

Options for Commercial Fishing Licensing

A Report Submitted to

The Joint Advisory Working Group on Fisheries
Management

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Executive Summary: At the bequest of Governor Lincoln Almond, the Coastal Institute at the University of Rhode Island developed a Forum to identify the different options before the State of Rhode Island with respect to commercial fishing licensing. Our charge had two components: Phase 1 consisted of providing the Joint Advisory Working Group on Fisheries Management (by mid-April 2001) the options available for resolving the current moratorium on commercial fishing licenses. Phase 2 will consist of a longer, more detailed examination of commercial fisheries management in Rhode Island.

To complete the Phase 1 task, we sought the input of members of the commercial fishing industry, the regulatory community, citizens, and academic experts through a series of open meetings and electronic discussion using a web page and LISTSERV email bulletin board established specifically for the Forum. The fishing industry vigorously participated in the process (attendance at each meeting ranged from 50-100 individuals) and made a significant commitment to the development of the licensing options. Indeed, the goals of commercial licensing and the licensing options we present here represent the views of the industry and academia. We did not rank, rate, recommend, or prioritize management options; the neutrality of the Coastal Institute in this process was rigidly adhered to.

The commercial fishery licensing and management issue is incredibly complex and has elements in biology, economics, law, ethics, and social equity. Over 50 different licensing options were offered by the community. The options included reverting back to the *status quo* prior to the moratorium, restructuring the current licensing system, extending the moratorium, issuing control date warnings, and implementing an interim licensing program. The complexity of options ranged from minor adjustments to the existing licensing system to major changes that involve using licensing procedures to manage the number of participants and/or effort in various fisheries.

Acknowledgements: First and foremost, we wish to thank all the participants of the Fisheries Forum. Their commitment to and participation in the process created a stimulating atmosphere of congeniality and vigorous discussion and debate. Likewise, the professional trade organizations representing the fishing community provided exceptional insight into the issues and were an invaluable conduit to reaching the individual members of the industry. The regular participation in the public meetings by the members of the Governor's Office, the House of Representatives, the Senate, and the Rhode Island Department of Environmental Management was an important factor in the process. The leadership and regulatory community contributed important information and insight into the biological, legal, and political aspects of fisheries management. Academic experts at the University of Rhode Island Graduate School of Oceanography; Department of Environmental and Natural Resource Economics; Department of Fisheries, Animal, and Veterinary Sciences; Department of Marine Affairs; and the URI Fish, Fisheries, and Aquaculture initiative provided essential data and scholarly assessment. Debi Morrissey and Liz Mathews of the Coastal Institute did a superb job of managing the logistics of the Forum. Bob Ballou provided critical support in communicating the purpose and results of the Forum to the General Assembly. Costs for the Fisheries Forum were covered by a grant from the Office of the Governor of Rhode Island, and funds provided by the URI Provost's Office, the URI Foundation, and Sea Grant Rhode Island. The Partnership for Narragansett Bay provided an important venue for communicating the process and results of the Fisheries Forum to a wide audience of institutions and individuals committed to the sustainable management and wise stewardship of Narragansett Bay and Coastal Rhode Island.

Introduction: In December 2000, Governor Lincoln Almond requested that the Coastal Institute at the University of Rhode Island develop a forum to identify the different options before the State of Rhode Island with respect to commercial fishing licensing. The charge had two components: Phase 1 consisted of providing the Joint Advisory Working Group on Fisheries Management (JAWGFM) by mid-April 2001 the options available for resolving the current moratorium on commercial fishing licenses. Phase 2 would consist of a longer, more detailed examination of commercial fisheries management in Rhode Island.

To complete the Phase 1 charge, we sought the input of members of the commercial fishing industry, the regulatory community, citizens, and academic experts through a series of open meetings and electronic discussion using a web page and LISTSERV email bulletin board established specifically for the Forum. We held two planning meetings with members of the fishing industry to develop a process that would be open, equitable, and provide for the articulation and discussion of commercial licensing options available to the leadership of the State of Rhode Island. The first public meeting was held on January 27, 2001 to introduce the process and review the schedule. This was followed by six public meetings that reviewed critical issues in fishery management, examined how licensing is done in other regions, and developed the options list presented here. Public meetings lasted 3-4 hours and were held on week nights or Saturday afternoons. The fishing industry vigorously participated in the process (attendance at each meeting ranged from 50-100 individuals) and made a significant commitment to the development of the licensing options.

To facilitate communication and discussion among the participants of the process, we developed a web page for the forum (www.ci.uri.edu/projects/rifish) that was used to provide access to documents, presentation notes, meeting summaries, on-line resources, and the options list. Approximately 56,000 requests were made of the web page during the Phase 1 proceedings. Using LISTSERV technology, we created an electronic bulletin board (called RIFISH-L) to support dialogue on the licensing issue. At the close of Phase 1, 103 individuals were subscribed to the list and contributed 283 electronic postings to the bulletin board. A complete archive all of postings can be found at: <http://pete.uri.edu/archives/rifish-l.html>.

The process we developed had two basic objectives: 1) to develop a list of the different goals that a commercial licensing system should attain, and 2) create the list of different licensing available to the Joint Advisory Working Group on Fisheries Management. Both lists were developed from input by the fishing, regulatory, and academic community that participated in the public meetings and electronic discussions. For the options list, we also compiled the pros and cons of each option as offered by the community. The options list was updated after every public meeting and a current version posted on the Forum web page. Paper copies of the options list were made available on the March 31 and April 7

meetings. The neutrality of the Coastal Institute in this process was rigidly adhered to and we did not rank, rate, recommend, or prioritize management options.

The Providence Journal Bulletin and the South County Independent newspapers published notices of all meetings. Many of the Forums were reported in detail in the South County Independent. A radio review of the process was featured on 5 April 2001 on the Rhode Island National Public Radio affiliate WNRI (<http://www.oneunionstation.org/archive/2001/04/040501b.shtml>).

Our final report is organized into the following sections:

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Section 1 -- Goals of Licensing System

Licensing of commercial fisheries must be designed to meet basic goals, objectives, and philosophical requirements. Some goals may be mutually exclusive and no management plan will satisfy all goals. However, the goals and objectives of a licensing system provide the rational and objective basis for choosing one management approach over another.

The following list identifies some of those goals. This list was developed by the attendees of the January 27, 2001 Forum at the Corless Auditorium, URI Bay Campus.

A commercial fishing license system should:

- Provide a clear definition and categorization of commercial fisherman
- Ensure the long-term health of commercial fish stocks (abundance, distribution, population structure)
- Ensure the long-term economic health of the industry
- Ensure the short-term economic health of the industry
- Ensure fair access to the industry and resources to everyone now and in the future
- Optimize access to RI resident
- A tool to obtain accurate data on the number of fisherman
- A tool to obtain accurate data on fisheries effort and harvest
- A tool to distinguish different categories of users
- Collect fees for enforcement and mgt
- Ensure full-time employment to fishermen
- Allows for enforcement or mgt goals
- Maximize the benefits to the citizens of RI from the available fishery resources
- (Review historical goals, debates, projects, and initiatives)
- Don't jeopardize ability of, and reciprocity to, RI fishermen to fish outside RI waters
- Support regional management efforts
- Make it possible to be compliant with regional management efforts
- Impose no unreasonable burden on holders of licenses (regulated users)
- Support a fair allocation of access to the resources
- Minimize future conflicts and confusion

- Minimize dislocation and uncompensated economic hardship
- Provide a mechanism through which the components of fishing effort can be identified and controlled
- Provide a mechanism through which the components of fishing mortality can be identified and controlled
- Maintain the stewardship relationship between the fisherman and his/her resource
- Minimize speculative investment and absentee ownership
- Identify scientifically deficient areas for suitable management controls
- Identify environmentally deficient areas for suitable management controls
- Improve integrated consideration of market factors, economic factors, stock condition, and fishery mgt
- Integrated with other environmental initiatives in the Bay and RI waters
- Be flexible and responsive to change

The following synopsis of goals was offered by email. The goals above can be condensed into five basic categories:

- 1) facilitate data collection for management
- 2) collect fees for management and enforcement
- 3) facilitate enforcement
- 4) maximize benefit to society
- 5) allocate resources among users

Section 2 -- Options Available for Commercial Fishing Licensing in Rhode Island

The attendees at the Commercial Fisheries Forums held at the URI Coastal Institute in the Winter and Spring 2001 provided these options. Options were also transmitted via the RIFISH-L listserv. Points of clarification or explanation are included in square brackets.

I. REVERT TO STATUS QUO

Option: Revert to licensing system in effect prior to moratorium.

Pro:

- Present licensing system provides for open access to the fisheries.

Con:

- Current licensing system does not provide managers with enough information to develop fishery management plans aimed at sustainable fisheries.
- Current licensing system does not address issues connected with increasing fishing pressure, declining stocks, and economic and social concerns of RI's fishing industry.

II. RESTRUCTURING OPTIONS, TECHNICAL CHANGES

1. Reporting Requirements:

Option 1A: Incorporate more detailed reporting requirements in licensing system.

Pro:

- Existing system tells managers how much was caught in total but nothing about the location of the harvest, the effort involved, or the amount of discards.
- More data are necessary to assess fish stock declines, fishing effort, and to develop fishery management plans.
- More detailed reporting requirements might provide a vehicle to gather economic/social data in addition to biological data.
- Revised data collection program will coordinate the state's database with federal and regional data collection programs.

Con:

- A system is not in place to deal with more detailed data.
- Fishermen are being faced with many regulatory requirements; additional reporting requirements take time and effort.
- It is not clear if there is a data deficiency that would warrant more detailed reporting.
- More data will not necessarily resolve important policy issues.

Option 1B: Institute an electronic reporting system (magnetic strip applied to back of license), which identifies fisherman, main type of gear used, main species of fish caught, and riders on the license such as additional endorsements or federal permits. Dealers will in turn report electronically what was landed, how much was landed, and primary areas fish were harvested from.

Pro:

- Form and format of current data stream are exceedingly difficult to work with and a more efficient electronic model would be better.
- Data generated could be used quickly to specifically manage any quota-based fisheries. An electronic system could be used to prevent someone from selling more than one quota in a day, or from selling quota species without a quota endorsement.
- Improved data collection system would provide real-time data to managers to support management decisions.
- Could improve communication of information to the fishing industry.
- Might facilitate enforcement aspects of industry [Note: This would require changes in current laws.]

Con:

- The scientific community cannot handle the data they have now and have no provision/grants to handle more. [May require addition of new staff to support data analysis.]
- A burden is placed on the dealers to come up with the equipment to handle the magnetic strip and transmit data. [However, this might be done without a direct burden on dealers.]
- Some of these data are currently being sent on a monthly basis.
- Fishermen are not getting paid to be research assistants.
- Might increase sales outside of accepted dealer systems and thus increase unreported data.

Option 1C: Maintain current paper-based reporting system, which records what is landed and sold through dealers.

Pro:

Con:

- Current paper-based system is clumsy, slow, inefficient, and the data cannot be used in a timely manner. At minimum, need standardized receipts.

Implementation Issues:

Legal: Data system could not be used for enforcement purposes without a change to the existing law, which empowers RI DEM to collect data for statistical purposes only.

Administrative: A different reporting system will require additional staff to support data entry and analysis.

Administrative: Institution of a part-time dealer's license with reporting requirements for fishermen who sell their catch direct from their boats would be necessary. Otherwise this part of the harvest would continue to go unreported.

Financial: Long-term implementation costs associated with data collection may need to be covered by the state. Funds are not available on a long-term basis since RI DEM is funded on an annual basis. Changes might be necessary in how the revenue generated from licensing is directed.

Financial: Electronic data collection, the preferred option by the fishing industry and managers, is costly. For this reason, an efficient and comprehensive data collection system may take some time to develop and implement. RI DEM's data needs are immediate.

Administrative: A standardized receipt needs to be developed in whichever reporting system is used.

2. Types of Licenses

2.A. Fishery Endorsements

Option 2A1: Separate the multi purpose commercial fishing license into separate licenses for the major groups of fisheries (finfish, shellfish, lobster).

Pro:

- It would allow managers to look at fisheries separately and to develop specific management plans appropriate for each fishery. What may be good for one fishery may not apply to others.
- The cost of licenses does not need to increase if the sum of all endorsement licenses equals the cost of a present day multi-purpose license.
- Multipurpose license does not provide managers with enough information about how many fishermen are participating in particular fisheries.
- While breaking down the multipurpose license into categories may not give a totally accurate assessment of fishing effort in particular fisheries, it gives managers a broad idea of participation in major fisheries.
- A restructuring of the license system would aid data gathering.
- If limited entry into a fishery is a desired management option, then a license system needs to be developed that will restrict access.

Con:

- Categorizing licenses alone will not aid fisheries management procedures unless efforts are made to track how individuals are using the licenses issued.
- State costs to issue licenses would increase.
- More licenses could simply add revenue to the state treasury.
- Multipurpose license provides fishermen with flexibility to move from one fishery to another as necessary.
- Fishermen are likely to simply replace a multipurpose license with licenses for all three categories in order to keep their opportunities available.
- If fishermen are required to purchase separate fishery licenses instead of a multipurpose license, costs to the fishermen may go up.
- Fishermen do not want to affect quotas and hurt other fishermen who are actively fishing a species that they may have a license for but are not using.
- Information about specific fisheries could be obtained through reporting requirements.
- Changing license types is unnecessary. Information is already available; dealers need to give the existing data to the state.

Option 2A2: Keep the multipurpose license category but require fishermen to declare their primary and secondary fisheries and landings data or to participate in a species endorsement program.

Pro:

- This would give managers more information on participation in particular fisheries.

- Managers have an immediate data need. Something needs to be done in the interim while the ACCSP data collection system is being developed and implemented.
- Endorsements bridge the gap between open and closed fisheries and give better data retrieval.

Con:

- Creating separate licenses for each species may end up producing more licenses than people who are actually fishing.
- Endorsements can be a problem if high fees are attached.
- A problem develops if a fisherman declares a primary fishery and that fishery closes.
- Fishermen may not necessarily know the proportions of which fishery they will fish in each year.
- Flexibility is needed because there is no security in fishing.
- Under individual endorsements, a fisherman who does not fish one year for a species may lose out the next year.

Option 2A3: Separate the lobster portion of the multipurpose commercial fishing license into a separate category. Past or current multipurpose license holders would retain their right to sell drag lobsters or set lobster pots. Tag transfers, personal use lobster license, and annual fees could be worked out.

Pro:

- Separating out the lobster portion of the multipurpose commercial fishing license would allow for specific management measures to be enacted for that fishery (limited entry, pot limits, pt tags, etc.)

Con:

Option 2A4: Multi-species license for commercial fishermen covering all non-quota species combined with an option to purchase a quota species license covering all quota species. (Fee: \$100 for RI residents; \$200 for out of state residents). Combine this with a designated time (Jan. 1 to Feb. 28) to purchase the licenses for use in that year. A license must be renewed prior to expiration or any gear in the water or other activity would be illegal.

Pro:

- Quota species licensing is done in other states.
- Fees of \$100 and \$200 are comparable to what is charged in other states.

Con:

- Most finfish species are quota species so the separate designation is not necessary.
- Renewal time would be just before the holidays for current license holders and just after the holidays for new license purchasers.
- Any managed species is essentially under the same kinds of constraints as a quota species. [Managed species are not the same as quota species. A quota species has hard cap on it.]

Option 2A5: Categorize license by specific species [striped bass, squid, tautog, scup, mollusks, etc.] and gear type as well as by the zone/area that the fish are taken from [all waters north of the Jamestown Bridge, all state waters north of Pt. Judith Light, and all state waters south of Pt. Judith Light, and EEZ.]

Pro:

- This licensing structure would promote data gathering.

Con:

- Too many species involved; too many license types would make the license system too complex.

Option 2A6: Create a separate commercial aquaculture license category. Fee structure would be designed to cover administrative and enforcement costs.

Pro:

- People engaged in aquaculture should not be required to buy a multipurpose license or shell fishing license each year if they have no intent of pursuing the harvest of wild shellfish.
- A separate aquaculture license would enable fishermen in this category to still sell shellfish.

Con:

- If there were a moratorium in place on commercial fishing licenses, new growers who are not already diggers would have difficulties obtaining a license.

3. Licensing of Individuals or Vessels

Option 3A: License vessels instead of individuals. Vessel license would cover whoever runs the boat.

Pro:

- A program being developed by the Atlantic Coastal Cooperative Statistics Program (of which RI is a partner) will soon encourage the licensing of vessels rather than individuals. This program will establish and maintain an integrated, coastwise fisheries data management system.
- Managers prefer the licensing of vessels instead of individuals (except for fishermen fishing without boats) because it is consistent with the federal permitting process and database, and provides a way to track down size and gear types of the fishing fleet.
- Tracking vessels is a step closer to determining fishing effort. Tracking gear is the next step. This type of information is useful to fisheries management.
- Licensing vessels aids enforcement. License numbers could be displayed on sides of vessels, and enforcement officers could sanction vessels.

Con:

- Some fisheries do not require boats (e.g. shoreside digging for shellfish).
- Fishermen have concerns about flexibility. What happens if the boat is sold? Does the license stay with the boat? What if a fisherman owns more than one boat but only uses one boat at a time? Do all the boats have to have licenses? What if a fisherman borrows a boat temporarily while his boat is out of service?
- It is costly to buy a license for each boat if you fish out of a number of small, different boats.
- Federal permits restrict upgrades. If vessels were licensed, and a fisherman wanted to upgrade a boat and apply for another license, the upgrade might not be permitted.
- Owner/operator laws would need to be reviewed.
- This option may be better for later; need to solve the problem of how to license people first before we register gear or license vessels. [May be better to do both. May be difficult to know about the people if you do not license them along with the vessels.]
- If individuals were not licensed, there would not be a way to identify participants for law enforcement purposes, etc. Need to license individuals for accountability.

Option 3B: Develop a license system based on categories of boat size or gear types. In some fisheries, individuals could be licensed. [Example: Use 30 feet as a cutoff point for the size vessel requiring a vessel license; below that individuals would be licensed.]

Pro:

- Fishing effort could still be tracked and fishermen operating from small boats would have needed flexibility.

Con:

- If we do license vessels used for the harvesting of fish, all vessels, regardless of size, should be licensed. If it is not important for small vessels, it is not important for large vessels.
- Creates a complex system if you begin to license by vessel size.

Option 3C: License individuals but vessels used by commercial fishermen must clearly display an individual's license number (minimum 5 inches in height) and the number must be permanently attached. Vessels identified as commercial vessels must adhere to commercial regulations at all times when intending to sell their catch or risk forfeit of commercial license. (Shellfish fishermen would be exempt from this provision.)

Pro:

- Clear identification of fishing vessels would make enforcement easier.

Con:

- If vessels are to be identified in this manner, individuals should be required to display fishing license as well.
- At times, commercial fishermen may combine recreational fishing with commercial fishing to promote efficiency, saving time and money.
- Commercial fishermen should not have to give up their rights to fish recreationally.

Option 3D: License all vessels used for commercial fishing. In fisheries where fishermen may use a number of small vessels, a portable type of identification could be used for display purposes.

Pro:

- Would be a simple way to identify that the person in that vessel is a commercial fisherman.

Con:

Option 3E: License both individuals and vessels.

Pro:

- Licensing individuals would provide accountability. Permitting vessels would be a way of assessing units of effort.

Con:

Option 3F: As part of licensing individuals, issue a test to license applicants on existing regulations.

Pro:

- This would insure that license holders are aware of the regulations.

Con:

- RI DEM should be aware of all regulations affecting Rhode Island fishermen and make this information available to all license applicants.

4. License Fees

Option 4A: Differentiate between residents and out of state residents in license fee structure.

*** Increase out of state licenses by three or four times (Suggestion: \$300 in state/\$900 or \$1200 out of state)**

*** Double out of state fees**

*** Triple out of state fees**

Pro:

- Differentiating license fees will bring RI's program in line with other states that do.
- Higher license fees might discourage out of state residents from marginal participation in RI's fisheries, and discourage such practices as landing their catches in RI when quotas in their own states have been used up.
- Extra revenues brought in by higher license fees could be reinvested in gear research, etc.
- Doubling the out of state license fees is what neighboring Massachusetts does. This should prevent reciprocal actions.

Con:

- If out of state licenses are raised too high, it will result in reciprocity measures against RI fishermen.
- Other states charge less than we do for residents.
- Funds collected would go to a general fund, not for research.

Implementation Issues:

Legal: There are legal constraints on what can be done to differentiate between in state and out of state residents.

Financial: Size of Rhode Island is a factor to consider in determining the multiplier. We do not have as many out of state residents purchasing licenses as larger states; consequently we take in smaller amounts of revenue from this sector.

Note: There was general agreement that a fee structure should be developed which distinguishes between in state and out of state residents, and which has

higher license fees for out of state residents. Using data from around the country, the average multiplier for resident license fees and out of states resident license fees is 2.76.

Option 4B: Increase resident license fee to \$500 and then double or triple out of state resident license fee.

Pro:

- Increasing the license fee to \$500 would generate revenues that could go into a research account that is controlled by an industry board.
- Increasing fee would discourage part-timers.

Con:

- Increasing in state license fees in connection with much higher out of state license fees would hurt RI fishermen. Fishermen are already burdened with numerous fees.
- Increasing fee would make it costly for part-timers.

Option 4C: Institute a fee structure that incorporates reciprocity. Out of state residents would be charged license fees based on the multiplying factor used in their home states to differentiate between in state and out of state residents.

Pro:

- Reciprocity concerns are incorporated into the fee structure on a state-by-state basis.

Con:

- May be difficult to charge a person from one state one fee while charging a person from another state another fee.
- Would need to ensure that out of state resident license fee is not less than in state resident license fee. Non-residents should pay more since they do not pay property taxes to the state.

Option 4D: Enact legislation to ensure that all of the revenues generated from license fees are dedicated to fisheries management, and that RI DEM and the Rhode Island Marine Fisheries Council are required to report annually how the money is spent. [Note: This would include the first \$200,000 collected, which currently goes to the General Fund.]

Pro:

- All revenues generated from the sale of fishing licenses should be used to cover the costs of managing the state's fishery resources.
- More federal money could be accessed with a dedicated account that includes all revenues generated from the sale of fishing licenses.

Con:

5. Duration and Period of License

Option 5A: Designate January 1 to December 31 as the license year. Designate February 28 as the deadline for the purchase of new licenses. The window of opportunity to purchase licenses would apply to both in state and out of state residents.

Pro:

- Allowing two months for renewal provides a short but reasonable window of opportunity to get a license. This system discourages "opportunity fishermen" who wait to see what the market price is or what is happening with the quota of certain species.
- Getting a license in the middle of winter will be no problem for true commercial fishermen but will force "opportunity fishermen" to commit outside the peak of the season.
- A Jan. – Dec. licensing year coincides better with the fishing year, other reports, the tax year, and stock assessments.
- Jan./ Feb. timeframe is easier for RI DEM staff because boat registrations take place in the summer.

Con:

- Renewal would be just before the holidays. This creates a financial burden for the fishermen. A payment system is difficult to do administratively. [RI DEM is working on accepting VISA to pay for licenses and a system to purchase licenses over the web.]
- Creating a window of opportunity for obtaining licenses could be considered excessively restrictive to average citizens trying to access a public resource.

Option 5B: Designate January 1 to Dec. 31 as the license year. Designate Jan 31 as the deadline for renewal of licenses.

Pro:

- A one-month window of opportunity to get a license would require commitment to a fishery.

Con:

Option 5C: Designate Sept. 30 as the annual expiration date for licenses with Nov. 30 as the deadline for renewal of licenses.

Pro:

- People would have more money at this time of the year to renew licenses as opposed to the holiday season.

Con:

Implementation Issues:

- Hardship Cases: Need to establish a Board of Review to develop criteria for an appeals process that addresses hardship cases in which people have missed the deadline.

6. Access

6. A. Limited Entry (vs. Managed Open Access)

Option 6A1: Limit licenses for fisheries that are overcapitalized and in danger of over fishing the resource. Allow new entrants into fishery by lottery system or apprentice type system where people work as crew for a period of time (Suggested: 3 years) before qualifying for a license.

Pro:

- Limited entry schemes incorporate economic and social objectives into fishery management.
- Limiting the number of licenses helps to control effort or fishing pressure, facilitating the attainment of conservation objectives. Without limiting participation, various user groups will be forced to fight even harder for their diminishing share of the fish, resulting in more difficulties for managers.
- Leaving "door" open to new entrants may negate or surpass effort reduction measures, leaving fish stocks unprotected from over fishing.
- Limited entry provides greater job security for those with long-term capital investments in a fishery.
- Greater security for return on investments makes it easier to procure financing.
- Fewer participants in a fishery limits competition for declining stocks, increasing the efficiency of time and effort expended. Consumers suffer from inefficient harvesting of the resource, and the value of the landings is suppressed.
- Without limiting participants for stocks with total allowable catches, the share of the total catch gets smaller for each participant with economic repercussions per unit business. This could result in life threatening situations, as economically depressed fishermen are unable to properly maintain their vessels or hire enough hands to keep operations safe while they provide for their families.

- Smaller trip limits and more waste of fuel result from not limiting the number of participants.
- In multispecies mixes, when the possession limit of one species is reached, it is discarded while the fisherman continues to fish for other species. The sum of discards is greater in open participant situations than in limited entry schemes. Commercial kill associated with discarding may rise enough to affect quotas.
- Without limiting entry, more derby style fisheries with brief openings will develop, resulting in lower prices for fishermen, capacity issues for processors, and limited availability of fish for consumers.
- More participants in fisheries require more enforcement effort.
- Without limited entry, trap reduction is difficult to accomplish. One fisherman gives up traps to have them replaced by a newcomer to the fishery.
- From a management perspective, it may be difficult to attain sustainable fisheries without limited entry being part of the management approach.

Con:

- Limited entry does not limit fishing effort. Resources are still vulnerable to over fishing.
- Limited entry for commercial fishermen will not produce desired conservation effects if the recreation fishing sector remains unlimited or not closely managed.
- Limiting entry is in conflict with Article 1, Section 17 of the RI Constitution, which grants the rights of open access to the state's resources to all people. [Debatable issue.]
- Developing criteria for participation in a limited access system is difficult. Part time fishermen do not want to be locked out of access to resource.
- A managed open access program allows everyone to have an equal opportunity to harvest the resource. Vigorously enforced individual catch restrictions can be employed to protect the resource.
- Fisheries should not be privatized for the benefit of a few.
- Fishing is inherently an unstable industry. Limited entry will not eliminate or reduce the risks.
- Limiting entry is the road to socialism. People who have not fished before are locked out.
- Limited entry is a form of protectionism. People would not want to enter a fishery that is not viable.
- Criteria would need to be agreed upon for increasing the number of participants as a species recovers. Letting in new entrants would then change the economics of the fishery.
- The terms in this option need clarification. If “over fishing” and “over capitalized” are trigger mechanisms for limiting licenses, they need to be clearly defined.
- Flexibility of fishermen is reduced. Fishermen need to be able to move from one fishery to another.

- Non-equitable system.
- Under a lottery system, people with political connections might have an advantage.
- Apprenticeship program would be difficult to implement in some fisheries.

Implementation Issue:

Economic: Would need to strengthen the expertise of managers to be able to deal with economic issues.

Legal: Legal issues such as whether preference or privilege can be given to one user group over another would need to be addressed.

Option 6A2: Lobster Fishery Option - Eliminate “floating licenses” (unused licenses that are just being held onto in the hope that they will be worth something in the future) by having license holders prove that they own a boat capable of hauling lobster gear. Determine the maximum number of licenses [using an 800 pot potential] that would promote the sustainability of the resource and use that as a set number of allowable licenses for the fishery. New entrants would be able to come in when someone retires. RI DEM would receive the “retired” license and allocate it to the next person in line. [Note: Maine’s system might be looked at as a model.]

Pro:

- Fishermen actively using their lobster license to fish would not have to give up more gear.
- Economic management plans that result in the allocation of property rights and economic values could be avoided.
- No one would be completely shut out.

Con:

- With a waiting list system, person with the most desire to participate in a fishery [vs. someone speculating] is not recognized.
- Maximum number of licenses to sustain the fishery may be well below the number of licenses being used to fish. This would create the need to determine who has to get out.
- If there is a long waiting list, there will be a long wait for someone to get into the fishery.

6.B. Qualifying for a Commercial License

Option 6B1: Vocational fishermen must meet minimum landing requirements such as 10,000 lbs. for multipurpose, 7,000 lbs. for finfish, and 3,000 lbs. for lobster.

Pro:

- Differentiating between full time fishermen (those whose livelihoods depend on fishing) and part time fishermen (those supplementing other livelihoods) serves as a basis for protecting and supporting the interests of full time fishermen. This is particularly important with regards to the allocation of quota species.
- Small daily quotas and short time openings for some commercial species are placing financial burdens on traditional fishermen.
- Full time fishermen, faced with market fluctuations in fish prices, need some assurance from the management plans in place that they will be able to cover costs, make a living, and have enough left over to invest in their business.

Con:

- Establishing the criteria for a full time fisherman may be difficult to agree on.
- Everyone has a right to fish commercially. Stringent regulations, strong enforcement programs, and economic factors should be used to manage fisheries.
- If a person is sick and fishes less, that person runs the risk of becoming classified as part time.
- A person who has fished for many years and decides to retire and fish part time would lose his full time fisherman status to newcomers.
- Even with minimum landing requirements, the share of the total catch may still be too low to support full-time fishing.
- Number of pounds criterion could be difficult to meet. This measure should not be used to disqualify someone; it is not representative of whether someone fishes full time. It discriminates against bad fishermen (fish a lot, catch little).
- Fishermen could end up pushing their effort up to meet the criteria. This would not be good for the resource.

Option 6B2: Full time finfish fisherman is defined as a licensed individual with 10,000 lbs. cumulative landings and is allowed to fish at full quota level [trip limit]. All others are defined as part time fishermen and are allowed to fish at quota limit [partial trip limit]. Qualifying would be done annually. [Note: This option needs further explanation.]

Pro:

- Differentiating between full time fishermen (those whose livelihoods depend on fishing) and part time fishermen (those supplementing other livelihoods) serves as a basis for protecting and supporting the interests of full time fishermen. This is particularly important with regards to the allocation of quota species.
- Small daily quotas and short time openings for some commercial species, and area closures for species such as quahogs, are placing financial burdens on traditional fishermen.

- Full time fishermen, faced with market fluctuations in fish prices, need some assurance from the management plans in place that they will be able to cover costs, make a living, and have enough left over to invest in their business.
- Many of the fishermen entering into commercial fisheries on a part time basis are doing so to support a hobby rather than earn a living.
- Full time fishermen are trying hard to rebuild stocks for the future rather than just realizing short-term profits.
- Quota species fisheries have justifications for limited entry. Criteria for limiting entry would be closed seasons, quota allocations, and daily possession limits. [Every species can be thought of as having a quota, whether it is managed with a quota or not. Limiting traps, limiting size harvested, etc. are de facto quotas.]

Con:

- Establishing the criteria for a full time fisherman may be difficult to agree on.
- Everyone has a right to fish commercially. Stringent regulations, strong enforcement programs, and economic factors should be relied on to manage fisheries.
- If a person is sick and fishes less, that person runs the risk of becoming classified as part time.
- A person who has fished for many years and decides to retire and fish part time would lose his full time fisherman status to newcomers.
- "Quota level" is not defined. This option needs more explanation of how quotas would be allocated to fishermen.

Option 6B3: To catch and land NMFS quota species, a fisherman must make 51% of his income from commercial fishing. Investment revenues would not count as income, but non-industry related pensions would. The striped bass, tautog and shellfish (clams, quahogs, and oysters) part of the multipurpose license would remain open.

Note: An addition to this option would be the establishment of a Board of Appeals that would make decisions on applicants who felt they had a legitimate reason to be able to continue participating in the commercial fishing industry. [The Board might be comprised of inshore and offshore finfish fishermen, inshore and offshore lobster fishermen, trap fishermen and rod and reel fishermen, and be chaired by a representative of RI DEM.]

Pro:

- This option would protect traditional fishermen and fisheries, but would allow new blood into the business.
- Other states have done this.

- Full time commercial fishermen have no other source of income to fall back on. They are particularly hard hit under quota managed species because of the quota being split up into so many small pieces.
- Crewmembers with dependent families are also affected when a commercial fisherman's share of the catch decreases and income falls off.
- A range of 50-80% of a person's gross income is acceptable.
- Under a 51% income qualifying criteria, fishermen can still move laterally from one major fishery to another.

Con:

- Catastrophe clause providing for cases of boat construction/repair or illness of previously qualified individuals should be included.
- The state licensing system would require access to income data, which would require "IRS-like" bureaucracy.
- In reviewing tax returns of fishermen, it may be difficult to determine how much income is fisheries related.
- The 51% income qualifier is too high; someone making as much as 48% of their income from fishing would be closed out.
- Flexibility would need to be worked into qualifying criteria. Example: Meet criteria 2 out of 3 years in case something happens one year.
- Under a 51% income qualifying criteria, small boat owners who cannot fish in the winter months due to weather are shut out.

Option 6B4: Limit commercial fishing licenses to those who derive 75% or more of their income from commercial fishing.

Pro:

- Fishermen meeting this qualification are the ones who's history created current day quotas, who are in the fisheries throughout the year during good times and bad times, and who are trying to support their families through commercial fishing.
- Recreational fishermen fish for a hobby and should not be placed on the same level as commercial fishermen.

Con:

- The state licensing system would require access to income data, which would require "IRS-like" bureaucracy.

Option 6B5: Multi-species license for commercial fishermen covering all non-quota species combined with an option to purchase a quota species license covering all quota species. (Fee: \$100 for RI residents; \$200 for out of states residents). Use this option along with closed entry. Add an apprenticeship program or a waiting list to allow for others who want to be commercial fishermen to enter.

Pro:

- An apprenticeship program would slow the rate of new entrants to the fishery and discourage part-timers.

Con:

Option 6B6: Standard license, "a commercial fishermen's license," and endorsements for quota species for the time period specified to rebuild. Endorsements for quota species would be no cost. After a stock was declared rebuilt and the current amount of fish landed was below what could be taken, access could be opened on a limited basis (25 or 50 % participation).

Pro:

- Combining endorsements on quota species with a rebuild time period would maintain the flexibility that has always been in the fishery.

Con:

- A "ratchet effect" on the number of licenses could occur if access is open when the stock is rebuilt but licenses are not removed when the stock is depleted.

Option 6B7: For every species considered over fished, criteria for a full time commercial license could be developed [based on amount of time/year fishing or % annual income]. If a fisherman does not meet the criteria for a full time license, he could fish at a % of the quota.

Pro:

- This would not close out part time fishermen.

Con:

- A solid definition of "over fished" would need to be developed.

Option 6B8: Use time (number of days fished per year) as a means of fishermen to qualify as full time or vocational fishermen.

Option 6B9: Use a combination of qualifying criteria to define a full time or vocational fisherman.

Option 6B10: All multi-purpose license holders for the past 5 years or more that have shown any use [no matter how limited] should be exempt from qualifying criteria for commercial licenses. During the following year, those license holders who have not sold catch over the course of the year would not have their license renewed. Under special circumstances, such as family or personal illness or hardship, a person

could request a renewal. The Director of RI DEM would review such requests.

Pro:

- Using qualifying criteria that involves a high poundage [landings] or high percentage of income will create hardship for the part-time fishermen.
- Fishing resources will be adversely affected as license holders attempt to meet the qualifying criteria.

Con:

Implementation:

License Structure: May require a 2-tier system of licensing for quota species.

6.C. Income/Income Cap

Option 6C: Incorporate use of a median income (or income cap) in an open access fishery

Pro:

- Enables fishermen to assess likely income from participation in a fishery and decide if they want to switch work or not.

Con:

- Cannot tie licensing program that uses an income cap to the conservation of the stock.

7. Limiting Fishing Effort

Option 7A: Lobster Trap Certificate Program.

1. Purpose and Intent. Growth of Rhode Island's lobster trap industry has led to an excessive number of traps in the water and excessive pressure on the lobster resource. In an effort to solve these problems, the Rhode Island General Assembly hereby establishes a trap limitation program for the lobster fishery. The principal goal of this program is to stabilize the fishery while generating an optimum sustainable yield utilizing the fewest number of traps. This program is intended to obtain the greatest overall benefits to the people of Rhode Island from the lobster resource.
2. Personal Use Lobster License. Any citizen of the State may obtain a lobster license that entitles that person to set 5 lobster traps. The holder of a personal use lobster license is prohibited from selling lobsters.
3. Commercial Lobster License. Any citizen of the State may obtain a commercial lobster license. Any person who catches lobsters for sale must possess a commercial lobster license.

4. Lobster trap tags. Each lobster trap set in the waters of the State of Rhode Island must have attached an official lobster trap tag.
5. Lobster trap certificates. Each holder of a commercial lobster license must have a certificate on record for each lobster trap used or possessed in or on the water. Attached to each trap shall be a tag, issued annually by the State, which corresponds to a valid certificate.
 - a. Types of certificates. There shall be two types of commercial lobster trap certificates.
 - i. Non-transferable lobster trap certificates. Non-transferable lobster trap certificates may be used only by the person to whom they are initially assigned. Non-transferable lobster trap certificates expire upon the death of the certificate holder.
 - ii. Transferable lobster trap certificates. Transferable lobster trap certificates may be bought, sold, bartered, or traded, subject to the restrictions enumerated under section (5. g.) below.
 - b. Initial allocation of trap certificates. Two categories of applicants for trap certificates shall be established as follows:
 - i. Category 1. To be eligible to purchase Category 1 trap certificates an applicant shall meet the following criteria:
 1. Hold a current, valid Rhode Island commercial fishing license that authorizes the holder to catch lobsters for sale, and
 2. Ownership of a boat used in the commercial harvesting of lobsters during 1999 or 2000 as evidenced by either a state registration or federal document, and
 3. The boat indicated in (2) above being registered for commercial use or documented for the fishery, and
 4. The license holder purchased lobster trap tags in the year 2000, and
 5. The license holder submitted a catch report to the State of Rhode Island for the year 2000 that indicates active participation in the lobster fishery. Active participation in the lobster fishery is defined as two continuous months of fishing with a minimum of 200 traps.
 - ii. Category 2. Category 2 will include all applicants who hold a current, valid Rhode Island commercial fishing license that authorizes them to catch and sell lobsters, and can demonstrate past participation in the lobster fishery, but do not meet the criteria set forth above for Category 1. To qualify for Category 2, applicants must meet the following criteria as indicated by a sworn affidavit that can be supported by appropriate documentation:
 1. Participation in the lobster fishery, either as a boat owner or a licensed crew member, for two continuous months during the period January 1, 1991 through December 31, 2000.
 - iii. Allocation of trap certificates. Qualified Category 1 and Category 2 applicants will be eligible to purchase trap certificates from the Department of Environmental Management. Each qualified applicant may purchase up to 800 certificates from the Department of Environmental Management.

1. Category 1 applicants will be eligible to purchase both non-transferable and transferable trap certificates in a ratio to be established by the Director of the Department of Environmental Management, based on a fishery management plan for the Rhode Island lobster fishery to be developed by the Rhode Island Marine Fishery Council.
 2. Category 2 applicants will be eligible to purchase non-transferable trap certificates only. This restriction applies only when purchasing trap certificates authorized by their Category 2 classification. Following the initial issuance of trap certificates, Category 2 license holders can purchase transferable trap certificates on the open market subject to the restrictions on transferability in section (5. g.) below.
- c. Transferability of trap certificates. After initial issuance, transferable trap certificates are transferable on a market basis and may be transferred for a fair market value agreed upon between the transferor and transferee.
- i. Transfer of any certificates shall, within 72 hours thereof, be recorded on a notarized form provided for that purpose by the Department of Environmental Management and hand delivered or sent by certified mail, return receipt requested, to the Department for record keeping purposes. The Department will maintain an adequate registry of trap certificate ownership and will annually provide each certificate holder with a statement of their certificate account. The trap certificate registry and associated services may be obtained by contract with a private sector vendor if it is deemed to be in the best interest of the State. No transfer of any certificates will be effective, resulting in the issuance of transfer tags, until
 1. The Department receives the notarized transfer form from the seller and the transfer fee is paid, and
 2. The Department receives a notarized copy of the bill of sale from the purchaser, and
 3. All outstanding license fees, trap tag fees, surcharges and any other charges owed to the Department by either party in the transaction are paid, and
 4. It is determined that the commercial lobster licenses and all certificates or other required licenses held by both parties in the transaction are not suspended or revoked.
- d. Passive reduction program. Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by a percentage to be determined by the Director of the Department of Environmental Management, based on a lobster fishery management plan to be developed by the Rhode Island Marine Fishery Council.
- e. Active reduction program. Nothing in this statute shall prevent the Director of the Department of Environmental Management from implementing reductions in the trap certificate holdings of all certificate holders under the provisions of

a lobster fishery management plan developed by the Rhode Island Marine Fishery Council, provided, however, that all such reductions shall be designed to have a proportional impact on all certificate holders, to the greatest extent practicable. Any such reduction program shall include an analysis indicating the biological effectiveness of the program and the economic impact of the program.

- f. Fees for trap certificate program. The Director of the Department of Environmental Management is authorized to set and charge the following types of fees, calculated to cover the cost of the trap certificate program:
 - i. An annual trap certificate issuance fee.
 - ii. A trap certificate transfer fee.
- g. Restrictions on transferability. The sale, purchase, barter, or other transfer of lobster trap certificates is subject to the following restrictions:
 - i. No individual may control more than 1.5% of the total number of lobster trap certificates issued by the State of Rhode Island.
 - ii. The transfer of lobster trap certificates is limited to persons who hold a Rhode Island commercial fishing license that authorizes the holder to catch and sell lobsters.
 - iii. The transfer of lobster trap certificates is limited to persons who actively participate in the lobster fishing business, using criteria established by the Internal Revenue Service for active participation in a business.

Option 7B: [Variation of Option 7A]

Three categories of fishermen would be established based on the following qualifying criteria:

Category 1:

- a) Holder of lobster or multipurpose license
- b) Lobster catch report submitted
- c) Catch report indicates lobster fishing with traps
- d) 50 days/year with lobster landings
- e) 5,001 lb. minimum annual catch

Category 2:

- a) Holder of lobster or multipurpose license
- b) Lobster catch report submitted
- c) Catch report indicates lobster fishing with traps
- d) Less than 50 days/year with lobster landings but more than 20 days
- e) 1,001 lb. minimum annual catch

Category 3:

- a) Holder of lobster or multipurpose license
- b) Lobster catch report submitted

- c) Not currently dependent on fishing for lobsters with traps (less than 20 days per year and/or less than 1,000 lb. annual catch)

Initial trap allocation for each category would be:

- Category 1: 800 transferable traps
- Category 2: 400 transferable traps
400 non-transferable traps
- Category 3: 800 non-transferable traps

Active trap reduction program for each category would be:

- Category 1: Minus 40 traps per year for 10 years
- Category 2: Minus 40 non-transferable traps per year for 10 years
- Category 3: Minus 40 traps per year for 10 years

Passive trap reduction program for each category would be:

- Category 1: 10% of any transferred original trap allocation is forfeited upon transfer-minimum 10 trap transfer blocks or multiple of 10
- Category 2: 10% of any transferred original trap allocation if forfeited upon transfer-minimum 10 trap transfer blocks or multiple of 10
- Category 3: Not applicable

Transferability requirements by category:

- Category 1: Trap certificates are freely transferable in blocks of 10 to a buyer who meets the eligibility requirements.
- Category 2: All non-transferable trap certificates must be surrendered before transferable traps can be transferred.
- Category 3: Trap holders could buy transferable trap certificates if they wished to replace their non-transferable traps.

Limit on trap ownership: A cap on trap ownership would be established at a level that would allow lobster fishing businesses to achieve efficiency without creating a monopolistic condition.

Eligibility to buy trap certificates: May be limited to people who are active in the fisheries – current certificate holders, deckhands, etc.

Pro:

- Limiting fishing effort (fishing pressure) is a means of protecting fish stocks in danger of being over fished. This is in keeping with the General Assembly's duty to provide for the conservation of the state's natural

resources, as outlined in the second part of Article 1, Section 17 of the RI Constitution.

- Licensing effort units would be a more direct and helpful way to protect the resource and manage fisheries to meet economic objectives.
- Licensing people may be necessary for administrative purposes but licensing fishing effort units would be more effective in protecting the resource than only licensing people.
- The number of people who are licensed need not be limited unless the effectiveness of the fishing effort unit (e.g. lobster traps) varies with the number of people who use that limited number of fishing effort units.
- With lobster traps, the total number of licensed traps can be adjusted if there is a big change in trap productivity because traps are fished in smaller strings by large numbers of people.
- Less fishing effort could produce higher catches.
- The transferability element of trap certificate program allows lobstermen to maintain the scale of their individual businesses and their efficiency while the total fishing effort in the fishery is being reduced.
- Transferable trap certificates allow small scale or part-time fishermen to grow their businesses to the same level as full-time fishermen without adding to the permanent fishing effort in the fishery.
- This approach maintains the option of entering the fishery without creating permanent new fishing effort in the fishery.
- Provisions requiring the buyer of trap certificates to be active in the fishery will keep certificates in the hands of active fishermen and prevent speculators from driving up the price of the certificates.

Con:

- If more and more people want them, the available number of fishing effort units will need to be cut into smaller and smaller pieces.
- The fairness of the system may be questioned if some people have more units than others.
- Even if everyone has been given the same number of units, some may feel their limited number of units is not sufficient.
- Limiting fishing effort may be more difficult to implement in fisheries that do not employ such easily defined units such as traps in the lobster fishery.
- Trap certificate program makes it difficult to get enough capital to get into the fishery. [Fisheries may need to go the way that other businesses do. People go into businesses they can afford to.]
- Philosophically, some fishermen have problems with granting wealth to those currently in a fishery (property rights), closing out others, and making it costly to buy into a fishery.
- Controlling units of effort in other fisheries (other than lobster) may not be as effective in reducing fish mortality. In active gear fisheries, the relationship between fishing effort and fish mortality is not so clearly defined.

- Effort will have to be reduced considerably before it has an effect on the resource.
- Will need a strong, perhaps costly, enforcement program to ensure that traps are tagged.

Option 7C: Same proposal as Option 7A except that trap tags would be auctioned annually avoiding the need for an allocation system and fixed fees.

Pro:

- An annual auction would avoid the social engineering aspects involved in determining the value of the tags. Instead, the market would set a trap tag value.
- The state would receive an up front payment for their extracted resource.
- It is difficult to determine the social engineering criterion that would be used to determine how many traps per person are issued.

Con:

- An annual cycle is too short for people to plan a business requiring a substantial investment.
- An auction system does not recognize the existing investment of peoples' lives and assets. An auction would be disruptive to existing businesses and families, and the transition costs would be too high.
- Fishermen would be competing for fishing rights against wealthy speculators.
- Social engineering constraints are probably necessary for political acceptance.
- Under an auction system, the state receives an up front payment and then must try to use it in a way to benefit society.
- The private sector makes better use of the economic rent that can be generated by a fishery.

Option 7D: Establish a trap certificate program but have RI DEM issue the trap certificates. As certificates are “retired,” they would be issued to the next person on the list.

Pro:

- Establishment of economic value for the certificates and property rights would be avoided.

Option 7E: Applicants would apply for trap certificates a year before. Trap certificates could be allocated from a fixed amount and divided equally.

Pro:

- This would fix the total amount of gear available.
- It solves the conservation and equity problems

Con:

- The average number of traps would be linked to the number of fishermen in the fishery each year. This would create uncertainty from year to year.
- A decline in the number of traps available could hurt individual fishermen.
- Trap expansion is currently taking place, even under an 800-trap limit.

Note: Given the complexity of the options listed under Section 7, some expressed the need for more time to discuss them during Phase 2.

8. Recreational Licenses

Note: General agreement among participants in process that this is an issue that is part of the licensing topic, but should be discussed at length with a wider range of participants.

Option 8A: License recreational fishermen.

Pro:

- Recreational catches are a significant part of fish harvesting and in some cases, make up the majority of landings (Example: 85% striped bass). Licensing recreational fishermen will begin the process of incorporating this portion of overall fishing effort into fishery management plans.
- It is important to assess the number of recreational fishermen, even if a fee for the license is not charged.
- Funds generated from recreational license fees would not have to go to the General Fund if legislation was enacted that required the funds to be directed to RI DEM. Directed funds would qualify Rhode Island for significant federal funds available for fisheries research and management, boating access development and maintenance, education, land acquisition, technical assistance, administration, habitat enhancement, and hatchery construction.
- Funds generated from recreational licenses could go towards enforcement and conservation practices so that the entire financial burden is not just on commercial fishermen.
- Funds might be used as match or to meet eligibility requirements for certain federal funding opportunities.

Con:

- This would not provide enough data to be useful.
- Funds generated would go into the General Fund instead of being allocated to support fishery management unless legislation was enacted. A dedicated account would be necessary for acceptance by the recreational fishing community.

- Licensing recreational fishermen would have a serious impact on the charter and head boat industry even though their impact on bycatch mortalities, habitat destruction, and quotas is minimal.
- Recreational fishing season is shorter in Rhode Island than in warmer, southern states where recreational fishing licenses are required and users have more time on the water.

Option 8B: Out of state residents should be required to purchase a recreational fishing license in Rhode Island if Rhode Island residents are required to purchase a recreational fishing license in their state. If Rhode Island residents are not required to, then out of state residents should not be required to purchase one here. Similarly, if Rhode Island residents are not allowed to fish in a particular state, that state's residents should not be allowed to fish in Rhode Island either.

Pro:

- This type of system would be fair.

Option 8C: Recreational fishing licenses should be part of a split quota system (Example: 10% recreational, 15 % commercial rod and reel, 75% commercial nets). Recreational fisherman would be able to purchase a saltwater license with a predetermined amount of tags for the 10% allotment of quota species. It would be illegal to keep a fish without a tag. When the tags are gone, the season is over and it becomes catch and release.

Option 8D: (Variation) Fish tags would be available to recreational anglers at a minimal charge to tag the catch they want to keep. Unused tags could be refunded.

Pro:

- State managers would know that the recreational sector was not going over the allotted quota.

Con:

- Determining a fair way to split the quota among the various user groups would be difficult.

Option 8E: People who want to fish recreationally would be required to supply basic information such as name, home address, etc. to receive a license. No fee would be charged for in state residents; only for out of state residents.

Pro:

- Residents should not be charged to exercise their rights to access marine resources.

Con:

III. EXTEND MORATORIUM

Option 1: Extend current moratorium one year.

Pro:

- Additional time would be used to develop a much firmer understanding of the various approaches that may be employed to manage fisheries and to identify mutual goals.
- The complexity of the issues warrants more time so no mistakes are made.
- The current time frame is unrealistic for replacing the "stop-gap measure" of a moratorium on new commercial licenses with a "permanent management solution."
- Need to keep moratorium in place until we develop solutions. Quota allocations are being dispersed to too many people.
- Moratorium should be continued so that controlled entry tools are still available as management options.
- Lobster industry is currently working on building a consensus on a complete management program but it needs more time to complete this. In the meantime, the moratorium should be continued.

Con:

- Moratoria have been extended before. Permanent management solutions need to be developed.
- A license moratorium is morally, if not legally, wrong. Everyone should be able to choose how he or she makes his or her living.
- A moratorium excludes those who are looking to get into fishing because of its flexibility, the opportunity it presents in terms of starting one's own business and being one's own boss, and the right to follow a family history of being a fisherman.
- It is not good to link good fisheries management decisions with a license moratorium.
- Historical license data show that there was a spike in the number of licenses issued in the year after the last moratorium was lifted. Then it decreased again. People run out and get a license when they think it is worth something.
- With an extension, there is the possibility that momentum will be lost.
- Do not think legislature will extend it. Should proceed with other options.
- No scientific basis for extending the moratorium.
- Those who are on the outside, without a license, tend to be unorganized politically. Their viewpoint may not be adequately represented.

Option 2: Extend moratorium one year. During that time, institute an electronic license scheme (magnetic strip applied to back of license) for current license holders that records what is caught and how.

Pro:

- Data would be collected and serve as a basis for factual discussions on licensing schemes.
- Data generated could be used to evaluate licensing options and to later manage any quota based system.

Con:

Option 3: Extend moratorium but develop a timeline with an endpoint and intermediate milestone deliverables.

Pro:

- Development of a timeline with milestone dates for particular deliverables better ensures that licensing issues will be addressed.

Option 4: Extend moratorium. During that time, eliminate “floating licenses” in the lobster fishery. [Floating licenses would be unused licenses and tags that are being held onto in hopes that they will be worth something in the future.] License holders would be required to show proof that they own a boat capable of hauling lobster gear. Also during that time, determine the maximum amount of licenses (times an 800 pot potential) that would promote a sustainable lobster fishery.

Pro:

- Those in the fishery who are actively using their licenses could avoid having to give up more gear (pots) and economic management plans such as transferable trap tags could be avoided.

Option 5: Lift moratorium for some species but keep it in place for others.

Pro:

- Different fisheries have different management needs.
- Moratorium should be lifted for the shellfish and rod and reel fisheries.

IV. CONTROL DATE WARNINGS

Option 1: Move forward with the license restructuring measures for which there is consensus, and when the current moratorium expires, issue control date warnings for all major fisheries. The warnings will inform people that particular fisheries are being considered for a change in management approach and any additional effort after a certain date may or may not be allowed when and if changes are implemented.

Pro:

- Control date warnings will deter speculative entry and effort increases in overcapitalized fisheries while management plans are reviewed and possibly revised.
- Issuance of control date warnings makes the extension of the moratorium unnecessary.
- Control date warnings impart information. Additional effort may or may not be allowed.
- Control date warnings might discourage those in the fishery from putting more effort into the fishery.
- Now is a good time for the issuance of control date warnings in case the moratorium is not extended.

Con:

- Control date warnings are very difficult to change once they have been issued. This is a serious measure that warrants more discussion. A diverse group of people would be needed to work up the details.
- Control date warnings may not deter entry – just discourage speculative entry.
- Control date warnings aggravate the problem but do not solve it.
- Control date warnings can freeze the number of participants at a point, but not necessarily affect effort.
- Control date warnings could be a problem for fishermen who want to change their licenses from one fishery to another.
- Control date warnings do not address recreational sector of fishing pressure.

Option 2: Issue control date warnings for some species, while lifting the moratorium for others.

V. INTERIM LICENSING PROGRAM

Note: The following option was proposed to serve as an interim or transitional licensing program while the elements of a comprehensive licensing restructure are being developed. The numbers denoted in [] accompanied by a question mark are suggestions.

Option:

1. To qualify for a full commercial license, a fisherman must meet either one or both of the following qualifiers: a) [51%?] of income from fishing or fishing related industry, to be proven by tax return, or b) [7 months?] fished annually [12 days?] per month to be proven by sales slips or state or federal log books.
2. Commercial license types will be finfish, crustacean, shellfish or multipurpose.
3. Part-time or apprentice licenses will be charged a fee based on [1/2?] the rate for a full license.
4. Part-time or apprentice license holders will be allowed to fish at a rate of [1/3?] of federally quotaed species for daily possession limits; [1/2?] of non quotaed species for daily possession limits, and [1/2?] allotment of restricted gear types (lobster pots, fish pots, etc.).
5. All commercial fishing licenses will be issued for a four-month period only between 12/1 and 3/30 of consecutive calendar years.
6. Any part-time or apprentice license holder meeting one of the two qualifiers will be eligible to upgrade their license.
7. Commercial license holders with a personal or family medical emergency that does not allow them to meet a qualifier in any given year may submit for an exemption from the Director of RI DEM.
8. Senior or retired full commercial license holders who have held that license for at least [15 years?] consecutively will be exempt from meeting the qualifiers.
9. All commercial and part-time commercial or apprentice license holders must display their license number (under boat name on documented vessels or boat registration number on state vessels).
10. All commercial shore fishermen must display their license on their hat or outermost clothing as to be plainly visible.

Pro:

- If the moratorium does not get extended, this could serve as a transitional program until the details of a comprehensive license program can be developed.
- This option provides for part-time fishermen.
- Having an interim plan in place will provide time to scrutinize a more comprehensive plan.

Con:

- Much has to be decided to put this plan in place i.e. numbers in brackets. Rushing that process could end up with putting an awful plan in place.
- Could be difficult to change the "interim" plan.

The following proposal was submitted by one of the attendees of the Forum.

Draft lobster management plan for Rhode Island (area 2)

This draft intends to address: capping and reducing effort while allowing new entrants and not further limiting full-time lobstermen. This plan would be a backup plan while allowing time for the ASMFC plan to work. The plan is based on past participation in the fishery and would have a cap on the total number of tags at 800 per full-time lobstermen. Past participation would be based on landings of 50 days or more. New entrants would be based on some type of entrance/exit ratio. (1:1?) The idea of this plan is to restrict licenses not currently being used, or people from speculating by buying multiple licenses and ordering tags assuming they will be valuable in the future.

To qualify for the top number of tags, a permit/boat would have to show landings of lobsters for at least 50 days in the year 1999 or 2000. It would not make a difference what size boat or how many pounds landed. They would be eligible for 800 tags. If, due to illness (catastrophe, etc.) boat/permit did not meet the 50 day requirement, they would still be eligible for 800 tags. No person or vessel can own more than one license.

If permit/boat could not show landings for 50 days, they would be eligible for 400 tags. The remaining 400 tags would go into a "pool." If the non-qualifier (400 tags) starts to show landings of 50 days more, they would be allowed to build at the same rate as a new entrant.

If a license had no landings for three consecutive years, tags would be forfeited. Tags from these and non-qualifying permits would come from this pool. This would have to be done at a slow rate because the largest amount of tags would go into the pool in the first year.

Non-trap fishermen that have operated a boat for three years and have landed lobster 50 days or more each year would be eligible for 800 tags.

New Entrants

Once an exit ratio can be determined, new entrants could be allowed in the fishery from a waiting list. Anyone could be on the waiting list. Priority would initially be given to people already involved in the fishery (deckhands, student licensees, etc.). After that, it would be on a first come-first serve basis. The waiting list should be public information. People whose names are on the waiting list must qualify by stating their intent to fish. (This would discourage people from putting small children on the list with the intent of using their allocation when they receive a license.)

New entrants would be allowed 400 tags. If they have landings of 50 days or more for three years, they would be allowed to increase 100 tags per year until they reach the maximum. This would take 7 years.

Student Licenses

Take a small percentage of tags in the pool and create a student license. License would be good from May 1 to September 1. Students would be eligible for up to 150 tags. At the end of the season, tags will be returned to the pool. Student licenses would also have priority on the waiting list. (This would accomplish the same thing an apprenticeship program).

Transferability

If you buy a new boat, your tag history goes with you. If you sell your boat, the burden of proof of tag history is on the new owner. In the event of death, your family would be able to sell your boat and tag allotment together in Area 2. (The intent here is to minimize the burden of selling the business for the family of the deceased without actually putting a value on the tag allotment.) If your boat is sold out of Area 2, the tag allotment doesn't go with the boat. It would go back into the pool. Boat and tag allotment can be transferred to a family member. If further stock assessments call for more trap reductions, all participants would be frozen at current levels. No new licenses would be issued until stocks rebound.

The following is a comparison to our current management system. To make it simple, we will base it on 500 licenses.

current system

500 licenses x 800 tags = 400,000 potential tags

Draft Plan

If 60% of current licenses landed 50 days

300 licenses x 800 tags = 240,000 potential tags

200 licenses x 400 tags = 80,000 potential tags

Total = 320,000 tags

If 70% of current licenses landed 50 days

350 licenses x 800 tags = 280,000 tags

150 licenses x 400 tags = 60,000 tags

Total = 340,000 tags

60,000 tags in the "pool"

New Entrants	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Tags Needed
10	400										4,000
20	400	400									8,000
30	400	400	400								12,000
40	500	400	400	400							17,000
50	600	500	400	400	400						23,000
60	700	600	500	400	400	400					30,000
70	800	700	600	500	400	400	400				38,000
80	800	800	700	600	500	400	400	400			46,000
90	800	800	800	700	600	500	400	400	400		54,000
100	800	800	800	800	700	600	500	400	400	400	62,000

This chart shows how many tags it would take to allow 100 people in the Fishery over 10 Yrs. These numbers are based on 100% staying in the business. As people retire or get out of the business, their tags would go back into the "pool" of tags.

Section 3 – Public Meetings.

The following is a calendar of public meetings that comprised the Fisheries Forum. Brief minutes of each of the public meetings follows the calendar.

January 5, 2001, 2:00 PM, Coastal Institute Hazard AB Conference Room, URI Narragansett Bay Campus. *Peter August invited a small group from the fisheries and management community to comment on a process that would review current state of commercial licensing in RI and identify the licensing options before us.*

Saturday, January 27, 2001, 1:00 PM, Corless Auditorium, URI Narragansett Bay Campus. *Topic -- Introduce forum review current state of commercial licensing in RI, identify goals and objectives of fishery management program.*

Thursday, February 8, 6:00 - 9:00 PM, Corless Auditorium, URI Narragansett Bay Campus. *Topics -- (1) Overview of the current state of fisheries in RI (organized by Mark Gibson RIDEM & Jeremy Collie, URI GSO) and (2) review of the regulatory landscape for commercial fishing (organized by D. Nixon URI & D. Borden, DEM).*

Saturday, February 17, 1:00 - 5:00 PM, Corless Auditorium, URI Narragansett Bay Campus. *Topic -- Licensing Schemes in the South Atlantic Region. Speakers are: **Roy Williams**, Assistant Director of the Florida Division of Marine Fisheries. **Anthony Iarocci**, a member of Florida's fishing industry and the South Atlantic Fishery Management Council. **Dr. Kathi Kitner**, staff member of the South Atlantic Fishery Management Council.*

Thursday, March 1, 6:00 - 9:00 PM, Corless Auditorium, URI Narragansett Bay Campus. *Topic -- Review of technologies used in commercial licensing (organized by R. Boragine and N. Lazar). Discussion of potential licensing options for commercial fishing in RI and the strengths and weaknesses of these options.*

Thursday, March 8, 6:00 - 9:00 PM, Corless Auditorium, URI Narragansett Bay Campus. *Topic -- Continuation of discussion of potential licensing options for commercial fishing in RI and the strengths and weaknesses of these options*

Saturday, March 31, 1:00 - 5:00 PM, Corless Auditorium, URI Narragansett Bay Campus. *Topic -- Continuation of discussion of potential licensing options for commercial fishing in RI and the strengths and weaknesses of these options.*

Saturday, April 7, 1:00 - 4:00 PM, , Corless Auditorium, URI Narragansett Bay Campus. *Topic -- Finalize license options and convey to Intergovernmental Fisheries Task Force.*

Meeting Summary, 5 January 2001

Date: January 5, 2001, Coastal Institute, University of Rhode Island, Narragansett Bay Campus, 2:00 pm -- 5:00 pm.

Purpose: To review and finalize a process that:

- *Addresses the issues surrounding the commercial fishing licensing procedures in the state*
- *Identifies the various management options that might be adopted at the end of the current moratorium on new commercial fishing licenses.*

Attendance: *(The following people were asked by Peter August, Director of the Coastal Institute, to provide comment on a draft process to review the licensing system). L. Mathews, P. Parker, P. August, D. Nixon, T. Goddard, J. Jordan, M. Gibson, J. Reitsma, J. King, M. McGivenney, J. Sutinen, B. Rheault, L. Skrobe, K. Castro, R. Wallis, M. Schwartz, G. McArdy, B. Long, F. Mattera, K. Ketcham, B. Knight, M. Conroy, D. Caprio, B. Ballou, J. Carvalho, S. Mederios, R. Boragine, D. Beutal, A. Valliere, D. Borden, G. Powers, J. Sorlien, R. Smith*

Background:

The Coastal Institute has initiated this process in response to a request from the Governor to serve as a neutral forum for the discussion of fishery management issues. The Coastal Institute has been charged with the following tasks:

Short Term (Phase 1):

- *Develop options and articulate their strengths/weaknesses on the resolving the license moratorium*
- *Present options to the Intergovernmental Fisheries Task Force by April 15, 2001*

Long Term (Phase 2):

- *Re-evaluate RI fisheries management programs*

Through this process the Coastal Institute will have the responsibilities of providing a means to review current fisheries data, review current regulatory procedures, host forums to discuss options for course of action at the end of the current moratorium, make notes and summary papers available on the web, and present options to the Intergovernmental Fisheries Task Force. Members of the fishing industry, academic community, and government management agencies will provide data, management options, and critiques. The Intergovernmental Fisheries Task Force, currently in the process of being formed, will review options and make a decision about the next course of action. It is anticipated that the task force will be comprised of representatives from the Senate and House of the RI General Assembly, the Governor's Office, the RI Marine Fisheries Council, and RI DEM.

Process Outline: The Coastal Institute will convene the following series of meetings:

Meeting 1 -- Saturday, January 27, 2001, 1:00 pm – 5:00 pm, Corless Auditorium, URI Narragansett Bay Campus

- *Introduction of the process to the general public*
- *Overview of the concerns connected with the current licensing system and why the moratorium was enacted*
- *Identification and discussion of broad philosophical issues, values, and goals of the RI commercial fishing licensing system.*

Meeting 2

- *Review of current fisheries data*
- *Review of RI fisheries regulatory system*

Meeting 3

- *Presentation by speakers from outside of Rhode Island on commercial licensing strategies used in their states*

Meeting 4

- *Discussion of options that might be adopted at the end of the current moratorium on new commercial fishing licenses. (The options, with their strengths and weaknesses, are to be presented in writing to the Coastal Institute and posted on the web prior to this meeting.)*

Meeting 5

- *Continued discussion of management options (if needed)*

Meeting 6

- *Finalization of options list (if needed)*

Meeting 7

- *Presentation of options to the Intergovernmental Fisheries Task Force*

Meeting 8

- *Discussion of how to proceed with Phase 2 (Re-evaluation of RI fisheries management programs)*

Discussion Points:

- *Getting the word out to everyone who has an interest in this issue is important. Help will be needed from fishing industry representatives to inform others.*

- *Consideration should be given to the difficulty involved in fishermen giving up fishing time to attend meetings.*
- *Sufficient time needs to be given early in the process for discussion of the pros and cons of the management options. Options need to be posted on the web early on.*
- *Some open microphone time needs to be allotted at each meeting.*
- *This is an opportunity for everyone to participate in an open and fair discussion of the issues and to put their ideas on the table. Everyone involved has a common interest in having sustainable fisheries, despite the differences in opinion about how to attain that goal.*
- *Options are likely to fall into three main categories: 1) let the current moratorium expire and return to prior licensing system, 2) extend the moratorium to allow for more time to deliberate management options, 3) enact new licensing procedures.*
- *We need to address why the moratorium is in place. Is the real issue finding a more effective way to collect data on the fisheries?*
- *During this process we need to be aware of parallel efforts going on (regional level) to coordinate the collection of fisheries data.*
- *We need to ask why we need the data – Is it to limit access to individuals? Right of open access is an underlying issue.*
- *Goals of this process will be to look at what we know or do not know about the current state of RI fisheries, and to identify management options.*
- *More information about recreational fisheries may be needed.*
- *Government is looking for input on what to do. This is an opportunity to get something done.*
- *Is the mandate only to present options to decision makers? Should we be working for consensus?*
- *CI will not recommend an option, but will serve to provide the neutral conveyance of the options. Part of this conveyance can include a report on the degree of consensus among participants.*
- *Members of the Intergovernmental Fisheries Task Force should attend these series of meetings and be involved in the whole process.*
- *There is general agreement that the fish stocks are declining. We may be running out of options quickly.*

- *Licensing issues are complex. Factors such as how to manage the effect on quotas by out of state boats that land fish in RI, and how to manage migratory species (offshore vs. inshore fishermen) come into play.*
- *Services such as "[Listserv](#)" on the web can be set up to provide opportunities to discuss these issues in between meetings.*
- *There is a need to maintain continuity throughout the process while also providing an open forum for discussion.*
- *This process was set in motion by the different branches of government. It is anticipated that the General Assembly and the Governor's office will be involved throughout the process.*
- *Legal and enforcement questions connected with various management options should be identified and addressed early on.*
- *Fishermen associations, the press, and e-mail communications will be used to get the word out about the upcoming meetings. The Coastal Institute will make available a short synopsis of the upcoming January 27, 2001 meeting for distribution*

Meeting Summary, January 27, 2001

Date: January 27, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 1-5 PM

Purpose:

- review the overall purpose of the upcoming series of meetings (identify and evaluate licensing options in Rhode Island)
- review the process established by the Coastal Institute to complete the task
- briefly review the current licensing system
- collectively begin to identify the goals/objectives of a licensing system

Attendance: Approximately 70 people including members of the fishing industry, resource managers, political leaders, scientists, and those with a general interest in fishery management.

Summary of Introductory Comments:

Jan Reitsma, Director of RI Department of Environmental Management:

- Recognized that those gathered have a common concern for the state of our coastal fisheries and/or the state of fishery management in Rhode Island, but that there is little consensus on how to address these concerns.
- Fishery management involves addressing economic and social concerns in addition to biological dynamics. It involves methods of fair distribution, minimizing waste, and providing for sustainability of the resource.
- Licensing issue involves a number of questions such as whether we have adequate data to evaluate fishing pressure, how we balance out of state interests with in state interests and the protection of state resources, how we coordinate what we do on the state level with management efforts on the regional and federal levels, whether limited entry should be pursued in the lobster fishery.
- License restructuring options fall into two broad categories: technical adjustments (type of licenses, application, fees, report requirements, application and renewal procedures) and access.
- RI DEM has fishery management responsibilities but during this process, DEM intends to focus on listening to the ideas of others. RI DEM is not intent on manipulating the process.

David Caprio, State Representative (Narragansett/South Kingstown):

- Will be involved in the process to listen to the ideas put forth and to ultimately lead in the efforts to work through the legislative process.
- Will answer questions from other legislators about what went on during this process.

Peter August, Director of the Coastal Institute:

- Review of Coastal Institute's role – to serve as a neutral forum open to all parties interested in this issue, to assist in accessing best available data and information, to summarize options for delivery to the Intergovernmental Fisheries Task Force.
- Current charge – Phase 1) Identify licensing options along with their strengths and weaknesses; Phase2) Re-evaluate RI fishery management programs.
- Coastal Institute will host series on meetings on licensing options:
 - Saturday, January 27, 2001, 1-5 PM. Review process and identify goals/objectives of a licensing program.
 - Wednesday, February 7, 2001, 6-9 PM. Review of status of fisheries, review of legal and regulatory landscape.
 - Saturday, February 17, 1-5 PM. Licensing in other states, guest speakers.
 - Thursday, March 1, 6-9 PM. Development of licensing options.
 - Thursday, March 8, 6-9 PM. Continued development of licensing options.
 - Wednesday, March 28, 6-9 PM. Continued development of licensing options.
 - Saturday, April 7, 1-5 PM. Finalize options, deliver to Intergovernmental Fisheries Task Force.
 - Friday, May 11, 2-5 PM. Discussion of how to proceed with Phase 2.
- Vehicles for communication and discussion are the web page www.ci.uri.edu/projects/rifish, on line discussion group service (LISTSERV) RIFISH-L, and the Coastal Institute office at 874-6513. A web archive of RIFISH-L postings can be found at <http://pete.uri.edu/archives/rifish-l.html>

Work Session:

Current Licensing System:

- Overview of current licensing system was given by April Valliere, Senior Biologist, Division of Fish and Wildlife, Rhode Island Department of Environmental Management.
- Discussion:
 - License covers period from July 1 – June 30
 - Same fees for in state as for out of state residents
 - Most people purchase multipurpose licenses
 - 35 license categories
 - State of Mass. has more categories; some states have as few as 3 or 4 categories of licenses
 - Most other states issue licenses to vessels rather than individuals
 - During moratorium, majority of hardship requests have been granted.

Goals/Objectives of a Licensing Program:

- General:
 - Goals of licensing program provide basis for evaluating options [what options support specific goals]
 - Task of defining goals can be continually worked on during course of process
 - Goals can be mutually exclusive, supported by different licensing options
 - Goals can address different themes connected with licensing (access, data collection, etc.)
- Initial list of goals drafted by the participants [See list posted under "Goals of Licensing Program" at web site.]

Discussion Points:

- Some in the industry feel as though, with all of the conflicting regulations, everything is closing in on them- difficult for those who simply want to fish for a living.
- How do we make use of the science and others' experiences in licensing fishermen as we develop the options? The process should include reference to such information to support positions on various options.

- Bringing in outside speakers could be useful. We should consider more than just three. (Suggestions: draw from neighboring states with similar fisheries; examine Chesapeake blue crab fishery). Perhaps a lecture series in the future, or case studies from other areas posted on the web site could bring in more examples and perspectives.
- Legislation in the past has failed. Legislators will be using this process to receive input on the issue.
- The timetable is tight. Current moratorium expires on July 1, 2001 at which time we go back to the way things were. In three months, however, we should be able to make progress towards a licensing system that makes more sense.
- Some who want commercial licenses are locked out under the current moratorium.
- More data is needed to assess true effort by the current license holders. Numbers of licenses is not enough.
- The definition of what a commercial fisherman is needs to be clarified. Does it depend solely on the selling of fish? Should a commercial license threshold be established based on the percent income derived from fishing?
- Goals need to be subjected to a legal review. Concerns were raised regarding Section 17. "Fishery Rights. Shore Privileges. Preservation of Natural Resources" of the Rhode Island State Constitution.
- Having other states critique our list of goals might also be a useful exercise.
- There is a general interest in what technologies can be brought to bear on a licensing system (ATM type of cards, etc.) Time at the March 1 meeting will be devoted to reviewing such technologies.
- Sources of information on how other states are dealing with licensing might be found in the Sea Grant Depository and environmental impact statements connected with species specific fishery management plans.

Meeting Summary, February 8, 2001

Date: Feb. 8, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 6-9 PM.

Purpose: To examine information on the status of RI's coastal fishery resources and the regulatory landscape for fishery management in the state. The information presented is to serve as a basis for future discussions on licensing options.

Information on how fish stocks are assessed, current trends in the abundance of principal fish species in Narragansett Bay and near shore waters, and fishing effort was provided by Dr. Jeremy Collie, Associate Prof. Of Oceanography, Graduate School of Oceanography, URI and Mark Gibson, Deputy Chief of Marine Fisheries, RI Department of Environmental Management.

Dennis Nixon, Professor of Marine Affairs, URI and David Borden, Assistant Director of Natural Resources, RI Department of Environmental Management presented information on the regulatory structure effecting commercial fishing and the legal aspects connected with proposed options for licensing procedures.

Attendance: Approximately 70 people including members of the fishing industry, resource managers, government officials, scientists, students, and those with a general interest in fishery management.

Note: Meeting previously scheduled for March 28 was moved to Saturday, March 31, 1-5 PM

Summary of Presentations:

Dr. Jeremy Collie:

Fisheries Biology "101."

- Stock assessments are based on standardized surveys to obtain unbiased estimates of abundance. Survey sampling sites may not be where fishermen are fishing.
- Surveys are combined with catch data in a stock assessment model to give abundance of the stock
- Harvestable surplus is the excess of recruits in a fish stock once the number of offspring has replaced the number of parents.
- Stocks decline when the number of offspring is not enough to replace parents.
- Mortality rates are factored into fish abundance equations- The number in the year 2002= Number in the year 2001-fishing mortality-natural deaths.

- Overall yield will decline when young are caught before they are able to spawn.
- Over fishing occurs when the fishing mortality rate exceeds a rate needed to maintain the stock.

Suggested Reference: Wallace, Richard, William Hosking, Stephen T. Szedlmayer. Fisheries Management for Fishermen: A Manual for Helping Fishermen Understand the Federal Management Process. Auburn Marine Extension & Research Center, Sea Grant Extension. Mobile, Alabama. (Available through RI Sea Grant Office.)

Data from GSO trawl surveys:

- URI trawl surveys began in 1959 and have been conducted weekly since.
- The surveys include two sites- one near Fox Island (conditions in Narragansett Bay) and one near Whale Rock (conditions in Rhode Island Sound).
- Temperature trends show bottom waters have been warming. This condition may be affecting species that prefer cool water for reproducing.
- Data indicates:
 - resident demersal species are declining and are being replaced by southern migratory species
 - invertebrates have increased.

Questions/Answers:

- Are environmental factors correlated with fish data?
 - Other surveys are done (e.g. phytoplankton) but they have not been correlated with fish data.
- Is declining water quality in the Bay a factor in fish declines?
 - All possible explanations are being considered.
- Is catch per unit effort factored into stock assessments?
 - No, only total catch. There is a trend to try to incorporate the aspect of time into abundance indices.
- If no one fished for a species would the stock assessment model run?
 - Yes, do not need catch data to run model. Estimate of abundance is not proportional to catch removed.
- Do quota restraints affect model?

- No, surveys to show trends in abundance run independent of catch data. Commercial catch is a scaling factor used to calibrate the model- do not need catch data every year for the model to run.
- Have trawling methods been changed since 1959?
 - No, we basically use the same nets, boats, 30 minute tow, same track in order to keep the surveys standardized.
- Why not use nets that can catch more fish- the same gear that fishermen use?
 - Having a good survey does not rely on catching a lot of fish- the goal is to look for trends, not fill the hold with fish.
- How do you know sample sites are representative?
 - - GSO trawl survey focused on two sites to try to sample systematically. We are looking for general trends over time.
- Is GSO data used to set quotas?
 - Yes.

Mark Gibson:

- See M Gibson's power point presentation listed under "Calendar & Notes of Meetings", Feb 8, project web site (www.ci.uri.edu/projects/rifish).

General comments:

- General data trends show finfish have increased, shellfish decreased, and lobster have stayed about the same.
- Seasonal migratory species are on the increase while native demersal fish stocks are generally declining.
- Fishery landings generally track abundance.
- In species where landings are restrained by quotas, there are a higher proportion of discards. This raises the question of limiting participants to lower the discard rate.

Questions/Answers/Comments:

- When landing data is reviewed, the state needs to take into account that fishermen are forced to move to other species in response to quota limits. Fishing effort shifts from one species to another.
- How do you estimate recreational catch?

- We use field interviews (what type of fish were caught, how many, how many were released) and random telephone surveys to households along the coast asking about how many trips were made to go fishing.

- Why haven't summer flounder landings been allowed to increase since they are increasing in abundance?

- We are still in an over fished condition, above the desired mortality rate. But we do recognize that we need to begin to reevaluate the standards.

Dennis Nixon:

- See Dennis Nixon's paper "The Legal and Regulatory Environment of Fisheries Licensing in Rhode Island" listed under "Calendar & Notes of Meetings", Feb 8, project web site (www.ci.uri.edu/projects/rifish).

Major points:

- "Free and common" fisheries not mentioned under Colonial King Charles Charter even though people commonly use this phrase.
- "Free and common" phrase does appear in the RI Constitution Section 17, but is applied to areas not leased for oystering (most of Bay was leased) so this phrase has been taken out of context.
- No limitations in the RI Constitution regarding the General Assembly's right to regulate fisheries.
- The RI Constitution gives the benefits of fisheries to all people.
- General Assembly can delegate its regulatory powers over fisheries to the RI Marine Fisheries Council.
- An impediment to RI's control over coastal fisheries is the fact that all fisheries are under federal and regional jurisdictions as well.
- States are not working in a regulatory vacuum- they are part of regional and federal regulatory systems.
- Migratory range of species is important factor in management of that species.

Question/Answer:

- Do all citizens have the right to be treated the same in an open fishery under Article 17 of the RI Constitution?

- Cannot shut one group out and keep another in. It would be very difficult to say one group has privilege over another.

- How can the difference between commercial and recreational fishermen be determined?

- North Carolina uses a standard of 50 % of net annual income derived from fishing to designate commercial fishermen.

Dave Borden:

See David Borden's presentation listed under "Calendar & Notes of Meetings", Feb. 8, at project web site (www.ci.uri.edu/projects/rifish).

Major points:

- Regulatory agencies:
 - State
 - Interstate
 - Federal
 - International
- Fish stocks do not respect political boundaries.
- On the state level, RI can adopt regulations relatively fast compared to other states. (about 6 months)
- There are some 600 regulations for about 30 different species
- RI belongs to the Atlantic States Marine Fisheries Commission. This compact of states regulates migratory species. Regional commissions try not to impose on states' rule, letting states tailor rules according to their fishermen's' needs.
- It takes about 18 months for regional commissions to adopt regulations.
- Federal councils take about 2-4 years to adopt regulations.
- Federal Councils are required to work to rebuild a stock that has been declared over fished.
- International Council's jurisdiction is outside 200 miles. Some 40 nations try to formulate fisheries policy.

Question/Answers:

- Can RI try to get formal representation on the Mid-Atlantic Fisheries Management Council?

- We are trying through our representatives to get formal representation on this Council.

- How can the industry and RI DEM deal with the large number of meetings involved with all of these regulatory entities?

- It is impossible to attend all of the meetings. We do not have the staff.

- The Sustainable Fisheries Act is a hindrance. The ocean is not full of everything at the same time.

- The Magnuson Act is coming up for reauthorization. The trend is to look at fisheries management from an ecological perspective.

Meeting Summary, February 17, 2001

Date: Feb. 17, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 1-5 PM.

Purpose: The Coastal Institute invited speakers from outside the state of Rhode Island to give presentation summarizing the strengths and weaknesses of current licensing procedures in their states. The purpose was to

- Learn about how other states structure their licensing programs, including perspectives on whether such programs are working or not and why
- Use the experiences in other states to assist in laying out the options for a course of action in Rhode Island.

Attendance: Approximately 90 people, including members of the fishing industry, resource managers, government officials, scientists, and those with a general interest in fishery management.

Summary of Presentations:

Roy Williams:

Background Information:

- Currently is the Assistant Director of the Florida Fish and Wildlife Conservation Commission.
- Graduate of the University of Nebraska
- Moved to state of Florida- did work on anadromous fish during the 1960's and 1970's
- Worked at the Florida Marine Institute, and more recently the Florida Marine Fisheries Commission.
- Served as a member of the South Atlantic and the Gulf States Marine Fisheries Management Councils.
- Been involved in research and regulation of fish since 1968.

Major Points of Presentation:

- Florida Fish and Wildlife Conservation Commission has full rule making authority over Florida's fishery resources. It was created by the state's Constitution and cannot be overruled by the Florida's state legislature.
- The value of Florida's commercial fisheries is about 215 million dollars; money spent on recreational fishing totals about 3.3 billion dollars.

- To sell fish in Florida and to be able to exceed bag limits, fishermen need a Salt Water Products License. Under this are 6 types of species endorsements.
- Recreational fishing license is needed by out of state residents and also by residents if they are in a boat or wading out into the water; they can fish from a dock or pier without one.
- Commercial Saltwater Products License costs \$50 for residents/\$100 for vessels, with no qualifying criteria.
- Non-resident fees are twice in state resident fees, three times for aliens.
- Saltwater Products License is tied to trip ticket system of record keeping. This information is used in stock assessments and includes information on catch/unit effort, what was caught, age distribution, etc.
- In addition to Saltwater Products License, there are restricted species endorsements.
- For these endorsements, commercial fishermen must demonstrate sale of marine products amounting to \$5,000 or 25% of gross income.
- Since 1987, most species have been designated as restricted.
- Some endorsement licenses have fees, some do not.
- For spiny lobsters, Florida has a certificate program aimed at managing units of effort. The goal is to harvest the maximum sustainable yield with the fewest number of traps.
- A similar certificate program is in place for the state's stone crab fishery.

For details on Roy Williams presentation, see "Roy Williams power point presentation" under meeting notes for Feb. 17.

Summary of comments during question/answer session:

- Anyone can purchase trap certificates as long as they meet the commercial income provisions for restricted species.
- Fishermen cannot transfer individual restricted species license but they can transfer a vessel license with the sale of a vessel.
- There are no vested rights provisions- trap certificates are qualified property rights, which can be sold.
- Under the Saltwater Products License for vessels, a person can hire someone else to fish for him using his license, and not be on the boat.

- Some money from the licensing program is put back into cleaning up fishing debris on beaches. This gets very costly along mangrove shorelines- fishermen are fined when their trap numbers reveal their identification.
- Fishermen cannot sell their catch with just a recreational license.
- Trap certificate programs are not completely limited entry because people can qualify under the restricted species license scenario

Anthony Iarocci:

Background Information:

- Former Rhode Island fisherman, relocated to Florida
- Currently lives in Grassy Key
- Industry representative who is very active in South Atlantic and Gulf of Mexico fisheries
- Works with seafood companies in Ecuador.
- Member of the South Atlantic Fisheries Management Council
- Has experience with net bans and limit entry schemes.

Major points of presentation:

- In fishery management, need to have industry and regulatory agencies working together.
- Rhode Island has a long history of open access and there is a diversity of fisheries here.
- Whatever Rhode Island does, the state is sharing jurisdiction over its fisheries with the regional and federal levels of management.
- Rhode Island's priority should be a data collection system- this will serve as a basis for management plans later.

Greg DiDiminico (Executive Director of the Monroe County Fishermen's Association)

Major points of presentation:

- Before instituting a lobster certificate program, should consider:
 - Identify problems fishery has- why such a program should be implemented

- Identify biological goals- Do you want to lower fishing mortality through limiting effort?
- Identify research/data gathering priorities
- Recognize there will be a problem with theft
- Monitor socio-economic disruptions
- Need to devise a way so historical participants are not harmed and flexible enough to allow new entrants.
- Positive benefits of Florida's programs- Industry has become professionalized, impacts to the environment have been lowered, has given a \$ amount for a fishing business, when people get out of fishing they have a retirement fund when they are bought out.

Summary of comments during question/answer session:

- It takes years to put together something like Florida's stone crab licensing program
- RI does not currently have the data to develop such a program.
- Fishermen in Florida do disagree with trap reduction goals- want to see more of the science behind it.
- Federal quotas are distributed regionally in Florida- Florida is at the end of migratory patterns of most species so they are not competing with other states who have already caught theirs.
- As a safeguard to prevent someone from hoarding trap certificates, there is a 1% of total certificates limit.
- Trip tickets are efficient way to collect data- fishermen in Florida are behind this system.
- Enforcement is a problem in Florida- officers are understaffed and under paid.
- Revenues from license fees collected in Florida are structured to go into data collection, enforcement, administrative tasks, etc.

Dr. Kathi Kitner:

Background Information:

- Received her Ph.D from the University of Florida. Majored in Cultural Anthropology and Latin America Studies.

- Currently serves as a staff member for the South Atlantic Fisheries Management Council.
- Her primary responsibilities are to determine the social impacts of federal fishery management regulations in the South Atlantic region.
- She also conducts social research in fishing communities.

Major points of presentation:

- Overview was given of licensing schemes in the states of Georgia, South Carolina, and North Carolina
- South Atlantic Fishery Management Council (SAFMC) currently has a limited entry program in place for the snapper grouper fishery- they are trying to determine the right number of fishermen and the appropriate level of effort to sustain the fishery.
- The SAFMC also has a limited entry program in place for the golden crab fishery (small fishery with only 12-15 participants who were worried about competition from Alaska)
- Sociocultural considerations in licensing schemes include:
 - need for better data to make better decisions
 - in-depth interviews should be used in order to better define the problems/issues in a fishery
 - survey can be used to discover general parameters of the fishers, both recreational and commercial
 - focus groups can be used to get constant feedback
- Social issues to consider include:
 - participatory co-management
 - apprenticeship programs
 - regional differences in fisheries
 - flexibility of fishermen
 - recreational vs. commercial conflicts
 - how fishing is valued as an occupation

Summary of comments during question/answer session:

- Limited entry was put into place for the golden crab fishery even though there were only a few participants and the resource was not being fully

harvested. This was done to protect fishermen from competition and because it was a new fishery and there was not a sound biological basis on which to estimate sustainable yield.

- All speakers seem to point to the need for data acquisition to be a top priority, the need for participatory management, and the need to incorporate social/economic issues along with biological concerns.
- Because Rhode Island has such little in place regarding its licensing program, it has an opportunity to learn from other states' experiences as it develops its own.

For more details, see "Kathi Kitner's power point presentation" under meeting notes for Feb. 17.

Meeting Summary, March 1, 2001

Date: March 1, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 6-9 PM.

Purpose: To publicly review and discuss the options for commercial fishing licensing procedures in Rhode Island.

Najih Lazar, RI Department of Environmental Management provided a brief review of the existing licensing system.

Najih Lazar also reported on the efforts under way to develop a standardized reporting system as part of the Atlantic Coast Cooperative Statistics Program. Ralph Boragine, Executive Director of RI Seafood Council, gave an overview of some of the technologies available for reporting systems and their benefits.

Attendance: Approximately 50 people including members of the fishing industry, resource managers, government officials, scientists, students, and those with a general interest in fishery management.

Summary of Presentations:

Peter August, Director of the Coastal Institute

Introductory Comments:

- Task is to list various options with their pros and cons
- Report will not make a recommendation
- Comments should be brief and to the point
- Options are mutually exclusive
- This is not the time to lobby for an option
- Cannot expect to complete a licensing and management system in 6 weeks

In developing a list of options, we will seek to identify

- Options
- Pros and cons
- Implementation issues
- Consensus or not

Najih Lazar, RI DEM Senior Biologist

Characterization of current licensing system:

- RI DEM Director has the statutory authority to request reports from fishermen and dealers for statistical purposes.
- License renewal begins July 1 and remains open throughout the year, although fees are not prorated
- 35 different types of licenses at various fees
- License are issued to individuals not vessels
- RI DEM has the lowest ratio of personnel/licenses in the country
- RI Division of Fish & Wildlife issues permits for the following species
 - Fluke (exemption permit to participate)
 - Winter flounder
 - Tautog
 - Lobster
 - Horseshoe crab

Discussion points:

- Growth in license categories will be presented in a report soon to be released by RI DEM
- Dealer's responsibilities include phoning in transactions on managed species on a weekly or daily basis (to determine harvest in relation to quotas)
- Fishermen are captive in regards to market prices- dealers have a monopoly. Is there any control on market prices? No, it is a free market. Cannot address that in a licensing system.

Overview of initiative on new reporting requirements:

- Currently dealers report to Federal and State managers on quota species
- Federally permitted fishermen need to fill in logbooks. This information goes to National Marine Fisheries Service (NMFS) not the state.
- Data needs to be collected to perform stock assessments and to make management decisions
- Data needed includes:
 - Life history
 - Surveys
 - Commercial/recreational landings and discards

- Characterize the catch by length and age group and by gear type
- Distribution of size of narrow with gill nets, hook and line, and long line gear and broad with trawls.
 - Catch of each gear type are converted to an age matrix
 - Mortality based on gear type plays an important role in determining estimates of stock age distribution

RI's commercial data collection program includes:

- Shellfish monthly landing reports
- Quota monitoring system (numbers are reported by dealers, quota species are monitored so RI does not go over its quota allocation)
- Lobster trap tag program and annual catch reports
- RI is a partner in the Atlantic Coastal Cooperative State Program (ACCSP).
- ACCSP has issued standards all partners have signed onto.
- ACCSP program calls for the submission of data to one entity and timely access to data by industry.
- RI is working on:
 - Expanding office and staff for data collection
 - Updating and expanding the current quota monitoring system
 - Designing a ticket reporting system

Ralph Boragine, Executive Director RI Seafood Council

Report on data collection technologies

Major points:

- Under current system, managers do not know the details of who is fishing where for what.
- Commercial license holders could be issued a card with a magnetic strip that would log them into the system and give information on who the person is, main gear types, license riders such as additional endorsements, etc.
- Data would be shared as it comes in to RI DEM/Federal agencies.

- Such a system would quickly reveal things such as how much of an available quota had been caught.
- Magnetic strips could be a problem to maintain, but the idea would be to keep it simple.
- Technology is available and is used in other states- it becomes a matter of funding.
- Essentially an electronic system would replace a paper system.
- Under the ACCSP procedures it is up to the individual states to choose the technology to implement the standards. Federal funding is available (100%) for implementation.
- Computer based measuring boards to measure fish size are available but are costly to use and risky- information tends to be lost because of the wet environment they are used in.

Ralph Boragine's complete comments are listed separately under the meeting notes for March 1.

Summary of Licensing Options Discussion:

- 4 major options
 - Maintain current licensing system
 - Restructure licensing system
 - Extend moratorium to allow time to develop new license system
 - Issue control date warnings for major fisheries
- There appears to be consensus on the idea that the current licensing system needs to be restructured; disagreement centers on how and to what extent it should be changed.
- Options being proposed under the restructuring option range from relatively minor technical adjustments to fundamental changes limiting access and fishing effort.
- The balance of the discussion focused on the topic of reporting requirements for commercial fishing license holders. The major points made during this part of the discussion included:
 - Managers need better data to accurately assess fish stocks, including the effort used to land the harvest.
 - RI is not operating in isolation; we will need to meet ACCSP standards.

- Data collection needs to be streamlined to make it easier for dealers and to be able to disseminate information on a timely basis.
- Reporting should be a two way street. Managers need to let fishermen know up to date management information.
- Data collection also provides the opportunity to capture economic and social data on RI fisheries that can be incorporated into fishery management.
- Some members of the fishing community feel we have enough data already. Or we may not be able to use the data because we do not have the structure in place to handle it. Need to justify the time, energy, expense involved in gathering it.
- Some statements on draft compilation of options under pros and cons are erroneous. What should be done about this? Should they be corrected or remain part of the record. Need to balance the legitimacy of the statements with the need of legislators to know viewpoints on those subjects.
- Question was raised about what report requirements had to do with restructuring RI's licensing system.
- Under current law, RI DEM is allowed to collect data for statistical purposes only, not enforcement purposes.

For specific changes to the draft compilation of options, go to "Management Options" on the project web site.

Meeting Summary, March 8, 2001

Date: March 8, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 6-9 PM.

Purpose: To publicly review and discuss the options for commercial fishing licensing procedures in Rhode Island.

Attendance: Approximately 80 people including members of the fishing industry, resource managers, government officials, scientist, students, and those with a general interest in fishery management.

Also in attendance was Dr. B.J. Copeland from North Carolina. Dr. Copeland was a member of the N.C. Moratorium Steering Committee, which examined coastal fishery issues in that state. He currently is a professor of zoology at North Carolina State University, and is a member of North Carolina's Marine Fisheries Commission.

Overview of Meeting:

Peter August, Director of the Coastal Institute, facilitated the meeting.

Opening remarks:

- Goal of process is to package a summary of the licensing options for review by members of the General Assembly and the Governor.
- Meeting time will be used to discuss the various options, identifying the strengths and weaknesses of each option.
- The draft list of options will be revised based on comments received during the meeting.
- Input is needed from both the fishing industry and the managers of the resource.
- Meeting will focus on topics involving technical adjustments to the current licensing program. These include:
 - license types
 - license entity
 - fee structure
 - duration and period of licenses
 - reporting requirements

Summary of Discussion Points:

License Types:

- Multipurpose license does not provide information to the managers about how many fishermen are participating in particular fisheries. Managers would like to see the multipurpose license broken down into shellfish/finfish/lobster categories, or require the reporting of primary and secondary fisheries and landings data using endorsements or other means.
- The major benefit of a multipurpose license is that it provides the fishermen with flexibility to move from one fishery to another as necessary.
- Information about specific fisheries could be obtained through reporting requirements.
- Another option would be to categorize licenses by fishery and gear types as well as by the zone/area that the fish are taken from.
- Knowing how many licenses are held for particular fisheries does not tell you whether the licenses are being used i.e. fishing effort.
- Fishermen understand the need for better information and better management, but they do not want to lose the ability to move from one fishery to another. They also do not want to effect quotas and hurt other fishermen who are actively fishing a species e.g. lobster that they may have a license for but are not using.
- Creating separate licenses for each species may end up producing more licenses than people who are actually fishing.
- Endorsements on multipurpose licenses can aid management decisions. Data reporting is important for fishing effort information.
- Data gathering is dependent on how you structure the license system. Identifying participants in fisheries gives a snapshot of the number of participants. Latent effort needs to be caught. Data is tied to licenses, areas fished, gear types.
- License types do not need to be changed if the dealers are required to give the existing data to the state.
- Managers have an immediate data need. Something needs to be done in the interim while the ACCSP data collection system is being worked out.
- If limited entry into a fishery is a desired management option, then a license system needs to be developed to restrict access.

- There appears to be no drawback to differentiating licenses with endorsements. But if individual fisheries need to be managed, then each fishery should be split up on the licenses.
- Endorsements bridge the gap between open and closed fisheries and give better data retrieval.
- Endorsements can be a problem if there are high fees attached. If a fisherman declares a primary fishery and that fishery closes, there is a problem. Fishermen may not necessarily know the proportions of which fishery they will fish in each year.
- There should be a transition period for licenses during which fishermen with multipurpose licenses can check off all species and gear types, but revise this over the course of two years to show what they are actually fishing for.
- Dragners are allowed to keep the lobsters they catch even though they are not fishing for them directly under a multipurpose license system.
- Flexibility is needed because there is no security in fishing.
- Under individual endorsements, a fisherman who does not fish one year for a species may lose out the next year.
- The need for flexibility means that data needs are complex and everything is continually shifting.
- Licenses can give managers the ability to manage unmanaged fisheries.
- Restricted licenses can be a step towards what we do next in management.
- Data collection and licensing can go together. If a RI Fisheries Data Collection Entity is created, they can be authorized to give licenses, and track back to licenses what is being caught where. License fees can be remitted to DEM for management. Data can be fed back to DEM quickly for management decisions. Transitioning to this type of system is a problem.

License Entity – Individuals vs. Vessels:

- Managers would prefer the licensing of vessels instead of individuals (except for fishermen fishing without boats) because it would be consistent with the federal permitting process and data base, and would be a way to track size and gear types of the fishing fleet. Vessel license could cover whoever runs the boat.

- Tracking vessels is a step closer to determining fishing effort. Tracking gear is the next step. This type of information is more useful to fisheries management.
- Fishermen have concerns about flexibility. What happens if I want to upgrade my boat, or just use one boat at a time? Does the license stay with the boat? What if you have several small boats that you fish from, or if you borrow a boat because your boat is out of commission?
- ACCSP guidelines encourage but do not require the licensing of vessels.
- It is costly to buy a license for each boat if you fish out of a number of small, different boats.
- Licensing vessels could be good for enforcement purposes. License numbers could be displayed on sides of vessels. Enforcement officers could sanction vessels.
- In some fisheries where it is not appropriate, individuals could be licensed instead of vessels. Maybe a cutoff point of 30 feet could be instituted.
- Federal permits restrict upgrades. If we licensed vessels, and a fisherman wanted to upgrade boat and apply for another license, the upgrade should not be limited.
- In some fisheries, like the shellfish fishery, there is a lot of moving around of boats.
- Could a gear license or size of boat category system be developed? Then fishing effort might be tracked.
- We would need to rethink owner/operator laws.
- Do licenses stay with the boat when the boat is sold?
- Need to determine licensing goals. Is it data collection or are the licensing practices to be used to manage effort?

Reporting Requirements:

- ACCSP is an emerging system. DEM has a need for better data and this has to be a top priority. Maintaining the system once it is set up is a concern. It may need to be housed outside of DEM since the agency's budget is not secure from year to year.
- First phase of ACCSP program will be for lobster and shellfish starting June 1, 2001. Fishermen will have to fill in logbooks that are sent in monthly to DEM. The data will be entered manually until an electronic system is instituted.

- System will take two people – a coordinator and a data entry person.
- State DEM has the authority to require reporting and the take action against someone not complying.
- In North Carolina, 6 people were hired for data entry and analysis. It took a year to get system operating, was expensive, but works well now.
- Electronic options are costly.
- Fishermen with federal permits who already fill out logbooks will not have to fill out another state logbook.
- Web based system is another option. There is web based technology available.
- Data collection is a long term process. DEM is funded on an annual basis, funds are not available on a long term basis.
- Ideal data collection system may take some time to develop and implement. DEM needs basic restructuring of license system in the meantime. For management practices such as limited entry, need to identify individual participants in the fishery.

License Fees:

- General agreement that a fee structure should be developed which distinguishes between in state and out of state residents.
- Reciprocity between states should be a consideration. We should charge what neighboring states charge.
- Currently there are 356 out of state licenses compared to 1600 in state licenses.
- Around the country, the general multiplier is 2.76 for resident license fees and out of state fees.
- License fees should go to the management of the resource. Under the current system, the first \$200,000 goes to the General Fund; the rest to DEM.
- Legislation could designate a restricted receipt account for license fees which is dedicated to management.

Duration and Period of Licenses:

- It is a hardship to fishermen to have a renewal period during the holiday months.

- A 1 month window of opportunity to get a license would require commitment to a fishery.
- A payment system is difficult to do administratively.
- A Jan.-Dec licensing year coincides better with the fishing year, other reports, the tax year and stock assessments.
- DEM is working on accepting VISA to pay for licenses and purchasing licenses over the web.
- Shifting back to January will serve as a tool to limit opportunists.
- Past study shows correlation between unemployment rates and fishing licenses. As unemployment goes up, so do the number of licenses.
- Creating a window of opportunity for obtaining licenses could be considered excessively restrictive to average citizens (public resource).
- A hardship clause could be provided for people who really need licenses.
- A window of opportunity should apply to both in state and out of state fishermen.
- Jan/Feb. timeframe is easier for DEM staff. Boat registration takes place in the summer.

Meeting Summary, March 31, 2001

Date: March 31, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 1-5 PM.

Purpose: To publicly review and discuss the options for commercial fishing licensing procedures in Rhode Island.

Attendance: Approximately 50 people, including members of the fishing industry, resource managers, government officials, scientists, students, and those with a general interest in fishery management.

Overview of Meeting:

Peter August, Director of the Coastal Institute, facilitated the meeting.

Opening remarks:

- Review of process including previous presentations.
- Meeting summaries of previous meetings are posted on the web.
- Option list has been revised and is posted on the web.
- As Phase 1 comes to closure, participants need to address how process is to proceed into a Phase 2. Thoughts of this group will be conveyed to Providence.
- Options list generated from Phase 1 will be presented to Intergovernmental Fisheries Task Force.
- Several participants in the process requested time to give presentations on background information pertinent to limited access topic. Due to time constraints, the decision was made to focus this meeting on an initial discussion of the options connected with access, and table such presentations for Phase 2. Background information can be submitted to the Coastal Institute for posting on the project web site.
- Meeting will focus on the major topics of access [limited entry], limiting fishing effort, recreational fishing licenses, extending the moratorium, and the issuance of control date warnings.

Summary of Major Discussion Points:

Access

Limited Entry:

- If we are going to limit the number of commercial fishermen, we need to include the recreational fishing sector. Recreational fishermen are a significant component of fishing pressure.

- Licensing should be for everyone, not just commercial fishermen.
- Limited entry should be considered within a suite of management measures.
- We should limit new entrants for another year or two and then decide once we are in a position to make the decision.
- Any new entrants into federally regulated fisheries need to meet 51% income requirement.
- If recreational fishermen cannot sell their catch, why do they need to be considered? [Recreational fishermen have a significant impact on limited resource. If you limit one group, need to limit the other as well.]
- Need to think of consequences of inaction; viability of commercial fishermen.
- Part time fishermen do not want to be locked out of access to resource.
- Pushing for open access is difficult given federally mandated quotas.
- Need to consider what criteria should be used to determine participation under a limited entry scheme. Deciding on what criteria is difficult..
- If we have to go the way of limited entry, Florida's system might be a good one to model ours after.
- The 51% income qualifier is too high; what if someone comes in at 48%?
- In the commercial vs. recreational debate, commercial fishermen are capped by the number of lbs. to be caught (# of people does not matter); recreational fishermen are capped by bag limit (# of people does matter).
- Limiting entry is the road to socialism. People who have not fished before are left out.
- Limited entry seems to be a way that people are protecting their turf. Why would someone want to enter a fishery that is not economically viable?
- Trap reduction dilemma – One fisherman gives up 60% of his traps only to have new people put the same number of traps back in.
- Need to ask what the gains are from limited access. If a fishery is limited by quota, resource is protected. Limited access protects the people in the fishery.
- Details of limited entry/limited effort have to be worked out fishery by fishery.

- Even under a quota system, the sovereign does not benefit if the economic efficiency of the industry is destroyed.
- Galilee fishing fleet represents large sector of state's economy. State needs to protect fishermen working for a livelihood.
- Under 51% income criteria, fishermen can still move laterally from one major fishery to another e.g. shellfish to lobster.
- In over fished species, it is hard to imagine arriving at sustainability without incorporating some form of limited entry as part of management approach.
- Limited entry does not necessarily mean no participation.
- Species considered by managers to be over fished include lobster, sea bass, bluefish, yellowtail flounder, monkfish, scup, summer flounder, tautog, and whitefish. Limited entry might be a needed management tool in these fisheries.
- Federal government has already decided what are limited access species through quotas.
- Need to consider up front what criteria would be used to increase number of participants as a species recovers. Letting in new entrants changes the economics.
- For every species considered over fished, criteria for full time license could be developed [amount of time/year fishing or % annual income]. If a fisherman does not meet the criteria for a full time license, he could fish at a % of the quota. This would not close out part time fishermen.
- Dollars from out of state, part time fishermen still go back into Rhode Island's economy. They should not be closed out.
- Limited entry is a form of protectionism and there are no examples of protectionism in history.
- It is important to keep vocational fishermen available to provide their service to the sovereign over time. Quota species sustains these fishermen.
- For some species such as summer flounder, existing management tools may not be enough to optimize fishing season. Limited entry may need to be added to the available management tools.
- In establishing % income criteria, how can someone check up on what someone else makes? [Would have to be voluntary to bring in 1099 to prove you met qualifying criteria.]

- One constituency (green movement- EDF, NRDC, CLF) may pursue lawsuits on issues such as dragging impacts, entanglement of right whales that will push towards limited entry.
- Number of people has to be reduced because there are too many people chasing too few fish. Need to separate out types of limited access. Limiting units of effort is another way to allocate access to the resource.
- Need solid definitions of such terms as over fishing, overcapitalization, and scarce resources.
- Flexibility needs to be worked into qualifying criteria for commercial fishing license. Example: Meet criteria 2 out of 3 years in case something happens one year.
- In Louisiana, licenses are split up by species. If a species is severely over fished, management targets that species. If commercial fishing is halted, so is recreational fishing for that species. This allows the species to recover.
- Qualifying criteria can be set up for new entrants. If you take time off but keep your license up to date, you do not have to meet qualifying criteria.
- Quota species fisheries have justifications for limited entry. Criteria for limiting entry would be closed seasons, quota allocations, and daily possession limits.
- Every species can be thought of as having a quota, whether it is managed with a quota or not. Limiting traps, limiting size harvested, etc are de facto quotas.
- Under 51 % income qualifying criteria, small boat owners who cannot fish in the winter months due to weather are shut out.

Limiting fishing effort:

Richard B. Allen gave introductory presentation. See Power Point presentation, which accompanies this summary.

Major points of follow up discussion:

- Has lobster fishery been fished to the maximum potential in the last ten years such that limiting participants is warranted? [For the last 100 years, the fishery has been growth over fished and possibly recruitment over fished.]
- Limiting the number of participants appears to be self-regulatory.

- Benefits to the sovereign are affected when resource is being growth over fished.
- How often traps are pulled is part of determining fishing effort.
- Trap certificate proposal involves limited entry only in its initial allocation scheme; after that allocation of certificates is determined by market mechanisms. [Analogy given: Homesteader Act.]
- Allocation of trap certificates can be approached in a number of ways. Lottery or auction systems would be other ways; certificates could also be allocated through the state without a market value or with a standard value determined by the state.
- Fisherman's existing investments in a fishery need to be considered.
- How a fisherman gets enough capital to get started in a fishery is also something that needs to be considered.
- Fisheries may need to go the way that other businesses do. People go into businesses they can afford to.
- Philosophically, some fishermen have problems with granting wealth to those currently in a fishery, closing out others, and making it costly to buy into a fishery.
- Trap certificates will only be worth what it is worth to be in fishery.
- Tradeable effort system may not be useful in other non-trap fisheries. [Other means of allocation of effort could be used in other fisheries e.g. days at sea.]
- Controlling units of effort in other fisheries may not be as effective in reducing mortality. In active gear fisheries, the relationship between fishing effort and fish mortality is not so clearly defined.
- Transferability equates to entitlement (property rights). This is hard for some fishermen to accept.
- Effort will have to be reduced considerably before it has an effect on the resource.
- Will need a strong enforcement system to ensure that traps are tagged. Would lobstermen be willing to pay for enforcement of trap program?
- Fixed gear ties up piece of fishing ground. Would lobstermen be willing to lease bottom?
- Would mobile gear fishermen be willing to lease bottom to serve as a towing area?

- What is good for the people of the state needs to be considered. If current policies lead to inefficient fishery, then it is time to move to another approach.

Recreational Fishing Licenses:

General agreement among those present that this is an issue that is part of the licensing topic, but should be discussed at length with a wider range of participants.

Extend the Moratorium:

- Current moratorium was not publicized adequately.
- Political viability of continuing moratorium needs to be considered. Do we have to make the decision now?
- Moratorium is not solving problems. Has to be a way for someone who wants to go out and fish to do so.
- Due to complexity of issues, need to extend moratorium so no mistakes are made.
- Much depends on how firm the legislature is on this. Are they open to extending it or will they end it at the close of this session?
- RI Marine Fisheries Council could establish control date warnings so people don't jump fisheries. Then moratorium could be stopped.
- It is difficult to come up with a rational position on some of these complex issues in short time frame.
- Need to identify and address what the original intent of the moratorium was. Are we protecting the resource or the people in the business, or both?
- We need more time for this process; North Carolina took 3 years.
- Extension of the moratorium raises the question of whether we have a hard or soft moratorium. Can people who are shut out petition DEM for a license? [35 out of 36 requests were granted even with the moratorium in place.]
- People with hardships could petition for a license during the moratorium.
- The moratorium was explicit in stating that people who had never held a license did not qualify. There was also an appeals process set up.
- Fishermen can appeal to move laterally from one fishery to another.

- Moratorium does not solve problems. Need to concentrate on solutions.
- Need to keep moratorium in place until we come up with the solutions. Quota allocations are being dispersed to too many people.
- Moratorium might be lifted for some fisheries but not others.
- Participants in this process will not go away if moratorium is lifted.
- It took the moratorium to get this process established.
- Moratorium should be continued so that controlled entry tools are still available as a management option.
- Lobster industry is working on building a consensus on a complete management program but it needs more time to complete. Moratorium should be continued.
- Legislature has not closed door on any options. A recommendation from this group that more time is needed would be received as credible.
- It is not good to link good fisheries management decisions with license moratorium.
- Access is a major issue being discussed. May not accomplish much if the number of participants is allowed to increase with a lifting of the moratorium.
- After the last moratorium was lifted, there was a spike in the number of licenses the year after it was lifted. Then it decreased again. People run out and get a license when they think it is worth something.
- Moratorium should be lifted for the shellfish and rod and reel fisheries.

Control Date Warnings:

- Control dates constrain speculative entry.
- Control dates are difficult to change once they have been established. This is a serious measure that warrants more discussion.
- Control dates impart information. Additional effort may or may not be allowed.
- Control date warnings may not deter entry – just discourage speculative entry.
- Control date warnings aggravate the problem but do not solve it.

- Control date warnings can freeze the number of participants at that point, but not necessarily effort. Only new license purchasers subject to control date.
- Federal control dates are what established current federal permit system.
- Control dates could be a problem for fishermen who want to change their licenses from one fishery to another.
- Control dates could be issued for some species, lift moratorium for others.
- A diverse group of people would be needed to work up the details.
- Control date warnings might serve to discourage those in the fishery from putting more effort into the fishery.
- Would control date warnings apply to both users groups (commercial and recreational)?

Pending Legislation:

- Bill involving restrictions on out of state license holders landing quotas species in RI is in legislative process (RI Senate). (Jerry Carvalho is proponent of bill; bill being sponsored by State Senator McDonald.)
- Point was raised that the proposal had not been brought up for discussion at these forums, circumventing the Coastal Institute process.
- Response: Subject matter of bill separate from what is being discussed in this forum. It deals with protecting resource for Rhode Islanders, not how Rhode Islanders treat other Rhode Islanders.
- Pending bill is designed to stop out of state residents from landing and selling quota species in RI unless they can demonstrate historic landings.

Meeting Summary, April 7, 2001

Date: April 7, 2001, Corless Auditorium, Narragansett Bay Campus, University of Rhode Island, 1-5 PM.

Purpose: To publicly review and discuss the options for commercial fishing licensing procedures in Rhode Island one last time before the list is conveyed to the Intergovernmental Fisheries Task Force.

Attendance: Approximately 60 people including members of the fishing industry, government officials, resource managers, scientists, students, and those with a general interest in fishery management.

Overview of Meeting:

Peter August, Director of the Coastal Institute, facilitated the meeting.

Opening remarks:

- Review of Phase 1 and Phase 2 charges. Phase 1 was focused on the licensing system and what should be done when the current moratorium expires.
- In going through the options list, people should think about what is feasible to act on now and what needs more exploration.
- Updated options list will be conveyed from the Coastal Institute to the Intergovernmental Fisheries Task Force for their deliberation.
- Coastal Institute will convey two key documents: Options list and the list of goals and objectives identified at the beginning of the current discussions.
- Coastal Institute will not make any recommendations.
- Basic observations include:
 - Issues are complex
 - More time needs to be spent identifying and discussing economic factors
 - Fishing industry seems appreciative of having forum to express their ideas to RI DEM managers and government officials
 - List Serv was a useful tool in keeping the communication going between meetings
 - There are implementation issues connected with many of the options that will have to be considered.

- Fishing industry organizations have made a significant contribution to the process and they need to continue to play an upfront role.

Workshop Announcement:

Jon Sutinen, URI Department of Environmental & Natural Resource Economics, announced that he is available to offer a series of workshops on "How Management Regulations Affect Fisheries". The presentations would be informational in purpose, and would focus on scientific evidence from other fishery management experiences in the U.S. and other countries. The examination would be aimed at understanding how various regulations may affect fisheries in Rhode Island. Prof. Sutinen asked those interested in attending to make the request for the workshops through the RIFISH-L List Serv so arrangements could be made.

Intergovernmental Fisheries Task Force:

Bob Ballou, Chief of Staff, RI DEM summarized the next steps in the process:

- Intergovernmental Fisheries Task Force, composed of 3 members from the RI House of Representatives, 3 members from the RI Senate, and 3 members from the Governor's office and RI DEM, will serve as the transition phase from the Coastal Institute forums to the General Assembly.
- The Task Force will deliberate on the options and make recommendations to the General Assembly.
- The options list will be presented within two weeks time from the Coastal Institute to the Task Force.
- Updates on the status of what is happening [introduction of bills, posting of hearings, etc.] will be posted in the RIFISH-L List Serv. [May-June timeframe.]
- The Task Force will need to move things along, but they may decide to hold hearings at the Coastal Institute before bills are voted on.

Balance of meeting was spent reviewing and revising the list of licensing options. Revised list will be made available on the project web site [www.ci.uri.edu/projects/rifish].

Presentation:

A proposal for "Commercial and Part-Time Commercial or Apprentice Licenses" was presented from the floor by a representative of the fishing industry. The proposal incorporated a list of suggested regulations pertaining to several licensing topics, and was offered as an interim or temporary licensing system until a more comprehensive one could be developed. [This proposal is listed as

an option under Section V. Interim Licensing Program in the list of licensing options.]

Summary of Discussion Points:

- A favorable characteristic of the existing licensing system is that it provides for open access.
- In implementing a new reporting system, RI DEM sees two funding needs: Short term funding to design and put a system into place and a long term funding mechanism to sustain a system.
- In developing types of licenses, we may need to combine concepts together. Example: Issue a standard commercial license, tie endorsements for quota species to vessels, etc.
- Should look at other states' licensing systems as models of what might work in RI.
- There may be legal questions connected with limited access proposals that need to be reviewed by RI Supreme Court.
- In some fisheries, the individual is the major unit of effort (Ex.: rod & reel; shellfish) and should be the licensing entity. In others (Ex. Trawlers), the vessels and gear on the vessel are the major units of effort and should be licensed.
- Under current system, out of state residents are required to pay only \$11 for 14 days of shell fishing. The fee should be higher.
- Some options include terms such as "overcapitalized" and "over fished stocks". These terms need to be clearly defined.
- Maintaining flexibility for fishermen i.e. moving from one fishery to another is a central concern.
- State needs to provide for the part-time fishermen.
- Not necessary to have a licensing plan to open the moratorium.
- Every fishery seems to have the same set of problems.
- A yearlong extension of the moratorium could be cut short if the extra time was not needed to complete a licensing restructure.
- It might be productive to move two plans along to the legislature: Plan A – extension of the moratorium and Plan B- temporary licensing proposal. Plan B would be available if the moratorium is not extended.
- A transition-licensing scheme should be simple so it is not difficult to get rid of if something better is developed.

- Original moratorium bill set out a 2-year time frame but was reduced to one year before final vote.
- Fishermen will be engaged in serious fishing over the next 4 months. It will be difficult for them to continue to meet.

Concluding Remarks:

Peter August, Director of the Coastal Institute:

- Thanks were given to fishermen and members of the industry, industry association representatives, Governor's Office, members of the General Assembly and their staff, RI DEM, RI Sea Grant and Coastal Institute staff for their support and participation in the process.
- Next meeting will be Friday, May 11, 2-5 PM in the Corless Auditorium, Narragansett Bay Campus. Purpose of the meeting will be to discuss how Phase 2 should be orchestrated. Suggestions regarding this matter can be posted on the List Serv for discussion prior to the meeting.
- RIFISH-L List Serv will remain in operation.

Section 4 – CD Archive

Many important documents were compiled during the Phase 1 deliberations; too many to include in this report. These documents can be obtained from the project web page at www.ci.uri.edu/projects/rifish. We also include the web information system on a CD insert to the original report submitted to the Joint Advisory Working Group on Fisheries Management. We also have filed a copy of the CD and final report with Pell Marine Library at the University of Rhode Island Narragansett Bay Campus.

To use the CD, place it in your CD reader and with Windows Explorer double click on the file RIFISH.HTML in the root directory of the CD.

Section 5 – Reflections on the Phase 1 Process

The following comments are reflections by Peter August and Margaret Petruny-Parker on the Phase 1 process.

- The commercial fishing community appreciated having the Phase 1 deliberations. Approximately 50-60 individuals attended all meetings on a regular basis and all participants contributed to the meetings. The Forum was a chance to be heard and weigh in on the issues. We were adamant that the process enable all participants a chance to contribute.
- The participation in the Phase 1 meetings by members of the Rhode Island Senate, the House of Representatives, the DEM leadership, and the Governors Office was highly valued by all the attendees.
- The fishing community is very adept at email, LISTSERV bulleting boards and using the web as an information dissemination vehicle. These technologies proved useful in advancing the issues under discussion.
- The neutrality of the Coastal Institute was an important element of the success of the Phase 1 deliberations. The Institute does not have a stake in any single issue and this created a sense of trust and respect that allowed the meetings to move forward and the vigorous discussions to flourish. The Institute made a deliberate attempt not to favor one opinion over another. It was not clear in the beginning if the Coastal Institute had a hidden agenda. It became clear very early on that the Institute was truly independent and did not have an agenda, other than administering an efficient and fair compilation of the facts at hand.
- DEM leadership and scientific staff were an important resource in the Phase 1 sessions. Their participation increased the credibility of the proceedings, clearly communicated a sense of commitment by the agency, and provided the audience on-the-spot access to facts, figures, and the agency perspective.
- The issues at hand are extremely complex. Phase 2 is necessary to address many issues in more depth, and to further examine the economic, legal, and social implications of fisheries management decisions.
- The professional organizations representing the different fisheries were incredibly effective at discussing fishery-specific issues and developing consensus among their constituencies outside of the organized forums we hosted. The professional associations will be an important and valuable player in future deliberations on commercial fishing management in RI.
- The opinion of seafood consumers (citizens) was not sought in the Phase 1 deliberations and should be included in the Phase 2 hearings. The URI Policy Simulation Laboratory (Department of Environmental and Natural Resource Economics) is a perfect resource to objectively assess consumer stakeholder input.

- We took great pains to mask the identity or authorship of licensing options. This was impossible on the LISTSERV or at public meetings. On some occasions individuals provided us written remarks or private email solicitations to add to the options list. It was important to retain this anonymous opportunity to contribute as some participants were reluctant to comment in public, or did not want to become part of the vigorous debate that sometimes erupted on the LISTSERV.

Section 6 – Addenda

The attached letter arrived after the proceedings and represents the view of the Rhode Island Marine Trade Association on the licensing issue.