RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES

Pursuant to the provisions of Chapters 42-17.1 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Director of the Department of Environmental Management (DEM) proposes amendments to the Rhode Island Marine Fisheries Regulations and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment.

Public comment will be solicited on the following proposals:

1) The DEM proposed Management Plans for the Shellfish, Finfish, and Crustacean sectors;
2) Amendments to the commercial fishing licensing regulations, titled "Rules and Regulations Governing the Management of Marine Fisheries", consistent, inter alia, with the proposed Management Plans referenced above;
3) Proposed amendments to the RI Marine Fisheries Regulations – Part III to allow more flexibility to adjust possession limits and seasons in accordance with federal fisheries management plans; and
4) Proposed amendments to the Fish Trap Regulations;

The public hearing will commence at **6:00 PM on Tuesday, October 19, 2010** in the University of Rhode Island, Graduate School of Oceanography, Corless Auditorium, South Ferry Road, Narragansett, RI 02882. The hearing room is handicap accessible. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such services are requested at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 or TDD (401) 831-5508. Written comments concerning the regulations proposed for promulgation by the DEM may also be submitted to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 PM on October 19, 2010.

The Department has determined that small businesses may be adversely impacted by the proposed regulations. The public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any cities or towns, which may be adversely affected. Small businesses which are either currently licensed or in the future may seek permission to harvest, buy, sell, or produce seafood products as well as the small businesses that provide services related to those engaged in such industries and small businesses which buy, sell, or produce products or provide services related to fishing are requested to comment on the proposed regulations on how such proposed action can be changed to minimize the impact on those small businesses affected.

A copy of the proposed regulations will be available for examination from September 16 through October 19, 2010 by mail or at the offices of the Division of Fish and Wildlife located at 3 Fort Wetherill Road, Jamestown, RI 02835. Electronic copies of the proposed regulations will also be available on the DEM website at the following web address: http://www.dem.ri.gov/programs/bnatres/fishwild/pn101910.htm.

W. Michael Sullivan, PhD
Director, Department of Environmental Management

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Fish and Wildlife
Marine Fisheries

2011 Management Plan for the Finfish Fishery Sector

Developed in association with the
commercial fishing licensing provisions set forth in the
"Rules and Regulations Governing the Management of Marine Fisheries"

December xx, 2010

These rules and regulations are promulgated pursuant to Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02-047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES

FISH AND WILDLIFE &
LAW ENFORCEMENT

PURPOSE

The purpose of these rules and regulations is to manage the marine resources of Rhode Island.

AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02-047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

ADMINISTRATIVE FINDINGS

Rules and regulations are based upon the need to modify existing regulations (RIGL 20-3-2 through 20-3-6).

APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

DEFINITIONS

See Rhode Island Marine Statutes and Regulations, Part I, '1.3.

SEVERABILITY

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

SUPERSEDED RULES AND REGULATIONS

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of this regulation shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

INTRODUCTION

During the 2002 legislative session the General Assembly adopted the Commercial Fisheries Management Act, implementing a new commercial fishing license system and ending the moratorium on the issuance of new commercial fishing licenses that had been in place since 1995. One purpose of the act was to enable new entrants into commercial fisheries; however, provisions providing the authority to limit access were included. Fisheries identified for consideration of limited access are those "for which there is adequate or greater than adequate harvesting capacity currently in the fishery" and those that are managed under a state quota system. In accordance with Section 20–2.1-9(5) of the Commercial Fisheries Management Act, this management plan has been developed to identify fisheries that the Department of Environmental Management (hereafter, DEM) proposes to limit entry at current levels of effort and fisheries for which new licenses may be issued.

Regulations implemented by DEM in 2002 created two endorsement categories for finfish, restricted and non-restricted. The restricted category is reserved for species that DEM chooses to limit effort to multipurpose license holders and principal effort license holders with a restricted finfish endorsement while species in the non-restricted category are available to new participants issued a basic commercial fishing license with a non-restricted endorsement.

Since promulgation, six species were listed in the restricted category; striped bass, scup, summer flounder, black sea bass, winter flounder, and tautog. Recently, two other species (menhaden and monkfish) have been considered for inclusion in this category, however restrictions were achieved through other methods including gear endorsements (menhaden) and management plan changes (monkfish). There were a total of 1,153 license holders eligible to harvest the restricted species in 2010. Four (4) new restricted finfish endorsements for basic commercial fishing licenses were issued in 2010 and 273 non-restricted finfish endorsements were issued in 2010 (Table 1). The Division of Fish and Wildlife (RIDFW) proposes issuing new licenses to harvest species in the non-restricted category, which contains all other species not included in the restricted category. The RIDFW also recommends allowing a small number of restricted endorsements to be issued in 2011, as the new endorsements issued in 2010 did not seem to impact the restricted species quotas negatively and 33 PEL and multipurpose licenses were not sold, transferred, or renewed in 2010.

This management plan will be updated on an annual basis and the list of restricted and non-restricted species will be evaluated with respect to stock status, quotas, current performance of the fishery, etc. A review of the number of restricted finfish licenses renewed will be conducted in consideration of exit-entry ratios needed to attain desired effort levels (i.e. those effort levels that can be maintained while keeping fisheries open with economically viable possession limits). Based on this information, DEM will propose for public hearing a new management plan each year.

RESTRICTED FINFISH

Summarized below are the stock status reports, management programs, and performance reports of species relegated to the restricted finfish category. All of these species are currently managed through a state quota system, with the exception of winter flounder.

DEM's interest in limiting participation in the quota-managed fisheries is not based purely on concern for stock dynamics since quotas limit total landings within the State and since these species are migratory, Rhode Island landings account for only a portion of the total. The main concern is with allowing too many people access to the resource, which would impact current license holders through shorter seasons, lower possession limits, and ultimately fewer pounds of fish. The primary goal for quota-managed fisheries has been to keep seasons open as long as possible. At times this results in low possession limits that are not economically viable for the whole industry. Furthermore, shorter seasons resulting from increased effort would also lead to an increase in regulatory discards since fishing activity continues during closures due to the multi species nature of the fishing industry. Many quota-managed species when closed are captured as by catch by industry targeting species that are open for harvest.

Several questions are addressed regarding expansion of effort in these fisheries. First, have management goals been satisfied with the current conditions? The management goals, as previously mentioned, are full seasons with reasonable possession limits. Ideally, fisheries would remain open throughout the season with possession limits that are profitable for the industry and that diminish regulatory discards. With current levels of effort there is a minimum quota amount needed to attain these goals, which raises a second question. Have any of the quotas in recent years been adequate to meet these goals and what will future quotas most likely be? Finally, what would be the impact of increased effort?

SCUP

Stock Status: The scup stock is no longer considered overfished and overfishing is not occurring. Previously, the scup resource was defined as overfished when the three-year average of the spawning stock biomass (SSB) index, based on the Northeast Fisheries Science Center's (NEFSC) spring survey, was below the threshold biomass index. A new assessment was introduced and peer reviewed in 2008 that uses a forward projection modeling technique called ASAP (age structured assessment program). This model indicated that the 2008 SSB level for the scup stock is 157,000 mt, well above the SSB target of 92,044 mt (NEFSC 2009). SSB remains above the target as indicated in the most recent assessment update (SSB_{2009} = 155,000 mt). The overfishing definition for the scup resource is defined as the fishing mortality (F) $F_{40\%} = F_{msy} = 0.177$. The most recent formally reviewed stock assessment for scup concluded that overfishing was not occurring with $F_{2009} = 0.043$ (NEFSC, 2010a).

Management Program: DEM manages scup within state waters based on advice from the Rhode Island Marine Fisheries Council (RIMFC) and RIDFW. Regional management of the scup resource is the shared responsibility of the Mid-Atlantic Fishery Management Council (MAFMC) and Atlantic States Marine Fisheries Commission (ASMFC). The scup Fishery Management Plan (FMP) sets annual quota specifications into three sub-periods. During the two winter sub-periods, the quota is available coast wide and is restricted through the implementation of trip limits. A state-by-state quota system is in place for the summer sub-period (May 1 – October 31), whereby quotas are distributed to the states based upon their percentage share of commercial landings for the period May through October 1983–1992. RI further divides the state quota into a general category allocation (40%) and a fish trap allocation (60%).

Performance of Fishery and Quotas: Efforts to keep the scup fishery open throughout the summer period in the past had proven to be difficult due to the number of licensees who have open access to the fishery (Tables 2a, b). Beginning in 2004 the fishery remained open for the entire season. In 2010 the quota for the general category was 934,587 pounds, an increase of 199,217 pounds from 2009. The 2010 quota was has been sufficient to keep the fishery open throughout all of the sub-periods under the current management plan as of the date of the writing of this document. In 2008, an aggregate program was implemented in state waters. The program did not work well in the May through June sub period as the allocation was exhausted in two weeks. This may have been due to a possession limit that was set too high, coupled with a very small quota in 2008. The program performed better in 2009 with only one 2 week closure during the spring sub period and it performed well in 2010, remaining open the entire period (underage of approximately 75,000 lbs).

The floating fish trap category was allocated 1,401,881 pounds in 2010. This sector has only harvested 42% of its quota so far in 2010 - any remaining quota will be rolled in to the general category scup fishery in August to provide the opportunity for the entire commercial sector to harvest its scup allocation for 2010.

The quota for 2011 approved by the ASMFC and MAFMC may be higher than in 2010 (Table 3). RIDFW recommends maintaining effort at or below the current level in the commercial scup fishery and to leave scup in the restricted species category. Scup is beginning to reach a quota level where some increases in effort may be viable; however, RIDFW would need to see several consecutive years of remaining open all season long at reasonable possession limits before large increase in effort would be warranted.

SUMMER FLOUNDER

Stock Status: In 2008, the stock assessment and biological reference points for the summer flounder stock were updated and reviewed (NEFSC 2008a). The new assessment results, using the ASAP modeling approach similar to scup, indicated that the summer flounder resource is not experiencing overfishing and is not overfished (NEFSC 2008a). The most recent stock assessment update continues to indicate no overfishing, not overfished, however it also indicates that the stock is not yet fully rebuilt (NEFSC 2010b). The summer flounder stock is defined as overfished if the stock's SSB falls below the biomass (SSB) threshold, currently defined as $\frac{1}{2}SSB_{MSY}$ = 30,037 mt. The SSB estimate for 2009 was 53,458 mt, an increase from the 2008 estimate (SSB_{2008} = 46,029 mt). This is still below the $SSB_{target} = SSB_{msy}$ = 60,074 mt. The overfishing definition for the summer flounder stock is defined as $F_{35\%} = F_{msy}$ = 0.31. The 2009 fishing mortality rate estimate (F_{2009} = 0.237) is below the fishing mortality reference point. Fishing mortality in 2009 may have been higher, as a retrospective analysis indicated that the current assessment method tends to underestimate F in recent years. This retrospective pattern, however, is reduced compared to the previous stock assessment that used a different assessment method.

Management Program: The DEM manages summer flounder within state waters based on advice from the RIMFC and RIDFW. Regional management of the summer flounder resource is the shared responsibility of MAFMC and ASMFC. Existing DEM regulations provide a framework to manage the annual summer flounder quota allocated to RI through possession limits and seasons. The total commercial quota was allocated into three sub-periods based on the proportion of catches during the years 1980 through 1989.

The original management plan in state waters had four sub periods. These percentages and sub-periods were altered in 2007 by combining the two summer sub-periods and combining the historical summer allocation, giving this period (May– October) a 35% allocation, leaving the winter 1 period allocation at 54% (January – April) and the winter 2 period allocation at 11% (November – December). Along with the combining of the summer sub periods, the management plan also included two closure days (Friday and Saturday) in an effort to curtail the weekly landings and extend the season. Another management change in 2007 was the inclusion of an aggregate landings program in the summer sub-period. Few fishermen availed themselves of this opportunity in 2007. The 2007 management plan as described above was maintained during 2008, 2009, and in to 2010. The 2010 fishing year also saw the continuation of a pilot program set up to test the use of "sectors" for summer flounder management in RI. A group of vessels proposed setting up a pilot program modeled after existing sector programs in Massachusetts for codfish. In 2009, after extensive review and public comment, a group of eight vessels were granted exclusive rights to a proportion of the states allocation based on the historical landings of those eight vessels relative to the RI allocation for the same historical time period. The program was slightly modified for 2010 to include only the months of May through December for the same historical period of time for the calculation of the sector allocation. As well the sector participants increased in number to 11 vessels. The information from these pilot programs will be analyzed to see the validity of these types of programs in state waters.

In RI, management of the fishery for summer flounder has been difficult and the subject of frequent allocation disputes. Larger trawl vessels prosecute the winter commercial fishery offshore. During the summer, smaller trawl vessels, floating trap, gill net, and rod and reel fishermen direct their efforts on this species inshore, along with a substantial recreational fishery. Frequent possession limit reductions and closures are enacted by the RIDFW during each sub-period to keep RI landings within the quota allocated by MAFMC and ASMFC (Table 2a, b).

DEM implemented a Summer Flounder Exemption Program (SFEP) in 1995 to limit the number of vessels that could participate in the directed fishery, based upon their historical participation. At that time, a 200-pound limit was established for anyone who did not qualify for a SFEP. Due to the predicted increase in stock biomass in the near shore waters and the number of license holders eligible to direct on the summer flounder fishery, the spring and summer sub-periods have been quickly exhausted, even with low trip limits of 100 pounds. The fishing years of 2004 and 2005 were the first years in which the fishery remained open all year with no closures. These years corresponded with increased summer flounder quotas. Since 2005, the fishery has had premature closures, corresponding to decreases in the states allocation of summer flounder.

Performance of Fishery and Quotas: Under current levels of effort, the summer flounder fishery has been frequently closed. The season most affected has been the summer because of the allocation available coupled with many participants. The proportion of summer flounder taken by different gear types during the summer months has changed over the past few years. The percentage harvested by otter trawl has declined each year during the period 1996 to 2000 while the proportion taken by all other gear types has increased with the greatest increase occurring for the rod and reel sector. As a result, the performance of the fishery has also changed over the years. In 2004, the RIMFC shifted the allocation by adding the additional quota of 469,653 pounds to summer I sub-period in order to maintain the fishery year around. This allocation

succeeded in keeping the fishery open for the entire year. In 2005, rather than adding extra pounds to the first summer sub-period, an equal split of the summer allocation was implemented. It was thought that with the increase in quota in 2005, the fishery could remain open under this regime. The summer flounder quota remained open for the entire 2005 season. Due to several factors in 2006, including the complete utilization of the winter I quota and a decreased state quota allocation, the summer flounder summer fishery saw both a possession limit decrease and a fishery closure. This was also the case in 2007 and 2008 due to a large decrease in quota for these years, while effort remains high on this species. The moderate increase in quota for both 2009 and 2010 were not enough to prevent premature closures in both the late summer and early fall.

The quota for 2011 has been recommended to increase (Table 3). The proposed increase is not certain at this point and the currently proposed value may be reduced before being finalized. With careful management of the quota during the summer months including proactive possession limit adjustments, the 2011 quota may be getting to a level that can sustain an open fishery all year. RIDFW recommends maintaining effort at or below the current level in the commercial summer flounder fishery and to leave summer flounder in the restricted species category.

TAUTOG

Stock Status: The ASMFC Tautog Technical Committee completed the most recent coastwide assessment of tautog in 2006 (ASMFC 2006). Results indicated that coastwide fishing mortality rates have declined since 1993. The stock was found not to be experiencing overfishing in 2004; however, the estimated fishing mortality rate in 2004 (F_{2004} = 0.28) was very near the target F rate (F_{Target} = 0.30). The assessment through 2005 indicated a slight increase in biomass and recruitment for recent years, however the biomass increases were not adequate to rebuild the stock in a reasonable time frame. There are also indications that a considerable proportion of the recent growth in the stock is from fish younger than spawning age. The main contributor to the fishing mortality rates appears to be recreational landings, which comprised approximately 75–90% of total landings over the past six years when viewed coastwide. Rhode Island is at the higher end of that range comprising approximately 90% of the landings. Two addenda were initiated in 2007 that added a spawning stock biomass target to the FMP as well as a decrease in the fishing mortality target, both addenda were approved by the start of the 2008 fishing year.

A regional approach to tautog management was also approved by the ASMFC in 2008, allowing MA and RI to assess the tautog stock in the two state's waters region. Even though this regional assessment allowed for a status quo management scenario, MA and RI decided on a proactive approach and did implement reduction measures in 2008. Despite these reduction measures the tautog stock continues to be subject to high recreational landings specifically in Rhode Island in the fall months. The most recent regional stock assessment indicated an increase in fishing mortality to F_{2008} = 0.36, well above the F_{target} = 0.2, thus overfishing is occurring. In addition, spawning stock has not responded and remains below the SSB target of 8,750 mt with the 2008 estimate being SSB_{2008} = 4,009 mt, thus the stock is overfished. Commercial landings have not risen appreciably since plan implementation in RI due to the constraint of a quota. Indices of abundance based on the RIDFW trawl survey indicate a recent increase in abundance locally (Olszewski 2009). Abundance indices for young-of-year tautog, however, point to

sporadic changes in abundance over the past several years, overall indicating a downward trend (McNamee 2009).

Management Program: The tautog resource is managed within state waters by the DEM with advice from the RIMFC and RIDFW. Regional management of the tautog resource is conducted by ASMFC through Addendum V to the Tautog FMP, which was adopted in August of 2007. The FMP in part requires a reduction in fishing mortality in order to achieve an appreciable increase in spawning stock biomass. States were required to implement regulations that meet the required reductions by the start of their respective fisheries in 2008. The state commercial quota has not increased over the past few years. The commercial fishery in Rhode Island is managed through a combination of seasons, quotas, and possession limits. Although it is not specifically required by the FMP, Rhode Island established a commercial quota, which in part achieves the fishing mortality targets required by the FMP. In 2010, the commercial quota was divided equally into three seasons with a daily possession limit of 10 fish.

Performance of Fishery and Quotas: Since the beginning of the tautog management plan in RI, the commercial tautog fishery has closed early with excessive overages in the spring season. A substantial increase in the quota would be needed to keep the commercial tautog fishery open throughout the defined seasons. Current fishing effort levels are clearly above the fishing power needed to harvest the quota with current possession limits and seasons. The spring quota remains difficult to manage due the imbalance of effort and allowable landings resulting in overages and high discard mortality, though with increased reporting accuracy and timeliness from RI seafood dealers, the spring sub period in 2010 had only a small overage relative to recent years. The increased reporting, as a side effect, also led to a short spring sub period. RIDFW recommends maintaining effort at or below the current level in the commercial tautog fishery and to leave tautog in the restricted species category.

STRIPED BASS

Stock Status: The most recent stock assessment of the striped bass stock showed that total catch (recreational and commercial) has increased since the mid- to late 1980s, though total abundance remains high (ASMFC 2009). The assessment results led the ASMFC Striped Bass Technical Committee to also conclude that abundance of striped bass age-13 and older has increased since 2003, when Amendment 6 was adopted.

The 2009 assessment applied a statistical catch-at-age method (SCA) to estimate fishing mortality rates for striped bass and compared those estimates with estimates derived from tagging data. Relative to the biological reference points accepted by the Striped Bass Management Board in 2008 (SSB threshold = 30,000 metric tons (mt); F threshold = 0.34), the striped bass stock complex is not overfished and overfishing is not occurring. This conclusion is based on a 2008 female spawning stock biomass estimate of 55,500 mt and average age 8-11 F=0.21 from the statistical catch at age (SCA) model results (ASMFC 2009).

Management Program: Striped bass are managed by ASMFC through Amendment 6 to the interstate FMP, which requires minimum sizes for the commercial and recreational fisheries, possession limits for the recreational fishery, and state quotas for the commercial fishery (ASMFC 2003). Addendum 1 to Amendment 6 was approved in November of 2007.

Regulations for the commercial striped bass fishery in Rhode Island include minimum sizes, possession limits, gear restrictions, seasons and quotas. The RI commercial quota is divided between two sectors, floating traps (40%) and a general category (60%). The quota for the general category, primarily rod and reel, was made available during two seasons during 2010. The floating trap fishery operators worked in a collaborative manner to manage their allocation with just one season in 2010 and no possession limits, but with very stringent reporting requirements.

The management plan for the general category striped bass fishery was modified in 2007. The commercial possession limits changed to a per vessel limit of 5 fish (as opposed to the per person possession limits of the past). A two-day per week (Friday/Saturday) closure was also implemented in 2007. Both of these industry supported changes were an effort to keep the season open longer than what has been the case for the recent past. These changes were maintained in 2008, 2009, and in 2010.

Performance of Fishery and Quotas: The 2010 general category quota was 146,175 pounds and the first sub-period quota was fully harvested within 32 days. The floating fish trap quota of 93,049 pounds was close to being fully utilized as of this writing. If there is any remaining quota by the end of the floating fish trap season, the remainder will be made available to the general category fishery in the fall.

The commercial quota for 2011 will not increase substantially. Commercial quotas of the magnitude needed to keep the fishery open throughout most of the season are unlikely in the next few years because the most recent stock assessments indicate that the population of striped bass has not increased in biomass since 1997 and the recreational catch has increased over recent years. RIDFW recommends to maintain effort at or below the current level in the commercial striped bass fishery and to leave striped bass in the restricted species category.

BLACK SEA BASS

Stock Status: Due to the use of a new stock assessment technique for stock status analysis, the black sea bass stock is no longer considered overfished and overfishing is not occurring. Previously, the black sea bass resource was defined as overfished when the three-year average of the spawning stock biomass (SSB) index, based on the NEFSC spring survey, was below the threshold biomass index. A new assessment was introduced and peer reviewed in 2008 that uses a forward projection modeling technique called SCALE (Statistical Catch at Length). This model indicated that the 2008 SSB level for the black sea bass stock is 12,892 mt, above the SSB target of $SSB_{msy} = SSB_{40\%} = 12{,}537$ mt (NEFSC 2009) and the most recent update indicates that biomass remains at high levels ($SSB_{2009} = 12{,}978$ mt) (NEFSC 2010). The overfishing definition for the black sea bass resource is defined as the fishing mortality (F) $F_{40\%} = F_{msy} = 0.42$. The most recent formally reviewed stock assessment for black sea bass concluded that overfishing was not occurring ($F_{2009} = 0.29$) (NEFSC 2010c). Despite the improved stock status, the MAFMC Science and Statistical Committee (SSC) instituted a status quo allowed biological catch; therefore the black sea bass quota did not increase for 2010. The reason for remaining at status quo was due to the uncertainty calculations associated with the assessment which categorized the new assessment in a lower tier, which required remaining at status quo.

Management Program: The black sea bass stock is managed jointly by ASMFC and MAFMC. Amendment 13, which became effective in 2003, established a state quota

system. Rhode Island's share of the commercial coastwide quota is 11%. Through advice from the RIFMC and the industry, DEM adopted regulations to allocate a percentage of the commercial quota into four seasonal sub-periods. The regulations also specified possession limits within each season.

Performance of Fishery and Quotas: The RI commercial fishery closed prematurely in each period in 2010 due to the 2010 quota remaining at low levels. RI's quota in 2010 was 193,447 pounds. No increase in quota is proposed for 2011 (Table 3), therefore any expansion of effort at this time would hinder DEM from meeting its objective of keeping the fishery open throughout the year under reasonable possession limits, and in fact until the quota increases for this species, in season closures will be common. This leads RIDFW to recommend maintaining effort at or below current levels in the commercial black sea bass fishery and to leave black sea bass in the restricted species category.

WINTER FLOUNDER

Stock Status: In 2008, the NEFSC conducted the Groundfish Assessment Review Meeting (GARM3) and updated the Southern New England/Mid-Atlantic (SNE/MA) complex of winter flounder stock assessment. The previous assessment was completed in 2005 at GARM2 (NEFSC 2005). Results from GARM3 concluded that the Southern New England/Mid-Atlantic (SNE/MA) winter flounder stock complex is overfished and overfishing is occurring (NEFSC 2008b).

The 2008 GARM3 assessment applied an updated version of a Virtual Population Analyses (ADAPT VPA vers. 2.8.0), which is a backward-projecting age-structured population dynamics model, and updated catch data (1981-2007) to the same set of calibration models used in the GARM2 (2005). The base-run model exhibited a strong retrospective pattern, though improved relative to the GARM2 assessment. To correct the retrospective pattern all series were split pre/post 1994, which acts as a proxy for fishery and biological factors that could have changed in the mid-1990's. The split-run model showed a reduced retrospective pattern, with a shift from an under estimation of F during 1996-1999 terminal years, and lack of long-term trend thereafter (NEFSC 2008b). The GARM3 Review Panel recommended the split-run as the FINAL model.

Results from the split-run model estimated fishing mortality (F) in 2007 to be 0.649, more than 2½ times the FMSY proxy = F40% = 0.248. SSB in 2007 was estimated to be 3,368 mt, about 9% of SSBMSY = 38,761 mt. There is an 80% probability that in 2007 F and SSB were between 0.522 and 0.861 and 2,936 mt and 3,825 mt, respectively. The 2006 year class of 3.6 million (age 1 in 2007) is estimated to be the smallest on record and the 2007 year class (age 1 in 2008) is estimated to be 8.8 million fish. Projections at F in 2009-2014 = F40% = 0.248 indicate a <1% chance that the stock will rebuild to SSBMSY = 38,761 mt by 2014). Projections further indicate that fishing at F = 0.000 during 2009-2014 will provide only a 1% chance to rebuild the stock to SSBMSY = 38,761 by 2014 (NEFSC 2008b). Nonetheless, substantial increases in SSB can be achieved if F can be kept under 0.248.

Based in part on the high site fidelity of winter flounder and long history of state landings from RI, RIDFW assessed the local winter flounder stock within state waters in 2007 (M.R. Gibson, RIDFW Marine Fisheries, unpublished data). RIDFW determined that the

fishing mortality rate has remained above F_{MSY} = 0.26 since 1978, indicating that rates of fishing were above levels that would achieve maximum sustainable yield. Estimates of biomass have fluctuated over the time period 1959–2007, with two peaks occurring in the mid-to late-1960s and early 1980s, but showed a steady decline from 1983-1993, with the estimate for 1993 being the lowest in the time series. Estimates of biomass have remained well below B_{MSY} = 5,726 since 1988, despite a slight increase between 1994 and 1995.

Management Program: The NEFMC manages the winter flounder resource through the Northeast Multispecies (Groundfish) Fishery Management Plan. Under the NMFS Interim Rule for groundfish for the 2009-2010 fishing year, F was reduced to 0, no possession of winter flounder is allowed in the federal SNE/MA stock management area, and federally permitted vessels are prohibited from possession of winter flounder.

At the state level, ASMFC manages the inshore winter flounder stocks through Addendum 1 to Amendment 1 to the interstate fishery management plan for inshore stocks of winter flounder. In order to maintain a stream of commercial landings for assessment purposes, RI adopted a 50 pound possession limit in the RI coastal ponds and all state waters, except in Narragansett Bay north of the Colregs line where harvest or possession of winter flounder is prohibited. There are also minimum fish size limits and mesh size restrictions per the requirements of Addendum 1.

Performance of Fishery and Quotas: A state quota has not existed since 2006. The rational for placing this species in the restricted category is based on the low levels of abundance locally and overfishing on a regional basis. RIDFW recommends maintaining effort at current levels in the commercial winter flounder fishery and to leave winter flounder in the restricted species category.

NON-RESTRICTED FINFISH

The species relegated to the non-restricted categories include all species of finfish with the exception of those listed in the restricted category. All species for which the state is allocated a quota are listed as restricted with the exception of bluefish since the quota allocated to the state has been more than the industry is able to harvest since it was implemented. Three additional species have self imposed quotas applied to them in RI state waters: menhaden, cod, and monkfish. Stock status and management are summarized for bluefish, menhaden, cod, and monkfish.

BLUEFISH

Stock Status: Due to the use of a new stock assessment technique for stock status analysis, the bluefish stock is not considered overfished and overfishing is not occurring. A new assessment was introduced and peer reviewed in 2005 that uses a forward projection modeling technique called ASAP (age structured assessment program) (NEFSC 2005b). The model was rerun in 2010 and indicated that the 2009 biomass level for the bluefish stock is 155,991 mt, which is above the biomass threshold = 73,526 mt (NEFSC 2010d). The overfishing definition for the bluefish resource is defined as the fishing mortality ($F_{threshold}$) = F_{msy} = 0.19. The most recent stock assessment model run for bluefish concluded that overfishing was not occurring (F_{2009} = 0.10) (NEFSC 2010d).

Management Program: Bluefish are managed cooperatively by ASMFC and MAFMC through Amendment 1 to the Bluefish Fishery Management Plan (MAFMC and ASMFC 1998). The Bluefish Monitoring Committee meets annually to review the most recent data and to make recommendations regarding the commercial quota, the recreational harvest limit, and other management measures. Commercial quotas have been implemented since 1994 and have never been fully harvested until 2006. A closure was implemented in 2006 due to a large influx of landings during the fall season. No closures occurred from 2007 through 2010 (as of this writing). Coastwide quotas have ranged from 9.6 to 11.4 million pounds.

Performance of Fishery and Quotas: Since 1994 when states were first allocated a commercial quota for bluefish, Rhode Island has not fully harvested its allocation and the fishery has never been closed while the quota system has been in place, until 2006. In 2006 high catch rates in the fall period used up the quota and a commercial closure was implemented for the first time in RI. The quota for 2010 (662,469 pounds) was the same as in 2009, and as of this writing no closures have been implemented. The bluefish harvest was monitored carefully in 2010 in order to avoid a repeat of the closure in 2006. A status quo quota is proposed for 2011 (Table 3). The Division's recommendation is to allow effort to increase above current levels in the commercial bluefish fishery and to leave bluefish in the non-restricted species category. In the future, if effort increases beyond what the quota can sustain and remain open for the entire year, or if the quota decreases to lower levels due to the stock status, the Division will re-assess whether bluefish needs to be moved in to the restricted species category, or a more likely scenario would be to implement more restrictive possession limits and seasons in order to control harvest.

MENHADEN

Stock Status: Menhaden are a highly migratory species that undergo a large amount of mixing off the coast of North Carolina in the winter months. The ASMFC Atlantic Menhaden Stock Assessment Subcommittee last assessed the menhaden stock in 2010. The 2010 assessment concluded that the species was not overfished and overfishing was not occurring (ASMFC 2010). The ASMFC Atlantic Menhaden Technical Committee went on to state that because the stock is assessed as a single coastwide unit, the assessment might not account for factors affecting the stock at the local level such as fishing, predation, or climatological events. The Technical Committee made a number of important research recommendations that need to be addressed before these more localized questions can be answered. Some of these research recommendations have been funded and are currently being worked on. As well, the Technical Committee has begun work on looking at new reference points which may lead to a reconsideration of stock status in the future. A final item being worked on by the Technical Committee is the consideration of ecosystem based reference points. These items will be studied and may be important factors for future stock status determinations.

Management Program: Atlantic Menhaden are managed in RI through the use of seasons and management areas. In general, Narragansett Bay in its entirety is considered a Menhaden Management Area. The management area allows purse seine fishing for menhaden through the main stems of the Bay while excluding most of the major embayments such as Greenwich Bay, Allen's Harbor, Nannaquacket Pond, Kickemuit River, etc. There are also a number of seasonal, weekend, holiday, and Sunday closures

for specific areas in the Bay. While the general season is open year round, many of the major embayments have stricter seasonal closures such as in the Providence River and the Hope Island Management area, which are closed to purse seining from August through December 31st. Beginning January 9, 2003, purse seining for menhaden for use in the reduction fishery was prohibited in RI state waters. This regulation is still in effect. Similar provisions exist in state waters along the entire Atlantic coast with the exception of North Carolina and Virginia, where the bulk of the reduction fishery takes place. Purse seining for use in the bait industry is still allowed in RI as set forth above. Emergency regulations were implemented in 2007 that placed a cap on the daily landings that could occur in Narragansett Bay (75,000 pounds). The regulation also placed an overall cap on the amount of fish that could be removed from the Bay stating that removals could not exceed 50% of the standing stock in the Bay. Once the 50% trigger is hit the purse seine fishery will close in Narragansett Bay. The trigger is monitored through the use of a depletion model for open systems (Gibson 2007). This same management regime was conducted in 2010 with the exception of the additional gear restrictions on net size certification, vessel capacity restrictions, and a tiered approach to increasing possession limits based on the population level of menhaden in Narragansett Bay. The tiered system also includes a threshold amount of fish that needs to be present in Narragansett Bay before the commercial bait fishery can begin (1.5 million pounds).

Performance of Fishery and Quotas: Since 2005, large schools of adult menhaden entered Narragansett Bay. While there is no quota on menhaden mandated by ASMFC, RI implemented a management plan in 2007 through emergency regulations that was prompted by the increasing interest in the bait fishery, specifically a second large menhaden purse seine vessel that entered RI waters. The new management plan was brought to public hearing in 2007. The original plan was modified as noted above. The stock size entering the Bay in 2010 was similar to 2009, which was smaller than it had been in the previous couple of years, therefore the fishery closed early in the season in 2010. Some new vessels geared up for menhaden fishing, however they were never able to successfully prosecute the fishery and the traditional large purse seine vessels left Narragansett Bay shortly thereafter.

At this point the Division's recommendation is to allow effort to remain at or below current levels in the menhaden bait fishery and to leave menhaden in the non-restricted species category. The approach of adding a gear endorsement was hoped to provide some protection against a large influx of effort in to this fishery, however the Division believes that these endorsements should only be made available on a renewal basis (place a moratoria on issuance of new purse seine endorsements). The current level of purse seine endorsements (2010 = 169 purse seine endorsements) that exist is an unsustainable number and it may be necessary to institute a history based restriction in the future if a large percentage of the existing latent effort becomes activated.

Monkfish and Cod

Stock Status: A new stock assessment for the monkfish stock was peer-reviewed in 2007 (NEFSC 2007). This assessment was updated in 2010 (NEFSC 2010e). The stock most relevant to RI is the southern stock unit as defined in the assessment. The southern stock was determined to not be overfished and was not experiencing overfishing in 2009 based on the new model outputs for current stock status as well as benchmarks generated by the new model data. The 2009 estimate of fishing mortality (F_{2009} = 0.07) which does not

exceed the new overfishing definition (F_{Max} = 0.46). The southern monkfish stock is considered overfished when total biomass falls below $B_{threshold}$ = 37,245 mt. Total biomass in 2009 was estimated to be approximately 131,218 mt, above the overfished definition.

The 2008 Groundfish Assessment Review Meeting (GARM3) conducted by NOAA /NMFS concluded that the Georges Bank cod stock (stock most relevant to RI) is overfished and overfishing is occurring. Fishing mortality (F) in 2007 was estimated to be 0.30, over the $F_{40\%} = F_{target} = 0.25$. SSB in 2007 was estimated to be 17,672 mt, below SSB_{MSY} = 148,084 mt. (NEFSC 2008b).

Management Program: The New England Fisheries Management Council manages both the Georges Bank cod and the southern monkfish (jointly with the MAMFC) resource. Fishing mortality on these stocks is regulated through minimum sizes, gear restrictions, and restrictions on the number of days allowed to fish. In RI, the state has opted to impose a quota on its state waters fisheries in an effort to bring the state in to collaboration with the federal fishery management plans. As well as a state waters quotas (1% of the southern monkfish federal quota and 1% of the Georges Bank cod federal quota), RI has imposed minimum sizes and daily possession limits in state waters.

Performance of Fishery and Quotas: State quotas were imposed for monkfish and cod during the 2010 fishing season. These quotas have not been met or exceeded as of this writing. The rational for leaving these species in the unrestricted category is based on the ephemeral nature of these species in state waters as well as relatively low levels of abundance in state waters for both of these species. The Division's recommendation is to allow effort to stay at or increase above current levels in the commercial monkfish and cod fisheries and to leave monkfish and cod in the non-restricted species category. In the future, if effort increases beyond what the state imposed quotas can sustain and remain open for the entire year, or if the quota decreases to lower levels due to the stock status, the Division will re-assess whether monkfish and cod need to be moved in to the restricted species category, or a more likely scenario would be to implement more restrictive possession limits and seasons in order to control harvest.

LICENSING OPTIONS AND RECOMMENDATIONS

In 2010, the Department issued 4 new restricted finfish endorsements for the basic commercial fishing license (CFL). This decision was based on the Division's assessment of the restricted finfish species, deliberations with the RI Marine Fisheries Council, and requirements set forth in statute. An exit/entry ratio was established at 5:1 (for every 5 active licenses eligible to harvest restricted species that were not renewed, 1 new restricted finfish endorsement was issued) in order to allow some new entrance into the restricted finfish category as well as replace some effort that had presumably exited the fishery. The ratio was set up to be reflective of both current fishing effort on the restricted finfish species and latent effort, though efforts are being made to understand the extent of latent effort from those licenses that were not renewed. The 4 new endorsements were made available at a lower harvest level (1/2 the current full harvest level) than existing full harvest licenses. A total of 47 licenses—30 Multi-Purpose Licenses (MPURP) + 17 Principle Effort Licenses (PEL)—that were eligible to catch restricted finfish in 2009 were not renewed in 2010. This measure also protects against increasing effort.

RI Marine Fishery Council Advice - the Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing. The group recommended staying at status quo for the restricted finfish fishery, to continue to apply a 5:1 exit/entry ratio to active licenses that retired in 2010. The also recommended removing the CFL license category for restricted finfish and allow all endorsement holders to obtain PELs and to be able to harvest full possession limit amounts. The RIMFC recommendation to the Director …..

During 2010, 47 Multi-Purpose and Principal Effort Licenses (with restricted finfish endorsements were not renewed. Of the 47 non-renewals, 10 had some level of fishing effort (based on 2009 landings data from SAFIS). Additionally, of the 47 nonrenewals, 14 were either sold or transferred. As previously noted, 4 new CFL w/restricted finfish endorsements were issued in 2010 The catch rates of the 2010 restricted finfish species were similar to the rates in 2009; therefore the increase in licenses made available in 2010 did not translate into a noticeable increase in effort on these species. The quota allocated to RI in 2011 for a few of the restricted finfish and quota species (i.e., black sea bass, tautog, striped bass, and winter flounder) will be equal to or less than in 2010. As stated by the legislature in RIGL 20-2.1-2 the licensing regulations should seek to "Preserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation" while "Provid(ing) Rhode Islanders who wish to fish commercially the opportunity to do so and end the moratorium on issuance of new commercial fishing licenses so that new licenses may be issued" and "Respect(ing) the interests of residents who fish under licenses issued by the state and wish to continue to fish commercially in a manner that is economically viable." Therefore, to protect against increasing effort on decreasing or stagnant quotas, while allowing some increase in effort on species that are not currently experiencing stock impairment (i.e. the non restricted species), the Division recommends not increasing effort on any of the restricted species. Since active licenses have left the fishery in 2010 the Division feels that replacing these licenses with a exit entrance ratio of 5:1 would be warranted as data indicates introducing a small number of restricted endorsements in a cautious manner does not dramatically impact effort in a given year, thereby meeting the intent and goals of the legislature per RIGL 20-2.1-2.

Recommendations

The following recommendation is believed to be protective of the restricted finfish species in RI, therefore the Division of Fish and Wildlife recommends:

1. New restricted finfish endorsements in 2011 based on a 5:1 exit entrance ratio of active licenses that have left the fishery resulting in 2 new restricted finfish licenses to be issued at the CFL level in 2011
2. Maintain open entry in to the non-restricted finfish endorsements
3. Cap access to the purse seine and pair trawl endorsements and only allow issuance of renewed endorsements (place moratoria on new endorsements)
4. Explore vessel declaration options within the license structure with an eye towards moving to a vessel based licensing system.

The Director of DEM concurred with RIMFC recommendations and decided to retain the 5:1 exit/entry ratio for the restricted finfish endorsement category, applied to the total

number of licenses eligible to harvest restricted finfish that were active in the fishery in 2009 and retired in 2010.

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Table 1. Historical commercial license counts.

LICENSES					
	2006	**2007**	**2008**	**2009**	**2010**
MULTI-PURPOSE LICENSE	1,017	973	939	917	887
GILLNET ENDORSEMENT	275	263	257	251	241
DOCKSIDE SALE ENDORSEMENT	82	205	261	276	272
MIDWATER/PAIR TRAWL ENDORSEMENT	N/A	N/A	116	123	123
PURSE SEINE ENDORSEMENT	N/A	N/A	114	128	136
PRINCIPAL EFFORT LICENSE	929	861	810	776	735
LOBSTER ENDORSEMENT	46	44	43	40	38
NON-LOBSTER CRUSTACEAN ENDORSEMENT	16	15	21	20	22
QUAHOG ENDORSEMENT	586	538	499	473	450
NON-QUAHOG ENDORSEMENT	434	402	0	0	0
RESTRICTED FINFISH ENDORSEMENT	298	283	270	265	248
NON-RESTRICTED FINFISH ENDORSEMENT	131	134	126	128	127
SOFTSHELLED CLAM ENDORSEMENT	N/A	N/A	358	325	304
DOCKSIDE SALE ENDORSEMENT	4	11	15	13	14
MIDWATER/PAIR TRAWL ENDORSEMENT	N/A	N/A	4	3	5
PURSE SEINE ENDORSEMENT	N/A	N/A	5	6	5
OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)	N/A	N/A	306	278	265
COMMERICAL FISHING LICENSE	397	464	421	433	449
LOBSTER ENDORSEMENT	38	32	27	22	19
NON-LOBSTER CRUSTACEAN ENDORSEMENT	105	118	100	102	119
QUAHOG ENDORSEMENT	94	104	116	118	127
NON-QUAHOG ENDORSEMENT	247	323	0	0	0
RESTRICTED FINFISH ENDORSEMENT	13	11	11	14	18
NON-RESTRICTED FINFISH ENDORSEMENT	242	261	240	256	273
SOFTSHELLED CLAM ENDORSEMENT	N/A	N/A	235	206	191
DOCKSIDE SALE ENDORSEMENT	2	17	24	25	22
MIDWATER/PAIR TRAWL ENDORSEMENT	N/A	N/A	21	38	39
PURSE SEINE ENDORSEMENT	N/A	N/A	24	35	28
OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)	N/A	N/A	179	199	206
OVER 65 SHELLFISH LICENSE	130	136	160	179	201
STUDENT SHELLFISH LICENSE	71	60	54	54	49

Table 2a. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2010.

2010 POSSESSION LIMITS					
Date	**Summer Flounder**	**Scup (General Category)**	**Tautog**	**Striped Bass (General Category)**	**Black Sea Bass**
1-Jan	100/day	30,000/2 weeks			750/day
		2,000/day			
3-Jan	200/day				
23-Jan					400/day
7-Feb	2,000/week				
	300/day				
4-Mar					Closed
11-Apr	200/day				
15-Apr			10 fish		
16-Apr	700/day				
21-Apr		1,000/day			
28-Apr	1,000/day				
1-May	100/day	500/week			50/day
3-May			Closed		
1-Jun	350/week				
	100/day				
6-Jun				5 fish	
17-Jun					Closed
24-Jun	250/week				
	50/day				
1-Jul		400/week			50/day
8-Jul				Closed	
15-Jul			10 fish		
25-Jul		600/week			
1-Aug					Closed
29-Aug			Closed		
1-Sep					50/day
13-Sep				5 fish	
16-Sep		400/week			
15-Oct			10 fish		
1-Nov	600/day	3,500/day			250/day
Days in Season	**365***	**365**	**171**	**145***	**334**
Total Days Open	**SIP**	**SIP**	**SIP**	**SIP**	**SIP**
Total Days Closed	**SIP**	**SIP**	**SIP**	**SIP**	**SIP**

* Counts Friday and Saturday closure days
SIP = Season In Progress as of this writing

Table 2a. (*continued*) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2010.

2010 COMMERCIAL SEASONS					
	Summer Flounder	**Scup+ (General Category)**	**Tautog**	**Striped Bass+ (General Category)**	**Black Sea Bass**
	Jan 1–Apr 30	Jan 1–Apr 30 [F]	Apr 15–May 31	Jun 1–Aug 31*	Jan 1–Apr 30
	May 1–Oct 31 [*]	May 1–Jun 30	July 15-Aug 29	Sep 13–Dec 31*	May 1–July 31
	Nov 1–Dec 31	July 1–Sep 15	Oct 15–Dec 31		Aug 1–Oct 31
		Sep 16–Oct 31			Nov 1–Dec 31
		Nov 1–Dec 31 [F]			
2010 QUOTAS					
	Summer Flounder	**Scup**	**Tautog**	**Striped Bass**	**Black Sea Bass**
State	**2,019,915**	**2,336,468**	**42,940**	**239,963**	**184,335**
Federal	-------		-------	--------	---------

+ Floating Fish Trap management had open seasons and no possession limit
[F] Federal coastwide quota
[*] Closed Fridays and Saturdays

Table 2b. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2009.

2009 POSSESSION LIMITS					
Date	**Summer Flounder**	**Scup (General Category)**	**Tautog**	**Striped Bass (General Category)**	**Black Sea Bass**
1-Jan	100/day	30,000/2 weeks 2,000/day	Closed	Closed	750
1-Feb	1,000/week 100/day				
23-Feb					Closed
22-Mar	2,000/week 200/day				
9-Mar					200
19-Mar		1,000/day			
23-Mar 5-Apr	3,000/week 300/day				
12-Apr	750/day				
15-Apr			10 fish		
17-Apr	2,000/day				
26-Apr	500/day				
1-May	100/day	2,500/week			100
3-May		1,000/week			
14-May			Closed		
18-May					Closed
1-Jun	350/week 100/day			5 fish	
7-Jun	250/week 50/day	400/week			
20-Jun					
21-Jun		Closed			
24-Jun					
29-Jun				Closed	
1-Jul		400/week			
8-Jul					
13-Jul					
15-Jul			10 fish		
18-Jul					
1-Aug					100
9-Aug	Closed				
16-Aug		200/week			
17-Aug					Closed
27-Aug					
29-Aug			Closed		
13-Sept		400/week		5 fish	
16-Sept					
21-Sept				Closed	
6-Oct		Closed			
15-Oct			10 fish		
31-Oct			Closed		

1-Nov	225/day	2,000			250
4-Nov					100
8-Nov	100/day				Closed
18-Dec	400/day				
Days in Season	**365***	**365**	**171**	**145***	**365**
Total Days Open	**315**	**330**	**75**	**27**	**97**
Total Days Closed	**60**	**35**	**96**	**118**	**268**

* Counts Friday and Saturday closure days

Table 2b. (*continued*) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2009.

2009 COMMERCIAL SEASONS					
	Summer Flounder	**Scup (General Category)**	**Tautog**	**Striped Bass (General Category)**	**Black Sea Bass**
	Jan 1–Apr 30	Jan 1–Apr 30 [F]	Apr 15–May 31	Jun 1–Aug 31*	Jan 1–Apr 30
	May 1–Oct 31 [*]	May 1–Jun 30	July 15-Aug 29	Sep 13–Dec 31*	May 1–July 31
	Nov 1–Dec 31	July 1–Sep 15	Oct 15–Dec 31		Aug 1–Oct 31
		Sep 16–Oct 31			Nov 1–Dec 31
		Nov 1–Dec 31 [F]			
2009 QUOTAS					
	Summer Flounder	**Scup (General Category)**	**Tautog**	**Striped Bass (General Category)**	**Black Sea Bass**
State	**1,684,023**	**735,370**	**42,711**	**146,377**	**120,251**
Federal	**-------**		**-------**	**--------**	**---------**

[F] Federal coastwide quota
[*] Closed Fridays and Saturdays

Table 3. The proposed 2011 Total Allowable Landings (TAL) and Total Allowable Catch (TAC) limits being considered by the ASMFC and MAFMC in comparison the 2009 and 2010 TALs. The limits proposed for 2011 will be sent to NOAA for final approval. The values in the table represent millions of pounds and if a range of TALs/TACs were given, the lower end of the range is represented below.

COASTWIDE TAL			
Species	**2009**	**2010**	**2011**
Scup (TAC)	11.18	13.5	16.3
Summer Flounder	18.45	22.13	27.18
Black Sea Bass	2.3	3.7	3.7
Bluefish	29	29.26	27.26

Rule 8. EFFECTIVE DATE

The foregoing rules and regulations Rhode Island Marine Statutes and Regulations, after due notice, are hereby adopted and filed with the Secretary of State this **8th of December, 2009** to become effective 20 days from filing, unless **otherwise indicated below**, in accordance with the provisions of Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02- 047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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W. Michael Sullivan, PhD
Director, Department of Environmental Management

Notice Given: **09/21/2009**
Public Hearing: **10/21/2009**

Filing date: **12/08/2009**
Effective date: **12/28/2009**