



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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SUMMARY OF SEPTEMBER 12, 2012 PUBLIC HEARING COMMENTS

Hearing Officer: B. Ballou
DEM Staff: N. Scarduzio, J. McNamee, G. Powers, L. Mouradjian
RIMFC Member(s) present as observer(s): None were present

The public hearing was held on September 12, 2012 in Narragansett, RI at the URI Bay Campus, Corless Auditorium. Only one (1) person (S. Parente) from the general 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 any of the three management plans.

- 2) Amendments to the “Commercial Fishing Licensing Regulations”:** The changes proposed in the licensing regulations for 2013 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 for quahaug endorsements; to retain the 2:1 exit/entry ratio for quahaugs for all eligible licenses (MPL’s + PEL’s with a quahaug endorsement) that retired. For soft-shell clams, industry, via the IAC, proposed status quo; to retain the 5:1 exit/entry ratio for soft-shell clams for 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 retain the 1:1 exit/entry ratio for restricted finfish endorsements and continue to issue as PEL’s with a RFF endorsement. Industry, via the IAC, also recommended no new whelk endorsements for 2013, except to allow valid commercial fishing license (CFL) or principal effort license (PEL) holders with a quahaug and/or a soft-shell clam endorsement as of the immediately preceding year to obtain a whelk endorsement in 2013. Additionally, no new lobster endorsements for 2013. The Division of Fish and Wildlife offered other options which included; no new endorsements for soft-shell clams and whelks, and recommended creating a new licensing endorsement for Research Set Aside (RSA). The Division also offered amendments to clarify the

following definitions: “Actively Fished”, “Family Member”, and “Licensed Captain”, as well as, included a provision to allow non-expiration of commercial fishing licenses for Active Duty Military. The following items were presented for public comment:

a. Shellfish sector - Quahaug

There were no comments made from the public regarding quahaug licensing.

b. Shellfish sector – Soft-Shell Clam

There were no comments made from the public regarding soft-shell clam licensing.

c. Shellfish sector – Whelk

There were no comments made from the public regarding whelk licensing.

d. Finfish sector

There were no comments made from the public regarding finfish licensing.

e. Crustacean sector - Lobster

There were no comments made from the public regarding lobster licensing.

f. Amendments to the definition for Actively Fished (sections 5.1 and 6.7-11)

There were no comments made on this item.

g. Amendments to the definition for Family Member (section 5.27)

There were no comments made on this item.

h. Amendments to the definition for Licensed Captain (section 5.43)

There were no comments made on this item.

i. Provision to allow non-expiration of commercial fishing licenses for Active Duty Military (section 6.7-4(j))

There were no comments made on this item.

j. Create a Research Set Aside (RSA) Endorsement (section 6.8-10)

There were no comments made on this item.

3) Amendments to the “Commercial Fishing Licensing Regulations” concerning proposed regulations implementing the RI Recreational Saltwater Fishing License (section 9.1): The Division presented general provisions and exemptions pertaining to the Recreational Saltwater Fishing License. There were no comments made from the public.

4) Amendments to the “Commercial Fishing Licensing Regulations” concerning proposed Vessel-Based Regulations (section 10.1): The Division brought forward general provisions that clarify fishing from a vessel in various modes such as

recreationally, party/charter, commercially, or more than one mode. Comments were taken separately on each section or mode of fishing therefore the summary below is structured in four parts (4a through 4d) for ease of reading.

a. Vessels Fishing Recreationally(section 10.1)

There were no comments made.

b. Party/Charter Vessels (section 10.2)

Public Comment: S. Parente stated he had comments that pertained to sections 10.2 and 10.3. He stated under section 10.2 (Party/Charter vessels) and 10.3 (Vessels Fishing Commercially), if this had played out over this past summer; a party/charter captain and his mate, participating in the aggregate program, could have kept 16 fluke, 30 black sea bass, and 4 striped bass. While a strictly commercial fisher would not have been able to keep one striped bass or black sea bass for his own consumption whether caught in a trawl, pin hook or lobster pot. S. Parente stated he was of the opinion that this scenario was neither objective nor equitable and he was personally opposed to the regulatory language as proposed. He also commented that from what he had seen and heard this was a done deal. That being the case, if this passed it would be imperative that enforcement do their best to insure none of the recreationally caught fish end up being sold commercially thus exhausting the commercial quota at an accelerated rate.

c. Vessels Fishing Commercially (section 10.3)

See S. Parente's comments above in (b) Party/Charter Vessels (section 10.2).

d. Vessels Fishing in More Than One Mode (section 10.4)

There were no comments made.

B. Ballou closed the public hearing.

List of Exhibits:

Exhibit 1 – Affidavit of Publication/Posting of the Public Notice

Exhibit 2 – Copy of the Draft proposed regulations

Exhibit 3 – Copy of introductory remarks made by the hearing officer (B. Ballou)

Note: No written comments were received from the public