STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES

DIVISION OF FISH AND WILDLIFE
DIVISION OF LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES REGULATIONS

Part 3
Finfish

~~December 11, 2015~~
Proposed/annotated regulations

Public Hearing
February 16, 2016

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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~~1.~~ **PURPOSE**

The purpose of these rules and regulations is to manage the marine resources of Rhode Island.

~~2.~~ **AUTHORITY**

These regulations are adopted pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

~~3.~~ **APPLICATION**

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department (DEM) to effectuate the purposes of state law, goals, and policies.

~~4.~~ **DEFINITIONS**

See Rhode Island Marine Statutes and Regulations, Part I, '1.3.

~~5.~~ **SEVERABILITY**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

~~6.~~ **SUPERSEDED RULES AND REGULATIONS**

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of Part VII shall be superseded**.** However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

~~7.~~ **REGULATIONS**

~~7~~**3**.1 Quota Management:

~~7~~**3**.1.1 Modification of sub-period allocations based on under/over-harvest:

(A) Under-harvest: Any un-harvested quota from a sub-period allocation will be equally distributed to the allocations of the remaining sub-periods in the same calendar year.

(B) Over-harvest:

(1) Any over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods in the same calendar year.

(2) Annually, the DFW will charge any over-harvest from the previous year to the entire state allocation of the current year before redistributing according to the

species specific management plan. For the Tautog fishery, if an over-harvest has occurred for the entire year, that over-harvest will be deducted from the Summer sub-period of the following calendar year.

~~7~~**3**.1.2 Modifications of allocations, seasons and possession limits: For quota managed species, in order to maintain compliance with a federal or regional fisheries management plan (FMP), the DFW has the authority to distribute allocations, including the distribution of allocations among the various gear types, modify possession limits, and change seasons, unless specifically prohibited by the Secretary of Commerce or the ASMFC, in the following manner:

(A) Allocation changes: If DFW projects that an allocation assigned for a sub-period, or assigned to be available for taking by a particular gear type during that sub-period, may be exhausted prior to the end of the sub-period, or may not be met for a sub-period, DFW may modify the allocation.

(B) Possession limit changes: If DFW projects that the allocation for a given species may be exhausted prior to the end of a sub-period or may not be met for a sub-period, DFW may modify the possession limit.

(C) If the quota for a sub-period allocation is fully harvested prior to the end of the sub-period, the DFW will close the fishery for the remainder of the sub-period.

(D) Notification of modifications to possession limits and/or seasons for marine species regulated under quota: Such notification shall take place in accordance with RIGL section 20-1-12.1, and be provided to the public via the Marine Fisheries listserve, dedicated phone line (423-1920) and webpage. It is the responsibility of the licensed fishermen to know and abide by all possession limits and seasons.

~~7~~**3**.2 Transiting:

~~7~~**3**.2.1 During the closure of a Rhode Island state allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing that species in another state, provided the vessel is in compliance with their federal permit, and the vessel nets are stowed pursuant to ~~RIMFR Part X~~ **this section**.

~~7~~**3**.2.2 A federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, provided the vessel nets are stowed pursuant to ~~RIMFR Part X~~ **this section**, and provided that the owner or operator possesses a valid RI Landing License pursuant to DEM's *"Commercial and Recreational Saltwater Fishing Licensing Regulations".*

~~7~~**3**.2.3 A vessel in possession of a managed species caught in an open area of state waters may transit a closed portion of RI state waters in possession of that

species for the purpose of landing, provided the operator of the vessel has a valid commercial or recreational fishing license, and if fishing with nets, the nets are stowed pursuant to ~~RIMFR Part X~~ **this section**.

3.2.4 Stowage of nets: Vessels possessing trawl devices while harvesting summer flounder, scup, black sea bass, or winter flounder, in excess of the limits specified in RIMFR may have nets with mesh less than the minimum size specified in the regulations provided that the net is stowed and is not available for immediate use in accordance with this section. A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be "not available for immediate use".

(A) A net stowed below deck, provided:

(1) It is located below the main working deck from which the net is deployed and retrieved;

(2) The towing wires, including the "leg" wires are detached from the net; and

(3) It is fan folded (flaked) and bound around its circumference.

(B) A net stowed and lashed down on deck, provided:

(1) It is fan folded (flaked) and bound around its circumference;

(2) It is securely fastened to the deck or rail of the vessel; and

(3) The towing wires, including the leg wires, are detached from the net.

(C) A net that is on a reel and is covered and secured, provided:

(1) The entire surface of the net is covered with canvas or other similar material that is securely bound;

(2) The towing wires, including the leg wires, are detached from the net; and

(3) The cod end is removed from the net and stored below deck.

(D) National Marine Fisheries Service authorized: Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid Atlantic regulated mesh area defined as "that area bounded on the east by a line running from the shoreline along 72

30' west longitude to the intersection of the outer boundary of the Exclusive Economic Zone (EEZ).

~~7~~**3**.3 Possession limit compliance:

~~7~~**3**.3.1 Licensed party/charter vessels: Possession limit compliance aboard licensed party/charter vessels is determined by dividing the number of fish by the number fishermen onboard the boat.

~~7~~**3**.3.2 Multiple licensed recreational fishermen fishing from a single vessel: Possession limit compliance aboard vessels with multiple licensed recreational fishermen will be determined by dividing the number of fish by the number of licensed recreational fishermen on board said vessel, except for tautog, which has a maximum possession limit per vessel.

~~7~~**3**.3.3 Size, possession, and daily limit violations on board vessels: In any instance when there is a violation of the size, possession, or daily limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.

~~7~~**3**.3.4 A person who takes marine product /species utilizing a vessel and also without the assistance of a vessel is only allowed one possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation.

~~7.4 Net obstruction or constriction: A fishing vessel subject to minimum mesh size restrictions shall not use any device or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of a trawl net, except that one splitting strap and one bull rope (if present), consisting of line and rope no more than 3 in (7.6 cm) in diameter, may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the trawl net. "The top of the trawl net" means the 50 percent of the net that (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes are not considered part of the top of the trawl net.~~

3.4 Recreational use of nets for bait:

3.4.1 Marine species may lawfully be taken for personal use (not for sale) with nets, provided that all existing minimum size and possession limit restrictions for the species possessed are adhered to.

34.2 A two-quart per person possession limit is allowed for all unregulated marine species.

3.4.3 Beach seines or other nets, where allowed for the recreational harvest of

Commented [DP(1]: Not new. Re-located from Equipment Regs

Commented [DP(2]: Not deleted. Re-located to Equipment Regs section 11.2.1

marine species shall not exceed four (4) feet in depth and twenty (20) feet in length.

Commented [DP(3]: Not new. Re-located from Equipment Regs section 7.4

~~7~~3.5 Transfer at sea: No one may transfer or attempt to transfer at sea, from one vessel to another, any finfish that are subject to these regulations.

~~7~~3.6 Reporting: Accurately completed copies of the federal Vessel Trip Reports or the state reporting forms prescribed by the DFW shall be kept in numerical order on board the vessel dating back to January 1st and furnished upon request. A vessel shall be exempt from this requirement if the captain of said vessel is currently enrolled in an electronic logbook program. Instead, the vessel must have all records dating back to January 1st entered electronically. Reference DEM's "*Commercial and Recreational Saltwater Fishing Licensing Regulations".*

PUBLIC HEARING ITEM 1a.
RECREATIONAL SUMMER FLOUNDER

Option 1: Status Quo

~~7~~3.7 Summer Flounder (Fluke)

~~7~~3.7.1 Recreational:

(A) Minimum size: Eighteen inches (18").

(B) Season: May 1 through December 31.

(C) Possession limit: Eight (8) fish, whether caught within the jurisdiction of this state or otherwise.

~~7~~3.7.2 Commercial:

(A) Minimum size: Fourteen (14) inches.

(B) Seasons, allocations, and possession limits: A total annual statewide quota for Summer flounder will be established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or NOAA Fisheries.

(1) Winter sub-period: January 1 - April 30 annually:

(a) Target allocation: 54% of the annual quota.

(b) Possession limit between January 1 and the start of the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels that possess a valid RI Summer Flounder Exemption

Certificate (Exemption Certificate): Two hundred (200) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day.

(c) Possession limit during the Winter sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program but which possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: Two hundred (200) pounds per vessel per calendar day. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the possession limit per vessel shall be one hundred (100) pounds per calendar day.

(iii) Aggregate Landing Program: Two thousand five hundred (2,500) pounds per vessel per bi-weekly period. The bi-weekly periods shall be specified in the Aggregate Landing Permit. When 90% of the Winter sub-period quota has been harvested as determined by the DFW, the Aggregate Landing Program will terminate and the possession limit shall be one hundred (100) pounds per vessel per calendar day.

(2) Summer sub-period: May 1 - September 15 annually:

(a) Target allocation: 35% of the annual quota.

(b) Possession limit between May 1 and May 31, annually:

(i) Vessels that possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday and Saturday each week.

(ii) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday and Saturday each week.

(c) Possession limit during the Summer sub-period of the Aggregate Landing Program, annually:

(i) Vessels not permitted in the Aggregate Landing Program, but which possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday and Saturday each week.

(ii) Vessels that do not possess a valid Exemption Certificate: Fifty (50) pounds per vessel per calendar day. The fishery is closed Friday and Saturday each week.

(iii) Aggregate Landing Program: Two hundred and fifty (250) pounds per vessel per week. When 80% of the Summer sub-period quota has been harvested as determined by the DFW the program will terminate and the possession limit per vessel shall be fifty (50) pounds per calendar day. The fishery is closed Friday and Saturday each week.

(3) Fall Sub-Period: September 16 – December 31 annually:

(a) Target allocation: 11% of the annual quota.

(b) Possession limit:

(i) Vessels that possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

(ii) Vessels that do not possess a valid Exemption Certificate: One hundred (100) pounds per vessel per calendar day.

~~7~~**3**.7.3 Aggregate Landing Program:

(A) Sub-periods:

(1) Winter: Beginning on the Sunday of the first full week in February through April 30 annually, or until 90% of the Winter sub-period quota has been harvested as determined by the DFW.

(2) Summer: Beginning on June 1 through September 15 annually, or until 80% of the Summer sub-period quota has been harvested as determined by the DFW.

(B) Eligibility: An applicant vessel shall be considered eligible for a permit to participate in the Aggregate Landing Program by demonstrating to the satisfaction of the DFW and the Division of Law Enforcement each of the following:

(1) The vessel, if harvesting Summer flounder from federal waters possesses a valid federal Summer Flounder Moratorium Permit and possesses a valid RI

Summer Flounder Exemption Certificate (Exemption Certificate);

(2) The vessel's operator, if harvesting exclusively in State waters, holds a valid RI commercial fishing license to harvest or land summer flounder and possesses a valid Exemption Certificate;

(3) The vessel's operator has not been assessed a criminal or administrative penalty in the past three years for a violation of this section or has more than one marine fisheries violation.

(C) Application: Application for an Aggregate Landing Program Permit shall be made on forms as prescribed by the Director.

(D) No vessel shall possess simultaneously more than one Aggregate Landing Program permit;

(E) Non-compliance with the provisions of these regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.

(F) Any applicant who is permitted for the Winter sub-period for the Aggregate Landing Program may not participate in the Summer sub-period within the same year.

~~7~~**3**.7.4 Rhode Island Summer Flounder Exemption Certificate:

(A) Application: Applicant's shall provide the following:

(1) A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the EEZ; and

(2) A completed notarized application; and

(3) Proof that the vessel meets the requirements set out in this section; and

(4) Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and

(5) A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.

(B) Eligibility: DFW will issue an Exemption Certificate for a vessel if the owner of the vessel or his/her representative applies to DFW prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:

(1) The operator of the vessel possesses a valid Rhode Island commercial fishing license to land Summer flounder up to the amount permitted by these regulations; and.

(2) The subject vessel meets any of the following criteria:

(a) The vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992; or

(b) The vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips; or

(c) The vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss; or

(d) The vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.

(e) If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.

(C) Transfer of an Exemption Certificate: An Exemption Certificate issued by the DFW is only valid for the vessel to which it is issued. A vessel may be sold with

all certificates, permits (state and federal) and history transferred together or without the certificates, permits (state and federal) and history for purposes of replacing the vessel. In instances when a vessel owner retains all certificates, permits, and history they must be applied to a replacement vessel owned by said individual within ninety (90) days.

(1) Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued an Exemption Certificate must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.

(2) Replacement Vessels: A vessel owner wishing to transfer an Exemption Certificate must provide proof to the satisfaction of the DFW that the applicant vessel is replacing a vessel and that said certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.

(a) The vessel owner must supply credible written evidence verifying that the transferor/seller is retaining the vessel's Exemption Certificate for purposes of replacing the vessel. If a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate may be transferred only to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by an issued and valid (unexpired) US Coast Guard documentation or state registration.

(b) Vessel permits (state and federal), Exemption Certificates, and fishing history cannot be split.

(c) An Exemption Certificate may not be combined to create larger replacements vessels.

(d) The replacement vessel may not exceed a 10 percent increase in length overall (LOA), a 10 percent increase in gross registered tonnage (GRT) or net tonnage (NT), or a 20 percent increase in horsepower of the vessel's baseline specifications, as applicable.

(e) Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, gross registered tonnage, net tonnage, horsepower) of the vessel that was initially issued an Exemption Certificate.

(f) A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:

(i) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase may not exceed 20 percent of the horsepower of the vessel's baseline specifications, as applicable.

(ii) The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three specifications of vessel size may not exceed 10 percent of the vessel's baseline specifications, as applicable. If any of these three specifications is increased, any increase in the other two must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.

(D) Exemption Certificates may not be:

(1) Pledged, mortgaged, leased, or encumbered in any way;

(2) Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or

(3) Attached, distrained, or sold on execution of judgment.

~~7~~**3**.7.5 Otter trawl Mesh size: Otter trawlers that land or possess 100 pounds (45.4 kg) or more of Summer flounder per day from May 1 through October 31; or 200 pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and codend portion of the net.

~~7~~**3**.7.6 ~~Dealer Regulations:~~

~~(A) Prohibition on the transfer of Summer flounder: No Summer flounder may be purchased, bartered, or sold within the State of Rhode Island unless marked, processed, shipped, labeled, and handled in accordance with the following rules:~~

~~(1) The licensed person in charge of the vessel may only transfer Summer flounder to dealers who possess a valid Rhode Island Dealer's License;~~

(~~2~~) ~~No licensed person in charge of the vessel may land~~ Summer flounder ~~after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from~~ **may be landed between the hours of** 6:00 AM to 8:00 PM only;

Commented [DP(4]: Duplicate. Licensing Regs

Commented [DP(5]: This provision applies to fisherman so remains

~~(3) All Summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer;~~

~~(4) The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;~~

~~(5) All Summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Division of Law Enforcement;~~

Commented [DP(6]: Not deleted. Re-located to Dealer Regs

~~7~~3.7.7 Control Date: A control date of December 31, 2010, is established for the commercial Summer flounder fishery in Rhode Island.

~~7~~3.8 Winter Flounder (Blackback)

~~7~~3.8.1 Recreational:

(A) Minimum size: Twelve (12) inches whether caught within the jurisdiction of this State or otherwise.

(B) Season: March 1 through December 31 annually.

(C) Possession limit: Two (2) fish per person per calendar day in Rhode Island waters.

(D) Closed Areas: The harvest or possession of Winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond; and the Harbor of Refuge.

~~7~~3.8.2 Commercial:

(A) Minimum Size: Twelve (12) inches whether caught within the jurisdiction of this State or otherwise.

(B) Season: January 1 – December 31.

(C) Possession limit: Fifty (50) pounds per vessel per day.

(D) Closed Areas: The harvest or possession of Winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond and the Harbor of Refuge.

(E) Minimum mesh size:

(1) Bottom trawl nets: Six (6) inch diamond mesh or six and one half (6.5) inch square mesh applied throughout the body and extension of the net, or any combination thereof, and six and one half (6.5) inch diamond mesh or six and one half (6.5) inch square mesh applied to the codend of the bottom trawl nets.

(2) Gill nets: Six and one half (6.5) inch diamond mesh or six and one half (6.5) inch square mesh applied throughout the net. Vessels may utilize commercial fishing gear with mesh smaller than the sizes referenced in this section provided they do not possess any Winter flounder.

(a) For vessels greater than 45 ft. in length overall, a diamond mesh codend is defined as the first 50 meshes counting from the terminus of the net, and a square mesh codend is defined as the first 100 bars counting from the terminus of the net.

(b) For vessels 45 ft or less in length overall, a diamond mesh codend is defined as the first 25 meshes counting from the terminus of the net, and a square mesh codend is defined as the first 50 bars counting from the terminus of the net.

(F) With the exception of gillnets and fyke nets, fishing for Winter flounder in waters north of the seaward entrance to all coastal salt ponds, (with the exception of Point Judith Pond and the Harbor of Refuge where the harvest or possession of winter flounder is prohibited), including the waters of Narrow River, and the waters of Little Narragansett Bay north of a line from Napatree Point to the western end of Sandy Point, including the waters of the Pawcatuck River, will be prohibited from one hour after sunset until one hour before sunrise. Gillnets and fyke nets may not be hauled from one hour after sunset to one hour before sunrise.

PUBLIC HEARING ITEM 1b.
RECREATIONAL TAUTOG

Option 1: Status Quo

~~7~~3.9 Tautog (Blackfish)

~~7~~3.9.1 Recreational:

(A) Minimum size: Sixteen (16) inches.

(B) Seasons and possession limits:

(1) April 15 through May 31: Three (3) fish per person per calendar day.

(2) June 1 through July 31: Closed.

(3) August 1 through the Friday before the third Saturday in October: Three (3) fish per person per calendar day.

(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.

(5) Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.

(C) Licensed Party and Charter vessel seasons and possession limits:

(1) April 15 through May 31: Three (3) fish per person per calendar day.

(2) June 1 through July 31: Closed.

(3) August 1 through the Friday before the third Saturday in October: Three (3) fish per person per calendar day.

(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.

(5) Licensed party/charter boats are not subject to the ten (10) fish per vessel per calendar day restriction.

(6) Reporting: Any licensed party/charter boat participating in the tautog fishery must report each trip targeting tautog into the elogbook (the electronic logbook hosted by ACCSP).

Option 2: Recreational bag limit reduction due to poor stock status

~~7~~3.9 Tautog (Blackfish)

~~7~~3.9.1 Recreational:

(A) Minimum size: Sixteen (16) inches.

(B) Seasons and possession limits:

(1) April 15 through May 31: Three (3) fish per person per calendar day.

(2) June 1 through July 31: Closed.

(3) August 1 through **December 31**~~the Friday before the third Saturday in October~~: Three (3) fish per person per calendar day.

~~(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.~~

(5) Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.

(C) Licensed Party and Charter vessel seasons and possession limits:

(1) April 15 through May 31: Three (3) fish per person per calendar day.

(2) June 1 through July 31: Closed.

(3) August 1 through **December 31** ~~the Friday before the third Saturday in October~~: Three (3) fish per person per calendar day.

~~(4) Third Saturday in October through December 15: Six (6) fish per person per calendar day.~~

(5) Licensed party/charter boats are not subject to the ten (10) fish per vessel per calendar day restriction.

(6) Reporting: Any licensed party/charter boat participating in the tautog fishery must report each trip targeting tautog into the elogbook (the electronic logbook hosted by ACCSP).

PUBLIC HEARING ITEM 1c.
COMMERCIAL TAUTOG

Option 1: Status Quo

~~7~~**3**.9.2 Commercial:

(A) Minimum size: Sixteen (16) inches.

(B) Seasons, allocations, and possession limit: The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the ASMFC. The quota shall only be available during the following seasons:

(1) Spring sub-period (April 15 – May 31):

(a) Allocation: 1/3 of the annual quota.

(b) Possession limit: Ten (10) fish per vessel per day.

(2) Summer sub-period (August 1 – September 15):

(a) Allocation: 1/3 of the annual quota.

(b) Possession limit: Ten (10) fish per vessel per day.

(3) Fall sub-period (October 15 – December 31):

(a) Allocation: 1/3 of the annual quota

(b) Possession limit: Ten (10) fish per vessel per day.

~~7~~3.10 Bluefish

~~7~~3.10.1 Recreational:

(A) Possession limit: Fifteen (15) fish per person per calendar day.

~~7~~3.10.2 Commercial: A total allowable harvest of Bluefish will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the ASMFC.

(A) Minimum size: Eighteen (18) inches.

(B) Seasons and allocations:

(1) January 1 through April 30: Five hundred (500) pounds per vessel per week.

(2) May 1 through November 15: Four thousand (4,000) pounds per vessel per week.

(3) November 16 through December 31: Five hundred (500) pounds per vessel per week.

PUBLIC HEARING ITEM 1d.
RECREATIONAL SCUP

Option 1: Status Quo

~~7~~3.11 Scup

~~7~~3.11.1 Recreational:

(A) Minimum size: Ten inches (10").

(B) Season: May 1 through December 31 annually.

(C) Possession limit: Thirty (30) Scup per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

(D) Special shore-fishing provision:

(1) Locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge), Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport:

(2) Minimum size: Nine inches (9”).

(3) Season: May 1 through December 31.

(4) Possession limit: Thirty (30) Scup per person per calendar day.

(E) Licensed Party and Charter vessels seasons and possession limit:

(1) May 1 through August 31: Thirty (30) Scup per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

(2) September 1 through October 31: Forty-five (45) scup per person per calendar day whether caught within the jurisdiction of this State or otherwise.

(3) November 1 through December 31: Thirty (30) Scup per person per calendar day whether caught within the jurisdiction of this State or otherwise.

~~7~~3.11.2 Commercial:

(A) Minimum size: Nine (9) inches.

(B) Seasons, quotas and possession limit: A total allowable harvest of Scup will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the ASMFC.

(1) Winter I sub-period (January – April): 50,000 pounds per vessel per calendar day, decreasing to 1,000 pounds per vessel per calendar day once 80% of the federal Winter I coastwide Scup quota has been harvested as determined by NOAA Fisheries.

(2) Summer - Fall sub-period (May - October): The State quota for scup will

be divided as follows:

(a) General Category (gear types other than floating fish traps): Forty percent (40%) of the Summer- Fall sub-period quota will be allocated to all gear types except floating fish traps and allocated as follows:

(i) Summer sub-period (May 1 through the Saturday before the third Sunday in September):

a. Allocation: Two-thirds (2/3) of the General Category quota.

b. Possession limit: 10,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the Summer sub-period quota has been harvested as determined by the DFW, the fishery will close. The fishery will re-open on the third Sunday in September.

(ii) Fall sub-period (third Sunday in September through October 31):

a. Allocation: One-third (1/3) of the General Category quota.

b. Possession limit: 10,000 pounds per vessel per calendar week. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the Fall sub-period quota has been harvested as determined by the DFW, the fishery will close. The fishery will re-open at the beginning of the Winter II sub-period.

(b) Floating fish trap: Sixty percent (60%) of the Summer-Fall sub-period quota will be allocated to the floating fish trap sector.

(i) During those years in which the federal Winter I coastwide Scup quota is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. During those years in which the federal Winter I coastwide Scup quota is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1.

(ii) If the DFW estimates that the Floating Fish Trap sector will not fully utilize its scup allocation prior to the end of the Summer-Fall sub-period, beginning on June 15, the DFW has the authority to move the designated Floating Fish Trap sector allocation in to the general category fishery as set forth in this part. The DFW will consult with the Floating Fish Trap operators or their designee prior to enacting any allocation roll over, and will maintain written correspondence in the form of a letter on file as proof of said consultation.

(iii) If the DFW estimates that the Floating Fish Trap sector may have a reasonable likelihood of utilizing prior to the end of the Summer-Fall sub-period, a portion of its scup allocation that has been transferred to the general category scup fishery, and has not as yet been used by the general category scup fishery, the DFW has the authority to move the designated general category Scup fishery quota to the Floating Fish Trap sector. Any quota that was rolled over from the General Category to the Floating Fish Trap sector shall not exceed the amount that may have been transferred from the Floating Fish Trap sector to the General Category.

(iv) Floating Fish Trap Reporting Requirement: Floating fish trap operators permitted pursuant to RIGL Section 20-5-1 will be required to report landings of scup to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation. If there is non-compliance with this reporting requirement, the Floating Fish Trap operators will be notified and will default to the following program:

a. April 15 – October 31: During those years in which the Winter I Federal Coastwide Scup Quota Allocation is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. The possession limit will be 25,000 pounds per floating fish trap per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.

b. May 1 – October 31: During those years in which the Winter I federal coastwide scup quota allocation is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1. The possession limit will be 25,000 pounds per floating fish operator per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested

(v) Floating Fish trap operator: For purposes of this section, fish trap operator shall refer to a resident person or resident corporation currently issued a permit pursuant to RIGL §20-5-2. The maximum possession limit per floating fish trap licensee shall be the amount set forth above regardless of the number of authorized trap locations, the number of vessels or the number of licensed fishermen who may be working for or may enter into contract with the floating fish trap operator. While engaged in the operation of a fish trap, any licensed fisherman that may be working for or may enter into contract with the

floating fish trap operator waives any individual right to possess scup pursuant to a possession limit set out in these regulations.

(3) Winter II (November 1 – December): 2,000 pounds per vessel per calendar day, decreasing to 500 pounds per vessel per calendar day once 70% of the federal Winter II coastwide Scup quota has been harvested as determined by NOAA Fisheries.

(C) Trawl vessel gear restrictions - minimum mesh size: Owners or operators of otter trawl vessels possessing five hundred (500) pounds or more of scup from November 1 through April 30; or two hundred (200) pounds or more of scup from May 1 through October 31, may only fish with nets that have a minimum mesh size of five (5) inches diamond (inside measure) or square mesh with a minimum length of seventy-five (75) meshes from the terminus of the net. For nets with less than seventy-five (75) mesh codends, the entire net will be five (5) inch minimum size diamond or square mesh.

(D) Scup pots:

(1) Pot limits: Each person utilizing pots in the scup fishery shall be permitted to fish up to fifty (50) pots regardless of the number of licenses on board the vessel.

(2) Pot construction - escape vents: All scup pots must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2-1/4" X 5-3/4" if rectangular or may be constructed of 2-1/4" X 2-1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.

(3) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:

(a) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;

(b) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;

(c) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or

(d) If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

(4) Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.

~~7.11.3 Dealer Regulations:~~

~~(A) Prohibition on the transfer of Scup: No Scup may be purchased, bartered, or sold within the State of Rhode Island unless in compliance with the following:~~

~~(1) The licensed person in charge of the vessel may only transfer scup to a dealer licensed by the State of Rhode Island. Dealers are required to be licensed by the Department (in compliance with RIGL 20-2-27 (d), or 20-2-28.1).~~

~~(2) All scup must be weighed prior to the removal of the scup from the dealer's premises or from the point of transfer.~~

~~(3) The weight scales must be certified in accordance with RIGL Chapter 47-1.~~

Commented [DP(7]: Duplicate with Licensing Regs

Commented [DP(8]: Repealed statutes

Commented [DP(9]: Re-located to Delaer regs as general provisions

~~7~~3.12 Atlantic Salmon

~~7~~3.12.1 Moratorium on harvest: The harvest, landing, or possession of Atlantic salmon within the territorial waters of the State of Rhode Island is prohibited.

~~7~~3.13 Atlantic Sturgeon

~~7~~3.13.1 Moratorium on Harvest: The harvest, landing, or possession of Atlantic Sturgeon within the territorial waters of the State of Rhode Island is prohibited.

PUBLIC HEARING ITEM 1e.
RECREATIONAL BLACK SEA BASS

***Note: Black sea bass options are based on preliminary calculations; exact dates may change**

OPTION 1: Reduction based on shortened late season

~~7~~3.14 Black Sea Bass

~~7~~3.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) July 2 through August 31: One (1) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

(2) September 1 through **October 10** ~~December 31~~: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

OPTION 2: Reduction based on 3 fish with shortened late season

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) July 2 through August **17** ~~31~~: ~~One (1)~~ **Three (3)** fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

~~(2) September 1 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~

OPTION 3: Reduction based on 3 fish with shortened early season

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) **August 10 through December 31** ~~**July 2 through August 31**~~: ~~One (1)~~ **Three (3)** fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

~~(2) September 1 through December 31: Seven (7) fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.~~

OPTION 4: Reduction based on 2 fish early, 5 fish late, with shortened season

7.14.1 Recreational:

(A) Minimum size: Fourteen inches (14"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.

(B) Seasons and possession limits:

(1) **August 2 through August 31** ~~July 2 through August 31~~: ~~One (1)~~ **Two (2)** fish per person per calendar day, whether caught within the jurisdiction of

this State or otherwise.

(2) September 1 through **October 15** ~~December 31~~: **Five (5)**~~**Seven (7)**~~ fish per person per calendar day, whether caught within the jurisdiction of this State or otherwise.

~~7~~**3**.14.2 Commercial:

(A) Minimum size: Eleven (11) inches, whether caught within the jurisdiction of this State or otherwise.

(B) Seasons, allocations, and possession limits: A state quota for Black sea bass will be established annually and shall be the most recent amount allocated to the State of Rhode Island by the ASMFC and/or the Secretary of the NOAA Fisheries. The quota shall be available during the following sub-periods:

(1) January 1 – April 30:

(a) Allocation: Twenty-five percent (25%) of the quota.

(b) Possession limit: One thousand (1,000) pounds per vessel per week.

(2) May 1 – June 30:

(a) Allocation: Twenty-five percent (25%) of the quota.

(b) Possession limit: Fifty (50) pounds per vessel per calendar day. The commercial fishery is closed on Friday of each week during this sub-period.

(3) July 1 – July 31:

(a) Allocation: Nineteen and a half percent (19.5%) of the quota.

(b) Possession limit: Fifty (50) pounds per vessel per calendar day. The commercial fishery is closed on Friday of each week during this sub-period.

(4) August 1 – September 14: Closed.

(5) September 15 – October 31:

(a) Allocation: Nineteen and a half percent (19.5%).

(b) Possession limit: Fifty (50) pounds per vessel per calendar day. The commercial fishery is closed on Friday of each week during this sub-

period.

(6) November 1 – December 31:
(a) Allocation: Eleven percent (11%).

(b) Possession limit: One hundred (100) pounds per vessel per calendar day.

~~7~~3.14.3 Black sea bass pot construction: All black sea bass pots must be constructed with two escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of 2.5" diameter if circular, 1- 3/8" X 5-3/4" if rectangular, 2" X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.

(A) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:

(1) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;

(2) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;

(3) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller; or

(4) If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

(B) Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.

~~7~~3.15 Spiny dogfish

~~7~~3.15.1 Commercial:

(A) Seasons, allocations, and possession limit: RI is currently designated as a state that is part of the Northern region. A Northern region possession limit and quota for spiny dogfish will be established annually by the ASMFC. The Northern region quota for spiny dogfish shall be the most recent allocation by the ASMFC, which is currently set at 58% of the coastwide quota.

(1) Season: May 1 until April 30 of the following year.

(2) Possession limit: 5,000 pounds per vessel per calendar day. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the NOAA Fisheries or the ASMFC, the

DFW shall close the fishery for the remainder of the designated period.

(3) DFW is hereby authorized to enter into agreements with the other Northern Region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish, and may make adjustments as deemed necessary to comply with said agreements. DFW will consult with the Rhode Island state-water spiny dogfish fishers prior to negotiating the subject agreements.

(B) Prohibition of Finning: Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish is prohibited in state waters. In addition, removing any fin of spiny dogfish at-sea is prohibited (including the tail). All spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass. Gutting fish at-sea is permitted, so long as the fins remain attached by a portion of uncut skin.

~~7~~3.16 American Eel

~~7~~3.16.1 Recreational:

(A) Minimum size: Nine (9) inches.

(B) Season: January 1 through December 31, annually.

(C) Possession limit: Twenty-five (25) fish per angler per day.

~~7~~3.16.2 Licensed Party and Charter vessel season and possession limit:

(A) Season: January 1 through December 31, annually.

(B) Possession limit: Fifty (50) fish per angler per day for the licensed captain and any employed crew member; and twenty-five (25) fish per angler per day for any paying customer.

~~7~~3.16.3 Commercial:

(A) Minimum size: Nine (9) inches.

(B) Season: January 1 through December 31annually.

(1) Closed season: September 1 through December 31 annually for any gear type other than baited traps/pots or spears.

(C) Possession limit: Unlimited.

(D) Commercial Eel pot restrictions: Eel pots shall have a minimum mesh size of ½ by ½ inches or shall have a 4 by 4 inch escape panel constructed of

a mesh size of at least ½ by ½ inch mesh. The escape vent allowance will be in effect from January 1, 2014 – December 31, 2016, after which the entire pot must meet the ½ by ½ inches mesh requirement.

~~7~~3.17 American Shad

7.17.1 Moratorium on harvest: The harvest, landing, or possession of American Shad (*Alosa sapidissima*) within the territorial waters of the State of Rhode Island is prohibited.

~~7~~3.18 Weakfish

~~7~~3.18.1 Recreational:

(A) Minimum size: Sixteen inches (16”).

(B) Season: January 1 through December 31, annually.

(C) Possession limit: One (1) fish per person per calendar day, whether caught within the jurisdiction of this state or otherwise.

~~7~~3.18.2 Commercial:

(A) Minimum size: Sixteen inches (16”), whether caught within the jurisdiction of this State or otherwise.

(B) Seasons and possession limits:

(1) June 1 through June 30: One hundred (100) pounds per vessel per calendar day.

(2) August 7 through November 8: One hundred (100) pounds per vessel per calendar day.

(3) At all other times, the possession limit is one hundred (100) pounds per vessel per calendar day as bycatch only with an equivalent poundage of other species required to be on board the vessel. Provided, however, that the commercial hook and line fishery is not permitted a bycatch allowance.

(C) For directed trawl operations, codend mesh size must be ≥ 4.5” diamond or 4.0” square.

~~7~~3.19 Atlantic Herring (*Clupea harengus*)

~~7~~3.19.1 Commercial:

(A) Season: The season for Atlantic herring begins annually on January 1.

When the Atlantic herring quota has been harvested as determined by NOAA Fisheries, the season will close.

(B) Possession limit: 2,000 pounds per vessel per day, unless the vessel holds a RI State Waters Atlantic Herring Fishing permit.

(C) Rhode Island State Waters Atlantic Herring Fishing Permit: A permit from DFW is required for vessels engaged in the fishing and/or processing of over 2,000 pounds of Atlantic herring per day in Rhode Island state waters.

(1) Issuance of this permit is contingent on fishing vessel captains attending a meeting with DFW staff where they are required to give proof that:

(a) The vessel and its captain(s) have obtained all necessary and applicable authorizations to fish for Atlantic herring in RI waters (license, endorsements(s), and vessel declarations);
(b) The vessel captain(s) have provided a valid email address to DFW at which the captain can access while fishing for the purpose of receiving advisories pertaining to river herring;

(c) The vessel captain(s) have received from DFW a chart of fixed commercial fishing gear locations in Rhode Island waters and will have said chart in his/her possession while engaged in the fishing and/or processing of Atlantic Herring in RI waters;

(d) The vessel captain(s) have received from DFW a copy of all applicable regulations governing the commercial harvest of Atlantic herring in Rhode Island waters.

(2) Permits shall be issued annually and are valid for one calendar year from January 1 to December 31.

(3) Issuance of the permit is contingent upon a background check to determine if the applicant captain or vessel has been assessed a criminal or administrative penalty in the past three years of this section or 7.20 (River herring) or more than one marine fisheries violation.

(D) River Herring Bycatch Allowance: Vessels possessing a federal Atlantic herring permit fishing in federal waters may transit Rhode Island state waters and make a landing in possession of alewives, *Alosa pseudoharengus* or blueback herring, *Alosa aestivalis* (river herring) provided that the count of the combined river herring is 5% or less than the count of Atlantic herring onboard the vessel.

(1) The percentage of River herring in the catch will be assessed by sorting and counting a batch of fish taken from the catch of Atlantic herring on board the vessel or being landed by the vessel. This determination as to the

percentage of River herring in the catch shall be accomplished by filling a container as defined herein, with a portion of the catch and examining the contents of said container. The percentage of river herring in said container shall be deemed to be representative of the percentage of River herring in the catch as a whole for purposes of a determination as to whether a vessel is in compliance with the requirements of this section.

(2) A batch of fish is defined as all fish in a separate container.

(3) A container is defined as any box, tote, bag, bucket or other receptacle capable of retaining at least 25 gallons of loose fish which may be separated from the total catch of Atlantic herring being landed.

(E) Atlantic Herring Processing: No person may process Atlantic herring for purposes other than human consumption. Direct mealing of Atlantic herring is prohibited.

(F) Atlantic Herring - Vessel Size and Horsepower: No vessel harvesting Atlantic herring in the Atlantic coast herring fishery shall exceed 165 feet in length overall, and 3,000 horsepower.

~~7~~3.20 River Herring

~~7~~3.20.1 Moratorium on harvest: The harvest, landing, or possession of Alewives, *Alosa pseudoharengus* or Blueback herring *Alosa aestivalis*, within the territorial waters of the State of Rhode Island is prohibited.

~~7~~3.21 Monkfish

~~7~~3.21.1 Recreational:

(A) Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length, whether caught within the jurisdiction of this State or otherwise.

(B) Possession limit: 50 pounds tail weight, or 166 pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached.

~~7~~3.21.2 Commercial:

(A) Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial monkfish fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) Non-federally permitted RI licensed vessel: 550 pounds tail weight or 1,826 pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the "whole" is reported using the grade "gutted, head on, tail on".

(a) The possession of monkfish livers may not exceed the number of gutted-fish and tails combined.

(b) The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.

(2) The possession limit may be modified on the basis of a RI state water monkfish quota as set by DEM, which shall be equal to 3% of the federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When 2% of the SMA TAL has been harvested as determined by the DFW, the possession limit will decrease to 50 pounds tail weight or 166 pounds whole weight per vessel per calendar day for the remainder of the fishing year.

(D) Vessels in possession of a federal permit authorizing the harvest of monkfish may harvest monkfish in state waters if and only if they are operating during a previously and properly declared day-at-sea; in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to federal regulations.

~~7~~3.22 Cod

~~7~~3.22.1 Recreational:

(A) Minimum size: Twenty-two inches (22"), whether caught within the jurisdiction of this State or otherwise.

(B) Possession limit: Ten (10) fish per person per calendar day.

~~7~~3.22.2 Commercial:

(A) Minimum size: Nineteen inches (19"), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial Cod fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit: 1,000 pounds per vessel per calendar day for any vessel fishing in state waters. The possession limit may be modified on the basis of a RI state water cod quota as set by DFW, which shall be equal to 1% of the federal Georges Bank cod annual catch limit (ACL) for the given fishing year. When 90% of the state water quota has been harvested as determined by the DFW, the possession limit will decrease to 75 pounds of cod per vessel per calendar day for the remainder of the fishing year.

~~7~~3.23 Repealed

~~7~~3.24 Coastal Sharks

~~7~~3.24.1 Recreational:

(A) Recreationally Permitted Species: Recreational fishermen may possess any of the species of sharks listed in Table ~~7~~3.1.

Table ~~7~~3.1: Recreationally Permitted Species List

Smooth Dogfish (Smoothhound)[1]	*Mustelus canis*
Atlantic sharpnose	*Rhizoprionodon terraenovae*
Finetooth	*Carcharhinus isodon*
Blacknose	*Carcharhinus acronotus*
Bonnethead	*Sphyrna tiburo*
Tiger	*Galeocerdo cuvier*
Blacktip	*Carcharhinus limbatus*
Spinner	*Carcharhinus brevipinna*
Bull	*Carcharhinus leucas*
Lemon	*Negaprion brevirostris*
Nurse	*Ginglymostoma cirratum*
Scalloped hammerhead	*Sphyrna lewini*
Great hammerhead	*Sphyrna mokarran*
Smooth hammerhead	*Sphyrna zygaena*
Shortfin mako	*Isurus oxyrinchus*
Porbeagle	*Lamna nasus*
Common thresher	*Alopias vulpinus*
Oceanic whitetip	*Carcharhinus longimanus*
Blue	*Prionace glauca*

[1] Smooth dogfish are considered and referred to as smoothhound.

(B) Recreationally Prohibited Species: No person fishing recreationally shall possess, in state waters any shark species that is not permitted to be taken in federal waters, as listed in Table ~~7~~3.2.

Table ~~7~~3.2: Recreationally Prohibited Species List.

Sandbar	*Carcharhinus plumbeus*
Silky	*Carcharhinus falciformis*
Sand tiger	*Carcharias taurus*

Bigeye sand tiger	*Odontaspis noronhai*
Whale	*Rhincodon typus*
Basking	*Cetorhinus maximus*
White	*Carcharodon carcharias*
Dusky	*Carcharhinus obscurus*
Bignose	*Carcharhinus altimus*
Galapagos	*Carcharhinus galapagensis*
Night	*Carcharhinus signatus*
Reef	*Carcharhinus perezii*
Narrowtooth	*Carcharhinus brachyurus*
Caribbean sharpnose	*Rhizoprionodon porosus*
Smalltail	*Carcharhinus porosus*
Atlantic angel	*Squatina dumeril*
Longfin mako	*Isurus paucus*
Bigeye thresher	*Alopias superciliosus*
Sharpnose sevengill	*Heptranchias perlo*
Bluntnose sixgill	*Hexanchus griseus*
Bigeye sixgill	*Hexanchus nakamurai*

(C) Recreational Landings Requirements: No person fishing recreationally shall possess or land sharks that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

(D) Recreational Minimum Size Limits: No person fishing recreationally shall possess a shark with a fork length less than 54 inches, with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smoothhound, which have no minimum size limit. (Table ~~7~~**3**.3)

Table ~~7~~3.3: Recreational Minimum Size Limits

No Minimum Size	Minimum Fork Length of 54 inches (4.5 Feet)		Minimum Fork Length of 78 inches (6.5 Feet)
Smooth Dogfish (Smoothhound) Atlantic sharpnose Finetooth Blacknose Bonnethead	Tiger Blacktip Spinner Bull Lemon Nurse	Shortfin mako Porbeagle Common thresher Oceanic whitetip Blue	Scalloped hammerhead Smooth hammerhead Great hammerhead

(E) Authorized Recreational Gear: No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.

(F) Recreational Shore-Fishing Possession Limits: One shark per person per calendar day, with one additional bonnethead and one additional Atlantic sharpnose per person per calendar day. The possession limit for smoothhound is unlimited.

(G) Sharks that are transported by vessel are considered "boat assisted" and are regulated under the more restrictive vessel-fishing possession limits in section ~~7~~**3**.24.1(H) regardless of how or where they were caught.

(H) Recreational Vessel-Fishing Possession Limits: One shark per vessel per calendar day, or per trip per calendar day, whichever is less, regardless of the number of people on board the vessel, with one additional bonnethead and one additional Atlantic sharpnose per vessel per calendar day, or per trip per calendar day, whichever is less. The possession limit for smoothhound is unlimited.

PUBLIC HEARING ITEM 1f.
COMMERCIAL COASTAL SHARKS

~~7~~**3**.24.2 Commercial:

(A) Commercial Species Groupings: ~~Species managed under the ASMFC Interstate Fishery Management Plan (IFMP) for Atlantic~~ Coastal Sharks ~~shall be~~ **are** grouped into eight commercial "species groups" for management purposes, hereafter referred to as: Prohibited Species, Research Species, Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks. These groupings apply to all commercial shark fisheries in state waters.

(1) Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 3.4 below in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks species groups.

(B) Fishing Year: ~~The commercial shark fishery shall operate on a~~ January 1 through December 31 ~~fishing year~~.

(C) Quota Specification:

(1) Smoothhound sharks: A total annual statewide quota will be established for the State by the ASMFC and/or NOAA Fisheries.

(2) Quotas for coastal shark commercial species and species groups **except Smoothhound sharks** will be established annually by the ASMFC and/or NOAA Fisheries. It shall be unlawful for any person to possess any species of

shark in state waters when ~~the~~ NOAA Fisheries prohibits the possession of that species in federal waters.

(D) Seasons: Seasonal periods for commercial shark fisheries may be established annually either through NOAA Fisheries, ASMFC, or DFW.

(~~C~~**E**) Commercial Possession Limits: Possession limits~~, quotas, and seasonal periods for commercial shark fisheries~~ will be established annually ~~either through the~~ **by** NOAA Fisheries, ASMFC, or DFW. ~~in accordance therewith:~~

~~(1) Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 7.4 below in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks species groups.~~

(~~2~~**1**) There are no commercial ~~trip limits or~~ possession limits for Smoothhound Sharks, ~~or for the sharks listed in the~~ Non-Blacknose Small Coastal Sharks, Blacknose Sharks, and Pelagic Species groups.

(~~3~~**2**) ~~No person shall possess more than thirty six (36) sharks per vessel per calendar day, regardless of species, from the Aggregated Large Coastal Sharks or Hammerhead Sharks species group.~~ **Aggregated Large Coastal Sharks and Hammerhead Sharks species groups: Forty five (45) sharks per vessel per day, adjusting to between fifty five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries.**

Table ~~7~~**3.4:** Sharks in the Smoothhound Sharks, Non-Blacknose Small Coastal Sharks, Blacknose Sharks, Aggregated Large Coastal Sharks, Hammerhead Sharks, and Pelagic Sharks Species Groups

Common Name	Scientific Name
Smoothhound Sharks	
Smooth Dogfish	*Mustelus canis*
Florida smoothhound	*Mustelis norrisi*
Non-Blacknose Small Coastal Sharks	
Atlantic sharpnose	*Rhizoprionodon terraenovae*
Finetooth	*Carcharhinus isodon*
Bonnethead	*Sphyrna tiburo*
Blacknose Sharks	
Blacknose	*Carcharhinus acronotus*
Aggregated Large Coastal Sharks	
Silky	*Carcharhinus falciformis*
Tiger	*Galeocerdo cuvier*
Blacktip	*Carcharhinus limbatus*
Spinner	*Carcharhinus brevipinna*
Bull	*Carcharhinus leucas*
Lemon	*Negaprion brevirostris*
Nurse	*Ginglymostoma cirratum*

Hammerhead Sharks	
Scalloped hammerhead	*Sphyrna lewini*
Great hammerhead	*Sphyrna mokarran*
Smooth hammerhead	*Sphyrna zygaena*
Pelagic Sharks	
Shortfin mako	*Isurus oxyrinchus*
Porbeagle	*Lamna nasus*
Common thresher	*Alopias vulpinus*
Oceanic whitetip	*Carcharhinus longimanus*
Blue	*Prionace glauca*

(~~D~~F) Prohibition on the Possession of Sharks in the Prohibited and Research Species Groups: No person shall possess any species of sharks listed in Table ~~7~~3.5 below in the Prohibited Species and Research Species groups, except in accordance with the provisions of section ~~7~~3.24.2(~~F~~G).

Table ~~7~~3.5: Sharks in the Prohibited and Research Species Groups

Prohibited Species Group	
Common Name	Scientific Name
Sand tiger	*Carcharias taurus*
Bigeye sandtiger	*Odontaspis noronhai*
Whale	*Rhincodon typus*
Basking	*Cetorhinus maximus*
White	*Carcharodon carcharias*
Dusky	*Carcharhinus obscurus*
Bignose	*Carcharhinus altimus*
Galapagos	*Carcharhinus galapagensis*
Night	*Carcharhinus signatus*
Reef	*Carcharhinus perezii*
Narrowtooth	*Carcharhinus brachyurus*
Caribbean sharpnose	*Rhizoprionodon porosus*
Smalltail	*Carcharhinus porosus*
Atlantic angel	*Squatina dumeril*
Longfin mako	*Isurus paucus*
Bigeye thresher	*Alopias superciliosus*
Sharpnose sevengill	*Heptranchias perlo*
Bluntnose sixgill	*Hexanchus griseus*
Bigeye sixgill	*Hexanchus nakamurai*
Research Species Group	
Sandbar	*Carcharhinus plumbeus*

(~~F~~G) Display and Research of Sharks: No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species Groups without the possession of a valid state collector's permit obtained from the DFW. Any person granted a collector's permit shall:

(1) Report to the Director, within thirty (30) days after coming into possession of a shark. For each and every shark collected for research or display, the report to the Director shall include the following information: species identification, length, weight, date and location where caught by latitude and longitude coordinates, and the gear used; and

(2) For each shark taken for live display, the holder of the permit shall also report to the Director annually, by December 31 of each year, for the life of the shark. The annual report shall include all of the information set forth in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.

(~~G~~**H**) ~~Dealer Permit~~ **Authorized sale**: ~~(1)~~ No person shall sell any shark species to a person or dealer who does not possess a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.

~~(2) No person shall purchase any shark species for sale or resale unless such person, possesses a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries. [*Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the NOAA Fisheries Southeast Regional Office in St. Petersburg, FL at (727) 824-5326. Applications are available on the web at* http://sero.nmfs.noaa.gov/permits/permits.htm].~~

Commented [DP(10]: Re-located to Dealer Regs

(~~H~~**I**) Authorized Commercial Gear: No person shall fish commercially for sharks in state waters by any method other than the following gear types:

(1) Rod & reel;

(2) Handlines, which are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel;

(3) Small mesh gillnets which are defined as having a stretch mesh size smaller than five (5) inches;

(4) Large mesh gillnets which are defined as having a stretch mesh size equal to or greater than five (5) inches;

(5) Trawl nets;

(6) Shortlines which are defined as fishing lines containing fifty (50) or fewer hooks and measuring less than five hundred (500) yards in length. A maximum of two (2) shortlines shall be allowed per vessel;

(7) Pound nets/fish traps;

(8) Weirs.

(~~I~~J) Bycatch Reduction Measures: Vessels using shortlines and large-mesh gillnets to catch sharks must abide by the following bycatch regulation measures. Any vessels using shortlines or large-mesh gillnets that do not follow the following bycatch reduction measures are prohibited from possession, landing or selling any sharks.

(1) Any vessel using a shortline shall **adhere to the following**:

(a) Use corrodible circle hooks, which are defined as non-offset hooks with the point turned perpendicularly back to the shanks; and

(b) Practice the protocols, and possess the federally required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and

(c) ~~Have~~ All captains and vessel owners ~~federally~~ **must be** certified in using~~,~~ handling and release equipment. Captains and vessel owners can become certified by attending a *Protected Species Safe Handling, Release, and Identification Workshop* offered by NOAA Fisheries. ~~Information on these workshops can be found at http://www.nmfs.noaa.gov/sfa/hms/workshops/index.htm or by calling the Management Division at (727) 824-5399~~

(2) Any vessel using large-mesh gillnets, must use nets that are shorter than 2.5 kilometers.

(~~J~~K) Prohibition of Finning: Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all state waters. All sharks, with the exception of smoothhound, possessed by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass until landed. Fins may be cut as long as they remain attached to the carcass, by natural means, with at least a small portion of uncut skin. Sharks may be gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

(1) Commercial fishermen may completely remove all smoothhound fins year round. If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smoothhound carcasses landed or found on board a vessel.

PUBLIC HEARING ITEM 1g.
SKATE

~~7~~3.25 Skate

~~7~~3.25.1 Prohibited Species: The harvest, landing, or possession of barndoor (*Dipturus laevis*) or thorny (*Amblyraja radiata*) species of skate within the territorial waters of the state of Rhode Island is prohibited.

~~7~~3.25.2 Recreational:

(A) Possession Limit: ~~There is no recreational possession limit for skate provided the vessel is fishing in state waters.~~ **One hundred (100) pounds per vessel per day.**

~~(1) Possession Limit Adjustment: The recreational possession limit for skate shall be adjusted to the most restrictive commercial possession limit if a possession limit is imposed on either of the two commercial skate fisheries.~~

~~7~~3.25.3 Commercial:

(A) Fishing year: ~~The commercial skate fishery shall operate on a~~ May 1 through April 30 ~~fishing year~~ **annually**.

(B) Skate Wing fishery: **The skate wing fishery** shall be defined as skate harvested, possessed, or landed **by a vessel:**

(1) Fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit; and

(2) For food for human consumption, ~~i.e., product landed~~ with a designated ACCSP Disposition Code 001 = Food.

(3) Minimum size: No minimum size.

(~~1~~4) **Seasons and** possession limits: ~~There is no commercial possession limit for the skate wing fishery, provided the vessel is fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit.~~

(a) Sub-Period I - May 1 through August 31: 2,600 pounds wings, or 5,902 whole, per vessel per day; decreasing to 500 pounds wings, or 1,135 pounds whole, per vessel per day once 85% of the TAL allocated to Sub-period I is landed as determined by NOAA Fisheries.

(i) During the period between August 18 and August 31, the Director may increase the possession limit to compliment the federal possession limit determined by NOAA Fisheries.

(b) Sub-Period II - September 1 through April 30: 4,100 pounds wings, or 9,307 whole, per vessel per day; decreasing to 500 pounds wings, or 1,135 whole, per vessel per day once 85% of the remaining annual TAL is landed as determined by NOAA Fisheries.

(C) Skate Bait fishery: **The skate bait fishery** shall be defined as skate harvested, possessed, or landed **by a vessel:**

(1) Fishing in state waters, not on a previously declared DAS, without an active federal open-access skate permit, and without a federal skate bait Letter of Authorization (LOA); and

(2) For use as bait ~~i.e., product landed~~ with a designated ACCSP Disposition Code 008 = Bait.

(3) Maximum length: Whole skates must measure less than twenty three (23) inches total length.

(~~1~~4) Seasons and possession limit**s**: ~~There is no commercial possession limit for the vessel is fishing in state waters, not on a previously declared DAS, without an active federal open-access skate permit, and without a federal skate bait Letter of Authorization (LOA).~~

(a) Sub-period I - May 1 through July 31:

(b) Sub-period II - August 1 through October 31:

(c) Sub-period III - November 1 through April 30:

(a) Possession Limit: The starting possession limit for each sub-period will be 25,000 pounds whole skate per vessel per day. When 90 percent of a bait skate TAL allocation in either Sub-period I or II, or when 90 percent of the annual Skate Bait TAL is landed, as determined by NOAA Fisheries, the possession limit will be reduced to the whole weight equivalent of the skate wing possession limit in effect at that time (either 5,902 pounds, 9,307 pounds, or 1,135 pounds whole skate).

~~(D) Possession Limit Adjustments: When notified by the NOAA Fisheries that the federal Skate Wing or Skate Bait fishery possession limit is being reduced due to a federally specified percentage of the Total Allowable Landings (TAL) being harvested, DFW will promulgate a comparable reduced possession limit until the end of the fishing year or unless the federal restriction is relinquished.~~

~~7~~3.26 American Plaice (Dab)

~~7~~3.26.1 Recreational:

(A) Minimum size: Fourteen inches (14”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The recreational American plaice fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) There is no recreational possession limit for American plaice provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of American plaice.

(2) Vessels in possession of a federal permit authorizing the recreational harvest of American plaice in federal waters may harvest American plaice in state waters in the amount equal to the federal regulations.

~~7~~3.26.2 Commercial:

(A) Minimum size: Twelve inches (12”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial American plaice fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) There is no commercial possession limit for American plaice provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of American plaice.

(2) Vessels in possession of a federal permit authorizing the commercial harvest of American plaice in federal waters may harvest American plaice in state waters in the amount equal to the federal regulations.

~~7~~3.27 Haddock

~~7~~3.27.1 Recreational:

(A) Minimum size: Eighteen inches (18”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The recreational Haddock fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) There is no recreational possession limit for Haddock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Haddock.

(2) Vessels in possession of a federal permit authorizing the recreational harvest of Haddock in federal waters may harvest Haddock in state waters in the amount equal to the federal regulations.

~~7~~3.27.2 Commercial:

(A) Minimum size: Sixteen inches (16”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial Haddock fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) There is no commercial possession limit for Haddock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of American plaice.

(2) Vessels in possession of a federal permit authorizing the commercial harvest of Haddock in federal waters may harvest Haddock in state waters in the amount equal to the federal regulations.

~~7~~3.28 Pollock

~~7~~3.28.1 Recreational:

(A) Minimum size: Nineteen inches (19”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The recreational Pollock fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) There is no recreational possession limit for Pollock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Pollock.

(2) Vessels in possession of a federal permit authorizing the recreational harvest of Pollock in federal waters may harvest Pollock in state waters in the

amount equal to the federal regulations.

~~7~~3.28.2 Commercial:

(A) Minimum size: Nineteen inches (19”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial Pollock fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession limit:

(1) There is no commercial possession limit for Pollock provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Pollock.

(2) Vessels in possession of a federal permit authorizing the commercial harvest of Pollock in federal waters may harvest Pollock in state waters in the amount equal to the to federal regulations.

~~7~~3.29 Witch Flounder (Grey Sole)

~~7~~3.29.1 Recreational:

(A) Minimum size: Fourteen inches (14”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The recreational Witch flounder fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession Limit:

(1) There is no recreational possession limit for Witch flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Witch flounder.

(2) Vessels in possession of a federal permit authorizing the recreational harvest of Witch flounder in federal waters may harvest Witch flounder in state waters in the amount equal to the federal regulations.

~~7~~3.29.2 Commercial:

(A) Minimum size: Thirteen inches (13”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial Witch flounder fishery shall operate on a May

1 through April 30 fishing year.

(C) Possession limit:

(1) There is no commercial possession limit for Witch flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Witch flounder.

(2) Vessels in possession of a federal permit authorizing the commercial harvest of Witch flounder in federal waters may harvest Witch flounder in state waters in the amount equal to the federal regulations.

~~7~~3.30 Yellowtail Flounder

~~7~~3.30.1 Recreational:

(A) Minimum size: Thirteen inches (13”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The recreational yellowtail flounder fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession Limit:

(1) There is no recreational possession limit for Yellowtail flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Yellowtail flounder.

(2) Vessels in possession of a federal permit authorizing the recreational harvest of Yellowtail flounder in federal waters may harvest Yellowtail flounder in state waters in the amount equal to the federal regulations.

~~7~~3.30.2 Commercial:

(A) Minimum size: Twelve inches (12”), whether caught within the jurisdiction of this State or otherwise.

(B) Fishing year: The commercial Yellowtail flounder fishery shall operate on a May 1 through April 30 fishing year.

(C) Possession Limit:

(1) There is no commercial possession limit for Yellowtail flounder provided the vessel is fishing in state waters and does not have a federal permit authorizing the harvest of Yellowtail flounder.

(2) Vessels in possession of a federal permit authorizing the commercial harvest of Yellowtail flounder in federal waters may harvest Yellowtail flounder in state waters in the amount equal to the federal regulations.

~~7~~3.31 Violations for non-compliance

~~7~~3.31.1 If the DFW and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or a permit agreement, the owner and/or operator of the permitted vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to RIGL 20-1-16 as well as the ineligibility to reapply for a permit for the subject vessel for the remainder of the Summer sub-period.

~~7~~3.32 Penalties

~~7~~3.32.1 Judicially imposed penalty for violations: Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or imprisonment for up to ninety (90) days, or both (RIGL §20-1-16)

~~7~~3.32.2 Additionally, a person may be subject to the imposition of a administrative penalty pursuant to DEM's "*Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife"*.

~~7~~3.33 Appeals

~~7~~3.33.1 Denial of a license or permit: Persons denied a license or permit may request an appeal as provided by RIGL Chapter 42-17.7 and pursuant to DEM's "*Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters"*

~~7~~3.33.2 Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these regulations may file and appeal in

accordance with RIGL Chapter 42-17.7 and DEM's *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters*.

~~7.34~~ **EFFECTIVE DATE**

The foregoing rules and regulations, ~~"Rhode Island Marine Fisheries Regulations - Finfish"~~ after due notice, are hereby adopted in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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Janet L. Coit, Director
Department of Environmental Management

Notice Given:	~~10/16/2015~~ **01/15/2016**
Public Hearing:	~~11/16/2015~~ **02/16/2016**
Filing date:	~~12/11/2015~~
Effective date:	~~01/01/2016~~
ERLID #	~~8219~~