



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767 TDD 711

To: Mark Gibson
Acting Chief, DFW

From: W. Michael Sullivan
Director

A handwritten signature in black ink that reads "W. Michael Sullivan".

Date: January 6, 2009

Re: **Addendum to** Decision on October 23, 2008
Marine Fisheries Public Hearing Items

I am writing as a follow-up to my December 4, 2008 decision memo, which set forth my final decisions on the regulatory proposals presented at the October 23, 2008 public hearing.

The purpose of this follow-up memo is to clarify that the number of new restricted finfish endorsements on CFLs to be available for 2009 should be three (3), rather than two (2). The reasoning for this is as follows:

The Department issues new license/endorsements in accordance with the detailed prioritization process set forth in section 6.7-6 of the licensing regulations. That process gives top priority to 3 categories of applicants:

1. Residents who have held, and actively fished, CFLs endorsed in the same fishery for which a new license/endorsement is being sought;
2. Residents who have held, and actively fished, PELs in another fishery;
and
3. Residents who have actively participated as crew members in the same fishery for which a new license/endorsement is being sought.

The regulations state that "one-third of the total number of new licenses/endorsements will be made available to each of the three categories," which means that each category of applicants has an equal shot at getting a new license/endorsement.

Every year, the Department issues a handful of new quahog endorsements. The numbers have ranged from 13 to 49. This year, 13 new quahog endorsements will be issued. The process has worked well, and will continue to work well, because there are enough new endorsements to distribute among the 3 categories.

For finfish, the Department issued 13 new endorsements in 2005, which worked well, none in 2006 or 2007, and then 3 last year. Three is a workable number -- one for each category -- so, again, the process worked fine last year.

This year, the Department retained the same 5:1 exit/entry ratio applied to the total number of licenses eligible to harvest restricted finfish that were active in the fishery in 2007 and retired in 2008. However, there were 11 such active license that retired, meaning that we would, ostensibly, issue 2 new restricted finfish endorsements for 2009, as stated in my December 4 memo. But I have since recognized that 2 is an unworkable number, given the provisions set forth in section 6.7-6 of the regulations. The Department needs to be able to issue a minimum of 3 new licenses/endorsements, so that each of the 3 priority categories has an equal shot.

Based on the above analysis, I hereby correct the record by stating that 3 new restricted finfish endorsements will be made available in 2009.

cc: Margaret McGrath