

5.4 Horseshoe Crab:

5.4.1 License and permit required:

(A) Commercial harvest: No person shall harvest horseshoe crabs for commercial purposes without a valid commercial marine fishing license and a Horseshoe Crab Harvest Permit obtained from the Director.

(B) Recreational harvest: No person shall harvest horseshoe crabs for recreational purposes without a valid Horseshoe Crab Harvest Permit obtained from the Director.

(C) Application for a Horseshoe Crab Harvest Permit shall be made on forms prescribed by the Director.

(D) A Horseshoe Crab Harvest Permit is valid only for the calendar year of issuance.

(E) Reporting:

(1) Reporting of landings is required as described in this section on forms as prescribed by the Director.

(2) Weekly reporting: ~~The conditions of the permit require~~ All permit holders shall provide a ~~weekly~~ report of landings for each calendar week either by telephone or in writing, including reports of no landings. Reports shall be submitted no later than Monday 4:00PM for the previous calendar week's landings.

(3) Monthly reporting: ~~In addition,~~ All permit holders shall provide a monthly report ~~shall be provided to the DFW on forms prescribed by the DFW. This report must~~ in writing ~~include~~ing the number of crabs taken, locations of harvest, and use (bait, biomedical purposes, or other reasons). These reports shall not be made public and shall be kept only for statistical purposes.

(4) Reporting compliance: Instances of reporting non-compliance shall result in the following penalties:

(a) First instance: A first offense shall result in a warning being issued to the permit holder.

(b) Second instance: A second offense shall result in revocation of the permit for the remainder of the calendar year for which the permit is issued.

(c) Third instance: A third offense shall result in revocation of the permit for the remainder of the calendar year for which the permit is issued, and also result in the prohibition to apply for the permit in

the subsequent year.

5.4.2 Minimum size: Seven (7) inches prosomal width.

5.4.3 Seasons and possession limits:

(A) Recreational:

(1) Season: Open January 1 through December 31.

(2) Possession limit: Five (5) horseshoe crabs per person per day.

(B) Commercial: A total allowable harvest (quota) of horseshoe crabs ~~for the bait fishery and biomedical industry~~ will be established annually. ~~The quota will be the amount~~ as allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status.

(1) Bait fishery season and possession limit:

(a) January 1 through April 30 annually: 60 crabs per person per day.

(b) May 1 through May 31 annually: Closed to harvest.

(c) June 1 through December 31 annually: 60 crabs per person per day.

(2) Bio-medical fishery season and possession limit:

(a) Season: January 1 through December 31 annually.

~~(5.4.4Bi)~~ No person shall harvest ~~from the waters or shoreline of the state~~ **horseshoe crabs for bio-medical purposes** during the period 48-hours preceding and 48-hours following the new and full moons during the month of May annually.

(b) Possession limit: Unlimited.

5.4.4 Harvest Restrictions:

5.4.2(A) Harvest by RI residents only: The harvest of horseshoe crabs by non-residents is prohibited.

(AB) No person shall harvest horseshoe crabs for commercial or recreational purposes on or within 100 feet seaward of Patience and Prudence Islands in Narragansett Bay.

(5.4.3)(C) Prohibition on possession of non-indigenous horseshoe crab species: No person shall possess or attempt to possess in the cooked or un-cooked

(frozen) state any non-indigenous (non-native) Horseshoe Crab species without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.

(CD) Bait and Biomedical fishery: Horseshoe crabs ~~employed in~~ harvested and transported to a ~~the~~ biomedical ~~industry~~ facility for purposes of extracting bodily fluids shall be returned to the waters from which they ~~came~~ were taken within 72 hours following the completion of the ~~intended~~ biomedical procedure, or intended procedure if no procedure was performed. The harvester is responsible and liable for returning the crabs and shall make every attempt to assure their survival. Prior to returning the crabs to the water, the harvester shall report to DEM's Division of Law Enforcement by calling 401-222-3070, and include the name of harvester, the number of crabs being returned, and location where the crabs will be returned.

5.4.5 A control date of January 6, 2017 is established for the horseshoe crab fishery.