

DRAFT 1/8/2013

Part 1.3 – Definition of Terms

Conch Pot or 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 conch, and is affixed with a conch trap tag pursuant to RIMFC regulations 4.35.5-1 and 10.1, inclusive.

Lobster Pot or 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 American lobster, and is affixed with a lobster trap tag pursuant to RIMF regulation 15.14.1 and 10.1.2, inclusive.

Scup Pot or 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 scup trap tag pursuant to RIMFC regulations 10.1.2 and 11.12.4, inclusive.

Black Sea Bass Pot or 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 black sea bass trap tag pursuant to RIMFC regulations 10.1.2 and 11.12.4, inclusive.

Miscellaneous Pot or 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 marine invertebrates other than American lobster, conch, scup, or black sea bass, and is affixed with a miscellaneous pot or trap tag pursuant to RIMFC regulation 10.1.2, inclusive.

Harvest – The act of taking or gathering in (a resource)

Catch or Catching – To take or seize; capture; to entrap or ensnare

PART IV – CURRENT REGULATIONS (As of 1/1/2013):

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)]

4.35.1-2 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 2-3/4 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 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)]

4.35.6 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)

4.35.6-2 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]

4.35.6-3 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]

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PART VI – Current Regulations (bold black), **Proposed Regulations/Revisions (bold red)**, and Regulations recommended for deletion (regular black with strikethrough); revisions as of 1-3-2013:

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

(a) Taking or Harvest by RI state residents only – The taking or harvest 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 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) 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]

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

4.35.1-1 License Required for Commercial Taking or Harvest of Conch -- No person either as principal, agent, or servant shall at any time ~~catch or take~~ or harvest 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). (RIME 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 authorizing the taking or harvesting 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 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 Commercial and Recreational Equipment Requirements to Harvest Conch

4.35.5-1 Tagging of Conch Pots or Traps - No person shall have onboard a vessel, or set, deploy, place, keep, maintain, lift, or raise from in or upon the waters under the jurisdiction of the State of Rhode Island any conch pot or trap as defined in Part 1.3 for the taking of conch (Channeled whelk and Knobbed whelk) without having a valid State of Rhode Island conch pot or trap tag permanently attached to the trap so that it is clearly visible for inspection.

(a) Conch pot or trap tags shall be issued annually, at the time of license renewal, to licensees with a conch endorsement.

4.35.5-2 Buoying of Conch Pots or Traps -- Each single conch pot or trap shall be separately and plainly buoyed. If setting conch pots or traps as a trawl, each end of the trawl must have a buoy attached.

4.35.5-3 Marking of Conch Pots or Traps -- The owner of every pot, trap, or other stationary contrivance used for the taking of conch fished in the waters of this state, and the owner of any pot or trap for catching conch, or cars or other contrivances for keeping conch shall mark each pot, trap, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners of the traps, pots, or contrivances 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 buoy and pot, trap, or other stationary contrivance as provided in this section shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) for each offense and all traps, pots, or other contrivances used contrary to the provisions of this and other sections of this Part shall be seized by any officer engaged in the enforcement of this Part, and the property shall be forfeited to the state. (RIGL§ 20-4-7)

4.35.5-4 Escape Vent Sizes and Biodegradable (Ghost) Panels-- Penalty -- Effective January 1, 2008, it shall be unlawful to fish for or take conch by use of any conch pot or trap within the territorial waters of the State of Rhode Island unless the pot or trap is equipped with an escape vent(s) and biodegradable (ghost) panel meeting the following specifications:

(a) A rectangular escape vent with an unobstructed opening not less than 2-1/4" inches (57.2 mm) by 5-3/4 inches (146mm); or

(b) Two circular escape vents, each with an unobstructed opening not less than 3.1 inches (78.7mm) in diameter; or

(c) A square escape vent with an unobstructed opening not less than 2-1/4" inches (57.2 mm) by 2-1/4 " inches (57.2 mm); or

(d) An unobstructed opening that would be adequate to meet the minimum size and number of vents required in 4.35.2-3,(a)-(c).

(e) Conch pots must contain a biodegradable (ghost) panel with the following specifications:

(1) The opening to be covered by the biodegradable panel must be rectangular and shall not be less than 3-3/4 inches (9.53 cm) by 3-3/4 inches (9.53 cm), and the biodegradable panel must be constructed of, or fastened to the trap with one of the following untreated materials: wood lath, cotton, hemp, sisal, or jute twine

not greater than 3/16 inch (0.48 cm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (0.24 cm) in diameter.

(2) A side of the trap may serve as the biodegradable panel if fastened with a material specified in previous paragraph (4.35.2-4,(e),1.)

(3) An unobstructed opening that would be adequate to meet the minimum size of biodegradable panels required in 4.35.2-4,(e),1.

(4) The ghost panel must not be located on the bottom of the trap.

(RIMFC REGULATION) (Penalty RIGL§ 20-1-16 - Part 1.16 and 15.12)

4.35.5-5 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]

4.35.5-6 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)

4.35.6 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)

4.35.7 Conch Endorsement Moratorium – Effective for the year beginning January 1, 2013 (maybe 2014??), there shall be a moratorium on the issuance of any new conch fishery endorsements for principal effort and commercial fishing licenses. All multipurpose fishing licenses shall be exempt from this conch fishery endorsement moratorium.

Part X – Equipment Restrictions

10.1 ~~[Repealed 1/9/2003]~~ Pots and Traps – Lobster, Conch, Scup, Black Sea Bass, and Miscellaneous Pots and Traps

10.1.1 Marking of Pots and Traps -- The owner of every pot, trap, or other stationary bottom-fishing contrivance or device used for the catching and taking of marine vertebrates or marine invertebrates being fished in the waters of this State, and the owner of any pot, trap, other stationary contrivance or device, or cars for keeping marine vertebrates or marine invertebrates shall mark each pot, trap, other stationary contrivance or device, or car, together with the buoy which is attached thereto, with the name or names of the owners of the same 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 pot, trap, or other stationary contrivance or device as provided in this Section shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) for each offense and all traps, pots, or other contrivances or devices 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)

10.1.2 Tagging of Pots and Traps -- No person shall have onboard a vessel, or set, deploy, place, keep, maintain, lift, or raise from in or upon the waters under the jurisdiction of the State of Rhode Island any pot, trap, or other stationary bottom-fishing contrivance or device used for the catching and taking of marine vertebrates or marine invertebrates without having the appropriate and valid State of Rhode Island pot or trap tag (lobster, conch, scup, black sea bass, or miscellaneous pot or trap tag) affixed to the pot, trap, or other stationary bottom-fishing contrivance or device.

(a) Pot and trap tags shall be issued annually, at the time of license renewal.

10.1.3 Buoying of Pots and Traps – Each pot or trap that is not part of a multiple pot or trap trawl (i.e. a single pot or trap) shall be separately and plainly buoyed. If setting pots or traps as a trawl (multiple pots or traps linked by a common line), each end of the trawl must have a buoy attached.

10.1.4 Escape Vents and Biodegradable (Ghost) Panels – Penalty – Effective January 1 2013, it shall be unlawful to set, deploy, place, keep, maintain, lift, or raise from in or upon the waters under the jurisdiction of the State of Rhode Island any pot, trap, or other stationary bottom-fishing contrivance or device used for the catching and taking of marine vertebrates or marine invertebrates unless equipped with an escape vent(s) and biodegradable (ghost) panel meeting the following specifications:

10.1.4-1 Lobster Pot or Trap Escape Vents

(a) A rectangular escape vent with an unobstructed opening not less than 2 inches (50.8 mm) by 5-3/4 inches (146.0 mm); **or**

(b) Two circular escape vents, each with an unobstructed opening of not less than 2-5/8 inches (66.68 mm) in diameter; **or**

(c) An unobstructed gap caused by separating bot ends of 2 vertical laths on the end of the parlor section of the pot, trap, or other stationary bottom-fishing contrivance or device by 2 inches (50.8 mm); **or**

(d) An unobstructed gap created by cutting the wires in a wire pot, trap, or other stationary bottom-fishing contrivance or device in such a manner as to meet the minimum size and number of escape vents required under 10.1.4,(a),1-2.

(e) The escape vent (or gap) shall be installed or made on the sides or end panel in the parlor section of the lobster pot or trap. A legal rectangular escape vent (or gap) or circular escape vents shall be located no more than 3 inches (76.2 mm) from the sill (bottom) of the lobster pot or trap. Lobster pots or traps with multiple parlor sections and having a central entrance funnel(s) must adhere to the escape vent requirements specified above in each parlor section. Lobster pots or traps equipped with multiple parlor sections that are linked in series (“in-line”) must adhere to the escape vent requirements specified above in the terminal, or end parlor section. Any fisherman not complying with the provisions of this section shall be fined not more than twenty dollars (\$20) for each lobster pot or trap not conformed to these specifications. (RIMFC REGULATION) (Penalty 20-1-16 – Part 1.16 and 15.12)

10.1.4-2 Lobster Pot or Trap Biodegradable (Ghost) Panel – Lobster Pots or Traps not constructed entirely of wood must contain a biodegradable (ghost) panel with the following specifications:

(a) The opening to be covered by the biodegradable (ghost) panel must be rectangular and shall not be less than 3-3/4 inches (95.3 mm) by 3-3/4 inches (95.3 mm); **and**

(b) The biodegradable (ghost) panel must be constructed of, or fastened to the lobster pot or trap with one of the following untreated materials: wood lath, cotton, hemp, sisal, or jute twine not greater than 3/16 inch (4.8 mm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (2.4 mm) in diameter.

(c) The door of the lobster pot or trap may serve as the biodegradable (ghost) panel if fastened with a material specified in the previous paragraph (10.1.4-2(b)).

(d) The biodegradable (ghost) panel must be located in the outer parlor(s) of the lobster pot or trap and not the bottom of the lobster pot or trap.

10.1.4-3 Conch Pot or Trap Escape Vents

(a) A rectangular escape vent with an unobstructed opening not less than 2-1/4 inches (57.2 mm) by 5-3/4 inches (146.0 mm); **or**

(b) Two circular escape vents, each with an unobstructed opening not less than 3.1 inches (78.7 mm) in diameter; **or**

(c) A square escape vent with an unobstructed opening not less than 2-1/4 inches (57.2 mm) by 2-1/4 inches (57.2 mm); **or**

(d) An unobstructed opening that would be adequate to meet the minimum size and number of escape vents required in the previous paragraphs (10.1.4-3(a)-(c)).

10.1.4-4 Conch Pot or Trap Biodegradable (Ghost) Panel

(a) The opening to be covered by the biodegradable (ghost) panel must be rectangular and shall not be less than 3-3/4 inches (95.3 mm) by 3-3/4 inches (95.3 mm); and the biodegradable (ghost) panel must be constructed of, or fastened to the lobster pot or trap with one of the following untreated materials: wood lath, cotton, hemp, sisal, or jute twine not greater than 3/16 inch (4.8 mm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (2.4 mm) in diameter.

(b) A side of the conch pot or trap may serve as the biodegradable (ghost) panel if fastened with a material specified in the previous paragraph (10.1.4-4(a)).

(c) An unobstructed opening that would be adequate to meet the minimum size and number of biodegradable (ghost) panels required in paragraph 10.1.4-4(a).

10.1.4-5 Conch Pot or Trap Limit -- The maximum number of conch pots or traps allowed to be fished (set, deployed, placed, kept, maintained, lifted, or raised) from in or upon the waters under the jurisdiction of the State of Rhode Island at any time by a duly licensed individual shall not exceed three hundred (300) conch pots or traps.

10.1.4-6 Scup Pot or Trap Escape Vents

(a) A rectangular escape vent with an unobstructed opening not less than 2-1/4 inches (57.2 mm) by 5-3/4 inches (146.0 mm); or

(b) Two circular escape vents, each with an unobstructed opening not less than 3.1 inches (78.7 mm) in diameter; or

(c) A square escape vent with an unobstructed opening not less than 2-1/4 inches (57.2 mm) by 2-1/4 inches (57.2 mm)

10.1.4-7 Scup Pot or Trap Limit -- The maximum number of scup pots or traps allowed to be fished (set, deployed, placed, kept, maintained, lifted, or raised) at any time by a duly licensed individual shall not exceed fifty (50) scup pots or traps.

10.1.4-8 Black Sea Bass Pot or Trap Escape Vents

- (a) A rectangular escape vent with an unobstructed opening not less than 2-1/4 inches (57.2 mm) by 5-3/4 inches (146.0 mm); or
- (b) Two circular escape vents, each with an unobstructed opening not less than 3.1 inches (78.7 mm) in diameter; or
- (c) A square escape vent with an unobstructed opening not less than 2-1/4 inches (57.2 mm) by 2-1/4 inches (57.2 mm)

10.1.4-9 Miscellaneous Pot or Trap Escape Vents

- (a) Any pot, trap, or other stationary bottom-fishing contrivance or device other than lobster pots or traps, conch pots or traps, scup pots or traps, or black sea bass pots or traps shall be exempt from escape vent requirements.

10.1.4-10 Miscellaneous Pot or Trap Biodegradable (Ghost) Panel

- (a) The opening to be covered by the biodegradable (ghost) panel must be rectangular and shall not be less than 3-3/4 inches (95.3 mm) by 3-3/4 inches (95.3 mm); and
- (b) The biodegradable (ghost) panel must be constructed of, or fastened to the lobster pot or trap with one of the following untreated materials: wood lath, cotton, hemp, sisal, or jute twine not greater than 3/16 inch (4.8 mm) in diameter, or non-stainless, uncoated ferrous metal not greater than 3/32 inch (2.4 mm) in diameter.
- (c) The door of the miscellaneous pot or trap, if so constructed, may serve as the biodegradable (ghost) panel if fastened with a material specified in the previous paragraph (10.1.4-10(b)).
- (d) The biodegradable (ghost) panel must be located in the outer parlor(s) of the miscellaneous pot or trap, if so constructed, and not the bottom of the miscellaneous pot or trap. For cylindrically-shaped pots or traps (i.e. eel or mummichog pots or traps), the biodegradable (ghost) panel may be located anywhere on the pot or trap as long as it provides for an opening not less than 3-3/4 inches (95.3 mm) by 3-3/4 inches (95.3 mm) once degraded.

Part 11 – Commercial Fisheries

11.12.4 Scup and Black Sea Bass Pots and Trap Tags – Effective January 1, 2013, all pots, traps, or other stationary bottom-fishing contrivances or devices designed or adapted to catch and take scup or black sea bass

are required to be tagged so as to identify the specie being fished for or targeted.

(a) Scup and Black Sea Bass pot or trap tags shall be issued annually, at the time of license renewal.

*ADD IN LANGUAGE FOR BUOYING, MARKING, ESCAPE VENT and BIODEGRADABLE PANEL?

Do this for all “trap/pot” fisheries?

DRAFT