

PART 4 - Shellfish

Final annotations

Public Hearing November 14, 2016

4.2.7 Transiting:

(A) During the closure of a Rhode Island state allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island state waters for the purpose of landing that species in another state, provided the vessel is in compliance with their federal permit, and ~~the vessel nets~~ all gear capable of harvesting shellfish are is stowed ~~pursuant to the stowage of nets provisions as provided for in RIMFR Part 3—Finfish~~ and not engaged in the act of taking or harvesting while transiting state waters.

(B) A federally permitted vessel fishing in the Exclusive Economic Zone may traverse Rhode Island state waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a state allocated quota that is currently closed, provided the vessel is in compliance with their federal permit, and provided ~~the vessel nets~~ that all gear capable of harvesting shellfish are is stowed ~~pursuant to the stowage of nets provisions as provided for in RIMFR Part 3—Finfish~~ and not engaged in the act of taking or harvesting while transiting state waters, and provided that the owner or operator possesses a valid RI Landing License pursuant to DEM's "Commercial and Recreational Saltwater Fishing Licensing Regulations".

4.3.13 Dredging of surf clams and ocean quahaugs:

(C) Tagging of cages: Shellfish cages must be tagged in accordance with the United States Food and Drug Administration/RIDOH regulations ~~(National Shellfish Sanitation Program manual Part II)~~ before being off-loaded in Rhode Island.

4.4 Minimum Sizes:

4.4.2 Soft-shell clam: Two inches (2") taking the maximum shell diameter or measured parallel to the long axis of the clam. (20-6-11)

4.4.8 Conch:

~~(A) Shell width:~~ Three (3) inches (76.2mm); shell width or ~~(B) Shell length:~~ five and three eighths (5 3/8) inches (136.5 mm) shell length.

4.5 Seasons:

4.5.1 Bay quahaug, soft-shell clam, blue mussel, sea scallop, conch, surf clam, and ocean quahaug:

- (A) Open daily in waters other than Shellfish Management Areas, unless **specifically otherwise** closed due to pollution or other management purposes.

4.5.3 Bay scallop:

- (A) Dip-netting from a boat: **Open only from the** first Saturday in November through December 31 **annually**.

- (B) Dredging: **Open only from** December 1 through December 31 **annually**.

4.6 Daily possession limits in waters other than Shellfish Management Areas:

4.6.1 Recreational – R.I. resident:

- (A) Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster: One half (1/2) bushel per person per **calendar** day. (RIGL 20-6-1)

- (B) Bay scallop: One (1) bushel per person per **calendar** day. (RIGL 20-6-1)

- (C) Conch: One half (1/2) bushel per resident per calendar day; and maximum of one (1) bushel per vessel per **calendar** day.

- (1) Conch pot limit: Five (5) conch pots in the water at any one time.

- (D) Sea scallop: Forty (40) pounds shucked; or five (5) bushels of in-shell scallops per vessel per **calendar** day.

4.6.2 Recreational – Licensed non-resident:

- (A) Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster: One (1) peck/person/day. (RIGL 20-6-10)

- (B) Bay scallop: The harvest or possession of Bay scallops by non-residents is prohibited.

- (C) Conch: The harvest or possession of conchs by non-residents is prohibited.

- (D) Sea scallop: Forty (40) pounds shucked; or five (5) bushels of in-shell scallops per vessel per **calendar** day.

4.6.3 Commercial:

- (A) Bay quahaug:

(1) Multi-purpose (MPURP) and Principal Effort License (PEL) holders: Twelve (12) bushels per person per calendar day ~~(i.e., full harvest level)~~. (RIGL 20-6-10)

(2) Commercial Fishing License (CFL), Student shellfish license, and Over-65 shellfish license holders: Three (3) bushels per person per calendar day ~~(i.e., basic harvest level)~~. (RIGL 20-2.1-5)

4.7 Shellfish Management Areas – Descriptions, Seasons, and Possession Limits:

4.7.1 Greenwich Bay, Conimicut Point, Potowomut, High Banks, Bissel Cove/Fox Island, Mill Gut, Bristol Harbor, Kickemuit River, Jenny's Creek, Sakonnet River, Pt. Judith Pond, Potter Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, and Winnapaug Pond have been declared Shellfish Management Areas pursuant to RIGL 20-3-4.

4.7.2 Shellfish Management Areas may have additional regulations specific to the Management Area. Refer to each Management Area listed below.

(A) In Shellfish Management Areas, shoredigging is open daily at reduced Shellfish Management Areas possession limits, unless closed due to pollution or other management purposes.

(B) Commercial boat harvest schedule in Shellfish Management Areas: Recommendation for a change to the default schedules specified herein shall be submitted to the Director at least sixty (60) days prior to the first proposed opening date.

(1) Greenwich Bay Area's 1 & 2:

(a) The schedule for the month of December may include up to 48 hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.

(b) If weather or water quality conditions during the month of December prevent opening on two or more scheduled days, the DEM may modify the December schedule to allow for additional hours or days of permitted shellfishing.

4.7.3 Daily possession limits:

(A) Recreational – R.I. resident:

(1) Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster: One peck per person per ~~calendar~~ day.

(2) Bay scallop: One (1) bushel per person per ~~calendar~~ day.

(3) Conch: One half (1/2) bushel per resident per ~~calendar~~ day; or if a vessel with more than one (1) resident onboard is used, a maximum of one (1) bushel per vessel per ~~calendar~~ day.

(a) Conch pot limit: Five (5) conch pots in the water at any one time.

(B) Recreational – licensed non-resident:

(1) Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster: One half (1/2) peck per person per ~~calendar~~ day.

(2) Bay scallop: The harvest or possession of Bay scallops by non-residents is prohibited.

(3) Conch: The harvest or possession of Conch by non-residents is prohibited.

(C) Commercial:

(1) Bay quahaug, soft-shell clam, blue mussel, surf clam and oyster: Three (3) bushels per person per ~~calendar~~ day; maximum of six (6) bushels per vessel per ~~calendar~~ day;

(a) A maximum of two (2) licensed shellfishers per vessel is allowed.

(b) Possession limit for shore-digging in Greenwich Bay Management Area sub-areas 1 and 2: The possession limit is three (3) bushels per person per ~~calendar~~ day whenever GB sub-area 1 is open to boat harvest, but one (1) peck per person per ~~calendar~~ day whenever GB sub-area 1 is not open to boat harvest.

(2) Bay scallop: Three (3) bushels per person per ~~calendar~~ day; maximum of six (6) bushels per vessel per ~~calendar~~ day.

(a) A maximum of two (2) licensed shellfishermen per vessel is allowed.

(3) Conch: Thirty five (35) bushels per vessel per ~~calendar~~ day.

(a) Commercial conch pot limit: Maximum of three hundred (300) conch pots per licensee in the water at any one time.

~~(D) Temporary possession limit: The Director may establish a reduced possession limit in any Shellfish and Marine Life Management Area for a period not to exceed sixty (60) days. The following reduced possession limit for bay quahaugs, soft-shell clams, surf clams, and oysters shall apply in any area so designated:~~

~~(1) Recreational - resident: One (1) peck per person per calendar day.~~

~~(2) Recreational—licensed non-resident: One half (½) peck per person per calendar day.~~

~~(3) Commercial: One (1) bushel per person per calendar day.~~

4.7.4 Greenwich Bay (GB): Described as the waters west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore, in the towns of East Greenwich and Warwick.

(A) GB sub-area 1: Described as the waters east of a line between the DEM range marker located at the end of Neptune Street in Chepiwanoxet to the DEM range marker located on Cedar Tree Point, and north of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.

(B) GB sub-area 2: Described as the waters west of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods; and south of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.

~~(1) Commercial boat harvest schedule for GB sub-areas 1 and 2: GB sub-areas 1 and 2 shall be subject to an annual December harvest schedule established by the Director, pursuant to recommendations developed by the DFW and the RIMFC. Said recommendations shall be submitted to the Director at least sixty (60) days prior to the first scheduled opening. The December schedule may include up to forty-eight (48) hours of permitted shellfishing, spread over any number of days during the month, excluding December 25.~~

~~(2) If weather or water quality conditions during the month of December prevent this area from opening on two or more scheduled days, the DFW may modify the December schedule to allow for additional hours or days of permitted shellfishing, provided that:~~

~~(a) The proposed modification(s) is/are submitted in writing to the DFW by a member of the RIMFC;~~

~~(b) The total number of hours of permitted shellfishing for the month does not exceed forty-eight (48) hours; and~~

~~(c) The re-scheduled hours or days are announced publicly (i.e., listserve) by the DFW with at least seventy-two (72) hours of advance notice.~~

(3C) Commercial boat harvest schedule for GB sub-areas 1 and 2:

(a1) January 4, 2016 through April 28, 2016: **Open only from** 8:00 A.M. to 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.

(42) Default commercial boat harvest schedules for GB sub-areas 1 & 2: If ~~no action is taken to establish specific~~ a **previously established boat** harvest schedules ~~s-annually~~ **expires**, the following default schedule shall be in effect:

(a) **Open** 8:00 A.M. to 12:00 P.M. **noon** on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the last Friday in April. Harvest is prohibited on December 25 and January 1 annually.

(5D) GB Area 3: Described as the waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods, and west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.

(a) **Commercial** boat harvest schedule: Open daily.

4.7.8 Bissel Cove/Fox Island: Described as the waters of Bissel Cove in its entirety and adjacent waters of Narragansett Bay south of a line between Pole #275 at the corner of Waldron and Seaview Avenues and the southwestern most point of Fox Island (south of the cable area), west of a line from the southwestern most point of Fox Island to the northern most point of Rome point, in the town of North Kingstown.

(A) **Commercial** boat harvest schedule:

(1) Beginning the 2nd Wednesday of December through April 30, 2016: Open daily for the harvest of bay quahaugs, soft-shell clams, and blue mussels.

(2) May 1 through November 30 annually: Closed.

(3) Default **commercial boat** harvest schedule: If ~~no action is taken to establish specific~~ a **previously established boat** harvest schedules ~~s-annually~~ **expires**, the following default schedule shall be in effect:

(a) **Open** ~~Between~~ 8:00 A.M. ~~and to~~ 12:00 noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April annually. **Harvest is prohibited on December 25 and January 1 annually.**

4.7.10 Bristol Harbor: Described as the waters of Bristol Harbor southerly of a line between CRMC permitted dock #419 located at 163 Poppasquash Road (so called Rockwell's Dock) to the northwest corner of the Rockwell Pier municipal parking lot in Bristol Harbor, and north of a line between CRMC Permitted Dock # 1601 at the boat house to the rear of 363 Poppasquash Road (so called Johnson's Dock) and the northwest corner of the Coast Guard Dock in Bristol Harbor. The area is bordered on the west by the three (3) foot contour line along the shore between Dock #419 and Dock # 1601 and on the east by the existing pollution line.

(A) Commercial boat harvest schedule:

- (1) December 2015: Closed.
- (2) Beginning January 11, 2016: Open ~~between~~ 8:00A.M. ~~and to~~ 12:00P.M. noon on Mondays, Wednesdays, and Fridays.
- (3) February 1 through April 30, 2016: Open daily.
- (4) May 1 through November 30 annually: Closed.
- (5) Default commercial boat harvest schedule: If ~~no action is taken to establish specific~~ a previously established boat harvest schedule ~~s-annually expires~~, the following default schedule shall be in effect:
 - (a) Open ~~Between~~ 8:00A.M. ~~and to~~ 12:00 noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April. Harvest is prohibited on December 25 and January 1 annually.

4.7.13 Sakonnet River: Described as the waters north of a line from Sachuest Point to Sakonnet Light. The northern boundary is an east/west line across the Sakonnet River lying one quarter (1/4) mile south of the pipeline found just south of Black Point, so-called; the western boundary is a north/south line running from Flint Point to Taggert's Ferry, so-called, in the town of ~~Tiverton~~ Middletown.

- (A) The possession limit for surf clams is two hundred (200) bushels/vessel/day.
- (1) A bycatch of one (1) bushel of bay quahaugs for each ten (10) bushels of surf clams, not to exceed twelve (12) bushels of bay quahaugs, is allowed per vessel.