

PUBLIC HEARING ITEM 1h.
GENERAL EDITING

Option 1: Status Quo

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~~73.2~~ Transiting:

~~73.2.1~~ During the closure of a Rhode Island state allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing that species in another state, provided the vessel is in compliance with their federal permit, and the vessel nets are stowed pursuant to ~~RIMFR Part X~~ this section.

~~73.2.2~~ A federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, provided the vessel nets are stowed pursuant to ~~RIMFR Part X~~ this section, and provided that the owner or operator possesses a valid RI Landing License pursuant to DEM's "Commercial and Recreational Saltwater Fishing Licensing Regulations".

~~73.2.3~~ A vessel in possession of a managed species caught in an open area of state waters may transit a closed portion of RI state waters in possession of that species for the purpose of landing, provided the operator of the vessel has a valid commercial or recreational fishing license, and if fishing with nets, the nets are stowed pursuant to ~~RIMFR Part X~~ this section.

3.2.4 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".

(A) A net stowed below deck, provided:

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

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

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

(B) A net stowed and lashed down on deck, provided:

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

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

(3) The towing wires, including the leg wires, are detached from the net.

(C) A net that is on a reel and is covered and secured, provided:

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

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

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

(D) 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(1)]: Re-located from Equipment Regs

~~7.4 Net obstruction or constriction: A fishing vessel subject to minimum mesh size restrictions shall not use any device or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of a trawl net, except that one splitting strap and one bull rope (if present), consisting of line and rope no more than 3/8 in (7.6 cm) in diameter, may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the trawl net. "The top of the trawl net" means the 50 percent of the net that (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes are not considered part of the top of the trawl net.~~

Commented [DP(2)]: Re-located to Equipment Regs section 6.5.2

3.4 Recreational use of nets for bait:

3.4.1 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.

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

3.4.3 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(3)]: Re-located from Equipment Regs section 7.4

~~73.7 Summer Flounder (Fluke)~~

~~73.7.6 Dealer Regulations:~~

~~(A) Prohibition on the transfer of Summer flounder: No Summer flounder may be purchased, bartered, or sold within the State of Rhode Island unless marked, processed, shipped, labeled, and handled in accordance with the following rules:~~

~~(1) The licensed person in charge of the vessel may only transfer Summer flounder to dealers who possess a valid Rhode Island Dealer's License;~~

Commented [DP(4)]: Duplicate. Licensing Regs

~~(2) No licensed person in charge of the vessel may land Summer flounder after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from **may be landed between the hours of** 6:00 AM to 8:00 PM only;~~

Commented [DP(5)]: This provision applies to fisherman so remains

~~(3) All Summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer;~~

~~(4) The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1;~~

~~(5) All Summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Division of Law Enforcement;~~

Commented [DP(6)]: Re-located to Dealer Regs

~~73.11 Scup~~

~~7.11.3 Dealer Regulations:~~

~~(A) Prohibition on the transfer of Scup: No Scup may be purchased, bartered, or sold within the State of Rhode Island unless in compliance with the following:~~

~~(1) The licensed person in charge of the vessel may only transfer scup to a dealer licensed by the State of Rhode Island. Dealers are required to be licensed by the Department (in compliance with RIGL 20-2-27 (d), or 20-2-28.1).~~

Commented [DP(7)]: Duplicate with Licensing Regs

~~(2) All scup must be weighed prior to the removal of the scup from the dealer's premises or from the point of transfer.~~

Commented [DP(8)]: Repealed statutes

~~(3) The weight scales must be certified in accordance with RIGL Chapter 47-1.~~

Commented [DP(9)]: Re-located to Dealer regs as a general provision

~~73.24 Coastal Sharks~~

~~(GH) Dealer Permit Authorized sale:-(4)~~ No person shall sell any shark species to a person or dealer who does not possess a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries.

~~(2) No person shall purchase any shark species for sale or resale unless such person, possesses a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the NOAA Fisheries. [Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the NOAA Fisheries Southeast Regional Office in St. Petersburg, FL at (727) 824-5326. Applications are available on the web at <http://sero.nmfs.noaa.gov/permits/permits.htm>].~~

Commented [DP(10)]: Re-located to Dealer Regs