



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT



**RHODE ISLAND MARINE FISHERIES
REGULATIONS**

~~Part XI~~
~~Commercial Fisheries~~

~~August 19, 2014~~

Summary of Proposed Changes

PROPOSED REPEAL OF REGULATION

In conjunction with proposed repeal of “RIMFR Part 10 – Equipment Restrictions”, “Part 13 – Gillnet Regulations”, and “Part 14 – Fish Traps” and proposed ADOPTION of RIMFR “Part 6 – General Equipment Provisions”

Public hearing
March 14, 2016

AUTHORITY: Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.

NOTE: This regulation is proposed to be repealed, however most of the language is not in actuality proposed for repeal, but is only proposed to be re-located to a new regulation “Part 6 – General Equipment Provisions” as part of a regulation re-structuring effort designed to improve the readability and clarity of Marine Fisheries regulations.

In many instances the language is proposed to be revised as it is re-located. This summary provides annotated changes to assist the reader with understanding the proposed changes

~~11.1 Commercial Fishing: No person shall engage in the taking for sale by any manner, method, or contrivance, of any marine finfish, shellfish, crustacean, or other invertebrate; and no vessel, boat, trap, seine, or other fishing gear shall be used in the taking for sale of any marine finfish, shellfish, crustacean, or other invertebrate unless a license therefor has been obtained as provided in this Title. (RIGL 20-4-1)~~

Commented [DP(1)]: Belongs In Licensing regs. As covered in statute, ok to remove here and place in Licensing later

11.2 Otter Trawls, Pair Trawls, and Beam Trawls:

~~11.2.1 Areas Prohibited: Unless otherwise specified in regulations adopted by the Department, and except for those areas described in § 20-4-3, no person shall operate a beam, pair, or otter trawl or other mechanical trawling device in the Sakonnet River, Narragansett Bay, in Point Judith Pond, so-called, in the towns of Narragansett and South Kingstown, or the Harbor of Refuge, so-called, in the town of Narragansett, or in Potter Pond, so-called, in the town of South Kingstown, or in Great Salt Pond, so-called, in the town of New Shoreham. (RIGL 20-4-2)~~

Commented [DP(2)]: No trawling devices in the Upper Sak River Marine Life Mgmt. Area and Upper Narr. Bay Trawling Area only, as said below in “Areas Allowed”. Poorly written as worded. Prohibition being re-located to Equipment Regs section 6.5.2(C)

~~11.2.3 Areas Allowed: Any licensed resident commercial fisherman and a nonresident commercial fisherman licensed pursuant to § 20-2-28, may operate otter, beam, or pair trawls, or other mechanical trawling device subject to rules and regulations of the Department, in the area of Narragansett Bay and Sakonnet River south of a line, extending from [a DEM marker at] Spink Neck in the town of North Kingstown in a northeasterly direction to [a DEM marker at] Pine Hill Point on Prudence Island and from a point at Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island shoal light, thence to the north abutment of Mt. Hope Bridge in the town of Bristol, and south of a line extending from McCurry Point, so-called, on the east side of the town of Portsmouth northeasterly in a line to the southerly point of Jack’s Island, so-called, in the town of Tiverton. The area subject to this section may be changed by rules and regulations adopted by the Department. (RIGL 20-4-3)~~

Commented [DP(3)]: All netting prohibited per section 11.4.2 of this regulation. Broad prohibition for all netting in all waters re-located to Equipment Regs section 6.5.1

Commented [DP(4)]: Some redundancy with section 11.3.3 of this reg. Specific salt pond trawling prohibitions re-located to Equipment Regs section 6.5.2(C)

Commented [DP(5)]: Being re-located to Equipment Regs section 6.5.2(C)

Commented [DP(6)]: Duplicate with 11.2.1, 11.4.7, and 11.10

11.3 Seines, Fyke Net, and Trawling prohibition in Ponds and Rivers:

11.3.1 **Seining:** ~~It is illegal to~~ **No person shall** set, haul, and/or maintain a seine

along the shoreline within one half (½) mile in both directions of the seaward entrance to any ~~of the coastal salt ponds and rivers channels~~ listed below when the ~~area coastal salt pond~~ is open to the sea. This seining prohibition shall also extend seaward for a distance of three hundred (300) yards. The following areas shall be covered by this regulation: Quicksand Pond ~~and channel~~, Tunipus Pond ~~and channel~~, Cards Pond ~~and channel~~, Trustom Pond ~~and channel~~, Quonochontaug Pond ~~and channel~~, Charlestown Pond ~~and channel~~, Winnapaug Pond ~~and channel~~.

~~11.3.2 Fyke nets: Fyke nets are prohibited in all of the Salt Pond channels as defined in RIMFR Part III.~~

11.3.3 Trawling Devices: It is illegal to set, haul, and/or maintain a trawling device in any of the ~~channels~~, ponds, and/or rivers as follows: Quicksand Pond ~~and channel~~, Tunipus Pond ~~and channel~~, Briggs Marsh ~~and channel~~, Round Pond ~~and channel~~, Narrow River ~~and channel~~, Point Judith Pond ~~and channel~~, ~~East Pond and channel~~, Potter Pond ~~and channel~~, ~~The Harbor of Refuge~~, Card Pond ~~and channel~~, Green Hill Pond ~~and channel~~, Trustom Pond ~~and channel~~, and Winnapaug Pond ~~and channel~~.

11.4 Seines, Trawling Devices, and Gill Net prohibitions by Geographic Area:

11.4.1 Pawcatuck River and Little Narragansett Bay: Except as herein provided for Menhaden, it shall be illegal to set, maintain, or haul a gill net for any species in that portion of Rhode Island waters in the Pawcatuck River or Little Narragansett Bay and within one and one half (1 ½) miles south (true) and west (true) of Napatree Point. ~~Gill netting for Menhaden will be permitted with a Size No. 1 net provided that the net is constantly tended by the individual setting the net, and provided that the net does not exceed one hundred (100) feet in length and contain a mesh size greater than three and three quarters (3 3/4) inches stretched.~~ It shall be unlawful to retain any other species of fish captured in a Menhaden gill net in Little Narragansett Bay or the Pawcatuck River. With the exception of seining between February 1 and April 15 of each year, all netting (including Menhaden gill netting) shall be prohibited north of a line from Pawcatuck Rock to Thompson Point.

11.4.2 Point Judith Pond and Potter Pond: All netting, except licensed fish traps, shall be prohibited in the Harbor of Refuge and the southern portion of Point Judith Pond. This area shall be defined as including the water area encompassed by the Harbor of Refuge Breakwater and will be bounded on the north by a line from Strawberry Hill Point to High Point, and on the east by the Great Island Bridge. Gill netting will be prohibited in Point Judith Pond ~~and channel~~, ~~East Pond and channel~~, Potter Pond and channel, the Interior Harbor of Refuge, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater. Otter trawling inside the Harbor of Refuge, Point Judith Pond, ~~East Pond~~, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater shall be prohibited. It shall be illegal to set, haul, and/or maintain a seine in the southern portion of Point Judith Pond (as defined above), the Harbor of Refuge and within one hundred (100) yards seaward

Commented [DP(7)]: Duplicate. All netting prohibited in all coastal salt pond channels as specified in several locations throughout this reg. Broad prohibition re-located to Equipment Regs section 6.5.1

Commented [DP(8)]: Obsolete name; does not exist for the purposes of this regulation

Commented [DP(9)]: All netting prohibited per section 11.4.2 of these regs. Broad prohibition for all netting in this areas re-located to Equipment Regs section 6.5.1

Commented [DP(10)]: Some redundancy with section 11.2.1 of this reg. All netting is prohibited in all coastal salt pond channels as specified in multiple sections throughout this regulation. Broad prohibition re-located to Equipment Regs section 6.5.1. Specific pond trawling prohibitions re-located to Equipment Regs section 6.5.2(C)

Commented [DP(11)]: Being re-located to Equipment Regs section 6.5.3(B)(6)

Commented [DP(12)]: Redundant. Definition of Bait Gillnet

Commented [DP(13)]: No such term. Means "Bait gillnet". Broad provision requiring return of non-bait species when gillnetting for bait provided in section 6.5.3(A) of Equipment Regs

Commented [DP(14)]: Re-worded to apply to all bait species and re-located to Equipment Regs section 6.5.3(A)

Commented [DP(15)]: Re-located to Equipment Regs section 6.5.1(F)

Commented [DP(16)]: Specifies that "all" netting prohibited in this area. "Southern portion of PJ Pond" not previously mentioned in reg. Re-located as broad prohibition to 6.5.1 Equipment Regs

Commented [DP(17)]: Gillnetting prohibited in all coastal ponds per GN regs section 13.6. Re-located to Equipment regs section 11.3.2(F)

Commented [DP(18)]: All netting prohibited

Commented [DP(19)]: All netting prohibited as stated in beginning of paragraph. Re-located to Equipment Regs 6.5.1

of the Harbor of Refuge Breakwater. In addition, in the northern portion of Point Judith Pond, all netting shall be prohibited in the Narrows bounded on the west by a line from Betty Hull Point to Short Point, and on the east by a line from Blue Rock Point to Old Cellar Point. All netting shall also be prohibited north of a line from Ram Point to Squally Point.

Commented [DP(20): All netting prohibited in sentence above. Re-located to Equipment Regs section 6.5.1

11.4.3 Potter Pond and Channel: It shall be illegal to set, haul, and/or maintain a gill net or otter trawl in Potter Pond and channel. All netting in Potter Pond channel shall be prohibited between Gooseberry Island on the east end of the channel to the west end of Potter Pond channel. ~~Nothing will be permitted in Succotash Marsh.~~ In the northern portion of Potter Pond, all netting shall be prohibited within one hundred (100) feet of the Captain's Brook.

Commented [DP(21): Re-located to Equipment Regs section 6.5.1

Commented [DP(22): Otter trawling prohibition in Potter re-located to Equipment Regs section 6.5.2(D). Gillnetting prohibition in Potter re-located to Equipment Regs section 6.5.3(B) (6)

Commented [DP(23): Being re-located to Equipment Regs section 6.5.1

Commented [DP(24): Not specifically re-stated. Prohibition applies to channel, covered by default

Commented [DP(25): Re-located to Equipment Regs section 6.5.1

Commented [DP(26): All netting prohibited in all channels

11.4.4 Narrow River: It shall be illegal to set, haul, and/or maintain a trawling device or gill net in Narrow River channel. All netting shall be prohibited in Narrow River channel (refer to definition section), and within three hundred (300) yards of the seaward entrance to Narrow River. In addition, all netting shall be prohibited in Narrow River between Middle Bridge and a point located eight hundred (800) feet north of Bridgetown Road Bridge (Route 138), within one hundred (100) feet north and south sides of the upper Narrows, and within one hundred (100) feet east and west of the seaward mouth of Gilbert Stuart Brook.

Commented [DP(27): Re-located to Equipment Regs section 6.5.1

11.4.5 Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas in ~~the area that portion of the pond~~ described as south of a line between Marsh Point and Horseshoe Point on the Arnolds shore, west of a line between DEM markers on Marsh Point and Marsh Neck Point. The prohibited area is bounded on the west by a line between the east shore of the Foster Cove channel and a DEM marker on the barrier beach.

Commented [DP(28): Re-located to Equipment Regs section 6.5.2(D)

(A) All fixed gear is prohibited in the Foster Cove Channel and in the narrows in Charlestown Pond.

Commented [DP(29): Re-located to Equipment Regs section 6.5.1(G)

11.4.6 Quonochontaug Pond: Otter trawling in Quonochontaug Pond is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas in ~~the area that portion of the pond~~ described as south of a line running easterly from a DEM marker at the end of Quahaug Point to the northern end of Nopes (Barn) Island. The area is ~~bordered bounded~~ on the west by a line running south from Quahaug Point to a DEM marker on the barrier beach.

Commented [DP(30): Re-located to Equipment Regs section 6.5.2(D)

11.4.7 Upper Sakonnet River Marine Life Management Area: ~~The Upper Sakonnet River Marine Life Management Area is designated a Marine Life Management Area pursuant to RIGL 20-3 4, and is~~ described as that portion of the ~~Upper~~

Sakonnet River which lies north of a line from McCurry Pt. in Portsmouth to the southern end of Jack's Island (so-called) in Tiverton, and ~~that portion of the Sakonnet River~~ which lies south of the Sakonnet River Bridge (Rt. 24) ~~to the southern boundary.~~

(A) Closed Area: This area is closed to trawling devices.

Commented [DP(31)]: Re-located to Equipment Regs section 6.5.2(C)

11.5 Fyke Net Regulations: It shall be illegal to use a fyke net for the purpose of taking any fish if said fyke net leader exceeds one hundred (100) feet in length, has a stretched mesh greater than two and one half (2 1/2) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and which is within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with ~~the Department DFW.~~

Commented [DP(32)]: Re-worded and re-located to Equipment Regs section 6.5.4

11.6 Use of Explosives: The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island ~~shall be is~~ prohibited.

Commented [DP(33)]: Re-located to Equipment Regs section 6.3

11.7 Obstruction of Migratory Fish Regulations -- Statewide Passage: ~~It shall be illegal to No person shall~~ obstruct the free passage of anadromous or catadromous fish in any ~~of the~~ coastal rivers, streams, ~~and/or~~ estuaryies of the State of Rhode Island. ~~This shall include, but not be limited to, the following areas: Quicksand Pond, Tunipus Pond, Briggs Marsh, Round Pond, Warren River, Barrington River, Brickyard Pond, Seekonk River, Narrow River, Point Judith Pond, Potter Pond, Card Pond, Truston Pond, Green Hill Pond, Charlestown Pond, Quonochontaug Pond, Winnapaug Pond, Pawcatuck River, Mastuxet Brook, King Tom Pond, Factory Pond, Mill Pond, Smolt Brook, Saugatucket River, Gilbert Stuart Brook, Wesquage Pond, Annaquatucket River, Cocumscussoc Brook, Potowomut River, Maskerchugg River, Gorton Pond, Tuscataucket Brook, Spring Green Pond, Pawtuxet River Woonasquatucket River, Moshassuck River, Seekonk River, Ten Mile River, Annawomscutt Brook, Mussachuck Creek, Runnie River, Kickemuit River, Sin and Flesh Brook, Nonquit Pond, Patchet Brook, Dunderry Brook, Cold Brook, Goose Neck Cove, Lily Pond, Almy Pond, Easton Pond Brook and Palmer River. It is illegal to take and/or possess Atlantic salmon.~~

Commented [DP(34)]: Re-located to Equipment Regs section 6.4

Commented [DP(35)]: Reg is clear that it is "any" water body where such fish may be present

Commented [DP(36)]: Duplicate. FF regs

11.8 Marking of Traps: The owner of every trap, pot, or other stationary contrivance used for the taking of marine fish, shellfish, crustaceans, or other invertebrates being fished in the waters of this state, and the owner of any trap or pot for catching or cars, or other contrivance for keeping lobsters, shall mark each such trap, pot, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners thereof or the person or persons using the same, and the license number or numbers of such person or persons. ~~Every person failing to mark each trap as provided in this Section shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) for each such offense and all traps, pots, or other contrivances used contrary to the provisions of this and other Sections of this Chapter shall be seized by any officer engaged in the enforcement of this Chapter; and the property shall be forfeited to the state.~~ (RIGL 20-4-7)

Commented [DP(37)]: Re-located to Equipment Provisions section 6.2

Commented [DP(38)]: All references to specific fines/penalties deleted and replaced with general provision at end of reg

~~11.8.1 Trap (pot) Limits: Each person utilizing traps or pots in the fishery for scup shall be permitted to fish up to fifty pots, and each vessel engaged in this fishery will be permitted to set up to fifty traps regardless of the number of licenses on board.~~

~~11.8.2 Trap Construction - Escape Vents:~~

~~(A) Scup traps: All scup traps (pots) must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2 1/4" X 5 3/4" if rectangular or may be constructed of 2 1/4" X 2 1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.~~

~~(B) Black sea bass traps: All black sea bass traps (pots) must be constructed with two escape openings in the parlor portion of the trap. Openings may be circular, rectangular, or square, and must be a minimum of 2.5" in diameter if circular, 1 3/8" X 5 3/4" if rectangular, 2" X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.~~

~~(C) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:~~

~~(1) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;~~

~~(2) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;~~

~~(3) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller.~~

~~(4) If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.~~

~~(D) Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.~~

Commented [DP(39)]: Duplicate. Contained in FF regs

11.9 Unauthorized Raising of Traps, Pots, and Devices: No person except the Director shall unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed under this Title, without the written permission of that person. (RIGL 20-4-8)

Commented [DP(40)]: Re-located to Equipment Regs section 6.1

11.10 Upper Narragansett Bay Trawling Area: **The Upper Narragansett Bay Trawling Area is designated a Marine Life Management Area pursuant to RIGL 20-3-4, and is described as** the **area waters** is encompassed by the following lines: the southern boundary of the Upper Narragansett Bay ~~otter~~ trawling area is defined as a line from Spink Neck in the Town of North Kingstown to Pine Hill Point on Prudence Island, thence from Homestead Dock on the easterly shore of Prudence Island, thence

Commented [DP(41)]: Not part of the title and seasonal allowance applies to all trawling devices

northeasterly to Hog Island Shoal Light, and thence to the north abutment of the Mt. Hope Bridge in the Town of Bristol; the western boundary of the area is a line from Sandy Point in the City of Warwick to the southern tip of Warwick Point in the City of Warwick; the northern boundary of the area is a line from the dock at Rocky Point in Warwick to the southern tip of Poppasquash Point in Bristol, thence to Hog Island Light, and thence to the northern abutment of the Mt. Hope Bridge in Bristol.

Commented [DP(42)]: Re-located to Equipment Regs section 6.5.2(C)

11.10.1 The use of beam trawls, otter trawls, pair trawls, or any other mechanical trawling device is allowed in the Upper Narragansett Bay Trawling Area between July 1st and November 1st annually, but not on weekends and legal State holidays.

Commented [DP(43)]: Being re-located to Equipment Regs section 6.5.2(C)

11.11 Narragansett Bay, Mt. Hope Bay, Sakonnet River, Charlestown and Quonochontaug Ponds Winter Mesh Size Regulations: This area is defined as all Rhode Island State waters which are north of the following lines: north of a line running from easternmost extension of Carrier Pier to Conanicut Pt. to the tips of the T Pier on Prudence Island to Carr's Point; and north of a line from Sachuest Pt. to Sakonnet Point; and all waters north of Quonochontaug and Charlestown Breachways. Except as provided for in Section 7.08-2 and 11.19, in that portion of the area described above which is open to trawling, it is illegal to utilize an otter trawl during the period November 1 to February 28, (inclusive) which has any mesh which measures less than 6" stretched mesh (measured inside knot to inside knot).

Commented [DP(44)]: Re-located to Equipment Regs section 6.5.2(E)

~~11.12 Regulations for Internal Waters Processing Applications for Atlantic herring and/or Atlantic mackerel: No application for Internal Waters Processing (IWP) of Atlantic herring and/or Atlantic mackerel shall be accepted after March 1, annually, unless accompanied by a legally binding contract for an IWP operation in Rhode Island waters involving Rhode Island fishing vessels. The Director may grant an allotment from Rhode Island's existing unallocated or un-contracted quota for a legally bound IWP application submitted after the March 1 deadline.~~

Commented [DP(45)]: Obsolete.