

Description of Specific Edits to the Regulatory Text

Section 174.1(a)(1): Delete the original language and re-write with rearranged sentence structure for clarity.

Section 174.1(a)(1): Add "...the permittee may request a waiver for exemption to comply by allowing another set gill net permittee to retrieve their nets," to clarify that the scope of the exemption is to allow for an alternate compliance mechanism to the service interval.

Section 174.1(a)(1)(A): Add "...All requests for an exemption to the set gill net service interval under subsection (a)(1) shall be evaluated by the Department on a case-by-case basis," to ensure flexibility for the Department when considering and assessing the various circumstances resulting in undue hardship exemption requests.

Section 174.1(a)(2): Add clarifying language – "...as described in subsection (a)(2)(A)..." and "...if the conditions in subsection (a)(2)(B) are met..." - in the description of the unsafe weather condition exemption linking the description to the definition and processes for claiming the waiver in the subsections below.

Section 174.1(a)(2): Change "...a permittee may be exempt..." to "...a permittee shall be exempt..." when defined weather conditions are met and the permittee requests an unsafe weather condition exemption.

Section 174.1(a)(2): Add "The Department may grant an exemption when subsection (a)(2)(B) conditions are not met if, considering all weather circumstances on a case-by-case basis, the permittee's safety may be at risk" to allow for unsafe weather exemptions to be granted when circumstances may still be unsafe even though they do not precisely fit the unsafe weather definition in the regulation.

Section 174.1(a)(2): Add "After claiming an exemption, a permittee may be cited by the Department for a violation of subsection (a) if weather conditions were not unsafe as defined in subsection (a)(2)(B) or if the Department did not otherwise authorize an exemption" to ensure enforceability and accountability if it is discovered that a permittee was granted or claimed an unsafe weather condition exemption illegitimately.

Section 174.1(a)(3)(A): Add a semicolon after "approved exemption" and before "or."

Section 174.1(b): change "...all set gill nets shall be marked with an orange-colored 1-inch-wide nylon strap which shall be woven into the corkline at intervals..." to "...all set gill nets shall be marked with a series of orange-colored 1-inch-wide nylon straps which shall be woven into the headrope at intervals..." to clarify that the required gear marking is a series of straps – as illustrated in the initial statement of reasons – rather than a single strap. Also replaces the term "corkline" for the more modern and commonly used term "headrope."