

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 TITLE: PART 2 - Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses

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

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

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: Comments that were submitted are provided as separate attachments included in the filing.

THE AGENCY'S REASONS FOR NOT ACCEPTING ARGUMENTS MADE IN

TESTIMONY AND COMMENTS: There were basically two camps of comments regarding this proposed rule: Those who supported no issuance indefinitely (proposal # 2 as provided in the supplemental document included at the time of noticing), and those who supported the Division's proposal for issuance (proposal #1). There was one comment provided in support of proposal # 3 (issuance of up to 70 licenses). A public comment was provided that supported proposal #1, albeit with additional eligibility requirements. These additional eligibility requirements were discussed at length by the RI Marine Fisheries Council at their meeting on October 2nd. At this meeting, the final vote was 4-4 on a motion that supported proposal #2 with additional eligibility requirements (outlined in the next section of this document). The Director's full rationale for adopting this rule is provided in a separate attachment filed as additional documentation with the rule filing.

CHANGE TO TEXT FROM PROPOSED TO FINAL RULE AND EXPLANATION AS TO WHY THESE CHANGES WERE MADE:

Final changes (showing final changes to the noticed proposed rule) is provided as a separate document at the time of filing the final rule. Additional changes include:

- Section 2.7.4(C)(2)(e) regarding issuance of the Multipurpose Vessel License:
 - Available only to natural persons who hold an Actively Fished Multipurpose Fishing License and who own a commercial fishing vessel that is commercially declared

- Available only to persons who have an actively fished license for at least five years, have been a RI resident for at least five years, and have the fishing business registered with the State of Rhode Island for five years

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