

**Rhode Island Department of Environmental Management
Regulatory Agenda– January 15, 2009**

PART I - Rules Promulgated June 16, 2008 through January 16 2009.

ERLID	Type Filing	Title	Effective Date
5135	Amendment	RI Marine Fisheries Statutes & Regulations – Part XV – Lobsters, Other Crustaceans, & Horseshoe Crab	06/29/2008
5196	Adoption	Air Pollution Control Regulation No. 47, entitled “CO ₂ Budget Trading Program Allowance Distribution”	07/22/2008
5195	Adoption	Air Pollution Control Regulation No. 46, entitled “CO ₂ Budget Trading Program”	07/22/2008
5408	Technical Revision	Park & Management Area Rules & Regulations	08/27/2008
5379	Technical Revision	Hunting Regulations for 2008-2009 Season	08/27/2008
5214	Adoption	Freshwater & Anadromous Fishing Regulations for the 2009-2010 Season	08/27/2008
5336	Adoption	RI Hunting Regulations for Waterfowl Season 2008-2009	10/08/2008
5337	Adoption	RI Falconry Regulations for 2008-2009 Season	10/08/2008
5316	Amendment	RI Air Pollution Control – General Definitions Regulation	10/09/2008
5312	Amendment	Air Pollution Control Regulation No. 9 – Air Pollution Control Permits	10/09/2008
4527	Amendment	Air Pollution Control Regulation No. 36 – Control of Emissions from Organic Solvent Cleaning	10/09/2008
5314	Amendment	Air Pollution Control Regulation No. 22 – Air Toxics	10/09/2008
4506	Amendment	Air Pollution Control Regulation No. 11 – Petroleum Liquids Marketing & Storage	10/09/2008
5493	Amendment	RI Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	11/18/2008
4729	Amendment	Publish FY 2009 Project Priority List	11/26/2008
5272	Amendment	RI Marine Fisheries Statutes & Regulations – Part IV- Shellfish	12/15/2008
5493	Amendment	RI Marine Fisheries Statutes & Regulations – Part III – Marine Fisheries Council	11/18/2008
5525	Amendment	Rules & regulations Governing the Management of Marine Fisheries	12/23/2008
5469	Amendment	Underground Storage Tank Regulations	12/30/2008
5521	Amendment	State Pilotage Commission Rules & Regulations	1/1/2009
5462	Amendment	RI Marine Fisheries Statues & Regulations – Part VII – Minimum Sizes of Fish/Shellfish	1/1/2009
4480	Amendment	Air Pollution Control Regulation No. 34 – RI Motor Vehicle Inspection/Maintenance Program	1/5/2009

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PART II - Expected Rulemaking Activity January 16, 2009 through June 16, 2009.

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
New Regulation	Electronic Waste – Environmentally Sound Recycling & Reuse Standards	Establish new standards for recycling & reuse of electronic waste for Manufacturer Recycling Plans & State Electronic Waste Program administered by RIRRC.	RIGL Chapters 23-24.10-12 & 42-17.1	DEM expects to complete the rulemaking process by the end of the 2nd quarter of 2009.	Elizabeth Stone, Waste Management, 222-4700 Ext. 2422	Electronics manufacturers, RIRRC, & electronic waste collectors/recyclers/processors.
Amendment	Air Pollution Control Regulation No. 25 - Control of VOC Emissions from Cutback & Emulsified Asphalt	Strengthen VOC limits for asphalt products for road paving consistent with neighboring states	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 2/20/09; DEM expects to complete rulemaking in 2nd quarter 2009.	Edward Burns, Air Resources, 222-4700, Ext. 7013	Municipalities & DOT
Amendment	Air Pollution Control Regulation No. 31 - Control of VOC from Consumer Products	Strengthen VOC limits for Consumer Products consistent with neighboring states	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 2/20/09; DEM expects to complete rulemaking in 2nd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Consumer product manufacturers, distributors, & retailers
Amendment	Air Pollution Control Regulation No. 33 - Control of VOC from Architectural Coatings & Industrial Maintenance Coatings	Strengthen VOC coating limits consistent with neighboring states	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 2/20/09; DEM expects to complete rulemaking in 2nd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Coating manufacturers, distributors, retailers & users
New Regulation	Control of VOC from Adhesives & Sealants	Adopt VOC limits for adhesives & sealants consistent with neighboring states	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 2/20/09; DEM expects to complete rulemaking in 2nd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Adhesive manufacturers, distributors, retailers & users

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New Regulation	Control of VOC from Adhesives & Sealants	Adopt VOC limits for adhesives & sealants consistent with neighboring states	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 2/20/09; DEM expects to complete rulemaking in 2nd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Adhesive manufacturers, distributors, retailers & users
Amendment	Air Pollution Control Regulation No. 21 - Control of VOC Emissions from Printing Operations	Adopt VOC limits for inks used for Lithographic Printing Materials, Letterpress Printing Materials, Flexible Packaging Printing Materials consistent w/ EPA guidance	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 5/09; DEM expects to complete rulemaking in 2nd/3rd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Printers
Amendment	Air Pollution Control Regulation No. 19 - Control of VOC Emissions from Surface Coating Operations	Amend VOC limits for coatings used in Paper, Film & Foil coating; Metal Furniture coating; Large Appliance Coating consistent w/ EPA guidance	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 5/09; DEM expects to complete rulemaking in 2nd/3rd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Surface coaters
Amendment	Air Pollution Control Regulation No. 14 - Record Keeping & Reporting	Amend emissions inventory reporting requirements to be consistent w/ revised EPA rule	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 5/09; DEM expects to complete rulemaking in 2nd/3rd quarter 2009.	Karen Slattery, Air Resources, 222-4700, Ext. 7030	Air pollution sources
Amendment	Air Pollution Control Regulation No. 23 - Control of Perchloroethylene from Dry Cleaning Operations	Amend dry cleaning requirements to be consistent w/ amended EPA rule	RIGL Chapters 42-17.1-2(19) & 23-23	Public Hearing 5/09; DEM expects to complete rulemaking in 2nd/3rd quarter 2009.	Barbara Morin, Air Resources, 222-4700, Ext. 7012	Dry Cleaners

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Amendment	Air Pollution Control Regulation No. 37 - RI's Low Emissions Vehicle Program	Amendments will address changes to the California Zero Emissions Vehicle regulation & other minor amendments to synchronize the two sets of regulations.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete rulemaking in 2nd quarter 2009.	Frank Stevenson, Air Resources, 222-4700, Ext. 7021	Automobile manufacturers, Automobile dealers, consumers
New Regulation	Outdoor Wood Boilers	Limit the sale of outdoor wood boilers in RI to units that meet EPA Phase 2 standards	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete rulemaking in 2nd quarter 2009.	Doug McVay, Air Resources, 222-4700, Ext. 7011	Outdoor wood boiler manufacturers, Outdoor wood boiler retailers, consumers, municipalities
Amendment	Air Pollution Control Regulation No. 29 - Operating Permits	Amend requirements for emission caps to make them permanent rather than renewable.	RIGL Chapters 42-17.1-2(19) & 23-23	DEM expects to complete rulemaking in 2nd quarter 2009.	Barbara Cesaro, Air Resources, 222-4700, Ext. 7019	Regulated sources with emission caps
Amendment	Enforcement of the Farm, Forest, & Open Space Act.	Update Appendix B. Forest Stewardship Plan Requirements, to comply w/ USDA's federal guidelines for minimum plan requirements.	RIGL Chapters: 44-27 & 44-5-39 through 41.	DEM expects to complete the rule making process by the end of the 3rd quarter of 2009.	Cathy Sparks, Forest Environment, 647-3367	Landowners & potential landowners who are enrolled in the Farm, Forest & Open Space Program; Forestry Consultants; U.S. Forest Service.
Amendment	Composting & Solid Waste Management Facilities	Amend solid waste regulations in accordance with legislative changes, & revisions for facilities that separate &/or process construction & demolition debris.	RIGL Chapters 23-18.9, 42-17.1, & 42-35	DEM expects to complete the rule making process by 6/09, pending final review by DEM Office of Legal Services.	Mary Kay, Legal Services 222-4700, Ext. 2304	Municipalities, solid waste management community, & compost facilities.
Amendment	Medical Waste Regulations	Revise reporting requirements & fee collection procedures for generators.	RIGL Chapter 23-19.12	DEM expects to complete the rule making process by 6/30/09	Laurie Grandchamp, Waste Management, 222-4700, Ext. 7143	Facilities & entities that generate medical waste.

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Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Amend FY 2009 Project Priority List pending Federal Stimulus Bill	RIGL Chapters: 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 1st quarter of 2009	Jay Manning, Water Resources, 222-3961, Ext. 7254	Cities & Towns
Amendment	Groundwater Quality	Update the Groundwater Classification Map & the Wellhead Protection Area Map; & Minor Language Changes	RIGL Chapters: 42-35, 46-12, 46-13.1, 23-18.9, 23-19.1, 42-17.6, & 42-17.1	DEM expects to complete the rule making process during the 1st quarter of 2009	Ernie Panciera, Water Resources, 222-4700, Ext. 7603	Water Suppliers, communities, property owners in affected areas, consultants
Amendment	Water Quality Regulations	Adopt site specific copper criteria, identify waters that serve as coldwater fish habitat & correct topographic errors.	RIGL Chapters: 46-12,42-17.1, 42-35	DEM expects to complete the rule making process during the 1st quarter of 2009	Connie Carey, Water Resources, 222-4700, Ext. 7239	Municipalities, affected property owners.
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Update Rating Criteria & minor edits	RIGL Chapters: 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 2nd quarter of 2009	Jay Manning, Water Resources, 222-3961, Ext. 7254	Cities & Towns
Amendment	Underground Injection Control Program	Major revision & update of all aspects of the Rules	RIGL Chapters: 42-35, 42-17.1 46-12, 46-13.1	DEM expects to complete the rule making process during the 2nd quarter of 2009	Ernie Panciera, Water Resources, 222-4700 Ext.7603	Commercial & industrial property owners, consultants
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Commercial and Recreational Tautog regulations for 2009	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Recreational and commercial fishers. Fish dealers

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Commercial Scup regulations for 2009	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers and fish dealers.
Amendment	Marine Fisheries Regulations Part XII Striped Bass	Establish Commercial and recreational Striped Bass regulations for 2009	RIGL Chapters 20-1-4, 20-1-12, 20-1-13, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers, fish dealers, recreational anglers, party and charter boats.
Amendment	Marine Fisheries Regulations Part XVI Menhaden Regulations	Establish Commercial Menhaden regulations for 2009	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Recreational and commercial fishers. Fish dealers
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Commercial Monkfish, cod and scallop regulations for 2009	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers and fish dealers.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Recreational Summer Flounder regulations for 2009	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Recreational Anglers

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Recreational Scup regulations for 2009	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Recreational Anglers
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Recreational Black Sea bass regulations for 2009	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Recreational Anglers
Amendment	Marine Fisheries Regulations Part XV Lobster and Other Crustaceans	Change permit requirements for lobster management areas.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Regulations for coastal sharks as required by the ASMFC	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part XIII Gillnet Regulations	Amend fixed gear marking requirements to complement federal marine mammal protection program	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial & recreational fishers & fish dealers.

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Amendment	Marine Fisheries Regulations Part IV Shellfish	Modify existing or create new shellfish management areas	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial and recreational fishers and fish dealers.
Adoption	Animal Care	To establish care regulations of licensed animal care facilities	RIGL Chapters 42-35, 42-17 & 4, & 1-22	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Dr. Scott Marshall, State Veterinarian or Dr. Peter Belinsky, Public Health Veterinarian	Animals care facilities (municipal pounds, shelters, pet shops, & kennels)
Amendment	Importation and Possession of Exotic (Wild) Animals	To modify & update existing rules & regulations	RIGL Chapter 42-17.1-2(19) & 4-18	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Dr. Scott Marshall, State Veterinarian or Dr. Peter Belinsky, Public Health Veterinarian	Anyone wishing to import or possess a wild or exotic animal as defined in regulations

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PART III - Expected Rule-making Activity June 16, 2009 through January 16, 2010:

Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Commercial Recycling Regulations	Revise reporting requirements, & standards for mandatory recycling	RIGL Chapters 23-18.9, 23-18.8, 23-19, 37-15, 42-17.6, 42-20.16, & 42-35	DEM expects to complete the rule making process by the 4th quarter of 2009	Laurie Grandchamp, Office of Waste Management, 222-4700, Ext. 7143	Businesses, & commercial entities mandated by current statute to recycle.
Amendment	Underground Storage Tanks	Make revisions to address requirements of the federal Energy Act, including new operator training requirements.	RIGL Chapters 42-17.1-2 & 42-35	DEM expects to complete the rule making process by 3 rd quarter of 2009.	Kevin Gillen, Office of Waste Management, 222-4700, Ext. 7116	Underground storage tank owners, municipalities, & environmental consultants.
Amendment	Site Remediation	Incorporate revisions to streamline current approval process, & revisions to current standards for arsenic.	RIGL Chapters 23-19.1, 23-19.14, 42-17.1-2, 46-12 & 46-13.1 & 42-35	DEM expects to complete the rule making process by the 4th quarter of 2009.	Leo Hellested, Office of Waste Management 222-4700, Ext. 7502	Environmental consultants, regulated community, & environmental organizations.
Amendment	Establish Minimum Standards Relating to Location, Design, Construction & Maintenance of Onsite Wastewater Treatment Systems	Update the Onsite regulations to incorporate cesspool phase-out requirements.	RIGL Chapter: 42-35, 42-17.1, 5-56, 5-56.1, 23-19.5, 23-24.3 & 23.19.15-1	DEM expects to complete the rule making process during the 3rd quarter of 2009.	Ernie Panciera, Office of Water Resources, 222-4700, Ext. 7603	ISDS designers, engineers, & those in the development industry; homeowners; municipalities
Amendment	Treatment, Disposal, Utilization & Transportation of Sewage Sludge	To clarify ambiguous sections of the rules & regulations & to consolidate the regulation's format.	RIGL Chapters: 42-17, 42-17.6, 46-12, 23-18.9, 23-19.1, 42-35	DEM expects to complete the rule making process during the 3rd quarter of 2009	Alex Pinto, Office of Water Resources, 222-4700, Ext. 7227	Municipalities (WWTFs), WWTF Contract Operators, Agriculture Industry, Landscaping Industry, Fertilizer Industry

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Type Filing	Title/Subject Area	Objective	Legal Basis	Anticipated Schedule	Agency Contact	Interested Parties
Amendment	Priority Determination System for Federal & State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects.	Publish FY 2010 Project Priority List	RIGL Chapters: 46-12.2, 42-17.1 & 46.12	DEM expects to complete the rule making process during the 3rd quarter of 2009	Jay Manning, Office of Water Resources, 222-3961, Ext. 7254	Cities & Towns
Amendment	Administration & Enforcement of the Fresh Water Wetlands Act	Establish a new categorical preliminary determination to streamline processing routine wetlands permit applications. Requires self-certification for compliance with permits.	RIGL Chapters: 2-1-18 through 2-1-25 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009	Alicia Good, Water Resources, 222-4700 Ext. 7200; Ron Gagnon, Technical & Customer Assistance, Ext. 7500	Developers/ builders, property owners, municipal officials, state agencies, & the environmental community.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Commercial Summer Flounder regulations for 2010.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part VII Minimum Sizes of Fish and Shellfish	Establish Commercial Black Sea bass regulations for 2010.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Commercial Licensing Regulations and Sector Management Plans	Establish Commercial licensing regulations & sector management plans for 2010.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.

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Amendment	Marine Fisheries Regulations Part IV Shellfish	Establish Commercial regulations for shellfish winter management areas for 2010.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 4th quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.
Amendment	Marine Fisheries Regulations Part XV Lobster and Other Crustaceans	Implement ASMFC changes to lobster trap allocation and transferability programs for 2010.	RIGL Chapters 20-1-4, 20-1-5, 20-1-12, 20-1-13, 20-2-35, 20-2-37, 42-17.1, 42-17.6 & 42-35	DEM expects to complete the rule making process during the 2nd quarter of 2009.	Mark Gibson, Fish & Wildlife 783-8906	Commercial fishers & fish dealers.