



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 RI MARINE FISHERIES COUNCIL

Tuesday, November 30, 2021 – 6:00 PM

In person:

URI Bay Campus, Corless Auditorium
215 South Ferry Road
Narragansett, RI

Face masks required for all in attendance!

Zoom webinar:

<https://us02web.zoom.us/j/86708428226>

Meeting ID: 867 0842 8226

Dial in: 1-929-205-6099 (listen only)

AGENDA

Agenda item	Recommended action(s)	ePacket Attachment(s)
1. Tonight's agenda	Approval of agenda	Tonight's meeting agenda
2. Meeting minutes: Oct. 12, 2021	Approval of meeting minutes	Draft meeting minutes
3. Public comment on any matters not on the agenda	Discussion or recommendations for future action.	N/A
4. <u>Shellfish Advisory Panel (SAP) membership:</u> B. Ballou	Vote on membership changes or recommendations for future action	<ul style="list-style-type: none">• New membership applications:<ul style="list-style-type: none">▪ Fran Ethier▪ Jeff Grant• Current membership
5. <u>Proposed regulation amendments publicly noticed:</u> J. Lake	Provide recommendations to the Director regarding proposed regulations	<ul style="list-style-type: none">• Part 3 – Finfish:<ul style="list-style-type: none">○ 2022 commercial black sea bass management○ Menhaden management area vessel length restriction○ Cobia management

		<ul style="list-style-type: none"> • Program amendments – Summer Flounder Exemption Certificate Program • Comments received • Public Notice(s)
6. <u>Updating and streamlining statutes pertaining to RIMFC:</u> <i>B. Ballou</i>	Vote on proposed changes or recommendation for future action	Legislative Proposal
7. <u>Research Pilot Aggregate Program – data and plan:</u> <i>J. Lake</i>	FYI or recommendations for future action.	Current Regulations - Part 12 - Research Pilot Aggregate Program
8. <u>FYI/updates:</u> <ul style="list-style-type: none"> • <u>Part 2 - Commercial Licensing and Landing Permits – plans for amendment:</u> <i>J. Lake</i> • <u>RI Seafood Marketing Program for 2022:</u> <i>B Ballou</i> • <u>Next regulation cycle:</u> <i>C. McManus</i> 	FYI or recommendation for future action.	N/A
9. Any other matters?	FYI or recommendations for future action.	N/A
10. Adjourn		

All RIMFC Meetings are open to the public

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

October 12, 2021

Chairperson: D. Monti

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

Division: C. McManus, J. Lake, C. Truesdale, N. Costa, J. Livermore, A. Williams, P. Duhamel, R. Balouskus

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 June 7, 2021: The Chair inquired as 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. 2022 Sector Management Plan: The Chair inquired as to any questions regarding the plan or objections to approving the plan; hearing no questions or objections, the plan was approved by consent.
5. Proposed regulation amendments publicly noticed:
 - Proposed amendment to exit/entry ratio for the Restricted Finfish endorsement (Part 2 – Commercial Saltwater Fishing Licenses and Landing Permits): Motion made by C. Rein to recommend amending the ratio from 1:1 to 1:2 (i.e., for each license eligible to harvest restricted finfish that was not renewed in 2021, 2 (two) new PEL license w/RFF endorsement would be available for issuance in 2022; which would result in 24 new PEL licenses w/RFF endorsements available for issuance in 2022); 2nd by K. Eagan. The motion passed 6 – 0 (D. Monti acting as Chair did not vote).

- Proposed amendments to Floating Fish Trap regulations (Part 6 – General Equipment Provisions): Motion made by C. Rein to recommend adoption of the rule amendments as proposed; 2nd by A. Dangelo. The motion passed 6 - 0.
6. Shellfish Advisory Panel meeting minutes (10/6/21): The Chair inquired as to any questions regarding the minutes or objections to approving the minutes; hearing no questions or objections, the minutes were approved by consent.
 7. Shellfish harvest schedules in Greenwich Bay, Bristol Harbor, and Bissel Cove/Fox Is., Shellfish Management Areas: Motion made by T. Barao to recommend adoption of a December 2021 harvest schedules for the Greenwich Bay and Bissel Cove/Fox Island Shellfish Management Areas as recommended by the Shellfish Advisory Panel; 2nd by J. Jarvis. The motion passed 6 – 0. The specific schedules are as follows:
 - Greenwich Bay: Open 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 27, 28, and 29. If any days prior to December 21 are closed due to water quality impairment, December 23 and 30 will be opened to harvest.
 - Bissel Cove/Fox Island: Open 8AM – 12PM on the following days: December 8, 10, 13, 15, 17, 20, 21, 22, 23, 27, 28, 29, 30.
 - Bristol harbor: No recommendation for a schedule change was recommended.
 8. Shellfish harvest schedule for Providence River Shellfish Management Area: Motion made by J. Jarvis to recommend adoption of a December 2021 harvest schedule; 2nd by K. Eagan. The motion passed 6 - 0. The specific schedule is as follows:
 - Open 8AM – 12PM on the following days: December 13, 20, and 27. 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.
 9. FYI/Program Updates: FYI.
 10. Adjournment: The meeting was adjourned by the Chair at @ 7:24pm`.

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.



Rhode Island Marine Fisheries Council

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

Advisory Panel Application

Name: Frances X Ethier Date of Birth: 04/14/55

Mailing Address: 195 Diamond Hill Road

City: Ashaway State: RI Zip: 02804

Phone (Home/Work/Cell): 401-378-1662

Email: chaugie@verizon.net

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

.....

1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): _____

Number of years as a commercial fisherman? _____

Please describe fisheries fished and gear types used:

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? _____

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? _____

Where is your dealer premises located? _____

How many years have you lived in the home port community? _____

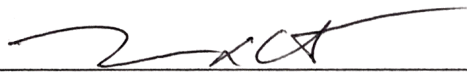
Please provide DEM Dealer License Number: _____

6. **FOR ALL APPLICANTS:**

If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

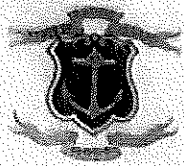
I worked for 32 years as a Rhode Island Dept of Env. Mgt Police Officer and have recently retired. I graduated from the University of Rhode Island with a ~~deg~~ masters degree in Fisheries, Aquaculture and Fish Pathology after which I commercially lobstered and shellfished for five years before becoming an Environmental Officer. I would like to become engaged in the regulating process that will continue the sustainability of the fishing for future generations.

Signature: _____



Date: 11/16/21

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to peter.duhamel@dem.ri.gov



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

Advisory Panel Application

Name: Jeff Grant Date of Birth: 5/17/85

Mailing Address: 163 Spring Grove Ave

City: Warwick State: RI Zip: 02889

Phone (Home/Work/Cell): 401-243-5123

Email: Jeffgrant1619@gmail.com

Check Species Advisory Panel applying to: Shellfish Industry Advisory Committee

Please check the type of position you are applying for: Primary Alternate

If alternate, provide primary panel member name: _____

.....

1. FOR COMMERCIAL FISHERMEN:

Provide type and license number(s): MPL 1338

Number of years as a commercial fisherman? 21

Please describe fisheries fished and gear types used:

Shellfish - rakes & dredge

Finfish - pots + floating fish traps, gillnet

2. Where is your **primary** area fished? Narragansett Bay Coastal Ponds East Passage
 West passage Upper Bay Lower Bay Federal waters

3. FOR PARTY/CHARTER BOAT CAPTAINS:

How many years have you been in the Party/Charter boat business? _____ Years

4. FOR RECREATIONAL FISHERMEN:

How many years have you been engaged in recreational fishing in RI waters? _____

Please describe your fishing activity (e.g., from boat or shore, types of equipment and methods):

5. **FOR SEAFOOD DEALERS:**

How many years have you been a seafood dealer in RI? _____

Where is your dealer premises located? _____

How many years have you lived in the home port community? _____

Please provide DEM Dealer License Number: _____

6. **FOR ALL APPLICANTS:**


If not described above, please describe your occupation(s), any organizations you belong to, or any other relevant information you would like to provide:

Former Council member

RISA board member

CFRF board member

Signature: _____



Date: _____

11/22/01

Please provide completed application to: DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, RI. 02835; Attn: Peter Duhamel, or email to peter.duhamel@dem.ri.gov

SHELLFISH ADVISORY PANEL (updated May 2021)

Name	Sector	Phone	Email	Date appointed
Katie Eagan	Chair	374-1868	eagan.katie@gmail.com	September 9, 2019
Brennan Bica	Comm. Shellfishing/Dealer	595-0241	Brennan.v.bica@gmail.com	June 1, 2020
Cameron Ennis	Aquaculture	207-4936	cam@riaquaculture.org	May 3, 2021
Dennis Erkan	Recreational Shellfishing – Narr. Bay/Coastal Ponds	539-3128	oldmil@cox.net	May 3, 2021
Jeff Gardner (<i>Bob Rheault alternate</i>)	Aquaculture	322-7280 783-3360	watchhilloysters@gmail.com bob@ecsga.org	Pre-2003 (J. Gardner) May 14, 2007 (R. Rheault)
David Ghigliotty	Comm. Shellfishing	632-5485	westbayjj@gmail.com	September 12, 2012
John McDonald	Comm. Shellfishing	935-2370	quahogs5403@gmail.com	October 5, 2015
Mike McGiveney	Comm. Shellfishing	828-9369	mclamdigger@aol.com	Pre-2003
Kenneth Murgo	Comm. Shellfishing	368-4397	Kenneth.murgo@gmail.com	October 15, 2019
Richard Pastore	Recreational Rod and Reel	885-7255	rpengri@gmail.com	October 5, 2015
Gerald Schey	Comm. Shellfishing	397-7151	gerryschey22@gmail.com	Pre-2003
Manuel Sousa	Comm. Shellfishing	829-9041	manuel.b.sousa.86@gmail.com	October 2, 2017
Chris Sperry	Recreational Shellfish - Coastal Ponds	413-0559	engine.five@yahoo.com	May 3, 2021
Roger Tellier	Recreational Rod and Reel	533-1931	rogtel@cox.net	October 5, 2015
Edward Troiano	Recreational Shellfishing	641-8510	etroiano@cox.net	October 2, 2017
Michael Rice	Scientific Advisor	996-1851	RICE@URI.EDU	November 2, 2020
Anna Gerber- Williams	DEM Staff	423-1930	anna.gerberwilliams@dem.ri.gov	

2022 Commercial Black Sea Bass Management
Commercial fishery management proposals analysis

Note: Catch rate data from years 2018, 2019, and 2021.

Proposal 1 - Status quo

Season	Allocation	Starting Poss. limit (lbs)	Estimated Days Closed	Quota Remaining (equivalent days/wks in season)
1/1 – 4/30	25%	750 (vsl/week)	N/A	92,799 (13 weeks)
5/1 – 6/30	25%	100 (vsl/day)	24	N/A
7/1 – 8/15	20%	100 (vsl/day)	30	N/A
8/16 – 9/14	10%	50 (vsl/day)	2	N/A
9/15 – 10/31	10%	50 (vsl/day)	29	N/A
11/1 – 12/31	10%	50 (vsl/day)	N/A	52,497 (100 days)

Proposal 2 - Industry Proposal

Season	Allocation	Starting Poss. limit (lbs)	Estimated Days Closed	Quota Remaining (equivalent days/wks in season)
1/1 – 4/30	25 <u>20</u> %	750 (vsl/week)	N/A	50,538 (7 weeks)
5/1 – 6/30	25%	100 <u>75</u> (vsl/day)	10	N/A
7/1 – 8/15	20 <u>25</u> %	100 <u>75</u> (vsl/day)	19	N/A
8/16 – 9/ 14 <u>15</u>	10%	50 (vsl/day)	2	N/A
9/ 15 <u>16</u> – 10/ 31 <u>15</u>	10%	50 (vsl/day)	12	N/A
11/1 <u>10/16</u> – 12/31	10%	50 (vsl/day)	N/A	52,497 (100 days)

Proposal 3 – Division analysis in response to minimize number of closed days

Season	Allocation	Starting Poss. limit (lbs)	Estimated Days Closed	Quota Remaining (equivalent days/wks in season)
1/1 – 4/30	25 <u>15</u> %	750 (vsl/week)	N/A	8,276 (1 week)
5/1 – 6/30	25 <u>20</u> %	100 <u>50</u> (vsl/day)	0	12,579 (5 days)

7/1 – 8/15	20 <u>30</u> %	100 <u>50</u> (vsl/day)	1	0
8/16 – 9/ 14 <u>15</u>	10%	50 (vsl/day)	2	0
9/ 15 <u>16</u> – 10/ 31 <u>15</u>	10 <u>20</u> %	50 (vsl/day)	0	22,383 (5 days)
11/1 <u>10/16</u> – 12/31	10 <u>5</u> %	50 (vsl/day)	0	1,836 (3 days)

Proposal 4 - Industry Proposal

Season	Allocation	Starting Poss. limit (lbs)	Estimated Days Closed	Quota Remaining (equivalent days/wks in season)
1/1 – 4/30	25%	750 (vsl/week)	N/A	92,799 (13 weeks)
5/1 – 6/30	25%	100 (vsl/day)	N/A	N/A
7/1 – 8/15	20%	100 (vsl/day)	N/A	N/A
8/16 – 9/14	10%	50 (vsl/day)	N/A	N/A
9/15 – 10/31	10%	50 (vsl/day)	N/A	N/A
11/1 – 12/31	10%	50 (vsl/day)	N/A	N/A
<u>5/1 – 12/31</u>	<u>75%</u>	<u>50 (vsl/day)</u>	<u>48</u>	<u>N/A</u>

250-RICR-90-00-3

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 3 – Finfish

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3.1 Purpose

The purpose of these Rules and Regulations is to manage the marine resources of Rhode Island.

3.2 Authority

These Rules and Regulations are promulgated 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, as amended.

3.3 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.

3.4 Definitions

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

3.5 Severability

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

3.6 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.

3.7 License Required

3.7.1 Recreational

- A. Applicability: No person shall take finfish or squid recreationally from the marine waters of Rhode Island without a valid recreational saltwater fishing license. Finfish taken recreationally shall not be sold or offered for sale. A person is considered to be engaging in recreational fishing if they are engaged in the process of angling via the use of any type of hook and line, or spearfishing via

the use of any type of spear or powerhead, or if they possess equipment used for angling or spearfishing and are in possession of finfish or squid. A valid recreational saltwater fishing license may include any of the following:

1. A Rhode Island recreational saltwater fishing license issued by the Director.
 2. A recreational saltwater fishing license from a reciprocal State. Reciprocal States are listed at saltwater.ri.gov.
 3. A national saltwater angler registration.
- B. Anglers and spearfishers must be in possession of, or within close proximity to, their license at all times while engaged in angling or spearfishing. The term close proximity shall be construed to mean aboard a vessel, on which or from which an individual is angling or spearfishing; or, for shore-based anglers, or spearfishers, within a nearby car or other location that is within walking distance from the point of exit from the water.
- C. Anglers and spearfishers shall present a valid and current recreational saltwater fishing license for inspection upon demand by an authorized law enforcement officer.
- D. Failure to meet the terms of § 3.7.1 of this Part shall be deemed a violation, subject to the penalties set forth under R.I. Gen. Laws § 20-2.2-8.
- E. Exemptions. A license is not required for the following:
1. Persons under sixteen (16) years of age.
 2. Persons on party or charter vessels licensed in accordance with R.I. Gen. Laws § 20-2-27.1.
 3. Licensed party or charter vessel operators when fishing in party/charter mode.
 4. Persons who are on leave from active military duty.
 5. Persons who are blind or permanently disabled.
 6. Persons who hold a valid Federal Highly Migratory Species Angling Permits.
 7. For days designated by the Director as a free fishing day.
 8. Persons exempt shall provide proof and photo ID to an authorized law enforcement officer upon request.

3.7.2 Commercial

No person shall take finfish or squid from the marine waters of Rhode Island commercially without a valid commercial fishing license issued by the Director pursuant to Part 2 of this Subchapter.

3.8 General Provisions

- A. Transfer at sea: No one may transfer or attempt to transfer at sea, from one (1) vessel to another, any finfish that are subject to these Regulations.
- B. Obstruction of migratory fish passage: No person shall obstruct the free passage of anadromous or catadromous fish in any marine waters, river, or stream, of the State of Rhode Island.
- C. Seasons and possession limits are subject to change throughout the season pursuant to § [1.7](#) of this Subchapter. Notification of any such modification is made pursuant to § 1.7(B)(4) of this Subchapter.

3.9 Black Sea Bass

3.9.1 Recreational

- A. Minimum size: Fifteen inches (15"). Minimum size measurement for black sea bass does not include the tendril located on the caudal (tail) fin.
- B. Seasons and possession limits:
 - 1. January 1 through June 23: Closed
 - 2. June 24 through August 31: Three (3) fish per person per calendar day
 - 3. September 1 through December 31: Seven (7) fish per person per calendar day

[2022 Commercial Black Sea Bass Seasons, Allocations, and Possession Limit \(section 3.9.2\(B\)\)](#)

[Proposal 1 – Status Quo:](#)

3.9.2 Commercial

- A. Minimum size: Eleven inches (11")
- B. Seasons, allocations, and possession limits:
 - 1. January 1 through April 30:
 - a. Allocation: Twenty-five percent (25%) of the quota

- b. Possession limit: Seven hundred fifty (750) pounds per vessel per week
 - 2. May 1 through June 30:
 - a. Allocation: Twenty-five percent (25%) of the quota
 - b. Possession limit: One hundred (100) pounds per vessel per calendar day
 - 3. July 1 through August 15:
 - a. Allocation: Twenty percent (20%) of the quota
 - b. Possession limit: One hundred (100) pounds per vessel per calendar day
 - 4. August 16 through September 14:
 - a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
 - 5. September 15 through October 31:
 - a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
 - 6. November 1 through December 31:
 - a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
-

Proposal 2 – Industry Proposal:

3.9.2 Commercial

- A. Minimum size: Eleven inches (11")
- B. Seasons, allocations, and possession limits:
 - 1. January 1 through April 30:
 - a. Allocation: ~~Twenty-five percent (25%)~~ Twenty percent (20%) of the quota

- b. Possession limit: Seven hundred fifty (750) pounds per vessel per week
2. May 1 through June 30:
 - a. Allocation: Twenty-five percent (25%) of the quota
 - b. Possession limit: ~~One hundred (100)~~Seventy-five (75) pounds per vessel per calendar day
3. July 1 through August 15:
 - a. Allocation: ~~Twenty percent (20%)~~Twenty-five percent (25%) of the quota
 - b. Possession limit: ~~One hundred (100)~~Seventy-five pounds per vessel per calendar day
4. August 16 through September ~~4~~15:
 - a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
5. September ~~4~~16 through October ~~3~~15:
 - a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
6. ~~November 4~~October 16 through December 31:
 - a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day

Proposal 3 – Workshop Proposal:

3.9.2 Commercial

- A. Minimum size: Eleven inches (11")
- B. Seasons, allocations, and possession limits:
 1. January 1 through April 30:

- a. Allocation: ~~Twenty-five percent (25%)~~ Fifteen percent (15%) of the quota
 - b. Possession limit: Seven hundred fifty (750) pounds per vessel per week
2. May 1 through June 30:
- a. Allocation: ~~Twenty-five percent (25%)~~ Twenty percent (20%) of the quota
 - b. Possession limit: ~~One hundred (100)~~ Fifty (50) pounds per vessel per calendar day
3. July 1 through August 15:
- a. Allocation: ~~Twenty percent (20%)~~ Thirty percent (30%) of the quota
 - b. Possession limit: ~~One hundred (100)~~ Fifty (50) pounds per vessel per calendar day
4. August 16 through September ~~14~~15:
- a. Allocation: Ten percent (10%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
5. September ~~15~~16 through October ~~31~~15:
- a. Allocation: ~~Ten percent (10%)~~ Twenty percent (20%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day
6. ~~November 1~~ October 16 through December 31:
- a. Allocation: ~~Ten percent (10%)~~ Five percent (5%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per calendar day

Proposal 4 – Industry Proposal:

3.9.2 Commercial

- A. Minimum size: Eleven inches (11")
- B. Seasons, allocations, and possession limits:

1. January 1 through April 30:
 - a. Allocation: Twenty-five percent (25%) of the quota
 - b. Possession limit: Seven hundred fifty (750) pounds per vessel per week
- ~~2. May 1 through June 30:~~
 - ~~a. Allocation: Twenty-five percent (25%) of the quota~~
 - ~~b. Possession limit: One hundred (100) pounds per vessel per calendar day~~
- ~~3. July 1 through August 15:~~
 - ~~a. Allocation: Twenty percent (20%) of the quota~~
 - ~~b. Possession limit: One hundred (100) pounds per vessel per calendar day~~
- ~~4. August 16 through September 14:~~
 - ~~a. Allocation: Ten percent (10%) of the quota~~
 - ~~b. Possession limit: Fifty (50) pounds per vessel per calendar day~~
- ~~5. September 15 through October 31:~~
 - ~~a. Allocation: Ten percent (10%) of the quota~~
 - ~~b. Possession limit: Fifty (50) pounds per vessel per calendar day~~
- ~~6. November 1 through December 31:~~
 - ~~a. Allocation: Ten percent (10%) of the quota~~
 - ~~b. Possession limit: Fifty (50) pounds per vessel per calendar day~~
2. May 1 through December 31:
 - a. Allocation: Seventy-five percent (75%) of the quota
 - b. Possession limit: Fifty (50) pounds per vessel per day.

C. Minimum mesh size – otter trawl:

1. Owners or operators of otter trawl vessels possessing greater than five hundred (500) pounds of black sea bass from January 1 through March 31; or greater than one hundred (100) pounds of black sea bass from April 1 through December 31, may only use nets that have a minimum mesh size of four and one half inches (4 1/2") diamond mesh (inside measure) applied throughout the codend for at least seventy-five (75) continuous meshes forward of the terminus of the net; or, for trawl nets with codends (including an extension) less than seventy-five (75) meshes, the trawl net must have a minimum mesh size of four and one half inches (4 1/2") diamond mesh throughout.
2. Vessels possessing trawl devices while harvesting black sea bass in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and is not available for immediate use.

D. Black sea bass pot construction

1. All black sea bass pots must be constructed with two (2) escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of two and one half inches (2 1/2") diameter if circular, one and three eighths inches (1 3/8") by five and three quarters inches (5 3/4") if rectangular, two inches (2") by two inches (2") if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
2. The 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") or smaller;
 - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
 - c. Un-galvanized or uncoated iron wire of three thirty seconds of an inch (3/32") or smaller; or
 - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

3.10 Scup

3.10.1 Recreational

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

- B. Season: January 1 through December 31
- C. Possession limit: Thirty (30) fish per person per calendar day
- D. Special shore angling sites:
 - 1. Locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge), Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport
 - 2. Minimum size: Eight inches (8")
 - 3. Season: January 1 through December 31
 - 4. Possession limit: Thirty (30) fish per person per calendar day
- E. Licensed Party and Charter vessels seasons and possession limit:
 - 1. January 1 through August 31: Thirty (30) fish per person per calendar day
 - 2. September 1 through October 31: Fifty (50) fish per person per calendar day
 - 3. November 1 through December 31: Thirty (30) fish per person per calendar day

3.10.2 Commercial

- A. Minimum size: Nine inches (9")
- B. Seasons, quotas and possession limit:
 - 1. January 1 through April 30 (Federal Winter I) possession limit: Fifty thousand (50,000) pounds per vessel per calendar day, decreasing to one thousand (1,000) pounds per vessel per calendar day once eighty percent (80%) of the Federal Winter I coastwide scup quota has been harvested as determined by NOAA Fisheries
 - 2. May 1 through September 30: The State quota for this sub-period will be divided as follows:
 - a. General Category (gear types other than floating fish traps): Forty percent (40%)
 - (1) Possession limit: Ten thousand (10,000) pounds per vessel per calendar week
 - b. Floating fish trap: Sixty percent (60%)

- (1) During years in which the Federal Winter I coastwide scup quota is exhausted prior to April 15, the floating fish trap quota will be available on April 15. During years in which the Federal Winter I coastwide scup quota is not exhausted prior to April 15, the floating fish trap quota will be available on May 1.
- (2) If the DEM estimates that the floating fish trap sector will not fully utilize its scup allocation prior to the end of the Summer-Fall sub-period, beginning on June 15, the DEM may transfer the floating fish trap sector allocation to the general category sector. DEM will consult with the floating fish trap operators or their designee prior to enacting any allocation transfer, and will maintain written correspondence in the form of a letter on file as proof of said consultation.
- (3) If the DEM estimates that the floating fish trap sector has a reasonable likelihood of utilizing its quota prior to the end of the sub-period, a portion of any unused allocation that was transferred to the general category sector may be transferred back to the floating fish trap sector. Any quota that was transferred from the general category sector to the floating fish trap sector shall not exceed the amount that may have been transferred from the floating fish trap sector to the general category sector.
- (4) Reporting: Floating fish trap operators shall report landings of scup to Standard Atlantic Fisheries Information System (SAFIS) every Monday, Wednesday, and Friday, of every week that the trap is in operation. If there is non-compliance with this reporting requirement, the floating fish trap operators will be notified and will default to the following program:
 - (AA) April 15 through September 30: During those years in which the Federal Winter I coastwide scup quota is exhausted prior to April 15, the floating fish trap quota will be available on April 15. The possession limit will be twenty-five thousand (25,000) pounds per floating fish trap per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be five thousand (5,000) pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.

(BB) May 1 through September 30: During those years in which the Federal Winter I coastwide scup quota is not exhausted prior to April 15, the floating fish trap quota will be available on May 1. The possession limit will be twenty-five thousand (25,000) pounds per floating fish operator per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be five thousand (5,000) pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota has been harvested.

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

3. October 1 through December 31 (Federal Winter II): Two thousand (2,000) pounds per vessel per calendar day, decreasing to five hundred (500) pounds per vessel per calendar day once seventy percent (70%) of the Federal Winter II coastwide scup quota has been harvested as determined by NOAA Fisheries.

C. Minimum mesh size – otter trawl:

1. Owners or operators of otter trawl vessels possessing greater than one thousand (1,000) pounds of scup from October 1 through April 14; or greater than two thousand (2,000) pounds of scup from April 15 through June 15; or greater than two hundred (200) pounds of scup from June 16 through September 30, may only fish with nets that have a minimum mesh size of five inches (5") diamond (inside measure) or square mesh with a minimum length of seventy-five (75) meshes from the terminus of the net. For nets with less than seventy-five (75) mesh cod ends, the entire net will be five inches (5") minimum size diamond or square mesh.

2. Vessels possessing trawl devices while harvesting scup in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and is not available for immediate use.
- D. Scup pots:
1. Pot limits: Each person utilizing pots in the scup fishery shall be authorized to deploy up to one hundred fifty (150) pots regardless of the number of licenses on board the vessel.
 2. Pot construction – escape vents: All scup pots must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of three and one tenth inches (3 1/10") diameter, two and one quarter inches (2 1/4") by five and three quarter inches (5 3/4") if rectangular or may be constructed of two and one quarter inches (2 1/4") by two and one quarter inches (2 1/4") wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.
 3. The hinges or fasteners of one (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") or smaller;
 - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
 - c. Un-galvanized or uncoated iron wire of three thirty seconds of an inch (3/32") or smaller; or
 - d. If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

3.11 Striped Bass

3.11.1 Recreational

- A. Minimum size: Twenty-eight inches (28")
- B. Maximum size: Less than thirty-five inches (35")
- C. Season: January 1 through December 31
- D. Possession limit: One (1) fish per person per day

- E. Any person recreationally harvesting a striped bass thirty-four inches (34") or larger shall at the time of harvest have the right pectoral fin removed at a point as close to the body of the fish as possible.
- F. Circle hooks:
 - 1. The use of circle hooks is required by any person while fishing recreationally with bait for striped bass.
 - a. Bait is defined as any marine or aquatic organism live or dead, whole or parts thereof.
 - b. The circle hook requirement shall not apply to any artificial lure with bait attached.
 - 2. Striped bass caught on any unapproved method of take must be returned to the water immediately without unnecessary injury.

3.11.2 Commercial

- A. General Category
 - 1. Minimum size: Thirty-four inches (34") or greater
 - 2. Allocation: Sixty-one percent (61%) of the annual Rhode Island commercial quota
 - 3. Seasons and possession limits:
 - a. January 1 through May 19: Closed
 - b. May 20 through June 30:
 - (1) Allocation: Sixty percent (60%) of the general category quota
 - (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day
 - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
 - c. July 1 through December 31:
 - (1) Allocation: Forty percent (40%) of the general category quota

- (2) Possession limit: Five (5) fish per person per calendar day, or if fishing from a vessel, five (5) fish per vessel per calendar day
 - (3) The fishery will be closed in each calendar week on Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
4. If DEM estimates that the floating fish trap sector will not fully utilize its striped bass allocation prior to the end of the season, the DEM may transfer all or a portion of the floating fish trap sector allocation into the general category fishery. DEM will consult with the floating fish trap licensees or their designee prior to enacting any such transfer, and will maintain written correspondence of this consultation.
5. Floating fish trap allocation that has been transferred to the general category fishery ~~in accordance with § 3.11.2(A)(4) of this Part~~ may be transferred back to the floating fish trap fishery. Any allocation transferred back to the floating fish trap fishery shall not exceed the amount of the original transfer.

B. Floating Fish Traps

1. Floating fish trap operators must be permitted pursuant to the General Equipment Provisions, Part [6](#) of this Subchapter.
2. Allocation: During a single calendar year, the floating fish trap quota shall not be more than thirty-nine percent (39%) of the annual Rhode Island commercial quota.
3. Minimum size: Twenty-six inches (26")
4. Season: April 1 through December 31
5. Possession limit: Unlimited. Once seventy percent (70%) of the seasonal allocation is projected to be harvested, the possession limit shall be five hundred (500) pounds per floating fish trap licensee per calendar day.
6. Reporting: All floating fish trap operators shall keep daily records of striped bass landings and report landings to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation.
7. If the floating fish trap operators are found to be out of compliance with the reporting requirements, the operators will be notified, and default to following program:

- a. April 1 through December 31: One hundred percent (100%) of the floating fish trap quota shall be available during this sub-period. Once seventy percent (70%) of the seasonal allocation is projected to be harvested, the possession limit shall be five hundred (500) pounds per floating fish trap licensee per calendar day.

C. Gillnet Prohibition for Striped Bass: No person shall take or possess any striped bass while gillnetting, or while hauling a gillnet.

D. Hybrid or Cultured Striped Bass

- 1. Aquaculture-reared striped bass or hybrid striped bass brought into Rhode Island for sale or resale, which is wholly or partially processed, except for cultured striped bass or hybrid striped bass from a fish farm or processor which are a fully processed and packaged product whether fresh or frozen, shall have affixed to it a tag identifying it as an aquaculture product.
- 2. Packages, containers, and each fish or fish product containing aquaculture products shall be tagged or labeled with a uniform series of fourteen (14) digit numbers and letters as shown in the example below:

MD	= State of origin
123	= Permit number (producing state issued permit number)
0889	= Month and year of shipment
A1234	= Species ID and number of product

- 3. Each fish or fish product shall have affixed to it a tag bearing the same information listed in § 3.11.2(D)(2) of this Part.
- 4. The sale of this product shall be accompanied by a receipt showing:
 - a. The date of sale;
 - b. Name, address, and permit number of the aquaculture facility;
 - c. Numbers and species of striped bass sold;
 - d. Name of purchaser.
- 5. Fish shipped in the round and filleted by the seller, shall have the tag removed and wrapped in with the fillets when sold.

6. The consignee of each subsequent sale shall retain a copy of the bill of lading or similar accountable document for one (1) year, and make it available to the Department upon request.
- E. Commercial Striped Bass Tags: Each individual striped bass shall be immediately marked with tags available from DEM. No striped bass may be sold unless it has been properly identified with such tag. DEM may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and reports specified by DEM. All tag reports and unused tags must be returned to DEM by January 1 of the following year. Failure to return reports and unused tags may result in the tagging agent becoming ineligible to receive striped bass tags in the future.

3.12 Summer Flounder

3.12.1 Recreational

- A. Minimum size: Nineteen inches (19")
- B. Season: May 3 through December 31
- C. Possession limit: Six (6) fish
- D. Special shore angling sites:
 1. Special shore angling site locations: India Point Park, Providence; Conimicut Park, Warwick; Rocky Point, Warwick; Stone Bridge, Tiverton; East and West Walls (Harbor of Refuge); Narragansett; Fort Wetherill, Jamestown; and Fort Adams, Newport
 2. Minimum size: Seventeen inches (17"). This applies to only two (2) fish of the allowed total possession limit.
 3. Season: May 3 through December 31
 4. Possession Limit: Six (6) fish. The minimum size of two (2) of the six (6) fish may be seventeen inches (17"). The remaining four (4) fish shall be nineteen inches (19").

3.12.2 Commercial

- A. Minimum size: Fourteen inches (14")
- B. Seasons, allocations, and possession limits:
 1. January 1 through April 30:
 - a. Allocation: Fifty-four percent (54%) of the annual quota

- b. Possession limit between January 1 and the start of the Winter sub-period of the Aggregate Landing Program:
 - (1) Vessels that possess a valid Rhode Island Summer Flounder Exemption Certificate : One hundred (100) pounds per vessel per calendar day
 - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
 - c. Possession limit during the Winter sub-period of the Aggregate Landing Program:
 - (1) Vessels not permitted in the Aggregate Landing Program but which possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
 - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
 - (3) Aggregate Landing Program: Two thousand (2,000) pounds per vessel per bi-week. The bi-weekly periods shall be specified in the Aggregate Landing Permit.
 - (4) The Aggregate Landing Program will terminate when ninety percent (90%) of the Winter sub-period quota has been harvested and the possession limit shall be one hundred (100) pounds per vessel per calendar day.
2. May 1 through September 15:
- a. Allocation: Thirty-five percent (35%) of the annual quota
 - b. Possession limit:
 - (1) Vessels that possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
 - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
3. September 16 through December 31:

- a. Allocation: Eleven percent (11%) of the annual quota
- b. Possession limit:
 - (1) Vessels that possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day
 - (2) Vessels that do not possess a valid Summer Flounder Exemption Certificate: One hundred (100) pounds per vessel per calendar day

C. Aggregate Landing Program:

- 1. Applicability: Authorizes the aggregate possession limit of summer flounder during the Aggregate Landing Program season.
- 2. Permit required: A permit issued from the Director is required to participate in the Aggregate Landing Program. Permit applications shall be completed on forms as prescribed by the Director. Applications not completed in their entirety shall not be considered.
- 3. Eligibility: An applicant vessel shall demonstrate the following:
 - a. The vessel, if harvesting summer flounder from Federal waters, holds a valid Federal Summer Flounder Moratorium Permit and Rhode Island Summer Flounder Exemption Certificate issued pursuant to Part [14](#) of this Subchapter, Summer Flounder Exemption Certificate Program.
 - b. The vessel's operator, if harvesting exclusively in State waters, holds a valid Rhode Island Commercial Fishing License to harvest or land summer flounder and possesses a valid Summer Flounder Exemption Certificate.
 - c. The vessel's operator has not been assessed a criminal or administrative penalty for violations of State or Federal commercial fishing Regulations or laws within the past three (3) years.
 - d. Applicants must be in compliance with commercial fishing data reporting requirements pursuant to Part [2](#) of this Subchapter, Commercial and Recreational Saltwater Fishing Licensing Regulations.
- 4. Season: Begins on the Sunday of the first full week in January through April 30, or until ninety percent (90%) of the Winter sub-period quota has been harvested as determined by the DEM.

5. Permit conditions:
 - a. Participants must maintain compliance with commercial fishing data reporting requirements pursuant to Part [2](#) of this Subchapter, Commercial and Recreational Saltwater Fishing Licensing Regulations.
 - b. Permits are non-transferable. Only vessels authorized by the Director may participate in the pilot program.
 - c. Permits are valid only for the calendar year issued.
6. Penalties for non-compliance:
 - a. In addition to the penalties for non-compliance specified in § [1.11](#) of this Subchapter, non-compliance with the provisions of these Regulations or the permit agreement shall subject both the owner and the operator to revocation of enrollment and participation in the commercial fisheries for remainder of the sub-period or the subsequent sub-period. If for any reason a sub-period does not exist by Regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current sub-period upon adjudication.
 - b. The Director may also revoke, in writing, the authorization to participate in this Program, should the Director determine that such program participant has been assessed a criminal or administrative penalty for violations of State commercial fishing Regulations or for violations of Federal commercial fishing Regulations or laws, within the past three (3) years.

D. Minimum mesh size – otter trawl:

1. Owners or operators of otter trawl vessels possessing one hundred (100) pounds or more of summer flounder per day from May 1 through October 31; or two hundred (200) pounds or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of five and one half inches (5 1/2") diamond, or six inches (6") square mesh applied throughout the body, extension(s) and cod end portion of the net.
2. Vessels possessing trawl devices while harvesting summer flounder in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and is not available for immediate use.

- E. Summer flounder may be landed between the hours of 6:00 A.M. to 8:00 P.M. only;
- F. Control Date: A control date of December 31, 2010, is established for the commercial summer flounder 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.

3.13 Tautog

3.13.1 Recreational

- A. Minimum size: Sixteen inches (16")
- B. Seasons and possession limits:
 - 1. January 1 through March 31: Closed
 - 2. April 1 through May 31: Three (3) fish per person per calendar day
 - 3. June 1 through July 31: Closed
 - 4. August 1 through October 14: Three (3) fish per person per calendar day
 - 5. October 15 through December 31: Five (5) fish per person per calendar day
 - 6. Maximum per vessel possession limit: The possession limit shall be per person per calendar day, as stated above, with a maximum of ten (10) fish per vessel per calendar day.
 - 7. Licensed Party and Charter vessels seasons and possession limits:
 - a. January 1 through March 31: Closed
 - b. April 1 through May 31: Three (3) fish per person per calendar day
 - c. June 1 through July 31: Closed
 - d. August 1 through October 14: Three (3) fish per person per calendar day
 - e. October 15 through December 31: Five (5) fish per person per calendar day
 - f. Licensed Party/charter vessels are not subject to the ten (10) fish per vessel per calendar day restriction.

3.13.2 Commercial

- A. Minimum size: Sixteen inches (16")
- B. Seasons, allocations, and possession limit:
 - 1. January 1 through March 30: Closed
 - 2. April 1 through May 31:
 - a. Allocation: Forty-two and one half percent (42.5%) of the annual quota
 - b. Possession limit: Ten (10) fish per vessel per day
 - 3. June 1 through July 31: Closed
 - 4. August 1 through September 15:
 - a. Allocation: Fifteen percent (15%) of the annual quota
 - b. Possession limit: Ten (10) fish per vessel per day
 - 5. September 16 through October 14: Closed
 - 6. October 15 through December 31:
 - a. Allocation: Forty-two and one half percent (42.5%) of the annual quota
 - b. Possession limit: Ten (10) fish per vessel per day
- C. Commercial tautog tagging
 - 1. No tautog shall be sold, purchased, bartered, or traded in Rhode Island unless a tautog tag issued by the Director has been affixed to the left opercula bone with the tag number displayed.
 - 2. All tautog harvested and landed in Rhode Island must be tagged at the time of harvest, prior to offloading.
 - 3. Eligibility: Tags shall be available only to Rhode Island commercially licensed fishermen authorized to harvest and/or land tautog.
 - 4. No person shall transfer tautog tags between individuals or fish.
 - 5. Tags are valid for one (1) calendar year.
 - 6. All unused tags shall be returned to DMF by February 15 of the following year accompanied by the tag reporting form with the disposition of all tags (used, returned, broken, or lost) recorded. Failure to return tags and

reports may result in the harvester's inability to participate in the commercial tautog fishery in the future.

7. No person shall reuse, counterfeit, alter, or modify any tautog tag, or possess, use, or attempt to use any counterfeit, altered or modified tags. Any person found in violation may be prohibited from participating in the commercial tautog fishery in the future.
8. Tautog must remain tagged until they reach the final consumer. Processed or fileted tautog shall be packed with the tag and available for inspection, with tags retained until all process or fileted tautog are sold.
9. This section shall become effective on January 1, 2020.

3.14 American Eel

3.14.1 Recreational

- A. Minimum size: Nine inches (9")
- B. Season: January 1 through December 31
- C. Possession limit: Twenty-five (25) fish per angler per day
- D. Licensed Party and Charter vessel season and possession limit:
 1. Season: January 1 through December 31
 2. Possession limit: Fifty (50) fish per angler per day for the licensed captain and any employed crew member; and twenty-five (25) fish per angler per day for any paying customer

3.14.2 Commercial

- A. Minimum size: Nine inches (9")
- B. Season: January 1 through December 31:
 1. Closed season: September 1 through December 31 for any gear type other than baited traps/pots or spears
- C. Possession limit: Unlimited
- D. Commercial eel pot restrictions: Eel pots shall have a minimum mesh size of one half inch ($\frac{1}{2}$ ") by one half inch ($\frac{1}{2}$ ").

3.15 American Plaice

3.13.1 Recreational

- A. Minimum size: Fourteen inches (14")
- B. Fishing year: May 1 through April 30
- C. Possession limit: Unlimited

3.15.2 Commercial

- A. Minimum size: Twelve inches (12")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
 - 1. There is no commercial possession limit for american plaice provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of american plaice.
 - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of american plaice in Federal waters may harvest american plaice in State waters in the amount equal to the Federal Regulations.

3.16 American Shad

The harvest, landing, or possession of american shad in the marine waters of Rhode Island is prohibited.

3.17 Atlantic Herring

3.17.1 Commercial

- A. Minimum size: No minimum size.
- B. Season: January 1 through December 31
- C. Possession limit: Unlimited.
- D. River Herring Bycatch Allowance: Vessels possessing a Federal atlantic herring permit fishing in Federal waters may transit Rhode Island State waters and make a landing in possession of alewives or blueback herring provided that the count of the combined river herring is five percent (5%) or less than the count of atlantic herring onboard the vessel.
 - 1. The percentage of river herring in the catch will be assessed by sorting and counting a batch of fish taken from the catch of atlantic herring on board the vessel or being landed by the vessel. This determination as to the percentage of river herring in the catch shall be accomplished by filling a container as defined herein, with a portion of the catch and examining

the contents of said container. The percentage of river herring in said container shall be deemed to be representative of the percentage of river herring in the catch as a whole for purposes of a determination as to whether a vessel is in compliance with the requirements of this section.

2. A batch of fish is defined as all fish in a separate container.
 3. A container is defined as any box, tote, bag, bucket or other receptacle capable of retaining at least twenty-five (25) gallons of loose fish which may be separated from the total catch of atlantic herring being landed.
- E. Atlantic Herring Processing: No person may process atlantic herring for purposes other than human consumption. Direct mealing of atlantic herring is prohibited.
- F. Vessel restrictions: No vessel harvesting atlantic herring in the atlantic coast herring fishery shall exceed one hundred sixty-five feet (165') in length overall, and three thousand (3,000) horsepower.

3.18 Atlantic Salmon

The harvest, landing, or possession of atlantic salmon in the marine waters of Rhode Island is prohibited.

3.19 Atlantic Sturgeon

The harvest, landing, or possession of atlantic sturgeon in the marine waters of Rhode Island is prohibited.

3.20 Bluefish

3.20.1 Recreational

- A. Minimum size: No minimum size
- B. Season: January 1 through December 31
- C. Possession limit: Three (3) fish per person per calendar day
 1. Licensed Party and Charter vessels possession limit: Five (5) fish per person per calendar day

3.20.2 Commercial

- A. Minimum size: Eighteen inches (18")
- B. Seasons and possession limits:

1. January 1 through April 30: One thousand (1,000) pounds per vessel per bi-week
2. May 1 through November 15: Six thousand (6,000) pounds per vessel per week
3. November 16 through December 31: Five hundred (500) pounds per vessel per week

3.21 Coastal Sharks

3.21.1 Recreational

- A. Prohibited species. Taking or possessing any of the following shark species is prohibited: sandbar, silky, sand tiger, bigeye sand tiger, whale, basking, white, dusky, bignose, galapagos, night, reef, narrowtooth, caribbean sharpnose, smalltail, atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, and bigeye sixgill.
- B. Landings requirements: No person fishing recreationally shall possess or land sharks that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.
- C. Minimum size:
 1. Smooth dogfish, atlantic sharpnose, finetooth, blacknose, and bonnethead shark: No minimum size
 2. Tiger, blacktip, spinner, bull, lemon, nurse, porbeagle, common thresher, oceanic whitetip, and blue shark: Minimum fork length is fifty-four inches (54").
 3. Scalloped hammerhead, smooth hammerhead, and great hammerhead shark: Minimum fork length is seventy-eight inches (78").
 4. Shortfin mako:
 - a. Females: Minimum fork length is eighty-three inches (83").
 - b. Males: Minimum fork length is seventy-one inches (71").
- D. Shore-based possession limits:
 1. One (1) shark per person per calendar day, with one (1) additional bonnethead and one (1) additional atlantic sharpnose shark per person per calendar day

2. Smoothhound sharks: Unlimited
- E. Vessel-based possession limits:
1. One (1) shark per vessel per calendar day, or per trip per calendar day, whichever is less, regardless of the number of people on board the vessel, with one (1) additional bonnethead and one (1) additional atlantic sharpnose shark per vessel per calendar day, or per trip per calendar day, whichever is less
 2. Smoothhound sharks: Unlimited
 3. Sharks that are transported by vessel are considered "boat assisted" and "vessel-based" regardless of how or where they were caught.
- F. Authorized gear: No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two (2) gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.
1. Any vessel using rod and reel, must adhere to the following:
 - a. Use corrodible circle hooks, except when fishing with flies or artificial lures; and
 - b. Maximize gear removal, as safely as possible, when releasing sharks.

3.21.2 Commercial

- A. Commercial species groups: Coastal sharks are grouped into commercial species groups as follows:
1. Prohibited: sand tiger, bigeye sandtiger, whale, basking, white, dusky, bignose, galapagos, night, reef, narrowtooth, caribbean sharpnose, smalltail, atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, blacknose, and bigeye sixgill shark
 2. Research: Sandbar shark
 3. Smoothhound: Smooth dogfish and florida smoothhound shark
 4. Non-Blacknose Small Coastal: Atlantic sharpnose, finetooth, and bonnethead shark
 5. Blacknose: Blacknose shark
 6. Aggregated Large Coastal: Silky, tiger, blacktip, spinner, bull, lemon, and nurse shark

7. Hammerhead: Scalloped hammerhead, great hammerhead, and smooth hammerhead shark
 8. Pelagic: Shortfin mako, porbeagle, common thresher, oceanic whitetip, and blue shark
- B. Prohibited species: Taking or possessing any of the species of sharks in the Prohibited and Research species groups is prohibited.
- C. Fishing year: January 1 through December 31
- D. Quota specification:
1. Smoothhound sharks: A total annual statewide quota will be established for the State by the ASMFC and/or NOAA Fisheries.
 2. Species groups other than smoothhound sharks will be established annually by the ASMFC and/or NOAA Fisheries.
- E. Seasons: Seasonal periods for commercial shark fisheries may be established annually either through NOAA Fisheries, ASMFC, or DEM.
- F. Possession limit:
1. Smoothhound, non-blacknose small coastal, and pelagic shark species groups: Unlimited
 2. Aggregated large coastal and hammerhead species groups: Twenty-five (25) sharks per vessel per day, adjusting to between fifty-five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries
 3. It shall be unlawful for any person to possess any species of shark in State waters when NOAA Fisheries prohibits the possession of that species in Federal waters.
- G. Display and research of sharks: No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species groups without a valid State collector's permit obtained from the Director. Any person so authorized shall:
1. Report to the Director within thirty (30) days of possession the species identification, length, weight, date, and location where caught by latitude and longitude coordinates, and the gear used; and
 2. For each shark taken for live display, the holder of the permit shall also report to the Director annually by December 31 for the life of the shark. The report shall include all of the information specified in the original

report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.

- H. Authorized sale: No person shall sell any shark species to a person or dealer who does not possess a Rhode Island Commercial Dealer License, and a Federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.
- I. Authorized commercial gear: No person shall take or possess sharks using any method other than the following gear types:
 - 1. Rod and Reel. Any vessel using Rod and Reel, must adhere to the following:
 - a. Use corrodible circle hooks; and
 - b. Maximize gear removal, as safely as possible, when releasing sharks.
 - 2. Handlines, which are defined as a mainline to which no more than two (2) gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel;
 - 3. Small mesh gillnets which are defined as having a stretch mesh size smaller than five inches (5");
 - 4. Large mesh gillnets which are defined as having a stretch mesh size equal to or greater than five inches (5"). Any vessel using large-mesh gillnets, must use nets that are shorter than two and one half (2 1/2) kilometers;
 - 5. Trawl nets;
 - 6. Shortlines which are defined as fishing lines containing fifty (50) or fewer hooks and measuring less than five hundred (500) yards in length. A maximum of two (2) shortlines shall be allowed per vessel. Any vessel using a shortline shall adhere to the following:
 - a. Use corrodible circle hooks; and
 - b. Practice the protocols, and possess the Federally-required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and
 - c. All captains and vessel owners must be certified in using, handling and release equipment. Captains and vessel owners can become certified by attending a Protected Species Safe Handling, Release, and Identification Workshop offered by NOAA Fisheries.

7. Pound nets/fish traps;
 8. Weirs.
- J. Prohibition of finning: Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all State waters. All sharks, with the exception of smoothhound, possessed by commercial fishermen within State boundaries must have the tails and fins attached naturally to the carcass until landed. Fins may be cut as long as they remain attached to the carcass, by natural means, with at least a small portion of uncut skin. Sharks may be gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea.
1. Commercial fishermen may eviscerate and remove the head and all shark fins of smooth dogfish while at sea provided smooth dogfish make up at least twenty-five percent (25%), by weight, of total catch on board at the time of landing. Trips that do not meet the twenty-five percent (25%) catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass. If fins are removed, the total wet weight of the shark fins may not exceed twelve percent (12%) of the total dressed weight of smoothhound carcasses landed or found on board a vessel. Commercial fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading.

3.22 Cod

3.22.1 Recreational

- A. Minimum size: Twenty-one inches (21")
- B. Possession limit: Ten (10) fish per person per day

3.22.2 Commercial

- A. Minimum size: Nineteen inches (19")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
 1. One thousand (1,000) pounds per vessel per calendar day for any vessel fishing in State waters. The possession limit may be modified on the basis of a Rhode Island State water cod quota as set by DEM, which shall be equal to one percent (1%) of the Federal Georges Bank cod annual catch limit (ACL) for the given fishing year. When ninety percent (90%) of the State water quota has been harvested as determined by the DEM, the

possession limit will decrease to seventy-five (75) pounds of cod per vessel per calendar day for the remainder of the fishing year.

2. Vessels in possession of a Federal permit authorizing the commercial harvest of cod in Federal waters may harvest, possess, or land cod in State waters in the amount equal to the Federal Regulations

3.23 Haddock

3.23.1 Recreational

- A. Minimum size: Eighteen inches (18")
- B. Fishing year: May 1 through April 30
- C. Possession limit: Unlimited

3.23.2 Commercial

- A. Minimum size: Sixteen inches (16")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
 1. There is no commercial possession limit for haddock provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of haddock.
 2. Vessels in possession of a Federal permit authorizing the commercial harvest of haddock in Federal waters may harvest, possess, or land haddock in State waters in the amount equal to the Federal Regulations.

3.24 Menhaden

3.24.1 Recreational

- A. Minimum size: No minimum size
- B. Season: January 1 through December 31
- C. Possession limit:
 1. Less than or equal to four inches (4"): Unlimited
 2. Greater than four inches (4"): Two hundred (200) fish per person per day

3.24.2 Commercial

A. Menhaden Management Area:

1. Opening and closure of fishery:

a. Fishery opening – possession limits:

- (1) Biomass Floor: On an annual basis in the spring, the DEM shall conduct regular estimates of the standing stock of menhaden utilizing approved scientific monitoring methods. On the basis of those estimates, DEM shall open the commercial fishery at an initial possession limit of one hundred twenty thousand (120,000) pounds per vessel per calendar day when the estimated weekly standing stock reaches two million (2,000,000) pounds.

b. Fishery closure:

- (1) Biomass Ceiling: When fifty percent (50%) of the estimated standing stock of menhaden, above the minimum threshold amount of one million five hundred thousand (1,500,000) pounds, is harvested, the DEM shall close the menhaden fishery until further notice.
- (2) If at any time the stock estimate drops below one million five hundred thousand (1,500,000) pounds, the DEM shall close the commercial fishery and the incidental catch fishery will be in effect until further notice.

c. Fall opening in the Menhaden Management Area:

- (1) Beginning September 1, the area south of a line extending from the Jamestown and Newport Bridges, and the area south of a line extending from Fogland Point to Sandy Point in the Sakonnet River, to the southern extent of the Management Area, will be open to the harvest of menhaden by purse seine provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island.
- (2) Possession limit: Twenty-five thousand (25,000) pounds per vessel per day

2. Commercial Vessel restrictions:

- a. This section does not apply to small scale fisheries as defined in § 3.24.2(D)(1)(b) of this Part, or floating fish traps.

- b. The use of purse seines shall be permitted only in accordance with the following terms and conditions:
- (1) All nets shall be less than one hundred (100) fathoms (six hundred feet (600')) in length and less than fifteen (15) fathoms (ninety feet (90')) in depth.
 - (2) All nets shall be marked with fluorescent-colored float buoys, distinguishable from the other float buoys on the net, at intervals of fifty feet (50').
 - (3) Annually, prior to use, all nets shall be inspected and certified as being in conformance with the provisions of this section by the DEM Division of Law Enforcement (DLE). Once inspected and certified, a net may be used throughout the duration of the calendar year in which it was inspected, provided that it is not altered with regard to any of the provisions of this section. Any net that is altered with regard to any of the provisions of this section must be re-inspected and recertified prior to use.
 - (4) Vessel size shall not exceed ninety feet (90') in overall length.
- c. The possession or taking of menhaden by a fishing vessel engaged in the commercial menhaden fishery is prohibited in the following areas:
- (1) Providence River: Described as the waters north of a line extending from Rocky Point to Conimicut Light in the city of Warwick, and further extending to Nayatt Point in the town of Barrington.
 - (2) Greenwich Bay: Described as the waters of Greenwich Bay west and north of a line extending from the flagpole on Warwick Point to Sandy Point in the city of Warwick.
- d. The possession or taking of menhaden by a fishing vessel engaged in the commercial menhaden fishery is prohibited on any Saturday, Sunday, official State holiday, or prior to sunrise or following sunset.
- e. Fish storage capacity: A fishing vessel engaged in the commercial menhaden fishery may not have a useable fish storage capacity greater than one hundred twenty thousand (120,000) pounds. Prior to the commencement of fishing, for any vessel not previously certified through this process, each vessel must be inspected by a certified marine surveyor and assessed with regard to its fish

storage capacity. Such certification must be kept aboard the vessel at all times. Vessels must either be certified as having a useable storage capacity of one hundred twenty thousand (120,000) pounds or less, or for vessels with a fish storage capacity greater than one hundred twenty thousand (120,000) pounds the excess capacity is rendered unusable in accordance with the specifications set forth in the assessment.

B. Possession of Menhaden in Rhode Island under State Quota Program:

1. Possession limit: One hundred twenty thousand (120,000) pounds per vessel per day
2. Once the quota has been reached, the fishery will close for directed fisheries, including but not limited to purse seine operations, and the incidental catch fishery will be in effect.
3. All commercial menhaden operations conducted in the Management Area, prior to and after the State's quota has been reached, are subject to the provisions of § 3.22.2(A) of this Part.
4. The transiting provision in § [1.9\(A\)\(2\)](#) of this Subchapter does not apply to the commercial menhaden fishery. Any vessel transiting State waters must abide by the current State possession limit.

C. Episodic Event Set Aside Program:

1. After the State's quota has been reached, if Rhode Island is approved to participate in the Episodic Event Set Aside Program for menhaden, as established by the ASMFC, the possession limit for menhaden will be one hundred twenty thousand (120,000) pounds per vessel per day, until the Set Aside quota has been exhausted, as determined by the ASMFC and/or the DEM, at which time the program will end and the directed fishery will close. Vessels that target and land menhaden in Rhode Island under this program must harvest only from Rhode Island waters and, if operating in the Management Area, must adhere to all the provisions as specified in § 3.24.2(A) of this Part.
2. The Episodic Event Set Aside Program will end on October 31, or when the Set Aside quota has been harvested, whichever first occurs.

D. Incidental Catch Fishery

1. Upon closure of the commercial menhaden fishery, an incidental catch fishery will be in effect as follows:
 - a. Possession limit:

- (1) Six thousand (6,000) pounds per vessel per day for non-directed and small-scale gears
- (2) Twelve thousand (12,000) pounds per vessel per day for two (2) commercially licensed individuals harvesting from the same vessel, fishing stationary multi-species gear

b. Gear Types:

- (1) Non-directed: Anchored/stake gillnets, trawls, fyke nets, and floating fish traps
- (2) Small-scale: Cast nets, pots, hook and line, hand lines, trammel nets, and bait nets
- (3) Stationary multi-species: Anchored/stake gillnets, floating fish traps, and fyke nets

E. Commercial Vessel Reporting Requirements

1. This section does not apply to small scale fisheries as defined in § 3.24.2(D)(1)(b) of this Part, or floating fish traps.
2. Any fisher intending to engage in the commercial menhaden fishery in the Management Area shall notify the DLE at (401) 222-3070 prior to taking or possessing menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification which may have been established in the possession limit for menhaden.
3. Each person engaging in the commercial menhaden fishery shall contact the DEM at (401) 423-1940 at the end of each day to report the area fished and the amount of menhaden in possession by the fisher in pounds.

F. Prohibition on the harvesting of menhaden for reduction processing: The taking of menhaden for reduction (fish meal) purposes is prohibited in Rhode Island waters. A vessel will be considered in the reduction (fish meal) business if any portion of the vessel's catch is sold for reduction.

G. No person may transfer or attempt to transfer at sea, from one (1) vessel to another, any finfish identified in these Regulations.

H. Possession limit compliance: It shall be unlawful for any commercial menhaden operation to land more than one (1) possession limit per day.

3.25 Monkfish

3.25.1 Recreational

- A. Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length
- B. Possession limit: Fifty (50) pounds tail weight, or one hundred sixty-six (166) pounds whole weight per vessel per calendar day. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached.

3.25.2 Commercial

- A. Minimum size: Seventeen inches (17") total length or eleven inches (11") tail length
- B. Fishing year: May 1 through April 30
- C. Possession limit:
 - 1. Non-federally permitted Rhode Island licensed vessel: Four thousand nine hundred (4,900) pounds tail weight or fourteen thousand two hundred fifty-nine (14,259) pounds whole weight per vessel per week. Whole weight is defined as the weight of monkfish that are gutted (i.e. stomach, liver, and other entrails removed) and have the head and tail attached. In SAFIS landing monkfish in the "whole" is reported using the grade "gutted, head on, tail on."
 - a. The possession of monkfish livers may not exceed the number of gutted-fish and tails combined.
 - b. The possession of monkfish heads may not exceed the number of gutted-head-off-fish and tails combined.
 - 2. The possession limit may be modified on the basis of a Rhode Island State water monkfish quota as set by DEM, which shall be equal to three percent (3%) of the Federal Southern Management Area (SMA) Total Allowable Landings (TAL) as specified by NOAA Fisheries. When two percent (2%) of the SMA TAL has been harvested as determined by the DEM, the possession limit will decrease to fifty (50) pounds tail weight or one hundred sixty-six (166) pounds whole weight per vessel per calendar day for the remainder of the fishing year.
- D. Vessels in possession of a Federal permit authorizing the harvest of monkfish may harvest monkfish in State waters if and only if they are operating during a previously and properly declared Day At Sea (DAS); in such instances, such vessels may harvest monkfish in the amount authorized to be possessed pursuant to Federal Regulations.

3.26 Pollock

3.26.1 Recreational

- A. Minimum size: Nineteen inches (19")
- B. Fishing year: May 1 through April 30
- C. Possession limit: Unlimited

3.26.2 Commercial

- A. Minimum size: Nineteen inches (19")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
 - 1. There is no commercial possession limit for pollock provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of pollock.
 - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of pollock in Federal waters may harvest, possess, or land pollock in State waters in the amount equal to the Federal Regulations.

3.27 River Herring

The harvest, landing, or possession of river herring in the marine waters of Rhode Island is prohibited.

3.28 Skate

3.28.1 Recreational

Possession limit: Ten (10) fish per person per day

3.28.2 Commercial

- A. Fishing year: May 1 through April 30
- B. State-waters skate wing fishery: Shall be defined as skate harvested, possessed, or landed by a vessel:
 - 1. Fishing in State waters, not on a previously declared DAS, and without an active Federal open-access skate permit; and
 - 2. For food for human consumption with a designated Atlantic Coastal Cooperative Statistics Program (ACCSP) Disposition Code 001 = Food.

3. Minimum size: No minimum size
 4. Possession limit: Thirty-five thousand (35,000) pounds per vessel per week for wings only; or seventy-nine thousand four hundred fifty (79,450) pounds per vessel per week for whole skate
 - a. Barndoor skate shall not comprise more than twenty-five percent (25%) of total skate wing by weight per vessel per day at the time of landing.
 - b. Barndoor skate shall be kept separate from other species harvested.
 - c. When in possession of barndoor skate, vessels are prohibited from discarding any skate species that has been winged.
- C. Skate bait fishery: Shall be defined as skate harvested, possessed, or landed by a vessel:
1. Fishing in State waters, not on a previously declared DAS, without an active Federal open-access skate permit, and without a Federal skate bait Letter of Authorization (LOA); and
 2. For use as bait with a designated ACCSP Disposition Code 008 = Bait.
 3. Maximum length: Whole skates must measure less than twenty-three inches (23") total length.
 4. Seasons and possession limits:
 - a. May 1 through July 31: Twenty-five thousand (25,000) pounds whole skate per vessel per day. When NOAA Fisheries determines that ninety percent (90%) of a bait skate TAL for sub-period I is landed, the possession limit will be reduced to an incidental catch limit of eight thousand (8,000) pounds whole skate.
 - b. August 1 through October 31: Twenty-five thousand (25,000) pounds whole skate per vessel per day. When NOAA Fisheries determines that ninety percent (90%) of a bait skate TAL for sub-period II is landed, the possession limit will be reduced to an incidental catch limit of eight thousand (8,000) pounds whole skate.
 - c. November 1 through April 30: Twenty-five thousand (25,000) pounds whole skate per vessel per day. When NOAA Fisheries determines that eighty percent (80%) of a bait skate TAL for sub-period III is landed, the possession limit will be reduced to an incidental catch limit of eight thousand (8,000) pounds whole skate.

- d. Possession limit adjustments: Following the implementation of the incidental catch limit, additional adjustments may be enacted, in accordance with actions by NOAA Fisheries.
 - (1) To ensure the skate bait fishery does not exceed its seasonal or annual TAL, the fishery will close when NOAA determines that one hundred percent (100%) of the skate bait TAL for a season is to be harvested.
 - (2) To achieve the seasonal or annual TAL, incidental possession limits may be lifted, reinstating the standard seasonal possession limit.

3.28.3 Prohibited Species

The harvest, landing, or possession of thorny skate in the marine waters of Rhode Island is prohibited.

3.29 Spiny Dogfish

3.29.1 Commercial

- A. Seasons, allocations, and possession limit: Rhode Island is currently designated as a State that is part of the Northern region. A Northern region possession limit and quota for spiny dogfish will be established annually by the ASMFC. The Northern region quota for spiny dogfish shall be the most recent allocation by the ASMFC, which is currently set at fifty-eight percent (58%) of the coastwide quota.
 - 1. Season: May 1 through April 30
 - 2. Possession limit: Six thousand (6,000) pounds per vessel per calendar day. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the NOAA Fisheries or the ASMFC, the DEM shall close the fishery for the remainder of the designated period.
 - 3. DEM is hereby authorized to enter into agreements with the other Northern region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish, and may make adjustments as deemed necessary to comply with said agreements. DEM will consult with the Rhode Island State water spiny dogfish fishers prior to negotiating the subject agreements.
- B. Prohibition of Finning: Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish is prohibited in State waters. In addition, removing any fin of spiny dogfish at sea is prohibited (including the tail). All spiny dogfish must be

landed with fins-naturally-attached to the corresponding carcass. Gutting fish at sea is permitted, so long as the fins remain attached by a portion of uncut skin.

3.30 Yellowtail Flounder

3.30.1 Recreational

- A. Minimum size: Thirteen inches (13")
- B. Fishing year: May 1 through April 30
- C. Possession Limit: Unlimited

3.30.2 Commercial

- A. Minimum size: Twelve inches (12")
- B. Fishing year: May 1 through April 30
- C. Possession Limit:
 - 1. There is no commercial possession limit for yellowtail flounder provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of yellowtail flounder.
 - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of yellowtail flounder in Federal waters may harvest, possess, or land yellowtail flounder in State waters in the amount equal to the Federal Regulations.

3.31 Weakfish

3.31.1 Recreational

- A. Minimum size: Sixteen inches (16")
- B. Season: January 1 through December 31
- C. Possession limit: One (1) fish per person per calendar day

3.31.2 Commercial

- A. Minimum size: Sixteen inches (16")
- B. Seasons and possession limits:
 - 1. June 1 through June 30: One hundred (100) pounds per vessel per calendar day

2. August 7 through November 8: One hundred (100) pounds per vessel per calendar day
 3. At all other times, the possession limit is one hundred (100) pounds per vessel per calendar day as incidental catch only with an equivalent poundage of other species required to be on board the vessel. Provided, however, that the commercial hook and line fishery is not permitted an incidental catch allowance.
- C. For directed trawl operations, cod end mesh size must be greater than or equal to four and one half inches (4 1/2") diamond or four inches (4") square.

3.32 Winter Flounder

3.32.1 Recreational

- A. Minimum size: Twelve inches (12")
- B. Season: March 1 through December 31
- C. Possession limit: Two (2) fish per person per calendar day in Rhode Island waters
- D. Closed Areas: The harvest or possession of winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond; and the Harbor of Refuge.

3.32.2 Commercial

- A. Minimum Size: Twelve inches (12")
- B. Season: January 1 through December 31
- C. Possession limit: Fifty (50) pounds per vessel per day
- D. Closed Areas: The harvest or possession of winter flounder is prohibited in Narragansett Bay north of the Colregs line; Potter Pond; Point Judith Pond and the Harbor of Refuge.
- E. Minimum mesh size:
 1. Bottom trawl nets: Six inches (6") diamond mesh or six and one half inches (6 1/2") square mesh applied throughout the body and extension of the net, or any combination thereof, and six and one half inches (6 1/2") diamond mesh or six and one half inches (6 1/2") square mesh applied to the cod end of the bottom trawl nets

2. Gill nets: Six and one half inches (6 1/2") diamond mesh or six and one half inches (6 1/2") square mesh applied throughout the net. Vessels may utilize commercial fishing gear with mesh smaller than the sizes referenced in this section provided they do not possess any winter flounder.
 - a. For vessels greater than forty-five feet (45') in length overall, a diamond mesh cod end is defined as the first fifty (50) meshes counting from the terminus of the net, and a square mesh cod end is defined as the first one hundred (100) bars counting from the terminus of the net.
 - b. For vessels forty-five feet (45') or less in length overall, a diamond mesh cod end is defined as the first twenty-five (25) meshes counting from the terminus of the net, and a square mesh cod end is defined as the first fifty (50) bars counting from the terminus of the net.
 3. Vessels possessing trawl devices while harvesting winter flounder in excess of the possession limits specified herein may have nets onboard the vessel that have a mesh size less than the minimum size specified in the Regulations provided that the net is stowed and not available for immediate use.
- F. With the exception of the use of gillnets and fyke nets, the taking of winter flounder is prohibited from one (1) hour after sunset until one (1) hour before sunrise in the following areas:
1. In all coastal salt ponds, (with the exception of Point Judith Pond and the Harbor of Refuge where the harvest or possession of winter flounder is prohibited).
 2. In all coastal salt pond channels.
 3. In the Narrow River.
 4. In Little Narragansett Bay and the Pawcatuck River north and east of a line extending from Napatree Point to the western end of Sandy Point.
 5. Gillnets and fyke nets may not be hauled in these areas from one (1) hour after sunset to one (1) hour before sunrise.

3.33 Witch Flounder

3.33.1 Recreational

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

- B. Fishing year: May 1 through April 30
- C. Possession Limit: Unlimited

3.33.2 Commercial

- A. Minimum size: Thirteen inches (13")
- B. Fishing year: May 1 through April 30
- C. Possession limit:
 - 1. There is no commercial possession limit for witch flounder provided the vessel is fishing in State waters and does not have a Federal permit authorizing the commercial harvest of witch flounder.
 - 2. Vessels in possession of a Federal permit authorizing the commercial harvest of witch flounder in Federal waters may harvest, possess, or land witch flounder in State waters in the amount equal to the Federal Regulations.

3.34 Ocean Pout

The harvest, landing, or possession of ocean pout in the marine waters of Rhode Island is prohibited.

3.35 Atlantic Wolffish

The harvest, landing, or possession of atlantic wolffish in the marine waters of Rhode Island is prohibited.

3.36 Sand Lance

Possession limit: Two hundred (200) pounds per vessel per day.

3.37 Cobia

3.37.1 Recreational

- A. Minimum size: Thirty seven inches (37").
- B. Season: January 1 through December 31.
- C. Possession Limit: One (1) fish per vessel per day.

3.37.2 Commercial

- A. Minimum size: Thirty seven inches (37").

B. Season: January 1 through December 31.

C. Possession Limit: Two (2) fish per vessel per day.

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TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 14 –Summer Flounder Exemption Certificate Program

14.1 Purpose

The purpose of these Regulations is to authorize a program which will assist with the management of the commercial summer flounder fishery.

14.2 Authority

These Rules and Regulations are promulgated 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 Chapter 42-35, Administrative Procedures Act.

14.3 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.

14.4 Definitions

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

14.5 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.

14.6 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.

14.7 General

- A. The Summer Flounder Exemption Certificate (Exemption Certificate) will be issued only to a vessel. The vessel owner will be identified on the Exemption Certificate for the purpose of maintaining vessel owner contact information.
- B. Exemption Certificates may not be:
1. Pledged, mortgaged, leased, or encumbered in any way;
 2. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or
 3. Attached, distrained, or sold on execution of judgment.
- C. Notice of change of address: Whenever a person owning a vessel issued an Exemption Certificate, or in possession of an Exemption Certificate in Confirmation of Certificate Status (CCS), shall move from the address specified on their last certificate application, that person shall, within ten (10) days subsequent to moving, notify the Division of Coastal Resources of their new address.
- D. Any application made pursuant to these regulations shall be made on forms as prescribed by the Director.

14.78 Applicability

- ~~A. A Summer Flounder Exemption Certificate (Exemption Certificate) will be issued only to a vessel.~~
- BA. ~~An Summer Flounder~~ Exemption Certificate authorizes a vessel to possess and land greater than two hundred (200) pounds of summer flounder provided that:
- ~~1. The current Rhode Island possession limit for summer flounder is greater than two hundred (200) pounds per vessel per day;~~
 - ~~2. The vessel's operator holds a valid Rhode Island commercial fishing license or landing permit to harvest or land summer flounder;~~

14.8 Original Application Requirements

- ~~A. A copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Summer Flounder Permit if the Summer Flounder is to be taken in the Exclusive Economic Zone (EEZ);~~
- ~~B. A completed notarized application;~~
- ~~C. Proof that the vessel meets the requirements set out in this section;~~

- ~~D. Provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in this section; and~~
- ~~E. A copy of the vessel's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel.~~

14.9 Eligibility

~~A. No new Exemption Certificates will be available for issuance. All valid certificates are eligible for renewal pursuant to these regulations.~~

~~A. Applicants must have applied to DEM prior to January 1, 1997 and demonstrated the following:~~

~~1. The operator of the vessel possesses a valid Rhode Island commercial fishing license to land summer flounder up to the amount permitted by these Regulations; and~~

~~2. The subject vessel meets any of the following criteria:~~

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

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

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

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

~~is required to have been owned by the applicant at the time of the loss.~~

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

14.10 Other Conditions

~~A. Exemption Certificates may not be:~~

- ~~1. Pledged, mortgaged, leased, or encumbered in any way;~~
- ~~2. Transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or~~
- ~~3. Attached, distrained, or sold on execution of judgment.~~

~~B. Expiration: All Exemption Certificates shall expire on December 31 annually.~~

14.140 Exemption Certificate Expiration and Renewal

~~A. Completed notarized applications will only be accepted for Exemption Certificate renewals.~~

A. Exemption Certificates shall be valid until December 31, 2025, at which time the certificate shall expire unless application for renewal is received by the application deadline.

B. Application required: Renewal applications ~~for Exemption Certificates issued under these Regulations~~ shall contain the following information:

1. Vessel name;
2. Vessel owner;
3. USCG documentation/State registration number;
4. Federal permit number or Rhode Island commercial fishing license number, that authorizes the harvest or landing of summer flounder;
5. Vessel Length Overall (LOA);
6. Vessel Gross Registered Tonnage (GRT);
7. Vessel Horsepower.
8. Hailing Port.

9. Notary signature and stamp.

C. Renewal application deadline:

- ~~1. The Department will publicly notice by July 1, 2020, that all Exemption Certificates will expire on December 31 of that year.~~
1. Notice of certificate expiration and renewal requirement will be mailed to the person and mailing address on file with the Department no later than October 1, 2025.
2. ~~All~~Renewal applications ~~for renewal~~ must be received by the Department or postmarked by ~~September 1, 2020~~December 31, 2025 to be considered for renewal.
3. For any vessel sale/transfer that takes place during the renewal application period, ninety (90) days from the date of sale/transfer will be allowed to renew the Exemption Certificate.

- D. ~~Application Renewal Denial: If application for an Exemption Certificate renewal is denied, the applicant may appeal the denial of a Summer Flounder Exemption Certificate~~ 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.

14.121 Transfer of an Exemption Certificate

14.11.1 General

- A. An Exemption Certificate may only be transferred upon change in vessel ownership or upon vessel replacement. ~~Application to the Department on forms as prescribed by the Director is required upon transfer. Any vessel replacement or change in vessel ownership requires a transfer application to be submitted to the Department and new certificate issued to be valid.~~
- B. If no transfer approval occurs at time of change in vessel ownership or upon vessel transfer, the Exemption Certificate shall not be valid until such time that a transfer application is submitted and a new certificate issued.
- ~~1. Change in ownership: An Exemption Certificate is presumed to transfer with the vessel whenever it is bought, sold, or otherwise transferred, unless there is a written agreement, signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. Individuals who purchase a vessel issued an Exemption Certificate must supply credible written evidence verifying that they are the full owner of said vessel. Vessel ownership will~~

~~be determined solely by an issued and valid (unexpired) US Coast Guard documentation or State registration.~~

~~2. Certificate retained for vessel replacement~~

- ~~a. A written agreement, or other credible written evidence, must be signed by the transferor/seller and transferee/buyer, verifying that the transferor/seller is retaining the vessel's Exemption Certificate for the purpose of replacing the vessel.~~
- ~~b. A vessel owner must prove that the applicant vessel is replacing a vessel and that the Exemption Certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.~~
- ~~c. If a vessel owner elects to sever the Exemption Certificate from a vessel, the Exemption Certificate shall only be transferred to another vessel fully owned by said vessel owner. Proof of full ownership of both vessels is required. Vessel ownership will be determined solely by issued and valid US Coast Guard documentation or a State registration.~~
- ~~d. The Exemption Certificate must be applied to a replacement vessel owned by the seller/transferor within five (5) years of approval of application.~~

~~3. Replacement Vessels~~

- ~~a. Exemption Certificates may not be combined to create larger replacements vessels.~~
- ~~b. The replacement vessel may not exceed a ten percent (10%) increase in LOA, a ten percent (10%) increase in gross registered tonnage (GRT) or net tonnage (NT), or a twenty percent (20%) increase in horsepower of the vessel's baseline specifications, as applicable.~~
- ~~c. Vessel baseline specifications: The vessel baseline specifications in this section are the respective specifications (length, GRT, NT, horsepower) of the vessel that was initially issued an Exemption Certificate.~~
- ~~d. A vessel may be upgraded, whether through refitting or replacement, and be eligible to retain an Exemption Certificate, only if the upgrade complies with the following:
 - ~~(1) The vessel's horsepower may be increased only once, whether through refitting or replacement. Such an increase~~~~

~~may not exceed twenty percent (20%) of the horsepower of the vessel's baseline specifications, as applicable.~~

~~(2) — The vessel's length, GRT, and NT may be increased only once, whether through refitting or replacement. Any increase in any of these three (3) specifications of vessel size may not exceed ten percent (10%) of the vessel's baseline specifications, as applicable. If any of these three (3) specifications is increased, any increase in the other two (2) must be performed at the same time. This type of upgrade may be done separately from an engine horsepower upgrade.~~

14.11.2 Change in Vessel Ownership

A. Applicability: Any change in vessel ownership shall require application to the Department for an Exemption Certificate transfer. No Exemption Certificate transfer is valid unless approved by the Director.

B. Application required:

1. Application shall include a written agreement signed by the transferor/seller and transferee/buyer, or other credible written evidence, verifying that the transferor/seller is retaining the vessel's fishing and permit history for purposes of changing vessel owner.

2. Validation of vessel ownership is required and shall be determined solely by the valid (unexpired) US Coast Guard documentation or State registration issued.

C. An Exemption Certificate may only be transferred to a vessel or replacement vessel that possesses a valid USCG documentation and/or valid state registration and is commercially declared pursuant to Part 2 of this subchapter.

D. An Exemption Certificate may only be transferred to a vessel or replacement vessel owned by a person who is a RI resident.

14.11.3 Vessel Replacement

A. Applicability: Any change in vessel shall require application to the Department for such transfer. No transfer is valid unless approved by the Director.

B. Application required:

1. Application shall include a written agreement, or other credible written evidence, that must be signed by the vessel transferor/seller and vessel transferee/buyer, verifying that the vessel transferor/seller is retaining the Exemption Certificate for the purpose of replacing the vessel.

2. The vessel owner must prove that the applicant vessel is replacing a vessel and that the Exemption Certificate is only applicable to the vessel for which the Exemption Certificate has been transferred.
3. The Exemption Certificate shall only be transferred to another vessel with a USCG vessel documentation/State registration number and state commercial vessel declaration.
4. The Exemption Certificate must be applied to a replacement vessel owned by the seller/transferee within five (5) years of approval of application.

C. Confirmation of certificate status:

1. If a vessel owner severs the Exemption Certificate from a vessel, the vessel owner may elect to apply to the Department for Confirmation of Certificate Status (CCS).
 - a. CCS allows the maintenance of the certificate history without it being attached to a vessel.
 - b. Application for CCS must be made on forms provided by the Director.
2. Application to the DEM must be made to take an Exemption Certificate out of CCS.
 - a. The Exemption Certificate must be applied to a vessel within five (5) years of approval of application for CCS.
 - b. If after five (5) years of approval of application for CCS the Exemption Certificate becomes invalid.
 - c. Exemption Certificates in CCS are subject to the renewal requirements as specified in these regulations.



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road
Jamestown, Rhode Island 02835

Summary of Public Hearing Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier: Part 3 – Finfish (250-RICR-90-00-3)

Type of Filing: Amendment

Timetable for action on the proposed rule:

- Date of public notice: October 20, 2021
- Date of hearing: November 9, 2021
- End of comment period: November 19, 2021

Testimony and Comments:

1. 2022 Black Sea Bass Management:
 - Patrick Duckworth: In support of proposal #1, status quo
2. 2022 Commercial Menhaden Management:
 - John Williams, Benthic Fishing Corp.: In support as proposed. Offered that most fishing regulations are based on historic participation with fishery access limited by vessel specifications such as horsepower and length. He offered that the bay has historically been accessed by smaller fishing vessel; allowing unrestricted vessel length would change the historic participation.
 - Patrick Duckworth: Does not support the proposed rule.
 - Rob ? (from Booth Bay Harbor , ME): In support of a 75 foot vessel length.
3. Cobia Management:
 - Patrick Duckworth: Does not support adoption of a possession limit; supports adoption of a minimum size.

Note: Oral comments made at hearing have not been included in this document if written comment was subsequently provided to supersede the oral comment. Written comments received are included in the public hearing file. The meeting was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). Written comments submitted are filed individually and separately.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835

Public Hearing Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier: Part 14 – Summer Flounder Exemption Certificate Program
(250-RICR-90-00-14)

Type of Filing: Amendment

Timetable for action on the proposed rule:

- Date of public notice: October 10, 2021
- Date of hearing: November 11, 2021
- End of comment period: November 19, 2021

Testimony and Comments: No testimony or comments were provided at the public hearing. Written comments received are included in the public hearing file. The meeting was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). Written comments submitted are filed individually and separately

Seafreeze Ltd.



**100 Davisville Pier
North Kingstown, RI 02852**

November 18, 2021

Peter Duhamel
Department of Environmental Management
Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835

Re: Menhaden Proposed Rule 250-RICR-90-00-3; Section 3.24.2(A)(2)(b)(4)

Dear Mr. Duhamel,

I am writing on behalf of Seafreeze Ltd. and Seafreeze Shoreside to oppose the proposed rule to limit vessel size in the Rhode Island menhaden fishery to 90 feet overall length. Rhode Island has the most robust and restrictive menhaden management measures out of any state on the East Coast. Whether the fish are harvested from a vessel larger or smaller than 90 feet does not make a difference with regards to the conservation and management of the resource when the fishery is managed according to existing regulations including the Menhaden Management Area provisions.

We are particularly concerned about the precedent that adoption of this provision could set for other fisheries. Our company vessels, homeported in Rhode Island, are both federally and state permitted and greater than 90 feet in overall length. These vessels have legally and profitably fished in Rhode Island state waters since the 1980s, with no issues. If the state adopts a 90-foot vessel length restriction, it would set a precedent of eliminating access in other fisheries for vessels over 90 feet. We could therefore lose access in the future to important seasonal fisheries such as the winter herring fishery in state waters. Our customer vessels larger than 90 feet, also homeported in Rhode Island, could similarly lose access to various state waters fisheries in the future if such a precedent is set.

We believe that educating the public about our state fisheries, regulatory process and management measures is a better road to solve any public misperceptions about fishing activity than a blanket prohibition on vessels that are currently operating in accordance with sustainable state fishery management measures.

Thank you for the opportunity to comment.

Sincerely,
Meghan Lapp
Seafreeze Ltd., Seafreeze Shoreside

From: Robbie Begin <robbiebegin@gmail.com>
Sent: Wednesday, November 17, 2021 5:01 PM
To: DEM.MarineFisheries <DEM.MarineFisheries@dem.ri.gov>
Subject: [EXTERNAL] : Carrier limit

Good afternoon my name is Robbie Begin I feel the carrier limit should be 75 feet instead of 90 feet.

The reason I feel this a good size is because all the herring boats that aren't going herring fishing because they have over fished the herring now, they want to come down to Rhode Island and ruin the Menhaden fishing in Narragansett bay. All the herring boats like the western wave, Westernsea, Providian, Ruth and Pat, Ocean venture, Star light, Sun light, could possibly head this way unless you do something about carrier size.

If you don't do something about the carrier size the fishery will be caught in a short amount of time.

Thank you
Robbie Begin

F/V Ocean Spray Partnership

Deake's Wharf
446 Commercial St.
Portland, ME 04101



Menhaden Proposed Rule 250-RICR-90-00-3; Section 3.24.2(A)(2)(b)(4)

11/18/2021

RI DEM

Menhaden Management,

Ocean Spray Partnership opposes the proposed rule to limit vessel size in the Rhode Island menhaden fishery to 90 feet overall length. Vessel size has no effect on quota management. The Menhaden fishery is a highly regulated fishery. There are strict regulations with landings diligently monitored. Among these are net size, possession and daily quota limits. The fish holds have been measured and certified for enforcement purposes. This issue is a problem of perception not fishery management.

Rhode Island DEM has been doing a great job educating the public on menhaden management. Education is the solution to this issue. Adding regulation without proper rationale is inequitable and is not consistent with the standards of fishery management.

The Menhaden fishery is increasing importance to Rhode Island and the other New England States. The ocean temperature is on the rise in world's oceans. As a result, fish populations are moving North with the water temperature. However, the quota allocations are based on landings not population. A reduction in landings will reduce the quota allocated to the state having a negative impact on the Rhode Island fishing industry.

Thank you for your consideration.

John-Paul Bilodeau



(207) 253-5626 Telephone

(207) 253-5622 Fax

jp@fvprovidian.net



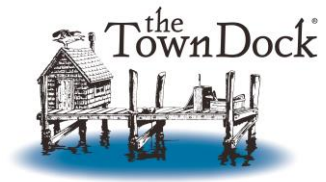


(207) 253-5626 Telephone

(207) 253-5622 Fax

jp@fvprovidian.net





45 STATE STREET | PO BOX 608
NARRAGANSETT, RI 02882

November 16, 2021

Peter Duhamel
Department of Environmental Management
Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835

Dear Mr. Duhamel,

Please find below our support for the following options for 2022 management:

Black Sea Bass:

Regarding option #4. That proposal was submitted by us however it was misunderstood. To clarify, we support the six sub seasons. We are looking to have a daily limit of 50 lbs for all five sub seasons from 5/1 to 12/31. We do not support the option as it is written in the presentation.

We are hoping that the DEM will consider our proposal as corrected.

Fluke Exemption Program:

We are in support of the Exemption Program as it has been presented to the industry so far.

Scup:

Currently there are no proposed changes for scup, however I'd like to bring attention to a proposal that is being discussed that causes us great concern.

There is discussion from some in New Jersey to both lower the scup minimum size (from 9in to 8in) and to increase the possession limit during the winter.

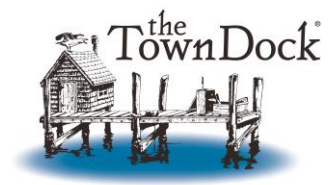
This is a concern from many in the industry as the scup market is very temperamental. If the market is flooded with all that additional scup the price will drop. Making fishing on it not worthwhile. Scup is one of the last few open access fisheries that is utilized by many during the winter months, it's a staple. If that market is lost due to flooding and the already decreasing SSB drops further due to a decrease in size limit, then that fishery is in danger, and we can't afford to risk that.

Thank you for taking considering our support.

Sincerely,
Katie Almeida
Sr. Representative, Government Relations & Sustainability



TOWNDOCK.COM
INFO@TOWNDOCK.COM
PH 401-789-2200 | FAX 401-782-4421



45 STATE STREET | PO BOX 608
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ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

Grant Moore, President
exec@offshorelobster.org

David Borden, Executive Director
dborden@offshorelobster.org

23 Nelson St Dover, NH 03820 | P: 603-828-9342 | www.offshorelobster.org | heidi@offshorelobster.org

November 16, 2021

Peter Duhamel
Division of Marine Fisheries
3 Fort Wetherill Road Jamestown, RI 02835

Dear Peter:

On behalf of the Rhode Island members of the Atlantic Offshore Lobstermen's Association, I'm submitting comments towards the 2022 commercial black sea bass management plan proposal.

Proposal 1: The Association supports proposal 1- status quo. We have submitted several letters over the years supporting higher trip limits in the spring and fall to convert discards to landings. Attached is a copy of our most recent prior letter, which further explain this position¹.

Proposal 2: The Association supports proposal 2 with modifications, preferring this option over the other newly developed alternatives. However, we suggest that the proposed 5% reduction from January-April be added to the May-June or November (mid-October)-December period to take advantage of seasonal price differentials to maximize economic returns. The Division's economic data will demonstrate that the industry generally earns \$5-6 per lb. for jumbos and \$3 per lb. for larges during May-June and November-December. In contrast the price declines precipitously in the summer when Massachusetts opens its fishery of 300 lbs. per day. Additionally, there are significant, unavoidable trawl and trap bycatches during the spring and fall migrations, which could be converted to landings given sufficient allocation.

Proposal 3: The Association strongly opposes this alternative as it would result in unnecessary and avoidable discards. The January-April period is dominated by a bycatch fishery as federally permitted trawl and trap vessels targeting other species encounter BSB. Since most of these fish are caught in deep water, they suffer barotrauma with a low probability of survival when released. Therefore, a 10% reduction during this time would result in unavoidable discards. A reduction of this magnitude is also likely to result in a seasonal closure, further exacerbating the dead discard potential and increasing the chance of a bycatch deduction on future quotas.

Proposal 4: The Association opposes this alternative for the same reasons noted for proposal 3. Further, this option would promote a substantial increase in catch in the summer period when prices are at their lowest and accelerate discards during the fall BSB migration.

Thanks for the opportunity to comment.

David Borden
Executive Director

¹ Prior letters submitted 10/15/13, 11/18/14, 11/20/15, 10/18/17, and 10/15/19



ATLANTIC OFFSHORE LOBSTERMEN'S ASSOCIATION

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David Borden, Executive Director
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23 Nelson St Dover, NH 03820 | P: 603-828-9342 | www.offshorelobster.org | heidi@offshorelobster.org

October 15, 2019

Jason McNamee, Chief Marine Fisheries
RI Division of Fish and Wildlife
Jamestown, RI 02835-9906

Dear Jason:

I would like to comment on behalf of the Atlantic Offshore Lobstermen's Association regarding black sea bass (BSB) regulations and aggregate programs in advance of the October 16, 2019 prehearing workshop.

As you know our members participate in the BSB fishery during the fall, winter and spring periods. As noted in my prior letters on this issue (enclosed), the majority of sea bass caught by RI fishermen during the period of September through April are caught in federal waters, as an unavoidable bycatch in other fisheries, and generally at depths greater than 100 feet. Since most of these fish are caught in deep water, they suffer barotrauma with a low and questionable probability of survival if released. The 2019 BSB stock update and actions, presented at the recent Mid-Atlantic Council meeting, reduced the allowable commercial catch 36% because of discards.

As noted in my earlier letters, a properly structured aggregate program can convert some portion of these discards into landings, improving the economic performance of the RI fishery during the fall and winter/spring period. The current daily possession regulation in the fall period promotes discarding; these discards could be reduced with a simple change in regulations. Ideally the entire period from October through April would be regulated with weekly aggregate regulations. The proposed quota increase gives us a good opportunity to address this issue. I have no doubt that this recommendation is also in the best interests of the trawl and gillnet fisheries.

Regarding an aggregate program, we have one member participating in the pilot program and the results have been very successful at converting unavoidable discards to landing. To date, I have not heard of any negatives associated with this pilot. I therefore urge a continuation of this program and, if possible, an expansion of the number of participants. Greater participation would further test the concept and provide more data on which to base decisions. This is the perfect time to test the concept with a larger group, as the quotas for summer flounder, black sea bass, and scup remain robust.

Thanks for the opportunity to comment.

David Borden
Executive Director

Cc: John Peabody, AOLA Member, Lady Clare Inc.
Grant Moore, AOLA President, Broadbill Fishing Inc.

From: [William P. Tukey, Jr.](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: [EXTERNAL] : BSB Regs.
Date: Monday, November 15, 2021 9:07:58 AM

Mr. Duhamel, Proposal #4, 50lbs/day from 5/1-12/31, makes the most sense to me. It is simple and I think will result in fewer closings, less over-supply, and should be well matched to the available quota. Sincerely, Bill Tukey, Jr. MP# 712.

From: [David Fewster](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: [EXTERNAL] : Option 2 comment
Date: Thursday, November 18, 2021 9:25:46 AM

Good morning Peter Duhamel

I am in favor of Option 2 for the 2022 sea bass season. I'm a RI fish potter/ rod and reel licensed Commercial fisherman. MP753...

I feel moving some catch around to different periods in order to avoid closed days is important. Making small changes like this keeps my businesses working and profitable.... Thankyou in advance David Fewster

Sent from my iPhone

From: [Joe Macari](#)
To: [Duhamel, Peter \(DEM\)](#)
Cc: [Lake, John \(DEM\)](#)
Subject: [EXTERNAL] : Sea Bass Proposals
Date: Monday, November 15, 2021 10:07:24 AM

Peter-

I would like to submit my support for Proposal 1 (Status Quo)

Re:2022 Commercial Black Sea Bass Management

Thanks-

Joe Macari

PEL 000793

[Jmacari1@cox.net](mailto:jmacari1@cox.net)

From: [Kenneth Booth](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: [EXTERNAL] : Re: REMINDER!! End of Comment period on proposed rules Friday November 19th
Date: Wednesday, November 17, 2021 9:18:57 PM

Peter,

The Rhode Island Commercial Rod and Reel Association (RICRRA) would like to go on record as urging approval of Industry Proposal 2. This proposal provides for equitable distribution of the quota among all gear types with the goal of having the fishery open for the entire year without closure. An uninterrupted supply of local product would encourage and enable Rhode Island restaurants to feature local harvested fresh black bass as a regular menu item.

*Ken Booth, President
RICRRA*

On Wednesday, November 17, 2021, 10:31:19 AM EST, Duhamel, Peter (DEM) <peter.duhamel@dem.ri.gov> wrote:

Hi Ken, just a reminder that comments due by Friday

Peter A. Duhamel, Principal Environmental Planner
RI Department of Environmental Management
Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835
401-423-1927

From: Duhamel, Peter (DEM)
Sent: Monday, November 15, 2021 8:46 AM
To: 'Listserve (rimarinefisheries@listserve.ri.gov)' <rimarinefisheries@listserve.ri.gov>
Subject: REMINDER!! End of Comment period on proposed rules Friday November 19th

Please be reminded that the public comment period for proposed regulations currently out to public notice ends this Friday, November 19th, 4:00PM.

Links to the proposed rules are provided below. The [summary document \[risos-apa-production-public.s3.amazonaws.com\]](#) for the 2022 commercial black sea bass management options that were noticed for consideration is attached. Persons with interest in these proposed rules are strongly encouraged to provide comment. Submit comments, regular mail or email, to:

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

Thank you.

- [Part 3 – Finfish \(250-RICR-90-00-3\)](#)
- [Part 14 – Summer Flounder Exemption Certificate Program \(250-RICR-90-00-14\)](#)

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From: [Matthew Conti](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: [EXTERNAL] : Seabass
Date: Friday, November 19, 2021 9:41:04 AM

I am commenting on the Seabass proposal that has 75lbs as a daily limit. As a dealer we support this proposal at Snug Harbor Marina. Thanks. Matthew Conti

Sent from my iPhone

-----Original Message-----

From: Ronald Enright <nomad0326@hotmail.com>

Sent: Saturday, November 20, 2021 5:12 PM

To: Duhamel, Peter (DEM) <peter.duhamel@dem.ri.gov>

Subject: [EXTERNAL] : option two

I support option 2 for commercial black sea bass

Thank you

Ron Enright

Sent from my iPhone

From: [Sean Moreschi](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: [EXTERNAL] : Public comment comm. bsb
Date: Monday, November 15, 2021 8:59:34 AM

Hello Peter,

I would like to support option 1 “status quo” for the commercial Black seabass management.

Thank you

Sean Moreschi,
Commercial Fisherman
Multipurpose holder

Sent from my iPhone

From: [Thomas R Achterberg](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: [EXTERNAL] : Comment For 2022 Proposed BSB Rules
Date: Friday, November 19, 2021 12:04:31 PM

Can you put in to consideration for any of the proposals the following suggestion.

Regardless of which proposal is implemented, I recommend modifying the daily catch limit to a maximum of 125 pounds per day until the weekly aggregate limit of 350 lbs is met (# of days open times daily limit of 50 lbs for example). In other words implement a modified aggregate program for all in order to meet the weekly limit in three fishing days.

Based on my experience in the pilot aggregate program this will benefit small fishermen by reducing cost, increasing revenue enabling activity in other fisheries that cannot occur in parallel, improve safety and also minimize bad weather losses. This will also benefit the fisheries itself less gear in the water for an extended duration, less environmental impact, less bycatch

This would be an enhancement to either of the proposals and benefit both fishermen and fisheries management

Thanks for considering this. Please call me if you need additional information details.

I can be reached at 401-742-3256

Thanks again

Thomas R. Achterberg
F/V Julianna Faith

Sent from my iPhone

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

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Finfish

Rule Identifier: 250-RICR-90-00-3

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/20/2021

Hearing Date: 11/09/2021

End of Public Comment: 11/19/2021

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 Chapter 42-35-18(b)(5), Administrative Procedures Act, as amended

Summary of Rulemaking Action:

1. Section 3.9/2(B): Proposed 2022 commercial black sea bass management.
2. Section 3.37 (proposed new section): Proposed regulations for Cobi management.
3. Section 3.24.2(A)(2)(b)(4): Add purse seine vessel length for Menhaden Management Area

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 19, 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 November 9, 2021 at 6:00 pm at URI Bay

Campus, Corless Auditorium, South Ferry Rd, Zoom:
<https://us02web.zoom.us/j/81731857181>; meeting ID: 817, 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.

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

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Summer Flounder Exemption Certificate Program

Rule Identifier: 250-RICR-90-00-14

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/20/2021

Hearing Date: 11/09/2021

End of Public Comment: 11/19/2021

Authority for this Rulemaking:

R.I. Gen. Laws § 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:

Proposed programmatic amendments to the Summer Flounder Exemption Certificate Program

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 19, 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 November 9, 2021 at 6:00 pm at URI Bay Campus, Corless Auditorium, South Ferry Rd, Zoom: <https://us02web.zoom.us/j/81731857181>; meeting ID: 81, 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.

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.