



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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TO: Mark Gibson, Acting Chief  
Division of Fish & Wildlife

FROM: W. Michael Sullivan, Director  
Environmental Management *W. Michael Sullivan*

DATE: May 11, 2009

SUBJECT: Decision on April 22, 2009 Marine Fisheries Public Hearing Item relating to  
Recreational Summer Flounder

I am writing with regard to the recreational summer flounder regulations for 2009, which were presented at the April 22, 2009 public hearing.

I have reviewed all of the relevant information pertaining to the issue – namely, the minutes from the summer flounder advisory panel meeting, the public hearing summary document and summary of public hearing comments, including written comments, from the 4/22/09 public hearing, and your 4/29/09 memo to me. I have also been briefed on the proceedings of last night's meeting of the RI Marine Fisheries Council, at which the Council took up consideration of the issue.

Pursuant to my review and consideration of all of the above-noted information, I have reached the following decision.

I concur with your recommendation, and that of the Council, to enact the following regulatory program for summer flounder for the 2009 recreational fishery: a 21-inch minimum size, 6 fish bag limit, and a season from June 17-December 31. I understand that this option was the favored option based on the large number of comments offered during the public hearing, and that the measures are compliant with ASMFC guidelines.

It is fortunate that the improved summer flounder stock status could have yielded more fish for RI recreational fishermen this year. However, it is unfortunate that because RI recreational fishermen landed much more than the target set for last year, the increased quota for this year is offset by an overfished "penalty," resulting in the need for a net reduction of 41% this year. As noted in your memo, the 6-fish bag limit and relatively long season (encompassing most of the summer) will allow for a decent recreational fishery and should be suitable for the party and charter industry without having to split modes. The increased minimum size – up from 20" last year – is certainly not where I would like the regulation to be, as it will inevitably lead to an increase in discard mortality, likely result in increased non-compliance by anglers, and give rise to the possibility that the regulations may not adequately constrain recreational landings, as was the case in 2008. But I recognize that, at this time, a smaller fish size would only be plausible if a very short season and very low bag limit were also imposed. I do not see that as a viable option. What's more, all other alternate approaches considered at hearing and by the Council would be

difficult if not impossible to enact this summer in compliance with ASMFC review and approval requirements.

I agree that the difficulties being experienced by the recreational fishery will not be resolved unless/until the coast wide recreational quota increases and we go to a coast wide or, at a minimum, a regional set of management measures. I am also confident that the move afoot to improve the marine recreational fishing assessment program will result in more accurate catch and effort data, which in turn will help rationalize our landing targets.

I appreciate the Council's interest in requesting that ASMFC allow for the use of slot mode options for future management, and I will commit to working with you and the other members of the State's ASMFC delegation to pursue that request.