



NEW ENGLAND BACKCOUNTRY HUNTERS AND ANGLERS

May 17, 2021

To: Ashley Schipritt, RI Department of Environmental Management

Re: BHA Comments on Rules and Regulations Governing Importation, Feeding and Baiting of Cervids in Rhode Island (250-RICR-60-00-2)

As the fastest growing organization of hunters and anglers in the nation, Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members recognize the need to protect and enhance our outdoor heritage and wildlife in the few open spaces we have remaining by advocating for access and opportunity to public lands and science-based management of wildlife to ensure healthy fish and game populations are on the landscape.

With these things in mind, we respectfully submit the following comments and recommendations on the Department's proposed Rules and Regulations Governing Importation, Feeding and Baiting of Cervids in Rhode Island (250-RICR-60-00-2).

As stated in 2.1 – Purpose, the intention of these rules is to “protect the general public’s safety and native wildlife resources of the state... **by prohibiting persons from importing, transporting, and possessing live cervids**” We agree that broad protection should be applied using the powers assigned to the Department to prevent the introduction of the diseases listed, most significantly Chronic Wasting Disease (CWD). Unlike other wildlife diseases, current science and medicine is incapable of curing CWD once it is contracted and is incapable of remediating infectious prions from the ecosystem in areas where it has been introduced. There is no available test capable of reliably detecting infection in live animals, and the disease’s incubation period is prolonged during which time the host can appear healthy, which complicates the issue further.

As a result, AFWA (and subsequently, NEAFWA, of which the Department is a member) recommends prohibiting all human-assisted movement of live cervids as their top recommendation for prevent the introduction and further spread of CWD in the 2018 report “AFWA Best Management Practices for Prevention, Surveillance and Management of Chronic Wasting Disease”. The proposed rules echo this recommendation in 2.3 – Administrative Findings. This section also acknowledges a major concern that we share - that importation from areas that are not CWD-endemic places the burden of detection on the surveillance and monitoring programs employed in those areas, which the Department has no control over. Further, allowing importation based on certification provided by a veterinarian in the State of origin or USDA places a similar burden on individuals outside of our state, and whom the Department has no control over.

Our understanding of RI General Law 4-4-23 – Regulations for suppression of disease – is that the Director has broad authority as it relates to animal disease to “make all necessary regulations for the prevention, treatment, cure and extirpation of any disease” and is under no obligation to allow individuals or organizations to import, transport or possess live cervids outside of those outlined in 2.10 C, where RI Gen. Law creates exemptions for certain accredited organizations and uses.

Given the increasing prevalence of CWD in wild and captive deer in other parts of our country and the fact that CWD has never been detected in any New England state, the lack of conclusive science to suggest that it does not affect humans, the lack of reliable live-animal tests capable of screening prior to importation, the lack of remediation techniques capable of containing an outbreak in a non-endemic area, and the considerable burden that the introduction of CWD would place on the Department and our region should it be detected in Rhode Island, we believe that the Department should exercise its power to restrict importation, transportation and possession of live cervids broadly and conclusively. **Specifically, we suggest amending section 2.10 - Regulations on the Importation, Possession and Transportation of Live Cervids to the following:**

- A. No person shall import, transport, or possess in the State of Rhode Island any live captive or wild cervid.
- B. General Exemptions:
 - 1. Nothing in this Part shall prohibit zoos, aquariums, research facilities, or other animal care facilities that meet the exemption criteria for such facilities listed in R.I. Gen. Laws §§ 4-18-3, and 4-18-6 from importing or possessing cervids without a permit.
 - 2. Nothing in this Part shall prohibit a person possessing a valid license as a Wildlife Rehabilitator issued by the Department from possession of cervids without a permit while in the execution of their duties and in compliance with Rules and Regulations Governing Wildlife Rehabilitation
 - 3. Nothing in this Part shall prohibit an agent of the Department's Division of Agriculture, Division of Fish and Wildlife, or Division of Law Enforcement from possession of cervids without a permit while in the execution of his/her official duties
 - 4. Nothing in this Part shall prohibit an agent of the Rhode Island Society for the Prevention of Cruelty to Animals from possession of cervids without a permit while in the execution of their law enforcement powers pursuant to R.I. Gen. Laws Chapter 41

Adopting this recommended amendment would close a considerable loophole in Rhode Island's current protections against the introduction of CWD by exercising the powers assigned to Department broadly and to their greatest extent, rather than deferring to out-of-state veterinarians and CWD monitoring and surveillance programs employed by other states that the Department has no control over as part of the permit-granting process for importation, transportation and possession of live cervids.

Thank you for your consideration of our comments and recommendations.

Sincerely,

Michael Woods
Saunderstown, RI 02874
rhodeisland@backcountryhunters.org

Chair, New England Chapter Board
Backcountry Hunters and Anglers