



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
235 Promenade Street, Providence, RI 02908-5767
Rhode Island Relay 771

To: W. Michael Sullivan
Director

From: Robert Ballou *Robert I. Ballou*
Acting Chief, DFW

Date: March 9, 2010

Re: Request for Decision on January 25, 2010 Marine Fisheries Hearing Item:
Eligibility Criteria – Groundline Conversion Program

The proposed adoption of eligibility criteria for the Groundline Conversion Program has moved through the regulatory review process and is hereby presented for final decision.

The proposed criteria, attached hereto, seek to establish fair and appropriate standards for enabling qualified RI resident fishermen who are actively engaged in the commercial harvest of lobsters with traps in Area 2, to obtain vouchers for the purchase of sinking groundline. The vouchers are to be issued by the Commercial Fisheries Research (CFR) Foundation, pursuant to a federal grant awarded by the National Marine Fisheries Service.

The proposed criteria were the subject of a public hearing held on January 25, 2010. The summary of public hearing comments is attached hereto. As indicated, six people commented. Most were in favor of the program. However, there were differences of opinion as to the merits of the 50% bonus provision (two opposed, one in favor). Also, one individual expressed concern over the potential breach of confidentiality associated with information conveyed to the CFR Foundation through the application and rope-voucher award process. Another individual urged that the number for the average feet between traps be increased from 100 feet to 120 feet.

With regard to the 50% bonus provision – I feel that the provision warrants adoption since it appropriately scales the program favorably toward those commercial fishermen who identified themselves as users of floating groundline in response to the Lobster Trap Fishery Gear Survey conducted by DEM in 2006.

With regard to the confidentiality concern – DEM will not reveal any landings data, logbook-report data, trap allocation data, or trap-tag order data to the CFR Foundation.

The only fishery-related information that will be revealed to the CFR Foundation are state license or federal permit numbers and the number of traps fished per applicant. By way of process: DEM will initially identify all potentially eligible applicants by consulting our records via an in-house exercise; we will then provide to the CFR Foundation a list of all potentially qualified individuals, without revealing any data specific to any individual. The list will merely identify the individuals who meet the eligibility criteria. The CFR Foundation will then notify the qualified applicants, alerting them to the availability of the program and the opportunity to apply. A general notice will also be issued. Applications will be made to the CFR Foundation. Applicants will be called upon to provide: 1) a copy of their RI state license or federal permit; and 2) the number of traps they fished in Area 2 in either 2009 or 2008 (highest number for either year). Once the application period closes, the CFR Foundation will compile a list of all applicants, noting the number of traps fished for each applicant as stated on their applications, and provide that list to DEM for in-house review and verification. Per that in-house review, DEM will dismiss from consideration any applicant who does not meet the eligibility criteria; with regard to any such dismissals, the reasons cited will be categorical; DEM will not reveal any data specific to any individual. If an applicant offers a highest-number-of-traps-fished estimate that does not match with the records on file at DEM, DEM will adjust the figure accordingly. DEM will then return the reviewed and, if necessary adjusted, list to the CFR Foundation for their use in issuing the rope vouchers

The application form will note that DEM records will be used to verify eligibility, but that such records will not be made available to anyone outside of the Department. The application form will also note that applicants, via the application process, must be willing to reveal the highest number of traps fished in either 2009 or 2008 as the basis for calculating the amount of the rope vouchers, and that the records on file at DEM, pertaining to traps fished, will serve as the basis for all final decisions regarding the voucher amounts

Note that the application, review, and verification process, described above, is supplementary to the establishment of the eligibility criteria, and thus separate from (though related to) the issue that is before you for decision. The process described above is drawn from the approved plan for the rope voucher program. The explanation is provided in this memo in response to the concern raised at hearing regarding confidentiality.

Finally, with regard to the 100-foot standard for the average feet-between-traps, that too is part of the supplementary process of calculating the amount of the rope vouchers, per the approved plan, and thus not germane to the eligibility criteria that are before you for decision. That said, we maintain that the 100-foot standard, it is a fair and appropriate standard for the Area 2 component of the program, and we will urge the CFR Foundation to retain it as they administer the program.

Having reviewed the entire record, and conferred with staff, I hereby urge adoption of the eligibility criteria, as proposed. If you concur, please indicate by signing this memo

at the end and returning it to me. Upon receipt of the signed memo, I will initiate the filing process. If you wish to make any changes that differ from those proposed, please delineate those changes in a separate memo.



Approved for filing as presented



W. Michael Sullivan, Director

March 9, 2010

Date