



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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SUMMARY OF OCTOBER 17, 2011 PUBLIC HEARING COMMENTS

Hearing Officer: B. Ballou
DEM Staff: N. Scarduzio, D. Costa, G. Powers, L. Mouradjian,
RIMFC Member(s) Present as Observer(s): K. Booth

The public hearing was held on October 17, 2011 in Narragansett, RI at the URI Bay Campus, Corless Auditorium. Eleven (11) people from the public attended the hearing. The following items were presented for public comment:

- 1) The DEM proposed Management Plans for the Shellfish, Finfish, and Crustacean sectors:** These management plans are developed by the Division of Fish and Wildlife, as required in statute, to give the underlying data used in the proposed changes to the commercial fishing license regulations, and are reviewed annually.

There were no comments made from the public on the three management plans.

- 2) Amendments to the commercial fishing license regulations regarding the availability of licenses and endorsements in 2012:** The changes proposed in the licensing regulations for 2012 reflect the recommendations as set forth in the Division of Fish and Wildlife sector management plans, advice from the RIMFC Industry Advisory Committee (IAC), and DEM staff. The proposals that came forward from industry, via the IAC, proposed status quo; to retain the 2:1 exit/entry ratio for quahogs for all eligible licenses (MPL's + PEL's with a quahog endorsement) that retired. For soft-shell clams, industry, via the IAC, proposed to modify the current 5:1 exit/entry ratio to a 3:1 exit/entry ratio applied to all eligible licenses (MPL's + PEL's + CFL's with a soft-shell clam endorsement) that retired. Industry, via the IAC, recommended status quo; to maintaining the 5:1 exit/entry ratio for restricted finfish endorsements and continue to issue as PEL's with RFF endorsements, as well as, no new lobster endorsements. The Division of Fish and Wildlife offered other options which included; no new endorsements for soft-shell clams, and to modify the current 5:1 finfish licensing exit/entry ratio to a 1:1 ratio. The division also recommended creating licensing endorsements for the whelk and horseshoe crab fisheries. The IAC and industry were in support of the whelk endorsement but recommended moving the horseshoe crab "permitting" process to the Division of Licensing and have it remain as a no-fee permit instead of making it an endorsement. This portion of the hearing

was conducted in six sections therefore the summary below is structured in six sections (2a through 2f) for ease of reading.

a. Shellfish sector - Quahogs

There were no comments made from the public regarding quahog licensing. B. Ballou closed this portion of the public hearing on quahogs.

b. Shellfish sector – Soft-Shell Clams

There were no comments made from the public regarding soft-shell clam licensing. B. Ballou closed this portion of the public hearing on soft-shell clams.

c. Shellfish sector – Whelk

Public Comment: S. Parente asked if by creating an endorsement for whelk would that affect the multipurpose license holder. He wanted clarification that a multipurpose license holder would not have to obtain a whelk endorsement. B. Ballou indicated that was correct, he stated it was his understanding that the only licenses that could be endorsed would be PEL's and CFL's.

Public Comment: L. Mouradjian recommended adopting regulatory language to prohibit the harvesting of whelk meat and require harvest to be in the shell in order for the minimum size that has been identified, to be effective.

B. Ballou stated the recommendation could be incorporated in to the shellfish management plan.

B. Ballou closed this portion of the public hearing on whelk.

d. Finfish sector

Public Comment: S. Parente stated it was his understanding that even though the numbers of licenses were declining; the percentage of effort was increasing. He indicated it was all about effort as far as he was concerned. Even though we may be losing licenses the activity has been increasing on active licenses. He suggested using caution when thinking about changing from the current 5:1 exit/entry ratio to a new 1:1 ratio. He felt this might be too drastic, and pointed out that the IAC recommended status quo, remaining at the 5:1 exit/entry ratio.

Public Comment: B. Smith stated he agreed with S. Parente's comments and was in support of remaining at status quo (5:1 exit/entry ratio).

B. Ballou closed this portion of the public hearing on finfish.

e. Crustacean sector - Lobster

Public Comment: S. Parente stated he had concerns about the language used in the slide "anyone who obtains a trap allocation, via the (*pending*) transfer program, will be eligible to obtain a PEL w/Lobster endorsement". He commented that we had gone around and around with this in the past and felt this

was greasing the skids for something that he did not think was a good idea. He commented that you are basically buying your way in to the lobster fishery.

Public Comment: B. Smith stated that back when he was the President of the association it was strongly stated to ASMFC that when we go to transferability there would be no need for restrictions on licenses in the lobster fishery because this would be taken care of through the sale of pots with the 10% reduction upon sale of pots. The traps limit the entry so anyone could get a license but you would need to have the tags to be able to fish the pots. He recommended staying that way.

B. Ballou closed this portion of the public hearing on lobster.

f. Crustacean sector – Horseshoe Crab

There were no comments made from the public on the horseshoe crab item.

B. Ballou closed this portion of the public hearing on horseshoe crabs.

- 3) **Amendments to the “Commercial Fishing Licensing Regulations” concerning the requirements for the transfer of a commercial license upon the sale of vessel and gear:** The Division proposed amendments that would clarify section 6.7-8 of the “Commercial Fishing Licensing Regulations” concerning the requirements for the transfer of a commercial license upon the sale of vessel and gear.

Public Comment: S. Parente commented that the sentence that stated “The commercially declared vessel must be declared by the bonafide owner during the actively fished period pursuant to section 6.8-8”, means if you were to sell your vessel, just your vessel, and buy another vessel then the clock starts over again for a persons’ two post calendar years and 75 landings. Therefore, they are starting from day one again. He just wanted to point this out because he was not aware of this before but it has always been the policy. He noted that there are probably good reasons why this has been in regulation and has always been the policy, this was nothing new.

Public Comment: H. Loftes, American Alliance of Commercial Fishermen and Their Communities, stated he was confused about this and explained that he held a federal license for fluke and a RI fluke exemption certificate and did not understand why he could not split them apart and sell each permit individually. He was not sure how or if the proposal before them affected that issue.

B. Ballou explained that the proposal up for comment would not affect that particular concern. This regulation just referred to the need to assure that the vessel that was being subject to a sale had been “commercially declared” during the two years prior that it was activity engaged in the fishery.

B. Ballou closed this portion of the public hearing.

- 4) **Amendments to the “Commercial Fishing Licensing Regulations” to remove scup from the list of restricted finfish species:** The Division proposed removing scup from section 6.1-1 of the “Commercial Fishing Licensing Regulations” as a restricted finfish.

Public Comment: S. Parente suggested that we may be acting too fast with this recommendation. He commented what would happen if the quota was cut going forward. He noted it was only a couple of years ago when the possession limit was only 400 pounds per week. He felt this would be one extreme to another. He felt that once we made this change and put it in regulation it would be difficult to change it back. He recommended the Division look for another solution to try to get this done. He offered the possibility of an emergency action by the Director but was not sure if it would meet the criteria. He explained it would be difficult for people to make a business plan based on scup being a non-restricted finfish then have it switched back to being a restricted finfish that could really affect someone’s business plan. He cautioned the Division not to move too fast on this proposal. He also added this would increase the effort on CFL’s.

Public Comment: B. Smith stated he was very opposed to this proposal. He felt we had been down the road where they starved to death from the scup fishery when the limits were so low and now that the possession limits have increased and they could catch scup you want to let people in who have never fished before. He explained it should be for the people who have suffered through the bad times and who have had commercial licenses to have a whack at it and go catch them. He stated he was very opposed to removing scup from the list of restricted finfish.

Public Comment: H. Loftes stated he agreed with B. Smith and was opposed to the proposal to remove scup from the list of restricted finfish. He felt you could not give a license to just anyone.

Public Comment: J. Macari, RI Commercial Rod and Reel Association, stated he was against the proposal, he would rather see scup remain a restricted finfish.

Public Comment: T. Jackson, American Alliance of Commercial Fishermen and Their Communities, stated there were probably pros and cons to removing scup from the list of restricted finfish but she agreed with what had been stated and not opening it wide open. It would probably increase effort and we have suffered all those years when there were restrictions on the fishery. She noted that no one caught anywhere near the quota for this year. She commented that if we open it wide up we will fall into the same problem that we had with depletion of the resource. We would be setting ourselves up for a trap. She recommended keeping it on the list of restricted finfish for now, and giving them the opportunity to catch at least what they were supposed to be able to catch.

Public Comment: P. Muli, RI Commercial Rod and Reel Association, stated he agreed with what had been stated. He commented they had fished a lot of years

with very low quotas and now that they have a chance to make money do not go and give licenses to people down the street. He agreed with B. Smith's statements. He was opposed to removing scup from the list of restricted finfish.

Public Comment: B. Smith stated he thought the Division was proposing to remove the possession limits for scup so you could catch whatever you wanted. To make it a free and open fishery but for the people who were already commercial fishermen, but the proposal is not what he thought so he was against it.

B. Ballou closed this portion of the public hearing, and ended the public hearing.

List of Exhibits:

Exhibit 1 – Affidavit of Publication/Posting, Public Notice and Copy of Draft proposed regulations

Exhibit 2 – Copy of introductory remarks made by the hearing officer

Note: No written comments were received