



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 XIII Gill Net Regulations



November 8, 2013

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 thru 20-3-6, 20-4 thru 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SUPERSEDED RULES AND REGULATIONS

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all previous rules and regulations, and any policies regarding the administration and enforcement of Part XIII shall be superseded.

**R.I. Marine Fisheries Statutes and Regulations
PART XIII - GILL NET REGULATIONS**

13.1 Gill Net Licenses

(a) Each resident of the State is eligible to obtain a license to utilize gill nets upon payment of an annual fee of two hundred dollars (\$200) subject to rules and regulations established by the Marine Fisheries Council.

(b) Each resident who holds a multi-purpose commercial marine license as provided in § 20-2-28.1, or a commercial vessel or vessel operator's license as provided in § 20-2-27(c) is also eligible to apply for a commercial gill net permit in accordance with the provisions of this section. The annual recording fee for commercial gill netting is twenty dollars (\$20) and shall be paid in addition to the fees payable under §§ 20-2-27(c) and 20-2-28.1.

(RIGL 20-2-26.1)

13.2 Commercial Gill Net Fishery - License or Permit Required. -- It shall be unlawful for any person to set, haul, and/or maintain a commercial gill net in the public waters of the State without first obtaining a license or permit as provided in § 20-2-26.1. Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500) or imprisonment of not more than one (1) year or by both such. (RIGL 20-4-13)

13.3 General State Marking, Setting, and Tending Requirements. -- The following general state marking, setting, and tending requirements shall apply to all gill nets set, hauled, and/or maintained within Rhode Island waters.

13.3.1 Marking Requirement: Both the near shore and offshore ends of all gill nets must be marked with an orange or fluorescent orange bullet shaped buoy with a size of 9 x 16 inches and clearly marked with the letters "GN" with a minimum letter height of three (3) inches. No person shall set, haul, or maintain a gill net in Rhode Island waters, unless such net shall be marked, together with the buoys which are attached thereto, with the name and license number of said person.

13.3.2 Tending Requirement: Each gill net must be hauled once each day (24-hour period - 12:00 midnight to 12:00 midnight).

13.3.3 Distance from Fish Trap: It shall be illegal to set, haul, or maintain a gill net within three thousand (3,000) feet of a fish trap licensed by the R.I. Department of Environmental Management.

13.3.4 Floating/Bottom Tending Gill Nets: No floating gill net may be set within Rhode Island waters unless constantly tended. A net will be deemed constantly tended if the person setting the net is within one hundred (100)

feet of the net at all times. If any portion of the gill net is exposed at the surface, the net will be judged a floating gill net. With the exception of constantly tended nets, only bottom tending gill nets shall be set in Rhode Island waters. For purposes of this regulation, a bottom tending gill net shall be defined as any gill net, anchored or otherwise, which is fished on or near the bottom or which is fished in the lower one third (1/3) of the water column.

13.3.5 Mesh Size: No bottom tending gill net shall have a mesh size smaller than five (5) inches stretched mesh, except as provided in part 10.7 and 13.4.3-3 13.5. (RIMFC REGULATION) (RIGL 20-4-12) [Penalty - Part 3.3; (RIGL 20-3-3)]

13.4 Additional Area Specific Regulations -- Any gill net set, hauled, and/or maintained in the following areas must adhere to all of the State marking and tending requirements. In addition to the general requirements (Part 13.3), each gill net set, hauled, and/or maintained in the following areas must also meet the following more restrictive specifications:

13.4.1 Narragansett Bay, Mount Hope Bay, and the Sakonnet River: This area shall include all waters of Narragansett Bay, Mount Hope Bay, and Sakonnet River, north of the Colregs line. It shall be illegal to set, haul, and/or maintain a gill net within this area which does not adhere to the following specifications:

13.4.1-1 Length: A single net or series of connected nets may not exceed a maximum total length of three hundred (300) feet.

13.4.1-2 Setting Pattern/Spacing Requirement: Each gill net must be set in a straight line. No gill net may be set within fifty (50) yards of shore at mean low water or within two thousand (2000) feet of another gill net.

13.4.2 Waters within One Half Nautical Mile of the Rhode Island Coast: The following additional requirements shall apply to all gill nets set within one half (1/2) mile of the Rhode Island coast (mean high tide line) and south of the area defined in Part 13.4-1.

13.4.2-1 Length: A single net or series of connected nets may not exceed a maximum total length of six hundred (600) feet.

13.4.2-2 Setting Pattern/Spacing Requirement: Each gill net must be set in a straight line and perpendicular to the shore. No gill net may be set within two thousand (2000) feet of another gill net.

13.4.3 Waters between One Half Nautical Mile and Three Nautical Miles from the Rhode Island Coast (Mean high tide line): The following additional requirements shall apply to all gill nets set within this area.

13.4.3-1 Setting Pattern/Spacing Requirement: Each gill net must be set in a straight line (from one end buoy to the other). No gill net may be set within two thousand (2000) feet of another gill net during the period from April 1 to October 1.

13.4.3-2 Marking:

(a) **Gill nets greater than six hundred (600) feet and less than or equal to twelve hundred (1,200) feet** must be marked with two (2) orange or fluorescent orange floats with a size of 9 x 16 inches on the westernmost end as measured on a compass circle from magnetic south through west to, and including, north and one orange or fluorescent orange floats with a size of 9 x 16 inches on the easternmost end side as measured on a compass circle from magnetic north through east to, and including, south. In the case of nets set in a due north south line, the two orange or fluorescent orange floats with a size of 9 x 16 inches should be placed on the southernmost end. All orange or fluorescent orange floats with a size of 9 x 16 inches must be marked in accordance with the general marking requirements (Part 13.3).

(b) **Gillnets greater than 1,200 feet** must be marked with an orange or fluorescent orange float with a size of 9 x 16 inches and a radar reflective highflyer at each end. One of the radar reflective highflyer is to be marked with a flag on the westernmost side as measured on a compass circle from magnetic south through west to, and including, north. The easternmost side as measured on a compass circle from magnetic north through east to, and including, south is to be marked with a radar reflective highflyer that must remain flagless. In the case of nets set in a due north south line, the flag on the radar reflective highflyer should be placed on the southernmost end. Orange or fluorescent orange floats with a size of 9 x 16 inches must be marked in accordance with the general marking requirements (Part 13.3).

13.5 Gill Netting for Bait -- It is illegal to set, haul, and/or maintain a gill net for bait so as to obstruct the free passage of fish in Rhode Island coastal waters, streams, rivers, or bays. It is illegal to set, haul, and/or maintain a bait gill net in the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Point. A Size No. 1 bait gill net may be set, hauled, or maintained in the marine environ-

ment in any river, stream, or bay in Rhode Island with the exception of the Pawcatuck River north of a line from Pawcatuck Rock to Thompson Point. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

Size No. 1 -- The total length of a bait gill net may not exceed one hundred (100) feet nor may the mesh size be greater than three and three quarters inches (3 3/4") (stretched). Anyone setting a Size No. 1 gill net for bait must be within one hundred (100) feet of the net at all times. The net must be clearly labeled with the name of the person setting or tending the net. It is illegal to possess any salmon or striped bass while gill netting for bait in a prohibited area (refer to prohibited gill net geographic areas). (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

13.6 Gill Net Regulations -- Prohibited Fishing Areas by Geographic Location -- With the exception of gill netting for bait, it is illegal to set, haul, and/or maintain a gill net in any channel, pond, and/or river 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, within the Harbor of Refuge, and within one hundred (100) yards of the Harbor of Refuge Breakwater, Card Pond and channel, Green Hill Pond and channel, Trustom Pond and channel, Charlestown Pond and channel, Quonochontaug Pond and channel, Brightman Pond and channel, Little Narragansett Bay, and within one and one half (1-1/2) miles south (true) and west (true) of Napatree Point, and the Pawcatuck River and channel. It is also illegal to set, haul, or maintain a gill net along the shoreline within one half (1/2) mile in both directions of the seaward entrance to any of the coastal salt ponds, channels or rivers listed above when open to the sea. With the exception of the Harbor of Refuge Breakwater, the one half (1/2) mile closure zone shall extend 300 yards seaward.

Block Island Gill Net Regulations

No person shall set, attempt to set, haul, or maintain a gill net within one half (1/2) mile of Block Island between April 15 and November 15 of each calendar year. No person shall set, attempt to set, haul, or maintain a gill net between November 1 and December 31 in the waters seaward of Old Harbor, Block Island, from the Block Island shoreline to the one hundred (100) foot depth contour. The area is bounded by a northerly line running one hundred (100) degrees (true) from Clay Head Point to the black and white whistle out to a depth of one hundred (100) feet. The southern boundary of the closure zone runs from the shoreline on a course of one hundred (100) degrees (true) to the C-3 buoy out to the one hundred (100) foot depth contour. The eastern boundary is a line which corresponds to the one hundred (100) foot depth contour. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

13.7 Narragansett Bay Gill Net Prohibition for Striped Bass -- In Narragansett Bay and tributaries (this area shall include the East and West Passages north of a line from Monahan's Dock (State Pier #5) to Beavertail Pt. to Castle Hill Light and be bounded on the East by the Mt. Hope Bridge), no person shall take, while gill netting, or possess, while hauling a gill net, any striped bass. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

13.8 Striped bass 50-yard closure zone for gill nets -- It shall be illegal to set, haul, or maintain a gill net within 50 yards of the Rhode Island coastline (mean high tide line) in the following areas and during the following seasons:

13.8.1 Areas: From Monahan's Dock breakwater (State Pier #5) to the southernmost tip of Matunuck Pt. (Carpenter's Bar); in Narragansett Bay, Mt. Hope Bay, and Sakonnet River (as described in part 13.4-1), and from the southern tip of Sachuest Point to the juncture of Second Beach and Sachuest Point, and from the southwest corner of Price's Neck to Castle Hill Light House.

13.8.2 Season Closure: All gill netting is prohibited within 50 yards of the Rhode Island coastline (mean high water line) during the period October 15 - December 31 annually. (RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

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 **8th day of November, 2013** 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.

Janet L. Coit, Director
Department of Environmental Management

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