

## OSUMMARY OF PUBLIC HEARING COMMENTS

Hearing Officer: Catherine Sparks, Assistant Director for Natural Resources  
RIDEM Staff Present: Larry Mouradjian, Associate Director of DEM  
Gary Powers, Deputy Chief, Legal Services Counsel  
Jay Osenkowski, Deputy Chief, Wildlife  
Christine Dudley, Deputy Chief, Freshwater  
Leland Mello, Supervising Biologist, Wildlife  
Brian Tefft, Wildlife Biologist  
Karen Unsworth, Hunter Education Coordinator  
Charlie Brown, Wildlife Biologist  
Mary Talbot, Wildlife Biologist  
Alan Libby, Freshwater Biologist  
Peter Angelone, Freshwater Biologist  
Patrick McGee, Contract Freshwater Biologist  
Joshua Beuth, Contract Freshwater Biologist  
Sarah Riley, Implementation Aide  
Ashley Schipritt, Fiscal Management Officer

The public hearing for the 2016 - 2017 Freshwater and Anadromous Fishing Regulations and the 2015 - 2016 Hunting Regulations was held on May 26, 2015 at 7:00PM at the Warwick Police Department Community Room. Thirty Seven (37) people from the public attended the hearing.

The hearing was called to order at 7:00 PM by Assistant Director for Natural Resources, Catherine Sparks.

**C. Sparks – Assistant Director for 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 herself and announced she was there to officiate on behalf of Janet L. 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.

And 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 April 27, 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, DOA, and the Office of Regulatory Reform 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 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 2015 – 2016 Season opened at 7:06pm.**

**CS** calls Officer Glenn Young

Officer Glenn Young from Portsmouth Police Department is speaking on behalf of the Town of Portsmouth. He is echoing the concerns for some Prudence Island residents. The town has heard from a large number of Residents that are opposed to the change in the start date for the bow hunting season which occurred in 2014. The residents support a November 1<sup>st</sup> start date. Because of the ferry schedule it makes it difficult for residents to make the meeting and the Town wanted to make sure there concerns were heard.

CS calls Jim Cole

Jim Cole is a member of Rhode Island River Council, the RI Blue Way Council, RI Canoe and Kayak Association and Southern New England Paddlers and a couple of other organizations. Mr. Cole states that he read through the regulations and had a couple of concerns in regards to Junior Hunters and Youth Hunters, also located a bunch of punctuation mistakes and other items of concerns. He stated that February 22, 2016 was omitted in the Block Island Hunting dates. Also had a concern in regards to SASE being spelled out. He also stated that TNC should be spelt out. Also concerned why Mourning Doves start at sunrise and not a half hour before sunrise like other waterfowl. States that there is not limitation on the hours for hunting ducks. Mr. Cole states the rest of his other comments are in regards to punctuation. Proposal submitted as **Exhibit # 3**

CS calls David Smith

David Smith doesn't wish to speak.

CS Vincent Diodati

Vincent Diodati wishes to speak in regards to stocking on RT 165.

CS advised that we are only hearing comments in regards to the Hunting Regulations.

CS calls Roger Pray

Roger Pray wants to speak about fishing.

CS calls Roger Nadeau

Roger Nadeau wants to speak about fishing.

CS calls Matt Smith

Matt Smith doesn't wish to speak.

CS calls Ron Marafioti

Ron Marafioti wishes to speak about fishing.

CS calls Eugene Bates

Eugene Bates wishes to speak about fishing

CS calls Joshua Beuth

Joshua Beuth from Rhode Island DEM Fish and Wildlife. States he has some minor wording changes in regards to sections 1.16.1.4 change the date to October 15, change to section 2.1, 2.1.1, 5.4, 6.4.1 and anywhere else that states the word “Youth” in regards to the word “Youth”. Change to Section 2.1 to add a “d” to the word “license”, remove section 6.5, change to section 7.2 add “deer hunting hours” into section and change to section 3.4.1 take shotgun out of section. Proposal submitted as **Exhibit # 4**.

CS calls Nick Grasso

Nick Grasso on behalf of the Federate of Rhode Island Sportsmen’s, advises that they support all the proposed amendments and encourage no changes to the regulations.

CS calls Eugenia Marks

Eugenia Marks, Director for Policy speaks on behalf of the Audubon Society of Rhode Island. Ms. Marks is speaking on behalf of the Game Bird section of the regulations. Ms. Marks primary concern is that the States Wildlife Action Plan which is document published by RI Department of Fish and Wildlife. Ms. Marks states that this plan states that the King and Clapper Rail are a species of Greatest Conservation Need (RI Wildlife Action Plan, Appendix 1-C). Ms. Marks went on to state that King and Clapper Rail are closed in the State of Massachusetts. Ms. Marks asks that the Division of Fish and Wildlife ban the hunting of these species based on the policy expressed by DEM Wildlife Action Plan. Proposal Submitted as **Exhibit # 5**.

CS calls Robert Walsh

Robert Walsh wishes to speak about fishing.

CS calls John Spadaro

John Spadaro is a resident of Barrington, RI but a user of Prudence Island and wishes to speak against the early season for the Youth Hunting season and the earlier than November 1<sup>st</sup> start date of archery deer hunting that was put in place in 2014. Mr. Spadaro states that most users of the Island are not hunters and are unaware of the season and unable to decipher the regulations. Mr. Spadaro states they wish to see the dates for Prudence Island be the same as they were a few years ago.

CS calls Richard Phillips

Richard Phillips of Prudence Island Bow Hunters is speaking on behalf of mainland hunters of Prudence Island. Mr. Phillips states that they should keep the date for Archery Hunting on Prudence Island at November 1<sup>st</sup>. Mr. Phillips also states that it is harder to rent a house during the earlier season. Proposal submitted as **Exhibit # 6**.

CS calls Robert MaGuire

Robert MaGuire resident of East Greenwich, he states that he is a Forest Landowner. Mr. MaGuire wishes to see the season for hunting deer with firearms, not just archery moved forward to February 28<sup>th</sup> just for does. Mr. MaGuire states if we bring the population of does down they will not be able to increase in number he states doing this will also bring back forest regeneration. Mr. MaGuire states if we don't get a handle on the White Tail deer problem the forest is going to suffer for it long term.

CS gives last call for public comment.

Comment from the audience in regards to speaking about boating.

CS advised when Freshwater Fishing is open he can comment.

Mr. Alfred Cormier wishes to speak in regards to Section 10.7 on page 42. Mr. Cormier states that he runs beagles and he states that he has lost a lot of dog tags while adhering to this regulation. He states he has his name, contact information etc. on the collar and carries the rabies tags and license on his possession.

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

**Exhibit 1:** Affidavit of Public Posting, Public Notice.

**Exhibit 2:** copy of Proposed Rules and Regulations for the 2016 - 2017 Freshwater and Anadromous Fishing Regulations, the 2015 - 2016 Hunting Regulations and the Park and Management Area Rules and Regulations.

**Exhibit 3:** Jim Cole

**Exhibit 4:** Joshua Beuth

**Exhibit 5:** Eugenia Marks

**Exhibit 6:** Richard Phillips

**Exhibit 7:** Town of New Shoreham

**Exhibit 8:** David Brewster hunting on Prudence Island

**Exhibit 9:** Mark Kimball hunting on Prudence Island

**Exhibit 10:** Westerly Land Trust

**CS** states that the Public Comment Period will remain open up until the close of business of June 3, 2015.

**Final call on the Hunting Regulations, hunting regulations closed at 7:28pm.**

Public Hearing for Freshwater and Anadromous Fishing Regulations for the 2016 – 2017 Season opened at 7:29pm.

**CS** calls Jim Cole

Jim Cole Rhode River Council, the RI BlueWays Council, RI Canoe and Kayak Association and Southern New England Paddlers and a couple of other organizations. Mr. Cole states that he would like to submit a letter to the record but wishes to see that 1.16.1 and 1.16.2 be removed from these regulations. Mr. Cole also states that he has some editorial comments to be reviewed and considered. Mr. Cole also makes dates suggestions in regards to making them read “the second Saturday in May” instead of the actual date itself. Mr. Cole also stated that since the Freshwater Fishing season coincides with the Hunting season he wishes to see the fluorescent orange requirements in regulations as well as the abstract. Proposal submitted as **Exhibit # 11.**

**CS** calls David Smith

David Smith doesn't wish to speak.

**CS** calls Vincent Diodati

Vincent Diodati wishes to speak in regards to stocking fish in the Wood River on RT 165. He wishes to have the Wood River stocked.

CS calls Roger Pray

Roger Pray wishes to speak in regards to the fees that are collected by the Town of Tiverton for the use of Stafford Pond and that it is against the law and that money should be returned to the State for the Fish and Wildlife fund with interest.

CS calls Roger Nadeau

Roger Nadeau from Westerly, RI. Mr. Nadeau is against the effort to stop stocking on RT 165 in the Wood River. He would like to see stocking continued.

CS calls Matt Smith

Matt Smith doesn't wish to speak.

CS calls David Miles

David Miles is from East Providence and is a member of Trout Unlimited and the Wood River Fly fishing club. Mr. Miles is in favor of stocking the Wood River on RT 165.

CS calls Ron Marafioti

Ron Marafioti President of the Narragansett Chapter of Trout Unlimited. Mr. Marafioti is there on behalf of his members and reads from exhibit. Mr. Marafioti stated that the Narragansett Chapter of Trout Unlimited support stocking the Wood River on RT 165. Proposal submitted as Exhibit # 12.

CS calls Eugene Bates

Eugene Bates doesn't wish to speak.

CS calls Chuck Horbert

Chuck Horbert from the RI River Canoe and Kayak Association, RI Rivers Council speaking on Behalf of RI Blueways Alliance. Mr. Horbert states that these regulations seem to be duplicative of and incongruous with, Park and Management Area Rules and Regulations. Mr. Horbert wishes to see sections 1.16.1 and 1.16.2 be removed from the regulations. Proposal submitted as Exhibit #13.

CS calls Nick Grasso

Nick Grasso on behalf of the Rhode Island Federated of RI Sportsmen supports status quo for stocking effort for the State of Rhode Island.

CS calls Eugenia Marks

Eugenia Marks speaking on behalf of the Audubon Society of Rhode Island. She wishes to Thank the fisherman that save their tangled line and use the boxes that the DEM and Audubon Society that have installed. Ms. Marks stated that she wish to see in the Regulations a requirement to using the boxes in regards to putting the tangled or unused line in the box or if there is no box that they be required to take the line home.

CS calls Robert Walsh

Robert Walsh is speaking in regards to stocking the Wood River on RT 165.

CS calls Chris Fox

Chris Fox speaks on behalf of the Wood Pawcatuck Watershed Association. Mr. Fox reads from a letter that was submitted as Exhibit # 14. Mr. Fox states in the letter that they are not in favor of Sections 1.16.1 and 1.16.2 and wish to see it removed. Proposal submitted as **Exhibit # 14.**

**CS** calls Patrick McGee

Patrick McGee from Rhode Island Fish and Wildlife wishes to see the language from the 2015 – 2016 Freshwater Regulations from Section 1.16 adopted into these regulations. Proposal submitted as **Exhibit # 15.**

**CS** calls Keith Aloï

Keith Aloï wishes to speak against the Protect Rhode Island Brook Trout proposal and goes on to read his submission and submits this as well as his fishing petition onto the record. Proposal submitted as **Exhibit # 16.**

**CS** calls Paul Drum

Paul Drum Owner of Kenyon Grist Mill and Queens River Kayaks. Mr. Drum has a question in regards to defining Organizational Group activities vs. Non-Organizational Group activities and in regards to whether uninsured vs. insured needs to be addressed into. Mr. Drum states 1.16.3.3.4 is concerned in regards to this section in regards to Private ramps and does he need to require a permit. Mr. Drum supports Chris Fox public comment in regards to Section 1.16.1 and 1.16.2 being removed from the regulations.

**CS** calls Al Ball

Al Ball President of the Wood River Fly Fishing Club. Mr. Ball is in support of the adoption of the regulations as stated as is tonight. Mr. Ball also states he is in support of the continued stocking of the Wood River, RT 165.

**CS** calls Linda Pease

Linda Pease, Flat water Sub Chair and Conservation Chair of the Appalachian Mountain Club – Rhode Island Chapter. Ms. Pease advised they are in full support of Chris Fox letter in regards to removing Sections 1.16.1 and 1.16.2. Ms. Pease signed onto Chris Fox letter, Exhibit # 14, as well as Jean Josephson. Proposal submitted as **Exhibit # 17.**

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

**Exhibit 1:** Affidavit of Public Posting, Public Notice.

**Exhibit 2:** Copy of Proposed Rules and Regulations for the 2016 - 2017 Freshwater and Anadromous Fishing Regulations, the 2015 - 2016 Hunting Regulations and the Park and Management Area Rules and Regulations.

**Exhibit 11:** Jim Cole

**Exhibit 12:** Ron MaraFioti

**Exhibit 13:** Charles Horbert - RI Blueways Alliance

**Exhibit 14:** Christopher Fox – Wood-Pawcatuck Watershed Association

**Exhibit 15:** Patrick McGee – RI DEM Fish and Wildlife

**Exhibit 16:** Keith Aloï

**Exhibit 17:** Linda Pease

**Exhibit 18:** Raymond Landry – Mail – dated May 22, 2015

**CS** states that the Public Comment Period will remain open up until the close of business of June 3, 2015.

**Final call on the Freshwater Fishing Regulations - closed at 8:04pm**

CS calls the Public Hearing closed as of 8:04pm.

Exhibits received during extended public comment period.

Exhibit 19: Town of Jamestown

Exhibit 20: Westerly Land Trust

Exhibit 21: Suzan Messina – Prudence Island

Exhibit 22: Peter Ohanian – Prudence Island

Exhibit 23: Karin Galil – Prudence Island

Exhibit 24: Allison Rock – Prudence Island

Exhibit 25: Catherine Sparks – Archery Season for Beavertail

Exhibit 26: Catherine Sparks – Definition of Open and Closed Tournament for Freshwater.

Exhibit 27: Herb Fuller – Prudence Island

Exhibit 28: John Spadaro – Prudence Island

Transcribed by Ashley M. B. Schipritt