



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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TO: Janet Coit, Director

FROM: Mark Gibson, Deputy Chief

DATE: December 5, 2013

SUBJECT: Request for Decision on the September 18, 2013 Marine Fisheries Public Hearing Items –
Follow-up Regarding Proposed Amendments to Landing Permits

This is a follow-up to the November 6, 2013 decision memo that addressed ten items from the September 18, 2013 public hearing. This follow-up addresses one of those ten items: the proposed amendments to landing permits.

As initially presented and approved, the Division did not recommend adoption of the proposed amendments. The basis for that recommendation was that the regulations, as proposed, were not consistent with statute, particularly with regard to the proposed fee structure. Specifically, in seeking to consolidate the existing eleven categories of landing permits into three, the proposal had the unintended effect of increasing the fee for certain permit categories, in a manner inconsistent with the fee structure set forth in statute.

Upon further consideration, the Division is recommending that the proposal can, and should, move forward, in a manner consistent with statute, by modifying the permit fees to ensure that they are equal to, or less than, those set forth in statute. The following is a summary of the eleven categories of landing permits and fees that have been in place, followed by the three new categories of landing permits and fees that are now proposed for adoption:

Prior Categories

Resident Finfish (\$200)
Resident Shellfish (\$200)
Resident Crustacean (\$200)
Resident Miscellaneous (\$200)
Resident Multi-Purpose (\$300)
Non-Resident Restricted Finfish (\$400)
Non-Resident Non-Restricted Finfish (\$400)
Non-Resident Shellfish (\$400)
Non-Resident Crustacean (\$400)
Non-Resident Miscellaneous (\$400)
Non-Resident Multi-Purpose (\$600)

New Categories

Resident (\$200)

Non-Resident (\$400)

Non-Resident with Restricted Finfish (\$400)

The new *Resident Landing Permit* is the equivalent of the former Resident Multi-Purpose Landing Permit. It enables the holder, who must be a RI resident, to land and sell in RI any marine fishery species or product, consistent with all applicable rules and regulations, provided that the holder has a valid and applicable federal or non-RI state commercial fishing permit or license.

The new *Non-Resident Landing Permit* is the equivalent of the former Non-Resident Multi-Purpose Landing Permit. It enables the holder, who is not a RI resident, to land and sell in RI any marine fishery species or product, consistent with all applicable rules and regulations, *except restricted finfish*, provided that the holder has a valid and applicable federal or non-RI state commercial fishing permit or license.

The new *Non-Resident with Restricted Finfish Landing Permit* enables the holder, who is not a RI resident and who is grandfathered under the 2002 licensing statute, to land and sell in RI any marine fishery species or product, consistent with all applicable rules and regulations, *including restricted finfish*, provided that the holder has a valid and applicable federal or non-RI state commercial fishing permit or license. There are only seven non-residents eligible to obtain this landing permit as of 2013. A technical amendment is pending that would correct and clarify the provisions governing this new permit category.

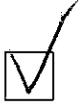
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As noted in the November 6 memo, this issue is an important one. It is aimed at simplifying the landing permit program, making it easier for industry to understand and comply with the permit requirements, and supporting enforcement based on the more streamlined approach. The proposal was recommended for adoption by the IAC and the Council.

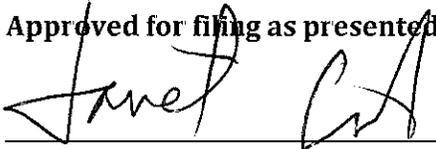
Although not the intent of the proposal, the re-structuring will decrease the fees for a large number of permittees – namely, those residents and non-residents who held multi-purpose permits, who will now be able to obtain the same permits for \$100 and \$200 less, respectively. While this will likely result in a decline in revenues in the range of \$10,000, the decline may be mitigated if the lower fees entices more fishermen, particularly non-residents, to obtain RI landing permits and land their harvests in RI. It has long been the Department’s policy to attract more (federally permitted and non-RI state) fishermen to land in RI. In recent years, the Department has acted in support of that policy by selling landing permits out of the DEM Office Galilee. This year, the Department has undertaken two additional regulatory initiatives in support of that policy. One was the exclusion of scup from the restricted finfish endorsement category during the winter period (when scup are not managed under state quotas). The other is this restructuring of the landing permits, which happens to involve a fee reduction.

On the one hand, the new, streamlined landing permit program will facilitate compliance and ease enforcement since there will be far less categories of landing permits to track and monitor. On the other hand, the Department’s Office of Law Enforcement will need to be extra cognizant of the need to ensure that vessels landing in RI hold the appropriate federal fishing permits, or non-RI state fishing licenses, per the species being landed; and that the individuals in charge of each vessel are in possession of a RI landing permit issued under their name.

Consistent with the Council's recommendation, the Division recommends adoption of these proposed amendments. If you concur, please indicate by signing this memo below and returning it to me. Upon receipt of the signed memo, I will complete the filing process. If you wish to make any changes that differ from those proposed, please delineate those changes via a separate memo.



Approved for filing as presented



Janet L. Coit, Director

12/6/13
Date