

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 60 – FISH AND WILDLIFE

SUBCHAPTER – N/A

PART 2 – Rules and Regulations Governing the Importation, Feeding, and Baiting of Cervids in Rhode Island

2.1 Purpose

The purpose of these Rules and Regulations is to protect the general public's safety and native wildlife resources of the state and to prevent the introduction of wildlife diseases, such as but not limited to, bovine tuberculosis, brucellosis, chronic wasting disease (CWD), or epizootic hemorrhagic disease into the State of Rhode Island by prohibiting persons from importing, transporting, or possessing live cervids, cervid carcasses or carcass parts thereof in the State of Rhode Island as well as restricting certain feeding and baiting practices that have been demonstrated to facilitate the spread of disease amongst animals.

2.2 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, 42-17.1, and 42-17.7, in accordance with R.I. Gen. Laws Chapter 42-35, the Administrative Procedures Act.

2.3 Administrative Findings

These Rules and Regulations are required to ensure public health, safety and welfare by preventing the introduction of wildlife diseases, such as CWD, into the State of Rhode Island by persons importing, transporting, or possessing live cervids, cervid carcasses or carcass parts thereof in the State of Rhode Island or by persons feeding or baiting cervids in this State. The Department finds that cervid diseases, are primarily spread by the translocation of live captive cervids, with the potential to introduce diseases to wild cervids as the two (2) often come in contact. Impacts of diseases, such as CWD, can lead to negative impacts to the local white-tailed deer population, the states deer hunting culture, and wildlife management of other game and non-games species. Movement of infected cervid carcasses is also a known risk for introducing CWD prions to new areas. Accordingly, Association of Fish and Wildlife Agencies (AFWA) and Northeast Association and Fish and Wildlife Agencies (NEAFWA) recommends in part prohibiting all human-assisted movement of live cervids, as well as intact carcasses from CWD endemic areas, to prevent the additional introduction and further spread of this disease. Chronic Wasting Disease may be present in a

State/Province and not detected as not all States have a CWD surveillance or monitoring program.

2.4 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.

2.5 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.

2.6 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 the prohibition on the importation of cervids 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.

2.7 Definition of Terms

“Cervids” means any animals which are members of the family “*Cervidae*” whether captive or wild and any and all hybrids, subspecies or genetically altered species, including but not limited to the following: white-tailed deer (*Odocoileus virginianus*); mule deer (*Odocoileus hemionus*), black-tailed deer (*Odocoileus hemionus columbianus*), elk (*Cervus canadensis*), red deer (*Cervus elaphus*), moose (*Alces alces*); fallow deer (*Dama dama*), sika deer (*Cervus nippon*), muntjac deer (*Muntiacus spp.*), axis deer (*Axis axis*), and caribou or reindeer (*Rangifer tarandus*).

“Chronic Wasting Disease” or “CWD” means an always-fatal nervous system disease found in cervids (deer, elk, moose, reindeer) for which there is currently no cure. It can be transmitted through direct animal to animal contact, contact with saliva, feces, carcass parts of an infected animal, and can even spread through soil that has been contaminated with any of the above tissues or fluids. To date, CWD has been found in wild and captive cervids across the United States, parts of Canada and other countries across the world.

“Chronic wasting disease endemic area” means any US State, Canadian Province or other Country where CWD has ever been detected or any

State/Province located within twenty-five (25) miles of any CWD positive detection in a different State/Province.

“Department” means the Department of Environmental Management.

“Director” means the Director of the Department of Environmental Management.

“Feeding” or “baiting” for the purpose of these Regulations, means the act of using, placing, giving, exposing, depositing, distributing, or scattering any material, or any act to maintain the availability of such material, that attracts, or is reasonably intended to attract wild white-tailed deer to feed on such material.

“Person” means an individual, corporation, partnership, or other legal entity.

"Possession" means to exercise dominion or control over any cervid or cervid parts, at any point.

2.8 Persons Authorized to Enforce These Rules and Regulations

Any employee of the Department's Division of Law Enforcement, 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.

2.9 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 (\$300.00) or imprisonment not exceeding one (1) year per violation.

2.10 Regulations on the Importation, Possession and Transportation of Live Cervids

- A. No person shall import, transport or possess in the State of Rhode Island any live captive or wild cervid, except under a permit issued by the Director or his/her designee in compliance with all parts of §§ 2.10(B) and (C) of this Part.
- B. A Certificate of Veterinary Inspection shall be issued by an accredited veterinarian of the State of origin or a veterinarian in the employ of the United States Department of Agriculture, countersigned by the veterinarian from the State of origin, attesting to the subject cervids:
 - 1. Are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto.
 - 2. Are officially permanently identified by means of a device that is compliant with all State and Federally required unique and permanent methods of

identification. Forms of identification include but are not limited to USDA approved visual or radiofrequency ear tags.

3. The certificated need to confirm that the subject cervids have tested negative for bovine tuberculosis, epizootic hemorrhagic disease, brucellosis, anaplasmosis, bluetongue, or other diseases as may be required by the Rhode Island DEM's Division of Agriculture.
4. Does not originate from a CWD endemic area or has not resided in a CWD endemic area for any duration of time.

C. General Exemptions that shall also be in compliance with § 2.10(C):

1. AZA-Accredited and USDA Licensed Facilities. 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. Licensed Wildlife Rehabilitators. 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. Authorized Agents of the Department in their Official Duties. 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. Agents of the Rhode Island Society for the Prevention of Cruelty to Animals. 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 4-1.

2.11 Release of Cervids

No person shall release to the wild or one's private property in the State of Rhode Island any captive or wild cervid. This provision does not restrict duly authorized wildlife rehabilitators to release white-tailed deer held in their care or researchers conducting research authorized by the Director.

2.12 Feeding and Baiting of Cervids

- A. No person shall feed cervids at any time in the State of Rhode Island except:

1. Under a license or permit issued by the Department pursuant to R.I. Gen. Laws § 20-1-18 for *bona fide* scientific research;
2. By planting, cultivating, or harvesting of crops directly associated with *bona fide* agricultural practices, including planted wildlife food plots;
3. By distribution of food material for livestock directly associated with *bona fide* agricultural practices; by distribution of food material for legally-possessed captive cervid, pursuant to a permit;
4. By cutting of trees or brush; or,
5. Elevated bird/squirrel feeders providing seed, grain, fruit, worms, or suet for birds or squirrels located within one hundred feet (100') of an occupied dwelling.

B. Distribution of Certain Food Materials.

No person shall feed wild or captive cervids with any material that contains protein derived from any mammalian tissues.

2.13 Carcasses and Carcass Parts

- A. No person shall import, transport, or possess in Rhode Island a cervid whole carcass, brain, eyes, spinal cord, lymph nodes, tonsils, spleen, or such carcass parts from wild, captive or captive-bred cervid obtained from outside Rhode Island, except that:
1. Such carcass parts may be imported and possessed as specimens in a *bona fide* laboratory research study pursuant to a permit issued by the Director or his/her designee provided that such carcass parts or specimens are disposed of in accordance with accepted laboratory practices; or,
 2. As provided in § 2.14 of this Part, such parts and carcasses may be shipped or transported through Rhode Island as part of an interstate shipment, provided that all such carcasses and carcass parts are marked as described in § 2.14 of this Part. No carcass or carcass parts shall be disposed of or remain in Rhode Island.
 3. All legally harvested wild white-tailed deer carcasses and carcass parts from Connecticut and Massachusetts. All carcasses and carcass part must be disposed of following best management practices as stated by the Department at time of disposal. If Massachusetts or Connecticut become a CWD endemic area, they are no longer exempt from the carcass or carcass parts ban beginning on the date of CWD detection.

4. The following carcass parts originating from outside the State of Rhode Island may be imported and possessed if marked in the manner described in § 2.14 of this Part:
 - a. Meat may be imported and possessed provided that all such meat from an individual animal shall be boned, cut up, packaged and wrapped and such meat shall not be commingled with the meat of any other;
 - b. The hide or cape;
 - c. The skull or skull cap, cleaned of all blood, brain matter, muscle or any other tissue;
 - d. The antlers;
 - e. Finished taxidermy;
 - f. Tanned hides;
 - g. The upper canine;

2.14 Marking of Carcasses and Carcass Parts and Transportation

All allowable carcasses and carcass parts of any cervid imported into or through Rhode Island, or packages or containers containing such carcasses or carcass parts thereof, shall be affixed with a legible label bearing the following information: the species of animal, the U.S. State, Canadian Province or other Country where the animal was taken or where the shipment originated, the name of the person who took the animal, name of the shipper, the address of the shipper, name of the taker, address of the taker and, for transport through the State, the destination of the shipment. Permitted carcasses, carcass parts, or meat taken outside Rhode Island shall also bear the marking, tagging, or labeling required by the State where the animal was taken.

2.15 Regulatory Enforcement

- A. Any person who imports, transports or possess live cervids, carcasses or carcass parts thereof, consents to allow any authorized representative of the Department access to enter upon his or her premises or access to his/her vehicle or domicile to conduct inspections for compliance of these Regulations.
- B. The Department shall immediately seize and destroy carcasses or carcass parts that are imported or possessed in violation of these Regulations.
- C. The Department shall immediately seize, quarantine, and euthanize any cervid that is imported, transported or possessed in violation of the provisions of these Regulations.

- D. The Department shall direct any person possessing any cervid suspected of having CWD or other potentially infectious diseases to comply with any measures that are deemed necessary to prevent or mitigate the spread or introduction of chronic wasting disease.
- E. Department staff may euthanize, using firearms or other means, any wildlife which is at large and is suspected of having been exposed to or having CWD.

2.16 Right to Administrative Hearing

Pursuant to R.I. Gen. Laws, Chapter 42-17.7, a person who feels aggrieved by a regulatory enforcement action undertaken against that person pursuant to § 2.16 of this Part and seeks an adjudicatory hearing must seek such hearing by filing a written request with the Administrative Adjudication Division, One Capitol Hill, 4th Floor, Providence, Rhode Island, 02908 within twenty (20) calendar days of receipt of the contest agency action.

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**PART 2 - RULES AND REGULATIONS GOVERNING THE IMPORTATION, FEEDING,
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