

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Commercial Marine Fishing Licenses, Landing Permits, and
Party and Charter Licenses

Rule Identifier: 250-RICR-90-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: August 18, 2022

Hearing Date: September 12, 2022

End of Public Comment: September 22, 2022

Rulemaking Authority:

R.I. Gen. Laws Chapters 42-17.1

20-2.1

and 20-2.2

R.I. Gen. Laws § 20-1-4 and in accordance with R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

1. Section 2.7.4(C)(4)(a): Proposed amendment to the exit:entry ratio for the issuance of the Unlimited Finfish endorsement. A proposal was received from the public to amend this ratio from 1:2 to 1:1.

• Proposal # 1: Status quo (1:2 ratio)

• Proposal # 2: Proposed amendment to 1:1

In 2022, three (3) Multi-Purpose Licenses and/or PEL with Restricted Finfish Endorsement were not renewed, which at a 1:2 ratio would result in six (6) Standard with Unlimited Finfish endorsement licenses available for issuance in 2023.

Adoption of a 1:1 ratio would result in the availability of three (3) endorsements, or three (3) fewer endorsements than a 1:2 ratio.

2. Section 2.7.4(C)(4)(b): Proposed amendment to the exit:entry ratio for the issuance of the Unlimited Shellfish endorsement.

• Proposal # 1: Status quo (1:1) (no proposals received by the time of noticing).

3. Proposed rules involving the issuance of Multipurpose Vessel Licenses (MVL):

This license type was created by statute effective July 1, 2022. Rules were amended effective July 1, 2022, to identify the MVL as a license type, with a placeholder rule that issuance of the MVL would not occur prior to January 1, 2023. Proposed rules developed at this time provide for specifics of license issuance:

• Section 2.7.4(C)(2)(e): Establishes eligibility requirements for the license; establishes an operator permit and requirements.

o Establishes a cap of thirty-one (31) licenses to be issued

o Establishes that licenses may only be issued to “natural persons” who hold an Actively Fished Multipurpose Fishing License and who own a commercial fishing vessel that is commercially declared

o Establishes that a Division-approved vessel monitoring system (VMS) device must be installed and maintained

o Establishes that owners of a vessel who hold a MVL are not concurrently eligible for issuance of other commercial fishing licenses

o Establishes that an operator permit is required and a fee for this permit

o Establishes eligibility and requirements for the issuance of a new MVL upon sale of a commercial fishing vessel

• Section 2.7.1(B)(1)&(2): Proposed inclusion of the MVL for exemption to needing a license for crew. Rule currently provides for such exemption of a commercial fishing license for crew when conducting certain operations

• Section 2.7.2(G): Proposed inclusion of language “or vessel” to provide for the expiration of the MVL consistent with other commercial fishing licenses issued.

• Section 2.7.2(I): Proposed inclusion of the MVL to specify that the operator permit issued must be on board the vessel that the MVL is issued to.

• Section 2.7.2(J): Proposed new language to codify that landings are credited to the natural person identified on the MVL issued, and not to the vessel in any way.

Landings are currently only ascribed to the license holder. With the MVL, which will identify both the Multipurpose Fishing License holder who is consigning that license as a condition of MVL issuance, and the vessel that is “issued” the MVL, this proposed rule is to clearly codify that landings are still to be credited to the natural person license holder and not the vessel.

• Section 2.7.3(A)(5): Establishes a minimum age requirement of eighteen (18) years old for eligibility for an operator permit, consistent with the minimum age for the eligibility of a non-resident commercial fishing license

4. Section 2.7.3(C)(1)&(2): Proposed addition of terms “Restricted” and “Non-Restricted” species to identify those finfish species that are identified as such, as these terms are used in other programs and statute. Adoption of this rule would have no effect on licensed persons; it is considered a matter of clarification only.

5. Section 2.7.5(A)(2)(d): Adoption of this rule would identify the former license types no longer issued (i.e., Commercial Fishing License (CFL) and Principal Effort License (PEL)) for the purposes of activity on the license. Adoption of this rule

would have no effect on licensed persons; it is considered a matter of clarification only.

6. Section 2.7.6(A)(1)(a)&(b) and 2.7.6(A)(2)(a): Adoption of this rule would identify the former license types no longer issued (i.e., Commercial Fishing License (CFL) and Principal Effort License (PEL)) for the purposes of activity on the license. Adoption of this rule would have no effect on licensed persons; it is considered a matter of clarification only.

Additional Information and Public Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until September 22, 2022 by contacting the appropriate party at the address listed below:

Peter Duhamel
Department of Environmental Management
3 Fort Wetherill Road
Jamestown, RI 02835
peter.duhamel@dem.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.5, to consider the proposed amendment shall be held at which time and place all persons interested therein will be heard. This hearing is subject to R.I. Gen. Laws Chapter 42-46, Open Meetings.

Public Hearing Information:

Date: September 12, 2022

Time: 6:00 P.M.

Location: URI Bay Campus, Corless Auditorium, 215 South Ferry Rd
Narragansett, RI, 02882

The place of the public hearing is accessible to individuals with disabilities. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting. For questions regarding available parking, please contact the agency staffperson listed above.

Regulatory Analysis Summary and Supporting Documentation:

Provided as separate supporting document

For full regulatory analysis or supporting documentation contact the agency staffperson listed above.