

given year to the same sub-period of the next following year.

### **7.7.2 Summer flounder Trip Limits (possession limit)**

#### **7.7.2-1 Repealed 5/11/01**

**7.7.2-2** The possession limit may vary from the amount specified in sections 7.7.1-1 through 7.7.1-4. Fish and Wildlife, after discussions with fishing industry representatives, will determine, based upon the period of time remaining in the quota period and the current catch rate, whether the quota will be reached prior to the end of the sub-period. Having determined the catch rate and time remaining in the sub-period, Fish and Wildlife will decide whether the possession limit should be decreased or increased. Fish and Wildlife will file a notice with the Secretary of State's Office if the possession limit is changed, and electronically notify the public utilizing the marine fisheries informational Listserve.

**7.7.3 Summer flounder Mesh Regulations** – Otter trawlers that land or possess 100 pounds (45.4 kg) or more of summer flounder from May 1 through October 31; or 200 pounds (90.8 kg) 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 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and codend portion of the net.

### **7.7.4 Summer flounder Recreational Regulations**

**7.7.4-1 Size and Possession** – No person fishing recreationally shall possess a summer flounder less than ~~twenty-one inches (21")~~ **nineteen and one-half inches (19.5")** total length, and no person fishing recreationally shall possess, per calendar day, more than six (6) summer flounder whether caught within the jurisdiction of this state or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a vessel by the number of recreational fishermen onboard said vessel.

**7.7.4-2 Season** – The recreational season for summer flounder in Rhode Island waters is open from ~~June 17~~ **May 1** through December 31.

### **7.7.5 Summer flounder Dealer/Shipping/Transfer/Reporting Regulations/Penalty --**

**7.7.5-1 Prohibition on the transfer of Summer flounder** -- No Summer flounder (Paralichthys dentatus), may be purchased, bartered, or sold

I. The authorization to participate in the pilot program is non-transferable. Only vessels authorized by the Director may participate in the pilot program during 2009.

m. It shall be the responsibility of each sector manager to oversee the day-to-day operations of the sector, ensure compliance with all of the terms and conditions governing the sector, as set forth in these rules and regulations, and as detailed in the Sector Contract and Sector Operations Plan, and to serve as the primary point of contact with the Division.

#### 7.7.11-6 Enforcement

If a sector exceeds its allocation, or if one or more participating vessels is found to be in violation of any of the terms and conditions set forth in these regulations, the sector will be declared null and void due to breach of contract and all participating vessels and license/permit holders will be subject to potential enforcement action, including but not limited to: confiscation of catch, prohibition on the harvest and landing of summer flounder for the remainder of the year, license and/or permit suspension or revocation, fines, and disqualification from participation in any future alternative management programs. All penalty provisions applicable to violations of marine fisheries laws and regulations will also be applicable to participants in the sector allocation pilot program.

#### 7.7.11-7 Control Date

A control date of December 31, 2009 is established for the commercial summer flounder fishery in Rhode Island.

~~**7.8 Winter Flounder (Blackback) -- No person shall take, possess, sell, possess for sale, or offer for sale any winter flounder measuring less than twelve (12) inches total length whether caught within the jurisdiction of this State or otherwise. During a closure of the R.I. winter flounder fishery a vessel fishing in the Exclusive Economic Zone (EEZ) may traverse Rhode Island waters for the purpose of landing winter flounder provided they are not fishing and nets are stowed in accordance with Section 10.10 of these regulations.**~~

~~**7.8.1 Winter Flounder -- Two fish per person per calendar day recreational possession limit -- The taking and/or possession of winter flounder by recreational fishermen is prohibited with the exception that annually, beginning on the fourth Saturday in April and continuing for 30 days, and beginning on the last Saturday in September and continuing for 30 days, fishermen may take and possess not more than two (2) winter flounder per**~~

~~person per calendar day in Rhode Island waters. Said fish shall not be offered for sale. The two (2) per person per calendar day fish possession limit shall not apply to fishermen licensed pursuant to RIGL 20-2.1, provided winter flounder possessed by those licensed in the above sections are harvested in compliance with R.I. Marine Fisheries Statutes and Regulations.~~

#### **7.8.1 Winter Flounder – Recreational Regulations**

**7.8.1-1 Legal Minimum Size – No person fishing recreationally shall take, possess, sell, possess for sale, or offer for sale any winter flounder measuring less than twelve (12) inches total length whether caught within the jurisdiction of this State or otherwise.**

#### **7.8.1-2 Recreational Seasons, Possession Limits, and Closed Areas –**

- (a) **Beginning on the fourth Saturday in April and continuing for 30 days, and beginning on the last Saturday in September and continuing for 30 days, fishermen may take and possess not more than two (2) winter flounder per person per calendar day in Rhode Island waters, except in Narragansett Bay north of the Colregs line, where the harvest or possession of winter flounder is prohibited.**

**7.8.2 Winter Flounder - Mesh Regulations/Commercial Fishing Gear --** The minimum mesh size for bottom trawl nets is six (6) inch diamond mesh or six and one half (6.5) inch square mesh applied throughout the body and extension of the net, or any combination thereof, and six and one half (6.5) inch diamond mesh or six and one half (6.5) inch square mesh applied to the codend of the bottom trawl nets as defined in paragraphs (a) and (b) of this section. The minimum mesh size for gill nets is six and one half (6.5) inch diamond mesh or six and one half (6.5) inch 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. ~~except as provided in Section 7.8.1.~~

(a) For vessels greater than 45 ft in length overall, a diamond mesh codend is defined as the first 50 meshes counting from the terminus of the net, and a square mesh codend is defined as the first 100 bars counting from the terminus of the net

(b) For vessels 45 ft or less in length overall, a diamond mesh codend is defined as the first 25 meshes counting from the terminus of the net, and a square mesh codend is defined as the first 50 bars counting from the terminus of the net.

## 7.8.2-1 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.

## 7.8.3 Winter Flounder – Commercial Regulations

7.8.3-1 Legal Minimum Size -- No person fishing commercially shall take, possess, sell, possess for sale, or offer for sale any winter flounder measuring less than twelve (12) inches total length whether caught within the jurisdiction of this State or otherwise.

7.8.3-2 Commercial Seasons, ~~and~~ Possession Limits, and Closed Areas -- ~~Winter flounder shall be available during the following season:~~

- (a) January 1 – December 31: It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 50 pounds of winter flounder ~~during this period.~~
- (b) Harvest or possession of winter flounder in Narragansett Bay north of the Colregs line is prohibited.
- (c) It is illegal for a trawl vessel to initiate trawling in Narragansett Bay north of the Colregs line and haul back south of the Colregs line and possess winter flounder.
- (d) Vessels fishing south of the Colregs line or in the Exclusive Economic Zone (EEZ) may traverse closed portions of Rhode Island waters for the purpose of landing winter flounder provided they are not fishing and nets are stowed in accordance with Section 10.10 of these regulations.
- (e) Unless otherwise specified in this section, any modifications made by the Division of Fish and Wildlife to the commercial possession limit as set forth above will be promulgated in Part III, section 3.2.1-3.

7.8.4 With the exception of gillnets and fyke nets, fishing for winter flounder in waters north of the seaward entrance to all coastal salt ponds, including the area north of the seaward entrances to the Harbor of Refuge, the waters of Narrow River, and the waters of Little Narragansett Bay north of a line from Napatree Point to the western end of Sandy Point, including the waters

**of the Pawcatuck River, will be prohibited from one hour after sunset until one hour before sunrise. Gillnets and fyke nets may not be hauled from one hour after sunset to one hour before sunrise.**

**(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]**

**7.9 Tautog (Blackfish) -- No person shall take, possess, sell, possess for sale, or offer for sale any tautog measuring less than sixteen (16) inches total length whether caught within the jurisdiction of this State or otherwise.**

**7.9.1 Recreational -- No person may possess more than three (3) tautog from April 15 through May 31. The tautog fishery will be closed from June 1 through June 30. No person may possess more than three (3) tautog from July 1 through the Friday before the third Saturday in October. No person may possess more than eight (8) tautog from the third Saturday in October through December 15, annually. Compliance aboard vessels will be determined by dividing the number of fish onboard a vessel by the number of recreational fishermen onboard said vessel.**

**7.9.2 Commercial --The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the Atlantic States Marine Fisheries Commission. The quota may be harvested only by permitted gear types and licensed fishermen in accordance with all rules and regulations promulgated by the DEM and the RIGL Title 20. The quota shall only be available during the following seasons:**

- (a) April 15 – May 31: 1/3 of the annual quota established in this part shall be available from April 15 through May 31, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.**
- (b) July 15 – August 29: 1/3 of the annual quota established in this part shall be available from July 15 – August 29, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than ten (10) tautog during this period. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the ten (10) fish limit per day.**
- (c) October 15 – December 31: 1/3 of the annual quota established in this part shall be available from October 15 – December 31, unless modified pursuant to this part. It shall be unlawful to possess aboard or land from**

**7.11.2-2 Summer-Fall Period (May - October)** A state quota for scup will be established annually for the Summer-Fall period and shall be the most recent amount allocated to the State of Rhode Island by the Atlantic States Marine Fisheries Commission and/or the Secretary of the U.S. Department of Commerce and published in the Federal Register. The total scup quota for will be divided as follows:

**FLOATING TRAPS** - licensed by the state of Rhode Island – Sixty percent (60%) of the Summer-Fall period quota will be allocated to the floating trap harvesting sector.

During those years in which the Winter I federal coastwide scup quota allocation is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. During those years in which the Winter I federal coastwide scup quota allocation is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1.

Floating Fish Trap Licensees\* will be required to report landings of scup to SAFIS every Monday, Wednesday, and Friday, of every week that the trap is in operation.

If there is noncompliance with the reporting requirements as set forth above, the Floating Fish Trap Licensees\* will default to the program as set forth below:

~~Twelve percent (12%) of the floating fish trap sector quota will be set aside at the beginning of the season annually. The quota allocated to the floating trap sector will be available during the following sub-periods:~~

**APRIL 15 – October 31:** During those years in which the Winter I federal coastwide scup quota allocation is completely exhausted prior to April 15, the floating fish trap quota will be available on April 15. The possession limit will be 25,000 pounds per **floating** fish trap licensee\* per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota ~~(minus the set aside)~~ has been harvested

**MAY 1 – OCTOBER 31:** During those years in which the Winter I federal coastwide scup quota allocation is not completely exhausted prior to April 15, the floating fish trap quota will be available on May 1. The possession limit will be 25,000 pounds per **floating** fish trap licensee\* per calendar day. Once ninety percent (90%) of the sub-period allocation is projected to be harvested, the possession limit will be 5,000 pounds per fish trap licensee per calendar day until one hundred percent (100%) of the quota

~~(minus the set aside) has been harvested.~~

~~Annually, on June 7 the twelve percent (12%) set aside will become available at a possession limit of 5,000 pounds per fish trap licensee per calendar day. When 30,000 pounds of the set aside remains, the possession limit will drop to 300 pounds per fish trap licensee per calendar day until the entire set aside has been completely harvested. If on June 7<sup>th</sup> the 90% quota trigger has not been hit, the possession limit will remain at 25,000 pounds per fish trap licensee per calendar day until that level is reached and then will follow the schedule as set forth above.~~

~~Annually, no later than August 1, the unharvested portion of the floating fish trap quota shall be made available to all gear types upon consultation with the floating fish trap industry representatives.~~

If the Floating Fish Trap Licensees\* are found to be out of compliance with the reporting regulations as set forth above, the Licensees will be notified and a notice will be filed with the Secretary of States Office.

\* “Floating Fish trap licensee” – for purposes of this section, fish trap licensee shall refer to a resident person or resident corporation currently issued a license pursuant to RI General Laws §20-5-2. The maximum possession limit per 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 fish trap licensee. While engaged in the operation of a fish trap, any licensed fisherman that may be working for or may enter into contract with the fish trap licensee waives any individual right to possess scup pursuant to a possession limit set out in RIMF Regulations Part 7.11.2-2.

Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations

**GEAR TYPES OTHER THAN FLOATING FISH TRAPS** – Forty percent (40%) of the Summer- Fall period quota will be allocated to all gear types except floating fish traps. The quota allocated to the other gear type sector will be available during the following sub-periods.

**MAY - JUNE:** One-third (1/3) of the other gear type quota will be available from May 1 through June 30. The possession limit will be reduced at the discretion of the Division. The fishery will close once the entire period allocation is projected to be harvested.

**a. Beginning May 1 any vessel authorized to land scup for commercial**

request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within twenty (20) calendar days of receipt of the contested agency enforcement action.

- (2) Any person who seeks an adjudicatory hearing must file said request in writing with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 within thirty (30) calendar days of receipt of the contested agency action.
- (3) The written request for hearing pursuant to Rule 8(a) or 8(b) must be received by with the clerk of Administrative Adjudication Division, 235 Promenade Street, Providence, Rhode Island 02908 with the time period indicated.

**7.11.2-3 Possession Limit Adjustments** -- Fish and Wildlife, after discussions with fishing industry representatives, will determine, based upon the period of time remaining in the quota period and the current catch rate, whether the quota will be reached prior to the end of the sub-period. Having determined the catch rate and time remaining in the sub-period, Fish and Wildlife will decide whether the possession limit should be decreased or increased. Fish and Wildlife will file a notice with the Secretary of State's Office if the rate is changed and publish a news release announcing the change. The rate may be modified by Fish and Wildlife upon providing such notification with the possession limit altered between a range of 0 - 10,000 pounds in possession.

**7.11.3 Scup - Reporting Requirement** -- Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations

**7.11.4 Scup - Recreational**

**7.11.4-1** - No person fishing recreationally shall possess scup less than ten and one half inches (10.5") total length, and no person fishing recreationally shall possess, per calendar day, more than ten (10) scup, whether caught within the jurisdiction of this State or otherwise except as provided in section 7.11.4-3. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

**7.11.4-2** – The recreational season for scup in Rhode Island waters will be open from May 24 through September ~~25~~ 26 annually.



**7.11.4-3** – While fishing on a party or charter boat, no person shall possess scup less than eleven inches (11”) total length, and no person fishing while on a party or charter boat shall possess, per calendar day, whether caught within the jurisdiction of this State or otherwise, more than ten (10) scup from ~~June 12 through August 31~~ June 8 through September 6, and more than ~~forty-five (45)~~ forty (40) scup from ~~September 1 through October 15~~ September 7 through October 11.

Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

#### **7.11.5 Scup - Scup Dealer/Shipping/Transfer/Reporting Regulations**

**7.11.5-1 Prohibition on the transfer of Scup -- No Scup, *Stenotomus chrysops***, may be purchased, bartered, or sold within the State of Rhode Island unless in compliance with the following:

**A. All persons are prohibited from transferring or attempting to transfer scup from one vessel to another vessel while at sea. 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 R.I. Department of Environmental Management (in compliance with RIGL 20-2-27 (d), or 20-2-28.1).**

**B. All scup must be weighed prior to the removal of the scup from the dealer’s premises or from the point of transfer.**

**C. The weight scales must be certified in accordance with RIGL, Chapter 47-1.**

**D. Vessels are only allowed one trip limit in possession per calendar day. In addition, no person may land more than one trip limit in any calendar day. No person shall transport into the State of Rhode Island any scup which is not landed at a port located within the state unless the transaction of the first point of sale is in another state.**

**E. All dealers are required to record and report all transfers of scup in accordance with the following:**

**(1) Dealers shall maintain a written record on forms provided by the DFW, or dealer forms, of each scup transaction at their permanent place of business in Rhode Island, or with an authorized agent located in Rhode Island for inspection 8:00 AM - 4:00 PM during the course of normal daily business operations. Records must be available by**

(d) **November 1 – December 31**: Eleven percent (11%) of the quota established in this part shall be available from November 1 through December 31. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 250 pounds of black sea bass during this period. Any modifications made by the Division of Fish and Wildlife to the possession limit as set forth above will be promulgated in Part III, section 3.2.1-3

(e) Any unused portion of the quota from a ‘sub-period’ will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the quota allocations specified in the above sections shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the following year.

**7.14.1-3 Current Commercial Possession Limit –**

Unless otherwise specified in this section, any modifications made by the Division of Fish and Wildlife to the possession limit as set forth above will be promulgated in Part III, section 3.2.1-3.

**7.14.1-4 Possession Limit Adjustments** – The possession limits specified according to section 7.14.1-2 may be modified by the Division of Fish and Wildlife, who, after discussions with fishing industry representatives, will determine, based upon the period of time remaining in the quota period and the current catch rate, whether the quota will be reached prior to the end of the sub-period. Having determined the catch rate and time remaining in the sub-period, Fish and Wildlife will decide whether the possession limit should be decreased or increased. Fish and Wildlife will file a notice with the Secretary of State’s Office if the possession limit is changed and publish a news release announcing the change. Fish and Wildlife may modify the possession limit upon providing such notification.

**7.14.1- 5 Reporting Requirement** -- Dealers must comply with the reporting requirements as set forth in section 19.14 of the RI Marine Fisheries Regulations

(RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]

**7.14.2 Recreational Harvest**

**7.14.2-1 – Legal Minimum Size** -- No person fishing recreationally shall possess a black sea bass less than **twelve twelve and one half inches (12") (12.5")** total length, and no person fishing recreationally shall possess, per calendar day, more than twenty-five (25) black sea bass

whether caught within the jurisdiction of this State or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a vessel by the number of recreational fishermen onboard said vessel.

**7.14.2-2 – Recreational Season** -- The recreational season for black sea bass in Rhode Island waters is open from ~~January 1~~ May 22 through ~~December 31~~, September 12, annually.

~~[Effective January 21, 2010 at 12:01 AM the recreational black sea bass fishery will be closed until the 2010 recreational management plan for black sea bass has been promulgated.]~~

## **7.15 Spiny dogfish**

**7.15.1 Commercial Season and Possession Limits** – The commercial season shall extend from May 1 until April 30 of the following year. RI is currently designated as a state that is part of the Northern region. A Northern region quota for spiny dogfish will be established annually and shall be the most recent allocation by the Atlantic States Marine Fisheries Commission (ASMFC) and/or the Secretary of the U.S. Department of Commerce as published in the Federal Register, which is currently set at 58% of the coastwide quota. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 3,000 pounds of spiny dogfish. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file a notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of spiny dogfish in state waters for the remainder of the designated period.

**7.15.2 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 shall be prohibited in all state waters. Vessels that land spiny dogfish must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. Fins may be removed at sea, but the corresponding carcass must be retained. All fins and carcasses must be landed at the same time and in the same location.

## **RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]**

**7.16 American Eel** – No person shall take, attempt to take, possess, sell, or offer for sale any American Eel measuring less than six inches (6”). No person shall possess more than fifty (50) American eel per day unless commercially licensed pursuant to RIGL 20-2-26, 20-2-27, 20-2-28, 20-2-28.1. RIMFC REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

**7.17 American Shad** – The commercial harvesting, landing, or possession of American Shad (*Alosa sapidissima*) within the State of Rhode Island and its territorial waters is prohibited. RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

## **7.18 Weakfish**

### **7.18.1 – Commercial**

**7.18.1-1 Minimum size** -- No person fishing commercially shall take, possess, sell, possess for sale, or offer for sale any weakfish measuring less than sixteen inches (16”) total length whether caught within the jurisdiction of this State or otherwise.

**7.18.1-2 Season and Possession Limits** – During the period June 1 through June 30 and the period August 7 through November 8, the commercial possession limit for weakfish shall be unlimited 100 pounds of weakfish per vessel per calendar day. For directed trawl operations, codend mesh size must be  $\geq$  4.5” diamond or 4.0” square. At all other times, it shall be unlawful to possess aboard or land from a vessel more than ~~150~~ 100 pounds of weakfish, as bycatch, in any one calendar day and it shall also be unlawful to possess aboard or land from a vessel any amount of weakfish, up to 100 pounds, where there is not at least an equal poundage of other species on board the vessel. Provided, however, that the commercial hook and line fishery is not permitted a bycatch allowance.

### **7.18.2 Recreational**

**7.18.2-1 Minimum Size** -- No person fishing recreationally shall possess a weakfish less than sixteen inches (16”) total length.

**7.18.2-2 Season and Possession Limits** – The recreational season for weakfish in Rhode Island waters is open January 1 through December 31, annually. No person fishing recreationally shall possess, per calendar day, more than ~~six (6)~~ one (1) fish whether caught within the jurisdiction of this state or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a

vessel, the possession limit will be four hundred (400) pounds of shucked or fifty (50) bushels of in-shell scallops.

7.23.1-3 Vessels in possession of a federal permit allowing the commercial harvest of sea scallops may transit state waters in possession of sea scallops in the amount authorized to be possessed pursuant to applicable federal regulations and land the same if so permitted pursuant to Rhode Island State Law, so long as all of the fish harvesting gear on board the vessel is stowed while in state waters.

7.23.1-4 Equipment – The maximum dredge size allowed for a vessel in possession of sea scallops will be ten and one half feet (10.5'). The ring size used in a scallop dredge possessed or used by scallop vessels shall not be smaller than 4 inches (4"). The mesh size of a net, net material or any other material on the top of a scallop dredge (twine top) possessed or used by vessels fishing with scallop dredge gear shall not be smaller than 10 inch (10") square or diamond mesh.

### 7.23.2 - Recreational

7.23.2-1 Minimum Size -- No person who is fishing recreationally, shall land or possess any sea scallops measuring less than three and one half inches (3.5") shell length whether caught within the jurisdiction of this State or otherwise. Shell length is a straight line measurement from the hinge to the part of the shell that is furthest away from the hinge.

7.23.2-2 Possession Limits – No person who is fishing recreationally in RI waters, will possess more than forty (40) pounds of shucked or five (5) bushels of in-shell scallops.

7.23.2-3 Equipment – The maximum dredge size allowed for a vessel in possession of sea scallops will be ten and one half feet (10.5').

## RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 20-3-3)]

### 7.24 Coastal Sharks

#### 7.24.1 – Commercial

7.24.1-1 Commercial Species Groupings - Species managed under the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan (IFMP) for Atlantic Coastal Sharks shall be grouped into six commercial "species groups" for management purposes, hereafter referred to as: Prohibited Species, Research Species, Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks, and Pelagic Sharks. These groupings apply to all commercial shark fisheries in state waters.

**7.24.1-2 Commercial Fishing Year - The commercial shark fishery shall operate on a January 1 through December 31 fishing year.**

**7.24.1-3 Commercial Possession Limits – Possession limits, quotas, and seasonal periods for commercial shark fisheries will be established annually either through the National Marine Fisheries Service (NMFS) or the Atlantic States Marine Fisheries Commission (ASMFC). In accordance therewith:**

- a. Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 7.1 below in the Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks and Pelagic Sharks species groups.**
- b. There are no commercial trip limits or possession limits for Smooth Dogfish, or for the sharks listed in the Small Coastal Sharks and the Pelagic Species groups.**
- c. No person shall possess more than 33 sharks, per vessel per calendar day, regardless of species, from the Non-Sandbar Large Coastal Sharks species group.**

**Table 7.1 Sharks in the Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks, and Pelagic Species Groups.**

<b>Common Name</b>	<b>Scientific Name</b>
<b>Smooth dogfish</b>	
<b>Smooth Dogfish</b>	<i>Mustelus canis</i>
<b>Small Coastal Sharks (SCS)</b>	
<b>Atlantic sharpnose</b>	<i>Rhizoprionodon terraenovae</i>
<b>Finetooth</b>	<i>Carcharhinus isodon</i>
<b>Blacknose</b>	<i>Carcharhinus acronotus</i>
<b>Bonnethead</b>	<i>Sphyrna tiburo</i>
<b>Non-Sandbar Large Coastal Sharks (LCS)</b>	
<b>Silky</b>	<i>Carcharhinus falciformis</i>
<b>Tiger</b>	<i>Galeocerdo cuvier</i>
<b>Blacktip</b>	<i>Carcharhinus limbatus</i>
<b>Spinner</b>	<i>Carcharhinus brevipinna</i>
<b>Bull</b>	<i>Carcharhinus leucas</i>
<b>Lemon</b>	<i>Negaprion brevirostris</i>
<b>Nurse</b>	<i>Ginglymostoma cirratum</i>
<b>Scalloped</b>	<i>Sphyrna lewini</i>

hammerhead	
Great hammerhead	<i>Sphyrna mokarran</i>
Smooth hammerhead	<i>Sphyrna zygaena</i>
<b>Pelagic Sharks</b>	
Shortfin mako	<i>Isurus oxyrinchus</i>
Porbeagle	<i>Lamna nasus</i>
Common thresher	<i>Alopias vulpinus</i>
Oceanic whitetip	<i>Carcharhinus longimanus</i>
Blue	<i>Prionace glauca</i>

**7.24.1-4 Transfer of Sharks** - **No person shall transfer sharks between vessels at sea.**

**7.24.1-5 Prohibition on the Possession of Sharks in the Prohibited and Research Species Groups** – **No person shall possess any species of sharks listed in Table 7.2 below in the Prohibited Species and Research Species groups, except in accordance with the provisions of section 7.24.1-8.**

**Table 7.2 Sharks in the Prohibited and Research Species Groups**

<b>Prohibited Species Group</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Sand tiger	<i>Carcharias taurus</i>
Bigeye sandtiger	<i>Odontaspis noronhai</i>
Whale	<i>Rhincodon typus</i>
Basking	<i>Cetorhinus maximus</i>
White	<i>Carcharodon carcharias</i>
Dusky	<i>Carcharhinus obscurus</i>
Bignose	<i>Carcharhinus altimus</i>
Galapagos	<i>Carcharhinus galapagensis</i>
Night	<i>Carcharhinus signatus</i>
Reef	<i>Carcharhinus perezii</i>
Narrowtooth	<i>Carcharhinus brachyurus</i>
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic angel	<i>Squatina dumeril</i>
Longfin mako	<i>Isurus paucus</i>
Bigeye thresher	<i>Alopias superciliosus</i>
Sharpnose sevengill	<i>Heptranchias perlo</i>
Bluntnose sixgill	<i>Hexanchus griseus</i>
Bigeye sixgill	<i>Hexanchus nakamurai</i>
<b>Research Species Group</b>	
Sandbar	<i>Carcharhinus plumbeus</i>

**7.24.1-6 Quota Specification** – **It shall be unlawful for any person to possess any species of shark in state waters when the National Marine Fisheries Service (NMFS) prohibits the possession of that species in federal waters.**

**When notified that the quota set for any species of shark is harvested or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of that species in state waters for the remainder of the designated period.**

**7.24.1-7 Commercial License** – **A person must hold a state commercial license in accordance with RIGL Chapter 20-2.1 in order to commercially land, harvest, possess, and sell sharks in state waters.**

**7.24.1-8 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 the possession of a valid state collector's permit obtained from the Division of Fish and Wildlife.**

**Any person granted a collector's permit shall:**

- a. Report to the Director, within 30 days after coming into possession of a shark. For each and every shark collected for research or display, the report to the Director shall include the following information: species identification, length, weight, date and location where caught by latitude and longitude coordinates, and the gear used; and**
- b. For each shark taken for live display, the holder of the permit shall also report to the Director annually, by December 31 of each year, for the life of the shark. The annual report shall include all of the information set forth in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.**

**7.24.1-9 Dealer Permit**

- a. 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 National Marine Fisheries Service.

- b. 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 National Marine Fisheries Service. [Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the National Marine Fisheries Service 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>].

**7.24.1-10 Authorized Commercial Gear** – No person shall fish commercially for sharks in state waters by any method other than the following gear types:

- Rod & reel
- Handlines, which are defined as a mainline to which no more than two 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.
- Small Mesh Gillnets which are defined as having a stretch mesh size smaller than 5 inches
- Large Mesh Gillnets which are defined as having a stretch mesh size equal to or greater than 5 inches.
- Trawl nets.
- Shortlines which are defined as fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length. A maximum of 2 shortlines shall be allowed per vessel.
- Pound nets/fish traps.
- Weirs.

**7.24.1-11 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.

a. Any vessel using a shortline shall:

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

- (2) 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
- (3) have all captains and vessel owners federally 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. [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.]

b. Any vessel using large-mesh gillnets, must use nets that are shorter than 2.5 kilometers.

**7.24.1-12 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 smooth dogfish, 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.

Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

From July through February for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but must keep the dorsal fin attached naturally to the carcass through landing. 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. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

## **7.24.2 - Recreational**

### **7.24.2-1 Recreationally Permitted Species** – Recreational fishermen may

possess any of the species of sharks listed in Table 7.3.

**Table 7.3 Recreationally Permitted Species List.**

<b>Recreationally PERMITTED Species</b>	
<b>Smooth Dogfish<sub>1</sub></b>	<i>Mustelus canis</i>
<b>Atlantic sharpnose</b>	<i>Rhizoprionodon terraenovae</i>
<b>Finetooth</b>	<i>Carcharhinus isodon</i>
<b>Blacknose</b>	<i>Carcharhinus acronotus</i>
<b>Bonnethead</b>	<i>Sphyrna tiburo</i>
<b>Tiger</b>	<i>Galeocerdo cuvier</i>
<b>Blacktip</b>	<i>Carcharhinus limbatus</i>
<b>Spinner</b>	<i>Carcharhinus brevipinna</i>
<b>Bull</b>	<i>Carcharhinus leucas</i>
<b>Lemon</b>	<i>Negaprion brevirostris</i>
<b>Nurse</b>	<i>Ginglymostoma cirratum</i>
<b>Scalloped hammerhead</b>	<i>Sphyrna lewini</i>
<b>Great hammerhead</b>	<i>Sphyrna mokarran</i>
<b>Smooth hammerhead</b>	<i>Sphyrna zygaena</i>
<b>Shortfin mako</b>	<i>Isurus oxyrinchus</i>
<b>Porbeagle</b>	<i>Lamna nasus</i>
<b>Common thresher</b>	<i>Alopias vulpinus</i>
<b>Oceanic whitetip</b>	<i>Carcharhinus longimanus</i>
<b>Blue</b>	<i>Prionace glauca</i>

Smooth dogfish are not regulated in federal waters and are not prohibited as a result.

**7.24.2-2 Recreationally Prohibited Species -- No person fishing recreationally shall possess, in state waters any shark species that is not permitted to be taken in federal waters, as listed in Table 7.4.**

**Table 7.4 Recreationally Prohibited Species List.**

<b>Recreationally PROHIBITED Species</b>	
<b>Sandbar</b>	<i>Carcharhinus plumbeus</i>
<b>Silky</b>	<i>Carcharhinus falciformis</i>
<b>Sand tiger</b>	<i>Carcharias taurus</i>
<b>Bigeye sand tiger</b>	<i>Odontaspis noronhai</i>
<b>Whale</b>	<i>Rhincodon typus</i>
<b>Basking</b>	<i>Cetorhinus maximus</i>
<b>White</b>	<i>Carcharodon carcharias</i>
<b>Dusky</b>	<i>Carcharhinus obscurus</i>
<b>Bignose</b>	<i>Carcharhinus altimus</i>
<b>Galapagos</b>	<i>Carcharhinus galapagensis</i>
<b>Night</b>	<i>Carcharhinus signatus</i>
<b>Reef</b>	<i>Carcharhinus perezii</i>

Narrowtooth	<i>Carcharhinus brachyurus</i>
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic angel	<i>Squatina dumeril</i>
Longfin mako	<i>Isurus paucus</i>
Bigeye thresher	<i>Alopias superciliosus</i>
Sharpnose sevengill	<i>Heptranchias perlo</i>
Bluntnose sixgill	<i>Hexanchus griseus</i>
Bigeye sixgill	<i>Hexanchus nakamurai</i>

**7.24.2-3 Recreational 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 a person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

**7.24.2-4 Recreational Minimum Size Limits** – No person fishing recreationally shall possess a shark with a fork length less than 54 inches, with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish, which have no minimum size limit. (See Table 7.4).

**Table 7.5 Recreational Minimum Size Limits**

No Minimum Size Limit	At Least 54 inches (4.5 Feet) Fork Length	
Smooth Dogfish	Tiger	Shortfin mako
Atlantic sharpnose	Blacktip	Porbeagle
Finetooth	Spinner	Common thresher
Blacknose	Bull	Oceanic whitetip
Bonnethead	Lemon	Blue
	Nurse	Scalloped hammerhead
	Great hammerhead	Smooth hammerhead

**7.24.2-5 Authorized Recreational 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 gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.

**7.24.2-6 Recreational Shore-Fishing Possession Limits** – No recreational fishermen fishing from shore shall possess, in any one

calendar day, more than one shark from the recreationally permitted species list (Section 7.24.2-1, Table 7.3), except that each such fishermen may individually possess one additional bonnethead (*Sphyrna tiburo*), and one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*) per calendar day. However, recreational shore-fishermen may harvest an unlimited amount of smooth dogfish.

Sharks that are transported by a vessel are considered 'boat assisted' and are regulated under the more restrictive vessel-fishing possession limits in section 7.24.2-7 regardless of how or where they were caught.

**7.24.2-7 Recreational Vessel-Fishing Possession Limits -**

No vessel engaged in recreational fishing vessels shall possess, in any one calendar day, or any one trip, whichever is less, more than one shark from the recreationally permitted species list (Section 7.24.2-1, Table 7.3), regardless of the number of people on board the vessel, except that each recreational fisherman fishing from a vessel may individually possess one additional bonnethead (*Sphyrna tiburo*), and one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*), per calendar day, or per trip, whichever is less. However, recreational vessel-fishermen may harvest an unlimited amount of smooth dogfish.

**RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 20-3-3)]**