

To: Mark Gibson
Deputy Chief for Marine Fisheries, DFW

From: W. Michael Sullivan
Director



Date: January 13, 2006

Re: Decision on November 7, 2005
Marine Fisheries Public Hearing Items

I am writing in response to your November 29, 2005 memorandum regarding the several marine fisheries management regulatory proposals for 2006 that were presented at the November 7, 2005 public hearing.

I apologize for the delay in responding. The packet of information you forwarded to my office was inadvertently misplaced by an otherwise trustworthy staffer, and it was just this week that I was alerted to the pending status of these regulatory proposals. I assure you that more timely responses will be provided for all such matters hereafter sent to my attention.

I have reviewed all of the documentation forwarded with your memo – the summaries from the industry advisory committee, summer flounder advisory panel, and scup/black sea bass advisory panel; the November 7, 2005 public hearing summary document; the summary of public comments offered at the public hearing, as well as written comments submitted during the public comment period; and the minutes of the November 14, 2005 meeting of the Marine Fisheries Council.

Based on my full review of the record, I have reached the following decisions:

State Electronic Dealer Reporting (SAFIS) Regulations: I hereby adopt your recommendation to enact the SAFIS regulations as proposed, including the recommended modifications to the penalty provisions, which will render them consistent with other marine fisheries regulations. I further adopt the recommendation offered by a member of the public to change the word “landed” to the phrase “purchase or landed,” as this will better characterize the activities of

dealers. I have carefully considered the one public comment, backed by the Council, to incorporate a gear code into the fields to be captured by the SAFIS transactions. There is no doubt about the importance of this data set. I understand, however, that year information is slated to be captured through the fisherman reporting component of the program, which is slated to go forward next year, and that it would be redundant and burdensome to dealers to include it in the current dealer reporting component of the program. I therefore agree with your recommendation not to include a gear code in the current dealer reporting regulations. Finally, based on the Industry Advisory Committee's sound recommendation regarding a more streamlined process for entering information on prices, I support your commitment to continue working with dealers to facilitate submission of price data, given that it may not be finalized until some time after the recorded transactions.

Summer Flounder Quota Management Proposals: I concur with your recommendation to maintain the status quo with regard to the sub-period allocation formula, as recommended by the Council. I also hereby adopt your recommendation, and that of the Council, to approve the winter I aggregate landing proposal, including the granting of authority to the Division to adjust the bi-weekly limit based on the 2006 quota. I also concur with your recommendation, and that of the Council, not to adopt the proposed sector allocation pilot program. I commend the fine work done on this important issue by everyone who was involved, and I do plan to move forward with further study of the issue, as you and the Council have urged. Finally, I concur with your recommendation, and that of the Council, not to adopt the floating fish trap possession limit proposal.

Scup Quota Management Proposals: I concur with your recommendation, and that of the Council, to maintain the status quo for the general fishery category. I also hereby adopt your recommendation, and that of the Council, to enact the floating fish trap proposal, including the granting of authority to the Division to adjust the possession limit as the 90 percent criterion is approached.

Black Sea Bass Quota Management Proposals: I concur with your recommendation, and that of the Council, to maintain the status quo regarding the management program for the commercial black sea bass fishery.

In the interest of expediency, efficiency, and readability, I have refrained from providing justifications for each and every decision set forth above, where my reasoning parallels the basis of recommendations offered by you and the Council. I appreciate the careful attention given to these matters, and I am encouraged by the generally strong consensus that emerged thanks to the hard work by you, your staff, the Council, and the industry. The process is clearly an excellent demonstration of effective collaborative management.