

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF FISH AND WILDLIFE  
MARINE FISHERIES SECTION**

**PUBLIC NOTICE CONCERNING PROPOSED REGULATORY CHANGES**

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

Public comment will be solicited on the following proposals:

- 1) Proposed amendments to **“RIMFR - Commercial and Recreational Saltwater Fishing Licensing Regulations”**:
  - a. Exit/entry ratios for quahaug and soft-shell clam endorsement (section 6.1-10);
  - b. Procedures for adopting Sector Management Plan (section 6.2-1);
  - c. Issuance of new licenses upon sale of vessel and gear (section 6.7-8); and
  - d. Date for submittal of Student Shellfish licenses (sections 5, 6.7-3, and 6.8-5).
- 2) Proposed amendments to **“RIMFR - Aquaculture Marine Species in Rhode Island Waters”**:
  - a. Proposed definitions (new section 7);
  - b. Clarifying and updating permitting and submission requirements (new section 8.0);
  - c. Clarifying submission requirements for the shipment and importation of shellfish seed (new section 9.2);
  - d. Reduce the time period requirement for the harvest of shellfish transferred from other than approved waters as seed (new section 9.8);
  - e. Updating tagging requirements (new section 11.1); and
  - f. General editing to improved readability (entire regulation).
- 3) Proposed repeal of **“RIMFR – Marine Fisheries Council”**.
- 4) Proposed repeal of **2015 Finfish, Shellfish, and Crustacean Sector Management Plans**.
- 5) Proposed amendments to **RIMFR – Lobster, Crabs, and Other Crustaceans** to correct the minimum escape vent size and season closure dates for LCMA 4 for consistency with the federal management plan (sections 8.4.3 and 8.4.10).

The **workshop will commence at 4:30PM on September 21, 2015** followed by the **public hearing at 6:00PM** at the University of Rhode Island, Graduate School of Oceanography, **Coastal Institute Building, Hazard Room**, South Ferry Road, Narragansett, RI 02882. The room is accessible to the disabled. Interpreter services for the deaf and hard of hearing will be

provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

The Department has determined that small businesses may be adversely impacted by the proposed regulations. Small businesses which are either currently licensed, or in the future may seek a license to harvest, buy, sell, or produce seafood products, as well as the small businesses that provide services related to those engaged in such industries, are requested to comment on the proposed regulations on how such proposed action can be changed to minimize the impact on those small businesses affected.

**Written comments concerning the proposed regulations may be submitted to Peter Duhamel, Division of Fish and Wildlife – Marine Fisheries office, 3 Fort Wetherill Road, Jamestown, RI 02835 no later than 12:00 Noon on September 21, 2015.** A copy of the proposed regulations is available for review from August 21 through September 21, 2015 at the Marine Fisheries offices, or by mail. A copy of the proposed regulation(s) has been filed with the Office of the Secretary of State's website at <http://sos.ri.gov/ProposedRules/>. Proposed annotated regulations are also available on the DEM Marine Fisheries webpage at <http://www.dem.ri.gov/programs/bnatres/fishwild/pn092115.htm>.

Jason McNamee,  
Chief

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF FISH AND WILDLIFE  
MARINE FISHERIES



**2015 Sector Management Plan for the Finfish Fishery**

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

October 23, 2014

Authority: R. I. Gen. Laws Chapter 42-17.1, Section 20-1-4, and Section 20-2.1-9, in accordance with  
Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

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## **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, and Section 20-2.1-9, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.~~

## **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.~~

## **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.——~~

## **~~2015 Sector Management Plan for the Finfish Fishery~~**

### **~~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 RIGL Section 20-2.1-9(5), this management plan has been developed to identify fisheries that the Department of Environmental Management (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 (MPURP) holders and principal effort license (PEL) holders with a restricted finfish endorsement while species in the non-restricted category are available to all participants including new participants issued a basic commercial fishing license (CFL) 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. 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 1,074 license holders eligible to harvest the restricted species in 2014. Nine (9) new restricted finfish endorsements for PEL fishing licenses were issued for the 2014 fishing season and 373 non-restricted finfish endorsements were issued for the 2014 fishing season (Table 2). The Division of Fish and Wildlife (DFW) proposes issuing new licenses to harvest species in the non-restricted category, which contains all other species not included in the restricted category. The DFW also recommends allowing restricted endorsements to be issued for the 2015 fishing season, as the new endorsements issued for 2014 did not impact the restricted species quotas negatively and 17 PEL and MPURP licenses were not renewed in 2014.~~

~~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 much effort on 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 2011 SSB level for the scup stock is 189,964 mt, well above the SSB target of 92,034 mt (Terceiro 2012a). 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 terminal year reference point from the stock assessment update for scup concluded that overfishing was not occurring with  $F_{2011} = 0.034$  (Terceiro 2012a).

**Management Program:** DEM manages scup within state waters based on advice from the Rhode Island Marine Fisheries Council (RIMFC) and DFW. 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 (January - April and November - December), the quota is available coast wide and is restricted through the implementation of trip limits. In 2014, RI moved scup during these winter periods to a non-restricted category. 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%). Scup remains in the restricted category during the summer months due to the constraint of the state quota.

**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. Beginning in 2004 the fishery remained open for the entire season. In 2014 the quota for the general category was 1,921,327 pounds, a decrease of 138,346 pounds from 2013. The 2014 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. In 2008, an aggregate program was implemented in state waters. The program performed well since its inception, remaining open for the entire period, though quota transfers were needed from the floating fish trap sector to keep the general category open due to high catch rates.

The floating fish trap category was allocated 2,881,991 pounds in 2014. This sector has only harvested 10% of its quota so far in 2014. 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 2014. As of the date of this report, 69% of the floating fish trap quota has been rolled in to the general category fishery.

**DFW Recommendation:** The quota for 2015 has been reviewed by the ASMFC and MAFMC (Table 3). The quota will be less than the quota seen in 2014 by 6%. Catch rates in 2014 were high as of the writing of this document, and the quota so far has been adequate to maintain an open fishery without any possession limit adjustments. The DFW recommends keeping effort at the current level in the commercial scup fishery during the summer state quota period to account for potential high catch rates in subsequent years which will work towards keeping an open fishery. One additional recommendation is to leave scup out of the restricted species category during the winter sub-periods where the quota is managed by the federal government. This would continue to allow for scup to come in to the state from any license holder fishing during this federal period, but will not have adverse impacts to any state waters quota. The



modification to scup during the federal management period did not have any negative impacts in 2014 and allowed this resource to be landed in RI without unneeded restrictions.

## **SUMMER FLOUNDER**

**Stock Status:** In 2013, the stock assessment and biological reference points for the summer flounder stock were updated and reviewed through a benchmark assessment process. 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 relative to the established biological reference points. The most recent stock assessment continues to indicate no overfishing, not overfished, and in the latest update indicates that the stock was considered fully rebuilt in 2010 (NEFSC 2013c). The summer flounder stock is defined as overfished if the stock's SSB falls below the biomass (SSB) threshold, currently defined as  $\frac{1}{2}SSB_{MSY} = 68.78$  million lbs. The SSB for 2012 was estimated to be 125.97 million lbs. This is 8% below the SSB target = 137.55 million lbs. The overfishing definition for the summer flounder stock is defined as  $F_{msy} = 0.31$ . The 2012 fishing mortality rate estimate ( $F_{2012} = 0.29$ ) is below the fishing mortality reference point. Fishing mortality in 2012 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.

**Management Program:** The DEM manages summer flounder within state waters based on advice from the RIMFC and DFW. Regional management of the summer flounder resource is the shared responsibility of MAFMC and ASMFC. Existing DEM regulations provide a framework to manage the annual summer flounder quota allocated to RI through possession limits and seasons. The total commercial quota was allocated into three sub-periods based on the proportion of catches during the years 1980 through 1989. The original management plan in state waters had four sub-periods. These percentages and sub-periods were altered in 2007 by combining the two summer sub-periods and combining the historical summer allocation, giving this period (May–October) a 35% allocation, leaving the winter 1 period allocation at 54% (January–April) and the winter 2 period allocation at 11% (November–December). Along with the combining of the summer sub-periods, the management plan also included two closure days (Friday and Saturday) in an effort to curtail the weekly landings and extend the season. Another management change in 2007 was the inclusion of an aggregate landings program in the summer sub-period. The 2007 management plan as described above was maintained during 2008 through 2011, and in 2012 with two significant changes. The 2012 fishing year saw the termination of a pilot program set up to test the use of “sectors” for summer flounder management in RI, and in addition, the Friday and Saturday closed days were reopened. The 2012 management plan was extended in 2013. A further modification was put in place for 2014, which shortened the summer sub-period (now ends on September 15) to better align with the residence time of summer

flounder in state waters as well as providing a better opportunity to remain open at 100 pounds per day during this sub-period.

The sector pilot program that had operated in the state was ended in 2012 so that a thorough analysis and vetting of the program could be undertaken. The information from the pilot programs was presented during a summer flounder symposium in early 2012. A second summer flounder workshop was then held in January of 2013 to continue the discussion on summer flounder management in RI. A new program has not been established, but discussions and review of this management type continue. 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 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 participation in the Exemption Program. 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 fully exhausted, even with low trip limits of 100 to 50 pounds.

**Performance of Fishery and Quotas:** Under current levels of effort, the summer flounder fishery has been frequently closed in recent history. 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 remained high on this species. The moderate increase in quota for 2009 was not enough to prevent premature closures in the late summer and early fall time period. The 2010 fishing year remained open with a possession limit decrease. The

2011 fishing season remained open all year with no possession limit decreases (and in fact there were several possession limit increases through the summer and fall). During 2012 there also was no closure but a shorter possession limit decrease was enacted during the summer sub-period. The 2013 fishing year has remained open with one downward modification to the possession limits to prevent an early closure. The summer has remained open to date, and is projected to be fully harvested without a closure.

**DFW Recommendation:** The quota for 2015 has been reviewed by the ASMFC and MAFMC (Table 3). The quota will see a slight increase of 2% in 2015. With careful management of the quota during the summer months, the 2015 quota may be able to sustain an open fishery all year with no weekly closed days or possession limit decreases. DFW recommends maintaining effort at or below the current level in the commercial summer flounder fishery and to leave summer flounder in the restricted species category.

## **TAUTOG**

**Stock Status:** The ASMFC Tautog Technical Committee completed the most recent coastwide assessment of tautog in 2011 (ASMFC 2011a). Results indicated that coastwide fishing mortality rates have increased since 2005. The stock was found to be experiencing overfishing in 2009 ( $F_{\text{average 2007-2009}} = 0.38$ ); indicating it was significantly above the target  $F$  rate ( $F_{\text{target}} = 0.15$ , recently adjusted via addendum VI). The assessment through 2005 indicated a slight increase in biomass and recruitment for recent years; however the biomass increases were not adequate to rebuild the stock in a reasonable time frame. There are also indications that a considerable proportion of the recent growth in the stock is from fish younger than spawning age. The main contributor to the fishing mortality rates appears to be recreational landings, which comprised approximately 75–90% of total landings over the past six years when viewed coastwide. Rhode Island is at the higher end of that range comprising approximately 90% of the landings coming from the recreational sector. An addendum was initiated in 2010 that decrease the fishing mortality target to  $F = 0.15$  in an effort to promote biomass increases at a faster rate, the addendum was approved in 2011. This addendum also required states to reduce harvest to meet this new  $F$  target.

A regional approach to tautog management was approved by the ASMFC in 2008, allowing MA and RI to assess the tautog stock in the two state's waters. 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 DFW trawl survey indicate a flat trend in abundance locally (Olszewski 2013). Abundance indices for young-of-year tautog, point to sporadic changes in abundance over the past several years, overall indicating a downward trend (McNamee 2013). These trends coupled with new regional approaches to stock assessment for these species may lead to a need for harvest restrictions in the coming years.

**Management Program:** The tautog resource is managed within state waters by the DEM with advice from the RIMFC and DFW. 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 2014, the commercial quota of 51,348 pounds 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 2013 and 2014 had only small overages relative to recent years.

**DFW Recommendation:** DFW 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 2013 benchmark stock assessment of the Atlantic coast striped bass stock showed that the stock is not overfished and overfishing is not occurring (ASMFC 2013). The 2013 benchmark stock assessment incorporated changes and additions recommended by the 2007 benchmark review committee and used a statistical catch-at-age (SCA) model with data through 2012. The assessment, approved by the Board in 2013, proposed new F reference points to be consistent with

the spawning stock biomass reference points. Total fishing mortality (F) was estimated to be  $F=0.20$ , between the newly proposed threshold and target levels,  $F=0.219$  and  $F=0.18$  respectively. Female spawning stock biomass (SSB) was estimated to be at 128 million pounds, above the threshold and below the target, 127 million pounds and 159 million pounds respectively (ASMFC 2013).

Overall the assessment concluded that if the current fishing mortality rate is maintained through 2017, there is an increasing probability that the SSB will drop below the threshold (stock overfished) until 2015-2016 where the probability begins to decrease (ASMFC 2013).

**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. In November of 2010 the Striped Bass Management board approved Addendum 2 to Amendment 6 which 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. Addendum III to Amendment 6 was approved by the Striped Bass management board in August of 2012 to address the illegal harvest of Striped Bass and makes commercial Striped Bass tagging programs for Atlantic coast states mandatory.

In 2013, in response to the findings of the benchmark stock assessment, the Board initiated the development of draft Addendum IV to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan. The draft addendum proposes options for fishing mortality reference points as well as a suite of management options for the recreational and commercial fisheries. At their August 2014 meeting, the Board reviewed the draft addendum and approved the draft addendum for public comment. A public comment period is now open and will be open through 5pm on September 30th. During this public comment period, public hearings will be held in states that request them. Following the public comment period the Board will review the draft Addendum and all public comment at their October meeting and render a decision. Implementation of the addendum will occur January 1, 2015.

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 (39%) and a general category (61%). The quota for the general category, primarily rod and reel, was made available during two seasons during 2013. The first season was allocated 70% of the quota and the second season was allocated the remaining 30% of the general category quota. The floating fish trap fishery operators worked in a collaborative manner to manage their allocation with just one season in 2013 and no possession limits, but with very stringent reporting requirements.



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

**Performance of Fishery and Quotas:** The 2013 general category quota was 146,107 pounds and the first sub-period quota was fully harvested within 15 days. The second sub-period was initially open for 7 days. Due to an under-harvest, there was a single day re-opening 5 days after the initial closure. DFW staff waited a period of 5 days to ensure that all dealer reports had been submitted and they could accurately calculate how much quota remained. At the end of the second sub-period there was a small overage for the general category of 5,191 pounds. The floating fish traps agreed to rollover pounds from the fish trap quota to cover this overage. The floating fish trap quota was initially 93,586 pounds in 2013 and decreased to 88,395 pounds after the rollover to the general category. Of this, the floating fish traps only harvested 79,996, leaving 8,399 pounds un-harvested. The DFW attempted to re-open the general category fishery to allow the general category the opportunity to catch the un-harvested floating fish trap quota, however it was too late in the year and landings during the re-opening were negligible.

The total RI commercial striped bass quota for 2014 is 239,963 pounds. The general category received 61% of this and therefore has a quota of 146,377 pounds. The split between the two seasons for the general category is 70% for the first season and 30% for the second season in 2014. So far in 2014 the first sub-period quota was fully harvested in 15 days and had an underage of 3,185 pounds. Max landings per day during this sub-period were 13,000 pounds and therefore there was not sufficient quota remaining to re-open the fishery for another day. At the time of this report writing the second sub-period has 47,000 pounds to be harvested and will open on September 8th. The floating fish trap quota is 93,586 pounds in 2014, of which 15,096 pounds has been harvested at the time of this report writing. In 2014, a regulation was instituted that would allow DFW to rollover any unused portion of the floating fish trap quota as they deemed fit beginning October 15. This rollover date should prevent an underage from occurring in 2014 like that which occurred in 2013.

**DFW Recommendation:** 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 declined in abundance since the high level observed in 2004 and the recreational catch has increased over recent years. DFW recommends maintaining 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 estimated that the 2011 SSB level for the black sea bass stock is 11,145 mt, below the SSB target of  $SSB_{msy} = SSB_{40\%} = 12,537$  mt (Shepherd 2012a). The most recent update indicates that biomass remains at high levels despite the recent declines in biomass. 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 stock assessment update for black sea bass concluded that overfishing was not occurring ( $F_{2011} = 0.21$ ). A new benchmark assessment was initiated in 2011. The new assessment did not pass peer review; therefore the last peer reviewed assessment is the metric by which stock status is measured. Despite the improved stock status, the MAFMC Science and Statistical Committee (SSC) instituted a constant catch management approach given the guidance from their risk policy. The finding was reassessed in 2013. While the SSC did not change their opinion of the current stock assessment model and its ability to determine an over fishing limit, they did reconsider the level of constant catch and allowed for additional catch to occur in this fishery, increasing the coastwide quota by 1 million pounds in 2014, a portion of which came to increase the RI state quota.

**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 five 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 sub period to date in 2014 due to the quota remaining at low levels. This trend is expected to continue in to 2015. RI's quota in 2014 was 238,700 pounds. The quota for 2015 will remain close to the quota allowed for in 2014. 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.

**DFW Recommendation:** For 2015, the DFW 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.

## **NON-RESTRICTED FINFISH**

The species included in 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.

## **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 assessment. 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 FMSY = 0.310 as well as below (16%) F40% = 0.327. SSB in 2010 was estimated to be 7,076 mt, about 21% of SSBMSY = 33,820 mt and 24% of SSB40% = 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 SSBMSY = 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, DFW assessed the local winter flounder stock within state waters in 2011 (M.R. Gibson, DFW Marine Fisheries, unpublished data). A new approach was used for a local benchmark assessment which examines the impacts of fishing and climate change through the lens of historical stock analysis. DFW determined that the fishing mortality rate in 2010 was below the calculated FMSY = 0.20 and found to be  $F = 0.09$ , thus overfishing is not occurring. The FMSY calculated in 2011 accounts for rising sea temperatures reducing the sustainable F rate by 50% (M.R. Gibson, DFW Marine Fisheries, unpublished data). Estimates of biomass have fluctuated over the time period 1959–2010, with two peaks occurring in the mid-to-late 1960s and early 1980s, but showed a steady decline from 1983–1993, with the estimate for 1993 being the lowest in the time series. Estimates of biomass have remained well below the 2010 calculated BMSY = 5,849 mt since 1988, despite a slight increase between 1994 and 1995. In 2010 the biomass estimate was calculated as 1034 mt indicating that the local stock is still overfished.

**Management Program:** The NEFMC manages the winter flounder resource through the Northeast Multispecies (Groundfish) Fishery Management Plan. Under the NEFMC Framework 50 for groundfish for the 2013–2014 fishing year, harvest of winter flounder is allowed in the federal SNE/MA stock management area, and federally permitted vessels who are in a sector are allowed to fish with no limit until they reach their sector allowable catch limit. Federally permitted vessels which are in the “common pool” have a 5,000 lb/vsl/day limit which is adjustable by the NMFS regional administrator. The SNE/MA management area remains open to common pool vessels until the allowable catch limit is reached. Federally permitted vessels may transit RI state waters with a federal possession limit as long as their gear is stowed.

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. The current commercial possession limit for state waters is 50 lbs/vsl/day. There are also minimum fish size limits and mesh size restrictions per the requirements of Addendum 1 to the ASMFC FMP. During 2011 DEM extended the area closed to winter flounder fishing to include Point Judith Pond, the Harbor of Refuge, and Potters Pond. Both young of the year and adult spawning indices are at historic lows, the closure aims to protect a recovery of the population in the pond due to the SNE closure (Gibson 2010). In order to maintain a stream of commercial landings for assessment purposes, RI adopted a 50 pound possession limit in the RI coastal ponds (with the exception of Point Judith Pond, the Harbor of Refuge, and Potters Pond) and all state waters, except in Narragansett Bay north of the Colregs line where harvest or possession of winter flounder is prohibited. It should be noted the recreational management measures for winter flounder also reflect an effort to greatly reduce F. The recreational size and bag limit for winter flounder in 2014 remained 12 inch size and 2 fish / person/day limit. The season was extended in 2014 and now runs from March 1<sup>st</sup> to December 31<sup>st</sup>. Management of the commercial sector changed in 2013 resulting in winter flounder being removed from the restricted species list. This change allows winter flounder to be harvested in state waters and landed at state ports by

commercial fishing license (CFL) holders. The change also allows transit across state waters to land at state ports by resident and non-resident landing licenses. The rationale for this change was to facilitate federally permitted groundfish vessels to land all of their catch in Rhode Island. Winter flounder was the only groundfish species on the state restricted list, typically these vessels have a whole suite of other groundfish to land including winter flounder. Winter flounder does not operate under a state quota system so this change should not greatly impact fishing practices.

**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.

**DFW Recommendation:** DFW recommends considering changes in management to allow more liberal commercial possession limit in state waters. Any changes in state waters management would be the result of and in accordance with an increased allowable catch limit allotted to states from the ASMFC Winter Flounder Management Board.

## **BLUEFISH**

**Stock Status:** The bluefish stock is not considered overfished and overfishing is not occurring according to the 2014 stock assessment update. The update indicated that the 2013 total biomass estimate for the bluefish stock is 123,716 mt, which is above the biomass threshold ( $1/2 B_{msy}$ ) = 73,526 mt. The update also estimated that fishing mortality in 2013 was 0.118, well below the fishing mortality target ( $F_{msy}$ ) = 0.19 (NEFSC 2014). A benchmark stock assessment for the bluefish stock is currently scheduled to be completed in 2015.

**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. Amendment 1 dictates that 17% of the resource shall be allocated to commercial fisheries which are controlled through state-by-state quotas. The remaining 83% of the resource is allocated to recreational fisheries which are controlled through a 15 fish bag limit.

**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.

In 2013 the commercial quota was 617,902 pounds, of which 456,910 was harvested, ~74% of the quota. The commercial bluefish quota in RI for 2014 is 507,786 pounds, a slight reduction from the 2013 quota. As of this writing ~119,000 pounds of bluefish

have been harvested in 2014. No closures have been implemented, nor are any projected to occur.

**DFW Recommendation:** DFW'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, DFW 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 2012. The 2012 assessment update was deemed to be inappropriate for management purposes though the technical committee did conclude that overfishing was occurring on menhaden at some level (ASMFC 2012). The ASMFC Atlantic Menhaden Technical Committee went on to state that because the stock is assessed as a single coastwide unit, the assessment might not account for factors affecting the stock at the local level such as fishing, predation, or climatological events. Recently, the Technical Committee has worked on looking at new reference points with which to measure stock status. The management board approved what they called an "interim" reference point of maximum spawning potential (MSP) which resulted in a new reference point of  $F15\%MSP=1.32$ . A final item being worked on by the Technical Committee is the consideration of ecosystem based reference points. These items are being studied and may be important factors for future stock status determinations. Amendment 2 to the Atlantic menhaden FMP was approved in 2013. The intent of the amendment was to set the management measures to bring the stock status to the new MSP reference points. The next benchmark stock assessment for Atlantic menhaden is scheduled to be peer reviewed in December 2014.

**Management Program:** Atlantic Menhaden are managed in RI through the use of seasons and management areas. In general, Narragansett Bay in its entirety is designated 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 2013 and 2014, 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. Amendment 2 required states to implement a state waters quota based on the calculations set forth in the Amendment. The state waters quota was implemented in RI waters via emergency regulation in June of 2013. This item officially went to public hearing in August 2013 and the final regulations were filed in November 2013. The quota monitoring is complex and allows for some landings to occur even after the quota is reached, though at a reduced level. It also allows for the state to opt in to an episodic event quota if certain requirements are met.

**Performance of Fishery and Quotas:** Since 2005, large schools of adult menhaden entered Narragansett Bay to varying degrees. As of the writing of this document, RI has fully harvested its state quota for menhaden and opted into the episodic set aside program through the ASMFC. The Menhaden Management Area is currently CLOSED to the commercial harvest of menhaden however the state waters outside of the Management Area remain open to commercial harvest. Table 4 details the events that have occurred for the commercial menhaden fishery in RI thus far in 2014.

**DFW Recommendation:** At this point the DFW'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 DFW 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 (2014 = 178 purse seine endorsements) has decreased slightly from the 2012 level (189 endorsements) however the current level 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.

An operational stock assessment (i.e. update) was completed in 2013 (NEFSC 2013b) that included two additional years survey data, revised discard estimates for 1980-2011, and overall contained minimal changes to methodological approaches used in the previous per-reviewed SAW 50 benchmark stock assessment (NEFSC 2010e). Although the recent operational stock assessment recalculated the fishing mortality rate corresponding to the overfishing threshold ( $F_{max}$ ) and updated the biomass reference points (BRPs) that were generated in SAW 50 (NEFSC 2010) the stock status remained unchanged for both stock components. Specifically, the SMA stock is not overfished and overfishing is not occurring.

Results from the Statistical Catch At Length (i.e. SCALE) model used for both the recent update (NEFSC 2013b) and in SAW 50 (NEFSC 2010) still contain high levels of uncertainty due to weaknesses in input data, such as under-reported landings and unknown discards during the 1980s, incomplete understanding of key biological parameters such as age and growth, longevity, natural mortality, sex ratios and stock structure, and the relatively short reference time frame of the model (i.e. no information prior to 1980) (NEFSC 2013b). The current update also retained the retrospective pattern from SAW 50, which potentially underestimates  $F$  and overestimates biomass. The current 2011 estimate of fishing mortality is  $F_{2011} = 0.11$  (retrospective bias -22%, corrected  $F_{2011} = 0.14$ ) does not exceed the new updated definition of  $F_{max} = 0.37$ . The southern monkfish stock is considered overfished when total biomass falls below  $B_{threshold} = 23,204\text{mt}$  (revised OFL equal to a 36% reduction from the previous 35,834 mt estimate based on September 2013 NEFMC Science and Statistical Committee (SSC) decision). Total biomass in 2011 was estimated to be approximately 131,218 mt (retrospective bias +24%, corrected total biomass = 88,806 mt), above both  $B_{target} = 71,667\text{ mt}$  and  $B_{threshold}$ . Although the NEFMC's revised the estimates of OFL for both monkfish stocks, it recommended status quo ABC for both the northern (7,592mt) and southern (12,316mt) stocks for FY 2014-2016.

**Management Programs:** Fishing mortality for the SMA monkfish stock is regulated by the NEFMC through minimum size limits, gear restrictions, and days at sea (DAS) restrictions. In an effort to meet statutory requirements to complement federal fishery management plans, RI has adopted a minimum size limit, daily possession limit, and state quota on monkfish harvested in state waters.

In December of 2011 RI increased the state quota from 1% to 3% of the SMA Total Allowable Landings (TAL). The current program consists of a state quota set at 3% of the SMA TAL (590,288 lbs) with a daily possession limit of 550 lbs tails or 1,826 lbs whole fish. The possession limit is reduced to 50 lbs tails or 166 lbs whole fish for the remainder of the fishing year when state water landings reach 2% of the SMA TAL (393,525 lbs). The commercial monkfish fishery operates on a May 1 through April 30 fishing year, with a minimum size limit of 11" tails or 17" whole fish.



**Performance of Fishery and Quotas:** During the 2009 fishing year state-water landings approached 90% of the quota; however, the threshold was not reached and there was no disruption to the fishery. During the 2010 fishing year state-water landings approached 90% of the quota in late October and the possession limit was reduced per regulation, which closed the directed monkfish fishery in state waters. Total state-water landings for the 2010 fishing year were 106,518 lbs or 97% of the state quota. The increase in state-water landings from the 2009 to 2010 fishing year was in part attributed to increased biomass in state waters, as well as increased participation in the state-water fishery by vessels with access to federal monkfish permits. The latter appears to have reduced duration of the directed RI state-water monkfish fishery and the portion of quota available to state-water only vessels.

Total state-water landings for the 2011 and 2012 fishing years were 182,443 lbs (71% increase from 2010) and 144,599 lbs (21% decrease from 2011), respectively. The estimated state-water landings for the 2013 fishing year was 215,107 (~48.8% increase from 2012) and represented 55% of the state possession limit reduction threshold (2% SMA TAL) and 36% of the state quota (3% SMA TAL). Under the current management program it appears this fishery could withstand a modest increase in effort and still provide for the directed fishery to remain open for the entire fishing year.

**DFW Recommendation:** 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. DFW'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, DFW 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:** In June of 2013 the NEFSC completed a nearly one and one-half year review of the 2012 stock assessment for Gulf of Maine (GOM) and George's Bank (GB) cod stocks with the publication of the 55th Northeast Regional Stock Assessment Workshop (SAW 55) report (NEFSC 2013a). SAW 55 contains 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.

In short, the GB Cod stock is at historically low biomass and based on the results of SAW 55 (NEFSC 2013a) the GB Cod annual catch limit (ACL) for the 2013 fishing year will be 58% lower than in 2012 ACL (NEFSC 2013). Based on the results of SAW 55 (NEFSC 2013a) the current non-parametric biological reference points (BRP) for GB

cod, based on F40% are: SSB2011 = 13,216 mt; F2011 = 0.43; FMSY proxy (F40%) = 0.18, SSBMSY proxy = 186,535 mt (80% CI: 155,398 - 220,756), and MSY proxy = 30,622 mt, (80% CI: 25,450 - 36,302). Based on the accepted BASE ASAP model results, adjusted for retrospective bias, the stock is overfished (SSB2011 = 13,216 mt < ½ SSBMSY) and overfishing is occurring (F2011 = 0.43 > F40%).

**Management Programs:** Atlantic cod (*Gadus morhua*) 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 48 to the Northeast Multispecies FMP (NEFMC 2013) specified the total annual catch limits (ACL) and sub-ACLs for GB cod for 2013-2015 fishing years, which as stated above are 58% lower than recent years. More specifically the 2013 ACL for GB Cod is 1,907 mt, which converts to a 19.07 mt or 42,042 lbs RI state-water quota.

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, the current program has not changed since April of 2009 and consists of a state quota set at 1% of the Georges Bank annual catch limit (ACL) and a 1,000 lb possession limit with a possession limit reduction to 75 lbs limit when 90% of the state quota is harvested. A fishery closure is required when the quota is reached. The commercial codfish fishery operates on a May 1 through April 30 fishing year. During the 2013 commercial fishing year the commercial minimum size limit was reduced from 22" to 19" for federal consistency.

**Performance of Fishery and Quotas:** The state quota for cod has not been met since its inception in 2009. During the 2009 fishing year state landings of cod equaled 5,233 lbs or 6.8% of the 77,307 lb state quota. During the 2010 and 2011 fishing years state landings of cod equaled 13,653 lbs (17.1% of the 79,821 lb state quota) and 15,538 lbs (15.5% of the 100,090 lb state quota), respectively. During the 2012 fishing year state landings of cod equaled 31,868 lbs (32% of the state quota), which is more than double the 2011 total state landings. Considering both the dramatic increase in state-water landings and the decrease in the federal ACL, it appeared the possession limit reduction could be triggered in the 2013 fishing year (2013 trigger is 37,838 (90% of 2013 state-water quota of 42,042 lbs). The estimated state-water landings for the 2013 fishing year was 11,715 lbs, which is a 63% reduction from 2012 and represents only 28% of the state-water quota. At present it appears this fishery is resource limited and total landings for a given fishing year may stay well below the state quota, despite the reduced minimum size and dramatic decrease in quota.

**DFW Recommendation:** The rationale for leaving cod in the unrestricted category is based on the ephemeral nature, as well as relatively low levels of cod abundance in state waters, relative to the state quota. DFW'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, DFW 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**

For the 2014 fishing season, DEM issued 9 new PEL licenses with a Restricted Finfish Endorsement. This decision was based on DFW's assessment of the restricted finfish species, deliberations with the RIMFC, and requirements set forth in statute. An exit/entry ratio was established at 1:1 (for every 1 active licenses eligible to harvest restricted species that was not renewed, 1 new restricted finfish endorsement was issued) in order to allow some new entrance into the restricted finfish category as well as replace some effort that had presumably exited the fishery. The ratio was set up to be reflective of both current fishing effort on the restricted finfish species and assuming that the latent effort was accounted for with the activity requirement of the license. The 9 new endorsements were made available at a full harvest level. A total of 17 licenses – 13 MPURP + 4 PEL – that were eligible to catch restricted finfish in 2013 were not renewed for 2014. Of these 17 licenses, 3 had some activity associated with them. Constraining the new license opportunities to those that were retired and had some activity protects against dramatically increasing effort.

**RI Marine Fisheries Council Advice:** The Industry Advisory Committee (IAC) of the RIMFC, required under RIGL 20-2.1-11, met on September 4th, 2014 to formulate advice for the Council on licensing and recommended status quo for the restricted finfish fishery in 2015. To continue to apply a 1:1 exit/entry ratio to active licenses (MPURP + PEL w/RFF) that retired in 2013, with active being any level of reported landings of restricted finfish during the prior calendar year. This would allow 3 new PEL licenses with a Restricted Finfish Endorsement to be made available for 2015.

The RIMFC recommendation to the Director was to remain with the status quo as the IAC had recommended, allowing 3 new PEL licenses with a Restricted Finfish Endorsement to be made available for 2015.

Of the non-renewals mentioned above, 3 had some level of fishing effort (based on 2013 landings data from SAFIS). The catch rates of the 2014 restricted finfish species were similar or less than the rates in 2013; therefore the increase in licenses made available in 2014 did not translate into a noticeable increase in effort on these species. The quota allocated to RI in 2015 for a few of the restricted finfish and quota species (i.e., black sea bass, tautog, striped bass, and scup) are assumed to be equal to or less than in 2014. As stated by the legislature in RIGL 20-2.1-2 the licensing regulations should seek to “Preserve, enhance, and allow for any necessary regeneration of the fisheries of the state, for the benefit of the people of the state, as an ecological asset and as a source of food and recreation” while “Providing Rhode Islanders who wish to



~~fish commercially the opportunity to do so and end the moratorium on issuance of new commercial fishing licenses so that new licenses may be issued” and “Respect(ing) the interests of residents who fish under licenses issued by the state and wish to continue to fish commercially in a manner that is economically viable.”~~

**DFW Recommendation:** ~~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), DFW recommends to not dramatically increase effort on any of the restricted species, but to allow effort to be maintained at current levels, or to have modest increases in effort in the case of scup. Since active licenses have left the fishery in 2014, DFW feels that replacing these licenses with an exit entrance ratio of 1:1 would be warranted as data indicates introducing a small number of restricted endorsements in a cautious manner does not dramatically impact effort in a given year, thereby meeting the intent and goals of the legislature per RIGL 20-2.1-2. As well, there does not appear to be the need to add complexity in to the licensing system by continuing to only allow new entrants a license with restricted possession rules, therefore any new endorsements issued should be at the full harvest level (i.e., PEL). In summary, DFW recommends the following:~~

- ~~1. New restricted finfish endorsements for the 2015 fishing season based on a 1:1 exit/entrance ratio of active licenses that have left the fishery, which would result in 3 new restricted finfish licenses to be issued at the PEL level in 2015.~~
- ~~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).~~

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## TABLES

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

License Type	2010	2011	2012	2013	2014
MULTI-PURPOSE LICENSE	887	867	853	829	816
GILLNET ENDORSEMENT	241	236	233	227	221
DOCKSIDE SALE ENDORSEMENT	272	261	251	241	236
MIDWATER/PAIR TRAWL ENDORSEMENT	123	124	131	132	133
PURSE SEINE ENDORSEMENT	136	137	139	134	134
RESEARCH SET ASIDE ENDORSEMENT				22	13
PRINCIPAL EFFORT LICENSE	735	713	690	655	615
LOBSTER ENDORSEMENT	38	37	36	30	27
NON LOBSTER CRUSTACEAN ENDORSEMENT	22	28	33	35	36
QUAHOG ENDORSEMENT	450	422	398	376	347
RESTRICTED FINFISH ENDORSEMENT	248	258	266	262	258
NON RESTRICTED FINFISH ENDORSEMENT	127	127	131	135	133
SOFTSHELLED CLAM ENDORSEMENT	304	284	256	235	204
WHELK ENDORSEMENT	0	0	146	118	79
DOCKSIDE SALE ENDORSEMENT	14	16	13	13	12
MIDWATER/PAIR TRAWL ENDORSEMENT	5	9	9	8	9
PURSE SEINE ENDORSEMENT	5	7	8	7	6
OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)	265	249	225	211	186
RESEARCH SET ASIDE ENDORSEMENT	0	0	0	3	1
COMMERICAL FISHING LICENSE	449	394	398	420	404
LOBSTER ENDORSEMENT	19	17	16	15	14
NON LOBSTER CRUSTACEAN ENDORSEMENT	119	120	114	100	101
QUAHOG ENDORSEMENT	127	141	158	165	181
RESTRICTED FINFISH ENDORSEMENT	18	0	0	0	0
NON RESTRICTED FINFISH ENDORSEMENT	273	238	252	256	240
SOFTSHELLED CLAM ENDORSEMENT	191	175	174	163	155
WHELK ENDORSMENT	0	0	109	92	75
DOCKSIDE SALE ENDORSEMENT	22	20	16	14	16
MIDWATER/PAIR TRAWL ENDORSEMENT	39	31	40	46	39
PURSE SEINE ENDORSEMENT	28	28	42	40	42
OTHER SHELLFISH ENDORSEMENT (replaces non-quahog endorsement)	206	201	171	160	149
RESEARCH SET ASIDE ENDORSEMENT	0	0	0	10	6
OVER 65 SHELLFISH LICENSE	201	217	240	268	289
STUDENT SHELLFISH LICENSE	49	55	49	48	47

**Table 2a.** Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2014 (through July).

Month/Species	Black Sea Bass	Seup General Category	Striped Bass General Category	Summer Flounder w/out Exemption Certificate	Summer Flounder w/ Exemption Certificate	Tautog
January	750/day (1/1) 500/day (1/30)	50,000/day (1/1)	CLOSED (1/1)	200/day (1/1)	300/day (1/1) 200/day (1/8)	CLOSED (1/1)
February	500/day 250/day (2/10)	50,000/day	CLOSED	200/day	200/day 2,000/wk or 200/day (2/2)	CLOSED
March	250/day 100/day (3/17)	50,000/day	CLOSED	200/day	2,000/wk or 200/day	CLOSED
April	100/day CLOSED (4/13)	50,000/day	CLOSED	200/day 100/day (4/20)	2,000/wk or 200/day 1,500/wk or 200/day (4/6) 1,000/wk or 100/day (4/20)	CLOSED 10 fish (4/15)
May	50/day (5/1)	10,000/wk	CLOSED	100/day	100/day	10 fish CLOSED (5/20)
June	50/day CLOSED (6/3)	10,000/wk	CLOSED 5 fish (6/8) CLOSED Fri/Sat thru-out CLOSED (6/27)	100/day	700/wk or 100/day	CLOSED
July	50/day (7/1) CLOSED (7/15)	10,000/wk	CLOSED	100/day	700/wk or 100/day	CLOSED
Days in Season	334	365	207	365	365	171
Days Closed	SIP	SIP	SIP	SIP	SIP	SIP

**Table 2a. (continued) Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2014.**

<b>2014 COMMERCIAL SEASONS</b>				
Black Sea Bass	Scup <sup>+</sup> General Category	Striped Bass <sup>+</sup> General Category	Summer Flounder	Tautog
Jan. 1—April 30 May 1—June 30 July 1—July 31 Sept. 1—Oct. 31 Nov. 1—Dec. 31	Jan. 1—April 30 <sup>F</sup> May 1—Sept. 20 Sept. 21—Oct. 31 Nov. 1—Dec. 31 <sup>F</sup>	June 8—Aug. 31 <sup>*</sup> Sept. 8—Dec. 31 <sup>*</sup> -	Jan. 1—April 30 May 1—Sept. 15 Sept. 16—Dec. 31 -	April 15—May 31 Aug. 1—Sept. 15 Oct. 15—Dec. 31 -
<b>2014 COMMERCIAL QUOTAS</b>				
Black Sea Bass	Scup General Category	Striped Bass General Category	Summer Flounder	Tautog
238,700	1,921,327	146,377	1,648,193	49,474

<sup>+</sup> Floating Fish Trap management had open seasons and no possession limit

<sup>F</sup> Federal coastwide quota

<sup>\*</sup> Closed Fridays and Saturdays

**Table 2b.** Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2013.

Month/Species	Black-Sea-Bass	Scup General-Category	Striped-Bass General-Category	Summer-Flounder w/out Exemption Certificate	Summer-Flounder w/ Exemption-Certificate	Tautog
January	750/day (1/1)	50,000/day (1/1)	CLOSED (1/1)	200/day (1/1)	300/day (1/1)	CLOSED (1/1)
February	750/day	50,000/day	CLOSED	200/day	300/day 2,500/wk or 300/day (2/3)	CLOSED
March	750/day	50,000/day	CLOSED	200/day	2,500/wk or 300/day 2,000/wk or 300/day (3/3)	CLOSED
April	750/day 200/day (4/14) CLOSED (4/21)	50,000/day	CLOSED	200/day 100/day (4/21)	2,000/wk or 300/day (4/1) 1,000/wk or 200/day (4/14) 100/day (4/21)	CLOSED 10 fish (4/15)
May	50/day (5/1)	10,000/wk (5/1) 5,000/wk (5/26)	CLOSED	100/day	100/day	10 fish CLOSED (5/12)
June	50/day CLOSED (6/3)	5,000/wk	CLOSED 5 fish (6/6) CLOSED Fri/Sat thru-out CLOSED (6/27)	100/day 50/day (6/23)	700/wk or 100/day (6/1) 350/wk or 50/day (6/23)	CLOSED
July	50/day (7/1) CLOSED (7/31)	5,000/wk (7/1) 10,000/wk (7/7)	CLOSED	50/day	350/wk or 50/day	CLOSED
August	CLOSED	10,000/wk	CLOSED	50/day	350/wk or 50/day 50/day (8/25)	10 fish (8/1)
September	50/day (9/1) CLOSED (9/4)	10,000/wk 15,000/wk (9/29)	CLOSED 5 fish (9/8) CLOSED Fri/Sat thru-out CLOSED (9/17) 5 fish (9/22) CLOSED (9/23)	50/day	50/day	10 fish CLOSED (9/16)
October	CLOSED	15,000/wk 20,000/wk (10/13) 25,000/wk (10/24)	CLOSED	50/day CLOSED (10/10)	50/day CLOSED (10/10)	CLOSED 10 fish (10/15) CLOSED (10/31)
November	50/day (11/1)	8,000/day (11/1)	CLOSED 5 fish (11/24) CLOSED (11/29)	200/day (11/1)	700/day (11/1) 500/day (11/15) 350/day (11/27)	CLOSED
December	50/day CLOSED (12/2)	8,000/day	CLOSED	200/day	350/day 500/day (12/14) 700/day (12/25)	CLOSED
Days-in-Season	334	365	202	365	365	169
Days-Closed	157	0	167	0	22	75

**Table 2b. (continued)** Possession limits (pounds), seasons, and quotas established for Rhode Island commercial fisheries in 2013.

<b>2013 COMMERCIAL SEASONS</b>				
Black Sea Bass	Seup General Category	Striped Bass General Category	Summer Flounder	Tautog
Jan. 1—April 30	Jan. 1—April 30 <sup>F</sup>	June 6—Aug. 31 <sup>Ⓜ</sup>	Jan. 1—April 30	April 15—May 31
May 1—June 30	May 1—July 6	Sept. 8—Dec. 31 <sup>Ⓜ</sup>	May 1—Oct. 31	Aug 1—Sept. 15
July 1—Oct. 31	July 7—Sept. 14		Nov. 1—Dec. 31	Oct. 15—Dec. 31
Nov. 1—Dec. 31	Sept. 15—Oct. 31		-	-
-	Nov. 1—Dec. 31 <sup>F</sup>	-	-	-
<b>2013 COMMERCIAL QUOTAS</b>				
Black Sea Bass	Seup General Category	Striped Bass General Category	Summer Flounder	Tautog
238,700	2,059,673	146,107	1,794,100	51,348

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

<sup>F</sup> Federal coastwide quota

<sup>Ⓜ</sup> Closed Fridays and Saturdays

**Table 3.** The proposed 2015 Coastwide Commercial Quotas being considered by the ASMFC and MAFMC in comparison the 2014 Commercial Quotas. The limits proposed for 2015 will be sent to NOAA for final approval. The values in the table represent millions of pounds and are preliminary until approved by NOAA fisheries.

Species	2014	2015
Seup	21.95	20.60
Summer Flounder	10.51	10.74
Black Sea Bass	2.17	2.17
Bluefish	3.30	2.07



Table 4. Summary of actions to date for the 2014 RI commercial menhaden fishery.

Date	Action	Area	Reason
5/12/14	OPEN	NB Management Area	Biomass threshold
5/23/14	CLOSED	State waters outside NB Management Area	State quota fully harvested
5/30/14	OPEN	State waters outside NB Management Area	RI opted into Episodic Event set aside program
7/14/14	CLOSED	NB Management Area	Biomass threshold

### 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 23<sup>rd</sup> day of October, 2014 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, and Section 20-2.1-9, in accordance with Chapter 42-35 of the Rhode Island General Laws of 1956, as amended.

\_\_\_\_\_  
 Janet L. Coit, Director  
 Department of Environmental Management

Notice Given: 08/29/2014  
 Public Hearing: 09/30/2014

Filing date: 10/23/2014  
 Effective date: 11/12/2014

ERLID# 7894