CONCISE EXPLANATORY STATEMENT

(R.I. Gen. Laws §42-35-2.6)

Agency: Department of Environmental Management

Division: Marine Fisheries

Rule Title: Part 23 – Aggregate Program for Black Sea Bass and Summer Flounder (250-RICR-90-00-23)

Reason(s) for adopting the rule, including any reasons for not accepting arguments made in testimony and comments:

1. Summer/Fall Aggregate Program for Summer Flounder and Black Sea Bass - Closure Trigger for Black Sea Bass: No changes will be filed for this matter. Comments were received both is support and opposed to the proposed rule change. Comments were also received offering alternative proposals. Status quo was the recommendation of the RI Marine Fisheries Council and the Division.

2. Summer/Fall Aggregate Program for Summer Flounder and Black Sea Bass - Closure Trigger for Summer Flounder: Two proposals were noticed on this matter – changing the closure trigger from 85% to 70%, or to 80%. Comments were received both is support and opposed to the proposed rule change. Comments were also received offering alternative proposals. The final rule to amend this closure trigger from 85% to 70% is based on the recommendation of the RI Marine Fisheries Council.

3. Aggregate Program for Summer Flounder and Black Sea Bass - Possession limit for Black Sea Bass: This proposal will be adopted as noticed. Comments were received both is support and opposed to the proposed rule change. Comments were also received offering alternative proposals. The decision to adopt the proposal was based on the recommendation of the RI Marine Fisheries Council.

4. Aggregate Program for Summer Flounder and Black Sea Bass - Penalties for Non-compliance: This proposal will be adopted as noticed. No comments were received on this matter. The final decision to amend the rule as noticed was based on the recommendation of the RI Marine Fisheries Council and the Division.

Note: The Director's decision memo filed as a separate supporting document provides rationale for all final decisions.

Change between the proposed and final rule, including an explanation as to 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. The Director's decision memo provides rationale for all final decisions.

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.