

**Fish and Wildlife Board
Meeting Minutes
Wednesday, June 19, 2019**

The Vermont Fish and Wildlife Board held a meeting beginning at 5:00 PM on Wednesday, June 19, 2019 at Montpelier High School, located at 5 High School Drive, Montpelier, VT 05602, in the Cafeteria.

Board Members in Attendance: Tim Biebel (Board Chair), Cheryl Frank Sullivan, Bill Pickens, David Robillard, Michael Bancroft, Bryan McCarthy, Johanna Laggis, Dennis Mewes, David Fielding Jr., Brian Bailey, Jay Sweeny, and Mike Kolsun.

Department Staff in Attendance: Louis Porter, Commissioner; Mark Scott, Director of Wildlife; Susan Warner; Director of Outreach; Maj. George Scribner, Deputy Director of Law Enforcement; Catherine Gjessing, General Counsel; Will Duane, Executive Assistant; Scott Darling, Big Game Project Leader, Kim Royar, Furbearer Project Leader; Nick Fortin, Deer Project Leader; Katerina Gieder, State Biometrician; Adam Miller, Fish Culture Program Leader; Lt. Dennis Amsden, Southern District Supervisor; Lt. Carl Wedin, Northwest District Supervisor; Lt. Sean Fowler, Northeast District Supervisor; Peter Utz, Legal Intern.

Members of the Public in Attendance: Approximately 100 members of the public attended the meeting. The sign-in sheets for public attendance are attached to these minutes.

The Meeting was called to order at 5:00 PM by the Chair

1) Approval of Previous Meeting Minutes

There was a unanimous voice vote to approve the previous meetings minutes as drafted.

2) Public Comments (Limited to 2 minutes per speaker)

Approximately 39 members of the public in attendance chose to address the Board.

3) Coyote Petition Presentations and Department Presentation on Coyotes in Vermont

A petition submitted to the Board in March, 2019 requesting that the Board begin rulemaking to establish a closed season on coyote hunting in Vermont was presented by Cydnee Bence representing the petitioners the Animal Law Society at Vermont Law School. The petition is attached to these minutes.

An additional petition submitted to the Board in March, 2019 requesting that the Board not make changes to coyote hunting in Vermont was presented by Mike Covey representing the petitioner Dillon Mears. The petition is attached to these minutes.

Following the presentations by the representatives of the petitioners, Department furbearer biologist Kim Royar presented on the current status of coyotes in Vermont. The presentation from Mrs. Royar is attached to these minutes.

The Board broke for dinner from 6:30 PM to 7:00 PM

Following the presentations, the Department recommended to the Board that it deny the petition presented by the Animal Law Society at Vermont Law School and not take up rulemaking to create a closed season on hunting coyotes.

Following the presentations and the Department's recommendation the Board discussed the petitions. Topics in the discussion included predation of deer by coyotes, social vs. biological issues concerning wildlife in Vermont, public perception of coyotes and coyote hunting, ethical hunting behavior and hunter ed, the allocation of Department staff, licensing of coyote hunting, and enforcement capabilities.

Motion: Brian Bailey moved to deny the petition from the Animal Law Society at Vermont Law School. Bryan McCarthy seconded the motion.

Discussion: Following the motion the discussion continued to include the Department's role in managing wildlife on behalf of the public, hunting trends in Vermont, statistics and emotion in wildlife policy, coyote habits and behavior, safety laws in Vermont, and coyote population status in Vermont.

Vote: 9-3 to deny the petition.

- Those voting “Yes” to deny the petition: Michael Kolsun, Jay Sweeny, Brian Bailey, Johanna Laggis, Bryan McCarthy, Michael Bancroft, David Robillard, Cheryl Frank Sullivan, and Tim Biebel.
- Those voting “No” on the question of denying the petition: David Fielding Jr., Dennis Mewes, and Bill Pickens.

Board Member Cheryl Frank Sullivan initially voted “No” during the vote on the petition denial. Upon returning from a break, Sullivan clarified and corrected her vote stating that she intended to deny the petition with her “No” vote and asked that her vote be changed to “Yes” in favor of denying the petition.

The Board broke for 15 minutes from 8:05 PM to 8:20 PM

4) Big Game Rule Change Package—Second Board Vote

At its March 20, 2019 meeting, the Board approved the Department’s preliminary recommendation for changes to the big game hunting rules; primarily focused on deer hunting regulations. Since March the Department conducted 8 statewide public hearings to solicit public input on the proposed changes. The comments received at the public hearings and received at the Department were compiled and presented to the Board. Wildlife Director Mark Scott, Big Game Project Leader Scott Darling, and Deer Project Leader Nick Fortin recapped the rulemaking process to date and explained the outcomes of the public hearings, the public comments received, and the next steps in the rulemaking process.

Nick Fortin presented to the Board on the changes contained in the Department’s proposal. Fortin reiterated that the changes proposed by the Department are the results of several years of analysis and that the Department considered many options during the preparation of the final proposal.

The Board Chair requested that the Department present on the entire suite of proposed changes, outlining each specific section, and then the Board will vote on the elements individually. The Department recommended that the Board vote on the regional removal of the current antler-point-restrictions, the move to a one-buck-per-year limit, and the extension of the early archery season as a group. Darling and

Scott stated that the Department would not recommend splitting up and removing any of these three core components of the proposal as they have been designed to work together to meet specific biological management objectives.

Department General Counsel Catherine Gjessing highlighted proposed changes since the first Board vote on the rule in March. Those changes include:

- A technical correction relating to the definition of bait and baiting in the proposal. Due to the addition of new sections in the deer rule, the references in 10 V.S.A. App. § 37, sections 3.4 and 3.5 referring to urine-based-lures needed to be changed from section 11 to section 14.
- A change was offered by the Law Enforcement Division to clarify that antlerless deer can only be taken in the WMU in which an individual hunter is licensed to do so. 10 V.S.A. App § 37 now includes the following language in sections 5.6, 6.5, and 8.0:

“No person shall take a deer in a WMU unless they are licensed, permitted or explicitly authorized to do so by the rules of the Board”

- Removing language from the proposed 10 V.S.A. App § 37 (8.0) which spoke about youth and novice season bag limits. This was removed because it is already contained in the proposed section 4.1(a).

I. Core Elements of the Deer Rule Changes

After discussing the process for voting and the elements contained in the package the Board members discussed the impacts of approving the “core elements” of the deer rule changes: the regional removal of the current antler-point-restrictions; the move to a one-buck-per-year limit; and the extension of the early archery season. Discussion touched on the selectivity of hunters when taking bucks, cultural attitudes surrounding the harvesting of antlerless deer, hunter opportunity, deer camp culture, limiting hunters to one buck per year, license revenue, taking antlerless deer in rifle season, effects of the regional antlerless point restriction on certain WMUs, and the enforceability of the contemplated changes.

The change to a one-buck-limit is contained in the Department’s proposed changes to 10 V.S.A. App. § 37 (4.1) and (8.7). The change to the regional antler point restriction are contained in the proposal in 10 V.S.A. App. § 37 (3.9). The change to extend the archery season is contained in the proposal in 10 V.S.A. App. § 37 (7.1) and (7.2)

Motion: Brian Bailey moved to approve the core three elements of the Department’s

deer rule proposal as presented: the regional removal of the current antler-point-restrictions; the move to a one-buck-per-year limit; and the extension of the early archery season. Johanna Laggis seconded the motion.

Vote: 11-1 Roll-call vote approved the core three elements of the Department's deer rule proposal: the regional removal of the current antler-point-restrictions; the move to a one-buck-per-year limit, and the extension of the early archery season.

- **Those voting to pass the motion:** Michael Kolsun; Jay Sweeny; David Feilding Jr.; Dennis Mewes; Johanna Laggis; Bryan McCarthy, Mike Bancroft; Bill Pickens; Cheryl Frank Sullivan; and Tim Biebel.
- **Those voting against the motion:** David Robillard.

II. Expanded Archery Zones

Following the discussion and vote on the core elements of the deer rule change a motion was made to approve the expanded urban/suburban archery zones. The expanded archery zone proposal is located in of the Department's proposal at 10 V.S.A. App. § 37 (7.3)

Motion: Jay Sweeny moved to approve the expanded archery zones component of the Department's proposal. Brian Bailey seconded the motion.

Discussion: No additional discussion

Vote: Unanimous roll-call vote to approve the expanded urban/suburban archery zones.

III. Crossbows for Taking Deer

The expanded use of crossbows is located in the Department's proposal at 10 V.S.A. App. § 37 (7.1)(a) and (7.4).

Motion: Bill Pickens moved to approve the expansion of crossbows component of the Department's proposal. Michael Kolsun seconded the motion.

Discussion: The discussion after the motion included concerns for safety, recruitment of new hunters, proper training of hunters in hunter education, public opinion of crossbow use, and crossbow accuracy and success rates.

Vote: 11-1 Roll-call vote to approve the expanded use of crossbows.

- **Those voting to pass the motion:** Michael Kolsun; Jay Sweeny; David Feilding Jr.; Dennis Mewes; Johanna Laggis; Bryan McCarthy, Mike Bancroft; Bill Pickens; Cheryl Frank Sullivan; and Tim Biebel.
- **Those voting against the motion:** David Robillard.

IV. Early Antlerless/Muzzleloader Season

The creation of an early antlerless muzzleloader season is contained in the Department's proposal in 10 V.S.A. App. § 37 (3.2), (5.1-5.6), (6.1-6.2), (6.5), and (7.5).

Motion: Jay Sweeny moved to approve the creation of an early antlerless muzzleloader season component of the Department's proposal. Bill Pickens seconded the motion.

Discussion: The discussion following the motion covered the use of unfilled early season antlerless tags being used in the later muzzleloader season. Unfilled tags from this early season can be used in the later muzzleloader season.

Vote: Unanimous roll-call vote to approve the creation of the early antlerless muzzleloader season.

V. Novice Season and Youth Weekend

The creation of a novice season and the moving of the youth weekend are contained in Department's proposal in 10 V.S.A. App. § 37 (3.10), (4.1)(a), (8.0), (10.1-10.5) [Novice] and 10 V.S.A. App. § 37 (3.11), (4.1)(a), (8.0), (9.1), and (9.3-9.5) [Youth].

Motion: Michael Kolsun moved to approve the creation of the novice season and the moving of the youth weekend components of the Department's proposal. Brian Bailey seconded the motion.

Discussion: The discussion following the motion covered the conflict between youth hunting weekend dates and potential school athletics, potentially establishing 2 youth weekends, and bag limits for youth and novice hunters.

Vote: Unanimous roll-call vote to approve the creation of a novice season and the moving of the youth weekend start date.

VI. Change to the Annual Bag Limit

The change in the annual bag limit from 3 deer total to 4 deer total is contained in the Department's proposal in 10 V.S.A. App. § 37 (4.1).

Motion: Michael Kolsun moved to approve the change of the annual bag limit from 3 deer total to 4 deer total, per the Department's recommendation. Bill Pickens seconded the motion.

Discussion: No Discussion.

Vote: Vote: Unanimous roll-call vote to approve the change of the annual bag limit from 3 deer total to 4 deer total with only one being a buck, except that a Youth and Novice hunting season participant can take an additional buck annually in other seasons.

VII. Miscellaneous Text Changes

Miscellaneous changes to the deer rule are contained in the Department's proposal. Those changes include the sections mentioned by Attorney Gjessing prior to the voting and additions related to a requirement to field dress a harvested deer prior to reporting and showing a warden the kill site of a harvested deer upon request. Those changes are contained in the Department's proposal in 10 V.S.A. App. § 37 (3.4-3.5) [references to urine lures]; (5.6), (6.5), and (8.0) [taking of antlerless deer in specific WMUs]; (11.1) [field dressing]; and (11.2) [kill site].

Motion: Brian Bailey moved to approve the miscellaneous text changes contained in the Department's proposal. Bryan McCarthy seconded the motion.

Discussion: There was a discussion of whether a definition of "field dress" was needed. Department staff offered that it was not necessary for enforcement based on experience of this requirement for moose and bear hunters.

Vote: Unanimous roll-call vote approved the miscellaneous text changes contained in the Department's proposal.

VIII. Changes to the Bear Management Rule

The Department's recommendation contains the following changes to the current bear management rule:

- 10 V.S.A. App. § 7 (3.10) "*when authorized*" is removed to allow crossbows to be used when harvesting a bear.

- 10 V.S.A. App. § 7 (6.1) “*possess*” is replaced with “have purchased” to clarify that a bear hound hunter-owner and their dogs may accompany another hunter after the owner has successfully harvested one bear.
- 10 V.S.A. App. § 7 (9.1) the time allowed for a successful hunter to submit a bear tooth for biological collection is expanded from 48 hours to thirty days.

Motion: Dennis Mewes moved to approve the changes to the bear management rule contained in Department’s proposal. Brian Baily seconded the motion.

Discussion: There was a discussion on whether these changes reflect the Department’s planning as part of the 10-year big game management plan. The Department stated that these changes include allowing crossbow use for all ages for taking bear, clarifying the language of the rule related to whether a hunter can participate in hound hunting after he or she has harvested a bear, and extending the deadline for bear tooth submission. Bear Hound hunters have always been able to participate in hound hunting when they have filled their tag and harvested a bear. The amendment in 6.1. clarifies that point. The change in bear tooth collection from 48 hours to 30 days is proposed because check stations often do not submit bear teeth to the Department until the end of the season or in batches well after the 48 hours has passed. There was further discussion of the Department’s obligations for public notice when the Board undertakes rulemaking. Attorney Gjessing and Commissioner Porter stated that the Board and Department had sufficiently met their obligations.

Vote: Unanimous roll-call vote approved the miscellaneous text changes contained in the Department’s proposal.

IX. Crossbows for Taking Other Big Game

To align all of the state’s big game species rules the Department’s proposal recommends that the Board allow crossbows to be used when hunting deer, bear, moose, and turkey. The Department proposed the following changes to accomplish this goal:

- 10 V.S.A. App. § 4: “*authorized under 10 V.S.A. § 4711 or*” is removed.
- 10 V.S.A. App. § 22 (6.1): “*A cross bow may only be used by a hunter who is 50 years or older or has a permit in accordance with 10 V.S.A. § 4711*” is removed.
- 10 V.S.A. App. § 33 (13.2)(c): “*when holding a valid permit issued pursuant to 10 V.S.A. § 4711 or when the person is 50 years or older*” is removed
- 10 V.S.A. App. § 33 (13.3)(b): “*A person taking moose may use and possess a crossbow only when holding a valid permit issued pursuant to 10 V.S.A. § 4711 or when the person is 50 years or older.*” is removed.

Motion: Brian Bailey moved to approve the changes to the turkey and moose rules per the Department's recommendation. Bill Pickens seconded the motion.

Discussion: No Discussion.

Vote: Unanimous roll-call vote to approve the changes to the turkey, and moose rules per the Department's recommendation.

X. Deletion of Unnecessary Rule Sections

To align the previously approved sections relating to youth hunting weekend and the use of crossbows the Department recommended the following as part of its proposal:

- 10 V.S.A. App. § 2d is removed entirely.
- 10 V.S.A. App. § 36 is removed entirely.

Motion: David Feilding moved to make the recommended deletions per the Department's recommendation. Bill Pickens seconded the motion.

Discussion: No Discussion.

Vote: Unanimous roll-call vote approved the recommended deletions per the Department's recommendation.

5) Commissioner's Update

- The Board's rule on nuisance trapping for compensation is pending before the Legislative Committee on Administrative Rules (LCAR). There are some discussions between LCAR and the Department on the use of snares and cable restraints. The Department may come back to the Board to propose and amendment to that proposed rule.
- Some notable retirements have recently occurred or are occurring at the Department. Brian Chipman (fish biologist), Chet Mackenzie (fish biologist), and Mike Ellis (fish culturalist) are retiring from the fisheries division. Scott Darling (wildlife species program manager) is retiring from the wildlife division. Lt. Dave Gregory (Northeast District) is retiring from the Law Enforcement Division Northeast District, and Warden Sean Fowler will be taking his position.

- Learn to hunt adult turkey workshop was a huge success. The plan now is to try and replicate it several times per year. Many thanks to the volunteers and staff who spent so much time putting it together.

The meeting was adjourned by the Chair at 9:50 PM

The mission of the Vermont Fish and Wildlife Department is the conservation of all species of fish, wildlife and plants and their habitats for the people of Vermont.

Public Sign In

<u>Name:</u>	<u>Would You Like to Speak Tonight?</u>
MARK Green	No -
Jeff Goyn	yes ✓
Rebecca Trono	maybe yes
Diana Hansen	yes ✓
Kerry Edmunds	NO -
Lark Shields <small>Lark shields</small>	yes ✓
John Conter	NO -
Mike SARGENT	NO -
Shelagh Vogel	yes ✓
Hawke Kettell	no -
Garrett Henderson	no -
Charles L. Palmer	Yes ✓
Brent Gadapsee	no -
Alex Whitlock	YES ✓
JEFFSON CRING	YES ✓
Risa Barnett	yes ✓
Diana Salyer	yes ✓
Amber Chambers	NO -
Lincoln Chambers	NO -
Claudia Mucklow	NO -
Leigh Steady	No -
Caroline Canney	Maybe
Gerri Huck	Maybe yes ✓
Rob Beardsley	YES -
Kimberly DiNofrio	yes ✓
Jim White	yes ✓
Bob Richard	yes ✓

Melissa Michens	no	-
Barb Mulhern	no	-
Kathi Savires	no	-
Jay Louise Ball	yes	✓
Blinda Cannon-Duffman	no	-
Jerry A. Mollen, Boston	Yes	✓
Rob Mullen, Bolton	Yes	✓
Bonnie Powell, Bolton	No	-
Jill Meek Shonahan	no	-
Honora Towne	no	-

Public Sign In

<u>Name:</u>	<u>Would You Like to Speak Tonight?</u>
Kevin Lawrence	yes ✓
Justin Lindholm	yes ✓
Edward Kenney	yes ✓
Patricia Spear	-
Lisa Duffie	no -
Roy Blaine	no -
Molly Cook	no -
John Ken -	no -
Van Dwire	yes ✓
Cyrone Bence	yes -
Jason Warfield	yes ✓
Eric Springfield	yes ✓
Bill Hickok	yes ✓
Tom Garris	no -
Sam Spaulding	no -
Michael Steas	no -
Ray G. Paul	no yes ✓
M. Smart	yes ✓
MSO. yllae	yes -
Dale Swen	no -
Lynette Linder	no -
Dee Blodgett	no -
Laurie Veatch	yes ✓
John Ball	no ✓
Brenna Guddenzi	yes ✓
Judi Macdonald	yes ✓

BARBARA BURNET	YES	✓
MARILYN DIPRIE	NO	-
HOW SMITH	NO	-
BONNIE GEISLER	YES	✓
ROB GRISLER	NO	-
Namrata Cardeira	Yes/maybe	✓
Dr Ken Ken	NO	-
BOB RICHERT	YES	✓
Anne Jamerson	YES	✓
Rob Borowski	yes	✓

Rod Elmer	NO	-
Mike Casey		-
Jim Haas	NO	-
Sophie Bowden	yes	✓
Robert G. B. E.	YES	✓
Red Kinnis		
Lucinda Bailey	NO	-
Lyn A. Varin	NO	-
Nathan Turner	NO	-
Billy M. Tucker	NO	-
Barry Londree	Yes	✓
David Chasky	NO	-
Mr. W?	yes	✓
Audrey Hussion?	yes	✓
Bonnie Gvester (sp?)	yes	✓
Pamela Krouse (sp?)	yes	✓

<u>NAME</u>	<u>Speak</u>
EVAN HUBBES	
Jame Shores	-
Pamela Krausz	yes ✓
Elizabeth Hart	No -
CAURA SMITH RIVA	yes as a farmer ✓
Joshua Morse	NO -
Mike Dougherty / UT Digger	No -
Sarah MOOS	-
Lizzy Larson	no -
DENNIS BOBBS	7 -
Khalid Rizvi	No -
FRED WEINGARTEN	no -
KIP ROSS	YES ✓
Diana Hansen	

**PETITION FOR A REGULATED, CLOSED HUNTING SEASON ON COYOTES (*CANIS*
LATRANS) IN VERMONT**

Submitted to the Vermont Fish and Wildlife Board by members of the Vermont Law School
Animal Law Society, on March 13, 2019

The views expressed in this petition are solely those of the authors and do not necessarily
represent those of Vermont Law School

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INTRODUCTION

Dear Mr. Biebel and members of the Vermont Fish and Wildlife Board,

We request that the Board put on their agenda our petition (see [here](#)) for rulemaking to enact a regulated coyote hunting season that seeks a compromise between those interested in maintaining the current open season and those who are opposed to any season at all. We targeted this petition at Vermont residents and as of today we have at least 890 Vermont signers (the states of residence for around 8,000 of the 9,156 signers are not available to us).

It is our belief that the current coyote hunting season is neither based on the best-available science, nor rooted in sound wildlife management. Peer-reviewed research indicates that wanton killing of coyotes does three things: 1) increases breeding; 2) causes vacated territories that will soon be inhabited by new packs; and 3) causes pack instability, which may present new problems where there previously were none.

Comments by Vermont residents

Here are a few comments from our petition submitted by Vermont residents:

“Vermont Fish and Wildlife acknowledges that coyotes manage their own populations and by having an open season you are only increasing their numbers. They refuse to have a cohabitation with coyotes education course here in Vermont. They just care about the hunters and trappers being able to hunt and trap coyotes whenever and wherever they want.”

Resident of Craftsbury, VT

“As a farmer, I rely on coyotes as part of our orchard and forest ecosystem. We have a stable family group and I don't want them to be randomly killed by local hunters or farmers.”

Resident of Huntington, VT

“300 million in scenic wildlife recreational tourism is exactly what the state should promote.”

Resident of Burlington, VT

“Our resident pair of coyotes was killed within seconds of each other. They never bothered anyone in the area and we all have livestock and pets who are properly fenced in and brought in at night. They lived here for years and no one had a problem with them, but some kids from New York wanted a thrill and their hounds found them together and killed them both within seconds of each other. Three years ago hounders attacked a coyote on our front lawn, on posted land, 30 feet from our house. We were able to save him, but hunting based on hate and killing games is not ethical hunting. Hounding 9 months a year in Vermont and hunting at night when wildlife should be able to live their lives unharassed has nothing to do with ethical hunting. It is time to stand up and protect our wildlife and landowners who are being terrorized by people and packs of hounds who kill because they get a high from seeing things suffer.”

Resident of Craftsbury, VT

“Research has proven that wanton waste of coyotes is bad for farmers and coyotes. Let's put some effort into understanding the animals instead of obliterating them. Vermont can do better.”

Resident of Randolph, VT

Supporting literature

We would also like to share a few reports and articles that support the goals of our petition:

- A report to the legislature prepared by a Vermont wildlife conservation biologist, Jennifer Lovett for the Vermont Coyote Coexistence Coalition
here: https://docs.wixstatic.com/ugd/5073cd_7804d1b2fb93401aa52ff863b3e5c9da.pdf
- A letter to the Vermont legislature written by Sue Morse, Vermont expert in natural history and one of North America's top wildlife trackers (and hunter),
here: <https://legislature.vermont.gov/Documents/2018/WorkGroups/House%20Natural/Bills/H.60/Testimony%202018/W~Susan%20Morse~Coyote%20Testimony~1-25-2018.pdf>
- A quote from Dr. Bob Crabtree, a Yellowstone National Park canid biologist in response to a question about coyote hunting:
 - “The predominant responses of coyote populations to lethal control efforts are to: (1) increase the number of pups produced (recruitment), (2) increase immigration into the conflict area, and (3) increase behaviors that further exacerbate the conflict. Collectively, the is results in higher predation rates on domestic livestock and wild ungulates.”
 - Read more in his letter
here: http://predatordefense.org/docs/coyotes_letter_Dr_Crabtree_06-21-12.pdf
- A letter written by Vermont hunter and journalist, David Jensen,
here: https://www.timesargus.com/kill-those-coyotes-at-your-own-possible-peril/article_e394a49c-248c-5ca0-87d5-4eeb92a87c27.html

- Mr. Jensen writes, “I said that an open season on coyotes was wrong, sad and ineffective. Wildlife biologists admit that coyotes do take deer, but they also subsist on a wide variety of other foods. Biologists also believe that the current view, held by many hunters, that coyotes kill so many deer that they threaten the existence of our deer herd is not supported by biological evidence. So, the question that begs to be asked is this: Why persist in a war against coyotes when killing them appears to have no impact on their numbers?”

We also want to acknowledge the existence of a counter-petition that was created apparently in response to ours. As shown in the Appendix, either the creators did not read our petition, or they deliberately mischaracterized the goals of our petition, because they initially stated that we wanted to “abolish the coyote hunting season for good.” At some point they corrected this error, but at least 3,000 or so of their signatures were gathered under this misleading statement.

As you know, scientific research supports a regulated season, and it is our hope that the Board will consider this compromise measure and stop the relentless persecution of these animals, even during pup rearing season.

Thank you for your time and consideration,

David Jennings, Sadie Jacobs, Cydnee Bence, Eric Springfield, Sarah Mooradian, Daria Nikitina,
and Jordan VanCleave

PURPOSE

The goal of this petition is to enact a regulated, closed hunting season on coyotes in Vermont, open from the last Saturday in October through to March 1st. The Vermont Department of Fish and Wildlife strives to adhere to the North American Model of Wildlife Conservation, which, among other tenets, requires the use of science to inform wildlife management, opposes wanton waste killing of wildlife, and holds wildlife in the public trust (Organ et al. 2012).

Elements of these management tenets are found in the Vermont statutes guiding wildlife management. For instance, 10 VSA § 4081(a)(1) provides that “the fish and wildlife of Vermont are held in trust by the State for the benefit of the citizens of Vermont.” Further, 10 VSA § 4081(a)(2) provides that the “protection, propagation control, management, and conservation of fish, wildlife, and fur-bearing animals in this State are in the interest of the public welfare.” Lastly, 10 VSA § 4082(a) provides that the Fish and Wildlife Board shall adopt rules “designed to maintain the best health, population, and utilization levels of the regulated species” and that the “rules shall be supported by investigation and research conducted by the Department on behalf of the board.”

By allowing an open season on coyotes, it is our view that these management tenets are not being satisfied.

FACTS

Coyotes are canids native to North and Central America, though their range has expanded into the northeastern United States in the early 20th century (Gompper 2002a). To our knowledge, the

Vermont Department of Fish and Wildlife has no recent data on the state's coyote population, though it is estimated to fluctuate between 6,000-9,000 individuals (Vermont Fish and Wildlife Department, 2018). Additionally, little data are available on the number of coyotes killed in the state, but based on data provided by the Department, it appears as though an average of 77 coyotes are killed each year by traps. However, this is certainly an underestimate of the total number of coyotes killed in Vermont as it excludes animals killed by hunters or in coyote killing contests, among other sources of human-induced mortality.

An open season on coyotes is not informed by the best-available science

Coyotes generally mate for life and breed in January-February, with pups born in April-May (Gompper 2002a). They are weaned at about 6-8 weeks, and learn to forage and hunt with both adult parents. Pups mature at around nine months old, but do not breed until they are two years old, unless the pack leaders are killed. Studies show that wanton killing of coyotes does not ultimately decrease the overall population size, it simply induces earlier breeding and larger litters (Knowlton et al. 1999; Gompper 2002a). It also disrupts the social hierarchy, which can lead to problematic behavior of younger, less experienced, pack members having more aggressive interactions with livestock and domestic pets. To our knowledge, there is also no peer-reviewed scientific research indicating that an open season on coyotes is necessary to ensure that they remain wary of humans.

Additionally, coyotes are often blamed for reducing deer population sizes, even though coyote removal generally has little effect on deer recruitment (Kilgo et al. 2014; Gulsby et al. 2015). Thus, enacting a regulated, closed hunting season on coyotes will likely not affect deer populations in Vermont. Furthermore, as numerous studies have shown (e.g., Henke and Bryant

1999; Gompper 2002a; Conner and Morris 2015; Newsome and Ripple 2015), and as the Vermont Department of Fish and Wildlife states on their website, coyotes provide valuable ecological services. Therefore, absent “investigation and research” to the contrary under 10 VSA § 4082(a), the best-available science does not support the current management practice.

An open season on coyotes encourages wanton waste of wildlife

The open season on coyotes results in these animals potentially being killed 365 days per year, day and night. They are hunted with hounds and chased for miles until they are exhausted and cornered, and often times injured, before they finally are killed. These coyotes can be left to decompose as waste, and raptors scavenging the carcasses can be poisoned from ingesting lead from the bullet fragments (Fisher et al. 2006). Furthermore, an open season means that female coyotes can also be killed while nursing or rearing young pups, leaving their young to starve to death. An open season does not encourage “utilization” of this species, and it is not necessary to “maintain the best health” or “population . . . levels” of this species under 10 VSA § 4082(a). Limiting the coyote hunting season here in Vermont should reduce wanton waste by helping ensure that the pelts continue to have at least some value, perhaps promoting responsible utilization over wanton waste.

An open season on coyotes does not hold wildlife in the public trust

Under 10 VSA § 4081(a)(1) coyotes are “held in trust by the State for the benefit of the citizens of Vermont.” Wildlife watching is an increasingly popular activity in the United States. Nationwide, 34% of residents aged 16 and older enjoy wildlife watching (U.S. Fish and Wildlife Service and U.S. Census Bureau, 2018). Here in Vermont, that number is even higher – a 2011

survey found that around 59% of Vermonters go wildlife watching, and that this activity generates nearly \$300 million annually in the state (U.S. Fish and Wildlife Service, 2014). Informed by the best-available science, public attitudes towards lethal control of predators are also changing (Slagle et al. 2017; Jackman and Way 2018).

An open season does not adequately consider non-consumptive “utilization” of coyotes under 10 VSA § 4082. For example, non-consumptive utilization of coyotes (e.g., watching, listening to, or photographing them) can be disturbed by discovering mutilated coyote carcasses, finding domestic pets being mistakenly targeted as coyotes, or having hunters and hounds charging across private land, all year-round – all of which have been documented by the Fish and Wildlife Department. Further, it does not ensure that coyotes are managed for the “benefit of the citizens of Vermont” under 10 VSA § 4081(a)(1). However, a closed season would balance the interests of all Vermonters by providing some respite from these types of activity.

CONCLUSION

Four other states already have regulated, closed coyote hunting seasons, including neighboring Massachusetts and New York, where the seasons run from October to March. New Hampshire is also considering enacting a closed coyote hunting season through H.B. 442. We are fully cognizant of the different opinions on this issue, and the need to protect the rights of all groups (Vermont Fish and Wildlife Department, 2018). Consequently, we believe that this compromise measure would be in the best interests of all involved. For instance, similar management here in Vermont would neither entirely prevent coyote hunting in the state, nor prevent landowners from killing coyotes in defense of property under 10 VSA § 4828. Instead, the measure would allow

coyote hunting for approximately six months, while also enabling undisturbed non-consumptive enjoyment of this species for the rest of the year. There should also be no adverse effects on human-coyote interactions, or on coyote or deer populations. Therefore, under the North American Model of Wildlife Conservation and Vermont statutory provisions, we respectfully request that the Vermont Department of Fish and Wildlife enacts a regulated, closed hunting season to manage coyotes.

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APPENDIX

The screenshot shows a web browser window with the URL 'change.org'. The page title is 'Keep the Coyote Hunting Season open in Vermont'. On the left, there is a close-up photograph of a coyote's head. Below the photo, it says 'Dillon Mears started this petition to Dillon Mears' and the text reads: 'Well here it is folks, the anti-coyote hunting community is after our coyote season in Vermont. They want to abolish the coyote hunting season for good. We're going to need all the help we can get and all signatures will be needed. If you truly want to continue our heritage tradition and love please sign.' On the right side, there is a progress bar showing '3,150 have signed. Let's get to 5,000!'. Below the bar, two recent signers are listed: 'Chris Gouger signed 1 minute ago' and 'Jessica Luther signed 1 minute ago'. There is a sign-up form with fields for 'First name', 'Last name', and 'Email'. The location is set to 'Pittsfield, 05762 United States'. A checkbox is checked for 'Display my name and comment on this petition'. A red button says 'Sign this petition'. At the bottom, there is a disclaimer: 'By signing, you accept Change.org's Terms of Service and Privacy Policy, and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.'

Appendix I: Screenshot of a counter-petition claiming that our goal is to “abolish the coyote hunting season for good.”

Attachment 3: Dillon Mears Coyote Petition

Good Morning,

Our current regulations on Coyote Hunting aren't hurting them and since they're healthy populations, seasons should be left alone. I had started a petition to not have a coyote hunting season, but to leave it as it is. The petition gained enormous support and it exceeded the petition signatures wanted, to close the season within a few days, and I urge the department to weigh only the signatures of Vermont residents! We had 5,000 signatures in 1 day, and 7,500 [in 2 days](#)! Please leave the Coyote Hunting the way it is...Thank You

[Here is a link to my petition](#)

-Dillon Mears

change.org

[Start a petition](#) [My petitions](#) [Browse](#) [Membership](#)

[Q](#) [Log in](#)

Keep Coyote Hunting Open in Vermont



[Dillon Mears](#) started this petition to Dillon Mears

Well here it is folks, the anti-coyote hunting community is after our open coyote season in Vermont. They want to put a limited season on coyote hunting. We all know what comes next, no more coyote hunting!!! We're going to need all the help we can get and all signatures will be needed. If you truly want to continue our heritage tradition and love please sign.

10,200 have signed. Let's get to 15,000!



[Dillon Mears](#) signed this petition



[Michael Burdick](#) signed this petition



[alex whitelock](#) signed this petition

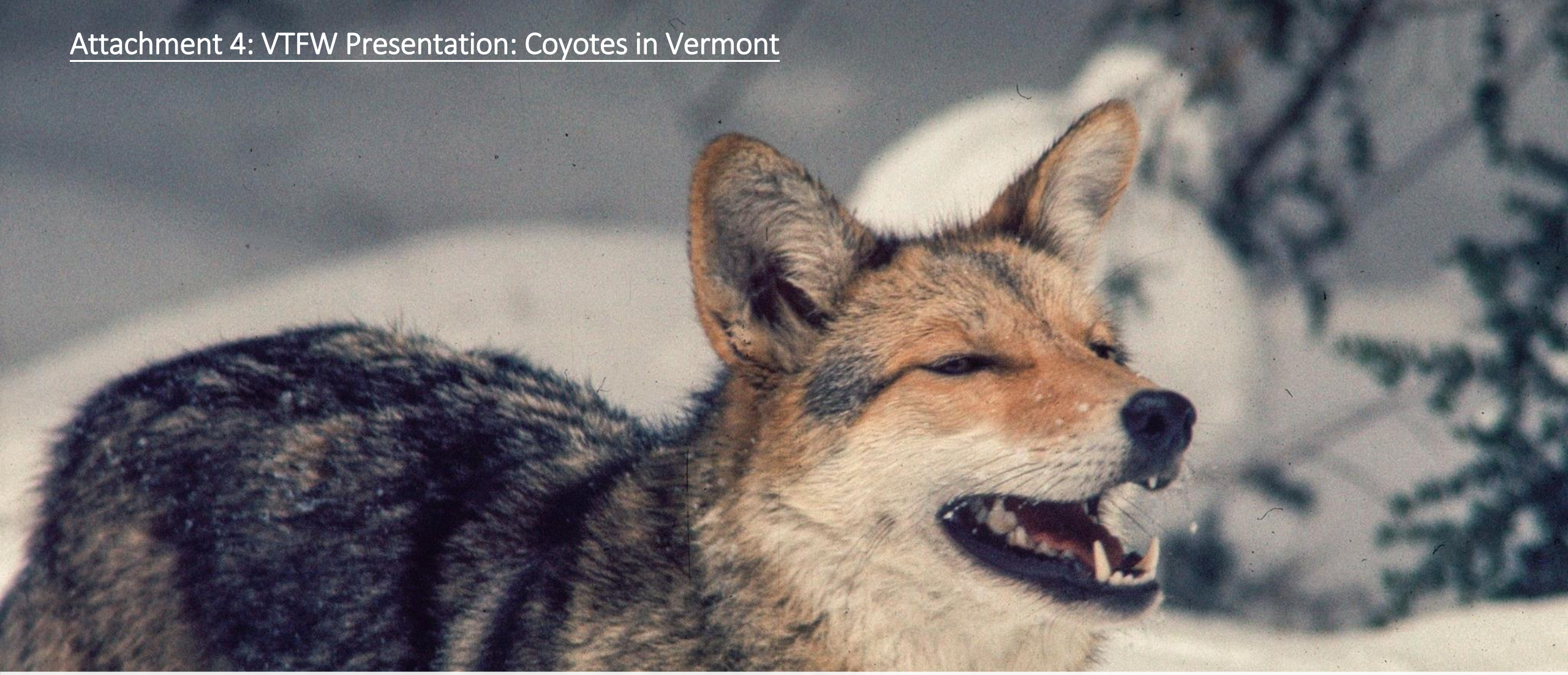
Montpelier, 05602
United States



Display my name and comment on this petition

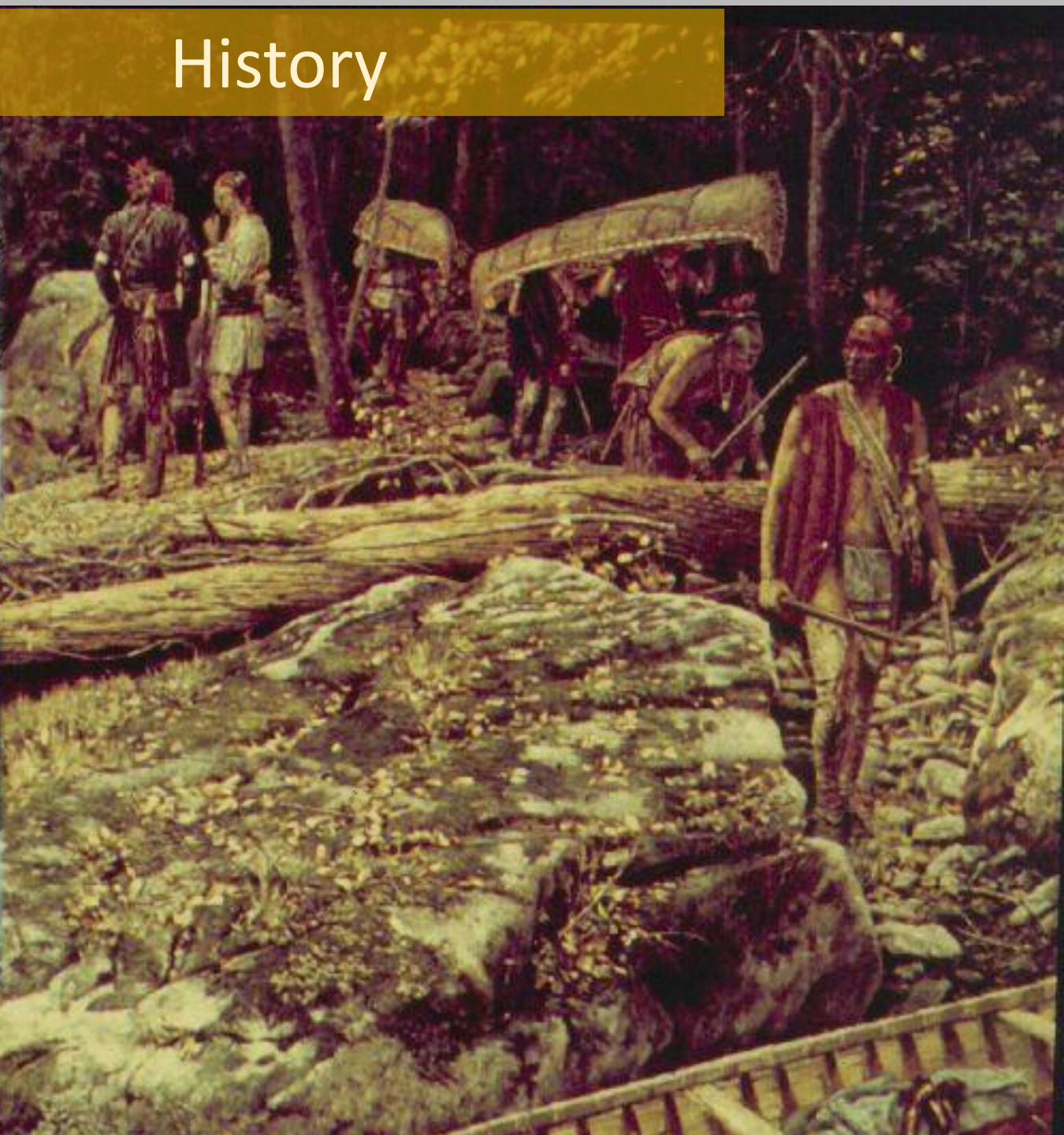
[Sign this petition](#)

By signing, you accept Change.org's [Terms of Service](#) and [Privacy Policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.



Coyotes in Vermont

History

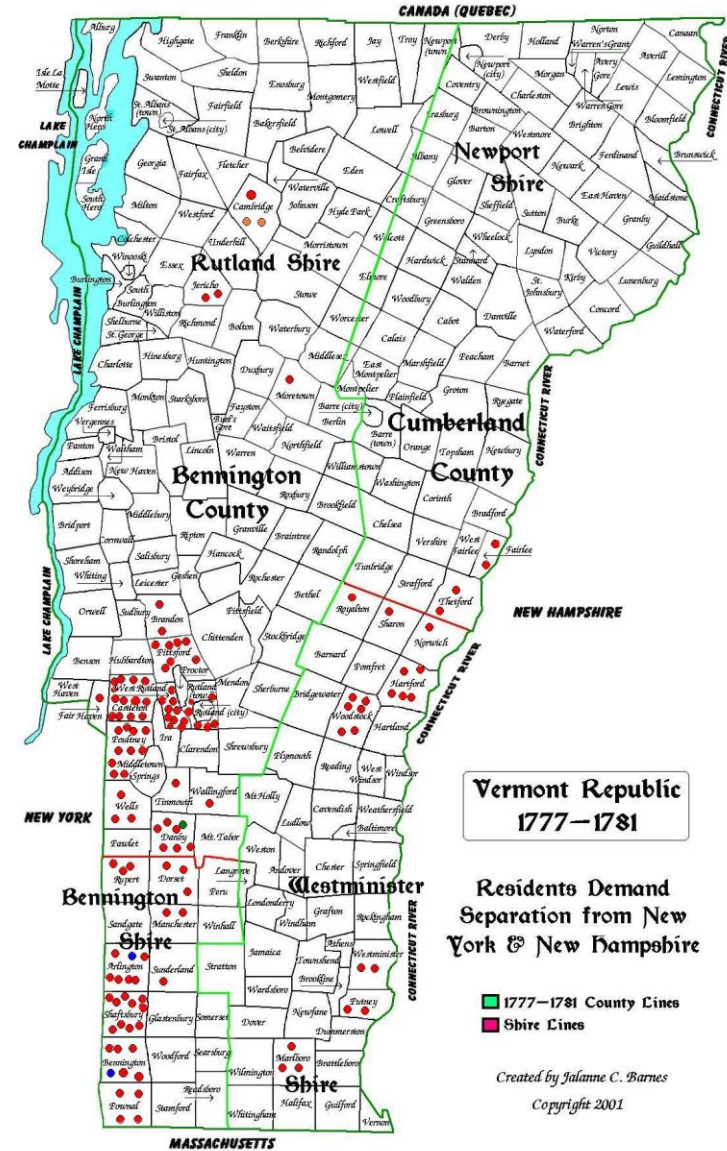
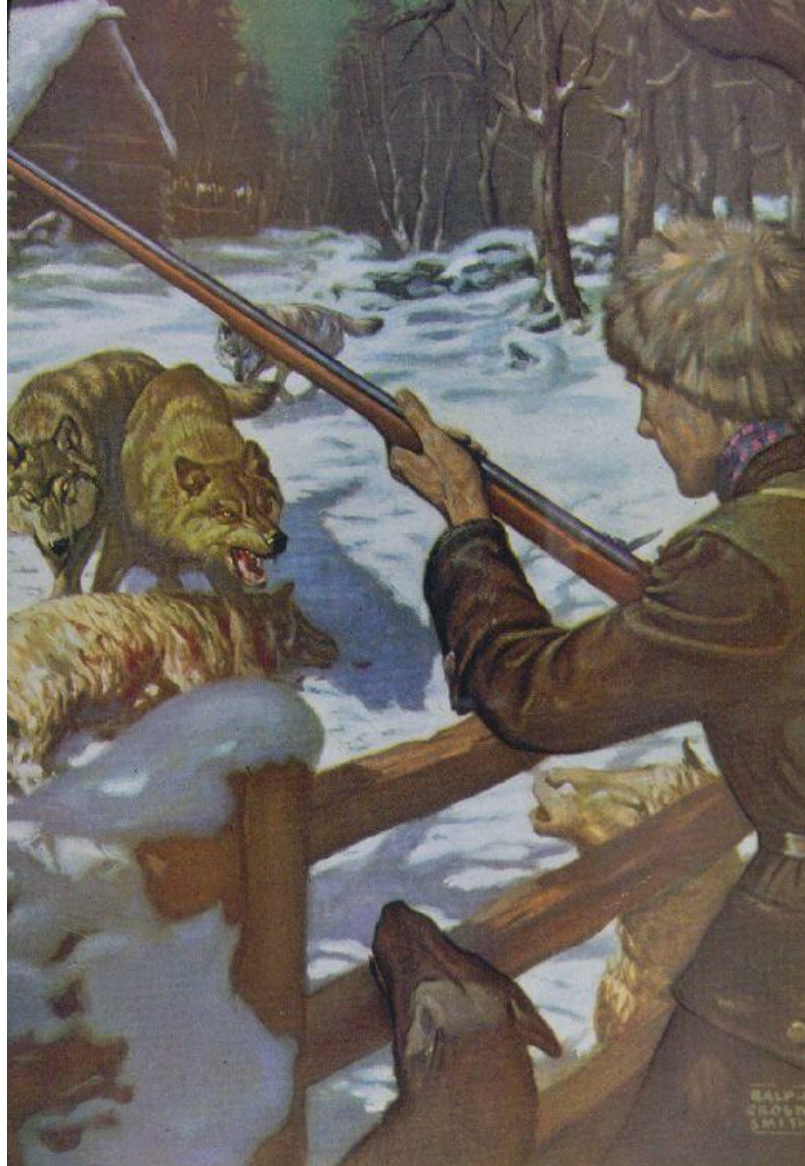


1790: population @ 85,000

1800: population @155,000



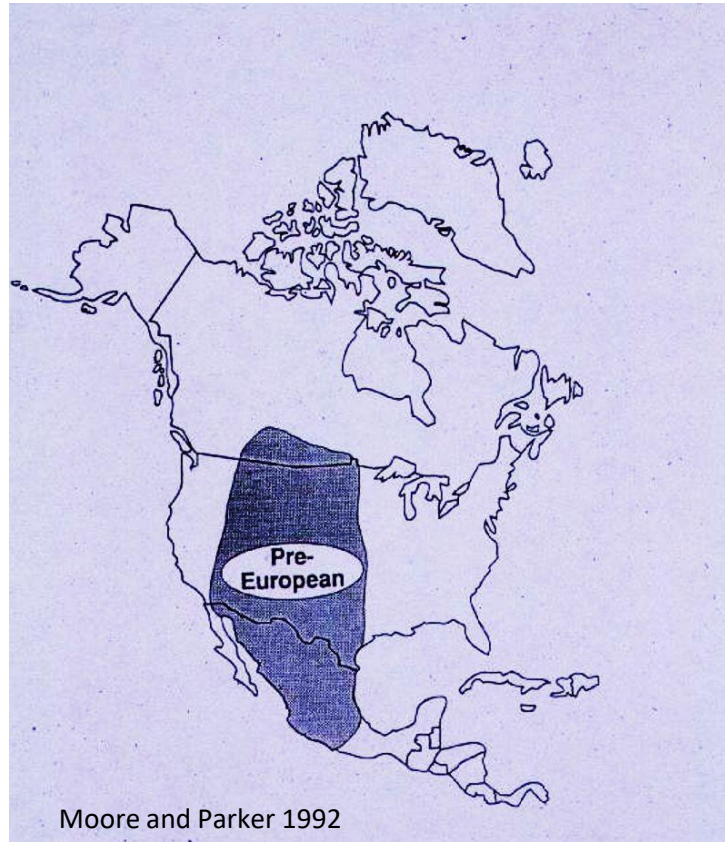
Wolf Bounties 1777 to 1781





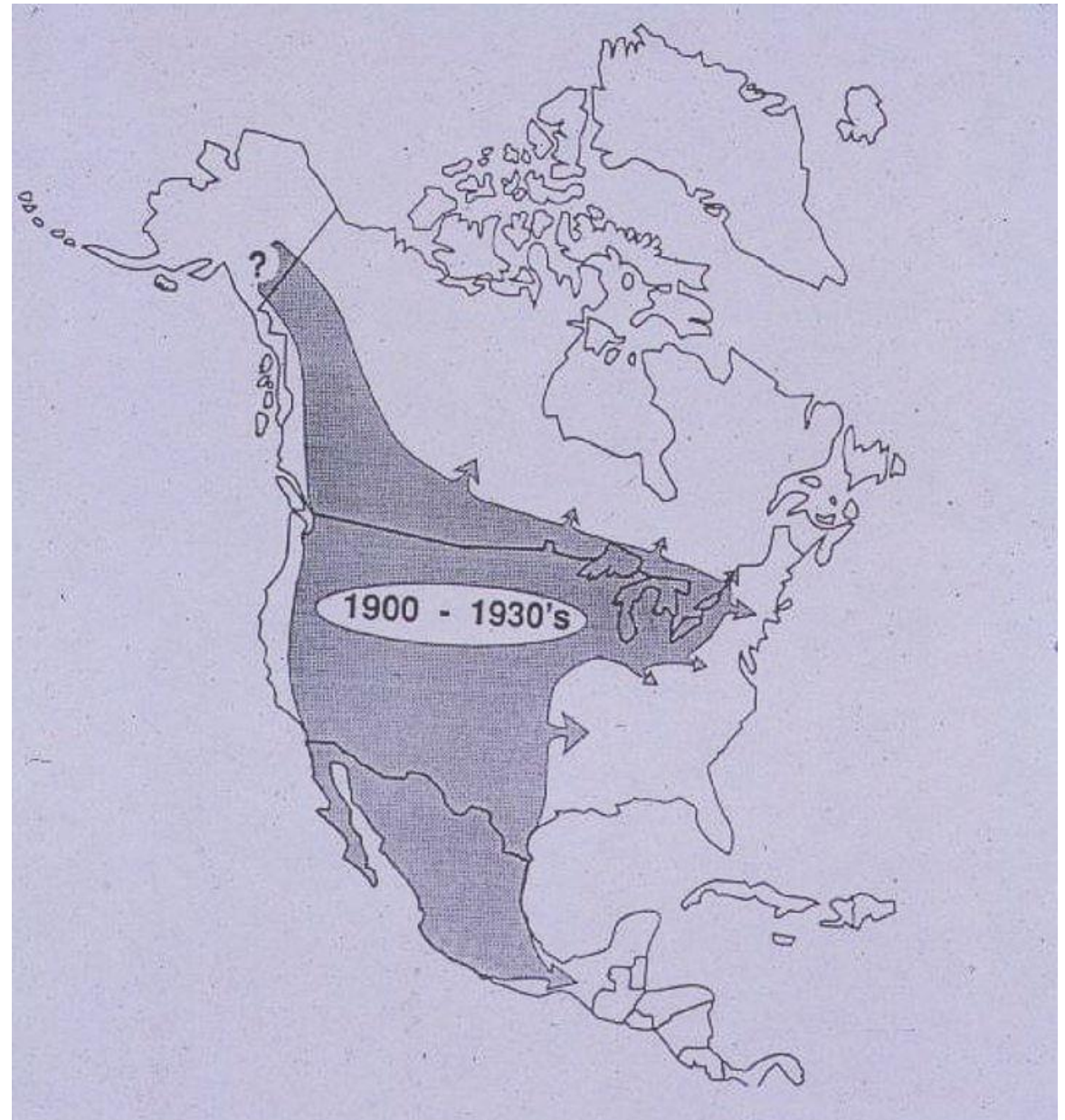


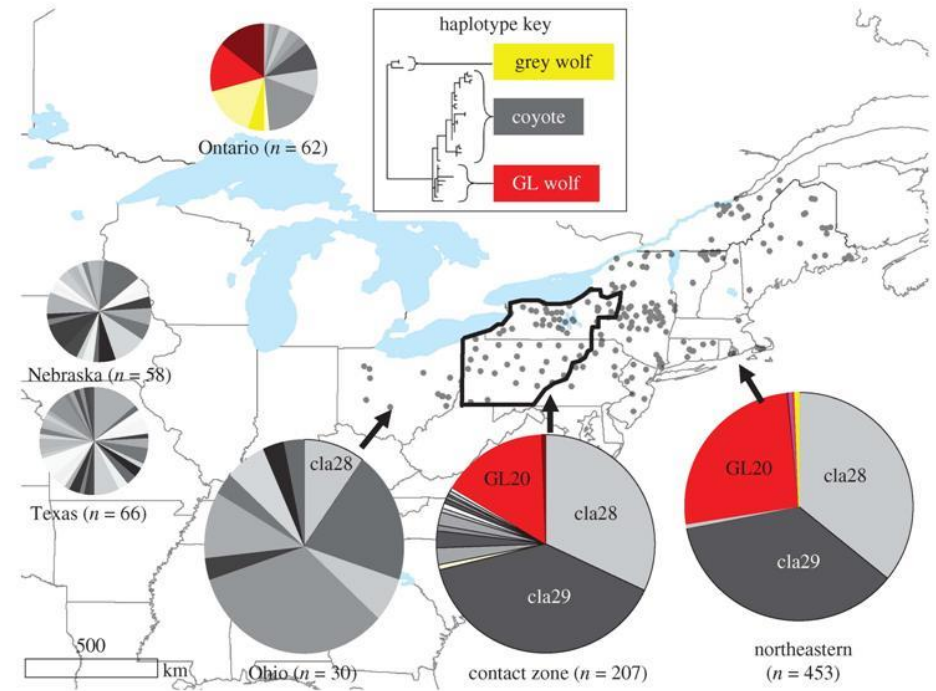
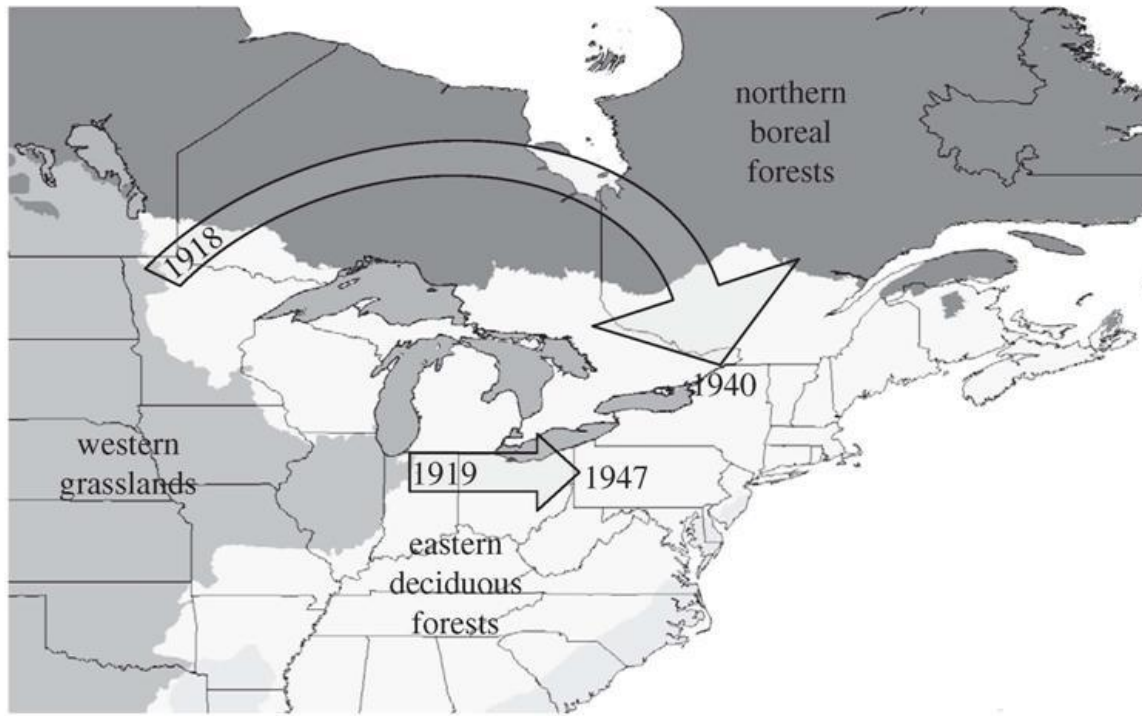
Probable Pre-European distribution of coyotes

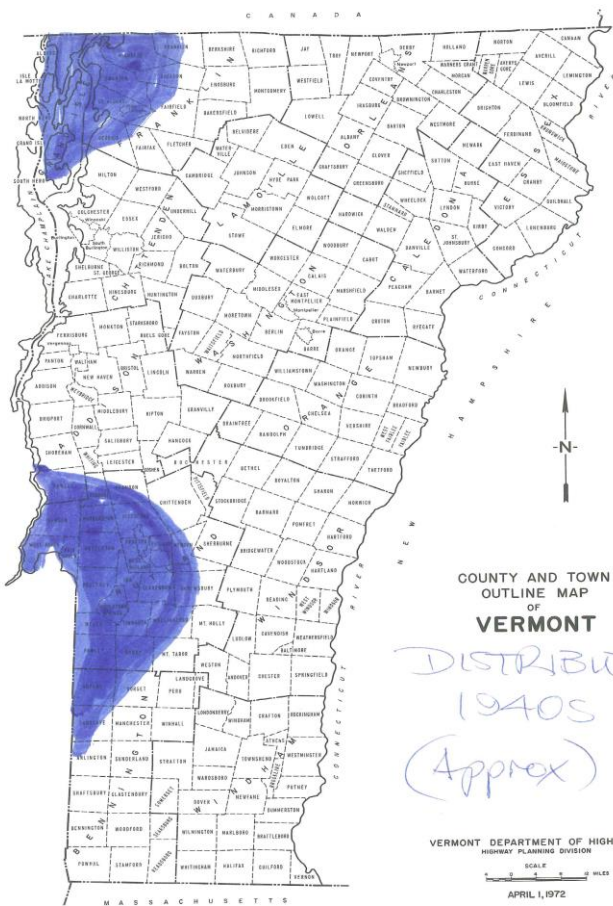


Distribution of Coyotes 1900-1939 and probably routes of colonization

Moore and Parker, 1992









Coy Dogs??

- Hybridization is possible but not common.
- Coyote/dog crosses are mostly unsuccessful due to a phase shift in the reproduction cycle.

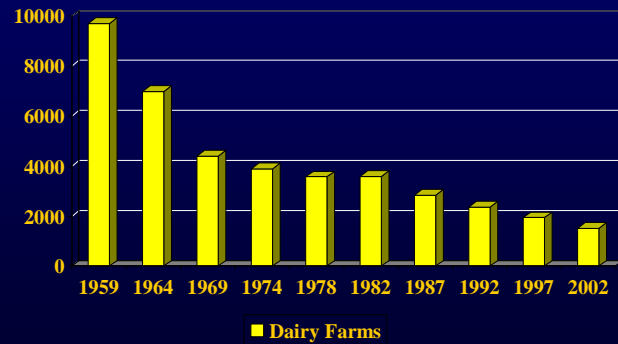


The Eastern Coyote

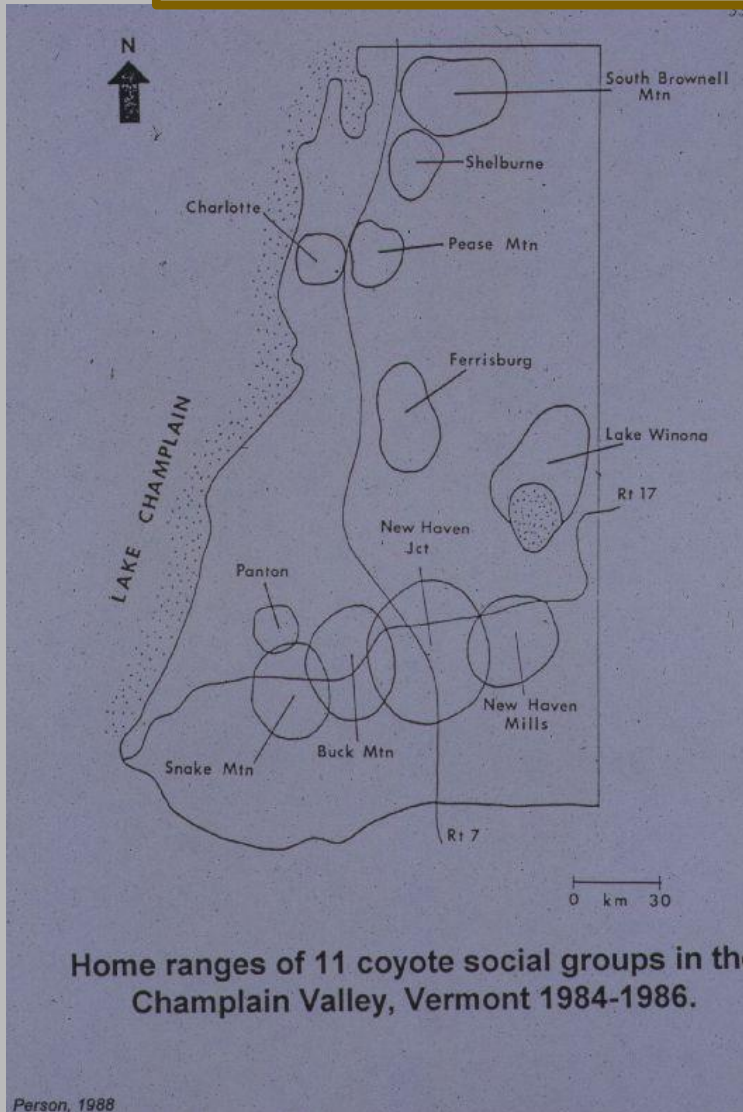
- Eastern coyote average 10 lbs. Heavier than western coyotes
- Skull size is 6-11% larger.

Habitat is the Key

Trends in Vermont Dairy Farms
1959-2002



Dr. Dave Person's Champlain Valley Study VFW and UVM

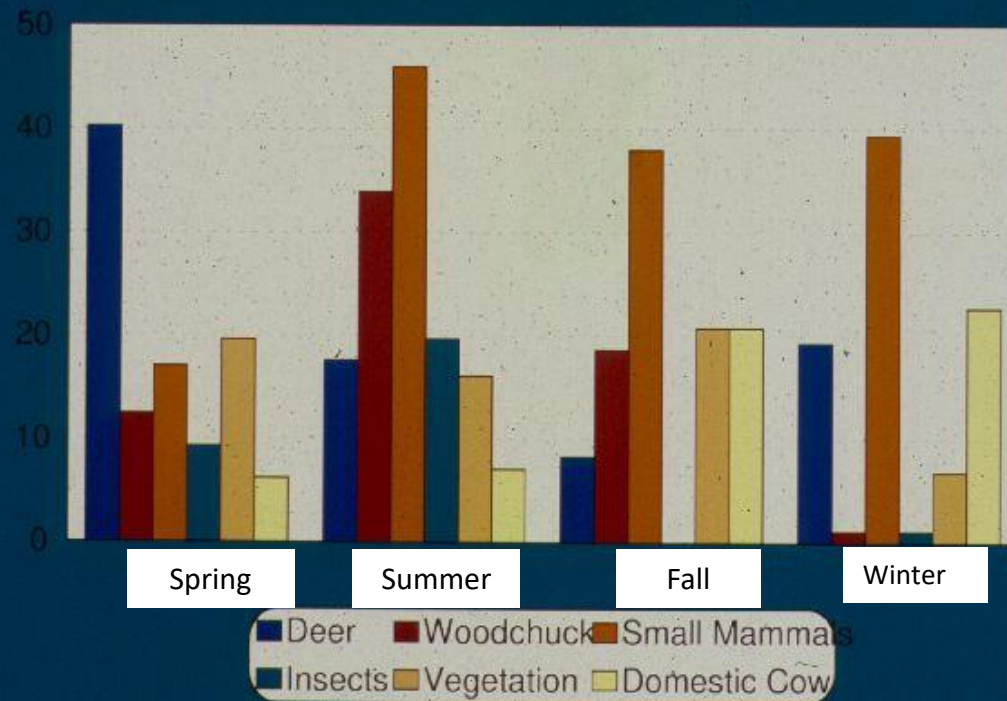


Dave Person's Champlain Valley Study



- Breeding residents (alpha pair)
- Resident associates (yearlings)
- Transients (17%)
- 60% of the juveniles dispersed the first year
- 50% mortality of study animals

Major seasonal food items consumed by coyotes in Vermont between 1984-1986





Coyote Population Estimate



- Core home range of 4-8 mi²
(D. Persons, UVM)
- Spring: Assume 2 adults, 4-6 pups, 1-2 juveniles or transients/8mi² = **7,800-11,000.**
- Fall/Winter: Assume 2 adults, 2-4 pups, 1-2 juveniles or transients = **6,000 – 7,500**

Influence on Prey Species Hunted by Humans



Deer and moose evolved under predatory pressure from wolves, mountain lions, black bears, and humans



Influence on Prey Species Hunted by Humans



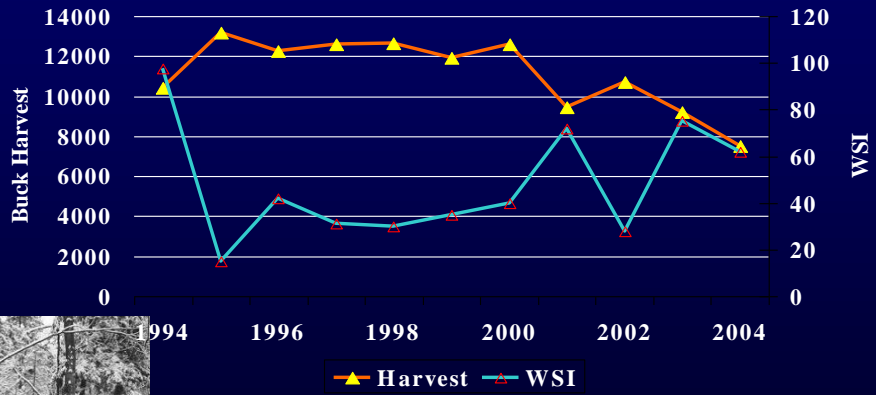
Multiple Predation Studies:

- New Brunswick 78 fawns
- Massachusetts
- New York 39 deer (❄️); 56 (☀️)
- Minnesota 66 fawns
- Pennsylvania 218 fawns

- Delaware 109 fawns
- “Natural mortality (low birth weight, precipitation, doe maturity) is likely the ultimate mechanism controlling neonatal survival but is masked by the emphasis on predation.” (J.R.Dion 2018)

Influence on Prey Species Hunted by Humans

WSI and Related Buck Harvests



None of the studies done in the Northeast have shown that coyotes control or limit deer populations

In Nova Scotia, snow depth appeared to be a contributing factor for most of the winter kill deer. (Patterson, 1995)

Winter severity and habitat are the most significant factors affecting deer population fluctuations



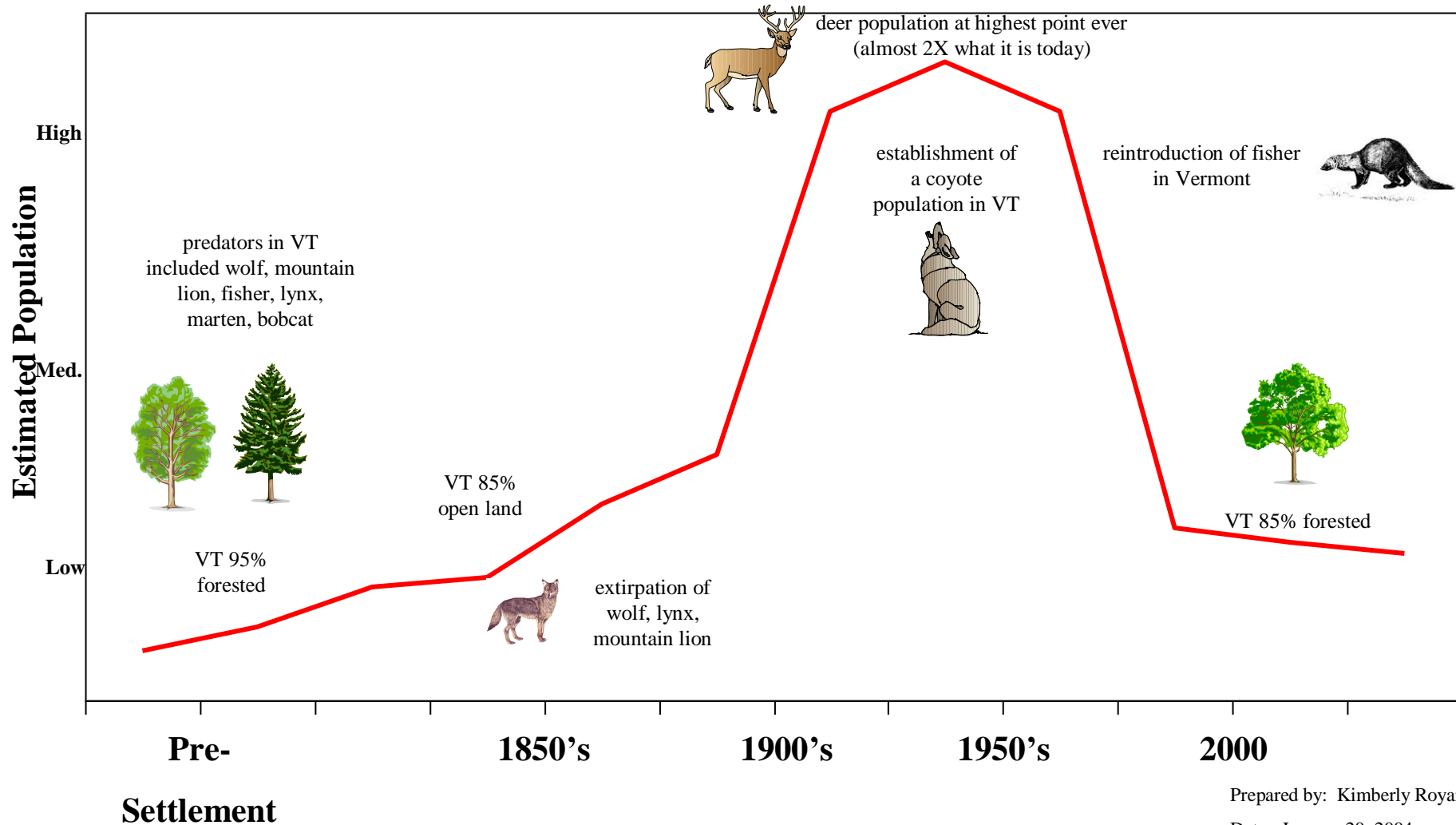
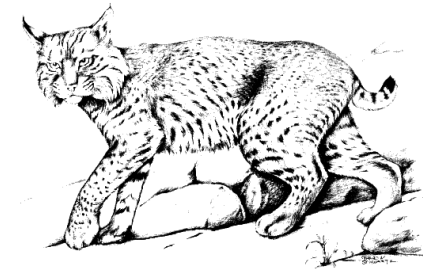


Regardless of the scientific consensus, there remains a deeply rooted perception that coyotes compete with hunters for the same species.

Influence on Other Predator Species



A Schematic of Historic Bobcat Population Levels in Vermont





Research in other states has suggested that as coyote populations increase, red fox, raccoons, and feral cats numbers decline possibly influencing waterfowl nest success and grouse population increases.

North American Model of Wildlife Conservation

In North America, *all* fish and wildlife are owned by no one and held in trust for present and future generations by the **Government**. (Common Law basis: Public Trust Doctrine, Supreme Court 1842)



We are the stewards of Vermont's fish and wildlife populations for future generations.

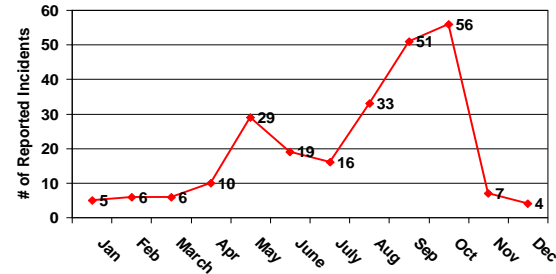
Vermont – Recovery Efforts



Scientific/Biological Basis for Open Season

Coyotes are still a species often vilified by much of the public

Total Reported Predation Livestock in Vermont by Month 1981-1999 (VT F&W Dept.)



May 2019 Coyote related headlines around the Country:

[Culver City Officials Approve \\$210,000 Coyote Management Program](#)

[Mother, 4-year-old son attacked by coyote in park](#)

[Coyote Warning in in Kirtland after woman and German Shepherd Dog are Attacked](#)

“Coyotes are considered a nuisance animal in Ohio”

[Watch Out for Coyotes in West County, police warn:](#)

Keep an eye on pets because coyotes are fast and they can “snatch an animal and be gone with it in the blink of an eye.”

[State Lawmakers look to help those hunting climbing PA coyote population](#)

Gillespie says, "We have a real problem here in Pennsylvania, with coyotes being predators on deer, family pets, and other types of live stock."

[Urban coyotes getting too close for comfort](#)



The Public does not value or conserve “pests”

[Virginia Community Says Coyotes Attacked, Killed at Least 3 Dogs](#)

Scientific/Biological Basis for Open Season

Some studies have shown a 30% to 50% increase in coyote densities in areas where coyotes are intensively controlled.



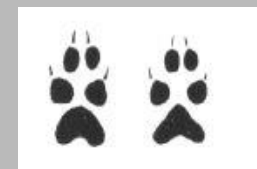
Regional control efforts are likely to be unsuccessful in the long run, and perhaps even stimulate growth in the coyote population (Knowlton 1972, Connolly and Longhurst 1975, Connolly 1978, Sterling et al 1983, Stephenson and Kennedy 1993, Davison 1981)



In 16 western states more than 97,000 coyotes are killed each year at an annual cost of 20 million dollars

Seasons in Other States

No Closed Season	39
Minimal closed season	6
Established seasons	4
Established trapping seasons or restrictions	25
Night Hunting	
Year round	38
Established night seasons	9
Artificial light allowed, including restrictions	35
Night hunting allowed; no artificial light	6
Night hunting Prohibited	11





Department Management of Coyotes

- Ensure long-term sustainability
- Maintain and protect habitat
- Maintain public support
- Provide opportunities to enjoy wildlife



Department Management

The Department believes that both predator and prey species are vital components of a healthy ecosystem. Deer and other prey evolved with predators and as such, we neither regard predators as undesirable, nor do we view them as a significant threat to healthy game populations. In fact, it is a widely accepted truth among wildlife professionals that predators often help to maintain prey populations at levels that are in balance with their habitat.

Building Bridges

...shifting public attitudes in either direction takes time, education, and science-based research. To that end, over the years, the Department of Fish and Wildlife has worked hard to dispel the myths and soften the public's attitude towards predators in general, and coyotes in particular, given that coyotes at least partially fill the niche left by the wolf and are expected to continue to thrive in Vermont into the future.



Clash of values not unique to Vermont or limited to this one issue



VERMONT

respect. protect. enjoy.





105 annually

OR



8 annually

OR



4500 annually



Common Coyote Prey Species

ANNOTATED

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions
~~§ 2d. Archery deer hunting licenses~~**

~~§ 2d. Second archery deer hunting licenses~~

~~Pursuant to Title 10 V.S.A. § 4084(a), relating to deer, the Fish and Wildlife Board establishes that:~~

~~1.0 A person taking a deer on a second archery license, pursuant to § 4084(a), may take an antlerless deer during the period from the first Saturday in October and running for 28 consecutive calendar days and the nine consecutive calendar days starting on the first Saturday after the completion of the regular rifle deer hunting season.~~

ANNOTATED

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions**

§ 4. Bow and arrow hunting

Unless otherwise provided, any game which may be taken by shooting may be taken by use of bow and arrow, or by crossbow where ~~authorized under 10 V.S.A. § 4711~~ or authorized by Vermont Fish and Wildlife Board rules.

ANNOTATED

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions**

§ 7. Bear Management Rule

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(a). In adopting this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this State is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the black bear population.

1.3 In accordance with 10 V.S.A. § 4084, this rule establishes season and possession limits for black bear, and prescribes the manner and means of taking black bears.

2.0 Purpose

The purpose of this regulation is to establish seasons for the taking of black bear, to establish legal means or methods of taking black bears, and to establish limits on the number of black bears to be taken annually.

3.0 Definitions:

3.1 "Accompany" for the purposes of hunting bear with dogs means that:

a. A Sub-permittee engaged in the control, handling, transporting or intercepting of Department registered dogs while hunting with dogs, shall be under the express direction of the permit holder, and

b. A Sub-permittee who harvests a black bear shall be under the direct control and supervision of the bear dog permit holder, including the ability to see and communicate with each other without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.

3.2 "Bait" means as any animal, vegetable, fruit, mineral matter, honey, or any other substance capable of luring or attracting black bear or any other wildlife.

3.3 "Baited area" means an area where any animal, vegetable, fruit, mineral matter, honey, or any other substance capable of luring or attracting black bear or any wildlife, has been placed or deposited including, but not limited to, bird feeders.

3.4 "Bear Dog Permit" or "Permit" means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take black bear with the aid of dogs.

3.5 "Commissioner" means the Commissioner of the Vermont Fish and Wildlife Department.

3.6 "Control of Dog/Dogs" means the transportation, loading or unloading of dogs from vehicle(s); the handling, catching, restraining or releasing dogs; and the use of telemetry/GPS to locate or track dogs.

3.7 "Department" means the Vermont Fish and Wildlife Department.

3.8 "Department Registered Dog" means a dog bearing a numbered identification dog-tag (Department Registration Dog-Tag) approved or issued by the Vermont Fish and Wildlife Department, with the permit holder's bear dog permit number and a number one through six.

3.9 "Hunting with Dogs" for the purposes of this rule means that one or more dog(s) with Department Registered Dog-Tags are on the ground whether in pursuit of a black bear or not.

3.10 "Legal means" or "Legal method" means the taking of a black bear by muzzleloader, rifle, handgun, archery equipment, or crossbow ~~when authorized~~.

3.11 "Pack of Dogs" means one to six dogs, acting as a unit during the pursuit of black bear.

3.12 "Sub-Permittee" means any person with a valid Vermont hunting license designated by the bear dog permit holder to assist or take a bear with the aid of dogs, in accordance with written authorization issued by the Department.

3.13 "Relaying Dogs/Packs" means the removal and replacement of one or more dog or dogs to the trail of a bear to the original pack of dogs once the pursuit has begun. If the hunting or pursuit of a black bear commences with fewer than six dogs in the original Pack of Dogs, the addition of a dog or dogs shall not be considered relaying, provided that no more than the same six dogs are part of a single Pack of Dogs during the hunting, pursuing or taking of a black bear.

3.14 "Bear Tag" means a document issued by the Department authorizing the taking of a black bear in the current season.

3.15 "Unregistered Dog" means a dog that does not have a valid numbered dog license as described in 3.8.

4.0 Seasons and Shooting Hours

4.1 Early and Late Season

a) Early Season: For Vermont Residents: September 1 through the day before the first day of the Regular Deer Season. For Non-Vermont Residents without the use of dogs: September 1 through the day before the first day of the Regular Deer Season. For Non-resident Bear Dog Permit Holders: The early black bear season shall be open to Non-Resident bear dog permit holders on September 15 and not before.

b) Late Season: For Vermont Residents and Nonresidents: The first day of the Regular Deer Season through the second Sunday of the Regular Deer Season.

4.2 Shooting hours: One half hour before sunrise until one half hour after sunset.

5.0 Tags and Bag Limit

5.1 To take a black bear during the Early Season, a person must, in addition to a having a valid Vermont Big Game Hunting license, possess an Early Season Bear Tag issued separately by the Department.

5.2 To take a black bear during the Late Season, a person must have a valid Vermont Big Game Hunting license.

5.3 A person shall not harvest more than one black bear per calendar year, not to include animals taken pursuant to 10 V.S.A. § 4827.

6.0 The taking of bear with the aid of dogs

6.1 Licenses and Permits Any person hunting, pursuing, harvesting, or in any manner involved in the taking of a black bear with the use of dogs must hold a valid Vermont Big Game Hunting License, use only Department Registered Dogs and have purchased ~~possess~~ a valid bear tag. In addition, the person hunting, pursuing, harvesting, or in any manner involved in the taking of a black bear with the use of dogs must hold a valid bear dog permit or accompany a bear dog permit holder. The permit shall be carried at all times by the permittee while hunting with dogs or taking black bear and exhibited to a game warden, landowner, or law enforcement officer upon demand.

6.2 A person shall not take a black bear into his/her actual possession except by killing the bear by legal means or methods.

a) A person taking black bear with the use of a bow and arrow or crossbow shall, upon demand of a game warden or other law enforcement personnel, show proof of having a prior archery license, or of having passed a bow hunter education course in Vermont, another state or a province of Canada approved by the Commissioner.

6.3 Dogs and Packs

a) A person shall not take black bear with the aid of dogs unless the person is in control of the dog or dogs.

b) No person shall take a black bear with the aid of any Unregistered Dog. No person shall have an Unregistered Dog in his or her possession while hunting, pursuing or taking a black bear.

c) A person hunting with dogs, pursuing, and taking black bear with the aid of dogs shall attach a Department Registration Dog-Tag and a metal identification name plate with the person's name, address and telephone number to the dog's collar.

d) A person taking a black bear with the aid of dogs shall only take a black bear with a Pack of Dogs as defined in this rule. No person shall pursue, hunt, or take black bear by Relaying Dogs/Packs.

e) Two or more permit holders may hunt together and combine Department Registered dog(s) to form a Pack of Dogs. The combined bear dog permit holders shall not take black bear with the aid of more than six dogs combined forming a single pack of dogs. Once hunting with dogs commences, dogs not on the hunt shall be restrained in the dog box or inside the vehicle. The combined bear dog permit holders shall not possess any Unregistered Dogs while hunting, pursuing or taking black bear.

7.0 Prohibitions

7.1 No person shall place bait to attract black bear for the purposes of allowing a bear dog to catch/strike the scent of a black bear. No person take bear by using bait or a baited area.

7.2 A person shall not advertise, barter, exchange goods or services, or otherwise sell the use of a dog or dogs for the purpose of taking any black bear.

7.3 While hunting with dogs, no person shall have in their possession an Unregistered Dog while possessing Department Registered dogs.

7.4 It shall be a violation for a Vermont resident to apply for a bear dog permit for the purpose of allowing a nonresident bear dog owner to hunt bear in Vermont with the aid of dogs.

7.5 No person shall hunt black bear with a bow and arrow or crossbow if the arrow or bolt has an arrowhead that measures less than seven-eighths of an inch at its widest point or that has less than two sharp cutting edges.

8.0 Reporting

8.1 The black bear carcass shall be field dressed prior to reporting.

8.2 Upon request of a Game Warden, the person harvesting the bear and the permit holder shall show and return to the kill site with a Game Warden.

8.3 All bear harvests shall be reported to a game warden, official Fish and Wildlife Department Reporting Station, or a person designated by the Commissioner within 48 hours. The person who harvested the bear and the bear dog permit holder must both be present to legally report the harvest. If the bear dog permit holder harvested the bear, only he or she must be present when reporting the harvest.

8.4 It shall be unlawful to provide false information when reporting a black bear taken with the aid of dogs.

8.5 The fine, points and any other penalty for any violation of this subsection 8 shall be assessed to the violator and in addition, to the permit holder if the violator is not the permit holder.

9.0 Biological Collection

9.1 Any person who harvests a bear shall collect a premolar tooth and submit the tooth to a game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the biological collection, within ~~48 hours~~ (30) thirty days of taking the bear.

9.2 Unless otherwise specified by statute, the failure to collect and submit a bear tooth shall not result in license suspension points and shall be considered a minor violation subject to a civil fine.

ANNOTATED

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions**

§ 22. Turkey Seasons

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(a). In adopting this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this State is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the turkey flock.

1.3 In accordance with 10 V.S.A. § 4084, this rule establishes daily, season and possession limits for game, territorial limits; to prescribe the manner and means of taking; to establish territorial limits for the taking of turkeys; and to establish restrictions on taking based upon sex, maturity or other physical distinction.

2.0 Purpose The purpose of this regulation is to establish seasons for the taking of turkeys, to establish open Wildlife Management Units (WMUs) for the taking of turkeys, to establish methods of taking turkeys and to establish limits on the number of turkeys to be taken.

3.0 Definitions

3.1 "Commissioner" means the Commissioner of the Vermont Fish and Wildlife Department.

3.2 "Crossbow" means a device consisting of a bow mounted to a rigid stock for discharging bolts or arrows and having a mechanical means to hold and release the drawn string, which must be fired from the shoulder. A bolt means a short projectile for a crossbow that resembles an arrow and has a head that measures no less than 7/8 inch at its widest point. A crossbow shall have a minimum pull of 125 pounds, a working mechanical safety and a stock no less than 23 inches in length.

3.3 "Department" means the Vermont Fish and Wildlife Department.

3.4 "Legal means" means the taking of a turkey by shotgun, crossbow, or archery equipment in conformance with Section 6 of this rule.

3.5 "Permit" means a document issued by the Department authorizing the taking of a turkey.

3.6 "Wildlife Management Unit" (WMU) means one of 21 geographical areas in Vermont for which big game regulations may vary.

4.0 Spring Season

4.1 Dates: May 1, through May 31, inclusive.

4.2 Shooting hours: One-half hour before sunrise to twelve noon.

4.3 Legal turkey: Only wild turkeys with beard(s).

4.4 Bag Limit: Two bearded wild turkeys per person per season.

4.5 Open WMUs: Open statewide

5.0 Fall Season.

5.1 Dates and Open WMU's.

(a) Bow and Arrow, and crossbow only:

i. Dates: From the 1st Saturday in October to the beginning of the shotgun/bow and arrow/crossbow season.

ii. Open WMUs: Open Statewide

(b) Shotgun/Bow & Arrow/Crossbow Season

i. Dates: Nine consecutive days beginning 21 days prior to the regular deer season, inclusive.

ii. Open WMUs: B, D, G, H, I, J, L, M, O, P, and Q and their respective subunits:.

(c) Shotgun/Bow & Arrow/Crossbow Season

i. Dates: For 16 consecutive days beginning 21 days prior to the regular deer season, inclusive.

ii. Open WMUs: subunits: WMUs F, K, and N and their respective subunits:.

5.2 Shooting hours: One-half hour before sunrise to one-half hour after sunset.

5.3 Legal Turkey: Any wild turkey.

5.4 Bag limit: One turkey per person.

6.0 Legal Method of Taking:

6.1 Only a shotgun, crossbow, or bow and arrow may be used. ~~A cross bow may only be used by a hunter who is 50 years or older or has a permit in accordance with 10 V.S.A. § 4711.~~

6.2 Only number 2 through number 8 shot shall be used or possessed.

6.3 An arrowhead must be at least 7/8th of an inch in width and have two or more cutting edges.

6.4 Rifles shall not be used or carried by any person while hunting turkeys. A person taking a turkey with a crossbow or bow and arrow may carry a handgun in accordance with 10 V.S.A. § 4252(b), however, that person may not use the handgun to take turkey.

6.5 No person shall use dogs in the spring, nor electronic calling devices, bait, live decoys, or participate in cooperative drives during either season.

6.6 Any person wishing to hunt turkey with a crossbow or bow and arrow must hold proof of having held an archery license or a certificate of satisfactory completion of a bowhunter education course from Vermont or another state or province of Canada which is approved by the Commissioner.

6.7 Unless it is uncocked, a person shall not possess or transport a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle except as permitted in accordance with 10 V.S.A. § 4705.

7.0 Youth Turkey Hunting Weekend

7.1 Youth turkey hunting weekend shall be the Saturday and Sunday prior to opening day of spring turkey season on May 1.

7.2 Legal Turkey: Only bearded turkeys may be taken.

7.3 Bag limit: One bearded turkey per youth. A youth may also hunt during the spring season and take two bearded turkeys during that season.

7.4 Season: One half hour before sunrise until 5 p.m.

ANNOTATED

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions**

§ 33. Moose Management Rule

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(a). In adopting this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this State is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the moose herd.

1.3 In accordance with 10 V.S.A. § 4082, the Vermont Fish and Wildlife Board may: establish open seasons; daily, season and possession limits for game; territorial limits; prescribe the manner and means of taking moose; establish territorial limits for the taking of moose; and establish restrictions on taking based upon sex, maturity and other physical distinctions.

1.4 In accordance with 10 V.S.A. § 4254(i)(1), this rule establishes a process to auction five (5) moose permits to be awarded to the highest bidders.

1.5 In accordance with 10 V.S.A. § 4254(i)(2), this rule establishes a separate drawing for eligible Vermont veterans through a special priority drawing through the permit lottery system.

2.0 Purpose

The purpose of this regulation is to establish two annual moose seasons, to establish the procedures to be used in applying for and issuing moose permits, and to establish the administrative framework for regulating the taking of moose.

3.0 Definitions

3.1 "Antlered moose" means a moose which has at least one antler 6 inches or more in length measured from the tip of the main beam along the distal edge of the antler to the base of the antler burr at the skull.

3.2 "Antlerless" means those moose without antlers or antlers less than six inches in length.

3.3 "Applicant" means a person who has submitted a completed legal application to the lottery.

3.4 "Application" means the form provided by the Department that allows a person to be entered into the lottery.

3.5 "Board" means the Vermont Fish and Wildlife Board.

3.6 "Bonus point" means: 1) a point accrued for successfully applying for a permit, but not being drawn, or 2) a point accrued by indicating on the application that the person should not be entered into that year's drawing, but wishes to accrue a point.

3.7 "Commissioner" means the Commissioner of the Vermont Fish and Wildlife Department.

3.8 "Crossbow" means a device consisting of a bow mounted to a rigid stock for discharging bolts or arrows and having a mechanical means to hold and release the drawn string, which must be fired from the shoulder. A bolt means a short projectile for a crossbow that resembles an arrow and has a head that measures no less than 7/8 inch at its widest point. A crossbow shall have a minimum pull of 125 pounds, a working mechanical safety and a stock no less than 23 inches in length.

3.9 "Department" means the Vermont Fish and Wildlife Department.

3.10 "Either sex" means a moose of any sex.

3.11 "Guide" means a person authorized to accompany, direct, aid, assist, and/or instruct a Permittee during a moose hunt.

3.12 "Guide Permit" means a document, provided by the Department to the Permittee, to allow for a guide to assist in a moose hunt.

3.13 "Legal means" means the taking of a moose by muzzleloader, rifle, handgun, shotgun, a crossbow, or bow and arrow in conformance with this rule.

3.14 "Permit" means a document issued by the Department authorizing the taking of a moose.

3.15 "Permittee" means a person who has successfully acquired a legal permit through the lottery or auction as described in this rule.

3.16 "Subpermittee" means an individual designated by a Permittee, whose name has been provided to the Department in conformance with this rule, who may be permitted to take a moose.

3.17 "Wildlife Management Unit" (WMU) means one of twenty-five geographical areas in Vermont established for managing wildlife through regulation.

4.0 Moose Seasons

There shall be two moose seasons annually.

4.1 Archery. The first moose season shall be by archery only:

a) This season shall be open for seven consecutive days, beginning the first day of October.

b) To take an animal during this season a person must possess a valid archery moose permit as prescribed in Section 9 of this rule.

4.2 Regular. The second moose season shall be for any legal means of take:

a) This season shall be open for six consecutive days beginning the third Saturday in October.

5.0 Possession Limit

5.1 The bag limit for moose shall be one moose per moose hunting permit.

5.2 The possession limit for moose shall be one moose per moose hunting permit.

6.0 Permit Application Process

6.1 Applications must be made on an official moose hunting application form provided by the Department.

6.2 Only applications received by the Department's central office during the official application period will be considered. Applications must be received prior to the deadline established by the Department.

6.3 The Department will consider only complete applications. For an application to be complete it must be legible, must contain all the information requested by the Department, must bear the applicant's original signature, or, in the case of electronic or facsimile applications, attestation under the pains and penalties of perjury. To be considered complete the form must be accompanied by any required application fee, or means of payment, such as a valid credit card payment.

6.4 The Department will consider no more than one complete application from any applicant per year for each of the two separate lotteries held. A lottery will be held for both the regular and archery seasons. Only one permit may be issued per person per calendar year.

6.5 Ten (10) percent of the moose hunting permits may be issued to non-resident hunters.

6.6 No person who has held a valid Vermont moose hunting permit in any of the previous five (5) years may apply for a moose hunting permit or a bonus point in the current calendar year. The application of the five (5) year waiting period shall only be effective for persons who hold a moose hunting permit after January 1, 2016.

7.0 Lottery Points

7.1 A person may accumulate one additional chance, or "bonus point" to win the lottery for each consecutive year that person legally submits and provides the fee for an application but is not selected to receive a permit.

7.2 Two separate lotteries may be held, one for the archery season and one for the regular season. Applicants may accumulate up to one bonus point per year in each of the two separate lotteries, provided a complete application is submitted.

7.3 Applicants may elect to accrue a bonus point without entering the moose hunt lottery by submitting a completed application and fee and indicating at the appropriate place on the application form that they do not wish to be entered in the lottery for the current calendar year.

7.4 To accrue bonus points, a person must provide a complete application for the given year's lottery for which the person wishes to receive a permit (archery or regular). All bonus points in both lotteries are lost upon receipt of a valid permit or failure to provide a complete application for each designated lottery - a person may continue to accrue bonus points in one lottery, even if he or she fails to provide a valid application for the other.

8.0 Permit Selection Process

8.1 All those who have submitted completed applications and who wish to be entered into the lottery will be entered into the lottery. The Department will hold, or cause to be held, a transparent, random drawing to include all persons who have submitted a complete application.

8.2 Selected regular season applicants will receive a permit for their WMU of preference until the permit quota for their preferred WMU is filled at which time a permit will be awarded for their second choice WMU, and so on.

8.3 Selected regular season applicants will be notified by mail, and will receive a permit form to complete. Successful applicants have 15 calendar days to return the completed forms with the appropriate fee, and their Subpermittee's name, if any.

8.4 Selected archery season applicants will be notified by mail, and will receive a permit form to complete. Successful applicants have 15 calendar days to return the completed forms with the appropriate fee and indicate the name of their Subpermittee, if any.

9.0 Moose Hunting Permits

9.1 An applicant who is chosen by lottery, or is the successful auction bidder may purchase a moose hunting permit from the Department.

9.2 At the time of issuance, moose season permit recipients and designated Subpermittees must hold a valid Vermont big game hunting license.

9.3 At the time of issuance, archery season permit recipients and designated Subpermittees must show proof of having held an archery deer license and/or a certificate of satisfactory completion of a bowhunter education course from Vermont or another state or province of Canada which is approved by the Commissioner. Archery season permit recipients and designated Subpermittees must hold a valid Vermont big game hunting license.

9.4 Moose hunting permits are valid only within the WMU or WMUs designated on the permit, for the specified season, and for the type (either sex, antlered, or antlerless) specified on the permit.

10.0 Deferments

10.1 The Commissioner may grant a one time, one-year deferment to successful applicants for reasons of personal or family illness, temporary disability, or military deployment.

10.2 Requests for deferment shall be made on the Department-issued form to the Commissioner and received no later than three days prior to the start of the moose season for which a permit has been issued. Requests shall contain information required by the Commissioner to substantiate the request.

10.3 Deferred permits shall be issued for the same WMU and permit type (either sex, antlered, antlerless, archery or regular) as the originally issued permit.

11.0 Subpermittees

11.1 A person holding a valid moose hunting permit may designate one (1) Subpermittee who shall be permitted to hunt moose pursuant to the permit.

11.2 The Subpermittee must always be accompanied by the permit holder. For these purposes, "accompanied," means being able to communicate without the aid of artificial devices except medically-prescribed eyeglasses or hearing aids.

11.3 Once the applicant has provided the name of their selected Subpermittee to the Department, no change to this selection will be allowed except for personal or family illness, temporary physical disability, or military deployment.

11.4 Any request for change of Subpermittee must be made in writing to the Commissioner and received no later than three (3) days prior to the start of the moose season for which a permit has been issued.

11.5 Subpermittee Ineligibility

a) Subpermittee Ineligibility No person who has held a Vermont moose hunting permit in any of the previous five (5) years may be designated as a Subpermittee in the current calendar year.

b) No person who holds a valid moose hunting permit in one year may be designated as a Subpermittee in the same year.

c) No person may be named as a Subpermittee on more than one permit during the same year.

12.0 Guides and Guide Permits

12.1 The Guide shall be allowed to direct, aid, assist and instruct the Permittee and Subpermittee during the hunt.

12.2 A Guide may not carry any other firearm, muzzleloader, or archery equipment.

12.3 Each Permittee shall be issued a Guide Permit by the Department. The Guide Permit must be carried by the guide at all times while accompanying the Permittee while hunting moose.

12.4 A person serving as a Guide must hold a current valid Vermont big game hunting license.

12.5 A Guide Permit may be carried by different persons at any time during the moose hunt, but only one person at a time may serve as a Guide for each moose hunting party.

12.6 A person may simultaneously serve as a Guide for more than one moose Permittee but must be carrying the proper Guide Permit for each guided party.

13.0 Control Measures

13.1 In addition to all relevant laws and regulations pertaining to the hunting and taking of big game in Vermont, the following additional restrictions apply:

a) No persons other than the Permittee, Subpermittee and Guide shall participate in a hunt to take moose.

b) Portable radio transceivers, GPS, and/or cell phones shall not be used to communicate during the hunting or taking of moose. Such devices may be used, however, after the moose is legally tagged.

c) No electronic devices such as radio telemetry equipment shall be used to take moose.

d) No electronic devices may be used to attract moose.

e) No person shall shoot or attempt to shoot a moose when the moose is within 100 yards of any town, state, or federal highway as defined in 10 V.S.A. § 4705(f).

f) Pursuant to 10 V.S.A. App. § 12, notwithstanding 10 V.S.A. App. § 12, Section 1(g), a person may employ the licensed handler of an authorized leashed tracking dog to track a moose wounded while lawfully hunting under this rule.

g) Unless it is uncocked, a person shall not possess or transport a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle except as permitted in accordance with 10 V.S.A. § 4705.

13.2 Regular Season: Moose may be taken only with the following implements and restrictions:

a) Centerfire rifles or handguns not less than .25 caliber.

b) A muzzleloading firearm of not less than .45 caliber, with a minimum barrel length of 20 inches and designed to be fired from the shoulder, or a muzzleloading handgun of not less than .45 caliber and with a minimum barrel length of 10 inches.

c) Bows of not less than 50 pound draw weight, based on the archer's normal draw length for traditional bows, and using arrowheads with a minimum of 7/8 of an inch in width with two or more cutting edges. A person taking moose may use a crossbow as a means of take during any season that permits the use of a bow and arrow-only ~~when holding a valid permit issued pursuant to 10 V.S.A. § 4711 or when the person is 50 years or older~~; and the crossbow is used in accordance with this subsection.

13.3 Archery Season: Moose may be taken only with the following implements and restrictions:

a) Bows of not less than 50 pound draw weight, based on the archer's normal draw length for traditional bows, and using arrowheads with a minimum of 7/8 of an inch in width with no fewer than two or more cutting edges.

b) ~~A person taking moose may use and possess a crossbow only when holding a valid permit issued pursuant to 10 V.S.A. § 4711 or when the person is 50 years or older.~~ Crossbow bolts shall have arrowheads with a minimum of 7/8 of an inch in width with two or more cutting edges.

14.0 Tagging and Reporting

14.1 The transporting of moose shall be in accordance with current regulations and statutes pertaining to big game.

14.2 Once a moose is legally tagged, pursuant to 10 V.S.A. Appendix § 2a., there is no limit to the number of persons that can assist with the field dressing and removal of the moose from the kill site.

14.3 Moose taken under this rule must be reported, pursuant to 10 V.S.A. Appendix § 2, by exhibiting the eviscerated carcass, or parts thereof, to a Department official at a Department-authorized moose check station during its scheduled days and hours of operation within 48 hours of tagging.

14.4 The moose head hide, lower legs, and boned-out ribcage and/or bones need not be reported, however, both complete central incisors must be presented.

14.5 The permittee shall bring the following to the biological check station:

- (a) The lower jaw, including incisors, one of which shall be taken for aging purposes;
- (b) The intact antler rack on an antlered moose;
- (c) The portion of the skull on a male antlerless moose where antlers would be attached;
- (d) The female reproductive tract including both of the ovaries;
- (e) The udder; and
- (f) All edible portions of the moose not including organs.

14.6 No moose shall be transported out of the State without first being reported as required herein.

14.7 The Permittee and/or Subpermittee must identify the exact kill site on a Department map, and if requested, shall be required to take Department personnel to the kill site and/or the site of carcass evisceration for purposes such as, but not limited to, verification of the cause of death and site of kill, or to obtain ovaries or other biological samples left behind.

15.0 Permit Allocation

15.1 The number of either-sex and/or antlerless permits or bull only permits to hunt and take moose during both the regular and archery seasons will be set by the Board.

16.0 Special Priority for Eligible Vermont Veterans

16.1 Pursuant to 10 V.S.A. § 4254, eligible for Vermont veterans will receive special priority drawing in the regular moose season lottery drawing.

16.2 A total of five (5) regular season permits will be allocated for this special priority drawing. These five permits will be included in the total permits authorized by separate Board Rule.

16.3 Vermont residents who qualify for the special priority drawing must submit a complete application approved by the Department. A person applying for the special priority drawing permits must have marked the appropriate box on the application indicating that they comply with the provisions of this section.

16.4 Vermont residents who qualify for the special priority drawing and who are not drawn for a moose permit in that special priority drawing shall be entered into the subsequent regular drawing.

16.5 Vermont residents who qualify for the special priority drawing and who do not receive a moose permit shall be awarded preference points for the subsequent special priority drawing.

17.0 Moose Permit Auction

17.1 Pursuant to 10 V.S.A. § 4254(i), five moose permits shall be set aside to be issued by auction. These permits are in addition to the permits authorized by separate Board rule.

17.2 Complete bids must be received by the Department's central office prior to the deadline established by the Department.

17.3 Permits will be awarded to individuals that submit the five (5) highest bids. Individuals submitting the next five (5) highest bids will be eligible, in order of declining bid value, to receive a permit if higher-ranked bidders do not submit payment within 15 calendar days following notification.

17.4 An individual may submit more than one bid; however he/she may only receive one moose permit. If an individual submits multiple bids, only the highest value bid will be included in the auction as an official bid.

17.5 Once notified of winning a moose permit, successful bidders have 15 calendar days to submit their bid payment, and to indicate: the season they will hunt in, the Wildlife Management Unit they will hunt in; and their Subpermittee, if any.

17.6 If an individual receives a moose permit from the regular moose lottery or archery moose lottery, and is also a successful auction bidder, the person may choose either permit. Should a

person choose the regular moose lottery permit or the archery moose lottery permit, the bid amount will be refunded and the next highest unsuccessful bidder will be offered the auction permit.

17.7 Individuals who have held a valid moose permit acquired by the regular or archery moose lottery or auction are ineligible from participating in the moose permit auction for five years.

ANNOTATED

TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions

§ 36. Youth hunting day-Deer

~~(1)(a) On the Sunday prior to the opening day of the regular deer season a resident who is under 16 years of age and has received a permit upon successful completion of a hunter firearms safety course may take one (1) wild deer with one antler at least three inches in length.~~

~~(b) However, if the Fish and Wildlife Board determines that taking of antlerless deer will be allowed then the Wildlife Management Units where this will be allowed and numbers of antlerless deer that may be taken will be adopted by rule, relating to the taking of antlerless deer.~~

~~(c) If a deer of either sex may be taken, as determined by (a) and (b), then the limit shall be one deer.~~

~~(2) Issuance of Tags; Proof of Residency:~~

~~Proof of satisfactory compliance in a hunter firearms safety course and proof of residency must be presented before the issuance of a tag.~~

~~(3) Nonresidents will not be eligible for this hunt.~~

~~(4) To hunt under this section each person shall hold a valid hunting license under 10 V.S.A. § 4255, except a minor of a landowner pursuant to 10 V.S.A. § 4253. (10 V.S.A. § 4742(b))~~

~~(5) Each person hunting under this section shall be accompanied by an unarmed adult who holds a valid hunting license and who is over 18 years of age. (10 V.S.A. § 4742(b))~~

~~(6) An adult accompanying a youth under this section shall accompany no more than two (2) permittees at one time. (10 V.S.A. § 4742(b))~~

~~(7) No person shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant. (10 V.S.A. § 4742(d))~~

~~(8) Tagging:~~

~~A deer taken pursuant to this section shall immediately be tagged upon being taken into a person's possession by attaching the tag to the deer carcass. The tag shall be placed on the deer carcass in a location that is open to view. Such tag shall remain on the deer carcass during possession and transportation and until such time that the animal is cut up for consumption. A person shall not transport parts of a deer taken under this section unless the parts or package containing them are marked with a name and address of the person who killed the deer. (10 V.S.A. App. § 2a)~~

~~(9) Reporting:~~

~~A person taking a deer pursuant to this section shall within 48 hours report the taking and exhibit the carcass to the nearest Game Warden, official Fish & Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the reports.~~

Title 10 V.S.A. App. § 36

~~No deer taken under this section shall be transported out of the State without first being reported as required herein. (10 V.S.A. App. § 2(a))~~

~~(10) A person taking a deer under a permit pursuant to this regulation and 10 V.S.A. § 4742 will be eligible to take a deer during the regular deer season and other remaining open seasons if they have not taken three deer in the calendar year as prescribed in 10 V.S.A. § 4753.~~

ANNOTATED

Changes Highlighted

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions**

Subchapter 3. Quadrupeds

§ 37. Deer Management Rule

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(b). In adopting this rule, the fish and wildlife board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this state is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the state requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the deer herd.

1.3 In accordance with 10 V.S.A. § 4084, this rule establishes open seasons; establishes daily, season and possession limits; prescribes the manner and means of taking white-tailed deer and establishes restrictions on taking based on sex and antler characteristics.

2.0 Purpose

The purpose of this rule is to manage the white-tailed deer herd, implementing will of the General Assembly to design rules to maintain the best health, population and utilization levels of the deer herd.

3.0 Definitions

3.1 Antlerless Deer: "Antlerless Deer" are defined as those deer without antlers or antlers less than three (3") inches in length.

3.2 Antlerless Deer Permit: An "antlerless deer permit" is a permit issued pursuant to 10 V.S.A. § 4081(g) that allows a person to take one antlerless deer during the antlerless or muzzleloader seasons.

3.3 Antler Point: A "point" is an antler projection of at least 1" measured from the base of the point at the main beam to the tip of the point. A broken main beam shall count as a point regardless of length.

3.4 Bait: For the purposes of this regulation, "bait" is defined as any animal, vegetable, fruit or mineral matter placed with the intention of attracting wildlife. Natural and artificial scents and lures that are not prohibited under Section ~~11-14~~ of this regulation and are not designed to be consumed by eating or licking, shall not be bait for the purposes of this rule.

3.5 Baiting: "Baiting" is the use of any animal, vegetable or mineral matter, including scents and lures prohibited under section ~~11-14~~ of this regulation: that has the effect of enticing wildlife to a certain location.

3.6 Board: The Vermont Fish and Wildlife Board.

3.7 Bona fide agricultural practices: Practices that have been employed to plant, grow and harvest an agricultural product conducted in the usual manner.

3.8 Crossbows: A crossbow means a device consisting of a bow mounted to a rigid stock for discharging bolts or arrows and having a mechanical means to hold and release the drawn string, which must be fired from the shoulder. A bolt means a short projectile, designed for a crossbow, that resembles an arrow. No person shall hunt wild animals or game with a crossbow if the bolt has an arrowhead less than seven-eighths of an inch at its widest point and has less than two sharp cutting edges. A crossbow shall have a minimum pull of 125 pounds, a working mechanical safety and a stock no less than 23 inches in length.

3.9 Legal Buck: in Wildlife Management Units C, D1, D2 E1, E2, G, I, L, M, P, Q any white-tailed deer with at least one antler three (3") inches or more in length; and in Wildlife Management Units A, B, F1, F2, H, J1, J2, K, N, and O a legal buck shall be any white-tailed deer with at least one antler with two or more antler points one inch in length or longer.

3.10 Novice: A person who purchased their first hunting license within the past 12 months and is 16 years of age or older.

3.11 Youth: A person who is 15 years of age or younger.

4.0 Annual Deer Limit

4.1 A person shall not take more than ~~three~~ four white-tailed deer-in a calendar year, only ~~two~~ one of which may be a legal buck.

a) Youth and novice hunters shall be allowed to take two legal bucks, provided that one is taken during the youth or novice season, not to exceed the annual limit of four white-tailed deer.

5.0 Antlerless Deer Season

5.1 For four consecutive days, commencing on the Thursday 16 days prior to the opening day of the regular rifle season shall be the antlerless deer season.

5.2 A person hunting under this section shall obtain a muzzleloader license as provided in 10 V.S.A. § 4252 and must possess an antlerless deer permit.

5.3 A person may take one antlerless deer per antlerless deer permit. A person may take additional antlerless deer if they obtain additional antlerless deer permits not to exceed the annual limit as prescribed in section 4.1 of this rule. No person may purchase or possess more than one antlerless deer permit at a time, or purchase a subsequent antlerless deer permit until the person has harvested an antlerless deer. If a person possesses a permit to take an antlerless deer, then the person may take an antlerless deer.

5.4 A person hunting with a muzzleloading firearm pursuant to this rule shall not carry any firearms other than one single-barreled muzzleloading firearm as defined in 10 V.S.A. § 4001(33) while hunting deer during this season.

5.5 No person taking deer by means of muzzleloader may possess archery equipment or crossbow while hunting.

5.6 No person shall take a deer in a WMU unless they are licensed, permitted or explicitly authorized to do so by the Board rules, or procedures adopted in accordance with 10 V.S.A. § 4082 (c).

6.0 ~~Deer; Seasons for Taking by Muzzleloading Firearm~~ Muzzleloader Season

6.1 Muzzleloader Season: For the nine consecutive calendar days commencing on the first Saturday after the completion of the regular rifle deer hunting season, a person may take:

- a) One legal buck by muzzleloading firearm, provided that they have not yet taken a buck as prescribed in Section 4.1 of this rule, and
- b) If the Board has authorized the taking of antlerless deer, and if ~~an individual~~ a person possesses ~~a permit to take~~ an antlerless deer permit, then the ~~individual~~ person may take an antlerless deer as authorized. No person may purchase or possess more than one antlerless deer permit and a person can only purchase a subsequent antlerless deer permit after the person has harvested an antlerless deer, not to exceed the annual limit as prescribed in section 4.1 of this rule.

6.2 A person hunting with a muzzleloading firearm under this section shall obtain a muzzleloader license as provided in 10 V.S.A. § 4252.

6.3. A person hunting with a muzzleloading firearm pursuant to this rule shall not carry any firearms other than one single-barreled muzzleloading firearm as defined in 10 V.S.A. § 4001(33) while hunting deer during this season.

6.4 No person taking deer by means of muzzleloader may possess archery equipment or crossbow while hunting.

6.5 No person shall take a deer in a WMU unless they are licensed, permitted or explicitly authorized to do so by the Board rules, or procedures adopted in accordance with 10 V.S.A. § 4082 (c).

~~7.5 Limit: No more than two deer, only one of which may be a legal buck, may be taken during muzzleloader season, not to exceed the annual limit as prescribed in Section 5.1 of this rule.~~

7.0 Archery Season for Taking by Bow and Arrow or Crossbow

7.1 Archery Season: October 1 through December 15, except during the regular rifle deer hunting season: ~~During the period from the first Saturday in October running for 28 consecutive calendar days and the nine consecutive calendar days starting on the first Saturday after the completion of the regular rifle deer hunting season.~~

- a. One legal buck may be taken by bow and arrow or crossbow, during the archery season anywhere in the state; not to exceed the annual limit as prescribed in Section ~~5.1~~ 4.1 of this rule, and
- b. In Wildlife Management Units declared open by the Board to the taking of antlerless deer, a person may take antlerless deer.

7.2 A person hunting with a bow and arrow or crossbow under this section shall obtain an archery license as provided in 10 V.S.A. § 4252. An archery license will be valid for one deer; additional archery licenses are required for the taking of additional deer ~~in accordance with 10 V.S.A. § 4252 and section 7.6 of this rule.~~

7.3 The Board may establish Expanded Archery Zones

a) Within these zones, the archery season shall begin September 15. From September 15 to September 30, only antlerless deer may be taken.

b) [Zone Boundaries]

7.4 Crossbows may be used as a means of take during any season that permits the use of a bow and arrow ~~by any person who is 50 years or older or by a person holding a permit issued under 10 V.S.A. § 4711.~~

7.5 The holder of an archery license or a super sport license, hunting with a bow and arrow or a crossbow, may possess a handgun while archery hunting, in accordance with 10 V.S.A. § 4252 (b), provided that the license holder shall not take game by firearm while hunting.

~~8.7 Limit: No more than two deer, only one of which may be a legal buck, may be taken during the archery season; not to exceed the annual limit as prescribed in Section 5.1 of this rule.~~

7.6 Unless it is uncocked, a person shall not possess or transport a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle except as permitted in accordance with 10 V.S.A. §4705.

8.0 Regular Rifle Season

Pursuant to 10 V.S.A. § 4741, for the 16 consecutive calendar days commencing 12 days prior to Thanksgiving day, a person may take by lawful means one legal buck ~~except that a youth and novice may take two bucks, as prescribed in Section 4.1 of this rule.~~ No person shall take a deer in a WMU unless they are licensed, permitted or explicitly authorized to do so by the Board rules, or procedures adopted in accordance with 10 V.S.A. § 4082 (c).

9.0 Youth Deer Hunting Weekend

9.1 Pursuant to 10 V.S.A. § 4742a, the Saturday and Sunday three weeks prior to the opening day of the regular rifle deer hunting season shall be youth deer hunting weekend.

9.2 Limit: One white-tailed deer. One legal buck may be taken during the youth deer hunting weekend, or any deer if the Board has authorized the taking of antlerless deer during youth hunting weekend.

9.3 To participate in the youth deer hunt, a qualified youth must be 15 years of age or younger and have a valid Vermont hunting license and a youth deer weekend license.

9.4 The youth must be accompanied by an unarmed adult who holds a valid Vermont hunting license and who is 18 years of age or older. An adult accompanying a youth under this section shall accompany no more than two young people at one time. As used in this section, "accompany," "accompanied," or "accompanying" means direct control and supervision, including the ability to see and communicate with the youth hunter without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.

9.5 No youth shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.

10.0 Novice Season

10.1 Novice Season: This season shall be concurrent with the Youth Deer Hunting Weekend as prescribed in 10 V.S.A. § 4742a and section 9.1 of this rule.

10.2 Limit: One white-tailed deer. One legal buck may be taken during this season, or any deer if the Board has authorized the taking of antlerless deer during youth hunting weekend.

10.3 To participate in the novice season, a qualified person must have a valid Vermont hunting license, and follow the requirements of youth hunting week-end.

10.4 The novice hunter must be accompanied by an unarmed adult who holds a valid Vermont hunting license and who is 18 years of age or older. An adult accompanying a novice under this section shall accompany no more than two novice hunters at one time. As used in this section, "accompany," "accompanied," or "accompanying" means direct control and supervision, including the ability to see and communicate with the novice hunter without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.

10.5 No Novice hunter shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.

11.0 Reporting

11.1 A deer carcass shall be field dressed prior to reporting in accordance with 10 V.S.A. App. § 2.

11.2 Upon request, the person harvesting a deer shall show and return to the kill site with a Game Warden.

12.0 Feeding of Deer

12.1 No person shall feed white-tailed deer at any time in Vermont except:

- a. Under a license or permit issued pursuant to 10 V.S.A. § 4152 by the Department for bona fide scientific research, mitigation of wildlife damage or nuisance problems, or wildlife population reduction programs only; or
- b. By planting, cultivating or harvesting of crops directly associated with bona fide agricultural practices, including planted wildlife food plots; or
- c. By distribution of food material for livestock directly associated with bona fide agricultural practices; or
- d. By cutting of trees or brush; or

e. By incidental feeding by an elevated bird/squirrel feeders (feeders must be at least five feet above the ground) providing seed, grain, fruit, worms, or suet for birds or squirrels, located within 100 feet of an occupied dwelling.

13.0 Baiting

13.1 No person shall take deer by using bait. Exempted from this prohibition are:

- a. Incidental feeding of wildlife within active livestock operations;
- b. Standing crops planted and left standing as food plots for wildlife;
- c. Grain or other feed scattered or distributed solely as a result of normal agricultural, gardening, or soil stabilization, and logging practices;
- d. Vegetation or food/seed naturally deposited.

13.2 No person shall take any game or wild animal by using bait during deer seasons established under Part 4 of Title 10 or by rules of the Board, except that persons taking fur-bearers as authorized under 10 V.S.A. § 4252(3) may use bait in conjunction with traps being set to take fur-bearers.

14.0 The Ban of urine and other natural lures

14.1 Authority.

The Fish & Wildlife Board finds that, in order to protect the health of white-tailed deer in Vermont, it is necessary to prohibit the use of cervid urine, blood, glands, gland oil, feces, or other bodily fluids for the purpose of taking or attempting to take deer.

14.2 Restricted and Permitted Uses of cervid urine, blood, glands, gland oil, feces, or other bodily fluids.

- a) No person shall possess while hunting or use, for the purposes of taking or attempting to take, attracting, surveillance or scouting deer; any product that contains or purports to contain any cervid urine, blood, gland oil, feces, or other bodily fluids.
- b) A person may utilize the body parts of a wild Vermont white-tailed deer legally taken or acquired by that person for coyote hunting.