RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES
Three Fort Wetherill Road
Jamestown, Rhode Island 02835

PUBLIC NOTICE OF PROPOSED RULEMAKING

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier:

1. *Part XVII – Maps* (current ERLID 9862)
2. *Part 9 – Maps* (250-RICR-90-00-9; ERLID tbd)

Rulemaking action: Direct Final Rule

Type of Filing: Proposed repeal (*Part XVII – Maps*) and adoption (*Part 9 – Maps)*

Timetable for action on the proposed rule:

- Date of public notice: July 31, 2018
- Date of hearing: N/A (no hearing planned)
- End of comment period: August 31, 2018
- RI Marine Fisheries Council: October 1, 2018
- Anticipated filing date: October, 2018

Summary of proposed rule: Proposed repeal of regulation *Part XVII – Maps* as the only remaining un-codified regulation with the Division, in conjunction with proposed adoption of new re-codified regulation *Part 9 - Maps*. All maps other than the maps of the floating fish traps are proposed to be deleted, as some degree of inaccuracy exists with each of these maps as shown, and all maps are verbally described elsewhere in Marine Fisheries regulations, and are therefore duplicative. Upon conclusion of a review and amendment as needed of the verbal descriptions of the floating fish trap locations as provided in *Part 6 – General Equipment Provisions*, this regulation is expected to be fully repealed as duplicative.

Direct Final Rule process: This proposal is considered to be a non-substantive change to the regulations. No hearing is therefore planned. If no formal objection is received before 4:00PM on September 10, 2018, DEM will file the repeal and adoption without further opportunity for public comment. If an objection is received during the comment period, the regulation will not be a filed and a hearing will be scheduled.

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on September 10, 2018. Comments may be submitted to the following address:

DEM Division of Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835
ATTN: Peter Duhamel

Written comments may also be submitted by email.

Filed with Sec. of State's office pursuant to R.I. Gen. Laws § 42-35-2.7 "Notice of proposed rulemaking" on August 10, 2018.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES
FISH AND WILDLIFE
&
LAW ENFORCEMENT

RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

Part XVII
Maps



April 28, 2011

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 thru 20-3-6, 20-4 thru 20-10, and in accordance with 42-35, of the Rhode Island General Laws of 1956, as amended.

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FISH AND WILDLIFE
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RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

PURPOSE

The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.

AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42.17.1, 42-17.6, 20-1-2, 20-1-4, 20-3-2 thur 20-3-6, 20-4 thru 20-10 and in accordance with Chapter 42-35, Administrative Procedures, of the General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

Rules and regulations are based upon the need to modify existing regulations (RIGL 20-3-2 through 20-3-6).

APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

DEFINITIONS

See Rhode Island Marine Statutes and Regulations, Part I, '1.3.

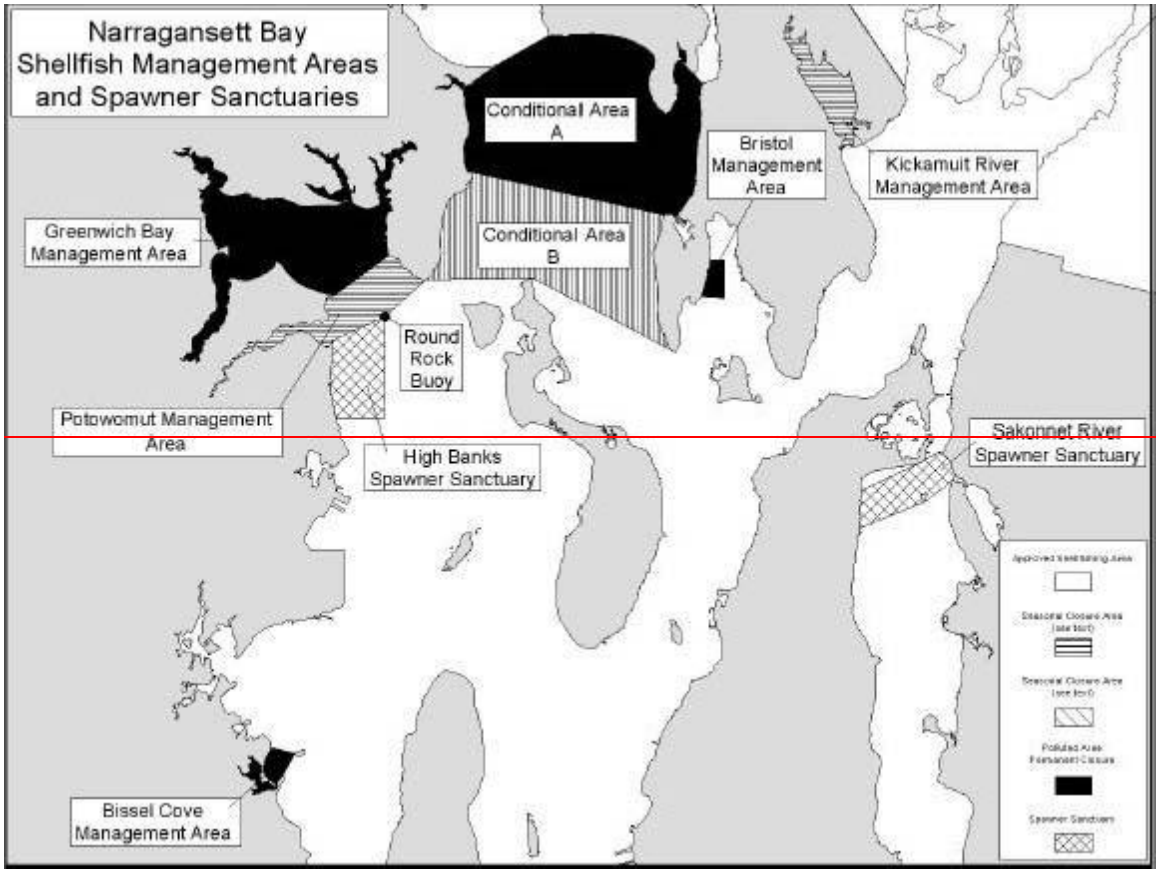
SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

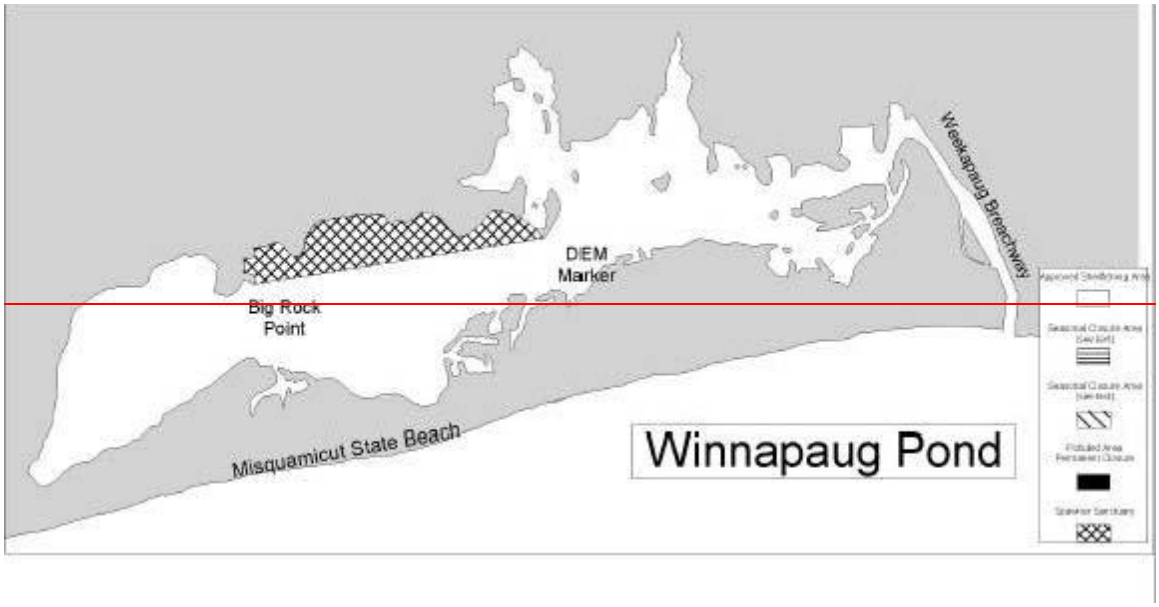
SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of Part XVII shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

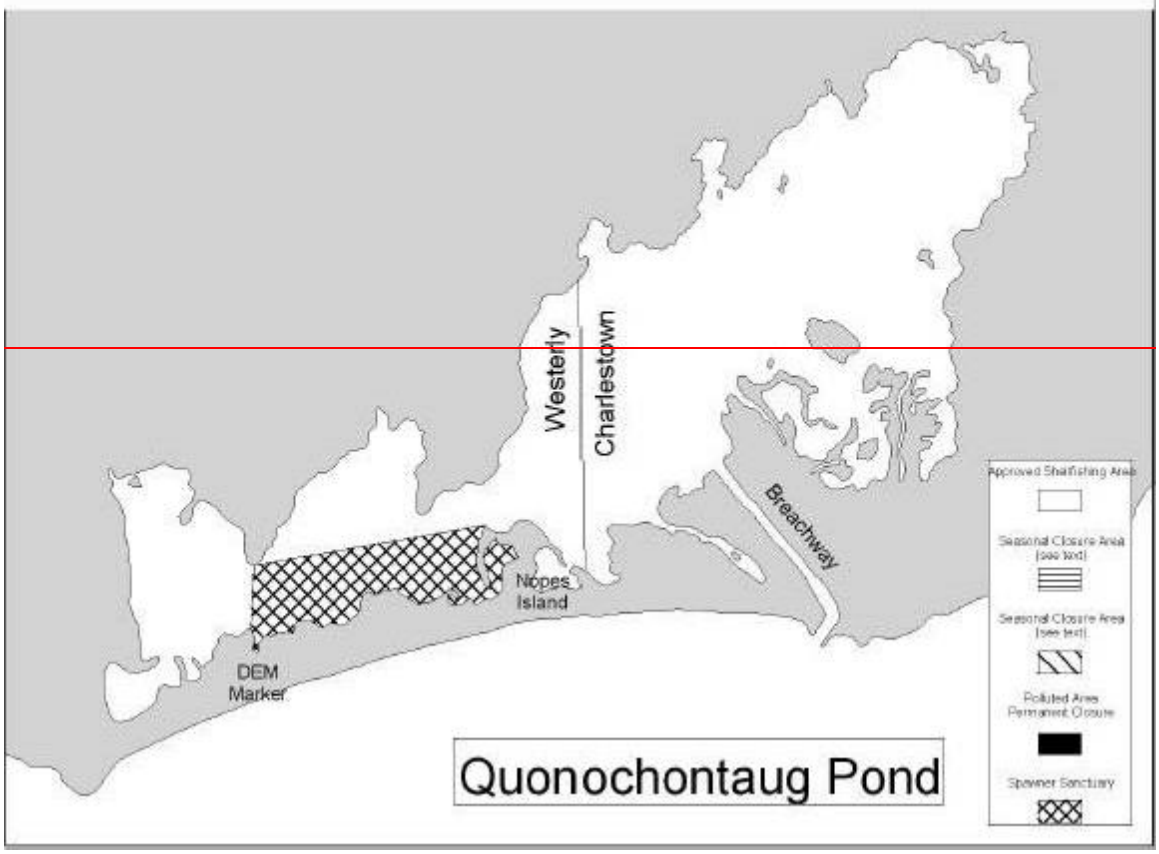
AREA	MAP NO.
Narragansett Bay Shellfish Management Areas and Spawner Sanctuaries	1
Winnapaug Pond	2
Quonochontaug Pond	3
Great Salt Pond – Block Island	4
Ninigret and Green Hill Ponds	5
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Narragansett Bay
Shellfish Management Areas
and Spawner Sanctuaries
Conditional Area
A
Bristol
Management
Area
Kickamuit River
Management Area
Greenwich Bay
Management Area
Conditional Area
B
Round
Rock
Buoy
Potowomut Management
Area
High Banks
Spawner Sanctuary
Sakonnet River
Spawner Sanctuary
Bissel Cove
Management Area

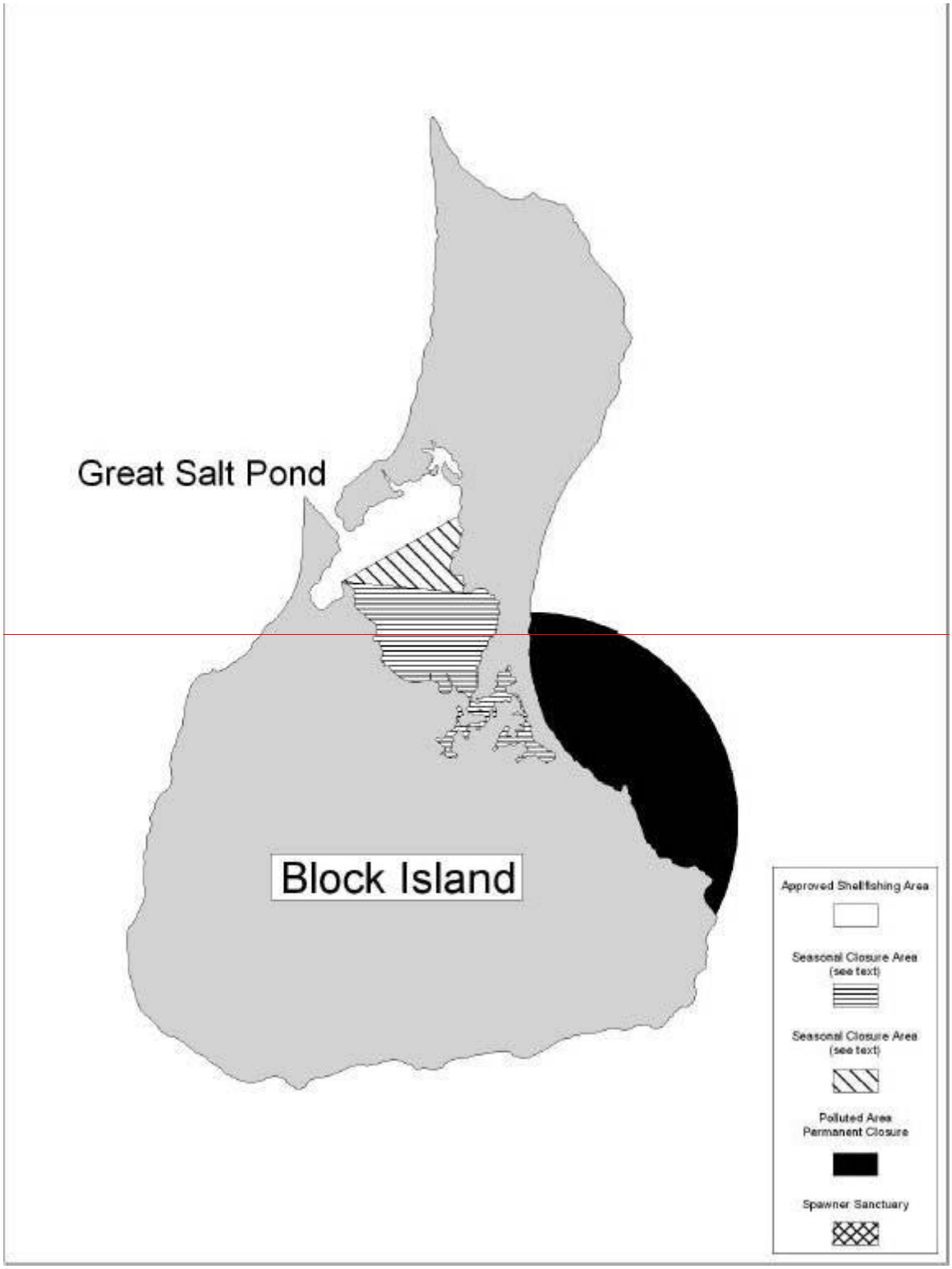
~~Map #1~~


Weekapaug Breachway
DEM
Marker
Big Rock
Point
Misquamicut State Beach
Winnapaug Pond

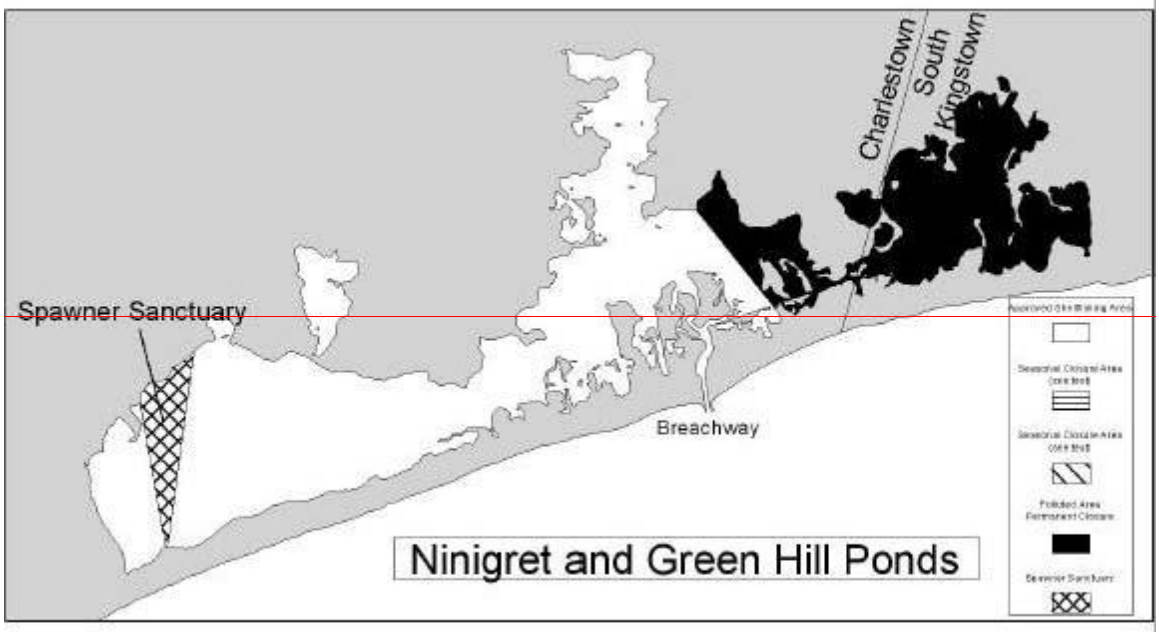
~~Map #2~~


Westerly
Charlestown
Breachway
Nopes Island
DEM Marker
Quonochontaug Pond
Approved Shellfishing Area
Seasonal Closure Area (see text)
Seasonal Closure Area (see text)
Polluted Area Permanent Closure
Spawner Sanctuary

~~Map #3~~

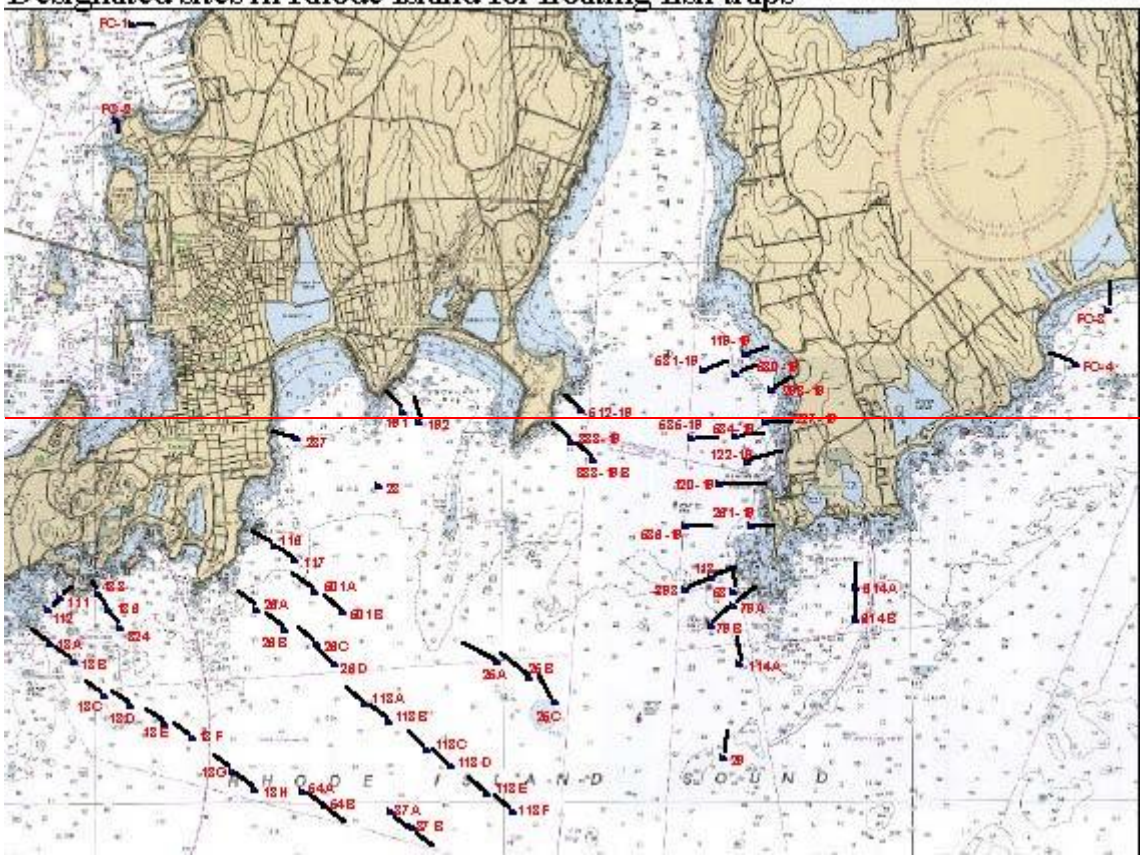

Great Salt Pond
Block Island
Approved Shellfishing Area
Seasonal Closure Area (see text)
Seasonal Closure Area (see text)
Polluted Area Permanent Closure
Spawner Sanctuary

~~Map #4~~


Charlestown
South
Kingstown
Spawner Sanctuary
Breachway
Ninigret and Green Hill Ponds

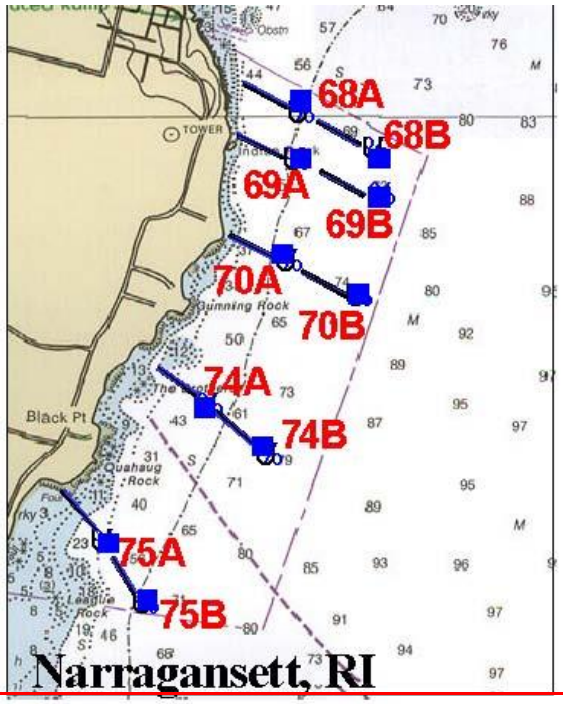
~~Map #5~~

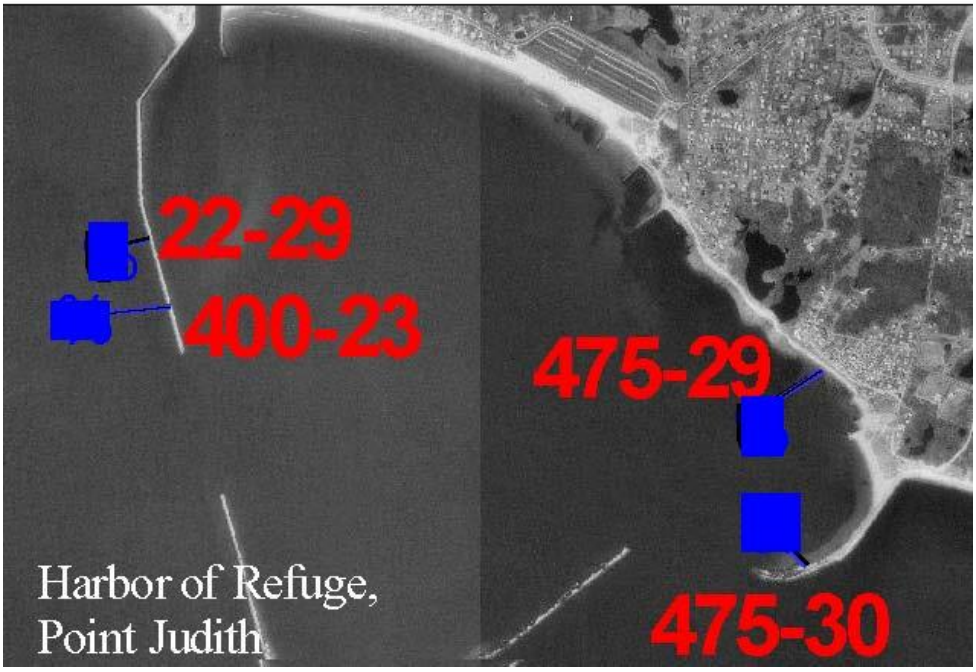
Designated sites in Rhode Island for floating fish traps



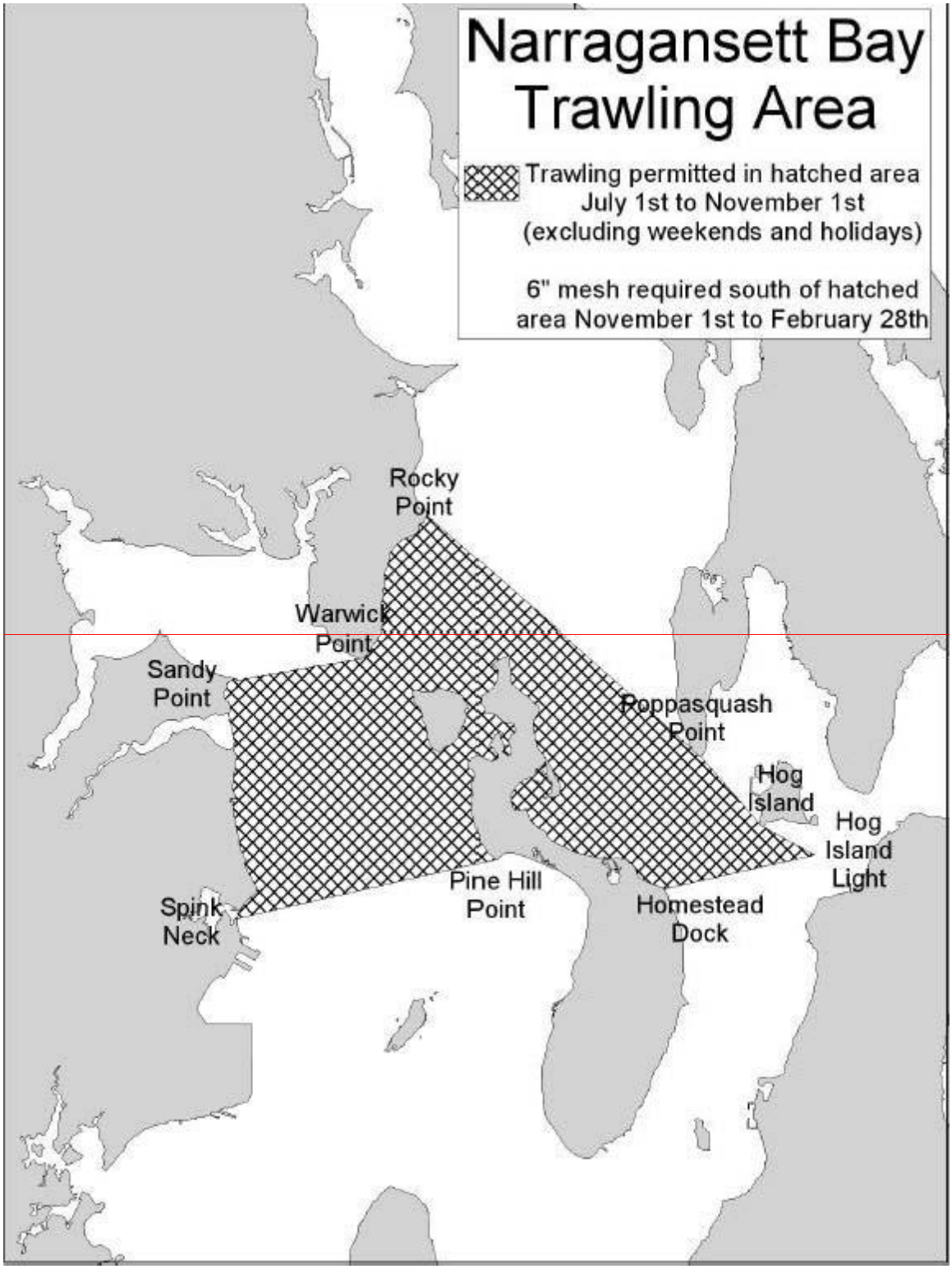
~~Map #6a~~

~~Designated sites in Rhode Island for floating fish traps~~

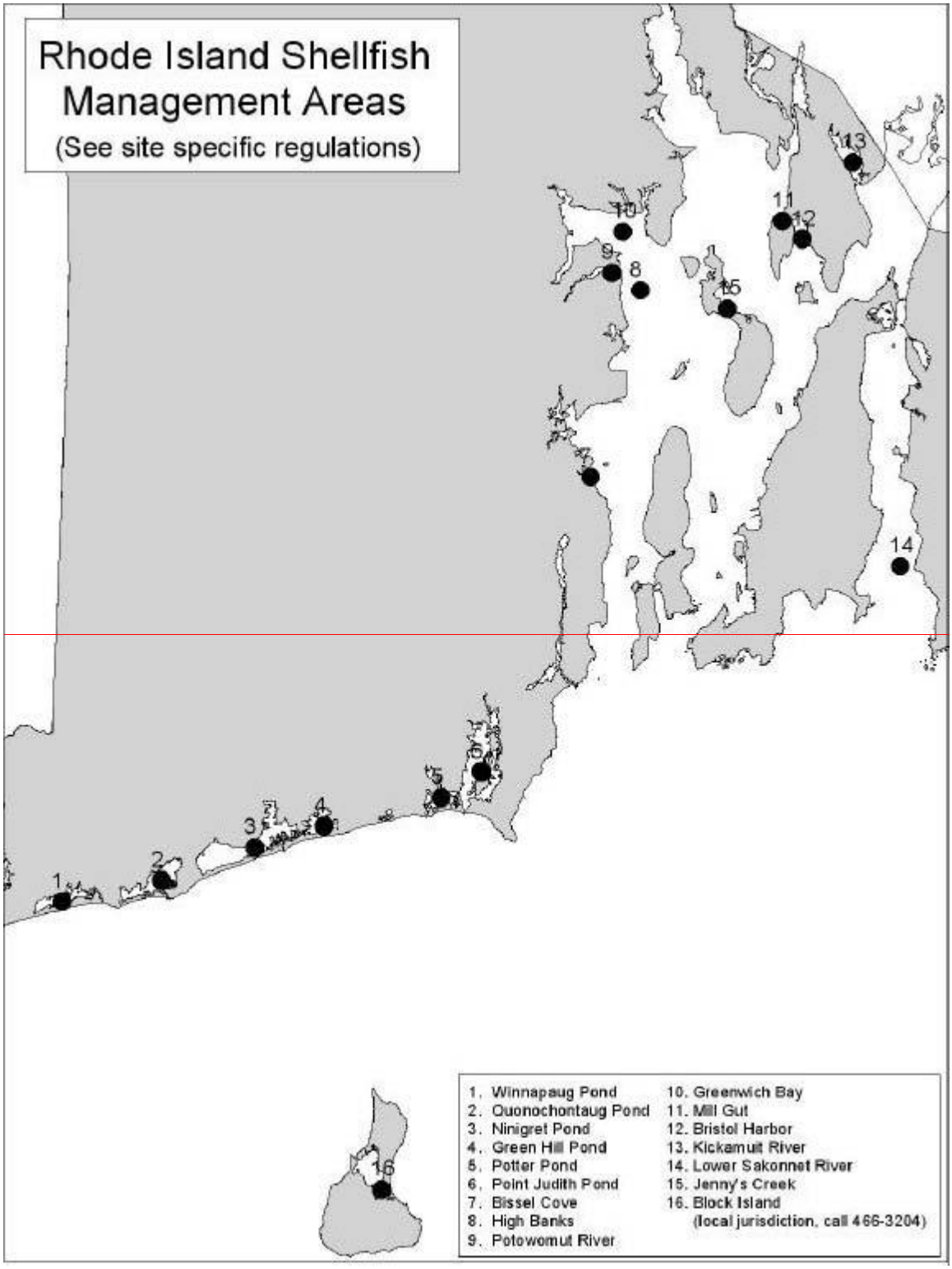




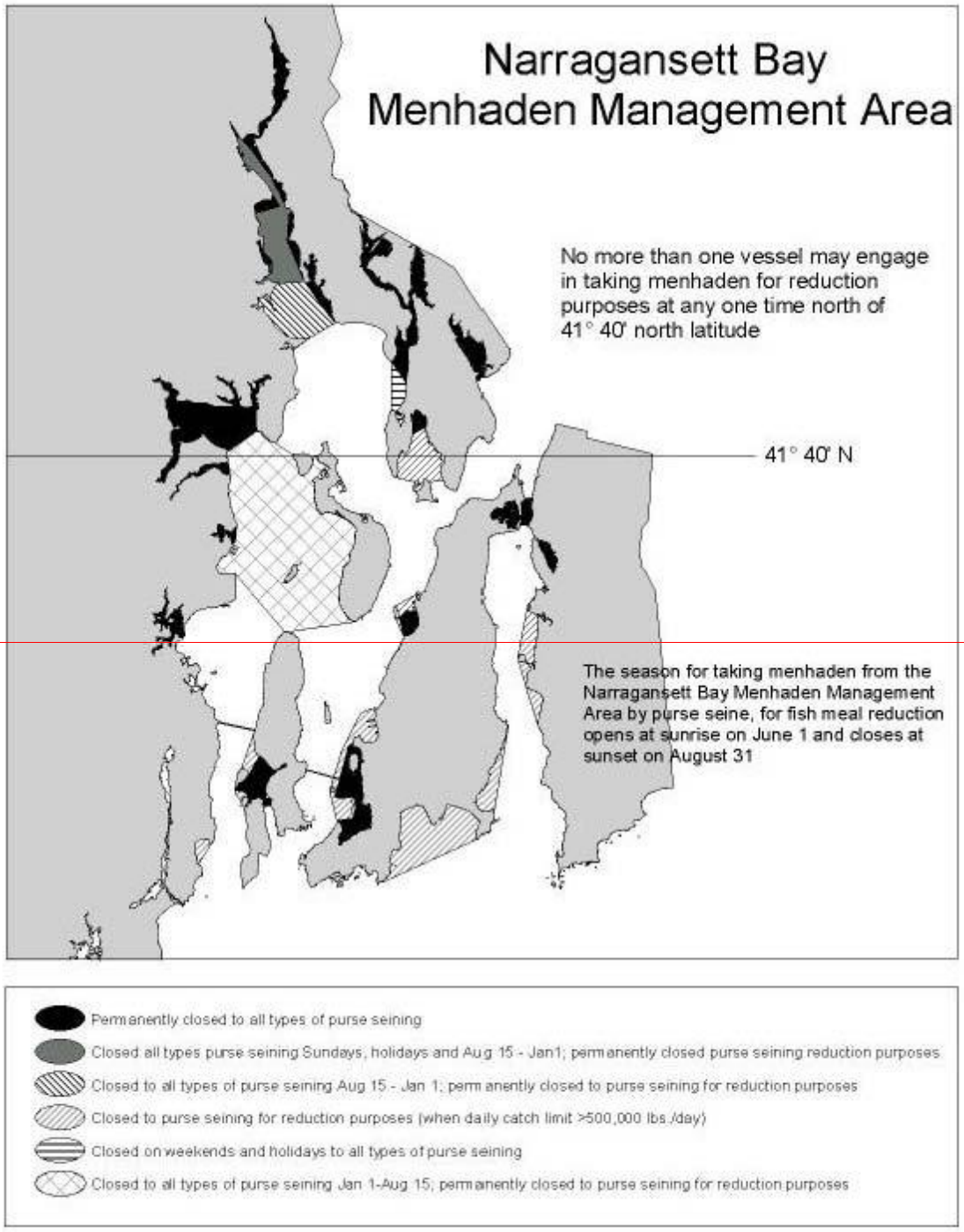
~~Map #6b~~


Narragansett Bay
Trawling Area
Trawling permitted in hatched area
July 1st to November 1st
(excluding weekends and holidays)
6" mesh required south of hatched
area November 1st to February 28th
Rocky
Point
Warwick
Point
Sandy
Point
Poppasquash
Point
Hog
Island
Hog
Island
Light
Pine Hill
Point
Spink
Neck
Homestead
Dock

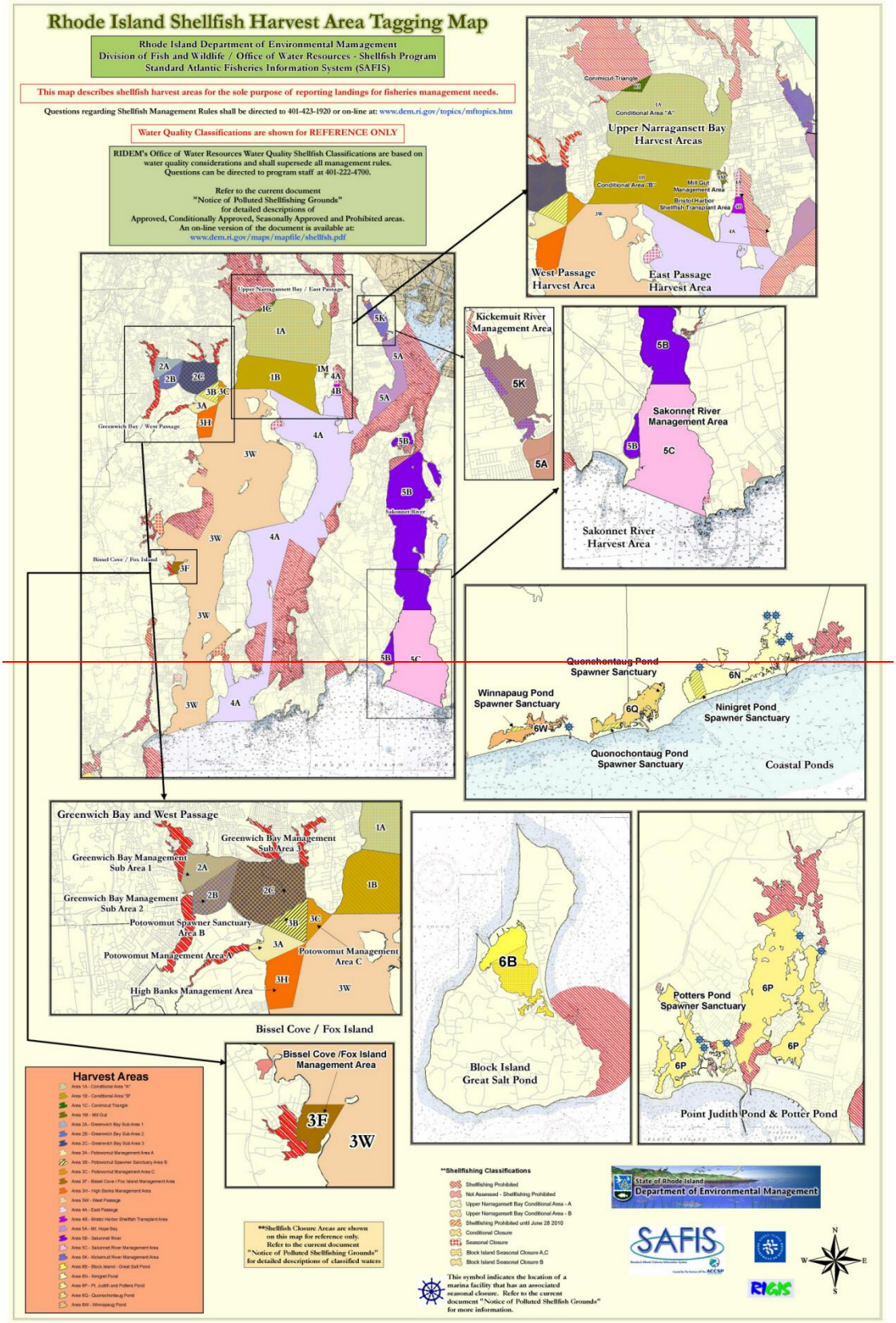
~~Map #7~~


Rhode Island Shellfish Management Areas
(See site specific regulations)
1. Winnapaug Pond
2. Quonochontaug Pond
3. Ninigret Pond
4. Green Hill Pond
5. Potter Pond
6. Point Judith Pond
7. Bissel Cove
8. High Banks
9. Potowomut River
10. Greenwich Bay
11. Mill Gut
12. Bristol Harbor
13. Kickamuit River
14. Lower Sakonnet River
15. Jenny's Creek
16. Block Island
(local jurisdiction, call 466-3204)

~~Map # 8~~


Narragansett Bay
Menhaden Management Area
No more than one vessel may engage in taking menhaden for reduction purposes at any one time north of 41° 40' north latitude
41° 40' N
The season for taking menhaden from the Narragansett Bay Menhaden Management Area by purse seine, for fish meal reduction opens at sunrise on June 1 and closes at sunset on August 31
Permanently closed to all types of purse seining
Closed all types purse seining Sundays, holidays and Aug 15 - Jan1; permanently closed purse seining reduction purposes
Closed to all types of purse seining Aug 15 - Jan 1; permanently closed to purse seining for reduction purposes
Closed to purse seining for reduction purposes (when daily catch limit >500,000 lbs./day)
Closed on weekends and holidays to all types of purse seining
Closed to all types of purse seining Jan 1-Aug 15; permanently closed to purse seining for reduction purposes

~~Map # 9~~


Rhode Island Shellfish Harvest Area Tagging Map
Rhode Island Department of Environmental Mamagement
Division of Fish and Wildlife / Office of Water Resources - Shellfish Program
Standard Atlantic Fisheries Information System (SAFIS)
This map describes shellfish harvest areas for the sole purpose of reporting landings for fisheries management needs.
Questions regarding Shellfish Management Rules shall be directed to 401-423-1920 or on-line at: www.dem.ri.gov/topics/mftopics.htm
Water Quality Classifications are shown for REFERENCE ONLY
RIDEM's Office of Water Resources Water Quality Shellfish Classifications are based on water quality considerations and shall supersede all management rules. Questions can be directed to program staff at 401-222-4700.
Refer to the current document "Notice of Polluted Shellfishing Grounds" for detailed descriptions of Approved, Conditionally Approved, Seasonally Approved and Prohibited areas. An on-line version of the document is available at: www.dem.ri.gov/maps/mapfile/shellfish.pdf
Upper Narragansett Bay Harvest Areas
Conditional Area "A"
Conditional Area "B"
Mill Gut Management Area
Bristol Harbor Shellfish Transplant Area
West Passage Harvest Area
East Passage Harvest Area
Kickemuit River Management Area
Sakonnet River Management Area
Sakonnet River Harvest Area
Quonochontaug Pond Spawner Sanctuary
Winnapaug Pond Spawner Sanctuary
Ninigret Pond Spawner Sanctuary
Coastal Ponds
Greenwich Bay and West Passage
Greenwich Bay Management Sub Area 1
Greenwich Bay Management Sub Area 2
Greenwich Bay Management Sub Area 3
Potowomut Spawner Sanctuary Area B
Potowomut Management Area A
Potowomut Management Area C
High Banks Management Area
Bissel Cove / Fox Island
Bissel Cove /Fox Island Management Area
Block Island Great Salt Pond
Potters Pond Spawner Sanctuary
Point Judith Pond & Potter Pond
Harvest Areas
**Shellfishing Classifications
Shellfishing Prohibited
Not Assessed - Shellfishing Prohibited
Upper Narragansett Bay Conditional Area - A
Upper Narragansett Bay Conditional Area - B
Shellfishing Prohibited until June 28 2010
Conditional Closure
Seasonal Closure
Block Island Seasonal Closure A,C
Block Island Seasonal Closure B
This symbol indicates the location of a marina facility that has an associated seasonal closure. Refer to the current document "Notice of Polluted Shellfish Grounds" for more information.
**Shellfish Closure Areas are shown on this map for reference only. Refer to the current document "Notice of Polluted Shellfishing Grounds" for detailed descriptions of classified waters
State of Rhode Island
Department of Environmental Management
SAFIS
RIGIS

~~Map # 10~~

Rule 8. EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this 28th day of April, 2011 to become effective 20 days from filing, unless otherwise indicated, in accordance with the provisions of Chapters 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10, 42-35, 42-17.1, 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

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Janet Coit, Director
Department of Environmental Management

Notice Given: 03/02/2011
Public Hearing: Not Required

Filing date: 04/28/2011
Effective date: 05/18/2011