

## FINAL ANNOTATED

### 7. REGULATIONS

#### 73.2 Transiting:

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

(A) A net stowed below deck, provided:

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

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

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

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

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

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

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

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

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

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

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

(D) National Marine Fisheries Service authorized: Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid Atlantic regulated mesh area defined as "that area bounded on the east by a line running from the shoreline along 72° 30' west longitude to the intersection of the outer boundary of the Exclusive Economic Zone (EEZ).

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

### **3.4 Recreational use of nets for bait:**

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

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

**3.4.3 Beach seines or other nets, where allowed for the recreational harvest of marine species shall not exceed four (4) feet in depth and twenty (20) feet in length.**

### **73.7 Summer Flounder (Fluke)**

#### **73.7.6 Dealer Regulations:**

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

- ~~(1) The licensed person in charge of the vessel may only transfer Summer flounder to dealers who possess a valid Rhode Island Dealer's License;~~
- ~~(2) No licensed person in charge of the vessel may land Summer flounder after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from **may be landed between the hours of** 6:00 AM to 8:00 PM only;~~
- ~~(3) All Summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer;~~
- ~~(4) The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;~~
- ~~(5) All Summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Division of Law Enforcement;~~

### **73.11 Scup**

of the water is prohibited on all scup pots, traps, or similar contrivances.

#### **7.11.3 Dealer Regulations:**

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

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

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

~~(3) The weight scales must be certified in accordance with RIGL Chapter 47-4.~~

### **73.24 Coastal Sharks**

#### **73.24.2 Commercial:**

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

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

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

#### **(C) Quota Specification:**

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

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

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

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

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

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

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

~~(32) No person shall possess more than thirty six (36) sharks per vessel per calendar day, regardless of species, from the Aggregated Large Coastal Sharks or Hammerhead Sharks species group.~~ **Aggregated Large Coastal Sharks and Hammerhead Sharks species groups: Forty five (45) sharks per vessel per day, adjusting to between fifty five (55) and zero (0) sharks per vessel per day during the fishing year as determined by NOAA Fisheries.**

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

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

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

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

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

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

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

### **73.25 Skate**

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

#### **73.25.2 Recreational:**

(A) Possession Limit: ~~There is no recreational possession limit for skate provided the vessel is fishing in state waters.~~ **Ten (10) fish per person per day.**

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

#### **73.25.3 Commercial:**

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

(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 Day At Sea (DAS), and without an active federal open-access skate permit; and**

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

**(3) Minimum size: No minimum size.**

~~(4) Seasons and possession limits: There is no commercial possession limit for the skate wing fishery, provided the vessel is fishing in state waters, not on a previously declared Day At Sea (DAS), and without an active federal open-access skate permit.~~ **18,200 pounds per vessel per week for wings only; or 41,314 pounds per vessel per week for whole skate.**

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

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

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

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

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

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

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

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

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

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