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TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 2 – Commercial Marine Fishing Licenses and Landing Permits

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2.1 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.

2.2 Authority

These Regulations are promulgated pursuant to 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, the Administrative Procedures Act.

2.3 Application

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

2.4 Severability

If any provision of these 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 Regulations shall not be affected thereby.

2.5 Superseded Rules and Regulations

On the effective date of this Part, all previous Regulations, and any policies regarding the administration and enforcement of R.I. Gen. Laws Chapters 20-2 ("Licensing"), 20-2.1 ("Commercial Fishing Licenses"), and 20-3.1 ("Marine Fisheries Management Modernization"), shall be superseded, provided that Regulations promulgated by the Director or the Rhode Island Marine Fisheries Council pursuant to R.I. Gen. Laws Chapter 20-3 ("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 Regulations shall be governed by the Regulations in effect at the time the enforcement action was taken or application was filed.

2.6 Definitions

See Part [1](#) of this Subchapter.

2.7 General Management and Licensing Regulations

2.7.1 Management Controls

A. Fishery endorsements:

1. Fishery endorsement categories shall include:

- a. Lobster
- b. Non-Lobster Crustacean: all crustacean species, as well as horseshoe crabs, available for commercial harvest, except lobster
- c. Quahaug
- d. Soft-shell Clam

Control date: A control date of December 31, 2007 is established for the soft-shell clam fishery in Rhode Island. This control date has been established by the Department for potential future use in establishing eligibility criteria for future access to the fishery.

- e. Shellfish Other: all shellfish species available for commercial harvest, except quahaug and soft-shell clams
- f. Restricted Finfish: scup (only from May 1 through October 31; scup shall be considered non-restricted from January 1 through April 30, and from November 1 through December 31), summer flounder, tautog, striped bass, and black sea bass
- g. Non-Restricted Finfish: all species of finfish and squid available for commercial harvest except the five (5) species specified in the Restricted Finfish Endorsement category, and
- h. Whelk: all whelk species available for commercial harvest.

B. Limits on entry: The Department may establish entrance/exit ratios, lotteries, waiting lists, or other allocation measures as a means for limiting entry consistent with fisheries management plans.

2021 Fishery Management Control Exit/Entry Ratio Restricted Finfish Endorsement (§ 2.7.1(C)(1))

Option 1 – Status Quo (1:1 ratio):

C. Exit/entry ratios:

1. Restricted Finfish Endorsement: For every one (1) license ~~eligible_~~ authorized 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.

Option 2 – Further restrict availability (i.e., no new entrants) of Restricted Finfish Endorsement (1:0 ratio):

C. Exit/entry ratios:

1. Restricted Finfish Endorsement: For every one (1) license ~~eligible_~~ authorized to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a Restricted Finfish Endorsement, that are not renewed, ~~one (1)~~ zero (0) 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.~~

Option 3 – Liberalize availability of Restricted Finfish Endorsement (1:2 ratio):

C. Exit/entry ratios:

1. Restricted Finfish Endorsement: For every one (1) license ~~eligible_~~ authorized to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a Restricted Finfish Endorsement, that are not renewed, ~~one (1)~~ two (2) 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.

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2. Quahaug Endorsement: 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 (3) licenses/endorsements will be made available.

3. Soft-Shell Clam Endorsement: For every five (5) 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 (1) or two (2) licenses/endorsements, three (3) licenses/endorsements will be made available.

2.7.2 Management Plans

- A. The management controls set forth in these Regulations shall be consistent with fisheries management plans adopted by the Department pursuant to R.I. Gen. Laws § 20-2.1-9(5). Such plans shall be updated annually, with the draft plan made available for public review a minimum of thirty (30) days prior to any public hearing that addresses commercial licensing.
- B. The management controls set forth in these Regulations shall also be consistent with fisheries management plans adopted by a Federal agency or regional body of competent jurisdiction.

2.7.3 Emergencies

The Director may promulgate Regulations with less than thirty (30) 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 R.I. Gen. Laws § 42-35-2.10.

2.7.4 Data Reporting

- A. The holder of any type of commercial fishing license or landing license shall be deemed to have consented to providing such fishery-related information as the Director may require. Reporting shall be required on forms or in a format as prescribed by the Director (R.I. Gen. Laws §§ 20-1-20 and 20-4-5).
- B. The Department will provide applicants with applicable reporting methods at the time of license issuance or renewal.
- C. Commercial trips shall be accurately logged in the Paper Catch and Effort Harvester Logbook or entered in an electronic device, prior to offloading. Minimum trip elements shall include, but are not limited to:
 1. Trip date

2. Area fished
 3. Vessel State Registration or USCG Documentation number
 4. Gear type(s) fished
 5. Quantity of gear fished
 6. Fishing time
 7. Species
 8. Pounds or count of species caught
 9. Disposition
- D. Accurately completed copies of the Federal Vessel Trip Reports or State reporting forms shall be kept in numerical order on board the vessel dating back to January 1 of the current year and furnished upon request. A vessel shall be exempt from this requirement if the captain of said vessel is currently enrolled in an electronic logbook program. Instead, the vessel must have all records dating back to January 1 of the current year entered electronically.
- E. Due dates for the submittal of paper reports to DMF:
1. For fishing activity occurring in the months of January, February, and March: April 15.
 2. For fishing activity occurring in the months of April, May, and June: July 15
 3. For fishing activity occurring in the months of July, August, and September: October 15.
 4. For fishing activity occurring in the months of October, November, and December: January 15.
 5. To renew prior to January 15, harvester reports must be submitted for all of December if renewing in January and up to date in December if renewing in December.
- F. Captains enrolled in an electronic logbook program shall submit trip reports not later than forty-eight (48) hours after the end of the trip.
- G. Collection and use of data:

1. Data will be collected, managed and disseminated according to the coastwide minimum protocols of the Atlantic Coastal Cooperative Statistics Program (ACCSP).
2. 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.
3. Any data that are released or reported to the public shall be aggregated so as to not identify individual fishers, vessels or dealers.

H. Party or charter vessel reporting:

1. Trips made as a party or charter vessel shall be logged and submitted electronically in SAFIS.
2. Trips shall be logged prior to the termination of the trip and submitted electronically within forty-eight (48) hours of the end of the trip. Trip elements shall include, but are not limited to:
 - a. Trip date
 - b. Area fished
 - c. Gear type(s) fished
 - d. Quantity of gear fished
 - e. Number of anglers on trip
 - e. Fishing time
 - f. Pounds or count of species caught
 - g. Disposition
3. In years when no party or charter trips were made, at least one (1) negative report must be submitted.
4. Failure to submit reports shall result in one (1) of the following actions: license suspension, revocation or ineligibility to renew.

2.7.5 Commercial Licenses

A. Application required: Applications for a license shall be completed on forms as prescribed by the Director. Applications not completed in their entirety shall not be considered. Applications shall contain the following information:

1. Full name
2. Age
3. Occupation
4. Residence address
5. Mailing address
6. Weight
7. Height
8. Hair color
9. Eye color
10. The name of any State or jurisdiction in which the applicant's commercial fishing license and/or permit is currently revoked or suspended, and
11. Driver's License number and State of issuance, or other State-issued photo identification card.
12. Applications must be notarized.
13. Reporting method: Paper Catch and Effort Harvester logbook; or, Federal Vessel Trip Report (VTR), or e-TRIPS. The Paper Catch and Effort Harvester logbook and e-TRIPS reporting methods cannot be declared together.

B. Other requirements:

1. A license must be signed by the party to whom it is issued in order to be valid.
2. Licenses may not be transferred to another person.
3. All fees must have been paid for a license to be valid.
4. A lost or accidentally destroyed license may 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.

5. 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. Expiration. Unless otherwise specified, all licenses issued pursuant to this Part shall expire on December 31 annually. It shall be unlawful for any person to fish commercially in the marine waters of Rhode Island on an expired license. The grace period set forth in § 2.7.5(C)(5) of this Part shall not extend the validity of any expired license.
7. Every license holder shall have their license in possession at all times while engaged in the licensed activity and shall present the license for inspection on demand by the Director. Any person who shall refuse to present a license on demand shall be liable to the same punishment as if that person were fishing without a license.

C. Application deadlines:

1. The Department will notify all license holders in writing by November 1 that said license, as well as all vessel declarations, expire on December 31 of that year. The Department will also notify all holders of Sixty-Five (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.
2. All notices will be sent by regular mail to the mailing address given on the license holders last license application or change of address form.
3. All applications for Sixty-Five (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 p.m. 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 p.m. 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 <https://www.ri.gov/DEM/commercialmarine/>, 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.

4. No Sixty-Five (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 §§ 2.7.5(C)(3) or (5) of this Part, or §§ 2.7.5(E)(3) or 2.7.5(F) of this Part. 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 §§ 2.7.5(C)(3) or (5), or §§ 2.7.5(E)(3) or 2.7.5(F) of this Part.
 5. With the exception of Student Shellfish License applications, applications for renewal of licenses referenced in §§ 2.7.5(C)(3) and (4) of this Part 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 two hundred dollars (\$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 Boating Registration and Licensing, 235 Promenade Street, Providence, RI 02908; or via mail at the same address; or electronically via the Department's online renewal service at [www.ri.gov/DEM/commercialmarine.](https://www.ri.gov/DEM/commercialmarine/)
- D. Demonstration and verification of "Actively Fishing" and "Actively Participating" standards for the issuance of new licenses:
1. Actively Fishing:
 - a. To meet the standard of "Actively Fishing," the license holder must have held the license for a minimum of the immediate two (2) preceding calendar years, and demonstrate by dated transaction records, as verified by SAFIS dealer or dockside sales reporting, a

minimum of forty (40) legal Rhode Island landings in the preceding two (2) calendar years, pursuant to a valid Rhode Island license.

- (1) In cases where there are less than forty (40) legal Rhode Island landings, and one (1) or more of those landings is associated with a multi-day trip(s), Vessel Trip Reports and days fished from those trip(s) may be used to meet the standard of Actively Fishing.
- (2) In cases where dockside sales reports are being used to meet the standard of Actively Fishing, additional documentation may be required, including, but not limited to, 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.
- (3) In cases where a person holds both a Landing Permit and a Commercial Fishing License concurrently issued by the Department, dated transaction records established in SAFIS which are recorded on a license holder's Landing Permit may be considered for the demonstration or verification of the activity standard.

b. For the issuance of a new license in accordance with § 2.7.5(E) of this Part, the standard of Actively Fishing must be met, in addition to one (1) of the following conditional criteria, as applicable:

- (1) Issuance of a new license upon sale of vessel and/or gear: Landings must have occurred in the previous two (2) calendar years, with landings occurring in one (1) or both of those calendar years.
- (2) Issuance of a new license in instances of incapacity: Landings must have occurred in at least two (2) consecutive calendar years within the last ten (10) years.
- (3) Eligibility for the issuance of a new Commercial Fishing License with Quahaug Endorsement:
 - (AA) Any license holder who meets the standard of Actively Fishing and who held a valid Over Sixty-Five (65) Shellfish License as of the immediately preceding year is eligible to obtain a new Commercial Fishing License with a Quahaug Endorsement for the

immediate following year, unless assessed a criminal or administrative penalty in the past two (2) years for a violation of the marine fisheries Regulations.

(BB) Any license holder who meets the standard of Actively Fishing and who held a valid Student Shellfish License as of the immediately preceding year is eligible to obtain a new Commercial Fishing License with a Quahaug Endorsement for the immediate following year, unless assessed a criminal or administrative penalty in the past two (2) years for a violation of the marine fisheries Regulations.

(i) For Student Shellfish License holders who become ineligible to renew their license due to age after holding the license in the immediately preceding year, the license will be considered eligible for the issuance of a new Commercial Fishing License with a Quahaug Endorsement if the activity standard is met during the year the license was held.

(4) Issuance of a new Principal Effort License with Quahaug endorsement: Any license holder who meets the standard of Actively Fishing and who held a valid Commercial Fishing License with Quahaug Endorsement as of the immediately preceding year is eligible to obtain a new Principal Effort License with Quahaug Endorsement for the immediate following year. For the purposes of the issuance of a new Principal Effort License with Quahaug Endorsement, only quahog landings may be used to meet the standard of Actively Fishing.

(5) Issuance of a new Whelk Endorsement: Any license holder who meets the standard of Actively Fishing and who held a valid Commercial Fishing or Principal Effort License with Quahaug or Soft-Shell Clam Endorsement as of the immediately preceding year is eligible to obtain a new Whelk Endorsement for the immediate following year. For the purposes of the issuance of a new Whelk Endorsement, only quahog and/or soft-shell clam landings may be used to meet the standard of Actively Fishing.

2. **Actively Participating:** To meet the standard of “Actively Participating,” a crew must be able to demonstrate via one (1) or more affidavits that they have worked as a paid crew for one (1) or more captains licensed in the State of Rhode Island on a vessel that was commercially declared during the period of activity, that had a minimum of forty (40) legal Rhode Island landings in the immediately preceding two (2) calendar years. To be considered a paid crew, persons must demonstrate a valid record of being a paid employee of the vessel owner or person licensed to fish commercially, including either a W-2 form, 1099 form, or paycheck stub from a financial institution for the period of time being used to meet the standard of Actively Participating.
 - a. Affidavits must reflect activity conducted upon a vessel that was commercially declared during the period of activity.
3. 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 demonstrate 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. DEM shall determine whether the documentation submitted by the license holder substantiates the landings and associated fishing activity claimed by the license holder.
4. Any application submitted in accordance with this Part that includes 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. Fraudulent submittals will be referred to the Department’s Division 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 pursuant to § 2.7.10 of this Part.

E. Issuance of new licenses; eligibility:

1. New licenses and endorsements shall be made available as of January 1, annually.

2. In cases where a limited number of new licenses or endorsements are to be issued, the Department will accept applications until the application deadline, and then issue said licenses or endorsements to eligible applicants by May 15. To ensure fairness in these cases, no new licenses or endorsements will be issued before the application deadline date.
3. License renewal:
 - a. No application for a license renewal will be considered from a person who's had a change in residency status (i.e., change from a Rhode Island resident to non-resident, or from a non-resident to Rhode Island resident) (R.I. Gen. Laws § 20-1-3).
 - b. 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 regarding the deficiency.
 - c. Persons who possess a valid Commercial Fishing License as of the immediately preceding year are eligible to renew their license for the immediately following year.
 - d. Persons who possess a valid Principal Effort License as of the immediately preceding year are eligible to renew their license for the immediately following year.
 - e. Residents who possess a valid Multi-Purpose License as of the immediately preceding year are eligible to renew their license for the immediately following year.
 - (1) Alternatively, residents who possess a valid Multi-Purpose License as of the immediately preceding year are eligible to obtain a new Principal Effort License with Quahaug, Soft-Shell Clam, Shellfish Other, Lobster, Non-Lobster Crustacean, Restricted Finfish, Non-Restricted Finfish, and/or Whelk Endorsements for the immediately following year in place of a Multi-Purpose License. Prior to issuance of a new license, the currently held license must be surrendered.
 - f. Residents who possess a valid Student Shellfish License as of the immediately preceding year are eligible to renew their Student Shellfish License pursuant to § 2.7.6(E) of this Part for the immediately following year.

- g. Residents who possess a valid Sixty-Five (65) and Over Shellfish License as of the immediately preceding year are eligible to renew a Sixty-Five (65) and Over Shellfish License 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 to be eligible for renewal.
4. Issuance of a new license for family members or crew:
 - a. A family member or crew who qualifies as a priority applicant pursuant to § 2.7.5(G)(2) of this Part is eligible to obtain a Commercial Fishing License with applicable endorsement(s), or a Principal Effort License with a Restricted Finfish Endorsement, if they are a family member or crew of a license holder who has been actively fishing, and is not renewing their license.
 - b. The applicable endorsement(s) will be in the fishery sector(s) that was/were being actively fished by the current license holder. Prior to issuance of a new license, the currently held license must be surrendered to the Department.
 - c. One (1) new license will be issued for each license surrendered.
 - d. New license fees shall be applicable at the time of application.
5. Issuance of a new license upon sale of vessel and/or gear:
 - a. Residents are eligible to obtain a new license involving the sale of vessel and/or gear if the license holder is actively fishing if the license holder had been actively fishing pursuant to § 2.7.5(D)(1)(b)(2) of this Part.
 - b. Prior to issuance of a new license, the currently held license must be surrendered to the Department. Upon application for a new license, the Department will then issue a new equivalent license to the purchaser.
 - c. The new license/endorsement(s) issued may be at a lower harvest and gear level than the license surrendered where necessary to accomplish the purposes of fisheries management plans.

- d. New license applications made pursuant to the issuance of a new license upon the sale of vessel and/or gear are not subject to an application deadline.
 - e. New license fees shall be applicable at the time of application.
 - 6. Issuance of a new license to resident family members in cases of Incapacity:
 - a. Resident family members are eligible to obtain a new equivalent license in cases of incapacity.
 - b. Demonstration of the incapacity shall be required in the form of a death certificate, or a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).
 - c. Prior to issuance of the new license, the currently held license must be surrendered to the Department. Upon application, the Department will then issue a new license equivalent to the license currently held.
 - d. The family member shall be designated by the license holder, or, if the license holder is deceased, by mutual agreement among surviving family members. If a mutual agreement has not been reached, the administrator or executor of the estate of the deceased license holder shall be eligible for a new equivalent license for not longer than two (2) years during the probating of the estate.
 - e. New license applications made pursuant to the issuance of new licenses to resident family members in cases of incapacity are not subject to an application deadline.
 - f. New license fees shall be applicable at the time of application.
 - 7. Persons returning from active military service: Persons holding a valid license and/or landing permit when entering active service are eligible to obtain a new equivalent license and/or landing permit held at the time when entering active service, upon presentation of written credible documentation, such as form DD214, demonstrating the continuity of active service since the license had previously been held.
- F. Issuance of a temporary Operator Permit to residents in cases of Medical Hardship:

1. Residents are eligible to obtain an Operator Permit in cases of medical hardship; such resident shall be designated by the current license holder.
2. Demonstration of the medical hardship shall be required in the form of a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).
3. Prior to issuance of the Operator Permit, the currently held license must be surrendered to the Department and will be temporarily suspended. Upon application for the Operator Permit, the Department will then issue an Operator Permit equivalent to the license held, which 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 will be eligible for renewal once, at a cost equivalent to the cost of the license, upon approval by the Director. Upon the return to wellness of the incapacitated license holder and application for reinstatement of the license, the license will be reinstated upon surrendering the Operator Permit.
4. Applications made pursuant to the issuance of a temporary Operator Permit to residents in cases of medical hardship are not subject to an application deadline.

G. Prioritization and lottery for the issuance of new licenses and endorsements:

1. General:
 - a. In cases where a limited number of new licenses or endorsements are available, the Department shall provide priority to applicants as described herein.
 - b. 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.
 - c. 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. Within each priority 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.

- e. 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 current license for a minimum of seven (7) years before being eligible to use the activity standard as a criteria for prioritization (as described in §§ 2.7.5(G)(2)(a) and (b) of this Part).
- f. Active military and veterans who have been honorably discharged from active military duty may use the immediately preceding two (2) calendar years prior to conscription into the military to meet the activity standard.

2. Priority categories:

- a. First priority: First (1st) priority shall be provided equally to the following sub-categories:
 - (1) Residents holding a Commercial Fishing License who meet the standard of Actively Fishing in the same fishery sector for which a new license/endorsement is being sought.
 - (2) Residents holding a Principal Effort License who have actively fished their license.
 - (3) Resident crew members who have actively participated in the same fishery sector for which a new license/endorsement is being sought.
 - (AA) If in any of these three (3) sub-categories there are fewer eligible applicants than licenses/endorsements available for issuance, the balance will be evenly distributed to the other two (2) sub-categories. 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: Second (2nd) priority shall be provided equally to the following sub-categories:

(1) Residents holding a Commercial Fishing License, endorsed in any fishery sector, who have actively fished their license.

(2) Resident crew members who have actively participated in any fishery sector.

(AA) If in any of these two (2) sub-categories there are fewer eligible applicants than there are licenses/endorsements available for issuance, then the balance will be distributed to the other category. 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: Third (3rd) priority shall be provided to any resident, aged eighteen (18) or older.

d. Fourth priority: Fourth (4th) shall be provided to any non-resident, aged eighteen (18) or older.

H. Appeals of license denials due to Medical Hardship:

1. There shall be no right to 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.

2. The applicant may appeal the denial to the Administrative Adjudication Division for Environmental Matters pursuant to R.I. Gen. Laws § 42-17.7-1 *et seq.* and the procedures set forth in [Part 10-00-1 of this Title](#), Rules and Regulations for the Administrative Adjudication Division.

3. The burden of proof shall be on the applicant to demonstrate that he/she meets the criteria for issuance of a license. Such proof shall include written documentation of a diagnosis and prognosis of the medical hardship of the license holder signed by a medical doctor (M.D. or O.D.).

2.7.6 Licenses, Endorsements and Vessel Declarations; Resident

- A. 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:
 - 1. Non-Lobster Crustacean
 - 2. Lobster
 - 3. Quahaug
 - 4. Soft-shell clam
 - 5. Shellfish Other
 - 6. Non-Restricted Finfish
 - 7. Restricted Finfish
 - 8. Whelk
- B. Commercial Fishing License:
 - 1. Applicants must provide proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50.00), plus twenty-five dollars (\$25.00) per fishery endorsement.
 - 2. The holder of a Commercial Fishing License may participate in any fishery sector for which he/she holds an endorsement.
- C. Principal Effort License:
 - 1. Eligible applicants must present proof of Rhode Island residency and pay an annual fee of one hundred fifty dollars (\$150.00) which entitles them to fish in a single fishery endorsement category.
 - 2. The holder of a Principal Effort License may participate in any fishery sector for which he/she holds a fishery endorsement.
 - 3. The holder of a Principal Effort License may also obtain a Commercial Fishing License with applicable endorsements to fish other sectors, and/or obtain additional fishery endorsements on his or her Principal Effort License to fish other sectors, 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 (\$75.00) each.

4. 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 all other applicable fees, including but not limited to fees for the Non-Lobster Crustacean, Lobster, Non-Restricted Finfish, Restricted Finfish, as well as all additional Gear, Dockside Sales, and Paper Catch and Effort Harvester Logbook Endorsements on their Commercial Fishing License or Principal Effort License.

D. Multi-Purpose License:

1. Eligible applicants must present proof of Rhode Island residency and pay an annual fee of three hundred dollars (\$300.00).
2. The holder of a Multi-Purpose License is authorized to participate in all fishery endorsement sectors.

E. Student Shellfish License:

1. Applicants must present proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50.00).
2. Applicants must be no older than twenty-three (23) years as of June 30 of the license year.
3. 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.
4. The holder of a Student Shellfish License is authorized to participate only in the quahaug fishery.
5. The holder of a Student Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, 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.

F. Sixty-Five (65) and Over Shellfish License:

1. Applicants must present proof of Rhode Island residency.
2. There is no fee.
3. Applicants must be at least sixty-five (65) years old as of February 28 of the license year.
4. The holder of a Sixty-Five (65) and Over Shellfish License is authorized to participate only in the quahaug fishery.
5. The holder of a Sixty-Five (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, if such licenses or endorsements are available and the application requirements are met for any given license year; provided that the holder of a Sixty-Five (65) and Over Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a Quahaug Endorsement.

G. Gear Endorsements:

1. Gear Endorsement categories shall include Fish Trap, Gill Net, Purse Seine, and Mid Water/Pair Trawl.
2. The Fish Trap Endorsement shall authorize the license holder to set one (1) or more fish traps in accordance with all applicable requirements of R.I. Gen. Laws Chapter 20-5. The annual fee shall be twenty dollars (\$20.00) per trap location for a three (3) year period. Applicants who possessed a valid Fish Trap 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 fisheries management plans.
3. The Gill Net Endorsement shall authorize the license holder to set a gill net in accordance with all applicable Regulations. The annual fee 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 Rule, pursuant to fisheries management plans.
4. The Purse Seine and Mid Water/Pair Trawl Endorsements shall authorize 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 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 DEM; must report any/all landings of menhaden on a daily basis to the Division of Marine Fisheries; 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 Marine Fisheries. The annual fee for each endorsement shall be twenty dollars (\$20.00). New Purse Seine or Mid Water/Pair Trawl Endorsement opportunities shall be established by Rule, pursuant to fisheries management plans.

- a. Control date: A control date of December 31, 2007 is established for the purse seine and mid-water/pair trawl fisheries in Rhode Island. This control date has been established by the Department for potential future use in establishing eligibility criteria for future access to the fishery.

H. Vessel declaration:

1. 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 or her fishing license; or if a license has already been issued, prior to that vessel being used for commercial fishing.
2. Each such vessel must be individually and separately declared, on an annual basis, and the required fee paid.
3. 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.
4. The annual fee for a vessel declaration is twenty-five dollars (\$25.00) per vessel for vessels up to and including twenty-five feet (25') in length, plus fifty cents (\$0.50) per linear foot for each whole foot over twenty-five feet (25').
5. 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.
6. Declared vessels that are less than twenty-five feet (25') long may obtain a vessel declaration plate upon payment of an additional annual fee of fifteen dollars (\$15.00). The vessel declaration of the declared vessel may

be temporarily transferred to another vessel less than twenty-five feet (25') long by affixing the aforementioned plate to that vessel. This vessel declaration transfer shall not exceed sixty (60) days, with one sixty (60) day extension in any given year by permission of the Department.

I. Dockside Sales Endorsement:

1. Applicability: The endorsement shall authorize the license 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.
2. Eligibility: 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.
3. Dockside sales made pursuant to the Dockside Sales Endorsement must be reported to the Department with a Paper Dockside Sales Endorsement Logbook issued by the Department. There is no additional fee for this logbook.
 - a. All dockside sales reports and reports of no sales activity are due to the Division of Marine Fisheries quarterly.
 - b. 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 Endorsement Logbook.
4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. The annual fee for the Dockside Sales Endorsement shall be twenty-five dollars (\$25.00).
11. The Dockside Sales Endorsement is not subject to an application deadline.

J. Research Set Aside (RSA) Endorsement:

1. Applicability: The RSA Endorsement shall authorize the holder to land marine species, for sale, in Rhode Island, in accordance with RSA quota obtained from the National Marine Fisheries Service.

2. 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.
3. Both the RSA Endorsement and the Exempted Fishing Permit must be obtained prior to the landing of any RSA quota for State quota monitored species in Rhode Island.
4. Upon presentation of a valid Exempted Fishing Permit from the Department, an RSA Endorsement will be issued.
5. Annual fee: Twenty-five dollars (\$25.00)
6. The RSA Endorsement is not subject to an application deadline.

K. Paper Catch and Effort Harvester Logbook Endorsement:

1. Applicability: The Paper Catch and Effort Harvester Logbook Endorsement shall authorize the license holder to use a Paper Harvester Catch and Effort Logbook in lieu of electronic reporting to report catch and effort information. The Paper Catch and Effort Harvester Logbook is issued by the Director.
2. If declared as the reporting method, the Paper Catch and Effort Harvester Logbook Endorsement fee must be paid at the time of application.
3. Paper Catch and Effort Harvester Logbook submissions will not be accepted from a license holder who does not hold the endorsement.
4. Annual fee: Twenty-five dollars (\$25.00)

2.7.7 Licenses, Endorsements and Vessel Declarations; Non-Resident

A. 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:

1. Non-Restricted Finfish.
2. Restricted Finfish.

B. Non-Resident Commercial Fishing License:

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

2. 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 or 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.
3. The Division of Marine Fisheries 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 § 2.7.7(B)(2) of this Part. For applicants from any other State, it shall be the applicant's burden to prove that his or her State of residence provides Rhode Island residents the privileges referenced in § 2.7.7(B)(2) of this Part through a certified copy of the relevant Regulation. This copy is to be forwarded to the Division of Marine Fisheries for review and approval a minimum of two (2) weeks before a license may be issued.
4. Annual fee: One hundred fifty dollars (\$150.00) plus fifty dollars (\$50.00) per endorsement

C. Non-Resident Principal Effort License:

1. Applicability: The holder of a Non-Resident Principal Effort License is authorized to harvest, land and sell any species of fish for which he/she holds the appropriate endorsement(s) – Restricted and/or Non-Restricted Finfish.
2. Eligibility: Eligible applicants must demonstrate that their State of residence complies with § 2.7.7(B)(2) of this Part regarding treatment of Rhode Island residents.
3. Annual fee: Four hundred dollars (\$400.00), plus one hundred dollars (\$100.00) per endorsement

D. Non-Resident Vessel Declaration:

1. Applicants must comply with the requirements of § 2.7.6(H) of this Part, provided that temporary transfers of vessel declarations between vessels less than twenty-five feet (25') in length via vessel declaration plates are not permitted.
2. Annual fee: Fifty dollars (\$50.00), plus one dollar and fifty cents (\$1.50) for each whole foot over twenty-five feet (25') in length overall

2.7.8 Landing Permits

A. Applicability

1. A Landing Permit or a valid Rhode Island Resident or Non-Resident License with the appropriate fishery endorsements, but not both a permit and license, is required to off-load seafood products 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.
2. If the operator of a vessel carrying seafood products notifies the Department's Division of Law Enforcement at least four (4) 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.

B. General eligibility: A Landing Permit will only be issued 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. The Landing Permit issued will authorize the landing of those species authorized by said Federal or State permit.

C. General Provisions:

1. Application required: Application for a Landing Permit shall be completed on forms as prescribed by the Director and contain such information as the Department may require. Applications not completed in their entirety shall not be considered. Applicants must include proof of their valid Federal or State license as part of the permit application.
2. A Landing Permit is issued to a person 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.
3. The person in charge of a vessel must be in possession of a Landing Permit issued to that individual in order for that vessel to legally enter Rhode Island waters.
4. A Landing Permit is valid only for the calendar year in which it is issued.
5. The permit must be signed by the party to whom it is issued in order to be valid.

6. The permit is valid only for the signed holder and may not be transferred to another person.
7. All fees must have been paid for the permit to be valid.
8. A lost or accidentally destroyed Landing Permit may 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.
9. Notice of change of address. Whenever the holder of a Landing Permit 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.
10. Every permit holder shall have their permit in possession at all times while engaged in the permitted activity and shall present the permit for inspection on demand by the Director. Any person who shall refuse to present a permit on demand shall be liable to the same punishment as if that person were fishing without a permit.

D. Resident Landing Permit:

1. Applicability: Authorizes the permit holder to land, sell, or offer for sale any marine fishery species or product, in accordance with all applicable Rules and Regulations governing those species.
2. Eligibility: Available to residents who hold a valid State and/or Federal commercial fishing license.
3. Annual fee: Two hundred dollars (\$200.00)

E. Non-Resident Landing Permit with Restricted Finfish:

1. Applicability: Authorizes the permit holder to 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.
2. Eligibility
 - a. Available to non-residents only 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 fisheries management plan determines there to be excess harvesting capacity in the Rhode Island commercial quota for that species.

- b. A renewal of Non-Resident Landing Permit with Restricted Finfish is considered to be a new permit unless the applicant can show evidence of Rhode Island landings of more than one thousand (1,000) pounds of that species per year in four (4) of the five (5) 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.
- c. 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.

- 3. Annual fee: Four hundred dollars (\$400.00).

F. Non-Resident Landing Permit:

- 1. Applicability: The holder of a Non-Resident Landing Permit is authorized to 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.
- 2. Eligibility: Available to non-residents who hold a valid state and/or federal commercial fishing license.
- 3. Annual fee: Four hundred dollars (\$400.00)