



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## **FISH AND WILDLIFE**

# **Freshwater and Anadromous FISHING REGULATIONS for the 2004 - 2005 SEASON**



**August 7, 2003**

**AUTHORITY:** These regulations are adopted pursuant to Chapter 20-1-4, 20-1-12 and 20-1-13, 42-17.1, 42-17.6 , and 42-35, "Administrative Procedures Act" of the General Laws of 1956, as amended.

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**FISHING REGULATIONS**  
for the  
**2004 - 2005 SEASON**

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**FISHING REGULATIONS**  
for the  
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**RULE 1 PURPOSE**

The purpose of these rules is to regulate freshwater fishing seasons and bag limits annually.

**RULE 2 AUTHORITY**

These rule and regulations are promulgated pursuant to Chapter 20-1-12 and 20-1-13, 42-17.1, 42-17.6, and 42-35, Administrative Procedures, of Rhode Island General Laws of 1956, as amended.

**RULE 3 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.

**RULE 4 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.

**RULE 5 SUPERSEDED RULES AND REGULATIONS**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and any policies regarding the administration and enforcement of freshwater and anadromous fisheries shall be superseded.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.

**RULE 6 REGULATIONS** As follows:

# PART I

## FRESHWATER FISHERIES REGULATIONS

- 1.1 The open season on all species of trout, salmon, and charr shall close annually on the last day of February at midnight and shall commence at 0600 hrs. on the second Saturday in April annually. From the second Saturday in April through 30 November annually, the daily creel and possession limits for trout shall be five (5) fish; and from 1 December through the last day in February, annually, the daily creel and possession limits for trout shall be two (2) fish. All designated trout waters (see 1.14) shall be closed to all fishing from the last day of February at midnight and shall commence at 0600 hrs. on the second Saturday in April annually unless otherwise designated. Possession of trout, salmon, or charr taken from any waters of the state during the closure shall be prohibited.

Free Fishing Days: A freshwater fishing license shall not be required by either residents or non-residents on the 5<sup>th</sup> and 6<sup>th</sup> of June, 2004.

- 1.2 The daily creel and possession limits for northern pike shall be two (2) fish, and the minimum size limit shall be twenty-four (24) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish, and the minimum size limit for chain pickerel shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). No person shall possess any northern pike less than 24 inches in total length or chain pickerel less than 14 inches in total length.
- 1.3 The daily creel and possession limits for black bass (largemouth and smallmouth bass) shall be five (5) fish, either singularly or in aggregate, and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). No person shall possess any black bass less than 12 inches in total length.
- 1.4 The creel and possession limit for domestic or landlocked Atlantic salmon *Salmo salar* in the fresh waters of Rhode Island shall be two (2) fish per day and shall be included in the daily limit for trout, salmon, or charr. The minimum size for Atlantic salmon shall be fifteen (15) inches total length. No person shall take any Atlantic salmon from the Pawcatuck River downstream of the Potter Hill dam.
- 1.5 The minimum size limit for American eel *Anguilla rostrata* shall be six (6) inches (measured from the tip of the snout to the end of the tail).
- 1.6 The creel and possession limits for trout, or charr taken in the Wood River between Route 165 and south to Barberville Dam at Arcadia May 22, 2004 through the last day of February, 2005 shall be two (2) fish.

- 1.7 The following waters shall be restricted to the use of artificial flies, a conventional fly rod, and a single-action reel: Deep Pond, Exeter; Mowry Meadow Pond, Gloucester; A. L. Mowry Pond, Smithfield; and Upper Rochambeau Pond, Lincoln.
- 1.8 The following waters shall be restricted to fishing by persons fourteen years of age and younger: Frosty Hollow Pond, Exeter; Geneva Pond & Brook, North Providence; Lapham Pond, Burrillville; Sidel's Pond, Cranston; Silvy's Pond, Cumberland; Lloyd Kenney Pond, Hopkinton; ~~and~~ Cass Pond, Woonsocket, and Slater Park Pond, Pawtucket.
- 1.9 The following activities shall be PROHIBITED:
- a. Using corn for bait in any designated trout waters.
  - b. Chumming in any designated trout waters.
  - c. Snagging fish in any fresh waters.
  - d. Tagging, branding, marking, or otherwise willfully mutilating any fish which is to be released alive into any fresh waters of the state except by special permit issued by the Division.
- 1.10 With the exception of designated catch-and-release areas, any legally caught trout salmon, or charr taken from the fresh waters of Rhode Island shall be immediately released alive into the waters from which it was taken or shall be killed at once and become part of the daily bag limit.
- 1.11 Beach Pond, Exeter shall have the following special regulations: The season for trout shall open on, April 17, 2004 at 6:00 AM and close at midnight on the last day of February, 2005. The daily creel and possession limits for trout (all species in aggregate) shall be five (5) fish. The daily creel and possession limits for black bass shall be five (5) fish, and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish, and the minimum size limit shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). Six (6) lines with a single hook each may be used while ice fishing.
- 1.12 Wallum Lake - Rhode Island regulations apply.
- 1.13 Killingly Pond and Hazard Pond shall have the following special regulations: The daily creel and possession limits for black bass shall be five (5) fish, and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish, and the minimum size limit shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). Six (6) lines with a single hook each may be used while ice fishing.
- 1.14 That portion of the Falls River from the bridge at Austin Farm Road downstream approximately two miles to the bridge off Brook Trail shall be designated as a "no-

kill” or “catch-and-release” area. Fishing shall be permitted with artificial lures equipped with a single barbless hook or single barbed hook that has been crimped only, and all fish caught shall be returned to the water immediately. The possession of any trout, salmon, or charr while fishing in this section of the river shall be prima facie evidence that said trout, salmon, or charr was taken in violation of this regulation.

#### 1.15 Designated Trout Waters

| <b>Name</b>                    | <b>Location</b>           |
|--------------------------------|---------------------------|
| Abbotts Run Brook              | Cumberland                |
| Adamsville Brook and Pond      | Tiverton & Little Compton |
| Aldrich Brook (Butterfly Pond) | Lincoln                   |
| Alton Pond                     | Richmond & Hopkinton      |
| Ashaway River                  | Hopkinton                 |
| Ashville Pond                  | Hopkinton                 |
| Barber Pond                    | South Kingstown           |
| Beach Pond                     | Exeter                    |
| Beaver River                   | Richmond                  |
| Big River                      | West Greenwich            |
| Blackstone River               | Cumberland & Lincoln      |
| Branch River                   | Burrillville              |
| Brandy Brook                   | Glocester                 |
| Breakheart Brook               | Exeter                    |
| Breakheart Pond                | Exeter & West Greenwich   |
| Brickyard Pond                 | Barrington                |
| Browning Mill Pond             | Exeter                    |
| Brushy Brook                   | Hopkinton                 |
| Bucks Horn Brook               | Coventry                  |
| Carbuncle Pond                 | Coventry                  |
| Carolina Trout Pond            | Richmond                  |
| Cass Pond                      | Woonsocket                |
| Chepachet River                | Glocester & Burrillville  |
| Chickasheen Brook              | South Kingstown           |
| Clear River                    | Burrillville              |
| Curran, J.L. Reservoir         | Cranston                  |
| Deep Pond (Arcadia)            | Exeter                    |
| Dexter Pond                    | Scituate                  |
| Dolly Cole Brook               | Foster                    |
| Dunderry Brook                 | Little Compton            |
| Eight Rod Farm Pond            | Tiverton                  |
| Falls River                    | Exeter & West Greenwich   |
| Flat River                     | Exeter                    |
| Foster Green Acres Pond        | Foster                    |
| Frenchtown Park Pond           | East Greenwich            |
| Frosty Hollow Pond             | Exeter                    |

Geneva Brook & Pond  
Harris River  
Hopkins Mill Pond  
Hunt River  
Lapham Pond  
Lloyd Kenney Pond  
Log House Brook  
Meadow Brook  
Meadow Brook Pond  
Melville Ponds  
Memorial Park Pond  
Meshanticut Brook  
Moosup River  
Mowry, A.L. Pond  
Mowry Meadow Pond  
Olney Pond  
Parris Brook  
Pawcatuck River

Pawtuxet River (north branch)  
Pawtuxet River (south branch)  
Peck Pond  
Peepetoad Brook  
Ponaganset River  
Roaring Brook & Ponds  
Round Top Brook  
Round Top Ponds  
Saint Mary's Pond  
Saugatucket River  
Seidel's Pond  
Shippee Saw Mill Pond  
Silver Spring Lake  
Silvy's Brook  
Silvy's Pond  
Simmons Mill Pond  
Slater Park Pond  
Spring Grove Pond  
Stafford Pond  
Sylvester's Pond  
Tarkiln Pond  
Tiogue Lake  
Tiverton Trout Pond  
Tucker Pond  
Upper Rochambeau Pond  
Wallum Lake

North Providence  
Woonsocket  
Foster  
East Greenwich & No. Kingstown  
Burrillville  
Hopkinton  
Hopkinton  
Richmond  
Richmond  
Portsmouth  
Lincoln  
Cranston  
Coventry  
Smithfield  
Glocester  
Lincoln  
Exeter  
Hopkinton, Richmond,  
Charlestown, & Westerly  
Scituate  
Coventry  
Burrillville  
Glocester  
Foster  
Exeter  
Burrillville  
Burrillville  
Portsmouth  
South Kingstown  
Cranston  
Foster  
North Kingstown  
Cumberland  
Cumberland  
Little Compton  
Pawtucket  
Glocester  
Tiverton  
Woonsocket  
Burrillville & North Smithfield  
Coventry  
Tiverton  
South Kingstown  
Lincoln  
Burrillville

Watchaug Pond  
Willett Pond  
Winsor Brook  
Wood River  
Woonasquatucket River  
Wyoming Pond

Charlestown  
East Providence  
Foster  
Exeter, Hopkinton, & Richmond  
Smithfield  
Richmond & Hopkinton

## PART II

### ANADROMOUS FISHERIES REGULATIONS

- 2.1 No person shall take more than twenty-four (24) alewives, *Alosa pseudoharengus* or blueback herring, *Alosa aestivalis* either singularly or in aggregate from the freshwater streams or rivers of the state in any 24-hour period. No person shall take any alewives or blueback herring from the fresh waters of the state without a valid freshwater fishing license. No person shall take any alewives or blueback herring from the fresh waters of the state on any Sunday, Monday, or Tuesday of any week.
- 2.2 Runs under Restoration – The harvest of alewives, *Alosa pseudoharengus* or blueback herring, *Alosa aestivalis* shall be regulated as follows:
- 2.2.1 Prohibited Harvest from the following waters:
- Prince Pond** (Barrington) and the outlet stream to the Barrington River
- 2.2.2 Limited Harvest: to 12 fish per day in any 24-hour period; a valid RI Freshwater fishing license is required; taking is prohibited on any Sunday, Monday, or Tuesday from the following waters:
- Warwick Pond** (Warwick) and the outlet stream **Buckeye Brook** to the point at which the stream empties into Narragansett Bay; and  
**Gorton Pond** (Warwick) and the outlet stream **Hardig Brook** to the west of the Amtrack railroad bridge:
- 2.3 No person shall take any alewives or blueback herring by any means other than by a hand-held and hand-operated dip net with a diameter no greater than two and one-half feet (2 ½') or by a seine not greater than four feet (4') deep by eight feet (8') long.
- 2.4 No person shall erect any artificial obstruction to fish passage in any stream or in any way alter the natural stream bottom to hinder the passage of fish.
- 2.5 No person shall place a seine or netting more than half way across any stream or mouth or outflow of any stream.
- 2.6 Any person taking an alewife or blueback herring must remove it from the pond or stream and keep it in his or her possession.

- 2.7 No person shall take any American shad, *Alosa sapidissima* from the fresh waters of the state.
- 2.8 No person shall take any smelt, *Osmerus mordax* by any means from any stream or river in the state with the exception of the Pawcatuck River.
- 2.9 Fish Ladders
- 2.9.1 Trespass within or obstruction of the entrance or exit of any fish ladder in the state is prohibited.
- 2.9.2 For the purposes of regulating anadromous fishes, all fish ladders owned and operated by the state will be set aside as fish cultivation facilities pursuant to sections 20-12-1 and 20-12-5 of the General Laws of Rhode Island.
- 2.9.3 The areas below each fish ladder where fishing will be permitted shall be designated with an official boundary marker or informational sign.

2.10 Boundaries -- The defined boundaries for the freshwater and saltwater sections of Rhode Island's rivers and streams with regard to the areas where freshwater regulations apply are as follows:

Pawcatuck River--the bridge crossing U.S. Route 1.

Mastuxet Brook--the point at which it empties into Mastuxet Cove.

King Tom Pond outlet into Ninigret Pond--the spillway at the south end of King Tom Pond.

Factory Pond outlet--the seaward opening of the culvert under Teal Road.

Mill Pond outlet into Cards Pond--the bridge on Moonstone Beach Road crossing the west neck of Cards Pond.

Smelt Brook--the bridge closest to the outlet.

Saugatucket River--the Main Street bridge in Wakefield.

Gilbert Stuart Brook--the point at which it empties into the Pettaquamscutt River.

Wesquage Pond--the culvert at the outlet to Bonnet Shores Beach.

Annaquatucket River--the point at which it empties into Bissel Cove.

Cocumscussock Brook--the bottom of the first riffle upstream of Wickford Cove.

Potowomut River--the Forge Road spillway.

Maskerchugg River--the Boston Post Road (U.S. Route 1) bridge.

Gorton Pond outlet -- to the west of the Amtrack railroad bridge.

Tuscatucket Brook--The West Shore Road bridge.

Old Mill Creek--entirely tidal.

Warner Brook--the Draper Avenue bridge.

Buckeye Brook -- the point at which the stream empties into Narragansett Bay

Lockwood Brook--the West Shore Road bridge.

Spring Green Pond outlet--the Warwick Avenue (R.I. Route 117A) bridge.

Pawtuxet River--Narragansett spillway.

Woonasquatucket River--the U.S. Route 1N bridge.

Moshassuck River--the point of confluence with the Woonasquatucket River.

Seekonk River--the Main Street spillway.

Ten Mile River--the Omega Pond spillway.

Annawomscutt Brook--the Pilling Chain Company spillway on Bay Spring Avenue, Barrington.

Mussachuck Creek--the bridge on Washington Road.

Runnins River--the Mink Street (R.I. Route 114A) bridge.

Kickamuit River--the Warren Reservoir spillway.

Sin and Flesh Brook--the Highland Avenue bridge.

Nonquit Pond--the bridge at Pond Bridge Rd.

Pachet Brook--the West Mail Road (R.I. Route 77) bridge.

Dunderry Brook--the Swamp Road bridge.

Cold Brook--the point at which it empties into Quicksand Pond.

Maidford River--the Paradise Avenue bridge.

Goose Neck Cove--entirely tidal.

Lily Pond--the outlet.

Almy Pond--the outlet.

Prince Pond– (Tiffany Pond), Barrington, that point at which the stream enters the Barrington River

## **RULE 8      EFFECTIVE DATE**

The foregoing Rules and Regulations - R.I. Fish and Wildlife Freshwater and Anadromous Fisheries Regulations, after due notice, are hereby adopted and filed with the Secretary of State this 7th day of August, 2003 to become effective twenty (20) days thereafter unless otherwise indicated below, in accordance with the provisions of Chapter 42-35, 42-17.1, and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

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Jan Harmen Reitsma, Director  
Department of Environmental Management

|                      |                     |
|----------------------|---------------------|
| Notice Given on:     | 5/16/03             |
| Public Hearing held: | 6/18/03             |
| Filing Date:         | 8/7/03              |
| Effective Date:      | 20 days from filing |

August 8, 2003

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

Dear Mr. Secretary:

The R.I. DEM - Division of Fish and Wildlife, in accordance with Chapters 42-17.1, "Department of Environmental Management", 42-17.6, and 42-35 "Administrative Procedures Act", General Laws of Rhode Island, 1956 as amended, has adopted regulations governing fishing seasons and bag limits promulgated pursuant to the authority of Sections 20-1-4; 20-1.12, and 20-1.13 of Title 20 of the Rhode Island General Laws.

The purpose of these rules and regulations is to establish freshwater fishing seasons, possession, and bag limits, and regulations for the manner of fishing for the 2004-2005 season.

The attached regulations will become effective twenty (20) days subsequent to filing.

Sincerely,

John A. Stolgitis  
Chief

JUSTIFICATION  
**FOR FRESHWATER FISHING REGULATIONS**

A public hearing and filing of regulations for wildlife and freshwater fishing must be done on an annual basis as required by 20-1-12 - Fixing of Seasons and Bag Limits, and 20-1-13 Publication and Effective Date of Seasons and Bag Limits. No substantial changes.