

R.I. Marine Fisheries Statutes and Regulations
PART IV - SHELLFISH

4.35 Conch (Channeled Whelk – *Busycotypus canaliculatus* and Knobbed Whelk – *Busycon carica*)

4.35.1 Commercial Harvest of Conch (Channeled Whelk – *Busycotypus canaliculatus* and Knobbed Whelk – *Busycon carica*)

4.35.1-1 License Required for Taking of Conch -- No person either as principal, agent, or servant shall at any time catch or take any conch from any of the waters in the jurisdiction of this state, or place, set, keep, maintain, supervise, lift, raise, or draw in or from any of those waters or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in or from any of those waters any pot or other contrivance, designed or adapted for the catching or taking of conch unless licensed to do so. [Penalty - Part 1.16; (RIGL 20-1-16)]

4.35.1-1 4.35.1-2 Legal Minimum Size of Conch –

(a) No person fishing commercially shall take, possess, sell, possess for sale, or offer for sale any conch removed from its shell (see subsection 4.35.3(a)). (RIMF REGULATION) [Penalty - Part 3.3; RIGL§ 20-1-16]

(b) No person fishing commercially shall take, possess, sell, possess for sale, or offer for sale any conch with a shell measuring less than 2-1/2 2-3/4 inches (69.8 mm) in diameter and/or a shell length less than 4-1/2 4-3/4 inches (120.6 mm). (RIMF REGULATION) [Penalty - Part 3.3; RIGL§ 20-1-16]

(c) Any person who is found to possess conch in violation of Subsections 4.35.1, 4.35.1-2(a) or 4.35.1-2(b) by a court of competent jurisdiction shall be punishable pursuant to the provisions of RIGL§ 20-1-16. [Penalty - Part 3.3; RIGL§ 20-1-16]

(d) In addition to provisions of Subsection 4.35.1-2(c), any person who is found to possess conch in violation of Subsections 4.35.1, 4.35.1-2(a) or 4.35.1-2(b) by the Administrative Adjudication Division consistent with the requirements of RIGL Chapter 42-17.7 may have his/her license to harvest issued by the Department suspended or revoked consistent with governing, duly promulgated regulations. RIGL§ 20-3-6 [Penalty - Part 3.3; RIGL§ 20-1-16 and 20-3-6]

4.35.1- 3 Commercial Season – The season for conch will be open from January 1st through December 31st. (RIGL§ 20-3-2)

4.35.2 Commercial Conch Pot limit – No more than 300 conch pots per licensee can be in the water at any one time. It shall be unlawful for any person licensed under this chapter to place, set, keep, maintain, supervise, lift, raise, or draw in from any of the waters in the jurisdiction of this state any

pot or other fixed gear contrivance designed or adapted for the catching or taking of conch which exceeds the commercial conch pot limit.

4.35.3 Mutilation and/or Possession of Conch Meat; cooked or uncooked

(a) Mutilation – No person shall mutilate any uncooked conch by breaking and removing the meat from the shell or have in his or her possession any part or parts of any uncooked conch so mutilated. In any and all prosecutions under this Section, the possession of any part or parts of any uncooked conch so mutilated shall be prima facie evidence sufficient to convict. All conchs are to be landed whole in the shell and processed in a licensed facility.

4.35.4 Reporting Requirements -- Dealers must comply with the reporting requirements as set forth in Section 19.14 Dealer Electronic Reporting Requirements, of the RI Marine Fisheries (RIMF) Regulations. (RIMF REGULATION) [Penalty – Part 3.3, Part 19.14.5 (RIGL§20-1-16)]

4.35.5 Sales to out of State Dealers – Out of State Dealers operating within the State of Rhode Island are required to obtain a RI Seafood Dealer License and must comply with the reporting requirements as set forth in Section 19.14 Dealer Electronic Reporting Requirements, of the RI Marine Fisheries (RIMF) Regulations.

(RIMF REGULATION) [Penalty - Part 3.3 (RIGL§20-3-3, RIGL§20-1-16)]

4.35.2 4.35.6 Recreational Harvest of Conch (Channeled Whelk – *Busycotypus canaliculatus* and Knobbed Whelk – *Busycon carica*)

4.35.6-1 Harvest by RI residents only – The taking or harvest of conch from waters under the jurisdiction of the State of Rhode Island shall be restricted to legal residents of the State of Rhode Island. Non-residents of the State of Rhode Island shall not take or harvest conch from waters under the jurisdiction of the State of Rhode Island. (RIMF REGULATION)

4.35.2-1 4.35.6-2 Legal Minimum Size of Conch –

(a) No person shall take or possess any conch removed from its shell (see subsection 4.35.3(a)). [Penalty - Part 3.3, RIGL §20-1-16]

(b) No person shall take or possess any conch with a shell measuring less than $2\frac{1}{2}$ $2\frac{3}{4}$ inches (69.8 mm) in diameter and/or either a shell length less than $4\frac{1}{2}$ $4\frac{3}{4}$ inches (120.6 mm). RIGL (RIMF REGULATION) [Penalty - Part 3.3, RIGL §20-1-16]

4.35.6-3 Recreational Possession Limit – Unless otherwise specified in this section or by the RI Marine Fisheries (RIMF) Regulations, the following

possession limit for the recreational conch fishery shall be 1/2 bushel per person per calendar day, or if a vessel with more than one (1) individual on board is used, a maximum of 1 bushel per vessel per calendar day. (RIMF REGULATION) [Penalty – Part 3.3, RIGL §20-1-16]

4.35.6-4 Non-commercial Conch Pot Limit – A non-commercial fisher may set, place, or maintain in the water at any one time not more than five (5) conch pots or traps. A non-commercial conch fisher shall not offer for sale or sell conchs. [Penalty - Part 1.16; RIGL §20-1-16]