



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, M. Gibson, G. Powers, F. Ethier, L. Mouradjian

RIMFC Members present as observers: R. Bellavance, R. Hittinger, S. Medeiros, and C. Anderson

The public hearing was held on February 22, 2011 in Narragansett, RI at the URI/GSO Bay Campus, Corless Auditorium. Approximately 80 people attended the hearing. The following items were presented for public comment:

- 1) Proposed changes to the Recreational Summer Flounder Management Plan:** Five (5) proposals for 2011 recreational summer flounder quota management were brought forward for public comment. The first proposal was to remain at status quo. The other four proposals were variations of different size limits as follows: Proposal 2 – 18.5 inches/6 fish bag limit/May 1–December 31, Proposal 3 - 19 inches/6 fish bag limit/May 1–December 31, Proposal 4 - 19 inches/7 fish bag limit/May 1–December 31. Proposal 5 came through the advisory panel process and was a written proposal that was submitted by RISAA at the summer flounder AP meeting and was also submitted during the public comment period by RISAA in support of 18.5 inches/7 fish bag limit/May 1 through December 31, 2011. All five options met the guidelines of the ASMFC.

**Public Comment:** G. Allen stated he was a recreational fisherman and on the Board of Director of the RI Saltwater Anglers Association (RISAA) and the Board had unanimously voted for proposal #5; 18.5 inch fish/7 fish bag limit/May 1 through December 31. In addition they also proposed that shore anglers be allowed to land and possess one (1) 16.5 inch fish as part of the daily 7 fish limit.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division preferred proposal #2; 18.5 inches/6 fish bag limit/May 1–December 31. With all the increases of minimum sizes this had severely disadvantaged the shore based fishing mode and inflated the number of fish being released undersized, and the Division thinks it was appropriate to start making inroads back to that.

**Public Comment:** J. Jarvis stated he was in support of proposal #5 (18.5 inch fish/7 fish bag limit/May 1 through December 31).

**Public Comment:** P. Bentincourt, RI Shore Fishermen's Association, stated he was in support of proposal #5 (18.5 inch fish/ 7 fish bag limit/ May 1 through December 31).

**Public Comment:** R. Lema stated he was in support of proposal #3 (19 inches/May 1-December 31/ 6 fish bag limit).

**Public Comment:** R. Tellia, Bristol County Stripper Club, stated he was in support of proposal #5 (18.5 inch fish/ 7 fish bag limit/ May 1 through December 31).

**Public Comment:** M. Bucko stated he supported the RISAA proposal (proposal #5; 18.5 inch fish/ 7 fish bag limit/ May 1 through December 31). He stated he was a member of the summer flounder AP, and the RISAA proposal is basically the caveat of allowing a shore fisherman one 16.5 inch fish since shore fishermen in past years with the higher size limits have been disenfranchised in the fishery. In the past 10 years there have been less fish for shore fishermen to catch.

**Public Comment:** D. Zambrotta, shore fishermen, stated he agreed with M. Gibson's assessment that shore fishermen have been hit the hardest with the proposals over the last 10 to 12 years. He recommended that the Division task each AP to consider a more equitable distribution of proposals that take in to account shore fishermen. He indicated that even with an 18.5 inch fish shore fisherman catch very few that size. There needed to be a reasonable chance for a shore fisherman to catch his bag limit. He stated that with the proposals being presented there was no reasonable chance for shore fishermen to catch that bag limit with the minimum sizes that were being proposed.

**Public Comment:** F. Blount stated he was in support of proposal #4 (19 inches/7 fish bag limit/May 1–December 31). He stated the last time we went less than 19 inches we went over what we were allocated for the fishing year. The bag limit makes very little difference on what the landings are it was the size limit that mattered. If we go any less than 19 inches we are going to be in trouble.

B. Ballou closed the public hearing for this item.

- 2) **Proposed changes to the Commercial Winter Flounder Management Plan:** Three proposals were brought forward for public comment. The first proposal was for status quo. The second proposal was to prohibit the commercial and recreational possession of winter flounder in all coastal ponds. Proposal 3 was to prohibit the commercial and recreational possession of winter flounder in Point Judith Pond.

**Public Comment:** G. Allan stated that he and M. Bucko prepared a proposal to “Develop a Long-Term Strategic Plan to Restore Winter Flounder in Narragansett Bay and Coastal Ponds” which he read in to the record and submitted a copy for the record. The document was entered in to the record as Exhibit #5 by R. Ballou. G. Allan stated he would like the RIMFC to consider the proposal and to act on it.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division would most likely support proposal # 3 based on strong evidence that the winter flounder population in Point Judith Pond was in deep trouble and may face a risk of extinction. That was a discrete spawning unit and meets the conditions of what was called an evolutionary significant unit that the federal government considers under the endangered species protection.

**Public Comment:** R. Lema stated he was in support of proposal #2 (to prohibit the commercial and recreational possession of winter flounder in all coastal ponds)

**Public Comment:** P. Bentincourt stated he was in support of proposal #2 (to prohibit the commercial and recreational possession of winter flounder in all coastal ponds). He stated he would like to save what we have and try to bring the species back.

**Public Comment:** J. Jarvis stated he was in support of status quo. He felt we needed to address the issue of predation on winter flounder by seals and cormorants.

**Public Comment:** G. Carvalho, RI Fishermen's Alliance, supports status quo for the same reasons stated by J. Jarvis. He felt we were not addressing the problem if we pointed the problem at man when man was not the problem. You will not come up with a solution. The problem is predation and that needed to be addressed.

**Public Comment:** M. Bucko stated even though the proposal that he and G. Allen submitted he did support the strategy for proposal #2 (to prohibit the commercial and recreational possession of winter flounder in all coastal ponds) because currently fishing outside the state was shut down and currently there was only a 50 pound by-catch limit so by restricting those particular areas would help generate the recovery of winter flounder.

B. Ballou closed the public hearing for this item.

- 3) Proposed changes to the Recreational and Commercial Tautog Management Plan:** Six (6) proposals for 2011 recreational and commercial tautog quota management were brought forward for public comment. The first proposal was to remain at status quo in 2011. Proposal 2 was to drop to a 3 fish possession limit during July 1 – December 15 for both recreational and party/charter. Proposal 3 was to open the fishery 15 days later on May 1<sup>st</sup> instead of April 15<sup>th</sup>. Proposal 4 was to change the party/charter bag limits; from 1 fish to 3 fish during July 1 – October 14, and from 8 fish to 6 fish during October 15 – December 15<sup>th</sup>. This would match the recreational bag limits. Proposal 5 was a spring closure with decreased party and charter possession limits; for both recreational and party & charter 3 fish from August 1 – October 14, and for both recreational and party & charter 6 fish from October 15 – December 15<sup>th</sup>. To make it a true spring closure the commercial fishery would also be closed from April 15 – May 31<sup>st</sup>. Proposal 6 came from the tautog AP, which proposed a longer closed period from June 1 - July 31 with decreased party and charter possession limits - 3 fish from August 1 - October 14, and 6 fish from October 15 - December 15<sup>th</sup> which would match the general recreational limits.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division had not yet selected a preferred proposal. He indicated the Division would be recommending some reduction in fishing mortality which would translate in to a fishing opportunity reduction. We believe that tautog are at or slightly above their over fishing limit with weak year classes. He indicated that they would recommend some kind of a cut but have not yet arrived at how much that needed to be at this point.

**Public Comment:** R. Hittinger clarified the AP proposal (proposal #6) which was recommended unanimously by the AP. This also closed the month of July for conservation measures due to spawning activity during this time.

**Public Comment:** G. Allen, representing the Board of Directors for RISAA, stated that the Board of Directors voted unanimously to support proposal #6. He also attended the tautog AP meeting and the AP members voted unanimously for this proposal as well. He stated that the April 15 start date gave the shore fishermen and other fishermen a chance

earlier than most of the other options did and felt this was a good choice. The written proposal submitted by RISAA Board of Directors was entered in to the record as Exhibit #6 by R. Ballou.

**Public Comment:** G. Carvalho stated there was a discrepancy between the fish that were made available to the consumer and the fish that were being taken by the recreational community which continues to grow wider. The short commercial season does not avail to the public their fair share of fish. He proposed a change of how we look at the commercial harvest of tautog and limit it as a by-catch. He suggested three fish per year through out the year for both recreational and commercial fishermen. He felt this would put commercial fisherman at the same par as recreational fishermen. He stated that whatever the recreational limit was the commercial limits should be at least that. G. Carvalho's written proposal was entered in to the record as Exhibit #7 by B. Ballou.

**Public Comment:** M. Bucko stated he supported proposal #6, and stated that proposal #5 would have a devastating effect on tackle shops because one of the first fisheries that tackle shops could sell bait to use to be the winter flounder fishery but that was no longer available, the next fishery to sell bait for was tautog. So proposal #5 would have a devastating blow to tackle shops. He also noted that the majority of people who fish for tautog fish in the spring. So proposal #5 would also disenfranchise fishermen as well as be devastating to tackle shops.

**Public Comment:** R. Bellavance, RI Party/Charter Boat Association, stated that just like the spring season is important to the shore fishermen and the bait shop owners that higher bag limit for the party and charter boat industry is very important to their people. They draw clients from other states because of the higher bag limit. A reduction for what would amount to a 3 or 6 percent of the overall landings of tautog. He was in support of proposal #6 but with the party & chartered boats remaining at 8 fish.

**Public Comment:** A. Dangles stated he also supported proposal #6 but with the party & chartered boats remaining at 8 fish.

**Public Comment:** C. Donalin stated he liked proposal #6 because this avoided the spawning season of tautog. If we are going to protect a species that is very slow growing you cannot take fish at the height of their spawning season. He felt this was a great proposal. This also gave them two more weeks in the season through December 15 which they were shut off from last year.

**Public Comment:** M Ambrosia stated he also supported proposal #6 but with the party & chartered boats remaining at 8 fish. He also wanted to continue with the e-verify so they could continue with collecting data to help make decisions in the future. Also they only had four or five days at the 8 fish bag limit last year so we were not talking about a lot of fish.

**Public Comment:** J. Jarvis stated for the recreational guys he supported proposal #6 but what he would like to put out for comment was that all of us needed to address the number of female tautog that we keep during the spawning period. Whether it could be incorporated in to regulation or not but on a moral level we should be thinking about how many females we take and limit that number.

**Public Comment:** P. Bentincourt stated he was in support of proposal #6 but he would like the Division to start thinking about a slot for tautog. We keep a certain size and throw back the others. He stated it was important to protect the females especially during the spawning season.

B. Ballou closed the public hearing for this item.

- 4) **Proposed changes to the Recreational Scup Management Plan:** One proposal for 2011 recreational scup quota management was brought forward for public comment this was to remain at status quo. Status quo meets ASMFC compliance.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division generally opposed ASMFC and Mid-Atlantic Council management of scup at this point. The stock was fully rebuilt and not subject to over fishing and yet RI does not have any liberalization opportunity in the recreational fishery. He stated that the Division did not have an alternative recommendation because we were required to uphold the Commissions plans and to support federal and interstate management programs but would like to make everyone aware that the Division was dissatisfied with the Commission's scup management program.

**Public Comment:** J. Jarvis stated that over the years scup proposals had seriously affected bait shops, charter boats, and shore fishermen. He stated it was sad to watch people go out of business because we are not allowed to catch a fish that is abundant. It should be extended the season should be open right up until they are gone. He also noted the issue of out-of-state vessels fishing while the fishery was closed for the state of RI.

**Public Comment:** F. Blount supported what the AP said, to try and get the fall fishery back, and he did not know why it was done through ASMFC. The program was designed to give the state of Massachusetts and New York what they needed. RI has been subsidizing those states for years. We have lost the entire fall season and it would be nice to try to get it back.

**Public Comment:** M. Bucko stated that the ASMFC ratio between the allocation of 78 and 22, 78 commercial and 22 recreational. Both user groups are being disenfranchised. The recreational fishermen are getting shorter and shorter days at the same time the commercial guys can not find a market because of supply and demand so the price is very low. He recommended that something should be brought up to the ASMFC to look in to this to see if allocation between both parties could be adjusted so that it would be beneficial to everyone.

B. Ballou closed the public hearing for this item.

- 5) **Proposed changes to the Recreational Black Sea Bass Management Plan:** One proposal for 2010 recreational black sea bass quota management was brought forward for public comment. This was the current ASMFC compliance options with a 13 inch fish/ 25 fish bag limit/ July 1 through September 30. Closed from October 1 through October 31, and 25 fish bag limit from November 1 through December 31. However, there was an Addendum pending that may allow for more flexibility so B. Ballou stated that the Division was withdrawing recreational black sea bass item from tonight's public hearing and it would be reintroduced for the April public hearing. The reason being depending on what happened at

the ASMFC, there may be more options available for the state other than this option which we thought was the only option. He indicated that the Division wanted to be able to provide the full suite of options. No comments were taken on this item.

- 6) **Proposed changes to the Commercial Monkfish Management Plan:** Eight (8) proposals for 2011 commercial monkfish management were brought forward for public comment. The first proposal was to remain at status quo in 2011. Proposal 2 was an outline with a number of requirements submitted by T. Mulvey for an experimental directed monkfish fishery for RI. Proposal 3 was proposed regulatory changes for monkfish submitted by the RI Fishermen's Alliance. Proposals 4 through 8 were a series of proposals put forward by the Division of Fish and Wild life (DFW) to solicit comments pertaining to 2011 commercial monkfish management. T. Mulvey withdrew his proposal (proposal #2) at the public hearing.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division was oriented toward incorporating proposals #4 through #8 in to regulation. He indicated that the final details had not been finalized. We want to be able to keep the fishery open without exceeding the quota. In particular, focusing on proposal #6 to try to determine what the self-imposed quota should be.

**Public Comment:** G. Duckworth stated that RI had to start taking care of RI. He stated it was unfortunate when we reduced our tail weight to 50 pounds. We do not want that to harm us in the future. He stated that we could do a combination of these proposals and he would be in favor of a lot of them. First thing was that no one likes to waste fish. This year the fishery did not come in to state waters and even though that was the case the fishery was shut off to a by-catch fishery before the fall fishery even started. He was in favor for whatever the federal monkfish limit was that was what the state limit should be for this year. He wanted to be able to establish good history. He stated that using 1% of the self-imposed state quota was ridiculous. It was an arbitrary number and not a factually based number. He stated if there had to be a self-imposed state quota then use 3%. Open up to the federal limit at 1,826 pounds and then establish a good state quota and move forward from there.

**Public Comment:** G. Carvalho stated the RI Fishermen's Alliance put in proposal # 3 for a number of reasons. First they did not believe the state needed to impose a quota on themselves. The amount of monkfish that comes in varies from one year to the next as mentioned by G. Duckworth. Imposing a state quota on ourselves punishes RI, which as has happened in the past, destroys our history. We need to embrace a policy that helps the state of RI that improves our history and improves the jobs in RI. To keep the same limit as federal waters does not create conflict. We need to capitalize at whatever resource comes in to the state. There is no need to impose regulations that hurt us or our future. He also pointed out discrepancies between federal and state regulations. G. Carvalho stated they supported proposal #4 because we are not going to encourage discarding of fish just to save the livers. They were opposed to proposals #5 and #6 and they have addressed proposal #7 within their proposal and were opposed to proposal #8.

**Public Comment:** J. Grant stated he supported most of the proposals from #4 through #8 and if we did need a state self-imposed quota to maximize it, as well as, to make sure that the loop hole for federal vessels was closed. It needed to be one way or another but the loop hole needs to be closed.

**Public Comment:** J. Jarvis stated he supported the RI Fishermen's Alliance proposal (proposal #3) and was in support of proposal #4. He stated he had been affected and financially been destroyed by these regulations. Federal monkfish vessels need to declare for the year that they are federal vessels to tighten the loophole. We need to maximize the harvest of these fish when they are here.

B. Ballou closed the public hearing for this item.

- 7) **Proposed changes to the Commercial Cod Management Plan:** Three proposals for 2011 commercial cod management were brought forward for public comment. The first proposal was to remain at status quo. Proposal 2 was proposed regulatory changes for cod submitted by the RI Fishermen's Alliance. Proposal 3 was a proposal to close Cox's Ledge to all fishing, except for lobster.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division was likely to support proposal #1 (status quo). The 1,000 pound limit had been working fine, the landings of state vessels have not approached the self-imposed quota and we feel what we have a reasonable balance between access to the fishery for state fishermen and our obligation to complement federal management programs.

**Public Comment:** G. Carvalho stated he supported the proposal from the RI Fishermen's Alliance (proposal # 2). Stating it was the same dilemma with cod fish or similar as it was with monkfish. We are imposing a limit on ourselves when we do not need to. Commercial landings from RI state waters represent less than one half of one percent of the cod biomass. When fish come in to RI waters we need to capitalize on the fact that they have come in. We need to maximize our history. We are imposing a daily possession limit on us for no good reason. He suggested liberalizing our regulations on cod fish and maximizing the state's opportunity.

**Public Comment:** P. Duckworth wanted to know how the state would be able to close Cox's Ledge as proposed in proposal #3 when it was not even state waters.

**Public Comment:** M. Gibson responded by stating we could not close the area. We did not have jurisdiction over it. He explained this was a proposal from an AP member that came forward.

**Public Comment:** J. Jarvis stated he supported the RI Fishermen's Alliance proposal (proposal #2), because cod was an opportunistic fishery.

**Public Comment:** G. Duckworth stated he supported the RI Fishermen's Alliance proposal (proposal #2). We need to be responsible fishermen and not waste fish.

B. Ballou closed the public hearing for this item.

- 8) **Proposed changes to the Commercial General Category Striped Bass Management Plan:** Three proposals for 2011 general commercial category striped bass quota management were brought forward for public comment. The first proposal was to remain at status quo in 2011. The second proposal was to modify the sub period quota percentages and the September start date. The Striped Bass AP was in support of this proposal. The third proposal was to modify the June start date by moving the start date from June 6 to the first Sunday of

June annually between 2011 and 2015. Also modify the September start date by moving the date from September 13 to September 4. The Striped Bass AP was not in support of this proposal.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division was in support of the AP recommended proposal, proposal #2. He also noted on behalf of the Division of Law Enforcement that that proposal specified a per vessel limit but was silent on a shore based fishing mode and may need to be tightening up to the extent that commercial fishing from shore would not be limited in that manner.

**Public Comment:** J. Macari, Striped Bass AP member, stated he was in support of proposal #2, the AP proposal.

**Public Comment:** G. Tremblay stated he was in support of proposal #2, the AP proposal.

**Public Comment:** R. Jobin stated he was in support of proposal #2.

**Public Comment:** K. Booth, RI Rod and Reel Association, stated they were in support of proposal #2.

B. Ballou closed the public hearing for this item.

- 9) Proposed changes to the Recreational Striped Bass Management Plan:** Only one proposal for 2011 recreational striped bass quota management was brought forward for public comment. The proposal was to remain at status quo in 2011.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division was supportive of status quo.

There were no other comments from the public on this item.

B. Ballou closed the public hearing for this item.

- 10) Proposed changes to the Commercial Floating Fish Trap Striped Bass Management Plan:** Only one proposal for 2011 commercial floating fish trap striped bass quota management was brought forward for public comment. The proposal was to remain at status quo in 2011.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division supported the AP proposal to remain at status quo, it was limited by quota, so however they want to manage it was fine with the Division.

There were no other comments from the public on this item.

B. Ballou closed the public hearing for this item.

- 11) Proposed changes to the Narragansett Bay Menhaden Management Plan:** Four proposals for 2011 Narragansett Bay Menhaden Management were brought forward for public comment. The first proposal was to remain at status quo with some technical changes offered by the DFW. Proposal 2 was from the RI Federated Sportsmen's Club to eliminate section 16.2.6 on permanent closures. Proposal 3 was from the Ark Bait Company which was to modify the vessel restrictions by limiting the overall vessel length to not greater than 85 feet. Set the possession limit at 120,000 pounds per day. They proposed opening the fishery from January 1 through December 31 and eliminating the biomass floor and ceiling triggers. They also proposed modifying the permanent closures section. Proposal 4 was similar to

Proposal 3 but keeps the biomass ceiling trigger at 50% and set a recreational possession limit at not more than 200 menhaden per vessel per calendar day in any closed menhaden management area. Proposal 4 was the Menhaden Advisory panel proposal.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division likes some elements from all of these proposals and we hope to draw the best of them all and produce an integrated recommendation for the Council and Director. We recognize that menhaden serve multiply masters beyond just fishing opportunities. We also recognize there is a need to cap effort but are mindful of maintaining RI fishing opportunities. The Division would also like to simplify the biological monitoring that we are doing.

**Public Comment:** G. Allen stated that the comments he was about to make had the approval of the RISAA Board of Directors. He read the written proposal submitted by RISAA in to the record. The written proposal submitted by RISAA Board of Directors was entered in to the record as Exhibit #8 by R. Ballou.

**Public Comment:** E. Kearney, recreational angler and member of the RISAA Board of Directors, stated he was in support of the RISAA proposal which G. Allen just read.

**Public Comment:** B. Blasi, recreational angler and member of the RISAA Board of Directors, stated he was in support of the RISAA proposal which G. Allen just read.

**Public Comment:** J. Lafarri recreational angler, stated he was in support of the RISAA proposal.

**Public Comment:** R. Jobin, menhaden AP member, stated he was in support of proposal #4 the AP proposal, which they worked on for hours.

**Public Comment:** E. Cook, member of the RISAA Board of Directors and menhaden AP member, stated he was in support of proposal #4 keeping in mind the 1,500,000 pounds so that there would be some fish left to help maintain the level of other fish that feed on them.

**Public Comment:** P. Bentincourt stated that before they take any menhaden there should be at least 2 million pounds of menhaden in the bay, so that would eliminate proposal #4. It should be closed from Conimicut Point all the way up the Providence River and other areas should be set aside such as Potters Cove, Bristol Harbor, and areas in Mt. Hope Bay. He stated he was confused by all the different proposals being proposed but was in support of M. Gibson's suggestion to draw the best of them all and produce an integrated proposal. He stated he would support what the Division came up with as an integrated proposal.

**Public Comment:** D. Zambrotta, stated he was concerned about some of the proposals talking of repealing permanent closures and repealing seasonal closures, having worked hard to get a lot of places closed and have seasonal closures put in place he felt it would be a mistake to repeal any of those closures. He wondered why we would want to repeal any of these closures, he wanted to keep them all closed. We should not repeal anything that was already closed.

**Public Comment:** M. Warner, recreational fisherman and member of the RISAA Board of Directors, stated he was in support of the RISAA proposal read by G. Allen.

**Public Comment:** D. Gagnon, recreational fisherman, stated he was in support of maintaining the 1,500,000 pounds in the bay at all times, so when it went below this threshold they would be shut off. He supported a 1,500,000 pound floor to keep this amount in the bay constantly.

**Public Comment:** J. Macari, rod and reel fisherman stated he was in support of proposal #4. Also the AP for the last two years had put a lot of effort in to coming up with the current status quo plan from last year and it did not work as well as it could have but it was only the second year in was in place. As far as the closed areas there was some give and take between commercial and recreational.

**Public Comment:** R. Calogiovani, commercial and recreational fisherman, stated he agreed with proposal #4, which seems to be a good compromise between the user groups. He thought it appeared to be something that could work well.

**Public Comment:** D. Souza, ARC Bait Company, stated she supported proposal #3 the ARC Bait proposal.

**Public Comment:** G. Souza, ARC Bait Company, stated he supported proposal #3.

**Public Comment:** R. Souza, ARC Bait Company, stated he supported proposal #3.

**Public Comment:** J. Novo stated he supported proposal #3 the ARC Bait proposal.

**Public Comment:** Unknown recreational fisherman stated he was in support of the RISAA proposal.

**Public Comment:** S. Balonnia stated she agreed with the RISAA proposal read by G. Allen.

**Public Comment:** D. Fuster, recreational and commercial rod and reel fisherman, stated he was in support of the RISAA proposal. He felt that was the best proposal to provide balance.

**Public Comment:** M. Bucko stated he was in support of the RISAA proposal with one caveat in the section for recreational harvest of menhaden he recommended increasing the 200 menhaden amount per day to 400 menhaden per day.

**Public Comment:** T. Mulvey stated he was in support of proposal #3, the ARC Bait proposal.

B. Ballou closed the public hearing for this item.

At this point B. Ballou paused for a minute to allow people time to leave the room who were not interested in staying for the soft-shell clam items.

**12) Proposal to amend the soft-shell clam regulations to increase the minimum legal size statewide:** Three proposals were brought forward to public hearing. The first proposal was to remain at status quo, keeping the minimum legal size of soft-shell clams at 1 ½ inches. The second proposal was to change the minimum legal size to 2 inches. This proposal came from the Division and suggested increasing the size limit in an effort to insure the sustainability of the soft-shell clam resources. The third proposal was to increase the minimum legal size to 1 ¾ inches, which was the RIMFC Shellfish AP option.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division would recommend a minimum legal size of 2 inches due to the maturity data which was very clear that harvesting clams below 2 inches was harvesting clams that have not had an opportunity to spawn. We do not see any latitude here.

**Public Comment:** J. Grant, stated he was representing RI Shellfishermen's Association and the Association was in support of proposal #3 (1 ¾ inches). He also stated this was an AP voted proposal and not a consensus proposal. They supported this because of the tolerance on minimum size that the state gives them and trying to best match MA which has a 2 inch minimum size limit and a 10% tolerance on that minimum size. He stated that legally if they had one clam less than 2 inches that would be a violation. It is very difficult to measure each clam. RI does not have the 10% tolerance so the 1 ¾ inch size would give them the buffer between the 2 inch size clam which was what they would be shooting for but if you have a few small ones mixed in you would not get in to trouble by being in violation and MA would still accept them. He also spoke about the mortality of clams under 2 inches but over 1 ¾ inches when you throw them back there was a high mortality on them anyway so we do not see why we should not be able to keep them.

**Public Comment:** P. Bentincourt stated he was in support of proposal #3 (1 ¾ inches). He felt this size would keep more clams in the state of RI instead of them going to MA.

**Public Comment:** R. Forsberg, RI Shore Digger's Association, stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** J. Novo stated he supported proposal #3 (1 ¾ inches). He stated if the size was 1 ¾ inches it would remain in this state, if it goes to 2 inches it would go to MA, and that would be money going out of our state.

**Public Comment:** C. Jackson stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** K. Wolinski stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** J. Soares stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** R Hancock stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** L. Moran, RI Shore Digger's Association, stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** C. Watermen stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** D. Gagnon, stated he supported proposal #3 (1 ¾ inches).

**Public Comment:** J. Manchester stated she supported proposal #3 (1 ¾ inches).

By a show of hands there were approximately 25 people, the majority present, in favor of proposal #3 (1 ¾ inches) when B. Ballou took a poll.

B. Ballou closed the public hearing for this item.

**13) Proposal to establish Conimicut Point Shellfish Management Area:** DEM brought forward proposed regulatory language to establish Conimicut Point as a Shellfish Management Area. This proposal was in response to changes to the pollution closure boundary in the northern section of shellfishing grounds in Conditional Area A, Narragansett Bay. The pollution closure boundary change made an additional 40 acres of highly productive soft-shell clam beds accessible to harvest. The Division has concerns about heavy fishing pressure on this additional area based upon the number of licensed shellfishermen and the common knowledge of the stock status behind the current closure line. Establishing the area as a Shellfish Management Area would allow for better management and protection of shellfish resources.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division strongly supports establishing this as a management area. We believe this is a unique area in terms of steamer productivity and the hydrodynamics that facilitate that and we are also mindful of the pollution lines which are likely to continue to move as water quality improves. This area deserves special recognition as a shellfish management area.

**Public Comment:** J. Grant, representing RI Shellfishermen's Association stated that the Association has not taken a stand one way or another on this issue. We understand that it would be necessary if there was going to be a reduced bushel limit for this area. They have concerns about scheduling of the area, and if this were implemented we want to be sure it was specific to only soft-shell clams and that other species harvest limits or times would not be affected.

**Public Comment:** G. Carvalho, RI Fishermen's Alliance, stated they were opposed to this proposal. This was an attempt to micromanage the shellfish fisheries in that area and he did not think it was necessary. He noted that whatever the rules are they should be applied statewide. He was not in favor of any more micromanaging and this area does not need that.

**Public Comment:** P. Bentincourt stated he was in support of the proposal to establish Conimicut Point as a shellfish management area. He stated that the RI Shore Fishermen's Association watched what happened last year and he hoped that the state and the RIMFC had learned from the mistakes made last year by not making it a management area.

**Public Comment:** M. Barbara stated he was opposed to the management area there was no need to micromanage a small area of the bay.

**Public Comment:** D. Egan stated he agreed with M. Barbara's opposition and G. Carvalho's opposition.

**Public Comment:** J. Amato stated he was concerned about limiting access to the area since there was only three good months.

**Public Comment:** L. Moran, RI Shore Digger's Association, stated he was in support of the proposal.

**Public Comment:** Bernardo, Commercial fisherman, stated he was opposed.

**Public Comment:** K. Wolinski stated he was opposed to the proposal.

**Public Comment:** J. Novo stated he was opposed to the proposal.

**Public Comment:** J. Soares stated he was against this being a management area. He felt the fishery had been sustained on its own for the last 10 years. He had concerns that they would end up with a bushel limit in the end that they would not be able to make a living off of.

**Public Comment:** R Hancock stated he was opposed to the proposal.

**Public Comment:** C. Jackson stated he was opposed to the proposal.

**Public Comment:** J. Manchester stated she was opposed to the proposal.

B. Ballou closed the public hearing for this item.

**14) Proposal to establish a daily soft-shell clam possession limit for Conimicut Point Shellfish Management Area:** Four proposals were brought forward to public hearing. The first proposal was to remain at status quo, keeping the commercial possession limit of soft-shell clams at 12 bushels per day per license holder. The second proposal was 6 bushels per day per license holder. The third proposal was 3 bushels per day per license holder, and the fourth proposal was 9 bushels per day per license holder. There was no consensus proposal from the Shellfish AP since several bushel limits were suggested at their meeting.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated we believe that we have strong evidence of over fishing of steamer clams in this area and unsustainable harvesting, both are in conflict with RI General Law which is to prevent over fishing and provide for a sustainable shellfish management plan. The Division will most likely recommend a 3 bushel limit to initiate rebuilding in this area.

**Public Comment:** G. Carvalho, RI Fishermen's Alliance, stated they strongly support status quo (12 bushels). He stated that the 12 bushel limit was seldom ever reached it was only reached when there was a bonanza, in most cases it was far below that and varies from one day to the next. There was no need for a change.

**Public Comment:** J. Grant representing RI Shellfishermen's Association stated that the Association had voted for a 9 bushel limit, proposal # 4.

**Public Comment:** P. Bentincourt stated he was in support of 3 bushels, proposal # 3. He wanted to protect what we had left in that area.

**Public Comment:** C. Jackson stated at a 3 bushel limit he could not make a living any more and was opposed to the 3 bushel limit. He supported proposal #1 - status quo (12 bushels).

**Public Comment:** D. Egan stated he strongly opposed a 3 bushel limit he supported proposal #1 - status quo (12 bushels).

**Public Comment:** Unidentified shellfisherman stated he supported proposal #1 - status quo (12 bushels). He indicated that you are not taking 12 bushels all year when you are

fishing that area. If that was happening then yes, if not, leave it alone. It was only a short amount of time that there was fishing in that area.

**Public Comment:** Unidentified shellfisherman stated he agreed with previous comments.

**Public Comment:** Unidentified shellfisherman questioned the northern boundary of the proposed management area and wanted to know if they would be able to fish in the closed area.

**Public Comment:** J. Novo wanted to know why the northern boundary line was there if that water was not clean water. He stated he supported proposal #1 - status quo (12 bushels). He also stated that this was the third time that they had voted on these items. Indicating that the first time they had won and then there was some story to close it down for six months or change it to a management area. He wanted to know if they were just wasting their time.

**Public Comment:** J. Soares stated he was against proposal #3 (3 bushels). No one can make a living on 3 bushels. He stated he could go work at Walmart for that amount.

**Public Comment:** L. Moran, RI Shore Digger's Association, stated he supported proposal #3 (3 bushels). He asked people to look at what the 12 bushels did to us last year, in six weeks the area was wiped out.

**Public Comment:** D. Gagnon stated he bought a commercial license and he should be allowed to get the 12 bushel limit. He supported proposal #1 - status quo (12 bushels).

**Public Comment:** R. Hancock stated he supported proposal #1 - status quo (12 bushels). There was no way he could survive off of 3 bushels a day.

**Public Comment:** P. O'Neil stated he supported proposal #1 - status quo (12 bushels). He indicated that in the winter you can not get 12 bushels. He stated there have only been three guys working up there this winter.

**Public Comment:** L. Moran, RI Shore Digger's Association, stated P. O'Neil was correct, he lives in the area and there have only been three people working there because there were no clams on that side. With the 12 bushel limit in six weeks the clams were gone. He noted that when the divers come in they wipe out the area. He proposed that when the area opens up to place a restriction to keep divers and boats off the shore by 150feet.

**Public Comment:** J. Manchester stated she supported proposal #1 - status quo (12 bushels).

**Public Comment:** M. Barbara stated he was in support of proposal #1 - status quo (12 bushels).

B. Ballou closed the public hearing for this item.

**15) Proposal to amend the soft-shell clam regulations for non-shellfish management areas by reducing the daily possession limit statewide:** Three proposals were brought forward to public hearing. The first proposal was to remain at status quo, keeping the commercial possession limit of soft-shell clams at 12 bushels per day per license holder. The second proposal was 6 bushels per day per license holder. The third proposal was 3 bushels per day per license holder.

**Public Comment:** M. Gibson, on behalf of the Division of Fish and Wildlife (DFW), stated the Division was still thinking about this item we did not have the evolved science that we have for the Conimicut Point area at this point. Our recommendation is still pending.

**Public Comment:** G. Carvalho, RI Fishermen's Alliance, stated they support status quo (12 bushels).

**Public Comment:** J. Novo stated he agreed with G. Carvalho status quo (12 bushels), the Division just stated they had no data so it should not even be a question. They just can not start changing things without data.

**Public Comment:** J. Grant, representing RI Shellfishermen's Association, stated that the Association supports proposal #1- status quo (12 bushels).

**Public Comment:** C. Jackson stated he supported proposal #1 - status quo (12 bushels).

By a show of hands there were approximately 25 people, the majority present, in favor of proposal #1- status quo (12 bushels) when B. Ballou took a poll.

B. Ballou closed 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 – Written proposal submitted by RISAA Board of Directors dated 2/22/2011, for the recreational summer flounder fishery

Exhibit 5 – Written document received from M. Bucko and G. Allen titled “Develop a Long-term Strategic Plan to Restore Winter Flounder in Narragansett Bay and Coastal Ponds” regarding the winter flounder fishery, dated 2/15/2011.

Exhibit 6 – Written proposal submitted by RISAA Board of Directors dated 2/22/2011, for the recreational tautog fishery

Exhibit 7 – Written proposal submitted by G. Carvalho, Vice President, RI Fishermen's Alliance (RIFA) dated 2/15/2011, regarding the tautog fishery

Exhibit 8 – Written proposal submitted by RISAA Board of Directors dated 2/22/2011, regarding the menhaden fishery