



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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Jamestown, RI 02835

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Public Hearing Summary Document

**January 3, 2008 at 6 PM
URI Narragansett Bay Campus
Corless Auditorium**

- 1) Proposed alternative plans for the opening schedules of the RI Shellfish Management Areas (see last page for summary comparison of options)

The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Thursday, January 3, 2008 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 p.m. on January 3, 2007. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.

1) Proposed alternative plans for the opening schedules of the RI Shellfish Management Areas

Option 1 – Status Quo [w/updates & technical corrections]

4.10 Greenwich Bay Shellfish Management Area

4.10.1 The conditionally approved waters of Greenwich Bay are established as a Shellfish Management Area for a five-year period. 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 SHORE DIGGING will be permitted between sunrise and sunset daily. The maximum daily catch limit for shore digging of bay quahaugs, soft-shelled clams, mussels, and oysters [in season] is:

Resident shoredigger (no sale)	1 peck each/person/day
Licensed non-resident (no sale)	½ peck each/person/day
Commercial License holder	

oysters [in season]	3 bushels/license holder/day
soft-shellfed clams	3 bushels/license holder/day
Mussels	3 bushels/license holder/day
bay quahaugs	One peck/license holder/day [EXCEPT: Mondays, Wednesdays, and Fridays beginning the second Wednesday of December until April 30 annually, when the daily limit shall be 3 bushels/license holder/day.]

The use of diving apparatus is prohibited while shore digging.

BOAT HARVEST

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

The area shall be open to shellfishing every December in accordance with a schedule established annually 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.

~~The schedule for the month of December 2006 shall be as follows:~~

~~Shellfishing will be permitted only between the hours of 8 AM and NOON on:~~

~~Monday (12/11/06)~~

~~Wednesday (12/13/06)~~

~~Friday (12/15/06)~~

~~Monday (12/18/06)~~

~~Tuesday (12/19/06)~~

~~Wednesday (12/20/06)~~

~~Friday (12/22/06)~~

~~Tuesday (12/26/06)~~

~~Wednesday (12/27/06)~~

~~Friday (12/29/06)~~

From the beginning of January until April 30, annually, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays.

The waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods will be open to harvesting from a boat between sunrise and sunset daily on an annual basis.

~~Shellfishing will be subject to water quality status as specified by the D.E.M. Office of Water Resources.~~

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, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

4.24 Bissel Cove - Fox Island Transplant Area Regulations

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, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~ ~~[Effective November 5, 2005, the Bissel Cove - Fox Island Transplant Area will be closed to shellfishing from a boat until the scheduled opening on the second Wednesday of December.]~~

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 between the second Wednesday of December and April 30 annually when shellfishing is permitted only between 8:00 AM and Noon on Mondays, Wednesdays and Fridays. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

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:

Beginning on the second Wednesday of December, shellfishing will be permitted only between ~~the hours of~~ 8 A.M. and NOON on Mondays, Wednesdays, and Fridays until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

Option 2 – 3 hrs/day for first 9 openings [w/updates & technical corrections]

4.10 Greenwich Bay Shellfish Management Area

4.10.1 The conditionally approved waters of Greenwich Bay are established as a Shellfish Management Area for a five-year period. 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 SHORE DIGGING will be permitted between sunrise and sunset daily. The maximum daily catch limit for shore digging of bay quahaugs, soft-shelled clams, mussels, and oysters [in season] is:

Resident shoredigger (no sale)	1 peck each/person/day
Licensed non-resident (no sale)	½ peck each/person/day
Commercial License holder	
oysters [in season]	3 bushels/license holder/day
soft-shelled clams	3 bushels/license holder/day
Mussels	3 bushels/license holder/day
bay quahaugs	One peck/license holder/day [EXCEPT: Mondays, Wednesdays, and Fridays beginning the second Wednesday of December until April 30 annually, when the daily limit shall be 3 bushels/license holder/day.]

The use of diving apparatus is prohibited while shore digging.

BOAT HARVEST

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

The area shall be open to shellfishing every December in accordance with a schedule established annually 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; provided, however, that on the first nine (9) consecutive days that the area is open, shellfishing from a boat will be permitted only between 9 AM and NOON.

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:

4. 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);
5. the total number of hours of permitted shellfishing for the month does not exceed forty-eight (48) hours; and
6. 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 schedule for the month of December 2006 shall be as follows:~~

~~Shellfishing will be permitted only between the hours of 8 AM and NOON on:~~

~~Monday (12/11/06)~~

~~Wednesday (12/13/06)~~

~~Friday (12/15/06)~~

~~Monday (12/18/06)~~

~~Tuesday (12/19/06)~~
~~Wednesday (12/20/06)~~
~~Friday (12/22/06)~~
~~Tuesday (12/26/06)~~
~~Wednesday (12/27/06)~~
~~Friday (12/29/06)~~

From the beginning of January until April 30, annually, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays; provided, however, that if weather or water quality conditions prevent the area from opening during December, shellfishing from a boat will be permitted, when the area opens, only between 9:00 A.M. and NOON on the first nine (9) consecutive Mondays, Wednesdays, and Fridays, and then between 8:00 A.M. and NOON on all following Mondays, Wednesdays, and Fridays, until April 30.

Shellfishing from a boat will also be permitted only between 8 A.M. and NOON on Monday, Wednesday, and Friday during the one (1) week immediately preceding Memorial Day weekend, annually.

The waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods will be open to harvesting from a boat between sunrise and sunset daily on an annual basis.

~~Shellfishing will be subject to water quality status as specified by the D.E.M. Office of Water Resources.~~

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~~ 9:00 A.M. and NOON on the first nine (9) consecutive Mondays, Wednesdays, and Fridays, and then between 8:00 A.M. and NOON on all following Mondays, Wednesdays, and Fridays, until April 30, annually. In those years in which December 25th occurs on a Monday,

Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

4.24 Bissel Cove - Fox Island Transplant Area Regulations

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 9:00 A.M. and NOON on the first nine (9) consecutive Mondays, Wednesdays, and Fridays, and then between 8 A.M. and NOON on all following Mondays, Wednesdays, and Fridays, until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks. [Effective November 5, 2005, the Bissel Cove - Fox Island Transplant Area will be closed to shellfishing from a boat until the scheduled opening on the second Wednesday of December.]~~

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 between the second Wednesday of December, shellfishing from a boat will be permitted only between 9 A.M. and NOON on the first nine (9) consecutive Mondays, Wednesdays, and Fridays, and then and April 30 annually when shellfishing is permitted between 8:00 AM and Noon on all following Mondays, Wednesdays and Fridays, until April 30, annually.** In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

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:

Beginning on the second Wednesday of December shellfishing will be permitted only between ~~the hours of 8 9:00~~ A.M. and NOON on ~~the first nine (9) consecutive~~ Mondays, Wednesdays, and Fridays, **and then between 8:00 A.M. and NOON on all following Mondays, Wednesdays, and Fridays,** until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately~~

~~preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

Option 3 – 2 hrs/day for first 6 openings, 3 hrs/day for next 6 openings [w/updates & technical corrections]

4.10 Greenwich Bay Shellfish Management Area

4.10.1 The conditionally approved waters of Greenwich Bay are established as a Shellfish Management Area for a five-year period. 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 **SHORE DIGGING** will be permitted between sunrise and sunset daily. The maximum daily catch limit for shore digging of bay quahaugs, soft-shelled clams, mussels, and oysters [in season] is:

Resident shoredigger (no sale)	1 peck each/person/day
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bay quahaugs	One peck/license holder/day [EXCEPT: Mondays, Wednesdays, and Fridays beginning the second Wednesday of December until April 30 annually, when the daily limit shall be 3 bushels/license holder/day.]

The use of diving apparatus is prohibited while shore digging.

BOAT HARVEST

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

The area shall be open to shellfishing every December in accordance with a schedule established annually 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; **provided, however, that on the first six (6)**

consecutive days that the area is open, shellfishing from a boat will be permitted only between 9 A.M. and 11 A.M.; and for the second six (6) consecutive days that the area is open, shellfishing from a boat will be permitted only between 9 A.M. and NOON.

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:

7. 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);
8. the total number of hours of permitted shellfishing for the month does not exceed forty-eight (48) hours; and
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From the beginning of January until April 30, annually, shellfishing from a boat will be permitted only between 8:00 A.M. and NOON on Mondays, Wednesdays, and Fridays; provided, however, that if weather or water quality conditions prevent the area from opening during December, shellfishing from a boat will be permitted, when the area opens, only between 9:00 A.M. and 11 A.M. on the first six (6) consecutive Mondays, Wednesdays, and Fridays; between 9:00 A.M. and NOON on the second six (6) consecutive Mondays, Wednesdays, and Fridays; and then between 8:00 A.M. and NOON on all following Mondays, Wednesdays, and Fridays, until April 30.

Shellfishing from a boat will also be permitted only between 8 A.M. and NOON on Monday, Wednesday, and Friday during the one (1) week immediately preceding Memorial Day weekend, annually.

The waters east of a line between Sally Rock Point and the westernmost flagpole on Promenade Street, Old Buttonwoods will be open to harvesting from a boat between sunrise and sunset daily on an annual basis.

~~Shellfishing will be subject to water quality status as specified by the D.E.M. Office of Water Resources.~~

4.22 Bristol Harbor Shellfish Transplant Area

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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 9:00 A.M. and NOON 11:00 A.M. on the first six (6) consecutive** Mondays, Wednesdays, and Fridays; **and then between 9:00 A.M. and NOON on the second six (6) consecutive** Mondays, Wednesdays, and Fridays; **and then between 8:00 A.M. and NOON on all following** Mondays, Wednesdays, and Fridays, until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

4.24 Bissel Cove - Fox Island Transplant Area Regulations

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 9:00 A.M. and NOON 11:00 A.M. on the first six (6) consecutive Mondays, Wednesdays, and Fridays; and then between 9 A.M. and NOON on the second six (6) consecutive Mondays, Wednesdays, and Fridays; and then between 8 A.M. and NOON on all following Mondays, Wednesdays, and Fridays, until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks. [Effective November 5, 2005, the Bissel Cove - Fox Island Transplant Area will be closed to shellfishing from a boat until the scheduled opening on the second Wednesday of December.]~~

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 between the second Wednesday of December, shellfishing from a boat will be permitted only between 9 A.M. and 11:00 A.M. on the first six (6) consecutive Mondays, Wednesdays, and Fridays; and then between 9:00 A.M. and NOON on the second six (6) consecutive Mondays, Wednesdays, and Fridays; and then and April 30 annually when shellfishing is permitted between 8:00 AM and Noon on all following Mondays, Wednesdays and Fridays, until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

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.

2.28.3 BOAT HARVESTING:

Beginning on the second Wednesday of December shellfishing will be permitted only between ~~the hours of 8 9:00~~ A.M. and ~~NOON 11:00~~ A.M. on ~~the first six (6) consecutive~~ Mondays, Wednesdays, and Fridays; ~~and then between 9:00 A.M. and NOON on the second six (6) consecutive Mondays, Wednesdays, and Fridays; and then between 8:00 A.M. and NOON on all following Mondays, Wednesdays, and Fridays,~~ until April 30, annually. In those years in which December 25th occurs on a Monday, Wednesday, or Friday, the management area will be closed to shellfishing from a boat on Christmas day and will be open to shellfishing from a boat the day following Christmas day. ~~Additionally, the week immediately preceding Christmas 2004 and the week immediately preceding New Years Day 2005, shellfishing will be permitted only between the hours of 8:00 AM and NOON on Monday, Wednesday, and Thursday of those two weeks.~~

	W. Gr. Bay		Bristol Harbor	Bissel Cove/ Fox Island	Potowomut - A	High Banks
Status Quo	<u>December</u> Schedule set annually; capped at 48 hrs.; subject to adjustment if ≥ 2 days are lost	<u>Jan – April</u> Open M/W/F: 8-12	Open 2 nd Wed. in Dec → April 30, M/W/F: 8-12	Open 2 nd Wed. in Dec. → April 30, M/W/F: 8-12	Open 2 nd Wed. in Dec. → April 30, M/W/F: 8-12	Open 2 nd Wed. in Dec. → April 30, M/W/F: 8-12
Option 1	<u>December</u> Same, except 1 st nine openings = 9-12	<u>Jan – April</u> Same, except if area fails to open in Dec., 1 st nine openings = 9-12; thereafter = 8-12 <u>May</u> Open M/W/F 8-12 during week before Memorial Day weekend	Same, except 1 st nine openings = 9-12; thereafter= 8-12	Same, except 1 st nine openings = 9-12; thereafter= 8-12	Same, except 1 st nine openings = 9-12; thereafter= 8-12	Same, except 1 st nine openings = 9-12; thereafter= 8-12
Option 2	<u>December</u> Same, except 1 st six openings = 9-11; and 2 nd six openings = 9-12	<u>Jan-April</u> Same, except if area fails to open in Dec., 1 st six openings = 9-11; 2 nd six openings = 9-12; thereafter = 8-12 <u>May</u> Open M/W/F 8-12 during week before Memorial Day weekend	Same, except 1 st six openings = 9-11; 2 nd six openings = 9-12; thereafter = 8-12	Same, except 1 st six openings = 9-11; 2 nd six openings = 9-12; thereafter = 8-12	Same, except 1 st six openings = 9-11; 2 nd six openings = 9-12; thereafter = 8-12	Same, except 1 st six openings = 9-11; 2 nd six openings = 9-12; thereafter = 8-12