



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

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Summary of Proposed Rulemaking

Comment Period: February 4 – March 7, 2025

Public Hearing: Tuesday, February 25, 2025

RI Marine Fisheries Council: Wednesday, March 26, 2025

Note: Order of proposals reflects order received

1. 2025 Recreational Striped Bass Management:

- **Proposal 1 (Division/Noticed):** Clarify how recreational striped bass total length shall be measured.

Proposed Rule (*Part 3 – Finfish; section 3.8.1(C)*):

Striped bass shall be measured in total length as the greatest straight line length in inches as measured on a fish with its mouth closed from the anterior most tip of the jaw or snout to the farthest extremity of the tail with the upper and lower fork of the tail squeezed together.

2. 2025 Commercial General Category and Floating Fish Trap Striped Bass Management:

- **Proposal 1 (Industry/Noticed):** Amend the gill net prohibition for striped bass to allow for commercial harvest.

Proposed Rule (*Part 3 – Finfish; sections 3.8.2(A)(3)(b)(2)(AA) & 3.8.2(A)(3)(d)(2)(AA)*):

Gillnets: Five (5) fish per person per day, or if fishing from a vessel, five (5) fish per vessel per day with the total weight of striped bass landed (measured in pounds) equal to or less than the total combined weight of all other fish landed.

Proposed Rule (*Part 3 – Finfish; section 3.8.2(C)*):

Gill net prohibition for striped bass: 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.

- **Proposal 2 (Industry):** Change the General Category (GC) fishery for striped bass to Rod & Reel (RR). Harvest restricted to Rod & Reel only.

Proposed Rule: Change all instances of “General Category” and “GC” to “Rod and Reel” or “RR” (*Part 3 – Finfish; sections 3.8.2(A), 3.8.2(A)(3)(b)(1), 3.8.2(A)(3)(b)(3), 3.8.2(A)(3)(d)(1), 3.8.2(A)(3)(d)(3), 3.8.2(A)(4), & 3.8.2(A)(5)*)

- **Proposal 3 (Industry):** Change the quota allocations between general category and floating fish trap.

Proposed Rule (*Part 3 – Finfish; section 3.8.2(A)(2)*): Allocation: ~~Sixty-one~~ seventy percent (~~61~~ 70%) of the annual Rhode Island commercial quota.

Proposed Rule (*Part 3 – Finfish; section 3.8.2(B)(2)*): Allocation: During a single calendar year, the floating fish trap quota shall not be more than ~~thirty-nine~~ thirty percent (~~39~~ 30%) of the annual Rhode Island commercial quota.

- **Proposal 4 (Industry):** Amend General Category season.

Proposed Rule (*Part 3 – Finfish; section 3.8.2(A)(3)*):

- a. January 1 through June ~~10~~ 9: Closed.
- b. June ~~11~~ 10 through ~~June 20~~ December 31:
 - (1) Allocation: ~~Fifty~~ One-hundred percent (~~50~~ 100%) of the general category quota, ~~or a maximum of six (6) days of harvest, whichever comes first.~~
 - (2) Possession limit: Five (5) fish per person per day, or if fishing from a vessel, five (5) fish per vessel per day.
 - (3) The fishery will be closed in each calendar week on ~~Thursday~~, Friday, Saturday, ~~and~~ Sunday, ~~and Monday during this sub-period~~. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.
- c. ~~June 21 through July 8: Closed.~~
- d. ~~July 9 through December 31:~~
 - (1) ~~Allocation: Fifty percent (50%) of the general category quota.~~
 - (2) ~~Possession limit: Five (5) fish per person per day, or if fishing from a vessel, five (5) fish per vessel per day.~~
 - (3) ~~The fishery will be closed in each calendar week on Thursday, Friday, Saturday and Sunday during this sub-period. There will be no commercial possession or sale of striped bass on these days for general category commercial fishermen.~~

- **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.

Proposed Rule (*Part 3 – Finfish; section 3.8.2(A)(4)&(5)*):

~~(4) On September 1, a minimum of 50% of the remaining FFT allocation may be transferred to the General Category (GC) and, if such transfer occurs, the GC fishery shall be opened until that allocation is estimated to be harvested.~~

~~(5) Floating fish trap allocation that has been transferred to the general category fishery may be transferred back to the floating fish trap fishery. Any allocation transferred back to the floating fish trap fishery shall not exceed the amount of the original transfer.~~

Proposed Rule (Part 3 – Finfish; section 3.8.2):

C. Gill nets:

1. Allocation: During a single calendar year, the gillnet quota shall be zero percent (0%) of the annual Rhode Island commercial quota.
2. Floating fish trap rollover: On November 1, or when all floating fish trap operators have declared to be done fishing for the calendar year, the remaining FFT allocation may be transferred to the Gillnet fishery. If such transfer occurs, the Gillnet fishery shall be opened until that allocation is estimated to be harvested.
3. Minimum size: Twenty-six inches (26").
4. Possession limit: Unlimited. Once eighty percent (80%) of the rollover allocation is projected to be harvested, the possession limit shall be five hundred (500) pounds per gillnet licensee per day.

ED. Gill net prohibition for striped bass: 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.

3. Commercial Menhaden Management:

- **Proposal 1 (Industry/Noticed):** Implement a weekly limit for menhaden regardless of the MMA status.

Proposed Rule (Part 3 – Finfish; section 3.21.2(A)):

1. ~~Opening and closing of fishery~~ Weekly possession limit: Six thousand (6,000) pounds per vessel per 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. Six thousand (6,000) pounds equates to seventeen (17) barrels or fifty-one (51) totes.

- a. Open Days: Monday and Thursday of each week.
- b. Rhode Island resident only.
- c. Gear restrictions:
 - (1) Hand-haul seine only.
 - (2) Maximum net size: Four-hundred and eighty (480) feet by forty-eight (48) feet.
- d. 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. Daily Possession limit:

- **Proposal 2 (Industry):** Implement a weekly limit for menhaden regardless of the MMA status.

Proposed Rule (Part 3 – Finfish; section 3.21.2(A)):

1. Opening and closing of fishery Weekly possession limit: Twenty-five thousand (25,000) pounds per vessel per 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.

a. Seasons and allocations:

(1) April 1 through April 30: 200,000 lbs

(2) May 1 through 31: 200,000 lbs

b. Gear restrictions: Seine only.

- c. 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. Daily Possession limit:

- **Proposal 3 (Industry):** Implement a bycatch limit for menhaden regardless of the MMA status.

Proposed Rule (Part 3 – Finfish; section 3.21.2(A)):

1. Opening and closing of fishery Weekly possession limit: Six thousand (6,000) pounds per vessel per 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.

a. Gear restrictions: Cast-net only.

b. Vessels are not subject to the provisions of § 3.21.2(A)(2)(c) of this Part.

2. Daily Possession limit:

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

Proposed Rule (Part 3 – Finfish; section 3.21.2(A)):

1. ~~Opening and closing of fishery~~ Weekly Possession limit: Six thousand (6,000) pounds per vessel per 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.

a. Open days: Monday and Thursday of each week.

b. Rhode Island resident only.

c. Gear restrictions:

(1) Hand-haul seine, cast net, and floating gill net only.

(2) Maximum hand-haul seine net size: Four-hundred and eighty (480) feet by forty-eight (48) feet.

d. 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. Daily Possession limit:

- **Proposal 5 (Industry):** Increase the possession limit outside the MMA.

Proposed Rule (Part 3 – Finfish; section 3.21.2(A)):

B. Possession of menhaden in Rhode Island under State Quota Program:

1. Possession limit:

a. January 1 through October 15: One hundred twenty thousand (120,000) pounds per vessel per day.

b. October 16 through December 31: Five hundred thousand (500,000) pounds per vessel per day.

4. **2025 Recreational Cobia Management:**

- **Proposal 1 (Division/Noticed):** Increase the minimum size and bag limit for FMP compliance (*see the noticed rule for annotated language; Part 3 – Finfish; section 3.34.1*)

5. **Black Sea Bass Pots:**

- **Proposal 1 (Division/Noticed):** Deletion of redundant language (*see the noticed rule for annotated language; Part 3 – Finfish; section 3.6.2(D)*)

6. **Horseshoe Crab Management:**

- **Proposal 1 (Save the Bay proposal/Noticed):** Modify the existing spawning closure for the bait fishery; adopt a new spawning closure for the biomedical fishery; close several south shore coastal salt ponds to commercial biomedical harvest; and designate spawner sanctuaries to prohibit all harvest of horseshoe crabs (*see the noticed rule for annotated language; Part 5 – Lobster, Crabs, and Other Crustaceans; sections 5.7(C)(1), 5.7(D)(2)(b), 5.7(D)(3), & 5.7(F)*)
- **Proposal 2 (Division/Noticed):** Modify the reporting requirements for horseshoe crabs (*see the noticed rule for annotated language; Part 5 – Lobster, Crabs, and Other Crustaceans; section 5.7(C)(2)(b)*)
- **Alternate industry proposal:** Do not implement the proposed spawning closure for horseshoe crabs as noticed or close all coastal salt ponds but modify current bait closure to a lunar bait closure.

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

- **Proposal 1 (Division/Noticed):** Amend the rule such that lobster trap allocation holders in LCMA 1 and LCMA 3 are not eligible for routine gear loss tags. The proposed rule provides that LCMA 1 and 3 allocation holders may only order the number of trap tags equal to their authorized LTA. This proposal is to sync the rule and maintain compliance with the ASMFC Fisheries Management Plan for lobster (*see the noticed rule for annotated language; Part 5 – Lobster, Crabs, and Other Crustaceans; sections 5.5.1(N)(13)(b)(1), 5.5.2(H), and 5.5.3(N)*)

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

- **Proposal 1 (Division/Noticed):** Correct the minimum sizes for lobster and/or minimum escape vent sizes for lobster pots in LCMAs 1, 5, 6, and Outer Cape Cod. This proposal is to sync the rule and maintain compliance with the ASMFC Fisheries Management Plan for lobster (*see the noticed rule for annotated language; Part 5 –*

Lobster, Crabs, and Other Crustaceans; sections 5.5.2(A), 5.5.2(C), 5.5.5(C), 5.5.6(A) & 5.5.6(C), 5.5.7(A), 5.5.7(B), and 5.5.7(C)

9. **Dealer Accounting:**

- **Proposal 1 (Division/Law Enforcement/Noticed):** Clarify when and how dealers must account for marine species purchased from harvesters (*see the noticed rule for annotated language; Part 7 – Dealers; section 7.11(B)*)

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

- **Proposal 1 (Industry/Noticed):** Modify the aggregate program closure trigger for black sea bass from 85% to 70% in the summer/fall aggregate program (*see the noticed rule for annotated language; Part 23 - Aggregate Programs for Summer Flounder and Black Sea Bass; section 23.11(E)(1)(a)*)

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

- **Proposal 1 (Industry/Noticed):** Modify the aggregate program closure trigger for summer flounder from 85% to 70% in the summer/fall aggregate program (*See the noticed rule for annotated language; Part 23 - Aggregate Programs for Summer Flounder and Black Sea Bass; section 23.11(E)(2)(a)*)
- **Proposal 2 (Industry):** Modify the aggregate program closure trigger for summer flounder from 85% to 80% in the summer/fall aggregate program (*Part 23 - Aggregate Programs for Summer Flounder and Black Sea Bass; section 23.11(E)(2)(a)*)

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

- **Proposal 1 (Industry):** Amend the aggregate (weekly) possession limit from 7X the daily limit to 6X the daily limit for the October 16 - December 31 subperiod; maintain the current 85% closure trigger (*Part 23 - Aggregate Programs for Summer Flounder and Black Sea Bass; section 23.11(E)(1)*)

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

- **Proposal 1 (Division/Noticed):** Amend the penalties for non-compliance (*see the noticed rule for annotated language; Part 23 - Aggregate Programs for Summer Flounder and Black Sea Bass; section 23.12(A)(3)*)

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

- **Proposal 1 (Division/Noticed):** Amend the area description and boundary of Ninigret Pond-Foster Cove Sub-Area 1 (closed area/oyster spawner sanctuary) add new locational coordinates for the boundary; eliminate Ninigret Pond-Foster Cove Sub-Area 2, and delete landmarks specific to this area **Note:** Amendments to *Part 4 – Shellfish* were filed effective January 19, 2025 to amend the sunset dates of the closures for Ninigret Pond-Foster Cove Sub-Area 1 and Ninigret Pond-Foster Cove Sub-Area 2 (see [Director’s Decision memo dated December 17, 2024](#)). The purpose of this rule change is to amend to area descriptions as located in *Part 1 – Definitions and General Provisions* consistent with this previous decision and filing. (*see the noticed rule for annotated language; Part 1 – Definitions and General Provisions; sections 1.13.2(M)(2), 1.13.2(M)(2), and 1.13.3 (landmark table)*)

Interested parties are invited to **submit comments concerning the proposed rules through March 7, 2025.** Send comments by mail or email to:

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