



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road

Jamestown, Rhode Island 02835

Regulatory Analysis

**Proposed Amendments to RIDEM Marine Fisheries
Regulations “Part 1 – Definitions and General Provisions”**

INTRODUCTION

The Rhode Island Department of Environmental Management (Department) Division of Marine Fisheries (DMF) is proposing regulatory changes to 250-RICR-90-00-1 – Definitions and General Provisions. Specifically, DMF is proposing the following regulatory amendments:

- 1) Amend penalties for non-compliance for consistency with statutory changes. R.I. Gen. Law § 20-1-12 was amended for violations relating to seasons, possession limits, size limits, and methods of take on any species of fish, game, bird, or other wild animal occurring within the state (section 1.8).

This regulatory analysis has been prepared to estimate the impact of the proposed regulatory changes pursuant to the Administrative Procedures Act (APA), R.I. Gen. Law § 42-35-2.9.

For all proposed regulatory amendments, fishing behavior, market conditions, or market changes, cannot be traced in this analysis to these regulations. This is due to the fact that the costs and/or benefits generated from a commercial fishing business, or commercial harvester, are largely dependent on a wide variety of variables including, but not limited to: license type; license endorsement(s); effort (full or part-time); target species; market prices for target species; state quotas; possession limits; gear type; fishing mode (shore or vessel); vessel size; crew; upfront investments for vessel, gear, and administrative tasks; possession of a federal permit; seasonality of fisheries; weather; and catastrophic events. As a result, it is impossible to quantitatively estimate costs and/or benefits to stakeholders under the proposed policy alternatives and this regulatory analysis is strictly qualitative in nature.

BACKGROUND

The DMF received comments from the Division of Law Enforcement (DLE) that R.I. Gen. Law § 20-1-12 was amended so the penalty for any violation of any Law, Rule, or Regulations relating to seasons, possession limits, size limits and methods of take for any species of fish, game, bird, or other wild animal occurring within the state shall be a civil violation and subject to a fine of one hundred dollars (\$100) for each offense. These violations shall be under the jurisdiction of the Rhode Island Traffic Tribunal.

STATEMENT OF THE PROBLEM

R.I. Gen. Law § 20-1-12 was amended in 2023 however, RIMF regulations do not reflect these statutory amendments. The policy alternatives presented in this regulatory analysis are being put forward to satisfy R.I. Gen. Laws § 42-35-2.9 Regulatory Analysis.

SCOPE OF THE REGULATORY ANALYSIS

The proposed regulatory amendments are for 2026 only. The proposed regulatory amendments are expected to be re-evaluated annually and subject to amendments each year. As a result, the scope of this analysis is discrete and limited to 2026.

The fiscal note associated with the proposed policy alternatives presents three years of fiscal impact even though these policies are expected to be re-visited annually.

BASELINE

The baseline for this analysis, or what we anticipate would happen with no regulatory change, is maintaining the current language in rule.

STAKEHOLDERS AFFECTED

The stakeholders affected by the proposed regulatory amendments and policy alternatives would be all stakeholders who currently fish in the marine waters of the state or plan to do so in the future.

COSTS AND BENEFITS

For the proposed regulatory amendments and the alternatives considered, data were very limited because data does not exist on how many harvesters will violate any Law, Rule, or Regulations relating to seasons, possession limits, size limits and methods of take for any species of fish, game, bird, or other wild animal occurring within the state. As a result, costs and benefits in this analysis are largely qualitative.

Additionally, the costs and/or benefits generated from the proposed regulatory amendments and alternatives may be largely dependent on fishing behavior. Changes in fishing behavior may be impacted by: effort (full or part-time); market prices; possession limits; gear type; fishing mode (shore or vessel); vessel size; crew; upfront investments for vessel, gear, and administrative tasks; seasonality of fisheries; weather; and catastrophic events. As a result, it is impossible to quantitatively estimate costs and/or benefits to stakeholders under the proposed policy alternatives and this regulatory analysis is largely qualitative in nature.

The proposed regulatory amendments include:

- 1) Amend penalties for non-compliance for consistency with statutory changes made to R.I. Gen. Law § 20-1-12 which now stipulates that for violations relating to seasons, possession limits, size limits, and methods of take on any species of fish, game, bird, or other wild animal occurring within the state. Adding additional clarity and removing unnecessary language.

Should the proposed regulatory amendment 1) be adopted, there could be a cost to all stakeholders who currently fish in RI state waters or plan to do so in the future. With the ability for DLE to write tickets handled by the RITT rather than prosecuting violators criminally, it is likely that more violations will be issued. There will be a benefit to DLE by reducing the time and work load required for issuing violations. There will also be a benefit to all marine fisheries by having an enhanced ability to issue violations which will help deter future violations and offer additional protection to the resource.

The following is proposed as regulatory alternative to regulatory amendment 1):

- a) Do not amend the regulation to reflect statutory changes.

Should the proposed regulatory alternative a) be adopted, RIMF regulations would be inconsistent with statute. As any state law trumps and RIMF regulation, the statute would still be enforced as amended. Therefore, the same costs and benefits as proposed regulatory amendment 1) would still apply.

There are no additional regulatory alternatives that can be proposed given that these are statutory changes and the Division is unable to change statutory language.