



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

Part XV Lobsters, Other Crustaceans, and Horseshoe Crabs



Annotated Excerpts

September 6, 2012

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

Excerpts from

R.I. Marine Fisheries Statutes and Regulations
PART XV - LOBSTERS, OTHER CRUSTACEANS,
AND HORSESHOE CRABS

4. **Lobster Conservation Management Area 4 (Inshore Northern Mid-Atlantic)** –

A. **Minimum Gauge Size** – The minimum gauge size for American lobster in LCMA 4 shall be no lower than the carapace length identified in the following schedule. The 2001 year indicated runs throughout the entire calendar year (January 1-December 31). July 1st is the deadline for implementing regulations in years 2002-2004.

YEAR	AREA 4	
2001	3-9/32”*	(83.34 mm)
2002	3-5/16”	(84.14 mm)
2003	3-11/32”	(84.93 mm)
2004	3-3/8”	(85.72 mm)

*NOTE: No action may be taken in Area 4 until 2002.

B. **Maximum Gauge Size** – As of July 1, 2008, for any person or vessel permitted or declared to fish in LCMA 4, the maximum gauge size for American lobster shall be no greater than 5-1/4 inches (133.35 mm).

C. **Minimum Escape Vent Size** – For any person or vessel permitted or declared to fish in LCMA 4, all lobster traps fished in LCMA 4, whether fished commercially or recreationally, must contain at least one (1) rectangular escape vent or two (2) circular escape vents in each parlor section of the lobster trap according to the following schedule:

YEAR	One (1) Rectangular Escape Vent	Two (2) Circular Escape Vents
2003	2 inches by 5-3/4 inches	2-1/2 inches

D. **Maximum Trap Size** – It shall be unlawful to possess a lobster trap with a volume of greater than 22,950 cubic inches in LCMA 4.

E. **Prohibition on possession of V-Notched female American lobsters** – It shall be unlawful for any person or vessel permitted or declared to fish in LCMA 4 to possess a V-notched female lobster. The prohibition on possession of V-notched female lobster applies to all persons, including, but not limited to fishermen, dealers, shippers, and restaurants. A V-

notched female lobster is defined in section 15.20.2 of this section.

F. Mandatory V-Notching Requirements – ~~There are currently no Mandatory V-notching and immediate release of egg-bearing female lobsters is required~~ for any person or vessel permitted and declared to fish in LCMA 4. V-notches must be to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down. The V-notch should be made by the means of a sharp bladed instrument, at least ¼ inch and not greater than ½ inch in depth and tapering to a sharp point.

G. Limits on Landings by Fishermen Using Gear or Methods other than Traps – Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

H. Limits on the Number of Traps – Qualification Criteria – The trap limit in LCMA 4 shall be based on the historical level of traps fished by an individual. To qualify for Area 4 participation, individuals must prove participation in the Area 4 lobster fishery between March 25, 1991 and September 15, 1998.

Basis for Initial Trap Limit Number – Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one calendar year during the period from January 1, 1994 through September 15, 1998. Individuals that did not lobster trap fish in Area 4 during the period from January 1, 1994 through September 15, 1998, but did fish between 1991 and 1993, inclusive, must pick the most recent year in which they actively fished lobster traps in Area 4, such year not to pre-date the March 25, 1991 control date. Individuals shall be allocated the total number of traps fished.

I. Area Closures – It shall be unlawful to harvest lobsters using trap gear in four (4) closed areas: (1) Fire Island; (2) Moriches; (3) Shinnecock and; (4) Montauk. Fishermen may fish traps for finfish in these areas, but may not possess lobsters while fishing in these designated areas. These areas were designated using LORAN coordinates. The following GPS coordinates are rough conversions of the LORAN line coordinates. The closed area boundaries are:

FIRE ISLAND:

<u>POINT</u>	<u>LATITUDE(°N)</u>	<u>LONGITUDE(°W)</u>	<u>LORAN</u>
A (NW)	40° 31.344	73° 25.823	26730 / 43710
B (NE)	40° 33.233	73° 09.249	26600 / 43710

C (SE)	40° 23.377	73° 11.708	26600 / 43620
D (SW)	40° 23.464	73° 10.976	26730 / 43620

MORICHES:

POINT	LATITUDE(°N)	LONGITUDE(°W)	LORAN
A (NW)	40° 24.276	72° 46.617	26400 / 43605
B (NE)	40° 25.688	72° 34.048	26300 / 43605
C (SE)	40° 18.380	72° 35.063	Area 3 boundary; 26300 line
D (SW)	40° 12.831	72° 48.559	26400 / 43500

SHINNECOCK:

POINT	LATITUDE(°N)	LONGITUDE(°W)	LORAN
A (NW)	40° 34.389	72° 27.420	14960 / 43670
B (NE)	40° 35.904	72° 16.223	14890 / 43670
C (SE)	40° 27.997	72° 13.117	Area 3 boundary; 14890 line
D (SW)	40° 23.105	72° 23.782	Area 3 boundary; 14960 line

MONTAUK:

POINT	LATITUDE(°N)	LONGITUDE(°W)	LORAN
A (NW)	40° 43.678	72° 12.521	14850 / 43730
B (NE)	40° 46.053	71° 56.974	17850 / 43730
C (SE)	40° 37.120	71° 53.188	Area 3 boundary; 26300 line
D (SW)	40° 30.741	72° 07.616	Area 3 boundary; 26300 line

J. Season Closure – A season closure to the landing of lobsters from February 1 – March 31 annually is required for any person or vessel permitted and declared to fish in LCMA 4. During the February 1 to March 31 closure, lobster potters will have a two week period to remove lobster pots from the water and may set lobster pots one week prior to the end of the closed season.

5. Lobster Conservation Management Area 5 (Inshore Southern Mid-Atlantic) –

A. Minimum Gauge Size – The minimum gauge size for American lobster in LCMA 5 shall be no lower than the carapace length identified in the following schedule. The 2001 year indicated runs throughout the entire calendar year (January 1- December 31). July 1st is the deadline for implementing regulations in years 2002-2004.

YEAR	AREA 5	
2001	3-9/32 ^{”*}	(83.34 mm)
2002	3-5/16 [”]	(84.14 mm)

2003	3-11/32"	(84.93 mm)
2004	3-3/8"	(85.72 mm)

*NOTE: No action may be taken in Area 5 until 2002.

B. Maximum Gauge Size – As of July 1, 2008, for any person or vessel permitted or declared to fish in LCMA 5, the maximum gauge size for American lobster shall be no greater than 5-1/4 inches (133.35 mm).

C. Minimum Escape Vent Size – For any person or vessel permitted or declared to fish in LCMA 5, all lobster traps fished in LCMA 5, whether fished commercially or recreationally, must contain at least one (1) rectangular escape vent or two (2) circular escape vents according to the following schedule:

<u>YEAR</u>	<u>One (1) Rectangular Escape Vent</u>	<u>Two (2) Circular Escape Vents</u>
2003	2 inches by 5-3/4 inches	2-1/2 inches

D. Maximum Trap Size – It shall be unlawful to possess a lobster trap with a volume of greater than 22,950 cubic inches in LCMA 5.

E. Prohibition on possession of V-Notched female American lobsters – It shall be unlawful for any person or vessel permitted or declared to fish in LCMA 5 to possess a V-notched female lobster. The prohibition on possession of V-notched female lobster applies to all persons, including, but not limited to fishermen, dealers, shippers, and restaurants. A V-notched female lobster is defined in section 15.20.2 of this section.

F. Mandatory V-Notching Requirements – ~~There are currently no Mandatory V-notching and immediate release of egg-bearing female lobsters is required~~ for any person or vessel permitted and declared to fish in LCMA 5. V-notches must be to the right of the center flipper as viewed from the rear of the female lobster when the underside of the lobster is down. The V-notch should be made by the means of a sharp bladed instrument, at least 1/4 inch and not greater than 1/2 inch in depth and tapering to a sharp point.

G. Limits on Landings by Fishermen Using Gear or Methods other than Traps – Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer.

H. Limits on the Number of Traps – **Qualification Criteria** – The trap limit in LCMA 5 shall be based on the

historical level of traps fished by an individual. To qualify for Area 5 participation, individuals must prove participation in the Area 5 lobster fishery between March 25, 1991 and September 15, 1998.

Basis for Initial Trap Limit Number – Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one calendar year during the period from January 1, 1994 through September 15, 1998. Individuals that did not lobster trap fish in Area 5 during the period from January 1, 1994 through September 15, 1998, but did fish between 1991 and 1993, inclusive, must pick the most recent year in which they actively fished lobster traps in Area 5, such year not to pre-date the March 25, 1991 control date. Individuals shall be allocated the total number of traps fished.

I. Season Closure – A season closure to the landing of lobsters from February 1 – March 31 annually is required for any person or vessel permitted and declared to fish in LCMA 5. During the February 1 to March 31 closure, lobster potters will have a two week period to remove lobster pots from the water and may set lobster pots one week prior to the end of the closed season.