



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

DIVISION OF MARINE FISHERIES

Three Fort Wetherill Road
Jamestown, Rhode Island 02835

PUBLIC NOTICE OF PROPOSED RULEMAKING

Agency: Department of Environmental Management

Division: Marine Fisheries

Regulation title and identifier:

1. *Part 1 - Definitions and General Provisions* (250-RICR-90-00-1; ERLID 8832)
2. *Part 3 – Finfish* (250-RICR-90-00-3; ERLID 8611)
3. *Part 6 – General Equipment Provisions* (250-RICR-90-00-6; ERLID 8767)
4. *Part 11 - Regulations Governing Education Certification for Commercial Shellfish Harvesters* (250-RICR-90-00-11; ERLID 8962)

Rulemaking action: Proposed rulemaking

Timetable for action on the proposed rule:

- Submission to Office of Regulatory Reform: September 20, 2017
- Date of public notice: October 19, 2017
- Date of hearing: November 20, 2017
- End of Comment period: November 27, 2017

Summary of proposed rule:

1. Hearing Item #1: Proposed AMENDMENT to “*Part 1 - Definitions and General Provisions*”, regarding the definition of “resident”, to remove wording “automobile registration”. (section 1.7)
2. Hearing item #2: Proposed AMENDMENT to “*Part 3 – Finfish*” regarding:
 - a. Commercial management of Black Sea Bass (section 3.7.2);
 - b. Commercial management of Scup (section 3.8.2);
 - c. Commercial management of Summer flounder (section 3.10.2);
 - d. Commercial management of Spiny dogfish (section 3.27.1)
3. Hearing item #3: Proposed AMENDMENT to “*Part 6 – General Equipment Provisions*” regarding gill net tagging requirements (section 6.8.3(I))
4. Hearing item #4: Proposed ADOPTION of new regulation regarding education certification requirements for licensed commercial shellfish harvesters, pursuant to the

FDA National Shellfish Sanitation Program (NSSP) Model Ordinance (Section II - Chapter VIII, Control of Shellfish Harvesting)

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on November 27, 2017. Comments may be submitted to the following address:

DEM Marine Fisheries
3 Fort Wetherill Road
Jamestown, RI 02835
ATTN: Peter Duhamel

Alternatively, written comments may be submitted by email to peter.duhamel@dem.ri.gov.

Public hearing information:

The PUBLIC HEARING will be held at **6:00PM** on **Monday, November 20, 2017** at the University of Rhode Island Bay Campus, Corless Auditorium, South Ferry Road, Narragansett, RI 02882.

The rooms are accessible to the disabled. Interpreter services for the deaf and hard of hearing will be provided if such services are requested at least three (3) business days prior to the hearing by contacting the RI Commission on the Deaf and Hard of Hearing at (401) 222-5300; or (401) 222-5301 (TTY); or <http://www.cdhh.ri.gov/>.

For further information please contact the email or address provided above.

Authority for this rulemaking: R.I. Gen. Laws Title 20, R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with R.I. Gen. Laws § 42-35-18(b)(5), Administrative Procedures Act.

Regulatory Findings: In the development of the proposed amendment, consideration will be given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business.

Filed with Sec. of State's office pursuant to R.I. Gen. Laws § 42-35-2.7 "Notice of proposed rulemaking" on October 20, 2017