



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF THE DIRECTOR

235 Promenade Street, Room 425
Providence, Rhode Island 02908

To: Conor McManus
Deputy Chief, Marine Resource Management

From: Janet Coit
Director 

Date: March 10, 2021

Re: Final Decisions Pertaining to February 8, 2021 Marine Fisheries Public Hearing Items

I have received and reviewed your memo to me, dated March 17, 2021 (attached) regarding the regulatory matters that were subject to a public hearing on February 8, 2021. I have also received and reviewed all relevant supporting documentation, including the public comments and video recording of the March 1, 2021 meeting of the RI Marine Fisheries Council (Council).

I hereby approve all the recommendations, as set forth in your memo, which are consistent with those provided by the Council. The specific regulatory items, and the final decisions for each, are as follows:

1. **2021 Recreational Black Sea Bass Management:**

Decision: Maintain status quo as recommended by the Division and Council. While I appreciate the concerns expressed by members of the recreational community regarding the desire for an earlier opening date in the Spring, the Division has advised that such changes are not possible for 2021 management. I urge the Division to pursue actions by the ASMFC Summer Flounder, Scup, and Back Sea Bass Management Board to facilitate consideration of such changes for 2022 management, being sure to consider the needs of both the recreational and party/charter sectors.

2. **2021 Recreational Scup Management:**

Decision: Maintain status quo as recommended by the Division and Council.

3. **2021 Recreational Summer Flounder Management:**

Decision: Maintain status quo as recommended by the Division and Council.

4. **2021 Recreational Striped Bass Management:**

Decision: Maintain status quo as recommended by the Division and Council.

5. **2021 Commercial Striped Bass General Category Management:**

Decision: Maintain status quo as recommended by the Division and Council.

6. **2021 Commercial Striped Bass Floating Fish Trap Management:**

Decision: Maintain status quo as recommended by the Division and Council.

7. **2021 Recreational Tautog Management:**

Decision: Maintain status quo as recommended by the Division and Council.

8. **2021 Commercial Tautog Management:**

Decision: Maintain status quo as recommended by the Division and Council. While I appreciate the concerns expressed by members of industry regarding changes to management, the Division has advised that such changes are not possible for 2021. I urge the Division to pursue actions by the ASMFC Tautog Management Board to facilitate consideration of such changes for 2022 management.

9. **2021 Recreational Bluefish Management:**

Decision: Maintain status quo as recommended by the Division and Council.

10. **2021 Commercial Bluefish Management:**

Decision: Maintain status quo as recommended by the Division and Council.

11. **2021 Commercial Menhaden Management:**

Decision: Maintain status quo as recommended by the Division and Council.

12. **Sand Lance Management:**

Decision: Adopt the proposed rule as noticed and recommended by the Division and Council, which establishes a possession limit for 200 fish/day.

13. **Midwater Trawl Gear Prohibition:**

Decision: Adopt the proposed rule as noticed and recommended by the Division and Council, which prohibits the use of midwater trawl gear in the marine waters of Rhode Island consistent with Amendment 8 to the federal Atlantic Herring FMP.



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

INTER-OFFICE MEMO

TO: Janet Coit, Director

FROM: Conor McManus, Deputy Chief

DATE: March 7, 2021

SUBJECT: Decisions regarding proposed amendments to regulations that were the subject of a public hearing held on February 8th and RI Marine Fisheries Council (RIMFC) on March 1st. The public hearing folder contains all the necessary documentation related to this hearing, including a summary of the oral comments made at the hearing, written comments received, the noticed annotated regulations, and public notice.

1. **2021 Recreational Black Sea Bass Management (Part 3, section 3.7.1):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments:
 - D. Smith: Opposed to status quo; support for an earlier opening in May.
 - R. Bellavance/RIPCBA: Support for status quo.
- RIMFC: 6 - 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo. ASMFC was only considering minor conservation equivalency proposals from states for 2021 fishing season. Comments from the public were large proposals that were not going to be considered by ASMFC, thus the DMF supports looking into these proposals at a later date assuming ASMFC will allow them to be brought before the Boards.
- Timing to file: N/A.

2. **2021 Recreational Scup Management (Part 3, section 3.8.1):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments:
 - R. Bellavance/RIPCBA: Support for status quo.
- RIMFC: 6 – 0 in support of recommending to maintain status quo.

- Marine Fisheries: Support for status quo.
 - Timing to file: N/A.
3. **2021 Recreational Summer Flounder Management (Part 3, section 3.10.1):**
- Background: Annual review of management.
 - Proposal: No amendments were proposed.
 - Public comments:
 - D. Smith: Support to provide for one fish @ 17” for the party/charter boats. Support for a lower possession limit to accomplish. Massachusetts minimum size is 17”.
 - RIMFC: 6 - 0 in support of recommending to maintain status quo.
 - Marine Fisheries: Support for status quo.
 - Timing to file: N/A.
4. **2021 Recreational Striped Bass Management (Part 3, section 3.9.1):**
- Background: Annual review of management.
 - Public comments:
 - R. Bellavance/RIPCBA: Support for status quo. Supports removal of the maximum size in 2022 as problematic for the P/C industry.
 - RIMFC: 6 - 0 in support of recommending to maintain status quo.
 - Marine Fisheries: Support for status quo.
 - Timing to file: N/A.
5. **2021 Commercial Striped Bass General Category Management (Part 3, section 3.9.2(A)):**
- Background: Annual review of management.
 - Proposal: Four options (status quo; 3 additional industry proposed options).
 - Public comments:
 - J. Macari: Support for option 4 as noticed.
 - J. Dodge: Support for option 4 as noticed.
 - B. Christensen: Support for status quo.
 - G. Schey: Support or status quo.
 - M. McElroy: Support for status quo.
 - R. Miner: Support for status quo.
 - R. Sevigny: Support for status quo.
 - RIMFC: 6 - 0 in support of recommending to maintain status quo.
 - Marine Fisheries: The Division supports any of the noticed options as viable management.
 - Timing to file: Immediately.
6. **2021 Commercial Striped Bass Floating Fish Trap Management (Part 3, section 3.9.2(B)):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 6 - 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo.
- Timing to file: N/A.

7. **2021 Recreational Tautog Management (Part 3, section 3.11.1):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments:
 - R. Morris: Written proposal provided.
 - D. Smith: Support for a maximum size of 22” for all but one fish (i.e., only one fish > 22” be allowed for harvest); all other fish between 16” and 22”.
- RIMFC: 6 - 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo. ASMFC was only considering minor conservation equivalency proposals from states for 2021 fishing season. Comments from the public were large proposals that were not going to be considered by ASMFC, thus the DMF supports looking into these proposals at a later date assuming ASMFC will allow them to be brought before the Boards. Tautog is further complicated as RI proposals must be done in concert with MA given the shared stock unit. MA was not amenable to changes this fishing year but is open to discussing further next year once the stock assessment is complete.
- Timing to file: N/A.

8. **2021 Commercial Tautog Management (Part 3, section 3.11.2):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments:
 - R. Morris: Written proposal provided.
 - K. Murgio: Support for status quo.
- RIMFC: 6 - 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo. Similar to recreational tautog measures, any changes to the tautog allocation split between commercial and recreational must first go before the ASMFC Tautog Management Board and be jointly proposed by RI and MA.
- Timing to file: N/A.

9. **2021 Recreational Bluefish Management (Part 3, section 3.18.1):**

- Background: Annual review of management.

- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 6 – 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo.
- Timing to file: N/A.

10. **2021 Commercial Bluefish Management (Part 3, section 3.18.2):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 6 – 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo.
- Timing to file: N/A.

11. **2021 Commercial Menhaden Management (Part 3, section 3.22):**

- Background: Annual review of management.
- Proposal: No amendments were proposed.
- Public comments: None provided.
- RIMFC: 6 – 0 in support of recommending to maintain status quo.
- Marine Fisheries: Support for status quo.
- Timing to file: N/A.

12. **Sand Lance Management (proposed new section 3.34):**

- Background: Acknowledgement of sand lance importance to ecosystem function and conscience movement toward ecosystem-based fisheries management. Similar acknowledgment has resulted in complementary management actions in the U.S. Atlantic already:
 - The MAFMC Forage Fish Omnibus prohibits landing data-limited forage fish over 1700lbs per trip (of which sand lance is included in).
 - The NEFMC prohibits sand lance harvest in federal waters.
 - Massachusetts prohibits a person from retaining, possessing or landing more than 200 pounds of sand lance per trip in state waters.
- Public comments: None provided.
- RIMFC: 6 – 0 in support of recommending adoption as noticed.
- Marine Fisheries: Support as noticed.
- Timing to file: Immediately.

13. **Midwater Trawl Gear Prohibition (Part 6, section 6.8.2(E)):**

- Background: Division proposal to prohibit the use of midwater trawl gear consistent with Amendment 8 to the Atlantic herring FMP.

- Proposal: Adopt new language to prohibit the use of midwater trawl gear in the marine waters of Rhode Island.
- Public comments: None provided.
- RIMFC: 6 – 0 in support of recommending adoption as noticed.
- Marine Fisheries: Support as noticed.
- Timing to file: Immediately.