

# Atlantic States Marine Fisheries Commission

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*Working towards healthy, self-sustaining populations for all Atlantic coast fish species, or successful restoration well in progress, by the year 2015*

October 25, 2006

W. Michael Sullivan, PhD, Director  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908-5767

Dear Dr. Sullivan,


I am happy to transmit to you the final copy of the Program Assessment of the Marine Fisheries Section of the Rhode Island Department of Environmental Protection. It represents the consensus view of the four members of the Assessment Team.

On behalf of my fellow Assessment Team members, I wish to express our thanks to you, your senior staff, and especially the staff of the Marine Fisheries Section for all the help and support provided to us. Our review and this report would not have been possible without their cooperation and hard work.

We commend you for your efforts to initiate this review, and hope you find this report useful in your efforts to improve the management and efficiency of the marine fisheries section. Please let us know if you have any questions about our report or if you would like to discuss it with us.

Thank you for inviting us to participate in this important project. It was a privilege for us to serve you and the citizens of Rhode Island.

Sincerely,

  
John V. O'Shea

Enclosure: Assessment Final Report

Cc: Dr. John Boreman  
Mr. Paul Diodati  
Mr. Eric Smith

*Assessment of the Rhode Island  
Department of Environmental  
Management's Marine Fisheries Section*

**October 2006**

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This report was created in response to a request from Dr. Michael Sullivan, Director of the Rhode Island Department of Environmental Management (DEM). He asked an Assessment Team to conduct a full program analysis of the Marine Fisheries Section, a part of the DEM's Division of Fish and Wildlife. (See Attachment A: DEM Organizational Diagram) He asked that this analysis include an assessment of the Section's current resources, both fiscal and human, as well as an evaluation of potential improvements to the program.

The Assessment Team consisted of:

**John Boreman, PhD.** - National Marine Fisheries Service, Director of Office of Science and Technology

**Paul Diodati** – Massachusetts Division of Marine Fisheries, Director

**John V. O'Shea** - Atlantic States Marine Fisheries Commission, Executive Director

**Eric M. Smith** – Connecticut Division of Marine Fisheries, Director

The review took place between October 2<sup>nd</sup> and 4<sup>th</sup> of 2006, and consisted of on-the-scene meetings with DEM personnel, Rhode Island Marine Fisheries Commission (RIFMC) representatives, selected stakeholders, and representatives from the University of Rhode Island (URI). This report was drawn from information gathered in these interviews, a comprehensive self-assessment of the Section prepared by Mark Gibson and Najih Lazar, and write-ups by other Section personnel.

While some of the findings that follow are quite specific, the Assessment Team identified four over-arching recommendations for consideration:

- **Organizational:** Fill the position of Chief of the Fish and Wildlife Division with a permanent appointment as soon as a qualified person can be found. That person should be charged with providing overall leadership and management for the Section, as well as taking on many of the policy level transactions now being handled by the Director and the Section deputy chief. That person should also be expected to address many of the administrative and personnel issues identified elsewhere in the report. Lastly, that Chief should be expected to ensure an adequate balance of human resources across the three sections of freshwater fisheries, marine fisheries, and wildlife management. Although expertise in marine fisheries is desirable for this position because of the importance of marine fisheries to the economy and well being of the state, strong leadership and management skills should be the first priority.
- **External:** Revise the relationship between the RIFMC and the Section. Although the mission of both groups is to sustainably manage marine resources, the relationship between the two groups appears more adversarial than cooperative. One of the most important functions of the Section is to develop fisheries regulations, and it is important that the RIFMC and Marine Fisheries Section work together in a positive and constructive manner in that endeavor. Moreover,



the members of the RIMFC and their constituents have a high stake in healthy marine fisheries and could be strong advocates for the Section.

- **University:** Establish a core working-group of appropriate URI professors and Section personnel to meet on a regular basis to discuss and pursue opportunities for synergistic activities between the Section and the university. The Director's academic credentials and background provide a unique catalyst to initiate such a program.
- **Marine Operations:** Immediate attention should be given to provide appropriate policy guidance regarding the qualifications, equipment carriage, and operations of the Section's fleet of boats. This item reflects issues related to safety of life, equipment life cycle costs, and liability exposure to the agency. In view of the importance of this item, and in order to have the proper impact, the Director should issue this policy.

#### **Marine Fisheries Section Overview:**

The Marine Fisheries Section is responsible for conducting applied research and providing management advice for the finfish, shellfish, crustacean, and other marine resources inhabiting Rhode Island waters. Marine fishery management in the United States has become regionalized, complex, and controversial in the past decade largely in part due to the passage of the federal Sustainable Fisheries Act and the Atlantic Coastal Fisheries Cooperative Management Act. Among other things, these acts require the rebuilding of depleted resources and state compliance with regional fishery management plans. Complementary state laws for marine resources within Rhode Island boundaries, including a set of fishery conservation standards, were enacted in 2003 (RIGL 20-8-1, 20-2.1-9). The consequence of these laws is that Rhode Island no longer has exclusive jurisdiction over fishery matters in state waters. Extensive co-management is required with other states, the federal government, and the fishing industry.

A Deputy Chief, assisted by one supervising biologist, leads the Section. (See Appendix B: Marine Fisheries Section Organizational Diagram) The Deputy Chief is responsible for internal and external marine fisheries management activities, such as chairing RIFMC and representing Rhode Island at meetings of the Atlantic States Marine Fisheries Commission and the New England Fishery Management Council. The Deputy Chief has also become the direct liaison between the Marine Fisheries Section and the Director on specific issues that emanate from public comments directed to the Director's office. The supervising biologist is responsible for day-to-day operations of the marine fisheries program, under the mission of the Fish and Wildlife Division. The two main units within the Section are:

Regulatory and Management Support: This unit is responsible for developing marine fishery regulations with advice from the RIMFC and filing the regulations with the Office of the Secretary of State upon approval from the Director of DEM. The unit also tracks management plan compliance issues originating from

the ASMFC. Scientific resource assessments are conducted in cooperation with the ASMFC and NMFS. These are used as the basis for management as well as making recommendations on state licensing as required under Rhode Island general law. Quota monitoring and commercial data acquisition are also important unit activities.

Research and Resource Monitoring- This unit is responsible for monitoring the status of marine resources within the state via one major fishery-dependent and four fishery-independent surveys. Applied research is also conducted in support of management needs. The unit operates one large (50') research vessel and numerous smaller workboats. Four to five part-time employees join the unit each year from April to October to assist with the increased demands of seasonal fieldwork.

## **FINDINGS OVERVIEW**

The Marine Fisheries Section is meeting the core mission and goals of the agency, but with some difficulty. The Section is composed of a generally highly productive, highly motivated field staff well suited to collection of biological data, conducting surveys, and feeding the management system with data necessary to understand the condition of managed fish stocks and the habitats upon which they depend. The staff conducts a wide array of surveys and sampling programs. However, all staff members project signs of overwork and some are showing signs of workload burnout.

In addition to the workload and difficulties in meeting all responsibilities, some of the core program requirements of the Section are lacking, including an appropriate vessel and field safety training program, professional development training, and routinely scheduled staff meetings both above and below the level of Deputy Chief.

Organizationally, the Assessment Team noted that the continued interim, or acting, status of the Division and Bureau-level managers is having an adverse effect on internal and external interpersonal relationships.

There are a number of key areas of concern noted:

- Insufficient fish stock assessment capability, such that the Deputy Chief and Supervising Biologist continue to provide these critical services.
- Insufficient problem solving capability, causing meeting management and consensus building with interest groups and the RIFMC to take place in a contentious, polarized atmosphere.
- Intensely vertical organizational structure, with no program or team leaders and all staff supervision being exercised by a single supervising biologist who reports to the Deputy Chief of the section.
- Insufficient linkage of the Deputy Chief to a higher organizational unit within the Department.



- Insufficient logistical support for Marine Fisheries Section activities, including clerical support, building maintenance, business services, purchasing authority, information technology services, and administrative support for the more than a dozen advisory panels and the RI Marine Fisheries Council (RIFMC).
- Lack of documented vessel and field operations safety training programs.

The observations of the program reviewers are categorized into four sections, as follows:

- 1) Internal Issues
- 2) External Interactions
- 3) Professional Development
- 4) Vessel Operations

## **SECTION 1: INTERNAL ISSUES**

Four areas were reviewed that are fundamentally internal in nature:

- 1) Communication
- 2) Morale
- 3) Support Services
- 4) Other Internal Issues

### **1.1 Communication:**

The Assessment Team felt that the Section's field staff lacks information flowing back and forth between the Department's directorate, bureau, division, and section levels. This creates a climate of uncertainty and unease for Section leaders about Department policies and expectations. Similarly, without regular exchange of information from the Section to DEM, the perception of the Section's activities and policy development many not be accurate.

The absence of occasional staff meetings diminishes important opportunities for team building and maintaining an esprit de corps within the Section.

The Assessment Team recommends that periodic programmatic staff meetings be held, including:

- Meetings of the Section Deputy Chief and Supervising Biologist with Division Chief and other Deputy Chiefs.
- Section staff with Deputy Chief and Supervising Biologist.
- Program-specific meetings.
- Support staff meetings, including boat and vessel staff.

A more effective, horizontal organizational structure within the Section should be considered. (See Appendix B: Marine Fisheries Section Organizational Diagram) Assignment of non-supervisory "team leaders" should be considered to foster in-house communication.

The Assessment Team strongly recommends that the Department resolve the acting level management positions, specifically the Division of Fish and Wildlife Chief and Bureau of Natural Resources Associate Director, in a way that creates leadership support and a sense of ownership of and advocacy for the Marine Fisheries Section. From an internal communications standpoint, a cost-free part of the solution could include nothing more than directing the unit heads to provide positive feedback that demonstrates recognition of and interest in the activities being undertaken by the Section.

A further, longer-range recommendation, and one favored by stakeholders and Marine Advisory Council members, is to elevate the Marine Fisheries Section to full division status. Consolidating the Coastal Resources Division and other related DEM programs with the Section might be needed to administratively justify creation of this new division.

### **1.2 Morale:**

Virtually all of the staff seem to enjoy their jobs and recognize the importance of their work to the citizens of Rhode Island. There are, however, a number of influences that dampen their enthusiasm. These include: frustration with bureaucracy, chain of command issues, overwork, a feeling of being out of the loop with respect to information about the department, pay grade inequities, and a feeling of being exploited by having to perform work that other units ostensibly ought to be doing. For example, the Jamestown site is so spectacular a visual asset that motion picture studios apparently film at the location. Some staff members were concerned that providing support for such activities might diminish the effectiveness of supervisory staff in accomplishing the core mission of the Section.

Recently hired employees seem to be highly motivated but their input may be suppressed by the views expressed by a few strong-willed, more senior staff members. This is not unusual for organizations similar to the Section, but this phenomenon should be recognized and addressed appropriately.

Some staff members show signs of workload-induced burnout. They seem to be burdened by tasks that could be done properly by non-technical staff: clerical work, small boat upkeep, and business office functions. While some staff members seem to be overloaded, others are perceived not to have the same overwhelming workload. All of these symptoms of a partially overloaded staff can be diminished or eliminated without considerable expense.

### **1.3 Support Services:**

It is acknowledged that fiscal and personnel resources are limited, and it is unrealistic to expect that they will be sufficient to support everything the Section's staff believes is necessary to meet their mandates. However, a cursory review of the duties assigned to the marine fisheries facility staff suggested that that production of technical analyses and advice could be enhanced without adding new technical staff if appropriate clerical, business support, and information technology services staff were assigned to support the facility. Obstacles to purchasing, particularly emergency purchases to keep the new research vessel R/V John Chafee operating, need to be overcome to avoid "stranding" costly scientific parties on shore when key monitoring programs are scheduled.



The Marine Fisheries Section is fortunate to occupy a recently renovated professional office space located in close proximity to their vessels and sampling gear. Unfortunately, the space already appears to be over-utilized. The supporting work force is insufficient to maintain such a facility and support a staff of this size, whether or not permanently located at Jamestown. The Assessment Team also recommends that priority be given to creating an indoor workspace for maintenance and repair of small boats.

The new permanent Division Chief should be charged with reviewing the need for clerical support and business services, as well as the need for hiring a buildings and grounds maintainer at the Jamestown site. A clerical worker assigned to the office to answer telephones, maintain files, process paperwork for delivery to Division, Bureau or Department offices, and support the logistical needs of advisory panel meetings and meetings of the RI Marine Fisheries Council would free technical staff to perform the functions for which they were hired. A business services officer or the services of such a position elsewhere within the chain of command to process purchase orders, administer grant paperwork, and special project funds would free the Supervising Biologist to supervise staff and enhance technical productivity. A buildings and grounds maintainer would free vessel crew and maintainers to maintain boats, motors and trailers.

#### **1.4 Other Internal Issues:**

There are other thoughts of lesser significance that ought to be considered. A professional training incentive program should be considered, either through professional societies or university relationships. Development of an Annual Report would help external communication but also create a sense of identity internally. Finally, a facilitated, unit-wide retreat could be held to refocus on goals, objectives, workload, position responsibilities, and who does what how frequently and how dependably. Essentially, this event could be used to jump start the program to break out of the low morale and re-instill a sense of belonging in the staff.

## **SECTION 2: EXTERNAL INTERACTIONS**

Analysis of external interactions was grouped into five key areas:

1. External Perception
2. Lack of Advocacy
3. Relationship with Advisory Panels and RIFMC
4. Relationship with the Marine Advisory Council
5. Unit Head Involvement
6. Priority Process and Out-Year Plan

### **2.1 External Perception:**

The Section and Section leadership are generally well respected by the outside community. This message was common among the stakeholders, council members, and academic community members. Outside groups also recognized that the Section has a larger workload than it can effectively handle, and it was acknowledged that some tough



decisions on the size and distribution of workload would need to be made. These decisions will be hampered by the limited flexibility in budgeting and staffing, which is not expected to change in the foreseeable future.

### **2.2 Lack of Advocacy:**

An advocate for the Marine Fisheries Section is absent and needed, especially given the importance of marine fisheries to "The Ocean State" and the remote location of the staff away from the Division, Bureau, and Department main offices. The absence of such an advocate puts the Section at a disadvantage in terms of promoting the Section's program and receiving a fair budget appropriation. A logical choice is a Chief of the Division of Fish & Wildlife who has knowledge, experience, and a passion for marine fisheries programs and the opportunity to advocate for them with other levels of government and the existing community of interested parties. Additionally, an outreach program within the Department or Division might help address this deficiency.

### **2.3 Relationship with Advisory Panels and RIFMC:**

The relationship between the Section and the members of the Advisory Panels and RIFMC should be strengthened and nurtured. There is general satisfaction with the level of services being provided to these groups by the Section, but the current process of decision-making has put them unnecessarily at odds on key issues. Encouraging the Section to work more closely with Council and Advisory Panel members during the formulation of management advice to the Director would help promote the policies of the department.

Management of Section staff, including redirections, reassignments, and new hires, is being hampered by the existing bargaining unit agreement. Although the Assessment Team did not actually review the agreement, this was a consistent comment that arose during the interviews. Staff management is also being hampered by lack of staff accountability (no performance evaluations are required below the supervisory level), and grade creep, which is leading to compression of grade structure within the Section.

### **2.4 Relationship with the Marine Advisory Council**

The most important function of the Section is to develop the state's marine fisheries policies. This requires determining the regulatory guidelines needed to direct the state's commercial and recreational fisheries. Rhode Island's Marine Advisory Council, an eight-member citizen's board chaired by the Section Chief, utilizes species-specific Stakeholder Advisory Panels to help formulate recommendations for rule making. Council members chair Advisory Panels and Section staff provides technical support. Administrative procedures also require public hearings to air Advisory Council and Section recommendations.

Typically, the Section Deputy Chief prepares his final recommendations for the Director after weighing the Council's input and public comment, but not in unison with the Council. Since the Deputy Chief develops his recommendations subsequent to all public deliberations, the Council's perception is that this constitutes a "last say" for the Section, which biases policy development. This situation creates an "us vs. them" climate between



the Marine Advisory Council and DEM representatives; thereby negating the benefits expected from the significant staff efforts made to engage the public early on in the decision-making process. The Assessment Team recommends modifying this process so that final recommendations to DEM's Director are the result of an interactive exchange between the Marine Advisory Council and the Section. One alternative is to have the Deputy Chief provide his policy recommendation to the Council for discussion and possible modifications prior to sending it to the Director.

Additionally, these fishery or species-specific advisory panels require considerable technical support from the Section staff. The level and quality of staff support varies from panel to panel. Panel productivity and the public's opinion of this process could be improved if staff assignments to panels are prioritized. Additionally, a basic outline describing what is expected of staff support would help create consistency between panels and assigning one staff member as an AP team leader would further help this process.

### **2.5 Unit Head Involvement:**

Besides periodic evaluations of budget priorities, there is a need for more involvement of Division Chief and Associate Director in Section activities. Their involvement would help establish closer communication through the chain of command between the Deputy Division Chief and the Director, give the Section staff a sense of identity within the DEM structure (currently, some Section staff members feel disenfranchised), and have a clear recognition of the chain of command in work assignments. A permanent hire for Division Chief, with a background in marine fisheries or at least an appreciation for the scientific and political challenges that the Section faces, would go a long way in addressing the involvement issue.

### **2.6 Priority Process and Out Year Plan:**

The Assessment Team strongly recommends that an internal process of developing and reviewing project priorities be established for the Section. This will help to keep the limited Section staff effort concentrated on the most important projects.

Additionally, the development of an out-year (~5-year) budget plan is encouraged, assuming level funding or modest growth. Not only will this exercise help in projections for staffing, infrastructure, and support services, it would also be useful in showing how flexible and responsive the Section's program will be to evolving informational demands.

### **SECTION 3. PROFESSIONAL DEVELOPMENT:**

Analysis of professional development issues was grouped under two topics:

1. Current Status
2. Professional Development Plan

#### **3.1 Current Status:**

A strong professional staff, formally educated in marine biology, population dynamics, and ocean sciences, is critical to the success of the marine fisheries section in meeting its mission. The current staff reflects an impressive level of education and experience, but is not entirely sufficient.

The Supervisory Biologist and four of the fifteen staff members below him have graduate degrees and are recognized for their skill and expertise as stock assessment biologists. Two other staff members are in the process of getting their graduate degrees. The remainder of the staff has undergraduate degrees. While an undergraduate degree was appropriate twenty years ago for much of the basic biological work done by the section, fisheries science and management is becoming increasingly complex. A commitment by the DEM to increase the technical training and formal education levels of the marine fisheries section will help ensure the marine fisheries section has the capabilities and expertise to carry out its mission and maintain public confidence in its work.

#### **3.2 Professional Development Plan**

The Section would benefit from the creation of a professional development plan that would outline organizational and personal expectations for employees. This is particularly important for the younger members of the staff, who may be just starting their careers in natural resources. It should include both the short-term training efforts currently being provided, such as computer skill training, and more technical stock assessments courses, like those sponsored by the Atlantic States Marine Fisheries Commission. Graduate courses and graduate programs should also be included for consideration in the professional development plan.

The development and implementation of such a plan would send a signal to employees about how the DEM values their contributions, as well as its commitment to ensure employees have the technical and educational credentials to do their jobs.

### **SECTION 4. VESSEL OPERATIONS:**

The Assessment Team's observations of vessel operations fall into two categories:

1. Resources
2. Vessel Use Policy



#### **4.1 Resources:**

The Fort Wetherhill moorage facility, R/V John Chafee, and marine personnel are impressive. The R/V John Chafee, along with the other boats in the marine section fleet, is critically important to the mission of the marine fisheries section. The marine maintenance supervisor conveyed a sense of pride in keeping the numerous boats assigned to the marine section operational, despite the lack of a covered facility. No comments were received from staff biologists indicating that lack of operable vessels hindered their ability to do their jobs.

The R/V John Chafee is a very capable platform for supporting a variety of sampling and monitoring missions in both bay and ocean waters. It is clear that the crew is well qualified, fully licensed, and dedicated in their maintenance and operation of the vessel. The boat was neat and clean both above and below decks, including the engine room and bilges. The R/V John Chafee is also viewed with pride by various marine fisheries stakeholders who see her as a positive symbol of DEM and their state.

In order to ensure that the use of the R/V Chafee does not result in the re-allocation of resources away from the Section, it may be prudent to calculate the vessel's fixed and variable operating costs along with a projected estimate of annual hours. This would allow the calculation of an hourly rate for the vessel's operations. This rate could be used by the Section and RI DEM to charge benefiting agencies for the use of the R/V Chafee, thus avoiding the Section subsidizing other programs with Marine Section resources.

Obviously, where possible, other agencies should be encouraged to take advantage of R/V Chafee trips dedicated to Marine Fisheries Section missions. It would be appropriate for the RIDEM to consider the above billing strategy for trips that are initiated solely to carry out non-Section missions.

#### **4.2 Vessel Use Policy:**

There does not appear to be a clear policy regarding the operations of the Section's vessels. While the crew of the R/V John Chafee holds CG licenses, there are no apparent rules regarding the wearing of safety equipment on board the vessel. In addition, there are no apparent rules establishing standards of training and qualification for staff and others operating marine section small boats, or rules regarding single person and/or night operations, etc.

The absence of a comprehensive policy exposes the Department to a variety of issues including safety of life, equipment life-cycle costs, and liability to the agency. Given the importance of these issues, and the need for an effective program, the policy should be issued by the Director of DEM.

Such a policy could be developed in consultation with other agencies within the state familiar with boat operations along with consultations with marine sections from other states. Consideration should be given to incorporating existing training programs, such as those offered by the state's boating safety program and the Coast Guard Auxiliary.

The policy should describe minimum standards for both operator qualifications, as well as rules and standards for vessel operations and equipment carriage (e.g., cell phones, survival suits in winter, flares, etc.) based on an assessment of the applicable risks.

### **ACKNOWLEDGEMENTS:**

The Assessment Team would not have been able to conduct this analysis without the cooperation and frankness of the many people who met with the Team, including those from the Marine Fisheries Section, the RIMFC, the Director's Senior Staff, URI, and stakeholders. The Team is grateful for their contributions.

The Assessment Team also commends the self-assessment documents prepared by the Section, especially the overview document submitted by Mark Gibson and Najih Lazar. It was comprehensive, insightful, and obviously the product of a great deal of effort. The provision of this report to Team members prior to our arrival in Jamestown served as an excellent background document and greatly facilitated this assessment. In addition, the Team notes the great efforts of Mr. Robert Ballou and Mr. Tom Getz of RI DEM to organize the complex schedule of meetings and facility visits in support of this review. The Review Panel is grateful for all of these advance preparations and for the positive effect they had on the efficient use of our time.

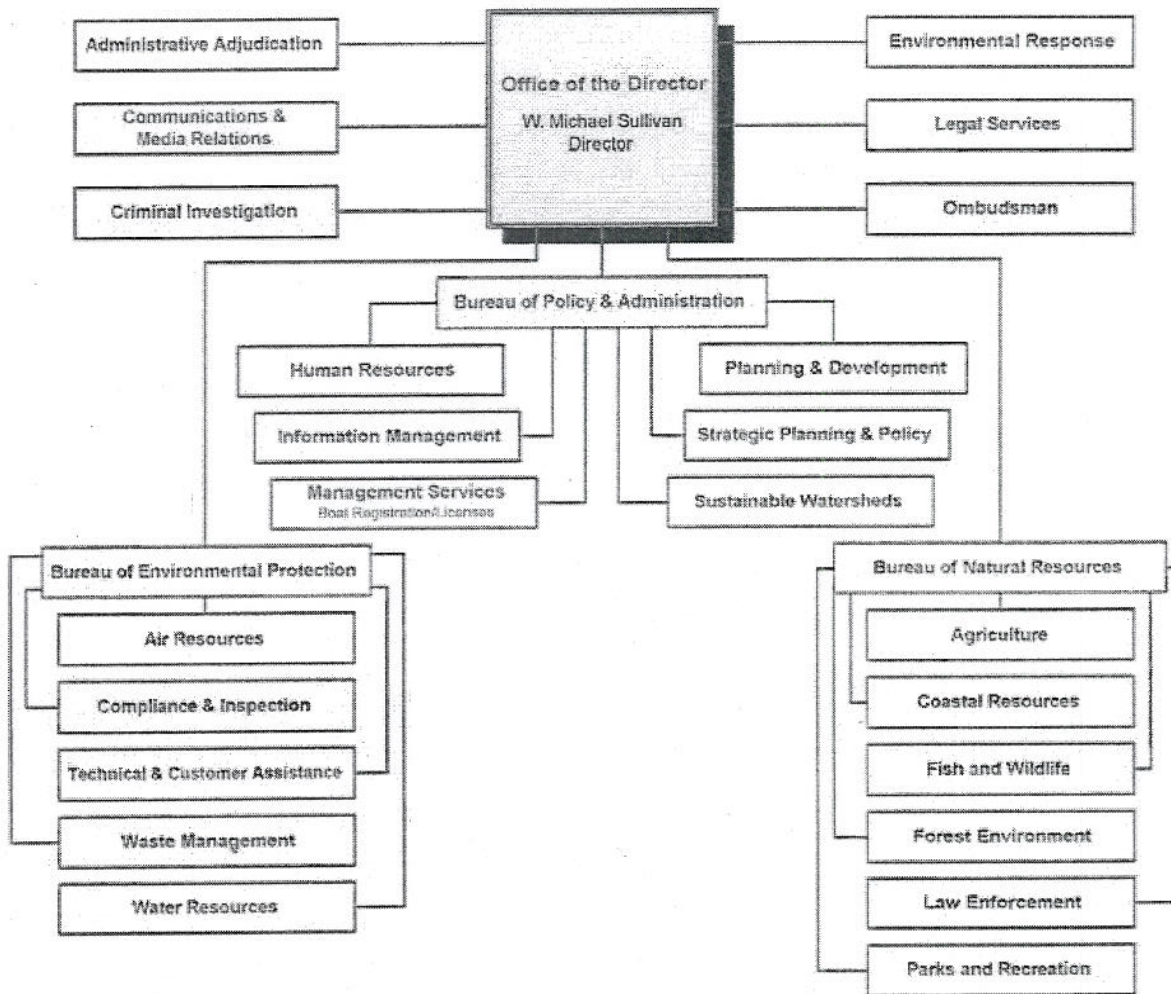
The Assessment Team wishes to commend Dr. Sullivan for taking the bold step of requesting this review, the purpose of which was to identify areas of strengths and areas for improvement. It is important for subsequent readers and reviewers of this report to realize that the areas of shortcomings identified in this report would not have been brought forward without the invitation and agreement of RI DEM to submit to this review.

Finally, the Assessment Team thanks Dr. Sullivan, the participating members of the RI DEM Executive Staff, and the staff of the Marine Fisheries Section for the privilege of having this opportunity to serve, and hopes that our efforts and comments are helpful.



**APPENDIX A: Rhode Island Department of Environmental Management  
Organizational Diagram**

Source: RI DEM Website (<http://www.dem.ri.gov/programs/orgchart.htm>)



**APPENDIX B: Marine Fisheries Section Organizational Diagram**

Source: Marine Fisheries Section Website  
 (<http://www.dem.ri.gov/topics/mftopics.htm>)

