

# **Proceedings of the Rhode Island Commercial Fluke Symposium**

*Held at the*

**Crowne Plaza, Warwick, RI  
Bristol Room  
January 27, 2012**

*Hosted by the*

**Coastal Institute, University of Rhode Island  
Rhode Island Department of Environmental Management  
Rhode Island Commercial Fishing Community**

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# **Part I**

## **Introduction**

Given the importance of the Rhode Island commercial summer flounder (fluke) fishery and its capacity to provide long-term, sustainable harvest opportunities, the University of Rhode Island (URI), the Rhode Island Department of Environmental Management (DEM), and the Rhode Island commercial fishing community, working in collaboration, held a forum, focused on options for managing the fluke fishery. The event took place on January 27, 2012 at the Crowne Plaza in Warwick, RI.

These Proceedings provide both a general and detailed summary of the event. Part I summarizes how the event was designed, the objectives, and the central issues and main themes that emerged from the event. Part II provides verbatim copies of the presentations given by each of the speakers, the essence of the remarks given by each of the panelists, and summaries of the group discussions.

## **Impetus**

The Symposium was occasioned by the expiration of a three-year summer flounder sector-share pilot program instituted by DEM. On the heels of that experience, and with a view to exploring issues and opportunities associated with the future management of RI's commercial fluke fishery, the idea took shape for a Symposium that would enable all stakeholders to engage in a thoughtful review and discussion of relevant issues.

## **Approach and Design**

The Symposium was designed over the course of several weeks based on input from Rhode Island's commercial fishing community, DEM, and URI. Together, a small representative group of key interests developed an overall agenda, selected panelists, and agreed on the questions to be addressed. From the outset, the Symposium was designed not to seek consensus on how to manage RI's commercial summer flounder fishery, but to develop a shared understanding of the issues, options, and opportunities that exist relative to the fishery. The workshop design process and the overall delivery of the event was professionally facilitated – by Mark Amaral of Lighthouse Consulting Group – to ensure objectivity and to provide for an open and transparent discussion that gave voice to the range of views represented throughout the RI commercial fishing community.

## **Objectives**

The Symposium was designed with a view to generating a transparent, objective, and focused discussion on the following four main issues:

- Characterize the key aspects fundamental to a successful commercial fluke management program for Rhode Island;
- Share and discuss what is known, based on recent research and available information, and the experiences of participants, regarding the nature and management of Rhode Island’s commercial fluke fishery;
- Share and discuss issues and perspectives regarding other fisheries outside of RI that are subject to various quota-based management programs; and,
- Identify and evaluate options for managing the Rhode Island commercial fluke fishery in 2012 and beyond.

The intended outcome for the Symposium was to reach a shared understanding of the issues and opportunities related to commercial fluke management, in broad terms, as viewed collectively by all stakeholders, to help inform future decision making. The Symposium was not designed to seek or achieve consensus on how the issues and opportunities should be balanced or resolved. Rather, the event was designed to amplify core issues, while recognizing the differing views associated with many of them.

## **Attendees**

The workshop brought together more than one hundred people representing a wide range of interests: commercial fluke fishermen of various gear types, catch levels, and histories; shore-side businesses associated with the fishery; fisheries scientists and academic researchers, from RI and outside the state; fisheries managers; non-governmental organizations; and public officials.

## **Central Issues and Main Themes**

The presentations and panel discussions that took place during the first half of the Symposium offered a range of information, issues, and perspectives. All of the presentations are covered in Part II of this report.

During the second half of the Symposium, a facilitated session was conducted, involving group discussions at each table. Each table was asked to identify “*the issues or opportunities that should be addressed squarely in designing and implementing a fluke management program for Rhode Island.*” A synthesis of each table’s responses is provided in Part II of this report.

By the end of the day and based on all of the presentations and discussions that took place during the course of the day, a number of central issues and main themes had emerged. These issues and themes are summarized below. The summary is not a definitive list of every point made; rather, it captures the essence of the issues that were presented and discussed at the event, organized under issue-oriented and/or thematic headings.

### ***Recognizing, Balancing, and Protecting the Public’s Interests in Marine Fisheries***

- Rhode Island’s marine fisheries resources are public trust resources that need to be conserved and managed in accordance with the public’s interests.
- From a natural resource perspective, those interests include:

- Preventing overfishing and achieving sustainable harvests; and
- Minimizing discards, waste, ecological impacts, and habitat degradation.
- From a commercial perspective, the public interest generally pertains to:
  - Those who rely upon the commercial fishing industry as a source of food;
  - Those who hold jobs or otherwise benefit economically from being engaged in or affiliated with the commercial fishing industry; and
  - Those who wish to enter the industry.
- All interests are well served by fishery management programs that optimize yield, achieving full, sustainable, effective, and efficient use of available harvest opportunities.

### ***Sound and Sustainable Resource Management***

- Catch limits are needed to guard against overfishing. The limits need to be based on scientifically valid stock assessments, with buffers to account for uncertainty.
- The science governing stock assessments needs to be strengthened to reduce the uncertainty associated with catch limits and allow for maximum, sustainable harvests.
- Management programs, in addition to being reliant on good science, also depend on good data, monitoring, and enforcement. Management programs need to be able to cover their costs.

### ***Safety***

- Safety at sea is of paramount importance, and management programs must be designed to support safe fishing operations.

### ***Fairness and Equity***

- Fairness and equity are fundamentally important in a number of ways, but particularly with regard to accessing, using, and deriving benefits from the resource.
- The principles of fairness and equity evoke references to RI constitutional law.
- The principles apply not just to industry participants, but to the general public as well.
- To the maximum extent possible/practicable, management programs should provide for the good of the whole, rather than the benefit of a few.

### ***Recognizing the Business Interests of Fishermen and the Overall Economic Value of Commercial Fishing***

- RI's commercial fluke quota should be managed so as to maximize its economic value to the State.
- Fishermen, as businessmen, need maximum flexibility and the ability to minimize costs, enabling them to operate stable, efficient, and profitable businesses and adjust to variations in markets, ecosystems and resource availability.
  - Put more decision-making into the hands of fishermen, e.g., when they can fish and how much they can land.
  - Pursue bottom-up, incentive-based approaches in lieu of inefficient and overly constraining top-down approaches.

- Recognize and accommodate the multi-species nature of the region’s fisheries, and the inevitability of certain levels of bycatch.
- Allow for and support unique business opportunities, e.g., direct sales.
- Seek and support opportunities to increase economic returns without increasing catch, i.e., value-added approaches.
- Maintain sufficient catch limits to support the economic interests of the industry.
- Scale the industry in accordance with resource availability.
- Sufficient profits are needed to keep boats safe, via regular investments in maintenance and upkeep.
- The overall economic welfare of the industry depends upon the continued economic viability of shoreside infrastructure and support services.
- Facilitating the steady flow of fresh, high-quality seafood to the market offers benefits for all – harvesters, buyers, sellers, and consumers.

### ***Recognizing and Protecting the Unique Nature of the RI Commercial Fishing Industry***

- Protect existing jobs.
- Maintain the diversity of the fleet (making it more resilient to changes, including stock fluctuations).
- Avoid consolidation.
- Pursue opportunities to grow and modernize the industry.
- Seek harmony; avoid rifts.
- Provide adequate opportunities for future generations to enter the industry.

### ***Considering Alternative Management Strategies***

- First determine the basis and need for an alternative approach. Ask: why, and for what purpose? Identify the problem to be solved.
- In the development and evaluation of design options, employ open, transparent approaches, with full stakeholder input.
- Recognize that it may not be possible to design one unified management system or program for the entire fishery. The diverse sectors that constitute the fishery (inshore/offshore, draggers, gill netters, fish traps, rod and reel) have diverse interests that may warrant separate approaches.
- Recognize the inherent incommensurability of values within the community.
  - Given competing values, there may be more than one right idea.
  - The challenge is to design a system that fairly balances them.
- If a catch-share system is to be considered:
  - A meaningful common pool needs to be preserved.
  - Allocation formulas need to be carefully considered, and catch histories should not be used as the sole basis.
  - The issues of privatization, commoditization, ownership, rights, privileges, transferability, rents, leasing and cost recovery need to be addressed.
  - Share accumulations and consolidation need to be controlled.
  - Opportunities to enter and exit the fishery need to be provided.
- RI’s commercial fluke fishery is ripe for consideration.

- It's a well-defined fishery with specific characteristics.
- It's a large and valuable fishery in relatively good health.
- Lessons learned may be applicable to other quota-based fisheries of importance to RI.

## **Conclusion and next steps**

At the conclusion of the Symposium, the themes collected during the group exercise and presented to the full audience were synthesized and presented back to the participants. This served as a final check to ensure that no major topics or issues were missed, and to provide an opportunity for final comments. The intent was not to end with resolution or consensus, but with an amplification of core issues.

It was announced that the Symposium would be reported out via a Proceedings, which would be made widely available. DEM also announced that it would respond to the Proceedings with an outline of the next steps to be taken regarding the consideration of options for managing RI's commercial fluke fishery.

## Part II

### 1. Program & Agenda

**Rhode Island Commercial Fluke Symposium  
Crowne Plaza, Warwick, RI  
Bristol Room  
January 27, 2012**

#### **Objectives and Agenda**

##### Goals and Objectives

To have a transparent, objective and focused discussion to address the following:

- Characterize the key aspects fundamental to a successful commercial fluke management program for Rhode Island;
- Share and discuss what is known, based on recent research and available information, and the experiences of participants, regarding the nature and management of Rhode Island's commercial fluke fishery;
- Share and discuss issues and perspectives regarding other fisheries outside of RI that are subject to various quota-based management programs; and,
- Identify and evaluate options for managing the Rhode Island commercial fluke fishery in 2012 and beyond.

Outcomes: by the end of this Symposium, we hope to have a shared understanding of the issues and opportunities –in broad terms– we face collectively in the Rhode Island community (this is not the same as consensus on how those issues should be balanced or resolved), which can inform decision making.

##### Agenda

8:00 Registration and Continental Breakfast

8:30 Welcome and introductions J Swift, URI; M. Amaral, Facilitator

- Goals and Objectives; purpose and approach of Symposium
- Agenda and flow

8:45 Director's Opening Remarks J. Coit, Director,  
RI Department of Environmental Management

9:00 Fluke 101: Profile of the RI Commercial Fluke Fishery (resource/management program/  
industry profile) J. McNamee, RI Department of Environmental Management



9:40 Break

10:00 What we have learned in RI: Resource panel to present studies and analyses of RI Commercial Fluke Fishery, based on recent research and available information.

- Resource Issues, J. McNamee, RI Department of Environmental Management
- Social Perceptions, R. Pollnac, University of Rhode Island
- Economic Issues, H. Uchida, University of Rhode Island & C. Anderson, University of Washington

11:00 Experience outside of RI: Panel to present and discuss studies and analyses of other fisheries that are subject to quota-based management programs followed by Q&A with audience. Panel to consider and answer:

Recognizing that the success of programs is a function of the socio-economic and political conditions of the jurisdictions in which the program is administered (i.e. it is not prudent to believe that one can simply copy what was successful in one place and have it be equally successful in another place), this panel will answer the following:

(a) What questions can be drawn from experience in other jurisdictions that that might be constructively posed in designing and implementing a fluke management program for RI?-- Please give two or three questions and describe why these questions are important to address.

(b) Looking at the experience, positive and negative, in another jurisdiction, what lessons can RI learn from that experience? Please give the experience from one jurisdiction and at least one experience that were either wonderful or horrible (something to aspire to replicate or to seek to avoid if at all possible).

Panelists:

- John Henderschedt, Fisheries Leadership and Sustainability Forum
- Seth Macinko, University of Rhode Island
- Kevin Stokesbury, School for Marine Science and Technology, UMASS Dartmouth

12:30 Lunch

1:15 Key questions: what is success and what are the options for RI?

Panel will characterize the key short and long term aspects of a successful RI commercial fluke management program and identify and evaluate issues for managing the Rhode Island commercial fluke fishery. Panel will consider and answer the questions followed by a facilitated table discussion with participants.

RI is a place with multiple values pertaining to the appropriate goals for fisheries management and with different interests and gear types; the purpose of this panel is not for the participants to argue their perspectives, but to share their perceptions of key issues that need to be addressed setting up a discussion at the tables to consider the same questions.

(a) What do you believe are the three key issues or opportunities that should be addressed squarely in designing and implementing a fluke management program?

(b) What do you believe would be the immediate consequences of failing to address these issues?

(c) What do you foresee as the long term effects of failing to address these issues?

Panelists:

- Jerry Carvalho
- Mark Gibson
- Aaron Gewirtz
- Al Conti
- James Haitz
- David Beutel

- 2:00 Facilitated Group Discussion: Facilitated table discussion to consider questions that the panelists were asked to address Facilitator
- 3:00 Break – Coffee and dessert
- 3:20 Final report out and reaction Facilitator
- 3:45 Thank you and next steps J Swift, URI; R. Ballou, DEM, M. Amaral, Facilitator
- 4:00 Adjourn

Facilitator slides as .pdf are at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/FAC\\_powerpoint.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/FAC_powerpoint.pdf)

## 2. Opening Remarks: by Janet Coit, RI DEM Director

- Thank you Mark and Judith, and welcome to all. I am pleased to be here with such a diverse group of folks. We have legislators and legislative staff, folks who serve on the fisheries management councils at the regional and state level, and many others who spend significant time participating in advisory panels and countless meetings and discussions providing input expertise to DEM and others to inform fishery management. Your participation is so valuable day-in and day-out, and especially appreciated today.
- Even knowing I'll leave people, I would like to recognize a few folks by name.
- I am very appreciative and impressed with the effort that went into planning this event. This conference is a great collaboration among many individuals and organizations – including Judith Swift at the Coastal Institute and other wonderful colleagues at URI, many members of the fishing community, and of course, the dedicated staff at DEM. Thanks to Ken Payne as well. I want to also thank Mark Amaral from Lighthouse Consulting Group for his skill, professionalism and good cheer leading up to this event, and in advance, for facilitating portions of the conference.
- It is a great privilege to be the Director of the Department of Environmental Management, and a great responsibility. Among the most challenging and consequential of issues is the responsibility to manage the state's fish and other biological marine resources. It is my obligation to fulfill that duty by adopting and enforcing regulations, and overseeing programs, based on sound science, to manage and perpetuate fish and other marine resources to serve the public interest.
- This is a challenge for many reasons. Fishery management issues are complicated and multi-faceted. often involving a number of unknowns and uncertainties. And, these issues always involve trade-offs, often with winners and losers – and usually with strong opinions on all sides of an issue. And, the stakes are high – for the resources which must be sustained, and for people whose lives and livelihoods are tied to this public resource.
- There are challenges all around. The commercial fishing industry confronts many economic and regulatory burdens imposed by outside forces, things like high fuel costs, market variability, difficult sea conditions. And, the regulatory constraints, closures, catch limits, and other rules that impose conditions and limited supply present constant challenges.
- Fisheries management is all the more challenging at DEM due to budget constraints and staff reductions. So, as we seek to meet the imperatives of overlapping and complicated statutes and processes – at the state, regional and federal levels, we lack the resources that we would like to devote to fisheries and coastal issues, and to other programs.

- This reality makes partnerships, collaborations and communication all the more valuable – when we can work together on shared goals, and benefit from leveraging one another’s talents. I hope to do more of that.
- Rhode Island’s fisheries are important for a multitude of reasons: their ecological value, and the food, recreation, and other social and cultural benefits they provide. And, of course, our fisheries provide jobs and income, and support an important economic sector.
- The total value of sales of commercially caught marine species landed in Rhode Island (or by RIers) in 2010 was over \$200 million, and an estimated additional half a billion dollars was associated with imports. The total estimated employment associated with the commercial fishing industry is approximately 5,000 jobs.
- DEM plays many roles, beyond managing fish and wildlife. Our Coastal Program is devoted to the goal of maintaining a healthy and sustainable commercial fishing industry in Galilee and Newport. Our state-supported berthing and port operations are critical to the future of our commercial fisheries. Our ports have a lot of needs, or opportunities (depending on how you view it), as we look to maintain and modernize aging infrastructure, and support landside businesses vital to port operations. *Indeed the recent study by CFRF highlighted that Rhode Island’s infrastructure supporting boats and commercial fishing is absolutely critical to the future of our commercial industry.* [Please introduce yourself to Dan Costa, our new Port Manager, if you don’t know him already.]
- And, most importantly, the professionals who catch the fish, depend on that renewable natural resource to make a living. You engage in a dangerous, historic and challenging occupation that is part of the fabric, identity and economy of our state. Fishing feeds the world with delicious and nutritious food, and provides a multitude of other associated jobs. Right now, I feel confident we are making strides to improve the marketing of our Rhode Island seafood, so that more can be sold and consumed locally. [SMC.]
- I know that you depend on DEM to make responsible and clear management decisions and to advocate for our marine fisheries.
- Given the complicated nature of many of the management decisions, our recent history, and the interest in the recent pilot program, I think it will be very useful to focus on fluke for a variety of reasons.
- First, DEM has just concluded a three-year pilot program with a catch share/sector approach involving a portion of the fluke fishery. Now, we are at an important juncture, where it makes sense to evaluate where we have been, what we’ve learned, and what is and isn’t working – before we chart the course forward.
- Second, our summer flounder fishery is of great economic importance. It is our most valuable finfish, and our third most valuable species (following squid and lobster). In 2010, the total dockside value of the fluke landings were \$5.6 million, and the overall value of all

components would clearly far surpass that. We have well over 500 harvesters of fluke, the vast majority of whom are Rhode Island residents.

- And third, the fluke resource is healthy. The fishery is fully rebuilt, and capable of supporting a sustainable harvest. This is a success story and it required effort and yes, sacrifice by a number of parties. We are now at a point when we can make decisions about the future.
- The Department's legal authorities are sufficiently broad to enable us to consider of a wide range of options for managing our fisheries. Thus, I encourage an open discussion that focuses on all options for managing our fisheries resources soundly and effectively.
- So, before I hand things off to Jason McNamee, I want to set out for you some of the principles that shape my views on fisheries management:

## PRINCIPLES

- Rhode Island's marine fishery resources are public trust resources that are subject to state and federal laws on management and stewardship. These resources belonging to, allocated to, and of value to Rhode Islanders must be conserved and protected at healthy, sustainable levels.
- DEM must seek to: maintain and restore healthy marine habitats, rebuild depleted stocks, strengthen scientific understanding, and use the best available science to establish sustainable harvest levels.
- DEM should encourage full, effective, and efficient use of available harvest opportunities, while minimizing discards and waste, ecological impacts, and habitat degradation.
- DEM must attempt to balance the interests of those who harvest for personal use and recreation, those who rely on the commercial industry as a source of food, those engaged in the commercial industry, and those who wish to enter.
- In support of the commercial fishing industry, the state should seek to to accomplish the following, with deep respect for the complexity of these matters and the need for balancing *in the public interest*:
  - Support an economically viable and diverse industry – and protect jobs.
  - Support the business interests of fishermen and the economic interests of the industry by enhancing flexibility and opportunity and minimizing regulatory constraints where possible.
  - Enable participants to fish in an efficient, cost-effective, and ecologically sound manner.
  - Support safe fishing operations.
  - Minimize the need for closures.

- Maintain Rhode Island's state-based allocations, and secure fair shares for our fishermen.
  - Balance the interest of RI's state- and federal-waters fishermen.
  - Seek meaningful access opportunities for those who wish to enter the industry without unduly impacting the interests of those currently engaged.
  - Support enhanced marketing opportunities.
  - And, support port services and land-side needs.
- 
- This a fair list of the principles that are already on my mind today, as I look forward to listening to the presentations, thinking about your perspectives and biases, and weighing the broad public multiple interests. I have no predetermined master plan coming into today.
  - A lot of work has gone into making today a positive forum where we can present and consider data, research and a wide range of issues that are raised when we talk about fluke. I so appreciate the many panelists who have agreed to participate and enrich our discussions with information and insights.
  - The turn-out reflects the high level of interest within Rhode Island, and its fishing community, and your willingness to share perspectives and work together on issues and programs about which we care deeply. This is an impressive group..
  - So, with an open mind, I look forward to learning from today's presentations. Thank you again, and let's get rolling.

### **3. Fluke 101: A presentation by J. McNamee of the DEM on the profile of the RI Commercial Fluke Fisher**

Powerpoint presentation as .pdf is at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/FlkSymp\\_fluke101\\_McNamee.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/FlkSymp_fluke101_McNamee.pdf)

### **4. What we have learned in RI**

A resource panel to present studies and analyses of RI Commercial Fluke Fishery, based on recent research and available information collected by DEM and researchers from the University of Rhode Island. Panelists included:

- Resource Issues, J. McNamee, RI Department of Environmental Management

Powerpoint presentation as .pdf at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1000/Fluke\\_symp\\_resource\\_issues\\_McNamee.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1000/Fluke_symp_resource_issues_McNamee.pdf)

- Social Perceptions, R.Pollnac, University of Rhode Island

Powerpoint presentation as .pdf at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1000/PollnacPercepSectorRI2012\\_revised.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1000/PollnacPercepSectorRI2012_revised.pdf)

- Economic Issues, H. Uchida, University of Rhode Island & C. Anderson, University of Washington

Powerpoint presentation as .pdf at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1000/Uchida\\_Sector\\_Symposium\\_Jan2012\\_v2CMA.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1000/Uchida_Sector_Symposium_Jan2012_v2CMA.pdf)

## 5. Experience outside of RI

Recognizing that the success of programs is a function of the socio-economic and political conditions of the jurisdictions in which the program is administered (i.e. it is not prudent to believe that one can simply copy what was successful in one place and have it be equally successful in another place), this panel will answer the following:

What questions can be drawn from experience in other jurisdictions that that might be constructively posed in designing and implementing a fluke management program for RI?-- Please give two or three questions and describe why these questions are important to address.

Looking at the experience, positive and negative, in another jurisdiction, what lessons can RI learn from that experience? Please give the experience from one jurisdiction and at least one experience that were either wonderful or horrible (something to aspire to replicate or to seek to avoid if at all possible).

Panelists included:

- John Henderschedt, Fisheries Leadership and Sustainability Forum

Powerpoint presentation as .pdf at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1100/Henderchedt\\_Presentation.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1100/Henderchedt_Presentation.pdf)

- Seth Macinko, University of Rhode Island

Powerpoint presentation as .pdf at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1100/Macinko\\_RIDEM\\_Sectors.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1100/Macinko_RIDEM_Sectors.pdf)

- Kevin Stokesbury, School for Marine Science and Technology, UMASS Dartmouth

Powerpoint presentation as .pdf at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1100/RIFluke27Jan12/Stokesbury\\_RI\\_Fluke\\_27Jan2012.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/1100/RIFluke27Jan12/Stokesbury_RI_Fluke_27Jan2012.pdf)



## 6. Remarks by Rhode Island Fishing Community Representatives

This panel was convened to characterize the key short and long term aspects of a successful RI commercial fluke management program identify and evaluate issues for managing the Rhode Island commercial fluke fishery. The panel was selected to represent a through cross-section of industry stakeholders. Each panelist was asked to limit their presentations to five to seven minutes.

Each panelist received the following instructions:

RI is a place with multiple values pertaining to the appropriate goals for fisheries management and with different interests and gear types; the purpose of this panel is not for the participants to argue their perspectives, but to share their perceptions of key issues that need to be addressed.

- a. What do you believe are the three key issues or opportunities that should be addressed squarely in designing and implementing a fluke management program?
- b. What do you believe would be the immediate consequences of failing to address these issues?
- c. What do you foresee as the long term effects of failing to address these issues?

### Jerry Carvalho

*What do you believe are the three key issues or opportunities that should be addressed squarely in designing and implementing a fluke management program?*

- Will the management program be in compliance with the constitutional mandates of RI law?
- How will the plan program provide the greatest benefit to the RI public?
- Will the plan insure common access to the resource or result in loss of jobs?

*What do you believe would be the immediate consequences of failing to address these issues?*

- The plan would be challenged as to its legality.
- Loss of jobs.

*What do you foresee as the long term effects of failing to address these issues?*

- The principals identifying access and ownership of the marine resource as found in the RI Constitution will be lost forever.
- All RI fisheries management plans could fall subject to the same shortcomings and perpetuate a self-serving system designed to provide benefit for a select few rather than for the good of the whole.
- Access to the marine resource will be privatized and sold to the highest bidder.
- Jobs.

## Mark Gibson

### Three Elements for a Fluke Management Program (Commercial)

1. Sustainability- Scientifically valid catch limit with buffers for uncertainty. Capable governance structure to administer catch limit and enforce supporting regulations. Engaging industry participating in cooperative research to selective design gear and responsible fishing practices to minimize discards and habitat damage.
2. Profitability- Devolve responsibility and authority to industry and challenge them to “right size” their industry to catch limit. Statutory authority to implement and support incentives programs such as catch shares. Appropriate limits on share accumulation and relief with permit banking programs.
3. Safety at Sea- Management systems that provide maximum authority and flexibility to individual businesses such as individual fishing quotas (IFQ). USCG/DEM programs for inspection and safety training. Revolving loan funds to allow for vessel maintenance and upgrading.
4. Short-term Consequences of Failure
  - a. Stock declines, overfishing occurs, allowable catches go down.
  - b. Business profits reduced.
  - c. Businesses cut corners, safety compromised.
5. Long-term Consequences of Failure
  - a. Continuous overfishing leads to reduced recruitment and more insidious biological consequences such as genetic selection for undesirable attributes.
  - b. Industry atrophies because allowable catches are below long-term sustainable maximum.
  - c. Businesses remain marginal, probability of injury and loss of life higher.

## Aaron Gerwitz

- **Account for discarded fish.** It is simply not enough to allocate daily possession limits of Fluke based solely on an overall quota that takes only into account the fish that are caught, sold, and recorded. There are always going to be some discards no matter how carefully and responsibly we all try to fish. Raising daily possession limits without accounting for the corresponding increase in discarded fish (that will invariably occur) is a sure prescription for a return to the over fishing that we have all worked so hard to successfully move away from. Evidence for this can be seen in the high daily possession limits of the early to mid 1990s and the subsequent drop in biomass that occurred in the latter half of the decade and early 2000s
- **Maintain a strong common pool.** Catch share management regimes are a proven way to manage a resource while taking into account, discarded fish. However, this management strategy (like all others) has its own potential flaws and specific challenges that make it unacceptable for some stakeholders in the community. Given the context of this discussion (the establishment of a *voluntary* catch share program for Fluke in Rhode Island), it is vital to

take these concerns into account. Nobody wants to see the entire Fluke fishery consolidated into the hands of a very few vessel owners. To prevent this from occurring (in the event that sector management becomes law) a strong and viable “Common Pool” of quota **must** be maintained. To allow a repeat of the mistakes made in the implementation of the Federal Groundfish catch shares program (whereby the common pool was reduced to nothing and stakeholders had to join a sector or lose all meaningful access to the fishery), would be irresponsible and immoral. Meaningful access to the resource **must** be maintained for those who chose not to enter into any “Catch Share” management strategy.

- **Allow for the unique business opportunities that alternative management techniques can present.** Daily possession limits have long been the standard for Fluke management in the state of Rhode Island. However, these daily limits have frequently led to erratic and undependable supplies of various fish species to markets. One need look no further than the Scup fishery to see how large and seemingly random swings between fish scarcity and abundance can damage long term, stable markets for a product. Allowing fishermen to hold quota of a fish species grants them the opportunity to explore business relationships that heretofore have been impossible. When we can guarantee the reliable and steady delivery of a predetermined amount of high quality product to market, the opportunities that will begin (and have already begun) to emerge are stunning. When we hold quota we are given a much greater means to control where, when and for how much we will deliver our product. Any management strategy for Fluke the state considers, going forward, should thus account for the unique opportunities that *voluntary* catch share management *could* provide.

## James Haitz

### *Question 1*

1. That all the states fluke allocation is harvested to the closest amount possible with nothing left on the table at the years end. A full harvest of the states fluke allocation each year.
2. That the management of the fluke allocation is set up in such a way that gives all the stakeholders the best chance at the harvest of the states fluke allocation.
3. And that you steer away from management programs that privatize the fluke allocation based on a set of past years of history of an individual’s participation. This will only lead to a windfall for some and a severe handicap for the majority of the stakeholders. This management tool leads to a quick consolidation and overcapitalization of the states resource meant for all stakeholders to have a fair and equal access to.

### *Question 2:*

1. The immediate consequences of yours the state’s decision on how to manage the fluke allocation will by choosing to privatize the resource through using a tool such as a sector allocation management program or some other form of management system which is more fair and equal to a larger majority of the fisheries stakeholders giving them more equal access to the resource has a direct effect on the harmony within the fishing community. Most of the state’s fishermen do not like the idea of using a sector allocation management program to

manage the states fluke fisheries allocation. Again this type of fisheries management leads to a private windfall for some fisherman while most fishermen will be left with little or no allocation to harvest

*Question 3:*

1. The long term effect of failing to address the issue of management of the state's fluke resource through a sector allocation based program or some other form of resource management system is creating a huge rift in the fishing community. By choosing to manage the fluke resource through a sector allocation based program leaves the stakeholders with an unfair playing field to work within helping to create this rift in the fishing community.

**Al Conti**

[Written comments not provided]

**David Beutel**

*What do you believe are the three key issues or opportunities that should be addressed squarely in designing and implementing a fluke management program?*

1. There is the opportunity to manage the resource for increased economic return to RI
2. There is an opportunity to provide the fishing industry with more flexibility
3. There is an opportunity for fairness for all fishermen

*What do you believe would be the immediate consequences of failing to address these issues?*

1. If fluke management is not addressed segments of the industry will continue to be bitter
2. Previous landing limit management methods may be used which minimize flexibility for the industry
3. The resource would be more costly to harvest thus returning less value to RI

*What do you foresee as the long term effects of failing to address these issues?*

1. Continued bitterness about the fairness of sectors
2. Continued division within the fishing industry which weakens both legislative and management influence
3. Lack of maximizing the value of our fisheries resources

## 7. Group Discussion Reports

This was a facilitated Group table discussion to consider questions that the panelists were asked to address. Each table had approximately 30 minutes to brainstorm answers to the question: **What do you believe are the issues or opportunities that should be addressed squarely in designing and implementing a fluke management program?** They were instructed to capture all of the answers and write them down on cards. Once that was done, the group was asked to select the table's top two priorities. These were presented to the full group.

The results in the table below capture those priority answers:

Table	Key issues
1.	<ol style="list-style-type: none"> <li>1. Equitable distribution of the resource</li> <li>2. What's wrong with the current system – if it's not broken, why fix it?               <ol style="list-style-type: none"> <li>a. If discards are going down anyway, wasn't that the point?</li> </ol> </li> </ol>
2.	<ol style="list-style-type: none"> <li>1. Fair and equitable distribution of the resource</li> <li>2. Exit and entry program for participants</li> </ol>
3.	<ol style="list-style-type: none"> <li>1. Should be managing the fishery in such a way that provides maximum level of flexibility to participants to enhance fishing community</li> <li>2. Data collection</li> </ol>
4.	<ol style="list-style-type: none"> <li>1. Fair and equitable</li> <li>2. Initial share allocations and what they're based on               <ol style="list-style-type: none"> <li>a. History, vessel size</li> </ol> </li> <li>3. Implementability – can we implement a program that will achieve our stated goals – perceive pitfalls</li> </ol>
5.	<ol style="list-style-type: none"> <li>1. Program in place – fishermen seem to be happy with the aggregate program and increasing allocation so it's a viable program</li> <li>2. Going to catch share program – if it's fair between all vessels – if you possess a permit you're entitled to a fair share of it, and one person's not entitled to more than another</li> </ol>
6.	<ol style="list-style-type: none"> <li>1. Fairness and equity and access</li> <li>2. If it's not broke, why are we fixing it?</li> </ol>
7.	<ol style="list-style-type: none"> <li>1. Economic efficiencies – opportunity to increase</li> <li>2. Fishing rights – getting into market for future generations</li> </ol>
8.	<ol style="list-style-type: none"> <li>1. who are the stakeholders making these decisions- clearly vessel owners, captains, and federal and state managers: what about crew, families, fishing</li> </ol>

Table	Key issues
	<p>businesses, consumers, environmental groups, other species and ecosystems</p> <ol style="list-style-type: none"> <li>2. What's the effect of sector-based management on social welfare more broadly?               <ol style="list-style-type: none"> <li>a. Safety at sea</li> <li>b. Allocation benefits (efficiency)</li> <li>c. Generation of new jobs – do these choices create new jobs?</li> <li>d. Should be asked in terms of food security</li> <li>e. If only 40% of these fish go toward human consumption, where does the rest of it go</li> <li>f. What's the real cost of the fishery? E.g. bringing it back to shore</li> </ol> </li> </ol>
9.	<ol style="list-style-type: none"> <li>1. New entry to the fishery – how to allow for new entrants?</li> <li>2. Reduce discards and provide for long term sustainable fishery</li> </ol>
10.	<ol style="list-style-type: none"> <li>1. How to maintain fairness among all participants           <ol style="list-style-type: none"> <li>a. Need to develop consensus among groups as to what this means</li> </ol> </li> <li>2. Management programs need to recognize multi-species nature of fishery and fishermen           <ol style="list-style-type: none"> <li>a. diversity makes fishermen and communities more resilient to change</li> </ol> </li> </ol>
11.	<ol style="list-style-type: none"> <li>1. Important to have a process to join a sector-like program           <ol style="list-style-type: none"> <li>a. Have history of some sort</li> <li>b. For fairness, but also to provide people an opportunity to manage their businesses the best they can given changes in markets and the ecosystem</li> </ol> </li> <li>2. Minimize discards and waste</li> </ol>
12.	<ol style="list-style-type: none"> <li>1. Need a common understanding of what we're trying to fix</li> <li>2. Fix in a way that's equitable, maintains or promotes fleet diversity, and maintains a broad infrastructure</li> <li>3. Optimize yield</li> <li>4. Optimize assessment</li> <li>5. Optimize certainty</li> </ol>
<i>Identified as other issues</i>	
	<ul style="list-style-type: none"> <li>- Cost of monitoring – monitoring permits, transferability, whether cost of monitoring was recovered</li> <li>- What would the effects be of a stock collapse such as in the Gulf of Maine as it's happening right now – any gear capable of catching fluke would be banned</li> <li>- Effects of doing away with 200 lb exemption certificate on beach inside 2 miles</li> <li>- If there is any form of quota management system established, needs to be clear quota is not owned by any individual but is a lease arrangement</li> <li>- Economics: the state should not even be talking about that – business decision and the state should not be involved in it</li> <li>- Concern about outside money coming from green groups like EDF, from NOAA, from groups that have captured the media with a lot of misinformation –</li> </ul>

Table	Key issues
	<p>we don't have anywhere we can talk face-to-face across the table</p> <ul style="list-style-type: none"> <li>- A lot of emphasis on business opportunity like marketing your own fish – not viable for offshore operations</li> <li>- Talk about future of marine environment: should there be spawner sanctuaries, grow-out sanctuaries, MPAs – fishers are in competition with other uses of the ocean</li> <li>- Transparency: who works for whom?</li> <li>- Get a poll of what people think about sectors – who's for it and who's against – I manage five boats – one in sector, four who aren't – works for the one that is, wouldn't work for the ones that aren't</li> </ul>

Final Comments Powerpoint as .pdf is at:

[http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/Final\\_Comments\\_fluke.pdf](http://www.ci.uri.edu/SpecialEvents/FlukeSymposium/Final_Comments_fluke.pdf)