



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, G. Powers, S. Hall, L. Mouradjian,

RIMFC Members present as observers: R. Bellavance, R. Hittinger, C. Anderson,
S. Parente, S. Medeiros, J. King, and Ken Ketcham

The public hearing was held on July 29, 2010 in Narragansett, RI at the URI Bay Campus. Approximately 26 people attended the hearing. The following items were presented for public comment:

- 1) Proposal to amend the Recreational Black Sea Bass Management Plan:** The proposal was to extend the recreational black sea bass season from May 22 through October 11, closed from October 12 through October 31, then re-open from November 1 through December 31, 2010. In current regulation the season is from May 22 through October 11.

Public Comment: R. Bellavance, representing the RI Party/Charter Boat Association, stated he was in support of this proposal to extend the season.

B. Ballou closed this portion of the public hearing.

- 2) Proposal to amend the Recreational Tautog Management Plan:** Four proposals were brought forward for public comment. The first proposal changed the bag limit from 8 fish to 3 fish during the fall sub period. The second proposal was to re-open the month of June (open from January 1 through December 31) and decrease the bag limit from 8 fish to 3 fish during the fall sub period. The third proposal was to add a new section which would split the party and Charter modes from the other recreational modes. The last proposal was to remain at status quo.

Public Comment: R. Bellavance, representing the RI Party/Charter Boat Association, stated he had some clarification comments regarding his proposal for the split Party/Charter mode (Proposal #3), he had proposing this for the remained of 2010 and expected this issue would be revisited for 2011. He stated that the way the proposal reads there would be no fishing from January 1 to July 1 and this was not his intent. In defense of the proposal historically the Party/Charter Boat industry has accounted for

approximately 4% of the tautog landings and that was a fairly minor biological impact vs. a significant economic impact to the Party/Charter Boat operators and the industries that support them. He felt the economic benefit out weighed the minor biological impact that they have on the species.

Public Comment: George Allen, recreational fisherman, and representing the Board of Directors for the RI Saltwater Anglers commented that they had some recommended changes; the season from April 15 to May 31, and July 1 to October 16 with (3) fish per person would remain in effect, but their proposed recommendation to add to this would be to specify a boat limit of (10) fish during that period. He gave the example that one person in a boat could keep three fish, but if four people were in a boat they could only keep (10) fish. They recommended keeping the June closure, and for the season from October 17 through December 15, reducing the bag limit to 6 fish for both recreational and for Party/Charter boats, except that the boat limit of (10) would only apply to the recreational private boats. He gave the example that one person could keep (6) fish and two people could only keep (10) fish. He stated the reasoning behind their recommendation noting that both N. Lazar and J. McNamee had done a superb job in assessing and developing data necessary so that RI could manage our own fish. He noted that N. Lazar had become extremely knowledgeable and we should pay attention to what he recommends. Since N. Lazar's position initially was to recommend (3) fish for the fall season. G. Allen also pointed out that the assessment for RI tautog, RI/MA Regional fish shows that over fishing was taken placed and that they are over fished. He stated it would be a shame if we did not show significant improvement in getting the numbers back toward the target. This would not only lose the effort put forth by N. Lazar and J. McNamee, but RI could be severely penalized in the years to come. He also stated that the (6) fish limit for the Party/Charter, as a minimum, provides one more fish than the adjacent states of MA, NY, and CT. He noted that they recognized this was an impact on the Party/Charter boats but we all had to shoulder this reduction. He recognized that the recreational people take about 70% of the fish, but the Party/Charter boats had to shoulder some of the reduction as well.

Public Comment: M. Bucko, representing the tackle shops, stated they supported proposal #2; open all year from January 1 through December 31 at (3) fish per person, minimum length of 16 inches. He named the tackle shops in support of this proposal; Lucky Bait in Warren, Riverside Bait Shop on Tiverton, Erikson Bait Shop in Warwick, Ray's Bait Shop in Warwick, Ocean State Tackle in Providence, Marine/Auto in Providence, John's Bait & Tackle in North Kingston, Breach way Bait & Tackle in Charlestown, Sandy Bottom Bait & Tackle in Coventry, Sam's Bait & Tackle in Middletown, Quaker Lane Bait & Tackle in Kingstown, Dick's Sport in Pawtucket, and his shop Bucko's Tackle in Fall River. He stated the reasons why they supported this particular option; it gets us to where we need to reduce the fishing, it provides limited amount of fishing in the springtime, the June closure has not shown any bump in improvement, the June closure did not add any additional improvement. He noted that during the spring season there was very little effort, but that shore fishermen had a tendency to fish more in the springtime. He suggested that particular

mode was slowly being shut out of the fishery. He also offered a comment about the split mode proposal for Party/Charter indicating he had no problem with splitting the mode, but there was no equality. He suggested in order to provide equality the Division may need to establish a control date.

Public Comment: J. Rainone asked if his written comments had been received. He read his written statement into the record. He pointed out that the Party/Charter Boat industry over the last 15 years has averaged only 4% of the catch of tautog while the recreational anglers have increased dramatically in the same period of time. He felt this was not a fair and equitable balance of fishery quota being spread within the recreational fishermen. He offered a proposal to close the spring season and start fishing on July 1 through the third Saturday in October at (3) fish per person with a 16 inch size limit for recreational fishing and all gear types. State permitted Party/Charter Boats would only be allowed (1) tautog at 16 inches as a by-catch from July 1 through the third Saturday in October. He also proposed a fall season starting on the third Saturday in October for recreational anglers fishing with all gear types of (5) fish per person, and/or with a maximum vessel limit of (15) fish per vessel. For the Party/Charter Boats, this year, that only State permitted RI Party/Charter Boat that have a Tautog Permit issued by DEM and follow the rules of reopening their catch as was done previously be allowed to maintain the (8) fish bag limit at 16 inches.

Public Comment: D. Zambrotta, President of the Newport County Saltwater Fishing Club, addressed comments made by J. Rainone about the spring season. He stated that he had been on the Tautog AP for many years and took part in many of the decisions made by the AP. He noted that the spring season recreational fishermen have sacrificed half of their 90-day possible season, with a cut of approximately 45-days. They have also sacrificed to a smaller bag limit of (3) fish. He stated these measures were done with the express intent to allow for a fall fishery. Also to protect the fish in the spring spawn hence the June closure. He stated if a recreational fishermen was allowed to fish every available day in the spring (April15-May31) and take (3) fish each day his total would come out to be 141 tautog (with current management measures). If he fished all summer long (July-September) at (3) fish each day, he would take 276-tautog. If he fished from September 1through October 31, at current bag limits, he would take 528-tautog. He stated he favored status quo in the spring season. (D. Zambrotta submitted his written comments to the Hearing Officer and they were entered into the record as Exhibit #5).

Public Comment: F. Blount, stated he would support a control date, he thought we were over due for that measure. He stated that the last time there was a low bag limit, which was around the mid-90's, he carried 80 people for the entire season. Currently he averaged more than 50 people a day indicating that tautog brought out more people than any other fish. Last year he carried over 2,500 people for tautog. He commented that his boats individually caught more tautog than any other operation in RI. He stated that the MRFSS data did not show this. He felt that MRFSS data was low and probably high for recreational and charter boats, but low for the party boats. F. Blount stated that tautog was a very important species for him. If the entire fall season went

away for all user groups we would still have a problem with tautog. The spring season has a 10-fold increase over last year, which was an increase over the year before, and the year before that. He noted that MA also had a 10-fold increase in wave 2. He stated that what we were looking at was putting the entire reduction into a very short season on a very few people, and this would not solve the tautog problem. F. Blount stated that landings have not been constrained by the (3) fish bag limit. He commented that by putting a (3) fish bag limit on the Party/Charter people would destroy the industry.

He pointed out that there were some stipulations that he could live with between the various options presented but he stated that closing the two weeks in December would only save paper fish. He liked the boat limit suggestion and could support that suggestion. He also noted there was nothing here to address the commercial measures that they had a quota for years. His advice to the Division and the Director was to look at the entire season, do not destroy an industry, and keep in mind that the (3) fish bag limit did not constrain landings they were held at status quo.

Public Comment: J. Barker stated that three years ago we were here and going through the same exercise and at that point we decided to reduce the recreational fishery by (2) fish during this time frame and leave the Party/Charter boats where they were. Here we are three years later and faced with even more draconian measures. He wondered where we would be three years from now, at half a fish. He stated that there were other issues that were mentioned three years ago that were not addressed. He gave examples of the black market and poaching. He felt the Department should spend the revenue to investigate to see how big a problem the black market really was.

Public Comment: M. Ambrosia, stated that he was in support of proposal #3 the Party/Charter split mode. He reminder people that they were only fishing a six week season and would be willing to give up the fishery for the rest of the year to take (8) fish for six weeks. He commented that the industry definitely needs this especially after a tough year.

Public Comment: An owner of a Charter boat agreed with M. Ambrosia and stated that a reduction of fish for his fall charters would put his fall bookings in jeopardy. He noted there would also be lost business for the area commenting there would be lost hotel bookings, etc.

Public Comment: C. Donnelly, felt the spring fishery could be eliminated because the fish were spawning anyway. He felt you should not allow people to fish during a spawning season. He indicated that the Party/Charter boats would rather give up the spring fishery and save the fall fishery. He commented that (6) fish would be ok, but (3) fish was ridiculous. He stated that these regulations were set earlier in the year and they had already booked trips for the fall based on those regulations, now you want to change the regulations mid stream, claiming this was not right. He commented that the change should take place next year not this year. C. Donnelly also noted the economic impact this would have if the charter boat industry went away.

Before B. Ballou closed this portion of the public hearing he read the written comments received from G. Carvalho into the record and entered the written comments into the record as Exhibit #6. The recreational option was for the recreational possession limit for tautog to be (3) fish per person per day. Ballou noted G. Carvalho had two other comments pertaining to the commercial tautog fishery but deemed them not to be relevant since the public hearing only involved the recreational fishery.

B. Ballou closed this portion of the public hearing, which concluded the public hearing.

List of Exhibits:

Exhibit 1 – Affidavit of Publication/Posting and Public Hearing Notice

Exhibit 2 – Copy of Public Hearing Proposal/Summary Documents

Exhibit 3 – Regional Tautog Fishery Issue Paper prepared by Jason McNamee RIDEM,
Division of Fish & Wildlife, Marine Fisheries Staff

Exhibit 4 – Written comments received pertaining to the tautog fishery from John Rainone,
Party/Charter Boat industry

Exhibit 5 – Written comments received pertaining to the tautog fishery from Dennis
Zambrotta, Recreational Fisherman

Exhibit 6 – Written comments received pertaining to the tautog fishery from Jerry Carvalho