

**STATE OF RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**Division of Fish and Wildlife  
Marine Fisheries**

**PUBLIC NOTICE CONCERNING PROPOSED RULEMAKING**

Pursuant to the provisions of Chapters 42-17.1 and 20-3 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the R. I. General Laws, the Department of Environmental Management (DEM) proposes to repeal several Parts of the Rhode Island Marine Fisheries Regulations and adopt a new regulation in their place.

Public comment will be solicited on the following proposals:

- 1) **Repeal** of each of the following Parts of the Rhode Island Marine Fisheries Regulations:
  - a. Part IV – Shellfish;
  - b. Part V - Bay Scallops;
  - c. Part VI - Dredging for Shellfish;
  - d. Part VIII – Oyster Regulations;
  - e. Part IX - Shellfish Buyer’s License – Statutes;
  - f. Part XVIII - Shellfish Grounds.
  
- 2) **Adoption** of new regulation “Rhode Island Marine Fisheries Regulations – Shellfish”, that incorporates all regulatory and management aspects of the above named regulations proposed for repeal.

**There are no regulatory or management changes with the proposed rulemaking.** The purpose of the proposed changes are only to streamline, de-fragment, clarify, and to remove unnecessary duplicative, obsolete, and non-regulatory (e.g., statutory, programmatic) language.

Written comments concerning the proposed rulemaking may be submitted to the Division of Fish and Wildlife, Marine Fisheries section, 3 Fort Wetherill Road, Jamestown, RI 02835, Attention: Peter Duhamel. Written comments must be received within thirty (30) days of this notice (i.e., no later than 4:00 P.M., July 17, 2014) to be entered into the public record. The Department shall consider fully all properly submitted written and oral submissions concerning the proposed rulemaking.

Upon adoption of a rulemaking, the Department, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

A public hearing concerning the proposed rulemaking will be held **only** if requested, consistent with the requirements of Chapter 42-35 of the R. I. General Laws (i.e., if requested by twenty-five (25) persons, or by a governmental subdivision or agency, or by an association having not

less than twenty-five (25) members). Such request must be received within thirty (30) days of this notice (i.e., no later than 4:00 P.M, July 17, 2014).

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.

A copy of the proposed rulemaking will be available for review from June 17 through July 17, 2014 at the DEM Marine Fisheries office located at 3 Fort Wetherill Road, Jamestown, RI 02835; and also online at the Marine Fisheries website at the following web address: <http://www.dem.ri.gov/programs/bnatres/fishwild/pn012214.htm>.

Date Posted: 06/17/2014