

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Shellfish (250-RICR-90-00-4)

Rule Identifier: 250-RICR-90-00-4

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 05/01/2020

End of Public Comment: 05/31/2020

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 Chapter 42-35, Administrative Procedures Act.

Summary of Rulemaking Action:

1. **Whelk minimum size (section 4.9(G)):**

- Option 1: Remove length as a minimum size measurement metric and add language and diagram to clarify how to measure width.
- Option 2: Remove both length and width as minimum size measurement metrics and replace with shell height; add language and diagram to clarify how to measure height.

2. **Clarification of boundary descriptions of Shellfish Management Areas (sections 4.12.2(A) through (V)):** Proposed addition of coordinates (latitude and longitude decimal degrees) to Shellfish Management Areas boundary descriptions and minor changes in instances when landmarks used in the descriptions have changed (e.g., landmark is no longer present).

3. **Change "bycatch" to "incidental catch" for Sakonnet River bay quahaug possession limit (section 4.12.2J)(2):** Change proposed consistent with proposed addition of term "incidental catch" in Part 1, and changes to sections 3.29.2(B)(3) and 5.8.1(L)(1). Propose change is non-substantive in nature, meant to clarify only.

4. Other non-substantive clarifications.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until May 31, 2020 by contacting the appropriate party at the address listed below:

Peter Duhamel
Department of Environmental Management
3 Fort Wetherill Road
Jamestown, RI 02835
peter.duhamel@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

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.

For full regulatory analysis or supporting documentation see agency contact person above.