

Summary of proposed modifications

Commercial and Recreational Saltwater Fishing Licensing Regulations

Public hearing
September 21, 2015

Public Hearing Item #1

Exit/entry ratios

Option 1: Division proposal

(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, 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 ~~two~~ **one (1)** license eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a quahaug endorsement, that are retired, 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, 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.

Option 2: Industry/IAC proposal

(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, 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 ~~two~~ **one (1)** licenses eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a quahaug endorsement, that are retired, 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~~ **one (1)** 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, 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.

Public Hearing Item #2 **Sector Management Plans**

(6.2) Management Plans

~~(6.2-1) Procedure for Adopting~~

~~(a) — Management plans shall be adopted by rule consistent with the requirements of the Administrative Procedures Act and as herein described on an annual basis no later than December 1 for the following year, provided that said plans may continue in effect for longer periods if it is determined that management conditions permit or may be adjusted more frequently if it is determined that management conditions require.~~

~~(b) — Plans shall be submitted to the Rhode Island Marine Fisheries Council [RIMFC] for review and advice at least sixty (60) days prior to any Department hearing on said plans.~~

~~(c) — RIMFC may recommend to the Director that a proposed plan be adopted, modified or withdrawn, and the Director may proceed to hearing on the plan as originally proposed or as revised by RIMFC, or both, provided that in all instances both the plan as originally proposed and as recommended by RIMFC shall be entered into the hearing record.~~

~~(d) — In adopting a proposed plan, the Director shall include a concise explanation of the principal reasons for its adoption and his or her response to positions entered into the hearing record.~~

Public Hearing Item #3 **Issuance of New Licenses upon Sale of Vessel and Gear**

(6.7-8) Issuance of New Licenses upon Sale of Vessel and 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 gear is prohibited; provided, however, that if the seller of a vessel and gear who is actively fishing his or her license using the vessel involved in the sale shall have first surrendered it to the Department, the Department will, upon application, issue one new license to the purchaser of the vessel and gear, pursuant to the terms and conditions of this section. In the case where the seller changed the primary vessel involved in the fishing business during the period being considered for the actively fished requirement, the vessel involved in the sale must have greater than fifty percent of the landings used to qualify for the history requirement and the other vessel(s) must be documented as owned by the seller during the period being considered for the actively fished requirement.

Public Hearing Item #4

Student Shellfish License

5. DEFINITIONS

“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.

(6.7-3) Application Deadlines

- (a) The Department will notify all license and permit holders in writing by November 1 that said license or permit, as well as all vessel declarations, expire on December 31 of that year. The Department will also notify all holders of ~~Student Shellfish (if renewable)~~, 65 and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses in writing by November 1 that said licenses, along with any and all applicable endorsements, must be renewed by February 28 of the following year in order to remain valid. Holders of a Student Shellfish license (if renewable) will be notified by November 1 and the license must be renewed by June 30 of the following year in order to remain valid.
- (b) All notices will be sent by regular mail to the mailing address given on the license or permit holder's last license application or change of address form.
- (c) All applications for ~~Student Shellfish~~, 65 and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses, along with any and all applicable endorsements, whether renewals or new issues, must be made in person by 4:00 PM on February 28, or on the first business day following February 28 if that day falls on a Saturday or Sunday or holiday. Applications for a Student Shellfish license, whether renewal or new issue, must be made in person by 4:00 PM on June 30, or on the first business day following June 30 if that day falls on a Saturday, Sunday, or holiday. All license applications shall be made at the Department of Environmental Management, Office of Boat Registration and Licensing, 235 Promenade Street, Providence, 02908. Alternatively, applications must be posted to the same address with a postmark no later than the above-referenced deadline date. Alternatively,

renewals must be made electronically, via the Department's online renewal service at www.ri.gov/DEM/commercial marine, by midnight on the above-referenced deadline date. In order to be eligible to apply for a license, an application must be received, postmarked, or electronically filed by the above-referenced deadline date.

Alternatively, applications must be posted to the same address with a postmark no later than the above-referenced deadline date. Alternatively, renewals must be made electronically, via the Department's online renewal service at www.ri.gov/DEM/commercial marine, by midnight on the above-referenced deadline date. In order to be eligible to apply for a license, an application must be received, postmarked, or electronically filed by the above-referenced deadline date.

(d) No ~~Student Shellfish~~, 65 and Over Shellfish, Commercial Fishing, Principal Effort or Multi-Purpose License or applicable endorsement will be issued or renewed after the close of business on February 28, or on the first day following February 28 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of subsections 6.7-3(c) or 6.7-3(e), or sections 6.7-8 or 6.7-9. **No student shellfish license will be issued or renewed after the close of business on June 30, or on the first day following June 30 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of subsections 6.7-3(c) or 6.7-3(e), or sections 6.7-8 or 6.7-9.**

(e) **With the exception of Student shellfish license applications,** applications for renewal of licenses referenced in sections (c) and (d) above that are received by the Department or postmarked after February 28 or after the first day following February 28 if that day falls on a Saturday or Sunday or holiday shall be renewed only upon payment of a late fee in the amount of \$200.00 and only during the sixty (60) day grace period commencing on the day immediately following the application deadline. Such renewal applications must be made in person at the Department of Environmental Management, Office of Boat Registration and Licensing, 235 Promenade Street, Providence, 02908; or via mail at the same address; or electronically via the Department's online renewal service at www.ri.gov/DEM/commercialmarine.

(f) No license or permit will be renewed unless the data reporting requirements of Section 6.6 have been met.

(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~~ **June 30** 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.