

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Fish and Wildlife
Marine Fisheries



2007 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 5, 2006

TABLE OF CONTENTS

RULE #1 PURPOSE	3
RULE #2 AUTHORITY	3
RULE #3 ADMINISTRATIVE FINDINGS	3
RULE #4 APPLICATION	3
RULE #5 REGULATIONS	pp 4 - 25
RULE #6 SEVERABILITY	3
RULE #7 SUPERSEDED RULES AND REGULATIONS	3
RULE #8 EFFECTIVE DATE PAGE	26

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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SUPERSEDED RULES AND REGULATIONS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rules and regulations, and any policies regarding the administration and enforcement of this regulation shall be superseded.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 has 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 proposes to limit entry at current levels of effort and fisheries for which new licenses may be issued.

Regulations implemented by the Department of Environmental Management in 2002 created two endorsement categories for finfish, restricted and non-restricted. The restricted category is reserved for species that the Department 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.

In 2004 and 2005, six species were listed in the restricted category; striped bass, scup, summer flounder, black sea bass, winter flounder, and tautog. There were a total of 1,461 and 1,399 license holders eligible to harvest the restricted species in 2004 and 2005, respectively. New restricted finfish endorsements for basic commercial fishing licenses were not issued in 2006 and 345 and 357 non-restricted finfish endorsements were issued in 2003 and 2004, respectively (Table 1).

In 2006, the species in the restricted finfish category remained the same as stock status and fishing effort warranted. There were 1,328 licenses issued which would be eligible to harvest restricted finfish in 2006 (Table 1). The Division of Fish and Wildlife (Division) proposes issuing new licenses to harvest species in the non-restricted category, which contains all other species not included in the restricted category.

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. Based on this information, the Department 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. The Department’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.

Projections of season length for various increases in effort, in the form of new participants, are also provided for some species. These projections are based on the reported landings and possession limits from 2003, unless otherwise noted. A proportional relationship is assumed between landings and effort (i.e., a 10% increase in effort would lead to a 10% increase in landings given a constant biomass). This linear relationship is a simplistic assumption but does provide some insight as to the potential impact from increased effort. Based on this information, recommendations have been developed regarding management of these fisheries under the new licensing system adopted by the General Assembly.

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 most recent peer-reviewed stock assessment for scup was performed the Northeast Regional Stock Assessment Workshop in 2002 (NEFSC 2002). The Stock Assessment Review Committee (SARC) concluded that the scup resource is no longer considered overfished, but stock status with respect to overfishing was unknown. The scup resource is defined as overfished when the three-year average of the spawning stock biomass (SSB) index—as based on the Northeast Fisheries Science Center’s (NEFSC) spring survey—is below the threshold biomass index (2.77 SSB kg/tow). The 2001 average SSB index (3.20 SSB kg/tow) exceeded this threshold resulting in the change of stock status. The most recent estimate of the average SSB index (0.69 kg/tow) is less than the threshold biomass index, suggesting a change in status. Due to this, the Atlantic States Marine Fisheries Commission (ASMFC) recommends a 1.3% decrease in quota for 2006.

Management Program: The Department of Environmental Management (DEM) manages scup within state waters based on advice from the Rhode Island Marine Fisheries Council (RIMFC) and the RI Division of Fish and Wildlife (RIDFW). Regional management of the scup resource is the shared responsibility of Mid-Atlantic Fishery

Management Council (MAFMC) and 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–October), 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–g). Beginning in 2004 the fishery remained open for the entire season. In 2006 the quota for the general category was 1,044,588 pounds, a decrease of 26,415 pounds from 2005. The 2006 quota was sufficient to keep the fishery open throughout all of the sub-periods under the current management plan. The 100-pound limit is a minimum amount agreed to by industry, however in 2006 the possession limit remained higher for the majority of the fishing season (between 500–1,000 pounds per vessel per day).

The floating fish trap category was allocated 1,566,881 pounds in 2006; however, that sector harvested only about half of this quota. The remaining quota was rolled in to the general category scup fishery on August 1st to provide the opportunity for the entire commercial sector to harvest its scup allocation for 2006.

The quota for 2007 approved by the ASMFC and MAFMC is lower than in 2006, providing approximately 1,023,696 pounds to the general category and 1,535,543 pounds to the floating fish trap sector. The Division’s recommendation is to maintain effort at or below the current level in the commercial scup fishery and to leave scup in the restricted species category.

SUMMER FLOUNDER

Stock Status: The summer flounder stock assessment was updated in 2006 (Terceiro 2006). The assessment results indicated that the summer flounder resource is experiencing overfishing, but is not overfished. The overfishing definition for the summer flounder stock is defined as $F_{MAX} = 0.276$. The 2005 fishing mortality rate estimate ($F_{2005} = 0.53$) was almost twice the fishing mortality reference point. The estimated F for 2005 could be even higher, as a retrospective analysis indicated that the current assessment method tends to underestimate fishing mortality in recent years. The estimated stock biomass in 2005 ($B_{2005} = 105.4$ million pounds) was just slightly higher than the biomass threshold, which is defined as $\frac{1}{2}B_{MSY} = 102.1$ million pounds.

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 is allocated into four sub-periods based on the proportion of catches during the years 1980 through 1989.

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 traps, gillnet, 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–g).

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 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 year of 2004 was the first year in which the fishery remained open all year with no closures.

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 small allocation available. 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. The increase in stock abundance over the same time period as evidenced by the RIDFW trawl survey may explain this shift as fish have become more available to inshore fisherman (Lynch 2006). 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 (Tables 2a–g). 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 I fishery saw both a possession limit decrease and a fishery closure. The summer II fishery also had a possession limit decrease and may have a closure if catch rates remain high.

The quota for 2007 has been recommended to decrease. The proposed reduction at this point varies in magnitude. The final quota has not been decided at the time of this writing. A substantial increase in effort or significant decrease in quota could lead to more frequent closures. The Division's recommendation is to maintain 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 technical committee completed the most recent assessment of tautog in 2006 (ASMFC 2006). Results indicate that coastwide fishing mortality rates

have declined since 1993, however, since the 2004 rate ($F_{2000} = 0.299$) marginally exceeds the target ($F_{\text{Target}} = 0.29$) the stock is experiencing overfishing. Abundance indices through 2005 show a slight increase in biomass and recruitment for recent years, however the biomass increases are not adequate to rebuild the stock in a reasonable time frame. The current index of stock size is slightly above the time series average, while the spawning stock biomass is below the time series average, indicating 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 appear to be due to recreational landings, which comprise approximately 75–90% of total landings over the past six years. Commercial landings have not risen appreciably since plan implementation. Indices of abundance based on the RIDFW trawl survey indicate a recent increase in abundance locally (Lynch 2006). Abundance indices for young-of-year tautog also point to an increase in abundance over the past several years, consistent with the results of the coastwide assessment (Powell 2006).

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 III to the Tautog FMP, which was adopted in February of 2002. The FMP in part required a reduction in fishing mortality because the estimate of F at the time exceeded the target of 0.29. States were required to implement regulations that met the required reductions by April 1, 2003. The final phase of the plan required further reductions in fishing mortality to achieve a target of $F = 0.15$. Rhode Island was not required to implement these further reductions based on an assessment of local stocks completed by DEM and the Massachusetts Division of Marine Fisheries, which indicated a decrease in fishing mortality and a modest increase in stock biomass in recent years. ASMFC approved the assessment and status quo for 2003, 2004, and 2005. Consequently, the state quota did not increase 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 required, Rhode Island established a commercial quota, which in part achieves the fishing mortality targets required by the FMP. The ASMFC is currently developing an addendum to the tautog management plan, which will address the lack of a biomass target. In 2006, the 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. In 2005 the fishery saw a more modest overage during the spring sub-period and the sub-period remained open for 25 days. The remaining sub-periods had quota underages. The landings for the entire 2005 fishery were under by 2,971 pounds (Table 2a–g).

A substantial increase in the quota would be needed to keep the commercial tautog fishery open throughout the defined seasons. While an assessment conducted by Rhode Island's and Massachusetts's resource agencies show that local stocks are not overfished, ASMFC required that Rhode Island remain status quo for 2006. The ASMFC went on to start developing an addendum to address the fact that on a coastwide basis, biomass levels are not rebounding fast enough to recover the stock in a reasonable amount of time. 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. The Division recommends maintaining effort at 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 2005). 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 2005 assessment applied both a catch-at-age method (Virtual Population Analysis, or VPA) and tag-based methods to estimate fishing mortality rates for striped bass. Amendment 6 to the striped bass FMP adopted the overfishing definition as the fishing mortality rate that results in the maximum sustainable yield (MSY), $F_{MSY} = 0.41$ (ASMFC 2003). The VPA and tagging approaches produced estimates of 2004 fishing mortality rates that were below F_{MSY} , suggesting the stock is not experiencing overfishing. The overfished definition adopted in Amendment 6 is based on female spawning stock biomass, $SSB_{\text{♀}} = 30.9$ million pounds. The VPA estimate of female SSB in 2004 was 55 million pounds, which exceeds the overfished definition. As such, the striped bass stock is currently not overfished.

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).

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, and the floating trap fishery were made available during two seasons since 2001.

Performance of Fishery and Quotas: The catch rates of striped bass for the general category were similar for the spring fishery in 2003 and 2004. In 2003 and 2004, the commercial fishery landed 105,000 pounds and 104,666 pounds in 28 and 21 days, respectively. Since the quota in 2004 was the same as 2003, a fall fishery was available, whereas the fishery remained closed throughout the fall in 2002 (Table 2a–g). The general category quota in 2005 was 144,596 pounds, allowing for a fall fishery. The 2005 general category sector fishery was open for a total of 36 days. The floating fish trap sector remained open for the entire season, but the floating fish traps did not fully utilize their quota in 2005. The remaining fish were transferred to the general category fishery, which fully utilized the remaining fish.

The 2006 general category quota was 145,918 pounds and was fully harvested during two seasons. The floating fish trap quota of 97,450 pounds was not fully utilized and as of this writing the remainder of this quota will be made available to the general category fishery in October.

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 dramatically over recent years. The Division's recommendation is 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 most recent stock assessment on black sea bass was presented for review at the 43rd Northeast Regional Stock Assessment Workshop in 2006 (NEFSC 2006). The SARC felt that the estimates of fishing mortality were not adequate for management. Without a reliable estimate of the current F , stock status with respect to overfishing could not be determined. The review panel also felt the existing biomass reference point was not sound and should not be used as a basis for evaluating stock status. As such, it is uncertain whether the stock is being overfished.

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 quota is 11%. Through advice from the Rhode Island Marine Fisheries Council and the industry, the Department adopted regulations to allocate a percentage of the commercial quota into four seasonal sub-periods. The regulations also specified possession limits within each season. The commercial quota increased from 368,000 pounds to 522,340 pounds in 2005 and decreased to 421,554 pounds in 2006.

Performance of Fishery and Quotas: The RI commercial fishery has not closed to date however a 100-pound possession limit was implemented during the months of June and July to prevent a closure (Table 2a–g). In 2006, this possession limit was increased due to low catch rates during the first two sub-periods. The 2007 quota is going to decrease by approximately 19% leaving RI's quota at approximately 341,459 pounds. A large expansion of effort at this time would hinder the Department from meeting its objective of keeping the fishery open throughout the year under reasonable possession limits especially given the significant decrease in quota for 2007. This leads the Division to recommend maintaining effort at current levels in the commercial black sea bass fishery and to leave black sea bass in the restricted species category.

WINTER FLOUNDER

Stock Status: The stock assessment of the Southern New England/Mid-Atlantic (SNE/MA) winter flounder stock was updated in August 2005 (NEFSC 2005a). The stock was determined to be overfished and experiencing overfishing. The 2004 estimate of fishing mortality ($F_{2004} = 0.38$) exceeded the current overfishing definition ($F_{MSY} = 0.32$). The SNE/MA winter flounder stock is considered overfished when spawning stock biomass falls below the estimate of SSB at maximum sustainable yield— SSB_{MSY} . Spawning stock biomass in 2004 was estimated to be approximately 8.7 million pounds, about 13% of the $SSB_{MSY} = 66.4$ million pounds.

Spawning stock biomass declined substantially from an average of 30.8 million pounds from 1982–1984 to only 5.9 million pounds during 1994–1996. The increase in recent

years may be due to reduced fishing mortality rates since 1997. The arithmetic average recruitment from 1981 to 2004 is 21.9 million age-1 fish, with a median of 17.4 million fish. Recent recruitment to the stock has been below average since 1989. The 2002 year-class, at only 4.4 million fish, is the smallest in the 25-year time series. The 2003 year-class has been the largest since 1989 at an estimated value of 21.6 million fish.

The Rhode Island Division of Fish and Wildlife assessed the winter flounder stock within state waters in 2002 (M.R. Gibson, RIDFW Marine Fisheries, unpublished data). The fishing mortality rate after dropping below in 1996 has remained above $F_{MSY} = 0.30$ indicating that rates of fishing are above levels that would achieve maximum sustainable yield. Estimates of biomass have remained well below $B_{MSY} = 9.1$ million pounds since 1984. Estimates of biomass have fluctuated over the time period 1959–2002 with two peaks occurring in the mid- to late-1960s and early 1980s. Estimates declined steadily over a ten-year period from 1983 to 1993, the estimate for 1993 being the lowest in the time series. A slight increase occurred between 1994 and 1995 to levels that have remained steady.

Management Program: The New England Fisheries Management Council manages the winter flounder resource through the Northeast Multispecies (Groundfish) Fishery Management Plan. Fishing mortality on the SNE/MA stock is regulated through minimum sizes, gear restrictions, and restrictions on the number of days allowed to fish. At the state level, for the purpose of managing winter flounder a management area was established which includes all state waters north of a line from Sakonnet Point Light to Point Judith Light and north of the seaward entrance to all coastal salt ponds. In Narragansett Bay, the harvest and possession of winter flounder is prohibited with the exception of the southern most part. This management area was altered in 2006 to prohibit the harvesting of winter flounder in Narragansett Bay. For all other State waters outside of the management area there are minimum fish size and mesh size restrictions.

Performance of Fishery and Quotas: Since 1996, the commercial quota of winter flounder available for the Winter Flounder Management Area has never been fully harvested by the fishing industry. With the modified management area as implemented in 2006, the state quota does not exist anymore. 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. The Division's recommendation is to maintain 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. Stock status and management are summarized for bluefish.

BLUEFISH

Stock Status: A scientific peer-review panel formally evaluated the stock assessment of Atlantic Coast bluefish in 2005 (NEFSC 2005b). Two of the three panel members felt the assessment approach was adequate for management, though all reviewers felt the results should be considered cautiously given concerns about the quality and use of the input data and other weaknesses.

Amendment 1 to the bluefish fishery management plan defined F_{MSY} as the overfishing reference point for the bluefish stock (MAFMC and ASMFC 1998). The bluefish resource is defined as overfished when the stock biomass is less than $\frac{1}{2}B_{MSY}$, the minimum biomass threshold. The reference point values were updated in the 2005 assessment: $F_{MSY} = 0.19$ and $\frac{1}{2}B_{MSY} = 73.5$ million pounds. Results of the 2005 assessment demonstrated a declining trend in fishing mortality rates since the late 1980s. Population abundance and biomass have shown increasing trends in recent years. The 2004 estimate of fishing mortality was estimated at $F_{2004} = 0.15$. Biomass of the bluefish stock in 2004 was estimated at $B_{2004} = 104$ million pounds. Based on the updated reference point values, the bluefish resource is not overfished and overfishing is not occurring.

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. Coastwide quotas have ranged between 9.583 and 11.38 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. The bluefish quota for 2006 for RI was slightly less than in 2005 and was 642,852 pounds. The quota for 2007 has not been set as of this writing. 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.

LICENSING OPTIONS AND RECOMMENDATIONS

In 2005, the Department issued 13 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/entree ratio was established at 5:1 (for every 5 restricted finfish licenses that are not renewed, 1 new restricted finfish endorsement will be issued) in order to allow some new entrance into the restricted finfish category. The ratio was set up to be reflective of both current fishing effort on the restricted finfish species and latent effort. The 13 new endorsements were made available at a lower

harvest level (1/2 the current full harvest level) than existing full harvest licenses. No new restricted finfish endorsements were issued in 2006. A total of 71 licenses—58 Multi-Purpose Licenses (MPL) + 13 Principle Effort Licenses (PEL)—that were eligible to catch restricted finfish in 2005 were not renewed in 2006. This measure also protects against increasing effort.

If the exit/entree ratio of 5:1 were applied, this would make 14 new CFL with restricted finfish endorsements available in 2006. Considering that 63% (based on 2005 data) of the multipurpose licenses declare finfish as their primary fishery, an estimated 50 eligible licenses were not renewed—37 MPL + 13 PEL. This decreases the amount of new CFL with restricted finfish endorsements to 10. The catch rates of the 2006 restricted finfish species were similar to the rates in 2005, therefore the increase in licenses made available in 2005 did not translate into a noticeable increase in effort on these species. In 2006, however, the quota allocated to RI in a few of the restricted finfish species (i.e., scup, black sea bass, and summer flounder) will be less than in 2005. Therefore, to protect against increasing effort on decreasing quotas, the Division recommends not introducing any new restricted finfish endorsements in 2006.

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. No new restricted finfish endorsements in 2007.

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Table 1. Licensing information over last 4 years.

LICENSES					
	2003	2004	2005	2006	Change
MULTI-PURPOSE LICENSE	1,191	1,135	1,075	1,017	-58
PRINCIPAL EFFORT LICENSE	1,325	1,148	997	929	-68
<i>LOBSTER ENDORSEMENT</i>	61	56	52	46	-6
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	19	20	16	16	0
<i>QUAHOG ENDORSEMENT</i>	924	776	633	586	-47
<i>NON-QUAHOG ENDORSEMENT</i>	672	556	455	434	-21
<i>RESTRICTED FINFISH ENDORSEMENT</i>	338	326	311	298	-13
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	138	147	137	131	-6
COMMERICAL FISHING LICENSE	271	283	317	397	80
<i>LOBSTER ENDORSEMENT</i>	50	48	41	38	-3
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	68	69	83	105	22
<i>QUAHOG ENDORSEMENT</i>	N/A	N/A	51	94	43
<i>NON-QUAHOG ENDORSEMENT</i>	156	172	181	247	66
<i>RESTRICTED FINFISH ENDORSEMENT</i>	N/A	N/A	13	13	0
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	192	198	220	242	22
OVER 65 SHELLFISH LICENSE	50	86	93	130	37
STUDENT SHELLFISH LICENSE	107	97	72	71	-1
LANDING PERMITS					
	2003	2004	2005	2006	Change
RESIDENT					
<i>MULTI-PURPOSE</i>	17	20	40	25	-15
<i>FINFISH</i>	9	8	9	10	1
<i>CRUSTACEAN</i>	2	1	0	0	0
<i>SHELLFISH</i>	0	0	0	0	0
<i>MISCELLANEOUS</i>	0	0	0	0	0
NON-RESIDENT					
<i>MULTI-PURPOSE</i>	54	46	60	82	22
<i>RESTRICTED FINFISH</i>	5	5	5	6	1
<i>NON-RESTRICTED FINFISH</i>	26	23	21	18	-3
<i>CRUSTACEAN</i>	2	2	1	0	-1
<i>SHELLFISH</i>	1	4	35	32	-3
<i>MISCELLANEOUS</i>	0	0	0	0	0
GEAR ENDORSEMENTS					
	2003	2004	2005	2006	Change
FISH TRAP	7	7	7	7	0
GILL NET	323	307	287	273	-14
OTHER LICENSES & DECLARATIONS					
	2003	2004	2005	2006	Change
AQUACULTURE LICENSE	10	9	11	18	7
VESSEL DECLARATION	1,905	1,829	1,788	1790	2
BOAT PLATE	96	65	60	52	-8
DEALER LICENSES					
	2003	2004	2005	2006	Change
MULTI-PURPOSE	172	176	93	90	-3
FINFISH	14	30	15	18	3
LOBSTER	10	6	2	1	-1
SHELL	11	22	12	11	-1

Table 2a. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2006.

2006 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	700	30,000/2 weeks 2,000/day	closed	closed	1,500
5-Feb	5,000/2 weeks 700/day				
26-Feb					
19-Mar	500				
22-Apr	100				
15-Apr			10 fish		
1-May	100	1,000			100
10-May			closed		
10-Jun				4 fish	
14-Jun	50				
25-Jun				closed	
1-Jul		100			
8-Jul		500			
13-Jul	closed				500
15-Jul			10 fish		
1-Aug	150				
2-Aug		1,000			
16-Aug	100				
29-Aug			closed		
30-Aug	50				
1-Sep				3 fish	
6-Sep				closed	
Days in Season	365	365	171	214	365
Total Days Open	N/A	N/A	N/A	N/A	N/A
Total Days Closed	N/A	N/A	N/A	N/A	N/A
2006 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 10–Aug 31	Jan 1–Apr 30
	May 1–Jul 31	May 1–Jun 30	Aug 1–Sep 15	Sep 1–Dec 31	May 1–July 31
	Aug 1–Oct 31	July 1–Sep 15	Oct 15–Dec 31		Aug 1–Oct 31
	Nov 1–Dec 31	Sep 16–Oct 31			Nov 1–Dec 31
		Nov 1–Dec 31 ^F			
2006 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
State	2,039,464	1,044,588	51,348	145,918	421,554
Federal	-----	4,647,569	-----	-----	-----

^F Federal coastwide quota

Table 2b. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2005.

2005 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	700	30,000/2 weeks 2,000/day	closed	closed	1,500
6-Feb	2,500/week 700/day				
26-Feb	700				
6-Mar	300				
10-Apr	500				
15-Apr			10 fish		
1-May	100	1,000			100
17-May			closed		
1-Jun				4 fish	
23-Jun				closed	
1-Jul		100			
9-Jul	150	500			250
1-Aug	150		10 fish		100
12-Aug					300
1-Sep				3 fish	
15-Sep				closed	500
16-Sep		100	closed		
28-Sep		500			750
5-Oct	250				
15-Oct			10 fish		
1-Nov	450	3,000			500
10-Nov	1,000				1,500
3-Dec	2,000				
16-Dec	5,000		closed		
25-Dec	closed				
Days in Season	365	365	171	214	365
Total Days Open	358	365	139	36	365
Total Days Closed	7	0	32	178	365
2005 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–Jul 31	May 1–Jun 30	Aug 1–Sep 15	Sep 1–Dec 31	May 1–July 31
	Aug 1–Oct 31	July 1–Sep 15	Oct 15–Dec 31		Aug 1–Oct 31
	Nov 1–Dec 31	Sep 16–Oct 31			Nov 1–Dec 31
		Nov 1–Dec 31 ^F			
2005 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
State	2,754,994	1,071,003	46,322	144,596	436,078
Federal	-----	5,602,495	-----	-----	-----

^F Federal coastwide quota

Table 2c. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2004.

2004 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	700	15,000/week 2,000/day	closed	closed	1,500
6-Jan	3,000/week 700/day				
26-Feb	700				
6-Mar	300				
17-Apr	750				
15-Apr			10 fish		
5-Apr	100				
1-May		1,000			100
17-May			closed		
1-Jun			closed	4 fish	
21-Jun				closed	
25-Jun	150	100			
1-Jul		100			
1-Aug			10 fish		100
12-Aug	200				
1-Sep				3 fish	
13-Sep	300			closed	
16-Sep		100	closed		
9-Oct	500				
15-Oct			10 fish		
23-Oct	1,000	500		3 fish	
26-Oct				closed	
1-Nov	450	2,000			500
3-Nov	1,000	3,500		3 fish	100
8-Nov				closed	
13-Nov			closed		
17-Nov				3 fish	
25-Nov				closed	
15-Dec			closed		
Days in Season	365	365	171	214	365
Total Days Open	365	365	107	49	365
Total Days Closed	0	0	64	165	0
2004 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–Dec 31	Jan 1–Mar 31
	May 1–Jul 31	May 1–Jun 30	Aug 1–Sep 15		Apr 1–Jun 30
	Aug 1–Oct 31	July 1–Sep 15	Oct 15–Dec 31		Jul 1–Sep 30
	Nov 1–Dec 31	Sep 16–Oct 31			Oct 1–Dec 31
		Nov 1–Dec 31 ^F			
2004 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
State	2,637,117	982,695	38,568	146,175	408,737
Federal	-----	5,602,495	-----	-----	-----

^F Federal coastwide quota

Table 2d. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2003.

2003 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	700	10,000	closed	closed	1,000
16-Feb	1,500	15,000/week 2,000/day			
1-Apr					1,500
15-Apr			10 fish		
30-Mar	300				500
5-Apr	100				100
1-May		1,000			
16-May			closed		
1-Jun				4 fish	
6-Jun					50
14-Jun		100			
21-Jun	closed				
29-Jun				closed	
1-Aug	150		10 fish		100
24-Aug		closed			
1-Sep				3 fish	
12-Sep				closed	
16-Sep		100	closed		
8-Oct		300			50
15-Oct			10 fish		
16-Oct				3 fish	
21-Oct					closed
24-Oct		4,000			
26-Oct				closed	
30-Oct		1,000			
1-Nov	450	4,000			500
4-Nov					100
8-Nov				3 fish	
19-Nov			closed		closed
6-Dec	1,000				
Days in Season	365	365	171	214	365
Total Days Open	324	341	112	104	223
Total Days Closed	41	24	253	261	142
2003 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–Dec 31	Jan 1–Mar 31
	May 1–Jul 31	May 1–Jun 30	Aug 1–Sep 15		Apr 1–Jun 30
	Aug 1–Oct 31	July 1–Sep 15	Oct 15–Dec 31		Jul 1–Sep 30
	Nov 1–Dec 31	Sep 16–Oct 31			Oct 1–Dec 31
		Nov 1–Dec 31 ^F			
2003 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
State	2,183,907	1,051,790	39,501	144,398	330,224
Federal	-----	7,582,184	-----	-----	-----

^F Federal coastwide quota

Table 2e. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2002.

2002 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	700	10,000	closed	closed	7,000
10-Feb	1,500				
7-Mar		1,000			
1-Apr					1,500
15-Apr			20 fish		
28-Apr	100		closed		
11-May		100			
28-May					150
1-Jun				4 fish	
7-Jun					closed
23-Jun	closed				
29-Jun				closed	
1-Jul					500
16-Jul					100
1-Aug	150		20 fish		
6-Aug					closed
10-Aug		200			
16-Sep			closed *		
1-Oct		750			750
5-Oct		200			
15-Oct			20 fish		
20-Oct		300			
24-Oct					100
1-Nov	450				
1-Nov		2,000			
28-Nov	150				
22-Nov					closed
23-Nov			closed		
2-Dec		closed			
Days in Season	365	365	171	214	245
Total Days Open	326	335	98	28	201
Total Days Closed	39	30	73	186	120
2002 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–Dec 31	Jan 1–Mar 31 ^F
	May 1–Jul 31	May 1–Jun 30	Aug 1–Sep 15		Apr 1–Jun 30 ^F
	Aug 1–Oct 31	July 1–Sep 15	Oct 15–Dec 31		Jul 1–Sep 30 ^F
	Nov 1–Dec 31	Sep 16–Oct 31			Oct 1–Dec 31 ^F
		Nov 1–Dec 31 ^F			
2002 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
State		679,335			-----
Federal	-----		-----	-----	

* Indicates scheduled closure

^F Federal coastwide quota

Table 2f. Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2001.

2001 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	1,000	10,000	0	0	9,000
30-Jan		1,000			
7-Feb	500				4,500
7-Mar		closed			closed
15-Mar	750				
1-Apr					1,500
15-Apr			20 fish		
1-May		1,000			
10-May	100				
14-May					150
15-May		100			
17-May	50				
18-May			closed		
26-May		closed			
1-Jun	100			4 fish	
11-Jun	50				
14-Jun					closed
25-Jun				closed	
1-Jul		100			1,000
12-Jul					150
24-Jul					closed
25-Jul	closed	closed			
1-Aug			20 fish	3 fish	
5-Aug				closed	
1-Sep	100				
15-Sep				4 fish	
16-Sep		100	closed *		
27-Sep				closed	
28-Sep		closed			
1-Oct					300
13-Oct				4 fish	
15-Oct				closed	
15-Oct			20 fish		
1-Nov	350	2,000			
10-Nov					closed
16-Nov			closed		
23-Nov		closed			
29-Nov	1,000				
15-Dec	closed				
Days in Season	365	365	171	122	365
Total Days Open	310	148	111	42	201
Total Days Closed	55	217	60	80	164

* Indicates scheduled closure

Table 2f. (continued) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2001.

2001 COMMERCIAL SEASONS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
	Jan 1–May 31	Jan 1–Apr 30 ^F	Apr 15–May 31	Jun 1–Jun 30	Jan 1–Mar 31 ^F
	Jun 1–Aug 31	May 1–Jun 30	Aug 1–Sep 15	Oct 1–Dec 31	Apr 1–Jun 30 ^F
	Sep 1–Oct 31	July 1–Sep 15	Oct 15–Dec 31		Jul 1–Sep 30 ^F
	Nov 1–Dec 31	Sep 16–Oct 31			Oct 1–Dec 31 ^F
		Nov 1–Dec 31 ^F			
2001 QUOTAS					
	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
State	1,743,117	377,818	51,348	107,730	-----
Federal	-----	2,384,090	-----	-----	2,735,412

^F Federal coastwide quota

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 5th day of December 2006 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
Director, Department of Environmental Management

Notice Given: 09/15/2006
Public Hearing: 10/16/2006

Filing date: 12/05/2006
Effective date: 12/25/2006