

# **RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

## **Division of Marine Fisheries**

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### **Pre-hearing Workshop**

April 27, 2020



# Goals of the Workshop



- Provide a forum for DMF to provide currently available information and rationale for each matter being considered for amendment.
- Provide a summary presentation of the proposals currently being considered.
- Provide a forum for interested persons to offer new proposals and/or offer revisions to proposals being considered, or to narrow down general management considerations into specific proposals; to obtain consensus when achievable.
- **IMPORTANT!** The workshop is not an official record of the public hearing. Comments on noticed proposals and/or alternative proposals must be made during the public comment period.

# Dates to Remember



- **March 9:** Pre-hearing workshop.
- **April 27:** Pre-hearing workshop.
- **TBD:** Public Notice.
- **TBD:** End of public comment period.
- **TBD:** June RI Marine Fisheries Council.
- **Note:** Due to the Covid-19 emergency, there is no hearing planned. A hearing will only be held if requested by 25 or more persons, or by a group representing 25 or more persons, pursuant to the Administrative Procedures Act § 42-35-2.8. If no hearing is held, comments may be submitted, as is standard procedure, in writing/email during the public comment period. Any request for a hearing must be made w/i 10 days of the date of the notice.
- Interested persons are strongly encouraged to speak with DMF staff as needed to fully understand proposals.

# Whelk Measurement



- **Issues:**
  - The Division has received multiple requests from industry to develop language in rule that better describes a simple and standardized approach to measure whelk.
  - After consultation with the Division of Law Enforcement, shell length was determined to be a problematic metric due to breakage of the siphonal canal, which has resulted in compliance problems for both the harvester and dealer after initial harvest.

# Whelk Measurement



- **Proposal:**

- **Option 1:**

- Eliminate shell length as a metric to determine minimum size.
    - Add language and diagram to describe/show how width is measured.

- **Option 2:**

- Eliminate shell length and shell width, and add shell height as a metric to determine minimum size.
    - Include language and diagram to describe/show how height is measured.

# Whelk Measurement



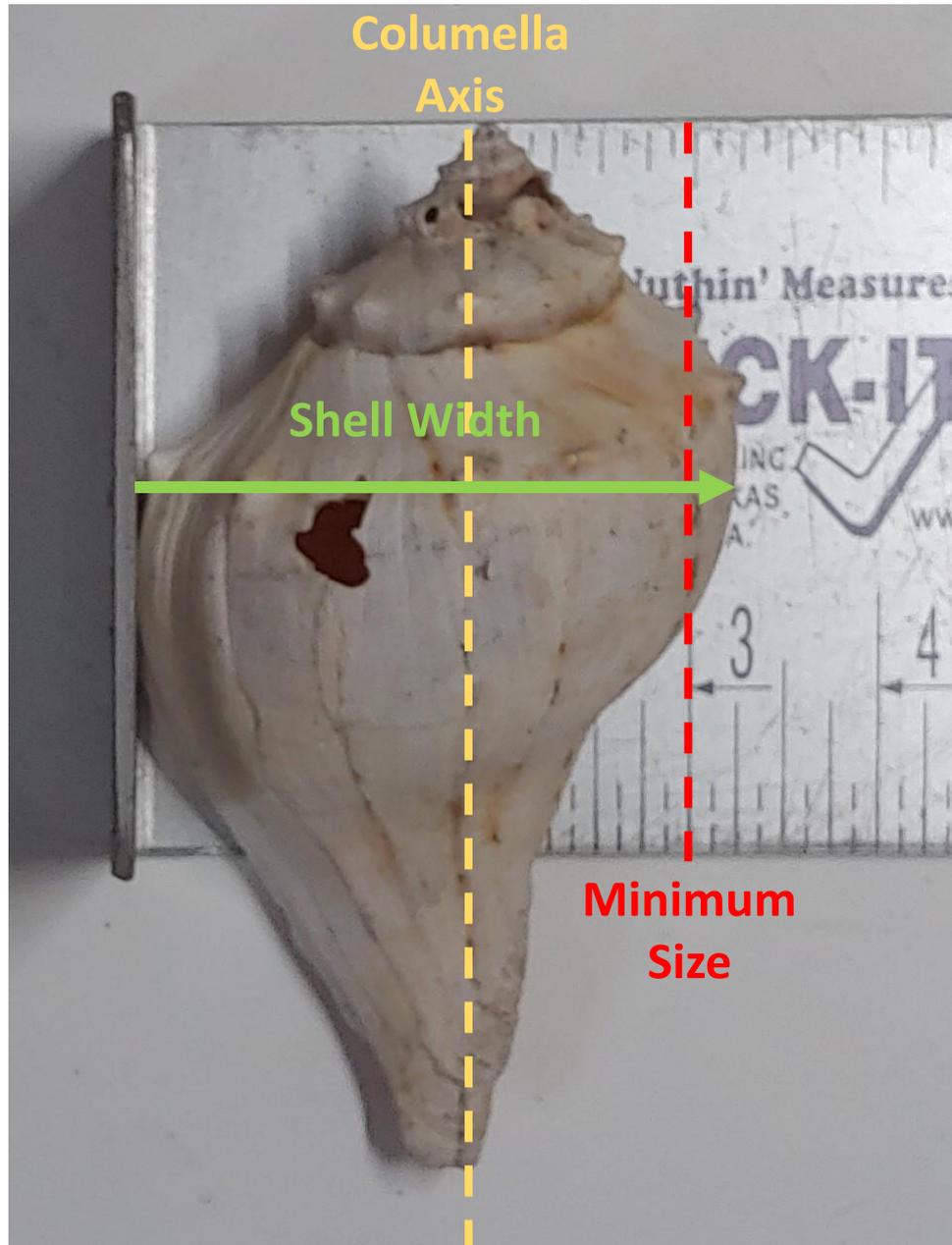
## **Option 1: Shell width only.**

The Division has reviewed and analyzed available data to determine potential gain or reduction in harvest that may result if using width only as a minimum size measurement metric.

- Sea sampling data from 2012 and 2014.
- Both species of whelk were pooled for analysis.
- **Results:**
  - Average of 6.9% of whelk measured would be considered undersized if only shell width used (n = 585/8514).
  - 90.16% of these whelk not harvested as a result of using only shell width would be of legal size within 6 months.

# Whelk Measurement

Shell Width  
Measurement –  
Proposed Diagram



# Whelk Measurement



- **Option 1 - Proposed regulatory language – shell width only:**

Whelk: Three inches (3”) shell width ~~or five and three eighths inches (5 3/8”) shell length. Shell width shall be the distance between opposing shell margins with the shell resting flat on a horizontal surface with the operculum opening facing down and the whelk retracted inside the shell. The shell shall be oriented with one shell edge abutted against a vertical surface that is perpendicular to the horizontal surface, and the columella axis parallel to the vertical surface. The shell width measurement shall be a line extending perpendicular from the vertical surface to the farthest point on the opposing shell edge.~~

# Whelk Measurement



## Option 2: Shell height only.

The Division has reviewed and analyzed available data to determine potential gain or reduction in harvest that may result if using height only as a minimum size measurement metric.

- Shell length (SL), width (SW), and height (SH) measurements (to nearest mm) were collected from 28,687 channeled and 1,168 knobbed whelk and were correlated using linear regression.
- Data was weighted by species and predicted SH corresponding to 3" SW and 5-3/8" SL was calculated.
- Channeled predicted SH = 58.039 mm (2.285 inches), Knobbed predicted SH = 58.017 mm (2.284 inches), or approximately 2-9/32 inches (2.281 mm). Used 58 mm (2.2835") as cutoff for minimum SH analysis.
- Counted # of whelk that would be gained or lost by using SH as metric; did for both SL and SW.

# Whelk Measurement



## Shell width (SW) comparison analysis results:

- Analysis utilized 11,184 whelk.
- Of this 11,184, it was determined that 790 whelk that had a SW measurement of  $< 76$  mm (3") would be legally available for harvest if using a SH measurement of 58 mm (2.2835 inches) as a minimum size measurement metric.
- Of this 11,184, it was determined that 144 whelk that had a SW measurement of  $\geq 76$ mm (3") would be legally unavailable to harvest if using a SH measurement of 58 mm (2.2835 inches) as a minimum size measurement metric.
- **Overall, using SH instead of SW therefore results in a 5.78% gain in available harvest ( $n = (790-144)/11,184$ ).**

# Whelk Measurement



## Shell length comparison analysis results:

- Analysis utilized a total of 10,081 whelk.
- Of this 10,081, it was determined that 637 whelk that had a SH measurement  $< 137$  mm (5-3/8") would be legally available for harvest if using a SH measurement of 58 mm (2.2835 inches) as a minimum size measurement metric.
- Of this 10,081, it was determined that 434 whelk that had a SH measurement of 137 mm (5-3/8") would be legally unavailable to harvest if using a SH measurement of 58 mm (2.2835 inches) as a minimum size measurement metric.
- **Overall, using SH instead of SL therefore results in a 2.01% gain in available harvest ( $n = (637-434)/10,081$ ).**

# Whelk Measurement



- **Option 2 - Proposed regulatory language – shell height only:**

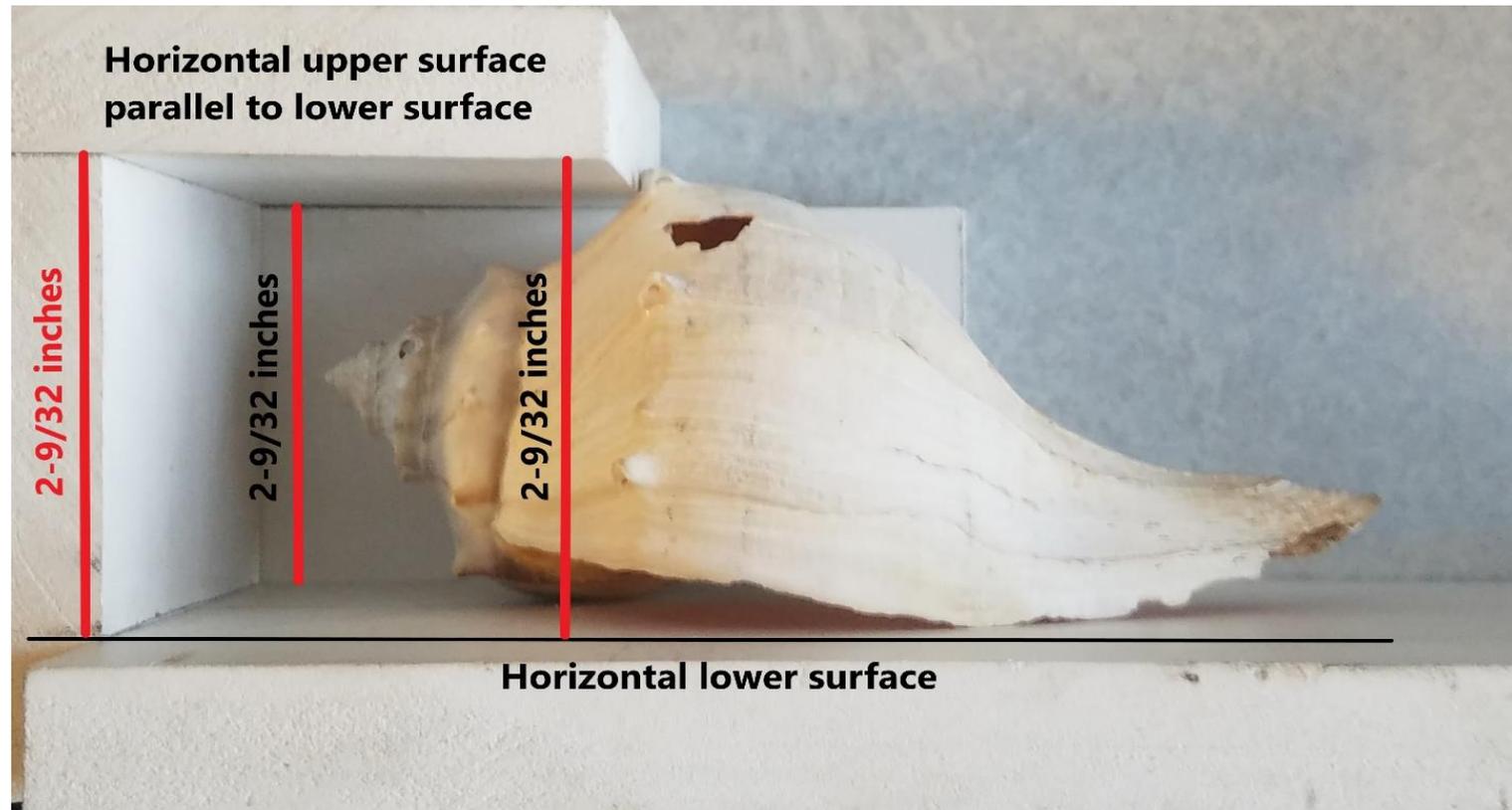
G. Whelk: Three inches (3") shell width or five and three eighths inches (5 3/8") shell length. Two and nine-thirty-seconds inches (2 9/32) shell height.

- Shell height can be measured by constructing two opposing (lower and upper) parallel horizontal surfaces 2 9/32" apart, with the shell resting naturally on the lower horizontal surface, the operculum opening facing down, and the whelk retracted inside the shell. The whelk is legal-sized if it does not fit between the opposing parallel horizontal surfaces.
- Shell height can be measured with the operculum opening of the shell flush to the vertical surface at the end of the measuring board out to the furthest margin of the shell.

# Whelk Measurement



## Shell Height Measurement – Proposed Diagram Gauge



# Whelk Measurement



Shell Height  
Measurement –  
Proposed Diagram  
Measuring Board



End of Slides!

