



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

RIMFC: Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

MEETING NOTICE

Tuesday, October 12, 2021 – 6:00 PM

In person:
URI Bay Campus, South Ferry Road
Corless Auditorium
Narragansett, RI

Face masks required for all in attendance!

Zoom webinar:
<https://us02web.zoom.us/j/81046924051>
Meeting ID: 810 4692 4051
Dial in: 1-929-205-6099 (listen only)

AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s) or links
1. Tonight's agenda	Approval of agenda	• Tonight's meeting agenda
2. Meeting minutes from last meeting (June 7, 2021)	Approval of minutes	• Draft minutes
3. Public comment on any matters not on the agenda	Discussion and/or recommendations for future action.	
4. <u>2022 Sector Management Plan:</u> <i>J. Lake</i>	Approval of plan for submittal to General Assembly	• Draft Plan
5. <u>Proposed regulation amendments:</u> <i>J. Lake</i>	Provide recommendations to the Director regarding proposed regulations	• Part 2 – Commercial Marine Fishing Licenses and Landing Permits ○ Public Notice ○ Proposed Rule (Exit/entry ratio Restricted Finfish endorsement) • Part 6 – General Equipment Provisions ○ Public Notice ○ Proposed Rule (Floating Fish Trap regulations)

6. Shellfish Advisory Panel meeting minutes (10/6/21): <i>K. Eagan</i>	Approval of minutes	<ul style="list-style-type: none"> • SAP agenda/ePacket • Meeting presentation • Draft minutes
7. Shellfish harvest schedules in Greenwich Bay, Bristol Harbor, and Bissel Cove/Fox Is., Shellfish Management Areas: <i>A. Gerber Williams</i>	FYI, discussion, or provide recommendation to the Director for regulatory changes	<ul style="list-style-type: none"> • SAP presentation • Draft SAP minutes
8. Providence River Shellfish Management Area: <i>A. Gerber Williams</i>	FYI, discussion, or provide recommendation to the Director for regulatory changes	<ul style="list-style-type: none"> • Meeting presentation • Draft SAP minutes
9. FYI/Program Updates: <ul style="list-style-type: none"> • <u>Cooperative Multi-State Possession and Landing Pilot Program for Summer Flounder and Black Sea Bass:</u> <i>J. Lake</i> • <u>Commercial Licensing Legislation:</u> <i>C. McManus</i> • <u>Council legislation:</u> <i>B. Ballou, C. McManus</i> • <u>Next regulation cycle/Council meeting:</u> <i>C. McManus</i> 	FYI, discussion, or recommendations for future action.	<ul style="list-style-type: none"> • <u>Part 13 - Cooperative Multi-State Possession and Landing Program for Summer Flounder and Black Sea Bass</u> • <u>Part 14 - Summer Flounder Exemption Certificate Program</u> • <u>Legislative proposal – RI Marine Fisheries Council</u> • <u>Licensing legislation</u>
10. Any other matters?	Discussion and/or recommendations for future action.	
11. Adjourn		

All RIMFC meetings are open to the public.

For more information please contact Peter Duhamel at (401) 423-1927; peter.duhamel@dem.ri.gov

Posted to Sec. of State Open Meetings pursuant to R.I. Gen. Laws § 42-46-6



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RIMFC: Robert Ballou, *Chairman*; Travis Barao; Andy Dangelo; Katie Eagan; Jason Jarvis; David Monti, *Vice Chair*; Christopher Rein; Michael Rice, Ph.D.; Mike Roderick

MEETING SUMMARY

June 7, 2021 – 6:00 PM

Virtual public meeting only

Zoom webinar:

<https://us02web.zoom.us/j/86905636356>

Meeting ID: 869 0563 6356

Dial in: 1-929-205-6099

Chairperson: B. Ballou

RIMFC members in attendance: A. Dangelo, K. Eagan, J. Jarvis, D. Monti, Dr. M. Rice, C. Rein. (M. Roderick, T. Barao absent)

Division: C. McManus, S. Olszewski, J. Lake, N. Costa, J. Livermore, A. Williams, P. Duhamel

DEM Legal: J. LoBianco

Public: Approximately 6 persons in attendance.

1. Approval of the agenda: The Chair inquired to any objections to approving the agenda or if there were any requests for modifications. Hearing no objections or requests for modifications, the agenda was approved by consent.
2. Approval of minutes from meeting on May 3, 2021: The Chair inquired to any objections to approving the minutes or if there were any requests for modifications; hearing no objections or requests for modifications, the minutes were approved by consent.
3. Public comments regarding any other matters not on agenda: No comments were offered.
4. Aquaculture lease application review (John and Patrick Bowen): Motion made by M. Rice to recommend to the CRMC that the Bowen Aquaculture Lease Application 2020-04-037 is consistent with competing uses engaged in the exploitation of the marine fisheries in the area; 2nd by C. Rein. The motion passed 4-3 (C. Rein, M. Rice, J. Jarvis, B. Ballou in support; D. Monti. A. Dangelo, K. Eagan opposed).
5. Any Other matters: No other matters were discussed.
6. Adjournment: The meeting was adjourned by the Chair at @ 6:50pm.

Note: This document represents a meeting summary. The full video recording of the meeting is available at the Division of Marine Fisheries YouTube channel [here](#). Individual agenda items and their times can be viewed by expanding the “SHOW MORE” tab.

DRAFT

RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES



Sector Management Plan

2022

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INTRODUCTION

During the 2002 legislative session, the Rhode Island General Assembly adopted the Commercial Fisheries Management Act, establishing a new commercial fishing license system and ending the moratorium on the issuance of new commercial fishing licenses that had been in place since 1995. One purpose of the act was to allow for new entrants into commercial fisheries, while still restricting access to those fisheries where warranted to rebuild depleted marine fishery stocks or otherwise manage marine resources sustainably.

To meet the purposes of the act, regulations developed included licensing “endorsements” to restrict access to, or to otherwise manage commercial harvest for a particular marine species, group of species, or by gear type. As implied by name, access to a species or fishery that is included in the *restricted* endorsement category is *limited*; while species or fisheries included in a *non-restricted* endorsement category is *open*. The following fishery endorsements are currently included in regulation and addressed in this plan:

- *Restricted Finfish*
- *Non-Restricted Finfish*
- *Bay quahog*
- *Soft-shell clam*
- *Whelk*
- *Shellfish Other*
- *Lobster*
- *Non-lobster Crustacean*

Finfish species for which access is limited in the marine waters of Rhode Island and are therefore included in the *Restricted Finfish Endorsement* include black sea bass, scup (during the summer sub-period only), striped bass, summer flounder and tautog. All other regulated species of finfish common in RI waters (e.g., winter flounder, monkfish) are included in the *Non-Restricted Finfish Endorsement*, which is available to any resident or non-resident license holder.

Shellfish species for which access is limited include bay quahog, soft-shell clam, and whelk, and are included in the *Bay Quahog, Soft-Shell Clam, and Whelk endorsements* respectively. All other regulated species of shellfish (e.g., blue mussel, oyster) are included in the *Shellfish Other Endorsement*, which is available to any Rhode Island resident license holder.

Species of crustaceans for which access is limited include lobster, which is included in the *Lobster Endorsement*. All other regulated species of crustaceans (e.g., Blue crab, Jonah crab) are included in the *Non-Lobster Crustacean Endorsement* which is available to any Rhode Island resident license holder.

The availability of any new restricted endorsements is determined annually as a ratio of licenses not renewed. These *exit:entry ratios* are a principal mechanism in the Rhode Island commercial licensing system used to manage harvest through license access restrictions. Exit:entry ratios are reviewed annually by the Industry Advisory Committee (IAC) and Rhode Island Marine Fisheries Council (RIMFC, Council) and presented for public comment at a public hearing in accordance with the requirements of the Administrative Procedures Act (R.I. Gen. Law §42-35). Determining the level of fishing effort, the impacts to the resource that a particular license type collectively represents, and thus determining the number of licenses desired in a given fishery as a means to limit such effort, is a primary goal of the licensing program.

Pursuant to [R.I. Gen. Law §20-2.1-9\(5\)](#), this management plan is prepared to address the state of the fishery resources of the state, with focus on those fishery resources with the greatest value to the state and is updated annually prior to any proposed changes to commercial license restrictions on effort and catch. Any amendments made to the commercial licensing regulations must be consistent with this management plan.

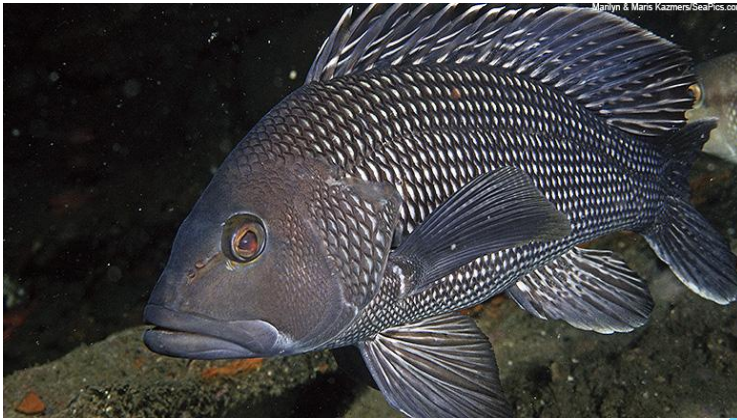
The primary goal for quota-managed fisheries is to maintain open seasons with economically viable possession limits while minimizing regulatory discards, avoiding harvest overages, maximizing harvest opportunities, and ensuring equitable access to the fishery. However, due to the multi-species nature of the commercial fishing industry, increased effort can result in shorter seasons and higher discards for many species. Information contained in this plan seeks to aid in understanding if management goals are being realized under existing management and to provide guidance as to the degree of potential new effort that could be sustained in RI's most important fisheries.

This plan includes up-to-date information on stock status, management programs, and fishery performance of commercially important species in the state and provides licensing recommendations based on these parameters for the following year. The plan is provided to the IAC in draft form in August, followed by a public hearing in September, and a RIMFC meeting in October. At their annual meeting in October, the Council offers final recommendations on all restricted endorsements and matters brought to the hearing in September.

DRAFT

RESTRICTED FINFISH

BLACK SEA BASS



STOCK STATUS The [2019 operational assessment](#) found that black sea bass is not overfished nor is overfishing occurring. With improved recruitment and declining Fishing mortality (F) rates, Spawning Stock Biomass (SSB) has experienced time series high levels in recent years. SSB in 2018 was estimated at 73.7 million pounds, 2.4 times the SSB target of 31.1 million pounds, and F was estimated at 0.42, below the F_{target} of 0.46. Recruitment at age 1 averaged 36 million fish from 1989 to 2018, with recent

peaks in 2012 (2011 cohort) at 144.7 million and at 79.4 million in 2016 (2015 cohort). The distribution of black sea bass continues to expand northward into the Gulf of Maine (GOM). Starting in 2020, quotas are set based on projections from this operational assessment. This new assessment will include the newly calibrated Marine Recreational Information Program (MRIP) time series—recalibrated historical recreational harvest has resulted in adjustments to biomass estimates over the time series (NEFSC, 2020).

MANAGEMENT PROGRAM

Black sea bass is managed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC) through the [Summer Flounder, Scup and Black Sea Bass Fishery Management Plan \(FMP\)](#). The FMP establishes coast-wide quotas for each state annually; with Rhode Island’s share of the quota currently at 11%. Minimum size, seasons, and possession limits are then established by each state annually, with review by the ASMFC/MAFMC to assure compliance with the FMP. The specifications for 2020 are presented in the table below. These recommendations are consistent with the advice of the RIMFC. A Multi-Purpose License or Restricted Finfish Endorsement is required to harvest black sea bass in RI waters.

2021 RI COMMERCIAL REGULATIONS

Min. Size	Season	Allocation (%)	Possession Limit (lbs/vsl)
11”	1/1 – 4/30	25%	750/week
	5/1 – 6/30	25%	100/day
	7/1 – 8/15	20%	100/day
	8/16 – 9/14	10%	50/day
	9/15 – 10/31	10%	50/day
	11/1 – 12/ 31	10%	50/day

Currently, only the first sub-period January 1 – April 30 is managed by aggregate, or weekly, possession limits; all other sub-periods are managed by a daily possession limit. Participants in the Cooperative Multi-State Possession and Landing Pilot Program permit program are authorized to carry multiple possession limits for and land black sea bass in cooperating states during the same fishing trip. As a

means to reduce regulatory discards and provide greater flexibility to fishing practices, the Division is currently working to determine if aggregate possession limits are feasible for other sub-periods through the Research Pilot Aggregate Program, which began in 2019.

FISHERY PERFORMANCE

In 2020, 477 commercial fishers (Table 2) landed 553,749 pounds of black sea bass in RI valued (x-vessel) at \$1,332,449 (Table 1). In 2021, the possession limit in the first sub-period was increased three times: on February 14 from 500 to 1,000 lbs/week, on February 28 from 1,000 to 1,500 lbs/week, and on March 14 from 1,500 to 2,000 lbs/week. The limit was decreased on April 11 from 2,000 to 1,000 lbs/week, and the commercial fishery was closed on April 22 until the start of the second sub-period. During the second sub-period, the possession limit was decreased once, on June 20 from 100 to 50 lbs/day, and the commercial fishery was closed on June 27 until the start of the third sub-period.

DMF RECOMMENDATIONS FOR 2022

The coastwide quota for 2022 is anticipated to be 6.09 million lbs, equal to the 2021 quota. Based on fishery performance to date in 2021, the Division recommends maintaining the level of effort at or below current levels and maintaining black sea bass as a restricted species. Sub-period quotas have been fully harvested using in-season possession limit adjustments.

SCUP



STOCK STATUS

The 2019 operational stock assessment found that scup is not overfished nor is overfishing occurring. SSB in 2018 was estimated at 411.33 million pounds, about two times higher than the SSB_{target} of 207.28 million pounds, and F was estimated at 0.158, below the F_{target} of 0.215. Recruitment at age 0 averaged 134 million fish from 1984 to 2018, with peaks in 1999 at 231 million, 2006 at 264 million, and at 262 million in 2007. The 2015 year class estimate was large at 326 million fish while the

2016-2018 estimates have been below average at 83-112 million fish (NEFSC, 2020).

MANAGEMENT PROGRAM

Scup is managed jointly by the ASMFC and MAFMC through the [Summer Flounder, Scup and Black Sea Bass FMP](#). The FMP establishes coast-wide quotas for each state annually, with RI's share currently at 56.19%.

During the two federal sub-periods, the quota is available coast-wide and is managed through daily possession limits. Scup is classified as a non-restricted species in RI during these two federal sub-periods. In the summer however, scup is classified as a restricted species for the purpose of managing catch rates when landings by state waters fishermen increase. RI further manages the summer sub-period by allocating the state quota into a General Category (GC) (i.e., gear types other than floating fish traps) and Floating Fish Trap (FFT) sector, at 40% and 60% respectively, with allocations to these two sectors based on historical landings. Another key aspect of the management program includes DEM's authority to transfer quota between the FFT and GC sectors, which provides for the full harvest of the RI quota each year. A Multi-Purpose License or *Restricted Finfish Endorsement* (summer only, *Non-Restricted Finfish Endorsement* in winter) is required to harvest scup in RI waters.

2021 RI COMMERCIAL GENERAL CATEGORY REGULATIONS

Min. size	Season	Allocation	Starting Poss. limit
9"	Winter I (federal): (1/1 – 4/30)	Coastwide	50,000 lbs/vsl/day
	Summer: (5/1 – 9/30)	40% of sub-period quota	10,000 lbs/vsl/week
	Winter II (federal): (10/1 – 12/31)	Coastwide	24,000 lbs/vsl/day

2021 RI COMMERCIAL FLOATING FISH TRAP REGULATIONS

Min. size	Season	Allocation	Starting Poss. limit
9"	Winter I (federal): (1/1 – 4/30)	Coastwide	50,000 lbs/vsl/day
	Summer: (5/1 – 9/30)	60% of sub-period quota	Unlimited
	Winter II (federal): (10/1 – 12/31)	Coastwide	24,000 lbs/vsl/day

FISHERY PERFORMANCE

In 2020, 361 commercial fishers (Table 2) landed 4,290,954 pounds of scup in RI valued (x-vessel) at \$2,413,734 (Table 1). To date in 2021, no early closures have been needed, and no possession limit modifications have been implemented (Table 3).

DMF RECOMMENDATIONS FOR 2022

The coastwide quota for 2022 is anticipated to be set at 19.11 million lbs., a slight decrease from 2021, which was set at 20.5 million lbs. Given the anticipated quota, good stock status, and performance to date in 2021, the Division recommends allowing for small increases in effort during the summer sub-period. Additionally, the Division recommends maintaining scup as a restricted species in the summer sub-period and as a non-restricted species only during the federal sub-periods at this time.

STRIPED BASS



STOCK STATUS

A [benchmark stock assessment](#) for striped bass was completed and peer reviewed in November 2018 and subsequently adopted for management use by the ASMFC management board in May 2019. The assessment

findings indicate that the striped bass stock is overfished and experiencing overfishing relative to the updated Biological Reference Points (BRPs). SSB in 2017 was estimated to be 151 million pounds, below both the SSB_{target} and SSB_{threshold}, 252 million pounds and 202 million pounds respectively. SSB has been declining since 2003 and has been below the threshold since 2010. F in 2017 was estimated to be 0.31, above both F_{target} and F_{threshold}, 0.20 and 0.24 respectively. F has been at or above the threshold in 13 of the last 15 years (NEFSC, 2019a).

MANAGEMENT PROGRAM

Striped bass is managed by ASMFC through [Amendment 6](#) to the Interstate FMP for striped bass and its subsequent addenda I-VI, with [Addendum VI](#) being the most recent management document implemented in 2020. The recreational fishery is managed through size and bag limits while the commercial fishery is managed with size limits and state-specific quota allocations. States can implement alternative management measures that are deemed to be equivalent to the preferred measures in the FMP through a Conservation Equivalency (CE) process. In RI, the recreational fishery has a 1 fish bag limit, and as of 2020, a slot limit of 28" - <35". The commercial fishery is split between the General Category (GC) and Floating Fish Trap (FFT) sectors. The GC has a 5 fish possession limit, a 34" minimum size, and gets 61% of the RI allocation. The GC quota is divided between two sub-periods, designed to allocate harvest between inshore bay and offshore Block Island fishing. Days closed to fishing as of 2020 include Friday, Saturday, and Sunday as a means to extend the season as long as possible. The FFT sector operates under an ASMFC approved CE proposal that allows them to have a lower minimum size limit of 26" in exchange for a reduced quota. The FFT fishery opens annually on April 1 at an unlimited possession limit and continues until 70% of the sectors allocation is projected to be harvested. At that time a reduced possession limit of 500 pounds/fish trap licensee/day goes into effect until the FFT allocation is exhausted. If it is projected that the FFT sector will not be able to fully harvest their allocation, the Division may transfer a portion to the GC fishery. A Multi-Purpose License or *Restricted Finfish Endorsement* is required to harvest Striped bass in RI waters and the harvest of striped bass in federal waters (EEZ) is prohibited.

2021 RI COMMERCIAL GENERAL CATEGORY REGULATIONS

Min. Size	Season	Allocation		Possession Limit
34"	5/20 – 6/30	61%	60%	5 fish/vessel/day CLOSED Fri., Sat., Sun.
	7/1 – 12/31		40%	

2021 RI COMMERCIAL FLOATING FISH TRAP REGULATIONS

Min. Size	Season	Allocation	Possession Limit
26"	4/1 – 12/31	39%	Unlimited until 70% of quota reached, then 500 lbs/licensee/day

FISHERY PERFORMANCE

In 2020, 230 commercial fishers (Table 2) landed 115,891 pounds of striped bass in RI valued (x-vessel) at \$355,029 (Table 1). In 2021, the first sub-period of the GC sector closed on June 23rd, with an overage of 12,982 lbs (Table 3). The second sub-period began on July 1 and closed prior to the end of the sub-period on July 9 with an underage of 4,286 lbs. As of the writing of this report, 22,758 lbs remain in the FFT quota.

DMF RECOMMENDATIONS FOR 2022

As a result of the findings of the 2018 striped bass benchmark stock assessments overfishing and overfished status, ASMFC implemented Addendum VI to Amendment 6 to the Interstate FMP for striped bass in 2020 to reduce F to a level at or below the target in one year. The 2022 commercial quota for striped bass is expected to be 148,889 pounds as mandated by Addendum VI, minus any overages that may occur in 2021. The ASMFC management board initiated Amendment 7 in August 2020 to address a host of other issues specified within the striped bass FMP. Currently the ASMFC striped bass Plan Development Team is working on Draft Amendment 7 which is expected to go to the Board for

final action in February 2022. As this action is still pending, and therefore any management changes to be implemented in 2022 are currently unknown, the Division recommends maintaining effort at or below current levels and maintaining striped bass as a restricted species.

SUMMER FLOUNDER



million fish (NEFSC, 2021).

STOCK STATUS

The [2021 management track assessment](#) found that summer flounder is not overfished nor is overfishing occurring. With improved recruitment and declining fishing mortality rates since the late 1980s, SSB steadily increased, peaking in the early 2000s. SSB in 2019 was estimated at 104.5 million pounds, higher than the SSB_{threshold} of 68.8 million pounds, and F was estimated at 0.340, lower than the F_{threshold} of 0.422. Recruitment at age 0 in 2019 was estimated to be below the time series average of 53 million fish, at 49

MANAGEMENT PROGRAM

Summer flounder is managed jointly by the ASMFC and MAFMC through the [Summer Flounder, Scup and Black Sea Bass FMP](#). In RI, seasons are divided into three seasonal sub-periods. In 2019 it was deemed that closed days were no longer necessary due to a substantial quota increase, and the fishery was restored to 7 days per week.

A Multi-Purpose License or *Restricted Finfish Endorsement* is required by license holders to harvest summer flounder in RI waters. Participants in the Cooperative Multi-State Possession and Landing Pilot Program permit program are authorized to carry multiple possession limits for and land summer flounder in cooperating states during the same fishing trip. Aggregate possession limits are available to Summer Flounder Exemption Certificate holders through the Aggregate Landing Program permit system during the first sub-period; the Division is currently working to determine if aggregate possession limits are feasible for other sub-periods through the Research Pilot Aggregate Program (2019-2021). The Division is also in the process of revisiting Summer Flounder Exemption Certificate regulations to more effectively characterize and manage effort in the summer flounder fishery.

2021 RI COMMERCIAL REGULATIONS

Min. size	Season	Allocation	Starting Poss. Limit (lbs/vsl/day)
14"	1/1 – 4/30 (Winter)	54%	100 (2,000 Aggregate-bi-week)
	5/1 – 9/15 (Summer)	35%	100
	9/16 – 12/31 (Fall)	11%	100

FISHERY PERFORMANCE

In 2020, 406 commercial fishers (Table 2) landed 1,701,873 pounds of summer flounder in RI valued (ex-vessel) at \$4,704,102 (Table 1). In 2021, the commercial season opened on January 1 at 100 lbs/vessel/day with the aggregate program starting on January 3 at 2,000 lbs/bi-week. The aggregate program possession limit was increased three times during the Winter I period, to 3,000 lbs/bi-week on February 14 to 4,000 lbs/bi-week on February 28, and to 4,500 lbs/bi-week on March 14. The aggregate

program closed on April 25 when the 90% trigger was tripped. Thus far during the second sub-period, the possession limit has been increased once, from 100 to 150 lbs/day on July 15.

DMF RECOMMENDATIONS FOR 2022

The coastwide quota for 2022 is estimated to be 18.48 to 18.94 million lbs, depending on methods chosen for setting specifications for the year. This would be a substantial increase from the 2021 coastwide quota, which was set at 12.49 million lbs. Due to the current quota and current level of effort, the Division recommends maintaining effort at or below current levels and maintaining as a restricted species.

TAUTOG



STOCK STATUS

The [2016 stock assessment update](#), analyzes the stock in 4 regions (Massachusetts/Rhode Island - MARI, Long Island Sound, New Jersey/New York Bight, and Delaware/Maryland/Virginia); the updated assessment finds that the MARI region is not overfished nor is overfishing occurring. SSB has been fairly steady over the past several years, and is

estimated at 2,196 mt, above the threshold of 2,004 mt. F is estimated at 0.23, below the target of 0.28 (ASMFC, 2016).

MANAGEMENT PROGRAM

Tautog is managed regionally by the ASMFC through [Amendment 1](#) to the [Interstate FMP for Tautog](#). Although not specifically required by the FMP, RI has an established commercial quota, which in part achieves the F targets required by the FMP. The commercial quota has remained stable for the past several years at 51,348 pounds. Currently, tautog quota is split between 3 seasons, spring and fall receiving 45% of the quota, and the summer season receiving 15% of the annual quota. Beginning in 2020 and continuing into 2021, per Amendment 1, a commercial tagging program has been instituted in RI. All commercial tautog must be tagged by the fisherman prior to offload for sale in RI. Multi-Purpose License or *Restricted Finfish Endorsement* is required by license holders to harvest Tautog in RI waters.

2021 RI COMMERCIAL REGULATIONS

Min. Size	Season	Allocation	Possession Limit
16"	1/1 – 3/31		Closed
	4/1 – 5/31	42.5%	10 fish/day
	6/1 – 7/31		Closed
	8/1 - 9/15	15%	10 fish/day
	9/16 - 10/14		Closed
	10/15 - 12/31	42.5%	10 fish/day

FISHERY PERFORMANCE

In 2020, 204 commercial fishers (Table 2) landed 52,561 pounds of tautog in RI valued (x-vessel) at \$161,720 (Table 1). In 2021, the spring season closed 11 days early.

DMF RECOMMENDATIONS FOR 2022

The quota for 2022 is anticipated to be 51,348 pounds, minus any overages that may occur in 2021. Due to uncertainty in stock status pending a 2021 stock assessment update due to be completed in October 2021 with the newly calibrated MRIP data and difficulty with maintaining open seasons, the Division recommends maintaining effort at or below current levels and maintaining as a restricted species.

RESTRICTED FINFISH ENDORSEMENT - 2022 LICENSING RECOMMENDATIONS

DMF

The current exit:entry ratio for the Restricted Finfish Endorsement is 1:1. Referring to Table 4, the number of licenses eligible to harvest restricted finfish (Multi-Purpose license, Principal Effort license with Restricted Finfish endorsement, and Commercial Fishing license with Restricted Finfish Endorsement) has remained relatively stable in the last three years, which indicates that this ratio is maintaining a consistent number of licenses and participants in the fishery. More importantly however is that the new licenses that replaced the licenses not renewed has not led to an appreciable increase in effort, evidenced by the number of participants landing restricted species. Each of the restricted species had about the same or fewer participants in 2020 than 2019 and none have fluctuated more than 5% since 2014 (Table 2). The Division therefore recommends maintaining the current 1:1 exit:entry ratio for 2022 which would result in the availability of 12 new restricted finfish endorsements.

RIMFC

A recommendation will be made at their meeting on October 12, 2021.

NON-RESTRICTED FINFISH

ATLANTIC HERRING



STOCK STATUS

The 2020 Atlantic herring management track stock assessment, peer reviewed in June 2020, indicates that overfishing of Atlantic herring is not occurring, but the stock is overfished. Spawning stock biomass has been declining since 2014 and was estimated to be 172 million lbs., well below the SSB threshold of 296.5 million lbs. In 2019, F was estimated to be 0.25, well below the F_{threshold} of 0.54.

Recruitment has been highly variable over the past 50 years, but has been at record-low levels since 2013. Age 1 recruitment in 2019 was estimated to be 666 million fish, well below the time series median of 3.43 billion fish (Wilberg - 2020 Management Track Peer Review Committee Report.pdf n.d.)

MANAGEMENT PROGRAM

Atlantic herring is managed jointly by the ASMFC, NOAA Fisheries and NEFMC. At ASMFC, Atlantic herring are managed through Amendment 3 to the Interstate FMP for Atlantic Herring. Annual specifications are calculated and regional ACLs (quotas) are broken out into fishing areas. Area 2

encompasses Southern New England (SNE) waters including RI state waters. The 2021 Atlantic herring quota for Area 2 was set to 1,338 metric tons. River herring bycatch is a concern within the Atlantic herring fishery and also has regional ACLs (catch caps) that are set by fishing area and gear type. When the catch cap for river herring is reached in any given area, the Atlantic herring fishery is closed until the next fishing year. The 2020 Area 2 river herring catch cap was set at 251.9 mt. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Atlantic herring in RI waters.

In RI, any vessel is eligible to participate in the state waters Atlantic herring fishery. From 2013 to 2021, a permit was required to possess greater than 2,000 pounds; this permit was intended to address issues arising from prohibited species interactions (mainly river herring), and gear conflicts. Amendment 8 to the NEFMC Atlantic herring fishery management plan, which prohibits mid-water trawling inshore of the 12-nautical mile territorial sea boundary, was promulgated by NOAA Fisheries in January of 2021. Because this midwater trawl prohibition addresses many of Division's concerns surrounding species interactions and gear conflict, Rhode Island' requirement for the Atlantic herring permit in state waters was removed from regulation in 2021.

FISHERY PERFORMANCE

In 2020, 23 commercial fishers (Table 2) landed 450,137 pounds of Atlantic herring in RI valued (ex-vessel) at \$103,486 (Table 1). A state quota has not been established.

DMF RECOMMENDATIONS FOR 2022

It is recommended that Atlantic herring be maintained as a non-restricted species.

BLUEFISH



Center (NEFSC) 2020).

STOCK STATUS

The 2021 Operational Stock Assessment Operational Stock Assessment for Bluefish indicates that the stock is overfished but not currently experiencing overfishing. SSB in 2019 was estimated to be 95,742 MT, which is less than the SSBthreshold (100,865 MT). F in 2019 was estimated to be 0.172, below the Fthreshold (Fmsy proxy = F35%SPR = 0.181) (Northeast Fisheries Science

MANAGEMENT PROGRAM

Bluefish is managed jointly by the ASMFC and MAFMC through the [FMP for Bluefish](#), which sets commercial state-by-state quota allocations; Rhode Island has previously received 6.8% but will receive 9.61% under the newly adopted Amendment 2 to the Bluefish FMP. This increase in allocation will be phased in over the next seven years starting in 2022. Annual commercial coastwide quotas and recreational measures are set jointly by the ASMFC and MAFMC through their specification process. Results of the 2021 operational assessment will be used to set specifications for the 2022-2023 fishing years. In 2020, RI adopted a reduced recreational possession limit of 5 fish per person per day for the for-hire sector and 3 fish per person per day for the remainder of recreational fishers. To constrain commercial harvest, and prevent any commercial quota overage, RI has adopted weekly aggregate

possession limits to allow commercial fishermen to maximize their harvest when they encounter bluefish in large numbers, while minimizing operational costs, and still allowing for up-to-date quota tracking. Additionally, RI also adopted an increased minimum size of 18” and a reduced aggregate possession limit in the summer of 6,000 pounds per vessel per week in 2020. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest bluefish in RI waters.

2021 RI COMMERCIAL REGULATIONS

Min. Size	Season	Possession Limit (lbs/vsl)
18”	1/1 – 4/30	1000/bi-week
	5/1 – 11/15	6000/week
	11/16 – 12/31	500/week

FISHERY PERFORMANCE

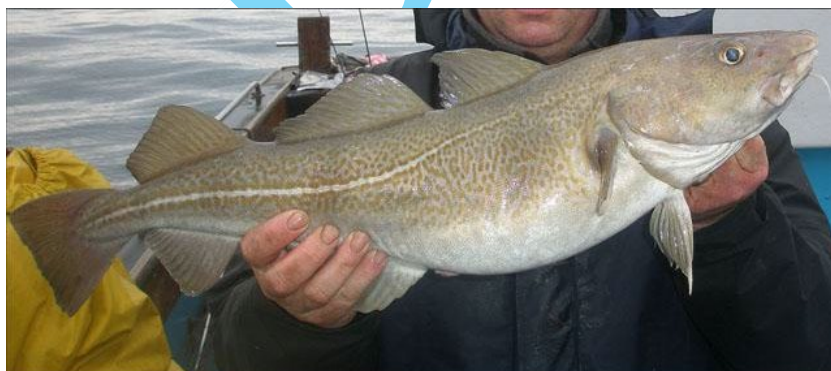
In 2020, 301 commercial fishers (Table 2) landed 334,919 pounds of bluefish in RI valued (x-vessel) at \$394,868 (Table 1). In 2021, the first sub-period remained open for its entirety with no possession limit decreases imposed. The second sub-period has ~,71,071 pounds remaining as of the writing of this report. The state is actively pursuing commercial quota transfers or 2021 to avoid any fishery closures.

DMF RECOMMENDATIONS FOR 2022

In June of 2021, the ASMFC Bluefish Board and MAFMC took action on the Bluefish Allocation and Rebuilding Amendment. As part of this action, the RI commercial allocation will increase from 6.81% to 9.61% with the increase being phased in over the next seven years at 0.40% each year. The approval of the amendment and these revised specifications by NOAA Fisheries is expected to happen later in 2021 so they may be implemented in 2022. At this point in time the 2022 RI allocation is estimated to be the same as 2021, 188,366 lbs. The ASMFC and MAFMC are currently going their annual specification process for 2022 and therefore this quota is subject to change. As it has been projected that the recreational fishery is likely to over-harvest the RHL, no recreational to commercial sector transfers will be possible for 2022. Given a similar quota and the current level of effort, the Division recommends maintaining effort at current levels and maintaining bluefish as a non-restricted species.

However, RI has required frequent commercial transfers from Atlantic states in past years. RI has received transfers ranging from 100,000 lbs. to 180,000 lbs. between 2014 and 2020. The Division will continue to monitor the situation and may consider adding bluefish to the restricted category in the future if transfers continue to occur frequently.

COD



STOCK STATUS

RI State waters are considered part of the George’s Bank (GB) cod stock. An updated operational assessment for the GB Atlantic Cod stock was completed in 2019. This was a data-limited assessment using the PlanBsmooth approach that updated commercial fishery catch data through 2018 and updated research survey indices of abundance. Based

on this assessment, stock status cannot be quantitatively determined due to a lack of biological reference

points, however it is qualitatively assessed as overfished. Overfishing status is unknown. Projections cannot be computed using the PlanBsmooth assessment approach, but instead this approach applies an estimate of recent change in the smoothed survey biomass (rate of change is estimated to be 0.936 in 2019) to the average of the recent three years of catch to produce catch advice (thus influenced by uncertainty in survey estimates). The smoothed survey biomass is decreasing, but without a biomass reference point it is not known if rebuilding is on schedule (NEFSC, 2019b).

MANAGEMENT PROGRAM

Atlantic cod is managed on a federal fishing year (May 1 - April 30) through the NEFMC [Northeast Multispecies FMP](#). Effective July 30, 2020, the 2021 ACL was set at 2,720,504 pounds under Framework 59, identical to FY 2020 under Framework 59. Under Framework 58, the minimum size was lowered to 19” for the commercial fishery and 21” for the recreational and party/charter fisheries. In an effort to complement federal FMPs, RI has adopted a minimum size limit and daily possession limit consistent with federal regulations, and state quota set at 1% of the GB ACL (equal to 27,205 pounds for 2021). A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Atlantic cod in RI waters.

2021 RI COMMERCIAL REGULATIONS

Min. Size	Season	Possession Limit (lbs/vsl/day)
19”	5/1 – 4/30	1,000

FISHERY PERFORMANCE

In 2020, 113 commercial fishers (Table 2) landed 17,589 pounds of Atlantic cod in RI valued (x-vessel) at \$37,426 (Table 1). These landings include fish caught in state waters, as well as fish caught in federal waters. State-water landings for RI during federal fishing year 2020 totaled approximately 7,944 pounds, or 29.2% of the RI state-water quota. The state quota for cod has not been harvested since its inception in 2009.

Cod abundance in state waters is ephemeral and potential landings for a given year cannot be accurately projected. This fishery still appears to be resource limited and given the ACL for 2021, it is unlikely that the RI state quota will be fully harvested.

DME RECOMMENDATIONS FOR 2022

The Division recommends that effort be maintained at current levels and that this species be maintained as a non-restricted species.

MENHADEN



STOCK STATUS

In February of 2020, the ASMFC management board adopted both the single-species and Ecological Reference Point (ERP) benchmark stock assessments for management use.

According to the single-species, or traditional stock assessment, the stock is not overfished nor is overfishing occurring relative to the current single-species reference points. The current BRPs use F and Fecundity (FEC, number of mature ova) to determine stock status. F in 2017 was estimated to be 0.11, below both the threshold and target, 0.6 and 0.22 respectively. The ERP

assessment did find that the current F threshold and target levels may be too high and should actually be lower to properly account for the importance of menhaden as forage for other species. Fecundity in 2017 was found to be above both the threshold and target (SEDAR, 2020).

MANAGEMENT PROGRAM

Atlantic menhaden are managed by the ASMFC through [Amendment 3](#) to the [Interstate FMP for Atlantic Menhaden](#). The amendment addresses a multitude of commercial management measures, including allocation, quota transfers, quota rollovers, incidental catch, and the Episodic Events (EE) Set Aside Program. The ASMFC's Atlantic Menhaden Management Board sets an annual Total Allowable Catch (TAC) for menhaden that is allocated to the Atlantic coast jurisdictions, with each jurisdiction getting a 0.5% minimum quota allocation, with the remainder of the TAC being distributed to the states based on landings history occurring from 2009-2011. A TAC set-aside of 1% is used each year by states in the New England region (New York to Maine) for EE, or periods of time when large amounts of biomass are present (ASMFC, 2017). RI has participated in the EE Set-Aside Program, which has allowed RI state waters to re-open to the landing of menhaden until the set-aside quota was harvested or the program ended. The RI menhaden allocation is 0.52% of the overall TAC. Upon harvest of the RI quota, the landing of menhaden in RI is prohibited, except for non-directed fisheries which have a bycatch allowance of 6,000 pounds/vessel/day, or 12,000 pounds/vessel/day if two licensed fishermen are on board the vessel. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest Menhaden in RI waters.

In Rhode Island, Narragansett Bay in its entirety is designated a [Menhaden Management Area](#) through RI statute, which provides the Division with the ability to manage menhaden through additional [management measures](#) including:

- Areas permanently closed to purse seining (i.e., Providence River, Greenwich Bay);
- A daily possession limit of 120,000 pounds/vessel;
- Net size certification;
- Vessel capacity restrictions;
- Call-in requirements;
- A threshold amount of 2,000,000 lbs of fish that must be present in the management area before opening the commercial bait fishery;
- An overall cap on the amount of fish that can be harvested (i.e., 50% of the standing stock in the Bay over the threshold amount);

- A threshold amount of fish that must be present for the commercial bait fishery to remain open (i.e., 1.5 million pounds);
- A Fall opening of the fishery (subject to quota or EE availability) in the southern portion of the management area, regardless of biomass levels, with a daily possession limit of 25,000 lbs/vessel.

Biomass levels in the Management Area are monitored on a weekly or bi-weekly basis through a contracted spotter pilot who provides school counts and an estimate of biomass in pounds of fish. A depletion model for open systems (Gibson 2007) uses these spotter pilot estimates, commercial bait landings, and biological information to provide an overall estimate of biomass present, which is then used to open and close the commercial bait fishery in the management area.

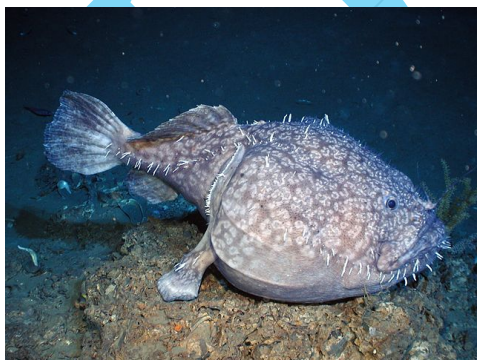
FISHERY PERFORMANCE

In 2020, 12 commercial fishers (Table 2) landed 198,487 pounds of Atlantic menhaden in RI valued (x-vessel) at \$30,896 (Table 1). To date in 2021, the initial RI state quota of 2,196,815 pounds has been landed. RI applied to and was granted access to the ASMFC Episodic Set Aside quota of 4,285,786 million pounds on June 8, 2021. The menhaden management area was opened on May 17 when biomass was estimated to be above the two million pound threshold. The management area subsequently closed on June 9th when the biomass ceiling, or 50% of the biomass above the 1.5 million pound threshold, was fully harvested. As of the writing of this report the management area has remained closed. RI has received ~1,600,000 pounds of commercial quota transfers in 2021 and will continue to monitor biomass and re-open the management as biomass allows.

DMF RECOMMENDATIONS FOR 2022

RI's commercial menhaden quota for 2022 is expected to be the same as 2021 quota of 2,196,815 pounds. In August 2021 the menhaden Board initiated Addendum III to Amendment 3 to the menhaden FMP. This addendum will address commercial quota allocations and the ASMFC Episodic Event Set Aside Program. Any management changes from this addendum would likely not take effect until 2023. For 2022 management, the Division will be seeking proposals at public workshop to address increased effort in directed purse seine fishery for menhaden observed in 2021.

MONKFISH



STOCK STATUS

The 2019 monkfish operational assessment (NEFSC, 2019c) used an index-based method that calculates the proportional rate of change in smoothed NEFSC survey indices over three most recent years (2016-2018). This is the same approach applied in the 2016 operational assessment (Richards, 2016), which was applied after the population model (SCALE) used in previous assessments was invalidated due to uncertainty in the ageing methodology used to estimate monkfish growth. As a result, Biological reference points specified in the management plan are no longer relevant. Based on trends in survey results, monkfish stock status has remained steady in the southern management area (SMA) in the past three years (range of change 0.96 –1.04 = no change), likely due primarily to the 2015 recruitment event. Biomass in the SMA increased after the 2015 recruitment event but was lower in 2018 (fall 2017 data missing), as abundance of the 2015 year class declined. Recruitment has returned to average levels.

MANAGEMENT PROGRAM

Monkfish is jointly managed by the NEFMC and MAFMC through the Monkfish FMP on a federal fishing year (May 1 - April 30), with the NEFMC having the administrative lead. Monkfish is managed as two stocks, with RI waters considered part of the SMA stock. The SMA monkfish stock is regulated by the NEFMC through minimum size limits, gear restrictions, and Days at Sea (DAS) restrictions. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest monkfish in RI waters.

In an effort to complement the FMP, RI has adopted a minimum size, weekly possession limit, and state quota on monkfish harvested in state waters. The May 1, 2020 – April 30, 2021 fishing year RI state-water quota (389,027 lbs) is set at 3% of the SMA Total Allowable Landings (TAL) with a possession limit reduction to 50 lbs/vessel/day tail weight when state-water landings reach 2% (259,351 lbs) of the SMA TAL.

2021 RI COMMERCIAL REGULATIONS:

Min. Size	Season	Possession Limit (lbs/vsl/week)
17" whole/11" tail	5/1 – 4/30	14,259 whole/4,900 tail

FISHERY PERFORMANCE

In 2020, 138 commercial fishers (Table 2) landed 2,072,591 pounds of monkfish in RI valued (x-vessel) at \$21,217,444 (Table 1).

DMF RECOMMENDATIONS FOR 2021

Allowing for a modest increase in effort would appear to still provide for the directed fishery to remain open for the entire fishing year. Maintain as a non-restricted species.

WINTER FLOUNDER



STOCK STATUS

The 2020 [SNE/MA operational stock assessment](#) for winter flounder indicates that the stock is overfished but overfishing is not occurring. SSB in 2019 was estimated to be 3,638 mt, which is 30% of the biomass target and 60% of the biomass threshold for an overfished stock. F in 2019 was estimated to be 0.077 which is 27% if the overfishing threshold (NEFSC, 2017).

MANAGEMENT PROGRAM

Winter flounder is jointly managed on a federal fishing year (May 1 - April 30) by the ASMFC and NEFMC. At the NEFMC, winter flounder are managed through the Northeast Multispecies (Groundfish) FMP. Under [Framework Adjustment 58](#), harvest is allowed in the federal SNE/MA stock management area, and federally permitted vessels participating in a sector are allowed to fish with no limit until they reach their sector allowable catch limit. Federally permitted vessels in the “common pool” are currently restricted to a possession limit of 2,000 lb/vsl/day, or 4,000 lbs/vsl/trip limit, which is adjustable by the NMFS regional administrator. The SNE/MA management area remains open to common pool vessels until the allowable catch limit is reached.

At the state level, ASMFC manages the inshore stocks through the FMP for Inshore Stocks of Winter Flounder and its subsequent [amendments and addenda](#). Winter flounder are managed with minimum size, daily possession limits, mesh size restrictions, and areas closed to harvest. In RI, regulations

include areas within state waters closed to commercial and recreational harvest, including Point Judith Pond, the Harbor of Refuge, Potters Pond, and Narragansett Bay north of the Colregs line, which aim to protect a recovery of the population in these areas. In order to maintain a stream of commercial landings for biological data collection used in the stock assessment, RI also adopted a 50 lb daily possession limit. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest winter flounder in RI waters.

2021 RI COMMERCIAL REGULATIONS

Min. Size	Season	Possession Limit (lbs/vsl/day)
12"	1/1 – 12/31	50

FISHERY PERFORMANCE

In 2020, 79 commercial fishers (Table 2) landed 92,406 pounds of winter flounder in RI valued (x-vessel) at \$192,168 (Table 1). A state quota has not existed since 2006.

DMF RECOMMENDATIONS FOR 2022

As the fishery is determined to be overfished, with no overfishing occurring, the Division recommends maintaining effort at or below current levels and maintaining winter flounder as a non-restricted species.

SPINY DOGFISH



STOCK STATUS

The most recent operational stock assessment indicated that the spiny dogfish population is not overfished nor is overfishing occurring. Spawning stock biomass was estimated at 106.8 kt compared to a threshold of 79.6 kt, and the fishing mortality estimate of 0.202 was below the fishing mortality reference point of 0.2439 (Sosebee and Rago,

2017). The assessment method used to inform quotas is index based using data from the Northeast Fisheries Science Center (NEFSC) spring trawl survey to inform area swept biomass estimates for the stock. Reliance on the index approach can be problematic when the survey is not conducted in certain years or the survey misses strata (particularly those strata of traditionally high spiny dogfish biomass.) Also, as an index-based approach, several aspects of the population dynamics, most notably age structure of the population, for the species are not utilized to inform the stock status. A research track assessment has begun to improve the assessment methods used to evaluate the stock, with a target peer-review date of July 2022.

MANAGEMENT PROGRAM

Spiny dogfish is managed on a federal fishing year (May 1 - April 30) by the MAFMC and NEFMC through a joint **FMP**, with the ASMFC overseeing the species interstate **FMP** (NEFSC, 2019d). Spiny dogfish are managed under a quota system. The quota for the May 1, 2021 – April 30, 2022 fishing season was set to just over 27.4 million pounds, with Rhode Island’s quota part of the Northern Region (Maine through Connecticut) at 58% of the coastwide allocation. Vessels are limited by a maximum possession of 6,000 pounds per vessel per day. No minimum size exists currently with the species. In October 2019, Addendum VI for the ASMFC Spiny Dogfish Interstate Fishery Management Plan was

approved, which allows for commercial quota to be transferred between all regions and states. The addendum scoping also solicited comments on whether to recommend eliminating the federal trip limit and replace it with state or regional trip limits. At this point, the federal trip limit has not been amended. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest spiny dogfish in RI waters.

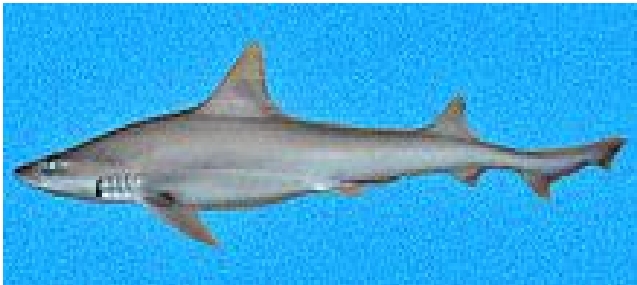
FISHERY PERFORMANCE

In 2020, 29 commercial fishers (Table 2) landed 179,487 pounds of spiny dogfish in RI valued (x-vessel) at \$41,279 (Table 1).

DMF RECOMMENDATIONS FOR 2022

The Division recommends maintaining effort at or below current levels and maintaining as a non-restricted species.

SMOOTH DOGFISH



STOCK STATUS

The [2015 benchmark stock assessment](#) for smooth dogfish indicated that smooth dogfish are not overfished and not experiencing overfishing (SEDAR, 2015). While all model sensitivity runs indicated that the stock is not overfished, one scenario estimated a fishing mortality close to the overfishing reference point. Further, the peer-reviewers cautioned making major inferences on the

stock status given uncertainties in catch and the stock-recruitment relationship (SEDAR, 2015)

MANAGEMENT PROGRAM

Smooth dogfish is jointly managed by NOAA Fisheries and [ASMFC](#). The 2021 Atlantic smooth dogfish quota is 1,802.6 dressed weight (dw), mt (3,971,587 dw lbs). This quota level has not been changed since the 2017 specification. For Rhode Island management, the fishing season is from January 1 through December 31. There is no possession limit or minimum size. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required by license holders to harvest Smooth dogfish in RI waters.

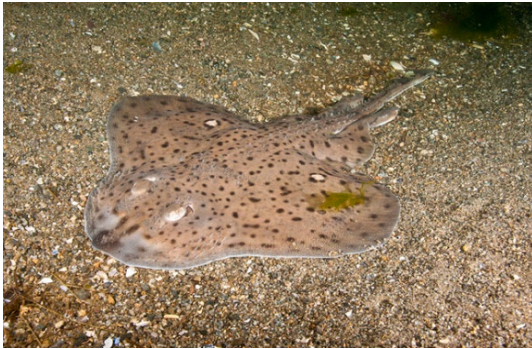
FISHERY PERFORMANCE

In 2020, 30 commercial fishers (Table 2) landed 53,075 pounds of smooth dogfish in RI valued (x-vessel) at \$27,472 (Table 1).

DMF RECOMMENDATIONS FOR 2022

The Division recommends maintaining effort at or below current levels and maintaining as a non-restricted species.

SKATE



STOCK STATUS The skate fishery is broken into two categories: skate wing fishery (primarily winter skate with some barndoor catch) and the skate bait fishery (little skate). Indices of relative abundance (stratified mean weight/tow) have been developed from NEFSC bottom trawl surveys for the seven species in the skate complex. These indices and their rates of change form the basis for the stock status of the complex (K. Sosebee, 2019). For winter skate, the 2016-2018 NEFSC autumn average biomass index of 7.22 kg/tow is above the biomass threshold reference point (2.83 kg/tow) and above the BMSY proxy (5.66 kg/tow). The 2016-2018

average index is above the 2015-2017 index by 1.2%. For barndoor skate, the 2016-2018 NEFSC autumn average survey biomass index of 1.81 kg/tow is above the biomass threshold reference point (0.78 kg/tow) and the BMSY proxy (1.57 kg/tow). The 2016-2018 average index is above the 2015-2017 index by 15.3%. It is recommended that winter and barndoor stocks are not overfished and overfishing is not occurring.

For little skate, the 2017-2019 NEFSC spring average biomass index of 5.32 kg/tow is above the biomass threshold reference point (3.07 kg/tow) but below the BMSY proxy (6.15 kg/tow). The 2017-2019 average index is above the 2016-2018 average by 13.4%. It is recommended that the little skate stock is not overfished and overfishing is not occurring.

MANAGEMENT PROGRAM

The skate complex is managed on a federal fishing year (May 1 - April 30) by the NEFMC under the [Northeast Skate Complex FMP](#), which specifies federal-water management for seven skate species (barndoor, clearnose, little, rosette, smooth, thorny and winter skates). The FMP has been updated through a series of amendments and framework adjustments, the most recent being Framework Adjustment 8 [to the Northeast Skate Complex FMP](#), which contains specifications for the 2020 and 2021 fishing years based on updated data and research.

To complement the federal FMP, RI has adopted a weekly wing possession limit of 35,000 pounds/vessel/week; or 79,450 pounds/vessel/week for whole skate. The RI state-water bait fishery is managed and a combination of fishing seasons, daily possession limits, and a maximum size. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest skate in RI waters.

FISHERY PERFORMANCE

In 2020, 104 commercial fishers (Table 2) landed 2,101,051 pounds (wing weight) of skate, an x-vessel value of \$ 1,198,477 (Table 1) for the skate wing fishery. Also, in 00, 57 fishers (Table 2) landed 5,249,195 pounds of skate with an x-vessel value of \$850,947 (Table 1) for the bait skate fishery.

DMF RECOMMENDATIONS FOR 2022

Allowing for a modest increase in effort and would appear to still provide for the directed skate wing and bait skate fisheries to remain open for the entire fishing year. The Division recommends maintaining as a non-restricted species.

LONGFIN SQUID



STOCK STATUS

According to the MAFMC's [Longfin Squid Fishery Informational Document \(April 2021\)](#), based on the last management track assessment, the status of longfin squid in 2019 was not overfished but there are no overfishing reference points available. The assessment also presented unaveraged trends based on the spring and fall surveys separately representing two dominant cohorts, and solicited input from the reviewers about moving to considering the two dominant cohorts separately. The reviewers supported

moving forward with such an approach - Since the median fall biomass is about five times bigger than the median spring biomass, there could be considerable management implications if the surveys are ultimately used to manage two cohorts separately (e.g. consideration of either changes to trimester allotments or changes to the overall seasonal management approach might become warranted).

MANAGEMENT PROGRAM

Longfin squid is managed in federal waters jointly by the MAFMC and NOAA Fisheries under the [FMP for Atlantic Mackerel, Squid, and Butterfish](#). The management unit includes all U.S. waters off the U.S. East Coast. In RI, longfin squid is not regulated in state waters. A *Non-Restricted Finfish Endorsement* is required by license holders to harvest longfin squid in RI waters.

FISHERY PERFORMANCE

In 2020, 132 commercial fishers (Table 2) landed 11.69 million pounds of longfin squid in RI valued (x-vessel) at \$13.64 million (Table 1).

DMF RECOMMENDATIONS FOR 2022

There is no quota established for longfin squid in RI State waters. The Division recommends maintaining longfin squid as a non-restricted species.

NORTHERN SHORTFIN (ILLEX) SQUID



STOCK STATUS . According to the [MAFMC's Illex Fishery Informational Document](#) (April 2021), the status of Illex is unknown with respect to being overfished or not, and unknown with respect to experiencing overfishing or not. Results from the NEFSC Trawl surveys are highly variable and without apparent long-term trend. The Council established a working group (<http://www.mafmc.org/actions/illex-working-group>) to investigate if current information could suggest that

adjustments to the Illex quota are appropriate, and adjustments upward were made in 2020 based on the SSC's review of the workgroup products (<https://www.mafmc.org/sscmeetings/2020/may-12-13>), finding that catches up to 30,000 MT should not cause overfishing. An Illex research track assessment is underway in 2021 and is extending topics investigated by the Council's work group.

MANAGEMENT PROGRAM

Northern shortfin squid is managed by the MAFMC under the [FMP for the Squid, Atlantic mackerel, and Butterfish](#). The management unit includes all U.S. waters off the U.S. East Coast. In RI, Northern shortfin squid is not a regulated species in state waters. A Multi-Purpose License or *Non-Restricted Finfish Endorsement* is required to harvest northern shortfin squid in RI waters.

FISHERY PERFORMANCE

In 2020, 18 commercial fishers (Table 2) landed 21.77 million pounds of northern shortfin squid with an x-vessel value of \$11.20 million (Table 1).

DMF RECOMMENDATIONS FOR 2022

There is no quota or regulations established for northern shortfin squid in RI State waters. The Division recommends maintaining illex squid as a non-restricted species.

NON-RESTRICTED FINFISH ENDORSEMENT - 2022 LICENSING RECOMMENDATIONS

DMF

The Non-Restricted Finfish Endorsement is an open endorsement (i.e., no exit:entry ratio established) available to any licensed person. The number of these endorsements issued has decreased over the past seven years (Table 4). This decrease in participation has not had a discernible effect on the landings of non-restricted species. It should be noted that participants in this endorsement category may use landings to establish priority in the issuance of the Restricted Finfish Endorsement. The Division recommends maintaining this approach for entry into the fishery and to maintain as an open endorsement for 2022.

RIMFC

[A recommendation will be made at their meeting on October 12, 2021.](#)

SHELLFISH

BAY QUAHAUG



RESOURCE ASSESSMENT

A formal, peer-reviewed stock assessment does not currently exist, but is being developed. However, both landings and relative abundance indices (the latter derived from DEM's hydraulic clam dredge survey) suggest the resource has been stable over the last several years. A new assessment is being developed to better assess the stock's status and improve its scientific rigor.

MANAGEMENT PROGRAM

A minimum size of 1 inch (hinge width) and daily possession limits have been established. Shellfish management Areas (SMA) with reduced possession limits and restricted harvest schedules have also been established to further manage effort in the coastal ponds and areas of Narragansett Bay. An endorsement category specific to bay quahaug has been

established in rule, with either a Multi-Purpose License, Over 65 Shellfish License, Student Shellfish License, or Bay Quahaug Endorsement is required to harvest bay quahaugs in RI waters.

FISHERY PERFORMANCE

In 2020, 502 commercial fishers (Table 2) landed 342,010 meat weight pounds of bay quahaugs, in RI worth \$3,392,338 (Table 1).

2022 LICENSING RECOMMENDATIONS - BAY QUAHAUG ENDORSEMENT

DMF

In 2015, the exit:entry ratio for the *Bay Quahaug Endorsement* was changed from 2:1 to 1:1, believing that the number of active fishermen and corresponding effort is more an industry-based economic issue than a resource management or availability issue. While landings have slightly declined over the past five years, the economic value has remained relatively stable (Table 1). As such, the Division believes that the 1:1 ratio is not resulting in a significant increase in effort. The Division recommends maintaining effort at current levels by maintaining the 1:1 exit:entry ratio for the Bay Quahaug Endorsement. In 2021, 32 licenses eligible to harvest quahog were not renewed. Under the current management program, this would result in the availability of 33 new quahog endorsements on the CFL for 2022.

RIMFC

A recommendation will be made at their meeting on October 12, 2021.

SOFT-SHELL CLAM



RESOURCE ASSESSMENT

A dynamic depletion model for open populations, based on the work of Restrepo (1998) and Sosa-Cordero (2003), suggested that the soft shell clam population declined from 2006 to 2011 with recruitment failing to replace fishery removals (Gibson 2012) with overfishing occurring. Since 2012 the model has not been updated due to a collapse in the fishery and absence of a recent depletion study. During the peak of the fishery in 2010, an increase in minimum size, by itself, did not stop overfishing,

and catch limits needed to be reduced to less than three bushels per day to bring fishing mortality rates into balance with resource productivity (Gibson 2012).

In addition, there is evidence of a decline of soft-shell clams in response to *Mya leukemia*. (Metzger et al. 2016; Walker et al. 2009). In RI, densities have substantially declined in both fished and unfished soft-shell clam beds and landings continue to decline. Results from work in the coastal ponds combined with anecdotal observations and landings suggest that the stock is severely depleted.

MANAGEMENT PROGRAM

A minimum size of 2 inches (longest axis) and daily possession limits have been established. Shellfish management Areas (SMA) with reduced possession limits and restricted harvest schedules have also been established to further manage effort in the coastal ponds and areas of Narragansett Bay. residents only. An endorsement category specific to soft-shell clam has been established in rule, with either a

Multi-Purpose License or Soft-shell clam Endorsement required to harvest soft-shell clams in RI waters. The current exit:entry ratio for soft shell clam license endorsements is 5:1, established due to the low abundance of soft-shell clams.

FISHERY PERFORMANCE

In 2020, 25 commercial fishers (Table 2) landed 1,068 pounds meat weight of soft-shell clams in RI, valued at \$15,688 (Table 1). Currently, landings are the lowest recorded in the time series.

2022 LICENSING RECOMMENDATIONS - SOFT-SHELL CLAM ENDORSEMENT

DMF

Due to the continued poor abundance of the resource as evidenced by landings data, the Division recommends reducing effort by further increasing the exit:entry ratio or prohibiting new entrants into the fishery. In 2021, 22 licenses eligible to harvest soft shell clam were not renewed. At the current 5:1 exit:entry ratio, this would result in the availability of 6 new CFL soft shell clam endorsements in 2022.

RIMFC

A recommendation will be made at their meeting on October 12, 2021.

WHELK (Channeled and Knobbed)



RESOURCE ASSESSMENT

The first Rhode Island whelk resource assessment using a Biomass Dynamic Model (BDM) (Gibson 2010) was updated in 2016 and included data through 2015. The assessment concluded that F has risen since the original assessment with $F_{2015} = 0.5$, which is at or above both F_{msy} and the F target level ($F_{msy}=0.53$; $F_{target} = 0.39$), so overfishing is likely occurring. Stock biomass is declining but remains above the threshold for overfished status. In 2020, the Division was awarded a U.S.

Fish and Wildlife Service State Wildlife grant to conduct a histological study of female channeled whelk gonad maturity. The objectives of this research are to develop more accurate estimates of female size at maturity channeled whelk using microscopic, histological methodologies; compare size at maturity estimates from histological gonad examination with estimates generated from macroscopic, visual gonad examination (Angell, 2018); and to provide better information for guiding whelk fishery management in RI state waters.

MANAGEMENT PROGRAM

The two species of whelk landed in RI are managed under the same regulatory provisions. The fishery is open year-round to RI residents only. All whelks must be landed whole in the shell and adhere to a minimum size (2-1/4 inch shell height). A commercial possession limit of 35 bushels/day and a 300-pot limit/licensee have been established in rule. The 300-pot limit is enforced via a pot tagging program administered by the Division. An endorsement category specific to whelk has been established in rule, with either a Multi-Purpose License or Whelk Endorsement required to harvest whelk in RI waters Eligibility for this endorsement is restricted to license holders who hold an actively fished Quahaug or Soft-Shell Clam Endorsement.

FISHERY PERFORMANCE

In 2019, 110 commercial fishers (Table 2) landed 444,103 pounds live weight of whelk (species combined) in RI, with a value of \$1,440,940 (Table 1). Of the two species landed in RI, channeled whelk constitutes 98% of reported landings. Since peaking in 2012, whelk landings have generally decreased with 2019 landings 35% lower than 2018. Total landings (all species) for 2019 were 16% lower than average landings during 2012-2019 (527,290 pounds). Since 2010, the average whelk landings per fisher have shown an overall decreasing trend however increased sharply in 2017 and 2018, 4,498 and 6,224 pounds/fisher respectively. Average whelk landings per fisher decreased in 2019 to 3,896 pounds/fisher, a 37% decrease over the 2018 average.

2022 LICENSING RECOMMENDATIONS - WHELK ENDORSEMENT

DMF

Maintain effort at current levels by maintaining the current eligibility requirements for the whelk endorsement.

RIMFC

A recommendation will be made at their meeting on October 12, 2021.

OYSTER



STOCK STATUS

The status of the RI oyster stock is currently unassessed, but is considered greatly depressed compared to historic levels (Beck et al. 2011; Griffin 2016). According to local researchers studying oyster populations within Narragansett Bay, the effects of disease, environmental conditions, poor sets of new recruits, and fishing pressure are all responsible for the sharp decline in abundance levels (Oviatt et al. 1998). Given the low abundance of the wild oyster population, increased fishing

pressure would facilitate even greater depletions of the resource. Until levels of recruitment increase, the stock will likely remain severely depleted. Several oyster restoration and enhancement projects are currently being conducting in RI waters, as well as research investigating the status of oyster populations throughout RI coastal waters for the purpose of developing a state-wide shellfish restoration and enhancement plan. Further investigation into the effects of fishing effort will be revisited when the stock has recovered.

CURRENT MANAGEMENT PROGRAM

A minimum size of 3 inches (longest axis) and daily possession limits have been established. Shellfish management Areas (SMA) with reduced possession limits and restricted harvest schedules have also been established to further manage effort in the coastal ponds and areas of Narragansett Bay. Oyster harvest is managed under the Shellfish Other Endorsement which is an open entry endorsement. Oyster restoration efforts are being conducted in a number of coastal ponds and portions of the Narragansett Bay, aimed at identifying the best restoration practices for establishing oyster reefs in the closed areas.

FISHERY PERFORMANCE

In 2020, 12 commercial fishers (Table 2) landed 1,342 meat weight pounds, in RI worth \$23,056 (Table 1).

OTHER SHELLFISH



STOCK STATUS

Other species of shellfish commercially harvested within Rhode Island waters in the Shellfish Other Endorsement other than oysters include blue mussels, bay scallops, sea scallops, surf clams and razor clams. These species are not routinely assessed by DEM, in large part due to the low volume of landings, which results in a lack of available data to conduct comprehensive analytical assessments on the status of these populations. However, landings data and anecdotal evidence from the commercial fishing industry are reviewed annually by the

Division and are used for identifying species that warrant further research.

CURRENT MANAGEMENT PROGRAM

Species of shellfish other than bay quahog, soft-shell clam, and whelk are included and managed under the *Shellfish Other Endorsement*. Minimum size and possession limits are established for oysters, bay scallop, sea scallop, and surf clam. In addition to creating SMAs to support Oyster management (e.g., Jacobs Point, Bissel Cove, Narrow River, Green Hill Pond), the Sakonnet River SMA was created for the management of surf clams. The *Shellfish Other Endorsement* is an open license category available to any license holder and is not managed with an exit/entry ratio system.

FISHERY PERFORMANCE

In 2020, 4 commercial fishers (table 2) landed 1,315 meat weight pounds of other shellfish species not including oysters, worth \$9,797 (Table 1). Combined with oyster landings, fishers of all shellfish other species landed a total of 2,657 meat weight pounds, worth \$32,853.

2022 LICENSING RECOMMENDATIONS - SHELLFISH OTHER ENDORSEMENT

DMF

The Division recommends that the *Shellfish Other Endorsement* remains an open license category .

RIMFC

[A recommendation will be made at their meeting on October 12, 2021.](#)

CRUSTACEANS

LOBSTER



STOCK STATUS

The 2020 American Lobster Benchmark Stock Assessment and Peer Review Report indicated disparate trajectories for the two stocks: Gulf of Maine/Georges Bank (GOM/GB) and Southern New England (SNE). The GOM/GB stock size has steadily increased since the 1980s, with stock abundance and recruitment increasing at an accelerated rate since 2007 (ASMFC, 2020). The GOM/GB stock is not overfished and not

experiencing overfishing. The SNE stock increased from the 1980s up until the late 1990s, where after the stock as precipitously declined to record lows in 2018. The 2020 Benchmark Assessment concluded that the SNE stock is severely depleted, with recruitment and spawning stock biomass trajectories highlighting exceptionally low recruitment rates, often termed a recruitment failure (ASMFC, 2020). The poor SNE stock condition has be attributed to several environmental factors (e.g. warming waters, shell disease prevalence, increased predation) as well as continued fishing mortality. Despite attrition among the commercial fleet and fewer traps fished for lobster, the population has continued to decline. Reduced lobster abundances are most pronounced in inshore waters, where several studies have indicated offshore waters may still be habitable for lobsters (Mazur et al. 2020; Tanaka et al. 2020). However, the reduction in SNE lobsters is evident in both inshore and offshore waters (ASMFC, 2020).

MANAGEMENT PROGRAM

Lobster is managed by the ASMFC through the [FMP for lobster](#) and its subsequent [amendments and addenda](#), with management measures varying by Lobster Conservation Management Areas (LCMA). Rhode Island state waters comprise a portion of LCMA 2, but Rhode Island harvesters land lobsters from various LCMAs within the Northeast U.S. Shelf. DEM complies with the FMP through a set of management measures including minimum/maximum gauge and escape vent sizes, trap limits, protection of egg-bearing females, v-notching, a recently completed trap reduction schedule, and a 10% conservation tax on trap allocation transfers designed to further reduce the number of traps fished and fishing mortality. Both state (RI-MA) and federal waters are included in LCMA 2, requiring cooperative management for this region. Additionally, in RI, participants in the lobster fishery must possess either a Multipurpose Fishing License, a Principal Effort license with a *Lobster Endorsement*, or a Commercial Fishing License with *Lobster Endorsement*. Participants who do not hold a LCMA 2 Lobster Trap Allocation (LTA) are prohibited from harvesting lobster from pots and are limited to 100 lobsters per day or 500 lobsters for fishing trips 5 days or longer.

Following the 2020 Benchmark Stock Assessment, there has not been discussion on future management actions for the SNE lobster stock. However, there are active discussions on proactive management measures to increase the resiliency of the GOM/GBK lobster population and fishery in the event environmental conditions worsen for the species in this region. The goal of Draft Addendum XXVII is to increase the resiliency of the GOM/GBK stock by considering the standardization of management

measures across LCMAs in this stock, such as minimum/maximum sizes, vetn sizes, and v-notch definitions.

FISHERY PERFORMANCE

The regional SNE lobster population has experienced a significant decline in abundance since the 1990's (ASMFC, 2020), which has corresponded to the removal of latent effort in the fishery and reduced landings. The number of participants landing lobster decreased from 2017 to 2018 (Table 2). The trap reduction program continued in 2018-2019, with total traps reduced based on the 5% reduction and the conservation tax (Table 6). In 2020, 129 fishers (Table 2) landed 1,694,754 pounds of lobster in RI, with an ex-vessel value of \$9,533,594 (Table 1).

DIVISION RECOMMENDATIONS FOR 2022

The state will continue to work with the ASMFC to build a sustainable lobster resource throughout the region. Attrition appears to still be occurring in the industry. The state began to reduce effort through the trap reductions included in Addendum XVIII starting in 2016. This effort aimed to remove latent effort from the fishery that could be reactivated if resource conditions improve, as well as reduce fishing mortality from active fishing effort. Active trap numbers and exploitation rates will be further evaluated after the approval of the 2020 Benchmark Assessment and the final year of the trap reductions schedule to assess the success of management action. Participation in LCMA 2 is based on historical performance and the state has reviewed lobster licensing and made appropriate changes in preparation for limited access-historical performance. An LTA transferability program that was initiated with Addendum XII has been developed in consultation with ASMFC and NOAA Fisheries via Addenda XVIII, XIX, and XXI. This can be used to bring new individuals into the fishery without increasing effort above that qualified in the initial trap allocation.

2022 LICENSING RECOMMENDATIONS - LOBSTER ENDORSEMENT

DMF

In view of ASMFC compliance requirements and state law, it is recommended that the moratorium on the issuance of new lobster endorsements be continued for 2022.

RIMFC

A recommendation will be made at their meeting on October 12, 2021.

JONAH CRAB



STOCK STATUS

Previously regarded as bycatch in the American lobster fishery, Jonah crab started gaining attention in the mid 2000's as commercial landings started to increase, reaching a high of 20.2 million pounds in 2018 (ASMFC, n.d.). As commercial landings have increased and since ASMFC has started to manage Jonah crab, state, federal, and academic scientists have endeavored to collect data on Jonah crab life history and population characteristics to perform a formal stock assessment. No time

table has been set for such an assessment.

MANAGEMENT PROGRAM

Jonah crab is managed at the regional level by the ASMFC [Interstate FMP for Jonah crab](#) and its subsequent addenda I-III. The FMP was first adopted in 2016 and includes an LTA requirement, a minimum size limit of 4.75", and the prohibition of egg bearing females. Pursuant to the FMP, a control date of June 1, 2016 was established in RI. [Addendum I](#) establishes incidental bycatch limits for non-trap gear and non-lobster trap gear, [Addendum II](#) sets limits on claw harvest, and [Addendum III](#) stipulates requirements for harvester reporting and biological data collection.

Per Addendum I, a bycatch limit of 1,000 crabs per trip for non-trap and non-lobster fishermen was set. To avoid the unintentional outcome of this addendum of creating small industries operating solely under this provision, the ASMFC Jonah Crab Board aimed to define bycatch. As per ASMFC, Jonah crab caught under the bycatch limit must comprise an amount lower, in pounds, than the target species the deployed gear is targeting. Target species is further defined as: "those species primarily sought by the fishermen in the fishery" and are "the subject of directed fishing effort." Addendum II, adopted in early 2017, allows Jonah crab fishermen to detach and harvest claws at sea, with a required minimum claw length of 2.75" if the volume of claws landed is greater than five gallons. Currently, only whole Jonah crab may be retained and sold in Rhode Island (ie. landing detached claws is prohibited).

In RI, Jonah crab is included and managed under the *Non-lobster Crustacean Endorsement*. The directed fishery is limited to any licensed person who holds an LTA, or any person who does not hold an LTA but can prove participation in the Jonah crab fishery prior to the control date.

FISHERY PERFORMANCE

In 2020, 57 fishers (Table 2) landed 3,319,652 pounds of Jonah Crab, with an ex-vessel value of \$2,763,949 (Table 1).

DMF RECOMMENDATIONS FOR 2022

The Division recommends that RI remains compliant with the ASMFC provisions and continues its work toward collecting biological and fishery information on Jonah Crab for a future, formal stock assessment. No changes to Jonah crab licensing requirements are recommended for 2022. Maintain as a non-restricted crustacean species as well as continue requirements for the directed fishery.

ATLANTIC ROCK CRAB



STOCK STATUS

Status unknown; No stock assessment has been performed on Atlantic rock crab.

MANAGEMENT PROGRAM

In RI, Atlantic rock crab is included and managed under the *Non-Lobster Crustacean Endorsement*. As an unrestricted/open endorsement, any license holder may access the fishery. There is neither a possession limit nor any additional restrictions in effort or harvest at this time. A control date was established on June 1, 2016.

FISHERY PERFORMANCE

Being an unregulated fishery, overall performance cannot be determined. In 2020, 28 fishers (Table 2) landed 78,078 pounds of Atlantic rock crab with an ex-vessel value of \$68,776 (Table 1). This is approximately a 17% decrease in landings from 2019.

DMF RECOMMENDATIONS FOR 2022

The Atlantic rock crab fishery is not managed under any FMP; it is an unregulated species. Effort limitations are not subject to lobster trap allocation and tagging requirements making enforcement of untagged traps problematic in state waters. Consideration should be given to a dedicated trap tag program to potentially control effort and identify fishery specific gear. No changes to licensing requirements are recommended for 2022. Maintain as a non-restricted crustacean.

HORSESHOE CRAB



STOCK STATUS

The [2019 benchmark stock assessment](#) of horseshoe crab indicates high variability in trends among the coastal regions. The Southeast is the only area indicating an increase in abundance while Delaware Bay and the Northeast show consistent abundance and the New York region is seeing a decline (ASMFC, 2019). While this is an improvement for the Northeast region from the 2013 stock assessment update status which exhibited a decline, Rhode Island specific data continues to show a downward trend. This neutral status in 2019 was achieved by Rhode Island's negative trend being counterbalanced by the

improving Massachusetts stock status.

MANAGEMENT PROGRAM

The commercial horseshoe crab fishery is managed at the regional level by the ASMFC [Interstate FMP for horseshoe crabs](#) and its subsequent [addenda](#). In RI waters, horseshoe crab is included and managed under the *Non-Lobster Crustacean Endorsement*. DEM uses temporal closures, possession limits, state established quotas, and a permitting/reporting program to achieve compliance with the FMP. In 2017, DEM regulations were adopted establishing broader time closures, improved reporting and reporting compliance measures, a minimum size of 7" (prosomal width), and daily possession limits for the bait fishery of 60 crabs per person per day. The biomedical daily possession limit is equal to the total annual quota.

In 2019, the Division was awarded a State Wildlife Grant to initiate a deeper investigation into Rhode Island's horseshoe crab population. The goal of this research is to determine whether there are discrete, segregated populations of horseshoe crabs in Rhode Island waters, how different they are from other Southern New England states, and whether there is mixing between spawning contingents. Phenotypic, genetic, and tagging data are the three main components of this study. The results of this study will be used to inform sustainable management practices for horseshoe crabs. Despite the Covid-19 pandemic this research has progressed as scheduled and should be completed by the end of 2022.

FISHERY PERFORMANCE

The use of temporal closures and possession limits in the State's bait fishery has greatly restricted harvest during peak spawning activity and resulted in reduced fishing mortality rates and harvest equity among participants. However, due to a small quota and the nature of accountable commercial harvest, overages may occur annually and must be deducted from the following year possibly resulting in a shorter harvest season and may limit resource access. Annual bait harvest since 2017 has been less than 20% of the allotted quota. Biomedical harvest rates are driven by the needs of biomedical companies which bleed the crabs for medical testing. The estimated mortality rate of bled crabs is 15% (ASMFC, 2019). In 2020, 19 fishers (Table 2) contributed to the combined bait and biomedical fisheries landed 73,567 pounds of horseshoe crab worth \$30,982 in RI (Table 1).

DMF RECOMMENDATIONS FOR 2022

The Division is currently conducting a state specific stock assessment of horseshoe crab using both fishery dependent and independent data. The goal of this assessment is to guide consideration of management proposals and inquiries submitted by industry and conservation groups alike. As there has been no indication of improvement within the local population since rigorous management measures were taken in 2017, the Division remains concerned about the status of this species on the state level. Until this assessment is complete, it would be inappropriate to implement additional changes. The Division recommends maintaining as a non-restricted species in the *Other Crustaceans* endorsement category.

OTHER CRUSTACEANS



STOCK STATUS

Commercial landings in RI of crustacean species other than lobster, horseshoe crab, Jonah crab, and Atlantic rock crab include green crab (*Carcinus maenas*), blue crab (*Callinectes sapidus*), deep-sea red crab (*Chaceon quinque-dens*), and mantis shrimp (*Squilla empusa*). These species are not routinely assessed by DEM, in large part due to the low volume of landings, which results in a lack of available data to conduct comprehensive analytical assessments. However, landings data and anecdotal evidence from the commercial fishing industry are reviewed annually by DMF and are useful pieces of

information in identifying populations that warrant further research.

To date, no assessment of the blue crab population in RI has been conducted. Beginning in the winter of 2021, the Division will be implementing a dedicated blue crab dredge survey with the goal of assessing their distribution and abundance in Narragansett Bay. The data collected from this survey will be used to support future management decisions and potential regulatory changes.

MANAGEMENT PROGRAM

In RI, blue crab are subject to a minimum size of 5" from shell tip to tip. Harvest is limited to 25 crabs, unless using a scoop or crab net, trot, or hand line. Deep-sea red crab is managed by a federal permit.

FISHERY PERFORMANCE

In 2020, 12 fishers (Table 2) landed 57,809 pounds of these species with an x-vessel value of \$41,894 (Table 1).

2022 LICENSING RECOMMENDATIONS - NON-LOBSTER CRUSTACEAN ENDORSEMENT

DMF

The Division recommends that the Non-Lobster Crustacean Endorsement remains an open license category available to any license holder and should not be managed with an exit:entry ratio system.

RIMFC

[A recommendation will be made at their meeting on October 12, 2021.](#)

GILL NET ENDORSEMENT

MANAGEMENT PROGRAM

RIGL 20-4-13 requires a commercial gill net endorsement attached to a multipurpose commercial fishing license in order to set haul or maintain a gill net in state waters. The gill net endorsement is currently under moratorium status, no new gill net endorsements are available at this time. Gill net endorsements may be renewed annually or transferred as part of a sale of business or family/crew member transaction.

FISHERY PERFORMANCE

During 2021 there were 47 participants in the gill net fishery. The top five species landed were: Skates 2,461,174 lbs, Monkfish 1,508,689 lbs, Spiny Dogfish 149,590 lbs, Bluefish 220,944 lbs, and Scup 107,181.

DMF

The Division recommends that the Gill Net Endorsement remain in moratorium status.

RIMFC

[A recommendation will be made at their meeting on October 12, 2021.](#)

PURSE SEINE & MID WATER/PAIR TRAWL ENDORSEMENTS

MANAGEMENT PROGRAM

The appropriate endorsement is required to deploy either of these two commercial gear types in state waters. Both of these gear endorsements are applicable to each of the main commercial license types (CFL, PEL, MPURP). Both endorsements are open and available for purchase during the application period at a cost of \$20.

FISHERY PERFORMANCE

During 2020 there were no reports of purse seine or mid water trawl landings from state waters.

DMF

The Division recommends that both the Purse Seine and Mid Water/Pair Trawl endorsements remain as open license category available to any license holder and should not be managed with an exit:entry ratio system.

RIMFC

A recommendation will be made at their meeting on October 12, 2021.

DRAFT

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TABLES

Table 1. 2020 pounds landed and total x-vessel value (dollars) for species landed in Rhode Island.

Species	Pounds	Value (x-vessel)
Black Sea Bass	553,749	1,332,449
Scup	4,290,954	2,413,734
Striped Bass	115,891	355,029
Summer Flounder	1,701,873	4,704,102
Tautog	52,561	161,720
Bluefish	334,919	394,868
Atlantic Cod	17,589	37,426
Atlantic Herring	450,137	103,486
Menhaden	198,487	30,896
Monkfish	2,072,591	1,217,444
Winter Flounder	92,406	192,168
Skates (Wings)	2,101,051	1,198,477
Skates (Bait)	5,249,195	850,947
Spiny Dogfish	179,487	41,279
Smooth Dogfish	53,075	27,472
Squid (Longfin)	11,692,093	13,640,903
Squid (Illex)	21,772,706	11,203,586
Lobster	1,694,754	9,533,594
Jonah Crab	3,319,652	2,763,949
Horseshoe Crab	73,567	30,982
Atlantic Rock Crab	78,078	68,776
Other Crabs	57,809	41,894
Quahaug*	342,010	3,392,338
Soft-shell Clam*	1,068	15,688
Whelk (Channeled and Knobbed)	401,771	1,235,004
Other Shellfish*	1,315	9,797
Sea Scallops*	1,272,761	11,338,643
Oyster*	1,342	23,056
* meat weight		

Table 2: Number of participants per species per year (2015-2020)

Species	2015	2016	2017	2018	2019	2020
BAIT SKATE	30	36	42	46	51	57
BLUEFISH	340	362	339	278	333	301
CLAM, NORTHERN QUAHAUG	524	562	538	538	548	502
CLAM, SOFT	62	41	35	31	23	25
COD, ATLANTIC	127	139	107	87	84	113
CRAB, ATLANTIC ROCK	20	31	23	31	29	28
CRAB, HORSESHOE	3	17	17	19	12	15
CRAB, JONAH	67	69	74	67	64	57
DOGFISH, SMOOTH	42	32	39	33	31	30
DOGFISH, SPINY	54	57	48	35	38	29
FLOUNDER, SUMMER (FLUKE)	484	527	502	492	481	406
FLOUNDER, WINTER	120	110	115	100	88	79
MONKFISH	145	165	174	174	158	138
HERRING, ATLANTIC, SEA	32	34	30	27	25	23
LOBSTER, AMERICAN	149	154	149	136	130	129
MENHADEN	9	8	11	7	5	12
OTHER CRUSTACEAN	13	12	12	11	10	12
OYSTER, EASTERN	39	20	14	28	13	12
SCALLOP, SEA	36	56	54	57	49	38
SCUP	418	450	437	433	433	361
SEA BASS, BLACK	484	504	543	507	525	477
SHELLFISH OTHER	5	3	4	5	4	4
SKATE WINGS	127	140	142	139	134	104
SQUID, LONG FINNED (LOLIGO)	153	162	160	164	149	132
SQUID, SHORT FINNED (ILLEX)	6	12	21	27	29	18
STRIPED BASS	292	267	286	267	268	230
TAUTOG	226	231	250	242	250	203
WHELK	153	140	137	109	114	95

Table 3. Possession limit (pounds) modifications for common Rhode Island commercial fisheries January through September 8, 2021.

SPECIES	SUB-PERIOD STARTING POSSESSION LIMIT (LBS)	POSSESSION LIMIT MODIFICATIONS THROUGHOUT SUBPERIOD
Black Sea Bass	750/wk (1/1)	1,000/wk (2/14); 1,500/wk (2/28); 2,000/wk (3/14)
	100/day (5/1)	50/day (6/20); Closed (6/27)
	100/day (7/1)	50/day (7/18); Closed (8/1)
	50/day (9/15)	
Bluefish	1,000/bi-week (1/1)	
	6,000/week (5/1)	
	500/week (11/16)	
Scup (Gen. Cat.)	50,000/day (1/1)	
	10,000/wk (5/1)	20,000/wk (8/15)
Scup (FFT)	50,000/day (1/1)	
	Unlimited (5/1)	
Striped Bass (Gen. Cat.)	5 fish/vessel (5/20)	Closed (6/23)
	5 fish/vessel (7/1)	Closed (7/9)
Striped Bass (FFT)	Unlimited (4/1)	
Summer Flounder	100/day; 2,000/bi-week*(1/3)	3,000/bi-week (2/14); 4,000/bi-week (2/28); 4,500/bi-week (3/14)
	100/day (5/1)	150/day (7/18); 200/day (8/15) 300/day (8/15)**; 500/day (9/5)**
	100/day (9/16)	
Tautog	10 fish/vessel (4/1)	Closed (5/20)
	10 fish/day (8/1)	Closed (8/19)

*possession limits for vessels participating in Aggregate Landing Program

** only for vessels holding a Summer Flounder Exemption certificate

Table 4. Historical commercial license counts (2012 – 2021).

LICENSE TYPE	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
MULTI-PURPOSE LICENSE	853	829	816	804	802	789	771	751	744	739
<i>Gillnet Endorsement</i>	233	227	221	218	218	214	213	204	203	194
<i>Dockside Sale Endorsement</i>	251	241	236	236	245	242	239	237	244	252
<i>Midwater/Pair Trawl Endorsement</i>	131	132	133	137	139	145	145	144	151	157
<i>Purse Seine Endorsement</i>	139	134	134	129	136	140	144	145	156	166
PRINCIPAL EFFORT LICENSE	690	655	615	593	580	586	585	560	553	552
<i>Lobster Endorsement</i>	36	30	27	21	20	19	16	16	15	15
<i>Non-lobster Crustacean Endorsement</i>	33	35	36	33	33	35	36	32	32	39
<i>Quahaug Endorsement</i>	398	376	347	340	322	321	327	305	297	292
<i>Restricted Finfish Endorsement</i>	266	262	258	251	252	266	277	279	287	296
<i>Non-restricted Finfish Endorsement</i>	131	135	133	130	152	159	168	159	169	184
<i>Soft Shelled Clam Endorsement</i>	256	235	204	194	183	186	176	154	143	137
<i>Whelk Endorsement</i>	146	118	79	62	53	63	60	55	58	61
<i>Dockside Sale Endorsement</i>	13	13	12	11	13	15	14	11	13	21
<i>Midwater/Pair Trawl Endorsement</i>	9	8	9	7	10	9	13	13	12	15
<i>Purse Seine Endorsement</i>	8	7	6	5	9	9	13	13	13	15
<i>Other Shellfish Endorsement</i>	225	211	186	177	177	173	166	148	148	150
COMMERCIAL FISHING LICENSE	398	420	404	412	416	429	433	445	435	452
<i>Lobster Endorsement</i>	16	15	14	14	12	11	9	7	7	6
<i>Non-lobster Crustacean Endorsement</i>	114	100	101	95	95	104	104	110	101	104
<i>Quahog Endorsement</i>	158	165	181	189	197	217	215	227	236	251
<i>Restricted Finfish Endorsement</i>	0	0	0	0	0	0	0	0	0	0
<i>Non-restricted Finfish Endorsement</i>	252	256	240	243	248	253	270	213	255	271
<i>Soft Shelled Clam Endorsement</i>	174	163	155	148	139	129	124	125	114	115
<i>Whelk Endorsement</i>	109	92	75	65	58	56	53	50	53	51
<i>Dockside Sale Endorsement</i>	16	14	16	16	15	18	17	18	18	28
<i>Midwater/Pair Trawl Endorsement</i>	40	46	39	39	40	37	41	41	39	45
<i>Purse Seine Endorsement</i>	42	40	42	43	41	40	42	45	30	45
<i>Other Shellfish Endorsement</i>	171	160	149	152	142	129	145	158	143	148
OVER 65 SHELLFISH LICENSE	240	268	289	309	350	369	389	372	420	402
STUDENT SHELLFISH LICENSE	49	48	47	37	48	39	30	37	41	35

Table 5. Rhode Island commercial fishing license and lobster license/endorsement issuance data, 2014-2021 fishing years.

LICENSE TYPE	2014	2015	2016	2017	2018	2019	2020	2021
MULTI-PURPOSE LICENSE	816	804	802	789	771	751	744	739
MPL with Area 2 LTA	308	298	304	304	304	302	301	301
Dockside Sale Endorsement	236	236	245	242	239	237	251	252
PRINCIPAL EFFORT LICENSE	615	593	580	586	585	560	553	552
Lobster Endorsement with LTA	29	25	21	19	19	19	15	15
Non-Lobster Crustacean Endorsement	36	33	33	35	36	32	32	39
Dockside Sale Endorsement	12	11	13	15	14	11	13	21
COMMERCIAL FISHING LICENSE	404	412	416	429	433	445	398	452
Lobster Endorsement with LTA	4	4	4	4	4	3	3	2
Non-Lobster Crustacean Endorsement	101	95	95	104	104	110	101	104
Dockside Sale Endorsement	16	16	15	18	17	18	18	28

Table 6. Description of allocated traps, maximum traps fished, and the reduction of traps in 2021. Traps retired include those associated with the reduction program decrease and the conservation transfer tax.

AREA	# OF TRAPS ALLOCATED	# OF TRAPS TRANSFERRED	MAX # OF TRAPS FISHED	# OF TRAPS RETIRED DUE TO REDUCTIONS
Area 2	60,695	2,313	27,078	1,916
Area 3	27,406	1,410	27,904	2,748

PHOTO CREDITS

- **Black Sea Bass:** <http://www.pewtrusts.org/en/about/news-room/opinion/2013/05/20/federal-fish-law-is-on-the-hook-for-black-sea-bass-recovery>
- **Scup:** <http://keywordsuggest.org/gallery/576192.html>
- **Striped bass:** <http://www.delaware-surf-fishing.com/delawares-2015-striped-bass-regulations/>
- **Summer flounder:** <https://www.sportfishingmag.com/summer-flounder-stock-assessment-2017-congress>
- **Tautog:** <http://www.angling-addict.com/2011/04/tautog-rig.html>
- **Atlantic herring:** <http://www.seachoice.org/our-work/species/atlantic-herring/>
- **Bluefish:** https://en.wikipedia.org/wiki/Bluefish#/media/File:Very_Large_Bluefish.JPG
- **Atlantic cod:** <http://identifyfish.blogspot.com/2010/10/atlantic-cod-gadus-morhua.html>
- **Atlantic menhaden:** <https://www.hatchmag.com/articles/bunker-advocates-deliver-over-90000-comments-asmfc-vote-pending/771137>
- **Monkfish:** <http://www.realmonstrosities.com/2014/12/deep-sea-goosefish.html>
- **Spiny dogfish:** https://en.wikipedia.org/wiki/Spiny_dogfish
- **Smooth dogfish:** <http://www.discovery.com/tv-shows/shark-week/bios/smooth-dogfish-shark/>
- **Longfin squid:** <https://noaateacheratsea.blog/2015/07/03/david-walker-equilibrium-at-sea-days-6-9-july-3-2015/olympus-digital-camera-701/>
- **Northern shortfin squid:** <http://floridasportfishing.com/squid-school/>
- **Bay quahaug:** <https://www.rimonthly.com/celebrate-local-clams-quahog-week/>
- **Soft-shell clams:** <http://www.tonyandsonseafood.com/shellfish.html>
- **Whelk:** <http://seagrants.gso.uri.edu/the-secret-life-of-whelks/>
- **Oyster:** <http://seagrants.gso.uri.edu/research/research-2016-2018/>
- **Other shellfish (blue mussel):** <http://newenglandboating.com/nantucket-sound-home-to-an-aquaculture-first/>
- **American lobster:** <http://theweek.com/articles/469901/how-calculate-lobsters-age>
- **Horseshoe crab:** <https://longreads.com/2017/04/18/the-pitfalls-and-promise-of-the-horseshoe-crab-unlikely-biomedical-hero/>
- **Jonah crab:** <https://www.sciencesource.com/archive/>
- **Atlantic rock crab:** <https://joshfcteau.com/16-30-nature-notes-aug-24-30/atlanticrockcrab08242016/>
- **Other crustaceans (blue crab):** <https://www.instructables.com/id/Crabbing-For-Beginners/>

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Commercial Marine Fishing Licenses and Landing Permits

Rule Identifier: 250-RICR-90-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 08/24/2021

Hearing Date: 09/13/2021

End of Public Comment: 09/24/2021

Authority for this Rulemaking:

R.I. Gen. Laws Chapters 42-17.1, 20-2.1, and 20-2.2, R.I. Gen. Laws § 20-1-4 and in accordance with R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

1. Section 2.7.1(C)(1) - 2021 Fishery Management Control Exit/Entry Ratio Restricted Finfish Endorsement:

- Option 1 - Status Quo (1:1 ratio)
- Option 2 – Further restrict availability (i.e., no new entrants) of Restricted Finfish Endorsement (1:0 ratio)
- Option 3 – Liberalize availability of Restricted Finfish Endorsement (1:2 ratio – for every one (1) license/endorsement not renewed, make available two (2) new endorsements)

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until September 24, 2021 by contacting the appropriate party at the address listed below:

Peter Duhamel
Department of Environmental Management
3 Fort Wetherill Road
Jamestown, RI 02835
peter.duhamel@dem.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on September 13, 2021 at 6:00 pm at URI Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.

250-RICR-90-00-2

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 2 – Commercial Marine Fishing Licenses and Landing Permits

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2.1 Purpose

The purpose of these Regulations is to establish a process for managing marine fisheries, through the development of management plans and programs, licensing protocols, and data collection systems.

2.2 Authority

These Regulations are promulgated pursuant to R.I. Gen. Laws Chapters 42-17.1, 20-2.1, and 20-2.2, R.I. Gen. Laws § 20-1-4 and in accordance with R.I. Gen. Laws Chapter 42-35, the Administrative Procedures Act.

2.3 Application

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

2.4 Severability

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

2.5 Superseded Rules and Regulations

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

2.6 Definitions

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

2.7 General Management and Licensing Regulations

2.7.1 Management Controls

A. Fishery endorsements:

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

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

- e. Shellfish Other: all shellfish species available for commercial harvest, except quahaug and soft-shell clams
 - f. Restricted Finfish: scup (only from May 1 through October 31; scup shall be considered non-restricted from January 1 through April 30, and from November 1 through December 31), summer flounder, tautog, striped bass, and black sea bass
 - g. Non-Restricted Finfish: all species of finfish and squid available for commercial harvest except the five (5) species specified in the Restricted Finfish Endorsement category, and
 - h. Whelk: all whelk species available for commercial harvest.
- B. Limits on entry: The Department may establish entrance/exit ratios, lotteries, waiting lists, or other allocation measures as a means for limiting entry consistent with fisheries management plans.

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

Option 1 - Status Quo (1:1 ratio):

- C. Exit/entry ratios:
1. Restricted Finfish Endorsement: For every one (1) license **eligible authorized** to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a Restricted Finfish Endorsement, that are not renewed, one (1) new Principal Effort License with Restricted Finfish Endorsement will be made available; provided, that if the application of the exit/entry ratio yields a value less than a multiple of three

(3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

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

C. Exit/entry ratios:

1. Restricted Finfish Endorsement: For every one (1) license **eligible authorized** to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a Restricted Finfish Endorsement, that are not renewed, ~~one (1)~~ **zero (0)** new Principal Effort License with Restricted Finfish Endorsement will be made available; ~~provided, that if the application of the exit/entry ratio yields a value less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.~~

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

C. Exit/entry ratios:

1. Restricted Finfish Endorsement: For every one (1) license **eligible authorized** to harvest restricted finfish, namely, Multi-Purpose Licenses and Principal Effort Licenses with a Restricted Finfish Endorsement, that are not renewed, ~~one (1)~~ **two (2)** new Principal Effort License with Restricted Finfish Endorsement will be made available; provided, that if the application of the exit/entry ratio yields a value less than a multiple of three (3) endorsements, the number of endorsements will be rounded up to yield a multiple of three (3) endorsements.

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2. Quahaug Endorsement: For every one (1) license eligible to harvest quahaug, namely, Multi-Purpose Licenses and Principal Effort Licenses with a Quahaug Endorsement, that are not renewed, one (1) new Commercial Fishing License with Quahaug Endorsement will be made available; provided, that if the application of the exit/entry ratio yields one (1) or two (2) licenses/endorsements, three (3) licenses/endorsements will be made available.

3. Soft-Shell Clam Endorsement: For every five (5) licenses, eligible to harvest soft shell clam, namely, Multi-Purpose Licenses, Principal Effort Licenses with a Soft-Shell Clam Endorsement, and Commercial Fishing Licenses with a Soft-Shell Clam Endorsement, that are not renewed, one (1) new Commercial Fishing License with Soft-Shell Clam Endorsement will be made available; provided, that if the application of the exit/entry ratio yields one (1) or two (2) licenses/endorsements, three (3) licenses/endorsements will be made available.

2.7.2 Management Plans

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

2.7.3 Emergencies

The Director may promulgate Regulations with less than thirty (30) days' notice to RIMFC if, and to the extent necessary, to comply with Federal or regional requirements or to respond to sudden and/or imminent peril or unanticipated developments where delay would likely cause immediate harm to fishery resources or fishers pursuant to R.I. Gen. Laws § 42-35-2.10.

2.7.4 Data Reporting

- A. The holder of any type of commercial fishing license or landing license shall be deemed to have consented to providing such fishery-related information as the Director may require. Reporting shall be required on forms or in a format as prescribed by the Director (R.I. Gen. Laws §§ 20-1-20 and 20-4-5).
- B. The Department will provide applicants with applicable reporting methods at the time of license issuance or renewal.
- C. Commercial trips shall be accurately logged in the Paper Catch and Effort Harvester Logbook or entered in an electronic device, prior to offloading. Minimum trip elements shall include, but are not limited to:
 - 1. Trip date
 - 2. Area fished
 - 3. Vessel State Registration or USCG Documentation number
 - 4. Gear type(s) fished
 - 5. Quantity of gear fished
 - 6. Fishing time
 - 7. Species
 - 8. Pounds or count of species caught

9. Disposition

- D. Accurately completed copies of the Federal Vessel Trip Reports or State reporting forms shall be kept in numerical order on board the vessel dating back to January 1 of the current year and furnished upon request. A vessel shall be exempt from this requirement if the captain of said vessel is currently enrolled in an electronic logbook program. Instead, the vessel must have all records dating back to January 1 of the current year entered electronically.
- E. Due dates for the submittal of paper reports to DMF:
1. For fishing activity occurring in the months of January, February, and March: April 15.
 2. For fishing activity occurring in the months of April, May, and June: July 15
 3. For fishing activity occurring in the months of July, August, and September: October 15.
 4. For fishing activity occurring in the months of October, November, and December: January 15.
 5. To renew prior to January 15, harvester reports must be submitted for all of December if renewing in January and up to date in December if renewing in December.
- F. Captains enrolled in an electronic logbook program shall submit trip reports not later than forty-eight (48) hours after the end of the trip.
- G. Collection and use of data:
1. Data will be collected, managed and disseminated according to the coastwide minimum protocols of the Atlantic Coastal Cooperative Statistics Program (ACCSP).
 2. Reported data may be used for management purposes by any properly designated State or Federal agency. Reported data may only be used for enforcement purposes by a properly designated State or Federal agency if specifically authorized by Rule.
 3. Any data that are released or reported to the public shall be aggregated so as to not identify individual fishers, vessels or dealers.
- H. Party or charter vessel reporting:
1. Trips made as a party or charter vessel shall be logged and submitted electronically in SAFIS.

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

2.7.5 Commercial Licenses

- A. Application required: Applications for a license shall be completed on forms as prescribed by the Director. Applications not completed in their entirety shall not be considered. Applications shall contain the following information:
 1. Full name
 2. Age
 3. Occupation
 4. Residence address
 5. Mailing address
 6. Weight
 7. Height
 8. Hair color
 9. Eye color

10. The name of any State or jurisdiction in which the applicant's commercial fishing license and/or permit is currently revoked or suspended, and
11. Driver's License number and State of issuance, or other State-issued photo identification card.
12. Applications must be notarized.
13. Reporting method: Paper Catch and Effort Harvester logbook; or, Federal Vessel Trip Report (VTR), or e-TRIPS. The Paper Catch and Effort Harvester logbook and e-TRIPS reporting methods cannot be declared together.

B. Other requirements:

1. A license must be signed by the party to whom it is issued in order to be valid.
2. Licenses may not be transferred to another person.
3. All fees must have been paid for a license to be valid.
4. A lost or accidentally destroyed license may be replaced for a fee of ten dollars (\$10.00), provided that the applicant submits an affidavit to the Department explaining the circumstances of the loss.
5. Notice of change of address. Whenever any person holding any commercial fishing license shall move from the address named in his or her last application, that person shall, within ten (10) days subsequent to moving, notify the Office of Boat Registration and Licensing of his or her former and current address.
6. Expiration. Unless otherwise specified, all licenses issued pursuant to this Part shall expire on December 31 annually. It shall be unlawful for any person to fish commercially in the marine waters of Rhode Island on an expired license. The grace period set forth in § 2.7.5(C)(5) of this Part shall not extend the validity of any expired license.
7. Every license holder shall have their license in possession at all times while engaged in the licensed activity and shall present the license for inspection on demand by the Director. Any person who shall refuse to present a license on demand shall be liable to the same punishment as if that person were fishing without a license.

C. Application deadlines:

1. The Department will notify all license holders in writing by November 1 that said license, as well as all vessel declarations, expire on December

31 of that year. The Department will also notify all holders of Sixty-Five (65) and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses in writing by November 1 that said licenses, along with any and all applicable endorsements, must be renewed by February 28 of the following year in order to remain valid. Holders of a Student Shellfish License (if renewable) will be notified by November 1 and the license must be renewed by June 30 of the following year in order to remain valid.

2. All notices will be sent by regular mail to the mailing address given on the license holders last license application or change of address form.
3. All applications for Sixty-Five (65) and Over Shellfish, Commercial Fishing, Principal Effort, and Multi-Purpose Licenses, along with any and all applicable endorsements, whether renewals or new issues, must be made in person by 4:00 p.m. on February 28, or on the first business day following February 28 if that day falls on a Saturday or Sunday or holiday. Applications for a Student Shellfish license, whether renewal or new issue, must be made in person by 4:00 p.m. on June 30, or on the first business day following June 30 if that day falls on a Saturday, Sunday, or holiday. All license applications shall be made at the Department of Environmental Management, Office of Boat Registration and Licensing, 235 Promenade Street, Providence, 02908. Alternatively, applications must be posted to the same address with a postmark no later than the above-referenced deadline date. Alternatively, renewals must be made electronically, via the Department's online renewal service at <https://www.ri.gov/DEM/commercialmarine/>, by midnight on the above-referenced deadline date. In order to be eligible to apply for a license, an application must be received, postmarked, or electronically filed by the above-referenced deadline date.
4. No Sixty-Five (65) and Over Shellfish, Commercial Fishing, Principal Effort or Multi-Purpose License or applicable endorsement will be issued or renewed after the close of business on February 28, or on the first day following February 28 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of §§ 2.7.5(C)(3) or (5) of this Part, or §§ 2.7.5(E)(3) or 2.7.5(F) of this Part. No Student Shellfish License will be issued or renewed after the close of business on February 28, or on the first day following June 30 if that day falls on a Saturday or Sunday or holiday, unless said license or endorsement was applied for consistent with the requirements of §§ 2.7.5(C)(3) or (5), or §§ 2.7.5(E)(3) or 2.7.5(F) of this Part.
5. With the exception of Student Shellfish License applications, applications for renewal of licenses referenced in §§ 2.7.5(C)(3) and (4) of this Part above that are received by the Department or postmarked after February 28 or after the first day following February 28 if that day falls on a

Saturday or Sunday or holiday shall be renewed only upon payment of a late fee in the amount of two hundred dollars (\$200.00) and only during the sixty (60) day grace period commencing on the day immediately following the application deadline. Such renewal applications must be made in person at the Department of Environmental Management, Office of Boating Registration and Licensing, 235 Promenade Street, Providence, RI 02908; or via mail at the same address; or electronically via the Department's online renewal service at www.ri.gov/DEM/commercialmarine.

D. Demonstration and verification of "Actively Fishing" and "Actively Participating" standards for the issuance of new licenses:

1. Actively Fishing:

- a. To meet the standard of "Actively Fishing," the license holder must have held the license for a minimum of the immediate two (2) preceding calendar years, and demonstrate by dated transaction records, as verified by SAFIS dealer or dockside sales reporting, a minimum of forty (40) legal Rhode Island landings in the preceding two (2) calendar years, pursuant to a valid Rhode Island license.
 - (1) In cases where there are less than forty (40) legal Rhode Island landings, and one (1) or more of those landings is associated with a multi-day trip(s), Vessel Trip Reports and days fished from those trip(s) may be used to meet the standard of Actively Fishing.
 - (2) In cases where dockside sales reports are being used to meet the standard of Actively Fishing, additional documentation may be required, including, but not limited to, the following: receipts pertaining to the sales of lobsters and/or crabs to consumers; income tax returns; trap tag orders; and receipts pertaining to purchases of fuel, bait, and other supplies.
 - (3) In cases where a person holds both a Landing Permit and a Commercial Fishing License concurrently issued by the Department, dated transaction records established in SAFIS which are recorded on a license holder's Landing Permit may be considered for the demonstration or verification of the activity standard.
- b. For the issuance of a new license in accordance with § 2.7.5(E) of this Part, the standard of Actively Fishing must be met, in addition to one (1) of the following conditional criteria, as applicable:

- (1) Issuance of a new license upon sale of vessel and/or gear: Landings must have occurred in the previous two (2) calendar years, with landings occurring in one (1) or both of those calendar years.
- (2) Issuance of a new license in instances of incapacity: Landings must have occurred in at least two (2) consecutive calendar years within the last ten (10) years.
- (3) Eligibility for the issuance of a new Commercial Fishing License with Quahaug Endorsement:
 - (AA) Any license holder who meets the standard of Actively Fishing and who held a valid Over Sixty-Five (65) Shellfish License as of the immediately preceding year is eligible to obtain a new Commercial Fishing License with a Quahaug Endorsement for the immediate following year, unless assessed a criminal or administrative penalty in the past two (2) years for a violation of the marine fisheries Regulations.
 - (BB) Any license holder who meets the standard of Actively Fishing and who held a valid Student Shellfish License as of the immediately preceding year is eligible to obtain a new Commercial Fishing License with a Quahaug Endorsement for the immediate following year, unless assessed a criminal or administrative penalty in the past two (2) years for a violation of the marine fisheries Regulations.
 - (i) For Student Shellfish License holders who become ineligible to renew their license due to age after holding the license in the immediately preceding year, the license will be considered eligible for the issuance of a new Commercial Fishing License with a Quahaug Endorsement if the activity standard is met during the year the license was held.
- (4) Issuance of a new Principal Effort License with Quahaug endorsement: Any license holder who meets the standard of Actively Fishing and who held a valid Commercial Fishing License with Quahaug Endorsement as of the immediately preceding year is eligible to obtain a new Principal Effort License with Quahaug Endorsement for the immediate following year. For the purposes of the issuance of a new Principal Effort License with Quahaug Endorsement, only

quahog landings may be used to meet the standard of Actively Fishing.

- (5) Issuance of a new Whelk Endorsement: Any license holder who meets the standard of Actively Fishing and who held a valid Commercial Fishing or Principal Effort License with Quahaug or Soft-Shell Clam Endorsement as of the immediately preceding year is eligible to obtain a new Whelk Endorsement for the immediate following year. For the purposes of the issuance of a new Whelk Endorsement, only quahog and/or soft-shell clam landings may be used to meet the standard of Actively Fishing.
2. Actively Participating: To meet the standard of “Actively Participating,” a crew must be able to demonstrate via one (1) or more affidavits that they have worked as a paid crew for one (1) or more captains licensed in the State of Rhode Island on a vessel that was commercially declared during the period of activity, that had a minimum of forty (40) legal Rhode Island landings in the immediately preceding two (2) calendar years. To be considered a paid crew, persons must demonstrate a valid record of being a paid employee of the vessel owner or person licensed to fish commercially, including either a W-2 form, 1099 form, or paycheck stub from a financial institution for the period of time being used to meet the standard of Actively Participating.
 - a. Affidavits must reflect activity conducted upon a vessel that was commercially declared during the period of activity.
3. A license holder with a Dockside Sales Endorsement who sells all of his or her lobster and/or crab landings dockside may utilize documentation other than dated transaction records to demonstrate fishing activity. Such documentation shall include properly recorded and submitted logbooks, as well as some or all of the following: receipts pertaining to the sales of lobsters and/or crabs to consumers; income tax returns; trap tag orders; and receipts pertaining to purchases of fuel, bait, and other supplies. DEM shall determine whether the documentation submitted by the license holder substantiates the landings and associated fishing activity claimed by the license holder.
4. Any application submitted in accordance with this Part that includes inadequate or improper documentation, such as insufficient number or type of transaction records, invalid transaction records, Vessel Trip Reports, or affidavits that have not been notarized, will not be considered. Fraudulent submittals will be referred to the Department’s Division of Law Enforcement for further investigation and possible enforcement action. Fraud on the part of any existing license holder, including a captain who signs an affidavit in support of a claim of crew member status that turns

out to be false or inaccurate, may result in the suspension or revocation of the license held by the existing license holder pursuant to § 2.7.10 of this Part.

E. Issuance of new licenses; eligibility:

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

- f. Residents who possess a valid Student Shellfish License as of the immediately preceding year are eligible to renew their Student Shellfish License pursuant to § 2.7.6(E) of this Part for the immediately following year.
 - g. Residents who possess a valid Sixty-Five (65) and Over Shellfish License as of the immediately preceding year are eligible to renew a Sixty-Five (65) and Over Shellfish License for the immediately following year.
 - h. Applicants who obtained a Principal Effort License with Lobster Endorsement in 2008, or any year thereafter, must continue to hold a Lobster Trap Allocation to be eligible for renewal.
4. Issuance of a new license for family members or crew:
- a. A family member or crew who qualifies as a priority applicant pursuant to § 2.7.5(G)(2) of this Part is eligible to obtain a Commercial Fishing License with applicable endorsement(s), or a Principal Effort License with a Restricted Finfish Endorsement, if they are a family member or crew of a license holder who has been actively fishing, and is not renewing their license.
 - b. The applicable endorsement(s) will be in the fishery sector(s) that was/were being actively fished by the current license holder. Prior to issuance of a new license, the currently held license must be surrendered to the Department.
 - c. One (1) new license will be issued for each license surrendered.
 - d. New license fees shall be applicable at the time of application.
5. Issuance of a new license upon sale of vessel and/or gear:
- a. Residents are eligible to obtain a new license involving the sale of vessel and/or gear if the license holder is actively fishing if the license holder had been actively fishing pursuant to § 2.7.5(D)(1)(b)(2) of this Part.
 - b. Prior to issuance of a new license, the currently held license must be surrendered to the Department. Upon application for a new license, the Department will then issue a new equivalent license to the purchaser.
 - c. The new license/endorsement(s) issued may be at a lower harvest and gear level than the license surrendered where necessary to accomplish the purposes of fisheries management plans.

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

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

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

1. General:
 - a. In cases where a limited number of new licenses or endorsements are available, the Department shall provide priority to applicants as described herein.
 - b. All eligible applicants in each priority category will be issued licenses or endorsements before any licenses or endorsements are issued to applicants in the next lower priority category.
 - c. If in any priority category there are more eligible applicants than there are licenses or endorsements available for issue, those licenses or endorsements will be issued by lottery, unless otherwise specified herein.
 - d. Within each priority category, eligible applicants will be prioritized based on the length of time, in years, they have been actively fishing their license, or actively participating in the fishery as a crew member, on a continuing basis.
 - e. In cases where an applicant has previously surrendered a license to the Department pursuant to the sale of vessel and/or gear, and the applicant has subsequently acquired a new license, the applicant must have held the current license for a minimum of seven (7) years before being eligible to use the activity standard as a criteria for prioritization (as described in §§ 2.7.5(G)(2)(a) and (b) of this Part).

- f. Active military and veterans who have been honorably discharged from active military duty may use the immediately preceding two (2) calendar years prior to conscription into the military to meet the activity standard.

2. Priority categories:

- a. First priority: First (1st) priority shall be provided equally to the following sub-categories:
 - (1) Residents holding a Commercial Fishing License who meet the standard of Actively Fishing in the same fishery sector for which a new license/endorsement is being sought.
 - (2) Residents holding a Principal Effort License who have actively fished their license.
 - (3) Resident crew members who have actively participated in the same fishery sector for which a new license/endorsement is being sought.

(AA) If in any of these three (3) sub-categories there are fewer eligible applicants than licenses/endorsements available for issuance, the balance will be evenly distributed to the other two (2) sub-categories. If the selection of qualified applicants cannot be resolved equitably by the initial prioritization and lottery process, and if the number of remaining endorsements cannot be distributed evenly between the remaining categories, the number of remaining endorsements will be rounded up to provide each remaining category with the necessary endorsement(s) required to complete the selection process.
- b. Second priority: Second (2nd) priority shall be provided equally to the following sub-categories:
 - (1) Residents holding a Commercial Fishing License, endorsed in any fishery sector, who have actively fished their license.
 - (2) Resident crew members who have actively participated in any fishery sector.

(AA) If in any of these two (2) sub-categories there are fewer eligible applicants than there are licenses/endorsements available for issuance, then the balance will be distributed to the other category. If

the selection of qualified applicants cannot be resolved equitably by the initial prioritization and lottery process, and if the number of remaining endorsements cannot be distributed evenly between the remaining categories, the number of remaining endorsements will be rounded up to provide each remaining category with the necessary endorsement(s) required to complete the selection process.

- c. Third priority: Third (3rd) priority shall be provided to any resident, aged eighteen (18) or older.
- d. Fourth priority: Fourth (4th) shall be provided to any non-resident, aged eighteen (18) or older.

H. Appeals of license denials due to Medical Hardship:

- 1. There shall be no right to appeal to the Department of Environmental Management's Administrative Adjudication Division (AAD) for the rejection of any new license applications submitted after February 28, or any license renewal applications submitted after the sixty (60) day grace period, except in the case of a documented medical hardship as defined herein.
- 2. The applicant may appeal the denial to the Administrative Adjudication Division for Environmental Matters pursuant to R.I. Gen. Laws § 42-17.7-1 *et seq.* and the procedures set forth in [Part 10-00-1 of this Title](#), Rules and Regulations for the Administrative Adjudication Division.
- 3. The burden of proof shall be on the applicant to demonstrate that he/she meets the criteria for issuance of a license. Such proof shall include written documentation of a diagnosis and prognosis of the medical hardship of the license holder signed by a medical doctor (M.D. or O.D.).

2.7.6 Licenses, Endorsements and Vessel Declarations; Resident

- A. Fishery Endorsements: Any Commercial Fishing or Principal Effort License issued to a Rhode Island resident pursuant to these Regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors:
 - 1. Non-Lobster Crustacean
 - 2. Lobster
 - 3. Quahaug

4. Soft-shell clam
5. Shellfish Other
6. Non-Restricted Finfish
7. Restricted Finfish
8. Whelk

B. Commercial Fishing License:

1. Applicants must provide proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50.00), plus twenty-five dollars (\$25.00) per fishery endorsement.
2. The holder of a Commercial Fishing License may participate in any fishery sector for which he/she holds an endorsement.

C. Principal Effort License:

1. Eligible applicants must present proof of Rhode Island residency and pay an annual fee of one hundred fifty dollars (\$150.00) which entitles them to fish in a single fishery endorsement category.
2. The holder of a Principal Effort License may participate in any fishery sector for which he/she holds a fishery endorsement.
3. The holder of a Principal Effort License may also obtain a Commercial Fishing License with applicable endorsements to fish other sectors, and/or obtain additional fishery endorsements on his or her Principal Effort License to fish other sectors, if such endorsements are available for any given license year; provided that a license holder may not hold both a Principal Effort and Commercial Fishing License in the same fishery sector. The annual fee for additional fishery endorsements on Principal Effort Licenses is seventy-five dollars (\$75.00) each.
4. The holder of a Commercial Fishing License or a Principal Effort License with a Quahaug Endorsement shall not be required to pay the annual fee for that license if the license holder is at least sixty-five (65) years old as of February 28 of the applicable license year. The license holder is still required to pay all other applicable fees, including but not limited to fees for the Non-Lobster Crustacean, Lobster, Non-Restricted Finfish, Restricted Finfish, as well as all additional Gear, Dockside Sales, and Paper Catch and Effort Harvester Logbook Endorsements on their Commercial Fishing License or Principal Effort License.

D. Multi-Purpose License:

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

E. Student Shellfish License:

1. Applicants must present proof of Rhode Island residency and pay an annual fee of fifty dollars (\$50.00).
2. Applicants must be no older than twenty-three (23) years as of June 30 of the license year.
3. Applicants must present proof that they are full-time students in the form of a notarized letter or transcript from the learning institution in which they are enrolled.
4. The holder of a Student Shellfish License is authorized to participate only in the quahaug fishery.
5. The holder of a Student Shellfish License may also obtain a Commercial Fishing License and/or a Principal Effort License, with endorsements, if such licenses or endorsements are available for any given license year; provided that the holder of a Student Shellfish License may not also hold a Commercial Fishing or Principal Effort License with a Quahaug Endorsement.

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

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

G. Gear Endorsements:

1. Gear Endorsement categories shall include Fish Trap, Gill Net, Purse Seine, and Mid Water/Pair Trawl.
2. The Fish Trap Endorsement shall authorize the license holder to set one (1) or more fish traps in accordance with all applicable requirements of R.I. Gen. Laws Chapter 20-5. The annual fee shall be twenty dollars (\$20.00) per trap location for a three (3) year period. Applicants who possessed a valid Fish Trap Endorsement as of the immediately preceding year may obtain a Fish Trap Endorsement for the immediately following year, subject to the same terms and conditions in effect as the immediately preceding year. New Fish Trap Endorsement opportunities shall be established by Rule, pursuant to fisheries management plans.
3. The Gill Net Endorsement shall authorize the license holder to set a gill net in accordance with all applicable Regulations. The annual fee shall be twenty dollars (\$20.00). Applicants who possessed a Gill Net Endorsement as of the immediately preceding year may obtain a Gill Net Endorsement for the immediately following year. New gill net Endorsement opportunities shall be established by Rule, pursuant to fisheries management plans.
4. The Purse Seine and Mid Water/Pair Trawl Endorsements shall authorize the license holder to set these gear types in accordance with all applicable Regulations. The holders of Purse Seine and/or Mid Water/Pair Trawl Endorsements must consent to carry an observer on the vessel and/or on any spotter plane used as part of the operation, per the request of DEM; must report any/all landings of menhaden on a daily basis to the Division of Marine Fisheries; must report beginning, location, and cessation of fishing activities on a daily basis to the Division of Enforcement; and must obtain and have on board charts showing the known locations of fixed-gear clusters, as provided by the Division of Marine Fisheries. The annual fee for each endorsement shall be twenty dollars (\$20.00). New Purse Seine or Mid Water/Pair Trawl Endorsement opportunities shall be established by Rule, pursuant to fisheries management plans.
 - a. Control date: A control date of December 31, 2007 is established for the purse seine and mid-water/pair trawl fisheries in Rhode Island. This control date has been established by the Department for potential future use in establishing eligibility criteria for future access to the fishery.

H. Vessel declaration:

1. Every vessel employed in the commercial fishery must be declared with the Department at the time the owner/operator of such a vessel first

applies for or subsequently renews his or her fishing license; or if a license has already been issued, prior to that vessel being used for commercial fishing.

2. Each such vessel must be individually and separately declared, on an annual basis, and the required fee paid.
 3. The vessel declaration will include the name of the vessel and its owner, its length and horsepower, displacement, registration and/or Federal permit number, gear type(s), principal fishery(s), and number of crew.
 4. The annual fee for a vessel declaration is twenty-five dollars (\$25.00) per vessel for vessels up to and including twenty-five feet (25') in length, plus fifty cents (\$0.50) per linear foot for each whole foot over twenty-five feet (25').
 5. A declared vessel will be issued decals, which must be prominently displayed on the port and starboard bow, or on the port and starboard sides of the console cabin or wheelhouse, or elsewhere on the port and starboard sides of the vessel such that they are readily viewable. The displayed decals must be updated annually.
 6. Declared vessels that are less than twenty-five feet (25') long may obtain a vessel declaration plate upon payment of an additional annual fee of fifteen dollars (\$15.00). The vessel declaration of the declared vessel may be temporarily transferred to another vessel less than twenty-five feet (25') long by affixing the aforementioned plate to that vessel. This vessel declaration transfer shall not exceed sixty (60) days, with one sixty (60) day extension in any given year by permission of the Department.
- I. Dockside Sales Endorsement:
1. **Applicability:** The endorsement shall authorize the license holder to sell live lobsters and crabs directly to consumers at dockside. Only live lobsters and crabs may be sold under the endorsement. Sales of shellfish and finfish to anyone other than licensed dealers are prohibited.
 2. **Eligibility:** The endorsement shall be available to all Rhode Island license and landing permit holders who are authorized to harvest and land for sale lobsters and/or crabs. With regard to lobsters, such licenses and permits shall include: Multi-Purpose License, Principal Effort License with Lobster Endorsement, Commercial Fishing License with Lobster Endorsement; and Resident and Non-Resident Landing permit. With regard to crabs, such licenses and permits shall include: Multi-Purpose License; Principal Effort License with Non-lobster Crustacean Endorsement; Commercial Fishing License with Non-lobster Crustacean Endorsement; and Resident and Non-Resident Landing permit.

3. Dockside sales made pursuant to the Dockside Sales Endorsement must be reported to the Department with a Paper Dockside Sales Endorsement Logbook issued by the Department. There is no additional fee for this logbook.
 - a. All dockside sales reports and reports of no sales activity are due to the Division of Marine Fisheries quarterly.
 - b. A licensee/permittee who declared their reporting method as a Federal vessel trip report is required to report all dockside sales via the Paper Dockside Sales Endorsement Logbook.
4. Only the licensee/permittee, or a regularly employed crew member of the licensee/permittee, may sell lobsters and crabs at dockside under the Dockside Sales Endorsement. To be eligible to conduct such sales, a crew member must first receive written authorization from the licensee/permittee. Such authorization shall be in the form of a type-written statement, signed and dated by the licensee/permittee that expressly authorizes the crew member to act on behalf of the licensee/permittee with regard to dockside sales. The statement shall further specify: the name of the crew member, the name of the vessel from which the sales are conducted, and the month and year that the crew member began working on the vessel. The statement shall be kept on the vessel and be available at all times for inspection by Department personnel. A crew member who is acting on behalf of a licensee/permittee must comply with all applicable Regulations governing dockside sales, as set forth herein, and the licensee/permittee shall be responsible for any violations of Regulations by the crew member.
5. Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal and State Laws and Regulations governing harvest and possession relating to the species being sold.
6. Licensees/permittees offering live lobsters and crabs for sale at dockside must meet all applicable and current Federal, State, and local Laws and Regulations governing retail sales operations, including but not necessarily limited to those governing taxation, signage, noise, and hours of operation.
7. Licensees/permittees offering live lobsters and crabs for sale at dockside may only sell live lobsters and crabs that they harvested, and all sales must be made from the vessel that harvested the product, unless otherwise authorized by the Director.

8. Sales at dockside may only be to the final consumer – i.e. the individual(s) who will be consuming the product – and no resale of, or commercial transaction involving, the product beyond the final consumer is allowed.
9. Licensees shall include, on all landing reports and other data submitted to the National Marine Fisheries Service and/or the Department, the lobsters and crabs offered for sale at dockside to the general public.
10. The annual fee for the Dockside Sales Endorsement shall be twenty-five dollars (\$25.00).
11. The Dockside Sales Endorsement is not subject to an application deadline.

J. Research Set Aside (RSA) Endorsement:

1. **Applicability:** The RSA Endorsement shall authorize the holder to land marine species, for sale, in Rhode Island, in accordance with RSA quota obtained from the National Marine Fisheries Service.
2. The endorsement shall be automatically available to anyone who obtains an Exempted Fishing Permit from the Department, allowing for the harvest and/or landing of RSA quota in Rhode Island.
3. Both the RSA Endorsement and the Exempted Fishing Permit must be obtained prior to the landing of any RSA quota for State quota monitored species in Rhode Island.
4. Upon presentation of a valid Exempted Fishing Permit from the Department, an RSA Endorsement will be issued.
5. Annual fee: Twenty-five dollars (\$25.00)
6. The RSA Endorsement is not subject to an application deadline.

K. Paper Catch and Effort Harvester Logbook Endorsement:

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

4. Annual fee: Twenty-five dollars (\$25.00)

2.7.7 Licenses, Endorsements and Vessel Declarations; Non-Resident

A. Non-Resident fishery endorsements: Any Commercial Fishing or Principal Effort License issued to a non-resident pursuant to these Regulations may, upon demonstration of eligibility by the applicant, be endorsed to allow participation in the following fishery sectors:

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

B. Non-Resident Commercial Fishing License:

1. Applicants must be at least eighteen (18) years old.
2. The holder of a Non-Resident Commercial Fishing License may participate in either or both fishery sectors for which he/she holds an endorsement, provided that his or her State of residence does not prohibit commercial licensing opportunities for Rhode Island residents in finfish fisheries for which licensing opportunities are available for residents of that State.
3. The Division of Marine Fisheries shall annually review the Regulations of the States of Massachusetts, Connecticut, and New York to determine whether those States provide Rhode Island residents the privileges referenced in § 2.7.7(B)(2) of this Part. For applicants from any other State, it shall be the applicant's burden to prove that his or her State of residence provides Rhode Island residents the privileges referenced in § 2.7.7(B)(2) of this Part through a certified copy of the relevant Regulation. This copy is to be forwarded to the Division of Marine Fisheries for review and approval a minimum of two (2) weeks before a license may be issued.
4. Annual fee: One hundred fifty dollars (\$150.00) plus fifty dollars (\$50.00) per endorsement

C. Non-Resident Principal Effort License:

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

3. Annual fee: Four hundred dollars (\$400.00), plus one hundred dollars (\$100.00) per endorsement

D. Non-Resident Vessel Declaration:

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

2.7.8 Landing Permits

A. Applicability

1. A Landing Permit or a valid Rhode Island Resident or Non-Resident License with the appropriate fishery endorsements, but not both a permit and license, is required to off-load seafood products legally harvested outside of Rhode Island waters for sale or intended sale in Rhode Island, or to secure a vessel with the seafood products on board to a shoreside facility where the products may be offloaded for sale or intended sale.
2. If the operator of a vessel carrying seafood products notifies the Department's Division of Law Enforcement at least four (4) hours before entering Rhode Island waters that he/she intends to dock in a Rhode Island port for specified purposes other than landing, selling, or offering that seafood for sale, and if permission to do so is first obtained from the Division of Law Enforcement, no Landing Permit or Rhode Island license is required.

- B. General eligibility: A Landing Permit will only be issued upon proof that an applicant holds a valid Federal or non-Rhode Island State license or permit(s) to harvest a given species or group of similar species. The Landing Permit issued will authorize the landing of those species authorized by said Federal or State permit.

C. General Provisions:

1. Application required: Application for a Landing Permit shall be completed on forms as prescribed by the Director and contain such information as the Department may require. Applications not completed in their entirety shall not be considered. Applicants must include proof of their valid Federal or State license as part of the permit application.
2. A Landing Permit is issued to a person and not a vessel, although the vessel(s), which will generate the landings, must be identified. The

Landing Permit may not be transferred and does not attach to a vessel when it is sold.

3. The person in charge of a vessel must be in possession of a Landing Permit issued to that individual in order for that vessel to legally enter Rhode Island waters.
4. A Landing Permit is valid only for the calendar year in which it is issued.
5. The permit must be signed by the party to whom it is issued in order to be valid.
6. The permit is valid only for the signed holder and may not be transferred to another person.
7. All fees must have been paid for the permit to be valid.
8. A lost or accidentally destroyed Landing Permit may be replaced for a fee of ten dollars (\$10.00), provided that the applicant submits an affidavit to the Department explaining the circumstances of the loss.
9. Notice of change of address. Whenever the holder of a Landing Permit shall move from the address named in his or her last application, that person shall, within ten (10) days subsequent to moving, notify the Office of Boat Registration and Licensing of his or her former and current address.
10. Every permit holder shall have their permit in possession at all times while engaged in the permitted activity and shall present the permit for inspection on demand by the Director. Any person who shall refuse to present a permit on demand shall be liable to the same punishment as if that person were fishing without a permit.

D. Resident Landing Permit:

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

E. Non-Resident Landing Permit with Restricted Finfish:

1. **Applicability:** Authorizes the permit holder to land, sell, or offer for sale any marine fishery species or product including restricted finfish species, in

accordance with all applicable Rules and Regulations governing those species.

2. Eligibility

- a. Available to non-residents only if the landing is charged to the quota of the State in which the vessel making the landing is registered or documented; or, if the State where the vessel making the landing is registered or documented allows Rhode Island residents to land against its quota for that species; or, if the Department pursuant to a fisheries management plan determines there to be excess harvesting capacity in the Rhode Island commercial quota for that species.
- b. A renewal of Non-Resident Landing Permit with Restricted Finfish is considered to be a new permit unless the applicant can show evidence of Rhode Island landings of more than one thousand (1,000) pounds of that species per year in four (4) of the five (5) years preceding the application. Having made that demonstration, a holder of a Non-Resident Landing Permit with Restricted Finfish who held that permit as of the immediately preceding year may renew it for the immediately following year as set forth herein.
- c. If a non-resident vessel is upgraded by twenty percent (20%) or more in length, displacement or horsepower, renewal of a Non-Resident Landing Permit with Restricted Finfish will be considered a new permit application.

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

F. Non-Resident Landing Permit:

1. Applicability: The holder of a Non-Resident Landing Permit is authorized to land, sell, or offer for sale any marine fishery species or product, except restricted finfish, in accordance with all applicable Rules and Regulations governing those species and products.
2. Eligibility: Available to non-residents who hold a valid state and/or federal commercial fishing license.
3. Annual fee: Four hundred dollars (\$400.00)

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: General Equipment Provisions

Rule Identifier: 250-RICR-90-00-6

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 08/24/2021

Hearing Date: 09/13/2021

End of Public Comment: 09/24/2021

Authority for this Rulemaking:

R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

Summary of Rulemaking Action:

1. Section 6.13 – Floating Fish Traps:

- Establish and/or clarify issuance of available fish trap permits; establish priority criteria for the issuance of permits when there are more eligible applicants than there are permits available for issuance

- Other non-substantive changes to re-organize section for improved readability and clarity

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until September 24, 2021 by contacting the appropriate party at the address listed below:

Peter Duhamel
Department of Environmental Management
3 Fort Wetherill Road
Jamestown, RI 02835
peter.duhamel@dem.ri.gov

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on September 13, 2021 at 6:00 pm at URI Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882 at which time and place all persons interested therein will be heard. The seating capacity of

the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

Regulatory Analysis Summary and Supporting Documentation:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For full regulatory analysis or supporting documentation see agency contact person above.

250-RICR-90-00-6

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 6 – General Equipment Provisions

6.1 Purpose

The purpose of these Rules and Regulations is to supplement and simplify and/or clarify existing Regulations in order to more efficiently manage the marine resources of Rhode Island.

6.2 Authority

These Regulations are adopted pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

6.3 Application

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

6.4 Definitions

See Definitions and General Provisions, Part [1](#) of this Subchapter.

6.5 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.

6.6 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 these Regulations 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.

6.7 General

A. Recreational use of nets

1. Nets shall not exceed four feet (4') in depth and twenty feet (20') in length.
2. Possession limit for any marine finfish species that is not regulated by size, possession, and/or season in Part 3 of this Subchapter, Finfish: Two (2) quarts per person per day.
3. Nets must be constantly tended.

B. Obstruction of migratory fish passage: No person shall obstruct the free passage of fish in any marine waters, river, or stream of the State of Rhode Island.

C. Pots and buoys

1. No person except the Director shall unduly disturb any pot or associated line (warp) and/or buoy, or remove any marine species from a pot, without the written permission of the owner. (R.I. Gen. Laws § 20-4-8)
2. Each pot used for the taking of marine species shall have attached a buoy, and each pot and buoy shall be identified with the name and license number of the owner. (R.I. Gen. Laws § 20-4-7)
3. The use of floating line within eight feet (8') of the surface of the water, that is attached to any fixed gear buoy, is prohibited.
4. Each pot used for the taking of marine species shall bear a color scheme on the attached buoy consistent with the color specified on the license. The buoy color scheme shall also be displayed on any vessel used by the licensee, such that the colors shall be painted on the port and starboard sides of the hull in a section, not less than one foot (1') square; or a clearly painted buoy shall be set at the highest point on the vessel excluding the mast and be visible for three hundred sixty degrees (360°). The buoy or colors must be prominently displayed on the vessel at all times that gear is in the water.
5. No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot unless the color scheme of the attached buoy is the same as the color scheme that is on file with the license application and displayed on the boat used by that person, or unless that person is duly licensed and possesses written permission from the rightful owner of the pot, trap, or other device. (R.I. Gen. Laws § 20-7-11.1(b))

6. Escape vents: Hinges or fasteners of one (1) panel or door must be made of one (1) of the following degradable materials:
 - a. Un-treated hemp, jute, or cotton string three sixteenths of an inch (3/16") (4.8 mm) or smaller.
 - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners.
 - c. Un-galvanized or uncoated iron wire of ninety-four one thousandths of an inch (.094") (2.4 mm) or smaller.
 - 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.

6.8 Areas (Waters) Prohibited for All Commercial Netting

- A. All netting, except licensed fish traps are prohibited in the Harbor of Refuge and within one hundred (100) yards of the Harbor of Refuge breakwater;
- B. In all coastal salt pond channels;
- C. In Point Judith Pond in the towns of South Kingstown and Narragansett in the following locations:
 1. South of a line extending from Strawberry Hill Point to High Point; and west of the Great Island Bridge;
 2. East of a line extending from Betty Hull Point to Short Point; and west of a line extending from Blue Rock Point to Old Cellar Point;
 3. North of a line extending from Ram Point to Squally Point;
- D. In the northern portion of Potter Pond within one hundred feet (100') of the Captain's Brook in the town of South Kingstown;
- E. In the Narrow River in the following locations:
 1. Within three hundred (300) yards of the seaward entrance to the river;
 2. Between Middle Bridge and a point located eight hundred feet (800') north of Bridgetown Road Bridge;
 3. Within one hundred feet (100') north and south sides of the upper Narrows;
 4. Within one hundred feet (100') seaward of the mouth of Gilbert Stuart Brook;

- F. In the Pawcatuck River north of a line extending from Pawcatuck Rock in the town of Stonington, Connecticut to Thompson Point in the town of Westerly, except for seining between February 1 and April 15 annually;
- G. Fixed gear is prohibited in the Foster Cove channel and in the narrows in Charlestown Pond.

6.9 Trawling Devices

- A. Net obstruction or constriction: Any fishing vessel subject to minimum mesh size restrictions using a trawl net 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 (1) splitting strap and one (1) bull rope (if present), consisting of line and rope no more than three inches (3") 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 fifty percent (50%) 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.
- B. The use of rollers, rockhoppers or discs greater than twelve inches (12") in diameter is prohibited in the marine waters of Rhode Island.
- C. Prohibited areas: In addition to those waters where all netting is prohibited, a trawling device is prohibited in the following areas:
 - 1. In the Upper Narragansett Bay Marine Life Management Area as follows:
 - a. From November 2 through June 30;
 - b. On any Saturday, Sunday, or legal State holiday from July 1 through November 1;
 - c. The Upper Narragansett Bay Trawling Area is designated a Marine Life Management Area pursuant to R.I. Gen. Laws § 20-3-4, and is described as the waters north of a line extending from Spink Neck in the town of North Kingstown to Pine Hill Point on Prudence Island, and from Homestead Dock on the easterly shore of Prudence Island to the Hog Island Shoal Light in the town of Bristol; and south of a line extending from Sandy Point to the southern tip of Warwick Point in the city of Warwick; and from the dock at Rocky Point in the city of Warwick to the southern tip of Poppasquash Point to Hog Island Shoal Light in the town of Bristol.
 - 2. In Narragansett Bay north of a line extending from the dock at Rocky Point in the city of Warwick, to the southern tip of Poppasquash Point to Hog Island Shoal Light to the north abutment of Mt. Hope Bridge in the town of Bristol. (R.I. Gen. Laws §§ 20-4-2 and 20-4-3);

3. In the Upper Sakonnet Marine Life Management Area. The Upper Sakonnet River is designated a Marine Life Management Area pursuant to R.I. Gen. Laws § 20-3-4 and is described as the waters of the Upper Sakonnet River north of a line extending from McCurry Point in the town of Portsmouth to the southern end of Jack's Island (so-called) in the town of Tiverton, and south of the Sakonnet River Bridge (Rt. 24).
4. In all coastal salt ponds, except for otter trawling in Charlestown Pond and Quonochontaug Pond in accordance with these Regulations.

D. Otter Trawling

1. Areas prohibited:
 - a. Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, south of a line extending from Marsh Point and Horseshoe Point on the Arnolds shore; west of a line extending from DEM markers located on Marsh Point and Marsh Neck Point; and east of a line extending from the east shore of the Foster Cove channel and a DEM marker located on the barrier beach;
 - b. Quonochontaug Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, south of a line extending from a DEM marker located at the southernmost end of Quahaug Point to the northern end of Nopes (Barn) Island; and east of a line extending south from Quahaug Point to a DEM marker located on the barrier beach;
 - c. In Potter Pond in its entirety.
 - d. No person shall utilize an otter trawl from December 1 through February 28 annually, that has a mesh size which measures less than six inches (6") stretched mesh (measured inside knot to inside knot), in the following areas:
 - (1) In Narragansett Bay north of a line extending from the easternmost extension of Carrier Pier in the town of North Kingstown to Conanicut Point in the town of Jamestown, thence to the tips of the T Pier on Prudence Island to Carr's Point in the town of Portsmouth;
 - (2) In the Sakonnet River north of a line from Sachuest Point in the town of Newport to Sakonnet Point in the town of Little Compton;
 - (3) In Quonochontaug and Charlestown Pond in their entirety.

- E. The use of midwater trawl gear is prohibited in the marine waters of Rhode Island.

6.10 Gill netting

A. Gill netting for bait

1. Bait gill nets must be clearly labeled with the name of the person setting or tending the net and be constantly tended.
2. A bait gill net shall not exceed one hundred feet (100') nor exceed a mesh size greater than three and three quarter inches (3-3/4") stretched.

B. Prohibited areas: In addition to those areas where all netting is prohibited, and with the exception of gill netting for bait, commercial gill netting is prohibited in the following areas:

1. In all coastal salt ponds;
2. In the Pawcatuck River;
3. In Little Narragansett Bay;
4. Within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point;
5. Within one half (1/2) mile in both directions of the seaward entrance to a coastal salt pond channel, and for a distance of three hundred (300) yards seaward, when such coastal salt pond is open to the sea;
6. Within one half (1/2) mile of Block Island between April 15 and November 15 annually;
7. Within fifty (50) yards of the entire Rhode Island coastline (mean high water line) from October 15 through December 31, annually;
8. Within fifty (50) yards of the Rhode Island coastline (mean high tide line) in the following areas:
 - a. From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Point (Carpenter's Bar);
 - b. In Narragansett Bay north of the Colregs line, including Mt. Hope Bay;
 - c. In the Sakonnet River;
 - d. From the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point; and,

- e. From the southwest corner of Price's Neck to Castle Hill Lighthouse.
- C. Gill nets shall be connected in a continuous series not to exceed three thousand linear feet (3,000').
 - D. Setting pattern: Each gill net shall be set in a straight line (from one end buoy to the other).
 - E. No person shall set, haul, or maintain a gill net within three thousand feet (3,000') of a licensed floating fish trap.
 - F. No person shall set, haul, and/or maintain a gill net in the marine waters of Rhode Island during the month of March, annually.
 - G. No person shall take or possess any striped bass while gill netting, or while hauling a gill net, including while gill netting for bait.
 - H. Marking of nets with buoys
 - 1. Both ends of a gill net shall be marked with an orange or fluorescent orange bullet shaped buoy with a size of nine inches (9") by sixteen inches (16"), and be clearly marked with the letters "GN" with a minimum letter height of three inches (3") and include the name and license number of the licensee.
 - 2. For gill nets set, hauled, and/or maintained south of the Colregs line, all buoy lines must be marked with three (3) individual green colored marks measuring twelve inches (12"): one (1) at the top, one (1) at the midway point, and one (1) at the bottom of each buoy line.
 - I. Tagging of nets
 - 1. Vessels permitted and participating in the gill net tagging program administered by the NOAA Fisheries Greater Atlantic Regional Office, and which are not participating in the Rhode Island tagging program, may transit the marine waters of Rhode Island with gill nets on board the vessel only if all gill nets are stowed, and, when applicable, have the Federal gill net tags permanently attached.
 - 2. No gill net shall be set, hauled and/or maintained in the marine waters of Rhode Island without permanently attached non-transferable tags issued by the Director.
 - 3. Eligibility: Gill net tags are available only to a multipurpose license holder with gill net endorsement.

4. Only one (1) set of tags shall be designated to a commercial license holder.
5. License holders are eligible to receive a maximum of eighty (80) tags, plus an additional ten (10) tags for routine loss. No more than eighty (80) tags shall be in the water at any one time. No person shall possess at any one time more tags than are authorized.
6. Tags shall be attached to every string of gill nets as follows: one (1) tag shall be attached on each of the two (2) terminal ends, at the bridle of each end net panel; and one (1) tag shall be attached on every other bridle of each net panel within the string.
7. No person shall transfer gill net tags between nets or between individuals or vessels.
8. No person shall file a false claim of tag loss.

J. Tending of nets

1. A gill net with a mesh size less than or equal to ten inches (10") must be hauled at least once each calendar day.
2. A gill net with a mesh size greater than ten inches (10") must be hauled at least once every seven (7) days.

K. Weak link and anchor requirements for gill nets set, hauled, and/or maintained south of the Colregs line

1. All buoys, floatation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than one thousand one hundred (1,100) pounds.
2. For nets that return to port each day with the vessel, net panels must have a weak link having a breaking strength of no greater than one thousand one hundred (1,100) pounds at the center or each float line or at least every twenty-five (25) fathoms along the float line of a panel longer than fifty (50) fathoms.
3. For nets which do not return to port with the vessel, weak links of not greater than one thousand one hundred (1,100) pounds must be incorporated into net panels following one (1) of the two (2) configurations required by the NOAA Fisheries Atlantic Large Whale Take Reduction Plan.
4. All gill nets that do not return to port with vessel, regardless of number of net panels, shall be required to be anchored with the holding power of at

least a twenty-two (22) pound Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights).

L. Pinger Specifications

1. A pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz (± 2 kHz) sound at 132 dB (± 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (± 15 milliseconds), and repeating every 4 seconds (± 0.2 seconds).
2. Pingers shall be properly attached to each gill net during the following time periods, annually:
 - a. December 1 through February 28 (February 29 on leap years); and,
 - b. April 1 through May 31.
3. Pinger Attachment: A pinger shall be attached at the end of each string of each gill net and at the bridle of every net within a string of nets (e.g., in a gill net string consisting of three (3) nets, four (4) pingers would be required).
4. Pinger Maintenance: Pingers shall be maintained in an activated state at all times.

M. Drift and sink gill nets: Only a floating and bottom tending gill net may be set, hauled, or maintained in Rhode Island waters.

1. A floating gill net must be constantly tended.
2. Minimum mesh size for a bottom tending gill net: No bottom tending gill net shall have a mesh size smaller than five inches (5") stretched mesh.

N. Additional area specific Regulations

1. No person shall set, haul, and/or maintain a gill net in Narragansett Bay, Mount Hope Bay, or Sakonnet River, north of the Colregs line, which does not meet the following specifications:
 - a. Maximum length: A single gill net, or series of connected gillnets, shall not exceed three hundred feet (300').
 - b. Spacing
 - (1) No gill net shall be set within one hundred fifty feet (150') of shore at mean low water.
 - (2) No gill net shall be set within two thousand feet (2,000') of another gill net.

2. Waters within one half (1/2) nautical miles of the Rhode Island coast (mean high tide line) and south of the Colregs line:
 - a. Maximum length: A series of connected gillnets shall not exceed a total length of six hundred feet (600').
 - b. Setting pattern: Each gill net shall be set perpendicular to the shore.
 - c. Spacing: No gill net shall be set within two thousand feet (2,000') of another gill net.

3. Waters between one half (1/2) nautical miles and three (3) nautical miles from the Rhode Island coast (mean high tide line):
 - a. No gill net shall be set within two thousand feet (2,000') of another gill net from April 1 through October 1.
 - b. Marking
 - (1) A series of connected gill nets greater than six hundred feet (600') and less than or equal to one thousand two hundred feet (1,200') must be marked with two (2) orange or fluorescent orange floats with a size of nine inches (9") by sixteen inches (16") on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one (1) orange or fluorescent orange float with a size of nine inches (9") by sixteen inches (16") on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two (2) orange or fluorescent orange floats with a size of nine inches (9") by sixteen inches (16") should be placed on the southernmost end.
 - (2) A series of connected gill nets greater than one thousand two hundred feet (1,200') must be marked with an orange or fluorescent orange float with a size of nine inches (9") by sixteen inches (16") and a radar reflective highflyer at each end. One (1) of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end.

6.11 Fyke Nets

- A. No person shall set, haul, and/or maintain a commercial fyke net in the waters of the State unless permitted by the Director.
- B. Persons applying for such permit shall provide the dates of use, location, and net measurements.
- C. Any fyke net placed in the marine waters of the State shall meet the following dimensions:
 - 1. Maximum length of fyke net leader: One hundred feet (100')
 - 2. Maximum mesh size: Stretched mesh shall not be greater than two and one half inches (2- $\frac{1}{2}$ ").
 - 3. Leader: Must not extend more than four feet (4') off the bottom
- D. Fyke nets must be tended and hauled every forty-eight (48) hours.
- E. Fyke nets shall not be placed within two hundred fifty feet (250') of any other fishing net.
- F. Prohibited areas: In addition to those waters where all netting is prohibited, fyke nets are prohibited in Charlestown and Quonochontaug Ponds between June 15 and September 15, annually.

6.12 Seine Nets

Prohibited areas: In addition to those waters where all netting is prohibited, seine nets are prohibited within one half ($\frac{1}{2}$) mile in both directions of the seaward entrance of a coastal salt pond channel for a distance of three hundred (300) yards seaward, when the coastal salt pond is open to the sea.

6.13 Fish Traps

- A. ~~Permit required~~Applicability: No person shall set a floating fish trap (fish trap) in the public marine waters of the State without first obtaining a permit from the Director as provided in pursuant to these Regulations. (R.I. Gen. Laws § 20-5-1)
- B. Eligibility: A permit ~~may be issued~~is available to any resident ~~of this State or to any corporations incorporated in the State~~ licensed in accordance with R.I. Gen. Laws Chapter 20-2.1 upon payment of a permit fee of twenty dollars (\$20.00) per trap location. (R.I. Gen. Laws § 20-5-2)
- C. Issuance of available permits:
 - 1. General:

- a. A permit shall be made available upon expiration, revocation, or withdrawal of a currently held permit. In such instances, a new permit opportunity will be made available to the public by February 1.
 - b. Application Period: Applications for a new permit will be accepted from February 1 through March 1.
 - c. In cases where a limited number of new sites are available, the Department shall provide priority to applicants as described herein.
 - d. If application for an eligible site is not received during the application period, a permit shall not be issued and the site will be made available during the next application period.
 - e. A permit may be issued on an individual site basis or by group of sites.
2. Eligibility: Available to any person who holds a valid Multipurpose License or Principal Effort License with Restricted Finfish Endorsement.

D. Prioritization for the issuance of a permit:

1. First priority: First priority shall be provided to eligible applicants equally as follows:
 - a. A current fish trap site permit holder who can demonstrate by dated transaction records, as verified by SAFIS dealer or dockside sales reporting, a minimum of one (1) legal Rhode Island landing in the preceding calendar year.
 - b. Resident crew members who have actively participated in the floating fish trap fishery. To be considered actively participating, a crew must be able to demonstrate via one (1) or more affidavits that they have worked as a paid crew for one (1) or more captains licensed in the State of Rhode Island on a vessel that was active in the floating fish trap fishery. To be considered a paid crew, persons must demonstrate a valid record of being a paid employee of the vessel owner or person licensed to fish commercially, including either a W-2 form, 1099 form, or paycheck stub from a financial institution for the period of time being used to meet the standard of Actively Participating. Affidavits must reflect activity conducted upon a vessel that was commercially declared during the period of activity.
2. Second priority: Second priority shall be provided to any resident who holds an eligible commercial fishing license.

E. Lottery: If in any priority category there are more eligible applicants than there are permits available for issue, those permits will be issued by a lottery on an individual site basis, chosen at random.

CF. Application:

1. Application for a fish trap permit shall be made on forms as prescribed by the Director.

2. Application for permit renewal shall be made within ten (10) business days before its termination. Failure to apply for a permit renewal may result in forfeiture of the permit.

DG. Expiration and renewal of permits. Permits shall be provided for a three (3) year period, or for that portion thereof expiring on the last day of December of each third (3rd) year thereafter.

~~1.~~ ~~Permits shall be provided for a three (3) year period, or for that portion thereof expiring on the last day of December of each third (3rd) year thereafter.~~

~~2.~~ ~~On termination of any permit, the Director may renew the permit by issuing a new permit in place of the permit.~~

~~3.~~ ~~Eligibility: Application for permit renewal shall be made within ten (10) days before its termination. Failure to apply for a permit renewal shall allow for a permit application in the location as specified in the permit by any other person. (R.I. Gen. Laws § 20-5-9)~~

H. Permit conditions:

1. Upon ceasing to operate any fish trap as authorized, all gear shall at once be removed by the owner at the owner's expense and to the satisfaction of the Director. Failure to remove the fish trap shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance.

2. Unless otherwise specified by Regulations, fish traps shall be completely removed from the water by December 31 annually, including all submerged or broken stakes. No fish trap may be set from January 1 through March 1 annually.

3. Fish traps set shall not be damaged or be in a dilapidated condition. Any such damaged or dilapidated fish trap shall be determined to be abandoned by the Director. Any such damaged dilapidated fish trap shall be immediately removed or rebuilt at the permit holders expense.

4. Reporting: By January 10 annually, every permit holder shall attest to the DEM in writing documentation specifying which fish trap locations were set

during the preceding calendar year and which fish trap locations will be set during the upcoming season. This documentation shall identify fish trap locations by GPS, LORAN and/or latitude and longitude coordinates and include the dates upon which the licensee anticipates setting and removing the traps. This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835 prior to the setting of the trap.

5. No permit holder shall sub-lease or authorize another person to use an authorized fish trap location.
6. Hook-backs in leaders: Each leader shall be set as nearly as may be in a straight line. No bend or angle, known commonly as a "hook-back," is authorized.
7. The length of the fish trap and leader shall not be greater than two hundred eighty (280) fathoms.
8. All fish traps shall be marked with no less than four (4) radar reflective buoys (hi-flyers) each positioned no more than one hundred feet (100') from the fish trap or its appurtenances as follows: One (1) buoy shall be located at the shoreward end of the leader; one (1) buoy on the seaward end of the leader adjacent to the head of the trap; and (2) two buoys shall be located on the seaward side of the head of the trap.
9. Fish traps located at sites 13F, 26C, 25B, 398, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as follows:
 - a. Site 13F shall be marked with a 5th class buoy with a four (4) second flashing light.
 - b. Site 26C shall be marked with a 5th class buoy with a six (6) second flashing light.
 - c. Site 25B shall be marked with a 5th class buoy with a four (4) second flashing light at the southern end of the trap and an unlit 5th class buoy at the northern end.
 - d. Sites 398 and 383-19 shall be marked with an unlit 5th class buoy.
 - e. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6th class buoy.

f. Sites 122-19 and 400-23 shall be marked with a 5th class buoy with a two and one half (2-1/2) second flashing light.

g. Each of the above-described buoys shall be positioned within one hundred feet (100') of the head of the fish trap and its appurtenances.

10. Non-compliance with any permit condition shall subject the permit holder to permit revocation and/or imposition of a penalty pursuant to § 1.11 of this Subchapter, and/or denial of a permit renewal application.

E. Exclusive right of permittee; assignment of permit

1. The holder of any fish trap permit, or the holder's heirs, executors, administrators, successors, or assigns shall have the exclusive right to fish the location by means of a fish trap, provided that the site is and has been actively fished.
2. Any holder of any fish trap permit may, upon approval of the Director, transfer the permit to any suitable person. This approval must be endorsed on the permit in order to become effective. (R.I. Gen. Laws § 20-5-10)

~~F. Report as to traps placed; failure to occupy location; removal of permit from State: By January 10 annually, every person holding a permit pursuant to this Chapter shall notify the DEM in writing, under oath, what traps were placed under the permit during the preceding calendar year. Failure to furnish this information makes the permit null and void after that date. Failure to place a complete fish trap on a permitted location for a part of one (1) calendar year may, in the discretion of the Director, make the permit for the fish trap null and void; and the location will then become available for any suitable applicant. A permit for a fish trap location becomes null and void upon the removal of the holder from the State. (R.I. Gen. Laws § 20-5-13)~~

~~G. Removal of trap on cessation of use; closed season; damaged or dilapidated traps: Upon ceasing to use any fish trap as authorized, that structure shall at once be removed by the owner at the owner's expense and to the satisfaction of the Director. Failure to remove it shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance or for revocation of the fish trap permit. Unless otherwise specified by Regulations, all fish traps authorized in this Chapter shall be completely removed by or before the last day of December of each year; and no fish trap shall be reset before the first (1st) day of the following March. All submerged or broken stakes must be promptly removed. Any fish trap damaged or allowed to get into a dilapidated condition will be regarded as abandoned unless promptly removed or rebuilt. Failure to do this will subject the owner to prosecution and forfeiture of the trap. (R.I. Gen. Laws § 20-5-14)~~

~~H. Reporting requirements: By January 10 annually, each licensee/fish trap operator shall submit a written report to the DEM, indicating those locations where the licensee shall be setting fish traps during the upcoming fishing season. These locations shall be identified by GPS, LORAN and/or latitude and longitude coordinates and shall also include the dates upon which the licensee anticipates setting and removing the traps. This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835 prior to the setting of the trap. Failure to provide this information makes the fish trap operator's license null and void.~~

I. By January 31 annually, the DEM shall review all trap site permits and shall eliminate those sites from the list of authorized sites for which a permit has not been issued. The DEM shall provide written notice by registered mail to all those licensees who had most recently been issued permit(s) to set fish trap(s) in the locations of the sites to be eliminated. Said notice shall advise the affected licensee that the licensee may avoid the elimination of the trap location if written notice of such a desire to avoid elimination is received by the Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835, on or before thirty (30) days of the licensee's receipt of the notice of elimination.

~~J. Sub-leasing of permitted fish trap locations: It is prohibited to sub-lease or allow any other person to use a permitted fish trap location; any violation of this prohibition shall make the permit for the fish trap null and void. (R.I. Gen. Laws §§ 20-5-10(b) and 20-5-13)~~

~~K. Hook backs in Leaders: Each leader shall be set as nearly as may be in a straight line. No bend or angle, known commonly as a "hook back," shall be permitted. (R.I. Gen. Laws § 20-5-7)~~

L. Minimum distance between traps: The Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet (3,000') of an adjoining trap if the parties interested agree in writing to such a lesser distance. Such decisions shall be made with the advice of the Rhode Island Marine Fisheries Council. (R.I. Gen. Laws § 20-5-4)

M. Maximum length of trap leader: No permit shall be granted for a fish trap in which the length of the trap and leader is greater than two hundred eighty (280) fathoms. (R.I. Gen. Laws § 20-5-4)

N. Willful injury to traps: No person shall willfully or maliciously cut, remove, displace, tamper with, or in any way damage any trap, leader, or pound set by virtue of the permit provided for in these Regulations. (R.I. Gen. Laws § 20-5-18)

N. No fish trap shall be set within three thousand feet (3,000') of another fish trap legally set. The Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet (3,000') of an adjoining fish trap if the parties interested agree in writing to such a lesser distance.

O. Navigational Aids to Fish Traps and Appurtenances

- ~~1. Licensees must comply with the following requirements. Failure to comply shall make license null and void. All floating fish traps deployed within the marine waters of Rhode Island shall be marked with no less than four (4) radar reflective buoys (hi-flyers) each positioned no more than one hundred feet (100') from the trap or its appurtenances in the following locations: one (1) buoy shall be located at the shoreward end of the leader, one (1) buoy on the seaward end of the leader adjacent to the head of the trap, and (2) two buoys shall be located on the seaward side of the head of the trap.~~
- ~~2. Floating fish traps located at sites 13F, 26C, 25B, 398, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as follows:
 - ~~a. Site 13F shall be marked with a 5th class buoy with a four (4) second flashing light.~~
 - ~~b. Site 26C shall be marked with a 5th class buoy with a six (6) second flashing light.~~
 - ~~c. Site 25B shall be marked with a 5th class buoy with a four (4) second flashing light at the southern end of the trap and an unlit 5th class buoy at the northern end.~~
 - ~~d. Sites 398 and 383-19 shall be marked with an unlit 5th class buoy.~~
 - ~~e. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6th class buoy.~~
 - ~~f. Sites 122-19 and 400-23 shall be marked with a 5th class buoy with a two and one half (2-1/2) second flashing light.~~
 - ~~g. Each of the above-described buoys shall be positioned within one hundred feet (100') of the head of the floating fish trap and its appurtenances.~~~~

PO. Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites:

1. The following sites are located south of the city of Newport and town of Middletown within the area designated for floating fish traps by the Army Corp of Engineers:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
13B	DDD.DDDDD°	41.44409	-71.34711	41.44052	-71.34237	135	1680
	DDD° MM.MMM'	41 26.645	-71 20.826	41 26.431	-71 20.542		
13C	DDD.DDDDD°	41.44052	-71.34237	41.43695	-71.33763	135	1680
	DDD° MM.MMM'	41 26.431	-71 20.542	41 26.217	-71 20.257		
13D	DDD.DDDDD°	41.43695	-71.33763	41.43338	-71.33289	135	1680
	DDD° MM.MMM'	41 26.217	-71 20.257	41 26.002	-71 19.973		
13E	DDD.DDDDD°	41.43338	-71.33289	41.42981	-71.32815	135	1680
	DDD° MM.MMM'	41 26.002	-71 19.973	41 25.788	-71 19.688		
13F	DDD.DDDDD°	41.42981	-71.32815	41.42624	-71.32341	135	1680
	DDD° MM.MMM'	41 25.788	-71 19.688	41 25.574	-71 19.404		
26A	DDD.DDDDD°	41.45083	-71.30667	41.44726	-71.30193	135	1680
	DDD° MM.MMM'	41 27.049	-71 18.400	41 26.835	-71 18.115		
26B	DDD.DDDDD°	41.44726	-71.30193	41.44369	-71.29719	135	1680
	DDD° MM.MMM'	41 26.835	-71 18.115	41 26.6214	-71 17.831		
26C	DDD.DDDDD°	41.44369	-71.29719	41.44012	-71.29245	135	1680
	DDD° MM.MMM'	41 26.6214	-71 17.831	41 26.407	-71 17.547		
26D	DDD.DDDDD°	41.44012	-71.29245	41.43655	-71.28771	135	1680
	DDD° MM.MMM'	41 26.407	-71 17.547	41 26.193	-71 17.262		

111	DDD.DDDDD°	41.44944	-71.33750	41.44766	-71.34008	225	750
	DDD° MM.MMM'	41 26.966	-71 20.250	41 26.859	-71 20.404		
112	DDD.DDDDD°	41.44766	-71.34008	41.44607	-71.34220	225	750
	DDD° MM.MMM'	41 26.859	-71 20.404	41 26.764	-71 20.532		
133	DDD.DDDDD°	41.44961	-71.33436	41.44676	-71.33217	150	1100
	DDD° MM.MMM'	41 26.976	-71 20.061	41 26.805	-71 19.930		
136	DDD.DDDDD°	41.44676	-71.33217	41.44391	-71.32998	150	1100
	DDD° MM.MMM'	41 26.805	-71 19.930	41 26.634	-71 19.798		
324	DDD.DDDDD°	41.44391	-71.32998	41.44106	-71.32779	150	1100
	DDD° MM.MMM'	41 26.634	-71 19.798	41 26.463	-71 19.667		
113A	DDD.DDDDD°	41.43500	-71.28222	41.43143	-71.27748	135	1680
	DDD° MM.MMM'	41 26.100	-71 16.933	41 25.885	-71 16.648		
113B	DDD.DDDDD°	41.43143	-71.27748	41.42786	-71.27274	135	1680
	DDD° MM.MMM'	41 25.885	-71 16.648	41 25.671	-71 16.364		
113C	DDD.DDDDD°	41.42786	-71.27274	41.42429	-71.26800	135	1680
	DDD° MM.MMM'	41 25.671	-71 16.364	41 25.457	-71 16.080		
113D	DDD.DDDDD°	41.42429	-71.26800	41.42072	-71.26326	135	1680
	DDD° MM.MMM'	41 25.457	-71 16.080	41 25.243	-71 15.795		
113E	DDD.DDDDD°	41.42072	-71.26326	41.41715	-71.25852	135	1680
	DDD° MM.MMM'	41 25.243	-71 15.795	41 25.029	-71 15.511		
113F	DDD.DDDDD°	41.41715	-71.25852	41.41358	-71.25378	135	1680

	DDD° MM.MMM'	41 25.029	-71 15.511	41 24.814	-71 15.226		
25A	DDD.DDDDD°	41.45083	-71.30667	41.44726	-71.30193	120	1680
	DDD° MM.MMM'	41 27.049	-71 18.400	41 26.835	-71 18.115		
25B	DDD.DDDDD°	41.44726	-71.30193	41.44369	-71.29719	120	1680
	DDD° MM.MMM'	41 26.835	-71 18.115	41 26.621	-71 17.831		
25C	DDD.DDDDD°	41.44369	-71.29719	41.44012	-71.29245	120	1680
	DDD° MM.MMM'	41 26.621	-71 17.831	41 26.407	-71 17.547		
54A	DDD.DDDDD°	41.41657	-71.28733	41.41981	-71.29246	310	1680
	DDD° MM.MMM'	41 24.994	-71 17.239	41 25.188	-71 17.547		
54B	DDD.DDDDD°	41.41981	-71.29246	41.42305	-71.29759	310	1680
	DDD° MM.MMM'	41 25.188	-71 17.547	41 25.383	-71 17.855		
37A	DDD.DDDDD°	41.41324	-71.26933	41.41648	-71.27446	310	1680
	DDD° MM.MMM'	41 24.794	-71 16.159	41 24.988	-71 16.467		
37B	DDD.DDDDD°	41.41648	-71.27446	41.41972	-71.27959	310	1680
	DDD° MM.MMM'	41 24.988	-71 16.467	41 25.183	-71 16.775		
116	DDD.DDDDD°	41.45917	-71.30028	41.45659	-71.29538	125	1500
	DDD° MM.MMM'	41 27.550	-71 18.016	41 27.395	-71 17.722		
117	DDD.DDDDD°	41.45659	-71.29538	41.45401	-71.29048	125	1500
	DDD° MM.MMM'	41 27.395	-71 17.722	41 27.240	-71 17.428		
501A	DDD.DDDDD°	41.45222	-71.29306	41.44933	-71.28757	125	1680
	DDD° MM.MMM'	41 27.133	-71 17.583	41 26.959	-71 17.254		

501B	DDD.DDDDD°	41.44933	-71.28757	41.44644	-71.28208	125	1680
	DDD° MM.MMM'	41 26.959	-71 17.254	41 26.786	-71 16.924		
287	DDD.DDDDD°	41.47389	-71.29694	41.47301	-71.29030	100	1680
	DDD° MM.MMM'	41 28.433	-71 17.816	41 28.380	-71 17.418		
23	DDD.DDDDD°	41.46556	-71.27528	41.46376	-71.27530	180	600
	DDD° MM.MMM'	41 27.933	-71 16.516	41 27.825	-71 16.518		
383-19A	DDD.DDDDD°	41.47455	-71.24348	41.47098	-71.23874	135	1680
	DDD° MM.MMM'	41 28.473	-71 14.608	41 28.258	-71 14.324		
383-19B	DDD.DDDDD°	41.47098	-71.23874	41.46741	-71.23400	135	1680
	DDD° MM.MMM'	41 28.258	-71 14.324	41 28.044	-71 14.039		
512-19	DDD.DDDDD°	41.48066	-71.23695	41.47709	-71.23221	135	1680
	DDD° MM.MMM'	41 28.839	-71 14.216	41 28.625	-71 13.932		
364	DDD.DDDDD°	41.45750	-71.35972	41.45750	-71.36134	270	400
	DDD° MM.MMM'	41 27.450	-71 21.583	41 27.450	-71 21.680		
191	DDD.DDDDD°	41.47917	-71.27500	41.47504	-71.27115	145	1680
	DDD° MM.MMM'	41 28.750	-71 16.500	41 28.502	-71 16.269		
192	DDD.DDDDD°	41.47504	-71.27115	41.47091	-71.26735	145	1680
	DDD° MM.MMM'	41 28.502	-71 16.269	41 28.254	-71 16.041		

2. The following sites are located near Sakonnet Point within the area designated by the Army Corp of Engineers:

	Coordinate Type	Start	End		

Trap Site		Latitude	Longitude	Latitude	Longitude	Compass Heading (Degrees)	Max. Length (Feet)
119-19	DDD.DDDDD°	41.48667	-71.19583	41.48495	-71.20213	250	1680
	DDD° MM.MMM'	41 29.200	-71 11.749	41 29.097	-71 12.127		
581-19	DDD.DDDDD°	41.48444	-71.20389	41.48272	-71.21019	250	1680
	DDD° MM.MMM'	41 29.066	-71 12.233	41 28.963	-71 12.611		
580-19	DDD.DDDDD°	41.48389	-71.19778	41.48217	-71.20408	250	1680
	DDD° MM.MMM'	41 29.033	-71 11.866	41 28.930	-71 12.244		
293-19	DDD.DDDDD°	41.48183	-71.19168	41.48011	-71.19798	250	1680
	DDD° MM.MMM'	41 28.909	-71 11.500	41 28.806	-71 11.878		
227-19	DDD.DDDDD°	41.47536	-71.19205	41.47536	-71.19875	270	1680
	DDD° MM.MMM'	41 28.521	-71 11.522	41 28.521	-71 11.925		
584-19	DDD.DDDDD°	41.47333	-71.19639	41.47333	-71.20309	270	1680
	DDD° MM.MMM'	41 28.399	-71 11.783	41 28.399	-71 12.185		
122-19	DDD.DDDDD°	41.47056	-71.19333	41.46925	-71.19981	255	1680
	DDD° MM.MMM'	41 28.233	-71 11.599	41 28.155	-71 11.988		
120-19	DDD.DDDDD°	41.46595	-71.19625	41.46595	-71.20295	270	1680
	DDD° MM.MMM'	41 27.957	-71 11.775	41 27.957	-71 12.177		
261-19	DDD.DDDDD°	41.45933	-71.19548	41.45933	-71.20218	270	1680
	DDD° MM.MMM'	41 27.559	-71 11.728	41 27.559	-71 12.130		
398	DDD.DDDDD°	41.45278	-71.20278	41.45026	-71.20858	240	1680

	DDD° MM.MMM'	41 27.166	-71 12.166	41 27.015	-71 12.514		
118	DDD.DDDDD°	41.45026	-71.20858	41.44774	-71.21438	240	1680
	DDD° MM.MMM'	41 27.015	-71 12.514	41 26.864	-71 12.862		
58	DDD.DDDDD°	41.45278	-71.20278	41.44774	-71.20280	180	1680
	DDD° MM.MMM'	41 27.166	-71 12.166	41 26.864	-71 12.168		
79A	DDD.DDDDD°	41.44863	-71.19876	41.44691	-71.20506	250	1680
	DDD° MM.MMM'	41 26.917	-71 11.925	41 26.814	-71 12.303		
79B	DDD.DDDDD°	41.44691	-71.20506	41.44519	-71.21136	250	1680
	DDD° MM.MMM'	41 26.814	-71 12.303	41 26.711	-71 12.681		
114A	DDD.DDDDD°	41.49667	-71.12583	41.49170	-71.12467	170	1680
	DDD° MM.MMM'	41 29.800	-71 07.549	41 29.502	-71 07.480		
29	DDD.DDDDD°	41.42944	-71.21139	41.42440	-71.21139	180	1680
	DDD° MM.MMM'	41 25.766	-71 12.683	41 25.463	-71 12.683		
614A	DDD.DDDDD°	41.45361	-71.18528	41.44857	-71.18528	180	1680
	DDD° MM.MMM'	41 27.216	-71 11.116	41 26.914	-71 11.116		
614B	DDD.DDDDD°	41.44857	-71.18528	41.44353	-71.18528	180	1680
	DDD° MM.MMM'	41 26.914	-71 11.116	41 26.611	-71 11.116		
FC-1	DDD.DDDDD°	41.54250	-71.31444	41.54444	-71.31167	240	1680
	DDD° MM.MMM'	41 32.549	-71 18.866	41 32.666	-71 18.700		
FC-2	DDD.DDDDD°	41.54083	-71.32278	41.53917	-71.32750	250	1680
	DDD° MM.MMM'	41 32.449	-71 19.366	41 32.350	-71 19.650		

FC-3	DDD.DDDDD°	41.44194	-71.20250	41.43690	-71.20250	180	1680
	DDD° MM.MMM'	41 26.516	-71 12.150	41 26.214	-71 12.150		
FC-4	DDD.DDDDD°	41.42750	-71.20444	41.42578	-71.19814	110	1680
	DDD° MM.MMM'	41 25.650	-71 12.266	41 25.546	-71 11.888		
583-19	DDD.DDDDD°	41.46233	-71.20205	41.45796	-71.20535	90	1680
	DDD° MM.MMM'	41 27.739	-71 12.122	41 27.477	-71 12.320		
585-19	DDD.DDDDD°	41.47583	-71.21139	41.47583	-71.20470	90	1680
	DDD° MM.MMM'	41 28.549	-71 12.683	41 28.549	-71 12.282		
586-19	DDD.DDDDD°	41.45952	-71.20514	41.45952	-71.19840	270	1680
	DDD° MM.MMM'	41 27.571	-71 12.308	41 27.571	-71 11.904		

3. The following sites are located east of the shore in the town of Narragansett north of Scarborough Beach and south of Narragansett Pier within the area designated by the Army Corp of Engineers for fish traps:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
68A	DDD.DDDDD°	41.41876	-71.45272	41.41624	-71.44690	120	1680
	DDD° MM.MMM'	41 25.125	-71 27.163	41 24.974	-71 26.813		
68B	DDD.DDDDD°	41.41624	-71.44690	41.41372	-71.44110	120	1680
	DDD° MM.MMM'	41 24.974	-71 26.813	41 24.823	-71 26.466		
69A	DDD.DDDDD°	41.41454	-71.45230	41.41241	-71.44623	115	1680
	DDD° MM.MMM'	41 24.872	-71 27.137	41 24.744	-71 26.773		

69B	DDD.DDDDD°	41.41241	-71.44623	41.41028	-71.44016	115	1680
	DDD° MM.MMM'	41 24.744	-71 26.773	41 24.616	-71 26.409		
70A	DDD.DDDDD°	41.40875	-71.45376	41.40662	-71.44769	115	1680
	DDD° MM.MMM'	41 24.524	-71 27.225	41 24.397	-71 26.861		
70B	DDD.DDDDD°	41.40662	-71.44769	41.40449	-71.44162	115	1680
	DDD° MM.MMM'	41 24.397	-71 26.861	41 24.269	-71 24.269		
74A	DDD.DDDDD°	41.40185	-71.45790	41.39861	-71.45277	130	1680
	DDD° MM.MMM'	41 24.111	-71 27.473	41 23.916	-71 27.166		
74B	DDD.DDDDD°	41.39861	-71.45277	41.39537	-71.44764	130	1680
	DDD° MM.MMM'	41 23.916	-71 27.166	41 23.722	-71 26.858		

4. The following sites are located within the area of the Harbor of Refuge in Point Judith:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
22-29	DDD.DDDDD°	41.36854	-71.51594	41.36797	-71.51797	250	550
	DDD° MM.MMM'	41 22.112	-71 30.956	41 22.078	-71 31.078		
400-23	DDD.DDDDD°	41.36702	-71.51544	41.36633	-71.51793	250	675
	DDD° MM.MMM'	41 22.021	-71 30.926	41 21.979	-71 31.075		
475-29	DDD.DDDDD°	41.36464	-71.48970	41.36273	-71.49224	225	900
	DDD° MM.MMM'	41 21.878	-71 29.381	41 21.763	-71 29.534		

475-30	DDD.DDDDD°	41.35990	-71.48999	41.36116	-71.49199	310	650
	DDD° MM.MMM'	41 21.594	-71 29.399	41 21.669	-71 29.519		



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

Meeting Notice SHELLFISH ADVISORY PANEL (SAP)

Wednesday October 6, 2021, 4:30PM

In person:
URI Bay Campus/GSO
Coastal Institute Auditorium

Face masks required for all in attendance!

Zoom webinar:
<https://us02web.zoom.us/j/83835729020>
Meeting ID: 838 3572 9020
Dial in: 1-929-205-6099 (listen only)

AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s)/links
1. Shellfish harvest schedules for Greenwich Bay, Bissel Cove/Fox Is., and Bristol Harbor Shellfish Management Areas	FYI and/or provide recommendation to the RI Marine Fisheries Council	<ul style="list-style-type: none"> Current harvest schedules (Part 4 – Shellfish: sections 4.12.2(A), 4.12.2(E), and 4.12.2(G)) Slides
2. Providence River 2021 Summary	FYI only or recommendation to the RI Marine Fisheries Council	N/A
3. Any Other Matters	FYI only or recommendation for future action	N/A
4. Adjourn		

To join by phone (listen only), call: 1-929-205-6099; meeting ID: 838 3572 9020; participant ID: Provided once you log onto webinar. If joining by phone, simply wait on the line to be connected on the phone.

All RIMFC Species Advisory Panel meetings are open to the public.
For more information please contact Anna Gerber-Williams at (401) 423-1930;
anna.gerberwilliams@dem.ri.gov.

Posted to Sec. of State Open Meetings pursuant to R.I. Gen. Laws § 42-46-6

Panel Chair:

Katie Eagan

Scientific Advisor:

Michael Rice

Membership:

Brennan Bica
Comm. Fishing & Dealer

Dennis Erkan
Recreational Shellfish

Jeff Gardner
Aquaculture

David Ghigliotty
Comm. Bullrake

Bob Rheault
Alternate for J. Gardner

John McDonald
Comm. Shellfishing

Mike McGiveney
Comm. Bullrake

Kenneth Murgo
Comm. Shellfishing

Richard Pastore
Recreational Rod & Reel

Gerald Schey
Comm. Bullrake

Bob Smith
Dealer

Manuel Sousa
Comm. Bullrake

Chris Sperry
Recreational Shellfish

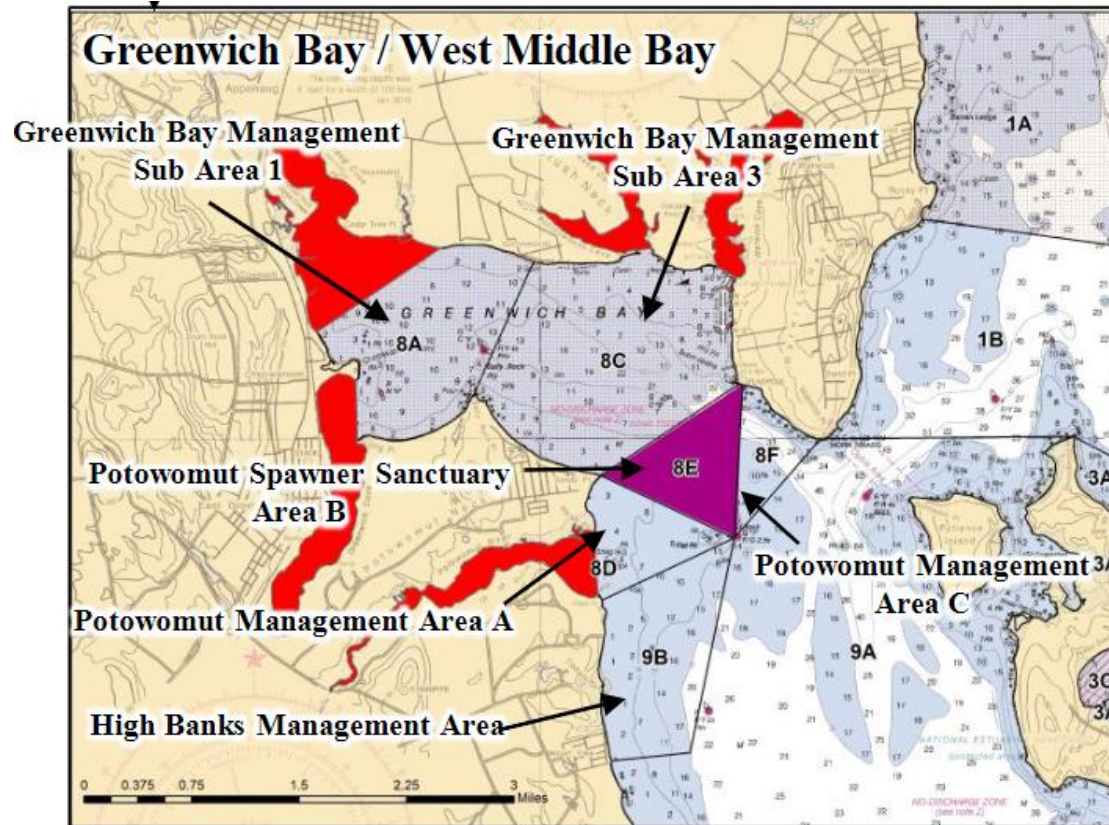
Roger Tellier
Recreational Rod & Reel

Edward Troiano
Recreational Shellfish

Marine Fisheries staff:

Anna Gerber-Williams

4. Discussion on Winter Harvest Schedule for Shellfish Management Area: Greenwich Bay Sub Area 1



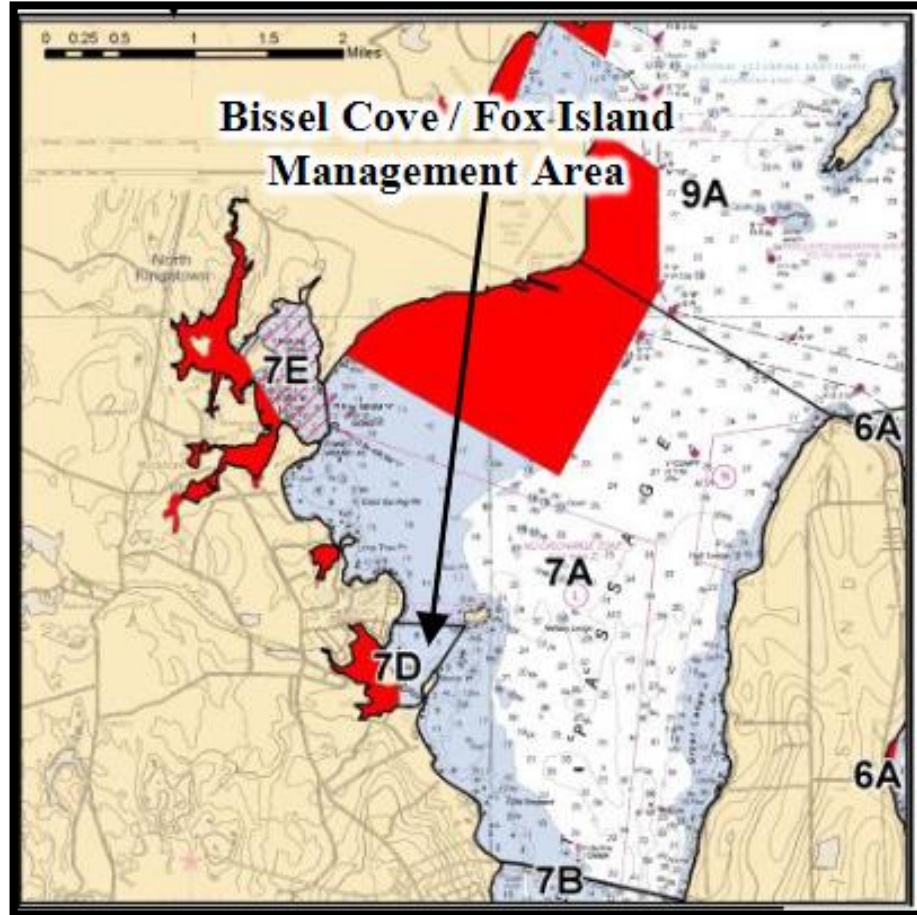
Provisions for Proposal

The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December (8th) and continuing through the last Friday in April (29th), excluding December 25 and January 1 annually.

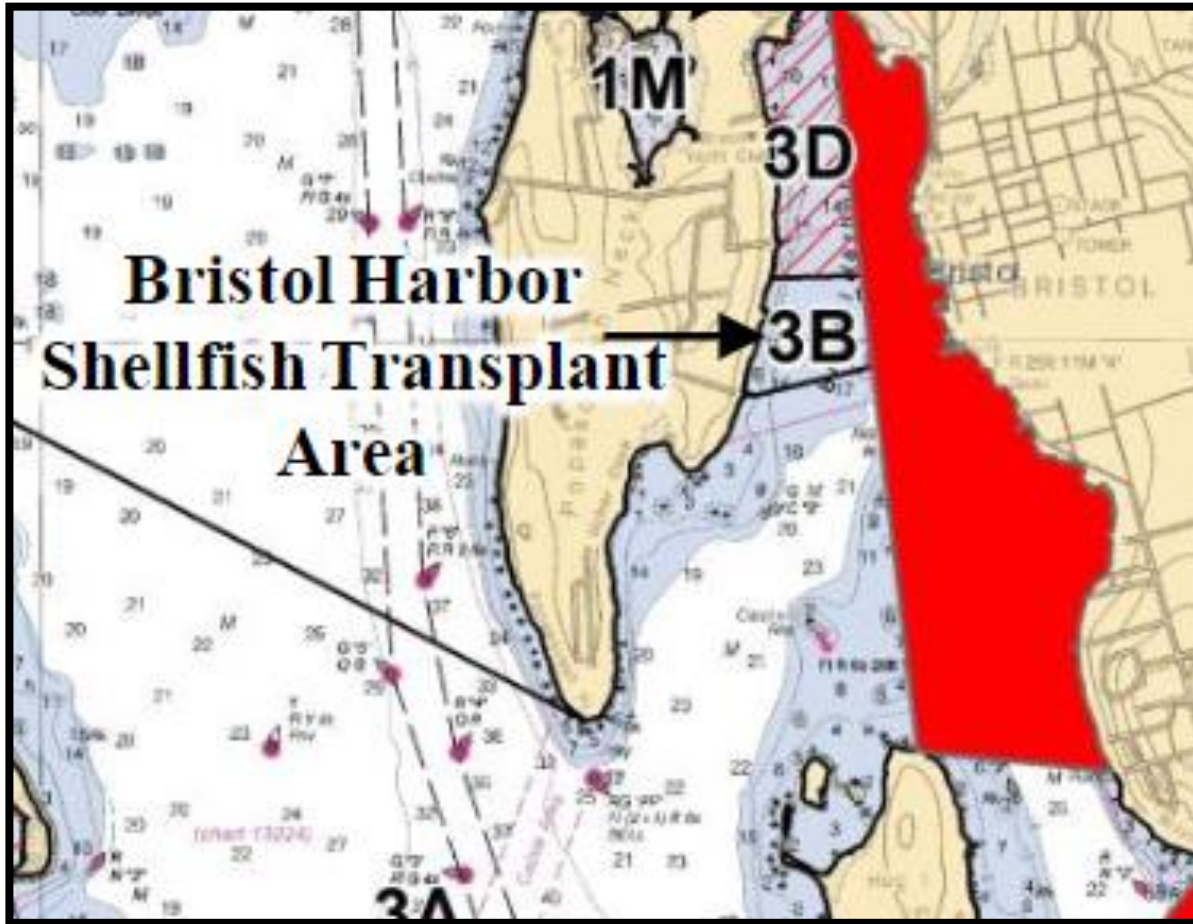
4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove



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Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April, excluding December 25 and January 1 annually.

4. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor



Default

- Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on January 2 and continuing through January 31.
- Open daily February 1 through April 30.
- Closed May 1 through January 1.

SHELLFISH ADVISORY PANEL
GSO CIB Auditorium public meeting
and Zoom webinar

October 6, 2021



AGENDA



1. Shellfish harvest schedules for winter management areas
(Greenwich Bay, Bissel Cove, and Bristol Harbor Shellfish
Management Areas)
2. Providence River 2021 Summary
3. Any Other Matters
4. Adjourn

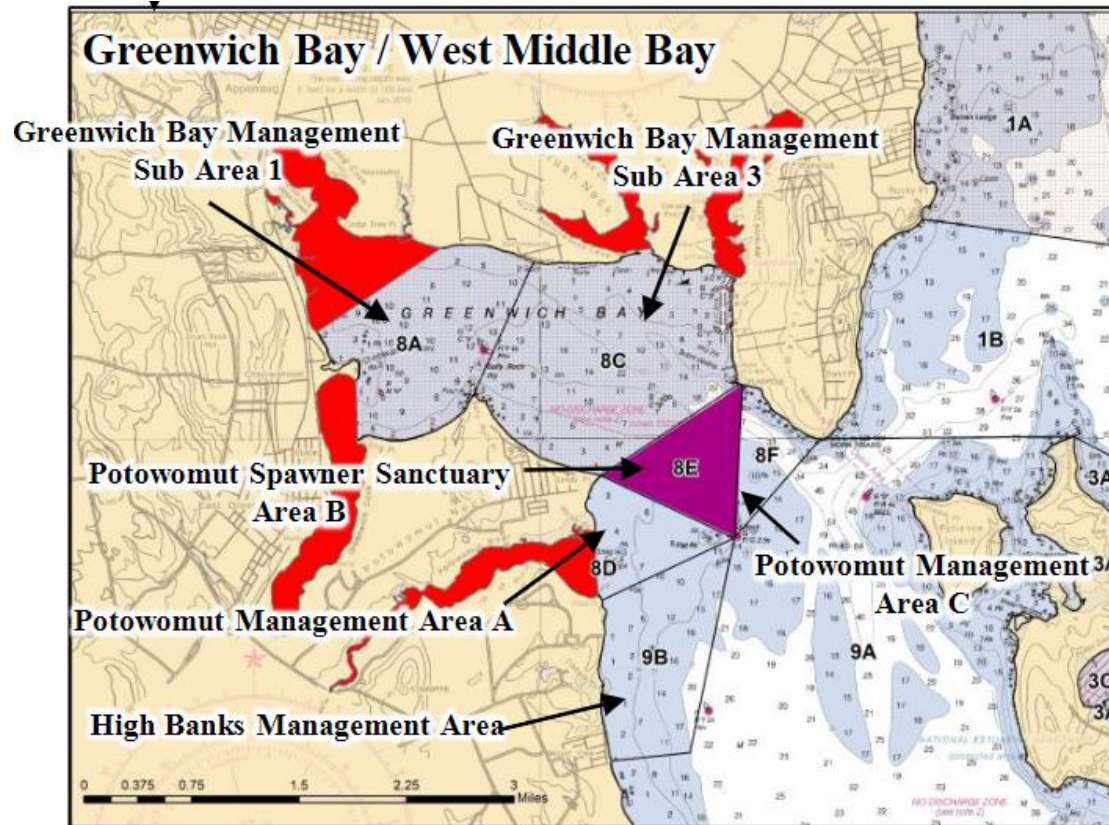
Virtual Meeting Participation



1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the **Raise Hand** feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

Please minimize background noise while unmuted! – Thank you

1. Discussion on Winter Harvest Schedule for Shellfish Management Area: Greenwich Bay Sub Area 1



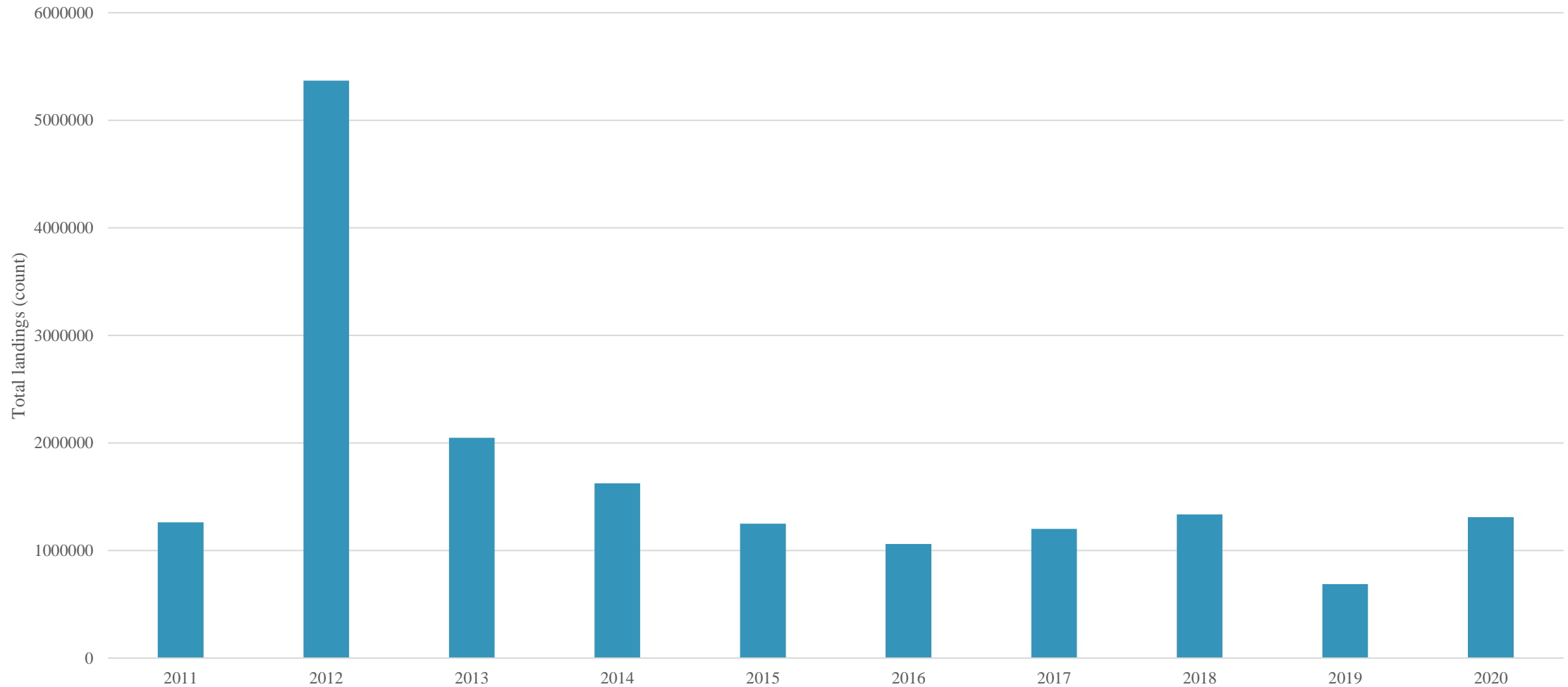
Provisions for Proposal

The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

Default

Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December (8th) and continuing through the last Friday in April (29th), excluding December 25 and January 1 annually.

1. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Sub Area 1



1. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Greenwich Bay Sub Area 1



RISA proposed December harvest schedule:

Open 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 20, 22, 23, 27, 29, 30. If any days prior to December 21st are closed due to water quality December 21st and 28th will open to harvest.

Winter Harvest Schedule for Shellfish Management Area: Greenwich Bay Sub Area 1



Motion: to recommend to the council proposed schedule change. Greenwich Bay Sub Area 1 opens December Open 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 21, 20, 22, 27, 28, 29. If any days prior to December 21st are closed due to water quality December 23st and 30th will open to harvest.

Motion made by: MM

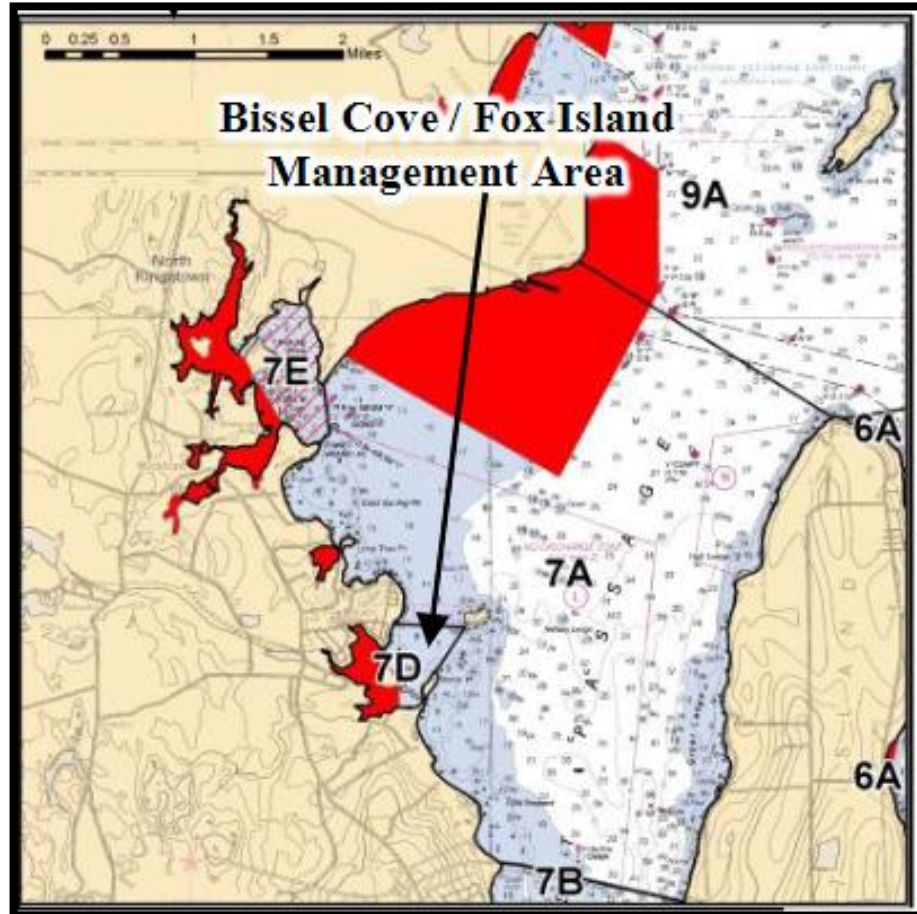
Motion 2nd by: JM

Yea: BB, DE, JM, MM, KM, JG, GS, CS

Nay:

Abstain:

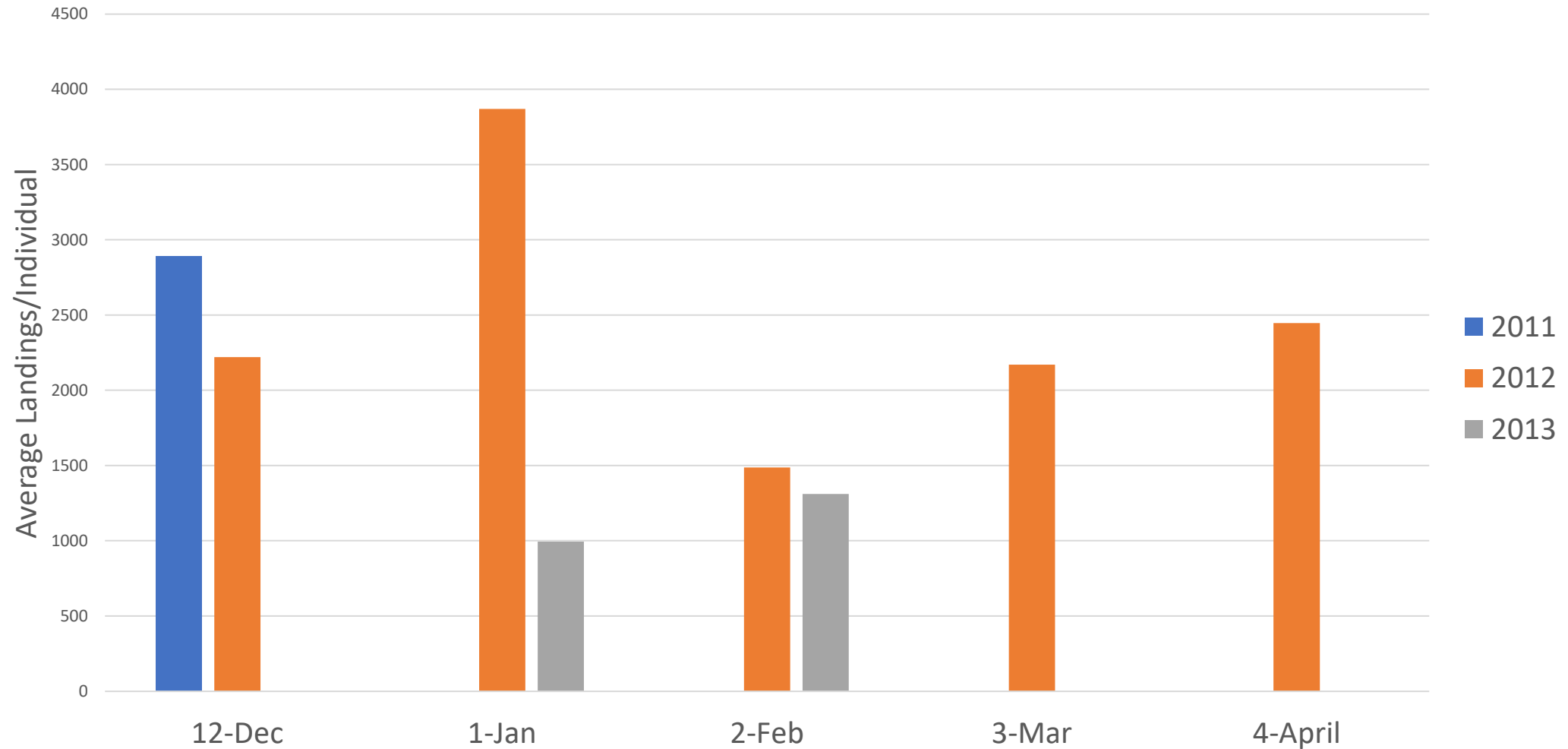
1. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove 7D



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Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April, excluding December 25 and January 1 annually.

1. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove 7D



Winter Harvest Schedule for Shellfish Management Areas: Bissel Cove 7D



Motion: to recommend to the council proposed schedule change. Bissel Cove opens December 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 23, 27, 28, 29, 30.

Motion made by: MM

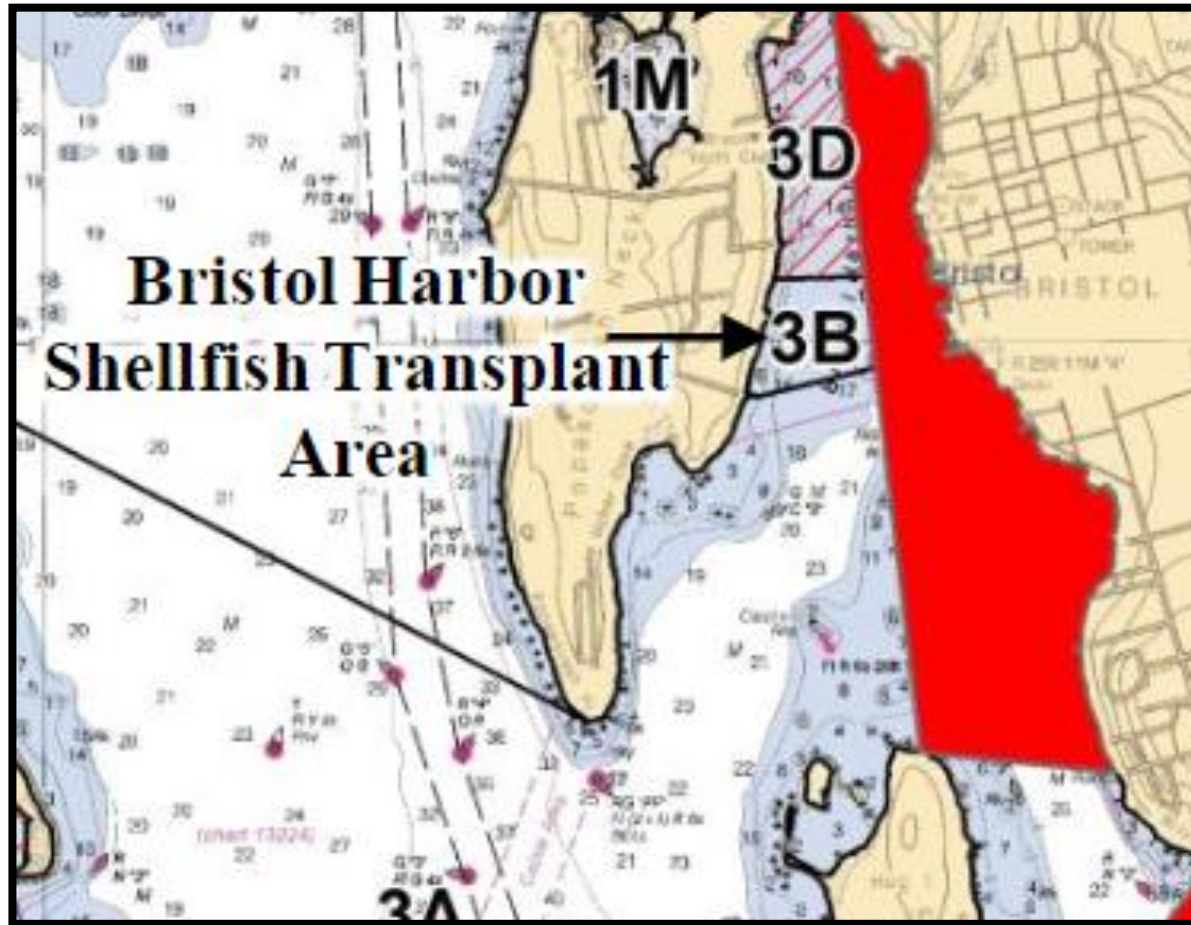
Motion 2nd by: BB

Yea: BB, DE, JM, MM, KM, GS, CS

Nay:

Abstain:

1. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor



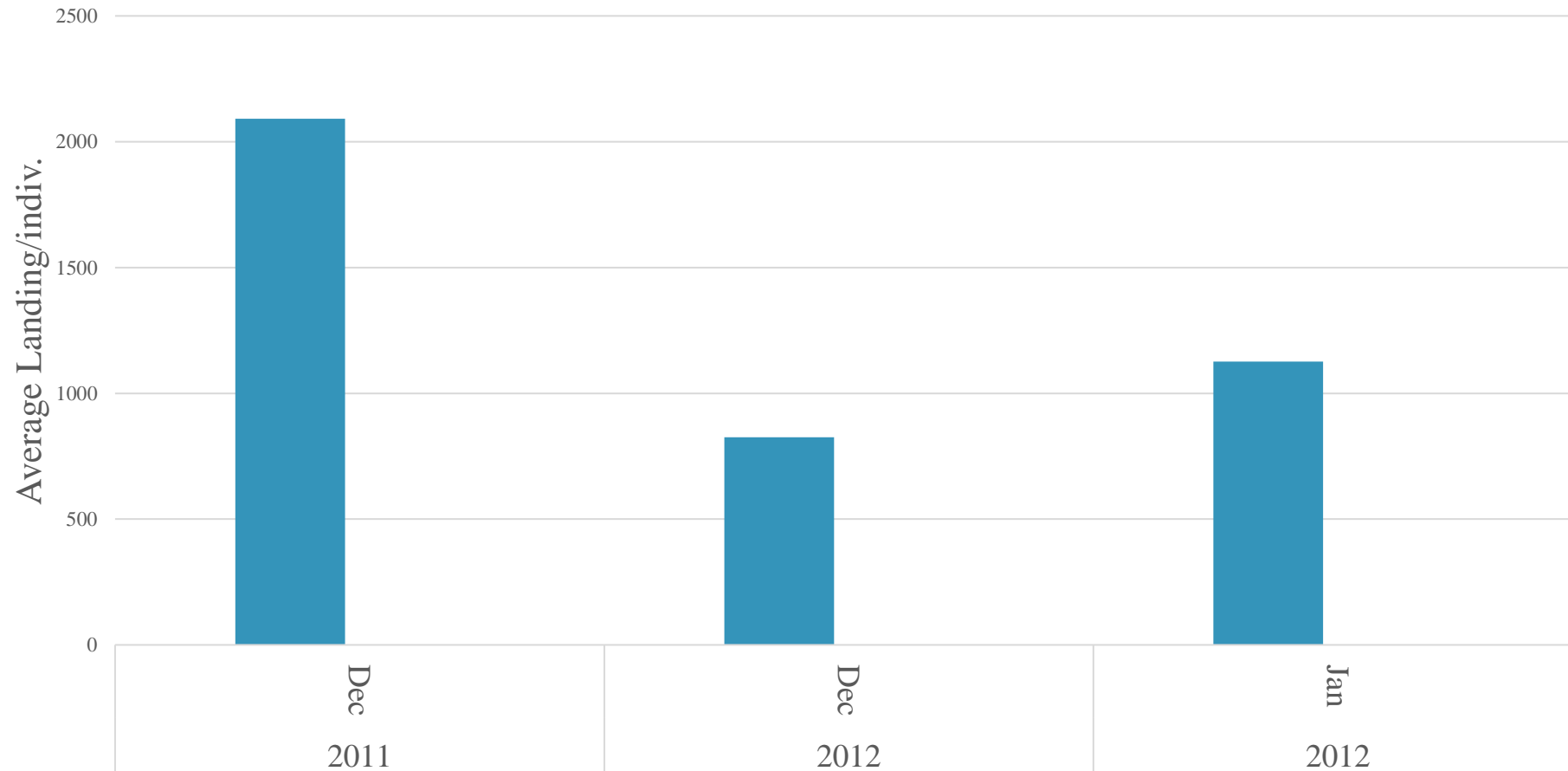
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- Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays, beginning on January 2 and continuing through January 31.
- Open daily February 1 through April 30.
- Closed May 1 through January 1.

1. Discussion on Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor 4B



Bristol Harbor 4B
Average Winter Harvest Landings



Winter Harvest Schedule for Shellfish Management Areas: Bristol Harbor 4B



Motion: to recommend to the council to keep the default schedule

Motion made by: JM

Motion 2nd by: MM

Yea:

Nay:

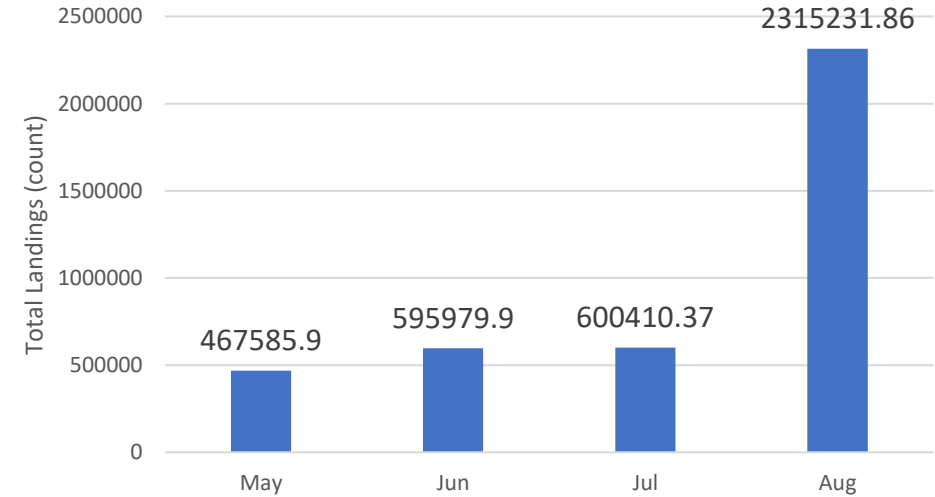
Abstain:

2. Providence River 2021 Summary

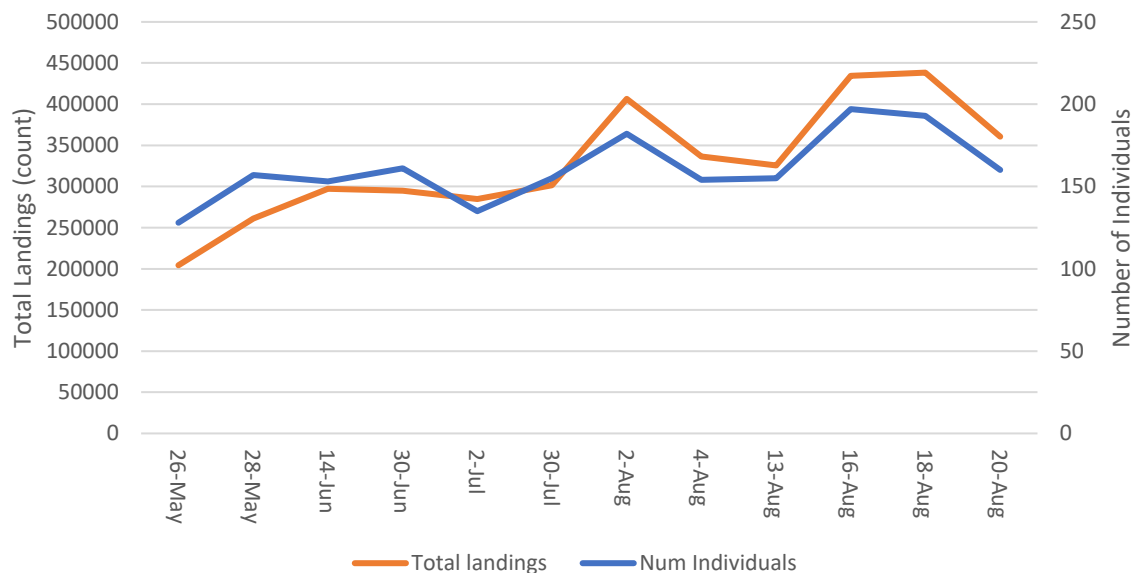
- Open 12 out of the 27 days (44.4%)
- 3,979,208 clams harvested
- Total landings/day ranged from 204,167 - 438,323 clams (average of 328,766 clams/day).
- Number individuals/day ranged from 128 – 197) (average of 160 people/day).
- Average of 2,041 clams/individual



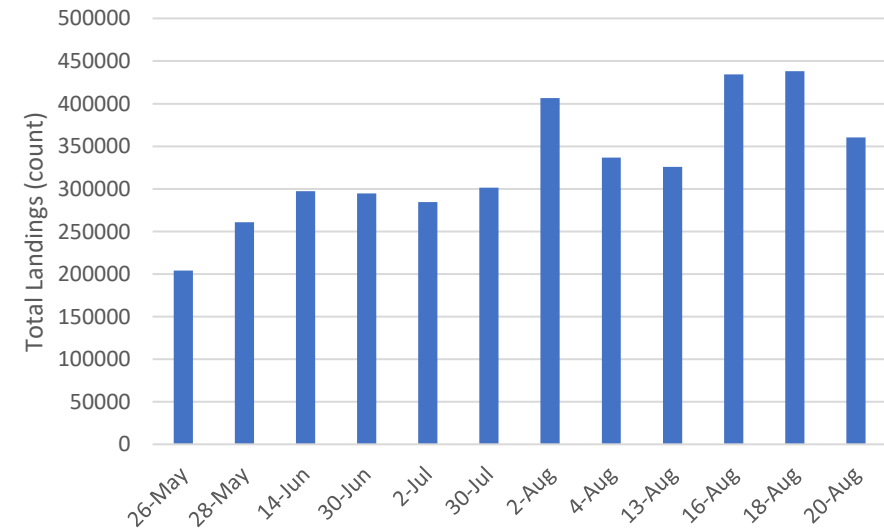
Total landings by Month



Total landings and Number of Individuals by Day



Total landings by Day



2. Providence River 2021 Summary



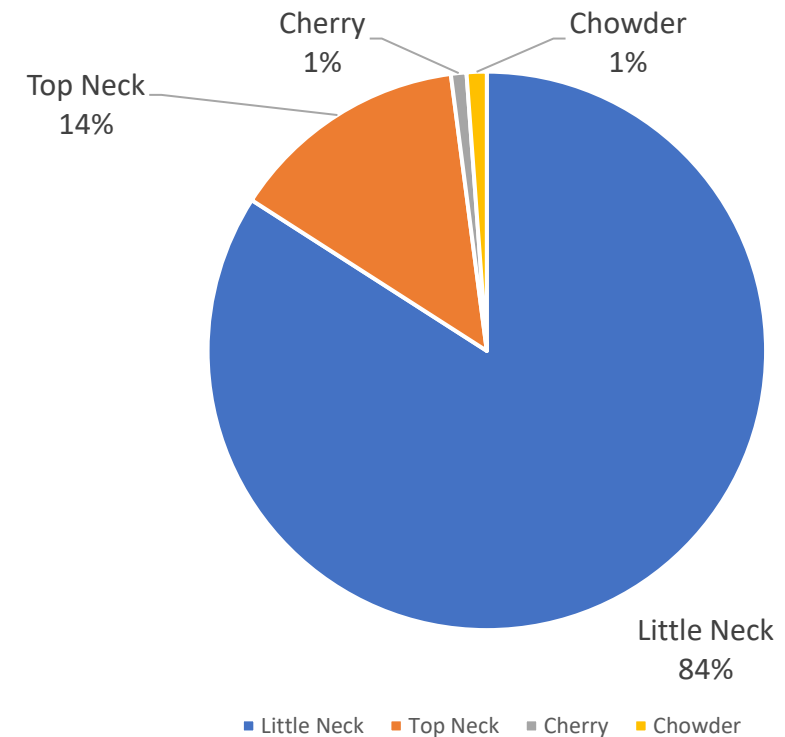
• 2020 Providence River Transplant Summary:

- 58 total participants
- Average of 137 quahogs/ bushel harvest rate
- Average number of bags filled per individual was 18 (ranged from 1 to 40)
- Start and stop times recorded for each individual
- DMF staff counted 52 random transplant bags: Average 163 quahogs/bag

• 2021 Providence River Harvest Summary:

- Average 160 people/ day
- Average of 340 quahogs/ bushel harvest rate
- Average number of quahogs harvested on a single day/ individual was 2,041 (ranged from 70 to 6,408)
- 6 bushel harvest limit
- 3.9 Million clams harvested in 12 days – MSY of 2 Million clams reached within 6 days.

Total Landings by Market Size





3. Any Other Matters?

Providence River Proposed Harvest Schedule by RISA



- Proposed language

- 22. Providence and Seekonk Rivers:

- a. Open from 8:00 A.M. to 11:00 A.M. only on the following dates:

- (1) May 2021: May 26 and 28.
- (2) June 2021: June 2, 4, 7, 9, 11, 14, 16, 25, 28, and 30.
- (3) July 2021: July 2, 6, 7, 9, 12, 14, 16, 19, 21, 23, 26, 28, 30.
- (4) August 2021: August 2 and 4.

- (5) December 2021, December 13, 20, and 27

- b. For any date in § 4.22(a) that is closed due to water quality impairment, one of the following 2021 dates will be selected as an alternate open date, notwithstanding closures due to water quality impairment or season closure, to equal not more than a total of twenty-seven (27) days in the season: August 6, 9, 11, 13, 16, 18, 20, 23, 25, 27, or 30, and September 1 or 3. In consideration of § 4.22(a)(5); if the area is closed due to water quality impairment, the area shall open from 8:00 AM through 11:00 AM on the first available weekday following the respective Monday open date, so long as water quality allows.

Providence River Proposed Harvest Schedule



Motion: to recommend to the council to open December 2021: 13, 20, and 27 and if the area is closed due to water quality impairments, the area shall open from 8:00 AM through 11:00AM on the first available weekday following the respective Monday open date, so long as water quality allows.

Motion made by: KM

Motion 2nd by: MM

Yea: BB, MM, KM, GS, CS

Nay:

Abstain: DE, JM



4. Adjourn

Shellfish Advisory Panel

October 6, 2021; 4:30PM

URI Bay Campus Coastal Institute Auditorium/
Virtual public meeting - Zoom webinar

MEETING SUMMARY

RIMFC members: K. Eagan (Chair)

DEM: A. Gerber-Williams, J. Livermore, P. Barrett, P. Duhamel, D. Borkman, K. Rodrigue;

SAP members: C. Ennis, D. Erkan, J. Gardner, M. McGiveney, G. Schey, C. Sperry, J. McDonald, B. Bica;

SAP Scientific Advisor: M. Rice;

Public: S. Moreschi, D. Cicchetoo, Curtis, A. Caracuzzo, M. Johnson

1. Shellfish harvest schedules for winter management areas (Greenwich Bay, Bissel Cove/Fox Island, and Bristol Harbor Shellfish Management Areas):

- Greenwich Bay Sub Areas 1 & 2: *A. Gerber-Williams* presented the current default winter harvest schedule and landings data for 2020, which were higher than 2019 for the entirety of Sub Area 1 (prior to 2020 it was Sub Area 1 and 2 but is now combined). **Motion made by M. McGiveney to recommend to the Council to adopt a December 2021 schedule as follows: Open 8:00AM – 12:00PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 27, 28, 29. If any days prior to December 21st are closed due to water quality impairment, December 23rd and 30th will open to harvest; 2nd by J. McDonald. The motion passed 8-0.**
- Bissel Cove/Fox Island: *A. Gerber-Williams* presented the current default winter harvest schedule and provided landings data for the past 10 years, and explained that all data since 2013 is confidential due to the low number of harvesters. **Motion made by M. McGiveney to recommend to the Council a proposed schedule change. Bissel Cove opens December 8:00AM – 12:00PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 23, 27, 28, 29, 30; 2nd by B. Bica. The motion passed 7-0 (J. Gardner left).**
- Bristol Harbor: *A. Gerber-Williams* presented the current default winter harvest schedule for Bissel Cove and provided landings data for the past 10 years, and explained that all data since 2012 is confidential due to the low number of harvesters. No motion to recommend a change was made.

2. **Providence River 2021 Summary:**

A. Gerber-Williams presented background on the Providence River quahog landings from 2021. She shared that a total of 3,979,208 clams were removed over the 12 days that were open between May and August 2021. An average of 160 individuals were harvesting from the Providence River each day that it was open with an average of 2,041 clams harvest/individual over the entire time series (May – August). Additionally, most of the landings were Little Necks (84%), then Top Necks (14%) and few Cherry and Chowders (each 1%). The DMF will be scheduling a series of meetings during the winter to present more detailed results and to discuss the 2022 harvest schedule for the Providence River. **Motion made by K. Murgó to recommend to the Council to open the Providence River (Area E) during December 2021 on the 13th, 20th, and 27th, and if the area is closed due to water quality impairments, the area shall open from 8:00AM – 11:00AM on the first available weekday following the respective Monday open date, so long as water quality allows; 2nd by M. McGiveney. The motion passed 5-0-2 (D. Erkan and J. McDonald abstained).**

3. **Other Matters:**

- *D. Borkman* from DEM's Office of Water Resources provided an update on the Potter Pond shellfish closure stating that RIDOH is waiting on test results to come back clean before reopening the area to aquaculture and wild harvest. However, the FDA will need to provide the final approval to reopen to harvest.
- *A. Gerber-Williams* provided a brief update on the Narragansett Bay SAMP headed by CRMC and CRC.

4. **Adjourn:** The meeting adjourned at 6:20

Prepared by: A. Gerber-Williams

Potential Legislative Proposal

Updating and Streamlining Statutes Pertaining to RI Marine Fisheries Council

October 2021

Explanation: Proposal would clarify term-limit provisions for Council members; update and streamline the powers and duties of the Council, addressing obsolete provisions dating back to early 1980s, prior to Council's 2001 transformation from regulatory body to advisory body; and repeal the Industry Advisory Committee as a statutorily established body.

Legislative History: The last significant legislation pertaining to the Council was enacted in 2001, when the Council's regulatory authority was transferred to the DEM Director. Since then, the Council has served in an advisory capacity to the Director. In 2002, additional amendments pertaining to the Council were enacted as part of the commercial fishing license reform statute.

Potential issues to be addressed:

1. Term limits

Background: At § 20-3-1, statute reads: "Members of the council shall serve for a term of four (4) years and may not succeed themselves more than once after January 1, 2002." That language was added in 2002 as a first-ever term-limit provision, to be applied proactively subsequent to 2002. The intent was to limit RIMFC members to two terms – i.e., two, full 4-year terms. However, the language has proved unintentionally constraining, since members are sometimes appointed to fill the vacancies of members who resign mid-term. That gives rise to situations where new members complete a partial term, then get re-appointed to a first, full 4-year term, then come up for re-appointment again. In such instances, they have succeeded themselves more than once, but they have not yet served at least two, full 4-year terms.

Potential amendment: Clarify that term limits apply only after members serve two, full 4-year terms.

2. Initial Terms

Background: At § 20-3-1, the statute sets forth a rolling sequence of "initial appointments": 3 members for 2-year terms; 3 members for 3-year terms, and 2 members for 4-year terms. This is obsolete language, harking back to the original establishment of the Council (in 1981?).

Potential Amendment: Repeal

3. Roles and responsibilities of the Council

Background: The powers and duties of the Council are spread across three sections: § 20-3-2, § 20-2.1-9(5), and § 20-2.1-10.

Potential Amendment: Consolidate and streamline under § 20-3-2, consistent with the provisions of § 20-1-5.1

4. Penalties

Background: § 20-3-3 sets forth obsolete penalty provisions.

Potential Amendment: Repeal

5. Shellfish and Marine Life Management Areas

Background: Prior to 20012, the designation of Shellfish and Marine Life Management areas was under the authority of the MFC, but such authority ceased and was transferred to the Director when the MFC role changed to an advisory body only. At the time, §20-3-4 was amended to reflect the change to an advisory body, with such advice required for all marine fisheries regulatory matters before the Director. However, no such complementary language was or has been adopted to clearly shift and establish this authority from the MFC to the Director. The authority, by the Director, to establish and enforce regulations for the protection of fish and wildlife is clearly outlined in §42-17.1-2.

Potential Amendment: Clarify and re-locate the language currently found in §20-3-4 to § 42-17.1-2(36), while retaining the Council's advisory role relative thereto. The restructuring would help to uphold and strengthen existing provisions that subject any proposed designation of a shellfish or marine life management area to the requirements of the Administrative Procedures Act (Chapter 42-35), thus subject to public hearing and comment, in addition to the advice of the MFC.

6. Suspension and Revocation of Licenses

Background: § 20-3-6 sets forth obsolete provisions pertaining to the suspension and revocation of licenses

Potential Amendment: Repeal

7. Regulation of Fishing in Great Salt Pond

Background: § 20-3-7 sets forth provisions pertaining to Regulation of Fishing in Great Salt Pond, which are irrelevant to the Marine Fisheries Council

Potential Amendment: Re-locate § 20-3-7 to § 20-1-40

8. Advisory Committees

Background: The Council's authority to establish advisory committees is set forth under § 20-2.1-10. The provision authorizes the Council to establish any committees to address any issue, including licensure.

Potential Amendment: Enact new section under chapter 20-3 that relocates and clarifies existing authority under § 20-2.1-10.

9. Industry Advisory Committee (§ 20-2.1-11)

Background: § 20-2.1-11 obligates the Council to establish an Industry Advisory Committee to provide coordination among commercial fisheries sectors and to review plans and recommendations that affect more than commercial fishery sector, and to advise the council and the department on matters that affect commercial fishing as a whole, which committee shall include representatives of each commercial fisheries sector and of manners of commercial fishing.

Potential Amendment: Repeal, while retaining the Council's authority to establish a like advisory panel if it so chooses.

Current Legislative Provisions Pertaining to the RI Marine Fisheries Council

§ 20-3-1. Council created – Membership – Compensation.

There is hereby created a marine fisheries council. The council shall be composed of the director of the department of environmental management, or the director's designee, who shall serve as chairperson, and eight (8) private citizen members. The private citizen members shall be chosen from among those with skill, knowledge, and experience in the commercial fishing industry, the sport fishing industry, and in the conservation and management of fisheries resources and shall be appointed by the governor with the advice and consent of the senate. Three (3) of the private citizen members shall be representatives of the commercial fishing industry; three (3) shall be representatives of the sport fishing industry; and the remaining two (2) shall have skill, knowledge, and experience in the conservation and management of fisheries resources and/or marine biology. The chairperson of the coastal resources management council and the chiefs of the divisions of enforcement and marine fisheries in the department of environmental management shall serve in an advisory capacity to the council. Members of the council shall serve for a term of four (4) years and may not succeed themselves more than once after January 1, 2002. Initial appointments to the council shall be appointed as follows: three (3) members for a term of two (2) years; three (3) members for a term of three (3) years; and two (2) members for a term of four (4) years. All members of the council shall serve without compensation and shall be reimbursed for their necessary expenses incurred in travel and in the performance of their duties.

§ 20-3-2. Powers and duties.

(a) The marine fisheries council shall serve in an advisory capacity only to the state and agencies of the state regarding marine fisheries issues and to the director of the department of environmental management in the exercise of his or her authority under this title for the planning, management, and regulation of marine fisheries on matters, including, but not limited to, the following activities:

- (1) The manner of taking fish, lobsters, and shellfish;
- (2) The legal size limits of fish, lobsters, and shellfish to be taken or possessed;
- (3) The seasons and hours during which fish, lobsters, and shellfish may be taken or possessed;
- (4) The numbers or quantities of fish, lobsters, and shellfish which may be taken or possessed; and
- (5) The opening and closing of areas within the coastal waters to the taking of any and all types of fish, lobsters, and shellfish.

(b) The council shall report annually by March 1 of each year to the governor, the speaker of the house, the president of the senate, the chairperson of the house committee on environment and natural resources, the chairperson of the senate committee on environment and agriculture, and to the house oversight committee and the senate committee on government oversight, for the preceding calendar year with regard to:

- (1) The advice it has given to state agencies, including specifically the department of environmental management, on marine fisheries issues;
- (2) The response it received to the advice it gave;
- (3) Any findings or position it may have with regard to the status and/or condition of marine fisheries; and
- (4) Any recommendations it may have for maintaining, improving, or changing laws, regulations, or management programs for marine fisheries.

§ 20-3-3. Penalties.

Unless another penalty is specified in this title, any person who violates a rule or regulation of the marine fisheries council shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500), or imprisonment for not more than thirty (30) days, or both.

§ 20-3-4. Shellfish and marine life management areas.

The council may recommend to the director of environmental management, the designation of certain portions of the shores of the public waters of the state, or land within the state covered by tidewater at either high or low tide, or portions of the free and common fisheries of the state as shellfish or marine life project management areas for the purpose of enhancing the cultivation and growth of marine species; managing the harvest of marine species; facilitating the conduct by the department of experiments in planting, cultivating, propagating, managing, and developing any and all kinds of marine life; and any other related purpose. The designation shall be pursuant to the Administrative Procedures Act, chapter 35 of title 42, and shall be by reference to fixed landmarks. The council, upon the designation of a management area, shall propose any rules and regulations as it shall deem necessary for the protection and management of the management area and the animal life and property in the management area, including the exclusion or restriction of persons from the area or the prohibition of certain activities within the areas or other restrictions as it may deem necessary. Upon the designation of a management area, the director of environmental management shall place any stakes, bounds, buoys, or markers with the words "Rhode Island department of environmental management" plainly marked on them, as will approximate the management area. Failure to place or maintain the stakes, bounds, buoys, or markers shall not be admissible in any judicial or administrative proceeding. The director may make any experiments or conduct any activities as in his or her discretion are appropriate in these management areas.

§ 20-3-5. Emergencies.

The marine fisheries council may, without requirement of notice of hearing, recommend closure of any or all of the coastal waters of the state to the taking of any or all types of fish, lobsters, and shellfish where it determines that a biological emergency exists that imminently threatens the marine resources of the state subject to the provisions of § 42-35-3(b).

§ 20-3-6. Suspension and revocation of licenses.

The director of environmental management has the authority to suspend or revoke any

shellfishing, lobster, or fishing license issued pursuant to any provision of this title, for violation of a rule and regulation adopted by the marine fisheries council, in any manner and for any period as the director determines by regulation. Any person aggrieved by an order of suspension or revocation may appeal the order in accordance with the provisions of the Administrative Procedures Act, chapter 35 of title 42.

§ 20-3-7. Regulation of fishing in Great Salt Pond.

Notwithstanding the provisions of §§ 20-10-1 through 20-10-4, the electors of the town of New Shoreham may, in a town meeting called for that purpose, enact any ordinances to protect and to regulate the taking of shellfish and other fish in Great Salt Pond, and may impose penalties for violations of these ordinances not exceeding a fine of two hundred dollars (\$200) and three (3) months imprisonment for any one offense.

§ 20-1-5.1. Advice of the marine fisheries council.

The director, in exercising authority under this title for the planning, management, and regulation of marine fisheries, shall request and consider in the record as applicable the advice of the marine fisheries council, and in the adoption of management plans and regulations affecting licensing for marine fisheries, the director shall provide a written response to the advice of the marine fisheries council.

§ 20-2.1-9. Powers and duties of the director.

It shall be the duty of the director to adopt, implement effective January 1, 2003, and maintain a commercial fisheries licensing system that shall incorporate and be consistent with the purposes of this chapter; in performance of this duty, the director shall follow the guidelines and procedures set forth below:

(1) The rule-making powers of the director to accomplish the purposes of this chapter shall include the following with regard to commercial fishing licenses and commercial fishing by license holders:

(i) Types of licenses and/or license endorsement consistent with the provisions of this chapter and applicable sections of this title, and limitations on levels of effort and/or on catch by type of license and/or license endorsement;

(ii) Design, use, and identification of gear;

(iii) Declarations for data collection purposes of vessels used in commercial fishing, which declaration requirements shall in no way, except as otherwise provided for in law, restrict the use of any vessel less than twenty-five feet (25') in length overall by appropriate holders of commercial fishing licenses;

(iv) Areas in Rhode Island waters where commercial fishing of different types may take place, and where it may be prohibited or limited, and the times and/or seasons when commercial fishing by type or species may be allowed, restricted, or prohibited;

(v) Limitations and/or restrictions on effort, gear, catch, or number of license holders and endorsements; and

(vi) Emergency rules, as provided for in chapter 35 of title 42, to protect an unexpectedly imperiled fishery resource to provide access to a fisheries resource that is unexpectedly more abundant and to protect the public health and safety from an unexpected hazard or risk. The **marine fisheries council** shall be notified of all emergency rules on or before their effective date, and no emergency rule shall become a final rule unless it is promulgated as provided for in subdivision (3) of this section.

(2) When implementing the system of licensure set forth in §§ 20-2.1-4, 20-2.1-5, 20-2.1-6, and 20-2.1-7, and other provisions of this title pertaining to commercial fishing licenses, permits, and registrations, the director shall consider the effect of the measure on the access of Rhode Islanders to commercial fishing, and when establishing limitations on effort and/or catch:

(i) The effectiveness of the limitation:

(A) In achieving duly established conservation or fisheries regeneration goals or requirements;

(B) In maintaining the viability of fisheries resources overall, including particularly, the reduction of by-catch, discards, and fish mortality, and in improving efficiency in the utilization of fisheries resources;

(C) In complementing federal and regional management programs and the reciprocal arrangements with other states;

(ii) The impact of the limitation on persons engaged in commercial fishing on:

(A) Present participation in the fishery, including ranges and average levels of participation by different types or classes of participants;

(B) Historical fishing practices in, and dependence on, the fishery;

(C) The economics of the fishery;

(D) The potential effects on the safety of human life at sea;

(E) The cultural and social framework relevant to the fishery and any affected fishing communities; and

(iii) Any other relevant considerations that the director finds in the rule-making process;

(iv) The following standards for fishery conservation and management, which standards shall be understood and applied so far as practicable and reasonable in a manner consistent with federal fisheries law, regulation, and guidelines:

(A) Conservation and management measures shall prevent overfishing, while achieving, on a continuing basis, the optimum yield from each fishery;

(B) Conservation and management measures shall be based upon the best scientific information available and analysis of impacts shall consider ecological, economic, and social consequences of the fishery as a whole;

(C) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fisheries resources, except that no such measure shall have economic allocation as its sole purpose;

(D) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches;

(E) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication;

(F) Conservation and management measures shall, consistent with conservation requirements of this chapter (including the prevention and overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (I) Provide for the sustained participation of those communities and (II) To the extent practicable, minimize adverse economic impacts on those communities;

(G) Conservation and management measures shall, to the extent practicable: (I) Minimize by-catch and (II) To the extent by-catch cannot be avoided, minimize the mortality of the by-catch; and

(H) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

(3)(i) The rule-making process set forth in this subdivision shall conform with the requirements of the Administrative Procedures Act, chapter 35 of title 42, and shall include a regulatory agenda for marine fisheries management, with the advice of the **marine fisheries council**, in accordance with the requirements of § 42-35-5.1;

(ii) The director shall submit a proposed rule to the **marine fisheries council** at least thirty (30) days prior to the proposed date of the public hearing on the rule;

(iii) The public hearing shall be on either the rule as proposed to the **marine fisheries council** by the director or a proposed revision to that rule adopted by the marine fisheries council;

(iv) The proposed rule, as submitted by the director to the **marine fisheries council**, and the council report and recommendation regarding the rule shall both be entered into the record of the hearing conducted in accordance with the requirements of chapter 35 of title 42;

(v) Notwithstanding the provisions of paragraphs (i) – (iv) of this subdivision, the director may promulgate a rule with less than thirty (30) days' notice to the **marine fisheries council** if and to the extent necessary to comply with federal requirements or to respond to a sudden change in conditions where failure to take immediate action would likely cause harm to fishery resources or participants; and

(vi) The decision of the director shall state the basis for adopting the rule, including a concise statement giving the principal reasons for and against its adoption and the response to positions entered into the record; and in the case of a rule promulgated in accordance with paragraph (v) of this subdivision, the reasons for having to take immediate action.

(4) *Matters to be considered in establishing license programs under this chapter.* The director shall be consistent with the requirements of § 20-2.1-2(6) in establishing and implementing a licensing system in accordance with the provisions of this chapter that shall be designed to accomplish marine fisheries management objectives. The licensing system may limit access to fisheries, particularly commercial fisheries for which there is adequate or greater than adequate harvesting capacity currently in the fishery and for which either a total allowable catch has been set or a total allowable level of fishing effort has been established for the purpose of preventing

over fishing of the resource or the dissipation of the economic yield from the fishery. This authority shall include the authority of the director to:

- (i) Differentiate between the level of access to fisheries provided to license holders or potential license holders on the basis of past performance, dependence on the fishery, or other criteria;
 - (ii) Establish prospective control dates that provide notice to the public that access to, and levels of participation in, a fishery may be restricted and that entrance into, or increases in levels of participation in a fishery after the control date may not be treated in the same way as participation in the fishery prior to the control date; retroactive control dates are prohibited and shall not be used or implemented, unless expressly required by federal law, regulation, or court decision; and
 - (iii) Establish levels of catch by type of license and/or endorsement that shall provide for basic and full harvest and gear levels; quotas may be allocated proportionally among classes of license holders as needed to maintain the viability of different forms of commercial fishing.
- (5) The director shall, annually, with the advice of the **marine fisheries council**, develop and update conservation and management plans for the fishery resources of the state, which conservation and management plans shall be developed and updated prior to, and at the same time as, adoption of any license restrictions on effort or catch. Such plans shall address stock status, performance of fisheries and quotas, and management and licensing programs, and offer any recommendations for new or alternative approaches to management and/or licensing identified by the department or the **marine fisheries council**. In the development of the fishery conservation and management plans, priority shall be given to those resources with the highest value to the state, either for commercial or recreational purposes.
- (6) The director shall report annually to the general assembly and to the citizens concerning the conservation and management of the fishery resources of the state, noting particularly the status of any fishery resources that are considered to be over-fished or were considered to be over-fished in the preceding year.

§ 20-2.1-10. Powers and duties of the marine fisheries council with regard to licensure.

The marine fisheries council, established by chapter 3 of this title, shall have the power and the duty to advise the director in accordance with § 20-2.1-9(3) on all rules, except emergency rules, necessary to implement the provisions of this chapter. The council may establish any committees and hold any meetings and hearings that it may deem appropriate to fulfill this responsibility. The council shall advise the director on the development of the regulatory agenda for marine fisheries and shall have the power to initiate rule making by petition as provided for in § 42-35-6. The council shall advise the department concerning the development of annual plans for the allocation and use of the funds made available to the department from commercial fishing license fees, tags, permits, and vessel fees as provided in § 20-2-28.2.

§ 20-2.1-11. Industry advisory committee.

The council shall establish an industry advisory committee to provide coordination among commercial fisheries sectors and to review plans and recommendations that affect more than commercial fishery sector, and to advise the council and the department on matters that affect commercial fishing as a whole, which committee shall include representatives of each commercial fisheries sector and of manners of commercial fishing.