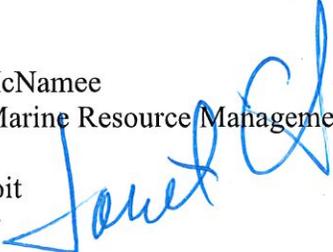




**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**OFFICE OF THE DIRECTOR**  
235 Promenade Street, Room 425  
Providence, Rhode Island 02908

**To:** Jason McNamee  
Chief, Marine Resource Management

**From:** Janet Coit  
Director 

**Date:** April 24, 2018

**Re:** Final Decisions Pertaining to February 19, 2018 Marine Fisheries Public Hearing Items

I have received and reviewed your memo to me, dated March 9, 2018 and attached herewith, regarding the public hearing items from the February 19, 2018 public hearing. I have also received and reviewed your April 2, 2018 addendum to that memo, also attached. With those memos, I have also received and reviewed all relevant supporting documentation, including the February 19, 2018 public hearing documents and summary of public comments (attached to your March 9 memo), as well as the summary report (draft meeting minutes) from the March 5, 2018 meeting of the RI Marine Fisheries Council (RIMFC).

I hereby approve all the recommendations, as set forth in your memo, which, with one minor exception (item 1), are fully consistent with those provided by the RIMFC at the Council's March 5, 2018 meeting. The specific regulatory items, and the final decisions for each, are as follows:

**1. Recreational Black Sea Bass**

- **Decision:** Adoption of the amended provisions, which establish the following measures for the 2018 recreational black sea bass fishery: 15" minimum size; July 3 – August 31: 3-fish possession limit; September 1 – December 31: 5-fish possession limit.
- **Comment:** The final regulations are nearly identical to the measures recommended by the Council. The only difference is that, at the time of the Council meeting, the option presented to the Council that pertained to a season that opened relatively late in order to run through December, without a fall closure, was: July 1- August 31, with a 3-fish possession limit; and September 1 – December 15, with a 5-fish possession limit. That option was presented with the caveat that state-specific measures had yet to be finalized by ASMFC. The Council recommended adoption of that option, with the understanding that the recommendation might need to be tweaked pursuant to the final action by ASMFC. That final action was taken on March 20. It fit closely with the recommendation offered by the Council, differing

only with regard to the loss of two days at the beginning of the season (July 1 and 2) and the gain of 16 days at the end of the season (December 16-31).

## 2. Recreational Scup

- Decision: Adoption of the amended provisions, which: (1) decrease the minimum size from 10" to 9" for all modes (shore and private; party and charter); and (2) decrease the minimize size from 9" to 8" for scup taken at any of the seven special shore-fishing sites identified at section 3.8.1.D of Part 3 of the RI Marine Fisheries Regulations.

## 3. Commercial Scup

- Decision: Adoption of the amended provisions, which: (1) change the end date of the summer sub-period from October 31 to September 30; and (2) change the start date of the winter II sub-period from November 1 to October 1.

## 4. Recreational Striped Bass

- Decision: Maintain status quo.
- Comment: I recognize the ongoing interest on the part of some members of the community to consider a conservation equivalency program for 2019 that would enable a return to a 2-fish possession limit. I anticipate that the Division will advance this option, pending the outcome of the new benchmark assessment for striped bass slated to be completed this year.

## 5. Commercial Striped Bass – General Category (1)

- Decision: Adoption of the amended provision, which repeals language from Part 3, Section 3.9.2(2)(d)(5) since it is duplicative with Part 1, Section 1.6(B).

## 6. Commercial Striped Bass – General category (2)

- Decision: Adoption of the amended provisions, which: (1) adjust the spring seasonal opening from May 28 to May 20; and (2) adjust the fall/late summer seasonal opening from September 10 to August 5, while retaining to 70%/30% allocations between the two periods.
- Comment: I note and appreciate the extensive public comments provided on this issue, and the Council's leadership in striking a balance between the many competing interests.

## 7. Commercial Striped Bass – Floating Fish Traps (1)

- No decision. I support your recommendation to defer taking any action on this item now, and to re-notice it at a later date.

## 8. Commercial Striped Bass – Floating Fish Traps (2)

- Decision: Adoption of the amended provision, which increases the starting possession limit from 200 lbs/day to 500 lbs/day, once 70% of the quota has been landed.

#### **9. Recreational Summer Flounder**

- Decision: Adoption of the amended provision, which increases the daily possession limit from 4 fish to 6 fish.

#### **10. Recreational Tautog**

- Decision: Adoption of the amended provisions, which: (1) adjust the spring (first period) seasonal opening from April 15 to April 1; (2) adjust the fall/winter (third period) closing date from December 15 to December 31; and (3) adjust the daily possession limit during the fall/winter (third) period from 6 fish to 5 fish (while retaining the 10 fish/vessel maximum for all vessels except for-hire).

#### **11. Commercial Tautog**

- Decision: Adoption of the amended provision, which adjusts the spring (first period) seasonal opening from April 15 to April 1.

#### **12. Recreational Bluefish**

- Decision: Maintain status quo.

#### **13. Commercial Bluefish**

- Decision: Adoption of the amended provisions, which: (1) adjust the first sub-period possession limit from 500 lbs/week to 1,000 lbs/2 weeks; (2) adjust the close of the second sub-period from November 11 to the second Saturday in November; and (3) adjust the opening of the third sub-period from November 12 to the second Sunday in November.

#### **14. Commercial Menhaden**

- Decision: Adoption of the amended provisions, which enact a series of adjustments that render the regulations consistent with the ASMFC's newly amended FMP for the fishery. The adjustments include:

(1) establishing an incidental catch fishery, involving newly defined non-directed, small-scale, and stationary multi-species gear types; and enabling the incidental catch fishery to occur upon closure of the directed fishery (i.e., after the State's quota has been reached, or the biomass in the Narragansett Bay Management Area drops below the floor or hits the ceiling), subject to a 6,000 lb/vessel/day limit for non-directed and small-scale gears, and a 12,000 lb/vessel/day limits for two commercially licensed individuals harvesting from the same vessel, fishing stationary multi-species gear;

- (2) modifying the starting possession limit under the state quota program from unlimited to 120,000 lbs/vessel/day;
- (3) establishing a new landing provision that subjects any purse seine operation and/or company to a single daily possession or landing limit;
- (4) modifying the prohibition on the possession or taking of menhaden on any Saturday, Sunday, official State holiday, or prior to sunrise or following sunset to pertain solely to purse seine operations;
- (5) modifying the call-in and call-out reporting requirements to pertain solely to purse seine operations; and
- (6) expanding the applicability of the episodic event set aside program to include all gear types, not just directed fishery operations.

#### **15. Commercial Skate Bait**

- **Decision:** Adoption of the amended provisions, which: (1) decrease the starting possession limit for sub-period III from 25,000 lbs (whole)/vessel/day to 12,000 lbs (whole)/vessel/day; (2) replace prior provisions pertaining to possession limits when 90% of TAL is reached for sub-periods I and II, or when 90% of annual TAL is landed, with new provisions establishing an 8,000 lb (whole)/vessel/day incidental catch limit when 90% of TAL is reached for sub-periods I or II, and when 80% of TAL is reached for sub-period III, and with the caveats that the incidental catch limits may be lifted or adjusted, or the fishery may close, as determined by NOAA Fisheries, in order to fully utilize, and not exceed, the seasonal or annual TAL.

#### **16. Jacob's Point Shellfish Management Area**

- **Decision:** Adoption of the new regulation, which establishes a new Jacob's Point Shellfish Management Area in Mount Hope Bay, off Jacob's Point in Warren.

#### **17. Floating Buoy Lines**

- **Decision:** Adoption of the amended provision, which prohibits the use of floating line within eight (8) feet of the surface of the water, on any vertical line that is attached to any pot, trap, fish trap or gear while deployed for the purposes of fishing, and has a buoy attached at the surface. The prohibition had applied only to floating buoy lines on scup and black sea bass pots, traps and similar contrivances. It now applies to any floating vertical buoy line attached to any pot, trap, fish trap or gear.

#### **18. Buoys and Vessel Color Schemes for all Pots**

- **Decision:** Adoption of the amended provisions, which broaden the commercial buoy and vessel color scheme requirements, which had applied only to lobster pots, to include all pots used for the taking of all marine species.



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF MARINE FISHERIES**  
Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

INTER-OFFICE MEMO

TO: Janet Coit, Director

FROM: Jason McNamee, Chief

DATE: March 9, 2018

SUBJECT: Decisions regarding proposed amendments to the RI Marine Fisheries regulations that were the subject of a public hearing conducted on February 19<sup>th</sup> and RI Marine Fisheries Council (RIMFC) meeting on March 5<sup>th</sup>. Please note a summary of written and oral comments received has been provided as an addendum to this memo.

2. **Hearing item 1a. - Recreational Black Sea Bass:**

- **Background:** ASMFC compliance matter; RI regulations must be amended to maintain compliance.
- **Proposal:** Seven options were noticed and have been summarized.
- **RIMFC:** 4-2 in support of the following: Season 7/1 – 8/31 @ 3 fish; 9/1 – 12/15 @ 5 fish.
- **Marine Fisheries:** Final specifications have still not been received by the ASMFC, with negotiations still on-going with other states in the region; however, unless determined to be not in compliance, the Division supports the Council recommendation.
- **Timing to file:** Upon finalization of ASMFC specifications.

19. **Hearing item 1b. - Recreational Scup:**

- **Background:** Liberalization of quota by ASMFC for 2018. No changes are required.
- **Proposal:** Division proposal to offer reduced minimum size due to liberalization of quota.
- **RIMFC:** 6 – 0 in support of option 2 (dec. in min. size from 10” to 9” for general and P/C; dec. in min. size from 9” to 8” special shore areas).
- **Marine Fisheries:** Support for either option as manageable by the Division.
- **Timing to file:** Immediately.

3. **Hearing item 1c. - Commercial Scup:**

- **Background:** ASMFC compliance matter; RI regulations must be amended to maintain compliance. This item was originally brought to hearing in November 2017, however

due to an inaccuracy in the notice, and as being non-time sensitive, the item was re-noticed for the February 2018 hearing.

- Proposal: Division proposal to amend the Winter II general category season from 11/1 to 10/1. As this change would result in a very short sub-period remaining for the Summer sub-period (i.e., 9/17 – 9/30), the Division also proposes to merge the two general category Summer sub-periods into a single season (from 5/1 to 9/30).
- RIMFC: 6 – 0 in support as proposed.
- Marine Fisheries: Support as proposed.
- Timing to file: Immediately.

5. **Hearing item 1d. - Recreational Striped Bass:**

- Background: Annual review (no amendments proposed).
- Proposal: N/A.
- RIMFC: 6 – 0 in support of maintaining status quo.
- Marine Fisheries: Maintain status quo.
- Timing to file: N/A.

6. **Commercial Striped Bass General Category – proposal to delete duplicative language (section 3.9.2(2)(d)(5)) regarding catch rate adjustments:**

- Background: Discovery of unnecessary duplicative language.
- Proposal: Deletion of section 3.9.2(2)(d)(5) as duplicative with Part 1, section 1.6(B), which provides more comprehensive language regarding the Director’s authority to adjust possession limits to avoid quota overages.
- RIMFC: 6-0 in support as proposed.
- Marine Fisheries: Support as proposed.
- Timing to file: Immediately.

7. **Hearing item 1e. - Commercial Striped Bass General Category:**

- Background: Annual review (no amendments required).
- Proposal: Seven (7) options were noticed; with an additional two options received during the public comment period.
- RIMFC: 6-0 in support of the following compromise proposal:

Season	Allocation	Poss. limit
<del>5/28 – 8/31</del> <b>5/20 – 8/4</b> (closed Fri/Sat)	70%	5 fish/ person/ day; max 5 fish/vessel
<del>9/10</del> <b>8/5</b> – 12/31 (closed Fri/Sat)	30%	

- Marine Fisheries: Support for any of the options, with the exception of option 4, as manageable by the Division (allocations < 25% are problematic to manage in terms of overages), with particular support for the Council recommendation as an equitable compromise.
- Timing to file: Immediately.

8. **Hearing Item #1f. - Proposed amendment to remove the October 15th date from the floating fish trap allocation transfer provision:**

- Background: Division proposal to amend the regulations to provide greater flexibility to manage the quota.
- Proposal: Removal of the Oct. 15 date to allow quota transfers from FFT to GC fishery prior to this date.
- RIMFC: No recommendation provided.
- Marine Fisheries: As this matter was not properly noticed, resulting in confusion with the proposal, and as non-time sensitive, the Division proposes to re-notice the matter for an anticipated hearing this Spring.
- Timing to file: N/A.

9. **Hearing Item #1g. Commercial Striped Bass Floating Fish Traps:**

- Background: Annual review (no amendments proposed).
- Proposal: No amendments proposed.
- RIMFC: Support as proposed, and also to increase possession limit to 500 lbs/day (from 200/day) at the 70% trigger.
- Marine Fisheries: Support for the Council recommendation.
- Timing to file: Immediately.

10. **Hearing Item #1h. Recreational Summer Flounder:**

- Background: Liberalization of quota by ASMFC for 2018.
- Proposal: Division proposal to increase the bag limit from 4 to 6 fish.
- RIMFC: 6-0 in support of option 2 (19" min. size; season 5/1 – 12/31; 6 fish bag limit).
- Marine Fisheries: Support for the Council recommendation.
- Timing to file: Immediately.

11. **Hearing item 1i. – Recreational Tautog:**

- Background: ASMFC compliance matter; RI regulations must be amended to maintain compliance.
- Proposal: Division proposal to amend the Spring season opening from 4/15 to 4/1, extend the season at end of the year from 12/15 to 12/31, and reduce the bag limit from 6 fish to 5 in the late season sub-period.
- RIMFC: 5-1 in support as proposed.
- Marine Fisheries: Support as proposed. The Division notes the predominant support for status quo, but cannot support this option at this time due FMP compliance requirements.
- Timing to file: Immediately.

12. **Hearing item 1j. – Commercial Tautog:**

- Background: Annual review/ASMFC compliance matter. No changes are required.
- Proposal: Three (3) options were noticed as follows:

Option	Min. Size	Season	Allocation	Poss. Limit
Option 1: Status Quo	16"	4/15 – 5/31	40%	10 fish/vsl/day

		June 1 – July 31	Closed	
		Aug. 1 – Sept. 15	20%	10 fish/vsl/day
		Oct. 15 – Dec. 31	40%	10 fish/vsl/day
<b>Option 2:</b> Earlier Spring opening	16"	<del>April 15</del> <b>1</b> – May 31	40%	10 fish/vsl/day
		June 1 – July 31	Closed	
		Aug. 1 – Sept. 15	20%	10 fish/vsl/day
		Oct. 15 – Dec. 31	40%	10 fish/vsl/day
<b>Option 3:</b> Eliminate Spring sub-period; allocation adjustment	16"	<del>April 15</del> <del>May 31</del>	<del>40%</del>	<del>10 fish/vsl/day</del>
		<del>June</del> <b>Jan.</b> 1 – July 31	Closed	
		Aug. 1 – Sept. 15	<del>20</del> <b>40</b> %	10 fish/vsl/day
		Oct. 15 – Dec. 31	<del>40</del> <b>60</b> %	10 fish/vsl/day

- RIMFC: 6 – 0 in support of option 2.
- Marine Fisheries: Support for any of the options proposed as manageable by the Division.
- Timing to file: Immediately.

13. **Hearing item 1k. – Recreational Bluefish:**

- Background: Annual review (no amendments proposed).
- Proposal: N/A.
- RIMFC: 6-0 in support of status quo.
- Marine Fisheries: Support for status quo.
- Timing to file: Immediately.

14. **Hearing item 1l. – Commercial Bluefish:**

- Background: Annual review. No changes are required.
- Proposal: Division proposal to remove the hard dates for sub-period openings with soft dates in order to avoid the need to amend annually (the goal for a weekly possession limit to always open on a Sunday); and an industry proposal to amend the first sub-period possession limit from 500 lbs/week to 1,000 lbs/2-weeks to provide for greater flexibility.
- RIMFC: 6-0 in support of option 2, which includes both the removal of the hard dates and possession limit change as proposed.
- Marine Fisheries: Support for either option as manageable by the Division.
- Timing to file: Immediately.

15. **Hearing item 1m. – Commercial Menhaden:**

- Background: ASMFC compliance matter; RI regulations must be amended to maintain compliance.
- Proposal: Multi-faceted changes proposed for ASMFC compliance. Minor restructuring/re-location of some of the language also proposed to clarify applicability of rules.
- RIMFC: 6-0 in support as proposed.
- Marine Fisheries: Support as proposed.
- Timing to file: Immediately.

16. **Hearing item 1n. – Commercial Skate Bait:**

- **Background:** NEFMC compliance matter; RI regulations must be amended to maintain compliance.
- **Proposal:** One (1) option proposed for compliance with NEFMC Framework 3 Adjustment.
- **RIMFC:** 5-0 in support as proposed.
- **Marine Fisheries:** Support as proposed.
- **Timing to file:** Immediately.

17. **Hearing item 2. - Proposed Jacob’s Point Shellfish Management Area (town of Warren):**

- **Background:** Proposed SMA was developed in collaboration with industry, Roger Williams Univ., and the town of Warren, with goal of enhanced opportunities for commercial and recreational harvest, assessment of harvest impacts on enhanced stocks, and strong educational tool for school children and the general public.
- **Proposal:** New SMA with proposed commercial possession limit for oysters from three bu./day to one peck/day.
- **RIMFC:** 6-0 in support as proposed.
- **Marine Fisheries:** Support as proposed.
- **Timing to file:** Immediately.

18. **Hearing item 3a. - Proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots:**

- **Background:** Div. of Law Enforcement proposal to broaden rule so as to be applicable to all pots. The rule currently applies only to Scup and Black sea bass pots.
- **Proposal:** Proposal is to add language to Part 1 as a general provision to apply rule more broadly to fixed gear buoys.
- **RIMFC:** 6 – 0 in support of the following revision: *“The use of floating line within eight (8) feet of the surface of the water, that is attached to any fixed **fishing** gear **buoy**, is prohibited”*.
- **Marine Fisheries:** Support for the Council recommendation.
- **Timing to file:** Immediately.

19. **Hearing item 3b. - Proposal to broaden the buoy and vessel color scheme requirement to all pots**

- **Background:** Div. of Law Enforcement proposal to broaden rule so as to be applicable to all buoys and vessels that harvest pots. The rule currently applies only to lobster pots.
- **Proposal:** Proposal is to add language to Part 1 as a general provision to apply rule more broadly to all buoys and vessels involved in the harvest of pots.
- **RIMFC:** 6-0 in support as proposed.
- **Marine Fisheries:** Support as proposed.
- **Timing to file:** Immediately.



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

## SUMMARY OF COMMENTS

A public hearing was held on **February 19, 2018** at 6:00 PM, URI Narragansett Bay Campus, Corless Auditorium, Narragansett, RI. Several (50 +/-) persons were in attendance.

Hearing Officer: *J. McNamee*

DEM Staff: *B. Ballou, C. Hoefsmit, S. Olszewski, N. Lengyel, C. Parkins, J. Lake, J. Livermore, Nicole Ares, D. Costa, P. Duhamel, Lt. Joe Poccia*

RIMFC: *A. Dangelo, D. Monti, J. Grant, T. Barao*

1. Hearing Item 1a: Proposed management of **recreational black sea bass** management (Part 3, section 3.7.1).
  - Oral comments provided at hearing:
    - S. Medeiros/RISWAA: Initially in support of option 2, but preference is option 7, including removal of the fall closure. Being open in Nov.-Dec. not as important.
    - R. Bellavance: Fall season is the more important for P/C industry; keeping open through November important to coincide with Tautog fishing. Consider for future management an increase in minimum size in order to extend the season, separate regulations for the for-hire sector from recreational angling due to the special needs of the for-hire sectors.
    - F. Blount: In support of an increase in minimum size; maintain 3 fish bag limit until after Labor Day to gain a few more days in September; keep fishery open in November – December. 2017 shows that closing in November and December gains about 4 hours of fishing. Wave 6 has shown the lowest landings in the past few years, so minimal benefit to closing, but significant impact to P/C industry. He questions the May-June data for past 2 years - not a single A1 or B1 fish has been observed for 66,000 discards in 2016 for shore mode; in 2017 there were zero A fish and 8,700 B1 fish, and another 66,000 discards. He concluded that there were 133,00 discards without a single observed fish.
    - D. McPherson: In support of option 7 as most equitable for bay fishermen
    - M. Conti: Supports maintaining the season open in Nov. – Dec.
    - R. Chatowsky: Fall season most important for P/C industry; does not support decrease in bag limit.
    - S. Anderson: In support of comments made by F. Blount and R. Bellavance.
    - K. Smith: In support of maintaining the season open in Nov. – Dec. Strongly in support of removing fall closure. Fall season very important to P/C industry.
    - J. Rainone: May-June season not important to the P/C industry. Would like to see separate/distinct regulations for P/C. Fall closure was very bad for P/C industry.

- S. Lundberg: In support of comments made by other charter boat captains.
  - C. Donolin: In support of increasing the minimum size to 16" to keep fishery open in December; would be beneficial to P/C vessels targeting Cod in December. Would also support reducing bag limit to 4 fish to keep fishery open in December.
  - Written comments:
    - D. Tria: All options are awful. The limits should be tripled with no closed season. They are everywhere and an incredible nuisance for all parties involved.
2. Hearing Item 1b: Proposed management of **recreational scup** (Part 3, section 3.8.1).
- Oral comments provided at hearing:
    - S. Medeiros/RISWAA: In support of option 2.
    - F. Blount: Does not support a decrease in minimum size; both fisheries target fish > 10"; in support of a 5-fish bag limit increase during a bonus season.
    - J. Rainone: In support of option 1; does not support decrease in minimum size.
  - Written comments:
    - D. Tria: In support of option 2.
3. Hearing Item #1c: Proposed management of **commercial scup** management (Part 3, section 3.8.2).
- Oral comments provided at hearing: No comments were made.
  - Written comments: None provided.
4. Hearing Item #1d: Proposed amendment of **recreational striped bass** management (Part 3, section 3.9.1).
- Oral comments provided at hearing:
    - R. Chatowsky: In support of increasing the bag limit to 2 fish/day. Make concessions for P/C captain crew as needed to make it work. Feels that fishery health can support the increase.
    - R. Bellavance: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - T. Terranova: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - S. Lundberg: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - M. Ambrosia: In support of increasing the bag limit to 2 fish/day for the P/C industry.
    - K. Smith: In support of increasing the bag limit to 2 fish/day for the P/C industry.
  - Written comments: None provided.
5. Hearing Item #1e: Proposed amendment of **commercial general category striped bass** management (Part 3, section 3.9.2(A)).
- Oral comments provided at hearing:
    - P. Duckworth: In support of amending regulations to provide for striped bass harvest by gill net.

- J. Walker: In support of amending regulations to provide for striped bass harvest by gill net.
- M. Lanni: In support of option 2 as a first preference; 2<sup>nd</sup> preference is option 5. Opening date earlier than May 28 disproportionately favors bay fishermen. Would only support an opening date earlier than May 28 if allocations adjusted per option 5.
- K. Booth: In support of option 9.
- M. McElroy: In support of 70% allocation for the first sub-period; strongly opposed to a 4-day fishing week.
- J. Baker: In support status quo, but with no closed days; in support of amending regulations to provide for striped bass possession when gill nets on board to provide for flexibility (allow to rod & reel when nets stowed).
- B. Christensen: In support of option 3; would support opening first sub-period no later than May 20; very important to maintain 5 open days.
- J. Martini: In support of option 9.
- M. Conti: In support of option 9.
- F. Pascale: In support of option 9.
- R. King: In support of option 9.
- G. Corsetti: In support of option 9.
- R. Enright: In support of option 9.
- K. Murgio: In support of option 9; in support of an earlier Spring opening.
- P. Chappell: In support of option 9.
- Public comment: In support of option 3.
- M. McGiveney/RISA: Earlier Spring opening is positive for bay fishermen and market; in support of option 3.
- R. Mayer: In support of option 3.
- A. Nero: In support of option 9.
- J. Stevens: In support of option 3.
- E. Wilcox: In support of option 3.
- J. Donahue: In support of option 3; important to maintain 5 open days; does not support any reduction in allocation for the first sub-period; would not support any reduction in bag limit. Opposes option 9.
- M. Sherer: In support of option 3.
- Public comment: In support of option 9.
- M. Vieira: In support of option 3.
- M. McElroy: In support of option 3.
- R. Chatowsky: Prefers option 9; as a P/C captain and commercial license holder, in support of amending the Licensing regulations to provide for switching from P/C mode to commercial mode on the same trip.
- J. Jarvis: In support of option 3; 2<sup>nd</sup> preference is option 9.
- Public comment: In support of option 3.
- D. Pascale: In support of option 9.
- M. Sherman: In support of option 9.
- Written comments:
  - A. Golinski: In support of option 2.
  - A. Lotz: In support of option 3.
  - B. Christensen: In support of option 3.
  - D. Tria: In support of option 9.
  - J. LeComte: In support of option 6.

- J. Macari: In support of option 2.
  - K. Bilodeau: In support of option 2.
  - K. Booth/RICRRA: In support of option 9.
  - M. Conti/Snug Harbor Marina: In support of option 8.
  - M. Scherer: In support of option 9.
  - R. Jobin: In support of option 2.
  - R. Masciarelli: In support of option 2.
  - R. Masciarelli Jr.: In support of option 2.
  - R. Seigny: In support of option 2.
  - S. Bradshaw: In support of option 2.
  - W. Gavitt: In support of option 2.
  - Z. Zollver: In support of option 3.
  - Petition circulated by B. Christensen: In support of option 3; 73 signatories.
6. Hearing Item #1f: Proposed amendment **to remove the October 15th date from the floating fish trap allocation transfer provision** (Part 3, section 3.9.2(A)(3)).
- Oral comments provided at hearing:
    - B. Christensen: In support of proposal.
    - M. Conti: In support of proposal to assure full utilization of quota. Keep FFT fishery open after transfer to GC to assure full utilization of quota.
    - I. Campbell: Opposed to proposal.
    - T. Hoxsie: Opposed to proposal. Important to maintain quota available to FFT in first half of October when striper fishing is picking up.
    - J. Grant: Opposed to proposal.
    - J. Donahue: In support of proposal.
    - Public comment: In support of a regulatory provision to transfer a portion of the quota initially, followed by a transfer of the remaining quota only if warranted.
    - S. Campbell: Opposed to proposal.
  - Written comments: None provided.
7. Hearing Item #1g: Proposed amendment of **commercial floating fish trap striped bass management** (Part 3, section 3.9.2(B)).
- Oral comments provided at hearing: None provided.
  - Written comments:
    - T. Hoxsie: In support to increasing the last 30 percent of the striped bass quota from 200lbs to 500 lbs.
8. Hearing Item #1h: Proposed amendment of **recreational summer flounder management** (Part 3, section 3.10.1).
- Oral comments provided at hearing:
    - C. Donolin: In support of decreasing minimum size to 18" as a means to reduce discards.
    - S. Lundberg: In support of option 2.
    - Public comment: Larger minimum sizes results in increased discards.

- R. Bellavance: In support of option 2.
  - M. Ambrosia: In support of option 2.
  - T. Terranova: In support of option 2; would prefer decrease in minimum size.
  - Public comment: In support of option 2.
  - R. Chatowsky: In support of option 1.
  - F. Blount: In support of option 2.
  - S. Anderson: In support of option 2.
9. Hearing Item #1i: Proposed amendment of **recreational tautog management** (Part 3, section 3.11.1).
- Oral comments provided at hearing:
    - Public comment: In support of status quo.
    - R. Chatowsky: In support of status quo.
    - Public comment: In support of status quo.
    - Public comment: In support of status quo.
    - Bonita II: In support of status quo.
    - K. Smith: In support of status quo.
    - Public comment: In support of status quo.
    - F. Blount: In support of status quo. Mass. Landings increasing consistently; 2017 landings in R.I. lowest in 10 years. P/C harvest is smallest % of total catch. Fish given up in R.I. are harvested in Mass.
    - Public comment: In support of option 1.
    - F. Pascale: In support of status quo.
    - R. Bellavance: The R.I. spawning closure in June-July is not in effect in Mass. Mass should have the same spawning closure as R.I.
    - C. Donolin: In support of status quo.
10. Hearing Item #1j: Proposed amendment of **commercial tautog management** (Part 3, section 3.11.2).
- Oral comments provided at hearing:
    - J. Walker: Strongly opposed to option 3; does not support option 2; in support of option 1. Any time a fish is removed it is prevented from spawning again; does not support a Spring closure as a means to protect spawning fish as the fish have already spawned several times. Supports increasing minimum size to 17".
    - K. Booth: In support of option 3. Fishery is in trouble; proposal is designed to prevent harvest during spawning season.
    - K. Murgo: In support of option 1.
    - P. Chappell: In support of option 3 as a means to better protect fishery.
    - J. Martini: In support of option 3 to support spawning.
    - J. Donahue: In support of option 1; opposed to option 3.
    - Public comment: In support of option 3.
    - Public comment: In support of option 3.
    - M. Conti: In support of option 3.
    - G. Corsetti: In support of option 3.

- C. Donolin: In support of option 3. Would not hurt fisherman as fish will be larger in the Fall if not harvested in the Spring, thereby off-setting losses resulting from not harvesting in the Spring. Would support harvest of males only in the Spring.
  - T. Hoxsie: In support of option 1.
  - I. Campbell: In support of option 1.
  - P. Duckworth: In support of option 1.
  - D. Pascale: In support of option 1. Would support measures to increase bag limit consistent with Mass.
  - J. Jarvis: In support of status quo. In support of only harvesting male fish in the Spring as a means to better manage the fishery.
  - R. Chatowsky: In support of only harvesting male fish in the Spring as a means to better manage the fishery. In support of option 3.
11. Hearing Item #1k: Proposed amendment of **recreational bluefish** management (Part 3, section 3.18.1).
- Oral comments provided at hearing:
    - A. Nero: In support of a minimum size between 12” and 14”.
    - K. Murgio: Does not support a minimum size; would negatively impact fishing for skipjacks. Fishing for skipjacks can be first fishing experience for kids.
    - J. Donahue: Does not support a minimum size; would negatively impact fishing for skipjacks.
    - J. Walker: Does not support a minimum size; would negatively impact fishing for skipjacks.
12. Hearing Item #1l: Proposed amendment of **commercial bluefish** management (Part 3, section 3.18.2).
- Oral comments provided at hearing:
    - A. Gerwitz: In support of increasing possession limit during mid- season sub-period so as to not lose harvest opportunity when fish are present and to assure full harvest of the quota. In support of a bi-week aggregate limit for the 3<sup>rd</sup> sub-period as proposed for the 1<sup>st</sup> sub-period.
    - P. Duckworth: In support of comments made by A. Gerwitz. In support of obtaining quota transfers from other states as soon as it is known that additional quota is needed.
    - T. Hoxsie: In support of option 1 and increasing possession limit in 2<sup>nd</sup> sub-period.
13. Hearing Item #1m: Proposed amendment of **commercial menhaden** management (Part 3, section 3.22.2).
- Oral comments provided at hearing:
    - J. Donahue: In support as proposed.
14. Hearing Item #1n: Proposed amendment of **commercial skate** management (Part 3, section 3.26.2).

- Oral comments provided at hearing: No comments were made.
  - Written comments: None provided.
15. Hearing Item #2: Proposed amendment to **establish a new Shellfish Management Area, Jacob's Point**, in the town of Warren (Part 4, section 4.12(V)).
- Oral comments provided at hearing: No comments were made.
  - Written comments: None provided.
16. Hearing Item #3a: Proposed amendment **to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots** (Part 6, section 6.7).
- Oral comments provided at hearing: No comments were made.
  - Written comments:
    - G. Carvalho: Opposed.
17. Hearing Item #3b: Proposed amendment **to broaden the buoy and vessel color scheme requirement to all pots** (Part 6, section 6.7).
- Oral comments provided at hearing: No comments were made.
  - Written comments: None provided.

*Prepared by P. Duhamel*



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF MARINE FISHERIES**  
Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

INTER-OFFICE MEMO  
(ADDENDUM to memo dated March 9, 2018)

TO: Janet Coit, Director

FROM: Jason McNamee, Chief

DATE: April 2, 2018

SUBJECT: Update regarding proposed regulatory amendments for recreational black sea bass, and the proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pots, which were the subject of a public hearing conducted on February 19<sup>th</sup> and RI Marine Fisheries Council (RIMFC) meeting on March 5<sup>th</sup>.

3. **Hearing item 1a. - Recreational Black Sea Bass:**

At the time of the RI Marine Fisheries Council meeting on March 5<sup>th</sup>, specifications for recreational black sea bass management had not been finalized by the ASMFC. Without such final specifications being known, but with the need to finalize RI regulations for the upcoming season, the Division therefore requested of the Council that their recommendation to the Director include specific management parameters (i.e., minimum size, season and possession limit), but also to include broad guidance in the event that their specific recommendation was rendered inconsistent with ASMFC. As is reflected in the minutes of the Council meeting, it was presented to the Council that a desire to open earlier in the Spring would result in the loss of season later in the year; namely that closing all of wave 6 would result in an additional three days of open season in the Spring. As is also reflected in the minutes, there was widespread support for the removal of the 2017 season closure from September 22 through October 21. The Council therefore recommended the following:

- July 1 through August 31: 3 fish possession limit;
- September 1 through December 15: 5 fish possession limit.

As a regionally managed species, RI worked closely with other states in the region to develop regulations that were as consistent as possible. This consistent set of regulations is referred to as the "TC Balanced Approach" with "TC" standing for technical committee. The TC Balanced Approach fits closely with the parameters of the RIMFC supported option, only differing by three days in the beginning of the season. There is still a chance that our neighboring states will use conservational equivalency (CE) to change their specifications from the TC Balanced Approach, but the ASMFC management board removed the opportunity to change the minimum size, therefore any CE that is proposed by RI's

neighboring states will not be dramatically different, thereby not allowing any one state to have a significantly better set of specifications relative to its neighbors. Given that the TC Balanced Approach is approved by the ASMFC as FMP compliant, and that this option is very close to the option recommended by the RIMFC, the Division supports implementing this set of specifications for 2018 recreational black sea bass management. The specifications specifically are:

- July 3 through August 31: 3 fish possession limit;
- September 1 through December 31: 5 fish possession limit.

20. **Hearing item 3a. - Proposal to broaden the floating buoy line prohibition within eight (8) feet of the surface of the water to all pot (Part 6, section 6.7):**

Upon further consultation with the Division of Law Enforcement, the Division recommends adoption of the following revised language: “*The use of floating line within eight (8) feet of the surface of the water, that is attached to any fixed gear buoy pot, trap, fish trap or gear while deployed for the purposes of fishing, and has a buoy attached at the surface, is prohibited*”. The Division concurs with the Division of Law Enforcement that this revision provides greater clarity of the rule.