

**RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE

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, the Director of the Department of Environmental Management (DEM) proposes rulemaking relative to the RI Falconry Regulations for the 2010 - 2011 Season, RI Hunting Regulations for the 2010 – 2011 Waterfowl Season and gives notice of intent to hold a public hearing to afford interested parties the opportunity for public comment.

Public comments will be solicited on the following proposals:

1. Proposed adoption of the RI Falconry Regulations for the 2010-2011 Season
2. Proposed adoption of the RI Hunting Regulations For The Waterfowl Season 2010 – 2011

The public hearing will be held on **Wednesday, August 25, 2010 at 7:00 P.M.** at the North Kingstown Community Center on Beach Street in North Kingstown (off Rt. 1A, just south of Wickford). The hearing room is accessible to the handicapped. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-6800 for TDD (401) 831-5508. Written comments concerning the regulations proposed for promulgation by the DEM may also be submitted to the Division of Fish and Wildlife, 277 Great Neck Road., West Kingston, RI 02892, **no later than 12:00 PM on August 25, 2010.**

The proposed regulations will establish applicable hunting seasons, bag limits, and methods of taking migratory waterfowl, the practice of falconry, and amend the target range regulations. A copy of all the proposed regulations will be available for examination from **July 26, 2010 through August 25, 2010** by mail or at the offices of the Division of Fish and Wildlife located at 277 Great Neck Rd., West Kingston, RI 02852 weekdays from 8:30 – 4:00 PM or by calling the Division at (401) 789-7481. Electronic copies of the proposed regulations will also be available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/fishwild/pn082510.htm>

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations. DEM has considered alternative approaches to the proposed regulations 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 regulations do not overlap/duplicate any other State regulations. DEM has determined the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town. DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Department at the address indicated above and should be received no later than 12:00 PM on August 25, 2010.

W. Michael Sullivan, PhD.
Director, Department of Environmental Management



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENT MANAGEMENT

RI HUNTING REGULATIONS
FOR THE
WATERFOWL SEASON
2009-2010 – 2010-2011



~~September 16, 2009~~

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.2 "DEM"; Sections 20-1-4; 20-1-12; 20-1-13; 20-2-35; 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 ~~2009~~2010-2010-2011
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
20092010-20102011

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 (SOS #2617)

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 (**SOS # 2617**). 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

As follows:

RULE 7 - REGULATIONS
PART 1
GENERAL WATERFOWL REGULATIONS
20092010-20102011

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, 2009-2010 - 2010-2011. All proposed seasons and bag limits are subject to change(s) in accordance with federal seasons and framework alternatives.

The 2009-2010 - 2010-2011 waterfowl season for ducks will be 60 days in length with a six (6) bird bag limit -- possession limit is twice the daily bag limit or twelve (12).

1.1 SEA DUCKS

The season for sea ducks (scoter, eiders, long-tailed duck) shall be October ~~40 9~~, 2009-2010 – January ~~24 23~~, 2010 2011, inclusive. Except for the periods October ~~9 8-12 11~~; November ~~25 24-29 28~~; and December ~~5 4~~, 2009-2010 – January ~~24 23~~, 2010-2011 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 8-12 11~~, 2009-2010, inclusive, November ~~25 24-29 28~~, 2009 2010; and December ~~5 4~~, 2009-2010 – January ~~24 23~~, 2010 2011, 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 ten (10), only eight (8) 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 a hen mallard, three (3) wood ducks, two (2) redheads, one (1) black duck, one (1) pintail, one (1) canvasback, and two (2) scaup. The possession limit is twice 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 30, 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 ten (10), only four (4) 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 (60) days with two (2)-bird bag limit and a four (4)-bird possession. November ~~24 20-29 28, 2009-2010~~ and December ~~5 4, 2009-2010~~ - January ~~24 23, 2010 2011~~. Special permits and reservations required for South Shore Management Area.

1.4.2 Experimental Late Season - January ~~29 28~~ – February ~~14 13, 20102011~~.

Seventeen (17) days with five (5)-bird bag limit and ten (10) birds in possession. Limited to Providence and Kent Counties and portions of Exeter and North Kingstown as depicted on a map created by the Division of Fish and Wildlife. Special permit required, obtainable at Division of Fish and Wildlife, Great Swamp, Field Headquarters.

1.4.3 Snow Geese including blue geese - The daily bag limit shall be fifteen (15) birds for the season; October ~~10 9, 2009-2010~~ – January ~~24 23, 2010 2011~~. No possession limit.

1.5 BRANT

The season for brant shall be fifty (50) days, December ~~6 5, 2009-2010~~ - January ~~24 23, 2010 2011~~, inclusive. The daily bag limit shall be two (2) and the possession limit shall be four (4).

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 to 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 known 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 DAY – Saturday and Sunday October ~~24-23~~ and ~~25 24, 2009-2010~~ will be Youth Waterfowl Hunting Day in Rhode Island.

1.11.1 Youth hunters must be 12 - 14.

1.11.2 An adult at least 21 years of age must be in the immediate company of the young hunter. The accompanying adult and all adults are prohibited from hunting on Youth Waterfowl Hunting Day.

1.11.3 Both the youth hunter and the accompanying adult must have current Rhode Island hunting licenses, state and federal waterfowl stamps, and state HIP permit.

PART 2
MATUNUCK HUNTER/LANDOWNER COOPERATIVE AREA
AND SOUTH SHORE MANAGEMENT AREA (SSMA)

20092010-20102011

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 ½" X 4 ¼"], 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 1, ~~2009~~ 2010.

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. 2.2.1.

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

2.2.3 Permittees will be allowed to hunt a maximum of two-half days per week (Sunday through Saturday). 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 All upland hunting is prohibited during regular goose season.

2.2.5 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 will result in the loss of hunting privileges on the SSMA for the ~~2010~~ 2011-2011-2012 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, ~~2010~~2011.

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 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 5 and 6 during the early dove season.

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

2.9.3 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.

2.9.4 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.

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

2.9.6 Waterfowl hunting is allowed outside of the regular Canada goose season (11/~~21~~ 20/0910– 11/~~29~~ 28/09-10 and 12/~~5~~ 4/09-10 – 1/~~24~~ 23/1011) but within legal waterfowl seasons without special hunting permits, reservations, or decoy restrictions, once fields are harvested.

***Upland hunting** is prohibited during the regular Canada goose season.

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

2.12 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
~~2009~~2010-~~2010~~2011

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 ~~2009-2010~~ – ~~2010-2011~~ 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 ~~2009~~ 2010 - 2010-2011 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.

W. Michael Sullivan, Ph.D., Director
Department of Environmental Management

Notice Given: 07/28/2009
Public Hearing: 08/27/2009

Filing Date: 09/16/2009
Effective Date: 10/06/2009