

§ 44. Furbearing species

1.0 Authority

1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084, 4828, and 4861. In promulgating 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 these valuable resources for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to maintain the best health, population, and utilization levels of the regulated species.

1.3 This rule shall apply to all persons who take or attempt to take fur-bearing animals by ~~trapping or hunting any method.~~

2.0 Purpose

The purpose of this rule is to regulate the taking of fur-bearing animals.

3.0 Definitions

3.1 “Accompany” for the purpose of pursuing coyote with the aid of dogs means that:

- a) Any person engaged in the control, handling, transporting, or intercepting of dogs used for taking coyote with the aid of dogs shall be under the direct supervision of the permit holder and shall be considered a “Sub-permittee”, and
- b) A Sub-permittee who is in any way involved in the use or handling of taking coyotes with the aid of dogs shall be under the direct control and supervision of the coyote dog permit holder.

3.2 “Bait” means any animal, vegetable, fruit, mineral matter, or any other substance capable of luring or attracting coyotes or any other wildlife.

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

3.4 “Commissioner” shall mean the Commissioner of the Vermont Department of Fish and Wildlife.

3.5 “Compensation” shall mean money.

3.6 “Control of dogs(s)” means the transportation, loading, or unloading of dogs from vehicle(s); and the handling, catching, restraining, or releasing dogs to take coyote with the aid of dogs. GPS collars with track log and training/control functions or separate GPS and training/control collars shall be required to locate and track dogs at all times while taking coyote with the aid of dogs. At no time shall dogs be in pursuit of coyote without a GPS track log being maintained by the permit holder.

3.7 “Coyote Dog Permit” means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take coyote with the aid of dogs.

3.8 "Department" means the Vermont Department of Fish and Wildlife.

3.9 “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 coyote dog permit number and a number one through four.

3.10 "Fur-bearing animal" means beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as amended pursuant to 10 V.S.A. § 4001.

3.11 “Legal Trail” shall mean a public right of way designated as a trail by a municipality as defined in Title 19 V.S.A § 301(8), that is not a highway but is shown on the highway maps of the respective towns made by the Agency of Transportation and:

- a) was previously a designated town highway; or
- b) is a new public right of way laid out as a trail by the selectboard for the purposed of providing recreations use or access to abutting properties.

3.12 “Pack of Dogs” means one to four dogs, acting as a unit during taking coyote with the aid of dogs.

3.13 “Public Highway” for the purposes of this rule, means town and state roads, including Class 4 roads, shown on the highway maps of the respective towns, made by the Agency of Transportation, but does not include foot trails or private roads.

3.14 “Public Trail” for the purposes of this rule, means a pedestrian foot path on Vermont state-owned public land, open to the public, and designated and mapped by the managing agency or department.

3.15 “Relaying packs and dogs” means the removal and replacement of one or more dogs, during taking coyote with the aid of dogs, to the original pack of dogs once the pursuit has begun.

3.16 “Sub-Permittee” means any person with a valid Vermont hunting license designated by the coyote dog permit holder to assist or take coyote with the aid of dogs, in accordance with the permit issued by the Commissioner.

3.17 “Taking Coyote with the aid of dogs” for the purposes of this rule means that one or more dog(s) with Department Registration Dog-Tags are on the ground whether in pursuit of a coyote or not.

3.18 A "tanned" pelt is one that has been treated to turn the skin into leather.

3.19 “Training/control” collar is any family of collars that deliver electrical stimulation of varying intensity and duration to the neck of a dog via a radio-controlled electronic device incorporated into the collar.

3.20 "Trapping" means to hunt, take or attempt to take fur-bearing animals with traps including the dispatching of such lawfully trapped fur-bearing animals.

3.21 A "trap" means a mechanical device used to capture, kill and/or restrain fur-bearing animals excluding firearms, muzzleloaders and archery equipment.

3.22 “Unregistered dog” means a dog that does not have a valid numbered Department Registration Dog Tag as described in 3.9.

4.0 Restrictions

4.1 A person trapping for fur-bearing animals under this rule shall visit their his/her traps at least once every calendar day, except as provided in paragraph 4.2, and dispatch or release any animal caught therein.

4.2 A person who sets body gripping traps in the water or under the ice, colony/cage traps underwater or foothold traps under the ice shall visit their his/her traps at least once every three calendar days and remove any animal caught therein.

4.3 A person shall not set a trap on lands other than their his/her own which does not have their his/her name and address permanently and legibly stamped or engraved thereon, or on a tag of rustless material securely attached thereto.

4.4 All traps under ice will be marked with a tag visible above the ice.

4.5 All foothold traps set on land must:

- a) Have base plates that feature a center chain mount with swivel, with free moving chain and at least two additional swivels that allow mobility for a captured animal;
- b) Be anchored with a minimum of 12” chain and a maximum of 18” chain between the base plate and the start of the anchoring system. Extra swivel and/or shock springs can be added to the chaining system, but the additions cannot cause the chain to exceed the 18” length;
- c) Be padded, offset, laminated, or have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot;

- d) Have a spread of no more than 6 ¼ inches measured inside the widest expanse of the jaws; and
- e) If a foothold trap is triggered by downward pressure, it must be adjustable for pan tension.

4.6 No body-gripping trap shall be set on land unless:

- a) it is under 40 square inches, without the use of bait, or
- b) it is over 40 square inches and less than 60 square inches and is set 5' or more above the ground, or
- c) it is over 40 square inches and less than 60 square inches and is in an anchored enclosure with openings no greater than 60 square inches and with a trap trigger that is recessed at least 12" from all openings.
- d) Any body-gripping traps over 60 square inches shall only be set in the water.

~~4.5 A person shall not set a body gripping trap with a jaw spread over eight inches measured inside the jaws unless the trap is set five feet or more above the ground, or in the water.~~

4.7 All meat-based bait shall be covered at the time that a trap is set. Covering shall include, but are not limited to, brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

4.8 A person shall not use toothed foothold traps or snares when trapping under this section.

4.9 A person shall not set a trap between December 31 and the following fourth Saturday in October unless the trap is in the water, under the ice, or on a float in the water.

4.10 A person shall not possess a living fur-bearing animal, except as provided by rules of the board or 10 V.S.A. part 4.

4.11 A person shall not possess a fur-bearing animal trapped outside of its legal season without the written authorization of the Department, not to include animals taken pursuant to 10 V.S.A. § 4828.

4.12 A person shall not possess fur or skin of a fur-bearing animal unlawfully taken.

4.13 A person shall not take a fur-bearing animal by use of any ~~poisonous mixture explosives.~~

4.14 A person shall not take a fur-bearing animal from dens by cutting, digging, smoking, by the use of chemicals, or by the use of mechanical devices other than a legal trap set in accordance with these rules.

4.15 Trapping Set-backs: No traps or body-gripping traps shall be set on or within 50' of the travelled portion of a legal trail, public trail or public highway unless set in the water. This setback requirement shall not apply to Wildlife Management Areas, or to private landowners trapping on their own property.

4.16 Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzleloader or gun fired at arm's length; or a bow and arrow, or crossbow. This provision may be amended upon receipt of the Association of Fish and Wildlife

Agencies recommendations regarding humane dispatch. This subsection shall not be interpreted to prevent a trapper from releasing an unharmed captured animal, or a domestic pet.

4.17 Beaver Muskrat

- a) When trapping muskrat between March 1 and March 31, body gripping traps are restricted to 5 inches or less.
- b) A person shall not disturb or destroy a beaver or muskrat house or den or place a trap therein, thereon, or in the entrance thereof.
- c) ~~A person may set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam only from the 4th Saturday in October through the last day of February, all dates inclusive.~~ A person shall not set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam during the month of March.
- d) ~~Except for the setting of traps as provided under 4.183b and 4.18c,~~ a person shall not interfere in any manner with dams, dens, or houses of beaver except upon prior written approval from the Commissioner.

4.18 Bobcat; Otter; Fisher.

- ~~(a) From December 17 to December 31, both dates inclusive, in order to minimize incidental bobcat harvest during the remainder of the fisher season, a person shall not set a body gripping trap with a jaw spread over 6 inches measured inside the jaws unless the trap is set 5 or more feet above the ground, or in the water.~~
- a) The skins of bobcat, otter, and fisher legally taken may be possessed, transported, bought and sold only when tagged and marked as hereinafter provided.
- b) A person who takes bobcats, otter, or fisher during these seasons shall notify authorized Department staff within 48 hours of the close of the season. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.
- c) A person who legally takes bobcat, otter, or fisher may keep the edible meat prior to submitting the carcass to the Department.
- d) No bobcat, otter, or fisher pelts or carcasses taken during these seasons shall be transported out of the State of Vermont prior to being tagged by authorized Department staff.
- e) A person who takes bobcat, fisher, and otter pursuant to 10 V.S.A. § 4828 and who desires to keep the pelt shall notify authorized Department staff with 84 hours of the taking. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.

4.19 Raccoons

- a) A person shooting raccoons during the raccoon hunting season shall use a 0.22 caliber rimfire firearm or a shotgun with #2 shot or smaller.
- b) A light may be used to illuminate and shoot a raccoon once treed by a dog(s), ~~or dogs,~~ during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a dog(s), ~~or dogs,~~ during the training season.

4.20 Taking Coyote with the Aid of Dogs

4.20.1 Authority - In accordance with 10 V.S.A. § 5008 and § 5009 (b), this rule establishes a process and standards for the issuance of a permit to take coyote with the aid of dogs, either for the training of dogs or for the taking of coyote.

4.20.2 Purpose - The purpose of this subsection is to establish a process and standards for the issuance of permits to pursue coyote with dogs, establish training and hunting seasons for the taking of coyote with the aid of dogs, and to define legal methods of take.

4.20.3 The Taking of Coyote with Aid of Dogs.

a) Licenses and permits.

- (1) Any person who intends to train, hunt, pursue, harvest, or in any manner take a coyote with the aid of dogs shall apply for a permit from the Commissioner on an application form provided by the Commissioner.
- (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 Commissioner.
- (3) The Commissioner 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.
- (4) The Commissioner may deny any person a permit in their sole discretion.
- (5) Any person training, hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Coyote Dog Permit issued

by the Department, or accompany a Coyote Dog Permit holder. The Permit shall be carried at all times by the permittee while taking coyote with the aid of dogs, and exhibited to a game warden, landowner, or law enforcement officer upon demand.

(6) Any person hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Vermont Hunting License, and use only Department Registered Dogs.

(7) Ten (10) percent of the Coyote Dog Permits issued annually may be issued to non-resident hunters. In any given year, the number of permits available to non-resident hunters shall not exceed ten (10) percent of the total number of permits issued to resident hunters the previous year.

b) Lottery – In the event that more than 100 permit applications are received, the Department shall hold a transparent, random drawing to ensure that not more than 10% of permits issued by the Department are issued to Vermont residents who either have served on active duty in any branch of the U.S. Armed Forces provided that they have not received a dishonorable discharge (eligible veterans) or, are certified citizens of a Native American Indian tribe recognized by the State pursuant to 1 V.S.A. chapter 23.

c) Legal Methods

(1) A person shall not take a coyote into their possession except by killing the coyote by legal means or methods. Legal means includes utilizing a muzzleloader or gun fired at arm's length; or bow and arrow, or crossbow.

(2) A person taking coyote 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.

d) Dogs and Packs

(1) A person shall not take coyote with the aid of dogs unless the person is in control of the dog(s).

(2) No person shall take a coyote with the aid of dogs by using any Unregistered Dog. No person shall have an Unregistered Dog in their possession (including in a vehicle) while hunting, pursuing, or taking a coyote.

(3) A person hunting with dogs, pursuing, and taking coyote 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.

(4) A person taking a coyote with the aid of dogs shall only take a coyote with a Pack of Dogs as defined in this rule. No person shall pursue, hunt, or take coyote by Relaying any Dog or Pack of Dogs.

(5) Two or more permit holders may hunt together and combine Department Registered Dog(s) to form a Pack of Dogs. The combined Coyote Dog Permit holders shall not take coyote with the aid of more than four dogs combined forming a single pack of dogs. The combined Coyote Dog Permit holders shall not possess any Unregistered Dogs while hunting, pursuing, or taking coyote with the aid of their dogs.

4.20.4 Seasons and Shooting Hours for Taking Coyote with the Aid of Dogs.

- a) Coyote Dog Training Season: For Vermont Resident and Nonresident Permit Holder: June 1 through September 15, all dates inclusive, except that a nonresident may train dogs to pursue coyote only while the training season is in effect in the nonresident's home state and subject to the requirements of these rules.
- b) Coyote Dog Hunting Season December 15 through March 31, all dates inclusive.
- c) Legal hours for taking coyote with the aid of dogs: One half hour before sunrise until one half hour after sunset.

4.20.5 Prohibitions applicable to Taking Coyote with the Aid of Dogs

- a) A person shall not advertise, barter, exchange goods or services, or otherwise sell the use of a dog(s) for the purpose of taking coyote with the aid of dogs.
- b) While taking coyote with the aid of dogs, no person shall have in their possession an Unregistered Dog while possessing Department Registered Dogs.
- c) It shall be a violation for a Vermont resident to apply for a coyote dog permit for the purpose of allowing a nonresident coyote dog owner to take coyote in Vermont with the aid of dogs.

4.20.6 Reporting - A person taking coyote with the aid of dogs shall, no later than 48 hours after the close of season, report the taking of all coyotes during the season in a manner required by the Commissioner.

4.21 Taking Coyote by Bow and Arrow and Crossbow: No person shall take coyote with or without the aid of dogs, 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.

4.22 Lynx

a) ~~This subsection shall be effective on January 1, 2014.~~

a) Any person who incidentally captures a lynx shall notify the Department immediately.

b) The following regulations on traps and trapping shall apply within the Wildlife Management Unit E.

(1) ~~Foothold traps set on land must be anchored using a chain or cable no longer than 18" that is center mounted to the trap using a swivel connection and must have at least one in-line swivel along the chain or cable.~~ From the fourth Saturday in October to December 31, both dates inclusive, all body gripping traps must be set:

- i. In the water, or;
- ii. Within a Canada lynx exclusion device as described below and as depicted in Diagram 1:
 - a. the trap jaws shall be completely within the device;
 - b. the trap springs may extend outside of device through openings no larger than 7.5" wide by 1.5" high;
 - c. the device shall not have an opening greater than 6" by 8";
 - d. the opening shall not be directly in front of the trap but shall instead be either on the top or side of the device;
 - e. the trap set within the device shall be a minimum of 18" from the closest edge of the opening to the trap;
 - f. there shall be at least two attachment points for each side of the device where there is a joint or where panels come together;
 - g. the device shall be constructed of wood or of wire mesh of 16 gauge or less wire (.05" diameter wire or greater) and having a mesh size with openings no greater than 1.5" X 1.5" or 1" X 2"; and,
 - h. the trap shall be anchored outside of the device; or
- iii. Off the ground as described below and as depicted in Diagram 2:
 - a. at least 5' above the ground or if snow is on the ground at least 5 feet above snow level with the exception of the 24-hour period immediately following a snowstorm;
 - b. affixed to a standing tree which is free of branches below the trap or to a leaning section of pole that has not been planed or otherwise

altered except for the removal of branches and is less than 4" in diameter at the trap and is angled at least 45° along its entire length from the ground to the trap; and

c. in an area that is free of any object within 4' of the trap.

~~(3) From the fourth Saturday in October to December 31, both dates inclusive, body-gripping traps no larger than a typical 160 (inside jaw spread up to 6.5") may also be set on the ground if placed:~~

~~i. Under overhanging stream banks, or;~~

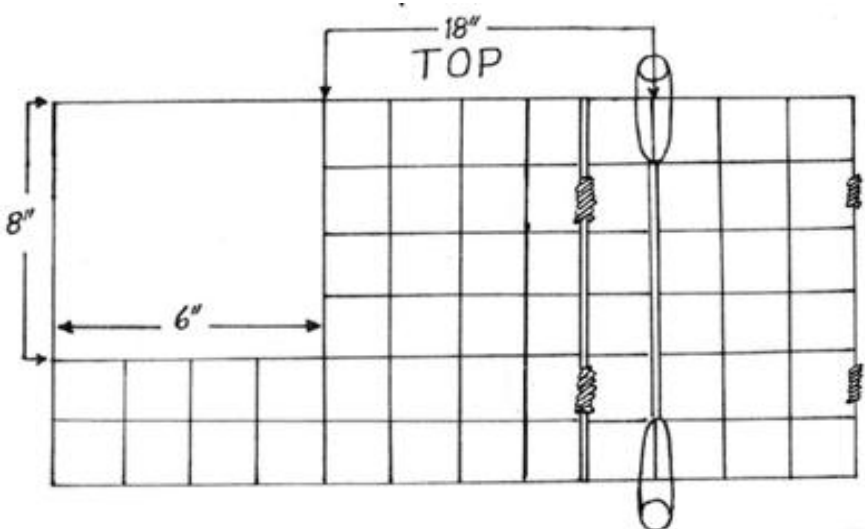
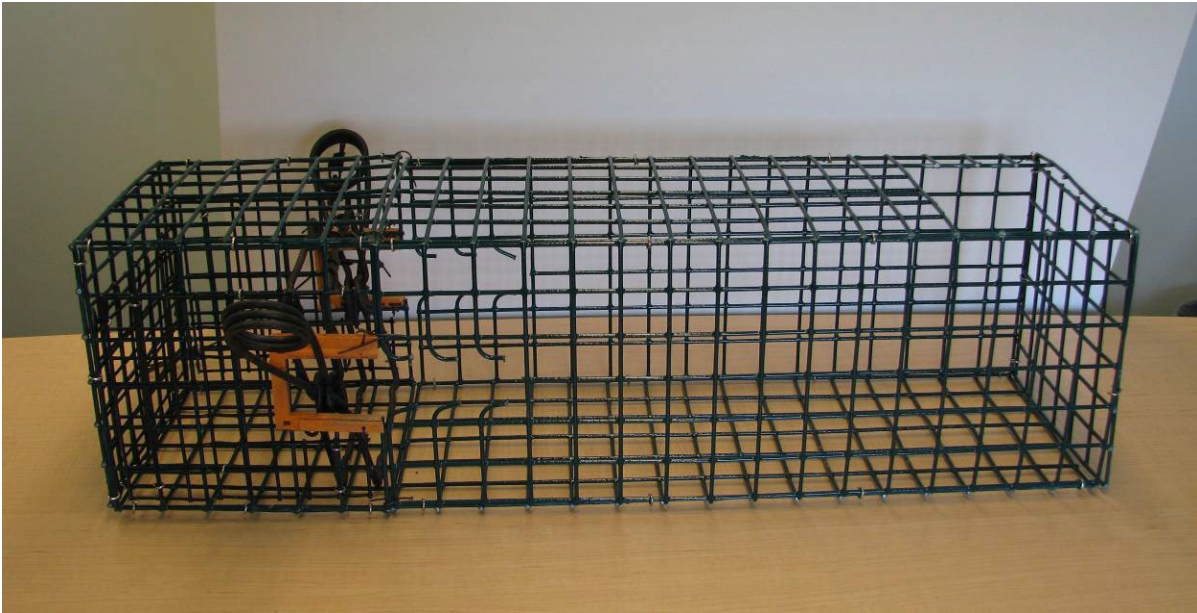
~~ii. In blind sets without the aid of bait, lure or visual attractants, or;~~

~~iii. Within a cubby constructed of artificial materials with the trap inserted at least 7" from the front and with an opening no greater than 50 square inches as depicted in Diagram 3.~~

~~c) The establishment of a ten-year "Lynx Study Period" shall commence on the effective date of this subsection. The Department will assess the status of lynx in Vermont, identify and evaluate additional techniques and devices for avoiding incidental capture of lynx, and develop revisions to these rules in accordance with the findings of such studies and all current information. The rules set forth in this subsection 4.22 shall expire on January 1, 2027 2024 unless such rules are either extended or amended by the Fish and Wildlife Board. The decision to extend or amend these rules shall be based on an evaluation of the following key criteria:~~

- ~~(1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;~~
- ~~(2) The availability of more effective and/or practical alternatives for avoiding the incidental capture of lynx; and~~
- ~~(3) The outcome of Maine's Incidental Take Permit application process.~~

Diagram 1. Canada lynx exclusion device for body gripping traps.



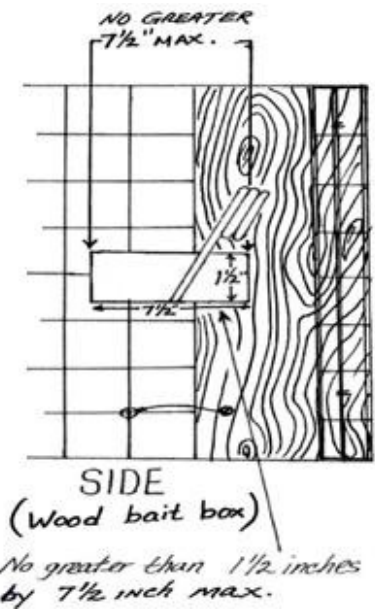


Diagram 2. Off the ground sets for body gripping traps.

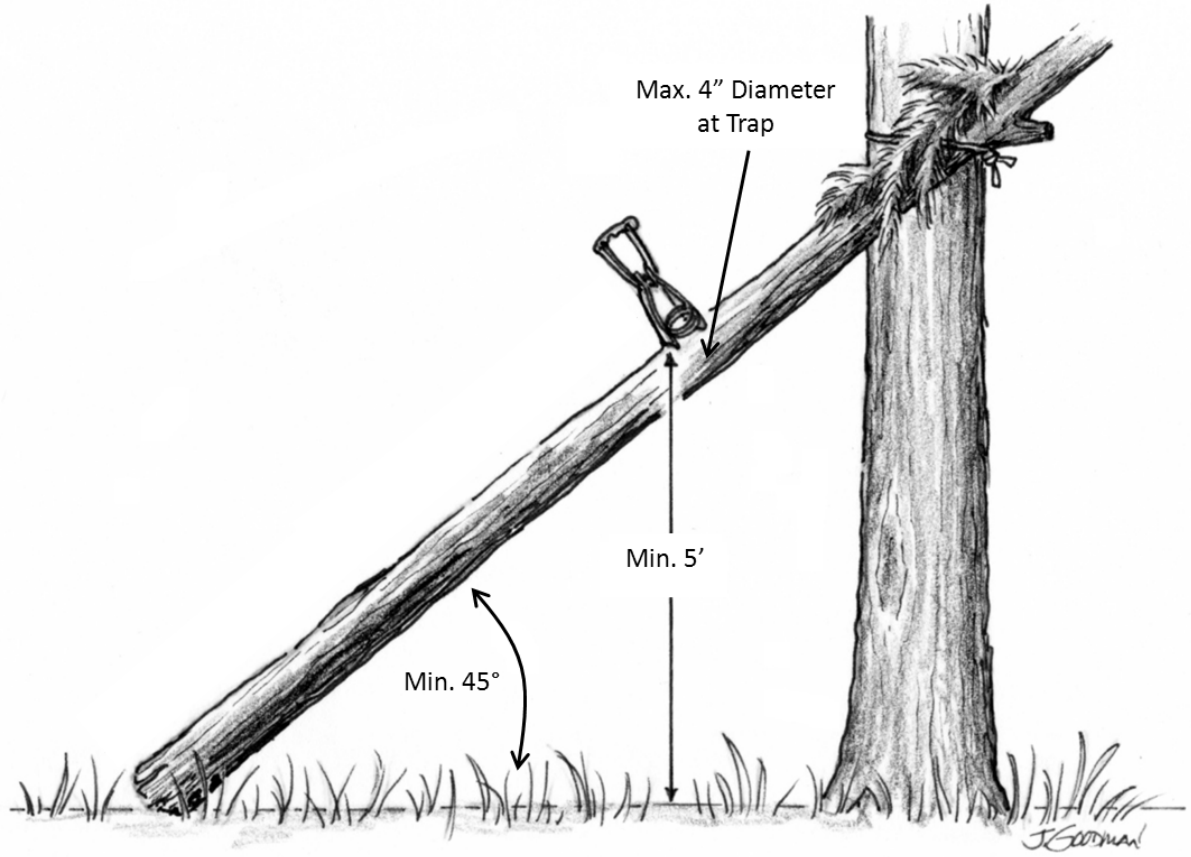
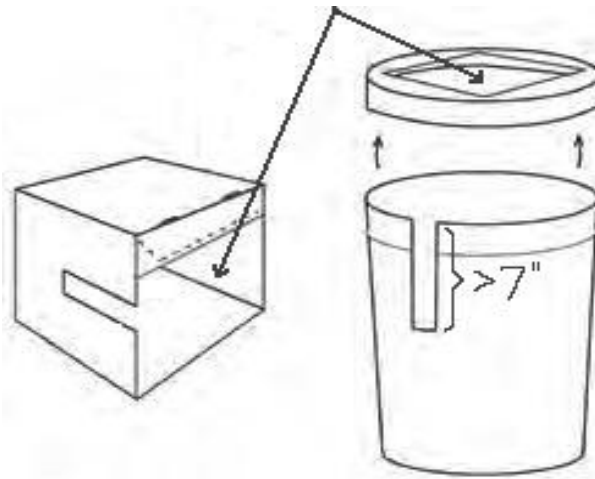


Diagram 3. Cubby sets for body gripping traps no larger than a typical 160.

Opening not to exceed 50 square inches



4.23 Biological Collection

- a) Any person who ~~traps any animal~~ obtains a trapping license shall complete and submit an annual biological collection trapper survey for the license season to the Department, within the timeline specified by the Commissioner.
- b) The failure to complete and submit a biological collection survey to the Department shall be a nonpoint violation under 10 V.S.A. § 4502.

5.0 Seasons, Bag Limits

The following seasons, methods and bag limits are hereby established for the species listed. All hunting seasons will be with or without dogs, except as otherwise provided. Below is the exclusive, exhaustive list of seasons and means of take of fur-bearing animals. The taking of fur-bearing animals at other times or by other means, except where otherwise provided by law, is prohibited. All dates are inclusive.

Seasons	Dates	Bag Limit
5.20 Beaver		
By trapping	Fourth Sat. in Oct. through March 31	No Limit
By hunting	No open season	Zero
5.21 Otter		
By trapping	Fourth Sat. in Oct.- last day of March	No limit
By hunting	No open season	Zero
5.22 Marten	No open season	Zero
5.23 Mink		
By trapping	Fourth Sat in Oct.-Dec. 31	No limit
By hunting	No open season	Zero
5.24 Raccoon		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Second Sat. in Oct.-Dec. 31	No limit
5.25 Bobcat		
By trapping	December 1-December 16	No limit
By hunting	January 10-February 7	No limit
5.26 Fox (red or grey)		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Fourth Sat. in Oct. through the second Sun. in Feb.	No limit

5.27 Skunk			
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed Season	No limit
5.28 Muskrat			
	By trapping	Fourth Sat. in Oct.-March 31	No limit
	By hunting	March 20-April 19	No limit
5.29 Coyote			
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	<u>Hunting/Taking Coyote without the Aid of Dogs</u>	No closed season	No limit
	<u>Hunting/Taking with the Aid of Dogs</u>	<u>December 15 through March 31</u>	<u>No limit</u>
5.14 Fisher			
	By trapping	December 1-December 31	No limit
	By hunting	No open season	Zero
5.15 Weasel			
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.16 Opossum			
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.17 Wolf		No open season	Zero
5.18 Lynx		No open season	Zero

5.20 With the exception of state and federally listed threatened and endangered species, seasons shall not be applicable to any person, who takes a furbearing animal in defense of persons or property for compensation, in accordance with 10 V.S.A. § 4828.

6.0 Trapping Rabbits and Furbearers in Defense of Property for a Fee

In accordance with Sec. 11 of Act 170 from the 2017-2018 Adj Session, the following sections and subsections of Board rules set forth in Title 10, Appendix § 44 are applicable to trapping rabbits and furbearing animals in defense of property for compensation: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10 (however, possession is allowed for the purpose of moving the animal to a more appropriate place for dispatch), ~~4.10, 4.11, 4.12, 4.13, (unless the animal has already been trapped), 4.14 e), 4.18 e), 4.22 a), and 4.23. 4.16 b), 4.17 a) and b).~~