

RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Marine Fisheries

Regulatory Workshop

July 10, 2023



Today's Agenda



1. Dealer regulations (Part 7 – Dealers):

- Tautog tagging
- Summer flounder packaging requirements
- Striped bass finning requirement

2. Commercial licensing (Part 2 - Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses):

- Exit:entry ratio for Unlimited Finfish endorsement
- Exit:entry ratios for Unlimited Shellfish endorsement
- Prioritization for the issuance of new licenses/endorsements:
Apprenticeship Programs and military
- Endorsement for species other than finfish, shellfish or crustacean (e.g., kelp)
- Modify Dockside Sales endorsement and Direct Sale dealer license for live crustaceans (e.g., shrimp)
- Issuance of mid-water/pair trawl endorsement
- Issuance of the Multipurpose Vessel License

3. Any other matters/proposals?

Timeline



- July 10: Workshop
- July 21: Proposed rules finalized; submitted to ORR
- August 18+/-: Proposed rules noticed with Sec. of State; 30-day public comment period begins
- September 11: Hearing
- September 17+/-: End of comment period
- October 2: RI Marine Fisheries Council
- January 1, 2023: Amended rule in effect

* All dates subject to change. All meetings announced on the Division's listserve and posted to our [calendar page](#).

Part 7 - Dealers



Tautog tagging

Issue:

- Tautog tagging requirement exists in Part 3 – Finfish (3.13.2(C)) requiring commercial harvesters to tag commercially caught tautog at the time of harvest
- No complementary rule exists in Part 7 – Fish/Shellfish Dealers Regulations that prohibits the purchase of a tautog without a commercial tag

Proposed rule:

- 7.15(G): No tautog shall be sold, purchased, bartered, or traded in Rhode Island unless a tautog tag issued by the Director has been affixed to the left opercula bone with the tag number displayed.

Part 7 - Dealers



Summer flounder packaging requirements

Issue:

- Rule 7.15(F)(1) states “Dealers shall place summer flounder in standard sixty (60) or one hundred (100) pound cartons (containers) prior to their removal from the dealer's premises or from the point of transfer, unless specific prior written authorization is requested and received from the Division of Law Enforcement”
- The Division of Law Enforcement has indicated that the rule is no longer necessary and can hinder inspection operations.

Division proposal:

- Delete 7.15(F)(1) and 7.13(F)(5)

Part 7 - Dealers



Striped bass finning requirement

Issue:

- Rule 7.15(D) states “No dealer may purchase and/or offer for sale, any striped bass where the entire right pectoral fin has been removed.”
- Added to rule when recreational and commercial size limits overlapped. With new recreational slot limit there is no longer an overlap and the rule is no longer needed.

Division proposal:

- Delete 7.15(D)

Exit:Entry ratio - Unlimited Finfish Endorsement



Background:

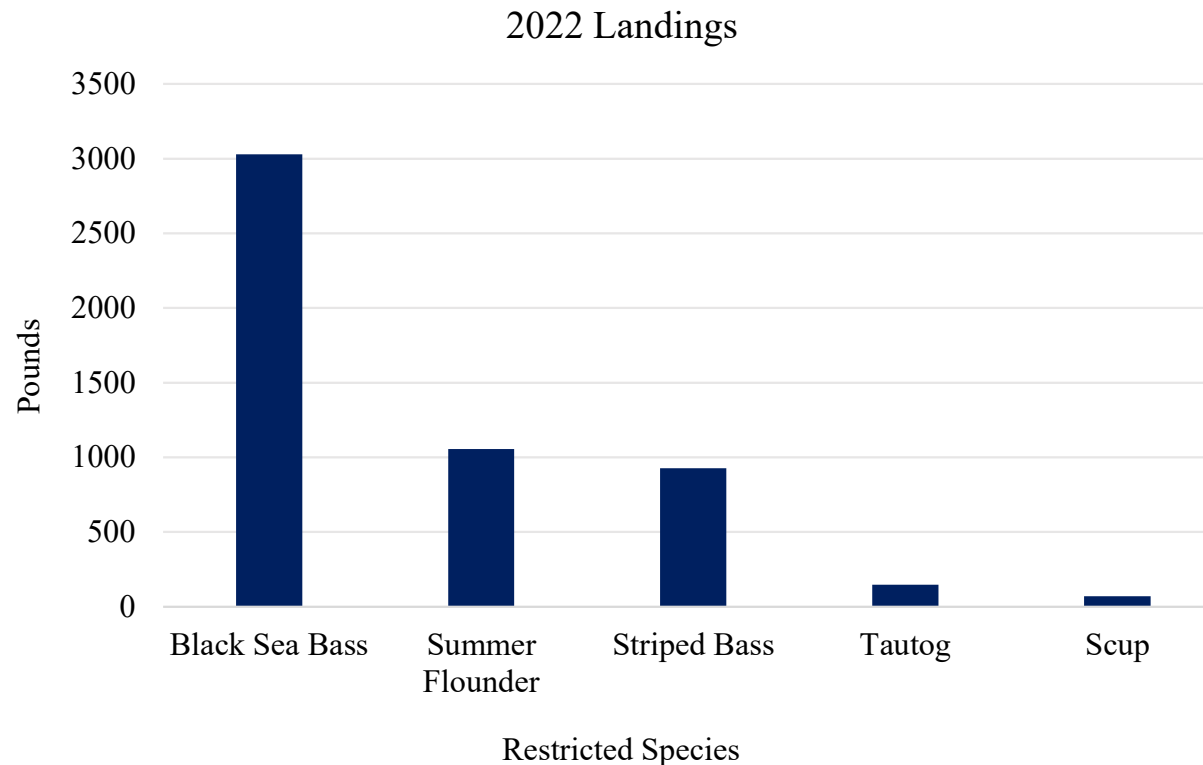
- Currently 1:1 (1 license not renewed = 1 new license available for issuance)
- 32 licenses (17 MPURP + 15 PEL w/Restricted Finfish) not renewed/retired for 2023
- At 1:1, **33 new endorsements available for issuance in 2024** (round up divisions of 3)

Exit:Entry ratio - Unlimited Finfish Endorsement



2022 Activity:

| Item | Count |
|------------------------------|-------|
| PEL with RFIN Issued in 2022 | 24 |
| with landings in 2022 | 17 |
| # of species landed in 2022 | 11 |



Exit:Entry Ratio - Unlimited Shellfish Endorsement



Background:

- Currently 1:1 (1 license not renewed = 1 new license available for issuance)
- 136 licenses (17 MPURP + 119 PEL w/Quahaug/SS Clam/Whelk endorsement) not renewed for 2023.
- Of the 136 not renewed, 50 obtained SFO65 license
- At 1:1, **138 new licenses available for issuance in 2024** (round up divisions of 3).

Prioritization for the issuance of new licenses/endorsements – Military Service and Apprenticeship Program



Issue:

- Interest from industry, the RIMFC, and Department in evaluating ways to have invested younger individuals enter the fishery
- Statutory revisions added two new priority categories for applicants with military service and those who have completed a Department approved commercial fishing training program

Division proposal:

- Consider how to prioritize eligible applicants who:
 - ✓ Have military service
 - ✓ Hold a valid certificate from an accredited commercial fishing apprenticeship program approved by the Department

Endorsement for species other than Finfish, Shellfish or Crustacean



Issue:

- Species other than finfish, shellfish, and crustacean (e.g., kelp) that may be commercially harvested and intended for sale are not specifically provided for in the fishery endorsements currently available

Proposed rules:

- 2.7.3(C)(1): Unlimited Finfish: Authorizes the commercial harvest of restricted and non-restricted species of finfish, ~~and~~ squid, and marine species other than shellfish and crustacean, 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.
- 2.7.3(C)(2): Limited Finfish: Authorizes the commercial harvest of only non-restricted species of finfish, ~~and~~ squid, and marine species other than shellfish and crustacean, 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.

Dockside Sales Endorsement and Direct Sale Dealer License



Issue:

- Only live lobsters and crabs authorized under dockside sales
- Certain finfish species, live lobsters, live crab, and live whelk are authorized under direct sale dealer's license
- Other crustacean species (e.g., shrimp) not authorized

Division proposal:

- Add live crustaceans as species authorized to:
 - Dockside sales endorsement
 - Direct sale dealer's license

Issuance of Mid-Water/Pair Trawl Endorsement



Issue:

- Midwater trawling prohibited in state waters (section 6.9(E)); however, availability of endorsement still provided in rule. The endorsement has not been issued since prohibition established.

Division proposal:

- Revise Mid Water/Pair Trawl Endorsement for no issuance until further notice

Multipurpose Vessel License (MVL)



Background:

- Adopted by General Assembly as part of the commercial license restructure bill
- Became effective July 2022 as a new license available for issuance; rules developed for consistency with statute adopted effective July 1, 2022
- Similar to a Multipurpose Fishing License (MPURP), the MVL would authorize commercial harvest of all species of finfish, squid, shellfish, crustacean, and other marine species (unless specifically prohibited for harvest)
- The MVL holder could designate an operator(s) to engage in commercial fishing aboard their owned vessel, provided the license holder has consigned a MPURP to the Department

Multipurpose Vessel License (MVL)



Background cont'd:

➤ Statutory requirements:

- ✓ Available only to holders of an actively fished Multipurpose Fishing License (MPURP)
- ✓ Issued to individual (natural person); not to a businesses/corporations
- ✓ Annual Fee: \$1000
- ✓ MPURP must be “consigned”, meaning the MPURP will be “held” by the Department and landings under the MVL will be applied to the MPURP holder
- ✓ The Director may limit the number of license issued

Multipurpose Vessel License (MVL)



Developments since July 2022:

- In 2022, DMF held three workshops on the topic
- In October 2022, the RI Marine Fisheries Council voted unanimously to not issue MVLs in 2023 and delay possible issuance until 2024
- In 2023, Bill introduced by industry and their legislative representatives to repeal statute pertaining to MVL – did not move forward
- Additional feedback and discussion with the industry through 2023
- Legislature guidance and proposal to the Department:
 - Limit issuance to 15 licenses (31 proposed in 2022; or 10% of actively fished MPURPs)
 - Establish as a Pilot Program
 - ✓ Issue licenses for a specific time period (e.g., 3 years); followed by Department, Council, and Legislature review of impact and performance of MVL holders
 - ✓ After review, the Council, DEM Director, and Legislature will provide feedback on the program. If deemed unfit or problematic, the license will be disbanded no longer than three years after the decision.

Multipurpose Vessel License (MVL)



License Data

| Item | Count |
|--|------------|
| Total MPURP licenses | 734 |
| MPURP licenses with one or more landing | 515 |
| MPURP licenses > 40 landings (2022) | 203 |
| Active MPURP licenses (2021-2022) | 310 |
| MPURP licenses with only 1 species landed | 121 |
| MPURP licenses w/state Lobster Trap Allocation (LTA) | 174 |
| Active MPURP licenses with a state LTA | 75 |
| MPURP licenses with a state LTA landed lobster | 33 |

Multipurpose Vessel License



License Data

Top species harvested by MPURP holders

| Species | % of total harvest by MPURP |
|------------------------|-----------------------------|
| Longfin (Loligo) Squid | 36% |
| Quahog | 19% |
| Scup | 7% |
| Little Skate | 6% |
| Winter Skate | 4% |
| Summer Flounder | 4% |
| Shortfin (Illex) Squid | 4% |
| Silver Hake | 3% |
| Jonah Crab | 3% |
| Goosefish | 3% |

Multipurpose Vessel License



License Data

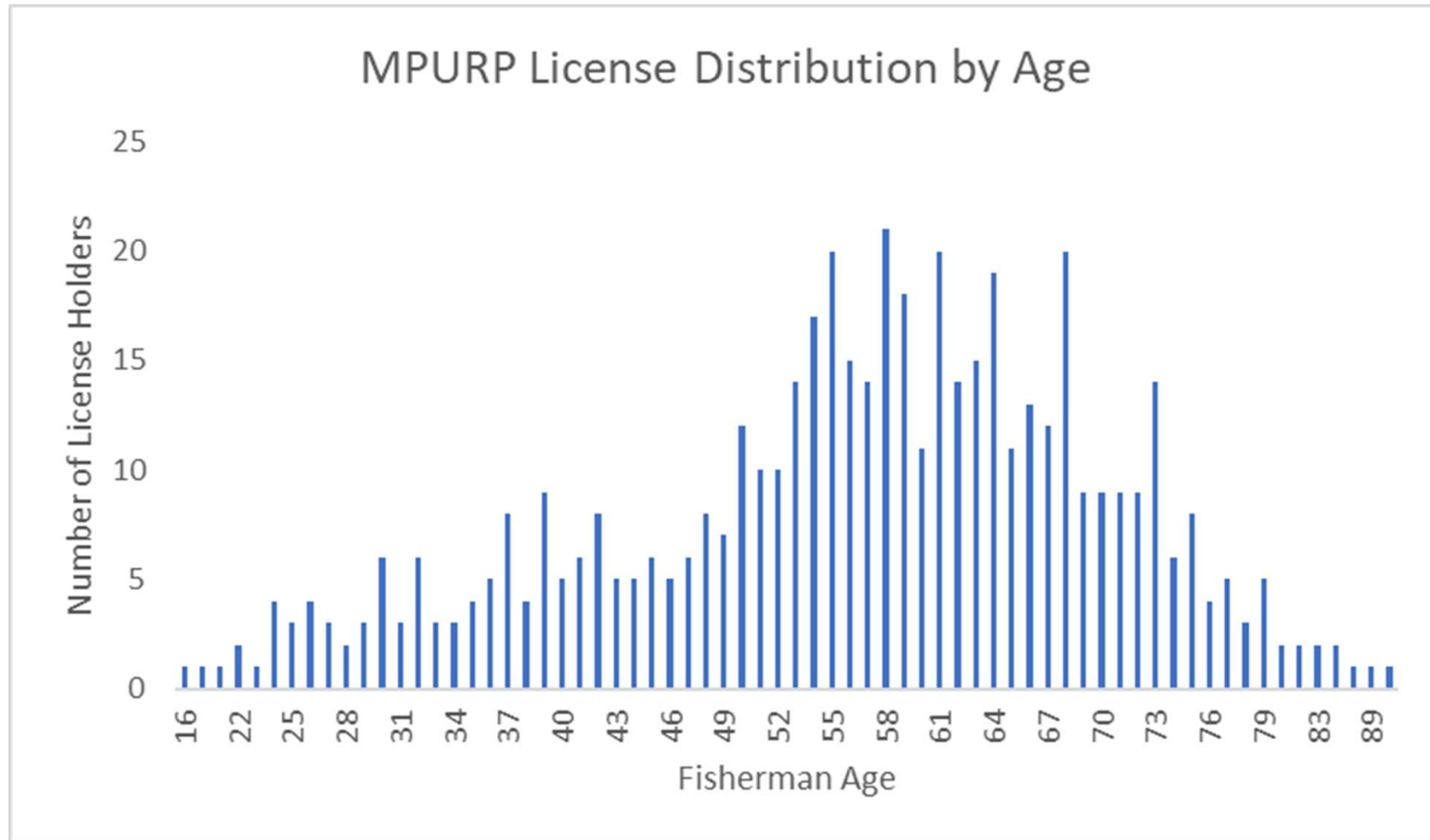
Top species harvested by MPURP holders

| Species | Number of MPURP licenses |
|------------------------|--------------------------|
| Black Sea Bass | 316 |
| Summer Flounder | 257 |
| Scup | 241 |
| Quahog | 165 |
| Bluefish | 158 |
| Striped Bass | 147 |
| Tautog | 139 |
| Longfin (Loligo) Squid | 79 |
| American Lobster | 75 |
| Goosefish | 75 |

Multipurpose Vessel License (MVL)



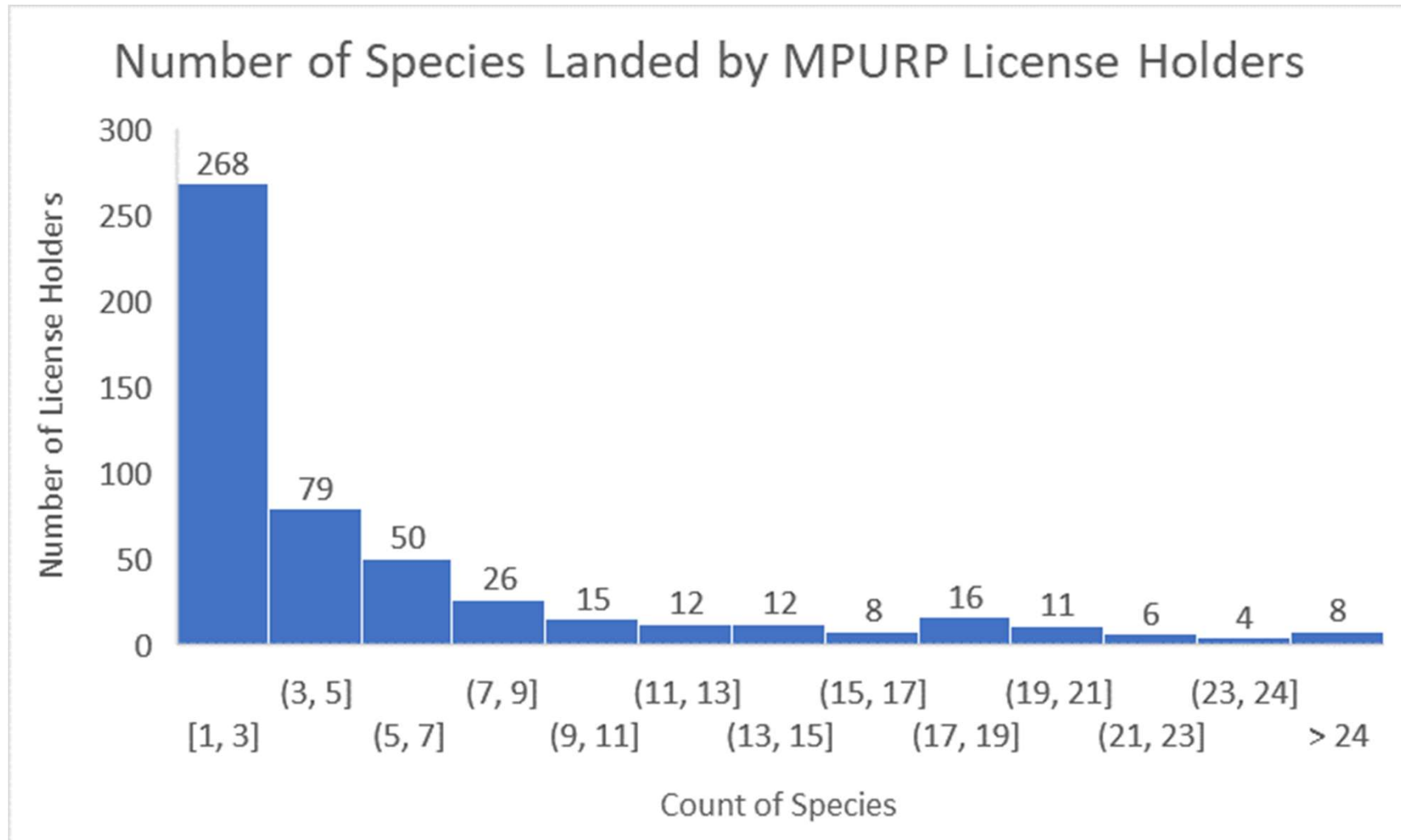
License Data



Multipurpose Vessel License (MVL)



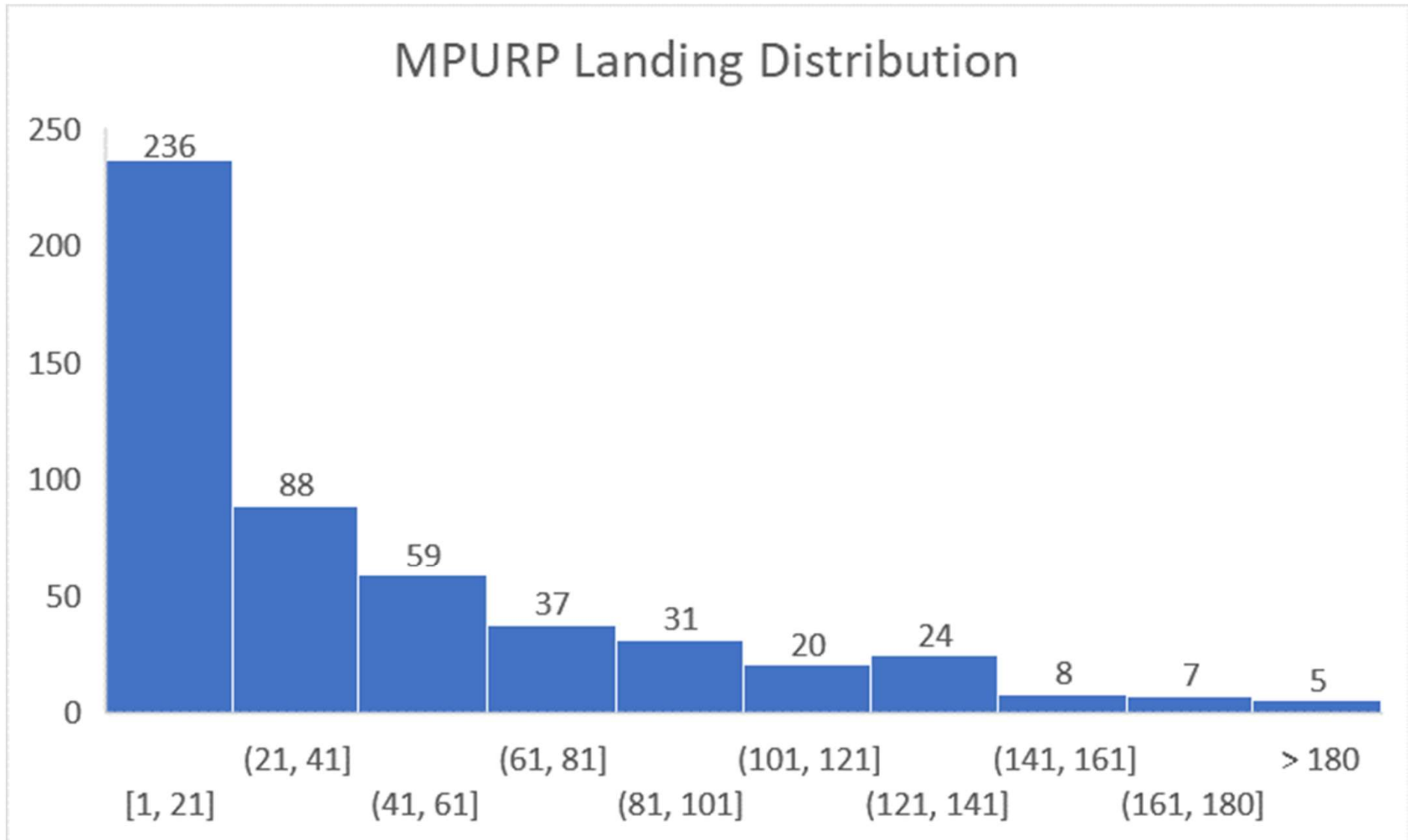
License Data



Multipurpose Vessel License (MVL)



License Data



Multipurpose Vessel License (MVL) Pilot Program



Division Proposal:

- Available only to a resident “natural person” MPURP holder who is “Actively Fishing”
- MVL will have a vessel designated; landings must have occurred on the vessel that will be named on the MVL
- Vessel must be commercially declared
- Approved Vessel Monitoring System (VMS) device required
- Operator(s) must be designated; identified on operator permit
- Violations: Actions taken on both the operator and license holder
- 15 licenses available for issuance on January 1, 2024. If # of applications exceeds 15, issuance by lottery
- License issued for 3 years; program to be reviewed thereafter
- If program discontinued, MVL license holders will have 3 years to revert back to original MPURP
- Vessel ownership by individuals or a business?

Multipurpose Vessel License (MVL) Pilot Program



Division Proposal cont'd:

➤ Sale of Vessel:

- No transfer of MVL. 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
- One-time issuance of MVLs during pilot program

➤ Catastrophic Vessel Replacement:

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

Multipurpose Vessel License (MVL) Pilot Program



Division Proposal cont'd:

- **Application for new license and renewals consistent with annual licensing period:**
 - New licenses January 1 through last day of February
 - 60-day grace period for renewals with a \$200 late fee

- **Issuance of Vessel Operator Permit:**
 - Accountability of operator
 - Fee for processing
 - No limit on number of operators/vessel; no limit on number of vessels/operator
 - No application period; permits available year-round

End of Slides!

