

#### 4.13 (Rescinded 8/2010) Soft-Shell Clam Management Areas

##### 4.13.1 Conimicut Point Soft-Shell Clam Management Area

4.13.1-1 Certain waters adjacent to Conimicut Point are established as a Soft-Shell Clam Management Area. This area is defined as south of a line between Conimicut Point, Warwick (41°43'3"- 71°21'28") and Nayatt Point Lighthouse (41°43'30"- 71°20'20"), Barrington (the northern boundary coincides with D.E.M. Office of Water Resources established pollution closure boundary); and north of a line between the eastern end of Samuel Gorton Avenue, Warwick (41°42'14"- 71°21'54"), and the southern end of Bay Road, Barrington (41°43'21"- 71°18'32"),

4.13.1-2 Shellfish harvesting in Conimicut Point Soft-shell Clam Management Area will be allowed only when declared open by the D.E.M. Office of Water Resources based upon water quality considerations, and permitted only between sunrise and 12:00 NOON.

4.13.1-3 The following special regulations apply in the Conimicut Point Soft-Shell Clam Management Area; a holder of a valid commercial shellfishing license with appropriate endorsements may take and/or possess, in any one (1) day, up to twelve (12) bushels of [bay] quahaugs, twelve (12) bushels of soft-shell clams, and three (3) bushels of oysters.

#### MINIMUM SIZES FOR SHELLFISH

##### 4.21 Minimum Size of Quahaugs, Soft-Shell Clams, Mussels --

No person shall take or have in his custody or possession quahaugs of less than one inch (1") shell thickness (hinge width). For purposes of this regulation, hinge width is defined as the distance between the convex apex of the right shell and convex apex of the left shell. ref (20-6-11) (RIMF REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]

(a) No person shall take and/or possess any quahaugs less than one inch (1") shell thickness (hinge width). In addition, no person shall take and/or possess soft shell clams, taken from the free and common soft shell clam fisheries, of a diameter less than **one and one half inches (1 1/2") two inches (2")** taking the maximum shell diameter, or any oysters, taken from the free and common oyster fisheries, measuring less than three inches (3") measured parallel to the long axis of the oyster, unless greater minimum sizes are established by the director, in consultation with the marine fisheries council. Any person who takes and/or possesses shellfish of less than the minimum size, as delineated above, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15) shellfish taken. Additionally, any person who takes and/or possesses shellfish of less than the minimum size commingled and/or otherwise stored or contained with shellfish of not less than the minimum size, where the percentage of the less than minimum size shellfish is not less than ten percent (10%) of the total piece count of the commingled and/or otherwise stored or contained package, shipment, or container, shall be subject to seizure and/or forfeiture of the entire commingled and/or otherwise stored or

contained package, shipment, or container, in accordance with the provisions of §§ 20-1-8(e) and (f) and 20-1-8.1.