



Rhode Island  
Department of Environmental Management

**DIVISION OF FISH AND WILDLIFE**

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**SUMMARY OF PUBLIC HEARING COMMENTS**

Hearing Officer: M. Gibson

DEM Staff: J. McNamee, G. Powers, B. Ballou, L. Mouradjian

The public hearing was held on February 24, 2009 in Narragansett, RI at the URI Bay Campus. Approximately 25 people attended the hearing. The following items were presented for public comment:

- 1) **Proposed changes to the Commercial Tautog Management Plan:** Only one proposal for 2009 commercial tautog quota management was brought forward for public comment. The proposal was to remain at status quo in 2009.

*Public Comment:* G. Carvalho asked if the comment period could be extended beyond this evening.

M. Gibson kept this portion of the public hearing open until 4:00 PM Friday February 27, 2009.

- 2) **Proposed changes to the Recreational Tautog Management Plan:** Three proposals were brought forward for public comment. The options other than option 1, which was status quo, were proposals that allowed for reductions if the regional stock status were to require it. The two options were to extend the spawning closure an additional amount of time, and to extend the lower bag limit further in to the fall.

*Public Comment:* G. Allen recommended that we remain at status quo as long as there are no reductions required.

M. Gibson closed this portion of the public hearing.

- 3) **Proposed changes to the Narragansett Bay Menhaden Management Plan:** Only one proposal for 2009 Narragansett Bay menhaden management was brought forward for public comment. The proposal was to remain at status quo in 2009.

*Public Comment:* There were no public comments.

M. Gibson closed this portion of the public hearing.

- 4) Proposed changes to the Monkfish Management Plan:** Three proposals were brought forward for public comment. The first was for status quo management in 2009. The next two options were an increase to the daily possession limit to 550 lbs of tails (1826 whole weight) on an annual basis or to go to unlimited possession on an annual basis.

**Public Comment:** R. Fuka stated that the RI Fishermen's Alliance supported option 2 (unlimited possession).

**Public Comment:** G. Carvalho stated that he supported option 2. He went on to suggest that because the Department had some reservations with unlimited possession limits they should track the state waters landings and if state waters landings exceeded 1% of the coastwide quota, then the possession limit noted in option 3 (550 lbs tails/1826 lbs whole) should go in to place. He stated that from a coastwide perspective it would indicate that RI is concerned about its landings and would take action if they exceeded 1%, however he did not think this would happen.

**Public Comment:** G. Duckworth stated that he would like the public comment period to be extended until Friday the 27<sup>th</sup>. He went on to state that he supported option 2 with the caveat brought forward by G. Carvalho of having a trigger of keeping landings under 1% of the coastwide quota, and if this was exceeded, a possession limit as set in option 3 could be enacted. He concluded that RI state monkfishermen have been out of business while federal vessels and neighboring states have been thriving during the same period, therefore option 1 was absolutely out in his book.

**Public Comment:** T. Mulvey stated that he supported the comments of both G. Carvalho and G. Duckworth. In this situation, under the most restrictive law, no one would be fishing illegally in state waters, as had been the case for the past 3 years. He felt that many boats had been fishing illegally yet this law was being ignored by law enforcement officials. T. Mulvey stated that despite what may have been written by other commenters, there was no RI state monkfish association.

**Public Comment:** J. Jarvis stated that he agreed with the last 3 commenters. He had been put out of business over the past few years and he was now in danger of losing his house because of the loss of money. This was a personal issue for him and it was because the current regulations were unfair.

**Public Comment:** P. Duckworth stated that he supported the past 4 commenters statements.

M. Gibson kept this portion of the public hearing open until 4:00 PM Friday February 27, 2009.

**5) Proposed changes to the Cod Management Plan:** Three proposals were brought forward for public comment. The first was for status quo management in 2009. The next two options were an increase to the daily possession limit to 1,000 lbs or to go to unlimited possession.

**Public Comment:** R. Fuka stated that the RI Fishermen's Alliance supported option 2 (unlimited possession) with a similar caveat as made during the monkfish item, namely to enact the possession limit in option 3 (1,000 lbs) if 1% of the coastwide quota were harvested by RI state waters fishermen.

**Public Comment:** T. Mulvey stated that he supported this same option with the caveat as R. Fuka.

**Public Comment:** G. Duckworth stated that he supported this same option with the caveat as the previous commenters. Later during the discussion G. Duckworth wanted to clarify that the 1% trigger would be based on the federal quota and would change with any changes to the federal quota. Finally he asked that the cod comment period be extended until Friday.

**Public Comment:** G. Carvalho stated that he supported this same option with the caveat as the previous commenters.

**Public Comment:** J. Jarvis stated that he supported this same option with the caveat as the previous commenters.

**Public Comment:** M. Jarvis stated that he supported this same option with the caveat as the previous commenters.

**Public Comment:** P. Duckworth stated that he supported this same option with the caveat as the previous commenters.

**Public Comment:** Z. Harvey stated that he supported this same option with the caveat as the previous commenters.

**Public Comment:** F. Blount stated that there was an issue with the way the wording was regarding the declared day at sea (DAS). He stated that there were some vessels with a federal permits that did not declare a DAS when fishing for cod, and these vessels would be in violation according to the way the regulation was currently written.

**Public Comment:** G. Allen stated that he would like an explanation of how the status of the cod stock had changed to allow for the dramatic changes in management that were being proposed that evening at the subsequent RI Marine Fisheries Council meeting.

M. Gibson kept this portion of the public hearing open until 4:00 PM Friday February 27, 2009.

**6) Proposed changes to the Sea Scallop Management Plan:** Two proposals were brought forward for public comment. The first was for status quo management in 2009. The next option was to go to unlimited possession.

*Public Comment:* G. Carvalho stated that his proposal was to go to a 400 pound per day possession limit for state waters fishermen with regard to sea scallops.

*Public Comment:* R. Fuka stated that the RI Fishermen's Alliance supported G. Carvalho's proposal.

*Public Comment:* M. Marchetti of the RI Scallop Association and an advisor to the NEFMC's scallop advisory panel stated that it was not legal to have any non federal harvest of sea scallops as it was a completely federally regulated species and anyone harvesting sea scallops needed to be federally permitted. He thought that even the current regulations would be in violation of federal regulations. He went on to state that Maine was the only state that had a state jurisdiction with regard to sea scallops.

*Public Comment:* G. Duckworth stated that he supported G. Carvalhos proposal as this would put them in to line with the federal plan.

*Public Comment:* T. Mulvey stated that he supported G. Carvalho's proposal as this would put them in to line with the federal plan and would allow vessels to not be in violation of the most restrictive rule.

M. Gibson closed this portion of the public hearing.

**7) Proposed adoption of a Coastal Shark Management Plan:** The adoption of a coastal shark management plan in RI state waters was an ASMFC requirement. The language before the attendees that evening was adopted from what Massachusetts had in their regulations.

*Public Comment:* G. Duckworth stated that the language "attempt to harvest" should be modified as it was very ambiguous.

*Public Comment:* G. Carvalho stated that the language "attempt to harvest" should be modified as it was very ambiguous as noted by G. Duckworth. The language should read simply "to take and possess". He also suggested moving the definitions to the existing definitions section.

*Public Comment:* C. Carp stated that the effect of these changes on shark tournaments should be considered. As well, the language should be expanded to include practices such as finning.

M. Gibson closed this portion of the public hearing.

List of Exhibits received at the Pubic Hearing:

Exhibit A – Copy of Public Hearing Proposal Document

Exhibit B – Affidavit of Publication/Posting and Public Notice

Exhibit C – Letter submitted by T. Platz

Exhibit D – Letter submitted by J. Shelly

The following exhibits were received subsequent to the close of the public hearing on February 24, 2009 but prior to the close of the extended period for receipt of written comments, which was on February 27, 2009 at 4:00 PM:

Exhibit E – Letter submitted by G. Duckworth.

Exhibit F – Letter submitted by T. Mulvey.

Exhibit G – Letter submitted by J. Hovanesian.

Exhibit H – Letter submitted by G. Carvalho.

Exhibit I – Letter submitted by P. Valette.