

RI MARINE FISHERIES COUNCIL

INDUSTRY ADVISORY COMMITTEE

August 19, 2019



Statute



- Laws – new or amended- are introduced as “bills” to the General Assembly by any Representative or Senator in their respective chamber. A Representative or Senator who introduces a bill is a “sponsor”
- Prospective sponsors can be approached by any person, interest group, or state agency to introduce a bill.
- In Rhode Island, Title 20 “Fish and Wildlife” is the guiding statutory language that DEM commonly follows when developing rules to regulate fish and wildlife, including marine fisheries.

Statute



- Examples of what's in Title 20 relative to this discussion:
 - Types of licenses (Commercial, Recreational, Party Charter, Dealer, Landing Permits) and endorsements, fees, and application deadlines
 - Authority and criteria for issuances of licenses (for example residency requirements)
 - Requirement of license to fish
 - Enforcement powers/penalties for violations
- To amend statute, DEM, or any member of the public, must seek a sponsor to introduce a bill.
- See [“How a bill becomes a law”](#)

Regulation/Rule



- Once legislation is enacted, state agencies typically develop regulations to implement the legislation. Regulations must be consistent with all applicable statutory provisions (rules can't be inconsistent with the law).
- Examples of what's in RI Marine Fisheries Regulations:
 - Exit / Entry Ratios for new license issuance
 - Gear specifications
 - Requirements for reporting fisheries related data
 - Activity standards on commercial fishing licenses
 - Seasons, Allocations, Possession and Size limits

Prospective Bill to Address Commercial Licensing Reform



- RIDEM is planning to prepare legislation to restructure commercial and party/charter licenses
- Changes proposed would:
 - Address fee structure
 - Streamline and add flexibility to license structure
 - Allow for vessel based options
- Next steps:
 - Review by the Governor's office.
 - If given green light to proceed, DMF will vet proposal in a public forum through the RI Marine Fisheries Council, followed by the introduction of a bill in the 2020 legislative session of the RI General Assembly



Part 2 – Commercial and Recreational Saltwater Fishing Licensing Regulations

2020 Proposed Amendments

Timeline

- May 30: Workshop.
- July 19: Deadline for the public to submit proposals.
- August 19: IAC meeting.
- Sept. 10: Public hearing.
- October 7: RI Marine Fisheries Council.

2020 Proposed Amendments



1. Clarify reporting documentation requirements as it pertains to commercial trip data reporting. (section 2.7.4(C))

- **Origin of proposal:** Recommended by the RI Marine Fisheries Council when rules adopted from last year's Licensing hearing.
- **Issue:** Rules are not clear what is meant by "documentation" for reporting requirement. Trip elements are identified in the Paper Catch and Effort Harvester logbook instructions but are not currently identified in rule.
- **Proposal:**
 - Clarify documentation requirements
 - Add trip elements that must be reported

2020 Proposed Amendments



2. Clarify due dates for the submittal of commercial trip data reporting (sections 2.7.4(E)&(F))

- **Origin of proposal:** Division proposal to clarify rule.
- **Issue:** Section does not specify type of reporting, paper or electronic.
- **Proposal:** Amend section 2.7.4(E) to apply to paper reports. Add section 2.7.4(F) to address electronic reporting.

2020 Proposed Amendments



3. Amend the standard of “Actively Fishing” as it pertains to eligibility for the issuance of a new Commercial Fishing License with Quahaug endorsement for holders of a Student Shellfish License (section 2.7.5(D)(1)(b)(3))
- **Origin of proposal:** Industry proposal from last year’s IAC meeting.
 - **Issue:** Rule currently requires that a Student Shellfish license (SSL) must be held at least 2 years to be “actively fished”. If obtained SSL in the final year of eligibility (i.e., age 23), the licensee ages out before they can hold license for 2 years. If SSL not “Actively fished” then not eligible to upgrade to a CFL w/quahog endorsement.
 - **Proposal:** Allow for the upgrade from SSL to CFL w/quahog endorsement for licensees aging out after a single year of holding license.
 - **Considerations:** Inconsistent with the eligibility requirements for other license upgrades.

2020 Proposed Amendments



4. Add new language to rule that establishes that residency status must be maintained to maintain eligibility for license renewal (section 2.7.5(E)(3)(a))

- **Origin of proposal:** Division proposal to clarify rule consistent with state law (R.I. Gen. Law Chapter 20-2.1),
- **Issue:** Rule does not currently address issue.
- **Proposal:** Add new language to rule consistent with state law.
- **Considerations:**
 - Per R.I. Gen. Law Chapter 20-2.1, licenses are categorized as resident or non-resident.
 - Change in residency status (i.e., resident or non-resident) disqualifies the license holder's eligibility to renew their existing license.
 - All applications received after a change in residency status would be considered for new license opportunities only.

2020 Proposed Amendments



5. Amend the eligibility requirements for the prioritization of the issuance of new licenses (section 2.7.5(G)(1)(e))
 - **Origin of proposal:** Division proposal.
 - **Issue:** The Division is seeing an increase in the number of occurrences where a person is selling their license, acquiring a new open license and reaching priority status through questionable fishing practices (e.g. selling a single fish/day). Current rules provide no protection against this practice.
 - **Proposal:** Amend eligibility requirement such that in cases where an applicant has previously surrendered a license to the Department pursuant to the sale of vessel and/or gear, and the applicant has subsequently acquired a new license, the applicant must have held the new license for a minimum of seven (7) years before being eligible for prioritization again.

2020 Proposed Amendments



6. Require dealer reporting compliance as a condition of dealer license renewal (section 2.7.9(A)(7))
 - **Origin of proposal:** Division proposal.
 - **Issue:** Currently no rule in place to require reporting compliance as a condition of dealer license renewal.
 - **Proposal:** Amend rule to require reporting as a condition of license renewal.

2020 Proposed Amendments



7. Clarify the reporting requirements for the Party/Charter sector (section 2.9.2(F))

- **Origin of proposal:** Division proposal based on recommendation from the RI Marine Fisheries Council when rule first adopted from last year's hearing.
- **Issue:** Lack of clarity of documentation required. Trip elements to be reported not specified.
- **Proposal:** Clarify rule and add trip elements to be reported.

2020 Proposed Amendments



8. For licensed Party/Charter vessels/captains, add reporting compliance as a condition of maintaining and/or renewing their P/C license (section 2.9.2(F)(5))

- **Origin of proposal:** Industry proposal to provide means for timely and accurate reporting data necessary for fisheries management.
- **Issue:** Current rules lack means by which to enforce reporting compliance.
- **Proposal:** Amend language to provide DEM with the ability to suspend or revoke license (new license) or render applicant ineligible for license renewal.

License Opportunities – Shellfish Sector



- **CFL CQUOH**

- 33 CFL CQUOH new licenses issued in 2018
- 36 license eligible to harvest quahog retired in 2019
- 36 CFL CQUOH new licenses are available to be issued in 2019 at the current 1:1 exit:entry ratio

- **CFL SSCLM**

- 6 CFL SSCLM new licenses issued in 2018
- 23 license eligible to harvest soft shell clam retired in 2019
- 6 CFL SSCLM new licenses are available to be issued in 2019 at the current 5:1 exit:entry ratio

License Opportunities – Finfish Sector



- **PEL RFIN**

- 15 new licenses issued in 2018
- 13 license eligible to harvest restricted finfish retired in 2019
- 15 PEL RFIN new licenses are available to be issued in 2019 at the current 1:1 exit:entry ratio

Fluke Exemption



- Industry proposal made to amend current regulations:
 - Remove the 90 day limit to apply permits to a new vessel.
 - Eliminate the rule that a fluke exemption transfers automatically with a vessel upon sale of the vessel.
 - Eliminate the requirement of the fluke exemption permit being permanently tied to the vessels federal permit.

Pilot Multi-State Landing Program



- Allow commercial fishers to simultaneously carry summer flounder possession limits for RI & CT during the same fishing trip (NY is a potential candidate state as well)
- Winter period I only
- Each possession limit must be landed in the respective state.
- Record of summer flounder landings dating back to at least 2014.
- No convictions for violations in the past 3 years
- Must report electronically.

End of Slides!



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