



**Rhode Island Department of Environmental Management
Division of Marine Fisheries**

Office 401.423.1920 | Fax 401.423.1925 | dem.ri.gov/marine

Fort Wetherill Marine Laboratory
3 Fort Wetherill Road, Jamestown, RI 02835

Coastal Fisheries Laboratory
1231 Succotash Road, Wakefield, RI 02879



INTER-OFFICE MEMO

To: Scott Olszewski,
Acting Chief

From: Terrence Gray, P.E.
Director

Date: October 22, 2025

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

I have received and reviewed your memo to me, dated October 21, 2025 (attached), regarding the regulatory matters that were subject of a public hearing held on September 15, 2025 and RI Marine Fisheries Council meeting held on October 20, 2025. The final decision for each regulatory matter is as follows:

1. **Electronic Negative Reporting Due Dates:**

Decision: Amend the rule as noticed and recommended by the Council and Division, which establishes due dates for electronic negative reporting.

2. **Reporting Requirements Upon Issuance (transfer) of a New License with Sale of a Vessel and/or Gear:**

Decision: Amend the rule as noticed and recommended by the Council and Division, which requires transferee and transferer catch and effort reporting compliance prior to the license transfer approval upon issuance of a new license with sale of a vessel and/or gear.

3. **Prioritization Categories for the Issuance of New Licenses – Update with Revised Licensing Structure:**

Decision: Amend the rule as noticed and recommended by the Council and Division, which removes reference to “Commercial Fishing License (CFL)” and “Principal Effort License (PEL)” in rule because these terms are now obsolete since the statutory licensing restructure that became effective in 2022.

4. **Clarification of Restricted Finfish Species:**

Decision: Amend the rule as noticed and recommended by the Council and Division, which further clarifies that scup is restricted only when harvested from May 1 through September 30; and that black sea bass, summer flounder, striped bass, and tautog are restricted for the entire year.

5. **Exit:Entry Ratio for the Unlimited Finfish Endorsement:**

Decision: Maintain status quo as recommended by the Council and supported by the Division, which maintains an exit:entry ratio of 2:1 for the Unlimited Finfish Endorsement for the 2026 license year.

6. **Commercial Green Crab License:**

Decision: Amend the rule as recommended by the Council, which establishes a new commercial green crab license for an annual fee of \$10, and provides that applicants are not eligible for this license if otherwise authorized by another applicable commercial fishing license (e.g. Multipurpose Fishing License).

7. **Jonah Crab Claw Possession Allowance:**

Decision: Maintain status quo for the Jonah Crab claw possession allowance. I further direct the Division to bring the development of the possession limit and minimum size to the Spring 2026 regulatory cycle to solicit further public comment on defining the bycatch fishery.

8. **Lobster Trap Tag Transfer Application Period for State Vessels:**

Decision: Maintain status quo as recommended by the Division, due to potential inconsistency with the ASMFC fisheries management plan (FMP). I direct the Division to review the FMP and determine if proposing these changes are appropriate at a later date.

9. **Horseshoe Crab Closure at New and Full Moons:**

Decision: Amend the rule as noticed and recommended by the Council and Division, which clarifies the rule so that harvest is prohibited forty-eight hours preceding the new and full moons through forty-eight hours following the new and full moons; consistent with current practice and enforcement.

10. **Biomedical Horseshoe Crab Harvest in Coastal Salt Ponds and Little Narragansett Bay:**

Decision: Amend the rule as noticed and as recommended by the Council and Division, which prohibits biomedical horseshoe crab harvest in coastal salt ponds and Little Narragansett Bay.

11. **Summer Flounder Exemption Certificate Expiration and Renewal:**

Decision: Amend the rule as recommended by the Council, which establishes the next renewal cycle for the Summer Flounder Exemption Certificate in ten years (2035).

12. **Summer Flounder Exemption Certificate Transfer Application Period After Sale of Vessel:**

Decision: Amend the rule as noticed and as recommended by the Council and Division, which establishes that transfer applications be submitted to the Department no later than sixty (60) days after the change in ownership.

13. **Bissel Cove/Fox Island Shellfish Management Area Oyster Harvest Prohibition:**

Decision: Amend the rule as noticed and recommended by the Council and Division, which will allow the current prohibition in the Bissel Cove/Fox Island Shellfish Management Area to expire on November 15, 2025 and be re-opened to oyster harvest.

14. **Quonochontaug Pond Shellfish Management Area Oyster Harvest Prohibition:**

Decision: Amend the rule as noticed and as recommended by the Council and Division, which continues the pond-wide oyster harvest prohibition in the Quonochontaug Pond Shellfish Management Area until Dec 31, 2029.



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF MARINE FISHERIES
3 Fort Wetherill Road
Jamestown, Rhode Island
02835

To: Terrence Gray, P.E., Director

From: Scott Olszewski, Acting Chief
Scott D. Olszewski

Date: October 21, 2025

Subject: Decisions regarding proposed regulation amendments to the RI Marine Fisheries regulations

Proposed amendments to the RI Marine Fisheries regulations were publicly noticed on September 2, 2025, providing for a public comment period from September 2nd through October 3rd. A public hearing was held on September 15, 2025. The RI Marine Fisheries Council meeting on these matters was then held on October 20, 2025. A public workshop was held on July 16th to solicit feedback on proposals being considered by the Division, and to provide opportunity for additional proposals to be considered.

The public hearing folder contains all the necessary documentation related to this hearing, including the proposed rules that were publicly noticed, and comments received. Below is a summary of the proposed amendments and the Division's recommendation for the final rules to be filed.

1. Part 2 - Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses:

a. Electronic Negative Reporting Due Dates:

- Background/issue: Due dates for electronic negative reporting are necessary but not currently provided in rule.
- Proposal: Division proposal to establish due dates for electronic negative reporting in rule, consistent with due dates for paper logbook reporting.
- Public comments: One comment provided in support of the proposal.
- RIMFC: 7-0 in support of recommending adoption of the proposed rule as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.

b. **Reporting Requirements Upon Issuance (transfer) of a New License with Sale of a Vessel and/or Gear:**

- Background/issue: Catch and effort reports may be difficult to obtain after transfer has taken place (both transferee and transferer), resulting in inaccurate landings data.
- Proposal: Division proposal to require transferee and/or transferer catch and effort reporting compliance prior to the transfer approval.
- Public comments: One comment provided in support of the proposal.
- RIMFC: 7-0 in support of recommending adoption of the proposed rule as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.

c. **Prioritization Categories for the Issuance of New Licenses – Update with Revised Licensing Structure:**

- Background/issue: Rule still refers to licenses “*Commercial Fishing License (CFL)*” and “*Principal Effort License (PEL)*”, now obsolete since the licensing restructure in 2022.
- Proposal: Division proposal to remove instances of “*Commercial Fishing License (CFL)*” and “*Principal Effort License (PEL)*” in rule.
- Public comments: No comments provided.
- RIMFC: 7-0 in support of recommending adoption of the proposed rule as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.

d. **Clarification of Restricted Finfish Species:**

- Background/issue: Rule is not clear regarding which finfish species are restricted throughout the year.
- Proposal: Division proposal to clarify that scup is restricted only when harvested from May 1 through September 30; and that black sea bass, summer flounder, striped bass, and tautog are restricted for the entire year.
- Public comments: No comments provided.
- RIMFC: 7-0 in support of recommending adoption of the proposed rule as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.

e. **Exit:Entry Ratio for the Unlimited Finfish Endorsement:**

- Background/issue: Annual review and solicitation of proposals for amendments to the exit:entry ratio for this endorsement. The current ratio is 2:1 (for every two licenses not renewed/retired, one Standard license with Unlimited Finfish endorsement available for issuance).

- Proposal: Three proposals were received:
 - o Proposal 1: Amend from 2:1 to 1:1. This change would result in 27 new endorsements available for issuance in 2026.
 - o Proposal 2: Amend from 2:1 to 1:0. This change would result in zero new licenses available for issuance for 2026.
 - o Proposal 3: Amend from 2:1 to 3:1. This change would result in nine new endorsements available for issuance in 2026.
 - o Status quo: Status quo (2:1) would result in fifteen new endorsements available for issuance for 2026.
- Public comments: Three comments were received:
 - o Two comments in support of proposal #1.
 - o One comment opposed to proposal #2; in support of status quo.
- RIMFC: 5 - 2 in support of recommending status quo, 2:1.
- Marine Fisheries: Support as recommended by the Council.

f. **Commercial Green Crab License:**

- Background/issue: New license permitting commercial green crab harvest adopted with legislation in 2025, effective January 1, 2026.
- Proposal: Division proposal to add a commercial green crab license to rule consistent with statute. An annual fee of \$10 is proposed consistent with statute. The proposal also includes that applicants are not eligible if otherwise authorized by another applicable commercial fishing license (e.g. Multipurpose Fishing License). The license would be help to the same application period and deadlines as all other commercial fishing licenses.
- Public comments: No comments provided.
- RIMFC: 4-3 in support of recommending adoption of the proposed rule as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.

2. **Part 5 – Lobster, Crabs, and Other Crustaceans:**

a. **Jonah Crab Claw Possession Allowance:**

- Background/issue: In 2024, the Division proposed adopting a rule in *Part 7 – Dealers*, that dealers shall only purchase whole Jonah crab, consistent with the harvester requirement that only whole Jonah crab may be landed, as found in *Part 5 – Lobster, Crabs, and Other Crustaceans*. This proposal did not move forward due to opposition received and concerns regarding the breaking of claws during normal operations. The matter was tabled as recommended by the Council. The Division brought the item to workshop in July 2025 with a proposal for a bycatch limit of no more than 5 gallons. Industry commented that 5 gallons would be too restrictive for larger offshore trips and the Division proposal was subsequently expanded to the current proposal consistent with the Jonah crab FMP. Although no

formal public comment was submitted, the Division did receive stakeholder feedback that the proposal may lead to increased effort and negatively impact the stock.

- Proposal: Division proposal to provide harvesters a detached claw bycatch possession limit of less than five gallons of detached claws, consistent with the FMP.
- Public comments: No comments provided.
- RIMFC: 6-1 in support to maintain status quo at this time. The Council recommended that the Division bring development of a Jonah crab claw possession limit and minimum size to the Spring 2026 regulatory cycle to solicit public comment on further defining the bycatch fishery.
- Marine Fisheries: Support for the recommendation of the Council. The Division would look to continue discussions with industry regarding this matter, and bring the matter back to the Council as part of the Spring 2026 regulatory cycle.

b. **Lobster Trap Tag Transfer Application Period for State Vessels:**

- Background/issue: The current application period of June 1 – November 30 was adopted when the Area 2 trap reduction schedule was active and is no longer necessary with the end of the trap reduction schedule. . The current application period delays participation in the fishery for the new allocation holders so the Division made the proposal below to remove the application period. Subsequent to the public notice, the Division became aware of another FMP requirement for an alternative application period and process not consistent with the proposed rule.
- Proposal: Division proposal to eliminate the application period and accept applications throughout the year.
- Public comments: No comments provided.
- RIMFC: 7-0 in support of recommending status quo.
- Marine Fisheries: Support for the Council recommendation. The Division would look to continue discussions with ASMFC regarding this matter, and bring the matter back to the Council as part of the Spring 2026 regulatory cycle.

c. **Horseshoe Crab Closure at New and Full Moons:**

- Background/issue: The rule is not clear that harvest is prohibited on the new and full moon, and not just the 48 hours preceding and following the new and full moon.
- Proposal: Clarify the rule so that harvest is prohibited 48 hours preceding the new and full moons through 48 hours following the new and full moons.
- Public comments: No comments provided.
- RIMFC: 7-0 in support of recommending adoption of the proposed rule as noticed.

- Marine Fisheries: Support as noticed and recommended by the Council.
- d. **Biomedical Horseshoe Crab Harvest in Coastal Salt Ponds and Little Narragansett Bay:**
 - Background/issue: Biomedical horseshoe crab harvest is not currently prohibited in the coastal salt ponds in rule; however, no harvest is presently occurring per “Gentleman’s Agreement” amongst harvesters. Per the current rule, horseshoe crabs harvested for biomedical must be returned to the waters where taken, which can be difficult to do if crabs are not separated by water body where taken. A stakeholder petition requested regulatory change in 2024. RIMFC tasked Division with further development of proposal in 2025 regulatory cycle, resulting in this proposal.
 - Proposal: Prohibit biomedical horseshoe crab harvest in all coastal salt ponds and Little Narragansett Bay.
 - Public comments: No comments provided.
 - RIMFC: 7 - 0 in support of recommending adoption of the proposed rule as noticed.
 - Marine Fisheries: Support as noticed and recommended by the Council.

3. **Part 14 – Summer Flounder Exemption Certificate:**

- a. **Summer Flounder Exemption Certificate Expiration and Renewal:**
 - Background/issue: The current rule provides that Exemption Certificates expire December 31, 2025. Expiration of certificates was initially adopted in 2020 in order for the Division to understand the extent of active certificates, and associated vessel statuses/ownership which was unknown prior to 2020. The current rule requires that the Division provide notice of certificate expiration and renewal requirement no later than October 1, 2025. Renewal applications must be received by the Department or postmarked by December 31, 2025, to be considered for renewal.
 - Proposal: Require that the next 5-year renewal cycle be in 2030.
 - Public comments: No comments provided.
 - RIMFC: 6-1 in support of requiring the next renewal cycle in ten years (2035) rather than five years.
 - Marine Fisheries: Support for the Council recommendation.
- b. **Summer Flounder Exemption Certificate Transfer Application Period After Sale of Vessel:**
 - Background/issue: Rule does not specify a time period in which applications for summer flounder exemption certificate transfers must be submitted after a change in ownership of the vessel. The Division must be notified of all transfers via application to update the certificate and keep it valid. Current regulations stipulate that when a vessel is sold, the Summer

Flounder Exemption Certificate will be invalid until a transfer application is approved for a change in vessel ownership or for a replacement vessel. A timeframe for submitting a transfer application is proposed to reduce the chances of the vessel owner forgetting and the Summer Flounder Exemption Certificate becoming invalid.

- Proposal: Division proposal that transfer applications be submitted to the Department no later than 60 days after the change in ownership.
- Public comments: No comments provided.
- RIMFC: 7 - 0 in support of the proposed rule as noticed.
- Marine Fisheries: Support as noticed and recommended by the Council.

4. Part 4 – Shellfish:

a. **Bissel Cove/Fox Island Shellfish Management Area Oyster Harvest Prohibition:**

- Background/issue: The harvest and possession of oysters in the Bissel Cove/Fox Island SMA is prohibited until November 15, 2025, to provide for restoration efforts conducted by the Division.
- Proposal: Division proposal to end the prohibition due to the following:
 - Restoration is no longer active
 - Recruitment has not been observed in recent years
 - Cultch habitat is silted over
- Public comments: 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), which requires proposed rules to be publicly noticed and provided for a 30-day public comment period. As a proposed rule was not publicly noticed, opportunity for public input was provided at the Shellfish Advisory Panel (SAP) meeting held on October 1, 2025, where this matter was discussed. No public comment was provided at this meeting. The SAP recommended on a vote of 9-1-1 to recommend to the Council that the oyster harvest prohibition be allowed to expire and the area be re-opened to oyster harvest.
- RIMFC: 7 - 0 in support of SAP recommendation that the prohibition be allowed to expire on November 15, 2025
- Marine Fisheries: Support as recommended by the Council. The Division notes that the existing pollution closure in the cove west of the barrier island will provide for current restoration activities to continue through at least 2030.

b. **Quonochontaug Pond Shellfish Management Area Oyster Harvest Prohibition:**

- Background/issue: The harvest and possession of oysters in the Quonochontaug Pond SMA is prohibited until November 15, 2025, to provide for restoration efforts conducted by the Division.
- Proposal: Division proposal to continue the pond-wide oyster prohibition until Dec 31, 2029. The Division has observed mature oysters at restoration sites, however limited recruitment and low densities have been observed outside of restoration sites. Extending the harvest prohibition would provide for the protection of oyster restoration and enhancement work located in oyster restoration areas, sited outside of the existing closed areas (i.e. Spawner Sanctuaries), and provides an opportunity for information from the on-going activities, including additional survey work, habitat suitability modeling, and recommendations for the Shellfish Restoration and Enhancement Plan (SREP) to be considered in management.
- Public comments: 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), which requires proposed rules to be publicly noticed and provided for a 30-day public comment period. As a proposed rule was not publicly noticed, opportunity for public input was provided at the Shellfish Advisory Panel (SAP) meeting held on October 1, 2025, where this matter was discussed. No public comment was provided at this meeting. The SAP recommended on a vote of 9-0 to recommend to the Council that the oyster harvest prohibition be continued until December 31, 2029.
- RIMFC: 7 - 0 in support of the SAP recommendation that the oyster harvest prohibition be continued until December 31, 2029.
- Marine Fisheries: Support as recommended by the Council.