

State of Rhode Island and Providence Plantations
Department of Environmental Management

**NOTICE OF THE PUBLICATION OF A PROPOSED DIRECT
FINAL RULE**

Pursuant to the provisions of Chapters 20-1, 42-17.1, 42-17.2 and 42-17.6 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws of 1956, as amended, and specifically Section 42-35-2.11 of the amended Administrative Procedures Act, the Director of the Department of Environmental Management (DEM) hereby proposes to repeal RI Hunting Regulations for the Waterfowl Season 2015 – 2016 (ERLID # 8153) via a Direct Final Rule pursuant to Section 42-35-2.11 of the General Laws of 1956, as amended. The Director believes that this proposed action is noncontroversial and anticipates that no objection will be received to this proposed repeal given the fact the Part V of RI Hunting Regulations for the 2016 - 2017 Season (ERLID # 8332) governs the hunting of waterfowl that had been the subject of the regulations proposed to be repealed. The RI Hunting Regulations for the 2016 - 2017 Season (ERLID # 8332) were posted for public comment on April 2, 2016, a public hearing to afford interested parties the opportunity for public comment was held on Tuesday, May 17, 2016 at 7:00 P.M. at the Warwick Police Departments Community Room at 99 Veteran's Memorial Drive, Warwick, and the regulations were ultimately filed with the Office of the Secretary of State on July 11, 2016.

Pursuant to the requirements of Section 42-35-2.6 and 42-35-2.7 of the Rhode Island General Laws, DEM has made the following determinations. DEM has considered alternative approaches to the proposed dismissal and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has determined that the proposed dismissal is necessary in order to eliminate an overlap/duplicate with another State regulation that govern waterfowl hunting for the 2016 - 2017 season.

A copy of the subject regulations will be available for examination from July 25, 2016 through August 23, 2016 by mail or at the offices of the Division of Fish and Wildlife located at 277 Great Neck Road, West Kingston, RI 02892, weekdays from 8:30 - 4:00 PM or by calling the Division at (401) 789-0281. Electronic copies of the proposed regulations to be repealed will also be available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/fishwild/pn072516.htm>.

DEM encourages the submission of written objections to the proposed repeal RI Hunting Regulations for the Waterfowl Season 2015 – 2016 (ERLID # 8153) via a Direct Final Rule pursuant to Section 42-35-2.11 of the General Laws of 1956, as amended. If no objection is received on or before August 23, 2016 DEM will fill file the repeal without opportunity for public comment. All written objections should be sent to the Department at the Division of Fish and Wildlife located at 277 Great Neck Road, West Kingston, RI 02892 or via e-mail to ashley.schipritt@dem.ri.gov and must be received no later than 11:59 PM on **August 23, 2016**.

Janet L. Coit
Director, Department of Environmental Management

Posted



~~STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT~~

~~RI HUNTING REGULATIONS
FOR THE
WATERFOWL SEASON
2015—2016~~



~~Effective Date:
-10/01/2015~~

~~**AUTHORITY:** These regulations are adopted pursuant to Chapters 42-17.2 “DEM”; Sections 20-1-4;
20-1-12; 20-1-35; 20-2-37; in accordance with Chapter 42-35, Administrative Procedures of the Rhode
Island General Laws of 1956, as amended.~~

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE
RULES AND REGULATIONS FOR

RI Waterfowl Regulations for the 2015 – 2016 Season

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

FISH AND WILDLIFE
RULES AND REGULATIONS FOR

**RI Waterfowl Season
2015—2016**

RULE 1—PURPOSE

~~The purpose of these rules and regulations is to establish waterfowl hunting seasons, the setting of possession and bag limits, and regulation of the manner of hunting.~~

RULE 2—AUTHORITY

~~These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Sections 20-1-4; 20-1-12; 20-1-13; 20-2-35; 20-2-37; and in accordance with 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.~~

RULE 3—APPLICATION

~~The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.~~

RULE 4—SEVERABILITY

~~If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.~~

RULE 5—SUPERSEDED RULES AND REGULATIONS

~~On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of RIGL Sections 20-1-4, 20-1-12, 20-1-13, and in accordance with Chapter 42-35 Administrative Procedures Act shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.~~

RULE 6—DEFINITIONS

~~For the purposes of these regulations, the following term shall have the following meaning: "Coastal waters" mean high tide~~

RULE 7—REGULATIONS

~~PART 1~~

~~GENERAL WATERFOWL REGULATIONS~~

~~2015—2016~~

~~Rules and Regulations:~~ Seasons and bag limits for the taking of migratory waterfowl, the methods of taking, and regulations for waterfowl hunting statewide and within certain state management areas and cooperative private land units 2015—2016. All proposed seasons and bag limits are subject to change(s) in accordance with federal seasons and framework alternatives.

The 2015—2016 waterfowl season for ducks will be 60 days in length with a six (6) bird daily bag limit—possession limit is three times the daily bag limit or eighteen (18).

~~1.1—SEA DUCKS~~

The season for sea ducks (scoter, eiders, long-tailed duck) shall be October 10, 2015—January 24, 2016, inclusive. Except for the periods October 9—12; November 25—29, 2015; and December 5, 2015—January 24, 2016 may be taken only in the Special Sea Duck Hunting Areas. These areas are seaward of the first upstream bridge, which includes Washington Bridge in the Seekonk River; Mt. Hope Bridge in Mt. Hope Bay; and Sakonnet Bridge in the Sakonnet River. Sea ducks taken in areas outside of these areas during the regular duck season will be considered as part of the regular daily six (6) bird bag limit.

~~1.2—DUCKS, COOTS, MERGANSERS~~

The season for ducks, coots, and mergansers shall be October 9—12, 2015, inclusive, November 25—29, 2015 inclusive and December 5, 2015—January 24, 2016 inclusive.

Harlequin Ducks shall be closed.

~~1.3—DAILY BAG & POSSESSION LIMITS~~

~~1.3.1—SEA DUCKS~~ The daily bag limit shall be five (5);

- Only four (4) of which may be scoters, eiders, or long-tailed ducks; the possession limit is fifteen (15), only twelve (12) of which may be scoters, eiders, or long-tailed ducks.

~~1.3.2—DUCKS~~ The daily bag limit shall be six (6);

- Including no more than four (4) mallards of which two (2) may be hen mallards, three (3) wood ducks, two (2) redheads, one (1) black duck, two (2) pintails, two (2) canvasback, and two (2) scaup. The possession limit is three times the daily bag limit.

~~1.3.3 HARLEQUIN DUCKS~~ The season is closed on harlequin ducks.

~~1.3.4 COOTS~~ The daily bag and possession limit on coots are 15 and 45, respectively.

~~1.3.5 MERGANSERS~~ The daily bag limit on mergansers is five (5);

- ~~• Only two (2) of which may be a hooded merganser. The possession limit is fifteen (15), only six (6) of which may be hooded mergansers. Five (5) mergansers may be taken in addition to the regular duck bag of six (6) ducks.~~

~~1.4 CANADA GEESE & SNOW GEESE~~

~~1.4.1 Canada Geese—Regular Season~~ Sixty Eight (68) days with three (3) bird daily bag limit and a nine (9) bird possession. November 21—29, 2015 inclusive and December 5, 2015—February 1, 2016 inclusive. Special permits and reservations required for South Shore Management Area.

~~1.4.2 Late Season~~ February 8—14, 2016.

Seven (7) days with five (5) bird daily bag limit and fifteen (15) birds in possession. Limited to Providence, Bristol and Kent Counties and portions of Washington County as described in 1.4.2.2. A map depicting the area open to hunting is available on the Division of Fish and Wildlife's website.

~~1.4.2.1~~ No special permit required for the Late Season (February 8—14, 2016)

~~1.4.2.2~~ The area open to hunting during the late season shall be those areas north and west of the line described below:

- ~~— Rt. 95 at the RI / CT Line, north to Exit 3, Rt. 138 in Richmond.~~
- ~~— East along Rt. 138 to Glen Rock Rd., Richmond.~~
- ~~— North along Glen Rock Rd. to Mail Rd., Exeter.~~
- ~~— East along Mail Rd. to Rt. 2/South Country Trail., Exeter.~~
- ~~— North along Rt. 2/South County Trail to Exeter Rd.~~
- ~~— East along Exeter Rd. to the intersection of Indian Corner Rd.~~
- ~~— East to the merger of Indian Corner Rd. and West Allenton Rd.~~
- ~~— East to the intersection of West Allenton Rd. and Rt. 4.~~
- ~~— South along Rt. 4 to the intersection of Rt. 4/Rt.1 (Tower Hill Rd.)~~
- ~~— South along Rt. 1/Tower Hill Rd. to the intersection of Rt. 138.~~
- ~~— East along Rt. 138 to the base of the Jamestown Bridge.~~
- ~~— Extending north/northeast along the Washington/Newport county line.~~
- ~~— Extending east, 1,000 feet north of the northerly most point of Jamestown to a point 1,000 feet offshore of the Melville Boat Launch, Portsmouth.~~
- ~~— North following a line 1,000 feet offshore of Portsmouth's western shoreline to the Mount Hope Bridge.~~
- ~~— Extending east/northeast across Mt. Hope Bay from the bridge to the RI/MA border.~~

~~1.4.2.3~~ All areas south and east of the demarcation line are closed to hunting during the February Late Season.

~~1.4.3 Snow Geese including blue geese—The daily bag limit shall be twenty five (25) birds for the season; October 10, 2015—January 24, 2016. No possession limit.~~

~~1.5—BRANT~~

~~The season for brant shall be thirty (30) days, December 26, 2015—January 24, 2016, inclusive. The daily bag limit shall be one (1) and the possession limit shall be three (3).~~

~~1.6—SWANS~~

~~No season.~~

~~1.7—SHOOTING HOURS~~

~~Shooting hours for all species are one half hour before sunrise to sunset daily.~~

~~1.8—NON-TOXIC SHOT REQUIREMENTS (STEEL SHOT, BISMUTH SHOT, and TUNGSTEN) REGULATIONS~~

~~No person shall take or attempt to take waterfowl within the State of Rhode Island, including Narragansett Bay and all its coastal waters, to the three mile limit, while possessing shells loaded with any shot other than steel, bismuth tin, or tungsten iron, tungsten polymer, tungsten matrix, tungsten nickel iron shot and other non-toxic shot types as approved by the United States Fish and Wildlife Service (USFWS). Steel, bismuth, or tungsten shot larger than BB is prohibited; including duplex loads containing shot larger than BB. Tin shot is prohibited.~~

~~1.9—CLOSED AREAS~~

~~1.9.1 Providence, East Providence, Pawtucket—That portion of the Seekonk River north of the railroad bridge (a.k.a. Red Bridge) to a line across the Seekonk River running between the intersection of Gulf Road and River Drive (Providence side) to the southerly abutment of the railroad bridge at the outlet of Omega Pond (East Providence side), shall be closed to waterfowl hunting. The discharge of firearms while waterfowl hunting on the Seekonk River is restricted to discharge toward open water (seaward).~~

~~1.9.2 Warwick—Brush Neck Cove, so called, in its entirety. Mill Cove, so called, in its entirety, including the beachfront. Buttonwoods Cove, so called, in its entirety.~~

~~1.9.3 North Kingstown—Mill Cove, Wickford, so called, in its entirety. Fishing Cove, Wickford, area west of a line to be determined bisecting Cornelius Island. All discharge of firearms while waterfowl hunting is restricted to discharge in an easterly direction from the above line. The Division of Fish and Wildlife will establish the line of demarcation.~~

~~1.9.4 Charlestown—Watchaug Pond and Poquiant Brook, or hunting within 100 yards upland of the shore or bank of same.~~

- ~~**1.9.5 Tiverton**—That unnamed estuary in Tiverton, north of Seapowet Avenue and east of Jack's Island, bounded on the west, south, and east shore by the R.I. Audubon Society's Emile Ruecker Wildlife Refuge, and as posted by R.I. Audubon and Department of Environmental Management signs. The effected area includes the inlet of this estuary and marshland on the north side of this outlet.~~
- ~~**1.9.6 Middletown**—Sachuest Point (NWR) shoreline below mean high water mean low water surrounding the National Wildlife Refuge property is closed to all hunting. No hunting along shoreline.~~
- ~~**1.9.7 Lincoln/Central Falls**—Pursuant to RIGL 11-47-49.1, discharge of a firearm within the Blackstone Valley Flood Plains or Marshes, also know as “Valley Marshes” is prohibited.~~

1.10—ADDITIONAL RESTRICTIONS

- ~~**1.10.1 Barrington**—The Barrington River between Central Bridge at Massasoit Avenue and Barrington Bridge #123 at County Road is closed to hunting, except for that section designated by DEM markers on the river off Puritan Avenue and Seabrook Park. Hunting shall be restricted to the water areas below the vegetation line, and between the DEM markers. Discharge of firearms while waterfowl hunting is restricted to discharge toward open water (seaward).~~
- ~~**1.10.2 Bristol**—Walker Island—discharge of firearms while waterfowl hunting is restricted to discharge toward open waters (seaward).~~
- ~~**1.10.3 East Providence**—Check local ordinances for restrictions. The discharge of firearms while waterfowl hunting is restricted to discharge toward open water (seaward).~~
- ~~**1.10.4 Warwick**—Rock Island and its adjacent groin extending northward off Narragansett Parkway. The discharge of firearms while waterfowl hunting is restricted to discharge toward open water (seaward).~~
- ~~**1.10.5 Cranston**—Washouset Point (Pawtuxet Cove) north to Fields Point including Stillhouse Cove, the discharge of firearms while waterfowl hunting is restricted to discharge towards open water (seaward). No hunting within 500 feet of occupied buildings (RIGL 20-13-7) from the shoreline or from a watercraft.~~
- ~~**1.10.6 Little Compton**—All waterfowl hunters must have the following to hunt the Simmons Mill Pond ONLY in the Simmons Mill Management Area: (a) waterfowl decoys; (b) retrieving breed of hunting dog, and/or a boat without motor, or canoe without motor.~~

~~1.10.7 North Kingstown—Waterfowl hunting on Belleville Pond is restricted to the northwest segment of the large pond as designated by DEM signs. The discharge of firearms is restricted toward open waters. Waterfowl hunting is permitted after November 15 by Town Ordinance. Firearms must remain cased until individual reaches hunting area. (blind or boat).~~

~~1.11—YOUTH WATERFOWL HUNTING DAYS—Saturday and Sunday October 24 and 25, 2015 will be Youth Waterfowl Hunting Day in Rhode Island.~~

~~1.11.1 Youth hunters must be 12—15 years of age.~~

~~1.11.2 Youth hunters may take ducks and geese following daily bag and possession limits for the regular seasons.~~

~~1.11.3 Junior hunters are those persons age 12—14 who have completed a basic hunter safety course and shall hunt only in the immediate company of a qualified, licensed adult, 21 years of age or older.~~

~~1.11.4 The accompanying adult and all adults are prohibited from hunting on Youth Waterfowl Hunting Days.~~

~~1.11.5 Youth hunters age 15 do not have to be accompanied by a licensed adult.~~

~~1.11.6 All youth hunters and those adults accompanying Junior hunters must have current Rhode Island hunting licenses and state HIP permits.~~

~~1.12—WANTON WASTE: All migratory game birds killed or crippled shall be retrieved, if possible, and retained in the custody of the hunter in the field.~~

~~1.12.1 TAGGING: No person shall give, put or leave any migratory game birds at any place or in the custody of another person unless the birds are tagged by the hunter with the following information:~~

~~1.12.1.1—The hunter's signature~~

~~1.12.1.2—The hunter's address~~

~~1.12.1.3—The total number of birds involved, by species~~

~~1.12.1.4—The dates such birds were killed.~~

~~1.12.2 No person or business shall receive or have in custody any migratory game bird belonging to another unless such birds are properly tagged.~~

~~PART 2~~
~~MATUNUCK HUNTER/LANDOWNER COOPERATIVE AREA~~
~~AND SOUTH SHORE MANAGEMENT AREA (SSMA)~~
~~2015—2016~~

~~2.1 — PERMITS~~

~~Permits to hunt the South Shore Management Area (SSMA) may be obtained by mailing a self-addressed stamped business-size envelope [9 1/2" X 4 1/4"], to Goose Permit, RI Division of Fish and Wildlife, 277 Great Neck Rd., West Kingston, RI 02892. Include your telephone number. Permits will be available October 5, 2015.~~

~~2.1.1 SSMA permits must be carried while waterfowl hunting on the SSMA and must be shown to any DEM Environmental Police Officer or Division of Fish and Wildlife employee upon request.~~

~~2.1.2 All party members must have a permit and must be registered when reserving a field.~~

~~2.1.3 No hunting party shall exceed four (4) hunters.~~

~~2.1.4 Permittees may only hunt in the fields reserved for their party.~~

~~2.2 — RESERVATIONS~~

~~All reservations must be made by telephone (401) 789-0964 Monday through Friday between 9:00 AM and 12:00 noon daily (subject to change).~~

~~2.2.1 Reservations may be made no earlier than seven (7) business days in advance of the hunt.~~

~~2.2.2 For the purpose of determining number of days for hunting, a week shall be Saturday through the following Friday.~~

~~2.2.3 Permittees will be allowed to hunt a maximum of two half days per week (Saturday through Friday). No one will be allowed to hunt two consecutive days. Half days will be divided from one half hour before sunrise until 11:30 am and noon until sunset.~~

~~2.2.4 If unable to hunt, please cancel your reservation so others may hunt.~~

~~2.3 — BLINDS~~

~~Portable blinds, nets, tarps, or similar forms of concealment are permitted. The use of natural vegetation to build blinds is also permitted, however removal of stones from walls or vegetation from hedgerows is prohibited.~~

- ~~2.3.1 Pit Blinds: Pits may not be dug. Pit blinds are available in state-owned fields (3, 4, 5, and 6) and federally owned field 1.~~
- ~~2.3.2 Handicapped accessible blind is available in field #5.~~
- ~~2.4 — DECOYS: A minimum of twenty-four (24) life-size or oversize goose decoys is required on premises. However, hunters may choose to use fewer decoys while hunting.~~
- ~~2.5 — HARVEST REPORT: A Harvest Record Report must be completed and returned whether or not you hunted and regardless of success. Failure to report may result in the loss of hunting privileges on the SSMA for the 2016–2017 season. Return the Harvest Record card to the Division of Fish and Wildlife, 277 Great Neck Rd., West Kingston, RI 02892 no later than March 1, 2016.~~
- ~~2.6 — SHOT~~
- ~~2.6.1 No person shall take waterfowl while possessing shells loaded with any shot other than steel shot, or other legally approved non-toxic shot.~~
- ~~2.6.2 Non-toxic shot larger than BB is prohibited, including duplex loads containing shot larger than BB.~~
- ~~2.7 — VEHICLES~~
- ~~2.7.1 Vehicles may park in designated areas only.~~
- ~~2.7.2 Overnight parking is prohibited in designated areas.~~
- ~~2.7.3 Vehicles may not drive into or along the edge of any field for any reason. (Except in an emergency, e.g., accident or injury or as provided in section 2.8.2 of these regulations.)~~
- ~~2.8 — ACCESSIBILITY program for waterfowl hunters who are handicapped:~~
- ~~2.8.1 Upon request, Field #5 will have an accessible above-ground blind. The blind will be established by the Division in either a hedgerow or within standing crop rows (i.e., standing corn).~~
- ~~2.8.2 Vehicles may be driven into the field to transport a handicapped hunter and his equipment only when field conditions are conducive (i.e., not during and after heavy rain conditions when the ground is very muddy).~~
- ~~2.8.3 Goose hunters applying for the accessibility program must provide a statement signed by a medical doctor stating that the handicap meets the following definition: A person temporarily or permanently handicapped~~

(i.e., unable to walk without the assistance of crutches or wheelchair or with a chronic medical condition).

~~2.8.4 All regulations for hunting geese in the SSMA shall apply.~~

~~2.9 — **PROHIBITED:** The following is prohibited: Littering; fires; destruction of fencing, equipment, farm property, and standing crops; possession or use of alcoholic beverages; shooting within 500 feet of an occupied building; shooting near or otherwise disturbing persons working in the area; urinating or defecating in pit blinds.~~

~~**OTHER HUNTING REGULATIONS:** The following types of hunting are available in the SSMA during different portions of the hunting season:~~

~~2.9.1 Dove hunting is allowed in Fields 1, 5, and 6 during the early dove season.~~

~~2.9.2 Upland hunting is allowed only in Fields 5 and 6 during the upland game season **except** during the regular Canada goose seasons.~~

~~2.9.3 All upland hunting is prohibited during regular goose season, including during Youth Waterfowl Hunting Days (October 24 and 25, 2015)~~

~~2.9.4 Deer hunting during the muzzleloader season is allowed ONLY in the wooded portions of Field 5 and 6, **except** during the regular Canada goose season when the field reservation system is in place.~~

~~2.9.5 Deer hunting during the archery season is allowed ONLY in the wooded portions of Fields 3, 5, and 6 throughout the archery season, including during the regular Canada goose season when the field reservation system is in place.~~

~~2.9.6 Deer hunting during shotgun season is allowed ONLY in Field 6 and its wooded portions, **except** during the regular Canada goose season.~~

~~2.9.7 Waterfowl hunting is allowed outside of the regular Canada goose season but within legal waterfowl seasons without special hunting permits, reservations, or decoy restrictions, once fields are harvested.~~

~~2.10 — **DUCKS DURING LEGAL DUCK SEASONS:** The taking of ducks during the legal duck seasons is permitted while goose hunting under the above regulations.~~

~~2.11 — **VIOLATIONS** of any above regulations, state management area regulations, and/or any state or federal hunting laws will result in loss of hunting privileges on the SSMA for a period of one year, beginning from the date of the violation.~~

Part 3
~~SPECIAL REGULATION—STATE WATERFOWL STAMP~~
~~2015—2016~~

~~All hunters sixteen (16) years of age and older are required by law to purchase a Rhode Island State Waterfowl stamp as well as a Federal Waterfowl stamp.~~

~~The 2015—2016 stamp (\$7.50) will be at participating vendors (RIGL 20-2-37). The stamp must be **signed by the hunter** across the face of the stamp **in the presence of the issuing agent** and carried at all times when hunting.~~

~~RULE 8 EFFECTIVE DATE~~

~~The foregoing Rules and Regulations—**RI Waterfowl Regulations for the 2015—2016 Season**, after due notice, are hereby adopted and filed with the Secretary of State to become effective twenty (20) days thereafter, in accordance with the provisions of Chapter, 42-35, 42-17.1, and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.~~

Janet L. Coit, Director
Department of Environmental Management

~~Notice Given: 7/23/2015
Public Hearing: 8/24/2015~~

~~Filing Date: 09/11/2015
Effective Date: 10/01/2015~~

~~ERLID #: 8153~~