



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 X
Equipment Restrictions**

March 17, 2015

AUTHORITY: These regulations are adopted pursuant to 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.

1. PURPOSE

The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.

2. AUTHORITY

These regulations are adopted pursuant to 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.

3. 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.

4. DEFINITIONS

See Rhode Island Marine Statutes and Regulations, Part I, '1.3.

5. 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.

6. SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of Part X shall be superseded.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.

7. REGULATIONS

7.1 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 ½) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and it shall be illegal to set a fyke net within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with the R.I. Department of Environmental Management.

7.1.1 Fyke nets are prohibited in Charlestown and Quonochontaug Ponds between June 15 and September 15 annually.

7.1.2 Fyke nets are prohibited in Channel Areas of Charlestown Pond.

7.2 Stowage of nets: Vessels possessing trawl devices while harvesting summer flounder, scup, black sea bass, or winter flounder, in excess of the limits specified in

RIMFR may have nets with mesh less than the minimum size specified in the regulations provided that the net is stowed and is not available for immediate use in accordance with this section. A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be "not available for immediate use".

7.2.1 A net stowed below deck, provided:

- (A) It is located below the main working deck from which the net is deployed and retrieved;
- (B) The towing wires, including the "leg" wires are detached from the net; and
- (C) It is fan-folded (flaked) and bound around its circumference.

7.2.2 A net stowed and lashed down on deck, provided:

- (A) It is fan-folded (flaked) and bound around its circumference;
- (B) It is securely fastened to the deck or rail of the vessel; and
- (C) The towing wires, including the leg wires, are detached from the net.

7.2.3 A net that is on a reel and is covered and secured, provided:

- (A) The entire surface of the net is covered with canvas or other similar material that is securely bound;
- (B) The towing wires, including the leg wires, are detached from the net; and
- (C) The cod end is removed from the net and stored below deck.

7.2.4 National Marine Fisheries Service authorized: Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid-Atlantic regulated mesh area defined as "that area bounded on the east by a line running from the shoreline along 72° 30' west longitude to the intersection of the outer boundary of the Exclusive Economic Zone (EEZ).

7.3 Trawling Ground Gear Regulations: The use of rollers, rockhoppers or discs greater than 12 inches in diameter is prohibited while fishing in Rhode Island waters.

7.4 Recreational use of nets for bait:

7.4.1 Marine species may lawfully be taken for personal use (not for sale) with nets, provided that all existing minimum size and possession limit restrictions for the species possessed are adhered to.

7.4.2 A two-quart per person possession limit is allowed for all unregulated marine species.

7.4.3 Beach seines or other nets, where allowed for the recreational harvest of marine species shall not exceed four (4) feet in depth and twenty (20) feet in length.

8. EFFECTIVE DATE

The foregoing rules and regulations “Rhode Island Marine Regulations, Part X - Equipment Restrictions”, after due notice, are hereby adopted and filed with the Secretary of State this 17th day of March, 2015 to become effective 20 days from filing, unless otherwise indicated, pursuant to 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.

Janet L. Coit
Director

Notice Given: 01/16/2015
Public Hearing: 02/16/2015
Filing date: 03/17/2015
Effective date: 04/06/2015
ERLID #: 8016