

250-RICR-90-00-4

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 4 – Shellfish

4.1 Purpose

The purpose of these Rules and Regulations is to manage the marine resources of Rhode Island.

4.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures Act.

4.3 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.

4.4 Definitions

See Marine Fisheries Definitions, Part [1](#) of this Subchapter.

4.5 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.

4.6 Superseded Rules and Regulations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Rules and Regulations, and any policies regarding the administration and enforcement of these Regulations shall be superseded.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.

4.7 General Provisions

- A. Recreational harvest: Shellfish harvested recreationally shall not be sold or offered for sale.
- B. No person shall take shellfish from waters declared polluted by the Director pursuant to R.I. Gen. Laws § 20-8.1-3 unless authorized by the Director (ref. R.I. Gen. Laws § 20-8.1-5). This subsection shall not apply to the harvest of whelk or bay scallop. For the water quality status of shellfish grounds subject to conditional closures or emergencies call 401-222-2900. (R.I. Gen. Laws Chapter 20-8.1)
- C. Night shellfishing prohibited: The harvesting of shellfish is prohibited during the hours between sundown and sunrise (R.I. Gen. Laws § 20-6-23).
- D. Opening shellfish on water: No person shall possess the meats of six (6) or more shellfish while shellfishing on the waters of the State, or throw the shells of open bay scallops onto bay scallop beds (R.I. Gen. Laws § 20-6-21).
- E. Whelk – General Provisions:
 - 1. Mutilation and/or possession of whelk meat; cooked or uncooked: Prior to landing of any whelk, no person shall mutilate any cooked or uncooked whelk by breaking and removing the meat from the shell or have in his or her possession any part or parts of any uncooked whelk so mutilated. In any and all prosecutions under this subsection, the possession of any part or parts of any cooked or uncooked whelk so mutilated shall be *prima facie* evidence sufficient to convict. All whelks are to be landed whole in the shell.
 - 2. Hauling or setting whelk pots at night: No person shall haul or unduly disturb any whelk pot within the territorial waters of this State between the hours of one (1) hour after sundown and one (1) hour before sunrise.
- F. License Required:
 - 1. Recreational harvest – Rhode Island resident: Rhode Island residents are not required to obtain a license for the recreational harvest of shellfish (R.I. Gen. Laws § 20-6-1).

2. Recreational harvest – non-resident: A non-resident over the age of twelve (12) years wishing to take or possess shellfish recreationally in Rhode Island waters must obtain a shellfish license (R.I. Gen. Laws § 20-2-22):
 - a. Annual: The fee for an annual shellfish license is two hundred dollars (\$200.00). This license will expire on the last day in February annually.
 - b. Fourteen (14) day: The fee for a fourteen (14) day tourist license is eleven dollars (\$11.00). This license is valid for fourteen (14) consecutive days only, including the date of issue, and is limited to one (1) license per person per calendar year.
 - c. Non-resident landowner: A non-resident landowner may, with proof of residential property ownership in the form of a current tax bill from a town or city hall showing that the non-resident landowner is current in his or her property tax obligation, obtain an annual, non-commercial, non-resident shellfish license for a fee of twenty-five dollars (\$25.00) (R.I. Gen. Laws § 20-2-22(d)).
3. Commercial harvest: See specific requirements and conditions in Part [2](#) of this Subchapter, Commercial and Recreational Saltwater Fishing Licensing Regulations.
 - a. A commercially licensed fisherman shall only sell, barter, or trade shellfish taken from Rhode Island waters to a licensed shellfish dealer or multipurpose dealer.
 - b. A commercially licensed fisherman shall not sell, deliver, or otherwise transfer shellfish taken from Rhode Island waters to a licensed shellfish or multipurpose dealer without first presenting said dealer a valid shellfish license issued by the DEM.

4.8 Equipment Provisions and Harvest Methods

- A. SCUBA prohibition: The taking of shellfish by the use of a Self-Contained Underwater Breathing Apparatus (SCUBA) from Green Hill Pond, Quonochontaug Pond, Ninigret Pond, and Potter Pond is prohibited (R.I. Gen. Laws § 20-6-30).
- B. The use of a diving apparatus is prohibited while recreational shoredigging.
- C. Use of devices capable of harvesting shellfish while in polluted areas: No person shall work, cast, haul, or have overboard a dredge, pair of tongs, rake or rakes, air-assisted equipment, water-assisted equipment, or any other implement

capable of harvesting shellfish, except for the taking of whelk in pots and the use of an implement commonly employed for the taking of bay scallops (within established bay scallop harvest seasons), in waters declared polluted by the Director (R.I. Gen. Laws § 20-8.1-6).

- D. Power hauling of tongs and bullrakes: Power hauling of tongs and bullrakes for any purpose other than the removal and retrieval of bullrakes and tongs from the benthic sediments is prohibited.
- E. Method of harvest of oysters, bay quahaugs, soft-shell clams: No person shall dig and/or take any oysters, bay quahaugs, or soft-shell clams from the waters of this State by dredge(s), rakes, or other apparatus operated by mechanical power or hauled by power boats, unless as provided for in these Regulations.
- F. Dimensions for bullrakes and tongs when using power hauling equipment: No person shall use any power hauling equipment in the operation of bullrakes and tongs with dimensions exceeding the following:
 - 1. Maximum width measured along a line parallel to the tooth bar: Thirty-one and one half inches (31 ½");
 - 2. Maximum tooth length: Four and one half inches (4 ½");
 - 3. Maximum basket depth: Twelve inches (12"), measured along a line perpendicular to the tooth bar and extending from the tooth bar to any point on the basket.
 - 4. Possession of bullrakes and tongs in excess of these size restrictions shall be prohibited aboard vessels equipped with any power hauling equipment.
 - 5. Except as required for safety or to avoid property loss, no vessel involved in the harvest of bay quahaugs or oysters by use of bullrakes or tongs may be moved or propelled by any source of mechanical power at any time when any bullrakes or tongs operated from such vessel are submerged in the waters of the State.
- G. Tong construction: No person shall take shellfish, or attempt to take shellfish, or have in his possession while on the waters of this State, with tongs not meeting the following dimensions:
 - 1. Minimum tooth gap: Not less than one inch (1") apart;
 - 2. Heads: Heads on the bar or heads constructed with wires, rods, cross-bars, or reinforcement that will form a rectangle shall not be less than one inch (1") by two and one half inches (2 ½").

3. A tolerance of one sixteenth of an inch (1/16") is allowed.
- H. Bullrake construction: No person shall take shellfish, or attempt to take shellfish, or have in his possession while on the waters of this State, with a bullrake not meeting the following dimensions:
1. Minimum tooth or tine gap: Not less than one inch (1") apart;
 2. Crossbars or reinforcement that will form a rectangle shall not be less than one inch (1") by two and one half inches (2 ½").
 3. A tolerance of one sixteenth of an inch (1/16") is allowed.
- I. Bay quahaug diving basket construction: No commercially licensed diver shall take or attempt to take bay quahaugs from the waters of the State of Rhode Island with a diver's bay quahaug harvesting basket, bag, or combination of basket and bag, or similar device not meeting the following dimensions:
1. Bar spacing: Not less than one inch (1") by two and one half inches (2 ½"). A tolerance of one sixteenth inch (1/16") is allowed.
 2. Bag mesh on the bay quahaug harvesting basket: Not less than two inches (2") when measured on the stretch (from inside of knot to inside of the knot). A tolerance of one eighth inch (1/8") for variance in the twine is allowed. The bag shall be hung on the square so that when held by the mouth, the twine forms fully opened squares.
- J. Dredging of bay scallops:
1. Maximum number of single dredges used: Six (6) single dredges;
 2. Maximum width of dredge blades: Twenty-eight inches (28");
 3. Maximum length of bag: Thirty-six inches (36");
 4. Each single dredge shall be towed and hauled aboard the registered vessel individually. All oysters, soft-shell clams, or bay quahaugs shall be immediately returned to the waters from which they were taken (R.I. Gen. Laws §§ 20-6-7 and 20-6-19).
 5. Areas where bay scallop dredging is prohibited: The use of bay scallop dredges is prohibited in closed areas of Shellfish Management Areas.
- K. Dredging of blue mussels:

1. When dredging for blue mussels, all bay scallops, oysters, or bay quahaugs shall be immediately returned to the waters from which they were taken (R.I. Gen. Laws § 20-6-7).
 2. Blue Mussel Dredging Permit: A permit issued from the Director is required for the commercial dredging for blue mussels. Applications shall be made annually on forms prescribed by the Director (R.I. Gen. Laws § 20-6-7).
- L. Dredging of surf clams and ocean quahaugs:
1. Surf clam gear restrictions:
 - a. Hydraulic dredging: The maximum width of a dredge blade, knife or manifold is forty-eight inches (48").
 - b. Multiple dredge restriction: It is unlawful for any vessel to operate more than one (1) dredge while harvesting for surf clams.
 2. Areas prohibited for the dredging of surf clams or ocean quahaugs: All waters north of a line extending from Church Point in the town of Little Compton, to Flint Point in the town of Middletown; and north of a line extending from Castle Hill Point in the city of Newport, to Southwest Point in the town of Jamestown and to Bonnet Point in the town of Narragansett.
 3. Tagging of cages: Shellfish cages must be tagged in accordance with the United States Food and Drug Administration/RIDOH Regulations before being off-loaded in Rhode Island.
- M. Dredging for sea scallops:
1. Maximum dredge size for a vessel in possession of sea scallops: Ten and one half feet (10 ½');
 2. Minimum dredge ring size: Four inches (4");
 3. The minimum mesh size of a net, net material or any other material on the top of a sea scallop dredge (twine top) possessed or used by vessels fishing with sea scallop dredge gear/net size of twine top is ten inches (10") square or diamond mesh.

4.9 Minimum Sizes

- A. Bay quahaug: One inch (1") shell thickness (hinge width) (R.I. Gen. Laws § 20-6-11);

- B. Soft-shell clam: Two inches (2") measured as the shell diameter or parallel to the long axis of the clam (R.I. Gen. Laws § 20-6-11);
- C. Oyster: Three inches (3") measured parallel to the long axis of the oyster (R.I. Gen. Laws § 20-6-11);
- D. Bay scallop: The taking or possession of a seed bay scallop is prohibited. Seed bay scallops shall be immediately returned to their natural beds in the water from which taken (R.I. Gen. Laws § 20-6-17).
- E. Surf clam: Five inches (5") measured parallel to the long axis of the clam;
- F. Sea scallop: Three and one half inches (3 ½"), measuring in a straight line from the hinge to the part of the shell furthest from the hinge, whether caught within the jurisdiction of this State or otherwise;
- G. Whelk: Two and one quarter inches (2 ¼") shell height. Shell height shall be the distance along a straight perpendicular line from a point on the opercular side of the shell to the farthest point of the top of the shell. This distance is measured with the whelk retracted, and shell placed with the operculum stably positioned against a flat surface. To properly measure shell height using a gauge: Minimum legal shell height shall be the two and one quarter inches (2 ¼") distance between opposing parallel surfaces, measured with the whelk retracted and shell placed with the operculum stably positioned against one (1) of the parallel surfaces. The whelk is legal-sized if it does not fit between the opposing parallel surfaces.

4.10 Seasons

- A. Bay quahaug, soft-shell clam, blue mussel, sea scallop, whelk, surf clam, and ocean quahaug:
 - 1. Open daily in waters other than Shellfish Management Areas, unless otherwise closed due to pollution or other management purposes.
- B. Oyster: September 15 through May 15 annually
- C. Bay scallop:
 - 1. Dip-netting from a boat: Open only from the first Saturday in November through December 31 annually
 - 2. Dredging: Open only from December 1 through December 31 annually

4.11 Daily Possession Limits in Waters Other Than Shellfish Management Areas

- A. Recreational – Rhode Island resident:
 - 1. Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster: One half (½) bushel per person per day (R.I. Gen. Laws § 20-6-1)
 - 2. Bay scallop: One (1) bushel per person per day (R.I. Gen. Laws § 20-6-1)
 - 3. Whelk: One half (½) bushel per resident per day; and maximum of one (1) bushel per vessel per day
 - a. Whelk pot limit: Maximum of five (5) whelk pots in the water at any one time
 - 4. Sea scallop: Forty (40) pounds shucked; or five (5) bushels of in-shell scallops per vessel per day
- B. Recreational – Licensed non-resident:
 - 1. Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster: One (1) peck per person per day (R.I. Gen. Laws § 20-6-10).
 - 2. Bay scallop: The harvest or possession of bay scallops by non-residents is prohibited.
- C. Whelk: The harvest or possession of whelk by non-residents is prohibited.
- D. Sea scallop: Forty (40) pounds shucked; or five (5) bushels of in-shell scallops per vessel per day
- E. Commercial:
 - 1. Bay quahaug:
 - a. Multi-purpose (MPURP) and Principal Effort License (PEL) holders: Twelve (12) bushels per person per day (R.I. Gen. Laws § 20-6-10)
 - b. Commercial Fishing License (CFL), Student shellfish license, and Over sixty-five (65) shellfish license holders: Three (3) bushels per person per day (R.I. Gen. Laws § 20-2.1-5)
 - 2. Soft-shell clam: Twelve (12) bushels per person per day (R.I. Gen. Laws § 20-6-10)

3. Oyster: Three (3) bushels per person per day (R.I. Gen. Laws § 20-6-10)
4. Bay scallop: Three (3) bushels per person per day; and maximum of three (3) bushels per vessel per day (R.I. Gen. Laws § 20-6-16)
5. Surf clam: Two hundred (200) bushels per person per day
6. Ocean quahaug: Twenty-six (26) cages or eight hundred thirty-two (832) bushels per person per day
7. Sea scallops: For non-Federally permitted vessels, four hundred (400) pounds of shucked; or fifty (50) bushels of in-shell scallops per vessel per day
8. Whelk: Thirty-five (35) bushels per vessel per day
 - a. Commercial whelk pot limit: Maximum of three hundred (300) whelk pots per licensee in the water at any one time

4.12 Shellfish Management Areas – Descriptions, Seasons, and Possession Limits

4.12.1 General

- A. Greenwich Bay, Conimicut Point, Potowomut, High Banks, Bissel Cove/Fox Island, Mill Gut, Bristol Harbor, Kickemuit River, Jenny Creek, Sakonnet River, Pt. Judith Pond, Potter Pond, Ninigret (Charlestown) Pond, Quonochontaug Pond, Winnapaug Pond, Green Hill Pond, Narrow River, Little Narragansett Bay/Pawcatuck River, Providence/Seekonk Rivers, Warren River, Town Pond and Jacobs Point Shellfish Management Areas pursuant to R.I. Gen. Laws § 20-3-4.
- B. Shellfish Management Areas may have additional Regulations specific to the Management Area. Refer to each Management Area listed below.
- C. Shoredigging is open daily at reduced possession limits specified herein, unless closed due to pollution or other management purposes.
- D. Recommendation for a change to a commercial boat harvest default schedule must be submitted to the Director at least sixty (60) days prior to the first proposed opening date.
- E. Daily possession limits:
 1. Recreational – Rhode Island resident:

- a. Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster:
One (1) peck per person per day
 - b. Bay scallop: One (1) bushel per person per day
 - c. Whelk: One half ($\frac{1}{2}$) bushel per resident per day; or if a vessel with more than one (1) resident onboard is used, a maximum of one (1) bushel per vessel per day
 - d. Whelk pot limit: Five (5) whelk pots in the water at any one time
2. Recreational – licensed non-resident:
- a. Bay quahaug, soft-shell clam, surf clam, blue mussel, and oyster:
One half ($\frac{1}{2}$) peck per person per day
 - b. Bay scallop: The harvest or possession of bay scallops by non-residents is prohibited.
 - c. Whelk: The harvest or possession of whelk by non-residents is prohibited.
3. Commercial:
- a. Bay quahaug, soft-shell clam, blue mussel, surf clam and oyster:
Three (3) bushels per person per calendar day; maximum of six (6) bushels per vessel per calendar day;
 - (1) A maximum of two (2) licensed persons per vessel is allowed.
 - (2) Possession limit for shore-digging in Greenwich Bay Management Area sub-areas 1 and 2: The possession limit is three (3) bushels per person per day whenever GB sub-area 1 is open to boat harvest, but one (1) peck per person per day whenever GB sub-area 1 is not open to boat harvest.
 - b. Bay scallop: Three (3) bushels per person per day; maximum of three (3) bushels per vessel per day
 - c. Whelk:
 - (1) Thirty-five (35) bushels per vessel per day

- (2) Commercial whelk pot limit: Maximum of three hundred (300) whelk pots per licensee in the water at any one time

4.12.2 Shellfish Management Areas

- A. Greenwich Bay (GB): The marine waters of Greenwich Bay in its entirety located west of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West), in the town of East Greenwich and city of Warwick
 1. GB sub-area 1 (western GB): The marine waters located north of a line extending from the far northeastern section of Chepiwanoxet Point (Latitude: 41.674585 Decimal Degrees North, Longitude: -71.441152 Decimal Degrees West) to the western fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West).
 2. GB sub-area 2 (mid-GB): The marine waters located west of a line extending from Sally Rock Point (Latitude: 41.671413 Decimal Degrees North, Longitude: -71.425511 Decimal Degrees West) to the western fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West); and south of a line extending from the far northeastern section of Chepiwanoxet Point (Latitude: 41.674585 Decimal Degrees North, Longitude: -71.441152 Decimal Degrees West) to the western fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West).
 - a. Commercial boat harvest schedule for GB sub-areas 1 and 2:
 - (1) Default schedule when a boat harvest schedule expires: Open 8:00AM to 12:00PM on Mondays, Wednesdays, and Fridays, beginning on the second (2nd) Wednesday of December through the end of April, excluding December 25 and January 1
 - (2) The schedule for the month of December may include up to forty-eight (48) hours of permitted shellfishing, spread over any number of days, excluding December 25.
 - (3) If weather or water quality conditions during the month of December prevent opening on two (2) or more scheduled

days, the Director may modify the December schedule to allow for additional hours or days of permitted shellfishing.

- (4) December 2020: Open from 8:00 AM to 12:00 PM on December 9, 11, 14, 16, 18, 21, 22, 23, 24, 28, 29, 30. If one (1) of these dates is closed due to water quality impairment, December 31 will open for harvest.
3. GB sub-area 3 (eastern GB): The marine waters located east of a line extending from Sally Rock Point (Latitude: 41.671413 Decimal Degrees North, Longitude: -71.425511 Decimal Degrees West) northward to the fixed pier on Promenade Street, Old Buttonwoods (Latitude: 41.684468 Decimal Degrees North, Longitude: -71.417575 Decimal Degrees West); and west of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West).
 - a. Commercial boat harvest schedule: Open daily
- B. Conimicut Point: The marine waters located south of a line extending from a pole (Latitude: 41.717493 Decimal Degrees North, Longitude: -71.357820 Decimal Degrees West) on Conimicut Point to the center of the Old Tower at Nayatt Point (Latitude: 41.725121 Decimal Degrees North, Longitude: -71.338957 Decimal Degrees West); and north of a line extending from the western most extension of Samuel Gorton Avenue in the city of Warwick (Latitude: 41.703781 Decimal Degrees North, Longitude: -71.365120 Decimal Degrees West) to the southern-most extension of Bay Road in the town of Barrington (Latitude: 41.722546 Decimal Degrees North, Longitude: -71.309105 Decimal Degrees West)
 1. Harvest schedule: Open daily
 2. The reduced Shellfish Management Area possession limit applies only to soft-shell clams.
- C. Potowomut: The marine waters located south of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West); and north of a line extending from the end of Pojac Point (Latitude: 41.650506 Decimal Degrees North, Longitude: -71.408400 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal

Degrees West) to the Warwick Lighthouse (Latitude: 41.667124 Decimal Degrees North, Longitude: -71.378385 Decimal Degrees West), including all the marine waters of the Potowomut River seaward of the Forge Road Spillway, in the town of East Greenwich and city of Warwick

1. Potowomut sub-area 1 (western Potowomut): The marine waters located west of a line extending from the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the end of Pojac Point (Latitude: 41.650506 Decimal Degrees North, Longitude: -71.408400 Decimal Degrees West).
 - a. Harvest schedule: Open daily
2. Potowomut sub-area 2 (mid-Potowomut/closed area): The marine waters within a triangular area located north of a line extending from the end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and west of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and east of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to the seaward end of Sandy Point on the Potowomut Shore (Latitude: 41.662997 Decimal Degrees North, Longitude: -71.408568 Decimal Degrees West).
 - a. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops
3. Potowomut sub-area 3 (eastern Potowomut): The marine waters east of a line extending from the flagpole at the Warwick Country Club (Latitude: 41.672412 Decimal Degrees North, Longitude: -71.389382 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and west of a line extending from buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the Warwick Lighthouse (Latitude: 41.667124 Decimal Degrees North, Longitude: -71.378385 Decimal Degrees West).

- a. Harvest schedule: Open daily

D. High Banks: The marine waters located south of a line extending from the seaward end of Pojac Point (Latitude: 41.650506 Decimal Degrees North, Longitude: -71.408400 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); and west of a line extending from buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West) to the southeast corner coordinate (Latitude: 41.635211 Decimal Degrees North, Longitude: -71.396539 Decimal Degrees West); and north of a line extending from the seaward end of the fence located between the former Davisville Navy property and Pettee Street in the Mount View section (Latitude: 41.634401 Decimal Degrees North, Longitude: -71.407115 Decimal Degrees West) to High Banks southeast corner coordinate (Latitude: 41.635211 Decimal Degrees North, Longitude: -71.396539 Decimal Degrees West), in the town of North Kingstown. The southeast corner coordinate is established at the intersection of two (2) lines described as follows: One (1) line extends from the easternmost end of Pier 2 at Davisville (Latitude: 41.615012 Decimal Degrees North, Longitude: -71.402139 Decimal Degrees West) to buoy G1 "Round Rock" (Latitude: 41.656736 Decimal Degrees North, Longitude: -71.390567 Decimal Degrees West); The second (2nd) line extends from the seaward end of the fence between the former Davisville Navy property and Pettee Street in the Mount View section (Latitude: 41.634401 Decimal Degrees North, Longitude: -71.407115 Decimal Degrees West) to buoy N6 (Latitude: 41.637323 Decimal Degrees North, Longitude: -71.369265 Decimal Degrees West), located mid-bay west of Prudence Island

- 1. Harvest schedule: Open daily

E. Bissel Cove/Fox Island: The marine waters of Bissel Cove in its entirety and adjacent waters of Narragansett Bay located south of a line extending from utility pole #275 at the corner of Waldron and Seaview Avenues (Latitude: 41.553567 Decimal Degrees North, Longitude: -71.429705 Decimal Degrees West) to the southwestern-most point of Fox Island (Latitude: 41.553236 Decimal Degrees North, Longitude: -71.419937 Decimal Degrees West); and west of a line extending from the southwestern-most point of Fox Island (Latitude: 41.553236 Decimal Degrees North, Longitude: -71.419937 Decimal Degrees West) to the northern-most point of Rome point (Latitude: 41.548853 Decimal Degrees North, Longitude: -71.423836 Decimal Degrees West), in the town of North Kingstown

- 1. Commercial boat harvest schedule:

- a. Default schedule when a boat harvest schedule expires: Open 8:00 AM to 12:00PM on Mondays, Wednesdays, and Fridays, beginning

on the second (2nd) Wednesday of December through the end of April, excluding December 25 and January 1

b. December 2020:

Open from 8:00 AM to 12:00 PM on December 9, 11, 14, 16, 18, 21, 22, 23, 24, 28, 29, and 30. If one (1) of these dates is closed due to water quality impairment, December 31 will open for harvest.

2. Oyster harvest moratorium: The harvest and possession of oysters in the Bissel Cove/Fox Island Shellfish Management Area is prohibited until November 15, 2025.

F. Mill Gut: The marine waters of Mill Gut in its entirety located south of the northern-most bridge on Colt Drive (Latitude: 41.681840 Decimal Degrees North, Longitude: -71.299113 Decimal Degrees West), in the town of Bristol

1. Harvest schedule: Open for the harvesting of bay quahaugs, soft-shell clams, blue mussels, and oysters only between the second (2nd) Wednesday in December and April 30 annually.

G. Bristol Harbor: The marine waters of Bristol Harbor and its tributaries located south of a line extending from the CRMC permitted dock #419 located at 163 Poppasquash Road (Latitude: 41.669558 Decimal Degrees North, Longitude: -71.288764 Decimal Degrees West) to the northwest corner of the Rockwell Pier municipal parking lot (Latitude: 41.669742 Decimal Degrees North, Longitude: -71.279250 Decimal Degrees West); and north of a line extending from the north side of CRMC Permitted Dock #1601 where it meets the shoreline (Latitude: 41.664246 Decimal Degrees North, Longitude: -71.290396 Decimal Degrees West), located at 363 Poppasquash Road to the northwest corner of the U.S. Coast Guard station pier (Latitude: 41.666268 Decimal Degrees North, Longitude: -71.278351 Decimal Degrees West); and west of a line extending from utility pole # 20 on Poppasquash Road (Latitude: 41.682529 Decimal Degrees North, Longitude: -71.285175 Decimal Degrees West) to the northern extremity of Hog Island (Latitude: 41.647959 Decimal Degrees North, Longitude: -71.279880 Decimal Degrees West) in the town of Bristol. The northeast corner coordinate is established at (Latitude: 41.669666 Decimal Degrees North, Longitude: -71.283207 Decimal Degrees West). The Southeast Corner Coordinate is established at (Latitude: 41.665503 Decimal Degrees North, Longitude: -71.282569 Decimal Degrees West)

1. Commercial boat harvest schedule:

a. Default schedule when a boat harvest schedule expires:

- (1) January 2 through January 31: Open 8:00 AM to 12:00 PM on Mondays, Wednesdays, and Fridays
- (2) February 1 through April 30: Open daily
- (3) May 1 through January 1: Closed

H. Kickemuit River: The marine waters of the Kickemuit River in its entirety located north of a line extending from the seaward end of Narrows Road (Latitude: 41.696927 Decimal Degrees North, Longitude: -71.246322 Decimal Degrees West) in the town of Bristol to Nun Buoy 6 (Latitude: 41.698489 Decimal Degrees North, Longitude: -71.244195 Decimal Degrees West) to a point (Latitude: 41.699115 Decimal Degrees North, Longitude: -71.243342 Decimal Degrees West) in the southwestern section of the Little Neck/Touisset section of the town of Warren

1. Harvest schedule: Open daily

I. Jenny Creek: The marine waters of Jenny Pond on Prudence Island in its entirety located north of its mouth at its inlet at Pine Hill Cove (Latitude: 41.629838 Decimal Degrees North, Longitude: -71.333696 Decimal Degrees West) in the town of Portsmouth

1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops

J. Sakonnet River: The marine waters located north of a line extending from Sachuest Point (Latitude: 41.472362 Decimal Degrees North, Longitude: -71.247257 Decimal Degrees West) in the town of Middletown to Sakonnet Light (Latitude: 41.453130 Decimal Degrees North, Longitude: -71.202434 Decimal Degrees West) in the town of Little Compton to Sakonnet Point (Latitude: 41.454587 Decimal Degrees North, Longitude: -71.195124 Decimal Degrees West) in the town of Little Compton; and south of a line extending from a point on the shoreline (Latitude: 41.519498 Decimal Degrees North, Longitude: -71.230893 Decimal Degrees West) in the town of Portsmouth to Brown Point (Latitude: 41.519896 Decimal Degrees North, Longitude: -71.204959 Decimal Degrees West) in the town of Little Compton; and east of a line extending from a point on the shoreline (Latitude: 41.504347 Decimal Degrees North, Longitude: -71.239782 Decimal Degrees West) in the town of Middletown to Flint Point (Latitude: 41.486523 Decimal Degrees North, Longitude: -71.237974 Decimal Degrees West) in the town of Middletown

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

2. An incidental catch limit 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.
- K. Point Judith Pond: The marine waters of Point Judith Pond in its entirety located east of the bridge at Succotash Road (Latitude: 41.386004 Decimal Degrees North, Longitude: -71.526019 Decimal Degrees West) in the town of South Kingstown; and north of the mouth of the breachway where it meets the Harbor of Refuge (Latitude: 41.375149 Decimal Degrees North, Longitude: -71.513755 Decimal Degrees West) in the town of Narragansett
1. Harvest schedule: Open daily
- L. Potter Pond: The marine waters of Potter Pond in its entirety located west of the bridge at Succotash Road (Latitude: 41.386004 Decimal Degrees North, Longitude: -71.526019 Decimal Degrees West) in the town of South Kingstown
1. Harvest schedule: Open daily, except for the following:
 2. Potter Pond sub-area 1 (closed area): The marine waters of Sycamore Cove located north of a line extending easterly from point "A" (Latitude: 41.383435 Decimal Degrees North, Longitude: -71.537009 Decimal Degrees West) to point "B" (Latitude: 41.383661 Decimal Degrees North, Longitude: -71.533286 Decimal Degrees West); from point "B" following the Sycamore Cove shoreline approximately 638 meters back to point "A".
 - a. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops.
- M. Ninigret (Charlestown) Pond: The marine waters of Ninigret Pond in its entirety located west of the bridge at Charlestown Beach Road (Latitude: 41.364173 Decimal Degrees North, Longitude: -71.625958 Decimal Degrees West) in the town of Charlestown; and north of the mouth of Charlestown Breachway (Latitude: 41.354865 Decimal Degrees North, Longitude: -71.638536 Decimal Degrees West) in the town of Charlestown
1. Harvest schedule: Open daily, except for the following:
 2. Ninigret Pond sub-area 1 (western closed area): The marine waters within an area enclosed by the following points and boundaries: from point "A" at the north end of the Ninigret Conservation Area parking lot (Latitude: 41.344726 Decimal Degrees North, Longitude: -71.690149 Decimal Degrees West); following the Ninigret Conservation Area shoreline approximately five hundred eighty (580) meters eastward to point "B"

(Latitude: 41.346815 Decimal Degrees North, Longitude: -71.683958 Decimal Degrees West); from point "B" approximately one thousand three hundred eighty-two (1,382) meters northward to point "C" at the Ninigret Landing Marina (Latitude: 41.358561 Decimal Degrees North, Longitude: -71.689409 Decimal Degrees West); from point "C" following the shoreline approximately nine hundred sixty-two (962) meters westward to "D" at the westernmost end of Reeds Point (Latitude: 41.352794 Decimal Degrees North, Longitude: -71.694621 Decimal Degrees West); from point "D" approximately nine hundred seventy-one (971) meters southward to point "A", completing the final boundary.

- a. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops
3. Ninigret Pond-Foster Cove sub-area 1 (northern closed area): The marine waters within an area enclosed by the following points and boundaries: from point "A" on the Foster Cove shoreline (Latitude: 41.366362 Decimal Degrees North, Longitude: -71.676036 Decimal Degrees West); from point "A" approximately forty-six (46) meters southward to point "B" (Latitude: 41.365970 Decimal Degrees North, Longitude: -71.676220 Decimal Degrees West); from point "B" approximately eighty-two (82) meters eastward to point "C" (Latitude: 41.365690 Decimal Degrees North, Longitude: -71.675310 Decimal Degrees West); from point "C" approximately forty-six (46) meters northward to point "D" (Latitude: 41.366086 Decimal Degrees North, Longitude: -71.675128 Decimal Degrees West); from point "D" following the shoreline approximately one hundred nine (109) meters eastward to point "A" completing the final boundary.
 - a. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops until January 1, 2025, unless extended by the Director after RIMFC review
4. Ninigret Pond-Foster Cove sub-area 2 (eastern closed area): The marine waters within twenty-five (25) meters of the shoreline surrounding the Ninigret National Wildlife Refuge western point enclosed by the following points and boundaries: from point "A" on the Foster Cove shoreline (Latitude: 41.363705 Decimal Degrees North, Longitude: -71.673512 Decimal Degrees West); following the shoreline approximately two hundred nine (209) meters westward to point "B" at the end of the point (Latitude: 41.364515 Decimal Degrees North, Longitude: -71.675236 Decimal Degrees West); from point "B" following the shoreline

approximately one hundred eighty-three (183) meters eastward to point "C" (Latitude: 41.364330 Decimal Degrees North, Longitude: -71.673220 Decimal Degrees West)

- a. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops until January 1, 2025, unless extended by the Director after RIMFC review

N. Quonochontaug Pond: The marine waters of Quonochontaug Pond in its entirety located north of the mouth of Quonochontaug Breachway (Latitude: 41.330878 Decimal Degrees North, Longitude: -71.718764 Decimal Degrees West) in the towns of Charlestown and Westerly

1. Harvest schedule: Open daily, except for the following:

- a. Closed areas:

- (1) Quonochontaug Pond sub-area 1 (western closed area): The marine waters within an area enclosed by the following points and boundaries: the waters south of a line extending approximately nine hundred eleven (911) meters easterly from point "A" on the southern end of Quahaug Point (Latitude: 41.333330 Decimal Degrees North, Longitude: -71.744365 degrees West) in the town of Westerly; to point "B" at the northern end of Nope's Island (Latitude: 41.334528 Decimal Degrees North, Longitude: -71.733593 Decimal Degrees West) in the town of Westerly; from point "B" following the Quonochontaug Barrier shoreline generally westward, approximately one thousand five hundred forty-five (1,545) meters to point "C" in the town of Westerly (Latitude: 41.330564 Decimal Degrees North, Longitude: -71.744459 degrees West); from point "C" approximately three hundred seven (307) meters northward to point "A" completing the final boundary, in the town of Westerly
- (2) Quonochontaug Pond sub-area 2 (eastern closed area): The marine waters within an area enclosed by the following points and boundaries: the waters east of a line extending approximately six hundred seventy-three (673) meters southerly from point "A" on the eastern end of the QYC stone pier (Latitude: 41.350312 Decimal Degrees North, Longitude: -71.709292 degrees West) in the town of Charlestown; to point "B" at the eastern end of the unnamed

island (Latitude: 41.344710 Decimal Degrees North, Longitude: -71.712336 Decimal Degrees West) in the town of Charlestown; ; from point "B" following the Quonochontaug Pond shoreline generally northward, approximately one thousand one hundred twenty (1120) meters back to point "A" completing the final boundary.

3. The harvest and possession of oysters in Quonochontaug Pond is prohibited until September 15, 2021.
- O. Winnapaug Pond: The marine waters of Winnapaug Pond in its entirety located north of the mouth of Weekapaug Breachway (Latitude: 41.327627 Decimal Degrees North, Longitude: -71.762913 Decimal Degrees West) in the town of Westerly.
1. Harvest schedule: Open daily, except for the following:

Winnapaug Pond sub-area 1 (closed area): The marine waters within an area enclosed by the following points and boundaries: the waters north of a line extending approximately one thousand two hundred thirty-nine (1,239) meters easterly from point "A" on the southeastern portion of Big Rock Point (Latitude: 41.330229 Decimal Degrees North, Longitude: -71.799555 Decimal Degrees West) in the town of Westerly; to point "B" at the southern end of Larkin's Island (Latitude: 41.331958 Decimal Degrees North, Longitude: -71.784941 Decimal Degrees West) in the town of Westerly; from point "B" approximately one hundred nineteen (119) meters northwesterly to point "C" adjacent to the end of Bayside Avenue (Latitude: 41.332611 Decimal Degrees North, Longitude: -71.786066 Decimal Degrees West) in the town of Westerly; from point "C" following the shoreline generally westward, approximately one thousand five hundred ninety (1,590) meters to point "A", completing the final boundary
- P. Green Hill Pond: The marine waters of Green Hill Pond in its entirety located east of the bridge at Charlestown Beach Road (Latitude: 41.364173 Decimal Degrees North, Longitude: -71.625958 Decimal Degrees West), in the towns of Charlestown and South Kingstown.
1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops
- Q. Narrow River: The marine waters of the Narrow River in its entirety located west and north of its mouth at the Narrows (Latitude: 41.442019 Decimal Degrees North, Longitude: -71.440679 Decimal Degrees West) in the town of Narragansett; south of Gilbert Stuart Rd. (Latitude: 41.519845 Decimal Degrees

North, Longitude: -71.444608 Decimal Degrees West) in the town of North Kingstown; and north of Mumford Rd. (Latitude: 41.439006 Decimal Degrees North, Longitude: -71.473478 Decimal Degrees West) in the town of Narragansett.

1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops

R. Little Narragansett Bay and Pawcatuck River: The marine waters of Little Narragansett Bay and Pawcatuck River within the State of Rhode Island located northeast of a line extending from (Latitude: 41.321703 Decimal Degrees North, Longitude: -71.878691 Decimal Degrees West) the DEM range marker on a pole near the southeastern extremity of Sandy Point to a DEM range marker on a pole (Latitude 41.310300 Decimal Degrees North, Longitude -71.877500 Decimal Degrees West) on the northern shoreline of Napatree Point, including all waters of the "Kitchen" so called, and those waters northeast of the southwest shoreline of Sandy Point to the State line (and south of the Route 1 Bridge (Latitude: 41.377688 Decimal Degrees North, Longitude: -71.831481 Decimal Degrees West) in the town of Westerly.

1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops

S. Providence and Seekonk Rivers: The marine waters of the Providence and Seekonk Rivers and their tributaries located north of a line extending from the flagpole on Conimicut Point in the city of Warwick (Latitude: 41.717493 Decimal Degrees North, Longitude: -71.35820 Decimal Degrees West) to the center of the Old Tower at Nayatt Point in the town of Barrington (Latitude: 41.725121 Decimal Degrees North, Longitude: -71.338957 Decimal Degrees West); and southerly and seaward of the Hurricane barrier (Latitude: 41.815785 Decimal Degrees North, Longitude: -71.401958 Decimal Degrees West) in the city of Providence; and southerly and seaward of the Main Street Dam (Latitude: 41.876594 Decimal Degrees North, Longitude: -71.383100 Decimal Degrees West) in the in the city of Pawtucket.

1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops

T. Warren River Shellfish Management Area: 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 in the town of Barrington (Latitude: 41.716089 Decimal Degrees North, Longitude: -71.293291 Decimal Degrees West) to the DEM range marker at Jacobs Point in the town of Warren (Latitude: 41.714306 Decimal Degrees North, Longitude: -71.286673 Decimal Degrees West); and

southerly and downstream of the Main street/Route 114 bridge at its intersection with the Barrington River in the town of Barrington (Latitude: 41.736701 Decimal Degrees North, Longitude: -71.295451 Decimal Degrees West); and southerly and downstream of the Main street/Route 114 bridge at its intersection with the Palmer River in towns of Bristol and Warren (Latitude: 41.737396 Decimal Degrees North, Longitude: -71.289081 Decimal Degrees West)

1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops
- U. Town Pond: The marine waters of Founders Brook and Town Pond in their entirety located south of the tidal connection to Mount Hope Bay in the town of Portsmouth (Latitude: 41.638944 Decimal Degrees North, Longitude: -71.245269 Decimal Degrees West)
1. Harvest schedule: Closed except for the harvest of bay scallops by dip-netting only from a boat during the open season for bay scallops
- V. Jacobs Point Shellfish Management Area: The marine waters of the Warren River located south of a line extending from the DEM range marker on the shore north of Jacobs Point (Latitude: 41.714306 Decimal Degrees North, Longitude: -71.286673 Decimal Degrees West) to nun buoy 12 in the town of Warren (Latitude: 41.713780 Decimal Degrees North, Longitude: -71.291593 Decimal Degrees West); and east of a line extending from nun buoy 12 to the DEM range marker on the shore south of Jacobs Point in the town of Bristol (Latitude: 41.710253 Decimal Degrees North, Longitude: -71.291327 Decimal Degrees West)
1. Harvest schedule: Open daily
 2. The reduced Shellfish Management Area possession limit applies only to oysters. The commercial possession limit for oysters is one (1) peck per person per day.

4.13 Wet Storage of Shellfish

No person shall engage in wet storage of molluscan shellfish without first obtaining a dealer's license from DOH and DEM.

4.14 Commercial Handling of Shellfish

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

- B. Containers used for storing shell stock must be clean.
- C. Boat decks and storage bins used in the harvest or transport of shell stock shall be kept clean with potable water or water from the growing area in approved classification or the open status of conditional areas.
- D. Commercial shellfishermen using a vessel to harvest and transport shell stock shall assure that said vessel is properly constructed, operated and maintained to prevent contamination, deterioration and decomposition of shell stock.
- E. Commercial shellfishermen using a vessel to harvest and transport shell stock shall prevent bilge water from coming into contact with shell stock.
- F. Commercial shellfishermen using a boat to harvest and transport shell stock shall provide such vessel with effective drainage to avoid contact between bilge water and shell stock.
- G. Commercial shellfishermen using a vessel to harvest and transport shell stock shall locate bilge pumps so that discharge shall not contaminate shell stock.
- H. Shell stock shall be washed reasonably free of bottom sediments as soon after harvesting as possible. The harvester shall be primarily responsible for washing shell stock. If shell stock washing is not feasible at the time of harvest, the dealer shall assume this responsibility. Water used for washing shall be from a potable water source, or growing area in the approved classification or open status of the conditionally approved classification.
- I. The discharge of human sewage from a vessel used in the harvesting of shell stock, or from vessels that buy shell stock, within waters of the State is prohibited.

4.15 Commercial Tagging of Shellfish

- A. Commercial shellfishermen must place any and all shellfish taken by them (except those shellfish returned to the waters of the harvest area) into containers, and must tag each and every container with a "harvester tag" conforming to the requirements of this subsection, prior to shellfish being placed in the container.
- B. The harvester tag shall be durable, waterproof, and sanctioned by the Rhode Island Department of Health. The tag shall contain the following indelible, legible information in the order specified as follows: The harvester's identification number as assigned by DEM; the date of harvest; the harvest commencement time; the harvest location as identified on the Rhode Island Shellfish Harvest Area Tagging Map; the shellfish management area; the type (species) of shellfish; and the approximate quantity of shellfish. The harvest commencement

time will indicate the time that the first shellfish that the harvester is currently in possession of was removed from the water and should be the same for all shellfish that the harvester is in possession of regardless of tagging area.

- C. Each tag shall also carry the following statement in bold capitalized type: "This tag is required to be attached until container is empty or it retagged and thereafter kept on file for 90 days." Commercial shellfishermen shall not place shell stock harvested from more than one (1) growing area into the same container. When the harvester is also a dealer, the harvester has the option to tag the shell stock with a harvester tag or a dealer's tag meeting the requirements of the RIDOH Regulations.
- D. Bulk tagging of shell stock will be permitted only with prior approval of the Director under the following criteria:
 - 1. When shell stock are harvested from one (1) harvest area on a single day, multiple containers may be utilized on a wrapped pallet, in a tote, in a net brailer, or other container and the unit tagged with a single tag; and,
 - 2. A statement that all shell stock containers in this lot have the same harvest data and area of harvest; and number of containers in the unit.

4.16 Commercial Temperature Control of Shellfish

- A. Commercial shellfishermen shall not allow shell stock to deteriorate or decompose from exposure to excessive temperature and shall deliver shell stock to a licensed dealer before such deterioration or decomposition occurs.
- B. Harvest of shellfish from sunrise November 1 through sunset March 31 annually: The maximum allowable time between the commencement of harvest of shell stock and delivery to a dealer shall be twenty (20) hours. Possession of shell stock in excess of twenty (20) hours is prohibited.
- C. Harvest of shellfish from sunrise April 1 through sunset October 31 annually: The maximum allowable time between the commencement of harvest of shell stock and delivery to a dealer shall be ten (10) hours. Possession of shell stock in excess of ten (10) hours is prohibited.
 - 1. The harvester shall provide shading to all shellfish intended for harvest aboard vessels and during land-based deliveries.
 - 2. Harvest of bay quahaugs or oysters from within Designated Temperature Control Areas that exceed five (5) hours to complete shall be placed in mechanical refrigeration or adequately iced in a storage container within

five (5) hours of the commencement of harvest until the shellfish are transferred to a licensed dealer within ten (10) hours.

- D. Ocean quahaugs, surf clams, and whelks are exempt from temperature control requirements.

4.17 Shellfish Transplant Regulations

- A. The Director 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 re-harvest of those shellfish to the best economic benefit of the State after all necessary safeguards to ensure their cleanliness (R.I. Gen. Laws § 20-6-26).
- B. Any person participating in the transplant program shall surrender his commercial license to the conservation officer or DEM employee afloat on the transplant bed or otherwise stationed to collect licenses. The license must be surrendered before the participant commences digging shellfish.
- C. The boundaries of the transplanting area shall be marked with designated corner markers. All shellfishermen participating in the transplant program shall harvest shellfish only within the boundaries of the transplant area so marked.
- D. No shellfisherman shall commence harvesting shellfish in the transplant area before the hour at which the transplant program is scheduled to commence. Hours of transplanting shall be publicized in advance.
- E. Shellfishermen participating in the transplant program shall bring no shellfish into the transplant area before beginning the transplant. Any shellfish on board a participant's boat shall be considered transplant shellfish, dug from the transplanting area.
- F. Any participant in the transplant program shall be considered to have completed his participation in the program when he presents his shellfish to the "buy boat/buy station" for counting/weighing. If the method of transplanting involves diggers planting their own catch in the transplant bed, the shellfisherman shall first present his catch to the authorized DEM officer for counting/weighing, and shall then proceed directly to the planting area. Once the shellfisherman commences to remove the shellfish from his boat to the "buy boat/buy station" or into the transplant bed, he shall remove all shellfish from his boat before changing location. Any change of location shall indicate that the shellfisherman has cleared his boat of shellfish and is ready for inspection and return of license by DEM officers. No shellfish shall be aboard any participant's boat at the time of inspection.

- G. Temporary creation of a transplanting area shall in no way affect the polluted status of the waters therein, or of any waters surrounding the transplanting area and declared polluted.
- H. Violation of any of these provisions shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or up to thirty (30) days in jail.
- I. Agents of the DEM may limit the maximum allowable harvest by each participant in a transplant. Agents of the DEM may limit the number of participants in a shellfish transplant program provided that the limit is determined in a fair and equitable manner (R.I. Gen. Laws § 20-6-29).
- J. 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 (R.I. Gen. Laws § 20-6-27).

4.18 Commercial Whelk Pot Tagging

- A. Applicability: No person shall set, haul, or maintain a whelk pot unless the pot has attached a valid whelk pot tag issued by the Director.
- B. Application for whelk pot tags shall be made on forms as prescribed by the Director.
- C. Cost of tags shall be borne by the license holder and shall not exceed the cost of producing such tags by the vendor(s) selected by the Department.
- D. Tags shall be permanently attached to the pot in a location clearly visible for inspection.
- E. Tags shall be valid on an annual basis from April 1 through March 31.
- F. No person shall transfer whelk pot tags between whelk pots, or between individuals or vessels.
- G. No person shall possess at any one time more whelk pot tags than are authorized.
- H. Only tags for the current fishing year and the immediate previous or following fishing year shall be allowed to remain attached to each whelk pot.
- I. Pot tag types and issuance:
 - 1. Original tags: Eligible license holders may order up to the maximum pot limit plus a fifteen percent (15%) over-allotment to allow for replacement of

tags due to routine losses. When a routine loss of an original tag occurs, the fifteen percent (15%) over-allotment shall be used to replace the lost tag.

2. Gear rotation tags: Eligible license holders may order additional tags to be used for gear rotation and maintenance. The number of gear rotation tags issued shall not exceed the maximum pot limit or exceed the number of original tags ordered. Gear rotation tags shall be held by the Director. The Director shall issue gear rotation trap tags on a one-for-one basis upon receipt of the original tags.
3. Catastrophic loss tags: Eligible license holders may order up to two (2) complete sets of catastrophic loss trap tags, in an amount equal to the number of original tags ordered, to be used in the event of catastrophic loss or to replace original trap tags not received.
 - a. Catastrophic loss trap tags ordered shall be held by the Director.
 - b. Issuance of catastrophic loss tags shall null and void original and gear rotation tags issued. No original tag issued may be used upon issuance of catastrophic trap tags.
 - c. Catastrophic loss trap tags shall be distinguishable from original trap tags (i.e. color).

250-RICR-90-00-4

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 - MARINE FISHERIES

SUBCHAPTER 00 - N/A

PART 4 - SHELLFISH (250-RICR-90-00-4)

Type of Filing: Amendment

Agency Signature

Agency Head Signature

Agency Signing Date

Department of State

Regulation Effective Date

Department of State Initials

Department of State Date