Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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SUMMARY OF PUBLIC HEARING COMMENTS

Hearing Officer: B. Ballou
DEM Staff: N. Scarduzio, J. McNamee, D. Costa, S. Olszewski, G. Powers, S. Hall, L. Mouradjian,
RIMFC Members present as observers: R. Bellavance, R. Hittinger, and S. Macinko

The public hearing was held on February 23, 2010 in Narragansett, RI at the URI Bay Campus. Approximately 70 people attended the hearing. The following items were presented for public comment:

1) **Proposal to continue/expand/modify the summer founder sector allocation program in 2010:** DEM proposed to continue to assess the effectiveness and viability of a catch-share approach as an alternative to traditional quota management in the summer flounder fishery in 2010.

   Public Comment: R. Fuka, President of the RI Fishermen's Alliance, stated that the RI Fishermen's Alliance was opposed to the advancement of the summer flounder sector program.

   Public Comment: D. Fox stated that the original base years used were from 2004 to 2008. He question why the base years were expanded to 2009. He stated that it was wrong to expand the years to 2009 since this was still a pilot program. He felt there were some serious allocation issues that needed to be addressed before the program went any further. D. Fox gave a second comment later in the comment period expressing his concern of expanding the base period to include 2009. He indicated that by expanding it by another year the Department just caused another problem, when everyone was already concerned about allocations. He stated that it was not fair to add the extra year when a base line of 2004-2008 had already been established. He recommended staying with the original baseline and ironing out those issues first without making the problem worst by adding another year.

   Public Comment: J. Shelly stated that he felt the sector program was going to continue, but referred to the roundtable workshop discussions about the modifications to the requirements for a sector participant and wanted those modifications incorporated into the sector program going forward. He pointed out the two issues of

concern being the requirements of having a RI fluke exemption certificate and a Federal fluke permit. He proposed removing theses two restrictions from the sector program so more people would be able to participate in the program and replacing them by using historical landings of fluke. He proposed using a qualification guideline that instead, looked at historical landings in the last 16 years of at least 18,000 pounds of fluke total, which worked out to be about 3,000 pounds per year during the summer quota. J. Shelly gave a second comment later in the comment period expressing his concern about children of fishermen who wanted to take over the business. He requested that some legislative action be drafted to allow the children of fishermen who have fished on the family boat to be able to participate or take over the family business.

Public Comment: D. West stated that he had been a commercial fisherman for over 25 years on draggers and felt the fluke sector program was a good program and was in support of continuing the program.

Public Comment: D. Barlow, commercial fishermen, stated that the fluke sector program was a good idea and was a step forward and progressive which is the way we should be thinking. He stated he would like to see the sector program move forward.

Public Comment: C. Brown, RI Fluke Conservation Cooperative, stated his group would like to see the sector program continued as well as expanded so other members of the fishing industry could participate in the program. He stated it would be wrong to simply give it back to the 8 vessels again, stating that they proved that it works. He also was in support of whatever measures were needed to better anyone's chances of participation. Brown stated that they did not think the Federal fluke permit requirement or the RI fluke exemption certificate were necessary requirements because it was a RI program. It should not exclude RI fishermen who do not have a Federal fluke permit. Regarding the 10% allocation per sector from the State's quota, he did not think is was appropriate. This would retard their ability to offset the inadequacies and responds to management that have occurred. They would like to have as much quota into the sector as possible so quota could be redirected to the larger vessels that have not done as well.

Public Comment: G. Carvalho stated that he was opposed to the sector program. It provided special benefits to a small group of people at a disadvantage to similarly licensed people in the state. He was also opposed to expanding the base period to 2009 which would include five years of history. He felt if this data was included the vessels in the sector would have an advantage over those not participating in the sector, because the non-participants history is diminishing while the sector boats increases. He indicated that unless the state of RI could provide equal access to every licensed fisherman this program is wrong.

Public Comment: S. Babcock, stated that the sector was a good idea, and since he had a son he wanted his son to be able to get into the business and felt a sector was more safe and economical way to fish in the future.

Public Comment: S. Arnold stated that he was in support of moving forward to continue, expand, and modify the sector program.

Public Comment: J. Jarvis, commercial fisherman, felt the sector was a good concept but it was not equitable to everyone, as G. Carvalho had stated. He explained that some fishermen do not participate in the winter fishery, so from April to December they were starving, while these other guys get to make a living. He stated he felt this was unfair. He suggested having an aggregate program that would be based on horsepower limit and based on people that were fulltime fishermen. He suggested keeping the people in the winter fishery separate from the aggregate program. He indicated the concept of a sector would work, but it had a long way to go to make it equitable for everyone. There needed to be more research done, but at this point it did not seem equitable for the small guy.

Public Comment: C. Brayton, sector member, stated he was in support of the sector being continued so that all the problems could be ironed out and to see what could be done to make it more balanced and fair for everyone to participate.

Public Comment: C. Granquist stated he would like to see the sector program go forward for another year. He indicated that he owned a small dragger that did not fish off shore but the sector would afford him a way to fish economically. He suggested that if it did continue there must be a provision for just state licensed holders since this was a state quota.

Public Comment: R. Livernois stated that the bigger boats needed a bigger share of the pie than the smaller ones because their expenses were that much more, whether they go with the sector or not, the bigger boats were going to need a bigger piece of the pie.

Public Comment: R. Sykes, stated he had participated in the sector this year and found that it was an economical and efficient way to fish. He would like to see it continued and was in support of having other vessels participate and working it out so that the larger vessels could get their fair share.

Public Comment: J. Dory stated he was in support of continuing, and expanding the sector program.

Public Comment: P. Duckworth, commercial fisherman, stated that he had gone to the roundtable meeting and felt the sector would be a good thing if other people were allowed to participate. He was not in favor of J. Shelly's proposal to use 16 years of landing history, pointing out that this would exclude younger fishermen. He stated that the Department needed to consider younger people so they could participate as well. He felt there would be no future for younger fishermen if something was not done to help them get into the business. He wanted to make the sector program available for everyone, not just a few people.

Public Comment: K. Court stated that he was in favor of the sector pilot program being extended for another year so that the gathering of data could be continued and compared.

B. Ballou closed this portion of the public hearing.

2) **Proposed changes to the Recreational Summer Flounder Management Plan:** Six (6) proposals for 2010 recreational summer flounder quota management were brought forward for public comment. The first proposal was to remain at status quo. The other five proposals were variations of different size limits as follows: Proposal 2 - 19 inches/6 fish bag limit/May 1–December 31, Proposal 3 - 19.5 inches/6 fish bag limit/May 1–December 31, Proposal 4 - 20 inches/6 fish bag limit/May 1–December 31, Proposal 5 - 20.5 inches/6 fish bag limit/May 1–December 31, and the last proposal, Proposal 6 -19 inches/6 fish bag limit/May 1 through July 31 and August 15 through December 31, which was presented and recommended by the DEM, Division of Fish and Wildlife (DFW) if people were interested in a 19 inch fish. All six options meet the guidelines of the ASMFC; however ASMFC cautioned that with Proposal #2 there may be a danger of exceeding the targets. This was why the Division came up with proposal #6. If people wanted to select a 19 inch size, proposal #6 had built in caution by modifying the season slightly with a two week closure in August.

Public Comment: G. Allen stated he was representing the Board of Director of the RI Saltwater Anglers and that he also attended the summer flounder advisory panel (AP) meeting where J. McNamee expressed concerns and cautioned about option #2 going over the quota. He stated that the AP recommended option #3 (19.5 inches/May 1-December 31/ 6 fish bag limit, which is an option that is not on the edge in terms of taking us over the quota that we have, and is a little more conservative. G. Allen stated that the Board of Director of the RI Saltwater Anglers unanimously recommended option # 3 for the 2010 season.

Public Comment: R. Lema stated he was in support of option #3 (19.5 inches/May 1-December 31/ 6 fish bag limit).

Public Comment: J. Baker stated that for the same reason G. Allen gave and being conservative, he was in support of option # 3 (19.5 inches/May 1-December 31/ 6 fish bag limit).

Public Comment: R. Sisson stated he was supporting option #3 (19.5 inches/May 1-December 31/ 6 fish bag limit) based on his catch records over the last three years.

Public Comment: Z. Harvey stated he was from the Seven Bees and he was in favor of option #3 (19.5 inches/May 1-December 31/ 6 fish bag limit), and completely opposed to option #6 because the season would be closed the first two weeks of August which was the height of the season.

Public Comment: F. Blount stated that he was opposed to option #6 for the same reasons that Z. Harvey stated, the mid season closure, also with the 19 inches we went way over. He indicated that he was nervous with option #3; he felt we would also go over with this option as well. He stated he was in support of option #4 (20 inches/May 1-December 31/ 6 fish bag limit), indicating this was the most caution option presented.

Public Comment: M. Bucko stated he was a member of the summer flounder AP, and an owner of a tackle shop. He stated he was opposed to option #6 because of the two week closure. He was in support of option #3 (19.5 inches/May 1-December 31/ 6 fish bag limit).

Public Comment: J. Shelly was in favor of option #6, (19 inches/May 1-July 31 and August 15-December 31/ 6 fish bag limit).

Public Comment: R. Tellia was in support of option #3 (19.5 inches/May 1-December 31/ 6 fish bag limit).

Public Comment: K. Court was in support of option #4 (20 inches/May 1-December 31/ 6 fish bag limit), indicating this was a more cautionary option. He stated that he was opposed to option #6, because the Division and Law Enforcement had always been opposes to mi-season closures and it would be irresponsible to close the fishery when the product was in the highest demand. Court explained that party and charter boats have their highest demand in the months of July and August.

Public Comment: P. Obesso stated that he was in favor of either option #3 or #4

Public Comment: B. Mackintosh stated that he was in favor of option #4 (20 inches/May 1-December 31/ 6 fish bag limit). He added that there should also be a provision that allows children to keep the first fish they catch of the day regardless of the size, explaining that he found it difficult to tell his grandson he had to throw his fish back.

Public Comment: P. Bentincourt stated that he was in support of option #3 and opposed to option #6.

Public Comment: J. Jarvis stated he was opposed to option #6. He was support of either option #3 or option #4.

Public Comment: C. Domino stated he was opposed to option #6 because it would put the party and charter boats out of business for those two weeks. He explained that he wanted the smallest fish possible so they could get their limit and go home. He felt the 21 inch size created a lot of discards and killed a lot of fish. He felt the most cautious option would be option #3 and he was in support of this option.

B. Ballou closed this portion of the public hearing.

3) **Proposed changes to the Recreational Scup Management Plan:** Two proposals for 2010 recreational scup quota management were brought forward for public comment. The first proposal was the most restrictive measure at 11 inches/ 10 fish bag limit/ June 12-September 26. A second and less restrictive proposal was presented at the public hearing by the DEM/DFW, which was 10.5 inches/ 10 fish bag limit /May 24 – September 26, and a reduced bonus season for party & charter from August 23 – September 26 with an 11 inch minimum size limit and a 40 fish bag limit.

Public Comment: K. Court stated that he did not interpret the ASMFC motion the same way the Division had interpreted the motion. He read the ASMFC motion indicating that it allowed for a reduced bonus season for party and charter in waves 3-5 of 40 fish for 35 days at an 11 inch minimum size limit. He proposed the following: for the recreational open season, for private and shore - 10.5 inches/May 24-September 26/10 fish bag limit, and for Party/Charter - 11 inches/May 24-September 26/10 fish bag limit, with a bonus season for Party/Charter during waves 3-5 (May – October) for 35 days/11 inches/40 fish bag limit. This was option #2 with a modified bonus season.

Public Comment: Z. Harvey stated that he would back what K. Court had stated. Z. Harvey offered a second comment by stating he would like to recommend that we explore the possibility of removing the state of RI from the regional approach. RI should not be paying for what happens in other states.

Public Comment: J. Jarvis stated that he would also back what K. Court had stated, because the dates that are listed would overlap part of the fluke season, and tuna season.

Public Comment: F. Blount stated that he agreed that if they went with option #2 the bonus season would have to be changed. He stated that he had interpreted the motion the same as K. Court. He indicated that he would like to see the bonus season start on September 15 and move it 35 days from that date. He also stated that RI had been punished for the last five years because we have been part of the regional approach he said these proposals are all coming down hard on the party and charter. The party and charter have been catching less and less fish since RI went to the regional approach. Blount stated that RI has been disadvantage for five years and no matter which option they selected RI is going to be disadvantage again. He indicated that if they could not get some relief, then it was time for RI to pull out of the regional approach.

Public Comment: R. Bellavance stated that he would like to recommend that we explore the possibility of removing the state of RI from the regional approach for the 2011 season.

Public Comment: P. Bentincourt stated that he agreed with K. Court and F. Blount and was in favor of a Sept. 15 starting date for the bonus season.

Public Comment: C. Donalin stated that he agreed with K. Court. They needed the bonus season.

Public Comment: M. Bucko stated he supported option #2 with the modifications F. Blount suggested for the party/charter bonus season to start on September 15.

B. Ballou closed this portion of the public hearing.

4) **Proposed changes to the Commercial Floating Fish Trap Scup Management Plan:** Two proposals for 2010 Commercial Floating Fish Trap Scup quota management were brought forward for public comment. The first proposal was to remain at status quo. The second proposal was presented by the RI Fish Trap Association requesting flexible management practices by removing the provisions of Part VII, (7.11.2.2) that specify a trip limit of 25,000 pounds and by removing the regulatory set aside and reduced trip limits which start on June 7.

Public Comment: A. Parascandolo stated that the fish trap association had been meeting over the last three years discussing the problems of the fish trap industry and all the trap companies were in agreement with the proposal presented to try to better manage their industry and reduce discards. He stated that all of the fish trap companies were on board with this proposal.

There were no other comments.

B. Ballou closed this portion of the public hearing.

5) **Proposed changes to the Commercial Tautog Management Plan:** Only one proposal for 2010 commercial tautog quota management was brought forward for public comment. The proposal was to remain at status quo in 2010.

Public Comment: J. Shelly proposed that the Division consider a slot system for tautog for 16 to18 inches and double the bag limit. He explained that NJ had a successful slot system and this would protect the breeders.

Public Comment: P. Bentincourt stated that from April 1 through July there should be no gillnets allowed in the water. He explained that if you wanted to conserve tautog and save them, this would be the only way to do it.

Public Comment: M. McElroy stated that he disagreed with J. Shelly on establishing a slot, because a rod and reel fisher would have a hard time trying to catch a 16 to 18 slot and hit a 20 fish bag limit and be able to throw back a larger fish. He felt most rod and reel fishermen would have a problem getting their daily catch with a slot system.

Public Comment: J. Jarvis proposed that in the spring time you should not be allowed to take any female tautog.
B. Ballou closed this portion of the public hearing.

6) **Proposed changes to the Recreational Tautog Management Plan:** Only one proposal for 2010 recreational tautog quota management was brought forward for public comment. The proposal was to remain at status quo in 2010.

   Public Comment: G. Allen stated that he supported option #1 (status quo), he explained this option has worked well for a number of years and we should stay with it.

   Public Comment: J. Jarvis had the same comment to eliminate the number of females that can be taken during the spring-summer period.

   B. Ballou closed this portion of the public hearing.

7) **Proposed changes to the Recreational Black Sea Bass Management Plan:** Two proposals for 2010 recreational black sea bass quota management were brought forward for public comment. The first proposal was the most restrictive measure at 12.5 inches/ 25 fish bag limit/ June 1 through June 30 and September 1 through September 30. A second and less restrictive proposal which came from the ASMFC was presented at the public hearing by the DEM/DFW, which was 12.5 inches/ 25 fish bag limit/ May 22 through September 12.

   Public Comment: P. Bentincourt stated he was in favor of option #2 (12.5 inches/ 25 fish bag limit/ May 22 through September 12).

   Public Comment: R. Lema stated he was in support of option #2 (12.5 inches/ 25 fish bag limit/ May 22 through September 12).

   Public Comment: R. Sisson stated he was in support of option #2 (12.5 inches/ 25 fish bag limit/ May 22 through September 12).

   Public Comment: F. Blount stated that he was in support of option #2, however he commented that we had the emergency closure last fall, anyone who had a federal permit was out of the fishery in the fall because of the states in the south that were over early in the season. This option is favoring those states again who caught the fish last year and shorted RI out of the fall fishery. He stated that once again RI is losing. He indicated this was a horrible option because our fishery is from September through December. He felt we were almost better supporting option 1 because they would get a few more days.

   Public Comment: J. Jarvis stated he agreed with F. Blount. He felt the black sea bass season should be extended into October because guys will be scup fishing and throwing back dead sea bass. He stated this was another wasteful management practice that is put in place because of RI paying the penalty for other states.

   Public Comment: M. Bucko stated he supported option #2.

Public Comment: R. Tellia stated he was in support of option # 2.

Public Comment: J. Barker stated he was in support of option # 2 with J. Jarvis's caveat that is doesn't make a lot of sense to kill a lot of black sea bass after September 12th.

Public Comment: Z. Harvey stated they needed a fall season because everyone on the party/charter is running out of options with nothing to fish for come October 1st. He wanted to know how much pressure can you put on black fish, winter cod fish, and on the other fewer remaining things that are open. Something needed to be open for the late season.

Public Comment: G. Allen stated he was in favor of option #2, but wanted to reinforce what F. Blount stated. He explained that he caught more sea bass than he ever caught before and he was not fishing for them late in the fall. He confirmed it was an important fishery for the party and charter boats and echoed that a case should be made to ASMFC of the unfairness of the system where RI has been penalized for a number of years for the overages of other states. He felt it was poor management practices.

B. Ballou closed this portion of the public hearing.

8) **Proposed changes to the Narragansett Bay Menhaden Management Plan:** Three proposals for 2010 Narragansett Bay menhaden management were brought forward for public comment. The first proposal was to set a floor, maximum boat size and maximum capacity of 120,000 pounds. This was the Menhaden Advisory Panel consensus option. The second proposal was proposed by D. Pesante, which was to lower the possession limit to keep the fishery open all summer long. The third proposal was to close the Northern area from May 15 through July 15 and remove restrictions from the Southern area. This was proposed by the Federated Rhode Island Sportsmen's Club. J. McNamee noted that for the first proposal, the Division had done some initial analysis to come up with an estimate to set a floor which would be some where in the range of 1 to 1.5 million pounds.

Public Comment: D. Pesante wanted to clarify his proposal. He had participated at the menhaden advisory panel and offered a proposal at that time. However, He indicated that he had since submitted a written comment to the Division suggesting a weekly possession limit of perhaps 50,000 pounds per week, and a trigger of 35%. So when 35% of the fish had been caught, use a trigger to reduce to a <u>weekly</u> possession limit per vessel. Therefore, he was in favor of option #2 (lower possession limit to keep fishery open longer) with a <u>weekly</u> possession limit instead of the daily limit that was presented in the power point presentation. He stated his reasons for this proposal were to try to prevent the fishery from closing suddenly and to possibly have a longer season and make it available to a few more fishermen on a small scale basis.

Public Comment: R. Souza, ARC Bait Company, stated that they were in support of

option #1 (setting a floor, max. boat size and capacity), and would like the floor to be set as low as possible so they can start fishing as early in the season as they can because they are limited to time of the season. He stated they were opposed to options #2 and #3.

Public Comment: L. Lachance stated that he was in support of option #1 (setting a floor, max. boat size and capacity)

Public Comment: P. Bentincourt stated he was in support of option #3 (closing Northern area from May 15-July 15), so that we could make sure that we reach that 1.5 million pounds before it opens. He felt option #3 would give him that guarantee.

Public Comment: J. Fuscaldo stated he was in support of option #1 (setting a floor, max. boat size and capacity).

Public Comment: G. Allen stated that he attended the AP meeting and was in support of option #1 (setting a floor, max. boat size and capacity). He felt there were some very good parameters in option 1.

Public Comment: M. Marchetti stated he was in support of option #1 (setting a floor, max. boat size and capacity). He could not support any of the other option at this time. He was also in favor of having the floor set as low as possible.

Public Comment: R. Jobin, menhaden AP member, stated he was in support of option #1 (setting a floor, max. boat size and capacity).

Public Comment: R. StMartin, ARC Bait Company, stated he was in support of option #1 (setting a floor, max. boat size and capacity) for the reasons already stated.

Public Comment: M. Bucko, menhaden AP member, stated he strongly supported option #1 (setting a floor, max. boat size and capacity).

Public Comment: J. Macari stated he was in support of option #1 (setting a floor, max. boat size and capacity) he felt the option had good language but just needed to be carried out. He explained that last year it was like the perfect storm when everything happened at once. He felt if the biomass was followed this option would work. He suggested raising the 1 million pound threshold.

Public Comment: E. Cook stated he was in favor of option #1 (setting a floor, max. boat size and capacity).

Public Comment: G. Souza, ARC Bait Company, stated he was in support of option #1 (setting a floor, max. boat size and capacity).

Public Comment: F. Camio stated he was in support of option #3 (closing Northern area from May 15-July 15), for the reason P. Bentincourt had stated.

Public Comment: J. Barker stated he liked the trigger on the floor on option 1, but he had a caveat, we do not know how this system is going to work. If it works, fine. If it doesn‘t work, we will all be sitting here again next year doing the same thing. He outlined two issues of concern, (1) the economic impact to the retailers through out the state, (2) the safety issue. He felt these issues should be discussed by someone instead of taking the summer off, by either the AP or someone else.

B. Ballou closed this portion of the public hearing.

9) **Proposed changes to the General Category Commercial Striped Bass Management Plan:** Two proposals for 2010 general category commercial striped bass quota management were brought forward for public comment. The first proposal was to remain at status quo in 2010. The second proposal was to modify the June start date by moving the start date from June 1 to June 6. This was the Striped Bass Advisory Panel consensus proposal.

Public Comment: J. Macari stated he was a member of the striped bass AP and the AP decided to modify the start date to June 6, after considering a number of proposals. He stated that he was in support of option #2 (Start date of June 6).

Public Comment: G. Tremblay, RI Rod & Reel Association, stated his association was in support of option #2 (Start date of June 6).

Public Comment: J. Shelly stated, as a gillnetter, he was not allowed to take any striped bass at all. He indicated that striped bass use to be their main fishery 20 years ago. He made a proposal to allow gillnetters to take the daily quota or a least 3 fish as a bycatch. He stated that currently they could not even bring one home; they were completely out of that fishery.

Public Comment: D. Pesante stated that he agreed with J. Shelly and would like to propose that gillnetters be allowed to land the daily possession limit the same as every other used group that is landing them while the season is open. He indicated that gillnetters should not be excluded.

Public Comment: A. Maseria stated he was in support of option #2 (Start date of June 6).

Public Comment: P. Duckworth stated he agreed with the proposal to allow gillnetters to land the daily possession limit the same as every other used group that is landing them, since they get them in their nets anyway and just have to throw them back.

Public Comment: D. Barlow stated that gillnetters should have their fair share also.

Public Comment: P. Bentincourt stated that if it is not broken then do not fix it. He explained that there was no reason to change the date. He stated he was in support of option #1 (Status quo) and he was for NO striped bass being caught by gillnets. His second comment was if we went with option #2 then why not make it one season and just close the fall season.

Public Comment: R. Jobin stated he was in support of option #2 (Start date of June 6). He also commented that the gillnet issue was set by the legislation so they were in the wrong place to discuss that issue.

Public Comment: J. Fuscaldo stated he was in support of option #2 (Start date of June 6). He also confirmed R. Jobin's comment that the gillnet issue was set by the legislation and it was not something the RIMFC could handle, the issue would have to be addressed by the RI legislation.

Public Comment: R. Hopkins stated he was in support of option #2 (Start date of June 6).

B. Ballou closed this portion of the public hearing.

10) **Proposed changes to the Floating Fish Trap Commercial Striped Bass Management Plan:** Two proposals for 2010 floating fish trap commercial striped bass quota management were brought forward for public comment. The first proposal was to remain at status quo in 2010. The second proposal was proposed by the RI Fish Trap Association, which was to repeal the set aside and trip limit regulations.

Public Comment: A. Parascandolo stated that the fish trap association would like to keep everything as it was just eliminate the trip limits and the set aside regulations to avoid the fishery from opening and closing and opening and closing all the time. He indicated they would just fish and be done whenever their quota was caught. He stated that all of the fish trap companies were on board and in support of this proposal.

Public Comment: G. Tremblay wanted to know if all the fish trap companies were on board because at the time of the AP meeting not all companies were on board with the proposal.

Public Comment: A. Parascandolo confirmed that he had spoken to all of the other trap companies and they were all on board now.

B. Ballou closed this portion of the public hearing.

11) **Proposed changes to the Recreational Striped Bass Management Plan:** Only one proposal for 2010 recreational striped bass quota management was brought forward for public comment. The proposal was to remain at status quo in 2010.

Public Comment: P. Bentincourt stated that status quo was fine.

There were no other comments.
B. Ballou closed this portion of the public hearing.

12) **Proposed changes to the Winter Flounder Management Plan:** The DEM/DFW proposed changes to the winter flounder regulations to better organize and consolidate the winter flounder management regulations from three different Parts of the RI Marine Fisheries Statutes and Regulations to consolidate within Part VII. The following are a summary of the changes proposed by DEM/DFW: Move applicable language from Part XI, section 11.19 to Part VII, section 7.8 – Winter Flounder, Repeal non-applicable language from Part XI under section 11.19, and delete Map # 8 (Coastal Marine Life Management Area map) from Part XVII, which has become obsolete. These were technical revisions in nature with some clarifying language being proposed. The DFW has proposed the consolidation and deletion of non-applicable language in an effort to make the winter flounder regulations less perplexing.

Public Comment: G. Allen thanked the Division for this effort.

There were no other comments.

B. Ballou closed this portion of the public hearing.

13) **Proposed changes to the Weakfish Management Plan:** The changes proposed to the weakfish management plan were changes required by ASMFC to comply with the ASMFC Fishery Management Plan for Weakfish. There were required changes to both the recreational and commercial possession limits. The commercial possession limit during the periods June 1 – June 30 and August 7 – November 8, shall be 100 pounds. At all other times it shall be not more than 100 pounds. Additionally, bycatch measures were addressed. The recreational possession limit would be changed to one (1) fish per calendar day.

Public Comment: P. Duckworth wanted to know if there was a bycatch requirement for a gillnetter, if gillnetters would be affected in any way.

Public Comment: M. Marchetti wanted to know if any other fishery type would be affected by the bycatch requirement. He wanted to know how it would affect all other fishery sectors if at all.

Public Comment: J. Shelly proposed a 500 pound weekly aggregate possession limit instead of the 100 pound daily limit.

Public Comment: G. Allen stated that the ASMFC had declared the weakfish at an all time low in biomass healthiness. The ASMFC has put significant restrictions in place up and down the coast, so for us to say we can take 500 pounds of weakfish would be

absolutely contradictory to what the managers are trying to do to try and restore this fishery.

Public Comment: D. Pesante stated he would also like to see a weekly possession limit of 500 pounds, instead of the 100 pound daily limit that could create a discard problem.

Public Comment: A. Parascandolo stated he was in support of the 500 weekly possession limit, instead of the 100 pound daily limit.

Public Comment: P. Bentincourt stated he was in support of the 500 weekly possession limit, instead of the 100 pound daily limit. He also wanted to know why recreational weakfish was down to one fish when no one has seen a weakfish on a hook in years. He felt the recreational fisher was taking a big hit, and the limit should not he decreased it should remain at 5 or 6 fish per person.

Public Comment: F. Blount stated that he knew there was nothing we could do about the one fish limit but some how it must be statistically insignificant to go from 6 fish to 1 fish because the landings data probably do not show any landings to begin with. He added that this was just a feel good measure to allow 1 fish, and it was for no statically reason.

B. Ballou closed this portion of the public hearing.

List of Exhibits:
Exhibit 1 – Affidavit of Publication/Posting and Public Hearing Notice
Exhibit 2 – Copy of Public Hearing Proposal Documents
Exhibit 3 – Introductory remarks prepared by B. Ballou
Exhibit 4 – Letter submitted by D. Pesante dated 1/22/2010, regarding the Narragansett Bay Menhaden Fishery
Exhibit 5 – Email submitted by E. Mills dated 2/3/2010, regarding the Narragansett Bay Menhaden Fishery
Exhibit 6 – Letter submitted by D. Pesante dated 2/6/2010, regarding RI fluke exemption certificate program and the sector allocation program
Exhibit 7 – Email letter submitted by D. Sisson dated 2/17/2010, pertaining to recreational fluke fishery
Exhibit 8 – Two emails received from P. McGlade dated 2/19/2010, and 2/20/2010, pertaining to the sector allocation program
Exhibit 9 – A proposal received from the RI Fish Trap Association regarding the scup and striped bass fish trap fishery dated 2/23/2010
Exhibit 10 – Notes from the Roundtable meeting/workshop held on 2/18/2010 at the Hazard Room at the URI Bay Campus containing: (1) meeting notice, (2) meeting minutes, (3) Division power point presentation, (4) Division report on the sector pilot program, (5) sign-in sheet of meeting participants.
Exhibit 11 – Report from Dr. C. Anderson and his associates dated 2/17/2010, titled "Revenue Effects of the Fluke Sector Pilot Program