

RI Saltwater Fishing Registry Program

*Draft Proposal
March 2009*

Purpose: (1) Enable for-hire fishing vessels and recreational fishermen to fish legally in RI waters, and in all offshore federal waters, via a state-based registration program, established in accordance with the new federal requirements set forth by the Magnuson-Stevens Fishery Conservation and Management Act.

(2) Lend support to the broad-based needs and interests of recreational fishermen in RI.

Objectives: (1) Establish a RI program that will qualify the State for exempted state status and provide RI fishermen, as well as non-resident fishermen (fishing in RI waters?), with a convenient and inexpensive registration process.

(2) Support and contribute to the new federal mandate to establish complete saltwater fishing registries for use in developing more accurate recreational fishing assessments and improved fishery management programs.

(3) Establish a new funding mechanism to support state-based recreational fishing programs.

Means: (1) Seek exempted state status from NMFS for all for-hire fishing vessels in RI by drawing upon RI's existing party and charter boat license.

(2) Seek exempted state status from NMFS for saltwater fishermen in RI by developing and implementing a new RI Saltwater Fishing Registry.

Legal Framework:

(1) Pursuant to the federal Magnuson-Stevens Fishery Conservation and Management Act, beginning January 2010, no one may fish recreationally or operate a for-hire fishing vessel in state or federal waters unless they are registered with NMFS or are registered or licensed by an exempted state. This requirement will apply to all rod and reel fishermen and all spear fishermen except: children under age 16, passengers aboard

permitted for-hire fishing vessels, and holders of HMS permits issued by NMFS.

(2) All coastal states either have current state recreational licensing programs in place or are in the process of developing and enacting such programs. NY, CT, and MA are among the states currently engaged in the development of state licensing programs. Fishermen fishing in the waters of coastal states with recreational licensing or registry programs are, or will be, bound by all applicable requirements of each state.

(3) Under RI General Law § 20-3.1-7(3), DEM is authorized to propose a licensing system for recreational fisheries for the purposes of: (i) obtaining reliable data about the level and effects of recreational fishing in the state; (ii) improving the quality and extent of recreational fishing opportunities in RI; and (iii) providing revenue to be used solely and exclusively for the purposes of managing recreational fisheries and enhancing recreational fishing opportunities. The licensing system must be approved by the general assembly and then must be put into effect by rule after a finding by the DEM Director that the system is fair, enforceable, and accomplishes the purposes of Chapter 20-3.1 of the RI General Laws.

Proposed RI Program: For-Hire Fishing Vessels
(see Attachment A)

Proposed RI Program: Recreational Fishermen

Applicability:

The program will apply to all persons fishing recreationally in RI tidal waters, except those who are:

- under 16;
- disabled (100%, per current standard);
- on leave from active military duty;
- holders of highly migratory species (HMS) angling permits issued by NMFS;
- passengers aboard a permitted party or charter boat; or
- participants in the State's annual "free fishing day"

Recreational fishing includes all forms of angling using rod and reel, as well as all forms of spearfishing.

Requirement:

All persons to whom the program applies will be required to:

- hold a RI Saltwater Fishing Registration; or
- hold a recreational fishing license or registration issued by a reciprocal state; *or*
- *hold a federal saltwater angler registration issued by NMFS*

Effective Date:

The program will become effective on January 1, 2010.

Fee:

The registration fee for the RI Saltwater Fishing Registry will be \$3 annually.

To be determined:

- *No fee for:*
 - *Seniors?*
 - *1-day, 3-day, 1-week registrations?*
- *Higher fee for:*
 - *Non-residents?*

Nature of Program:

The RI Saltwater Fishing Registry (RI/SFR) Program will operate exclusively as a web-based registration portal. It will be administered by RI Interactive, which is the company that operates all of the RI.gov websites for the State of Rhode Island.

Background: RI Interactive has a long-term, zero-dollar contract with the State, which means that they develop and run the State's websites at no charge to the State. The company derives revenue via user/access fees associated with some, but not all, of their website services. For example, freshwater fishing licenses are available at DEM and at vendors throughout the State for \$18 (residents), \$35 (non-residents), and \$16 (3-day). Those same licenses are also available through RI.gov, which is accessed through DEM's website, for an additional \$1 per license – i.e., \$19 (resident), \$36 (non-resident), and \$17 (3-day). The extra \$1/license is retained by RI Interactive.

The basic elements of the RI/SFR Program will be as follows:

- ***For anyone with internet access and a credit card:***
 - The user will access the secure RI/SFR website.
 - The website will be available in both English and Spanish versions.
 - The user will enter the following information:
 - Name
 - Address
 - Phone number;
 - Date of birth
 - Email (optional)
 - The user will enter and confirm credit card information.
 - The user will be emailed a receipt containing their registration number and a confirmation code, if an email address was entered.
 - The user will be presented with a registration certificate to download.
 - If at any point during the year the user's registration certificate become lost or damaged, a reprint can be obtained at no cost by:
 - Accessing the secure RI/SFR website; and
 - Either entering the registration number and confirmation code displayed on the original email receipt, or entering their last name, date of birth, and zip code.
 - Registrants will be responsible for renewing their registrations annually, by repeating the above process once a year.

- ***For anyone without internet access and a credit card:***
 - RI Interactive will help establish authorized vendors throughout the State, who will be able to vend registrations at the counters of their establishments.
 - Vendor participation will be voluntary. Likely candidates will be: bait and tackle shops, marinas, chambers of commerce, hotels, etc.

- Lists of authorized vendors will be continuously updated and provided via web postings, public notices, and other forms of outreach.
- Anyone will be able to obtain a registration at any time by visiting any authorized vendor during their regular business hours.
- Authorized vendors will provide registrations as follows:
 - Vendors, using their own computers and printers, will access the vendor part of the RI/SFR system using a unique username and password.
 - The vendor will enter the user's information (name, address, phone number, date of birth, and email)
 - The vendor will be provided with a registration certificate to print and provide to the user.
 - The vendor will receive from the user \$3 through the vendor's normal cash-register workflow (accepting cash, check, or credit card, as per the vendor's preference).
 - The vendor will be invoiced monthly by RI Interactive a fee of \$2 multiplied by the number of registrations sold. Vendors will retain \$1/registration.
 - The vendor will have the ability to reprint any lost or damaged registrations, upon request by a registrant, at no cost.
- Vendors will be charged by RI Interactive \$75/year to cover the costs of monthly invoicing, and other administrative duties associated with the vendor program.

Additional programmatic elements:

- RI Interactive will handle all customer service issues, develop user guides, and provide training to vendors.
- RI Interactive will upload the RI/SFR database and submit it to NMFS on an annual basis, per NMFS' specifications.
- RI Interactive will make the RI/SFR database available to DEM for fishery management purposes.
- RI Interactive will facilitate use of the RI/SFR database by law enforcement authorities to check and verify the validity of registrations.

Tracking and monitoring of fee structure and revenues

- Under the terms of its contract with the State, RI interactive provides annual financial statements to an oversight group within the RI Department of Administration
- RI Interactive is a for-profit business, but it also has a responsibility to invest any excess proceeds back into its State operations. Also, based on the annual review undertaken by the Department of Administration, fee reductions can be imposed if revenues greatly exceed administrative costs and opportunities for re-investment.

- RI Interactive is willing to commit to a \$3 registration fee with the understanding that it will be taking on some risk, since the exact population of prospective registrants is unknown.
- Depending on how things play out during the first year or two of the program, it is possible that the \$3 registration fee could result in excess revenues. If that is the case, the State's oversight process will determine whether the excess revenues warrant reinvestment – e.g., in a web-based portal for all fishing and hunting licenses in RI, including the saltwater angler registration – or whether the excess revenues warrant a reduction in the saltwater angler registration fee. There may also be an upfront opportunity to negotiate an agreement with RI Interactive pursuant to which any excess revenues would be placed in a restricted receipt account for use in supporting marine recreational fishing programs.
- Some provision will need to be made to ensure that DEM and the State's recreational fishing community can be involved, or at least privy to, the oversight process, so that the program, with regard to overall revenues and costs, will be transparent.

Compliance & Enforcement

Given the mandatory nature of the program, provisions will need to be made to address non-compliance.

The general penalty provision under Title 20 of the RI General Laws (Fish and Wildlife) could be made applicable. That provision – set forth in § 20-1-16 – establishes any violation of any law or rule or regulation relating to marine fisheries as a misdemeanor, punishable by a fine of up to \$500, or up to 90 days imprisonment, or both.

No one has ever been imprisoned for a violation of a marine fisheries law or regulation.

DEM would serve as the lead enforcement authority in state waters, and any violations occurring in state waters would likely be subject to state law. DEM would take a low-key approach to enforcement during the first year or two of the program, with a heavy emphasis on education and outreach.

Federal Waters

As an exempted state, RI's registration would be honored by the NMFS, and all holders of the registration would be legally qualified to fish recreationally in all federal waters (subject only to any specific rules and regulations governing individual species).

Reciprocity

To be determined: Should the RI/SFR Program honor the validity of any license or registration issued by any other exempted state, regardless of whether the state honors

the RI registration? Or should the RI/SFR Program only honor the validity of exempted states that honor the RI registration?

Potential Expansion of RI/SFR Program to Provide Funding for Other Marine Recreational Fishing Needs/Interests

RI Interactive would be willing and able to remit back to DEM any additional amount, over \$3, that might be added to the \$3 registration fee as a “recreational fishing program surcharge.” The additional amount would be placed in a restricted receipt account to be used solely and exclusively for the purposes of managing recreational fisheries and enhancing recreational fishing opportunities.

To be determined:

Should the RI/SFR Program be expanded to provide funding to support other issues of importance to the State’s recreational fishing community?

- *For example: piers, ramps, other forms of infrastructure/access, land acquisition; habitat restoration, fish ladders; artificial reefs; biological research, stock assessments; fishery management programs; public education & outreach; enforcement*

What would be an appropriate amount to consider adding to each registration to provide such funding?

What assurances could be provided that any additional funding would be protected and not be diverted for any unauthorized use?

Attachment A

Rhode Island Recreational Fishing Registry Program: For-Hire Vessels

Proposal:

- Seek exempted state status for all for-hire fishing vessels in Rhode Island

Rationale:

- All for-hire vessels are already required to obtain licenses, pursuant to § 20-2-27.1 of the RI General Laws:

§ 20-2-27.1 Rhode Island party and charter boat license. – (a) All party and charter boats carrying recreational passengers to take or attempt to take marine fish upon the navigable state and coastal waters of Rhode Island shall be required to obtain a Rhode Island party and charter boat license. The licenses shall be issued by the department on a biennial basis for a fee of twenty-five dollars (\$25) per vessel. All licensed party and charter boats shall be required to display a party and charter boat decal provided by the department. To obtain a license, the owner of a qualified vessel must submit:

- (1) A current copy of the operator's U.S.C.G. license to carry passengers for hire;
 - (2) A current copy of the vessel's "Certificate of Documentation" certifying that the vessel is documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's state registration;
 - (3) Proof that the operator and crew are currently enrolled in a random drug testing program that complies with the federal government's 46CFR "Drug Testing Program" regulations; and
 - (4) A signed license application form certifying that the vessel is and will be operated in compliance with all state and federal safety regulations for the vessel.
- (b) Rhode Island party and charter boat licenses shall expire on the last day of February every other year, with the first expiration date being in February 2001.

Information needed by NMFS:

- Owner's name, address, date of birth, telephone number, vessel name and state registration or U.S. Coast Guard documentation number, and home port or principal operating area.

Submittal of information by DEM:

- DEM's Office of Boat Registration & Licensing will submit the information contained in the database for the license to NMFS, per NMFS' specifications.

Revenues:

- All license fee revenues are deposited into a restricted receipt account for purposes relating to marine fisheries management.

Penalties:

- Penalties for not having a for-hire license while undertaking for-hire fishing activities in RI waters are set forth in § 20-1-16 of the RI General Laws:

§ 20-1-16 Penalty for violations. – Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for up to ninety (90) days, or both.

Number of Party/Charter Boat Licenses issued annually:

Year	# of License Sold	Cost of License (Renew every 2 years)	Total
1999	90	\$25	\$2,250
2000	21	\$25	\$525
2001	31	\$25	\$775
2002	24	\$25	\$600
2003	29	\$25	\$725
2004	27	\$25	\$675
2005	36	\$25	\$900
2006	63	\$25	\$1,575
2007	167	\$25	\$4,175
2008	92	\$25	\$2,300