

**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 22, 2023

Hearing Date: September 11, 2023

End of Public Comment: September 21, 2023

**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. Fishery endorsement for species other than Finfish, Shellfish or Crustacean (section 2.7.3(C)(1)&(2)):

- Division proposal to amend rule to add “marine species other than shellfish and crustacean” to the Unlimited and Limited Finfish endorsement to provide for the commercial harvest and sale of marine species other than finfish, shellfish, and crustacean (e.g., kelp).

2. Fee for Standard Resident License with three (3) unlimited fishery endorsements (section 2.7.3(F)(9): Delete section as this license type is no longer available for issuance. Any license holder who previously held a Commercial Fishing License (CFL), or Principal Effort License (PEL), with all three fishery endorsements, was converted to a multipurpose fishing license (MPURP) in 2023.

3. Issuance of Mid-Water/Pair Trawl Endorsement (sections 2.7.3(D)(3), 2.7.3(F)(14), and 2.7.4(C)(2)(l)):

- Division proposal to specify that this endorsement is not available for issuance while midwater trawling is prohibited in state waters.

4. Exit:entry ratio for the issuance of a Standard license with Unlimited Finfish endorsement (section 2.7.4(C)(4)(a)):

Industry proposal to amend this ratio from 1:1 to 2:1.

- There were 33 licenses not renewed/retired in 2023.
- At status quo 1:1, there would be 33 new Standard License with Unlimited Finfish endorsement available for issuance in 2024.

- At 2:1, 18 new Standard License with Unlimited Finfish endorsement available for issuance (round up by 3's per rule).

5. Exit:entry ratio for the issuance of a Standard license with Unlimited Shellfish endorsement (section 2.7.4(C)(4)(b)):

Industry proposal to amend this ratio from 1:1 to 3:1.

- There were 138 licenses not renewed/retired in 2023.
- At 1:1, 138 new Standard License with Unlimited Shellfish endorsement would be available for issuance in 2024.
- At 3:1, 46 new Standard License with Unlimited Finfish endorsement would be available for issuance in 2024.

6. Multipurpose Vessel License (section 2.7.4(C)(2)(e)): This license type was adopted by the General Assembly effective July, 2022. A proposed rule was noticed in August 2022 to issue 31 licenses, or 10% of the actively fished multipurpose licenses (MPURP). The RI Marine Fisheries Council then voted to postpone any issuance until 2024, to which the Director then concurred. A legislative effort to eliminate the license was started but ultimately did not move forward. The Division has conducted numerous public meetings discussing the matter, the most recent a public workshop on July 10, 2023 to further discuss the elements of the license issuance. A total of three proposals (2 from industry and/or their legislative representatives and one from the Division) are noticed as follows:

Proposal #1 (as noticed): Division proposal.

- Principal components of rule include:

- o Available only to a resident “natural person” MPURP holder who is the owner of the commercial fishing vessel or has a vested interest in the business or corporation that owns the vessel and is “Actively Fishing.”

- o Vessel will be assigned to the MVL. The vessel is eligible for being assigned to the MVL only if the landings used to meet the activity standard occurred on the vessel.

- o Vessel must be commercially declared per current rules.

- o Approved Vessel Monitoring System (VMS) device required.

- Required for all opt-in programs for improved monitoring and

assessment of program

o Operator(s) must be designated and will be identified on operator permit issued by the Department.

o Violations: Actions taken on both the operator and license holder

o 15 licenses available for issuance on January 1, 2024. If # of applications exceeds 15, issuance by lottery.

• Per the request of certain industry members and their legislative representative

o License issued for 2 consecutive years renewed annually; after which the program will be reviewed by the Department to determine whether the license will be issued going forward.

• Per the request of certain industry members and their legislative representative

o No transfer of MVL during the initial 2 year period. If vessel is to be sold as part of a commercial fishing business to a RI resident, the MVL shall first be reverted back to an MPURP.

Once converted back to MPURP, that MPURP holder not eligible for a new MVL

o One-time issuance for initial 2 year period

o Vessel may only be replaced in instances of catastrophe only. If the vessel owner is replacing their vessel, they must apply to the Department.

o New licenses January 1 through last day of February consistent with other licenses issuance, including 60-day grace period for renewals with a \$200 late fee.

• Proposal #2 (not included in the proposed rule): Industry proposal to amend rule to prohibit issuance of licenses indefinitely.

• Proposal #3 (not included in the proposed rule): Industry proposal to:

• Amend rule to provide for the issuance of 70 licenses beginning January 1, 2024.

• License issued for 2 consecutive years renewed annually; after which the program will be reviewed by the Department to determine whether the license will be issued going forward.

### **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 21, 2023 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 11, 2023

Time: 5:00 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 a separate supporting document

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