

**Concise Explanatory Statement**  
**Reason for Proposed Changes**

RHODE ISLAND MARINE FISHERIES REGULATIONS

Part 5 – Lobsters, Crabs, and Other Crustaceans

Public Hearing  
November 14, 2016

**Commercial management of horseshoe crab:** Division proposal to improve management of the bait fishery and improve equity among participants through daily possession limits and improved reporting. Includes Division and an industry proposal.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES

DIVISION OF FISH AND WILDLIFE  
DIVISION OF LAW ENFORCEMENT



## RHODE ISLAND MARINE FISHERIES REGULATIONS

### PART 5

### Lobsters, Crabs, and Other Crustaceans

~~May 11, 2016~~

Proposed/annotated regulations

Abridged version (only those sections as provided  
in public notice)

Public Hearing

November 14, 2016

## Hearing Item 3. Management of the Horseshoe Crab fishery

### Option 1: Division proposal

#### 5.4 Horseshoe Crab:

##### 5.4.1 License and permit required:

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

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

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

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

(E) Reporting:

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

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

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

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

(a) First instance: A first offense shall result in a warning being

issued to the permit holder.

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

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

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

5.4.3 Seasons and possession limits:

(A) Recreational possession limit: Five (5) horseshoe crabs per person per day.

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

(1) Bait fishery:

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

(b) Possession limit: 60 crabs per person per day.

(2) Bio-medical fishery:

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

(b) Possession limit: Unlimited.

(C) Prohibition on possession of non-indigenous horseshoe crab species: No person shall possess or attempt to possess in the cooked or un-cooked (frozen) state any non-indigenous (non-native) Horseshoe Crab species without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.

5.4.4 Harvest Restrictions:

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

Narragansett Bay.

(B) No person shall harvest horseshoe crabs from waters or shoreline of the state during the period 48-hours preceding and 48-hours following the new and full moons during the months of May, June, and July, annually.

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

#### 5.4.5 Minimum size: Seven (7) inches carapace width.

## Option 2: Industry proposal

### 5.4.1 License and permit required:

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

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

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

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

(E) Reporting:

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

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

**calendar week's landings.**

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

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

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

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

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

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

5.4.3 **Seasons, allocations, and possession limits:**

(A) Recreational possession limit: Five (5) horseshoe crabs per person per day.

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

**(1) Bait fishery:**

**(a) January 1 through June 30 annually:**

**(i) Allocation: 60% of the annual quota.**

**(ii) Possession limit:**

**(a.) January 1 through April 14: 60 crabs per person per day.**

**(b.) April 15 through June 30: 300 crabs per vessel per day.**

**(iii) Over-harvest: Any over-harvest of this sub-period allocation will be deducted from the allocation of the remaining sub-period in the same calendar year.**

**(b) July 1 through December 31, annually:**

**(i) Allocation: 40% of the annual quota.**

**(ii) Possession limit: 60 crabs per vessel per day.**

**(iii) Over-harvest: Any over-harvest of this sub-period allocation will be deducted from the allocation of the first sub-period in the immediate following year.**

**(2) Bio-medical fishery:**

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

**(b) Possession limit: Unlimited.**

(C) Prohibition on possession of non-indigenous horseshoe crab species: No person shall possess or attempt to possess in the cooked or un-cooked (frozen) state any non-indigenous (non-native) Horseshoe Crab species without prior, written authorization by the Department. The only species of Horseshoe Crab which may be possessed within the jurisdictional limits of the State of Rhode Island is the Atlantic Horseshoe Crab *Limulus polyphemus*.

#### 5.4.4 Harvest Restrictions:

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

(B) No person shall harvest horseshoe crabs from waters or shoreline of the state during the period 48-hours preceding and 48-hours following the new and full moons during the months of May, June, and July, annually.

(C) Bait and Biomedical fishery: Horseshoe crabs employed in the biomedical industry for purposes of extracting bodily fluids shall be returned to the waters from which they came within 72 hours following the completion of the intended biomedical procedure.

**5.4.5 Minimum size: Seven (7) inches carapace width.**