

Commercial and Recreational Saltwater Fishing Licensing Regulations

Public Hearing September 19, 2016

Final Annotations

Hearing Item #1a: Removal of terms from Licensing regulations and incorporation into RIMFR Part 1 - Definitions

5. DEFINITIONS

See Rhode Island Marine Fisheries Regulations, “Part I – Definitions”.

~~**Actively Fishing**—A license holder will be considered to have been actively fishing that license/endorsement if he or she demonstrates by dated transaction records, as verified by dealer reports to the Department, that he or she has fished at least seventy-five (75) days in the preceding two calendar years, with some of the fishing activity occurring in each of the two years. Evidence as to days fished may be supplemented by one or more Vessel Trip Reports, which specifically reference the license holder’s name and license number, and correspond to dated transaction records, where in the determination of the Department such dates are verified by dealer reports to the Department; where such reports verifiably reflect two or more calendar days at sea during a single trip, those days may be used to establish fishing activity. For the purpose of this definition the term “day” shall mean any 24-hour period or part thereof. A license holder with a dockside sales endorsement who sells all of his or her lobster and/or crab landings dockside may utilize documentation other than dated transaction records to establish fishing activity, pursuant to the standards and criteria set forth in section 6.7-11(f).~~

~~**Actively Participating**—A crew member will be considered to have been actively participating in the fishery if he or she demonstrates via one or more affidavits that he or she has fished in the fishery with one or more licensed captains at least seventy-five (75) days in the preceding two calendar years, with some of the fishing activity occurring in each of the two years. Crew members may also demonstrate longevity in the fishery via one or more affidavits from licensed captains who they fished with in previous years.~~

~~**Adaptive Management**—A formal process for continually improving management policies and practices by learning from their outcomes. As applied to marine fisheries management in Rhode Island, this process will be characterized by rigorous and ongoing analysis of stakeholder values and objectives regarding the fisheries; explicit recognition of uncertainty in the decision-making process; where feasible, modeling of management options and testing of models prior to significant management; and direct feedback between management initiatives or practices and policy development.~~

~~**Affidavit**—A sworn statement of facts made under oath as to the truthfulness therein, and made before an authorized person such as a Notary Public. For the purposes of these Rules and Regulations, affidavits must be on forms provided by the Department.~~

~~**Agent**—A representative of a licensed dealer with a place of business in the State of Rhode Island wherein transaction records of said dealer are maintained and available for inspection during normal business hours.~~

Application Deadline—February 28, or the first business day following February 28 if that day falls on a Saturday, Sunday, or holiday. See subsection 6.7-3(c) for additional clarifications.

Area Closure or Restriction—A geographic area capable of being described by coordinates or landmarks wherein fishing for identified species of fish, shellfish or crustaceans is prohibited or restricted more stringently than is the case for the state's waters generally.

Authorized Individual—An Environmental Police Officer or any other representative of the Director authorized to administer or enforce these regulations.

Basic Harvest and Gear Level—The harvest and/or gear restrictions governing each fishery endorsement category pertaining to Commercial Fishing Licenses, as well as Student Shellfish Licenses, and 65 and Over Shellfish Licenses.

Bill of Landing—An invoice which identifies a shipment of fish, shellfish or crustaceans as to seller, buyer, source, type, quantity and sale price.

By catch—Fish, which have been harvested, but which are not sold or kept for personal use. It includes fish that are discarded for either economic or regulatory reasons.

By rule—The promulgation of a rule or regulation in accordance with the requirements of the Rhode Island Administrative Procedures Act (RIGL Chapter 42-35).

Catch Landings Limit—Any duly adopted restriction on the amount of fish, shellfish or crustaceans that may legally be held at any one point in time or which can be legally landed during a given period of time, usually a calendar day.

Catch or Landings Report—A report of required information on a given quantity of fish, shellfish or crustaceans required to be forwarded to the Department at the point in time when said fish, shellfish or crustaceans are sold by a licensed fisher to a licensed dealer. "Catch report" is the report filed by the fisher. "Landings report" is the report filed by the dealer.

Commercial Fishing License Review Board—The five member board, established within the Department and appointed by the Governor with the advise and consent of the Senate, in accordance with RIGL §20-2.1-12.

Commercial Fishing Vessel—Any vessel, boat or craft employed in the harvesting of marine species commercially, which shall first be declared with the Department.

Control Date—A cut off date for potential use in establishing eligibility criteria for future access to a fishery.

Crew—An individual, aged sixteen (16) or older, employed for purposes of assisting in the operation of a commercial fishing vessel and its gear by another person licensed to fish commercially pursuant to these regulations.

Dealer—A person, partnership, firm, association, or corporation licensed to barter or trade in any marine species.

Department—The Rhode Island Department of Environmental Management.

Director—The Director of the Rhode Island Department of Environmental Management.

Discards—Fish, shellfish or crustaceans that are discarded overboard by fishers because their possession is prohibited by regulations or for economic reasons.

Dockside sales endorsement—A notation on a license or landing permit that authorizes the holder to sell live lobsters and/or crabs directly to consumers at dockside.

Endorsement—A notation on a license that indicates the right to harvest a marine species or group of similar species, the right to utilize a particular type of gear or harvesting method, or the right to sell a particular marine species or group of similar species directly to consumers at dockside, in accordance with applicable harvest and/or gear restrictions.

Endorsement Category—A marine species or group of similar species that may be legally harvested by a fisher whose license allows the taking of those species; or a gear type or harvesting method that may be legally utilized by a fisher whose license is properly endorsed.

Exit/Entry Ratio—A formula established by regulation for a fishery or fisheries which identifies the number of new fishing licenses in each category that will be issued for each one that is retired and surrendered to the Department.

Family Member—The spouse, mother, father, brother, sister, child or grandchild of a licensed fisher. Spouse shall include a person who is currently a party to a marriage that was legally recognized in the state or territory in which the marriage was solemnized.

February 28—The twenty-eighth (28th) day in the month of February or the next business day if February 28 falls on a Saturday or Sunday or holiday for the purpose of application submittals and renewal deadlines.

Fish Trap—Floating traps, weirs, pounds, nets, or any equivalent contrivance set on, in or anchored to the bottom or shore, used for the purpose of catching fish.

Fishery—One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; and any fishing for such stock.

Fishery Sector—One of three general fishery classifications, each encompassing two or more fishery endorsement categories: Shellfish (encompassing Quahog, Soft-shell Clam, Whelk, and Other Shellfish); Finfish (encompassing Restricted and Non-Restricted Finfish); and Crustacean (encompassing Lobster and Non-Lobster Crustacean).

Fishing Community—Individuals, families, businesses and other entities and organizations who share common fishing interests regardless of their geographic location.

Full Harvest and Gear Level—The harvest and/or gear restrictions governing each fishery endorsement category pertaining to Principal Effort Licenses, and for all species pertaining to Multi-Purpose Licenses.

Gear—Any device or mechanism other than a vessel employed to catch fish, shellfish or crustaceans.

Gear Level—As set by regulation, the amount, type capacity and design of gear that may legally be employed in a given fishery.

Gill Net—A net designed to catch fish by means of meshing or entanglement.

Grace period—Sixty (60) calendar days commencing on the day immediately following the application deadline, as defined herein. The grace period is applicable only to renewals of licenses from the immediately preceding year.

Harvest Level—As set by regulation, the amount of fish, shellfish or crustaceans that may be legally harvested, possessed, and/or sold by a licensed fisher during a given period of time, usually a calendar day. That amount may vary according to the type of license held and/or the species involved.

Harvesting Capacity—The ability of a fish stock or fishery to support fishing pressure while remaining at sustainable levels, defined as Maximum Sustainable Yield (MSY).

Incapacity—Death of, or injury that renders an active licensed fisher unable to fish for a period in excess of fourteen (14) days either as a result of the physical loss of function or impairment of a body part or parts, or debilitating pain.

June 30—The thirtieth (30th) day in the month of June or the next business day if June 30 falls on a Saturday or Sunday or holiday for the purpose of application submittals and renewal deadlines.

Land or Landing—To off load seafood products, including, but not limited to, finfish, shellfish, and crustaceans, legally harvested outside of Rhode Island waters for sale or intended sale in Rhode Island, or to secure a vessel with the seafood products on board to a shoreside facility where the products may be off loaded for sale or intended sale.

License Year—January 1 of any given year through December 31 of the same year.

Licensed Captain—An individual who holds or held any commercial fishing license, issued by the Department, as set forth under sections 6.8, or 6.9.

Lottery—Any of a variety of techniques to distribute licenses or permits when the demand for such licenses or permits exceeds the supply, such techniques having the common characteristics of being verifiably blind, random, fair and equitable.

Material Incapacitation—A significant and verifiable event, involving either a medical condition or military service, that reasonably prevented the license holder from meeting the actively fishing standard during the two calendar years preceding the sale of the license holder's vessel and gear. A short term illness or injury, which cannot be reasonably construed to have prevented the license holder from meeting the actively fishing standard during the two year period, does not constitute a material incapacitation. Material incapacitation is further defined in subsection 6.7-8(d).

Medical Hardship—An applicant's significant medical condition that prevents them from meeting the application requirements.

Non-Resident—Anybody who does not present proof of Rhode Island residency.

Optimum Yield—The amount of fish, with respect to yield from a fishery, which will create the greatest overall benefit to the state, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems. "Optimum Yield" is prescribed as such on the basis of the maximum sustainable yield from the fishery as reduced by any relevant economic, social or ecological factors, and in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the maximum sustainable yield from such fishery.

Overfishing/Overfished—A rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

Place of Business—A building or office located in the State of Rhode Island where a licensed fish dealer maintains records of sales and purchases which are available for inspection by the Department during normal business hours.

Point of Sale—The point in time and place where ownership of a given quantity of fish, shellfish, and/or crustaceans is transferred from a licensed fisher to a licensed dealer.

Processed Products or Seafood Products—Any fish, shellfish or crustacean that has been processed on board a fishing vessel prior to sale to a licensed dealer.

Quota—An allocation of an amount of a specific species of fish, shellfish or crustaceans available to be harvested by Rhode Island fishers. This allocation is made by regional management councils and commissions and may be further allocated by the Department by season or among different types of fishers.

Resident—An individual who has had his or her principal place of residence in Rhode Island and has lived in that residence for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, automobile registration, voter registration card or a notarized statement from a City or Town Clerk.

RIMFC—The Rhode Island Marine Fisheries Council.

Rule Making—The promulgation of a rule or regulation in accordance with the requirements of the Rhode Island Administrative Procedures Act (RIGL Chapter 42-35).

~~**Sea Sampler/Observer**—A representative of the Director or the National Marine Fisheries Service authorized to accompany fishers during the act of fishing to conduct research and/or to monitor and confirm catches.~~

~~**Season**—A period of time established by regulation during which management rules specific to that period are in effect.~~

~~**Self-Sustaining Stock, Sustainability**—A population of a given species of fish, shellfish or crustaceans which has sufficient recruitment of new animals and survival rates for mature animals as to maintain a stable biomass over time.~~

~~**Shellfish Dredge**—A mechanical device that is towed behind a fishing vessel and whose purpose is to collect shellfish from the sea floor.~~

~~**Shellfish Seeding**—The introduction of shellfish spat or sub-legal juvenile animals into an area for purposes of increasing the population of shellfish in that area.~~

~~**Shellfish Transplant**—The removal of shellfish from polluted waters or bottom areas proposed to be dredged and the transport of those animals to a Management Area for harvest at a later date.~~

~~**Transaction Records**—Invoices or similar records of the purchase of fish, shellfish, crustaceans or other seafood products by a licensed dealer, which identify the boat, license holder, the Rhode Island dealer name, and the date sold, species landed, pounds landed, name of the seller, and license number of the seller.~~

~~**Unreasonable Hardship**—Substantial economic loss which is unique to an individual, including but not limited to adverse medical or personal circumstances, and which has not been caused or exacerbated by prior actions of or inaction on the part of that individual.~~

~~**Vessel Declaration**—Declaration of a vessel as a commercial fishing vessel with the Department as required herein.~~

~~**Vessel Upgrade**—The acquisition by a licensed fisher of a vessel that is longer, of greater displacement, or increased horsepower relative to the vessel it is replacing.~~

Hearing Item #1b: Annual review of endorsement exit/entry ratios

(6.1-10) Exit/Entry Ratios

(a) Restricted finfish – For every one (1) license eligible to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a restricted finfish endorsement that ~~had some reported landings of restricted finfish during the prior calendar year and~~ are ~~retired~~ **not renewed**, one (1) new Principal Effort License with restricted finfish endorsement will be made available; provided, that if the application of the exit/entry ratio yields a value less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

(b) Quahaug -- For every one (1) license eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a quahaug endorsement, that are ~~retired~~ **not renewed**, one (1) new Commercial Fishing License with quahaug endorsement will be made available; provided, that if the application of the exit/entry ratio yields one (1) or two (2) licenses/endorsements, three licenses/endorsements will be made available.

(c) Soft Shell Clam – For every five licenses, eligible to harvest soft shell clam, namely, Multi-Purpose Licenses, Principal Effort Licenses with a soft shell clam endorsement, and Commercial Fishing Licenses with a soft shell clam endorsement, that are ~~retired~~ **not renewed**, one (1) new Commercial Fishing License with soft shell clam endorsement will be made available; provided, that if the application of the exit/entry ratio yields one or two (2) licenses/endorsements, three licenses/endorsements will be made available.

Hearing Item #1c: Issuance of New Licenses upon Sale of Vessel and Gear

(6.7-7) Issuance of New Licenses and Endorsements; Automatic Eligibility for Family Members or Crew Members of Retirees

- (a) Anyone who is qualified as a priority applicant pursuant to subsections ~~6.7-6(a)(c) or 6.7-6(b)~~ may automatically obtain a Commercial Fishing License with applicable endorsement(s), or a Principal Effort License with a Restricted Finfish Endorsement, if they are the family member or crew member of a license holder (any type) who has been actively fishing and who chooses not to renew their license.
- (b) The applicable endorsement(s) will be in the fishery sector(s) that was/were being actively fished by the retiring license holder.
- (c) Only one new license will be issued for each one retired.

(6.7-8) Issuance of New Licenses upon Sale of Vessel and/or Gear

- (a) This section applies only to purchasers, of vessels and gear, who are residents.
- (b) Transfer or sale of licenses and endorsements between the purchaser and seller of a vessel and/or gear is prohibited; provided, however, that if the seller of a vessel and/or gear who is actively fishing his or her license shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and/or gear, pursuant to the terms and conditions of this section.
- (c) The new license/endorsement(s) issued to the purchaser by the Department will generally correspond to the license/endorsement(s) that were being actively fished by the seller. The Department may, however, issue the new license/endorsement(s) at a lower harvest and gear level than the license surrendered by the seller where necessary to accomplish the purposes of the applicable management plan adopted pursuant to section 6.2. New licenses issued pursuant to this section are not subject to the application deadline provisions set forth under section 6.7-3.
- ~~(d) A seller of a vessel and gear who is unable to meet the actively fishing standard due to a material incapacitation, as defined in section 5.45, and as further described below, may seek consideration pursuant to this section, provided that all terms and conditions of this section are met.~~
 - ~~(i) In order to establish a material incapacitation on the basis of a medical condition, a seller must present evidence, in the form of notarized documentation, demonstrating that the seller or the seller's family member had a physical or mental impairment, which prevented the seller from meeting the actively fishing standard, during the two (2) calendar years preceding the sale of the vessel and gear. The physical or mental impairment must have involved inpatient care in a hospital, a nursing home, or a hospice, or outpatient care requiring continuing treatment or supervision by a health care provider. If the material incapacitation involved a~~

~~family member, evidence must be presented demonstrating that the seller had a direct role in the care of the family member.~~

~~(ii) In order to establish material incapacitation on the basis of military service, a seller must present appropriate documentation (namely, form DD214) establishing that he/she served, for one hundred eighty (180) or more days, either on active duty in the armed forces or as a member of a national guard or reserve component of the same, activated by order of an appropriate state or federal authority, during the two (2) calendar years preceding the sale of the vessel and gear.~~

~~(iii) Sellers seeking consideration pursuant to this subsection may be required to submit additional information, as deemed necessary by the Department, in order to establish eligibility pursuant to this subsection.~~

~~(iv) A seller seeking to establish eligibility pursuant to this subsection must have actively fished his or her license, as defined in section 6.7-11, during the two (2) calendar years preceding the onset of the material incapacitation.~~

(d) Any new license/endorsement(s) issued to the purchaser by the Department pursuant to section 6.7-8 may only be issued to the new licensee upon payment to the Department of the statutorily established fee for the subject license or endorsement.

Revisions to section 6.7-9 regarding issuance of New Licenses and Operator Permits under Hardship Conditions (IAC proposal)

(6.7-9) Issuance of New Licenses and Operator Permits under Hardship Conditions

(a) A hardship shall be deemed to exist if a license holder who is actively fishing dies or becomes permanently or temporarily incapacitated by illness or injury so as to not be able to fish for any period in excess of fourteen (14) days.

(b) The Department will require proof of hardship in the form of a death certificate or a diagnosis and prognosis of the incapacity of the license holder signed by a medical doctor (M.D. or O.D.).

(c) Solely for the purposes of this Section, a license holder shall be deemed to satisfy the requirement to be found “actively fishing” if the license holder demonstrates to the satisfaction of the Division by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least 40 days pursuant to a valid RI license in at least 2 consecutive calendar years from 2006 to the date of the license holder’s hardship. Such fishing activity needs to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in this Section.

(d) In the case of permanent incapacity or death, the Department will issue, upon application, a single, new, equivalent license with applicable endorsement(s) to a member of the license holder's family who is a Rhode Island resident. That family member may be designated by the license holder or by mutual agreement among surviving family members if the license holder is deceased. Prior to issuance of the new license, the original license will be surrendered. The new license will be valid for the balance of the license year, and will be eligible for renewal pursuant to the terms and conditions set forth in section 6.7-3.

(e) If a license holder dies without designating a family member who is a Rhode Island resident and the license holder's surviving family members are unable to reach a mutual agreement as to which family member who is a Rhode Island resident should be issued a single, new, license with applicable endorsement(s) that is the equivalent of the license with applicable endorsement(s) that was held and actively fished by the decedent license holder at the time of his/her demise, the administer or executor of the estate of the decedent license holder shall be entitled to be reissued by the Department a single equivalent license with applicable endorsement(s) at the statutorily established fee(s) for up to two (2) years during the probating of the estate.

(~~df~~) In lieu of subsection 6.7-9(c), in the case of permanent incapacity or death, the Department will issue, upon application, an operator permit or equivalent license of the same category to a Rhode Island resident designated by the incapacitated license holder, or in the case of death, by the deceased individual's next of kin. Said permit or license will serve as the legal equivalent of the license held by the original licensee. Prior to issuance of the operator permit or equivalent license, the original license will be surrendered. The operator permit or equivalent license will be valid for the balance of the license year and will be eligible for renewal once, at a cost equal to the original license, upon approval by the Director.

(~~eg~~) In the case of temporary incapacity, exceeding a period of fourteen (14) days, the Department will issue, upon application, an operator permit or equivalent license of the same category to a Rhode Island resident designated by the incapacitated license holder. Said permit or license will serve as the legal equivalent of the license held by the incapacitated license holder. Prior to issuance of the operator permit or equivalent license, the original license will be suspended. The operator permit or equivalent license will remain valid for the balance of the license year, or until the return to wellness of the incapacitated license holder, whichever occurs first. The operator permit or equivalent license will be eligible for renewal once, at a cost equivalent to the cost of the original license, upon approval of the Director. Upon the return to wellness of the incapacitated license holder, the original license will, upon application, be reinstated and the operator permit or equivalent license will be surrendered.

(~~fh~~) New equivalent licenses issued pursuant to this section are not subject to the application deadline provisions set forth under section 6.7-3.

(i) Any new license/endorsement(s) issued to the purchaser by the Department pursuant to section 6.7-9 may only be issued to the new licensee upon payment to the Department of the statutorily established fee for the subject license or endorsement.

Hearing Item #1d: Proposed change to Activity Fishing and Actively Participating Standards

(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)~~ (40) days in the preceding two (2) calendar years, pursuant to a valid RI license. 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)~~ **(40)** 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.

Minor non-technical clarifications:

(6.2-2) Purpose and Content

(e) In considering the economic and social impacts of licensing and other management measures on fishers and fishing-dependent communities, as well as on the general public, management plans shall to the maximum extent feasible employ methodologies that are consistent with those employed by the ~~National Marine Fisheries Service~~ **National Oceanic and Atmospheric Administration (NOAA) Fisheries.**

(6.7-4) License Renewals, Transitions and Upgrades

(l) The provisions of this section apply only to the license year beginning on January 1, ~~2015~~, and the issuance of licenses pursuant to this section is subject to the license application deadlines and other requirements set forth under sections 6.7-1, 6.7-2, and 6.7-3.

(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.

7. AVAILABILITY OF NEW LICENSES AND ENDORSEMENTS ~~FOR 2015 ANNUALLY~~

(7.1) Multi-Purpose Licenses: ~~No~~ New Multi-Purpose Licenses shall only be available ~~for 2015, except~~ pursuant to sections 6.7-8 and 6.7-9.

(7.2) Principal Effort Licenses:

(a) Restricted finfish endorsement: A limited number of new Principal Effort Licenses with Restricted Finfish endorsements will be available ~~for 2015 annually for qualified applicants~~ pursuant to the exit/entry ratio set forth in section 6.1-10 and the prioritization process established in sections 6.7-6 and 6.7-7 ~~and the Management Plan for the Finfish Sector.~~

(b) ~~No other~~ Additional new Principal Effort Licenses shall only be available ~~for 2015, except~~ pursuant to sections 6.7-8 and 6.7-9.

(c) For applicants obtaining Principal Effort Licenses via renewal, the following new endorsements, in addition to the one(s) they qualify for, will be available: Non-Lobster Crustacean (resident only), Shellfish Other (resident only), and Non-Restricted Finfish.

(7.3) Commercial Fishing Licenses

(a) New Commercial Fishing Licenses shall be available to any resident or non-resident, provided that all applicable application requirements are met.

(b) The following new endorsements will be available to all holders of Commercial Fishing Licenses: Non-Lobster Crustacean (resident only), Shellfish Other (resident only), and Non-Restricted Finfish.

(c) A limited number of new Commercial Fishing Licenses with Quahaug and Soft-Shell Clam endorsements will ~~also~~ be available ~~for 2015 annually for qualified applicants~~ pursuant to the exit/entry ratios set forth in section 6.1-10 and the prioritization process established in sections 6.7-6 and 6.7-7 ~~and the Management Plan for the Shellfish Sector.~~

(7.4) Student and 65 and Over Shellfish Licenses: New Student and 65 and Over Shellfish Licenses shall be available to any Rhode Island resident, provided that all applicable application requirements are met.

(7.5) Fish Trap Endorsements: No new Fish Trap gear endorsements shall be available ~~for 2015 annually~~ unless specified via separate regulatory action undertaken by the Director in accordance with RIGL Chapter 20-5.

(7.6) Gill Net Endorsements: No new Gill Net gear endorsements shall be available ~~for 2015 annually~~, except pursuant to sections 6.7-8 and 6.7-9 if deemed applicable by the Director.

(7.7) Purse Seine Endorsements and Mid Water/Pair Trawl Endorsements: New Purse Seine and Mid-Water/Pair Trawl Endorsements will be issued annually, pursuant to subsection 6.8-7(d).

(7.8) Whelk Endorsements: ~~No~~ New Whelk endorsements shall only be available ~~for 2015 annually, except~~ pursuant to subsection 6.7-4(f).

8. HARVEST AND GEAR LEVELS ~~FOR 2015~~

(8.1) Full Harvest and Gear Levels

(a) The Full Harvest and Gear Levels, applicable to all holders of Principal Effort Licenses for the fisheries for which they hold endorsements, and to all holders of Multi-Purpose Licenses, shall be the same harvest and gear restrictions in effect for all marine species available for commercial harvest during the license year, subject to modification, by rule, in accordance with the State's marine fisheries management program.

(b) For lobsters, the full harvest and gear level shall be the number of lobster traps authorized and specified by the license holder's Lobster Trap Allocation, issued in accordance with ~~section 15.14 of Part XV of the marine fisheries regulations~~ **RIMFR "Part 6 – Lobster, Crabs, and Other Crustaceans"**. If using gear other than traps, the full harvest and gear level shall be the non-trap landing limits set forth in ~~section 15.18 of Part XV of the marine fisheries regulations~~ **RIMFR "Part 6 – Lobster, Crabs, and Other Crustaceans"**.