



Rhode Island Department of Environmental Management
Division of Marine Fisheries

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INTER-OFFICE MEMO

To: Scott Olszewski,
Chief

From: Terrence Gray, P.E.
Director

Date: December 30, 2025

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

I have received and reviewed your memo to me, dated December 11, 2025 (attached), regarding the regulatory matters that were subject to a public hearing held on November 3, 2025, and RI Marine Fisheries Council meeting held on December 1, 2025. The final decision for each regulatory matter is as follows:

The items voted on by the Council were challenging topics and I appreciate the considerable deliberation that went into the recommendations provided to me. It's rare that I will deviate from the Council and Division's recommendations, however in this memo there are few decision points that do not align directly with the Council. It appears that the votes on these items were considerably split, and I wonder if having a full council would have prevented the plurality presented in these items.

1. **Providence River Shellfish Management Area (Area "E") commercial boat harvest schedule January – April 2026:**

Decision: Amend the rule as recommended by the Council and supported by the Division, which establishes a revised shellfish harvest schedule in the Providence River Shellfish Management Area through April 2026.

2. **Issuance of Tickets for Marine Fisheries Violations Through the RI Traffic Tribunal:**

Decision: Amend the rule as recommended by the Council and Division, which provides for the issuance of tickets under the jurisdiction of the RI Traffic Tribunal (RITT) for penalties of violations relating to seasons, possession limits, size limits and

methods of take for any species of fish, game, bird, or other wild animal as a civil violation subject to a fine of one hundred dollars for each offense, consistent with the recently amended statute.

3. **Dealer Fixed Place of Business Documentation:**

Decision: Maintain status quo consistent with the recommendation by the Council and supported by the Division. The Division notes that the requirement that dealers maintain a fixed place of business is currently in rule. The application has been modified to include documentation according to current regulations.

4. **Reference to Statutory Citation Pertaining to Marking of Traps and Buoys:**

Decision: Amend the rule as recommended by the Council and Division, which deletes the statutory citation from rule to clarify applicability of the rule to both commercial and recreational pots and traps.

5. **Escape Vent Requirements for Pots and Traps other than Lobster, Jonah Crab, Black Sea Bass, and Scup Pots:**

Decision: Maintain status quo as recommended by the Council and Division. I concur with the Council that additional public input is warranted to better gauge potential impacts to affected user groups and direct the Division to seek such input at a subsequent regulatory cycle.

6. **2026 Commercial Menhaden Management:**

Decision: Maintain status quo as recommended by the Division. I support efforts to expand access to this fishery in the future, as recommended by the Council. At this time however, there is a risk that any expansion of the existing program could exasperate the already declining biomass of menhaden. ASMFC required a harvest reduction in 2026 and will be evaluating the possibility of future decreases in the coastwide quota in the fall of 2026 as well. If that happens, per the updated ecological reference point, we could be taking an even larger cut to quota allocations in Rhode Island in subsequent years. Given this, any actions that might increase effort would be risk prone and could result in negative consequences to the existing fishery. To ascertain potential impacts that the proposed program might have in RI waters, I direct the Division to obtain additional information around the potential user groups that might benefit from expanded access, so we can evaluate the future impact on the fishery. This will allow us time to understand what the ASMFC might do with quotas moving forward, as well as provide some data that will help us make a more informed decision in the future.

7. **2026 Commercial Striped Bass General Category Management:**

Decision: Amend the rule as noticed and recommended by the Council and the Division, which amends the season opening date from June 10 to June 2.

8. **2026 Commercial Striped Bass Management – Gill Nets:**

Decision: Maintain status quo consistent with the Division's recommendation. Every effort is being taken to rebuild the stock on this important fishery on the coastwide level. Until the stock is considered rebuilt and can sustain new user groups, expanded access to the fishery is risk prone and therefore I do not support that at this time. There will be a time that the Council's recommendation can be considered, and my hope is that the Division will continue to collect as much information as possible on discards from the gillnet sector, so that we have ample data to support an informed decision-making process that conceivably could align with the Council's recommendation. The Division has taken great strides to collect this data through the observer program in the past. I direct it to further refine those data collection methods and gather more information to present to the Council for review and deliberation when the stock is rebuilt.

9. **2026 Commercial Striped Bass Management – Floating Fish Trap Allocation:**

Decision: Maintain status quo as recommended by the Council and Division, which maintains the current allocation for the floating fish trap sector of 39 percent but does not establish a rule to maintain this allocation until the striped bass stock has been rebuilt as determined by ASMFC. While I appreciate the concerns expressed in public comment regarding the need for stability in this sector, I concur with the Division that the proposal is inconsistent with adjusting sub-period allocations, has limited merit and does not preclude the Division from receiving new proposals in subsequent regulatory cycles.

10. **2026 Commercial Black Sea Bass Management:**

Decision: Amend the rule as noticed and recommended by the Council and supported by the Division, which amends the allocation from 18 percent to 15 percent for the Jan. 1 – April 30 subperiod and from 10 percent to 13 percent for the Oct. 16 – Dec. 31 subperiod; and amends the starting possession limit from 50 to 100 lbs/vsl/day for the July 1 – Aug. 15 and Aug. 16 – Sept. 15 subperiods.

11. **2026 Commercial Summer Flounder Management:**

Decision: Amend the rule as noticed and as recommended by the Council and Division, which changes the starting possession limit from 500 to 100 lbs/day for the Sept. 16 – Dec. 31 subperiod.

12. **Commercial Summer Flounder Landing Restriction:**

Decision: Amend the rule as noticed and supported by the Division to change “landed” to “offloaded” for commercial Summer Flounder landing restrictions. The Council effectively had a tie vote which denotes no advice from the Council. I am hesitant to move forward with the Council’s recommendation and wonder what the outcome of this motion would have been if all members had been present and voted. Consistent with the Division’s rationale, I support the recommended language that will provide harvesters some additional flexibility in landing summer flounder.

13. **2026 Aggregate Program:**

Decision on Proposal 1: Amend the rule as recommended by the Council and supported by the Division to change the possession limit for black sea bass from six times the daily limit to seven times for the October 16 – December 21 subperiod.

Decision on Proposal 2: Maintain the name of aggregate program as recommended by the Council and supported by the Division.

Decision on Proposals 3 & 4: Maintain status quo for electronic reporting as recommended by the Council and the Division.

Decision on Proposal 5: Maintain status quo for the Winter I Program for Summer Flounder as supported by the Division. This is another instance where the Council has provided a thoughtful recommendation, however there is missing analysis that needs to be evaluated before amending the rules. There is a risk that giving expanded access to the non-exemption certificate holders would negatively impact the current exemption certificate holders in ways that were not addressed during the meeting. It does not appear that there was any discussion on this matter, nor any public comment. I am very hesitant to move forward with this magnitude of a change when an important aspect was not contemplated, therefore I am recommending status quo until such time that a more thorough discussion on the impacts to existing permit holders is had.

Decision on Proposal 6: Maintain the management of Tautog as it currently is in regulation; status quo as supported by the Division. Given the plurality of the Council’s vote on this matter and lack of public comment in support, the Council’s recommendation gives me cause for concern on making such a large management

decision. The recent stock assessment for Tautog reflects a declining population in our region (though, admittedly biomass is still above the reference point) and future decisions on this species are expected to be made in 2026 by ASMFC. Additionally, I am compelled by the Division's argument that they are challenged with managing this very small quota across three-subperiods, so adding the complexity of an aggregate program would make that challenge worse. If Tautog were added as a species to the aggregate program, there is a strong risk of exceeding Rhode Island's quota allocations or closing sub-periods early. Given these factors, this magnitude of a change to the Tautog management system is too risk prone, despite my general concurrence with the use of aggregate programs as a positive in other fisheries. This decision could be reconsidered in the future if the precision of landings accountability could be improved (i.e. through real-time reporting) and/or if the stock recovers to higher biomass levels again.

14. **2026 Commercial Tautog Management:**

Decision: For similar reasons of the difficulties of managing a small annual quota and concerns of aggregate catch set forth above, maintain status quo consistent with the Division recommendation.



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To: Terrence Gray, P.E., Director

From: Scott Olszewski, Chief *Scott D. Olszewski*

Date: December 11, 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 October 15, 2025, providing for a public hearing on November 3, 2025, and public comment period through November 16, 2025. Public workshops were held on August 25 and September 22. The RI Marine Fisheries Council meeting on these matters was held on December 1, 2025.

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. **Providence River Shellfish Management Area (Area "E") commercial boat harvest schedule January – April 2026:**

- **Background/issue:** Industry informed the Division of interest in revising the harvest schedule for this timeframe to reflect days that were not open in the summer schedule due to water quality closures. A Shellfish Advisory Panel (SAP) meeting was held on November 12th with listserve announcement provided, which included solicitation for proposals.
- **Proposal:** Two proposals were received, which are reflected in the SAP presentation and minutes. The SAP recommended on a vote of 7-0 the following changes to the schedule:
 - **February 2026:** Open one (1) weekday Monday through Thursday, excluding Friday, from 9:00 A.M. until 11:00 A.M. on the first available weekday that is not closed due to water quality.
 - **March – April 2026:** Open one (1) weekday Monday through Thursday, excludes Friday, from 8:00 A.M. until 10:00 A.M. on the first available weekday that is not closed due to water quality impairment.
- **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 SAP and Council meetings.

- RIMFC: 5-0 in support of recommending adopting the schedule as recommended by the SAP.
- Marine Fisheries: Support to amend the schedule as recommended by the Council.

2. **Issuance of Tickets for Marine Fisheries Violations Through the RI Traffic Tribunal (RITT):**

- Background/issue: R.I. Gen. Laws § 20-1-12 was recently amended such that penalties for violations relating to seasons, possession limits, size limits and methods of take for any species of fish, game, bird, or other wild animal occurring within the state shall be a civil violation and subject to a fine of one hundred dollars (\$100) for each offense, and under the jurisdiction of the RI Traffic Tribunal. Misdemeanor violations pursuant to R.I. Gen. Laws § 20-1-16, punishable by a fine of not more than \$500 or imprisonment for up to ninety days would remain unaffected by this rule change.
- Proposal: Division of Law Enforcement proposal to amend regulations to be consistent with statute as described above.
- Public comments: One comment received expressing concern for excessive ticket issuance.
- RIMFC: Recommend adoption as noticed, by consent.
- Marine Fisheries: Support to adopt the rule as noticed and recommended by the Council.

3. **Dealer Fixed Place of Business Documentation:**

- Background/issue: Current regulations require that RI seafood dealers licensed with the Department, or their registered agent, maintain a fixed place of business in RI where transaction records are maintained. Current regulations however do not require documentation attesting to such fixed place of business, and there have been known instances where such locations are not valid (e.g., facility no longer in business, owner unaware), which may hinder DLE's ability to enforce rules.
- Proposal: Division of Law Enforcement proposal to require documentation at the time of license application (new or renewal) in the form of a current tax bill, lease, a notarized letter from an eligible landowner or leaseholder granting permission to use their address/business as their fixed place of business, or any other documentation deemed acceptable by the Department.
- Public comments: None received.
- RIMFC: 3-1-1 (one abstention) to recommend maintaining status quo.
- Marine Fisheries: Support recommendation of the Council. The Division notes that the requirement that dealers maintain a fixed place of business is currently in rule. The current dealer application cycle has started, and applications may be submitted prior to any Department action. The application has been modified according to current regulations and this issue can be re-visited if needed.

4. **Deletion of Reference to Statutory Citation Pertaining to Marking of Traps and Buoys:**

- **Background/issue:** Current regulations regarding marking of pots and buoys cites R.I. Gen. Laws § 20-4-7 “Marking of Traps”, which is part of Chapter 20-4 “Commercial Fisheries”. While the current rule correctly applies to all pots and traps, both commercial and recreational, the citation to this statute is conflicting referring only to commercial fisheries.
- **Proposal:** Division of Law Enforcement proposal to delete this statutory citation to clarify that the rule applies to both commercial and recreational pots and traps.
- **Public comments:** None received.
- **RIMFC:** Recommend adoption as noticed, by consent.
- **Marine Fisheries:** Support as noticed and recommended by the Council.

5. **Escape Vent Requirements for Pots and Traps other than Lobster, Jonah Crab, Black Sea Bass, and Scup Pots:**

- **Background/issue:** Escape vents are not currently required for pots and traps other than lobster, jonah crab, black sea bass, and scup pots, which causes concern about illegal harvest, unintended bycatch, and mortality. Current rules require escape vents for lobster, jonah crab, black sea bass, and scup pots consistent with FMP requirements for these species, however current rules do not require escape vents for these other pots and traps.
- **Proposal:** Division of Law Enforcement proposal to provide for an escape vent requirement for all pots and traps. All pots and traps would be required to include either one rectangular vent with a minimum size of 2” x 5-3/4”, or one circular escape opening with a minimum size of 2 1/2” in diameter. Two exemptions would apply: Traps not exceeding 24” per side, and traps constructed with a mesh size not exceeding one inch; these may not be used to harvest lobster, jonah crab, black sea bass, and scup.
- **Public comments:** One editorial comment received.
- **RIMFC:** 5-0 to recommend status quo at this time due to concerns regarding effects on black sea bass pots, which are known to use smaller escape vents measuring 2” x 2”, and to bring this item back out through the next regulatory cycle for further development.
- **Marine Fisheries:** Support for status quo as recommended by the Council. The Division appreciates the deliberations of the Council regarding possible impacts to black sea bass pots and concurs that additional public feedback is warranted. DMF plans on conducting a escape vent study in 2026 to better inform this future management action.

6. **2026 Commercial Menhaden Management:**

- **Background/issue:** Annual review of management. A 20% reduction to the TAC was adopted for 2026 at the October 28, 2025, ASMFC Board meeting. This results in a coastwide TAC of 186,840 mt and 2026 quota = ~ 3.3 million pounds (down from the 2025 quota = 4.1 million pounds)
- **Proposal:** Two industry proposals were received and noticed:

- Proposal # 1: Increase the weekly limit from 6,000 lbs/vsl/week to 12,000 lbs/vsl/week regardless of the MMA status; and open one additional day each week on Tuesday. The fishery would be open on Monday, Tuesday, and Thursday of each week from April 1 through June 30; 100,000 lb harvest cap each month; RI resident only. Hand-haul seine only, cast net, and floating gill net only.
- Proposal # 2: Expand the weekly limit from 6,000 lbs/vsl/week to 12,000 lbs/vsl/week regardless of the MMA status; open every day all year; eliminate gear type restrictions; 100,000 lb harvest cap each month; RI resident only.
- Public comments: One comment received in support of either proposal. RI Saltwater Anglers Assoc. opposed.
- RIMFC: 3-2 in support of recommending adoption of Proposal # 1 as noticed.
- Marine Fisheries: The Division supports status quo at this time due to uncertainties regarding potential effort and local depletion. In 2025, the regulations governing the MMA were amended to allow for a 6,000 lbs/vsl/week possession limit, regardless of MMA status. This allowance for a weekly limit was very restrictive and only allowed fishing on Monday and Thursday of each week from April 1 – June 30; had gear restrictions, had a 100,000 lb harvest cap each month; and was available for RI residents only. To the Divisions knowledge, no one took advantage of this weekly limit in 2025. This lack of participation could be due to the restrictive nature of the weekly limit or could be due to the low biomass of menhaden within the MMA throughout 2025. The Division has concerns that expanding the existing program could incentivize participation, even when biomass is low, and cause local depletion. Additionally, if high biomass of menhaden in the MMA were to occur in future years, it is unclear what effort under the current program would look like. The Division feels that given the current program for a weekly possession limit in the MMA has been in place for less than one year, status quo should be maintained to better understand the potential for effort under a high biomass regime. The Division continues to support the current regulatory program in the MMA that strikes a balance between the needs of the ecosystem, recreational fishery, and commercial fishery.

7. 2026 Commercial Striped Bass General Category Management:

- Background/issue: Annual review of management. Status quo was adopted for 2026 management measures at the October 29, 2025, ASMFC Board meeting. This results in no commercial quota reductions for 2026. The Board did adopt a standard method for measuring striped bass as of January 1, 2027. When measuring total length of a striped bass it must be a straight-line measurement with upper and lower fork of the tail squeezed together. Commercial tagging will transition from point of sale (dealers) to first point of landing (harvesters) as of December 31, 2028.
- Proposal: Four proposals were noticed:

Proposal	Min. size	Season	Allocation	Poss. limit	Closed Days
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1	34"	June 10 <u>May 19</u> – Dec. 31	100%	5 fish pp/day	<u>Wed, Thu</u> , Fri, Sat, Sun, Mon
2		June 10 <u>June 2</u> – Dec. 31	100%	5 fish pp/day	Fri, Sat, Sun, Mon
3		June 10 - Dec. 31	100%	5 <u>3</u> fish pp/day	Fri, Sat, Sun, Mon
4		June 10 - Dec. 31	100%	5 fish pp/day	<u>Thu</u> , Fri, Sat, Sun, Mon

- Public comments:
 - Proposal # 1:
 - RI Commercial Rod and Reel Association opposed.
 - One comment received in support of opening on June 1.
 - One comment received opposed.
 - Proposal # 2:
 - RI Commercial Rod and Reel Association opposed.
 - Proposal # 3:
 - RI Commercial Rod and Reel Association opposed.
 - One comment received opposed.
 - Proposal # 4:
 - Six public hearing comments were received in support of this proposal
 - RI Commercial Rod and Reel Association in support.
- RIMFC: 3-1-1 (one abstention) in support of recommending adoption of proposal # 2 as noticed.
- Marine Fisheries: Support for the Council recommendation as manageable for the Division.

8. 2026 Commercial Striped Bass Management – Gill Nets:

- Background/issue: Annual review of management. The Division received and noticed two industry proposals to provide for the harvest of striped bass by gill net.
- Proposals:
 - Proposal # 5 (proposal #'s continuing from above proposals for general category management): Provide for harvest of striped bass by gill net under the general category fishery outside Narragansett Bay (in waters south of the line established in R.I. Gen. Laws § 20-4-12).
 - Proposal # 6: Amend the floating fish trap (FFT) allocation and gill net prohibition for striped bass to allow commercial gill net harvest:
 - Reduce FFT allocation from 39% to 27%.
 - 12% allocation allotted to gill nets.
 - Minimum size 26".
 - Season April 1 through December 31.
 - Possession limit is unlimited with the total weight of striped bass

landed (measured in pounds) equal to or less than twenty percent (20%) of the total combined weight of all other fish landed.

- Permit issued by the Director required.
 - Eligibility: Must hold a valid gill net endorsement; and must demonstrate at least 30,000 pounds of cumulative landings of any marine species harvested in the three preceding calendar years.
 - Harvest outside Narragansett Bay only (in waters south of the line established in R.I. Gen. Laws § 20-4-12).
- Public comments: Significant opposition; one comment received in support.
 - RIMFC: 3-2 in support of recommending adoption of Proposal # 5 with the following additions/changes:
 - Harvest restricted to November 1 through December 31.
 - Total weight of striped bass possessed (measured in pounds) must be equal to or less than the total combined weight of all other fish possessed.
 - Marine Fisheries: The Division supports status quo at this time due to uncertainties regarding potential effort and increased striped bass mortality. The Atlantic Striped Bass stock is currently in an overfished status and under a rebuilding plan that aims to achieve rebuilding the stock by 2029. In 2023, in response to frequent requests to lift the striped bass gillnet prohibition, the Division began a state waters observer program for the RI gillnet fleet to better understand striped bass discards and mortality. This program has collected data on how many striped bass are being encountered by gillnetters and of those encountered, how many are of legal size and already dead. Because of the low gillnet effort that occurs annually from October through December, and the programs goal of attaining 2 – 5 % coverage, no trips have been sampled during the months of November and December. As a result, the Division does not have information on what discards of striped bass would look like during these months. The Division has plans to continue this program in 2026 and will make every effort to sample during the months of November and December to better ascertain the potential impact of allowing gillnet harvest of striped bass during these months. Until this data becomes available, it is unknown how allowing gillnet harvest from November through December may impact discards and current stock rebuilding efforts.

9. **2026 Commercial Striped Bass Management – Floating Fish Trap Allocation:**

- Background/issue: Annual review of management. One industry proposal was received and noticed.
- Proposal: The floating fish trap allocation will not be subject to change, and will remain 39% until the striped bass rebuilding period has ended and the striped bass stock has been declared rebuilt by the ASMFC.
- Public comments:
 - Thirty-seven comments were received in support of this proposal.
 - Two comments received opposed to this proposal.
 - Rhode Island Saltwater Anglers Association (RISAA) in support.
- RIMFC: 4-1 in support of recommending maintaining status quo.
- Marine Fisheries: Support for the Council recommendation. While the Division appreciates the concerns expressed in public comment regarding the need for

stability for the floating fish trap fishery, and the Division supports maintaining the allocations currently specified in rule, the Division feels that the proposal has limited merit as a rule as a proposal could still be received in subsequent years to remove the rule and amend the allocation.

10. **2026 Commercial Black Sea Bass Management:**

- Background/issue: Annual review of management.
- Proposal: Two industry proposal were received and noticed:
 - **Proposal 1:** Sub-period allocation changes

Min. size	Season	Allocation	Aggregate (lbs)	Daily (lbs)
11"	1/1 – 4/30	18 15%	N/A	500 (vsl/week)
	5/1 – 6/30	30%	700 (vsl/wk)	100 (vsl/day)
	7/1 – 8/15	22%	350 (vsl/wk)	50 (vsl/day)
	8/16 – 9/15	10%	350 (vsl/wk)	50 (vsl/day)
	9/16 – 10/15	10%	700 (vsl/wk)	100 (vsl/day)
	10/16 – 12/31	10 13%	600 (vsl/wk)	100 (vsl/day)

- **Proposal 2:** Possession limit changes

Min. size	Season	Allocation	Aggregate (lbs)	Daily (lbs)
11"	1/1 – 4/30	18%	N/A	500 (vsl/week)
	5/1 – 6/30	30%	700 (vsl/wk)	100 (vsl/day)
	7/1 – 8/15	22%	700 (vsl/wk)	50 100 (vsl/day)
	8/16 – 9/15	10%	700 (vsl/wk)	50 100 (vsl/day)
	9/16 – 10/15	10%	700 (vsl/wk)	100 (vsl/day)
	10/16 – 12/31	10%	600 (vsl/wk)	100 (vsl/day)

- Public comments: One comment received in support of the allocation changes; two comments received in support of the possession limit changes.
- RIMFC: 5-0 in support of recommending adoption of proposal 1, and the increased possession limits from July 1 – September 15 from proposal 2.
- Marine Fisheries: Support for the Council recommendation as manageable for the Division.

11. **2026 Commercial Summer Flounder Management:**

- Background/issue: Annual review of management.
- Proposal #1: Division proposal to amend the possession limit in the September 16 – December 31 subperiod:

Min. size	Season	Allocation	Starting Poss. limit
14”	1/1 – 4/30	54%	100 lbs/day
	5/1 – 9/15	35%	200 lbs/day*
	9/16 – 12/31	11%	500 100 lbs/day*

* License holders that do hold an Exemption Certificate are bound to 200 lbs/vessel/day per rule

- Public comments: None received.
- RIMFC: 3-0-2 (2 abstentions) to adopt proposal # 1 as noticed.
- Marine Fisheries: Support for the Council recommendation.

12. Commercial Summer Flounder Landing Restriction:

- Background/issue: The Division received industry proposals to amend the rule regarding the time restriction for landing (harvesters) and receiving (dealers) summer flounder.
- Proposals:
 - Proposal # 2:
 - Proposed Rule (Part 3 – Finfish; section 3.9.2(D)): Summer flounder may be ~~landed~~ offloaded between the hours of 6:00 A.M. to 8:00 P.M. only.
 - Proposal # 3 (note that this proposal should only be considered in conjunction with Part 7 – Dealers, proposal #1 regarding the landing restriction for summer flounder for dealers):
 - Proposed Rule (Part 3 – Finfish; section 3.9.2(D)): ~~Summer flounder may be landed between the hours of 6:00 A.M. to 8:00 P.M. only.~~
 - Proposal # 1 (note that this proposal should only be considered in conjunction with Part 3 – Finfish, 2026 Commercial Summer Flounder Management Proposal 3 (see above Part 3 - Finfish):
 - Proposed Rule (Part 7 – Dealers; section 7.15): ~~Dealers shall receive summer flounder between the hours of 6:00 A.M. to 8:00 P.M. only.~~
- Public comments: One comment in support of striking the rule in its entirety (both harvester and dealer rules).
- RIMFC: Motion made to adopt proposal 3 and proposal 1 to strike the rule in its entirety. The motion failed 2-2-1 (2 support; 2 opposed; 1 abstention). No other motions were made.
- Marine Fisheries: Support to adopt proposal # 2 to change “landed” to “offloaded” as a workable compromise to provide harvesters with additional flexibility.

13. 2026 Aggregate Program:

- Background/issue: Annual review of management. Five industry proposals were received and noticed.
- Proposals:
 - Proposal # 1: Amend the possession limit for black sea bass limit from 6x to 7x the daily limit for the October 16 - December 31 subperiod (i.e., 7x the daily limit for the entire season)
 - Proposal # 2: Amend the rule to change all instances of “aggregate” to “weekly or bi-weekly landing limit program”
 - Proposal # 3:
 - Proposed Rule: Participants shall document catch and effort information through the Division approved electronic application ~~prior to~~ no more than twenty-four (24) hours after offload.
 - Proposal # 4:
 - Proposed Rule: Participants shall document catch and effort information for summer flounder and black sea bass through the Division approved electronic application prior to offload.
 - Proposal # 5:
 - Proposed Rule:
 - A. Authorizes the aggregate possession limit of summer flounder and black sea bass during the specified season(s) to authorized permit holders.
 - B. Eligibility:
 - 1. The vessel, if harvesting summer flounder from Federal waters, holds a valid Federal Summer Flounder Moratorium Permit ~~and Rhode Island Summer Flounder Exemption Certificate issued pursuant to Part 14 of this Subchapter.~~
 - 2. The vessel’s owner and operator(s), if harvesting summer flounder ~~from State waters, holds without~~ a valid Summer Flounder Exemption Certificate, must be a Rhode Island resident. Vessels owned by a corporation(s) must meet the following conditions:
 - a. The business or corporation must be registered with the State of Rhode Island in the preceding calendar year and in good standing.
 - b. At least one member of the corporation must be a RI resident. RI resident must demonstrate they have a vested interest in a business or corporation that owns the commercial fishing vessel and must document their vested interest on certificate of authority and disclosure of corporation forms prescribed by the Department.
 - C. Season: Sunday of the first full week in January through April 30.
 - D. Possession Limit: ~~Four thousand (4,000) pounds per vessel per biweek.~~
 - 1. Summer flounder:

- a. Vessels that possess a valid Rhode Island Summer Flounder Exemption Certificate: Four thousand (4,000) pounds per vessel per biweek.
 - b. Vessels that do not possess a valid Summer Flounder Exemption Certificate: The weekly possession limit will be equal to the daily limit multiplied by seven (7).
 - c. Possession limits may revert back to a daily limit once 80% of the sub-period quota for each species is projected to have been reached.
2. Black sea bass:
- a. The weekly possession limit will be equal to the daily limit multiplied by seven (7).
 - b. Possession limits may revert back to a daily limit once 80% of the sub-period quota for each species is projected to have been reached.

23.11 Summer/Fall Season Program

C. Season Period: May 1 through December 31.

- Proposal # 6: Add tautog as an authorized species to the aggregate program, with a weekly possession limit @ 7X the daily limit, and a closure trigger of 85%.
- Public comments:
 - Proposal # 1: Two comments received in support of the proposal; RISAA opposed.
 - Proposal # 2: One comment received opposed to the proposal; one comment received in support of the proposal and weekly possession limits; RI Commercial Rod and Reel Association opposed.
 - Proposal # 3: One comment received in support
 - Proposal # 4: RI Commercial Rod and Reel Association opposed.
 - Proposal # 5: Three comments were received in support of this proposal; One comment received opposed to this proposal if resulting in increased effort; RI Commercial Rod and Reel Association opposed.
 - Proposal # 6: Three comments were received opposed; RI Commercial Rod and Reel Association opposed.
- RIMFC:
 - Proposal # 1: 5-0 in support of recommending adoption.
 - Proposal # 2: 5-0 in support of recommending to maintain status quo.
 - Proposal # 3: 5-0 in support of recommending to maintain status quo.
 - Proposal # 4: 5-0 in support of recommending to maintain status quo.
 - Proposal # 5: 5-0 in support of recommending adopting the proposal with regards to summer flounder, but not the part of the proposal that addresses the possession limit and closure trigger for black sea bass.
 - Proposal # 6: 3-2 in support of recommending adoption but with a possession limit of 5X the daily limit.

- Marine Fisheries: Support for the Council recommendation for Proposal #1, Proposal #2, Proposal #3, Proposal #4, and Proposal #5.

Regarding Proposal #6, which seeks to add tautog to the aggregate program, the Division appreciates the Council’s consideration but recommends maintaining the 2026 status quo. With a total commercial quota of only 51,348 pounds split across three sub-periods, management would remain difficult even with the proposed allocation changes for 2026 commercial tautog management. The Division also projects that including tautog in the aggregate program would make early closures more likely across most participation scenarios. The Division feels that maintaining status quo is the best approach for effectively managing the quota at this time and also notes that no public comment was submitted in support of this proposal.

14. 2026 Commercial Tautog Management:

- Background/issue: Annual review of management.
- Proposal: One industry proposal was received to amend the subperiod allocations:

Min. size	Season	Allocation	Poss. limit
16”	January 1 – March 30		Closed
	April 1 – May 31	42.5 40%	10 fish/day
	June 1 – July 31		Closed
	August 1 – September 15	15 30%	10 fish/day
	September 16 – Oct. 14		Closed
	Oct. 15 – Dec. 31	42.5 30%	10 fish/day

- Public comments: Three comments were received opposed to the proposal and in support of status quo; RI Commercial Rod and Reel Association in support of status quo.
- RIMFC: 3-2 in support of recommending adoption of the proposed rule as noticed.
- Marine Fisheries: The Division recommends status quo at this time. The Division feels the current management program for commercial tautog has been effective in recent years and no public comment was submitted in support of the proposal.