

250-RICR-90-00-1

## TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

### CHAPTER 90 – MARINE FISHERIES

#### SUBCHAPTER 00 – N/A

##### PART 1 – Definitions and General Provisions

#### TABLE OF CONTENTS

1.1	Purpose.....	2
1.2	Authority.....	2
1.3	Application.....	<b>Error! Bookmark not defined.</b>
1.4	Severability.....	<b>Error! Bookmark not defined.</b>
1.5	Superseded Rules and Regulations.....	<b>Error! Bookmark not defined.</b>
1.6	General Provisions .....	<b>Error! Bookmark not defined.</b>
1.7	Quota Management .....	3
1.8	Possession Limit and Vessel Operating Compliance.....	4
1.9	Transiting .....	<b>Error! Bookmark not defined.</b>
1.10	Control Dates .....	<b>Error! Bookmark not defined.</b>
1.11	Penalties for Non-Compliance .....	9
1.12	Appeals.....	<b>Error! Bookmark not defined.</b>
1.13	Definition of Terms .....	10
1.14	Commonly Used Acronyms .....	23
1.15	Common Species .....	23
1.16	Shellfish and Marine Life Management Areas.....	27

## **1.1 Purpose**

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

## **1.2 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.

## **1.3 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.

## **1.4 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.

## **1.5 Superseded Rules and Regulations**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Rules and Regulations, and any policies regarding the administration and enforcement of these Regulations shall be superseded.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

## **1.6 General Provisions**

- A. Use of explosives: The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island is prohibited.
- B. Transfer at sea: No one may transfer or attempt to transfer at sea, from one (1) vessel to another, any finfish that are subject to these Regulations.
- C. Obstruction of migratory fish passage: No person shall obstruct the free passage of anadromous or catadromous fish in any marine waters, river, or stream, of the State of Rhode Island.

## 1.7 Quota Management

- A. Modification of sub-period allocations based on under/over-harvest:
1. Under-harvest: Any un-harvested quota from a sub-period allocation will be equally distributed to the allocations of the remaining sub-periods in the same calendar year.
  2. Over-harvest:
    - a. Any over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods in the same calendar year.
    - b. Any over-harvest from the previous year will be deducted from the entire State allocation of the current year before redistributing according to the species-specific management plan.
- B. Modifications of allocations, seasons and possession limits: For quota managed species, in order to maintain compliance with a Federal or regional fisheries management plan (FMP), the DEM has the authority to distribute allocations, including the distribution of allocations among the various gear types, modify possession limits, and change seasons, unless specifically prohibited by the Secretary of Commerce or the Atlantic States Marine Fisheries Commission (ASMFC), in the following manner:
1. Allocation changes: If DEM projects that an allocation assigned for a sub-period, or assigned to be available for taking by a particular gear type during that sub-period, may be exhausted prior to the end of the sub-period, or may not be met for a sub-period, DEM may modify the allocation.
  2. Possession limit changes: If DEM projects that the allocation for a given species may be exhausted prior to the end of a sub-period or may not be met for a sub-period, DEM may modify the possession limit.
  3. If the quota for a sub-period allocation is fully harvested prior to the end of the sub-period, the DEM will close the fishery for the remainder of the sub-period.
  4. Notification of modifications to possession limits and/or seasons for marine species regulated under quota: Such notification shall take place in accordance with R.I. Gen. Laws § 20-1-12.1, and be provided to the public via the Marine Fisheries listserv, dedicated phone line (401-423-1920) and webpage. It is the responsibility of the licensed fishermen to know and abide by all possession limits and seasons.

## 1.8 Possession Limit and Vessel Operating Compliance

### A. General

1. In any instance when there is a violation of the size, possession, or daily limit on board a vessel carrying more than one (1) person when the catch is commingled, the violation shall be deemed to have been committed by the owner of the vessel, or the operator of the vessel, if the owner is not on board.
2. A person who takes marine product/species utilizing a vessel and also without the assistance of a vessel is only allowed one (1) possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation.

### B. Vessels operating recreationally

1. Any vessel, including a commercially declared and/or licensed party/charter vessel, may operate recreationally in accordance with all applicable recreational Regulations.
2. With regard to all species that are not subject to per-vessel restrictions, compliance with possession limits while operating recreationally shall be determined by dividing the total number of fish aboard the vessel by the total number of licensed or exempt recreational fishers or spearfishers aboard the vessel.
3. If a vessel makes more than one (1) recreational trip per day, the catches attributable to the same licensed or exempt fishers or spearfishers who go out again are cumulative.

### C. Party/charter vessels operating recreationally

1. Only vessels licensed in accordance with R.I. Gen. Laws § 20-2-27.1 may operate as a party or charter vessel.
2. A vessel is operating as a party or charter vessel whenever the vessel is carrying one (1) or more passengers for hire for the purpose of engaging in recreational fishing or spearfishing.
3. Unless otherwise specified in this [Subchapter](#), vessels operating as a party or charter vessel must adhere to recreational Regulations.
4. With regard to all species that are not subject to per-vessel restrictions, compliance for party/charter vessels operating recreationally shall be determined by dividing the total number of fish aboard the vessel by the total number of anglers or spearfishers aboard the vessel.

5. If a party/charter vessel makes more than one (1) recreational trip per day, any marine species possessed by the captain and mate are cumulative.

D. Vessels operating commercially

1. Only vessels that are commercially declared may operate as a commercial vessel.
2. A vessel is operating commercially whenever the vessel is engaged in the process of taking, harvesting, holding, transporting, loading or off-loading marine species for sale or intended sale.
3. Vessels making more than one (1) commercial trip per calendar day must have onboard a Rhode Island catch and effort logbook or a Federal VTR, and the logbooks or VTRs must be completed prior to the initiation of the second (2nd) commercial or recreational fishing trip on the same day. An exemption from carrying the Rhode Island catch and effort logbook shall be granted for vessels which are operated by licensed captains who are enrolled and currently active participants in the eTrips electronic reporting program. The eTrips report of the first (1st) commercial or recreational fishing trip must be entered prior to the initiation of the second (2nd) commercial or recreational fishing trip on the same day.
4. Any vessel operating commercially, including any vessel fishing commercially using rod and reel, may utilize, without restriction, any number of unlicensed crew members to assist with any commercial operations.
5. For all commercial fisheries except shellfish, any number of unlicensed crews may assist in direct commercial harvest operations regardless of the manner, method or contrivance employed, as long as said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher. With respect to commercial shellfish operations, unlicensed crews may only assist with culling activities and other indirect harvest operations, while said crew is/are located onboard a commercially declared vessel that is operated by an individual who possesses a valid and proper commercial fishing license and is/are under the direct supervision and responsibility of said properly licensed commercial fisher.
6. Vessels making more than one (1) commercial trip per calendar day are bound by all applicable per-vessel, per-day possession limits.
7. A vessel operating commercially may not possess or land more than the per-vessel limit; however, a portion of the catch may be retained for (non-

commercial) personal use, provided that the amount of fish retained for personal use must be recorded in the licensee's commercial logbook.

E. Vessels Operating in More Than One Mode

1. On a per trip basis, a vessel may only operate recreationally, or as a party or charter vessel, or commercially. No vessel may operate in more than one (1) mode during the same trip.
2. A vessel that is commercially declared may operate in commercially during one (1) portion of a calendar day and operate recreationally or as a party or charter vessel during a separate trip on the same day, subject to separate and non-overlapping commercial and recreational or party/charter Regulations.
3. Upon boarding or inspection, the captain or operator of a commercially declared vessel must disclose whether the vessel is operating commercially, or as a party or charter vessel, or recreationally.

F. Weekly and bi-weekly possession limits: In any instance where the first (1st) week in a given sub-period begins on any day other than Sunday, or the last week in a given sub-period ends on any day other than Saturday, resulting in a shortened week or bi-week, the following shall apply:

1. A person may land a full weekly or bi-weekly possession limit; and
2. The cumulative landings must occur during the shortened week or bi-week.

## **1.9 Transiting**

A. Finfish

1. During the closure of a Rhode Island State-allocated fishery quota, a Federally-permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island State waters for the purpose of landing that species in another State, provided the vessel is in compliance with their Federal permit, and the vessel nets are stowed.
2. A Federally-permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island State waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a State-allocated quota that is currently closed, provided the vessel is in compliance with their Federal permit, provided the vessel nets are stowed, and provided that the owner or operator possesses a valid Rhode Island Landing License.

3. A vessel in possession of a regulated species harvested in an open area of State waters may transit a closed portion of State waters in possession of that species for the purpose of landing, provided the operator of the vessel has a valid fishing license, and if fishing with nets, the nets are stowed.

B. Shellfish

1. During the closure of a Rhode Island State-allocated fishery quota, a federally permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island State waters for the purpose of landing that species in another State, provided the vessel is in compliance with their Federal permit, and all gear capable of harvesting shellfish is stowed and not engaged in the act of taking or harvesting while transiting State waters.
2. A Federally-permitted vessel fishing in the Exclusive Economic Zone may transit Rhode Island State waters for the purpose of landing a species in Rhode Island, provided that the species in possession do not have a State-allocated quota that is currently closed, provided the vessel is in compliance with their Federal permit, and provided that all gear capable of harvesting shellfish is stowed and not engaged in the act of taking or harvesting while transiting State waters, and provided that the owner or operator possesses a valid Rhode Island Landing License pursuant to Part 2 of this Subchapter.

C. Stowage of nets: A net that conforms to one (1) of the following specifications and that can be shown not to have been in recent use is considered to be "not available for immediate use."

1. A net stowed below deck, provided:
  - a. It is located below the main working deck from which the net is deployed and retrieved;
  - b. The towing wires, including the leg wires are detached from the net; and
  - c. It is fan folded (flaked) and bound around its circumference.
2. A net stowed and lashed down on deck, provided:
  - a. It is fan folded (flaked) and bound around its circumference;
  - b. It is securely fastened to the deck or rail of the vessel; and
  - c. The towing wires, including the leg wires, are detached from the net.

3. A net that is on a reel and is covered and secured, provided:
  - a. The entire surface of the net is covered with canvas or other similar material that is securely bound;
  - b. The towing wires, including the leg wires, are detached from the net; and
  - c. The cod end is removed from the net and stored below deck.
4. National Marine Fisheries Service authorized: Nets that are secured in a manner authorized in writing by the National Marine Fisheries Service Regional Director, for the Mid-Atlantic regulated mesh area defined as "that area bounded by the intersection of the outer boundary of the Exclusive Economic Zone (EEZ)."

### **1.10 Control Dates**

- A. The Department may establish control dates, which shall serve as cut-off dates for potential use in establishing eligibility criteria for future access to a fishery.
- B. Eligibility criteria may include, but are not limited to, historic participation and/or gear levels as documented by transaction records and official State or Federal logbooks.
- C. The establishment of a control date is intended to promote awareness of the potential establishment of eligibility criteria for future access to a fishery and to discourage speculative shifting of effort into that fishery. To this end, the Department may give various weighted considerations to those active in the fishery before and after the control date.
- D. Establishing a control date does not commit the Department to any management regime or criteria for limiting future access to a fishery; however, once enacted, control dates may only be used to limit future access to a fishery in accordance with a fisheries management plan.
- E. Control dates may only be established prospectively, unless a retroactive control date is expressly required by Federal law, Regulation or court decision.

### **1.11 Penalties for Non-Compliance**

- A. If the Director determines that there has been non-compliance with the provisions of these Regulations or a permit agreement, the owner and/or operator of the vessel and/or license holder shall be advised of such determination and the specific grounds therefore in writing. The determination shall specifically include notice that an opportunity for a hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with



the provisions of these Regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to R.I. Gen. Laws § 20-1-16.

B. Judicially imposed penalty for violations:

1. Unless otherwise specifically provided, the violation of any Law or Rule or Regulation relating to wild animals, wild birds, lobsters and fish, marine, freshwater and anadromous fisheries and shellfisheries shall be a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for up to ninety (90) days, or both.
2. Additionally, a person may be subject to the imposition of an administrative penalty pursuant to DEM's Rules and Regulations Governing the Suspension/Revocation of Commercial and Recreational Fishing Licenses, Part 80-00-6 of this Title, licenses issued pursuant to R.I. Gen. Laws Title 20.

## **1.12 Appeals**

- A. Denial of a license or permit: Persons denied a license or permit may request an appeal within thirty (30) days of the receipt of the denial as provided by R.I. Gen. Laws Chapter 42-17.7 and pursuant to the Rules and Regulations for the Administrative Adjudication Division, Part 10-00-1 of this Title.
- B. Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these Regulations may file and appeal within twenty (20) days after the date of receipt of the enforcement action in accordance with R.I. Gen. Laws Chapter 42-17.7 and Rules and Regulations for the Administrative Adjudication Division, Part 10-00-1 of this Title.

## **1.13 Definition of Terms**

"Activity Standard" means a level of fishing participation used to establish criteria for the issuance of new licenses.

"Adequately iced" means the amount and application of ice sufficient to ensure that immediate cooling begins and continues for all shellfish. Ice should be produced from a potable water source and shall be maintained to prevent contamination of shellfish.

"Affidavit" means a sworn statement of facts made under oath as to the truthfulness therein, and made before an authorized person such as a Notary Public. For the purposes of these Rules and Regulations, affidavits must be on forms provided by the Department.

"Agent" means a representative of a licensed dealer with a place of business in the State of Rhode Island wherein transaction records of said dealer are maintained and available for inspection during normal business hours.

"Air-assisted harvest" means the use of an air compressor or any device capable of pressurizing air/gas or compressed gas in a tank, to power any device designed to disturb the substrate, create a vacuum effect or sediment displacement effect in collection of aquatic species.

"Anadromous fish" means any species of fish which ascends rivers or streams from the sea for breeding purposes (e.g. Alewife, Salmon, Shad).

"Angling" means to fish recreationally using hook and line.

"Approved waters" or "Approved growing areas" means marine waters of the State that have been classified by the DEM Division of Water Resources as Approved Areas, fit for the taking of shellfish for human consumption on a regular basis, in accordance with the criteria established by the National Shellfish Sanitation Program (NSSP) Manual of Operations. These classifications may be subject to change as water quality conditions dictate.

"Bait gill net" means a gill net not exceeding one hundred feet (100') nor exceeding a mesh size greater than three and three quarters inches (3-3/4") (stretched).

"Bay scallop dredging" means the towing of a bay scallop dredge during the established bay scallop dredging season.

"Bay scallop seed" means a bay scallop with a bright, thin, slightly curved shell with no foreign adherent, the shell having no well-defined raised annual growth line, and the bay scallop being less than one (1) year old.

"Beach seine" means a seine that is deployed from the shore.

"Bill of lading" means an invoice which identifies a shipment of fish, shellfish or crustaceans as to seller, buyer, source, type, quantity and sale price.

"Bi-week" means a two (2) week period beginning 12:00 A.M. on a Sunday and ending on the second (2nd) Saturday at 11:59 P.M.

"Bullrake" means any curved metal instrument or basket with four (4) or more metal tines (teeth) which is customarily used to harvest quahaugs.

"Bycatch" means marine species which have been harvested, but which are not sold or kept for personal use and includes species that are discarded while a fisher is directing his/her effort toward the harvest of another marine species.

"Bushel" means a standard U.S. bushel, 2150.4 cubic inches capacity.

"Catadromous fish" means any species which lives in fresh water, but must go to sea for breeding purposes (e.g., American eel, *Anguilla rostrata*).

"Carapace" means the un-segmented body shell of the American lobster.

"Carapace length" means the length of a lobster measured from the rear of the eye socket along a line parallel to the center of the body shell to the rear of the body shell.

"Catastrophic trap tag loss" means the loss of original lobster trap tags in excess of the ten percent (10%) over-allotment trap tags issued for routine loss, in which instance the original trap tags become invalid and must be replaced in their entirety by catastrophic trap tags.

"Circle hook" means a non-offset hook where the point is pointed perpendicularly back towards the shank.

"Coastal salt pond" means a pond abutting a barrier beach; some are periodically fresh; others are brackish or salt.

"Coastal salt pond channel" means a natural or man-made, temporary or permanent waterway, allowing for the passage of water to and from any coastal salt pond. Distances (in feet) describing the following salt pond channel areas are measured from the seaward extremity of any channel to a point measured in a northerly direction, or as specifically described herein.

#### Coastal Salt Pond Channel Distances

Pond/Channel	Town	Distance
Quicksand	L. Compton	750'
Tunipus	L. Compton	200'
Briggs Marsh	L. Compton	600'
Ship Pond Cove	L. Compton	200'
Long	L. Compton	400'
Round	L. Compton	250'
Nonquit (Puncatest)	Tiverton	1,800'

Nannaquaket (measured from the mouth of the Quaket River to the eastern side of the Nannaquaket Bridge abutment)	Tiverton	400'
Narrow/Pettaquamscutt	Narragansett/N. Kingstown	3,850'
Point Judith (measured in a northerly direction from the mouth of the Point Judith Breachway to a line drawn from Strawberry Hill Point on the east to High Point on the west)	Narragansett/S. Kingstown	6,000'
Potter (measured from the western entrance of Potter Pond channel to the eastern tip of Gooseberry Island in Point Judith Pond)	South Kingstown	2,800'
Card	South Kingstown	200'
Trustom	South Kingstown	500'
Green Hill: Potato Point (measured from the easternmost point of Stevens Island in Ninigret/Charlestown Pond to the westernmost point of Potato Point in Green Hill Pond)	S. Kingstown/Charlestown	1,800'
Ninigret/Charlestown	Charlestown	3,200'
Quonochontaug	Charlestown/Westerly	2,800'
Winnapaug/Brightman	Westerly	2,800'
Little Maschaug	Westerly	250'
Maschaug	Westerly	300'
Great Salt	Block Island	1,800'
Trim	Block Island	850'

Harbor	Block Island	1,000'
--------	--------------	--------

"Codend" means the terminal section of a trawl net in which captured fish may accumulate, and is further defined as the last forty-five (45) rows of meshes in the terminal section of the net.

"Colregs demarcation line" means the lines of demarcation, as defined on National Oceanic and Atmospheric Administration chart #13221, delineating those waters upon which mariners must comply with the international regulations for preventing collisions at sea, and those waters upon which mariners must comply with the inland navigation rules. For Point Judith the "Port" is to be all waters inside of and north of the southern end of the riprap wall at Salty Brine State Beach so-called. The demarcation lines for Block Island are as follows: the area enclosed by the breakwaters at Old Harbor, and the entirety of Great Salt Pond so called.

"Commercial fisherman" means a natural person licensed to catch, harvest, or take marine species from the marine waters for sale.

"Commercial fishing" means to take, harvest, hold, transport, or off-load marine species for sale or intended sale.

"Commercial fishing vessel" means any vessel, boat or craft employed in the harvesting of marine species commercially, which shall first be declared with the Department.

"Conditionally approved waters" means shellfish grounds underlying waters examined and found fit for the taking of shellfish for human consumption on an intermittent basis, declared by the Director as conditionally approved waters pursuant to R.I. Gen. Laws §§ 20-8.1-3 and 20-8.1-4. Such classification may be subject to change as water quality conditions dictate.

"Constantly tended" means that a person setting a net shall remain within one hundred feet (100') of the net at all times.

"Container" means any bag, sack, tote, or other receptacle that contains shellfish to be held or transported.

"Control date" means a cutoff date for potential use in establishing eligibility criteria for future access to a fishery.

"Crab pot" means any pot designed or adapted principally for the catching or taking of crabs.

"Council" means the Rhode Island marine fisheries council established by chapter 3 of this title.

"Crew" means a person, aged sixteen (16) or older, employed for purposes of assisting in the operation of a commercial fishing vessel and its gear by another person licensed to fish commercially pursuant to Part 2 of this Subchapter.

"Crustaceans" means lobsters, crabs, shrimp, and for purposes of this chapter, horseshoe crabs.

"Cultured crops" means aquatic or marine animals or plants that are in the location, water column or artificial conditions specified in a valid aquaculture permit; or that have been taken by the holder of such permit from the location, water column or artificial conditions specified in such permit; or that have been produced by aquaculture methods outside the State and have not been commingled with wild stocks that are in or have been removed from the waters of the State. Appropriate bills of sale, bills of lading and proper tags and all other applicable State and Federal laws and Regulations shall be *prima facie* evidence of the origin of cultured crops inside or outside the State.

"Day" means a calendar day, or the twenty-four (24) hour period of time beginning at 12:00 A.M. and ending at 11:59 P.M.

"Dealer" means a person licensed to barter or trade in marine species.

"Director" means the Director of the Department of Environmental Management or his or her duly appointed agents.

"Discards" means marine species that are discarded overboard by fishers because their possession is prohibited by regulations or for economic reasons.

"Disposition" means the intended use or fate of landed marine species after leaving the dealer premises (e.g., food, or bait).

"Dredge" means a mechanical device that is towed behind a fishing vessel and whose purpose is to collect shellfish from the sea floor.

"Drift gill net" means a floating gill net that is floating unattached to the ocean bottom and not anchored, secured, or weighted to the ocean bottom.

"Dual federal permit/state license holder" means a person who holds both a Federal Limited Access Lobster Permit and a State of Rhode Island Commercial Fishing License endorsed for American lobster.

"Eel trap/pot" means any pot or trap designed or adapted principally for the catching or taking of American eels.

"Exclusive economic zone" or "EEZ" means those waters three (3) to two hundred (200) miles (five (5) to three hundred twenty-two (322) kilometers) offshore which are under the direct jurisdiction of the Federal government.

"Exit/entry ratio" means the number of restricted license endorsements made available for each endorsement surrendered to the Department, on an annual basis.

"Family member" means a spouse, mother, father, brother, sister, child or grandchild of license holder of the transferor of a commercial fishing license. Spouse shall include a person who is currently a party to a marriage that was legally recognized in the State or Territory in which the marriage was solemnized.

"February 28" means the twenty-eighth (28th) day in the month of February or the next business day if February 28 falls on a Saturday or Sunday or holiday for the purpose of application submittals and renewal deadlines.

"Finfish" means cold-blooded aquatic vertebrates with fins, including fish, sharks, rays, skates, and eels and also includes, for the purposes of this chapter, squid.

"Fishery" means one (1) or more stocks of marine species which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks.

"Fishery Endorsement" means the authorization for a license holder to participate in a designated fishery sector at a limited or unlimited level.

"Fishery performance" means properly documented commercial lobster fishing activity; namely pounds landed and traps fished in LCMA 2 during the applicable qualifying period.

"Fishery sectors" means and comprises crustaceans, finfish, shellfish, as defined in this section, each of which shall singularly be considered a fishery sector.

"Floating fish trap" means a floating trap, weir, pounds net, or any equivalent contrivance set on, in or anchored to the bottom or shore, used for the purpose of catching fish.

"Fork length" means the straight linear distance from the tip of the snout to the fork of the tail.

"Fyke net" means a conical shaped net supported by hoops, which also utilizes a leader to direct fish to the net.

"Gear" means any device or mechanism other than a vessel employed to catch marine species.

"Gill net" means a net used to catch fish by means of meshing or entanglement.

"Grace period" means sixty (60) calendar days commencing on the last day of February and shall only apply to renewals of licenses from the immediately preceding year.

"Grade" means the landing condition of each marine species (e.g., whole, gutted).

"Harbor of refuge breakwater" means the three (3) sections of breakwater off of Point Judith in the town of Narragansett.

"Harvest" means the act of removing a marine species with the intention of not returning it to the water.

"Hinge width" means the distance between the convex apex of the right shell and the convex apex of the left shell.

"Incidental catch" means unintended harvest of non-targeted marine species, which may be sold or kept for personal use, as established by rule.

"Initial LCMA 2 LTA" means the initial (maximum) number of lobster traps authorized in 2007 to be fished by an individual permit or license holder in LCMA 2.

"Land" or "Landing" means to offload marine species harvested within or outside of Rhode Island waters for sale or intended sale, or to secure a vessel with marine species on board to a shoreside facility where the marine species may be offloaded for sale or intended sale.

"LCMA 2 lobster trap allocation" or "LTA" means the maximum number of lobster traps authorized to be fished by an individual permit or license holder in LCMA 2.

"Licensed captain" means a person who holds or held a valid commercial fishing license issued by the Department.

"License year" means January 1 of any given year through December 31 of the same year.

"Lobster pot" means any pot designed or adapted principally for the catching or taking of lobsters or Jonah Crab.

"Lottery" means any of a variety of procedures used to determine priority in the issuance of new licenses or permits in cases where only a limited number of new licenses are available; such procedures having the common characteristics of being verifiably blind, random, fair and equitable.

"LTA transfer" means a change in ownership of a partial or entire Department or NOAA Fisheries-issued LTA by a person.



"LTA transferor" means the license or permit holder from whom an LTA transfer is made.

"LTA transferee" means the person or fishing vessel to whom/which an LTA transfer is made.

"Marine species" means any animal species found in the marine waters of Rhode Island, including but not limited to finfish, shellfish, crustaceans, and squid.

"Marine waters of Rhode Island" means all tidal and territorial waters of the State out to three (3) nautical miles from the coastline.

"Mechanical power" means any source of energy or power other than exclusively human power.

"Mechanical refrigeration" means storage in a container that is approved by the Rhode Island Department of Health and capable of cooling to, and maintaining, an ambient temperature of forty-five degrees Fahrenheit (45° F) or less.

"Medical hardship" means a significant medical condition that renders an active licensed person unable to fish for a period in excess of fourteen (14) days, either as a result of the physical loss of function or impairment of a body part or parts, or debilitating pain. Demonstration of the medical hardship shall be in the form of a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).

"Medical Incapacity" means death or injury that renders an active license holder permanently unable to actively fish. Demonstration of medical incapacity shall be in the form of a death certificate, or a diagnosis and prognosis signed by a medical doctor (M.D. or O.D.).

"Netting" means a meshed fabric which exceeds eight feet (8') in length or width including, but not be limited to seines, weirs, fyke nets, otter trawls, and gill nets.

"Non-resident" means a person who does not present proof of Rhode Island residency.

"Non-resident landowner" means a non-resident citizen of the United States and owner of real estate in Rhode Island as evidenced by deed filed in the Recorder of Deeds office in a Rhode Island town or city hall.

"Obstructing the free passage of fish" means the blocking of a stream, river, or pond so as to impede the passage of anadromous and/or catadromous fish, e.g., shad, alewife, and the American eel.

"Offload" means to begin to remove, to remove, to pass over the rail, or otherwise take away fish from any vessel.

"Open to the sea" means a coastal salt pond will be considered open to the sea if any flow of water connects coastal salt pond with the sea.

"Original lobster trap tags" means those trap tags available for purchase to a Rhode Island Commercial License holder or a Federal Limited Access Lobster Permit holder based on their lobster trap allocation, including an additional ten percent (10%) over-allotment to allow for routine trap or tag losses.

"Other endorsement" means the authorization for a license holder or vessel to participate in a designated activity.

"Overfishing" or "Overfished" means a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

"Party vessel" or "Charter vessel" means any vessel that carries passengers for hire to engage in fishing.

"Peck" means one fourth (1/4) of a bushel.

"Permanently disabled" means a person who is one hundred percent (100%) permanently disabled in accordance with R.I. Gen. Laws §§ 20-2-31 and 20-2.2-3.

"Person" means an individual, corporation, partnership, co-partnership, association, private or Municipal Corporation, or other legal entity firm.

"Place of business" means a building or office located in the State of Rhode Island where a licensed fish dealer maintains records of sales and purchases which are available for inspection by the Department during normal business hours.

"Polluted area" means shellfish grounds underlying waters examined and found to be unfit for the taking of shellfish for human consumption declared by the Director as polluted areas pursuant to R.I. Gen. Laws §§ 20-8.1-3 and 20-8.1-4. For the purposes of any criminal or civil proceeding instituted under this chapter, a declaration by the Director shall be *prima facie* evidence of a polluted area.

"Port" means any town or city with a harbor and docking facilities where vessels can land.

"Possession" means the exercise of dominion or control over the resource commencing at the time at which a decision is made not to return the resource to the immediate vicinity from which it was taken. The decision must be made at the first practical opportunity.

"Possession limit" means the maximum quantity of marine species that may be possessed by a vessel or person per specified period of time (i.e., day or week) regardless of the means by which the marine species may have been taken.

"Pot" or "Trap" means any stationary bottom-fishing contrivance or device made of wood, wire mesh, or plastic mesh, fished individually or linked by a common line and generally baited; used to catch finfish, crabs, conchs, or lobsters that enter through a conical or rectangular opening where escape is difficult.

"Power hauling" means the raising or moving of fishing implements including dredges, rakes, tongs, or other apparatus used to harvest marine organisms from the waters of the State or the underlying sediment.

"Quota" means the maximum weight or number of marine species which can legally be landed within a stated time period.

"Recreationally fishing" means the process of taking marine species by any means (e.g., hook and line, net, spear, pot, or powerhead) for personal use and not for sale.

"Resident" means a person who has had his or her actual place of residence and has lived in the State of Rhode Island for a continuous period of not less than six (6) months. Proof of residence may include a Rhode Island driver's license, voter registration card or a notarized statement from a City or Town Clerk.

"Routine trap tag loss" means the loss of lobster trap tags that does not exceed the ten percent (10%) over-allotment trap tags issued for routine loss.

"Season" means a period of time established by Regulation during which management Rules specific to that period are in effect.

"Seine" means any net used to catch fish by encirclement or herding that hangs vertically in the water with its bottom edge held down by weights and its top edge buoyed by floats.

"Shading" means to shelter by intercepting the direct rays of the sun to protect the shellfish from heat. Shading may be accomplished by any means that effectively protects the harvested shellfish from direct sunlight and prevents excessive heat build-up in the shaded area.

"Shellfish" means any molluscan species growing in Rhode Island tidal waters, including, but not limited to, bay quahaug, ocean quahaug, blue mussel, oyster, soft shell clam, bay scallop, and surf clam.

"Shellfish grounds" means all land underlying waters within the rise and fall of the tide and the marine limits of the jurisdiction of the State.

"Shellfish harvest tagging area" means the marine waters of the State where shellfish are harvested (refer to <http://www.dem.ri.gov/programs/marine-fisheries/shelltag.php>).

"Shoreward" means that point or end of any net which is closest/nearest the coast or the closest coastal outcropping.

"Sink gill net" means any bottom tending gill net that is designed to be or is fished on or near the bottom of the water column by means of a weight line or enough weights and/or anchors that the bottom of the gill net sinks to, on, or near the ocean bottom.

"Shoredigging" means the taking of shellfish from shallow areas or the intertidal zone of the waters of the State without the use of a boat or SCUBA gear and when body contact is made with the bottom substrate.

"Take" or "Taking" means the process and each of the activities in that process undertaken to remove the resource from its natural habitat until the time at which possession begins.

"Temperature control" means the use of ice or mechanical refrigeration, which is capable of lowering the temperature of the shell stock and maintaining it at fifty degrees Fahrenheit (50° F) or less.

"Tongs" means any shellfishing implement constructed with heads attached to stales (handles) and pinned at a pivot point to allow the opening and closing of the basket mouth formed by the two.

"Total length" means the straight linear distance from the tip of the snout to the end of the tail of a finfish species. All finfish species' minimum sizes are measured as total length, except for coastal sharks, in which minimum size is measured by fork length.

"Transaction records" means invoices or similar records of the purchase marine species by a licensed dealer, which identify the boat, license holder, the Rhode Island dealer name, and the date sold, species landed, pounds landed, name of the seller, and license number of the seller.

"Trawl devices" means any type of fishing apparatus drawn behind a vessel which consists of otter doors and/or ground cables, ropes, and/or netting, including, but not be limited to beam trawls, otter trawls, Scottish seines, and pair trawls.

"Trip" means a fishing voyage beginning with the departure from any port and terminating with the return to any port regardless of the duration of time.

"Trip level data" means data reported to the detail of each individual fishing trip.

"V-notched female American lobster" means any female American lobster with a v-notch mark, or the remnant of a healed v-notch mark in the end part of the right tail flipper adjacent to the middle tail flipper, or any lobster which is mutilated in such a manner which could hide, obscure, or obliterate such a mark, including a missing right tail flipper. A v-notch shall be a notch or the remnant of a healed notch, with or without setal hairs, at least one eighth of an inch (1/8") in depth. Any licensed/permitted commercial fisherman required or authorized to mark lobsters with a v-notch mark in LCMA 2 shall make a v-notch mark by means of a sharp-blade instrument, at least one quarter of an inch (1/4") and not greater than one half of an inch (1/2") in depth and tapering to a sharp point. The flipper to the right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

"Vessel" means every description of watercraft, other than a seaplane on the water, used, or capable of being used as a means of transportation on water.

"Water-assisted harvest" means the attempt to collect aquatic species by using a water pump or pressurized water, or device designed to disturb the substrate, create a vacuum effect or sediment displacement.

"Week" means a calendar week, or the period beginning on Sunday at 12:00 A.M. and ending on 11:59 P.M. of the immediately following Saturday.

"Weir" means a barrier of interwoven twine, branches, or other material used to catch fish.

"Wet storage" means the temporary storage of shellfish (from growing areas) in the approved classification or in the open status of the conditional approved classification in containers or floats in natural bodies of water or in tanks containing natural or synthetic seawater; this includes flow-through systems.

"Whelk pot" means any pot designed or adapted principally for the catching or taking of whelks.

## **1.14 Commonly Used Acronyms**

"ACCSP" means Atlantic Coastal Cooperative Statistics Program.

"ASMFC" means Atlantic States Marine Fisheries Commission.

"CRMC" means Rhode Island Coastal Resources Management Council.

"DEM" or "Department" means Rhode Island Department of Environmental Management.

"Division" means the Division of Marine Fisheries of the Department of Environmental Management.

"DOH" means Rhode Island Department of Health.

"LCMA" means Lobster Conservation Management Area.

"LCMA 2" means Lobster Conservation Management Area 2, as delineated in Amendment 3, Appendix 1 to the Interstate Fishery Management Plan for American Lobster, adopted by the ASMFC in December 1997.

"LTA" means Lobster trap allocation, either issued by the Department or NOAA Fisheries.

"NOAA" means National Oceanic and Atmospheric Administration.

"RIMFC" means the Rhode Island Marine Fisheries Council.

"SAFIS" means Standard Atlantic Fisheries Information System.

"TAL" means Total allowable landings.

## **1.15 Common Species**

"Alewife" means *Alosa pseudoharengus*, alewives.

"American eel" means *Anguilla rostrata*.

"American lobster" means *Homarus americanus*.

"American plaice" means *Hippoglossoides platessoides*, Dab.

"American shad" means *Alosa sapidissima*.

"Atlantic angel shark" means *Squatina dumeril*.

"Atlantic cod" means *Gadus morhua*, cod, codfish.

"Atlantic menhaden" means *Brevoortia tyrannus*, pogies, menhaden, peanut bunker.

"Atlantic herring" means *Clupea harengus*.

"Atlantic rock crab" means *Cancer irroratus*, sand crab.

"Atlantic horseshoe crab" means *Limulus polyphemus*.

"Atlantic salmon" means *Salmo salar*.

"Atlantic sturgeon" means *Acipenser oxyrinchus*.

"Barndoor skate" means *Dipturus laevis*.

"Basking shark" means *Cetorhinus maximus*.

"Bay quahaug" means *Mercenaria mercenaria*, hard clam, quahaug, quahog.

"Bay scallop" means *Argopecten irradians*.

"Blacknose shark" means *Carcharhinus acronotus*.

"Black sea bass" means *Centropristes striatus*.

"Blacktip shark" means *Carcharhinus limbatus*.

"Blueback herring" means *Alosa aestivalis*.

"Blue crab" means *Callinectes sapidus*.

"Bluefish means" *Pomatomus saltatrix*, skipjack.

"Blue mussel" means *Mytilus edulis*.

"Blue shark" means *Prionace glauca*.

"Bigeye sandtiger shark" means *Odontaspis noronhai*.

"Bigeye sixgill shark" means *Hexanchus nakamurai*.

"Bigeye thresher" shark means *Alopias superciliosus*.

"Bignose shark" means *Carcharhinus altimus*.

"Bluntnose sixgill shark" means *Hexanchus griseus*.

"Bonnethead shark" means *Sphyrna tiburo*.

"Bull shark" means *Carcharhinus leucas*.

"Caribbean sharpnose shark" means *Rhizoprionodon porosus*.

"Cobia" means *Rachycentron canadum*.

"Common thresher" shark means *Alopias vulpinus*.

"Conch" means Channeled Whelk – *Busycotypus canaliculatus*; or Knobbed Whelk – *Busycon carica*.

"Dusky shark" means *Carcharhinus obscurus*.

"Finetooth shark" means *Carcharhinus isodon*.

"Florida smoothhound shark" means *Mustelis norrisi*.

"Galapagos shark" means *Carcharhinus galapagensis*.

"Great hammerhead shark" means *Sphyrna mokarran*.

"Green crab" means *Carcinus maenas*.

"Haddock" means *Melanogrammus aeglefinus*.

"Jonah crab" means *Cancer borealis*, Rock crab.

"Monkfish" means *Lophius americanus*, goosefish.

"Narrowtooth shark" means *Carcharhinus brachyurus*.

"Night shark" means *Carcharhinus signatus*.

"Ocean quahog" means *Arctica islandica*.

"Nurse shark" means *Ginglymostoma cirratum*.

"Ocean quahog" means *Arctica islandica*.

"Oyster" means American oyster, *Crassostrea virginica* or European oyster – *Ostrea edulis*.

"Pollock" means *Pollachius virens*.

"Porbeagle shark" means *Lamna nasus*.

"Reef shark" means *Carcharhinus perezii*.

"River herring" means blueback herring and alewife.

"Sand lance" means all species of the genus *Ammodytes*.

"Sand tiger shark" means *Carcharias taurus*.

"Scalloped hammerhead shark" means *Sphyrna lewini*.

"Scup" means *Stenotomus chrysops*, porgie.

"Sea scallop" means *Placopecten magellanicus*.

"Sharpnose sevengill shark" means *Heptranchias perlo*.

"Shortfin mako shark" means *Isurus oxyrinchus*.



"Silky shark" means *Carcharhinus falciformis*.

"Smalltail shark" means *Carcharhinus porosus*.

"Smooth dogfish" means *Mustelus canis*, smoothhound shark.

"Smooth hammerhead shark" means *Sphyrna zygaena*.

"Soft-shelled clam" means *Mya arenaria*, steamer.

"Spanish mackerel" means *Scomberomorus maculatus*.

"Spinner shark" means *Carcharhinus brevipinna*.

"Spiny dogfish" means *Squalus acanthias*.

"Striped bass" means *Morone saxatilis*, rockfish, striper.

"Summer flounder" means *Paralichthys dentatus*, fluke.

"Surf clam" means *Spisula solidissima*, sea clam.

"Tautog" means *Tautoga onitis*, blackfish.

"Thorny skate" means *Amblyraja radiata*.

"Tiger shark" means *Galeocerdo cuvier*.

"Weakfish" means *Cynoscion regalis*, Squeteague.

"Whale shark" means *Rhincodon typus*.

"White shark" means *Archarodon carcharias*.

"Winter flounder" means *Pleuronectes americanus*.

"Witch flounder" means *Glyptocephalus cynoglossus*, gray sole.

"Yellowtail flounder" means *Limanda ferruginea*.

## **1.16 Shellfish and Marine Life Management Areas**

- A. Shellfish and Marine Life Management Areas are established by the Director pursuant to R.I. Gen. Laws § 20-3-4.
- B. Greenwich Bay (GB) Shellfish Management Area: 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) in the town of East Greenwich and city of Warwick.
  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) in the town of East Greenwich and city of Warwick.
  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) in the town of East Greenwich and city of Warwick.
- C. Conimicut Point Shellfish Management Area: The marine waters located south of a line extending from a pole on Conimicut Point (Latitude: 41.717493 Decimal Degrees North, Longitude: -71.357820 Decimal Degrees West) 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 (Latitude: 41.703781 Decimal Degrees North, Longitude: -71.365120 Decimal Degrees West) in the city of Warwick, 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).

- D. Potowomut Shellfish Management Area: 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) in the town of East Greenwich and city of Warwick.
  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) in the town of East Greenwich and city of Warwick.
  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) in the town of East Greenwich and city of Warwick.

- E. High Banks Shellfish Management Area: 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 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 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.
- F. Bissel Cove/Fox Island Shellfish Management Area: 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.
- G. Mill Gut Shellfish Management Area: 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.
- H. Bristol Harbor Shellfish Management Area: 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).

- I. Kickemuit River Shellfish Management Area: 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.
- J. Jenny Creek Shellfish Management Area: 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.
- K. Sakonnet River Shellfish Management Area: 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.

- L. Point Judith Pond Shellfish Management Area: 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.
- M. Potter Pond Shellfish Management Area: 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. 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 six hundred thirty-eight (638) meters back to point "A."
- N. Ninigret (Charlestown) Pond Shellfish Management Area: 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. 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.
  2. 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.

3. 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 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).
- O. Quonochontaug Pond Shellfish Management Area: 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. 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 "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 "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 "B" following the Quonochontaug Barrier shoreline generally westward, approximately one thousand five hundred forty-five (1,545) meters to "C" in the town of Westerly (Latitude: 41.330564 Decimal Degrees North, Longitude: -71.744459 degrees West); from "C" approximately three hundred seven (307) meters northward to "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 (1,120) meters back to point "A" completing the final boundary.
- P. Winnapaug Pond Shellfish Management Area: 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. 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.
- Q. Green Hill Pond Shellfish Management Area: 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.
- R. Narrow River Shellfish Management Area: 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 and North Kingstown; and north of Mumford Rd. (Latitude: 41.439006 Decimal Degrees North, Longitude: -71.473478 Decimal Degrees West) in the town of Narragansett.



- S. Little Narragansett Bay and Pawcatuck River Shellfish Management Area: The marine waters of Little Narragansett Bay and Pawcatuck River within the State of Rhode Island located northeast of a line extending from the DEM range marker on a pole near the southeastern extremity of Sandy Point (Latitude: 41.321703 Decimal Degrees North, Longitude: -71.878691 Decimal Degrees West) to a DEM range marker on a pole on the northern shoreline of Napatree Point (Latitude 41.310300 Decimal Degrees North, Longitude -71.877500 Decimal Degrees West), 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.
- T. Providence and Seekonk Rivers Shellfish Management Area: 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.
- U. 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 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).
- W. Town Pond Shellfish Management Area: 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).
- X. 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).

- Y. Upper Sakonnet River Marine Life Management Area: The marine waters of the Sakonnet River north of a line extending from McCurry Point in the town of Portsmouth to the southern end of Jack's Island (so-called) in the town of Tiverton, and south of the Sakonnet River Bridge (Rt. 24).
- Z. Upper Narragansett Bay Marine Life Management Area: The marine waters north of a line extending from Spink Neck in the town of North Kingstown to Pine Hill Point on Prudence Island, and from Homestead Dock on the easterly shore of Prudence Island to the Hog Island Shoal Light in the town of Bristol; and south of a line extending from Sandy Point to the southern tip of Warwick Point in the city of Warwick; and from the dock at Rocky Point in the city of Warwick to the southern tip of Poppasquash Point to Hog Island Shoal Light in the town of Bristol.
- AA. Menhaden Management Area: Narragansett Bay in its entirety is designated a Menhaden Management Area pursuant to R.I. Gen. Laws § 20-4.1-1. This area shall include the east and west passages of Narragansett Bay, Mount Hope Bay, and the Sakonnet River, and be bordered on the south by a line from Bonnet Point to Beavertail Point to Castle Hill Light. The southern boundary further extends from Land's End to Sachuest Point and then to Sakonnet Light.

**250-RICR-90-00-1**

**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 90 - MARINE FISHERIES**

**SUBCHAPTER 00 - N/A**

**PART 1 - DEFINITIONS AND GENERAL PROVISIONS**

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