



Rhode Island  
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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TO: Janet L. Coit, Director DEM  
FROM: Mark Gibson, Deputy Chief for Marine Fisheries, DFW  
DATE: March 13, 2013  
SUBJECT: Request for Decisions on February 19, 2013 Marine Fisheries Public Hearing Items

Proposed regulatory changes for 2013 pertaining to recreational & commercial striped bass, commercial spiny dogfish, coastal sharks, and lobster, have moved through the regulatory process and are hereby presented for final decisions.

These matters were the subject of a public hearing held on February 19, 2013 and subsequent consideration by the RI Marine Fisheries Council (RIMFC) at their March 4, 2013 meeting. Supporting documentation submitted along with this memorandum includes the summary of public hearing comments, and the minutes from the RIMFC March 4, 2013 meeting. The proposed changes are summarized below.

*Having reviewed the entire record, and conferred with staff, I hereby urge adoption of the proposed changes as noted below. If you concur, please indicate by signing this memo at the end and returning it to me. Upon receipt of the signed memo, I will initiate the filing process. If you wish to make any changes that differ from those proposed, please delineate those changes via a separate memo.*

**Recreational Striped Bass:** One proposal for 2013 recreational striped bass management was brought forward for public comment. That proposal, which was recommended by the Council's Striped Bass Advisory Panel (AP), was to remain at status quo.

At the February 19 public hearing, two individuals spoke on this issue, and both offered support for status quo. At the March 4 RIMFC meeting, the Division offered its support for status quo, and the Council voted unanimously to recommend that the Director maintain status quo.

*As supported by the Council and the Division, I urge maintenance of status quo for the 2013 recreational striped bass management program, i.e., a 28-inch minimum size fish, 2 fish per person bag limit, and a year-round season.*

**Commercial Striped Bass {General Category}:** One proposal for 2013 general category commercial striped bass quota management was brought forward for public comment. That proposal, which was recommended by the Striped Bass AP, was to modify the two sub-period quota

percentages, and to modify the September start date for the second sub-period. Specifically, the proposal was to modify the current 75/25 allocation split to a 70/30 split, and to begin the September sub-period on September 8 instead of September 11. All of the other program provisions, including the June 6 start date for the first sub-period, the Friday/Saturday closures, the 34-inch minimum size, and 5-fish per vessel daily possession limit would remain unchanged. At the February 19 public hearing, two individuals spoke on this issue, and both offered support for the proposal.

At the March 4 RIMFC meeting, the Division offered its support for the proposal, noting that the issues of sub-period allocation splits and start dates involve industry preferences and do not affect the Division's ability to manage the State's commercial quota. The Council voted unanimously to recommend adoption of the proposal by the Director.

*As supported by the Council and the Division, I urge adoption of the proposal to amend the 2013 commercial general category striped bass management program by modifying the sub-period quota allocation split from 75/25 to 70/30 and by changing the start date for the September sub-period from September 11 to September 8. Implicit in this recommendation is that all other regulatory provisions associated with the management program are to remain in effect.*

**Commercial Striped Bass {Floating Fish Trap Sector}**: One proposal for 2013 commercial floating fish trap striped bass quota management was brought forward for public comment. That proposal, which was recommended by the Striped Bass AP, was to remain at status quo.

At the February 19 public hearing, three individuals spoke on this issue, and all offered support for status quo. At the March 4 RIMFC meeting, the Division offered its support for status quo, and the Council voted unanimously to recommend that the Director maintain status quo.

*As supported by the Council and the Division, I urge maintenance of status quo for the 2013 commercial floating fish trap striped bass management program.*

**Spiny Dogfish**: One proposal for 2013 commercial spiny dogfish management was brought forward for public comment. That proposal was to increase the daily possession limit from 3,000 to 4,000 pounds per vessel per day, in accordance with recent changes to the state and federal waters management programs for spiny dogfish enacted by the New England Fishery Management Council and the ASMFC.

There were no comments made at the February 19 public hearing on this item. At the March 4 RIMFC meeting, the Division offered its support for the proposal, noting that it would provide increased harvest opportunities for commercial fishermen. The Council voted unanimously to recommend adoption of the proposal by the Director.

*As supported by the Council and the Division, I urge adoption of the proposal to increase the daily commercial possession limit for spiny dogfish from 3,000 to 4,000 pounds per vessel per day.*

**Coastal Sharks**: One proposal for 2013 commercial coastal sharks was brought forward for public comment. That proposal was to increase the possession limit for the Coastal Sharks, Non-Sandbar Large Coastal Sharks species group from 33 to 36 sharks per vessel per day, in accordance with

recent changes to the state and federal waters management programs for coastal sharks enacted by the Regional Councils and ASMFC. The Non-Sandbar Large Coastal Sharks species group includes: silky, tiger, blacktip, spinner, bull, lemon, nurse, and hammerheads.

There were no comments made at the February 19 public hearing on this item. At the March 4 RIMFC meeting, the Division offered its support for the proposal, noting that it would likely have little impact for RI fishermen, since so few sharks from the category are harvested commercially by RI fishermen. The Council voted unanimously to recommend adoption of the proposal by the Director.

*As supported by the Council and the Division, I urge adoption of the proposal to increase the daily commercial possession limit for the Coastal Sharks, Non-Sandbar Large Coastal Sharks species group from 33 to 36 sharks per vessel per day.*

**Commercial Lobster Regulations for LCMA 4:** One proposal was brought forward for public comment. That proposal, applicable to Lobster Conservation and Management Area 4, was to establish mandatory v-notching of certain female lobsters (namely, all eggers) and to institute an annual seasonal closure from February 1 through March 31. These measures were adopted in 2012 by the ASMFC, and RI, along with all other states, is obligated to enact them in order to maintain compliance with the ASMFC management program for lobsters. The measures were supported by commercial lobster fishermen during the ASMFC process. Because the measures took effect in 2012 with regard to the V-notching requirement, and apply to 2013 with regard to the February-March closure, the Director enacted emergency regulations, putting the measures into immediate effect, on January 16, 2013. The ensuing public hearing and the pending final decision by the Director complete the regulatory process as set forth by the RI Administrative Procedures Act. It should be noted that RI commercial lobster fishermen primarily target LCMAs 2 and 3, for which the applicable regulatory changes have already been enacted.

There were no comments from the public on this item at the February 19 public hearing. At the March 4 RIMFC meeting, the Division offered its support for the proposal, noting that it was a necessary compliance issue for the State, and the Council voted unanimously to recommend adoption of the proposal by the Director.

*As supported by the Council and the Division, I urge adoption of the proposal for LCMA 4 to establish mandatory v-notching of certain female lobsters and to institute an annual seasonal closure from February 1 through March 31, noting that these exact measures are already in effect based on prior emergency regulatory action taken by the Director.*

**Commercial Lobster Regulations for LCMA 5:** One proposal was brought forward for public comment. That proposal, applicable to Lobster Conservation and Management Area 5, was to establish mandatory v-notching of certain female lobsters (namely, all eggers) and to institute an annual seasonal closure from February 1 through March 31. These measures were adopted in 2012 by the ASMFC, and RI, along with all other states, is obligated to enact them in order to maintain compliance with the ASMFC management program for lobsters. The measures were supported by commercial lobster fishermen during the ASMFC process. Because the measures took effect on January 1, 2013 with regard to the V-notching requirement, and apply to 2013 with regard to the February-March closure, the Director enacted emergency regulations, putting the measures into immediate effect, on January 16, 2013. The ensuing public hearing and the pending final decision

by the Director complete the regulatory process as set forth by the RI Administrative Procedures Act. It should be noted that RI commercial lobster fishermen primarily target LCMA 2 and 3, for which the applicable regulatory changes have already been enacted.

There were no comments from the public on this item at the February 19 public hearing. At the March 4 RIMFC meeting, the Division offered its support for the proposal, noting that it was a necessary compliance issue for the State, and the Council voted unanimously to recommend adoption of the proposal by the Director.

*As supported by the Council and the Division, I urge adoption of the proposal for LCMA 5 to establish mandatory v-notching of certain female lobsters and to institute an annual seasonal closure from February 1 through March 31, noting that these exact measures are already in effect based on prior emergency regulatory action taken by the Director.*

**Time Sensitivity** – Given that emergency regulation pertaining to the lobster fishery will soon expire, and given the 20 days between filing with the secretary of state and effectiveness, the proposed regulatory changes pertaining to lobsters need to be filed no later than April 25, 2013. The proposed regulatory changes pertaining to commercial striped bass need to be filed by early May, in advance of the June season. The measures pertaining to spiny dogfish have no minimum filing date, but since they offer increased possession limit opportunities for RI fishermen, the sooner they are filed, the better it will be for the industry.



**Approved for filing as presented**

*Janet L. Coit*

Janet L. Coit, Director

*3/15/13*

Date