

SUMMARY OF PUBLIC HEARING COMMENTS

Hearing Officer: Catherine Sparks, Assistant Director for Natural Resources
RIDEM Staff Present: Gary Powers, Deputy Chief, Legal Services Counsel
Christine Dudley, Deputy Chief, Freshwater
Lt. Edward Cabral, DEM Enforcement
Alan Libby, Principal Biologist, Freshwater
Ashley Schipritt

The public hearing for the amendment for the 2015 - 2016 Freshwater and Anadromous Fishing Regulations was held on March 30, 2015 at 7:00PM at DEM Headquarters, Room 300, Providence. Twenty-one (21) people from the public attended the hearing.

The hearing was called to order at 7:03 PM by Assistant Director of Natural Resources, Catherine Sparks.

C. Sparks – Assistant Director of Natural Resources, (CS): The hearing began with directions on how the hearing would be conducted and encouraged participants to sign up for testimony. **CS** introduced himself and announced he was there to officiate on behalf of Janet L. Coit, Director of DEM.

This hearing is being conducted 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.

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 February 26, 2015, 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, and DOA 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 the amendment for section 1.16 of the Freshwater and Anadromous Fishing Regulations for the 2015 – 2016 Season opened at 7:03pm.

CS calls for comments on the Freshwater Fishing Regulations.

CS calls David Frey

David Frey doesn't wish to speak.

CS calls Scott Balasco

Scott Balasco doesn't wish to speak.

CS calls Jim Cole

Jim Cole, author of Paddling CT and RI and is a Native Rhode Islander. Mr. Cole commented in regards to changing the word, "Organizational Group" to "Organized Group". Also stated that he believes that all groups, whether organized or not should be required to obtain a permit. Mr. Cole also suggested that we change the wording in section 1.16.1 Boating Activities to "Organized Watercraft Activities". Mr. Cole also wished to see consistency with the wording for obtaining a permit in Section 1.16.1. Mr. Cole also suggested changing the wording in section 1.16.3.2 to "An additional permit must also be obtained from CT or MA." Mr. Cole suggests consistency with the use of DEM Law

Enforcement or Law Enforcement. Last comment is in regards to section 1.16.3.3.2 and is a spelling mistake to add the letter “d” to the word specified. **Exhibit # 3**

CS calls Chuck Horbert

Chuck Horbert, Vice President of Rhode Island Blue ways Alliance. Mr. Horbert requests that the wording Boating Activities be changed to Watercraft Activity. He also suggested a definition of “Boating Activity” is needed. Mr. Horbert also states there is a punctuation error with section 1.16.2, it currently reads 1.1.6.2. Mr. Horbert also request consistency with timing to obtain a permit, sections 1.16.1, 1.16.2 and 1.16.3 to read more like 1.16.2, “at least two (or three) weeks prior to the activity). Mr. Horbert also suggests wording change to section 1.16.3.2 to read, “CT or MA, as applicable” Mr. Horberts last comment is in regards to section 1.16.3.3.2 and is a spelling mistake to add the letter ‘d” to the word specified. **Exhibit # 4**

CS calls Judy Colaluca

Judy Colaluca doesn’t wish to speak

CS calls Roy Costa

Roy Costa, RI Bass Nation. Mr. Costa wishes to speak in regards to 1.16.3.1, he states this is a safety issue. He states that it is advertising that the owner is around and states that the owner / operator isn’t going to be around for a while and the car could get broken into.

CS calls Linda Pease

Linda Pease, Flat River Sub-Chair for the Appalachian Mountain Club and the Conservation Chair for the Appalachian Mountain Club, Rhode Island Chapter. Ms. Pease states that these regulations are more restrictive and wishes to see the permit process is quick and easy and would like to receive some sort of confirmation back. **Exhibit # 5**

CS calls Roger Pray

Roger Pray, past President of the RI Bass Federation, currently Secretary of Riverside Sportsmen Club. Mr. Pray spoke on behalf of Stafford Pond and the issue of number of boats to be used on the pond. He also stated that there is a permanent restraining order on the town of Tiverton. He doesn’t understand why you need to register / obtain for a permit with the town in regards to holding a fishing tournament or event on Stafford Pond when the town of Tiverton doesn’t own Stafford Pond. Also states that he can provide the State with a copy of the restraining order against the Town of Tiverton.

CS calls Paul Drum

Paul Drum, Kenyon Grist Mill and Queens River Kayak. Doesn’t agree with the EDC in regards to no violations, this is how he runs his business. Requests the permit restrictions

be the previous day instead of 2 weeks ahead of time. He requests that this should be available to the public online. Mr. Drum also believes that organized or non-organized events / activities should have to apply for a permit to do things responsibly. He also believes parking is an issue and it should be self-regulating, i.e. if the parking lot is full the river is full. Mr. Drum believes wishes to have the parking permits be user friendly and should be easily obtained by going on-line.

CS calls Mike Kraybach

Mike Kraybach, Appalachian Mountain Club – Kayaking Sub-Chair. Mr. Kraybach wishes to see a provision added to the regulations for a conditional yearly permit for various organizations that do not impact large fishing activities on ponds or rivers.

CS calls Gary Whitney

Gary Whitney, speaking on behalf of himself. Mr. Whitney has issues in regards to section 1.16.1 he believes there is a safety issue with organized vs. non-organized activities. Mr. Drum also feels that these regulations are discriminatory and violate equal rights and are probably illegal. He feels the regulations are lacking and that they are not applying the same rights to all people on the river.

CS calls Roger Pray

Roger Pray Thanks DEM for the beautiful ramp that is built in the Bristol Narrows.

Exhibit 1 – Affidavit of Posting for Public Hearing

Exhibit 2 – Copy of annotated draft regulations

Exhibit 3 – Jim Cole written comment

Exhibit 4 – Chuck Horbert written comment

Exhibit 5 – Linda Pease written comment

Exhibit 6 – Paul Etzel written comment – mail in

Exhibit 7 – Carol Matthews – mail in

Final call on the Freshwater regulations closed at 7:41pm

Transcribed by Ashley M. B. Schipritt