

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE**

Pursuant to the provisions of Chapters 20-1, 20-15, 20-18, 42-17.1, and 42-17.6 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws of 1956, as amended, the Director of the Department of Environmental Management (DEM) proposes rulemaking relative to the Freshwater and Anadromous Fishing Regulations for the 2012-2013 Season, and RI Hunting Regulations for the 2011-2012 Season, and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment concerning the following:

- (1.) Proposed adoption of the RI Hunting Regulations - 2011-2012 Season
- (2.) Proposed adoption of the RI Freshwater and Anadromous Fishing Regulations - 2012-2013 Season.

The public hearing will be held on Wednesday, June 1, 2011 at 7:00 P.M. at the Warwick Police Station, Community Room, 99 Veteran's Memorial Drive, Warwick, RI. The hearing room is accessible to the handicapped. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 for TDD (401) 831-5508. **Written comments concerning the regulations proposed for promulgation by the DEM may also be submitted to Christine Dudley at the Division of Forest Environment, Fish and Wildlife, Great Swamp Field Headquarters, 277 Great Neck Road, West Kingston, RI 02892 no later than 12:00 PM on June 1, 2011.**

The proposed regulations will establish seasons, bag limits, size limits, possession limits, and methods of taking on any species of fish, game, bird, or other wild animal occurring within the state other than marine species that the Department regulates in consultation with the Rhode Island Marine Fisheries Council. A copy of all the proposed regulations will be available for examination from May 1, 2011 through June 1, 2011 by mail or at the offices of the Division of Fish and Wildlife located at the Great Swamp Field Headquarters, 277 Great Neck Rd., West Kingston, RI 02892, weekdays from 8:30 – 4:00 PM or by calling the Division at (401)789-0281. Electronic copies of the proposed regulations will also be available on the website of the Secretary of State and at the DEM website which is located at www.state.ri.us/dem/bnatres/fishwild/index.htm.

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations. DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has also determined the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town. The public hearing is being conducted to solicit comment on the proposals and to allow public input from small businesses or any cities or towns, which may believe that they may be adversely affected. Interested parties are requested to comment on the proposed regulations on how such proposed action can be changed to minimize the impact on those small businesses affected. All written comments should be sent to the DEM at the address indicated above and should be received **no later than** 12:00 PM on June 1, 2011.

Janet L. Coit, Director
Department of Environmental Management



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE
Freshwater and Anadromous

FISHING REGULATIONS
for the
2012 – 2013 SEASON



Draft 3/15/11

AUTHORITY: These regulations are adopted pursuant to RIGL Sections 20-1-4, 20-1-12 and 20-1-13, as well as Chapters 42-17.1, and 42-17.6, in accordance with the requirements of Chapter 42-35, "Administrative Procedures Act" of the General Laws of 1956, as amended.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE

**RHODE ISLAND
FRESHWATER AND ANADROMOUS
FISHING REGULATIONS
for the
2012 – 2013 SEASON**

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE

**RHODE ISLAND
FISHING REGULATIONS
for the
2012 – 2013 SEASON**

RULE 1 PURPOSE

The purpose of these Rules and Regulations is to regulate freshwater fishing seasons and bag limits annually.

RULE 2 AUTHORITY

These Rules and Regulations are promulgated pursuant to RIGL Sections 20-1-12 and 20-1-13, as well as Chapters 42-17.1, and 42-17.6, in accordance with 42-35, Administrative Procedures Act of Rhode Island General Laws of 1956, as amended.

RULE 3 APPLICATION

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

RULE 4 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.

RULE 5 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 of freshwater and anadromous fisheries 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.

RULE 6 REGULATIONS - As follows:

PART I

FRESHWATER FISHERIES REGULATIONS

- 1.1 The open season on all species of trout, salmon, and charr shall close annually on the last day of February at midnight and shall commence at 6:00 AM on the second Saturday in April annually. From the second Saturday in April through November 30th annually, the daily creel and possession limits for trout shall be five (5) fish; and from December 1st through the last day in February, annually, the daily creel and possession limits for trout shall be two (2) fish. All designated trout waters (see 1.14) shall be closed to all fishing from the last day of February at midnight and shall commence at 6:00 AM on the second Saturday in April annually, unless otherwise designated. Possession of trout, salmon, or charr taken from any waters of the state during the closure shall be prohibited.

Free Fishing Days: A freshwater fishing license shall not be required by residents or non-residents on May 5th and 6th, 2012

- 1.2 The daily creel and possession limits for northern pike shall be two (2) fish, and the minimum size limit shall be twenty-four (24) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish, and the minimum size limit for chain pickerel shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). No person shall possess any northern pike less than twenty-four (24) inches in total length or chain pickerel less than fourteen (14) inches in total length.
- 1.3 The daily creel and possession limits for black bass (largemouth and smallmouth bass) shall be five (5) fish, either singularly or in aggregate, and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). No person shall possess any black bass less than twelve (12) inches in total length.
- 1.4 The creel and possession limit for domestic or landlocked Atlantic salmon (*Salmo salar*) in the fresh waters of Rhode Island shall be two (2) fish per day and shall be included in the daily limit for trout, salmon, or charr. The minimum size for Atlantic salmon shall be fifteen (15) inches total length. No person shall take any Atlantic salmon from the Pawcatuck River downstream of the Potter Hill Dam.
- 1.5 The creel or possession limits for American eel (*Anguilla rostrata*) shall be fifty (50) fish per day, per person, either singularly or in aggregate, and the minimum size shall be six (6) inches (measured from the tip of the snout to the end of the tail). No person shall possess any American eel less than six (6) inches in total length. No person shall take an eel from the freshwaters of the state unless in possession of a valid Rhode Island Freshwater Fishing license. There will be no closed season.

- 1.6 The creel and possession limits for trout or charr taken in the Wood River between Route 165 and Barberville Dam at Arcadia Road, May 12, , 2012 through the last day of February, 2013 , shall be two (2) fish.
- 1.7 The following waters shall be restricted to the use of artificial flies, a conventional fly rod, and a single-action reel: Deep Pond, Exeter; A. L. Mowry Pond, Smithfield; and Upper Rochambeau Pond, Lincoln.
- 1.8 The following waters shall be restricted to fishing by children fourteen (14) years of age and younger: Frosty Hollow Pond, Exeter; Geneva Pond & Brook, North Providence; Lapham Pond, Burrillville; Seidel's Pond, Cranston; Silvy's Pond, Cumberland; and Lloyd Kenney Pond, Hopkinton, Cass Pond, Woonsocket , Slater Park Pond, Pawtucket, Pondarosa Pond, Little Compton , and Wilcox Park Pond, are restricted to children only for the first two (2) days of the season, April 7th , and 8, th , 2012 .
- 1.9 The following activities shall be **PROHIBITED**:
 - a. Using corn for bait in any designated trout waters.
 - b. Chumming in any designated trout waters.
 - c. Snagging fish in any fresh waters.
 - d. Tagging, branding, marking, or otherwise willfully mutilating any fish which is to be released alive into any fresh waters of the state except by special permit issued by the Division of Fish and Wildlife.
 - e. The use as bait of any variety of gold fish (*Carassius auratus*) in the fresh waters of the State.
 - f. The importation, sale, or possession of any variety of gold fish (*Carassius auratus*) for use as bait in the fresh waters of the state.
- 1.10 With the exception of designated catch-and-release areas, any legally caught trout, salmon, or charr taken from the fresh waters of Rhode Island shall be immediately released alive into the waters from which it was taken or shall be killed at once and become part of the daily bag limit.
- 1.11 Beach Pond, Exeter, shall have the following special regulations: The season for trout shall open on April 14 th , 2012 at 6:00 AM and close at midnight until the last day of February 2013 . The daily creel and possession limits for trout (all species in aggregate) shall be five (5) fish. The daily creel and possession limits for black bass shall be five (5) fish and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish and the minimum size limit shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). Six (6) lines with a single hook each may be used while ice fishing. The daily creel limit and possession limit of Walleye, shall be two (2) fish and the

minimum size limit shall be eighteen (18) inches (measured from the tip of the snout to the end of the tail). No person shall possess any Walleye less than eighteen (18) inches in total length.

1.12 Wallum Lake, Burrillville - Rhode Island Regulations, Rules 1-6 and Part 1, Sections 1.1-1.5, 1.9, 1.10, 1.15, and 1.16 apply.

1.13 Killingly Pond, Glocester and Hazard Pond, West Greenwich shall have the following special regulations: The daily creel and possession limits for black bass shall be five (5) fish and the minimum size limit shall be twelve (12) inches (measured from the tip of the snout to the end of the tail). The daily creel and possession limits for chain pickerel shall be five (5) fish and the minimum size limit shall be fourteen (14) inches (measured from the tip of the snout to the end of the tail). Six (6) lines with a single hook each may be used while ice fishing.

1.14 That portion of the Falls River, Exeter, from the bridge at Austin Farm Road, Exeter, downstream approximately two (2) miles to the bridge off Brook Trail, Exeter, shall be designated as a "no kill" or "catch and release" area. Fishing shall be permitted with artificial lures equipped with a single barbless hook or single barbed hook that has been crimped only, and all fish caught shall be returned to the water immediately. The possession of any trout, salmon, or charr while fishing in this section of the river shall be prima facie evidence that said trout, salmon, or charr was taken in violation of these Rules and Regulations.

1.15 Designated Trout Waters

Name	Location
Abbotts Run Brook	Cumberland
Adamsville Brook and Pond	Tiverton & Little Compton
Aldrich Brook (Butterfly Pond)	Lincoln
Alton Pond	Richmond & Hopkinton
Ashaway River	Hopkinton
Ashville Pond	Hopkinton
Barber Pond	South Kingstown
Beach Pond	Exeter
Beaver River	Richmond
Big River	West Greenwich
Blackstone River	Cumberland & Lincoln
Branch River	Burrillville
Brandy Brook	Glocester
Breakheart Brook	Exeter
Breakheart Pond	Exeter & West Greenwich
Brickyard Pond	Barrington

Browning Mill Pond	Exeter
Brushy Brook	Hopkinton
Bucks Horn Brook	Coventry
Carbuncle Pond	Coventry Carolina Trout Pond
Richmond	
Cass Pond	Woonsocket
Chepachet River	Glocester & Burrillville
Chickasheen Brook	South Kingstown
Clear River	Burrillville
Curran, J.L. Reservoir	Cranston
Deep Pond (Arcadia)	Exeter
Dexter Pond	Scituate
Dolly Cole Brook	Foster
Dunderry Brook (incl. Wigwam Pond)	Little Compton
Eight Rod Farm Pond	Tiverton
Falls River	Exeter & West Greenwich
Flat River	Exeter
Foster Green Acres Pond	Foster
Frenchtown Park Pond	East Greenwich
Frosty Hollow Pond	Exeter
Geneva Brook & Pond	North Providence
Harris River	Woonsocket
Hopkins Mill Pond	Foster
Hunt River	East Greenwich & No. Kingstown
Lapham Pond	Burrillville
Lloyd Kenney Pond	Hopkinton
Log House Brook	Hopkinton
Meadow Brook	Richmond
Meadow Brook Pond	Richmond
Melville Ponds	Portsmouth
Memorial Park Pond	Lincoln
Meshanicut Brook	Cranston
Moosup River	Coventry
Mowry, A.L. Pond	Smithfield
Olney Pond, Lincoln Woods	Lincoln
Parris Brook	Exeter
Pawcatuck River	Hopkinton, Richmond, Charlestown & Westerly
Pawtuxet River (north branch)	Scituate, Cranston
Pawtuxet River (south branch)	Coventry. West Warwick
Peck Pond	Burrillville
Peepthead Brook	Glocester
Ponaganset River	Foster
<u>Pondarosa Pond, Pondarosa Park</u>	<u>Little Compton</u>

Roaring Brook & Ponds
Round Top Brook Burrillville
Round Top Ponds
Saint Mary's Pond
Saugatucket River
Seidel's Pond
Shippee Saw Mill Pond
Silver Spring Lake
Silvy's Brook
Silvy's Pond
Simmons Mill Pond
Slater Park Pond
Spring Grove Pond
Stafford Pond
Sylvester's Pond

Tarkiln Pond
Tiogue Lake
Tiverton Trout Pond
Tucker Pond
Upper Rochambeau Pond
Wallum Lake
Watchaug Pond
Wilcox Park Pond
Willett Pond
Winsor Brook
Wood River
Woonasquatucket River
Wyoming Pond

Exeter

Burrillville
Portsmouth
South Kingstown
Cranston
Foster
North Kingstown
Cumberland
Cumberland
Little Compton
Pawtucket
Glocester
Tiverton
Woonsocket

Burrillville & North Smithfield
Coventry
Tiverton
South Kingstown
Lincoln
Burrillville
Charlestown
Westerly
East Providence
Foster
Exeter, Hopkinton, & Richmond
Smithfield
Richmond & Hopkinton

1.16 All organized fishing activities, i.e. tournaments, must be permitted through the Department on all fresh waters of the state, regardless of access. Two (2) weeks are required for processing and/or changing permit applications. A minimum of six (6) persons is considered an organized fishing activity requiring a permit. The Department reserves the right to limit the number of tournaments per location. The Department reserves the right to deny a permit application for a particular date and location for reasons of overuse or conflict with other activities. If access is municipal or a private ramp, an additional permit may be required from the municipality or private entity and municipal regulations will supersede those of the state for municipal or private ramp access permitting. It shall be the responsibility of the fishing organization to obtain said additional permit.

No more than one (1) permitted organized fishing activity may be held on a freshwater body during the same time period.

This does not supersede any special boat ramp or state management area state regulations, except as described below:

It will be the sole responsibility of each permitted organized fishing group to have the registrations of all participants available during the activity for enforcement purposes.

PART II

ANADROMOUS FISHERIES REGULATIONS

- 2.1 No person shall land, catch, take, or attempt to catch or take any alewives, (*Alosa pseudoharengus*) or blueback herring (*Alosa aestivalis*) from any fresh waters of the State of Rhode. Possession of any alewives or blueback herring, at any time, is prohibited and shall be evidence, prima facie, that said herring was taken in violation of this section.
- 2.2 No person shall erect any artificial obstruction to fish passage in any stream or in any way alter the natural stream bottom to hinder the passage of fish.
- 2.3 No person shall take any American shad, (*Alosa sapidissima*) from the fresh waters of the state.
- 2.4 No person shall take any smelt, (*Osmerus mordax*) by any means from any stream or river in the state with the exception of the Pawcatuck River.
- 2.5 Fish Ladders
 - 2.5.1 Trespass within or obstruction of the entrance or exit of any fish ladder in the state is prohibited.
 - 2.5.2 For the purposes of regulating anadromous fishes, all fish ladders owned and operated by the state will be set aside as fish cultivation facilities pursuant to Sections 20-12-1 and 20-12-5 of the General Laws of Rhode Island.
 - 2.5.3 The areas below each fish ladder, where fishing will be permitted, shall be designated with an official boundary marker or informational sign.
- 2.6 Boundaries --The defined boundaries for the freshwater and saltwater sections of the state's rivers and streams, with regard to the areas where Freshwater Regulations apply, are as follows:

Pawcatuck River--the bridge crossing U.S. Route 1.
Mastuxet Brook--the point at which the brook empties into Mastuxet Cove.
King Tom Pond outlet into Ninigret Pond--the spillway at the south end of King Tom Pond.
Factory Pond outlet--the seaward opening of the culvert under Teal Road.
Mill Pond outlet into Cards Pond--the bridge on Moonstone Beach Road crossing the west neck of Cards Pond.
Smelt Brook--the bridge closest to the outlet.
Saugatucket River--the Main Street Bridge in Wakefield.
Gilbert Stuart Brook--the point at which the brook empties into the Pettaquamscutt River.
Wesquage Pond--the culvert at the outlet to Bonnet Shores Beach.
Annaquatucket River--the point at which the river empties into Bissel Cove.
Cocumscussoc Brook--the bottom of the first riffle upstream of Wickford Cove.
Potowomut River--the Forge Road Spillway.
Maskerchugg River--the Boston Post Road (U.S. Route 1) Bridge.
Gorton Pond outlet--to the west of the Amtrak Railroad Bridge.
Tuscatucket Brook--The West Shore Road Bridge.
Old Mill Creek--entirely tidal.
Warner Brook--the Draper Avenue Bridge.
Buckeye Brook--the point at which the stream empties into Narragansett Bay.
Lockwood Brook--the West Shore Road Bridge.
Spring Green Pond outlet--the Warwick Avenue (RI Route 117A) Bridge.
Pawtuxet River--Narragansett Spillway.
Woonasquatucket River--the U.S. Route 1N Bridge.
Moshassuck River--the point of confluence with the Woonasquatucket River.
Seekonk River--the Main Street Spillway.
Ten Mile River--the Omega Pond Spillway.
Annawomscutt Brook--the Pilling Chain Company spillway on Bay Spring Avenue.
Mussachuck Creek--the bridge on Washington Road.
Runnins River--the Mink Street (RI Route 114A) Bridge.
Kickamuit River--the Warren Reservoir Spillway.
Sin and Flesh Brook--the Highland Avenue Bridge.
Nonguit Pond--the bridge at Pond Bridge Road.
Pachet Brook--the West Mail Road (RI Route 77) Bridge.
Dunderry Brook--the Swamp Road Bridge.
Cold Brook--the point at which the brook empties into Quicksand Pond.
Maidford River--the Paradise Avenue Bridge.
Goose Neck Cove--entirely tidal.
Lily Pond--the outlet.
Almy Pond--the outlet.
Prince Pond--(Tiffany Pond) the point at which the stream enters the Barrington River.

RULE 8 EFFECTIVE DATE

The foregoing Rules and Regulations - RI Fish and Wildlife Freshwater and Anadromous Fisheries Regulations, after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days thereafter, unless otherwise indicated below, in accordance with the provisions of Chapter 42-35, 42-17.1, and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Janet Coit, Director
Rhode Island Department of Environmental Management

Notice Given:
Public Hearing:

Filing Date:
Effective Date:

State of Rhode Island and Providence Plantations
Department of Administration
Budget Office

Fiscal Note for Proposed Administrative Rules (R.I.G.L. Section 22-12-1.1)

Name of Administrative Rule:

State of Rhode Island

Department of Environmental Management

(1.) Proposed adoption of the RI Hunting Regulations - 2011-2012 Season

(2.) Proposed adoption of the RI Freshwater and Anadromous Fishing Regulations - 2012-2013 Season.

Date of Notice: April 15, 2011

Date of Hearing: June 1, 2011

These regulations are authorized pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 20-1, 20-15, and 20-18 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

FISCAL IMPACT

<i>Revenues</i>		<i>State Expenditures</i>		<i>City/Town Expenditures</i>	
FY 2011	\$ 0	FY 2011	\$ 0	FY 2011	\$ 0
FY 2012	\$ 0	FY 2012	\$ 0	FY 2012	\$ 0
FY 2013	\$ 0	FY 2013	\$ 0	FY 2013	\$ 0

Summary of Policy Change: The proposed regulations will establish seasons, bag limits, size limits, possession limits, and methods of taking on any species of fish, game, bird, or other wild animal occurring within the state other than marine species that the Department regulates in consultation with the Rhode Island Marine Fisheries Council.

Summary of Fiscal Impact: There will be no deleterious fiscal effects at the state level due to the amendment of these regulations.

City or Town Impact: There will be no adverse financial impact at the municipal level due to the amendment of these regulations.

Approved:

Rosemary Booth Gallogly
Executive Director/State Budget Officer



**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

April 15, 2011

TO: Peter Dennehy, RI Department of Administration
Sherri Lynn Carrera, RI Economic Development Corporation
Rita Menard, Office of the Governor
T.Leveilee, RI Budget Office

FROM: Gary Powers, Deputy Chief, Legal Services
Department of Environmental Management

SUBJECT: **Economic Impact and Regulatory Flexibility**

Relevant Regulations Affected:

- 1. Freshwater and Anadromous Fishing Regulations for the 2012-2013 Season**
- 2. Hunting Regulations for the 2011-2012 Season**

Authority:

Freshwater and Anadromous Fishing Regulations : These regulations are adopted pursuant to RIGL Sections 20-1-2; 20-1-4, 20-1-8; 20-1-12 and 20-1-13, as well as Chapters 42-17.1 and 42-17.6, in accordance with the requirements of Chapter 42-35, Administrative Procedures Act of the General Laws of 1956, as amended.

Hunting Regulations: These regulations are adopted pursuant to RIGL Sections 20-1-2; 20-1-4; 20-1-8; 20-15-1; 20-1-12 and 20-1-13; and Chapters 20-15, 20-18 and 42-17.1, in accordance with Chapter 42-35, Administrative Procedures Act, of the Rhode Island General Laws of 1956, as amended.

Summary of Proposed Regulation Changes:

The Freshwater and Anadromous Fishing Regulations and the Hunting Regulations are required pursuant to RIGL §20-1-13 to remain in effect for no longer than one year following their effective date. As such, the Department is required to promulgate these regulations annually. Regulation changes pertain to calendar date changes, fishing access additions, hunting season and bag limits.

Where to find the specific language changes: Drafts www.dem.ri.gov

1. Freshwater and Anadromous Fishing Regulations for the 2012-2013 Season – Newly Adopted
2. Hunting Regulations for the 2011-2012 Season – Newly Adopted
- 3.

Economic Impact:

Per RIGL §42-35.1-3, the Department has determined the following:

1. Each of the proposed regulations governs recreational sporting activities. The Department believes that none of its proposed rule making has a potential for causing a direct financial impact upon either small business or any municipality.
2. There are no anticipated reporting, recordkeeping, or other administrative costs required for compliance with the proposed rules.
3. DEM has not identified a less intrusive or less costly alternative method to achieve the requirements mandated upon the Department to regulate the natural resources of this State.

Regulatory Flexibility:

Per RIGL §42-35.1-4, the Department has determined the following:

DEM has considered, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses and determined that there is no alternative approach that would be as effective and less burdensome, given the requirements of upon the Department to regulate the natural resources of this State:

- 1) The establishment of less stringent compliance or reporting requirements for small businesses;
- 2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- 3) The consolidation or simplification of compliance or reporting requirements for small businesses;
- 4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
- 5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation expired prior to June 30, 2011.

If you have any questions or comments on the proposed Rules, please contact one of the following:

Christine Dudley
Christine.Dudley@DEM.RI.gov
401-789-7481

Gary Powers, Deputy Chief Legal Counsel
Gary.Powers@dem.ri.gov
401-222-4700 Ext 2308

April 15, 2011

**NOTIFICATION FORM
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF FISH AND WILDLIFE
SMALL BUSINESS REGULATORY IMPACT AND REGULATORY
FLEXIBILITY ANALYSIS**

Title of Regulation: RHODE ISLAND FISH AND WILDLIFE FRESHWATER AND ANADROMOUS FISHING REGULATIONS FOR THE 2012-2013 SEASON

RHODE ISLAND FISH AND WILDLIFE HUNTING REGULATIONS FOR THE 2011-2012 SEASON

Statutory Authority: RIGL Chapter 31.1 SMALL BUSINESS REGULATORY FAIRNESS IN ADMINISTRATIVE PROCEDURES

The Regulation:

The proposed rule making serves to satisfy the obligation imposed upon the Department pursuant to RIGL Section 20-1-13 to re-promulgate on an annual basis the regulations governing the seasons, bag limits, size limits, possession limits, and methods of taking on any species of fish, game, bird, or other wild animal occurring within the state other than the marine species that the Department regulates in consultation with the Rhode Island Marine Fisheries Council. The bulk of the changes have been suggested to last year's regulations are merely modifying dates for the prescribed seasons to reflect calendar variations. Among the other changes proposed in the Hunting Regulations, the Department has proposed the creation of an additional means to satisfy the requirement to report each time a deer is taken. Specifically, the proposed regulations would afford hunters the option of submitting a reporting form provided by the Department. In addition, pursuant to the proposed Fishing Regulations, the Department would establish a creel and daily possession limit of 50 American eels with a minimum size of six (6) inches in freshwater. Also, the Fishing Regulations as proposed would adopt a creel and possession limit for Walleye caught in Beach Pond in the amount of two (2) fish per day with a minimum size of eighteen (18) inches in length.

Expected Small Business Impact:

There will be no deleterious effects on small businesses. The proposed regulations will, if anything, improve the financial climate for small businesses that might service recreational users by increasing the demand by recreational participants for needed goods and services.

Regulatory Flexibility Analysis:

The Department has determined that no small businesses will be adversely impacted by the proposed regulations.