



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: N. Lazar, J. McNamee, G. Powers, B. Ballou, L. Mouradjian, N. Scarduzio, T. Angell, S. Olszewski, Chief S. Hall

The public hearing was held on April 22, 2009 in Narragansett, RI at the URI Bay Campus. Approximately 73 people attended the hearing. The following items were presented for public comment:

- 1) **Proposed changes to the Commercial Striped Bass Management Plan:** Only one proposal for 2009 commercial striped bass quota management was brought forward for public comment. The proposal was to shift the 2009 fall season by two weeks, changing the start date from September 1 to September 13. The change was proposed to avoid the opening of the Massachusetts season.

*Public Comment:* K. Booth was in support of the change because it would allow the Massachusetts season to close prior to the RI season opening, thereby increasing the value of the fish.

*Public Comment:* P. Barbara asked if the Director would consider changing the five fish per vessel regulation to allow two or more commercial license holders to fish on one vessel to conserve on fuel and to make it easier for Enforcement to inspect and enforce regulations. He pointed out that this would be similar to what was allowed for party and charter vessels.

*Public Comment:* Eric Reid wanted to make sure there was clear language about the Friday and Saturday closures, no possession or sale of striped bass on these days that this language pertained only to fishers and did not include dealers.

M. Gibson closed this portion of the public hearing.

- 2) **Proposed changes to the Recreational Striped Bass Management Plan:** No proposals for change came forward, nor does RI have to make any changes per any requirement from the federal government. There was only a technical change which inserts specific wording that clarifies that this section pertains to the recreational striped bass fishery.

**Public Comment:** There were no public comments.

M. Gibson closed this portion of the public hearing.

- 3) Proposed changes to the Recreational Summer Flounder Management Plan:** Six proposals were brought forward for public comment. The first three were for a minimum size limit of 20 inches with a bag limit of 7 fish and each proposal suggesting a varied season; July 1-August 31, July 4 –December 31, or June 1-July 21. The fourth proposal was for a 21 inch minimum size, 6 fish, and a season from June 13-December 31. Proposals 5 and 6 pertained to party boat mode. Proposal 5 was a split mode where the Party mode minimum size would be 21 inches, 7 fish and the season would be from May – December 31, and a non-party mode with a minimum size of 20 inches, 4 fish limit with split seasons from July 1- July 12 then from July 24 –December 31. Proposal 6 is a Party mode with 21 inch minimum size limit, 6 fish, with split seasons from May 16-August 17, and September 1- December 31. It was explained by Division staff that the first three proposals were options that would be compliant with the ASMFC guidelines. The fourth option needed a minor adjustment to the start date to be fully compliant with ASMFC guidelines, the date would need to be changed from June 13 to June 17. Options 5 & 6 were spilt modes and needed approval by ASMFC Summer Flounder Management Board.

**Public Comment:** S. Medeiros stated that he was in support of option 4; 21 inches, June 13 through December 31 at a 6 fish bag limit.

**Public Comment:** An individual stated that he favored either option 1 or 2.

**Public Comment:** E. Carney was in support of option 4.

**Public Comment:** Al Conti supported option 4, stating that the longer the season the better it was for the fishing industry.

**Public Comment:** R. Hittinger stated that he was in support of option 4.

**Public Comment:** An individual stated that he favored option 4, the longer season with 6 fish.

**Public Comment:** S. Carver asked that a smaller size be considered for the recreational fisher, with the number of fish as stated. This would cut down on the number of discards and mortality. He offered that either 18 or 19 inches be considered.

**Public Comment:** S. Travasono supported option 4 for the longer season and in support of the bait shops.

**Public Comment:** C. Jabber supported option 4.

**Public Comment:** An individual stated that he favored option 6 (party mode) with option 4 (general).

**Public Comment:** E. Cook stated he favored option 2.

**Public Comment:** D. McGregor supported option 4 with a modification – reduce the size to 20 ½ inches with a bag limit reduction to accommodate the size reduction.

**Public Comment:** Rick Bellavance stated he was concerned about noncompliance. He indicated that when the size goes up, the rate of noncompliance has also increased over the last few years. He asked for better enforcement of the size.

**Public Comment:** K. Court was in support of option 5 – with modifications, a June 15 – December 31 season, changing the start date to June 15 instead of May 1, 7 fish bag limit and 21 inches. For the private shore and charter boat, he was in support of an open season from July 1 – December 31 and a closed period from July 13 – July 24, with a four fish bag limit at 20 inches.

**Public Comment:** J. Jarvis was in support of K. Court's modified proposal to option 5.

**Public Comment:** A comment was made to modify option 2 to extend the season so it would be longer and reduce the bag limit as necessary to accommodate a longer season. He offered a start date of June 13 instead of July 4 with perhaps a 4 fish bag limit.

**Public Comment:** A comment was made in support of option 4.

**Public Comment:** M Brady was in support of either option 5 or 6.

**Public Comment:** A comment was made in support of option 4.

**Public Comment:** F. Blount stated that he had submitted his comments in writing but commented that he was in support of option 6 (party mode) and option 4 for the general. He stated that he had concerns about options 1 & 2.

**Public Comment:** C. Akmarkjian stated that you really do not catch fluke after September therefore he was in support of a modified option 4. He offered a season from June 13 – September 30, with a minimum size limit of 20 inches instead of the 21 inches as proposed.

**Public Comment:** J. Renon was in support of option 4. As a charter boat owner he could not live with a closure.

**Public Comment:** A comment was made in support of option 4.

**Public Comment:** A. DiAngelo stated that he was in support of option 4.

**Public Comment:** A recommendation was made for a lower minimum size such as 17 inches with a lower bag limit of about 5 fish to compensate for a smaller size.

**Public Comment:** D. Store stated that he was also in support of option 4, but with a smaller size limit and reduced bag limit.

**Public Comment:** J. White was in favor of option 4 because it had a longer season.

**Public Comment:** A comment was made in support of option 4.

**Public Comment:** R Hittinger commented that we are really not able to go below a 20 inch minimum size fish and achieve what ASMFC is requiring us to do in terms of reduction. We would have no season at all with a minimum size fish at 19 inches or lower. He indicated that at 19 inches we may have a one week season and then it would be closed. He wanted audience members and the Director to be aware of the constraints the state had to work with.

M. Gibson closed this portion of the public hearing.

- 4) Proposed changes to the Summer Flounder Sector Allocation Pilot Program:** There were proposed amendments made to sections 7.7.11–Research Set Aside, 7.7.11-5g, and 7.7.11-5i, which inserted specific wording which further clarifies the intent of each requirement. Under the Terms and Conditions of Program Implementation, the amended language addresses the terms and conditions of the sector if the summer sub-period quota becomes fully harvested, and closes early.

**Public Comment:** K. Booth stated that he had concerns about the language “unless damaged and unsellable”. He indicated that this was not the original language. With out having a specific interpretation in the regulations what does unsellable mean. He felt that any legal fish brought onboard should be retained and counted against the TAC.

**Public Comment:** R. Mattiucci stated that absolutely no changes be made to the sector allocation program. He indicated that the program has only been in operation for about two weeks and we are already modifying it.

**Public Comment:** R. Hittinger expressed that he had concerns about the language that allowed the sector boats to fish under their winter quota once the commercial summer sub-period quota has been harvested, especially if that occurred prior to September 1. The concern was if the commercial summer sub-period quota were harvested early, as in August, then the sector boats would be in direct competition with the recreational fishermen who are catching fish through September 1. He indicated the original intend of the program was to reduce some of that competition with the recreational boats.

Prior to September 15 he felt the sector boats should not have their winter quota opened.

**Public Comment:** J. Grant stated that he agreed with and supported the proposed amendments. He stated that if the fluke were damaged and unsellable they still would count against the TAC. He indicated the changes made sense to him.

**Public Comment:** An individual stated that the damaged and unsellable fluke should be counted against their TAC.

**Public Comment:** G. Mataronas commented that he would like to see observer coverage with this program. He felt that observers were not hard to find. He would like to see mandatory observer coverage.

**Public Comment:** G. Tremblay stated that the biggest concerns about this program were discards. He felt these fish should stay onboard and be counted. This program was supposed to reduce discards. He wanted to know who would be making the decision if it were unsellable. He recommended deleting the wording “unless damaged and unsellable”.

**Public Comment:** An individual stated that the wording contradicted itself. It seemed to indicate that you throw the fish over, but in the second part it stated that it would be counted and deducted from the TAC.

**Public Comment:** J. Harvey recommended a high level of observer coverage.

**Public Comment:** K. Booth stated that everything should be retained and was opposed to the proposed language “unless damaged and unsellable”.

**Public Comment:** J. Jarvis stated that he was also opposed to the language, because it goes back to having enough observer coverage.

**Public Comment:** E. Reid stated he would like to see the language stay the same the way it is.

**Public Comment:** T. Baker agreed with 100 % observer coverage.

**Public Comment:** P. Moron agreed with having 100 % observer coverage for a couple of years.

**Public Comment:** A. Conti stated that his group originally supported the program with 100 % observer coverage and zero discards and he expected this would be consistent with the final proposal.

**Public Comment:** E. Reid asked if these regulations took into account future sectors that may be developed by rod and reel fishermen. What happens to people who are on

smaller boats who are fishing by themselves? If the language is changed to include 100 % observer coverage for future sectors he did not know how individual fishermen would feel about having an observer on a smaller fishing boat. He made the point just for people to think about.

**Public Comment:** T. Baker stated he was in support of opening up, as needed, if the commercial quota is closed. He did not feel that the sector boats would be competing with recreational fishermen.

M. Gibson closed this portion of the public hearing.

- 5) **Proposed changes to the Recreational Scup Management Plan:** Six proposals were brought forward for public comment. The first was for status quo management in 2009. The remaining five proposals recommended changes to the party and charter modes keeping the general mode at status quo. The second proposal was to alter the party and charter mode season by eliminating the early season. The third proposal was to decrease the minimum size from 11 inches to 10 ½ inches for party and charter mode. The fourth proposal was for a longer bonus season for the party and charter mode, which would extend the season from 10/16 through 10/31 with a 45 fish bag limit. The fifth proposal was for a longer season for the party and charter mode, which would extend the season from 10/16 through 10/31 but with a 10 fish bag limit. The sixth proposal is for a party and charter shorter season and smaller minimum size, for a minimum size of 10 ½ inches and a season from 9/1 through 10/15 at 45 fish. Division staff explained that the first option (status quo) would be the only workable option, and the other options would put RI out of compliance. At the time of the advisory panel meeting it was not certain if status quo meant if you had to have the same regulations as last year or if you had to follow the same guidelines as the guidelines that your current regulations were under. Staff looked into the situation after the AP meeting and found out that it meant that we had to have the same regulations in place.

**Public Comment:** M. Colby stated that he supported option 1 with a modification. He recommended changing the general category to open later, around June 15 and close late, around October 15.

**Public Comment:** An individual stated that he would support a longer season for the general category.

**Public Comment:** G. Mataronas stated he recommended a lower bag limit than 45 fish for the party and chartered boats, and an increased bag limit for the general category.

**Public Comment:** F. Blount stated he was in support of option 2 for the later season.

**Public Comment:** A. Conti stated that the general season should be moved from May to either June 10 or June 15 for a later start date.

**Public Comment:** A. DiAngelo stated he supported option 2.

**Public Comment:** An individual stated that supported option 2.

**Public Comment:** J. Jarvis stated that he supported option 2. He later clarified that he supported option 2, having the general category season moved from May to June.

**Public Comment:** C. Carp stated that the scup season should be delayed until after the main spawning period.

**Public Comment:** R. Bellavance stated that he supported option 2.

**Public Comment:** K. Court stated that he supported option 2.

M. Gibson closed this portion of the public hearing.

**6) Proposed changes to the Commercial Scup Management Plan:** Three proposals were brought forward for public comment, for guidance and advice on how we should modify original plans due to a higher quota than what we originally anticipated. The first proposal was to increase the possession limits in each of the sub-periods associated with the aggregate landing program. The second proposal was to eliminate the aggregate landing program and just maintain a daily possession limit for each sub-period. The last proposal was for status quo management in 2009.

**Public Comment:** G. Mataronas stated that he supported option 2, which has worked well in the past. He felt last year did not work well at all.

**Public Comment:** An individual stated that he supported option 1. He indicated the aggregate program worked well since we only have a small amount of available scup. He commented that because of the early closure last year we did not need to open it at 2,500 pounds. He recommended a lower number of pounds for the first sub-period so the season would stay open into June.

**Public Comment:** K. Booth stated that he supported option 1.

**Public Comment:** D. Izzy stated that he supported option 1. He had a problem with the high numbers being harvested in May and June because of the lower prices. He requested the 2,500 pounds be reduced in the May sub-period and increased the in the July sub-period.

**Public Comment:** T. Baker stated he agreed with D. Izzy's comments. He stated that scup closed in just nine days last year in the first sub-period. He stated that he supported option 1 but the 2,500 pounds was way too high. He encouraged the state to spread out the quota so that it would last longer to keep the season open as much as possible. He suggested equal amounts for each of the sub-period.

**Public Comment:** J. Grant stated that he supported option 1.

**Public Comment:** B. Rhodes stated that he supported option 1, and agreed that the 2,500 pounds should be lowered to make the season last.

**Public Comment:** B. Smith stated that he supported option 1, and also agreed that the 2,500 pounds should be lowered to make the season last.

**Public Comment:** G. Carvalho stated that he supported option 2, with an increase in the July 1 – October 31 period, from 100 pounds per day to 200 pounds per day. Stay at the 1,000 pounds in the May sub-period, thereafter 200 pounds per day.

**Public Comment:** E. Reid stated that he would support option 1 if the first sub-period was divided into two sections. He stated that in the beginning of May there is a conflict with the floating fish trap fishery which floods the market and drives prices down. He suggested that from May 1 – May 15 the possession limit should be 400 pounds per week. He also commented about the floating fish trap fishery, according to regulations, being able to bring undersized fish to the dock when no one else can. He did not think this was right.

**Public Comment:** R. Mattiucci stated that the 2,500 pounds should be lowered.

**Public Comment:** D. Izzy stated that he was concerned about the lower prices in the May sub-period. He felt option 1 was the strongest option with the 2,500 pounds being lowered to about 1,000 pounds per week.

**Public Comment:** T. Atwell agreed with D. Izzy regarding option 1. He also wanted the quota to last longer so the season stayed open as long as possible.

**Public Comment:** G. Tremblay stated that he supported option 1 with a lower starting limit in May.

**Public Comment:** An individual stated that he also supported option 1 with the lower starting limit in May.

M. Gibson closed this portion of the public hearing.

- 7) **Proposed changes to the Recreational Black Sea Bass Management Plan:** This was another species where the assessment changed and advice from the board was to remain at status quo. No proposals came forward to change from status quo therefore status quo was being proposed for the 2009 management season.

**Public Comment:** There were no public comments.

M. Gibson closed this portion of the public hearing.

**8) Proposed adoption of a Lobster Trap Transferability Program in to the RI Lobster Management Plan:** Proposed language and definitions were brought forward for public comment to allow for the adoption of a lobster trap transferability program. This language sets forth the conditions by which trap allocations can be transferred between entities, and applies exclusively to Area 2 RI state water trap allocations.

*Public Comment:* S. Parente stated that he would like to recommend deletion of proposed paragraph 15.14.2-5(e)(b) allowing for the issuance of lobster trap endorsements to anyone that purchases a trap allocation. He felt that this program would end up increasing effort as opposed to decreasing effort. He stated that this was not about the resource but about economic incentive at the expense of the resource. He was opposed to the selling of permits with trap allocations. He stated he was under the impression that licensing issues were under the advisement of the RIMFC Industry Advisory Committee and not the RIMFC Lobster Advisory Panel and therefore felt the issue was not vetted through the appropriate channels. He commented that his statement also applied to the next agenda item, number 9, regarding the licensing issue.

*Public Comment:* B. McElroy stated that he was in favor of the transferability program and it was an excellent avenue to allow new blood into the industry. He complemented the Department for putting this together.

*Public Comment:* J. Grant stated he agreed with B. McElroy and stated he was in favor of the program. He hoped it would be in place for this coming fishing season.

*Public Comment:* J. Baker stated that he was in full support of this program. He indicated that he had been waiting for this for a couple of years.

*Public Comment:* D. Singer stated that he was in favor of the transferability program. This would allow people to be flexible with their business to be able to build them up or down. This would also allow for new entrance into the fishery.

*Public Comment:* T. Baker stated that he supports the program. However, he agreed with S. Parente that we should not be handing out licenses to everyone who gets an allocation. He felt there were enough guys that were shut out that have been waiting to get allocations and they should be first to be able to purchase an allocation.

*Public Comment:* D. Spencer stated that he supports the adoption of this measure, for the reasons stated.

*Public Comment:* B. Smith stated he supports the program. He congratulated the Department for getting this set up.

**Public Comment:** B. Rhodes indicated that one guy can sell 10 traps to 80 people and 80 people would be able to get a license. He was concerned about whether these people would be able to fish for finfish also or just for lobster.

**Public Comment:** An individual stated that he also supported the program.

**Public Comment:** G. Carvalho stated that he was opposed to this language and the entire program. He stated that he agreed with S. Parente's comments. He indicated that he knew of no statute that allowed the Director to create a private property right of access that could be bought and sold.

**Public Comment:** J. Jordon stated that he fully endorsed the program.

**Public Comment:** Lanny Dellinger stated that the RI Lobstermen Association fully supports the program. He stated that every RI resident should have a right to be able to pursue this fishery if they want to.

**Public Comment:** An individual stated that he also supported the program. He had been trying to get a license for a long time.

**Public Comment:** G. Mataronas stated that he also supported the program; stating that it will build flexibility in to the industry.

M. Gibson closed this portion of the public hearing.

**9) Proposed changes to the RI Marine Fisheries Licensing Regulations to allow for endorsement changes relating to the RI Lobster Trap Transferability Program:** Proposed language was brought forward for public comment to set forth conditions which would allow for the issuance of a PEL w/ Lobster Trap Endorsement if a lobster trap allocation was purchased per Part 15 regulations.

**Public Comment:** S. Parente stated as he commented earlier, he was opposed to the changes and recommended deletion of the proposed changes for the same reasons mentioned earlier. He commented that he had a problem with issuance of licenses not the transferring of traps.

**Public Comment:** J. Grant stated that he was in full support of the program.

**Public Comment:** B. McElroy stated that he was in full support.

**Public Comment:** B. Rhodes commented that he supports this now knowing it would be just a PEL and not a multipurpose license. The amount of lobster traps in the water is actually going to go down because of the 10 percent conservation tax. He indicated that the buoys would just be changing colors there would not be more buoys in the water.

**Public Comment:** Dennis Ingram stated he supported this proposal as written for all the reasons already stated.

**Public Comment:** K. Booth cautioned about changing dry traps in to wet traps, which could increase the number of traps being fished.

**Public Comment:** P. Moron asked if this program was for state residents only.

**Public Comment:** T. Baker stated he was opposed to the granting of a PEL license to anyone who purchases an allocation. He stated there would be an increase in effort. There would be a decrease in pots but those pots are going to be fished a lot harder and more often. He added that someone could get in to the industry currently by purchasing a whole business.

**Public Comment:** R. Hittinger cautioned to monitor for increased effort simply because you are selling traps to someone who would be more likely to use the trap as opposed to people who have an allocation but may not be using all the traps.

**Public Comment:** Lanny Dellinger stated that the RI Lobstermen Association supported the program as written. He indicated that they have already taken a 71 percent cut in latent effort. He also supported having open licenses because it was an affordable way for younger people to start a business. A young person would not be able to get the financing to purchase a business.

M. Gibson closed this portion of the public hearing.

List of Exhibits received for the Pubic Hearing:

Exhibit A – Affidavit of Publication/Posting and Public Notice

Exhibit B – Copy of Public Hearing Proposal Document

Exhibit C – Letter submitted by F. Blount, Frances Fleet, pertaining to Summer Flounder

Exhibit D – Letter submitted by Captain S. Tombs, pertaining to Summer Flounder

Exhibit E - Letter submitted by Captain K. Smith, pertaining to Summer Flounder

Exhibit F – Several letters pertaining to Lobster Transferability which were grouped together

Exhibit G - Letter submitted by G. Mataronas pertaining to striped bass

Exhibit H – Letter submitted by K. Court, pertaining to Summer Flounder