

SUMMARY OF PUBLIC HEARING COMMENTS

Hearing Officer: Jay Osenkowski, Deputy Chief, Wildlife
RIDEM Staff Present: Larry Mouradjian, Associate Director of DEM
Gary Powers, Deputy Chief, Legal Services Counsel
Christine Dudley, Deputy Chief, Freshwater
John Faltus, Deputy Chief, Parks and Recreation
Ashley Schipritt
Josh Beuth

The public hearing for the 2015 - 2016 Freshwater and Anadromous Fishing Regulations, the 2014 - 2015 Hunting Regulations and the Park and Management Area Rules and Regulations was held on June 3, 2014 at 7:00PM at the Warwick Police Department Community Room. Eighteen (18) people from the public attended the hearing.

The hearing was called to order at 7:05 PM by Deputy Chief, Fish and Wildlife, Wildlife Section, Jay Osenkowski.

J. Osenkowski – Deputy Chief, Fish and Wildlife - Wildlife, (JO): The hearing began with directions on how the hearing would be conducted and encouraged participants to sign up for testimony. JO introduced himself and announced he was there to officiate on behalf of Janet Coit, Director of DEM.

This hearing is being conducted as to the Hunting Rules and Regulations under the authority of chapters 42-17.1; 20-15; 20-18 and sections 20-1-2; 20-1-4, 20-1-8; and 20-1-13 and pursuant to the procedural requirements of Chapter 42-35, "ADMINISTRATIVE PROCEDURES" of the General Laws of Rhode Island of 1956, as amended.

As to the Freshwater and Anadromous Fishing Rules & Regulations under the authority of chapter 42-17.1, and 42-17.6 and sections 20-1-4; 20-1-12, 20-1-13 and pursuant to the procedural requirements of Chapter 42-35, "ADMINISTRATIVE PROCEDURES" of the General Laws of Rhode Island of 1956, as amended.

And as to the Park and Management Area Rules & Regulations under the authority of chapter 42-17.1, 42-17.6, 20-15, 32-2 and 32-3 and sections 20-1-2; 20-1-4; an 20-1-8, and pursuant to the procedural requirements of Chapter 42-35, "ADMINISTRATIVE PROCEDURES" of the General Laws of Rhode Island of 1956, as amended.

In accordance with the above referenced requirements, a public notice of this hearing was posted on the Secretary of State and DEM computer websites on April 28, 2014, with a copy of the notarized affidavit of such posting attached to the record of this proceeding as **Exhibit #1** for each of these hearings.

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 § 42-35.1-3 of the Rhode Island General Laws. THE DEM has provided prior notice to the Governor's Office, budget office, DOA, and the EDC of the proposed promulgation of these Rules & Regulations and none of these offices has notified DEM that it has identified any of these proposed regulations as one that 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 the adverse economic impact(s) can be minimized or eliminated.

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.
3. Five (5) minutes was allowed for a presentation unless the number of speakers allowed for additional time.
4. 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.
5. Make your presentation and then provide a written copy of your statement for the written record if one is available.
6. After all persons wishing to speak have had the opportunity to comment, the hearing will be closed.

After the time has elapsed for the submission of written commentary has 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.

Public Hearing for Hunting Regulations for the 2014 – 2015 Season opened at 7:11pm.

There were no public comments or speakers, the exhibits and received comments for the public record were recorded.

Exhibit 1: Affidavit of Public Posting, Public Notice, copy of Proposed Rules and Regulations for the 2015 - 2016 Freshwater and Anadromous Fishing Regulations, the 2014 - 2015 Hunting Regulations and the Park and Management Area Rules and Regulations.

Exhibit 2: is the response that the Division received from Thomas Mullaney from the State Budget Office on May 30, 2014, this was in response to the Fiscal Note for Administrative Rule changes, with the Fiscal Impact Statement.

Exhibit 3: Submission from the Prudence Island Residents, Property Owners, and Hunters in regards to extending the hunting season for deer on Prudence Island to reflect what is currently in place on the main land. Submission received May 13, 2014.

Exhibit 4: Submission from New Shoreham in regards to Deer hunting dates.

Final call on the Hunting Regulations, hunting regulations closed at 7:14pm.

Public Hearing for Freshwater and Anadromous Fishing Regulations for the 2015 – 2016 Season opened at 7:15pm.

JO calls for comments on the Freshwater Fishing Regulations.

JO calls Keith Aloi

Keith Aloi wishes to comment at the end of Freshwater.

JO calls Tom Ramotowski

Tom Ramotowski, Tiverton Conservation Commission, commented in regards to 3 items on Stafford Pond. Ramotowski doesn't believe that our fiscal impact statement that we submitted is accurate, he stated that the State and the Town sat down and agreed that there should be an impartial third party review / investigation of Stafford Pond, this was done by Ken Wagner PhD, of Water Resources Services, title of report "Assessing Boating Impact of Stafford Pond", dated October 2013. Ramotowski went on to state that the review stated the high horsepower from the boats from the tournaments motors raise the phosphorus and creates Algo Blooms and then the treatment plant has to treat the water with poison and there is no way to take that poison out of the water once it has been treated. He went on to say that the treatment plant is probably going to have to be upgraded to do this filtering caused by these boating events. Second topic, Ramotowski stated that he would like to comment on behalf of RI General Law 46-14-1 and Ramotowski quoted that language. He stated that he believes the State could be in violation of this law he also went on to state that Stafford Pond is a Class "AA" rated Reservoir. Third and final topic is in regards 1.16.3, he stated that this language isn't stated in another place in these regulations in regards to having these applied to the State owned boat ramps, not just the town and municipal ramps. He went on to state that he doesn't think it is fair that if someone shows up to have an event that they could be in violation of the Town of Tiverton Rules and Regulations and they could be arrested if they don't comply with the Towns Rules and Regulations. He went on to state to close the Stafford Pond Boat Ramp.

JO calls Vincent Diodati

Vincent Diodati wishes to speak in regards to the Wood River on RT 165, he feels that it will take away from the sports fisherman if don't continue to stock the Wood River. He also stated that there are plenty of Brookies in the Wood River, they are around. He wishes to have the Wood River stocked.

JO calls Brian O'Connor

Brian O'Connor, on behalf of, Protect Rhode Island Brook Trout. O'Connor went on to read the, "Let's Protect Rhode Island's Wild Brook Trout Now!" The request is to not stock the Wood River from the area in the Upper Wood River Watershed, Defined as to include Tributary streams above and below RT 165 and extending downstream to the dam at Barberville. Proposal submitted as **Exhibit 5**.

JO calls Martin Custodio

Martin Custodio wishes to state that he supports the Brook Trout Proposal and that stocking hatchery fish is detrimental to the Brook Trout and we need to conserve Brook Trout.

JO calls Albert Ball

Albert Ball, Board member of Narragansett Chapter 225, he stated they had a membership meeting last week in regards to this Proposal, "Let's Protect Rhode Island's Wild Brook Trout Now!" and they are not in favor of the Brook Trout proposal.

JO calls Keith Aloï

Keith Aloï wishes to speak against the Brook Trout proposal and goes on to read his submission and submits this as well as his fishing petition onto the record, **Exhibit 6**.

There were no more public comments or speakers, the exhibits and received comments for the public record were recorded.

JO inquires on if there are any other speakers.

Martin Custodio wishes to add to the record that local Chapter of Trout unlimited no longer participates in the stocking of the Wood River because it is not a good thing to do for the Brook Trout. Trout Unlimited National supposedly told the local chapter not to participate in the stocking of Hatchery fish in the Wood River.

Exhibit 7: Submission from the Northern RI Chapter Trout Unlimited and the MA / RI Council Trout Unlimited have never endorsed the "Let's Protect Rhode Island's Wild Brook Trout Now!" nor has Trout Unlimited National and until they see more data will not support it.

Exhibit 8: Submission from Richard Moyon, he wishes that the language, “and other organized events” be added to section 1.16 in regards to requiring other users of the area to obtain a permit to use the freshwater access and ramps.

Final call on the Freshwater Fishing Regulations, Freshwater Fishing regulations closed at 7:34pm

Public Hearing for Park and Management Area Regulations opened at 7:35pm.

Jo calls Josh Beuth

Josh Beuth submits an exhibit in regards to some minor changes to be made to the regulations. Proposal submitted as Exhibit 9.

Final call on the Park and Management Area Regulations, Park and Management regulations closed at 7:37pm

JO calls the Public Hearing closed as of 7:37pm.

Transcribed by Ashley M. B. Schipritt