



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 XIX FISH/SHELLFISH DEALER REGULATIONS



April 12, 2013

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 thru 20-3-6, 20-4 thru 20-10, and in accordance with 42-35, of the Rhode Island General Laws of 1956, as amended.

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PURPOSE

The purpose of these regulations is to prescribe the proper conduct of licensed shellfish dealers for the purpose of protecting the public health, safety and welfare.

AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42.17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 thru 20-3-6, 20-4 thru 20-10 and in accordance with Chapter 42-35, Administrative Procedures, of the General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

Rules and regulations are based upon the need to modify existing regulations (RIGL 20-3-2 through 20-3-6).

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SUPERSEDED RULES AND REGULATIONS (#2061)

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of ~~the Department of Environmental Management Regulation “Wet Storage of Molluscan Shellfish” (#2061) Part XIX~~ shall be superseded.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.

Excerpts from:
R.I. Marine Fisheries Statutes and Regulations
PART XIX – FISH/SHELLFISH DEALER REGULATIONS

19.14 Dealer Electronic Reporting Requirements

19.14.1 Control Date – the date for compliance with section 19.14 as set forth below for all RI licensed seafood dealers will be March 1, 2006

19.14.2 General Requirements

- A. All RI licensed seafood dealers will be required to obtain and utilize a personal computer in working condition which is capable of submitting an electronic report to the Standard Atlantic Fisheries Information System (SAFIS)**
- B. In cases where a seafood dealer falls under the jurisdiction of both the state of RI and the federal government (NMFS) said dealer must comply with the more frequent of the minimum reporting schedules or the more detailed data requirement**

19.14.3 Reporting Frequency and Required Data Elements

- A. Trip Level Data for all species harvested required on a bi-weekly basis, to be reported on Monday and Thursday of each week, will consist of the following elements:**
 - 1. Species common name including market level and grade**
 - 2. Amount landed or purchased including the units the product was measured in (i.e. pounds)**
 - 3. Area where product was taken (only applicable to shellfish purchases)**
 - 4. Date the product was landed or purchased**
 - 5. RI Commercial license or landing permit number of the fisherman selling the product to the dealer**
 - 6. Vessel identification number (Coast Guard documentation number and/or state of RI registration number)**
 - 7. Port or location where the catch was landed or purchased**

- B. Trip Level Data for all species harvested required, to be reported within 30 days of the landing or purchase date. Such data shall consist of the following elements:**
 - 1. Price at which the product was purchased**
 - 2. Disposition (what the product was used for, i.e. bait, consumer consumption, etc)**

19.14.4 Negative reports

A. RI licensed seafood dealers will be required to submit a negative report to SAFIS for each reporting period during which no finfish, shellfish, crustacean, or any other seafood product was landed or purchased

B. Dealers may file negative reports for a maximum of three (3) months in advance

19.14.5 Penalty - In addition to the penalty described in RIGL 20-1-16, the license of any person who violates any of the terms of 19.14 shall have their commercial seafood dealers license suspended by the Director for a period of 30 days for a first offence, 90 days for a second offence, and 365 days for a third offence, and revocation for a fourth offense.

19.15 Importation of non-indigenous (non-native) Marine Species – No licensed fish/shellfish dealer shall import, attempt to import, or possess any non-indigenous (non-native) Horseshoe Crab species in the cooked or un-cooked (frozen) state within the State of Rhode Island without prior, written authorization by the Department.