

## **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 1 – Definitions and General Provisions

**RULE IDENTIFIER:** 250-RICR-90-00-1

**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 a separate attachment included in the filing and public record.

**THE AGENCY’S REASONS FOR NOT ACCEPTING ARGUMENTS MADE IN TESTIMONY AND COMMENTS:** N/A

**CHANGE TO TEXT FROM PROPOSED TO FINAL RULE AND EXPLANATION AS TO WHY THESE CHANGES WERE MADE:** The final language for section 1.5(A)(2) “Possession Limit and Vessel Operating Compliance” was changed to reflect a public comment that was made, which expressed concern that the proposed rule as written could have unintended consequences to the shellfish and menhaden fisheries, where rules allow for more than one possession limit per vessel. The Division concurred with this comment, and therefore added additional language “*unless otherwise authorized in this subchapter*” at the end of the section to assure that other rules in effect that allow for more than one possession limit per vessel would supersede this rule. The Division emphasizes that there was no intent to change regulatory requirements with this proposed rule change, and is meant to clarify only. This change as revised was also supported by the RI Marine Fisheries Council. The Director’s decision memo which provides rationale for final rule decisions is provided in a separate attachment filed as additional documentation with the rule filing.

**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.