

to report will result in forfeiture of the Harvest Permit and/or revocation of license and permit as provided for in RIGL 20-4-5.

**15.24.2 Quota** – A total allowable harvest (quota) of horseshoe crabs for the bait fishery and biomedical industry will be established annually. The quota will be the amount allocated to the State of Rhode Island by the Atlantic States Marine Fisheries Commission (ASMFC) or as determined by the R.I. Division of Fish and Wildlife based on the current stock status. The quota may only be harvested by licensed, permitted commercial fishermen in accordance with all rules and regulations promulgated by the Rhode Island Department of Environmental Management.

**15.24.3 Possession**

- A. **Commercial – Bait and biomedical fishery** – Any person issued a valid commercial marine fishing license and Horseshoe Crab Harvest Permit may possess horseshoe crabs in numbers not to exceed the established annual quota. Horseshoe crabs employed in the biomedical industry for purposes of extracting bodily fluids shall be returned to the waters from which they came within 72 hours following the completion of the intended biomedical procedure.
- B. **Recreational** – Any R.I. resident with a Horseshoe Crab Harvest Permit may possess not more than five (5) horseshoe crabs in any calendar day.

**15.24.4 Harvesting Restrictions**

- A. No person shall harvest horseshoe crabs for commercial or recreational purposes on or within 100 feet seaward of Patience and Prudence Islands in Narragansett Bay.
- B. No person shall harvest horseshoe crabs from waters or shoreline of the state during the period 48-hours preceding and 48-hours following the new and full moons during the months of May, June, and July, annually.

(DEM - Director REGULATIONS)

**15.25 Groundline Conversion Program – This regulation establishes eligibility criteria for commercial fishers, engaged in the harvest of lobsters with lobster traps in Lobster Management Area 2, to obtain vouchers for the purchase of sinking groundline. The program is designed to assist Area 2 trap fishermen from RI with regard to the required use of sinking groundlines, as mandated in rules issued by NOAA/NMFS (Final Rule 72 FR 57104 - October 2007) in accordance with the Atlantic Large Whale Take Reduction Plan. Pursuant to the terms of the federal grant, and the eligibility criteria set forth below, each approved applicant will receive a voucher based on the number of traps they have been fishing in Area 2, which can be applied toward the purchase of sinking groundlines.**

15.25.1 Eligibility Criteria In order to be determined to be eligible for the issuance of a voucher by the Commercial Fisheries Research Foundation, an applicant must satisfy Subparts 15.25.1 A through G and, if applicable, Subpart H of the following criteria:

- A. Must apply to the Commercial Fisheries Research Foundation (the "CFR Foundation") by the deadline specified by the CFR Foundation;
- B. Must be a RI resident;
- C. Must hold a current and valid 2010 RI state license (Multipurpose License, Principal Effort License with Lobster endorsement, or Commercial Fishing License with Lobster endorsement) and a 2009 federal lobster permit for Area 2;
- D. Must have a current and valid Area 2 trap allocation;
- E. Must have purchased lobster trap tags for either the 2009 (6/09-5/10) or 2008 (6/08-5/09) fishing years;
- F. Must have actively fished for lobster during the 2009 or 2008 fishing years (i.e., must have had some activity during at least two months during either year);
- G. Must have actively fished south of the COLREGS lines and outside of all RI coastal pond inlets; and
- H. In addition, satisfying the requirements set forth in Subparts 15.25.1 A through G, any applicants who have fished less than 50 traps during the 2009 or 2008 fishing years must submit an affidavit certifying that they have fished their traps using trawls and groundline.

15.25.2 Determination of Traps Fished

- A. DEM will review trap tag orders for the 2009 and 2008 fishing years, and Vessel Trip Reports (VTRs) or state logbooks for the same years and, on the basis thereof, determine the number of traps fished, per applicant. That number will be the highest number of traps fished in either year.
- B. The number of traps fished may be equal to, or less than, the applicant's Area 2 trap allocation

15.25.3 Added credit

- A. Fishermen who responded to the Lobster Trap Fishery Gear Survey conducted by DEM in October/November 2006 and, in response thereto, stated that they were using floating groundline, will receive added credit in the form of a 50%

bonus added to the total amount of their vouchers.

**15.25.4 Proof of Eligibility**

- A. DEM records and Vessel Trip Reports (VTRs) will be used to verify eligibility with regard to all of the above-noted criteria.**
- B. Applicants must submit, with their application, a copy of their 2010 RI state license or 2009 federal lobster permit for Area 2.**
- C. Applicants who have not yet submitted to DEM copies of their VTRs or state logbooks for the 2009 fishing year (to date) must do so, prior to applying for vouchers. The VTRs or logbooks must be submitted directly to DEM; these documents should not be submitted to the CFR Foundation with the application.**