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## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 60 – FISH AND WILDLIFE**

#### **SUBCHAPTER 00 – N/A**

##### **PART 5 – Trout Conservation Stamp Regulations**

### **5.1 Purpose**

The purpose of these Rules and Regulations is to set procedures for the trout conservation stamp in an effort to conserve the trout resources of the State of Rhode Island.

### **5.2 Authority**

These regulations are promulgated pursuant to R.I. Gen. Laws §§ 42-17.1 "the DEM", R.I. Gen. Laws Chapter 42-17.6, R.I. Gen. Laws §§ 20-1-2, 20-1-12, 20-1-13, 20-2-40, 20-2-41, 20-2-42, and 20-2-43 in accordance with R.I. Gen. Laws Chapter 42-35 of the "Administrative Procedures Act".

### **5.3 Administrative Findings**

The instant Rules and Regulations are promulgated in order to clarify existing regulations governing the issuance of trout conservation stamps.

### **5.4 Application**

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purpose of state laws, goals and policies.

### **5.5 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.

### **5.6 Definitions**

The following words when used in these Rules and Regulations, except as otherwise required by the context, shall have the following meaning:

1. "Department" means the Department of Environmental Management, the Director of the Department of Environmental Management, or any division of the Department.
2. "Director" means the Director of the Department of Environmental Management, or his/her designee.
3. "Take" means "possession" as it is defined in R.I. Gen. Laws § 20-1-3(a)(6), "the exercise of dominion and control over the resource commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. The decision must be made at the first practical opportunity."

## **5.7 Regulations**

### **A. Trout Conservation Stamp Regulations**

1. No person fifteen (15) years of age or older, other than persons who are defined as blind pursuant to R.I. Gen. Laws § 20-2-31(d), disabled as defined by R.I. Gen. Laws § 20-2-31(h), or are sixty-five (65) years of age or older, shall take any trout or shall engage in placing, operating, or superintending a device for the purpose of taking or catching fish from water bodies which are designated "catch-and-release" or "fly-fishing only", without first obtaining a regular fishing license and a Rhode Island trout conservation stamp for the current year. Each stamp shall be validated by the signature of the licensee written in ink across the face of the stamp, and shall be in his or her possession while engaged in the activities permitted under the terms of the license and stamp.
2. A trout conservation stamp shall be available at all outlets currently used for the issuance of fishing licenses. A trout conservation stamp shall be sold by outlets for a fee of five dollars and fifty cents (\$5.50). For each stamp sold the outlet may retain a fee of fifty cents (\$.50), and shall remit five dollars (\$5.00) to the Department for each stamp sold.
3. The Director shall adopt and shall be responsible for the design, production, procurement, distribution, and sale of trout conservation stamps and all marketable by-products such as posters, artwork, calendars, and other items.
4. All trout conservation stamps receipts and all receipts from the sale of stamp by-products shall be deposited in a special trout conservation fund. Said fund shall be expended through the appropriations process for operations, trout habitat including acquisition, improvement, research, and culture projects.
5. No person shall transfer a trout conservation stamp.

5. The prohibition set forth in § 5.7(A)(1) of this Part shall apply to all Rhode Island waters with the exception of the three border ponds, i.e., Beach Pond which is located in Exeter, Wallum Lake which is located in Burrillville, and Peck Pond which is located in Burrillville. § 5.7(A)(1) of this Part shall also not prohibit the taking of trout without a trout conservation stamp from a water body which is stocked by the taker(s) and is located entirely within the property owned by a landowner or by a club or organization recognized by the Director for such exemption.
6. The Director may suspend or revoke the fishing license and / or trout conservation stamp of any fisher whom the Director finds has violated the terms of these Rules and Regulations. Any person aggrieved by an order of suspension or revocation may appeal said order in accordance with the provisions of R.I. Gen. Laws Chapter 42-35, the Administrative Procedures Act.