

7.7 Summer Flounder (Fluke) -- No person commercially licensed under RIGL Chapters 20-2.1 or 20-4 shall possess or harvest any summer flounder which is less than fourteen (14) inches total length. A total annual statewide quota for summer flounder will be established. It shall be the most recent allocation established for the State by the Atlantic States Marine Fisheries Commission (ASMFC) and/or the Secretary of the U.S. Dept. of Commerce and published in the Federal Register. The quota may be harvested by gear fishermen licensed in accordance with the provisions of Title 20 of the General Laws and in accordance with all rules and regulations promulgated by the Department of Environmental Management. In order to provide for the orderly harvest of the quota, and to allow for the implementation of a one-year research program involving sector allocation, the State's summer flounder quota for ~~2009~~ 2011 will be managed as follows:

- a. A portion of the quota will be set aside for research purposes -- namely, a one-year sector allocation pilot program for ~~2009~~ 2011, administered in accordance with the terms and conditions set forth in sub-section 7.7.11 herein; and
- b. The remaining portion of the quota will be made available for harvest by all fishermen holding valid and applicable commercial fishing licenses and/or landing permits, and who are not participating in the sector allocation pilot program, in accordance with the sub-period schedules, allocations, and possession limits set forth below.

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 ~~nineteen and one-half inches (19.5")~~ eighteen and one half inches (18.5") total length, and no person fishing recreationally shall possess, per calendar day, more than ~~six (6)~~ seven (7) 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 May 1 through December 31.

7.8 Winter Flounder (Blackback)

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, **and in Point Judith Pond and the Harbor of Refuge**, 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.

(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, Possession Limits, and Closed Areas --

- (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.
- (b) Harvest or possession of winter flounder in Narragansett Bay north of the Colregs line, **and in Point Judith Pond and the Harbor of Refuge**, 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, **(with the exception of Point Judith Pond and the Harbor of Refuge where the harvest or possession of winter flounder is prohibited)**, 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.

7.9.1-1 Recreational – No person may possess more than three (3) tautog per person per calendar day from April 15 through May 31. The tautog fishery will be closed from June 1 through ~~June 30~~ July 31. No person may possess more than three (3) tautog per person per calendar day from ~~July 1~~ August 1 through the Friday before the third Saturday in October. No person may possess more than six (6) tautog per person per calendar day from the third Saturday in October through December 15. While the fishery is open the possession limit shall be per person per calendar day, as stated above, or a maximum of ten (10) fish per vessel per calendar day, whichever amount is less.

7.9.1-2 Licensed Party and Charter Boats – No licensed party/charter boat may possess more than three (3) tautog per person per calendar day from April 15 through May 31. The tautog fishery will be closed from June 1 through ~~June 30~~ July 31. No licensed party/charter boat may possess more than ~~one (1)~~ three (3) tautog per person per calendar day from ~~July 1~~ August 1 through the Friday before the third Saturday in October. No licensed party/charter boat may possess more than ~~eight (8)~~ six (6) tautog per person per calendar day from the third Saturday in October through ~~November 30~~. ~~No licensed party/charter boat may possess more than one (1) tautog per person from December 1 through~~ December 15. Compliance aboard licensed party/charter boats will be determined by dividing the number of fish onboard the boat by the number of recreational fishermen onboard the boat. Licensed party/charter boats are not subject to the ten (10) fish per vessel per calendar day restriction that applies to the rest of the recreational fishery. Any licensed party/charter boat participating in the tautog fishery must report each trip targeting tautog into the eREC logbook (the electronic logbook hosted by ACCSP).

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~~ August 1 – September 15: 1/3 of the annual quota established in this part shall be available from ~~July 15– August 29~~ August 1 – September 15, 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 vessel per calendar 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 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 vessel per calendar day.
- (d) Within each period the allocation may be harvested until it is exhausted. Any unused quota not harvested during a sub-period will be carried forward into the next period, unless an overage has occurred in a previous sub period during the same calendar year, and any over-harvest will be deducted equally from all periods in the next calendar year. No licensed commercial fishermen may possess more than ten (10) tautog in any calendar day. During a closure of the R.I. tautog fishery a federally permitted vessel fishing in the Exclusive Economic Zone (EEZ), may traverse Rhode Island waters for the purpose of landing tautog in another state, provided their nets are stowed in accordance with Section 10.10 of these regulations.

7.9.3 Possession Limits for Charter and Party Boats -- Compliance aboard vessels will be determined by dividing the number of fish on board a vessel by the number of recreational fishermen on board said vessel. Said fish shall not be offered for sale. Party and charter boats may obtain a State permit by showing proof of a U.S. Coast Guard License to conduct their fishery within the territorial waters of Rhode Island.

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

7.9.5 Closure of commercial fisheries managed under a federally mandated quota or allocation system. -- Any landing of a marine species managed under a quota or allocation system, or the taking or possession of any marine species, may be prohibited by the Director for a specified portion of the calendar year upon the finding by the Director that ninety percent (90%) or more of the annual quota is about to be harvested, and upon submission of a notice of closure to the Office of Secretary of State, and publication of the closure notice in a daily newspaper of statewide circulation. Further, it is the responsibility of the licensed person in charge of a vessel harvesting species regulated in this section to call the DEM hotline for current harvesting and possession regulations.

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