

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, Section §42-35-2.6 of the General Laws of Rhode Island, following is a concise explanatory statement for the below identified regulation.

AGENCY: Department of Environmental Management

DIVISION: Marine Fisheries

RULE IDENTIFIER: 250-RICR-90-00-2

RULE TITLE: Commercial and Recreational Saltwater Fishing Licensing Regulations

REASON FOR RULEMAKING: See summary provided at the time of noticing.

REASONS FOR NOT ACCEPTING ARGUMENTS MADE IN TESTIMONY AND PUBLIC COMMENTS):

- Public comment supported the inclusion of bay and sea scallops to the list of species allowed to be sold under the license. See memo dated November 18, 2020 from Janet Coit, DEM Director, to Conor McManus, Deputy Chief , Division of Marine Fisheries which addresses this comment. This memo is provided as “additional documentation” in the final rule filing.
- Public comment supported the ability to hold finfish species overnight and be sold on a subsequent day if unable to be sold on the day harvested. See memo dated November 18, 2020 from Janet Coit, DEM Director, to Conor McManus, Deputy Chief , Division of Marine Fisheries which addresses this comment. This memo is provided as “additional documentation” in the final rule filing.

CHANGE TO TEXT FROM PROPOSED TO FINAL RULE (identify any changes between the text of the rule as proposed and the text of the final rule and explain why these changes were made to the final text):

- Section 2.7.9(F)(6)(a) and (b): Deleted these two sections due to inconsistency with RI Dept. of Health/FDA regulations (see memo dated November 18, 2020 from Janet Coit, DEM Director, to Conor McManus, Deputy Chief , Division of Marine Fisheries. This memo is provided as “additional documentation” in the final rule filing).
- Section 2.7.9(F)(6)(h): Added as a new section to replace deleted (a) and (b) as consistent with RI Dept. of Health regulations (see memo dated November 18, 2020 from Janet Coit, DEM Director, to Conor McManus, Deputy Chief , Division of Marine Fisheries. This memo is provided as “additional documentation” in the final rule filing).

- Section 2.7.9(F)(9): Reduced fee from \$200 to \$50 consistent with public comment and the recommendation of the RI Marine Fisheries Council (see memo dated November 18, 2020 from Janet Coit, DEM Director, to Conor McManus, Deputy Chief , Division of Marine Fisheries. This memo is provided as “additional documentation” in the final rule filing).

REGULATORY ANALYSIS: In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.