

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-90-00-12

RULE TITLE: Research Pilot Aggregate Program

REASONS FOR NOT ACCEPTING ARGUMENTS MADE IN TESTIMONY AND COMMENTS:

- **Section 12.10(B) - Black sea bass aggregate possession limit:** Public comment was provided supporting an aggregate possession limit of 7X the daily limit. Public comment was also provided in support of an aggregate possession limit of 5X or 6X the daily limit if a 7X daily was thought to be overly risky. The final rule provides for an aggregate possession limit for black sea bass of 5X the daily limit consistent with the recommendation of the RI Marine Fisheries Council.
- **Section 12.8(C):** Public comments were received supporting expanding the program to 46, 60 and 72 available permits. Other comments provided supported increasing the number of available permits but did not specify a number. The final rule provides for 54 available permits consistent with the recommendation of the RI Marine Fisheries Council.

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 12.8(C):** A change from 6 to 12 vessels per gear type was proposed in the noticed rule, however identification of possible alternatives to number of permits issued also provided as supplemental guidance when noticed, including elimination of gear types. Final rule eliminates gear categories and provides for a maximum of 54 permits consistent with public comment received and the recommendation of the RI Marine Fisheries Council.
- **Section 12.8(H):** Revision to application period dates due to provide for additional time to accept applications.
- **12.9(B):** Clarification of language to better identify process for providing catch and effort information, in that the required information is not “submitted” but only “entered”

into an online database. Also clarify rule in regards to the timeframe by which said catch and effort information is to be documented.

- 12.9(H): Addition to clarify rule to specify valid dates of the permit, which was previously inadvertently omitted.
- 12.9(I): Addition to clarify that rule is an exempted program consistent with changes simultaneously made to section 14.8 of this subchapter (250-RICR-90-00-14)
- 12.10(A): Deleted in conjunction with addition of new sections 12.10(A) and 1210(B) for summer flounder and black sea bass respectively, as possession limits are different for each of the species. Final rule is consistent with the recommendation of the RI Marine Fisheries Council.
- 12.10(C): Added to clarify that that resumption of daily limits may not occur unless the permit is terminated.
- 12.10(D): Added to clarify that permit may be cancelled by the permit holder at any time.
- 12.10(F): Added program closure at 80% of the sub-period quota consistent with the recommendation of the RI Marine Fisheries Council.

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.