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DIVISION OF FISH AND WILDLIFE  
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### SUMMARY OF COMMENTS FROM MARCH 13, 2013 PUBLIC HEARING

A public hearing was held on March 13, 2013 at 6:00 PM in Narragansett, RI at the URI/GSO Bay Campus, Corless Auditorium. Approximately 12 people attended the hearing.

Hearing Officer: M. Gibson

DEM Staff: J. McNamee, M. Gibson, P. Duhamel, and Nicole Lengyel

RIMFC Members present as observers: W. Mackintosh, III and D. Monti

The following 6 items were presented for public comment:

**1) Proposed amendments to the Recreational Summer Flounder management plan:** 2 options for amendments to the Recreational Summer Flounder regulations were presented. **Option 1** was to remain at status quo: minimum size 18.5 inches; 8 fish possession limit; May 1 – Dec. 31 season. **Option 2** was to decrease the minimum size from 18.5 inches to 18 inches; possession limit and season unchanged.

A written comment was provided from R. Bellavance, President of the RI Party and Charter Boat Association (RIPCBA), in support of option 2. This was marked as Exhibit #6.

**Public Comment:** G. Allen, recreational fisherman and member of RI Salt Water Anglers Association (RISAA), stated that he was speaking on behalf of the Board of Director's of RISAA, and was in favor of option 2.

**Public Comment:** D. Monti, charter boat captain and member of the (RIPCBA) and RISAA stated that he was in support of option 2.

**Public Comment:** M. Bucko, recreational fisherman, stated he was in favor of option 2.

**Public Comment:** E. Cook, recreational fisherman and RISAA member, and speaking as a member of the Summer Flounder Advisory panel (AP), stated he was strongly in support if option 2.

M. Gibson closed this portion of the public hearing on recreational summer flounder.

**2) Proposed amendments to the Recreational and Commercial Tautog management plan:** 2 proposals consisting of 3 options were presented. For the Recreational Tautog regulations (proposal #1), 2 options for amendments were presented. **Option 1** was to remain at status quo (minimum size 16 inches; 3 fish per person per day possession limit for the April 15 – May 31 sub-period; 3 fish per person per day possession limit for the August 1 – 3<sup>rd</sup> Saturday in Oct. sub-period; and 6 fish per person per day possession limit for the 3<sup>rd</sup> Saturday in Oct. – December 15 sub-period). **Option 2** was to change the season opening date from April 15 to March 1; possession limit and seasons unchanged. For the Commercial Tautog regulations

(proposal #2), **1 option** was presented, to remain at status quo (10 fish per vessel per day possession limit for the April 15 – May 31 sub-period; 10 fish per vessel per day possession limit for the August 1 – Sept. 15 sub-period; and 10 fish per vessel per day possession limit for the Oct. 15 – Dec. 31 sub-period).

**Proposal #1 - Recreational size, possession limit, and season:**

A written comment was provided from Lucky Bait and Tackle, supporting option 2 of proposal 1. This was marked as Exhibit #3.

A written comment was provided from R. Bellavance, President of the RIPCBA, strongly in support of option 1, status quo, of proposal 1, keeping the opening date as April 15<sup>th</sup>, as opening the season March 1<sup>st</sup> would undermine any attempts to rebuild and maintain this important fishery. This was marked as Exhibit #6. It should be noted that the hearing officer stated that RIPCBA was in favor of option 2, opening the season March 1<sup>st</sup>, however as stated in the written comment provided the RIPCBA was in favor of option 1, status quo. This was marked as Exhibit 6.

A written comment was provided from Quaker Lane Bait and Tackle, M. Bestwick, in support of option 2 of proposal 1, changing the season opening date to March 1<sup>st</sup>. This was marked as Exhibit 7.

**Public Comment:** G. Allen, recreational fisherman and member of RISAA, stated that he was speaking on behalf of the Board of Director's of RISAA, and supported option 2, changing season opening date to March 1<sup>st</sup>.

**Public Comment:** M. Bucko, recreational fisherman, but also stating he was representing the bait and tackle shops of RI, stated that the bait and tackle shops also supported option 2.

**Public Comment:** D. Monti, charter boat captain and member of the RIPCBA and RISAA, stated he was in favor of the March 1<sup>st</sup> opening date.

M. Gibson closed this portion of the public hearing on recreational tautog.

**Proposal #2 – Commercial size, possession limit, and season:**

No public comments were provided for commercial tautog.

M. Gibson closed this portion of the public hearing on recreational and commercial tautog.

**3) Proposed amendments to the Recreational Scup management plan:** 4 options were presented for amendments to the Recreational Scup regulations. **Option 1** was to remain at status quo (Recreational: minimum size 10.5 inches; 20 fish per person per day possession limit; May 1 – Dec. 31 season. Party/charter: minimum size 11 inch; 20 fish per person per day for the May 1 – August 31 sub-period; 40 fish per person per day for the Sept. 1 – Oct. 31 sub-period; and 20 fish per person per day for the Nov. 1 – Dec. 31 sub-period). **Option 2:** Recreational: decrease minimum size from 10.5 to 10 inches; increase possession limit from 20 to 30 fish per person per day; season unchanged. Party/charter: decrease minimum size from 11 to 10.5 inches; increase possession limit from 20 to 30 fish per person per day for the May 1 – Aug. 31 sub-period; increase possession limit from 40 to 45 fish per person per day for the Sept. 1 – Oct. 31 sub-period; and increase possession limit from 20 to 30 fish per person per day for the Nov. 1 – Dec. 31 sub-period. **Option 3:** Recreational: decrease minimum size from 10.5 to 10 inches; increase possession limit from 20 to 30 fish per person per day; season unchanged. Party/charter:

decrease minimum size from 11 to 10 inches; increase possession limit from 20 to 30 fish per person per day for the May 1 – Aug. 31 sub-period; increase possession limit from 40 to 45 fish per person per day for the Sept. 1 – Oct. 31 sub-period; and increase possession limit from 20 to 30 fish per person per day for the Nov. 1 – Dec. 31 sub-period. **Option 4:** Experimental shore mode fishery in the upper bay consisting of a reduced minimum size of 9 inches in 3 specific locations.

A written comment was provided from Representative Anastasia Williams, Chairwoman, RI Legislative Black and Latino Caucus, in support of option 2 for the general recreational category, to reduce the minimum size from 10.5 to 10 inches and increase the daily possession limit for each of the sub-periods. This letter was marked as Exhibit 4.

A written comment was provided from R. Bellavance, President of the RIPCBA, in support of option 2. A comment was also provided in support of exploring an increase in the bag limit for the bonus season from 45 to 50 fish, to serve as a more appropriate bag limit for marketing trips to Charter/Party clients. This was marked as Exhibit #6.

**Public Comment:** G. Allen, recreational fisherman and member of RISAA, stated that he was speaking on behalf of the Board of Director's of RISAA, and supported option 2 for general recreation, 10 inch size and increase to 30 fish possession limit.

**Public Comment:** D. Monti, charter boat captain and member of the RIPCBA and RISAA, also supported option 2.

**Public Comment:** M. Bucko stated that he also supported option 2.

M. Gibson closed this portion of the public hearing on the first 3 options on recreational scup. He then opened the hearing for comments on Option 4 for the proposed Experimental shore mode fishery.

A written comment was provided from Representative Anastasia Williams, Chairwoman, RI Legislative Black and Latino Caucus, in support of this option. She favored investigating the following locations: land adjacent to the Jamestown water treatment plant; Colt State Park; Wickford Junction and Point Judith on the rock wall; and Conimicut Point Park. This letter was marked as Exhibit 5.

**Public Comment:** D. Monti, offered inquired as to the possibility of Colt State Park as a possible 3<sup>rd</sup> location.

**Public Comment:** M. Bucko inquired as to the selection of sites being that there were no boat ramps located at the sites. M. Gibson offered that this was correct and that sites were based on access to only shore fishermen. J. McNamee offered that Colt State Park was looked at but not selected due to presence of a boat ramp. M. Bucko then suggested Stone Bridge as a possible site due to the lack of boat ramp.

**Public Comment:** W. Mackintosh, member of RIMFC and Scup/Sea Bass AP Chair, suggested that this option was appropriate in the entire bay north of the Colregs. He stated that as scup is used primarily as a food source, he recommended a 9 inch minimum size and 30 fish possession limit for all waters north of the Colregs line. He also stated that a smaller size limit would be beneficial to shore fishing in the bay as the bulk of the smaller fish are in the bay. A smaller size limit would allow for these fishermen to keep more of their catch and he therefore strongly supports this option.

**Public Comment:** M. Bucko stated that he also strongly supported this option and again suggested Stone Bridge as an option for the 3<sup>rd</sup> site, but also suggested any site would be appropriate.

**Public Comment:** G. Allen, in discussion with W. Mackintosh, thought the option was a great idea.

M. Gibson closed this portion of the public hearing on recreational scup.

**4) Proposed amendments to the Recreational Black Sea Bass Management Plan:** 2 proposals consisting of 4 options were presented for amendments to the recreational black sea bass regulations. **Option 1** was to change the season closing date from Dec. 31 to Sept. 4<sup>th</sup>; minimum size (13") and possession limit (15 fish) unchanged. **Option 2** was to change the season opening date from June 15 to Aug. 20; minimum size and possession limit unchanged. **Option 3** was to change the possession limit from 15 to 2 fish; minimum size and season unchanged. **Proposal 2** was to add language to the minimum legal size (section 7.14.2-1) in order to clarify the total length measurement.

**Proposal #1 - Recreational size, possession limit, and season:**

A written comment was provided from R. Bellavance, President of the RIPCBA in support of an increase in minimum size limit and combined with a reduction in bag limit as preferred control measures to meet the required ASMFC 32% reduction in harvest; and that reducing seasons should be considered last. This comment provided an example management measure of a 14 inch minimum size, combined with a 5 fish bag limit and season of July 1<sup>st</sup> – Nov. 30<sup>th</sup>. This was marked as Exhibit #6.

**Public Comment:** A question was asked by G. Allen if the RIPCBA comment was a proposed option. M. Gibson explained that it wasn't and that this group preferred to lose days at end of season and mitigate this loss with an increase in minimum size. J. McNamee explained that the option proposed was to provide for a full gamut of options that would be reflective of the required ASMFC reduction. He explained there were many possible scenarios and it was asked of the AP which options should be looked at.

**Public Comment:** W. Mackintosh commented that per discussions at the AP, that a June – October season would be most desired recreational season.

**Public Comment:** G. Allen supported W. Mackintosh's suggestion of 5 fish with the longest season possible without going past the 32% reduction.

**Public Comment:** M. Bucko stated he preferred option 3 to gain the longest season as possible at the back end.

**Public Comment:** D. Monti advocated for a recreational 5 fish bag limit with a season capturing most of November.

M. Gibson closed this portion of the public hearing on the 3 options of the 1<sup>st</sup> proposal for black sea bass. He then opened the hearing for comment on the second option, to add language to the minimum legal size (section 7.14.2-1) in order to clarify the total length measurement.

**Proposal #2 – Clarify the total length measurement:**

**Public Comment:** M. Bucko stated he supported the option.

M. Gibson asked if there were any comments in opposition to this proposed option. Hearing none, he closed this portion of the public hearing on black sea bass.

5) **Proposed amendments to the Narragansett Bay Menhaden management plan:** 2 options were presented to the Menhaden regulations (Part XVI). *Option 1* was status quo. *Option 2* was to remove the harvest cap, by removing the language contained in section 16.2.5(B), “Biomass Ceiling”. J. McNamee explained the elements of the fishery regarding floor and ceiling harvest requirements. He also explained that the 2<sup>nd</sup> option to remove the cap language was brought up by Ark Bait at the AP meeting after the public notice, which was the reason for the 2<sup>nd</sup> option not being included in the public notice.

**Public Comment:** G. Allen, recreational fisherman and member of RISAA, stated that he was speaking on behalf of the Board of Director’s of RISAA, and supported option 1, status quo. He further commented that RISAA was very much opposed to the Ark Bait proposal (option 2) as it would negatively impact the menhaden fishery as sustained forage for striped bass and bluefish, and the ceiling language is necessary to support ecological factors such as the value of filter feeding.

**Public Comment:** M. Bucko stated he strongly supports status quo, as the Narragansett Bay Menhaden Management Plan is designed to prevent localized depletion and as a source of food to other species that rely on Menhaden for food, and its importance to the Narragansett Bay ecosystem.

**Public Comment:** E. Cook, committee chairman of the RISSA menhaden committee and voting member of the Menhaden AP, was strongly opposed to option 2.

**Public Comment:** G. Goodwin of Seafreeze Seafood, commented on opportunities for landing menhaden when caught out of state. He wasn’t commenting on fishing for Menhaden in Narragansett Bay but was looking at possible economic benefit if dealers were to be able to receive landings when caught out of state.

M. Gibson closed this portion of the public hearing on menhaden.

6) **Proposed amendments to the RI Marine Fisheries Statutes and Regulations – Part XIX, Fish/Shellfish Dealer Regulations, regarding the reporting of regarding the reporting of research set aside (RSA) and to update regulatory citations for consistency with certain statutory citations:** 2 proposals were presented. *Proposal 1* was to add a requirement to report RSA by using the field “Disposition” in the Standard Atlantic Fisheries Information System (SAFIS). *Proposal 2* was to add a requirement to report RSA by using the field “Fishing Mode” in SAFIS.

N. Lengyel provided background on problems with RSA reporting, particularly with black sea bass and summer flounder. M. Gibson offered that he was looking for general endorsement that would be then provided to the discussions with ACCSP.

**Public Comment:** W. Mackintosh offered that it was essential for this information to come in immediately from dealers, and asked if there was a Division preference of either proposal. N. Lengyel offered that either would help correct the problem but option 1 was being looked at as the favorable option but discussions with ACCSP are still on-going.

M. Gibson closed the public hearing on this item and concluded the public hearing.

List of Exhibits:

1. Exhibit 1: Affidavit of Publication/Posting and Public Hearing Notice
2. Exhibit 2: Copy of Public Notice and annotated regulations.
3. Exhibit 3: Written comment from Lucky Bait and Tackle, supporting the March 1<sup>st</sup> season opening date for the Recreational Tautog.
4. Exhibit 4: Written comment from Representative Anastasia Williams, Chairwoman, RI Legislative Black and Latino Caucus, in support of option 2 for the general recreational category, to reduce the minimum size from 10.5 to 10 inches and increase the daily possession limit for each of the sub-periods.
5. Exhibit 5: Written comment from Representative Anastasia Williams, Chairwoman, RI Legislative Black and Latino Caucus, in support of this option. She favored investigating the following locations: land adjacent to the Jamestown water treatment plant; Colt State Park; Wickford Junction and Point Judith on the rock wall; and Conimicut Point Park.
6. Exhibit 6: Written comment from R. Bellavance, President of the RI Party and Charter Boat Assoc., in support of option 2.
7. Exhibit 7: Written comment from Quaker Lane Bait and Tackle, M. Bestwick, supporting the March 1<sup>st</sup> season opening date for the Recreational Tautog.