

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Division of Fish and Wildlife  
Marine Fisheries



**2006 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”

**November 30, 2005**

**TABLE OF CONTENTS**

RULE #1 PURPOSE ..... iii

RULE #2 AUTHORITY ..... iii

RULE #3 ADMINISTRATIVE FINDINGS..... iii

RULE #4 APPLICATION..... iii

RULE #5 REGULATIONS ..... p 1 - 19

RULE #6 SEVERABILITY ..... iii

RULE #7 SUPERSEDED RULES AND REGULATIONS ..... iii

RULE #8 EFFECTIVE DATE PAGE..... 20

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

BUREAU OF NATURAL RESOURCES

FISH AND WILDLIFE &  
LAW ENFORCEMENT

**PURPOSE**

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

**AUTHORITY**

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

**ADMINISTRATIVE FINDINGS**

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

**APPLICATION**

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

**DEFINITIONS**

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

**SEVERABILITY**

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

**SUPERSEDED RULES AND REGULATIONS (#3277)**

On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of **Part VII (#3277)** shall be superseded.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 2003 and 2004, 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 1,529 and 1,461 license holders eligible to harvest the restricted species in 2003 and 2004, respectively. New restricted finfish endorsements for basic commercial fishing licenses were not issued and 192 and 198 non-restricted finfish endorsements for the basic license were issued in 2003 and 2004 respectively (Table 1).

In 2005, the species in the restricted finfish category remained the same as stock status and fishing effort warranted. There were 1,321 licenses issued which would be eligible to harvest restricted finfish in 2005. A total of 13 new basic harvest restricted endorsements were issued in 2005 along with 213 non-restricted finfish endorsements (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** - Scup was last assessed and reviewed at the Northeast Regional Stock Assessment Workshop in 2002. The Stock Assessment Review Committee (SARC) concluded that the scup resource is no longer considered over fished, as indicated by the 2002 spring trawl survey (NEFSC, 2002). Specifically, the 2003 three-year average of the spring survey (3.74 SSB kg/tow) exceeded the biomass index threshold (2.77 SSB kg/tow). This change in stock status resulted from the extremely high index obtained during the 2002 survey (9.24 kg/tow). The stock assessment reference points were updated in 2005. The 2005 index of 0.55 kg/tow is lower than the values for recent years and the three-year average has dropped to 0.69 kg/tow which is now below the spawning stock biomass threshold. Due to this the ASMFC recommends a decrease in quota of approximately 1.3% for 2006.

**Management Program-** Scup are managed within state waters by the Department of Environmental Management with advice from the Rhode Island Marine Fisheries Council (RIMFC) and RIDFW. Regional management of the scup resource is the shared responsibility of 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 2006 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). In 2004 and the summer of 2005, the fishery remained open for the entire season. In 2005 the quota for the general category is 1,071,003 pounds, an increase from 2004 which was 982,695 pounds. The 2004 quota was sufficient to keep the fishery open throughout all of the subperiods under the current management plan. The 100-pound limit is a minimum amount agreed to by industry and preferably would be higher.

The quota for 2006 approved by the Atlantic States Marine Fisheries Commission (ASMFC) and Mid Atlantic Fishery Management Council (MAFMC) is the lower than 2005, providing approximately 1,057,550 pounds to the general category. A substantial increase in effort could lead to closures. The Divisions 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** – According to the 2004 Summer Flounder Advisory Report assessment, summer flounder is not overfished and over fishing is not occurring relative to the current biological reference points. The fishing mortality rate has declined from 1.32 in 1994 to 0.29 in 2003, which is below the current over fishing definition reference point of 0.26 although the most recent estimates of F may understate the actual fishing mortality by about 1/3 as demonstrated through retrospective analysis. The stock assessment reference points were updated in 2005 and the update indicates that the stock is not overfished but overfishing is occurring. The F estimate made in 2005 was  $F = 0.40$  relative to the threshold of  $F = 0.26$ .

Total stock biomass has increased substantially since 1989, and was estimated to be 67,500 MT on January 1, 2004, 27% above the current biomass threshold of 53,200 MT although retrospective analysis shows a tendency to overestimate biomass for recent years. Spawning stock biomass has increased eight fold since 1989 and the age structure of the population has expanded, with 72% of the population being two years of age and older. The 2002 year class estimate is the largest since 1986, at about 51 million fish. The 2005 update also shows that the biomass estimate has not fallen below the threshold therefore the fishery is still considered to not be over fished.

**Management Program:** Summer Flounder are managed within state waters by the Department of Environmental Management (DEM) with advice from the Rhode Island Marine Fisheries Council 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. The winter commercial fishery is prosecuted offshore, by larger trawl vessels. 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 2006 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 surveys may explain this shift as fish have become more available to inshore fisherman. 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 has remained open for the 2005 season through August (Tables 2a – g).

The quota for 2006 has been recommended to decrease. The proposed reduction at this point is a 14% from the 2005 quota. The final quota has not been decided at the time of this writing. A substantial increase in effort could lead to early closures. The Divisions 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 2001 (ASMFC, 2001). Results indicate that coastwide fishing mortality rates have declined since 1993, however, since the 2000 rate ( $F_{2000} = 0.41$ ) exceeds the target ( $F_{TARGET\ 2000} = 0.24$ ) the stock is considered over fished. Abundance indices through 2000 show a slight increase in biomass and recruitment for recent years. 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 recent increase in fishing mortality rates appear to be due to an increase in recreational landings, which comprise approximately 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; however, the 2002 estimate is below the time series average. Abundance indices for young-of-the-year tautog also point to an increase in abundance over the past several years, consistent with the results of the coastwide assessment (Powell, 2002). State assessment of tautog stocks currently under development may indicate lower rates of fishing mortality and more optimistic trends in population growth compared to the regional assessment. A new coastwide and state specific assessments are expected to be completed by January of 2006.

**Management Program:** Tautog are managed within state waters by the DEM with advice from the Rhode Island Marine Fisheries Council. 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 requires a reduction in fishing mortality (F) because the most recent estimates of F exceed the target of 0.29. States were required to implement regulations that meet the required reductions by April 1, 2003. The final phase of the plan requires 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 an 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. In 2005, the quota was divided equally into three seasons with a daily possession limit of 10 fish.

**Performance of Fishery and 2006 Quotas:** For the last four years, the commercial tautog fishery has closed early with excessive overages in the spring season. During the first sub-period in 2001, the fishery was open 33 of the 47 days and landings exceeded

the allocation by 13,000 pounds. Had the fishery closed when the quota was reached the fishery would have been open for 27 days. The excessive overage was due to unusually high landings in one of the reporting weeks. This overage was deducted from the quota allocated to the first sub-period in 2002, leaving a small amount available. Catch rates in 2002 and 2003 were also very high with overages of 14,481 and 9,676 pounds, respectively. The high catch rates were still evident in 2003 even with a 10 fish possession limit, half the limit in 2002. In 2004 the fishery saw a more modest overage during the spring sub period (5,867 pounds) and the sub period remained open for 32 days. The landings for the entire 2004 fishery were over by 5,030 pounds, a smaller overage than had occurred in the past (Table 2a – g).

Further increases in effort would lead to earlier closures and greater difficulties in monitoring landings. A 15% increase in effort would reduce the number of open days by six while a 40% increase would shorten the season by nineteen (Example 1). Recent stock surveys show that local populations are increasing in biomass. Landing rates are expected to increase as the stock grows and fish become more readily available. A combination of static commercial quotas, growing population biomass, and effort increases would lead to a drastic reduction in season length for a fishery that currently is unable to remain open throughout the season.

Example 1. Total days open in 2003 and estimated number of days open for various increases in effort

Sub-Periods	2003	10% inc	15% inc	20% inc	30% inc	40% inc
Apr 15-May 31*	14	13	12	12	12	11
Aug 1 – Sep 15	46	46	46	46	46	46
Oct 15 – Dec 31	39	39	35	33	31	23
# Days open	99	98	93	91	89	80

\* Estimated days open based on data including the 14,000 pound overage

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 and Massachusetts resource agencies show that local stocks are increasing, ASMFC required that Rhode Island remain status quo for 2005. 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 a continuous overages and high discard mortality. The Division recommends maintaining effort below the current level in the commercial tautog fishery and to leave tautog in the restricted species category. In addition, the Division recommends reintroducing to public hearing and action relative to spring fishery closure for biological and management justifications brought forward in 2005.

## STRIPED BASS

**Stock Status:** The stock assessment report for 2004 was problematic in that the two assessment methods (tagging and virtual population analysis) provide two different estimates of fishing mortality, thus the technical committee had some trouble making a determination about the stock status. They did state that overall abundance of the stock remains high but the fishing mortality is most likely exceeding the target (ASMFC,

2004). Model results indicate fishing mortality increased steadily until 1999 but decreased slightly in 2000 and then increased again in 2003. In 2003 the commercial quota was raised approximately 40% from the 2002 quota and remained at this level for 2004. The technical committee also recommended maintaining a status quo quota for 2005.

**Management Program:** Striped bass are managed by ASMFC through Addendum V to Amendment 5 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. Based on the 1999 assessment, it was determined that the 1998 F estimate on fully recruited fish exceeded the target and equaled the over fishing definition. The management program for 2000 was aimed at reducing F, resulting in a smaller commercial quota than 1999. Based on the 2000 assessment the Management Board determined that no additional reductions in F were necessary.

Regulations for the commercial striped bass fishery in Rhode Island include minimum sizes, possession limits, gear restrictions, seasons and quotas. The commercial quota is divided between two sectors, floating traps (37%) and a general category (63%). 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 2005 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, 105,000 pounds and 104,666 pounds were landed 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).

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 Divisions 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 completed in June 2004, indicates that the stock is no longer overfished and overfishing is not occurring. The survey index in 2003 and 2004 indicates high abundance of age groups and that the 3-year moving average is about 55% above the threshold. A stock assessment reference point update was done in 2005. Due to uncertainty in the survey index and a possible underestimation of the 2003 exploitation rate, a decrease in quota was approved by the ASMFC for 2006.

**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 but will decrease to 404,250 pounds in 2006.

**Performance of Fishery and 2006 Quotas:** The 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). Any 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 even with the recommended quota. That combined with the approved quota decrease for 2006 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 ASMFC Winter Flounder Technical Committee conducted the most recent assessment of the Southern New England/Mid-Atlantic winter flounder stock in September 2002. According to this assessment, the stock is over fished and over fishing is occurring. Fully recruited fishing mortality in 2001 was 0.51, about 60% above the estimate of  $F_{msy} = 0.32$ . Spawning stock biomass was estimated to be 7,600 mt in 2001, about 25% of the estimate of  $B_{msy} = 30,100$  mt.

Spawning stock biomass declined substantially from 13,000 – 14,000 mt during the early 1980's to only 2,700 mt during 1994 – 1996, but has increased since the mid 1990s to about 7,600 mt in 2001 due to reduced fishing mortality rates since 1997. The arithmetic average recruitment from 1981 to 2001 is 23.9 million age-1 fish, with a median of 18.9 million fish. Recent recruitment to the stock has been below average since 1989. The 2001-year class, at only 5.6 million fish, is the smallest in the 22-year time series.

The Rhode Island Division of Fish and Wildlife assessed the winter flounder stock within state waters in 2002 (Gibson, 2002). 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  $B_{msy} = 4,139$  mt since 1984. Estimates of biomass have fluctuated over the time period 1959 – 2002 with two peaks occurring in the mid to late 1960's and early 1980's. 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:** Winter flounder are managed federally by the New England Fisheries Management Council through the Northeast Multispecies (Groundfish) Fishery Management Plan. Fishing mortality on the Southern New England/Mid-Atlantic 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. For other areas in the management area, minimum mesh size requirements, minimum fish size restrictions, possession limits, and quotas have been established. For all other State waters outside of the management area there are minimum fish size and mesh size restrictions.

**Fishery Performance and Projections:** Since 1996, the commercial quota of winter flounder available for the Winter Flounder Management Area has never been fully harvested by the fishing industry. The rationale for placing this species in the restricted category is based on the low levels of abundance locally and over fishing 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. The top ten commercially landed species in terms of pounds for the year 2000 contained in the non-restricted category are: herring, squid, skate, whiting, monkfish, mackerel, yellowtail flounder, red hake, and butterfish.

### **BLUEFISH**

**Stock Status:** The Atlantic Coast bluefish stock was last assessed in 2003 (ASMFC, 2003). Fishing mortality (F) in 2002 was estimated to be  $F = 0.18$ . Accepting  $F_{msy} = 0.40$ , estimated in the 1997 assessment and adopted by Amendment 1, as an over fishing definition, the bluefish stock was not over fished in 2001 and 2002. However, biomass remains below levels needed to deliver MSY. Stock abundance declined between the late 1970s and the mid 1990's and has increased since.

**Management Program:** Bluefish are managed cooperatively by ASMFC and MAFMC through Amendment 1 to the Bluefish Fishery Management Plan. 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 with a quota of 10.5 million pounds approved for 2003.

**Fishery Performance and Projections:** 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. In 2004, 19% of

the quota was not harvested. The bluefish quota for 2006 for RI will be slightly less than in 2005 and will be approximately 707,952 pounds. 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. This decision was based on the Division 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 in to 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. A total of 68 (56 MPL + 12 PEL) licenses which were eligible to catch restricted finfish in 2003 were not renewed in 2004, therefore at the 5:1 ratio, 13 new endorsements were made available. The 13 new endorsements were made available at a lower harvest level (1/2 the current full harvest level) than existing full harvest licenses. This measure also protects against increasing effort.

In total, 84 fewer licenses (68 MPL + 16 PEL) which were eligible to fish for restricted finfish were issued in 2005 than 2004. If we remain at the current exit/entree ratio of 5 : 1, this would make 17 new CFL with restricted finfish endorsements available in 2006. If we take into account that 63% of the multipurpose licenses declare finfish as their primary fishery, you would get 59 eligible licenses which were not renewed (43 MPL + 16 PEL). This decreases the amount of new CFL with restricted finfish endorsements to 12. The catch rates of the 2005 restricted finfish species were similar or slightly less than in 2004, 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 (scup, black sea bass, and possibly 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 2006.

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Table 1: RI Commercial Fishing Licenses 2003 - 2005

<b>LICENSES</b>				
	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>CHANGE '04-'05</b>
<b>MULTI-PURPOSE LICENSE</b>	<b>1,191</b>	<b>1,137</b>	<b>1,069</b>	<b>-68</b>
<b>PRINCIPAL EFFORT LICENSE</b>	<b>1,325</b>	<b>1,148</b>	<b>991</b>	<b>-157</b>
<i>LOBSTER ENDORSEMENT</i>	61	56	51	-5
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	19	20	16	-4
<i>QUAHOG ENDORSEMENT</i>	924	761	631	-130
<i>NON-QUAHOG ENDORSEMENT</i>	672	556	452	-104
<i>RESTRICTED FINFISH ENDORSEMENT</i>	338	325	307	-16
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	138	147	136	-11
<b>COMMERICAL FISHING LICENSE</b>	<b>271</b>	<b>283</b>	<b>312</b>	<b>+29</b>
<i>LOBSTER ENDORSEMENT</i>	50	48	41	-7
<i>NON-LOBSTER CRUSTACEAN ENDORSEMENT</i>	68	69	82	+13
<i>QUAHOG ENDORSEMENT</i>	0	0	50	+50
<i>NON-QUAHOG ENDORSEMENT</i>	156	172	177	+5
<i>RESTRICTED FINFISH ENDORSEMENT</i>	0	0	13	+13
<i>NON-RESTRICTED FINFISH ENDORSEMENT</i>	192	198	213	+15
<b>OVER 65 SHELLFISH LICENSE</b>	<b>50</b>	<b>86</b>	<b>92</b>	<b>+6</b>
<b>STUDENT SHELLFISH LICENSE</b>	<b>107</b>	<b>97</b>	<b>72</b>	<b>-25</b>

Table 2a. Possession Limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 2005

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
2005	1-Jan	700	30,000/2 weeks			
		2500/week	2,000/day	closed	closed	1,500
	6-Feb	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			closed	4 fish	
	23-Jun				closed	
	1-Jul		100			
	9-Jul	150	500			250
	1-Aug	150		10 fish		100
12-Aug					300	
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>171</b>	<b>214</b>	<b>365</b>
<b>Total Days Open</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Total Days Closed</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Commercial Seasons</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-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 <sup>F</sup>				
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
	State	<b>2,754,994</b>	<b>1,071,003</b>	<b>46,322</b>	<b>144,596</b>	<b>436,078</b>
	Federal	-----	<b>5,602,495</b>	-----	-----	-----

Table 2b. Possession Limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 2004

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
2004	1-Jan	700	15,000/week			
	6-Jan	700/day	2,000/day	closed	closed	1,500
	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-Sept					3 fish
	13-Sept	300				closed
	16-Sept		100		closed	
	9-Oct	500				
	15-Oct				10 fish	
	23-Oct	1000	500			3 fish
	26-Oct					closed
	1-Nov	450	2000			500
	3-Nov	1000	3500			100
8-Nov					closed	
13-Nov				closed		
17-Nov					3 fish	
25-Nov					closed	
15-Dec				closed		
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>171</b>	<b>214</b>	<b>365</b>
<b>Total Days Open</b>		<b>365</b>	<b>365</b>	<b>107</b>	<b>49</b>	<b>365</b>
<b>Total Days Closed</b>		<b>0</b>	<b>0</b>	<b>64</b>	<b>165</b>	<b>0</b>
<b>Commercial Seasons</b>						
	Jan 1-Apr 30	Jan 1 - Apr 30 <sup>F</sup>	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 <sup>F</sup>				
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
State		<b>2,637,117</b>	<b>982,695</b>	<b>38,568</b>	<b>146,175</b>	<b>408,737</b>
Federal		-----	<b>5,602,495</b>	-----	-----	-----

Table 2c. Possession Limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 2003

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
2003	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	
	24-Aug			closed		
	1-Sept					3 fish
	12-Sept					closed
	16-Sept			100	closed	
	8-Oct			300		
	15-Oct				10 fish	
	16-Oct					3 fish
	21-Oct					
	24-Oct			4000		
	26-Oct					closed
	30-Oct			1000		
	1-Nov	450		4000		
	4-Nov					
	8-Nov					3 fish
	19-Nov				closed	
	6-Dec	1000				
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>171</b>	<b>214</b>	<b>365</b>
<b>Total Days Open</b>		<b>324</b>	<b>341</b>	<b>112</b>	<b>104</b>	<b>223</b>
<b>Total Days Closed</b>		<b>41</b>	<b>24</b>	<b>253</b>	<b>261</b>	<b>142</b>
<b>Commercial Seasons</b>						
	Jan 1-Apr 30	Jan 1 - Apr 30 <sup>F</sup>	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 <sup>F</sup>				
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
State		<b>2,183,907</b>	<b>1,051,790</b>	<b>39,501</b>	<b>144,398</b>	<b>330,224</b>
Federal		-----	<b>7,582,184</b>	-----	-----	-----

Table 2d. Possession Limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 2002

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
2002	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			
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>171</b>	<b>214</b>	<b>245</b>
<b>Total Days Open</b>		<b>326</b>	<b>335</b>	<b>98</b>	<b>28</b>	<b>201</b>
<b>Total Days Closed</b>		<b>39</b>	<b>30</b>	<b>73</b>	<b>186</b>	<b>120</b>
<b>Commercial Seasons</b>						
	Jan 1-Apr 30	Jan 1 - Apr 30 <sup>F</sup>	Apr 15 - May 31	Jun 1 - Dec 31	Jan 1-Mar 31 <sup>F</sup>	
	May 1-Jul 31	May 1 - Jun 30	Aug 1 - Sep 15		Apr 1-Jun 30 <sup>F</sup>	
	Aug 1-Oct 31	July 1 - Sep 15	Oct 15 - Dec 31		Jul 1-Sep 30 <sup>F</sup>	
	Nov 1 -Dec 31	Sep 16 - Oct 31			Oct 1-Dec 31 <sup>F</sup>	
		Nov 1 - Dec 31 <sup>F</sup>				
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
	State	<b>679,335</b>				-----
	Federal	-----		-----	-----	

Table 2e. Possession Limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 2001

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
2001	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	closed
	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					
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>171</b>	<b>122</b>	<b>365</b>
<b>Total Days Open</b>		<b>310</b>	<b>148</b>	<b>111</b>	<b>42</b>	<b>201</b>
<b>Total Days Closed</b>		<b>55</b>	<b>217</b>	<b>60</b>	<b>80</b>	<b>164</b>
<b>Commercial Seasons</b>						
	Jan 1-May 31	Jan 1 - Apr 30 <sup>F</sup>	Apr 15 - May 31	Jun 1 - Jun 30	Jan 1-Mar 31 <sup>F</sup>	
	Jun 1-Aug 31	May 1 - Jun 30	Aug 1 - Sep 15	Oct 1 - Dec 31	Apr 1-Jun 30 <sup>F</sup>	
	Sep 1-Oct 31	July 1 - Sep 15	Oct 15 - Dec 31		Jul 1-Sep 30 <sup>F</sup>	
	Nov 1 -Dec 31	Sep 16 - Oct 31			Oct 1-Dec 31 <sup>F</sup>	
		Nov 1 - Dec 31 <sup>F</sup>				
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
State		<b>1,743,117</b>	<b>377,818</b>	<b>51,348</b>	<b>107,730</b>	-----
Federal		-----	<b>2,384,090</b>	-----	-----	<b>2,735,412</b>

Table 2f. Possession limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 2000

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
2000	1-Jan	1,000	10,000			9,000
	8-Feb		1,000			
	17-Feb		closed			
	1-Apr	500				3,000
	1-May	300	1,000	20 fish		
	16-May	100	100			
	17-May		closed			
	18-May	closed				
	1-Jun	100		closed*	3 fish	
	23-Jun	50				
	1-Jul	closed	100		closed*	3,000
	1-Aug			20 fish		
	9-Aug		closed			closed
	16-Aug		100			
	28-Aug		300			
	1-Sep	300				3 fish
	10-Sep		100			
	16-Sep				closed*	
	17-Sep	50				
	24-Sep	closed				
	1-Oct		closed			2,000
	8-Oct	50				
	15-Oct	closed			20 fish	
	23-Oct	50				
	26-Oct					1,000
	1-Nov	300	500			
	3-Nov		closed			closed
	7-Nov					closed
	18-Nov	600				
	22-Nov					3 fish
27-Nov					closed	
10-Dec	200					
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>155</b>	<b>152</b>	<b>365</b>
<b>Total Days Open</b>		<b>268</b>	<b>150</b>	<b>155</b>	<b>98</b>	<b>257</b>
<b>Total Days Closed</b>		<b>97</b>	<b>215</b>	<b>0</b>	<b>54</b>	<b>108</b>
<b>Commercial Seasons</b>						
	Jan 1-May 31	Jan 1 - Apr 30	May 1 - May 31	June 1 - June 30	Jan 1-Mar 31 <sup>F</sup>	
	June 1-Aug 31	May 1 - June 30	Aug 1 - Sep 15	Sep 1 - Dec 31	Apr 1-Jun 30 <sup>F</sup>	
	Sep 1-Oct 31	July 1 - Sep 15	Oct 15 - Dec 31		Jul 1-Sep 30 <sup>F</sup>	
	Nov 1 -Dec 31	Sep 16 - Oct 31			Oct 1-Dec 31 <sup>F</sup>	
		Nov 1 - Dec 31				
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
State		<b>1,742,581</b>	<b>377,818</b>	<b>51,348</b>	<b>81,390</b>	-----
Federal		-----	<b>1,213,516</b>	-----	-----	<b>2,578,949</b>

Table 2g. Possession limits (pounds), seasons, and quotas for Rhode Island commercial fisheries in 1999

YEAR	DATE	Summer Flounder	Scup general category	Tautog	Striped Bass general category	Black Sea Bass
1999	1-Jan	1,000	20,000			11,000
	26-Mar	400				
	1-Apr					7,000
	1-May		2,500			
	15-May			20fish		
	13-May	300				
	26-May	closed				
	1-Jun	100			2fish	
	11-Jun			closed		
	1-Jul				closed*	3,000
	16-Jul	50				
	5-Aug	closed				
	1-Sep	300			2fish	
	10-Sep		closed			
	16-Sep	100				
	30-Sep	closed				
	1-Oct					4,000
	5-Oct				closed	
	1-Nov	300	8,000			
	4-Dec		closed			
11-Dec	400					
20-Dec					closed	
29-Dec	1,000					
<b>Days in Season</b>		<b>365</b>	<b>365</b>	<b>231</b>	<b>152</b>	<b>365</b>
<b>Total Days Open</b>		<b>300</b>	<b>285</b>	<b>27</b>	<b>64</b>	<b>353</b>
<b>Total Days Closed</b>		<b>65</b>	<b>80</b>	<b>204</b>	<b>88</b>	<b>12</b>
<b>Commercial Seasons</b>						
	Jan 1-May 31	Jan 1 - Apr 30	May 15-Dec31	June 1 - June 30	Jan 1-Mar 31 <sup>F</sup>	
	June 1-Aug 31	May 1-Oct 31		Sep 1 - Dec 31	Apr 1-Jun 30 <sup>F</sup>	
	Sep 1-Oct 31	Nov 1 - Dec 31			Jul 1-Sep 30 <sup>F</sup>	
	Nov 1 -Dec 31				Oct 1-Dec 31 <sup>F</sup>	
<sup>F</sup> Federal coastwide quota						
<b>Quotas</b>						
	State	<b>1,742,581</b>	<b>239,128</b>	<b>25,582</b>	<b>95,138</b>	-----
	Federal	-----	<b>1,547,007</b>	-----	-----	<b>3,025,001</b>

## 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 30<sup>th</sup> day of November 2005 to become effective 20 days from filing, unless **otherwise indicated below**, in accordance with the provisions of Chapter 42-17.1, Section 20-1-4, Section 20-2.1 and Public Laws Chapter 02- 047, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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W. Michael Sullivan  
Director, Department of Environmental Management

Notice Given: 09/22/2005  
Public Hearing: 10/25/2005

Filing date: 11/30/2005  
Effective date: 12/20/2005