

SUMMARY OF PUBLIC HEARING COMMENTS

Hearing Officer: Jay Osenkowski, Supervising Biologist
RIDEM Staff Present: Larry Mouradjian, Associate Director of DEM
Catherine Sparks, Chief – Forest Environment
Gary Powers, Deputy Chief, Legal Services Counsel
Christine Dudley
Charles Brown
Paul Ricard
Ashley Schipritt
Joshua Beuth, Intern

The public hearing for the 2012-2013 Falconry Regulations, 2012-2013 Hunting Regulations for the Waterfowl Season and the Rules and Regulations Governing Nuisance Wildlife Control Specialist was held on August 29, 2012 at 7:00PM at the North Kingstown Community Center. Nineteen (19) people from the public attended the hearing.

The hearing was called to order at 7:45 PM by the Hearing Officer, Jay Osenkowski.

J. Osenkowski – Hearing Officer, (JO): The hearing began with directions on how the hearing would be conducted and encouraged participants to sign up for testimony. JO introduced himself as a Supervising Biologist for the Division of Fish and Wildlife and announced he was there to officiate on behalf of Janet Coit, Director of DEM. He introduced staff, listed above. The first set concerns Falconry Season Regulations and it was being conducted under the authority of Title 20 and 42-17.1, 42-17.6 of the RI General Laws, pursuant to the procedural requirements of Chapter 42-35, “Administrative Procedures” of the General Laws of Rhode Island 1956, as amended. The second set concerns Waterfowl Hunting Rules and Regulations and it was being conducted under the authority of Title 20 and 42-17.1 of the RI General Laws, pursuant to the procedural requirements of Chapter 42-35, “Administrative Procedures” of the General Laws of Rhode Island 1956, as amended. The third set concerns the Rules and Regulations Governing Nuisance Wildlife Control Specialist and it was being conducted under the authority of Title 20, Title 21 and 42-35 of the RI General Laws, pursuant to the procedural requirements of Chapter 42-35, “Administrative Procedures” of the General Laws of Rhode Island 1956, as amended.

Further, for each of these regulatory proceedings, pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations: DEM has complied with the requirements of Section 42-35-3.3 of the Rhode Island General Laws; the DEM has provided prior notice to the Governors Office and the EDC of the proposed promulgation of these rule and regulations and neither has notified DEM that they may have a significant adverse economic impact on small businesses. Despite the above, DEM specifically requests comments on the proposals as to how the proposed regulations can be changed so that any adverse economic impact(s) can be minimized or eliminated.

The purpose of this hearing is to afford interested persons an opportunity to submit data, views, or arguments orally and/or in writing concerning each of the proposed Rules and

Regulations. This hearing is not intended as a means of providing a forum for discussing, debating, arguing, or otherwise having a dialogue at this time with the members of the Division. This evening following the close of the formal public hearing, there will be an opportunity for a short and informal question and answer period.

The procedure for the public comment hearing is as follows:

1. Person who wish to speak will register at the table at the rear of the auditorium
2. Speakers will be called in the order of registration. Five (5) minutes was allowed for a presentation unless the number of speakers allowed for additional time. When your name is called come to the front of the room and identify yourself by name and affiliation, if any. I would add any time you speak you should identify yourself by name for the purpose of the recording.
3. Make your presentation and then provide a written copy of your statement for the written record if one is available.
4. After all persons wishing to speak have had the opportunity to comment, the hearing will be closed.

After the record had been closed the Department has three (3) options:

1. File the rules and regulations with the Secretary of State as is;
2. File the rules and regulations with minor changes;
3. Make additional amendments to the rules and regulations and hold a new public hearing.

If filed, the amended rules and regulations become effective twenty (20) days after filing and have the effect of law.

DEM Falconry Rules and Regulations Hearing called to order at 7:51pm

The following Falconry Regulations exhibits are part of the official record:

In accordance with the administrative procedures act requirements, a public notice of this hearing was posted on the Secretary of State Computer website on July 31, 2012. Attached to the record of this proceeding designated as Exhibit # 1 is a copy of the notarized affidavit of the posting of the Proposed DEM Falconry Rules and Regulations. Exhibit # 2 is a copy of the proposed DEM Falconry Rules and Regulations that were posted for review.

Exhibit 1: Affidavit of Public Posting and Public Notice

Exhibit 2: Copy of Proposed Rules and Regulations for the 2012-2013 Falconry Regulations, 2012-2013 Hunting Regulations for the Waterfowl Season and the Rules and Regulations Governing Nuisance Wildlife Control Specialist.

Review of the 2012-2013 Falconry Regulations.

Testimony: Jack Billings, Affiliated with RI Falconers

He wished to state for the record that he full supports the new regulations and looks forward to working with DEM in getting these regulations adopted. He speaks for RI Falconers, the 6 spirited few, and appreciates the forefront thought of these regulations.

Testimony: Robert Semco, Affiliated with RI Falconers

He wished to state that he really enjoys the sport as well as his family and Thanks DEM for allowing the sport to exist and that we see that the sport continues to exist, it has been wonderful.

Final call on comments for Falconry Regulations.

Public Hearing on Falconry Regulations for the 2012-2013 season closed at 7:55 PM.

2012-2013 RI Hunting Regulations for the Waterfowl Season Hearing called to order at 7:56 PM

In accordance with the administrative procedures act requirements, a public notice of this hearing was posted on the Secretary of State Computer website on July 31, 2012. Attached to the record of this proceeding designated as Exhibit # 1 is a copy of the notarized affidavit of the posting of the Proposed DEM Waterfowl Hunting, Rules and Regulations. Exhibit # 2 is a copy of the proposed DEM Waterfowl Hunting, Rules and Regulations that were posted for review.

Exhibit 3: Submission from John Sanna in regards to moving the early duck season from October 5 – 8th to October 12, 13 and 14 of 2012 to give the migratory ducks another week to move into the area. He believes that there is too much pressure put on the local ducks earlier in the season. (Received August 15, 2012)

Review of the 2012-2013 Waterfowl Hunting Regulations.

Testimony: John Sanna

Mr. Sanna speaks in regards to moving the early duck season from October 5-8th to the weekend of October 12 – 14, 2012 to elevate pressure on the local ducks and to see more migrant birds move into the area. Mr. Sanna also stated that with the extra day that would be take out it could be moved to a different part of the season. (Submitted one page document **Exhibit 3** during public comment period).

Final call on comments for Waterfowl Hunting Regulations.

Public Hearing on Waterfowl Hunting Regulations the 2012-2013 is closed at 8:01 PM.

Nuisance Wildlife Control Specialist Hearing called to order at 8:02 PM

In accordance with the administrative procedures act requirements, a public notice of this hearing was posted on the Secretary of State Computer website on July 31, 2012. Attached to the record of this proceeding designated as Exhibit # 1 is a copy of the notarized affidavit of the posting of the Proposed DEM Rules & Regulations Governing Nuisance Wildlife Control Specialist. Exhibit # 2 is a copy of the proposed DEM Rules & Regulations Governing Nuisance Wildlife Control Specialist that were posted for review.

Exhibit 4: Submission from David Brunetti in regards to Rules and Regulations Governing Nuisance Wildlife Control Specialist and the Rhode Island Nuisance Wildlife Control Specialist Handbook. (Received August 17, 2012)

Review of the Nuisance Wildlife Control Specialist Regulations.

Final call on comments for the Nuisance Wildlife Control Specialist Regulations.

Public Hearing on Nuisance Wildlife Control Specialist Regulations is closed at 8:08 PM.

SUMMARY OF PUBLIC HEARING COMMENTS

Hearing Officer: Catherine Sparks, Chief – Forest Environment
RIDEM Staff Present: Larry Mouradjian, Associate Director of DEM
Christine Dudley
Jay Osenkowski
Brian Tefft
Ashley Schipritt
Karen Unsworth

The public hearing for the 2013-2014 Freshwater and Anadromous Fishing Regulations and the 2012-2013 Hunting Regulations was held on June 6, 2012 at 7:00PM at the Warwick Police Department meeting room. Thirteen (13) people from the public attended the hearing.

The hearing was called to order at 7:05 PM by the Hearing Officer, Catherine Sparks.

C. Sparks – Hearing Officer, (CS): The hearing began with directions on how the hearing would be conducted and encouraged participants to sign up for testimony. CS introduced herself as the Chief of Forestry and announced she was there to officiate on behalf of Janet Coit, Director of DEM. She introduced staff, listed above. The hearing was opened with the following; it was being conducted under the authority of Title 20 and 42-17.1 of the RI General Laws, pursuant to the procedural requirements of Chapter 42-35, “Administrative Procedures” of the General Laws of Rhode Island 1956, as amended. Further, pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations: DEM has complied with the requirements of Section 42-35-3.3 of the Rhode Island General Laws; DEM has provided prior notice to the Governors Office, Department of Administration, and the EDC of the proposed promulgation of this rule making and none of these offices has notified DEM that it has identified this proposed regulations as one that may have significant adverse economic impact on small business. Despite the above, DEM specifically requests comments on the proposals as to how the proposed regulations can be changed so that any adverse economic impact(s) can be minimized or eliminated. The purpose of this hearing is to afford interested persons an opportunity to submit data, views, or arguments orally and/or in writing concerning the proposed Rules and Regulations. This hearing is not intended as a means of providing a forum for discussing, debating, arguing, or otherwise having a dialogue at this time with the members of the Department. It should be noted that two workshops were conducted for those purposes earlier this year in Tiverton and in Providence to permit such forums. This evening following the close of the formal public hearing, there will be an opportunity for a short and informal question and answer period.

The procedure for the public comment hearing is as follows:

1. Person who wish to speak will register at the table at the rear of the auditorium
2. Speakers will be called in the order of registration. Five (5) minutes was allowed for a presentation unless the number of speakers allowed for additional time. When your name is called come to the front of the room and identify yourself by name and

- affiliation, if any. I would add any time you speak you should identify yourself by name for the purpose of the recording.
3. Make your presentation and then provide a written copy of your statement for the written record if one is available.
 4. After all persons wishing to speak have had the opportunity to comment, the hearing will be closed.

After today's hearing the record will be kept open for 20 calendar days to permit the submission of any written data, views, arguments, or commentary on the proposed rules and regulations. Therefore, any such written comments may be submitted by mail and they shall become part of the official record if received by the Division of Fish and Wildlife, Great Swamp Field Headquarters, 277 Great Neck Rd., West Kingston, RI 02892 no later than 12:00 PM on June 26, 2012 – 20 calendar days from today. After the time has elapsed for the submission of written commentary, the record will be closed.

After the record had been closed the Department has three (3) options:

1. File the rules and regulations with the Secretary of State as is;
2. File the rules and regulations with minor changes;
3. Make additional amendments to the rules and regulations and hold a new public hearing.

If filed, the amended rules and regulations become effective twenty (20) days after filing and have the effect of law.

The following Freshwater Fishing Regulations exhibits are part of the official record:

Exhibit 1: Affidavit of Public Posting and Public Notice

Exhibit 2: Copy of Proposed Rules and Regulations for the 2013-2014 Freshwater and Anadromous Fishing Regulations and the 2012-2013 Hunting Regulations.

Exhibit 3: Rick Mitchell – to expand the catch and release sites for trout fishing in Rhode Island.

Review of the 2013-2014 Freshwater and Anadromous Fishing Regulations.

Testimony: Keith Aloï

He read an extensive 2 page report. Herein is a summary; he opposes any attempt to increase catch and release areas in the State of Rhode Island due to studies that indicate that it is unsuitable for the state of Rhode Island for stocked trout to survive very long or to reproduce in the wild. Aloï provides various research information that he obtained from the Divisions studies and reports. (Submitted a 6 page Fishing Petition **Exhibit 4**).

Testimony: Rick Mitchell

Mitchell is in favor of catch and release sites in Rhode Island. He in no way wants to stop the tradition of stocking trout in RI waters, he just wants to make more locations catch and release. There are 80 locations stocked with trout, only one for designated catch and release. He does not want to stop the harvesting of fish, just wants to provide more opportunity. He also goes on to state that he visits other states for catch and release fishing as we do not have more opportunities in Rhode Island. Mitchell goes on to say in the economic state that Rhode Island is in; it would release some financial burden for stocking.

Testimony: Harold Trettenero

Trettenero has questions in regards to shutting down goose hunting. **CS** Stopped the testimony and diverted his questions to the question and answer period and the end of the hearing.

Final call on comments for Fresh Water Fishing Regulations.

Public Hearing on Freshwater and Anadromous Fishing for the 2013-2014 is closed at 7:27 PM.

2012-2013 Hunting Regulations Hearing called to order at 7:28 PM

Exhibit 5: Submission from the Town of New Shoreham in regards to section 1.12 Checking and Tagging, 1.17.1.1 regarding time periods when hunting will be allowed on State Land, 1.17.8 suggests deleting section and adding that the United States Fish and Wildlife Service may allow deer hunting on some of their lots in the 2012-2013 season, dated May 30, 2012.

Exhibit 6: Submission from the Nature Conservancy regarding additional hunting areas in Exeter to be opened, dated June 4, 2012.

Exhibit 7: Submission from a Robert Bosco in regards to bow hunting on Block Island and ground blinds, received May 25, 2012.

Exhibit 8: Submission from John Fournier of the Block Island Archers Association in regards to archery hunting on Block Island and the use of ground blinds, received May 25, 2012.

Exhibit 9: Submission from Richard Patenaude and Edward Klosowski on letter head from the United Bowhunters of Rhode Island in regards to archery hunting on Block Island and the use of ground blinds.

Exhibit 10: Submission from the Town of New Shoreham notifying the Department of a change in the request to prohibit pop-up ground blinds for archery hunting on Block Island.

Hunting Regulations is a substantial document, notifying the public of the reformatting and reorganization to the 2012-2013 Hunting Regulations.

Review of the 2012-2013 Hunting Regulations.

In advance of hearing remarks Associate Director will make an announcement in regards to a legislative announcement.

Larry Mouradjian, Associate Director of DEM (LM): speaks in regards to the successful campaign of defining crossbow equipment as archery equipment and notifies the public that the public comment period for will remain open for 20 calendar days so that the new crossbow changes can be added to these current proposed regulation changes. **LM** wanted this added to the official record so it can be added to these current proposed regulation changes.

Testimony: Joseph Souza

He belongs to the Cranston Portuguese Rod and Gun Club. Souza speaks in regards to not banning buckshot. (Submitted one page document **Exhibit 11**).

Testimony: Nick Grasso

He speaks on behalf of Pheasants Forever, speaking in regards to crossbows be taken off firearms list and be incorporated into archery equipment. Also speaks in regards to the deer shotgun season, Pheasants Forever would like to oppose the extension of shotgun season on state land. It would take three weekends away from Small Game hunters in December and it's also critical to the three additional pheasant stockings that occur after Thanksgiving which would also put an additional stocking in January. Also 4.4.1 it states the extension of the Woodcock Season and Pheasants Forever supports this change. (Submitted two page document **Exhibit 12**).

Testimony: Richard Philips

Prudence Island Bow Hunters would like clarification on Prudence Island on the bag limits in regards to 1.3.2.3, **CS** deferred to question and answer period.

Testimony: Dan Isana

He represents the Federated Sportsmen State of Rhode Island. Speaks in regards to the proposed Crossbow changes and would like to see it incorporated into this year's regulation.

Testimony: Harold Tretenaro

Tretenaro has questions in regards to goose season and booking fields. **CS** deferred to question and answer period. Has a statement in regards to closing Canada Goose in the South Shore Management Area.

Testimony: Jim Lee

Does not need to speak now, he was going to talk about Crossbow.

Testimony: Bill Holt

He just thought he was signing in.

Testimony: Michael Ancil
No Response.

Testimony: Joseph Souza
Souza states that the section 5.8.1 needs clarification.

Final call on comments for Hunting Regulations.

Public Hearing on Hunting Regulations the 2012-2013 is closed at 8:06 PM.

CS also states that the written comment period has been extended to June 26, 2012.