Rhode Island Department of Environmental Management
Division of Marine Fisheries

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INTER-OFFICE MEMO

To: Scott Olszewski,
Acting Chief

From: Terrence Gray, P.E.
Director

Date: April 11, 2025

Subject: Final decisions regarding proposed amendments to the RI Marine Fisheries regulations.

I have received and reviewed your memo to me, dated April 9, 2025 (attached), regarding the regulatory matters that were subject of a public hearing held on February 4, 2025 and RI Marine Fisheries Council meetings held on March 27 and April 7, 2025. The final decision for each regulatory matter is as follows:

1. **Providence River Shellfish Management Area (Area "E") Harvest Schedule:**

   Decision: Amend the rule as recommended by the Council, which provides for an amended harvest schedule for the 2025 summer/fall, December 2025, and Winter 2026 periods, with a harvest cap of 23 days for the 2025 summer/fall period. Additionally, amend the rule as recommended by the Council and supported by the Division, to limit harvesters to one harvest method in a calendar day; either vessel or shoredigging. After evaluating the minutes of the meeting, public testimony, and the Division's perspective; the 23-day cap will only be for one year. Any future harvest schedules will be guided by an updated stock assessment that will be completed by the Division. I further direct the Division to engage stakeholders as part of the stock assessment process.

2. **2025 Recreational Striped Bass Management:**

   Decision: Maintain status quo as recommended by the Council and supported by the Division. I direct the Division to monitor management developments with the Fisheries Management Plan and neighboring states' and address any necessary changes at a future regulatory cycle if warranted.

3. **2025 Commercial General Category and Floating Fish Trap Striped Bass Management:**

Decision: Amend the rule as recommended by the Council, which provides for a single open season at 100 percent allocation from June 10 through December 31, a possession limit of 5 fish/vessel/day, and closed days on Friday, Saturday, Sunday, and Monday.

In regard to the harvest of striped bass by gill net, my decision is to maintain status quo at this time. The uncertainty in changes in effort, the impact on discards, and the overall unknown impact on stock rebuilding efforts do not allow for informed decision making to support a change to the gillnet prohibition. Understanding that the Council's recommendation shows a demonstrated intent to allow some gillnet fishery to expand, I direct the Division to further evaluate the catch data through the observer program and report its findings at future Council meetings.

4. **2025 Commercial Menhaden Management:**

Decision: Amend the rule as recommended by the Council which provides for a 6,000 lbs/vessel/day possession limit provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program is enacted in the state regardless of the MMA status; open on Mondays and Thursdays only; available to RI residents only; gear types authorized include hand haul seine, cast net, and floating gill net with a maximum net size 480 X 48 feet; open April 1 – April 30, May 1 – May 30, and June 1 – June 30 with a 100,000 lb maximum allowable harvest for each subperiod; maintain the harvest prohibition in Providence River and Greenwich Bay; and revisit the matter at the next menhaden regulatory cycle.

5. **Black Sea Bass Pots:**

Decision: Amend the rule as noticed and as recommended by the Council, which removes redundant language currently contained in *Part 6 – General Equipment Provisions* applicable to all pots and removes language no longer necessary for Fisheries Management Plan compliance.

6. **Horseshoe Crab Management:**

Decision: Amend the rules as recommended by the Council, which maintains status quo for bait and biomedical harvest regulations, and adopts amended reporting requirements as noticed. I also concur with the Council's recommendation that the Division evaluate the closure of coastal salt ponds to biomedical harvest during the next regulatory cycle.

7. **Dealer Accounting:**

   Decision: Maintain status quo at this time as recommended by the Council and supported by the Division. I direct the Division of Marine Fisheries and Law Enforcement to develop clarified regulatory language with stakeholders and offer an opportunity for further public comment through the next regulatory cycle.

8. **Summer/Fall Aggregate Program for Summer Flounder and Black Sea Bass - Closure Trigger for Black Sea Bass and Summer Flounder:**

   Decision: Amend the rule as recommended by the Council and supported by the Division, which amends the closure trigger for summer flounder from 85 percent to 70 percent and maintains status quo for black sea bass.

9. **Aggregate Program for Summer Flounder and Black Sea Bass - Possession limit for Black Sea Bass:**

   Decision: Amend the rule as recommended by the Council and supported by the Division, which decreases the black sea bass possession limit in the summer/fall aggregate program from seven times to six times the daily limit for the October 16 to December 31 subperiod.

10. **Aggregate Program for Summer Flounder and Black Sea Bass - Penalties for Non-compliance:**

    Decision: Amend the rule as recommended by the Council and supported by the Division, adopting additional vessel ineligibility provisions for non-compliance with the rule.

11. **2025 Recreational Cobia Management:**

    Decision: Amend the rule as noticed and as recommended by the Council and Division, which adopts a possession limit of two fish/person/day and a 43" minimum size for recreational cobia. I also agree with the Council's recommendation, to direct staff to advocate to the Atlantic States Marine Fisheries Commission to evaluate the management regions and how the current assessed regions impact Rhode Island's management of the species.

12. **Lobster LCMA 1 and LCMA 3 Management:**

    Decision: Amend the rule as noticed and recommended by the Council and Division, that Lobster Trap Allocation holders in Lobster Conservation Management Areas 1 and

3 are not eligible for routine gear loss tags to maintain Atlantic States Marine Fisheries Commission Fisheries Management Plan compliance.

13. **Lobster Minimum Size and Minimum Escape Vent Size Corrections:**

Decision: Amend the rule as noticed and recommended by the Council, which adopts lobster Fisheries Management Plan compliance measures except the LCMA 1 gauge change. I direct staff to monitor developments with the Atlantic States Marine Fisheries Commission Fisheries Management Plan and revisit the LCMA 1 gauge change as necessary.

14. **Ninigret Pond-Foster Cove Sub-Area 1 and Ninigret Pond-Foster Cove Sub-Area 2 (Ninigret Pond Shellfish Management Area):**

Decision: Amend the rule as noticed and as recommended by the Council, which amends the sub-area descriptions for these areas to maintain consistency with language found in other parts of the regulations.

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INTER-OFFICE MEMO

To: Terrence Gray, P.E., Director

From: Scott Olszewski, Acting Chief
Scott D. Olszewski
Date: April 9, 2025

Subject: Final rule decisions regarding proposed amendments to the RI Marine Fisheries regulations

The Division of Marine Fisheries held public workshops on December 16, 2024 and January 21, 2025 to solicit feedback on regulatory proposals being considered by the Division, and to provide opportunity for additional proposals. Proposed amendments were then publicly noticed on February 4, 2025, with a public hearing held on February 25, 2025, followed by two RI Marine Fisheries Council meetings on March 26, 2025 and April 7, 2025. Below is a summary of the proposed amendments and the Division's recommendation for the final rules to be filed.

1. **Providence River Shellfish Management Area (Area "E") harvest schedule:**

   - Background: Annual review of the shellfish harvest schedule for this management area. The Council's Shellfish Advisory Panel (SAP) met on March 5, 2025 to discuss proposals for amending the harvest schedule for this management area for three distinct time periods: May – October 2025; December 2025; and February – April 2026.
   - Proposed rule: Eleven separate proposals for the ***commercial boat harvest schedule*** were submitted and reviewed at the SAP; an additional proposal was also submitted to amend the ***commercial shoredigging schedule***. The SAP recommended the following amendments to the schedule:

     - **Commercial boat harvest (other than shoredigging):**

       - Summer/Fall 2025:
         - Open May 6, 13, 20, 27; June 3, 10, 17, 24, 26, 30; July 2, 8, 15, 17, 22, 29, 31; Aug 5, 12, 14, 19, 26, 28; Sept 2, 9, 16, 23, 30; Oct 7, 14, 21; Dec. 12
         - 31 possible openings May through November (no scheduled days in November due to poor market)
         - 23 day cap (to be closed if/when 23 open days reached)

- December 2025:
    - Dec 15-19: Open two weekdays on the first two nonconsecutive weekdays not closed due to water quality impairment.
    - Dec 22 – 26: Open one weekday on the first weekday not closed due to water quality impairment.
    - Four possible openings
- Winter 2026:
    - Open one weekday on the first weekday not closed due to water quality impairment for the weeks Feb. 9-13, Feb 23-27, March 9-13, March 23-27, April 6-10, and April 20-24
    - Six possible openings. No openings in January due to poor market.

- **Commercial shoredigging:** Open sunrise to sunset on days open to commercial boat harvest, with the added provision that harvesters may only operate in one mode per open harvest day (i.e., vessel or shoredigging).

- Public comment: Amendments to rules in established Shellfish Management Areas are exempt from the requirements of Chapter 42-35 "Administrative Procedures" pursuant to R.I. Gen. Laws § 20-3-4. As such, a proposed rule was not publicly noticed. Opportunity for public input was provided at both the SAP and Council meetings.
- RIMFC:
    - Commercial boat harvest: 6-0 in support of adopting the proposed schedule as recommended by the SAP.
    - Commercial shoredigging: 6-0 in support of a modified SAP recommendation based on Division feedback:
        - Open @ 6 bu./person/day sunrise to sunset on commercial boat harvest days. Harvesters shall only harvest by a single method in a calendar day, either from a vessel or by shoredigging.
- Marine Fisheries:
    - Commercial boat harvest: The Division supports the recommendation of the Council regarding the scheduled open harvest days; however with the exception of limiting the number of open harvest days to twenty one days to constrain harvest from further exceeding the Maximum Sustainable Yield (MSY) developed for this management area. A twenty one day harvest cap is estimated to equal 5.5 million pieces harvested while the most recent MSY estimate is 4.2 million pieces. The Division supports the proposed Winter 2026 harvest schedule only as a means to realize any of the Division supported twenty one days not open in 2025 (i.e., water quality closures). The Division supports revisiting this harvest schedule in late 2025 or early 2026, following an updated stock assessment, with the

goal of developing the entire annual schedule, including a winter harvest schedule for 2026.

- Commercial shoredigging: The Division supports the recommendation of the Council.

2. **2025 recreational striped bass management:**

- Background: Concern was raised by MADMF regarding how different striped bass measurement methods (i.e., fanning or pinching tail) could widen the narrow recreational slot, and has proposed regulatory language to address this concern. Similar language will be included in Draft Addendum III to the Atlantic Striped Bass FMP at ASMFC. The language proposed for Draft Addendum III is yet to be determined and may differ from that proposed by the Division. If adopted by ASMFC, the change would likely not take effect until 2026.
- Proposal: Division proposal to clarify how striped bass total length should be measured consistent with the MADMF proposed language.
- Public comment: 3 comments in support.
- RIMFC: 6-0 in support of status quo.
- Marine Fisheries: Support to maintain status quo at this time as recommended by the Council. The Division will monitor developments on Draft Addendum III at ASMFC and will determine if re-noticing amendments in the future is warranted.

3. **2025 commercial general category and floating fish trap striped bass management:**

- Background: Annual review of management.
- Proposal: Five industry proposals were submitted for consideration:

  - Proposal 1 (Industry):

    - Amend gill net prohibition for striped bass to allow commercial harvest outside of Narragansett Bay (harvest of striped bass by gill net in Narragansett Bay prohibited per RI Gen. Law). This proposal would add gillnets to the commercial general category (GC) fishery.
    - The gill net possession limit would be 5 fish/vessel/day *only* with an equal poundage of other species.

  - Proposal 2 (Industry): Change the General Category (GC) fishery for striped bass to Rod & Reel (RR). If adopted, harvest in this sector would be restricted to Rod & Reel only; no other harvest methods would be allowed to take striped bass.

  - Proposal 3 (Industry): Change the quota allocations between general category and floating fish trap from 61/39% to 70/30%.

  - Proposal 4 (Industry): Amend the following:

- 1st sub-period: June 10 – December 31, 100% allocation
- Eliminate the second sub-period
- Closed days: Friday, Saturday, Sunday, and Monday

- Proposal 5 (Industry): Remove the rollover provision from floating fish trap to general category and vice versa; provide for a gillnet allocation of striped bass:

  - Remove fish trap to general category rollover
  - Create gillnet allocation for harvest (only outside of Narragansett Bay per RI Gen. Law)
  - Allocation: 0%
  - Fish trap rollover: Remaining fish trap allocation may be rolled over to gillnets on November 1
  - Minimum size: 26"
  - Possession limit: Unlimited; 500 lbs/licensee/day when 80% of allocation reached.

- Public comment:

  - General gill net comments:

    - 7 comments in support of allowing harvest of striped bass by gill net (comments not specific to any of the proposals).
    - ≈ 174 comments opposed to allowing harvest of striped bass by gill net (comments not specific to any of the proposals).
    - Narragansett Pier Sportfishing Association opposed to allowing harvest of striped bass by gill net.
    - RISAA opposed to allowing harvest of striped bass by gill net.
    - The Saltwater Edge and The American Saltwater Guides Association opposed to allowing harvest of striped bass by gill net.
    - RICRRA opposed to allowing harvest of striped bass by gill net.

  - Proposal 1 (Industry): Amend gill net prohibition for striped bass to allow commercial harvest outside of Narragansett Bay (harvest of striped bass by gill net in Narragansett Bay prohibited per RI Gen. Law). This proposal would add gillnets to the commercial general category (GC) fishery. The gill net possession limit would be 5 fish/vessel/day *only* with an equal poundage of other species.

    - 7 comments in support.
    - Commercial Fisheries Center of RI in support.
    - 1 comment opposed.

- Proposal #2 (Industry): Change the General Category (GC) fishery for striped bass to Rod & Reel (RR). If adopted, harvest in this sector would be restricted to Rod & Reel only; no other harvest methods would be allowed to take striped bass.

    - 13 comments in support.
    - 15 comments opposed.
    - RICRRA in support.
    - Commercial Fisheries Center of RI opposed.

- Proposal 3 (Industry): Change the quota allocations between general category and floating fish trap from 61/39% to 70/30%.

    - 8 comments in support of the proposed rule.
    - RICRRA in support.
    - ≈ 152 comments opposed of amending the quota allocations between general category and floating fish trap as noticed; maintain status quo.
    - Commercial Fisheries Center of RI opposed.

- Proposal 4 (Industry): Amend the following: 1st sub-period: June 10 – December 31, 100% allocation; eliminate the second sub-period; closed days: Friday, Saturday, Sunday, and Monday

    - 6 comments in support of the proposed rule.
    - 2 comments opposed to the proposed change to closed days (1 dealer, 1 harvester).
    - RICRRA in support.
    - 1 comment opposed to the proposed season change (supports status quo).

- Proposal # 5: Remove the rollover provision from floating fish trap to general category and vice versa; provide for a gillnet allocation of striped bass; remove fish trap to general category rollover; create gillnet allocation for harvest (only outside of Narragansett Bay per RI Gen. Law); allocation 0%; fish trap rollover = remaining fish trap may be transferred on November 1; minimum size: 26”; possession limit = unlimited/500 lbs/licensee/day when 80% of allocation reached.

    - 1 comment in support of the rolling any unused FFT quota to a gillnet fishery.
    - 1 comment in support of the proposed rule.
    - 4 comments opposed to the proposed rule.
    - RICRRA opposed.

        - Commercial Fisheries Center of RI in support.

    - Other:

        - 2 comments in support of closing the General Category sector and only allow harvest by Floating Fish Traps.
        - 1 comment in support of placing all net gear type harvest methods into the Floating Fish Trap allocation.
        - 1 comment in support of allowing harvest of striped bass by gill net if included as part of the Floating Fish Trap sector.
        - 1 comment in support of 10 fish/week per license from Monday to Thursday.

- RIMFC:
    - Proposal 4 (Industry) to amend opening of 1st sub-period, change closed days, and eliminate the second sub-period: A motion passed 5-0-1 to adopt this rule as proposed.
    - Proposal 2 (Industry) to change the General Category (GC) fishery for striped bass to Rod & Reel. Harvest restricted to Rod & Reel only: A motion to recommend status quo with all current gear types included in general category passed 5-0-1.
    - Proposal 3 (Industry) to change the quota allocations between general category and floating fish trap: A motion to recommend status quo regarding floating fish trap and general category allocations passed 5-0-1.
    - Prohibition of harvest of striped bass by gill net: A motion to recommend status quo for the striped bass commercial gillnet prohibition failed to pass due to lack of a second to the motion provided.
    - Proposal 1 (Industry) to amend gill net prohibition for striped bass to allow commercial harvest: A motion to recommend adoption of proposal 1 (i.e., allow gillnet harvest under the general category fishery after November 1st; 5 fish/vessel/day with the total weight of striped bass possessed (measured in pounds) equal to or less than the total combined weight of all other fish possessed; no person shall take or possess any striped bass while gillnetting, or while hauling a gillnet, north of a line commencing at upper pier in the town of Narragansett and extending in a straight line in a northeasterly direction to Beavertail Lighthouse and thence continuing in a northeasterly direction in a straight line to Castle Hill Lighthouse in the city of Newport) passed 3-2-1.

- Marine Fisheries:
    - The Division supports adoption of industry proposal 4 as recommended by the Council to have a single general category sub-period from June 10 – December 31 with 100% of the general category allocation, a 5 fish/vessel/day possession limit, and closed days of Friday, Saturday, Sunday, and Monday.
    - The Division supports status quo on industry proposal 2 to maintain all

current gear types in the general category as recommended by the Council.
    - The Division supports status quo on industry proposal 3 to maintain the current general category and floating fish trap allocations as recommended by the Council.
    - The Division does not support the Council recommendation to adopt industry proposal 1 and allow gillnet harvest of striped bass. The Division supports status quo of the current gillnet prohibition due to biological concerns for striped bass. The striped bass stock is currently overfished and under a rebuilding plan where ASMFC is charged with rebuilding the stock by 2029. The ASMFC is considering potential management changes for 2026 as part of Draft Addendum III to the Striped Bass FMP, including commercial quota reductions to keep rebuilding on track for 2029. Additionally, mortality of striped bass captured by fixed gillnets is estimated to be 45% in the striped bass stock assessment and data collected by the Division show that mortality can vary from 33 – 73%. The Division has no data on discards of striped bass encountered by gillnets in November and December to estimate what impact adoption of the Council's recommendation could have on the stock. Additionally, although current gillnet activity in November – December is limited, there is a significant amount of latent effort with 196 gillnet endorsements being issued in 2024. The uncertainty in changes in effort, the impact on discards, and the overall unknown impact on stock rebuilding efforts do not allow the Division to support a change to the gillnet prohibition at this time. The Division will continue to collect effort and discard data from the RI state waters gillnet fleet through our pilot observer program to help inform future management changes when the stock is declared rebuilt.

4. **2025 commercial menhaden management:**

- Background: Annual review of management.
- Proposal: Five industry proposals were submitted for consideration:

    - Proposal 1 (Industry): Implement a weekly limit for menhaden regardless of the MMA status. Adopt a possession limit for menhaden regardless of the MMA status (6,000 lbs/vsl/week; provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island; open Monday and Thursday only; RI resident only; hand-haul seine only; maximum net size 480’ x 48’; all other MMA rules apply).
    - Proposal 2 (Industry): Implement a weekly limit for menhaden regardless of the MMA status. Adopt a possession limit for menhaden regardless of the MMA status (25,000 lbs/vsl/week; provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island; season April 1 - April 30 @ 200,000 lbs quota; May 1 – May 31 @ 200,000 lbs; seine only; all other MMA rules apply).

- Proposal 3 (Industry): Adopt a bycatch limit for menhaden regardless of the MMA status (of 6,000 lbs/vsl/week; cast-net only; allow harvest in Providence River and Greenwich Bay).
- Proposal 4 (Industry): Implement a weekly limit for menhaden regardless of the MMA status. Implement a weekly limit for menhaden regardless of the MMA status (6,000 lbs/vsl/week; provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island; open Monday and Thursday of each week; RI resident only; hand-haul seine, cast net, and floating gill net only; maximum hand-haul seine net size 480' x 48'; all commercial menhaden operations conducted in the Management Area, prior to and after the State's quota has been reached, are subject to the provisions of § 3.21.2 of this Part.
- Proposal 5 (Industry): Increase the possession limit outside the MMA. Increase the possession limit outside the MMA (January 1 - October 15 @ 120,000 lbs/vsl/day; October 16 - December 31 @ 500,000 lbs/vsl/day.

- Public comment:

  - Proposal 1 (Industry): Implement a weekly limit for menhaden regardless of the MMA status. Adopt a possession limit for menhaden regardless of the MMA status (6,000 lbs/vsl/week; provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island; open Monday and Thursday only; RI resident only; hand-haul seine only; maximum net size 480' x 48'; all other MMA rules apply).

    - 2 comments in support.

  - Proposal 2 (Industry): Implement a weekly limit for menhaden regardless of the MMA status. Adopt a possession limit for menhaden regardless of the MMA status (25,000 lbs/vsl/week; provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island; season April 1 - April 30 @ 200,000 lbs quota; May 1 – May 31 @ 200,000 lbs; seine only; all other MMA rules apply).

    - 1 comment in support.

  - Proposal 3 (Industry): Adopt a bycatch limit for menhaden regardless of the MMA status (of 6,000 lbs/vsl/week; cast-net only; allow harvest in Providence River and Greenwich Bay).

    - 3 comments in support.

  - Proposal 4 (Industry): Implement a weekly limit for menhaden regardless of the MMA status. Implement a weekly limit for menhaden regardless of

the MMA status (6,000 lbs/vsl/week; provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island; open Monday and Thursday of each week; RI resident only; hand-haul seine, cast net, and floating gill net only; maximum hand-haul seine net size 480' x 48'; all commercial menhaden operations conducted in the Management Area, prior to and after the State's quota has been reached, are subject to the provisions of § 3.21.2 of this Part.

- 2 comments in support;
- Commercial Fisheries Center of RI in support.

- Proposal 5 (Industry): Increase the possession limit outside the MMA. Increase the possession limit outside the MMA (January 1 - October 15 @ 120,000 lbs/vsl/day; October 16 - December 31 @ 500,000 lbs/vsl/day.

  - 2 comments in support; Commercial Fisheries Center of RI in support.

- Other:

  - 5 comments opposed to any changes to menhaden management (not specific to any of the proposals).
  - RISAA opposed to any changes to menhaden management.
  - 2 comments in support of any of the proposals that would provide for menhaden for bait to the smaller RI boats.

- RIMFC:
  - A motion was made to support a mix of the noticed proposals # 1 through #4:
    - 6,000 lbs/vessel/week possession limit.
    - Open days Monday and Thursday only.
    - RI resident only.
    - Hand haul seine, cast net, and floating gill net gear types authorized; Maximum net size: Four-hundred and eighty (480) feet by forty-eight (48) feet.
    - Open April 1 – April 30 with a 100,000 lb maximum allowed harvest; open May 1 – May 30 with a 100,000 lb maximum allowed harvest.
    - Maintain harvest prohibition in Providence River and Greenwich Bay.
    - Revisit this matter next regulatory cycle to analyze and determine needed revisions.
  - Motion to amend to add June 1 – June 30 passed 6-0-1
  - Amended motion becomes the main motion; passed 6-0-1:

        - 6,000 lbs/vessel/week possession limit provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island.
        - Open days Monday and Thursday only.
        - RI resident only.
        - Hand haul seine, cast net, and floating gill net gear types authorized; maximum net size 480 X 48 feet.
        - Open April 1 – April 30 with a 100,000 lb maximum allowable harvest.
        - Open May 1 – May 30 with a 100,000 lb maximum allowable harvest.
        - Open June 1 – June 30 with a 100,000 lb maximum allowable harvest.
        - Maintain harvest prohibition in Providence River and Greenwich Bay.
        - Revisit this matter next menhaden regulatory cycle.
    - Regarding proposal # 5, motion to maintain status quo passed 6-0-1

- Marine Fisheries:
    - The Division supports the Council recommendation to allow for a limited bait fishery to operate in the Menhaden Management Area (MMA) regardless of the MMA status. The MMA is currently managed by several biomass thresholds that dictate when the commercial fishery can operate within the MMA. The Division remains supportive of the current management program within the MMA but also recognizes industry concerns for a local supply of bait. The Division feels that allowing restrictive harvest for a single year with a low weekly possession limit, closed days, and a residency requirement would provide data on potential effort and impacts to the MMA that can be evaluated for the 2026 fishing year. These restrictions would also limit any risk for local depletion within the MMA. The Division also acknowledges that the ASMFC is currently conducting an ecological reference point benchmark stock assessment which may inform future management of the stock coastwide and may warrant revisiting management in 2026.

5. **Black sea bass pots:**

- Background/proposal: Division proposal to remove redundant language regarding ghost panels that is currently also contained in Part 6 – *General Equipment Provisions*; and to remove language regarding escape vents that is no longer necessary for FMP compliance.
- Public comment: One comment provided in support of the proposed rule as noticed.
- RIMFC: 7 - 0 in support of adopting the rule as noticed.
- Marine Fisheries: Support to adopt the rule as noticed and recommended by the Council.

6. **Horseshoe crab management:**

- Background: Stakeholder and industry proposals were received to change management. The Division is also proposing the streamline reporting requirements.
- Proposal: Three proposals were noticed:

    - Proposal 1 (Stakeholder): Expand the bait spawning closure, implement a biomedical spawning closure, close coastal salt ponds to commercial biomedical harvest, and designate spawner sanctuaries to prohibit all harvest of horseshoe crabs.
    - Proposal 2 (Division): Establish new reporting requirements.
    - Proposal 3 (Industry): Remove bait spawning closure and implement lunar closure.

- Public comment:

    - Proposal 1: Expand the bait spawning closure, implement a biomedical spawning closure, close coastal salt ponds to commercial biomedical harvest, and designate spawner sanctuaries to prohibit all harvest of horseshoe crabs.

        - Audubon Society of RI in support.
        - Save the Bay in support.
        - Associates of Cape Cod (Bio-med facility) opposed.
        - Salt Pond Coalition in support.
        - 11 comments opposed; support status quo.
        - 2 comments in support.
        - 2 comments opposed to any change to the bait fishery management; support status quo or support for proposal # 3 to remove the bait spawning closure and implement a lunar closure.

    - Proposal 2: Establish new reporting requirements.

        - Three comments in support of status quo.

    - Proposal 3: Remove bait spawning closure and implement lunar closure.

        - Two comments in support.

- RIMFC: Two motions were made:
    - 6-0-1 in support of recommending status quo for the bait and biomedical harvest of horseshoe crabs, and adopt proposal 2 (reporting) as noticed.
    - 6-0-1 in support of recommending that the Division re-visit the closure of coastal salt ponds to biomedical harvest during the next regulatory cycle.
- Marine Fisheries: Support for the Council recommendation.

7. **Dealer Accounting:**

- Background/proposal: The Division of Law Enforcement raised concerns regarding the clarity of the current regulatory language regarding when and how dealers must account for marine species purchased from harvesters and has proposed clarifying regulatory language to address.
- Public comment: Several comments opposed to the proposed rule as noticed. In response to these comments, the Division of Law Enforcement provided a modification to the noticed language.
- Modified proposal: A modified proposal was developed between DLE and industry in response to public comments. The modified proposal provides additional clarification on species subject to a possession limit.
- RIMFC: 6-1 in support of recommending status quo and that the matter be re-visited during the next regulatory cycle.
- Marine Fisheries: Support as recommended by the Council. The Division will continue to develop proposed language for re-noticing at a future regulator cycle.

8. **Summer/Fall Aggregate Program for Summer Flounder and Black Sea Bass - Closure Trigger for Black Sea Bass and Summer flounder:**

- Background/proposal: An industry proposal was received to modify the closure trigger for black sea bass and summer flounder:
    - Black sea bass:
        - Proposal 1: Amend closure trigger from 85% to 70%
    - Summer flounder:
        - Proposal 1: Amend the closure trigger from 85% to 70%
        - Proposal 2: Amend the closure trigger from 85% to 80%

- Public comment:

    - 1 comment in support of reducing the closure trigger
    - 8 comments in support of status quo, maintaining the current 85% closure trigger
    - 5 comments in support of proposal # 1, reducing the closure trigger from 85% to 70%
    - RICRRA in support of reducing the closure trigger from 85% to 70%
    - 2 comments in support of reducing the closure trigger to no less than 80%
    - 1 comment in support of reducing the closure trigger to 75% or 70%
    - 1 comment in support of a weekly limit without an aggregate program

- RIMFC:
    - Motion made to recommend status quo for the summer/fall aggregate program triggers. The motion failed 0-5-1-1.
    - Motion made to change the closure triggers for both black sea bass and summer flounder from 85% to 70%.

    - Motion to amend passed 5-1-1 to maintain status quo for the black sea bass closure trigger and change the closure trigger for summer flounder from 85% to 70%.
    - Amended motion becomes the main motion: to recommend to maintain status quo for the black sea bass closure trigger and change the closure trigger for summer flounder from 85% to 70%. The motion passed 6-0-1.
- Marine Fisheries: Support for the Council recommendation. The Division supports aggregate programs in general and believes the program is meeting its intended purposes. The Division understands the concerns raised by industry regarding the early summer flounder closure in 2024 on December 2nd and believes that reducing the trigger to 70% may help to avoid an early closure in 2025. The Division also notes that landings and effort in the commercial summer flounder fishery can vary year to year due to other factors such as weather and the squid fishery. The Division will continue to utilize their quota monitoring projections and possession limit authority to adjust possession limits accordingly to avoid an annual overage or underage of the RI commercial quota.

9. **Aggregate Program for Summer Flounder and Black Sea Bass - Possession limit for Black Sea Bass:**

- Background/proposal: An industry proposal was received to modify the possession limit for black sea bass from 7x the daily to 6x the daily for the October 16 – December 31 sub-period.
- Public comment:

    - 1 comment in support of status quo
    - 2 comments in support of reducing the aggregate possession limit for black sea bass from 7X to 6X the daily limit for the last subperiod

- RIMFC: 6-0-1 to recommend adoption of proposal 1 to decrease the black sea bass possession limit to 6x the daily from 10/16 – 12/31 in the summer/fall aggregate program.
- Marine Fisheries: Support to adopt the rule as noticed and recommended by the Council.

10. **Aggregate Program for Summer Flounder and Black Sea Bass - Penalties for Non-compliance:**

- Background/proposal: This matter was first proposed during the regulatory cycle in late 2024, at which time the Council recommended adopting modified language to the noticed language. At that time, after consultation with legal counsel, the Division determined the best course of action would be to modify the language and re-notice for further public comment. The Division then worked with legal counsel on the language, which resulted in the proposed rule for this regulatory cycle.
- Public comment: No comments were received.

- RIMFC: 7 – 0 to recommend adoption of the aggregate program vessel non-compliance language as noticed.
- Marine Fisheries: Support to adopt the rule as noticed and recommended by the Council.

11. **2025 recreational cobia management:**

- Background: Addendum II was approved by the board in August 2024, which required a reduction in harvest in the northern region. The proposed changes are required to maintain compliance with the FMP.
- Proposal: Division proposal to increase the possession limit from 1 fish/vessel/day to 2 fish/vessel/day and increase the minimum size from 37" to 43" for FMP compliance.
- Public comment: No comments were provided.
- RIMFC: 6-1 in support of recommending adoption of two fish/day possession limit at 43" minimum size for recreational cobia management and that the ASMFC management regions be re-evaluated in the future.
- Marine Fisheries: Support to adopt the rule as noticed and recommended by the Council. The Division will inform the Council of developments regarding the ASMFC management regions.

12. **Lobster LCMA 1 and LCMA 3 Management:**

- Background/proposal: Division proposal to amend the rule such that lobster trap allocation holders in LCMA 1 and LCMA 3 are not eligible for routine gear loss tags, consistent with recent FMP amendments.
- Public comment: None provided.
- RIMFC: 4-3 in support of recommending adoption of language such that LTA holders in LCMAs 1 and 3 are not eligible for routine gear loss tags.
- Marine Fisheries: Support as noticed and recommended by the Council as necessary for FMP compliance.

13. **Lobster FMP Compliance Measures regarding Minimum Size and Minimum Escape Vent Size:**

- Background/proposal: Division proposal to amend escape vent and gauge sizes to maintain FMP compliance applicable to LCMAs 1, 5, 6, and Outer Cape Cod.
- Public comment: None provided.
- RIMFC: 6-1 in support of recommending adoption of lobster FMP compliance measures as noticed with the exception of the LCMA 1 gauge change.
- Marine Fisheries: Support as recommended by the Council as necessary for FMP compliance. The Division supports not moving forward with gauge increase for LCMA 1 due to Draft Addendum XXXII being approved for public comment by ASMFC in March 2025. The Draft addendum would repeal the LCMA 1 gauge increase, and the Division has no reason to believe the Draft Addendum will not be adopted, i.e., the gauge increase for LCMA 1 will be repealed, due to the Governors of Maine and New Hampshire declaring that they would not comply

the gauge increase. Should the Draft Addendum not be adopted and the gauge increase goes into effect for July 1, 2025, the Division will re-notice the change.

14. **Ninigret Pond-Foster Cove Sub-Area 1 and Ninigret Pond-Foster Cove Sub-Area 2 (Ninigret Pond Shellfish Management Area):**

- Background/proposal: This matter was first addressed during the regulatory cycle in late 2024, at which time amendments were adopted to Part 4 *Shellfish* to amend the sunset/closure dates for these two sub-areas. As part of that regulatory cycle, the Council's Shellfish Advisory Panel has also recommended to modify the area of the Ninigret Pond-Foster Cove Sub-Area 1 as recommended by the Division for the purposes of oyster restoration and enhancement. This proposed seeks to adopt that recommendation of the SAP by amending the area of Ninigret Pond-Foster Cove Sub-Area 1 and deleting Ninigret Pond-Foster Cove Sub-Area 2 as located in Part 1 – *Definitions and General Provisions*.
- Public comment: No comments were received.
- RIMFC: 7-0 to recommend adoption as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.