Justification for Emergency Regulation

EMERGENCY REGULATIONS GOVERNING THE USE OF FEDERAL FUNDS PROVIDED TO THE STATE OF RHODE ISLAND FOR THE ATLANTIC LARGE WHALE TAKE REDUCTION PLAN REGULATIONS INCLUDING ELECTRONIC TRACKING REQUIREMENTS

250-RICR-90-00-24

$14,000,000 shall be provided to States through the Atlantic States Marine Fisheries Commission to cover costs incurred by the fishing industry to comply with the final 2021 rule to modify the Atlantic Large Whale Take Reduction Plan (ALWTRP) (FR-210827-0171). This assistance may be used by the relevant States to help defray the cost of compliance with new regulations (e.g., implementing electronic tracking requirements), including for gear modification, configuration, and marking within the Northeast lobster and Jonah crab fisheries, both in Federal and State waters.

Rhode Island's share of the $14,000,000 was determined to be $554,454 based on an allocation system devised by the Atlantic States Marine Fisheries Commission (ASMFC) Lobster Board. The proposed emergency regulations operationalize the process of disbursing Rhode Island's $554,454 allocation from Congress and the ASMFC and the Rhode Island plan. Compliance with electronic tracking requirements including those changes that require fishermen to install and have powered on a cellular tracking device at all times will be implemented as of December 15, 2023. Logistics of distributing cellular tracking devices including harvester applications, device ordering, device distribution (including potential supply chain issues), device installation, and related training all require dedicated lead time and may include unforeseen complications and/or delays. To avoid Rhode Island harvesters falling out of federal compliance and losing access to federal fishing grounds, regulations allowing for the distribution of funds/devices should be in effect by June 1, 2023. This will allow for Rhode Island harvesters to be in compliance by the December 15, 2023 federal deadline.

The Department of Environmental Management does not anticipate any comments or concerns from the public on this program, as it is federally mandated and devices are being distributed to Rhode Island harvesters free of charge.