

## **! PART I !**

### **LEGISLATIVE FINDINGS**

1.1 Legislative Findings. -- The General Assembly finds that the animal life inhabiting the lands of the State, its lakes, ponds, streams, and rivers, and the marine waters within its territorial jurisdiction, are a precious, renewable, natural resource of the State which, through application of enlightened management techniques, can be developed, preserved, and maintained for the beauty and mystery that wild animals bring to our environment.

The General Assembly further finds that the management of fish and wildlife through the establishment of hunting and fishing seasons, the setting of size, catch, possession and bag limits, the regulation of the manner of hunting and fishing, and the establishment of conservation policies should be pursued utilizing modern scientific techniques, having regard for the fluctuations of species populations, the effect of management practices on fish and wildlife, and the conservation and perpetuation of all species of fish and wildlife. (RIGL 20-1-1)

1.2 Authority over Fish and Wildlife. -- The General Assembly hereby vests in the Director of the Department of Environmental Management authority and responsibility over the fish and wildlife of the State and, together with the Marine Fisheries Council as hereinafter set forth, over the fish, lobsters, shellfish and other biological resources of marine waters of the State. (RIGL 20-1-2)

#### 1.3 Definition of Terms

**Alewife:** *Alosa pseudoharengus*

American eel: *Anguilla rostrata*

American lobster: *Homarus americanus*

American plaice (Dab): *Hippoglossoides platessoides*

**Anadromous fish:** any species of fish which ascends rivers or streams from the sea for breeding purposes, e.g. Alewife -- *Alosa pseudoharengus*. Salmon -- *Salmo salar*, Shad -- *Alosa sapidissima*

Atlantic cod: *Gadus morhua*

Atlantic menhaden: *Brevoortia tyrannus*

Atlantic herring: *Clupea harengus*

**Bait fish**: any species of fish being pursued by bait gill netters, which includes, but may not be limited to, Alewife -- *Alosa pseudoharengus* and Menhaden -- *Brevoortia tyrannus*

**Bait gill net**: any gill net used in pursuit of bait species, i.e., menhaden, alewife, etc. There will be one (1) size of bait gill net permitted: Size No. 1. Lengths not to exceed one hundred (100) feet, no license required. The net must be marked with the owner/operator's name and address and be constantly tended.

Bay quahaug: *Mercenaria mercenaria*

Bay scallop: *Argopecten irradians*

Black sea bass: *Centropistes striatus*

Blue crab: *Callinectes sapidus*

Bluefish: *Pomatomus saltatrix*

Blue mussel: *Mytilus edulis*

**Bullrake**: any curved metal instrument or basket with 4 or more metal tines (teeth) which is customarily used to harvest quahaugs.

Bushel: a standard U.S. bushel, 2150.4 cubic inches capacity.

**Catadromous fish**: any species which lives in fresh water, but must go to sea for breeding purposes, e.g., the American eel -- *Anguilla rostrata*

**Catastrophic trap tag loss**: loss of lobster trap tags that exceed the 10% over-allotment trap tags issued for routine loss, based on the maximum number of lobster traps deployed.

**Charter and party boat**: any vessel that carries passengers for hire to engage in fishing

**Coastal salt pond**: a pond abutting a barrier beach; some are periodically fresh; others are brackish or salt

**Coastal salt ponds and/or river system channels**: a natural or man-made, temporary or permanent waterway, allowing for the passage of water to and from any coastal salt pond and/or river system -- Distances (in feet) describing the following salt pond channel areas are mea-

sured from the seaward extremity of any channel to a point measured in a northerly direction, or as specifically described herein.

#### Coastal Salt Pond -- River Channel Distances

<u>Pond/Channel</u>	<u>Town</u>	<u>Distance</u>
Quicksand	L. Compton	750'
Tunipus	L. Compton	200'
Briggs Marsh	L. Compton	600'
Ship Pond Cove	L. Compton	200'
Long	L. Compton	400'
Round	L. Compton	250'
Nonquit (Puncatest)	Tiverton	1,800'
Nannaquaket	Tiverton	400'
(measured from the mouth of the Quaket River to the eastern side of the Nannaquaket Bridge abutment)		
Narrow/Pettaquamscutt	Narragansett/N. Kingstown	3,850'
Point Judith	Narragansett/S. Kingstown	6,000'
(measured in a northerly direction from the mouth of the Point Judith Breachway to a line drawn from Strawberry Hill Point on the east to High Point on the west)		
Potter	S. Kingstown	2,800'
(measured from the western entrance of Potter Pond channel to the eastern tip of Gooseberry Island in Point Judith Pond)		
Card	S.Kingstown	200'
Trustom	S.Kingstown	500'
Green Hill: Potato Pt.	S.Kingstown/Charlestown	1,800'
(measured from the easternmost point of Stevens Island in Ninigret/Charlestown Pond to the westernmost point of Potato Point in Green Hill Pond)		
Ninigret/Charlestown	Charlestown	3,200'
Quonochontaug	Charlestown/Westerly	2,800'
Winnapaug/Brightman	Westerly	2,800'
Little Maschaug	Westerly	250'
Maschaug	Westerly	300'
Great Salt	Block Island	1,800'
Trim	Block Island	850'
Harbor	Block Island	1,000'

**Codend:** the terminal section of a trawl net in which captured fish may accumulate, and is further defined as the last 45 rows of meshes in the terminal section of the net

**Colregs demarcation line**: the lines of demarcation delineating those waters upon which mariners must comply with the international regulations for preventing collisions at sea, and those waters upon which mariners must comply with the inland navigation rules. For Point Judith the "Port" is to be all waters inside of and north of the southern end of the riprap wall at Salty Brine State Beach so-called. The demarcation lines for Block Island are as follows: the area enclosed by the breakwaters at Old Harbor, and the entirety of Great Salt Pond so called.

**Commerce**: the transfer of finfish, mollusks, or crustaceans transferred to a dealer, or offered for sale, barter, trade, shipment on consignment, or packed for shipment.

**Conch**: Channeled Whelk - *Busycotypus canaliculatum*; Knobbed Whelk - *Busycon carica*

**Conch trap/pot**: any pot or trap designed or adapted principally for the catching or taking of conchs.

**Constantly tended**: A bait gill net shall be constantly tended if the person setting such net is within one hundred (100) feet of said gill net at all times when setting said gill net in any area closed to gill netting and/or all netting.

**Crab trap/pot**: any pot or trap designed or adapted principally for the catching or taking of crabs.

**Dealer**: person who is licensed by the State of Rhode Island to sell, purchase, barter, and/or trade seafood.

**Director**: the Director of the Department of Environmental Management

**Division**: the Division of Fish and Wildlife of the Department of Environmental Management so-called in the RIGL's.

**Eel trap/pot**: any pot or trap designed or adapted principally for the catching or taking of American eels.

**Fish trap**: a floating trap, pound, stub, or any other equivalent or thing set on, in, or anchored to the bottom or shore for extended periods of time, for the purpose of catching fish -- (Each fish trap is required to be individually licensed by the Department of Environmental Management)

**Fyke net**: a conical shaped net supported by hoops, which also utilizes a leader to direct fish to the net.

**Fork length:** the straight linear distance from the tip of the snout to the fork of the tail

**Gill net--trammel net:** a net used to catch fish by means of meshing or entanglement

Goosefish (monkfish): *Lophius americanus*

Green crab: *Carcinus maenas*

Haddock: *Melanogrammus aeglefinus*

**Harbor of Refuge breakwater:** the three outermost sections of breakwater off of Pt. Judith.

Hinge width: the distance between the convex apex of the right shell and the convex apex of the left shell.

Jonah crab: *Cancer borealis*

**Land or landing:** to enter port with fish on board, to begin offloading fish, or to offload fish.

**Lobster trap/pot:** any pot or trap designed or adapted principally for the catching or taking of lobsters.

**Making way:** a vessel which is: making headway, or otherwise in motion; not at anchor; made fast to the shore, aground or adrift.

**Mechanical power:** any source of energy or power other than exclusively human power.

Menhaden: *Brevoortia tyrannus*

**Near shore (shoreward):** that point or end of any net which is closest/nearest the coast or the closest coastal outcropping

**Netting:** a meshed fabric which exceeds eight (8) feet in length or width including, but not be limited to seines, weirs, fyke nets, otter trawls, and gill nets.

Non-Resident landowner: a nonresident citizen of the United States and owner of real estate in Rhode Island as evidenced by deed filed in the Recorder of Deeds office in a Rhode Island town or city hall.

**Obstructing the free passage of fish:** the blocking of a stream, river, or pond so as to impede the passage of anadromous and/or catadromous fish, e.g., shad, alewife, and the American eel

Ocean quahog: *Arctica islandica*

**Offload**: to begin to remove, to remove, to pass over the rail, or otherwise take away fish from any vessel

**Offshore**: that point of any net which is the greatest distance from the coast.

**'Open to the sea'**: a coastal salt pond, as described in this Section, will be considered open to the sea if any flow of water connects coastal salt pond with the sea

Oyster: *Crassostrea virginica*, *Ostrea edulis*

Peck: One fourth (1/4) of a bushel

Person: an individual, corporation, partnership, or other legal entity.

Pollock: *Pollachius virens*

**Port**: any town or city with a harbor and docking facilities where vessels can land

Possession: the exercise of dominion or control over the resource commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. The decision must be made at the first practical opportunity.

**Pot/Trap**: any stationary bottom-fishing contrivance or device made of wood, wire mesh, or plastic mesh, fished individually or linked by a common line and generally baited; used to catch finfish, crabs, conchs, or lobsters that enter through a conical or rectangular opening where escape is difficult.

**Power Hauling**: the raising or moving of fishing implements including dredges, rakes, tongs, or other apparatus used to harvest marine organisms from the waters of the state or the underlying sediment.

Quart: one thirty-second (1/32) of a bushel.

**Quota**: the maximum weight or number of fish which can legally be landed within a stated time period. A quota can apply to an entire fishery or to an individual vessel or fisherman.

Rainbow smelt: *Osmerus mordax*

**Replace**: to substitute an equivalent vessel in place of a vessel, and does not permit the

**vessel being replaced to continue to be employed in the taking of summer flounder.**

Resident: an individual who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months.

Rock crab: *Cancer irroratus*

**Routine trap tag loss**: loss of lobster trap tags that does not exceed the 10% over-allotment trap tags issued for routine loss, based on the maximum number of lobster traps deployed.

Scup: *Stenotomus chrysops*

Sea scallops: *Placopecten magellanicus*

**Seines**: any net used to catch fish by encirclement or herding including haul seines, beach seines, and purse seines; haul seines and beach seines may not exceed six hundred (600) feet in length

Smelt: *Osmerus mordax*

Soft-shelled clam: *Mya arenaria*

**Spiny dogfish**: *Squalus acanthias*

**Stake traps**: nets and/or netting, set on stakes or poles, for the purpose of catching fish

Striped bass: *Morone saxatilis*

Summer flounder (fluke): *Paralichthys dentatus*

Surf clam or sea clam: *Spisula solidissima*

Take or taking: the process and each of the activities in that process undertaken to remove the resource from its natural habitat until the time at which possession begins

Tautog (blackfish): *Tautoga onitis*

**Tongs**: any shellfishing implement constructed with heads attached to stales (handles) and pinned at a pivot point to allow the opening and closing of the basket mouth formed by the two  
**Total length**: the straight linear distance from the tip of the snout to the end of the tail.

**Transfer:** to convey, pass, or remove something from one person, place, and/or vessel to another.

**Trawl devices:** any type of fishing apparatus drawn behind a vessel which consists of otter doors and/or ground cables, ropes, and/or netting -- this will apply to, but not be limited to beam trawls, otter trawls, Scottish seines, and pair trawls

**Trip:** a fishing voyage beginning with the departure from any port and terminating with the return to any port regardless of the duration of time

**Trip limit (Possession limit):** the maximum quantity of marine product/species that may be possessed by a vessel or person; vessels or persons are only allowed one trip limit in possession per calendar day.

**V-Notched female American lobster:** Any female American lobster with a distinct V-Notch mark in the end part of the right tail flipper adjacent to the middle tail flipper, or any lobster which is mutilated in such a manner which could hide, obscure, or obliterate such a mark. A V-Notch shall be a straight-sided triangular cut without setal hairs, at least 1/4 inch in depth and tapering to a sharp point. The right tail flipper is examined with the underside of the female lobster facing down and the tail directed toward the person making the determination. For the purpose of this policy, a naturally regenerating right tail flipper is considered legal.

**Vessel:** every description of watercraft, other than a seaplane on the water, used, or capable of being used as a means of transportation on water

**Weir:** a barrier of interwoven twine, branches, or other material used to catch fish.

**Winter flounder** (*Pleuronectes americanus*), - common names -- blackback flounder, flatfish.

**Witch flounder (gray sole):** *Glyptocephalus cynoglossus*

**Yellowtail flounder:** *Limanda ferruginea*

(RIGL 20-1-3) and (RIMFC REGULATION) [Penalty 20-3-3 - Part 3.3)

**1.4 Rules and Regulations** -- The Director is authorized to promulgate, adopt, and enforce any and all rules and regulations deemed necessary to carry out duties and responsibilities under this

Title. (RIGL 20-1-4)

**1.5 General Enforcement Powers.** -- The Director and the Director's authorized agents, employees, and designees shall protect the wild birds, wild animals, fisheries, and shell fisheries throughout the State



and shall administer and enforce the provisions of this Title and the rules and regulations adopted pursuant to this title and shall prosecute violations of these laws and rules and regulations. (RIGL 20-1-5)

1.6 Appointment and Delegation of Powers to Conservation Officers. -- The Director shall appoint any number of conservation officers as he or she may deem necessary for the detection and prosecution of any violations of the laws of this State enumerated in § 20-1-8. The Director may delegate any and all of his or her powers and duties to each of these conservation officers who shall serve at the Director's pleasure. (RIGL 20-1-6)

1.7 Deputy Wardens. -- The Director may appoint such a number of deputy wardens as he or she may deem necessary. The deputy wardens shall not be authorized to carry pistols or revolvers but shall be authorized to detect violators of the laws of this State enumerated in § 20-1-8. Such detection shall be reported to the Director, who may proceed with the prosecution. Deputy wardens shall be given an identification badge by the Director and shall serve at the Director's pleasure. (RIGL 20-1-7)

1.8 Enforcement Powers of Director and Conservation Officers. -- (A) The Director and each conservation officer shall have the power:

- (1) to enforce all laws, rules, and regulations of this State pertaining to:
  - (i) fish, wildlife, and all vertebrates, invertebrates, and plants;
  - (ii) fresh water wetlands, dams, and resources;
  - (iii) areas and activities subject to the jurisdiction of the Coastal Resources Management Council;
  - (iv) state parks, reservations, Management Areas, hatcheries and game preserves, and any law of the State within such State parks, reservations, Management Areas, and game preserves;
  - (v) solid and hazardous waste transportation, storage and disposal and any other laws of the State regarding solid and/or hazardous wastes;
  - (vi) boating safety, water safety, and drowning prevention;
  - (vii) water and air pollution and open burning;
  - (viii) firearms;
  - (ix) littering;
  - (x) trees and forests, forestry, and protection of forests from fire hazards and trespass;
  - (xi) agriculture, farmland, and pest control.
- (2) to issue summonses and to execute all warrants and search warrants for the violation of the laws, rules and regulations enumerated in subdivision (a)(1) or (a)(9) of this section;
- (3) to serve subpoenas issued for the trial or hearing of all offenses against the law, rules and regulations enumerated in subsection (a)(1) or (a)(9) of this section;
- (4) to arrest without a warrant any person found violating any law, rule, or regulation enumerated in

subdivision (a)(1), take that person before a court of competent jurisdiction and detain that person in custody at the expense of the State until arraignment, except when a summons can be issued in accordance with § 12-7-11;

(5) to seize and take possession of all fish, shellfish, crustaceans, marine mammals, amphibians, reptiles, birds, and mammals in possession or under control of any person or which have been shipped or are about to be shipped, at any time, in any manner, or for any purpose contrary to the laws of this State, and dispose of them at the discretion of the Director;

(6) to seize all fishing tackle, firearms, shooting and hunting paraphernalia, hunting, fishing, or trapping licenses, traps, decoys, tongs, bullrakes, dredges or other implements or appliances used in violation of any law, rule, or regulation relating to fish, shellfish, crustaceans, marine mammals, amphibians, reptiles, birds, and mammals; or any equipment, materials, tools, implements, samples of substances or any other item used in violations of any other law, rule, or regulation enumerated in subdivision (a)(9) when making an arrest as found in the execution of a search warrant, and hold the seized item or items at owner's expense until the fine and costs imposed for the violation have been paid in full;

(7) (i) to go on board any boat or vessel engaged or believed to be engaged in fishing and examine any fishing, shellfish, scallop, lobster, multipurpose, or other license issued under this title.  
(ii) to go on board any boat or vessel engaged or believed to be engaged in fishing and to inspect that boat or vessel for compliance with the provisions of this title and any rules relative to the taking of fish, shellfish, crustaceans marine mammals, amphibians, and reptiles. In the absence of probable cause to believe that a crime relative to the taking of such marine species has been, or is being, committed, any evidence obtained as the result of a boarding (other than for the purpose of examining a license) or of an inspection, may not be used in a criminal prosecution.

(8) to carry firearms or other weapons, concealed or otherwise, in the course of and in performance of the duties of office;

(9) and to arrest without a warrant, to execute all warrants and search warrants, and to make and execute complaints within any district to the justice or clerk of the district court without recognizance or surety, against any person for the following criminal offenses:

- (i) assault;
- (ii) assault with a dangerous weapon;
- (iii) larceny;
- (iv) vandalism;
- (v) obstructing officer in execution of duty.

(B) Conservation Officers shall be deemed "officer" within the meaning of § 11-32-1.

(C) it shall be a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) or im-

prisonment for not more than thirty (30) days, or both, for any person to refuse to move or to stop on an oral command or order of a Conservation Officer, when the officer is acting in the performance of his or her duties.

(RIGL 20-1-8)

1.9 Procedures for Seizure and Forfeiture.-- (A) Any vessel, boat, fishing tackle, guns, shooting and hunting paraphernalia, traps, decoys, or any other implements, appliances or equipment used in violation of any law, rule or regulation relating to fish and wildlife which, by provision of any Section of this Title, is subject to forfeiture to the State, shall be seized pursuant to § 20-1-8(a)(6) and forfeited under the provisions of this Section.

(B) The Attorney General shall proceed pursuant to §§ 12-21-23 to 12-21-32, to show cause why the vessel, boat, fishing tackle, guns, shooting, and hunting paraphernalia, traps, decoys, and any other implements, appliances or equipment used in the knowing and willful violation of any law, rule, or regulation relating to fish and wildlife which, by provision of any Section this Title, is subject to forfeiture to the State, may be forfeited to the use of or the sale of the Department on producing due proof that the vessel, fishing tackle, guns, shooting and hunting paraphernalia, traps, decoys, or any other implements, appliances or equipment was used in such violation.

(C) Whenever property is forfeited under this Section, and the specific provision of this Title requiring forfeiture for a particular offense, the Department may:

- (1) retain the property for official use;
- (2) sell any forfeited property which is not required by this Title to be destroyed and which is not harmful to the public; but the proceeds of this sale, after first deducting the amount sufficient for all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody and advertising and court costs, shall be paid to the General Treasurer for the use of the State.

(RIGL 20-1-8.1)

1.10 Operation of Patrol Boats. -- The General Assembly shall annually appropriate any sum as it may deem necessary to patrol and police the shellfish grounds, check licenses of fishermen, protect the scallop areas, collect animal specimens and execute special work incidental to the lobster and other shellfisheries and enforce the provisions of Chapter 22 of Title 46, this sum to be expended under the direction of the Director of the Department of Environmental Management for the purpose of maintaining and operating patrol boats and their crews. The Controller is hereby authorized and directed to draw orders upon the General Treasurer for the payment of such sum or sums as may be required from time to time upon the receipt by the controller of proper vouchers approved by the Director. (RIGL 20-1-9)

1.11 Obligation of Vessels to Heave to on Command of a Patrol Boat.

- (a) Every person operating a boat or vessel in Rhode Island territorial waters who fails to immediately

heave-to upon a shouted command or a flare fired into the air from a marine patrol boat operated by the Department of Environmental Management and carrying the identification "Department of Environmental Management, State of Rhode Island" shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).

(b) Every person who shall, while aboard a boat or vessel in Rhode Island territorial waters which has been ordered to heave to upon shouted command or a flare fired into the air from a marine patrol boat operated by the Department of Environmental Management and carrying the identification "Department of Environmental Management, State of Rhode Island" dumps, destroys, or throws anything from the vessel or boat shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).

(RIGL 20-1-10)

1.12 Prosecution of Violations. -- It shall be the duty of the Attorney General to conduct the prosecution of all court proceedings brought by the Director as requested by the Director.

(RIGL 20-1-11)

1.13 Fixing of Seasons and Bag Limits. -- (A) The Director is hereby authorized to adopt regulations fixing seasons, bag limits, size limits, possession limits, and methods of taking on any species of fish, game, bird, or other wild animal occurring within the State, other than marine species regulated by the Marine Fisheries Council.

(1) These regulations may prohibit the taking, holding, or possession of any species, prohibit the taking, molestation, or disturbance in any way of nesting, breeding or feeding sites of any species and/or prohibit, control or regulate any commercial use, importation into the State or exportation from the State of any species.

(2) Such regulations may be of statewide applicability or may be applicable in any specified locality or localities within the State when the Director shall find, after investigation, that the regulations are appropriate.

(B) Any person who violates any provision of chapter or any rule or regulation made under the provisions of this chapter shall be guilty of a violation and shall be subject to a fine of one hundred dollars (\$100) for each violation.

(C) Notwithstanding any inconsistent provision of law, the district court shall have exclusive jurisdiction to hear and determine all violations specified in this chapter and shall be afforded those options as provided for in § 46-22-19.2.

(D) The regulations shall be adopted only after the holding of a public hearing subject to the provisions of the Administrative Procedures Act, Chapter 35 of Title 42. (RIGL 20-1-12)

1.14 Publication and Effective Date of Seasons and Bag Limits. -- Notice of the Director's intention to adopt regulations pursuant to § 20-1-12, and the holding of a public hearing of these regulations, shall be published in at least one newspaper of general statewide circulation, not less than twenty (20) days prior to the date of the public hearing. These regulations shall remain in effect not longer than one (1) year following the date of their effectiveness. (RIGL 20-1-13)

1.15 Entry of Private Property. -- The Director of Environmental Management and each duly authorized employee of that Department may, in the discharge of his or her duties under this Title, enter upon and pass over private property without liability for trespass. If feasible, the employee shall give notice to the property owner. (RIGL 20-1-15)

1.16 Penalty for Violations. -- Unless otherwise specifically provided, the violation of any law or rule or regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries, and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for up to ninety (90) days, or both. (RIGL 20-1-16)

1.17 Cooperation with Other States. -- The Director may cooperate with the fish and wildlife commissioners or other similar bodies or agencies of other states in carrying out the purpose of this Title. (RIGL 20-1-17)

1.18 Collector's Permits. -- Notwithstanding any other restriction or prohibition set forth in this Title, the Director is authorized to issue special permits for the taking, handling, and/or possession of any species of wild animal, of any size, age and numbers as may be appropriate, to persons for the purpose of carrying out scientific experiments and cultivation projects for which the Director has responsibility. The Director may require an applicant to provide any information as that the Director deems necessary to ascertain that the person is involved in a bona fide experiment or project. Failure to abide by the provisions of any permit or failure to report any information required by the Director shall be cause for suspension or revocation of permit. (RIGL 20-1-18)

1.19 Powers of Enforcement of Officers in Waters Between States.-- If and when the states of New York and Connecticut and the Commonwealth of Massachusetts, or any of them, shall enact similar laws for the arrest and punishment for violations of the conservation or fish laws of this State or the state so enacting the similar law, committed or attempted to be committed by any person or persons fishing in waters lying between states, any wildlife protector, fish warden, or other person of either state who is authorized to make arrests for violations of the conservation or fish laws of state, shall have power and authority to make arrest on any part of waters between states or the shores thereof and to take any person or persons so arrested for trial to the state in which the violation was committed and there to prosecute the person or persons according to the laws of that state. (RIGL 20-1-19)

1.20 Power to Require Reports. -- When deemed necessary to carry out the Director's duties under this Title, the Director may require that reports detailing hunt, catch, effort, and other data be provided to the Director by any person who hunts or fishes in this State or who lands his or her catch in this State. These individual reports and other data shall remain confidential and may only be disseminated to the public or persons outside the Department in a statistical format. (RIGL 20-1-20) (Penalty 20-1-16 - Part 1.16 and 20-4-6 - Part 11.11)

1.21 Severability. -- The provisions of this Title shall be interpreted and construed liberally in aid of its declared purpose. If any provision of any of the Chapters in this Title or any rule or regulation issued is held invalid by a court of competent jurisdiction, the remainder of the Title and rules and regulations shall not be affected, but shall be construed in such a way as to give all the provisions of this Title full and valid effect to the fullest extent consistent with the law. The invalidity of any Section or parts of any Section shall not affect the validity of the remainder of this Title.  
(RIGL 20-1-22)

1.22 General powers. --

(a) The following fees shall be established and paid to the Department of Environmental Management for issuance of the following special permits:

Deer Nuisance Permit	\$50.00
Ferret Permit	\$10.00
Scientific Collector's Permit	\$25.00

(b) Any fees collected under authority of this section shall be deposited into restricted receipt accounts established by this Title, as appropriate to the type of special permit issued, and shall be used only for the authorized purposes of such restricted receipts account. The accounts include, but are not limited to: fishing license account, hunting license account, wildlife fund.

(c) The Division of Fish and Wildlife shall be authorized to establish fees for reference, educational, and souvenir-type materials provided upon request to interested parties. Such materials include, but are not limited to: surveys, guides, maps, posters, reference, and educational booklets and materials, and articles of clothing. No fee shall be required for any materials describing or implementing any licensing or regulatory authority of the Division. Any fees collected under authority of this section shall be deposited as general revenues.

(RIGL 20-1-21)

## **! PART II !**

### **SHELLFISH AND FINFISH HARVESTING LICENSES**

2.1 General.-- The Director may issue those licenses required under this Title for hunting, fishing, and the taking of fish, game, birds, shellfish, lobsters, or other wild animals within this state and its territorial waters, pursuant to those regulations that the Director deems necessary to carry out the provisions of this title. The Director may, in his or her discretion, appoint responsible citizens or corporations of the state, or of adjoining states, engaged in operating sporting goods stores to act as agents with authority to issue licenses in the manner and under the conditions as set forth below. Before such appointment shall occur, that citizen or corporation of the state or of adjoining states shall deliver to the Director a bond with a surety company authorized to do business in the state of Rhode Island. The requirements and conditions of such bond shall be established by regulation. (RIGL 20-2-1)

2.2 Issuance of Licenses. -- The clerk of any city or town and any person or corporation appointed by the Director as provided in §20-2-1 shall, upon the application of any person entitled to receive a license under this chapter and upon payment of the specified license fee, register and issue that person a license certificate in the form prescribed and upon a blank to be furnished by the Department. The certificate shall bear the name, age, occupation, place of residence, signature, and identifying description of the registrant and shall authorize the registrant to fish, or shellfish, or to pursue, hunt, and kill game in the State of Rhode Island during those seasons and in those manners and according to those conditions as shall be provided by law; provided, however, that these clerks or appointees shall not have authority to issue lobster, commercial shellfish, or commercial fishing licenses of any kind. (RIGL 20-2-2)

2.3 Record of Licenses Issued -- Accounting for Fees.--Every city and town clerk or agent appointed under this Chapter shall record all licenses issued under this chapter in books kept for that purpose, one coupon of which shall be retained in his or her record. The books shall be supplied by the Department, shall remain the property of the State, shall be open to public inspection during the usual office hours of the clerk or appointee, and shall be subject at all times to audit and inspection by the Director, by the Director of Administration or by the agents of either; and each of these clerks or appointees shall, on the first Monday of every month, pay to the Department all moneys received by the clerk or appointee for the registrations issued during the month preceding, except for recording fee, together with a receipted bill for fees retained in accordance with § 20-2-4, and shall, within thirty (30) days succeeding January first of each year, return to the said Department all registration books and unused and void certificates. The Director shall pay the money received to the General Treasurer with a list of the number and kind of registrations recorded by each city and town clerk during the month. (RIGL 20-2-3)  
[Penalty - Part 1.16; (RIGL 20-1-16)]

2.4 Clerk's Fee. -- Out of the fees paid under the provisions of this Chapter for issuance of hunting, fishing, combination, and non-resident shellfishing licenses, the sum of fifty cents

(\$50) shall be retained by the clerk or agent issuing each license, if this is the case. (RIGL 20-2-4)

## 2.5 Replacement of Lost or Destroyed Certificate

(a) Whoever loses or by a mistake or accident destroys his or her certificate of a commercial marine fisheries license may, upon application to the department accompanied by an affidavit fully setting forth the circumstances of the loss, receive a duplicate certificate for the remainder of the year covered by the original certificate, for a fee of ten dollars (\$10) for each duplicate license.

(b) Whoever loses or by mistake or accident destroys his or her certificate of a non-commercial license may, upon application to the department accompanied by an affidavit fully setting forth the circumstances of loss, receive a duplicate certificate for the remainder of the year covered by the original certificate for a fee of two dollars (\$2).

(RIGL 20-2-5)

**(c) Additionally, any Certificate of Exemption or permit issued by the Division for harvest of commercial or recreational marine species is also subject to Rhode Island General Law (a) or (b) listed above.**

**(d) The holder of a Certificate of Exemption or permit which has been lost, stolen, or destroyed must notify the Division within seven (7) days of discovery of loss.**

**(e) Administrative and criminal penalties may be imposed due to the failure to comply within the time periods set forth herein or for the submission of false information in support of the instant request. Administrative penalties may include revocation of certificates, licenses or permits issued under Title 20 and eligibility of any certification, license or permit may be forfeited.**

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

2.6 False Statements and Violations - Cancellation of License. -- Any person who willfully makes a false representation as to birthplace or requirements of identification or of other facts required in an application for license under this chapter, or is anyway directly or indirectly a party to such a false representation, shall be punished by a fine of not more than fifty dollars (\$50). A license obtained by any person through such a false representation shall be null and void, and the license shall be surrendered immediately to the Director. No license shall be issued under this Title to this person for a period of one year from the date of conviction. (RIGL 20-2-8)

2.7 Possession, Inspection, and Display of License. -- Every person holding a license issued under this chapter shall have that license in his or her possession at all times while engaged in the licensed activity and shall present the license for inspection on demand by any authorized person. In the case of fresh-water fishing, the licensee shall wear in any manner plainly visible upon the licensee's person while fishing, an identifying device as the Director may prescribe, that device to be furnished by the Director at a minimum cost to the licensee. Any person who shall refuse to present a license on demand shall be liable to the same punishment as if that person were hunting or fishing without a license. (RIGL 20-2-9) [Penalty - Part. 1.16; (RIGL 20-1-16)]

PART II - SHELLFISH & FINFISH HARVESTING LICENSES



2.8 Endorsement of License. -- No license issued under this chapter shall be valid until endorsed by the licensee in his or her own handwriting. (RIGL 20-2-10)

2.9 Transfer or Loan of License. -- Unless otherwise provided in this Title provided, a license issued to a person under this chapter shall be good only for the person to whom it is issued; and any transfer or loan of that license shall be grounds for revocation or suspension of that license pursuant to § 20-2-13. (RIGL 20-2-11)

**(a) A vessel owner wishing to transfer any permit or Certificate of Exemption issued by the Division must apply to the Division for approval. If approved for a transfer, all vessel permits (state and federal) shall be transferred together only.**

- (1) any vessel permit or Certificate of Exemption and fishing history cannot be split;**
- (2) permits or certificates may not be combined to create larger replacement vessels;**
- (3) a vessel with a Federal Moratorium Permit or Certificate of Exemption can be replaced by another vessel and the permit transferred voluntarily.**
- (4) only one vessel transfer based upon the original issuance of certificate is allowed for the Certificate of Exemption or permit.**

**(b) Any permit or Certificate of Exemption issued by the Division pursuant to Title 20 RIGL is only valid for the person/vessel to which it is issued. In instances of a permitted vessel, the owner of that vessel may either transfer the permit or Certificate of Exemption along with the vessel to a new owner, or retain the permit or Certificate of Exemption and apply it within ninety (90) days to another vessel that he owns.**

**(c) Certificates of Exemption or permits may not be:**

- (1) pledged, mortgaged, leased, or encumbered in any way;**
- (2) transferred with any retained right of repossession or foreclosure, or any condition requiring a subsequent transfer; or**
- (3) attached, distrained, or sold on execution of judgement.**

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

2.10 Application for License. -- Every person entitled to a license under this chapter shall file an application with the Director or the Director's authorized agent or any city or town clerk, properly sworn to, stating the name, age, occupation, place of residence, nationality, weight, height, and color of hair and eyes of the applicant for whom the license is wanted and pay the fees as provided in this chapter. All licenses issued under this chapter shall be valid only for the calendar year of issuance, unless otherwise specified in this Title or in the rules and regulations adopted pursuant to this title. (RIGL 20-2-12)

2.11 License Revocation. -- The license of any person who has violated the provisions of this title or the rules and regulations issued pursuant to this title may be suspended or revoked by the director in any manner and for any period as the director shall determine by regulation. Any person aggrieved by

an order of suspension or revocation may appeal this order in accordance with the provisions of the Administrative Procedures Act, Chapter 35 of Title 42. (RIGL 20-2-13)

2.12 Licenses Expiration. -- (a) Unless otherwise in this title, all licenses issued under this title shall be annual and shall expire on December 31 of every year.

(b) Notwithstanding the provisions of subsection (a) of this section, all commercial fishing licenses issued under §§ 20-2-20(a), 20-2-20(b), 20-2-21, 20-2-24(a), 20-2-25, 20-2-26, 20-2-26.1(a), 20-2-27(a), 20-2-27(b), 20-2-27(c), 20-2-28(a), and 20-2-28.1(a) shall be annual and shall expire on June 30 of every year. The fee for any of these commercial fishing licenses issued under this section between January 1, 1999 and June 30, 1999, which is to expire on June 30, 1999, shall be one-half (1/2) of the amount otherwise provided in this title.  
(RIGL 20-2-14)

2.13 Commercial Minnow License. -- The fee for a commercial minnow license shall be twenty dollars (\$20). The license shall be valid only during the season [*calendar year*] in which it is issued. (RIGL 20-2-19)

2.14 Shellfish Licenses.

(a) A resident older than nineteen (19) years but younger than sixty-five (65) years shall pay two hundred dollars (\$200) for a commercial license to take shellfish.

(b) A resident twenty-three (23) years or younger shall pay fifty dollars (\$50) for a student commercial license to take shellfish upon provision of proof of full-time student status.

(c) Commercial shellfish licenses shall expire on December 31 of each year.

*[It is the policy of the Department of Environmental Management to allow a resident sixty-five (65) years of age and older to be eligible for a commercial license to take shellfish at no cost.]*  
(RIGL 20-2-20)

2.15 Shellfish Dredging License Fees. -- A resident of this State shall pay an annual fee of two hundred dollars (\$200) for a license to take quahaugs, mussels, and surf clams by dredges hauled by power boat. (RIGL 20-2-21)

2.16 Shellfish License Non-Resident.

(a) Every non-resident over the age of twelve (12) years may obtain a non-resident, non-commercial annual shellfish license for a fee of two hundred dollars (\$200).

(b) A non-resident may obtain one non-commercial limited license per calendar year covering fourteen (14) days including date of issue for eleven dollars (\$11).

(c) A non-resident must obtain a shellfish landing license, two hundred dollars (\$200) to land shellfish (surf clams, blue mussels, ocean quahaugs, sea scallops) harvested outside Rhode Island waters.

(d) A non-resident landowner, as defined in § 20-1-3(a)(3), who owns residential real estate in

Rhode Island assessed for taxation at a valuation of not less than thirty-thousand dollars (\$30,000.00) may, with proof of residential property ownership in the form of a current tax bill from a town or city hall showing that the non-resident landowner is current in his or her property tax obligation, obtain an annual, non-commercial, non-resident shellfish license for a fee of twenty-five dollars (\$25) (RIGL 20-2-22)

2.17 Shellfish Buyer's License. -- The annual fee for a shellfish buyer's license is two hundred dollars (\$200). (RIGL 20-2-23)

2.18 Lobster License.

- (a) Commercial: Two hundred dollars (\$200). The license shall be issued only to a legal resident of the state who is the operator of a Rhode Island registered vessel.
- (b) Non-Commercial Pot: Forty dollars (\$40). The license shall be issued only to a legal resident of the state of Rhode Island.
- (c) Non-Commercial Divers: Forty dollars (\$40). The license shall be issued only to a legal resident of the state of Rhode Island.
- (d) Sellers: Two hundred dollars (\$200).
- (e) Rhode Island Lobster Dealer: Two hundred dollars (\$200).

(RIGL 20-2-24)

2.19 Scallop License/Commercial: Two hundred dollars (\$200). The license is only issued to a resident of this State and shall be valid only for the season for which issued. (RIGL 20-2-25)

2.20 Fish Trap License Fees: -- Two hundred dollars (\$200) per license and twenty dollars (\$20) per trap location in accordance with provisions of Chapter 5 of this Title. (RIGL 20-2-26)

2.21 Gill Net License:

- (a) Each resident of the state is eligible to obtain a license to utilize gill nets upon payment of an annual fee of two hundred dollars (\$200) subject to rules and regulations established by the Marine Fisheries Council.
- (b) Each resident who holds a multi-purpose commercial marine license as provided in § 20-2-28.1, or a commercial vessel or vessel operator's license as provided in § 20-2-27(c) is also eligible to apply for a commercial gill net permit in accordance with the provisions of this section. The annual recording fee for commercial gill netting is twenty dollars (\$20) and shall be paid in addition to the fees payable under §§ 20-2-27(c) and 20-2-28.1

(RIGL 20-2-26.1)

2.22 Commercial Fishing Licenses:

PART II - SHELLFISH & FINFISH HARVESTING LICENSES

- (a) Rod and Reel (for sale of finfish lawfully taken by rod and reel or diving): two hundred dollars (\$200).
- (b) Individual (for named individual only, lawfully taking fish for sale with use of nets or other means without use of boat): two hundred dollars (\$200).
- (c) Commercial Vessel or Vessel Operators Engaged in a Commercial Fishery, excepting those vessels or operators of vessels covered by § 20-2-24 (lobster fishery), §§ 20-2-20 and 20-2-21 (shellfishery), or § 20-2-28 (non-resident otter trawl):
  - (1) Vessels up to fifty feet (50') in total length: two hundred dollars (\$200);
  - (2) Vessels from fifty feet (50') to ninety-nine feet (99') in total length: two hundred fifty dollars (\$250);
  - (3) Vessels from ninety-nine feet (99') or more in total length: twenty dollars (\$20) per lineal foot or any part thereof of the registered length of the vessel;
  - (4) Miscellaneous pot fishery, vessels not licensed in any of the above categories engaged in commercial scup, crab, eel, or conch pot fishery: two hundred dollars (\$200). This license shall be issued only to a legal resident of the state of Rhode Island.
- (d) Rhode Island Finfish Dealer: two hundred dollars (\$200).

(RIGL 20-2-27).

2.23 Rhode Island Party and Charter Boat License. -- (a) All party and charter boats carrying recreational passengers to take or attempt to take marine fish upon the navigable state and coastal waters of Rhode Island shall be required to obtain a Rhode Island party and charter boat license. The licenses shall be issued by the department on a biennial basis for a fee of twenty-five dollars (\$25) per vessel. All licensed party and charter boats shall be required to display a party and charter boat decal provided by the department. To obtain a license, the owner of a qualified vessel must submit:

- (1) A current copy of the operator's U.S.C.G. license to carry passengers for hire;
- (2) A current copy of the vessel's "Certificate of Documentation" certifying that the vessel is documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's state registration;
- (3) Proof that the operator and crew are currently enrolled in a random drug testing program that complies with the federal government's 46CFR "Drug Testing Program" regulations; and
- (4) A signed license application form certifying that the vessel is and will be operated in compliance with all state and federal safety regulations for the vessel.

(b) Rhode Island party and charter boat licenses shall expire on the last day of February every other year, with the first expiration date being in February 2001.

(RIGL 20-2-27.1)

#### 2.24 Non-resident Otter, Beam, or Pair Trawl Fees

- (a) Any resident of a state which accords to residents of Rhode Island reciprocal commercial fishing privileges may obtain a license for the setting of an otter, beam, or pair trawl, or other mechanical

trawling device in those areas of the state's waters where such a device is allowed upon application therefor and payment of a fee computed on the basis of ten dollars (\$10) per lineal foot or part thereof of the registered length of the vessel to be licensed, as indicated on its document, certificate of award, register, enrollment, or license issued by the United States collector of customs. This license is non-transferable and is issued annually for the fee specified on the first day of January in each year and expires on the succeeding December 31st. If it appears in the public interest, the Director may suspend or cancel this license on ten (10) days' notice in writing to the holder thereof.

(b) Non-resident finfish landing license: to land finfish harvested outside Rhode Island waters, two hundred dollars (\$200).

(c) Non-resident miscellaneous landing license; to land all other seafood products not specified under any other provisions of this chapter, two hundred dollars (\$200).

(RIGL 20-2-28)

#### 2.25 Multipurpose License - Fees

(a) Each resident of this State shall be eligible to obtain a multipurpose commercial marine license to participate in all commercial marine fisheries licensed subject to this Chapter upon payment of an annual fee of three hundred dollars (\$300). [*NOTE: resident gillnetters see section 2.21 (b) of this part*]

(b) Multi-purpose Rhode Island Dealers Licenses: This license allows persons to deal all marine products in the state of Rhode Island, three hundred dollars (\$300).

(RIGL 20-2-28.1)

2.26 Deposit of Fees. --In any fiscal year moneys generated from license fees provided for in §§ 20-2-20 to 20-2-28.1, over and above the sum of two hundred thousand dollars (\$200,000), shall be deposited with the General Treasurer and appropriated to the Department of Environmental Management. The State Controller is authorized and directed to draw orders upon the General Treasurer for payment of any sum or sums as may be necessary from time to time upon receipt by him or her of duly authenticated vouchers presented by the Director of Environmental Management. The moneys received under this Section are to be used only for the following specific purposes:

- (a) For protection and propagation of marine fish, lobsters, and shellfish;
- (b) For additional enforcement of the marine fishery regulations;
- (c) For transplanting shellfish from closed areas;
- (d) For fishing port development and construction;
- (e) For staff support of, and expenses incurred by the Marine Fisheries Council; and
- (f) For lease and purchase of land or acquisition of conservation easements.

(RIGL 20-2-28.2)

2.27 Inspections, Condition of License. -- All persons granted a license under the provisions of this Chapter are deemed to have consented to the reasonable inspection of any boat, vessel, net, rake, bullrake, tong, dredge, trap, pot, vehicle, structure, or other contrivance used regularly for the keeping or storage of fish, shellfish, crustaceans, or any game bag, firearms, creel, box, locker, basket, crate, blind, stand, or hunting, fishing or trapping paraphernalia used in conjunction with the licensed activity by persons duly authorized by the Director.

(RIGL 20-2-32)

2.28 Altering and Counterfeiting a License. -- Every person who falsely makes, alters, forges, or counterfeits, or who causes to be made, altered, forged, or counterfeited, a license issued under this Title or purporting to be a license issued under this Title, or who shall have in his or her possession such a false, altered, forged, or counterfeit license, is guilty of a misdemeanor and is subject to the penalties prescribed in § 20-1-16. (RIGL 20-2-33)

## **! PART III !**

### **MARINE FISHERIES COUNCIL**

**3.1 Council Created - Membership - Compensation** -- There is hereby created a Marine Fisheries Council. The Council shall be composed of the Director of the Department of Environmental Management or the Director's designee, who shall serve as chairperson and eight (8) private citizen members. The private citizen members shall be chosen from among those with skill, knowledge, and experience in the commercial fishing industry, the sport fishing industry, and in the conservation and management of fisheries resources, and shall be appointed by the Governor with the advice and consent of the Senate. Three (3) of the private citizen members shall be representatives of the commercial fishing industry; three (3) shall be representatives of the sport fishing industry; and the remaining two (2) shall have skill, knowledge, and experience in the conservation and management of fisheries resources and/or marine biology. The chairperson of the Coastal Resources Management Council and the chiefs of the Divisions of Enforcement and Fish and Wildlife in the Department of Environmental Management shall serve in an advisory capacity to the Council. Members of the Council shall serve for a term of four (4) years and may succeed themselves. Initial appointments to the Council shall be appointed as follows: three (3) members for a term of two (2) years, three (3) members for a term of three (3) years, and two (2) members for a term of four (4) years. All members of the Council shall serve without compensation and shall be reimbursed for their necessary expenses incurred in travel and in the performance of their duties as such. (RIGL 20-3-1)

**3.2 Powers and Duties** -- The Marine Fisheries Council shall have regulatory jurisdiction over all marine animal species within the jurisdictional territory of the State. The Council is authorized after the holding of a public hearing to promulgate and adopt rules and regulations governing the following activities only, within the areas of its jurisdiction:

- (1) the manner of taking fish, lobsters, and shellfish;
- (2) the legal size limits of fish, lobsters, and shellfish to be taken or possessed;
- (3) the seasons and hours during which fish, lobsters, and shellfish may be taken or possessed;
- (4) the numbers or quantities of fish, lobsters, and shellfish which may be taken or possessed; and
- (5) the opening and closing of areas within the coastal waters to the taking of any and all types of fish, lobsters, and shellfish.

(RIGL 20-3-2)

**3.2.1 Regulations for adjusting allocation and possession limits** -- For species managed under quota or possession limit in compliance with a federal or regional fisheries management plan (FMP) Fish and Wildlife and the RIMFC, unless specifically prohibited by the Secretary of Commerce or the Atlantic States Marine Fisheries Commission, will

have the authority to distribute the allocations and possession limits in the following manner:

**3.2.1-1** - Upon its own initiative, Fish and Wildlife may project when the allocation for a species will be exhausted. This determination will be based on the period of time remaining in the allocation period, historical catch rates, and the current catch rate. If Fish and Wildlife determines that an allocation will be exhausted prior to the end of the sub-period or will not be met for a sub-period, it may change the possession limit without Council approval. Fish and Wildlife will file a notice with the Secretary of State and submit a news release announcing the change. All variances of possession limits will be effective upon filing with the Secretary of State.

**3.2.1-2** - If Fish and Wildlife determines that the allocation for a given species will be exhausted prior to the end of a sub-period or will not be met for a sub-period, the RIMFC, upon its own initiative, may direct Fish and Wildlife to change the possession limit. This order will be binding on Fish and Wildlife, and the Program must satisfy the notice requirements of 11.21.1 to validate the change.

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

**3.3 Penalties** -- Unless another penalty is specified in this Title, any person who violates a rule or regulation of the Marine Fisheries Council shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than thirty (30) days, or both. (RIGL 20-3-3)

**3.4 Shellfish and Marine Life Management Areas.** -- The Council may, on the advice of and in cooperation with the Director of Environmental Management, designate certain portions of the shores of the public waters of the State, or land within the State covered by tidewater at either high or low tide, or portions of the free and common fisheries of the State as Shellfish or Marine Life Project Management Areas for the purpose of enhancing the cultivation and growth of marine species, managing the harvest of marine species, facilitating the conduct by the Department of experiments in planting, cultivating, propagating, managing, and developing any and all kinds of marine life, and any other related purpose. The designation shall be pursuant to the Administrative Procedures Act, Chapter 35 of Title 42, and shall be by reference to fixed landmarks. The Council, upon designating a Management Area, shall promulgate any rules and regulations as it shall deem necessary for the protection and management of the Management Area and the animal life and property in the Management Area, including the exclusion or restriction of persons from the area or the prohibition of certain activities within the areas or other restrictions as it may deem necessary. Upon the designation by the Council of any Management Area, the Director of Environmental Management shall place any stakes, bounds, buoys, or markers with the words "Rhode Island Department of Environmental Management" plainly marked on them, as will approximate the Management Area. Failure to place or maintain such stakes, bounds, buoys or



markers shall not be admissible in any judicial or administrative proceeding. The Director may make any experiments or conduct such activities as in his discretion shall be appropriate in these Management Areas. (RIGL 20-3-4)

### **3.5 Regulations Governing the Designation of Management Areas and the Opening and Closing of Areas Within the Coastal Waters**

**3.5.1** The Marine Fisheries Council ("Council") from time to time may designate various portions of the waters of the State as Management Areas, pursuant to the authority granted by Title 20, Chapter 3, of the General Laws of Rhode Island. Such designations may be made for the purpose of conducting experiments in planting, cultivating, propagating, managing, and developing any and all kinds of shellfisheries or finfisheries, for the purpose of protecting shellfisheries and finfisheries from overfishing, for the purpose of encouraging the development and growth of any and all shellfisheries or finfisheries, or for any other purpose related to the protection, maintenance, and/or propagation of fisheries resources.

**3.5.2** Any designations under these regulations shall include an explicit description of the area to be designated and may include restrictions on the quantities, types, or sizes of shellfish or finfish which may be taken in such area, the times during which shellfish or finfish may be taken, the manner or manners in which shellfish or finfish may be taken, or may close such area to the taking of shellfish or finfish altogether.

**3.5.3** A designation under these regulations may be made for a period not to exceed five (5) years. A designation may be renewed at the end of its initial term.

**3.5.4** Designations under these regulations may be made pursuant to the Administrative Procedures Act, Chapter 42-35 of the General Laws of Rhode Island as amended. Such designations shall contain a brief description of the purposes for which they are being made.

**3.5.5** Shellfishing and finfishing activity in a Management Area may be regulated by the Council by filing such regulation with the office of the Secretary of State. Such regulation shall take effect twenty (20) days following its filing. In case of emergency or imminent hazard found to require immediate action, the Council may issue regulations governing the taking of shellfish or finfish in a Management Area to become effective without delay. Any regulation issued under this Section shall contain an explicit description of the nature of the emergency or imminent hazard giving rise to the regulation.

**3.5.6** Until and unless modified pursuant to these regulations, all Shellfish Project Management Areas and other Management Areas previously established by the Department of

Natural Resources, the Department of Environmental Management, or the Marine Fisheries Council shall remain in effect. Those areas so designated are found in part 3.6-Description of Shellfish and Marine Life Management Areas, herein.

**3.5.7** The Director of the Department of Environmental Management ("DEM") may, where he reasonably believes that a delay would adversely affect the public purposes sought to be served by Title 20 of the General Laws of Rhode Island and/or would pose a danger to the public health, act to open or close any area (whether or not previously designated as a Marine Life Management Area) within the coastal waters of the State of Rhode Island to the taking of any and all types of fish, lobsters, and shellfish. In determining whether to open or close an area pursuant to this regulation, the Director shall consider what effect, if any, would be occasioned by deferring the decision to open or close such area until the next meeting of the Marine Fisheries Council. If the Director opens or closes an area without awaiting the next meeting of the Marine Fisheries Council, he shall:

- a. Immediately give notice, in writing, to the Council members of his/her action, and the basis thereof;
- b. Immediately give notice of his/her action, in a newspaper of general circulation in the area to be affected thereby; and
- c. Place his/her decision to open or close an area on the agenda at the next scheduled meeting of the Marine Fisheries Council, for its consideration.

When the Director has so acted to open or close an area, the Marine Fisheries Council, if in agreement with such action, shall adopt a rule confirming such act, in conformance with Title 42, Chapter 35 of the General Laws. If not ratified by the Marine Fisheries Council, the action by the Director shall become null and void as of the date of the Marine Fisheries Council's failure to ratify.

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

### **3.6 Description of Shellfish and Marine Life Management Areas**

**3.6.1 Bissel Cove** and adjacent waters of Narragansett Bay - North Kingstown, R.I. including the entirety of Bissel Cove and adjacent waters south of a line between Pole #275 at the corner of Waldron and Seaview Avenues and the southwestern most point of Fox Island (south of the cable area); west of a line from the southwestern most point of Fox Island to the northern most point of Rome point.

**3.6.2 Greenwich Bay** in its entirety, in the towns of East Greenwich and Warwick, including the waters of Narragansett Bay west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.

**3.6.3 Mill Gut** in its entirety in the Town of Bristol, lying south of the northernmost bridge

on Colt Drive.

**3.6.4 Ninigret (Charlestown) Pond** in its entirety in the Town of Charlestown.

**3.6.5 Point Judith Pond, including East Pond** in their entirety in the towns of South Kingstown and Narragansett.

**3.6.6 Potter Pond** in its entirety, Town of South Kingstown, west of the bridge at Succotash Road.

**3.6.7 Quonochontaug Pond** in its entirety in the towns of Charlestown and Westerly.

**3.6.8 Sakonnet River** north of a line from Sachuest Point to Sakonnet Light. The northern boundary of the Management Area will be an east/west line across the Sakonnet River lying one quarter (1/4) mile south of the pipeline found just south of Black Point, so-called, and bounded on the west by a north/south line running from Flint Point to Taggart's Ferry, so-called.

**3.6.9 Winnapaug (Brightman) Pond** in its entirety in the Town of Westerly.

**3.6.10 Bristol Harbor (Shellfish Transplant Area)**, that area of Bristol Harbor southerly of a line between Johnson's Dock, so called, on the west side of Bristol Harbor and the northwest corner of the Coast Guard Dock, on the east side of Bristol Harbor; and north of a line between Rockwell's Dock, so called, on the west side of the harbor, and the northwest corner of the Coast Guard Dock. The area is bordered on the west by the three foot contour line along the shore between Rockwell's dock and Johnson's Dock, and on the east by the existing pollution line.

**3.6.11 Narragansett Bay** in its entirety is designated a menhaden Management Area. This area shall include east and west passages of Narragansett Bay, Mt. Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet Point. to Beavertail Point to Castle Hill Light. The southern boundary will then extend from Land's End to Sachuest Point and thence to Sakonnet Light.

**3.6.12 Upper Narragansett Bay Trawling Area**. The area is encompassed by the following lines; the southern boundary of the Upper Narragansett Bay otter trawling area is defined as a line from Spink Neck in the Town of North Kingstown to Pine Hill Point on Prudence Island, thence from Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island Shoal Light, and thence to the north abutment of the Mt. Hope Bridge in the Town of Bristol. The western boundary of the area is a line from Sandy Point in the City of Warwick to the southern tip of Warwick Point in the City of Warwick. The

northern boundary of the area is a line from the dock at Rocky Point in Warwick to the southern tip of Poppasquash Point in Bristol, thence to Hog Island Light, and thence to the northern abutment of the Mt. Hope Bridge in Bristol.

**3.6.13 Upper Sakonnet River Marine Life Management Area.** The area is defined as follows: That portion of the Upper Sakonnet River which lies north of a line from McCurry Pt. in Portsmouth to the southern end of Jack's Island (so-called) in Tiverton. That portion of the Sakonnet River which lies south of the Sakonnet River Bridge (Rt. 24) to the southern boundary.

**3.6.14 Kickemuit River Shellfish Management Area**

All marine waters of the Kickemuit River north of a line connecting nun buoy 6 and can buoy 1 at Bristol Narrows.

**3.6.15 Potowomut Shellfish Management Area:** The waters at the mouth of Greenwich Bay south of a line between the flagpole at the Warwick Country Club to the seaward end of Sandy Point and north of a line between and the seaward end of Pojac Point to buoy "G1" (Round Rock) to the Warwick Lighthouse, including all the waters of the Potowomut (Greene's) River seaward of the Forge Road Spillway are declared a shellfish management area for five years.

**3.6.16 "High Banks" Shellfish Management Area:** The waters of the upper west passage south of a line between the seaward end of Pojac Point to the Round Rock buoy "G1" and north of a line from the seaward end of the fence between the former Davisville Navy property and Pettee Street in the Mount View section of North Kingstown to "N6" buoy located mid-bay west of Prudence Island. The area is bounded on the east by a line projecting from the easternmost end of Pier 2 at Davisville to the Round Rock buoy "G1" and is bounded to the west by the shore.

**3.6.17 Jenny's Creek Shellfish Management Area:** Jenny's Creek of Prudence Island in its entirety is designated as a shellfish management area. The management area includes waters of Jenny's Creek north of the inlet at Pine Hill Cove.

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

**3.7 Shellfish Transplant Regulations.**

**3.7.1** Any person participating in the transplant program shall surrender his commercial license to the conservation officer or Division of Fish and Wildlife employee afloat on the transplant bed or otherwise stationed to collect licenses. The license must be surrendered before the participant commences digging shellfish.

**3.7.2** The boundaries of the transplanting area shall be marked with designated corner markers. All shellfishermen participating in the transplant program shall harvest shellfish only within the boundaries of the transplant area so marked.

**3.7.3** No shellfisherman shall commence harvesting shellfish in the transplant area before the hour at which the transplant program is scheduled to commence. Hours of transplanting shall be publicized in advance.

**3.7.4** Shellfishermen participating in the transplant program shall bring no shellfish into the transplant area before beginning the transplant. Any shellfish on board a participant's boat shall be considered transplant shellfish, dug from the transplanting area.

**3.7.5** Any participant in the transplant program shall be considered to have completed his participation in the program when he presents his shellfish to the "buy boat/buy station" for counting/weighing. If the method of transplanting involves diggers planting their own catch in the transplant bed, the shellfisherman shall first present his catch to the authorized DEM officer for counting/weighing, and shall then proceed directly to the planting area. Once the shellfisherman commences to remove the shellfish from his boat to the "buy boat/buy station" or into the transplant bed, he shall remove ALL shellfish from his boat before changing location. Any change of location shall indicate that the shellfisherman has cleared his boat of shellfish and is ready for inspection and return of license by DEM officers. No shellfish shall be aboard any participant's boat at the time of inspection.

**3.7.6** Temporary creation of a transplanting area shall in no way affect the polluted status of the waters therein, or of any waters surrounding the transplanting area and declared polluted.

**3.7.7** Violation of any of these provisions shall be punishable by a fine of up to \$500 and/or up to 30 days in jail.

**3.7.8** Agents of the D.E.M. may limit the maximum allowable harvest by each participant in a transplant. Agents of the D.E.M. may limit the number of participants in a shellfish transplant program provided that the limit is determined in a fair and equitable manner.

**(RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]**

**3.8 Emergencies** -- The Marine Fisheries Council may, without requirement of notice of hearing close any or all of the coastal waters of the State to the taking of any or all types of fish, lobsters, and shellfish, where it determines that a biological emergency exists which imminently threatens the marine resources of the State subject to the provisions of § 42-35-3(b). (RIGL 20-3-5)

3.9 Suspension and Revocation of Licenses -- The Director of Environmental Management has the authority to suspend or revoke any shellfishing, lobster, or fishing license issued pursuant to any provision of this Title, for violation of a rule or regulation adopted by the Marine Fisheries Council, in any manner and for any period as the Director determines by regulation. Any person aggrieved by an order of suspension or revocation may appeal therefrom in accordance with the provisions of the Administrative Procedures Act, Chapter 35 of Title 42. (RIGL 20-3-6)

3.10 Regulation of Fishing in Great Salt Pond -- Notwithstanding the provisions of §§ 20-10-1 through 20-10-4, the electors of the Town of New Shoreham may, in a town meeting called for that purpose, enact any ordinances to protect and to regulate the taking of shellfish and other fish in Great Salt Pond, and may impose penalties for violations of these ordinances, not exceeding a fine of two hundred dollars (\$200) and three (3) months imprisonment for any one offense. (RIGL 20-3-7)

**3.11 Size, Possession, and Daily Limit Violations On Board Vessels** -- In any instance, when there is a violation of the size, possession, or daily limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board. (RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]

## **! PART IV !**

### **SHELLFISH**

**4.1 Licenses -- Residents are not required to obtain a license provided they do not exceed the non-commercial (resident's) daily catch limit and provided that such shellfish shall not be offered for sale. RIMFC REGULATIONS [Penalty - Part 6.6 (RIGL 20-6-9)]**  
ref (RIGL 20-6-1)

#### **4.1.1 Commercial Licenses - Fees:**

- (a) A resident older than nineteen (19) years but younger than sixty-five (65) years shall pay two hundred dollars (\$200) for a commercial license to take shellfish.
- (b) A resident twenty-three (23) years or younger shall pay fifty dollars (\$50) for a student commercial license to take shellfish under provision of proof of full-time student status.
- (c) Commercial shellfish licenses shall expire on June 30 of each year.

***[it is the policy of the Department of Environmental Management to allow a resident sixty-five (65) years of age and older to be eligible for a commercial license to take shellfish at no cost]***

**(RIGL 20-2-20)**

#### **4.1.2 Non-resident License - Fee:**

- (a) Season - Every non-resident over the age of twelve (12) years may obtain a non-resident, non-commercial annual shellfish license for a fee of two hundred dollars (\$200).
- (b) 14-day - A non-resident may obtain one non-commercial limited license per calendar year covering fourteen (14) days including the date of issue, for eleven dollars (\$11).
- (c) Landing - A non-resident must obtain a shellfish landing license, for a fee of two hundred (\$200), to land shellfish (surf clams, blue mussels, ocean quahaugs, sea scallops) harvested outside Rhode Island waters.
- (d) Non-resident landowner - A non-resident landowner, as defined in § 20-1-3(a)(3), who owns residential real estate in Rhode Island assessed for taxation at a valuation of not less than thirty thousand dollars (\$30,000) may, with proof of residential property ownership in the form of a current

tax bill from a town or city hall showing that the non-resident landowner is current in his or her property tax obligation, obtain an annual, non-commercial, non-resident shellfish license for a fee of twenty-five dollars (\$25).

(RIGL 20-2-22)

4.1.3 Shellfish Dredging License - Fees: A resident of this State shall pay an annual fee of two hundred dollars (\$200) for a license to take quahaugs, mussels, and surf clams by dredges hauled by power boat. (RIGL 20-2-21)

4.1.4 Scallop License - Fee:

**4.1.4-1 Residents are not required to obtain a license, provided they do not exceed the non-commercial daily catch limit, and provided that such scallops shall not be offered for sale. RIMFC REGULATION [Penalty Part 6.6 (RIGL 20-6-9, 20-6-13)] ref (RIGL 20-6-1)**

4.1.4-2 Commercial scallop license - Commercial: two hundred dollars (\$200). The license is only issued to a resident of this state and shall be valid only for the season for which it is issued. (RIGL 20-2-25)

4.1.5 Multipurpose License - Fee

(a) Each resident of this state is eligible to obtain a multipurpose commercial marine license to participate in all commercial marine fisheries licensed subject to this chapter upon payment of an annual fee of three hundred dollars (\$300). (RIGL 20-2-18.1)

(b) Multi-purpose Rhode Island Dealers licenses. This license allows persons to deal all marine products in the state of Rhode Island, three hundred dollars (\$300).

(RIGL 20-2-28.1)

4.1.6 Shellfish Buyer's License - Fee The annual fee for a shellfish buyer's license is two hundred dollars (\$200). (RIGL 20-2-23)

(Commercial shellfish licenses shall expire on June 30 of each year)

4.2 Night Shellfishing Prohibited -- Penalty for Taking Shellfish at Night. -- Notwithstanding the provisions of any general or public law to the contrary, any person who takes any oysters, clams, quahaugs, scallops, or mussels from any of the waters of this state during the hours between sundown and sunrise shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding three (3) years or by both; and any boat, dredges, rakes, or other equipment



used in this violation shall be forfeited to the State. (RIGL 20-6-23)

#### 4.3 Statewide Catch Limits -- (Daily Take)

##### Quahaugs, Soft-shelled Clams, Sea Clams, Bay Scallops, Mussels, and Oysters Except in Management Areas

4.3.1 Resident Limit - No License Required. -- Unless otherwise specified in regulations adopted by the Marine Fisheries Council, any resident of this State may without a license, take in any one (1) day during the open season, if applicable, not more than one half (1/2) bushel each of quahaugs, soft-shelled clams, sea clams, oysters, and mussels, and not more than one (1) bushel of scallops; provided that those quahaugs, soft-shelled clams, sea clams, oysters, mussels, or scallops shall not be sold or offered for sale.

(RIGL 20-6-1) [Penalty - Part 4.7; (RIGL 20-6-9)]

4.3.2 Commercial Limit - License Required. -- Unless otherwise specified by regulation of the Marine Fisheries Council, a holder of a commercial shellfishing license may take and/or possess, in any one (1) day, up to twelve (12) bushels of [bay] quahaugs, twelve (12) bushels of soft-shell clams, and three (3) bushels of oysters. RIGL 20-6-10(a). **Commercially licensed persons may take and/or possess up to 200 bushels of surf clams, or 26 cages (832 bushels) of ocean quahaugs, in any one day (midnight to midnight) (RIMF REGULATION) [Penalty - Part 3.3, Part 4.4; RIGL (20-3-3)]**

4.3.3 Non-resident Limit - Licensed Individuals Only. -- A holder of a non-resident shellfishing license may take in any one (1) day not more than one (1) peck each of oysters, quahaugs, soft-shelled clams, surf clams, or mussels. Any person taking more than these allowances in any one (1) day shall be fined upon conviction, one hundred dollars (\$100) for each bushel or part of a bushel exceeding the prescribed quantity or be imprisoned for not exceeding thirty days, or both. [RIGL 20-6-10(b)]

#### 4.4 Allowance of Shellfish Taking Under License. --

(a) Unless otherwise specified by regulation of the Marine Fisheries Council, a holder of a commercial shellfishing license may take and/or possess, in any one (1) day, up to twelve (12) bushels of quahaugs, twelve (12) bushels of soft-shell clams, and three (3) bushels of oysters. **Commercially licensed persons may take up to 200 bushels of surf clams in one day. (RIMFC REGULATION) [Penalty - Part 3.3, Part 4.4; RIGL (20-3-3)]**

(b) A holder of a non-resident shellfishing license may take in any one (1) day not more than one (1) peck each of oysters, quahaugs, soft-shell clams, or mussels. Any person taking more than these al-

lowances in any one (1) day shall be fined upon conviction one hundred dollars (\$100) for each bushel or part of a bushel exceeding the prescribed quantity or be imprisoned for not exceeding thirty days, or both.

(RIGL 20-6-10)

**4.5 Method of Harvest.** -- No person shall take any oysters, bay quahaugs, or soft-shelled clams from the waters of this State by dredge(s), rakes, or other apparatus operated by mechanical power or hauled by power boats unless authorized pursuant to Section 10.3.1.

**RIMF REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3)]**

**4.6 Soft-shelled Clams -- Method of Taking.** -- No person, either as principal, agent, or employee, shall dig or take by any method other than by forks, rakes, hoes, tongs, or any other device operated by hand, from any of the waters of this State, any soft-shelled clam. Any violation of the provisions of this Section shall be punishable by a fine of not less than ten dollars (\$10) nor more than fifty dollars (\$50). (RIGL 20-6-15)

**4.7 Penalty for Exceeding Allowance Without License.** -- Every person who shall take in any one (1) day more than one half (1/2) bushel each of oysters, bay quahaugs, soft-shelled clams, surf clams, or mussels from the free and common fisheries of this state, without a license, shall be fined, upon conviction, not exceeding fifty dollars (\$50) and costs for each one half (1/2) bushel or fraction thereof above the stated limits or be imprisoned not exceeding thirty (30) days, or both. (RIGL 20-6-9)

**4.8 Shellfish Management Areas - Catch Limits for Quahaugs, Soft-shelled Clams, Sea Clams, Mussels, and Oysters.** -- Bristol Harbor Shellfish Transplant Area, Potter Pond, Pt. Judith Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, Winnapaug (Brightman) Pond, Potowomut, Greenwich Bay, Mill Gut, Kickemuit River, Bissel Cove, High Banks, Sakonnet River, and Jenny's Creek have been declared special Shellfish Management Areas in their entirety for a period of five years. Shellfish Management Area status shall expire five years from the filing date of this document unless renewed by subsequent R.I. Marine Fisheries Council actions.

No person may possess more than the maximum shellfish management area daily catch limit while in a management area.

The following daily catch limits have been established for the Management Areas listed above:

**Quahaugs, Soft-shelled Clams, Sea Clams, Mussels, and Oysters \***

**Maximum Daily Take by BOAT HARVEST**

R.I. Resident (no sale)	1 peck each/day/person
Commercial	3 bu each/day/license holder maximum of 6 bushels each/boat/day; and maximum of two licensed shellfishers per boat

Licensed Non-Resident (no sale)	½ peck each/day/license holder
* Oyster season is open from September 15 to May 15 annually	

**SHORE DIGGING:** This maximum daily catch limit for shoredigging of soft shell clams, bay quahaugs, mussels, and oysters [in season] is:

R.I. Resident (no sale)	1 peck each/day/person
Commercial	3 bu each/day/license holder
Licensed Non-Resident (no sale)	½ peck each/day/license holder
* Oyster season is open from September 15 to May 15 annually	

Daily catch limits apply to all Management Areas unless otherwise specified. The use of diving apparatus is prohibited while shoredigging.

(RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-30)]

**4.8.1 Tagging/Labeling Requirements** – All shellfish taken by licensed commercial fishers of shellfish from Shellfish Management Areas must be in a container which is tagged and labeled with the fisher's name, license number, date, and management area from which shellfish was removed prior to any of the following:

- leaving the waters of the management area which has been approved for the harvest of shellfish by the Rhode Island Department of Environmental Management.
- shellfish are removed from the boat; or
- shellfish are offered for sale.

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

**4.9 Temporary Shellfish Limit** -- The Rhode Island Marine Fisheries Council may establish a reduced shellfish limit in any Marine Life Management Area for a period not to exceed sixty (60) days. The following reduced limit shall apply in any area so designated:

**Quahaugs, Soft-shelled Clams, Sea Clams, and Oysters**  
**Reduced Maximum Daily Take for Marine Life Management Areas**

R.I. Resident (no sale)	1 peck each/day/person
Commercial	1 bu each/day/license holder
Licensed Non-Resident (no sale)	½ peck each/day/license holder

(RIMF REGULATION) [Penalty - Part 4.4 or 4.7 (RIGL 20-6-9 or 20-6-10)]

#### **4.10 Greenwich Bay Shellfish Management Area**

**4.10.1** The conditionally approved waters of Greenwich Bay are established as a Shellfish Management Area for a five-year period. This area is defined as west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.

**4.10.2** Shellfish harvesting will be allowed only when declared open by the D.E.M. Office of Water Resources based upon water quality considerations. Regulations by the Office of Water Resources shall supersede the regulations below.

**4.10.3** SHORE DIGGING will be permitted between sunrise and sunset daily. The maximum daily catch limit for shore digging of bay quahaugs, soft-shelled clams, mussels, and oysters [in season] is:

Resident shoredigger (no sale)	1 peck each/person/day
Licensed non-resident (no sale)	½ peck each/person/day
Commercial License holder	
oysters [in season]	3 bushels/license holder/day
soft-shellfed clams	3 bushels/license holder/day
mussels	3 bushels/license holder/day
bay quahaugs	one peck/license holder/day [EXCEPT: Mondays, Wednesdays and Fridays beginning the second Wednesday of December until April 30 annually, when the daily limit shall be 3 bushels/license holder/day]

The use of diving apparatus is prohibited while shore digging.

**4.10.4** The entire area is closed to all shellfishing from a boat except as follows:

**4.10.4-1** Beginning on the second Wednesday of December shellfishing will be permitted only between the hours of 8 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 30 annually.

**4.11 Sakonnet River Shellfish Management Area** -- The following special regulations apply in the Management Area: In the Sakonnet River Shellfish Management Area, the daily take for licensed dredge boats will be limited to 200 bushels of surf clams. A by-catch of bay quahaugs will be permitted. It shall be calculated at the rate of one bushel of bay quahaugs for each ten (10) bushels of surf clams in possession of the harvester. Total by-catch of bay quahaugs

shall not exceed twelve (12) bushels per vessel. (RIMF REGULATION) [Penalty Part 3.3; (RIGL 20-3-3)]

**4.12 Shellfish Management Areas Closed to Shellfishing (also see: Areas Closed Due to Pollution).**

**4.12.1 Mill Gut** -- Mill Gut in Bristol is closed in its entirety until further notice, with the exception that between sunrise the second Wednesday in December and sunset, April 30 annually the area will be open for the harvesting of quahaugs, soft-shelled clams, mussels, and oysters in accordance with the catch limits set forth in section 4.8.

**4.12.2 Brightman (Winnapaug) Pond** -- The following areas in Brightman Pond will be closed to the taking of clams and quahaugs: the area north of a line running easterly from Big Rock Point (so-called) to the southern end of Larkin's Island (so-called). The area will be bordered on the east by a line north westerly from a DEM marker on Larkin's Island to a DEM marker adjacent to the end of Bayside Avenue.

**4.12.3 Quonochontaug Pond** - The following area in Quonochontaug Pond will be closed to the taking of clams and quahaugs: the area is defined as south of a line running easterly from the special DEM marker at the end of Quahaug Point (so-called) to the northern end of Nope's or Barn Island. The area will be bordered on the west by a line running south from Quahaug Point to a DEM marker located on the barrier beach shoreline.  
(RIMF REGULATIONS) [Penalty Part 3.3; (RIGL 20-3-3)]

**4.12.4 Ninigret Pond** -- The following area within Ninigret Pond in Charlestown will be closed to the taking of soft-shelled clams, bay quahaugs, and oysters until May 17, 2002: all waters within a triangular area formed by the northeast corner of the Ninigret Conservation Area parking lot, a DEM sign immediately shoreward of telephone pole #4 at the end of Kennedy Lane, and a DEM sign immediately shoreward of pole #5-5 along the east side of Lavin's Landing Marine.

(RIMFC REGULATION) [Penalty - Part 4.4 or 4.7; (RIGL 20-6-9 or 20-6-10)]

**4.13 [repealed 12/21/01]**

**4.14 Transfer of Shellfish from Uncertified Waters.** -- The Director of Environmental Management is authorized and directed, after requiring all necessary safeguards, to transfer shellfish from uncertified waters of the State to approved areas. The Director may make rules and regulations governing the reharvest of those shellfish to the best economical benefit of the state after all necessary safeguards to insure their cleanliness. (RIGL 20-6-26) [Penalty - Part 4.17; RIGL 20-6-29]

4.15 Dredging, Raking, and Tonging in Transplant Beds. -- Those areas to which the shellfish are transferred shall be marked out, and dredging, raking, or tonging on them shall be prohibited except under the special direction of the Director. (RIGL 20-6-27) [Penalty - Part 4.17; 20-6-29]

4.16 Cost of Transfer of Shellfish -- For the transfer of shellfish pursuant to § 20-6-26, the Director is - authorized to hire dredge boats or hand rakers and to set the rate of payment. Any transferred shellfish may be sold by the Director, and the proceeds of that sale shall be retained under the control of the - Director for the purpose of assisting in the cost of the transfer of shellfish from uncertified waters to approved areas from time to time as the transfer becomes necessary or expedient. (RIGL 20-6-28) [Penalty - Part 4.17; (20-6-29)]

4.17 Penalty for Improper Taking of Transferred Shellfish -- Any person violating rules or regulations promulgated by the Director of Environmental Management as provided for in Sections 20-6-26 to 20-6-28, shall, upon conviction, be subject to a fine not exceeding five hundred dollars (\$500) or imprisoned not exceeding thirty (30) days or both. (RIGL 20-6-29)

*4.18 Shellfish Grounds - Polluted Area.* -- *For a discussion of the statutes and penalty provisions governing shellfishing in polluted areas, refer to Chapter 20-8-1, as amended, of the Rhode Island General Laws.*

**4.19 Shellfishing by SCUBA or Skin Divers.** -- No person making use of SCUBA diving equipment or breathing apparatus or skin diving equipment shall take any shellfish from the waters of Charlestown Pond, or Green Hill Pond, or Quonochontaug Pond until the 15th day of November, at which time it shall be legal to use SCUBA diving and breathing apparatus to harvest scallops for the remainder of the season in the designated ponds. (RIMF REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

#### **4.20 Surf Clams and Ocean Quahaugs.**

**4.20.1 Gear Restrictions** The following gear restrictions shall apply to vessels fishing in the territorial waters of Rhode Island for surf clams:

**4.20.1-1** It is unlawful for any vessel to operate with any hydraulic dredge with a blade, knife, or manifold which is greater than 48 inches in maximum width.

**4.20.1-2** It is unlawful for any vessel to operate more than one dredge while harvesting surf clams.

**4.20.2 Trip Limits** The following limits shall apply to vessels fishing in the territorial waters of Rhode Island:

**4.20.2-1** It is unlawful for any dredge vessel to take and/or possess more than 200

bushels of surf clams per vessel.

**4.20.2-2** Except as allowed in Part 6.8.3, it is unlawful for any vessel to catch, harvest, possess, have on board, land, or off load, any surf clams which are less than 5 inches in the longest shell diameter.

**4.20.2-3** Vessels properly licensed to do so may land surf clams and ocean quahaugs legally taken outside the territorial waters of Rhode Island in excess of the trip limit established by Part 4.19.2-1, provided that no vessel engaged in fishing for surf clams or ocean quahaugs within territorial waters may possess or have on board more than the prescribed limit.

**4.20.2-4** It is unlawful for any dredge vessel to take and/or possess more than 26 cages (832 bushels) of ocean quahaugs.

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

## MINIMUM SIZES FOR SHELLFISH

### **4.21 Minimum Size of Quahaugs, Soft-Shelled Clams, Mussels --**

No person shall take or have in his custody or possession quahaugs of less than one inch (1") shell thickness (hinge width). For purposes of this regulation, hinge width is defined as the distance between the convex apex of the right shell and convex apex of the left shell. ref (20-6-11) (RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

No person shall take and/or possess any soft-shelled clams or mussels of a diameter less than one and one half inches (1 1/2") taking the maximum shell diameter, for soft-shelled clams and mussels), unless greater minimum sizes are established by the Rhode Island Marine Fisheries Council. reference (RIGL 20-6-11).

Penalty -- Any person who takes and/or possesses shellfish of less than the minimum size shall, upon conviction, be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each and every (15) shellfish taken. reference (RIGL 20-6-11)

**Oysters - Minimum Size -- Three (3) inches measured parallel to the long axis of the oyster.** ref (20-6-11) (RIMF REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**Sea Clams (Surf Clams) Minimum Size -- Five (5) inches measured parallel to the long axis of the clam.** (RIMF REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

Scallops -- Taking and Possession of Seed Scallops -- Every person taking any seed scallops, and who fails to restore them as soon as possible to their natural beds in the water from which taken, shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100), or be imprisoned not exceeding thirty (30) days, or both, for each offense. For the purpose of this Chapter, a "seed

scallop" means a scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-defined raised annual growth line, and the scallop being less than one (1) year old. (RIGL 20-6-17)

#### **4.22 Bristol Harbor Shellfish Transplant Area**

**4.22.1** The waters of Bristol Harbor described below are designated as a Shellfish Management Area for a period of five years. This area is defined as that area of Bristol Harbor southerly of a line between Johnson's Dock (so-called) on the west side of Bristol Harbor and the northwest corner of the Coast Guard Dock, on the east side of Bristol Harbor, and north of a line between Rockwell's Dock (so-called) on the west side of Bristol Harbor, and the northwest corner of the Coast Guard Dock. The area is bordered on the west by the three (3) foot contour line along the shore between Rockwell's Dock and Johnson's Dock and on the east by the existing pollution line.

**4.22.2** The entire area is closed to all shellfishing from a boat except as follows:

**4.22.2-1** Beginning on the second Wednesday of December, shellfishing from a boat will be permitted between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 30, annually.

**4.23 Opening Shellfish on Water** -- No person shall possess the meats of more than six (6) shellfish while shellfishing on the waters of the State or throw the shells of open scallops onto the scallop beds. (RIGL 20-6-21) [Penalty - Part 6.6; (RIGL 20-6-13)]

#### **4.24 Bissel Cove - Fox Island Transplant Area Regulations**

**4.24.1** Bissel Cove and the adjacent waters of Narragansett Bay, North Kingstown, including the entirety of Bissel Cove and the adjacent waters south of a line between pole #275 at the corner of Waldron and Seaview Avenues and the southwestern most point of Fox Island (south of the cable area); west of a line from the southwestern most point of Fox Island to the northern most point of Rome Point is established as a Shellfish Management Area for a five-year period.

**4.24.2 SHORE DIGGING:** shore digging will be permitted daily between sunrise and sunset.

**4.24.3 BOAT HARVESTING:** The entire area is closed to all shellfishing from a boat EXCEPT beginning on the second Wednesday in December, shellfishing from a boat will be permitted between 8:00 AM and NOON on Mondays, Wednesdays, and Fridays until April 30, annually.



**4.25 [repealed 12/21/01]**

**4.26 Kickemuit River Shellfish Management Area Regulations**

**4.26.1** The area is defined as follows: the marine waters of the Kickemuit are those north of a line connecting nun buoy 6 and can buoy 1 at Bristol Narrows.

**4.26.2** Upon certification of water quality by the D.E.M. Office of Water Resources, shellfishing will be permitted throughout the area between sunrise to sunset daily, when the waters are certified for shellfishing by the D.E.M. - Office of Water Resources. Shore digging will be permitted when the area is open.

**4.26.3** Water quality certification will determine whether or not shellfishing is allowed in these areas. Regulations established by the D.E.M. Office of Water Resources shall supersede these regulations.

**4.26.4 [repealed 2/18/01]**

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

**4.27 Potowomut Shellfish Management Area: --**

**SHORE DIGGING** is permitted within this entire area between sunrise and sunset daily year around.

**BOAT HARVESTING**

The entire area is closed to shellfishing from a boat until the second Wednesday of December, 2001. At that time boat harvesting at Potowomut is scheduled to resume from 8:00 AM until NOON on Mondays, Wednesdays and Fridays through April 30 annually.

**4.28 "High Banks" Shellfish Management Area:**

**SHORE DIGGING** will be permitted between sunrise and sunset daily.

**BOAT HARVESTING**

The entire area is closed to shellfishing from a boat except between the second Wednesday of December 2002 and April 30, 2003 when shellfishing is permitted between 8:00 AM and NOON on Mondays, Wednesdays, and Fridays.

**4.29 Jenny's Creek Shellfish Management Area:** The entire area is closed to all shellfishing until further notice. RIMF REGULATION [Penalty- Part 3.03: (RIGL 20-3-3)]

## **! PART V !**

### **SCALLOPS**

#### **5.1 Licenses**

**5.1.1 Residents:** are not required to obtain a license, provided they do not exceed the non-commercial daily catch limit, and provided that such scallops shall not be offered for sale. (ref RIGL 20-6-1) [Penalty - Part 6.6; (RIGL 20-6-13)]

**5.1.2 Non-residents:** **R.I. General Laws do not provide for a non-resident scallop license. Therefore, the DEM currently interprets that omission as a prohibition on non-resident scalloping. RIMFC REGULATION [Penalty - Part 6.6; (RIGL 20-6-13)] (ref RIGL 20-6-1)**

**5.1.3 Commercial License:** A commercial scallop license shall be issued only to a resident of Rhode Island and shall be valid only for the season for which it is issued. The fee for a commercial scallop license is two hundred dollars (\$200); or three hundred dollars (\$300) for a multipurpose license. (ref RIGL 20-2-25 and 20-2-28.1) [Penalty - Part 1.16; RIGL (20-1-16)]

#### **5.2 Daily Catch Limits**

**5.2.1 Residents:** A resident of this State may take not more than one (1) bushel of scallops per day without a license, provided that such scallops shall not be sold or offered for sale. ref (RIGL 20-6-1) [Penalty - Part 6.6; (RIGL 20-6-13)]

**5.2.2 Commercial License:** **A person holding a commercial scallop license or a multipurpose license shall take in any one (1) day not more than five (5) bushels of scallops, including shells, per day/per boat/per license from the waters of the State. ref RIGL 20-6-16; RIMFC REGULATION [Penalty - Part 1.16 or 6.6; (RIGL 20-1-16 or 20-6-13)]**

**5.3 Scallops - Open Season** -- Unless otherwise specified in regulations adopted by the Marine Fisheries Council, the open season for taking scallops from the waters of the state shall be between sunrise of the first day [**Saturday (RIMFC REG)**] of October and sunset on the last day of December of every year. Any person taking scallops in violation of this Section shall upon conviction be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisoned not more than thirty (30) days, for each offense. (RIGL 20-6-3)

**5.4 Taking and Possession of Seed Scallops** -- Every person taking any seed scallops, and failing to

restore them as soon as possible to their natural beds in the water from which taken, shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or be imprisoned not exceeding thirty (30) days, or both, for each offense. For the purpose of this Chapter, a "seed scallop" means a scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-defined raised annual growth line, and the scallop being less than one (1) year old. (RIGL 20-6-17) [Penalty - (RIGL 20-6-17)]

5.5 Transplanting of Seed Scallops -- The Director of Environmental Management may conduct scallop transplant programs as may be appropriate to enhance scallop stock, seed depleted areas, and further the scallop harvest in the State. (RIGL 20-6-22)

5.6 Sale of Scallops during the Closed Season -- Any person offering for sale any scallops other than during the open season for taking scallops shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each quart offered for sale, or be imprisoned not exceeding thirty (30) days, or both; provided, however, it shall be lawful to have in possession or offer for sale frozen scallops legally taken. (RIGL 20-6-18) [Penalty - Part 5.5; (RIGL 20-6-18)]

5.7 Opening Shellfish on Water -- No person shall possess the meats of more than six (6) shellfish while shellfishing on the waters of the State or throw shells of open scallops onto the scallop beds. (RIGL 20-6-21) [Penalty - Part 6.6; (RIGL 20-6-13)]

### **Scallop Dredging Regulations**

5.8 Number, Size, and Handling of Dredges. Unless otherwise specified by regulation of the Marine Fisheries Council, no person engaged in the taking of scallops shall use more than six (6) single dredges, the blades of which shall not be more than twenty eight inches (28") in width and the bag to be used shall not be more than thirty-six inches (36") in length. Every single dredge shall be towed and hauled aboard the registered boat individually. (RIGL 20-6-19) [Penalty - Part 6.6; (RIGL 20-6-13)]

5.9 Use of Dredges -- Except as hereinafter provided and unless otherwise specified by regulation of the Marine Fisheries Council, no person shall take any oysters, bay quahaugs, or soft-shell clams from the waters of this State by dredges, rakes, or other apparatus operated by mechanical power or hauled by power boats. No licensed person shall cast, haul, or have overboard any dredges while fishing for oysters, bay quahaugs, or soft-shell clams from the free and common fisheries of this State, nor shall any licensed boat be used for fishing oysters, soft-shell clams, or bay quahaugs with dredges, except as provided in this section, provided that any person having a license issued under this Title for the taking of scallops may use a dredge or dredges, not exceeding six (6) in number nor exceeding twenty-eight inches (28") each in width, for that purpose, provided that the licensee shall immediately return all oysters, soft-shell clams, or bay quahaugs caught by the licensee to the waters from which they were taken. Any licensed boat may be used in dredging for mussels by the licensee of that boat, the licensee

having first obtained a permit from the Director of Environmental Management allowing the licensee so to do; provided the licensee, while dredging for mussels under the permit granted the licensee by the - Director, shall immediately return all oysters, scallops, or bay quahaugs caught by him or her to the waters from which they were taken. The fact of any licensed person being found with oysters, scallops, or bay quahaugs in his or her possession while dredging for mussels shall be prima facie evidence that person was fishing in violation of the provisions of this Chapter and shall be subject to the penalties and fines imposed thereby. Any resident dredging for surf clams or skimmers, shall not be in violation of this Section if that dredging is done southerly of the coastline of Little Compton, southerly of a line extending from Church Point, in the town of Little Compton, to Flint Point on Aquidneck Island, southerly of the coastline of Aquidneck Island, southerly of a line extending from Castle Hill Point on Aquidneck Island, to Southwest Point of Conanicut Island to Bonnet Point, Narragansett, easterly of the coastline of the town of Narragansett, southerly of the coastline of the towns of Narragansett, South Kingstown, and Charlestown, and westerly to the Connecticut line. For the purpose of this section, "coastline" refers to the land facing the open sea. (RIGL 20-6-7) [Penalty - Part 6.6 (RIGL 20-6-13)]

**5.10 Towing of Dredge during Closed Season.** -- Any person who tows a scallop dredge in the waters of the State during the season closed to the taking of scallops shall, upon conviction, be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or imprisoned not exceeding (30) days, or both, for each offense. (RIGL 20-6-20)

**5.11 Registration of Boats and Display of Numbers** -- No boat shall be used in the taking of quahaugs by dredge or the commercial taking of scallops unless that boat has been registered with the Director of Environmental Management. Each registered boat shall be issued a certificate of registration and assigned a number, which number shall be displayed on a flat surface in a conspicuous place upon the port side while the boat is engaged in taking quahaugs or scallops. (RIGL 20-6-4) [Penalty - Part 6.6 (RIGL 20-6-13)]

**5.12 Registered Boat Operated Only by Licensee** -- Each boat registered pursuant to § 20-6-4 shall be operated only by the person to whom that boat was registered, provided that person is duly licensed for the activity engaged in. Each boat so registered and used shall be limited, no matter how many persons are on board, to the catch limit established for one (1) licensee. (RIGL 20-6-5) [Penalty - Part 6.6 (RIGL 20-6-13)]

**5.13 Harvesting by dip-net** -- The use of all methods for harvesting bay scallops except dip-netting from a boat will be prohibited until sunrise, November 15, annually in the following areas:

**Narrow (Pettaquamscutt) River  
Point Judith Pond  
Potter Pond  
Green Hill Pond**

**Ninigret (Charlestown) Pond  
Quonochontaug Pond  
Winnapaug (Brightman) Pond  
Pawcatuck River/Little Narragansett Bay**

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

**5.14 Shellfishing by SCUBA or skin divers -- No person making use of SCUBA diving equipment or breathing apparatus or skin diving equipment shall take any shellfish from the waters of Charlestown Pond or Green Hill Pond or in Quonochontaug Pond until the 15th day of November, at which time it shall be legal to use SCUBA diving and breathing apparatus to harvest scallops for the remainder of the season in the designated ponds. RIMFC REGULATION [Penalty - Part 3.3; (RIGL 20-3-3)]**

## **! PART VI !**

### **DREDGING FOR SHELLFISH**

6.1 Shellfish Dredging License - Fee -- A resident of this State shall pay an annual fee of two hundred dollars (\$200) for a license to take quahaugs, mussels, and surf clams by dredges hauled by power boat. (RIGL 20-2-21) [Penalty - Part 6.6; (RIGL 20-6-13)]

6.2 Use of Dredges -- Except as hereinafter provided and unless otherwise specified by regulation of the Marine Fisheries Council, no person shall take any oysters, bay quahaugs, or soft-shell clams from the waters of this State by dredges, rakes, or other apparatus operated by mechanical power or hauled by power boats. No licensed person shall cast, haul, or have overboard any dredges while fishing for oysters, bay quahaugs, or soft-shell clams from the free and common fisheries of this State, nor shall any licensed boat be used for fishing oysters, soft-shell clams, or bay quahaugs with dredges, except as herein provided; provided, however, that any person having a license issued under this Title for the taking of scallops may use a dredge or dredges, not exceeding six (6) in number nor exceeding twenty-eight inches (28") each in width, for that purpose, provided that the licensee shall immediately return all oysters, soft-shell clams, or bay quahaugs caught by the licensee to the waters from which they were taken. Any licensed boat may be used in dredging for mussels by the licensee of that boat, the licensee having first obtained a permit from the Director of Environmental Management allowing the licensee so to do; provided the licensee, while dredging for mussels under the permit granted the licensee by the Director, shall immediately return all oysters, scallops, or bay quahaugs caught by him or her to the waters from which they were taken. The fact of any licensed person being found with oysters, scallops, or bay quahaugs in his or her possession while dredging for mussels shall be prima facie evidence that person was fishing in violation of the provisions of this Chapter and shall be subject to the penalties and fines imposed by this chapter. Any resident dredging for surf clams or skimmers, shall not be in violation of this Section if that dredging is done southerly of the coastline of Little Compton, southerly of a line extending from Church Point, in the town of Little Compton, to Flint Point on Aquidneck Island, southerly of the coastline of Aquidneck Island, southerly of a line extending from Castle Hill Point on Aquidneck Island, to Southwest Point of Conanicut Island to Bonnet Point, Narragansett, easterly of the coastline of the town of Narragansett, southerly of the coastline of the towns of Narragansett, South Kingstown, and Charlestown, and westerly to the Connecticut line. For the purpose of this section, coastline refers to the land facing the open sea. (RIGL 20-6-7) [Penalty - Part 6.6 (RIGL 20-6-13)]

6.3 Registration of Boats and Display of Numbers -- No boat shall be used in the taking of quahaugs by dredge or the commercial taking of scallops unless that boat has been registered with the Director of Environmental Management. Each registered boat shall be issued a certificate of registration and assigned a number, and this number shall be displayed on a flat surface in a conspicuous place upon the port side while the boat is engaged in taking quahaugs or scallops. (RIGL 20-6-4) [Penalty - Part 6.6

(RIGL 20-6-13)]

## **Quahaug Dredging**

**6.4 Opening Areas for Quahaug Dredging** -- Pursuant to good conservation practices, the Marine Fisheries Council shall be authorized to open areas of the public waters of the State for taking quahaugs under license by a registered boat, by dredges, rakes or other apparatus operated by mechanical power or hauled by power boats, and shall be authorized to close that areas at any time there is a danger of depletion of quahaugs or when flagrant violations of this Chapter occur. (RIGL 20-6-8)

**6.5 Maximum Take for Dredged Quahaugs** -- Any person licensed to take quahaugs by dredge, rake, or other apparatus operated by power or hauled by a power boat may take and possess, between sunrise and sunset of any one (1) day, thirty (30) bushels of quahaugs, unless a different amount is specified by regulation of the Marine Fisheries Council. Any person taking more than the prescribed quantity shall be fined upon conviction not more than one hundred dollars (\$100) for each bushel exceeding the prescribed quantity, or be imprisoned not more than thirty (30) days, or both. (RIGL 20-6-12) (Penalty 20-6-12 - Part 6.5)

**6.6 General Penalties for Violations - Impoundment of Boats** -- Any person who shall without a license take quahaugs by dredge, or any person who shall violate any suspension of the Director of Environmental Management made with respect to quahaug dredging or who shall violate any provisions of this Chapter for which a penalty is not otherwise provided, shall, upon conviction for the first offense, be fined two hundred fifty dollars (\$250), and the Director may seize, hold, and impound at the owner's expense, in one of three commercial shipyards submitting the lowest bid, for a period of not less than thirty (30) days nor more than sixty (60) days, any power boat used in any such violation of this Section together with its dredges, rakes, and equipment. Any person convicted of a subsequent violation or violations of the provisions of this Section shall be imprisoned for thirty (30) days and the Director of Environmental Management may seize, hold, and impound at the owner's expense in a commercial shipyard for a period of not less than ninety (90) days nor more than one hundred twenty (120) days, any power boat used in any such violation of this Chapter together with its dredges, rakes, and equipment. (RIGL 20-6-13)

**6.7 Cost of Seizure and Impounding** -- Any costs incurred by the seizure and impounding of power boats by authority of § 20-6-13 shall be assessed against the owner or owners of those boats, and no boats so seized and impounded shall be released to any claimant unless and until any costs incurred by reason of their seizure and impounding shall have been paid. (RIGL 20-6-14)

## **6.8 Dredging for Surf Clams**

**6.8.1 Gear Restrictions** -- The following gear restrictions shall apply to vessels fishing

in the territorial waters of the State of Rhode Island for surf clams:

**6.8.1-1** It is unlawful for any vessel to operate with any hydraulic dredge with a blade, knife, or manifold which is greater than forty-eight (48) inches in maximum width.

**6.8.1-2** It is unlawful for any vessel to operate more than one dredge while harvesting surf clams.

**6.8.2 Trip Limits** -- The following limits shall apply to vessels fishing in the territorial waters of the State of Rhode Island:

**6.8.2-1** It is unlawful for any vessel to catch, harvest, possess, have on board, land, or off load more than 200 bushels of surf clams per vessel per 24 hour day.

**6.8.2-2** It is unlawful for any vessel to catch, harvest, possess, have on board, land, or off load any surf clams which are less than five (5) inches in the longest shell diameter.

**6.8.2-3** Vessels properly licensed to do so may land surf clams legally taken outside the territorial waters of the State of Rhode Island in excess of the trip limit established by **6.8.2-1** provided that no vessel engaged in fishing for surf clams within the territorial waters may possess or have on board more than the prescribed limit.

**6.8.3 Exemption of Surf Clam Minimum Size Regulation** -- Vessels fishing for surf clams outside Rhode Island waters under National Marine Fisheries Service (N.M.F.S.) clamming permits may enter Rhode Island waters, with surf clams less than five inches (5") measured parallel to the longest axis of the clam, provided that the person having charge of the fishing vessel notify the R.I. Office of Law Enforcement's dispatcher at (401) 277-3070, before entering Rhode Island waters and give the following information:

**6.8.3-1** name of the vessel;

**6.8.3-2** name of the licensee having charge of the vessel;

**6.8.3-3** licensee's license number;

**6.8.3-4** Federal fisheries permit number and/or documentation number;

**6.8.3-5** Projected location and time of entry into R.I. waters, date, location, and time that clams are to be off-loaded, or, if off-loading, the total time to transit R.I. waters;



**6.8.3-6 Number of full cages onboard.**

Shellfish cages must be tagged in accordance with the United States Food and Drug Administration/Rhode Island Department of Health regulations (National Shellfish Sanitation Program manual Part II) before being off-loaded in Rhode Island.

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

**6.9 Sakonnet River Shellfish Management Area** -- The following special regulations apply in the Management Area: In the Sakonnet River Shellfish Management Area, the daily take for licensed dredge boats will be limited to 200 bushels of surf clams. A by-catch of bay quahaugs will be permitted.

It shall be calculated at the rate of one bushel of bay quahaugs for each ten (10) bushels of surf clams in possession of the harvester. Total by-catch of bay quahaugs shall not exceed twelve (12) bushels per vessel.

(RIMFC REGULATION) (Penalty 20-3-3-Part 3.3)

**6.10 Dredging for Ocean Quahaugs**

**6.10.1** The master of any vessel registered for harvesting ocean quahaugs and operating in the territorial waters of Rhode Island, must be on board the vessel while fishing, and must be a Rhode Island resident who holds a Rhode Island Dredge or Multipurpose license.

**6.10.2** Any vessel harvesting ocean quahaugs within Rhode Island territorial waters must be registered as specified in RIGL 46-22-3.

**6.10.3** Trip limits -- The following limits shall apply to vessels fishing within the territorial waters of Rhode Island. It shall be unlawful for any vessel to take and/or possess more than twenty-six (26) cages (832 bushels) of ocean quahaugs.

**6.10.4** Exception to the ocean quahaug trip limit regulation -- Vessels fishing for ocean quahaugs outside Rhode Island territorial waters under a National Marine Fisheries Service (NMFS) permit (I.T.Q.) may enter Rhode Island waters with ocean quahaugs in excess of the trip limit, provided the vessel is prohibited from fishing for ocean quahaugs, bay quahaugs, or any other species of shellfish while the vessel is located in Rhode Island territorial waters and remains in possession of ocean quahaugs in excess of the trip limit established pursuant to regulation 6.10.3, and provided that the person having charge of the vessel notifies the DEM Office of Law Enforcement (401) 277-2284 before entering Rhode Island waters and provides the following information:

**6.10.4-1 Name of the vessel;**

**6.10.4-2 Name of the licensee in charge of the vessel;**

**6.10.4-3 Licensee's license number;**

**6.10.4-4 Federal fisheries permit number and/or documentation number;**

**6.10.4-5 Projected location and time of entry into Rhode Island waters, date, location and time that ocean quahaugs are to be offloaded, or if not offloading, the total time to transit Rhode Island waters;**

**6.10.4-6 The number of full cages on board.**

**Prior to offloading in Rhode Island, all shellfish cages must be tagged in accordance with the United States Food and Drug Administration/R.I. Department of Health regulations in compliance with the National Shellfish Sanitation Program manual, Part 11.**

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

## **! PART VII !**

### **MINIMUM SIZES OF FISH/SHELLFISH**

#### **7.1 Minimum Size of Quahaugs, Soft-Shelled Clams, Mussels --**

**No person shall take or have in his custody or possession quahaugs of less than one inch (1") shell thickness (hinge width). For purposes of this regulation, hinge width is defined as the distance between the convex apex of the right shell and convex apex of the left shell. (ref 20-6-11) (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]**

No person shall take or have in his custody soft-shelled clams or mussels of a shell diameter less than one and one half inches (1 1/2") (taking the maximum shell diameter for soft-shelled clams and mussels), unless greater minimum sizes are established by the Rhode Island Marine Fisheries Council. (ref RIGL 20-6-11).

Penalty -- Any person who takes or possesses shellfish of less than the minimum size shall, upon conviction, be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) for each and every fifteen (15) shellfish taken or possessed; provided, however, that such penalty shall not attach if said person promptly returns the shellfish unmutated to the same immediate water or shore area from which the quahaugs were first taken. (ref RIGL 20-6-11)

#### **7.2 Oysters -- Minimum Size: Three (3) inches measured parallel to the long axis of the oyster.** (ref 20-6-11) (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**7.3 Sea Clams (Surf Clams) -- Minimum Size: Five (5) inches measured parallel to the longest axis of the clam.** (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**7.4 Scallops -- Taking and Possession of Seed Scallops** -- Every person taking any seed scallops, and failing to restore them as soon as possible to their natural beds in the water from which taken, shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) or be imprisoned exceeding thirty (30) days, or both, for each offense. For the purpose of this Chapter, a "seed scallop" means a scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-defined raised annual growth line, and the scallop being less than one (1) year old. (RIGL 20-6-17)

**7.5 Striped Bass** -- Except as provided for in 12.3 and 12.5 no person, firm, or corporation shall possess any striped bass measuring less than twenty-eight (28) inches total length, whether caught within the jurisdiction of this State or otherwise. (RIMFC REGULATIONS) [Penalty - Part 12.2; (RIGL 20-4-11)]

**7.6 Minimum sizes, other species -- Except as specifically noted, no person shall possess or take any of the following species which are less than the following minimum size**

**AMERICAN PLAICE (DAB): Commercial and Recreational 14"**

**ATLANTIC STURGEON: Commercial and Recreational - no possession**

**COD: Commercial - 19"; Recreational - 20"**

**EEL: Commercial and Recreational - 6"**

**HADDOCK: Commercial and Recreational - 19"**

**MONKFISH: Commercial and Recreational - 17". When possessed as tails either processed or mutilated the minimum length shall be 11"**

**POLLOCK: Commercial and Recreational - 19"**

**SCUP: Commercial - 9" and Recreational -10". Floating trap fishermen may possess undersize scup provided they are not sold, bartered, traded, and exchanged, but following culling, are taken to sea and released back into the water.**

**WEAKFISH (SQUETEAGUE): Commercial and Recreational 16"**

**WITCH FLOUNDER (GRAY SOLE): Commercial and Recreational 14"**

**YELLOWTAIL FLOUNDER: Commercial and Recreational 13"**

**All minimum sizes for the above listed fish shall be measured as total length (from tip of snout to tip of tail).**

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

**7.7 Fluke (Summer Flounder) -- No person commercially licensed under RIGL 20-2-27 or RIMFC Part II shall possess or harvest any fluke which is less than fourteen (14) inches total length. A total annual statewide quota for fluke will be established. It shall be the most recent allocation established for the State by the Atlantic States Marine Fisheries Commission and/or the Secretary of the U.S. Dept. of Commerce and published in the Federal Register. The quota may be harvested by licensed gear fishermen in accordance with the provisions of Title 20 of the General Laws and in accordance with all rules and regulations promulgated by the R.I. Marine Fisheries Council. In order to provide for the orderly harvest of the quota the R.I. Marine Fisheries Council has established the following sub-period allocations:**

**7.7.1 Summer flounder Sub-periods**

**7.7.1-1 Winter Sub-Period:** January 1 - May 31 annually.

Target allocation - 57% of the annual quota established in Section 7.7

The possession limit per vessel will be 700 pounds per calendar day.

**7.7.1-2 Summer I Sub-Period:** June 1 - August 31 annually.

Target allocation - 13% of the annual quota established in Section 7.7

The possession limit per vessel will be 100 pounds per calendar day.

**7.7.1-3 Summer II Sub-Period:** September 1 - October 31 annually.

Target allocation - 15% of the annual quota established in section 7.7. The possession limit per vessel will be 100 pounds per calendar day.

**7.7.1-4 Fall Sub-Period:** November 1 - December 31 annually.

Target allocation - 15% of the annual quota established in Section 7.7 .The possession limit per vessel will be 350 pounds per calendar day.

Any unused portion of the quota from a 'sub-period' will be added to the next following sub-period. Annually, the target allocations specified in sections 7.7.1-1 through 7.7.1-4 will be adjusted by the DFW to charge overharvest of a sub-period allocation during a given year to the same sub-period of the next following year.

## **7.7.2 Summer flounder Trip Limits (possession limit)**

**7.7.2-1** Repealed 5/11/01

**7.7.2-2** The possession limit may vary from the amount specified in sections 7.7.1-1 through 7.7.1-4. Fish and Wildlife, after discussions with fishing industry representatives, will determine, based upon the period of time remaining in the quota period and the current catch rate, whether the quota will be reached prior to the end of the sub-period. Having determined the catch rate and time remaining in the sub-period, 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 rate is changed, and publish a news release announcing the change in a newspaper of daily circulation throughout the State.

[Effective 12:01 AM, December 15, 2001 the summer flounder fishery will close until 1/1/02 when it is scheduled to re-open with a possession limit of 700 lbs. per vessel, per calendar day.]

**7.7.3 Summer flounder Mesh Regulations** – Otter trawlers that land or possess 100 pounds (45.4 kg) or more of summer flounder from May 1 through October 31; or 200

pounds (90.8 kg) or more of summer flounder per trip from November 1 through April 30, must fish with nets or combinations of nets that have a minimum mesh size of 5.5 inch (14.0 cm) diamond, or 6 inch (15.2 cm) square mesh applied throughout the body, extension(s) and codend portion of the net.

#### **7.7.4 Summer flounder Recreational Regulations**

**7.7.4-1 Size and Possession** – No person fishing recreationally shall possess a summer flounder less than seventeen and one-half inches (17.5") total length, and no person fishing recreationally shall possess, per calendar day, more than six (6) summer flounder whether caught within the jurisdiction of this state or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a vessel by the number of recreational fishermen onboard said vessel.

**7.7.4-2 Season** – The recreational season for summer flounder in Rhode Island waters is open from May 26 through September 3. The season is closed from September 4 through May 25. Possession of summer flounder taken from any waters of the state for recreational purposes during the closed season is prohibited.

#### **7.7.5 Summer flounder Dealer/Shipping/Transfer/Reporting Regulations/Penalty --**

**7.7.5-1 Prohibition on the transfer of Summer flounder**-- No Summer flounder (*Paralichthys dentatus*), may be purchased, bartered, or sold within the State of Rhode Island unless marked, processed, shipped, labeled, and handled in accordance with the following rules:

- a. All persons are prohibited from transferring or attempting to transfer at sea summer flounder from one vessel to another vessel, and the licensed person in charge of the vessel may only transfer summer flounder to dealers who possess a valid Rhode Island Dealer's License.
- b. No licensed person in charge of the vessel may land summer flounder after 8:00 PM or prior to 6:00 AM. The legal hours for landing summer flounder are from 6:00 AM to 8:00 PM only.
- c. The licensed person in charge of the vessel pursuant to RIGL Title 20-2 must notify the Rhode Island Office of Law Enforcement (401) 222-2284 or 222-3070 at least one hour prior, but not more than six hours prior, to offloading any commercial vessel which possesses more than 200 pounds of summer flounder or the maximum allowable possession limit or the lesser thereof. Said notice shall be provided by the vessel who will be involved in the transfer and must include the name of the dealer, the name of the vessel, the landing time, and the precise landing location.

- d. All summer flounder must be weighed prior to the removal of the summer flounder from the dealer's premises or from the point of transfer.
- e. The weight scales must be certified in accordance with Rhode Island law RIGL, Chapter 47-1.
- f. All summer flounder may only be shipped out of state in standard 60 or 100 pound cartons (containers) unless specific prior written authorization is requested and received from the Rhode Island Office of Law Enforcement, 83 Park St., Providence, RI 02903.
- g. All dealers are required to record and report all transfers of summer flounder in accordance with the following:
  - (1) Each dealer shall maintain a written record, on forms provided by Fish and Wildlife, of each summer flounder transaction at their permanent place of business in Rhode Island. Records must be available at the dealer's Rhode Island office for a period of three years.
  - (2) The record must include: date of purchase; time of purchase; location of purchase; the vessel name; the Rhode Island License Holder; the Rhode Island License number; the amount of summer flounder transferred.
  - (3) It is illegal for anyone to land summer flounder in Rhode Island more than once in a calendar day.
  - (4) Data forms must be signed by the Rhode Island licensed dealer or his agent and transmitted weekly to the Rhode Island Division of Fish and Wildlife, 150 Fowler St., Wickford, Rhode Island 02852, (401) 294-4524; FAX (401) 294-9640.
  - (5) The total weekly purchases in pounds of summer flounder must be reported by phone to the Rhode Island DEM Division of Fish and Wildlife office at 150 Fowler St., Wickford, Rhode Island 02852 1-800-839-1346.

**7.7.5-2 License Suspension:**

- a. In addition to the penalty prescribed in RIGL 20-1-16, the license of any person who refuses or neglects to make the report required herein will be suspended by the Director. The license of any person who knowingly or willfully makes a false report or violates any provision of these regulations may be suspended for a period not to exceed one year.
- b. The Director has determined that non-compliance with these regulations seriously threatens the proper management of the available stock of summer flounder and, thus, the general welfare as represented that it is appropriate to suspend the license of alleged violators pending formal suspension or revocation hearing arising from the alleged violation.
- c. No person shall take, sell, or possess within this state any summer flounder which have not been taken in compliance with the provisions of this regulation. Any summer flounder which the Director shall have reasonable cause to believe have not been taken in compliance with the provisions of RIGL Title 20 and the

regulations adopted in accordance therewith shall be confiscated and sold by the Department of Environmental Management.

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

**7.7.6 Moratorium on the Landing of Summer Flounder** -- No person shall possess, land, sell, or offer for sale in excess of two hundred (200) pounds of summer flounder *Paralichthys dentatus*, in any calendar day, in the State of Rhode Island or the jurisdictional waters of the state without a summer flounder exemption certificate issued by Fish and Wildlife and a valid Rhode Island commercial fishing license. Application for a summer flounder exemption permit must be received by Fish and Wildlife prior to January 1, 1997.

**7.7.7 Exemption Certificates** -- Fish and Wildlife will issue an exemption certificate for a vessel if the owner of the vessel or his/her representative applies to Fish and Wildlife prior to January 1, 1997, for the issuance of such a certificate and demonstrates to the satisfaction of the Director that:

**7.7.7-1** the operator of the vessel possesses a valid Rhode Island commercial fishing license to land summer flounder up to the amount permitted by the Rhode Island Marine Fisheries Council regulations; and

**7.7.7-2** the subject vessel meets any of the following criteria:

- a. the vessel was operated by a person who possessed a valid Rhode Island commercial fishing license and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992; or
- b. the vessel fished exclusively in the Exclusive Economic Zone (EEZ) and landed and sold in excess of one pound of summer flounder to a licensed Rhode Island licensed dealer sometime during the period January 1, 1987, through December 31, 1992. The Department may require additional supporting documents including but not limited to the ship's logs, ice and fuel slips; or
- c. the vessel replaces a vessel which was operated by a person who possessed a valid Rhode Island commercial fishing license, and the vessel being replaced landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer during the period from January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant



at the time of the loss; or

d. the vessel replaces a vessel which fished exclusively in the EEZ and landed and sold in excess of one pound of summer flounder to a Rhode Island licensed dealer, during the period January 1, 1987, through December 31, 1992, and if the vessel being replaced was lost by sinking or was otherwise destroyed, the replaced vessel is required to have been owned by the applicant at the time of the loss.

e. If the vessel is replacing a vessel that was lost by sinking or was otherwise destroyed, documentation must be presented from a licensed insurance company, U.S. Coast Guard report, or some other valid evidence of ownership to the satisfaction of the Director.

**7.7.8 Application for Certificate of Exemption** -- A vessel is eligible to receive a Rhode Island Summer Flounder Exemption Certificate if it meets the following conditions. The applicant applying for an exemption certificate shall:

**7.7.8-1** provide Fish and Wildlife with a copy of the operator's valid current Rhode Island commercial fishing license or non-resident landing license, and Federal Fluke Permit if the summer flounder is to be taken in the Exclusive Economic Zone (EEZ); and

**7.7.8-2** submit a completed notarized application for said certificate; and

**7.7.8-3** submit proof that the vessel meets the requirements set out in 7.7.7 and

**7.7.8-4** provide a completed notarized waiver authorizing the Department to access records verifying that this vessel and operator meet the criteria set forth in 7.7.7; and

**7.7.8-5** provide Fish and wildlife with a copy of the vessels's U.S. Coast Guard documentation papers or state issued boat registration certificate proving ownership of the vessel. If replacing a vessel, proof of ownership for both boats is required, and

**7.7.8-6** provide to the satisfaction of the Division of Fish and Wildlife proof that the applicant vessel is replacing a vessel which has been removed from the Summer Flounder Exemption Program (as described in 7.7.6)

(a) A vessel may be sold with all permits and history (state and federal) transferred together or without the vessel history and permits. A vessel owner may sever the permits and history in entirety from the vessel for the purposes of replacing the vessel. The vessel owner must supply credible written evidence

verifying that the transferror/seller is retaining the vessel's fishing and permit history for purposes of replacing the vessel. If a vessel owner elects to sever permits and history from a vessel, the permits and history may be transferred only to another vessel owned by said vessel owner.

(b) Vessel permits, Certificates of Exemption, and fishing history cannot be split.

(c) Vessel permits or Certificates of Exemption may not be combined to create larger replacement vessels.

(d) The replacement vessel may not exceed a 10% increase in length overall (LOA), a 10% increase in gross registered tonnage (GRT) or net tonnage, or a 20% increase in horsepower of the vessel being replaced.

(e) Only one vessel upgrade based upon the original issuance of certificate is allowed for the Certificate of Exemption or permit.

**7.7.9 Submission of Application** -- Application for an exemption certificate shall be mailed or submitted prior to January 1, 1997 to the office of Fish and Wildlife at: Oliver Stedman Government Center, 4808 Tower Hill Rd., Wakefield, RI 02879, Attention: Fluke Exemption.

**7.8 Winter Flounder (Blackback)** -- No person shall take possess, sell, possess for sale, or offer for sale any winter flounder measuring less than twelve (12) inches total length whether caught within the jurisdiction of this State or otherwise. During a closure of the R.I. winter flounder fishery a vessel fishing in the Exclusive Economic Zone (EEZ) may traverse Rhode Island waters for the purpose of landing winter flounder provided they are not fishing and nets are stowed in accordance with Section 10.10 of these regulations.

**7.8.1 Winter Flounder - Four fish recreational possession limit** -- The taking and possession of winter flounder by recreational fishermen is prohibited with the exception that annually, beginning on the third Saturday in April and continuing for 37 days, and beginning on the last Saturday in September and continuing for 31 days, fishermen may take and possess not more than four (4) winter flounder in Rhode Island waters. Said fish shall not be offered for sale. The four fish possession limit shall not apply to fishermen licensed pursuant to RIGL 20-2-26, 20-2-27, 20-2-28, or 20-2-28.1, provided winter flounder possessed by those licensed in the above sections are harvested in compliance with R.I. Marine Fisheries Council Statutes and Regulations.

**7.8.2 Winter Flounder - Mesh Regulations/Commercial Fishing Gear** -- With the exception of the taking of winter flounder in the Coastal Marine Life Management Area as provided in 11.19 and 11.19-1, it shall be illegal to fish for winter flounder in Rhode Island waters with any commercial fishing gear except fyke nets unless such gear has mesh size measuring no less than six (6) inches stretched diamond, or six (6) inches stretched square mesh. Vessels may utilize commercial fishing gear with mesh smaller

than the sizes referenced in this section provided they do not possess any winter flounder except as provided in Section 7.8-1.

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

**7.9 Tautog (Blackfish)** -- No person shall take, possess, sell, possess for sale, or offer for sale any tautog measuring less than sixteen (16) inches total length whether caught within the jurisdiction of this State or otherwise.

**7.9.1 Recreational** -- Except as provided in Part II, no person may possess more than three (3) tautog from May 1 through October 14, annually, and no more than ten (10) tautog from October 15 through December 31, annually. Compliance aboard vessels will be determined by dividing the number of fish onboard a vessel by the number of recreational fishermen onboard said vessel.

**7.9.2 Commercial** --The total allowable harvest of tautog will be established annually, and will be that amount allocated to the State of Rhode Island by the Regional Fishery Management Council and/or the Atlantic States Marine Fisheries Commission. The quota may be harvested only by permitted gear types and licensed fishermen in accordance with all rules and regulations promulgated by the RIMFC and the RIGL Title 20. In order to provide for the orderly harvest of the quota the RIMFC has established the following three sub-period allocations:

April 15 - May 31	1/3 annual allocated quota
August 1 - Sept 15	1/3 annual allocated quota
October 15 - end of quota or 12/31	1/3 annual allocated quota

Within each period the allocation may be harvested until it is exhausted. Any unused quota not harvested during a sub-period will be carried forward into the next period and any over-harvest will be deducted from that period allocated in the next calendar year. No licensed commercial fisherman may possess more than twenty (20) tautog in any calendar day. The aggregate number of tautog on any vessel, regardless of how many licensed fishermen are onboard, may not exceed the twenty (20) fish limit per day.

**[Effective November 16, 2001 at 12:01 AM the commercial tautog fishery will be closed until the next sub-period begins on April 15, 2002.]**

During a closure of the R.I. tautog fishery a federally permitted vessel fishing in the Exclusive Economic Zone (EEZ), may traverse Rhode Island waters for the purpose of landing tautog in another state, provided their nets are stowed in accordance with Section 10.10 of these regulations.

**7.9.3 Possession Limits for Charter and Party Boats** -- Compliance aboard vessels will be determined by dividing the number of fish on board a vessel by the number of recreational fishermen on board said vessel. Said fish shall not be offered for sale. Party and charter boats may obtain a State permit by showing proof of a U.S. Coast Guard License to conduct their fishery within the territorial waters of Rhode Island.

**7.9.4 Reporting requirements.** -- For the purpose of determining the commercial landings of tautog in Rhode Island, and whether the landings are increasing or decreasing during any period, every person licensed to catch, possess, purchase, or sell tautog shall report weekly by telephone a record of the pounds of tautog taken, possessed, purchased, or sold in Rhode Island during the period for which such record is requested. Compliance in the party and charter boat industry will be satisfied through submission of the blue copy of the National Marine Fisheries Service fishing vessel trip report to Fish and Wildlife, or they must report weekly landings as requested by Fish and Wildlife. Provided, however, such returns from any person shall only be made public in a statistical format.

**7.9.5 Closure of commercial fisheries managed under a federally mandated quota or allocation system.** -- Any landing of a marine species managed under a quota or allocation system, or the taking or possession of any marine species, may be prohibited by the Director for a specified portion of the calendar year upon the finding by the Director that ninety percent (90%) or more of the annual quota is about to be harvested, and upon submission of a notice of closure to the Office of Secretary of State, and publication of the closure notice in a daily newspaper of statewide circulation. Further, it is the responsibility of the licensed person in charge of a vessel harvesting species regulated in this section to call the DEM hotline for current harvesting and possession regulations.

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

**7.10 Bluefish - Possession limit for recreational fishermen** -- No person shall possess more than ten bluefish unless he/she has a permit meeting the requirements of RIGL 20-2-26, 20-2-26.1, 20-2-27, 20-2-28, 20-2-28.1. Compliance onboard vessels will be determined by dividing the number of fish onboard a vessel by the number of recreational fishermen onboard said vessel.

**7.10.1 Bluefish - Commercial Quota** -- A total allowable harvest of bluefish will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the Atlantic States Marine Fisheries Commission. The quota may be harvested only by permitted gear types and licensed fishermen in accordance with all rules and regulations promulgated by the Rhode Island Marine Fisheries Council. To provide for the orderly harvest of the quota, the Rhode

Island Marine Fisheries Council has established the following sub-period allocations.

**7.10.2 Bluefish Commercial Quota - Sub-Periods**

**7.10.2-1 Spring sub-period** - January 1 through June 30 annually. Quota - 50% of the annual allocation.

**7.10.2-2 Summer-Fall Sub Period** - July 1 through December 31 annually. Quota - 50% of the annual allocation.

When 50% of any seasonal sub-period quota is reached, Fish and Wildlife will determine if a possession limit of between 200 - 10,000 pounds should be established depending upon the time remaining in the quota period and the current catch rate. Fish and Wildlife will file a notice with the Secretary of State's office if a possession limit is established, and will publish a news release announcing the change. The possession limit may be modified by Fish and Wildlife providing such notification is made.

**7.10.3 Bluefish - Reporting Requirement** -- For the purpose of determining the commercial landings of bluefish in Rhode Island and whether the landings are increasing or decreasing during any period, every person licensed to catch, possess, purchase, or sell bluefish shall report weekly by telephone a record of the pounds of bluefish taken, possessed, purchased, or sold in Rhode Island during the period for which such record is requested; provided, however, such returns from any person or firm shall not be made public, shall be kept only in the files of said Division and be used only for statistical and fisheries management purposes.

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

**7.11 Scup Regulations - Minimum Size - 9" total length (TL)** -- It is unlawful for any person commercially licensed under RIGL 20-2-27 or RIMFC Part II, to land or possess any scup, or parts thereof, that do not meet this size limit. *[see Part 10.12 for gear roller regs]* (RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]

**7.11.1 - Scup - Commercial Quota** -- A total allowable harvest of scup will be established annually, and shall be that amount allocated to the State of Rhode Island by the Regional Fishery Management Councils and/or the Atlantic States Marine Fisheries Commission. The quota may be harvested only by permitted gear types and licensed fishermen in accordance with all rules and regulations promulgated by the Rhode Island Marine Fisheries Council. To provide for the orderly harvest of the quota, the Rhode Island Marine Fisheries Council has established the following sub-period allocations.

### **7.11.2 Scup Commercial Quota - Sub-Periods**

**7.11.2-1 Winter Period I (January-April)** -- possession and landing limit is 10,000 pounds decreasing to 1,000 pounds once 75% of the period quota is landed.

**Winter Period II (November-December)** -- possession and landing limit is 2,000 pounds decreasing to 500 pounds once 70% of the period quota is landed.

**[Effective 12:01 AM November 23, 2001, the commercial fishery for scup will be closed until January 1, 2002 when it is scheduled to reopen.]**

**7.11.2-2 Summer-Fall Sub Period (May - October)** The total scup allocation for the Summer-Fall Sub Period (5/1/01 - 10/31/01) is 944,544 pounds and will be divided as follows:

**Floating traps licensed by the state of RI -- 60% of the period allocation or 566,726 pounds will be allocated to the floating trap harvesting sector.**

**A total of 50,000 pounds will be set aside. Once the floating trap sector harvests 516,726 pounds of the period allocation the trip limit per calendar day for the remaining 50,000 pounds will be 1,000 pounds per calendar day.**

**Other gear types - 40% of the period allocation or 377,818 pounds will be allocated to gear types other than floating traps.**

**Those harvesting scup with floating fish traps licensed by the State of Rhode Island will be limited to a 10,000 pound possession limit, once 60% of their seasonal allocation is projected to be harvested. Dealers are required to report scup landings daily to the DFW. Annually on September 1, the unharvested portion of the floating trap fishery quota will be allocated to gear types other than floating traps, except for 50,000 pounds, which will remain available to the floating trap fishery at a possession limit of 1,000 pounds per calendar day.**

**[Effective 12:01 AM on June 13, 2001, the commercial scup fishery for floating fish traps will be closed.] Annually on October 15, the unharvested portion of the 50,000 pound remainder will be allocated to gear types other than floating traps at the current established trip limit. Once their entire allocation has been harvested, the floating trap fishery for scup will close for the season. For gear types other than floating traps, the allocation will be divided equally into three Sub-Periods, each having a 125,939 pound harvest limit.**

**MAY - JUNE: May 1 - 14 the possession limit per vessel will be 1,000 pounds per calendar day. Beginning May 15<sup>th</sup> the possession limit per vessel will be 100 pounds per calendar day. The fishery will close once the entire period allocation is projected**

to be harvested.

**JULY - SEPT. 15:** The possession limit per vessel will be 100 pounds per calendar day until the end of the sub-period or until the entire period allocation is projected to be harvested, at which time the fishery will close.

**SEPT. 16:** The possession limit per vessel will be 100 pounds per calendar day until the end of the sub-period or until the entire period allocation is projected to be harvested, at which time the fishery will close. Annually, on October 15, or thereafter, the Division may increase the possession limit if they project the entire quota will not be harvested by the end of the sub-period.

Any unused portion of a sub-period allocation will be divided between the two remaining period(s). The DFW will have the discretion of adjusting trip limits upwards or downwards as necessary.

**[Effective 12:01 AM on September 28, 2001, the commercial scup fishery will be closed]**

**7.11.2-3 Possession Limit Adjustments** -- Except for scup harvested from floating fish traps licensed by the State of Rhode Island, the possession limit may vary from 0 - 10,000 pounds. Fish and Wildlife, after discussions with fishing industry representatives, will determine, based upon the period of time remaining in the quota period and the current catch rate, whether the quota will be reached prior to the end of the sub-period. Having determined the catch rate and time remaining in the sub-period, 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 rate is changed and publish a news release announcing the change. The rate may be modified by Fish and Wildlife upon providing such notification with the possession limit altered between a range of 0 - 10,000 pounds in possession.

**7.11.3 Scup - Reporting Requirement** -- For the purpose of determining the commercial landings of scup in Rhode Island and whether the landings are increasing or decreasing during any period, every person licensed to catch, possess, purchase, or sell scup shall report weekly by telephone a record of the pounds of scup taken, possessed, purchased, or sold in Rhode Island during the period for which such record is requested; provided, however, such returns from any person or firm shall not be made public, shall be kept only in the files of said Division and be used only for statistical and fisheries management purposes.

**7.11.4 Scup - Recreational** -- No person fishing recreationally shall possess scup less than ten inches (10") total length, and no person fishing recreationally shall possess, per

calendar day, more than fifty (50) scup whether caught within the jurisdiction of this State or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on board a vessel by the number of fishermen on board said vessel.

#### **7.11.5 Scup - Scup Dealer/Shipping/Transfer/Reporting Regulations**

**7.11.5-1 Prohibition on the transfer of Scup** -- No Scup, *Stenotomus chrysops*, may be purchased, bartered, or sold within the State of Rhode Island unless in compliance with the following:

A. All persons are prohibited from transferring or attempting to transfer scup from one vessel to another vessel while at sea. The licensed person in charge of the vessel may only transfer scup to a dealer licensed by the State of Rhode Island. Dealers are required to be licensed by the R.I. Department of Environmental Management (in compliance with RIGL 20-2-27 (d) , or 20-2-28.1).

B. All scup must be weighed prior to the removal of the scup from the dealer's premises or from the point of transfer.

C. The weight scales must be certified in accordance with RIGL, Chapter 47-1.

D. Vessels are only allowed one trip limit in possession per calendar day. In addition, no person may land more than one trip limit in any calendar day. No person shall transport into the State of Rhode Island any scup which is not landed at a port located within the state unless the transaction of the first point of sale is in another state.

E. All dealers are required to record and report all transfers of scup in accordance with the following:

(1) Dealers shall maintain a written record on forms provided by the DFW, or dealer forms, of each scup transaction at their permanent place of business in Rhode Island, or with an authorized agent located in Rhode Island for inspection 8:00 AM - 4:00 PM during the course of normal daily business operations. Records must be available by 10:00 AM on the next business day following the date of landing. Records must be available at the dealers's or agent's Rhode Island office for a period of three years.



(2) The record must include: date of purchase, time of offloading, location of purchase, the vessel name, the name and license number of the Rhode Island license holder and the amount of scup transferred.

F. The total weekly purchases in pounds of scup must be reported by phone to the R.I. DEM Division of Fish and Wildlife office at 150 Fowler St., Wickford, Rhode Island 02852 (1-800-839-1346) by Tuesday of the following week.

#### **7.11.5-2 License Suspension**

A. In addition to the penalty prescribed in RIGL 20-1-16, the license of any person who refuses or neglects to make the report required herein will be suspended by the Director. The license of any person who knowingly or willfully makes a false report or violates any provision of these regulations may be suspended for a period not to exceed one year.

B. The Director has determined that non-compliance with these regulations seriously threatens the proper management of the available stock of scup and thus the general welfare as represented that it is appropriate to suspend the license of alleged violators pending formal suspension or revocation hearing arising from the alleged violation.

C. No person shall take, sell, or possess within this state any scup which have not been taken in compliance with the provisions of this regulation. Any scup which the Director shall have reasonable cause to believe have not been taken in compliance with the provisions of RIGL Title 20 and the regulations adopted in accordance therewith shall be confiscated and sold by the Department of Environmental Management.

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

**7.12 Size, Possession, and Daily Limit Violations On Board Vessels** -- In any instance, when there is a violation of the size, possession, or daily limit on board a vessel carrying more than one person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board. (RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]

**7.13 Atlantic Sturgeon - Moratorium on Harvest** -- No harvest or possession of Atlantic Sturgeon will be permitted within the territorial waters of the State of Rhode Island until further notice. (RIMFC REGULATION) [Penalty - Part 3.3(RIGL 20-3-3) (RIGL 20-6-29)]

**7.14 Black Sea Bass -Commercial** -- No person shall take, possess, sell, possess for sale, or offer for sale any black sea bass measuring less than ten (10) inches total length whether caught within the jurisdiction of this State or otherwise.

**7.14.1 Commercial Possession Limits** -- A total allowable harvest of black sea bass will be established annually by the Regional Fishery Management Councils and/or the Atlantic States Marine Fisheries Commission, and will be allocated as possession limits to permitted gear types and licensed fishermen during specific seasons as follows:

Season	Pounds
January - March	7,000
April - June	1,500
July - September	1,000
October - December	300

The quota may be harvested only in accordance with all rules and regulations promulgated by the Rhode Island Marine Fisheries Council. [Effective November 10, 2001 at 12:01 AM, the commercial black sea bass fishery will be closed until January 1, 2002 when it is scheduled to reopen with a possession limit of 7,000 pounds per vessel per calendar day.]

**7.14.1-1 Reporting Requirement** -- For the purpose of determining the commercial landings of black sea bass in Rhode Island and whether the landings are increasing or decreasing during any period, every person licensed to catch, possess, purchase, or sell black sea bass shall report weekly by telephone a record of the pounds of black sea bass taken, possessed, purchased, or sold in Rhode Island during the period for which such record is requested; provided, however, such returns from any person or firm shall not be made public, shall be kept only in the files of said Division, and be used only for statistical and fisheries management purposes.  
(RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]

#### **7.14.2 Recreational Possession Limits**

**7.14.2-1** - No person fishing recreationally shall possess a black sea bass less than eleven inches (11") total length, and no person fishing recreationally shall possess, per calendar day, more than twenty-five (25) black sea bass whether caught within the jurisdiction of this State or otherwise. Compliance with the possession limit aboard vessels will be determined by dividing the number of fish on a vessel by the

**number of recreational fishermen onboard said vessel.**

**7.14.2-2 - The recreational season for black sea bass in Rhode Island waters is open from January 1 through the last day of February, and May 10 through December 31, annually. The season is closed March 1 through May 9, annually.**

**7.15 Spiny dogfish -- The commercial harvest, landing and possession of spiny dogfish and parts thereof within the territorial waters of the State of Rhode Island is prohibited until further notice. RIMFC REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]**

**7.16 American Eel – No person shall take, attempt to take, possess, sell, or offer for sale any American Eel measuring less than six inches (6’). No person shall possess more than fifty (50) American eel per day unless commercially licensed pursuant to RIGL 20-2-26, 20-2-27, 20-2-28, 20-2-28.1. RIMFC REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]**

## **! PART VIII !**

### **OYSTER REGULATIONS**

#### **8.1 Licenses**

**8.1.1 Resident** - A Rhode Island resident is not required to obtain a license provided he or she does not exceed the daily catch limit for residents, and the oysters shall not be sold or offered for sale. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3); (RIGL 20-6-9)] ref (RIGL 20-6-1)

#### **8.1.2 Non-resident Shellfish License:**

(a) Season - Every non-resident over the age of twelve (12) years may obtain a non-resident, non-commercial annual shellfish license for a fee of two hundred dollars (\$200).

(b) 14-day - A non-resident may obtain one non-commercial limited license per calendar year covering fourteen (14) days, including date of issue for eleven dollars (\$11.00).

(c) Landing - A non-resident must obtain a shellfish landing license, for a fee of two hundred (\$200) to land shellfish (surf clams, blue mussels, ocean quahaugs, sea scallops) harvested outside Rhode Island waters.

(d) Non-Resident Landowner - A non-resident landowner, as defined in § 20-1-3(a)(3), who owns residential real estate in Rhode Island assessed for taxation at a valuation of not less than thirty thousand dollars (\$30,000) may, with proof of residential property ownership in the form of a current tax bill from a town or city hall showing that the non-resident landowner is current in his or her property tax obligation, obtain an annual, non-commercial, non-resident shellfish license for a fee of twenty-five dollars (\$25.00).  
(RIGL 20-2-22)

#### **8.1.3 Commercial Shellfish Licenses:**

(a) A resident older than nineteen (19) years but younger than sixty-five (65) years shall pay two hundred dollars (\$200) for a commercial license to take shellfish.

(b) A resident twenty-three (23) years or younger shall pay fifty dollars (\$50.00) for a student commercial license to take shellfish upon provision of proof of full-time student status.

~~(c) Commercial shellfish licenses shall expire on December 31 of each year.~~

*[it is the policy of the Department of Environmental Management to allow a resident sixty-*

*five (65) years of age and older to be eligible for a commercial license to take shellfish at no cost]*  
(RIGL 20-2-20)

**8.2 Minimum Size -- Three (3) inch minimum measured parallel to the long axis of the oyster. (RIMFC REGULATION) (Penalty - Part 3.3; (RIGL 20-3-3)]**

**8.3 Oysters -- Open Season** -- Unless otherwise specified in regulations adopted by the Marine Fisheries Council, the open season for taking oysters from the free and common oyster fisheries in any of the waters of this State shall be between the fifteenth day of September and the fifteenth day of May. Any person who shall take any oysters or exposing any oysters for sale taken from the free and common fisheries in state waters in violation of the provisions of this section shall, upon conviction, be fined no less than fifty dollars (\$50) nor more than five hundred dollars (\$500) and costs for each offense.

(RIGL 20-6-2) [Penalty - Part 8.03; (RIGL 20-6-02)]

**8.4 Statewide Catch Limits (except Management Areas)**

**Maximum Daily Take**

R.I. Resident.....1/2 bu/day/per person  
Commercial.....3 bu/day/license holder  
Non-resident.....1 peck/day/license holder

(ref RIGL 20-6-1; 20-6-10)

[Penalty-Part 4.07;(RIGL 20-6-9)]

[Penalty-Part 4.04;(RIGL 20-6-10)]

**8.5 Management Areas Catch Limits -- In Green Hill Pond, Potter Pond, Pt. Judith Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, Winnapaug (Brightman) Pond, Greenwich Bay, Sheffield Cove, Hundred Acre Cove, Mill Gut, and Narrow River, the following reduced daily catch limits apply:**

**Maximum Daily Take**

**R.I. Resident.....1 peck/day/per person  
Commercial.....3 bu/day/license holder  
Non-resident.....1/2 peck/day/license holder**

**(RIMFC REGULATION) [Penalty - Part 4.04 or 4.07; (RIGL 20-6-9 or 20-6-10)]**

## **! PART IX !**

### **SHELLFISH BUYER'S LICENSE - STATUTES**

9.1 Shellfish Buyer's License -- The annual fee for a shellfish buyer's license shall be two hundred dollars (\$200). (RIGL 20-2-23) (Penalty - RIGL 20-6-24)

9.2 License for Shellfish Buyers - Suspension or Revocation

(a) No person, partnership, firm, association, or corporation shall barter or trade in shellfish taken by persons licensed under this Chapter unless a license so to do has been obtained from the Director of Environmental Management.

(b) Any licensee operating under the provisions of this Section shall purchase shellfish from licensed persons only and shall purchase or possess only those shellfish legally taken or possessed.

(c) The Director shall issue and enforce rules and regulations, and orders governing bartering and trading in shellfish by licensed fishers of shellfish, licensed shellfish buyers and other persons, partnerships, firms, associations, or corporations.

(d) The Director may suspend, revoke, or deny the license of a shellfish buyer or fisher of shellfish for the violation of any provision of this Title or the rules, regulations, or orders adopted or issued pursuant thereto.

(e) Any person aggrieved by the decision of the Director may appeal the decision pursuant to the provisions of the Administrative Procedures Act, Chapter 35 of Title 42.

(f) The Director of the Department of Environmental Management and his or her agents are authorized to enter and inspect the business premises, appurtenant structures, vehicles, or vessels of any shellfish buyer and to inspect records maintained by a shellfish buyer for the purpose of determining compliance with the provisions of this Section and any rules, regulations, or orders issued thereunder, and no person shall interfere with or obstruct the entrance or inspection of the Director or his or her agents of those business premises, appurtenant structures, vehicles, or vessels.

(g) Any violation of the provisions of this Section or any rule, regulation, or order adopted hereunder shall be subject to the penalties prescribed in 20-1-16.

(RIGL 20-6-24)

## **! PART X !**

### **EQUIPMENT RESTRICTIONS**

**10.1 Shellfishing by SCUBA or Skin Divers** -- No person making use of SCUBA diving equipment or breathing apparatus or skin diving equipment shall take any shellfish from the waters of Charlestown Pond, Green Hill Pond, or in Quonochontaug Pond until the 15th day of November, at which time it shall be legal to use SCUBA diving or skin diving equipment or breathing apparatus to harvest scallops for the remainder of the season in the designated ponds. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**10.2 Tongs -Tooth Gap and Mesh Size Regulations** -- No person shall take shellfish or attempt to take shellfish with, or have in his possession while on the waters of this State, any tongs constructed with teeth which are less than one (1) inch apart on the bar or having heads constructed with wires, rods, crossbars, or reinforcement that will form a rectangle smaller than one (1) inch by two and one half (2 ½) inches. A tolerance of one sixteenth (1/16) inch will be allowed as a variance in construction.

For the purpose of this regulation, tongs shall be defined as any shellfishing implement constructed with heads attached to stales (handles) and pinned at a pivot point to allow the opening and closing of the basket mouth formed by the two.

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

**10.3 Bullrake Regulations** -- No person shall take shellfish, or attempt to take shellfish, or have in his possession while on the waters of this State, with any bullrake, the teeth or tines and basket construction of which are closer than one (1) inch apart or having crossbars or reinforcement that will form a rectangle smaller than 1" X 2 ½". A tolerance of one sixteenth (1/16) of an inch less than the allowable limit will be permitted as a variance in construction.

For the purpose of this regulation, a bullrake shall be defined as any curved metal instrument or basket with four (4) or more metal tines (teeth) which is primarily used to harvest quahaugs. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**10.3.1 Use of Tongs and Bullrakes operated by Mechanical Power** – Power hauling of shellfish apparatus as defined in Sections 1.3, 10.2, and 10.3 of the RIMFC regulations, and the taking of shellfish in such harvesting apparatus is permitted provided such use is consistent with the following:

- A. No person shall use any power hauling equipment.**
  - 1. For any purpose other than the removal and retrieval of bullrakes and tongs from the benthic sediments;**
  - 2. During such time when bay quahaugs and oysters are being gathered into the**



bullrakes and tongs; or

3. In waters where such use has been prohibited by the RIMFC.

**B. No person shall use any power hauling equipment in the operation of bullrakes and tongs with dimensions exceeding any of the following:**

1. Maximum width of thirty-one and one-half inches (31-1/2") measured along a line parallel to the tooth bar;
2. Maximum tooth length of four and one-half (4-1/2") inches; or
3. Maximum basket depth of twelve inches (12"), measured along a line perpendicular to the tooth bar and extending from the tooth bar to any point on the basket.

**C. Possession of bullrakes and tongs in excess of the size restrictions specified in Section 10.3.1(B) shall be prohibited aboard vessels equipped with any power hauling equipment.**

**D. Except as required for safety or to avoid property loss, no vessel involved in the harvest of bay quahaugs or oysters by use of bullrakes or tongs, may be moved or propelled by any source of mechanical power at any time when any bullrakes or tongs operated from such vessel are submerged in the waters of the state.**

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

**10.4 Quahaug Diving Baskets -- No commercially licensed diver shall take or attempt to take quahaugs from the waters of the State of Rhode Island with a "diver's" quahaug harvesting basket, bag, or combination of basket and bag, or similar device whose bar spacing is less than one inch by two and one half (1" X 2 1/2") with a one sixteenth inch (1/16") tolerance for construction, and whose bag mesh on the harvesting device is less than two (2) inches when measured on the stretch (from inside of knot to inside of the knot.) There will be an allowance of one eighth (1/8) inch for variance in the twine. The bag shall be hung on the square so that when held by the mouth, the twine forms fully opened squares. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]**

**10.5 Escape Vent Sizes - Penalty -- Effective June 1, 1999, it shall be unlawful to fish for or take lobsters by use of a lobster trap within the territorial waters of the State of Rhode Island unless the trap is equipped with:**

**Subsection I**

**A. A rectangular escape vent with an unobstructed opening not less than 1 - 15/16 inches (49.2mm) by five and three quarters (5 - 3/4) inches (146mm),**

**OR**

**B. Two circular escape vents with an unobstructed opening not less than 2 - 7/16 inches (61.9mm)] in diameter,**

**OR**

**C. An unobstructed gap caused by separating both ends of a bottom lath in the parlor section 1 - 15/16 inches (49.2mm) from the bottom,**

**OR**

**D. An unobstructed gap caused by separating both ends of two vertical laths on the end of the parlor section by 1 - 15/16 inches (49.2mm),**

**OR**

**E. 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 under Paragraphs A and B.**

**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 quarter (3 - 3/4) inches (9.53 cm) by three and three quarter (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 three-sixteenths (3/16) inch (0.48 cm) in diameter, or non-stainless uncoated ferrous metal not greater than three thirty-seconds (3/32) of an inch (0.24 cm) 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.**

#### **Subsection II**

**The vent or gap shall be: installed or made in the parlor section on the sides or end panel. No horizontal rectangular vent or gap or circular vent shall be located more than 3 inches from the bottom sill of the trap. Traps equipped with multiple parlor sections must adhere to the escape vent requirements specified above in each parlor section. Any fisherman not complying with the provisions of Section 1 or Section 2 shall be fined not more than twenty dollars (\$20) for each trap not conforming to the specifications. (RIMFC REGULATION) [Penalty - Part 15.12 or 1.16; (RIGL 20-1-16)]**

**10.5.1 Maximum Trap Size -- It shall be unlawful to place, set, keep, maintain, supervise, lift, raise, or draw in from any of the waters in the jurisdiction of this state, or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in from any of those**

waters any pot or other fixed gear contrivance designed or adapted for the catching or taking of lobsters with a volume greater than 22,950 cubic inches.

**10.5.2 Trap Limit/Reduction Schedule** -- Effective June 1, 1999, 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 lobsters which exceeds the trap limits allowed by the following schedule:

6/1/1999 - 1200 traps per vessel  
6/1/2000 - 1000 traps per vessel  
6/1/2001 - 800 traps per vessel

**10.5.3 Penetrating Devices** -- It shall be unlawful for any person to use a spear, gig, gaff, or other penetrating device to harvest lobsters.

**10.6 General State Marking, Setting, and Tending Requirements.** -- The following general state marking, setting, and tending requirements shall apply to all gill nets set, hauled, and/or maintained within Rhode Island waters.

**10.6.1 Marking Requirement:** Both the near shore and offshore ends of all gill nets must be marked with an orange or fluorescent orange bullet shaped buoy with a size of 9 x 16 inches and clearly marked with the letters "GN" with a minimum letter height of three (3) inches. No person shall set, haul, or maintain a gill net in Rhode Island waters, unless such net shall be marked, together with the buoys which are attached thereto, with the name and license number of said person.

**10.6.2 Tending Requirement:** Each gill net must be hauled once each day (24 hour period - 12:00 midnight to 12:00 midnight).

**10.6.3 Distance from Fish Trap:** It shall be illegal to set, haul, or maintain a gill net within three thousand (3,000) feet of a fish trap licensed by the R.I. Department of Environmental Management.

**10.6.3 Floating/Bottom Tending Gill Nets:** No floating gill net may be set within Rhode Island waters unless constantly tended. A net will be deemed constantly tended if the person setting the net is within one hundred (100) feet of the net at all times. If any portion of the gill net is exposed at the surface, the net will be judged a floating gill net. With the exception of constantly tended nets, only bottom tending gill nets shall be set in

Rhode Island waters. For purposes of this regulation, a bottom tending gill net shall be defined as any gill net, anchored or otherwise, which is fished on or near the bottom or which is fished in the lower one third (1/3) of the water column.

**10.6.4 Mesh Size:** No bottom tending gill net shall have a mesh size smaller than five (5) inches stretched mesh, except as provided in 10.7 and 13.5. (RIMFC REGULATION) (RIGL 20-4-12) [Penalty - Part 3.3; (RIGL 20-3-3)]

**NOTE:** For a full description of all gill net regulations, refer to Part XIII.

**10.7 Gill Netting for Bait** -- It is illegal to set, haul, and/or maintain a gill net for bait so as to obstruct the free passage of fish in the State of Rhode Island coastal waters, streams, rivers, or bays. It is illegal to set, haul, and/or maintain a bait gill net in the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Point. A Size No. 1 bait gill net may be set, hauled, or maintained in the marine environment in any river, stream, or bay in the State of Rhode Island with the exception of the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Pt. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**Size No. 1** -- The total length of the bait gill net may not exceed one hundred (100) feet, nor may the mesh size be greater than three and three quarters (3 3/4) inches (stretched). Anyone setting a Size No. 1 gill net for bait must be within one hundred (100) feet of the net at all times. The net must be clearly labeled with the name of the person setting or tending the net. It is illegal to possess any salmon or striped bass while gill netting for bait in a prohibited area (refer to prohibited gill net geographic areas). (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**10.8 Dredging for Surf Clams Gear Restrictions** - The following gear restrictions shall apply to vessels fishing in the territorial waters of Rhode Island for surf clams:

**10.8.1** It is unlawful for any vessel to operate with any hydraulic dredge with a blade, knife, or manifold which is greater than forty-eight (48) inches in maximum width.

**10.8.2** It is unlawful for any vessel to operate more than one dredge while harvesting surf clams.

**10.9 Fyke Net Regulations** -- It shall be illegal to use a fyke net for the purpose of taking any fish if said fyke net leader exceeds one hundred (100) feet in length, has a stretched mesh greater than two and one half (2 1/2) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and it shall be illegal to set a fyke net within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with the R.I. Department of Environmental Management. (RIMFC

**REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]**

**FYKE NETS PROHIBITED IN CHARLESTOWN AND QUONOCHONTAUG PONDS BETWEEN JUNE 15 AND SEPTEMBER 15 ANNUALLY.**

**FYKE NETS PROHIBITED IN CHANNEL AREAS OF CHARLESTOWN POND (SEE MAP). (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]**

**10.10 Stowage of nets -- Vessels possessing trawl devices while harvesting summer flounder, scup, black sea bass, or winter flounder, in excess of the limits specified in R.I.M.F.C. regulations may have nets with mesh less than the minimum size specified in the regulations provided that the net is stowed and is not available for immediate use in accordance with this section. A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be "not available for immediate use".**

**10.10.1 A net stowed below deck, provided:**

- it is located below the main working deck from which the net is deployed and retrieved;
- the towing wires, including the "leg" wires are detached from the net; and
- it is fan-folded (flaked) and bound around its circumference.

**10.10.2 A net stowed and lashed down on deck, provided:**

- it is fan-folded (flaked) and bound around its circumference;
- it is securely fastened to the deck or rail of the vessel; and
- the towing wires, including the leg wires, are detached from the net.

**10.10.3 A net that is on a reel and is covered and secured, provided:**

- the entire surface of the net is covered with canvas or other similar material that is securely bound;
- the towing wires, including the leg wires, are detached from the net; and
- the cod end is removed from the net and stored below deck.

**10.10.4 National Marine Fisheries Service authorized -- Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid-Atlantic regulated mesh area defined as "that area bounded on the east by a line running from the shoreline along 72N 30' west longitude to the intersection of the outer boundary of the Exclusive Economic Zone (EEZ).**

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

### **10.11 Trawl Vessel Gear Restrictions - Minimum Mesh Size**

#### **10.11.1 Scup - Owners or operators of otter trawl vessels possessing:**

**500 pounds (90.7 kg) or more of scup from November 1 through April 30; or 100 pounds (45.4 kg) or more of scup from May 1 through October 31 may only fish with nets that have a minimum mesh size of 4.5 inches (11.43 cm) diamond mesh (inside measure), applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, if the net is not long enough for such a measurement, the terminal one-third of the net, measured from the terminus of the codend to the head rope, excluding any turtle excluder device extension.**

#### **10.11.2 Black sea bass - Owners or operators of otter trawl vessels possessing:**

**1000 pounds (454 kg) or more of black sea bass, may only fish with nets that have a minimum mesh size of 4.0 inches diamond mesh [3.5 inches (8.89 cm) square mesh] inside measure, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, or, if the net is not long enough for such a measurement, the terminal one-third of the net, measured from the terminus of the codend to the head rope, excluding any turtle excluder device extension.**

**(RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]**

**10.12 Trawling Gear Roller Regulations -- The use of rollers greater than 18" in diameter is prohibited while in possession of scup or black sea bass. (RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]**

**10.13 Recreational use of nets - Bait -- Marine species may lawfully be taken for personal use (not for sale) with nets, provided that all existing minimum size and possession limit restrictions for the species possessed are adhered to. A two-quart per person possession limit is allowed for all unregulated marine species.**

**Beach seines or other nets, where allowed for the recreational harvest of marine species shall not exceed four (4) feet in depth and twenty (20) feet in length. (RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]**

**10.14 Atlantic Herring - Vessel Size and Horsepower -- No vessel harvesting Atlantic herring in the Atlantic coast herring fishery shall exceed 165 feet in length overall, and 3,000 horsepower. (RIMFC REGULATION) [Penalty - Part 3.3 (RIGL 20-3-3) (RIGL 20-6-29)]**

## **! PART XI !**

### **COMMERCIAL FISHERIES**

**11.1 Commercial Fishing** -- No person shall engage in the taking for sale by any manner, method, or contrivance, of any marine finfish, shellfish, crustacean, or other invertebrate; and no vessel, boat, trap, seine, or other fishing gear shall be used in the taking for sale of any marine finfish, shellfish, crustacean, or other invertebrate unless a license therefor has been obtained as provided in this Title. (RIGL 20-4-1) [Penalty - Part 1.16; (RIGL 20-1-16)]

### **Otter Trawls, Pair Trawls, and Beam Trawls**

**11.2 Areas Prohibited** -- Unless otherwise specified in regulations adopted by the Marine Fisheries Council, and except for those areas described in § 20-4-3 (*Part 11.4*), no person shall operate a beam, pair, or otter trawl or other mechanical trawling device in the Sakonnet River, Narragansett Bay, in Point Judith Pond, so-called, in the towns of Narragansett and South Kingstown, or the Harbor of Refuge, so-called, in the town of Narragansett, or in Potter Pond, so-called, in the town of South Kingstown, or in Great Salt Pond, so-called, in the town of New Shoreham. (RIGL 20-4-2) [Penalty 20-1-16]

**11.3 Areas Allowed** -- Any duly licensed resident commercial fisherman and a nonresident commercial fisherman licensed pursuant to § 20-2-28, may operate otter, beam, or pair trawls, or other mechanical trawling device subject to rules and regulations of the Marine Fisheries Council, in the area of Narragansett Bay and Sakonnet River south of a line, extending from [a DEM marker at] Spink Neck in the town of North Kingstown in a northeasterly direction to [a DEM marker at] Pine Hill Point on Prudence Island and from a point at Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island shoal light, thence to the north abutment of Mt. Hope Bridge in the town of Bristol, and south of a line extending from McCurry Point, so-called, on the east side of the town of Portsmouth northeasterly in a line to the southerly point of Jack's Island, so-called, in the town of Tiverton. The area subject to this section may be changed by rules and regulations adopted by the Marine Fisheries Council. (RIGL 20-4-3) [Penalty - Part 1.16; (RIGL 20-1-16)]

NOTE: Also refer to Parts 11.4, 11.14, and 11.19

**11.4 Penalties** -- Any person who operates an otter, beam, or pair trawl, or other mechanical trawling device without a license as provided in 20-4-3 shall, upon conviction, be fined five hundred dollars (\$500) for each offense or may be imprisoned not exceeding thirty (30) days, or both. In addition to any fines imposed for failure to secure a license, the person shall be subject to the same penalties as set forth in §20-1-16 should the person set a beam, pair, or otter trawl, or other mechanical trawling device in areas prohibited by §20-4-2 or rules adopted under this section. (RIGL 20-4-4)

**11.5 Seines, Fyke Nets, and Trawling Regulations in Ponds and Rivers** -- It shall be illegal to set, haul, and/or maintain a seine along the shoreline within one half (½) mile in both directions of the seaward entrance to any of the ponds and rivers listed below when the area is open to the sea. This seining prohibition shall also extend seaward for a distance of three hundred (300) yards. The following areas shall be covered by this regulation: Quicksand Pond and channel, Tunipus Pond and channel, Cards Pond and channel, Trustom Pond and channel, Quonochontaug Pond and channel, Charlestown Pond and channel, Brightman Pond and channel. It shall be illegal to set, haul, and/or maintain a seine in the Harbor of Refuge and within one hundred (100) yards of the Harbor of Refuge Breakwater. Fyke nets are prohibited in all of the Salt Pond channels described in these regulations (refer to def. section).

In addition, it is illegal to set, haul, and/or maintain a trawling device in any of the channels, ponds, and/or rivers as follows: Quicksand Pond and channel, Tunipus Pond and channel, Briggs Marsh and channel, Round Pond and channel, Narrow River and channel, Point Judith Pond and channel, East Pond and channel, Potter Pond and channel, The Harbor of Refuge, Card Pond and channel, Green Hill Pond and channel, Trustom Pond and channel, and Brightman Pond and channel. It shall be illegal to set, haul, and/or maintain a trawling device within Narrow River and channel, and within three hundred (300) yards of the seaward entrance to the river. In addition, it shall also be illegal to seine in Narrow River channel and within 300 yards of the seaward entrance to the river.

(RIMFC REGULATIONS) [Penalty - Part 3.03; (RIGL 20-3-3)]

## **11.6 Seines, Fyke Nets, Trawling Devices, and Gill Net Regulations by Geographic Area**

**11.6.1 Pawcatuck River and Little Narragansett Bay** -- Except as herein provided for menhaden, it shall be illegal to set, maintain, or haul a gill net for any species in that portion of Rhode Island waters in the Pawcatuck River or Little Narragansett Bay and within one and one half (1 ½) miles south (true) and west (true) of Napatree Point. Gill netting for menhaden will be permitted with a Size No. 1 net provided that the net is constantly tended by the individual setting the net, and provided that the net does not exceed one hundred (100) feet in length and contain a mesh size greater than three and three quarters (3 ¾) inches stretched). It shall be unlawful to retain any other species of fish captured in a menhaden gill net in Little Narragansett Bay or the Pawcatuck River. With the exception of seining between February 1 and April 15 of each year, all netting (including menhaden gill netting) shall be prohibited north of a line from Pawcatuck Rock to Thompson Point. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**11.6.2 Point Judith Pond and Potter Pond** -- All netting, except licensed fish traps, shall be prohibited in the Harbor of Refuge and the southern portion of Point Judith Pond. This area shall be defined as including the water area encompassed by the



Harbor of Refuge Breakwater and will be bounded on the north by a line from Strawberry Hill Point to High Point, and on the east by the Great Island Bridge. Gill netting will be prohibited in Point Judith Pond and channel, East Pond and channel, Potter Pond and channel, the Interior Harbor of Refuge, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater. Otter trawling inside the Harbor of Refuge, Point Judith Pond, East Pond, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater shall be prohibited. It shall be illegal to set, haul, and/or maintain a seine in the southern portion of Point Judith Pond (as defined above), the Harbor of Refuge and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater. In addition, in the northern portion of Point Judith Pond, all netting shall be prohibited in the Narrows bounded on the west by a line from Betty Hull Point to Short Point, and on the east by a line from Blue Rock Point to Old Cellar Point. All netting shall also be prohibited north of a line from Ram Point to Squally Point. (RIMFC REGULATION) [Penalty - Part 1.16; (RIGL 20-1-16)]

**11.6.3 Potter Pond and Channel** -- It shall be illegal to set, haul, and/or maintain a gill net or otter trawl in Potter Pond and channel. All netting in Potter Pond channel shall be prohibited between Gooseberry Island on the east end of the channel to the west end of Potter Pond channel. Netting will be permitted in Succotash Marsh. In the northern portion of Potter Pond, all netting shall be prohibited within one hundred (100) feet of the Captain's Brook. (RIMFC REGULATION) [Penalty - Part 1.16; (RIGL 20-1-16)]

**11.6.4 Narrow River** -- It shall be illegal to set, haul, and/or maintain a trawling device or gill net in Narrow River channel. All netting shall be prohibited in Narrow River channel (refer to definition section), and within three hundred (300) yards of the seaward entrance to Narrow River. In addition, all netting shall be prohibited in Narrow River between Middle Bridge and a point located eight hundred (800) feet north of Bridgetown Road Bridge (Route 138), within one hundred (100) feet north and south sides of the upper Narrows, and within one hundred (100) feet east and west of the seaward mouth of Gilbert Stuart Brook. (RIMFC REGULATION) [Penalty - Part 1.16; (RIGL 20-1-16)]

**11.6.5 Charlestown and Quonochontaug Ponds** -- Otter trawling in Charlestown Pond and Quonochontaug Pond is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas. Otter trawling is also prohibited in the areas defined as follows:

**11.6.5-1 Charlestown Pond** -- South of a line between Marsh Point and Horse-

shoe Point on the Arnolds shore, west of a line between D.E.M. markers on Marsh Point and Marsh Neck Point. The prohibited area is bounded on the west by a line between the east shore of the Foster Cove channel and a D.E.M. marker on the barrier beach.

**11.6.5-2 Quonochontaug Pond** -- South of a line running easterly from a D.E.M. marker at the end of Quahaug Point to the northern end of Nopes (Barn) Island. The area is bordered on the west by a line running south from Quahaug Point to a D.E.M. marker on the barrier beach.

All fixed gear is prohibited in the Foster Cove Channel and in the narrows in Charlestown Pond. (For a description of the Charlestown and Quonochontaug Channel areas, refer to the map section.) Fyke nets are prohibited in both ponds between June 15 and September 15 annually. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**11.6.6 Upper Sakonnet River** - The Upper Sakonnet River Marine Life Management Area as defined in Part 3.6 is completely closed to trawling devices. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**Statement of Intent** -- Nothing contained herein shall prohibit the R.I. Marine Fisheries Council from authorizing experimental net fisheries. The R.I. Marine Fisheries Council reserves the right to evaluate, approve, and/or reject netting proposals on an experimental basis for areas normally closed to netting.

**11.7 Fyke Net Regulations** -- It shall be illegal to use a fyke net for the purpose of taking any fish if said fyke net leader exceeds one hundred (100) feet in length, has a stretched mesh greater than two and one half (2 1/2) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and which is within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with the Department of Environmental Management. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**11.8 Use of Explosives** -- The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island shall be prohibited. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**11.9 Migratory Fish Regulations - Statewide** -- It shall be illegal to obstruct the free passage of anadromous or catadromous fish in any of the coastal rivers, streams, and/or estuaries of the State of Rhode Island. This shall include, but not be limited to, the following areas:

**Quicksand Pond, Tunipus Pond, Briggs Marsh, Round Pond, Warren River, Barrington River, Brickyard Pond, Seekonk River, Narrow River, Point Judith Pond, Potter Pond, Card Pond, Trustom Pond, Green Hill Pond, Charlestown Pond, Quonochontaug Pond, Brightman Pond, Pawcatuck River, Mastuxet Brook, King Tom Pond, Factory Pond, Mill Pond, Smelt Brook, Saugatucket River, Gilbert Stuart Brook, Wesquage Pond, Annquatucket River, Cocumscussoc Brook, Potowomut River, Maskerchugg River, Gorton Pond, Tuscatucket Brook, Spring Green Pond, Pawtuxet River Woonasquatucket River, Moshassuck River, Seekonk River, Ten Mile River, Annawomscutt Brook, Mussachuck Creek, Runnie River, Kickemuit River, Sin and Flesh Brook, Nonquit Pond, Patchet Brook, Dunderry Brook, Cold Brook, Goose Neck Cove, Lily Pond, Almy Pond, Easton Pond Brook and Palmer River. It is illegal to take and/or possess Atlantic Salmon.**

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

11.10 Monthly Report of Commercial Fisheries -- The owner and/or operator of every boat, and/or the operator of any device licensed pursuant to this title for the taking or landing of marine organisms for commercial purposes in the state of Rhode Island, or any person issued a license by the director for such purposes, and any dealer of marine organisms licensed pursuant to this title, shall, upon request of the department, make either a telephone report, or a written report or both. Written reports shall be made on forms furnished by the department of environmental management and shall include catch and effort data and any other fishery data which may be required by the director. The reports shall not be made public and shall be kept only for statistical purposes. Failure to comply with the reporting requirements set out in this section or knowingly or willfully making a false report is prohibited. The license or permit of any person found in violation of this section or regulation duly promulgated thereto may be suspended for a period not to exceed sixty (60) days for each offense. No application for a license renewal shall be accepted from a person whose license or permit is currently under suspension or whose reports have not been submitted. Catch reports must be submitted at a time in a format specified by the director, provided, however, that any such reporting requirements shall not be unreasonable and shall not create an undue burden. (RIGL 20-4-5) [Penalty - Part 11.11]

11.11 Failure to File Monthly Reports -- [20-4-6 Repealed, 7/8/1999 see 20-4-5 above]

11.12 Marking of Traps -- The owner of every trap, pot, or other stationary contrivance used for the taking of marine fish, shellfish, crustaceans, or other invertebrates being fished in the waters of this state, and the owner of any trap or pot for catching or cars, or other contrivance for keeping lobsters, shall mark each such trap, pot, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners thereof 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 trap as provided in this Section shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) for each such offense and all traps, pots, or other contrivances used contrary to the provisions of this and other Sections of this Chapter shall be seized by any officer engaged in the enforcement of this Chapter;

and the property shall be forfeited to the state. (RIGL 20-4-7)

**11.12.1 Trap (pot) Limits** -- Each person utilizing traps or pots in the fishery for scup shall be permitted to fish up to fifty pots, and each vessel engaged in this fishery will be permitted to set up to fifty traps regardless of the number of licenses on board.

**11.12.2 Trap Construction - Escape Vents** -- All scup traps (pots) must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2-1/4" X 5-3/4" if rectangular or may be constructed of 2-1/4" X 2-1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.

All black sea bass traps (pots) must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 2" in diameter if circular, 1-1/8" X 5-3/4" if rectangular, or may be constructed of 1-1/2" X 1-1/2" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.

The hinges or fasteners of one panel or door must be made of one of the following degradable materials.

- (a) untreated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;
- (b) magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;
- (c) ungalvanized or uncoated iron wire of .094" (2.4mm) or smaller.

If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.

**11.12.3 Buoy Lines** -- The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.

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

**11.13 Unauthorized Raising of Traps, Pots, and Devices** -- No person except the Director, Enforcement Officers, and authorized technical personnel of the Department, shall unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed under this Title, without the written permission of that person. (RIGL 20-4-8) [Penalty - Part 1.16; (RIGL 20-1-16)], *unless the violation applies to night lobstering, then cite [Part 15.16; (RIGL 20-7-13)]*

**11.14 Upper Bay Dragging Regulations** -- Pursuant to RIGL 20-4-3 (see reg. 11.3), the use of

**beam trawls, otter trawls, pair trawls, or any other mechanical trawling device will also be allowed in the Upper Narragansett Bay Trawling Area, as described in Part 3.6 (20), but only between July 1st and November 1st, and not on weekends and legal State holidays during said period. (RIMFC REGULATION) [Penalty - Part 1.16; (RIGL 20-1-16)]**

**11.15 Licenses - Expiration** -- Unless otherwise in this Title specified, all licenses issued hereunder shall be annual and shall expire on June 30 of every year. (RIGL 20-2-14)

**11.16 Commercial Gill Net Fishery - License or Permit Required** -- It shall be unlawful for any person to set, haul, and/or maintain a commercial gill net in the public waters of the State without first obtaining a license or permit as provided in § 20-2-26.1. Any person violating the provisions of this Section shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500) or imprisonment of not more than one (1) year or by both. (RIGL 20-4-13)

**11.17 Atlantic Sea Herring Season** -- No person shall, in any manner, take and/or possess in Rhode Island any Atlantic sea herring between October 1 and October 21 annually.

**11.17.1 Atlantic Herring Processing** -- No person may process Atlantic herring for purposes other than human consumption. Direct mealings of Atlantic herring is prohibited until further notice.

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

**11.18 Narragansett Bay, Mt. Hope Bay, Sakonnet River, Charlestown and Quonochontaug Ponds Winter Mesh Size Regulations** -- This area is defined as all Rhode Island State waters which are north of the following lines: north of a line running from easternmost extension of Carrier Pier to Conanicut Pt. to the tips of the T Pier on Prudence Island to Carr's Point; and north of a line from Sachuest Pt. to Sakonnet Point; and all waters north of Quonochontaug and Charlestown Breachways. Except as provided for in Section 7.08-2 and 11.19, in that portion of the area described above which is open to trawling, it is illegal to utilize an otter trawl during the period November 1 to February 28, (inclusive) which has any mesh which measures less than 6" stretched mesh (measured inside knot to inside knot). (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

**11.19 Coastal Marine Life Management Area** -- For the purpose of managing winter flounder a Coastal Marine Life Management Area (CMLMA) is established which includes all state waters north of a line from Sakonnet Point Light to Pt. Judith Light, north of the seaward entrance to all coastal salt ponds, including the area north of the seaward entrance to all coastal salt ponds, including the area north of the seaward entrances to the Harbor of Refuge, and the waters of Little Narragansett Bay north of a line from Napatree Point to the western

end of Sandy Point, including the waters of the Pawcatuck River.

No person shall possess winter flounder while fishing in the Coastal Marine Life Management Area north of a line from South Ferry Road in Narragansett (41° 29' 56" N) (71° 25' 22" W) to the northern tip of Fort Getty Dock in Jamestown (41° 29' 68" N) (71° 23' 78" W), and from the northern end of the bulkhead at Fort Wetherill in Jamestown (41° 28' 73" N) (71° 21' 41" W) to the northern tip of Fort Adams in Newport (41° 28' 88" N) (71° 20' 21" W), and in the Sakonnet River from Sandy Point in Portsmouth (41° 33' 05" N) (71° 14' 04" W) to High Hill Point in Tiverton (41° 32' 91" N) (71° 12' 95" W).

Any person taking and/or possessing winter flounder in the Coastal Marine Life Management Area except as provided in 7.8-1 and 7.8-2 shall not be subject to fine and penalty if said fish are immediately returned to the water from which they came. It is illegal for an otter trawl vessel to initiate trawling within the Coastal Marine Life Management Area and haul back outside the CMLMA and possess winter flounder except as specified in Part 7.8.1.

#### **Special Regulations - CMLMA**

**11.19.1** - A six inch (6") mesh throughout the net shall be required in all waters of the state for all commercial fishing gear except fyke nets while fishing for and possession of winter flounder. Except as provided in Section 7.08-1, possession of winter flounder taken as a by-catch in fisheries utilizing nets having less than a six inch (6") mesh is prohibited.

**11.19.2** - An annual commercial quota for all gear types will be established for the CMLMA by the Rhode Island Marine Fisheries Council. Such quota will be divided into two seasons.

**11.19.3** - For all legal gear types used in Narragansett Bay area and the Coastal Pond area of the CMLMA, the first season will commence March 1 and shall continue until one-half of the annual quota for that area is landed. The second season will be from October 1 through November 15 unless the entire annual quota has been reached prior to November 15. Overages will be deducted from the next year's quota, and any unused portion of the quota will be carried into the next calendar year.

**11.19.4** - A commercial vessel, permitted as specified in 11.19.5, while fishing in the southern section of the CMLMA may possess 300 pounds of winter flounder. The southern section is defined as the waters north of the line extending from Sakonnet Point Light to Point Judith Light and south of the lines established in section 11.19 above of this document. Within the remainder of the CMLMA described in 11.19 (coastal ponds, etc.) there will be a 100 pound possession limit for all commercial fishermen. The total aggregate possession limit while fishing within the entire Coastal

**Marine Life Management Area is 300 pounds.**

**11.19.5 - Special winter flounder permit required. -- Fishing for winter flounder in the entire CMLMA will be limited to those holding a winter flounder permit from Fish and Wildlife. Fishermen with a valid finfish license are eligible to apply to Fish and Wildlife for a permit and are required to report winter flounder landings weekly, by phone, to Fish and Wildlife and submit a monthly log (section 11.10, RIMFC regulations). Failure to report weekly landings will result in the immediate forfeiture of the permit. Vessels permitted to harvest winter flounder in the CMLMA are required to take a bio-observer (sea sampler) onboard upon request by the Division of Fish and Wildlife. (Penalty RIGL 20-4-6).**

**11.19.6 - With the exception of gillnets and fyke nets, fishing for winter flounder in the CMLMA will be prohibited from one hour after sunset until one hour before sunrise. Gillnets and fyke nets may not be hauled from one hour after sunset to one hour before sunrise.**

**11.19.7 - Those possessing a valid CMLMA winter flounder permit are limited to fishing only within the CMLMA while in possession of such permit. In order to withdraw from the permit system, the permit holder must relinquish the permit to Fish and Wildlife office in Wakefield between the hours of 8:30 AM and 4:00 PM Monday through Friday.**

**11.19.8 - Net stowage requirements. -- Permit holders may possess winter flounder with nets on board having a mesh less than the six inch (6") minimum size specified above provided the nets are stowed and not available for immediate use in accordance with the Federal Register Multi-Species Guidelines.**

**11.19.9 - All quota overages will be deducted from the next year's allocation.**

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

**11.20 Regulations for Internal Waters Processing Applications for Atlantic herring and/or Atlantic mackerel -- No application for Internal Waters Processing (IWP) of Atlantic herring and/or Atlantic mackerel shall be accepted after March 1, annually, unless accompanied by a legally binding contract for an IWP operation in Rhode Island waters involving Rhode Island fishing vessels. The Director may grant an allotment from Rhode Island's existing unallocated or uncontracted quota for a legally bound IWP application submitted after the March 1 deadline.**

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



## **! 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. (RIMFC 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:

<b>January 1 - May 31</b>	<b>Closed season</b>
<b>June 1 - June 30</b>	<b>four (4) fish per license holder</b>
<b>July 1 - July 31</b>	<b>No possession</b>

<b>August 1 - September 14 (or until 80% of the quota is harvested)</b>	<b>four (4) fish per license holder</b>
<b>September 15 - until the entire quota is harvested</b>	<b>four (4) fish per license holder</b>

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 15, 10,000 pounds or more of any gear-specific allocation remains, that poundage will be committed to a general category available to the entire commercial fishery. (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]  
**[ Effective October 13, 2001 at 12:01 AM the commercial striped bass fishery will open for a two-day period, the fishery will then close on October 15, 2001 at 12:01 AM].**

**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 –

<b>January 1 - August 31</b>	<b>or until 80% of the trap net quota is harvested</b>
<b>September 1 - December 31</b>	<b>or until the entire trap net quota is harvested</b>

**Effective September 19, 2001 at 12:01 AM the commercial striped bass fishery for floating fish traps will be closed. On January 1, 2002, the fishery will reopen with an unlimited possession.**

(RIMFC 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)]**

## ! PART XIII !

### GILL NET REGULATIONS

#### 13.1 Gill Net Licenses

(a) Each resident of the State is eligible to obtain a license to utilize gill nets upon payment of an annual fee of two hundred dollars (\$200) subject to rules and regulations established by the Marine Fisheries Council.

(b) Each resident who holds a multi-purpose commercial marine license as provided in § 20-2-28.1, or a commercial vessel or vessel operator's license as provided in § 20-2-27(c) is also eligible to apply for a commercial gill net permit in accordance with the provisions of this section. The annual recording fee for commercial gill netting is twenty dollars (\$20) and shall be paid in addition to the fees payable under §§ 20-2-27(c) and 20-2-28.1.

(RIGL 20-2-26.1)

13.2 Commercial Gill Net Fishery - License or Permit Required. -- It shall be unlawful for any person to set, haul, and/or maintain a commercial gill net in the public waters of the State without first obtaining a license or permit as provided in § 20-2-26.1. Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500) or imprisonment of not more than one (1) year or by both such. (RIGL 20-4-13)

**13.3 General State Marking, Setting, and Tending Requirements.** -- The following general state marking, setting, and tending requirements shall apply to all gill nets set, hauled, and/or maintained within Rhode Island waters.

**13.3.1 Marking Requirement:** Both the near shore and offshore ends of all gill nets must be marked with an orange or fluorescent orange bullet shaped buoy with a size of 9 x 16 inches and clearly marked with the letters "GN" with a minimum letter height of three (3) inches. No person shall set, haul, or maintain a gill net in Rhode Island waters, unless such net shall be marked, together with the buoys which are attached thereto, with the name and license number of said person.

**13.3.2 Tending Requirement:** Each gill net must be hauled once each day (24-hour period - 12:00 midnight to 12:00 midnight).

**13.3.3 Distance from Fish Trap:** It shall be illegal to set, haul, or maintain a gill net within three thousand (3,000) feet of a fish trap licensed by the R.I. Department of Environmental Management.

**13.3.4 Floating/Bottom Tending Gill Nets:** No floating gill net may be set within Rhode Island waters unless constantly tended. A net will be deemed constantly tended if the person setting the net is within one hundred (100) feet of the net at all times. If any portion of the gill net is exposed at the surface, the net will be judged a floating gill net. With the exception of constantly tended nets, only bottom tending gill nets shall be set in Rhode Island waters. For purposes of this regulation, a bottom tending gill net shall be defined as any gill net, anchored or otherwise, which is fished on or near the bottom or which is fished in the lower one third (1/3) of the water column.

**13.3.5 Mesh Size:** No bottom tending gill net shall have a mesh size smaller than five (5) inches stretched mesh, except as provided in part 10.7 and 13.4.3-3 13.5. (RIMFC REGULATION) (RIGL 20-4-12) [Penalty - Part 3.3; (RIGL 20-3-3)]

**13.4 Additional Area Specific Regulations** -- Any gill net set, hauled, and/or maintained in the following areas must adhere to all of the State marking and tending requirements. In addition to the general requirements (Part 13.3), each gill net set, hauled, and/or maintained in the following areas must also meet the following more restrictive specifications:

**13.4.1 Narragansett Bay, Mount Hope Bay, and the Sakonnet River:** This area shall include the east and west passages, Mount Hope Bay, and Sakonnet River, north of a line from Monahan's Dock (State Pier No. 5) to Beavertail Point to Castle Hill Light and north of the pipeline in the Sakonnet River. It shall be illegal to set, haul, and/or maintain a gill net within this area which does not adhere to the following specifications:

**13.4.1-1 Length:** A single net or series of connected nets may not exceed a maximum total length of three hundred (300) feet.

**13.4.1-2 Setting Pattern/Spacing Requirement:** Each gill net must be set in a straight line. No gill net may be set within fifty (50) yards of shore at mean low water or within two thousand (2000) feet of another gill net.

**13.4.2 Waters within One Half Nautical Mile of the Rhode Island Coast:** The following additional requirements shall apply to all gill nets set within one half (1/2) mile of the Rhode Island coast (mean high tide line) and south of the area defined in Part 13.4-1.

**13.4.2-1 Length:** A single net or series of connected nets may not exceed a maximum total length of six hundred (600) feet.

**13.4.2-2 Setting Pattern/Spacing Requirement:** Each gill net must be set in a straight line and perpendicular to the shore. No gill net may be set within two thousand (2000) feet of another gill net.

**13.4.3 Waters between One Half Nautical Mile and Three Nautical Miles from the Rhode Island Coast (Mean high tide line):** The following additional requirements shall apply to all gill nets set within this area.

**13.4.3-1 Setting Pattern/Spacing Requirement:** Each gill net must be set in a straight line (from one end buoy to the other). No gill net may be set within two thousand (2000) feet of another gill net during the period from April 1 to October 1.

**13.4.3-2 Marking:** Each six hundred (600) foot length of gill net must be marked with an orange or fluorescent orange float in accordance with the general marking requirements (Part 13.3)

**13.4.3-3 Mesh:** During the period from November 1 through March 1, the minimum mesh size for bottom tending gill nets shall increase to five and one half (5-1/2) inches (stretched).

**13.5 Gill Netting for Bait** -- It is illegal to set, haul, and/or maintain a gill net for bait so as to obstruct the free passage of fish in Rhode Island coastal waters, streams, rivers, or bays. It is illegal to set, haul, and/or maintain a bait gill net in the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Point. A Size No. 1 bait gill net may be set, hauled, or maintained in the marine environment in any river, stream, or bay in Rhode Island with the exception of the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Point. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**Size No. 1** -- The total length of a bait gill net may not exceed one hundred (100) feet nor may the mesh size be greater than three and three quarters inches (3 3/4") (stretched). Anyone setting a Size No. 1 gill net for bait must be within one hundred (100) feet of the net at all times. The net must be clearly labeled with the name of the person setting or tending the net. It is illegal to possess any salmon or striped bass while gill netting for bait in a prohibited area (refer to prohibited gill net geographic areas). (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**13.6 Gill Net Regulations -- Prohibited Fishing Areas by Geographic Location** -- With the exception of gill netting for bait, it is illegal to set, haul, and/or maintain a gill net in any channel, pond, and/or river as follows:

Quicksand Pond and channel, Tunipus Pond and channel, Briggs Marsh and channel, Round Pond and channel, Narrow River and channel, Point Judith Pond and channel, East Pond and channel, Potter Pond and channel, within the Harbor of Refuge, and within one hundred (100) yards of the Harbor of Refuge Breakwater, Card Pond and channel, Green Hill Pond and channel, Trustom Pond and channel, Charlestown Pond and channel, Quonochontaug Pond and channel, Brightman Pond and channel, Little Narragansett Bay, and within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point, and the Pawcatuck River and channel. It is also illegal to set, haul, or maintain a gill net along the shoreline within one half (1/2) mile in both directions of the seaward entrance to any of the coastal salt ponds, channels or rivers listed above when open to the sea. With the exception of the Harbor of Refuge Breakwater, the one half (1/2) mile closure zone shall extend 300 yards seaward.

#### **Block Island Gill Net Regulations**

No person shall set, attempt to set, haul, or maintain a gill net within one half (1/2) mile of Block Island between April 15 and November 15 of each calendar year. No person shall set, attempt to set, haul, or maintain a gill net between November 1 and December 31 in the waters seaward of Old Harbor, Block Island, from the Block Island shoreline to the one hundred (100) foot depth contour. The area is bounded by a northerly line running one hundred (100) degrees (true) from Clay Head Point to the black and white whistle out to a depth of one hundred (100) feet. The southern boundary of the closure zone runs from the shoreline on a course of one hundred (100) degrees (true) to the C-3 buoy out to the one hundred (100) foot depth contour. The eastern boundary is a line which corresponds to the one hundred (100) foot depth contour. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**13.7 Narragansett Bay Gill Net Prohibition for Striped Bass** -- In Narragansett Bay and tributaries (this area shall include the East and West Passages north of a line from Monahan's Dock (State Pier #5) to Beavertail Pt. to Castle Hill Light and be bounded on the East by the Mt. Hope Bridge), no person shall take, while gill netting, or possess, while hauling a gill net, any striped bass. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

**13.8 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:

**13.8.1 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 of Price's Neck to Castle Hill Light House.**

**13.8.2 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)]**

## **! PART XIV !**

### **FISH TRAPS**

14.1 Fish Traps -- License Required -- It shall be unlawful for any person to set a fish trap in the public waters of the State without first obtaining a license as provided in this Chapter. For purposes of this Chapter, a "fish trap" means stub and floating traps, weirs, pounds, nets, or any other equivalent contrivance or thing set on, in, or anchored to, the bottom or shore used for the purpose of catching fish. (RIGL 20-5-1) [Penalty - Part 14.20; (RIGL 20-5-19)]

14.2 Persons to Whom Licenses Issuable -- The Department of Environmental Management may issue licenses duly signed and under its seal to set or erect and maintain fish traps, as provided in this Chapter, to any resident of this State or to any corporations incorporated in the State, upon payment of a license fee of one hundred dollars (\$200) per license and ten dollars (\$20) per trap location for the license period prescribed by § 20-5-9 for each license. (RIGL 20-5-2)

#### 14.3 Application for License

(a) Any person desiring a license for a location for erecting a fish trap shall make application in writing to the Department of Environmental Management in any form and giving any information as the Department may require.

(b) Each application for a location for a fish trap shall fix definitely the position of the desired location with reference to prominent points on shore and shall also show the dimensions of the trap and of the leader to be set in the desired location, and any other details the Department may require. (RIGL 20-5-3)

14.4 Distance Between Traps -- Length of Trap Leader -- Except as provided in § 20-5-5, no license shall be granted for the erection within the public waters of the State of a fish trap any part of which is less than three thousand (3,000) feet distance from an adjoining trap, measured parallel with the general coastline at such point as determined by the Department of Environmental Management, or for a greater length of trap and leader than two hundred eighty (280) fathoms; provided that the Department of Environmental Management may grant a license for the erection of a fish trap within a lesser distance of three thousand (3,000) feet from an adjoining trap if the parties interested agree in writing to such lesser distance. (RIGL 20-5-4) [Penalty - Part 14.20; (RIGL 20-5-19)]

14.5 Restricted Locations off Rhode Island and Sakonnet River -- No license shall be granted for the erection of a fish trap within that portion of the public waters of the State southerly of the island of Rhode Island, designated by the engineer's office of the Department of the Army as available fishing areas as aforesaid, lying easterly of Brenton Reef and southerly of a line drawn from Coggeshall Point to Sakonnet Light, except as follows: Licenses may be granted for the erection of traps:

- (1) southeasterly from Seal Rock, so-called, in a line on range of White Church in Saunderstown over Seal Rock to the offshore limits of the outer area designated by the engineer's office of the Department of the Army, provided that all traps on this line shall be of equal length, including leaders, and shall be so limited in length that permits for eight (8) traps may be granted;
- (2) southeasterly from Flat Rock, so-called, on the easterly side of Coggeshall Point, in a line to the offshore limits of the inner or "summer" area designated by the engineer's office of the Department of the Army;
- (3) in a line from the westerly side of Price Neck, so-called, southeasterly for a distance not exceeding one thousand five hundred feet (1,500'); provided that not more than two (2) traps shall be licensed in this line;
- (4) in a line from the easterly side of Price Neck, so-called, southeasterly for a distance not exceeding three thousand three hundred feet (3,300');
- (5) southeasterly from Coggeshall Point in a line to the eastern limits of the outer area designated by the engineer's office of the Department of the Army;
- (6) southerly from Cormorant Rock, so-called, in a line for a distance not exceeding seven thousand (7,000) feet;
- (7) for two (2) traps only on the line constituting the offshore limits of the outer area designated by the engineer's office of the Department of the Army, at a point five thousand (5,000) feet east-southeasterly of the southeastern end of the line from Seal Rock described in subdivision (1);
- (8) for two (2) traps only beginning at a point ten thousand feet (10,000') east-southeasterly of the southeastern end of the line from Seal Rock described in (1); provided that the traps and leaders described in subdivisions (7) and (8) of this Section shall extend parallel with the aforesaid Seal Rock line. The provisions of § 20-5-4 shall not apply to licenses for the erection of traps granted under this Section with the exception of the provision in § 20-5-4 that no license shall be granted for a greater length of trap and leader than two hundred eighty (280) fathoms, which provision shall apply to this Section. (RIGL 20-5-5) [Penalty - Part 14.20; (RIGL 20-5-19)]

**14.6 Narragansett Bay Fish Trap Regulations -- With the exception of the three fish trap sites presently licensed by the Department of Environmental Management, no person shall set, haul, or maintain a fish trap, weir, or stake trap in Narragansett Bay north of a line from Bonnet Point to Beavertail Point to Castle Hill Light in Newport, and from Sandy Point to High Hill Point in the Sakonnet River. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]**

#### 14.7 Continuity of Traps

(a) No more than two (2) traps shall be set together in any continuous string or line, and there shall be a space of one hundred fifty (150) fathoms between two traps set within which no trap, leader, or other twine shall be placed.

(b) No more than three (3) traps shall be set, erected, or maintained by the holder of any license issued hereunder in a manner to be consecutively arranged in any one (1) of the lines described in § 20-5-5; provided that this subsection shall not be deemed to limit the total number of traps that may be set, erected or maintained in a line by a holder.

(RIGL 20-5-6) [Penalty - Part 14.20; (RIGL 20-5-19)]

14.8 Hook-backs in Leaders -- Each leader shall be set as nearly as may be in a straight line and, with the exception of the traps permitted by § 20-5-5,(7) and (8), no bend or angle in each leader, known commonly as a "hook-back," shall be permitted. (RIGL 20-5-7) [Penalty - Part 14.20; (RIGL 20-5-19)]

14.9 Preference of Prior Occupants in Licensing -- The Director of the Department of Environmental Management shall, where there are two (2) or more applicants for licenses for the same location or for locations that are less than three thousand feet (3,000') apart, determine which applicant has continuously during the fishing season occupied the location for the longer period of years; and the applicant who shall establish a priority of location shall, if otherwise properly qualified, be entitled to receive a license for the location. (RIGL 20-5-8)

#### 14.10 Expiration and Renewal of Licenses --

(a) All licenses issued under this Chapter shall be for a three (3) year period or for that portion thereof expiring on the last day of December of each third year thereafter.

(b) On termination of any license, the Department may renew the license by issuing a new license in place of such license, provided application for renewal is made within ten (10) days before the termination in a manner similar to that required for application for a license in § 20-5-3. Failure to apply for renewal as aforesaid shall operate to leave the location available for an application by any other person.

(RIGL 20-5-9)

#### 14.11 Exclusive Right of Licensee - Assignment of License

(a) The holder of any license, the holders heirs, executors, administrators, successors, or assigns shall have the exclusive right to fish the location by means of a fish trap, provided that the site is and has been actively fished.

(b) Any holder of a license may, with the approval of the Director of Environmental Management, transfer the license to any suitable person. This approval shall be endorsed on the license in order to become effective.

(RIGL 20-5-10)

14.12 Inspection of Traps -- The Director of Environmental Management shall cause an inspection or inspections of the fish traps licensed hereby to be made at a proper time or times in each year for the purpose of determining whether such traps are located in accordance with the license therefor and whether the licensee is observing the rules and regulations fixed by the Director. (RIGL 20-5-11)

14.13 Suspension or Revocation of License -- If, upon inspection, it shall appear that any trap is improperly located or it is otherwise being used in violation of the rules and regulations, the Director of Environmental Management shall immediately cause notice to be given to the holder of any license; and if such facts are established at a hearing thereon, the Director may suspend or revoke the license.

(RIGL 20-5-12)

14.14 Report as to Traps Placed - Failure to Occupy Location -

Removal of License from State -- On or before the tenth day of January in each year, every person holding a license pursuant to this chapter shall notify the Department of Environmental Management in writing, under oath, what traps were placed under the license during the preceding calendar year. Failure to furnish this information makes the license null and void after that date. Failure to place a complete fish trap on a licensed location for a part of one (1) calendar year may, in the discretion of the Director of Environmental Management, make the license for the fish trap null and void; and the location will then become available for any suitable applicant. A license for a fish trap location shall become null and void upon the removal of the holder thereof from the State. (RIGL 20-5-13)

14.15 Removal of Trap on Cessation of Use - Closed Season -

Damaged or Dilapidated Traps -- Upon ceasing to use any fish trap as hereby authorized, that structure shall at once be removed by the owner the owner expense and to the satisfaction of the - Director of Environmental Management. Failure to remove it shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance or for revocation of the fish trap license. Unless otherwise specified by regulations adopted by the Marine Fisheries Council, all fish traps herein authorized shall be completely removed by or before the last day of December of each year; and no fish trap shall be reset before the first day of the following March. All submerged or broken stakes must be promptly removed. Any fish trap damaged or allowed to get into a dilapidated condition will be regarded as abandoned unless promptly removed or rebuilt. Failure to do this will subject the owner to prosecution and forfeiture of the trap. (RIGL 20-5-14) [Penalty - Part 14.20; (RIGL 20-5-19)]

14.16 Seizure of Abandoned or Unlawful Traps - Destruction or

Sale -- The Department may take possession of any abandoned fish trap and appurtenances; or any fish trap and appurtenances placed in a location for which no license has been obtained; or any fish trap and appurtenances for which a license location has been obtained but which the owner may willfully maintain in a wrong position or location; and may destroy the fish trap and appurtenances or may dispose of them at public auction to the highest bidder, first giving notice of the time and place of sale by publishing the notice at least three (3) times a week for two (2) successive weeks in a newspaper of general circulation, with power to adjourn the sale from time to time, giving like notice of such adjournment; and make and execute to the purchaser at the sale a good and sufficient conveyance of all right, title, and interest in and to the fish trap and appurtenances; and to receive the proceeds of the sale and pay the proceeds into the treasury of the State; and the State Controller shall draw orders upon the General Treasurer for the payment of all expenses of taking possession and disposing of a fish trap and appurtenances, upon receipt by him or her of proper vouchers, approved by the Director of Environmental Management, and the General Treasurer shall pay the orders out of monies appropriated for that purpose.. (RIGL 20-5-15)

14.17 Rules and Regulations -- The Director of Environmental Management, with the concurrence of the Marine Fisheries Council, may adopt and amend such rules and regulations in reference to fish traps, licensed under this Chapter, that may appear to him or her necessary for the public safety and for the proper execution of this Chapter. (RIGL 20-5-16)

14.18 Judicial Enforcement of Chapter and Orders -- The Superior Court, upon the application of the Director of Environmental Management, shall have jurisdiction in equity to enjoin the violation of any of the provisions of this Chapter and to enforce the orders of the Director provided for in this Chapter. (RIGL 20-5-17)

14.19 Willful Injury to Traps -- Any person who willfully or maliciously cuts, removes, displaces, tampers with, or in any way damages any trap, leader, or pound set by virtue of the license provided for by this Chapter shall be imprisoned not exceeding two (2) years or be fined not exceeding one thousand dollars (\$1,000) or both. (RIGL 20-5-18)

14.20 Penalty for Violations Generally - Prosecution -- Every person or corporation willfully violating any of the provisions of this Chapter or any rule or regulation adopted under the authority of this Chapter, shall be punished by a fine not exceeding five hundred dollars (\$500) nor less than one hundred dollars (\$100) or imprisoned (in the case of a natural person) not exceeding one (1) year, or by both punishments, in the discretion of the court. Proper proceedings for violation of any of the provisions of this Chapter shall be instituted by the Attorney General. (RIGL 20-5-19)

14.21 Appropriations and Disbursements -- The General Assembly shall annually appropriate any sums as it may deem sufficient to be expended by the Department of Environmental Management under the provisions of this Chapter; and the State Controller is authorized and directed to draw orders upon the

General Treasurer for those sums that may from time to time be required, upon receipt by him or her of proper vouchers approved by the Director of Environmental Management. (RIGL 20-5-20)

14.22 Severability -- Each Section of this Chapter and each part of each Section is hereby declared to be an independent Section; and the holding of any Section or Sections in part or parts of sections to be void, ineffective or unconstitutional for any cause, shall not be deemed to affect any other Section or part thereof. (RIGL 20-5-22)

14.23 Conanicut Island - Fish Traps Near Unlawful -- It shall be unlawful to place any fish trap as defined in this Chapter in the public waters of this State within one (1) mile of the shore of the Island of Conanicut and no license therefor shall be granted. (RIGL 20-5-21)

*Note: Part 14.23 has been preempted by Part 14.6.*

## **! PART XV !**

### **LOBSTERS, OTHER CRUSTACEANS, AND HORSESHOE CRABS**

15.1 License Required for Taking of Lobsters -- No person either as principal, agent, or servant shall at any time catch or take any lobster from any of the waters in the jurisdiction of this state, or place, set, keep, maintain, supervise, lift, raise, or draw in or from any of those waters or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in or from any of those waters any pot or other contrivance, designed or adapted for the catching or taking of lobsters unless licensed to do so. (RIGL 20-7-1) [Penalty - Part 1.16; (RIGL 20-1-16)]

15.2 Taking of Lobsters by Commercial Fishing Vessels -- No operator of a Rhode Island registered boat engaged in trawling for finfish in Rhode Island territorial waters may retain and sell any lobsters taken unless that operator shall have a commercial lobster license. (RIGL 20-7-2) [Penalty - Part 1.16; (RIGL 20-1-16)]

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

15.3 Non-commercial Lobster Licenses -- A holder of a non-commercial lobster license may set, place, or maintain in the water at any one (1) time not more than five (5) lobster pots or traps. A non-

commercial lobster licensee shall not offer for sale or sell lobsters. (RIGL 20-7-3) [Penalty - Part 1.16; (RIGL 20-1-16)]

15.4 Diver's Lobster License -- A holder of a diver's license shall take no more than eight (8) lobsters in any one (1) day. It shall be unlawful for any diver to use a spear, gig, gaff, or other penetrating device to harvest lobsters or while diving to set, open or tend lobster pots. It shall be unlawful for lobsters taken by divers to be sold or offered for sale. (RIGL 20-7-4) [Penalty - Part 1.16; (RIGL 20-1-16)]

15.5 Seller's License -- Any person having charge of a vessel carrying lobsters who lands in the State of Rhode Island and who is not licensed under any of the provisions of this Chapter shall be required to have a seller's license. Any person violating the provisions of this Section shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days or both. (RIGL 20-7-5) (Penalty 20-7-5)

15.5.1 Lobster Dealers License

(a) No person, partnership, firm, association, or corporation shall barter or trade in lobsters taken by persons licensed under this Chapter unless a license so to do has been obtained from the Director of Environmental Management.

(b) Any licensee operating under the provisions of this section shall purchase lobsters from licensed persons only and shall purchase or possess only those lobsters legally taken or possessed.

(c) The Director shall issue and enforce rules and regulations and orders governing bartering and trading in lobsters by licensed fishers of lobster and licensed lobster buyers and other persons, partnerships, firms, associations, or corporations.

(d) The Director may suspend, revoke, or deny the license of a lobster buyer or fisher of lobster for the violation of any provision of this title or the rules, regulations, or orders adopted or issued pursuant to this title.

(e) Any person aggrieved by the decision of the Director may appeal the decision pursuant to the provision of the Administrative Procedures Act, Chapter 35 of Title 42.

(f) The Director of the Department of Environmental Management and the Director's agents are authorized to enter and inspect the business premises, appurtenant structures, vehicles or vessels of any lobster buyer and to inspect records maintained by a lobster buyer for the purposes of determining compliance with the provisions of this section and any rules, regulations, or orders issued under this section, and no person shall interfere with or obstruct the entrance or inspection of the Director or the Director's agents of those business premises, appurtenant structures, vehicles, or vessels.



(g) Any violation of the provisions of this section or any rule, regulation, or order adopted hereunder shall be subject to the penalties prescribed in § 20-1-16.

(RIGL 20-7-5.1)

15.6 Use of License by Agent or Employee -- If any person to whom a seller's or commercial lobster 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)

**15.6.1 Criteria for Use of License by Agent or Employee -- In order to obtain approval by the Director for the use of a seller's license, a lobster license, or a multi-purpose license used in the lobster fishery, by an agent or employee, the applicant/licensee must:**

**(a) prove to the satisfaction of the Director that the agent or employee meets the requirements of Section 15.6 of Rhode Island Marine Fisheries Statutes and Regulations;**

**(b) apply in writing, on forms provided by the Director, for permission to transfer his/her duties to an agent or employee;**

**(c) and submit to the Director 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 year.**

**Upon the granting of permission for use of a license by an agent or employee, the authority of the applicant/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 applicant/licensee and the written authorization by the Director on his/her person at all times while engaged in any portion of the lobster fishery.**

**It shall be considered a violation of this section and shall be subject to the penalties described in RIGL 20-1-16 for the incapacitated applicant/licensee to participate**

**in any land or non-land based activity in any fishery for which authority was granted under said license.**

**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. This regulation 15.6.1 is promulgated through the Director's authority granted through RIGL 20-1-4, and any violations of this regulation would be subject to the penalties described in RIGL 20-1-16, a fine of not more than \$500.00 or imprisonment of up to 90 days in jail, or both.**

## **RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3)]**

### 15.7 Revocation of Licenses

(a) If a person licensed under this chapter is convicted of any of the following offenses, his or her license shall be suspended for the following periods.

(1) possession of ten (10) or more undersize lobsters but not more than nineteen (19) in violation of § 20-7-10, one (1) month;

(2) possession of twenty (20) or more undersize lobsters, in violation of § 20-7-10, one (1) year;

(3) possession of mutilated lobsters or lobster meat in violation of § 20-7-14, one (1) year;

(4) possession of one (1) or more brushed female berried lobsters in violation of § 20-7-10, one (1) year;

(5) possession of ten (10) or more egg bearing female lobsters in violation of § 20-7-10, one (1) year;

(6) unauthorized raising of another's lobster pots in violation of § 20-4-8, one (1) year;

(7) use or possession of a lobster pot from which the markings or branded numbers have been removed, altered or obliterated in violation of § 20-7-12, one (1) year;

(8) failure to file reports of lobsters taken as required by § 20-7-9, one (1) year.

(b) Any person whose license is so suspended shall not engage in the lobster fishery of this state during the specified period of suspension. Any person who is convicted of engaging in the lobster fishery during the specified period of suspension shall be fined five thousand dollars (\$5,000) or imprisoned for thirty (30) days, or both. The license of any person convicted a second time of any

of the offenses set forth in subsection (a) [*above*] shall be revoked for three (3) years, and the person whose license is revoked shall not engage in the lobster fishery of this State in any way while the revocation is in force, under a penalty of sixty (60) days' imprisonment or a fine of ten thousand dollars (\$10,000) or both, for each offense.

(RIGL 20-7-7)

#### 15.8 Administrative Suspension/Revocation of Licenses and Penalties -- Appeal

(a) If a person licensed under this chapter is found, pursuant to § 42-17.1-2, to have violated any of the following offenses, his or her license shall be suspended for the periods:

- (1) possession of ten (10) or more undersized lobsters but not more than nineteen (19) in violation of § 20-7-10, one (1) month;
- (2) possession of twenty (20) or more undersized lobsters, in violation of § 20-7-10, one (1) year;
- (3) possession of mutilated lobsters or lobster meat in violation of § 20-7-14, one (1) year;
- (4) possession of one (1) or more brushed female berried lobsters in violation of § 20-7-10, one (1) year;
- (5) possession of ten (10) or more egg bearing female lobsters in violation of § 20-7-10, one (1) year;
- (6) unauthorized raising of another's lobster pots in violation of § 20-4-8, one (1) year;
- (7) use or possession of a lobster pot from which the markings or branded numbers have been removed, altered or obliterated in violation of § 20-7-12, one (1) year;
- (8) failure to file reports of lobsters taken as required by § 20-7-9, one (1) year.

(b) Any person whose license is so suspended shall not engage in the lobster fishery of this state during the specified period of suspension. Any person who is found, pursuant to § 42-17.1-2, to have engaged in the lobster fishery during the specified period of suspension shall pay an administrative penalty of five thousand dollars (\$5,000).

(c) The license of any person found, pursuant to § 42-17.1-2, to have violated any of the offenses set forth in subsections (a) [*above*], a second time shall be revoked for three (3) years, and the person whose license is revoked shall not engage in the lobster fishery of this State in any way while

the revocation is in force, and in addition shall pay an administrative penalty of ten thousand dollars (\$10,000) for each violation.

(d) In addition to any other sanctions provided by law, any person found, pursuant to § 42-17.1-2, to have violated any of the provisions of this Chapter shall pay an administrative penalty of not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), for each lobster taken or possessed in violation of the provisions of this Chapter.

(e) Any person aggrieved by a final decision under this section may appeal the decision in accordance with the provisions of the Administrative Procedures Act, Chapter 35 of Title 42.

(RIGL 20-7-7.1)

15.9 Exhibition of Certificate -- Each person or agent as defined in § 20-7-1 licensed under the provisions of this Chapter shall, upon demand of the Director of the Department of Environmental Management or any of the Director's deputies, exhibit the license issued to him or her as provided in § 20-7-1. Every person violating the provisions of this section shall, for each offense, be fined up to fifty dollars (\$50). (RIGL 20-7-8)

15.10 Report of Lobsters Taken -- For the purpose of determining whether the number of lobsters caught in the waters of this State are increasing or decreasing during any period, every person licensed pursuant to § 20-2-24 to catch, take, and/or sell lobsters in Rhode Island shall, upon request of the Department of Environmental Management, report catch and effort statistics upon forms furnished by the Department. The returns from any person shall not be made public, shall be kept only in the files of the Department and shall be used only for statistical purposes. (RIGL 20-7-9) (Penalty 20-7-7 and 20-1-16 - Part 15.7 and 1.16)

15.11 Minimum Size of Lobsters Taken -- Egg Bearing Females

(a) Unless otherwise specified by regulations adopted by the Marine Fisheries Council, no person shall catch or take from any of the waters within the jurisdiction of this State or have in his or her possession within this State any lobster or parts thereof, cooked, or uncooked, which is less than the size specified in the minimum gauge increase schedule described below, and as measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the carapace.

presently	legal minimum gauge size - 3-1/4"
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6/1/2000	1/32" increase in minimum gauge size. [from 3-1/4" (82.55mm) to 3-9/32" (83.34mm)];
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(b) No person shall have in his or her possession within this State any female lobster bearing eggs or from which the eggs have been brushed or removed.

(c) In addition to any penalties specified in other Sections of this Chapter, every person violating any of the provisions of this Section shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each lobster in violation of this regulation or be imprisoned not exceeding thirty (30) days, or both. Any person, licensed under this Chapter, catching and taking any lobster as described in subsections (a) or (b), and immediately returning the lobster alive to the water from which it was taken shall not be subject to these fines or penalties. The possession of any lobster as described in subsection (a) or (b), cooked or uncooked, shall be prima facie evidence that the lobster was caught and taken in violation of this Section. Any person convicted a second time of a violation of this Section shall be fined five hundred dollars (\$500) and be deprived of the privilege of fishing for lobsters within the State for three (3) years after conviction under a penalty of sixty (60) days' imprisonment or a fine of five hundred dollars (\$500) or both for each offense. (ref RIGL 20-7-10) (Revocation of license under RIGL. 20-7-7 - Part 15.7)

15.12 Buoying of Pots - 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 licensed under this Chapter, shall contain an escape vent in accordance with the size required by regulation of the Marine Fisheries Council [see Part 15.13]. (ref 20-7-11a)

The Marine Fisheries Council shall have the power to establish larger escape vent sizes by regulation. (ref 20-7-11c)

Each lobster pot shall be separately and plainly buoyed; except that in cases where natural conditions render it impractical to separately buoy each pot, the Director of Environmental Management may, upon application from any person licensed under this Chapter, grant permission to otherwise buoy those pots subject to rules and regulations promulgated by the Director; and each and every permit so granted shall set forth the name of the person to whom the permit is granted, the number of the permit, the place or places where the lobster pots are to be located, the manner in which lobster pots shall be set, and the period of time during which the permit shall extend. (ref RIGL 20-7-11d)

#### 15.12.1 Lobster Pots

(a) Each and every pot, trap, or other device used for the taking of lobsters or crabs in any of the waters of this State shall bear a color scheme on the attached buoy. Each applicant for a lobster license shall state the color scheme that he or she desires to use. These colors, unless disapproved by the Director of Environmental Management, shall be stated in the license, and all buoys used by the licensee shall be marked accordingly. Each licensee shall cause his or her color scheme to be displayed on any lobster boat used by the licensee in the waters of this State. 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 (360E). 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.

(b) No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot, trap, or other device 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.

(c) The Rhode Island Marine Fisheries Council shall have the authority to promulgate regulations requiring the tagging of lobster traps. The director of the department of environmental management is authorized to promulgate regulations which establish a fee for official state lobster trap tags. Any fee collected by the department will be retained by the agency subject to section 20-2-28.2 to be used for the exclusive purpose of producing and distributing the trap tags and, if necessary, supporting other lobster fishery management measures, including enforcement of the trap tag program; provided, however, that (1) the department shall not establish a fee to cover any cost other than the cost of trap tags without first obtaining a recommendation from an advisory committee in accordance with subsection (d); and (2) the department shall report to the general assembly regarding the need for the fee to cover any such additional cost in accordance with subsection (d).

(d) The department shall create an advisory committee composed of five (5) members of the lobster industry that utilize trap tags. The director or his/her designee will serve on the committee and act as chairman. The committee will formulate recommendations on the expenditure of the funds derived from the tagging program. The department shall prepare an annual report for submittal to the general assembly which summarizes the status of the lobster management and trap tag program, management actions, program needs, and catch and effort data, and which provides an itemized listing of all program expenses. This report shall be available to the public and provided to each commercial fishing organization in the state. (RIGL 20-7-11.1) (Penalty RIGL. 20-1-16 - Part 1.16)

**15.12.2 Maximum Trap Size** -- It shall be unlawful to place, set, keep, maintain, supervise, lift, raise, or draw in from any of the waters in the jurisdiction of this state, or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in from any of those waters any pot or other fixed gear contrivance designed or adapted for the catching or taking of lobsters, with a volume greater than 22,950 cubic inches.

**15.12.3 Trap Limit/Reduction Schedule** - Effective June 1, 1999, 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 lobsters which exceeds the trap limits allowed by the following schedule:

6/1/1999 - 1200 traps per vessel

6/1/2000 - 1000 traps per vessel

6/1/2001 - 800 traps per vessel

**RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3)]**

**15.13 Escape Vent Sizes - Penalty** -- Effective June 1, 1999, it shall be unlawful to fish for or take lobsters by use of any lobster trap within the territorial waters of the State of Rhode Island unless the trap is equipped with:

**15.13.1 Subsection I**

**15.13.1-1** A rectangular escape vent with an unobstructed opening not less than 1 - 15/16 inches (49.2mm) by 5-3/4 inches (146mm); **or**

**15.13.1-2** Two circular escape vents, each with an unobstructed opening not less than 2 - 7/16 inches (61.9mm) in diameter; **or**

**15.13.1-3** An unobstructed gap caused by raising both ends of a bottom lath in the parlor section 1 - 15/16 inches (49.2mm) from the bottom; **or**

**15.13.1-4** An unobstructed gap caused by separating both ends of 2 vertical laths on the end of the parlor section by 1 - 15/16 inches (49.2mm); **or**

**15.13.1-5** 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 under Paragraphs 15.12.2-1 and 15.12.1-1.

**15.13.1-6** Lobster traps not constructed entirely of wood must contain a ghost panel with the following specifications:

(a) 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).

(b) 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.

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

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

**15.13.2 Subsection II** -- The vent or gap shall be installed or made in the parlor section on the sides or end panel. No horizontal rectangular vent or gap or circular vent shall be located more than three (3) inches from the sill of the trap. Traps equipped with multiple parlor sections must adhere to the escape vent requirements specified above in each parlor section. Any fisherman not complying with the provisions of Section 1 or Section 2 shall be fined not more than twenty dollars (\$20) for each trap not conformed to the specifications.

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

**15.14 Marking of Traps** -- The owner of every trap, pot, or other stationary contrivance used for the taking of marine fish, shellfish, crustaceans, or other invertebrates being fished in the waters of this State, and the owner of any trap or pot for catching or cars or other contrivances for keeping lobsters 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 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 Chapter shall be seized by any officer engaged in the enforcement of this Chapter; and the property shall be forfeited to the State. (RIGL 20-4-7)

**15.14.1 Lobster 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 lobster trap/pot as defined in 1.3 for taking of American lobster (*Homarus americanus*) without having a valid State of Rhode Island lobster trap tag permanently attached to the trap bridge or central cross member, that is clearly visible for inspection.

**15.14.1-1** The State of Rhode Island, under a signed Memorandum of Agreement (MOA) with the Northeast Region, National Marine Fisheries Service (NMFS), shall recognize lobster trap tags issued by NMFS to a Federal Limited Access Lobster Permit holder as being valid within waters under the jurisdiction of the state, provided that the Federal Limited Access Lobster Permit holder also possesses a valid state license pursuant to RIMFC Regulation 15.1.



**15.14.1-2** Crab pots/traps, fish traps, fish weirs, minnow traps, eel pots/traps, conch pots/traps, gillnets or trammel nets, fyke nets, stake traps, trawling devices, clam and scallop dredges, beach seines, purse seines, and tongs or bullrakes shall be classified as non-lobster trap gear and shall be exempt from trap tagging requirements.

**15.14.1-3** Holders of a Non-Commercial Lobster Divers license shall be exempt from lobster trap tagging requirements while engaged in the harvesting of lobsters by diving.

**15.14.1-4 Issuing Authority** -- The Director of the Rhode Island Department of Environmental Management shall be the issuing authority (RIGL 20-2-28.2). The issuing authority shall issue lobster trap tags to residents licensed only to catch or take lobsters within the waters under the jurisdiction of the state. The Atlantic States Marine Fisheries Commission (ASMFC) – approved trap tag vendor may make actual trap tag issuance, but the issuing authority shall have complete oversight and responsibility for timeliness and accuracy.

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

**15.14.1-5 Trap Tag Type and Information** – Lobster trap tags shall be a “truck seal” design to be provided by the Department through an approved trap tag vendor. Each trap tag shall be color-coded coastwide by fishing year. Information printed on commercial lobster trap tags shall be: issuing authority (state/NMFS); area(s) the trap tag is valid including state/EEZ; year(s) the trap tag is valid; and state license or federal permit number. Information printed on recreational lobster trap tags shall be: issuing authority (state); year(s) the trap tag is valid; and a unique recreational designation.

**15.14.1-6 Transferability of Trap Tags** – All lobster trap tags shall be a permanent, single-use, design and not transferable. Lobster trap tags must be permanently attached to the trap bridge or central cross member and shall be clearly visible for inspection. No person shall transfer lobster trap tags between lobster traps or between individuals or vessels. All commercial and recreational lobster traps must be tagged pursuant to RIMFC Regulation 15.14.1.

**15.14.1-7 Trap Tag Purchase** – The holder of a commercial lobster license or multipurpose commercial marine license shall submit a Trap Tag Order Form in duplicate, and including (1) a copy of official State of Rhode Island Commercial Fishing Tax Exemption Certificate and (2) payment in full for said order, directly to the ASMFC-approved trap tag vendor. Said licensees shall also submit a copy of the Trap Tag Order Form directly to the Department of Environmental Management/Division of Fish and Wildlife.

- (a) Baseline trap tag cost shall be determined by signed contract with an approved trap tag vendor. Additional fees may be added to the baseline cost to be used exclusively for enforcement and administration of the Lobster Trap Tag Program, as provided by RIMFC Regulation 15.14.1-9 (b)-(d).
- (b) Commercial lobster trap tags shall be purchased by said licensees directly from the approved vendor on official Trap Tag Order Forms provided by the Department/Division.
- (c) Non-Commercial (i.e. Recreational) lobster trap tags shall be distributed by the issuing authority directly to holders of a Non-Commercial Trap license upon renewal of said license.
- (d) Gear Rotation Trap Tags – Commercial licensees may pre-order trap tags to be used for gear rotation and maintenance. Said licensees may pre-order gear rotation trap tags up to the maximum number of traps fished by said licensee, not including 10% over-allotment for routine losses. Pre-ordered gear rotation trap tags shall be held by the issuing authority.
- (e) Catastrophic Loss Trap Tags – Commercial licensees may pre-order a complete duplicate set of trap tags, including 10% over-allotment for routine losses, to be used in the event of catastrophic gear loss (i.e. greater than 10% of maximum number of traps fished). Catastrophic loss trap tags shall be distinguishable from original trap tags (i.e. color). Pre-ordered Catastrophic Loss trap tags shall be held by the issuing authority.
- (f) No person shall possess at any one time more lobster trap tags than are authorized pursuant to RIMFC regulations 15.14.1-8(b)-(c) and 15.14.1-12.

**15.14.1-8 Trap Tag Issuance** – Lobster trap tags shall be valid from June 1 through May 31 annually. Official forms will be mailed to all persons licensed by the State of Rhode Island to catch or take American lobster no later than ten (10) days from receipt of the renewal application or December 15, annually. Trap tags will be issued

and mailed directly to commercial licensees as orders are received and processed by the approved trap tag vendor.

- (a) For holders of only a State of Rhode Island license for the catching and taking of lobsters within waters under the jurisdiction of the state, lobster trap tags shall be issued to the license holder. Commercial licensees may be issued their original trap tag allotment, as specified in RIMFC Regulations 15.12.3 and 15.14.1-12, plus a 10% over-allotment to allow for routine trap losses.
- (b) Recreational lobster trap license holders may be issued one allotment of up to five (5) recreational lobster trap tags, along with one (1) over-allotment trap tag for routine losses, directly from the issuing authority.
- © Gear Rotation Trap Tags – Commercial licensees may return currently valid original trap tags to the issuing authority for gear rotation trap tags on a one-for-one basis to allow for necessary gear rotation and maintenance. The number of gear rotation trap tags issued shall not exceed the number of currently valid original trap tags returned to the issuing authority.
- (d) Catastrophic Trap Tag Loss – Commercial licensees must submit an application to the issuing authority and follow the procedure described in Part 15.14.1-10(b)-(e), below.
- (e) Lobster trap tags shall not be issued to any license holder/vessel that does not submit an official State of Rhode Island Lobster Fishery Catch/Effort Logbook report for the previous calendar year.

**15.14.1-9 Trap Tag Cost, Fees, and Administration** –The RIMFC shall have the authority to promulgate regulations requiring the tagging of lobster traps. The Director of the Department of Environmental Management is authorized to promulgate regulations that establish a fee for official State lobster trap tags. Any fee collected by the Department will be retained by the agency subject to RIGL Section 20-2-28.2 to be used for the exclusive purpose of producing and distributing the trap tags and, if necessary, supporting other lobster fishery management measures, including enforcement of the trap tag program, provided that:

- (a) Baseline trap tag cost shall be determined by signed contract with an ASMFC-approved trap tag vendor.
- (b) The Department shall create an advisory committee composed of five (5) members of the lobster industry that utilize trap tags. The Director or his/her designee will

serve on the committee and act as chairperson. The committee will formulate recommendations on the expenditure of funds derived from the trap-tagging program. The Department shall prepare an annual report for submittal to the General Assembly which summarizes the status of the lobster management and trap tag program, management actions, program needs, and catch and effort data, and which provides an itemized listing of all program expenses. This report shall be available to the public and provided to each commercial fishing organization in the State.

- (c) The Department shall not establish a fee to cover any cost other than the cost of the trap tags without first obtaining a recommendation from the advisory committee in accordance with 15.14.1-9 (b) above.
- (d) The Department shall report to the General Assembly regarding the need for the fee to cover any such additional cost in accordance with part 15.14.1-9 (b)-(c) above.

**15.14.1-10 Trap Tag Loss** – Routine loss of lobster trap tags are not required to be reported to the Division of Enforcement. Loss of trap tags greater than 10% of the maximum number of traps deployed (catastrophic losses) shall be reported immediately to the Division of Enforcement. Recovery of lobster trap tags (traps) that have been reported as catastrophic loss shall be reported immediately to the Division of Enforcement.

- (a) **Routine Trap Tag Loss** – Routine loss shall be defined as losses that do not exceed the 10% over-allotment trap tags issued for routine loss, based on the maximum number of lobster traps deployed. When a routine loss occurs, the 10% over-allotment trap tags shall be used to identify and validate traps from which a trap tag has been lost or to identify and validate a trap that is replacing a lost trap.
- (b) **Catastrophic Trap Tag Loss** – Catastrophic loss shall be defined as losses that exceed the 10% over-allotment for routine loss, based on the maximum number of traps deployed. When a catastrophic loss occurs, a complete duplicate set of trap tags including 10% over-allotment for routine loss may be issued, at cost, to the commercial licensee. Catastrophic loss trap tags shall be distinguishable from original trap tags (i.e. color). Original trap tags will not be valid once catastrophic loss trap tags are issued and placed in traps. In state waters, catastrophic loss trap tags must be placed in traps within 10 days after issuance. The Division of Enforcement must be notified, in writing by certified mail, in cases of extenuating circumstances that do not permit catastrophic loss trap tags to be attached to traps within the time frame specified above.

- (c) Application for catastrophic loss trap tags shall be made on official forms provided by the Department of Environmental Management/Division of Fish and Wildlife and Division of Enforcement and signed by the commercial licensee under the penalty of perjury. The Division of Fish and Wildlife and Division of Enforcement shall review the application for catastrophic loss tags form, within 1 week after receipt.
- (d) After review of the application for issuance of catastrophic loss trap tags by the Division of Fish and Wildlife and the Division of Enforcement, if a decision is reached that is unsatisfactory to the commercial licensee, said licensee may submit a written request by mail within ten (10) days of said licensee's receipt of the decision, for a hearing before the Administrative Adjudication Division (RIGL 42-17.6).
- (e) In the event that catastrophic loss trap tags are not immediately available, the Director may issue an exemption letter to allow the commercial licensee to fish new traps until catastrophic loss trap tags are received by said licensee, for a time period not to exceed two (2) months.
- (f) The Director shall have the right to invoke emergency measures to suspend trap tag regulations in the event of area-wide catastrophic losses, for a time period not to exceed two (2) months.

**15.14.1-11 Violations**

- (a) It shall be a violation of these regulations to file a false claim of trap or trap tag loss.
- (b) It shall be a violation of these regulations to transfer lobster trap tags between lobster traps or between individuals or vessels.
- (c) Following the issuance of lobster trap tags pursuant to 15.14.1-10 (b) (Catastrophic Trap Tag Losses), it shall be a violation of these regulations to deploy a lobster trap for which a catastrophic loss trap tag has been issued and which does not display a valid catastrophic loss trap tag.
- (d) It shall be a violation of these regulations to deploy more than the total maximum number of lobster traps authorized under 15.12.3 and 15.14.1-12. The over-allotment trap tags for routine losses, as established in RIMFC Regulations 15.12.3, 15.14.1-8 (c) and 15.14.1-12, shall not be deployed such that the total

number of traps deployed is greater than the number permitted pursuant to said regulations.

**15.14.1-12 - Trap Limits and Trap Tag Allotments** – The following table describes the trap limits, schedule of trap reductions, and maximum allotment of trap tags for Rhode Island state waters of ASMFC Lobster Management Area 2. The maximum trap tag allotment includes a 10% over-allotment for routine losses.

Lobster Management Area	License Type	Effective Date	Trap Limit	Trap Tag Allotment
2	State only	6/1/2000	1,000	0 - 1,100
2	State only	6/1/2001	800	0 - 880

**15.14.1-13** - In state waters, no vessel shall deploy, place, set, keep, maintain, supervise, lift, raise, or draw in or from any waters in the jurisdiction of this state any lobster trap gear (1.3 Definition) that has not been affixed with a valid lobster trap tag pursuant to RIMFC regulation 15.14.1 issued to the owner/operator of the vessel.

**RIMFC REGULATION [Penalty 3.3 (RIGL 20-3-3)]**

5.15 Unauthorized Raising of Traps, Pots, and Devices -- No person except the Director, enforcement officers, and authorized technical personnel of the Department shall unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed under this Title, without the written permission of that person. (RIGL 20-4-8) (Penalty 20-1-16 - Part 1.16)

15.16 Removal of Branded Numbers from Lobster Pots -- No person shall set, maintain, or have in his or 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. 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 Chapter shall be seized by any officer engaged in the enforcement of this Chapter, and that property shall be forfeited. (RIGL 20-7-12)

15.16.1 Unauthorized Possession and/or Transfer of Pots and Traps. --

(a) No person except the Director of Environmental Management, enforcement officers, and authorized technical personnel of the Department of Environmental Management shall 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 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.

(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 no 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 20-7-12.1)

**15.17 Raising 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. 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 lobster pots or traps may be authorized to remove the pots or traps by the Director of Environmental Management 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 20-7-13)

**15.18 Landings of lobsters taken by gear or methods other than trap – Limits**  
**Landings by fishermen using gear or methods other than traps (non-trap fishermen) will be limited to not more than 100 lobsters per day (based on a 24-hour period) up to a maximum of 500 lobsters per trip, for trips of five ( 5) days or longer. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3)]**

**15.19 Mutilation and/or Possession of Lobster Meat; cooked and uncooked**

(a) **Mutilation** -- (1) No person shall mutilate any uncooked lobster by severing its tail from its body or have in his or her possession any part or parts of any uncooked lobster so mutilated. In any and all prosecutions under this Section, the possession of any part or parts of any uncooked lobster so mutilated shall be prima facie evidence sufficient to convict.

(2) The Director of Environmental Management is authorized to promulgate regulations exempting land-based processing facilities from the provisions of this chapter. Those regulations shall prescribe the procedures to apply for the subject exemption permit and the standards to be employed by the Director in his or her consideration of said application. Those regulations shall prescribe rules governing the conduct and operation of the facility and may include restrictions on product forms, sizes, possession requirements, and other provisions in order to maintain the protection of the lobster resource, and enforcement of the provision of this chapter.

(b) **Lobster Meat** -- Any fishing vessel operating in Rhode Island territorial waters shall not have on board at any time more than one (1) pound of cooked or uncooked lobster meat for each person on board that vessel. Any violation of this Section shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500), and imprisonment for not less than thirty (30) days, or both.

(RIGL 20-7-14)(Penalty 20-7-14-Part 15.17)

**(c) Prior to application for a land-based lobster processing permit, the applicant must possess a State of Rhode Island Department of Health Food Processor's License and a Rhode Island Lobster Dealer's License.**

**(d) Notwithstanding the provisions of this section, the Director, upon receipt and approval of application by the land-based processor, may permit the land-based (onshore) processing of whole uncooked lobsters provided that:**

**(1) possession of lobster tails, claws, or other lobster body parts at sea or in any unlicensed facility shall be prohibited and subject to the provisions of 15.19 (a), and 15.19 (b);**

**(2) 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 carapace length in section 15.11 (a) and has a dorsal midline length of the sixth abdominal (tail) segment of at least 1-1/16 inches;**

**(3) 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.**

**(e) By applying for this permit, the applicant authorizes Department of Environmental Management agents to inspect the premises where lobsters are processed, packaged, or shipped any time during which the processing facility is receiving, processing, or shipping lobster products, and further by applying for this permit, the applicant agrees to maintain records at the processing facility of lobster purchases, including the license numbers of the sellers, and make said records of lobster purchases available for inspection and review by Department of Environmental Management agents. These records shall be required to be maintained at the facility for a period of two years.**

**[Sections (c) through (e) are regulations promulgated under the Director's authority granted through 20-7-14 and any violations of these regulations are subject to the penalties described in RIGL 20-1-16, a fine of not more than \$500.]**

## **15.20 Additional Management Measures**

**15.20.1 Penetrating Devices -- It shall be unlawful for any person to use a spear, gig, gaff, or other penetrating device to harvest lobsters.**



**15.20.2 V-Notched Lobsters -- No person shall retain on board, land, or possess any V-Notched female American lobster.**

**RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3)]**

**15.21 Blue Crabs – Harvest Restrictions -- No person shall possess, take or attempt to take more than twenty-five (25) blue crabs from any of the waters in this State except when taken by a scoop or crab net, trot, or hand line. Taking of blue crabs shall be restricted to residents of this State. No person shall take blue crabs from the waters of the State between the hours of sunset and sunrise. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3) *ref* (RIGL 20-7-15)]**

**15.22 Egg-Bearing Blue Crabs [Restriction]; and Minimum Size -- 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. No person shall take, buy, sell, give away, or expose for sale, or possess any blue crab measuring less than five inches (5”) across the shell from tip to tip of spike. RIMFC REGULATION [Penalty - Part 3.3 (RIGL 20-3-3) *ref* (RIGL 20-7-16)]**

**15.23 Violations as to Blue Crabs -- Any person violating any of the provisions of §§ 20-7-15 and 20-7-16 shall be fined up to fifty dollars (\$50) and costs for each offense. (RIGL 20-7-17)**

**15.24 Horseshoe Crabs – *It is illegal for any person to harvest horseshoe crabs, Limulus polyphemus, in Rhode Island for commercial purposes without a multi-purpose commercial marine license and a Horseshoe Crab Harvest Permit; or to harvest horseshoe crabs for recreational purposes without a Horseshoe Crab Harvest Permit.***

**15.24.1 Harvest Permit – *Persons harvesting horseshoe crabs from the shoreline or waters in the State of Rhode Island must apply for a Horseshoe Crab Harvest Permit from the Division of Fish and Wildlife. A Horseshoe Crab Harvest Permit is required for all harvesters of horseshoe crabs. Horseshoe Crab Harvest Permits shall be valid only for the calendar year of issuance. The conditions of the permit requires a weekly report of landings either by telephone or in writing. In addition, a monthly report in writing is required on forms furnished by the Division of Fish and Wildlife. The report must include 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. Failure to report will result in forfeiture of the Harvest Permit and/or revocation of license and permit as provided for in RIGL 20-4-5.***

**15.24.2 Quota – *A total allowable harvest (quota) of horseshoe crabs for the bait fishery and biomedical industry will be established annually. The quota will be the amount allocated to the State of Rhode Island by the Atlantic States Marine Fisheries***

*Commission (ASMFC) or as determined by the R.I. Division of Fish and Wildlife based on the current stock status. The quota may only be harvested by licensed, permitted commercial fishermen in accordance with all rules and regulations promulgated by the Rhode Island Marine Fisheries Council or the Rhode Island Department of Environmental Management.*

*15.24.3 Possession*

- A. Commercial – Bait and biomedical fishery – Any person issued a multi-purpose commercial marine license and Horseshoe Crab Harvest Permit may possess horseshoe crabs in numbers not to exceed the established annual quota. Horseshoe crabs employed in the biomedical industry for purposes of extracting bodily fluids shall be returned to the waters from which they came within 72 hours following the completion of the intended biomedical procedure. For the year 2001 the Department has established a quota of 14,655 crabs for the bait fishery and 34,194 crabs for the biomedical industry.*
- B. Recreational – Any R.I. resident with a Horseshoe Crab Harvest Permit may possess not more than five (5) horseshoe crabs in any calendar day.*

*15.24.4 Harvesting Restrictions*

- A. No person shall harvest horseshoe crabs for commercial or recreational purposes on or within 100 feet seaward of Patience and Prudence Islands in Narragansett Bay.*
- B. No person shall harvest horseshoe crabs from waters or shoreline of the state during the period 48-hours preceding and 48-hours following the new and full moons during the months of May, June, and July, annually.*

*(DEM - Director REGULATIONS)*

## **! PART XVI !**

### **MENHADEN REGULATIONS**

**16.1 Narragansett Bay in its entirety is designated a Menhaden Management Area --** The area shall include the east and west passages of Narragansett Bay, Mt. Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet Point to Beavertail Point to Castle Hill Light. The southern boundary will then extend from Land's End to Sachuest Point and then to Sakonnet Light. All sections of the Management Area are open to Menhaden purse seining, **ONLY** during the open season as specified in part 16.2. Fish and Wildlife will monitor the menhaden harvest levels in the Management Area. When Fish and Wildlife determines that the daily catch equals or exceeds 500,000 lbs. for any one day, the following area closures will be implemented on an emergency basis. During a closure, purse seining for Menhaden for reduction purpose (fishmeal) will be prohibited in all closed areas. A vessel will be considered in the reduction (fishmeal) business if any portion of the vessel's catch is sold for reduction purposes. This regulation will remain in effect for the remainder of the calendar year or until modified by subsequent RIMFC action at a scheduled meeting. During any subsequent meeting, the RIMFC may determine the need and effectiveness of the regulation and initiate action to modify or temporarily suspend the area closure system.

The following areas will be closed to purse seining of menhaden for reduction purposes when the daily catch limit exceeds 500,000 lbs./day. There shall be no menhaden seining in the following areas:

1. **Bristol Harbor** - north of a line running east from Poppasquash Point to the north-western most point on Hog Island north of a line running from the northeast corner of Hog Island to the flagpole at McKee's Dock, Bristol.
2. **Wickford Area** - there shall be no menhaden seining west of (inside) the breakwater located at the harbor mouth.
3. **Dutch Island** - east of the northernmost end of Dutch Island to the easternmost end of the Verrazano Jamestown Bridge (Jamestown) and northeast of a line running between the flasher F1"R"6 set at the southern tip of Dutch Island and the westernmost point of Fox Hill (Beaverhead).
4. **Bonnet Shores** - west of a line running southwesterly from Bonnet Point to "Watson Pier".
5. **Newport Area** - east of a line extending southerly from the westernmost point of the breakwater at the Naval Base to R"14" to the abandoned lighthouse at the southwest tip of Rose Island to the flasher at the northern tip of Fort Adams.

6. **South of Aquidneck Island** - north of a line running west from Sachuest Point to the southernmost point of "Land's End".
7. **Melville** - south of a line running from Coggeshall Point to the northernmost point of Dyer Island and east of a line from the west shore of Dyer Island to Carr Point.
8. **Mt. Hope Bay** - north of a line running east/west across the Bristol Narrows, Kickemuit River north of N"2".
9. **Upper Sakonnet River** - in the area between the Railroad Bridge and the remains of Stone Bridge.
10. **Middle Sakonnet River** - east of a line from the western end of Seapowet Point to the westernmost end of Fogland Point, to the westernmost end of High Hill Point, to the pipeline area on the Little Compton shore directly to the east of Black Point to Flint Point.
11. **Lower Sakonnet River** - west of a line running south from the eastern end of Black Point to Flint Point.

**16.1.1 - Menhaden closure** -- **The menhaden fishery will close when the Division of Fish and Wildlife determines that the catch rate of menhaden in Rhode Island waters has exceeded 500,000 lbs./day. The Division will provide notice that certain areas of Rhode Island are closed to purse seining for menhaden. Those closed areas are identified in Part 16.1 of the Rhode Island Marine Statutes and Regulations compendium that was filed with the Secretary of State's Office on April 6, 1988. This regulation become effective upon filing with the Secretary of State.**

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

**16.2 Menhaden Season** -- **The season for taking menhaden from the Narragansett Bay Menhaden Management Area by purse seine, for fish meal reduction shall open at sunrise on June 1 and end at sunset on August 31, ANNUALLY. The Narragansett Bay Menhaden Management Area will be closed for the taking of menhaden for fishmeal reduction from sunset August 31 to sunrise June 1, ANNUALLY. This season in no way restricts the taking of menhaden by purse seine, for bait, chum, or purposes other than fishmeal reduction. (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]**

**16.3 Permanent Closures** -- **The following areas are permanently closed to all types of purse seining for menhaden:**

### **Providence River**

- In the Providence River, all waters north of a line along the hurricane barrier.
- All waters east of the east line of the Providence River navigation channel, south to the northwest corner of the Getty fuel dock on the East Providence shore in the Boyden Heights area.
- On a line from Pomham Rocks to Sabin Pt. and then along a line to BP thence along a line from BP to the tower at Nayatt Point.
- On the west side of Providence River, all of Pawtuxet Cove and all waters inside the dike.
- All waters in the Fields Point area north of a line running from Arnold Ave. on the West Shore to C"39" on the east thence running north to the easternmost extreme tip of Fields Point.

### **Greenwich Bay**

- All waters in Greenwich Bay west of a line from the flag pole on Warwick Point to Sandy Point.
- All waters of Potowomut River west of a line from Marsh Point to Pojac Pt.

### **West Bay Area:**

- \_\_\_ All waters of Allen Harbor west of a line running north and south from the easternmost point of land forming Allen Cove.
- All waters west of a line drawn between the towers marking the entrance to Wickford Harbor.

### **East Bay Area:**

- All waters of the Warren River, Barrington River and Palmer River, north of a line running from Rumstick Point through N"2" to the seaward end of Gibson Road at Bristol Highlands.
- All waters of Bristol Harbor north of a line from the end of Johnston Estate Road through R"6" to the Bristol shore on the east at approximately the seaward end of Franklin Street.
- All waters of the Kickemuit River north of a line running from N"6" through N"4" to the shore at the end of Narrows Road in Bristol.
- In the Sakonnet River all waters bounded on the north by the Swing Bridge and on the south by "Stone Bridge" including the waters of Spectacle Cove.
- All the waters of Nannaquaket Pond south of the bridge to Nannaquaket Neck.

### **Southern Bay Area:**

- All waters of Dutch Harbor south and east of a line from the westernmost end of Orchard Road on Conanicut Island to the Quay on the northeastern shore of

Dutch Island. Thence along the eastern shore to Dutch Island Light then easterly to N"2" and then to the most northerly tip of Beaverhead Dock.

- The waters in the area of "Melville" south of a line running from the end of the breakwater to the easternmost point of Dyer Island and thence to Carr Point.
- In Newport Harbor, south and east of a line from the western end of the breakwater in Coasters Harbor south to the southeastern tip of Rose Island thence southerly to C"1" thence east to G"3" to the northern tip of Goat Island, thence south along the east shore of Goat Island to the southern tip of Goat Island and then west to the northernmost tip of Fort Adams.

**16.3.1 Weekend and Holiday CLOSURES** -- The following areas are closed to purse seining for menhaden on weekends and official state holidays:

- **Greenwich Bay** -- All waters in Greenwich Bay west of a line from the flag pole on Warwick Point to Sandy point.
- **Warren River** -- All waters east of a line running from Rumstick Point south to North Point on Poppasquash Neck.

**16.3.2 Sunday and Holiday CLOSURES** -- The following areas are closed to purse seining for menhaden on Sunday and official state holidays:

- **Providence River** -- All waters north of a line running east from Gaspee Point to Bullock Point.

**16.3.3 Seasonal Purse Seine CLOSURES** -- The following areas are seasonally closed to purse seining for menhaden:

- **Providence River:** Between sunrise August 15 and sunrise January 1 ANNUALLY, it is illegal to purse seine for menhaden north of a line from Conimicut Point to Nayatt Point.
- **Hope Island Management Area:** The Hope Island Management Area is encompassed by the following boundary lines: A line from the southern tip of Warwick Point to the northwest point on Patience Island; a line from the eastern point on Patience Island, east to Prudence Island, south along the western shore line of Prudence Island, to the southernmost tip of Prudence Island, then to the northernmost point on Jamestown, northwest from the northern tip of Jamestown to the eastern tip of the carrier pier at Quonset Point and then north along the shoreline from the carrier pier north to southern tip of Warwick Neck. The Hope Island Management Area is closed to all harvesting of menhaden with purse seine gear from sunrise January 1 to sunrise

**August 15 ANNUALLY.**

**16.4 Harvesting of Menhaden for Reduction Processing** -- In addition to restrictions imposed by **16.1**, the following regulations apply to vessels using purse seines to harvest menhaden for the purpose of reduction or processing into fish products.

- Harvesting of menhaden is prohibited in the Providence River north of a line from Conimicut Light in the City of Warwick to Nayatt Point in the Town of Barrington.
- Harvesting of menhaden is prohibited on Saturdays, Sundays, and Rhode Island legal holidays east of a line from Rumstick Point in the Town of Barrington to North Point on Poppasquash Neck in Town of Bristol.
- No more than one vessel may engage in taking menhaden from Rhode Island waters for reduction purposes at any one time north of 41° 40' north latitude (Ref. NOAA chart 13221).
- The Hope Island Management Area, as defined in section 16.3.2, is permanently closed to menhaden harvesting for reduction purposes.

**16.5 Penalties** -- Any person in violation of these provisions shall have his Rhode Island commercial fishing license immediately suspended upon being apprehended by the RIDEM Environmental Police and a penalty in the amount of five-thousand dollars (\$5,000) shall be assessed jointly and severely against the captain and the owner of the fishing vessel. The license shall remain suspended for one-hundred twenty (120) days or until such time as a hearing on the license suspension is held before the Director of the RIDEM. (RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

## **! PART XVII !**

### **MAPS**

<b><u>AREA</u></b>	<b><u>MAP NO.</u></b>
<b>R.I. Shellfish Management Areas</b>	<b>1</b>
<b>Upper Narragansett Bay</b>	<b>2</b>
<b>Hundred Acre Cove</b>	<b>3</b>
<b>Bristol Harbor - shellfish transplant area</b>	<b>4</b>
<b>Mt. Hope Bay &amp; Kickemuit River</b>	<b>5</b>
<b>Sakonnet River</b>	<b>6</b>
<b>Greenwich Bay &amp; Potowomut River</b>	<b>7</b>
<b>Bissel Cove</b>	<b>8</b>
<b>Pettaquamscutt River (Narrow River)</b>	<b>9</b>
<b>Point Judith Pond</b>	<b>10</b>
<b>Potter Pond</b>	<b>11</b>
<b>Ninigret (Charlestown) Pond &amp; Green Hill Pond</b>	<b>12</b>
<b>Quonochontaug Pond</b>	<b>13</b>
<b>Winnapaug Pond (Brightman Pond)</b>	<b>14</b>
<b>Upper Bay Trawling Area</b>	<b>15</b>
<b>Narragansett Bay Trawl Areas</b>	<b>16</b>



## **PART XVIII !**

### **SHELLFISH GROUNDS**

**18.1 Definitions** -- Unless otherwise specifically provided in this chapter, the following definitions shall apply to this chapter:

- (1) "Approved" means approved by the director;
- (2) "Conditionally approved water" means and includes any shellfish grounds underlying waters examined and found fit for the taking of shellfish for human consumption on an intermittent basis, declared by the director as conditionally approved waters pursuant to §§ 20-8.1-3 and 20-8.1-4;
- (3) "Department" means the state department of environmental management;
- (4) "Director" means the director of the state department of environmental management or his or her duly appointed agents;
- (5) "Person" means any individual, firm, copartnership, association, or private or municipal corporation;
- (6)(i) "Polluted area" means and includes any shellfish grounds underlying waters examined and found to be unfit for the taking of shellfish for human consumption declared by the director as polluted areas pursuant to §§ 20-8.1-3 and 20-8.1-4;
- (ii) For the purposes of any criminal or civil proceeding instituted under this chapter, a declaration by the director shall be prima facie evidence of a polluted area;
- (7) "Shellfish" means and includes oysters, mussels, and all varieties of clams;
- (8) "Shellfish grounds" means and includes all land underlying waters within the rise and fall of the tide and the marine limits of the jurisdiction of the state; and
- (9) "Taking" means and includes the gathering, digging, raking, tonging, or dredging of shellfish.

(RIGL 20-8.1-1)

**18.2 Regulations** -- The director shall, with the approval of the environmental standards board established under § 42-17.3-1 [deleted], adopt any regulations regarding shellfish grounds that he or she deems necessary with reference to the growing and taking of shellfish.

(RIGL 20-8.1-2)

**18.3 Investigation of shellfish grounds - Notice of polluted areas** -- The director shall investigate the sanitary condition of the waters overlying shellfish grounds. Those waters that are found to be in an unsatisfactory sanitary condition for the taking of shellfish for human consumption shall be declared to be polluted areas. The director shall give annual notice as to those areas of the waters of the state that he

or she has declared to be polluted by advertising this action in at least one public newspaper published in the city of Providence. The director shall provide notice with each shellfish license issued or reissued after December 31, 1994, that it is the obligation of each licensee to inquire by calling a dedicated telephone line or dedicated teletext phone for persons who are deaf, hard of hearing, or speech impaired (TTY) line maintained by the department of environmental management prior to taking any shellfish in the waters of the state that are conditionally approved waters. The director shall arrange for notice to be provided on the telephone and TTY telephone lines as to those conditionally approved waters of the state which the director declares to be polluted and in which no shellfish may be taken. (RIGL 20-8.1-3)

18.4 Factors considered in determining polluted areas -- In making a determination that an area is polluted, the director shall take into consideration one or more of the following matters as they apply: the volume of sewage that may affect the area; the dilution of that sewage by clean water; the distance of the area from sources of pollution; the "most probable number" of fecal coliform bacteria found upon examining the water from the area in accordance with the national shellfish sanitation programs manual of operations exceeds 14 per one hundred milliliters (100 ml) of water, for a 3-tube decimal dilution test or exceeds 49 per 100 ml of water for a 3-tube decimal dilution test for more than ten (10) percent of the samples. The director may declare an area to be polluted in the absence of a "most probable number" of fecal coliform if the director has evidence that significant volumes of raw sewage or inadequately purified sewage may reach the area. A review of the status of all the area in the state shall be made by the director on at least an annual basis. (RIGL 20-8.1-4)

18.5 Taking or selling of shellfish from polluted areas -- No person shall take shellfish from the waters of polluted areas, or knowingly sell shellfish taken from the waters of polluted areas, except pursuant to a transplant program specifically authorized by and conducted under the direct supervision of the director. In granting permission, the department of environmental management shall first obtain the written approval of the director of the department of health as to the suitability and safety for the purposes intended. The possession by any person of shellfish while in a vessel upon the waters of polluted areas between the hours of two (2) hours after sunset and sunrise shall be prima facie evidence that those shellfish were taken by that person in violation of this section (RIGL 20-8.1-5)

18.6 Use of dredges, tongs, and rakes in polluted areas -- No person shall work a dredge, pair of tongs, rake or rakes, or any other implement commonly employed in taking shellfish, except an implement commonly employed for the taking of scallops, in a polluted area, nor shall any person, while upon or sailing over any polluted area, cast, haul, or have overboard, any dredge, pair of tongs, rake or rakes, or any other implement commonly employed in the taking shellfish except an implement commonly employed for the taking of scallops. (RIGL 20-8.1-6) Penalty (RIGL 20-8.1-11)

18.7 Taking, sale of, or possession of non-complying shellfish prohibited - Confiscation - Search warrants -- No person shall take, sell, or possess, within this state, any shellfish which have not been taken in compliance with the provisions of this chapter and the regulations adopted in accordance with this

chapter. Any shellfish which the director has reasonable cause to believe have been taken from polluted areas, or which have not been taken in compliance with the provisions of this chapter and the regulations adopted in accordance with this chapter shall be confiscated. Search warrants may be issued by any district court upon the complaint of the director or the director's duly authorized agents relating to violations of this chapter. (RIGL 20-8.1-7) [Penalty (RIGL 20-8.1-11)]

18.8 Enforcement - Prosecution of violations -- It shall be the duty of the director to enforce the provisions of this chapter and the regulations adopted in accordance with this chapter and to prosecute all persons guilty of violations of these regulations. In all prosecutions the director shall not be required to enter into any recognizance nor to give surety for costs. (RIGL 20-8.1-8)

18.9 Inspection of boats, vessels, and vehicles -- The director shall make regular inspections of the boats, vessels, and vehicles used or suggested of being used in the taking or transporting of shellfish, and no person shall interfere with or obstruct the entrance of the director to any boat, vessel, or vehicle, for the purpose of making inspections, and no person shall obstruct the conduct of any inspections; provided, however, that inspections as to the taking of shellfish shall be made only by the director or employees of the state department of environmental management. (RIGL 20-8.1-9)

18.10 Powers of enforcement -- Conservation officers of the department may arrest any person found violating any of the provisions of this chapter, and may seize all shellfish and any boat or vessel, or outboard motor, or dredge, tongs, rakes, or other implements, commonly employed in the taking of shellfish, in possession of any person violating the provisions of this chapter, and may make complaints for all those violations, and in any complaint they shall not be required at the time of complaint or thereafter to enter into recognizance or in any way to become liable for the costs that may accrue. (RIGL 20-8.1-10)

18.11 Penalties for Violations -- Persons convicted of violating any of the provisions of this chapter or the regulations adopted in accordance with this chapter shall be punished by a term of imprisonment not exceeding one (1) year or by a fine not exceeding five hundred dollars (\$500), or both, for the first offense; and by a term of imprisonment not exceeding four (4) years or by a fine not exceeding two thousand dollars (\$2,000), by both, for a subsequent offense. Any boat or vessel, or outboard motor, or dredge, tongs, rakes, or other implements commonly employed in the taking of shellfish, seized from any person as used in violation of §§ 20-8.1-5 and/or 20-8.1-6, shall upon conviction of that person be forfeited to the state. That forfeiture shall follow the course provided in chapter 21 of Title 12 as amended and § 20-1-8.1. (RIGL 20-8.1-11)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**RHODE ISLAND MARINE FISHERIES  
STATUTES AND REGULATIONS**

**Table of Contents**

PART	I	Legislative Findings -Powers of Conservation Officers	1-13
PART	II	Shellfish and Finfish Harvesting Licenses	1-8
PART	III	Marine Fisheries Council	1-8
PART	IV	Shellfish	1-13
PART	V	Scallops	1-4
PART	VI	Dredging for Shellfish	1-5
PART	VII	Minimum size of Fish/Shellfish	1-15
PART	VIII	Oyster Regulations	1-2
PART	IX	Shellfish Buyer's License - Statutes	1
PART	X	Equipment Restrictions	1-7
PART	XI	Commercial Fisheries	1-9
PART	XII	Striped Bass	1-3
PART	XIII	Gill Net Regulations	1-4

PART	XIV	Fish Traps	1-6
PART	XV	Lobsters, Other Crustaceans, & Horseshoe Crabs	1-18
PART	XVI	Menhaden Regulations	1-5
PART	XVII	Maps	1-16
PART	XVIII	Shellfish Grounds	1-3

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**FISH & WILDLIFE  
AND  
LAW ENFORCEMENT**

## **RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS**

**Authority:** These regulations are adopted pursuant to Chapters 42-17-1 and 42-35, and Sections 20-3-1 through 20-3-6 of the Rhode Island General Laws of 1956, as amended.