

250-RICR-90-00-28

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 28 – Scientific Collector's Permits for Marine Species

28.1 Purpose

- A. The purpose of these rules and regulations is to provide requirements for the issuance of scientific collector's permits for the taking, handling, and/or possession of any marine species for the purpose of scientific study, education, or carrying out scientific experiments and cultivation projects for which the Director has authority pursuant to R.I. Gen. Laws Title 20. These rules and regulations do not apply to diadromous fish. The Rhode Island Department of Environmental Management, Division of Fish and Wildlife's 250-RICR-60-00-4, Rules and Regulations Governing Collector's Permits, sets forth requirements applicable to the taking, handling, and/or possession of diadromous fish.

28.2 Authority

- A. These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws §§ 20-1-18, 20-1-21, and 20-1-22, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws Chapter 42-35.

28.3 Administrative Findings

- A. The Division of Marine Fisheries of the Rhode Island Department of Environmental Management is authorized to issue permits for the collection, taking, handling, and/or possession of marine species for purposes of scientific study or education, carrying out scientific experiments, or cultivation projects. Certain wild species populations may be at risk of unregulated collecting and some species, when handled, may pose risk to humans in the form of physical harm or risk of disease exposure. Therefore, it is necessary to ensure that those persons who wish to collect, take, handle, or possess wild marine species for purposes of scientific study or, education, possess the appropriate and adequate knowledge, skills, and intent to ensure that the species populations as well as human health and safety will not be compromised.

28.4 Definitions

- A. See Part 1 of this Subchapter, section 1.10.

28.5 Applicability

- A. A Scientific Collector's Permit is required to take, handle, or possess, any marine species of any size, age, or number, at any time of the year as authorized within the permit.
- B. Exemption for Department Personnel:
1. Department personnel shall be exempt from the requirement to obtain a Scientific Collector's Permit and are hereby authorized to take, handle, and possess marine species of any size, age, or number, provided such activities are performed:
 - a. Within the scope of their official duties.
 - b. For purposes including, but not limited to, scientific research, stock assessment, habitat monitoring, fisheries management, enforcement activities, or other Department-authorized programs.
 - c. In accordance with all other applicable local, state, or federal statutes, regulations, or ordinances.
 2. This exemption shall terminate upon separation from Department employment or revocation of authorization.

28.6 Permit Application

- A. Application for a scientific collector's permit shall be made on forms as prescribed by the Director. Applications must be filled out in their entirety. Applications shall include the following information:
1. The applicant's name, address, email address, and daytime telephone number.
 2. The applicant's date of birth.
 3. If the application is a corporation, partnership, business, commercial entity, club, organization, or association, whether public or private, the name, address, and telephone number of its' president, director, or principal officer.
 4. The applicant's signature; and,
 5. Any other information as deemed relevant by the Division.
 6. Fee: An application fee of twenty-five dollars (\$25) will be required at the time of application.

28.7 Issuance of Permits

A. Type 1 Collector's Permit: Research and Education.

- 1. Eligibility: Applicants must be qualified to competently and capably conduct research or educational programs. Applicants must not be engaged in scientific collecting for monetary gain based upon the sale or transfer of collected species. Applicants must demonstrate to the Division's satisfaction one or more of the following:**
 - a. Possession of adequate qualifications, including, but not limited to a Bachelor's degree in biological science, fisheries science, oceanography, or other related field, as it relates to the specific request described in their application.**
 - b. The marine species are necessary for conducting bona-fide biological research that requires the taking, handling, or possession of marine species, or [that they](#) are pursuing studies toward an advanced degree and have a demonstrable need to collect marine species to complete such a degree.**
 - c. Professional experience, certification by a professional society or recommendation by acknowledged authorities in the appropriate field may also be considered.**
 - d. [Current and valid association with or employment](#) by a museum, college or university, non-profit organization or other accredited institution or educational facility and are academically and/or professionally qualified and have a valid need to take, handle or possess animal specimens for science or educational purposes subject to Institutional Animal Care and Use Committee (IACUC) restrictions as applicable.**

B. Type 2 Collector's Permit: Governmental.

- 1. Eligibility: Applicants must be employed by, or [authorized by](#), a federal or state agency other than the Department to engage in the taking, handling, and/or possessing of marine species for scientific studies or management as part of their duties.**

C. Type 3 Collector's Permit: Consulting.

- 1. Eligibility: Applicants must be engaged in the taking, handling, and/or possession of [marine species](#) for scientific studies or experiment, and be engaged in private consulting for profit, and verify possession of a bachelor's degree in biological science, fisheries science, oceanography, or other related field as it relates to the specific request described in their application. Professional experience, certification by a professional**

society, or recommendation by acknowledged authorities in the appropriate field may also be considered.

28.8 Permit Conditions

- A. Permit holders shall comply with all relevant provisions of the law including but not limited to R. I. Gen. Laws Titles 20 and 11.
- B. The state shall be held harmless for any injury, damage, or disease caused by any marine species taken, handled, or possessed under the permit, to include treatment for and prevention of such and to assume all liability associated with this permit.
- C. The Collector's permit shall be valid from January 1 to midnight of December 31 of the calendar year of issuance, or as otherwise specified on the permit.
- D. Marine species taken, handled, or possessed under this permit shall not be sold, offered for sale, traded, or bartered.
- E. Permit holders must file a report with the Division of Marine Fisheries within thirty (30) days of the expiration date of the permit, or by the date specified on the permit. The report shall require the permittee to record all information requested including: the species collected, the number of individuals, the fate of each individual, and other information as may be required by the Division.
- F. Issuance of a permit does not exempt the permittee from compliance with the provisions of any other local, state, or federal statutes, regulations or ordinances.
- G. The taking, handling, or possession of any federally listed endangered species, unless specifically approved by the permit and applicable federal requirements, is prohibited.

28.9 Suspension and/or Revocation of Permits

- A. Collector's Permit may be revoked or suspended when:
 - 1. The permittee failed to provide truthful information on their application.
 - 2. The permittee has failed to submit the annual report.
 - 3. The permittee fails to comply with any of the conditions of any DEM permit or is in violation of any of the provisions of Titles 20 and 11, or other applicable provisions of the R.I. Gen. Laws, or any duly promulgated DEM rule or regulation implementing said statutory requirements.

28.10Violations

A. Any violation pursuant to the provisions of R.I. Gen. Laws Title 20 and the rules and regulations herein, either by a permittee or a sub-permittee working under said permittee may be cause for imposing penalties in accordance with the provisions of the applicable statute, as well as the revocation of existing permit(s) of both the sub-permittee and responsible permittee.

28.11Penalties for Non-Compliance

A. See Part 1 of this Subchapter, section 1.8.

28.12Appeals

A. See Part 1 of this Subchapter, section 1.9.