

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

Record #	Submitted	Section	Sub	Name	Organization	Comment	Response
879	4/1/2010	500		Candace Oviatt	University of Rhode Island Graduate School of Oceanography	An impressive amount of information has been compiled for this nearly error free chapter. Writing is clear and simple making the report readable. In every respect the report is entirely neutral in tone and persuasion. I think it is very important to identify the author or authors of the report. No written document can be taken seriously without the authors identified.	As this is a regulatory document, authorship will be attributed to the RI Coastal Resources Management Council.
899	4/1/2010	500		Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Pag 92 of the document is blank.	Correction made.
880	4/1/2010	510	1.3	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Forage Fish Besides sand lance forage fish should include silversides, menhaden, Atlantic herring, alewife, squid, smelt.	Correction made.
881	4/1/2010	510	1.4	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Eel and shad may also be considered a threatened species.	The Threatened & Endangered and "species of concern" addressed in this chapter are the ones we were told to address by the NMFS NERO Protected Resources Division (Julie Crocker).
882	4/1/2010	510	2.7.5	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	ASMFC define. First time ASMFC was defined that I could find was p7. Be kind to your readers and spell out the names. Use initials sparingly	Correction made.
883	4/1/2010	510	2.11.4	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	A graduate student, Paula Bon Tempi (?), found that monk fish were being harvested before they were sexually mature i.e. the fishery was unsustainable.	We have not been able to locate this source.
884	4/1/2010	510	2.14.4	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Over fishing is occurring on mako sharks but they are not presently over fished. This same sentence with different species named shows up several times in subsequent sections. I get the meaning but the wording is awkward and does not make sense. Suggest you re-word throughout.	This is standard management language used by NMFS/fisheries mgrs. We added a footnote to the first use of these terms to define/explain.

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885	4/1/2010	510	2.17.4	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	But biomass is below maximum sustainable yield? i.e. may be over fished as by catch.	Fact-checked and correction made.
890	4/1/2010	510	3.1.2	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	FMP define.	Correction made.
891	4/1/2010	510	4.1	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Menhaden have been over fished in more southern water for a long time and they are thus not available to migrate to SAMP waters. See: Oviatt, C. A., S. Olsen, M. Andrews, J. Collie, T. Lynch, K. Raposa. (2003). A century of fishing and fish fluctuations in Narragansett Bay. Reviews in Fisheries Science 11:1-22.	Added information/reference.
892	4/1/2010	510	6.2.1	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	ESA define.	Correction made.
893	4/1/2010	510	7.1.2	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Figures 2 and 3 actually 6 and 7.	Correction made.
894	4/1/2010	510	7.2.1	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Figure 4 actually 8. Figures 5 to 8 actually 9 to 12.	Correction made.
895	4/1/2010	510	7.2.2	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Figure 9 actually 13.	Correction made.
896	4/1/2010	520	2.1	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	EFH not defined until p69 520.3 1. below Table = Table 29?	Correction made.

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897	4/1/2010	520	3.3	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Table 28 correctly designated?	Correction made.
898	4/1/2010	520	4.1	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	ESA define.	Correction made.
1217	4/7/2010	510	2.15.4	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Over fishing is occurring on mako sharks but they are not presently over fished. This same sentence with different species named shows up several times in subsequent sections. I get the meaning but the wording is awkward and does not make sense. Suggest you re-word throughout.	This is standard management language used by NMFS/fisheries mgrs. We added a footnote to the first use of these terms to define/explain.
1218	4/7/2010	510	2.21.4	Candace Oviatt	University of Rhode Island Graduate School of Oceanography	Over fishing is occurring on mako sharks but they are not presently over fished. This same sentence with different species named shows up several times in subsequent sections. I get the meaning but the wording is awkward and does not make sense. Suggest you re-word throughout.	This is standard management language used by NMFS/fisheries mgrs. We added a footnote to the first use of these terms to define/explain.
900	4/7/2010	500		Caroly Shumway	Boston University	It is difficult to review this chapter without seeing it in its entirety. I acknowledge the authors note that this is a preliminary chapter. However, the document does not advance our spatial understanding of fishes in the Ocean SAMP region or key habitat for fishes. Currently the habitat info provided for each fish is general. What habitat do these fish actually use in the Ocean SAMP region, and where is it? This should be summarized so it is clear what are the most important areas for fisheries and for habitat. As with the ecology chapter, this chapter is likely to be one of the most read in the nation. The chapter needs to be significantly reorganized. Suggest that all of the life history data that takes up at least half of this document be moved into an appendix.	We have included the best available and appropriate data on fish habitats and will update in the future once additional study results are made available. We include the life history data in the chapter as partner agencies and other stakeholders have indicated that this information is valuable and should be included.
901	4/7/2010	500		Caroly Shumway	Boston University	The Introduction should summarize the overall findings. Overall, what is the general status of the stock in the area? Where are the most important sites for fish and fisheries? Where are the most critical habitats?	We added a paragraph summarizing main chapter findings.

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902	4/7/2010	500	2	Caroly Shumway	Boston University	4th sentence. Grammatical correction: add comma after, “In many cases”	Correction made.
906	4/7/2010	500		Caroly Shumway	Boston University	I can't find the data for Appendix B, qualitative data: where is this?	Qualitative data used to create the fisheries activity maps exist in the form of NOAA charts with fishermen's notations on them. As is typical in qualitative research, these charts are being kept confidential per the researchers' agreement with participating fishermen that no individual/personal data, only aggregate data, will be shared publicly.
903	4/7/2010	510	1.1.3	Caroly Shumway	Boston University	Can't the recreational fisheries also be cross-referenced in some way, rather than anecdotal info from fishermen?	The chapter explains that rec fisheries were cross-referenced with NMFS catch and release data as well as RIDEM regulations for recreational fishermen.
904	4/7/2010	510	1.2	Caroly Shumway	Boston University	This text is the same as the footnote on pg. 9. Drop the footnote. Suggest overall table summarizing the stock status of the 20 species described, with two columns: one for whether they are overfished; the other for whether overfishing is occurring.	Footnote deleted. We added an overall table to address this point as well as a request to clarify the relevant management entity for each species.
905	4/7/2010	510	7.4	Caroly Shumway	Boston University	3rd sentence: Change to “of high habitat complexity” 4th sentence: Change to “does not provide insight into all habitats of importance or of...”	Corrections made.
911	4/7/2010	510	7.1	Caroly Shumway	Boston University	The summary maps on pg. 61 and 62 should be discussed and related (ideally, correlated) to benthic habitat and key oceanographic processes.	The relationship between fish and benthic habitat, key oceanographic processes, etc. is addressed in Chapter 2: Ecology of the SAMP Area.
907	4/7/2010	520	1	Caroly Shumway	Boston University	Benthic habitat has been mapped at a fine spatial resolution by The Nature Conservancy. Why not use this?	These maps are of a coarse resolution given the size of the SAMP area and are not groundtruthed. Fish habitat maps are being prepared by URI researchers J. King and J. Collie for the SAMP and will be incorporated in future revisions of the chapter.
908	4/7/2010	520		Caroly Shumway	Boston University	The habitat section needs to be considerably strengthened and expanded. The ecology section does not have an extended benthic habitat section. I like Table 29: very helpful. What reference applies to this? This needs to be noted. By the way, the Atlantic Coast Fish Habitat Partnership did a similar matrix, with references. But it needs to be linked to maps for the Ocean SAMP area.	We include the best available and appropriate data. Fish habitat maps are being prepared by URI researchers J. King and J. Collie for the SAMP and will be incorporated in future revisions of the chapter. The references for Table 29 have been clarified.

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909	4/7/2010	550	2	Caroly Shumway	Boston University	Section 550.2 does not exist, though there is a 550.1. and a 550.3.	Correction made.
910	4/7/2010	550		Caroly Shumway	Boston University	The section describing other threats to fish besides fisheries should be expanded.	We have expanded this section.
876	4/7/2010	500		Chris Littlefield	The Nature Conservancy	I think the Block Island section needs work, especially the history, and I would be willing to provide some sample text. The same holds true for Sakonnet but I am not the person to pull that together.	We've included the best available data and information on Block Island. Additional history of BI and other locations is included in Chapter 6: Recreation and Tourism; Chapter 7: Marine Transportation; and Chapter 3: Cultural and Historic Resources
877	4/7/2010	500		Chris Littlefield	The Nature Conservancy	Also, I noticed no mention of pre-European fisheries and wondered if you guys should add something to acknowledge the archeological record; the natives out here were pretty sophisticated and skilled at fishing and I would imagine that holds true for the mainland.	Pre-contact history is included in Chapter 3: Cultural and Historic Resources.

878	4/7/2010	500		Eugenia Marks	Audubon Society of Rhode Island	<p>At last evening's meeting, I suggested a new chapter on Waste Management. As an alternative to avoid the additional work and procedures for a new chapter, I ask at least that a new section be added to each of the existing chapters, and since to day is comment deadline for "Commercial and Recreational Fishery," that a section be added. I have been the state's coordinator for International Coastal Cleanup for 25 years, once a year data collection of trash that washes up along shore. Data indicates that 2% is attributable to dumping, 5% to ocean and waterway activities (fishing and boating), 1% medical waste, 31% smoking related, and 61% to onshore activities. (These are international statistics; with more time I can find the Rhode Island stats). Following is the outline I envisioned last evening for a complete chapter after the meeting:</p> <p>Ocean Waste Management</p> <ol style="list-style-type: none"> 1. Dumping <ol style="list-style-type: none"> a. Permitted b. Illegal - regulations governing under MARPOL (United Nations), federal and state regulations c. Septic waste from boats and vessels d. By-catch 2. Organic wastes <ol style="list-style-type: none"> a. Aquaculture b. Detritus from colonization of in-water structures c. Sewage effluent from land-based treatment plants 3. Flotsam <ol style="list-style-type: none"> a. Incidental plastic wastes from fishing operations b. Un-regulated dumpsters wind-blown waste on shore near ocean c. Prevention of floating plastics which are a hazard to baleen whales and marine reptiles 	<p>We have included in the chapter a discussion of dumping (dredged material disposal) as well as marine debris in the section that discusses the impacts of existing activities and trends on fisheries resources and habitats.</p>
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875	4/7/2010	510	6	Tim Gleason	United States Environmental Protection Agency, Region 1	<p>The SAMP : They may want to consider addressing some of the species that were just identified as possible species to be listed on the TESSC document. While Bluefin Tuna and a limited number of shark species did not get listed at the recent Convention on the International Trade in Endangered Species, It may not be long before Bluefin tuna gets listed. there is a great deal of data on the over fishing of the species and concerns for its survival. In a pro active mode the SAMP</p> <p>my wish to gather some data on the species. I understand there are juveniles present in the SAMP area. The SAMP's base line characterization was done by compiled and analyzed off shore bottom trawl data. Maybe they could try and gather some additional data so they have a better baseline handle on the occurrence and presence of the species in the SAMP area.</p>	We added acknowledgement of the recent proposal to list bluefin tuna in CITES Appendix I as well as both porbeagle shark and spiny dogfish in Appendix II.
912	4/8/2010	500		Sue Tuxbury	National Marine Fisheries Service	<p>The most significant comment would be the way the chapter is organized under "species that are important to commercial and recreational fishermen". Since the SAMP area includes both state and federal waters, I would recommend organizing it in such a way that you identify upfront federally managed species, state managed species, and then any additional species (that are not managed) identified as important to fishermen. There will likely be a lot of overlap here, but I do think it's very important to clearly identify the federally managed species. I didn't compare the list, but I would suspect you may have them all covered here. It just isn't clear from reading it which species are federally managed. For example, spiny dogfish is a federally managed species, but it is only mentioned as a state managed species in the chapter. Though that management plan is under the Mid-Atlantic Council, it's still a federally managed species.</p>	We have included a table at the beginning of the chapter to clarify the management entity for each of the commercially and recreationally important species.
916	4/8/2010	500		Sue Tuxbury	National Marine Fisheries Service	<p>I would definitely recommend engaging the New England Fisheries Council if you haven't done so already. Mark Gibson is a designee so you may have done so already. I would suspect the Council would want to review the SAMP when it comes out for comment.</p>	We have invited NEFMC to several fisheries-related workshops held during the winter of 2010, and have been in touch with J. Pappalardo and D. Preble. We have also been working with Mark Gibson through his role at RIDEM.
913	4/8/2010	510	2.6	Sue Tuxbury	National Marine Fisheries Service	<p>It may be worth mentioning that the scallop industry is the most lucrative fishery in New England right now. You may want to research the numbers, but from an economic standpoint it may be worth mentioning under the fishery section.</p>	Insertion made.

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914	4/8/2010	510	2.24	Sue Tuxbury	National Marine Fisheries Service	Winter Flounder section. I'm not sure if you're aware of recent regulations on Southern New England Winter Flounder. Below is a little blurb on the recent changes. The National Marine Fisheries Service has developed interim regulations to significantly reduce fishing mortality of federally managed groundfish stocks in federal waters (3-200 miles). These interim regulations will go into effect beginning **May 1, 2009**. Specifically, the interim rule prohibits the possession/retention of winter flounder by commercial or recreational vessels within the **SNE** winter flounder stock area (generally south and east of **Cape Cod**). The Interim rule also prohibits federally permitted vessels from possessing **SNE**/MA winter flounder within state waters (0-3 miles)*	Insertion made.
915	4/8/2010	550		Sue Tuxbury	National Marine Fisheries Service	There is no mention of dredging and dredge disposal in the SAMP area. This is an existing activity that could impact fish resources.	We've added a section on this.
994	5/3/2010	500		Erin Trager	Minerals Management Services	In general, seems like the final result will be very useful in evaluating the affected fisheries environment and the affected fisheries. Includes good specific information broken down by species, life stages, substrate preferences (both depth and materials composition), and also how time of year and temperature may affect the distribution of the various lifestages which will be useful for both the environmental review and an Essential Fish Habitat consultation.	No response required.
995	5/3/2010	510	2	Erin Trager	Minerals Management Services	In the fisheries section, be careful of identifying a "trend" in catches based on just a few years. Natural variability in populations and weather, fishery switching, and the use of different landing ports could affect the numbers.	Correction made.
996	5/3/2010	510	2.22-23	Erin Trager	Minerals Management Services	Under the discussion of the tuna fishery: May want to include discussion of the recent position of the U.S. supporting a ban of all international commercial trade of the Atlantic bluefin tuna. (NOAA Fisheries. 2010. International—Department of the Interior announces U.S. position on bluefin tuna in preparation for CITES. Fish News, March 3, 2010. And follow discussions/decisions made at the March 13-25, 2010 CITES meeting.)	Insertion made.
997	5/3/2010	530	6.2	Erin Trager	Minerals Management Services	Table 32. Number of Trips on which Species were Landed (state-level reporting only), 2007 (RIDEM 2009): It is unclear what the bolding of certain numbers means. Please clarify.	Correction made.

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998	5/3/2010	540	3	Erin Trager	Minerals Management Services	Section 540.3: In the discussion of the U.S. Fish and Wildlife Service recreational survey (Item 5) it might be important to mention that this survey is collected every 5 years so there may be useful trend information.	Insertion made.
999	5/3/2010	550	2	Erin Trager	Minerals Management Services	Section 550.2: Global climate change is a sub-section included within the section “Impacts of Existing Activities on Fisheries Resources”. Global climate change is not exactly an “activity”. Perhaps qualify it in the statement or tweak the heading.	Clarification made.
1000	5/3/2010	550	5	Erin Trager	Minerals Management Services	Section 550.5: This section is entitled “Marine Transportation” but only the movement of petroleum products seems to be covered in the discussion. It is acknowledged that there is a full chapter on marine transportation that covers other uses, but for the purposes of this section, we suggest either broadening the discussion or changing the heading.	Clarification made.
1001	5/4/2010	500	2	Tricia Jedele	Conservation Law Foundation	(Comment 1) The introduction of the Fisheries chapter states that the purpose of the Ocean SAMP is to protect existing uses, resources, and habitats and to guide future uses of the SAMP area. It is not to engage in “fisheries management.” Section 500 (2). These two sentences are clearly contradictory as the SAMP cannot protect resources and habitats if it does not address the single activity that removes the largest amount of biomass and causes the most widespread seafloor habitat alteration in the SAMP planning area. The chapter presents Rhode Island fisheries in a way that largely avoids any discussion of the very significant impacts that fishing has had not only on the fish resources and the intricate food web of which they are a part, but also on seafloor habitat which bears the brunt of heavy fishing gear dragged across a variety of sand, mud, cobble and boulder habitats throughout the SAMP planning area. Because commercial and recreational fisheries hold great historical, cultural, economic, and recreational importance to Rhode Island, we expect the Ocean SAMP to provide a much more balanced discussion of fishing and the impacts of fishing on the ecosystems within the Ocean SAMP planning area.	The CRMC does not have regulatory jurisdiction over commercial and recreational fisheries in either state or federal waters. The state and federal agencies which have the regulatory authority to manage fisheries are clearly identified in the chapter. The chapter states that the purpose of the Ocean SAMP is “not to engage in fisheries management” in order to clarify this jurisdictional matter. The primary purpose of the chapter is to provide baseline information on commercial and recreational fishing activity as a coastal use. The CRMC must do this for federal consistency purposes per The Coastal Zone Management Act. The chapter already includes a section under Section 550, “Impacts of Existing Activities and Trends on Fisheries Resources and Habitats,” entitled “Fisheries and Overfishing,” that summarizes the impacts of fishing on fish resources and habitats. In response to these comments we have expanded this section to further emphasize the effects of fishing on both fish stocks/the food web and on benthic habitats.

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1002	5/4/2010	500		Tricia Jedele	Conservation Law Foundation	<p>(Comment 2)Fishery scientists at the Graduate School of Oceanography can no doubt provide a very long list of peer reviewed journal articles that document the impacts of fishing on the ocean ecosystem. Moreover, the New England Fishery Management Council’s Habitat Committee is in the process of developing an Omnibus Habitat Amendment to minimize the adverse effects on Essential Fish Habitat caused by fishing. To that end, the NEFMC Habitat Committee is engaged in a very extensive analysis of fishing gear impacts (see in particular work on the Swept Area Seabed Impact model). We strongly recommend that the Ocean SAMP technical team review this work and consider how it might be used to address fishing impact in the Ocean SAMP planning area.</p>	<p>As stated above, the primary purpose of the chapter is to provide baseline information on commercial and recreational fishing activity as a coastal use. The CRMC must do this for federal consistency purposes per The Coastal Zone Management Act. The chapter already includes a section discussing the impacts of fishing on fish resources and habitats and cites peer-reviewed literature from scientists affiliated with GSO and other institutions. To date, neither the NEFMC’s Omnibus Habitat Amendment nor the Swept Area Seabed Impact (SASI) model, a tool they are developing to analyze alternatives, are completed and available for use. NEFMC staff have indicated that this work may be completed and available for public comment in 2011. In response to these comments, we have incorporated a reference to the Amendment and the SASI model and their expected completion dates, and referred the reader to the NEFMC for further information as it is made available.</p>
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1003	5/4/2010	500		Tricia Jedele Conservation Law Foundation	<p>(Comment 3) As a matter of principle, when it comes to comprehensive marine spatial planning which goals are to “foster a properly functioning ecosystem that can be both ecologically effective and economically beneficial” and “identify policies and actions that can both promote and enhance existing uses while having minimum impact on the natural environment” (Ocean SAMP Chapter 1, p. 3, Draft of October 21, 2009), all activities and resources should be accounted for and managed, including fishing. CLF does not agree that the Ocean SAMP should not engage in “management” activities that control the impacts of fishing on the Ocean SAMP planning area. In fact we question how it is that one can develop a comprehensive ocean management plan without addressing what is arguably the single activity in the ocean realm that has had the greatest, most pervasive and negative impact on the ocean ecosystem. We strongly urge that the Ocean SAMP planning team reconsider the wisdom of not addressing this major activity affecting the Ocean SAMP planning area and call upon the team to develop provisions that could serve to minimize the impact of fishing activities on the Ocean SAMP area ecosystem. At a minimum, appropriate state and federal fishery management plans should be integrated into the Ocean SAMP and sensitive habitat areas and biodiversity hot spots, such as the complex rocky/cobble seafloor as found on the glacial moraines and in other places should be protected from all destructive activities that can result in significant impacts on the seafloor, including certain types of fishing with bottom tending mobile gear, sand and gravel mining, and placement of structures on the seafloor, among other activities.</p>	<p>As stated above, the CRMC does not have regulatory jurisdiction over commercial and recreational fisheries in either state or federal waters. The state and federal agencies which have the regulatory authority to manage fisheries are clearly identified in the chapter. The regulatory authority of state and federal fishery management plans (FMPs) authorized are discussed in Chapter 10, Existing Policies, and key points from these FMPs such as applicable effort restrictions and other management measures are included as appropriate in the individual species descriptions in Section 510, “Marine Fisheries Resources.” The importance of habitat features such as glacial moraines are discussed in Chapter 2, Ecology, and additional information about sensitive habitats will be incorporated into the SAMP upon completion of the fisheries habitat study currently being conducted by Dr. Jeremy Collie and Dr. John King of the URI Graduate School of Oceanography (expected in late 2010). Section 560 of the Fisheries Chapter (“Policies and Standards”) includes a draft policy that seeks to protect moraines from future development, and the CRMC’s Coastal Resources Management Program already prohibits sand and gravel mining with the exceptions of dredging for navigation purposes, channel maintenance, habitat restoration, and beach replenishment (see Section 300.3 of “The Red Book”).</p>
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1005	5/4/2010	500		Tricia Jedele	Conservation Law Foundation	<p>(Comment 5) The selection process for identifying “the most important” species in the Fisheries Chapter, as detailed in Section 510.1, depends upon landings data from 1998-2007. According to the draft, “the purpose of this baseline characterization is to provide baseline information on the current state of fisheries resources in the area. It is not an assessment of individual fish stocks, nor is it an analysis of longer-term trends in Rhode Island’s offshore fisheries resources” (page 57). This statement raises question as to the underlying goals and objectives of the Ocean SAMP. Is the purpose of the regulation to restore and improve the marine environment or is the Ocean SAMP merely designed to maintain the current, depressed ecosystem? Based on the stated goals of the Ocean SAMP, the goal of restoration is clear: “Restore and maintain the ecological capacity, integrity, and resilience of the Ocean SAMP’s biophysical and socio-economic systems” (http:// seagrant. gso. uri. edu/ oceansamp / pdf / samp / samp_ goals_ principles_ 11.16.09. pdf). The timeframe used to select species marks a period when many populations of commercially and recreationally fished species were (and still are) seriously depleted. This is a classic case of “the shifting baseline”. A longer time series would demonstrate the future potential of these fisheries and would help ensure that the SAMP seeks to restore Rhode Island’s marine environment rather than maintain it in its troubled state. The historic trawling area data goes back to the 1970’s and NMFS data dates to the 1960’s. The Ocean SAMP should include these longer-term datasets in the selection process for species review in the Fisheries Chapter.</p>	<p>As is stated in the Fisheries Chapter, both the selection of the commercially and recreationally important species and the baseline characterization analysis were intended to provide insight into the current baseline conditions of fishery resources in the SAMP area. This was done because characterizing current fishery resources and activities within the area was one of the main objectives of the Fisheries Chapter. It should also be noted that analysis of a longer time series of data would not necessarily enable prediction of future conditions because of confounding factors such as global climate change and the effects that warming sea temperatures may have on fish stocks (see Chapter 3, Global Climate Change). By contrast, the Ecology Chapter includes discussion of data and studies that present a longer-term view of the SAMP area ecosystem, because this is consistent with the Ecology Chapter objectives. This chapter also includes discussion of the work of some researchers to assess longer-term shifts in the SAMP area’s community composition, including some research conducted by Dr. Jeremy Collie of the URI Graduate School of Oceanography. For example, see Collie, J. S., Wood, A.D., and Jeffries, H.P. Long-term shifts in the species composition of a coastal fish community. <i>Can. J. Fish. Aquat. Sci.</i> 65: 1352-1365 (2008).</p>
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1006	5/4/2010	500		Tricia Jedele	Conservation Law Foundation	<p>(Comment 6) It is critically important that this chapter discuss the biological status of key fish and shellfish populations that frequent the Ocean SAMP planning area. Fish and shellfish are critical components of the ocean ecosystem and are important to the livelihoods and recreational pursuits of Rhode Islanders. Therefore the status of the stocks should be critical drivers of ocean management planning in Rhode Island waters. The descriptions of the various species and their associated life history, habitat and fishery provides many excellent details, but coverage regarding the details of fisheries management for each species and stock status is uneven. We recommend that for each species, where stock assessments provide specific data, information be provided on the status of the stock including whether it is overfished, whether overfishing is occurring, and relative abundance expressed as the current biomass relative to the biomass necessary to achieve maximum sustainable yield (Bmsy) -- current biomass as percentage of Bmsy. As fishery management plans are typically designed to rebuild fish populations to Bmsy, it is appropriate to understand the current abundance level of a fish population relative to its targeted rebuilding level. In addition, we recommend that there be some explanation of the definitions provided for terms like overfished, overfishing, and Bmsy as stakeholders may not understand these concepts or how they are being used in this chapter.</p>	<p>The species descriptions included in Section 510, "Marine Fisheries Resources," already indicate whether a stock is overfished, whether overfishing is occurring, and the stock's relative biomass (e.g. for cod: "the 2004 spawning stock biomass (SSB) was at 10% of the SSB needed for maximum sustainable yield"). In response to these comments, we have reviewed each of these descriptions to ensure that, for each species, we have included any such information that is publicly available. However it should be noted that such assessments are not available for all species, especially for many of the large pelagics like Atlantic bonito that are targeted by recreational fishermen. We have also added additional explanation of the terms overfished, overfishing, and current biomass.</p>
1008	5/4/2010	530	4.2	Tricia Jedele	Conservation Law Foundation	<p>(Comment 4B) The Fisheries chapter presents very good details on individual species including preferred habit for the various life stages of a particular species. The SAMP should use this preferred habitat information along with knowledge of seafloor habitat types (and CLF recognizes that much research is needed to fully characterize habitat in the planning area), the vulnerability of various habitats to fishing gear, and known mobile gear fishing areas to identify and designate in the Ocean SAMP particular areas that should be protected from harmful human activities (including fishing with certain types of mobile bottom tending fishing gear, sand and gravel mining, placement of structures on the seafloor, among other activities).</p>	<p>As noted above, Section 560 of the Fisheries Chapter ("Policies and Standards") includes a draft policy that seeks to protect moraines from future development, and the CRMC's Coastal Resources Management Program already prohibits sand and gravel mining with the exceptions of dredging for navigation purposes, channel maintenance, habitat restoration, and beach replenishment (see Section 300.3 of "The Red Book"). As CLF notes, a great deal of additional research is needed to fully characterize habitat in the planning area. Additional information about important habitats will be incorporated into the SAMP upon completion of the fisheries habitat study currently being conducted by Dr. Jeremy Collie and Dr. John King of the URI Graduate School of Oceanography (expected in late 2010).</p>

1004	5/4/2010	550		Tricia Jedele	Conservation Law Foundation	<p>(comment 4A) At the end of the Fisheries chapter, Section 550, “Impacts of Existing Activities on Fisheries Resources,” lists overfishing, coastal development, introduced species, marine transportation, disease and climate change as major threats to fishery resources. Conspicuously, this list does not include seafloor habitat alteration and destruction. Fishing gear, and in particular mobile fishing gear, arguably causes the most significant damage to seafloor habitat and therefore must be addressed within the Ocean SAMP’s management framework to ensure that the marine resources in the Ocean SAMP planning area are adequately protected. Similarly, Section 530.4 “Commercial Mobile Gear Fisheries,” describes different forms of mobile gear including otter trawls, dredging, and bottom and mid-water trawls, yet, surprisingly, makes no reference to the impact these types of fishing gear have on seafloor habitat. As the Section notes, “mobile gear fishing takes place throughout most of the SAMP area” (Section 530.4.2), and although, it is difficult to characterize the location of the fishing activity because it requires “both qualitative input from fishermen as well as analysis of NMFS fisheries dependent datasets” (page 83), the SAMP planning team was able to gather information from fishermen to map the location of mobile gear fishing activities (Figure 15). The scale of the potential impacts that mobile gear likely have on Rhode Island’s marine environment is underscored by the dominance of mobile gear such as otter trawls and dredges in landing data with respect to the majority of Rhode Island’s seafood catch. See Table 33, “Rhode Island landings by gear type, 2007. In 2007, otter trawls and dredging accounted for 65% of total landings by weight (Figure 21).</p>	<p>As stated above, the primary purpose of the chapter is to provide baseline information on commercial and recreational fishing activity. In Section 550, entitled “Impacts of Existing Activities and Trends on Fisheries Resources and Habitats,” we already include Section 550.1, entitled “Fisheries and Overfishing,” which constitutes a discussion of the impacts of fishing on fish resources and habitats, including the effects of bottom fishing gear such as trawls and dredges on benthic habitat. The impacts of fishing on seafloor habitats are discussed in this section, and not separately, because these impacts are, as CLF points out, caused by fisheries activity. The purpose of Section 530.4, “Commercial Mobile Gear Fisheries,” is intended to describe these fishing activities, not to discuss their impacts on the environment. As noted above, Section 550.1 is where the impacts of fishing activities are discussed. In addition, it should be noted that most mobile gear fishing in the SAMP area occurs on sand sheets and other smooth bottom areas, not on moraines and other areas with greater habitat complexity. This latter point was included in the chapter, but has been clarified and emphasized in response to these comments.</p>
1007	5/4/2010	550		Tricia Jedele	Conservation Law Foundation	<p>(Comment 7) Cusk should be included in the section on Species of Concern as it is listed as such by NOAA Fisheries, and is the subject of a biological status review to determine its eligibility as an endangered or threatened species under the Endangered Species Act. Moreover, the Ecology Chapter states that cusk uses Block Island Sound as an important nursery ground (Section 250.3 (15).)</p>	<p>The NMFS Northeast Regional Office Protected Resources Division provided the Ocean SAMP team with a list of “Species of Concern” which should be discussed in the Fisheries Chapter, and cusk was not included on this list.</p>

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1448	7/1/2010	560		Donald Pryor	Brown	The Policies and Standards section of this chapter (section 560) appears not to be dependent in any way on the rest of the chapter.	Fisheries-related policies and standards were developed based on the findings of the Fisheries Chapter as well as the Ecology Chapter, because of the relevance of ecological features to fishing, and the Renewable Energy and Other Offshore Development Chapter, because many of the policies and standards address the prospect of offshore development. Policies and standards were also informed by review of other jurisdictions' policies, standards, and best management practices, as well as stakeholder and expert input.
1449	7/1/2010	560		Donald Pryor	Brown	Significant weight is proposed to be given to the Fishermen's Advisory Board (FAB). The work of this chapter should be reviewed, and revised if necessary, so that it can provide a baseline and demonstrate standards for the determinations that the FAB is to make including: a. identification and evaluation of prime fishing areas (560.1.4(a)) b. uses or activities that could disrupt commercial and recreational fisheries activities (560.1.4(b)) c. adverse impacts and mitigation measures (560.1.4(c) and 560.1.5) d. valuable fish habitats and their edges (560.1.6) e. areas of high fishing activity (860.1.8(iv)) Given the proposed authorities of the FAB, despite its title as an advisory board, it should explicitly be required to comply with RI's Administrative Procedures Act. Alternatively, the proposed duties of the FAR should be rewritten to insure that they can make only recommendations, not determinations.	As stated in the document, the FAB is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish in the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council's decision-making process with regard to offshore construction and development, with the goal of mitigating any potential conflicts between fishermen/fishing activity and offshore development activities. It has nothing to do with fisheries management. The FAB simply provides the Council with advice. It does not make formal determinations and is not intended to supplant any existing authority of any other federal or state agency responsible for the management of fisheries. The FAB does not conduct any sort of environmental impact assessment; such reviews are conducted by the relevant federal and state management agencies whose responsibilities are defined by law. The FAB also does not provide advice or make decisions with regard to fisheries management issues. We have added a line to the FAB policy to clarify the role of the FAB in this regard.
1456	7/1/2010	510	1.1.5	Sue Tuxbury	National Marine Fisheries Service	Table 2: Check the table under winter flounder. It should read New England Fisheries Management Council rather than Mid-Atlantic	Correction made.

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1457	7/1/2010	510	5.1	Sue Tuxbury	National Marine Fisheries Service	Delete one of the periods after smelt (not significant, but I figured I'd point it out since I noticed it).	Correction made.
1458	7/1/2010	520	2.1	Sue Tuxbury	National Marine Fisheries Service	Table 30: Under EFH designations, both Little Skate and Winter Skate should also be included. They do have EFH designations in the SAMP area. It's confusing since they are not included in the 10 minute square maps. Go to http://www.nero.noaa.gov/hcd/webintro.html and click on "To view EFH Designations for Skate Species, which are not in the map below, click here". You can find the EFH designations for skates there.	Corrections made.
1517	7/2/2010	500		Caroline Karp	Citizen	It's a pleasure to see this information about the fisheries and marine habitats collected in one place. Creating such a baseline obviously serves the public's interest in understanding what it stands to win or lose when the State reacts to public/private proposals for industrial or commercial development and/or new or more intense uses of the SAMP area.	No response needed.
1518	7/2/2010	500	2	Caroline Karp	Citizen	The 1st line should be edited to say: ""The purpose of the Ocean SAMP is to guide future uses of the SAMP area."" , e.g., DELETE "to protect existing uses" . Some "existing uses" are deleterious to the marine environment and should not be protected by CRMC through the Ocean SAMP.	The line has been revised to read "The purpose of the Ocean SAMP is to protect sustainable existing uses, resources, and habitats, and to guide future uses of the Ocean SAMP area."

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1519	7/2/2010	500	2	Caroline Karp	Citizen	<p>As the authors acknowledge, the fisheries are regulated by a variety of federal, regional and state agencies (560.1). The policies stated in this chapter should be explicitly made consistent with existing federal and state law with respect to fisheries management and clearly indicate the extent to which CRMC is prepared to override a decision by another agency with respect to fisheries . For instance, CRMC's proposal to establish a Fisheries Advisory Board (p.146) requires far more detail in this regard since this proposal: extends CRMC's subject matter jurisdiction beyond its existing mandate and expertise; privileges or enfranchises a single stakeholder --- i.e., should every stakeholder, such as Marine Transportation, Offshore Energy, Environmentalists be entitled to a separate advisory board to protect its interests in the SAMP area(?); and does not clarify how the authority exercised by this Advisory Board wil or can be reconciled with that exercised by executive branch agencies operating pursuant to legislatively-enacted enabling authority and clear lines of authority.</p>	<p>As stated in the document, the FAB is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish in the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council's decision-making process with regard to offshore construction and development, with the goal of mitigating any potential conflicts between fishermen/fishing activity and offshore development activities. It has nothing to do with fisheries management. The FAB simply provides the Council with advice. It does not make formal determinations and is not intended to supplant any existing authority of any other federal or state agency responsible for the management of fisheries. The FAB does not conduct any sort of environmental impact assessment; such reviews are conducted by the relevant federal and state management agencies whose responsibilities are defined by law. The FAB also does not provide advice or make decisions with regard to fisheries management issues. We have added a line to the FAB policy to clarify the role of the FAB in this regard. With regard to other stakeholders, the Ocean SAMP team has worked, and continues to work, with other stakeholder groups including recreational boaters, mariners, and environmental advocacy groups. Other Ocean SAMP policies, as summarized in Chapter 11, The Policies of the Ocean SAMP, explicitly define numerous circumstances in which the Council will consult, communicate, and coordinate with such groups; for example see Chapter 11 section 1140 (Decision-making); section 1150.5 (Recreation and Tourism); and section 1150.6 (Marine Transportation).</p>
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Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1520	7/2/2010	500	6	Caroline Karp	Citizen	recognizes that marine habitats and non-economically important species in the SAMP area contribute to the ecological stability of the area and the commercially and recreationally targeted species and then refers readers to the Ecology Chapter, which does not (yet) contain policies regarding public trust interests in preservation or conservation. In my view, this is not consistent with ecosystem-based planning. I think that:This chapter must address public trust interests in protecting, conserving, managing non-/economically important marine species found in the SAMP area.	The most current version of the Ecology Chapter includes policies and standards that address resource conservation. See Chapter 2, Ecology. Please also see Chapter 11, The Policies of the Ocean SAMP, which includes a broader policy discussion of the goals of the Ocean SAMP and has been amended to include discussion about CRMC's role in protecting the public trust.
1524	7/2/2010	500		Caroline Karp	Citizen	I think that the NMFS Fisheries Science Center and the Apex Predator Program at NMFS-Narragansett should be explicitly invited to review this chapter in terms of assertions about the absence of Essential Fish Habitat before this chapter is adopted as a SAMP. For instance see www.nmfs.noaa.gov/sfa/hms/Safe_Report/Safe3_Habitat.PDF which discusses the scarcity of Essential Nursery Habitat for New England sharks and may suggest a need to protect eligible areas from development.	The NMFS Northeast Regional Office reviewed this chapter and commented on the Essential Fish Habitat section, indicating that we must also list little skate and winter skate. These changes will be reflected in the forthcoming version of the chapter. Otherwise, NMFS has indicated that we have correctly characterized and mapped EFH in the area. It should also be noted that the chapter does not make any "assertions about the absence of EFH"; instead, it identifies species for which EFH has been designated within the SAMP area and points out that the entire SAMP area is EFH for one species or another.
1525	7/2/2010	500		Caroline Karp	Citizen	While I understand that CRMC may not yet have sufficient data, I think it is important to report the distribution, abundance and migratory behavior of the 22 assessed species and their prey species by season since the SAMP area is dynamic and the offshore developments being considered are fixed to the substrate which may interfere with biological patterns that occur seasonally. Similarly, more information should be provided on the spawning, nursery and grow-out areas of the 22 assessed species. Seasonal data would also, theoretically, allow CRMC and others to consider migratory corridors to protect species and habitats instead of fixed conservation areas.	Appendix A, "Baseline Characterization," includes a series of maps that characterize the relative abundance, as represented in spring and fall trawls, of commercially and recreationally important species as well as species of concern for which sufficient data were available. These maps are referred to in the main chapter but are not included there because we are attempting to keep the document a manageable size. Available information on spawning and migratory patterns are included in the individual species descriptions found in section 510.2, and EFH maps included in section 520.3 provide additional insight into spawning and nursery areas for EFH species. We have not identified any additional spatially explicit data on spawning and nursery areas that would allow for more detailed maps of such areas.

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1526	7/2/2010	500		Caroline Karp	Citizen	I think this chapter does a good job of mapping the major surveys that have or continue to occur in this area. I think it would be both helpful and useful to briefly explain the limits to and values of using landings versus monitoring data to describe distribution and abundance of species in this area (Worm-Hillborn debate) since this is controversial within the scientific community AND not necessarily well understood by fishing community.	In the chapter, we use monitoring (survey) data to characterize fish abundance and distribution; monitoring (fishing activity) data such as Vessel Trip Reports to characterize fishing activity; and landings data to characterize fishing effort, landings, and landings value. In all cases we acknowledge the limitations and caveats associated with these datasets. The Worm-Hilborn debate, per se, is not integral to the objectives or scope of work of the Fisheries Chapter.
1521	7/2/2010	510		Caroline Karp	Citizen	This chapter should address the baseline biological diversity of the SAMP area (including demersal and pelagic fish, shellfish, mammals and associated species) in addition to characterizing the 22 species chosen for analysis and their aggregate biomass etc. A baseline estimate of seasonally-relevant biological diversity is important since it is a common metric for evaluating trends in the biological impact of human activities. In addition, the diversity of the SAMP area should be compared to marine systems with similar physical, chemical and bio-geographic features as opposed to comparisons with shallow, heavily developed estuaries such as Narragansett Bay and Long Island Sound.	The primary purpose of the Fisheries Chapter is to provide baseline information on commercial and recreational fishing activity as a coastal use. The Ecology Chapter includes a much broader discussion of the SAMP area ecosystem and incorporates data on a much wider range of species. The Ecology Chapter also includes the results of Kenney and Vigness-Raposa (2009), Winiarski et al (2009) and other Ocean SAMP studies which have sought to characterize other non-fisheries species in the SAMP area.
1522	7/2/2010	510	1.1.5	Caroline Karp	Citizen	Table 2. (p.11) and or Tables 3- 30 (p14-.72) should be expanded to include a brief summary of diet, by season if necessary, for each of the 22 species used to characterize the fisheries of the SAMP area.	The individual species descriptions in section 510.2 include summary information on each species' diet. The purpose of Table 2 is to summarize the management agencies and status of species/stocks in the SAMP area, and the purpose of Tables 3-30 is to summarize information on the habitat preferences of each species. We have left the diet information in the individual species descriptions so as to preserve the focus and legibility of these tables.

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1523	7/2/2010	510	7.1.2	Caroline Karp	Citizen	Additional maps should be developed for this chapter (Fig 3 et seq) which indicate where important “forage species” such as sand lance, short- and long-fin squid, “bait fish” are located by season since these species and their habitats will require protection in order to protect the targeted fisheries. Similarly, more information should be provided on other species that live in or transit the SAMP area, including but not limited to shad, eels, sturgeon, and highly migratory pelagic species such as tuna, marlin and sharks	Appendix A, "Baseline Characterization," includes a series of maps that characterize the abundance and distribution of commercially and recreationally important species as well as species of concern for which sufficient data were available; these include some forage species such as squid and butterfish. These maps are referred to in the fisheries chapter but are not included there because we are attempting to keep the document a manageable size. There are insufficient data available to develop similar maps for large pelagics and most of the smaller or relatively rare species mentioned in this comment.
1527	7/2/2010	550	1.4	Caroline Karp	Citizen	Section 550.1.4 (p. 142) should be expanded to describe the extent to which the various commercial and recreational fisheries already have affected benthic habitats via mechanical destruction. The same is true re. abandoned, derelict gear and ghost-fishing (p. 144) and bycatch mortality in the SAMP area since this is the baseline against which new destructive uses of the benthos will be measured.	We have expanded this section to include expanded discussion of impacts of fishing gear on habitat, as well as the problem of bycatch mortality, including regulatory bycatch. We have also added additional information to section 550.6 (Marine Debris) on the ghost fishing problem.
1556	7/2/2010	550	1.4	Caroline Karp	Citizen	This section should address some of the effects of offshore aquaculture since it has been proposed in New England and might well be proposed in the SAMP area .	Offshore aquaculture is discussed in Chapter 9, Other Future Uses.
1528	7/2/2010	560	1	Caroline Karp	Citizen	I think the CRMC should clarify its interest in establish a Fish Advisory Board given the number of executive branch federal and state agencies that already occupy the legal field of fisheries regulation.	See response to comment 1519 above.
1529	7/2/2010	560	1	Caroline Karp	Citizen	IF this chapter continues to recommend this new layer of bureaucracy with respect to fisheries management, this Chapter should clarify: The legal and regulatory significance of advice given by the FAB relative to existing federal and state agencies with established authority. Whether other stakeholders interested in fisheries management in the SAMP area should be represented on the FAB and/or Whether similar Advisory Boards should be established to represent other Public Trust interests in the fisheries as described in Art I Section 17 of the RI Constitution.	See response to comment 1519 above. Language with regard to CRMC's role in protecting the public trust has been added to the introductory section of Chapter 11, The Policies of the Ocean SAMP.
1542	7/2/2010	500	4	Eric Schneider	RIDEM	“otter drawls” should read “otter trawls”	Correction made.

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1548	7/2/2010	500		Eric Schneider	RIDEM	All sharks are managed under:NMFS - Consolidated Atlantic Highly Migratory Species Fishery Management Plan,ASMFC - Interstate FMP for Atlantic Coastal Sharks.ASMFC adopted an Interstate FMP for Atlantic Coastal Sharks to complement federal management actions and increase protection of pregnant females and juveniles in inshore nursery areas. The FMP regulates 40 different species of coastal sharks found on the Atlantic coast.Update all sections regarding "Management" in 510.6 Threatened and endangered species and species of concern.	Corrections made.
1538	7/2/2010	510	4.1	Eric Schneider	RIDEM	Spiny Dogfish is not a "DEM Quota" Managed Species.The Spiny dogfish fishery is managed under a Fishery Management Plan developed jointly by the Mid Atlantic and New England Fishery Management Councils for federal waters and a plan developed concurrently by the Atlantic States Marine Fisheries Commission for state waters.There is a northern-region quota that fish caught in RI waters are landed against..Note that most fish caught in RI waters are actually landed in New Bedford (MA), b/c that is the nearest processing center.Management within state waters per RI Marine Fisheries Statutes and Regulations Part 7.15.1:"RI is currently designated as a state that is part of the Northern region. A Northern region quota for spiny dogfish will be established annually and shall be the most recent allocation by the Atlantic States Marine Fisheries Commission (ASMFC) and/or the Secretary of the U.S. Department of Commerce as published in the Federal Register, which is currently set at 58% of the coastwide quota."NOTE – that I tried to identify where in this document Spiny Dogfish management was incorrect with this chapter, but may have missed some areas – please correct as needed	Corrections made to clarify the management of spiny dogfish, and we have moved spiny dogfish to the commercially and recreationally important species section.
1539	7/2/2010	510	4.2	Eric Schneider	RIDEM	Menhaden also are not managed under a state quota, there is essentially a cap, but it's a bit more complicated. RIDEM Staff will provide details. Like spiny dogfish, these fish are caught in RI waters, but landed in New Bedford (MA)	Corrections made to clarify the management of menhaden, and we have moved menhaden to the commercially and recreationally important species section.

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1540	7/2/2010	510	1.1.5	Eric Schneider	RIDEM	Table 2:Spiny dogfish should be added to this table,Sharks (blue, shortfin mako, thresher) ,managed under NMFS - Consolidated Atlantic Highly Migratory Species Fishery Management Plan,ASMFC - Interstate FMP for Atlantic Coastal Sharks,ASMFC adopted an Interstate FMP for Atlantic Coastal Sharks to complement federal management actions and increase protection of pregnant females and juveniles in inshore nursery areas. The FMP regulates 40 different species of coastal sharks found on the Atlantic coast. Update table as needed.See following link for details: http://www.asmfc.org/coastalSharks.htm http://www.nmfs.noaa.gov/sfa/hms/hmsdocument_files/sharks.htm	We have added both spiny dogfish and menhaden to Table 2 and have clarified the relevant entities and management plans for all sharks in this table.
1541	7/2/2010	510	1.2	Eric Schneider	RIDEM	Spiny Dogfish is NOT a state managed species	Correction made.
1543	7/2/2010	510	2.14	Eric Schneider	RIDEM	Shark, Blue:Update Shark Fishery – No. 4 as needed,See Comment No. 2 above,Stock status of Mako in included – delete	Corrections made.
1544	7/2/2010	510	2.15	Eric Schneider	RIDEM	Shark, Shortfin Mako:Update Shark Fishery – No. 4 as needed,See Comment No. 2 above	Corrections made.
1545	7/2/2010	510	2.15	Eric Schneider	RIDEM	Shark, Thresher:Update Shark Fishery – No. 4 as needed,See Comment No. 2 above	Corrections made.
1546	7/2/2010	510	4.1	Eric Schneider	RIDEM	Spiny dogfish does not have a state quota – see previous comments.Menhaden fishery is managed under ASMFC and although we have state specific regs, we do not have a “state quota”, there is more of a cap – see previous comments.I understand how commercially important species have been determined; however, both menhaden and spiny dogfish ARE commercially import species in the SAMP area, and these species must be considered as commercially important species when fishery related SAMP management options are being considered.Part of the disparity in landings and value results from spiny dogfish being caught in RI waters, but landed in MA and managed using regional quota – thus count as MA landings, and not reflected in RI landings it’s possible that affected fishers did not participate in stake holder meetings menhaden being targeted and caught in RI waters by a only a few companies that land in New Bedford same deal as dogfish – fish taken from RI waters, but landed in MA, thus MA landings similarly, stakeholders may have not have participated in the stake holder meetings.	See response to comments 1538 and 1539 above re:menhaden and spiny dogfish.

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1547	7/2/2010	510	4.2	Eric Schneider	RIDEM	Not state managed species, so move to Section 510.2.Management- No. 3 .Most text is correct; however, stock is now rebuilt.Page 32, line 4: the following report states that the stock is rebuilt:Rago PJ and KA Sosebee. 2010. Biological Reference Points for Spiny Dogfish . Northeast Fish Sci Cent Ref Doc. 10-06; 52 p. Available from: National Marine Fisheries Service, 166 Water Street, Woods Hole, MA 02543-1026, or online at: http://www.nefsc.noaa.gov/nefsc/publications/ Therefore, the stock is not overfished and it is rebuilt.	See responses to comments 1538 re: spiny dogfish management. We have revised/updated stock status information.
1549	7/2/2010	560	1	Eric Schneider	RIDEM	No. 3 – Regarding CRMC appointing a standing Fisherman’s Advisory Board (FAB).CRMC should receive advice from representatives of commercial and recreational fishing industry regarding the siting and construction of other uses in marine waters; HOWEVER, an entity that is perfectly positioned to provide this input already exists – the RI Fishery Management Council.Furthermore, the proposed FAB:may not have the capacity (time, computer hardware and software, mapping and data analysis required) to satisfy the duties required of the FAB duties: “...provide the Council with advice on the potential adverse impacts of other uses on commercial and recreational fishermen and fisheries activities, and on issues including, but not limited to, the evaluation and planning of project locations, arrangements, and alternatives; access limitations; and measures to mitigate the potential impacts of such projects. Any large-scale offshore development, as defined below in section 560.2.1, will require a pre-application meeting with the FAB to discuss potential fishery-related impacts, such as, but not limited to, project location, construction schedules, alternative locations, and project minimization.”,could be disconnected from the industry that they represent (i.e. their constituents), given that they are appointed by CRMC and not their constituents.,that the RI Fishery Management Council is already populated and positioned with representatives of the commercial and recreational fishing industry that could provide guidance to CRMC.I believe that these same projects would have to go before the RIFMC and thus, having a FAB comprised of possibly the same or different representatives be redundant.If CRMC does create a FAB, it should have a chair and vice chair appointed by the RIFMC to provide overlap and consistency between the two entities.	"As stated in the document, the FAB is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish in the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council’s decision-making process with regard to offshore construction and development, with the goal of mitigating any potential conflicts between fishermen/fishing activity and offshore development activities. It has nothing to do with fisheries management. The FAB simply provides the Council with advice. It does not make formal determinations and is not intended to supplant any existing authority of any other federal or state agency responsible for the management of fisheries. The FAB does not conduct any sort of environmental impact assessment; such reviews are conducted by the relevant federal and state management agencies whose responsibilities are defined by law. The FAB also does not provide advice or make decisions with regard to fisheries management issues. We have added a line to the FAB policy to clarify the role of the FAB in this regard. These functions are entirely separate from those of the RIMFC, which provides advice on fisheries management issues. In addition, the RIMFC membership is not representative of fisheries which take place offshore in the Ocean SAMP area as it does not currently include active representatives from the scallop dredging, gillnetting, or lobstering fisheries. For these reasons, it does not make sense to conflate the roles of the RIMFC and the FAB.

Ocean SAMP Chapter 5. Commercial and Recreational Fisheries – Comments & Responses (as of 8/12/10)

1491	7/2/2010	500	2	Kathleen Wainwright	The Nature Conservancy	“The purpose of the SAMP is to protect existing uses, resources and habitats and to guide future uses of the SAMP area.” . Add “ Some of the fisheries resources are depleted and there is a need to measure shifting baselines, and a need for habitat restoration and recovery of depressed stocks.	Added text to introduction to indicate that this area has been heavily influenced by a variety of human uses over time; human uses have resulted in changes that have occurred/are occurring, and this area will continue to change.
1492	7/2/2010	500	3	Kathleen Wainwright	The Nature Conservancy	No mention of fisheries depleted or in decline, or of shifting baselines. This conflicts with info in Table 2, p. 11, which indicates 5 of 24 species overfished, 1 depleted.	Added text acknowledging the overfished/depleted status of certain fish stocks in 500 prgh 4 which summarizes chapter findings.
1493	7/2/2010	500	4	Kathleen Wainwright	The Nature Conservancy	Statement “Commercial and recreational fisheries are thriving”. Not borne out by other info in the document.	Corrected this error.
1494	7/2/2010	510	1.1.3	Kathleen Wainwright	The Nature Conservancy	Add d Loligo squid to recreational. Add bait fisheries for recreational and commercial fishing, i.e. menhaden, skate, American eel, etc.	Commercially and recreationally important species were identified through the methodology detailed in the chapter in section 510.1. Loligo squid were not identified in recreational catch data nor were they identified by recreational fishing stakeholders as being targeted in the SAMP area. Skate are identified as commercially important species and menhaden are also discussed even though they are not commercially important to Rhode Island. American eel was not identified in commercial catch and landings data nor were they identified by commercial fishing stakeholders as being targeted within the SAMP area.
1495	7/2/2010	510	1.2.1	Kathleen Wainwright	The Nature Conservancy	Add Atlantic salmon, American shad, cusk, and protected species like great white shark. Also, there are species which are not in the chapter but which are in severe decline. Mark Gibson of DEM has mentioned these at the workshops.	The "threatened and endangered" species and "species of concern" addressed in this chapter are NOAA-designated species; we include the ones we were told to address by the NMFS NERO Protected Resources Division (Julie Crocker). The Ecology chapter includes a broader discussion of how there has been a major change in the region's fish community over the past 50 years in which many demersal species have declined (this is some of the material based on Jeremy Collie's work that Gibson has suggested we incorporate).

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1496	7/2/2010	510	7.1	Kathleen Wainwright	The Nature Conservancy	The reference of only the last 10 years for the baseline is open to question. The generally- acknowledged “shifting baselines” phenomenon in fisheries should probably be mentioned here. Comparisons to earlier decades could provide a much clearer picture. General comment on this section; the technical language needs to be made understandable for the non-scientist.	As is stated in the Fisheries Chapter, the baseline characterization analysis was intended to provide insight into the current baseline conditions of fishery resources in the SAMP area. This was done because characterizing current fishery resources and activities within the area was one of the main objectives of the Fisheries Chapter. By contrast, the Ecology Chapter includes discussion of data and studies that present a longer-term view of the SAMP area ecosystem, because this is consistent with the Ecology Chapter objectives. Sentence added to Section 510.7, paragraph 1 to clarify that ten-year data set is only to characterize current conditions, not longer term trends.
1555	7/2/2010	510	7.1	Kathleen Wainwright	The Nature Conservancy	General comment on this section; the technical language needs to be made understandable for the non-scientist.	With regard to technical language, we had already made efforts to make this section and the entire chapter readable to both scientists and non-scientists, and have had no other comments from any other non-technical reviewers about the language used here.
1497	7/2/2010	520	3	Kathleen Wainwright	The Nature Conservancy	General comment. It might make sense to identify the spawning areas for Loligo squid, Atlantic herring, and any other species with demersal, adhesive eggs which are vulnerable to disturbance.	EFH maps included in section 520.3 provide some insight into spawning areas for EFH species, though NMFS has not designated EFH within the SAMP area for either Loligo squid or Atlantic herring for the egg life stage. (Loligo squid: juvenile and adult life stages; Atlantic herring: larval, juvenile, and adult life stages.) We have not identified any additional spatially explicit data on spawning areas that would allow for more detailed maps of such areas.
1498	7/2/2010	540	1.5	Kathleen Wainwright	The Nature Conservancy	Figure 36:conflicts with “fisheries are thriving” statement in the introduction, poundage down, value near lowest of the 10 year span	Revised "fisheries are thriving" statement to correct this error.
1499	7/2/2010	550	1	Kathleen Wainwright	The Nature Conservancy	Suggest changing first sentence to read, “By definition, fishing impacts fisheries resources and in some instances, habitats.”	Revision made.

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1500	7/2/2010	550		Kathleen Wainwright	The Nature Conservancy	General comments on this section. There is nothing on bycatch, which is a significant issue in some fisheries in the SAMP area. Research areas are needed as reference sites to study and document the characteristics of undisturbed habitats of all types are in the SAMP area. Cooperative research needs to be done to continually improve the selectivity of fishing methods and reduce other unwanted impacts of gear on non-target species and habitats. It might make sense to come up with a list of species which are depleted within the SAMP area and develop action steps for their recovery in concert with the various regulatory and resource agencies within the area.	This policy, which has been divided into a general policy and a regulatory standard per comments from the NOAA OCRM, has been amended to incorporate most of the suggestions enumerated here. We do not change the language from "shall prohibit other uses" to "shall prohibit all uses" as that provides the Council with less flexibility and may overstep the bounds of the Council's authority, which does not include fisheries management.
1501	7/2/2010	550	8	Kathleen Wainwright	The Nature Conservancy	No mention here of the critical importance of phenology especially the timing of plankton blooms and the impact on fish and shellfish larvae that can't swim to find food.	Incorporated references to to the timing of plankton blooms and the availability of food. Please see Chapter 3, Global Climate Change, for much more detailed discussion of how GCC may affect fish resources.
1502	7/2/2010	560	1.1	Kathleen Wainwright	The Nature Conservancy	Suggested changes to this paragraph in red "The commercial and recreational fishing industries, and the habitats and biological resources of the ecosystem they are based on, are of vital economic, social, and cultural importance to Rhode Island's fishing ports and communities." "The Council's policy is to protect commercial and recreational fisheries within the SAMP area from the adverse impacts of other uses, as well as supporting actions to make ongoing fishing practices more sustainable. The Council shall prohibit all (deleted "other") uses or activities that would significantly impact or destroy these fisheries. It should be recognized that scientific knowledge of the impacts of fishing on habitats and fish populations will advance. Improvements in more sustainable gear technology, fishing practices, and management tools will improve the state of the fisheries resources. A general goal of the Council is to constantly improve the health of our SAMP area ecosystem and the populations of fish and shellfish it provides. Cooperative research, utilizing the unique skills and expertise of the fishing community will be a cornerstone of this goal."	This policy, which has been divided into a general policy and a regulatory standard per comments from the NOAA OCRM, has been amended to incorporate most of the suggestions enumerated here. We do not change the language from "shall prohibit other uses" to "shall prohibit all uses" as that provides the Council with less flexibility and may overstep the bounds of the Council's authority, which does not include fisheries management.

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1503	7/2/2010	560	1.3	Kathleen Wainwright	The Nature Conservancy	The Council will appoint a standing Sustainable Fisheries Advisory Board (SFAB) which shall provide advice to the Council on the siting and construction of other uses in marine waters. The SFAB will be comprised of eight members, one representing each of the following fisheries: bottom trawling; scallop dredging; gillnetting; lobstering; party and charter boat fishing; and recreational angling, and two representatives from the NGO/scientific community with fisheries and/or fish and shellfish habitat expertise. SFAB members shall serve four-year terms. Note: SFAB should replace FAB through rest of chapter.	As stated in the document, the FAB is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish in the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council’s decision-making process with regard to offshore construction and development, with the goal of mitigating any potential conflicts between fishermen/fishing activity and offshore development activities. It has nothing to do with fisheries management. The FAB simply provides the Council with advice. It does not make formal determinations and is not intended to supplant any existing authority of any other federal or state agency responsible for the management of fisheries. The FAB does not conduct any sort of environmental impact assessment; such reviews are conducted by the relevant federal and state management agencies whose responsibilities are defined by law. The FAB also does not provide advice or make decisions with regard to fisheries management issues. We have added a line to the FAB policy to clarify the role of the FAB in this regard. Because of this, it does not make sense to amend the FAB as proposed here.
1504	7/2/2010	560	1.7	Kathleen Wainwright	The Nature Conservancy	The existing and potential impacts of fishing on spawning and nursery areas need to be considered.	This policy had been intended as a means of directing future development away from such areas, and has been revised/clarified accordingly. It should also be noted that expanding this policy to consider the potential impacts of fishing on sensitive areas may overstep the bounds of the Council's authority, which does not include fisheries management.
1530	7/2/2010	510	6.1.1	Nicole Trivisono	RIDEM	“...Labrador to Southern New New..” only need one New	Correction made.
1531	7/2/2010	510	6.2.3	Nicole Trivisono	RIDEM	“...in 1988 According to NMFS...” need period	Correction made.
1532	7/2/2010	510	6.3.2	Nicole Trivisono	RIDEM	“...known for their large teeth and biting...” repetitive from 1st paragraph	Correction made.
1533	7/2/2010	530	4.1.1	Nicole Trivisono	RIDEM	“...fixed, or static, gear,...” remove comma after static	Correction made.

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1534	7/2/2010	530	4.1.5	Nicole Travisono	RIDEM	“...state commercial fisheries landings data do not specify...” they do specify, think you already working on this	Correction made.
1535	7/2/2010	530	5.2.3	Nicole Travisono	RIDEM	“...are the two main types fixed gear...” insert “of” after types...”...and therefore and do not allow...” revise wording	Correction made.
1536	7/2/2010	560	1.3	Nicole Travisono	RIDEM	The Fisheries Advisory Board (FAB). How will the six members be chosen/elected? What about the RIMFC? The RIMFC should be involved in this process.	"As stated in the document, the FAB is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish in the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council’s decision-making process with regard to offshore construction and development, with the goal of mitigating any potential conflicts between fishermen/fishing activity and offshore development activities. It has nothing to do with fisheries management. The FAB simply provides the Council with advice. It does not make formal determinations and is not intended to supplant any existing authority of any other federal or state agency responsible for the management of fisheries. The FAB does not conduct any sort of environmental impact assessment; such reviews are conducted by the relevant federal and state management agencies whose responsibilities are defined by law. The FAB also does not provide advice or make decisions with regard to fisheries management issues. We have added a line to the FAB policy to clarify the role of the FAB in this regard. These functions are entirely separate from those of the RIMFC, which provides advice on fisheries management issues. In addition, the RIMFC membership is not representative of fisheries which take place offshore in the Ocean SAMP area as it does not currently include active representatives from the scallop dredging, gillnetting, or lobstering fisheries. For these reasons, it does not make sense to conflate the roles of the RIMFC and the FAB.

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1537	7/2/2010	570		Nicole Travisono	RIDEM	REFERENCES: (e.g. Incze et al. 2010), not on works cited but in text, (NEFSC 2006), p. 47, not on works cited but in text, (Minerals Management Service 2009b), p.150, not on works cited but in text NMFS. 2007a in works cited but not in text. RIDEM 2010b in works cited but not in text	Corrections made.
1683	8/12/2010	560	1.3	Tricia Jedele	Conservation Law Foundation	First, while we recognize and appreciate the fact that the Council does not have jurisdiction over the management of the fisheries in either state or federal waters, the nature of comprehensive ocean management plans and the Council's own enabling legislation requires the Council to work to protect priority habitat areas from all harmful activities and uses. For this reason, it is not enough that the Council declare a policy "to protect commercial and recreational fisheries within the SAMP area from the adverse impacts of other uses, while supporting actions to make ongoing fishing practices more sustainable." See Section 560.1, para. 3. To strike the correct management balance, it should also be a stated policy of the Council "to work in coordination with DEM and other state and federal agencies with jurisdiction to manage fisheries to comprehensively protect priority habitat areas designated as such by the ocean SAMP." CLF requests that the Council add a policy bullet to this section that addresses the Council's authority and obligation to comprehensively protect key habitat areas from all harmful activities, including from fishing activities that use certain types of destructive bottom tending mobile gear such as otter trawls and scallop and clam dredges.	We have amended fisheries General Policy #2, section 560.1, with an additional line reading "The Council will also work in coordination with these entities to protect priority habitat areas."

1684	8/12/2010	560	1.4i	Tricia Jedele	Conservation Law Foundation	<p>Second, the creation of the Fishermen’s Advisory Board (see Section 560.1 , para. 4(i)), without adding an environmental organization seat to that board, or without creating a separate Habitat Protection Advisory Board to advise the Council singles out one stakeholder to the exclusion of all others. In the context of a comprehensive ecosystem-based management plan, it should not be a policy priority of the Council to “review any uses and activities that could disrupt commercial and recreational fisheries activities” without also having a policy priority to “review any uses and activities that could disrupt or endanger the priority conservation areas designated in the SAMP.” For this reason, CLF requests that at a minimum the Council create one or more seats on the Fishermen’s Advisory Board to be held by members of the Rhode Island environmental community nominated by the Environment Council of Rhode Island from among its members. The board members from the environmental community should be allowed to work in consultation with the Fishermen’s Advisory Board and with the Council to identify and evaluate potential habitat impacts associated with fishing in prime fishing areas and to provide recommendations for protection from, minimization of, or mitigation of those impacts.</p>	<p>As stated in the document, the FAB is designed to be an advisory body to the Council, comprised entirely of commercial and recreational fishermen representing those who fish in the Ocean SAMP area. The original intent of the FAB was to provide the commercial and recreational fishing industries with an opportunity to have early input into the Council’s decision-making process with regard to offshore construction and development, with the goal of mitigating any potential conflicts between fishermen/fishing activity and offshore development activities. The intent of the FAB is to provide a forum for reducing potential conflicts between two specific activities – fishing and offshore construction and development. This board fills a gap not met by existing state and federal agencies, as this particular use (fishing) is not represented or protected in any other way. By contrast, habitat protection and protection of other resources are the mandates of other federal/state agencies with regulatory jurisdiction and who are required by law to protect such resources. Additionally, the stated goal of the FAB is to address conflicts with construction and development activities, not to address potential habitat impacts from other existing activities within the Ocean SAMP area. As the Council does not have jurisdiction over fisheries activities, they would not address the minimization or mitigation of impacts of fishing within the Ocean SAMP area.</p>
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1685	8/12/2010	1160	2.3iii	Tricia Jedele	Conservation Law Foundation	<p>Finally, the glacial moraines identified in Figure 11.3 and Figure 11.4 in Chapter 11, the Policies of the Ocean SAMP, as Areas of Particular Concern, should be afforded the highest possible level of protection that the SAMP can afford, particularly where those moraines are found in or near state waters. Given the significance of these areas to the health of the ecosystem and the sustainability of commercial and recreational fisheries, CLF requests that the protection status for the glacial moraines be elevated to that of “Area Designated for Preservation” and that all damaging human activities be prohibited from occurring in these areas, including fishing with bottom tending trawls and dredges, energy development, mining and extraction of minerals and other development activities that can damage these important moraine habitats. We also request that the policies in each chapter, but particularly in the ecology, fisheries, and renewable energy chapters be adjusted to reflect that change in status.</p>	<p>This comment primarily refers to Chapter 11, The Policies of the Ocean SAMP, and Chapter 8, Renewable Energy and Other Offshore Development. Sea duck foraging habitats have been identified as Areas Designated for Preservation, which means that they are closed to large-scale offshore development, mining and extraction of minerals, or other development that has been found to be in conflict with the intent and purpose of an Area Designated for Preservation. This designation was recommended by the URI research team based on scientific research that indicates that offshore development can permanently displace sea ducks from their foraging habitats, and thus have detrimental effects . This finding has been clarified in Chapter 8, Renewable Energy, in the “Effects” section (sections 850.4, #6, and 850.4) and in the “Policies” section (section 860.2.3 #1(i)). These changes will also be reflected in subsequent revisions of Chapter 11, The Policies of the Ocean SAMP. In addition, the bird section of the Ecology chapter has been expanded (section 250.6 #5) to clarify the importance of sea duck foraging habitat, and we have added a reference to the Renewable Energy chapter for further information on this topic. By contrast, we have not identified any scientific research which indicates that offshore development can permanently damage glacial moraines or permanently displace any species from glacial moraine habitats. However, because (as CLF points out) glacial moraines are known to have high habitat value, it was determined that glacial moraines merited designation as Areas of Particular Concern. The Council does not have jurisdiction over fisheries activities.</p>
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