Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

RIMFC: Robert Ballou, *Chairman*; Richard Hittinger, *Vice Chair*; David Monti; Jeff Grant; William Mackintosh, III; Michael Rice, Ph.D.; Christopher Rein; Andy Dangelo

MEETING NOTICE
RI MARINE FISHERIES COUNCIL

April 4, 2016 – 6:00 PM
URI Narragansett Bay Campus, Corless Auditorium
South Ferry Road, Narragansett, RI

AGENDA

Agenda item	ePacket Attachment(s)	Recommended action(s)
1. Approval of tonight's agenda	• Tonight's agenda	Approval of agenda and/or recommendations for modifications.
2. Approval of minutes from last meeting	• Meeting minutes 3-7-15	Approval of minutes and/or recommendations for modifications.
3. Public Comments on any items not on agenda	N/A	Discussion and/or possible future action.

4. <u>Public Hearing Items (3/23):</u> *J. McNamee*
• Gen. edits Menhaden;
• Comm. Menhaden
• Rec. Menhaden;
• Horseshoe Crabs;
• Cancer Crabs;
• Gillnets;
• Adoption of "*Part 6 – General Equipment Provisions*"; repeal of "*Part X - Equipment Restrictions*", "*Part XI – Commercial Fisheries*", "*Part XIII – Gill Net Regulations*", and "*Part XIV – Fish Traps*".
	• Public Notice
	• Powerpoint
	• Annotated regs:
	  ○ Gen. edits Menhaden
	  ○ Comm. Menhaden
	  ○ Rec. Menhaden
	  ○ Horseshoe Crabs
	  ○ Cancer Crabs
	  ○ Gillnets
	  ○ Summary of Changes documents for:
	  • Adoption of "*Part 6 – General Equipment Provisions*";
	  • Repeal of "*Part X - Equipment Restrictions*"
	  • Repeal of "*Part XI – Commercial Fisheries*";
	  • Repeal of "*Part XIII – Gill Net Regulations*";
		Provide recommendations to the Director on hearing items.

	• Repeal of "*Part XIV – Fish Traps*". • Written comments received • Summary of oral comments	
5. Fish habitat enhancement sites and oyster restoration areas in Quonochontaug Shellfish Management Area – *E. Schneider*	• N/A (presentation at meeting)	FYI
6. Expiration of oyster harvest moratorium – *E. Schneider*	• N/A (presentation at meeting)	Recommendation regarding continuation of moratorium
7. Director decisions on regulatory amendments - *B. Ballou*	N/A	FYI
8. Any other matters.	N/A	FYI, discussion, and/or consideration of future actions.
9. Adjourn		

All RIMFC Meetings are open to the public

Posted 4/1/2016

Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835
(401) 423-1920 Fax: (401) 423-1925

MEETING MINUTES
March 7, 2016

Chairperson: *B. Ballou*
RIMFC Members Present: *R. Hittinger, D. Monti, B. Mackintosh, J. Grant, M. Rice, C. Rein, A. Dangelo*
DEM: *L. Mouradjian, M. Gibson, G. Powers, J. McNamee, N. Lengyel, S. Olszewski, E. Schneider, T. Rosa, P. Duhamel*
Public: Approximately 12 persons.

1. **Approval of the Agenda:** *B. Ballou* inquired as to any modifications to the agenda; hearing none, the agenda was approved.

2. **Approval of RIMFC meeting minutes from December 7, 2015:** *R. Ballou* inquired as to any proposed modifications or objections to approving the minutes. Hearing none, the minutes were approved.

3. **Public comments regarding other matters not on agenda:** No comments were made.

4. **Agenda item 4. – review and recommendations to the Director regarding 2/16/2016 public hearing items:**

   - **Hearing item 1a. - Recreational Summer Flounder:**

     J, McNamee provided an overview and the Division's perspective on each of the 2 options, and offered Division support for either of the options. *C. Rein* inquired as to rationale behind the industry option proposed. *J. McNamee* offered that pre-emptive reductions have occurred in the past but he did not have specific examples as to the benefit of such as approach, and offered status quo as the most logical option at this time. **Motion made by *D. Monti* to recommend adoption of option 1, status quo; 2nd by *C. Rein*. The motion passed 7 - 0**.

   - **Hearing item 1b. – Recreational Tautog:**

     J, McNamee provided an overview and the Division's perspective on each of the 3 options. He offered that alternative proposals were offered to allow for an anticipation of reduced quota due to poor stock status, but that the Division is not compelled to implement reductions at this time, and is therefore in support of status quo. *R. Hittinger* inquired as to the degree of reduction in quota anticipated; to which *J. McNamee* offered that he is currently unaware of specifics but that such reductions could be significant. **Motion made by *A. Dangelo* to recommend adoption of option 1, status quo; 2nd by *C. Rein*. The motion passed 7 - 0**.

- **<u>Hearing item 1c. – Commercial Tautog:</u>**

  J. McNamee offered a summary of the options, and offered Division support for any of the options. Regarding option 3, he offered concern for the proposed reduction in quota in the early sub-period, but offered that it was workable for the Division to manage. *C. Rein* inquired as to the potential biological impacts with option 3, to which *J. McNamee* replied that he didn't believe that such a impacts would be significant, and that impacts to different user groups could potentially be significant. *R. Hittinger* stated that he thought that a positive biological impact could result by allowing for more fish to remain in the water in the spring while spawning; to which *J. McNamee* replied that any such positive impacts would be minimal due to the low catch rates during this sub-period. J. Grant offered that support for option 3 was mainly supported by commercial rod and reel fishermen, as this user group is least active in the spring and most active in the fall. He therefore offered that the user group most active in the spring, namely gillnetters and otter trawlers would be negatively impacted with reduced quota during this sub-period. He offered support for additional quota in the fall, but that option 3 was also risky in terms of catching the entire quota. *B. Mackintosh* offered that any shortening of the spring season will result in higher discards, and was therefore not in support of this option. **Motion made by *B. Macintosh* to recommend adoption of option 1, status quo; 2nd by *C. Rein*.** Al Eagles offered support for status quo as a commercial pot fisherman. **The motion passed 8 – 0**.

- **<u>Hearing item 1d. – Recreational Scup:</u>**
  J. McNamee offered Division support for status quo. He offered that any uncaught fish resulting from the high quota available results in stability of the fishery. *R. Hittinger* offered support for equal possession limits for each sub-period as a simpler approach; to which J. McNamee replied that such a change would not be possible for 2016. **Motion made by *D. Monti* to recommend adoption of option 1, status quo; 2nd by *A. Dangelo.* The motion passed 8 – 0**.

- **<u>Hearing item 1e. - Recreational Black Sea Bass:</u>**

  J. McNamee provided a summary of the options. He offered support for any of the options proposed as in compliance with ASMFC. He offered details regarding the 3-state option, and that Connecticut could not at this time accommodate this option. He offered that a 2-state option with NY, which offers the same parameters as the 3-state option, is now being discussed. *B. Ballou* provided additional details regarding the other states and how their decisions could impact RI. He offered that due to uncertainties with these other states, the Council should consider a primary and alternative recommendation. **Motion made by *R. Hittinger* to recommend adoption of a 2-state option if available, which would be the same as the 3-state option proposed; or a secondary preference of a modified version of option 5, which would be a modified LOA program of 2 fish from 8/1 – 8/31; and 5 fish from 9/1 – 12/31; 2nd by *M. Rice.*** *D. Monti* inquired as to potential impacts to RI P/C boats, to which *A. Dangelo* replied that more fish in the fall is the most important but that more fish in the spring is desirable as well. *J. McNamee* offered that he would have to look into different variations if such were proposed. Charlie NAME offered that more fish is desirable in July and August when school kids are active, rather than in the fall when other species are available. F. Blount offered that

any LOA program should involve the federal closure period, which could possibly then allow for an earlier opening. *J. McNamee* offered caution with looking into additional proposals at this time. Discussion ensued regarding the possibility of developing and considering additional options. *J. Grant* inquired as to waiting until such time that other states decided on their programs, to which *J. McNamee* replied that regulations need to be filed sooner so as to provide final regulations for charter boats and to include in DFW educational materials. Discussion ensued that the LOA program was an optional program, which would provide flexibility to eh P/C boats. **The motion passed 8 – 0**.

- **Hearing Item 1f. – Coastal Sharks:**

  E. Schneider provided a summary of the 2-part proposal. *J. McNamee* offered support for language proposed. For the 1st part regarding establishment of a mechanism to receive and manage state quota for Smoothhound Sharks, a **motion was made by *D.* Monti to recommend adoption of the proposed language as proposed; 2nd by *M. Rice***. Regarding the 2nd part regarding the establishment of a framework for the 2016 Commercial Aggregated Large Coastal Sharks and Hammerhead Sharks Species Groups Fishery to maintain consistency with ASMFC possession limit for Aggregated Large Coastal Sharks and Hammerhead Sharks species groups a **motion was made by *D.* Monti to recommend adoption of the proposed language as proposed; 2nd by *B. Macintosh*. The motion passed 8 – 0.**

- **Hearing Item 1g. – Skate:**

  - **Recreational Skate:** *J. McNamee* offered that the proposal in meant to close a loophole where a large amount of skate could be caught and identified as recreational catch. He offered that # of fish is probably best for a recreational fishery, but that the Division was comfortable with either unit. **Motion made by *A. Dangelo* to recommend adoption of a possession limit of 240 fish/vsl/day; 2nd by R. Hittinger.** F. Blount offered that a per person possession limit was more appropriate. **Motion amended by *A. Dangelo* to recommend adoption of a possession limit of 10 fish/person/day; 2nd by *R. Hittinger.* The motion passed 5 – 0 (*J. Grant* opposed; *B. Macintosh* recused)**. *J. Grant* offered that his opposition was based on that 10 fish may not be adequate for a recreational fisherman wishing to catch bait for his pots, and that there was no federal mandate requiring such a reduction.

  - **Commercial Skate Wing fishery:**

    - **Clarification of definition:** *J. McNamee* offered Division support for the language as proposed. **Motion made by *D. Monti* to recommend adoption of the language as proposed; 2nd by *R. Hittinger.* The motion passed 6 – 0 (*B. Macintosh* recused)**.
    - **Establish commercial sub-periods and possession limits:** *J. McNamee* offered Division support for either of the options proposed. *J. Grant* inquired as to the rationale to the proposal; to which *M. Gibson* replied that while no specific mandate is in place, state law encourages regulations that complement federal FMP's, and also that the Mag-Stevenson Act allows for the Sec. of Commerce to intervene in state waters fisheries if regulations are inconsistent

with an FMP. He offered that correspondence from the NE Council had been received in the past encouraging compliance without a specific mandate. He offered that such was not the case for this matter. *J. McNamee* offered that the proposal allows for RI state waters fishermen to not have to drop to 500 lbs/day once the TAL is reached, and therefore provides for better access to the fish by RI fishermen. He offered that he does not perceive any negative biological impacts from the aggregate program proposed. *E. Schneider* offered that due to reduced quota, a closure during the early sub-period is most likely, and that such closure currently negatively impacts RI fishermen, and the industry proposal is designed to alleviate this as RI fishermen would not be subject to the federal conditions. **Motion made by *C. Rein* to recommend adoption of the aggregate program proposed by industry; 2nd by *A. Dangelo.*** *G. Duckworth* offered that the proposal is significant for RI fishermen in that the fishery can close in spring before RI fishermen have an opportunity to fish due to TAL being reached by federal fishermen, and that when the bycatch limit is imposed it results in significant increase in discards. *P. Duckworth* offered that aggregate program provides for conservation in that the weekly possession limit is based on the lower of the 2 sub-period possession limits, and also that the proposal was crafted to benefit RI fishermen. Discussion ensued concerning ability for federal boats to drop their federal permit and opt in to the proposed aggregate program, thereby negating any benefits for RI boats; to which P. Duckworth replied that the language was crafted to prevent this. *B. Mackintosh* (recused - from the audience) offered that the proposal could result in increased effort from multi-vessel owners, and as such the catch needs to be monitored closely. **The motion passed 6 – 0 (*B. Macintosh* recused)**.

- **Commercial Skate Bait fishery:**

  - **Clarification of definition:** *J. McNamee* offered Division support for the language as proposed. **Motion made by *D. Monti* to recommend adoption of the language as proposed; 2nd by *M. Rice.* The motion passed 6 – 0 (*B. Macintosh* recused)**.
  - **Establish maximum length:** *R. Hittinger* inquired as to the need for a maximum length, to which *J. McNamee* replied that such is needed due to the similarities in appearance of Winter and Little Skate, and that the proposal helps to assure that only Little Skate is used in the bait fishery. **Motion made by *D. Monti* to recommend adoption of the maximum length as proposed; 2nd by *A. Dangelo.* The motion passed 6 – 0 (*B. Macintosh* recused)**.
  - **Establish commercial sub-periods and possession limits: Motion made by *D. Monti* to recommend adoption of the program as proposed; 2nd by *A. Dangelo.* The motion passed 6 – 0 (*B. Macintosh* recused)**.

- **Hearing Item 1h. – General editing of Finfish regulations:**

  Motion made by *D. Monti* to recommend adoption of the changes as proposed; 2nd by *C. Rein.* The motion passed 7 – 0.

- **<u>Hearing Item 2a. – Recreational Striped bass:</u>**

  J. McNamee offered Division support for status quo and that it is currently the only ASMFC compliant option, as no other options were reviewed by their technical committee. **Motion made by *A. Dangelo* to recommend adoption of option 1, status quo; 2nd by *M. Rice*. The motion passed 7 – 0.**

- **<u>Hearing Item 2b. – Commercial Striped Bass General Category:</u>**

  J. Grant offered that there were 41 comments in support of status quo and 60 comments in support of an earlier start date (not specific to industry option 1 or 2). *R. Hittinger* offered that the proposed earlier start date is a common proposal favored by bay fishermen to allow them better access to the fish before they begin to leave the bay. *J. McNamee* offered Division support for either status quo or industry option 1 as shown; and also offered that the Division would not support industry option 2 due to the small fall quota being difficult to manage. *D. Monti* inquired as to the percentages of bay and offshore fishermen, or the amount of fish caught in the bay or coastal waters; to which *J. McNamee* replied there is no such data. *J. Grant* inquired as to price variations relative to the start of the open season in Massachusetts. **Motion made by *B. Macintosh* to recommend adoption of industry option 1 (earlier opening date; no change is sub-period allocations); 2nd by *D. Monti.*** Public comment was made that bay fishermen need better access to the fish and the earlier opening date provides for this opportunity. Additional comment was provided supporting the current opening date as the most equitable opening date that was provided from the Striped Bass advisory panel. *M. McGiveney* offered support from the RI Shellfisherman's Assoc. and as a member of the RI Seafood Collaborative as a means by which to provide fish to the market at an earlier date. *A. Dangelo* asked if a date between the 2 dates proposed is possible. **Amended motion by *A. Dangelo* to modify the opening date to May 29th; 2nd by *M. Rice*. The motion passed 6 – 1 (*D. Monti* opposed).**

- **<u>Hearing Item 2c. – Commercial Striped Bass Floating Fish Traps:</u>**

  J. McNamee offered Division support for status quo. **Motion made by *M. Rice* to recommend adoption of option 1, status quo; 2nd by *A. Dangelo.* The motion passed 6 – 1 (*J. Grant* recused).**

- **<u>Hearing Item 2d. – Commercial Striped Bass Tags:</u>**

  N. Lengyel provided the rationale behind the language presented. *J. McNamee* offered Division support for the language as presented. **Motion made by *C. Rein* to recommend adoption of language as re-written based on comments from DLE; 2nd by *A. Dangelo.* The motion passed 7 - 0.**

- **<u>Hearing Item 2e. – Striped Bass Fin-clipping provision:</u>**

  J. McNamee offered Division support for options 3 or 4 as presented, and that the Division of Enforcement is also in support these options. **Motion made by *B. Macintosh* to recommend adoption of option 4; 2nd by *A. Dangelo.*** Discussion ensued concerning clipping of the fish by a recreational fisherman and then being released; to

which N. Lengyel replied that such a practice is considered mutilation and is illegal. Discussion ensued concerning clarification of the intent and perfected language to accomplish this intent. **Motion amended by *M. Rice* to recommend adoption of option 4 as modified below (added language in blue); 2nd by *A. Dangelo.***

Any person recreationally harvesting, and not releasing, a striped bass 34 inches or larger, shall at the time of harvest, have the entire right pectoral fin removed at a point as close to the body of the fish as possible. **The amended motion passed 7 - 0.**

- **Hearing Item 3a. – General editing of Dealer Regulations:**

  Motion made by *D. Monti* to recommend adoption of language as presented; 2nd by *C. Rein.* The motion passed 7 – 0.

- **Hearing Item 3b. – Striped Bass Fin-clipping provision - (in conjunction with hearing item 2e):**

  N. Lengyel offered the rationale behind the proposal as a complementary component to the language as just discussed for the Striped Bass regulations. *J. McNamee* offered Division support. **Motion made by *R. Hittinger* to recommend adoption of language as presented; 2nd by *D. Monti.* The motion passed 7 – 0.**

- **Hearing Item 4 and 5. – Proposed repeal of "*Part 1 – Legislative Findings*" and adoption of "*Part 1 – Definitions*":**

  Motion made by *M. Rice* to recommend as proposed; 2nd by *D. Monti.* The motion passed 7 – 0.

- **Hearing Item 6. – Repeal of "*Part 17 – Maps*":**

  J. McNamee offered that the regulation would not be repealed until maps have been updated and provided on the Division website. **Motion made by *D. Monti* to recommend as proposed; 2nd by *M. Rice.* The motion passed 7 – 0.**

5. **Agenda item 5. – Shellfish Advisory Panel (SAP) minutes of 2/18/2016:**

   J. Grant provided an overview of the meeting as reflected in the minutes. *J. McNamee* offered that the Division would be presenting information regarding oyster restoration efforts and Quonochontaug Pond Shellfish Management Area and requesting a recommendation on Division proposals at that time. *B. Ballou* inquired as to any objection to approving the minutes; hearing none, the minutes were approved.

Meeting adjourned at approximately 8:30

Prepared by *P. Duhamel*

RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH & WILDLIFE / MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835

PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES

Pursuant to the provisions of Chapters 42-17.1 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Director of the Department of Environmental Management (DEM) proposes amendments to the **Rhode Island Marine Fisheries Regulations (RIMFR)** and gives notice of intent to hold a workshop and public hearing to afford interested parties the opportunity for public comment.

The following regulatory items will be presented for public comment:

1. Proposed amendments to **RIMFR Part XVI - *Menhaden*** regarding:

    a. General editing for improved clarity and readability;
    b. Commercial Menhaden;
    c. Recreational Menhaden.

2. Proposed amendments to **RIMFR Part 5 - *Lobsters. Crabs, and Other Crustaceans*** regarding:

    a. Management of the Horseshoe crab fishery.
    b. Management of the Cancer Crab fishery;

3. Proposed amendments regarding **commercial gillnet** regulations (Note: regulations currently contained in RIMFR *Part XIII – Gill Net Regulations* which are to be re-located to newly adopted regulation RIMFR *Part 6 – General Equipment Provisions* in accordance with hearing item #4);

4. Proposed **ADOPTION** of **RIMFR *Part 6 – General Equipment Provisions*** (in conjunction with hearing items # 5, 6, 7, and 8). Proposal involves re-locating and editing language from RIMFR Part X - *Equipment Restrictions*, RIMFR Part XI – *Commercial Fisheries*, RIMFR *Part XIII – Gill Net Regulations*, and RIMFR *Part XIV – Fish Traps* (in conjunction with hearing items # 5, 6, 7 and 8).

5. Proposed **REPEAL** of **RIMFR *Part X - Equipment Restrictions*** (in conjunction with hearing items # 4, 6, 7, and 8).

6. Proposed **REPEAL** of **RIMFR *Part XI – Commercial Fisheries*** (in conjunction with hearing items # 4, 5, 7, and 8).

7. Proposed **REPEAL** of **RIMFR *Part XIII – Gill Net Regulations*** (in conjunction with hearing items # 4, 5, 6, and 8).

8. Proposed **REPEAL** of **RIMFR *Part XIV – Fish Traps*** (in conjunction with hearing items # 4, 5, 6, and 7).

The **WORKSHOP** will be held at **6:00PM** on **Monday, March 14th**. The **PUBLIC HEARING** will be held at **6:00PM** on **Wednesday, March 23rd**. Both workshop and hearing to be held at the University of Rhode Island, Graduate School of Oceanography, Coastal Institute Building, Hazard Room, South Ferry Road, Narragansett, RI 02882.

The Department has determined that small businesses may be adversely impacted by the proposed regulations. Small businesses which are either currently licensed, or in the future may seek a license to harvest, buy, sell, or produce seafood products, as well as the small businesses that provide services related to those engaged in such industries, are requested to comment on the proposed regulations on how such proposed action can be changed to minimize the impact on those small businesses affected.

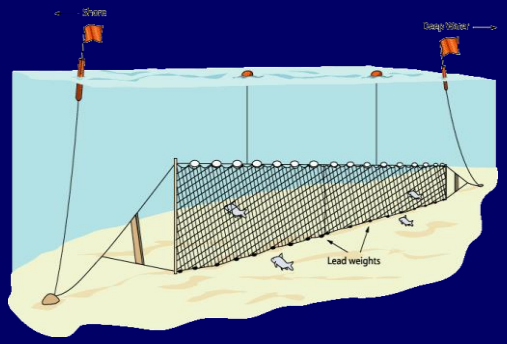
Affected parties are strongly encouraged to provide comments or alternative proposals regarding each of the hearing items. Proposals should be submitted prior to the workshop in order to properly discuss at the workshop. Division staff are available to discuss as needed.

Written comments concerning the proposed regulations may be submitted to Peter Duhamel, Division of Fish and Wildlife – Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835 **no later than 12:00 Noon on March 14, 2016**. A copy of the proposed regulations will be available for review through March 14, 2016 at the Marine Fisheries offices, or by mail. Proposed regulation(s) and notice has been filed with the Office of the Secretary of State's website at http://sos.ri.gov/ProposedRules/, and are also available Marine Fisheries webpage at http://www.dem.ri.gov/programs/bnatres/fishwild/pn032316.htm.

Jason McNamee,
Chief

RI Marine Fisheries Council

April 4, 2016



Public Hearing Items

1. Proposed amendments to **RIMFR Part XVI - *Menhaden*** regarding:
   a. General editing for improved clarity and readability
   b. Commercial Menhaden
   c. Recreational Menhaden

2. Proposed amendments to **RIMFR Part 5 - *Lobsters. Crabs, and Other Crustaceans*** regarding:
   a. Management of the Horseshoe crab fishery
   b. Management of the Cancer Crab fishery

3. Proposed amendments regarding **commercial gillnet regulations**.

4. Proposed **ADOPTION** of **RIMFR *Part 6 – General Equipment Provisions***, in conjunction with proposed **REPEAL** of **RIMFR *Part X - Equipment Restrictions*, RIMFR *Part XI – Commercial Fisheries*, RIMFR *Part XIII – Gill Net Regulations, and* RIMFR *Part XIV – Fish Traps***

Hearing Item 1a: General editing of Menhaden regulations for improved clarity

Hearing Item 1b: Commercial Menhaden

- **Proposed Management Options:** The Division has not proposed any management changes to commercial Menhaden for 2016.

Industry Proposal:

Trigger	Pounds
Biomass "Floor"	~~2,000,000~~ **1,500,000**
Biomass "Ceiling"	~~1,500,000~~ **1,000,000**

Hearing Item 1c: Recreational Menhaden

Proposed Management Option:

Min. size	Season	Possession Limit
No min. size	Open year round	200 fish

Horseshoe Crabs

Option 1:

- Status Quo – No daily commercial possession limit.

Option 2:

- Establish a commercial possession limit.

Noticed language: **Bait fishery possession limit: 60 Horseshoe Crabs per person per day when open to permitted harvesters. The possession limits apply during commercial harvesting operations.**

Revised language: **Bait fishery possession limit: 60 Horseshoe Crabs per person per day when open to permitted harvesters. The possession limits apply during commercial harvesting operations while the harvest period for bait is open.**

Jonah Crabs

- **ASMFC Jonah Crab FMP Requirements:**
  - **Lobster Trap Allocation (LTA) qualifier:** Jonah Crab can only be harvested from pots with a valid lobster trap tag.
  - **Establish minimum size:**
    - 4.75" carapace width for Jonah Crab.
  - **Season:** No closed season.
  - **Establishment of a Control date:** June 2, 2015 for participation in absence of an LTA and subject to landing limits
  - **Possession Limit:**
    - LTA holders: No possession limit
    - Rec. poss. limit: 50 whole Jonah crabs per person per day (no license req'd.)
    - Gillnets and Otter Trawls: 200 Jonah crabs/day or 500/trip (5 days or longer)
  - **Harvest Restrictions:**
    - Harvest/possession of egg-bearing females prohibited
    - Only whole Cancer crab may be retained and sold

Cancer Crabs

- **Additional specifics of RI proposal:**
  - **Lobster Trap Allocation (LTA) qualifier:** Jonah Crab and Atlantic Rock Crab can only be harvested from pots with a valid lobster trap tag.
  - **Establish minimum size:**
    - 4.75" carapace width for Jonah Crab.
    - No minimum size proposed for Atlantic Rock Crab.
  - **Season:** No closed season.
  - **Establishment of a Control dates:** June 1, 2016 for Atlantic Rock Crab for participation in absence of an LTA
  - **Possession Limit:**
    - LTA holders: No possession limit
    - Non-LTA holders: 1,000 crabs/vsl/day
    - Gillnets and Otter Trawls: 200 Jonah crabs/day or 500/trip (5 days or longer)
    - Rec. poss. limit: 50 whole Jonah crabs per person per day (no license req'd.)
  - **Harvest Restrictions:**
    - Harvest/possession of egg-bearing females prohibited
    - Only whole Cancer crab may be retained and sold

Gillnet regulations

- **Federal reg's currently in place:**
  - Pattern: Set in a straight line.
  - Setting Prohibited: Prohibited in March annually.
  - Weak Links: Breaking strength <= 1,100 pounds. Buoys and weights must be attached to buoy line with a weak link. Weak links on float line must be compliant with the ALWTRP.
  - Anchors: Gillnets remaining in water must be anchored with an anchor with a holding power of at least a 22 pound Danforth style anchor at each end. Must be burying anchor, no dead weights.
  - Marking of nets:
    - Color Coding: Buoy lines must be marked with 3 individual green colored marks measuring 12 inches: one at the top, one at the midway point, and one at the bottom of each buoy line.
    - Pingers Required: All gillnets must have pingers properly attached between 12/1 – 2/29, and between 4/1 – 5/31 annually.
    - Pinger Attachment: Must be attached at the end of each string of each gillnet and at the bridle of every net within a string of nets.
    - Pinger Maintenance: Pingers shall be maintained in an activated state at all times.
    - Pinger Specifications: Pingers must broadcast a 10 kHz (± 2 kHz) sound at 132 dB (± 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (± 15 milliseconds), and repeating every 4 seconds (± 0.2 seconds).

Gillnet regulations

- **New reg's (no regs currently in place):**
  - Net Length Limit: Maximum 3,000 linear feet.
  - Tending of Nets:
    - Small Mesh (<10"): Hauled once/day. (status quo).
    - Large Mesh (>=10"): Hauled at least once/7 days.
  - Tags Required: Tag attached every 300 linear feet.
  - Tag Limit: 80 tags plus additional 10 for routine loss. One set off tags issued to each license holder/vessel.
  - Application period: 11/1 – 2/29 for the following fishing year. Tags valid in two year blocks, first period from 1/1/17 – 12/31/19.
  - Control Date: June 1, 2016.
  - Owner/operator rule: Operator of gillnet vessel must be the registered or documented owner of the vessel.

Hearing Items 4, 5, 6, 7, and 8: Proposed ADOPTION of RIMFR "*Part 6 – General Equipment Provisions*", in conjunction with proposed REPEAL of "*Part X - Equipment Restrictions*", "*Part XI – Commercial Fisheries*", "*Part XIII – Gill Net Regulations*", and "*Part XIV – Fish Traps*".

- Continued re-write of regulations for improved clarify and readability of regulations;
- Language contained in repealed regulations to be transferred into new regulation;
- 18 Parts into 8 Parts;
- Clarifications made with ambiguous regulations; no actual management changes proposed or intended;
- Duplicate regulations spread across multiple sections to be transferred into a single section of a single regulation;
- *Summary of Changes* document has been provided to show all proposed changes.

End of Slides!

PUBLIC HEARING ITEM # 1a:
GENERAL EDITING

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9. VIOLATIONS FOR NON-COMPLIANCE X

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12. EFFECTIVE DATE PAGE X

~~1.~~ **PURPOSE**

The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.

~~2.~~ **AUTHORITY**

These regulations are adopted pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

~~3.~~ **APPLICATION**

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

~~4.~~ **DEFINITIONS**

See Rhode Island Marine ~~Statutes and~~ **Fisheries** Regulations, Part I~~, '1.3~~ - **Definitions**.

~~5.~~ **SEVERABILITY**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

~~6.~~ **SUPERSEDED RULES AND REGULATIONS**

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of ~~Part XVI~~ **these regulations** shall be superseded.

REGULATIONS

16.1 Commercial:

16.~~2~~**1.1** ~~Narragansett Bay Marine Life~~ **Menhaden** Management Area: **Narragansett Bay in its entirety is designated a Menhaden Management Area pursuant to RIGL 20-4.1-1.** This area shall include the east and west passages of Narragansett Bay, Mt. Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet Point to Beavertail Point to Castle Hill Light. The southern boundary further extends from Land's End to Sachuest Point and then to Sakonnet Light. The following regulations govern all commercial menhaden operations conducted in the Narragansett Bay **Menhaden** Management Area (Management Area). **(RIGL 20-4.1-1)**

~~16.2.5~~**(A)** Opening **and** closure of fishery ~~Based on Biomass Estimates~~;

(~~A~~**1**) **Fishery opening - possession limits**:

(a) Biomass "Floor": On an annual basis ~~beginning every~~ **in the** spring, the DFW shall conduct regular estimates of the ~~weekly~~ standing stock of menhaden present in the Management Area utilizing approved scientific monitoring methods. On the basis of those estimates, the Division of Fish & Wildlife (DFW) shall ~~issue a notice when the estimated weekly standing stock reaches a threshold of 1,500,000 pounds, and the DFW shall~~ open the commercial fishery at an initial possession limit of 120,000 pounds per vessel per calendar day ~~and the DFW shall open the commercial fishery,~~ when the estimated weekly standing stock reaches 2,000,000 pounds.

~~16.2.3 Possession Limits: (A) When the commercial Menhaden fishery opens, per section 16.2.5 of this part, the possession limit shall be 120,000 pounds per vessel per calendar day.~~ **(b)** The possession limits may be modified by the DFW on the basis of the estimated weekly standing stock of menhaden in the Management Area derived~~, in accordance with section 16.2.5,~~ via approved scientific monitoring methods.

~~(B~~**c**~~)~~ ~~No commercial Menhaden fisher shall possess menhaden or otherwise engage in the taking of~~ **The possession or taking of** menhaden ~~anytime~~ **is prohibited** on **any** Saturday, Sunday, ~~on any~~ official state holiday, or prior to sunrise or following sunset, unless using a non-directed gear type for menhaden. Non-directed gear ~~will~~ **shall** be defined as cast nets, floating fish traps, and rod and reel.

(~~B~~**2**) **Fishery closure**:

(a) Biomass "Ceiling": When 50% of the estimated weekly standing stock of menhaden stock present in the management area, above the minimum threshold amount of 1,500,000 pounds, is harvested, the DFW shall close the menhaden fishery until further notice.

(b) If at any time the stock estimate drops below 1,500,000 pounds, the DFW shall close the commercial fishery until further notice.

(~~C~~**c**) **Non-directed gear possession limit allowance: Upon closure of the Menhaden Management Area,** the possession limit ~~of~~ **is** 6,000 pounds per vessel per day ~~will be allowed if using~~ **for vessels utilizing** non-directed gear ~~once the Management Area closes~~.

~~16.2.1~~**(B)** ~~Gear Restrictions~~ **Purse seine restrictions**: The use of purse seines **in the Management Area** shall be permitted only in accordance with the following terms and conditions:

(~~A~~**1**) All nets shall be less than 100 fathoms (600 feet) in length and less than 15 fathoms (90 feet) in depth.

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(~~B~~**2**) All nets shall be marked with fluorescent-colored float buoys, distinguishable from the other float buoys on the net, at intervals of 50 feet.

(~~C~~**3**) Annually, prior to use, all nets shall be inspected and certified as being in conformance with the provisions of this section by the DEM Division of Law Enforcement (DLE). Once inspected and certified, a net may be used throughout the duration of the calendar year in which it was inspected, provided that it is not altered with regard to any of the provisions of this section. Any net that is altered with regard to any of the provisions of this section must be re-inspected and recertified prior to use.

~~16.2.6~~**(C)** ~~Permanent Closures~~ **Closed areas (waters)**: The following areas are ~~permanently~~ closed to purse seining for menhaden:

(~~A~~**1**) Providence River: All waters north of a straight line ~~running~~ **extending** from Rocky Point to Conimicut Light to Nayatt Point.

(~~B~~**2**) Greenwich Bay: All waters in Greenwich Bay west **extending** of a line from the flag pole on Warwick Point to Sandy Point.

~~16.2.7~~**(3)** Harvest of menhaden in ~~permanently~~ closed areas: No person harvesting menhaden by any fishing method **other than purse seine** shall possess more than 200 menhaden per vessel per calendar day in any closed area of the Management Area as ~~set forth above~~ **specified in this section**, ~~unless the individual is properly commercially licensed to harvest menhaden and is not using purse seine gear~~.

~~16.2.2~~**(D)** **Commercial** vessel restrictions: ~~When~~ **A fishing vessel** engaged in the commercial menhaden fishery~~, vessels~~ may not have a useable fish storage capacity greater than 120,000 pounds. Prior to the commencement of fishing, for any vessel not previously certified through this process, each vessel must be inspected by a certified marine surveyor and assessed with regard to its fish storage capacity. ~~A document reflecting the assessment~~ **Such certification** must be kept aboard the vessel at all times. **Vessels must either be certified as having a useable storage capacity of less than 120,000 pounds, or for vessels** ~~Any vessel~~ with a fish storage capacity greater than 120,000 pounds, ~~may only engage in the fishery if~~ **must be certified that** the excess capacity is rendered unusable ~~in accordance with the specifications set forth in the assessment~~.

~~16.2.8~~**(F)** Fall opening ~~of~~ **within** the ~~Narragansett Bay Marine Life~~ **Menhaden** Management Area:

(~~A~~**1**) Beginning September 1 annually, the area south of a line from the Jamestown and Newport Bridges, and the area south of a line from Fogland

Point to Sandy Point in the Sakonnet River, to the southern extent of the ~~Narragansett Bay Marine Life~~ Management Area ~~as defined in 16.2~~ will be open to the harvest of menhaden by purse seine as long as the states quota has not been exhausted or if the Episodic Event Set Aside Program**, as described in this section,** has been enacted in RI.

(~~B~~**2**) Possession limit: 25,000 pounds per vessel per day.

~~16.2.4~~**(G)** Reporting requirements:

(1) ~~In order to permit the DFW to monitor the fishery,~~ Any fisher intending to engage in the commercial menhaden fishery in the Management Area shall notify the DLE at (401) 222-3070 prior to taking or ~~coming into~~ possess~~ion~~**ing** ~~of~~ menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification which may have been established in the possession limit for menhaden.

(2) Each ~~commercial menhaden fisher~~ **person engaging in the commercial menhaden fishery** shall ~~also~~ contact the DFW at (401) 423-1940 at the end of each ~~trip~~ **day** to report the area fished and the amount of menhaden in possession by the fisher in pounds.

16.~~3~~**1.2** Landing of menhaden in RI under State Quota Program: A total annual statewide quota for menhaden ~~shall be the most recent allocation as~~ **is** established for the State by the Atlantic States Marine Fisheries Commission (ASMFC). The quota shall pertain solely to landings of menhaden in RI and shall not pertain to the possession of menhaden in RI waters prior to landing. ~~The quota may only be harvested and landed by fishermen licensed and vessels duly authorized in accordance with the provisions of Title 20 of the General Laws and in accordance with all rules and regulations promulgated by the DEM.~~ The State's Menhaden quota will be managed as follows:

~~16.3.1~~**(A)** The landing limit for menhaden in RI will be unlimited until the quota has been reached, as determined by the DFW.

(B) Directed fisheries: Once the quota has been reached~~: (i)~~ the landing limit will be zero **(0) pounds per vessel per day** for vessels associated with directed fisheries for Menhaden, including but not limited to purse seine operations~~, and~~

~~(ii)~~**(C) Non-directed fisheries:** The landing limit will be 6,000 pounds per vessel per day for all vessels not associated with directed fisheries for menhaden. Non-directed fisheries for menhaden include but are not limited to cast-net fishing and the floating fish trap fishery.

~~16.3.2~~**(B)** All commercial menhaden operations conducted in the Management Area, prior to and after the State's quota has been reached, are subject to the

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provisions of section 16.~~2~~**1.1**, unless ~~the fisher is~~ using a non-directed gear type.

16.~~4~~**1.4** Episodic Event Set Aside Program:

~~16.4.1~~**(A)** After the State's quota has been reached, if RI is approved to participate in the Episodic Event Set Aside Program for Menhaden, as established by the ASMFC, the landing limit for menhaden will be 120,000 pounds per vessel per day for vessels associated with directed fisheries for Menhaden, until the Set Aside quota has been exhausted, as determined by the ASMFC and/or the DFW, at which time the program will end and the directed fishery will close. Vessels that target and land menhaden in RI under this program must harvest only from RI waters and, if operating in the Management Area, must adhere to all of the provisions as specified in these regulations.

~~16.4.2~~**(B)** Reporting Requirements:

(1) Any ~~commercial fisher~~ **person** intending to ~~target~~ **engage in the commercial** menhaden **fishery** under the Episodic Event Set Aside Program ~~for Menhaden~~ must notify the DLE at (401) 222-3070 prior to taking or ~~coming into~~ possess~~ion~~**ing** ~~of~~ menhaden. At the time that a fisher advises the DLE of his/her intent to harvest menhaden, the DLE shall notify said fisher of any modification to the possession limit for menhaden that is applicable to operations conducted in the Management Area.

(2) Each ~~said fisher~~ **person engaged in the commercial menhaden fishery** shall ~~also~~ contact the DFW at (401) 423-1940 at the end of each daily trip or within four hours thereof to report the amount of menhaden landed by the fisher in pounds. These menhaden-specific reporting requirements are in addition to all other existing commercial fishing reporting requirements as set forth in the RI Marine Fisheries Regulations (RIMFR).

~~16.4.3~~**(C)** Vessels not associated with directed fisheries for menhaden may continue to harvest and land in RI up to 6,000 pounds per vessel per day as bycatch. Such vessels are not subject to the provisions of sub-sections ~~16.2.3(A) and (B)~~ **16.1.1(A)(1)(b) & (c)**, but are subject to the provisions of section 16.~~2~~**1.1** with regard to operations conducted in the Management Area, and are subject to all existing commercial fishing reporting requirements as set forth in the RIMFR.

~~16.4.4~~**(D)** The Episodic Event Set Aside Program will end on November 1 annually or when the set aside quota has been harvested, whichever first occurs.

16.~~5~~**1.5** ~~No fisher may transfer or attempt to transfer Menhaden to another fisher.~~ **No person may transfer or attempt to transfer at sea, from one vessel to another, any finfish identified in these regulations.**

16.~~1~~**1.6** Prohibition on the harvesting of menhaden for reduction processing: The

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taking of Menhaden for reduction (fish meal) purposes is prohibited in Rhode Island waters. A vessel will be considered in the reduction (fish meal) business if any portion of the vessel's catch is sold for reduction.

16.~~6~~3 Violations for Non-compliance:

16.~~6~~3.1 If the DFW and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or a permit agreement, the owner and/or operator of the permitted 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 or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to RIGL 20-1-16.

16.~~7~~4 Penalties:

16.~~7~~4.1 Judicially imposed penalty for violations: Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or imprisonment for up to ninety (90) days, or both (RIGL §20-1-16)

16.~~7~~4.2 Additionally, a person may be subject to the imposition of a administrative penalty pursuant to DEM's "*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"*.

16.~~8~~5 Appeals:

16.~~8~~5.1 Denial of a license or permit: Persons denied a license or permit may request an appeal as provided by RIGL Chapter 42-17.7 and pursuant to DEM's "*Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters"*

16.~~8~~5.2 Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these regulations may file and appeal in accordance with RIGL Chapter 42-17.7 and DEM's *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters*.

EFFECTIVE DATE

The foregoing rules and regulations ~~"Rhode Island Marine Fisheries Regulations, Part XVI - Menhaden"~~ after due notice, are hereby adopted and filed with the Secretary of State ~~this 22nd day of June, 2015 to become effective 20 days from filing, unless otherwise indicated below,~~ in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of1956, as amended.

_____

Janet L. Coit, Director
Department of Environmental Management

Notice Given: ~~04/10/2015~~ **02/12/2016**
Public Hearing: ~~05/11/2015~~ **03/14/2016**
Filing date: ~~06/22/2015~~ **XX/XX/2016**
Effective date: ~~07/12/2015~~ **XX/XX/2016**
ERLID# ~~8089~~ **XXXX**

PUBLIC HEARING ITEM # 1b:
COMMERCIAL MENHADEN

The Division is proposing status quo for commercial mendhaden. Please provide any proposals to Division staff

PUBLIC HEARING ITEM # 1c:
RECREATIONAL MENHADEN

16.2 RECREATIONAL

16.2.1 Minimum size: No minimum size.

16.2.2 Season: Open year round.

16.2.3 Possession limit: 200 fish

PUBLIC HEARING ITEM 2a.
Horseshoe Crab

Proposed Commercial Possession Limit for the bait fishery

Option 1 - Status Quo – No daily possession limit:

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 allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status.

Option 2 - Establish a commercial possession limit:

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 allocated to the State of Rhode Island by the ASMFC or as determined by DFW based on the current stock status.

(1) Bait fishery possession limit: 60 Horseshoe Crabs per person per day when open to permitted harvesters. The possession limits apply during harvesting operations.

PUBLIC HEARING ITEM 2b.
Cancer Crab

(I) Lobster **and Cancer Crab** pots:

(**1**) Maximum size: 22,950 cubic inches.

(**2**) Escape vents: Each and every lobster **and Cancer crab** pot, set, kept, or maintained or caused to be set, kept, or maintained in any of the waters in the jurisdiction of this State by any person properly licensed, shall contain an escape vent in accordance with the following specifications: (20-7-11(a))

(~~g~~**vii**) Lobster **and Cancer crab** traps not constructed entirely of wood must contain a ghost panel with the following specifications:

(M) Commercial lobster trap tags:

(**1**) No person shall have on board a vessel or set, deploy, place, keep, maintain, lift, or raise; from, in, or upon the waters under the jurisdiction of the State of Rhode Island any lobster pot for taking of American lobster **or Cancer crab** without the pot having a valid State of Rhode Island lobster trap tag.

(**N**) For persons possessing a valid RI commercial fishing license (licensee) for the catching, taking, or landing of American lobster **or Cancer Crab**, and who also own or are incorporated/partnered in a vessel(s) holding a Federal Limited Access Lobster Permit (Federal Lobster Permit), the following shall apply:

(1) No harvesting of lobster~~s~~ **or Cancer Crab** may occur in any LCMA by means of any lobster trap for which a trap tag has not been issued. All vessels owned/incorporated/partnered by said licensee which hold a Federal Lobster Permit shall annually declare all LCMA(s) in which the licensee intends to fish during the fishery year. Said declaration shall be made at the time of application for the issuance of lobster trap tags on forms prescribed by the Director.

(2) Once declared, an LCMA may not be changed until the next fishery year. An LCMA declared to the Director shall be identical to the LCMA declared to the NOAA Fisheries **or vessels holding a Federal Lobster Permit** on forms provided by NOAA Fisheries concerning the fishing activities during the subject period by the vessel owned/incorporated/partnered by said licensee.

(5) No licensees owning/partnered/incorporated in vessel(s) holding a LCMA 2 Federal Lobster Permit shall be permitted to deploy, place, set, tend, haul, lift, raise, supervise, or maintain lobster traps from said LCMA 2 federally-permitted vessel(s), or to catch/take American lobster **or Cancer crab** within the jurisdiction of the State of RI from said LCMA 2 federally-permitted vessel(s), unless the lobster traps are tagged with federally-designated lobster trap tags

that includes a LCMA 2 declaration, issued to said federally-permitted vessel(s).

~~(M) Crab pots/traps, fish traps, fish weirs, minnow traps, eel pots/traps, conch pots/traps, gillnets or trammel nets, fyke nets, stake traps, trawling devices, clam and scallop dredges, beach seines, purse seines, and tongs or bullrakes shall be classified as non-lobster trap gear and shall be exempt from trap tagging requirements.~~

(**10**) All holders of LTAs assigned to a RI state commercial fishing license only (i.e. no federal permit) must annually renew their RI state commercial fishing license, or that portion of their RI state commercial fishing license that authorizes them to commercially harvest lobster~~s~~ **and/or Cancer Crab** from RI state waters with lobster traps, in order to remain eligible to transfer any portion of their LTA.

(C) Minimum escape vent size: In each parlor section of the lobster **and Cancer crab** trap, at least one (1) rectangular escape vent with an un-obstructed opening measuring not less than two and one sixteenth inches by five and three quarter (2-1/16 X 5¾) inches (53.39mm X 146.05mm) or two (2) circular vents, each with an un-obstructed opening measuring not less than two and eleven sixteenths (2-11/16) inches (68.26mm) diameter.

5.5 CANCER CRAB

5.5.1 License required:

(A) Commercial harvest: No person shall harvest Cancer crab for commercial purposes without a valid commercial marine fishing license.

(B) Recreational harvest: No license is required for the recreational harvest of Cancer crab.

5.5.2 Minimum size:

(A) Jonah Crab: The minimum size for Jonah Crab shall be four and three quarters (4.75) inches as measured across the widest point of the carapace.

(B) Atlantic Rock Crab: No minimum size.

5.5.3 Season: Open all year.

5.5.4 Possession limit:

(A) Commercial possession limit of Cancer Crab taken by licensed fishermen not in possession of an LTA but qualify based on the established control date as specified in this section, are limited to one thousand (1000) crabs per

vessel per day.

(B) Commercial possession limit of Cancer Crab taken by gillnet or otter trawl: Maximum of 200 Jonah crabs per day (based on a 24-hour period), or 500 Jonah crabs per trip for trips 5 days or longer.

(B) Recreational possession limit: Maximum of 50 whole Jonah crabs per person per day

5.5.5 Harvest restrictions:

(A) No Cancer crabs shall be harvested from pots or traps that do not have a valid lobster tag unless written authorization from the DFW.

(B) No person shall take Cancer crabs from the waters of the State between the hours of sunset and sunrise. (RIGL 20-7-15)

(C) Egg-bearing Cancer crabs: No person shall take, offer for sale, or possess at any time any female Cancer crab bearing eggs visible thereon or from which the egg pouch or bunion shall have been removed. (RIGL 20-7-16)

(D) Only whole Cancer crab may be retained and sold

5.5.6 Control date: Any person who does not hold a lobster trap allocation but can prove participation in the Jonah Crab fishery prior to the June 2, 2015; or any person who can prove participation in the Atlantic Rock Crab fishery prior to the June 1, 2016, shall be eligible for continued participation in the Cancer Crab fishery. Proof of participation shall be documented by RI Harvester Logbooks and/or SAFIS dealer reports.

PUBLIC HEARING ITEM 3.
Proposed amendments to the Gillnet regulations

6.5.3 Gillnetting:

(A) Gillnetting for bait: No person shall set, haul, and/or maintain a gillnet for bait so as to obstruct the free passage of fish in Rhode Island coastal waters, streams, rivers, or bays. Bait gillnets must be clearly labeled with the name of the person setting or tending the net and be constantly tended.

(B) No vessel shall be used in the commercial setting, hauling, or maintaining of a gillnet unless the operator is the registered or documented owner of said vessel. If a corporation is the documented owner of a vessel, the operator shall be the majority owner of that corporation. This regulation shall in no way abridge a licensee's right pursuant to RIGL 20-7-6.

(~~B~~**C**) License required: No person shall set, haul, and/or maintain a commercial gillnet in the public waters of the State without first obtaining a commercial gillnet endorsement. Refer to DEM'S *"Commercial and Recreational Saltwater Fishing Licensing Regulations"*. (RIGL 20-4-13)

(~~C~~**D**) Marking of nets: Both the near shore and offshore ends of an authorized gillnet shall be marked with an orange or fluorescent orange bullet shaped buoy with a size of nine (9) by sixteen (16) inches, and be clearly marked with the letters "GN" with a minimum letter height of three (3) inches and include the name and license number of the licensee. **All buoy lines must be marked with 3 individual green colored marks measuring 12 inches: one at the top, one at the midway point, and one at the bottom of each buoy line.**

(E) Setting pattern: Each gillnet shall be set in a straight line (from one end buoy to the other).

(F) No person shall set, haul, and/or maintain a gillnet in RI state waters during the month of March, annually.

(~~D~~**G)** Tending of nets: Each gillnet **with a mesh size less than or equal to 10 inches** shall be hauled once each ~~calendar~~ day.

(H) Each gillnet with a mesh size greater than 10 inches must be hauled at least once every 7 days.

(~~E~~**I**) Distance from fish trap: No person shall set, haul, or maintain a gillnet within 3,000 feet of a licensed floating fish trap.

(J) Gillnet gear provisions:

(1) All buoys, floatation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than 1,100 pounds;

(2) For nets that return to port each day with the vessel: Net panels are required to have a weak link having a breaking strength of no greater than 1,100 pounds at the center or each float line or at least every 25 fathoms along the float line of a panel longer that 50 fathoms;

(3) For nets which do not return to port with the vessel: Weak links of not greater than 1,100 pounds must be incorporated into net panels following one of the two configurations required by the NOAA Fisheries Atlantic Large Whale Take Reduction Plan;

(4) All gillnets that do not return to port with vessel, regardless of number of net panels, shall be required to be anchored with the holding power of at least a 22 pound Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights).

(5) Pinger Specifications:

(a) A pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz (± 2 kHz) sound at 132 dB (± 4 dB) re 1 micropascal at 1 m, lasting 300 milliseconds (± 15 milliseconds), and repeating every 4 seconds (± 0.2 seconds);

(b) Pingers shall be properly attached to each gillnet during the following time periods, annually:

(i) December 1 through February 28 (February 29 on leap years);

(ii) April 1 through May 31.

(c) Pinger Attachment: A pinger shall be attached at the end of each string of each gillnet and at the bridle of every net within a string of nets (e.g., in a gillnet string consisting of 3 nets, 4 pingers would be required);
(d) Pinger Maintenance: Pingers shall be maintained in an activated state at all times.

(K) Tagging of nets:

(1) Vessels permitted by and participating in the gillnet tagging program administered by the NOAA Fisheries Greater Atlantic Regional Office which have not declared into the DFW tagging program may transit Rhode Island state waters with gillnets on board the vessel if all gillnets are stowed and, when applicable, have the federal gillnet tags permanently attached.

(2) No gillnets shall be set, hauled or maintained in Rhode Island state waters without permanently attached non-transferable tags issued by DFW.

(a) Eligibility: To receive gillnet tags, a multipurpose license holder with gillnet endorsement must declare their license and designate a commercially declared vessel to haul that licensees net.

(3) Only one set of tags shall be designated to a commercial license holder;

(4) License holders shall be issued 80 tags plus an additional 10 tags for routine loss. No more than 80 tags shall be in the water at any one time.

(5) Tags are valid from January 1, 2017 through December 31, 2019.

(6) Applications for gillnet tags may be submitted from November 1 through February 28 for the following fishing year.

(7) Tags shall be attached to the float line beginning at the westernmost end of each net (as measured on a compass circle from magnetic south through west to, and including, north) exceed every 300 linear feet. The net on the easternmost end of each string as measured on a compass circle from magnetic north through east must have a tag adjacent to the buoy line.

(8) Gillnets shall be connected in a continuous series not to exceed 3,000 linear feet;

(~~G~~**L**) Prohibited areas: In addition to those areas where all netting is prohibited **as specified in these regulations**, and with the exception of gillnetting for bait, commercial gillnetting is prohibited in the following areas:

(1) In the following coastal salt ponds: Quicksand Pond; Tunipus Pond; Briggs Marsh; Round Pond; Narrow River; Point Judith Pond; Potter Pond; Card Pond; Green Hill Pond; Trustom Pond; Charlestown Pond; Quonochontaug Pond; and Winnapaug Pond.

(2) In Little Narragansett Bay;

(3) Within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point;

(4) In the Pawcatuck River;

(5) Within one half (½) mile in both directions of the seaward entrance to a coastal salt pond channel, and for a distance of three hundred (300) yards seaward, when such coastal salt pond is open to the sea.

(6) Within one half (½) mile of Block Island between April 15 and November 15 annually.

(7) Within the waters seaward of Old Harbor, Block Island, from the Block Island shoreline to the one hundred (100) foot depth contour, between November 1 and December 31, annually. This area is bounded by a northerly line running one hundred (100) degrees (true) from Clay Head Point to the black and white whistle out to a depth of one hundred (100) feet. The southern boundary of the closure zone runs from the shoreline on a course of one hundred (100) degrees (true) to the C-3 buoy out to the one hundred (100) foot depth contour. The eastern boundary is a line which corresponds to the one hundred (100) foot depth contour.

(8) Season Closure: Within fifty (50) yards of the entire Rhode Island coastline (mean high water line) during the period October 15 - December 31, annually.

(9) Within fifty (50) yards of the Rhode Island coastline (mean high tide line) in the following areas:

(a) From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Pt. (Carpenter's Bar);

(b) In Narragansett Bay north of the Colregs line, including Mt. Hope Bay;

(c) In the Sakonnet River;

(d) From the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point; and

(e) From the southwest corner of Price's Neck to Castle Hill Light House.

(~~H~~**M**) Gillnet prohibition for striped bass: No person shall take or possess any striped bass while gillnetting, or while hauling a gillnet, including while gillnetting for bait.

(~~I~~**N**) Floating and bottom tending gillnets: Only a floating and bottom tending gillnet may be set, hauled, or maintained in Rhode Island waters.

(1) A floating gillnet must be constantly tended.

(2) Minimum mesh size for a bottom tending gillnet: No bottom tending gillnet shall have a mesh size smaller than five (5) inches stretched mesh.

(~~J~~**O**) Additional area specific regulations:

(1) Narragansett Bay, Mount Hope Bay, and the Sakonnet River: This area shall include all waters of Narragansett Bay, Mount Hope Bay, and Sakonnet River, north of the Colregs line. No person shall set, haul, and/or maintain a gillnet within this area which does not adhere to the following specifications:

(a) Maximum length: A single gillnet, or series of connected gillnets, shall not exceed ~~a maximum total length of~~ 300 feet.

~~(b) Setting pattern: Each gillnet must be set in a straight line.~~

(c) Spacing: No gillnet ~~may~~ **shall** be set within ~~fifty (50) yards~~ **150 feet** of shore at mean low water, or within 2000 feet of another gillnet.

(2) Waters within one half (1/2) nautical miles of the Rhode Island coast (mean high tide line) and south of the Colregs line:

(a) Maximum length: A ~~single gillnet, or~~ series of connected gillnets shall not exceed a total length of six hundred (600) feet.

(b) Setting pattern: Each gillnet ~~must~~ **shall** be set ~~in a straight line and~~ perpendicular to the shore.

(c) Spacing: No gillnet ~~may~~ **shall** be set within two thousand (2000) feet of another gillnet.

(3) Waters between one half (1/2) nautical miles and three (3) nautical miles from the Rhode Island coast (mean high tide line):

~~(a) Setting Pattern: Each gillnet must be set in a straight line (from one end buoy to the other).~~

(b) No gill net ~~may~~ **shall** be set within two thousand (2000) feet of another gillnet during the period from April 1 to October 1.

(c) Marking:

(i) **A series of connected** gill nets greater than six hundred (600) feet and less than or equal to twelve hundred (1,200) feet: Must be marked with two (2) orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches should be placed on the

southernmost end.

(ii) **A series of connected** gillnets greater than 1,200 feet: Must be marked with an orange or fluorescent orange float with a size of 9 x 16 inches and a radar reflective highflyer at each end. One of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end.

(P) Control Date: A control date of June 1, 2016, is established for the gillnet fishery in Rhode Island.

Jason,

Regarding the proposed regulatory changes submitted for Public Hearing dated March 23, 2016, I make the following recommendations on behalf of the RIFA:

1. On the administrative changes of general editing and relocation of language:

I have no objection to the action so long as there are no changes to the actual meaning of the specific regulations.
Further, in the future, I would not include simple administrative language changes with other proposals that involve actual changes for the specific adoption, amendment or repeal of any rule(s). It is necessary to notice such administrative changes but it is not necessary to place such changes for public hearing unless requested. I would note and notice the changes being made with a type color other than red in that that red is the type color currently being use for actual proposed rule changes.

2. Horseshoe Crabs:

I support the proposal to set a daily possession limit in the management of Horseshoe Crabs.
Further, I encourage that the limit be set so that the harvest season extends throughout the year, that the closure of specific spawning areas be expanded during the spawning season rather than the use of time periods closures, and that the state take action to obtain a more realistic share of the coastal assigned quota.

3. Cancer Crab:

I oppose all of the proposed regulations for the (Cancer) fishery. Based on the outrageousness of the proposal presented, the given presentation in support of discriminating access to the resource, and the lack of a credible consensus of support, I would withdraw these proposed changes from further presentation to the RIMFC and the director. I oppose the language prohibiting the taking of crabs at night as ill conceived and unenforceable.
Further, I encourage any future proposed regulations to specifically identify the species targeted such as Jonah, Rock, Sand, Lady, Blue, Green, and Pea crabs.

4. Gill Net Fishery:

I support with exception the gill net proposals as presented by industry. I oppose the language establishing the owner operator restriction and I oppose the language establishing a control date. I believe that those proposals are harmful to industry, harmful to the public, outside the scope of the director's authority, and should be withdrawn from presentation to the RIMFC and the director.

Jerry Carvalho
Vice President, RIFA

Exhibit #4

RHODE ISLAND SALTWATER ANGLERS Association

P.O. Box 1465, Coventry, Rhode Island 02816 401-826-2121 FAX: 401-826-3546 www.RISAA.org

Stephen J. Medeiros
President
401-826-2121

Capt. Richard C. Hittinger
1st Vice President
401-739-1875

Capt. David P. Monti
2nd Vice President
401-480-3444

Roger O. Tellier
Secretary
401-398-2670

Peter R. O'Biso
Treasurer
401-783-2364

Michael W. Lawing
Sargeant-At-Arms
401-255-7866

Travis E. Barao
Director
401-301-7944

Capt. J. Edwin Cook
Director
401-885-0679

Robert S. Murray
Director
401-378-5895

Thomas E. Smotherman
Director
401-255-2442

Diane T. Valerien
Director
401-523-9050

Capt. Michael A. Warner
Director
401-364-0027

March 23, 2016

RE: RIDEM Public Hearing - Menhaden Proposals

The Rhode Island Saltwater Anglers Association agrees with the current management regulations for the harvesting of recreational and commercial menhaden. We especially agree that the opening/closure of the commercial fishery based on biomass estimates with the "floor" and "ceiling" AT CURRENT LEVELS is currect and sustainable.

Therefore, RISAA supports "status quo" for 2016 for both the recreational and commercial fishery, and strongly opposes any changes that would lower the "floor" and "ceiling."

Respectfully,

Stephen J. Medeiros
President

Hi Pete,

I am writing you regarding the proposed General Editing of Menhaden. Public Hearing Item # 1A:

(1) Under 16.2 (c) (Fishery Closure) :

There is no closed season for NON-Directed gear types. I think this should be:

Non-Directed gear possession limit allowed in the Menhaden Management Area is 6,000 pound's per vessel per day.

(2) Also under 16.2.7 (3) (Harvesting Menhaden in closed area's). I think it was just a mistake with the wording. I think it's supposed to be :

NO person harvesting Menhaden by any fishing method OTHER THAN : (NON-Directed Gear Types or) : CAST NET'S ,FLOATING FISH TRAP'S or ROD + REEL shall possess more than 200 menhaden per vessel per calendar day in any closed area of the management area as specified in this section.

Thank You,
John Donahue
508-344-5244

Jason,

For the last several years the way the state has run the menhaden fishery has been working fine. I personally would like to see it remain status quo

Sincerely,
Frank Tameo

Exhibit #5

Director Coit and RIDEM,

I am writing this to comment on the proposed horseshoe crab regulations. First, the proposed limit of 60 crabs per day applying to harvest operations is too low. The fishery is not a steady fishery, large landings are needed on nights when available to stay profitable when going other nights when unsuccessful. The directed fishery will operate several nights with no landings, then have a few nights of larger landings. We cannot go out and get 60 crabs every night. Also, the wording of "only applying to harvesting operations" is writing a loophole into regulation. Enforcement would have to catch someone putting them into their boat to be in violation. You could drive around with a truck full and claim to not be a harvesting operation. A more reasonable limit would be 400 crabs for any operation and be in line with surrounding states.

The desire to keep open crab harvest to other users is a noble one, but not one that should prevent the directed fishery. When the quota was set for the state, it was based nearly entirely on crabs harvested from the directed fishery. Now the state is trying to cripple the fishery responsible for the vast majority of the quota in favor of new fisheries that have become interested now that the value of the crabs have increased.

The poor/late reporting needs to be addressed. Fishermen with chronic late/ no reporting should lose their permit. To bolster reporting, I recommend changing the reporting requirement to daily if ANY crabs are harvested, and continue monthly reporting to include positive and null landings. Under this system, any crabs harvested would be called in daily, and if no activity took place no call would be required in order to reduce management burden.

On horseshoe crab management overall, there are larger issues that would remain unresolved. Horseshoe crabs have the lowest quota of any species in the state, yet remains an open access fishery. This needs to be changed immediately BEFORE applying daily possession limits. A moratiorium should be placed on new crab permits and permits with poor or no reporting history should be eliminated.

Thank You,

Brian Grant

Hi Peter,

I have heard that there is consideration of changing the horseshoe crab fishery from a yearly limit to a daily possession limit. I would like to register my support for this proposed change. The reason for my stance on this issue is that I would like to be able to harvest a few horseshoe crabs each day for bait for my conch pots during conch season. I see horseshoe crabs in the shallow water while quahogging and oystering, and it is frustrating that I can't keep those crabs and instead have to pay $5/crab at the dealer to bait my conch pots! Bait is a big expense in conch fishing and if I were able to save horseshoe crabs that I come across anyway in the course of my daily travels in the water, it would save me a good chance of money and improve the overall profitability of my very small operation. I hope that a daily limit extends the season so that more people can utilize this resource. The daily limit should be low enough that it stays open until December, to coincide with the conch fishery. Thank you for considering my support for a daily limit.

Sarah Schumann
Warren RI
CFL 000799

Hello Mrs. Coit. It is my understanding that the new cancer crab plan would require me to get special written permission from the department in order to continue to do something that I have been doing perfectly legally for the last four years.

This new plan if adopted as drafted, would have a deeply adverse effect on my business. I am pleading that yourself or others at the department whom this may concern will consider making some kind of exceptions for myself to continue fishing in this fishery which I have a historical right to.

The following is an e-mail that I have already sent to Scott Olszewski proposing a fair plan that would include people like myself who have been working this fishery at a full harvest level.
Seeing as the final decision would be yours, I ask that you please consider the special circumstances regarding my situation and perhaps help me in this matter.

Thank you

Hello Scott. As I have mentioned in the conversations that you have had these past few weeks. I am deeply concerned with how the impending cancer crab management plan will impact my business. However I am out of the state and will not be able to attend any of the meetings. I would like my voice to be heard none the less.

For the past 4 years I have been fishing the Atlantic rock crab and Jonah crab as a targeted fishery. I have worked extremely hard to build my own market for these crabs and I have finally reached a point where these crabs have become an important part of my business. The main issue that I have is that I have very little lobster allocation, and if the plans are adopted, then I will no longer be able to fish these crabs as a targeted species with my allocation. I have been fishing around 300-375 traps for these crabs and find this to be a suitable # of traps to be profitable.

I understand the councils need to do something to prevent people from using crab traps to circumvent lobster trap allocation cuts. Please understand that I in no way am using my traps to target lobsters. As a matter of fact, I fit each one of my traps with a Three inch round vent which more or less prevents it from catching any lobster. This vent also culls out the small undesirable crabs and makes the whole process of crabbing more effective and less work intensive.

I come to you pleading to make some sort of concession in the plan that will allow people like myself who have been fishing these crabs as a targeted fishery to continue fishing for these crabs at a full harvest level without needing to purchase lobster allocation.

I would highly recommend that the council consider a crab pot allocation for people like myself, and a 3" round vent requirement for all crab pots. This vent makes the traps absolutely useless to people seeking to subvert the lobster management plan and therefore will stop the abuses. I would also recommend a minimum trap per vertical line requirement to reduce vertical lines.

I am more than willing to work with your people to research the possibility of a vent and will be happy to take your biologists fishing to show to them the effectiveness of these vents for both culling the crabs and excluding lobsters.

Once again, I would like to express my deep concerns that if the plans that you have are adopted, that I will be excluded from a fishery that I have been participating in for the past four years.

I find this possibility to be deeply unfair to fisherman like myself who have been responsibly crabbing, while also respecting the LMC by using vents that let ALL of the lobsters out of the traps. However, I do understand the commissions desire to prevent future access to this fishery, and I also understand the underlying goal of protecting the lobster stock.

I feel that there can be a management plan that will accomplish the councils objectives while also allowing fishermen like myself to continue working in a fishery that I have worked very hard to enter and build a market for.

My recommendations to the council are as follows

1) 3" round vent for all cancer crab traps in state waters.

2) Crab trap allocation or a cancer crab endorsement for fisherman like myself with historical landings in that fishery.

3) In the interest of reducing vertical lines for whale take reduction concerns, the council should examine the possibility of a minimum traps per trawl/traps per vertical line. I/E 10-15 trap trawl minimum requirement.

Scott I am more than willing to help your people research these suggestions so that they may make an informed decision regarding this matter.

Please contact me with any further concerns Scott, and please send me confirmation that you did receive this e-mail.

John walker F/V Virginia Bae 401 952 4751

Exhibit #7

March 14, 2016

At the Feb. 2nd ATLANTIC STATES MARINE FISHERIES COMMISSION'S meeting of the American Lobster Board it was determined, by the Technical Committee, chaired by chief biologist of DMF Mass. Bob Glenn, that to stabilize the SNE/MA lobster stock, a 75%-90% cut in fishing mortality would be required! There was a motion made, to begin an Addendum, to address the declining stock conditions and explore alternatives, by changing current management measures, through the Plan Development Team and the LCMT's. Parts of the Addendum included, accelerated trap cuts, uniform closed areas and also recognizing SNE/MA as a mixed species fishery that may be focusing on crabs. The TC voted to postpone any action until they can complete analysis and give R.I. DEM additional input time. There is a hearing, in R.I. this coming Wed. evening at the URI Bay Campus.

With the possible reduction in the number of pots that a lobsterman can set (tags) in the future why are we rushing forward with a plan that attaches a new and growing fishery to a dying one. It seems that this proposal is being brought forth before we lobstermen know our direction and how to invest in the future. The governor of R.I. is trying to keep people IN the workforce, and produce new jobs, this program seems to be counter productive in its structuring. It takes the small operators that intend to expand and puts them in the market to have to buy more lobster trap allocation to go crab fishing as new trap cuts come into play. A more pragmatic way to go would be to begin a

separate "crab trap tagging" program for newer entrants instead of penalizing them. The money spent on establishing this would surely come back to this state as a healthy economic multiplier.

Those in the offshore lobster fishery, that have been very productive in the crab fishery and have a rather healthier lobster fishery, would remain so or establish an area 3 "crab tagging plan" themselves as they wouldn't be suffering the severe cut backs that SNE/MA will.

Peter E. Brodeur

On behalf of the Rhode Island Lobstermen's Association we would like to submit these comments with regard to the recently proposed Jonah crab regulations. RILA is opposed to the creation of a new sector of traps that are capable of catching lobsters. Fishers with Lobster Trap Allocations (LTA) are undergoing a 50% trap cut over the next 6 years with a 25% trap cut going into effect May 1 of this year. It hardly seems fair and equitable to allow unaccounted for, non-allocated traps to be set for a species that is commonly targeted or brought in as bycatch from federally and/or state allocated lobster traps. LTA holders who want to keep their allocation at or near current levels have purchased or will purchase additional LTA. This includes fishermen who primarily target Jonah crabs with traps accounted for in LTAs. It should be the same for fishermen with no LTA who are relatively new to the Jonah crab industry.

In addition to the inequities served from the creation of new trap allocations not included in the federal/state LTA structure, fixed gear fishermen are constantly under scrutiny and pressure to reduce vertical lines under the Atlantic Large Whale Take Reduction Plan (ALWTRP). Allowing more traps unaccounted for in LTAs is counterproductive to this federally mandated process that is yet another avenue for trap reductions.
As a solution to allow current non-LTA trap fishermen a way to fish for crabs, RILA currently supports (and has supported from the beginning of the concept) the creation of new Principal Effort Licenses apportioned to fishers who purchase LTA from another LTA holder. With current regulations stipulating a 10% trap reduction on all partial trap allocation transfers, this will facilitate further conservation in both the lobster and crab fisheries.
We appreciate the opportunity to provide input through the public comment process and hope you will take this into consideration.

Sincerely,
Gregory J Mataronas
RILA

Co-signed:
Brian Thibault
Lanny Dellinger
Alan Eagles

Hi Scott,

The intent was fishing for cancer crabs with traps that can catch lobsters. Hope that clears it up...some of this is so ambiguous!

Thank you,
Greg

Hi Jason. Sorry for the last minute email.

Regarding gill net limits. I believe an 80 net limit would be appropriate for both state and federal boats. Any more than that and it becomes difficult to keep up with (tend). Especially if fishing small mesh (less then 10 inches). I have always pushed for lower net limits for federal boats. This is a more responsible way to fish. First and foremost preventing discards. Other benefits include less nets lost, lower gear costs and more fish per net. Hope this is helpful. Thanks. Dean Sent from my iPhone

> On Mar 11, 2016, at 10:00 AM, McNamee, Jason (DEM) <jason.mcnamee@dem.ri.gov> wrote:
>
> Hey Dean, glad to know you are looped in with Greg, he was influential in helping us craft the regs.
> On bluefish, no news yet but we are working on it (preliminary discussions at this point).
> -J
>
> -----Original Message-----
> From: dpesante@cox.net [mailto:dpesante@cox.net]
> Sent: Thursday, March 10, 2016 2:34 PM
> To: McNamee, Jason (DEM) <jason.mcnamee@dem.ri.gov>
> Subject: work shop / gill net regs
>
> Hi Jason, Just received the notice for the work shop on the 14th. Unfortunately I will be out of town. I have been in touch with Greg Duckworth and have discussed all the gill net issues with him. We are in agreement with the issues so he could speak for me too.

Thanks. Dean

Scott. Please let it be on the record that I am strongly opposed to a control date for the Gillnet fishery. There are a very limited # of Gillnet endorsements already. There seems to be no good reason to try to exclude someone who has been issued the endorsement from participating in the fishery.

John Walker F/V Virginia Bae 401 952 4751

Rhode Island
Department of Environmental Management
DIVISION OF FISH AND WILDLIFE
3 Fort Wetherill Road
Jamestown, RI 02835

401 423-1923
FAX 401 423-1925

SUMMARY OF ORAL COMMENTS

A public hearing was held on **March 23, 2016** at 6:00 PM, URI Narragansett Bay Campus, Coastal Institute Building, Narragansett, RI. Approximately 60 persons from the public were present.

Hearing Officer: M. Gibson
DEM Staff: B. Ballou, M. Gibson, L. Mouradjian. G. Powers, J. McNamee, N. Lengyel, S. Olszewski, J. Lake, P. Duhamel, D. Costa, Lieutenant J. Poccia.

Public comments were solicited on the following items:

Hearing Item 1a. – Menhaden Regulations - general editing for improved clarity:

- *J. Donahue: Provided a summary of the written comment he provided (see written comments).*

Hearing Item 1b. – Commercial Menhaden:

- *S. Medeiros/RISWAA: In support of status quo; strongly opposed to industry proposal.*

Hearing Item 1c. - Recreational menhaden:

- *S. Medeiros/RISWAA: In support of a poss. limit of 200 fish/person/day.*

Hearing Items 2a. – Horseshoe crabs:

- *J. Baker: In support of option 2 and a May 1st opening date.*
- *J. Carvalho/RIFA: In support of option 2.*

Hearing Items 2b. – Cancer Crabs:

- *P. Duckworth: In support of a crab pot tag requirement separate from lobster pots (i.e., do not tie management of Cancer crabs to lobster management); in support of a poss. limit for non-LTA holders of 5,000 crabs, and that possession limits should be equal for all gear types.*
- *R. Braman: In support of a crab pot tagging program separate from lobster tags.*
- *Public comment: In support of establishing the differences (e.g., vent size) between crab pots and lobster pots such that crab pots can be regulated separately from lobster.*
- *J. Carvalho/RIFA: Against all proposed regulations regarding Cancer crabs at this time until language can be vetted further; in support of separate management for Jonah and Rock crabs; stated that much of the language proposed is unnecessary as is already*

covered; that the regulations proposed address only 0.6% of the total fishery and not LTA holders (99.4%) and therefore does not provide effective management to address potential over-harvest; that the proposed regulations discriminate against equally licensed fishermen, preventing equal access to the resource without basis; that the proposed regulations is a poor approach to dealing with potential overharvest; that the proposed "harvest at night" regulation may result in inability to possess at night, which would be a problem for boats hauling during daylight and only traveling back to port at night; against the control date; that the regulations can be improved with additional effort.

- *Public comment: In support of determining the differences in vent sizes for crab and lobster pots as a management approach.*
- *J. Baker: In support of a trap tag program so that crab pot fishermen are better regulated, but unsure if current proposal is adequate.*
- *R. Braman: Against a control date as it would prevent new entries into the fishery.*
- *P. Duckworth: In favor of establishing differences between lobster pots and crab pots and regulated separately, particularly in the event of the closure of the lobster fishery. Believes that crab pots can be designed to not catch lobsters and vice-versa. Believes a proper survey can accomplish this.*
- *P. Brodeur: Opposed to tying crab and lobster fisheries together as could potentially result in ability to harvest crabs, which is particularly important due to poor stock status of lobster and that crab harvest may be improving. Offered that lobster fishermen have a lot of money tied up in gear and that crab fishery will provide for a living when lobster catch is low.*

Hearing Items 3. – Gillnet regulations:

- *G. Duckworth: Opposed to owner/operator rule as would inhibit ability to fish in the event (e.g., illness) of the operator; opposed to the control date as limited no. of gillnet endorsements precludes the need for a control date; in favor of net length, limits and tag requirements proposed; in favor of language/measures that would invoke the "most restrictive rule" as a means to limit effort, and amount of gear in the water; in support of establishing regulations now to pre-empt federally required regulations.*
- *P. Duckworth: Tags should be placed at one end of nets as nets can be longer than 300 feet.*
- *J. Baker: In support of the net limit proposed.*
- *T. Mulvey: In support of the net limits and language to invoke the most restrictive rule to limit effort by federal vessels.*
- *J. Carvalho/RIFA: In support of comments by G. Duckworth; opposed to owner/operator rule as a regulation as does not believe Director has authority to enact; should be statute as involves use of property rather than management of the resource, and rule would therefore discriminate. Opposed to the control date as many endorsement holders may not have activity on that endorsement, and could therefore be shut out of fishery at a later date. Stated that it is for the general assembly to decide.*
- *P. Brodeur: Opposed to the control date as holds the endorsement but is not currently fishing with a gillnet, therefore has no activity. Concerned that control date would shut him out of the fishery at a later date.*
- *P. Duckworth: In support of proposal.*
- *R. Braman: In support of comments by G. Duckworth*

Hearing Items 4, 5, 6, 7, and 8 - Proposed ADOPTION of RIMFR *Part 6 – General Equipment Provisions,* in conjunction with proposed **REPEAL of *Part X - Equipment Restrictions*, *Part XI – Commercial Fisheries*, *Part XIII – Gill Net Regulations*, and *Part XIV – Fish Traps*).**

- *No comments provided*

Prepared by P. Duhamel

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES REGULATIONS

Part X
Equipment Restrictions

~~March 17, 2015~~

Summary of Proposed Changes

PROPOSED REPEAL OF REGULATION

In conjunction with proposed repeal of "*RIMFR Part XI – Commercial Fisheries*", "*Part XIII – Gillnet Regulations*", and "*Part XIV – Fish Traps*" and proposed ADOPTION of RIMFR *"Part 6 – General Equipment Provisions"*

Public hearing
March 14, 2016

AUTHORITY: These regulations are adopted pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed to be repealed, however most of the language is not in actuality proposed for repeal, but is only proposed to be re-located to a new regulation "*Part 6 – General Equipment Provisions*" as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This summary provides annotated changes to assist the reader with understanding the proposed changes

7.1 Fyke Net Regulations: It shall be illegal to use a fyke net for the purpose of taking any fish if said fyke net leader exceeds one hundred (100) feet in length, has a stretched mesh greater than two and one half (2 ½) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and it shall be illegal to set a fyke net within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with the R.I. Department of Environmental Management.

7.1.1 Fyke nets are prohibited in Charlestown and Quonochontaug Ponds between June 15 and September 15 annually.

7.1.2 Fyke nets are prohibited in Channel Areas of Charlestown Pond.

Commented [DP(1]: Re-located to Equipment Regs section 6.5.4

7.2 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".

7.2.1 A net stowed below deck, provided:

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

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

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

7.2.2 A net stowed and lashed down on deck, provided:

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

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

(C) Tthe towing wires, including the leg wires, are detached from the net.

7.2.3 A net that is on a reel and is covered and secured, provided:

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

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

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

7.2.4 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).

Commented [DP(2]: Re-located to Finfish Regs section 7.2.4

7.3 Trawling Ground Gear Regulations: The use of rollers, rockhoppers or discs greater than 12 inches in diameter is prohibited while fishing in Rhode Island waters.

Commented [DP(3]: Re-located to Equipment Regs section 6.5.2

7.4 Recreational use of nets for bait:

7.4.1 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.

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

7.4.3 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.

Commented [DP(4]: Re-located to Finfish Regs section 7.4

STATE OF RHODE ISLAND AND PR OVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES REGULATIONS

~~Part XI~~
~~Commercial Fisheries~~

~~August 19, 2014~~

Summary of Proposed Changes

PROPOSED REPEAL OF REGULATION

In conjunction with proposed repeal of "*RIMFR Part 10 – Equipment Restrictions*", "*Part 13 – Gillnet Regulations*", and "*Part 14 – Fish Traps*" and proposed ADOPTION of RIMFR *"Part 6 – General Equipment Provisions"*

Public hearing
March 14, 2016

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed to be repealed, however most of the language is not in actuality proposed for repeal, but is only proposed to be re-located to a new regulation "*Part 6 – General Equipment Provisions*" as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This summary provides annotated changes to assist the reader with understanding the proposed changes

~~11.1 Commercial Fishing: No person shall engage in the taking for sale by any manner, method, or contrivance, of any marine finfish, shellfish, crustacean, or other invertebrate; and no vessel, boat, trap, seine, or other fishing gear shall be used in the taking for sale of any marine finfish, shellfish, crustacean, or other invertebrate unless a license therefor has been obtained as provided in this Title. (RIGL 20-4-1)~~

11.2 Otter Trawls, Pair Trawls, and Beam Trawls:

11.2.1 Areas Prohibited: Unless otherwise specified in regulations adopted by the Department, and except for those areas described in § 20-4-3, no person shall operate a beam, pair, or otter trawl or other mechanical trawling device in the Sakonnet River, Narragansett Bay, in Point Judith Pond, so-called, in the towns of Narragansett and South Kingstown, ~~or the Harbor of Refuge, so-called, in the town of Narragansett~~, or in Potter Pond, so-called, in the town of South Kingstown, or in Great Salt Pond, so-called, in the town of New Shoreham. (RIGL 20-4-2)

~~11.2.3 Areas Allowed: Any licensed resident commercial fisherman and a nonresident commercial fisherman licensed pursuant to § 20-2-28, may operate otter, beam, or pair trawls, or other mechanical trawling device subject to rules and regulations of the Department, in the area of Narragansett Bay and Sakonnet River south of a line, extending from [a DEM marker at] Spink Neck in the town of North Kingstown in a northeasterly direction to [a DEM marker at] Pine Hill Point on Prudence Island and from a point at Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island shoal light, thence to the north abutment of Mt. Hope Bridge in the town of Bristol, and south of a line extending from McCurry Point, so-called, on the east side of the town of Portsmouth northeasterly in a line to the southerly point of Jack's Island, so-called, in the town of Tiverton. The area subject to this section may be changed by rules and regulations adopted by the Department. (RIGL 20-4-3)~~

~~11.3 Seines, Fyke Net, and Trawling prohibition in Ponds and Rivers:~~

11.3.1 Seining: ~~It is illegal to~~ **No person shall** set, haul, and/or maintain a seine

Commented [DP(1]: Belongs In Licensing regs. As covered in statute, ok to remove here and place in Licensing later

Commented [DP(2]: No trawling devices in the Upper Sak River Marine Life Mgmt. Area and Upper Narr. Bay Trawling Area only, as said below in "Areas Allowed". Poorly written as worded. Prohibition being re-located to Equipment Regs section 6.5.2(C)

Commented [DP(3]: All netting prohibited per section 11.4.2 of this regulation. Broad prohibition for all netting in all waters re-located to Equipment Regs section 6.5.1

Commented [DP(4]: Some redundancy with section 11.3.3 of this reg. Specific salt pond trawling prohibitions re-located to Equipment Regs section 6.5.2(C)

Commented [DP(5]: Being re-located to Equipment Regs section 6.5.2(C)

Commented [DP(6]: Duplicate with 11.2.1, 11.4.7, and 11.10

along the shoreline within one half (½) mile in both directions of the seaward entrance to any ~~of the~~ **coastal salt** pond~~s and rivers~~ **channels** listed below when the ~~area~~ **coastal salt pond** is open to the sea. This seining prohibition shall also extend seaward for a distance of three hundred (300) yards. The following areas shall be covered by this regulation: Quicksand Pond ~~and~~ channel, Tunipus Pond ~~and~~ channel, Cards Pond ~~and~~ channel, Trustom Pond ~~and~~ channel, Quonochontaug Pond ~~and~~ channel, Charlestown Pond ~~and~~ channel, Winnapaug Pond ~~and~~ channel.

~~11.3.2 Fyke nets: Fyke nets are prohibited in all of the Salt Pond channels as defined in RIMFR Part III.~~

11.3.3 Trawling Devices: It is illegal to set, haul, and/or maintain a trawling device in any of the ~~channels~~, ponds, and/or rivers as follows: Quicksand Pond ~~and channel~~, Tunipus Pond ~~and channel~~, Briggs Marsh ~~and channel~~, Round Pond ~~and channel~~, Narrow River ~~and channel~~, Point Judith Pond ~~and channel~~, ~~East Pond and channel,~~ Potter Pond ~~and channel~~, ~~The Harbor of Refuge,~~ Card Pond ~~and channel~~, Green Hill Pond ~~and channel~~, Trustom Pond ~~and channel~~, and Winnapaug Pond ~~and channel~~.

11.4 Seines, Trawling Devices, and Gill Net prohibitions by Geographic Area:

11.4.1 Pawcatuck River and Little Narragansett Bay: Except as herein provided for Menhaden, it shall be illegal to set, maintain, or haul a gill net for any species in that portion of Rhode Island waters in the Pawcatuck River or Little Narragansett Bay and within one and one half (1 ½) miles south (true) and west (true) of Napatree Point. ~~Gill netting for Menhaden will be permitted with a Size No. 1 net provided that the net is constantly tended by the individual setting the net, and provided that the net does not exceed one hundred (100) feet in length and contain a mesh size greater than three and three quarters (3 3/4) inches stretched).~~ It shall be unlawful to retain any other species of fish captured in a Menhaden gill net in Little Narragansett Bay or the Pawcatuck River. With the exception of seining between February 1 and April 15 of each year, all netting (including Menhaden gill netting) shall be prohibited north of a line from Pawcatuck Rock to Thompson Point.

11.4.2 Point Judith Pond and Potter Pond: All netting, except licensed fish traps, shall be prohibited in the Harbor of Refuge and the southern portion of Point Judith Pond. This area shall be defined as including the water area encompassed by the Harbor of Refuge Breakwater and will be bounded on the north by a line from Strawberry Hill Point to High Point, and on the east by the Great Island Bridge. Gill netting will be prohibited in Point Judith Pond ~~and channel, East Pond and channel~~, Potter Pond and channel, the Interior Harbor of Refuge, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater. Otter trawling inside the Harbor of Refuge, Point Judith Pond, ~~East Pond~~, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater shall be prohibited. It shall be illegal to set, haul, and/or maintain a seine in the southern portion of Point Judith Pond (as defined above), the Harbor of Refuge and within one hundred (100) yards seaward

Commented [DP(7]: Duplicate. All netting prohibited in all coastal salt pond channels as specified in several locations throughout this reg. Broad prohibition re-located to Equipment Regs section 6.5.1

Commented [DP(8]: Obsolete name; does not exist for the purposes of this regulation

Commented [DP(9]: All netting prohibited per section 11.4.2 of these regs. Broad prohibition for all netting in this areas re-located to Equipment Regs section 6.5.1

Commented [DP(10]: Some redundancy with section 11.2.1 of this reg. All netting is prohibited in all coastal salt pond channels as specified in multiple sections throughout this regulation. Broad prohibition re-located to Equipment Regs section 6.5.1. Specific pond trawling prohibitions re-located to Equipment Regs section 6.5.2(C)

Commented [DP(11]: Being re-located to Equipment Regs section 6.5.3(B)(6)

Commented [DP(12]: Redundant. Definition of Bait Gillnet

Commented [DP(13]: No such term. Means "Bait gillnet". Broad provision requiring return of non-bait species when gillnetting for bait provided in section 6.5.3(A) of Equipment Regs

Commented [DP(14]: Re-worded to apply to all bait species and re-located to Equipment Regs section 6.5.3(A)

Commented [DP(15]: Re-located to Equipment Regs section 6.5.1(F)

Commented [DP(16]: Specifies that "all" netting prohibited in this area. "Southern portion of PJ Pond" not previously mentioned in reg. Re-located as broad prohibition to 6.5.1 Equipment Regs

Commented [DP(17]: Gillnetting prohibited in all coastal ponds per GN regs section 13.6. Re-located to Equipment regs section 11.3.2(F)

Commented [DP(18]: All netting prohibited

Commented [DP(19]: All netting prohibited as stated in beginning of paragraph. Re-located to Equipment Regs 6.5.1

of the Harbor of Refuge Breakwater. In addition, in the northern portion of Point Judith Pond, all netting shall be prohibited in the Narrows bounded on the west by a line from Betty Hull Point to Short Point, and on the east by a line from Blue Rock Point to Old Cellar Point. All netting shall also be prohibited north of a line from Ram Point to Squally Point.

11.4.3 Potter Pond and Channel: It shall be illegal to set, haul, and/or maintain a gill net or otter trawl in Potter Pond and channel. All netting in Potter Pond channel shall be prohibited between Gooseberry Island on the east end of the channel to the west end of Potter Pond channel. ~~Netting will be permitted in Succotash Marsh~~. In the northern portion of Potter Pond, all netting shall be prohibited within one hundred (100) feet of the Captain's Brook.

11.4.4 Narrow River: It shall be illegal to set, haul, and/or maintain a trawling device or gill net in Narrow River channel. All netting shall be prohibited in Narrow River channel (refer to definition section), and within three hundred (300) yards of the seaward entrance to Narrow River. In addition, all netting shall be prohibited in Narrow River between Middle Bridge and a point located eight hundred (800) feet north of Bridgetown Road Bridge (Route 138), within one hundred (100) feet north and south sides of the upper Narrows, and within one hundred (100) feet east and west of the seaward mouth of Gilbert Stuart Brook.

11.4.5 Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas in ~~the area~~ **that portion of the pond** described as south of a line between Marsh Point and Horseshoe Point on the Arnolds shore, west of a line between DEM markers on Marsh Point and Marsh Neck Point. The prohibited area is bounded on the west by a line between the east shore of the Foster Cove channel and a DEM marker on the barrier beach.

(A) All fixed gear is prohibited in the Foster Cove Channel and in the narrows in Charlestown Pond.

11.4.6 Quonochontaug Pond: Otter trawling in Quonochontaug Pond is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas in ~~the area~~ **that portion of the pond** described as south of a line running easterly from a DEM marker at the end of Quahaug Point to the northern end of Nopes (Barn) Island. The area is ~~bordered~~ **bounded** on the west by a line running south from Quahaug Point to a DEM marker on the barrier beach.

11.4.7 Upper Sakonnet River Marine Life Management Area: **The Upper Sakonnet River Marine Life Management Area is designated a Marine Life Management Area pursuant to RIGL 20-3 4, and is** described as that portion of the ~~Upper~~

Commented [DP(20]: All netting prohibited in sentence above. Re-located to Equipment Regs section 6.5.1

Commented [DP(21]: Re-located to Equipment Regs section 6.5.1

Commented [DP(22]: Otter trawling prohibition in Potter re-located to Equipment Regs section 6.5.2(D). Gillnetting prohibition in Potter re-located to Equipment Regs section 6.5.3(B) (6)

Commented [DP(23]: Being re-located to Equipment Regs section 6.5.1

Commented [DP(24]: Not specifically re-stated. Prohibition applies to channel, covered by default

Commented [DP(25]: Re-located to Equipment Regs section 6.5.1

Commented [DP(26]: All netting prohibited in all channels

Commented [DP(27]: Re-located to Equipment Regs section 6.5.1

Commented [DP(28]: Re-located to Equipment Regs section 6.5.2(D)

Commented [DP(29]: Re-located to Equipment Regs section 6.5.1(G)

Commented [DP(30]: Re-located to Equipment Regs section 6.5.2(D)

Sakonnet River which lies north of a line from McCurry Pt. in Portsmouth to the southern end of Jack's Island (so-called) in Tiverton, and ~~that portion of the Sakonnet River~~ which lies south of the Sakonnet River Bridge (Rt. 24) ~~to the southern boundary~~.

(A) Closed Area: This area is closed to trawling devices.

11.5 Fyke Net Regulations: It shall be illegal to use a fyke net for the purpose of taking any fish if said fyke net leader exceeds one hundred (100) feet in length, has a stretched mesh greater than two and one half (2 1/2) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and which is within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with ~~the Department~~ **DFW**.

11.6 Use of Explosives: The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island ~~shall be~~ **is** prohibited.

11.7 **Obstruction of** Migratory Fish ~~Regulations - Statewide~~ **Passage**: ~~It shall be illegal to~~ **No person shall** obstruct the free passage of anadromous or catadromous fish in any ~~of the~~ coastal river~~s~~, stream~~s~~, ~~and/~~or estuar**y**~~ies~~ of the State of Rhode Island. ~~This shall include, but not be limited to, the following areas: Quicksand Pond, Tunipus Pond, Briggs Marsh, Round Pond, Warren River, Barrington River, Brickyard Pond, Seekonk River, Narrow River, Point Judith Pond, Potter Pond, Card Pond, Trustom Pond, Green Hill Pond, Charlestown Pond, Quonochontaug Pond, Winnapaug Pond, Pawcatuck River, Mastuxet Brook, King Tom Pond, Factory Pond, Mill Pond, Smelt Brook, Saugatucket River, Gilbert Stuart Brook, Wesquage Pond, Annaquatucket River, Cocumscussoc Brook, Potowomut River, Maskerchugg River, Gorton Pond, Tuscatucket Brook, Spring Green Pond, Pawtuxet River Woonasquatucket River, Moshassuck River, Seekonk River, Ten Mile River, Annawomscutt Brook, Mussachuck Creek, Runnie River, Kickemuit River, Sin and Flesh Brook, Nonquit Pond, Patchet Brook, Dunderry Brook, Cold Brook, Goose Neck Cove, Lily Pond, Almy Pond, Easton Pond Brook and Palmer River. It is illegal to take and/or possess Atlantic salmon.~~

11.8 Marking of Traps: The owner of every trap, pot, or other stationary contrivance used for the taking of marine fish, shellfish, crustaceans, or other invertebrates being fished in the waters of this state, and the owner of any trap or pot for catching or cars, or other contrivance for keeping lobsters, shall mark each such trap, pot, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners thereof or the person or persons using the same, and the license number or numbers of such person or persons. ~~Every person failing to mark each trap as provided in this Section shall be fined not less than twenty dollars ($20) nor more than five hundred dollars ($500) for each such offense and all traps, pots, or other contrivances used contrary to the provisions of this and other Sections of this Chapter shall be seized by any officer engaged in the enforcement of this Chapter; and the property shall be forfeited to the state.~~ (RIGL 20-4-7)

Commented [DP(31]: Re-located to Equipment Regs section 6.5.2(C)

Commented [DP(32]: Re-worded and re-located to Equipment Regs section 6.5.4

Commented [DP(33]: Re-located to Equipment Regs section 6.3

Commented [DP(34]: Re-located to Equipment Regs section 6.4

Commented [DP(35]: Reg is clear that it is "any" water body where such fish may be present

Commented [DP(36]: Duplicate. FF regs

Commented [DP(37]: Re-located to Equipment Provisions section 6.2

Commented [DP(38]: All references to specific fines/penalties deleted and replaced with general provision at end of reg

~~11.8.1 Trap (pot) Limits: Each person utilizing traps or pots in the fishery for scup shall be permitted to fish up to fifty pots, and each vessel engaged in this fishery will be permitted to set up to fifty traps regardless of the number of licenses on board.~~

~~11.8.2 Trap Construction - Escape Vents:~~

~~(A) Scup traps: All scup traps (pots) must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2-1/4" X 5-3/4" if rectangular or may be constructed of 2-1/4" X 2-1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.~~

~~(B) Black sea bass traps: All black sea bass traps (pots) must be constructed with two escape openings in the parlor portion of the trap. Openings may be circular, rectangular, or square, and must be a minimum of 2.5"in diameter if circular, 1- 3/8" X 5-3/4" if rectangular, 2"X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.~~

~~(C) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:~~

~~(1) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;~~

~~(2) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;~~

~~(3) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller.~~

~~(4) If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.~~

~~(D) Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.~~

Commented [DP(39]: Duplicate. Contained in FF regs

11.9 Unauthorized Raising of Traps, Pots, and Devices: No person except the Director shall unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed under this Title, without the written permission of that person. (RIGL 20-4-8)

Commented [DP(40]: Re-located to Equipment Regs section 6.1

11.10 Upper Narragansett Bay Trawling Area: **The Upper Narragansett Bay Trawling Area is designated a Marine Life Management Area pursuant to RIGL 20-3-4, and is described as** the ~~area~~ **waters** ~~is~~ encompassed by the following lines: the southern boundary of the Upper Narragansett Bay ~~otter~~ trawling area is defined as a line from Spink Neck in the Town of North Kingstown to Pine Hill Point on Prudence Island, thence from Homestead Dock on the easterly shore of Prudence Island, thence

Commented [DP(41]: Not part of the title and seasonal allowance applies to all trawling devices

northeasterly to Hog Island Shoal Light, and thence to the north abutment of the Mt. Hope Bridge in the Town of Bristol; the western boundary of the area is a line from Sandy Point in the City of Warwick to the southern tip of Warwick Point in the City of Warwick; the northern boundary of the area is a line from the dock at Rocky Point in Warwick to the southern tip of Poppasquash Point in Bristol, thence to Hog Island Light, and thence to the northern abutment of the Mt. Hope Bridge in Bristol.

Commented [DP(42]: Re-located to Equipment Regs section 6.5.2(C)

11.10.1 The use of beam trawls, otter trawls, pair trawls, or any other mechanical trawling device is allowed in the Upper Narragansett Bay Trawling Area between July 1st and November 1st annually, but not on weekends and legal State holidays.

Commented [DP(43]: Being re-located to Equipment Regs section 6.5.2(C)

11.11 Narragansett Bay, Mt. Hope Bay, Sakonnet River, Charlestown and Quonochontaug Ponds Winter Mesh Size Regulations: This area is defined as all Rhode Island State waters which are north of the following lines: north of a line running from easternmost extension of Carrier Pier to Conanicut Pt. to the tips of the T Pier on Prudence Island to Carr's Point; and north of a line from Sachuest Pt. to Sakonnet Point; and all waters north of Quonochontaug and Charlestown Breachways. Except as provided for in Section 7.08-2 and 11.19, in that portion of the area described above which is open to trawling, it is illegal to utilize an otter trawl during the period November 1 to February 28, (inclusive) which has any mesh which measures less than 6" stretched mesh (measured inside knot to inside knot).

Commented [DP(44]: Re-located to Equipment Regs section 6.5.2(E)

~~11.12 Regulations for Internal Waters Processing Applications for Atlantic herring and/or Atlantic mackerel: No application for Internal Waters Processing (IWP) of Atlantic herring and/or Atlantic mackerel shall be accepted after March 1, annually, unless accompanied by a legally binding contract for an IWP operation in Rhode Island waters involving Rhode Island fishing vessels. The Director may grant an allotment from Rhode Island's existing unallocated or un-contracted quota for a legally bound IWP application submitted after the March 1 deadline.~~

Commented [DP(45]: Obsolete.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

~~Part XIII~~
~~Gill Net Regulations~~

~~November 8, 2013~~

Summary of Proposed Changes

PROPOSED REPEAL OF REGULATION

In conjunction with proposed repeal of "*RIMFR Part 10 – Equipment Restrictions*", "*RIMFR Part 11 – Commercial Fisheries*", and "*Part 14 – Fish Traps*" and proposed ADOPTION of RIMFR *"Part 6 – General Equipment Provisions"*

Public hearing
March 14, 2016

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 thru 20-3-6, 20-4 thru 20-10, and in accordance with 42-35, of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed to be repealed, however most of the language is not in actuality proposed for repeal, but is only proposed to be re-located to a new regulation "*Part 6 – General Equipment Provisions*" as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This summary provides annotated changes to assist the reader with understanding the proposed changes

13.1 Gill Net Licenses

~~(a) Each resident of the State is eligible to obtain a license to utilize gill nets upon payment of an annual fee of two hundred dollars ($200) subject to rules and regulations established by the Marine Fisheries Council.~~

~~(b) Each resident who holds a multi-purpose commercial marine license as provided in § 20-2-28.1, or a commercial vessel or vessel operator's license as provided in § 20-2-27(c) is also eligible to apply for a commercial gill net permit in accordance with the provisions of this section. The annual recording fee for commercial gill netting is twenty dollars ($20) and shall be paid in addition to the fees payable under §§ 20-2-27(c) and 20-2-28.1.~~

~~(RIGL 20-2-26.1)~~

13.2 Commercial Gillnet~~ting Fishery –~~License ~~or Permit~~ Required. -- ~~It shall be unlawful for any~~ **No** person ~~to~~ **shall** set, haul, and/or maintain a commercial gillnet in the public waters of the State without first obtaining a license ~~or permit~~ ~~as provided in § 20-2-26.1~~ **with gillnet endorsement**. **Refer to DEM'S *"Commercial and Recreational Saltwater Fishing Licensing Regulations"*.** ~~Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding five hundred dollars ($500) or imprisonment of not more than one (1) year or by both such.~~ (RIGL 20-4-13)

~~13.3 General State Marking, Setting, and Tending Requirements. -- The following general state marking, setting, and tending requirements shall apply to all gill nets set, hauled, and/or maintained within Rhode Island waters.~~

13.3.1 Marking ~~Requirement~~ **of nets**: Both the near shore and offshore ends of ~~all~~ **an authorized** gillnet~~s must~~ **shall** be marked with an orange or fluorescent orange bullet shaped buoy with a size of nine (9) by sixteen (16) inches**. Each buoy shall be** ~~and~~ clearly marked with the letters "GN" with a minimum letter height of three (3) inches~~. No person shall set, haul, or maintain a gill net in Rhode Island waters, unless such net shall be marked, together with the buoys which are attached thereto, with~~ **and include** the name and license number of ~~said person~~ **the licensee**.

13.3.2 Tending Requirement: Each gill net must be hauled once each **calendar** day ~~(24- hour period - 12:00 midnight to 12:00 midnight)~~.

Commented [DP(1]: $200 fee obsolete. Commercial license fees contained in Licensing Regs

Commented [DP(2]: Commercial license fees located in Licensing Regs.

Commented [DP(3]: Repealed

Commented [DP(4]: Removing all references to penalties and adding general penalty provision consistent with other re-writes

Commented [DP(5]: Being re-located to Equipment Regs section 6.5.3(B)

13.3.3 Distance from Fish Trap: ~~It shall be illegal to~~ **No person shall** set, haul, or maintain a gill net within three thousand (3,000) feet of a **licensed** fish trap ~~licensed by the R.I. Department of Environmental Management~~.

13.3.4 Floating/Bottom Tending Gill Nets: **Only a floating and bottom tending gillnet may be set, hauled, or maintained in Rhode Island waters.** ~~No~~ **A** floating gill net ~~may be set within Rhode Island waters unless~~ **must be** constantly tended. ~~A net will be deemed constantly tended if the person setting the net is within one hundred (100) feet of the net at all times. If any portion of the gill net is exposed at the surface, the net will be judged a floating gill net. With the exception of constantly tended nets, only bottom tending gill nets shall be set in Rhode Island waters. For purposes of this regulation, a bottom tending gill net shall be defined as any gill net, anchored or otherwise, which is fished on or near the bottom or which is fished in the lower one third (1/3) of the water column.~~

13.3.5 **Minimum** Mesh Size **for a bottom tending gillnet**: No bottom tending gill net shall have a mesh size smaller than five (5) inches stretched mesh~~, except as provided in part 10.7 and 13.4.3-3 13.5. (RIMFC REGULATION) (RIGL 20-4-12) [Penalty - Part 3.3; (RIGL 20-3-3)]~~

13.4 Additional Area Specific Regulations -- ~~Any gill net set, hauled, and/or maintained in the following areas must adhere to all of the State marking and tending requirements. In addition to the general requirements (Part 13.3), each gill net set, hauled, and/or maintained in the following areas must also meet the following more restrictive specifications:~~

13.4.1 Narragansett Bay, Mount Hope Bay, and the Sakonnet River: This area shall include all waters of Narragansett Bay, Mount Hope Bay, and Sakonnet River, north of the Colregs line. ~~It shall be illegal to~~ **No person shall** set, haul, and/or maintain a gill net within this area which does not adhere to the following specifications:

13.4.1-1 Length: A single net or series of connected nets may not exceed a maximum total length of three hundred (300) feet.

13.4.1-2 Setting Pattern/Spacing Requirement: Each gill net must be set in a straight line. No gill net may be set within fifty (50) yards of shore at mean low water or within two thousand (2000) feet of another gill net.

13.4.2 Waters within One Half Nautical Mile of the Rhode Island Coast: ~~The following additional requirements shall apply to all gill nets set within one half (½) mile of the Rhode Island coast~~ (mean high tide line) and south of the ~~area defined in Part 13.4-1~~ **Colregs line:**

13.4.2-1 **Maximum** length: A single **gill**net, or series of connected **gill**nets, ~~may~~ **shall** not exceed a maximum total length of six hundred (600) feet.

13.4.2-2 Setting Pattern/Spacing Requirement: Each gill net must be set

Commented [DP(6]: Duplicate. Is definition of "Constantly tended"

Commented [DP(7]: Added "floating gillnet" to Definitions – RIMFR Part I

Commented [DP(8]: Covered by re-wording proposed

Commented [DP(9]: Added "Bottom tending gillnet" to RIMFR Part I - Definitions

Commented [DP(10]: Refers to gillnetting for bait. Size of net/mesh of bait gillnet covered in that section. Being re-located to Equipment Regs section 6.5.3(A)

Commented [DP(11]: Being re-located to Equipment Regs section 6.5.3(B)

in a straight line and perpendicular to the shore. No gill net may be set within two thousand (2000) feet of another gill net.

13.4.3 Waters between One Half Nautical Mile and Three Nautical Miles from the Rhode Island Coast (Mean high tide line): The following additional requirements shall apply to all gill nets set within this area.

13.4.3-1 Setting Pattern/Spacing Requirement: Each gill net must be set in a straight line (from one end buoy to the other). No gill net may be set within two thousand (2000) feet of another gill net during the period from April 1 to October 1.

13.4.3-2 Marking:

(a) Gill nets greater than six hundred (600) feet and less than or equal to twelve hundred (1,200) feet must be marked with two (2) orange or fluorescent orange floats with a size of 9 x 16 inches on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one orange or fluorescent orange floats with a size of 9 x 16 inches on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two orange or fluorescent orange floats with a size of 9 x 16 inches should be placed on the southernmost end. All orange or fluorescent orange floats with a size of 9 x 16 inches must be marked in accordance with the general marking requirements (Part 13.3).

(b) Gillnets greater than 1,200 feet must be marked with an orange or fluorescent orange float with a size of 9 x 16 inches and a radar reflective highflyer at each end. One of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end. Orange or fluorescent orange floats with a size of 9 x 16 inches must be marked in accordance with the general marking requirements (Part 13.3).

Commented [DP(12]: Being re-located to Equipment Regs section 6.5.3(B)(8)

13.5 Gill Netting for Bait -- ~~It is illegal to~~ **No person shall** set, haul, and/or maintain a gill net for bait so as to obstruct the free passage of fish in Rhode Island coastal waters, streams, rivers, or bays. It is illegal to set, haul, and/or maintain a bait gill net in the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Point. A Size No. 1 bait gill net may be set, hauled, or maintained in the marine environment in any river, stream, or bay in Rhode Island with the exception of the Pawcatuck River north of a line

Commented [DP(13]: Re-located to Equipment regs section 6.5.3

from Pawcatuck Rock to Thompson Point. ~~(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]~~

~~Size No. 1 -- The total length of a bait gill net may not exceed one hundred (100) feet nor may the mesh size be greater than three and three quarters inches (3 3/4") (stretched). Anyone setting a Size No. 1 gill net for bait must be within one hundred (100) feet of the net at all times.~~ ~~T~~he **All gill**nets must be clearly labeled with the name of the person setting or tending the net **and be constantly tended**. It is illegal to possess any salmon or striped bass while gill netting for bait in a prohibited area (refer to prohibited gill net geographic areas). ~~(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]~~

13.6 ~~Gill Net Regulations~~ Prohibited ~~Fishing~~ areas ~~by Geographic Location~~: With the exception of gillnetting for bait, ~~it is illegal to~~ **no person shall** set, haul, and/or maintain a gillnet in any ~~channel, pond, and/or river~~ **of the following waters:**

Quicksand Pond ~~and channel~~, Tunipus Pond ~~and channel~~, Briggs Marsh ~~and channel~~, Round Pond ~~and channel~~, Narrow River ~~and channel~~, Point Judith Pond ~~and channel, East Pond and channel~~, Potter Pond ~~and channel, within the Harbor of Refuge, and within one hundred (100 yards of the Harbor of Refuge Breakwater~~, Card Pond ~~and channel~~, Green Hill Pond ~~and channel~~, Trustom Pond ~~and channel~~, Charlestown Pond ~~and channel~~, Quonochontaug Pond ~~and channel~~, ~~Brightman~~ **Winnapaug** Pond ~~and channel~~, Little Narragansett Bay, and within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point, and the Pawcatuck River ~~and channel~~. It is also illegal to set, haul, or maintain a gill net along the shoreline within one half (½) mile in both directions of the seaward entrance to any of the coastal salt ponds, channels or rivers listed above when open to the sea. With the exception of the Harbor of Refuge Breakwater, the one half (½) mile closure zone shall extend 300 yards seaward.

Block Island Gill Net Regulations

No person shall set, attempt to set, haul, or maintain a gill net within one half (½) mile of Block Island between April 15 and November 15 of each calendar year. No person shall set, attempt to set, haul, or maintain a gill net between November 1 and December 31 in the waters seaward of Old Harbor, Block Island, from the Block Island shoreline to the one hundred (100) foot depth contour. The area is bounded by a northerly line running one hundred (100) degrees (true) from Clay Head Point to the black and white whistle out to a depth of one hundred (100) feet. The southern boundary of the closure zone runs from the shoreline on a course of one hundred (100) degrees (true) to the C-3 buoy out to the one hundred (100) foot depth contour. The eastern boundary is a line which corresponds to the one hundred (100) foot depth contour. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

Commented [DP(14]: All netting is prohibited in this area as stated in last sentence of Part XI section 11.4.1. Broad prohibition for all netting in this area re-located to Equipment Regs section 6.5.1

Commented [DP(15]: Duplicate. Definition of "Bait gillnet". Definition includes constantly tended requirement

Commented [DP(16]: Duplicate. Definition of "bait gillnet"

Commented [DP(17]: Salmon possession prohibited per Finfish regs; gillnetting for STB prohibited per STB Regs section 12.6, which is being re-located to Equipment regs section 6.5.3(B)(7)

Commented [DP(18]: All netting prohibited in all channels and the HOR and 110 yds of breakwater. Other areas re-located to 6.5.3(B)(6)

Commented [DP(19]: Gillnetting prohibited in all coastal ponds

Commented [DP(20]: All netting prohibited in all channels

Commented [DP(21]: Re-located to Equipment Regs section 6.5.3(B)(6)

13.7 ~~Narragansett Bay Gill Net Prohibition for Striped Bass -- In Narragansett Bay and tributaries (this area shall include the East and West Passages north of a line from Monahan's Dock (State Pier #5) to Beavertail Pt. to Castle Hill Light and be bounded on the East by the Mt. Hope Bridge), no person shall take, while gill netting, or possess, while hauling a gill net, any striped bass. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]~~ **Gillnet Prohibition for Striped Bass: No person shall take or possess any striped bass while gillnetting, or while hauling a gillnet, including while gillnetting for bait.**

Commented [DP(22]: Inconsistency between STB reg section 12.6 and this section. Statewide prohibition for gillnetting for STB trumps this section; re-located to Equipment Regs section 6.5.3(B)(7)

13.8 Striped bass 50-yard closure zone for gill nets -- It shall be illegal to set, haul, or maintain a gill net within 50 yards of the Rhode Island coastline (mean high tide line) in the following areas and during the following seasons:

13.8.1 Areas: From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Pt. (Carpenter's Bar); in Narragansett Bay, Mt. Hope Bay, and Sakonnet River (as described in part 13.4-1), and from the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point, and from the southwest corner of Price's Neck to Castle Hill Light House.

13.8.2 Season Closure: All gill netting is prohibited within 50 yards of the Rhode Island coastline (mean high water line) during the period October 15 - December 31 annually. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

Commented [DP(23]: Re-located to Equipment Regs 6.5.3(B)(6)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE &
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

~~Part XIV~~
~~Fish Traps~~

~~December 29, 2010~~

Summary of Proposed Changes

PROPOSED REPEAL OF REGULATION

In conjunction with proposed repeal of "*RIMFR Part 10 – Equipment Restrictions*", "*Part 11 – Commercial Fisheries*", and "*Part 13 – Gillnet Regulations*", and proposed ADOPTION of RIMFR *"Part 6 – General Equipment Provisions"*

Public hearing
March 14, 2016

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10, and in accordance with 42-35, of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed to be repealed, however most of the language is not in actuality proposed for repeal, but is only proposed to be re-located to a new regulation "*Part 6 – General Equipment Provisions*" as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This summary provides annotated changes to assist the reader with understanding the proposed changes

6.6.1 Permit required: No person shall set a fish trap in the public waters of the state without first obtaining a permit as provided in these regulations. (RIGL 20-5-1)

6.6.2 Eligibility: A permit may be issued to any resident of this state or to any corporations incorporated in the state licensed in accordance with RIGL Chapter 2.1 upon payment of an permit fee of twenty dollars ($20.00) per trap location. (RIGL 20-5-2)

6.6.3 Application: Application for a fish trap permit shall be made on forms as prescribed by the Director.

6.6.4 Expiration and renewal of permits:

(A) Permits shall be provided for a three (3) year period, or for that portion thereof expiring on the last day of December of each third year thereafter.

(B) On termination of any permit, the Director may renew the permit by issuing a new permit in place of the permit.

(1) Eligibility: Application for permit renewal shall be made within ten (10) days before its termination. Failure to apply for a permit renewal shall allow for a permit application in location as specified in the permit by any other person. (RIGL 20-5-9)

6.6.5 Exclusive right of permittee – Assignment of permit:

(A) The holder of any permit, or the holder's heirs, executors, administrators, successors, or assigns shall have the exclusive right to fish the location by means of a fish trap, provided that the site is and has been actively fished.

(B) Any holder of a permit may, upon approval of the Director, transfer the

permit to any suitable person. This approval must be endorsed on the permit in order to become effective. (RIGL 20-5-10)

6.6.6 Report as to traps placed; failure to occupy location; removal of permit from state: On or before the tenth day of January in each year every person holding a permit pursuant to this chapter shall notify the department of environmental management in writing, under oath, what traps were placed under the permit during the preceding calendar year. Failure to furnish this information makes the permit null and void after that date. Failure to place a complete fish trap on a permitted location for a part of one calendar year may, in the discretion of the director of environmental management, make the permit for the fish trap null and void; and the location will then become available for any suitable applicant. A permit for a fish trap location becomes null and void upon the removal of the holder from the state. (RIGL 20-5-13)

6.6.7 Removal of trap on cessation of use; closed season; damaged or dilapidated traps: Upon ceasing to use any fish trap as authorized, that structure shall at once be removed by the owner at the owner's expense and to the satisfaction of the director of environmental management. Failure to remove it shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance or for revocation of the fish trap permit. Unless otherwise specified by regulations adopted by the marine fisheries council, all fish traps authorized in this chapter shall be completely removed by or before the last day of December of each year; and no fish trap shall be reset before the first day of the following March. All submerged or broken stakes must be promptly removed. Any fish trap damaged or allowed to get into a dilapidated condition will be regarded as abandoned unless promptly removed or rebuilt. Failure to do this will subject the owner to prosecution and forfeiture of the trap. (RIGL 20-5-14)

Commented [DP(1]: Technically is new language as not currently in regulation. However all specified in statute, so in actuality nothing new proposed. Proposed to be added to regs as is prescriptive and follows format as in other regs. All located in Equipment regs section 6.6

14.1 Reporting requirements: On or before the tenth day of January of each year, each licensee/fish trap operator shall submit a written report to the Department of Environmental Management, indicating those locations where the licensee shall be setting fish traps during the upcoming fishing season. These locations shall be identified by **GPS,** LORAN **and/**or latitude and longitude coordinates and shall also include the dates upon which the licensee anticipates setting and removing the traps This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the Department of Environmental Management, Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835, prior to the setting of the trap. Failure to provide this information makes the fish trap operator's license null and void. Based on the reports of fish trap locations, the DEM shall develop a graphic chart displaying fish trap locations annually by June 1 for distribution to the public.

Commented [DP(2]: Added GPS per ORR

By 31 January of each year, the DEM shall review all trap site permits, and ~~those sites authorized pursuant to Rule 14.7 for which licenses have not currently been issued~~ shall be eliminate~~d~~ from the list of authorized sites for which licenses may be issued. The DEM shall provide notice in writing by registered mail to all those licensees who had most recently been issued permit(s) to set fish trap(s) in the locations of the sites to be eliminated. Said notice shall advise the affected licensee that the licensee may avoid the elimination of the trap location if written notice of such a desire to avoid elimination is received by the Department of Environmental Management, Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835, on or before thirty (30) days of the licensee's receipt of the notice of elimination.

14.1-1 Sub-leasing of Permitted Fish Trap Locations – It is prohibited to sub-lease or allow any other person to use a permitted fish trap location. Any violation of this section shall make the permit for the fish trap null and void. (RIGL 20-5-10(b), 20-5-13).

~~14.2 Inspection of traps: Fish trap inspections, as required by RIGL 20-5-11, shall be conducted at least once in the spring and fall of each calendar year. The results of fish trap inspections shall be reported to the RI Marine Fisheries Council the month following each inspection~~.

Commented [DP(3]: Not a regulation; not for regulated; covered by statute

14.3 Hook-backs in Leaders: Each leader shall be set as nearly as may be in a straight line, no bend or angle, known commonly as a "hook-back," shall be permitted. **(RIGL 20-5-7)**

14.4 Distance between traps: As specified in RIGL 20-5-4, the Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet of an adjoining trap if the parties interested agree in writing to such a lesser distance. Such decisions shall be made with the advice of the Rhode Island Marine Fisheries Council

14.5 Navigational Aids to Fish Traps and Appurtenances: Licensees must comply with the following requirements, failure to comply shall make license null and void. All floating fish traps deployed within Rhode Island State waters shall be marked with no less than four (4) radar reflective buoys (hi-flyers) each positioned no more than one hundred feet (100') from the trap or its appurtenances in the following locations: one buoy shall be located at the shoreward end of the leader, one buoy on the seaward end of the leader adjacent to the head of the trap, and two buoys shall be located on the seaward side of the head of the trap.

Floating fish traps located at sites 13F, 26C, 25B, 398, 120-19, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as specified by the United States Coast Guard in its communication to the Department dated September 13, 2005. Specifically, site 13F shall be marked with a 5th class buoy with a 4 second flashing light. Site 26C shall be marked with a 5th class buoy with a 6 second flashing light. Site 25B shall be marked with a 5th class buoy with a 4 second flashing light at the southern end of the trap and an unlit 5th class buoy at the northern end. Sites 398 and 383-19 shall be

marked with an unlit 5th class buoy. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6th class buoy. Sites 122-19 and 400-23 shall be marked with a 5th class buoy with a 2.5 second flashing light. Each of the above-described buoys shall be positioned within 100' of the head of the floating fish trap and its appurtenances.

14.6 ~~Gear Damage: No person shall cause any damage to a fish trap of a person licensed under this title [Penalty – Part 3.3 (RIGL 20-3-3).~~ **Willful injury to traps: No person shall willfully or maliciously cut, remove, displace, tamper with, or in any way damage any trap, leader, or pound set by virtue of the permit provided for in these regulations. (RIGL 20-5-18)**

Commented [DP(4]: From statute

14.7 Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites (map shows approximate locations and orientation of traps):

(1) The following sites are located south of Newport and Middletown within the area designated for floating fish traps by the engineer's office of the Department of the Army.

(a) Sites 13B, 13C, 13D, 13E, and 13F, located in a line extending southeasterly at approximately 135° beginning at Seal Rock (41° 26'39"N, 71° 20'49"W) so-called, and ending at approximately 41° 25'1"N, 71° 18'0"W.

(b) Sites 26A, 26B, 26C, and 26D located in a line extending southeasterly at approximately 135° from Flat Rock (41° 27'03"N, 71° 18'24"W) so-called, and ending at approximately 41 26'15"N, 71 17'0"W.

(c) Sites 111 and 112 located in a line extending southwesterly at approximately 225° from the west side of Price's Neck (41° 26'58"N, 71° 20'15"W), so-called, for a distance not exceeding 1,500 feet.

(d) Sites 133, 136 and 324 located in a line extending southeasterly at approximately 150° from the east side of Price's Neck (41° 27'0"N, 71° 20'5"W), so-called, for a distance not exceeding 3,300 feet.

(e) Sites 113A, 113B, 113C, 113D, 113E, and 113F located in a line extending southeasterly at approximately 135° from Coggeshall's Point (41° 27'4" N, 71°18'42" W) so-called, beginning just south of the inner area designated by the engineer's office of the Department of the Army at approximately 41°26'6"N, 71°16'56"W and ending near the eastern limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41° 24'50"N, 71°14'47"W.

(f) Sites 25A, 25B and 25C located in a line beginning approximately seven thousand four hundred feet (7,400') south-southeast (200°) of Cormorant Rock (41°27'36"N, 71°14'51"W) so-called, at approximately 41° 26' 29" N, 71° 15' 29"

W extending southeasterly (120°) and ending at approximately 41° 25’ 56” N, 71° 14’ 21” W.

(g) Sites 54A and 54B located in line extending northwest at approximately 310° for three thousand three hundred sixty feet (3,360’) beginning at the southerly limits of the outer area designated by the engineer’s office of the Department of the Army at approximately 41°24’48”N, 71°16’56”W, 5,000 feet east-southeast of the southeastern end of the line from Seal Rock described in subdivision (a) and ending at approximately 41°25’10”N, 71°17’30”W.

(h) Sites 37A and 37B located in line extending northwest at approximately 310° for 3,360’ (1,680’ each) beginning at the southerly limits of the outer area designated by the engineer’s office of the Department of the Army at approximately 41°24’36”N, 71°15’51”W, 5,000 feet east-southeast of the southeastern end of the line from Seal Rock described in subdivision (g) and ending at approximately 41°24’58”N, 71°16’26”W.

(i) Sites 116 and 117 located in a line extending southeast at approximately 125° for 3,000 feet (1,500’ each) from Gull Rock (41°27’33”N, 71°18’1”W) so-called, and ending at approximately 41°27’13” N, 71°17’29” W.

(j) Sites 501A and 501B located in a line extending southeast at approximately 125° for 3,360 feet (1,680’ each) beginning at approximately 41°27’8”N, 71°17’35”W and ending at approximately 41°26’44”N, 71°16’54”W.

(k) Site 287 beginning at the high tide line 600 feet south of “forty steps” at approximately 41°28’26”N, 71° 17’49”W and extending east by south at approximately 100° for 1,680 feet.

(l) Site 23, designated for a pound net, is located approximately 4,600’ south of Easton’s Point so-called, at approximately 41°27’56”N, 71°16’31”W and is of the dimensions 600’ by 600’.

(m) Sites 383-19A and 383-19B located in line beginning northeast of Sachuest Point at approximately 41°28’30”N, 71°14’22”W, extending at approximately 135° for 3,360 feet and ending at approximately 41°28’8”N, 71°13’49”W.

(n) Site 512-19 begins approximately 2,250 feet south of flint point (41°29’9”N, 71°14’16”W) so-called, on the east side of Sachuest Point, and extends at approximately 135° for 1,680 feet ending at approximately 41°28’35”N, 71°13’58”W.

(o) Site 364, beginning at approximately 41° 27’ 27” N and 71° 21’ 35” W south of Castle Hill Lighthouse near Perry’s Cove, extends approximately 400’ west at approximately 270°, ending at approximately 41° 27’ 23” N and 71° 21’ 41”.

(p) Sites 191 and 192 extend in line off the southeast side of Easton's Point (41°28'45"N, 71°16'30"W) in a southwesterly direction at approximately 145° beginning at approximately 41° 28' 49" N and 71° 21' 41" W and ending at approximately 41° 28'39" N and 71° 16' 14" W.

(2) The following sites are located near Sakonnet Point within the area designated by the Department of the Army:

(a) Site 119-19 located approximately one mile south of Church's Point (41°29'59"N, 71°12'22"W) so-called, beginning at approximately 41°29'12"N, 71°11'45"W and extending 1,680 feet west by southwest at approximately 250°.

(b) Site 581-19 located approximately one mile south of Church's Point (41°29'59"N, 71°12'22"W), beginning at approximately 41°29'4"N, 71°12'14"W in line with and 900 feet from the outer end of site 119-19 and extending 1,680 feet west by southwest at approximately 250°.

(c) Site 580-19 located approximately 7,000 feet north of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°29'2"N, 71°11'52" W and extending 1,680 feet west by south at approximately 250°.

(d) Site 293-19 located approximately 6,000 feet north of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'55"N, 71°11'26"W and extending 1,680 feet west by south at approximately 250°.

(e) Site 227-19 located approximately 3,500 feet northeast of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'31"N, 71°11'27"W and extending 1,680 feet west at approximately 270°.

(f) Site 584-19 located approximately 2,700 feet north of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'24"N, 71°11'47"W and extending 1,680 feet west at approximately 270°.

(g) Site 122-19 located approximately 1,400 feet northeast of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'14"N, 71°11'36"W and extending 1,680 feet west at approximately 255°.

(h) Site 120-19 begins approximately 300 feet north of the shore end of the Sakonnet breakwater (41°27'53"N, 71°11'45"W) and extends 1,680 feet west at approximately 270°.

(i) Site 261-19 begins 2,000 feet south of breakwater point (41°27'53"N, 71°11'45"W) at approximately 41°27'34"N, 71°11'41"W and extends 1,680 feet west at approximately 270°.

(j) Sites 398 and 118, located west of Sakonnet Point, extend in a line west by south at approximately 240° for 3,360 feet (1,680 feet each) beginning at the

Sakonnet Lighthouse rock (41°27’10”N, 71°12’10”W) and ending at approximately 41°26’55”N, 71°12’49”W.

(k) Site 58 begins at the Sakonnet Lighthouse rock (41°27’10”N, 71°12’10”W) and extends 1,680 feet south at approximately 180°.

(l) Sites 79A and 79B, located in line, extend west by south from West Island (41°27’0”N, 71°11’54”W) so-called, at approximately 250° for 3,360 feet to approximately 41°26’36”N, 71°12’30”W.

(m) Site 114A begins approximately 3,200 feet south be west of West Island (41°27’0”N, 71°11’54”W) so-called, at approximately 41°29’48”N, 71°7’33”W and extends at approximately 170° for 1,680 feet.

(n) Site 29 begins approximately 8,400 feet south by west of West Island (41°27’0”N, 71°11’54”W) so-called, at approximately 41°29’8”N, 71°8’17”W and extends at approximately 180° for 1,680 feet.

(o) Sites 614A and 614B, located in line, extend south beginning 2,000 feet east of Dolphin Rock (41°27’13”N, 71°11’7”W), so-called, at a bearing of approximately 180° for 3,360 feet.

(p) Site FC-1, located north of Coddington Cove, begins at approximately 41° 32’ 33”N, 71° 18’52”W and extends at approximately 60° towards shore ending at approximately 41°32’40”N, 71°18’42”W.

(q) Site FC-2, located off Coddington Point, begins at approximately 41°32’27”N, 71°19’40”W and extends at approximately 180° towards shore ending at approximately 41°32’21”W, 71°19’39”N.

(r) Site FC-3 begins approximately 1,500 feet west of the state line at approximately 41°26’31”N, 71°12’9”W and extends south from South Shore Beach, Little Compton at approximately 180° for 1,680 feet.

(s) Site FC-4 begins approximately 3,000 feet south of the southwest corner of Tunipus Pond, Little Compton at approximately 41°25’39”N, 71°12’16”W and extends 1,680 feet at approximately 110°.

(t) Site 583-19 located southwest of site 120-19 extends 1,680 feet east at approximately 90°.

(u) Site 585-19 located northwest of Sakonnet Point begins at approximately 41°28’33”N, 71°12’41”W and extends 1,680 feet east at approximately 90°.

(v) Site 586-19

(3) The following sites are located east of the shore in Narragansett north of Scarborough Beach and south of Narragansett Pier within the area designated by

the Army Corp of Engineers for fish traps:

(a) Sites 68A and 68B, located in line, begin approximately 1,500 feet north of Indian Rock (41°24’54”N, 71°27’8”W), so-called, and extend southeast by east at approximately 120° for 3,360 feet.

(b) Sites 69A and 69B, located in line, begin approximately at Indian Rock (41°24’54”N, 71°27’8”W), so-called, and extend southeast by east at approximately 115° for 3,360 feet.

(c) Sites 70A and 70B, located in line, begin approximately 2,000 feet south of Indian Rock (41°24’54”N, 71°27’8”W), so-called, and extend southeast by east at approximately 115° for 3,360 feet.

(d) Sites 74A and 74B, located in line, begin approximately 5,100 feet south of Indian Rock (41°24’54”N, 71°27’8”W), so-called, and 600 feet from shore and extend southeast by east at approximately 130° for 3,360 feet.

(e) Sites 75A and 75B, located in line, begin approximately 8,300 feet south of Indian Rock (41°24’54”N, 71°27’8”W), so-called, and extend southeast by south at approximately 145° for 3,360 feet.

(4) The following sites are located within the area of the Harbor of Refuge Point Judith:

(a) Site 22-29, located outside of the Harbor of Refuge, begins approximately 1,200 feet northwest from the outer end of the west breakwater at approximately 41°22’5”N, 71°31’5”W and extends at approximately 250° for 550 feet.

(b) Site 400-23, located outside the Harbor of Refuge, begins approximately 500 feet northwest from the outer end of the west breakwater at approximately 41°21’38”N, 71°29’34”W and extends at approximately 250°.

(c) Site 475-29, located within the Harbor of Refuge, begins approximately at approximately 41°21’47”N, 71°29’34”W in front of Breakwater Village, so-called, and extends southwest at approximately 225° for approximately 900 feet.

(d) Site 475-30, located within the Harbor of Refuge, begins approximately 500 feet north from the outer end of the east breakwater at approximately 41°22’5”N, 71°31’6”W and extends northwest at approximately 310° for approximately 650 feet.

Commented [DP(5]: Regs re-located to Equipment Regs section 6.6.7

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES REGULATIONS

Part 6
General Equipment Provisions

Summary of Proposed Changes

Proposed ADOPTION of Regulation

In conjunction with proposed repeal of "*RIMFR Part 10 – Equipment Restrictions*", "*Part 11 – Commercial Fisheries*", "*Part XIII – Gillnet Regulations*", and "*Part XIV – Fish Traps*"

Public hearing
March 14, 2016

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed for ADOPTION as a new regulation. However, the majority of the language contained herein is not in actuality proposed new language, but has only been re-located to this proposed new regulation as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This *Summary of Proposed Changes* provides annotated changes to assist the reader with understanding the proposed changes

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PURPOSE
The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.

AUTHORITY
These regulations are adopted pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

APPLICATION
The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

DEFINITIONS
See Rhode Island Marine Regulations, Part I - Definitions, section 1.1.

SEVERABILITY
If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

SUPERSEDED RULES AND REGULATIONS
On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement ~~of Part X~~ **these regulations** shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

REGULATIONS

6.1 Unauthorized raising of traps, pots, and devices: No person except the Director shall unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed under this Title, without the written permission of that person. (RIGL 20-4-8)

Commented [DP(1]: Re-located from Part XI section 11.9

6.2 Marking of traps: The owner of every trap, pot, or other stationary contrivance used for the taking of marine fish, shellfish, crustaceans, or other invertebrates being fished in the waters of this state, and the owner of any trap or pot for catching or cars, or other contrivance for keeping lobsters, shall mark each such trap, pot, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners thereof or the person or persons using the same, and the license number or numbers of such person or persons (RIGL 20-4-7)

Commented [DP(2]: Re-located from Part XI section 11.8

Commented [DP(3]: Re-located from Part XI section 11.8

6.3 Use of explosives: The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island is prohibited.

Commented [DP(4]: Re-located from Part XI section 11.6

6.4 Obstruction of migratory fish passage: No person shall obstruct the free passage of anadromous or catadromous fish in any coastal river, stream, or estuary of the State of Rhode Island.

Commented [DP(5]: Re-worded and re-located from Part XI section 11.7.

6.5 Commercial netting (including trawl nets, gillnets, fyke nets, and seines):

6.5.1 Prohibited areas (waters) for all commercial netting:

(A) All netting, except licensed fish traps are-prohibited in the Harbor of Refuge and within one hundred (100) yards of the Harbor of Refuge breakwater:

Commented [DP(6]: From Part XI sections 11.2.1, 11.3.3

(B) In all coastal pond channels;

Commented [DP(7]: From Part XI sections 11.3.1, 11.4.2, and 11.4.4

(C) In Point Judith Pond in the following locations:

(1) In the southern portion of Point Judith Pond from the Harbor of Refuge Breakwater and bounded on the north by a line from Strawberry Hill Point to High Point, and on the east by the Great Island Bridge;

(2) In the northern portion of Point Judith Pond, in the Narrows bounded on the west by a line from Betty Hull Point to Short Point, and on the east by a line from Blue Rock Point to Old Cellar Point;

(3) In all waters north of a line from Ram Point to Squally Point.

Commented [DP(8]: From Part XI section 11.4.2

(D) In the northern portion of Potter Pond, within one hundred (100) feet of the Captain's Brook.

Commented [DP(9]: From Part XI section 11.4.3

(E) In the Narrow River in the following locations:

(1) Within three hundred (300) yards of the seaward entrance to the river;

(2) Between Middle Bridge and a point located eight hundred (800) feet north of Bridgetown Road Bridge;

(3) Within one hundred (100) feet north and south sides of the upper Narrows;

(4) Within one hundred (100) feet east and west of the seaward mouth of Gilbert Stuart Brook.

Commented [DP(10]: From Part XI section 11.3.3. 11.4.4

(F) In the Pawcatuck River and Little Narragansett Bay north of a line from Pawcatuck Rock to Thompson Point.

Commented [DP(11]: From Part XI sections 11.4

(1) Exceptions: Seining is allowed in this areas between February 1 and April 15 annually.

Commented [DP(12]: From Part XI section 11.4.1

(G) Fixed gear prohibition: All fixed gear is prohibited in the Foster Cove Channel and in the narrows in Charlestown Pond.

Commented [DP(13]: From Part XI section 11.4.5(A)

6.5.2 Trawling Devices:

(A) Net obstruction or constriction: Any fishing vessel subject to minimum mesh size restrictions using a trawl net 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 three (3) inches 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 fifty (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.

Commented [DP(14]: Re-located from FF regs as specific to trawl nets

(B) Trawling ground gear: The use of rollers, rockhoppers or discs greater than twelve (12) inches in diameter is prohibited while fishing in Rhode Island waters.

Commented [DP(15]: Re-located from section 7.3 of these regs.

(C) Prohibited areas: In addition to those waters where all netting is prohibited, a trawling device is prohibited in the following areas:

(1) In the Upper Narraganset Bay Trawling Area on any Saturday, Sunday, or legal State holiday between July 1st and November 1st annually.

(a) Upper Narragansett Bay Trawling Area: The Upper Narragansett Bay Trawling Area is designated a Marine Life Management Area pursuant to RIGL 20-3-4, and is described as the waters encompassed by the following lines: the southern boundary of the Upper Narragansett Bay otter trawling area is defined as a line from Spink Neck in the Town of North Kingstown to Pine Hill Point on Prudence Island, thence from Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island Shoal Light, and thence to the north abutment of the Mt. Hope Bridge in the Town of Bristol; the western boundary of the area is a line from Sandy Point in the City of Warwick to the southern tip of Warwick Point in the City of Warwick; the northern boundary of the area is a line from the dock at Rocky Point in Warwick to the southern tip of Poppasquash Point in Bristol, thence to Hog Island Light, and thence to the northern abutment of the Mt. Hope Bridge in Bristol.

Commented [DP(16]: Re-located from Part XI sections 11.10 and 11.10.1

Commented [DP(17]: Re-located from Part XI section 11.2.1 and 11.10. Corrected to apply prohibition only Upper Narragansett Bay Trawling Area, and not the entirety of Narr. Bay as language as written in section 11.2.1 may suggest.

(2) In the Upper Sakonnet Marine Life Management Area:

(a) The Upper Sakonnet River Marine Life Management Area is designated a Marine Life Management Area pursuant to RIGL 20-3 4, and is described as the waters of the Upper Sakonnet River which lies north of a line from McCurry Pt. in Portsmouth to the southern end of Jack's Island

(so-called) in Tiverton, and which lies south of the Sakonnet River Bridge (Rt. 24).

(3) In the following coastal salt ponds: Point Judith Pond; Potter Pond; Quicksand Pond; Tunipers Pond; Briggs Marsh; Round Pond; Narrow River; Card Pond; Green Hill Pond; Trustom Pond; Winnapaug Pond; and Great Salt Pond (New Shoreham).

(D) Otter Trawling – areas prohibited:

(1) Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, annually, in that portion of the pond described as south of a line between Marsh Point and Horseshoe Point on the Arnolds shore, west of a line between DEM markers on Marsh Point and Marsh Neck Point. The prohibited area is bounded on the west by a line between the east shore of the Foster Cove channel and a DEM marker on the barrier beach;

(2) Quonochontaug Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, annually, in that portion of the pond described as south of a line running easterly from a DEM marker at the end of Quahaug Point to the northern end of Nopes (Barn) Island. The area is bounded on the west by a line running south from Quahaug Point to a DEM marker on the barrier beach;

(3) In Potter Pond.

(E) Otter trawl net Winter mesh size in Narragansett Bay, Mt. Hope Bay, Sakonnet River, Charlestown and Quonochontaug Ponds:

(1) This area is defined as all Rhode Island State waters which are north of the following lines: north of a line running from easternmost extension of Carrier Pier to Conanicut Pt. to the tips of the T Pier on Prudence Island to Carr's Point; and north of a line from Sachuest Pt. to Sakonnet Point; and all waters north of Quonochontaug and Charlestown Breachways.

(2) No person shall utilize an otter trawl between November 1 through February 28 annually that has a mesh size which measures less than six (6) inches stretched mesh (measured inside knot to inside knot).

(F) Commercial possession limit of lobsters taken by gillnet or otter trawl: Maximum of one hundred (100) lobsters per day (based on a 24-hour period), or five hundred (500) lobsters per trip for trips five (5) days or longer.

6.5.3 Gillnetting:

(A) Gillnetting for bait: No person shall set, haul, and/or maintain a gill net for

Commented [DP(18]: Re-located from Part XI section 11.2.1 and 11.4.7. Corrected to apply prohibition only Upper Sak. River Marine Life Mgmt. Area and not the entirety of the Sak. River, as language as written in section 11.2.1 may suggest.

Commented [DP(19]: Re-located from Part XI section 11.2.1 and 11.3.3

Commented [DP(20]: Re-located from Part XI section 11.4.5

Commented [DP(21]: Re-located from Part XI section 11.4.6

Commented [DP(22]: Re-located from Part XI section 11.4.3

Commented [DP(23]: Re-located from Part XI section 11.11

Commented [DP(24]: Copied from Lobster regs

bait so as to obstruct the free passage of fish in Rhode Island coastal waters, streams, rivers, or bays. Bait gillnets must be clearly labeled with the name of the person setting or tending the net and be constantly tended.

(B) License required: No person shall set, haul, and/or maintain a commercial gillnet in the public waters of the State without first obtaining a commercial gillnet endorsement. Refer to DEM'S *"Commercial and Recreational Saltwater Fishing Licensing Regulations"*. (RIGL 20-4-13)

(C) Marking of nets: Both the near shore and offshore ends of an authorized gillnet shall be marked with an orange or fluorescent orange bullet shaped buoy with a size of nine (9) by sixteen (16) inches, and be clearly marked with the letters "GN" with a minimum letter height of three (3) inchesand include the name and license number of the licensee.

(D) Tending of nets: Each gillnet shall be hauled once each calendar day.

(E) Distance from fish trap: No person shall set, haul, or maintain a gillnet within three thousand (3,000) feet of a licensed fish trap.

(F) Floating and bottom tending gillnets: Only a floating and bottom tending gillnet may be set, hauled, or maintained in Rhode Island waters.

(1) A floating gillnet must be constantly tended.

(2) Minimum mesh size for a bottom tending gillnet: No bottom tending gillnet shall have a mesh size smaller than five (5) inches stretched mesh.

(G) Prohibited areas: In addition to those areas where all netting is prohibited, and with the exception of gillnetting for bait, commercial gillnetting is prohibited in the following areas:

(1) In the following coastal salt ponds: Quicksand Pond; Tunipus Pond; Briggs Marsh; Round Pond; Narrow River; Point Judith Pond; Potter Pond; Card Pond; Green Hill Pond; Trustom Pond; Charlestown Pond; Quonochontaug Pond; and Winnapaug Pond.

(2) In Little Narragansett Bay;

(3) Within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point;

(4) In the Pawcatuck River;

(5) Within one half (½) mile in both directions of the seaward entrance to a coastal salt pond channel, and for a distance of three hundred (300) yards seaward, when such coastal salt pond is open to the sea.

Commented [DP(25]: Re-located from GN regs section 13.5

Commented [DP(26]: Repealed

Commented [DP(27]: Removing all references to penalties and adding general penalty provision consistent with other re-writes

Commented [DP(28]: Re-located from GN regs section 13.2

Commented [DP(29]: Re-located from GN regs section 13.3.1

Commented [DP(30]: Re-located from GN regs section 13.3.2

Commented [DP(31]: Re-located from GN regs section 13.3.3

Commented [DP(32]: Re-located from GN regs section 13.3.4 and 13.3.5

Commented [DP(33]: Re-located from GN regs section 13.6

Commented [DP(34]: Re-located from GN companion section 13.6

(6) Within one half (½) mile of Block Island between April 15 and November 15 annually.

(7) Within the waters seaward of Old Harbor, Block Island, from the Block Island shoreline to the one hundred (100) foot depth contour, between November 1 and December 31, annually. This area is bounded by a northerly line running one hundred (100) degrees (true) from Clay Head Point to the black and white whistle out to a depth of one hundred (100) feet. The southern boundary of the closure zone runs from the shoreline on a course of one hundred (100) degrees (true) to the C-3 buoy out to the one hundred (100) foot depth contour. The eastern boundary is a line which corresponds to the one hundred (100) foot depth contour.

Commented [DP(35]: Re-located from GN regs section 13.6

(8) Season Closure: Within fifty (50) yards of the entire Rhode Island coastline (mean high water line) during the period October 15 - December 31, annually.

Commented [DP(36]: Re-located from GN regs section 13.8.2

(9) Within fifty (50) yards of the Rhode Island coastline (mean high tide line) in the following areas:

(a) From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Pt. (Carpenter's Bar);

(b) In Narragansett Bay north of the Colregs line, including Mt. Hope Bay;

(c) In the Sakonnet River;

(d) From the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point; and

(e) From the southwest corner of Price's Neck to Castle Hill Light House.

Commented [DP(37]: Re-located from GN regs section 13.8

(H) Gillnet Prohibition for Striped Bass: No person shall take or possess any striped bass while gillnetting, or while hauling a gillnet, including while gillnetting for bait.

Commented [DP(38]: Re-located from STB regs section 12.6

(I) Additional area specific regulations:

(1) Narragansett Bay, Mount Hope Bay, and the Sakonnet River: This area shall include all waters of Narragansett Bay, Mount Hope Bay, and Sakonnet River, north of the Colregs line. No person shall set, haul, and/or maintain a gillnet within this area which does not adhere to the following specifications:

(a) Maximum length: A single gillnet, or series of connected gillnets, shall not exceed a maximum total length of three hundred (300) feet.

(b) Setting pattern: Each gillnet must be set in a straight line.

(c) Spacing: No gillnet may be set within fifty (50) yards of shore at mean low water, or within two thousand (2000) feet of another gillnet.

Commented [DP(39]: Re-located from GN regs section 13.4

(2) Waters within one half (1/2) nautical miles of the Rhode Island coast (mean high tide line) and south of the Colregs line:

(a) Maximum length: A single gillnet, or series of connected gillnets shall not exceed a maximum total length of six hundred (600) feet.

(b) Setting pattern: Each gillnet must be set in a straight line and perpendicular to the shore.

(c) Spacing: No gillnet may be set within two thousand (2000) feet of another gillnet.

Commented [DP(40]: Re-located from GN regs section 13.4.2

(3) Waters between one half (1/2) nautical miles and three (3) nautical miles from the Rhode Island coast (mean high tide line):

(a) Setting Pattern: Each gillnet must be set in a straight line (from one end buoy to the other).

(b) No gill net may be set within two thousand (2000) feet of another gillnet during the period from April 1 to October 1.

(c) Marking:

(i) Gill nets greater than six hundred (600) feet and less than or equal to twelve hundred (1,200) feet: Must be marked with two (2) orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two orange or fluorescent orange floats with a size of nine (9) x sixteen (16) inches should be placed on the southernmost end.

(ii) Gillnets greater than 1,200 feet: Must be marked with an orange or fluorescent orange float with a size of 9 x 16 inches and a radar

reflective highflyer at each end. One of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end.

Commented [DP(41]: Re-located from GN regs section 13.4.3

(J) Commercial possession limit of lobsters taken by gillnet or otter trawl: Maximum of 100 lobsters per day (based on a 24-hour period), or 500 lobsters per trip for trips 5 days or longer.

Commented [DP(42]: Copied from Lobster regs

6.5.4 Fyke Nets:

(A) The fyke net must be registered with the DFW.

(B) No person shall use a fyke net unless the net meets the following dimensions:

(1) Maximum length of fyke net leader: 00 feet.

(2) Maximum mesh size: Stretched mesh shall not be greater than two and one half (2½) inches.

(3) Leader: Must not extend more than 4 feet off the bottom.

(C) Fyke nets must be tended and hauled every 48 hours.

(D) Fyke nets shall not be placed within 250 feet of any other fishing net.

(E) Prohibited areas:

(1) In addition to those waters where all netting is prohibited, fyke nets are prohibited in Charlestown and Quonochontaug Ponds between June 15 and September 15 annually.

6.5.5 Seine nets:

(A) Prohibited areas: In addition to those waters where all netting is prohibited, seine nets are prohibited along the shoreline within one half (½) mile in both directions of the following coastal salt pond channels, and extending three hundred (300) yards seaward, when the coastal salt pond is open to the sea: Quicksand Pond channel; Tunipers Pond channel; Cards Pond channel; Trustom Pond channel; Quonochontaug Pond channel; Charlestown Pond channel; and Winnapaug Pond channel.

6.6 Fish traps:

6.6.1 Permit required: No person shall set a fish trap in the public waters of the state without first obtaining a permit as provided in these regulations. (RIGL 20-5-1)

6.6.2 Eligibility: A permit may be issued to any resident of this state or to any corporations incorporated in the state licensed in accordance with RIGL Chapter 2.1 upon payment of an permit fee of twenty dollars ($20.00) per trap location. (RIGL 20-5-2)

6.6.3 Application: Application for a fish trap permit shall be made on forms as prescribed by the Director.

6.6.4 Expiration and renewal of permits:

(A) Permits shall be provided for a three (3) year period, or for that portion thereof expiring on the last day of December of each third year thereafter.

(B) On termination of any permit, the Director may renew the permit by issuing a new permit in place of the permit.

(1) Eligibility: Application for permit renewal shall be made within ten (10) days before its termination. Failure to apply for a permit renewal shall allow for a permit application in location as specified in the permit by any other person. (RIGL 20-5-9)

6.6.5 Exclusive right of permittee; assignment of permit:

(A) The holder of any permit, or the holder's heirs, executors, administrators, successors, or assigns shall have the exclusive right to fish the location by means of a fish trap, provided that the site is and has been actively fished.

(B) Any holder of a permit may, upon approval of the Director, transfer the permit to any suitable person. This approval must be endorsed on the permit in order to become effective. (RIGL 20-5-10)

6.6.6 Report as to traps placed; failure to occupy location; removal of permit from state: On or before the tenth day of January in each year every person holding a permit pursuant to this chapter shall notify the department of environmental management in writing, under oath, what traps were placed under the permit during the preceding calendar year. Failure to furnish this information makes the permit null and void after that date. Failure to place a complete fish trap on a permitted location for a part of one calendar year may, in the discretion of the director of environmental management, make the permit for the fish trap null and void; and the location will then become available for any suitable applicant. A permit for a fish trap location

becomes null and void upon the removal of the holder from the state. (RIGL 20-5-13)

6.6.7 Removal of trap on cessation of use; closed season; damaged or dilapidated traps: Upon ceasing to use any fish trap as authorized, that structure shall at once be removed by the owner at the owner's expense and to the satisfaction of the director of environmental management. Failure to remove it shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance or for revocation of the fish trap permit. Unless otherwise specified by regulations adopted by the marine fisheries council, all fish traps authorized in this chapter shall be completely removed by or before the last day of December of each year; and no fish trap shall be reset before the first day of the following March. All submerged or broken stakes must be promptly removed. Any fish trap damaged or allowed to get into a dilapidated condition will be regarded as abandoned unless promptly removed or rebuilt. Failure to do this will subject the owner to prosecution and forfeiture of the trap. (RIGL 20-5-14)

Commented [DP(43]: Currently contained in statute but not currently in regulation; so in actuality nothing new proposed. Proposed to be added to regs as is prescriptive and follows format as in other regs

6.6.8 Reporting requirements: On or before the tenth day of January of each year, each licensee/fish trap operator shall submit a written report to the DEM, indicating those locations where the licensee shall be setting fish traps during the upcoming fishing season. These locations shall be identified by GPS, LORAN and/or latitude and longitude coordinates and shall also include the dates upon which the licensee anticipates setting and removing the traps This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the Department of Environmental Management, Division of Fish and Wildlife, Marine Fisheries section, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835 prior to the setting of the trap. Failure to provide this information makes the fish trap operator's license null and void. Based on the reports of fish trap locations, the DEM shall develop a graphic chart displaying fish trap locations annually by June 1 for distribution to the public.

6.6.8 By January 31 annually, the DEM shall review all trap site permits and shall eliminate those sites from the list of authorized sites for which a permit has not been issued. The DEM shall provide written notice by registered mail to all those licensees who had most recently been issued permit(s) to set fish trap(s) in the locations of the sites to be eliminated. Said notice shall advise the affected licensee that the licensee may avoid the elimination of the trap location if written notice of such a desire to avoid elimination is received by the Division of Fish and Wildlife, Marine Fisheries section, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835, on or before thirty (30) days of the licensee's receipt of the notice of elimination.

6.6.9 Sub-leasing of Permitted Fish Trap Locations: It is prohibited to sub-lease or allow any other person to use a permitted fish trap location. Any violation of this section shall make the permit for the fish trap null and void. (RIGL 20-5-10(b), 20-5-

13).

6.6.9 Hook-backs in Leaders: Each leader shall be set as nearly as may be in a straight line, no bend or angle, known commonly as a "hook-back," shall be permitted. **(RIGL 20-5-7)**

6.6.10 Minimum distance between traps: ~~As specified in RIGL Section 20-5-4,~~ The Director may grant a license for the erection of a fish trap within a lesser distance of 3,000 feet of an adjoining trap if the parties interested agree in writing to such a lesser distance. Such decisions shall be made with the advice of the Rhode Island Marine Fisheries Council. (RIGL 20-5-4)

6.6.11 Maximum length of trap leader: No permit shall be granted for a fish trap in which the length of the trap and leader is greater than two hundred eighty (280) fathoms. (RIGL 20-5-4)

6.6.12 Willful injury to traps: No person shall willfully or maliciously cut, remove, displace, tamper with, or in any way damage any trap, leader, or pound set by virtue of the permit provided for in these regulations. (RIGL 20-5-18)

6.6.13 Navigational Aids to Fish Traps and Appurtenances: Licensees must comply with the following requirements; failure to comply shall make license null and void. All floating fish traps deployed within Rhode Island State waters shall be marked with no less than 4 radar reflective buoys (hi-flyers) each positioned no more than 100 feet from the trap or its appurtenances in the following locations: one buoy shall be located at the shoreward end of the leader, one buoy on the seaward end of the leader adjacent to the head of the trap, and two buoys shall be located on the seaward side of the head of the trap.

(A) Floating fish traps located at sites 13F, 26C, 25B, 398, 120-19, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as specified by the United States Coast Guard in its communication to the Department dated September 13, 2005. Specifically, site 13F shall be marked with a 5th class buoy with a 4 second flashing light. Site 26C shall be marked with a 5th class buoy with a 6 second flashing light. Site 25B shall be marked with a 5th class buoy with a 4 second flashing light at the southern end of the trap and an unlit 5th class buoy at the northern end. Sites 398 and 383-19 shall be marked with an unlit 5th class buoy. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6th class buoy. Sites 122-19 and 400-23 shall be marked with a 5th class buoy with a 2.5 second flashing light. Each of the above-described buoys shall be positioned within 100' of the head of the floating fish trap and its appurtenances.

6.6.15 Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites:

Commented [DP(44]: Re-located from Fish Traps section 14.1

Commented [DP(45]: Re-located from Fish Traps section 14.3

Commented [DP(46]: Re-located from Fish Traps section 14.4

Commented [DP(47]: New language as written in RIGL 2-5-4 prescriptive to regulated. 20-5-4 addressed distance between traps and length of trap leader. However, only distance between traps specified in reg, not length of trap leader…weird

Commented [DP(48]: From Fish Traps section 6.6.14. Modified to reflect statute language

Commented [DP(49]: Re-located from Fish Trap regs section 14.5

(A) The following sites are located south of Newport and Middletown within the area designated for floating fish traps by the engineer's office of the Department of the Army:

(1) Sites 13B, 13C, 13D, 13E, and 13F, located in a line extending southeasterly at approximately 135° beginning at Seal Rock (41° 26'39"N, 71° 20'49"W) so-called, and ending at approximately 41° 25'1"N, 71° 18'0"W.

(2) Sites 26A, 26B, 26C, and 26D located in a line extending southeasterly at approximately 135° from Flat Rock (41° 27'03"N, 71° 18'24"W) so-called, and ending at approximately 41 26'15"N, 71 17'0"W.

(3) Sites 111 and 112 located in a line extending southwesterly at approximately 225° from the west side of Price's Neck (41° 26'58"N, 71° 20'15"W), so-called, for a distance not exceeding 1,500 feet.

(4) Sites 133, 136 and 324 located in a line extending southeasterly at approximately 150° from the east side of Price's Neck (41° 27'0"N, 71° 20'5"W), so-called, for a distance not exceeding 3,300 feet.

(5) Sites 113A, 113B, 113C, 113D, 113E, and 113F located in a line extending southeasterly at approximately 135° from Coggeshall's Point (41° 27'4" N, 71°18'42" W) so-called, beginning just south of the inner area designated by the engineer's office of the Department of the Army at approximately 41°26'6"N, 71°16'56"W and ending near the eastern limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41° 24'50"N, 71°14'47"W.

(6) Sites 25A, 25B and 25C located in a line beginning approximately seven thousand four hundred feet (7,400') south-southeast (200°) of Cormorant Rock (41°27'36"N, 71°14'51"W) so-called, at approximately 41° 26' 29" N, 71° 15' 29" W extending southeasterly (120°) and ending at approximately 41° 25' 56" N, 71° 14' 21" W.

(7) Sites 54A and 54B located in line extending northwest at approximately 310° for three thousand three hundred sixty feet (3,360') beginning at the southerly limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41°24'48"N, 71°16'56"W, 5,000 feet east-southeast of the southeastern end of the line from Seal Rock described in subdivision (a) and ending at approximately 41°25'10"N, 71°17'30"W.

(8) Sites 37A and 37B located in line extending northwest at approximately 310° for 3,360' (1,680' each) beginning at the southerly limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41°24'36"N, 71°15'51"W, 5,000 feet east-southeast of the southeastern end of the line from Seal Rock described in subdivision (g) and

ending at approximately 41°24’58”N, 71°16’26”W.

(9) Sites 116 and 117 located in a line extending southeast at approximately 125° for 3,000 feet (1,500’ each) from Gull Rock (41°27’33”N, 71°18’1”W) so-called, and ending at approximately 41°27’13” N, 71°17’29” W.

(10) Sites 501A and 501B located in a line extending southeast at approximately 125° for 3,360 feet (1,680’ each) beginning at approximately 41°27’8”N, 71°17’35”W and ending at approximately 41°26’44”N, 71°16’54”W.

(11) Site 287 beginning at the high tide line 600 feet south of “forty steps” at approximately 41°28’26”N, 71° 17’49”W and extending east by south at approximately 100° for 1,680 feet.

(12) Site 23, designated for a pound net, is located approximately 4,600’ south of Easton’s Point so-called, at approximately 41°27’56”N, 71°16’31”W and is of the dimensions 600’ by 600’.

(13) Sites 383-19A and 383-19B located in line beginning northeast of Sachuest Point at approximately 41°28’30”N, 71°14’22”W, extending at approximately 135° for 3,360 feet and ending at approximately 41°28’8”N, 71°13’49”W.

(14) Site 512-19 begins approximately 2,250 feet south of flint point (41°29’9”N, 71°14’16”W) so-called, on the east side of Sachuest Point, and extends at approximately 135° for 1,680 feet ending at approximately 41°28’35”N, 71°13’58”W.

(15) Site 364, beginning at approximately 41° 27’ 27” N and 71° 21’ 35” W south of Castle Hill Lighthouse near Perry’s Cove, extends approximately 400’ west at approximately 270°, ending at approximately 41° 27’ 23” N and 71° 21’ 41”.

(16) Sites 191 and 192 extend in line off the southeast side of Easton’s Point (41°28’45”N, 71°16’30”W) in a southwesterly direction at approximately 145° beginning at approximately 41° 28’ 49” N and 71° 21’ 41” W and ending at approximately 41° 28’39” N and 71° 16’ 14” W.

(B) <u>The following sites are located near Sakonnet Point within the area designated by the Department of the Army:</u>

(1) Site 119-19 located approximately one mile south of Church’s Point (41°29’59”N, 71°12’22”W) so-called, beginning at approximately 41°29’12”N, 71°11’45”W and extending 1,680 feet west by southwest at approximately 250°.

(2) Site 581-19 located approximately one mile south of Church’s Point

(41°29’59”N, 71°12’22”W), beginning at approximately 41°29’4”N, 71°12’14”W in line with and 900 feet from the outer end of site 119-19 and extending 1,680 feet west by southwest at approximately 250°.

(3) Site 580-19 located approximately 7,000 feet north of the breakwater (41°27’58”N, 71°11’43”W) beginning at approximately 41°29’2”N, 71°11’52” W and extending 1,680 feet west by south at approximately 250°.

(4) Site 293-19 located approximately 6,000 feet north of the breakwater (41°27’58”N, 71°11’43”W) beginning at approximately 41°28’55”N, 71°11’26”W and extending 1,680 feet west by south at approximately 250°.

(5) Site 227-19 located approximately 3,500 feet northeast of the breakwater (41°27’58”N, 71°11’43”W) beginning at approximately 41°28’31”N, 71°11’27”W and extending 1,680 feet west at approximately 270°.

(6) Site 584-19 located approximately 2,700 feet north of the breakwater (41°27’58”N, 71°11’43”W) beginning at approximately 41°28’24”N, 71°11’47”W and extending 1,680 feet west at approximately 270°.

(7) Site 122-19 located approximately 1,400 feet northeast of the breakwater (41°27’58”N, 71°11’43”W) beginning at approximately 41°28’14”N, 71°11’36”W and extending 1,680 feet west at approximately 255°.

(8) Site 120-19 begins approximately 300 feet north of the shore end of the Sakonnet breakwater (41°27’53”N, 71°11’45”W) and extends 1,680 feet west at approximately 270°.

(9) Site 261-19 begins 2,000 feet south of breakwater point (41°27’53”N, 71°11’45”W) at approximately 41°27’34”N, 71°11’41”W and extends 1,680 feet west at approximately 270°.

(10) Sites 398 and 118, located west of Sakonnet Point, extend in a line west by south at approximately 240° for 3,360 feet (1,680 feet each) beginning at the Sakonnet Lighthouse rock (41°27’10”N, 71°12’10”W) and ending at approximately 41°26’55”N, 71°12’49”W.

(11) Site 58 begins at the Sakonnet Lighthouse rock (41°27’10”N, 71°12’10”W) and extends 1,680 feet south at approximately 180°.

(12) Sites 79A and 79B, located in line, extend west by south from West Island (41°27’0”N, 71°11’54”W) so-called, at approximately 250° for 3,360 feet to approximately 41°26’36”N, 71°12’30”W.

(13) Site 114A begins approximately 3,200 feet south be west of West Island (41°27’0”N, 71°11’54”W) so-called, at approximately 41°29’48”N, 71°7’33”W

and extends at approximately 170° for 1,680 feet.

(14) Site 29 begins approximately 8,400 feet south by west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 41°29'8"N, 71°8'17"W and extends at approximately 180° for 1,680 feet.

(15) Sites 614A and 614B, located in line, extend south beginning 2,000 feet east of Dolphin Rock (41°27'13"N, 71°11'7"W), so-called, at a bearing of approximately 180° for 3,360 feet.

(16) Site FC-1, located north of Coddington Cove, begins at approximately 41° 32' 33"N, 71° 18'52"W and extends at approximately 60° towards shore ending at approximately 41°32'40"N, 71°18'42"W.

(17) Site FC-2, located off Coddington Point, begins at approximately 41°32'27"N, 71°19'40"W and extends at approximately 180° towards shore ending at approximately 41°32'21"W, 71°19'39"N.

(18) Site FC-3 begins approximately 1,500 feet west of the state line at approximately 41°26'31"N, 71°12'9"W and extends south from South Shore Beach, Little Compton at approximately 180° for 1,680 feet.

(19) Site FC-4 begins approximately 3,000 feet south of the southwest corner of Tunipus Pond, Little Compton at approximately 41°25'39"N, 71°12'16"W and extends 1,680 feet at approximately 110°.

(20) Site 583-19 located southwest of site 120-19 extends 1,680 feet east at approximately 90°.

(21) Site 585-19 located northwest of Sakonnet Point begins at approximately 41°28'33"N, 71°12'41"W and extends 1,680 feet east at approximately 90°.

(22) Site 586-19

(C) <u>The following sites are located east of the shore in Narragansett north of Scarborough Beach and south of Narragansett Pier within the area designated by the Army Corp of Engineers for fish traps:</u>

(1) Sites 68A and 68B, located in line, begin approximately 1,500 feet north of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by east at approximately 120° for 3,360 feet.

(2) Sites 69A and 69B, located in line, begin approximately at Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by east at approximately 115° for 3,360 feet.

(3) Sites 70A and 70B, located in line, begin approximately 2,000 feet south of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by east at approximately 115° for 3,360 feet.

(4) Sites 74A and 74B, located in line, begin approximately 5,100 feet south of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and 600 feet from shore and extend southeast by east at approximately 130° for 3,360 feet.

(5) Sites 75A and 75B, located in line, begin approximately 8,300 feet south of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by south at approximately 145° for 3,360 feet.

(D) The following sites are located within the area of the Harbor of Refuge Point Judith:

(1) Site 22-29, located outside of the Harbor of Refuge, begins approximately 1,200 feet northwest from the outer end of the west breakwater at approximately 41°22'5"N, 71°31'5"W and extends at approximately 250° for 550 feet.

(2) Site 400-23, located outside the Harbor of Refuge, begins approximately 500 feet northwest from the outer end of the west breakwater at approximately 41°21'38"N, 71°29'34"W and extends at approximately 250°.

(3) Site 475-29, located within the Harbor of Refuge, begins approximately at approximately 41°21'47"N, 71°29'34"W in front of Breakwater Village, so-called, and extends southwest at approximately 225° for approximately 900 feet.

(4) Site 475-30, located within the Harbor of Refuge, begins approximately 500 feet north from the outer end of the east breakwater at approximately 41°22'5"N, 71°31'6"W and extends northwest at approximately 310° for approximately 650 feet.

Commented [DP(50]: Re-located from Fish Trap Regs section 14.7

6.7 Violations for non-compliance: If the DFW and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or a permit agreement, the owner and/or operator of the permitted 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 or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to RIGL 20-1-16 as well as the ineligibility to reapply for a permit for the subject vessel for the remainder of the Summer sub-period.

6.8 Penalties:

6.8.1 Judicially imposed penalty for violations: Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars ($500) or imprisonment for up to ninety (90) days, or both (RIGL §20-1-16)

6.8.2 Additionally, a person may be subject to the imposition of a administrative penalty pursuant to DEM's "*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"*.

6.9 Appeals:

6.9.1 Denial of a license or permit: Persons denied a license or permit may request an appeal as provided by RIGL Chapter 42-17.7 and pursuant to DEM's "*Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters"*

6.9.2 Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these regulations may file and appeal in accordance with RIGL Chapter 42-17.7 and DEM's *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters*.

Commented [DP(51]: General sections added consistent with other regs

EFFECTIVE DATE
The foregoing rules and regulations, after due notice, are hereby adopted in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

_____
Janet L. Coit, Director
Department of Environmental Management

Notice Given: **02/12/2016**
Public Hearing: **03/14/2016**
Filing date: **XX/XX/2016**
Effective date: **XX/XX/2016**
ERLID # **XXXX**