

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

Division of Fish and Wildlife  
Marine Fisheries



**2012 Management Plan for the Finfish Fishery Sector**

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

**November 10, 2011**

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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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**SUPERSEDED RULES AND REGULATIONS**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rules and regulations, and any policies regarding the administration and enforcement of this regulation shall be superseded.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 1,125 license holders eligible to harvest the restricted species in 2011. Three (3) new restricted finfish endorsements for basic commercial fishing licenses were issued in 2011 and 238 non-restricted finfish endorsements were issued in 2011 (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 2012, as the new endorsements issued in 2011 did not impact the restricted species quotas negatively and 16 PEL and multipurpose licenses were not sold, transferred, or 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 186,262 mt, well above the SSB target of 92,044 mt. SSB is projected to remain above the target as indicated in the most recent assessment update. 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  $F_{2010} = 0.040$  (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 2011 the quota for the general category was 1,782,441 pounds, an increase of 847,854 pounds from 2010. The 2011 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 did not work well in the May through June sub period as the allocation was exhausted in two weeks. This may have been due to a possession limit that was set too high, coupled with a very small quota in 2008. The program performed better in 2009 with only one 2 week closure during the spring sub period and it performed well in 2010 and so far in 2011, remaining open for the entire period.

The floating fish trap category was allocated 2,673,662 pounds in 2011. This sector has only harvested 50% of its quota so far in 2011 – 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 2011.

The quota for 2012 approved by the ASMFC and MAFMC may be higher than in 2011 (Table 3). RIDFW recommends allowing effort to increase above the current level in the commercial scup fishery. This would necessitate taking scup out of the restricted species category. 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 2010, the stock assessment and biological reference points for the summer flounder stock were updated and reviewed. 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. 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. 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 60,232 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 ( $F_{2010} = 0.216$ ) 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 (Terceiro 2011b).

**Management Program:** The DEM manages summer flounder within state waters based on advice from the RIMFC and RIDFW. Regional management of the summer flounder

resource is the shared responsibility of MAFMC and ASMFC. Existing DEM regulations provide a framework to manage the annual summer flounder quota allocated to RI through possession limits and seasons. The total commercial quota was allocated into three sub-periods based on the proportion of catches during the years 1980 through 1989. The original management plan in state waters had four sub periods. These percentages and sub-periods were altered in 2007 by combining the two summer sub-periods and combining the historical summer allocation, giving this period (May– October) a 35% allocation, leaving the winter 1 period allocation at 54% (January – April) and the winter 2 period allocation at 11% (November – December). Along with the combining of the summer sub periods, the management plan also included two closure days (Friday and Saturday) in an effort to curtail the weekly landings and extend the season. Another management change in 2007 was the inclusion of an aggregate landings program in the summer sub-period. Few fishermen availed themselves of this opportunity in 2007. The 2007 management plan as described above was maintained during 2008, 2009, and in to 2010 and 2011. The 2011 fishing year also saw the continuation of a pilot program set up to test the use of “sectors” for summer flounder management in RI.

A group of vessels proposed setting up a pilot program for summer flounder modeled after existing sector programs in Massachusetts for codfish. In 2009, after extensive review and public comment, a group of eight vessels were granted exclusive rights to a proportion of the states allocation based on the historical landings of those eight vessels relative to the RI allocation for the same historical time period. The program was slightly modified for 2010 to include only the months of May through December for the same historical period of time for the calculation of the sector allocation. As well the sector participants increased in number to 11 vessels. In 2011 this program was re-expanded to an annual program and the sector increased in size to 13 vessels. The 2011 program will be the final year of the pilot phase of this type of approach. The information from these pilot programs will continue to be analyzed to try and quantify the validity of these types of programs in state waters.

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

DEM implemented a Summer Flounder Exemption Program (SFEP) in 1995 to limit the number of vessels that could participate in the directed fishery, based upon their historical participation. At that time, a 200-pound limit was established for anyone who did not qualify for a SFEP. Due to the predicted increase in stock biomass in the near shore waters and the number of license holders eligible to direct on the summer flounder fishery, the spring and summer sub-periods have been quickly exhausted, even with low trip limits of 100 pounds. The fishing years of 2004 and 2005 were the first years in which the fishery remained open all year with no closures. These years corresponded with increased summer flounder quotas. Since 2005, the fishery has had premature closures or significant decreases in possession limits (i.e. 50 pounds/day), corresponding to decreases in the states allocation of summer flounder. With increases in quota, 2010 remained open all year, though there were adjustments made to the possession limits, and 2011 appears to be on track to remain open all year while being able to maintain the

summer sub period at 100 pounds per day, including a mid summer increase. The Friday and Saturday closures, which remained in place for 2011, should be reevaluated for 2012.

**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, and 2011 is on track to remain open all year with no possession limit decreases (and in fact there was a mid summer possession limit increase).

The quota for 2012 was originally recommended to increase. The stock assessment model was rerun during the fall and a miscalculation was realized, therefore the new recommendation from the assessment is to decrease quota from that originally recommended (Table 3). This late breaking information is pending a joint Mid Atlantic Fisheries Management Council/Atlantic States Marine Fisheries Commission summer flounder board action; therefore the proposed 2012 quota is not certain at this point. Despite this, with careful management of the quota during the summer months including proactive possession limit adjustments, the 2012 quota may be at 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 ( $F_{\text{Target}} = 0.20$ ). 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). One additional note is that harvest has increased in 2010, and while this is a year beyond the terminal year of the regional assessment, RI has implemented further restrictions to continue to maintain a low fishing mortality rate in the region.

**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 2010, the commercial quota was divided equally into three seasons with a daily possession limit of 10 fish.

**Performance of Fishery and Quotas:** Since the beginning of the tautog management plan in RI, the commercial tautog fishery has closed early with excessive overages in the spring season. A substantial increase in the quota would be needed to keep the commercial tautog fishery open throughout the defined seasons. 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 2011 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 2009). The assessment results led the ASMFC Striped Bass Technical Committee to also conclude that abundance of striped bass age-13 and older has increased since 2003, when Amendment 6 was adopted.

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

**Management Program:** Striped bass are managed by ASMFC through Amendment 6 to the interstate FMP, which requires minimum sizes for the commercial and recreational fisheries, possession limits for the recreational fishery, and state quotas for the commercial fishery (ASMFC 2003). Addendum 1 to Amendment 6 was approved in November of 2007. 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 2010. The floating trap fishery operators worked in a collaborative manner to manage their allocation with just one season in 2010 and no possession limits, but with very stringent reporting requirements.

The management plan for the general category striped bass fishery was modified in 2007. The commercial possession limits changed to a per vessel limit of 5 fish (as opposed to the per person possession limits of the past). A two-day per week (Friday/Saturday) closure was also implemented in 2007. Both of these industry supported changes were an effort to keep the season open longer than what has been the case for the recent past. These changes were maintained in 2008, 2009, 2010, and 2011.

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

The commercial quota for 2011 did not increase substantially. The commercial rod and reel quota was set at 136,729 lbs and the commercial trap quota set at 93,544 lbs for a

total of 230,273 lbs. 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. 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 2011. The reason for remaining at status quo was due to the uncertainty calculations associated with the assessment which categorized the new assessment in a lower tier, which required remaining at status quo.

**Management Program:** The black sea bass stock is managed jointly by ASMFC and MAFMC. Amendment 13, which became effective in 2003, established a state quota system. Rhode Island's share of the commercial coastwide quota is 11%. Through advice from the RIFMC and the industry, DEM adopted regulations to allocate a percentage of the commercial quota into four seasonal sub-periods. The regulations also specified possession limits within each season.

**Performance of Fishery and Quotas:** The RI commercial fishery closed prematurely in each period in 2011 due to the quota remaining at low levels. RI's quota in 2011 was 188,219 pounds. No increase in quota is proposed for 2012 (Table 3), therefore any expansion of effort at this time would hinder DEM from meeting its objective of keeping the fishery open throughout the year under reasonable possession limits, and in fact until the quota increases for this species, in season closures will be common. One note however, is a benchmark assessment will take place in the late fall of 2011. This may result in revisiting of the allowed biological catch in early 2012, which may affect the RI quota in 2012 depending on the results of the assessment. Despite the possibility of revisiting the quota in 2012, 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 2007 (M.R. Gibson, RIDFW Marine Fisheries, unpublished data). RIDFW determined that the fishing mortality rate has remained above  $F_{MSY} = 0.26$  since 1978, indicating that rates of fishing were above levels that would achieve maximum sustainable yield. Estimates of biomass have fluctuated over the time period 1959–2007, with two peaks occurring in the mid-to late-1960s and early 1980s, but showed a steady decline from 1983-1993, with the estimate for 1993 being the lowest in the time series. Estimates of biomass have remained well below  $B_{MSY} = 5,726$  since 1988, despite a slight increase between 1994 and 1995.

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

At the state level, ASMFC manages the inshore winter flounder stocks through Addendum 1 to Amendment 1 to the interstate fishery management plan for inshore

stocks of winter flounder. During 2011 RIDEM extended the area closed to winter flounder fishing to include Point Judith Pond and the Harbor of Refuge. 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 and the harbor of refuge 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 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 2011 (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 2011 (638,274 pounds) was the same as in 2010, and as of this writing no closures have been implemented. The bluefish harvest was monitored carefully in 2011 in order to avoid a repeat of the closure in 2006. A status quo quota is proposed for 2012 (Table 3). The Division's recommendation is to allow effort to increase above current levels in the commercial bluefish fishery and to leave bluefish in the non-restricted species category. In the future, if effort increases beyond what the quota can sustain and remain open for the entire year, or if the quota decreases to lower levels due to the stock status, the Division will re-assess whether bluefish needs to be moved in to the restricted species category, or a more likely scenario would be to implement more restrictive possession limits and seasons in order to control harvest.

## MENHADEN

**Stock Status:** Menhaden are a highly migratory species that undergo a large amount of mixing off the coast of North Carolina in the winter months. The ASMFC Atlantic Menhaden Stock Assessment Subcommittee last assessed the menhaden stock in 2010. The 2010 assessment concluded that the species was not overfished 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. The Technical Committee made a number of important research recommendations that need to be addressed before these more localized questions can be answered. Some of these research recommendations have been funded and are currently being worked on. As well, the Technical Committee has begun work on looking at new reference points which may lead to a reconsideration of stock status in the future. A final item being worked on by the Technical Committee is the consideration of ecosystem based reference points. These items will be studied and may be important factors for future stock status determinations. On a final note, an addendum is currently in process at the ASMFC. The intent of the addendum is to develop a set of Maximum Spawning Potential (MSP) reference points for use in addressing the new overfishing finding.

**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 2011, 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 2011 was similar to 2009 and 2010, which was smaller than it had been in the previous couple of years. The fishery closed early in the season in 2010 but has remained open in 2011, mainly due to a lack of commercial harvest occurring in the Bay.

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 (2011 = 172 purse seine endorsements) that exist is an unsustainable number and it may be necessary to institute a history based restriction in the future if a large percentage of the existing latent effort becomes activated.

## Monkfish

**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  $B_{\text{threshold}} = 37,245$  mt. Total biomass in 2009 was estimated to be approximately 131,218 mt, above both  $B_{\text{target}} = 74,490$  mt and  $B_{\text{threshold}}$ .

**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 April of 2009, RI established a state quota set at 1% of SMA quota (i.e. TAC), which is used to set federal DAS restrictions. Although changes to current regulations are being considered by the Director, at present the current program has not changed since April of 2009 and consists of a state quota set at 1% of the SMA TAC 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 when 90% of the state quota is harvested and a fishery closure is required when the quota is reached. There is a minimum size limit of 11” tails or 17” whole fish.

At present, the Director is considering several minor technical changes, as well as increasing the state quota to a level between 2 and 3% of the SMA TAL. The Division has recommended the quota increase to 2% (393,525 lbs) of the SMA TAL with a possession limit decrease when 90% (354,173 lbs) of the quota is harvested; where as, the RIMFC recommended a quota equal to 3% (590,288 lbs) of the SMA TAL with a possession limit decrease trigger at 2% (393,525 lbs) of the SMA TAL.

**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 may be in part due to increased biomass in state waters, as well as increased participation in the state-water fishery by vessels with access to federal monkfish permits. In particular, increased participation in the state-water fishery by vessels with access to federal monkfish permits appears to have reduced duration of the directed RI state-water monkfish fishery and the portion of quota available to state-water only vessels. Potential regulatory changes being considered by the Director, in addition to a 75% increase in the TAC and subsequent state quota 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 and there is a 22" minimum size limit.

### Performance of Fishery and Quotas:

The quota for cod was not met in either the 2009 or 2010 fishing years. During the 2009 fishing year (May 1 2009 – April 30 2010) state landings of cod equaled 5, 233 lbs or 6.8% of the 77,307 lb state quota. During the 2010 fishing year (May 1 2010 – April 30 2011) state landings of cod equaled 13,653 lbs or 17.1% of the 79,821 lb state quota. Although state-water landings of cod increased 161% from the 2009 to 2010 fishing year, the total landings are obviously well below the state quota.

The rationale for leaving these species 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 2011, the Department issued 3 new restricted finfish endorsements for the Principle Effort License (PEL). This decision was based on the Division's assessment of the restricted finfish species, deliberations with the RI Marine Fisheries Council, and requirements set forth in statute. An exit/entry ratio was established at 5:1 (for every 5 active licenses eligible to harvest restricted species that were not renewed, 1 new restricted finfish endorsement was issued) in order to allow some new entrance into the restricted finfish category as well as replace some effort that had presumably exited the fishery. The ratio was set up to be reflective of both current fishing effort on the restricted finfish species and latent effort, though efforts are being made to understand the extent of latent effort from those licenses that were not renewed. The 3 new endorsements were made available at the full harvest level. A total of 16 licenses — a reduction of 24 Multi-Purpose Licenses (MPURP) + an increase of 8 Principle Effort Licenses (PEL)—that were eligible to catch restricted finfish in 2010 were not renewed in 2011. This measure also protects against increasing effort.

**RI Marine Fishery Council Advice** - The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met to formulate advice for the Council on licensing. The group recommended staying at status quo in 2012 for the restricted finfish fishery, to continue to apply a 5:1 exit/entry ratio to active licenses that retired in 2011. The RIMFC recommendation to the Director was to modify the 5:1 exit/entry ratio and adopt a new standard of a 1:1 exit/entry ratio – which would allow for 6 new PELs with restricted finfish endorsements to be made available in 2012.

As previously noted, 3 new PEL w/restricted finfish endorsements were issued in 2011. The catch rates of the 2011 restricted finfish species were similar or less than the rates in 2010; 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 2012 for a few of the restricted finfish and quota species (i.e., black sea bass, tautog, striped bass, winter flounder, bluefish, and potentially summer flounder) will be equal to or less than in 2011. As stated by the legislature in RIGL 20-2.1-2 the licensing regulations should seek to “Preserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation” while “Provid(ing) Rhode Islanders who wish to fish commercially the opportunity to do so and end the moratorium on issuance of new commercial fishing licenses so that new licenses may be issued” and “Respect(ing) the interests of residents who fish under licenses issued by the state and wish to continue to fish commercially in a manner that is economically viable.” Therefore, to protect against increasing effort on

decreasing or stagnant quotas, while allowing some increase in effort on species that are not currently experiencing stock impairment (i.e. the non restricted species, 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. Since active licenses have left the fishery in 2011 the Division feels that replacing these licenses with a 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.

### **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 2012 based on a 1:1 exit entrance ratio of active licenses that have left the fishery resulting in 6 new restricted finfish licenses to be issued at the PEL level in 2012
2. Maintain open entry in to the non-restricted finfish endorsements
3. Cap access to the purse seine and pair trawl endorsements and only allow issuance of renewed endorsements (place moratoria on new endorsements)
4. Explore vessel declaration options within the license structure with an eye towards moving to a vessel based licensing system.

The Director of DEM concurred with RIMFC and the Division recommendations and decided to adopt a new standard with a 1:1 exit/entry ratio for the restricted finfish endorsement category, applied to the total number of licenses eligible to harvest restricted finfish that were active in the fishery in 2010 and retired in 2011, making 6 new PELs with restricted finfish endorsements available in 2012.

After careful consideration of how species move between the restricted and non restricted categories the Director concurred with the RIMFC recommendation to remain with status quo and not remove scup from the restricted finfish category at this time.

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**Table 1.** Historical commercial license counts.

<b>LICENSES</b>					
	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
MULTI-PURPOSE LICENSE	973	939	917	887	867
<i>GILLNET ENDORSEMENT</i>	263	257	251	241	236
<i>DOCKSIDE SALE ENDORSEMENT</i>	205	261	276	272	261
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	N/A	116	123	123	124
<i>PURSE SEINE ENDORSEMENT</i>	N/A	114	128	136	137
PRINCIPAL EFFORT LICENSE	861	810	776	735	713
<i>LOBSTER ENDORSEMENT</i>	44	43	40	38	37
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	15	21	20	22	28
<i>QUAHOG ENDORSEMENT</i>	538	499	473	450	422
<i>NON-QUAHOG ENDORSEMENT</i>	402	0	0	0	0
<i>RESTRICTED FINFISH ENDORSEMENT</i>	283	270	265	248	258
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	134	126	128	127	127
<i>SOFTSHELLED CLAM ENDORSEMENT</i>	N/A	358	325	304	284
<i>DOCKSIDE SALE ENDORSEMENT</i>	11	15	13	14	16
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	N/A	4	3	5	9
<i>PURSE SEINE ENDORSEMENT</i>	N/A	5	6	5	7
<i>OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)</i>	N/A	306	278	265	249
COMMERICAL FISHING LICENSE	464	421	433	449	394
<i>LOBSTER ENDORSEMENT</i>	32	27	22	19	17
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	118	100	102	119	120
<i>QUAHOG ENDORSEMENT</i>	104	116	118	127	141
<i>NON-QUAHOG ENDORSEMENT</i>	323	0	0	0	0
<i>RESTRICTED FINFISH ENDORSEMENT</i>	11	11	14	18	0
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	261	240	256	273	238
<i>SOFTSHELLED CLAM ENDORSEMENT</i>	N/A	235	206	191	175
<i>DOCKSIDE SALE ENDORSEMENT</i>	17	24	25	22	20
<i>MIDWATER/PAIR TRAWL ENDORSEMENT</i>	N/A	21	38	39	31
<i>PURSE SEINE ENDORSEMENT</i>	N/A	24	35	28	28
<i>OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)</i>	N/A	179	199	206	201
OVER 65 SHELLFISH LICENSE	136	160	179	201	217
STUDENT SHELLFISH LICENSE	60	54	54	49	55

**Table 2a.** Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2011.

<b>2011 POSSESSION LIMITS</b>					
<b>Date</b>	<b>Summer Flounder</b>	<b>Scup (General Category)</b>	<b>Tautog</b>	<b>Striped Bass (General Category)</b>	<b>Black Sea Bass</b>
<b>1-Jan</b>	300/day	30,000/week			750/day
		2,000/day			
6-Feb	3,000/week				
	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		7,500/week	10 fish		
1-Aug					Closed
4-Sept				5 fish	
18-Sep		3,500/week			
15-Oct			10 fish		
1-Nov	600/day	8,000/day			250/day
Days in Season	<b>365*</b>	<b>365</b>	<b>171</b>	<b>145*</b>	<b>334</b>
Total Days Open	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>
Total Days Closed	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>

\* Counts Friday and Saturday closure days

SIP = Season In Progress as of this writing

**Table 2a. (continued)** Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2011.

<b>2011 COMMERCIAL SEASONS</b>					
	<b>Summer Flounder</b>	<b>Scup<sup>+</sup> (General Category)</b>	<b>Tautog</b>	<b>Striped Bass<sup>+</sup> (General Category)</b>	<b>Black Sea Bass</b>
	Jan 1–Apr 30	Jan 1–Apr 30 <sup>F</sup>	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 <sup>F</sup>			
<b>2011 QUOTAS</b>					
	<b>Summer Flounder</b>	<b>Scup (General Category)</b>	<b>Tautog</b>	<b>Striped Bass</b>	<b>Black Sea Bass</b>
<b>State</b>	<b>2,307,115</b>	<b>1,782,441</b>	<b>48,813</b>	<b>136,729</b>	<b>181,634</b>
<b>Federal</b>	-----		-----	-----	-----

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

<sup>F</sup> Federal coastwide quota

\* Closed Fridays and Saturdays

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

2010 POSSESSION LIMITS					
Date	Summer Flounder	Scup (General Category)	Tautog	Striped Bass (General Category)	Black Sea Bass
1-Jan	100/day	30,000/2 weeks 2,000/day			750/day
3-Jan	200/day				400/day
23-Jan					
7-Feb	2,000/week				
	300/day				
4-Mar					Closed
11-Apr	200/day				
15-Apr			10 fish		
16-Apr	700/day				
21-Apr		1,000/day			
28-Apr	1,000/day				
1-May	100/day	500/week			50/day
3-May			Closed		
1-Jun	350/week 100/day				
6-Jun				5 fish	
17-Jun					Closed
24-Jun	250/week 50/day				
1-Jul		400/week			50/day
8-Jul				Closed	
15-Jul			10 fish		
25-Jul		600/week			
1-Aug					Closed
8-Aug	800/week				
22-Aug	1000/week				
29-Aug	1500/week		Closed		
1-Sep					
5-Sept	2500/week				
13-Sep				5 fish	
14-Sept				Closed	
16-Sep		400/week			
19-Sept	250/week 100/day	4000/week			
3-Oct	1000/week 300/day	5000/week			
10-Oct	600/day	10000/week			
17-Oct		25000/week			
24-Oct	800/day				
15-Oct			10 fish		
29-Oct			Closed		
1-Nov	600/day	2,000/day			250/day
2-Nov					100/day

7-Nov	1,000/day				Closed
17-Nov	2,000/day				
3-Dec	1000/day				
Days in Season	<b>365*</b>	<b>365</b>	<b>171</b>	<b>145*</b>	<b>334</b>
Total Days Open	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>
Total Days Closed	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>	<b>SIP</b>

\* Counts Friday and Saturday closure days

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

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

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

<sup>F</sup> Federal coastwide quota

\* Closed Fridays and Saturdays

**Table 3.** The proposed 2012 Annual Catch Targets (ACT) being considered by the ASMFC and MAFMC in comparison the 2010 and 2011 TALs. The limits proposed for 2012 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.

<b>PROPOSED COASTWIDE ACT</b>			
<b>Species</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Scup	17.09	26.5	50.48
Summer Flounder	22.13	27.18	31.6*
Black Sea Bass	3.7	3.7	3.5
Bluefish	29.26	27.26	27.26

\*Pending board approval

## 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 10<sup>th</sup> of November, 2011 to become effective 20 days from filing, unless **otherwise indicated below**, in accordance with the provisions of Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02- 047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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Janet L. Coit, Director  
Department of Environmental Management

Notice Given: 09/16/2011  
Public Hearing: 10/17/2011

Filing date: 11/10/2011  
Effective date: 11/30/2011

ERLID# 6581