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TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 5 – LOBSTERS, CRABS AND OTHER CRUSTACEANS

5.1 Purpose

A. The purpose of these Rules and Regulations is to manage the marine resources of Rhode Island.

5.2 Authority

A. These Regulations are adopted pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

5.3 Definitions

A. See Part 1 of this Subchapter.

5.4 General Lobster and Crab Pot Provisions

A. No person except the Director shall place, set, keep, maintain, sell, transfer, or have in his/her possession any pot, trap, car, or any other device used in taking or holding lobster or crabs, nor take, remove, or carry away from the beach or shore any pot, trap, car, or other device or line (warp) or buoy without the written permission of the owner (R.I. Gen. Laws § 20-7-12.1).

B. Raising lobster pots at night: No person shall raise or unduly disturb any lobster pot or trap within the territorial waters of this State between the hours of one (1) hour after sundown and one (1) hour before sunrise (R.I. Gen. Laws § 20-7-13).

C. Removal of branded numbers from lobster pots: No person shall set, maintain, or have in his/her possession any lobster pots from which the branded numbers have been altered, obliterated, or removed, with the intent to defraud or deprive the owner (R.I. Gen. Laws § 20-7-12).

D. Buoys: Each pot used for the taking of lobsters or crabs shall bear a color scheme on the attached buoy consistent with the color stated on the license. In cases where natural conditions render it impractical to separately buoy each pot, the Director may grant permission to buoy such pots in an alternative manner (R.I. Gen. Laws § 20-7-11).

1. Color scheme: The buoy color scheme shall be displayed on any lobster boat used by the licensee such that those colors shall be painted on port and starboard sides of the hull in a section not less than one foot (1') square. Or a clearly painted buoy shall be set at the highest point on the boat excluding the mast and be visible for three hundred sixty degrees (360°). The buoy or colors must be prominently displayed on the vessel at all times that lobster gear fished under that license is in the water (R.I. Gen. Laws § 20-7-11.1(a)).

2. No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot used for the taking of lobsters unless the color scheme of the attached buoy is the same as the color scheme that is on file with the license application and displayed on the boat used by that person, or unless that person is duly licensed and possesses written permission from the rightful owner of the pot, trap, or other device (R.I. Gen. Laws § 20-7-11.1(b)).

5.5 Lobster

5.5.1 RI State Waters and LCMA 2 (Inshore Southern New England)

A. Minimum size: Three and three eighths inches (3-3/8”) carapace length.

B. Maximum size: Five and one quarter inches (5-1/4”) carapace length.

C. Egg-bearing female lobsters: No person shall have in his/her possession at any time any female lobster bearing eggs or from which the eggs have been brushed or removed (R.I. Gen. Laws § 20-7-10).

D. Mandatory v-notching: Any person or vessel permitted or declared to fish in LCMA 2 shall v-notch all legal-sized egg bearing female lobsters.

E. Prohibition on possession of v-notched female American lobsters: Any v-notched lobster shall be immediately returned to the water from which taken. No person shall retain on board, land, or possess any v-notched female American lobster.

F. Penetrating devices: No person shall use a spear, gig, gaff, or other such penetrating device to harvest lobsters.

G. Possession of lobster meat: No fishing vessel operating in Rhode Island territorial waters shall have on board at any time more than one (1) pound of cooked or uncooked lobster meat for each person on board that vessel (R.I. Gen. Laws § 20-7-14).

H. Mutilation of uncooked lobster meat: No person shall mutilate any uncooked lobster by severing its tail from its body or have in his/her possession any part or parts of any uncooked lobster so mutilated (R.I. Gen. Laws § 20-7-14).

I. Lobster pots:

1. Maximum size: Twenty-two thousand nine hundred fifty (22,950) cubic inches.

2. Escape vents: Each and every lobster 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 (R.I. Gen. Laws § 20-7-11(a)):

a. At least one (1) rectangular escape vent with an unobstructed opening measuring not less than two inches by five and three quarters inches (2” x 5-3/4”); or two (2) circular escape vents, each with an unobstructed opening measuring not less than two and five eighths inches (2-5/8”) in diameter; or

b. An unobstructed gap caused by raising both ends of a bottom lath in the parlor section two inches (2”) from the bottom; or

c. An unobstructed gap caused by separating both ends of two (2) vertical laths on the end of the parlor section by two inches (2”); or

d. An unobstructed gap created by cutting wires in a wire trap in such a manner as to meet the minimum size and number of vents required in accordance with this Section.

e. The vent or gap shall be installed or made in each parlor section on the sides, end panel, or door of the trap. Traps equipped with multiple parlor sections and having a central entrance funnel(s) separating the parlor sections must adhere to the escape vent requirements specified above in each parlor section. Traps equipped with multiple parlor sections that are linked in series (“in-line”) must adhere to the escape vent requirements specified in the terminal, or end parlor section.

f. Lobster traps not constructed entirely of wood must contain a ghost panel with the following specifications:

    (1) The opening to be covered by the ghost panel must be rectangular and shall not be less than three and three quarters inches by three and three quarters inches (3-3/4” x 3-3/4”).

    (2) The panel must be constructed of, or fastened to the trap with one (1) of the following untreated materials: wood lath, cotton, hemp, sisal, or jute twine not greater than three sixteenths of an inch (3/16”) in diameter, or non-stainless, uncoated ferrous metal not greater than three thirty-seconds of an inch (3/32”) in diameter.

    (3) The door of the trap may serve as the ghost panel if fastened with a material specified in previous paragraph.

    (4) The ghost panel must be located in the outer parlor(s) of the trap and not the bottom of the trap.

J. Non-commercial (i.e. recreational) Regulations:

1. A non-commercial lobster pot or diver license is available to Rhode Island residents only. A non-commercial lobster licensee shall not offer for sale or sell lobsters (R.I. Gen. Laws §§ 20-2-24 and 20-7-3).

    a. Non-commercial lobster pots:

        (1) A holder of a non-commercial lobster pot license may set, place, or maintain in the water not more than five (5) lobster pots at any one (1) time (R.I. Gen. Laws § 20-7-3).

        (2) Trap tags: A lobster trap tag issued by the Director is required to be attached to each pot deployed. Tags shall be permanently attached to the trap bridge or central cross member of the trap and be clearly visible for inspection. A one (1) tag over-allotment will be issued for a routine loss. Tags shall be valid for the calendar year in which the license is issued.

    b. Diver lobster license: A holder of a non-commercial lobster diver license shall take no more than eight (8) lobsters in any one (1) day. No diver shall use a spear, gig, gaff, or other penetrating device to harvest lobsters or while diving to set, open or tend lobster pots (R.I. Gen. Laws § 20-7-4).

K. Taking of lobsters by commercial fishing vessels: No operator of a Rhode Island registered vessel engaged in trawling for finfish in Rhode Island territorial waters may retain and sell any lobsters taken unless properly licensed by the Department (R.I. Gen. Laws § 20-7-2).

1. Licensing of owner-operated vessels: No vessel may be used in the commercial taking of lobsters 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 R.I. Gen. Laws § 20-7-6.

2. Use of commercial license by agent or employee: If a commercial lobster licensee becomes incapacitated for any reason from using that license, that person may permit his/her agent or employee to perform those duties under the license. Prior authorization from the Director is required for the use of a commercial license by an agent or employee due to incapacitation (R.I. Gen. Laws § 20-7-6). Criteria for use of license:

    a. The applicant must provide application on forms prescribed by the Director;

b. The agent or employee must be a citizen of the United States;

c. The application must include a written statement signed by a duly-licensed physician stating that the applicant/licensee is incapacitated and unable to participate in the lobster fishery, the reason for that incapacity, and the anticipated duration of such incapacity. For the purpose of this Section, the term incapacity shall be defined as the inability, due to medical reasons, to place, set, keep, maintain, supervise, lift, raise, or draw in any pot or other contrivance designed or adapted for the catching of lobsters. The Director may grant permission to the incapacitated applicant/licensee, for a period not to exceed ninety (90) days, to transfer his/her duties under such license to a designated agent or employee. This permission may be continued for an additional ninety (90) days upon submission to the Director of a duly-licensed physician's statement documenting such need. Further extensions may be granted at the discretion of the Director, but in no case may the period of transfer of duties exceed a total of one (1) year.

d. Upon Director authorization for use of a license by an agent or employee, the authority of the licensee to sell or commercially harvest lobsters under such license shall be transferred in its entirety to the designated agent or employee. The agent or employee must carry the license of the incapacitated licensee and the written authorization by the Director on his/her person at all times while engaged in any portion of the lobster fishery.

e. By making application for the transfer of duties to an agent or employee, the applicant/licensee accepts responsibility for the actions of the transferee under the authority of said license.

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

L. Commercial lobster trap allocation (LTA)

1. Applicability: No person may take or possess lobster commercially in LCMA 2 unless taken by a lobster trap authorized pursuant to a lobster trap allocation (LTA) issued by the Department, or as incidental catch by an otter trawl or gillnet pursuant to this Subchapter.

2. No person may deploy more lobster traps than their authorized LTA.

3. The Director is the LTA authority in LCMA 2 for all Rhode Island residents, both State-licensed and Federally-permitted.

4. No holder of any LTA may lease his/her allocation, or any portion thereof.

5. LTA transfers

a. Eligibility

(1) LTA transferors: Any State-licensed, Federally-permitted, or dual Federalpermit/State-license holder of a Department or NOAA Fisheries-issued LTA is eligible to transfer some or all of his/her LTA, subject to the terms and conditions set forth below.

(2) LTA transferees: Any Rhode Island resident is eligible to obtain one (1) or more transfer(s) of Department issued LTAs, subject to the terms and conditions set forth below. Any Rhode Island resident or non-resident is eligible to obtain one (1) or more transfer(s) of NOAA Fisheries-issued LTAs, subject to the terms and conditions set forth below.

(3) All holders of LTAs assigned to a Rhode Island State commercial fishing license only (i.e. no Federal permit) must annually renew their Rhode Island State commercial fishing license, or that portion of their Rhode Island State commercial fishing license that authorizes them to commercially harvest lobsters from Rhode Island State waters with lobster traps, in order to remain eligible to transfer any portion of their LTA.

B. LTA transfer application

(1) All transfers of LTAs must be authorized by the Director.

(2) Applications for LTA transfers shall be made on forms prescribed by the Director. All applications must be signed by both the transferor and transferee, and notarized.

(3) Applications for transfers may be submitted from June 1 through November 30 for the following fishing year.

(4) Transfers shall become effective the year following the approval of the application.

(5) The LTA transferor and transferee are not bound by any Rules or Regulations of the Department relating to any payment or compensation between LTA transferor and transferee associated with any LTA transfer. Holders of LCMA 2 LTAs assigned to Rhode Island State waters may sell, give, or otherwise convey some or all of their allocation

without limitation, provided that they comply with all terms and conditions set forth herein.

c. Types of allowable transfers

(1) Partial or full LTA transfers without sale of business: An LTA transferor may transfer a portion or all of his/her Department or NOAA Fisheries-issued LTA. In any such case, the LTA transferor may retain his/her license/permit and fishing business.

(2) Full LTA transfer with sale of business: Pursuant to Part 2 of this Subchapter, Commercial and Recreational Saltwater Fishing Licensing Regulations, a licensed fishermen who has been actively fishing his license/permit and wishes to sell his vessel and gear and retire his license may do so, and in so doing, enable the buyer (transferee) to acquire a new, corresponding license and endorsement. In any such situation, the transaction must include the transfer of all of the seller's (transferor's) Department or NOAA Fisheries-issued LTA, along with any and all history associated with the license/permit.

(3) Partial and full business transfers of multi-LCMA LTA: Recipients of either a partial LTA transfer or full LTA transfer with sale of business from a Federal permit that has a multi-LCMA LTA shall retain the multi-LCMA history and may fish in any of the LCMAs that the LTA allows and would be bound by the most restrictive Rule when declaring to be fishing in multiple LCMAs.

6. LTAs assigned to a dual Federal permit/State license holder cannot be divided and apportioned between the permit/license. A dual Federal permit/State license holder's LTA will be considered indivisible. If a dual Federal permit/State license holder "splits" his/her permits/license by transferring either the Federal permit or State license to another entity, then the entire fishing history, including any LTA is to remain with the Federal permit.

7. A dual Federal permit/State license holder who permanently relinquishes or surrenders his/her Federal limited access lobster permit can allow his/her LTA to be transferred to his/her State license.

8. Transfers of any LTA must remain within the LCMA from which they originate. An LTA from one (1) LCMA is only valid in the LCMA from which it originally qualified and cannot be transferred to another LCMA.

9. The LTA of the seller (LTA transferor) shall be reduced in all LCMAs in which the seller has been assigned an LTA by the amount of LTA that is transferred prior to application of the ten percent (10%) conservation tax.

10. Partial transfers of LTA assigned to LCMA 2, whether State-licensed, Federally-permitted, or dually Federally-permitted/State-licensed, shall involve a minimum of ten (10) LTA units (i.e. lobster traps), and occur in minimum units of ten (10) LTA units thereafter, until the remaining LTA is less than ten (10) lobster traps.

11. If an LTA assigned to LCMA 2 falls below ten (10) lobster traps, and the holder wishes to transfer his/her allocation, the entire allocation must be transferred in a single transaction, and the lobster trap allocation transferor shall be prohibited from participation in the LCMA 2 commercial lobster trap fishery until such time as said license holder re-acquires LTA assigned to LCMA 2.

12. All transfers of LCMA 2 LTAs, including all partial and full trap allocation transfers and all transfers associated with the sale of business, shall be subject to a ten percent (10%) conservation tax. The tax shall be applied to each and every transfer including all initial transfers and any/all subsequent transfers. Transfers of less than ten (10) lobster traps shall not be subject to the ten percent (10%) conservation tax.

13. An LCMA 2 LTA transferee may engage in any number of transfers, provided that the total number of traps held at any one (1) time does not exceed eight hundred (800).

14. Any LTA transferee who obtains an LCMA 2 LTA assigned to a Rhode Island State commercial fishing license only (i.e. no Federal permit) must currently have a Principle Effort License with a lobster endorsement or a State multipurpose endorsement, which shall be necessary in order to commercially harvest lobsters from Rhode Island State waters with lobster traps.

15. Single Ownership Trap Cap or Individual Permit Cap for LCMA 2

    a. Single ownership cap allows the purchase and accumulation of traps over and above the active trap cap (currently eight hundred (800) traps for LCMA 2). The single ownership cap is one thousand six hundred (1,600) traps for an individual or corporation at a given time. Traps in excess of the active trap cap may not be fished until activated by the permitting State or agency. A transfer tax will not be assessed on traps activated from the permit holder's individual permit cap (Trap Bank) to an active trap. Newly purchased traps, along with traps already owned by a permit holder, may combine to equal the number of traps necessary to go through active

reductions in order to end up at the final trap level of eight hundred (800) traps.

b. Sunset Provision for the Single Ownership Cap: The single ownership cap allows the purchase and accumulation of traps over and above the active trap cap (currently eight hundred (800) traps for LCMA 2). This is to allow for businesses that are cut in the upcoming annual trap reductions to efficiently rebuild their business. The single ownership cap will expire two (2) years after the last trap reduction as specified in Addendum XVIII to Amendment 3 to the American Lobster Fisheries Management Plan. At that time, LCMA 2 will revert back to the historical eight hundred (800) active trap cap allocation only.

16. Aggregate Ownership Cap or Owner Accumulation Limits for LCMA 2: Under this addendum, an entity may not own more than one thousand six hundred (1,600) traps (eight hundred (800) active and eight hundred (800) banked traps). However, those individuals who had more than two (2) permits in December 2003 may retain the number they had at that time, but may not own or share ownership of any additional permits.

17. License and LTA Tracking: The Department shall maintain records to track all Department or NOAA Fisheries issued LTAs and LTA transfers for resident State license holders and resident Federal permit holders.

M. LTA reduction for LCMA 2

1. Initial LTA reduction: Effective Year one (1) of LTA reduction schedule, each and every LCMA 2 LTA shall be reduced by twenty-five percent (25%) from the original LCMA 2 LTA determination and be permanently retired from the LCMA 2 lobster trap fishery for conservation purposes. For State-only license holders, LTA reductions are from the original LCMA 2 LTA determinations and any LCMA 2 LTA obtained subsequent to the initial LCMA 2 LTA determination. For Federal permit or dual State license/Federal permit holders, LTA reductions are from the LTA accepted by the Federal permit or dual State license/Federal permit holders after NOAA Fisheries completes their LTA process. Additionally, any other LTA from any other LCMA that was obtained by the Federal permit or dual State license/Federal permit holder subsequent to the initial LTA determination is also subject to this twenty-five percent (25%) LTA reduction.

2. Annual LTA reduction schedule: Effective beginning Year two (2) of the LTA reduction schedule and on June 1 in each of the next four (4) consecutive years, each and every LCMA 2 LTA shall be reduced by five percent (5%) from the preceding year's LCMA 2 LTA. The annual LTA reductions shall be assessed to both active and banked LCMA 2 LTAs,

with the annual LTA reductions being permanently retired from the LCMA 2 lobster trap fishery for conservation purposes.

a. LCMA 2 – LTA Reduction Schedule:

Year	% Reduction
2016	25%
2017	5%
2018	5%
2019	5%
2020	5%
2021	5%

N. Commercial lobster trap tags

1. Applicability: No person shall set, haul or maintain from, in, or upon the waters under the jurisdiction of the State of Rhode Island any lobster pot for taking of American lobster without the pot having a valid State of Rhode Island lobster trap tag issued by the Director or NOAA Fisheries.

2. Eligibility: Tags are available only to state license holders and/or federal permit holders who hold an LTA.

3. Issuing authority: The Director is the authority for the issuance of lobster trap tags for the State of Rhode Island, and shall have complete oversight over the program.

   a. For State-licensed residents and non-residents who possess a Federal Limited Access Lobster Permit, the Director may request authority to issue trap tags to Federal Limited Access Lobster Permit holders under a signed Memorandum of Agreement (MOA) with NOAA Fisheries. If such an agreement is not established, NOAA Fisheries shall be the issuing authority.

   b. The State of Rhode Island, under a signed Memorandum of Agreement (MOA) with the NOAA Fisheries, shall recognize lobster trap tags issued by NOAA Fisheries as being valid within waters under the jurisdiction of the State, provided that the Federal Limited

Access Lobster Permit holder also possesses a valid Rhode Island commercial fishing license to harvest lobster.

4. Order of tags shall be made on forms as prescribed by the Director.

5. Cost of tags shall be borne by the license holder and shall not exceed the cost of producing such tags by the vendor(s) selected by the Department.

6. Tags shall be permanently attached to the trap bridge or central cross member of each trap and be clearly visible for inspection.

7. Valid dates of tags.

   a. State waters tags: June 1 through May 31 annually.

   b. Federal tags: May 1 through April 30 annually.

8. Tags shall be a permanent, single-use design.

9. No person shall transfer tags between lobster traps, or between individuals or vessels.

10. No person shall file a false claim of trap or trap tag loss.
11. No person shall possess at any one (1) time more lobster trap tags than are authorized.

12. Only tags for the current fishing year, and either the immediate previous or following fishing year, may be attached to each lobster trap at any one time.

13. Trap tag types and issuance

   a. Each trap must have attached an original trap tag, unless replaced with a gear rotation or catastrophic tag issued pursuant to these regulations.

   b. Original tags: The number of tags issued initially may be in any amount not to exceed the license holders authorized LTA, plus an additional ten percent (10%) to be used in the event of routine trap or tag loss.

      (1) LTA holders in LCMAs 1 and 3 are not eligible for routine gear loss tags. Holders may only order the number of trap tags equal to their authorized LTA.

   c. Gear rotation tags: Gear rotation tags are used for gear rotation and maintenance or to replace broken tags. The number of gear rotation tags issued shall not exceed the licensee holders

authorized LTA. Gear rotation tags ordered shall be held by the Director and be issued on a one-for-one (1-for-1) basis upon receipt of the original tags.

d. Catastrophic loss tags:

(1) Catastrophic loss tags are issued in the event of a catastrophic loss.

(2) Catastrophic loss tags are special order only and may not be pre-ordered. The Department shall review an order for catastrophic loss tags within one (1) week after receipt.

(3) A claim of catastrophic loss may be made twice per tag year. Catastrophic loss tags may be ordered in an amount equal to the number of original tags ordered.

(4) Catastrophic loss tags shall be distinguishable from original trap tags (i.e. color).

(5) In State waters, catastrophic loss tags must be placed in traps within ten (10) days after issuance, at which time all original and gear rotation trap tags become null and void.

(6) The Division of Law Enforcement must be notified, in writing by certified mail, in cases of extenuating circumstances that do not permit catastrophic loss tags to be attached to traps.

(7) Catastrophic trap tag loss shall be reported immediately to the DLE. Recovery of original lobster trap tags that have been reported as catastrophic loss shall be reported immediately to the DLE.

(8) In the event that catastrophic loss tags are not immediately available, the Director may authorize the use of new traps until catastrophic loss tags are received by said licensee.

(9) Following the issuance of catastrophic loss tags, no person shall deploy a lobster pot for which a catastrophic loss tag has been issued and which does not display a valid catastrophic loss tag.

O. For persons possessing a valid Rhode Island commercial fishing license (licensee) for the catching, taking, or landing of American lobster, 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 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.

3. If any discrepancies between the LCMA declared to the Director and NOAA Fisheries are revealed, the NOAA Fisheries LCMA declarations shall govern. Any lobster trap tags issued based on conflicting information provided to NMFS shall become null and void and must be returned to the issuing authority.

4. Federal (EEZ) waters lobster trap tags shall be distinguishable from Rhode Island State waters lobster trap tags by color.

5. No licensees owning/partnered/incorporated in vessel(s) holding an 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 within the jurisdiction of the State of Rhode Island from said LCMA 2 Federally-permitted vessel(s), unless the lobster traps are tagged with Federally-designated lobster trap tags that includes an LCMA 2 declaration, issued to said Federally-permitted vessel(s).

6. If multiple LCMA's are declared and management measures for the declared LCMA's differ, any vessel owner permitted to fish in the Federal Exclusive Economic Zone (EEZ) must comply with the most restrictive management measures of the LCMAs declared, except in regard to trap caps and trap allocations. For trap caps and trap allocations, the most restrictive Rule will be applied on an LCMA trap cap/trap allocation basis without regard to the individual's or vessel's trap cap or trap allocation.

P. Land-based lobster processing permit

1. A land-based lobster processing permit is required for the land-based processing of whole uncooked lobsters.

2. The possession of lobster tails, claws, or other lobster body parts at sea or in any unlicensed facility is prohibited.

3. Lobster body parts which are possessed by the land-based processor shall come from legal-sized lobsters only. For the purposes of this Section, a legal-sized lobster meets the minimum size and has a dorsal midline

length of the sixth (6th) abdominal (tail) segment of at least one and one sixteenth inches (1-1/16”);

4. Application: Application for a Land-Based Lobster Processing Permit shall be made on forms prescribed by the Director.

5. The applicant must possess a Rhode Island Department of Health Food Processor's License and a Rhode Island Lobster Dealer's License.

6. Containers in which processed lobster body parts are packed and which are to be sold, shipped, or transported shall be clearly labeled with the license number of the processor.

7. The applicant shall maintain records at the processing facility of lobster purchases, including the license numbers of the sellers for a period of two (2) years.

5.5.2 LCMA 1 (Inshore Gulf of Maine)

A. Minimum size: Three and one quarter inches (3-1/4”) carapace length

B. Maximum size: Five inches (5”) carapace length

C. Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two one and fifteen-sixteenths inches by five and three quarters inches (1 15/162” x 5 3/4”), or two (2) circular escape vents, each measuring not less than two and seven-sixteenths one half inches (2 7/161/2”) diameter

D. Maximum trap size: Twenty-two thousand nine hundred and fifty (22,950) cubic inches

E. Prohibition on possession of v-notched female American lobsters – zero tolerance v-notching definition: No person, including, but not limited to, fishermen, dealers, shippers, and restaurants, shall retain on board, land, or possess any v-notched female American lobster. In LCMA 1, a v-notched female lobster means any female lobster bearing a v-shaped notch of any size in the flipper next to and to the right of the center flipper, as viewed from the rear of the female lobster. V-notched female lobster also means any female lobster which is mutilated in such a manner as to hide, obscure, or obliterate such a mark. The flipper to the right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

F. Mandatory v-notching: Any person or vessel permitted or declared to fish in LCMA 1 shall v-notch all legal-size egg-bearing female lobsters and return them to the water immediately.

G. Limits on landings by fishermen using gear or methods other than traps: Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than one hundred (100) lobsters per day (based on a twenty-four (24) hour period) up to a maximum of five hundred (500) lobsters per trip, for trips five (5) days or longer.

H. LTA holders in LCMA 1 are not eligible for routine gear loss tags. Holders may only order the number of trap tags equal to their authorized LTA.

5.5.3 LCMA 3 (Offshore Waters)

A. Minimum size: Three and seventeen thirty-seconds inches (3-17/32") carapace length

B. Maximum size: Six and three quarters inches (6 3/4") carapace length

C. Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two and one sixteenth inches by five and three quarter inches (2-1/16" x 5-3/4") or two (2) circular vents, each with an unobstructed opening measuring not less than two and eleven sixteenths inches (2-11/16") diameter.

D. Maximum trap size: Thirty thousand one hundred (30,100) cubic inches

E. Prohibition on possession of v-notched female American lobsters: No person, including, but not limited to, fishermen, dealers, shippers, and restaurants, shall retain on board, land, or possess any v-notched female American lobster.

F. Mandatory v-notching: There is no v-notching requirement in LCMA 3.

G. Limits on Landings by fishermen using gear or methods other than traps: Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than one hundred (100) lobsters per day (based on a twenty-four (24) hour period) up to a maximum of five hundred (500) lobsters per trip, for trips five (5) days or longer.

H. Limits on the Number of Traps

1. Qualification Criteria: The trap limit in LCMA 3 shall be based on the historical level of traps fished by a vessel in LCMA 3. To qualify for LCMA 3 participation, vessels must meet all of the following criteria:

   a. A vessel must be able to demonstrate a history of two (2) consecutive calendar months of active lobster trap fishing in LCMA 3 in any year between March 25, 1991 and November 1, 1997.

   b. A vessel must hold a current Federal lobster permit endorsed for traps.

c. Applicants for an LCMA 3 trap allocation are required to produce sales receipts or records showing the landing of at least twenty-five thousand (25,000) pounds of lobster from throughout the range of the resource during the year used as the qualifying year and between March 25, 1991 and November 1, 1997.

2. Basis for Initial Trap Limit Number: Initial trap allocations to qualifying vessels (Federal Limited Access Lobster Permit holders that meet the performance criteria listed above) shall be based on the applicant's choice of year and trap level, in the water in LCMA 3, during the period from January 1, 1994 through November 1, 1997. Vessels that did not lobster trap fish in LCMA 3 during the period from January 1, 1994 through November 1, 1997, but did qualify as a Federal Limited Access Lobster Permit holder, must pick the most recent year in which they actively fished lobster traps in LCMA 3, such year not to pre-date the March 25, 1991 control date.

3. Maximum Initial Trap Allocation is three thousand two hundred fifty (3,250) Traps: No vessel shall be given an Initial trap allocation of more than three thousand two hundred fifty (3,250) traps, regardless of previous historical participation.

4. Vessels Applying for both LCMA 3 and Additional LCMA Trap Allocations: Vessels applying for multiple LCMA trap allocations must use the same period to determine their total trap numbers to avoid allocating more total traps to an individual/vessel than that individual/vessel had in the water at any one (1) time. Applicants for LCMA 3 trap allocations, who are also applicants for trap allocations in other LCMAs, must meet the same qualifying criteria as defined above.

5. Certification of Initial trap Allocation Applications: Within sixty (60) days of the close of the trap application period, the Regional Administrator should publish a notice that specifies preliminary initial lobster trap allocations for each Federal Limited Access Lobster Permit holder. The amounts will be based on lobster trap information submitted by the applicant in accordance with the evaluation process, and other information considered appropriate by the Regional Administrator. The notice will provide for a thirty (30) day public comment period. Simultaneous with the publication, the same information contained in the notice (including the thirty (30) day comment period) will appear in a Notice to Permit Holders.

I. Trap Reduction Schedule for LCMA 3: Each LCMA 3 trap allocation of greater than one thousand two hundred (1,200) lobster traps will be reduced on a sliding scale basis over a four (4) year period. Trap reduction will not go below a baseline level of one thousand two hundred (1,200) lobster traps. LCMA 3 trap allocations of less than one thousand two hundred (1,200) lobster traps will

remain at their initial qualifying level and will not be permitted to increase up from that number. The LCMA 3 trap reduction schedule is as follows:

Initial Allocation	3250	3000	2800	2600	2400	2200	2000	1800	1600	1400
Year 1	2656	2493	2357	2218	2076	1930	1762	1628	1467	1290
Year 2	2493	2351	2230	2107	1981	1849	1715	1573	1423	1251
Year 3	2351	2225	2117	2008	1896	1776	1654	1523	1380	1213
Year 4	2267	2150	2050	1949	1845	1732	1616	1492	1352	1200

J. There shall be no area closure between LCMA 1 and LCMA 3.

K. Reporting requirements for LCMA 3: For any person or vessel permitted and declared to fish in LCMA 3, it shall be required to fill out multi-species logbooks until a lobster-specific logbook is approved.

L. LCMA 3 “Choose and Use” provision: Once qualified for historic participation in LCMA 3, a Federal lobster permit holder requesting an LCMA 3 designation (LCMA declaration) is required to permanently designate LCMA 3 on his/her/vessel Federal permit. Federal permit holders have a one (1) time opportunity to drop the LCMA 3 designation. In addition, when an LCMA 3 Federal permit is sold or transferred, permanent designation can be reconsidered, which allows the new owner the decision of whether or not they wish to designate/declare LCMA 3 on his/her/vessel Federal permit.

M. LCMA 3 LTA transfers

1. Transfers of LTA assigned to LCMA 3 may only be made to individuals/entities with a Federal lobster permit.

2. Partial transfers of LTA assigned to LCMA 3, whether Federally-permitted or dually Federally-permitted/State-licensed, shall involve a minimum of ten (10) LTA units (i.e. lobster traps), and occur in minimum units of ten (10) LTA units thereafter, until the remaining LTA is less than ten (10) lobster traps.

3. If LTA assigned to LCMA 3 falls below ten (10) lobster traps, and the holder wishes to transfer the LTA, the entire allocation must be transferred in a single transaction, and the lobster trap allocation transferor shall be prohibited from participation in the LCMA 3 commercial lobster trap fishery until such time as said individual/entity re-acquires LTA assigned to LCMA 3.

4. All transfers of LCMA 3 LTAs, including all partial and full trap allocation transfers and all transfers associated with the sale of a business, shall be subject to a ten percent (10%) conservation tax. The tax shall be applied to each and every LTA transfer, including all initial transfers and any/all subsequent transfers. Transfers of less than ten (10) lobster traps shall be prohibited.

5. The maximum allowable LTA assigned to LCMA 3 shall be two thousand (2,000) traps. An LCMA 3 LTA transferee may engage in any number of transfers, provided that the total number of traps held at any one (1) time does not exceed two thousand (2,000).

6. Active Trap Cap for LCMA 3:

Year	Trap Cap
Year 0	2,000
Year 1	1,900
Year 2	1,805
Year 3	1,715
Year 4	1,629
Year 5	1,548

   a. This schedule assumes that NOAA Fisheries will implement a two thousand (2,000) trap cap with the next set of Federal Rules and phase in a twenty-five percent (25%) trap cut during the next five (5) years.

7. Single Ownership Cap or Individual Permit Cap for LCMA 3: The Single Ownership Cap allows for the purchase and accumulation of traps over and above the Active Trap Cap limit. This will allow a permit holder to obtain trap allocation from other permit holder in excess of the individual trap cap limit. This additional allocation may not be fished until activated by the permit holder's governing agency.

8. Individual Permit Cap Table for LCMA 3:

Year	Number of Traps

Year 0	2,333
Year 1	2,216
Year 2	2,105
Year 3	2,000
Year 4	1,900
Year 5	1,800

a. This schedule assumes that NOAA Fisheries will implement a two thousand (2,000) trap cap with the next set of Federal Rules and phase in a twenty-five percent (25%) trap cut during the next five (5) years.

9. Aggregate Ownership Cap or Ownership Accumulation Limits (Full Exemption): No single company or individual may own traps greater than five (5) times the Single Ownership Cap if they have not already accumulated them prior to the NMFS publishing a present-day control date. However, should an individual owner qualify to be in excess of the Aggregate Ownership Cap before the control date is published, that owner will retain their existing trap ownership and that owner may only increase trap ownership up to the Single Ownership/Individual Permit Cap. Any ownership with an accumulation of fewer traps than the Aggregate Cap at the time the control date is published may not exceed the Aggregate Ownership Cap, as detailed in the table below:

Year	Active Trap Cap	Individual Permit Cap	Aggregate Permit Cap (5x Individual Permit Cap)
Year 0	2,000	2,333	11,665
Year 1	1,900	2,216	11,080
Year 2	1,805	2,105	10,525
Year 3	1,715	2,000	10,000
Year 4	1,629	1,900	9,500

Year 5	1,548	1,800	9,000

10. License and LTA Tracking: The Department shall maintain records to track all Department or NOAA Fisheries issued LTAs and LTA transfers for resident State license holders and resident Federal permit holders.

11. Annual LTA reduction schedule for LCMA 3: Effective Year One (1) of the LTA reduction schedule, and on June 1 in each of the next four (4) consecutive years, each and every LCMA 3 LTA shall be reduced by five percent (5%) from the preceding year's LCMA 3 LTA. The annual LTA reductions shall be assessed to both active and banked LCMA 3 LTAs, with the annual LTA reductions being permanently retired from the LCMA 3 lobster trap fishery for conservation purposes.

a. LCMA 3 – LTA Reduction Schedule:

Year	% Reduction
Year 1	5%
Year 2	5%
Year 3	5%
Year 4	5%
Year 5	5%

N. LTA holders in LCMA 3 are not eligible for routine gear loss tags. Holders may only order the number of trap tags equal to their authorized LTA.

5.5.4 LCMA 4 (Inshore Northern Mid-Atlantic)

A. Minimum size: Three and three eighths inches (3-3/8") carapace length

B. Maximum size: Five and one quarter inches (5-1/4") carapace length

C. Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two inches by five and three quarters inches (2" x 5-3/4"), or two (2) circular escape vents, each with an unobstructed opening measuring not less than two and five eighths inches (2 5/8") diameter.

D. Maximum trap size: Twenty-two thousand nine hundred and fifty (22,950) cubic inches

E. Prohibition on possession of v-notched female American lobsters: No person, including, but not limited to, fishermen, dealers, shippers, and restaurants, shall retain on board, land, or possess any v-notched female American lobster.

F. Mandatory v-notching: Any person or vessel permitted or declared to fish in LCMA 4 shall v-notch all legal-sized egg bearing female lobsters and return them to the water immediately.

G. Limits on landings by fishermen using gear or methods other than traps: Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than one hundred (100) lobsters per day (based on a twenty-four (24) hour period) up to a maximum of five hundred (500) lobsters per trip, for trips five (5) days or longer.

H. Limits on the Number of Traps

1. Qualification Criteria: The trap limit in LCMA 4 shall be based on the historical level of traps fished by an individual. To qualify for LCMA 4 participation, individuals must prove participation in the LCMA 4 lobster fishery between March 25, 1991 and September 15, 1998.

2. Basis for Initial Trap Limit Number: Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one (1) calendar year during the period from January 1, 1994 through September 15, 1998. Individuals that did not lobster trap fish in LCMA 4 during the period from January 1, 1994 through September 15, 1998, but did fish between 1991 and 1993, inclusive, must pick the most recent year in which they actively fished lobster traps in LCMA 4, such year not to pre-date the March 25, 1991 control date. Individuals shall be allocated the total number of traps fished.

I. Area closures: It shall be unlawful to harvest lobsters using trap gear in four (4) closed areas: (1) Fire Island; (2) Moriches; (3) Shinnecock and; (4) Montauk. Fishermen may fish traps for finfish in these areas, but may not possess lobsters while fishing in these designated areas. These areas were designated using Loran coordinates. The following GPS coordinates are rough conversions of the Loran line coordinates. The closed area boundaries are:

1. Fire Island:

Point	Latitude (°N)	Longitude (°W)	Loran
A (NW)	40° 31.344	73° 25.823	26730/43710

B (NE)	40° 33.233	73° 09.249	26600/43710
C (SE)	40° 23.377	73° 11.708	26600/43620
D (SW)	40° 23.464	73° 10.976	26730/43620

2. Moriches:

Point	Latitude(°N)	Longitude(°W)	Loran
A (NW)	40° 24.276	72° 46.617	26400/43605
B (NE)	40° 25.688	72° 34.048	26300/43605
C (SE)	40° 18.380	72° 35.063	LCMA 3 boundary; 26300 line
D (SW)	40° 12.831	72° 48.559	26400/43500

3. Shinnecock:

Point	Latitude(°N)	Longitude(°W)	Loran
A (NW)	40° 34.389	72° 27.420	14960/43670
B (NE)	40° 35.904	72° 16.223	14890/43670
C (SE)	40° 27.997	72° 13.117	LCMA 3 boundary; 14890 line
D (SW)	40° 23.105	72° 23.782	LCMA 3 boundary; 14960 line

4. Montauk:

Point	Latitude (°N)	Longitude (°W)	Loran
A (NW)	40° 34.389	72° 12.521	14850/43730

B (NE)	40° 46.053	71° 56.974	17850/43730
C (SE)	40° 37.120	71° 53.188	LCMA 3 boundary; 126300 line
D (SW)	40° 30.741	72° 07.616	LCMA 3 boundary; 26300 line

J. Season closure: A season closure to the landing of lobsters from April 30 through May 31 annually is required for any person or vessel permitted and declared to fish in LCMA 4. During this closure, lobster potters will have a two (2) week period to remove lobster pots from the water and may set lobster pots one (1) week prior to the end of the closed season.

5.5.5 LCMA 5 (Inshore Southern Mid-Atlantic)

A. Minimum size: Three and three eighths inches (3-3/8”) carapace length

B. Maximum size: Five and one quarter inches (5-1/4”) carapace length

C. Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two inches by five and three quarters inches (2” x 5-3/4”), or two (2) circular escape vents, each with an unobstructed opening measuring not less than two and five-eighths one half inches (2-5/81/2”) diameter

D. Maximum trap size: Twenty-two thousand nine hundred fifty (22,950) cubic inches

E. Prohibition on possession of v-notched female American lobsters: No person, including, but not limited to, fishermen, dealers, shippers, and restaurants, shall retain on board, land, or possess any v-notched female American lobster.

F. Mandatory v-notching: Any person or vessel permitted or declared to fish in LCMA 5 shall v-notch all legal-sized egg bearing female lobsters and return them to the water immediately.

G. Limits on Landings by fishermen using gear or methods other than traps: Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than one hundred (100) lobsters per day (based on a twenty-four (24) hour period) up to a maximum of five hundred (500) lobsters per trip, for trips five (5) days or longer.

H. Limits on the Number of Traps

1. Qualification Criteria: The trap limit in LCMA 5 shall be based on the historical level of traps fished by an individual. To qualify for LCMA 5 participation, individuals must prove participation in the LCMA 5 lobster fishery between March 25, 1991 and September 15, 1998.

2. Basis for Initial Trap Limit Number: Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one (1) calendar year during the period from January 1, 1994 through September 15, 1998. Individuals that did not lobster trap fish in LCMA 5 during the period from January 1, 1994 through September 15, 1998, but did fish between 1991 and 1993, inclusive, must pick the most recent year in which they actively fished lobster traps in LCMA 5, such year not to pre-date the March 25, 1991 control date. Individuals shall be allocated the total number of traps fished.

I. Season closure: A season closure to the landing of lobsters from February 1 through March 31 annually is required for any person or vessel permitted and declared to fish in LCMA 5. During this closure, lobster potters will have a two (2) week period to remove lobster pots from the water, and may set lobster pots one (1) week prior to the end of the closed season.

5.5.6 LCMA 6 (New York and Connecticut State Waters)

A. Minimum size: Three and three-eighths five sixteenths inches (3-3/85/16”) carapace length

B. Maximum size: Five and one quarter inches (5-1/4”) carapace length

C. Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two inches by five and three quarters inches (2” x 5-3/4”), or two (2) circular escape vents each with an unobstructed opening measuring not less than two and five-eighths one half inches (2-5/81/2”) diameter.

D. Maximum trap size: Twenty-two thousand nine hundred fifty (22,950) cubic inches

E. Prohibition on possession of v-notched female American lobsters: No person or vessel permitted or declared to fish in LCMA 6 shall possess a v-notched female lobster. The prohibition on possession of v-notched female lobster applies to all persons, including, but not limited to fishermen, dealers, shippers, and restaurants.

F. Mandatory v-notching: There is no v-notching requirement in LCMA 6.

G. Limits on Landings by Fishermen Using Gear or Methods other than Traps: Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than one hundred (100) lobsters per day

(based on a twenty-four (24) hour period) up to a maximum of five hundred (500) lobsters per trip, for trips five (5) days or longer.

H. Limits on the Number of Traps

1. Qualification Criteria: The trap limit in LCMA 6 shall be based on the historical level of traps fished by an individual. To qualify for LCMA 6 participation, individuals must prove participation in the LCMA 6 lobster fishery between January 1, 1995 and June 8, 1998.

2. Basis for Initial Trap Limit Number: Initial trap allocations to qualifying individuals shall be based on the number of traps fished in any one (1) calendar year during the period from January 1, 1995 through June 8, 1998.

I. Season Closure: A season closure to the landing of lobsters from September 8 through November 28 annually is required for any person or vessel permitted and declared to fish in LCMA 6. The season closure applies to both recreational and commercial fisheries and all gears. Between those dates possession of lobsters taken from LCMA 6 or from traps with LCMA 6 trap tags is prohibited. During this closure, lobster potters will have a two (2) week period to remove lobster pots from the water and may set lobster pots one (1) week prior to the end of the closed season. Traps cannot be baited until one (1) week prior to reopening (November 22).

5.5.7 Outer Cape Cod LCMA

A. Minimum size: Three and three-eighths one half inches (3-3/81/2”) carapace length

B. Maximum size: There is no maximum size for American lobster in the Outer Cape Cod LCMASix and three-quarter inches (6-3/4”) carapace length.

C. Minimum escape vent size: In each parlor section of the lobster trap, at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two and one sixteenths inches by five and three quarters inches (2-1/16” x 5-3/4”) or two (2) circular escape vents measuring two and five-eighths eleven sixteenths inches (2-5/811/16”).

D. Maximum trap size: Twenty-two thousand nine hundred fifty (22,950) cubic inches

E. Prohibition on possession of v-notched female American lobsters: It shall be unlawful for any person or vessel permitted or declared to fish in the Outer Cape Cod LCMA to possess a v-notched female lobster. The prohibition on possession of a v-notched female lobster applies to all persons, including, but not limited to, fishermen, dealers, shippers, and restaurants.

F. Mandatory v-notching requirements: There is no v-notching requirement in the Outer Cape Cod LCMA.

G. Limits on landings by fishermen using gear or methods other than traps: Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to no more than one hundred (100) lobsters per day (based on a twenty-four (24) hour period) up to a maximum of five hundred (500) lobsters per trip, for trips five (5) days or longer.

H. Trap Reduction Schedule for Outer Cape Cod LCMA: Beginning in 2002 and extending through 2008, a twenty percent (20%) reduction in the total number of lobster traps allowed to be fished will occur in the Outer Cape Cod LCMA. An additional five percent (5%) reduction in the total number of lobster traps allowed to be fished per year may be employed in 2006 and 2007, if necessary, to meet lobster egg production goals and objectives.

1. In order to control the expansion of fishing effort, an overall total number of traps allowed to be fished in the Outer Cape Cod LCMA has been established from the sum of individual maximum traps reported by each Outer Cape Cod LCMA lobster fisher on Massachusetts (MA) catch reports in the year 1998. A reduction of this total number of traps by twenty percent (20%) will be implemented and resulting individual trap allotments will be defined accordingly during the stock rebuilding period. The starting trap allotments for each lobster fisher in the year 2002 will be based on MA 2000 catch report statistics. Allotments will be debited thereafter as needed by MA Division of Marine Fisheries (DMF). Participants in the 2001 Outer Cape Cod lobster trap fishery, who received a license through the MA DMF or waiting list provisions during 2001, and as a result, have no prior lobster fishing history (i.e. filed catch reports) in the Outer Cape Cod LCMA, will receive a trap allotment based on proof of documentation of the number of traps they fished during 2001. These allotments will be apportioned from a percentage of the overall trap cap, not to exceed two percent (2%) of the total. Those who received a transferred license with an Outer Cape Cod LCMA fishing history will receive a starting trap allotment based on that history.

2. The annual trap transfer period will be January 1 – March 31. Trap tags may be transferred among Outer Cape Cod LCMA lobster fishers to allow an individual business to build up or down within the maximum allowable eight hundred (800) trap limit, however, a passive reduction in traps will occur with each trap transfer event at the rate of ten percent (10%). For example, if one hundred (100) trap tags are transferred to a lobster fisher, the net transaction received by that lobster fisher will be ninety (90) and the overall Outer Cape Cod LCMA trap cap will be reduced accordingly. The trap cap may be adjusted downward over time through active and/or passive reduction measures until such time that the Fishing mortality rate is reduced to a level below F10%.

3. Each time a lobster license is transferred to another lobster fisher within the Outer Cape Cod LCMA, the trap tag allowance associated with that license will be reduced by ten percent (10%). No new participants will be permitted to partake in the Outer Cape Cod LCMA lobster fishery without receiving trap tags through a transfer from those fishing within the established total trap cap.

4. A trap haul-out period will occur from January 1 – March 31 each year to assist in the enforcement of the trap cap. There will be no lobster trap in the waters of the Outer Cape Cod LCMA during this time period.

5.5.8 Electronic Tracking Requirements for Federal Lobster Permit Holders

A. Purpose: In 2022, the ASMFC approved and implemented Addendum XXIX to Amendment 3 to the Interstate Fishery Management Plan for American Lobster and Addendum IV to the Jonah Crab Fishery Management Plan pursuant to its authority at 16 USC 5100 et seq. These Addenda require the electronic tracking of all commercial lobster and Jonah crab permit holders who hold a federal trap allocation authorizing them to fish in waters under the jurisdiction of federal government.

B. Applicability: Any vessel permitted by NOAA Fisheries pursuant to 50 C.F.R. § 697.4 to fish trap gear for lobsters and Jonah crabs in the Economic Exclusive Zone.

C. Requirements:

1. Permit holders shall install and maintain at all times in operational order an Electronic Tracking Device approved by the ASMFC and the Department. It shall be unlawful for any such permitted vessel or vessel operator to operate in any manner without an operable Electronic Tracking Device installed on the vessel or to tamper in any manner that would render such device inoperable. The Electronic Tracking Device shall be installed and activated prior to beginning a fishing trip with trap gear onboard. Install means to place and fix an electronic tracking device onboard a vessel so that it is operable and ready for use. Tamper means any activity that may affect an electronic tracking device's ability to operate or signal properly, or to accurately compute or report the vessel's position.

2. Permit holders shall sign a written affidavit confirming the approved Electronic Tracking Device has been installed prior to initiating a fishing trip with trap gear on board.

3. Unless otherwise authorized by the Director, the Electronic Tracking Device shall remain onboard the vessel and powered on at all times when the vessel is in the water.

D. The Director may authorize the powering down of the Electronic Tracking Device. The authorization will be issued for a discrete period of time that considers the nature of the anticipated repair and be in the form of a written Letter of Authorization (LOA) signed by the Director.

5.6 Blue Crab

A. Harvest by Rhode Island residents only: The harvest of blue crabs by non-residents is prohibited (R.I. Gen. Laws § 20-7-15).

B. Minimum size: Five inches (5”) as measured across the shell from tip to tip of spike

C. Season: January 1 through December 31.

D. Possession limit: Twenty-five (25) crabs per day.

E. No person shall take, offer for sale, or possess at any time any female blue crab bearing eggs visible thereon or from which the egg pouch or bunion shall have been removed (R.I. Gen. Laws § 20-7-16).

5.7 Horseshoe Crab

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

B. Minimum size: Seven inches (7”) prosomal width.

C. Permit required: No person shall harvest horseshoe crabs without a valid Horseshoe Crab Harvest Permit obtained from the Director. Application for this permit shall be made on forms prescribed by the Director.

1. Eligibility:

   a. The permit is available to all licensed persons authorized to harvest horseshoe crab.

   b. Permit holders must be enrolled in a Division-approved electronic logbook program.

2. Permit conditions:

   a. The permit is valid only for the calendar year of issuance.

   b. Reporting:

      (1) Reporting of landings shall be on forms as prescribed by the Director.

~~(2) Weekly reporting: All permit holders shall provide a 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: All permit holders shall provide a monthly report 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.~~

(2) Permit holders must maintain enrollment in a Division-approved electronic logbook program.

(3) Applicants must be in compliance with commercial fishing data reporting requirements pursuant to Part 2 of this Subchapter. The following additional data elements are required:

(AA) Area and Sub Area fished.

(BB) Sex of horseshoe crabs taken (Market Code).

(CC) Number of horseshoe crabs taken (Units = Count).

(43) Permit holders shall submit trip reports electronically no later than forty-eight (48) hours after the end of the trip.

c. Biomedical harvest:

(1) Horseshoe crabs harvested and transported to a biomedical facility for purposes of extracting bodily fluids shall be returned to the waters from which they were taken within seventy-two (72) hours following the completion of the biomedical procedure, or intended procedure, if no procedure was performed.

(2) The dealer 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 dealer shall report to DEM's Division of Law Enforcement by calling 401-222-3070, and include the name of dealer, the number of crabs being returned, and location where the crabs will be returned.

(3) Horseshoe crabs must be transported to and from a biomedical facility in a temperature-controlled vehicle at or

below seventy degrees Fahrenheit (70˚ F). Containers of crabs must be secured and at most two thirds (2/3) full.

3. Penalties for non-compliance: In addition to the penalties for non-compliance as specified in § 1.11 of this Subchapter, penalties for reporting non-compliance are as follows:

   a. First instance: A first (1st) offense shall result in a warning being issued to the permit holder.

   b. Second instance: A second (2nd) 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 (3rd) 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.

D. Seasons and possession limits:

1. Recreational:

   a. Season: Open January 1 through December 31.

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

2. Commercial bait fishery:

   a. Quota: Established annually as allocated by the ASMFC or as determined by DMF based on the current stock status.

   b. Season and possession limit:

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

      (2) May 1 through May 31: Closed to harvest.

      (3) June 1 through December 31: Sixty (60) crabs per person per day.

3. Commercial biomedical fishery:

   a. Quota: Established annually after consultation with permitted biomedical facilities; not to exceed the total allowable harvest as determined by DMF based on the current stock status.

   b. Season: Open January 1 through December 31 annually.

c. Possession limit: Unlimited.

d. Harvest restriction: No person shall harvest horseshoe crabs for biomedical purposes during the period forty-eight (48) hours preceding and forty-eight (48) hours following the new and full moons during the month of May annually.

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

F. 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.

G. A control date of January 6, 2017 is established for the horseshoe crab fishery. This control date has been established by the Department for potential future use in establishing eligibility criteria for future access to the fishery.

5.8 Jonah Crab

A. Recreational:

1. Season: Open all year.

2. Possession limit: Fifty (50) whole Jonah Crabs per person per day.

B. Commercial:

1. Eligibility for participation in Directed Fishery: Any licensed person who holds a lobster trap allocation (LTA), or any person who does not hold an LTA but can prove participation in the Jonah Crab fishery prior to the control date, shall be eligible for continued participation in the fishery. Proof of participation shall be documented by Rhode Island Harvester Logbooks and/or SAFIS dealer reports.

   a. Control date: The control date for the Jonah Crab fishery is June 2, 2015.

2. Minimum size: Four and three quarters inches (4-3/4") as measured across the widest point of the carapace

3. Minimum escape vent and maximum trap size: Minimum escape vent and maximum trap size for a trap utilized in the taking of Jonah Crab shall

meet the requirements as specified in § 5.5.1(I) of this Part pertaining to lobster pots.

4. Season: Open all year.

5. Possession limit:

   a. Directed Fishery: Unlimited.

   b. Incidental Catch Provision: One thousand (1,000) crabs per vessel per calendar day provided the poundage of crabs does not exceed the poundage of other species on board the vessel at all times during a fishing trip.

C. Harvest restrictions:

1. Egg-bearing Jonah Crabs: No person shall take, offer for sale, or possess at any time any female Jonah Crab bearing eggs visible thereon or from which the egg pouch or bunion shall have been removed.

2. Only whole Jonah Crab may be retained and sold.

5.9 Atlantic Rock Crab

A. Control date: The control date for the Atlantic Rock Crab fishery is June 1, 2016. This control date has been established by the Department for potential future use in establishing eligibility criteria for future access to the fishery.