CONCISE EXPLANATORY STATEMENT

(R.I. Gen. Laws §42-35-2.6)

Agency: Department of Environmental Management

Division: Marine Fisheries

Rule Title: Part 2 – Commercial Marine Fishing Licenses, Landing Permits, and Party and Charter Licenses (250-RICR-90-00-2)

Date of Public Notice: August 13, 2026
Hearing Date: September 8, 2026
End of Public Comment: September 16, 2026

Agency's reasons for not accepting arguments made in testimony and comments:

- Extend the current term of the Multipurpose Vessel License for five (5) years *(section 2.7.4(C)(2)(e)(9))*:

    - Proposal 1: Term of Multipurpose Vessel License: No Multipurpose Vessel Licenses will be issued after December 31, ~~2026~~ 2031. During the ~~2027~~ 2032 license renewal period, any person who was issued a Multipurpose Vessel License ~~holder in 2026~~ must surrender their Multipurpose Vessel License to be re-issued their consigned Multipurpose Fishing License.

      Two comments were opposed to the issuance of this license. No comments were made specific to this proposal. The Department supports issuance of the license. The rule was adopted as noticed in consideration of the 6-1 vote of the RI Marine Fisheries Council in support of this proposal.

- Lessen the eligibility requirements consistent with the current activity standard for the issuance of commercial fishing licenses *(section 2.7.4(C)(2)(e)(2)(DD))*:

    - Proposal 1 (Division): The Multipurpose Fishing License must meet the standard of actively fished whereby the license holder must have held the license for a minimum of the immediate two (2) ~~in each year for the~~ preceding ~~five (5)~~ calendar years~~. A~~, and demonstrate by dated transaction records, with fishing activity verified by SAFIS dealer or dockside sales reporting, a minimum of forty (40) legal landings ~~over~~ in the preceding two (2) ~~preceding~~ calendar years, pursuant to a valid Rhode Island license. ~~must have occurred on the same vessel that will be named on the Multipurpose Vessel License.~~

    - Proposal 2 (Industry): ~~(DD) The Multipurpose Fishing License must meet the standard of actively fished in each year for the preceding five (5) calendar years. A minimum of forty (40) landings over the two preceding calendar years must have occurred on the same vessel that will be named on the Multipurpose Vessel License.~~

Two comments were opposed to the issuance of this license. Three comments were in support of proposal 2. Proposal 1 was adopted in consideration of the 6-1 vote of the RI Marine Fisheries Council in support of proposal 1 as a compromise between the current rule and proposal 2.

It is noted that it is currently unclear if this rule change will result in the issuance of licenses (no licenses have currently been issued). The Division will review the matter again next year and determine if additional public feedback and amendments are warranted.

- Lessen the time frame requirement from five (5) years to one (1) year for the fishing business to be in good standing with the state *(section 2.7.4(C)(2)(e)(2)(EE)(i))*:

    - Proposal 1 (Industry): The business or corporation must be registered with the State of Rhode Island for the preceding ~~five~~ one (1~~5~~) calendar year~~s~~ and in good standing.

      Three comments were made in support of this proposal. Two comments were opposed to the issuance of this license. The final rule adopted was in consideration of the 6-1 vote of the RI Marine Fisheries Council in support of amending this timeframe to two (2) years, consistent with the timeframe in proposal 1 above to section 2.7.4(C)(2)(e)(2)(DD)).

      Final language: The business or corporation must be registered with the State of Rhode Island for the preceding ~~five (5)~~ two (2) calendar years and in good standing.

      It is noted that it is currently unclear if this rule change will result in the issuance of licenses (no licenses have currently been issued). The Division will review the matter again next year and determine if additional public feedback and amendments are warranted.

Reasons for any change between the text of the proposed rule contained in the notice of proposed rulemaking and the text of the final rule:

- Lessen the time frame requirement from five (5) years to one (1) year for the fishing business to be in good standing with the state *(section 2.7.4(C)(2)(e)(2)(EE)(i))*:

    - Proposal 1 (Industry): The business or corporation must be registered with the State of Rhode Island for the preceding ~~five (5)~~ one (1) calendar year~~s~~ and in good standing.

      Three comments were made in support of this proposal. Two comments were opposed to the issuance of this license. The final rule adopted was in consideration of the 6-1 vote of the RI Marine Fisheries Council in support of

amending this timeframe to two (2) years, consistent with the timeframe in proposal 1 above to section 2.7.4(C)(2)(e)(2)(DD)).

Final language: The business or corporation must be registered with the State of Rhode Island for the preceding ~~five~~ two (~~5~~ 2) calendar years and in good standing.

The Director's decision memo, filed as a separate supporting document with the filing of the final rule, 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.