



## RHODE ISLAND

### DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

#### OFFICE OF THE DIRECTOR

235 Promenade Street, Room 425  
Providence, Rhode Island 02908

**To:** Conor McManus, Ph.D.  
Chief, Division of Marine Fisheries

**From:** Terrence Gray, P.E.  
Director

**Date:** December 11, 2023

**Re:** Final decisions regarding proposed and prospective regulation amendments that were subject of a public hearing held on November 6, 2023, and RI Marine Fisheries Council meeting held on December 4, 2023.

I have received and reviewed your memo to me, dated December 8, 2023 (attached), regarding the regulatory matters that were subject to a public hearing on November 6, 2023, and the RI Marine Fisheries Council (Council) meeting on December 4, 2023. I have also received and reviewed all relevant supporting documentation, including the public comments received and the draft Council meeting minutes. The specific regulatory items, and the final decisions for each, are as follows:

1. **January 2024 Commercial Shellfish Harvest Schedule for Providence River Shellfish Management Area/Conditional area “E” (Part 4 – Shellfish)**

Decision: Amend the rule as recommended by the Council and supported by the Division, which negates the current 2024 harvest schedule through April 2024. It should be noted that the summer 2024 schedule will be heard before the Council, after a Shellfish Advisory Panel discussion, in early April 2023. The Division of Marine Fisheries anticipates the associated rules will be filed and effective in time for the first summer opening.

2. **Clarifications to Possession Limit and Vessel Operating Compliance (Part 1 – Definitions and General Provisions)**

Decision: Amend the rule as recommended by the Council and Division which makes clarifications to the Possession Limit and Vessel Operating Compliance rules. Changes are as follows:

Section 1.5(A)(2): ~~A person who takes marine product/species utilizing a vessel and also without the assistance of a vessel is only allowed one (1) possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation. For any given species, no licensed person or vessel shall land more than one (1) possession limit per specified time period, i.e., calendar day, week, or bi-week, whether or not utilizing a vessel, *unless authorized elsewhere in this subchapter.*~~

3. **Party/charter vessel reporting requirements (Part 1 – Definitions and General Provisions)**

Decision: Amend the rule as recommended by the Council and Division which relocates language regarding Party/Charter Vessel reporting requirements to the appropriate section in rule, and does not establish any new requirements, as noted below.

- Add content to the section 1.5(C)(6): *Vessels making more than one (1) trip per calendar day must have the first electronic trip report for the first trip completed prior to the initiation of the second (2<sup>nd</sup>) fishing trip on the same day.*

4. **Vessels operating commercially (Part 1 – Definitions and General Provisions)**

Decision: Amend the rule as recommended by the Council and Division which consolidates the regulations by deleting sections 1.8(D)(4) and (6) which are duplicative rules currently contained in section 1.8(D)(3) and (5).

5. **Vessels operating in the Exclusive Economic Zone (EEZ) (Part 1 – Definitions and General Provisions)**

Decision: Amend the rule as recommended by the Council and Division which relocates the below language from Part 23 – Aggregate Program for Summer Flounder and Black Sea Bass to Part 1 – Definitions and General Provisions.

- Relocated language to section 1.6(A)(4): *A vessel fishing in the Exclusive Economic Zone, and in possession of a regulated species, must adhere to all applicable Rules and Regulations governing commercial fishing operations, including but not limited to seasons, possession limits, offloading hours, gear stowage requirements, and reporting and record-keeping requirements.*

6. **Stowage of Nets Requirements (Part 1 – Definitions and General Provisions)**

Decision: Amend Section 1.6(C) as recommended by the Council and Division to update the Stowage of Nets Requirements to be consistent with federal regulations.

7. **Shellfish/Marine Life Management Area Descriptions (Part 1 – Definitions and General Provisions)**

Decision: Amend Section 1.13 as recommended by the Council and Division to remove the landmark descriptions from the text and relocate them to a table and to include internet links to Google Maps. This makes the information more accessible and improves the customer experience.

8. **Other minor non-substantive clarifications to Part 1**

Decision: Amend the rule as recommended by the Council and Division to make minor non-substantive clarifications throughout the rule. The intent of this rule change is to clarify only and not to establish new requirements.

9. **2024 Commercial Scup management (Part 3 – Finfish)**

Decision: Amend the rule as recommended by the Council and supported by the Division to adopt a starting possession limit for Scup of 10,000 lbs/vsl/week for 2024. This reflects industry feedback from 2023 noting that the unlimited possession limit resulted in significant price reductions.

10. **2024 Commercial Black Sea Bass management (Part 3 – Finfish)**

Decision: Amend the rule as recommended by the Council and supported by the Division for commercial Black Sea Bass as follows:

Min. size	Season	Allocation	Distribution of Additional Pounds	Poundage	Starting Poss. limit (lbs)
11"	1/1 – 4/30	<del>20%</del> <u>18%</u>	<u>10%</u>	<del>125,376</del> <u>141,048</u>	500 (vsl/week)
	5/1 – 6/30	<del>25%</del> <u>30%</u>	<u>50%</u>	<del>156,720</del> <u>235,080</u>	<del>50</del> <u>100</u> (vsl/day)
	7/1 – 8/15	<del>25%</del> <u>22%</u>	<u>10%</u>	<del>156,720</del> <u>172,392</u>	50 (vsl/day)
	8/16 – 9/15	10%	<u>10%</u>	<del>62,688</del> <u>78,360</u>	50 (vsl/day)
	9/16 – 10/15	10%	<u>10%</u>	<del>62,688</del> <u>78,360</u>	100 (vsl/day)
	10/16 – 12/31	10%	<u>10%</u>	<del>62,688</del> <u>78,360</u>	100 (vsl/day)
	Totals	100%	<u>100%</u>	<del>626,880</del> <u>783,600</u>	

11. **2024 Commercial Summer Flounder management (Part 3 – Finfish)**

Decision: Amend the rule as recommended by the Council and supported by the Division to reduce the starting possession limit from 300 lbs/vsl/day to 200 lbs/vsl/day for the May 1 – Sept. 15 subperiod to better manage the subperiod considering the reduced quota.

12. **Summer-Fall Aggregate Program for Summer Flounder and Black Sea Bass (Part 23 – Aggregate Program for Summer Flounder and Black Sea Bass)**

Black Sea Bass Decision: Amend the rule as recommended by the Council and supported by the Division to maintain the Summer-Fall Aggregate Program for Black Sea Bass, but increase the possessions limit to seven times (7X) the daily limit, and to increase the closure trigger from 80 to 85 percent of the quota. This a more risk tolerant approach to managing the fishery and therefore I direct the Division to closely monitor the harvest to prevent in-season closures.

Summer Flounder Decision: Amend the rule as recommended by the Council and supported by the Division to include Summer Flounder in the Summer-Fall Aggregate Program with a weekly/aggregate possession limit of seven times (7X) the daily limit a closure trigger of 85 percent of the quota, to not require a Summer Flounder Exemption Certificate as an eligibility requirement for participation in the program, and to exempt permitted participants from the Summer Flounder Exemption Certificate possession limit restrictions as specified in Part 14 of this subchapter.

13. **Summer Flounder Exemption Certificate Program (Part 14)**

Decision: Maintain status quo of the Summer Flounder Exemption Certificate Program as recommended by the Council and supported by the Division.

14. **Thank You to our Retiring Members**

There are a few members of the Council that are retiring or have already retired from their roles. Members are typically fulfilling eight years or more of service on the Council, so it is not common that we see such a changing of the guard like this. I want to personally thank Jason Jarvis, Dr. Michael Rice, and Travis Barao for their years of service and continued dedication to advancing the fishing industry in sustainable and productive ways. This role requires significant preparation and collaboration with various fishing industries. I am grateful for each of your contributions and thoughtful feedback in this process. My hope is that we will still benefit from your expertise through the attendance of workshops, public hearings, and Council meetings as a member of the public. Until then, best wishes and have a wonderful retirement from the Council.



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

INTER-OFFICE  
MEMO

To: Terrence Gray, P.E., Director

From: Dr. Conor McManus, Chief

Date: December 8, 2023

Subject: Decisions regarding proposed regulation amendments that were the subject of a public hearing held on November 6, 2023 and RI Marine Fisheries Council meeting held on December 4, 2023.

The public hearing folder contains all the necessary documentation related to this hearing, including the proposed rules that were publicly noticed and the comments received. Below is a summary of the proposed amendments, including a summary of comments received and recommendations of the RI Marine Fisheries Council.

1. **January 2024 Commercial Shellfish Harvest Schedule for Providence River Shellfish Management Area/Conditional area “E” (Part 4 – Shellfish):**

- **Background:** The 2023 harvest schedule for this management area provided for a total of eighteen harvest days from May through October 2023; however, due to water quality closures, only fifteen days were open during this timeframe. At the Council meeting on October 4<sup>th</sup>, an industry proposal was presented to the Council to allow for these three days to be used in the winter of 2024, which was then recommended by the Council and subsequently adopted. Since this filing, members of industry determined that the schedule recommended by the Council and as filed for the winter of 2024 did not meet the intent of the proposal, and determined that the Providence River opening as specified in the winter of 2024 would be detrimental to market price during a time of low demand. As such, it was requested that the current winter 2024 Providence River schedule be negated, with the three days not utilized be considered for use when devising the summer 2024 schedule. At the Council meeting on December 4<sup>th</sup>, two industry proposals were submitted for the Council’s consideration:
  - **Industry proposal #1:** Close January through April 30, 2024.

- Industry proposal #2: Open 8:00 A.M. to 11:00 A.M per the following schedule:
  - January 12 through March 31: Open one (1) day each month on the 1st available Monday, Tuesday, or Wednesday that is not closed due to water quality closures.
  - Note: Remainder of 2024 schedule to be addressed early 2024.
- 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 § 42-17.1-2\(38\)\(i\)-\(v\)](#). As such a proposed rule was not publicly noticed, nor was there an established public comment period. Opportunity for public comment was therefore provided at the Council meeting. One comment, as well as a petition letter with ≈ 30 signatures, was provided in support of proposal #2, with several other comments made in support of proposal # 1. There was no Shellfish Advisory Panel held based on the timing of the discussions, but the Panel would normally meet to discuss these matters.
- RIMFC: 4-3 in support of proposal #1, to negate the current 2024 harvest schedule through April 2024.
- Marine Fisheries: Either option is deemed viable by the Division. While the Division finds value in understanding the utility of winter harvest in the Providence River, the Division cannot speak directly to the prospect of adverse economic impact; this concern would benefit from further Shellfish Advisory Panel discussion. The Division notes that the summer 2024 schedule, which is not currently defined in rule, will be brought to the Council for consideration in early 2024, with rules anticipated to be filed and effective in time for the first opening.

## 2. Clarifications to Possession Limit and Vessel Operating Compliance (Part 1 – Definitions and General Provisions):

- Background: In review of the rule, the Division determined that the language lacked clarity to stipulate that possession limits are *per person* as well as per vessel per day (or alternate period if such period is specified in rule), and that no licensed person may possess and/or land more than one possession limit per specified period.
- Public comment: A comment was received which raised concern that the proposed rule may have unintended impacts to the shellfish and menhaden fisheries, where rules specifically authorize more than one possession limit per vessel.
- Proposed revision resulting from public comment (addition of language in bold italicized at the end of the section): ~~A person who takes marine product/species utilizing a vessel and also without the assistance of a vessel is only allowed one (1) possession limit per calendar day unless an alternative period of time is specifically provided in the governing regulation. For any given species, no licensed person or vessel shall land more than one (1) possession limit per specified time period, i.e., calendar day, week, or bi-week, whether or not utilizing a vessel, unless authorized elsewhere in this subchapter.~~

- RIMFC: 7 – 0 in support as modified by the Division.
  - Marine Fisheries: Support as modified and recommended by the Council. The Division believes the proposed revised text assures that there would be no unintended consequences, and emphasizes that the intent of this rule change is to clarify only.
3. **Party/charter vessel reporting requirements (Part 1 – Definitions and General Provisions):**
- Background: In review of the rule, the Division determined that similar language currently exists in section “Vessels operating commercially”; however reporting requirements also apply to party/charter.
  - Proposal to add content to the Party/charter section of the rule: Vessels making more than one (1) trip per calendar day must have the first electronic trip report for the first trip completed prior to the initiation of the second (2<sup>nd</sup>) fishing trip on the same day.
  - Public comment: None received.
  - RIMFC: 7 – 0 in support as proposed.
  - Marine Fisheries: Support as proposed and recommended by the Council. The Division emphasizes that the intent of this rule change is to clarify language only and is not intended to establish new requirements.
4. **Vessels operating commercially (Part 1 – Definitions and General Provisions):**
- Background: In review of the rule, the Division determined that the language needs clarification and is duplicative with separate sections currently contained in rule.
  - Proposal deletion:
    - Section 1.8(D)(4): ~~Any vessel operating commercially, including any vessel fishing commercially using rod and reel, may utilize, without restriction, any number of unlicensed crew members to assist with any commercial operations.~~
    - Section 1.8(D)(6): ~~Vessels making more than one (1) commercial trip per calendar day are bound by all applicable per vessel, per day possession limits.~~
  - Public comment: None received.
  - RIMFC: 7 – 0 in support as proposed.
  - Marine Fisheries: Support as proposed and recommended by the Council. The Division emphasizes that the intent of this rule change is to clarify regulations only, and is not to establish new requirements, in that language proposed for deletion is currently contained in sections 1.8(D)(3)&(5).
5. **Vessels operating in the Exclusive Economic Zone (EEZ) (Part 1 – Definitions and General Provisions):**

- Background: In review of the rules for the Aggregate Program, the Division determined that language currently therein (Part 23 – Aggregate Program for Summer Founder and Black Sea Bass) should be located in Part 1 – Definitions and General Provisions to apply more broadly.
- Proposal relocation of language: [A vessel fishing in the Exclusive Economic Zone, and in possession of a regulated species, must adhere to all applicable Rules and Regulations governing commercial fishing operations, including but not limited to seasons, possession limits, offloading hours, gear stowage requirements, and reporting and record-keeping requirements.](#)
- Public comment: None received.
- RIMFC: 7 – 0 in support as proposed.
- Marine Fisheries: Support as proposed and recommended by the Council. The Division emphasizes that the intent of this rule change is to clarify only and not to establish new requirements.

6. **Stowage of Nets Requirements (Part 1 – Definitions and General Provisions):**

- Background: In review of federal rules regarding stowage of nets requirements while transiting, the Division determined that the rule was not consistent with the federal rules.
- Proposal: Division proposal to update the language for consistency with federal regulations.
- Public comment: None received.
- RIMFC: 7 – 0 in support as proposed.
- Marine Fisheries: Support as proposed and recommended by the Council as necessary to maintain consistency with federal regulations.

7. **Shellfish/Marine Life Management Area Descriptions (Part 1 – Definitions and General Provisions):**

- Background: In review of the rule, the Division determined that the rule as written is difficult to read with landmark locations provided directly in the rule text, and that internet links to the locational landmarks could assist the public with understanding area boundaries.
- Proposal: Division proposal to remove landmark descriptions from the text and relocate them to a table, including internet links (google maps) provided.
- Public comment: None received.
- RIMFC: 7 – 0 in support as proposed.
- Marine Fisheries: Support as proposed and recommended by the Council. The Division emphasizes that no changes were made to area descriptions or locational landmarks, and that the intent of the change is to improve customer service.

8. **Other minor non-substantive clarifications to Part 1:**

- Background: In review of the rule, the Division determined the need for several

minor clarifications throughout the rule.

- Proposal: Division proposal to make minor non-substantive clarifications throughout the rule.
- Public comment: None received.
- RIMFC: Approved by consent.
- Marine Fisheries: Support as proposed and recommended by the Council. The Division emphasizes that the intent of this rule change is to clarify only and not to establish new requirements.

9. **2024 Commercial Scup management (Part 3 – Finfish):**

- Background: The 2024 commercial quota is expected at ~4.6 m lbs, or a ~50% increase from 2023. The current starting possession limit of unlimited for the May 1 – September 30 period for general category was adopted by rule change this time last year; however, historically the starting possession limit for this subperiod has been 10,000 pounds per vessel per week (lbs/vsl/week). Upon learning from industry that the unlimited possession limit was resulting in significant drops in price, effective May 3, 2023 the Division utilized its possession limit authority to reduce the possession limit back to 10,000 lbs/vsl/week. As such, the Division is now proposing to adopt again the 10,000 lbs/vsl/week for 2024 management. A workshop was held on October 10<sup>th</sup> to provide stock status, 2023 fishery performance, and to solicit proposals for 2024 management.
- Proposal: Two (2) proposals were noticed for consideration:
  - Proposal # 1 (Division): Decrease the May 1 – September 30 subperiod starting possession limit from unlimited to 10,000 lbs/vsl/week
  - Proposal # 2 (Industry): Decrease the May 1 – September 30 subperiod starting possession limit from unlimited to 20,000 lbs/vsl/week
- Public comment: No comments were provided.
- RIMFC: 7 – 0 in support of proposal # 1 as noticed.
- Marine Fisheries: The Division can support any of the proposals and supports the Council recommendation.

10. **2024 Commercial Black Sea Bass management (Part 3 – Finfish):**

- Background: The 2024 commercial quota is expected to be approximately 25% higher than 2023, ~784,000 lbs. A workshop was held on October 10<sup>th</sup> to provide stock status, 2023 fishery performance, and to solicit proposals for 2024 management.
- Proposal: Five (5) proposals were noticed or consideration.

**Proposal #1 (Industry/noticed proposal):**

Min. size	Season	Allocation	Starting Poss. limit (lbs)
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11"	1/1 – 4/30	20%	500 (vsl/week)
	5/1 – 6/30	<del>25%</del> <u>35%</u>	<del>50</del> <u>100</u> (vsl/day)
	7/1 – 8/15	<del>25%</del> <u>20%</u>	50 (vsl/day)
	8/16 – <del>9/15</del> <u>10/15</u>	<del>10%</del> <u>15%</u>	50 (vsl/day)
	<del>9/16</del> <u>10/15</u>	<del>10%</del>	<del>100</del> (vsl/day)
	10/16 – 12/31	10%	100 (vsl/day)

**Proposal #2 (Industry proposal):**

Min. size	Season	Allocation	Starting Poss. limit (lbs)
11"	1/1 – 4/30	20%	500 (vsl/week)
	5/1 – 6/30	<del>25%</del> <u>35%</u>	<del>50</del> <u>100</u> (vsl/day)
	7/1 – 8/15	<del>25%</del> <u>20%</u>	<del>50</del> <u>100</u> (vsl/day)
	8/16 – <del>9/15</del> <u>10/15</u>	<del>10%</del> <u>15%</u>	<del>50</del> <u>100</u> (vsl/day)
	<del>9/16</del> <u>10/15</u>	<del>10%</del>	<del>100</del> (vsl/day)
	10/16 – 12/31	10%	100 (vsl/day)

**Proposal #3 (Industry proposal):**

Min. size	Season	Allocation	Starting Poss. limit (lbs)
11"	1/1 – 4/30	20%	500 (vsl/week)
	5/1 – 6/30	25%	<del>50</del> <u>100</u> (vsl/day)
	7/1 – 8/15	25%	<del>50</del> <u>100</u> (vsl/day)
	8/16 – 9/15-	10%	<del>50</del> <u>100</u> (vsl/day)
	9/16 – 10/15	10%	<del>100</del> <u>200</u> (vsl/day)
	10/16 – 12/31	10%	<del>100</del> <u>200</u> (vsl/day)

**Proposal #4 (Industry proposal):**

Min. size	Season	Allocation	Starting Poss. limit (lbs)
11"	1/1 – 4/30	20%	<del>500</del> <u>1,000</u> (vsl/week)

	5/1 – 6/30	25%	<del>50</del> <u>100</u> (vsl/day)
	7/1 – 8/15	25%	<del>50</del> <u>100</u> (vsl/day)
	8/16 – 9/15-	10%	<del>50</del> <u>100</u> (vsl/day)
	9/16 – 10/15	10%	<del>100</del> <u>200</u> (vsl/day)
	10/16 – 12/31	10%	<del>100</del> <u>200</u> (vsl/day)

**Proposal #5 (Industry proposal):** Amend sub-period allocations and starting possession limits as follows to reconfigure allocation percentages based on anticipated quota allocation increase. The proposal was also to increase the May 1 – June 30 sub-period possession limit to 75 lbs/vsl/day or 100 lbs/vsl/day, whichever limit is projected to be sustainable for the entirety of the sub-period (specific amount unspecified).

Min. size	Season	Allocation	Distribution of Additional Pounds	Poundage	Starting Poss. limit (lbs)
11”	1/1 – 4/30	<del>20%</del> <u>18%</u>	<u>10%</u>	<del>125,376</del> <u>141,048</u>	500 (vsl/week)
	5/1 – 6/30	<del>25%</del> <u>30%</u>	<u>50%</u>	<del>156,720</del> <u>235,080</u>	<del>50</del> <u>75 - 100</u> (vsl/day)
	7/1 – 8/15	<del>25%</del> <u>22%</u>	<u>10%</u>	<del>156,720</del> <u>172,392</u>	50 (vsl/day)
	8/16 – 9/15	10%	<u>10%</u>	<del>62,688</del> <u>78,360</u>	50 (vsl/day)
	9/16 – 10/15	10%	<u>10%</u>	<del>62,688</del> <u>78,360</u>	100 (vsl/day)
	10/16 – 12/31	10%	<u>10%</u>	<del>62,688</del> <u>78,360</u>	100 (vsl/day)
	Totals	100%	<u>100%</u>	<del>626,880</del> <u>783,600</u>	

- Public comment: Majority of comments in support for proposal # 5.
- RIMFC: 6 – 1 in support of proposal # 5, with a starting possession limit of 100 lbs/vsl/day for the May 1 – June 30 subperiod.
- Marine Fisheries: The Division can support any of the proposals and supports the Council recommendation. The Division also brought forth the concept of increasing the proposal 5 allocation in the last subperiod based on public comment, and reviewed subperiod performance to inform the Council’s discussion.

11. **2024 Commercial Summer Flounder management (Part 3 – Finfish):**

- **Background:** The 2024 commercial quota is expected to be 1.38 m lbs, an approximate 38% reduction from 2023. A workshop was held on October 10<sup>th</sup> to provide stock status and fishery performance, and to solicit proposals for 2024 management.
- **Proposal:** Division proposal to reduce the starting possession limit from 300 lbs/vsl/day to 200 lbs/vsl/day for the May 1 – Sept. 15 subperiod to better manage the subperiod in light of the reduced quota.
- **Public comment:** Varied. Several comments in support of reducing the starting possession limit for the May – Sept. subperiod to 50 or 100 lbs/vsl/day. Support was also provided for the noticed proposal.
- **RIMFC:** 7 – 0 in support as proposed.
- **Marine Fisheries:** The Division can manage status quo or the proposed change, and supports the Council recommendation. The Division will also manage the quota in-season through possession limit authority.

12. **Summer-Fall Aggregate Program for Summer Flounder and Black Sea Bass (Part 23 – Aggregate Program for Summer Flounder and Black Sea Bass):**

a. **Black Sea Bass:**

- **Background:** The summer-fall aggregate program for black sea bass was adopted in May 2023 after several years of a pilot program designed to gather data and inform decision making on the efficacy of such a program upon conclusion of the pilot. At that time, program parameters were adopted (e.g., VMS, reporting, non-compliance provisions), as well as an aggregate possession limit of five times the daily limit. This matter was brought forward for discussion and to solicit proposals and rule considerations at the October 10<sup>th</sup> workshop.
- **Proposal:** The following two components of the program were noticed for consideration:
  - Amend the aggregate/weekly possession limit from five times to seven times the daily limit.
  - Modify the aggregate closure trigger from 80% to 85% of the quota.
- **Public comment:** Varied. Overall support for the Aggregate program. Support of maintaining the current possession limit of five times the daily limit. Concern raised that the program not negatively impact those not in the program.
- **RIMFC:** 6 – 1 in support to maintain the summer-fall aggregate program for black sea bass; increase the possession limit to seven times the daily limit; and increase the closure trigger from 80% to 85% of the quota.
- **Marine Fisheries:** Support for Council recommendation. The Division supports the aggregate program. With the increase to the 7x limit, the Division will closely monitor harvest to best avoid in-season closures.

b. Summer Flounder:

- Background: When the summer-fall aggregate program was adopted in May 2023, summer flounder was excluded from the program per recommendation of the Council. The Council asked to revisit summer flounder via proposed rules in late 2023 for consideration in 2024. This matter was brought forward for discussion and to solicit proposals and rule considerations at the October 10<sup>th</sup> workshop.
- Proposal: Several parameters were noticed for consideration:
  - Add summer flounder to the authorized species in the summer-fall program (May 1 – December 31) at a weekly possession limit of seven times the daily limit.
  - Remove the requirement for a Summer Flounder Exemption Certificate to possess more than 200 pounds of summer flounder.
  - Include a weekly possession limit of seven times the daily limit for vessels with a Summer flounder Exemption Certificate and five times the daily limit for vessels without a summer flounder exemption certificate.
  - Modify the aggregate closure trigger from 80% to 85% of the quota.
- Public comment: Varied. Several comments opposed to inclusion of summer flounder in the summer-fall aggregate program. Support to exempt the requirement to hold a Summer Flounder Exemption Certificate as an eligibility criteria to participate in the program, or restrict the possession limit to the maximum allowed for persons that do not hold the Certificate. Support that the program should not negatively impact those not in the program. Support to reserve allocation for the November-December subperiod.
- RIMFC: 6 – 1 in support to include summer flounder in the program with a weekly/aggregate possession limit of seven times the daily limit; closure trigger of 85% of the quota; Summer Flounder Exemption Certificate not required for participation.
- Marine Fisheries: Support for the Council recommendation. The Division fully supports the aggregate program at minimum in the fall period, noting the need to be able to fish or optimize the quota during the fall period. This year, the large amount of summer flounder quota that rolled from the summer into the fall period further exacerbates the inability to fully catch Rhode Island's summer flounder quota. The Division noted that other parameters currently part of the program as it pertains to black sea bass will be included for summer flounder (e.g., VMS, reporting, non-compliance provisions).

13. **Summer Flounder Exemption Certificate Program (Part 14):**

- Background: This program has been in place since the early 1990s to manage quota utilization by non-Rhode Island based vessels by limiting the daily

possession limit for summer flounder for those that do not hold a Summer Flounder Exemption Certificate to 200 lbs/vsl/day, regardless of the possession limit put forth by the Division. A workshop was held on October 10th to solicit feedback on the Division's proposal.

- Proposal: Division proposal to amend the summer flounder poundage authorized by the Summer Flounder Exemption Certificate from 200 pounds to 300 pounds/vsl/day. This would allow harvesters who do not have a exemption certificate to land more summer flounder when the possession limit exceeds 200 lbs/vsl/day, which could be particularly helpful for select summer/fall aggregate program participants.
- Public comment: Varied in support of status quo and the noticed proposal.
- RIMFC: 6 – 1 in support to maintain status quo.
- Marine Fisheries: The Division can manage status quo or the proposed change. The Division supports the Council recommendation. The need to raise from 200lbs to 300lbs is reduced if the summer flounder exemption certificate is not required to summer-fall fluke aggregate participants.