Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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SUMMARY OF PUBLIC HEARING COMMENTS FOR NOVEMBER 9, 2011 PUBLIC HEARING

Hearing Officer: L. Mouradjian
DEM Staff: N. Scarduzio, R. Bianculli, Jr., J. McNamee, and D. Costa
RIMFC Members present as observers: K. Booth, R. Hittinger, J. Grant, D. Monti, and W. Mackintosh, III

The public hearing was held on November 9, 2011 in Narragansett, RI at the URI Narragansett Bay Campus. Approximately 34 people attended the hearing. The following items were presented for public comment:

1) Commercial Summer flounder quota management proposals for 2012: There were several proposals for the 2012 summer flounder quota management plan that were brought forward for public comment. The first was a proposal to end the sector pilot program; the second proposal was to increase the starting possession limits for the winter 1 sub period to 500 lbs/day or 3,500 lbs/week (from 300 lbs/day or 3,000 lbs/week); the third was a proposal to allow for electronic logbook reporting; the fourth was to remove the Friday/Saturday closure; the fifth proposal was to increase the summer aggregate amount to 700 lbs/week (from 500 lbs/week) contingent upon removing the Friday/Saturday closure; the sixth proposal was to increase the fall or winter 2 sub period possession limit to 700 lbs/day (from 600 lbs/day); the seventh proposal was to increase the non-exemption certificate holder possession limit to 500 lbs/day (from 200 lbs/day).

Proposal #1 – End the sector pilot program:

Public Comment: R. Fuka, RI Fishermen's Alliance, stated his organization was in support of terminating the summer flounder sector pilot program.

Public Comment: H. Loftes, American Alliance of Fishermen and their Communities, stated he was also in support of terminating the summer flounder sector pilot program.

L. Mouradjian closed this portion of the public hearing for this issue.

Proposal #2 – Increase Winter 1 possession limits:

Public Comment: H. Loftes stated that instead of having the 3,500 pounds start in February, start the sub period around the second week of January at 3,000 pounds per week. He felt if the limit were kept at 3,500 pounds with a start in February it would shut down before the end of the sub period.

Public Comment: S. Parente, RI Commercial Rod and Reel Association (RICRRA), stated they concurred with the 500 pounds/day and 3,500 pounds/week possession limits, however they do not support the Friday and Saturday closures.

Public Comment: J. Carvalho stated he supported H. Loftes proposal to start the sub period the second week in January and leave the limit at the 3,000 pounds/week so that you get an extended harvest period rather than a shorter harvest period.

L. Mouradjian closed this portion of the public hearing for this issue.

Proposal #3 – e-Logbook allowance:

Public Comment: J. Macari, RI Commercial Rod and Reel Association, asked for clarification if you participated in the e-logbook program would you still need to keep a logbook on your vessel.

Public Comment: S. Parente, RI Commercial Rod and Reel Association, stated they concurred with the e-logbook allowance.

L. Mouradjian closed this portion of the public hearing for this issue.

Proposal #4 – Remove Friday/Saturday closure:

Public Comment: R. Fuka, RI Fishermen's Alliance, stated his organization was in support of removing the Friday/Saturday closure for the summer flounder fishery.

Public Comment: S. Parente, RI Commercial Rod and Reel Association (RICRRA), stated this was their proposal therefore they supported removing the Friday/Saturday closure. He stated the reasons why they were in support of this proposal; safety at sea, a seven-day fishery would not adversely affect any user group to include the recreational community. Also, in light of what has transpired over the past two years (the back loading of quota in the fall) a seven-day fishery is warranted and would enhance the fishery both economically and equitably going forward.

Public Comment: G. Allen, representing the Board of Directors for the RI Salt Water Angles Association, stated that S. Medeiros could not attend this meeting because he was attending the ASMFC meetings in Boston. He commented that the RI Salt Water Angles Association supported a closure for only one day which would be on Saturdays. He noted that the majority of recreational fishermen do not have the opportunity to fish during the week so leaving it closed on Saturdays for the recreational fishermen would be an equitable way for those people to catch some fluke without the competition from the commercial rod and reel fishermen. He also commented that there may be a change in the quota and it may be a reduced quota. He claimed that there was a difference fishing on Fridays and Saturdays when it was closed to commercial fishermen than during the week. He reiterated that if one day would be closed the RI Salt Water Angles Association was in support and recommended having Saturdays closed.

Public Comment: J. Carvalho stated he supported ending these Friday and Saturday closures. He commented that the small boat fishery that involved multiple species there was nothing more tragic than fishing on a Friday or Saturday and having to throw summer flounder back as a discard because of regulations. He stated that on the weekends there were thousands of recreation fishermen that competed with approximately 400 commercial fishermen.

Public Comment: M. Roderick, Town Dock, stated they supported removing the Friday /Saturday closures.
Public Comment: R. Hopkins stated he supported removing the Friday/Saturday closures.
Public Comment: P. Muli stated he supported removal of the Friday and Saturday closures.
Public Comment: D. Piti stated he supported removing the Friday/Saturday closures.
Public Comment: G. Cool stated he supported removing the Friday/Saturday closures.
Public Comment: There were a few unidentified members from the (RICRRA) that stated they were in support of removing the Friday/Saturday closures.

L. Mouradjian closed this portion of the public hearing for this issue.

Proposal #5 – Increase summer aggregate amount:

Public Comment: G. Carvalho stated this raised a number of issues. The plan attempts to set some sort of weekly possession limit, in the end the weekly possession limit is adjusted by the Division in order to stay with in the parameters of what the quota would allow. He raised the question of what would happen if the quota increased, then these figures are meaningless. He had concerns of why the Division had to start out with some fixed amount. He felt this was a fault of the program. He stated that the Division had the data available to better determine what the possession limit should be to last the entire season. He proposed an alternative, which was to change the way we looked at this period when we were dealing with these quota managed species.

Public Comment: S. Parente, RI Commercial Rod and Reel Association (RICRRA), stated his group was in support of this proposal based on the caveat that the increase to 700 pounds would be contingent upon removing the Friday/Saturday closure. He commented that they would like to add their own caveat that if the daily limit was required to be reduced, then the weekly aggregate should also be reduced accordingly. He gave an example; if the daily possession limit went to 50 pounds the aggregate would go to 350 pounds/week (50 X 7-days). He again noted they opposed the Friday/Saturday closures and wanted the closures removed.

L. Mouradjian closed this portion of the public hearing for this issue.

Proposal #6 – Increase Fall sub period possession limit:

Public Comment: H. Loftes stated he would support this proposal to increase the possession limit to 700 pounds/day.

Public Comment: S. Parente, RI Commercial Rod and Reel Association (RICRRA), stated they supported this proposal.

L. Mouradjian closed this portion of the public hearing for this issue.

Proposal #7 – Increase non-exemption certificate holder possession limit:
For the record L. Mouradjian noted there were two written comments received on this proposal: (1) from J. Carvalho, RI Fishermen's Alliance, a proposal for the summer flounder exemption certificate program, which was marked as Exhibit #4.
(2) from C. Harvey, RI Fishermen's Alliance, in support of the proposal submitted by J. Carvalho, which was marked as Exhibit #5.

Public Comment: J. Carvalho stated the RI Fishermen's Alliance opposed this proposal, and in its place supported the proposal that the RI Fishermen's Alliance submitted (marked as Exhibit #4), which would be subject to future discussion as clarified by the Division.

Public Comment: S. Parente, RI Commercial Rod and Reel Association (RICRRA), stated they were opposed to this proposal. He noted several reasons to keep the summer flounder exemption certificate program unmodified and in place as it currently stands; would cause excessive exploitation in state waters during the summer period where daily possession limits have been historically low; three major user groups would be negatively impacted, commercial rod & reel, recreational community, and party & charted fleet; a non-director fishery would become a directed fishery by gear; over exploitation, and increased discards. He supported keeping it the way it currently stands.

Public Comment: R. Hittinger stated he thought the language should state what the "maximum daily" possession limit should be. He stated it was confusing as worded.

Public Comment: J. Carvalho explained that the language for the summer flounder exemption certificate program was very explicit, this portion only represented an excerpt from the section.
Public Comment: J. Macari stated he was opposed to this proposal.
Public Comment: D. Blackbrown stated he was opposed to this proposal.

L. Mouradjian closed this portion of the public hearing for this issue.

2) Commercial Scup quota management proposals for 2012: There were two proposals that were brought forward for public comment. The first was a proposal for the starting possession limits to remain at status quo in 2012; the second proposal was to increase starting possession limits of 20,000lbs/week for May/July/Sept sub periods, remove the winter 1 scup aggregate program to allow the full harvest limit of 50,000lbs/day, allow for electronic logbook reporting, and establish Division of Fish & Wildlife authority to move quota from the general category fishery to the floating fish trap sector. These combined proposals came from the Division.

Proposal #1 – Status Quo on starting possession limits:

There were no comments made on this proposal.

Proposal #2 – Division recommendations: to increase starting possession limits of 20,000lbs/week for May/July/Sept sub periods, remove the winter 1 scup aggregate program to allow the full harvest limit of 50,000lbs/day, allow for electronic logbook reporting, and establish Division of Fish & Wildlife authority to move quota from the general category fishery to the floating fish trap sector:

Public Comment: J. Carvalho stated that scup being a quota species it's the same problem as with fluke. The Division has boxed itself in with set figures that limit its ability. He expressed that this was not good practice for the Division to limit itself. He recommended that the Division look in to changing the approach so that the possession limit was established based on the amount of quota that was received rather than trying to box them in with some figure they have established. He also commented on the winter fishery noting this was a federal quota and it was established and determined by the federal regulations therefore RI should not attempt to set possession limits for this sub period.

Public Comment: H. Loftes stated he agreed with J. Carvalho's comments for the winter period.

L. Mouradjian closed this portion of the public hearing for both of these items.

Allow for electronic logbook reporting:

Public Comment: J. Macari commented that if we were going to allow for e-logbook reporting for all the endorsed fisheries then would it be possible to put this in regulation where it would apply to all these fisheries instead of piece meal under each separate species section of regulation.

Public Comment: D. Piti stated he was in support of an electronic logbook.

L. Mouradjian closed this portion of the public hearing for this issue.

Establish Division of Fish & Wildlife authority to move quota from the general category fishery to the floating fish trap sector:

Public Comment: J. Carvalho stated he was opposed to this language, stating it was unnecessary and not appropriate at this time. He commented that there has never been a time when the general category was not able to harvest its limit and the remainder had to be transferred over to the floating fish trap sector. He stated that the general category sector has not been given the opportunity to fully utilize its capacity to harvest what is available to them. He indicated the language was premature, stating that we do not have the problem yet so we do not need language to address a problem that does not exist.

L. Mouradjian closed this portion of the public hearing for this issue.

3) Commercial Black sea bass quota management proposals for 2012: Five proposals for 2012 black sea bass quota management were brought forward for public comment. The first was a proposal to remain at status quo for 2012; the second proposal was to drop to 25 lbs/day (from 50 lbs/day) May through October; the third proposal was to develop an aggregate program from May through October; the fourth proposal was to create a fall sub period and remove the August closure if the quota increased modestly; the fifth proposal was to increase the starting possession limit from 50 to 100 lbs/day in the spring through fall sub periods and remove the August closure if the quota increased significantly.

For the record L. Mouradjian noted there were two written comments received on this item:
(1) from E. Grant stating he was in support of option 3, to create an aggregate program, this was marked as Exhibit #6; and
(2) from C. Cokely also stating he was in support of option 3 to create an aggregate program and this was marked as Exhibit #7.

Public Comment: S. Parente stated that RICRRA was opposed to option 1 – status quo; they were in support of their proposal which was option 2 – to drop to 25 pounds per day from May through October with an August closure only if required. He commented that their proposal was based on what resulted in 2011 when the previous Director of DEM decided to go to 50 pounds and against what was voted on and the advice from the RIMFC at 25 pounds, which consequently transformed a bycatch fishery into a directed fishery. This resulted in a fragmented fishery with the spring sub-period closure on June 7, a re-opening on July 1, closed on August 1 (scheduled), and a re-opening for one day in September. He explained that due to the low quota black sea bass has become a bycatch fishery. We can only serve the best interests of the majority of fishers by going to a 25 pound/day fishery in order to attain any viable black sea bass fishery based on quota going forward. He stated that the RICRRA was opposed to option #3 – creating an aggregate program for black sea bass, explaining that this was a bycatch fishery and should be treated as such. To proceed with any program that would accelerate capture rate is in direct conflict with sound fisheries management, and the quota would be exhausted too rapidly. The RICRRA was opposed to option #4 – creating a fall sub period and removing the closure if quota increased modestly. He commented that at 50 pounds/day the quota would be exhausted at an accelerated rate causing even more fragmented closures. Also with lower sub period percentages this situation would be exacerbated. The RICRRA was opposed to option #5 – increase possession limits and remove closure if quota increased significantly. S. Parente stated there would not be enough quota available at this point to support this option. Noting this option was to far reaching at this time.

Public Comment: J. Carvalho stated he was opposed to options 1,2,3,4 and 5; he was opposed to all the options. He stated he was in support of the comments made by S. Parente about the affects if an aggregate program if put in place, and his comments made about this fishery being a bycatch fishery because of the low quota. He stated he would strongly support an option that would set one daily possession limit throughout the year, with no closures to apply to every licensed individual.

Public Comment: H. Bernacki stated he supported option #2 – drop to 25 pounds/day from May through October.

Public Comment: R. Carr stated he supported option #4 - creating a fall sub period and removing the closure if quota increased modestly, so the season could go continuously throughout the year.

Public Comment: J. Macari stated he supported option #2 – drop to 25 pounds/day from May through October.

Public Comment: J. Grant, RIMFC member, stated he would support either option #3 – create an aggregate program, or option #1 – status quo. He was opposed to option #2 - drop to 25 pounds/day from May through October commenting that black sea bass was not a bycatch fishery there was a directed fishery for it and 25 pounds/day would be an inappropriate possession limit for that fishery.

Public Comment: J. Shickalone stated he supported option #2 – drop to 25 pounds/day from May through October.

L. Mouradjian closed this portion of the public hearing for this issue.

4) Amendments to the Cod Management Plan to allow for a fillet law: Five options were brought forward for public comment. The first was a proposal for status quo -no regulations on filleting cod; the second option – no filleting of cod allowed; the third option – allow filleting of cod with retention of carcass; the fourth option – allow filleting of cod with fillet equal to minimum size; the fifth option - allow filleting of cod with fillet equal to specified size.

Public Comment: G. Allen wanted clarification if the cod fillet law would apply to both recreational and commercial fishermen. He stated he would support option #3 - allow filleting of cod with retention of carcass.

Public Comment: W. Mackintosh stated he supported option #3 - allow filleting of cod with retention of carcass. He noted that people are concerned about getting rid of the carcasses but he indicated that lobstermen were always looking for bait in the winter time.

Public Comment: D. Piti stated he supported option #1 – status quo – no regulations on filleting cod.

L. Mouradjian closed this portion of the public hearing for this item, which concluded the public hearing.

List of Exhibits:
Exhibit 1 – Affidavit of Publication/Posting and Public Notice
Exhibit 2 – Copy of Public Hearing Notice and Annotated Documents
Exhibit 3 – Introductory remarks prepared for L. Mouradjian
Exhibit 4- Written comments and a proposal submitted by J. Carvalho, RI Fishermen's Alliance, pertaining to the summer flounder exemption certificate program
Exhibit 5 – Written comments submitted by C. Harvey, RI Fishermen's Alliance, supporting the proposal submitted by J. Carvalho pertaining to the summer flounder fishery
Exhibit 6 – Written comments submitted by E. Grant, pertaining to the black sea bass fishery
Exhibit 7 - Written comments submitted by C. Cokely, pertaining to the black sea bass fishery

Please note: The following public hearing items addressing harvest methods and habitat impacts were removed from the hearing docket therefore, comments were not taken on these items:

1) Amendments to "Part III – RI Marine Fisheries Regulations – Marine Fisheries Council" to address harvest methods and habitat impacts by establishing Gear Restriction Marine Life Management Areas.
2) Amendments to "Part X – RI Marine Fisheries Regulations – Equipment Restrictions" to address harvest methods and habitat impacts;
3) Amendments to "Part VI – RI Marine Fisheries Regulations – Dredging for Shellfish" to address harvest methods and habitat impacts by clarifying dredging regulations;
4) Amendments to "Part IV – RI Marine Fisheries Regulations – Shellfish" to address harvest methods and habitat impacts; and
5) Amendments to "Part I – RI Marine Fisheries Regulations – Legislative Findings" to address harvest methods and habitat impacts by including definitions.