



RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

To: Mark Gibson  
Division of Fish & Wildlife – Marine Fisheries

From: W. Michael Sullivan  
Director

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

Date: May 9, 2007

Re: Marine Fisheries Regulatory Issues

I am writing with regard to the following regulatory issues, which were presented at the April 9, 2007 public hearing:

- Summer flounder recreational regulations for 2007
- Tautog recreational regulations for 2007
- Tautog commercial regulations for 2007
- Striped Bass commercial regulations for 2007
- Weakfish commercial and recreational regulations for 2007

I have reviewed all of the relevant information pertaining to these issues – namely, the minutes from all of the relevant advisory panel meetings, the public hearing summary documents and summary of public hearing comments, including written comments, from the 4/9/07 public hearing, the minutes of the 4/16/07 meeting of the RI Marine Fisheries Council, and your 4/23/07 memo to me.

First, with regard to the one other issue that was presented at the 4/9 hearing – the lobster trap allocation transferability program – please note that I will address that issue in a separate, follow-up memo.

Second, per your recommendation, I agree to defer action on the **recreational tautog** measures, pending your follow-up report on the ASMFC Tautog Technical Committee meeting that was held in April.

Third, pursuant to my review and consideration of all of the above-noted information, I have reached the following decisions on the remaining matters.

**Summer flounder recreational regulations** – Given the pressing need to have management measures in place by May 18, I previously decided to enact the recreational summer flounder regulations that were recommended by you and the Council. So there is no need to take any further regulatory action with regard to this matter.

I note that there were two proposals supported by the advisory panel and the public, and vetted by the Council – one involving a mode split between the party/charter boat sector and the balance of the recreational sector; and one that had a uniform minimum size, bag limit, and season applicable to all recreational fishermen. I recognize that there was considerable interest in the split-mode option, and that the approach would allow for a reduced minimum size for the non-party/charter boat fishermen, which would be particularly advantageous for shore-based fishermen. Yet that option would require ASMFC approval, which would have been very difficult to accomplish prior to the start of this season.

Accordingly, I endorsed the option that was ultimately recommended by the Council, and by you – i.e., a 19" minimum size, 7-fish bag limit, and May 18 – September 16 season, applicable to all recreational fishermen. Given the Council's interest in the split-mode option, and the possibility that the proposal might be back on the table for next year, I suggest that you bring that matter to the ASMFC for preliminary evaluation. At this time, I am not prepared to back the measure, but I feel that it would be helpful to assess its viability in advance of Council discussions on proposed regulatory changes for the 2008 season.

**Tautog commercial regulations** – I note that the only change recommended by the Council, based on a public comment, is to allow the commercial season to run through the end of the calendar year, or until the entire quota is harvested. I note that you agree with that recommendation. I concur, and ask that you prepare the change for formal adoption.

**Striped bass commercial regulations** – I note that the proposal recommended by the Advisory Panel and supported by the Council has two components.

The first, pertaining to the *floating fish trap fishery*, would decrease the minimum size from 28" to 26" and decrease the overall allocation for that sector by 1%. I recognize that this proposed reduction in minimum size requires ASMFC approval. As such, per your recommendation, I ask that you 1) maintain the current 28" minimum size, 2) seek ASMFC approval of the proposed decrease to 26" for that sector (compensated by the 1% sector quota decrease), and 3) adopt the regulatory adjustments, with a pro-rated quota reduction, if and when the ASMFC's approval is secured.

I recognize that there had been an advisory panel recommendation to shift the rollover date for underutilized quota in the floating fish trap sector from October 1 to September 22; however, that measure was not supported by the Council. I respect and appreciate the suite of measures developed by the panel, but my inclination is to heed the Council's advice unless there is compelling reason not to. Based on my review of the record, I am not aware of any pressing need to shift the rollover date, and so I

concur with the Council's recommendation, which you support, to maintain the October 1 date. I note that you have additionally recommended to not only maintain the October 1 date for the rollover of underutilized quota, but also to shift the October 15 rollover date for any remaining quota to October 1. While your reasoning seems sound, I am not comfortable making this change since it was not presented at public hearing nor vetted through the Council process. As such, I urge you to bring the matter forward when discussions begin on the regulations for next year.

The second part of the striped bass proposal pertains to the **general category fishery**. I note that there was mixed support from the public, but broad support from the Council, for an earlier start date of June 1, a two-day Friday/Saturday closure every week, and a shift from a per-license limit to a per-vessel limit. I also recognize that there was some healthy discussion on the part of the Council regarding the per-vessel, per-day limit (namely 4 vs. 5 fish), and that the Council ultimately agreed to recommend a 5-fish limit. I also note your support for all of those recommendations. While we are under no requirement to modify the regulatory program for the commercial striped bass fishery, I am open to industry-led initiatives aimed at improving the quota management program. I am a strong supporter of giving new ideas a try, and so I ask that you enact all of the measures recommended by the Council, including the June 1 start date, Friday/Saturday closures, and 5-fish per-vessel limit. In response to several public comments made at the hearing, I plan to continue our internal discussions relating to licensing and enforcement to help ensure that the program continues to be administered fairly and effectively.

Finally, I note that several members of the public urged consideration of a gill-net fishery for striped bass. Yet I also note that the matter was not addressed by the Striped Bass Advisory Panel, nor taken up by the Council. As such, I do not feel that the matter is ripe for consideration as a proposed regulatory change at this time.

**Weakfish commercial and recreational regulations** -- I note that the proposals to decrease the commercial possession limit from 300 to 150 pounds, and to decrease the recreational bag limit from 12 to 6 fish, are ASMFC requirements. I note that the proposals were unanimously supported by the Council, with only one comment, and that you urge adoption. I concur and ask that you prepare the matter for formal adoption. In so doing, please give due consideration to the recommended language change, pertaining to the bycatch allowance, made at the public hearing.