

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION**

RE: THIBEAULT, BRIAN

AAD No. 03-006/MSA

DECISION AND ORDER

This matter came before the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters ("AAD") pursuant to Applicant Brian Thibeault's request for hearing. Mr. Thibeault had applied for a Gill Net Endorsement¹ from the Office of Boat Registration and Licensing ("OBRL") and had the request denied because he had not held a Gill Net Endorsement on December 31, 2002. According to R.I. GEN. LAWS § 20-2.1-12 and section 6.7.10 of the Rules and Regulations Governing the Management of Marine Fisheries ("Fisheries Regulations"), Mr. Thibeault's next avenue for relief would have been to request reconsideration of the denial before the Commercial Fishing License Review Board ("Review Board"). Although he requested reconsideration, the Review Board had not yet been fully formed and was not operating within the time period set by statute for it to issue its recommendation to the OBRL. The OBRL then issued its final denial and Applicant filed his appeal at AAD. Applicant proceeded to hearing before the AAD on May 7, 2003.

Following the hearing, the OBRL and Applicant filed post-hearing statements; due to extensions for filing the statements, the hearing was considered closed on May 30, 2003. During a telephone conference on May 20, 2003, Mr. Thibeault, representing himself, and Deborah George, attorney for the OBRL, were offered the opportunity to have this matter remanded to the Review Board since it was anticipated that it would be functioning within the next several weeks. The parties declined the opportunity and wished to have this matter decided at the AAD. My Decision follows.

¹ The terms Gill Net Endorsement and gill net license are used interchangeably in this Decision. The Fisheries Regulations refer to it as an Endorsement but R.I. GEN. LAWS § 20-2.1-5 identifies it as a gill net license or commercial gill net permit.

The within proceeding was conducted in accordance with the statutes governing the Administrative Adjudication Division for Environmental Matters (R.I. GEN. LAWS § 42-17.7-1 *et seq.*); the Administrative Procedures Act (R.I. GEN. LAWS § 42-35-1 *et seq.*); and the Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters (“AAD Rules”).

PREHEARING CONFERENCE

Immediately preceding the hearing, a prehearing conference was conducted.

At the prehearing conference, the parties agreed to the following stipulations of fact::

1. Brian Thibeault held a Multi-Purpose License since at least February 19, 1993 (MULT 2084).
2. Brian Thibeault renewed his Multi-Purpose License on January 16, 2003 (MPURP 000521) and obtained his vessel declaration on January 16, 2003 (VDECL 000884).

Applicant identified the following as an issue to be considered by the Hearing Officer at the hearing:

Whether Brian Thibeault, who holds a valid Multi-Purpose License, is eligible for a Gill Net Endorsement.

The OBRL identified the following as an issue to be considered by the Hearing Officer at the hearing:

Whether Brian Thibeault is eligible to apply for a Gill Net Endorsement pursuant to R.I. GEN. LAWS § 20-2.1-5(2)(ii)(c) of the Rules and Regulations Governing the Management of Marine Fisheries since he did not possess a Gill Net Endorsement as of December 31, 2002.

A list of the exhibits, marked as they were admitted at the hearing, is attached to this Decision as Appendix A.

HEARING SUMMARY

At the hearing, Applicant testified on his own behalf. The OBRL presented one (1) witness, Margaret McGrath, the Programming Services Officer at OBRL.

Mr. Thibeault’s argument and testimony were twofold. He argued that R.I. GEN. LAWS § 20-2.1-5(2)(ii)(C) entitled him to a gill net license and was not part of the

moratorium and he presented evidence on those factors that would have been considered by the Review Board if the moratorium did apply.

He testified that his primary fishery is lobsters. He anticipates a loss in income because of the fishery reduction and therefore is seeking to use the gill net so that he may pursue fluke (also known as summer flounder). He presently uses rod and reel to obtain fluke but it is not as effective as fishing with gill net. He stated that bluefish, and later tautog when the fishery opens again, would also be targeted if he is allowed to fish with the gill net.

The witness stated that his participation in the fluke fishery would not cause it to be over-fished since that fishery is rebuilding its stock and is presently under limits to prevent over-fishing. He also stated that there are no other agency appeal decisions (although one is presently pending before the Director) and that issuing the Endorsement would not affect management plans. He concluded that he has met the requirements for a Gill Net Endorsement.

Under cross-examination the witness was questioned about the fluke fishing limits. He stated that granting the Endorsement would not have an impact on the biomass of the fishery and that when the quota allowed by regulation is reached, the fishery is closed.

He stated that although he has not yet purchased the gear, he had not needed it until the imposition of emergency regulations on the lobster industry. He anticipated a 50-75% reduction in his lobster catch this year that would affect his income. He claimed to need the Endorsement in order to maintain his standard of living.

Margaret McGrath, testifying on behalf of the OBRL, stated that if an applicant had not had a gill net license in December 2002, he or she would be denied the Endorsement in 2003 because no new gill net licenses were allowed in 2003.

The witness explained the restructuring of licenses that occurred, effective January 1, 2003. Prior to that date there had been two types of Multi-Purpose

Licenses: the “Multi-Purpose” and the “Multi-Purpose with Gill Net”. With the new restructuring, only one type of Multi-Purpose License existed; the one that had previously allowed the use of a gill net now was identified as a “Multi-Purpose License with Gill Net Endorsement”. Ms. McGrath referred to Rule 6.8-7(c) of the Fisheries Regulations as the authority for the new Endorsement. She also cited Rule 7 of the Fisheries Regulations as the bar to the issuance of new Multi-Purpose Licenses, including Multi-Purpose Licenses with Gill Net Endorsement. According to the OBRL, the term “Endorsement” is defined by R.I. GEN. LAWS § 20-2.1-3 and grants the Department the authority to establish endorsements and to determine when they are available for issuance.

Conclusion

Although this matter was not considered by the Review Board, I am satisfied that it is properly before the AAD. I base this conclusion upon my review of R.I. GEN. LAWS § 20-2.1-12, that established the Review Board, as well as of Section 6.7-10(f) and (i) of the Fisheries Regulations.

Section 6.7-10 of the Fisheries Regulations provides that when an applicant is denied a commercial fishing license, that person may file a request for reconsideration with the Review Board. Under subsections (f) and (i), if a written recommendation is not rendered within thirty (30) working days, then the preliminary denial by the OBRL becomes final and is ripe for appeal to the AAD.

Here, Mr. Thibeault was denied the gill net license/endorsement; he requested reconsideration; no written recommendation was issued by the Review Board within the set period; the OBRL decision became final; and Applicant timely appealed the decision to the AAD.

Mr. Thibeault’s first argument was that he was improperly denied the gill net license. He asserted at the hearing and in his *Post-Hearing Memorandum* (“*Applicant’s Memorandum*”) that as a holder of a Multi-Purpose License, he should be

granted the gill net license. Mr. Thibeault cited the provisions of R.I. GEN. LAWS § 20-2.1-5(1)(iii) that provides as follows:

Multi-purpose license. All multi-purpose license holders as of December 31, 2002, shall be eligible to obtain a multi-purpose license, which shall allow the holder to engage in commercial fishing in all fisheries sectors at the full harvest and gear levels...

He also cited the provisions of R.I. GEN. LAWS § 20-2.1-5(2)(ii)(C) that provides as follows:

Gill net licenses. A person who holds a multi-species participant license² and/or a principal effort license for finfish is also eligible to apply for a commercial gill net permit in accordance with the provisions of this section...

Based upon the above, Applicant argues that when DEM adopted Fisheries Regulations that prevent him from obtaining the gill net license, those Regulations were contrary to the statute. *Applicant's Memorandum* at 4. He also contends that if the Legislature had wanted to limit the issuance of gill net licenses, then it would have indicated such an intent in the wording of the statute. *Id.* at 5. He states that the DEM has attempted

“to exceed their statutory authority by altering the clear, concise and unambiguous wording of the Statutory provision for gill net licenses through the addition of language in the regulations that states one must have had a gill net license as well as a multi-purpose license as of 12/31/02.” *Id.* at 6.

The OBRL responded at the hearing and in its *Post-Hearing Memorandum* (“*OBRL's Memorandum*”) that R.I. GEN. LAWS § 20-2.1-5(2)(ii)(C) provides that a person who holds a multi-species (or Multi-Purpose) license is eligible to apply for a gill net permit “in accordance with the provisions of this section”. The OBRL explained that the new restructuring of Rhode Island commercial fishing licenses, set forth in Chapter 2.1 of Title 20 and in the Fisheries Regulations, reduced the types of licenses to three major categories and divided the licenses into fishery sectors. The major license categories are the entry level “Commercial Fishing License” that allows the holder to engage in commercial fishing in fisheries sectors, per endorsement at basic harvest

² It was not disputed that the “multi-species participant license” is actually the Multi-Purpose License. See Rule 6.8-7(c) of the Fisheries Regulations.

and gear levels; the "Principal Effort License" that is available for issuance for the fishery sector in which the person had been licensed on December 31, 2002, at the full harvest and gear levels; and the "Multi-Purpose License". *OBRL's Memorandum* at 4.

The statute provides that those individuals with Principal Effort Licenses may seek endorsements outside their fishery sector, "if and when those endorsements are made available". Those individuals holding a Multi-Purpose License as of December 31, 2002, were eligible to obtain a Multi-Purpose License in 2003 that allowed the holder to engage in commercial fishing in all fisheries sectors at the full harvest and gear levels. The statute also contains the language that is contested by the parties: that a holder of Multi-Purpose License and/or a Principal Effort License for finfish is also eligible to apply for a commercial gill net permit.

The OBRL argues that the gill net license is an endorsement and that "Endorsement" is defined in R.I. GEN. LAWS § 20-2.1-3 to allow the Department to restrict their issuance through the adoption of regulations. The Department has specifically restricted Gill Net Endorsements in section 6.8-7(c) of the Fisheries Regulations by providing that there will be no new holders of the Gill Net Endorsement in 2003. *OBRL's Memorandum* at 4-6.

I have reviewed R.I. GEN. LAWS § 20-2.1-5 and the definition set forth in R.I. GEN. LAWS § 20-2.1-3. The first statute requires the Director to "establish as a minimum the following types of licenses set forth in this section". "Gill net licenses" is listed under the subsection entitled "Special vessel and gear licenses and fees". In that section, a gill net license is also identified as a commercial gill net permit.

"Endorsement" is defined as:

[T]he designation of a *fishery* in which a license holder may participate at either basic or full harvest and gear levels. Endorsement categories shall be established annually by the department by rule, based on the status of the various fisheries, the levels of participation of existing license holders, and the provisions of applicable management plans or programs. At a minimum, endorsement categories and endorsement opportunities shall include, but may not be limited to, *non-lobster crustacean; lobster; non-quahaug shellfish; quahaug; non-restricted finfish; and restricted finfish*. Endorsements, when

available, shall be issued in accordance with applicable qualifying criteria. (emphasis added).

Endorsements are for fishery designations, not for identifying gear opportunities. I conclude that in the above statutory provisions, the gill net license is a license and is not an endorsement.³

The statutory definition of endorsement, therefore, cannot be used as authority for the Department to adopt regulations limiting the availability of gill net licenses. Notwithstanding this conclusion, however, other provisions in Chapter 2.1 of Title 20 allow the Department to adopt regulations restricting licenses as well as endorsements.

The director's rule-making authority for implementing a commercial fisheries licensing system is set forth in R.I. GEN. LAWS § 20-2.1-9. Under this statute, the rules apply both to commercial fishing licenses and to commercial fishing by license holders. The statute allows regulation of the types of licenses and/or license endorsement and limitations on levels of effort and/or on catch by type of license and/or license endorsement. It also allows the Department to impose "Limitations and/or restrictions on effort, gear, catch, or number of license holders and endorsements". (emphasis added). R.I. GEN. LAWS § 20-2.1-9(1)(v).

With this grant of broad rule-making authority, the Department adopted the Fisheries Regulations that *inter alia*, restricted the issuance of new licenses (Rule 6.7-4 *et seq.*) and imposed limitations on two categories of gear: Fish Trap and Gill Net (Rule 6.8-7). The gear limitations section provides as follows:

- (a) Gear endorsement categories shall include Fish Trap and Gill Net.
- (b) The Fish Trap Gear Endorsement ...
- (c) The Gill Net Gear Endorsement shall allow the holder of a Multi-Purpose License or Principal Effort License, with Restricted and Non-Restricted Finfish endorsements, to set a gill net for an annual fee of twenty dollars (\$20) for each net. Applicants who are authorized to employ gill nets as of December 31, 2002 may obtain a Gill Net Endorsement,⁴ subject to the

³ The Fisheries Regulations contains a different definition of "Endorsement".

⁴ Although the Fisheries Regulations inappropriately refer to the gill net license as an endorsement, it does not alter the impact of the restriction.

same terms and conditions in effect as of December 31, 2002. Subsequent gill net endorsement opportunities shall be established by rule, pursuant to applicable management plans.

- (d) By rule, the Department may add, eliminate, or modify gear endorsement categories; in so doing, the Department will consider the status of each fishery, levels of participation by existing license holders, the impact of the gear type on fishing mortality, and the provisions of applicable fisheries management plans and programs.

According to R.I. GEN. LAWS § 20-2.1-5(2)(ii)(C), this Applicant was eligible to apply for the gill net license. The Legislature, however, also allowed the Department to restrict the availability of those licenses when it enacted R.I. GEN. LAWS § 20-2.1-9(1)(v). The Department thereafter, through its adoption of the Fisheries Regulations, restricted the availability of gill net licenses to those individuals who held the license as of December 31, 2002. This Applicant did not hold a gill net license as of December 31, 2002. The OBRL was therefore proceeding in accordance with applicable statutes and regulations when it denied Mr. Thibeault the gill net license.

Having determined the legal issue that the OBRL was acting in accordance with Chapter 2.1 of Title 20, I now proceed to consider the evidence presented at the hearing on whether Applicant should nevertheless be issued the Gill Net Endorsement.

Both R.I. GEN. LAWS § 20-2.1-12 and Section 6.7-10 of the Fisheries Regulations provide that Applicant bears the burden to prove compliance with the criteria for issuance of the license. Both also set forth factors that the Review Board is required to consider:

- (i) the impact that issuance of the license will have on the fisheries management program overall;
- (ii) equity with other license holders;
- (iii) consistency with prior agency decisions;
- (iv) consistency with management plans;
- (v) unreasonable hardship to the applicant; and
- (vi) consistency with the provisions and purposes of R.I.G.L. 20-2.1.

Rule 6.7-10(g)(vi) of the Fisheries Regulations adds that the Review Board should consider whether the issuance of the license would be consistent with the provisions and purposes of the Fisheries Regulations.

The OBRL has argued that the above factors should not be considered at the AAD. Counsel contends that these factors are to be considered by the Review Board in its recommendation to the OBRL, and need not be considered by the Hearing Officer on appeal. *OBRL's Memorandum* at 10.

I find otherwise. To conclude that the factors should not be considered at AAD would deprive this Applicant of all opportunity to have them considered. The Legislature is presumed to have established the criteria in order to have them considered if Applicant disputed OBRL's initial denial. To require the Review Board to consider the criteria but not have the factors have any effect on the issuance of a license would make the process futile.

As in the Re: Patrick J. Heaney, AAD No. 03-001/MSA, Recommended Decision and Order (presently pending before the Director), dated May 9, 2003, I also conclude that the statutory scheme is such that the Legislature could not have intended the initial decision of the OBRL to operate as an absolute bar on the issuance of new licenses. If that had been the intent, why provide for a reconsideration process that goes beyond whether applicant had held the same license the previous year? Although the obvious intent was to restrict the issuance of new licenses/endorsements, neither the statute nor regulations contain language specifically prohibiting the issuance of new licenses after reconsideration by the Review Board or upon appeal to the AAD. To hold that the provision that no new licenses or endorsements may be issued after December 31, 2002 is absolute would render nugatory the subsequent review process established in R.I. GEN. LAWS § 20-2.1-12.

I agree with the Heaney Recommended Decision and Order that the fact that this Applicant did not hold a gill net license or endorsement as of December 31, 2002 is not dispositive of the appeal before the AAD. As in Heaney, I also find that the AAD may consider the criteria that the Review Board was required to consider by statute and regulation. To conclude that these criteria cannot be considered at this time would

ascribe a legislative intent that is devoid of any purpose, is inefficacious, or is nugatory.

Pullen v. State, 707 A.2d 686 (R.I. 1998).

The first issue therefore, is to consider the impact that issuance of the license will have on the fisheries management program overall. Since it is only one license, its issuance would be unlikely to have much impact on the overall program. Applicant has met his burden on this issue.

The second factor poses a considerable obstacle for this Applicant: Equity with other license holders. If he is granted the Gill Net Endorsement, he would gain an advantage compared to other individuals with Multi-Purpose Licenses that do not have the Endorsement. In addition, he seeks to enter the fluke fishery with his gill net, a fishery that is closely monitored and tightly regulated. Allowing this individual to proceed with gill net in the fluke fishery would disadvantage those already fishing in a sector that is currently managed through imposition of quotas on fluke landings. Applicant has not met his burden on this issue.

The third issue to be considered is whether it would be consistent with prior agency decisions. At present, the agency has, through the OBRL, denied requests for new gill net licenses. To be consistent with those decisions, this Applicant would also have the new Endorsement denied. A pending Recommended Decision and Order before the Director (the aforementioned Heaney matter) grants a Gill Net Endorsement. It is the only other case yet to reach the Director's office and cannot yet be considered an "agency" decision.

"Consistency with management plans" is the fourth consideration. Since the fluke fishery is this Applicant's intended target, it cannot be considered consistent with management plans to allow this individual, even though he now has a limited role in the fishery with rod and reel, to participate in it with gill net gear. Applicant has not met his burden on this issue.

The fifth factor, unreasonable hardship to Applicant, has also not been established. While I do not take lightly the impact of the depletion of available lobster stock on this Applicant, Applicant has not demonstrated that he is affected any differently than other lobstermen in the fishery. "Unreasonable hardship" is defined in Rule 5.54 of the Fisheries Regulations to mean:

Severe economic loss resulting from the denial of a license which is unique to an individual and which has not been caused or exacerbated by prior actions of or inaction on the part of that individual.

Applicant has not met his burden on this issue.

The final issue to be considered, as set forth in the Fisheries Regulations, is whether the issuance of the license would be consistent with the provisions of R.I. GEN. LAWS Title 20 Chapter 2.1 and with the Fisheries Regulations. As discussed above, Applicant has not met his burden on four of the five above criteria. Issuance of a Gill Net Endorsement to this Applicant would not be consistent with the provisions of Chapter 2.1 of Title 20 and would not be consistent with the Fisheries Regulations.

Applicant has therefore not met his burden to prove by a preponderance of the evidence that he satisfies the above criteria for issuance of a Gill Net Endorsement.

Wherefore, after considering the stipulations of the parties and the testimonial and documentary evidence of record, I make the following:

FINDINGS OF FACT

1. Applicant possessed a Multi-Purpose License as of December 31, 2002.
2. Applicant currently possesses a Multi-Purpose License that expires on December 31, 2003.
3. Applicant did not possess a commercial gill net permit as of December 31, 2002.
4. Applicant applied for a gill net license/endorsement on or about February 7, 2003.
5. The OBRL denied Applicant's request on or about February 12, 2003.
6. On or about February 17, 2003, Applicant requested that the Review Board reconsider the denial.

7. The Review Board was not fully operating as of the date of Applicant's request for reconsideration and was not yet operating as of May 20, 2003.
8. The OBRL issued its final denial to Applicant on or about March 20, 2003.
9. Applicant's primary fishery is lobsters.
10. Applicant anticipates a 50-75% reduction in his lobster catch in 2003, resulting in a loss of income.
11. Applicant currently participates in the fluke fishery with rod and reel.
12. Applicant seeks the gill net license/endorsement for use in the fluke fishery, as well as for bluefish and tautog.
13. The fluke fishery is currently managed through the imposition of quotas and is closed when the quota is reached.
14. The OBRL has not issued any new gill net licenses/endorsements for 2003.

CONCLUSIONS OF LAW

After due consideration of the above findings of fact and the legal argument of the parties, I conclude the following as a matter of law:

1. The AAD has jurisdiction over this matter pursuant to R.I. GEN. LAWS § 42-17.7-2; R.I. GEN. LAWS § 20-2.1-12; and Rule 6.7-10(i) of the Fisheries Regulations.
2. The Director's rule-making authority for implementing a commercial fisheries licensing system that allows regulation of the types of licenses/endorsements and limitations and/or restrictions on gear or number of license holders and endorsements is established in R.I. GEN. LAWS § 20-2.1-9.
3. The Fisheries Regulations, and specifically Rule 6.8-7 that imposes the restriction on the availability of Gill Net Endorsements for 2003, were adopted pursuant to R.I. GEN. LAWS § 20-2.1-9.
4. The OBRL acted in accordance with Rule 6.8-7 in denying Applicant's request for a Gill Net Endorsement for 2003.
5. In appeals from denials issued by the OBRL, the AAD may consider those factors identified in R.I. GEN. LAWS § 20-2.1-12 and in Section 6.7-10 of the Fisheries Regulations.
6. Pursuant to R.I. GEN. LAWS § 20-2.1-12 and Section 6.7-10 of the Fisheries Regulations, Applicant must prove by a preponderance of the evidence that he has complied with the criteria for issuance of a license.

7. Applicant proved by a preponderance of the evidence that issuance of the Gill Net Endorsement would have little impact on the fisheries management program.
8. Applicant failed to prove by a preponderance of the evidence that issuance of the Gill Net Endorsement would achieve equity with other license holders.
9. Applicant failed to prove by a preponderance of the evidence that issuance of the Gill Net Endorsement would be consistent with prior agency decisions.
10. Applicant failed to prove by a preponderance of the evidence that issuance of the Gill Net Endorsement for use in the fluke fishery would be consistent with management plans.
11. Applicant failed to prove by a preponderance of the evidence that OBRL's denial of the Gill Net Endorsement would cause an unreasonable hardship as defined in Rule 5.54 of the Fisheries Regulations.
12. Applicant has failed to prove by a preponderance of the evidence that issuance of the Gill Net Endorsement would be consistent with the provisions and purposes of R.I. GEN. LAWS § 20-2.1-1 *et seq.* or with the provisions and purposes of the Fisheries Regulations.
13. Applicant has failed to prove by a preponderance of the evidence that he has complied with the criteria for issuance of a Gill Net Endorsement.

Wherefore, based upon the above Findings of Fact and Conclusions of Law, it is hereby

ORDERED

Applicant's request for a Gill Net Endorsement for 2003 is DENIED.

Entered as an Administrative Order this 12th day of June, 2003 and herewith recommended to the Director for issuance as a Final Agency Order.

Mary F. McMahon
Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
235 Promenade Street, Third Floor
Providence, RI 02908
(401) 222-1357

Entered as a Final Agency Order this 27th day of June 2003.

Jan H. Reitsma
Director
Department of Environmental Management
235 Promenade Street, Fourth Floor
Providence, Rhode Island 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within Decision and Order to be delivered via regular mail, postage prepaid to: Brian Thibeault, Red Tail Fisheries, Inc., P.O. Box 703, West Kingston, RI 02892 and via interoffice mail to: Deborah George, Esquire, DEM Office of Legal Services, 235 Promenade St., 4th Fl., Providence, RI 02908; on this _____ day of _____, 2003.

If you are aggrieved by this final agency order, you may appeal this final order to the Rhode Island Superior Court within thirty (30) days from the date of mailing of this notice of final decision pursuant to the provisions for judicial review established by the Rhode Island Administrative Procedures Act, specifically, R.I. GEN. LAWS §42-35-15.

APPENDIX A

Joint Exhibits

- JT 1 Full Letter from Brian Thibeault to DEM Office of Boat Registration & Licensing, dated 2/7/03, requesting gill net endorsement on multi-purpose license.
- JT 2 Full Denial letter from DEM Office of Boat Registration & Licensing to Brian Thibeault, dated 2/12/03.
- JT 3 Full Letter from Brian Thibeault to DEM Office of Boat Registration & Licensing, dated 2/17/03, requesting reconsideration.
- JT 4 Full Final denial letter from DEM Office of Boat Registration & Licensing to Brian Thibeault, dated 3/20/03.
- JT 5 Full Commercial license history for Brian Thibeault.
- JT 6 Full Copy of R.I. GEN. LAWS § 20-2.1-5.
- JT 7 Full Rules and Regulations Governing the Management of Marine Fisheries, effective 12/31/02.

Applicant's Exhibits

- A-1 Full Resume of Brian Thibeault
- A-2 Full Copies of Brian Thibeault's Vessel Operator's Permit; Rhode Island Driver's License; and 2003 Multi-Purpose License.
- A-3 Full Vessel Certificate of Documentation.
- A-4 Full 2003 Rhode Island Commercial Possession Limits Chart from *Fishermen's Call* magazine.