

(6.7-4) License Renewals, Transitions and Upgrades

(e) Applicants who possessed a valid 65 and Over Shellfish License (resident only) as of the immediately preceding year, and who have been actively fishing their license, may obtain a Commercial Fishing License with a Quahaug endorsement for the immediately following year. This provision only applies to applicants who have not been cited for a violation of Rhode Island's marine fisheries laws or regulations during the two-year period preceding the date of application.

(6.7-6) Issuance of New Licenses and Endorsements; Prioritization

(a) First priority in the issuance of new licenses with applicable endorsement(s) shall be given to (i) licensed resident fishers holding Commercial Fishing Licenses, endorsed in the same fishery sector (see section 5.31) for which a new license/ endorsement is being sought, who have been actively fishing that endorsement, (ii) licensed resident fishers holding Principal Effort Licenses who have been actively fishing their license, and (iii) resident crew members who have been actively participating in the same fishery sector for which a new license/endorsement is being sought. One-third of the total number of new licenses with applicable endorsements will be made available to each of the three priority categories. If, in any of the categories, there are fewer eligible applicants than there are licenses/endorsements available for issue, then the balance will be evenly distributed to the other two categories. Within each category, eligible applicants will be prioritized based on the length of time, in years, they have been actively fishing their license, or actively participating in the fishery as a crew member, on a continuing basis. **If the selection of qualified applicants cannot be resolved equitably by the initial prioritization and lottery process, and if the number of remaining endorsements cannot be distributed evenly between the remaining categories, the number of remaining endorsements will be rounded up to provide each remaining category with the necessary endorsement(s) required to complete the selection process.**

(b) Second priority in the issuance of new licenses with applicable endorsement(s) shall be given to (i) licensed resident fishers holding Commercial Fishing Licenses, endorsed in any fishery sector, who have been actively fishing their license and (ii) resident crew members who have been actively participating in any fishery sector. One-half of the total number of new licenses with applicable endorsements will be made available to each of the two categories. If, in any of the categories, there are fewer eligible applicants than there are licenses/endorsements available, then the balance will be distributed to the other category. Within each category, eligible applicants will be prioritized based on the length of time, in years, they have been actively fishing their license, or actively participating as a crew member, on a continuing basis. **If the selection of qualified applicants cannot be resolved equitably by the initial prioritization and lottery process, and if the number of remaining endorsements cannot be distributed evenly between the remaining categories, the number of remaining endorsements will be rounded up to provide each remaining category with the necessary endorsement(s) required to complete the selection process.**

(6.7-11) Demonstration and Verification of Actively Fishing and Actively Participating Standards

(a) To meet the standard of actively fishing, an applicant must be able to demonstrate by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least seventy-five (75) days in the preceding two (2) calendar years, pursuant to a valid RI license (~~not landing permit~~). Such fishing activity must have spanned the preceding two (2) calendar years, meaning that some activity occurred in each of the two (2) years. Such fishing activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-4, 6.7-6, 6.7-7, 6.7-8, and 6.7-9 herein.

(b) Transaction records, and Vessel Trip Reports, if applicable, submitted in accordance with subsection (a) above, must correspond to fisheries in which the applicant is licensed to fish commercially. Such transaction records, and Vessel Trip Reports if applicable, shall be subject to verification by the Department in accordance with dealer reports submitted to the Department via the SAFIS reporting system.

(c) To meet the standard of actively participating, an applicant must be able to demonstrate via one or more affidavits that they have worked as a **paid** crew member for one or more licensed captains for at least seventy-five (75) days in the preceding two (2) calendar years. **To be considered a paid crew member the crew member must have valid record of being paid by the vessel owner or person licensed to fish commercially such as a W-2 form, 1099 form, and/or paycheck stub from a financial institution.** Such activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7-6 and 6.7-7.

(h) Transaction records established in SAFIS which are recorded on an applicant's Landing Permit (6.10) may be considered for the verification of activity standards provided that the applicant also possesses a Commercial Fishing License (6.8-2), Principal Effort License (6.8-3), or Multipurpose Fishing License (6.8-4) which was valid at the time of the activity being considered.

(6.8) Licenses, Endorsements and Vessel Declarations; Resident

(6.8-1) Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a Rhode Island resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors at levels established pursuant to Rule 8:

- (a) Non-Lobster Crustacean;
- (b) Lobster;
- (c) Quahaug;
- (d) Soft-shell clam;
- (e) Shellfish Other;
- (f) Non-Restricted Finfish;
- (g) Restricted Finfish;

(h) Whelk

(6.8-2) Commercial Fishing License

(a) Applicants must provide proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50), plus twenty-five dollars (\$25) per fishery endorsement.

~~(b) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(c) **(b)** The holder of a Commercial Fishing License may participate in any fishery sector for which he/she holds an endorsement at Basic Harvest and Gear Levels set by the Department pursuant to Rule 8.

(6.8-3) Principal Effort License

(a) Eligible applicants must present proof of Rhode Island residency and pay an annual fee of one hundred and fifty dollars (\$150) which entitles them to fish in a single fishery endorsement category.

~~(b) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(c) **(b)** The holder of a Principal Effort License may participate in any fishery sector for which he/she holds a fishery endorsement at Full Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(d) **(c)** The holder of a Principal Effort License may also obtain a Commercial Fishing License with applicable endorsements to fish other sectors at Basic Harvest and Gear Levels, and/or obtain additional fishery endorsements on his or her Principal Effort License to fish other sectors at Full Harvest and Gear Levels, if such endorsements are available for any given license year; provided that a license holder may not hold both a Principal Effort and Commercial Fishing License in the same fishery sector. The annual fee for additional fishery endorsements on Principal Effort Licenses is seventy-five dollars (\$75) each.

(e) **(d)** The holder of a **Commercial Fishing License or a** Principal Effort License with a Quahaug endorsement shall not be required to pay the annual fee for that license if the license holder is at least sixty-five (65) years old as of February 28 of the applicable license year. **The license holder is still required to pay the fee for the Non-Lobster Crustacean (6.8-1 (a)), Lobster (6.8-1 (b)), Non-Restricted Finfish (6.8-1(f)), Restricted Finfish (6.8-1 (g)) as well as all additional Gear (6.8-7), dockside sales (6.8-9), logbook (6.8-11) endorsements on their Commercial Fishing License or Principal Effort License.**

(6.8-4) Multi-Purpose License

(a) Eligible applicants must present proof of Rhode Island residency and pay an annual fee of three hundred dollars (\$300).

~~(b) At the time of application, applicants must identify the fishery endorsement sector or sectors into which they intend to place significant fishing effort during the license year, as well as the primary gear type they intend to employ. These declarations of intent are for informational purposes only and are non-binding.~~

(c) **(b)** The holder of a Multi-Purpose License may participate in all fishery endorsement sectors at Full Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(6.8-5) Student Shellfish License

(a) Applicants must present proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50).

(b) Applicants must be no older than twenty-three (23) years as of February 28 of the license year.

(c) Applicants must present proof that they are full-time students in the form of a notarized letter or transcript from the learning institution in which they are enrolled.

(d) The holder of a Student Shellfish License may participate in the Quahaug endorsement sector at Basic Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(e) The holder of a Student Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, to fish other sectors at Basic or Full Harvest and Gear Levels, if such licenses or endorsements are available for any given license year; provided that the holder of a Student Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.

(6.8-6) 65 and Over Shellfish License

(e) The holder of a 65 and Over Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, to fish other fishery sectors at Basic or Full Harvest or Gear Levels, if such licenses or endorsements are available **and the application requirements are met** for any given license year; provided that the holder of a 65 and Over Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a quahaug endorsement.

(6.8-9) Dockside Sales Endorsement

(a) The endorsement shall enable the holder to sell live lobsters and crabs directly to consumers at dockside. Only live lobsters and crabs may be sold under the endorsement. Sales of shellfish and finfish to anyone other than licensed dealers are prohibited.

(b) The endorsement shall be available to all Rhode Island license and landing permit holders who are authorized to harvest and land for sale lobsters and/or crabs. With regard to lobsters, such licenses and permits shall include: multi-purpose license, principal effort license with lobster endorsement, commercial fishing license with lobster endorsement; **and** resident and non-resident ~~multi-purpose landing permit; and resident and non-resident crustacean landing permit~~. With regard to crabs, such licenses and permits shall include: multi-purpose license; principal effort license with non-lobster **crustacean** endorsement; commercial fishing license with non-lobster **crustacean** endorsement; **and** resident and non-resident ~~multi-purpose landing permit; and resident and non-resident crustacean landing permit~~.

(c) The purchase of a dockside sales endorsement will ensure that the licensee/permittee receives a paper dockside sales logbook.

(d) A licensee/permittee who declared their reporting method as a federal vessel trip report is required to report all dockside sales via the paper dockside sales logbook.

~~(g)~~ **(i) Licensees/permittees offering live lobsters and crabs for sale at dockside may only sell live lobsters and crabs that they harvested, and all sales must be made from the vessel that harvested the product, unless otherwise authorized by the Director.**

(n) All dockside sales reports and reports of no sales activity are due to the Division of Fish and Wildlife quarterly.

(6.8-11) Paper Catch and Effort Harvester and Dockside Sales Logbooks Endorsement

(a) The logbook endorsement shall enable the holder to obtain **a** paper **harvester catch and effort** logbooks, printed by RIDFW, that will be used to report all catch and effort information required by RIGL 20-4-5.

(b) The endorsement shall be automatically available to anyone who holds a **Rhode Island landing permit**, multipurpose fishing license, commercial fishing license ~~with restricted or non-restricted finfish, lobster or non-lobster crustacean, horseshoe crab – biomedical, horseshoe crab – bait or whelk endorsements~~, or a principle effort license with restricted or non-restricted finfish, lobster or non-lobster crustacean, horseshoe crab – biomedical, horseshoe crab - bait or whelk endorsements.

(c) At the time of initial license/permit purchase or license/permit renewal, the applicant is required to declare a reporting method: harvester catch and effort logbook, federal vessel trip report, or e-TRIPS. The harvester catch and effort logbook and e-TRIPS reporting methods cannot be declared together.

~~(c)~~ **(d)** By default, if the logbook endorsement is not purchased, license holders are required to electronically report all catch and effort and dockside sales data to the eTRIPS application of the Standard Atlantic Fisheries Information System (SAFIS) or if applicable, submit the state copies of the federal vessel trip reports (VTR). **If the declared reporting method is harvester catch and effort logbook, the applicant is required to purchase the logbook endorsement at time of initial license/permit purchase or license/permit renewal.**

(d) **(e)** Paper **harvester catch and effort** logbook submissions will not be accepted by RIDFW to meet the license holder's reporting requirement from any license holder who does not ~~obtain~~ **have** the logbook endorsement.

(e) **(f)** All trips via electronic or paper recording, are required to be filled out ~~at the end of each day fished~~ **before the start of the next trip**, and **at a minimum**, both trip reports and did not fish reports are due to the Division of Fish and Wildlife quarterly.

(f) **(g)** The annual fee for the issuance of a logbook endorsement shall be twenty-five dollars (\$25).

(g) **(h)** The logbook endorsement is ~~not~~ subject to the application deadline provisions as set forth in Rule 6.7-3; ~~as such, the endorsement shall be available at any time during the year to holders of current and proper commercial fishing licenses issued by the Department.~~

(6.9) Licenses, Endorsements and Vessel Declarations; Non-Resident

~~(d) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~

(6.9-3) Non-Resident Principal Effort License;

~~(e) At the time of application, applicants must identify the primary gear type they intend to employ during the license year. This declaration of intent is for informational purposes only and is non-binding.~~