

**STATE OF RHODE ISLAND RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES**

Pursuant to the provisions of Chapters 42-17.1, 20-6 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Director of the Department of Environmental Management (DEM) proposes amendments to the Rhode Island Marine Fisheries Regulations and gives notice to afford interested parties the opportunity to submit data, views, or comments concerning the proposed rule making or to request a public hearing to Najih Lazar, Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835, no later than 12:00 P.M. on April 1, 2011.

**Proposed regulatory amendments:**

This notice is to inform commercial shellfishmen and shellfish dealers of an upcoming change in commercial shellfish reporting protocols for RI marine waters. All commercial shellfishermen will be required to report shellfish landings in accordance with a new set of revised shellfish harvest areas from which the landings are taken. This change will assist the DEM in developing better information to provide comprehensive stock status and management strategies by harvest areas. The change simply involves area-specific refinements to the existing tagging requirements set forth in Part IV- Shellfish, Section 4.31 of DEM RI Marine Fisheries Statutes and Regulations. Whereas Narragansett Bay had been broken down into 5 large harvest areas, the new system sub-divides Narragansett Bay into 15 smaller areas, generally corresponding to well-known conditional, management, and transplant areas. In addition, those 5 areas that currently represent the Coastal Ponds will remain unchanged under the new reporting system. Commercial shellfishermen will be required to record the new harvest-area information on their harvester tags when selling and transferring product to dealers. Dealers, in turn, will be required to report the new harvest area information to DEM, Division of Fish and Wildlife, as part of the SAFIS reporting program.

A map depicting the new harvest areas is located on the DEM, Marine Fisheries webpage in the maps section: <http://www.dem.ri.gov/programs/bnatres/fishwild/pdf/pnsftag.pdf>

**Current System**

To date, the tagging program has involved:

- 5 harvest areas in Narragansett Bay: Upper Narragansett Bay (1), Greenwich Bay (2), West Passage (3), East Passage (4), and Sakonnet River (5); and
- 5 harvest areas covering the Coastal Ponds: Point Judith Pond (6P), Ninigret Pond (6N), Quonochontaug Pond (6Q), Winnapaug Pond (6W), and Block Island (6B).

**New Proposed System**

There will be a total of 20 harvest areas. The four salt ponds and Block Island remain unchanged. The 5 harvest areas in Narragansett Bay will be sub-divided into the following 15 new areas:

- Area 1A - Conditional Area "A"
- Area 1B - Conditional Area "B"
- Area 1C - Conanicut Triangle
- Area 1M - Mill Gut Management Area
- Area 2A - Greenwich Bay Management Sub Area 1
- Area 2B - Greenwich Bay Management Sub Area 2
- Area 2C - Greenwich Bay Management Sub Area 3
- Area 3A - Potowomut Management Area A
- Area 3B - Potowomut Spawner Sanctuary Area B

- Area 3C - Potowomut Management Area C
- Area 3F - Bissel Cove/Fox Island Management Area
- Area 3H - High Banks Management Area
- Area 4B - Bristol Harbor Shellfish Transplant Area
- Area 5B – North Sakonnet River Management Area
- Area 5C – South Sakonnet River Management Area

The new reporting protocols will provide better resolution of area-specific harvest activities. This will help to improve the accuracy of area-specific stock assessments and the effectiveness of shellfish management in Rhode Island. DEM staff will visit shellfish dealers throughout the state to assist with this change in reporting.

No public hearing will be conducted for this proposed change unless requested by 25 or more interested parties, an organization representing 25 or more interested parties, or a municipality within the 30-day notice period which will end on April 1, 2011. Requests to hold a public hearing concerning the above proposed changes by the DEM should be directed to Najih Lazar, Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835, no later than 12:00 P.M. on April 1, 2011.

The Department has determined that small businesses may be adversely impacted by the proposed regulations. This notice period is being conducted to inform commercial shellfishmen and shellfish dealers of an upcoming change in commercial shellfish reporting protocols for RI marine waters and to allow public input from small businesses or any cities or towns, which may be adversely affected. Small businesses which are either currently licensed or in the future may seek permission to harvest, buy, sell, or produce seafood products as well as the small businesses that provide services related to those engaged in such industries and small businesses which buy, sell, or produce products or provide services related to fishing are requested to notify the Division of Fish and Wildlife to submit data, views, or comments concerning this aspect of the proposed rule making.

Janet Coit, Director  
Department of Environmental Management



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES  
FISH AND WILDLIFE  
&  
LAW ENFORCEMENT

# RHODE ISLAND MARINE FISHERIES STATUTES AND REGULATIONS

## **Part XVII Maps**



**Annotated 3/2/2011  
Map #10 - (Pages 4 & 15)**

**~~April 8, 2010~~**

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

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**RHODE ISLAND MARINE FISHERIES  
STATUTES AND REGULATIONS**

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**RHODE ISLAND MARINE FISHERIES  
STATUTES AND REGULATIONS**

**PURPOSE**

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

**AUTHORITY**

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

**ADMINISTRATIVE FINDINGS**

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

**APPLICATION**

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

**DEFINITIONS**

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

**SEVERABILITY**

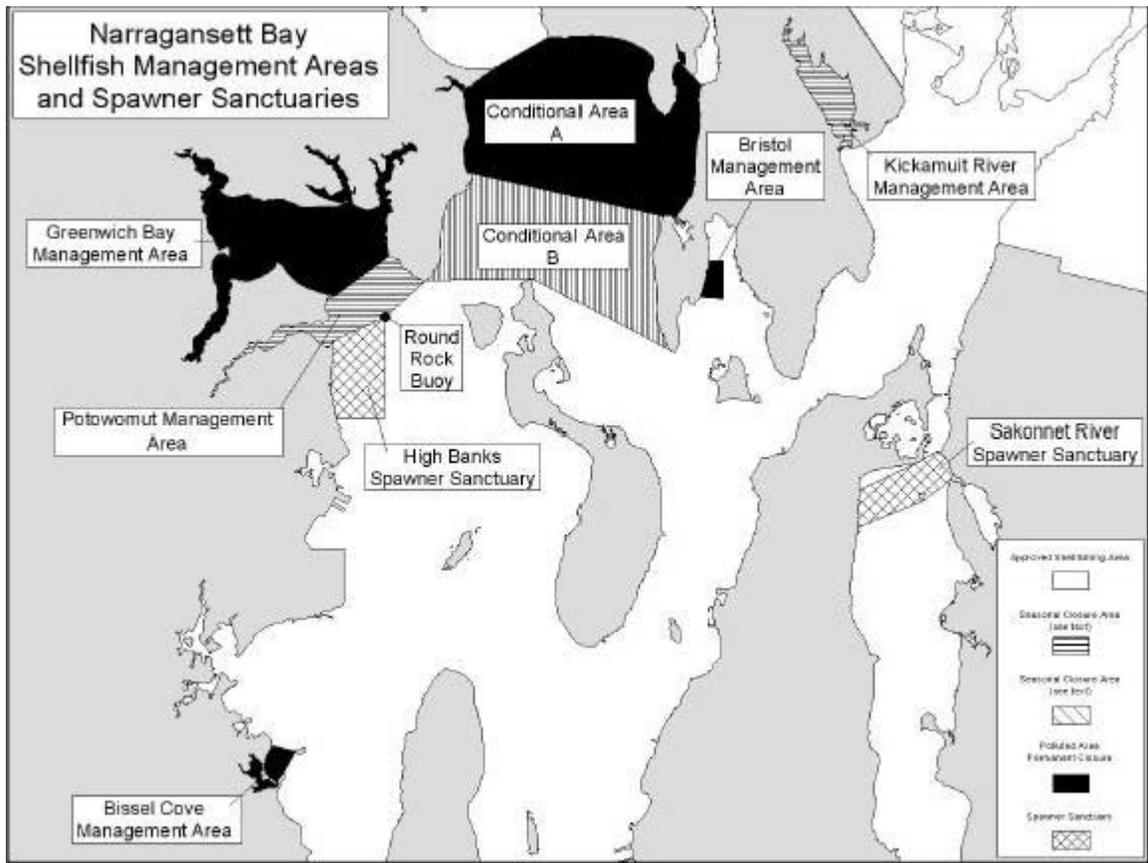
If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

**SUPERSEDED RULES AND REGULATIONS**

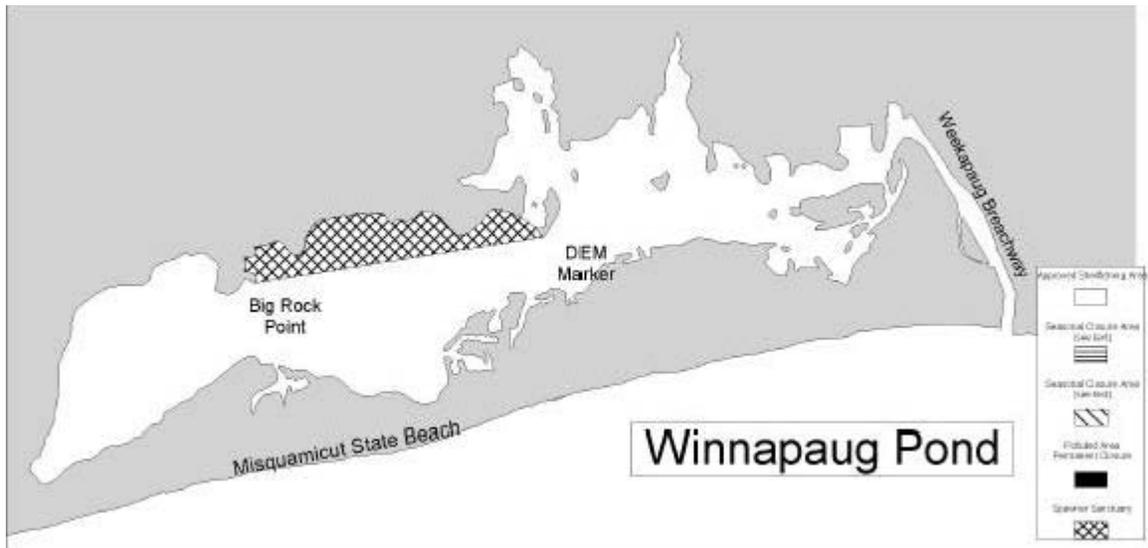
On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of Part XVII shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of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

**R.I. Marine Fisheries Statutes and Regulations  
PART XVII – MAPS**

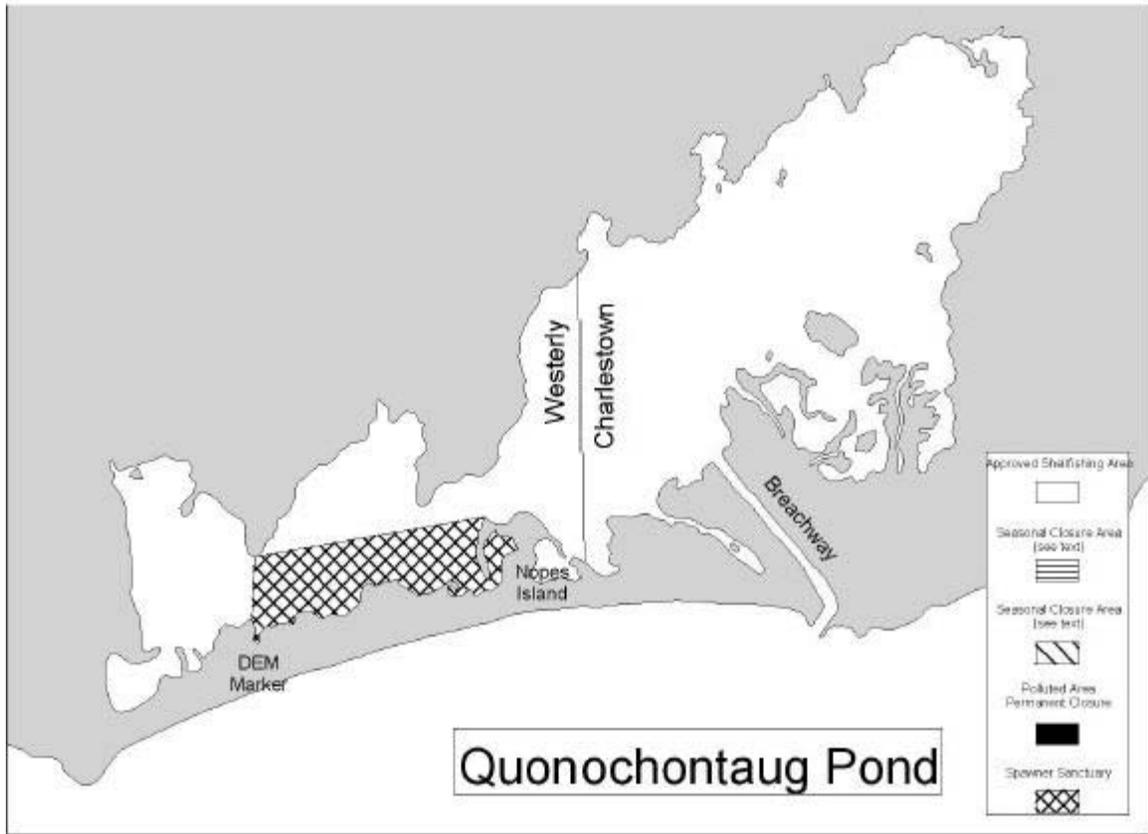
<b><u>AREA</u></b>	<b><u>MAP NO.</u></b>
<b>Narragansett Bay Shellfish Management Areas and Spawner Sanctuaries</b>	<b>1</b>
<b>Winnapaug Pond</b>	<b>2</b>
<b>Quonochontaug Pond</b>	<b>3</b>
<b>Great Salt Pond – Block Island</b>	<b>4</b>
<b>Ninigret and Green Hill Ponds</b>	<b>5</b>
<b>Narragansett Bay Floating Fish Trap Locations</b>	<b>6a and 6b</b>
<b>Narragansett Bay Trawling Area</b>	<b>7</b>
<b>R.I. Shellfish Management Areas</b>	<b>8</b>
<b>Narragansett Bay Menhaden Management Area</b>	<b>9</b>
<b><u>RI Shellfish Harvest Area Tagging Map</u></b>	<b><u>10</u></b>



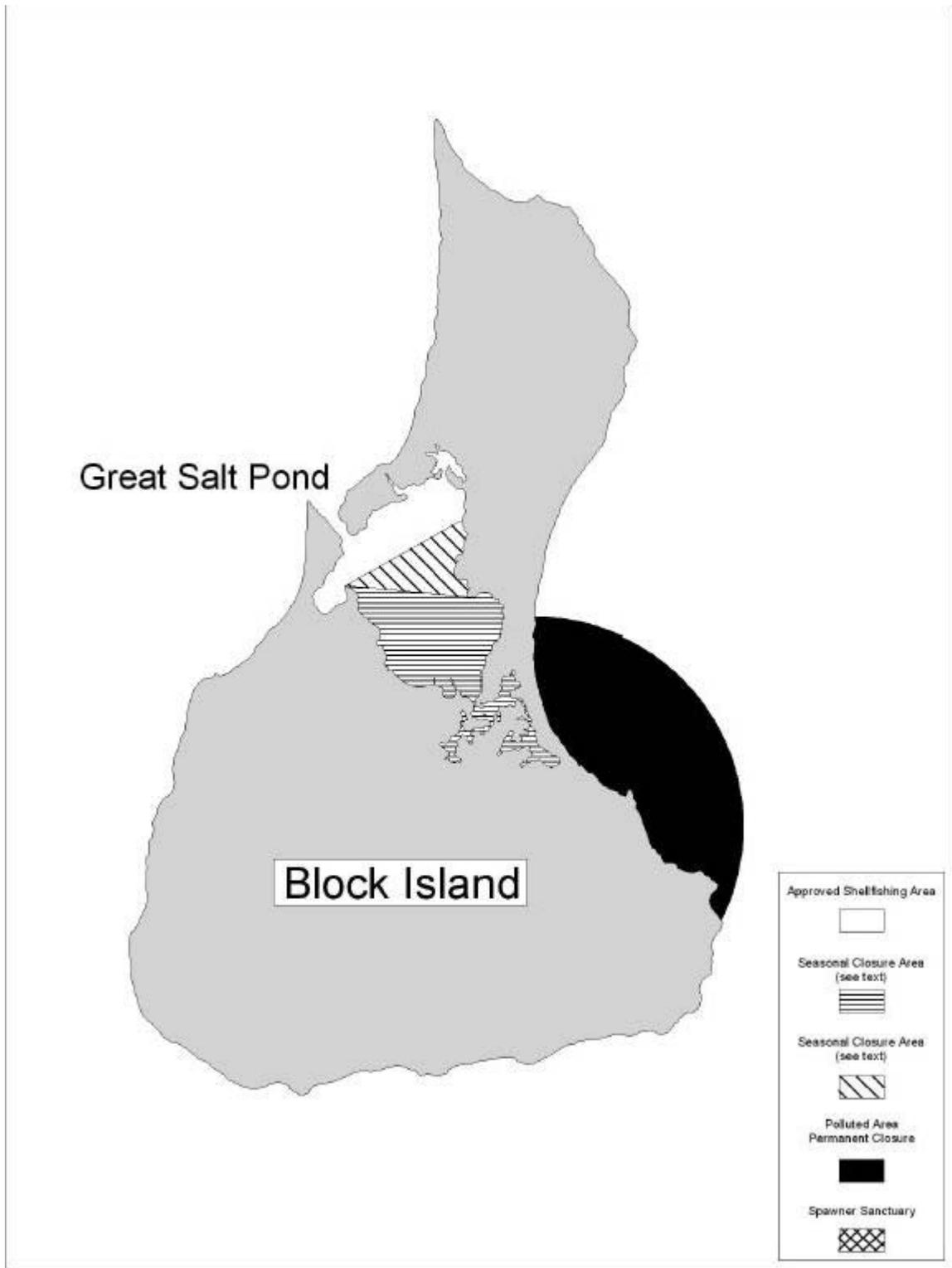
Map #1



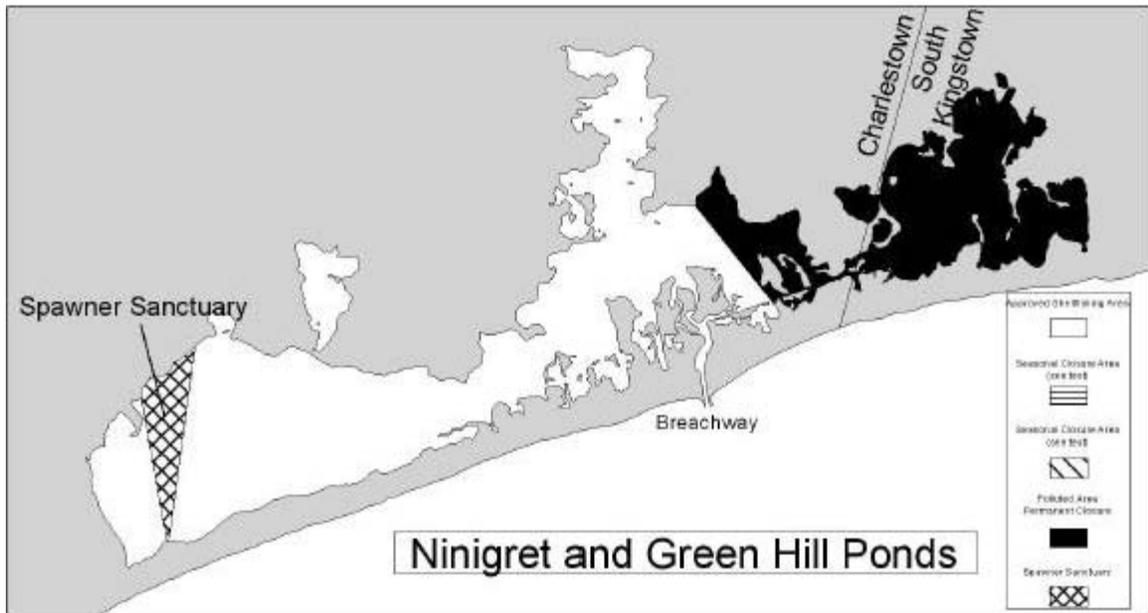
Map #2



Map #3

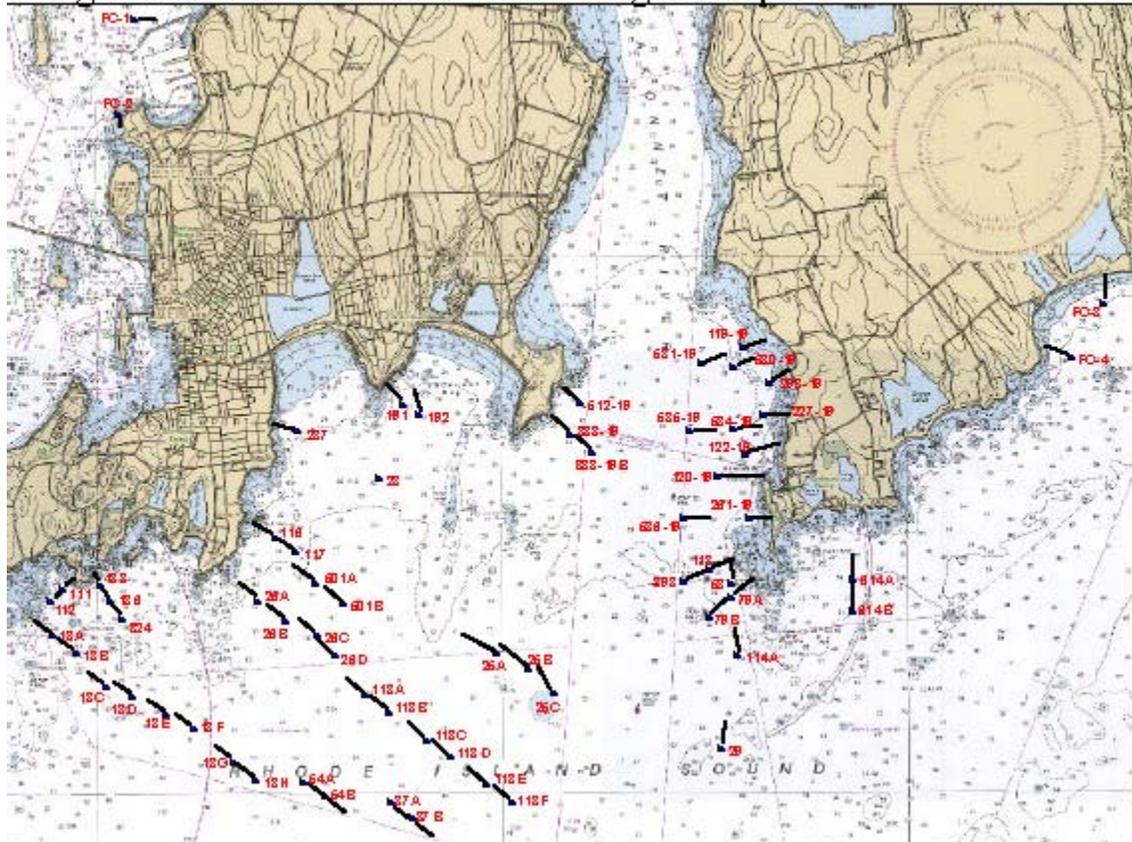


Map #4



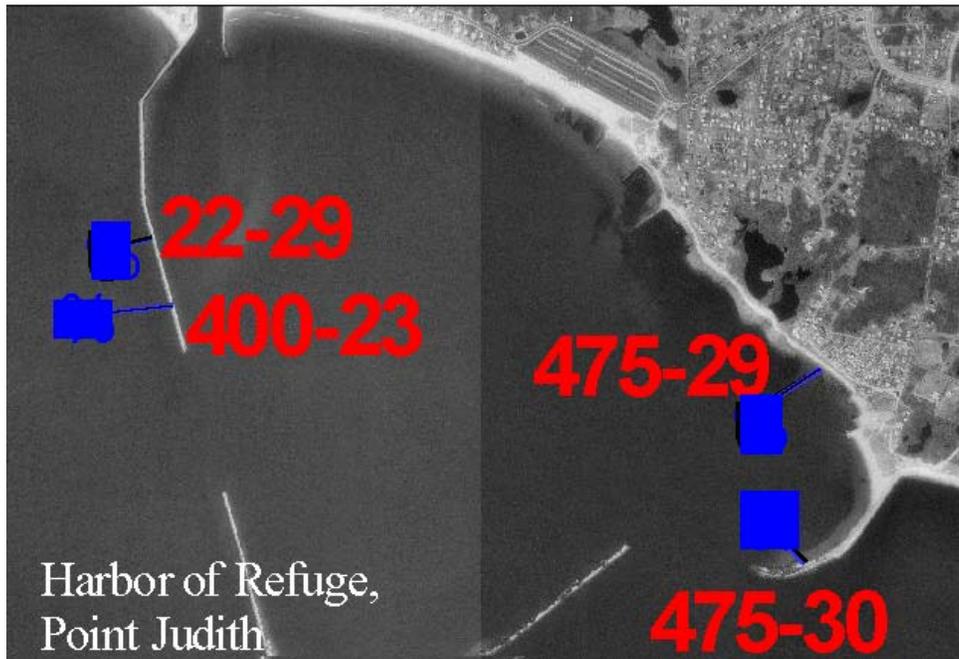
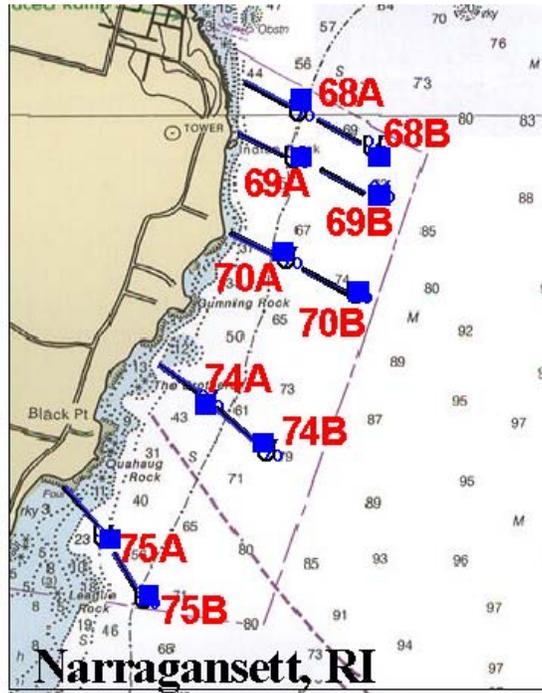
Map #5

## Designated sites in Rhode Island for floating fish traps

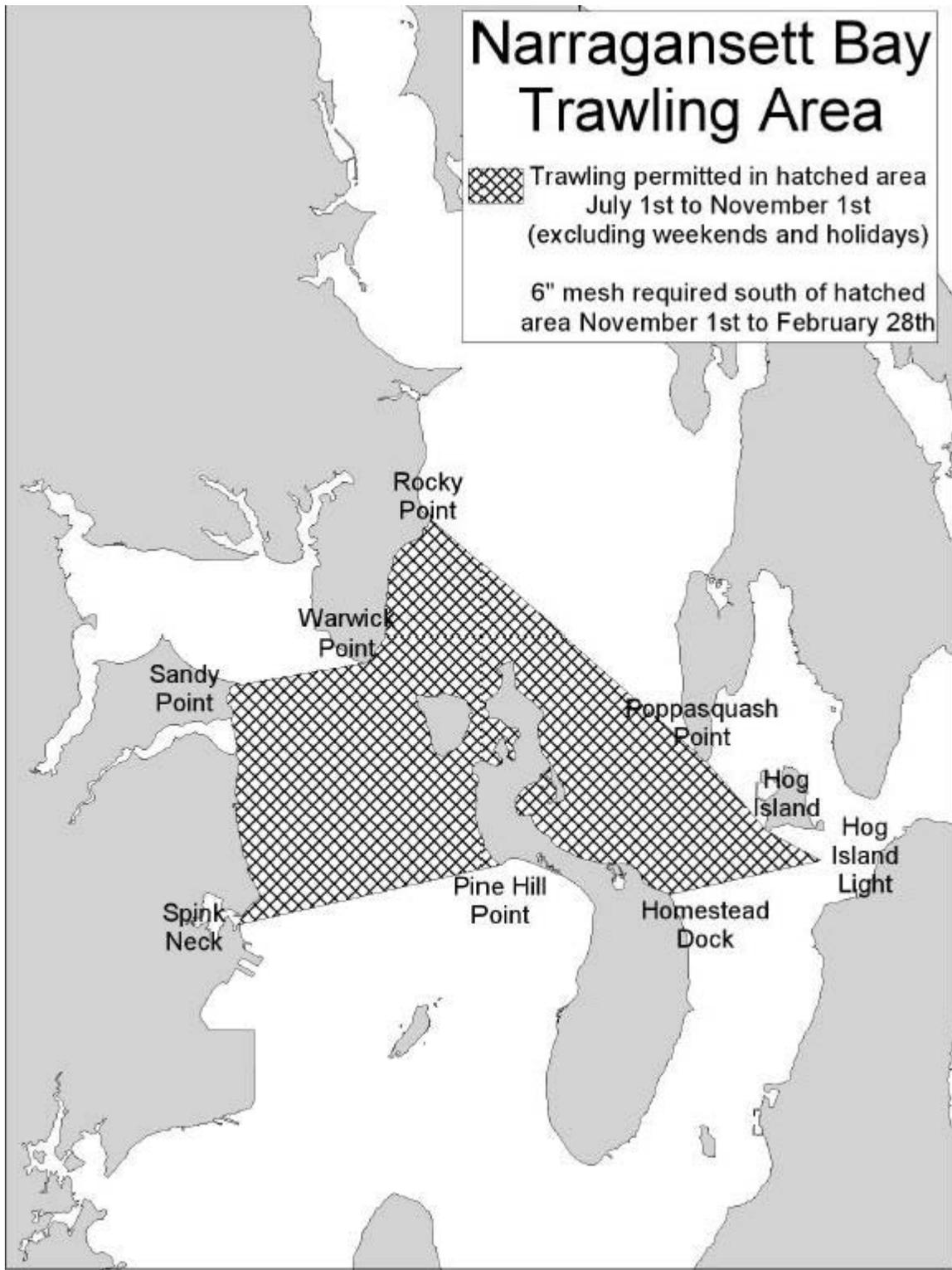


Map #6a

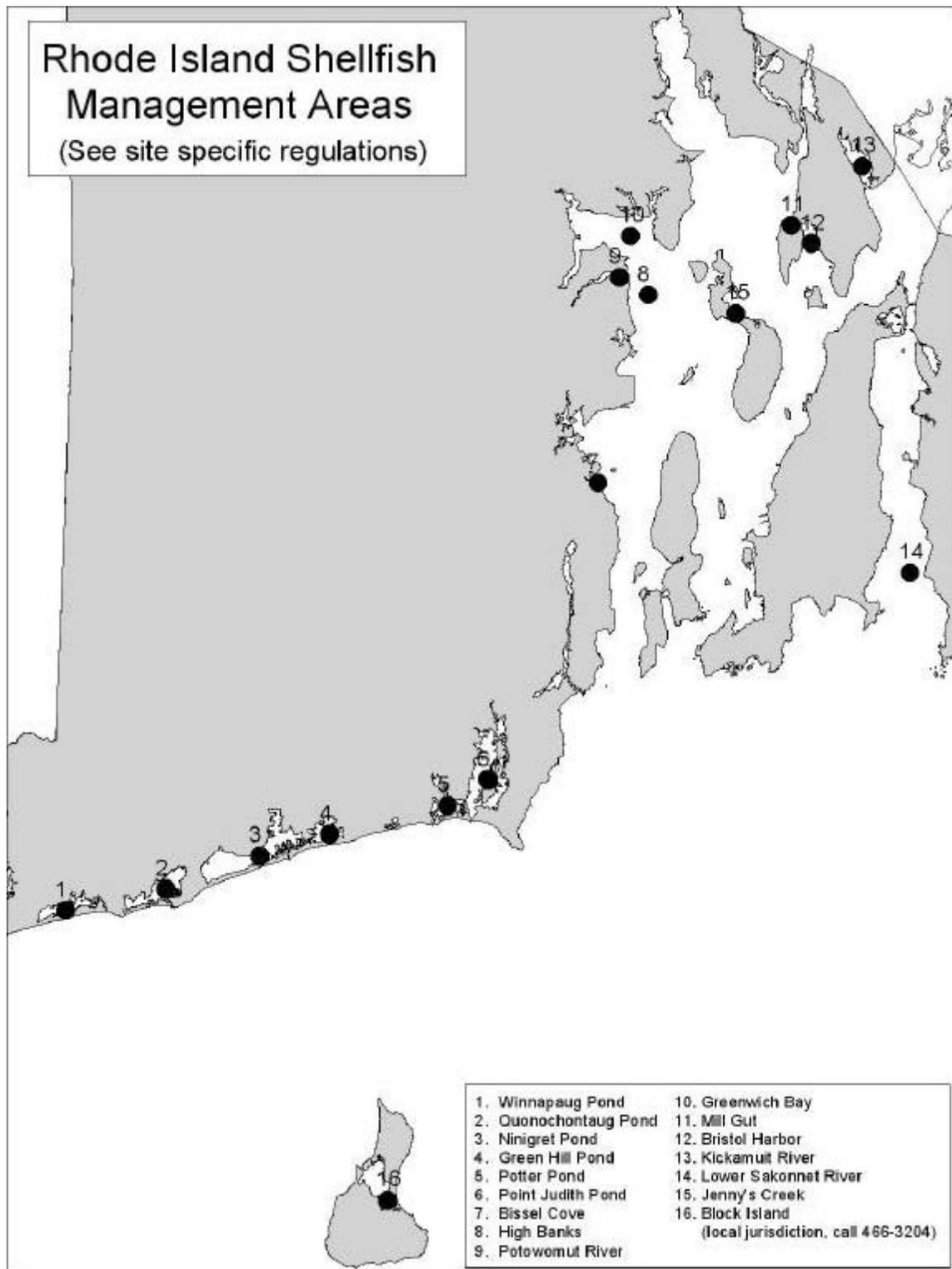
# Designated sites in Rhode Island for floating fish traps



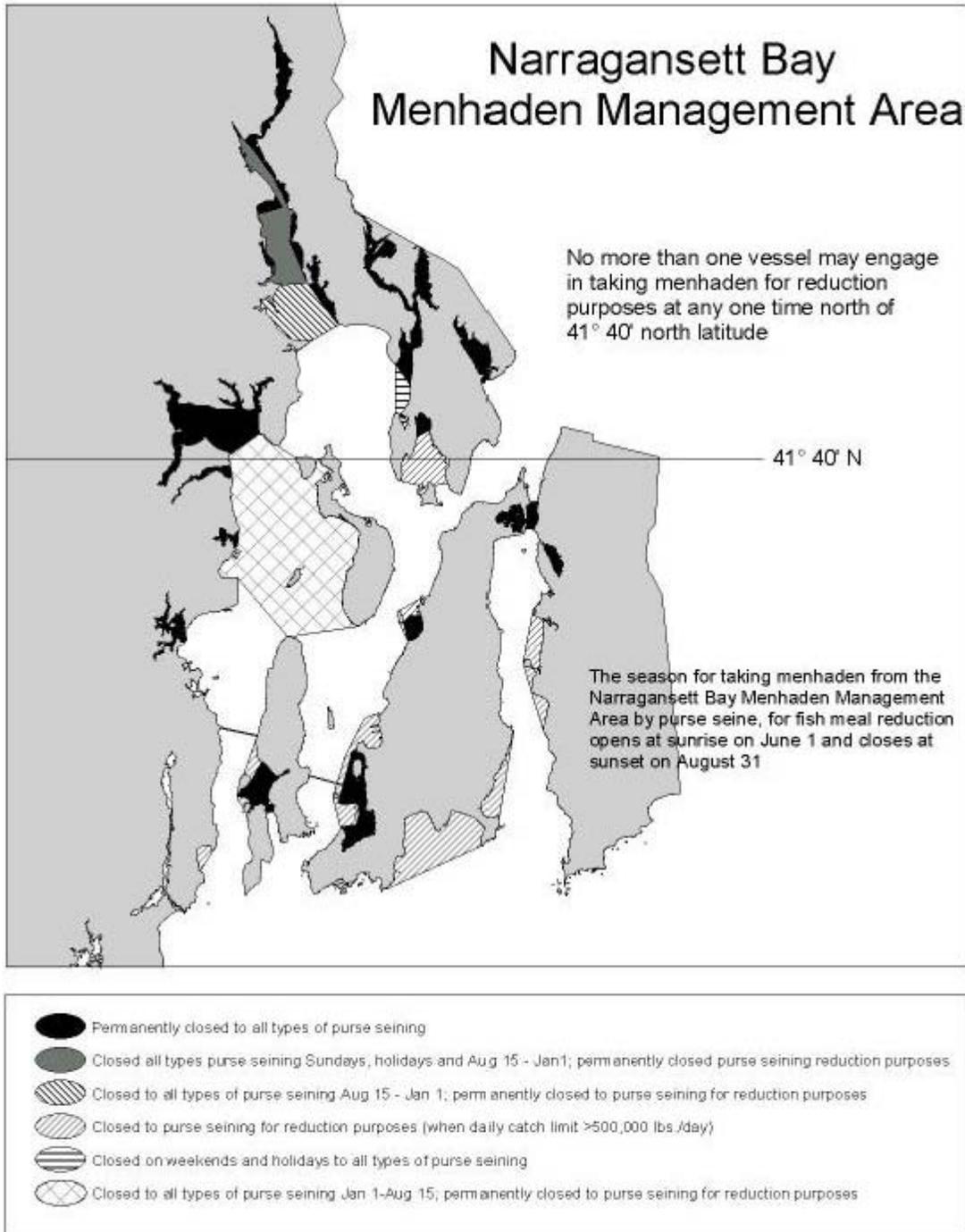
Map #6b



Map #7



Map # 8



Map # 9

# Rhode Island Shellfish Harvest Area Tagging Map

Rhode Island Department of Environmental Management  
 Division of Fish and Wildlife / Office of Water Resources - Shellfish Program  
 Standard Atlantic Fisheries Information System (SAFIS)

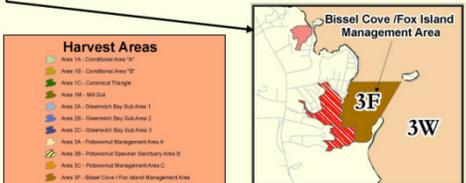
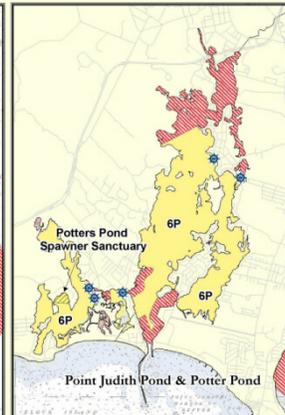
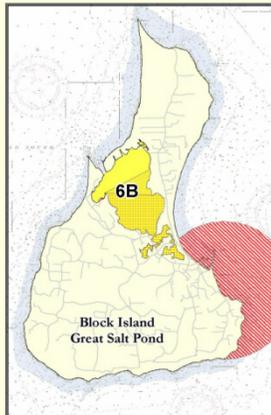
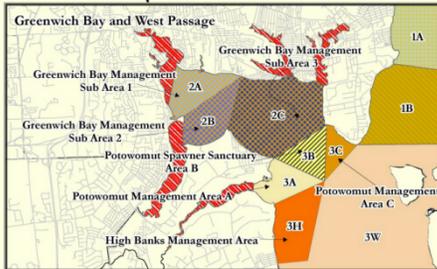
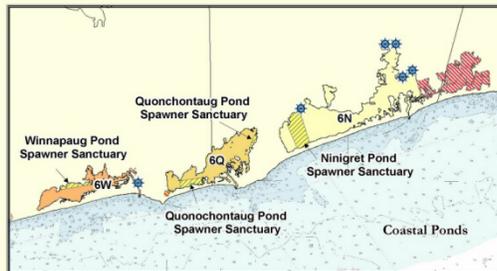
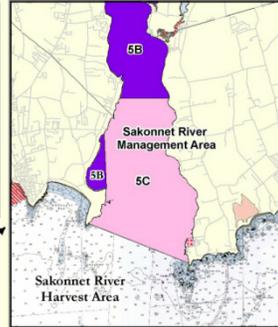
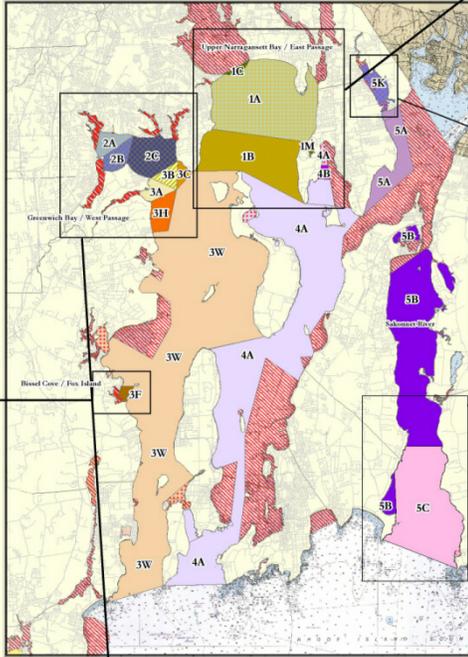
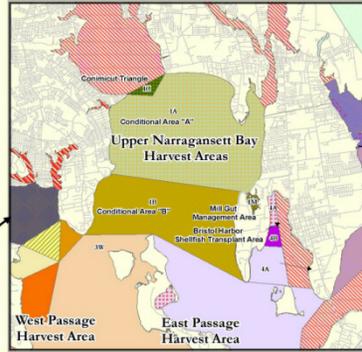
This map describes shellfish harvest areas for the sole purpose of reporting landings for fisheries management needs.

Questions regarding Shellfish Management Rules shall be directed to 401-423-1920 or on-line at: [www.dem.ri.gov/topics/mftopics.htm](http://www.dem.ri.gov/topics/mftopics.htm)

Water Quality Classifications are shown for REFERENCE ONLY for detailed descriptions of

RIDEM's Office of Water Resources Water Quality Shellfish Classifications are based on water quality considerations and shall supersede all management rules. Questions can be directed to program staff at 401-222-4700.

Refer to the current document "Notice of Polluted Shellfishing Grounds" for detailed descriptions of Approved, Conditionally Approved, Seasonally Approved and Prohibited areas. An on-line version of the document is available at: [www.dem.ri.gov/maps/mapfile/shellfish.pdf](http://www.dem.ri.gov/maps/mapfile/shellfish.pdf)



- Harvest Areas**
- Area 1A - Conditional Area "A"
  - Area 1B - Conditional Area "B"
  - Area 1C - Connecticut Triangle
  - Area 1D - Mill Gut
  - Area 1E - Mill Gut
  - Area 2A - Greenwich Bay Sub-Area 1
  - Area 2B - Greenwich Bay Sub-Area 2
  - Area 2C - Greenwich Bay Sub-Area 3
  - Area 2D - Greenwich Bay Sub-Area 4
  - Area 2E - Potowomut Management Area A
  - Area 2F - Potowomut Management Area B
  - Area 2G - Potowomut Management Area C
  - Area 2H - Potowomut Spawner Sanctuary Area A
  - Area 2I - Potowomut Spawner Sanctuary Area B
  - Area 2J - Potowomut Spawner Sanctuary Area C
  - Area 2K - Bissel Cove / Fox Island Management Area
  - Area 2L - High Banks Management Area
  - Area 2M - West Passage
  - Area 2N - East Passage
  - Area 2O - Block Island Spawner Sanctuary
  - Area 2P - Block Island Spawner Sanctuary
  - Area 2Q - Block Island Spawner Sanctuary
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  - Area 6Z - Block Island Spawner Sanctuary

\*\*Shellfish Closure Areas are shown on this map for reference only. Refer to the current document "Notice of Polluted Shellfishing Grounds" for detailed descriptions of classified waters.

- Shellfishing Classifications**
- Shellfishing Prohibited
  - Not Assessed - Shellfishing Prohibited
  - Upper Narragansett Bay Conditional Area - A
  - Upper Narragansett Bay Conditional Area - B
  - Shellfishing Prohibited until June 28 2010
  - Conditional Closure
  - Seasonal Closure
  - Block Island Seasonal Closure A.C
  - Block Island Seasonal Closure B
- This symbol indicates the location of a marina facility that has an associated seasonal closure. Refer to the current document "Notice of Polluted Shellfish Grounds" for more information.



## Map # 10

**Rule 8. EFFECTIVE DATE**

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this ~~8th~~ day of April, 2010 to become effective 20 days from filing, unless otherwise indicated, in accordance with the provisions of Chapters 20-1-2, 20-1-4, 20-3-2 through 20-3-6, 20-4 through 20-10, 42-35, 42-17.1, 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

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~~W. Michael Sullivan, PhD~~ Janet Coit  
Director, Department of Environmental Management

Notice Given: **01/22/2010**  
Public Hearing: **02/23/2010**

Filing date: **04/08/2010**  
Effective date: **04/28/2010**  
ERLID# 5939