



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 exacerbate 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 rational, 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.