



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

RIMFC: Robert Ballou, *Chairman*; David Monti, *Vice Chair*; Jeff Grant; William Mackintosh, III; Michael Rice, Ph.D.; Christopher Rein; Andy Dangelo; Mike Roderick; Travis Barao

MEETING NOTICE RI MARINE FISHERIES COUNCIL

October 2, 2017 – 6:00 PM
URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

AGENDA

Agenda item	ePacket Attachment(s)	Recommended action(s)
1. Approval of tonight's agenda	<ul style="list-style-type: none"> • October 2, 2017 meeting agenda 	Approval of agenda.
2. Approval of minutes from last meeting	<ul style="list-style-type: none"> • Meeting minutes from 6-24-2017 	Approval of meeting minutes.
3. <u>Revision to meeting minutes from 2-28-17</u>: P. Duhamel	<ul style="list-style-type: none"> • Revised 2-18-17 meeting minutes 	Approval of revised meeting minutes.
4. Public comment		Discussion and/or recommendations for future action.
5. <u>IAC Meeting Summary</u>: C. Rein	<ul style="list-style-type: none"> • Agenda • Powerpoint presentation • Draft meeting minutes 	Approval of meeting minutes.
6. <u>September 18 public hearing items (Part 3 Licensing)</u>: J. Lake <ul style="list-style-type: none"> • Exit/entry ratio Restricted Finfish Endorsement • Exit/entry ratio Bay Quahaug Endorsement • Exit/entry ratio Soft-shell Clam Endorsement • Proposed amendment to the Activity Standard 	<ul style="list-style-type: none"> • Public Notice • Workshop presentation • Annotated regulations • Public comments (<i>n/a – no comments received</i>) 	Provide recommendations to DEM Director regarding proposed regulations.
7. <u>SAP Meeting Summary</u>: C. McManus	<ul style="list-style-type: none"> • Agenda • Powerpoint presentation • Draft meeting minutes 	Approval of meeting minutes.
8. <u>Aquaculture lease application review (Troiano)</u>: C. McManus	<ul style="list-style-type: none"> • Lease application 	Recommendation to CRMC.

9. <u>SAP motion regarding mapping of areas in Narra. Bay for aquaculture suitability:</u> <i>C. McManus</i>	<ul style="list-style-type: none"> • Draft SAP meeting minutes 	Discussion and/or recommendation to CRMC.
10. <u>Shellfish Management Areas Winter harvest schedules:</u> <i>B. Ballou</i>	<ul style="list-style-type: none"> • Current default harvest schedules for Greenwich Bay, Bristol harbor, and Bissel Cove/Fox Island SMAs 	Recommendation to the Director.
10. <u>IAC Membership:</u> <i>P. Duhamel</i>	<ul style="list-style-type: none"> • Current membership list • Application from K. Almeida 	<ul style="list-style-type: none"> • Removal of C. Granquist and E. Reid (resignations) • Appointment of new member (K. Almeida)
11. <u>SAP membership:</u> <i>P. Duhamel</i>	<ul style="list-style-type: none"> • Current membership list • Applications from Mr. M. Sousa and Mr. E. Troiano 	<ul style="list-style-type: none"> • Appointment of new members
12. Adjourn		

All RIMFC Meetings are open to the public

Posted to Sec. of State Open Meetings September 27, 2017



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

MEETING SUMMARY

June 26, 2017

Chairperson: *B. Ballou*

RIMFC Members: *J. Grant, B. Mackintosh, M. Rice, C. Rein, D. Monti, T. Barao, A. Dangelo (M. Roderick absent)*

DEM: *G. Powers, J. McNamee, S. Olszewski, E. Schneider, P. Duhamel*

Public: *P. Duckworth, Ron..*

1. **Approval of the Agenda:** The Chair inquired as to modifications to the agenda or objections to approving the agenda. Hearing none, the agenda was approved by consent.
2. **Approval of RIMFC meeting minutes from February 28, 2017:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:** No comments were offered.
4. **June 12 public hearing items:**
 - **Recreational Black sea bass:** *J. McNamee* offered that the proposal resulted from recent changes at ASMFC. **Motion made by *D. Monti* to amend the season and possession limit as proposed; 2nd by *A. Dangelo*. The motion passed 7 – 0.**
 - **Commercial monkfish:** *J. McNamee* offered a summary of each of the options proposed: option 1 resulting from amendments to the FMP that he believes will be soon adopted by NEFMC; option 2, an industry proposal for an aggregate/weekly possession limit; and option 3, a conceptual proposal from the Division that would resemble the federal program as an alternative to option 2. He offered that enforceability is an issue with an aggregate program. He offered that a cellphone application is being developed that would assist with improved reporting and compliance. He offered that the Division did not support an aggregate possession limit of 7 times the daily the limit, and offered that a 4 or 5 times the daily limit would be more reasonable, and also did not offer Division support for option 3 until the reporting software is available. **Motion made by *C. Rein* to recommend adoption of option 2, modified to be 5 times the daily limit, or 3,500 lbs/vsl/week tail weight or 11,620 lbs/vsl/week whole weight; 2nd by *M. Rice*. *P. Duckworth* offered that the aggregate provides greater flexibility to fishermen. *J. McNamee* offered that the state quota has never been reached. **The motion passed 7 – 0.****

- **Proposal to amend the gill net tagging requirements (section 6.5.3(E)(6)):** *P. Duhamel* offered that the noticed language was still in need of modification, and offered modified language in a second slide of the powerpoint presentation. *J. McNamee* offered that the tags are poor quality, and this proposal should result in less damage to tags. He offered that the Division would be offering a proposal at a later date to provide for higher quality tags. *B. Macintosh* offered that it is important that quality tags are used that remain attached to each individual net panel for owner identification purposes. *J. McNamee* offered that locating tags on the strings ends aids in enforcement in that only the ends may be inspected rather than having to pull up the entire net. **Motion made by *B. Macintosh* to recommend adoption of the modified language as presented on the 2nd slide, also changing the words “float line” to “bridle”; 2nd by *C. Rein*. The motion passed 7 – 0.**
- **Proposal to delete the regulation regarding a gillnet prohibition in Block Island waters (section 6.5.3(K)(7)):** *J. McNamee* offered that the regulation is obsolete and offered Division support to repeal it. *B. Macintosh* offered that the rule was created with his involvement for the purpose of protecting Cod, and offered that the rule is no longer relevant due to the decline in the Cod fishery in state waters. **Motion made by *B. Macintosh* to recommend repeal of the rule as proposed; 2nd by *D. Monti*. The motion passed 7 – 0.**

 - **Action item:** Gillnet tagging to be brought to IAC in August for subsequent regulatory proposal at November 2017 public hearing.
- **Proposal to clarify fyke net registration requirements (section 6.5.4(A)):** *J. McNamee* offered Division support as proposed as a clarification of the regulation. **Motion made by *A. Dangelo* to recommend amending the rule as proposed; 2nd by *D. Monti*. The motion passed 7 – 0.**
- **Proposal to clarify the regulation regarding seine net prohibition in coastal salt pond channels (section 6.5.5):** *J. McNamee* offered Division support as proposed as a clarification of the regulation. **Motion made by *D. Monti* to recommend amending the rule as proposed; 2nd by *M. Rice*. The motion passed 7 – 0.**
- **Proposal to clarify point of quantity determination (section 7.1.2):** *J. McNamee* offered Division support as proposed as a clarification of the regulation. **Motion made by *C. Rein* to recommend amending the rule as proposed; 2nd by *A. Dangelo*. The motion passed 7 – 0.**
- **Proposal to adopt new regulations to specify information required for the dealer’s record of any sales/transactions (section 7.1.4):** *J. McNamee* offered Division support for the proposal to assure that landings are properly accounted for and attributed to the fishermen. He offered that he understood the public comment regarding ability of fishermen to land without a signature as they routinely land product to the dealer’s place of business after hours when the business is closed, and requested that the Council specifically consider this aspect of the proposal. *B. Macintosh* offered

that the signature requirement is not feasible at the time of landing, to which *J. Grant* concurred. *J. McNamee* inquired if the signature could be obtained at date after the landing occurred, thereby satisfying the intent of the proposed rule and not interrupting workflow of the fisherman; to which *J. Grant* responded that such was not practical and would result in an unnecessary burden to the fisherman. *B. Macintosh* concurred that having to backtrack to the dealer's premises at a later date to provide the signature would be unnecessarily burdensome. Legal counsel *G. Powers* offered that the signature is necessary and beneficial to fisherman to assure that landings are properly attributed to the fisherman, and also beneficial to the Department for compliance purposes. **Motion made by *J. Grant* to recommend adoption of the amendment as proposed, with the exception of the signature requirement; 2nd by *A. Dangelo*. The motion passed 7-0.**

- **Proposal to adopt regulations to specify additional (i.e., in addition to the requirements as specified in section 7.1.4) information required for dealer's record of shellfish sales/transactions. (section 7.2.4):** *P. Duhamel* offered that requirements are not technically new requirements, as the rules are currently contained in Div. of Law Enforcement regulations, and added that proposal is only to shift rules to Marine Fisheries. *J. McNamee* offered Division support as proposed as a status quo proposal. *J. Grant* offered support of the proposal as is current practice and necessary for shellfish transactions due to the stricter requirements as specified in the NSSP model ordinance. He offered that the signature is not burdensome as shellfish cannot be landed after hours due to strict refrigeration requirements as contained in the NSSP model ordinance. **Motion made by *J. Grant* to recommend adoption of the amendment as proposed, including the signature requirement; 2nd by *D. Monti*. The motion passed 7-0.**
- **Proposal to remove the requirement that transactions be recorded in a "permanently bound ledger" (section 7.2.4(J)):** *J. McNamee* offered Division support as proposed. **Motion made by *A. Dangelo* to recommend adoption as proposed; 2nd by *T. Barao*. The motion passed 7- 0.**
- **Proposal to provide for consistency with DOH regulations "Rules and Regulations Pertaining to the Processing and Distribution of Shellfish" and the NSSP model ordinance regarding dealer wet storage of shellfish:** *P. Duhamel* offered that proposal is a result of a meeting with DOH, DEM Legal and DEM Enforcement. *J. McNamee* offered Division support as proposed. **Motion made by *D. Monti* to recommend adoption as proposed; 2nd by *C. Rein*. The motion passed 7- 0.**
- **Proposal to provide for consistency with DOH regulations "Rules and Regulations Pertaining to the Processing and Distribution of Shellfish" and NSSP model ordinance regarding dealer handling and tagging of shellfish:** *P. Duhamel* offered that proposal is a result of a meeting with DOH, DEM Legal and DEM Enforcement. *J. McNamee* offered Division support as proposed. **Motion made by *A. Dangelo* to recommend adoption as proposed; 2nd by *J. Grant*. The motion passed 7- 0.**

- **Proposal is to revise the rule regarding sale of seafood to consumers, either directly or through restaurants or other retail outlets, so that the rule applies more broadly to all seafood, rather than shellfish only:** *P. Duhamel* offered that proposal currently applies to all seafood, and not just shellfish, but is confusing in that language is located in the shellfish section of the regulation. He offered that proposal is only to clarify rule by moving the section out of shellfish section of regulations. **Motion made by *D. Monti* to recommend adoption as proposed; 2nd by *C. Rein*. The motion passed 7- 0.**

- **IAC/SAP membership:**
 - **SAP:** Current membership of the SAP panel has recently been revised by vote of the Council to remove members no longer interested in serving. The Council recommended to the Division that a general listserve be sent out to solicit new membership.
 - **Action item:** Division to send listserve to solicit new SAP membership

 - **IAC:** *C. Rein* as the IAC Chair offered to work with *J. Lake* regarding contacting membership and determining those members wishing to no longer serve on the panel. *P. Duhamel* offered that the Division wished to formally implement the attendance policy so as to remove consistently delinquent members that are difficult to reach and do not attend meetings.
 - **Action item:** *C. Rein* to contact membership by phone and email to determine current membership. Implementation of attendance beginning next IAC meeting; subsequent placement of topic on next Council agenda to remove delinquent members. Division to send listserve email to solicit new membership.

- **IAC meeting:** Next meeting is tentatively scheduled for August 10.

Meeting adjourned at approximately 7:30

Prepared by *P. Duhamel*



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MEETING SUMMARY

February 28, 2017

Chairperson: *B. Ballou*

RIMFC Members: *J. Grant, B. Mackintosh, M. Rice, C. Rein, D. Monti, T. Barao, A. Dangelo (M. Roderick absent)*

DEM: *G. Powers, J. McNamee, S. Olszewski, N. Lengyel, N. Ares, J. Livermore, W. Helt, C. Parkins P. Duhamel*

DEM Enforcement: *Lt. J. Poccia*

Public: Approximately 30 persons

1. **Approval of the Agenda:** The Chair inquired as to modifications to the agenda or objections to approving the agenda. The Chair requested that item #4, SAP/IAC membership, be re-located and be addressed after conclusion of the public hearing items. The modified agenda was then approved by consent.
2. **Approval of RIMFC meeting minutes from October 3, 2016:** The Chair inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved by consent.
3. **Public comments regarding other matters not on agenda:** *F. Blount* requested that the regulations for groundfish species be reviewed for consistency and corrected as necessary. *J. McNamee* provided that the matter would be placed in the Division's regulatory queue for review and subsequent amendment/public hearing as needed.
4. **February 13 public hearing items:**
 - **Recreational Summer Flounder:** Motion made by *A. Dangelo* to recommend adoption of option 5 as presented (19" min. size; 5/19 – 12/31 season; 6 fish bag); 2nd by *D. Monti*. **The motion passed 7 – 0.**
 - **Recreational Tautog:** Motion made by *D. Monti* to recommend adoption of option 2 as presented – amend the 3rd sub-period closing/4th sub-period opening to October 14th/15th respectively, in place of the current flexible date; 2nd by *M. Rice*. **The motion passed 7 – 0.**
 - **Commercial Tautog:** Motion made by *B. Macintosh* to recommend adoption of option 3 as presented; to amend the three sub-period allocations from 1/3 each to 40%

(4/15-5/31), 20% (8/1-9/15) and 40% (10/15-12/31) respectively; 2nd by *J. Grant*. **The motion passed 7 – 0.**

- **Commercial Bluefish:** Motion made by *J. Grant* to recommend adoption of option 3 as presented (12” min. size; amend 2nd sub-period closing from 11/15 to 11/11; and increase possession limit from 4,000 to 6,000 lbs/vsl/day for the summer sub-period; 2nd by *C. Rein*. **The motion passed 7 – 0.**
- **Recreational Scup:** Motion made by *D. Monti* to recommend maintaining status quo; 2nd by *M. Rice*. **The motion passed 7 – 0.**
- **Recreational Black Sea Bass:** Discussion ensued regarding the federal closure period. *D. Monti* expressed support for option 4 as a way to provide for early shore access and to reduce discards. Motion made by *D. Monti* to recommend adoption of option 4 as presented (15” min. size; 5/25-8/31 @ 3 fish; 9/1-9/21 @ 7 fish; 10/22-12/31 @ 7 fish; 2nd by *T. Barao*. **The motion passed 7 – 0.**
- **Recreational Striped Bass:** Motion made by *M. Rice* to recommend maintaining status quo; 2nd by *D. Monti*. **The motion passed 7 – 0.**
- **Commercial Striped Bass general category:** *J. McNamee* offered that the Division could not support option 3 and the proposed 20% allocation for the 2nd sub-period, as such a low quota is difficult to track and would potentially result in the majority of harvest occurring in the 1st sub-period. Support for status quo was expressed by *D. Monti* and *B. Macintosh*. Motion made by *A. Dangelo* to recommend adoption of option 4; 2nd by *C. Rein*. No action was taken on the motion. A substitute motion was made by *M. Rice* in support of maintaining status quo, with a change in the opening date of the 1st sub-period from 5/29 to 5/28 so as to coincide with a Sunday opening; 2nd by *T. Barao*. **The motion passed 5- 1** (*A. Dangelo* against; *J. Grant* recusal).
- **Commercial Striped Bass floating fish trap:** *J. McNamee* offered that option 2 as presented was manageable for the Division. Discussion ensued as to the Division’s ability to manage for both over and under-harvest under the proposal. *J. McNamee* offered that the Division’s authority to shift allocation between traps and general category greatly aids in managing the fishery. Motion made by *M. Rice* to recommend adoption of option 2 as presented; 2nd by *A. Dangelo*. **The motion passed 6- 0** (*J. Grant* recusal).
- **Commercial Menhaden:**
 - **Proposal 1 - Change bycatch limit as defined in ASMFC Addendum I to Amendment 2:** Motion made by *B. Macintosh* to recommend adoption of the proposal as presented; 2nd by *D. Monti*. **The motion passed 7 – 0.**
 - **Proposal 2 - Modify location of Fall opening for purse seining in the Menhaden Management Area (MMA):** *J. McNamee* offered that the proposal does not

include opening of the areas currently closed in the MMA (i.e., Providence River and Greenwich Bay), but that by opening as proposed may minimize the effectiveness of the management within the MMA. He offered that the Division neither supports nor rejects the proposal at this time. *D. Monti* expressed lack of support for the proposal due to potential impacts on the striped bass fishery. *J. Grant* inquired if monitoring flights were still occurring at this time of year; to which *J. McNamee* replied that normally there would be flights remaining for this time of year. Motion made by *J. Grant* to recommend adoption of the proposal as presented; no 2nd was provided and the motion failed. A motion was made by *D. Monti* to recommend that the option not be adopted (maintain status quo); 2nd by *M. Rice*. *J. Grant* offered that the potential harvest would be minimal, and that striped bass are not feeding heavily at this time, so that impact to the striped bass fishery would be minimal. **The motion passed 6 – 1 (*J. Grant* against).**

5. **SAP meetings - 1/11/2017 & 2/22/2017:** *J. Grant* provided a summary of the meetings, the summaries included in the meeting materials, which included aquaculture application review and recommendations of the proposed shellfish management areas that were subject of the February public hearing. Upon conclusion of the discussion and recommendation by the Council for each of the proposed shellfish management areas, the minutes were approved by consent.
6. **Proposed Shellfish Management Areas:**
 - **Providence/Seekonk Rivers:** *J. McNamee* provided rationale for the proposal, which is also reflected in presentations made to the SAP on their meetings on 1/11/17 and 2/22/17. *J. Grant* offered that the SAP supported the proposal. *B. Macintosh* inquired as to the quahaug biomass known in the area. *J. McNamee* offered that studies have shown that this area provides much of the quahaug larval dispersal into the bay. *M. Rice* offered that management is necessary to protect this spawning biomass. Motion made by *M. Rice* to recommend adoption as proposed; 2nd by *C. Rein*. **The motion passed 7 – 0.**
 - **Warren River:** *J. Grant* offered that the SAP supported option 2 as proposed; to include only those waters currently closed to shellfishing. Motion made by *D. Monti* to recommend adoption of option 2; 2nd by *B. Macintosh*. **The motion passed 7 – 0.**
 - **Town Pond:** Motion made by *C. Rein* to recommend adoption as proposed; 2nd by *T. Barao*. **The motion passed 7 – 0.**
 - **Narrow River:** Motion made by *D. Monti* to recommend adoption as proposed; 2nd by *A. Dangelo*. **The motion passed 7 – 0.**
 - **Greenhill Pond:** Motion made by *T. Barao* to recommend adoption as proposed; 2nd by *C. Rein*. **The motion passed 7 – 0.**
 - **Little Narragansett Bay/Pawcatuck River:** Motion made by *D. Monti* to recommend adoption, however to include only those waters currently closed to shellfishing; 2nd by *M.*

Rice. J. Grant offered that the SAP recommendation was to include only the closed areas due to concern regarding reduced SMA possession limit. **The motion passed 6 – 0** (*B. Macintosh* absent).

7. **Proposed modification to the Bristol Harbor SMA boundary:** *J. McNamee* offered that the rationale for the change was to move the corner of the SMA off of the end of the dock to a fixed location on land. *J. Grant* offered that the SAP was in support of status quo due to the line of sight using the end of the dock. The Division of Law Enforcement offered no preference for either option, that both options were enforceable. Motion made by *B. Macintosh* to recommend status quo; 2nd by *A. Dangelo*. The motion failed 3-3-1 (*C. Rein, M. Rice, D. Monti* opposed; *J. Grant* abstained). *C. Rein* offered support for the proposed change, and offered motion to adopt as proposed; 2nd by *M. Rice. J. Grant* offered that the proposed change was impractical in that a shellfisherman in a boat out on the water would not be able to ascertain the new corner as a point where the high tide meets the dock (as proposed), and that the end of the dock was a much better landmark to use for the line of sight. **The motion passed 4-2-1** (*A. Dangelo, B. Macintosh* against; *J. Grant* abstained).
8. **Council Annual Report to the General Assembly:** *D. Monti* offered that the report could be used to highlight Council accomplishments and generate publicity to the Council's work and decisions. *J. Grant* offered that Council decisions were often controversial and not fully supported by each of the Council members or the public, so it would therefore be difficult to properly describe as Council accomplishments. *B. Macintosh* offered that the report could be used to show the economic benefit of Rhode Island marine fisheries. *M. Rice* offered that the report should be submitted as is for this year and continue to discuss and look to improve for subsequent year's submissions. He suggested that CRMC's annual report on Aquaculture was a good example of a report to the GA and that this report could be referenced for style. Motion made by *A. Dangelo*; 2nd by *M. Rice* to recommend approval and submittal of annual report as drafted.
9. **Skate Aggregate Performance metrics:** *J. McNamee* provided an update of skate wing and bait fisheries management in RI. He offered that this agenda item was only to update the Council that the fisheries are being monitored closely, and that additional updates and data were to be presented later in the year for potential regulatory action.
10. **RI Saltwater Recreational Fishing License Program Report:** *J. Lake* provided a summary of the report; the full draft report having been provided in the meeting materials. Upon conclusion of the presentation and discussion, it was determined that the program is meeting its intended purpose per RIGL 20-2.2-10 and the report was approved by consent.
11. **SAP membership: J. Grant offered that he had contacted the panel members regarding continued interest in serving on the panel. He offered that 3 members are no longer interested in serving: Don Goeble, Bill Cote, and Owen Kelly. B. Ballou inquired as to any objections to removing these members, to which there were none, and the members were removed.**

- **Action item: Listserve announcement to solicit new SAP membership.**

Meeting adjourned at approximately 8:30; prepared by *P. Duhamel*

DRAFT



Rhode Island Marine Fisheries Council

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Panel Chair:

Christopher Rein

IAC membership:

Robert Mattiucci
Commercial Rod and Reel

Carl Granquist
Jerry Carvalho
Commercial Inshore Trawler

Lanny Dellinger
Commercial Lobster Fishermen

Eric Reid
Seafood Dealer

Michael McGiveney
Comm. Shellfisherman

Robert Smith
Commercial Fish Pots

Steven Anderson
For-hire/charter

Aaron Gerwitz
Commercial Gillnet

Vacant
Recreational Fishing

Marine Fisheries staff:

John Lake

Meeting Notice

Industry Advisory Committee (IAC) Meeting followed by a public pre-hearing workshop

August 10, 2016– 6:00 PM

URI Narragansett Bay Campus
Corless Auditorium

South Ferry Road, Narragansett, RI 02835

1. **IAC Meeting agenda:**

- a. September public hearing items (voting items):
 - i. Exit/entry ratios for restricted license endorsements:
 - Restricted Finfish
 - Quahaug
 - Soft-shell clam
 - ii. Proposed revision to definition of “Resident” (RIMFR *Part 1 – Definitions*)
- b. Division presentation of Licensing Legislative Initiative
- c. Any other matters or business

2. **Workshop agenda (proposals for annual public hearing in November):**

- a. Division proposals:
 - i. Proposed amendments to RIMFR *Part 6 – General Equipment Provisions*, regarding gill net tagging requirements
- b. Any other proposals from the public

All RIMFC meetings and workshops are open to the public.

For more information, please contact John Lake at (401) 423-1942.

Date Posted: 08/4/2017

RI Marine Fisheries Council Industry Advisory Committee

August 10, 2017



2016 -2017 License Activity Summary

LICENSE TYPE	ENDORSEMENT	2016 Totals	2017 Totals	16-17 DELTA
CFL		416	429	13
	CLOBS	12	11	-1
	CNLOBS	95	104	9
	CQUOH	197	217	20
	CSSCLM	139	129	-10
	CSFOTH	142	129	-13
	CNFIN	248	253	5
	DOCKC	15	18	3
	CPURSE	41	40	-1
	CMWPT	40	37	-3
	CWLK	58	56	-2
MPURP		802	789	-13
	MGILL	218	214	-4
	DOCKM	245	242	-3
	FTRAPM	7	7	0
	MMWPT	139	145	6
	MPURSE	136	140	4
PEL		580	586	6
	PLOBS	20	19	-1
	PNLOBS	33	35	2
	PQUOH	322	321	-1
	PSSCLM	183	186	2
	PSFOTH	177	173	-4
	PRFIN	252	266	8
	PNFIN	152	159	7
	DOCKP	13	15	2
	PPURSE	9	9	0
	PMWPT	10	9	-1
	PWLK	53	63	10
STUDSF		48	39	-9
SFO65		350	369	19



Shellfish Sector

2016

- 39 CFL CQUOH new licenses issued
- 15 CFL SSCLM new licenses issued

2017

♦ Commercial Fishing Licenses (CFL)

- 10 CFL Quahaug endorsements not renewed
- 10 CFL Soft Shell Clam endorsements not renewed

♦ Principal Effort Licenses (PEL)

- 9 PEL Quahaug endorsements not renewed
- 4 PEL Soft Shell Clam endorsements not renewed

♦ Multipurpose Licenses (MPURP)

- 12 MPURP not renewed

- **31 total Quahaug licenses retired**
- **26 total Soft Shell Clam licenses retired**



Shellfish Sector

2017

- Quahaug License opportunities: 31 eligible licenses not renewed
 - ◆ **At 1:1 ratio of eligible licenses = 33 new CFL w/ QUOH available**
- Soft Shell Clam License opportunities: 26 eligible license not renewed
 - ◆ **At 5:1 ratio of eligible licenses = 6 new CFL w/ SSCLM available**



Finfish Sector

2016

- 15 new PEL w/PRFIN licenses issued

2017

- 8 of the 15 issued licenses active in 2017 (> 1 Landing)
- Restricted Species Landed:
 - Summer Flounder 156 LBS
 - Black Sea Bass 544 LBS
 - Striped Bass 1333 LBS
 - Scup and Tautog also landed but by < 3 participants

•Principal Effort Licenses (PEL)

- ♦ 4 PEL restricted endorsements not renewed, 1 had some activity in 2016 (> 1 landing)

•Multipurpose Licenses (MPURP)

- ♦ 12 MPURP not renewed, 1 had some activity in 2017 (> 1 landing)

♦ Restricted Finfish License opportunities:

- ♦ 16 eligible licenses not renewed
- ♦ 2 licenses considered active (> 1 landing in 2016)
- ♦ **1:1 exit/entry ratio of eligible licenses = 18 new PEL w/ RFIN available**



Crustacean Sector

2016

- ♦ 0 CFL CLOBS new licenses issued

2017

- ♦ Commercial Fishing Licenses (CFL)
 - ♦ 1 CFL lobster endorsement not renewed
- ♦ Principal Effort Licenses (PEL)
 - ♦ 1 PEL restricted endorsements not renewed
- ♦ Multipurpose Licenses (MPURP)
 - ♦ 12 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 started 2015 continuing through 2021 (5% per year)



Change to Credentials used to Establish RI Residency

- Loophole discovered in materials being used to establish RI residency as it pertains to licensure
- RIDEM proposes to remove automobile registration as a valid credential used to establish residency

Marine Fisheries Regulations Part 1.

"Resident" means a person who has had his or her actual place of residence and has lived in the State of Rhode Island 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 (R.I. Gen. Laws § 20-1-3).



Thank you



Questions, Comments, Follow up:

john.lake@dem.ri.gov

401 423 1942



RI Division of Marine Fisheries Pre Hearing Workshop

August 10, 2017



RIDMF Gillnet Tagging Program

- Current year tags are not successful
- Changed location of tags from every 300' to end lines to account for faulty tags
- RIDMF proposes to change tag vendor to same company as federal program
- RIDMF proposes to change tag location back to every 300'
- Tags will be purchased by fishermen, ~\$1.20 per tag



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, PEL license holders and crew members
 - Endorsements split between categories
- Third tier: Residents over 16
- Fourth tier: Non-residents over 16



RIMFC IAC Meeting Summary

8/10/17 6:00 PM

URI Bay Campus, Corless Auditorium

Members in attendance:

Christopher Rein (Chair) Robert Mattiucci Jerry Carvalho

Michael McGiveney Steven Anderson Aaron Gerwitz

John Lake (RIDMF Staff)

The meeting began at 6:00 with a quorum of 6/9 members. A discussion of the licensing activity standard ensued. Members of the committee expressed concern that the activity standards is still too restrictive, causes hardship, and inhibits business functionality and young people from entering various fisheries. The following motion was made By R. Mattiucci, A. Gerwitz 2nd:

Motion/Proposal: Activity standard be changed from 40 days in aggregate within both of the last two years to 40 days in aggregate in either or both of the last two years. License must be held for at least two years.

A vote was taken and the motion passed 4 in favor – 0 opposed – 1 abstained

The next item for discussion was the exit/entry ratio of the PEL quahaug and soft shell clam license endorsements of 2018. The following motion was made by M. McGiveney, A. Gerwitz 2nd:

Motion: Quahaug and Soft shell clam exit/entry ratio: Status quo 1:1 for quahaug, 5:1 soft shell clam exit entry of eligible quahaug licenses for issuance.

A vote was taken and the motion passed 4 in favor – 1 opposed

The next item for discussion was the exit/ entry ratio for the PEL restricted finfish endorsement for 2018. The following motion was made by A. Gerwitz, S. Anderson 2nd:

Motion: Restricted Finfish exit/entry ratio: Status quo 1:1 of eligible restricted finfish licenses for issuance.

The motion passed 4 in favor – 0 opposed

The next item for discussion was the removal of an individuals RI automobile registration a credential to establish residency in RI. This was a RIDEM proposal brought forward because of some indications that this credential allowed for a potential loophole to falsely claim residency. The following motion was made by J. Carvalho, S. Anderson 2nd:

Motion: Accept RIDEM proposal to eliminate automobile registration as proof of residency.

The motion passed 4 in favor – 0 opposed.

Legislative Initiative:

Jason McNamee gave a presentation on the proposed legislation to restructure the state's commercial licensing system. He outlined the new license structure and fee tables. Members of the IAC discussed the presentation and gave comment on the bill. The bill should be considered next year.

Having no other business, the meeting adjourned at 8:30.

Summary



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road
Jamestown, Rhode Island 02835

PUBLIC NOTICE OF PROPOSED RULEMAKING

Agency: Department of Environmental Management

Division: Marine Fisheries

Rule identifier: ERLID # 8591

Regulation title: Rhode Island Marine Fisheries Regulations (RIMFR) “*Part 2 Commercial and Recreational Saltwater Fishing Licensing Regulations*”

Rulemaking action: Proposed Rulemaking

Type of filing: Amendment

Timetable for action on the proposed rule:

- Submission to Office of Regulatory Reform: July 17, 2017
- Date of public notice: August 18, 2017
- Date of hearing: September 18, 2017
- End of Comment period: September 25, 2017

Summary of proposed rule:

- Hearing Item #1a: Annual review of exit/entry ratios for Restricted Finfish, Quahaug, and Soft-shell clam endorsements (section 6.1.10 (a)(b) and (c)). The purpose of this rulemaking is to solicit public comment on the rule, which is required to be considered on an annual basis, and which will determine new license opportunities for 2018 for the identified categories.
- Hearing Item # 1b: Proposed amendment to “actively fishing” standard (section 6.7.11(a)). The purpose of this proposal is to amend the standard for “Actively fishing” such that fishing activity is not required to occur in each year of the two year interval, and was developed at the Industry Advisory Committee (IAC) meeting held on August 10, 2017.

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on September 25, 2017. Comments may be submitted to the following address:

DEM Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835
ATTN: Peter Duhamel

Alternatively, written comments may be submitted by email to peter.duhamel@dem.ri.gov.

Public hearing information:

The PUBLIC HEARING will be held at **6:00PM** on **Monday, September 18, 2017** at the University of Rhode Island Bay Campus, Coastal Institute Building, Hazard Room, South Ferry Road, Narragansett, RI 02882.

The rooms are accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

For further information please contact the email or address provided above.

Authority for this rulemaking: R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

Regulatory Findings: In the development of the proposed amendment, consideration will be given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business.

Filed with Sec. of State's office on August 18, 2017

**RI Department of Environmental
Management**

Division of Marine Fisheries

PUBLIC HEARING

September 18, 2017



Hearing Item 1a: Annual review of exit/entry ratios for restricted endorsement categories (i.e, Restricted Finfish, Quahaug, and Soft-shell clam)

- ♦ Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations, sections 6.1.10 (a), (b), and (c)
- ♦ No changes are proposed:
 - ♦ Restricted Finfish: Currently 1:1
 - ♦ Quahaug: Currently 1:1
 - ♦ Soft-shell Clam: Currently 5:1



Hearing Item 1b: Proposed change to the Activity Standard (Part 2 - Commercial and Recreational Saltwater Fishing Licensing Regulations, section 6.7.11(a))

- Section 6.7.11 Demonstration and Verification of Actively Fishing and Actively Participating Standards:
- Proposal is to amend the eligibility requirement to meet the activity standard “Actively fishing”. The proposed amendment would modify the requirement that currently required that a portion of the fishing activity (i.e., 40 days of landings) must occur in **EACH** of the two preceding calendar years, to allow a portion of, or all of, the fishing activity to occur in **EITHER** of the two preceding years.
 - *The proposed amendment would still require a fishermen to hold a commercial fishing license for two years to meet the standard. Intent is to provide greater flexibility on how the activity is distributed over the two year time period.*



- Public comment period ends 4:00PM on September 25, 2017



End of Slides!



RIMFR Part 2 – Commercial and Recreational Saltwater Fishing Licensing Regulations

Public Hearing
September 18, 2017

Summary of proposed amendments

NOTE: Proposed new language is identified in the annotated regulations in **bold, red, underline**; language proposed to be deleted is marked as ~~red strikethrough~~. The proposed changes are as follows:

Hearing Item #1a: Annual review of exit/entry ratios for Restricted Finfish, Quahaug, and Soft-shell clam endorsements (section 6.1.10 (a)(b) and (c)). The purpose of this rulemaking is to solicit public comment on the rule, which is required to be considered on an annual basis, and which will determine new license opportunities for 2018 for the identified categories.

Hearing Item # 1b: Proposed amendment to “actively fishing” standard (section 6.7.11(a)). The purpose of this proposal is to amend the standard for “Actively fishing” such that fishing activity is not required to occur in each year of the two year interval, and was developed at the Industry Advisory Committee (IAC) meeting held on August 10, 2017.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
BUREAU OF NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE
DIVISION OF LAW ENFORCEMENT



RHODE ISLAND MARINE FISHERIES REGULATIONS

Part 2

**Commercial and Recreational Saltwater Fishing
Licensing Regulations**

~~April 28, 2017~~

~~Technical Revision~~

Proposed/annotated regulations

Public Hearing

September 18, 2017

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1. PURPOSE

The purpose of these regulations is to establish a process for managing marine fisheries, through the development of management plans and programs, licensing protocols, and data collection systems.

2. AUTHORITY

These Rules and Regulations are promulgated pursuant to Chapter 42-17.1, Section 20-1-4, Chapter 20-2.1, and Chapter 20-2.2, and in accordance with Chapter 42-35, of the Rhode Island General Laws of 1956, as amended.

3. APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

4. SUPERCEDED RULES AND REGULATIONS

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of the General Laws in Chapter 20-2, entitled "Licensing," Chapter 20-2.1 entitled "Commercial Fishing Licenses," and Chapter 20-3.1, entitled "Marine Fisheries Management Modernization," shall be superseded, provided that regulations promulgated by the Director or the Rhode Island Marine Fisheries Council pursuant to Chapter 20-3, entitled "Marine Fisheries Council" will remain in effect until amended or replaced. Provided, furthermore, that any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken or application was filed.

5. DEFINITIONS

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

6. GENERAL MANAGEMENT AND LICENSING REGULATIONS

6.1 Management Controls:

6.1.1 Fishery Endorsements:

(a) Fishery endorsement categories shall include:

- (i) Lobster;
- (ii) Non-Lobster Crustacean: all crustacean species, as well as horseshoe crabs, available for commercial harvest, except lobster;
- (iii) Quahaug;
- (iv) Soft-shell Clam;
- (v) Shellfish Other: all shellfish species available for commercial harvest, except quahaug and soft-shell clams;
- (vi) Restricted Finfish: scup (only from May 1 through October 31; scup shall be considered Non-Restricted January 1 through April 30, and November 1 through December 31), summer flounder, tautog, striped bass, and black sea bass;
- (vii) Non-Restricted Finfish: all species of finfish and squid available for commercial harvest except the five species specified in the restricted finfish endorsement category; and
- (viii) Whelk: all whelk species available for commercial harvest.

(b) By rule, the Department may add, eliminate, or modify fishery endorsement categories; in doing so, the Department will consider the status of each fishery, levels of participation by existing license holders, and the provisions of applicable fisheries management plans and programs.

6.1.2 Harvest and Gear Levels:

(a) The Full Harvest and Gear Level will apply to holders of Principal Effort Licenses for the fisheries for which they hold endorsements; and to holders of Multi-Purpose Licenses for all species.

(b) The Basic Harvest and Gear Level will apply to holders of Commercial Fishing Licenses for the fisheries for which they hold endorsements; and to holders of Student Shellfish and 65 and Over Shellfish Licenses.

(c) By rule, the Department shall set, and may periodically adjust, Full and Basic Harvest and Gear Levels on a fishery- or endorsement-specific basis, consistent with state and/or federally sanctioned fisheries management plans or programs.

6.1.3 Regulation of Gear

6.1.4 Times and Seasons

6.1.5 Area Closures and Restrictions

6.1.6 Quotas

6.1.7 Catch and Landings Limits

6.1.8 Limits on Entry

(a) By rule, the Department may limit entry into a fishery by license type or endorsement category, where a state and/or federally sanctioned fisheries management plan finds that fishing effort is at or exceeds sustainable levels.

(b) By rule, the Department may establish entrance/exit ratios, lotteries, waiting lists, or other allocation measures as a means for limiting entry pursuant to subsection 6.1.8(a).

(c) Any/all limits on entry for each license type and/or endorsement shall be annually prescribed herein in Rule 7.

6.1.9 Control Dates:

(a) By rule, the Department may establish control dates, which shall serve as cut-off dates for potential use in establishing eligibility criteria for future access to a fishery.

(b) Eligibility criteria may include, but are not limited to, historic participation and/or gear levels as documented by transaction records and official state or federal logbooks.

(c) The establishment of a control date is intended to promote awareness of the potential establishment of eligibility criteria for future access to a fishery and to discourage speculative shifting of effort into that fishery. To this end, the Department may give various weighted considerations to those active in the fishery before and after the control date.

(d) Establishing a control date does not commit the Department to any particular management regime or criteria for limiting future access to a fishery; however, once enacted, control dates may only be used to limit future access to a fishery in accordance with a state fisheries management plan.

(e) Control dates may only be established prospectively, unless a retroactive control date is expressly required by federal law, regulation or court decision.

(f) A control date of December 31, 2007 is established for the soft-shell clam fishery in Rhode Island.

- (f) A control date of December 31, 2007 is established for the purse seine and mid-water/pair trawl fisheries in Rhode Island.

Hearing Item 1a.
Annual review of exit/entry ratios for restricted
endorsement categories (i.e, Restricted Finfish, Quahaug,
and Soft-shell clam
(section 6.1.10 (a), (b), and (c))

(Please note that no changes are proposed but is open to comment)

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 are 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 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 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.

6.1.11 Annual Promulgation of Rules:

(a) Availability of new licenses and endorsements, harvest and gear levels, regulations affecting gear, times and seasons, area closures and restrictions, quotas and catch or landings limits, limits on entry, control dates and data reporting shall be established by rule as hereinafter described on an annual basis, no later than December 1 for the following year, provided that said regulations may run for longer periods where management conditions permit, or may be adjusted more frequently where such conditions require.

6.2 Management Plans:

6.2.1 Required:

(a) The management controls set forth in section 6.1 must be based on fishery management plans that have been adopted by the Department or by a federal agency or regional body of competent jurisdiction. Such plans may be species - or fisheries-specific or apply to whole endorsement categories.

6.2.2 Purpose and Content:

- (a) The central objectives of all fishery management plans shall be
 - (i) To prevent overfishing, while achieving on a continuous basis the maximum sustainable yield from each fishery; and
 - (ii) To restore overfished or depleted stocks to sustainable levels.
- (b) Management plans shall be responsive to, and reflective of, changing stock and fishery conditions, and thereby support an adaptive management process.
- (c) Management plans shall seek to achieve the objectives set forth in subsection (a) above by establishing management measures that may include a mix of input and output controls, such as limitations or restrictions on effort, gear, catch, areas, times, and/or seasons.
- (d) Management plans shall specifically address, and make annual determinations on, the number and availability of licenses and endorsements, and the harvest and gear levels associated therewith. Such determinations shall be made in accordance with the objectives set forth in subsection (a) above, and with due regard to: (i) the social and economic well-being of fishers and fishing-dependent communities, particularly the interests of licensed residents who wish to continue fishing commercially in a manner that is economically viable; and (ii) the interests of residents who wish to fish commercially.
- (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 Oceanic and Atmospheric Administration (NOAA) Fisheries.
- (f) Management plans shall be based on the best scientific information available.
- (g) Management plans shall consider the effectiveness of management measures in reducing by-catch, by-catch mortality, and discards.
- (h) Management plans shall complement federal and regional management plans and programs and the reciprocal arrangements with other states.
- (i) Management plans shall be consistent with the national standards for fishery conservation and management set forth in the Magnuson-Stevens Fishery Conservation and Management Act (16 USC, section 1851) and further delineated in RIGL §20-2.1-9(2)(iv).
- (j) Management plans may take into consideration other factors that the Director deems appropriate.

6.3 Emergencies:

- (a) The Director may promulgate marine fisheries management rules with less than sixty (60) days' notice to RIMFC if and to the extent necessary to comply with federal or regional requirements or to respond to sudden and/or imminent peril or unanticipated developments where delay would likely cause immediate harm to fishery resources or fishers pursuant to RIGL §42-35-3.

6.4 Annual Report:

6.4.1 Content:

(a) The Director shall prepare an annual report on the conservation and management of marine fisheries resources for the General Assembly and the citizens of the State. The report will address particularly the status of fish stocks that are considered to be overfished or were so in the preceding year, the status of fisheries management plans and programs, levels of participation by existing license holders, and the availability of new licenses and endorsements. The report will also summarize available data on the value of commercial fishing in the State, and the socio-economic status of the State's fisheries.

6.4.2 Due Date:

(a) The annual report on marine fisheries resources shall be issued no later than September 15 for the calendar year preceding.

6.5 Use of License, Landing Permit and Vessel Declaration Fees:

6.5.1 Annual Spending Plan:

(a) License and vessel declaration fees must be used by the Department in accordance with an annual spending plan adopted with the advice of RIMFC.

(b) The Department will submit its annual spending plan to RIMFC no later than September 1 for the following fiscal year.

6.5.2 Activities Eligible For Funding: License, landing permit and vessel declaration fees are to be used by the Department for the following specific purposes:

(a) Protection and propagation of marine fish, lobsters and shellfish;

(b) Enforcement of fisheries management regulations;

(c) Shellfish transplants;

(d) Enhancement of shellfish resources through other technologies including seeding;

(e) Fishing port development and construction;

(f) Staff support to and expenses incurred by RIMFC;

(g) Lease or purchase of land or conservation easements; and

(h) Technical support to and expenses incurred by the Department for purposes of managing fisheries resources generally and for the collection, processing, analysis and maintenance of data employed in support of such management.

6.5.3 Special Projects:

(a) Beginning on July 1, 2003, a minimum of two hundred thousand dollars (\$200,000) of license and vessel declaration fees shall be targeted annually to fund fishery conservation and restoration projects and/or fishery resource enhancement activities.

6.6 Data Reporting:

6.6.1 Required:

(a) The holder of any type of commercial fishing license, dealer license, or landing permit shall be deemed to have consented to providing such fishery-related information as the Department may require, including but not limited to, catch, effort, and areas fished.

(b) Applicants for commercial fishing or dealer licenses or landing permits will be provided a list of applicable reporting requirements at the time of license issuance or renewal.

(c) The Department may amend reporting requirements, no later than December 1 for the following calendar year.

(d) The license or permit of any individual who fails to report required information in a timely fashion or who files a false report shall be subject to suspension or revocation. No application for a license renewal will be accepted from a person who has failed to submit reports in a timely fashion and who has been previously notified, via certified mail, regarding the deficiency and the inability to renew if the required reports are not filed by the license application deadline.

6.6.2 Manner of Reporting:

(a) Fishers and dealers may be required to file data reports at the point of sale, and fishers may also be required to maintain logs while fishing.

(b) License holders will be informed in writing as to the form of such reports, their content, and the manner in which and frequency with which they are required to be transmitted by December 1 for the following year.

6.6-3 Collection and Use of Data:

(a) Data will be collected, managed and disseminated according to the coastwide minimum protocols of the Atlantic Coastal Cooperative Statistics Program (ACCSP).

(b) Reported data may be used for management purposes by any properly designated State or federal agency. Reported data may only be used for enforcement purposes by a properly designated state or federal agency if specifically authorized by rule.

(c) Any data that are released or reported to the public shall be aggregated so as to not identify individual fishers, vessels or dealers.

6.7 Licensing:

6.7.1 Information Required: Applicants for any license or permit issued under these regulations shall provide a notarized statement containing the following information:

- (a) Full name;
- (b) Age;
- (c) Occupation;
- (d) Residence address;
- (e) Mailing address;
- (f) Weight;
- (g) Height;
- (h) Hair color;
- (i) Eye color;
- (j) The name of any state or jurisdiction in which the applicant's commercial fishing license and/or permit is currently revoked or suspended; and
- (k) Driver's License number and state of issuance, or other state-issued photo identification card.

6.7.2 Other Requirements:

- (a) A license or permit must be signed and sworn to by the party to whom it is issued in order to be valid.
- (b) Licenses and permits are valid only for the signed holder and may not be transferred.
- (c) All fees must have been paid for a license or permit to be valid.
- (d) A lost or accidentally destroyed license or permit will be replaced for a fee of ten dollars (\$10.00), provided that the applicant submits an affidavit to the Department explaining the circumstances of the loss.
- (e) A lost or accidentally destroyed Certificate of Exemption or permit issued by the Department for harvest of commercial or recreational marine species shall also be replaced for a fee of ten dollars (\$10.00), provided that the applicant submits an affidavit to the Department explaining the circumstances of the loss, and provided that the holder notifies the Department within seven (7) days of discovery of the loss.
- (f) No application for a license renewal shall be accepted from a person whose data reports, ~~per section 6.6~~, have not been submitted.
- (g) Notice of change of address. Whenever any person holding any commercial fishing license shall move from the address named in his or her last application, that person shall, within ten (10) days subsequent to moving, notify the office of boat registration and licensing of his or her former and current address.

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 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 holders last license application or change of address form.
- (c) All applications for 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](http://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 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 February 28, 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.

6.7.4 License Renewals, Transitions and Upgrades:

(a) Applicants who possessed a valid Commercial Fishing License with Lobster (resident only), Quahaug (resident only), Soft-Shell Clam (resident only), and/or Whelk (resident only) endorsements as of the immediately preceding year may obtain a Commercial Fishing License with the same endorsement(s) for the immediately following year. Other fishery endorsements on Commercial Fishing Licenses – including Non-Lobster Crustacean (resident only), Shellfish Other (resident only), and Non-Restricted Finfish – may be renewed without restriction. Non-resident applicants must demonstrate that their state of residence complies with the reciprocity requirements set forth under Section 6.9.

(b) Applicants who possessed a valid Principal Effort License with Lobster (resident only), Quahaug (resident only), Soft-Shell Clam (resident only), Restricted Finfish, and/or Whelk (resident only) endorsements as of the immediately preceding year may obtain a Principal Effort License with the same endorsement(s) for the immediately following year. Other fishery endorsements on Principal Effort Licenses – including Non-Lobster Crustacean (resident only), Shellfish Other (resident only), and Non-Restricted Finfish – may be renewed without restriction. Non-resident applicants must demonstrate that their state of residence complies with the reciprocity requirements set forth under Section 6.9.

(c) Applicants who possessed a valid Multi-Purpose License (resident only) as of the immediately preceding year may obtain a Multi-Purpose License for the immediately following year; alternatively, applicants who possessed a valid Multi-Purpose License (resident only) as of the immediately prior year may obtain a Principal Effort License with Quahaug (resident only), Soft-Shell Clam (resident only), Shellfish Other (resident only), Lobster (resident only), Non-Lobster Crustacean (resident only), Restricted Finfish, Non-Restricted Finfish, and/or Whelk (resident only) endorsements for the immediately following year.

(d) Applicants who possessed a valid Student 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.

(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.

(f) Applicants who possessed a valid Commercial Fishing License with Quahaug (resident only) endorsement as of the immediately preceding year, and who have been actively fishing their endorsement, may obtain a Principal Effort License with the same 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.

(g) Applicants who possessed a valid Commercial Fishing or Principal Effort License with Quahog and/or Soft-Shell Clam endorsement and have actively fished said endorsement as of the immediately preceding year may obtain a Whelk endorsement for the immediately following year.

(h) Applicants who obtained a Principal Effort License with Lobster endorsement in 2008 or any year thereafter must continue to hold a Lobster Trap Allocation, ~~pursuant to section 15.14 of Part XV of the marine fisheries regulations,~~ to be eligible for renewal.

(i) Resident applicants who possessed a valid Landing Permit as of the immediately preceding year may obtain a Landing Permit for the immediately following year for any fishery, pursuant to the eligibility requirements set forth in section 6.10.

(j) Non-resident applicants who possessed a valid Landing Permit as of the immediately preceding year may obtain a Landing Permit for the immediately following year for the fishery or fisheries for which they were permitted as of the immediately preceding year, provided that in the case of Restricted Finfish, such applicants must meet the qualifications set forth in section 6.10-7. In addition, any such applicant may also obtain new Landing Permits pursuant to the eligibility requirements set forth in section 6.10.

(k) Renewal of Licenses and Landing Permits for Individuals Returning From Active Service – Anyone holding a valid license and/or landing permit at the time he or she enters active military service may have their license and/or permit renewed immediately upon returning from such service, upon presentation of written creditable documentation, such as form DD214, demonstrating the continuity of active duty service since the license or permit had previously been obtained or renewed. The license and/or permit eligible for immediate renewal shall be the same license and/or permit held at the time the individual entered active service.

(l) The provisions of this section apply only to the license year beginning on January 1, 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.

6.7.5 Issuance of New Licenses and Endorsements; Generally:

(a) The Department shall issue new licenses and endorsements in accordance with the provisions of management plans, duly adopted under the provisions of section 6.2. Said plans shall be reviewed and, if necessary, updated annually to reflect changes in (i) regional or federal management plans or programs, (ii) fish stocks and fisheries, and (iii) levels of participation by existing license holders. Said plans may or may not provide for the issuance of certain new licenses or endorsements in any given year, depending on the status and economic condition of each fishery.

(b) New licenses and endorsements shall be made available as of January 1 for that year pursuant to management plans and associated rules adopted no later than December 1 of the preceding year, subject to the provisions set forth herein, and as further delineated in Rules 7 and 8 for each license year.

(c) In cases where a limited number of new licenses or endorsements are to be issued, the Department shall give priority to applicants in the order prescribed by law and as further delineated in sections 6.7.6 and 6.7.7. All eligible applicants in each priority category will be issued licenses or endorsements before any licenses or endorsements are issued to applicants in the next lower priority category. If in any priority category there are more eligible applicants than there are licenses or endorsements available for issue, those licenses or endorsements will be issued by lottery, unless otherwise specified herein.

(d) In cases where a limited number of new licenses or endorsements are to be issued, the Department will accept applications until the application deadline set forth under 6.7.3, and then issue said licenses or endorsements to eligible applicants within fifteen (15) business days following the deadline date. To ensure fairness in these cases, no new licenses or endorsements will be issued before the application deadline date.

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 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.

(b) Second 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 any fishery sector, who have been actively fishing their license and (ii) resident crew members who have been actively participating in any fishery sector. One-half of the total number of new licenses with applicable endorsements will be made available to each of the two categories. If, in any of the categories, there are fewer eligible applicants than there are licenses/endorsements available, then the balance will be distributed to the other category. 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 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.

(c) Third priority in the issuance of new licenses with applicable endorsement(s) shall be given to any resident, aged eighteen (18) or older.

(d) Fourth priority in the issuance of new licenses with applicable (i.e., restricted finfish) endorsement shall be given to any non-resident, aged eighteen (18) or older.

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 subsection 6.7.6(c) 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 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 held 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) 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.

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 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 administrator 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.

(f) 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.

(g) 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.

(h) 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.

6.7.10 Requests for Reconsideration of License Denials:

(a) There shall be no right to request reconsideration by the commercial fishing license review board or appeal to the department of environmental management's administrative adjudication division (AAD) for the rejection of any new license applications submitted after February 28, or any license renewal applications submitted after the sixty (60) day grace period, except in the case of a documented medical hardship as defined herein.

(b) Requests for reconsideration of license application denials in cases of medical hardship must be submitted to the Board in writing c/o the Office of Boat Registration and Licensing within ten (10) days of receipt of the denial. The request for reconsideration shall state the applicant's name and current mailing address and state the specific reason why the denial is in error with reference to the considerations enumerated in subsection 6.7.10(g).

(c) The burden of proof shall be on the applicant to demonstrate to the Board that he or she meets the criteria for issuance of a license.

(d) A quorum of the Board shall review the denial, the request for reconsideration and additional evidence or testimony under oath or affirmation, if determined to be necessary by the Board.

(e) The Board shall render a written recommendation to the Office of Boat Registration and Licensing within thirty (30) days of the receipt of the request for reconsideration. The recommendation shall include the specific grounds for its decision and the vote of the Board. A copy of the recommendation will be mailed first class, postage prepaid, to the applicant.

(f) If a written recommendation is not rendered within thirty (30) days as set forth above, the preliminary decision of the Office of Boat Registration and Licensing shall become final and subject to appeal pursuant to Subsection 6.7.10(i).

(g) In reaching its recommendation the Board shall consider:

(i) The impact that issuance of the license will have on the fisheries management program overall;

(ii) Equity with other license holders;

(iii) Consistency with prior agency decisions;

(iv) Consistency with management plans;

(v) Unreasonable hardship to the applicant; and consistency with the provisions and purposes of RIGL Chapter 20-2.1 and the rules and regulations set forth herein;

(vi) Within ten (10) days of receipt of the recommendation of the Board, the Office of Boat Registration and Licensing shall issue a written decision affirming, denying or modifying the recommendation of the Board and shall state the rationale therefore. A copy of the decision will be mailed first class, postage prepaid, to the applicant;

(vii) The applicant may appeal the decision of the Office of Boat Registration and Licensing to the Administrative Adjudication Division for Environmental Matters pursuant to RIGL §42-17.7-1 et seq. and the procedures set forth in the Administrative Rules of Practice and Procedure of the Administrative Adjudication Division for Environmental Matters;

(viii) The written decisions of the Board and of the Office of Boat Registration and Licensing shall be provided and made part of the administrative record upon appeal to the Administrative Adjudication Division for Environmental Matters.

Hearing Item 1b. **Proposed change to the Activity Standard** **(section 6.7.11(a))**

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 40 days in the preceding 2 calendar years, pursuant to a valid RI license. ~~Such fishing activity must have spanned the 2 calendar years, meaning that some activity occurred in each of the 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 40 days in the preceding 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.

(d) Affidavits submitted in accordance with subsection (c) above must be on forms provided by the department and must be notarized.

(e) Affidavits submitted in accordance with subsection (c) above must reflect activity conducted upon a vessel that was commercially declared, ~~in accordance with section 6.8-8,~~ during the period of activity.

(f) 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. Such documentation shall include properly recorded and submitted logbooks, as well as some or all of the following: receipts pertaining to the sales of lobsters and/or crabs to consumers; income tax returns; trap tag orders; and receipts pertaining to purchases of fuel, bait, and other supplies. The Division of Fish and Wildlife shall determine whether the documentation submitted by the license holder substantiates the landings and associated fishing activity claimed by the license holder.

(g) Any applicant seeking status in accordance with this section who submits inadequate or improper documentation, such as insufficient number or type of transaction records, invalid transaction records, Vessel Trip Reports, or affidavits that have not been notarized, will not be considered. Any fraudulent submittals will be referred to the Department's Office of Law Enforcement for further investigation and possible enforcement action. Fraud on the part of any existing license holder, including a captain who signs an affidavit in support of a claim of crew member status that turns out to be false or inaccurate, may result in the suspension or revocation of the license held by the existing license holder.

(h) Transaction records established in SAFIS which are recorded on an applicant's 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.

6.8 Licenses, Endorsements and Vessel Declarations; Resident:

6.8.1 Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a Rhode Island resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors at levels established pursuant to Rule 8:

(a) Non-Lobster Crustacean;

- (b) Lobster;
- (c) Quahaug;
- (d) Soft-shell clam;
- (e) Shellfish Other;
- (f) Non-Restricted Finfish;
- (g) Restricted Finfish;
- (h) Whelk

6.8.2 Commercial Fishing License:

(a) Applicants must provide proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50), plus twenty-five dollars (\$25) per fishery endorsement.

(b) The holder of a Commercial Fishing License may participate in any fishery sector for which he/she holds an endorsement at Basic Harvest and Gear Levels set by the Department pursuant to Rule 8.

6.8.3 Principal Effort License:

(a) Eligible applicants must present proof of Rhode Island residency and pay an annual fee of one hundred and fifty dollars (\$150) which entitles them to fish in a single fishery endorsement category.

(b) The holder of a Principal Effort License may participate in any fishery sector for which he/she holds a fishery endorsement at Full Harvest and Gear Levels as set by the Department pursuant to Rule 8.

(c) The holder of a Principal Effort License may also obtain a Commercial Fishing License with applicable endorsements to fish other sectors at Basic Harvest and Gear Levels, and/or obtain additional fishery endorsements on his or her Principal Effort License to fish other sectors at Full Harvest and Gear Levels, if such endorsements are available for any given license year; provided that a license holder may not hold both a Principal Effort and Commercial Fishing License in the same fishery sector. The annual fee for additional fishery endorsements on Principal Effort Licenses is seventy-five dollars (\$75) each.

(d) The holder of a Commercial Fishing License or 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), dockside sales (6.8-9), logbook (6.8-11) endorsements on their Commercial Fishing License or Principal Effort License.

6.8.4 Multi-Purpose License:

(a) Eligible applicants must present proof of Rhode Island residency and pay an annual fee of three hundred dollars (\$300).

(b) The holder of a Multi-Purpose License may participate in all fishery endorsement sectors at Full Harvest and Gear Levels as set by the Department pursuant to Rule 8.

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 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.

6.8.5 65 and Over Shellfish License:

(a) Applicants must present proof of Rhode Island residency.

(b) There is no fee.

(c) Applicants must be at least sixty-five (65) years old as of February 28 of the license year.

(d) The holder of a 65 and Over 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 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.

6.8.7 Gear Endorsements:

(a) Gear endorsement categories shall include Fish Trap, Gill Net, Purse Seine, and Mid Water/Pair Trawl.

(b) The Fish Trap gear endorsement shall allow the license holder to set one or more fish traps in accordance with all applicable requirements of RIGL Chapter 20-5. The annual fee shall be twenty dollars (\$20) per trap location for a three year period. Applicants who possessed a valid Fish Trap gear endorsement as of the immediately preceding year may obtain a Fish Trap endorsement for the immediately following year, subject to the same terms and conditions in effect as the immediately preceding year. New fish trap endorsement opportunities shall be established by rule, pursuant to applicable management plans.

(c) The Gill Net gear endorsement shall allow the license holder to set a gill net in accordance with all applicable regulations. The annual fee shall be twenty dollars (\$20). Applicants who possessed a Gill Net gear endorsement as of the immediately preceding year may obtain a Gill Net endorsement for the immediately following year. New gill net endorsement opportunities shall be established by rule, pursuant to applicable management plans.

(d) The Purse Seine and Mid Water/Pair Trawl gear endorsements shall allow the license holder to set these gear types in accordance with all applicable regulations. The holders of Purse Seine and/or Mid Water/Pair Trawl gear endorsements must consent to carry an observer on the vessel and/or on any spotter plane used as part of the operation, per the request of the Division of Fish and Wildlife; must report any/all landings of menhaden on a daily basis to the Division of Fish and Wildlife; must report beginning, location, and cessation of

fishing activities on a daily basis to the Division of Enforcement; and must obtain and have on board charts showing the known locations of fixed-gear clusters, as provided by the Division of Fish and Wildlife. The annual fee for each endorsement shall be twenty dollars (\$20). New Purse Seine or Mid Water/Pair Trawl endorsement opportunities shall be established by rule, pursuant to applicable management plans.

(e) By rule, the Department may add, eliminate, or modify gear endorsement categories; in so doing, the Department will consider the status of each fishery, levels of participation by existing license holders, the impact of the gear type on fishing mortality, and the provisions of applicable fisheries management plans and programs.

6.8.8 Vessel Declaration:

(a) Every vessel employed in the commercial fishery must be declared with the Department at the time the owner/operator of such a vessel first applies for or subsequently renews his/her fishing license; or if a license has already been issued, prior to that vessel being used for commercial fishing.

(b) Each such vessel must be individually and separately declared, on an annual basis, and the required fee paid.

(c) The vessel declaration will include the name of the vessel and its owner, its length and horsepower, displacement, registration and/or federal permit number, gear type(s), principal fishery(s), and number of crew.

(d) The annual fee for a vessel declaration is twenty-five dollars (\$25) per vessel for vessels up to and including twenty-five (25) feet in length, plus fifty cents (50¢) per linear foot for each whole foot over twenty-five (25) feet.

(e) A declared vessel will be issued decals, which must be prominently displayed on the port and starboard bow, or on the port and starboard sides of the console cabin or wheelhouse, or elsewhere on the port and starboard sides of the vessel such that they are readily viewable. The displayed decals must be updated annually.

(f) Declared vessels that are less than twenty-five (25) feet long may obtain a vessel declaration plate upon payment of an additional annual fee of fifteen dollars (\$15). The vessel declaration of the declared vessel may be temporarily transferred to another vessel less than twenty-five (25) feet long by affixing the aforementioned plate to that vessel. For purposes of this section, "temporary" shall mean not more than sixty (60) days, with one sixty (60) day extension in any given year by permission of the Department.

6.8.9 Dockside Sales Endorsement:

(a) The endorsement shall enable the holder to sell live lobsters and crabs directly to consumers at dockside. Only live lobsters and crabs may be sold under the endorsement. Sales of shellfish and finfish to anyone other than licensed dealers are prohibited.

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

(e) Individuals selling lobsters and crabs under the dockside sales endorsement must at all times possess, and display upon request, a current and proper license or landing permit, as set forth above; and said license or permit must include a dockside sales endorsement.

(f) Only the licensee/permittee, or a regularly employed crew member of the licensee/permittee, may sell lobsters and crabs at dockside under the dockside sales endorsement. To be eligible to conduct such sales, a crew member must first receive written authorization from the licensee/permittee. Such authorization shall be in the form of a type-written statement, signed and dated by the licensee/permittee that expressly authorizes the crew member to act on behalf of the licensee/permittee with regard to dockside sales. The statement shall further specify: the name of the crew member, the name of the vessel from which the sales are conducted, and the month and year that the crew member began working on the vessel. The statement shall be kept on the vessel and be available at all times for inspection by department personnel. A crew member who is acting on behalf of a licensee/permittee in accordance with this subsection must comply with all applicable regulations governing dockside sales, as set forth herein, and the licensee/permittee shall be responsible for any violations of regulations by the crew member.

(g) Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal and State laws and regulations governing harvest and possession relating to the species being sold.

(h) Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal, State, and local laws and regulations governing retail sales operations, including but not necessarily limited to those governing taxation, signage, noise, and hours of operation.

(i) 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.

(j) Sales at dockside may only be to the final consumer – i.e. the individual(s) who will be consuming the product -- and no resale of, or commercial transaction involving, the product beyond the final consumer is allowed.

(k) Licensees shall include, on all landing reports and other data submitted to the National Marine Fisheries Service and/or the department, the lobsters and crabs offered for sale at dockside to the general public.

(l) The annual fee for the dockside sales endorsement shall be twenty-five dollars (\$25.00).

(m) The dockside sales 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 and landing permits issued by the department.

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

6.8.10 Research Set Aside (RSA) Endorsement:

- (a) The RSA endorsement shall enable the holder to land marine species, for sale, in Rhode Island, in accordance with RSA quota obtained from the National Marine Fisheries Service.
- (b) The endorsement shall be automatically available to anyone who obtains an Exempted Fishing Permit from the department, allowing for the harvest and/or landing of RSA quota in Rhode Island.
- (c) Both the endorsement and the permit must be obtained prior to the landing of any RSA quota for state quota monitored species in Rhode Island.
- (d) Upon presentation of an approved and valid Exempted Fishing Permit from the Department, an RSA endorsement will be issued.
- (e) The annual fee for the issuance of an RSA endorsement for state quota monitored species shall be twenty-five dollars (\$25).
- (f) The RSA 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, and Exempted Fishing Permits, issued by the Department.

6.8.11 Paper Catch and Effort Harvester and Dockside Sales Logbooks Endorsement:

- (a) The logbook endorsement shall enable the holder to obtain a paper harvester catch and effort logbook, 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 or a principle effort license with restricted or non-restricted finfish, lobster or non-lobster crustacean, horseshoe crab – biomedical, horseshoe crab - bait or whelk endorsements.
- (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) 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) 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 have the logbook endorsement.
- (f) All trips via electronic or paper recording, are required to be filled out 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) The annual fee for the issuance of a logbook endorsement shall be twenty-five dollars (\$25).
- (h) The logbook endorsement is subject to the application deadline provisions as set forth in Rule 6.7.3.

6.9 Licenses, Endorsements and Vessel Declarations; Non-Resident:

6.9.1 Non-Resident Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a non-resident pursuant to these regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors at levels established pursuant to Rule 8:

- (a) Non-Restricted Finfish;
- (b) Restricted Finfish.

6.9.2 Non-Resident Commercial Fishing License:

(a) Applicants must be at least eighteen (18) years old.

(b) The holder of a Non-Resident Commercial Fishing License may participate in either or both fishery sectors for which he/she holds an endorsement, provided that his/her state of residence does not prohibit commercial licensing opportunities for Rhode Island residents in finfish fisheries for which licensing opportunities are available for residents of that state.

(c) The Marine Fisheries section of the Department of Environmental Management, Division of Fish and Wildlife shall annually review the regulations of the states of Massachusetts, Connecticut, and New York to determine whether those states provide Rhode Island residents the privileges referenced in subsection (b) above. For applicants from any other state, it shall be the applicant's burden to prove that his/her state of residence provides Rhode Island residents the privileges referenced in subsection (b) above through a certified copy of the relevant regulation. This copy is to be forwarded to the Marine Fisheries section of the Department of Environmental Management, Division of Fish and Wildlife for review and approval a minimum of two weeks before a license may be issued.

(d) The annual fee for a Non-Resident Commercial Fishing License shall be one hundred and fifty dollars (\$150) plus fifty dollars (\$50) per endorsement.

6.9.3 Non-Resident Principal Effort License:

(a) Eligible applicants must demonstrate that their state of residence complies with section 6.9.2(b) regarding treatment of Rhode Island residents.

(b) The holder of a Non-Resident Principal Effort License may harvest, land and sell any species of fish for which he/she holds the appropriate endorsement(s) -- Restricted and/or Non-Restricted Finfish -- at Full Harvest and Gear Levels established pursuant to Rule 8.

(c) The annual fee for a Non-Resident Principal Effort License shall be four hundred dollars (\$400), plus one hundred dollars (\$100) per endorsement.

6.9.4 Non-Resident Vessel Declaration:

(a) Applicants must comply with the requirements of subsection 6.8.8, provided that temporary transfers of vessel declarations between vessels less than twenty-five (25) feet in length via vessel declaration plates are not permitted.

(b) The fee for a Non-Resident Vessel Declaration shall be fifty dollars (\$50), plus one dollar and fifty cents (\$1.50) for each whole foot over twenty-five (25) feet in length overall.

6.10 Landing Permits:

6.10.1 General Requirements:

(a) A Landing Permit or a valid Rhode Island Resident or Non-Resident Licenses with the appropriate fishery endorsements, but not both a permit and license, is required to off-load any seafood product 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 offloaded for sale or intended sale.

(b) If the operator of a vessel carrying seafood products notifies the Department's Division of Law Enforcement at least four hours before entering Rhode Island waters that he/she intends to dock in a Rhode Island port for specified purposes other than landing, selling, or offering that seafood for sale, and if permission to do so is first obtained from the Division of Law Enforcement, no landing permit or Rhode Island license is required.

(c) The Department will issue a Landing Permit upon proof that an applicant holds a valid federal or non-Rhode Island state license or permit(s) to harvest a given species or group of similar species, provided that the Landing Permit so issued will only allow the landing of those species authorized by said federal or state permit.

(d) A Landing Permit is issued to an individual and not a vessel, although the vessel(s), which will generate the landings, must be identified. The landing permit may not be transferred and does not attach to a vessel when it is sold.

(e) The individual in charge of a vessel subject to this section must be in possession of a Landing Permit issued to that individual in order for that vessel to legally enter Rhode Island waters.

(f) Landing permits are not subject to the application deadline provisions set forth under section 6.7.3.

6.10.2 Resident Landing Permit:

(a) The holder of a Resident Landing Permit may land, sell, or offer for sale any marine fishery species or product, in accordance with all applicable rules and regulations governing those species.

(b) The annual fee for a Resident Landing Permit is two hundred dollars (\$200).

(c) This landing permit category consolidates the following permit types under one streamlined permit:

- (i) Resident Finfish Landing Permit;
- (ii) Resident Crustacean Landing Permit;
- (iii) Resident Shellfish Landing Permit;
- (iv) Resident Miscellaneous Landing Permit;
- (v) Resident Multipurpose Landing Permit

6.10.3 Non-Resident Landing Permit with Restricted Finfish:

(a) The holder of a Non-Resident Landing Permit with Restricted Finfish may land, sell, or offer for sale any marine fishery species or product including restricted finfish species, in accordance with all applicable rules and regulations governing those species.

(b) The annual fee for Non-Resident Landing Permit with Restricted Finfish is four hundred dollars (\$400).

(c) New Non-Resident Landing Permit with Restricted Finfish will only be issued if the landing is charged to the quota of the state in which the vessel making the landing is registered or

documented; or, if the state where the vessel making the landing is registered or documented allows Rhode Island residents to land against its quota for that species; or, if the Department pursuant to a duly adopted fisheries management plan determines there to be excess harvesting capacity in the Rhode Island commercial quota for that species.

(d) Renewal of Non-Resident Landing Permit with Restricted Finfish are considered to be new permits subject to the provisions of subsection 6.10.7(c) unless the applicant can show evidence of Rhode Island landings of more than one thousand pounds of that species per year in four of the five years preceding the application. Having made that demonstration, a holder of a Non-Resident Landing Permit with Restricted Finfish who held that permit as of the immediately preceding year may renew it for the immediately following year as set forth herein.

(e) If a non-resident vessel is upgraded by twenty percent (20%) or more in length, displacement or horsepower, renewal of a Non-Resident Landing Permit with Restricted Finfish will be considered a new permit application, issuance of which is subject to the requirements of subsection 6.10.7(c).

(f) This landing permit category consolidates the following permit types under one streamlined permit:

(i) Non-Resident Restricted Finfish Landing Permit

6.10.4 Non-Resident Landing Permit:

(a) The holder of a Non-Resident Landing Permit may land, sell, or offer for sale any marine fishery species or product, except restricted finfish, in accordance with all applicable rules and regulations governing those species and products.

(b) The annual fee for a Non-Resident Landing Permit is four hundred dollars (\$400).

(c) This landing permit category consolidates the following permit types under one streamlined permit:

- (i) Non-resident Finfish Landing Permit;
- (ii) Non-resident Crustacean Landing Permit;
- (iii) Non-resident Shellfish Landing Permit;
- (iv) Non-resident Miscellaneous Landing Permit;
- (v) Non-resident Multipurpose Landing Permit.

6.11 Dealer's Licenses:

6.11.1 General Requirements:

(a) No person, partnership, firm, association, or corporation shall sell, purchase, barter or trade in any marine fisheries species unless having first obtained a dealer's license as provided for in this section for the applicable fishery; or unless the activity is exempt from licensing requirements as set forth in subsection (b) below.

(b) Any person, partnership, firm, association, or corporation engaged solely in the business of selling seafood to consumers, either directly or through restaurants or other retail outlets, and/or engaged solely in the processing or preparation of seafood for sale directly to consumers, is not required to be licensed under these regulations, provided that such person, partnership, firm, association, or corporation purchases or otherwise acquires said seafood from licensed dealers.

(c) Applicants for a dealer's license shall complete such forms containing such information as the Department may require.

(d) Applicants for a dealer's license must demonstrate that they or their registered agent maintain a fixed place of business in the State of Rhode Island at which transaction records will be maintained and made available for inspection during normal business hours.

(e) Each license is valid for the calendar year in which it is issued upon payment of the required fee.

(f) A duly licensed dealer may transport any marine species otherwise subject to the requirement that a person transporting such species carry a Rhode Island commercial fishing license, so long as that dealer can demonstrate by a bill of lading that the fish in question had been sold by a duly licensed person.

6.11.2 Multi-Purpose Dealer's License:

(a) The holder of a Multi-Purpose Dealer's License may buy and sell all wild marine fisheries species that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed multi-purpose dealers may also buy and sell cultured marine fisheries species in accordance with applicable rules and regulations.

(b) The annual fee is three hundred dollars (\$300).

6.11.3 Finfish Dealer's License:

(a) The holder of a Finfish Dealer's License may buy and sell all wild finfish species that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed finfish dealers may also buy and sell cultured finfish species in accordance with applicable rules and regulations.

(b) The annual fee is two hundred dollars (\$200).

6.11.4 Shellfish Dealer's License:

(a) The holder of a Shellfish Dealer's License may buy and sell all wild shellfish species that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed shellfish dealers may also buy and sell cultured shellfish species in accordance with applicable rules and regulations.

(b) The annual fee is two hundred dollars (\$200).

6.11.5 Lobster Dealer's License:

(a) The holder of a Lobster Dealer's License may buy and sell all wild crustacean species, including lobster, that may legally be landed in Rhode Island, but only in the amounts specified by rule. Licensed lobster dealers may also sell cultured crustacean species in accordance with applicable rules and regulations.

(b) The annual fee is two hundred dollars (\$200).

6.12 Penalties:

6.12.1 Violations:

(a) Violations of these regulations may subject the violator to the revocation or suspension of any license, endorsement or permit issued pursuant thereto.

(b) Revocations or suspensions may be appealed to the Administrative Adjudication Division.

6.12.2 False Statements:

(a) Any person who willfully misrepresents any fact or facts required to be provided in support of any license, endorsement, or permit application provided for herein, or who is party to such willful misrepresentation, shall be punished by a fine of not more than fifty dollars (\$50).

(b) Any license, endorsement, or permit obtained as a result of such false statements or misrepresentations shall be null and void and shall be surrendered to the Department forthwith.

(c) No new license, endorsement, or permit may be issued to any violator of this section for a period of one (1) year from the date that penalties are imposed.

6.12.3 Alterations, Forgeries and Counterfeits:

(a) Any person who falsely makes, alters, forges, or counterfeits, or who causes to be falsely made, altered, forged or counterfeited, a license, endorsement, or permit issued pursuant to these regulations, or who shall have in his or her possession such a license, endorsement, or permit, knowing it to be false, altered, forged or counterfeit is guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) and imprisonment for not more than ninety (90) days, or both.

(b) No new license endorsement or permit may be issued to any violator of this section for a period of one (1) year from the date that penalties are imposed.

6.12.4 Failure to Possess, Present or Display a Proper License, Permit or Vessel Declaration:

(a) Any person who fails to possess a valid, properly endorsed license, permit, or vessel declaration while engaged in commercial fishing, or fails or refuses to present or display said license, permit or endorsement upon request by individuals authorized by the Director, shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) and imprisonment for not more than ninety (90) days, or both. Any such person may also be subject to the seizure and forfeiture provisions under RIGL §§20-1-8 and 20-1-8.1.

(b) Expiration. Unless otherwise specified in this title, all licenses issued under this chapter shall be annual and shall expire on December 31 of each year. It shall be unlawful for any person to fish commercially in Rhode Island waters on an expired license application. The grace period set forth in Subsection 6.7-3(e) shall not extend the validity of any expired license.

7. AVAILABILITY OF NEW LICENSES AND ENDORSEMENTS ANNUALLY

7.1 Multi-Purpose Licenses: New Multi-Purpose Licenses shall be only available 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 endorsement will be available annually 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.

(b) Additional new Principal Effort Licenses shall only be available 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 be available annually 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.

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 made available 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 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: New Whelk endorsements shall only be available annually pursuant to subsection 6.7.4(fg).

8. HARVEST AND GEAR LEVELS

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 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 RIMFR "Part 6 – Lobster, Crabs, and Other Crustaceans"~~.

8.2 Basic Gear and Harvest Levels: The Basic Harvest and Gear Levels, applicable to all holders of Commercial Fishing Licenses for the fisheries for which they hold endorsements, and to all holders of Student Shellfish and 65 and Over Shellfish Licenses, shall be as follows:

8.2.1 Lobster: The same restrictions associated with the Full Harvest and Gear Level for Lobster.

8.2.2 Non-Lobster Crustacean: The same restrictions associated with the Full Harvest and Gear Level for Non-Lobster Crustacean.

8.2.3 Quahaug: A 3-bushel per day statewide limit, including all management areas, in addition to all other restrictions associated with the Full Harvest and Gear Level for Quahaug.

8.2.4 Soft-shell Clam: The same restrictions associated with the Full Harvest and Gear Level for Soft-shell Clam.

8.2.5 Shellfish Other: The same restrictions associated with the Full Harvest and Gear Level for Shellfish Other.

8.2.6 Non-Restricted Finfish: The same restrictions associated with the Full Harvest and Gear Level for Non-Restricted Finfish.

8.2.7 Whelk: The same restrictions associated with the Full Harvest and Gear level for Whelk.

9. RECREATIONAL SALTWATER FISHING LICENSES

9.1 General Provisions:

(a) It shall be unlawful for any person to fish or spearfish recreationally for finfish or squid in the marine waters of Rhode Island without a valid and current recreational saltwater fishing license.

(b) For the purpose of this section, an individual will be considered to be fishing or spearfishing recreationally if they are engaged in the process of angling via the use of any type of hook and line, or spearfishing via the use of any type of spear or powerhead, or if they possess equipment used for angling or spearfishing and are in possession of finfish or squid.

(c) A valid and current recreational saltwater fishing license may include: a RI recreational saltwater fishing license, a recreational saltwater fishing license from a reciprocal state, or a national saltwater angler registration.

(d) Reciprocal states are listed at saltwater.ri.gov.

(e) Anglers and spearfishers must be in possession of, or within close proximity to, their license at all times while engaged in angling or spearfishing. The term close proximity shall be construed to mean aboard a vessel, on which or from which an individual is angling or spearfishing; or, for shore-based anglers, or spearfishers, within a nearby car or other location that is within walking distance from the point of exit from the water.

(f) Anglers and spearfishers shall present a valid and current recreational saltwater fishing license for inspection upon demand by an authorized law enforcement officer.

(g) Failure to meet the terms of this section shall be deemed a violation, subject to the penalties set forth under RIGL section 20-2.2-8.

9.2 Exemptions:

(a) No license is required for: anglers or spearfishers who are under 16 years of age; anglers or spearfishers on party or charter boats that are licensed in accordance with RIGL section 20-2-27.1; licensed party or charter boat operators when fishing in party/charter mode; anglers or spearfishers who are on leave from active military duty; anglers or spearfishers who are blind or permanently disabled; anglers or spearfishers who hold federal Highly Migratory Species Angling Permits, issued under their name of the angler or spearfisher; anglers or spearfishers who are fishing or

spearfishing during a free-fishing day, designated by the director; or anyone who is fishing commercially in accordance with a current and valid commercial fishing license.

(b) Where appropriate, anglers or spearfishers who are exempt shall carry applicable proof, and present such proof, along with a photo ID, upon demand by an authorized law enforcement officer.

10. VESSEL-BASED REGULATIONS

10.1 Vessels Fishing Recreationally:

(a) Any vessel – including a commercially declared and/or licensed party/charter vessel – may fish in recreational mode, in accordance with all applicable recreational regulations.

(b) With regard to all species that are not subject to per-vessel restrictions, compliance with possession limits while fishing in recreational mode shall be determined by dividing the total number of fish aboard the vessel by the total number of licensed or exempt recreational fishers or spearfishers aboard the vessel.

(c) If a vessel makes more than one trip in recreational mode per day, the catches attributable to the same licensed or exempt fishers or spearfishers who go out again are cumulative.

10.2 Party/Charter Vessels:

(a) Only party/charter vessels licensed in accordance with RIGL section 20-2-27.1 may fish in party/charter mode.

(b) A vessel is fishing in party/charter mode whenever the vessel is carrying one or more passengers for hire for the purpose of engaging in recreational fishing or spearfishing.

(c) Vessels fishing in party/charter mode must adhere to all applicable recreational, or party/charter, regulations.

(d) With regard to all species that are not subject to per-vessel restrictions, compliance with possession limits while fishing in party/charter mode shall be determined by dividing the total number of fish aboard the vessel by the total number of recreational fishers or spearfishers aboard the vessel.

(e) If a vessel makes more than one trip in party/charter mode per day, the catches attributable to the captain and mate are cumulative.

10.3 Vessels Fishing Commercially:

(a) Only vessels that are commercially declared, ~~pursuant to section 6.8-8 herein,~~ may fish in commercial mode.

(b) A vessel is fishing in commercial mode whenever the vessel is engaged in the process of taking, harvesting, holding, transporting, loading or off-loading marine species for sale or intended sale.

(c) Vessels fishing in commercial mode must adhere to all applicable commercial regulations.

(d) Vessels making more than one commercial trip per calendar day are bound by all applicable per-vessel, per-day possession limits.

(e) Vessels making more than one commercial trip per calendar day must have onboard a RI catch and effort logbook or a federal VTR, and the logbooks or VTRs must be completed prior to the

initiation of the second commercial or recreational fishing trip on the same day. An exemption from carrying the RI catch and effort logbook shall be granted for vessels which are operated by licensed captains who are enrolled and currently active participants in the eTrips electronic reporting program. The eTrips report of the first commercial or recreational fishing trip must be entered prior to the initiation of the second commercial or recreational fishing trip on the same day.

(f) A commercially declared vessel, fishing in commercial mode, may not possess or land more than the per-vessel limit; however, a portion of the catch may be retained for (non-commercial) personal use, provided that the amount of fish retained for personal use must be recorded in the licensee's commercial logbook.

(g) Any vessel fishing commercially, including any vessel fishing commercially using rod and reel, may utilize, without restriction, any number of unlicensed crew members to assist with any commercial operations.

(h) For all commercial fisheries except shellfish, any number of unlicensed crews may assist in direct commercial harvest operations regardless of the manner, method or contrivance employed, as long as said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher. With respect to commercial shellfish operations, unlicensed crews may only assist with culling activities and other indirect harvest operations, while said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher.

10.4 Vessels Fishing in More Than One Mode:

(a) On a per-trip basis, a vessel may only fish in recreational mode, or party/charter mode, or commercial mode. No vessel may fish in more than one mode during the same trip.

(b) A vessel that is commercially declared, pursuant to section 6.8-8 herein, may fish in commercial mode during one portion of a calendar day and fish in recreational or party/charter mode during a separate trip on the same day, subject to separate and non-overlapping commercial and recreational, or party/charter, regulations. A vessel that fishes first commercially must complete their logbook prior to the initiation of the second trip.

(c) Upon boarding or inspection, the captain or operator of a commercially declared vessel must disclose whether the vessel is operating in commercial mode or party/charter mode or recreational mode.

11. SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

12. EFFECTIVE DATE

The foregoing rules and regulations "Rhode Island Marine Fisheries Regulations - Commercial and Recreational Saltwater Fishing Licensing Regulations", after due notice, are hereby adopted and filed with the Secretary of State in accordance with the provisions of Chapters 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4, 20-2.1-1 through 20-2.1-13, 20-5-1 through 20-5-21, 20-10, 42-35, 42-17.1, 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Janet L. Coit, Director
Department of Environmental Management

Notice Given: N/A 08/18/2017
Public Hearing: N/A 09/18/2017
Filing date: 04/28/2017
Effective date: 01/01/2017
ERLID: ~~8594~~



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Panel Chair:
Jeff Grant

Scientific Advisor:
Dale Leavitt

DFW Staff:
Conor McManus

Advisory Panel Members:

Aquaculture:
Primary: Jeff Gardner
Alternate: Bob Rheault

Commercial Bullrake:
Primary: David Ghigliotty
Alternate: open
Primary: Mike McGiveney
Alternate: Bruce Eastman
Primary: Robert Bercaw
Alternate: James Logiodice
Primary: Gerald Schey
Alternate: open
Primary: Owen Kelly
Alternate: Martin McGiveney
Primary: Donald Goebel
Alternate: Michael Bradshaw
Primary: William Cote
Alternate: John Nolan

Tong:
Primary: open
Alternate: open

Diver:
Primary: Bill Blank
Alternate: Russell Blank

East Bay:
Primary: Katie Eagan
Alternate: open

Dealer:
Primary: Bob Smith
Alternate: open

Recreational:
Roger Tellier
Richard Pastore

Meeting Notice

Shellfish Advisory Panel

July 26, 2017, 4:30PM

URI Bay Campus, Corless Auditorium
215 S Ferry Road, Narragansett, RI 02882

AGENDA

1. Review of Aquaculture Applications sent to Public Notice
 - a. 2017-05-006, Troiano, Upper Narragansett Bay (Conditional A)
 - b. 2017-01-007, Roebuck, Pt. Judith Pond
2. Future Aquaculture Management in Conditional Areas
3. Preliminary Discussions on Shellfish Management in the Providence River Shellfish Management Area
4. Discussions on Winter Harvest Schedule for Greenwich Bay Shellfish Management Areas.

All RIMFC Species Advisory Panel meetings are open to the public.

Aquaculture applications can be found at
<http://www.crmc.ri.gov/applicationnotices.html>

For more information please contact Conor McManus @ conor.mcmanus@dem.ri.gov
or (401) 423-1941.

Shellfish Advisory Panel
July 26, 2017, 4:30PM
URI Bay Campus, Corless Auditorium
215 S Ferry Road, Narragansett, RI 02882

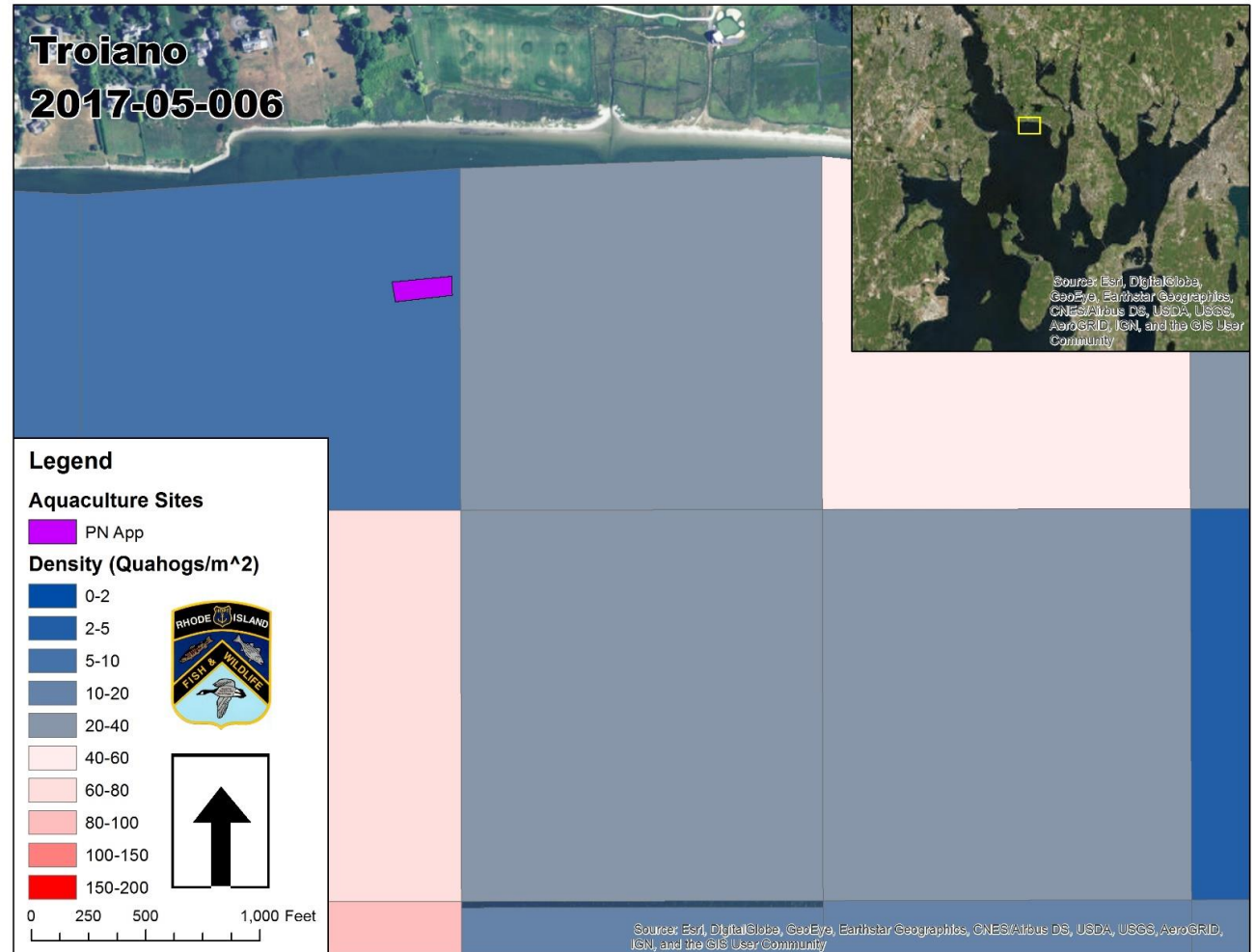
AGENDA

1. Review of Aquaculture Applications sent to Public Notice
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 - b. 2017-01-007, Roebuck, Pt. Judith Pond
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1. Aquaculture Leases

2017-05-006, Troiano - Upper Narragansett Bay

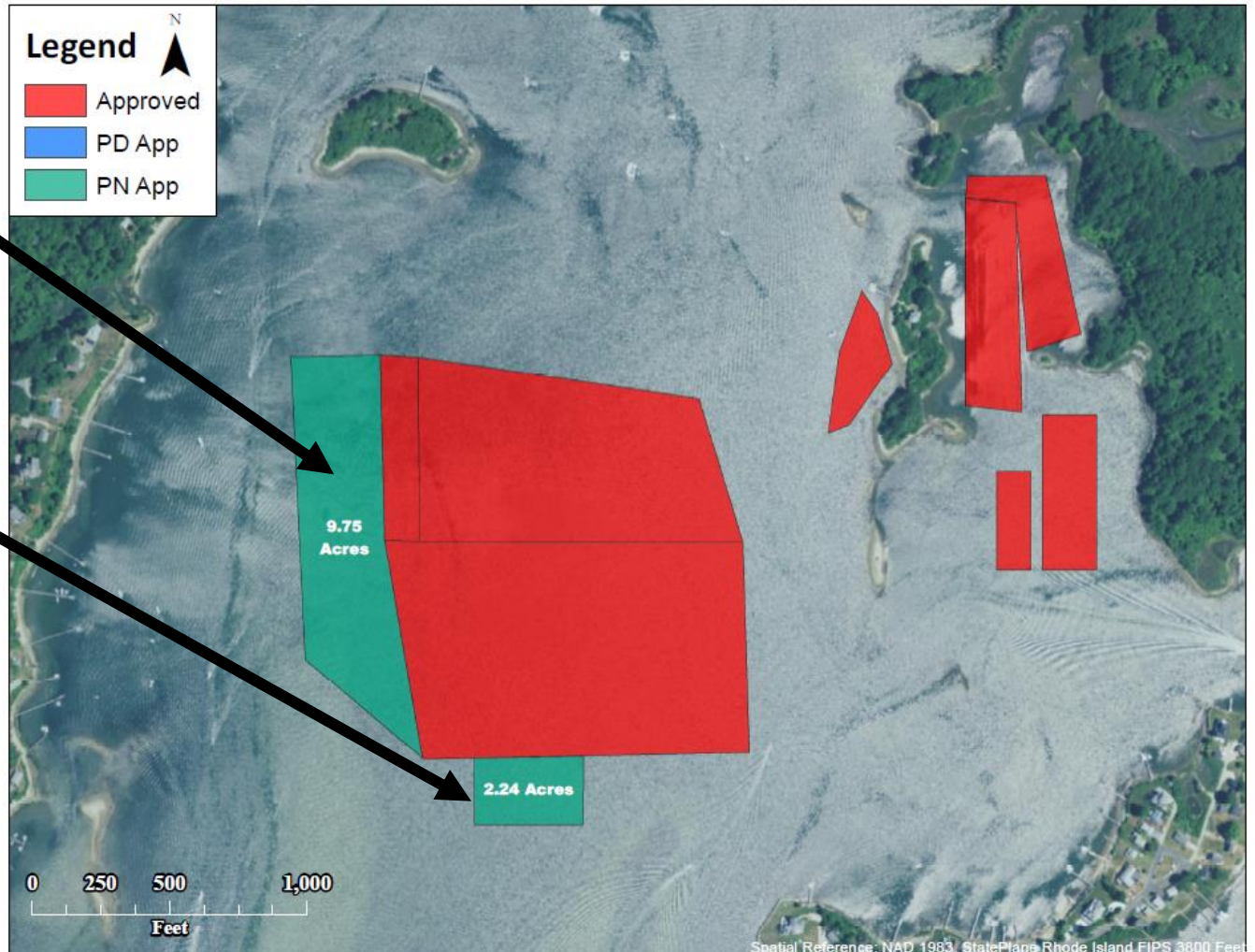
- 0.5 acre lease for oysters
- In Conditional Area A
- Submerged longline system



1. Aquaculture Leases

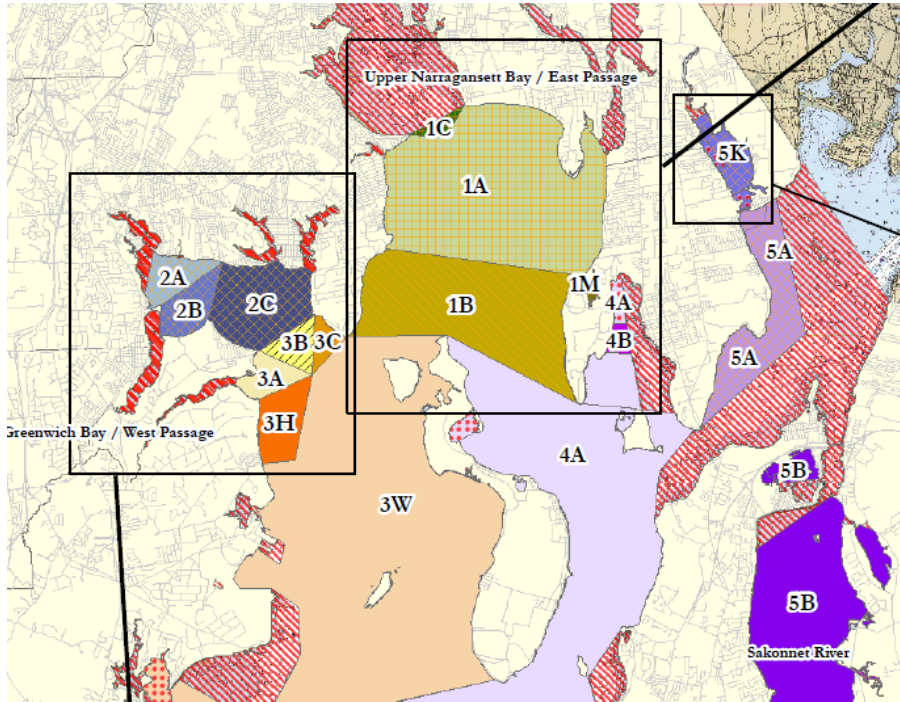
2017-01-007, Roebuck - Pt. Judith Pond

- 9.75 acre lease for bottom plant oysters
- 2.24 acre lease for bottom cages
- Species: oysters, soft-shell clams, hard clams, bay scallops, and mussels

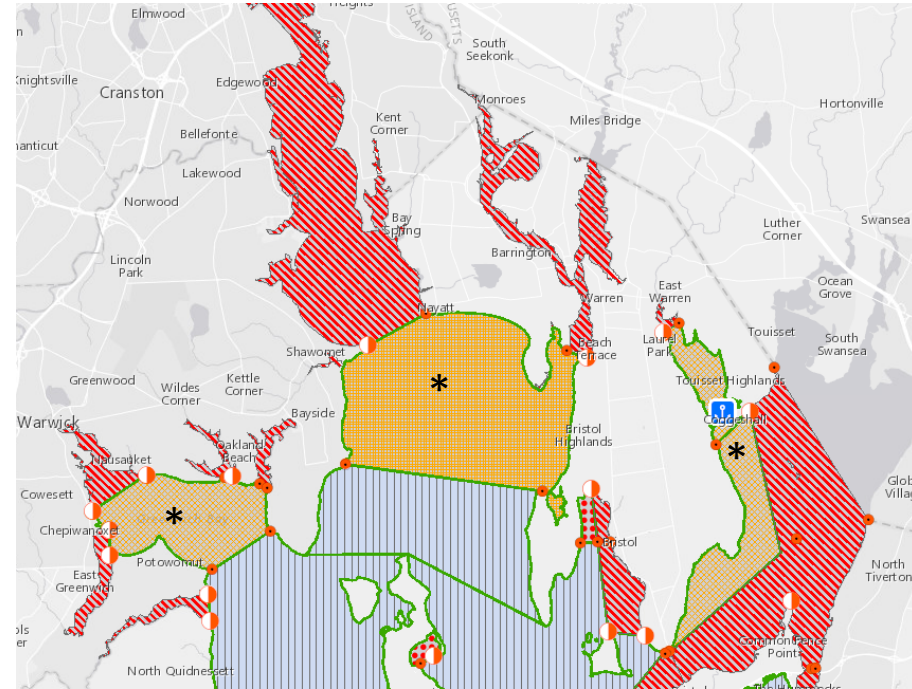


2. Future Aquaculture Management in Conditional Areas

Tagging Areas

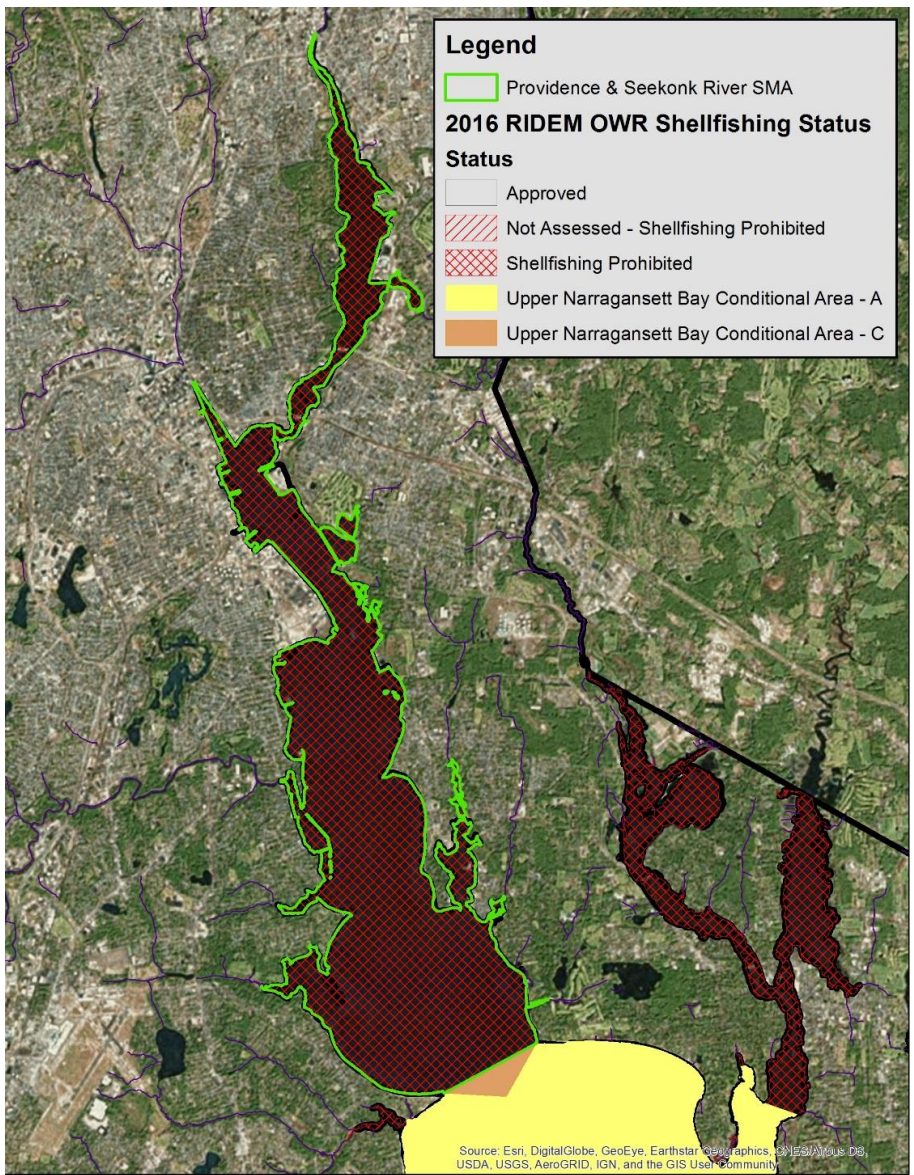


Conditional Closures*



Extensive commercial fishing in the Upper Bay: should certain areas in the northern Bay be prohibitive to aquaculture to preserve commercial fishing grounds and avoid future industry-aquaculture use conflicts?

3. Preliminary Discussions on Shellfish Management in the Providence River Shellfish Management Area (PR SMA)



Purpose of the Management Area:
Facilitate potential future shellfish/oyster restoration & habitat restoration/enhancement work; allow for management of brood stock.

RI DEM OWR Shellfishing Status:
Classified as Prohibited.

Initiation of the Shellfish Management Area established a zero bushel possession limit.

If/when portions of the waters are approved for shellfishing, what should the management strategy be for the PR SMA?

3. Preliminary Discussions on Shellfish Management in the Providence River Shellfish Management Area (PR SMA)

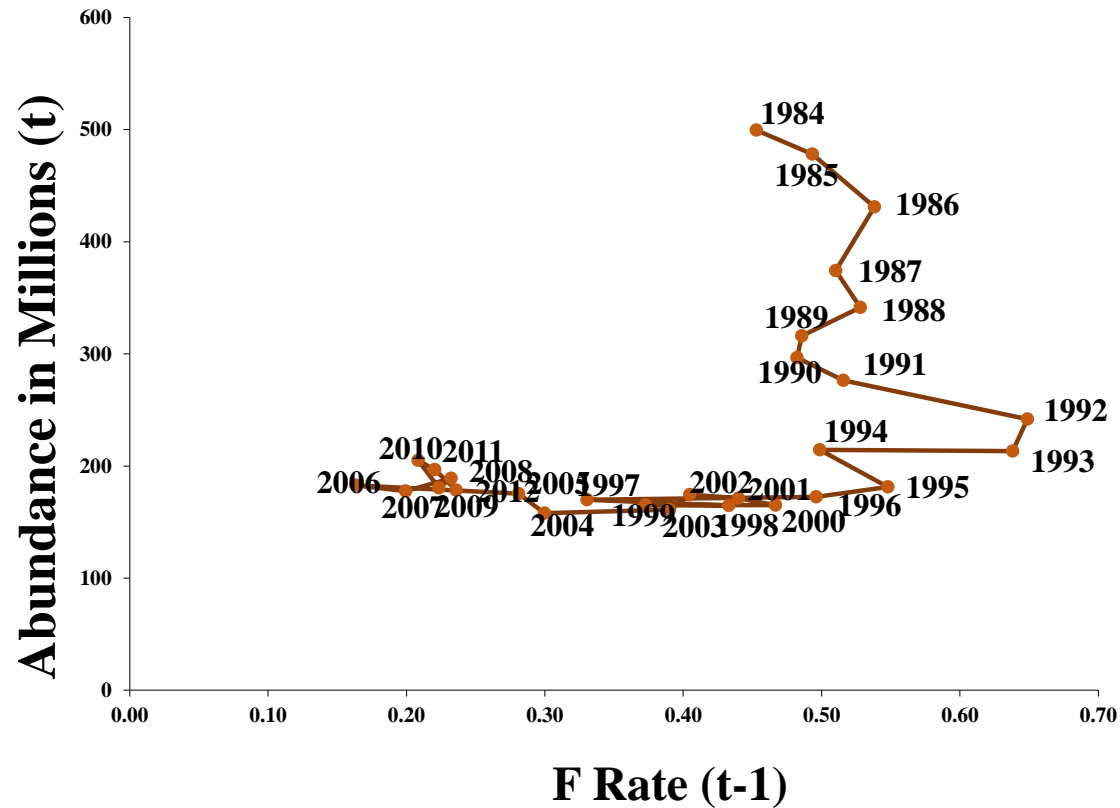
Biological data and research to be evaluated/conducted prior to establishing a management plan for the PR SMA:

- A. Revamp the current quahog assessment with more sophisticated frame work.
- B. Evaluate the significance of the PR SMA quahogs in supporting larvae and recruits for the rest of Narragansett Bay
- C. Evaluate 2017 abundance and size distribution data in the PR SMA using the RI DEM Dredge Survey.
- D. Assess and utilize data and information from the quahog study fleet to update data for the stock assessment.

3a. Revamp the current quahog assessment with more sophisticated frame work.

Gibson (2010) – Size-structured population model

- Uses landings by market class
- Similar to biomass-dynamics model framework



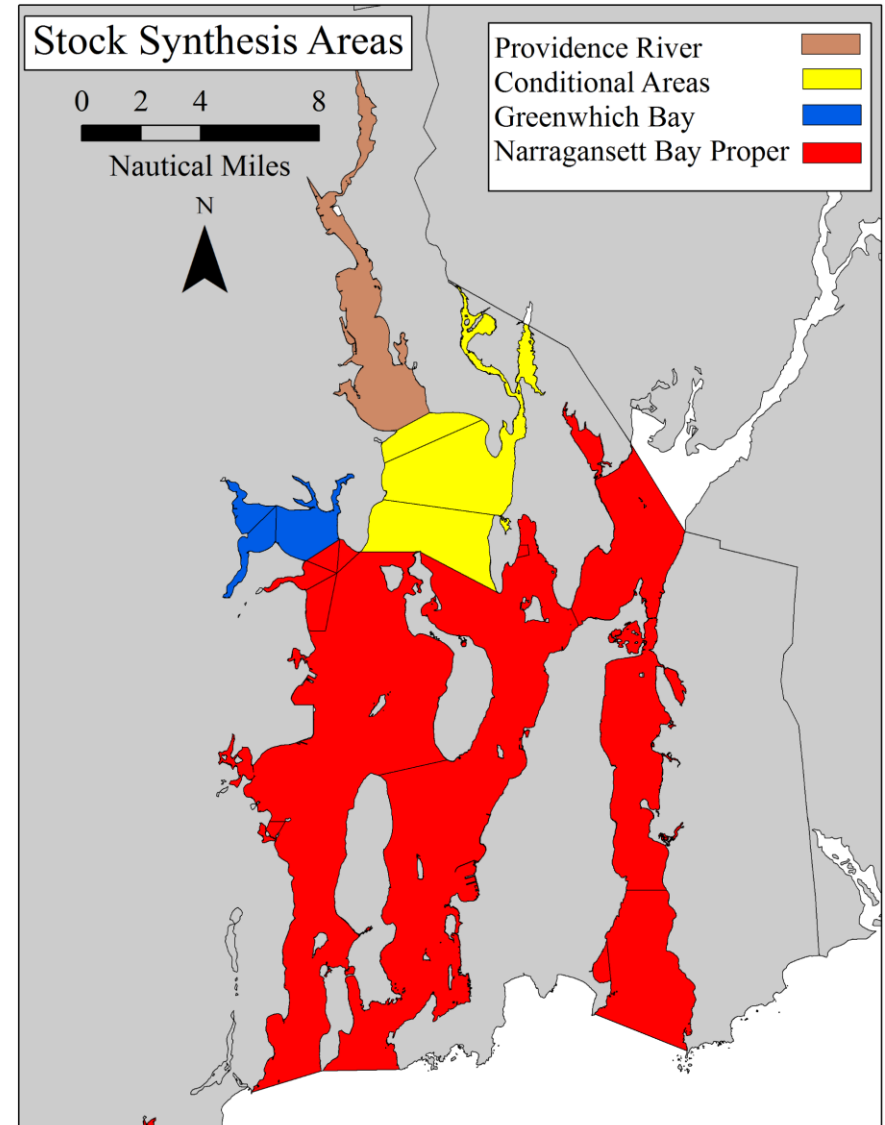
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Gibson (2010) – Size-structured population model

- Uses landings by market class
- Similar to biomass-dynamics model framework

Stock Synthesis

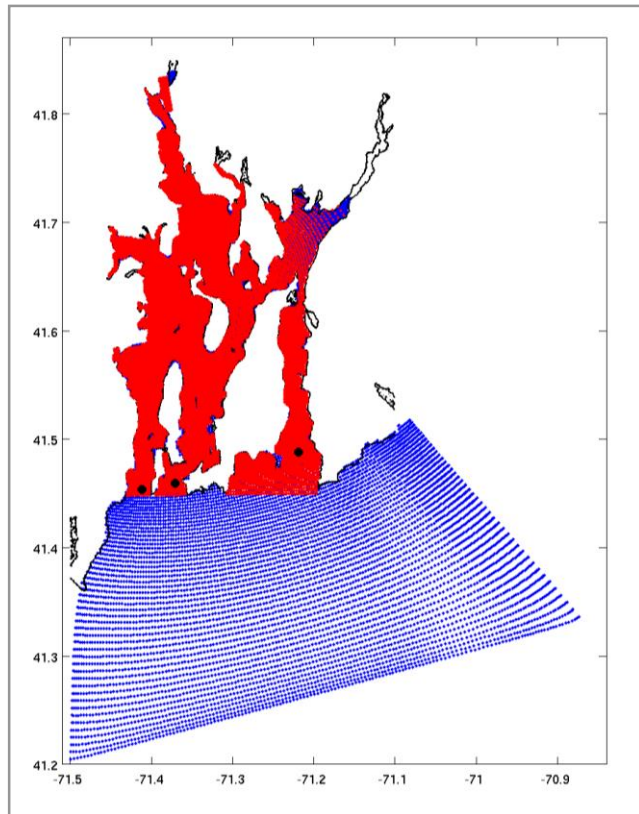
- Statistical age or market-structured population modeling framework
- Uses more sophisticated statistics in model predictions
- Can incorporate time series of varying sources and frequencies simultaneously
- Spatial framework to allow distinct units across the Bay (e.g. tagging areas)



3b. Evaluate the significance of the PR SMA quahogs in supporting larvae and recruits for the rest of the Bay

Quahog Larval Transport: Recruitment Proxy for Areas?

ROMS



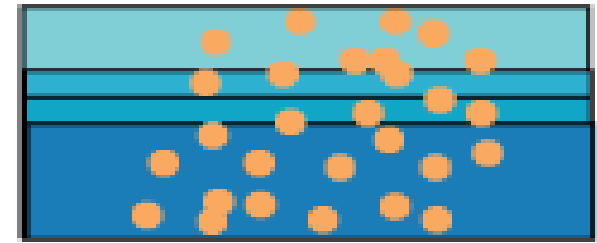
Larval TRANSport (LTRANS)

Swimming Direction (z)

Velocities (x,y,z)

Release Time and Location (x,y,z,t)

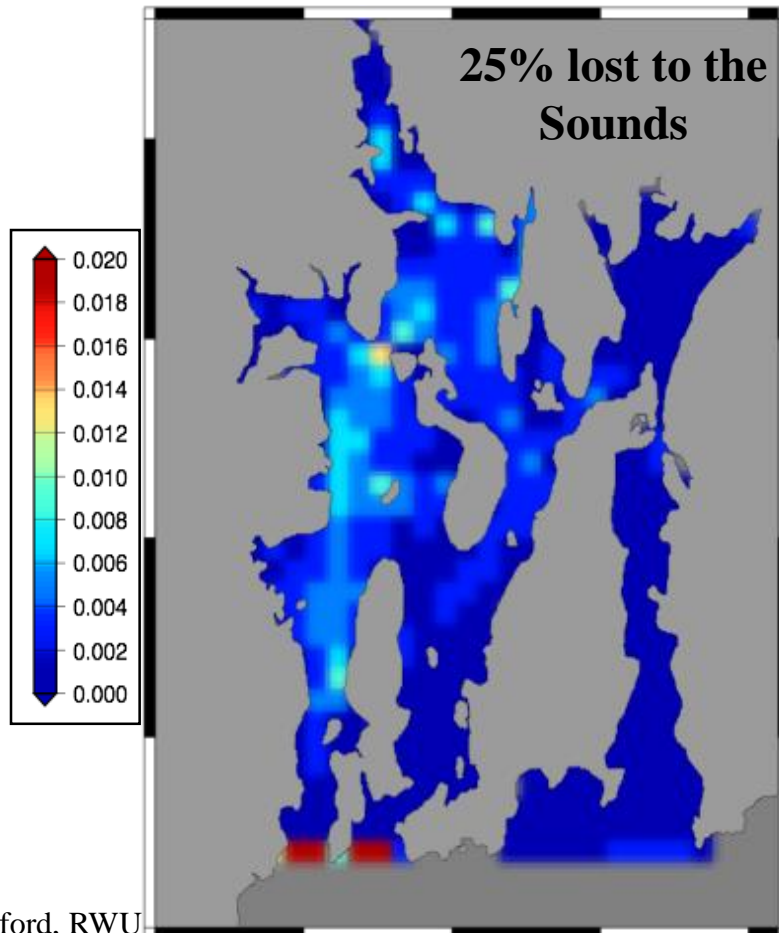
Swimming Speed



3b. Evaluate the significance of the PR SMA quahogs in supporting larvae and recruits for the rest of the Bay

Quahog Larval Transport: Recruitment Proxy for Areas?

Ex: 'Larvae spawned' from Conditional B



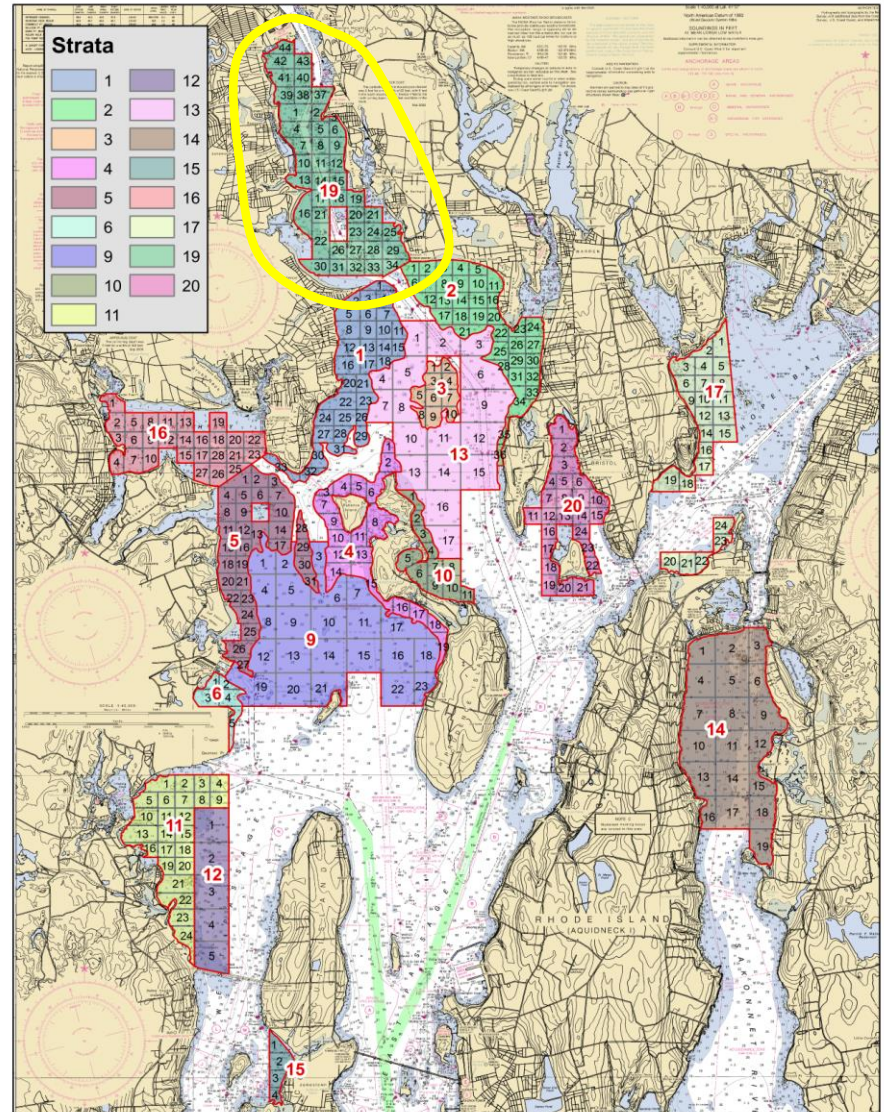
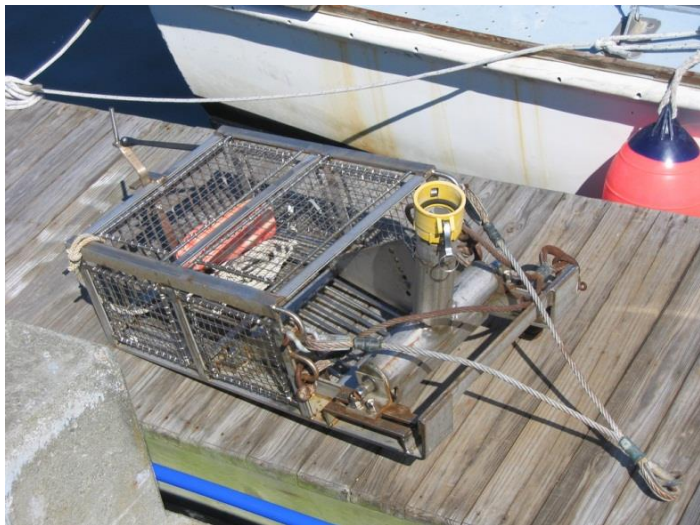
Understand population connectivity between areas through larval sources/sinks.

Do certain areas (e.g. closed areas) support population bay-wide?

3c. Evaluate 2017 abundance and size distribution data in the PR SMA using the RI DEM Dredge Survey.

RI DEM Quahog Dredge Survey 1993-2016

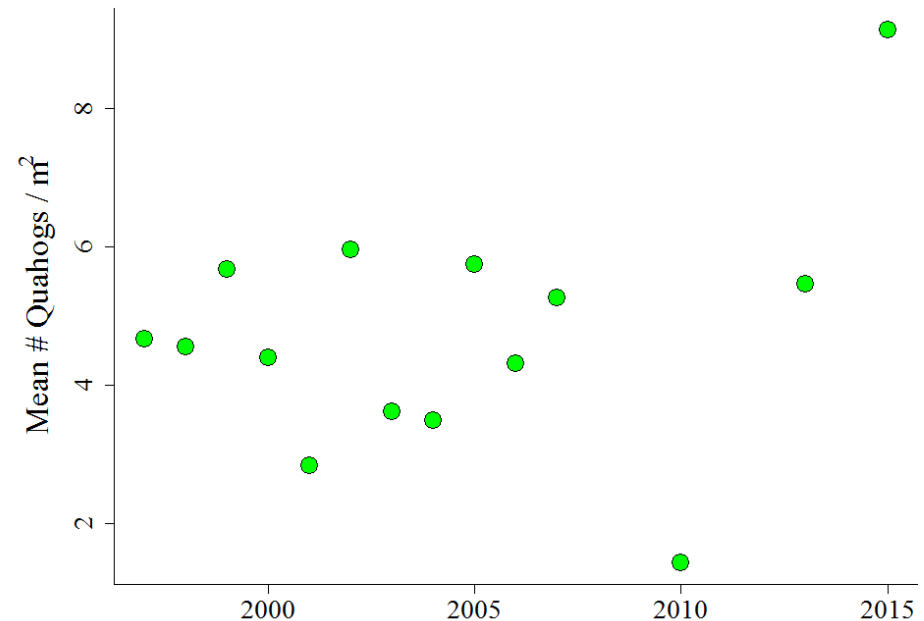
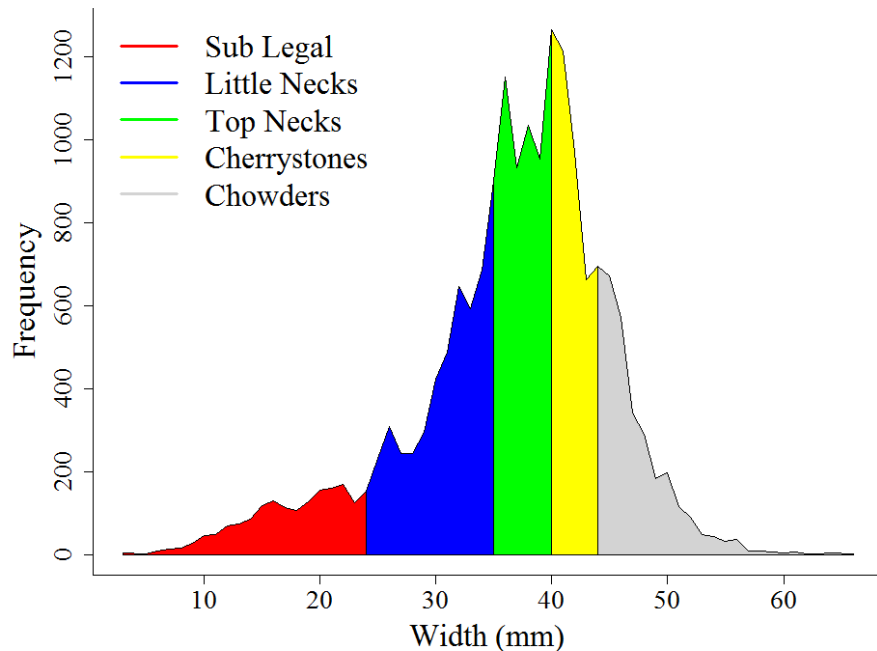
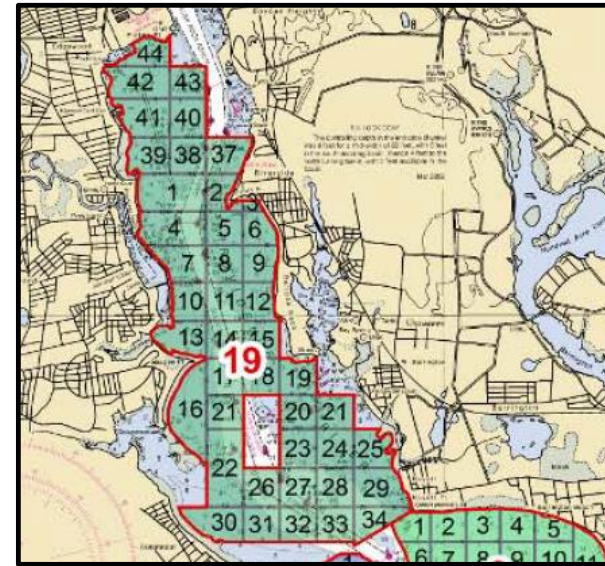
- Use hydraulic dredge to sample legal population
- Sampling at discrete stations in northern NB



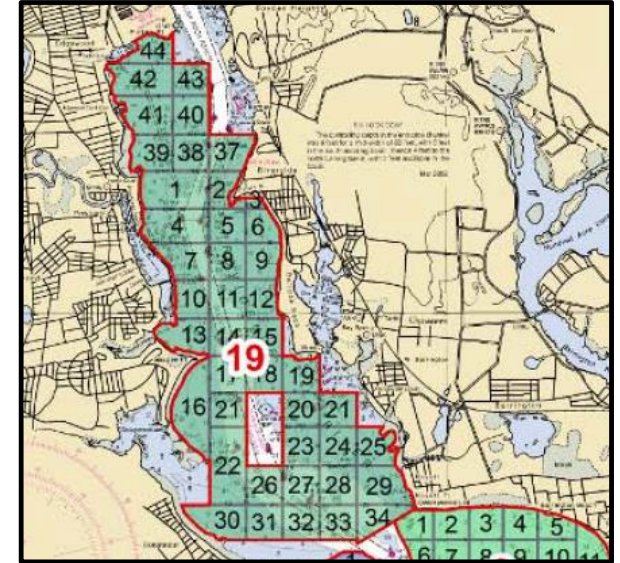
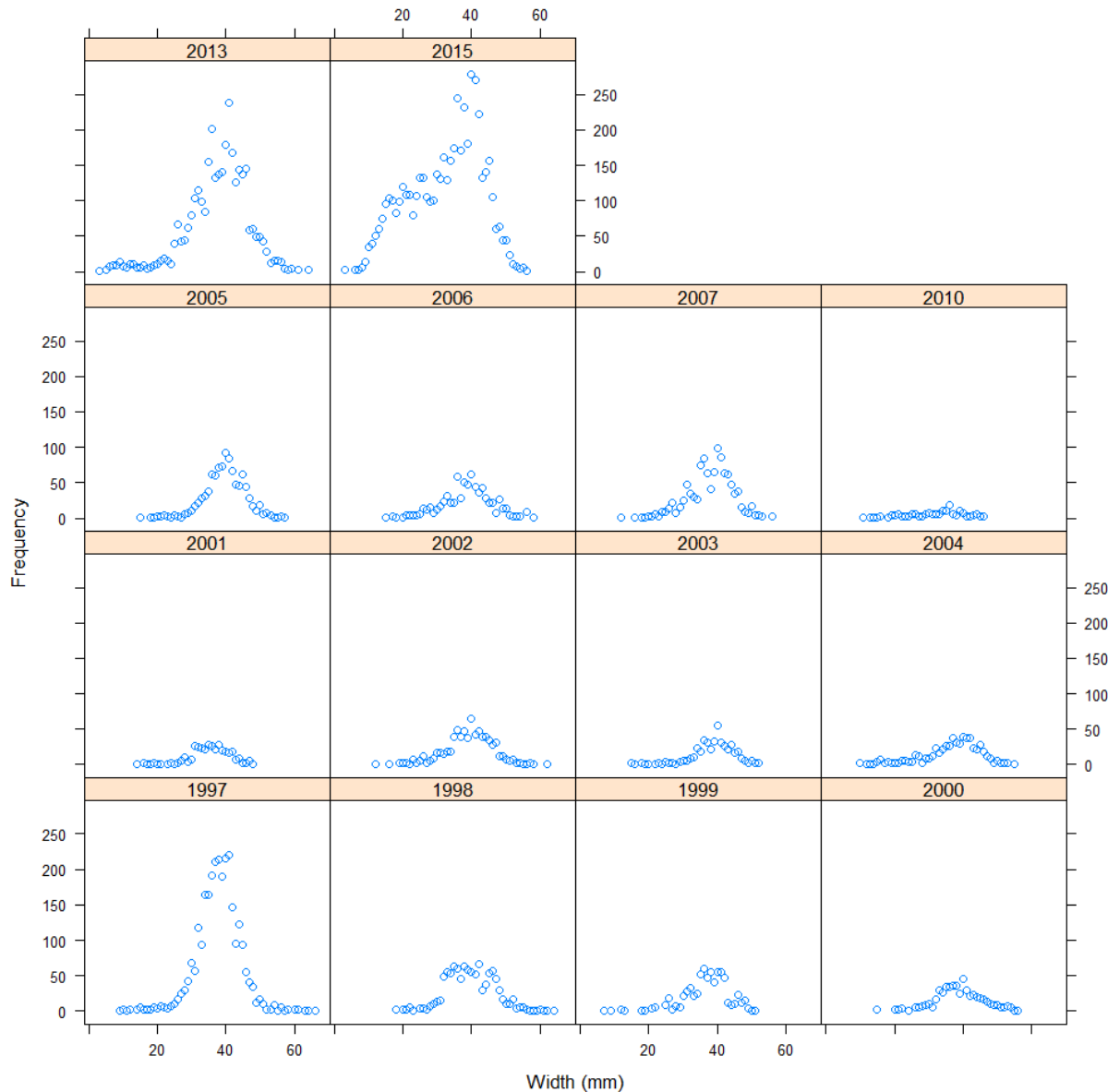
3c. Evaluate 2017 abundance and size distribution data in the PR SMA using the RI DEM Dredge Survey.

Evaluate changes in abundance and size distribution through time.

How does 2017 differ from other years?



3c. Evaluate 2017 abundance and size distribution data in the PR SMA using the RI DEM Dredge Survey.



Evaluate changes in abundance and size distribution through time.

How does 2017 differ from other years?

3d. Assess and utilize data and information from the quahog study fleet to update data for the stock assessment

CFRF, RWU, DEM, RISA

Industry fleet sampling quahogs during harvest

- Tablet system measures transect length for abundance estimates
- Market class information
- Covariates to understand drivers in abundance
- Stations both sampled by the DEM Dredge survey and chosen by fishermen



3d. Assess and utilize data and information from the quahog study fleet to update data for the stock assessment

CFRF, RWU, DEM, RISA

Calibration

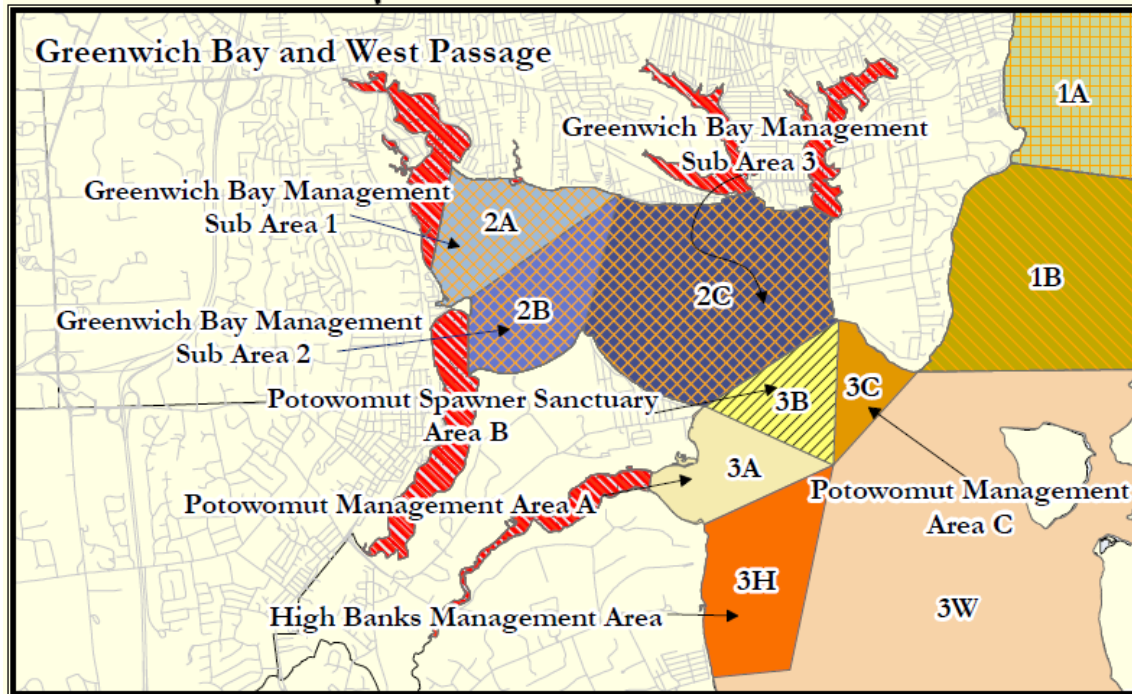
Compare efficiency of surveying methods across different substrates

- DEM Dredge
- Bullrake
- Quadrats on SCUBA

Information will be used to standardize dredge survey data to reduce catchability concerns



4a. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Areas 1 and 2



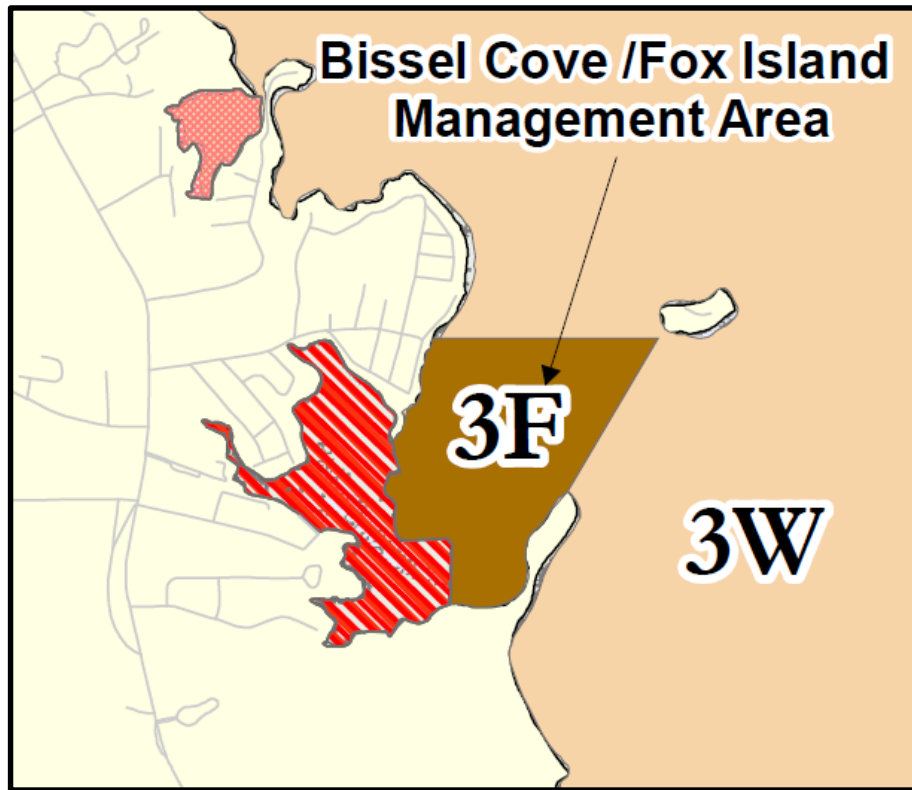
Provisions for Proposal

The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the last Friday in April, excluding December 25 and January 1 annually.

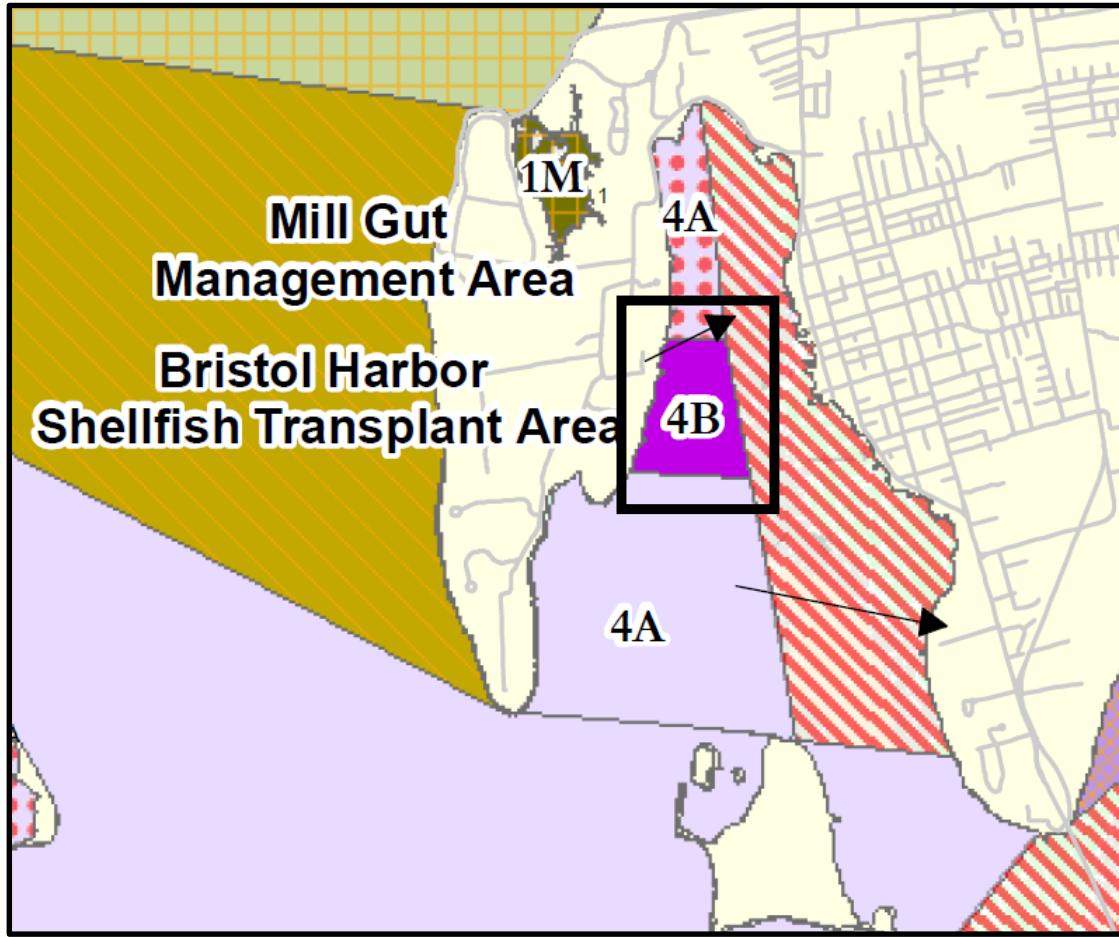
4b. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove



Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April, excluding December 25 and January 1 annually.

4c. Discussions on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor



Default

Open 8:00A.M. to 12:00P.M.
noon on Mondays,
Wednesdays, and Fridays,
beginning on the second
Wednesday of December and
continuing through the end of
April, excluding December 25
and January 1 annually.

Shellfish Advisory Panel
July 26, 2017, 4:30PM
URI Bay Campus, Coastal Institute Building, Hazard Room
218 S Ferry Road, Narragansett, RI 02874

MEETING SUMMARY

RIMFC members: J. Grant (SAP Chair)

DEM: C. McManus; D. Erkan; P. Duhamel; C. Hannus (Water Resources)

SAP members: K. Eagan; M. McGiveney; R. Tellier; G. Schey; D. Ghigliotty, B. Bercaw, D. Pastore, J. Gardner (B. Blank and B. Smith absent)

CRMC: D. Beutel

Public: J. King, O. Kelley, Troiano

1. **Review of Aquaculture Applications:**

a. Application # 2017-05-006, Troiano, Upper Narragansett Bay (Conditional Area A):

D. Beutel provided a brief overview of the proposal. He offered that his site survey revealed a low density of quahaugs, and also that several public objections were received. He offered that one objection in particular offered concern about precedent if this lease were approved. A great deal of discussion amongst the panel members and audience ensued regarding concern of leases in this area (Conditional Area A) and in all areas of Narragansett Bay which have historically supported commercial and recreational shellfish harvest. **Motion made by *M. McGiveney* to recommend objection to the application; 2nd by *G. Schey*. The motion passed 7-0-1 (*J. Gardner* abstained).**

b. Application # 2017-01-007, Roebuck, Pt. Judith Pond:

D. Beutel provided a brief overview of the proposal. He offered that the site survey revealed no eelgrass present and a quahaug density of 0.88 quahaugs/sq. meter. He offered that if this lease were to be activated, aquaculture in this pond would exceed 4.8%, or approaching 5% maximum allowed in a coastal pond. **Motion made by *M. McGiveney* to recommend not to object to the application; 2nd by *B. Bercaw*. The motion passed 8 – 0.**

2. **Discussion of future aquaculture Management in Conditional Areas:** *C. McManus* offered that individuals had been expressing concern about aquaculture lease sites in the northern parts of Narragansett Bay (e.g., conditional areas A & B), and if regulations should be adopted to prohibit aquaculture in this area in light of competing uses, most notably commercial shellfish harvest. *J. Gardner* expressed concern about the use of the conditional areas for oysters and food shellfish, due to the water quality issues and higher potential for harvest of contaminated shellfish. He offered support for non-food aquaculture (e.g., rib mussels) as a means to help clean the water. *M. McGiveney*, as a

member of the RI Shellfishermen's Association (RISAA), requested SAP support to request that CRMC begin a process to identify and protect "critical shellfish grounds" and prohibit aquaculture in these areas. He offered that the CMRC's shellfish density survey as a review criteria is not a complete measure of the sites suitability for a lease site due to the variable nature of shellfish sets. He offered concern that applications are not automatically rejected even when strongly opposed, which poses undue angst among commercial shellfishermen that leases may be approved and the lease site lost to wild harvest. He offered, which was echoed by other members of the panel and members of the audience, that the lease site currently in place in Conditional Area A should not have been approved, but was "missed" by RISA during the approval process due to inexperience of the process at the time of approval. *D. Beutel* offered that mapping of areas for aquaculture suitability began in 2014, to which others in attendance offered that this process was initiated several years sooner, but that no maps have been produced. **Motion made by *M. McGiveney* to recommend to the RIMFC that CRMC begin this process; 2nd by *R. Pastore*.** *R. Pastore* offered support for the proposal due to use conflicts. Discussion ensued regarding the areas to be looked at. *D. Erkan* offered that spatial planning is needed to address this issue. *D. Pastore* offered that better planning is needed. *J. King* offered that the entirety of Narragansett Bay needs to be looked at. **The motion passed 8 – 0.**

Future Action: Council agenda item for further discussion

3. **Preliminary discussions on Shellfish Management in the Providence River Shellfish Management Area:** *C. McManus* provided a presentation on the following items:

- Revamp the current quahog assessment with more sophisticated frame work;
- Evaluate the significance of the PR SMA quahogs in supporting larvae and recruits for the rest of Narragansett Bay;
- Evaluate 2017 abundance and size distribution data in the PR SMA using the RI DEM Dredge Survey;
- Assess and utilize data and information from the quahog study fleet to update data for the stock assessment.

Upon conclusion of a robust discussion regarding management and opening of the area, no further actions are needed at this time.

4. **Discussions on Winter Harvest Schedule for Greenwich Bay Shellfish Management Areas:** No proposals were offered to amend the current default schedule. *M. McGiveney* offered that he would inquire to his constituents if any change was desired. No further action is needed at this time.

Prepared by: P. Duhamel/C. McManus



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
 Oliver H. Stedman Government Center
 4808 Tower Hill Road, Suite 3
 Wakefield, RI 02879-1900

(401) 783-3370
 Fax (401) 783-2069

PUBLIC NOTICE

File Number: 2017-05-006 Date: May 8, 2017

This office has under consideration the application of:

Edward Troiano
 4 Connecticut Avenue
 Barrington, RI 02806

for a State of Rhode Island Assent to construct and maintain: a one half acre oyster aquaculture site using a submerged longline system in shallow water just south of the Rhode Island Country Club. Please see attached map. A copy of the application is available by e-mail upon request to the CRMC Aquaculture Coordinator.

Project Location:	Nayatt Point/Narragansett Bay (Upper)
City/Town:	Barrington
Plat/Lot:	/
Waterway:	Narragansett Bay near Nayatt Point

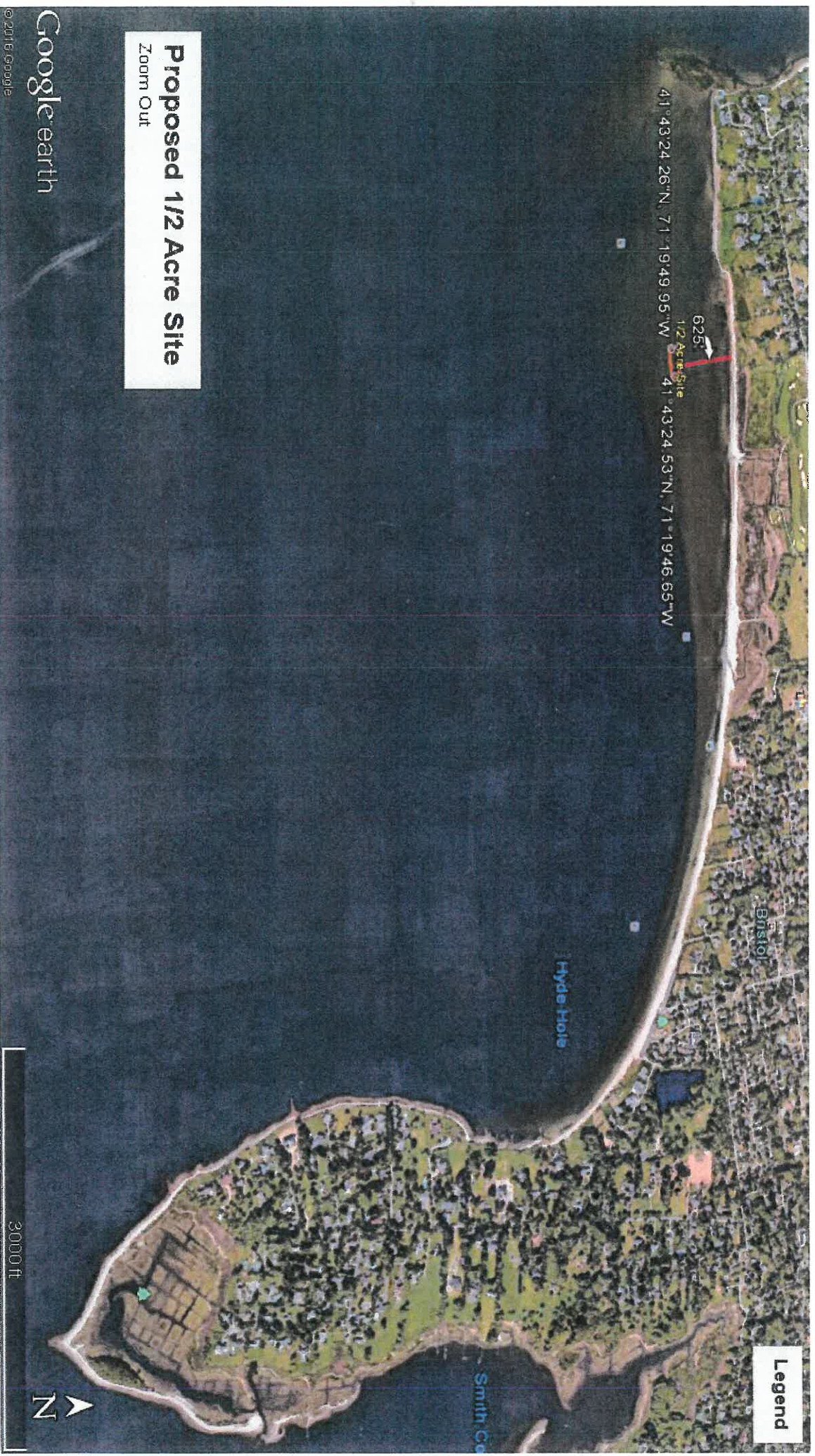
Plans of the proposed work may be seen at the CRMC office in Wakefield.

In accordance with the Administrative Procedures Act (Chapter 42-35 of the Rhode Island General Laws) you may request a hearing on this matter.

You are advised that if you have good reason to enter protests against the proposed work it is your privilege to do so. It is expected that objectors will review the application and plans thoroughly, visit site of proposed work if necessary, to familiarize themselves with the conditions and cite what law or laws, if any, would in their opinion be violated by the work proposed.

If you desire to protest, you must attend the scheduled hearing and give sworn testimony. A notice of the time and place of such hearing will be furnished you as soon as possible after receipt of your request for hearing. If you desire to request a hearing, to receive consideration, it should be in writing (**with your correct mailing address, e-mail address and valid contact number**) and be received at this office on or before June 8, 2017.

Attollment 1A



41° 43' 24.26" N, 71° 19' 49.95" W 41° 43' 24.53" N, 71° 19' 46.65" W

625'
1/2 Acre Site

Proposed 1/2 Acre Site
Zoom Out

Google earth

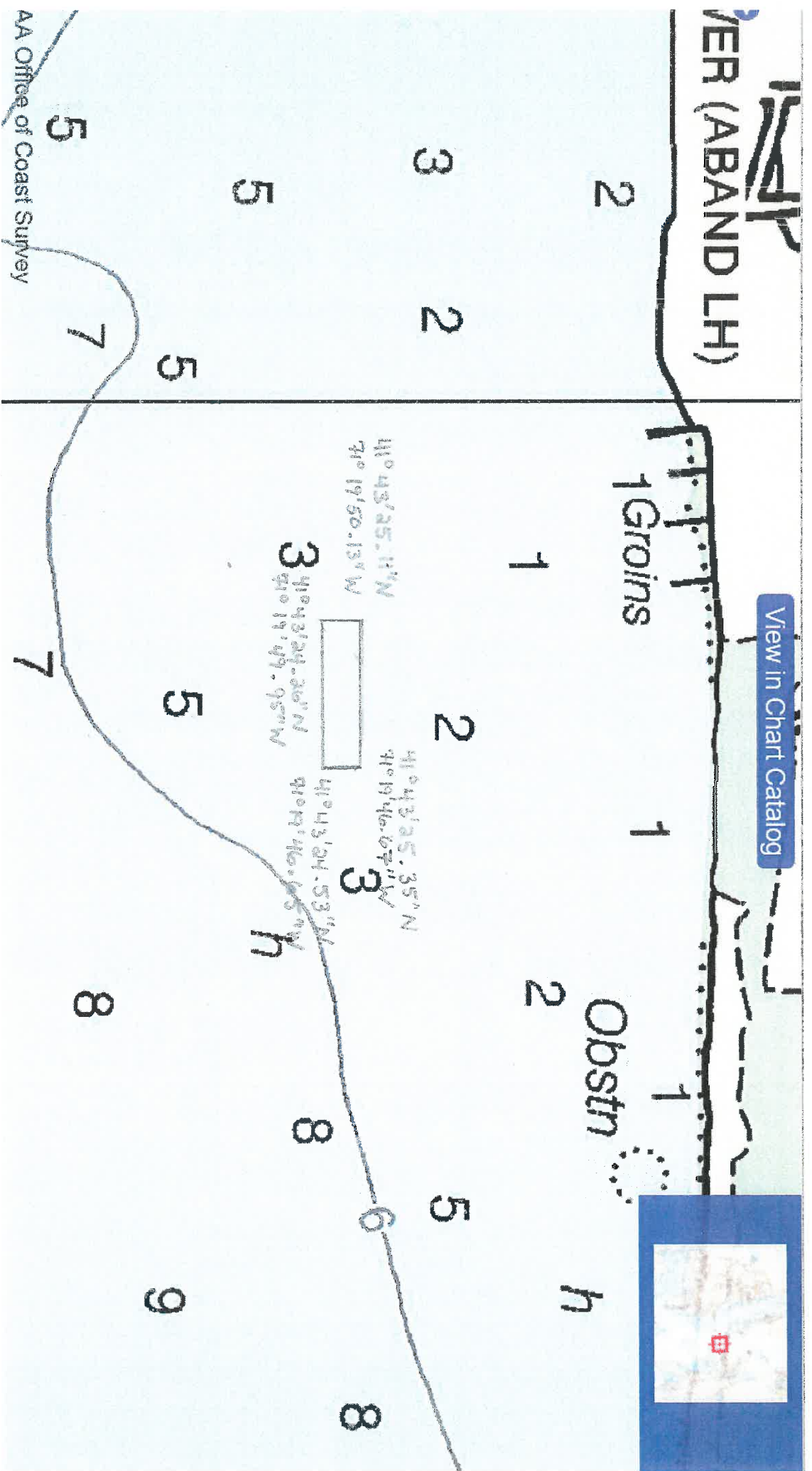
© 2018 Google

3000 ft

N

Legend

ATTACHMENT A
Location Map



[View in Chart Catalog](#)



Scale

1" = 350'

(Magnetic)
N ↑

AA Office of Coast Survey

Part 4 – Shellfish

Winter Harvest Schedules – Greenwich Bay, Bristol harbor, and Bissel Cove/Fox Island Shellfish Management Areas

RI Marine Fisheries Council - October 2, 2017

4.12 Shellfish Management Areas – Descriptions, Seasons, and Possession Limits

4.12.1 General

- A. Conimicut Point, Potowomut, High Banks, Bissel Cove/Fox Island, Mill Gut, Bristol Harbor, Kickemuit River, Jenny’s Creek, Sakonnet River, Pt. Judith Pond, Potter Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, Winnapaug Pond, Green Hill Pond, Narrow River, Little Narragansett Bay/Pawcatuck River, Providence/Seekonk Rivers, Warren River, and Town Pond are declared Shellfish Management Areas pursuant to R.I. Gen. Laws § 20-3-4.
- B. Shellfish Management Areas may have additional regulations specific to the Management Area. Refer to each Management Area listed below.
 - 1. In Shellfish Management Areas, shoredigging is open daily at reduced Shellfish Management Areas possession limits, unless closed due to pollution or other management purposes.
 - 2. Commercial boat harvest schedule in Shellfish Management Areas: Recommendation for a change to the default schedules specified herein shall be submitted to the Director at least sixty (60) days prior to the first proposed opening date.
 - 3. Greenwich Bay Area’s 1 & 2:
 - a. The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.
 - b. If weather or water quality conditions during the month of December prevent opening on two or more scheduled days, the DEM may modify the December schedule to allow for additional hours or days of permitted shellfishing.

4.12.2 Shellfish Management Areas

- A. Greenwich Bay (GB): Described as the waters west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore, in the town of East Greenwich and city of Warwick.
1. GB sub-area 1: Described as the waters east of a line between the DEM range marker located at the end of Neptune Street in Chepiwanoxet to the DEM range maker located on Cedar Tree Point, and north of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.
 2. GB sub-area 2: Described as the waters west of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods; and south of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.
 3. Commercial boat harvest schedule for GB sub-areas 1 and 2:
 - a. January 4, 2016 through April 28, 2016: Open from 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays.
 - b. Default commercial boat harvest schedules for GB sub-areas 1 & 2: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:
 - c. **Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the last Friday in April, excluding December 25 and January 1 annually.**
 4. GB Area 3: Described as the waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods, and west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.
 - a. Commercial boat harvest schedule: Open daily.
- E. Bissel Cove/Fox Island: Described as the waters of Bissel Cove in its entirety and adjacent waters of Narragansett Bay south of a line between Pole #275 at the corner of Waldron and Seaview Avenues and the southwestern most point of Fox Island (south of the cable area), west of a line from the southwestern most point of Fox Island to the northern most point of Rome point, in the town of North Kingstown.
1. Commercial boat harvest schedule:

- a. Beginning the 2nd Wednesday of December through April 30, 2016: Open daily for the harvest of bay quahaugs, soft-shell clams, and blue mussels.
- b. May 1 through November 30 annually: Closed.
- c. Default commercial boat harvest schedule: If a previously established boat harvest schedule expires, the following default schedule shall be in effect:
 - (1) Open 8:00 A.M. to 12:00 noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April annually. Harvest is prohibited on December 25 and January 1 annually.
- d. Oyster harvest moratorium: The harvest and possession of oysters in the Bissel Cove/Fox Island Shellfish Management Area is prohibited until November 15, 2020.

G. Bristol Harbor: Described as the marine waters of Bristol Harbor and its tributaries located south of a line extending between CRMC permitted dock #419 located at 163 Poppasquash Road in the town of Bristol to and the northwest corner of the Rockwell Pier municipal parking lot in the town of Bristol; and north of a line beginning extending from the north side of CRMC Permitted Dock #1601 where it meets the shoreline, located at 363 Poppasquash Road in the town of Bristol and the northwest corner of the U.S. Coast Guard station pier in the town of Bristol.

- 1. Commercial boat harvest schedule:
 - a. December 2015: Closed.
 - b. Beginning January 11, 2016: Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays.
 - c. February 1 through April 30, 2016: Open daily.
 - d. May 1 through November 30 annually: Closed.
 - e. Default commercial boat harvest schedule: If a previously established boat harvest schedule expires, the following default schedule shall be in effect:
 - (1) Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of

April. Harvest is prohibited on December 25 and January 1 annually.

INDUSTRY ADVISORY COMMITTEE

Name	Sector	Phone	Email
Chris Rein	Chair	534-4969	cgreinstrategies@gmail.com
Robert Mattiucci	Comm. Rod and Reel	789-9272	Ride4823@ride.ri.net
Carl Granquist	Comm. Inshore Trawler	207-4632	restless@cox.net
Gerry Carvalho	Comm. Inshore Trawler	741-7595	comfish100@gmail.com
Eric Reid	Seafood Dealer	267-4472; 440-1885	eric@seafreezeltd.com
Lanny Dellinger	Comm. Lobster	932-5826; 294-7352	lad0626@aol.com
Michael McGiveney	Comm. Shellfish	573-7244; 828-9369	mclamdigger@aol.com
Robert Smith	Comm. Fish Pots	364-6610	seabi@aol.com
Steven Anderson	For-hire (i.e., party/charter)	255-0128	saboat10@gmail.com
Vacant	Recreational Fishing		
Aaron Gewirtz	Comm. Gillnet	218-5764	nbf05@verizon.net
John Lake	DFW Staff	423-1942	john.lake@dem.ri.gov



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Advisory Panel Application

Name: Katie Almeida Date of Birth: 12/17/1979

Mailing Address: 42 2nd Ave #7

City: North Attleboro State: MA Zip: 02760

Phone (Home/Work/Cell): 508-930-2633

Email: Kalmeida@towndock.com

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

.....

1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): _____

Number of years as a commercial fisherman? _____

Please describe fisheries fished and gear types used:

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? _____

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? 37 years
Where is your dealer premises located? Point Judith, Rhode Island
How many years have you lived in the home port community? None
Please provide DEM Dealer License Number: DMPURP000018

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

I have worked for the Town Dock as their Fishery Policy Analyst for the past three years. It has been my responsibility to attend all fishery regulatory meetings, both state and federal, that relate to our business. I keep the company up to date on any regulatory changes that are or might be changing in the future that could end up affecting our operations.

In addition, I also keep track of fish quotas, search and apply for grants that might pertain to us and hold a seat on both the mackerel / Squid / Butterfish and the Small mesh multispecies Advisory Panels.

Signature: Katie Almeida

Date: 9/11/2017

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to peter.duhamel@dem.ri.gov

SHELLFISH ADVISORY PANEL

Name	Sector	Phone	Email
Jeff Grant	Chair	243-5123	jeffgrant19@cox.net
Jeff Gardner	Aquaculture	322-7280	watchhillobsters@gmail.com
<i>Bob Rheault</i>	<i>Alternate for J. Gardner</i>	783-3360	bob@ecsga.org
David Ghigliotty	Comm. Bullrake	632-5485	dlghig@aol.com
Mike McGiveney	Comm. Bullrake	828-9369	mclamdigger@aol.com
Gerald Schey	Comm. Bullrake	397-7151	gtschey@cox.net
Bill Blank	Comm. Diver	885-0204	romepoint12@aol.com
<i>Russell Blank</i>	<i>Alternate for Bill Blank</i>	884-1753	astrikercharters@aol.com
Katie Eagan	East Bay	374-1868	eagan.katie@gmail.com
Robert Smith	Dealer	884-2740	riclaminc@aol.com
Roger Tellier	Recreational Rod and Reel	533-1931	rogtel@cox.net
Richard Pastore	Recreational Rod and Reel	885-7255	rpengri@gmail.com
Dale Leavitt	Scientific Advisor	450-2581	dleavitt@rwu.edu
Conor McManus	DEM Staff	423-1941	conor.mcmanus@dem.ri.gov



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Advisory Panel Application

Name: Edward Troiano Date of Birth: 9/28/68

Mailing Address: 4 Connecticut Avenue

City: Barrington State: RI Zip: 02806

Phone (Home/Work/Cell): 401-641-8510

Email: etroiano1@cox.net

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

.....

1. **FOR COMMERCIAL FISHERMEN:**

Provide type and license number(s): _____

Number of years as a commercial fisherman? _____

Please describe fisheries fished and gear types used:

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. **FOR PARTY/CHARTER BOAT CAPTAINS:**

How many years have you been in the Party/Charter boat business? _____ Years

4. **FOR RECREATIONAL FISHERMEN:**

How many years have you been engaged in recreational fishing in RI waters? 20

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

Hard clam from boat and shore using rakes and by hand (diving). Steamers from
shore using long tine rakes for digging. Oysters from boat and shore by hand. Bay



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Advisory Panel Application

Name: MANUEL SOUSA Date of Birth: 12.4.47

Mailing Address: 51 Middle Rd. #308

City: PORTSMOUTH State: RI Zip: 02840

Phone (Home/Work/Cell): 401 829 9041

Email: MANUEL.B.SOUSA.86@GMAIL.COM/ALLOU@RI

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name:

.....

1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): Southern Calif. COMM. SHELLFISH

Number of years as a commercial fisherman? 3

Please describe fisheries fished and gear types used:

Gull Cove, PORTS: RI - RAKE

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? _____

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? _____

Where is your dealer premises located? _____

How many years have you lived in the home port community? _____

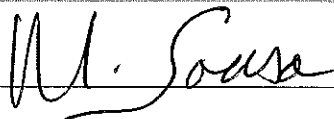
Please provide DEM Dealer License Number: _____

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

I'M AN ALTERNATE ON SAP
Retired FROM the building indust
Life long living in RI except
FOR VIETNAM Service

Signature: _____



Date: _____

8-28-2017

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to peter.duhamel@dem.ri.gov