

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-90-00-3

RULE TITLE: Finfish

PUBLIC COMMENTS:

- Section 3.7.2(B)(2)(b) & 3.7.2(B)(3)(b) – commercial black sea bass: K. Almeida/Town Dock and K. Murgo recommended maintaining the current starting possession limit of 50 pounds per vessel per day for the May 1 – June 30 and (new) July 1 – Aug. 15 sub-periods. Both rules were amended as noticed (increased to 100 pounds per vessel per day) consistent with the recommendation of the RI Marine Fisheries Council. See memo dated December 8, 2020 from Conor McManus, Deputy Chief, DEM Division of Marine Fisheries, which addresses this comment, and final decision memo, dated December 15, 2020, from Janet Coit, DEM Director, which sets forth the final regulatory decision. These memos are provided as “additional documentation” in the final rule filing.
- Section 3.7.2(B)(4) – commercial black sea bass: K. Almeida/Town Dock recommended maintaining the current closed sub-period from Aug. 1 – Sept. 14. This rule was amended as noticed to eliminate this sub-period closure consistent with other public comment and the recommendation of the RI Marine Fisheries Council. See memo dated December 8, 2020 from Conor McManus, Deputy Chief, DEM Division of Marine Fisheries, which addresses this comment, and final decision memo, dated December 15, 2020, from Janet Coit, DEM Director, which sets forth the final regulatory decision. These memos are provided as “additional documentation” in the final rule filing.
- Section 3.10.2(B)(1)(c)(3) – commercial summer flounder – Aggregate Landing Program: K. Almeida/Town Dock recommended increasing the Summer Flounder Aggregate Landing Program (Winter I) starting possession limit from 2,000 to 4,000 lbs/vessel/bi-weekly. This rule was not amended, consistent with the recommendation of the RI Marine Fisheries Council. See memo dated December 8, 2020 from Conor McManus, Deputy Chief, DEM Division of Marine Fisheries, which addresses this comment, and final decision memo, dated December 15, 2020, from Janet Coit, DEM Director, which sets forth the final regulatory decision. These memos are 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 3.7.2(B)(5)&(6) – commercial black sea bass: The proposed changes/increases from 50 to 100 pounds per vessel per day for the Sept. 15 – Oct. 31 and Nov. 1 – Dec. 31 sub-periods, respectively, were not adopted consistent with public comment and the recommendation of the RI Marine Fisheries Council. See memo dated December 8, 2020 from Conor McManus, Deputy Chief, DEM Division of Marine Fisheries, which addresses this comment, and final decision memo, dated December 15, 2020, from Janet Coit, DEM Director, which sets forth the final regulatory decision. These memos are provided as “additional documentation” in the final rule filing.
- Section 3.10.2(B)(1)(c)(3): The proposed change from 2,000 pounds per vessel per bi-week to 1,000 pounds per vessel per week was not adopted consistent with public comment and the recommendation of the RI Marine Fisheries Council. See memo dated December 8, 2020 from Conor McManus, Deputy Chief, DEM Division of Marine Fisheries, which addresses this comment, and final decision memo, dated December 15, 2020, from Janet Coit, DEM Director, which sets forth the final regulatory decision. These memos are 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.