



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE
DIVISION OF LAW ENFORCEMENT



RHODE ISLAND MARINE FISHERIES REGULATIONS

**PART 4
Shellfish**

~~May 11, 2016~~

Proposed/annotated changes

Public Hearing
February 13, 2017

Hearing Item 4a.
Clarifications of Shellfish Management Area boundaries
(sections 4.7.4 through 4.7.18)

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, **Green Hill Pond, Narrow River, Little Narragansett Bay and the Pawcatuck River, the Providence River, the Warren River, and Town Pond (Portsmouth)** have been declared Shellfish Management Areas pursuant to RIGL 20-3-4.

4.7.4 Greenwich Bay (GB): Described as the **marine** waters **of Greenwich Bay in its entirety, including its tributaries,** west **and north** of a line **extending** between the flagpole **located** at the Warwick Country Club, and the **easternmost** end of Sandy Point on the Potowomut shore ~~in the towns of East Greenwich and Warwick.~~

(A) GB sub-area 1: Described as the **marine** waters **of Greenwich Bay located** east **and south** of a line **extending** between the DEM range marker located at the end of Neptune Street in ~~Chepiwanoxet~~ **the town of East Greenwich to and** the DEM range marker located on Cedar Tree Point **in the town of Warwick;** and north **and west** of a line **extending** between the ~~far~~ **most** northeastern ~~section~~ **point** of Chepiwanoxet Point **in the town of East Greenwich** and the ~~westernmost~~ flagpole **located at the westernmost end of** ~~on~~ Promenade Street **in the** Old Buttonwoods **section of the town of Warwick.**

(B) GB sub-area 2: Described as the **marine** waters **of Greenwich Bay located** west of a line **extending** between Sally Rock Point **in the Potowomut section of the town of Warwick,** and the ~~westernmost~~ flagpole **located at the westernmost end of** ~~on~~ Promenade Street, **in the** Old Buttonwoods **section of the town of Warwick;** and south **and east** of a line **extending** between the ~~far~~ **most** northeastern ~~section~~ **point** of Chepiwanoxet Point **in the town of East Greenwich** and the ~~westernmost~~ flagpole **located at the westernmost end of** ~~on~~ Promenade Street, **in the** Old Buttonwoods **section of the town of Warwick.**

(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., listserv) by the DFW with at least seventy-two (72) hours of advance notice.

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

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

(4) Default commercial boat harvest schedules for GB sub-areas 1 & 2: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:

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

(5) GB Area 3: Described as the marine waters of Greenwich Bay located east and south of a line extending between Sally Rock Point in the Potowomut section of the town of Warwick and the westernmost flagpole located at the westernmost end of ~~on~~ Promenade Street, in the Old Buttonwoods section of the town of Warwick, and west and north of a line extending between the flagpole located at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore.

(a) Boat harvest schedule: Open daily.

4.7.5 Conimicut Point: Described as the marine waters located south of a line running extending from the flagpole (Latitude: 41° 43' 2.93" North, Longitude: 71° 21' 27.68" West) located ~~on~~ at Conimicut Point in the town of Warwick ~~to~~ and the center of the Old Tower at Nayatt Point; and north of a line extending from the westernmost extension end of Samuel Gorton Avenue in the town of Warwick, and the southernmost extension end of Bay Road in the town of Barrington.

(A) The reduced Shellfish Management Area possession limit applies only to soft-shell clams.

4.7.6 Potowomut: Described as the marine waters ~~at the mouth of Greenwich Bay~~ extending south of a line between the flagpole at the Warwick Country Club ~~to and~~ the ~~seaward~~ easternmost end of Sandy Point; and north of a line extending between ~~and~~ the ~~seaward~~ easternmost end of Pojac Point in the town of North Kingstown ~~to and~~ buoy "G1" (Round Rock) ~~and to~~ the Warwick Lighthouse located at the southern end of Warwick Neck, including all the marine waters of the Potowomut River in the towns of Warwick and East Greenwich seaward of the Forge Road Spillway, ~~in the towns of East Greenwich and Warwick.~~

(A) Area A: Described as the area marine waters located west and south of a line extending between the ~~seaward~~ easternmost end of Sandy Point and buoy "G1" (Round Rock); and north and west of a line extending between the ~~seaward~~ easternmost end of Pojac Point to buoy "G1" (Round Rock).

(1) Harvest schedule: Open daily.

(B) Area B (Management Closure Area): Described as the marine waters within a triangular shaped area located east of a line extending between the ~~seaward~~ easternmost end of Sandy Point and buoy "G1" (Round Rock); and west of a line extending between the flagpole at the Warwick Country Club and buoy "G1" (Round Rock); and south of a line extending between the flagpole at the Warwick Country Club to the ~~seaward~~ easternmost end of Sandy Point. ~~Area "B" is closed to shellfishing until further notice.~~

(1) Harvest schedule: ~~This area is~~ Closed to the harvest of shellfishing, except for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

(C) Area C: Described as the area marine waters east of a line extending between the flagpole at the Warwick Country Club and buoy "G1" (Round Rock); and north of a line extending from buoy "G1" (Round Rock) ~~to and~~ the Warwick Lighthouse.

(1) Harvest schedule: Open daily.

4.7.7 High Banks: Described as the marine waters ~~of the upper west passage~~ located south and east of a line extending between the ~~seaward~~ easternmost end of Pojac Point to ~~the Round Rock~~ buoy "G1" (Round Rock); and north of a line extending from the ~~seaward~~ easternmost end of ~~the fence between the former Davisville Navy property and~~ Pettee Street ~~in the Mount View section of~~ in the town of North Kingstown ~~to and~~ buoy "N6" located mid-bay west of Prudence Island; ~~The area is bounded on the and~~ east by a line projecting extending from the easternmost end of Pier 2 at Davisville to ~~the Round Rock~~ buoy "G1" (Round Rock) ~~and is bounded to the west by the shore, in the town of North Kingstown.~~

(A) Harvest schedule: Open daily

4.7.8 Bissel Cove/Fox Island: Described as the marine waters of Bissel Cove in its entirety located seaward of the Annaquatucket River bridge located at Boston Neck Road; and including the adjacent waters of Narragansett Bay located south of a line extending between ~~Pole #275 at~~ the corner of Waldron and Seaview Avenues in the town of North Kingstown and the most southwestern point of Fox Island (~~south of the cable area~~), in the town of North Kingstown; and west of a line extending from the southwestern most point of Fox Island ~~to~~ and the northernmost ~~point~~ terminus of Rome point in the town of North Kingstown.

(A) 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 through November annually: Closed.

(3) Default harvest schedule: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:

(a) 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 annually.

(B) Oyster harvest moratorium: The harvest and possession of oysters in the Bissel Cove/Fox Island Shellfish Management Area is prohibited until November 15, 2020.

4.7.9 Mill Gut: Described as the marine waters of Mill Gut in its entirety, ~~lying~~ south of the northernmost bridge on Colt Drive in the town of Bristol.

(A) Harvest schedule: Open ~~for to~~ the harvesting of bay quahaugs, soft-shell clams, blue mussels, and oysters only ~~between~~ from the second Wednesday in December ~~and through~~ April 30 annually.

4.7.10 Bristol Harbor: Described as the marine waters of Bristol Harbor and its tributaries located ~~south~~ erly of a line extending between CRMC permitted dock #419 located at 163 Poppasquash Road (~~so-called Rockwell's Dock~~) in the town of Bristol ~~to~~ and the northwest corner of the Rockwell Pier municipal parking lot ~~in Bristol Harbor~~ in the town of Bristol; and north of a line ~~beginning~~ extending from the north side of CRMC Permitted Dock #1601 where it meets the shoreline, located ~~at the boat house to the rear of~~ 363 Poppasquash Road (~~so-called Johnson's Dock~~) in the town of Bristol and the northwest corner of the ~~Coast Guard Dock~~ U.S. Coast Guard station pier in the town of 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) Boat harvest schedule:

- (1) December 2015: Closed.
- (2) Beginning January 11, 2016: Open between 8:00 A.M. and 12:00 P.M. Noon on Mondays, Wednesdays, and Fridays.
- (3) February 1 through April 30, 2016: Open daily.
- (4) May through November annually: Closed.
- (5) Default harvest schedule: If no action is taken to establish specific harvest schedules annually, the following schedule shall be in effect by default:

(a) 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. Harvest is prohibited on December 25 and January 1 annually.

4.7.11 Kickemuit River: Described as the marine waters of the Kickemuit River and its tributaries north of a line ~~connecting~~ extending between the southwest terminus of Emery Road in the town of Warren and nun buoy 6 and can buoy 1 at located in the Bristol Narrows.

4.7.12 Jenny's Creek: Described as the marine waters of ~~Prudence Island~~ including Jenny's Creek in its entirety located north of the inlet at Pine Hill Cove on Prudence Island.

(A) Harvest schedule: Closed to the harvest of shellfishing.

~~(1) Exception: except~~ ~~The area is open~~ for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

4.7.13 Sakonnet River: Described as the marine waters of the Sakonnet River and its tributaries located north of a line extending from Sachuest Point in the city of Newport to and Sakonnet Light in the town of Little Compton; and south of a line extending from Brown Point in the town of Little Compton and the intersection of Old Mill Land and Indian Avenue in the town of Middletown; ~~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 Taggart's Ferry, so-called, in the town of Middletown.~~ and east of a line extending from Flint Point and the intersection of Indian Avenue and Taggart's Ferry Road in the town of Middletown.

(A) The possession limit for surf clams is two hundred (200) bushels/vessel/day.

(1) **Bay quahaug bycatch:** ~~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.~~

4.7.14 **Point Judith Pond:** Described as the **marine** waters of Point Judith Pond, ~~including East Pond,~~ **and its tributaries** in ~~their~~ **its** entirety, in the towns of South Kingstown and Narragansett.

4.7.15 **Potter Pond:** Described as the **marine** waters of Potter Pond **and its tributaries** in its entirety **located** west of the Succotash Road bridge in the town of South Kingstown.

(B) **Closed Management Closure Area:** ~~The harvest and possession of shellfish is prohibited in the following area:~~ **Described as** the area **marine waters within of** Sycamore Cove **in Potter Pond located** ~~defined as~~ north of a line ~~running~~ **extending 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.

(1) **Exception Harvest schedule:** **Closed to the harvest of shellfish** ~~The area is open~~ **except** for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

4.7.16 **Ninigret (Charlestown) Pond:** Described as the **marine** waters of Ninigret Pond **and its tributaries** in its entirety, in the town of Charlestown.

(A) **Western closed Management Closure Area:** ~~The harvest and possession of shellfish is prohibited in the following area:~~ **Described as All the marine waters of Ninigret Pond located** 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”.

(1) **Exception Harvest schedule:** **The harvest of shellfish is prohibited** ~~The area is open~~ **except** for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

(B) **Foster Cove Northern Management Closed Closure Area:** ~~The harvest and possession of shellfish is prohibited in the following area:~~ **Described as the marine All waters of Foster Cove in Ninigret Pond** within ~~an area formed by~~

the following points: from (“A” N 41 degrees 21 minutes 58.7 seconds, W 71 degrees 40 minutes 33.8 seconds [41°21'58.7"N, 71°40'33.8"W]) to a point ~~125 feet south-southeast~~ (“B” N 41 degrees 21 minutes 57.5 seconds, W 71 degrees 40 minutes 34.4 seconds [41°21'57.5"N, 71°40'34.4"W]), to a point ~~xxx feet east-southeast~~ (“C” N 41 degrees 21 minutes 56.5 seconds, W 71 degrees 40 minutes 31.1 seconds [41°21'56.5"N, 71°40'31.1"W]), to a point ~~125 north-northeast~~ (“D” N 41 degrees 21 minutes 57.8 seconds, W 71 degrees 40 minutes 30.5 seconds [41°21'57.8"N, 71°40'30.5"W]), ~~from “D” westward to “A”.~~

(1) ~~Harvest schedule: This area shall remain closed~~ **The harvest of shellfish is prohibited** until January 1, 2020, unless extended by the Director after RIMFC review.

(C) ~~Foster Cove Eastern Management Closed Closure Area: The harvest and possession of shellfish is prohibited in the following area:~~ **Described as the marine** All waters **of Foster Cove in Ninigret Pond** within 75 feet of shore ~~beginning at of~~ a point (“A” N 41 degrees 21 minutes 49.3 seconds, W 71 degrees 40 minutes 24.8 seconds [41°21'49.3"N 71°40'24.8"W]) continuing along the shore to a point ~~northwest~~ (“B” N 41 degrees 21 minutes 52.4 seconds, W 71 degrees 40 minutes 31.0 seconds [41°21'52.4"N 71°40'31.0"W]), continuing along the shore to a point ~~east-southeast~~ (“C” N 41 degrees 21 minutes 51.6 seconds, W 71 degrees 40 minutes 23.6 seconds [41°21'51.6"N 71°40'23.6"W]).

(1) ~~Harvest schedule: This area shall remain closed~~ **The harvest of shellfish is prohibited** until January 1, 2020, unless extended by the Director after RIMFC review.

4.7.17 Quonochontaug Pond: Described as the waters of Quonochontaug Pond **and its tributaries** in its entirety, in the towns of Charlestown and Westerly.

~~(A) Closed Area:~~

~~(1A) Western Management Closed Closure Area: The harvest and possession of shellfish is prohibited in the following area:~~ Described as the **marine** waters **of Quonochontaug Pond located** south of a line ~~running extending~~ **extending** easterly from ~~between~~ the ~~special~~ DEM marker **located** at the **southern** end of Quahaug Point (N 41 degrees 20 minutes 0.0 seconds, W 71 degrees 44 minutes 39.5 seconds), ~~to and the a second special~~ DEM marker **located** at the northern end of Nope’s Island (N 41 degrees 20 minutes 5.0 seconds, W 71 degrees 44 minutes 1.0 second); ~~and east of~~ **and east of** ~~The area will be bordered on the west by a line running extending~~ south from **the southern end of** Quahaug Point to a ~~special~~ DEM marker located on the barrier beach shoreline (N 41 degrees 19 minutes 50.0 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.~~

~~(2B) Eastern Management Closed Closure Area: The harvest and possession of shellfish is prohibited in the following area:~~ Described as the **marine** waters **of**

Quonochontaug Pond located east of a line running extending southerly from between the special DEM marker located southwest corner of the Quonochontaug Yacht Club stone pier located at N 41 degrees 21 minutes 1.1 seconds W 71 degrees 42 minutes 33.4 seconds, ~~to~~ and 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.~~

(a) ~~Exception Harvest schedule: The harvest of shellfish is prohibited, except The area is open~~ for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

(~~BC~~) The harvest and possession of oysters in Quonochontaug Pond is prohibited until September 15, 2021.

4.7.18 Winnapaug Pond: Described as the marine waters of Winnapaug Pond and its tributaries in its entirety, in the town of Westery.

(A) Management Closed Closure Area: ~~The harvest and possession of shellfish is prohibited in the following area:~~ Described as the marine waters located north of a line running extending easterly from the special DEM marker located at Big Rock Point (N 41 degrees 19 minutes 49.0 seconds, W 71 degrees 47 minutes 57.0 seconds), ~~to~~ and the special DEM marker located at the southern end of Larkin's Island (N 41 degrees 19 minutes 55.0 seconds, W 71 degrees 47 minutes 5.0 seconds); and west of ~~The area will be bordered on the east by~~ a line running extending northwesterly between the DEM marker located at the southern end of Larkin's Island ~~special marker to~~ and the special DEM marker located 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.

(1) Exception: The harvest of shellfish is prohibited, except for the harvest of bay scallops by dip-netting from a boat during the open season for bay scallops.

Hearing Item 4b. Proposed Shellfish Management Areas (sections 4.7.19 through 4.7.24)

4.7.19 Green Hill Pond: Described as the marine waters of Green Hill Pond and its tributaries in its entirety, in the towns of South Kingstown and Charlestown.

(A) Harvest schedule: The harvest and possession of shellfish is prohibited.

4.7.20 Narrow River: Described as the marine waters of the Narrow River in its entirety, in the towns of Narragansett, South Kingstown, and North Kingstown.

(A) Harvest schedule: The harvest and possession of shellfish is prohibited.

4.7.21 Little Narragansett Bay and Pawcatuck River: Described as the marine waters of Little Narragansett Bay and Pawcatuck River and its tributaries located southerly and seaward of the Broad Street/Route 1 bridge in the towns of Westerly, RI and Stonington, CT.; and north and east of a line extending from the western end of Napatree Point (41.30719° N ; 71.88659° W) and the northwest corner of Sandy Point (41.33091° N, 71.89445° W); and bordered by the state boundary.

(A) Harvest schedule: Open daily.

4.7.22 Providence and Seekonk Rivers: Described as the marine waters of the Providence River and Seekonk River and their tributaries located north of a line extending from the flagpole (Latitude: 41° 43' 2.93" North, Longitude: 71° 21' 27.68" West) located at Conimicut Point in the town of Warwick and the center of the Old Tower at Nayatt Point; and southerly and seaward of the Hurricane barrier in the city of Providence; and southerly and seaward of the Main Street Dam in the city of Pawtucket.

(A) Harvest schedule: The harvest and possession of shellfish is prohibited.

4.7.23 Warren River Shellfish Management Area

Option 1: Division proposal – include portion of Conditional Area “A” currently open to shellfish harvest

Described as the marine waters of the Warren River and its tributaries located north of a line extending from Rumstick Point in the town of Barrington to the dock located at the end of Beach Lane in the town of Warren; and southerly and downstream of the Main street/Route 114 bridge at its intersection with the Barrington River in the town of Barrington; and southerly and downstream of the Main street/Route 114 bridge at its intersection with the Palmer River in towns of Bristol and Warren.

(A) Harvest schedule: Open daily.

Option 2: Industry proposal – DO NOT include portion of Conditional Area “A” currently open to shellfish harvest; include only those waters of the Warren River currently closed to shellfish harvest

Described as the marine waters of the Warren River and its tributaries located north and east of a line extending from the flagpole at 178 Adams Point Road on Adams Point in Barrington to the DEM range marker at Jacobs Point; and southerly and downstream of the Main street/Route 114 bridge at its intersection with the Barrington River in the town of Barrington; and southerly and downstream of the Main street/Route 114 bridge at its intersection with the Palmer River in towns of Bristol and Warren.

(A) Harvest schedule: The harvest and possession of shellfish is prohibited.

4.7.24 Town Pond: Described as the marine waters of Founders Brook and Town Pond in their entirety, in the town Portsmouth.

(A) Harvest schedule: The harvest and possession of shellfish is prohibited.