



# Rhode Island Marine Fisheries Council

3 Fort Wetherill Road Jamestown, Rhode Island 02835

(401) 423-1920 Fax: (401) 423-1925

## **Administrative Policies and Procedures of the Rhode Island Marine Fisheries Council**

Adopted September 13, 2016

This document sets forth the administrative policies and procedures of the Rhode Island Marine Fisheries Council, with particular reference to the operations of the Council and its committees. This document updates and replaces the *Species Advisory Panel Policy*, adopted by the Council on June 4, 2007 and revised on January 5, 2009. It incorporates by reference the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*.

### **Part A – General**

1. The RI Marine Fisheries Council (Council) is established in accordance with RIGL Section 20-3-1 to serve in an advisory capacity to the Director of the Rhode Island Department of Environmental Management (Director) and/or other state agencies on marine fisheries issues pertaining to the State of Rhode Island, particularly those involving the planning, management, and regulation of the State's marine fisheries.
2. Council members are appointed by the RI Governor, and subject to advice and consent by the RI Senate. Members serve four-year terms, and are eligible for reappointment once. Members appointed to fill a seat vacated during a term serve the remainder of the term and are then eligible for reappointment to a full term. Members whose terms have expired may continue to serve until replaced or reappointed.
3. No person may serve on the Council if assessed a criminal or administrative penalty in the past 3 years for a violation of a marine fisheries law or regulation, including any suspension or revocation of a commercial or recreational fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law.
4. The Director or his or her designee shall serve as the Council Chairperson (Chair).

5. The Chair's principal role is to manage the agenda for the meeting and provide for an orderly flow of the meeting. The Chair shall follow codes of parliamentary procedure (such as *Robert's Rules of Order* or the *American Institute of Parliamentarians Standard Code of Parliamentary Procedure*) to the extent necessary and appropriate. The Chair shall call meetings to order, call for final approval by the Council of the meeting agenda, ensure that meetings are conducted in a civil manner, and manage the dialogue by the Council and comments from the public. The Chair may inform the discussion, but should not advocate a position, nor vote, unless a vote is deemed necessary and appropriate for the purpose of breaking an otherwise tie vote. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.
6. The Council shall elect a Vice-Chair, who shall serve as Acting Chair if the Chair is unable to attend all or part of a Council meeting, or opts not to participate in a given agenda item that is before the Council for consideration.
7. Meetings of the Council shall be held on an on-needed basis. All Council meetings are open to the public. Meeting agendas shall be prepared by the Chair in consultation with the Rhode Island Department of Environmental Management, Division of Fish & Wildlife, Marine Fisheries Program (Division) and Council members. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), with hard copies posted at selected locations, and also noticed via the Division's listserve and website. In advance of Council meetings, meeting materials will be provided to the Council electronically, and made available to the public via the Division's website.
8. The Chair shall assure that a quorum is present at each meeting. In the event that a quorum is not present, the Chair shall decide whether to hold or cancel the meeting. No votes may be taken if a quorum is not present.
9. The Council shall deliberate and, by vote, provide recommendations to the Director on all proposed regulatory matters. The Council shall also deliberate and vote on any other matters brought before the Council for the purpose of rendering a recommendation to the Director, or another state agency. Such matters shall include, but are not limited to: commercial licensing; aquaculture lease proposals; annual plans for the allocation and use of funds from commercial license fees, tags, permits, and vessel fees; and the recreational saltwater fishing license program.
10. Agendas for all Council meetings shall include an opportunity for any member of the public to address the Council on any matter that is not on the agenda for that meeting. The Council may respond to any such comments, but shall not vote on the matter raised. The matter may be added to the agenda for a subsequent meeting of the Council, at the behest of the Council.
11. The Division shall provide a staff person to provide administrative support to the Chair and Council. Such support shall include, but not be limited to, the scheduling of meetings, the

preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.

12. Draft minutes of each Council meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”).
13. The Council shall establish and maintain two standing committees of the Council: an Industry Advisory Committee (IAC) and Shellfish Advisory Panel (SAP), in accordance with Parts D and E herein. The Council may also establish ad-hoc committees as necessary and in accordance with applicable procedures (see Part F herein).
14. For each calendar year, the Council shall report annually, by March 1, to the Governor and the RI General Assembly with regard to: the advice it has given to state agencies, particularly DEM, on marine fisheries issues; the response it has received to such advice; any findings or position it may have with regard to the status and/or condition of marine fisheries; and any recommendations it may have for maintaining, improving, or changing laws, regulations, or management programs for marine fisheries.

**Part B – Roles and Responsibilities of the Council Relative to the Administrative Procedures Act and Code of Ethics**

1. In accordance with the Council’s statutory responsibility to provide recommendations to the Director on proposed regulatory matters, the Council’s role is intertwined with, and thus influenced by, the State’s *Administrative Procedures Act*, RIGL Chapter 42-35 (APA). The Division, on behalf of and in coordination with the Director, is responsible for conducting the regulatory process, pursuant to the APA. The regulatory process, and the Council’s role and responsibilities relative to it, are as follows:
  - A. A notice is posted by the Division advising the public of proposed regulatory action and soliciting written comments on the proposed action for a specified period of time, that being at least 30 days. All written comments received during the comment period will be included in the administrative record.
  - B. The notice also states that the Division will conduct a public workshop at a specified date and time prior to the hearing, at which interested parties will be afforded the opportunity to interact with Division staff and engage in discussion concerning the proposed regulatory action. Council members are encouraged to attend and participate in the workshop.
  - C. The notice also states that following the workshop, at a specified date and time, a public hearing will be held at which interested parties will be afforded the opportunity to offer oral and additional written comments concerning the proposal; said comments to be included in the administrative record. Council members are encouraged to attend the public hearing; however, members are dissuaded from commenting at the hearing due to their subsequent role in deliberating on and providing advice to the Director on the same

matter(s) being considered. Members who feel compelled to provide comment on a matter at a public hearing may do so, provided they recuse themselves from the subsequent Council deliberation and vote on the matter.

- D. The notice also states that, for a period extending at least 5 days following the public hearing, interested parties will be afforded the opportunity to submit written comments concerning the proposed regulatory action; said comments to be included in the administrative record.
  - E. At the end of the written comment period following the public hearing, the administrative record is closed.
  - F. After the close of the administrative record, the Division assembles the administrative record, i.e., a summary of the oral comments provided at the public hearing and copies of the written comments submitted during the written comment period. The Division then distributes the administrative record to the Council members with an agenda providing notice that the Council will be meeting, at a specified date and time, to deliberate and vote upon a recommendation to the Director regarding the proposed regulatory action.
  - G. Council members shall refrain from communicating with, or considering oral or written comments offered by, members of the public after the close of the administrative record.
  - H. The Council then meets to deliberate upon the administrative record and vote on a recommendation to the Director regarding the proposed regulatory action. In rendering its advice, the Council is bound by the notice, but not by the public comment portion of the record – i.e., the Council may render any recommendation that falls within the ambit of the notice, drawing upon public comment but not necessarily consistent with public comment. During its meeting, the Council may consider additional input from the Division and/or the public, but is not obligated to do so.
  - I. After the Council meeting, the Division forwards the administrative record, the recommendation of the Council, and its own recommendation to the Director for final consideration. The Director then renders a final decision. The Director's decision shall be provided in writing and made available to the Council and the public via the Division's website.
  - J. The final regulations are then filed with the RI Secretary of State, taking effect twenty (20) days from the date of filing. Concurrently, a link to the final regulations is posted on the Division's website, coupled with an announcement provided via the Division's listserv.
2. Recusals:
- A. Council members are subject to the provisions of the *Rhode Island Code of Ethics*, R.I. Gen. Laws Chapter 36-14 and the regulations promulgated by the Rhode Island Ethics Commission pursuant thereto. As such, a member may occasionally determine that he or she should recuse him or herself from voting on and otherwise participating in the

Council's consideration or disposition of a matter pending before the Council if the matter under consideration may potentially financially impact the member, or any person within member's family, or any business associate of the member, or any business entity in which the member or any person within the member's family or any business associate of the member has an equity interest. However, given the statutory obligation that the Council be composed of members who are actively engaged in certain commercial activities or operations pertaining to marine fishing, a financial interest, per se, should not be deemed to require a council member to recuse him/herself. Rather, the Rhode Island Ethics Commission applies what is referred to as a "class exception" pursuant to which a member is not required to recuse him/herself if the subject matter/regulation applies equally to the member and to all other participants in a large class that is subject to or impacted by the regulatory matter under consideration. For example, a member who is a commercial fisher and harvests summer flounder may vote on and otherwise participate in the Council's consideration and disposition of a matter pending before the Council involving the regulation of summer flounder if the matter's provisions apply equally to all commercial harvesters of summer flounder. However, if a member is a participant in a small group that would or might be impacted financially by a pending matter/regulation, the member should recuse him/herself. If a member is uncertain as to whether a given matter/regulation poses a potential conflict of interest, he/she should seek advice from the Council's legal counsel and exercise their best judgment in accordance with that advice. Ultimately, it is the individual responsibility of each Council member to assess their status relative to any conflict of interest and conduct themselves in a manner consistent with the *Rhode Island Code of Ethics*.

- B. If a Council member deems it appropriate to recuse him/herself, the member must notify the Chair prior to Council consideration of the matter. Ideally, such notification should occur in advance of the start of the meeting, and involve consultation with the Council's legal counsel. During the meeting, when the agenda item is reached, the member should note, for the record, that he/she is recusing him/herself and then leave the council table. The member is then barred from voting on and otherwise participating in the Council's consideration or disposition of the matter pending before the Council in his/her role as a Council member. If the member is so inclined, he/she may join the public in the gallery and, at the behest of the Chair, may be recognized and offer public comment on the same manner, with his/her status being the same as any other member of the public for that matter. In the event of recusal, the member is required to complete the recusal form of the Rhode Island Ethics Commission and, within twenty-four (24) hours of the recusal, hand deliver or mail the completed form to the Rhode Island Ethics Commission, with a copy to the Chair. The recusal form may be obtained from the Council's legal counsel or downloaded from the Rhode Island Ethics Commission's website.
- C. One or more recusals does not affect the Council's quorum, and thus does not affect the Council's ability to vote on any given matter, provided that a quorum exists at the time the matter in question is being considered. A member who recuses him/herself on a given matter continues to count toward the quorum, notwithstanding the member's inability to vote or otherwise participate in the Council's consideration and disposition of the matter.

### **Part C – Recommendations Regarding Aquaculture Lease Proposals**

1. In accordance with RIGL 20-10-5(d), the Council is responsible for the review of aquaculture lease applications submitted to the RI Coastal Resources Management Council (CRMC) for the purpose of formulating recommendations to the CRMC as to whether the aquaculture activities proposed in each application are consistent with competing uses engaged in the exploitation of the marine fisheries.
2. The Council shall undertake this responsibility pursuant to the policies and procedures set forth in the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*.

### **Part D – Industry Advisory Committee**

1. In accordance with RIGL 20-2.1-11, the Council is responsible for establishing an Industry Advisory Committee (IAC) to provide coordination among commercial fisheries sectors and to review plans and recommendations that affect more than one commercial fishery sector and to advise the Council and the Director on matters which affect commercial fishing as a whole – e.g., commercial licensing. The IAC is to be comprised of representatives of each commercial fisheries sector and of manners of commercial fishing.
2. The IAC shall consist of a minimum of six (6) and maximum of fifteen (15) members. Alternate members may be selected by the Council to serve in the event that a primary member cannot attend a meeting. In addition to broad commercial representation, the Council will appoint to the IAC at least one representative from the recreational fisheries sector and one from the for-hire fisheries sector, for the purpose of incorporating the perspectives of those sectors when considering commercial fisheries issues. Members are not subject to term limits; however, the Council shall review the IAC membership at least once every two (2) years. Members may be removed from service on the IAC, by vote of the Council, for failure to appear, without cause, at two (2) or more consecutive meetings or for disruptive behavior at two (2) or more meetings. New members may be solicited via any process that the Council wishes to employ, with assistance from the Division.
3. No person may serve on the IAC if assessed a criminal or administrative penalty in the past three (3) years for a violation of a marine fisheries law or regulation, including any suspension or revocation of a commercial or recreational fishing license or permit or dealer's license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law.
4. The IAC shall deliberate and, by vote, provide recommendations to the Council on all matters that are brought before the committee for consideration.
5. At a minimum, the IAC shall meet annually prior to the Division's public notice on proposed amendments to DEM's *Commercial and Recreational Saltwater Fishing Licensing Regulations* to offer recommendations to the Council, and on behalf of the Council to the Division, relative to proposed amendments. At the same meeting, the IAC shall review and

offer recommendations to the Council, and on behalf of the Council to the Division, on the exit/entry ratios for each license endorsement category, in context with the Division's annually updated Sector Management Plans.

6. IAC members shall seek to be knowledgeable on the issues brought before the committee, drawing upon input sought from a broad cross-section of individuals from the fisheries sector or user group they represent.
7. The Council shall appoint one of its members to serve as IAC Chair. If the Chair is unable to attend a given meeting, the Chair shall call upon another Council member to serve as a substitute. The Chair's principal roles are to call the meeting to order, manage the agenda for the meeting, provide for an orderly flow of the meeting, and facilitate a broad and inclusive discussion of the issue(s) at hand, prioritizing dialogue by the Committee and allowing for comments from the public. The Chair shall follow codes of parliamentary procedure (such as *Robert's Rules of Order* or the *American Institute of Parliamentarians Standard Code of Parliamentary Procedure*) to the extent necessary and appropriate. For issues that lend themselves to recommendation or advice, the Chair shall advance any proposals offered by the Council or the Division, solicit additional proposals from those attending the meeting, subject each proposal to review and discussion, identify pros and cons, and seek consensus as to which proposal(s) should be forwarded to the Council, and through the Council to the Division, for further consideration. The Chair may inform the discussion, but should not advocate a position, nor vote, unless a vote is deemed necessary and appropriate for the purpose of breaking an otherwise tie vote. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.
8. Meetings of the IAC shall be held on an on-needed basis. All IAC meetings are open to the public. Meeting agendas shall be prepared and approved by the IAC Chair, in consultation with the Division and Council. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), with hard copies posted at selected locations, and also noticed via the Division's listserv and website. In advance of IAC meetings, meeting materials will be provided to the IAC electronically, and made available to the public via the Division's website.
9. The IAC Chair shall ensure that a quorum is present for each meeting of the IAC. In the event that a quorum is not present, the Chair shall decide whether to hold or cancel the meeting. No votes may be taken if a quorum is not present.
10. The Division shall provide a staff person to provide administrative support to the IAC. Such support shall include, but not be limited to, the scheduling of meetings, the preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.
11. Draft minutes of each IAC meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be

subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 (“Open Meetings”).

### **Part E – Shellfish Advisory Panel**

1. The SAP shall deliberate and, by vote, provide recommendations to the Council on all shellfish-related matters brought before the committee for consideration. At a minimum, such matters shall include the annual review of, and recommendations for, commercial winter shellfish harvest schedules in Shellfish Management Areas.
2. The SAP shall also be responsible for acting on behalf of the Council for the review of aquaculture lease applications submitted to the CRMC for the purpose of formulating recommendations to the CRMC as to whether the aquaculture activities proposed in each application are consistent with competing uses engaged in the exploitation of the marine fisheries, consistent with the document titled *Shellfish Aquaculture Lease Proposals -- Policies and Procedures Governing RIMFC and DEM Reviews -- Adopted by the RI Marine Fisheries Council – August 3, 2009 -- As Amended September 2009*. In the exercise of this responsibility, the SAP shall render its advice by vote.
3. The SAP shall consist of a minimum of six (6) and maximum of fifteen (15) members, appointed by the Council. Alternate members may be selected by the Council to serve in the event that a primary member cannot attend a meeting. Membership on the SAP shall include representation from a broad array of commercial and recreational shellfish interests in RI, including the various species harvested, gear types utilized, and areas fished. Membership may also include other relevant interests or user groups, as the Council sees fit. Recognizing that commercial aquaculture operations may compete with a range of marine fishery activities in addition to shellfishing, the Council may appoint SAP members who represent fishery interests other than shellfishing. Members are not subject to term limits; however, the Council shall review the SAP membership at least once every two (2) years. Members may be removed from service on the SAP, by vote of the Council, for failure to appear, without cause, at two (2) or more consecutive meetings or for disruptive behavior at two (2) or more meetings. New members may be solicited via any process that the Council wishes to employ, with assistance from the Division.
4. SAP members shall seek to be knowledgeable on the issues brought before the committee, drawing upon input sought from a broad cross-section of interests from the fisheries sector or user group they represent.
5. No person may serve on the SAP if assessed a criminal or administrative penalty in the past three (3) years or has more than one marine fisheries violation (including any suspension or revocation of a commercial or recreational fishing license or permit or dealer’s license, or any fine, donation, probation, imprisonment, or other filing, imposed administratively or by a court of law);
6. The Council shall appoint one of its members to serve as SAP Chair. If the Chair is unable to attend a given meeting, the Chair shall call upon another Council member to serve as a

substitute. The Chair's principal roles are to call the meeting to order, manage the agenda for the meeting, provide for an orderly flow of the meeting, and facilitate a broad and inclusive discussion of the issue(s) at hand, prioritizing dialogue by the Panel and allowing for comments from the public. The Chair shall follow codes of parliamentary procedure (such as *Robert's Rules of Order* or the *American Institute of Parliamentarians Standard Code of Parliamentary Procedure*) to the extent necessary and appropriate. For issues that lend themselves to recommendation or advice, the Chair shall advance any proposals offered by the Council or the Division, solicit additional proposals from those attending the meeting, subject each proposal to review and discussion, identify pros and cons, and seek consensus as to which proposal(s) should be forwarded to the Council, and through the Council to the Division, for further consideration. The Chair may inform the discussion, but should not advocate a position, nor vote, unless a vote is deemed necessary and appropriate for the purpose of breaking an otherwise tie vote. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.

7. Meetings of the SAP shall be held on an on-needed basis. All SAP meetings are open to the public. Meeting agendas shall be prepared and approved by the SAP Chair, in consultation with the Division and Council. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), with hard copies posted at selected locations, and also noticed via the Division's listserve and website. In advance of SAP meetings, meeting materials will be provided to the SAP electronically, and made available to the public via the Division's website.
8. The SAP Chair shall ensure that a quorum is present for each meeting of the SAP. In the event that a quorum is not present, the Chair shall decide whether to hold or cancel the meeting. No votes may be taken if a quorum is not present.
9. The Division shall provide a staff person to provide administrative support to the SAP. Such support shall include, but not be limited to, the scheduling of meetings, the preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.
10. Draft minutes of each SAP meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings").

#### **Part F – Ad Hoc Committees**

1. The Council may establish ad hoc committees, on an as-needed basis, to review and provide recommendations and/or advice to the Council, relative to any marine fishery issue which, in the opinion of the Council, warrants committee-based consideration.

2. The Council shall appoint one of its members to serve as Chair of each committee. If the Committee Chair is unable to attend a given meeting, the Chair shall call upon another Council member to serve as a substitute. The Chair's principal role is to manage the agenda for the meeting and provide for an orderly flow of the meeting. The Chair may inform the discussion, but should not advocate a position. The Chair may excuse any person(s) deemed disruptive and, in the case of serious disorder or some other emergency, adjourn a meeting prior to completion.
3. The Council will not appoint members to ad-hoc committees; rather, in collaboration with the Division, the Council shall seek participation by a representative cross-section of individuals and user groups whose interests relate closely to the issue(s) being addressed by the committee.
4. All committee meetings will be open to the public. Meeting agendas shall be prepared by the Committee Chair, in consultation with the Division and Council. Announcement of meetings and agendas will be noticed with the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings"), posted at the Department's main office in Providence and the Division's office in Jamestown, and also noticed via the Division's listserve and website. In advance of committee meetings, meeting materials will be provided to the committee electronically, and made available to the public via the Division's website.
5. For each committee meeting, the Committee Chair shall manage the agenda, provide for an orderly flow, and facilitate a broad and inclusive discussion of the issue(s) at hand, prioritizing dialogue by the Committee and allowing for comments from the public. For issues that lend themselves to recommendation or advice, the Chair shall advance any proposals offered by the Council or the Division, solicit additional proposals from those attending the meeting, subject each proposal to review and discussion, identify pros and cons, and seek consensus as to which proposal(s) should be forwarded to the Council, and through the Council to the Division, for further consideration. The process may involve a single meeting, or span a series of meetings, as determined by the Chair.
6. The Division shall provide a staff person to provide administrative support to each committee. Such support shall include, but not be limited to, the scheduling of meetings, the preparation, distribution, and posting of meeting agendas and meeting materials, and the preparation of meeting minutes.
7. Draft minutes of each committee meeting shall be reviewed by the Council at a subsequent Council meeting. Minutes shall be subject to modification to ensure accuracy and shall be subject to approval by the Council. Division staff shall post approved minutes to the Office of the RI Secretary of State in accordance with RIGL Section 42-46-6 ("Open Meetings").

## *Shellfish Aquaculture Lease Proposals*

### *Policies and Procedures Governing RIMFC and DEM Reviews*

Adopted by the RI Marine Fisheries Council – August 3, 2009  
As Amended September 2009

#### Policy #1:

The RI Marine Fisheries Council (RIMFC) authorizes the Council's Shellfish Advisory Panel (SAP) Chair to schedule SAP meetings, on an as-needed basis, for the purpose of reviewing applications for issuance of aquaculture leases that have been submitted to CRMC and that CRMC has referred to the RIMFC for review for the consideration of recommendations pursuant to R.I. Gen. Laws §20-10-5(b). The RIMFC hereby determines that it is procedurally unnecessary for the full RIMFC to conduct preliminary reviews of each of the individual aquaculture lease applications prior to designating them for consideration as SAP agenda items. The SAP Chair will provide updates to the full Council at every regularly scheduled Council meeting regarding any/all meetings or activities involving the SAP or the SAP Chair.

#### Policy #2:

In accordance with the procedures set forth below, the RIMFC will be provided with full and timely notification regarding all SAP recommendations pertaining to aquaculture lease applications. The RIMFC hereby delegates the SAP with the authority to prepare recommendations concerning individual aquaculture lease applications and to forward said SAP recommendations to the CRMC, with said SAP recommendations being deemed approved by the RIMFC, and reflective of the RIMFC's final recommendation pertaining to the application, unless, within ten (10) days of the receipt of said SAP recommendation, any member of the RIMFC notifies DEM of his/her desire to bring the SAP recommendation before the full RIMFC for further review and consideration, in which case the matter will be placed on the agenda for the next RIMFC meeting.

#### Policy #3:

Upon receipt of SAP recommendations pertaining to aquaculture lease applications, the CRMC will immediately forward said recommendations to the applicants. If any applicant wishes to bring the SAP recommendation(s) before the full RIMFC for further review and consideration, the applicant will so notify the CRMC who in turn will notify DEM, and the matter will be placed on the agenda for the next RIMFC meeting.

Procedures:

1. The CRMC receives an initial, draft proposal for a new or expanded aquaculture facility. In response, the CRMC Aquaculture Coordinator (AC) distributes the proposal to all interested parties and conducts a Preliminary Determination (PD) meeting, inviting: ACOE, NMFS, USCG, DEM, DOH, adjacent municipality(s), the RIMFC Shellfish Advisory Panel (SAP) Chair, commercial and recreational fishing industry representatives, and other interested parties.
  - DEM and the SAP Chair make every effort to respond to the draft proposal, via the PD process.
  - As part of the PD process, DEM and the SAP Chair identify information needs and key issues to be addressed by the applicant, in coordination with the AC.
2. The AC provides recommendations back to the applicant, drawing upon the comments provided through the PD process.
3. DEM and the SAP Chair remain available for consultation with the AC, as the applicant addresses preliminary suggested modifications to his/her lease application.
4. The applicant submits a lease application to the AC, which the AC, as an action in the 30 day public notice process, distributes to all interested parties, including DEM, the RIMFC, and all members of the SAP. (\*In advance, DEM shall provide the AC with names and addresses of all SAP and Council members.) During the 30-day period:
  - The SAP Chair, in coordination with DEM, schedules a SAP meeting, with a target date within 15-20 days following the close of the 30-day period.
  - DEM conducts an internal preliminary review of the application, with a target date for completion of no more than 15-20 days following the close of the 30-day period (i.e., corresponding to the date of the SAP meeting).
  - The AC remains available for consultation with DEM and SAP Chair during the review process.
  - The AC helps ensure that key interests, including the applicant, as well as all other interested parties, are invited to attend and participate in the SAP meeting.
5. Upon completion of the 30-day notice period, the AC coordinates with the applicant regarding public comments and any potential modifications to lease application based thereupon.
6. The SAP meeting takes place. At the meeting, the AC, in coordination with the applicant, addresses any preliminary modifications to the application; DEM presents its preliminary comments on the application; and industry interests (among others) are given the opportunity to comment. Those unable to attend the meeting are encouraged to submit written comments. The SAP seeks consensus on a recommendation regarding the application, including any potential additional modifications thereto.

7. Within ten (10) days following the SAP meeting, the SAP Chair develops minutes of the meeting, with particular reference to the panel's recommendation(s). Upon completion of the minutes, they are submitted to the RIMFC, with a copy to DEM and the AC; the AC then forwards the recommendation(s) to the applicant. Simultaneously, DEM's preliminary comments on the application are submitted to the RIMFC, with a copy to the AC, who then forwards said comments to the applicant. Relevant application materials, provided by the AC, are included in the RIMFC submittal.
8. Within ten (10) days following receipt of the SAP meeting minutes, and all associated documents, and DEM's preliminary comments on the application, any RIMFC member may request that the matter be brought before the full RIMFC at the next regularly scheduled RIMFC meeting.
9. If no RIMFC member makes such a request, DEM notifies the AC, on behalf of the RIMFC, that the SAP recommendation(s) constitute(s) the RIMFC recommendation. That recommendation stands unless and until an applicant seeks further review and consideration by the full RIMFC, pursuant to #11 below.
10. If any RIMFC member does request that the matter be brought before the full RIMFC, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
11. Notwithstanding the process outlined above, any applicant wishing to bring the SAP recommendation(s) pertaining to his/her lease application before the full RIMFC for further review and consideration may do so, at any time, by making that request to the AC, who in turn forwards the request to DEM. Upon receipt of such request, the matter is scheduled for consideration at the next regularly scheduled RIMFC meeting. At that meeting, the RIMFC develops a recommendation to the AC, drawing upon the recommendations of the SAP, and in consideration of any other relevant issues, including DEM comments and any additional public comment offered at the RIMFC meeting. The RIMFC may continue any matter that requires additional review. The RIMFC recommendation is forwarded to the AC immediately following final adoption.
12. Immediately following the SAP meeting, or, if the matter is brought before the RIMFC, immediately following adoption of their final recommendation, DEM submits its final written comments on the application to the AC.
13. The AC completes the regulatory review process pursuant to CRMC's programmatic requirements.