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

Summary of Public Hearing Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulations:

- Part 1 – Definitions and General Provisions (250-RICR-90-00-1)
- Part 3 – Finfish (250-RICR-90-00-3)
- Part 7 – Dealers
- Part 12 – Research Pilot Aggregate Program (250-RICR-90-00-12)
- Part 14 – Summer Flounder Exemption Certificate Program (250-RICR-90-00-14)
- Part 23 (proposed new rule adoption) - Aggregate Programs for Summer Flounder and Black Sea Bass

Type of Filing: Amendments/Adoption

Timetable for action on the proposed rule:

- Date of public notice: February 22, 2023
- Date of hearing: March 6, 2023
- End of comment period: March 23, 2023

Testimony and Comments:

The public hearing was recorded and is publicly available on the Division of Marine Fisheries YouTube channel here. ***This document represents a synopsis of the comments provided; it does not include supporting details and rationale that may have been provided.***

1. Definitions and General Provisions:

    - One written comment received regarding the proposed definition of "medical hardship" that it *"potentially significantly narrows the circumstances that constitute a "medical hardship," and more concerningly, it would eliminate any medical condition that is not physical in nature. It would thus appear to exclude a*

person from qualifying for a temporary operator's permit if their medical condition involves mental, rather than physical, illness."

2. 2023 Recreational Black Sea Bass Management:

- 7 comments in support of proposal #2
- RIPCBA in support of proposal #2
- RISAA in support of proposal #4
- 4 comments in support of proposal #4
- 2 comments in support of status quo

3. 2023 Recreational Scup Management:

- RISAA in support of proposal # 1
- RIPCBA in support of proposal #1
- 4 comments in support of proposal #1
- 1 comment in support of proposal # 2

4. 2023 Commercial General Category Striped Bass Management:

- 7 comments in support of proposal #1
- 2 comment in support of proposal # 2
- 8 comments in support of proposal # 3
- Division of Law Enforcement opposed to removal of commercial "possession" on closed days
- 1 comment opposed to closed days not in continuity (i.e., alternating closed and open days)
- 1 comment that "there be timely and meaningful negative consequences instituted for report timing noncompliance to avoid a reoccurrence of 2022's Striped Bass fishery management failure"
- RIPCBA in support of status quo
- 2 comments in support of status quo
- 1 comment in support of either proposal #4 or #5

5. Commercial Menhaden Management:

- 4 comments in support of proposal # 1 (Division proposal)
- 6 comments opposed to proposal # 2 (industry proposal)
- Save the Bay opposed to proposal # 2
- ARC Bait in support of the following:
    - Move the east and west passage's most southern menhaden management area boundary lines north to the Sakonnet and Jamestown bridge after September 1st; in conjunction with that the landing limit would be 120,000 lbs per vessel per day from the new boundary lines south if the management area was closed.

    - After the spring migration of fish leave Narragansett bay, we would like the TAC to reset in the management area if fish return in the fall.
    - During the instance that the management area is closed we believe you should consider going to a 40,000lbs weekly limit rather than a 120,000lbs limit.
- 1 comment in support of eliminating the MMA and biomass triggers
- 4 comments in support of the proposal #2
- 1 comment in support of proposal # 2, with a lower possession limit of 50,000 lbs/vsl/week if 120,000 lbs/vsl/week not supported
- 1 comment in support of management that supports full utilization of quota
- RIPCBA in support of proposal #1 and opposed to proposal #2

6. Dealers – Striped Bass Reporting (Part 7 – Dealers)

    - 3 comments in support of the proposed rule as noticed

7. Aggregate Program for Summer Flounder and Black Sea Bass:

    - 1 comment in support of the rule as noticed (division proposal)
    - Town Dock in support of the proposed rule as noticed (Division proposal)
        - Support participation in both the winter and summer subperiods (i.e., not one or the other)
        - Opposed to 7X daily possession limit for black sea bass
        - Opposed to small mesh gear restrictions while participating in the aggregate program.
    - 2 comments opposed to requiring a Summer Flounder Exemption Certificate for participants in the summer/fall subperiod to land >300 lbs/vsl/day
    - 1 comment in support of the industry proposal which would provide 50% of the weekly possession for vessels without a Summer Flounder Exemption Certificate
    - 1 comment in support of requiring a Summer Flounder Exemption Certificate for the summer/fall season
    - 2 comments opposed to allowing participating in both the Winter and Summer/Fall subperiods
    - 1 comment in support of 7X daily possession limit for black sea bass
    - 1 comment in support of maintaining 5X daily possession limit for black sea bass
    - 1 comment in support of X daily possession limit for black sea bass from May 1 – Aug. 15 and 5X the daily possession limit from Aug. 16 – Dec. 31
    - 1 comment in support of an 80% closure trigger
    - 1 comment in support of a 90% closure trigger
    - 2 comments opposed to all proposals
    - 1 comment in support of continuing as a pilot program for an additional year

8. Summer Flounder Exemption Certificate Program Possession Limit:

    - 1 comment in support of the proposed rule

- Town Dock in support of the proposed rule
- 1 comment that the proposed possession limit increase is not enough
- 1 comment in support of increasing the possession limit to unlimited
- 1 comment opposed to the proposed rule
- 1 comment in support of increasing the possession limit from 200 lbs/vsl/day to 400-500 lbs/vsl/day

9. Other non-substantive (i.e., clarifications) proposed amendment to Part 3ummer Flounder Exemption Certificate Program Possession Limit: