



Rhode Island  
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road  
Jamestown, RI 02835

401 423-1920  
FAX 401 423-1925

**SUMMARY OF COMMENTS FROM FEBRUARY 22, 2012 PUBLIC HEARING**

Hearing Officer: R. Ballou  
DEM Staff: N. Scarduzio, J. McNamee, T. Angell, M. Gibson, and G. Powers  
RIMFC Members present as observers: R. Bellavance, K. Booth, R. Hittinger, J. Grant,  
W. Mackintosh, III and D. Monti

A public hearing was held on February 22, 2012 at 6:00 PM in Narragansett, RI at the URI/GSO Bay Campus, Corless Auditorium. Approximately 50 people attended the hearing. The following items were presented for public comment:

**1) Proposed amendments to the Recreational Summer Flounder Management Plan:** Three (3) options for 2012 recreational summer flounder management were brought forward for public comment. The first option was to remain at status quo (18.5 inches/7 fish bag limit / May 1–December 31). The other two options were variations of different bag limits as follows: Option 2 – 18.5 inches/8 fish bag limit/May 1–December 31, and Option 3 – 18.5 inches/9 fish bag limit/May 1–December 31. A written comment was submitted by the RI Saltwater Anglers Association (RISAA) during the public comment period and was entered into the record as Exhibit # 4 and was also presented at the public hearing by RISAA members who indicated their association preferred Option 2 - 18.5 inches/8 fish bag limit/May 1 through December 31, 2011. All three options presented complied with ASMFC guidelines.

**Public Comment:** S. Medeiros, President of RISAA, stated their preferred option was option #2 - 18.5 inches/8 fish bag limit/May 1 through December 31, 2011.

**Public Comment:** G. Allen, recreational angler, stated he supported RISAA's preferred option which was option #2 - 18.5 inches/8 fish bag limit/May 1 through December 31, 2011.

**Public Comment:** P. Bettencourt stated he was in support of option #2 - 18.5 inches/8 fish bag limit/May 1 through December 31, 2011.

R. Ballou closed the public hearing on recreational summer flounder.

**2) Proposed amendments to the Recreational Scup Management Plan:** Four (4) options for 2012 recreational scup management were brought forward for public comment. The first option was to remain at status quo:(General fishery: 10.5" fish / 10 fish bag limit - May 24 through Sept 26; Party and Charter: 11" fish / 10 fish bag limit - June 8 through Sept 6, 40 fish bag limit - Sept 7 through October 11). Option 2 - General fishery: 10.5" fish / 10 fish bag limit - May 1 through December 31; Party and Charter: 10.5" fish / 10 fish bag limit - May 1 through September 6, 40 fish bag limit - Sept 7 through October 11/ 10 fish bag limit - October 12 through December 31. Option 3 - General fishery: 10.5" fish / 10 fish bag limit - May 1 through December 31; Party and Charter: 11" fish / 10 fish bag limit - May 1 through

Sept 6, 45 fish bag limit - Sept 7 through October 21/ 10 fish bag limit - October 22 through December 31. Option 4 – All modes, 10” fish / 10 fish bag limit - May 1 through December 31.

**Public Comment:** M. Gibson, on behalf of the DFW, provided a brief update on the status of coordination with neighboring states as RI is part of a region approach for recreational scup. M. Gibson stated that the recreational scup fishery had not been finalized and there was a meeting scheduled for February 24, 2012, with the regional partners (MA, CT, and NY) to try and craft a single acceptable set of liberalized regulations. He noted what was before the audience was a set of possible options with ASMFC compliance to be determined. He stated the most useful commentary we could receive tonight would be to tell us what was important to your particular sector; was it the minimum size, the length of season, the bag limit, or the special bonus season. He asked the audience to give feedback and to speak to liberalization. Gibson noted feedback of this nature would be very helpful.

**Public Comment:** S. Medeiros, President of RISAA, stated based on what was presented tonight on the slide before them RISAA was in support of option #2 – (General fishery: 10.5” fish / 10 fish bag limit - May 1 through December 31; Party and Charter: 10.5” fish / 10 fish bag limit - May 1 through September 6, 40 fish bag limit - Sept 7 through October 11/ 10 fish bag limit - October 12 through December 31), to increase the season. He noted they would support anything that would maintain the longer season, which was most important to them, then to slightly increase the bag limit, and lastly to lower the size limit if that was a possibility.

**Public Comment:** R. Bellavance, speaking on the behalf of the Party & Charter Boat industry, stated they were in support of option #3 with the higher bag limit. He commented that the Party & Charter Boat industry could survive with an 11 inch fish, and that the bag limit was very important and the fall season from September 7 through October 21 was also very helpful.

**Public Comment:** D. Monti, speaking as a charter boat captain, stated he was in support of option #3. He supported the higher bag limit.

**Public Comment:** G. Allen stated he supported option #2 - (General fishery: 10.5” fish / 10 fish bag limit - May 1 through December 31). He indicated he would be in support of a higher bag limit.

**Public Comment:** J. Barker stated as a matter of priority; the first priority would be the bag limit, the second priority would be the length of the season, and the last priority would be the size limit. He noted this was something the Division could play around with in order to achieve compliance.

R. Ballou closed the public hearing on recreational scup.

**3) Proposed amendments to the Recreational and Commercial Tautog Management Plan: Proposal #1 – Recreational size, possession limit, and season:** Two (2) options for 2012 recreational tautog management were brought forward for public comment. The first option was to remain at status quo in 2012: 16 inch fish/ 3 fish bag limit April 15 – May 31/ closed June 1 – July 31/ 3 fish bag limit for both general rec. and party & charter August 1- October 19/ 6 fish bag limit for both general rec. and party & charter October 20 – December 15/ includes the

current 10 fish/vessel limit during all open general Rec. seasons – and does not apply to Party/Charter. Option 2 – same as status quo but included a 12 fish/vessel limit during all open general Rec. seasons – and does not apply to Party/Charter.

**Public Comment:** S. Medeiros, President of RISAA, stated RISAA supported option #2 (same as status quo but included a 12 fish/vessel limit during all open general Rec. seasons – but does not apply to Party/Charter). He explained the reason for increasing from 10 fish to the 12 fish per vessel limit was due to the difficult economy in particular the increasing gas prices. He also noted less people would be fishing due to the higher prices of gas. They felt this would not add any additional pressure on the fishery if the limit was increased by two fish per boat, come next fall.

**Public Comment:** G. Allen stated he agreed with S. Medeiros's comments and supported option #2.

**Public Comment:** J. Martini stated he supported option #2.

**Public Comment:** P. Bettencourt stated he supported option #2 – with the 12 fish/vessel limit during the general recreational seasons.

**Public Comment:** J. Barker stated he supported option #2 for a couple of reasons; one it keeps continuity, and there is very little impact. He noted the weather has a lot to do with it and for the last couple of years the weather has not been that great during that time frame.

**Public Comment:** K. Booth pointed out that looking at the recreational limit at 12 fish per vessel per day and then the commercial limit which will be the next item coming up at 10 fish per vessel per day, this will create an enforcement issue.

R. Ballou closed the public hearing on recreational tautog.

**Proposal #2 – Commercial size, possession limit, and season for Tautog:** Two (2) options for 2012 commercial tautog quota management were brought forward for public comment. The first option was to remain at status quo in 2012: 16 inch fish/ 10 fish per vessel per day, April 15 – May 31/ closed June 1 – July 31/ 10 fish per vessel per day, August 1- Sept 15/closed Sept 16 - October 14/ 10 fish per vessel per day, October 15 – December 31. Option 2 - 16 inch fish/ 3 fish per license holder or 10 fish per vessel per day, April 15 – May 31/ closed June 1 – July 31/ 3 fish per license holder or 10 fish per vessel per day, August 1- October 14/ October 15- December 31/ 6 fish per license holder or 10 fish per vessel per day, October 15 – December 31.

**Public Comment:** M. McElroy, RI Commercial Rod & Reel Association, stated if the limit was raised to 12 fish per boat for the recreational sector then it should be raised to 12 fish per boat for the commercial sector otherwise enforcement will have a difficult time with enforcing two different regulations.

**Public Comment:** G. Mataronas, Sr., stated he supported status quo, option #1 and agreed if the limit was raised to 12 fish per boat for the recreational sector then it should be raised to 12 fish per boat for the commercial sector for consistency.

**Public Comment:** R. Hittinger pointed out that the 12 fish per boat was only one portion of the recreational fishery, he noted that the party & charter fishery was 6 fish per person therefore if 6 people are on board that would be 36 fish per boat. He noted that you are not going out on a limb with 12 fish per boat instead of 36 or 42 fish per boat being a charter limit.

**Public Comment:** S. Medeiros, speaking personally, stated that whichever option goes forward he would agree with the match for recreational or commercial so if the limit went to 12 fish per boat he would agree that commercial should be 12 fish per vessel and the same match if it were at 10 fish per day.

**Public Comment:** J. Martini stated he supported status quo, option #1, but if the recreational boat limit went to 12 fish then the commercial limit should be the same.

**Public Comment:** D. Fuster, stated he supported status quo, option #1, but if the recreational boat limit went to 12 fish then the commercial limit should match.

**Public Comment:** J. Macari, stated he supported status quo, option #1, with the caveat that if the recreational boat limit was increased to 12 fish then the commercial daily vessel limit should be increased to 12 fish as well.

**Public Comment:** R. Enright, stated he supported status quo, option #1.

**Public Comment:** P. Bettencourt stated he was in support of option #1, with the caveat that if the recreational boat limit was increased to 12 fish then the commercial daily vessel limit should be increased to 12 fish.

**Public Comment:** J. MacDonald, commercial fisherman, stated he was in support of option #1, with the caveat that if the recreational boat limit was increased to 12 fish then the commercial daily vessel limit should be increased to 12 fish.

**Public Comment:** R. Bellavance stated that tautog was a quota based management system so 12 fish per person per day could limit the openings of the seasons per sub-period. He wanted to make sure everyone understood that. He stated that we may end up with a week season instead of a two week season with the higher bag limit.

R. Ballou closed the public hearing on commercial tautog.

**4) Proposed amendments to the Recreational Black Sea Bass Management Plan:** Three options for 2012 recreational black sea bass management were brought forward for public comment. The first option was to remain at status quo in 2012: 13 inch fish/ 12 fish bag limit/ July 1 through December 31. Option 2 - 13 inch fish/ 12 fish bag limit/ July 1 through December 31, this was the ASMFC regional option. Option 3 - 13 inch fish/ 15 fish bag limit/ July 1 through October 15, and 15 fish bag limit/ November 1 through December 31, this was the approximate federal option.

**Public Comment:** M. Gibson, on behalf of the DFW, commented on the regional option by stating that Commission action implemented a regional management approach for black sea bass and we have a 57% liberalize allowed based on past seasons recreational catches and the status of the resources. He explained that option #2 was the regional default option and there was some latitude to fine tune this. He asked the audience to give feedback as to whether something like a shorter season would be acceptable in order to get a 12 inch fish or offer comments along those lines. Gibson noted that they had some flexibility to modify the option based on public input.

**Public Comment:** S. Medeiros, President of RISAA, stated RISAA's preferred option was option #2 - 13 inch fish/ 12 fish bag limit/ July 1 through December 31, which was also the ASMFC regional option.

**Public Comment:** R. Bellavance, speaking on the behalf of the Party & Charter Boat industry, stated they would prefer a bag limit increase since this had an affect on their business last year, so an increase in the bag limit would be helpful to the Party & Charter

Boat industry. He noted that a portion of his group also preferred to fish a little bit earlier in the season so he was in support of backing the season up into June.

R. Ballou closed the public hearing on black sea bass.

**5) Adoption of regulations governing the taking of skate:** Six proposals were brought forward for public comment. The first proposal was to remain at status quo: no possession limits or prohibitions by species. Proposal 2 was a recommendation to mirror federal regulations regarding prohibited skate species and possession limit for skate wings and skate bait by vessels in state waters. Proposal 3 was an industry proposal made during the AP meeting to establish state-water quota equal to the previous 3-years average state-water landings. Fishery opens with no possession limit. When 90% of state-water quota is reached, federal possession limits are enacted.

Proposal 4 was also an industry proposal made during the AP meeting to establish state-water quota equal to the previous 3-years average state-water landings. Fishery opens with no possession limit. When 90% of state-water quota is reached, reduced federal possession limits (i.e. incidental) are enacted.

Proposal 5 was another industry proposal made during the AP meeting to establish state-water possession limit for wings at 6,300 lbs and adopt federal bait skate possession limits.

Proposal 6 was an additional industry proposal that came forward to have the fishery open with no possession limit. If/when a federal skate quota trigger is hit and federal possession limits are reduced, the state will enact the current, reduced federal possession limit until either the end of the fishing year or the federal possession limit is increased (whichever comes first). A written comment submitted by A. Gewirtz received at the public hearing in support of proposal #6 was entered into the record as Exhibit # 9. A written comment in support of status quo was submitted by J. Jarvis during the public comment period and was entered into the record as Exhibit #10, and a written proposal was submitted by the RI Fishermen's Alliance which was entered into the record as Exhibit # 11.

**Public Comment:** M. Gibson, on behalf of the DFW, stated that the NEFMC had addressed states about management of federal species in state waters asking each state to consider complimentary or supportive measures to the federal plan. This item was the Division's attempt to meet those needs.

**Public Comment:** G. Duckworth stated he was a RI state only fisherman that he did not hold any federal permits. He explained that 75% of his income came from the skate wing fishery. He supported three deck hands and their families so this fishery was very important to him. He stated that currently RI had 0% discard in the wing fish fishery they were not wasting any fish. He indicated that was not the case in the Federal fishery that they wasted fish because of the fluctuating limits. He felt if we imposed those regulations on our state season, which was completely different from the federal seasons, it would do a lot of damage and not save any fish. Duckworth stated we would be wasting fish and have discards and we would find fishermen in the unemployment line. He was in favor of option #6 as his first choice, and opposed mirroring the federal regulations.

**Public Comment:** A. Gewirtz stated he had submitted written comments and what he had to say was summarized in that letter. He states he was in support of option #6 noting that they did not come up with this proposal but rather it came from a conversation he had with T. Curtis, policy analysis for skate at NMFS, who had suggested it would be an

acceptable compromise. Gewirtz stated he thought this proposal would be the best of both worlds.

**Public Comment:** P. Bettencourt stated he supported RI fishermen. He also stated that the federal government screws up everything they get their hands on, and therefore supported proposal #6.

**Public Comment:** A. Anderson stated he was in support of proposal #6.

**Public Comment:** J. MacDonald stated he was in support of proposal #6.

**Public Comment:** J. Goullot stated he was against anything that would encourage the wasting of fish therefore he was in support of proposal #6.

**Public Comment:** P. Duckworth stated he was in support of proposal #6.

**Public Comment:** T. Mulvey stated he supported proposal #6.

**Public Comment:** P. DiAmber stated he was also a state only commercial fisherman and he agreed with proposal #6.

**Public Comment:** J. Jarvis stated he supported proposal #6. He also stated that one other element needed to be added which was “no possession of prohibited species”. He indicated he had addressed this in his submitted written comments.

B. Ballou closed the public hearing on the skate fishery.

**6) Proposed amendments to the Recreational Striped Bass Management Plan:** Only one proposal for 2012 recreational striped bass management was brought forward for public comment. The proposal was to remain at status quo in 2012: 28 inch fish/ 2 fish bag limit/ January 1- December 31. The Striped Bass Advisory Panel made no formal recommendations for this fishery.

**Public Comment:** S. Medeiros, President of RISAA, stated RISAA supported status quo, option #1 (28 inch fish/ 2 fish bag limit/ January 1- December 31).

**Public Comment:** G. Allen, recreational angler, stated he supported status quo.

**Public Comment:** P. Bettencourt stated he supported status quo, option #1.

**Public Comment:** M. McElroy, RI Commercial Rod & Reel Association, proposed 28 inch fish with a one fish bag limit.

B. Ballou closed the public hearing for recreational striped bass.

**7) Proposed amendments to the General Category Commercial Striped Bass Management Plan:** Only one proposal for 2012 general category commercial striped bass quota management was brought forward for public comment. The proposal was to remain at status quo in 2012: 34 inch fish/ 5 fish bag limit/ June 6 – August 31 and September 4 – December 31 and closed Fridays and Saturdays throughout. This was the Striped Bass AP approved proposal. A written proposal was submitted by P. Bettencourt recommending a change to the opening date of the commercial spring season to the last Sunday in May. This letter was entered in to the record as Exhibit #5. A written comment for status quo was submitted by S. Baker and marked as Exhibit #6. Two letters from seafood dealers R. Goodman and Tony’s Seafood, Inc., who were in support of an earlier spring start date of May 28<sup>th</sup> were marked as Exhibit #7. There were 19 signed form letters received from commercial fishermen who were opposed to a June 6 start date and supported a spring season start date as the last Sunday in May, all 19 letters were marked as Exhibit #8 by R. Ballou.

**Public Comment:** R. Calogiovani, stated he supported status quo, option #1 (34 inch fish/ 5 fish bag limit/ June 6 – August 31 and September 4 – December 31 and closed Fridays and Saturdays throughout). He felt this was a good compromise.

**Public Comment:** P. Bettencourt stated he would like to propose a change to the spring start date. He proposed having the season start on the last Sunday of May each year instead of on June 6th. He indicated this was because the fish leave the bay and with the June 6<sup>th</sup> start date there were no fish in the bay to catch so the earlier start date would help the bay fishermen.

**Public Comment:** J. Baker, stated he would like the Friday/Saturday closures to be removed.

**Public Comment:** J. Martini stated he supported the June 6 start date. However, he opposed the Sept 4<sup>th</sup> fall state date which was the day after the Memorial Day holiday because last year it was like a one day derby where you could hardly move. He proposed moving that falls start date to Sept 11<sup>th</sup> or some date the following week of Sept 4<sup>th</sup>. He also indicated that enforcement had a hard time and the reporting of fish to DEM/DFW was all messed up last year. The numbers did not get into DFW on time and they did not catch their limit they were about 2,500 pounds short of the quota. He felt the week after the holiday would be better for everyone.

**Public Comment:** R. Enright, commercial rod & reel, stated he was in support of status quo. He felt it was fair for everyone. He was in support of moving the fall start date to Sept 11<sup>th</sup> to get it away from the Memorial Day holiday. He also suggested a 75% / 25% split instead of the current 80% / 20% split.

**Public Comment:** G. Schey stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** J. Goullot stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** D. Egan, commercial fisherman, stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** R. Jobin, Striped Bass AP member, stated he supported status quo.

**Public Comment:** J. Macari, Striped Bass AP member, stated he supported status quo.

**Public Comment:** M. McElroy stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** R. Sours stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** B. Camille stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** R. Hopkins, commercial fisherman, stated he supported status quo. It was a short season as it was it would be better to start it in June at little later.

**Public Comment:** F. Rosy stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** J. Will stated he supported status quo.

**Public Comment:** B. Weinstein stated he supported staying with the June 6<sup>th</sup> spring start date (status quo) but supported moving the fall start date to Sept 11<sup>th</sup>

**Public Comment:** J. MacDonald stated he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** A. Anderson, stated he was a young fisherman and he supported P. Bettencourt's proposal for a spring start date on the last Sunday of May.

**Public Comment:** D. Fuster, stated this was tearing him up seeing the split between these guys. He pointed out that the season was too short and everyone wanted to fish for these fish in their back yards and it was getting so expensive to go out. He explained there was no perfect date because it had to do with temperature and food supply. He noted he could see the aggravation here. He agreed with P. Bettencourt but on record he knew the quota would get used up early. He indicated that all these guys had valid points.

B. Ballou closed the public hearing on General Category Commercial Striped Bass.

### **8) 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. This was recommended by the Striped Bass AP. The Division included a technical revision which was to insert the word "thirty-nine" which had inadvertently been left out.

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

R. Ballou closed the public hearing on Commercial Floating Fish Trap Striped Bass. At this point R. Ballou paused for a minute to allow people time to leave the room who were not interested in staying for the conch items.

**9) Adoption of regulations governing the taking of conch (Channeled Whelk – *Busycotypus canaliculatus* and Knobbed Whelk – *Busycon carica*):** There were a suite of components that came forward from the Adhoc Whelk Committee therefore each proposal is listed below separately, with public comments taken on each proposal. Written proposals were submitted by R. Hopkins during the public comment period for the commercial whelk fishery; he offered a proposal for a possession limit of up to 20 bushels of whelks per license per day; and for Proposal #4 – no total allowable harvest restrictions. His written comments were entered in to the record as Exhibit 12 by R. Ballou. A written proposal was submitted by the RI Fishermen's Alliance which was entered into the record as Exhibit # 13.

**Proposal #1 – Commercial and Recreational Legal Minimum Size** – Seven (7) options were brought forward with different legal minimum sizes for conch shell diameter and shell length. The Adhoc Committee favored a 2-3/4 inch shell diameter or 4-3/4 inch shell length. The Division noted if the Director decided to remain with status quo a technical revision would be made to include wording to reference a "shell" diameter and/or "shell" length which was currently missing from the regulations.

**Public Comment:** G. Mataronas, Sr., stated he supported what the RI Fishermen's Alliance put forward but if that proposal did not get through then he agreed with option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length). He also noted that if MA went up RI should mirror MA and go up with them because they were doing the research to keep the fishery alive.

M. Gibson was asked to comment on the whelk fishery. Gibson stated that MA had been studying whelks and were coming to a conclusion that whelks are not completely mature until a 4 inch diameter was reached. Therefore, all these options presented tonight are inadequate relative to the information MA had developed. Gibson indicated that MA would pursue a process with incremental increases to get up to what they think the scientific standard should be and that could be as high as 4 inches.

**Public Comment:** A. Anderson stated he supported option #1 accept (2-3/4 inch shell diameter with a 4-3/4 inch shell length).

**Public Comment:** R. Hopkins stated he supported option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length).

**Public Comment:** J. Baker stated he supported option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length).

**Public Comment:** G. Mataronas, Jr., stated he supported option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length), and also encouraged the Division to mirror what MA was doing.

**Public Comment:** D. Egan stated he favored option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length) and also encouraged the Division to do a study like MA since we have different water temperatures and have different areas then MA.

**Public Comment:** G. Schey stated he favored option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length) and also encouraged the Division to do their own studies in their own waters because RI was different from MA.

**Public Comment:** J. MacDonald stated he supported option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length) and if we mirrored what MA was doing on this we should also mirror them with finfish.

**Public Comment:** R. Foster stated he supported option #3 - (2-3/4 inch shell diameter or 4-3/4 inch shell length)

**Proposal #2 – Commercial Season(s)** – Two (2) options were brought forward; option 1- for a year round open conch season from January 1 through December 31 (recommended by the Adhoc Committee). The second option was to solicit comments to establish a season or seasons.

**Public Comment:** G. Schey stated the only reason this was brought up was the concern for dead gear in the water. He stated he was in support of option 1 - for a year round open conch season from January 1 through December 31. He commented if DEM was worried about dead gear they should go out at this time of year (winter) and remove the gear.

**Public Comment:** J. Goullot stated he supported option 1 - for a year round open conch season from January 1 through December 31. He indicated the season dictates itself.

**Public Comment:** A. Anderson stated he supported option 1 also.

**Public Comment:** R. Hopkins stated he supported option 1, but would not be opposed to the Division studying the spawning seasons and maybe having the season closed during this time.

Note: Since most of the 12 to 15 individuals left in the audience were in support of the recommendations made by the Whelk Adhoc Committee R. Ballou suggested that the Division would use those recommendation made by the committee, but if anyone present this evening was opposed to a recommendation or had another proposal to please state that information for the record otherwise the Division would assume everyone was in support of the adhoc committee recommendations.

**Proposal #3 – Commercial Possession Limit** – Three (3) options were brought forward; option 1 – was an unlimited conch possession limit (recommended by the Adhoc Committee); Option 2 – up to 35 bushels per vessel per calendar day; Option 3 – possession limit to be determined by the Division based on review of catch rates.

***Public Comment:*** G. Schey stated he supported option #1– an unlimited conch possession limit for now, but would like to see a pot limit implemented later on instead of a possession limit.

***Public Comment:*** D. Egan stated he favored option #1 – an unlimited conch possession limit. He was worried about option #3 – a possession limit to be determined by the Division based on review of catch rates, since RI really has not conducted any studies and this was not really vetted that much at the committee meeting.

***Public Comment:*** A. Anderson stated he supported option #2 – up to 35 bushels per vessel per calendar day. He felt there should be a limit in place.

***Public Comment:*** R. Hopkins stated he had submitted a written proposal for a 20 bushel limit per license per calendar day, instead of the 35 bushels per vessel per calendar day. He felt this would still allow the teams that operate, for example a father and daughter team, to work within the 35 bushel limit and it would be a little conservative with the landings to keep the season open all year round.

***Public Comment:*** J. MacDonald stated he supported option #1 – an unlimited conch possession limit.

**Proposal #4 – Total Allowable Harvest** – Four (4) options were brought forward; option 1 – the average of the last three (3) years (2009-2011) of landings. Option 2 – 75% of the average of the last three (3) years (2009-2011) of landings. Option 3 – 50% of the average of the last three (3) years (2009-2011) of landings. Option 4 - no Total Allowable Harvest restrictions.

***Public Comment:*** G. Schey stated he supported option #4 - no total allowable harvest restrictions, until studies had been done to determine the size of the fishery.

***Public Comment:*** G. Mataronas, Jr., stated he supported option #4 - no total allowable harvest restrictions, because right now we do not have a clue about the number of licenses out there and restrictions would just hurt the people that are in the fishery now.

***Public Comment:*** D. Egan stated he favored option #4 - no total allowable harvest restrictions, for the same reasons that G. Mataronas, Jr. had stated.

***Public Comment:*** G. Mataronas, Sr., stated he did not recall this being proposed at the Adhoc Committee meeting.

**Public Comment:** R. Hopkins stated he favored option #4 - no total allowable harvest restrictions. He commented that we have not had any total allowable harvest restrictions in any of the other shellfish fisheries in the state so he did not support having these restrictions in place for this fishery. He felt this was too premature at this time.

**Public Comment:** J. Baker stated he favored option #4 for a few reasons; one being that it was not brought up at the Adhoc Committee meeting he only saw it when it was posted on the website and secondly, he saw the numbers from SAFIS and they are way low and it is not account for snails sold to trucks or to MA. He commented that the numbers were way off so there is no way we could implement this.

**Public Comment:** A. Anderson stated he also supported option #4, for the reasons stated by J. Baker.

**Public Comment:** J. Goullot stated he supported option #4.

**Public Comment:** J. MacDonald stated he supported option #4.

**Proposal #5 – Licensing of Owner-operated vessel** – Two (2) options were brought forward; option 1 – no requirement for owner-operator vessels, which was favored by the Adhoc Committee. Option 2 – requirement for owner-operated vessels.

**Public Comment:** R. Ballou stated if you favor the Adhoc Committee recommendation (option 1 – no requirement for owner-operator vessels) you do not need to comment, for the record we will assume everyone here is in support unless you state otherwise.

There were no comments made therefore the record will reflect that everyone present (approximately 12-15 individuals) was in support of option #1.

**Proposal #6 – Buoying of Conch Pots** – Two (2) options were brought forward; option 1 – all traps, pots, or other stationary contrivance must be buoyed with a size requirement (at least 5”x 11”, bullet shaped with a hole through the center) for foam core lobster buoys. Option 2 – No size restrictions on foam core buoys (recommended by the Adhoc Committee).

**Public Comment:** G. Schey wanted to know where the requirement for a foam core buoy came from. He noted there were Styrofoam buoys available and to specify foam core was not necessary. He did not think the foam core buoy requirement was in the lobster regulations either. He stated he supported option #2 - no size restrictions on foam core buoys, but remove the foam core buoy restriction so they could also use Styrofoam if they wanted to.

**Public Comment:** W. Mackintosh, III stated there should also be a requirement for marking buoys to be consistence with other buoy marking requirements that include the owners name, license number, boat name and so forth.

**Public Comment:** J. MacDonald stated he agreed with option #2 - no size restrictions on foam core buoys, if you strike the words “foam core buoy”.

**Public Comment:** J. Goullot stated he did not agree with singling out the conch fishery, the restrictions should all be the same across the board. If they want form core buoy they should be for every pot fishery.

**Public Comment:** D. Egan stated he agreed with option #2 - no size restrictions on foam core buoys, but the wording for a “form core buoy” should be removed.

**Public Comment:** G. Mataronas, Sr., stated he supported option #2, with striking the words “foam core buoy”.

**Public Comment:** R. Hopkins stated he supported option #2 and also supported the RI Fishermen’s Alliance proposal which pretty much mirrors what the lobstermen have been doing. He commented that all pot fisheries should be doing the same thing.

**Public Comment:** A. Anderson stated he supported option #1 - all traps, pots, or other stationary contrivance must be buoyed with a size requirement (at least 5”x 11”, bullet shaped with a hole through the center) for foam core lobster buoys.

**Proposal #7 – Escape Vents and “Ghost” Panels** – Two (2) options were brought forward; option 1 – no escape vents or ghost panel requirements. Option 2 – requirements for escape vent and ghost panel (recommended by the Adhoc Committee)

**Public Comment:** R. Hopkins stated he supported option #1 – no escape vents or ghost panel requirements.

**Public Comment:** A. Anderson stated he supported option #2– requirements for escape vent and ghost panel.

**Proposal #8 – Tending Requirements** – Two (2) options were brought forward; option 1 – no tending requirement (supported by the Adhoc Committee); option 2 – tending requirements of at least once every 7 days.

**Public Comment:** J. MacDonald stated he agreed with option #1 – no tending requirement, because you could not enforce option #2 (tending requirements of at least once every 7 days). He stated that people are not going to put their pots out there to just have them rot.

**Public Comment:** G. Schey wanted to know if R. Ballou was still working through these option with the notion that if there are no comments the Division would assume people were in support of the recommendations made by the Adhoc Committee.

**Public Comment:** R. Ballou confirmed that was still the case.

**Public Comment:** A. Anderson stated he supported option #1– no tending requirement, and supported J. MacDonald’s comments.

**Public Comment:** R. Hopkins stated he supported option #1– no tending requirement

**Proposal #9 – Mandatory Bait Bags** – Two (2) options were brought forward; option 1 – no requirement for bait bags (recommended by the Adhoc Committee); option 2 – requirement to use bait bags when using horseshoe crabs as bait.

**Public Comment:** J. Goullot stated he supported option #1 – no requirement for bait bags.

All participants present were in support of the Adhoc Committee recommendation for option #1 – no requirement for bait bags.

**Proposal #10 – Unauthorized Raising of Traps, Pots and Devices** – (Recommended by the Adhoc Committee)

**Public Comment:** R. Ballou stated that the unauthorized raising of traps, pots and devices is already prohibited by statute so this requirement was already in effect therefore it does not need to be adopted as a regulation. He indicated there was no point in taking comment on something that was already in effect. This will move forward anyway because it was a statutory requirement.

**Proposal #11 – Removal of Branded Numbers or Identification Tags from Conch Pots**  
**Proposal #12 – Unauthorized Possession and/or Transfer of Pots and Traps**

**Public Comment:** R. Ballou stated that for both proposal 11 and 12 there were two options; Option #1 – no requirement (no prohibition), Option #2 – prohibited (use regulatory language similar to lobster regulations). These are already in the lobster regulations and could be adopted and applied to the conch fishery.

**Public Comment:** A. Anderson stated he supported option #2 – to use regulatory language similar to the lobster regulations for both proposals.

**Public Comment:** G. Schey stated he agreed with A. Anderson.

**Public Comment:** D. Egan stated he agreed.

**Public Comment:** J. Goullot stated he also supported option #2 – to use regulatory language similar to the lobster regulations

All participants were in support of option #2 – to use regulatory language similar to the lobster regulations.

**Proposal #13 – Raising Pots at Night** - Two (2) options were brought forward; option 1 – no time requirement for hauling pots; option 2 – requirement for no hauling of pots between 1 hour after sundown and 1 hour before sunrise (recommended by the Adhoc Committee).

**Public Comment:** G. Mataronas, Jr., stated he supported option #1 – no time requirement for hauling pots.

**Public Comment:** G. Mataronas, Sr., stated he also supported option #1 – no time requirement for hauling pots. He commented that they both go gillnetting in the morning and do not get back until 10 or 11 then they will go and haul the conch gear, and that was why he was in support of this option.

**Public Comment:** W. Mackintosh, III commented there was language that stated it was against the law to haul pots after dark.

**Public Comment:** R. Ballou clarified that it applied to lobster pots not conch pots.

**Public Comment:** R. Hopkins stated he was opposed to option #1 because there were a lot of bass fishermen that fished around his pots and if we did not go with option #2 there would be no way for enforcement to tell who is hauling gear. He stated it was good practice to haul gear during the day.

All other audience participants were in support of option #2 – requirement for no hauling of pots between 1 hour after sundown and 1 hour before sunrise.

**Proposal #14 – Commercial Conch Pot Limit** - Three (3) options were brought forward; option 1 –no (unlimited) pot limit; option 2 – 250 conch pot limit (supported by the Division); option 3 – 300 conch pot limit (favored by the Adhoc Committee).

***Public Comment:*** G. Mataronas, Sr., stated he supported option #2 – 250 conch pot limit.

***Public Comment:*** A. Anderson stated he supported option #2 – 250 conch pot limit.

***Public Comment:*** J. Baker stated he supported option #3 – 300 conch pot limit.

All other audience participants (approximately 12 people) were in support of option #3 – 300 conch pot limit, the Adhoc Committee favored option.

***Public Comment:*** T. Angell, RI Division of Fish & Wildlife, proposed a fourth option which would be a 200 pot/trap limit. He stated the reason for this proposal was because this was the pot limit that MA currently has in place. He commented that the Division was in the process of putting a joint meeting together with our neighboring states (MA, CT, and NY) to discuss the whelk fishery. He indicated they were hoping to develop a suite of regulations that would be fairly uniform between states. That was why he offered the 200 pot limit.

***Public Comment:*** D. Egan stated, in response to T. Angell's information, that MA had a license limit which was a non-transferable license right now and it was closed until they re-do their regulations. He noted that if we went to a 200 trap limit and we still had open licenses we would have a lot of problems.

**Proposal #15 – Commercial Conch Pot Tags** - Two (2) options were brought forward; option 1 – No trap/pots tag requirement; option 2 – provisions for conch trap/pot tags (recommended by the Adhoc Committee).

All audience participants were in support of option #2 – provisions for conch trap/pot tags which had been recommended by the Adhoc Committee.

**Proposal #16 – Mutilation and/or Possession of Conch Meat; cooked or uncooked** - One option was brought forward; option 1- conchs must be landed whole, in-shell (recommended by the Adhoc Committee)

***Public Comment:*** R. Hopkins stated there should be some provision for fishermen who use conchs for bait (hook bait) for cod. He indicated they used conch historically for years and there should be some provision to allow them to do that without having them in violation of this potentially new regulation.

All other audience participants were in support of option #1 – that conchs must be landed whole, in-shell which had been recommended by the Adhoc Committee.

**Proposal #17 – Commercial Licensing/License Moratorium** - The Whelk Adhoc Committee recommended a moratorium on conch fishery licenses/license endorsement for the 2013 licensing year (effective January 1 through December 31, 2013). The Division will refer this item to the RIMFC Industry Advisory Committee (IAC) for review when the 2013 licensing review takes place.

No comments were taken on this item

**Proposal #18 – Recreational Harvest of Conch** - Two (2) options were brought forward; option 1 – (Status Quo) recreational harvest of conch is opened to residents and non-residents; option 2 – recreational harvest of conch restricted to RI residents only (recommended by the Adhoc Committee).

***Public Comment:*** J. Goullot stated he was on the fence with this issue.

All other audience participants were in support of option #2 – recreational harvest of conch restricted to RI residents only, which had been recommended by the Adhoc Committee.

**Proposal #20 – Recreational Possession Limit of Conch** - Two (2) options were brought forward; option 1 – an unlimited possession limit; option 2 – 1/2 bushel per person per calendar day; or a maximum of 1 bushel per vessel per calendar day (recommended by the Adhoc Committee).

***Public Comment:*** J. Goullot stated the 1/2 bushel per person per calendar day; or a maximum of 1 bushel per vessel per calendar day was too little. He did not know what possession limit to recommend but felt what was being proposed and recommended by the Adhoc Committee was not enough.

***Public Comment:*** P. Bettencourt stated he supported option #1 – an unlimited possession limit, because he did get out there once in awhile and when he was out there he would like to be able to get whatever he could.

All other audience participants were in support of option #2 – 1/2 bushel per person per calendar day; or a maximum of 1 bushel per vessel per calendar day, which had been recommended by the Adhoc Committee.

**Proposal #21 – Recreational Pot Limit for Conch** - Two (2) options were brought forward; option 1 – no (unlimited) pot limit; option 2 – 5 conch pots (or miscellaneous” trap/pots) per non-commercial license holder (recommended by the Adhoc Committee).

***Public Comment:*** J. Goullot stated the pot limit should be at least ten (10) pots.

All other audience participants were in support of option #2 – 5 conch pots per non-commercial license holder, which had been recommended by the Adhoc Committee.

R. Ballou opened the floor for any other comments on any item that may not have been covered by the power point presentation.

***Public Comment:*** W. Mackintosh, III stated that the markings of buoys should have the person’s name and license number.

***Public Comment:*** G. Mataronas, Jr., stated he agreed with pot markings so that enforcement could take pots that were not properly marked and left behind but did not think we needed whale break-a-ways in the Sakonnet River area.

**Public Comment:** R. Hopkins stated those marking regulations have been around forever, they have been marking all pots even eel pots, etc., and they fish with their own colors, numbers and so forth. He indicated it was all documented.

**Public Comment:** A comment was made in reference to the RI Fishermen's Alliance proposal regarding minimum size that their proposal had a 3% tolerance measure which he was in support of.

**10) Amendments to "RI Marine Fisheries Statutes and Regulations – Part I – Legislative Findings" via a technical revision to section 1.3 (Definition of Terms) in order to correct a spelling error by changing the word canaliculatum to canaliculatus in the definition of "conch":** The Division brought this forward as a technical revision to correct a spelling error.

There were no comment made on this item

B. Ballou closed the public hearing on the conch fishery items and concluded 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 comment submitted by RISAA dated 1/30/2012, for the recreational summer flounder fishery

Exhibit 5 – Written proposal submitted by P. Bettencourt received on 2/2/2012, for the general category commercial striped bass fishery

Exhibit 6 – Written proposal submitted by S. Baker received on 2/22/2012, at the public hearing, for the general category commercial striped bass fishery

Exhibit 7 – Two written comments submitted by R. Goodman and Tony's Seafood, Inc., received on 2/22/2012, at the public hearing, for the general category commercial striped bass fishery

Exhibit 8 – Nineteen (19) signed form letters received on 2/22/2012, at the public hearing, from commercial fishermen for the general category commercial striped bass fishery

Exhibit 9 – Written comment submitted by A. Gewirtz received on 2/22/2012, at the public hearing, for the commercial skate fishery

Exhibit 10 – Written comment submitted by J. Jarvis dated 2/16/2012, for the commercial skate fishery

Exhibit 11 – Written proposal submitted by G. Carvalho, Vice President, RI Fishermen's Alliance (RIFA) dated 2/22/2012, for the commercial skate fishery

Exhibit 12 – Written proposal submitted by R. Hopkins dated 2/10/2012, for the commercial conch/whelk fishery

Exhibit 13 – Written proposal submitted by G. Carvalho, Vice President, RI Fishermen's Alliance (RIFA) dated 2/22/2012, for the conch/whelk fishery