

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

4.35 Conch (Channeled Whelk – *Busycotypus canaliculatus* and Knobbed Whelk – *Busycon carica*) – General provisions applicable to commercial and recreational taking of conch.

(a) Taking by RI state residents only – The taking of conch from waters under the jurisdiction of the State of Rhode Island for either commercial or recreational purposes 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. **(RIMFC REGULATION)**

(b) Mutilation and/or Possession of Conch Meat; cooked or uncooked

(1) Mutilation – Prior to landing of any conchs taken for either commercial or recreational purposes, No person shall mutilate any **cooked or 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 **cooked or 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.~~ [Penalty - Part 3.3; RIGL§ 20-1-16]

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

(d) Hauling or Setting Conch Pots/Traps at Night – No person shall set, raise, or unduly disturb any conch pot or trap within the territorial waters of this State between the hours of one (1) hour after sundown and one (1) hour before sunrise.

(e) 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 4.35.1-4). (RIMF REGULATION) [Penalty - Part 3.3; RIGL§ 20-1-16]~~

(1) No person fishing commercially or recreationally shall take, possess, sell, possess for sale, or offer for sale any conch with a shell measuring less than 2-3/4 inches (69.85 mm) in diameter or a shell length less than 4-3/4 inches (120.65 mm). (RIMF REGULATION) [Penalty - Part 3.3; RIGL§ 20-1-16]

(2) Any person who takes and/or possesses conch of less than the minimum size, as delineated above, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for

every fifteen (15) conch that are less than the minimum size and found to be in his/her possession. Additionally, if any person who is found in possession of conch of less than the minimum size that are commingled and/or otherwise stored or contained with conch that are of at least minimum size, and the percentage of the less than minimum size conch is ten percent (10%) or more of the total piece count of the conch commingled and/or otherwise stored or contained in a package, shipment, or container, the entire commingled and/or otherwise stored or contained package, shipment, or container, shall be subject to seizure and/or forfeiture in accordance with the provisions of RIGL § 20-1-8((a)(5), 20-1-8(a)(6).

~~(e)~~ **(3)** Any person who is found to possess conch in violation of Subsections 4.35(a), or 4.35(b), or 4.35.1-1, or 4.35.1-2(b), or 4.35.1-3 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]

~~(e)~~ **(4)** In addition to provisions of Subsection 4.35.1-2~~(e)~~**(e)(3)**, any person who is found to possess conch in violation of ~~Section~~ **Subsection 4.35.1-1(a), or subsections 4.35.1-2(a) 4.35(b), or 4.35(d), or 4.35.1-2(b)1, or 4.35.1-2, or 4.35.1-3** 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 Commercial ~~Harvest~~ **Taking** of Conch (Channeled Whelk – *Busycotypus canaliculatus* and Knobbed Whelk – *Busycon carica*)

4.35.1-1 License Required for ~~Commercial Harvest~~ **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~~ **under** the jurisdiction of ~~this state~~ **the State of Rhode Island**, 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)]

~~4.35.1-2 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 4.35.1-4). (RIME 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 2-3/4 inches (69.8 mm) in diameter or a shell length less than 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 Section 4.35.1-1, or subsections 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 Section 4.35.1-1, or subsections 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]~~

4.35.1-2 Commercial Possession Limit – A holder of any commercial fishing license issued by the State of Rhode Island authorized for the taking of conch may take and/or possess, in any one (1) day, up to 35 bushels of conch per vessel per calendar day. (RIMFC REGULATION) [Penalty – Part 3.3, RIGL§ 20-3-3]

4.35.2 4.35.1-3 Commercial Conch Pot limit – No more than 300 conch pots or traps 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.~~

4.35.2 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)]

4.35.3 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)]

4.35.4 Recreational Harvest Taking 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)~~

~~4.35.6-2 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 2-3/4 inches (69.8 mm) in diameter or a shell length less than 4-3/4 inches (120.6 mm). RIGL (RIMF REGULATION) [Penalty - Part 3.3, RIGL §20-1-16]~~

4.35.6-34-1 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 onboard is used, a maximum of 1 bushel per vessel per calendar day. (RIMF REGULATION) [Penalty – Part 3.3, RIGL §20-1-16]

4.35.6-44-2 Non-commercial Recreational Conch Pot Limit – A non-commercial recreational fisher may set, place, ~~place, set, keep, or~~ maintain, supervise, lift, raise, or draw in from any of the waters under the jurisdiction of the State of Rhode Island, or cause to be placed, set, kept, maintained, supervised, lifted, raised, or drawn in or from any of those waters at any one time not more than five (5) conch pots or traps at any one time. A non-commercial conch fisher shall not offer for sale or sell conchs. [Penalty - Part 1.16; RIGL §20-1-16]

4.35.5 Unauthorized Raising of Traps, Pots, and Devices -- No person except the Director, enforcement officers, and authorized technical personnel of the Department may unduly disturb, lift, raise, molest, or remove any animal from a pot, trap, or other such device of a person possessing a valid license to take conch, without the written permission of that person. (RIGL§ 20-4-8) [Penalty 20-1-16 - Part 1.16]

4.35.6 Removal of Branded Numbers or Identification Tags from Conch Pots – No person shall set, maintain, or have in his or her possession any conch pots or traps from which the branded numbers or identification tags have been altered, obliterated, or removed, with the intent to defraud or deprive the owner. Every person convicted of violating the provision of this section shall be fined one hundred dollars (\$100) for each of those pots or traps or be imprisoned not more than thirty (30) days, or both. All pots, traps, or other devices used or possessed contrary to the provisions of this section and other sections of this Part shall be seized by any officer engaged in the enforcement of this Part, and that property shall be forfeited. (RIGL §20-7-12)

4.35.5-7 Unauthorized Possession and/or Transfer of Pots and Traps -- (a) No person except the Director, Division of Law Enforcement officers, and authorized technical personnel of the Department may place, set, keep, maintain, sell, transfer, or have in his or her possession any pot, trap, car, or any other device used in taking or holding conchs, nor take, remove, or carry away from the beach or shore any pot, trap, car, or other device or line (warp) or buoy without the written permission of the owner.

(b) Every person convicted of violating this section shall be fined not more than one thousand dollars (\$1,000) for each offense, or be imprisoned not exceeding one year, or both, and each pot, trap, car, or other device used in violation of this section shall constitute a separate offense. In addition, if that person is licensed, his or her license shall be revoked for one (1) year. (RIGL §20-1-6)

4.35.7 Raising Pots at Night -- No person shall raise or unduly disturb any conch pot or trap within the territorial waters of this state between the hours of one (1) hour after sundown and one (1) hour before sunrise. Every person violating this section shall, upon conviction, be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or be imprisoned not exceeding one (1) year, or both. However, in situations of emergency or upon application being made, the owner of the conch pots or traps may be authorized to remove the pots or traps by the Director or the Director's designee during the prohibited hours. All boats, pots or traps, or other equipment used in violation of this section shall be seized and forfeited to the state. (RIGL§ 20-1-8 and § 20-1-8.1)