



State of Rhode Island and Providence Plantations

A. Ralph Mollis
Secretary of State

Rules and Regulations Filing Form

1. Agency Name and Address

Environmental Management, Department of, Fish and Wildlife

3 Fort Wetherill Rd

2. Title of Rule

Regulations Promulgated in Order to Establish and Implement a Non-Recreational Deer Reduction Program on Block Island

3. Statutory Source of Authority

RIGL 20-1-2 and Chapter 42.17.1

4. Concise Explanatory Statement - §42-35-2.3

5. Type of Filing

Emergency Rules	
A1. Emergency 120-day initial - §42-35-3(b) <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment of ERLID: *. <input type="checkbox"/> Repeal of ERLID: Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2): An imminent peril exists to the public health, safety, and welfare to the natural resources on Block Island which requires the adoption of a non-recreational deer reduction program.	A2. Emergency 90-day renewal - §42-35-3(b) <input type="checkbox"/> Adoption <input type="checkbox"/> Amendment Indicate ERLID of 120-day initial:

Final Rules			
<input type="checkbox"/> B1. Amendment	<input type="checkbox"/> B2. Adoption	<input type="checkbox"/> B3. Repeal	<input type="checkbox"/> C. Technical Revision
Supersedes ERLID:	Repeals ERLID:	Expires ERLID:	
If B1 or C, please indicate new, amended, deleted, or revised sections:			

6. Notice and Hearing Information

Date of Public Notice - §42-35-3(a)(1): Notice Not Required
 Date of Public Hearing - §42-35-3(a)(2): Hearing Not Required
 End of Comment Period: 00/00/0000

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7. Agency Additional Information - Web Page

8. Certification

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest:

Jared Dineen
 Name
Den Dineen
 Title

Henry E. Gannon
 Notary Public #12637

Subscribed and sworn before me
 this 7th day of November 2013
 My Commission Expires 9/31/2017

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REGULATIONS PROMULGATED IN ORDER
TO ESTABLISH AND IMPLEMENT A
NON-RECREATIONAL DEER REDUCTION
PROGRAM ON BLOCK ISLAND

November 7, 2013

AUTHORITY: These regulations are adopted pursuant to Title 20 and Chapter 42-17.1 of the Rhode Island General Laws of 1956, as amended, in accordance with Sections 42-35-3(b) and 42-35-4(b)(2)) of the Administrative Procedures Act, of the Rhode Island General Laws of 1956, as amended.

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REGULATIONS PROMULGATED IN ORDER
TO ESTABLISH AND IMPLEMENT A NON-RECREATIONAL
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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REGULATIONS PROMULGATED IN ORDER
TO ESTABLISH AND IMPLEMENT A NON-RECREATIONAL
DEER REDUCTION PROGRAM ON BLOCK ISLAND

1.00 AUTHORITY AND PURPOSE

1.01 STATUTORY AUTHORITY

These rules and regulations are promulgated pursuant to Title 20 including R.I. Gen. Laws § 20-1-2 and Chapter 42.17.1, in accordance with Sections 42-35-3(b) and 42-35-4(b)(2) of the Administrative Procedures Act, of the General Laws of 1956, as amended.

1.02 PURPOSE

The purpose of these rules and regulations is to establish a non-recreational program to reduce the over population of Virginia white-tailed deer (*Odocoileus virginianus*) that has not been successfully reduced by traditional management methods and currently presents an imminent risk to the health, safety, and welfare of Block Island's natural resources.

1.03 ADMINISTRATIVE FINDINGS

The purpose of these rules and regulations is to establish a non-recreational program to reduce the over population of Virginia white-tailed deer (*Odocoileus virginianus*) on Block Island where traditional management methods have been unsuccessful in reducing the deer population and its current overpopulation presents an imminent risk to the health, safety, and welfare to the natural resources.

2.00 DEFINITIONS

Whenever used in these regulations, the following terms shall have the following meanings:

(1) **Department** - means the Rhode Island Department of Environmental Management (DEM);

(2) **Director** - means the Director of the Department of Environmental Management or his/her subordinates to whom the Director has delegated the powers and duties vested in the Director by these regulations. The terms Department and Director may be used interchangeably unless

clearly indicated otherwise by the context of the sentence in which it appears;

(3) **Division** – means the Division of Fish and Wildlife, of the Department of Environmental Management;

(4) **Deer** – Virginia white-tailed deer (*Odocoileus virginianus*) and any other free ranging deer encountered in the natural environment.

(5) **Feeding/baiting** – 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 wildlife to feed on such material.

(6) **Jack-lighting** – means the use (by an individual or in conjunction with others) of an artificial light at any time to illuminate, jack light, locate, attempt to locate, or show up wild birds or mammals or any other vertebrates when that person or persons have in their actual possession, in the passenger compartment of their vehicle, or in the storage area of a trunk or van, unless locked in a case, a crossbow, long bow (straight limb, reflex, re-curve, or compound bow) rifle, gun, or pistol, except in accordance with these rules and regulations.

(7) **Written permission** – means written permission of the owner of the parcel of land being utilized in the project.

3.00 REGULATIONS GOVERNING IMPLEMENTATION OF THE PROJECT

3.01 Rationale

The project is to be undertaken on the basis of the following finding by the Department:

- (1) The deer population on Block Island is currently estimated by the Department to number 80 or more deer per square mile.
- (2) The deer population in the proposed area has been determined by the Department to present a danger to the natural resources of the proposed area including for example, danger to species that have been designated as threatened or endangered by the United States Department of Interior or the State of Rhode Island Department of Environmental Management Division of Fish and Wildlife.

3.02 Goal

The Project is not intended to eradicate the population of deer within the isolated area that is subject of the project. Rather the project seeks to reduce the deer population within the subject area to a density that is compatible with the health of the natural resources on Block Island.

3.03 Methodology

The Department anticipates accomplishing the Project by contracting with a private vendor(s) who will serve as the Department's agent to cull the excess deer as directed employing certain sanctioned, non-recreational hunting methods, some of which recreational hunters are prohibited from utilizing. For

example, these specially trained agents of the Director will be authorized to take deer at night at designated baited sites using sharp shooter rifles. However, no taking of deer will be conducted on any privately owned land without written permission. The deer carcasses will be prepared for eventual human consumption. The Department anticipates that the Town of New Shoreham will reimburse the Department for the costs incurred due to any contracts related to accomplishing the Project as well as any direct expenses that the Department may incur as a result of the conducting the Project.

4.00 APPLICATION

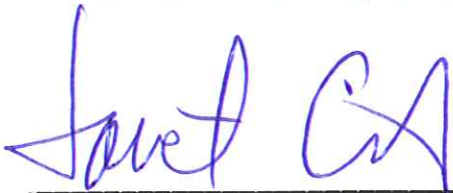
The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

5.00 SEVERABILITY

If any provision of these Rules and Regulations, or the 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.

6.00 ADOPTION AND FILING

The foregoing rules and regulations are hereby adopted and filed with the Secretary of State on this _____ day of _____, 2013 to become effective upon filing pursuant to the provisions of Title 20 including R.I. Gen. Laws § 20-1-2 and Chapter 42.17.1, in accordance with Sections 42-35-3(b) and 42-35-4(b)(2) of the Administrative Procedures Act, of the General Laws of 1956, as amended.



JANET L. COIT
DIRECTOR
Department of Environmental Management

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