

250-RICR-60-00-13

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 60 – FISH AND WILDLIFE

SUBCHAPTER 00 – N/A

PART 13 – RULES AND REGULATIONS OF FURBEARING ANIMALS

13.1 Purpose

- A. The purpose of these regulations is to establish the definition and classification of furbearing animals and their protections as defined under R.I. Gen. Laws Chapter 20-1 and 20-16.

13.2 Authority

- A. These rules and regulations are promulgated pursuant to authority vested in the Director of the Department of Environmental Management under R.I. Gen. Laws § 20-1-18, § 20-16-1 and R.I. Gen. Laws Chapter 42-17.1 and in accordance with the requirements of the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

13.3 Administrative Findings

- A. The proper understanding of what mammalian species are afforded protection and are considered game species needs to be defined for the general public. Species scientific nomenclature changes occasionally with improved understanding of species relatedness and should be updated to provide globally understood laws and regulations specific to Rhode Island. All wild mammals should be afforded protection unless otherwise regulated by the proper State Department and Division.

13.4 Definitions

- A. Wherever used in these rules and Regulations the following terms shall be construed as follows:
 1. "Department" or "DEM" means the Rhode Island Department of Environmental Management.
 2. "Director" means the Director of the Rhode Island Department of Environmental Management, or his/her duly authorized agent or agents.
 3. "Division" means the Division of Fish & Wildlife of the Rhode Island Department of Environmental Management.

4. "Domestic animal" means any animal which through extremely long association with humans, have been bred to a degree that has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them unique and distinguishable from wild individuals of their species.

54. "Fish and Wildlife" or "F&W" means the Department of Environmental Management's Division of Fish and Wildlife.

65. "Furbearer" means any wild mammal that were traditionally trapped or hunted primarily for their economic value, their fur.

7. "Livestock" means any bovine, equine, caprine, ovine, camelid, swine, poultry, or other animal that is raised for production of food or fiber, or is used for work, commerce, or exhibition.

13.5 Protection of Wild Mammals

A. No person shall hunt, pursue, shoot, or trap, or attempt to do so, any wild mammals in this state, except in accordance with rules and regulations governing seasons, bag limits, and methods of taking adopted by the Director pursuant to R.I. Gen. Laws § 20-1-12.

B. Furbearers shall be considered to include:

1. Carnivores (Order Carnivora):

a. Family Canidae, genus Canis (coyote); genus Urocyon (gray fox); genus Vulpes (red fox).

~~b. Family Felidae, genus Lynx, (bobcat).~~

~~bc.~~ Family Mustelidae, genus ~~Pekania Martes~~ (fisher); genus Mustela (ermine, long-tailed weasel, ~~mink~~); ~~genus Neogale (mink)~~; genus Mephitis (striped skunk); genus Lontra (river otter).

~~cd.~~ Family Procyonidae, genus Procyon (raccoon).

~~e. Family Ursidae, genus Ursus (American black bear).~~

2. Rodents (Order Rodentia):

a. Family Castoridae, genus Castor (beaver).

b. Family Cricetidae, genus Ondatra (muskrat).

c. Family Erethizontidae, genus Erethizon (North American porcupine).

- d. Family Sciuridae, genus Marmota (woodchuck); genus Sciurus (gray squirrel); and genus Tamiasciurus (red squirrel).
- 3. Marsupials (Order Marsupialia): Family Didelphidae, genus Didelphis (opossum).
- 4. Rabbits and hares (Order Lagomorpha):
 - a. Family Leporidae, genus Sylvilagus (Eastern and New England cottontail); genus Lepus (snowshoe hare).

C. Special protected carnivores:

1. -Special Carnivores (Order Carnivora):

- a. -Family Felidae, genus Lynx (bobcat)
- b. -Family Ursidae, genus Ursus (American black bear)

2. -Special carnivores require non-lethal wildlife conflict remediation prior to take unless causing a clear and immediate threat to human, livestock, or domestic pet health and safety.

- a. -Non-lethal wildlife conflict remediation are efforts to prevent access to food resources by non-lethal means as an example, electric fencing.
- b. -A clear and immediate threat to human health and safety refers to an incident in which physical harm or death is highly likely immediately or in the very near future and justifies emergency intervention or self-defense.

3. -Any person owning or leasing and operating any property, and any employee of that person, may, while on that person's premises, kill and take a special protected carnivore that is, wounding, or killing the domestic animals or livestock on the property, or destroying or mutilating agricultural crops or fruit trees on the property; or otherwise causing clear-and-immediate economic damage to any property belonging to that person; or creating a potential health hazard; provided that non-lethal wildlife conflict remediation efforts have been attempted. the carcass of the special protected carnivore shall be presented to the department within twenty-four (24) hours of taking.

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13.6 Right to Administrative Hearing

- A. Denial of a license or certificate of registration: Any person denied the issuance or reissuance of a permit pursuant to this Part may request an appeal as provided by R.I. Gen. Laws Chapter 42-17.7 and pursuant to Part 10-00-1 of this Title ("Rules and Regulations for the Administrative Adjudication Division"), by presenting a written request for a hearing within thirty (30) days of the applicant's receipt of the denial. The written request must be presented to the clerk of the Administrative Adjudication Division, 235 Promenade Street, Room 350, Providence, RI 02908.

- B. Enforcement action: Any person adversely affected by a decision of the Director for an enforcement action pursuant to these regulations may file an appeal in accordance with R.I. Gen. Laws Chapter 42-17.7 and Part 10-00-1 of this Title ("Rules and Regulations for the Administrative Adjudication Division") by presenting a written request for a hearing within twenty (20) days of the applicant's receipt of the notice of the enforcement action. The written request must be presented to the clerk of the Administrative Adjudication Division, 235 Promenade Street, Room 350, Providence, RI 02908.