



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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TO: Frederick Vincent, Acting Director DEM

FROM: Mark Gibson, Deputy Chief for Marine Fisheries DFW

DATE: December 14, 2004

SUBJECT: Request for Decision on December 9, 2004 Marine Fisheries Hearing Item

Comments and recommendations on the proposals presented at the public hearing held on December 9, 2004 are summarized in this memorandum. The RIMFC considered these issues at their December 9th meeting and have provided advice. Supporting documentation submitted along with this memorandum include the public hearing summary document, excerpt from the December 9th RIMFC meeting minutes, summary of public hearing comments, and copies of all submitted written comments. The regulation filing process will be initiated upon receipt of your determinations regarding these proposals.

- 1) Receive public comments on amendments to Rule 8 – Harvest and Gear Levels 2005, section 8.2-5 – Restricted Finfish, of the commercial fishing licensing regulations: The topic of marine fisheries licensing regulations was originally noticed at an October 4, 2004 public hearing. The specific topic of commercial fishing license harvest levels was not adequately addressed at the public hearing therefore the Director, in consultation with DEM legal counsel, sent this specific topic back to public hearing. Five public comments were received and all were variations on the proposal of letting the new restricted finfish endorsements exist at full harvest level. One comment offered a compromise of having a *de minimis* possession level if the Director decided to go with the ½ possession limits, a level which the possession limit would not go below in order to make it economically viable. There were two written comments received which echoed the proposal of full harvest level for the new restricted finfish endorsements. The Council recommended supporting the ½ possession limit minus the word gear with the caveat that the Director move forward with a process by which the individuals who receive the new endorsements can upgrade to a full harvest level. The Division concurs with the Council. The intent of the basic licenses was to provide a point of entry for new fishermen at a reduced harvest level in contrast to principle effort licenses that harvest at full levels. We

intend to work with the Commercial fishermen's committee and Council early in 2005 to develop better regulations for upgrading and diversifying licenses. Council authorized a meeting of that body at their December 9th meeting.

Cc Mike Lapisky- RIDFW
Najih Lazar- RIDFW
Jason McNamee- RIDFW

TO: Mark Gibson
Chief for Marine Fisheries DFW

FROM: Frederick J. Vincent
Acting Director

DATE: December 30, 2004

RE: Regulation Regarding Basic Harvest Level for Restricted Finfish

I have reviewed your recommendation, set forth in your December 14, 2004 memo, regarding the new regulation for the basic harvest level for restricted finfish. I have also reviewed all of the supporting documentation included with your memo – namely, the record of the December 9, 2004 public hearing, copies of the written comments, and the comments and recommendations of the RI Marine Fisheries Council.

I note that all public comments advocated for a basic harvest level that is the same as the full harvest level. I further note, however, that the Council, after a thoughtful discussion on the issue, voted to recommend adoption of the regulation as proposed in the public notice – i.e., a basic harvest level set at one half of the possession limits associated with the full harvest level. Finally, I note your concurrence with the Council's recommendation.

Having carefully considered the matter, I hereby adopt the recommendation offered by you and the Council.

In reaching my decision, I have become increasingly convinced of the need to undertake a thorough evaluation of the commercial fishing licensing program. The comments offered by the public and the Council underscore the need for a fair, rational, and transparent program that provides clear and meaningful opportunities for people to get new licenses when they become available, and to move up and expand within the industry over time. While the current system is providing for such opportunities, and doing so in a way that balances new entry with resource protection, I share the widely held sentiment that the system can be improved.

Accordingly, I reiterate my strong support for the plans to reconvene the Commercial Fishermen's Committee early in 2005, and for the Committee to work closely with the Division and the Council to develop recommendations for reforming the program.