



**RHODE ISLAND**

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**DIVISION OF MARINE FISHERIES**

Three Fort Wetherill Road

Jamestown, Rhode Island 02835

## **Regulatory Analysis**

**Proposed Amendments to RIDEM Marine Fisheries regulations “Part 2 - Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses”**

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## INTRODUCTION

The Rhode Island Department of Environmental Management (Department) Division of Marine Fisheries (DMF) is proposing regulatory changes to 250-RICR-90-00-2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses. Specifically, DMF is proposing 6 regulatory amendments:

1. Fishery endorsement for species other than Finfish, Shellfish, or Crustacean (2.7.3(C)(1)&(2))
2. Fee for Standard Resident License with three (3) unlimited fishery endorsements (2.7.3(F)(9))
3. Issuance of Mid-Water/Pair Trawl Endorsement (2.7.3(D)(3) & 2.7.3(F)(14))
4. Exit:entry ratio for the issuance of a Standard license with Unlimited Finfish Endorsement (2.7.4(C)(4)(a))
5. Exit:entry ratio for the issuance of a Standard license with Unlimited Shellfish Endorsement (2.7.4(C)(4)(b))
6. Multipurpose Vessel License (2.7.4(C)(2)(e))

This regulatory analysis has been prepared to estimate the impact of the proposed regulatory changes pursuant to the Administrative Procedures Act (APA), R.I. Gen. Law § 42-35-2.9. As the first three proposed regulatory amendments have no policy impact and are merely meant to formalize current practice, they are not included in this regulatory analysis.

For all proposed regulatory amendments, market conditions, or market changes, cannot be traced in this analysis to these regulations. This is due to the fact that the costs and/or benefits generated from a commercial fishing business, or commercial harvester, are largely dependent on a wide variety of variables including, but not limited to: license type; license endorsement(s); effort (full or part-time); target species; market prices for target species; state quotas; possession limits; gear type; fishing mode (shore or vessel); vessel size; crew; upfront investments for vessel, gear, and administrative tasks; possession of a federal permit; seasonality of fisheries; weather; and catastrophic events. As a result, it is impossible to quantitatively estimate costs and/or benefits to stakeholders under the proposed policy alternatives and this regulatory analysis is strictly qualitative in nature.

## BACKGROUND

### *Commercial Licensing Structure*

During the 2002 legislative session, the Rhode Island General Assembly adopted the Commercial Fisheries Management Act, establishing a new commercial fishing license system and ending the moratorium on the issuance of new commercial fishing licenses that had been in place since 1995. One purpose of the act was to allow for new entrants into commercial fisheries, while still restricting access to those fisheries where warranted, to rebuild depleted marine fishery stocks or otherwise manage marine resources sustainably. To meet the purposes of the act, regulations developed included licensing “endorsements” to restrict access to, or to otherwise manage commercial harvest for a particular marine species, group of species, or by

gear type. A complete list of licenses and endorsements offered under this licensing structure is available in Table 2.

During the 2022 legislative session, the commercial fishing licensing system was again revised in R.I. Gen. Law § 20-2.1-5 (Appendix B). The intent of the revision was to streamline the licensing system by consolidating the types of licenses and endorsements available and to adopt licensing fees that more closely matched those of our neighboring states. All existing Commercial Fishing Licenses (CFL) and Principal Effort Licenses (PEL) were converted to Standard Fishing Licenses. Unrestricted and restricted fishery sector endorsements (i.e., finfish, shellfish, and crustacean) were converted to limited fishery sector endorsements and unlimited fishery sector endorsements. Multipurpose Fishing Licenses, Shellfish Over 65 Licenses, and Student Shellfish Licenses all remained unchanged. Table 1 details how licenses under the previous structure were translated to the new structure. A description of all current license types and endorsements with their associated fees currently in regulation is available in Appendix A.

*Exit:entry ratio for the issuance of a Standard License with Unlimited Finfish Endorsement*

The Unlimited Finfish Endorsement (previously restricted finfish endorsement) was established to restrict access to certain species including black sea bass, scup (summer only), striped bass, summer flounder, and tautog. Access to the commercial harvest of these species is restricted to license holders with a Multipurpose Fishing License, resident Standard Fishing License with Unlimited Finfish Endorsement, or a non-resident Standard Fishing License with Unlimited Finfish Endorsement. All three license types are considered restricted access licenses and available to residents pursuant only to the exit:entry ratio of the Unlimited Finfish endorsement. Note that a few non-residents were grandfathered into the new licensing system in 2002 however new license opportunities for Multipurpose Fishing Licenses and Standard Fishing Licenses with an Unlimited Finfish Endorsement are restricted to Rhode Island residents.

Pursuant to 2.7.4(C)(4)(a) – Exit:entry ratios for the Unlimited Finfish Endorsement, for each (1) Multipurpose License, or Standard Resident License with Unlimited Finfish Endorsement, or Standard Non-Resident License with Unlimited Finfish Endorsement that is not renewed, one (1) new Standard License with Unlimited Finfish Endorsement will be made available for issuance. If the exit:entry ratio yields a number less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

Each year the DMF holds a public engagement workshop to solicit proposals for regulatory amendments to 250-RICR-90-00-2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses. Specifically, the DMF presents data from the current calendar year on license counts, the number of licenses not renewed or retired, and the availability of new license opportunities based on the exit:entry ratios for the Unlimited Finfish Endorsement currently in rule. Proposals made by the DMF and the commercial fishing industry for changes to the exit:entry ratios are typically in response to changes in effort, stock condition, or resource availability.

*Exit:entry ratio for the Issuance of a Standard license with Unlimited Shellfish Endorsement*

The Unlimited Shellfish Endorsement (previously quahog, soft-shell clam, and whelk endorsements) was established to restrict access to certain species including bay quahog, soft-shell clam, and whelk. Access to the commercial harvest of these species is restricted to license holders with a Multipurpose Fishing License, resident Standard Fishing License with Unlimited Shellfish Endorsement, or a non-resident Standard Fishing License with Unlimited Shellfish Endorsement. All three license types are considered restricted access licenses and available to residents pursuant only to the exit:entry ratio of the Unlimited Shellfish Endorsement. Note that a few non-residents were grandfathered into the new licensing system in 2002 however new license opportunities for Multipurpose Fishing Licenses and Standard Fishing Licenses with an Unlimited Shellfish Endorsement are restricted to Rhode Island residents.

Pursuant to 2.7.4(C)(4)(b) – Exit:entry ratios for the Unlimited Shellfish Endorsement, for each (1) Multipurpose license or Standard Resident License with Unlimited Shellfish Endorsement that is not renewed, one (1) new Standard Resident License with Unlimited Shellfish Endorsement will be made available. If the exit:entry ratio yields a number less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

Each year the DMF holds a public engagement workshop to solicit proposals for regulatory amendments to 250-RICR-90-00-2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses. Specifically, the DMF presents data from the current calendar year on license counts, the number of licenses not renewed or retired, and the availability of new license opportunities based on the exit:entry ratios for the Unlimited Shellfish Endorsement currently in rule. Proposals made by the DMF and the commercial fishing industry for changes to the exit:entry ratios are typically in response to changes in effort, stock condition, or resource availability.

#### *Multipurpose Vessel License*

When the commercial fishing licensing structure was revised during the 2022 legislative session, a new license type was added to R.I. Gen. Law § 20-2.1-5 (Appendix B). The Multipurpose Vessel License is only available to resident Multipurpose Fishing License holders and the DEM Director has the authority to limit the number of Multipurpose Vessel Licenses issued. The intent of the Multipurpose Vessel License was to provide additional flexibility to the commercial fishing industry. Under all other license types, the licensed individual is required to be on-board the vessel at any time the vessel is fishing in RI state waters or in possession of those species permitted under the license. There was interest from some commercial industry members to make a vessel license available that would license the vessel and provide additional flexibility by allowing the vessel owner to designate a vessel operator or captain to operate the fishing vessel without having to possess a RI fishing license, as the vessel would be licensed.

In 2022 the DMF held several public engagement workshops on the new Multipurpose Vessel License to solicit industry feedback on restrictions for issuing this new license. As of 2022, there were 734 Multipurpose Fishing License holders who would be eligible for the Multipurpose Vessel License under R.I. Gen. Law. The DMF was concerned about latent effort from inactive license holders, or license holders who renew annually but do not actively engage in commercial

fishing. As a result, the DMF put forward a proposal to limit the number of Multipurpose Vessel Licenses issued in 2023 per the authority established under R.I. Gen. Law. It quickly became apparent that the commercial fishing industry was divided on their opinions regarding the Multipurpose Vessel License and ultimately the DMF adopted regulatory amendments for no-issuance of Multipurpose Vessel Licenses in 2023 so that more engagement with the industry on their concerns could take place.

In 2023, several meetings with industry representatives and state legislatures took place to craft a proposal that satisfied the concerns of industry members.

## STATEMENT OF THE PROBLEM

On July 10, 2023, DMF staff held a public workshop where we presented a review of 2023 licensing data, new license opportunities for 2024 based on the existing exit:entry ratios for the unlimited finfish and shellfish endorsements, and a proposal for restricted issuance of Multipurpose Vessel Licenses in 2024. The policy alternatives presented in this regulatory analysis are being put forward by either the DEM DMF or the commercial fishing industry.

### *Exit:entry ratio for the issuance of a Standard license with Unlimited Finfish Endorsement*

Each year the Department evaluates the number of licenses not renewed/retired to determine the number of new license opportunities available pursuant to 2.7.4(C)(4)(a) – Exit:entry ratios for the Unlimited Finfish Endorsement and 2.7.6 – Prioritization in the Issuance of New Licenses. Based on 2023 commercial licensing data, a total of 32 licenses (17 Multipurpose Licenses and 15 Unlimited Finfish Endorsements) were not renewed and are considered retired for 2023. At the current exit:entry ratio of 1:1, 33 new endorsements are available for issuance in 2024 (round up by divisions of 3).

The DMF presented at the July 10, 2023 workshop that 33 new Unlimited Finfish Endorsements would be available in 2024 based on the current 1:1 exit:entry ratio. A proposal was made by industry members to change the current 1:1 ratio to 2:1. Under this proposal of a 2:1 exit:entry ratio, 18 new endorsements would be available for issuance in 2024.

The DMF now has two Unlimited Finfish Endorsement exit:entry ratio alternatives for consideration, maintain 1:1 or change to 2:1. These different alternatives could result in a fiscal impact to the state as well as a change in fishing effort that could impact quota utilization of restricted species available for harvest with the Unlimited Finfish Endorsement.

### *Exit:entry ratio for the issuance of a Standard license with Unlimited Shellfish Endorsement*

Each year the Department evaluates the number of licenses not renewed/retired to determine the number of new license opportunities available pursuant to 2.7.4(C)(4)(b) – Exit:entry ratios for the Unlimited Shellfish Endorsement and 2.7.6 – Prioritization in the Issuance of New Licenses. Based on 2023 commercial licensing data, a total of 136 licenses (17 Multipurpose Licenses and 119 Unlimited Shellfish Endorsements) were not renewed and are considered retired for 2023. At

the current exit:entry ratio of 1:1, 138 new endorsements are available for issuance in 2024 (round up by divisions of 3).

The DMF presented at the July 10, 2023 workshop that 138 new Unlimited Shellfish Endorsements would be available in 2024 based on the current 1:1 exit:entry ratio. A proposal was made by industry members to change the current 1:1 ratio to 3:1. Under this proposal of a 3:1 exit:entry ratio, 46 new endorsements would be available for issuance in 2024.

The DMF now has two Unlimited Shellfish Endorsement exit:entry ratio alternatives for consideration, maintain 1:1 or change to 3:1. These different alternatives could result in a fiscal impact to the state as well as a change in fishing effort that could impact resource harvest of species available for harvest with the Unlimited Shellfish Endorsement.

### *Multipurpose Vessel License*

In early 2023, the DMF worked with industry representatives and state legislatures to develop a proposal for the limited issuance of Multipurpose Vessel Licenses in 2024. The DMF presented this proposal at the July 10, 2023 workshop and received two additional proposals from members of the commercial fishing industry resulting in 3 policy alternatives for consideration: issuance of 15 Multipurpose Vessel Licenses, no issuance, issuance of 70 Multipurpose Vessel Licenses. These different alternatives could result in a fiscal impact to the state as well as a change in fishing effort that could impact quota utilization of restricted species available for harvest with the Unlimited Finfish Endorsement and Multipurpose Fishing License.

## SCOPE OF THE REGULATORY ANALYSIS

The proposed regulatory amendments are for 2024 only. All three proposed regulatory amendments are evaluated annually and subject to amendments each year. As a result, the scope of this analysis is discrete and limited to 2024.

The fiscal note associated with the proposed policy alternatives presents three years of fiscal impact even though these policies are expected to be re-visited annually.

## BASELINE

The baseline for this analysis, or what we anticipate would happen with no regulatory change, is maintaining the current 1:1 Exit/Entry Ratio for the Unlimited Finfish Endorsement, maintaining the current 1:1 Exit/Entry Ratio for the Unlimited Shellfish Endorsement, and no issuance of Multipurpose Vessel Licenses in 2024.

## STAKEHOLDERS AFFECTED WITH ANTICIPATED COSTS AND BENEFITS

*Exit:entry ratio for the Issuance of a Standard license with Unlimited Finfish Endorsement*

The stakeholders affected by the policy alternatives would be all commercial harvesters that currently hold a Multipurpose Fishing License or Standard Fishing License with Unlimited Finfish Endorsement ( n = 1,050 in 2022, Tables 1 & 2) and all stakeholders who would like to obtain a Standard Fishing License with Unlimited Finfish Endorsement but are unable to do so due to the exit:entry ratio presenting a barrier for new entrants.

Commercial harvesters that currently hold a Multipurpose Fishing License or Standard Fishing License with Unlimited Finfish Endorsement all share restricted access to quota-managed species and therefore replacing retired commercial harvesters with new commercial harvesters could impact effort and have resource impacts. If annual quotas for restricted finfish species (black sea bass, scup (summer only), striped bass, summer flounder, and tautog) were to remain the same from 2023 to 2024, and there were no changes in resource availability from 2023 to 2024, there would be no anticipated impact to the resource as total removals (in pounds of fish) would be limited by state quotas.

Changes in effort however would be dependent on how active those harvesters who retired their licenses in 2023 had been previously and how active those harvesters who are issued new licenses in 2024 will be. For example, if a retired harvester who held a license but did not engage in fishing is replaced by a harvester who seeks to fish full-time, an increase in effort would occur in 2024 relative to 2023. Conversely, if a retired harvester who held a license and was a full-time active fisher is replaced by a harvester who seeks to fish part-time, a decrease in effort would occur in 2024 relative to 2023. Given the graying of the fleet phenomenon that has been documented in New England, or the age composition of the commercial fishing fleet increasing significantly in recent years (Cutler et al., 2022), it is more likely that older and less active harvesters are retiring to be replaced by new entrants who would have a higher level of activity. The licensing data under the former structure in Table 2 also supports this phenomenon as there has been a decreasing trend in Multipurpose and Principal Effort Licenses in the past five years. These trends may also be influenced by annual changes in exit:entry ratios, state quotas, and resource availability.

If annual quotas were to change from 2023 to 2024, or changes in resource availability were to occur, we might expect resource-level impacts from the policy alternatives. All the restricted access species included in the Unlimited Finfish Endorsement are quota managed, and those annual quotas are set by the Atlantic States Marine Fisheries Commission (ASMFC) and/or Mid-Atlantic Fisheries Management Council (MAFMC) depending on which agency manages the species or whether they are jointly managed by both agencies. The ASMFC and MAFMC are both meeting in August 2023, to discuss 2024 management measures for species whose harvest is restricted under the Unlimited Finfish Endorsement. For several species, e.g., striped bass and summer flounder, quota reductions in 2024 are possible. Should quota reductions occur, an overall reduction in harvest per license holder would be anticipated for the current pool of license holders. This would only be exacerbated by adding new, active harvesters in 2024.

For simplicity, under baseline conditions, or keeping a 1:1 exit:entry ratio, it is assumed that the number of participants, and therefore effort, will remain constant. If participation and effort remain constant, there is no anticipated costs or benefits to the stakeholder or the resource except in the case of annual quota adjustments or changes in resource availability.



If this ratio is altered however (i.e., changing to a 2:1 ratio in Proposal 2), the number of participants and fishing effort may also change accordingly. Proposal 2 would reduce the number of participants and potentially also decrease effort which could result in longer seasons, a higher x-vessel value, and a more stable income for those already licensed if no quota adjustments occur in 2024. If quota adjustments, or reductions, were to occur in 2024, reducing the exit:entry ratio to 2:1, and thereby reducing effort, may ease the financial burden imposed on the current license holders from the quota reductions. This was the intent of the industry members who proposed this policy alternative.

Any tertiary effects on supporting industries (e.g., bait, ice, fuel, crew) would only be anticipated should changes in effort or annual changes in quotas occur.

Stakeholders who would like to obtain a standard fishing license with Unlimited Finfish Endorsement but are unable to do so due to the exit:entry ratio presenting a barrier for new entrants could potentially experience a future loss of income. The potential for generating income by establishing a commercial fishing business is highly dependent on the factors listed in introduction section of this document and highly dependent on upfront investment costs. These future costs and benefits are not possible to trace as a result.

*Exit:entry ratio for the Issuance of a Standard license with Unlimited Shellfish Endorsement*

The stakeholders affected by the policy alternatives would be all commercial harvesters that currently hold a Multipurpose Fishing License or Standard Fishing License with Unlimited Shellfish Endorsement ( n = 490 in 2022, Tables 1 & 2) and all stakeholders who would like to obtain a Standard Fishing License with Unlimited Shellfish Endorsement but are unable to do so due to the exit:entry ratio presenting a barrier for new entrants.

Commercial harvesters that currently hold a Multipurpose Fishing License or Standard Fishing License with Unlimited Shellfish Endorsement all share restricted access to quahogs, soft-shell clams, and whelk. Quahog is also available to Shellfish Over 65 license holders at a reduced possession limit. These three species are state managed and are not managed with annual quotas. The resource condition of these species is informed by fishery-independent surveys conducted by the DMF. Management of these species is through daily possession limits, size limits, closed seasons, and closed areas. As a result, local resource impacts are possible from any change in effort resulting from changes to the exit:entry ratios.

An additional concern for the commercial harvest of these three species is on the water conflict between harvesters. As these resources are available only in state waters, and some very limited areas within state waters, increased activity or number of fishers in these areas can lead to on-the-water conflict and safety concerns.

Although the baseline for this analysis, or what would be expected with no policy change, would be for a 1:1 ratio to be maintained in 2024, there was just cause for the 3:1 ratio being proposed by the commercial fishing industry. When the licensing re-structure occurred in 2022, any PEL license holder who also held a quahog endorsement or a soft-shell clam endorsement or a whelk

endorsement, was converted over to a Standard Fishing License with Unlimited Shellfish Endorsement. This means that those license holders who previously could only harvest quahog or soft-shell clam or whelk, can now harvest all three species. This gives rise for concern regarding increases in effort and resource impacts. It was fully anticipated that the current 1:1 ratio for the Unlimited Shellfish Endorsement may be altered for 2024 as a result. Additionally, because whelk has a special reporting requirement associated with it, it is possible that many license holders downgraded their license to avoid having to report for whelk. In fact, DMF staff confirmed that of the 119 Standard licenses with an Unlimited Shellfish Endorsement not renewed in 2023, fifty of those license holders downgraded to a Shellfish Over 65 license. The 3:1 ratio proposed under proposal 2 is anticipated to be more in line with the former reality under the previous licensing structure. This ratio is also meant to provide additional resource protection and prevent local depletion.

Any tertiary effects on supporting industries (e.g., bait, ice, fuel, crew) would only be anticipated should changes in effort occur.

Stakeholders who would like to obtain a Standard Fishing License with Unlimited Shellfish Endorsement but are unable to do so due to the exit:entry ratio presenting a barrier for new entrants could potentially experience a future loss of income. The potential for generating income by establishing a commercial fishing business is highly dependent on the factors listed in introduction section of this document and highly dependent on upfront investment costs. These future costs and benefits are not possible to trace as a result.

#### *Multipurpose Vessel License*

The stakeholders affected by the policy alternatives would be all commercial harvesters that currently hold a Multipurpose Fishing License or Standard Fishing License with Unlimited Finfish Endorsement (n = 1,050 in 2022, Tables 1 & 2). Any current Multipurpose Fishing License holder who is able to upgrade to a Multipurpose Vessel License under proposal 1 or 3, would have an annual cost of \$550 from the fee of the license. Any current Multipurpose Fishing License holder who is not able to upgrade to a Multipurpose Vessel License under any of the 3 proposals, would not experience any additional costs when compared to the baseline. Costs to commercial harvesters that currently hold a standard fishing license with Unlimited Finfish Endorsement could result from changes in effort, see explanation below.

Any current Multipurpose Fishing License holder who is able to upgrade to a Multipurpose Vessel License under proposal 1 or 3, is expected to have future benefits by reducing the time and effort required to search for a licensed vessel captain and having additional flexibility for who operates their vessel and thus when they are able to fish. There has been some concern raised by industry that with the added flexibility a Multipurpose Vessel License will provide these vessels, the vessel may fish more resulting in an increase in effort. This in turn could affect quota utilization rates and reduce opportunities for other license holders fishing on the same resources. Under proposals 1 & 3 however, any issuance of a Multipurpose Vessel License would be limited to those Multipurpose Fishing License holders who satisfy the standard for actively fishing (40 landings over the last two calendar years). This was specifically included to avoid increases in effort from latent license holders.

As a result of the concerns regarding changes in effort, proposal 1 not only seeks to substantially limit these opportunities to 15 licenses but is also proposing to issue these licenses as a ‘pilot’ program for the duration of 3 years. In year 3, or 2026, an analysis on the performance of the 15 Multipurpose Vessel License holders would be presented at a public engagement workshop and to the Rhode Island Marine Fisheries Council who provide recommendations on policy alternatives to the DEM Director. At that time, rules for the issuance of Multipurpose Vessel Licenses could be adopted for the future ranging from no issuance or full issuance to all Multipurpose Fishing License holders. In the instance of no issuance, all Multipurpose Vessel Licenses issued from 2024 – 2026 would revert back to a Multipurpose Fishing License. This could in turn reduce efficiency of operations for these license holders and have associated costs as previously mentioned. The DMF has had success using pilot programs in the past to study the effects of regulatory programs and changes prior to full implementation.

## REFERENCES

- Cutler, M., Silva, A., Gentile, L., & Colburn, L. (2022). Tracking shifts in the vulnerability and resiliency of commercial fishing vessel crew and hired captains in New England and the Mid-Atlantic. *Marine Policy*, 138, 104980. <https://doi.org/10.1016/j.marpol.2022.104980>
- Rhode Island Department of Environmental Management Division of Marine Fisheries. (2023). *2022 Rhode Island Annual Fisheries Report* (p. 45). Rhode Island Department of Environmental Management Division of Marine Fisheries. [https://dem.ecms.ri.gov/sites/g/files/xkgbur861/files/2023-07/AnnualRpt\\_2022.pdf](https://dem.ecms.ri.gov/sites/g/files/xkgbur861/files/2023-07/AnnualRpt_2022.pdf)

## TABLES

Table 1. Translation of table of commercial fishing license changes from old structure to new structure. Note: There was no change to the Multipurpose Fishing License.

Old License	New License
PEL with Restricted Finfish endorsement	Standard license with <u>Unlimited Finfish</u> endorsement
CFL/PEL with Non-Restricted Finfish endorsement	Standard license with <u>Limited Finfish</u> endorsement
CFL/PEL with Quahaug, Soft-Shell Clam and/or Whelk endorsement	Standard license with <u>Unlimited Shellfish</u> endorsement
CFL/PEL with Shellfish Other endorsement	Standard license with <u>Limited Shellfish</u> endorsement
CFL/PEL with Lobster Crustacean endorsement	Standard license with <u>Unlimited Crustacean</u> endorsement
CFL/PEL with Non-Lobster Crustacean endorsement	Standard license with <u>Limited Crustacean</u> endorsement
CFL/PEL with Quahaug endorsement - <u>persons under 65 years old</u>	Standard license with <u>Unlimited Shellfish</u> endorsement
CFL/PEL with Quahaug endorsement - <u>persons 65 years and older</u>	Standard license with <u>Unlimited Shellfish</u> endorsement <i>or</i> Over-65 Shellfish license (Quahaug only)

Table 2. License and endorsement totals 2018 – 2022 under the former licensing structure.

License Type & Endorsement	2018	2019	2020	2021	2022
Commercial Fishing License	<b>433</b>	<b>445</b>	<b>435</b>	<b>452</b>	<b>492</b>
Lobster	9	7	7	6	6
Non Lobster Crustacean	104	110	101	104	106
Quahog	215	227	236	251	265
Non Quahog	N/A	N/A	N/A	N/A	0
Soft Shell Clam	124	125	114	115	117

Shellfish Other	145	158	143	148	153
Non Restricted Finfish	270	213	255	271	301
Restricted Finfish	0	0	0	N/A	0
Dockside Sales	17	18	18	28	30
Purse Seine	42	45	30	45	51
Mid Water Pair/Trawl	41	41	39	45	38
Whelk	53	50	53	51	48
Research Set-Aside	N/A	N/A	0	N/A	0
<b>Multi-Purpose License</b>	<b>771</b>	<b>751</b>	<b>744</b>	<b>739</b>	<b>734</b>
Gill Net	213	204	203	194	193
Dockside Sales	239	237	244	252	267
FTRAPM	5	6	6	6	5
Mid Water Pair/Trawl	145	144	151	157	174
Purse Seine	144	145	156	166	182
Research Set-Aside	N/A	0	0	N/A	0
<b>Principal Effort License</b>	<b>585</b>	<b>560</b>	<b>553</b>	<b>552</b>	<b>554</b>
Lobster	16	16	15	15	13
Non Lobster Crustacean	36	32	32	39	40
Non Quahog	N/A	0	0	N/A	0
Soft Shell Clam	176	154	143	137	134
Shellfish Other	166	148	148	150	148
Quahog	327	305	297	292	290
Restricted Finfish	277	279	287	296	316
Non Restricted Finfish	168	159	169	184	193
Dockside Sales	14	11	13	21	18
Purse Seine	13	13	13	15	17
Mid Water Pair/Trawl	13	13	12	15	17
Whelk	60	55	58	61	66
Research Set-Aside	N/A	0	0	N/A	0
<b>Student Shellfish License</b>	<b>30</b>	<b>37</b>	<b>41</b>	<b>35</b>	<b>25</b>
<b>Shellfish 65+</b>	<b>389</b>	<b>372</b>	<b>420</b>	<b>402</b>	<b>401</b>

FIGURES

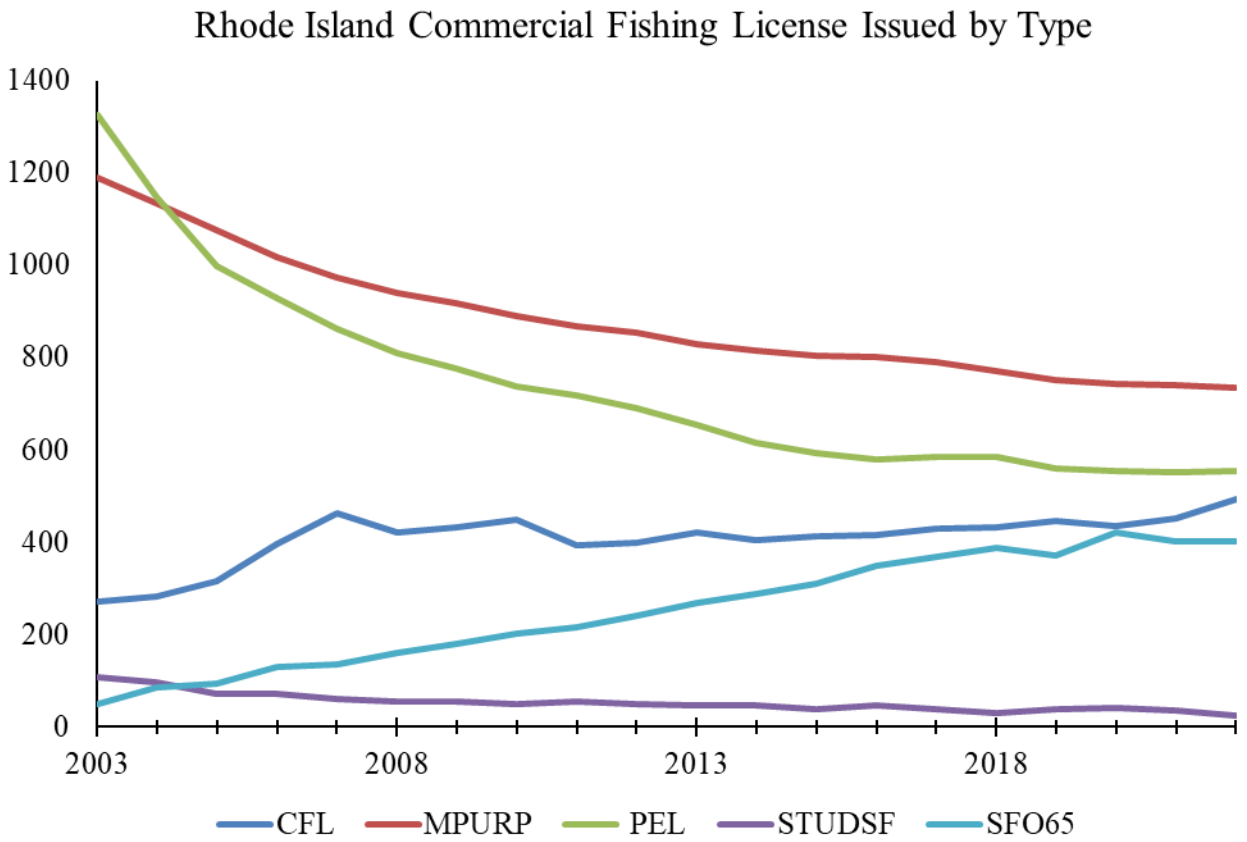


Figure 1. Commercial fishing licenses by year from 2003 to 2022 based on previous licensing structure (Rhode Island Department of Environmental Management Division of Marine Fisheries, 2023).

## APPENDIX A. LICENSE TYPES, FEES AND APPLICABILITY

**250-RICR-90-00-2**

### **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

#### **CHAPTER 90 – MARINE FISHERIES**

##### **SUBCHAPTER 00 – N/A**

PART 2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses

#### **2.7.3 License Types, Fees, and Applicability**

##### **A. Resident licenses**

1. Standard Resident License. Authorizes the commercial harvest of marine fisheries by residents pursuant to the fishery endorsement held.
2. Multipurpose Fishing License: Authorizes the commercial harvest by residents of all marine species, unless otherwise prohibited for harvest.
3. Student Shellfish License: Authorizes the commercial harvest by residents of bay quahaug.
4. Over Sixty-Five (65) Shellfish License: Authorizes the commercial harvest by residents of bay quahaug.
5. Multipurpose Vessel License: Authorizes a resident commercial fishing vessel owner to designate a resident or non-resident operator who is at least eighteen (18) years of age to engage in commercial fishing for all marine species, unless otherwise prohibited for harvest, aboard their owned vessel.

##### **B. Non-resident licenses**

Standard Non-Resident License: Authorizes the commercial harvest of marine fisheries by non-residents pursuant to the fishery endorsement held.

### C. Fishery Endorsements

1. Unlimited Finfish: Authorizes the commercial harvest of restricted and non-restricted species of finfish and squid unless otherwise prohibited for harvest pursuant to Part 3 of this Subchapter. Restricted finfish species shall include black sea bass, summer flounder, striped bass, tautog, and scup harvested from May 1 through September 30.
2. Limited Finfish: Authorizes the commercial harvest of only non-restricted species of finfish and squid unless otherwise prohibited for harvest pursuant to Part 3 of this Subchapter. Non-restricted finfish species shall include all species not identified as restricted species.
3. Unlimited Shellfish: Authorizes the commercial harvest of all species of shellfish by residents unless otherwise prohibited for harvest pursuant to Part 4 of this Subchapter.
4. Limited Shellfish: Authorizes the commercial harvest of all species of shellfish by residents unless otherwise prohibited for harvest pursuant to Part 4 of this Subchapter, excluding bay quahaug, soft-shell clam, and whelk.
5. Unlimited Crustacean: Authorizes the commercial harvest of all species of crustacean unless otherwise prohibited for harvest pursuant to Part 5 of this Subchapter.
6. Limited Crustacean: Authorizes the commercial harvest of all species of crustacean unless otherwise prohibited for harvest pursuant to Part 5 of this Subchapter, excluding lobster.

### D. Gear Endorsements

1. Gill Net: Authorizes the commercial use of a gill net by residents in the marine waters of Rhode Island pursuant to Part 6 of this Subchapter. No person shall set, haul, and/or maintain a commercial gill net in the marine waters of Rhode Island without holding a valid Gill Net Endorsement issued by the Director. An endorsement is not required for commercial gill netting for bait in accordance with Part 6 of this Subchapter.
2. Purse Seine: Authorizes the commercial use of a purse seine pursuant to Part 6 of this Subchapter. No person shall operate a purse seine in the marine waters of Rhode Island without holding a valid Purse Seine Endorsement issued by the Director.
3. Mid Water/Pair Trawl: Authorizes the commercial use of a mid-water/pair trawl these gear types pursuant to Part 6 of this Subchapter. No person shall operate a mid-water/pair trawl in the marine waters of Rhode Island without holding a valid Mid Water/Pair Trawl Endorsement issued by the Director.



E. Other (non-fishery or gear) Endorsements

1. Paper Catch and Effort Harvester Logbook

- a. Authorizes the license holder to use a paper harvester catch and effort logbook in lieu of electronic reporting to report catch and effort information. No person shall report by a paper harvester catch and effort logbook without holding a valid Paper Catch and Effort Harvester Logbook Endorsement issued by the Director.
- b. If declared as the reporting method, the Paper Catch and Effort Harvester logbook endorsement fee must be paid at the time of application.
- c. Paper Catch and Effort Harvester logbook submissions will not be accepted by a license holder who does not hold the endorsement.

2. Dockside Sales Endorsement

- a. Authorizes the sale of 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. No person shall sell live lobsters and crabs directly to consumers at dockside without holding a valid Dockside Sales Endorsement issued by the Director.
- b. 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 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.
- c. 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.

- d. 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.
  - e. 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.
  - f. 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 authorized.
  - g. 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.
  - h. Application for a Dockside Sales Endorsement is not subject to an application deadline.
3. Research Set Aside Endorsement: Authorizes the landing of marine species for sale in Rhode Island in accordance with RSA quota obtained from the National Marine Fisheries Service. Both the endorsement and the permit must be obtained prior to the landing of RSA quota for State quota monitored species in Rhode Island.

#### F. Annual Fees

1. Standard License with one (1) limited fishery endorsement
  - a. Resident: One hundred fifty dollars (\$150.00)
  - b. Non-resident: Three hundred fifty dollars (\$350.00)
2. Standard License with two (2) limited fishery endorsements
  - a. Resident: Two hundred dollars (\$200.00)
  - b. Non-resident: Seven hundred dollars (\$700.00)
3. Standard License with three (3) limited fishery endorsements

- a. Resident: Two hundred fifty dollars (\$250.00)
- b. Non-resident: One thousand fifty dollars (\$1,050.00)
4. Standard License with one (1) unlimited fishery endorsement
  - a. Resident: Three hundred dollars (\$300.00)
  - b. Non-resident: Seven hundred dollars (\$700.00)
5. Standard License with one (1) unlimited fishery endorsement and one (1) limited fishery endorsement
  - a. Resident: Three hundred fifty dollars (\$350.00)
  - b. Non-resident: One thousand fifty dollars (\$1,050.00)
6. Standard License with two (2) unlimited fishery endorsements
  - a. Resident: Three hundred seventy-five dollars (\$375.00)
  - b. Non-resident: One thousand four hundred dollars (\$1,400.00)
7. Standard Resident License with one (1) unlimited fishery endorsement and two (2) limited fishery endorsements
  - a. Resident: Four hundred dollars (\$400.00)
  - b. Non-resident: One thousand four hundred dollars (\$1,400.00)
8. Standard Resident License with two (2) unlimited fishery endorsements and one (1) limited fishery endorsements
  - a. Resident: Four hundred twenty-five dollars (\$425.00)
  - b. Non-resident: One thousand seven hundred fifty dollars (\$1,750.00)
9. Standard Resident License with three (3) unlimited fishery endorsements: Four hundred fifty dollars (\$450.00)
10. Multipurpose Fishing License: Four hundred fifty dollars (\$450.00)
11. Multipurpose Vessel License: One thousand dollars (\$1,000.00)
12. Gill Net endorsement: Twenty dollars (\$20.00)
13. Purse Seine endorsement: Twenty dollars (\$20.00)
14. Mid Water/Pair Trawl endorsement: Twenty dollars (\$20.00)

15. Paper Catch and Effort Harvester Logbook endorsement: Twenty-five dollars (\$25.00)
16. Dockside Sales endorsement: Twenty-five dollars (\$25.00)
17. Research Set Aside endorsement: Twenty-five dollars (\$25.00)
18. Student Shellfish License: Fifty dollars (\$50.00)
19. Over Sixty-Five (65) Shellfish License: There is no fee.
20. Grace period late fee: Two hundred dollars (\$200.00)

APPENDIX B. COMMERCIAL FISHING LICENSES IN R.I. GEN. LAWS §  
20-2.1-5.

Title 20  
Fish and Wildlife  
Chapter 2.1  
Commercial Fishing Licenses  
R.I. Gen. Laws § 20-2.1-5

**§ 20-2.1-5. Resident licenses, endorsements, and fees.**

The director shall establish, as a minimum, the following types of licenses and endorsements set forth in this section. In addition, the director may establish any other classes and types of licenses and endorsements, consistent with the provisions of this chapter and with adopted management plans that may be necessary to accomplish the purposes of this chapter:

**(1) Types of licenses.**

- (i) Standard resident commercial fishing license.** Rhode Island residents shall be eligible to obtain a standard resident commercial fishing license; the license shall allow the holder to engage in commercial fishing in fisheries sectors dictated by the fishery endorsement(s) associated with the license. Fishery endorsements shall be established by the department consistent with fishery management plans developed pursuant to this chapter.
- (ii) Multipurpose license.** All multipurpose purpose license holders as of December 31 of the immediately preceding year shall be eligible to obtain a multipurpose license that shall allow the holder to engage in commercial fishing in all fisheries sectors.
- (iii) Student shellfish license.** A resident twenty-three (23) years or younger shall pay fifty dollars (\$50.00) for a student commercial license to take shellfish upon provision of proof of full-time student status. An individual qualified to obtain a license must submit an application to the department of environmental management no later than June 30; a license application shall be deemed valid if submitted to the department prior to the close of regular office hours on June 30 or if postmarked by June 30.
- (iv) Over sixty-five (65) shellfish license.** A resident sixty-five (65) years of age and over shall be eligible for a shellfish license to shellfish commercially and there shall be no fee for this license.

**(v) Multipurpose vessel license.** Any multipurpose license holder shall be eligible to obtain a multipurpose vessel license that shall allow the vessel owner to designate any operator to engage in commercial fishing for all marine species aboard their owned vessel, provided the vessel owner has consigned a Multipurpose Fishing License to the department. The department may then re-issue the consigned Multipurpose Fishing License to the commercially declared fishing vessel as a multipurpose vessel license. The director has the authority to limit the number of multipurpose vessel licenses issued annually by rule. The fee for a multipurpose vessel license shall be one thousand dollars (\$1,000).

**(2) Fees.**

**(i) Standard resident commercial fishing license.**

**(A)** Standard resident commercial fishing license plus one limited fishery endorsement: The fee shall be one hundred fifty dollars (\$150).

**(B)** Standard resident commercial fishing license plus two limited fishery endorsements: The fee shall be two hundred dollars (\$200).

**(C)** Standard resident commercial fishing license plus three limited fishery endorsements: The fee shall be two hundred fifty dollars (\$250).

**(D)** Standard resident commercial fishing license plus one unlimited fishery endorsement: The fee shall be three hundred dollars (\$300).

**(E)** Standard resident commercial fishing license plus one unlimited fishery endorsement and one limited fishery endorsement: The fee shall be three hundred fifty dollars (\$350).

**(F)** Standard resident commercial fishing license plus two unlimited fishery endorsements: The fee shall be three hundred seventy-five dollars (\$375).

**(G)** Standard resident commercial fishing license plus one unlimited fishery endorsement and two limited fishery endorsements: The fee shall be four hundred dollars (\$400).

**(H)** Standard resident commercial fishing license plus two unlimited fishery endorsements and one limited fishery endorsement: The fee shall be four hundred twenty-five dollars (\$425).

**(ii) Multipurpose license:** The fee shall be four hundred fifty dollars (\$450).

**(3) Vessel declaration and fees.**

(i) The department shall require the owner and/or the operator of a commercial fishing vessel to declare the vessel on the owner/operator's commercial fishing license. The declaration shall be made at the time of initial license issuance and each renewal, or prior to the vessel being used for commercial fishing by the owner and/or operator if the first usage of the vessel for commercial fishing occurs during the course of a year after the license has been issued or renewed. If the declaration is for a vessel of less than twenty-five feet (25') in length, the declaration shall be transferable to another vessel less than twenty-five feet (25') in length, provided the vessel is identified as a commercial fishing vessel while it is being used for commercial fishing by displaying a plate as provided in § 20-2.1-4.

(ii) The annual fee for each vessel declaration shall be twenty-five dollars (\$25.00) for the first twenty-five feet (25') or under, plus fifty cents (\$0.50) per foot for each whole foot over twenty-five feet (25'); this declaration fee shall entitle the holder to a decal. The holder of a valid decal for twenty-five feet (25') in length or under may obtain a plate from the department for display on a vessel twenty-five feet (25') in length that is being used temporarily for commercial fishing; the annual fee for a plate shall be fifteen dollars (\$15.00).

#### **(4) Gear endorsements and fees.**

(i) **Gill net endorsements.** A person who holds a multipurpose license, or a vessel with a multipurpose vessel license, is also eligible to apply for a commercial gill net endorsement in accordance with the provisions of this section. The fee for a commercial gill net endorsement shall be twenty dollars (\$20.00). Applicants who possessed a gill net 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 the department by rule, pursuant to applicable management plans.

(ii) **Other endorsements.** The department may establish by rule any endorsements that may be necessary or appropriate to effectuate the purposes of this chapter and facilitate participation in a specific fishery; the fee for such endorsement shall not be greater than two hundred dollars (\$200). This endorsement shall be issued only in a manner consistent with the general requirements of this chapter, including specifically those governing residency.

#### **(5) New licenses.**

(i) **Eligibility.** For new standard resident commercial fishing and multipurpose licenses, priority shall be given to applicants who have held a commercial fishing license for two (2) years or more; applicants with military service; and applicants who have completed a department authorized commercial fishing training program, with preference to family members and crew members of a license holder who is retiring his or her license.

**(ii) Priority or preference applicants.** A new license shall be granted to priority/preference applicants who have acquired a vessel and/or gear from a license holder who has retired a license, provided, that as the result of any such transaction, for each license retired, not more than one new license may be granted, nor may the nominal effort, including the total number of licenses, in a fishery subject to effort controls or catch restrictions be increased.

**(iii) Availability of new or additional licenses.** New standard resident commercial fishing and multipurpose licenses that increase the total number of licenses in the fishery may be made available by rule consistent with management plan for issuance effective January 1, in any year, based on status of resource and economic condition of fishery. Priority for new licenses shall be given to Rhode Island residents.

**(6) Retirement of licenses.** Issuance of a commercial fishing license shall not be deemed to create a property right such that the license can be sold or transferred by the license holder; fishing licenses shall be surrendered to the state upon their nonrenewal, forfeiture, or revocation.

**(7) Issuance of temporary operator permits in cases of medical hardship.** The department shall make available, as necessary, temporary operator permits to provide solely for the continued operation of a fishing vessel upon the determination of medical hardship of a license holder who has actively fished. Temporary operator permits shall be subject at a minimum to the conditions and restrictions that applied to the license holder.

**(8) Issuance of new licenses to family members in cases of medical incapacity.** Upon determination of medical incapacity, an actively fished license may be surrendered to the department for the purpose of the concurrent issuance of a new license to a resident family member.

**(9) Issuance of new licenses upon the sale of a commercial fishing business.** Upon the sale of a commercial fishing business, as defined by rule, a new license may be issued to the buyer upon the surrender of the seller's license to the department for the purpose of the concurrent issuance of a new license.

**(10) Transfer of vessels and gear.** Vessels and gear may be sold, transferred, or disposed at the sole discretion of the owner; provided, however, that the subsequent level of use of the gear may be restricted in Rhode Island waters in order to accomplish the purposes of a duly adopted management plan or other duly adopted program to reduce effort.

History of Section.

P.L. 2002, ch. 47, § 4; P.L. 2004, ch. 8, § 3; P.L. 2004, ch. 16, § 3; P.L. 2015, ch. 177, § 1; P.L. 2015, ch. 199, § 1; P.L. 2021, ch. 162, art. 7, § 5, effective July 1, 2022.