

4.8 Shellfish Management Areas - Catch Limits for Quahaugs, Soft-shelled Clams, Sea Clams, Mussels, and Oysters. – Bristol Harbor Shellfish Transplant Area, Potter Pond, Pt. Judith Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, Winnapaug (Brightman) Pond, Potowomut, Greenwich Bay, Mill Gut, Kickemuit River, Bissel Cove, High Banks, Sakonnet River, and Jenny’s Creek have been declared special Shellfish Management Areas. Each of the above referenced areas shall continue to enjoy the designation as a Shellfish Management Area unless modified by the Director.

No person may possess more than the maximum shellfish management area daily catch limit while in a management area. The following daily catch limits have been established for the Management Areas listed above:

Quahaugs, Soft-shelled Clams, Sea Clams, Mussels, and Oysters*

Maximum Daily Take by

BOAT HARVEST

| | |
|--|---|
| R.I. Resident (no sale) | 1 peck each/day/person |
| Commercial (in season) | 3 bu each/day/license holder maximum of 6 bushels each/boat/day; and maximum of two licensed shellfishers per boat |
| Licensed Non-Resident (no sale) | ½ peck each/day/license holder |
| <p>* Oyster season is open from September 15 to May 15 annually.</p> <p>(Note: The harvest and possession of oysters in Quonochontaug Pond is prohibited from September 15, 2010 to September 15, 2013. See section 4.12.3. The harvest and possession of oysters in Bissel Cove/Fox Island is prohibited from September 15, 2010 to September 15, 2015. See section 4.12.6)</p> | |

SHORE DIGGING

This maximum daily catch limit for shoredigging of soft shell clams, bay quahaugs, mussels, and oysters [in season] is:

| | |
|--|---|
| R.I. Resident (no sale) | 1 peck each/day/person |
| Commercial (in season) | 3 bu each/day/license holder [Exception: In the Greenwich Bay Management Area, the limit is 3 bu/day/license holder whenever sub-area 1 is open to boat harvest, but 1 peck/day/license holder whenever sub-area 1 is not open to boat harvest] |
| Licensed Non-Resident (no sale) | ½ peck each/day/license holder |
| <p>* Oyster season is open from September 15 to May 15 annually.</p> <p>(Note: The harvest of possession oysters in Quonochontaug Pond is prohibited from September 15, 2010 to September 15, 2013. See section 4.12.3. The harvest and possession of oysters in Bissel Cove/Fox Island is prohibited from September 15, 2010 to September 15, 2015. See section 4.12.6)</p> | |

Daily catch limits apply to all Management Areas unless otherwise specified.

The use of diving apparatus is prohibited while shoredigging.

(RIMF REGULATION) [Penalty – Part 3.3; (RIGL 20-3-30)]

4.8.1 Tagging/Labeling Requirements – All shellfish taken by licensed commercial fishers of shellfish from Shellfish Management Areas must be in a container which is tagged and labeled with the fisher’s name, license number, date, and management area from which shellfish was removed prior to any of the following:

- leaving the waters of the management area which has been approved for the harvest of shellfish by the Rhode Island Department of Environmental Management.
- shellfish are removed from the boat; or
- shellfish are offered for sale.

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

4.9 Temporary Shellfish Limit -- The Rhode Island Marine Fisheries Council may establish a reduced shellfish limit in any Marine Life Management Area for a period not to exceed sixty (60) days. The following reduced limit shall apply in any area so designated:

Quahaugs, Soft-shelled Clams, Sea Clams, and Oysters
Reduced Maximum Daily Take for Marine Life Management Areas

| | |
|---------------------------------|--------------------------------|
| R.I. Resident (no sale) | 1 peck each/day/person |
| Commercial | 1 bu each/day/license holder |
| Licensed Non-Resident (no sale) | ½ peck each/day/license holder |

(RIMF REGULATION) [Penalty - Part 4.4 or 4.7 (RIGL 20-6-9 or 20-6-10)]

4.10 Greenwich Bay Shellfish Management Area

4.10.1 The conditionally approved waters of Greenwich Bay are established as a Shellfish Management Area. This area is defined as west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.

4.10.2 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.

4.10.3 **RECREATIONAL SHORE DIGGING**: will be permitted between sunrise and sunset daily.

COMMERCIAL BOAT HARVEST:

4.10.4 **Greenwich Bay Sub-Areas 1 and 2**

The areas shall be subject to an annual December harvest schedule established by the Director, pursuant to recommendations developed by the Division of Fish and Wildlife and the Marine Fisheries Council. 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, excepting December 25.

If weather or water quality conditions during the month of December prevent the area from opening on two or more scheduled days, the Division of Fish and Wildlife may modify the December schedule to allow for additional hours 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.

(a.) **GB Sub-Area 1** – Described as the waters east of a line between the Rhode Island Department of Environmental Management range marker located at the end of Neptune Street in Chepiwanoxet to the Rhode Island Department of Environmental Management range maker located on Cedar Tree Point, Warwick, and north of a line between the far northeastern section of Chepiwanoxet Point and the westernmost flagpole on Promenade Street, Old Buttonwoods.

For December 2010, **commercial** shellfishing **from a boat** will be permitted in GB Sub-Area 1 only between 8:00 A.M. and 10:00 A.M. on:

**Wednesday, December 15; Friday, December 17
Monday, December 20; Tuesday, December 21; Wednesday, December 22**

Monday, December 27; Tuesday, December 28; Wednesday, December 29

For the period of January 3, 2011 to March 30, 2011, **commercial shellfishing from a boat** will be permitted in GB Sub-Area 1 only on the following days and time periods:

January 2011 – Mondays and Wednesdays, 2 hours per day, (8:00 A.M. to 10:00 A.M.)

February 2011 – Mondays, Wednesdays, and Fridays, 3 hours per day, (8:00 A.M. to 11:00 A.M.)

March 2011 – Mondays, Wednesdays, and Fridays, 3 hours per day, (8:00 A.M. to 11:00 A.M.)

Closed to harvest from April 1, 2011 until the second Wednesday of December 2011.

(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

For the period of December 2010 until the second Wednesday of December 2011, GB Sub-Area 2 is closed to **shellfishing harvest from a boat**.

(c) **Default harvest schedules for GB Sub-Areas 1 & 2** – If no action is taken to establish specific harvest schedules and/or closures for the December 2011 – April 2012 harvest season, or harvest seasons subsequent thereto, the sub-areas shall revert to the following default harvest schedule:

Commercial-sShellfishing **from a boat** will be permitted only between 8:00 A.M. and 10:00 A.M. on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April.

(d.) **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.

GB Sub-Area 3 is open to **commercial shellfishing from a boat** between sunrise and sunset daily on an annual basis.

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

4.12.1-1 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 Winnapaug (Brightman) Pond

4.12.2-1 The following area in Winnapaug Pond will be closed to all shellfishing except for the harvest of bay scallops by dip net only: the area north of a line running easterly from a special DEM marker at Big Rock Point (N 41 degrees 19 minutes 49.0 seconds, W 71 degrees 47 minutes 57.0 seconds), to the special DEM marker at the southern end of Larkin's Island (N 41 degrees 19 minutes 55.0 seconds, W 71 degrees 47 minutes 5.0 seconds),. The area will be bordered on the east by a line running northwesterly the Larkin's Island special marker to a special DEM marker adjacent to the end of Bayside Avenue (N 41 degrees 19 minutes 58.0 seconds, W 71 degrees 47 minutes 9.0 seconds). The northern boundary is the shoreline between the Bayside Ave special DEM marker and the Big Rock Point special DEM marker.

4.12.3 Quonochontaug Pond

4.12.3-1 The harvest and possession of oysters in Quonochontaug Pond is prohibited from September 15, 2010 to September 15, 2013 (for three years).

4.12.3-2 The following areas in Quonochontaug Pond will be closed to all shellfishing except for the harvest of bay scallops by dip net only:

(a) The western closure area is defined as south of a line running easterly from the special DEM marker at the end of Quahaug Point (N 41 degrees 20

minutes 0.0 seconds, W 71 degrees 44 minutes 39.5 seconds), to a second special DEM marker at the northern end of Nope's Island (N 41 degrees 20 minutes 5.0 seconds, W 71 degrees 44 minutes 1.0 second). The area will be bordered on the west by a line running south from Quahaug Point to a special DEM marker located on the barrier beach shoreline (N 41 degrees 19 minutes 51.5 seconds, W 71 degrees 44 minutes 40.0 seconds). The southern boundary will be the shoreline between the barrier beach special DEM marker and Nope's Island special DEM marker.

(b) The eastern closure area is defined as east of a line running southerly from the special DEM marker located at N 41 degrees 21 minutes 1.1 seconds W 71 degrees 42 minutes 33.4 seconds, to a second special DEM marker located at N 41 degrees 20 minutes 41.0 seconds W 71 degrees 42 minutes 44.1 seconds; and bound by the eastern pond shoreline between the special DEM markers.

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

4.12.4 Ninigret Pond

4.12.4-1 The following area within Ninigret Pond in Charlestown will be closed to all shellfishing except for the harvest of bay scallops by dip net only: all waters within an area formed by the following points: from ("A" N 41 degrees 20 minutes 41.7 seconds W 71 degrees 41 minutes 24.3 seconds, the northeast corner of the Ninigret Conservation Area parking lot) following the shoreline to ("B" N 41 degrees 20 minutes 49.6 seconds W 71 degrees 41 minutes 4.6 seconds, a DEM sign approximately 500 meters eastward of "A"); from "B" northward to ("C" N 41 degrees 21 minutes 31.0 seconds W 71 degrees 41 minutes 22.2 seconds, the Lavin's Landing Marina launching ramp); from "C" following the shoreline to ("D" N 41 degrees 21 minutes 10.1 seconds W 71 degrees 41 minutes 40.9 seconds, a DEM sign on the westernmost end of Reeds Point); from "D" southward to "A".

4.12.5 Potter Pond

4.12.5-1 The following area within Potter Pond in South Kingstown will be closed to all shellfishing except for the harvest of bay scallops by dip net only: An area within Sycamore Cove defined as north of a line running easterly from a special DEM marker located at N 41 degrees 23 minutes 2.0 seconds, W 71 degrees 32 minutes 13.0 seconds; to a second special DEM marker located at N 41 degrees 23 minutes 1.0 second, W 71 degrees 31 minutes 59.5 seconds; and bound by the northern pond shoreline between the special DEM markers.

4.12.6 Bissel Cove/Fox Island Oyster Harvest Moratorium –

4.12.6-1 The harvest and possession of oysters in the Bissel Cove/Fox Island Shellfish Management Area is prohibited from September 15, 2010 to September 15, 2015 (for five years).

(RIMF REGULATION) [Penalty - Part 4.4 or 4.7; (RIGL 20-6-9 or 20-6-10)]

4.13 repealed 12/2001

4.14 Transfer of Shellfish from Uncertified Waters. -- The Director of Environmental Management is authorized and directed, after requiring all necessary safeguards, to transfer shellfish from uncertified waters of the State to approved areas. The Director may make rules and regulations governing the reharvest of those shellfish to the best economical benefit of the state after all necessary safeguards to insure their cleanliness. (RIGL 20-6-26) [Penalty - Part 4.17; RIGL 20-6-29]

4.15 Dredging, Raking, and Tonging in Transplant Beds. -- Those areas to which the shellfish are transferred shall be marked out, and dredging, raking, or tonging on them shall be prohibited except under the special direction of the Director. (RIGL 20-6-27) [Penalty - Part 4.17; 20-6-29]

4.16 Cost of Transfer of Shellfish -- For the transfer of shellfish pursuant to § 20-6-26, the Director is authorized to hire dredge boats or hand rakers and to set the rate of payment. Any transferred shellfish may be sold by the Director, and the proceeds of that sale shall be retained under the control of the Director for the purpose of assisting in the cost of the transfer of shellfish from uncertified waters to approved areas from time to time as the transfer becomes necessary or expedient. (RIGL 20-6-28) [Penalty - Part 4.17; (20-6-29)]

4.17 Penalty for Improper Taking of Transferred Shellfish -- Any person violating rules or regulations promulgated by the Director of Environmental Management as provided for in Sections 20-6-26 to 20-6-28, shall, upon conviction, be subject to a fine not exceeding five hundred dollars (\$500) or imprisoned not exceeding thirty (30) days or both. (RIGL 20-6-29)

4.18 Shellfish Grounds - Polluted Area. -- *For a discussion of the statutes and penalty provisions governing shellfishing in polluted areas, refer to Chapter 20-8-1, as amended, of the Rhode Island General Laws.*

4.19 [Repealed 11/20/02]

4.20 Surf Clams and Ocean Quahaugs.

4.20.1 Gear Restrictions The following gear restrictions shall apply to vessels fishing in the territorial waters of Rhode Island for surf clams:

4.20.1-1 It is unlawful for any vessel to operate with any hydraulic dredge with a blade, knife, or manifold which is greater than 48 inches in maximum width.

4.20.1-2 It is unlawful for any vessel to operate more than one dredge while harvesting surf clams.

4.20.2 Trip Limits The following limits shall apply to vessels fishing in the territorial waters of Rhode Island:

4.20.2-1 It is unlawful for any dredge vessel to take and/or possess more than 200 bushels of surf clams per vessel.

4.20.2-2 Except as allowed in Part 6.8.3, it is unlawful for any vessel to catch, harvest, possess, have on board, land, or off load, any surf clams which are less than 5 inches in the longest shell diameter.

4.20.2-3 Vessels properly licensed to do so may land surf clams and ocean quahaugs legally taken outside the territorial waters of Rhode Island in excess of the trip limit established by Part 4.20.2-1, provided that no vessel engaged in fishing for surf clams or ocean quahaugs within territorial waters may possess or have on board more than the prescribed limit.

4.20.2-4 It is unlawful for any dredge vessel to take and/or possess more than 26 cages (832 bushels) of ocean quahaugs.

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

MINIMUM SIZES FOR SHELLFISH

4.21 Minimum Size of Quahaugs, Soft-Shell Clams, Mussels --

No person shall take or have in his custody or possession quahaugs of less than one inch (1") shell thickness (hinge width). For purposes of this regulation, hinge width is defined as the distance between the convex apex of the right shell and convex apex of the left shell. ref (20-6-11) (RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

(a) No person shall take and/or possess any quahogs less than one inch (1") shell thickness (hinge width). In addition, no person shall take and/or possess soft shell clams, taken from the free and common soft shell clam fisheries, of a diameter less than one and one half inches (1 1/2") taking the maximum shell diameter, or any oysters, taken from the free and common oyster fisheries, measuring less than three inches (3") measured parallel to the long axis of the oyster, unless greater minimum sizes are

established by the director, in consultation with the marine fisheries council. Any person who takes and/or possesses shellfish of less than the minimum size, as delineated above, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15) shellfish taken. Additionally, any person who takes and/or possesses shellfish of less than the minimum size commingled and/or otherwise stored or contained with shellfish of not less than the minimum size, where the percentage of the less than minimum size shellfish is not less than ten percent (10%) of the total piece count of the commingled and/or otherwise stored or contained package, shipment, or container, shall be subject to seizure and/or forfeiture of the entire commingled and/or otherwise stored or contained package, shipment, or container, in accordance with the provisions of §§ 20-1-8(e) and (f) and 20-1-8.1.

Oysters - Minimum Size -- Three (3) inches measured parallel to the long axis of the oyster. ref (20-6-11) (RIMF REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

Sea Clams (Surf Clams) Minimum Size -- Five (5) inches measured parallel to the long axis of the clam. (RIMF REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

Scallops -- Taking and Possession of Seed Scallops -- Every person taking any seed scallops, and who fails to restore them as soon as possible to their natural beds in the water from which taken, shall be fined not less than twenty dollars (\$20) nor more than one hundred dollars (\$100), or be imprisoned not exceeding thirty (30) days, or both, for each offense. For the purpose of this Chapter, a "seed scallop" means a scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-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. 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.

~~4.22.1-2 Recreational Shore Digging -- Recreational shore digging will be permitted daily between sunrise and sunset.~~

4.22.2 Commercial Boat Harvest

(a) For December 2010, ~~commercial~~ shellfishing from a boat will be permitted only between 8:00 A.M. and 12:00 NOON on:

Wednesday, December 15; Friday, December 17
Monday, December 20; Tuesday, December 21; Wednesday, December 22
Monday, December 27; Tuesday, December 28; Wednesday, December 29

(b) For the period of January 3, 2011 to April 30, 2011, ~~commercial~~ shellfishing from a boat will only be permitted on the following days and time periods:

January 2011 – Mondays, Wednesdays, and Fridays from 8:00 A.M. to 12:00 Noon.

February – April 2011 – Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays from sunrise to 12:00 Noon.

(c) The area is closed to all ~~commercial~~ shellfishing from a boat from May through November, annually, and will reopen every December in accordance with the annually established December schedule.

(d) Default harvest schedule – If no action is taken to establish specific harvest schedules for the December 2011 – April 2012 harvest season, or harvest seasons subsequent thereto, the area shall revert to the following default harvest schedule:

~~Commercial~~ shellfishing from a boat will be permitted only between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April.

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.

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.

4.24.2 ~~Recreational~~ Shore Digging -- ~~Recreational~~ sShore digging will be permitted daily between sunrise and sunset.

4.24.3 Commercial Boat Harvest

(a) For December 2010, ~~commercial~~ shellfishing from a boat will be permitted only between 8:00 A.M. and 12:00 Noon on:

Wednesday, December 15; Friday, December 17
Monday, December 20; Tuesday, December 21; Wednesday, December 22
Monday, December 27; Tuesday, December 28; Wednesday, December 29

(b) For the period of January 3, 2011 to April 30, 2011, ~~commercial~~ shellfishing from a boat will be permitted only on the following days and time periods:

January 2011 – Mondays, Wednesdays, and Fridays from 8:00 A.M. to 12:00 Noon.

February - April 2011 – Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays from sunrise to 12:00 Noon.

(c) The area is closed to all ~~commercial~~ shellfishing from a boat from May through November, annually, and will reopen every December in accordance with the annually established December schedule.

(d) Default harvest schedule – If no action is taken to establish specific harvest schedules for the December 2011 – April 2012 harvest season, or harvest seasons subsequent thereto, the area shall revert to the following default harvest schedule:

~~Commercial~~ sShellfishing from a boat will be permitted only between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April.

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 (in season).

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

4.27.3 COMMERCIAL BOAT HARVEST:

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 **commercial shellfishing from a boat** except as follows:

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

Provided, however, that for December 2010, **commercial shellfishing from a boat** will be permitted only between 8:00 A.M. and 12:00 Noon on:

Wednesday, December 15; Friday, December 17
Monday, December 20; Tuesday, December 21; Wednesday, December 22
Monday, December 27; Tuesday, December 28; Wednesday, December 29

And further provided that the area will be closed every December 25, and January 1.

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 **both recreational and commercial** 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 The waters of High Banks are established as a Shellfish Management Area. This area is defined as the waters of the upper west passage south of a line between the seaward end of Pojac Point to the Round Rock buoy "G1" and north of a line from the seaward end of the fence between the former Davisville Navy property and Pettee Street in the Mount View section of North Kingstown to "N6" buoy located mid-bay west of Prudence Island. The area is bounded on the east by a line projecting from the easternmost end of Pier 2 at Davisville to the Round Rock buoy "G1" and is bounded to the west by the shore.

4.28.2 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.

4.28.3 **RECREATIONAL SHORE DIGGING**: is permitted between sunrise and sunset daily.

4.28.4 **COMMERCIAL BOAT HARVESTING**:

(a) For December 2010, **commercial** shellfishing **from a boat** will be permitted only between 8:00 A.M. and 12:00 Noon on:

Wednesday, December 15; Friday, December 17
Monday, December 20; Tuesday, December 21; Wednesday, December 22

Monday, December 27; Tuesday, December 28; Wednesday, December 29

(b) For the period of January 3, 2011 to April 30, 2011, **commercial** shellfishing **from a boat** will be permitted only on the following days and time periods:

January 2011 – Mondays, Wednesdays, and Fridays from 8:00 A.M. to 12:00 Noon.

February – April 2011 – Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays from sunrise to 12:00 Noon.

(c) The area is closed to all **commercial** shellfishing **from a boat** from May through November, annually, and will reopen every December in accordance with the annually established December schedule.

(d) **Default harvest schedule** – If no action is taken to establish specific harvest schedules for the December 2011 – April 2012 harvest season, or harvest seasons subsequent thereto, the area shall revert to the following default harvest schedule:

Commercial-sShellfishing **from a boat** will be permitted only between 8:00 A.M. and 12:00 Noon on Mondays, Wednesdays, and Fridays, beginning on the second Wednesday of December and continuing through the end of April.

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)].