STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

Part I
Legislative Findings

Annotated

~~**December 17, 2012**~~

AUTHORITY: These regulations are adopted pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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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.

AUTHORITY

These rules and regulations are promulgated pursuant to Title 20, Chapters 42.17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

Rules and regulations are based upon the need to modify existing regulations in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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.

DEFINITIONS

See Rhode Island Marine Statutes and Regulations, Part I, '1.3.

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.

SUPERSEDED RULES AND REGULATIONS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all previous rules and regulations, and any policies regarding the administration and enforcement of Part I shall be superseded.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.

R.I. Marine Fisheries Statutes and Regulations

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 over the fish, lobsters, shellfish and other biological resources of marine waters of the State. (RIGL 20-1-2)

Public Hearing Item #1: Adoption and amendments of regulations regarding Pot/Trap definitions and Pot/Trap gear regulations (Part I - Legislative Findings; Part X - Equipment Restrictions; Part XI - Commercial Fisheries; Part XV - Lobsters, Other Crustaceans, and Horseshoe Crabs).

1.3 Definition of Terms

Air-assisted harvest: use of an air compressor or any device capable of pressurizing air/gas or compressed gas in a tank, to power any device designed to disturb the substrate, create a vacuum effect or sediment displacement effect in collection of aquatic species.

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*

Approved: approved by the Director

Approved waters or Approved growing areas: waters of the State that have been classified by the DEM Division of Water Resources as Approved Areas, fit for the taking of shellfish for human consumption on a regular basis, in accordance with the criteria established by the National Shellfish Sanitation Program (NSSP) Manual of Operations. These classifications may be subject to change as water quality conditions dictate.

Aquaculture: the cultivation, rearing, or propagation of aquatic plants or animals, herein referred to as cultured crops, under natural or artifical conditions.

Aquaculture facility: any properly permitted aquaculture operation, either in upland areas or the State's waters or submerged lands.

Aquaculture lease: the permitted area for which the Coastal Resources Management Council (CRMC) issues a lease in which aquaculture can be conducted. Leases are discretionary and granted for the express purpose of allowing aquaculture actitivies on the State's submerged lands or in the water column. Certain types of permitted activities, such as experimental aquaculture operations, may not require a lease.

Aquaculturist: the individual, firm, partnership, association, academic institution, municipality, or coroporation conducting commercial, experimental, or restoration aquaculture in Rhode Island.

Area fished: this data element is only required for shellfish (i.e. quahogs, soft shelled clams, oysters, bay scallops, whelks) purchases. The data consists of the location where the shellfish were harvested in accordance with the RI shellfish harvest area codes.

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.

Basking shark means that species of fish known as *Cetorhinus maximus.*

Bay quahaug: *Mercenaria mercenaria*

Bay scallop: *Argopecten irradians*

Bay scallop dredging: towing of a bay scallop dredge during the established bay scallop dredging season.

Black sea bass: *Centropristes striatus*

Black sea bass pot/trap: any stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted to catch and take black sea bass, and is affixed with a black sea bass trap tag pursuant to RIMFC regulations 10.1.2 and 11.12.4.

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.

Bycatch: fish, shellfish, or crustaceans that are taken while a fisher is directing his/her effort toward the harvest of another fish, shellfish, or crustacean.

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, tempo-

rary 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 measured 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

Pond/Channel	**Town**	Distance
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 (measured from the mouth of the Quaket River to the eastern side of the Nannaquaket Bridge abutment)	Tiverton	**400'**
Narrow/Pettaquamscutt	**Narragansett/N.Kingstown**	**3,850'**
Point Judith (measured in a northerly direction from the mouth of the Pt. Judith Breachway to a line drawn from Strawberry Hill Pt. on the east to High Point on the west)	**Narragansett/S.Kingstown**	**6,000'**
Potter (measured from the western entrance of Potter Pond channel to the eastern tip of Gooseberry Island in Pt. Judith Pond)	**South Kingstown**	**2,800'**
Card	**South Kingstown**	**200'**
Trustom	**South Kingstown**	**500'**
Green Hill: Potato Pt. (measured from the easternmost point of Stevens Island in Ninigret/Charlestown Pond to the westernmost point of Potato Point in Green Hill Pond)	**S.Kingstown/Charlestown**	**1,800'**
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'**

<u>Codend</u>: 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

<u>Colregs demarcation line</u>: the lines of demarcation, as defined on National

Oceanic and Atmospheric Administration chart #13221, 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 canaliculatus*; Knobbed Whelk - *Busycon carica*

Conch pot/trap: any ~~pot or trap~~stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted ~~principally for the catching or taking of~~to catch and take conch~~s~~, and is affixed with a conch trap tag pursuant to RIMFC regulations 4.35.5-1 and 10.1.

Conditionally approved waters: 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 RIGL §§ 20-8.1-3 and 20-8.1-4. Such classification may be subject to change as water quality conditions dictate.

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

CRMC: R I Coastal Resources Management Council

Cultured shellfish crop: shellfish species: (i) that are in the location, water column or artificial conditions specified in a valid aquaculture permit issued pursuant to RIGL Section 20-10-3 or that have been taken by the holder of such permit from the location, water column, or artificial conditions specified in such permit, or (ii) that have been produced by aquaculture methods outside the State and have not been commingled with wild stocks that are in or have been removed from the waters of the state. Appropriate bills of sale, bills of lading, and proper tags used in accordance with Part 19.2 herein and all other applicable state and federal laws and regulations shall be prima facie evidence of the origin of

cultured crops inside or outside the state.

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

DEM: RI Department of Environmental Management

Department: the State Department of Environmental Management

Director: the Director of the Department of Environmental Management or his or her duly appointed agents

Disposition: the intended use or fate of the catch after leaving the dealer, such as sold for food, sold for bait, etc.

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

DOH: the RI Department of Health

Dusky shark means that species of fish known as *Carcharhinus obscurus.*

Eel pot/trap: any ~~pot or trap~~stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted to catch and take~~principally for the catching or taking of~~ American eels. Eel pots/traps shall be exempt from pot/trap identification tagging requirements.

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*

Grade: landing condition of each marine species such as whole, gutted, etc.

Green crab: *Carcinus maenas*

Green crab pot/trap: any stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted principally for the catching or taking of green crabs. Green crab pots/traps shall be exempt from pot/trap identification tagging requirements.

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*

Jonah Crab or Rock Crab pot/trap: any stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted to catch and take Jonah crab (*Cancer borealis*) or Rock crab (*Cancer irroratus*), and is affixed with a crab trap tag pursuant to RIMFC regulations 10.1.2.

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

Licensed aquaculturist: any person licensed by the State of Rhode Island to culture and possess shellfish, finfish, or aquatic plants pursuant to the provisions of RIGL Chapter 20-10 and § 20-2-27.2

Licensed Shellfisherman: any person licensed by the State of Rhode Island to take and possess shellfish from Rhode Island waters pursuant to the provisions of RIGL Chapter 20-6 and §§ 20-2-1, 20-2-20, or 20-2-28.1 and must possess the appropriate license when engaged in shellfishing activities

Licensed Shellfish Dealer: any person, partnership, firm, association, or corporation engaged in bartering or trading in shellfish taken, cultured, or possessed by licensed shellfishermen, licensed aquaculturists, or other licensed shellfish dealers, or their authorized agents, and licensed by the State of Rhode Island under the provisions of RIGL §§ 20-6-24, 21-14, 22-24, 20-2-28.1, 20-7-5.1, 20-4-1.1, or 21.17

Lobster pot/trap: any ~~pot or trap~~stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed

or adapted ~~principally for the catching or taking of~~to catch and take American lobster~~s~~, and is affixed with a lobster trap tag pursuant to RIMFC regulations 15.14.1 and 10.1.

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

Market: category used to sort landed marine species at the dealer, usually size related.

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

Menhaden: *Brevoortia tyrannus*

Miscellaneous pot/trap: any stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted to catch and take marine vertebrates or invertebrates other than American lobster, black sea bass, conch, Jonah or Rock crabs, or scup, and is affixed with a miscellaneous trap tag pursuant to RIMFC regulations 10.1.2.

Mobile Gear – For purposes pertaining to the American lobster fishery only, mobile gear means otter trawls and gillnets only.

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

Operational plan: a written plan, approved by DEM and DOH prior to its implementation, that includes at a minimum: description of the design and activities of the culture facility, specific site and boundaries, types and locations of structures (rafts, pens, tanks, etc.), species to be cultured, source of these organisms, procedures to prevent contamination, program of sanitation and maintenance, description of the water source including details of water treatment, program to maintain water quality, maintenance of records, and how shell stock will be harvested

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*

Polluted area: 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 RIGL § 20-8.1-3 and 20-8.1-4. 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

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.

Reporting period: the period of time between the dates where dealers must provide reports on their activities (i.e. if the reports are required on Monday and Thursday, the reporting periods are Friday, Saturday, Sunday, and Monday for period one and Tuesday, Wednesday, and Thursday for period two).

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.

Sand tiger shark means that species of fish known as *Carcharias taurus.*

Scup: *Stenotomus chrysops*

Scup pot/trap: any stationary bottom-fishing contrivance or device, fished individually or linked by a common line and generally baited, and designed or adapted to catch and take scup, and is affixed with a scup trap tag pursuant to RIMFC regulations 10.1.2 and 11.12.4.

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

Shellfish: molluscan species growing in Rhode Island tidal waters, including, but not limited to, bay quahaug (*Mercenaria mercenaria*), ocean quahaug *(Arctica islandica*), blue mussel (*Mytilus edulis*), oyster (*Crassostrea virginica and Ostrea edulis*), soft shell clam (*Mya arenaria*), bay scallop (*Argopectans irradians*), surf or sea clam (S*pisula solidissima*)

Shellfish grounds: all land underlying waters within the rise and fall of the tide

and the marine limits of the jurisdiction of the State.
Shoredigging: the taking of shellfish from shallow areas or the intertidal zone of the waters of the State without the use of a boat or SCUBA gear and when body contact is made with the bottom substrate

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 Level Data: data reported to the detail of each individual fishing voyage.

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.

<u>V-Notched female American lobster</u>: a V-notched female lobster means any female American lobster with a V-notch mark, or the remnant of a healed 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, including a missing right tail flipper. A V-notch shall be a notch or the remnant of a healed notch, with or without setal hairs, at least 1/8 inch (1/8") in depth. Any licensed/permitted commercial fisherman required or authorized to mark lobsters with a v-notch mark in LCMA 2 shall make a v-notch mark by means of a sharp-blade instrument, at least 1/4 inch (1/4") and not greater than 1/2 inch (1/2") in depth and tapering to a sharp point. The flipper to the right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

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

<u>Water-assisted harvest</u>: the attempt to collect aquatic species by using a water pump or pressurized water, or device designed to disturb the substrate, create a vacuum effect or sediment displacement.

<u>Weir</u>: a barrier of interwoven twine, branches, or other material used to catch fish

<u>Wet storage</u>: the temporary storage of shellfish (from growing areas) in the approved classification or in the open status of the conditional approved classification in containers or floats in natural bodies of water or in tanks containing natural or synthetic sea-water; this includes flow-through systems

<u>White Shark</u> means that species of fish known as *Carcharodon carcharias.*

<u>Wild shellfish stock</u>: natural shellfish resources that set and grow within the waters of the State and are not cultured in any way; however, cultured shellfish crops that are stocked in tidal waters of the State that are not within an aquaculture lease or facility are considered wild stock shellfish

<u>Winter flounder</u> (Pleuronectes americanus), - common names -- blackback flounder, flatfish

<u>Witch flounder (gray sole)</u>: *Glyptocephalus cynoglossus*

<u>Yellowtail flounder</u>: *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 of-

fenses:

(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 imprisonment 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:

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)

Rule 8. EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this ~~17th day of December, 2012~~ to become effective 20 days from filing, **unless otherwise indicated below**, in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

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Janet L. Coit, Director
Department of Environmental Management

Notice Given: ~~03/02/2012~~ **July 16, 2013**
Public Hearing: ~~04/03/2012~~ **August 15, 2013**

Filing date: ~~12/17/2012~~
Effective date: ~~01/06/2013~~

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