

GALILEE
PORT OPERATIONS REGULATIONS
AND
BERTHING MANAGEMENT SYSTEM

February 11, 2001

STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF COASTAL RESOURCES

RULES AND REGULATIONS

FOR THE

PORT OF GALILEE

I. INTRODUCTION:

Section 1 Purpose

The purpose of these rules and regulations is to establish a system for the governing and proper care of that portion of the Port of Galilee under the control of the Department of Environmental Management.

Section 2 Authority

These rules and regulations are promulgated pursuant to R.I. Gen. Laws Chapters 46-5 and 42-17.1, in accordance with R.I. Gen. Laws Chapter 42-35, the Administrative Procedures Act.

Section 3 Administrative Findings

These rules and regulations are required in order to ensure proper management of the Port facilities under the control of the Department of Environmental Management.

Section 4 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.

Section 5 Severability

If any provision of these rules and regulations, or 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.

Section 6 Superceded Rules and Regulations

On the effective date of these rules and regulations, any previous regulations and policies regarding administration of the Port of Galilee within the authority of the Department shall be superceded.

Section 7 Definition of Terms

"Berth" or "berthing" shall mean any vessel assigned a pier to tie to or any vessel allowed to raft alongside another vessel when direct access to the pier is not available.

"Department" shall mean the Department of Environmental Management.

"Director" shall mean the Director of the Department of Environmental Management.

"Person" shall mean an individual, firm, corporation, society, association, partnership or private or public body.

"Vessel" shall mean the same as "Boat".

"Port of Galilee" shall mean the improved and unimproved area of the Town of Narragansett, which is located in the west passage of Narragansett Bay.

II. USE OF PIERS:

1. No boat shall berth at State owned facilities in the Port of Galilee without a berth permit or a lease.
2. Initial application for a berth permit shall be made by the boat owner to the State of Rhode Island/D.E.M. on application forms available from the Port of Galilee Superintendent as early as possible since dockage space will be assigned in order of receipt of applications. However, because of the particular length of a boat with relation to the pier space available or other pertinent factors, it may be sometimes necessary to deviate from this rule.
3. A boat owner whose application has been approved and has been so notified shall pay the required dockage fee and any arrearages owed prior to the issuance of a berthing permit. If such payment is not received within ten days after applicant's receipt of notice of approval of an application, the state may deem the approval withdrawn, and consider other applications.
4. A boat owner who holds a berthing permit and who is not in arrears on any payments to the State, shall have his permit automatically renewed for the following year. Dockage fees in arrears for 15 days or more after the due date shall be considered cause for revocation of berth permits. The superintendent may postpone enforcing this regulation if there are circumstances that warrant the delay. Berthholders who have their permits revoked lose all seniority rights and cannot be reinstated in the port or be placed on a waiting list for entry into the port until all past due amounts are paid in full plus any interest due.
5. When a vessel is sold, the berthing permit shall not be transferred with the vessel. The berthing permit may remain with the permit holder provided that a new vessel is purchased within one year and all fees remain paid in full. The sale of the ownership of 50% or more in the ownership of a vessel shall be deemed to be the sale of the vessel with the same prohibition on the transfer of berthing rights as described above.
6. When the holder of a berthing permit dies, the berthing permit shall become the right and obligation of his/her estate.
7. The fee for a berth is dependent upon the length of the boat. For this purpose the length shall be determined by measuring the overall length of the boat (including pulpit, if any). Boat lengths involving fractions of a foot of six (6) inches or more shall be increased to the next highest foot. Fractions under six (6) inches shall be ignored.
8. The berthing permit schedule is:
 - A. Berth permits shall cost \$40.00 per foot of vessel length per year.
 - B. The minimum rate for the medium duty lobster docks is based on 40 foot boats. All vessels at the medium duty backdown lobster docks shall be charged for the minimum plus all footage over 40 feet.

- C. The minimum rate for the light duty backdown docks is based on 35-foot boats. All vessels at the light duty backdown docks shall be charged for the 35-foot minimum plus all footage over 35 feet.
- D. The minimum rate for all vessels is based on 20-foot boats. All vessels less than 20 feet in length shall be charged at the 20 foot minimum.
- E. Transient vessels are all vessels without a berth permit. The daily minimum rate for transient vessels is \$50.00 per day. All vessels longer than 50 feet shall be charged \$50.00 per day plus \$1.00 per foot per day for all footage over 50 feet.
- F. During the off-season (as sportfishing, charter and lobster berths become vacant as a result of boats being hauled out for the winter), the State Pier Superintendent may temporarily assign these berths in accordance with the following fee schedule:
 - 1) Length of boat multiplied by the current annual berth fee rate per foot. Portions of months more than 15 days shall be counted as a full month.
 - 2) Temporary off-season berths shall be assigned on a first come first serve basis in accordance with the availability of space. These assignments shall not contribute toward the port seniority nor change one's relative position on any full time berth waiting list. Nor shall "temporary" be construed as "seasonal" under these regulations.
 - 3) A temporary berthholder shall make the berth available to the full time berth permit holder to whom the berth is assigned on one (1) week notice.
 - 4) Temporary berthholders may be required, by the State Pier Superintendent, to move or vacate the berth or port upon twenty-four hours notice.

9. Berthing Permit Criteria by Boat Class:

A. Charter Boats

- 1) Permits will be issued only for those vessels which are, and will be, actively engaged as charter boats during the year for which the permit is issued.
- 2) Applicants for permits must hold a valid Coast Guard License to carry passengers for hire.
- 3) Applicants for permits must meet all State requirements for licenses for charter vessels issued by the DEM.
- 4) Applicants for permits must demonstrate that they will be engaged in carrying passengers for hire by certifying either:
 - a) That the vessel is documented in Coastwise Trade (to carry passengers for hire)

- b) That the vessel was used for carrying passengers for hire on at least 30 days of the previous year, and/or that the vessel was available with licensed captain aboard for charter on the average of 2 days each week from Memorial Day through October 15; or
- c) That the vessel is new or purchased within 6 months, and that the applicant has the intent and ability to comply with 1, 2, 3, 4a, and 4b.

B. Head Boats (Party Boats)

- 1) Permits will be issued only for those vessels which are and will be actively engaged in carrying passengers for hire on a daily scheduled basis during the year for which the permit is issued.
- 2) Applicants for permits must be holders of a valid license from the Coast Guard for carrying more than 6 passengers for hire with appropriate tonnage.
- 3) Vessels must hold a current Certification of Inspection by the U.S. Coast Guard.
- 4) Applicants for permits must meet all State requirements for Party and Charter Vessels.
- 5) Applicants for permits must demonstrate that they will be engaged in operating a passenger-carrying vessel by certifying either:
 - a) that the vessel was used or was available, with a licensed captain aboard, for carrying passengers for hire on at least 125 days of the previous year and that the vessel was available for head boat operations from Memorial Day through October 15th, of the previous year; or
 - b) that the vessel is new or was purchased within 6 months, and that the applicant has the intent and the ability to comply with 1, 2, 4, 5a, and 5b.

C. Commercial Inshore Boats

- 1) Permits will be issued only for those vessels which are and will be actively engaged as commercial lobster boats during the year for which the permit is issued.
- 2) Applicants for permits must be holders of a commercial lobster fishing license or a multipurpose license.
- 3) Applicants for permits must demonstrate that they will be engaged in commercial lobster fishing by certifying either:
 - a) that the vessel was used for commercial fishing on at least 85 days of the previous year; or
 - b) that the vessel is new or was purchased within 6 months, and that the applicant has the ability to comply with 1, 2, and 3a.

D. Commercial Offshore Boats

- 1) Permits will be issued only for those vessels which are and will be actively engaged as commercial draggers during the year for which the permit is issued.
- 2) Applicants for permits must be holders of a commercial fishing license or multipurpose license.
- 3) Applicants for permits must demonstrate that they will be engaged in commercial fishing by certifying either;
 - a) that the vessel was used for commercial fishing on at least 110 days of the previous year; or
 - b) that the vessel is new or was purchased within six months, and that the applicant has the intent and the ability to comply with 1, 2, and 3a.

E. Sport Fishing Boats

- 1) Permits will be issued only for those vessels which are and will be actively engaged as sport fishing boats during the year from which the permit is issued.
 - 2) Applicants for permits must demonstrate that they will be engaged in sport fishing by certifying that the vessel was berthed at and used from the Port of Galilee for sport fishing on at least 25 days of the previous year from Memorial Day through October 15th.
 - 3) No new Sport Fishing Berths will be available in the Port of Galilee. Only the "grand fathered" in Sport Fishing Berths will be issued new permits.
10. A preference will be given in granting of permits to vessels whose owners are Rhode Island residents or business corporations authorized to do business under the laws of the State of Rhode Island.
 11. A waiting list will be maintained by the Port Superintendent for all categories of boats wishing to berth in Galilee. Available berths will be assigned in chronological order using these lists. Applicants who refuse a berth permit for Galilee when their name comes up will be crossed off the list or put at the end of the list if it is requested.
 12. Boat owners shall promptly notify the State of any change in home or business address, change in boat name, identification, or size, or of any information contained in a previously filed corporation disclosure form.
 13. A permittee shall notify the State in advance if his berth will not be used for a period of one week or longer.
 14. All fees due shall be paid in full in advance of the issuance of the permit.
 15. No refund will be made for any unused dockage if a permittee maintains his berth but fails to use it. If a permittee relinquishes his berthing permit, a refund may be applied for, and any such refund shall be prorated on a

quarterly basis for fees paid in advance. There shall be no refunds for periods less than a quarter.

16. The State shall have the right to terminate a permit for any violation of these regulations, including, but not limited to, non-payment of fees when due.

17. No gear, barrels, nets, equipment, or other material shall be allowed to remain on a pier or on land adjacent to and providing access to the pier. Passage over the pier shall remain unobstructed at all times. However, The plastic 35-gallon to 50 gallon bait barrels are permissible on the lobster docks. No bait barrels are allowed on the inside 160' of Piers AA, BB, CC, and EE. No bait barrels are allowed on HH Dock(work pier). On Piers PP, QQ, RR, and SS, bait barrels for the Charter Fleet may be put on the docks for use the next day.

18. Storage of Bait

1. Storage of un-refrigerated bait must be in sound (no leaks) plastic barrels with tight fitting lids.
2. Barrels must be covered at all times and shall not obstruct passage on the docks.
3. The owners name or the name of the vessel shall be legibly stenciled on the barrel.
4. All un-refrigerated bait must be salted down; one pound salt to ten pounds skate, one pound salt to six pounds herring or porgie in alternating layers of fish and salt.
5. Barrels must be scrubbed out with salt water and a biodegradable cleaner before reuse.
6. Salted bait may be kept no longer than a one month period during the period October 1 through March 15 and for no longer than two weeks the period March 16 through September 30.
7. Maggot infested bait must be removed from the pier and properly disposed of immediately.
8. DEM staff have the right to inspect barrels stored on the State Piers.

19. A berth assignment list shall be maintained by the State Pier Superintendent. Berths may be reallocated by the State from time to time in order to make more efficient use of the piers.

20. A permit for berthing space does not include the right to occupy land on the waterfront in any manner.

21. The Bulkhead by the Great Island Bridge shall be used primarily as a loading/unloading zone for the inshore commercial boats. The Northern 100' of the deck of the bulkhead shall be designated for "power washing." Power washing of Lobster pots is allowed only in the designated area near the Great Island Bridge. Pots must be removed immediately upon completion of the cleaning so others may use the area. The area must be cleaned upon completion of the work. There is no storage of pots or gear of any kind along the bulkhead. All pots and gear must be removed within 72 hours. There are four "immediate" loading areas designated by the painted lines and marked pilings along the bulkhead. There shall be no storage of pots/gear in these areas at any time for any reason. There shall be no overnight tie-ups along the bulkhead without written permission from DEM staff with permission pass posted in the wheelhouse window in plain sight. This bulkhead may be

used during storm conditions by Galilee tenants sheltering their vessels from the wind without written permission. However, the captain must remain on board.

22. The State shall have a lien upon the boat for any monies due for fees which are in default, which lien may be enforced by sale of boat in accordance with the procedure set forth in Title 34, Chapter 35, of the General Laws of 1956 and any amendments thereto. The owner of the boat, or his agent shall be subject to penalties set forth in Title 46, Chapter 22 of the General Laws of 1956, and any amendments thereto. For purposes of Section 9 (e) of said Chapter, a failure to pay all fees when due shall effect an automatic withdrawal of any consent by the State of Rhode Island.
23. No overnight parking of motor vehicles is allowed on State Pier 3. Daytime parking allowed on the Southern half of Pier 3 in designated spaces for motor vehicles with commercial fishing sticker issued by the DEM and those motor vehicles directed to the leased side (the Northern half), of the pier by the Interstate Navigation Company. Illegally parked motor vehicles may be towed at the owner's expense.
24. In the event the permit holder wishes to substitute a boat, the permittee shall give the state (full particulars) and request prior approval to substitute a new boat.
25. Piers are occupied at the sole risk of the users thereof.
26. Dumping of garbage, oil, refuse, fish offal, or other substances in public tidewaters of the State is prohibited by State and Federal Laws and shall be considered cause for revocation of a berthing permit. Waste crankcase oil from the fishing vessels shall be disposed of in the designated waste oil collection tanks. Used filters shall be properly disposed of in the provided collection barrels located behind the DEM office in Galilee. The collection areas shall be kept clean and oil spills shall be immediately reported to the State Pier Superintendent.
27. Berthing Management System

A. Docks in the Port of Galilee are assigned to categories of use according to the following schedule:

<u>DOCK USES</u>	<u>CODE</u>
Year Round Berthing	1
Vessel Service	2
Vessel Offloading	3
Storm Conditions - Emergency Berthing	4
Hurricane Conditions - Emergency Berthing	5

B. Dock Use Assignment is as follows (Reference Exhibits):

- 1) Dock A: Code 1 berthing and Code 3 offloading for Champlin's Seafood, Inc.
- 2) Dock B: Code 1 Berthing.
- 3) Dock C: Code 1 Berthing.
- 4) Dock D: Code 1 Berthing.

- 5) Dock E, South: Code 3 offloading for Narragansett Bay Lobster, Dock E, North: Code 3 Galilee Fuel Service Pier, end 1/3 pier/ inside 2/3 Narragansett Bay Lobster.
Dock G, Slavin Ice Company/ Galilee Fuel.
Code 5 hurricane conditions - emergency berthing.
- 6) Dock H: Code 1 Berthing.
- 7) U.S. Coast Guard Docks: Code 5 Hurricane conditions berthing only.
- 8) Dock I, South Side: Code 3 vessel offloading and Code 1 berthing by permission of Handrigan's Seafood or the State pier Superintendent.
- 9) Dock J: Code 1 Berthing.
- 10) Dock K: Code 1 Berthing.
- 11) State Pier No. 3, South Side: Summer - Code 2 vessel service area, excursion boat berth/ ferry berth (Western most 100'), and Codes 4 and 5 emergency berthing. Winter - Code 2 vessel service area and Codes 4 and 5 emergency berthing.
- 12) State Pier No. 3 West End:
 - a) Codes 4 and 5 emergency berthing is allowed.
 - b) Codes 1,2, and 3 use of this end of the State Pier shall occur only with permission granted by the State Pier Superintendent.
 - c) In the event of an emergency the State Pier Superintendent is authorized to require a vessel to immediately vacate the west end of the pier.
 - d) To keep the Interstate Navigation ferry slip unobstructed, the vessel shall not extend northerly of the line delineated on the pier, which shall be at least 5' Southerly of the Northerly side of the pier.
- 13) State Pier No. 3, North Side: Code 1 ferry berth and Code 5 emergency berthing. Fishing vessel service by permission from Interstate Navigation with captain remaining on board.
- 14) Dock 0, South Side: Code 1 ferry berth and Code 5 emergency berthing. North Side: Code 1 ferry berth and Code 5 emergency berthing. Use of either side by permission only from Interstate Navigation.
- 15) Dock P North Side (now located adjacent to and Northerly of Dock Q): Code 1 fishing vessel berthing and Code 5 emergency berthing.
- 16) Dock Q South side: Code 1 Ferry berthing.

- 17) Inside Corner Bulkhead, South Side: Code 2 service area and Codes 4 and 5 emergency berthing. West Side: Code 2 service area and Codes 4 and 5 emergency berthing. Use only by permission of Rhode Island Engine Co., Inc. South Side: Use of Rhode Island Engine Co.
- 18) Dock R: Code 2 service area and Codes 4 and 5 emergency berthing and berthing by permission from Rhode Island Engine Co., Inc.
- 19) Docks S, T, U, X: Code 3 offloading for Slavin Point Judith Company and Code 5 emergency berthing *only by* permission of Slavin.
- 20) Dock AA: Inner 160' West side offloading for Deep Sea Fish, East side: Code 1 berthing.
- 21) Docks BB, CC, DD, DDY, and EE: Code 1 berthing.
- 22) Dock GG: Code 3 offloading for Paiva Seafood Products, Inc., and Code 5 emergency berthing or berthing by permission of Paiva Seafood Products, Inc.
- 23) State Service Pier HH: Code 2 short-term vessel service with Codes 4 and 5 emergency berthing. Overnight use of service pier by permission of State Pier Superintendent except in Code 4 and 5 conditions.

Authorized use as follows:

- a) A maximum 20 ton gross tonnage shall be allowed on the deck.
- b) Use is limited to 24 hours or longer with permission from DEM staff.
- c) Loading and unloading pots and fishing gear; running out cables; minor welding, carpentry, outfitting and engine repair, and electric equipment repair is allowed. Also, allowable shall be net repairs provided said repairs do not obstruct other uses of the dock and are limited to the 3 hours time limit; loading, unloading, and transfer of bait barrels; and fueling of vessels, provided said fueling operations do not occur adjacent to welding or other potential fire hazards. Fuel trucks weighing more than 20 ton gross limit shall not be allowed on the dock. The emergency unloading of lobsters is permissible if no offloading space is available at State Pier No. 3.
- d) There shall be no unloading of fish, and shellfish, no loading of ice, no sand blasting, and net drying; and no storage of bait barrels, gear and pots.
- e) Each vessel is responsible for cleanup after its use of the service dock.
- f) No overnight parking on the pier. Illegally parked motor vehicles may be ticketed and/or towed at the owner's expense.

- 24) Dock JJ: Code 3 offloading for Town Dock, Inc. and Code 5 emergency berthing or berthing by permission of Town Dock, Inc.
- 25) Docks KK and MM: Code 1 berthing for lobster boats.
- 26) Dock NN: Code 1 berthing for lobster boats.
- 27) Dock QQ: Code 1 berthing for head boats.
- 28) Docks PP, RR, and SS: Code 1 berthing for charter boats, head boats, and sportfishing boats. Lobster boats temporarily assigned berths on these docks shall be reassigned to lobster boat berths as they become available before any other lobster boats are berthed at the Port of Galilee.
- 29) Berth assignments for head, sportfishing and other charter boats on docks PP, QQ, RR, and SS shall be based upon the following procedures:
 - a) Annual berth assignments shall be the same as the previous year.
 - b) As new or existing charter or sportfishing berths become available or are vacated, existing berthholders will be asked in order of most seniority if they desire to relocate to the vacant berth.
 - c) Berthholder seniority is based on date of issuance of the first permit to berth at Galilee and the continuous annual use thereof.
- 30) Dock TT and UU: Code 1 berthing for lobster boats.

III. LAND USE RULES AND REGULATIONS:

- 1. A strip of land along the bulkhead and elsewhere, and designated as the "fire lane", shall be properly signed and kept clear and unobstructed at all times. No gear storage, parking, standing vehicles, cutting boards, or bait barrels shall be allowed in the fire lane, except for loading and unloading equipment with the driver in line of sight of the vehicle.
- 2. No person shall bring into the port area any refuse, ashes, waste oil, garbage, or other materials for the purpose of disposal within said area. There shall be no disposal of fish and fish parts on the bulkhead or in the waters of the State.
- 3. Parking shall be allowed only in allocated and/or designated parking space. All no parking zones shall be signed and violators shall be tagged, towed, and/or fined.
- 4. All rights-of-way shall be kept free and clear of obstruction by vehicles, gear, equipment, etc.
- 5. All lessees shall obtain written approval from the Department of Environmental Management prior to undertaking activities that

alter the leased property. Any other required state and local permits shall be obtained as necessary.

IV. GENERAL RULES AND REGULATIONS:

1. No person shall in any manner annoy another person or commit any disorderly or indecent act within the limits of the Port.
2. No person shall refuse or neglect to obey the directions of any enforcement officer of any other authorized representative of the Department of Environmental Management.
3. No person shall distribute or exhibit in the Port any printed or written material of a commercial nature without written permission of the State Pier Superintendent. When official permission is granted, the distributor or exhibitor shall be responsible for removal of all litter, which may result from such distribution.
4. No person shall offer for sale in the Port any goods or services of a commercial nature without written permission of the State Pier Superintendent.

V. SOUTHEAST (S.E.) STATE PARKING LOT (G):

1. This is a long-term general public parking area, and overflow parking area for fishermen with stickers issued by the State Pier Superintendent.
2. The parking fee of five dollars (\$5.00) per day.
3. No campers, buses, or trucks larger than 3/4 ton shall be allowed in the lot. Pickup trucks with camper bodies shall be excluded.
4. No camping is allowed.
5. Minimum fee for lost ticket is twenty-five (\$25.00) dollars.
6. Abandoned vehicles will be towed at owner's expense.
7. A seasonal parking pass is seventy-five (\$75.00) dollars. Senior citizens 65 years of age or older, \$37.50 with proof of age and vehicle ownership. Limit one seasonal parking pass per family.

VI. LOT 240 COMMERCIAL FISHERMEN PARKING AREA:

1. Parking restricted to Commercial Fishermen
2. Commercial Fishing Sticker required.
3. Unauthorized vehicles will be ticketed and/or towed at owner's expense.

VII. WEST BULKHEAD AREA TRAFFIC REGULATIONS:

1. A maximum four hour on-street parking on the north side of State Street is allowed, in the north end of the west bulkhead area. Short term (10 minutes) vehicle standing in the fire lane is permitted for vessel captains and crews for equipment and gear handling only, with the driver in line of sight of the vehicle. Emergency parking along the bulkhead (i.e., for major vessel repair, etc.) by permission of the State Pier Superintendent.
2. No parking in turnaround areas.
3. Parking Area E: Parking for lobster fishermen, charter and "headboat" crews and their customers, and customers of Finbacks Restaurant.
4. No camping is allowed.
5. Abandoned vehicles will be towed at owner's expense.
6. Parking Area I: for vehicles with boat trailers attached.

VIII. PENALTIES:

1. Any person who violates any rule or regulation shall be subject to a fine not to exceed \$500.00 for each violation and for other such penalties as State law allows, and forfeit any and all rights to utilize the facility.
2. Illegally berthed vessels may be towed off the state facilities at the owners expense.

IX. APPEALS:

- A. The procedure for appeal of departmental decisions pursuant to the provisions of Chapters 42-17.7 and 42.35 of Rhode Island General Laws are contained in the "Administrative Adjudication for Environmental Matters."
- B. The request for hearing before the aad concerning the attempt to impose enforcement penalties or denials of licenses of applications for licenses or permits shall be to the aad within the time periods set forth in chapter 42-35 of the R.I. general laws. It states "Regardless of any other provision of the general laws to the contrary, all requests for an adjudicatory hearing within the Department of Environmental Management must be in writing and must be filed with the clerk of the administrative adjudication division for environmental matters within twenty (20) calendar days of receipt of the contested agency action for all enforcement actions. All license and permit appeals must be filed with the clerk of the administrative adjudication division for environmental matters within thirty (30) calendar days of receipt of the contested agency action. Every such notice of contested agency action shall provide notice of the aforesaid twenty (20) day or thirty (30) day appeal period and of the procedures for filing an appeal. The time and matter of filing established herein are mandatory and jurisdictional."

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

JAN H. REITSMA, DIRECTOR

DATED: _____