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 3 - Finfish

RULE IDENTIFIER: 250-RICR-90-00-3

REASONS FOR NOT ACCEPTING ARGUMENTS MADE IN TESTIMONY AND COMMENTS: The final rule adopted was based on concurrence with the recommendations of the RI Marine Fisheries Council, in which the Director concurred on all proposed regulatory changes. The Director's decision memo filed as a separate supporting document provides rationale for all final decisions.

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):

Changes to the noticed and final rule are documented in the final annotated rule that is filed as a separate supporting document. Changes between the noticed and final rule were made as follows:

- Section 3.7.1, Recreational Scup: Northern region proposal #3 was noticed in the proposed rule. Northern region proposal #1 is the final rule based on the recommendation of the RI Marine Fisheries Council, which is also the preferred option of the other northern region states. All three proposals were identified in a supplemental document provided when the rule was noticed.
- Recreational striped bass filleting, section 3.8.1(F)(d): Language in the final rule was changed from "Racks must be disposed of before the commencement of fishing activity on the next fishing trip" to "No possession of racks or fillets while actively fishing with lines in the water" based on the recommendation of the RI Marine Fisheries Council, which was based on input from the Division of Law Enforcement.
- Commercial striped bass season and possession limit, section 3.8.2(A)(3)(b)(3)&(4) and section 3.8.2(A)(3)(c)(3)&(4): Proposed sections 3.8.2(A)(3)(b)(3)&(4) and 3.8.2(A)(3)(c)(3)&(4) will not be adopted. Sections 3.8.2(A)(3)(b)(3) and 3.8.2(A)(3)(c)(3) will remain as is based on the recommendation of the RI Marine Fisheries Council.
- Commercial bluefish season and possession limit, section 3.17.2(B): The proposed rule was not adopted based on the recommendation of the RI Marine Fisheries Council.

- Commercial menhaden in the Menhaden Management Area, section 3.21.2(A): Three proposals were identified in a supplemental document provided when the rule was noticed. Proposal # 1 was adopted based on the recommendation of the RI Marine Fisheries Council.
- Proposed clarification to commercial possession limits (several species throughout rule; no regulatory change proposed): Instances of "or" replaced with "and" to more accurately reflect that possession limits are both "per person" and "per vessel". Proposed change was recommended by the RI Marine Fisheries Council.

  The Director's decision memo provides rationale for all final decisions and explains why these changes were made to the final text.

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.