

**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