



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 XII Striped Bass



September 1, 2006

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 42-35, and 20-4 through 20-10, and sections 20-1-2, 20-1-4, and 20-3-2 through 20-3-6, in accordance with Chapter 42-35-18(b)(5), of the Rhode Island General Laws of 1956, as amended.

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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 efficiently manage the marine resources of Rhode Island.

AUTHORITY

These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, and 20-4 through 20-10, and sections 20-1-2, 20-1-4, and 20-3-2 through 20-3-6, in accordance with Chapter 42-35-18(b)(5), of the Rhode Island General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

Rules and regulations are based upon the need to modify existing regulations (RIGL 20-3-2 through 20-3-6).

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 Statutes and Regulations, Part I, ' 1.3.

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SUPERSEDED RULES AND REGULATIONS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previous rules and regulations, and any policies regarding the administration and enforcement of **Part XII** shall be superseded.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.

**R.I. Marine Fisheries Statutes and Regulations
PART XII - STRIPED BASS**

12.1 Size/Possession Limits/Season -- Except as provided in Parts 12.3 and 12.5, no person shall possess in Rhode Island any striped bass which measures less than twenty-eight inches (28") in total length, whether caught within the jurisdiction of this State, or otherwise. Except as provided in Parts 12.3 and 12.5 no person shall possess, per calendar day, more than two (2) striped bass, whether caught within the jurisdiction of Rhode Island or otherwise. There is no closed season for striped bass. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish onboard a vessel by the number of recreational fishermen onboard said vessel. (RIMF REGULATION) [Penalty Part 12.2; (RIGL 20-4-11)]

12.2 Striped Bass Violations - Penalties -- Any person, firm, or corporation shall be fined not more than fifty dollars (\$50) for each striped bass taken, possessed, sold, possessed for sale, or offered for sale in violation of the provisions of this Chapter. In addition to the fine, the fish trap license of the person, firm, or corporation violating the second provision of § 20-4-12 of this Chapter shall be suspended for a period of one (1) year. (RIGL 20-4-11)

12.3 Striped Bass Size/Possession Limits in the Commercial Striped Bass Fisheries -- Except as provided in Part 12.5, any person meeting the requirements of RIGL §§ 20-2-26, or 20-2-27, or 20-2-28.1, shall be allowed to take or possess, whether caught within the jurisdiction of this state or otherwise, striped bass which measure thirty four (34) inches or greater in total length. Except as provided for in Part 12.5 or 12.6, no person shall in any manner take and/or possess in Rhode Island more than the allowable limit established by the Rhode Island Marine Fisheries Council. When Fish and Wildlife has determined that the annual quota established by the Atlantic States Marine Fisheries Commission (ASMFC) has been filled, the commercial sale of striped bass will terminate and the season will be closed. A notice terminating the fishery will be provided to the local press, and a notice of the closure will be submitted to the Secretary of State to be effective upon filing.

The following seasons and possession limits are established for commercial striped bass fishermen:

January 1 – May 31	The commercial fishery will be CLOSED from January 1 through May 31, annually.
June 10 – August 31	Seventy-five percent (75%) of the commercial quota will be available from June 10 – August 31. The possession limit will be four (4) fish per license holder per calendar day. The fishery will close once seventy-

	five percent (75%) of the commercial quota is projected to be harvested if prior to August 31.
September 1– December 31	Twenty-five percent (25%) of the commercial quota will be available from September 1 through December 31. The possession limit will be three (3) fish per license holder per calendar day. The fishery will close when the entire commercial quota is projected to be harvested.

In addition, if Fish and Wildlife determines that the quota will be exceeded or will not be met before the end of the fall season, Fish and Wildlife may adjust that catch rate accordingly on or after September 15, annually. If on October 1, more than the 10,000 pound floating fish trap quota set aside remains, that poundage will be committed to a general category available to the entire commercial fishery. If on October 15, any of the floating fish trap quota 10,000 pound set aside remains, that poundage will be committed to a general category available to the entire commercial fishery.

[Effective September 6, 2006 at 12:01 AM the commercial striped bass fishery for all gear types other than floating fish traps will close.]

12.4 Commercial Striped Bass Tags -- No striped bass may be sold unless it has been properly identified with a special tag provided by Fish and Wildlife. Fish and Wildlife may designate tagging agents as appropriate. All designated tagging agents shall keep and maintain the required forms and logs specified by Fish and Wildlife. (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

12.5 Special Striped Bass Quota - Trap Net -- During a single calendar year Rhode Island floating trap net companies licensed and operating under §20-2-26 shall be allowed to harvest and market not more than forty percent 40% of the annual Rhode Island commercial quota established in Part 12.3. These striped bass must be at least twenty-eight inches total. Each individual fish shall be immediately marked with tags supplied by Fish and Wildlife. All trap net companies shall keep daily records of striped bass landings. Weekly summaries of daily landings shall be submitted to Fish and Wildlife. When Fish and Wildlife has determined that the annual quota allocated to floating fish traps has been reached the trap net harvest of striped bass will terminate. A notice terminating the fishery will be filed with the Secretary of State to be effective upon filing.

The following seasons are established for the commercial trap net fishery –

January 1 – August 26	One hundred percent (100%) of the floating trap quota shall be available from January 1 through August 26 minus a 10,000 pound set aside. Once eighty percent (80%) of the seasonal allocation is projected to be harvested the possession limit shall be 500 pounds per fish trap licensee per calendar day.
August 27 -- December 31	The 10,000 pound floating fish trap quota set aside shall be available from August 27 through December 31 with no limit on possession. The fishery shall close once the entire floating trap quota is harvested.

(RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

12.6 Gill Net Prohibition for Striped Bass -- No person shall take or possess any striped bass while gill netting, or while hauling a gill net (RIMFC REGS) [Penalty - Part 3.3; (RIGL 20-3-3)]

12.7 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:

12.7.1 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 on Price's Neck to Castle Hill Light House.

12.7.2 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)]

12.8 Hybrid Striped Bass Cultured Striped Bass

12.8.1 Aquaculture-reared striped bass or hybrid striped bass brought into Rhode Island for sale or resale, which is wholly or partially processed, except

for cultured

striped bass or hybrid striped bass from a fish farm or processor which are a fully processed and packaged product whether fresh or frozen, shall have affixed to it a tag identifying it as an aquaculture product.

12.8.2 Packages and containers containing aquaculture products shall be tagged or labeled with a uniform series of 14 digit numbers and letters as shown in the example below:

MD = State of origin
123 = Permit number (producing state issued permit number)
0889 = Month and year of shipment
A1234 = Species ID and number of product

12.8.3 Each fish or fish product shall have affixed to it a tag bearing the same information listed in (2).

12.8.4 The sale of this product shall be accompanied by a receipt showing the : (a) date of sale; (b) name, address, and permit number of the aquaculture facility; (c) numbers and species of striped bass sold; (d) name of purchaser.

12.8.5 Fish shipped in the round and filleted by the seller, shall have the tag removed and wrapped in with the fillets when sold.

12.8.6 The consignee of each subsequent sale shall retain a copy of the bill of lading or similar accountable document for 1 year, and make it available to the Department upon request.

(RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

Rule 8. EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this 1st day of September, 2006 to become effective 20 days from filing, unless otherwise indicated, in accordance with the provisions of Chapters 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10, 42-35-18(b)(5), 42-17.1, 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Michael Lapisky
Acting Chief, Division of Fish and Wildlife

Notice Given: 02/08/06

Public Hearing: 03/13/06

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Effective date: 09/01/06