

COMMERCIAL FISHING LICENSING REVISION
January 2002

By Gerald M Carvalho

And

The Rhode Island Committee for Open Access Fisheries

Of the many challenges that are facing the commercial fishing community today, two problems do stand out that can be addressed with little controversy. The first problem being that the present system of licensing is both cumbersome, complex and unnecessary. The present hodgepodge of license categories are the result of fifty years of add-ons by the General Assembly whereby new and additional language was tacked on to old law in order to address the problems of the day. It is time to simplify the system, bring in some sense of order and comprehensibility, and in so doing, construct the system in a manner that would make it easier to address the necessary changes that may be needed in the future. The second problem is the issue of allocation for quota species assigned to the State of RI which involves the problem of competitive landings against the RI quota by non residents. That problem goes much further and into greater debate when it involves the use of discrimination in access to quota species fishery by competing RI residents.

I propose to resolve the problem involving licensing by creating three distinct regulating categories. The first category recognizes the traditional licensing of people for the taking, possessing, offloading, bartering, trading, selling and dealing of marine fisheries. The second category addresses the permitting of vessels and specifically regulated activities. The third category requires the registering of specialized fishing gear through the use of gear tags. There presently are 48 different classifications of licenses in RI statute pertaining to marine fisheries in Title 20 of the RI General Laws. My plan modernizes and simplifies the marine licensing system by consolidating the present 48 various licenses into ten license categories, four permitting categories and four equipment categories requiring gear tags for a sum total of 18 regulated activities. The three distinct regulating categories are as follows:

1. LICENSE - granted to *natural persons* engage in a regulated fishery.
2. PERMITS - assigned to *vessels* and *specifically regulated activities*.
3. GEAR TAGS - attached to *fixed gear* and *specialized equipment*.

The problem of non residents off loading and selling a quota species against the quota assigned to the State of RI can be solved by requiring the non resident to apply for a Non Resident Commercial Quota Species Permit and by requiring the non resident to prove to the director that said applicant contributed to the establishment of the specific species quota allocated to the State of RI through historical participation in that fishery by legal landings properly recorded in the State of RI. Additionally, by limiting the application period for a commercial fishing license application or renewal to a three

month period, it will require applicants to plan ahead and discourage individuals from simply jumping into a fishery for the quick buck.

The proposals that I have presented are drawn from my many years of experience in the legislative and regulatory aspects of fisheries management. I had written a bill to reflect my proposals in January but withheld submission until the Intergovernmental Working Group (IWG) had an opportunity to present publicly what they had prepared. Unfortunately, there are many aspects of the IWG bill that I do not believe are in the best interest of the people of the State of RI or in the best interest of RI fishermen. My bill, which can be offered as a substitute, makes no attempt to discriminate in access to the marine fisheries by RI residents and offers an alternative to what has been proposed by the department and by advocates of a limited entry system. Following is a list of the issues addressed by the proposed substitute bill and what it would actually do:

WHAT THIS SUBSTITUTE BILL DOES

- 1) This bill supports the principals of a free and common fishery as found in Article I, Section 17 of the Rhode Island State Constitution and for the continuation of open access in both the recreational and commercial fisheries.
- 2) This bill creates three distinct regulating categories. The first involves the traditional licensing of people for the taking, possessing, offloading, bartering, trading, selling and dealing of marine species. The second involves the permitting of vessels and specifically regulated activities. The third involves the registering of specialized fishing gear through the use of gear tags.
- 3) This bill modernizes and upgrades the marine licensing system by consolidating 48 various licenses into ten licensed categories, four permitted categories and four equipment categories requiring gear tags for a total of 18 regulated activities.
- 4) This bill increases the fine for filing false statements from fifty dollars (\$50.00) to five hundred dollars (\$500.00) and allows for the submission of fishing and data reporting as part of the commercial fishing license applications.
- 5) This bill limits the time period for commercial fishing license applications to March 31 of each year, changes the landing license to an Off Loading and Sellers License, and increases the fee for a fourteen day Non Resident Non Commercial Limited Shellfish License from eleven dollars to twenty five dollars (\$25.00).
- 6) This bill changes charter boat, fish trap, and dredge boat licenses to permitted activities and requires a non resident commercial fisherman to obtain a Non Resident Commercial Quota Species Permit for the off loading and sale of quota species.
- 7) This bill consolidates the regulated use of dredges in fishing into four categories which include Scallops, Mussels, Surf Clams/Ocean Quahaugs and Bay Quahogs.

- 8) This bill creates a single resident or non resident dealer license with a check off and separate fee for finfish, shellfish and crustaceans.
- 9) This bill replaces recreational licenses for lobster with Recreational Gear Tags at the same fee and establishes a common daily possession limit of eight lobsters per day.
- 10) This bill sets new guidelines and standards for Commercial Lobster Trap Tags by requiring the department to provide the tags in lots of one hundred for a fee of twenty dollars and for a one time per trap application.
- 11) The aquaculture license is replaced by a Commercial Marine Aquaculture Sales Permit and is moved from RIGL, Title 20, Chapter 2, entitled "Licensing" to Chapter 10, entitled "Aquaculture".
- 12) The consolidation of the license categories with the proposed fees should allow total revenues to remain relatively stable.

RI Marine Fisheries Licenses 2002
Under THE PRESENT SYSTEM

- 1) Commercial shellfish license - resident \$200.00
- 2) Commercial shellfish license student - \$50.00
- 3) Commercial shellfish license senior - \$00
- 4) Shellfish dredging license - \$200.00
- 5) Non resident non commercial shellfish license, one year - \$200.00
- 6) Non resident non commercial shellfish license, 14 days - \$11.00
- 7) Non resident shellfish landing license - \$200.00
- 8) Non resident land owners shellfish license - \$25.00
- 9) Shellfish buyers license - \$200.00
- 10) Commercial lobster license - \$200.00
- 11) Non commercial lobster pot license - \$40.00
- 12) Non commercial lobster divers license - \$40.00
- 13) Lobster sellers license - \$200.00
- 14) Lobster dealers license - \$200.00
- 15) Commercial scallop license - \$200.00
- 16) Fish trap license - \$200.00
- 17) Fish trap location - \$20.00
- 18) Gill net license - \$200.00
- 19) Gill net license with multi purpose license - \$20.00
- 20) Resident rod and reel or diver finfish license - \$200.00
- 21) Non resident rod and reel or diver finfish license - \$400.00
- 22) Resident non boat finfish license - \$200.00
- 23) Non resident non boat finfish license - \$400.00
- 24) Resident commercial vessel up to 50 feet license - \$200.00
- 25) Non residents commercial vessels up to 50 feet license - \$400.00
- 26) Resident commercial vessel 50 to 99 feet operators license - \$250.00

- 27) Non resident commercial vessel 50 to 99 feet operators license - \$500.00
- 28) Resident commercial vessel 99 feet or more operators license - \$20.00 per foot (for vessels at 99 feet \$1980.00)
- 29) Non resident commercial vessel 99 feet or more operators license - \$40.00 per foot (for vessels at 99 feet \$3520.00)
- 30) Resident miscellaneous pot license - \$200.00
- 31) RI finfish dealer - \$200.00
- 32) Party and charter boat license - \$25.00
- 33) Commercial aquaculture license - \$200.00
- 34) Non resident reciprocal commercial fishing trawling license - \$20.00 per foot (license period different from resident license period; conflicts with all other non resident licenses)
- 35) Multi purpose commercial marine license - \$300.00
- 36) Multi purpose RI dealers license - \$300.00
- 37) Resident finfish landing license - \$200.00
- 38) Non resident finfish landing license - \$400.00
- 39) Resident shellfish landing license - \$200.00
- 40) Non resident shellfish landing license - \$400.00
- 41) Resident miscellaneous landing license - \$200.00
- 42) Non resident miscellaneous landing license - \$400.00
- 43) Resident multi purpose landing license - \$300.00
- 44) Non resident multi purpose landing license - \$600.00
- 45) Fish trap license - \$100.00 (conflicts with previous fish trap license)
- 46) Fish trap location - \$10.00 (conflicts with previous fish trap location)
- 47) Molluscan shellfish work boat registration number -\$2.00
- 48) Commercial lobster trap tags - \$14.00 per 100 annually

The proposed revisions would take the forty three separate license categories under the old system and reduce them to 10 licensing, 4 gear tagging and 4 permitting categories.

RI Marine Fisheries Licenses 2003
Under THE NEW SYSTEM

- 1) Resident Commercial Fishing License - \$300.00
- 2) Resident Commercial Student Shellfish License - \$50.00
- 3) Resident Commercial Senior Shellfish License - \$10.00
- 4) Non Resident Commercial Fishing License - \$600.00
- 5) Non Resident Non Commercial Shellfish License - \$200.00
- 6) Non Resident Noncommercial Limited Shellfish License - \$25.00
- 7) Non Resident Noncommercial Landowner Shellfish License - \$25.00
- 8) Commercial Off Loading and Sellers License - \$100.00
- 9) Resident Dealers License - \$100.00 Finfish - \$100.00 Shellfish - \$100.00 Lobster
- 10) Non Resident Dealers License - \$200.00 Finfish - \$200.00 Shellfish - \$200.00 Lobster

- 11) Party and Charter Boat Permit - \$25.00
- 12) Dredge Boat Permit - \$25.00
- 13) Fish Trap Permit \$100.00 and \$20.00 for each trap location
- 14) Non Resident Commercial Quota Species Permit

- 15) Commercial Lobster Trap Tag - \$20.00 per 100 count (permanent tag)
- 16) Non Commercial Lobster Trap Tag - \$40.00 for 5
- 17) Diver's Lobster Gear Tag \$40.00
- 18) Gill Net Gear Tag \$5.00 each