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## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 90 – MARINE FISHERIES**

#### **SUBCHAPTER 00 – N/A**

##### **PART 6 – General Equipment Provisions**

### **6.1 Purpose**

The purpose of these Rules and Regulations is to supplement and simplify and/or clarify existing Regulations in order to more efficiently manage the marine resources of Rhode Island.

### **6.2 Authority**

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

### **6.3 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of State law, goals, and policies.

### **6.4 Definitions**

See Definitions and General Provisions, Part [1](#) of this Subchapter.

### **6.5 Severability**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

### **6.6 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of these Regulations shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these

Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

## **6.7 General**

### **A. Recreational use of nets**

1. Nets shall not exceed four feet (4') in depth and twenty feet (20') in length.
2. Possession limit for any marine finfish species that is not regulated by size, possession, and/or season in Part 3 of this Subchapter, Finfish: Two (2) quarts per person per day.
3. Nets must be constantly tended.

### **B. Obstruction of migratory fish passage: No person shall obstruct the free passage of fish in any marine waters, river, or stream of the State of Rhode Island.**

### **C. Pots and buoys**

1. No person except the Director shall unduly disturb any pot or associated line (warp) and/or buoy, or remove any marine species from a pot, without the written permission of the owner. (R.I. Gen. Laws § 20-4-8)
2. Each pot used for the taking of marine species shall have attached a buoy, and each pot and buoy shall be identified with the name and license number of the owner. (R.I. Gen. Laws § 20-4-7)
3. The use of floating line within eight feet (8') of the surface of the water, that is attached to any fixed gear buoy, is prohibited.
4. Each pot used for the taking of marine species shall bear a color scheme on the attached buoy consistent with the color specified on the license. The buoy color scheme shall also be displayed on any vessel used by the licensee, such that the colors shall be painted on the 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 vessel excluding the mast and be visible for three hundred sixty degrees (360°). The buoy or colors must be prominently displayed on the vessel at all times that gear is in the water.
5. No person shall place, set, lift, raise, unduly disturb, draw in, or transfer any pot unless the color scheme of the attached buoy is the same as the color scheme that is on file with the license application and displayed on the boat used by that person, or unless that person is duly licensed and possesses written permission from the rightful owner of the pot, trap, or other device. (R.I. Gen. Laws § 20-7-11.1(b))

6. Escape vents: Hinges or fasteners of one (1) panel or door must be made of one (1) of the following degradable materials:
  - a. Un-treated hemp, jute, or cotton string three sixteenths of an inch (3/16") (4.8 mm) or smaller.
  - b. Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners.
  - c. Un-galvanized or uncoated iron wire of ninety-four one thousandths of an inch (.094") (2.4 mm) or smaller.
  - d. 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.

## **6.8 Areas (Waters) Prohibited for All Commercial Netting**

- A. All netting, except licensed fish traps are prohibited in the Harbor of Refuge and within one hundred (100) yards of the Harbor of Refuge breakwater;
- B. In all coastal salt pond channels;
- C. In Point Judith Pond in the towns of South Kingstown and Narragansett in the following locations:
  1. South of a line extending from Strawberry Hill Point to High Point; and west of the Great Island Bridge;
  2. East of a line extending from Betty Hull Point to Short Point; and west of a line extending from Blue Rock Point to Old Cellar Point;
  3. North of a line extending from Ram Point to Squally Point;
- D. In the northern portion of Potter Pond within one hundred feet (100') of the Captain's Brook in the town of South Kingstown;
- E. In the Narrow River in the following locations:
  1. Within three hundred (300) yards of the seaward entrance to the river;
  2. Between Middle Bridge and a point located eight hundred feet (800') north of Bridgetown Road Bridge;
  3. Within one hundred feet (100') north and south sides of the upper Narrows;
  4. Within one hundred feet (100') seaward of the mouth of Gilbert Stuart Brook;

- F. In the Pawcatuck River north of a line extending from Pawcatuck Rock in the town of Stonington, Connecticut to Thompson Point in the town of Westerly, except for seining between February 1 and April 15 annually;
- G. Fixed gear is prohibited in the Foster Cove channel and in the narrows in Charlestown Pond.

## **6.9 Trawling Devices**

- A. Net obstruction or constriction: Any fishing vessel subject to minimum mesh size restrictions using a trawl net shall not use any device or material, including, but not limited to, nets, net strengtheners, ropes, lines, or chafing gear, on the top of a trawl net, except that one (1) splitting strap and one (1) bull rope (if present), consisting of line and rope no more than three inches (3") in diameter, may be used if such splitting strap and/or bull rope does not constrict, in any manner, the top of the trawl net. "The top of the trawl net" means the fifty percent (50%) of the net that (in a hypothetical situation) would not be in contact with the ocean bottom during a tow if the net were laid flat on the ocean floor. For the purpose of this paragraph, head ropes are not considered part of the top of the trawl net.
- B. The use of rollers, rockhoppers or discs greater than twelve inches (12") in diameter is prohibited in the marine waters of Rhode Island.
- C. Prohibited areas: In addition to those waters where all netting is prohibited, a trawling device is prohibited in the following areas:
  - 1. In the Upper Narragansett Bay Marine Life Management Area as follows:
    - a. From November 2 through June 30;
    - b. On any Saturday, Sunday, or legal State holiday from July 1 through November 1;
    - c. The Upper Narragansett Bay Trawling Area is designated a Marine Life Management Area pursuant to R.I. Gen. Laws § 20-3-4, and is described as the waters north of a line extending from Spink Neck in the town of North Kingstown to Pine Hill Point on Prudence Island, and from Homestead Dock on the easterly shore of Prudence Island to the Hog Island Shoal Light in the town of Bristol; and south of a line extending from Sandy Point to the southern tip of Warwick Point in the city of Warwick; and from the dock at Rocky Point in the city of Warwick to the southern tip of Poppasquash Point to Hog Island Shoal Light in the town of Bristol.
  - 2. In Narragansett Bay north of a line extending from the dock at Rocky Point in the city of Warwick, to the southern tip of Poppasquash Point to Hog Island Shoal Light to the north abutment of Mt. Hope Bridge in the town of Bristol. (R.I. Gen. Laws §§ 20-4-2 and 20-4-3);

3. In the Upper Sakonnet Marine Life Management Area. The Upper Sakonnet River is designated a Marine Life Management Area pursuant to R.I. Gen. Laws § 20-3-4 and is described as the waters of the Upper Sakonnet River north of a line extending from McCurry Point in the town of Portsmouth to the southern end of Jack's Island (so-called) in the town of Tiverton, and south of the Sakonnet River Bridge (Rt. 24).
4. In all coastal salt ponds, except for otter trawling in Charlestown Pond and Quonochontaug Pond in accordance with these Regulations.

D. Otter Trawling

1. Areas prohibited:
  - a. Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, south of a line extending from Marsh Point and Horseshoe Point on the Arnolds shore; west of a line extending from DEM markers located on Marsh Point and Marsh Neck Point; and east of a line extending from the east shore of the Foster Cove channel and a DEM marker located on the barrier beach;
  - b. Quonochontaug Pond: Otter trawling is prohibited on Saturdays, Sundays, and legal State holidays, south of a line extending from a DEM marker located at the southernmost end of Quahaug Point to the northern end of Nopes (Barn) Island; and east of a line extending south from Quahaug Point to a DEM marker located on the barrier beach;
  - c. In Potter Pond in its entirety.
  - d. No person shall utilize an otter trawl from December 1 through February 28 annually, that has a mesh size which measures less than six inches (6") stretched mesh (measured inside knot to inside knot), in the following areas:
    - (1) In Narragansett Bay north of a line extending from the easternmost extension of Carrier Pier in the town of North Kingstown to Conanicut Point in the town of Jamestown, thence to the tips of the T Pier on Prudence Island to Carr's Point in the town of Portsmouth;
    - (2) In the Sakonnet River north of a line from Sachuest Point in the town of Newport to Sakonnet Point in the town of Little Compton;
    - (3) In Quonochontaug and Charlestown Pond in their entirety.

- E. The use of midwater trawl gear is prohibited in the marine waters of Rhode Island.

## **6.10 Gill netting**

### A. Gill netting for bait

1. Bait gill nets must be clearly labeled with the name of the person setting or tending the net and be constantly tended.
2. A bait gill net shall not exceed one hundred feet (100') nor exceed a mesh size greater than three and three quarter inches (3-3/4") stretched.

### B. Prohibited areas: In addition to those areas where all netting is prohibited, and with the exception of gill netting for bait, commercial gill netting is prohibited in the following areas:

1. In all coastal salt ponds;
2. In the Pawcatuck River;
3. In Little Narragansett Bay;
4. Within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point;
5. Within one half (1/2) mile in both directions of the seaward entrance to a coastal salt pond channel, and for a distance of three hundred (300) yards seaward, when such coastal salt pond is open to the sea;
6. Within one half (1/2) mile of Block Island between April 15 and November 15 annually;
7. Within fifty (50) yards of the entire Rhode Island coastline (mean high water line) from October 15 through December 31, annually;
8. Within fifty (50) yards of the Rhode Island coastline (mean high tide line) in the following areas:
  - a. From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Point (Carpenter's Bar);
  - b. In Narragansett Bay north of the Colregs line, including Mt. Hope Bay;
  - c. In the Sakonnet River;
  - d. From the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point; and,

- e. From the southwest corner of Price's Neck to Castle Hill Lighthouse.
- C. Gill nets shall be connected in a continuous series not to exceed three thousand linear feet (3,000').
  - D. Setting pattern: Each gill net shall be set in a straight line (from one end buoy to the other).
  - E. No person shall set, haul, or maintain a gill net within three thousand feet (3,000') of a licensed floating fish trap.
  - F. No person shall set, haul, and/or maintain a gill net in the marine waters of Rhode Island during the month of March, annually.
  - G. No person shall take or possess any striped bass while gill netting, or while hauling a gill net, including while gill netting for bait.
  - H. Marking of nets with buoys
    - 1. Both ends of a gill net shall be marked with an orange or fluorescent orange bullet shaped buoy with a size of nine inches (9") by sixteen inches (16"), and be clearly marked with the letters "GN" with a minimum letter height of three inches (3") and include the name and license number of the licensee.
    - 2. For gill nets set, hauled, and/or maintained south of the Colregs line, all buoy lines must be marked with three (3) individual green colored marks measuring twelve inches (12"): one (1) at the top, one (1) at the midway point, and one (1) at the bottom of each buoy line.
  - I. Tagging of nets
    - 1. Vessels permitted and participating in the gill net tagging program administered by the NOAA Fisheries Greater Atlantic Regional Office, and which are not participating in the Rhode Island tagging program, may transit the marine waters of Rhode Island with gill nets on board the vessel only if all gill nets are stowed, and, when applicable, have the Federal gill net tags permanently attached.
    - 2. No gill net shall be set, hauled and/or maintained in the marine waters of Rhode Island without permanently attached non-transferable tags issued by the Director.
    - 3. Eligibility: Gill net tags are available only to a multipurpose license holder with gill net endorsement.

4. Only one (1) set of tags shall be designated to a commercial license holder.
5. License holders are eligible to receive a maximum of eighty (80) tags, plus an additional ten (10) tags for routine loss. No more than eighty (80) tags shall be in the water at any one time. No person shall possess at any one time more tags than are authorized.
6. Tags shall be attached to every string of gill nets as follows: one (1) tag shall be attached on each of the two (2) terminal ends, at the bridle of each end net panel; and one (1) tag shall be attached on every other bridle of each net panel within the string.
7. No person shall transfer gill net tags between nets or between individuals or vessels.
8. No person shall file a false claim of tag loss.

J. Tending of nets

1. A gill net with a mesh size less than or equal to ten inches (10") must be hauled at least once each calendar day.
2. A gill net with a mesh size greater than ten inches (10") must be hauled at least once every seven (7) days.

K. Weak link and anchor requirements for gill nets set, hauled, and/or maintained south of the Colregs line

1. All buoys, floatation devices and/or weights must be attached to the buoy line with a weak link having a breaking strength of no greater than one thousand one hundred (1,100) pounds.
2. For nets that return to port each day with the vessel, net panels must have a weak link having a breaking strength of no greater than one thousand one hundred (1,100) pounds at the center or each float line or at least every twenty-five (25) fathoms along the float line of a panel longer than fifty (50) fathoms.
3. For nets which do not return to port with the vessel, weak links of not greater than one thousand one hundred (1,100) pounds must be incorporated into net panels following one (1) of the two (2) configurations required by the NOAA Fisheries Atlantic Large Whale Take Reduction Plan.
4. All gill nets that do not return to port with vessel, regardless of number of net panels, shall be required to be anchored with the holding power of at

least a twenty-two (22) pound Danforth-style anchor at each end of the net string (must be a burying anchor; no dead weights).

L. Pinger Specifications

1. A pinger is an acoustic deterrent device which, when immersed in water, broadcasts a 10 kHz ( $\pm 2$  kHz) sound at 132 dB ( $\pm 4$  dB) re 1 micropascal at 1 m, lasting 300 milliseconds ( $\pm 15$  milliseconds), and repeating every 4 seconds ( $\pm 0.2$  seconds).
2. Pingers shall be properly attached to each gill net during the following time periods, annually:
  - a. December 1 through February 28 (February 29 on leap years); and,
  - b. April 1 through May 31.
3. Pinger Attachment: A pinger shall be attached at the end of each string of each gill net and at the bridle of every net within a string of nets (e.g., in a gill net string consisting of three (3) nets, four (4) pingers would be required).
4. Pinger Maintenance: Pingers shall be maintained in an activated state at all times.

M. Drift and sink gill nets: Only a floating and bottom tending gill net may be set, hauled, or maintained in Rhode Island waters.

1. A floating gill net must be constantly tended.
2. Minimum mesh size for a bottom tending gill net: No bottom tending gill net shall have a mesh size smaller than five inches (5") stretched mesh.

N. Additional area specific Regulations

1. No person shall set, haul, and/or maintain a gill net in Narragansett Bay, Mount Hope Bay, or Sakonnet River, north of the Colregs line, which does not meet the following specifications:
  - a. Maximum length: A single gill net, or series of connected gillnets, shall not exceed three hundred feet (300').
  - b. Spacing
    - (1) No gill net shall be set within one hundred fifty feet (150') of shore at mean low water.
    - (2) No gill net shall be set within two thousand feet (2,000') of another gill net.

2. Waters within one half (1/2) nautical miles of the Rhode Island coast (mean high tide line) and south of the Colregs line:
  - a. Maximum length: A series of connected gillnets shall not exceed a total length of six hundred feet (600').
  - b. Setting pattern: Each gill net shall be set perpendicular to the shore.
  - c. Spacing: No gill net shall be set within two thousand feet (2,000') of another gill net.
  
3. Waters between one half (1/2) nautical miles and three (3) nautical miles from the Rhode Island coast (mean high tide line):
  - a. No gill net shall be set within two thousand feet (2,000') of another gill net from April 1 through October 1.
  - b. Marking
    - (1) A series of connected gill nets greater than six hundred feet (600') and less than or equal to one thousand two hundred feet (1,200') must be marked with two (2) orange or fluorescent orange floats with a size of nine inches (9") by sixteen inches (16") on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one (1) orange or fluorescent orange float with a size of nine inches (9") by sixteen inches (16") on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two (2) orange or fluorescent orange floats with a size of nine inches (9") by sixteen inches (16") should be placed on the southernmost end.
    - (2) A series of connected gill nets greater than one thousand two hundred feet (1,200') must be marked with an orange or fluorescent orange float with a size of nine inches (9") by sixteen inches (16") and a radar reflective highflyer at each end. One (1) of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end.

## **6.11 Fyke Nets**

- A. No person shall set, haul, and/or maintain a commercial fyke net in the waters of the State unless permitted by the Director.
- B. Persons applying for such permit shall provide the dates of use, location, and net measurements.
- C. Any fyke net placed in the marine waters of the State shall meet the following dimensions:
  - 1. Maximum length of fyke net leader: One hundred feet (100')
  - 2. Maximum mesh size: Stretched mesh shall not be greater than two and one half inches (2-½").
  - 3. Leader: Must not extend more than four feet (4') off the bottom
- D. Fyke nets must be tended and hauled every forty-eight (48) hours.
- E. Fyke nets shall not be placed within two hundred fifty feet (250') of any other fishing net.
- F. Prohibited areas: In addition to those waters where all netting is prohibited, fyke nets are prohibited in Charlestown and Quonochontaug Ponds between June 15 and September 15, annually.

## **6.12 Seine Nets**

Prohibited areas: In addition to those waters where all netting is prohibited, seine nets are prohibited within one half (½) mile in both directions of the seaward entrance of a coastal salt pond channel for a distance of three hundred (300) yards seaward, when the coastal salt pond is open to the sea.

## **6.13 Fish Traps**

- A. Applicability: No person shall set a floating fish trap (fish trap) in the marine waters of the State without first obtaining a permit from the Director pursuant to these Regulations. (R.I. Gen. Laws § 20-5-1)
- B. Eligibility: A permit is available to any resident licensed in accordance with R.I. Gen. Laws Chapter 20-2.1 upon payment of a permit fee of twenty dollars (\$20.00) per trap location. (R.I. Gen. Laws § 20-5-2)
- C. Issuance of available permits:
  - 1. General

- a. A permit shall be made available upon expiration, revocation, or withdrawal of a currently held permit. In such instances, a new permit opportunity will be made available to the public by February 1.
  - b. Application Period: Applications for a new permit will be accepted from February 1 through March 1.
  - c. In cases where a limited number of new sites are available, the Department shall provide priority to applicants as described herein.
  - d. If application for an eligible site is not received during the application period, a permit shall not be issued and the site will be made available during the next application period.
  - e. A permit may be issued on an individual site basis or by group of sites.
2. Eligibility: Available to any person who holds a valid Multipurpose License or Principal Effort License with Restricted Finfish Endorsement.

D. Prioritization for the issuance of a permit

1. First priority: First priority shall be provided to eligible applicants equally as follows:
  - a. A current fish trap site permit holder who can demonstrate by dated transaction records, as verified by SAFIS dealer or dockside sales reporting, a minimum of one (1) legal Rhode Island landing in the preceding calendar year.
  - b. Resident crew members who have actively participated in the floating fish trap fishery. To be considered actively participating, a crew must be able to demonstrate via one (1) or more affidavits that they have worked as a paid crew for one (1) or more captains licensed in the State of Rhode Island on a vessel that was active in the floating fish trap fishery. To be considered a paid crew, persons must demonstrate a valid record of being a paid employee of the vessel owner or person licensed to fish commercially, including either a W-2 form, 1099 form, or paycheck stub from a financial institution for the period of time being used to meet the standard of Actively Participating. Affidavits must reflect activity conducted upon a vessel that was commercially declared during the period of activity.
2. Second priority: Second priority shall be provided to any resident who holds an eligible commercial fishing license.

E. Lottery: If in any priority category there are more eligible applicants than there are permits available for issue, those permits will be issued by a lottery on an individual site basis, chosen at random.

F. Application

1. Application for a fish trap permit shall be made on forms as prescribed by the Director.
2. Application for permit renewal shall be made within ten (10) business days before its termination. Failure to apply for a permit renewal may result in forfeiture of the permit.

G. Permits shall be provided for a three (3) year period, or for that portion thereof expiring on the last day of December of each third (3<sup>rd</sup>) year thereafter.

H. Permit conditions

1. Upon ceasing to operate any fish trap as authorized, all gear shall at once be removed by the owner at the owner's expense and to the satisfaction of the Director. Failure to remove the fish trap shall be considered sufficient grounds for prosecution of the owner for maintaining a public nuisance.
2. Unless otherwise specified by Regulations, fish traps shall be completely removed from the water by December 31 annually, including all submerged or broken stakes. No fish trap may be set from January 1 through March 1 annually.
3. Fish traps set shall not be damaged or be in a dilapidated condition. Any such damaged or dilapidated fish trap shall be determined to be abandoned by the Director. Any such damaged dilapidated fish trap shall be immediately removed or rebuilt at the permit holders expense.
4. Reporting: By January 10 annually, every permit holder shall attest to the DEM in writing documentation specifying which fish trap locations were set during the preceding calendar year and which fish trap locations will be set during the upcoming season. This documentation shall identify fish trap locations by GPS, LORAN and/or latitude and longitude coordinates and include the dates upon which the licensee anticipates setting and removing the traps. This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the DEM Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835 prior to the setting of the trap.

5. No permit holder shall sub-lease or authorize another person to use an authorized fish trap location.
  6. Hook-backs in leaders: Each leader shall be set as nearly as may be in a straight line. No bend or angle, known commonly as a "hook-back," is authorized.
  7. The length of the fish trap and leader shall not be greater than two hundred eighty (280) fathoms.
  8. All fish traps shall be marked with no less than four (4) radar reflective buoys (hi-flyers) each positioned no more than one hundred feet (100') from the fish trap or its appurtenances as follows: One (1) buoy shall be located at the shoreward end of the leader; one (1) buoy on the seaward end of the leader adjacent to the head of the trap; and (2) two buoys shall be located on the seaward side of the head of the trap.
  9. Fish traps located at sites 13F, 26C, 25B, 398, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as follows:
    - a. Site 13F shall be marked with a 5<sup>th</sup> class buoy with a four (4) second flashing light.
    - b. Site 26C shall be marked with a 5<sup>th</sup> class buoy with a six (6) second flashing light.
    - c. Site 25B shall be marked with a 5<sup>th</sup> class buoy with a four (4) second flashing light at the southern end of the trap and an unlit 5<sup>th</sup> class buoy at the northern end.
    - d. Sites 398 and 383-19 shall be marked with an unlit 5<sup>th</sup> class buoy.
    - e. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6<sup>th</sup> class buoy.
    - f. Sites 122-19 and 400-23 shall be marked with a 5<sup>th</sup> class buoy with a two and one half (2-1/2) second flashing light.
    - g. Each of the above-described buoys shall be positioned within one hundred feet (100') of the head of the fish trap and its appurtenances.
  10. Non-compliance with any permit condition shall subject the permit holder to permit revocation and/or imposition of a penalty pursuant to § 1.11 of this Subchapter, and/or denial of a permit renewal application.
- I. Exclusive right of permittee; assignment of permit

1. The holder of any fish trap permit, or the holder's 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.
  2. Any holder of any fish trap permit may, upon approval of the Director, transfer the permit to any suitable person. This approval must be endorsed on the permit in order to become effective. (R.I. Gen. Laws § 20-5-10)
- J. By January 31 annually, the DEM shall review all trap site permits and shall eliminate those sites from the list of authorized sites for which a permit has not been issued. The DEM shall provide written notice by registered mail to all those licensees who had most recently been issued permit(s) to set fish trap(s) in the locations of the sites to be eliminated. Said notice shall advise the affected licensee that the licensee may avoid the elimination of the trap location if written notice of such a desire to avoid elimination is received by the Division of Marine Fisheries, 3 Fort Wetherill Road, Jamestown, Rhode Island, 02835, on or before thirty (30) days of the licensee's receipt of the notice of elimination.
- K. Minimum distance between traps: The Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet (3,000') of an adjoining trap if the parties interested agree in writing to such a lesser distance. Such decisions shall be made with the advice of the Rhode Island Marine Fisheries Council. (R.I. Gen. Laws § 20-5-4)
- L. Maximum length of trap leader: No permit shall be granted for a fish trap in which the length of the trap and leader is greater than two hundred eighty (280) fathoms. (R.I. Gen. Laws § 20-5-4)
- M. Willful injury to traps: No person shall willfully or maliciously cut, remove, displace, tamper with, or in any way damage any trap, leader, or pound set by virtue of the permit provided for in these Regulations. (R.I. Gen. Laws § 20-5-18)
- N. No fish trap shall be set within three thousand feet (3,000') of another fish trap legally set. The Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet (3,000') of an adjoining fish trap if the parties interested agree in writing to such a lesser distance.
- O. Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites:
1. The following sites are located south of the city of Newport and town of Middletown within the area designated for floating fish traps by the Army Corp of Engineers:

	Coordinate Type	Start	End		

Trap Site		Latitude	Longitude	Latitude	Longitude	Compass Heading (Degrees)	Max. Length (Feet)
13B	DDD.DDDDD°	41.44409	-71.34711	41.44052	-71.34237	135	1680
	DDD° MM.MMM'	41 26.645	-71 20.826	41 26.431	-71 20.542		
13C	DDD.DDDDD°	41.44052	-71.34237	41.43695	-71.33763	135	1680
	DDD° MM.MMM'	41 26.431	-71 20.542	41 26.217	-71 20.257		
13D	DDD.DDDDD°	41.43695	-71.33763	41.43338	-71.33289	135	1680
	DDD° MM.MMM'	41 26.217	-71 20.257	41 26.002	-71 19.973		
13E	DDD.DDDDD°	41.43338	-71.33289	41.42981	-71.32815	135	1680
	DDD° MM.MMM'	41 26.002	-71 19.973	41 25.788	-71 19.688		
13F	DDD.DDDDD°	41.42981	-71.32815	41.42624	-71.32341	135	1680
	DDD° MM.MMM'	41 25.788	-71 19.688	41 25.574	-71 19.404		
26A	DDD.DDDDD°	41.45083	-71.30667	41.44726	-71.30193	135	1680
	DDD° MM.MMM'	41 27.049	-71 18.400	41 26.835	-71 18.115		
26B	DDD.DDDDD°	41.44726	-71.30193	41.44369	-71.29719	135	1680
	DDD° MM.MMM'	41 26.835	-71 18.115	41 26.6214	-71 17.831		
26C	DDD.DDDDD°	41.44369	-71.29719	41.44012	-71.29245	135	1680
	DDD° MM.MMM'	41 26.6214	-71 17.831	41 26.407	-71 17.547		
26D	DDD.DDDDD°	41.44012	-71.29245	41.43655	-71.28771	135	1680
	DDD° MM.MMM'	41 26.407	-71 17.547	41 26.193	-71 17.262		
111	DDD.DDDDD°	41.44944	-71.33750	41.44766	-71.34008	225	750

	DDD° MM.MMM'	41 26.966	-71 20.250	41 26.859	-71 20.404		
112	DDD.DDDDD°	41.44766	-71.34008	41.44607	-71.34220	225	750
	DDD° MM.MMM'	41 26.859	-71 20.404	41 26.764	-71 20.532		
133	DDD.DDDDD°	41.44961	-71.33436	41.44676	-71.33217	150	1100
	DDD° MM.MMM'	41 26.976	-71 20.061	41 26.805	-71 19.930		
136	DDD.DDDDD°	41.44676	-71.33217	41.44391	-71.32998	150	1100
	DDD° MM.MMM'	41 26.805	-71 19.930	41 26.634	-71 19.798		
324	DDD.DDDDD°	41.44391	-71.32998	41.44106	-71.32779	150	1100
	DDD° MM.MMM'	41 26.634	-71 19.798	41 26.463	-71 19.667		
113A	DDD.DDDDD°	41.43500	-71.28222	41.43143	-71.27748	135	1680
	DDD° MM.MMM'	41 26.100	-71 16.933	41 25.885	-71 16.648		
113B	DDD.DDDDD°	41.43143	-71.27748	41.42786	-71.27274	135	1680
	DDD° MM.MMM'	41 25.885	-71 16.648	41 25.671	-71 16.364		
113C	DDD.DDDDD°	41.42786	-71.27274	41.42429	-71.26800	135	1680
	DDD° MM.MMM'	41 25.671	-71 16.364	41 25.457	-71 16.080		
113D	DDD.DDDDD°	41.42429	-71.26800	41.42072	-71.26326	135	1680
	DDD° MM.MMM'	41 25.457	-71 16.080	41 25.243	-71 15.795		
113E	DDD.DDDDD°	41.42072	-71.26326	41.41715	-71.25852	135	1680
	DDD° MM.MMM'	41 25.243	-71 15.795	41 25.029	-71 15.511		
113F	DDD.DDDDD°	41.41715	-71.25852	41.41358	-71.25378	135	1680
	DDD° MM.MMM'	41 25.029	-71 15.511	41 24.814	-71 15.226		

25A	DDD.DDDDD°	41.45083	-71.30667	41.44726	-71.30193	120	1680
	DDD° MM.MMM'	41 27.049	-71 18.400	41 26.835	-71 18.115		
25B	DDD.DDDDD°	41.44726	-71.30193	41.44369	-71.29719	120	1680
	DDD° MM.MMM'	41 26.835	-71 18.115	41 26.621	-71 17.831		
25C	DDD.DDDDD°	41.44369	-71.29719	41.44012	-71.29245	120	1680
	DDD° MM.MMM'	41 26.621	-71 17.831	41 26.407	-71 17.547		
54A	DDD.DDDDD°	41.41657	-71.28733	41.41981	-71.29246	310	1680
	DDD° MM.MMM'	41 24.994	-71 17.239	41 25.188	-71 17.547		
54B	DDD.DDDDD°	41.41981	-71.29246	41.42305	-71.29759	310	1680
	DDD° MM.MMM'	41 25.188	-71 17.547	41 25.383	-71 17.855		
37A	DDD.DDDDD°	41.41324	-71.26933	41.41648	-71.27446	310	1680
	DDD° MM.MMM'	41 24.794	-71 16.159	41 24.988	-71 16.467		
37B	DDD.DDDDD°	41.41648	-71.27446	41.41972	-71.27959	310	1680
	DDD° MM.MMM'	41 24.988	-71 16.467	41 25.183	-71 16.775		
116	DDD.DDDDD°	41.45917	-71.30028	41.45659	-71.29538	125	1500
	DDD° MM.MMM'	41 27.550	-71 18.016	41 27.395	-71 17.722		
117	DDD.DDDDD°	41.45659	-71.29538	41.45401	-71.29048	125	1500
	DDD° MM.MMM'	41 27.395	-71 17.722	41 27.240	-71 17.428		
501A	DDD.DDDDD°	41.45222	-71.29306	41.44933	-71.28757	125	1680
	DDD° MM.MMM'	41 27.133	-71 17.583	41 26.959	-71 17.254		
501B	DDD.DDDDD°	41.44933	-71.28757	41.44644	-71.28208	125	1680

	DDD° MM.MMM'	41 26.959	-71 17.254	41 26.786	-71 16.924		
287	DDD.DDDDD°	41.47389	-71.29694	41.47301	-71.29030	100	1680
	DDD° MM.MMM'	41 28.433	-71 17.816	41 28.380	-71 17.418		
23	DDD.DDDDD°	41.46556	-71.27528	41.46376	-71.27530	180	600
	DDD° MM.MMM'	41 27.933	-71 16.516	41 27.825	-71 16.518		
383-19A	DDD.DDDDD°	41.47455	-71.24348	41.47098	-71.23874	135	1680
	DDD° MM.MMM'	41 28.473	-71 14.608	41 28.258	-71 14.324		
383-19B	DDD.DDDDD°	41.47098	-71.23874	41.46741	-71.23400	135	1680
	DDD° MM.MMM'	41 28.258	-71 14.324	41 28.044	-71 14.039		
512-19	DDD.DDDDD°	41.48066	-71.23695	41.47709	-71.23221	135	1680
	DDD° MM.MMM'	41 28.839	-71 14.216	41 28.625	-71 13.932		
364	DDD.DDDDD°	41.45750	-71.35972	41.45750	-71.36134	270	400
	DDD° MM.MMM'	41 27.450	-71 21.583	41 27.450	-71 21.680		
191	DDD.DDDDD°	41.47917	-71.27500	41.47504	-71.27115	145	1680
	DDD° MM.MMM'	41 28.750	-71 16.500	41 28.502	-71 16.269		
192	DDD.DDDDD°	41.47504	-71.27115	41.47091	-71.26735	145	1680
	DDD° MM.MMM'	41 28.502	-71 16.269	41 28.254	-71 16.041		

2. The following sites are located near Sakonnet Point within the area designated by the Army Corp of Engineers:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		

119-19	DDD.DDDDD°	41.48667	-71.19583	41.48495	-71.20213	250	1680
	DDD° MM.MMM'	41 29.200	-71 11.749	41 29.097	-71 12.127		
581-19	DDD.DDDDD°	41.48444	-71.20389	41.48272	-71.21019	250	1680
	DDD° MM.MMM'	41 29.066	-71 12.233	41 28.963	-71 12.611		
580-19	DDD.DDDDD°	41.48389	-71.19778	41.48217	-71.20408	250	1680
	DDD° MM.MMM'	41 29.033	-71 11.866	41 28.930	-71 12.244		
293-19	DDD.DDDDD°	41.48183	-71.19168	41.48011	-71.19798	250	1680
	DDD° MM.MMM'	41 28.909	-71 11.500	41 28.806	-71 11.878		
227-19	DDD.DDDDD°	41.47536	-71.19205	41.47536	-71.19875	270	1680
	DDD° MM.MMM'	41 28.521	-71 11.522	41 28.521	-71 11.925		
584-19	DDD.DDDDD°	41.47333	-71.19639	41.47333	-71.20309	270	1680
	DDD° MM.MMM'	41 28.399	-71 11.783	41 28.399	-71 12.185		
122-19	DDD.DDDDD°	41.47056	-71.19333	41.46925	-71.19981	255	1680
	DDD° MM.MMM'	41 28.233	-71 11.599	41 28.155	-71 11.988		
120-19	DDD.DDDDD°	41.46595	-71.19625	41.46595	-71.20295	270	1680
	DDD° MM.MMM'	41 27.957	-71 11.775	41 27.957	-71 12.177		
261-19	DDD.DDDDD°	41.45933	-71.19548	41.45933	-71.20218	270	1680
	DDD° MM.MMM'	41 27.559	-71 11.728	41 27.559	-71 12.130		
398	DDD.DDDDD°	41.45278	-71.20278	41.45026	-71.20858	240	1680

	DDD° MM.MMM'	41 27.166	-71 12.166	41 27.015	-71 12.514		
118	DDD.DDDDD°	41.45026	-71.20858	41.44774	-71.21438	240	1680
	DDD° MM.MMM'	41 27.015	-71 12.514	41 26.864	-71 12.862		
58	DDD.DDDDD°	41.45278	-71.20278	41.44774	-71.20280	180	1680
	DDD° MM.MMM'	41 27.166	-71 12.166	41 26.864	-71 12.168		
79A	DDD.DDDDD°	41.44863	-71.19876	41.44691	-71.20506	250	1680
	DDD° MM.MMM'	41 26.917	-71 11.925	41 26.814	-71 12.303		
79B	DDD.DDDDD°	41.44691	-71.20506	41.44519	-71.21136	250	1680
	DDD° MM.MMM'	41 26.814	-71 12.303	41 26.711	-71 12.681		
114A	DDD.DDDDD°	41.49667	-71.12583	41.49170	-71.12467	170	1680
	DDD° MM.MMM'	41 29.800	-71 07.549	41 29.502	-71 07.480		
29	DDD.DDDDD°	41.42944	-71.21139	41.42440	-71.21139	180	1680
	DDD° MM.MMM'	41 25.766	-71 12.683	41 25.463	-71 12.683		
614A	DDD.DDDDD°	41.45361	-71.18528	41.44857	-71.18528	180	1680
	DDD° MM.MMM'	41 27.216	-71 11.116	41 26.914	-71 11.116		
614B	DDD.DDDDD°	41.44857	-71.18528	41.44353	-71.18528	180	1680
	DDD° MM.MMM'	41 26.914	-71 11.116	41 26.611	-71 11.116		
FC-1	DDD.DDDDD°	41.54250	-71.31444	41.54444	-71.31167	240	1680
	DDD° MM.MMM'	41 32.549	-71 18.866	41 32.666	-71 18.700		
FC-2	DDD.DDDDD°	41.54083	-71.32278	41.53917	-71.32750	250	1680
	DDD° MM.MMM'	41 32.449	-71 19.366	41 32.350	-71 19.650		

FC-3	DDD.DDDDD°	41.44194	-71.20250	41.43690	-71.20250	180	1680
	DDD° MM.MMM'	41 26.516	-71 12.150	41 26.214	-71 12.150		
FC-4	DDD.DDDDD°	41.42750	-71.20444	41.42578	-71.19814	110	1680
	DDD° MM.MMM'	41 25.650	-71 12.266	41 25.546	-71 11.888		
583-19	DDD.DDDDD°	41.46233	-71.20205	41.45796	-71.20535	90	1680
	DDD° MM.MMM'	41 27.739	-71 12.122	41 27.477	-71 12.320		
585-19	DDD.DDDDD°	41.47583	-71.21139	41.47583	-71.20470	90	1680
	DDD° MM.MMM'	41 28.549	-71 12.683	41 28.549	-71 12.282		
586-19	DDD.DDDDD°	41.45952	-71.20514	41.45952	-71.19840	270	1680
	DDD° MM.MMM'	41 27.571	-71 12.308	41 27.571	-71 11.904		

3. The following sites are located east of the shore in the town of Narragansett north of Scarborough Beach and south of Narragansett Pier within the area designated by the Army Corp of Engineers for fish traps:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
68A	DDD.DDDDD°	41.41876	-71.45272	41.41624	-71.44690	120	1680
	DDD° MM.MMM'	41 25.125	-71 27.163	41 24.974	-71 26.813		
68B	DDD.DDDDD°	41.41624	-71.44690	41.41372	-71.44110	120	1680
	DDD° MM.MMM'	41 24.974	-71 26.813	41 24.823	-71 26.466		
69A	DDD.DDDDD°	41.41454	-71.45230	41.41241	-71.44623	115	1680
	DDD° MM.MMM'	41 24.872	-71 27.137	41 24.744	-71 26.773		

69B	DDD.DDDDD°	41.41241	-71.44623	41.41028	-71.44016	115	1680
	DDD° MM.MMM'	41 24.744	-71 26.773	41 24.616	-71 26.409		
70A	DDD.DDDDD°	41.40875	-71.45376	41.40662	-71.44769	115	1680
	DDD° MM.MMM'	41 24.524	-71 27.225	41 24.397	-71 26.861		
70B	DDD.DDDDD°	41.40662	-71.44769	41.40449	-71.44162	115	1680
	DDD° MM.MMM'	41 24.397	-71 26.861	41 24.269	-71 24.269		
74A	DDD.DDDDD°	41.40185	-71.45790	41.39861	-71.45277	130	1680
	DDD° MM.MMM'	41 24.111	-71 27.473	41 23.916	-71 27.166		
74B	DDD.DDDDD°	41.39861	-71.45277	41.39537	-71.44764	130	1680
	DDD° MM.MMM'	41 23.916	-71 27.166	41 23.722	-71 26.858		

4. The following sites are located within the area of the Harbor of Refuge in Point Judith:

Trap Site	Coordinate Type	Start		End		Compass Heading (Degrees)	Max. Length (Feet)
		Latitude	Longitude	Latitude	Longitude		
22-29	DDD.DDDDD°	41.36854	-71.51594	41.36797	-71.51797	250	550
	DDD° MM.MMM'	41 22.112	-71 30.956	41 22.078	-71 31.078		
400-23	DDD.DDDDD°	41.36702	-71.51544	41.36633	-71.51793	250	675
	DDD° MM.MMM'	41 22.021	-71 30.926	41 21.979	-71 31.075		
475-29	DDD.DDDDD°	41.36464	-71.48970	41.36273	-71.49224	225	900
	DDD° MM.MMM'	41 21.878	-71 29.381	41 21.763	-71 29.534		

475-30	DDD.DDDDD°	41.35990	-71.48999	41.36116	-71.49199	310	650
	DDD° MM.MMM'	41 21.594	-71 29.399	41 21.669	-71 29.519		

250-RICR-90-00-6

**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 - MARINE FISHERIES**

**SUBCHAPTER 00 - N/A**

**PART 6 - GENERAL EQUIPMENT PROVISIONS**

Type of Filing: Refile Capabilities

**Department of State**

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Regulation Effective Date

Original Signing Date

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Department of State Initials

Department of State Date