

**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**

### **1.1 Purpose**

The purpose of these 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 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.

### **1.4 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 listserve, 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.

## **1.5 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. For any given species, no licensed person or vessel shall land more than one (1) possession limit per specified time period, i.e., calendar day, week, or bi-week, whether or not utilizing a vessel, unless authorized elsewhere in this subchapter.

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

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.
6. Vessels making more than one (1) trip per calendar day must have the first electronic trip report for the first trip completed prior to the initiation of the second (2nd) fishing trip on the same day.

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) 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) 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 an approved electronic reporting program. The electronic report of the first (1st) fishing trip must be entered prior to the initiation of the second (2nd) fishing trip on the same day.
4. 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.
5. 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 trip report.

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 commercially during one (1) trip in a calendar day and operate recreationally or as a party/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.

## **1.6 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, and operated by a person who does not hold a valid Rhode Island Fishing License, 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.
4. A vessel fishing in the Exclusive Economic Zone, and in possession of a regulated species, must adhere to all applicable Rules and Regulations governing commercial fishing operations, including but not limited to seasons, possession limits, offloading hours, gear stowage requirements, and reporting and record-keeping requirements.

### **B. Shellfish**

1. During the closure of a Rhode Island shellfish fishery, 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, and operated by a person who does not hold a valid Rhode Island Fishing License, 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. 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, provided:
    - a. The entire surface of the net is covered and bound by:
      - (1) Canvas of other similar opaque material; or
      - (2) A highly visible orange or yellow mesh material that is not capable of catching fish or being utilized as fishing gear. An example of highly visible orange or yellow mesh includes but is not limited to the orange fence material commonly used to enclose construction sites.
    - 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.

## **1.7 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.

## **1.8 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.

## **1.9 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.

## **1.10 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 quahog, ocean quahog, 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.

## **1.11 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.

## **1.12 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*.

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

### **1.13.1 General**

- A. Shellfish and Marine Life Management Areas are established by the Director pursuant to R.I. Gen. Laws § 20-3-4.
- B. Where possible, locations are identified by visual landmarks in addition to latitude and longitude coordinates. Please refer to § 1.13.3 of this Part for the latitude and longitude (DDD.DDDDD°) point locations which correspond to each visual landmark.

### **1.13.2 Established Shellfish and Marine Life Management Areas**

- A. Greenwich Bay (GB) Shellfish Management Area: The marine waters of Greenwich Bay and its tributaries located west of a line extending from the flagpole at the Warwick Country Club to Sandy Point on the Potowomut Shore, 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 to the western concrete stairway on Promenade Street, Old Buttonwoods 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 to the concrete stairway on Promenade Street, Old Buttonwoods; and south of a line extending from the northeastern point of Chepiwanoxet Point to the concrete stairway on Promenade Street, Old Buttonwoods in the city of Warwick.
  - 3. GB sub-area 3 (eastern GB): The marine waters located east of a line extending from Sally Rock Point northward to the concrete stairway on Promenade Street, Old Buttonwoods; and west of a line extending from the flagpole at the Warwick Country Club to Sandy Point on the Potowomut Shore in the city of Warwick.



- B. Conimicut Point Shellfish Management Area: The marine waters located south of a line extending from a flagpole on Conimicut Point to the Old Tower at Nayatt Point; and north of a line extending from the western most extension of Samuel Gorton Avenue in the city of Warwick, to the southern-most extension of Bay Road in the town of Barrington.
- C. Potowomut Shellfish Management Area: The marine waters located south of a line extending from the flagpole at the Warwick Country Club to Sandy Point on the Potowomut Shore; and north of a line extending from the end of Pojac Point to buoy G1 "Round Rock" to the Warwick Lighthouse, 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: The marine waters located west of a line extending from the end of Sandy Point on the Potowomut Shore to buoy G1 "Round Rock" to Pojac Point in the town of North Kingstown and city of Warwick.
  2. Potowomut sub-area 2: The marine waters located within a triangular area located north of a line extending from the end of Sandy Point on the Potowomut Shore to buoy G1 "Round Rock"; and west of a line extending from the flagpole at the Warwick Country Club to buoy G1 "Round Rock"; and east of a line extending from the flagpole at the Warwick Country Club to Sandy Point on the Potowomut Shore in the town of East Greenwich and city of Warwick.
  3. Potowomut sub-area 3: The marine waters located east of a line extending from the flagpole at the Warwick Country Club to buoy G1 "Round Rock"; and west of a line extending from buoy G1 "Round Rock" to the Warwick Lighthouse in the North Kingstown city of Warwick.
- D. High Banks Shellfish Management Area: The marine waters located south of a line extending from Pojac Point to buoy G1 "Round Rock"; and west of a line extending from buoy G1 "Round Rock" to the High Banks southeast corner coordinate; 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 to the High Banks southeast corner coordinate, in the town of North Kingstown.
- E. Bissel Cove/Fox Island Shellfish Management Area: The marine waters located south of a line extending from utility pole #275 at the corner of Waldron and Seaview Avenues to the southwestern-most point of Fox Island; and west of a line extending from the southwestern-most point of Fox Island to the northern-most point of Rome point, in the town of North Kingstown.
- F. Mill Gut Shellfish Management Area: The marine waters of Mill Gut located south of the Colt Drive, in the town of Bristol.

- G. Bristol Harbor Shellfish Management Area: The marine waters of Bristol Harbor located south of a line extending from the CRMC permitted dock #419 located at 163 Poppasquash Road to the northwest corner of the Rockwell Pier municipal parking lot; and north of a line extending from the north side of CRMC Permitted Dock #1601 where it meets the shoreline, located at 363 Poppasquash Road, to the northwest corner of the U.S. Coast Guard station pier; and west of a line extending from utility pole # 20 on Poppasquash Road to the northern extremity of Hog Island in the town of Bristol.
- H. Kickemuit River Shellfish Management Area: The marine waters of the Kickemuit River located north and inland of a line extending from the seaward end of Narrows Road in the town of Bristol to Nun Buoy 6 to a point on the shore at the mouth of the Kickemuit River in the town of Warren.
- I. Jenny Creek Shellfish Management Area: The marine waters of Jenny Pond on Prudence Island located north and inland of the mouth of Jenny Creek in the town of Portsmouth.
- J. Sakonnet River Shellfish Management Area: The marine waters of the Sakonnet River located north of a line extending from Sachuest Point in the town of Middletown to Sakonnet Light in the town of Little Compton to Sakonnet Point in the town of Little Compton; and south of a line extending from a point on the shoreline east of 179 Indian Avenue in the town of Portsmouth to Brown Point in the town of Little Compton; and east of a line extending from a point on the shoreline to the east of 361 Indian Avenue in the town of Middletown to Flint Point in the town of Middletown.
- K. Point Judith Pond Shellfish Management Area: The marine waters of Point Judith Pond located east of Succotash Road in the town of South Kingstown; and north of the mouth of the breachway where it meets the Harbor of Refuge in the town of Narragansett.
- L. Potter Pond Shellfish Management Area: The marine waters of Potter Pond located west of the bridge at Succotash Road in the town of South Kingstown.
  - 1. Potter Pond sub-area 1 (closed area): The marine waters of Sycamore Cove in Potter Pond located north of a line extending from the Sycamore Cove southwest corner coordinate to the Sycamore Cove southeast corner coordinate
- M. Ninigret (Charlestown) Pond Shellfish Management Area: The marine waters of Ninigret Pond located west of Charlestown Beach Road in the town of Charlestown; and north of the mouth of Charlestown Breachway in the town of Charlestown.
  - 1. Ninigret Pond sub-area 1: The marine waters of Ninigret Pond located east of a line extending from the Ninigret Pond sub-area 1 southwest corner coordinate located at the north end of the Ninigret Conservation

Area parking lot to Reeds Point; and west of a line extending from the southwest corner of the Ninigret Landing Marina parking lot to the Ninigret Pond sub-area 1 southeast corner coordinate.

2. Ninigret Pond-Foster Cove sub-area 1: The marine waters of Foster Cove in Ninigret Pond located east of a line extending from the Ninigret Pond-Foster Cove sub-area 1 northwest corner coordinate to the Ninigret Pond-Foster Cove sub-area 1 southwest corner coordinate; and west of a line extending from the Ninigret Pond-Foster Cove sub-area 1 northeast corner coordinate to the Ninigret Pond-Foster Cove sub-area 1 southeast corner coordinate; and north of a line extending from the Ninigret Pond-Foster Cove sub-area 1 southwest corner coordinate to the Ninigret Pond-Foster Cove sub-area 1 southeast corner coordinate.
  3. Ninigret Pond-Foster Cove sub-area 2: The marine waters of Foster Cove in Ninigret Pond within twenty-five (25) meters of the shoreline surrounding the Ninigret National Wildlife Refuge western peninsula west of a line extending from the Ninigret Pond-Foster Cove sub-area 2 corner coordinate "A" to the Ninigret Pond-Foster Cove sub-area 2 corner coordinate "B"; and north of a line extending from the Ninigret Pond-Foster Cove sub-area 2 corner coordinate "C" to the Ninigret Pond-Foster Cove sub-area 2 corner coordinate "D".
- N. Quonochontaug Pond Shellfish Management Area: The marine waters of Quonochontaug Pond located north of the mouth of Quonochontaug Breachway in the towns of Charlestown and Westerly.
1. Quonochontaug Pond sub-area 1: The marine waters of Quonochontaug Pond located south of a line extending from Quahaug Point to the northwest corner of Nope's Island; and east of a line extending from Quahaug Point to the Quonochontaug Pond sub-area 1 southeast corner coordinate; and west of the Nope's Island peninsula.
  2. Quonochontaug Pond sub-area 2: The marine waters of Quonochontaug Pond located east of a line extending from the eastern end of the QYC stone pier to the Quonochontaug Pond sub-area 2 southwest corner coordinate, in the town of Charlestown.
- O. Winnapaug Pond Shellfish Management Area: The marine waters of Winnapaug Pond located north of the mouth of Weekapaug Breachway in the town of Westerly.
1. Winnapaug Pond sub-area 1: The marine waters of Winnapaug Pond located north of a line extending from Big Rock Point; to the southern end of Larkin's Island; and west of a line extending from the southern end of Larkin's Island to the Winnapaug Pond sub-area 1 northeast corner coordinate.

- P. Green Hill Pond Shellfish Management Area: The marine waters of Green Hill Pond located east of Charlestown Beach Road, in the towns of Charlestown and South Kingstown.
- Q. Narrow River Shellfish Management Area: The marine waters of the Narrow River located north and inland of its mouth in the towns of Narragansett, North Kingstown and South Kingstown.
- R. 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 and inland of a line extending from the DEM range marker on a pole near the southeastern extremity of Sandy Point ) to a DEM range marker on a pole on the northern shoreline of Napatree Point and south of the Route 1 Bridge in the town of Westerly.
- S. 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 to the Old Tower at Nayatt Point in the town of Barrington; and seaward of the Hurricane barrier in the city of Providence; and seaward of the Main Street Dam in the in the city of Pawtucket.
- T. Warren River Shellfish Management Area: The marine waters of the Warren River and its tributaries located north of a line extending from the flagpole at 178 Adams Point Road in town of Barrington to the DEM range marker on the shore north of Jacobs Point in the town of Warren; and south of Main Street/Route 114 at its intersection with the Barrington River in the town of Barrington; and south of Main Street/Route 114 at its intersection with the Palmer River in towns of Bristol and Warren.
- U. Town Pond Shellfish Management Area: The marine waters of Founders Brook and Town Pond located south and inland of its mouth at Mount Hope Bay in the town of Portsmouth.
- 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 to nun buoy 12 in the town of Warren; 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.
- W. Upper Sakonnet River Marine Life Management Area: The marine waters of the Sakonnet River located north of a line extending from McCorrie Point in the town of Portsmouth to the southern end of Jack's Island in the town of Tiverton, and south of the Sakonnet River Bridge (Rt. 24).
- X. Upper Narragansett Bay Marine Life Management Area: The marine waters located north of a line extending from Spink Neck in the town of North Kingstown to Pine Hill Point on Prudence Island; and north of a line extending 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 on the Potowomut shore to Warwick Point in the city of Warwick; and south of a line extending from the dock at Rocky Point in the city of Warwick to Poppasquash Point to Hog Island Shoal Light in the town of Bristol.

- Y. Menhaden Management Area: The marine water of the east and west passages of Narragansett Bay, Mount Hope Bay, and the Sakonnet River north of a line extending from Bonnet Point in the town of Narragansett to Beavertail Point in the town of Narragansett to Castle Hill Light in the city of Newport; and north of a line extending from Land's End in the city of Newport to Sachuest Point in the town of Middletown to Sakonnet Light in the town of Little Compton.

### **1.13.3 Shellfish and Marine Life Management Areas Landmark locations**

Name of Landmark (control click on landmark for link to google maps)	City/town	Management Area	Latitude	Longitude
<a href="#">Flagpole at the Warwick Country Club</a>	Warwick	Greenwich Bay/Potowomut	41.672412	-71.389382
<a href="#">Sandy Point on the Potowomut Shore</a>	Warwick	Greenwich Bay/Potowomut/Upper Narr. Bay	41.662997	71.408568
<a href="#">Far northeastern section of Chepiwanoxet Point</a>	Warwick	Greenwich Bay	41.674585	-71.441152
<a href="#">Western fixed pier on Promenade Street, Old Buttonwoods</a>	Warwick	Greenwich Bay	41.684468	-71.417575
<a href="#">Sally Rock Point</a>	Warwick	Greenwich Bay	41.671413	-71.425511
<a href="#">A flagpole on Conimicut Point</a>	Warwick	Conimicut Point & Providence/Seekonk River	41.717493	-71.357820
<a href="#">Center of the Old Tower at Nayatt Point</a>	Barrington	Providence/Seekonk River	41.725121	-71.338957
<a href="#">Western most extension of Samuel Gorton Avenue</a>	Warwick	Conimicut Point	41.703781	-71.365120
<a href="#">The southern-most extension of Bay Road</a>	Barrington	Conimicut Point	41.722546	-71.309105
<a href="#">Pojac Point</a>	North Kingstown	Potowomut/High Banks	41.650506	-71.408400
<a href="#">Buoy G1 "Round Rock"</a>	North Kingstown	Potowomut/High Banks	41.656736	-71.390567
<a href="#">Warwick Lighthouse</a>	Warwick	Potowomut/High Banks	41.667124	-71.378385
<a href="#">High Banks SMA southeast corner coordinate</a>	North Kingstown	High Banks	41.635211	-71.396539

<a href="#">Seaward end of the fence located between the former Davisville Navy property and Pettee Street in the Mount View section</a>	North Kingstown	High Banks	41.634401	-71.407115
<a href="#">Easternmost end of Pier 2 at Davisville</a>	North Kingstown	High Banks	41.615012	-71.402139
<a href="#">Buoy N6 located mid-bay west of Prudence Island</a>		High Banks	41.637323	-71.369265
<a href="#">Utility pole #275 at the corner of Waldron and Seaview Avenues</a>	North Kingstown	Bissel Cove/Fox Is.	41.553567	-71.429705
<a href="#">Southwestern-most point of Fox Island</a>	North Kingstown	Bissel Cove/Fox Is.	41.553236	-71.419937
<a href="#">Northern most point of Rome point</a>	North Kingstown	Bissel Cove/Fox Is.	41.548853	-71.423836
<a href="#">Northern-most bridge on Colt Drive</a>	Bristol	Mill Gut	41.681840	-71.299113
<a href="#">CRMC permitted dock #419 at 163 Poppasquash Road</a>	Bristol	Bristol Harbor	41.669558	-71.288764
<a href="#">Northwest corner of the Rockwell Pier municipal parking lot</a>	Bristol	Bristol Harbor	41.669742	-71.279250
<a href="#">North side of CRMC Permitted Dock #1601 where it meets the shoreline at 363 Poppasquash Road</a>	Bristol	Bristol Harbor	41.664246	-71.290396
<a href="#">Northwest corner of the U.S. Coast Guard station pier</a>	Bristol	Bristol Harbor	41.666268	-71.278351
<a href="#">Utility pole # 20 on Poppasquash Road</a>	Bristol	Bristol Harbor	41.682529	-71.285175

<a href="#">Northern extremity of Hog Island</a>	Bristol	Bristol Harbor	41.647959	-71.279880
<a href="#">Bristol Harbor SMA northeast corner coordinate</a>	Bristol	Bristol Harbor	41.669666	-71.283207
<a href="#">Bristol Harbor SMA southeast corner coordinate</a>	Bristol	Bristol Harbor	41.665503	-71.282569
<a href="#">The seaward end of Narrows Road</a>	Bristol	Kickemuit River	41.696927	-71.246322
<a href="#">Nun Buoy 6</a>	Bristol	Kickemuit River	41.698489	-71.244195
<a href="#">A point on the shore at the mouth of the Kickemuit River</a>	Warren	Kickemuit River	41.699115	-71.243342
<a href="#">Mouth of Jenny Creek</a>	Portsmouth	Jenny Creek	41.629838	-71.333696
<a href="#">Sachuest Point</a>	Middletown	Sakonnet River	41.472362	-71.247257
<a href="#">Sakonnet Light</a>	Little Compton	Sakonnet River	41.453130	-71.202434
<a href="#">Sakonnet Point</a>	Little Compton	Sakonnet River	41.454587	-71.195124
<a href="#">A point on the shoreline east of 179 Indian Avenue</a>	Portsmouth	Sakonnet River	41.519498	-71.230893
<a href="#">Brown Point</a>	Little Compton	Sakonnet River	41.519896	-71.204959
<a href="#">A point on the shoreline to the east of 361 Indian Avenue</a>	Middletown	Sakonnet River	41.504347	-71.239782
<a href="#">Flint Point</a>	Middletown	Sakonnet River	41.486523	-71.237974
<a href="#">The bridge at Succotash Road</a>	South Kingstown	Potter Pond/Point Judith Pond	41.386004	-71.526019



<a href="#">The mouth of the Point Judith Pond breachway where it meets the Harbor of Refuge</a>	Narragansett	Point Judith Pond	41.375149	-71.513755
<a href="#">A point on the shore on the west side of Sycamore Cove</a>	South Kingstown	Potter Pond	41.383435	-71.537009
<a href="#">A point on the shore on the west side of Sycamore Cove</a>	South Kingstown	Potter Pond	41.383661	-71.533286
<a href="#">The bridge at Charlestown Beach Road</a>	Charlestown	Greenhill Pond/Ninigret Pond	41.364173	-71.625958
<a href="#">The mouth of Charlestown Breachway</a>	Charlestown	Ninigret Pond	41.354865	-71.638536
<a href="#">A point on the shore at the north end of the Ninigret Conservation Area parking lot</a>	Charlestown	Ninigret Pond	41.344726	-71.690149
<a href="#">The westernmost end of Reeds Point</a>	Charlestown	Ninigret Pond	41.352794	-71.694621
<a href="#">The southwest corner of the parking lot at the Ninigret Landing Marina</a>	Charlestown	Ninigret Pond	41.358561	-71.689409
<a href="#">Ninigret Pond sub-area 1 southeast corner coordinate</a>	Charlestown	Ninigret Pond	41.346815	-71.683958
<a href="#">Point "A" on the Foster Cove shoreline</a> (Ninigret Pond-Foster Cove sub-area 1)	Charlestown	Ninigret Pond	41.366362	-71.676036
<a href="#">Point "B" on the Foster Cove shoreline</a> (Ninigret Pond-Foster Cove sub-area 1)	Charlestown	Ninigret Pond	41.365970	-71.676220

<a href="#">Point “C” on the Foster Cove shoreline</a> (Ninigret Pond-Foster Cove sub-area 1)	Charlestown	Ninigret Pond	41.365690	-71.675310
<a href="#">Point “D” on the Foster Cove shoreline</a> (Ninigret Pond-Foster Cove sub-area 1)	Charlestown	Ninigret Pond	41.366086	-71.675128
<a href="#">Point “A” on the Foster Cove shoreline</a> (Ninigret Pond-Foster Cove sub-area 2)	Charlestown	Ninigret Pond	41.363705	-71.673512
<a href="#">Point “B” at the end of the point</a> (Ninigret Pond-Foster Cove sub-area 2)	Charlestown	Ninigret Pond	41.364515	-71.675236
<a href="#">Point “C” on the Foster Cove shoreline</a> (Ninigret Pond-Foster Cove sub-area 2)	Charlestown	Ninigret Pond	41.364330	-71.673220
<a href="#">The mouth of Quonochontaug Breachway</a>	Charlestown	Quonochontaug Pond	41.330878	-71.718764
<a href="#">Quahaug Point</a>	Charlestown	Quonochontaug Pond	41.333330	-71.744365
<a href="#">The northwestern peninsula tip of Nope’s Island</a>	Charlestown	Quonochontaug Pond	41.334528	-71.733593
A point on the Quonochontaug Barrier shoreline in a southerly direction from Quahaug Point	Charlestown	Quonochontaug Pond	41.330564	-71.744459
<a href="#">The eastern end of the QYC stone pier</a>	Charlestown	Quonochontaug Pond	41.350312	-71.709292
<a href="#">The eastern end of the unnamed island</a> (Quonochontaug Pond sub-area 2)	Charlestown	Quonochontaug Pond	41.344710	-71.712336
<a href="#">Mouth of Weekapaug Breachway</a>	Westerly	Winnipaug Pond	41.327627	-71.762913

<a href="#">Eastern peninsula point of Big Rock Point</a>	Westerly	Winnipaug Pond	41.330229	-71.799555
<a href="#">The southern end of Larkin's Island</a>	Westerly	Winnipaug Pond	41.331958	-71.784941
<a href="#">A point on the point of the shoreline located at 21 Shell Drive</a>	Westerly	Winnipaug Pond	41.332611	-71.786066
<a href="#">The mouth of the Narrow River</a>	Narragansett	Narrow River	41.442019	-71.440679
<a href="#">DEM range marker on a pole near the southeastern extremity of Sandy Point</a>	Westerly	Little Narr. Bay/Pawcatuck River	41.321703	-71.878691
<a href="#">DEM range marker on a pole on the northern shoreline of Napatree Point</a>	Westerly	Little Narr. Bay/Pawcatuck River	41.310300	-71.877500
<a href="#">Route 1/Broad Street Bridge</a>	Westerly	Little Narr. Bay/Pawcatuck River	41.377688	-71.831481
<a href="#">Hurricane barrier</a>	Providence	Providence/Seekonk River	41.815785	-71.401958
<a href="#">Main Street Dam</a>	Pawtucket	Providence/Seekonk River	41.876594	-71.383100
<a href="#">Flagpole at 178 Adams Point Road</a>	Barrington	Warren River	41.716089	-71.293291
<a href="#">DEM range marker at Jacobs Point</a>	Warren	Warren River	41.714306	-71.286673
<a href="#">Main Street/Route 114 bridge at its intersection with the Barrington River</a>	Barrington	Warren River	41.736701	-71.295451
<a href="#">Main Street/Route 114 bridge at its intersection with the Palmer River</a>	Barrington	Warren River	41.737396	-71.289081
<a href="#">The mouth of Town Pond</a>	Portsmouth	Town Pond	41.638944	-71.245269

<a href="#">Nun buoy 12</a>	Warren	Jacobs Point	41.713780	-71.291593
<a href="#">DEM range marker on the shore south of Jacobs Point</a>	Warren	Jacobs Point	41.710253	-71.291327
<a href="#">McCorrie Point</a>	Portsmouth	Upper Sakonnet River	41.710253	-71.291327
<a href="#">Southern end of Jack's Island</a>	Portsmouth	Upper Sakonnet River	41.593224	-71.209866
<a href="#">Sakonnet River Bridge (Rt. 24)</a>	Portsmouth/Tiverton	Upper Sakonnet River	41.638128	-71.213601
<a href="#">Spink Neck</a>	North Kingstown	Upper Narragansett Bay	41.620968	-71.407871
<a href="#">Pine Hill Point</a> (Prudence Island)	Portsmouth	Upper Narragansett Bay	41.631608	-71.347385
<a href="#">Homestead Dock on the easterly shore of Prudence Island</a>	Portsmouth	Upper Narragansett Bay	41.626185	-71.308761
<a href="#">Hog Island Shoal Light</a>	Bristol	Upper Narragansett Bay	41.632327	-71.273253
<a href="#">Warwick Point</a>	Warwick	Upper Narragansett Bay	41.666588	-71.378804
<a href="#">The dock at Rocky Point</a>	Warwick	Upper Narragansett Bay	41.688579	-71.364420
<a href="#">Poppasquash Point</a>	Bristol	Upper Narragansett Bay	41.649445	-71.300064
<a href="#">Bonnet Point</a>	Narragansett	Menhaden	41.469572	-71.420773
<a href="#">Beavertail Point</a>	Jamestown	Menhaden	41.448648	-71.399678
<a href="#">Castle Hill Light</a>	Newport	Menhaden	41.462155	-71.362974

<a href="#">Land's End</a>	Newport	Menhaden	41.462155	-71.311662
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**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**

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Agency Head Signature

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Agency Signing Date

**Department of State**

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Regulation Effective Date

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Department of State Initials

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Department of State Date