



NEW ENGLAND CHAPTER BACKCOUNTRY HUNTERS & ANGLERS

February 6, 2024

To Chairman Bennett and members of the House Committee on Environment and Natural Resources

Re: BHA Support for RI - 2024 – H7294 – Prohibition of Captive Hunting

Backcountry Hunters & Anglers (BHA) seeks to ensure North America's outdoor heritage of hunting and fishing in a natural setting. Our members prioritize protecting native wildlife to ensure abundant populations persist on the landscape for current and future generations. We support the North American Wildlife Conservation Model, which asserts that wildlife is held in public trust as a scientifically managed natural resource that can be enjoyed by all Americans, and we oppose the privatization of wildlife and practices that place wild populations at risk.

With these things in mind, **The New England Chapter of BHA urges the Committee to support H7294.** If passed, this bill would prohibit the importation and hunting of captive big game animals in Rhode Island without affecting currently legal hunting practices. There are several reasons why we support this proposal, including hazards to Rhode Island's native wildlife and ecosystem related to introducing wildlife disease and invasive species, captive hunting's inconsistency and contradiction with public trust doctrine, and the trend towards stronger protections against these hazards in our neighboring states. We believe that the General Assembly should define, and prohibit, captive hunting and importing animals for these reasons, and will provide additional rationale on each below:

Chronic Wasting Disease

First characterized in 1967, Chronic Wasting Disease is a transmissible disease similar to Mad Cow Disease that affects all members of the deer family, including whitetail deer and elk. Chronic Wasting Disease is transmitted between animals by prions, or misfolded proteins, and once contracted it is lethal to the animal. If contracted, Chronic Wasting Disease can take years to manifest, during which time the infected animal can appear healthy as it sheds infectious agent into the environment through urine, feces, and saliva. It has been shown that prions can maintain their infectious potential while passing through water supplies, being absorbed into plants and grasses, and passing through the digestive systems of scavengers. In other words, a fence capable of containing deer or elk would be very unlikely to contain infectious prions should an infected animal be placed within. Once introduced, Chronic Wasting Disease is long-lived in soils and water, and is virtually impossible to eliminate from the ecosystem.

It is well understood that human transportation is the main mechanism by which Chronic Wasting Disease spreads to new areas. At this time there is no test capable of reliably detecting the presence of Chronic Wasting Disease in live animals, so screening and/or quarantine prior to or following importation into the state is not an effective method to prevent the importation of infected animals. Even in captive herds that have been certified as free of Chronic Wasting Disease by testing animals from the confined area post-mortem (the most reliable testing method) there have been occurrences where Chronic Wasting Disease has later been detected after animals had been transported and subsequently spread the disease to a new area. Currently CWD is endemic to 32 US states and 5 Canadian provinces, including first-time detections in Kentucky, Florida and British Columbia during the last 12 months.

At this time, Chronic Wasting Disease has never been detected within RI, or within any state east of New York and Pennsylvania or south of Quebec. The Rhode Island Department of Environmental Management has already adopted many of the best management practices recommended by the Association of Fish and Wildlife Agencies in their 2018 "Best Management Practices for Prevention, Surveillance and Management of Chronic Wasting Disease", including prohibiting bringing certain parts of deer taken out-of-state in Chronic Wasting Disease-endemic areas into Rhode

Island, prohibiting the use of natural urine-based scents, and prohibiting baiting and feeding of deer for any purpose. AFWA's top recommendation regarding the movement of live deer is to prohibit all human-assisted movement, and that is also what we are recommending.

Wild Pigs

Often referred to as Russian or Eurasian boar, feral swine, or razorbacks, wild pigs are all descendants of the same species –*Sus Scrofa* – and are relatives of pigs that are kept on agricultural farms. Unlike domesticated pigs, those that exist in a wild or feral state develop thicker hides, long tusks, and an aggressive disposition. Their prolific breeding habits make them one of the most costly, damaging and uncontrollable invasive species in North America. According to the USDA-APHIS, roughly 6 million wild pigs inhabit 35 US states, costing an estimated \$1.5 billion in damages and control costs. They threaten the health of people, wildlife, pets, and cause major damage to property, agriculture, native ecosystems, and historical resources.

Widely regarded as intelligent and adaptable, wild pigs are notoriously difficult to contain within captive facilities. As a state that doesn't currently have a population of wild pigs, allowing them to be imported for hunting would expose Rhode Island to an unnecessary risk that doesn't currently exist. If wild pigs were to become established on our landscape, the damage to our native ecosystem, and the resultant management cost to the state would be considerable. Given the relative lack of large tracts of agricultural or undeveloped land, it is also highly likely that a population of wild pigs would become a nuisance and danger to Rhode Islanders immediately.

Public Trust

While its origins are rooted in Roman and Greek civil law, Public Trust Doctrine is an essential element of North American Model of Wildlife Conservation. In simple terms, Public Trust Doctrine asserts that natural resources, including wildlife, are owned by the people and entrusted to the care of the government. Rhode Island's Constitution codifies Public Trust Doctrine in Title 1, Article 17, stating that "*the people shall be secure in their rights to use and enjoy the natural resources of the state*", and charging the Rhode Island General Assembly to "*provide for the conservation air, land, water, plant, animal, mineral and other natural resources, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state*". In the context of wildlife, management as a public resource is essential to ensuring that healthy populations are sustained, that all people have access to wildlife in both the present and the future. Privatization of wildlife, and subsequent creation of a market for access to exclusive animals and hunting opportunities, is contradictory to the management practices that have restored wildlife populations to healthy and sustainable levels following the decimation of populations in North America by market hunting prior to the 20th century.

Where captive big game hunting is allowed, the descendants of animals that were at one time considered wildlife would no longer be a natural resource owned by the people and managed by the state; rather they would be kept in captivity and considered livestock, owned by the captive hunting facility, and marketed to prospective "hunters" as a privatized commodity. Once extracted from the public trust, wildlife kept as livestock could be subjected to practices like selective breeding and genetic modification, which could cause damage to native populations if animals escaped the facility. Unlike farm animals that are kept for producing meat and other agricultural products, captive big game animals would occupy a new legal area and presumably would not be subject to RI General Law § 4-17, which defines the criteria by which livestock can be slaughtered in Rhode Island.

Neighboring States

In Rhode Island, the Department of Environmental Management (DEM) is assigned the authority to regulating the importation and possession of wild animals, and currently does so through 250-RICR-40-05-3, pursuant to RI General Laws 4-18, 20-1-18, 20-1-22, 20-37-3, and 42-17.1-2(19). Unfortunately, other RI General Laws require that this regulation includes several exemptions and loopholes, so Rhode Island lacks a comprehensive prohibition that sufficiently addresses risks such as the potential introduction of Chronic Wasting Disease at the regulatory level.

In Connecticut, R.C.S.A. §§ 22-278 broadly prohibits importing “captive cervidae” into the state. Under their definitions, this covers all species of deer, elk, moose, reindeer and caribou that would be raised or maintained in captivity for the production of meat and other agricultural products, for sport or for exhibition. Under Connecticut’s regulations on private shooting preserves, limitations are placed on animals that can be taken to only allow only pheasants, quail, chukar partridge, and/or ducks.

In Massachusetts, 321 CMR 2.15 (10), prohibitions are placed on possessing, transferring, processing, receiving and importing any live deer or member of the family Cervidae to prevent the spread of Chronic Wasting Disease. Under 321 CMR 2.05, the state’s regulation on commercial shooting preserves, limitations are placed on animals that can be taken to allow only ring-necked pheasants, bobwhite quail, chukar partridge, Hungarian or gray partridge, or captive-reared mallard ducks.

Based on the contrast in these regulations, it is clear that our closest neighbors have taken action to protect their wildlife and natural environments by preventing the hazards that come along with importing big game animals for captive hunting.

Amendment to H7294

BHA supports amending H7294 to include the following:

(d) The term captive hunting shall not apply to the release of upland game birds for hunting whether on public property or on private property licensed by the department as a shooting preserve, ***or to field trials conducted in accordance with the provisions of this Title and properly licensed by the department.***

Currently there are no big game captive hunting facilities in Rhode Island, and the purpose of H7294 is to enact a clear legislative directive that prevents their establishment in the future, rather than impacting activities that are currently legal, permitted and practiced within the state. The amendment clarifies that field trials, which are currently legal pursuant to §20-19 when properly licensed by the department, would not be subject to prohibitions proposed in the bill.

In conclusion, the New England Chapter of **urges the Committee, and ultimately the RI General Assembly, to pass H7294**, which would protect Rhode Island’s native wildlife and ecosystem based on the best available science.

Thank you for your consideration of our position.

Sincerely,

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