

RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Marine Fisheries

Public Hearing

November 9, 2020





Virtual Meeting Participation

1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the **Raise Hand** feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

**Please minimize background noise while unmuted! –
Thank you**

Process and timeline



- **October 21:** Proposed rule publicly noticed.
- **November 9:** Hearing
- **November 20:** End of comment period*
- **December 7:** RI Marine Fisheries Council
- **Jan. 1, 2021:** Rules effective

* Submit comments during the comment period by email to peter.duhamel@dem.ri.gov, or by regular mail to:

Peter Duhamel
DEM Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835
Attn: public hearing comments



Part 3 – Finfish

Industry proposals to modify the seasons for 2021 commercial black sea bass management



Industry proposal (section 3.7.2(B)): Increase Winter I starting possession limit from 500 to 750 lbs

Min. size	Season	Allocation	Starting Poss. limit (lbs)
11"	1/1 – 4/30	25%	500 <u>750</u> (vsl/week)
	5/1 – 6/30	25%	50 (vsl/day)
	7/1 – 7/31	19.5%	50 (vsl/day)
	8/1 – 9/14	Closed	
	9/15 – 10/31	19.5%	50 (vsl/day)
	11/1 – 12/31	11%	50/ (vsl/day)

Industry proposals to modify the seasons for 2021 commercial black sea bass management



Industry proposal (section 3.7.2(B)): Increase summer and fall starting possession limits from 50 to 100 lbs

Min. size	Season	Allocation	Starting Poss. limit (lbs)
11"	1/1 – 4/30	25%	500 (vsl/week)
	5/1 – 6/30	25%	50 <u>100</u> (vsl/day)
	7/1 – 7/31	19.5%	50 <u>100</u> (vsl/day)
	8/1 – 9/14	Closed	
	9/15 – 10/31	19.5%	50 <u>100</u> (vsl/day)
	11/1 – 12/31	11%	50 <u>100</u> (vsl/day)

Industry proposals to modify the seasons for 2021 commercial black sea bass management



Industry proposal (section 3.7.2(B)): Adjust summer and fall seasons and allocations

Min. size	Season	Allocation	Starting Poss. limit (lbs)
11"	1/1 – 4/30	25%	500 <u>750</u> (vsl/week)
	5/1 – 6/30	25%	50 (vsl/day)
	7/1 – 7/31 <u>8/15</u>	19.5 <u>20</u> %	50 (vsl/day)
	8/1 – 9/14	Closed	
	<u>8/16 – 9/14</u>	<u>10</u> %	<u>50 (vsl/day)</u>
	9/15 – 10/31	19.5 <u>10</u> %	50 (vsl/day)
	11/1 – 12/31	11 <u>10</u> %	50 (vsl/day)

Require use of circle hooks by any vessel or person while fishing recreationally with bait for striped bass consistent with the Fisheries Management Plan



Proposed Language (section 3.9.1(F)):

The use of circle hooks is required by any vessel or person while fishing recreationally with bait for striped bass.

Note: Rule to be effective January 1, 2021

Industry proposal to revise the possession limit for the Aggregate Landing Program



Industry proposal noticed:

Min. size	Season	Allocation	Starting Poss. limit
14"	Jan. 1 – April 30	54%	100 lbs/day (2,000 lbs/bi-week <u>1,000 lbs/week</u> for Aggregate Landing Program participants)
	May 1 – Sept. 15	35%	50 lbs/day
	Sept. 16 – Dec. 31	11%	100 lbs/day

Public comment submitted:

Min. size	Season	Allocation	Starting Poss. limit
14"	Jan. 1 – April 30	54%	100 lbs/day (2,000 <u>4,000</u> lbs/bi-week for Aggregate Landing Program participants)
	May 1 – Sept. 15	35%	50 lbs/day
	Sept. 16 – Dec. 31	11%	100 lbs/day

Division proposal to revise the eligibility requirements for a Summer Flounder Winter Aggregate Landing Program permit



Proposed Language (section 3.10.2(C)(4)):

- The vessel's operator has not been assessed a criminal or administrative penalty ~~in the past three (3) years for a violation of this section or has more than one (1) marine fisheries violation~~ for violations of state or federal commercial fishing regulations or laws within the past three (3) years.
- Applicants must be in compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter.

Division proposal to revise penalties for noncompliance for a Summer Flounder Winter Aggregate Landing Program permit



Proposed Language (section 3.10.2(C)(6)(b)):

The Director may also revoke, in writing, the authorization to participate in this Program, should the Director determine that such program participant has been assessed a criminal or administrative penalty for violations of state commercial fishing regulations or for violations of federal commercial fishing regulations or laws, within the past three (3) years.

Division proposal to add permit conditions for a Summer Flounder Winter Aggregate Landing Program permit



Proposed Language (section 3.10.2(C)(5)):

- Participants must maintain compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter.
- Permits are non-transferable. Only vessels authorized by the Director may participate in the pilot program.
- Permits are valid only for the calendar year issued.



Part 5 – Lobster, Crabs and Other Crustaceans

Division proposal to add best management practices for biomedical horseshoe crab harvest handling consistent with ASMFC guidelines



Proposed Language (section 5.10(C)(2)(c)(3)):

Horseshoe crabs must be transported to and from a biomedical facility in a temperature-controlled vehicle at or below 70°F. Containers of crabs must be secured and at most two-thirds (2/3) full.



Division proposal to establish biomedical allowable harvest or horseshoe crab based on needs of the biomedical facilities

Proposed Language (section 5.10(D)(3)(a)):

Quota: Established annually after consultation with permitted biomedical facilities; not to exceed the total allowable harvest as determined by DMF based on the current stock status.



Part 12 – Research Pilot Aggregate Program



Division proposal to add requirement that applicants must be in compliance with commercial fishing data reporting requirements to be eligible for the permit

Proposed Language (section 12. 8(I)):

Applicants must be in compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter.



Part 13 – Cooperative Multi-State Possession and Landing Pilot Program for Summer Flounder



Division proposal to remove term of the program

Proposed Deletion (section 13. 11):

~~These regulations will remain in effect for 2020 only, after which it will be subject to review and evaluation, with a view to developing recommendations for moving forward in subsequent years.~~



Division proposal to add permit conditions

Proposed Language (section 13. 10(K)&(L)):

- Participants must maintain compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter.
- Permits are non-transferable. Only vessels authorized by the Director may participate in the pilot program.



Part 14 – Summer Flounder Exemption Certificate Program

Division proposal to require an application for a Summer Flounder Exemption Certificate transfer



Proposed Language (section 14. 12(A)):

An Exemption Certificate may be transferred upon change in vessel ownership or upon vessel replacement. Application to the Department on forms as prescribed by the Director is required upon transfer.

Industry proposal to remove language that stipulates that an Exemption Certificate automatically stays with vessel upon sale/transfer of vessel



Proposed Language (section 14. 12(A)(1)): ~~Change in ownership: An exemption certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Certificate transfer upon change in vessel ownership:~~ Individuals who purchase a vessel **issued with an valid Summer Flounder eExemption eCertificate** must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.

Industry proposal to extend time period for a vessel owner to apply the Exemption Certificate to a replacement vessel upon sale/transfer



Proposed language (section 14. 12(A)(1)&(A)(2)(d)):

~~An exemption certificate issued by the DEM is only valid for the vessel to which it is issued. A vessel may be sold with all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.~~

Certificate retained for vessel replacement: The Exemption Certificate must be applied to a replacement vessel owned by the seller/transferor within five (5) years of approval of application.

Industry Proposal to remove requirement that a Exemption Certificate must remain attached to the federal permit on the vessel when it was initially issued



Proposed Deletion (section 14.12(A)(3)(b)):

~~Vessel permits (state and federal), exemption certificates, and fishing history cannot be split.~~

End of Slides!

