



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF MARINE FISHERIES**  
3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

## **SUMMARY OF HEARING COMMENTS**

A public hearing was held on **November 12, 2019** at 6:00 PM, URI Narragansett Bay Campus, Corless Auditorium, Narragansett, RI. Approximately 20 persons were in attendance. Please note this document is a **summary only** (i.e., names of persons making comments and main points made); please visit the Division website for the [full video recording](#) (expand the “SHOW MORE” tab to show individual agenda items and their time of recording).

**1. Remove provision that specifies quota management for tautog over-harvest, as the summer sub-period referenced no longer exists in rule (section 1.6(A)(1)(b)(2)):**

- K. Booth: In support of proposal as long as any overages in any given sub-period as deducted from the same sub-period in the following year.

**2. Establish rule for high-grading prohibition (section 1.6(H)):**

- J. Perkins: Concerned that definition of term is unclear which could lead to overly discretionary enforcement.
- T. Mulvey: Concerned that definition of term is unclear which could lead to overly discretionary enforcement.
- P. Duckworth: Concerned that definition of term is unclear which could lead to overly discretionary enforcement.
- G. Duckworth: Concerned that definition of term is unclear which could lead to overly discretionary enforcement.
- J. Walker: Concerned that definition of term is unclear which could lead to overly discretionary enforcement.
- A. Eagles: Not in support of proposal as not enforceable.

**3. 2020 Commercial Black sea bass management (section 3.7.2(A) and (B)):**

- J. Walker: Close in July and move the July allocation to May-June to keep prices higher. Prices are low in July due to overlap with open season in Massachusetts; better to harvest in May-June when prices are higher. Better management could result in a directed fishery for state vessels. In support of

eliminating Jan.-April sub-period or re-allocating a portion of its allocation to other sub-periods.

- J. Perkins: Move allocation from July to other sub-periods when prices are higher and avoid overlap with Massachusetts season. Combine May-June and July sub-periods into a single sub-period.
- T. Mulvey: Allocation needs to be increased in sub-periods where access to fish is greatest.
- G. Duckworth: In support of aggregate limits for all sub-periods to reduce discards.
- A. Eagles: Eliminate Jan.-April sub-period and move its allocation to the Spring and Fall. The Jan.-April opening doesn't benefit state vessels.
- P. Duckworth: Eliminate Jan.-April sub-period and move its allocation to other sub-periods to benefit state vessels. Discards are greatest in the summer months.
- D. Borden/AOLA: Combine May-June and July sub-periods into a single sub-period and increase starting possession limit. Not in support of eliminating the Jan.-April sub-period as would increase discards.
- K. Booth: In support of maintaining a Summer opening. In support of moving allocation from July into August or early September.
- D. Pesante: In support of moving allocation into August or September to be able to harvest some fish and reduce discards.

**4. 2020 commercial Scup management (section 3.8.2(A)&(B)):**

- No comments were made.

**5. 2020 commercial Summer flounder management (section 3.10.2):**

- P. Duckworth: In support of increasing the starting possession limit in the May-Sept. sub-period to 100 lbs/day. Concerned that proposed changes to the Jan.-April sub-period would result in excessive catch rates and overages.
- J. Walker: Concerned that proposed changes to the Jan.-April sub-period would result in excessive catch rates and overages only favorable to off-shore vessels.
- T. Mulvey: In support of a starting possession limit for the Jan.-April sub-period of 1,000 lbs/week and opening the Aggregate Landing Program in January; increasing the starting possession limit in the May-Sept. sub-period to 100 lbs/day; and transferring any underages in the Sept.-Dec. sub-period into the Jan.-April sub-period in the following year.
- K. Booth: Any harvest overages should be deducted from same sub-period in the following year.
- J. Perkins: Concerned that proposed increases in the Jan.-April sub-period could reduce quota allocated to the May-Sept. sub-period.

- J. Walker: In support of the alternative industry proposal of a weekly possession limit to better track harvest and avoid an overage. Not in support of opening the Aggregate Landing Program in January.
- R. Morris: In support of reducing the allocation in the Jan.-April sub-period to allow fish to spawn and increasing the starting possession limit in the May-Sept. sub-period to 150 lbs/day.

**6. 2020 commercial Bluefish management (section 3.18.2):**

- J. Perkins: In support of maximizing the possession limit while maintaining an open season.
- D. Borden: In support of maximizing the possession limit while maintaining an open season.
- D. Pesante: In support of the proposed increase in minimum size to 18" so that fish are sexually mature before harvesting.
- J. Walker: In support of the proposed increase in minimum size to 18" so that fish are sexually mature before harvesting.
- G. Duckworth: In support of the proposed increase in minimum size to 18" so that fish are sexually mature before harvesting.
- Public comment: In support of the proposed increase in minimum size to 18". Fish trap bycatch of smaller fish not a major discard issue as fish are usually alive when returned to the water.
- P. Duckworth: In support of the proposed increase in minimum size to 18" so that fish are sexually mature before harvesting.

**7. 2020 commercial menhaden management (section 3.22.2):**

- General management comments were made; no proposals were offered.

**8. Ocean pout harvest prohibition (proposed new section 3.32):**

- No comments were made.

**9. Atlantic wolffish harvest prohibition (proposed new section 3.33):**

- No comments were made.

**10. Part 12 – Research Pilot Aggregate Program:**

- G. Duckworth: In support of increasing the number of participating vessels. Or if can't increase number of participating vessels, then omit eligibility for current participants and only continue program with new participants. Program is resulting in increases in harvest due to changes in behavior where program

participants are now targeting species for harvest rather than harvesting as a bycatch.

- J. Walker: In support increasing the number of participating vessels and extending the application period to make it easier to participate. In support of maintaining eligibility for current participants to maintain a control group as well as providing for new entrants. In support of aggregate limits as the standard.
- R. Sylvestre: In support of providing for new participants and omitting eligibility for current participants if it allows for new entrants. Program is resulting in changes in behavior where certain species are now targeted species rather than bycatch species.
- T. Mulvey: If not increasing the number of participating vessels then current participants that are not actually participating should be omitted from program and replaced with new entrants. Program is resulting in changes in behavior where program participants are now targeting species for harvest rather than harvesting as a bycatch. Most restrictive rule limits all fishermen to lowest possession limit. Program is resulting in a special class of fishermen.
- R. Morris: In support of aggregate limits as the standard available to all fishermen. If not increasing the number of participating vessels then current participants that are not actually participating should be omitted from program and replaced with new entrants. Need observers on vessels to verify gear and activities.
- D. Borden/AOLA: Shorten the application to four weeks and notify via listserve. Current participants need to be ready to participate on January 1, 2020.
- P. Duckworth: In support of expanding program to new participants. Program should be available to all fishermen or not adopted. Program is not consistent with the Fluke Exemption/Aggregate Landing Program. There are too many unknown variables that should be considered before continuing the program. Program is increasing effort. Need to be able to apply before January 1.
- K. Booth: Program should not be re-adopted if it is resulting in changes in behavior where species are now targeted, which the program was not designed to do.

#### **11. Part 13 – Cooperative Multi-State Possession and Landing Pilot Program for Summer Flounder (proposed new adoption):**

- T. Mulvey: Program will result in increased effort from federal vessels.
- J. Walker: Discussion only, no comment made.
- P. Duckworth: Program will result in increased effort and will be difficult to enforce.
- G. Duckworth: The eligibility provision that applicants have not been assessed a criminal or administrative penalty within the past three years is overly restrictive.
- R. Morris: The eligibility provision that applicants have not been assessed a criminal or administrative penalty within the past three years is overly restrictive.

- A. Eagles: Provide for Director discretion regarding the eligibility provision that requires that applicants have not been assessed a criminal or administrative penalty within the past three years.

## **12. Whelk pot tagging program (proposed new section 4.18):**

- A. Eagles: It's unclear if federal Area 2 lobster permit holders who also hold a license in RI to harvest whelk (i.e., multi-purpose or whelk endorsement) will be able to legally harvest whelk in RI, in that federal lobster trap tags are required to be placed in their whelk pots. Can't place federal tags in state whelk pots, so federal Area 2 lobster permit holders may not be able to fish for whelk in RI state waters. A whelk pot is not designed to catch lobster; different pot definitions may need to be reviewed. State definition of whelk pot should suffice to not require federal lobster tags in whelk pots. Proposed rule is unfair and does not support local fishermen. Federal LTA holders need to use their lobster tags to generate income from lobster pots, if they have to use these tags in the whelk pots it is making them choose one or the other which is unfair. Federal rule should be addressed.
- P. Duckworth: Confusion on the water if can haul whelk pots same trip as lobster pots. Rule requires federal lobster tags in whelk pots.
- J. Walker: Proposed rules contradict federal Area 2 lobster rules. If implementing a tagging program for whelk pots should then implement for all pot fisheries.
- G. Duckworth: Most restrictive rule applies.
- R. Morris: Let the state manage all gear within 3-mile limit.
- T. Mulvey: Most-restrictive rule applies.
- Comment: Rules should not be adopted as inconsistent with federal Area 2 lobster rules.

For the full video of the hearing please go to: <https://www.youtube.com/watch?v=KiTMKiBRe3w>. Please expand the "SHOW MORE" tab to show individual agenda items and their time of recording.