



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

4808 Tower Hill Road
Wakefield, RI 02879

401 789-3094
401 277-3075
FAX 401 783-4460
TDD 401 831-5508

TO: W. Michael Sullivan, Director DEM

FROM: Mark Gibson, Deputy Chief for Marine Fisheries DFW

DATE: October 29, 2005

SUBJECT: Request for Decision on October 25, 2005 Marine Fisheries Hearing Items

Comments and recommendations on all proposals presented at the public hearing held on October 25, 2005 are summarized in this memorandum. Supporting documentation submitted along with this memorandum include the public hearing summary document, RIMFC October 25, 2005 meeting minutes, summary of public hearing comments, and minutes of the RIMFC Industry Advisory Committee meetings. The regulation filing process will be initiated upon receipt of your determinations regarding these proposals.

The DEM proposed management plans for the shellfish, finfish, and crustacean sectors: These management plans are required under RIGL 20-2.1-9(5) and provide the underlying information supporting changes proposed for licensing regulations. The specific recommendations and rational in the plans are as follows: a. Due to poor stock status and ASMFC compliance requirements, the crustacean management plan recommends no new lobster endorsements, b. due to decreasing quotas for several economically important finfish no new restricted finfish endorsements were recommended and, c. due to a stable stock, new quahog endorsements were recommended in a 3:1 exit: entrance ratio. There were no public comments made regarding these management plans. The Council recommends adoption of the management plans. The Division recommends adoption of the management plans including the revised license renewal data provided at the October 25th Council meeting as well as the 2006 summer flounder, scup and black sea bass quota levels to be set at the November 2nd ASMFC meeting.

Amendments to the commercial fishing licensing regulations regarding the availability of licenses and endorsements in 2006: The changes proposed in the licensing regulations for 2006 reflect the recommendations as set forth in the Division of Fish and Wildlife sector management plans, advice from the RIMFC Industry Advisory Committee, and DEM staff. The changes encompass several clarifying revisions, a change to the priority requirement with regard to the actively fished definition, and the recommendations of no new restricted finfish endorsements, no new lobster

endorsements, and new quahog endorsements in a 3:1 exit: entrance ratio. Two public comments were received, one from the RI Shell fishermen's Association, and one from the RI Lobstermen's Association, both in support of the changes. The Council recommended adoption of the licensing changes as submitted. The Division recommends adoption of the licensing changes as proposed provided there is close monitoring of the shellfish sector. I note that the shellfish license regulations provide for unlimited access to student licenses and automatic upgrades for matriculating students. This, in addition to 3:1 exit entry for non-renewed licenses, could lead to excessive effort in the future. As the SAFIS dealer reporting system is extended to state licenses dealers, we will have the ability to track shellfish transactions and fishing effort in that sector.

To: Mark Gibson, Deputy Chief Marine Fisheries, DFW

From: W. Michael Sullivan, Director DEM

Date: November 7, 2005

Re: Marine Fisheries Regulations
Matters Considered at October 25, 2005 Public Hearing

I am writing in response to your October 29, 2005 memorandum regarding the following regulatory proposals:

- Amendments to management plans for shellfish, finfish, and crustacean sectors; and
- Amendments to the commercial fishing licensing regulations for the 2006 license year

I have reviewed all of the documentation forwarded with your memo – the record of the October 25, 2005 public hearing, the minutes of the October 25, 2005 meeting of the Marine Fisheries Council, and the minutes of the August 4, 2005 meeting of the Industry Advisory Committee.

I note that the proposals largely emanated from, and are generally consistent with, the recommendations of the Advisory Committee. I further note that there were just two comments offered at the public hearing, both in support. Finally, I note that the Council and the Division both recommend adoption of the regulations, as proposed.

I share your interest in utilizing the SAFIS system to track effort in the fisheries, and agree that the information will help guide future decisions involving licensing.

Based on my full review of the record, I hereby adopt your recommendation, and that of the Council, to promulgate the proposed changes to the sector management plans and licensing regulations.