



## 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)*
2. *Part 3 – Finfish (250-RICR-90-00-3)*
3. *Part 12- Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder (250-RICR-90-00-12)*

Rulemaking action: Proposed rulemaking

Type of Filing: Proposed amendments (*Parts 1 and 3*); and adoption (*Part 12*)

Timetable for action on the proposed rule:

- Date of public notice: May 18, 2018
- Date of hearing: June 4, 2018
- End of comment period: June 18, 2018
- RI Marine Fisheries Council: June 26, 2018
- Anticipated filing date: July, 2018

Summary of proposed rule:

1. Hearing Item #1: Proposed amendment to “*Part 1 - Definitions and General Provisions*”, regarding modification and/or deletion of terms (section 1.7);
2. Hearing Item #2: Proposed amendment to “*Part 3 – Finfish*”, regarding the following:
  - a. Removal of language “whether caught within the jurisdiction of this State or otherwise”, in several locations throughout the regulation, as unneeded and/or inconsistent with language regarding transiting (sections 3.7.1, 3.7.2, 3.8.1, 3.9.1, 3.9.2, 3.10.1, 3.13.1, 3.13.2, 3.20.1, 3.20.2, 3.21.1, 3.21.2, 3.23.1, 3.23.2, 3.24.1, 3.24.2, 3.28.1, 3.28.2, 3.29.1, 3.29.2, 3.30.1, 3.30.2, 3.31.1, 3.31.2);
  - b. Transfer of quota between the striped bass floating fish trap and general category fisheries (section 3.9.2(A)(3));
  - c. Coastal shark management, to increase the minimum size for recreational Shortfin Mako for consistency with NOAA (section 3.19.1(C)).

- d. Coastal shark management, to decrease the fishing year starting possession limit for Aggregated Large Coastal (LCS) & Hammerhead species groups for consistency with ASMFC and/or NOAA Fisheries Management Plans (section 3.19.2(F));
  - e. Coastal shark management, regarding rod and reel gear and safe handling requirements (sections 3.19.1(F) & 3.19.2(I));
  - f. Commercial Cod management, to provide for federally permitted vessels to harvest, possess, or land Cod in state waters in the amount equal to the federal regulations, consistent with other groundfish species (e.g., haddock) (section 3.20);
  - g. Commercial Skate management, to provide for the harvest of Barndoor skate in the Skate wing fishery (section 3.26.2);
3. Hearing Item #3: Proposed adoption of new regulation “*Part 12- Regulations for an Expanded Aggregate Program for Commercial Black Sea Bass and Summer Flounder*” to expand aggregate opportunities to commercial fishermen as a means to provide greater operational flexibility and reduce discards, and to gather data necessary to make informed decisions about the impact of such a program on harvest rates and quota management.

Comments invited: All interested parties are invited to submit written comments concerning the proposed regulations by 4:00PM on June 18, 2018. Comments may be submitted to the following address:

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

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

Public hearing information:

The PUBLIC HEARING will be held at **6:00PM** on **Monday, June 4, 2018** 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 May 18, 2018.*