

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR**

**EMERGENCY ADOPTION OF REGULATIONS CONCERNING
THE IMPOSITION OF A MORATORIUM ON THE IMPORTATION OF
CERVIDS INTO THE STATE OF RHODE ISLAND**

Pursuant to the authority vested in the RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT by Rhode Island General Laws (RIGL) §§ 4-4-23 and 20-17-9, Chapters 4-18, 20-17 and 42-17.1, I, JAN H. REITSMA, in my capacity as Director of the Department of Environmental Management, hereby provide notice to the Department of the Secretary of State that pursuant to RIGL §§ 42-35-3(b) and 42-35-4(b)(2), I find that an imminent peril exists to the public health, safety and welfare which requires the adoption of the attached rules and regulations prior to opportunity for public comment and notice of promulgation. Specifically, I find that without the adoption of the attached regulation the public health, safety and welfare would be jeopardized by potential exposure to wildlife and domestic livestock to Chronic Wasting Disease (“CWD”).

In accordance with the requirements of the Administrative Procedures Act RIGL Chapter 42-35, I find that imminent peril, as defined by RIGL §§ 42-35-3(b) and 42-35-4(b)(2), exists which mandates the adoption of the attached regulations which will prohibit the importation of any cervid into the State of Rhode Island or the release into the wild of any captive or wild cervid. The accompanying regulations said importation or release until further notice, and consistent with the provisions of RIGL § 4-4-23, a penalty of up to three hundred dollars (\$300.) or imprisonment not exceeding one (1) year per violation of the regulations may imposed in the discretion of a court of competent jurisdiction.

WHEREFORE, pursuant to the authority vested in the Rhode Island Department of Environmental Management by RIGL § 32-2-4, I, Jan H. Reitsma, in my capacity as the

Director of the Department of Environmental Management , hereby adopt as emergency regulatory action, amendments to the regulations entitled "Rules and Regulations Governing Wild Animal Importation and Possession" and the "Rules and Regulations Governing the Importation of Animals", which are attached hereto and designated Attachment 1.

On the basis of the above, in my capacity as Director of the Department of Environmental Management (the "Director"), I also find that an imminent threat to the public health, safety and welfare exists which requires that the attached regulations become effective immediately upon filing with the Office of the Secretary of State, in less than the twenty (20) days which is typically prescribed by RIGL § 42-35-3(b). I find that such action is required in order to avoid the imminent peril to the public health, safety and welfare which is presented by continuing authorization of importation of cervids and cervid products into the State of Rhode Island.

WHEREFORE, in order to protect the public health, safety and welfare, I find that the attached regulations shall become effective immediately upon filing with the Office of the Secretary of State.

**DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

JAN H. REITSMA, DIRECTOR

DATED:_____

ATTACHMENT 1

REGULATIONS CONCERNING THE IMPOSITION OF A MORATORIUM ON THE IMPORTATION OF CERVIDS INTO THE STATE OF RHODE ISLAND

Section 1 Purpose

The purpose of these rules and regulations is to prevent the introduction of Chronic Wasting Disease ("CW D") into the State of Rhode by prohibiting persons from importing cervids into the State of Rhode Island.

Section 2 Authority

These rules and regulations are promulgated pursuant to R.I. Gen. Laws §§ 4-4-23 and 20-17-9, Chapters 4-18, 20-17 and 42-17.1, in accordance with R.I. Gen. Laws Chapter 42-35, the Administrative Procedures Act.

Section 3 Administrative Findings

These rules and regulations are required in order to ensure public health, safety and welfare by imposing a moratorium which prohibits the introduction of Chronic Wasting Disease ("CWD") into the State of Rhode by persons importing cervids into the State of Rhode Island.

Section 4 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.

Section 5 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.

Section 6 Superseded Rules and Regulations

On the effective date of these rules and regulations, any previous regulations and policies regarding administration of management areas within the authority of the Department shall be superseded. Specifically, the Division of Fish and Wildlife's "Rules and Regulations Governing Wild Animal Importation and Possession" and the Division of Agriculture's "Rules and Regulations Governing the Importation of Animals" are amended by addition of the instant moratorium.

Section 7 Definition of Terms

"Department" shall mean the Department of Environmental Management.

"Director" shall mean the Director of the Department of Environmental Management.

“Cervids” shall mean any animals which members of the family “*cervidae*” whether captive or wild including but not limited to the following: white-tailed deer (*Odocoileus virginianus*); mule deer (*Odocoileus hemionus*); and all subspecies, e.g., elk (*Cervus elaphus*) including red deer or wapiti, moose (*Alces alces*); fallow deer (*Dama dama*); or silka deer (*Cervus nippon*).

“Person” shall mean any individual, firm, association, organization, business trust, corporation, society, association, partnership, corporation, company or private or public body.

Section 8 Prohibition on the importation of cervids

Notwithstanding any other provision promulgated by the Department governing the importation or release of wild, captive or domestic animals:

- (a) no person shall import into the State of Rhode Island any captive or wild cervid;
- (b) no person shall release to the wild in the State of Rhode Island any captive or wild cervid.

Section 9 Persons Authorized To Enforce These Rules and Regulations

Any employee of the Department’s Division of Law Enforcement, Division of Forest Environment, Division of Parks and Recreation, Division of Agriculture, and Division of Fish and Wildlife are hereby commissioned by the Director pursuant to R.I. Gen. Laws § 42-17.1-2, to enforce these rules and regulations.

Section 10 Penalties

Any person who violates any section of these rules and regulations shall, upon conviction by a court of competent jurisdiction, be punished by a fine of up to three hundred dollars (\$300.) or imprisonment not exceeding one (1) year per violation.

**DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

JAN H. REITSMA, DIRECTOR

DATED:_____