2 Party/Charter Vessels: 33

 2.9.3 Vessels Fishing Commercially: 34

 2.9.4 Vessels Fishing in More Than One Mode: 35

2.1 Purpose

The purpose of these regulations is to establish a process for managing marine fisheries, through the development of management plans and programs, licensing protocols, and data collection systems.

2.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapters 42-17.1, 20-2.1, and 20-2.2, R.I. Gen. Laws § 20-1-4 and in accordance with R.I. Gen. Laws Chapter 42-35.

2.3 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.

2.4 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.

2.5 Superseded Rules and Regulations

On the effective date of this Part, all previous Rules and Regulations, and any policies regarding the administration and enforcement of the R.I. Gen. Laws Chapters 20-2 ("Licensing"), 20-2.1 ("Commercial Fishing Licenses"), and 20-3.1 ("Marine Fisheries Management Modernization"), shall be superseded, provided that regulations promulgated by the Director or the Rhode Island Marine Fisheries Council pursuant to R.I. Gen. Laws Chapter 20-3 ("Marine Fisheries Council"), will remain in effect until amended or replaced. Provided, furthermore, that 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 was filed.

2.6 Definitions

See ~~Marine Fisheries Definitions~~, [Part 1 of this Subchapter](#).

2.7 General Management and Licensing Regulations

2.7.1 Management Controls

A. Fishery endorsements:

1. Fishery endorsement categories shall include:
 - a. Lobster;
 - b. Non-Lobster Crustacean: all crustacean species, as well as horseshoe crabs, available for commercial harvest, except lobster;
 - c. Quahaug;
 - d. Soft-shell Clam;
 - e. Shellfish Other: all shellfish species available for commercial harvest, except quahaug and soft-shell clams;
 - f. Restricted Finfish: scup (only from May 1 through October 31; scup shall be considered Non-Restricted January 1 through April 30, and November 1 through December 31), summer flounder, tautog, striped bass, and black sea bass;
 - g. Non-Restricted Finfish: all species of finfish and squid available for commercial harvest except the five species specified in the restricted finfish endorsement category; and
 - h. Whelk: all whelk species available for commercial harvest.
2. The Department may add, eliminate, or modify fishery endorsement categories; in doing so, the Department will consider the status of each fishery, levels of participation by existing license holders, and fisheries management plans and programs.

B. Limits on entry: The Department may establish entrance/exit ratios, lotteries, waiting lists, or other allocation measures as a means for limiting entry consistent with fisheries management plans.

C. Control dates

1. The Department may establish control dates, which shall serve as cut-off dates for potential use in establishing eligibility criteria for future access to a fishery.
2. Eligibility criteria may include, but are not limited to, historic participation and/or gear levels as documented by transaction records and official state or federal logbooks.
3. The establishment of a control date is intended to promote awareness of the potential establishment of eligibility criteria for future access to a

fishery and to discourage speculative shifting of effort into that fishery. To this end, the Department may give various weighted considerations to those active in the fishery before and after the control date.

4. Establishing a control date does not commit the Department to any particular management regime or criteria for limiting future access to a fishery; however, once enacted, control dates may only be used to limit future access to a fishery in accordance with a fisheries management plan.
5. Control dates may only be established prospectively, unless a retroactive control date is expressly required by federal law, regulation or court decision.
6. A control date of December 31, 2007 is established for the soft-shell clam fishery in Rhode Island.
7. A control date of December 31, 2007 is established for the purse seine and mid-water/pair trawl fisheries in Rhode Island.

D. Exit/Entry Ratios:

1. Restricted finfish: For every one (1) license, eligible to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a restricted finfish endorsement, that are not renewed, one (1) new Principal Effort License with restricted finfish endorsement will be made available; provided, that if the application of the exit/entry ratio yields a value less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.
2. Quahaug: For every one (1) license eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a quahaug endorsement, that are not renewed, one (1) new Commercial Fishing License with quahaug endorsement will be made available; provided, that if the application of the exit/entry ratio yields one (1) or two (2) licenses/endorsements, three licenses/endorsements will be made available.
3. Soft-Shell Clam: For every five (5) licenses, eligible to harvest soft shell clam, namely, Multi-Purpose Licenses, Principal Effort Licenses with a soft shell clam endorsement, and Commercial Fishing Licenses with a soft shell clam endorsement, that are not renewed, one (1) new Commercial Fishing License with soft shell clam endorsement will be made available; provided, that if the application of the exit/entry ratio yields one or two (2) licenses/endorsements, three licenses/endorsements will be made available.

E. Annual promulgation of rules:

1. Availability of new licenses and endorsements, harvest and gear levels, regulations affecting gear, times and seasons, area closures and restrictions, quotas and catch or landings limits, limits on entry, control dates and data reporting shall be established by rule as hereinafter described on an annual basis, no later than December 1 for the following year, provided that said regulations may run for longer periods where management conditions permit, or may be adjusted more frequently where such conditions require.

2.7.2 Management Plans

- A. The management controls set forth in these regulations shall be consistent with fisheries management plans adopted by the Department pursuant to R.I. Gen. Laws § 20-2.1-9(5). Such plans shall be updated annually, with the draft plan made available for public review a minimum of thirty (30) days prior to any public hearing that addresses commercial licensing.
- B. The management controls set forth in these regulations shall also be consistent with fisheries management plans adopted by a federal agency or regional body of competent jurisdiction.

2.7.3 Emergencies

The Director may promulgate marine fisheries management rules with less than thirty (30) days' notice to RIMFC if and to the extent necessary to comply with federal or regional requirements or to respond to sudden and/or imminent peril or unanticipated developments where delay would likely cause immediate harm to fishery resources or fishers pursuant to R.I. Gen. Laws § 42-35-2.10.

2.7.4 Data Reporting Required for Commercial Fishing Licenses

- A. The holder of any type of commercial fishing license, ~~dealer license~~, or landing permit license shall be deemed to have consented to providing such fishery-related information as the Department Director may require, ~~including but not limited to, catch, effort, and areas fished consistent with R.I. Gen. Laws § 20-4-5.~~ Reporting shall be required on forms or in a format as prescribed by the Director (ref. R.I. Gen. Laws §§ 20-1-20 and 20-4-5.
- B. The Department will provide applicants with applicable reporting methods at the time of license issuance or renewal.
- ~~C. Licensed fishers and dealers may be required to file data reports at the point of sale, and fishers may also be required to maintain logs while fishing.~~
- ~~DC.~~ Commercial Trips must shall be documented upon landing accurately logged in the Paper Catch and Effort Harvester logbook or entered in an electronic device, prior to offloading. Minimum trip elements shall include, but is not limited to:

1. Trip date.
2. Area fished.
3. Vessel State Registration or USCG Documentation number.
4. Gear type(s) fished.
5. Quantity of gear fished.
6. Fishing time.
7. Species.
8. Pounds or count of species caught.
9. Disposition.
10. Dealer sold to.

ED. Accurately completed copies of the federal Vessel Trip Reports or state reporting forms shall be kept in numerical order on board the vessel dating back to January 1st of the current year and furnished upon request. A vessel shall be exempt from this requirement if the captain of said vessel is currently enrolled in an electronic logbook program. Instead, the vessel must have all records dating back to January 1~~st~~ of the current year entered electronically.

FE. Due dates for the submittal of paper reports to DMF:

1. For fishing activity occurring in the months of January, February, and March: April 15.
2. For fishing activity occurring in the months of April, May, and June: July 15.
3. For fishing activity occurring in the months of July, August, and September: October 15.
4. For fishing activity occurring in the months of October, November, and December: January 15.
5. To renew prior to January 15, harvester reports must be submitted for all of December if renewing in January and up to date in December if renewing in December.

F. Captains enrolled in an electronic logbook program shall submit trip reports not later than forty-eight (48) hours after the end of the trip.

G. Collection and use of data:

1. Data will be collected, managed and disseminated according to the coastwide minimum protocols of the Atlantic Coastal Cooperative Statistics Program (ACCSP).
2. Reported data may be used for management purposes by any properly designated State or federal agency. Reported data may only be used for enforcement purposes by a properly designated state or federal agency if specifically authorized by rule.
3. Any data that are released or reported to the public shall be aggregated so as to not identify individual fishers, vessels or dealers.

2.7.5 Commercial Licensing

A. Application required: Applications for any license or permit issued under these regulations shall contain the following information:

1. Full name;
2. Age;
3. Occupation;
4. Residence address;
5. Mailing address;
6. Weight;
7. Height;
8. Hair color;
9. Eye color;
10. The name of any state or jurisdiction in which the applicant's commercial fishing license and/or permit is currently revoked or suspended; and
11. Driver's License number and state of issuance, or other state-issued photo identification card.
12. Applications must be notarized.
13. Reporting method: Paper Catch and Effort Harvester logbook; or, federal Vessel Trip Report (VTR), or e-TRIPS. The Paper Catch and Effort Harvester logbook and e-TRIPS reporting methods cannot be declared together.

B. Other requirements:

1. A license or permit must be signed and sworn to by the party to whom it is issued in order to be valid.
2. Licenses and permits are valid only for the signed holder and may not be transferred.
3. All fees must have been paid for a license or permit to be valid.
4. A lost or accidentally destroyed license or permit will be replaced for a fee of ten dollars (\$10.00), provided that the applicant submits an affidavit to the Department explaining the circumstances of the loss.
5. A lost or accidentally destroyed Certificate of Exemption or permit issued by the Department for harvest of commercial or recreational marine species shall also be replaced for a fee of ten dollars (\$10.00), provided that the applicant submits an affidavit to the Department explaining the circumstances of the loss, and provided that the holder notifies the Department within seven (7) days of discovery of the loss.
6. Notice of change of address. Whenever any person holding any commercial fishing license shall move from the address named in his or her last application, that person shall, within ten (10) days subsequent to moving, notify the office of boat registration and licensing of his or her former and current address.
7. Expiration. Unless otherwise specified in this title, all licenses issued under this chapter shall be annual and shall expire on December 31 annually. It shall be unlawful for any person to fish commercially in Rhode Island waters on an expired license application. The grace period set forth in § 2.7.5(C)(5) of this Part shall not extend the validity of any expired license.

C. Application deadlines:

1. The Department will notify all license and permit holders in writing by November 1 that said license or permit, as well as all vessel declarations, expire on December 31 of that year. The Department will also notify all holders of 65 and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses in writing by November 1 that said licenses, along with any and all applicable endorsements, must be renewed by February 28 of the following year in order to remain valid. Holders of a Student Shellfish license (if renewable) will be notified by November 1 and the license must be renewed by June 30 of the following year in order to remain valid.

2. All notices will be sent by regular mail to the mailing address given on the license or permit holders last license application or change of address form.
3. All applications for 65 and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses, along with any and all applicable endorsements, whether renewals or new issues, must be made in person by 4:00 PM on February 28, or on the first business day following February 28 if that day falls on a Saturday or Sunday or holiday. Applications for a Student Shellfish license, whether renewal or new issue, must be made in person by 4:00 PM on June 30, or on the first business day following June 30 if that day falls on a Saturday, Sunday, or holiday. All license applications shall be made at the Department of Environmental Management, Office of Boat Registration and Licensing, 235 Promenade Street, Providence, 02908. Alternatively, applications must be posted to the same address with a postmark no later than the above-referenced deadline date. Alternatively, renewals must be made electronically, via the Department's online renewal service at <https://www.ri.gov/DEM/commercialmarine/>, by midnight on the above-referenced deadline date. In order to be eligible to apply for a license, an application must be received, postmarked, or electronically filed by the above-referenced deadline date.
4. No 65 and Over Shellfish, Commercial Fishing, Principal Effort or Multi-Purpose License or applicable endorsement will be issued or renewed after the close of business on February 28, or on the first day following February 28 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of §§ 2.7.5(C)(3) or (5) of this Part, or §§ 2.7.5(E)(3) or 2.7.5(F) of this Part. No student shellfish license will be issued or renewed after the close of business on February 28, or on the first day following June 30 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of §§ 2.7.5(C)(3) or (5), or §§ 2.7.5(E)(3) or 2.7.5(F) of this Part.
5. With the exception of Student shellfish license applications, applications for renewal of licenses referenced in §§ 2.7.5(C)(3) and (4) of this Part above that are received by the Department or postmarked after February 28 or after the first day following February 28 if that day falls on a Saturday or Sunday or holiday shall be renewed only upon payment of a late fee in the amount of \$200.00 and only during the sixty (60) day grace period commencing on the day immediately following the application deadline. Such renewal applications must be made in person at the Department of Environmental Management, Office of Boating Registration and Licensing, 235 Promenade Street, Providence, RI 02908; or via mail at the same address; or electronically via the Department's online renewal service at www.ri.gov/DEM/commercialmarine.

D. Demonstration and verification of ~~activity~~ “Actively Fishing” and “Actively Participating” standards for the issuance of new licenses:

1. Actively Fishing:

- a. To meet the standard of “Actively Fishing”, the license holder must have held the license for a minimum of the immediate two (2) preceding calendar years, and demonstrate by dated transaction records, as verified by SAFIS dealer or dockside sales reporting, a minimum of forty (40) legal RI landings in the preceding two (2) calendar years, pursuant to a valid RI license.
 - (1) In cases where there are less than forty (40) legal RI landings, and one or more of those landings is associated with a multi-day trip(s), Vessel Trip Reports and days fished from those trip(s) may be used to meet the standard of Actively Fishing.
 - (2) In cases where dockside sales reports are being used to meet the standard of Actively Fishing, additional documentation may be required, including, but not limited to, the following: receipts pertaining to the sales of lobsters and/or crabs to consumers; income tax returns; trap tag orders; and receipts pertaining to purchases of fuel, bait, and other supplies.
 - (3) In cases where a person holds both a Landing Permit and a Commercial Fishing License concurrently issued by the Department, dated transaction records established in SAFIS which are recorded on a license holder’s Landing Permit may be considered for the demonstration or verification of the Activity Standard.
- b. For the issuance of a new license in accordance with § 2.7.5(E) of this Part, the ~~Activity Standard established in § 2.7.5(D)(1)(a) of this Part~~ standard of “Actively Fishing” must be met in addition to one of the following conditional criteria, as applicable:
 - (1) Issuance of a new license upon sale of vessel and/or gear: Landings must have occurred in the previous two (2) calendar years, with landings occurring in one (1) or both of those calendar years.
 - (2) Issuance of a new license under a medical hardship condition: Landings must have occurred in at least two (2) consecutive calendar years from 2006 to the date of the license holder’s hardship.

(3) ~~Eligibility for the issuance of a new license based on previous license activity: This section applies only to a Commercial Fishing License with Quahaug endorsement, Student Shellfish license, and Over 65 Shellfish licenses. Persons are not eligible if cited for a violation of Rhode Island's marine fisheries laws or regulations during the two-year period preceding the date of application.~~

(AA) ~~Any persons license holder who possess meets the standard of "Actively Fishing" and who held a valid Student Shellfish or Over 65 Shellfish License as of the immediately preceding year are is eligible to obtain a new Commercial Fishing License with a Quahaug endorsement for the immediate following year, unless assessed a criminal or administrative penalty in the past three (3) years for a violation of the marine fisheries regulations.~~

~~(BB) Any license holder who meets the standard of "Actively Fishing" and who held a valid Student Shellfish License as of the immediately preceding year is eligible to obtain a new Commercial Fishing License with a Quahaug endorsement for the immediate following year, unless assessed a criminal or administrative penalty in the past three (3) years for a violation of the marine fisheries regulations.~~

~~(i) For Student Shellfish License holders who become ineligible to renew their license due to age after holding the license in the immediately preceding year, the license will be considered eligible for the issuance of a new Commercial Fishing License with a Quahaug endorsement if the activity standard is met during the year the license was held.~~

~~(4) Issuance of a new Principal Effort License with Quahaug endorsement:~~

~~(BB) Any persons license holder who possess meets the standard of "Actively Fishing" and who held a valid Commercial Fishing License with Quahaug endorsement as of the immediately preceding year are is eligible to obtain a new Principal Effort License with Quahaug endorsement for the immediate following year. For the purposes of this section, only quahaug landings may be used to meet the Activity~~

~~Standard of “Actively Fishing” as specified in § 2.7.5(D)(1)(a) of this Part.~~

- (45) Issuance of a new Whelk endorsement ~~based on previous license activity: Persons~~ Any license holder who possess meets the standard of “Actively Fishing” and who held a valid Commercial Fishing or Principal Effort License with Quahaug or Soft-Shell Clam endorsement as of the immediately preceding year ~~are~~ is eligible to obtain a new Whelk endorsement for the immediate following year. For the purposes of this section, only quahaug and/or soft-shell clam landings may be used to meet the Actively Fishing ~~Activity~~ Standard of “Actively Fishing” as specified in § 2.7.5(D)(1)(a) of this Part.
2. Actively Participating: To meet the standard of Actively Participating, a crew must be able to demonstrate via one or more affidavits that they have worked as a paid crew for one or more captains licensed in the state of Rhode Island on a vessel that was commercially declared during the period of activity, that had a minimum of forty (40) legal RI landings in the immediately preceding two (2) calendar years. To be considered a paid crew, persons must demonstrate a valid record of being a paid employee of the vessel owner or person licensed to fish commercially, including either a W-2 form, 1099 form, or paycheck stub from a financial institution for the period of time being used to meet the standard of Actively Participating.
 - a. Affidavits must reflect activity conducted upon a vessel that was commercially declared during the period of activity.
 3. 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 demonstrate fishing activity. Such documentation shall include properly recorded and submitted logbooks, as well as some or all of the following: receipts pertaining to the sales of lobsters and/or crabs to consumers; income tax returns; trap tag orders; and receipts pertaining to purchases of fuel, bait, and other supplies. DEM shall determine whether the documentation submitted by the license holder substantiates the landings and associated fishing activity claimed by the license holder.
 4. Any application submitted in accordance with this section that includes inadequate or improper documentation, such as insufficient number or type of transaction records, invalid transaction records, Vessel Trip Reports, or affidavits that have not been notarized, will not be considered. Fraudulent submittals will be referred to the Department’s Division of Law Enforcement for further investigation and possible enforcement action.

Fraud on the part of any existing license holder, including a captain who signs an affidavit in support of a claim of crew member status that turns out to be false or inaccurate, may result in the suspension or revocation of the license held by the existing license holder pursuant to § 2.7.10 of this Part.

E. Issuance of new licenses; eligibility:

1. New licenses and endorsements shall be made available as of January 1 annually.
2. In cases where a limited number of new licenses or endorsements are to be issued, the Department will accept applications until the application deadline set forth under § 2.7.5(C) of this Part, and then issue said licenses or endorsements to eligible applicants by May 15. To ensure fairness in these cases, no new licenses or endorsements will be issued before the application deadline date.
3. License renewals:
 - a. No application for a license renewal will be considered from a person who's had a change in residency status (i.e., change from a Rhode Island resident to non-resident, or from a non-resident to Rhode Island resident) (ref. R.I. Gen. Laws § 20-1-3).
 - ab. No application for a license renewal will be accepted from a person who has failed to submit reports in a timely fashion and who has been previously notified regarding the deficiency.
 - bc. Persons who possess a valid Commercial Fishing License as of the immediate preceding year are eligible to renew their license.
 - ed. Persons who possess a valid Principal Effort License as of the immediate preceding year are eligible to renew their license for the immediate following year.
 - de. Residents who possess a valid Multi-Purpose License as of the immediate preceding year are eligible to renew their license for the immediate following year.
 - (1) Alternatively, residents who possess a valid Multi-Purpose License as of the immediate prior year may be eligible to obtain a new Principal Effort License with Quahaug, Soft-Shell Clam, Shellfish Other, Lobster, Non-Lobster Crustacean, Restricted Finfish, Non-Restricted Finfish, and/or Whelk endorsements for the immediate following year in place of a Multi-Purpose License. Prior to issuance of a new license, the currently held license must be surrendered.

- ef.** Residents who possess a valid Student Shellfish License as of the immediate preceding year are eligible to renew their Student Shellfish License pursuant to § 2.7.6(E) of this Part for the immediate following year.
- fg.** Residents who possess a valid 65 and Over Shellfish License as of the immediate preceding year are eligible to renew a 65 and Over Shellfish License for the immediate following year.
- gh.** Applicants who obtained a Principal Effort License with Lobster endorsement in 2008, or any year thereafter, must continue to hold a Lobster Trap Allocation to be eligible for renewal.

4. Issuance of New Licenses for Family Members or Crew:

- a. A family member or crew who qualifies as a priority applicant pursuant to §§ 2.7.5(G)(2) or (3) of this Part is eligible to obtain a Commercial Fishing License with applicable endorsement(s), or a Principal Effort License with a Restricted Finfish Endorsement, if they are a family member or crew of a license holder who has been actively fishing, and is not renewing their license.
- b. The applicable endorsement(s) will be in the fishery sector(s) that was/were being actively fished by the current license holder. Prior to issuance of a new license, the currently held license must be surrendered to the Department.
- c. One new license will be issued for each license surrendered.

5. Issuance of New Licenses upon Sale of Vessel and/or Gear:

- a. Residents are eligible to obtain a new license involving the sale of vessel and/or gear if the license holder is actively fishing.
- b. Prior to issuance of a new license, the currently held license must be surrendered to the Department. Upon application for a new license, the Department will then issue a new equivalent license to the purchaser.
- c. The new license/endorsement(s) issued may be at a lower harvest and gear level than the license surrendered where necessary to accomplish the purposes of fisheries management plans.
- d. New license applications made pursuant to this section are not subject to an application deadline.
- e. New license fees shall be applicable at the time of application.

6. Issuance of New Licenses to Resident Family Members in cases of Incapacity:
 - a. Resident family members are eligible to obtain a new equivalent license in cases of incapacity.
 - b. Demonstration of the incapacity shall be required in the form of a death certificate, or a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).
 - c. Prior to issuance of the new license, the currently held license must be surrendered to the Department. Upon application, the Department will then issue a new license equivalent to the license currently held.
 - d. The family member shall be designated by the license holder, or, if the license holder is deceased, by mutual agreement among surviving family members. If a mutual agreement has not been reached, the administrator or executor of the estate of the deceased license holder shall be eligible for a new equivalent license for not longer than two (2) years during the probating of the estate.
 - e. New license applications made pursuant to this section are not subject to an application deadline.
 - f. New license fees shall be applicable at the time of application.
7. Persons returning from active military service: Persons holding a valid license and/or landing permit when entering active service are eligible to obtain a new equivalent license and/or landing permit held at the time when entering active service, upon presentation of written **creditable** credible documentation, such as form DD214, demonstrating the continuity of active service since the license had previously been held.

- F. Issuance of temporary operator permits to residents in cases of medical hardship:
1. Residents are eligible to obtain an operator permit in cases of medical hardship; such resident shall be designated by the current license holder.
 2. Demonstration of the medical hardship shall be required in the form of a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).
 3. Prior to issuance of the operator permit, the currently held license must be surrendered to the Department and will be temporarily suspended. Upon application for the operator permit, the Department will then issue an operator permit equivalent to the license held, which will remain valid for the balance of the license year, or until the return to wellness of the

incapacitated license holder, whichever occurs first. The operator permit will be eligible for renewal once, at a cost equivalent to the cost of the license, upon approval by the Director. Upon the return to wellness of the incapacitated license holder and application for re-instatement of the license, the license will be re-instated upon surrendering the operator permit.

4. New license applications made pursuant to this section are not subject to an application deadline.

G. Prioritization and lottery for the issuance of new licenses and endorsements:

1. General:

a. In cases where ~~only~~ a limited number of new licenses/endorsements are ~~to be issued~~ available, the Department shall provide priority to applicants as described herein.

b. All eligible applicants in each priority category will be issued licenses/endorsements before any licenses/endorsements are issued to applicants in the next lower priority category.

c. If in any priority category there are more eligible applicants than there are licenses/endorsements available for issue, those licenses/endorsements will be issued by lottery, unless otherwise specified herein.

d. Within each priority category, eligible applicants will be prioritized based on the length of time, in years, they have been actively fishing their license, or actively participating in the fishery as a crew member, on a continuing basis.

e. In cases where an applicant has previously surrendered a license to the Department pursuant to the sale of vessel and/or gear, and the applicant has subsequently acquired a new license, the applicant must have held the current license for a minimum of seven (7) years before being eligible to use the activity standard as a criteria for prioritization (as described in sections 2.7.5(G)(2)(a) and (b).

2. Priority categories:

a. First priority: ~~First priority in the issuance of new licenses with applicable endorsement(s)~~ shall be ~~given to~~ provided equally to the following sub-categories:

a.(1) Licensed Resident persons holding a Commercial Fishing Licenses who meet the standard of "Actively Fishing";

~~endorsed~~ in the same fishery sector for which a new license/endorsement is being sought, ~~who have been actively fishing that endorsement.~~

~~b.(2)~~ ~~Licensed~~ Resident persons holding a Principal Effort Licenses who have ~~been~~ actively ~~fishing~~ fished their license, and

~~c.(3)~~ Resident crew members who have ~~been~~ actively ~~participating~~ participated in the same fishery sector for which a new license/endorsement is being sought.

~~d.(4)~~ ~~One-third of the total number of new licenses/ with applicable endorsements will be made available to each of three priority categories.~~ If in any of these se three sub-categories there are fewer eligible applicants than ~~there are~~ licenses/endorsements available for issue, ~~then~~ the balance will be evenly distributed to the other two sub-categories. ~~Within each category, eligible applicants will be prioritized based on the length of time, in years, they have been actively fishing their license, or actively participating in the fishery as a crew member, on a continuing basis.~~ If the selection of qualified applicants cannot be resolved equitably by the initial prioritization and lottery process, and if the number of remaining endorsements cannot be distributed evenly between the remaining categories, the number of remaining endorsements will be rounded up to provide each remaining category with the necessary endorsement(s) required to complete the selection process.

3b. Second priority: Second priority ~~in the issuance of new licenses with applicable endorsement(s)~~ shall be given to provided equally as follows:

~~a.(1)~~ Licensed residents ~~s~~ ~~fishers~~ holding Commercial Fishing Licenses, endorsed in any fishery sector, who have ~~been~~ actively ~~fishing~~ fished their license and

~~b.(2)~~ Resident crew members who have ~~been~~ actively ~~participating~~ participated in any fishery sector.

~~c.(3)~~ ~~One-half of the total number of new licenses with applicable endorsements will be made available to each of the two categories.~~ If in any of these two sub-categories, there are fewer eligible applicants than there are licenses/endorsements available for issue, then the balance will be distributed to the other category. ~~Within each~~

~~category, eligible applicants will be prioritized based on the length of time, in years, they have been actively fishing their license, or actively participating as a crew member, on a continuing basis.~~ If the selection of qualified applicants cannot be resolved equitably by the initial prioritization and lottery process, and if the number of remaining endorsements cannot be distributed evenly between the remaining categories, the number of remaining endorsements will be rounded up to provide each remaining category with the necessary endorsement(s) required to complete the selection process.

- 4c. Third priority: Third priority ~~in the issuance of new licenses with applicable endorsement(s)~~ shall be given provided to any resident, aged eighteen (18) or older.
- 5d. Fourth priority: Fourth priority ~~in the issuance of new licenses with applicable (i.e., restricted finfish) endorsement~~ shall be given provided to any non-resident, aged eighteen (18) or older.

H. Appeals of license denials due to medical hardship:

1. There shall be no right to appeal to the Department of Environmental Management's Administrative Adjudication Division (AAD) for the rejection of any new license applications submitted after February 28, or any license renewal applications submitted after the sixty (60) day grace period, except in the case of a documented medical hardship as defined herein.
2. The applicant may appeal the denial to the Administrative Adjudication Division for Environmental Matters pursuant to R.I. Gen. Laws § 42-17.7-1 *et seq.* and the procedures set forth in [Part 10-00-1 of this Title](#), Rules and Regulations for the Administrative Adjudication Division.
3. The burden of proof shall be on the applicant to demonstrate that he or she meets the criteria for issuance of a license. Such proof shall include written documentation of a diagnosis and prognosis of the medical hardship of the license holder signed by a medical doctor (M.D. or O.D.).

2.7.6 Licenses, Endorsements and Vessel Declarations; Resident:

A. Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a Rhode Island resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors:

1. Non-Lobster Crustacean;

2. Lobster;
3. Quahaug;
4. Soft-shell clam;
5. Shellfish Other;
6. Non-Restricted Finfish;
7. Restricted Finfish;
8. Whelk

B. Commercial Fishing License:

1. Applicants must provide proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50), plus twenty-five dollars (\$25) per fishery endorsement.
2. The holder of a Commercial Fishing License may participate in any fishery sector for which he/she holds an endorsement.

C. Principal Effort License:

1. Eligible applicants must present proof of Rhode Island residency and pay an annual fee of one hundred and fifty dollars (\$150) which entitles them to fish in a single fishery endorsement category.
2. The holder of a Principal Effort License may participate in any fishery sector for which he/she holds a fishery endorsement.
3. The holder of a Principal Effort License may also obtain a Commercial Fishing License with applicable endorsements to fish other sectors, and/or obtain additional fishery endorsements on his or her Principal Effort License to fish other sectors, if such endorsements are available for any given license year; provided that a license holder may not hold both a Principal Effort and Commercial Fishing License in the same fishery sector. The annual fee for additional fishery endorsements on Principal Effort Licenses is seventy-five dollars (\$75) each.
4. The holder of a Commercial Fishing License or a Principal Effort License with a Quahaug endorsement shall not be required to pay the annual fee for that license if the license holder is at least sixty-five (65) years old as of February 28 of the applicable license year. The license holder is still required to pay all other applicable fees, including but not limited to the fees for the "Non-Lobster Crustacean", "Lobster", "Non-Restricted Finfish", "Restricted Finfish", as well as all additional "Gear", "Dockside Sales", and

"Logbook" endorsements on their Commercial Fishing License or Principal Effort License.

D. Multi-Purpose License:

1. Eligible applicants must present proof of Rhode Island residency and pay an annual fee of three hundred dollars (\$300).
2. The holder of a Multi-Purpose License may participate in all fishery endorsement sectors.

E. Student Shellfish License:

1. Applicants must present proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50).
2. Applicants must be no older than twenty-three (23) years as of June 30 of the license year.
3. Applicants must present proof that they are full-time students in the form of a notarized letter or transcript from the learning institution in which they are enrolled.
4. The holder of a Student Shellfish License may participate in the Quahaug endorsement sector.
5. The holder of a Student Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, if such licenses or endorsements are available for any given license year; provided that the holder of a Student Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.

F. 65 and Over Shellfish License:

1. Applicants must present proof of Rhode Island residency.
2. There is no fee.
3. Applicants must be at least sixty-five (65) years old as of February 28 of the license year.
4. The holder of a 65 and Over Shellfish License may participate in the Quahaug endorsement sector.
5. The holder of a 65 and Over Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, to fish other fishery sectors, if such licenses or

endorsements are available and the application requirements are met for any given license year; provided that the holder of a 65 and Over Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.

G. Gear Endorsements:

1. Gear endorsement categories shall include Fish Trap, Gill Net, Purse Seine, and Mid Water/Pair Trawl.
2. The Fish Trap gear endorsement shall allow the license holder to set one or more fish traps in accordance with all applicable requirements of R.I. Gen. Laws Chapter 20-5. The annual fee shall be twenty dollars (\$20) per trap location for a three-year period. Applicants who possessed a valid Fish Trap gear endorsement as of the immediately preceding year may obtain a Fish Trap endorsement for the immediately following year, subject to the same terms and conditions in effect as the immediately preceding year. New fish trap endorsement opportunities shall be established by rule, pursuant to fisheries management plans.
3. The Gill Net gear endorsement shall allow the license holder to set a gill net in accordance with all applicable regulations. The annual fee shall be twenty dollars (\$20). Applicants who possessed a Gill Net gear endorsement as of the immediately preceding year may obtain a Gill Net endorsement for the immediately following year. New gill net endorsement opportunities shall be established by rule, pursuant to fisheries management plans.
4. The Purse Seine and Mid Water/Pair Trawl gear endorsements shall allow the license holder to set these gear types in accordance with all applicable regulations. The holders of Purse Seine and/or Mid Water/Pair Trawl gear endorsements must consent to carry an observer on the vessel and/or on any spotter plane used as part of the operation, per the request of DEM; must report any/all landings of menhaden on a daily basis to the Division of Marine Fisheries; must report beginning, location, and cessation of fishing activities on a daily basis to the Division of Enforcement; and must obtain and have on board charts showing the known locations of fixed-gear clusters, as provided by the Division of Marine Fisheries. The annual fee for each endorsement shall be twenty dollars (\$20). New Purse Seine or Mid Water/Pair Trawl endorsement opportunities shall be established by rule, pursuant to fisheries management plans.
5. By rule, the Department may add, eliminate, or modify gear endorsement categories; in so doing, the Department will consider the status of each fishery, levels of participation by existing license holders, the impact of the gear type on fishing mortality, and the provisions of fisheries management plans and programs.

H. Vessel Declaration:

1. Every vessel employed in the commercial fishery must be declared with the Department at the time the owner/operator of such a vessel first applies for or subsequently renews his/her fishing license; or if a license has already been issued, prior to that vessel being used for commercial fishing.
2. Each such vessel must be individually and separately declared, on an annual basis, and the required fee paid.
3. The vessel declaration will include the name of the vessel and its owner, its length and horsepower, displacement, registration and/or federal permit number, gear type(s), principal fishery(s), and number of crew.
4. The annual fee for a vessel declaration is twenty-five dollars (\$25) per vessel for vessels up to and including twenty-five (25) feet in length, plus fifty cents (50¢) per linear foot for each whole foot over twenty-five (25) feet.
5. A declared vessel will be issued decals, which must be prominently displayed on the port and starboard bow, or on the port and starboard sides of the console cabin or wheelhouse, or elsewhere on the port and starboard sides of the vessel such that they are readily viewable. The displayed decals must be updated annually.
6. Declared vessels that are less than twenty-five (25) feet long may obtain a vessel declaration plate upon payment of an additional annual fee of fifteen dollars (\$15). The vessel declaration of the declared vessel may be temporarily transferred to another vessel less than twenty-five (25) feet long by affixing the aforementioned plate to that vessel. For purposes of this section, "temporary" shall mean not more than sixty (60) days, with one sixty (60) day extension in any given year by permission of the Department.

I. Dockside Sales Endorsement:

1. The endorsement shall enable the holder to sell live lobsters and crabs directly to consumers at dockside. Only live lobsters and crabs may be sold under the endorsement. Sales of shellfish and finfish to anyone other than licensed dealers are prohibited.
2. The endorsement shall be available to all Rhode Island license and landing permit holders who are authorized to harvest and land for sale lobsters and/or crabs. With regard to lobsters, such licenses and permits shall include: multi-purpose license, principal effort license with lobster endorsement, commercial fishing license with lobster endorsement; and resident and non-resident landing permit. With regard to crabs, such

licenses and permits shall include: multi-purpose license; principal effort license with non-lobster crustacean endorsement; commercial fishing license with non-lobster crustacean endorsement; and resident and non-resident landing permit.

3. The purchase of a dockside sales endorsement will ensure that the licensee/permittee receives a paper dockside sales logbook.
4. A licensee/permittee who declared their reporting method as a federal vessel trip report is required to report all dockside sales via the paper dockside sales logbook.
5. Individuals selling lobsters and crabs under the dockside sales endorsement must at all times possess, and display upon request, a current and proper license or landing permit, as set forth above; and said license or permit must include a dockside sales endorsement.
6. Only the licensee/permittee, or a regularly employed crew member of the licensee/permittee, may sell lobsters and crabs at dockside under the dockside sales endorsement. To be eligible to conduct such sales, a crew member must first receive written authorization from the licensee/permittee. Such authorization shall be in the form of a type-written statement, signed and dated by the licensee/permittee that expressly authorizes the crew member to act on behalf of the licensee/permittee with regard to dockside sales. The statement shall further specify: the name of the crew member, the name of the vessel from which the sales are conducted, and the month and year that the crew member began working on the vessel. The statement shall be kept on the vessel and be available at all times for inspection by Department personnel. A crew member who is acting on behalf of a licensee/permittee in accordance with this subsection must comply with all applicable regulations governing dockside sales, as set forth herein, and the licensee/permittee shall be responsible for any violations of regulations by the crew member.
7. Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal and State laws and regulations governing harvest and possession relating to the species being sold.
8. Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal, State, and local laws and regulations governing retail sales operations, including but not necessarily limited to those governing taxation, signage, noise, and hours of operation.

9. Licensees/permittees offering live lobsters and crabs for sale at dockside may only sell live lobsters and crabs that they harvested, and all sales must be made from the vessel that harvested the product, unless otherwise authorized by the Director.
10. Sales at dockside may only be to the final consumer – i.e. the individual(s) who will be consuming the product - and no resale of, or commercial transaction involving, the product beyond the final consumer is allowed.
11. Licensees shall include, on all landing reports and other data submitted to the National Marine Fisheries Service and/or the Department, the lobsters and crabs offered for sale at dockside to the general public.
12. The annual fee for the dockside sales endorsement shall be twenty-five dollars (\$25.00).
13. The dockside sales endorsement is not subject to the application deadline provisions as set forth in § 2.6.7(C) of this Part; as such, the endorsement shall be available at any time during the year to holders of current and proper commercial fishing licenses and landing permits issued by the Department.
14. All dockside sales reports and reports of no sales activity are due to the Division of Marine Fisheries quarterly.

J. Research Set Aside (RSA) Endorsement:

1. The RSA endorsement shall enable the holder to land marine species, for sale, in Rhode Island, in accordance with RSA quota obtained from the National Marine Fisheries Service.
2. The endorsement shall be automatically available to anyone who obtains an Exempted Fishing Permit from the Department, allowing for the harvest and/or landing of RSA quota in Rhode Island.
3. Both the endorsement and the permit must be obtained prior to the landing of any RSA quota for state quota monitored species in Rhode Island.
4. Upon presentation of an approved and valid Exempted Fishing Permit from the Department, an RSA endorsement will be issued.
5. The annual fee for the issuance of an RSA endorsement for state quota monitored species shall be twenty-five dollars (\$25).
6. The RSA endorsement is not subject to the application deadline provisions as set forth in § 2.6.7(C) of this Part; as such, the endorsement shall be available at any time during the year to holders of current and proper

commercial fishing licenses, and Exempted Fishing Permits, issued by the Department.

K. Paper catch and effort harvester logbook endorsement:

1. The Paper Catch and Effort Harvester logbook endorsement shall authorize the license holder to use a paper harvester catch and effort logbook in lieu of electronic reporting to report catch and effort information. Paper Catch and Effort Harvester logbooks are issued by the Director.
2. If declared as the reporting method, the Paper Catch and Effort Harvester logbook endorsement fee must be paid at the time of application.
3. Paper Catch and Effort Harvester logbook submissions will not be accepted from a license holder who does not hold the endorsement.
4. Annual fee: Twenty-five dollars (\$25).

2.7.7 Licenses, Endorsements and Vessel Declarations; Non-Resident:

A. Non-Resident Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a non-resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors:

1. Non-Restricted Finfish;
2. Restricted Finfish.

B. Non-Resident Commercial Fishing License:

1. Applicants must be at least eighteen (18) years old.
2. The holder of a Non-Resident Commercial Fishing License may participate in either or both fishery sectors for which he/she holds an endorsement, provided that his/her state of residence does not prohibit commercial licensing opportunities for Rhode Island residents in finfish fisheries for which licensing opportunities are available for residents of that state.
3. The Division of Marine Fisheries shall annually review the regulations of the states of Massachusetts, Connecticut, and New York to determine whether those states provide Rhode Island residents the privileges referenced in § 2.7.7(B)(2) of this Part. For applicants from any other state, it shall be the applicant's burden to prove that his/her state of residence provides Rhode Island residents the privileges referenced in § 2.7.7(B)(2) of this Part through a certified copy of the relevant regulation.

This copy is to be forwarded to the Division of Marine Fisheries for review and approval a minimum of two weeks before a license may be issued.

4. The annual fee for a Non-Resident Commercial Fishing License shall be one hundred and fifty dollars (\$150) plus fifty dollars (\$50) per endorsement.

C. Non-Resident Principal Effort License:

1. Eligible applicants must demonstrate that their state of residence complies with § 2.7.7(B)(2) of this Part regarding treatment of Rhode Island residents.
2. The holder of a Non-Resident Principal Effort License may harvest, land and sell any species of fish for which he/she holds the appropriate endorsement(s) - Restricted and/or Non-Restricted Finfish.
3. The annual fee for a Non-Resident Principal Effort License shall be four hundred dollars (\$400), plus one hundred dollars (\$100) per endorsement.

D. Non-Resident Vessel Declaration:

1. Applicants must comply with the requirements of § 2.7.6(H) of this Part, provided that temporary transfers of vessel declarations between vessels less than twenty-five (25) feet in length via vessel declaration plates are not permitted.
2. The fee for a Non-Resident Vessel Declaration shall be fifty dollars (\$50), plus one dollar and fifty cents (\$1.50) for each whole foot over twenty-five (25) feet in length overall.

2.7.8 Landing Permits:

A. General Requirements:

1. A Landing Permit or a valid Rhode Island Resident or Non-Resident Licenses with the appropriate fishery endorsements, but not both a permit and license, is required to off-load any seafood product legally harvested outside of Rhode Island waters for sale or intended sale in Rhode Island, 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.
2. If the operator of a vessel carrying seafood products notifies the Department's Division of Law Enforcement at least four hours before entering Rhode Island waters that he/she intends to dock in a Rhode Island port for specified purposes other than landing, selling, or offering that seafood for sale, and if permission to do so is first obtained from the

Division of Law Enforcement, no landing permit or Rhode Island license is required.

3. The Department will issue a Landing Permit upon proof that an applicant holds a valid federal or non-Rhode Island State license or permit(s) to harvest a given species or group of similar species, provided that the Landing Permit so issued will only allow the landing of those species authorized by said federal or state permit.
4. A Landing Permit is issued to an individual and not a vessel, although the vessel(s), which will generate the landings, must be identified. The landing permit may not be transferred and does not attach to a vessel when it is sold.
5. The individual in charge of a vessel subject to this section must be in possession of a Landing Permit issued to that individual in order for that vessel to legally enter Rhode Island waters.
6. Landing permits are not subject to the application deadline provisions set forth under § 2.7.5(C) of this Part.

B. Resident landing permit:

1. The holder of a Resident Landing Permit may land, sell, or offer for sale any marine fishery species or product, in accordance with all applicable Rules and Regulations governing those species.
2. The annual fee for a Resident Landing Permit is two hundred dollars (\$200).

C. Non-resident landing permit with restricted finfish:

1. The holder of a Non-Resident Landing Permit with Restricted Finfish may land, sell, or offer for sale any marine fishery species or product including restricted finfish species, in accordance with all applicable Rules and Regulations governing those species.
2. The annual fee for Non-Resident Landing Permit with Restricted Finfish is four hundred dollars (\$400).
3. New Non-Resident Landing Permit with Restricted Finfish will only be issued if the landing is charged to the quota of the state in which the vessel making the landing is registered or documented; or, if the state where the vessel making the landing is registered or documented allows Rhode Island residents to land against its quota for that species; or, if the Department pursuant to a fisheries management plan determines there to be excess harvesting capacity in the Rhode Island commercial quota for that species.

4. Renewal of Non-Resident Landing Permit with Restricted Finfish are considered to be new permits subject to the provisions of § 2.7.8(C)(3) of this Part unless the applicant can show evidence of Rhode Island landings of more than one thousand pounds of that species per year in four of the five years preceding the application. Having made that demonstration, a holder of a Non-Resident Landing Permit with Restricted Finfish who held that permit as of the immediately preceding year may renew it for the immediately following year as set forth herein.
5. If a non-resident vessel is upgraded by twenty percent (20%) or more in length, displacement or horsepower, renewal of a Non-Resident Landing Permit with Restricted Finfish will be considered a new permit application, issuance of which is subject to the requirements of § 2.7.8(C)(3) of this Part.

D. Non-resident landing permit:

1. The holder of a Non-Resident Landing Permit may land, sell, or offer for sale any marine fishery species or product, except restricted finfish, in accordance with all applicable Rules and Regulations governing those species and products.
2. The annual fee for a Non-Resident Landing Permit is four hundred dollars (\$400).

2.7.9 Dealer's Licenses:

A. General requirements:

1. No person, partnership, firm, association, or corporation shall sell, purchase, barter or trade in any marine fisheries species unless having first obtained a dealer's license as provided for in this section for the applicable fishery; or unless the activity is exempt from licensing requirements as set forth in § 2.7.9(A)(2) of this Part.
2. Any person, partnership, firm, association, or corporation engaged solely in the business of selling seafood to consumers, either directly or through restaurants or other retail outlets, and/or engaged solely in the processing or preparation of seafood 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 seafood from licensed dealers.
3. Applicants for a dealer's license shall complete such forms containing such information as the Department may require.
4. Applicants for a dealer's license must demonstrate that they or their registered agent maintain a fixed place of business in the State of Rhode

Island at which transaction records will be maintained and made available for inspection during normal business hours.

5. Each license is valid for the calendar year in which it is issued upon payment of the required fee.
6. A duly licensed dealer may transport any marine species otherwise subject to the requirement that a person transporting such species carry a Rhode Island commercial fishing license, so long as that dealer can demonstrate by a bill of lading that the fish in question had been sold by a duly licensed person.

7. License renewal: No application for a dealer license renewal will be accepted from a licensee who has failed to submit reports pursuant to section 7.7(F) of this Chapter.

B. Multi-purpose dealer's license:

1. The holder of a Multi-Purpose Dealer's License may buy and sell all wild marine fisheries species that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed multi-purpose dealers may also buy and sell cultured marine fisheries species in accordance with applicable Rules and Regulations.
2. The annual fee is three hundred dollars (\$300).

C. Finfish dealer's license:

1. The holder of a Finfish Dealer's License may buy and sell all wild finfish species that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed finfish dealers may also buy and sell cultured finfish species in accordance with applicable Rules and Regulations.
2. The annual fee is two hundred dollars (\$200).

D. Shellfish dealer's license:

1. The holder of a Shellfish Dealer's License may buy and sell all wild shellfish species that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed shellfish dealers may also buy and sell cultured shellfish species in accordance with applicable Rules and Regulations.
2. The annual fee is two hundred dollars (\$200).

E. Lobster dealer's license:

1. The holder of a Lobster Dealer's License may buy and sell all wild crustacean species, including lobster, that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed lobster dealers may also sell cultured crustacean species in accordance with applicable Rules and Regulations.
2. The annual fee is two hundred dollars (\$200).

2.7.10 Penalties:

~~A. Violations:~~

- ~~1. Violations of these regulations may subject the violator to the revocation or suspension of any license, endorsement or permit issued pursuant thereto.~~
- ~~2. Revocations or suspensions may be appealed to the Administrative Adjudication Division.~~

~~B. False statements:~~

- ~~1. Any person who willfully misrepresents any fact or facts required to be provided in support of any license, endorsement, or permit application provided for herein, or who is party to such willful misrepresentation, shall be punished by a fine of not more than fifty dollars (\$50).~~
- ~~2. Any license, endorsement, or permit obtained as a result of such false statements or misrepresentations shall be null and void and shall be surrendered to the Department forthwith.~~
- ~~3. No new license, endorsement, or permit may be issued to any violator of this section for a period of one (1) year from the date that penalties are imposed.~~

~~C. Alterations, forgeries and counterfeits:~~

- ~~1. Any person who falsely makes, alters, forges, or counterfeits, or who causes to be falsely made, altered, forged or counterfeited, a license, endorsement, or permit issued pursuant to these regulations, or who shall have in his or her possession such a license, endorsement, or permit, knowing it to be false, altered, forged or counterfeit is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) and imprisonment for not more than ninety (90) days, or both.~~
- ~~2. No new license endorsement or permit may be issued to any violator of this section for a period of one (1) year from the date that penalties are imposed.~~

~~D. Failure to possess, present or display a proper license, permit or vessel declaration:~~

~~1. Any person who fails to possess a valid, properly endorsed license, permit, or vessel declaration while engaged in commercial fishing, or fails or refuses to present or display said license, permit or endorsement upon request by individuals authorized by the Director, shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) and imprisonment for not more than ninety (90) days, or both. Any such person may also be subject to the seizure and forfeiture provisions under R.I. Gen. Laws §§ 20-1-8 and 20-1-8.1.~~

2.8 Recreational Saltwater Fishing Licenses

2.8.1 General Provisions:

- A. It shall be unlawful for any person to fish or spearfish recreationally for finfish or squid in the marine waters of Rhode Island without a valid and current recreational saltwater fishing license.
- B. For the purpose of this section, an individual will be considered to be fishing or spearfishing recreationally if they are engaged in the process of angling via the use of any type of hook and line, or spearfishing via the use of any type of spear or powerhead, or if they possess equipment used for angling or spearfishing and are in possession of finfish or squid.
- C. A valid and current recreational saltwater fishing license may include: a RI recreational saltwater fishing license, a recreational saltwater fishing license from a reciprocal state, or a national saltwater angler registration.
- D. Reciprocal states are listed at saltwater.ri.gov.
- E. Anglers and spearfishers must be in possession of, or within close proximity to, their license at all times while engaged in angling or spearfishing. The term close proximity shall be construed to mean aboard a vessel, on which or from which an individual is angling or spearfishing; or, for shore-based anglers, or spearfishers, within a nearby car or other location that is within walking distance from the point of exit from the water.
- F. Anglers and spearfishers shall present a valid and current recreational saltwater fishing license for inspection upon demand by an authorized law enforcement officer.
- G. Failure to meet the terms of this section shall be deemed a violation, subject to the penalties set forth under R.I. Gen. Laws § 20-2.2-8.

2.8.2 Exemptions:

- A. No license is required for: anglers or spearfishers who are under 16 years of age; anglers or spearfishers on party or charter vessels that are licensed in accordance with R.I. Gen. Laws § 20-2-27.1; licensed party or charter vessel operators when fishing in party/charter mode; anglers or spearfishers who are on leave from active military duty; anglers or spearfishers who are blind or permanently disabled; anglers or spearfishers who hold federal Highly Migratory Species Angling Permits, issued under their name of the angler or spearfisher; anglers or spearfishers who are fishing or spearfishing during a free-fishing day, designated by the Director; or anyone who is fishing commercially in accordance with a current and valid commercial fishing license.
- B. Where appropriate, anglers or spearfishers who are exempt shall carry applicable proof, and present such proof, along with a photo ID, upon demand by an authorized law enforcement officer.

2.9 Vessel Regulations

2.9.1 Recreational mode:

- A. Any vessel, including a commercially declared and/or licensed party/charter vessel, may operate in recreational mode, in accordance with all applicable recreational regulations.
- B. With regard to all species that are not subject to per-vessel restrictions, compliance with possession limits while fishing in recreational mode shall be determined by dividing the total number of fish aboard the vessel by the total number of licensed or exempt recreational fishers or spearfishers aboard the vessel.
- C. If a vessel makes more than one trip in recreational mode per day, the catches attributable to the same licensed or exempt fishers or spearfishers who go out again are cumulative.

2.9.2 Party/Charter Vessels:

- A. Only vessels licensed in accordance with R.I. Gen. Laws § 20-2-27.1 may operate in party/charter mode.
- B. A vessel is operating in party/charter mode whenever the vessel is carrying one or more passengers for hire for the purpose of engaging in recreational fishing or spearfishing.
- C. Unless otherwise specified, vessels operating in party/charter mode must adhere to recreational regulations.
- D. With regard to all species that are not subject to per-vessel restrictions, compliance for vessels operating in party/charter mode shall be determined by

dividing the total number of fish aboard the vessel by the total number of anglers or spearfishers aboard the vessel.

- E. If a vessel makes more than one trip in party/charter mode per day, any marine species possessed by the captain and mate are cumulative.
- F. Reporting:
 - 1. ~~All~~ Trips made in party/charter mode shall be documented logged and submitted electronically in SAFIS.
 - 2. ~~All~~ Trips shall be documented on board the vessel upon landing logged prior to the termination of the trip and submitted electronically within forty-eight (48) hours of the end of the trip. Trip elements shall include, but is not limited to:
 - a. Trip date.
 - b. Area fished.
 - c. Gear type(s) fished.
 - d. Quantity of gear fished.
 - e. Number of anglers on trip.
 - e. Fishing time.
 - f. Pounds or count of species caught.
 - g. Disposition.
 - 3. ~~All trip reports shall be submitted electronically within forty-eight (48) hours of the end of the trip.~~
 - 4. In cases when no party/charter mode trips were made, at least one (1) negative report must be submitted to the Department prior to renewal of license.
 - 5. Failure to submit reports as required shall result in one of the following actions: license suspension, revocation or ineligibility to renew.

2.9.3 Commercial mode:

- A. Only vessels that are commercially declared may operate in commercial mode.
- B. A vessel is operating in commercial mode whenever the vessel is engaged in the process of taking, harvesting, holding, transporting, loading or off-loading marine species for sale or intended sale.

- C. Vessels operating in commercial mode must adhere to all applicable commercial regulations.
- D. Vessels making more than one commercial trip per calendar day are bound by all applicable per-vessel, per-day possession limits.
- E. Vessels making more than one commercial trip per calendar day must have onboard a RI catch and effort logbook or a federal VTR, and the logbooks or VTRs must be completed prior to the initiation of the second commercial or recreational fishing trip on the same day. An exemption from carrying the RI catch and effort logbook shall be granted for vessels which are operated by licensed captains who are enrolled and currently active participants in the eTrips electronic reporting program. The eTrips report of the first commercial or recreational fishing trip must be entered prior to the initiation of the second commercial or recreational fishing trip on the same day.
- F. A commercially declared vessel, operating in commercial mode, may not possess or land more than the per-vessel limit; however, a portion of the catch may be retained for (non-commercial) personal use, provided that the amount of fish retained for personal use must be recorded in the licensee's commercial logbook.
- G. Any vessel operating commercially, including any vessel fishing commercially using rod and reel, may utilize, without restriction, any number of unlicensed crew members to assist with any commercial operations.
- H. For all commercial fisheries except shellfish, any number of unlicensed crews may assist in direct commercial harvest operations regardless of the manner, method or contrivance employed, as long as said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher. With respect to commercial shellfish operations, unlicensed crews may only assist with culling activities and other indirect harvest operations, while said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher.

2.9.4 Vessels Fishing in More Than One Mode:

- A. On a per-trip basis, a vessel may only operate in recreational mode, or party/charter mode, or commercial mode. No vessel may fish in more than one mode during the same trip.
- B. A vessel that is commercially declared, pursuant to § 2.7.8(H) of this Part herein, may operate in commercial mode during one portion of a calendar day and fish in recreational or party/charter mode during a separate trip on the same day,

subject to separate and non-overlapping commercial and recreational, or party/charter, regulations. A vessel that operates first commercially must complete their logbook prior to the initiation of the second trip.

- C. Upon boarding or inspection, the captain or operator of a commercially declared vessel must disclose whether the vessel is operating in commercial mode or party/charter mode or recreational mode.

RI DIVISION OF MARINE FISHERIES

PUBLIC HEARING

September 10, 2019





Important Dates

- **May 30**: Workshop.
- **August 22**: Date of Public Notice.
- **September 10**: Public Hearing.
- **September 21**: End of Public Comment Period.
- **October 15**: RI Marine Fisheries Council.

2020 Proposed Amendments



1. Clarify reporting documentation requirements as it pertains to commercial trip data reporting. (section 2.7.4(C)):
 - **Issue:** Rules are not clear what is meant by “documentation” for reporting requirement. Trip elements are identified in the Paper Catch and Effort Harvester logbook instructions but are not currently identified in rule.
 - **Proposal:**
 - Clarify documentation requirements
 - Add trip elements that must be reported.
 - See section 2.7.4(C) for full annotations.

2020 Proposed Amendments



2. Clarify due dates for the submittal of commercial trip data reporting (sections 2.7.4(E)&(F)):

- **Issue:** Section does not specify type of reporting, paper or electronic.
- **Proposal:** Amend section 2.7.4(E) to apply to paper reports. Add section 2.7.4(F) to address electronic reporting.
- See sections 2.7.4(E)&(F) for full annotations.

2020 Proposed Amendments



3. Amend the standard of “Actively Fishing” as it pertains to eligibility for the issuance of a new Commercial Fishing License with Quahaug endorsement for holders of a Student Shellfish License (section 2.7.5(D)(1)(b)(3)):

- **Issue:** Rule currently requires that a Student Shellfish license (SSL) must be held at least 2 years to be “actively fished”. If obtained SSL in the final year of eligibility (i.e., age 23), the licensee ages out before they can hold license for 2 years. If SSL not “Actively fished” then not eligible to upgrade to a CFL w/quahog endorsement.
- **Proposal:** Allow for the upgrade from SSL to CFL w/quahog endorsement for licensees aging out after a single year of holding license.
- See section 2.7.5(D)(1)(b)(3) for full annotations.

2020 Proposed Amendments



4. Add new language to rule that establishes that residency status must be maintained to maintain eligibility for license renewal (section 2.7.5(E)(3)(a)):

- **Issue:** Rule does not currently address issue.
- **Proposal:** Add new language to rule consistent with state law.
- See section 2.7.5(E)(3)(a) for full annotations.

2020 Proposed Amendments



5. Amend the eligibility requirements for the prioritization of the issuance of new licenses (section 2.7.5(G)(1)(e)):
- **Issue:** The Division is seeing an increase in the number of occurrences where a person is selling their license, acquiring a new open license and reaching priority status through questionable fishing practices (e.g. selling a single fish/day). Current rules provide no protection against this practice.
 - **Proposal:** Amend eligibility requirement such that in cases where an applicant has previously surrendered a license to the Department pursuant to the sale of vessel and/or gear, and the applicant has subsequently acquired a new license, the applicant must have held the new license for a minimum of seven (7) years before being eligible for prioritization again.
 - See section 2.7.5(G)(1)(e) for full annotations.

2020 Proposed Amendments



6. Require dealer reporting compliance as a condition of dealer license renewal (section 2.7.9(A)(7)):
- **Issue:** Currently no rule in place to require reporting compliance as a condition of dealer license renewal.
 - **Proposal:** Amend rule to require reporting as a condition of license renewal.



2020 Proposed Amendments

7. Clarify the reporting requirements for the Party/Charter sector (section 2.9.2(F)):

- **Issue:** Lack of clarity of documentation required. Trip elements to be reported not specified.
- **Proposal:** Clarify rule and add trip elements to be reported.
- See section 2.9.2(F) for full annotations.



2020 Proposed Amendments

8. For licensed Party/Charter vessels/captains, add reporting compliance as a condition of maintaining and/or renewing their P/C license (section 2.9.2(F)(5)):
- **Issue:** Current rules lack means by which to enforce reporting compliance.
 - **Proposal:** Amend language to provide DEM with the ability to suspend or revoke license (new license) or render applicant ineligible for license renewal.
 - See section 2.9.2(F)(5) for full annotations.

End of Slides!





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

SUMMARY OF COMMENTS

A public hearing was held on **September 10, 2019** at 6:00 PM, URI Narragansett Bay Campus, Corless Auditorium, Narragansett, RI. 1 person attended.

Hearing Officer: *J. Lake*

DEM Staff: *J. Lake, C. Hoefsmit, N. Lengyel, C. Parkins, P. Duhamel*

RIMFC: *A. Dangelo*

A. Dangelo, the sole person in attendance, expressed support for all proposals.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835

September 9, 2019

Michael Pentony, Regional Administrator
NOAA - Greater Atlantic Region
55 Great Republic Drive
Gloucester, MA 01930.

Dear Mr. Petony:

I write in strong support of Framework Adjustment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan.

The Division, as well as the entire Rhode Island delegation to the Atlantic State Marine Fisheries Commission (“Commission”), was actively involved in the development of this Framework Adjustment, and voted unanimously in support of its adoption by the Commission.

The Framework Adjustment includes three measures that would allow for more flexibility in the recreational and commercial management of summer flounder, scup, and black sea bass. We support all three measures, with particular emphasis on the first two measures.

The first measure would include conservation equivalency as an annual management consideration for the black sea bass recreational fishery. This change would render the recreational management process for black sea bass consistent with the long-standing process for the recreational management of summer flounder. Conservation equivalency enables federal measures to be waived, provided that states, acting through the Commission, implement measures that limit harvest to the coastwide recreational harvest limit. States already undertake this process for black sea bass, but that process is awkwardly juxtaposed with the requirement for separate federal measures for federal waters. Having one set of measures, applicable to all recreational fishermen on a state-by-state basis, will streamline and improve the process for managing recreational black sea bass.

The second measure would establish a Block Island Sound Transit Zone for state-only permitted vessels fishing in, or returning to, Rhode Island state waters around Block Island. It would address any future scenarios involving differing Federal and state management measures pertaining to summer flounder, scup, and black sea bass – both commercial and recreational. The transit zone would mirror the current transit area for striped bass and allow for transit by state-only permitted commercial and party/charter vessels and private recreational anglers with summer flounder, scup, and black sea bass on board that were legally harvested in state waters. These vessels could transit between the Rhode Island state waters surrounding Block Island and the coastal state waters of Rhode Island, New York, Connecticut, or

Massachusetts while complying with the applicable state waters measures for those species. Transit through the defined area would be allowed, provided that fishermen and harvest are compliant with all applicable state regulations, gear is stowed in accordance with Federal regulations, no fishing takes place from the vessel while in Federal waters, and the vessel is in continuous transit.

This proposed transit zone is of critical importance to Rhode Island anglers, and to commercial and for-fire vessels holding state-only permits. The relatively narrow band of Federal waters that bisects Block Island Sound poses potential legal obstacles for recreational and commercial fishermen transiting those Federal waters with summer flounder, scup, and/or black sea bass legally harvested in state waters. The transit zone would do away with those obstacles, and thereby facilitate a sound, common-sense approach to the management of the three species in the waters of Block Island Sound. Appropriately, the transiting allowance would not pertain to Federal permit holders, who would continue to be required to abide by the measures of the state(s) in which they harvest or land their catch, or the Federal waters measures, whichever are more restrictive.

The third measure would enable a maximum size limit to be established in Federal waters for the recreational management of summer flounder and black sea bass. Although the states are able to set a maximum size limit for fish caught in state waters, and thus enable consideration of slot limits, under current rules, only a minimum size can be specified in Federal waters. By including allowance for a maximum size, the Mid-Atlantic Council and the Commission could recommend both a minimum and maximum recreational size limit to allow for consideration of slot limits and trophy fish when setting recreational measures for these two species each year.

We recognize and acknowledge that the proposed maximum-size measure does not make any immediate adjustments to any current Federal recreational measures. Rather, it adds an additional “tool to the toolbox” for potential future consideration of changes to the recreational management programs for the two species. This added flexibility is important and welcome.

Thank you for this opportunity to lend our strong support to these proposed Federal regulations, which will effectively implement the provisions of Framework Adjustment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan.

Sincerely,



Jason McNamee, PhD
Chief
Division of Marine Fisheries

cc: Janet Coit, RIDEM Director
Members, RI Marine Fisheries Council
David Borden, ASMFC Commissioner
Eric Reid, ASMFC Commissioner (Legislative Proxy)