



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT



RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

Part XIV Fish Traps

January 5, 2005

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10, and in accordance with 42-35, of the Rhode Island General Laws of 1956, as amended.

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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.

AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42.17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10 and in accordance with Chapter 42-35, Administrative Procedures, of the General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

Rules and regulations are based upon the need to modify existing regulations (RIGL 20-3-2 through 20-3-6).

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.

DEFINITIONS

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

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.

SUPERSEDED RULES AND REGULATIONS (#1850)

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of Part XIV shall be superseded (**#1850**). 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.

Rule 8. EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this 5th day of January 2005 to become effective 20 days from filing, unless otherwise indicated, in accordance with the provisions of Chapters 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10, 42-35, 42-17.1, 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Frederick J. Vincent
Interim Director

Notice Given: 09/04/2004
Public Hearing: 10/04/2004

Filing date: 1/5/2005
Effective date: 1/25/2005

January 5, 2005

Honorable Matthew A. Brown
Secretary of State
217 State House
Providence, RI 02907

Dear Mr. Secretary:

Pursuant to the provisions of Chapters 42-17.1 and 20-3, and in accordance with Sections 42-35 of the Administrative Procedures Act of the General Laws of Rhode Island, 1956 as amended the Department of Environmental Management has adopted regulations governing the commercial fish trap industry.

The purpose of this filing is to amend the commercial fish trap industry regulations.

These regulations become effective 20 days from filing.

Sincerely,

Frederick J. Vincent
Interim Director

R.I. Marine Fisheries Statutes and Regulations
PART XIV - FISH TRAPS

14.1 Reporting Requirements: On or before the tenth day of January of each year, each licensee/fish trap operator shall submit a written report to the Department of Environmental Management, indicating those locations where the licensee shall be setting fish traps during the upcoming fishing season. These locations shall be identified by LORAN or latitude and longitude coordinates and shall also include the dates upon which the licensee anticipates setting and removing the traps. This notification shall not prohibit a fish trap operator from subsequently, during the calendar year, setting additional traps on licensed locations that were not anticipated and for which notice was not therefore provided to the DEM. However, any deviations from the report must be reported in writing and received by the Department of Environmental Management, Division of Fish and Wildlife, 4808 Tower Hill Road, Wakefield, Rhode Island prior to the setting of the trap. Failure to provide this information makes the fish trap operator's license null and void. Based on the reports of fish trap locations, the DEM shall develop a graphic chart displaying fish trap locations annually by June 1 for distribution to the public.

By 31 January of each year, the DEM shall review all trap site permits, and those sites authorized pursuant to Rule 14.7 for which licenses have not currently been issued shall be eliminated from the list of authorized sites for which licenses may be issued. The DEM shall provide notice in writing by registered mail to all those licensees who had most recently been issued permit(s) to set fish trap(s) in the locations of the sites to be eliminated. Said notice shall advise the affected licensee that the licensee may avoid the elimination of the trap location if written notice of such a desire to avoid elimination is received by the Department of Environmental Management, Division of Fish and Wildlife, 4808 Tower Hill Road, Wakefield, Rhode Island on or before thirty (30) days of the licensee's receipt of the notice of elimination.

14.2 Inspection of Traps: Fish trap inspections, as required by RIGL 20-5-11, shall be conducted at least once in the spring and fall of each calendar year. The results of fish trap inspections shall be reported to the RI Marine Fisheries Council the month following each inspection.

14.3 Hook-backs in Leaders: Each leader shall be set as nearly as may be in a straight line, no bend or angle, known commonly as a "hook-back," shall be permitted.

14.4 Distance Between Traps: As specified in RIGL 20-5-4, the Director may grant a license for the erection of a fish trap within a lesser distance of three thousand feet of an adjoining trap if the parties interested agree in writing to such a lesser distance. Such decisions shall be made with the advice of the Rhode Island Marine Fisheries Council

14.5 Navigational Aids to Fish Traps and Appurtenances: Upon receipt of the January 10th report concerning the locations where and the time periods when fish traps shall be set, the DEM shall forward all information regarding the reported traps to the United

States Coast Guard (USCG) for a determination on the types of navigational aids required. Licensees must comply with USCG requirements, failure to comply shall make license null and void. If no changes in trap locations are made in years subsequent to USCG review for any licensee, information contained in the January 10th report will not be forwarded to the USCG and the licensee must adhere to the most recent USCG determination.

14.6 Gear Damage: No person shall cause any damage to a fish trap of a person licensed under this title [Penalty – Part 3.3 (RIGL 20-3-3)].

14.7 Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites (map shows approximate locations and orientation of traps):

(1) The following sites are located south of Newport and Middletown within the area designated for floating fish traps by the engineer's office of the Department of the Army.

(a) Sites 13A, 13B, 13C, 13D, 13E, 13F, 13G, and 13H located in a line extending southeasterly at approximately 135° beginning at Seal Rock (41° 26'39"N, 71° 20'49"W) so-called, and ending at approximately 41° 25'1"N, 71° 18'0"W.

(b) Sites 26A, 26B, 26C, and 26D located in a line extending southeasterly at approximately 135° from Flat Rock (41° 27'03"N, 71° 18'24"W) so-called, and ending at approximately 41 26'15"N, 71 17'0"W.

(c) Sites 111 and 112 located in a line extending southwesterly at approximately 225° from the west side of Price's Neck (41° 26'58"N, 71° 20'15"W), so-called, for a distance not exceeding 1,500 feet.

(d) Sites 133, 136 and 324 located in a line extending southeasterly at approximately 150° from the east side of Price's Neck (41° 27'0"N, 71° 20'5"W), so-called, for a distance not exceeding 3,300 feet.

(e) Sites 113A, 113B, 113C, 113D, 113E, and 113F located in a line extending southeasterly at approximately 135° from Coggeshall's Point (41° 27'4" N, 71°18'42" W) so-called, beginning just south of the inner area designated by the engineer's office of the Department of the Army at approximately 41°26'6"N, 71°16'56"W and ending near the eastern limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41° 24'50"N, 71°14'47"W.

(f) Sites 25A, 25B and 25C located in a line beginning approximately seven thousand four hundred feet (7,400') south-southeast (200°) of Cormorant Rock (41°27'36"N, 71°14'51"W) so-called, at approximately 41° 26' 29" N, 71° 15' 29" W extending southeasterly (120°) and ending at approximately 41° 25' 56" N, 71° 14' 21" W.

(g) Sites 54A and 54B located in line extending northwest at approximately 310° for three thousand three hundred sixty feet (3,360') beginning at the southerly limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41°24'48"N, 71°16'56"W, 5,000 feet east-southeast of the southeastern end of the line from Seal Rock described in subdivision (a) and ending at approximately 41°25'10"N, 71°17'30"W.

(h) Sites 37A and 37B located in line extending northwest at approximately 310° for 3,360' (1,680' each) beginning at the southerly limits of the outer area designated by the engineer's office of the Department of the Army at approximately 41°24'36"N, 71°15'51"W, 5,000 feet east-southeast of the southeastern end of the line from Seal Rock described in subdivision (g) and ending at approximately 41°24'58"N, 71°16'26"W.

(i) Sites 116 and 117 located in a line extending southeast at approximately 125° for 3,000 feet (1,500' each) from Gull Rock (41°27'33"N, 71°18'1"W) so-called, and ending at approximately 41°27'13" N, 71°17'29" W.

(j) Sites 501A and 501B located in a line extending southeast at approximately 125° for 3,360 feet (1,680' each) beginning at approximately 41°27'8"N, 71°17'35"W and ending at approximately 41°26'44"N, 71°16'54"W.

(k) Site 287 beginning at the high tide line 600 feet south of "forty steps" at approximately 41°28'26"N, 71° 17'49"W and extending east by south at approximately 100° for 1,680 feet.

(l) Site 23, designated for a pound net, is located approximately 4,600' south of Easton's Point (41 N 71 W) so-called, at approximately 41°27'56"N, 71°16'31"W and is of the dimensions 600' by 600'.

(m) Sites 383-19 and 383-19B located in line beginning northeast of Sachuest Point at approximately 41°28'30"N, 71°14'22"W, extending at approximately 135° for 3,360 feet and ending at approximately 41°28'8"N, 71°13'49"W.

(n) Site 512-19 begins approximately 2,250 feet south of flint point (41°29'9"N, 71°14'16"W) so-called, on the east side of Sachuest Point, and extends at approximately 135° for 1,680 feet ending at approximately 41°28'35"N, 71°13'58"W.

(m) Site 364, located at approximately 41° 27' 24" N and 71° 21' 30" W south of Castle Hill Lighthouse near Perry's Cove, extends approximately 400' west at approximately 270°.

(2) The following sites are located near Sakonnet Point within the area designated by the Department of the Army:

- (a) Site 119-19 located approximately one mile south of Church's Point (41°29'59"N, 71°12'22"W) so-called, beginning at approximately 41°29'12"N, 71°11'45"W and extending 1,680 feet west by southwest at approximately 250°.
- (b) Site 581-19 located approximately one mile south of Church's Point (41°29'59"N, 71°12'22"W), beginning at approximately 41°29'4"N, 71°12'14"W in line with and 900 feet from the outer end of site 119-19 and extending 1,680 feet west by southwest at approximately 250°.
- (c) Site 580-19 located approximately 7,000 feet north of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°29'2"N, 71°11'52" W and extending 1,680 feet west by south at approximately 250°.
- (d) Site 293-19 located approximately 6,000 feet north of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'55"N, 71°11'26"W and extending 1,680 feet west by south at approximately 250°.
- (e) Site 227-19 located approximately 3,500 feet northeast of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'31"N, 71°11'27"W and extending 1,680 feet west at approximately 270°.
- (f) Site 584-19 located approximately 2,700 feet north of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'24"N, 71°11'47"W and extending 1,680 feet west at approximately 270°.
- (g) Site 122-19 located approximately 1,400 feet northeast of the breakwater (41°27'58"N, 71°11'43"W) beginning at approximately 41°28'14"N, 71°11'36"W and extending 1,680 feet west at approximately 255°.
- (h) Site 120-19 begins approximately 300 feet north of the shore end of the Sakonnet breakwater (41°27'53"N, 71°11'45"W) and extends 1,680 feet west at approximately 270°.
- (i) Site 261-19 begins 2,000 feet south of breakwater point (41°27'53"N, 71°11'45"W) at approximately 41°27'34"N, 71°11'41"W and extends 1,680 feet west at approximately 270°.
- (j) Sites 398 and 118, located west of Sakonnet Point, extend in a line west by south at approximately 240° for 3,360 feet (1,680 feet each) beginning at the Sakonnet Lighthouse rock (41°27'10"N, 71°12'10"W) and ending at approximately 41°26'55"N, 71°12'49"W.
- (k) Site 58 begins at the Sakonnet Lighthouse rock (41°27'10"N, 71°12'10"W) and extends 1,680 feet south at approximately 180°.
- (l) Sites 79A and 79B, located in line, extend west by south from West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 250° for 3,360 feet to approximately 41°26'36"N, 71°12'30"W.
- (m) Site 114A begins approximately 3,200 feet south be west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 41°29'48"W, 71°7'33"N and extends at approximately 170° for 1,680 feet.
- (n) Site 29 begins approximately 8,400 feet south be west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 41°29'8"W, 71°8'17" and extends at approximately 180° for 1,680 feet.
- (o) Sites 614A and 614B, located in line, extend south beginning 2,000 feet east of Dolphin Rock (41°27'13"W, 71°11'7"N), so-called, at a bearing of approximately 180° for 3,360 feet.

- (p) Site FC-3 begins approximately 1,500 feet west of the state line at approximately 41°26'31"W, 71°12'9"N and extends south from South Shore Beach, Little Compton at approximately 180° for 1,680 feet.
- (q) Site FC-4 begins approximately 3,000 feet south of the southwest corner of Tunipus Pond, Little Compton at approximately 41°25'39"W, 71°12'16" and extends 1,680 feet at approximately 110°.

(4) The following sites are located east of the shore in Narragansett north of Scarborough Beach and south of Narragansett Pier within the area designated by the Army Corp of Engineers for fish traps:

- (a) Sites 68A and 68B, located in line, begin approximately 1,500 feet north of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by east at approximately 120° for 3,360 feet.
- (b) Sites 69A and 69B, located in line, begin approximately at Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by east at approximately 115° for 3,360 feet.
- (c) Sites 70A and 70B, located in line, begin approximately 2,000 feet south of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by east at approximately 115° for 3,360 feet.
- (d) Sites 74A and 74B, located in line, begin approximately 5,100 feet south of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and 600 feet from shore and extend southeast by east at approximately 130° for 3,360 feet.
- (e) Sites 75A and 75B, located in line, begin approximately 8,300 feet south of Indian Rock (41°24'54"N, 71°27'8"W), so-called, and extend southeast by south at approximately 145° for 3,360 feet.

(5) The following sites are located within the area of the Harbor of Refuge Point Judith:

- (a) Site 22-29, located outside of the Harbor of Refuge, begins approximately 1,200 feet northwest from the outer end of the west breakwater at approximately 41 N 71 W and extends at approximately 250° for 550 feet.
- (b) Site 400-23, located outside the Harbor of Refuge, begins approximately 500 feet northwest from the outer end of the west breakwater at approximately 41 N 71 W and extends at approximately 250°.
- (c) Site 475-29, located within the Harbor of Refuge, begins approximately at approximately 41 N 71 W in front of Breakwater Village, so-called, and extends southwest at approximately 225° for approximately 900 feet.
- (d) Site 475-30, located within the Harbor of Refuge, begins approximately 500 feet north from the outer end of the east breakwater at approximately 41 N 71 W and extends northwest at approximately 310° for approximately 650 feet.