

R.I. Marine Fisheries Statutes and Regulations  
PART VII - MINIMUM SIZES OF FISH/SHELLFISH

**General Category scup fishery (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 General Category sector will be available during the following sub-periods:

**Spring Summer Sub-Period: ~~One-third (1/3)~~ Two-thirds (2/3)** of the General Category quota will be available during the **Spring Summer** sub-period, defined as May 1 ~~until~~ **through** the **first Saturday before the third** Sunday in **July September**. 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 purposes in Rhode Island is authorized to land scup in any amount between 0 and 10,000 pounds in any calendar week period during the **Spring Summer** sub-period so long as the total landed by that vessel does not exceed 10,000 pounds in any calendar week period. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the **Spring Summer** sub-period scup quota has been harvested as determined by the Division of Fish and Wildlife (Division) the fishery will close. The fishery will restart on the **first third** Sunday in **July September**, and will be administered as set forth in this part. The Division may adjust the possession limit during the **Spring Summer** sub-period based on the current catch rate and advice from fishing industry representatives and the Rhode Island Marine Fisheries Council. 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.
- b. The information recorded by the SAFIS reporting system shall be documented by the Division of Fish and Wildlife and the Division of Law Enforcement for use in accounting for the amount of scup landed by a specific vessel during a calendar week.
- c. A copy of the Vessel Trip Report logbook or the reporting form provided by the Division of Fish and Wildlife shall be kept in numerical order on board the vessel and furnished upon request, including the name and address of the dealer where the scup were landed. The vessel must have all reports dating back to May 1<sup>st</sup> on board the vessel. A vessel shall be exempt from the foregoing requirements of this subsection if the vessel is currently enrolled in

the e-Trips electronic logbook program and the vessel has been issued a letter by the Division of Fish and Wildlife confirming its enrollment and compliance with the requirements of the program. This confirming letter shall be kept upon the vessel at all times and furnished upon request by an employee of the Department of Environmental Management.

- d. Non-compliance with the provisions of these regulations shall subject both the owner and the operator to revocation of participation in the commercial fisheries for the subsequent Spring sub-period fishery. If for any reason a Spring Summer sub-period fishery does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current Spring Summer sub-period upon adjudication.

~~Summer Sub Period: One-third (1/3) of the General Category quota will be available from the first Sunday in July until the third Sunday in September.~~

- ~~a. Beginning the first Sunday in July - any vessel authorized to land scup for commercial purposes in Rhode Island is authorized to land scup in any amount between 0 and 10,000 pounds in any calendar week period during the Summer Sub Period so long as the total landed by that vessel does not exceed 10,000 pounds in any calendar week period. It shall be unlawful for the cumulative landings to exceed the weekly trip limit. The calendar week period shall begin on Sunday at 12:00 AM and ends on the following Saturday at 11:59 PM. When the Summer Sub Period scup quota has been harvested as determined by the Division the fishery will close. The fishery will restart on the third Sunday in September, and will be administered as set forth in this part. The Division may adjust the possession limit during the Summer Sub Period based on the current catch rate and advice from fishing industry representatives and the Rhode Island Marine Fisheries Council. 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.~~
- ~~b. The information recorded by the SAFIS reporting system shall be documented by the Division of Fish and Wildlife and the Division of Law Enforcement for use in accounting for the amount of scup landed by a specific vessel during a calendar week.~~
- ~~c. A copy of the Vessel Trip Report logbook or the reporting form provided by the Division of Fish and Wildlife shall be kept in numerical order on board the vessel and furnished upon request, including the name and address of the dealer where the scup were landed. The vessel must~~

~~have all reports dating back to May 1<sup>st</sup> on board the vessel. A vessel shall be exempt from the foregoing requirements of this subsection if the vessel is currently enrolled in the e-Trips electronic logbook program and the vessel has been issued a letter by the Division of Fish and Wildlife confirming its enrollment and compliance with the requirements of the program. This confirming letter shall be kept upon the vessel at all times and furnished upon request by an employee of the Department of Environmental Management.~~

- ~~d. Non-compliance with the provisions of these regulations shall subject both the owner and the operator to revocation of participation in the commercial fisheries for the subsequent Summer Sub Period fishery. If for any reason a Summer Sub Period fishery does not exist by regulation, the privilege of the owner(s) and operator(s) to commercially harvest fish shall be suspended for the same calendar time period as described in the current Summer Sub Period upon adjudication.~~

~~Additionally, the owner(s) and operator(s) shall be subject to the imposition of a penalty pursuant to Part 3.3 (RIGL 20-1-16) and the Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife".~~

- ~~e. If the Chief of the Division of Fish and Wildlife and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations the owner and/or operator of the vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations as well as the imposition of a penalty pursuant to Part 3.3 (RIGL 20-1-16).~~

- ~~(1) Any person who feels aggrieved such a determination may seek an adjudicatory hearing in order to contest an enforcement action which alleges violation(s) of these rules and regulations must file said 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.~~