



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 XVII – Maps* (current ERLID 9862)
2. *Part 9 – Maps* (250-RICR-90-00-9; ERLID tbd)

Rulemaking action: Direct Final Rule

Type of Filing: Proposed repeal (*Part XVII – Maps*) and adoption (*Part 9 – Maps*)

Timetable for action on the proposed rule:

- Date of public notice: July 31, 2018
- Date of hearing: N/A (no hearing planned)
- End of comment period: August 31, 2018
- RI Marine Fisheries Council: October 1, 2018
- Anticipated filing date: October, 2018

Summary of proposed rule: Proposed repeal of regulation *Part XVII – Maps* as the only remaining un-codified regulation with the Division, in conjunction with proposed adoption of new re-codified regulation *Part 9 - Maps*. All maps other than the maps of the floating fish traps are proposed to be deleted, as some degree of inaccuracy exists with each of these maps as shown, and all maps are verbally described elsewhere in Marine Fisheries regulations, and are therefore duplicative. Upon conclusion of a review and amendment as needed of the verbal descriptions of the floating fish trap locations as provided in *Part 6 – General Equipment Provisions*, this regulation is expected to be fully repealed as duplicative.

Direct Final Rule process: This proposal is considered to be a non-substantive change to the regulations. No hearing is therefore planned. If no formal objection is received before 4:00PM on September 10, 2018, DEM will file the repeal and adoption without further opportunity for public comment. If an objection is received during the comment period, the regulation will not be a filed and a hearing will be scheduled.

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on September 10, 2018. Comments may be submitted to the following address:

Telephone 401.423.1923 | www.dem.ri.gov | Rhode Island Relay 711

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

Written comments may also be submitted by [email](#).

Filed with Sec. of State's office pursuant to R.I. Gen. Laws § 42-35-2.7 "Notice of proposed rulemaking" on August 10, 2018.

250-RICR-90-00-9

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 90 – MARINE FISHERIES

SUBCHAPTER 00 – N/A

PART 9 – Maps

9.1 Purpose

The purpose of these Rules and Regulations is to manage the marine resources of the state of Rhode Island.

9.2 Authority

These rules and regulations are promulgated pursuant to 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), the Administrative Procedures Act.

9.3 Application

The provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

9.4 Definitions

See Rhode Island Marine Fisheries Regulations, Part 1 of this Subchapter.

9.5 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

9.6 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement these regulations shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

9.7 Maps

Designated sites in Rhode Island for floating fish traps



