

R.I. Marine Fisheries Regulations
PART III - MARINE FISHERIES COUNCIL

~~3.1 Allocations, seasons and possession limits: For species managed under quota, possession limit, and/or by seasons, compliance with a federal or regional fisheries management plan (FMP), the Division of Fish and Wildlife (DFW), unless specifically prohibited by the Secretary of Commerce or the Atlantic States Marine Fisheries Commission, will have the authority to distribute the allocations including the distribution of allocations among the various gear types, modify possession limits, and change seasons in the following manner:~~

~~3.1.1 Allocation Changes: DFW may project when the allocation for a species will be exhausted. This determination will be based on the period of time remaining in the allocation period, historical catch rates, and the current catch rate. If DFW determines that an allocation assigned for a sub-period or assigned to be available for taking by a particular gear type during that sub-period will be exhausted prior to the end of the sub-period or will not be met for a sub-period, it may change or redistribute the allocation assigned to be available for taking by a particular gear type during that sub-period. DFW will file a notice with the Secretary of State and submit a listserve notice announcing the change. All variances will be effective upon filing with the Secretary of State.~~

~~3.1.2 Possession limit Changes: If DFW determines that the allocation for a given species will be exhausted prior to the end of a sub-period or will not be met for a sub-period, DFW may change the possession limit; such modifications may include the increase or the decrease in the possession limit at which a sub-period commences. DFW will file a notice with the Secretary of State and submit a listserve notice announcing the change. All variances of possession limits will be effective upon filing with the Secretary of State.~~

~~3.1.3 Season Changes: Upon notification from federal authorities to alter a season for a particular species in compliance with a federal or regional FMP, DFW will file a notice with the Secretary of State and submit a listserve notice announcing the change. All changes in seasons accomplished will be effective upon filing with the Secretary of State.~~

R.I. Marine Fisheries Regulations
PART VII - FINFISH

7.1 QUOTA MANAGEMENT:

7.1.1 Modification of sub-period allocations based on under/over-harvest:

(A) Under-harvest: Any un-harvested quota from a sub-period allocation will be equally distributed to the allocations of the remaining sub-periods in the same calendar year.

(B) Over-harvest:

(1) Any over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods in the same calendar year.

(2) Annually, the DFW will charge any over-harvest from the previous year to the entire state allocation of the current year before redistributing according to the species specific management plan. For the Tautog fishery, if an over-harvest has occurred for the entire year, that over-harvest will be deducted from the Summer sub-period of the following calendar year.

7.1.2 Modifications of allocations, seasons and possession limits: For quota managed species, in order to maintain compliance with a federal or regional fisheries management plan (FMP), the DFW has the authority to distribute allocations, including the distribution of allocations among the various gear types, modify possession limits, and change seasons, unless specifically prohibited by the Secretary of Commerce or the ASMFC, in the following manner:

(A) Allocation changes: If DFW projects that an allocation assigned for a sub-period, or assigned to be available for taking by a particular gear type during that sub-period, may be exhausted prior to the end of the sub-period, or may not be met for a sub-period, DFW may modify the allocation.

(B) Possession limit changes: If DFW projects that the allocation for a given species may be exhausted prior to the end of a sub-period or may not be met for a sub-period, DFW may modify the possession limit.

(C) If the quota for a sub-period allocation is fully harvested prior to the end of the sub-period, the DFW will close the fishery for the remainder of the sub-period.

7.7 Summer Flounder (Fluke)

7.7.2 Commercial:

~~(C) Any unused portion of the quota from a sub-period will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the target allocations specified in this section shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the next following year.~~

7.9 Tautog (Blackfish)

7.9.2 Commercial:

~~(4) Sub-period quotas may be harvested until exhausted. Any quota not harvested during a sub-period will be added to the next sub-period. If an over-harvest has occurred, that over-harvest will be deducted equally from all~~

~~remaining sub-periods in the same calendar year. If an over-harvest has occurred for the entire year, that over-harvest will be deducted from the Summer sub-period of the following calendar year.~~

7.14 Black Sea Bass

7.14.2 Commercial:

~~(C) Any unused portion of the quota from a sub-period will be equally distributed to the allocations of the remaining sub-periods. The over-harvest of a sub-period allocation will be deducted from the allocations of the remaining sub-periods. Annually, the quota allocations specified in the above sections shall be adjusted by the DFW to charge over-harvest of a sub-period allocation during a given year to the same sub-period of the following year.~~