

3.2.1 Regulations for adjusting allocation and possession limits -- For species managed under quota or possession limit in compliance with a federal or regional fisheries management plan (FMP) Fish and Wildlife and the RIMFC, unless specifically prohibited by the Secretary of Commerce or the Atlantic States Marine Fisheries Commission, will have the authority to distribute the allocations and possession limits in the following manner:

3.2.1-1 - Upon its own initiative, Fish and Wildlife 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 Fish and Wildlife determines that an allocation will be exhausted prior to the end of the sub-period or will not be met for a sub-period, it may change the possession limit without Council approval. Fish and Wildlife will file a notice with the Secretary of State and submit a news release announcing the change. All variances of possession limits will be effective upon filing with the Secretary of State.

3.2.1-2 - If Fish and Wildlife 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, the RIMFC, upon its own initiative, may direct Fish and Wildlife to change the possession limit. This order will be binding on Fish and Wildlife, and the Program must satisfy the notice requirements of 11.21.1 to validate the change.

3.2.1-3 – Current Possession limit – If no current possession limit is noted in the table below, refer to Part 7 of the RI Marine Fisheries Statutes and Regulations for the sub period starting possession limit for all species other than striped bass, menhaden, and horseshoe crabs. For striped bass, if no current possession limit is noted in the table below, refer to Part 12 of the RI Marine Fisheries Statutes and Regulations for the sub period starting possession limit. For horseshoe crabs, refer to Part 15 of the RI Marine Fisheries Statutes and Regulations. For menhaden, refer to Part 16 of the RI Marine Fisheries Statutes and Regulations.

Species	Current possession limit	Effective dates
Atlantic Herring	2,000 pounds from Area 2 per vessel per calendar day <u>Vessel owners issued a Federal permit for Area 2 must abide by trip limits set by their Federal permit.</u>	Effective 12:01 AM on December 10, 2009, April 17, 2009 until the next season begins on January 1, 2010. <u>allocated total allowable catch (TAC) has been harvested.</u>
	2,000 pounds from Area 1A per vessel per calendar day	Effective 12:01 AM on November 26, 2009, until the next season begins on January 1, 2010.

Black Sea Bass	CLOSED	Effective 12:01 AM on November 8, 2009, until further notice.
Horseshoe Crab	CLOSED	Effective 12:01 AM on June 11, 2009 the commercial bait fishery for Horseshoe crabs will be closed until the next harvest period begins on January 1, 2010.
Menhaden	CLOSED in the Narragansett Bay Menhaden Management Area	Effective 12:01 AM on June 19, 2009 until further notice.
Scup – General Category	CLOSED	Effective 12:01 AM on, December 9, October 6, 2009 until the next sub period begins on November 1, January 1, 2010. 2009 at 2,000 pounds per vessel per calendar day.
Scup – Floating Fish Traps	CLOSED	Effective 12:01 AM on December 9, October 6, 2009 until the next sub period begins on January 1, 2010. November 1, 2009 at 2,000 pounds per fish trap licensee per calendar day.
Striped Bass – General Category	CLOSED	Effective 12:01 AM on September 21, 2009 until the next sub period begins on June 1, 2010.
Striped Bass – Floating Fish Traps	CLOSED	Effective 12:01 AM on September 18, 2009, until further notice.
Summer Flounder	100 <u>200</u> pounds per vessel per calendar day	Effective 12:01 AM on November 8, <u>December 9,</u> 2009, until further notice.
Tautog	CLOSED	Effective 12:01 AM on October 31, 2009, until further notice.-

Spiny Dogfish	CLOSED	Effective 12:01 AM on September 27, 2009 until the next sub period begins on May 1, 2010.
Weakfish		

(RIMFC REGULATIONS) [Penalty - Part 3.3; (RIGL 20-3-3)]