

**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES**

Pursuant to the provisions of Chapter 42-17.1 and Title 20 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";
- 3) Proposed regulations implementing the RI Recreational Saltwater Fishing License (9.1); and
- 4) Proposed Vessel-Based Regulations (10.1).

The public hearing will commence at 6:00 PM on Wednesday, September 12, 2012 in the University of Rhode Island, Graduate School of Oceanography, Corless Auditorium, South Ferry Road, Narragansett, RI 02882. The room is accessible to the disabled. Interpreter services for the hearing impaired will be provided if such services are requested at least (3) business days prior to the hearing. Requests for such services may be made in writing or by calling TTY (711) or (401) 222-5300. A recording of the hearing will be made by DEM staff. Written comments concerning the regulations proposed for promulgation by the DEM may be submitted to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 PM on September 12, 2012.

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 August 10, 2012 through September 12, 2012 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/pn091212.htm>.

Janet L. Coit, Director
Department of Environmental Management

Date Posted: 8/9/2012

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

Division of Fish and Wildlife
Marine Fisheries



2013 Management Plan for the Finfish Fishery Sector

Developed in association with the
commercial fishing licensing provisions set forth in the
“Commercial Fishing Licensing Regulations”

Draft - July 20, 2012
~~December 29, 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 1,119 license holders eligible to harvest the restricted species in 2012. Three (3) new restricted finfish endorsements for principle effort fishing licenses were issued in 2012 and 383 non-restricted finfish endorsements were issued in 2012 (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 restricted endorsements to be issued in 2013, as the new endorsements issued in 2012 did not impact the restricted species quotas negatively and 42 PEL and multipurpose licenses were not renewed in 2011.

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 need to be addressed with regard to 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). The update of this model indicated that the 2010 SSB level for the scup stock is 178,995 mt, well above the SSB target of 92,044 mt (Terceiro 2011a). SSB is projected to remain above the target as indicated in the most recent assessment update ($SSB_{2011} = 187,861$ mt). The overfishing definition for the scup resource is defined as the fishing mortality (F) $F_{40\%} = F_{msy} = 0.177$. The most recent projection from the formally reviewed stock assessment for scup concluded that overfishing was not occurring with $F_{2010} = 0.053$ (Terceiro 2011a).

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 2012 the quota for the general category was 2,443,229 pounds, an increase of 660,788 pounds from 2011. The 2012 quota 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, and in fact is so high that there is some difficulty in fully utilizing the entire quota. In 2008, an aggregate program was implemented in state waters. The program performed well in 2011 and so far in 2012, remaining open for the entire period.

The floating fish trap category was allocated 3,664,843 pounds in 2012. This sector has only harvested 4% of its quota so far in 2012. Through consultation with the floating fish trap operators, portions of the floating fish trap quota has been rolled in to the general category scup fishery throughout the sub periods to provide the opportunity for the entire commercial sector to harvest its scup allocation for 2012. As of the date of this report, 55% of the floating fish trap quota has been rolled in to the general category fishery.

The quota for 2013 has not been approved by the ASMFC and MAFMC as of the writing of this report. RIDFW assumes the quota will be equal to the quota seen in 2012, and therefore recommends allowing effort to increase above the current level in the commercial scup fishery. This could occur by taking scup out of the restricted species category or by allowing replacement of non renewed restricted finfish endorsement licenses with the assumption that some of the recipients of these licenses will enter in to the scup fishery. Careful consideration of how species move between the restricted and non restricted categories needs to be taken, however, scup has reached a level where the resource has expanded beyond the capacity of the current effort that exists within the restricted species endorsement holders. The main consideration will need to be what to do if the scup resource declines in future years.

SUMMER FLOUNDER

Stock Status: In 2011, the stock assessment and biological reference points for the summer flounder stock were updated and reviewed (Terceiro 2011b). 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, and in the latest update indicates that the stock is fully rebuilt (NEFSC 2011b). 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 2010 was projected to be 74,119 mt, an increase from the 2009 estimate ($SSB_{2009} = 53,458$ mt). This is above 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 2010 fishing mortality rate estimate ($F_{2010} = 0.196$) is below the fishing mortality reference point. Fishing mortality in 2010 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. The 2007 management plan as described above was maintained during 2008 through 2011, and in to 2012 with two significant changes. The 2012 fishing year saw the termination of a pilot program set up to test the use of “sectors” for summer flounder management in RI, and in addition, the Friday and Saturday closed days were reopened.

The sector pilot program that had operated in the state was ended in 2012 so that a thorough analysis and vetting of the program could be undertaken. The information from the pilot programs was presented during a summer flounder symposium in early 2012. A plan for continued discussion of this program as well as other management programs for this species is scheduled to occur in the fall of 2012.

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.

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 2009 was not enough to prevent premature closures in the late summer and early fall time period. The 2010 fishing year remained open with a possession limit decrease. The 2011 fishing season remained open all year with no possession limit decreases (and in fact there were several possession limit increases through the summer and fall). The 2012 fishing year has remained open with some downward modifications to the possession limits to prevent early closures. The summer has remained open to date, but the sub period allocation is being monitored closely and adjustments may need to be made to avoid an early closure of the summer period.

The quota for 2013 has not yet been approved. The RIDFW assumes the quota will be equal to the quota seen in 2012. With careful management of the quota during the summer months including proactive possession limit adjustments, the 2013 quota may be getting to a level that can sustain an open fishery all year with no weekly closed days or possession limit decreases. 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 2011 (ASMFC 2011a). Results indicated that coastwide fishing mortality rates have increased since 2005. The stock was found to be experiencing overfishing in 2009 ($F_{\text{average } 2007-2009}=0.38$); indicating it was significantly above the target F rate ($F_{\text{Target}} = 0.15$, recently adjusted via addendum VI). 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 coming from the recreational sector. An addendum was initiated in 2010 that decrease the fishing mortality target to $F=0.15$ in an effort to promote biomass increases at a faster rate, the addendum was approved in 2011. This addendum also required states to reduce harvest to meet this new F target.

A regional approach to tautog management was 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 a decrease in fishing mortality to $F_{2009} = 0.12$, below the new $F_{\text{target}} = 0.15$, thus overfishing is not currently occurring. Spawning stock has not responded in a significant way and remains below the SSB target of 8,750 mt with the 2009 estimate being $SSB_{2009} = 4,000$ 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 2010). 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 2010).

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 VI to the Tautog FMP, which was adopted in 2011. 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 2012. 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 2012, 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. This does not seem to be a realistic goal as the dynamics and size of this stock may never allow for a long open season with a large quota. 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 2012 had only a small overage relative to recent years. 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 2011). 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 2011 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 2010 female spawning stock biomass estimate of 50,548 mt and average age 8-11 $F=0.23$ from the statistical catch at age (SCA) model results (ASMFC 2011).

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. Recently at the November 2010 Striped Bass Management board meeting Addendum 2 to Amendment 6 was approved. Addendum 2 keeps the coast wide Striped Bass quota at status quo, 70% of historical harvest levels. Addendum 2 redefines the juvenile recruitment data triggers and calculation methods and requires management action if there is recruitment failure for three years in a row.

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 2011. The floating trap fishery operators worked in a collaborative manner to manage their allocation with just one season in 2011 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 through 2012.

Performance of Fishery and Quotas: The 2012 general category quota was 146,377 pounds and the first sub-period quota was fully harvested within 20 days. The floating fish trap quota of 93,266 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 2012 did not increase substantially. The commercial quota had a total of 239,643 pounds. 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: 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 was updated

and it projected that the 2010 SSB level for the black sea bass stock is 13,926 mt, above the SSB target of $SSB_{msy} = SSB_{40\%} = 12,537$ mt (Shepherd and Neiland 2010a) and the most recent update indicates that biomass remains at high levels. 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 ($F_{2010} = 0.41$), though it is very close to the threshold level. In addition, a new benchmark assessment was initiated in 2011. The new assessment did not pass peer review, therefore the last peer reviewed assessment is the metric by which stock status is measured. 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 2012. 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 the first sub period in 2012 due to the quota remaining at low levels. RI's quota in 2012 was 188,219 pounds. No increase in quota is proposed for 2013, 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. For 2013, the RIDFW continues 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 2011, the NEFSC conducted the Northeast Regional Stock Assessment Workshop (SAW 52) and updated the Southern New England/Mid-Atlantic (SNE/MA) complex of winter flounder stock assessment. The previous assessment was completed in 2008 at GARM3 (NEFSC 2008). Results from SAW 52 concluded that the Southern New England/Mid-Atlantic (SNE/MA) winter flounder stock complex is overfished but overfishing is not occurring (NEFSC 2011).

The 2011 SAW52 assessment applied a version of an Age Structured Assessment Program (ASAP CAT10), which is an age-structured model that uses forward computations assuming fishing mortality is separated into year and age components to estimate population sizes given observed catches, catch-at-age, and indices of abundance. The workgroup concluded this model was more advanced and flexible than the Virtual Population Analyses (ADAPT VPA vers. 2.8.0) used for the GARM3 2008 assesment. A significant change coming from SAW52 was a change in the value for natural mortality (M) for all three stock groups of winter flounder (including SNE) from 0.2 to 0.3. The change in M is supported by literature values taken from tagging studies and life history equations (NEFSC 2011). Furthermore when the new M value of 0.3 is applied to the

ASAP CAT10 model, the retrospective errors that required that the data series be split between 1993 and 1994 were reduced to acceptable levels allowing all data to be considered in one model run. It should be noted that changing the M value from 0.2 to 0.3 results in a downward shift in fishing mortality (F) as well as an upward shift in spawning stock biomass (SSB).

Results from the ASAP CAT10 model estimated fishing mortality (F) in 2010 to be 0.051, well under (17%) the $F_{MSY} = 0.310$ as well as below (16%) $F_{40\%} = 0.327$. SSB in 2010 was estimated to be 7,076 mt, about 21% of $SSB_{MSY} = 33,820$ mt and 24% of $SSB_{40\%} = 29,045$ mt. There is an 80% probability that in 2010 F and SSB were between 0.04 and 0.06 and 6,433 mt and 8,590 mt, respectively. Projections at F in 2012-2014 = F = 0.00 indicate a <1% chance that the stock will rebuild to $SSB_{MSY} = 38,761$ mt by 2014). 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 2011 (M.R. Gibson, RIDFW Marine Fisheries, unpublished data). A new approach was used for a local benchmark assessment which examines the impacts of fishing and climate change through the lens of historical stock analysis. RIDFW determined that the fishing mortality rate in 2010 was below the calculated $F_{MSY} = 0.20$ and found to be $F = 0.09$, thus overfishing is not occurring. The F_{MSY} calculated in 2011 accounts for rising sea temperatures reducing the sustainable F rate by 50% (M.R. Gibson, RIDFW Marine Fisheries, unpublished data). Estimates of biomass have fluctuated over the time period 1959–2010, 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 the 2010 calculated $B_{MSY} = 5,849$ mt since 1988, despite a slight increase between 1994 and 1995. In 2010 the biomass estimate was calculated as 1034 mt indicating that the local stock is still overfished.

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. During 2011 RIDEM extended the area closed to winter flounder fishing to include Point Judith Pond, the Harbor of Refuge, and Potters Pond. Both young of the year and adult spawning indices are at historic lows, the closure aims to protect a recovery of the population in the pond due to the SNE closure (Gibson 2010). In order to maintain a stream of commercial landings for assessment purposes, RI adopted a 50 pound possession limit in the RI coastal ponds (with the exception of Point Judith Pond, the Harbor of Refuge, and Potters Pond) and all state waters, except in Narragansett Bay north of the Colregs line where harvest or possession of winter flounder is prohibited. It should be noted the recreational management measures for

winter flounder also reflect an effort to greatly reduce F. The recreational size and bag limit for winter flounder in 2011 was 12 inch size and 2 fish / person/day limit. The season runs from April 23 – May 22 and September 24 to October 23. 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 rationale 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 or below 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: 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). The model was rerun in 2011 and indicated that the 2010 biomass level for the bluefish stock is 147,051 mt, which is above the biomass threshold = 73,526 mt. 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 ($F_{2010} = 0.14$) (Shepherd and Neiland 2010b).

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 in RI from 2007 through 2012 (as of this writing).

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 2012 (702,416 pounds) was approximately the same as in 2011, and as of this writing no closures have been implemented. A status quo quota is assumed for 2013. 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 but that overfishing was occurring (ASMFC 2011b). 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. Recently, the Technical Committee has worked on looking at new reference points with which to measure stock status. The management board approved what they called an “interim” reference point of maximum spawning potential (MSP) which resulted in a new reference point of $F_{15\%MSP}=1.32$. 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. On a final note, an amendment is currently in process at the ASMFC. The intent of the amendment, Amendment 2 to the Fishery Management Plan for Atlantic Menhaden is to set the management measures to bring the stock status to the new MSP reference points.

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 Narragansett Bay while excluding the Providence River. There are also weekend, holiday, and Sunday closures in the Bay. 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). In 2012, all of the elements mentioned above were in place with the exception of the increasing possession limits; the possession limits were kept at a static 120,000 per vessel per day.

Performance of Fishery and Quotas: Since 2005, large schools of adult menhaden entered Narragansett Bay to varying degrees. 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 2012 was somewhat larger than seen in 2010 and 2011. The fishery closed in June in 2011, reopened for a couple of more weeks, and then reclosed in late June.

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 (2012 = 189 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. In addition, Amendment 2 may have profound effects on the management of menhaden coastwide, therefore the RI management plan may have to be re-evaluated once the amendment is finalized.

Monkfish

Stock Status: The federal monkfish (*Lophius americanus*) fishery is jointly managed by the New England Fishery Management Council (NEFMC) and Mid Atlantic Management Council (MAFMC), with the NEFMC having the administrative lead. The fishery is managed as two stocks, with the Northern Fishery Management Area (NMA) covering the Gulf of Maine and northern part of Georges Bank, and the Southern Fishery Management Area (SMA) extending from the southern flank of Georges Bank through the Mid-Atlantic Bight to North Carolina (NEFMC 2011). RI State waters are considered part of the SMA stock.

The most recent stock assessment (NEFSC 2010e) determined the stock status unchanged from the prior assessment (NEFSC 2007) and found that both northern and southern stock components are not overfished and overfishing is not occurring. The stock assessment recalculated the fishing mortality rate corresponding to the overfishing threshold (F_{max}) and recommended new biomass reference points that did not affect stock status (NEFSC 2010e). Despite serious concerns regarding high levels of scientific uncertainty expressed by assessment panel, projections suggest that the SMA is less vulnerable to overfishing or becoming overfished during 2011–2016 than the NMA (NEFMC 2011a). The 2009 estimate of fishing mortality ($F_{2009} = 0.07$) did 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 both $B_{target} = 74,490$ mt and $B_{threshold}$.

Management Programs: Fishing mortality for the SMA monkfish stock is regulated by the NEFMC through minimum size limits, gear restrictions, and days at sea (DAS) restrictions. In an effort to meet statutory requirements to complement federal fishery

management plans, RI has adopted a minimum size limit, daily possession limit, and state quota on monkfish harvested in state waters.

In December of 2011 RI increased the state quota from 1% to 3% of the SMA Total Allowable Landings (TAL). The current program consists of a state quota set at 3% of the SMA TAL (590,288 lbs) with a daily possession limit of 550 lbs tails or 1826 lbs whole fish. The possession limit is reduced to 50 lbs tails or 166 lbs whole fish for the remainder of the fishing year when state-water landings reach 2% of the SMA TAL (393,525 lbs). The commercial monkfish fishery operates on a May 1 through April 30 fishing year, with a minimum size limit of 11" tails or 17" whole fish.

Performance of Fishery and Quotas: During the 2009 fishing year state water landings approached 90% of the quota; however, the threshold was not reached and there was no disruption to the fishery. During the 2010 fishing year state water landings approached 90% of the quota in late October and the possession limit was reduced per regulation. The quota was not reached during the 2010 fishing year, but the possession limit reduction essentially closed the directed monkfish fishery in state waters.

The increase in state-water landings from the 2009 to 2010 fishing year was in part attributed to increased biomass in state waters, as well as increased participation in the state-water fishery by vessels with access to federal monkfish permits. The latter appears to have reduced duration of the directed RI state-water monkfish fishery and the portion of quota available to state-water only vessels. Although total state-water landings for the 2011 fishing year have not been summarized, at last check in February of 2012 27% of the quota, which is 40% of the possession limit trigger, had been harvested. It appears that the current management program should provide for the directed fishery to remain open for the entire fishing year.

The rationale for leaving this species in the unrestricted category is based on the ephemeral nature of monkfish abundance in state waters and increasing state quota that should provide for a directed fishery to operate throughout the fishing year. The Division's recommendation is to allow effort to increase above current levels in the commercial monkfish fisheries and to leave monkfish in the non-restricted species category. In the future, if effort increases beyond what the state imposed quotas can sustain and remain open for most if not the entire year, or if the quota decreases to lower levels due to the stock status, the Division will re-assess whether monkfish need to be moved in to the restricted species category. An alternative scenario would be to implement more restrictive possession limits or seasons in order to control harvest.

Cod

Stock Status: The GARM III is the most recent, comprehensive, peer reviewed stock assessment of the George's Bank (GB) cod stock (NEFSC 2008b), which is the stock relative to Rhode Island waters. Results from the GARM III showed that the GB cod stock is overfished and overfishing is occurring. Although unweighted (ages 5-8) fishing mortality (F) in 2007 was estimated at $F = 0.30$, the second lowest F in the time series, spawning stock biomass (SSB) was estimated at 17,672 mt in 2007, about 12% of

SSB_{MSY} . The last year class that was above the time series average (14.1 million age 1 fish) occurred 2 decades ago in 1990. The 2003 year class (10.8 million age 1 fish) was near average and would have been fully recruited to the fishery during 2008. Under a $F_{rebuild}$ approach the stock is projected to rebuild to $SSB_{MSY} = 148,084$ mt with a 50% probability by 2026. Overall, in recent years biomass has not substantially increased despite an apparent decrease in fishing mortality.

Management Programs: In the US cod are managed under the New England Fishery Management Council's (NEFMC) Northeast Multispecies Fishery Management Plan (FMP). The Northeast Multispecies FMP contains a complex of 15 groundfish species that have been managed by time/area closures, gear restrictions, minimum size limits, and recently using a Catch Shares approach (i.e. sectors) under Amendment 16 (NEFMC 2009). Framework Adjustment 45 to the Northeast Multispecies FMP (NEFMC 2011b) specified the total annual catch limits (ACL) and sub-ACLs for GB cod for 2011-2012.

In an effort to satisfy statutory requirements to complement federal fishery management plans, RI has opted to impose a minimum size limit, daily possession limit, and a state quota. Other than technical changes that are pending, the current program has not changed since April of 2009 and consists of a state quota set at 1% of the Georges Bank annual catch limit (ACL) and a 1,000 lb possession limit with a possession limit reduction to 75 lbs limit when 90% of the state quota is harvested. A fishery closure is required when the quota is reached. The commercial codfish fishery operates on a May 1 through April 30 fishing year. There is a 22" minimum size limit and from Dec 2011 until June 30, 2012 there was a temporary fillet rule that allowed for possession of fillets or cleaned cod (head and tail removed) at least 14" in length.

Performance of Fishery and Quotas: The state quota for cod has not been met since its inception in 2009. During the 2009 fishing year state landings of cod equaled 5, 233 lbs or 6.8% of the 77,307 lb state quota. During the 2010 fishing year state landings of cod equaled 13,653 lbs or 17.1% of the 79,821 lb state quota. Total state-water landings for the 2011 fishing year have not been summarized; however, a preliminary exploration of landings data showed that total landings were ~13% lower in 2011 compared to 2010 and likely less than 10% of the 100,107 lb state quota was harvested. Despite annual fluctuations in state-water landings of cod, total landings for a given fishing year are well below the state quota.

The rationale for leaving cod in the unrestricted category is based on the ephemeral nature, as well as relatively low levels of cod abundance in state waters, relative to the state quota. The Division's recommendation is to allow effort to increase above current levels in the commercial cod fisheries and to leave 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 most, if not the entire year, or if the quota decreases to lower levels due to the stock status, the Division will re-assess whether cod need to be moved in to the restricted species category. An alternative scenario would be to implement more restrictive possession limits and seasons in order to control harvest.

LICENSING OPTIONS AND RECOMMENDATIONS

In 2012, the Department issued 6 new Principle Effort Licenses with a Restricted Finfish Endorsement. 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 1:1 (for every 1 active licenses

eligible to harvest restricted species that was 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 assuming that the latent effort was accounted for with the activity requirement of the license. The 6 new endorsements were made available at a full harvest level. A total of 20 licenses — a reduction of 15 Multi-Purpose Licenses (MPURP) + 5 Principle Effort Licenses (PEL)—that were eligible to catch restricted finfish in 2011 were not renewed in 2012. This measure also protects against dramatically increasing effort.

RI Marine Fisheries 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 and recommended status quo for the restricted finfish fishery in 2013. To continue to apply a 1:1 exit/entry ratio to active licenses (MPLs + PELs w/RFF) that retired in 2012, with active being any level of reported landings of restricted finfish during the prior calendar year. This would allow 6 new Principal Effort Licenses (PEL) with a Restricted Finfish Endorsement to be made available for 2013.

The RIMFC recommendation to the Director

Of the 20 non-renewals as mentioned above, 6 had some level of fishing effort (based on 2011 landings data from SAFIS). As previously noted, 6 new PEL w/restricted finfish endorsements were issued in 2012. The catch rates of the 2012 restricted finfish species were similar or less than the rates in 2011; therefore the increase in licenses made available in 2011 did not translate into a noticeable increase in effort on these species. The quota allocated to RI in 2013 for a few of the restricted finfish and quota species (i.e., black sea bass, tautog, striped bass, and winter flounder, bluefish) are assumed to be equal to or less than in 2012. 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 “Providing 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, scup, summer flounder), the Division recommends not dramatically increasing effort on any of the restricted species, but allowing effort to be maintained at current levels, or to have modest increases in effort in the case of scup. Since active licenses have left the fishery in 2012 the Division feels that replacing these licenses with an exit entrance ratio of 1:1 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. As well, there does not appear to be the need to add complexity in to the licensing system by continuing to only allow new entrants a license with restricted possession rules, therefore any new endorsements issued should be at the full harvest level (Principle Effort License).

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 2013 based on a 1:1 exit/entrance ratio of active licenses that have left the fishery would result in 6 new restricted finfish licenses to be issued at the PEL level in 2013.
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 recommends.....

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Table 1. Historical commercial license counts.

LICENSES					
	2008	2009	2010	2011	2012
MULTI-PURPOSE LICENSE	939	917	887	867	853
<i>GILLNET ENDORSEMENT</i>	257	251	241	236	233
<i>DOCKSIDE SALE ENDORSEMENT</i>	261	276	272	261	251
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	116	123	123	124	131
<i>PURSE SEINE ENDORSEMENT</i>	114	128	136	137	139
PRINCIPAL EFFORT LICENSE	810	776	735	713	690
<i>LOBSTER ENDORSEMENT</i>	43	40	38	37	36
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	21	20	22	28	33
<i>QUAHOG ENDORSEMENT</i>	499	473	450	422	398
<i>RESTRICTED FINFISH ENDORSEMENT</i>	270	265	248	258	266
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	126	128	127	127	131
<i>SOFTSHELLED CLAM ENDORSEMENT</i>	358	325	304	284	256
<i>DOCKSIDE SALE ENDORSEMENT</i>	15	13	14	16	13
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	4	3	5	9	9
<i>PURSE SEINE ENDORSEMENT</i>	5	6	5	7	8
<i>OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)</i>	306	278	265	249	225
COMMERICAL FISHING LICENSE	421	433	449	394	398
<i>LOBSTER ENDORSEMENT</i>	27	22	19	17	16
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	100	102	119	120	114
<i>QUAHOG ENDORSEMENT</i>	116	118	127	141	158
<i>RESTRICTED FINFISH ENDORSEMENT</i>	11	14	18	0	0
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	240	256	273	238	252
<i>SOFTSHELLED CLAM ENDORSEMENT</i>	235	206	191	175	174
<i>DOCKSIDE SALE ENDORSEMENT</i>	24	25	22	20	16
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	21	38	39	31	40
<i>PURSE SEINE ENDORSEMENT</i>	24	35	28	28	42
<i>OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)</i>	179	199	206	201	171
OVER 65 SHELLFISH LICENSE	160	179	201	217	240
STUDENT SHELLFISH LICENSE	54	54	49	55	49

Table 2a. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2012.

2012 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	500/day	50,000/day			750/day
19-Jan					500/day
5-Feb	3,500/week				
	500/day				
4-Mar	2,500/week				
	500/day				
25-Mar	2,000/week				
	500/day				
1-Apr	1,500/week				250/day
	300/day				
15-Apr	500/day		10 fish		
16-Apr					Closed
21-Apr	100/day	5,000/week			50/day
1-May	100/day				
5-May			Closed		
27-May		10,000/week			
29-May					Closed
1-Jun	700/week				
	100/day				
6-Jun				5 fish	
8-Jun		20,000/week			
26-Jun				Closed	
1-Jul		5,000/week			50/day
3-Jul		20,000/week			
Days in Season	365	365	171	145	334
Total Days Open	SIP	SIP	SIP	SIP	SIP
Total Days Closed	SIP	SIP	SIP	SIP	SIP

SIP = Season In Progress as of this writing

Table 2a. (continued) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2012.

2012 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 6–Aug 31*	Jan 1–Apr 30
	May 1–Oct 31*	May 1–Jun 30	Aug 1 - Sept 15	Sep 11–Dec 31*	May 1–May 30
	Nov 1–Dec 31	July 1–Sep 15	Oct 15–Dec 31		July 1–Oct 31
		Sep 16–Oct 31			Nov 1–Dec 31
		Nov 1–Dec 31 ^F			
2012 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass	Black Sea Bass
State	1,996,400	2,443,229	51,348	146,377	188,100

+ 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 2011.

2011 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	300/day	30,000/week			750/day
6-Feb	3,000/week	2,000/day			
	500/day				
6-Mar					500/day
16-Apr					100/day
15-Apr			10 fish		
18-Apr					Closed
1-May	100/day	1,000/week			50/day
8-May		3,500/week			
15-May			Closed		
1-Jun	500/week				
	100/day				
6-Jun				5 fish	
7-Jun					Closed
30-Jun				Closed	
1-Jul		400/week			50/day
4-Jul		5,000/week			
24-Jul	750/week	600/week			
	150/day				
28-Jul					
31-Jul		7,500/week			
1-Aug			10 fish		Closed
14-Aug		13,000/week			
1-Sep					50/day
2-Sep					Closed
4-Sept	1,000/week	20,000/week		5 fish	
	200/day				
6-Sep				Closed	
16-Sep			Closed		
18-Sep	1,250/week	3,500/week			
	250/day				
19-Sep		25,000/week			
25-Sep	1,500/week				
	300/day				
9-Oct	2,000/week	30,000/week			
	400/day				
16-Oct	3,000/week	40,000/week			
	600/day				
15-Oct			10 fish		
23-Oct	5,000/week				
	1,000/day				
1-Nov	600/day	2,000/day			250/day
2-Nov		8,000/day			50/day

6-Nov	1,000/day				
16-Nov			Closed		
21-Nov			10 fish		Closed
24-Nov			Closed		
4-Dec					50/day
19-Dec					Closed
Days in Season	365	365	171	145	334
Total Days Open	365	365	97	26	210
Total Days Closed	365	365	74	119	124

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

2011 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	Aug 1 - Sept 15	Sep 13–Dec 31*	May 1–May 30
	Nov 1–Dec 31	July 1–Sep 15	Oct 15–Dec 31		July 1–Oct 31
		Sep 16–Oct 31			Nov 1–Dec 31
		Nov 1–Dec 31 ^F			
2011 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass	Black Sea Bass
State	2,307,115	1,782,441	48,813	136,729	181,634

+ Floating Fish Trap management had open seasons and no possession limit

^F Federal coastwide quota

* Closed Fridays and Saturdays

Table 3. The proposed 2013 Annual Catch Targets (ACT) being considered by the ASMFC and MAFMC in comparison the 2010 through 2012 TALs. The limits proposed for 2013 will be sent to NOAA for final approval. The values in the table represent millions of pounds and if a range of ACTs were given, the lower end of the range is represented below.

PROPOSED COASTWIDE ACT				
Species	2010	2011	2012	2013
Scup	17.09	26.5	53.34	?
Summer Flounder	22.13	27.18	35.55	?
Black Sea Bass	3.7	3.7	3.5	?
Bluefish	29.26	27.26	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 ~~29th of December, 2010~~ 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.

~~W. Michael Sullivan, PhD~~ **Janet Coit**

Director, Department of Environmental Management

Notice Given: 09/16/2010

Public Hearing: 10/19/2010

Filing date: 12/29/2010

Effective date: 01/18/2011

~~ERLID# 6254~~