

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

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Commercial and Recreational Saltwater Fishing Licensing Regulations (250-RICR-90-00-2)

Rule Identifier: 250-RICR-90-00-2

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 09/25/2020

Hearing Date: 10/06/2020

End of Public Comment: 10/25/2020

Authority for this Rulemaking:

R.I. Gen. Laws Chapters 42-17.1, 20-2.1, and 20-2.2, R.I. Gen. Laws § 20-1-4 and in accordance with R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

- Section 2.7.5(D)(1)(b)(2): Rule incorrectly refers to “medical hardship” regarding the activity standard criteria for the issuance of new licenses. Should be “Incapacity”, as a new license is only issued in instances of incapacity; a temporary “operator permit” is issued in instances of medical hardship.
- Section 2.7.5(D)(1)(b)(2): Change the activity standard criteria for the date that landings must have occurred from 2006 to 2010 for the issuance of new licenses in instances of incapacity. The year 2006 was established in rule when initially adopted in 2016 due to reliability of reporting data since 2006, and to capture the most recent 10 years. Proposed rule change is to maintain a consistent ten year period that landings must have occurred from the time of the incapacity to meet the activity standard.
- Section 2.7.5(E)(5)(a): Clarify that an activity standard must be met as a requirement for eligibility consistent with R.I. Gen Laws §20-2.1-5(5).
- Section 2.7.5(G)(1)(f): Add prioritization criteria for the issuance of new licenses and endorsements for veterans, to account for fishing activity lost during active military service.
- Clarify meaning of control dates for the soft-shell clam fishery and the purse seine/mid-water/pair trawl fisheries: Clarify that the established control dates are for the potential use in establishing eligibility criteria for future access to the fishery, but that no rule is currently in effect relative to the control date. This proposal does not establish a new or amend an existing control date.
- Direct Sale Dealer License (proposed new section 2.7.9(F)):
 - o Background:

- Rule adopted in April 2020 via emergency action in response to Covid-19.
 - Authorizes the direct sale of allowable finfish and crustacean species from the fisherman directly to consumers and licensed seafood retailers dockside from the vessel on which they were harvested.
 - Proposed rule establishes applicability, eligibility, general requirements, prohibited activities not authorized by the license, storage and handling requirements, reporting requirements, and fee.
- Other non-substantive clarifications throughout rule.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until October 25, 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

Public Hearing:

A public hearing, in accordance with R.I. Gen. Laws § 42-35-2.8, to consider the proposed amendment shall be held on October 6, 2020 at 6:00 pm at <https://us02web.zoom.us/j/8535659639085356596390>, Virtual Meeting via Zoom, Jamestown, RI 02835 at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-423-1927 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

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.

