



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

RIMFC: Molly Moran-Ogren, *Chair*; Coral Aiello; David Bethoney, Ph.D.; Andy Dangelo; Katie Eagan; Melva Treviño Peña, Ph.D.; Mike Roderick; Russell Sylvestre; Greg Vespe

MEETING NOTICE **RI MARINE FISHERIES COUNCIL**

Monday, October 20, 2025 – 6:00 PM

In person:

URI Bay Campus, Corless Auditorium
215 South Ferry Road
Narragansett, RI

Zoom webinar:

<https://us02web.zoom.us/j/81204111492?pwd=WVYpH3rD9VBT67AvGKz7CuUXQCaQ8l.1>

Meeting ID: 812 0411 1492

Passcode: 707403

Dial in: 1-929-205-6099

AGENDA

Agenda item (<i>items italicized include links to the meeting material</i>)	Recommended action(s)
1. <i>Tonight's agenda</i>	Approval of agenda
2. Review/approval of minutes from last meeting <i>Meeting minutes April 7, 2025</i>	Approval of meeting minutes
3. Public comment on any matters not on the agenda	Discussion and/or recommendations for future action.
4. <u>Proposed regulations publicly noticed:</u> <i>a. Electronic Negative Reporting Due Dates</i> <i>b. Reporting Requirements Upon Issuance of a New License with Sale of a Vessel and/or Gear</i> <i>c. Prioritization Categories for the Issuance of New Licenses – Update with Revised Licensing Structure</i> <i>d. Clarification of Restricted Finfish Species</i> <i>e. Lobster Trap Tag Transfer Application Period for State Vessels</i>	Provide recommendations to the Director regarding proposed regulations

4. <u>Proposed regulations publicly noticed cont'd:</u> <i>f. Horseshoe Crab Closure at New and Full Moons</i> <i>g. Biomedical Horseshoe Crab Harvest in Coastal Salt Ponds/Little Narr. Bay</i> <i>h. Exit:Entry Ratio Unlimited Finfish Endorsement</i> <i>i. Commercial Green Crab License</i> <i>j. Jonah Crab Claw Possession Allowance</i> <i>k. Summer Flounder Exemption Certificate Expiration and Renewal</i> <i>l. Summer Flounder Exemption Certificate Transfer Application Period After Sale of Vessel</i> • <u>Summary of Hearing Comments:</u> - o <i>Part 2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses</i> - o <i>Part 5 – Lobster, Crabs, and Other Crustaceans</i> - o <i>Part 14 - Summer Flounder Exemption Certificate Program</i> • <i>Written comments received</i> • <u>External links (Sec. of State) to proposed rules:</u> - o <i>Part 2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses</i> - o <i>Part 5 – Lobster, Crabs, and Other Crustaceans</i> - o <i>Part 14 - Summer Flounder Exemption Certificate Program</i>	Provide recommendations to the Director regarding proposed regulations
5. <u>Bissell Cove/Fox Island Shellfish Management Area oyster harvest moratorium expiration:</u> • <i>SAP presentation</i> • <i>SAP recommendation</i> • <i>Meeting recording (link to YouTube)</i>	Provide recommendations to the Director regarding proposed regulations
6. <u>Quonochontaug Pond Shellfish Management Area oyster harvest moratorium expiration:</u> • <i>SAP presentation</i> • <i>SAP recommendation</i> • <i>Meeting recording (link to YouTube)</i>	Provide recommendations to the Director regarding proposed regulations
7. <u>Old business:</u> • <i>Division task from the September 2024 Council meeting to examine unintended consequences of transitioning from the Dockside Sales endorsement to the Direct Sales Dealer License.</i> • <i>Division task from the April 2025 Council meeting that the ASMFC management regions for Cobia be re-evaluated.</i> • <i>Response to the Council regarding public comments made at the April 2025 Council meeting:</i> - o <i>Minimum size for black sea bass</i> - o <i>Striped bass management</i>	FYI, discussion, or recommendations for future action
8. <u>Any other matters?</u>	FYI or recommendations for future action.
9. <u>Adjourn</u>	

All RIMFC Meetings are open to the public pursuant to R.I. Gen. Laws § 42-46-6. If any reasonable accommodation is needed to ensure equal access, service, or participation, or to request sign language and/or

CART services for the deaf and hard of hearing, please contact Peter Duhamel @ peter.duhamel@dem.ri.gov at least 3 business days before the date of the scheduled meeting to allow adequate time to process the request.



Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

RIMFC: Molly Moran-Ogren, *Chair*; Coral Aiello; David Bethoney, Ph.D.; Andy Dangelo; Katie Eagan; Melva Treviño Peña, Ph.D.; Mike Roderick; Russell Sylvestre; Greg Vespe

MEETING SUMMARY

April 7, 2025

Chairperson: Molly Ogren

Council members: Mr. Vespe absent

Division of Marine Fisheries: S. Olszewski, J. Livermore, J. Lake, N. Costa, K. Rodrigue, N. Ares, P. Duhamel

Division of Law Enforcement: Sgt. Jeff Mercer

1. Approval of the agenda: Ms. Ogren inquired to any objections to approving the agenda or if there were any requests for modifications. Hearing no objections or requests for modifications from the Council members, the agenda was approved by consent.
2. Approval of minutes from last meeting on March 27, 2025: Ms. Ogren inquired to any objections to approving the minutes, or if there were any requests for modifications. Hearing none, the minutes were approved by consent.
3. Public comments regarding any other matters not on agenda:
 - Mr. Dean Pesante asked that the Division explore a new management plan for striped bass, and offered that the state of New York has an effective plan.
 - Mr. Ken Murgo asked that the Division consider an increase in the minimum size of black sea bass, particularly if such increase could result in additional quota for Rhode Island.
4. Proposed regulations publicly noticed:
 - a. Commercial menhaden management:
 - Motion made by Dr. Bethoney; 2nd by Ms. Eagan, to recommend the following amendment:
 - o 6,000 lbs/vessel/week possession limit regardless of MMA status, provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island.
 - o Open days Monday and Thursday only.
 - o RI resident only.
 - o Hand haul seine, cast net, and floating gill net gear types authorized; maximum net size 480 feet by 48 feet.

- o Open April 1 – April 30 with a 100,000 lb maximum allowed harvest; open May 1 – May 30 with a 100,000 lb maximum allowed harvest.
 - o Maintain harvest prohibition in Providence River and Greenwich Bay.
 - o Revisit this matter next regulatory cycle to analyze and determine needed revisions.
- Motion to amend: Motion made by Ms. Eagan; 2nd by Dr. Treviño Peña, to add June 1 through June 30: 100,000 lbs. The motion to amend passed 6-0-1 (Mr. Sylvestre recused).
- Main motion as amended:
 - o 6,000 lbs/vessel/week possession limit regardless of MMA status, provided that the State's quota has not been exhausted or if the Episodic Event Set Aside Program has been enacted in Rhode Island.
 - o Open days Monday and Thursday only.
 - o RI resident only.
 - o Hand haul seine, cast net, and floating gill net gear types authorized; maximum net size 480 feet by 48 feet.
 - o Open April 1 – April 30 with a 100,000 lb maximum allowed harvest; open May 1 – May 30 with a 100,000 lb maximum allowed harvest; open June 1 – June 30 with a 100,000 lb maximum allowable harvest.
 - o Maintain harvest prohibition in Providence River and Greenwich Bay.
 - o Revisit this matter next regulatory cycle to analyze and determine needed revisions.

The motion passed 6-0-1 (Mr. Sylvestre recused).

- b. Black sea bass pots: Motion made by Dr. Treviño Peña; 2nd Ms. Eagan, to recommend removal of redundant and unnecessary language as noticed. The motion passed 7-0.
- c. Horseshoe crab management:
 - Motion made by Dr. Bethoney; 2nd by Mr. Roderick, to recommend status quo for the bait and biomedical harvest of horseshoe crabs and adopt proposal 2 as noticed. The motion passed 6-0-1 (Mr. Sylvestre recused).
 - Motion made Dr. Bethoney; 2nd by Dr. Treviño Peña, to recommend that the Division re-visit the closure of coastal salt ponds to biomedical harvest during the next regulatory cycle. The motion passed 6-0-1 (Mr. Sylvestre recused)
- d. Dealer accounting: Motion made by Mr. Sylvestre; 2nd by Ms. Aiello, to recommend status quo of dealer reporting weigh out regulations and that this matter be re-visited during the next regulatory cycle. The motion passed 6- 1 (Mr. Roderick opposed)
- e. Aggregate Program closure trigger for black sea bass and summer flounder for the summer/fall period:

- Motion made by Ms. Eagan; 2nd by Dr. Bethoney, to recommend status quo for the summer/fall aggregate program triggers for both summer flounder and black sea bass. The motioned failed 5-0-1-1 (Dr. Treviño Peña abstained, Mr. Sylvestre recused).
 - Motion made by Mr. Dangelo; 2nd by Mr. Roderick, to recommend that the black sea bass closure trigger be amended from 85% to 70%, and that the summer flounder closure trigger be changed from 85% to 70%.
 - Motion to amend: Motion made by Dr. Bethoney; 2nd by Ms. Eagan, to recommend that the black sea bass closure trigger be changed from 85% to 70% and to maintain status quo for the summer flounder closure trigger. The motion to amend passed 5-1-1 (Mr. Dangelo opposed; Mr. Sylvestre recused).
 - Main motion as amended: Recommend that the black sea bass closure trigger be amended from 85% to 70% and status quo for the summer flounder closure trigger. The motion passed 6-0-1 (Mr. Sylvestre recused).
- f. Aggregate Program possession limit for black sea bass for the summer/fall period: Motion made by Dr. Bethoney; 2nd by Mr. Dangelo, to recommend adoption of proposal 1 as noticed to decrease the black sea bass possession limit from 7 times to 6 times the daily for the 10/16 – 12/31 subperiod. The motion passed 6-0-1 (Mr. Sylvestre recused).
 - g. Aggregate Program penalties for non-compliance: Motion made by Mr. Dangelo; 2nd by Ms. Aiello, to recommend adoption of the aggregate program vessel non-compliance language as noticed. The motion passed 7-0.
 - h. 2025 recreational cobia management: Motion made by Mr. Dangelo; 2nd by Ms. Aiello to recommend adoption of two fish/day possession limit, 43” minimum size, for recreational cobia management, and that the ASMFC management regions be re-evaluated in the future. The motion passed 6-1 (Mr. Sylvestre opposed).
 - i. Lobster LCMA 1 and LCMA 3 management: Motion made by Dr. Bethoney; 2nd by Dr. Treviño Peña, to recommend adoption of language such that LTA holders in LCMAs 1 and 3 are not eligible for routine gear loss tags. The motion passed 4-3 (Mr. Roderick, Mr. Sylvestre, and Ms. Eagan opposed).
 - j. Lobster FMP compliance measures (min. size, min. escape vent size corrections): Motion made by Dr. Bethoney; 2nd by Mr. Roderick, to recommend adoption of lobster FMP compliance measures as noticed with the exception of the LCMA 1 gauge change. The motion passed 6-1 (Mr. Sylvestre opposed).
 - k. Ninigret Pond-Foster Cove sub-area 1 and sub-area 2 (Ninigret Pond Shellfish Management Area): Motion made by Dr. Treviño Peña; 2nd by Mr. Dangelo, to recommend adoption of the Ninigret Pond-Foster Cove Sub-Area 1 and 2 language as noticed. The motion passed 7-0.
5. Any other matters: No other matters were discussed.
 6. Adjournment: The meeting was adjourned by the Chair at 8:31pm.

Note: This document represents a meeting summary of the actions taken and/or future actions that will be addressed at subsequent meetings. The full video recording of the meeting is available at the Division of Marine Fisheries YouTube channel [here](#).

RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Marine Fisheries

Public Hearing

September 15, 2025



Tonight's Hearing Items



- Exit:entry ratios for the Unlimited Finfish endorsement
- Due dates for electronic negative reporting
- Reporting compliance w/issuance of new license upon sale of vessel or gear
- Prioritization structure for the issuance of new licenses
 - Remove instance of old licenses (CFL/PEL)
- Clarification of restricted species
- Commercial green crab license
- Jonah crab claw possession allowance
- Horseshoe crab closure at new and full moons
- Biomedical horseshoe crab harvest in coastal ponds and Little NB
- Lobster trap tag transfer application period (state vessels)
- Summer Flounder Exemption Certificate:
 - Expiration date of issued certificates
 - Transfer application period after sale

Timeline



- July 16: Workshop
- Sept. 15: Public Hearing
- Sept. 3 – Oct. 3: Public comment period
- October 20: RI Marine Fisheries Council
- January 1, 2026: Amended rules in effect

* Dates subject to change. All meetings announced on the Division's listserve and posted to our [calendar page](#).

Exit:Entry Ratio

Unlimited Finfish Endorsement



- **Industry proposals to amend current 2:1 ratio (2.7.4(C)(4)(a)):**
 - **Proposal 1:**
 - 1:1 (for every 1 license not renewed/retired, 1 Standard license with Unlimited Finfish endorsement available for issuance).
 - Would result in **27** new endorsements available for issuance in 2026.
 - **Proposal 2:**
 - 1:0 (for every 1 license not renewed/retired, 0 Standard license with Unlimited Finfish endorsement available for issuance).
 - Would result in **0** new licenses available for issuance for 2026.
 - **Proposal 3:**
 - 3:1 (for every 3 licenses not renewed/retired, 1 Standard license with Unlimited Finfish endorsement available for issuance).
 - Would result in **9** new endorsements available for issuance in 2026.
- **Current ratio 2:1 (Status Quo):**
 - Would result in **15** new endorsements available for issuance for 2026.
 - Please provide comment if support status quo.

Electronic Negative Reporting Due Dates



Proposal 1 (Division): Establish due dates for electronic negative reporting in rule.

Proposed rule (2.7.8(E)(2)): Negative Reports

(1) The holder of a commercial fishing license with a reporting requirement shall submit an electronic negative report for each month during which no commercial seafood product was harvested.

(2) Due dates for the submittal of monthly negative reports:

(AA) For no fishing activity during the months of January, February, and/or March: April 15

(BB) For no fishing activity during the months of April, May, and/or June: July 15

(CC) For no fishing activity during the months of July, August, and/or September: October 15

(DD) For no fishing activity during the months of October, November, and/or December: January 15

(3) Negative reports may be submitted for a maximum of three (3) months in advance.

Reporting Requirements Upon Transfer/Issuance of a New License with Sale of a Vessel and/or Gear



Proposal 1 (Division): Require transferee and/or transferer catch and effort reporting compliance prior to the transfer approval.

Proposed rule (2.7.4(C)(5)):

- Prior to the sale of a license holders' vessel and/or gear, the license holder must be in compliance with all applicable reporting requirements.
- Prior to issuance of a new license, if the applicant currently holds a commercial license, the applicant must be in compliance with all applicable reporting requirements.

Prioritization Categories for the Issuance of New Licenses – Update with Revised Licensing Structure



Proposal 1 (Division) (2.7.6(A)): Remove from the rule instances of obsolete licenses *Commercial Fishing License (CFL)* and *Principal Effort License (PEL)*.

Clarification of Restricted Finfish Species



Proposal 1 (Division): Division proposal to clarify that scup is restricted *only* when harvested from May 1 through September 30; and that black sea bass, summer flounder, striped bass, and tautog are restricted *for the entire year*.

Proposed rule (2.7.3(C)(1)):

1. Unlimited Finfish: Authorizes the commercial harvest of restricted and non-restricted species of finfish, squid, and marine species other than shellfish and crustacean, unless otherwise prohibited for harvest. Restricted finfish species shall include ~~black sea bass, summer flounder, striped bass, tautog, and scup harvested from May 1 through September 30:~~
 - a. Black sea bass, summer flounder, striped bass, tautog harvested from January 1 through December 31.
 - b. Scup harvested from May 1 through September 30.

Commercial Green Crab License



Proposal 1 (Division): Add a commercial green crab license to rule resulting from recently passed legislation.

Proposed rule (2.7.3(A)(6)): Resident Licenses

Resident Commercial Green Crab License: Authorizes the commercial harvest by residents of green crab. Not eligible if otherwise authorized by another applicable commercial fishing license.

Proposed rule (2.7.3(F)(18)): Fees

Resident Commercial Green Crab License: Ten dollars (\$10.00).

Proposed rule (2.7.7(B)(1) & (4)(a)): Application Deadlines

Standard Resident, Standard Non-Resident, Over Sixty-Five (65) Shellfish, Multipurpose Fishing License, **and** Multipurpose Vessel License, **and Resident Commercial Green Crab License:** Applications must be received or postmarked by 4:00 p.m. on February 28, or by 4:00 p.m. on the first (1st) business day following February 28 if that day falls on a Saturday, Sunday or holiday.

Standard Resident, Standard Non-Resident, Over Sixty-Five (65) Shellfish, Multipurpose Fishing License, **and** Multipurpose Vessel License, **and Resident Commercial Green Crab License:** License applications not received by the application deadline will accepted during a sixty (60) day grace period commencing on the day immediately following the application deadline upon payment of a late fee in the amount of two hundred dollars (\$200.00).

Jonah Crab Claw Possession Limit and Minimum Size



Proposal 1 (Division): Allow harvest of Jonah Crab claws consistent with the FMP.

Proposed rule (5.8(B)(2)): Minimum size

a. Whole crab: Four and three quarters inches (4-3/4") as measured across the widest point of the carapace.

b. Detached claws:

(1) Up to five (5) gallons per person per day: No minimum claw size.

(2) Greater than five (5) gallons: All claws must have a minimum claw length of two and three quarters inches (2 ¾") with claw length measured along the bottom of the claw, from the joint to the lower tip of the claw.

Jonah Crab Claw Possession Limit and Minimum Size



Proposed rule (5.8(B)(5)): Possession limit

a. Whole crab:

b. Incidental Catch Provision:

(1) Directed Fishery: Unlimited.

(2) Bycatch fishery: One thousand (1,000) crabs per vessel per calendar day provided the poundage of crabs does not exceed the poundage of other species on board the vessel at all times during a fishing trip.

b. Detached claws:

(1) Directed Fishery: Unlimited.

(2) Bycatch fishery: Two thousand (2,000) claws.

Proposed rule (5.8(C)(2)): Harvest restrictions

2. Only whole Jonah Crab may be retained and sold.

Horseshoe Crab Closure at New and Full Moons



Proposal 1 (Division): Clarify the rule so that harvest is prohibited 48 hours preceding the new and full moons through 48 hours following the new and full moons.

Proposed rule (5.7(D)(3)(d)): Harvest Restriction

~~No person shall harvest~~Biomedical horseshoe crabs~~s for biomedical purposes~~
harvest is prohibited during the period from forty-eight (48) hours preceding,
through and forty-eight (48) hours following, the new and full moons during the
month of May annually.

Biomedical Horseshoe Crab Harvest in Coastal Salt Ponds and Little Narragansett Bay



Proposal 1 (Stakeholder): Prohibit biomedical horseshoe crab harvest in all coastal salt ponds and Little Narragansett Bay.

Coastal Pond	Town	Coastal Pond	Town
Quicksand	L. Compton	Card	South Kingstown
Tunipus	L. Compton	Trustom	South Kingstown
Briggs Marsh	L. Compton	Green Hill	S. Kingstown/Charlestown
Ship Pond Cove	L. Compton	Ninigret (Charlestown)	Charlestown
Long	L. Compton	Quonochontaug	Charlestown/Westerly
Round	L. Compton	Winnapaug	Westerly
Nonquit	Tiverton	Little Maschaug	Westerly
Nannaquaket	Tiverton	Maschaug	Westerly
Pettaquamscutt (Narrow)	Narragansett/N. Kingstown	Great Salt	Block Island
Point Judith	Narragansett/S. Kingstown	Trim	Block Island
Potter	South Kingstown	Harbor	Block Island

Little Narragansett Bay is defined as the marine waters of Little Narragansett Bay and the Pawcatuck River located east of line extending from Napatree Point to Sandy Point Island at the intersection of Rhode Island/Connecticut border in the town of Westerly.

Lobster Trap Tag Transfer Application Period for State Vessels



Proposal 1 (Division): ~~Eliminate the application period and accept applications throughout the year. Tags issued prior to the transfer must be returned to DMF prior to transfer application approval.~~

Update: Will not be moving forward. Will re-notice in the Spring cycle for consistency with FMP (Addendum XII, 2009).

Summer Flounder Exemption Certificate Expiration and Renewal



Proposal 1 (Division): Require that the next 5-year renewal cycle be in 2030.

Proposed rule (14.10(C)): Renewal Application Deadline

1. Notice of certificate expiration and renewal requirement will be mailed to the person and mailing address on file with the Department no later than October 1, ~~2025~~2030.
2. Renewal applications must be received by the Department or postmarked by December 31, ~~2025~~2030 to be considered for renewal.

Summer Flounder *Exemption Certificate* Transfer Application Period After Sale of Vessel



Proposal 1 (Division): Transfer applications be submitted to the Department no later than 60 days after the change in ownership.

Proposed rule (14.11.2(B)(1)): Renewal Application Deadline

1. Applications shall be submitted to the Department no later than 60 days after the change in ownership.



REMINDER:

- Comment period closes 4:00pm on Friday, October 3rd
- RI Marine Fisheries Council October 20th

End of Slides!





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



Summary of Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation: Part 2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses (250-RICR-90-00-2)

Type of rulemaking: Regular rulemaking

Type of filing: Amendment

Timetable for action on the proposed rule:

- Date of public notice: September 2, 2025
- Date of hearing: September 15, 2025
- End of comment period: October 3, 2025

Proposed rules and comments received:

- a. Proposed amendment to the exit:entry ratio for Unlimited Finfish endorsement (section 2.7.4(C)(4)(a)):
- Industry proposal #1 (noticed): Change ratio from 2:1 to 1:1: **Would result in 27 new endorsements available for issuance in 2026.**
 - Industry proposal #2: Change ratio from 2:1 to 1:0: **Would result in 0 new licenses available for issuance for 2026.**
 - Industry proposal #3: Change ratio from 2:1 to 3:1: **Would result in 9 new endorsements available for issuance in 2026.**
 - Current ratio 1:1 (status quo): **Would result in 15 new endorsements available for issuance for 2026.**

Comments received:

- 1 comment in support of status quo; opposed to proposal #2
- 2 comments in support of industry proposal # 1, change ratio from 2:1 to 1:1

- b. Division proposal to add due dates for electronic negative reports (section 2.7.8(E)(2)):

Comments received: 1 comment in support of this proposal

- c. Division proposal to require reporting compliance prior to the transfer of a new license upon sale of a license holder's vessel and/or gear (section 2.7.4(C)(5)):

Comments received: 1 comment in support of this proposal

- d. Division proposal to delete instances of obsolete licenses “Commercial Fishing License (CFL)” and “Principal Effort License (PEL)” as found in section 2.7.6 “Prioritization in the Issuance of New Licenses” (section 2.7.6):

Comments received: No comment were received

- e. Division proposal to modify rule to clarify restricted finfish species (section 2.7.3(C)(1)):

Comments received: No comment were received

- f. Division proposal to adopt rules for the issuance of a commercial green crab license (section 2.7.3(A)(6) and 2.7.3(F)(15)):

Comments received: No comment were received

IMPORTANT! The public hearing was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). ***This document serves only as a tally of support, opposition, or alternative proposals received, as provided in written and oral comments received; it does not include supporting details, rationale, or discussion of matters not specific to the proposed rules.***



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



Summary of Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation: Part 5 – Lobsters, Crabs, and Other Crustaceans (250-RICR-90-00-5)

Type of Filing: Proposed Amendments

Timetable for action on the proposed rule:

- Date of public notice: September 2, 2025
- Date of hearing: September 15, 2025
- End of comment period: October 3, 2025

Proposed rules and comments received:

- a. Division proposal to provide for the possession of Jonah crab claws consistent with ASMFC Fisheries Management Plan (FMP) (section 5.8(B)(5) and 5.8(C):

Comments received: No comments were received.

- b. Division proposal to clarify that the horseshoe crab biomedical harvest prohibition includes the new and full moons (in addition to the 48 hours before and after the new and full moons, which is currently in rule) (section 5.7(D)(3)(d):

Comments received: No comments were received.

- c. Proposal to prohibit horseshoe crab biomedical harvest in coastal salt ponds and Little Narragansett Bay (section 5.7(D)(3)(f):

Comments received: No comments were received.

- d. Division proposal to eliminate the lobster trap tag transfer application period and provide for the submittal and processing of applications at any time of the year (section 5.5.1(L)(5)(b)(3)):

Comments received: No comments were received.

IMPORTANT! The public hearing was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). ***This document serves only as a tally of support, opposition, or alternative proposals received, as provided in written and oral comments received; it does not include supporting details, rationale, or discussion of matters not specific to the proposed rules.***



**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



Summary of Comments

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation: Part 14 – Summer Flounder Exemption Certificate Program (250-RICR-90-00-14)

Type of rulemaking: Regular rulemaking

Type of filing: Amendment

Timetable for action on the proposed rule:

- Date of public notice: September 2, 2025
- Date of hearing: September 15, 2025
- End of comment period: October 3, 2025

Proposed rules and comments received:

- a. Division proposal to require next renewal cycle for the Summer Flounder Exemption Certificate in five years (section 14.10(A)):

Comments received: No comments were received.

- b. Division proposal to amend the renewal application deadline for the Summer Flounder Exemption Certificate (section 14.10(C)):

Comments received: No comments were received.

- c. Division proposal that transfer applications be submitted to the Department no later than 60 days after the change in ownership of the Summer Flounder Exemption Certificate (section 14.11.2(B)):

Comments received: No comments were received.

IMPORTANT! The public hearing was recorded and is publicly available on the Division of Marine Fisheries YouTube channel [here](#). *This document serves only as a tally of support, opposition, or alternative proposals received, as provided in written and oral comments received; it does not include supporting details, rationale, or discussion of matters not specific to the proposed rules.*

From: James Boyd
To: [Duhamel, Peter \(DEM\)](#)
Subject: Comments on proposed amendments to 250-RICR-90-00-2
Date: Thursday, October 2, 2025 7:27:33 PM

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Hi Pete,

I'm writing in support of proposed amendments to Part 2 of the Marine Fisheries regulations. In particular, I support amendments to:

§ 2.7.4(C)(4)(a) - proposed exit:entry ratio of 1:1 for unlimited finfish endorsement;

§ 2.7.4(C)(5) - requiring compliance with all applicable reporting requirements; and

§ 2.7.8(E)(2) - new requirements for electronic reporting. I suggest, however, that the language "Captains enrolled in an electronic logbook program shall submit trip reports no later than forty-eight (48) hours after the end of the trip." should be subsection (a) and the new Negative Reports should be subsection (b).

Please contact me should you have any questions.

Regards - Jim

James Boyd
RSTND22010044

From: [mjc122061 \(null\)](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: DEM Marine Fisheries - Notice of Proposed Rulemaking and Public Hearing
Date: Thursday, September 4, 2025 5:06:37 PM

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Hi Peter,

I believe there is a typo mistake on the date to submit questions. It says Wednesday October 3rd but the meeting is in September.

I am strongly against proposal # 2 allowing Zero endorsements. My first choice would be the allowance of 15 endorsements. I think there are many not using their licenses but renewing. I personally know someone who has done that for several years. This takes away from those who would use it if granted. Thanks for your time

Michael J Conley

Sent from my iPhone

From: [micheal mcelroy](#)
To: [Duhamel, Peter \(DEM\)](#)
Subject: license
Date: Wednesday, September 10, 2025 10:09:12 PM

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Hi Pete

Mike McElroy M/P 000082 i,m in favor of 1:1 , status Quo

thankyou

SHELLFISH ADVISORY PANEL

URI BAY CAMPUS/GSO

HAZARD ROOM (COASTAL INST. BUILDING)

October 1, 2025



Virtual Meeting Participation



1. All participants will be muted throughout the meeting.
2. To make a comment or ask a question you must use the Raise Hand feature in the zoom webinar.
3. The meeting facilitator will un-mute one participant at a time to make their comment or ask their question, the participant will then be re-muted.

Please minimize background noise while unmuted! – Thank you

AGENDA



1. **Bissel Cove/Fox Island and Quonochontaug Pond Shellfish Management Areas** oyster harvest moratorium expiration – *Action*
2. **Providence River Shellfish Management Area (Area E)**
 - 2025 harvest summary – *FYI Only*
3. **Office of Water Resources program updates** – *FYI Only*
4. **Any other matters (public comment welcome)** – *FYI Only*
5. **Adjourn**

Bissel Cove/Fox Island Shellfish Management Area – Oyster Moratorium Expiration



Background

- **Closure**
 - 2010 – Bissel Cove / Fox Island SMA closed to oyster harvest
- **Restoration**
 - 2009 - 2011 (EQIP Phase I): Cultch and Spat-on-Shell (SOS)
 - 2015 - 2030 (EQIP Phase II): Cultch, SOS, Monitoring
- **Monitoring**
 - 2017 - present: Restored Reefs
 - 2007 - 2008; 2015 - 2016; 2022 - 2023: surveyed for wild oysters
- **Oyster Harvest Moratorium**
 - 2010, 2015, 2020, (SAP, RIMFC)
 - SAP, RIMFC recommended extension to protect resource and restoration activities.

Bissel Cove/Fox Island Shellfish Management Area – Oyster Moratorium Expiration



Status:

- Restoration has been conducted in areas inside and outside of the barrier island.
- Outside of the barrier island (i.e., area approved for shellfishing by OWR):
 - Restoration is no longer active,
 - Recruitment has not been observed in recent years,
 - Cultch habitat has silted over.



Bissel Cove/Fox Island Shellfish Management Area – Oyster Moratorium Expiration



Management Status: The harvest and possession of oysters in Bissel Cove / Fox Island SMA is prohibited until November 15, 2025.

DMF Recommendation: Allow the oyster moratorium to expire (Option 1).

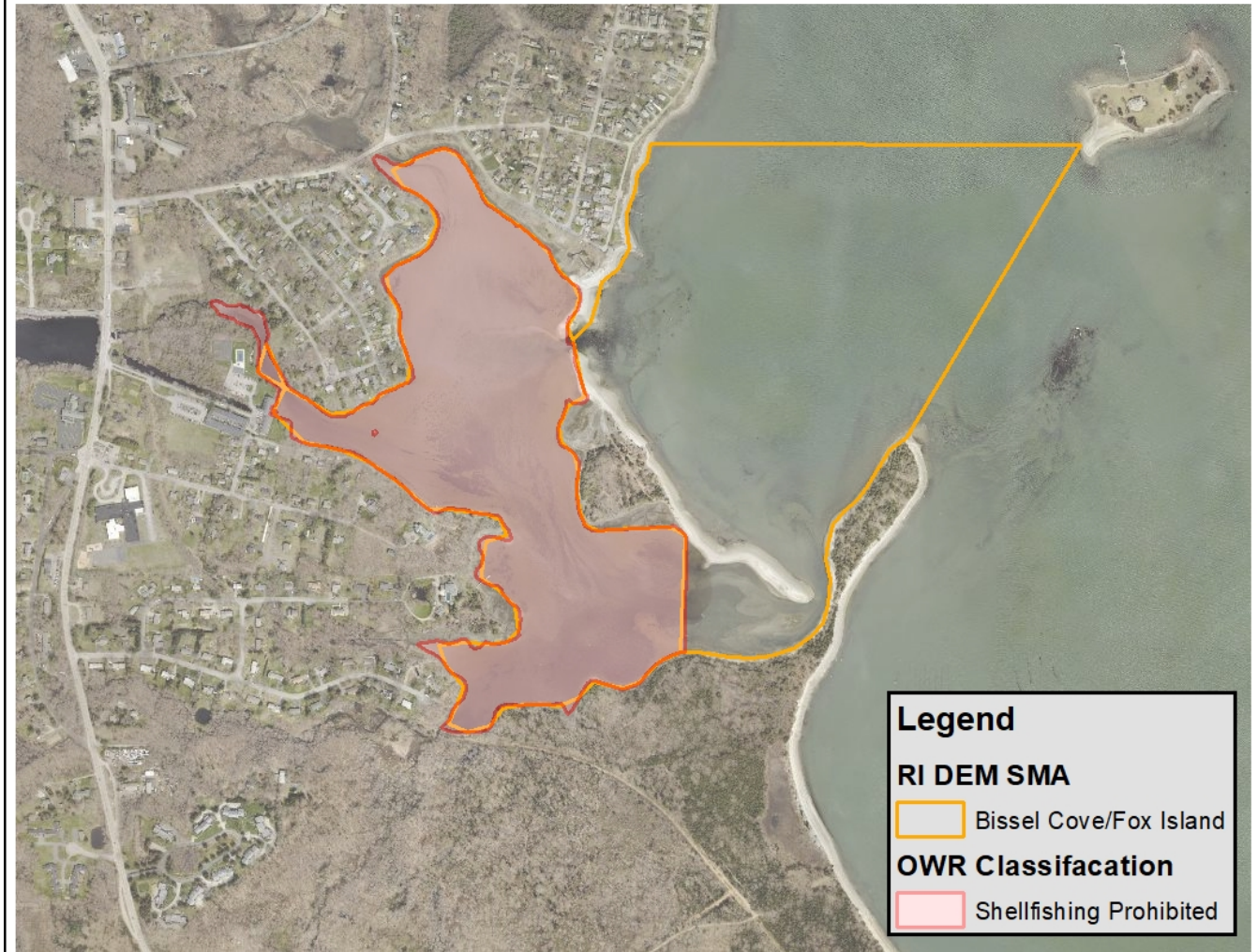
Rationale:

- Outside of the barrier island (i.e., area approved for shellfishing by OWR):
 - Restoration is no longer active,
 - Recruitment has not been observed in recent years,
 - Cultch habitat created silted over.
- The existing OWR Shellfish Closure (in the area west of the Barrier Island) will allow current restoration activities to continue through at least 2030.

Bissel Cove/Fox Island Shellfish Management Area – Oyster Moratorium Expiration



**Option 1: Status Quo - SMA
oyster harvest prohibition expires
Nov 15, 2025.**



Bissel Cove/Fox Island Shellfish Management Area – Oyster Moratorium Expiration



Option 2: SMA oyster harvest prohibition extended until Dec 31, 2029.



Bissel Cove/Fox Island Shellfish Management Area – Oyster Moratorium Expiration



Motion: To recommend to the Marine Fisheries Council to adopt
Option 1: Status Quo, Shellfish Management Area oyster harvest prohibition expires Nov 15, 2025.

Motion made by: Mike McGiveney

Motion 2nd by: John McDonald

Yea: 9

Nay: 1

Abstain: 1

Vote: 9-1-1

Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Background of Restoration and Management

- **2007 - 2008**
 - DMF conducted surveys in Quonnie found no wild oyster populations
 - 2010: Recommended pond-wide closure and restoration be initiated
- **Restoration**
 - 2009 - 2011 (EQIP Phase I): Cultch and Spat-on-Shell (SOS)
 - 2015 - 2029 (EQIP Phase II + DMF FHE): Cultch, SOS, Monitoring
- **Monitoring**
 - 2017 - 2025: Restored Reefs
 - 2007 - 2008, 2015 - 2016; 2022 - 2023: Pond-wide surveys for wild oysters
- **Pond-wide Oyster Harvest Moratorium**
 - 2010, 2013, 2016, 2021, 2023 (SAP, RIMFC)
 - Resource deemed not recovered. SAP, RIMFC recommended extension of pond-wide closure.

Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Closures



- Spawner Sanctuaries

Reserve Sites



- Protected by pond-wide oyster closure



Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Closures



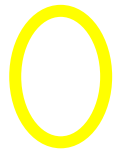
- Spawner Sanctuaries

Reserve Sites

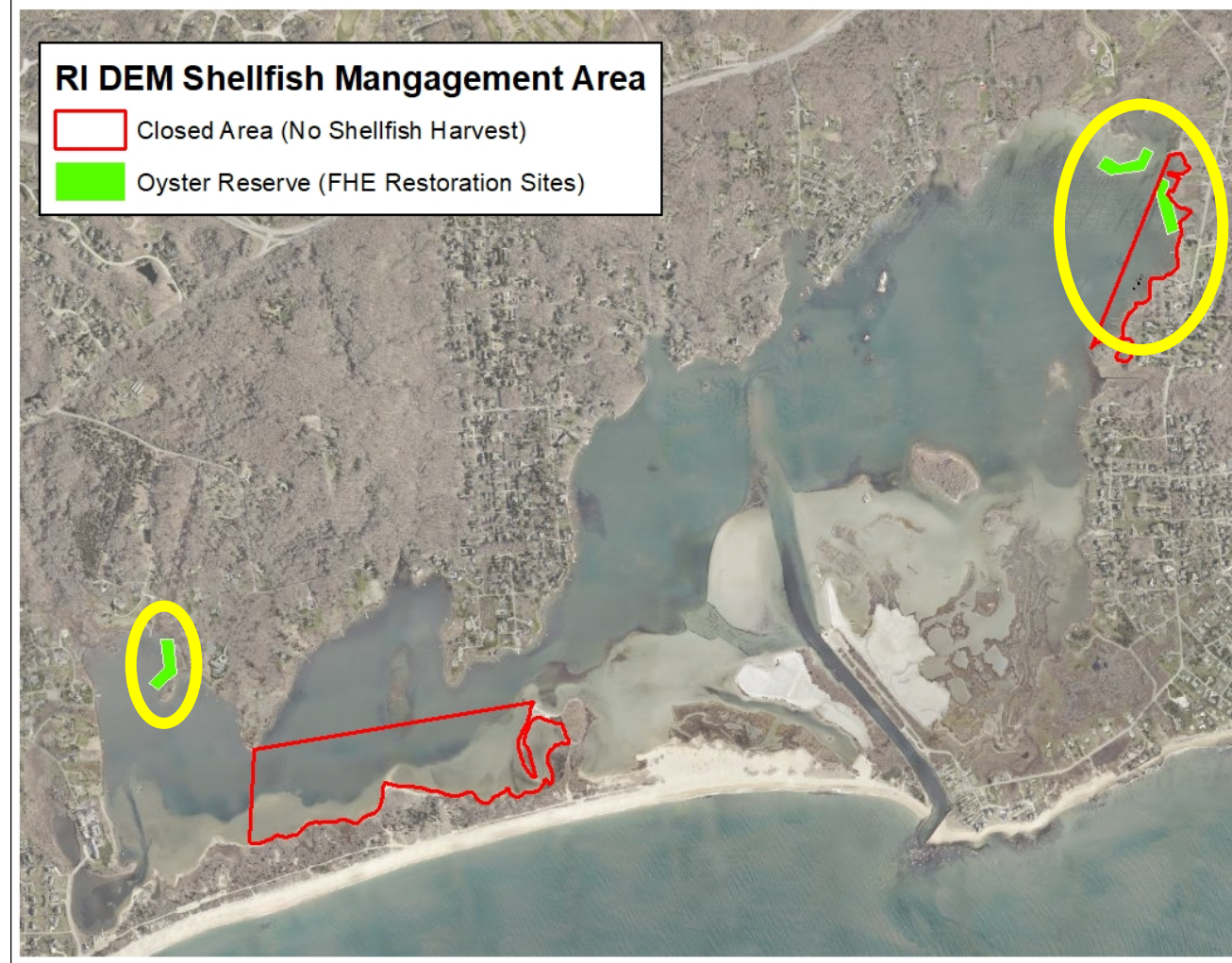


- Protected by pond-wide oyster closure

Restoration and Enhancement



- Will continue through 2029 in the Eastern Closed Area and Oyster Reserve Sites



Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



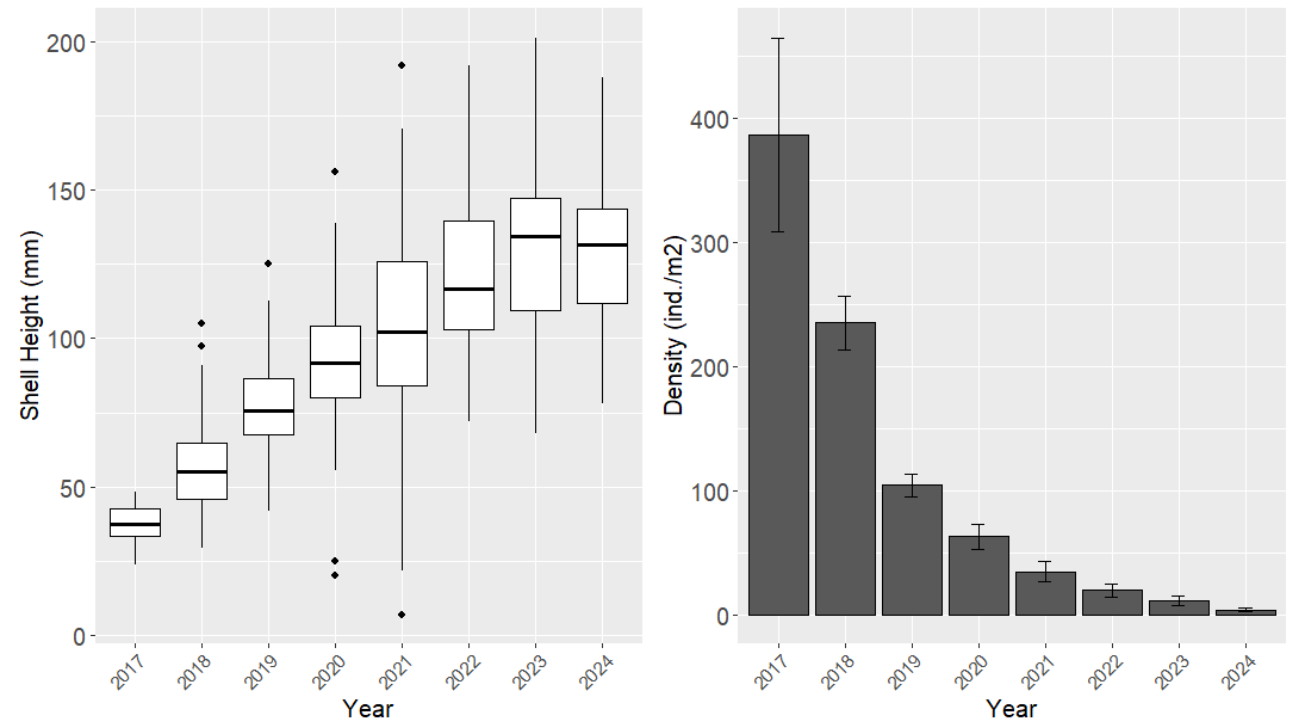
Status of oysters

Restoration Reefs - resumed in 2016

- Approx 2.5 million oysters seeded (EQIP and FHE)
- Reefs contain a mix of juvenile and mature oysters
- Restoration and Research is scheduled through 2029
 - Includes overseeding and reef creation



Mean oyster length and density at FHE reefs by year



Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Status of oysters

Restoration Reefs - resumed in 2016

- Approx 2.5 million oysters seeded (EQIP and FHE)
- Reefs contain a mix of juvenile and mature oysters
- Restoration and Research is scheduled through 2029
 - Includes overseeding and reef creation

Natural Reefs

- Surveyed ~150,000 ft² (3.4 acres) from 2021-2023
- Located 9 sites that have received recruitment since 2017
- 7 of these 9 sites have living oysters, but at low densities (<10 m²)
- Densities are not self-sustainable

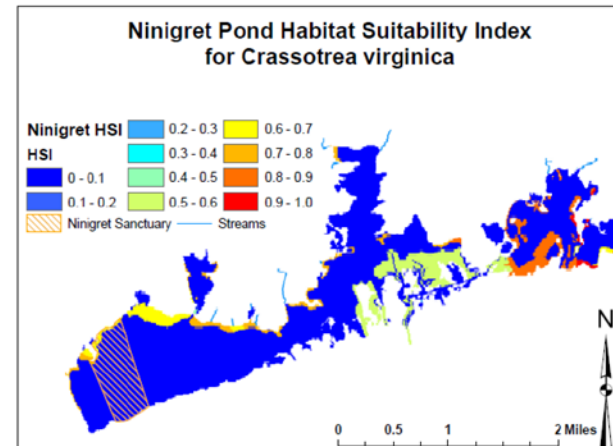


Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Future Restoration, Research, and Guidance

- Restoration (overseeding and reef creation) and research is scheduled to continue through 2029
- Oyster Habitat Suitability Index (HSI) model to be completed by June 2026
- Shellfish Restoration and Enhancement Plan (SREP) resuming in winter 2025 - 2026



Example of HSI for Ninigret

Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Summary

- Since 2017, restoration activities placed > 2.5 million oysters
- Current mix of juvenile and mature oysters
- Outside of restoration areas show limited recruitment and low densities (<10 m²), not sustainable
- Restoration and Research is scheduled through 2029
- New information will be developed over next few years
 - Oyster HSI model completed by June 2026
 - SREP in progress, next stakeholder meetings winter of 2025

Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Management Status: The harvest and possession of oysters in Quonochontaug Pond is prohibited until November 15, 2025.

DMF Recommendation: Continue pond-wide the oyster moratorium until Dec 31, 2029 (Option 2).

Rationale:

- Despite mature oysters at restoration sites, limited recruitment and low densities outside of restoration sites.
- Extension would:
 - Protect oyster restoration and enhancement work located in the Oyster Reserves, sited outside of the existing Closed Areas,
 - Provide 4 years of potential recruitment to natural reef sites, supported by mature oysters on restoration reefs and future restoration and overseeding,
 - Allows for information from additional survey work, HSI, and SREP to be considered in management.

Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



**Option 1: Status Quo - Pond-wide
closure expires Nov 15, 2025.**



Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Option 2: Oyster harvest in Quonnie is prohibited pond-wide until Dec 31, 2029 (4-year extension).



Quonochontaug Pond Shellfish Management Area – Oyster Moratorium Expiration



Motion: To recommend to the Marine Fisheries Council to adopt

Option 2: Oyster harvest in Quonochontaug Pond is prohibited pond-wide until Dec 31, 2029 (4-year extension).

Motion made by: Jeff Gardner

Motion 2nd by: Dennis Erkan

Yea: 9

Nay: 0

Abstain: 0

Vote: 9-0-0

Providence River 2025 Harvest Summary



YEAR	2021	2022	2023	2024	2025 (Winter: 2-hr openings)	2025 (Summer: as of 9/26)
Days Open	15	28	15	16	6 out of 6	14 out of 23
Clams Harvested	4,727,196	10,553,571	5,645,317	4,977,293	853,198	4,175,437
(% Little Necks)	-83.54%	-85.10%	-83.12%	-84.92%	-83.22%	-82.99%
(% Top Necks)	-13.30%	-12.60%	-14.80%	-13.89%	-15.30%	-15.07%
(% Cherry)	-0.87%	-0.60%	-0.57%	-0.48%	-0.54%	-1.19%
(% Chowders)	-2.29%	-1.70%	-1.51%	-0.71%	-0.95%	-0.75%
Average landings per Day	312,530	376,680	372,323	311,080	141,795	298,245
Average Number of Harvesters per Day	151	176	184	163	95 (min 77-max 118)	163 (141 min-181 max)
Average number of Clams per license per day	2,048	2,131	2,052	1,908	1,493	1,829

- Higher participation and harvest during the summer openings

+ 110% increase

+ 71.6% increase

+ 22.5% increase

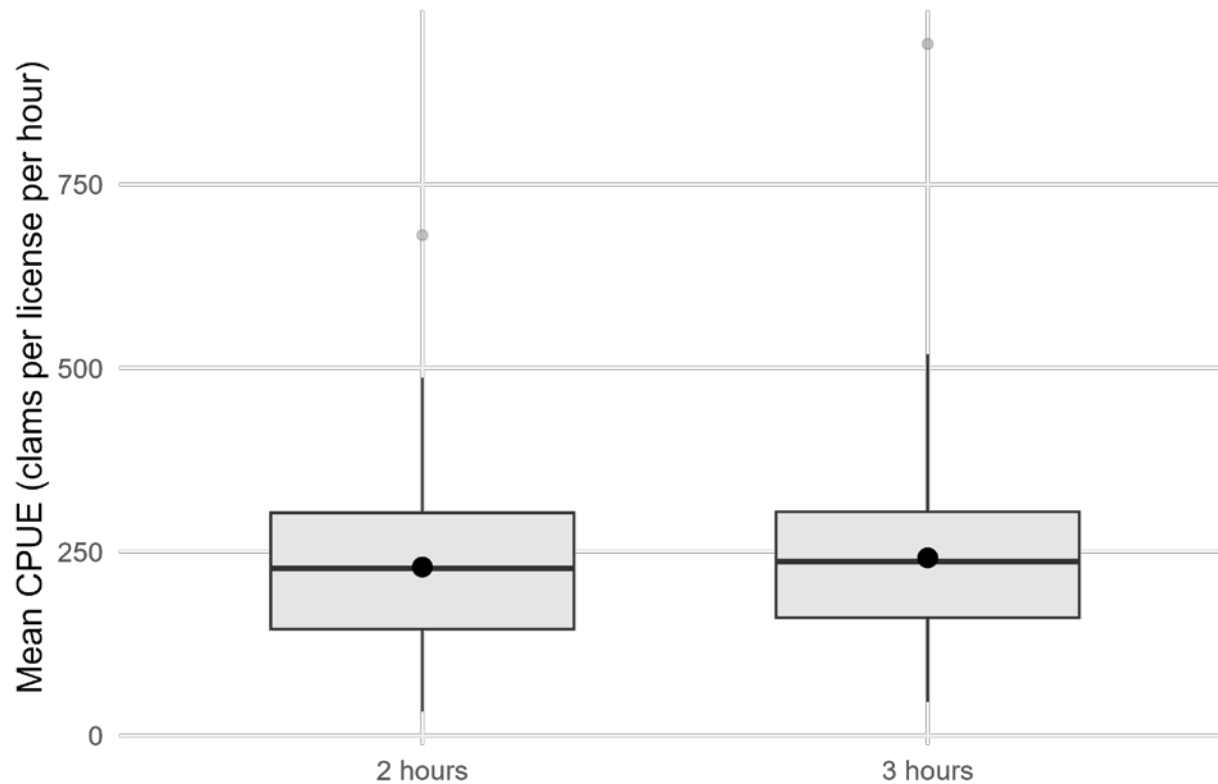
*2025 Landings data as of 9/26/2025

Providence River 2025 Harvest Summary



2-hour versus 3-hour openings

Per-license Mean CPUE by Opening Length



- Harvest efficiency was similar between the 2-hour and 3-hour openings, so the 2-hour opening didn't drastically reduce per-hour catch rates.
- The 2-hour opening did reduce the average number of harvesters per day from an average of 163 licenses during the summer 3-hour openings to 95 licenses during the winter 2-hour openings.
- For licenses that fished both 2-hour and 3-hour openings (n=143), average catch rate was ~12.6 clams/hour higher during 3-hour

*2025 Landings data as of 9/26/2025

Providence River 2025 Harvest Summary



- Total landings February – April over 6 days = 853,198
- Total landings May – October over 14 days = 4,175,437
- 4 days remaining (through December 12th) + 3 rolling days in December = 7 days
- Shoredigging dealer reporting



Providence River 'Area E' 9/7/2024

Shellfish Growing Area Water Quality Update

David Borkman, Steve Engborg, Anthony Crudale, Olivia Chatowsky
RI DEM Office of Water Resources
david.borkman@dem.ri.gov
Phone: 401-537-4203

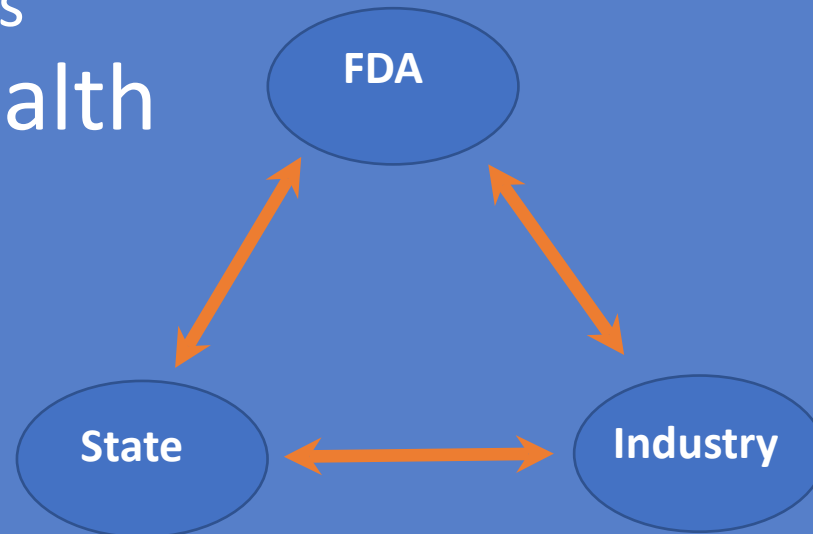
- Introduction
- Rain
- Conditional Area Review
- 2024 FDA compliance
- Other things

- RI Shellfish Management
 - 3 State Agencies, plus FDA & Industry
 - RI Dept of Health (DOH)
 - Food Safety and Laboratory
 - RI Coastal Resource Mgmt Council (CRMC)
 - Aquaculture
 - **RI Dept of Environmental Mgmt (DEM)**
 - **Law Enforcement, Fisheries, Agriculture,**
Water Quality

Program Overview

National Shellfish Sanitation Program (NSSP)

- NSSP formed 1925 – response to illnesses
- FDA, State / Local Regulators, Shellfish Industry
- Standardized monitoring and WQ standards
- Guidance *via* NSSP ‘Model Ordinance’
- Fecal coliform as an indicator of potential presence of sewage-borne pathogens
- **Protect Public Health**



National Shellfish Sanitation Program (NSSP)

Guide for the Control of Molluscan Shellfish 2023 Revision



From the U.S. Food and Drug Administration website
<https://www.fda.gov/nssp>

DEM Office of Water Resources: Shellfish Water Quality Monitoring

Where and when is it safe to harvest shellfish? - Shellfish area classification (fecal coliform)

■ Monitoring

- - 328 monitoring stations
- ~2,000 to 2,500 fecal coliform samples
- ~350 HAB phytoplankton samples
- Shoreline surveys

■ Shellfish Closures

■ Publications (Memorial Day)

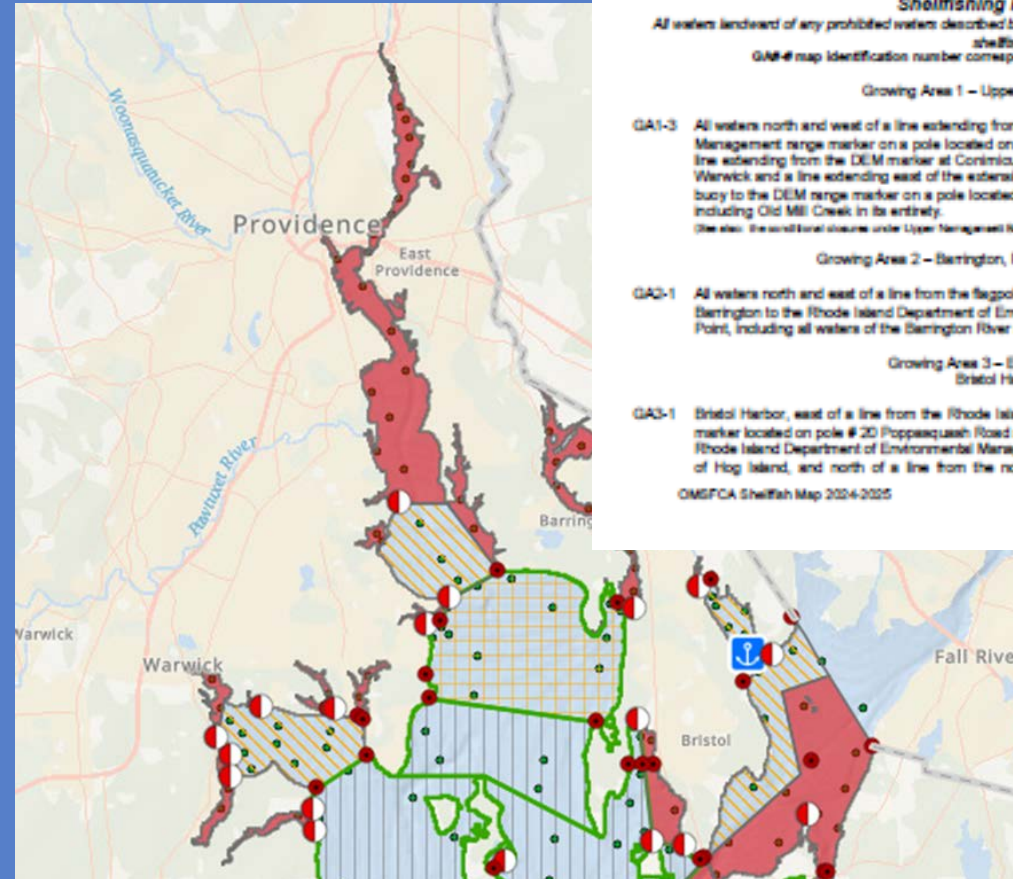
- Notice of Polluted Shellfish Grounds
- Annual Shellfish Growing Area Classification Report & Shoreline Survey
- dem.ri.gov/shellfish

Approved

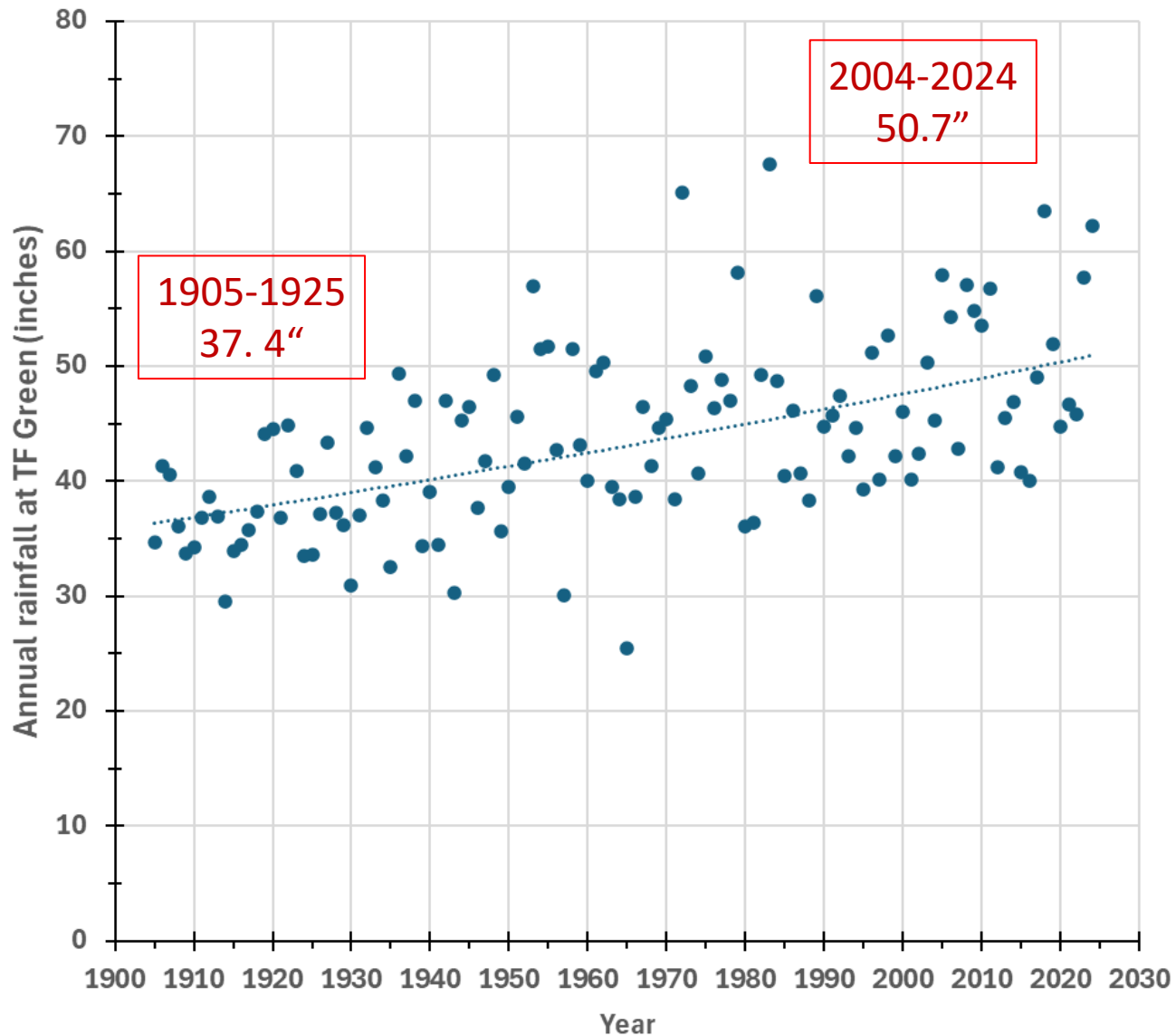
Conditionally Approved

Restricted / Conditionally Restricted

Prohibited



Annual Rain (") at TF Green, 1905 - 2024



Rain:

- Significant long-term increase in annual rainfall
- On average: 13.2" more rain per year now compared to 100 years ago.

TF Green Airport annual rainfall 1905-2024

Rank	Year	Rain (")
1	1983	67.5
2	1972	65.1
3	2018	63.5
4	2024	62.3
5	1979	58.2
6	2005	57.9
7	2023	57.7
8	2008	57.1
9	1953	57.0
10	2011	56.7
11	1989	56.1
12	2009	54.9
13	2006	54.3
14	2010	53.5
15	1998	52.7
16	2019	52.0
17	1955	51.7
18	1958	51.5
19	1954	51.5
20	1996	51.2

← 2024

← 2023

Despite recent dryness, it's already been a record wet year

by A.J. MASTRANGELO, STORM TEAM 10 | Wed, September 4th 2024 at 6:03 AM



Flooding on Cadillac Ave. in Providence back on 5/23/24 (David Buxton via Chime In)

BY THE NUMBERS

1) 2024 47.26"

2) 1979 43.90"

3) 1998 42.59"

4) 1983 42.14"

5) 1972 40.36"

BY THE NUMBERS

YEAR TO DATE: 49.26"

EARLIEST DATE REACHING 50": 10/3/79

YEARLY RAINFALL RECORD: 67.52" (1983)

+18.62"

VIEW ALL PHOTOS

Wet weather recently!

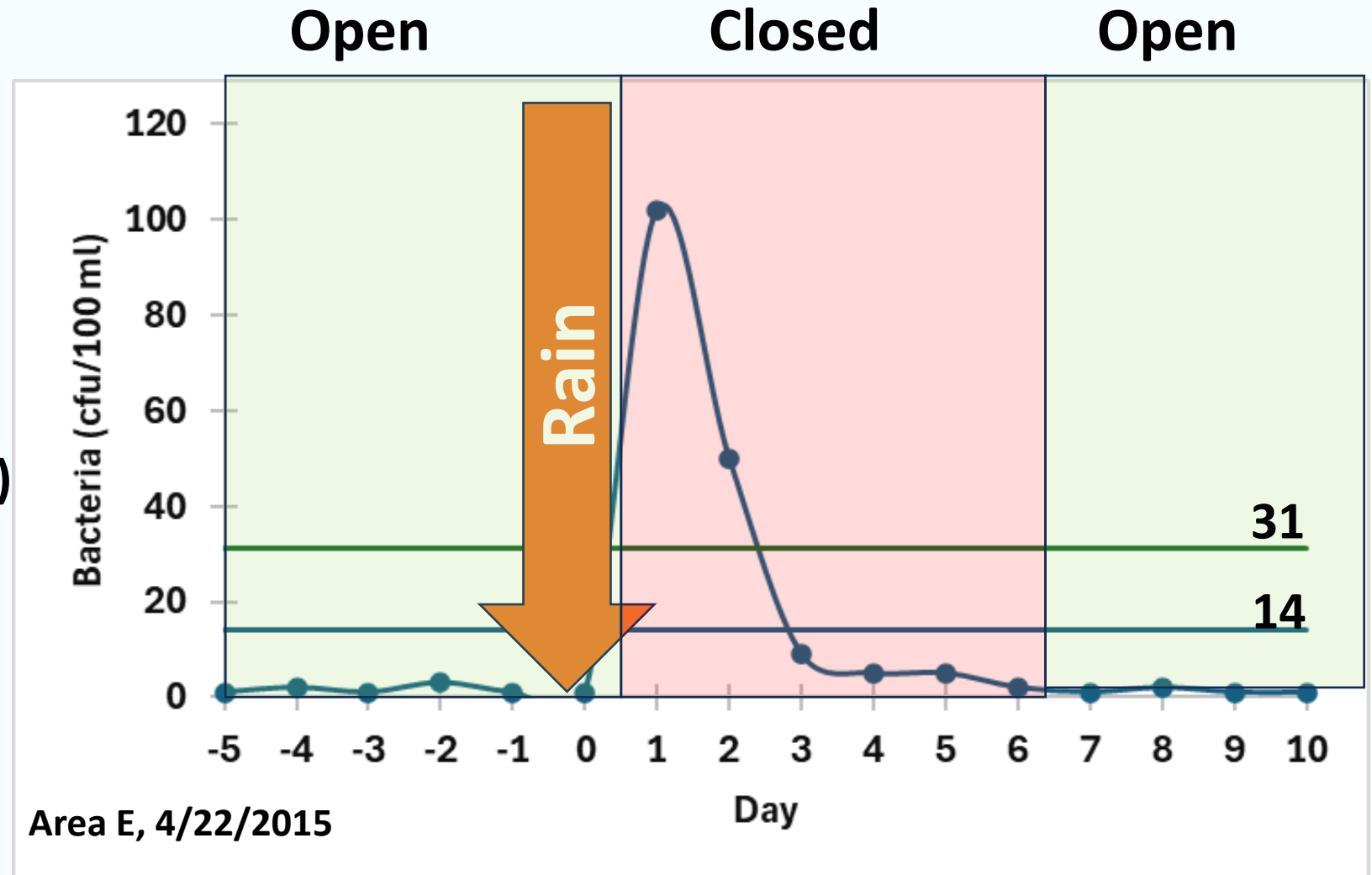
- 2 of top ten wet years in past 2 years (2023 & 2024)
- 4 of top ten wet years in past decade
- 6 of top ten wet years in past 20 years

- Upper Bay WWTF
bypasses 2024:
- 78 events
 - 1.2 billion gallons

Rain:

- mechanism, convey bacteria from land to shellfish waters
- Bacteria exceed FDA guidance:
 - 14 cfu/100 ml (Geo mean)
 - 31 cfu/100 ml (90th %)
- FDA: 'Predictable response':
 - How much rain to exceed FDA criteria?
 - How long to recover?

Rain → Bacteria increase → Bacteria decrease



FDA guidance on conditional areas:

- ~~eliminate key and other generators.~~
- (21) **Conditionally Approved** means a classification used to identify a growing area which meets the criteria for the approved classification except under certain conditions described in a management plan.

RI Shellfish Conditional Areas:

- **Conditional Areas - Allow safe harvest in variable, estuarine areas**
- **RI has 6 Conditionally Approved (rain closure) areas**
- **Rain is the 'condition' that elevates bacteria, triggers closures**
 - **Criteria unchanged since 1994 (Greenwich Bay)**
 - **Criteria updated other areas (Area A, Area B)**
- **4 areas also have WWTF performance criteria ('normal operation')**
- **19 seasonal areas (presence of recreational boats in summer)**

Rain closure criteria April 2025:

- Lower Providence Area E (GA16; 0.5" rain, 7-day rain closure)
- Greenwich Bay (GA8; 0.5" rain, 7-day rain closure)
- Upper Bay Area A (GA1; 1.2" rain, 7-day rain closure)
- Mt. Hope Bay (GA17; 0.5" rain, 7-day rain closure)
- Kickemuit River (GA5; 0.5" rain, 7-day rain closure)
- Upper Pt. Judith Pond (GA10pj; 1.4" rain, 7-day rain closure)

Conditional Area Review Timeline	
Sep-24	SAP requests review
Oct 24 to Feb 2025	DEM-Water Resources compiles, analyzes data
Mar-25	Draft report, internal DEM review
May-25	Revise management plans, send to FDA, Implement revised rain closures
Jun-25	FDA audit, no deficiencies

Evaluate RI Conditional Area Rain Criteria:

- Analyzed 2014 to 2024 rain and fecal coliform bacteria data-
- Descriptive analysis, 'storm tracking'
- Statistical Analysis: Logistic regression to model response, select closure criteria
- Retrospective Analysis: use 2014-2024 data to see if FDA standards met under various management scenarios

Lower Providence River 'Area E':

- Data:
 - 184 dates between 2014-2024
 - 97 dry weather days, 87 wet weather days [area closed]
 - 998 paired rain and fecal coliform observations, 2014-2024 in CA

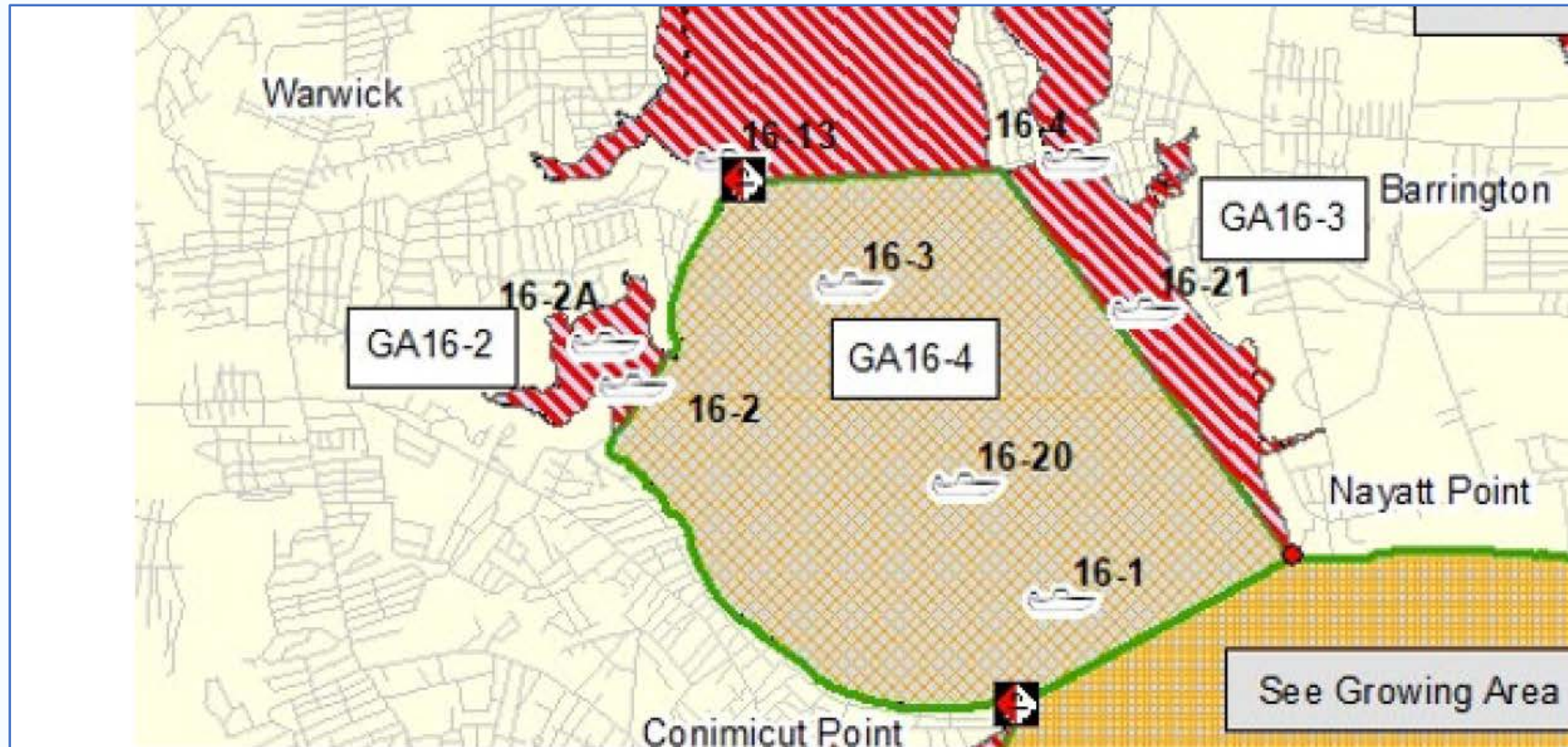


Figure 1: Growing area 16-4, Lower Providence River conditionally approved 'Area E' showing location of three monitoring stations (16-3, 16-20, 16-1) in conditionally approved waters.

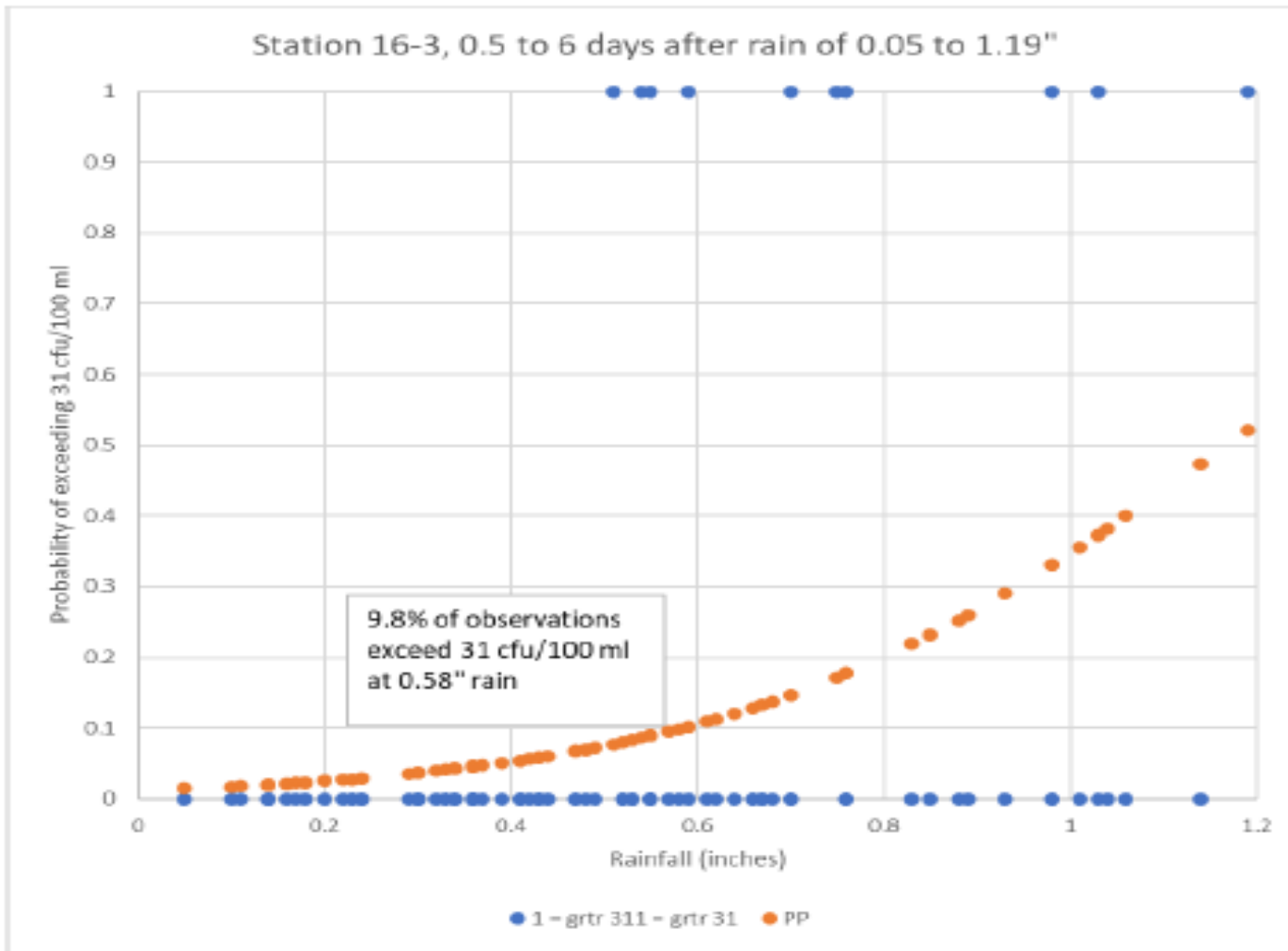
Providence River 'Area E' Storm-tracking:

Table 1: 'Storm-tracking' fecal coliform results at conditionally approved stations (16-1, 16-3, 19-20) in Area E during serial observations 1 to 4 days after closure rain events of 0.76" to 1.27". Rain measured at NOAA NWS rain gauge at TF Green Airport.

Date	Rain (")	Days after rain	Conditionally Approved Stations			MAX FC
			Stn 16-1	Stn 16-3	Stn 16-20	
4/22/2015	1.03	1		102	32	102
4/23/2015	1.03	2		50	22	50
4/24/2015	1.03	3		9	7	9
6/23/2015	1.27	2		44	42	44
6/24/2015	1.27	3		14	10	14
6/25/2015	1.27	4		9	10	10
1/2/2019	0.98	1		80	100	100
1/4/2019	0.98	3		20	4	20
9/23/2024	0.76	1.5	26	14	14	26
9/24/2024	0.76	2.5	1.9	1.9	1.9	1.9
9/25/2024	0.76	3.5	2	1.9	1.9	2

Storm-tracking suggests:

- Exceeds FDA standard after greater than 0.75" rain
- But recovers quickly (~4 days) after rain of 0.76" to 1.27"
- Suggests 6-day rain closure for rain less than 1.2"



Closure Rain threshold

Spatial variation:

- Station 16-3 (up-river), 10% observations predicted to exceed at 0.58" rain .
 - Data gap, 0.55" to 0.60"
 - Round down to 0.55"
- Station 16-20 and 16-1 (closer to Bay): 0.1" greater rain threshold
- Public health: manage for 'worst case'
 - Evaluate 0.55" compliance

Figure 2: Logistic regression model of predicted probability of waters of station 16-3 exceeding 31 cfu/100 ml on days 1-6 after rain of 0.05 to 1.19 inches.

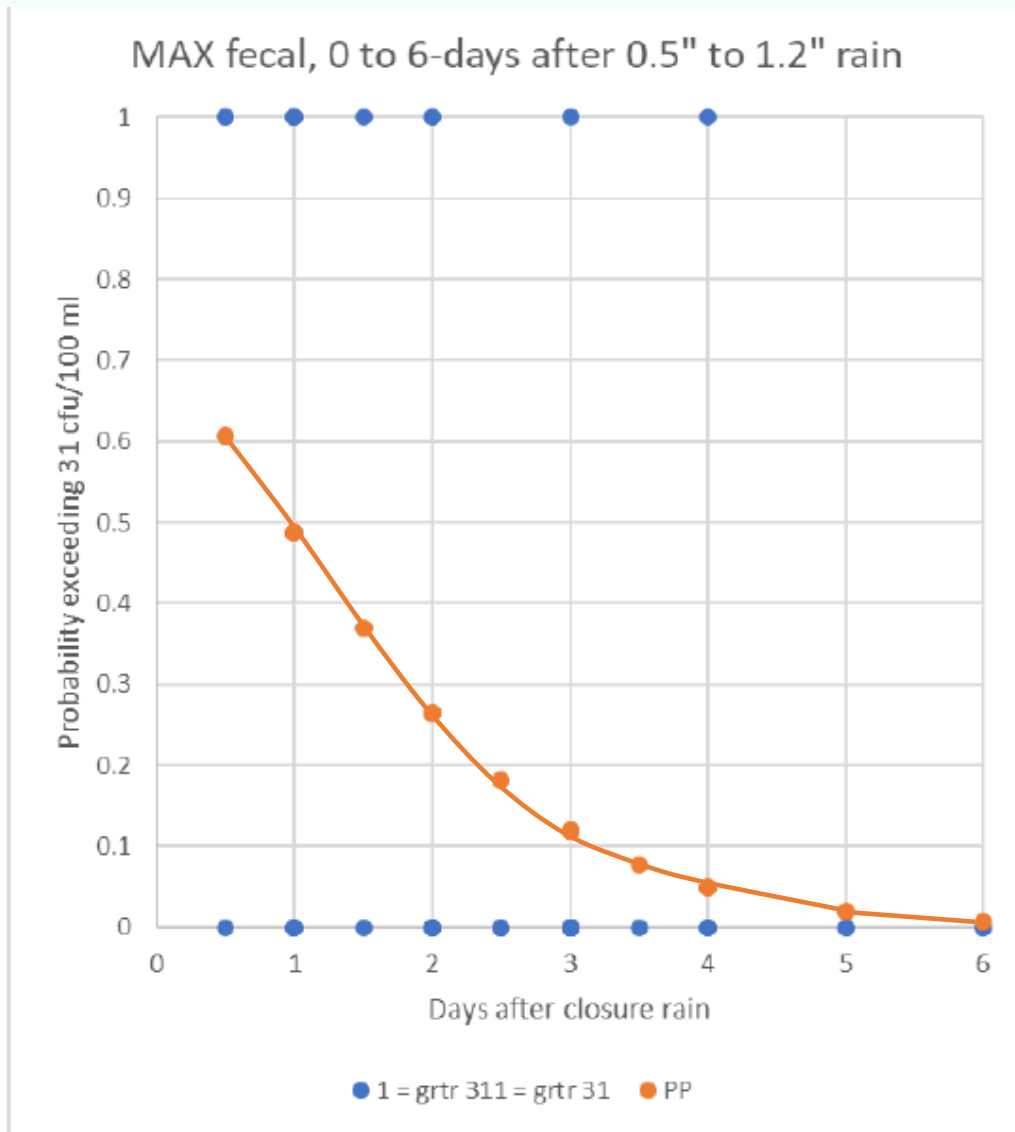


Figure 9: Logistic regression model of predicted probability of waters in conditionally approved Area E exceeding 31 cfu/100 ml on days 1-6 after closure rain of 0.50 to 1.19 inches under a 'worst case' scenario of maximum fecal coliform observed after each rain event.

Area E - recovery

- Suggests recovery to <10% exceed on day 4
- +2 days 'self-cleansing' (FDA)
- *Supports 6-day closure after 0.50" or 0.55" to 1.2" rain*

Next:

- *Retrospective analysis:*
- *Calculate FDA compliance under proposed closure scenarios*
 - *0.50", 7-day (current closure)*
 - *0.50", 6-day closure*
 - *0.55", 6-day closure*

Table 4: Annual fecal coliform compliance statistics (units = cfu/100 ml) calculated for GA16 (Area E) conditionally approved stations (16-1, 16-3, 16-20) under three closure scenarios. For reference: the geometric mean standard is 14 cfu/100 ml, and the variability standard is that no more than 10% of samples can exceed 31 cfu/100 ml. Values that exceed the standard are in red highlight.

Year	0.50", 7-day rain closure (current)						0.50", 6-day rain closure						0.55", 6-day rain closure					
	Stn. 16-1		Stn. 16-3		Stn. 16-20		Stn. 16-1		Stn. 16-3		Stn. 16-20		Stn. 16-1		Stn. 16-3		Stn. 16-20	
	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31	Geo Mean	% grtr 31
2014		0.0	2.8	0.0	6.0	0.0		0.0	2.8	0.0	6.0	0.0			2.8	0.0	6.0	0.0
2015		0.0	2.7	0.0	2.8	0.0		0.0	2.7	0.0	2.8	0.0			2.7	0.0	2.8	0.0
2016		0.0	3.3	0.0	2.4	0.0		0.0	3.3	0.0	2.4	0.0			3.6	0.0	2.5	0.0
2017		0.0	3.8	0.0	2.4	0.0		0.0	3.8	0.0	2.4	0.0			6.2	13.3	4.4	6.7
2018	2.3	0.0	3.3	0.0	2.9	0.0	2.3	0.0	3.9	6.7	3.2	0.0	2.3	0.0	4.8	13.3	3.8	0.0
2019	2.3	0.0	3.2	0.0	2.7	0.0	2.3	0.0	3.5	6.7	3.0	0.0	2.3	0.0	3.6	6.7	3.0	0.0
2020	2.6	0.0	3.8	0.0	3.0	0.0	2.6	0.0	4.3	0.0	3.1	0.0	2.6	0.0	5.3	6.7	3.4	0.0
2021	2.6	0.0	6.1	6.7	4.8	0.0	2.6	0.0	6.8	6.7	4.8	0.0	2.6	0.0	6.9	13.3	4.6	0.0
2022	3.3	0.0	5.5	6.7	3.2	0.0	3.3	0.0	5.2	0.0	3.2	0.0	3.3	0.0	4.8	0.0	3.0	0.0
2023	3.3	0.0	4.2	0.0	2.6	0.0	3.3	0.0	4.0	0.0	3.2	0.0	3.3	0.0	4.1	0.0	3.7	0.0
2024	2.8	0.0	2.8	0.0	3.4	0.0	2.8	0.0	3.1	0.0	3.7	0.0	2.8	0.0	3.1	0.0	3.7	0.0

0.55", 6-day would exceed FDA criteria 3 of 11 years @ stn 16-3

Recommendation: Area E, 6-day rain closure for rain of 0.51" to 1.20"

GA8: Greenwich Bay

- 0.5", 7-day closure since 1994
- 119 sample days 2014-2024
- 109 dry weather, 10 wet weather
- 917 observations in CA waters
- 2 problems:
 - Few wet weather
 - Diverse oceanographically
- 4 coves VS. main Bay

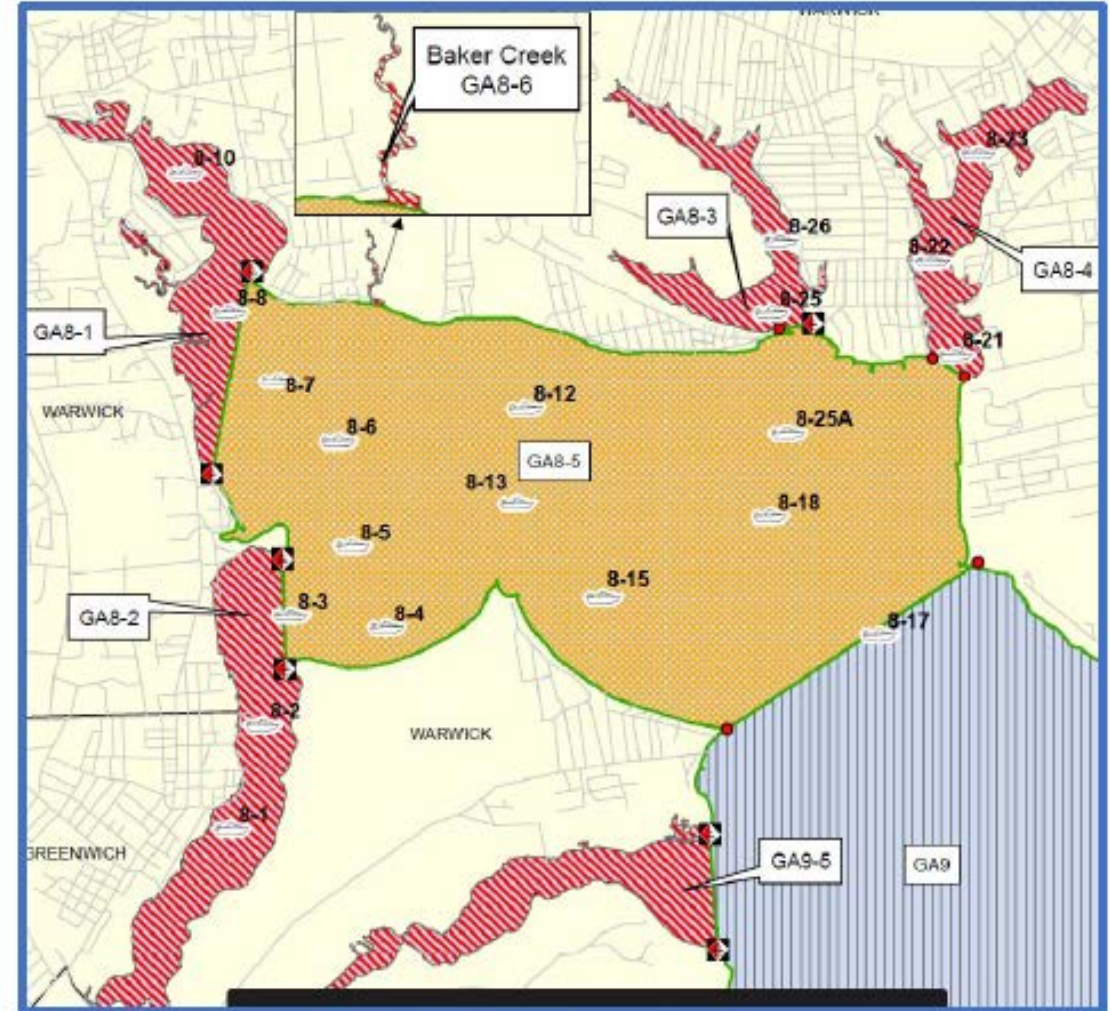


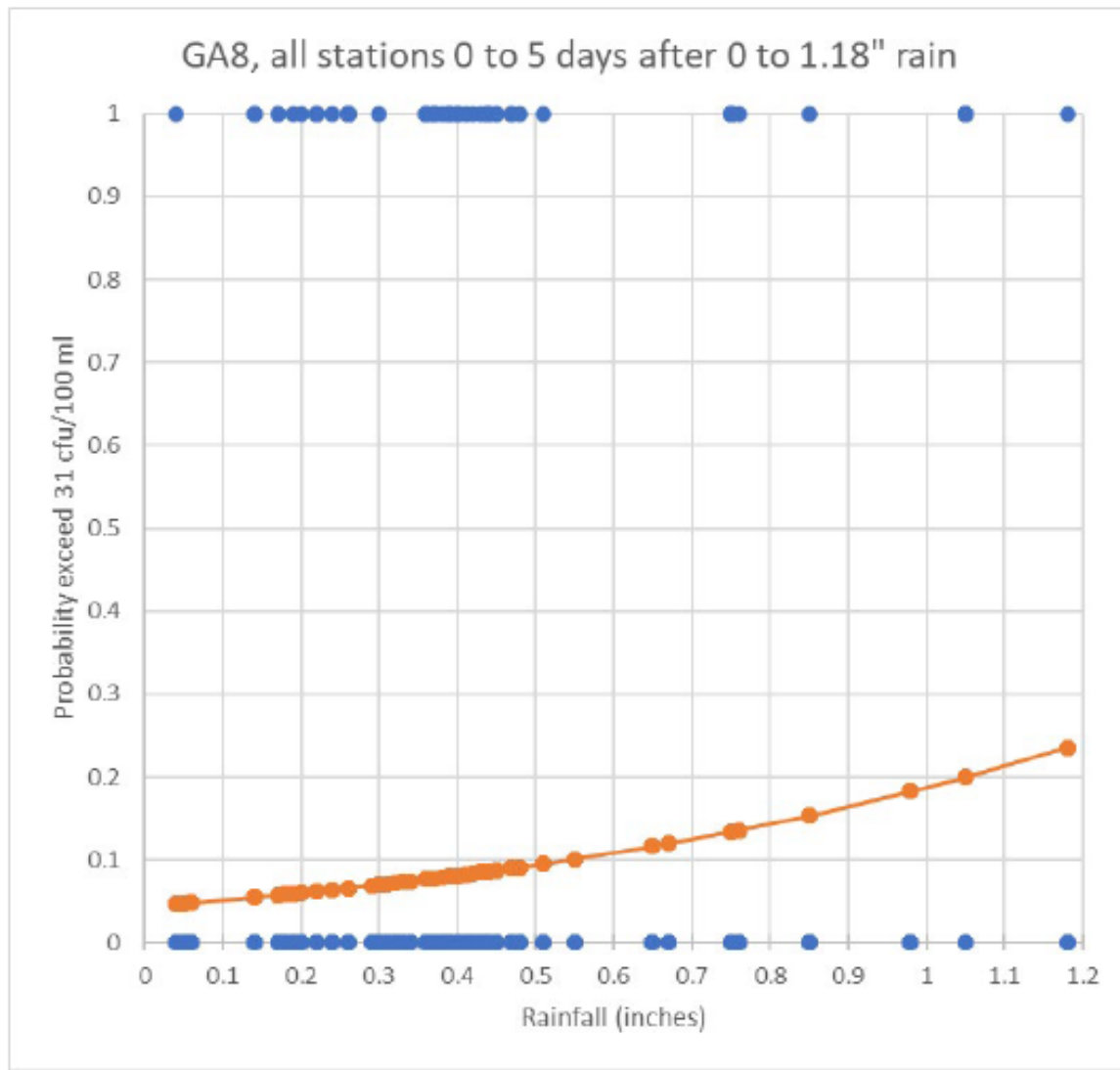
Figure 10: Greenwich Bay conditionally approved shellfish area (GA8) monitoring stations.

Greenwich Bay wet weather bacteria data:

Table 5: Wet weather (0.5 to 5 days after rainfall of 0.55" to 1.2") fecal coliform results (cfu/100 ml) for conditionally approved and sentinel stations (prohibited) in GA8 Greenwich Bay. Note that these samples were collected while GA8 was in the closed status. Red shading indicates values greater than 31 cfu/100 ml.

Date	Rain (")	Days after	Conditionally Approved stations										P (sentinel stns)		
			4	5	6	7	12	13	15	17	18	25A	3	8	21
6/23/2021	1.05	0.5	27	100	140	200	24	120	66	25	20	31	14	780	120
12/20/2016	0.55	2.0	2	2	20	2	12	5	6	2	4	2	2	10	11
1/25/2023	1.18		2	6	8	14	7	2	5	2	2	2	2	4	4
9/24/2024	0.76	2.5	10	6	6	6	4	2	2	2	2	2	8	13	2
12/6/2022	0.51	3.0	2	2	2	2	2	2	2	2	2	2	2	18	2
6/30/2022	0.65		2	2	2	2	2	2	2	2	2	2	2	6	2
6/7/2017	0.75	4.0	2	2	13	34	2	2	24	2	2	40	7	44	54
12/20/2018	0.85		2	2	6	8	22	2	2	7	2	13	4	76	10
4/16/2024	0.98		2	2	2	2	2	2	2	2	2	2	2	2	2
5/2/2018	0.67	5.0	2	2	2	2	2	2	2	2	2	2	2	2	2

- Suggests rapid recovery, return to low bacteria 3-4 days after rain



- Greenwich Bay – closure rain**
- Cond area only – model not significant
 - Add ‘sentinel stations’ at cove closure lines
 - Supports 0.51” rain closure

Figure 11: Logistic regression model ($p=0.001$) of predicted probability of waters in conditionally approved and prohibited waters of Greenwich Bay (GA8) exceeding 31 cfu/100 ml on days 1-5 after rain of 0.04 to 1.18 inches. 10% of observations exceed 31 cfu/100 ml at 0.51” rainfall in this model.

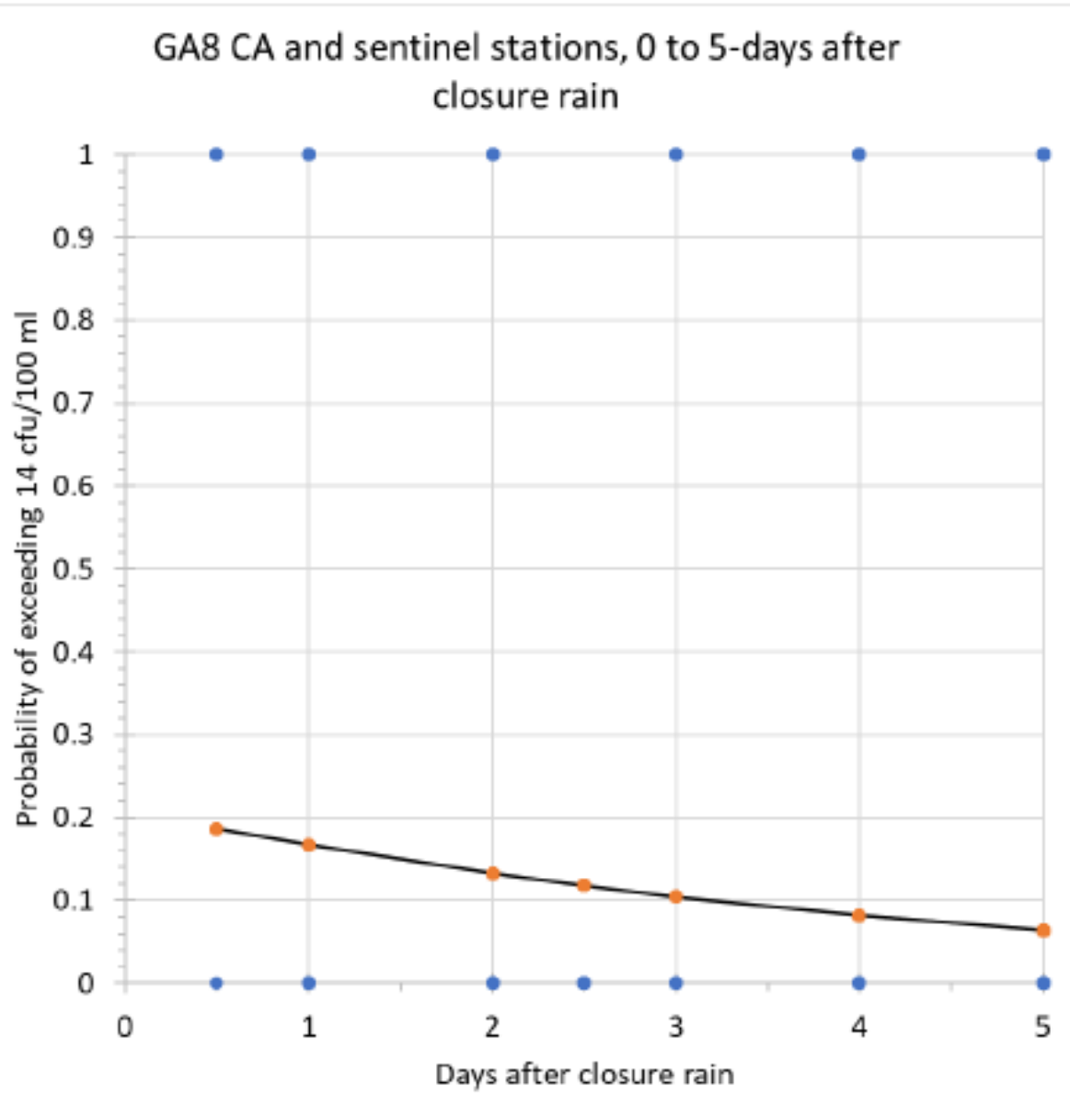


Figure 13: Logistic regression model of predicted probability of waters of conditionally approved and sentinel stations of GA8 exceeding 31 cfu/100 ml on days 0.5 to 5 after rain of 0.05 to 1.19 inches,

Greenwich Bay - recovery

- Suggests recovery to <10% exceed on day 4
- +2 days 'self-cleansing' (FDA)
- *Recommendation: 6-day closure after 0.5" to 1.2" rain*
- *Retrospective analysis supports 0.50", 6-day closure for rain of 0.51" to 1.20"*

Tabular summaries of the recommended rain closures for RI's shellfish conditional areas are below.

Table 15: Recommended rain closures for Lower Providence River 'Area E' (GA16-4) and Upper Bay Area A (GA1-1).

Rain in 24-hours at TF Green Airport	GA16 (Lower Providence River Area E)		GA1A (Upper Bay Area A)	
<0.5"	OPEN			
0.51" to 1.20"	CLOSED	6 days	OPEN	
1.21" to 3.0"	CLOSED	7 days	CLOSED	7 days
3" to 6"	CLOSED	10 days	CLOSED	10 days
> 6"	CLOSED	Emergency Closure	CLOSED	Emergency Closure

Table 16: Recommended rain closures for Greenwich Bay conditional area (GA8-5).

Rain in 24-hours at TF Green Airport	GA8 (Greenwich Bay)	
<0.5"	OPEN	
0.51" to 1.20"	CLOSED	6 days
1.21" to 6.0"	CLOSED	7 days
> 6"	CLOSED	Emergency Closure

Summary

- All Conditional Areas reviewed
- Analyses supported decrease to 6-day closure in Area E and Greenwich Bay after 0.5-1.2" rain
- Other areas = no changes
- New rain closures implemented May 24, 2025
- FDA audit June 2025 – did not reject changes

Table 4: Number of days conditionally approved Area A was closed to shellfish harvest due to rain during 2024.

Month	# days Area A CLOSED	% CLOSED
1	10.0	32.3%
2	0.0	0.0%
3	21.5	69.4%
4	10.5	35.0%
5	14.0	45.2%
6	7.0	23.3%
7	0.0	0.0%
8	0.0	0.0%
9	0.0	0.0%
10	0.0	0.0%
11	7.0	23.3%
12	8.0	25.8%
TOTAL	78.0	21.3%

Wet spring

No 1.2" + storms = no closures July to October

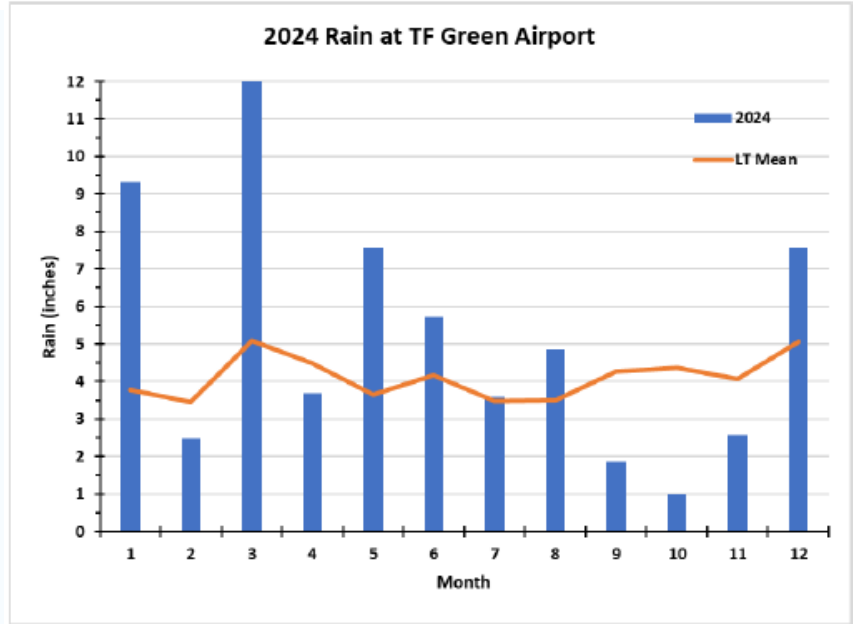


Figure 5: Monthly rainfall (inches) at TF Green Airport du

Conditional Areas - Update

2024 Area A:

- 2024, Area A:**
- All conditionally approved station continue to meet FDA criteria
 - **Prohibited area near Buckeye Brook still exceeds criteria**

Table 5: Upper Narragansett Bay Conditional Area A (GA1-1) fecal coliform compliance statistics. Samples include (8/1/2023 to 12/4/2024; open status samples only; 6 wet weather and 9 dry weather).

Station	Classification	n	Geometric mean (cfu/ 100 ml)	% greater than 31 cfu/100 ml
1-1	CA	15	4.1	0.0
1-1C	CA	15	4.0	0.0
1-4	CA	15	4.2	0.0
1-7	CA	15	2.6	0.0
1-10	CA	15	2.4	0.0
1-12	CA	15	3.5	0.0
1-11A	CA	15	2.9	0.0
1-5C	CA	15	2.5	0.0
1-6A	CA	15	2.2	0.0
1-8A	CA	15	2.5	0.0
1-8C	P	15	8.2	13.3
1-8F	CA	15	3.4	6.7
1-8G	CA	15	3.1	6.7
1-8L	P	15	7.9	26.7

Conditional Areas - Update

2024 Area A:

- Area A open 287 days in 2024.
- Area A open average of 264 days per year (open 72% of time) since 2017 change to 1.2" rain closure.
- Area B, Approved classification since 2017, continues to meet FDA criteria

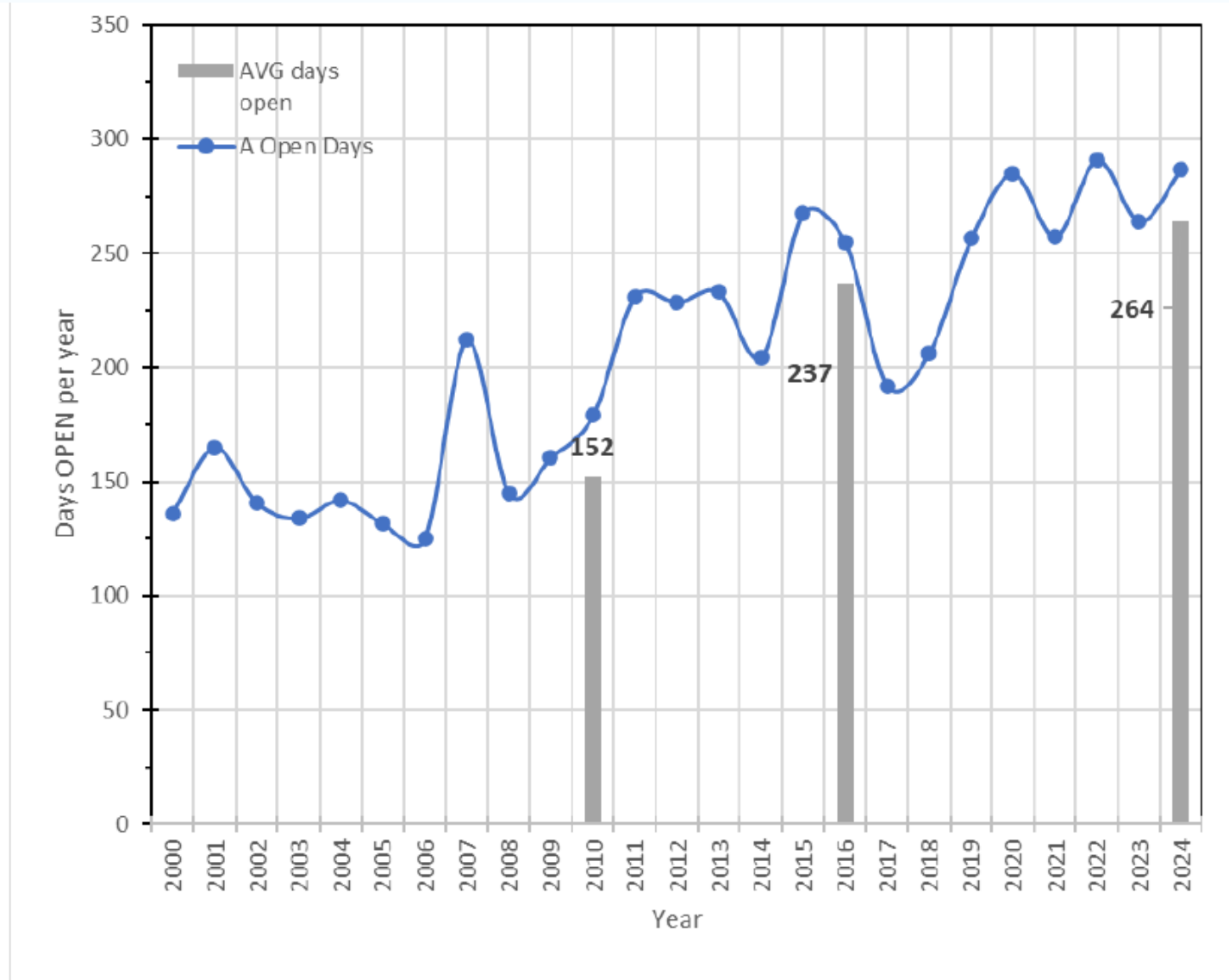


Figure 16: Number of days per year that Upper Bay conditional area (GA1-1 or 'Area A') was in the open status during 2000 through 2024 (blue circles). Average number of days open under 0.5" (2000-2009), 0.8" (2010-2015) and 1.2" (2017-2024) conditional area closure periods shown by gray bars.

Conditional Areas - Update

2024 Area E & Greenwich Bay:

Month	Rain at TF Green (inches)	# Days GA16 CLOSED	% Days GA16 CLOSED
1	9.33	20	64.5%
2	2.47	5.5	19.0%
3	12.05	24	77.4%
4	3.70	17.5	58.3%
5	7.57	21.5	69.4%
6	5.72	15.5	51.7%
7	3.58	16.5	53.2%
8	4.84	28.5	91.9%
9	1.86	11	36.7%
10	0.98	10.5	33.9%
11	2.57	8.5	28.3%
12	7.58	26.5	85.5%
2024 TOTAL	62.25 (AVG = 49.49")	205.5	56.0%

Greenwich Bay

Long-term: 50% closed

Dry

Year	TF Green Annual Rain (")	Greenwich Bay # days closed	Greenwich Bay % of Year closed
2011	56.7	229.5	62.9%
2012	41.2	172.0	47.1%
2013	45.5	182.5	50.0%
2014	46.9	171.5	47.0%
2015	40.8	142.5	39.0%
2016	40.0	160.0	43.8%
2017	49.0	170.5	46.7%
2018	63.5	203.5	55.8%
2019	52.0	203.5	55.8%
2020	44.7	142.5	39.0%
2021	46.7	192.0	52.6%
2022	45.8	184.0	50.4%
2023	57.7	199.5	54.6%
2024	62.3	205	56.0%
AVG	49.5	182.8	50%

Wet

Conditional Areas - Update

2024 Mt. Hope Bay and Kickemuit:

Table 2: Number of days per month GA5 was in the closed status during 2024.

Month	# days CLOSED	% CLOSED
1	16.0	51.6%
2	6.0	20.7%
3	24.0	77.4%
4	17.5	58.3%
5	22.0	71.0%
6	16.5	55.0%
7	9.0	29.0%
8	23.5	75.8%
9	9.5	31.7%
10	10.5	33.9%
11	8.0	26.7%
12	21.5	69.4%
Total	184.0	50.3%

Kickemuit Dam removal –
January 2024

- WQ impacts?

Conditional Areas - Update

2024 Conditional area closure summary:

2024 Totals	Upper Bay Area 1A	GA16 Prov River Area E	Greenwich Bay	Kickemuit River	Mt. Hope Bay	Pt Judith CA
Closure Rain (inches)	1.2	0.5	0.5	0.5	0.5	1.4
# of Closures	14	40	40	34	34	13
Days CLOSED	78.0	205.0	205.0	184.0	184.0	60.0
% CLOSED	21.3%	56.0%	56.0%	50.3%	50.3%	16.4%

Table 3: Number of days during 2024 that shellfish conditional areas were in the *closed* status. Note that closures frequently overlap such that annual total days closed are not multiples of the 7-day closure period. In addition to rain closures (above), Providence River (GA16) and Greenwich Bay (GA8) have an annually determined commercial harvest schedule that limits the number of commercial harvest days the area is open for commercial harvest.

2023: 169 rain closures
2024: 175 rain closures

Conditional Areas - Update

2025 (through 10/1) Conditional area closure summary:

2025	Area 1A		Prov. River Area E		Greenwich Bay		Mt. Hope & Kickemuit		Upper Pt Judith Pond		
Month	# days CLOSED	% CLOSED	# days CLOSED	% CLOSED	# days CLOSED	% CLOSED	# days CLOSED	% CLOSED	# days CLOSED	% CLOSED	
1	0	0.0%	7	22.6%	7	22.6%	6	19.4%	0	0.0%	
2	7	25.9%	14	51.9%	14	51.9%	14	51.9%	7	25.9%	
3	7	22.6%	20.5	66.1%	20.5	66.1%	20.5	66.1%	7	22.6%	
4	0	0.0%	4.5	15.0%	4.5	15.0%	4.5	15.0%	0	0.0%	
5	19.5	62.9%	27	87.1%	27	87.1%	28	90.3%	14	56.0%	
6	0	0.0%	6	20.0%	6	20.0%	7	23.3%	0	0.0%	
7	7	22.6%	18.5	59.7%	18.5	59.7%	Dry	13.5	43.5%	0	0.0%
8	0	0.0%	14	45.2%	14	45.2%		16	51.6%	0	0.0%
9	13.5	45.0%	18	60.0%	18	60.0%		18	60.0%	0	0.0%
% closed through 10/1-->		20.3%		48.7%		48.7%		47.9%		10.5%	

2023: 169 rain closures
2024: 176 rain closures
2025: 85 rain closures (through 10/1)

- 2025 (so far...) :
- Tending towards more typical # closures
 - Variable!
 - Dry months (April), Wet months (May)

Approved Areas:

2024 shellfish classification:

- Despite 2023, 2024 wet weather, **No downgrades**
- 0 of 170 Approved & Cond Approved stations exceed FDA criteria
- **Watchlist:** 3 of 170 (1.7%) stations approaching FDA criteria

2024 ‘Watchlist’:

						Fecal coliform (cfu/100 ml)	
Evaluation Year	Growing Area	Station ID	Description	Classification	# observations	Geometric Mean (standard = 14 cfu/100 ml)	90th Percentile (standard = 31 cfu/100 ml)
2024	Potter Pond	10PP-24	Narrows to north of entrance	Approved	30	6.7	28.8
2024	Pt. Judith Pond	10PJ-16	Eastern PJ Pond, off Locke Point	Approved	30	4.7	25.9
2024	West Middle Bay	9-5	Mouth of Potowomut River	Approved	30	4.4	24.1

Watchlist: Mouth of Greene's / Potowomut River



Point source - Potowomut River bacteria source:

- FW flowing over dam at Forge Road
- Sample @dam 4-6 times annually
- FC = 100 (dry) to 1,000 (wet) cfu/100 ml

Stns 9-13 9-15 Greene River				
Date	Rain	Days after	13	5
6/4/2019	0.62	5	8	1.9
10/8/2019	0.2	1	1.9	14
1/7/2020	1.42	8	12	18
4/16/2020	1.52	3	14	4
5/28/2020	0.33	5	10	4
6/30/2020	1.11	3.5	1.9	8
8/13/2020	0.45	13	4	1.9
9/29/2020	0.42	27	18	5
12/4/2020	3.45	3.5		
12/28/2020	2.95	3		
6/16/2021	0.53	2	4	1.9
7/21/2021	1.55	4	80	150
8/26/2021	0.91	4	2	2
9/30/2021	0.35	4	4	1.9
11/4/2021	1.74	4	6	2
1/25/2022	1.18	8	4	1.9
3/17/2022	0.51	5	4	6
6/21/2022	1.31	8	10	1.9
7/6/2022	0.24	4	6	2
10/31/2022	1.08	6	1.9	1.9
12/5/2022	0.51	2	72	1.9
1/17/2023	1.34	4	7	6
6/6/2023	2.99	18	11	1.9
7/5/2023	1.01	2	980	600
8/2/2023	0.66	4	9	4
11/30/2023	0.69	2	11	2
12/26/2023	3.05	8	14	6
4/2/2024	2.3	5	16	2
5/22/2024	2.91	6	6	4
7/8/2024	0.48	2	2	1.9
9/17/2024	1.38	21	9	2
10/16/2024	0.77	9	16	8

Class	P	A
Stn 9_	13	5
n	30	30
Geo Mean	8.8	4.4
90th %'	45.9	24.1

inner
Potowom
ut River

mouth of
Potowom
ut River

Watchlist: Salt Pond sites



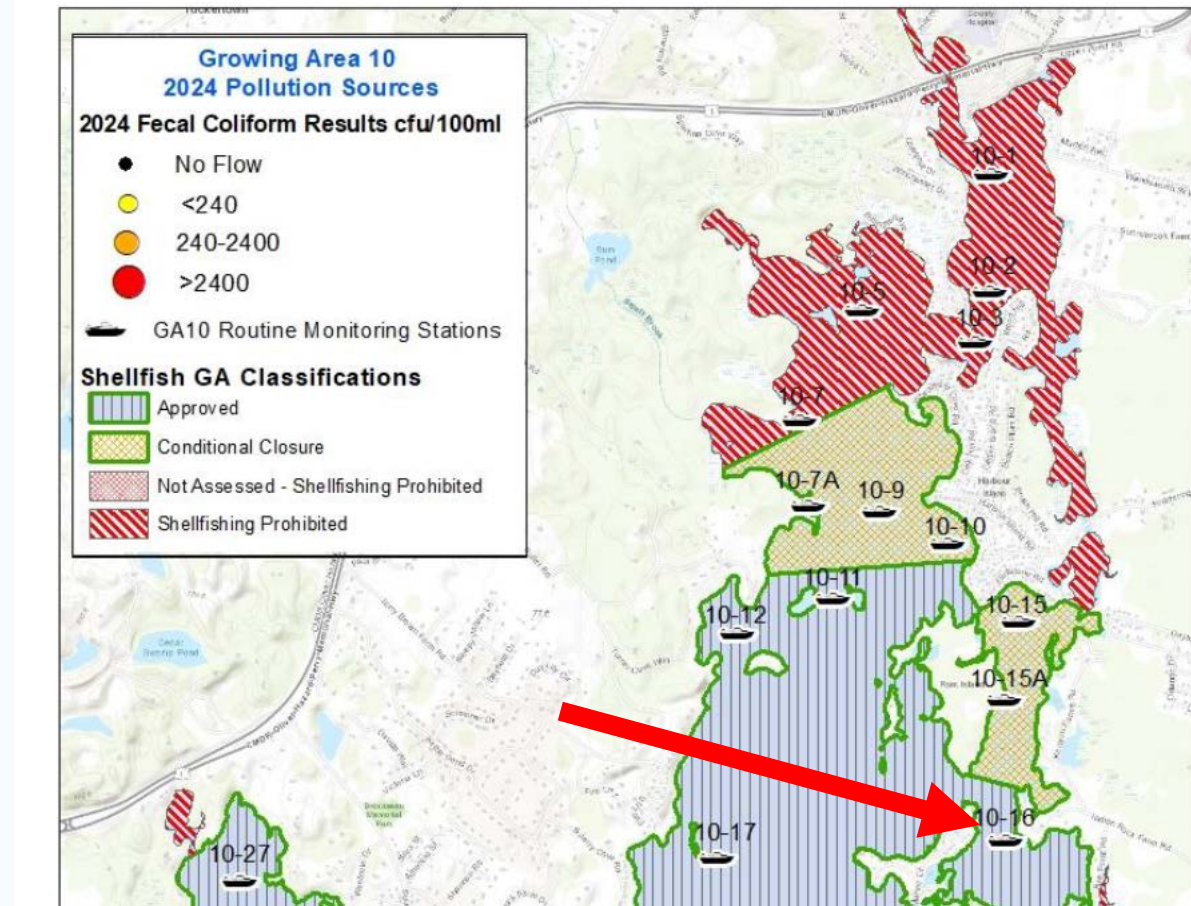
Potter Pond 10-24

Point sources:

- 2 small streams into north basin?

Non-Point sources:

- Runoff, ground water?



Pt. Judith Pond 10-16

Point sources:

- Saugatucket River
- Near PJ Pond conditional area (wet weather)

- **Salt Ponds**

- 12-year shoreline surveys
 - Pt. Judith and Potter Ponds, 66 sources examined (2023)
 - Ninigret, Green Hill, Quonochontaug, Winnapaug Ponds, 56 sources examined (2024)
 - Winnapaug cesspool investigation, remediation
- Green Hill Pond: **improving?**
- No changes in classification



Figure 4: Location of emergency sampling stations (blue stars) and routine monitoring station 11W-29 in Winnapaug Pond. These locations were sampled in response to a sewage



Daily Observations at KPVJ (TF Green Airport)									
3-Jul-25									
Time	Temperature	Dew Point	Humidity	Wind	Wind Speed	Wind Gust	Pressure	Precip.	Condition
11:51 AM	88 °F	57 °F	35 %	W	10 mph	20 mph	29.74 in	0.0 in	Mostly Cloudy
12:51 PM	88 °F	57 °F	35 %	WNW	14 mph	20 mph	29.74 in	0.0 in	Mostly Cloudy
1:51 PM	88 °F	58 °F	36 %	WNW	7 mph	21 mph	29.72 in	0.0 in	Partly Cloudy
2:51 PM	88 °F	59 °F	37 %	W	12 mph	21 mph	29.71 in	0.0 in	Partly Cloudy
3:51 PM	89 °F	62 °F	40 %	W	10 mph	20 mph	29.70 in	0.0 in	Partly Cloudy
4:51 PM	87 °F	61 °F	41 %	W	13 mph	0 mph	29.70 in	0.0 in	Mostly Cloudy
5:51 PM	87 °F	60 °F	40 %	WNW	12 mph	21 mph	29.70 in	0.0 in	Mostly Cloudy
6:51 PM	84 °F	62 °F	47 %	NW	6 mph	0 mph	29.70 in	0.0 in	Mostly Cloudy
7:10 PM	72 °F	61 °F	68 %	WNW	35 mph	59 mph	29.75 in	0.0 in	Light Rain with Thunder
7:21 PM	64 °F	63 °F	96 %	NW	20 mph	64 mph	29.81 in	0.1 in	Heavy T-Storm
7:30 PM	64 °F	60 °F	87 %	NW	13 mph	48 mph	29.84 in	0.4 in	Heavy T-Storm
7:33 PM	64 °F	60 °F	87 %	NNW	10 mph	48 mph	29.83 in	0.4 in	Heavy T-Storm
7:51 PM	66 °F	62 °F	87 %	WNW	16 mph	29 mph	29.83 in	0.5 in	T-Storm
8:02 PM	67 °F	61 °F	81 %	NW	16 mph	28 mph	29.82 in	0.0 in	Light Rain with Thunder
8:09 PM	67 °F	62 °F	84 %	WNW	10 mph	23 mph	29.83 in	0.0 in	Light Rain with Thunder
8:39 PM	67 °F	61 °F	81 %	WNW	7 mph	0 mph	29.81 in	0.0 in	Light Rain
8:51 PM	66 °F	61 °F	84 %	N	5 mph	0 mph	29.79 in	0.0 in	Light Rain
9:51 PM	66 °F	63 °F	90 %	SSW	5 mph	0 mph	29.80 in	0.0 in	Mostly Cloudy
10:51 PM	67 °F	62 °F	84 %	W	5 mph	0 mph	29.82 in	0.0 in	Mostly Cloudy
11:51 PM	65 °F	60 °F	84 %	W	8 mph	0 mph	29.84 in	0.0 in	Mostly Cloudy

4 pm = no rain

Thunderstorm
7:21 to 7:51 pm
0.53” rain total

July 4th Closure Error

Rain at TF Green Airport

- Local thunderstorm on Thursday 7/3/25 at ~730pm
- 0.53” rain in 30 minutes

Closure

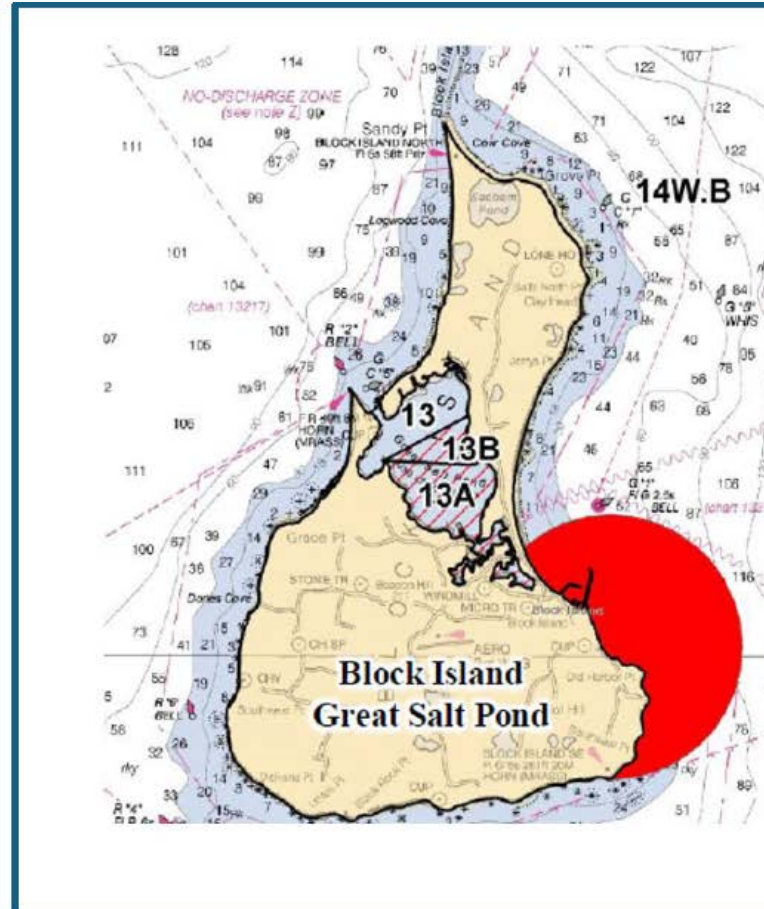
- Error in ‘on call’ coverage on Friday 7/4 morning. Rain should have been checked at 8-9 am
- Greenwich Bay and Area E closure should have been started at Noon on Friday 7/4
- Closure announced 7/5 at Noon
- Mistake!

Outcome

- No commercial landings on Friday 7/4 or Saturday 7/5
- Change: on-call and back-up person, if travelling – get alternate coverage

Oyster AQ Relay at Block Island Great Salt Pond (GA13) July 2025:

- Unique situation: Seasonal closure (boats) of inner Pond Memorial Day to Columbus Day
 - Growers move stock to outer Pond before Memorial Day
 - Industry request to move additional stock mid-season (July)
- Controlled relay on 7/17/2025
 - DEM Water Resources test certify water quality for relay
 - DOH analysis of oysters for contaminants (metals, MSC, FC)
 - DEM Law Enforcement oversee relay
- Relayed oysters eligible for harvest 8/8/2025



13 (approved waters):

- Outer part of pond near breachway
- Town AQ area, several AQ leases
- **Open year-round**

13A (conditionally/seasonally approved waters):

- Inner part of pond
- Several AQ leases
- **Seasonal closure (boats) Memorial Day to Columbus Day**



Shellfish Growing Area Water Quality Summary

- Recent wet weather
- **No shellfish classification downgrades!**
- Conditional closures evaluated
 - 6-day closure, rain 0.51" to 1.20" Area E & Greenwich Bay
- So far 2025 – drier weather, acceptable bacteria levels
- Federal partners:
 - FDA, June 2025 audit = no growing area deficiencies
 - CVA (Clean Vessel Act) = recent \$400,000 grant
- Monitoring data, reports available online
 - Online: dem.ri.gov/shellfish



DEM – Office of Water Resources Shellfish Water Quality Program

David.Borkman@dem.ri.gov
Phone: 401-537-4203





Any Other Matters?

Public Comment



1. Establishment of a Permanent Quahog Advisory Committee Commission as recommended by the Joint Legislative Quahog Commission in their final report dated 5/31/24;
2. Communication update between DMF and ACOE on Providence River dredging project and relocation of quahog resource to be impacted by dredging operations and Cad cell construction
3. Communication update between DMF and SouthCoast Wind on shellfish resource assessment in the Sakonnet River and Mt. Hope Bay and potential mitigation/compensation plans; and
4. Senators Whitehouse (RI-D) and Scott (SC-R) proposed legislation to form an East Coast Bivalve Research Task Force



Adjourn