

250-RICR-90-00-11

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 11 – Regulations Governing Education Certification for Commercial Shellfish Harvesters

11.1 Purpose

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

11.2 Authority

These Rules and Regulations are promulgated 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.

11.3 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.

11.4 Definitions

See Rhode Island Marine Fisheries Regulations, Part 1 of this Subchapter.

11.5 Regulations

- A. Applicability. These regulations apply to holders of the following commercial fishing licenses, permits, and landing permits issued by the Department:
1. Principal Effort Licenses and Commercial Fishing Licenses with Quahog, Soft-shell clam, and/or Shellfish Other endorsements;
 2. 65 and Over Shellfish Licenses;
 3. Student Shellfish Licenses;
 4. Multipurpose licenses if the holder harvests and lands quahogs, soft-shell clams, and/or any other species of shellfish, with the exception of

- a. whelk, and
 - b. scallops if shucked prior to landing; and
- 5. Resident and Non-Resident Landing Permits if the holder harvests and lands in Rhode Island quahogs, soft-shell clams, and/or any other species of shellfish, with the exception of:
 - a. whelk, and
 - b. scallops if shucked prior to landing.
- B. All applicants for new applicable licenses and permits, referenced above, shall complete the Commercial Shellfish Harvester Education and Training Program, administered by the Department via an online tutorial, prior to the issuance of said license or permit.
- C. Any holder of a multipurpose license or landing permit who becomes engaged, initially, in the harvest and landing of shellfish in Rhode Island – excluding whelk, and scallops if shucked prior to landing -- shall complete the Commercial Shellfish Harvester Education and Training Program, administered by the Department via an online tutorial, prior to the initial landing.
- D. Shellfish Harvester Education shall expire five (5) years from the date of completion, after which all applicable license and permit holders must retake the online tutorial.
- E. Any applicable license, endorsement, or permit held by anyone who has not obtained certification in accordance with the deadlines set forth above in §§ 11.7(B) and (C) of this Part shall be suspended by the department until such time as the holder obtains certification. The filing of an appeal shall not stay the suspension.

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SUBCHAPTER 00 - N/A

**PART 11 - PART 11 - REGULATIONS GOVERNING EDUCATION CERTIFICATION
FOR COMMERCIAL SHELLFISH HARVESTERS (250-RICR-90-00-11)**

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