



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



NOTICE OF PROPOSED RULEMAKING

Please be advised that the Division of Marine Fisheries has publicly noticed proposed rulemaking in accordance with [Chapter 42-35 “Administrative Procedures”](#). The proposed rules are summarized as follows:

Note: Proposals reflect amendments for regulatory changes, however, STATUS QUO is an option unless otherwise specified

1. **Escape vent requirements for pots and traps (Part 6 – General Equipment Provisions):**

➤ **Proposal #1 (Division of Law Enforcement - Noticed):**

- Require that all pots and traps that do not currently require escape vents be constructed with at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two inches by two inches (2” x 2”) or one (1) circular escape opening that must be a minimum of two and one half inches (2 1/2”) in diameter. Vents must meet the minimum size requirements as manufactured. Obstructing vents to meet the requirement is prohibited.
- Exemption to this requirement: Traps not exceeding twenty-four inches (24”) per side and traps constructed with a mesh size not exceeding one inch (1”) that do not target lobster, jonah crab, black sea bass, or scup (e.g., most eel and green crab pots)
- See section 6.4(B)(7)(a) of the proposed rule for specific language proposed.

➤ **Proposal # 2 (Division):**

- Require that all pots and traps that do not currently require escape vents be constructed with at least one (1) rectangular escape vent with an unobstructed opening measuring not less than two inches by two inches (2” x 2”) or one (1) circular escape opening that must be a minimum of two and one half inches (2 1/2”) in diameter. Vents must meet the minimum size requirements as manufactured. Obstructing vents to meet the requirement is prohibited.
- Exemption to this requirement: Traps not exceeding twenty-four inches (24”) per side and traps with at least one side constructed with a mesh size not exceeding one inch (1”) that do not target lobster, jonah crab, black sea bass, or scup (e.g., most eel and green crab pots)

- **Proposal #3 (Industry):** Require that all pots and traps that do not currently require escape vents be constructed with at least one (1) circular escape vent with an unobstructed opening measuring not less than two and five-eighths inches (2 5/8").
2. **Escape vent requirements for Black Sea Bass pots (Part 6 – General Equipment Provisions):**
- **Proposal #1 (Industry):** Increase the vent size for black sea bass pots to be consistent with Industry proposal 2 above for all other pots and traps. All black sea bass pots would need to be constructed with two (2) escape openings in the parlor portion of the pot. Openings may be circular, rectangular, or square, and must be a minimum of two and ~~one half~~ five-eighths inches (2 5/8 1/2") diameter if circular, one and three eighths inches (1 3/8") by five and three quarters inches (5 3/4") if rectangular, two inches (2") by two inches (2") if square.
3. **Configuration of pots and/or traps linked by a common line (Part 6 – General Equipment Provisions):**
- **Proposal #1 (Division of Law Enforcement - Noticed):** Require that pots and/or traps that require tags, including but not limited to American Lobster and Whelk, may not be mixed with untagged pots and/or traps. All pots and/or traps must be tagged with the same tag type(s). Multiple tag types may be used, provided that the same combination of tag types is used on all pots and/or traps.
4. **2027 commercial black sea bass management (Part 3 – Finfish):**
- **Proposal #1 (Industry - Noticed):** Change the starting possession limit for the Winter I subperiod (Jan. 1 - April 30) from ~~500 lbs/week~~ to 1,500 lbs/week.
 - See section 3.6.2(B)(1)(b) of the proposed rule for specific language proposed.
5. **2027 commercial striped bass management (Part 3 – Finfish):**
- **Proposal #1 (Industry- Noticed):**
 - Change the start of the commercial general category season from ~~June 2~~ to June 7.
 - Add an additional closed day: Thursday, Friday, Saturday, Sunday, & Monday.
 - Designate a twenty-four (24) hour regulatory period as beginning at 6:00 p.m. and ends at 5:59 p.m. the following day.
 - Possession Permitted: Possession of commercial striped bass will be permitted from 6:00 pm Monday through 6:00 pm Wednesday of each week when the fishery is open. During this period, a person or vessel may possess no more than five (5) fish during any single twenty four (24) hour regulatory period. Possession is prohibited at all other times.
 - Sale Permitted: Sale of commercial striped bass will be permitted from 12:00 am Tuesday through 6:00 pm Wednesday of each week when the fishery is

open. No more than five (5) fish may be sold per person per calendar day on Tuesday and no more than five (5) fish may be sold per person per calendar day on Wednesday. Sale is prohibited at all other times.

- **Proposal #2 (Industry):** Change the start of the commercial general category season from ~~June 2~~ to June 8 and add an additional closed day: Thursday, Friday, Saturday, Sunday, & Monday.

6. **2027 commercial menhaden management (Part 3 – Finfish):**

- **Proposal #1 (Industry - Noticed):** Add the months of September and October to the Menhaden weekly 6,000 pound possession limit provision, with a maximum 100,000 pound allocation for each month.

7. **Scientific Collector Permits (proposed new Part 28 – Scientific Collector Permits):**

- **Proposal #1 (Division - Noticed):** Establish a new regulation applicable to the issuance of scientific collector's permits for marine species. Regulations governing the issuance of scientific collector's permits for any species of wild animal are currently in place within the Division of Fish and Wildlife; although the Division of Marine Fisheries currently collects permit fees, reviews permit applications, and issues scientific collector permits for all marine fisheries-related permits. In conjunction with this proposed rule, the Division of Fish and Wildlife is also concurrently proposing amendments to their regulations to specify applicability of their rule only to terrestrial, avian, freshwater or diadromous species of wild animals. There are no significant effective changes proposed to current practices by either Division; the proposed rule will provide for an exemption for Department staff working within the scope of their official duties, consistent with current practice and as recommended by the Division of Law Enforcement.

8. **Non-substantive proposed changes:**

- **Proposal #1 (Division - Noticed):** Relocate all regulations pertaining to gear, including pot construction and minimum mesh size, from Part 3 – Finfish, to Part 6 – General Equipment Provisions, in order to house all gear related rules in the same Part. There is no proposed change to this language being moved.