

RIMFC Industrial Advisory Committee  
9/4/14  
Hazard Conference Room, URI Coastal Institute

Attendance:

Steven Anderson*	Tom Rosa (RIDFW)
Stephen Parente**	Jerry Carvalho*
Mike McGivney*	Rick Bellavance* (Chair)
Aaron Gewirtz*	John Lake (RIDFW)
Jason McNamee (RIDFW)	Bob Mattiucci*

\*Indicates Committee member

\*\* Indicates Proxy Committee member

The meeting began at 6PM. The quorum was short by one member, however JL explained that one of the committee members, Gerry Trembley, had contacted both RIDFW and a member of the RIMFC to resign his seat. SP was asked to be a temporary proxy for the commercial RR sector and he agreed. Thus the quorum was met and the meeting proceeded.

New shellfish license opportunities for 2015 were the first item for consideration. RIDFW proposes allowing 21 new quahog, 12 soft shell clam, and remain at status quo for whelk licenses. Quahog numbers are derived from a 2:1 ratio of exiting licenses eligible to harvest quahogs. Soft shell are derived from a 5:1 ratio of exiting licenses eligible to harvest soft shell clams. Whelk license are only available to actively fishing quahog or soft shell clam license holders. BM asked why so many shellfish licenses are not renewed each year compared to other sectors. MM explained that the licenses that are not renewed are not actively fishing, JL confirmed. BM should shellfish licenses be open to any state resident? MM favors current system of exit / entrance ratio and cites that student licenses are open and provide a way into the fishery. MM also stated that the possession limit for the CFL licenses and Student licenses should be increased as limit is currently low. Additionally the student license holders should have the opportunity to apply for a CFL license through may instead of February to accommodate timing of school letting out. Both issues being vetted in developing Statewide Shellfish Management plan. JC asked why the Student and CFL licenses have low limit. MM was product of 2003 license restructure when there were more shellfish license holders, did not want to flood market. MM would like to establish a carrying capacity of licenses at approximately 250 licenses at minimum. JC stated the carrying capacity is established via economics. BM stated that fee increases should be considered if open licenses are not an option to help with RIDFW budget issues such as transplants. MM stated that budget issues should not just be met with fee increases that the RI state legislature should fund RIDFW at a higher level. MM favors current exit / entrance system and the number of proposed licenses and created a motion to accept, BM seconded the motion passed 5 – 1 with one abstension.

**The IAC recommends the RIDFW proposal for the issuance of 21 new quahog and 12 new soft shell clam licenses. Remain status quo on whelk licenses.**

New restricted finfish license opportunities for 2015 were considered next. RIDFW proposes issuance of 3 new restricted finfish licenses based on the exit entrance ratio of 1:1 of active (>1 landing in prior year) licenses. JC asked if there is a number of restricted finfish licenses that should be maintained to insure a healthy fishery. JM stated that RIDFW has not done that analysis but could accomplish it by examining non renewal trends as well as quota consumption rates. JC would like to see the analysis done. JC started a motion to accept the proposed number of new restricted finfish licenses, AG seconded. The motion passed 6-0 with one abstention.

**The IAC recommends the RIDFW proposal of the issuance of 3 new restricted finfish licenses.**

RIDFW proposal of requiring crew members that are applying for new license opportunities with an affidavit form a captain to prove fishing activity so that they may enter higher prioritization categories for the competitive process be paid and have proof of being paid such as a W2 form or paystub from a financial institution. MM stated that this would not me a good fit for the shell fish industry as the crew members are often either paid in cash or are apprentices/volunteers. BM stated that this is very important to the restricted finfish license applicants as rampant cheating is occurring and it is not fair to applicants that are honest, consideration of this proposal should not be purely based on the shellfish sector. SP asked for clarification if the definition of crew was being changed. JL stated no, only the process for applying for new license opportunities. JM asked MM if there was a process in the shellfish fishery that could legitimately document crew members. MM stated having the crew sign slips may be a solution . MM created a motion to reject the proposal, JC seconded. The motion resulted in a tie 2-2 with one abstention and one no vote. BM started a motion to accept the proposal that was not seconded.

**The IAC does not have a consensus opinion on the RIDFW proposal to require crew members be paid if they are to be considered for higher prioritization categories if they have a captains affidavit to prove activity.**

Next proposal considered was to add contingency plan for the situation that arises if all new opportunities cannot be used in a given prioritization category and sub sequentially cannot be divided equally into the remaining categories. RIDFW proposes to allow rounding up to the next number of licenses that can be equally distributed in each of the remaining categories. BM started a motion to accept SA seconded. The motion passed 6-0 one abstention.

**The IAC recommends the RIDW proposal to allow rounding up the number of new license opportunities when they are not used in one category such that they can be equally distributed into the remaining categories.**

The next proposal for consideration was to allow holders of the free Over65 shellfish license (O65) to obtain if desired a CFL licenses for quahogs if they have actively fished it for the previous year. JL explained that student shellfish license has this opportunity

while the O65 does not. MM stated that the original intent of the O65 license was not to provide entrance into the fishery but to give income to retirees wanting to shellfish. JC stated that this would likely not expand the number of CFL license holders by that many people. BM stated he did not support the proposal. JC started a motion to accept MM seconded. The vote passed 4- 2 with one abstention.

**The IAC recommends the RIDFW proposal that O65 shellfish license holders can obtain a CFL license if they have actively fished their license in the prior year.**

The next RIDFW proposal considered was to tighten up language allowing PEL shellfish license holders over the age of 65 to renew the license for no fee. JL explained there was confusion as to whether finfish, crustacean, or gear endorsements attached need to be paid for. They do, the proposed language makes it clear. In addition the proposed language clarifies that PEL shellfish license holders over the age of 65 must complete the application process for new license opportunities being offered by RIDEM. JC made a motion to accept the proposal, AG seconded. The motion passed 6 – 0 with one abstention.

**The IAC recommends the RIDW proposal clarifying the fee structure of the PEL license for license holders over the age of 65.**

The next item was the RIDFW proposal to remove the gear declaration from the commercial license application. JL stated that RIDFW no longer uses this information and more “real estate” is needed on the form. JC started a motion to accept the proposal BM seconded. The motion passed 6 – 0 with one abstention.

**The IAC recommends the RIDFW proposal to remove gear declaration from the commercial license application.**

The RIDFW proposal which would allow landings reported on a RIDEM landing permit to be accepted as history and be considered when applicants are trying to gain a higher prioritization category for new license opportunities was discussed next. JL explained that the applicant must also hold a valid CFL, PEL, or MPURP license. This proposal is to stop the reporting of one trip on two different licenses held by the same person for the sake of garnering history which creates duplicate reports. Additionally, the proposal would allow captains of vessels fishing outside of RI but landing in RI ports to gain history and get access to higher prioritization categories. BM stated that this would lead to dragger captains entering the RR fishery. AG started a motion to accept the proposal MM seconded. The motion passes 3 – 1 with two abstentions.

**The IAC recommends the RIDFW proposal to allow landing history on a landing permit with the holder allows possesses a valid CFL, PEL or MPURP license.**

The next RIDFW proposal for consideration was to tighten up the reporting requirements surrounding the logbook endorsement which was created for fishing year 2014. The proposal seeks to force applicants declare the method they will report their catch to

RIDFW at the time of license issuance or renewal. Applicants would chose electronic, paper, or federal VTR. If paper is chosen the applicant must obtain a \$25 logbook endorsement in order to report via the RIDFW harvester logbook. JL explained that for 2014 applicants did not have to decide how to report during the renewal period and that this has led to an administrative burden on RIDFW as well as increased noncompliance to the reporting requirements. TR confirmed that to date approximately 50% have not chosen a method of reporting and 85% of license holders were out of compliance. The intent of not requiring immediate declaration of report method was to act as an easing in period as this was a big change in the way RIDFW does business. RIDFW has conducted numerous training sessions statewide and has increased outreach concerning logbook instructions and compliance. RIDFW plans to keep the logbook endorsement in place for the foreseeable future. JC and BM both oppose the proposal because they feel that the director did not have the statutory authority to require a logbook endorsement in the first place and any refinement of the endorsement is unwanted and unwarranted. The logbook endorsement should be repealed. They cite RIGL 20-4-5 which does not include electronic reports. JM explained the RIDEM attorney has stated that the endorsement is legal and appropriate under the general powers of the director. JC disagrees and states that this is a bad precedent and will lead to the director abusing powers. BM asked if opposing this motion will get rid of the logbook endorsement. JL stated no it will not, the logbook endorsement will be in place during 2015. JC started a motion oppose the RIDFW proposal, BM seconded. The motion failed 2 – 3 with one abstention. There was no motion started to approve the proposal.

**The IAC neither recommends nor opposes the RIDFW proposal to force applicants to declare a reporting method during the renewal period.**

The final proposal for consideration was the RIDFW proposal to change the provisions of the Docksides sales endorsement. RIDFW proposes to amend the endorsement such that license holders who purchase the endorsement will receive a docksides sales paper logbook without having to purchase the logbook endorsement. The current provision create a duplicate reporting scenario for federal captains selling at the dock who fill out VTRs. In order to enter the docksides sales reports, these captains must also fill out an eTrip report in order to create an electronic docksides sales report. This is a requirement of the SAFIS reporting system which VTRs are not a part of. The captain also fills out a VTR which has the same trip information as the eTrip record, this creates a duplicate report. Federal captains under the proposed language would be required to fill out the paper docksides sales logbook. MM started a motion to approve the RIDFW proposal BM seconded. The motion passed 6 – 0 with one abstention.

**The IAC recommends the RIDFW proposal to amend the provisions of the docksides sales endorsement.**

# **RIMFC Industry Advisory Committee**

**September 4, 2014**



## 2013 -2014 License Activity Summary

LICENSE TYPE	ENDORSEMENT	2013 TOTALS	2014 TOTALS	13-14 DELTA
<b>CFL</b>		<b>420</b>	<b>404</b>	<b>-16</b>
	CLOBS	15	14	-1
	CNLOBS	100	101	1
	CQUOH	165	181	16
	CNQUOH	N/A	N/A	N/A
	CSSCLM	163	155	-8
	CSFOTH	160	149	-11
	CNFIN	256	240	-16
	CRFIN	N/A	N/A	N/A
	DOCKC	14	16	2
	CPURSE	40	42	2
	CMWPT	46	39	-7
	CWLK	92	75	-17
	RSA	10	6	-4
<b>MPURP</b>		<b>829</b>	<b>816</b>	<b>-13</b>
	MGILL	227	221	-6
	DOCKM	241	236	-5
	FTRAPM	5	3	-2
	MMWPT	132	133	1
	MPURSE	134	134	0
	RSA	22	13	-9
<b>PEL</b>		<b>655</b>	<b>615</b>	<b>-40</b>
	PLOBS	30	27	-3
	PNLOBS	35	36	1
	PNQUOH	N/A	N/A	N/A
	PSSCLM	235	204	-31
	PSFOTH	211	186	-25
	PQUOH	376	347	-29
	PRFIN	262	258	-4
	PNFIN	135	133	-2
	DOCKP	13	12	-1
	PPURSE	7	6	-1
	PMWPT	8	9	1
	PWLK	118	79	-39
	RSA	3	1	-2
<b>STUDSF</b>		<b>48</b>	<b>47</b>	<b>-1</b>
<b>SFO65</b>		<b>268</b>	<b>289</b>	<b>21</b>



## Shellfish Sector

- Commercial Fishing Licenses (CFL)
  - 46 CFL Quahaug endorsements not renewed
  - 20 CFL Soft Shell Clam endorsements not renewed
  - 17 CFL Whelk endorsements not renewed
- Principal Effort Licenses (PEL)
  - 29 PEL Quahaug endorsements not renewed
  - 31 PEL Soft Shell Clam endorsements not renewed
  - 39 PEL Whelk endorsements not renewed
- Multipurpose Licenses (MPURP)
  - 13 MPURP not renewed
- Quahaug License opportunities: 42 eligible licenses not renewed -> **2:1 ratio = 21 new CFL w/ QUOH**
- Soft Shell Clam License opportunities: 64 eligible license not renewed -> **5:1 ratio = 12 new CFL w/ SSCLM**
- Whelk License opportunities: 69 eligible licenses not renewed ->
  - **Status Quo: No new WLK endorsements open to PEL or CFL QUOH/SSCLM license holders**



## Finfish Sector

- Commercial Fishing Licenses (CFL)
  - CFL restricted endorsement no longer exists
- Principal Effort Licenses (PEL)
  - 4 PEL restricted endorsements not renewed, 1 had some activity in 2013 (> 1 landing)
- Multipurpose Licenses (MPURP)
  - 13 MPURP not renewed, 2 had some activity in 2013 (> 1 landing)
- Restricted Finfish License opportunities:
  - 17 eligible licenses not renewed
  - 3 licenses considered active (> 1 landing in 2013)
  - **1:1 ratio of active license = 3 new PEL w/ RFIN**



## Crustacean Sector

- Commercial Fishing Licenses (CFL)
  - 1 CFL lobster endorsement not renewed
- Principal Effort Licenses (PEL)
  - 3 PEL restricted endorsements not renewed
- Multipurpose Licenses (MPURP)
  - 13 MPURP not renewed
- Lobster License opportunities:
  - ASMFC moratorium on issuance of new lobster licenses still in effect
  - Transferability of traps in regulation window for transfers June – November
  - Trap reduction schedule starts in 2015



## Crew Member

- RIDEM proposes to change the standard of activity for crew members to specify that the crew member must be paid
- Intent is to weed out false claims

Definition (5.18) "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.

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

(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 record of being paid by the vessel owner or person licensed to fish commercially such as a W2 form 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.



## Tiered Lottery Priorities

- First tier: Resident license holders who have been actively (75 days/2 year) participating in the fishery sector in which the endorsement is being offered
  - Three categories: CFL, PEL license holders and crew members
  - Endorsements split evenly between category rounded up if necessary
- Second tier: Resident license holders who have been actively (75 days/2 year) participating in the another fishery sector from which the endorsement is being offered
  - Two categories: CFL license holders and crew members
  - Endorsements split between categories
- Third tier: Residents over 16
- Fourth tier: Non-residents over 16



## Tiered Lottery contingencies

- RIDEM proposes to divide extra license opportunities between remaining tiers if there are not enough applicants to claim them
- No contingency plan in place currently
- Rounding up may be necessary

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

(e) In the event that the number of qualified applicants in any of the first three prioritization tiers (6.7-6 a,b,c) is less than the new endorsement opportunities available to that tier, the remaining endorsement opportunities will be offered to qualified applicants of the remaining tiers. If the number of remaining endorsements is less than the number of remaining tiers or cannot be distributed evenly between the remaining tiers, the number of remaining endorsements will be rounded up to provide each remaining tier with endorsement .



## Over 65 Shellfish License Specifications

- RIDEM proposes to give opportunity to Over 65 license holders to upgrade their license to a CFL if desired.
- Similar opportunity currently given to Student Shellfish license
- Additionally, RIDEM wishes to clarify that Over 65 PEL Shellfish license holders must pay for non-shellfish endorsements and must apply for available endorsements.

### (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.

### (6.8-3) Principal Effort License

(e) The holder of 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) endorsements on their Principal Effort License.

### (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.



## Remove Gear Declaration from License Application

- RIDEM no longer requires gear to be declared when applying for or renewing a commercial fishing license.

The language below will be struck from the following sections:

(x) 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.

(6.8-2 (b)) Commercial Fishing License

(6.8-3 (c)) Principal Effort License

(6.8-4 (b)) Multipurpose Fishing License

(6.9-2 (d)) Non-Resident Commercial Fishing License

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



## Allow Trips reported to SAFIS on a landing Permit to be considered for activity standard

- RIDEM is proposing to allow landing history recorded on a landing permit to count towards activity standard if captain has current CFL, PEL, or MPURP
- Federal resident captains that transit state waters often must land on authority of landing permit due to catch composition
- Cannot split trips across two licenses/permits

### (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.

(x) Transaction records established in SAFIS which are recorded on an applicants 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.



## RIDFW Paper Logbook Endorsement

- RIDEM is proposing to require commercial license holders to declare their reporting method upon initial issuance or renewal of license
- Status quo allowing full year to declare has created compliance problems
- Ease in period has allowed license holders to decide preference
- Can declare electronic, paper, or federal vtr reporting
- If paper is declared license holder must get the \$25 logbook endorsement
- If electronic is declared license holder must report via e –TRIPS



## RIDFW Paper Logbook Endorsement

### (6.8-11) Paper Catch and Effort Harvester Logbook Endorsement

(a) The logbook endorsement shall enable the holder to obtain a paper **harvester catch and effort logbook**s, 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.

(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.**

**(d c) By default, if the logbook endorsement is not purchased, license holders rerequired 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.**

**(e d) 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.**

**(f e) 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.**

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

**(h g) 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.**



## RIDFW Dockside Sales Endorsement

- RIDEM is amending its dockside sales endorsement to address issues that came up during the last license year
- Dockside sales endorsement created duplicate reporting for Federal captains
- To receive dockside sales logbook license, holder had to purchase both logbook and dockside endorsements
- New regulation will give paper dockside logbook to license holder without having to purchase logbook endorsement
- Federal captains will be required to report dockside sales in paper logbook



## RIDFW Dockside Sales Endorsement

### (6.8-9) Dockside Sales Endorsement

(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; resident and non-resident [multipurpose landing permit](#) [and resident and non-resident crustacean landing permit](#).. With regard to crabs, such licenses and permits shall include: multipurpose license; principal effort license with non-lobster [crustacean](#) endorsement; commercial fishing license with non-lobster [crustacean](#) endorsement; resident and non-resident [multipurpose](#) 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.

(i g) 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](#).

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



## RIDEM Combination Recreational Hunting/Fishing License

RIDEM is in the process of updating the accessibility to their recreational hunting, freshwater, and saltwater licenses via a legislative initiative.

- Creation of a combination license with flexible options
- Offer the sale of hunting license online
- Raise fees for hunting license to address vendor compensation
- Goal is to have this considered by Legislature in 2015



## RIDEM Commercial Fishing License Legislation

RIDEM has a long term goal of addressing shortcomings of the current licensing system.

