

RIMFC Adhoc Whelk Committee
November 29, 2011
Coastal Institute, Narragansett, RI

Meeting Attendees:

Fishermen/Industry – Jeff Grant (Acting Chairman), Joseph Clemente, Robert Bercaw, Gerry Schey, Richard Hopkins, Joseph Baker, Michael McGiveney (RISA), Gerald Carvalho, Gregory Mataronas, Gary Mataronas, Thomas Atwell, Damon Ise, Nathaniel Berg, Katie Eagan, Daniel Eagan, William Blank, Louis Frattarelli, John McDonald

Dealers/Processors – John Brayton, Al LaGreca, Adam LaGreca, Heather Haggerty
Agencies/Others – Dale Leavitt (RWU), David Borden (MADMF), Frances Ethier (RI Enforcement), Mark Gibson (RIDFW), Dennis Erkan (RIDFW), Thomas Angell (RIDFW), Lindsay Dulude (RIDFW)

Meeting convened at 4:30PM by acting chairman J. Grant.
There were a total of 29 people in attendance.

MEETING AGENDA:

1. Update of Whelk stock status from RIDFW (M. Gibson).

M. Gibson presented his analysis of the whelk stock status.

- The whelk fishery is currently on a downward trend; there have been periods of “boom” and “bust” in this fishery.
- Channeled whelk historically makes up the majority of landings (trap/pot landings); knobbed whelk taken more by otter trawl gear.
- Due to method of reproduction, these whelks are not dispersed very far; local populations depend on local reproduction.
- Older studies (1970’s) report that female whelks do not approach 100% maturity until they get to be fairly large (approx. 80 mm, or 3” width); begin to mature at approximately 64 mm (2-1/2”) width; 70% maturity at 2-3/4” width.
- Local populations do not move to any great extent and can be easily depleted by fishing; serial depletion of local whelk populations; very vulnerable to over-fishing.
- Several surveys are conducted that include data for whelk (URI/GSO trawl survey 1959-present, Normandeau Associates (Mt. Hope Bay / power plant), RIDFW quahog dredge survey, RIDFW trawl survey, RIDFW Ventless Trap Survey, MA trawl survey, Millstone Power Station); last couple of years in all surveys shows that the whelk population is in a declining trend.
- Landings data are currently in a declining trend; there is a seasonal component to the landings.
- Local whelk population is currently at a “medium” level of abundance; it is close to B_{msy} and well above the threshold biomass ($1/2 B_{msy}$).
- Fishing mortality rates are trending upward in the last couple of years and are now above the F_{msy} level; this suggests that we have reached a fishing

mortality rate that will drive the population down to low abundance levels if it persists.

- Current minimum size of 2-1/2” width appears to be inadequate
- MA looking to increase the minimum size to 3” width; would be advantageous to have uniform minimum size, particularly between neighboring states.
- Increasing the minimum size up to 3” width would result in a 10% loss in yield-per-recruit, but would provide great benefits in terms of reproductive output; only generating approximately 35% of the maximum spawning potential at current 2-1/2” minimum size; increasing the minimum size up to 3” width would increase the maximum spawning potential up to 50%.
- Need to reduce the harvest in order to reduce the fishing mortality rate; limit the amount of removals from the population.
- RIDFW needs to conduct some studies on size at maturity and natural mortality.

Concerns expressed about using trawl survey data; concerned that baseline data is from trawl surveys; suggestion made to conduct a whelk “trap” survey instead of relying on trawl survey data.

Will protecting whelks result in increased predation on other fishery resources such as clams, oysters, mussels, “decker”?

2. Review Draft Whelk regulations; continued discussion and development of whelk fishery regulations.

The committee reviewed the draft regulations that were developed previously (Y2007).

Comment that these draft regulations are too “in-depth” and that priorities should be set for the regulatory issues that need to be resolved, i.e. minimum size, trap/pot limits, trap tags, possession limit; basic regulations that can be agreed upon by industry; concern about using the proper language for the describing the fishery (whelk fishery (channeled and knobbed whelk), “snail” fishery (all shelled gastropod molluscs, moon snails, waved whelk), channeled whelk fishery only).

Minimum Size:

- Suggestion made for a 3” width or 5” length minimum size based on information just presented by M. Gibson.
- RIDFW position is for a 3” width minimum size; need to have a minimum size that will result in a 25% reduction in landings (fishing mortality); reduce fishing mortality from 0.4 to 0.3
- Suggestion made for a 2-3/4” width minimum size and to develop baseline data for this minimum size; minimum size can then be adjusted to 3” if the data warrants it.

How fast do these whelks grow?

Statement made that they grow relatively fast up to approximately 2-1/4" width, then growth slows down considerably.

Comment that a 4-1/2" length whelk caught in the spring has a larger width than a 4-1/2" length whelk caught in the fall.

Comment that MA has a closed whelk fishery; no new licenses allowed; RI whelk fishery is currently open-access; MA whelk fishermen will be able to reap the rewards of an increase in the minimum size, whereas any improvements in the abundance of whelks in RI would probably be reason for increased numbers of fishermen pursuing whelks; RI has already seen an large increase in the number of fishermen targeting whelks due to declines in other fisheries, particularly the lobster fishery.

Comment that increasing the minimum size from 2-1/2" width up to 3" width will result in a 40% decrease in the catch.

RIDFW will be contacting MADMF (Steve Wilcox) regarding recent studies and analyses they are doing with whelks; RIDFW will conduct similar studies and analyses on whelk collected from RI and nearshore waters; size at maturity, growth, whole weight-meat weight correlation.

Some of these studies/analyses could be accomplished in a 1-year period; growth data would take longer to collect.

Comment that the lack of available licenses for other fisheries has resulted in the increased pressure on the whelk resource.

Comment that the Chinese market was responsible for driving the price of whelks up; this has changed the whole dynamics of the whelk fishery.

Possible public hearing on these draft regulations in February 2012?

There will probably not be any new information on the RI whelk fishery before February 2012; looking for consensus by this adhoc committee regarding the draft regulations or options for the draft regulations.

Suggestion that consensus may gained on the following whelk issues as a starting point – minimum size, fishery season, trap/pot limit, possession limit, and trap tag requirement.

3. Proposals for 2012 Whelk fishery management.

A "straw poll" was conducted regarding each of the draft whelk regulations that were produced in 2007; put draft whelk fishery regulations on February 2012 public hearing agenda.

Minimum Size – 3 options were considered

Option 1: Status quo of 2-1/2" width or 4-1/2" length

Option 2: 2-3/4" width or 4-3/4" length

Option 3: 3” width or 5” length

Comment that MA does not have a length requirement; uses a ring to measure width (diameter); whelk must be perpendicular to the ring for proper measurement.

Comment/suggestion that there should be a “tolerance level” for “undersize” whelks; shell gets broken during handling; minimum size measurement technique is somewhat variable.

MA regulations have a 10% tolerance level for undersize whelks.

Enforcement would prefer to only have one measurement to be concerned about; prefer the “width” measurement.

Comment that a tolerance level will only promote the taking of undersize whelks.

Comment that the “length” measurement was proposed to accommodate whelks with a broken shell that would make the “width” measurement difficult to make.

Majority (11) favored Option 2; 3 for Option 3; 1 for Option 1

Prohibition on breaking shells at-sea / processing at-sea – whelks must be landed whole, in-shell.

100% consensus in favor of adopting this regulation.

Commercial Season – 2 options were considered.

Option 1: Status quo of January 1 – December 31 (no season)

Option 2: Establish a season (undefined)

100% consensus for Option 1 (status quo of no season)

Commercial Possession Limit – 2 options were considered.

Option 1: Status quo of unlimited possession

Option 2: 35 bushels / vessel / calendar day

100% consensus for Option 1 (status quo of unlimited possession)

Licensing of Owner-operated vessels – 2 options were considered.

Option 1: Status quo of no requirement for owner-operator

Option 2: Requirement for owner-operated vessels

Comment that this regulation should be required for all fisheries conducted within RI state waters.

Majority (10) favored Option 1 (Status quo of no requirement); 4 for Option 2

Buoying of Whelk Pots –

Option 1: Status quo of all traps, pots, or other stationary contrivance must be buoyed

Option 2: Each single whelk pot shall be separately and plainly buoyed with a foam core buoy (at least 5” by 11”, bullet-shaped and with a hole through the center). If setting whelk traps/pots as a trawl, each end of the trawl must have a foam core buoy attached.

Option 3: Each single whelk pot shall be separately and plainly buoyed with a foam core buoy. If setting whelk traps/pots as a trawl, each end of the trawl must have a foam core buoy attached.

No consensus for a requirement for a minimum buoy size.

No comments provided regarding minimum or maximum number of whelk pots in a trawl.

100% consensus that single whelk traps must be buoyed and that whelk pot trawls should be buoyed on each end of the trawl.

Escape Vents and “Ghost” Panels – 2 options were considered.

Option 1: Status quo for no requirement

Option 2: Requirement for escape vent and “ghost” panel

Comment that this is a moot point for the traditional whelk pot; already has an opening large enough to meet the proposed escape vent and “ghost” panel regulations.

100% consensus for Option 2 (requirement for escape vent and “ghost” panel)

Tending Requirements – 2 options were considered.

Option 1: Status quo of no tending requirement

Option 2: Tending requirement of at least once every 7 days

Majority (9) favored Option 1 (status quo of no tending requirement); 1 for Option 2

Mandatory Bait Bags – 2 options were considered.

Option 1: Status quo of no requirement for bait bags

Option 2: Requirement to use bait bags when using horseshoe crabs as bait

100% consensus for Option 1 (status quo of no requirement for bait bags)

Unauthorized Raising of Traps, Pots, and Devices –

Comment that this is already a regulation (statute?); do not change this.

100% consensus in favor of this regulation.

Raising Pots at Night – 2 options were considered.

Option 1: Status quo for no time requirement for hauling pots

Option 2: Requirement for no hauling of pots between 1 hour after sundown and 1 hour before sunrise

100% consensus for Option 2 (requirement for no hauling of pots between 1 hour after sundown and 1 hour before sunrise)

Recreational Possession Limit – 2 options were considered.

Option 1: Status quo of no (unlimited) possession limit

Option 2: Recreational possession limit of 1/2 bushel per person per calendar day

Majority (10) favored Option 2 (1/2 bushel / person / calendar day); 3 for Option 1

Recreational Pot Limit – 2 options were considered.

Option 1: Status quo of no (unlimited) pot limit

Option 2: Proposed limit of 5 whelk pots (or “miscellaneous” traps/pots) per license

Comment that there is a 5-trap limit for recreational lobster trap license holders; do we need a license for recreational “miscellaneous” traps/pots or would this piggy-back on the recreational lobster trap license?

Comment that out-of-state recreational trap/pot fishers are currently unlimited in the number of recreational traps/pots they can deploy in RI state waters.

100% consensus for Option 2 (limit of 5 whelk or “miscellaneous” traps/pots per license)

RIDFW and Enforcement also recommend a recreational whelk trap/pot (“miscellaneous” trap/pot) limit of 5 trap/pots (in addition to the 5 lobster traps allowed for recreational lobster trap license holders).

Commercial Whelk Trap Limit – 2 options were considered.

Option 1: Status quo of no (unlimited) trap/pot limit

Option 2: 250 whelk trap/pot limit

Option 3: 300 whelk trap/pot limit

Comment that the shellfish Advisory Panel had originally proposed a 200 trap/pot limit, but was subsequently revised to 250 traps/pots.

Comment that a trap limit is somewhat meaningless if people can still get licenses to enter the whelk fishery.

Majority (6) favored Option 3 (300 trap/pot limit); 3 for Option 2 (250 trap/pot limit); 2 for Option 1 (status quo for no trap/pot limit).

Commercial Whelk Trap Tags – 2 options were considered; these would be special tags that specifically identify the pot as a “whelk pot”.

Option 1: Status quo of no trap/pot tagging requirement

Option 2: Requirement for whelk trap/pot tags

Comment that trap type identification tags need to be required for all traps/pots that are set in RI state waters.

Comment that this could be done similar to the lobster trap tagging program; 10% extra tags for routine gear loss and catastrophic loss tags for trap/pot losses greater than 10%.

Details of the administration, procurement, and distribution of these trap/pot tags needs to be developed by RIDFW and/or Licensing.

100% consensus for Option 2 (require whelk trap/pot identification tags)

Licensing – 2 options were considered; this would be considered for the 2013 licensing year.

Option 1: Status quo of open licenses for the whelk fishery; licenses available

Option 2: For 2013, impose a moratorium on issuance of new licenses/license endorsements for the whelk fishery.

Comments made both in favor of continuing to have licenses available and for closing the issuance of new licenses for the whelk fishery.

Comment that all multi-purpose license holders should be allowed to engage in all fisheries, including whelk, regardless of whether they participated in the whelk fishery in the past or not.

100% consensus to propose a moratorium on new licenses endorsed for the whelk fishery for the 2013 licensing year.

Processing – land-based processors

Comment that this does not involve the fishermen/harvesters directly, but still needs to be part of the regulatory language.

Consensus by the committee that this issue should be handled by RIDEM / RIDFW.

Meeting adjourned at 7:00PM.

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RIDFW Tasks and Follow-Up:

- Begin conducting research to determine size at maturity and growth parameters for whelks (channeled and knobbed whelks)
- Prepare draft regulatory language with options (as proposed at this meeting) for February 2012 public hearing



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 IV Shellfish



Draft

2007

DATE Unknown

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, of the Rhode Island General Laws of 1956, as amended.

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R.I. Marine Fisheries Statutes and Regulations PART IV - SHELLFISH

4.35 Whelk (conch)

4.35.1 Commercial Harvest

4.35.1-1 Legal Minimum Size –

(a) No person fishing commercially shall take, possess, sell, possess for sale, or offer for sale any whelk measuring less than 2-3/4 inches in diameter and/or a length not less than 4 3/4 inches. (RIMF REGULATION) [Penalty - Part 3.3; RIGL§ 20-1-16]

(b) Any person who takes and/or possesses whelk of less than the minimum size, as delineated above, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15) whelk found to be in his/her possession. Additionally, if any person who is found in possession of whelk of less than the minimum size that are commingled and/or otherwise stored or contained with whelk that are of at least minimum size, and the percentage of the less than minimum size whelk is ten percent (10%) or more of the total piece count of the whelk commingled and/or otherwise stored or contained in a package, shipment, or container, the entire commingled and/or otherwise stored or contained package, shipment, or container, shall be subject to seizure and/or forfeiture in accordance with the provisions of RIGL § 20-1-8((a)(5), 20-1-8(a)(6)

4.35.1-2 Commercial Season – The season for whelk will be open from January 1st through December 31st. (RIGL§ 20-3-2)

4.35.1-3 Commercial Possession Limit – A holder of a Multipurpose License, or any commercial fishing license issued by the State of Rhode Island authorizing the harvesting of whelk may take and/or possess, in any one (1) day, up to 35 bushels of whelk per vessel per calendar day. (RIMF REGULATION) [Penalty - Part 3.3,RIGL (20-3-3)]

4.35.1- 4 Possession Limit Adjustments – The possession limits specified according to section 4.35.1-3 and section 4.35.12-2 may be modified by the Division of Fish and Wildlife, who after discussions with fishing industry representatives, will determine a possession limit based on biological findings and harvest information. Fish and Wildlife will decide whether the possession limit should be decreased or increased. Fish and Wildlife will file a notice with the Secretary of State's Office if the possession limit is changed and publish a news release announcing the change. Fish and Wildlife may modify the possession limit providing such notification.

4.35.1-5 Licensing of owner-operated vessels -- No vessel may be used in the commercial taking of whelk unless the operator is the registered or documented

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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 rights pursuant to RIGL §20-7-6. RIMFC REGULATION [Penalty - Part 3.3 (RIGL §20-3-3)]

4.35.1-6 Use of License by Agent or Employee -- If any person to whom a seller's or commercial whelk license is granted becomes incapacitated for any reason from using that license, that person may permit his or her agent or employee, if a citizen of the United States, to perform those duties under the license that may be necessary during the period of the licensee's incapacity, provided that the incapacitated licensee has notified the Director of Environmental Management prior to the transfer of those duties. (RIGL§ 20-7-6)

4.35.2 Commercial and Recreational Equipment Requirements to Harvest Whelk

4.35.2-1 Buoying of Whelk Pots -- Each single whelk pot shall be separately and plainly buoyed with a foam core lobster buoy (at least 5" x 11", bullet shaped with a hole through the center). If setting whelk traps/pots as a trawl, each end of the trawl must have a foam core buoy attached.

4.35.2-2 Marking of Traps -- The owner of every trap, pot, or other stationary contrivance used for the taking of whelk fished in the waters of this state, and he owner of any trap or pot for catching or cars or other contrivances for keeping whelk shall mark each trap, pot, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners of the contrivance or the person or persons using the same, and the license number or numbers of such person or persons. Every person failing to mark each buoy and trap, as provided in this section shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) for each offense and all traps, pots, or other contrivances used contrary to the provisions of this and other sections of this Part shall be seized by any officer engaged in the enforcement of this Part, and the property shall be forfeited to the state. (RIGL§ 20-4-7)

4.35.2-3 Escape Vents -- Each and every whelk pot, set, kept, or maintained or caused to be set, kept, or maintained in any of the waters in the jurisdiction of this state, shall contain an escape vent in accordance with the size required by regulation of the RI Marine Fisheries (RIMF) Regulations [see Part 4.35.2-4].

4.35.2-4 Escape Vent Sizes -- Penalty -- Effective January 1, 2008, it shall be unlawful to fish for or take whelk by use of any whelk pot within the territorial waters of the State of Rhode Island unless the pot is equipped with:

- (a) A rectangular escape vent with an unobstructed opening not less than 2-1/4" inches (57.2 mm) by 5-3/4 inches (146mm); or
- (b) Two circular escape vents, each with an unobstructed opening not less than 3.1 inches (78.7mm) in diameter; or

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- (c) A square escape vent with an unobstructed opening not less than 2-1/4" inches (57.2 mm) by 2-1/4 " inches (57.2 mm); or
- (d) An unobstructed opening that would be adequate to meet the minimum size and number of vents required.
- (e) Whelk pots 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 3-3/4 inches (9.53 cm) by 3-3/4 inches (9.53 cm).
 - 2. The panel must be constructed of, or fastened to the trap with one of the following untreated materials: wood lath, cotton, hemp, sisal, or jute twine not greater than 3/16 inch (0.48 cm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter.
 - 3. A side of the trap may serve as the ghost panel if fastened with a material specified in previous paragraph.
 - 4. The ghost panel must not be located on the bottom of the trap.

(RIMFC REGULATION) (Penalty RIGL§ 20-1-16 - Part 1.16 and 15.12)

4.35.3 Tending Requirements – Any fisher deploying a whelk pot shall check each pot so deployed at least once every **seven (7)** days. Failure to tend a pot after this time may result in tagging by the Department and confiscation of the pot by the state. Upon tagging by the Department, the fisher shall be required to notify DEM Law Enforcement within 24 hours upon raising a departmentally tagged pot. Failure to do so will result in the hauling and confiscation of the pot by the state.

4.35.4 Mandatory Bait Bags -- The use of mesh bait bags (woven thread, plastic, or wire) must be used when using horseshoe crabs as bait in all whelk pots. Baits used other than horseshoe crabs are not required to be placed in bait bags at this time.

4.35.5 Unauthorized Raising of Traps, Pots, and Devices -- No person except the Director, enforcement officers, and authorized technical personnel of the Department may unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed possessing a valid license to take whelk, without the written permission of that person. (RIGL§ 20-4-8) [Penalty 20-1-16 - Part 1.16]

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- 4.35.6 Removal of Branded Numbers or Identification Tags from Whelk Pots -- No person shall set, maintain, or have in his or her possession any whelk pots from which the branded numbers or identification tags have been altered, obliterated, or removed, with the intent to defraud or deprive the owner. Every person convicted of violating the provision of this section shall be fined one hundred dollars (\$100) for each of those traps or be imprisoned not more than thirty (30) days, or both. All pots used or possessed contrary to the provisions of this section and other sections of this Part shall be seized by any officer engaged in the enforcement of this Part, and that property shall be forfeited. (RIGL §20-7-12)
- 4.35.7 Unauthorized Possession and/or Transfer of Pots and Traps. --
- (a) No person except the Director, enforcement officers, and authorized technical personnel of the Department may place, set, keep, maintain, sell, transfer, or have in his or her possession any pot, trap, car, or any other device used in taking or holding whelk 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.
- (b) Every person convicted of violating this section shall be fined not more than one thousand dollars (\$1,000) for each offense, or be imprisoned not exceeding one year, or both, and each pot, trap, car, or other device used in violation of this section shall constitute a separate offense. In addition, if that person is licensed, his or her license shall be revoked for one (1) year. (RIGL §20-1-6)
- 4.35.8 Raising Pots at Night -- No person shall raise or unduly disturb any whelk pot within the territorial waters of this state between the hours of one (1) hour after sundown and one (1) hour before sunrise. Every person violating this section shall, upon conviction, be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or be imprisoned not exceeding one (1) year, or both. However, in situations of emergency upon application being made, the owner of the whelk pots or traps may be authorized to remove the pots or traps by the Director or the Director's designee during the prohibited hours. All boats, pots, or other equipment used in violation of this section shall be seized and forfeited to the state. (RIGL§ 20-1-8 and § 20-1-8.1)
- 4.35.9 Licenses needed to sell, process, or handle cooked or uncooked whelk in the State of Rhode Island.
- (a) All whelk are to be landed whole in the shell and processed in a licensed facility.
- (b) Prior to application of land-based whelk processing, the applicant must possess a State of Rhode Island, Department of Health, Food Processor's

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License and a Rhode Island Department of Environmental Management Seafood Dealer's License.

- (c) Notwithstanding the provisions of this section, the Director, upon receipt and approval of an application by the land-based processor, may permit the land-based (onshore) processing of whole uncooked whelk provided that:
- (1) whelk which are possessed by the land-based processor shall be of legal-size only. For the purposes of this section, a legal-sized whelk meets the minimum diameter and/or length measurement in section 4.35.1-1.
 - (2) containers in which processed whelk are packed and which are to be sold, shipped, or transported shall be clearly labeled with the license number of the processor.
- (d) By applying for this license, the applicant authorizes Department's agents to inspect the premises where whelk are processed, packaged, or shipped any time during which the processing facility is receiving, processing, or shipping whelk products, and further by applying for this license, the applicant agrees to maintain records at the processing facility of whelk purchases, including the license numbers of the sellers, and make said records of whelk purchases available for inspection and review by Department agents. These records shall be required to be maintained at the facility for a period of two years from the date of receipt of the whelk to be processed .

[Sections (a) through (c) are regulations promulgated under the Director's authority granted through RIGL §20-6-21 and any violations of these regulations are subject to the penalties described in RIGL§ 20-1-16, a fine of not more than \$500.]

4.35.10 Reporting Requirements -- Dealers must comply with the reporting requirements as set forth in Section 19.14 Dealer Electronic Reporting Requirements, of the RI Marine Fisheries (RIMF) Regulations. (RIMF REGULATION) [Penalty – Part 3.3, Part 19.14.5 (RIGL§ 20-1-16)]

4.35.11 Sales to out of State Dealers – Out of State Dealers operating within the State of Rhode Island are required to obtain a RI Seafood Dealer License and must comply with the reporting requirements as set forth in Section 19.14 Dealer Electronic Reporting Requirements, of the RI Marine Fisheries (RIMF) Regulations.

(RIMF REGULATION) [Penalty - Part 3.3 (RIGL§ 20-3-3 RIGL§ 20-6-29)]

4.35.12 Recreational

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4.35.12-1 Legal Minimum Size – No person shall take or possess any whelk measuring less than 2-3/4 inches in diameter and/or either a length of not less than 4 3/4 inches. RIGL (RIMF REGULATION) [Penalty - Part 3.3, RIGL §20-1-16]

4.35.12-2 Possession Limit – Unless otherwise specified in this section or by the RI Marine Fisheries (RIMF) Regulations, the following possession limit for the recreational whelk fishery shall be 1/2 bushel per person per calendar day, or if a vessel with more than one (1) individual on board is used, a maximum of 1 bushel per vessel per calendar day.

(RIMF REGULATION) [Penalty – Part 3.3, RIGL (20-1-16)]

Industry proposed alterations to the above whelk proposal:

- 1.) Whelk (Whelk) Trap (Pot) Limit -- Effective XX, 2007, no more than 200 traps/pots can be in the water at any time. It shall be unlawful for any person licensed under this chapter to place, set, keep, maintain, supervise, lift, raise, or draw in from any of the waters in the jurisdiction of this state any pot or other fixed gear contrivance designed or adapted for the catching or taking of whelk (whelk) which exceeds the 200 trap limit.
- 2.) Whelk Trap Tags – No person shall have on board a vessel or set, deploy, place keep, maintain, lift, or raise; from, in, or upon the waters under the jurisdiction of the State of Rhode Island any whelk trap/pot for the taking of whelk without having a valid State of Rhode Island whelk trap tag permanently attached to the trap bridge or central cross member, that is clearly visible for inspection.
- 3.) Eliminate the requirement for bait bags

END