



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

**OFFICE OF THE DIRECTOR**

235 Promenade Street, Room 425  
Providence, Rhode Island 02908

**To:** Jason McNamee  
Chief, Marine Resource Management

**From:** Janet Coit  
Director

**Date:** November 2, 2017

**Re:** Final Decisions Pertaining to September 18, 2017 Marine Fisheries Public Hearing Items

I have received and reviewed your memo to me, dated October 26, 2017 and attached herewith, regarding the public hearing items from the September 18, 2017 public hearing. With that memo, I have also received and reviewed all relevant supporting documentation, including the September 18, 2017 public hearing documents, as well as the summary report (draft meeting minutes) from the October 2, 2017 meeting of the RI Marine Fisheries Council (RIMFC).

I hereby approve all of the recommendations, as set forth in your memo, which are consistent with those provided by the RIMFC at the Council's October 2, 2017 meeting. The specific regulatory items, and the final decisions for each, are as follows:

**1. Activity Standard for Sale of Vessel and/or Gear**

- Decision: Adoption of the new provision, which liberalizes the activity standard for the issuance of a new license upon the sale of vessel and/or gear by enabling the seller to meet the actively fishing standard via at least 40 days of activity during the prior two calendar years, regardless of whether the fishing activity spanned the two years or occurred in one of the two years.

**2. Winter Harvest Schedule for Greenwich Bay Shellfish Management Area**

- Decision: Adoption of the amended provisions, which establish the open dates and times for the Greenwich Bay SMA during December 2017 (including Tuesday, December 26), and clarify the open dates and times for the area from January through April 2018.



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**DIVISION OF FISH & WILDLIFE / MARINE FISHERIES**  
Three Fort Wetherill Road  
Jamestown, Rhode Island 02835

INTER-OFFICE MEMO

TO: Janet Coit, Director

FROM: Jason McNamee, Chief

JEM

DATE: October 26, 2017

SUBJECT: Decisions regarding proposed amendments to the RI Marine Fisheries regulations that were the subject of a public hearing conducted on September 18<sup>th</sup> and RI Marine Fisheries Council (RIMFC) meeting on October 2<sup>nd</sup>.

2. **Proposal to amend the activity standard for sale of vessel and/or gear:**

- **Background:** IAC proposal to liberalize the standard such that activity is not required to span two years for the issuance of new licenses upon sale of vessel and/or gear.
- **Public comments:** No comments received.
- **RIMFC:** 7 – 0 in support of the proposal.
- **Marine Fisheries:** Support as proposed. It is noted that the regulatory language as provided in the public notice and presented to the Council was reviewed and determined to be in need of further revision to accurately reflect the intent of the proposal. Such language, provided below, was approved by DEM Legal to be consistent with the intent of the proposal, being specific ***only*** to the issuance of new licenses upon sale of vessel and/or gear, and not relative to other types of license transactions. The final language recommended for adoption is as follows:

6.7.8 Issuance of New Licenses upon Sale of Vessel and/or Gear:

**(e) Solely for the purposes of this section, a license holder shall be deemed to meet the “actively fishing” standard, as set forth in section 6.7.11, regardless of whether the fishing activity spanned the two calendar years or occurred in one of the two years.**

6.7.11 Demonstration and Verification of Actively Fishing and Actively Participating Standards:

- (a) To meet the standard of actively fishing, an applicant must be able to demonstrate by dated transaction records, and for multiple-day trips, Vessel Trip Reports, that he or she has fished at least 40 days in the preceding 2 calendar years, pursuant to a valid RI license. Such fishing activity must have spanned the 2 calendar years, meaning that some activity occurred in each of the 2 years. Such fishing activity may need to be in the same fishery sector(s) or endorsement category(s) for which a new license/endorsement is being sought, as specified in sections 6.7.4, 6.7.6, 6.7.7, 6.7.8, and 6.7.9 herein.

- Timing to file: Immediately.

## 2. Proposed amendment to the winter harvest schedules for Greenwich Bay Shellfish Management Area:

- Background: Industry proposal to amend the schedule to provide for an additional open day due to Christmas falling on a closed day (i.e., Monday).
- Public comments: N/A; not subject to public hearing.
- RIMFC: 7 – 0 in support of the proposal.
- Marine Fisheries: Support as proposed. The proposed schedule meets regulatory requirements pursuant to RI Marine Fisheries regulations (RIMFR) Part 4 Shellfish, section 4.12.1(B)(3)(a) that the schedule for the month of December not exceed 48 hours allowable harvest (amended schedule provides for 32 hours). Final annotated regulatory language is as follows:

### 4.12.2 Shellfish Management Areas

A. Greenwich Bay (GB): Described as the waters west of a line between the flagpole at the Warwick Country Club and the end of Sandy Point on the Potowomut Shore, in the town of East Greenwich and city of Warwick.

3. Commercial boat harvest schedule for GB sub-areas 1 and 2:

a. ~~January 4, 2016 through April 28, 2016~~ **December, 2017:** Open from 8:00A.M. to 12:00P.M. noon on ~~Mondays, Wednesdays, and Fridays~~ **December 13, 15, 18, 20, 22, 26, 27, and 29.**

b. **January 3 through last Friday in April, 2018: Open 8:00A.M. to 12:00P.M. noon on Mondays, Wednesdays, and Fridays.**

- Timing to file: Immediately.