

or days of permitted shellfishing, provided:

1. the proposed modification(s) is/are submitted in writing to the Division of Fish and Wildlife by a member of the Marine Fisheries Council, appointed by the Marine Fisheries Council, who shall represent the interests of the commercial shellfishing industry, including harvesters and dealers, regarding the proposed modification(s);
2. the total number of hours of permitted shellfishing for the month does not exceed forty-eight (48) hours; and
3. the re-scheduled hours or days are announced publicly by the Division of Fish and Wildlife with at least seventy-two (72) hours of advance notice.

The area will be closed on Friday, January 1, 2010.

For the period of January 4, 2010 to ~~April 30, 2010~~ **April 16, 2010**, shellfishing from a boat will be permitted only one day per week – on the first available Monday, Tuesday, Wednesday, Thursday, or Friday, based on water quality conditions – between 8:00 A.M. and NOON.

For the period of April 19, 2010 to April 30, 2010, shellfishing from a boat will be permitted only two days per week – on the first available Monday, and/or Wednesday, and/or Friday, based on water quality conditions – between 8:00 A.M. and NOON.

4.11 Sakonnet River Shellfish Management Area The following special regulations apply in the Management Area: In the Sakonnet River Shellfish Management Area, the daily take for licensed dredge boats will be limited to 200 bushels of surf clams. A by-catch of bay quahaugs will be permitted. It shall be calculated at the rate of one bushel of bay quahaugs for each ten (10) bushels of surf clams in possession of the harvester. Total by-catch of bay quahaugs shall not exceed twelve (12) bushels per vessel. (RIMF REGULATION) [Penalty Part 3.3; (RIGL 20-3-3)]

4.12 Shellfish Management Areas Closed to Shellfishing (also see: Areas Closed Due to Pollution)

4.12.1 Mill Gut -- Mill Gut in Bristol is closed in its entirety until further notice, with the exception that between sunrise the second Wednesday in December and sunset, April 30 annually the area will be open for the harvesting of quahaugs, soft-shelled clams, mussels, and oysters in accordance with the catch limits set forth in section 4.8.

4.12.2 Brightman (Winnapaug) Pond -- The following areas in Brightman Pond will be closed to the taking of clams and quahaugs: the area north of a line running easterly from Big Rock Point (so-called) to the southern end of Larkin's Island (so-called). The area will be bordered on the east by a line north westerly

defined raised annual growth line, and the scallop being less than one (1) year old. (RIGL 20-6-17)

4.22 Bristol Harbor Shellfish Transplant Area

4.22.1 The waters of Bristol Harbor described below are designated as a Shellfish Management Area for a period of five years. This area is defined as that area of Bristol Harbor southerly of a line between Johnson's Dock (so-called) on the west side of Bristol Harbor and the northwest corner of the Coast Guard Dock, on the east side of Bristol Harbor, and north of a line between Rockwell's Dock (so-called) on the west side of Bristol Harbor, and the northwest corner of the Coast Guard Dock. The area is bordered on the west by the three (3) foot contour line along the shore between Rockwell's Dock and Johnson's Dock and on the east by the existing pollution line.

4.22.1-1 Shellfish harvesting will be allowed only when declared open by the D.E.M. Office of Water Resources based upon water quality considerations. Regulations by the Office of Water Resources shall supersede the regulations below.

4.22.2 The entire area is closed to all shellfishing from a boat except as follows: Beginning on the second Wednesday of December, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until ~~April 30~~ April 16, annually.

Provided, however, that for December 2009, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on:

Wednesday, December 9; Friday, December 11
Monday, December 14; Wednesday, December 16; Friday, December 18
Monday, December 21; Tuesday, December 22; Wednesday, December 23
Monday, December 28; Tuesday, December 29; Wednesday, December 30

And further provided that the area will be closed on Friday, January 1, 2010.

For the period of April 19, 2010 to April 30, 2010, shellfishing from a boat will be permitted only between sunrise and 2:00 PM from Monday through Friday (five consecutive days).

4.23 Opening Shellfish on Water -- No person shall possess the meats of more than six (6) shellfish while shellfishing on the waters of the State or throw the shells of open scallops onto the scallop beds. (RIGL 20-6-21) [Penalty - Part 6.6; (RIGL 20-6-13)]

4.24 Bissel Cove - Fox Island Transplant Area

4.24.1 Bissel Cove and the adjacent waters of Narragansett Bay, North Kingstown, including the entirety of Bissel Cove and the adjacent waters 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 is established as a Shellfish Management Area for a five-year period.

4.24.1-1 Shellfish harvesting will be allowed only when declared open by the D.E.M. Office of Water Resources based upon water quality considerations. Regulations by the Office of Water Resources shall supersede the regulations below.

SHORE DIGGING:

4.24.2 Shore digging will be permitted daily between sunrise and sunset.

BOAT HARVESTING:

4.24.3 The entire area is closed to all shellfishing from a boat except as follows: Beginning on the second Wednesday of December, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays until ~~April 30~~ April 16, annually.

Provided, however, that for December 2009, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on:

**Wednesday, December 9; Friday, December 11
Monday, December 14; Wednesday, December 16; Friday, December 18
Monday, December 21; Tuesday, December 22; Wednesday, December 23
Monday, December 28; Tuesday, December 29; Wednesday, December 30**

And further provided that the area will be closed on Friday, January 1, 2010.

For the period of April 19, 2010 to April 30, 2010, shellfishing from a boat will be permitted only between sunrise and 2:00 PM from Monday through Friday (five consecutive days).

4.24 Repealed 12/01

4.25 Kickemuit River Shellfish Management Area Regulations

4.26.1 The area is defined as follows: The marine waters of the Kickemuit are those north of a line connecting nun buoy 6 and can buoy 1 at Bristol Narrows.

4.26.2 Upon certification of water quality by the D.E.M. Office of Water Resources, shellfishing will be permitted throughout the area between sunrise to sunset daily. When the waters are certified for shellfishing by the D.E.M. - Office of Water Resources shore digging will be permitted when the area is open.

4.26.3 Repealed 12/01

4.26.4 Repealed 2/18/01

4.26.5 Water quality certification will determine whether or not shellfishing is allowed in these areas. Regulations established by the D.E.M. Office of Water Resources shall supersede these regulations.

(RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

4.27 Potowomut Shellfish Management Area

4.27.1 Shellfish harvesting will be allowed only when declared open by the D.E.M. Office of Water Resources based upon water quality considerations. Regulations by the Office of Water Resources shall supersede the regulations below.

4.27.2 SHORE DIGGING: is permitted within this entire area between sunrise and sunset daily year around.

4.27.3 BOAT HARVESTING:

The Potowomut Shellfish Management Area is divided into the following three areas pertaining to boat harvesting:

Area A is defined as the area west of a line between the seaward end of Sandy Point and buoy "G1" (Round Rock) and north of a line between the seaward end of Pojac Point to buoy "G1" (Round Rock). Area A is closed to shellfishing from a boat except as follows:

Beginning on the second Wednesday of December, shellfishing will be permitted only between 8:00 AM and Noon on Mondays, Wednesdays and Fridays until ~~April 30~~ **April 16**, annually.

Provided, however, that for December 2009, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on:

Wednesday, December 9; Friday, December 11

Monday, December 14; Wednesday, December 16; Friday, December 18

Monday, December 21; Tuesday, December 22; Wednesday, December 23

Monday, December 28; Tuesday, December 29; Wednesday, December 30

And further provided that the area will be closed on Friday, January 1, 2010.

For the period of April 19, 2010 to April 30, 2010, shellfishing from a boat will be permitted only between sunrise and 2:00 PM from Monday through Friday (five consecutive days).

Area B is defined as the triangular area east of a line between the seaward end of Sandy Point and buoy "G1" (Round Rock) and west of a line between the flagpole at the Warwick Country Club and buoy "G1" (Round Rock) and south of a line between the flagpole at the Warwick Country Club to the seaward end of Sandy Point. Area B is closed to shellfishing from a boat until further notice.

Area C is defined as the area east of a line between the flagpole at the Warwick Country Club and buoy "G1" (Round Rock) and north of a line from buoy "G1" (Round Rock) to the Warwick Lighthouse. Area C is open to shellfishing from a boat daily between sunrise and sunset year-round.

4.28 "High Banks" Shellfish Management Area

4.28.1 Shellfish harvesting will be allowed only when declared open by the D.E.M. Office of Water Resources based upon water quality considerations. Regulations by the Office of Water Resources shall supersede the regulations below.

4.28.2 SHORE DIGGING: is permitted between sunrise and sunset daily.

4.28.3 BOAT HARVESTING:

The entire area is closed to all shellfishing from a boat except as follows:

For December 2009, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on:

Wednesday, December 9; Friday, December 11
Monday, December 14; Wednesday, December 16; Friday, December 18
Monday, December 21; Tuesday, December 22; Wednesday, December 23
Monday, December 28; Tuesday, December 29; Wednesday, December 30

For January 2010, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays, beginning Monday, January 4 (closed Friday, January 1).

For the period of February 1, 2010 to ~~April 30~~ **April 16**, 2010: shellfishing will be permitted only between sunrise and NOON from Monday through Friday (five consecutive days).

For the period of April 19, 2010 to April 30, 2010: shellfishing will be permitted

only between sunrise and 2:00 PM from Monday through Friday (five consecutive days).

4.29 Jenny's Creek Shellfish Management Area: The entire area is closed to all shellfishing until further notice. (RIMF REGULATION) [Penalty – Part 3.03 (RIGL 20-3-3)].

4.30 Handling of Shellfish

4.30.1 - Commercial shellfish harvesters and shellfish aquaculturists shall conduct all activities and operations involving or relating to the possession and handling of shell stock so as to prevent contamination, deterioration and decomposition of such shell stock.

4.30.2 - Containers used for storing shell stock must be clean

4.30.3 - Boat decks and storage bins used in the harvest or transport of shell stock shall be kept clean with potable water or water from the growing area in approved classification or the open status of conditional areas.

4.30.4 - Shellfishermen or aquaculturists using a vessel to harvest and transport shell stock shall assure that said vessel is properly constructed, operated and maintained to prevent contamination, deterioration and decomposition of shell stock.

4.30.5 - Shellfishermen or aquaculturists using a vessel to harvest and transport shell stock shall prevent bilge water from coming into contact with shell stock.

4.30.6 - Shellfishermen or aquaculturists using a boat to harvest and transport shell stock shall provide such vessel with effective drainage to avoid contact between bilge water and shell stock.

4.30.7 - Shellfishermen or aquaculturists using a vessel to harvest and transport shell stock shall locate bilge pumps so that discharge shall not contaminate shell stock.

4.30.8 - Shell stock shall be washed reasonably free of bottom sediments as soon after harvesting as possible. The harvester shall be primarily responsible for washing shell stock. If shell stock washing is not feasible at the time of harvest, the dealer shall assume this responsibility. Water used for washing shall be from a potable water source, or growing area in the approved classification or open status of the conditionally approved classification.