

# **LCAR Responsiveness Document: Development of Regulations on Coyote Hunting with the Aid of Dogs**

**Public Hearings: June 20, 21, and 22, 2023**  
**Public Comments: May 17, 2023 to June 30, 2023**

The 2022 Legislature mandated that the Vermont Fish and Wildlife Board (Board) regulate the practice of Hunting Coyotes with the Aid of Dogs. Act 165 established statutory requirements and directed the Board to address other components. It also imposed a moratorium on the practice (as of July 1<sup>st</sup>, 2022), with an exception, until the Board adopts a rule. Coyotes can currently only be hunted with the aid of dogs for the purpose of defense of person or property by the landowner or a person with written permission of the landowner. The dogs must remain on the property.

The Board and Vermont Fish and Wildlife Department (Department) worked to conduct an inclusive, fair, and transparent process. The resulting recommendations establish regulatory guidelines for hunting coyotes with the aid of dogs, which was previously an unregulated activity in Vermont. They include setting season dates, a limit on the number of permitted hunters and dogs, and guidelines for control of dogs. While many states have hunting dog training seasons and require landowner permission for all forms of hunting, hunting coyotes with the aid of dogs specifically is largely unregulated. Maine is one exception. When hunting coyote, fox, bear, raccoon and bobcat, Maine regulates the trespass of dogs, limits the number of dogs to six, and requires VHF or GPS collars.

Opponents of hunting coyotes with the aid of dogs argue that it causes unnecessary stress and harm to the individual coyotes being pursued and disrupts ecosystems. As with any hunting practice, legal and ethical considerations guide hunters' decisions, and there is no peer-reviewed, empirical evidence to suggest that hunting with the aid of dogs negatively impacts ecosystems. In addition, it is important to note that coyotes are already interacting with large numbers of free ranging domestic dogs, year- round.

## Table of Contents

|   |    |
|---|----|
| Additions to statute .....                      | 3  |
| Public comment process .....                    | 4  |
| Legislative directives and Department proposals |    |
| Number of dogs .....                            | 5  |
| Relaying dogs .....                             | 6  |
| Methods of take.....                            | 7  |
| Control of dogs.....                            | 8  |
| Landowner permission.....                       | 10 |
| Reporting requirement .....                     | 11 |
| Seasons and baiting .....                       | 12 |
| <br>  |    |
| Appendix A.....                                 | 13 |
| Appendix B.....                                 | 14 |
| Appendix C.....                                 | 16 |
| Appendix D.....                                 | 17 |
| Appendix E.....                                 | 18 |

## Additions to Statute from Act 165

### **10 V.S.A. §§ 5008 – Hunting coyote with the aid of dogs; permits:**

**(a 1, 2) (b1) – permits:** the Commissioner can issue no more than 100 permits for Hunting Coyotes with the Aid of Dogs per year. Up to 10% of the permits may be granted to non-residents. The permits will be issued at the discretion of the Commissioner and the act established fees for applications and permits.

**(a, 3) – training season** nonresidents can only train in Vermont during the time frame of the training season in their home state

### **10 V.S.A. §§ 5009 – Pursuing coyote with the aid of dogs; landowner permission**

**(a) (b) (c) – written permission:** written permission is required for posted land. On non-posted land, there are penalties for releasing a dog on private land if, in the previous 365 days, law enforcement has informed a member of the hunting party that hunting dogs are not permitted.

### **10 V.S.A. §§ 5009 – Pursuing coyote with the aid of dogs; fish and wildlife board rules**

**(b) – board rules:** *“the Fish and Wildlife Board shall adopt a rule regarding the pursuit of coyote with the aid of dogs, either for the training of dogs or for the taking of coyote. The rule shall include at least the following provisions:”*

1. A limit on the number of dogs
2. A prohibition on the substitution of any new dog for another during pursuit.
3. Legal method of take for coyote pursued with dogs.
4. A definition of control that minimizes the likelihood that dogs will enter land that is posted against hunting or where the pursuit of coyote with dogs is not authorized.
5. Provisions to encourage persons pursuing coyote with the aid of dogs to seek landowner permission before entering or releasing dogs onto land that is not legally posted.
6. A reporting requirement for every coyote killed during pursuit with the aid of dogs.

**(c) – board rules:** *“the Board shall consider whether to include within the rule required by this section provisions related to seasonal restrictions and baiting.”*

## Public Comment Process

As both Act 165 (Hunting Coyotes with the Aid of Dogs) and Act 159 (Best Management Practices for Furbearer Trapping) are covered under the same rule, the public comment process covered both topics. To ensure the collection of a wide range of perspectives on the proposed rule, Department staff:

1. Established a stakeholder working group that met on January 10, 2023 to provide feedback on draft proposed rules. An outside facilitator assisted with this meeting.
2. Issued a press release announcing the public comment period and hearing dates which was picked up by Vermont Public Radio and WCAX (in addition to the publication initiated by the Secretary of State for the rulemaking process).
3. Issued social media and e-blast announcements of the public comment period and hearing dates.
4. Posted materials on our website including stakeholder group meeting minutes and recordings; tables outlining legislative directives, the Board's proposal, and additional Department recommendations; and public comment information.
5. Held public hearings on June 20 in Rutland, June 21 in Montpelier, and virtually on the 22, 2023 where the Department presented information and held breakout group comment sessions. **Appendix A** lists the questions asked during the small group sessions.
6. Compiled hearing comments with the comments received through e-mail submissions during the public comment period (May 15 - June 30).

This public comment process was designed to gather qualitative information on the diversity of opinions about trapping and coyote hunting with dogs held by self-identified stakeholders. Most comments were directed at Act 159 (Best Management Practices for Furbearer Trapping). Department staff read every public comment Department staff read every public comment and question, and summarized the comments (see appendices). A summary table of all major trends in the combined 1,253 comments we received about trapping and hunting coyotes with dogs is included in the responsiveness summary for Act 159.

## Legislative Directives and Department Proposals

**Act 165 Sec. 3 (b) (1):** *“The Fish and Wildlife Board shall adopt a rule regarding the pursuit of coyotes with the aid of dogs either for the training of dogs or for the taking of coyotes. The rule shall include at least the following provisions: a limit on the number of dogs that may be used to pursue coyotes.”*

### **Department Proposal**

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

### **Rationale**

The stakeholder working group strongly disagreed on this topic, which involved both coyote hunters using dogs and individuals against all forms of coyote hunting, leading to expected differences in opinion. To find middle ground, the Department surveyed the group members’ preferences from the lowest possible number of dogs (one) to the highest (six). Zero was not an option because the Board was not directed to eliminate hunting coyote with dogs. All the members who opposed the method and/or all coyote hunting choose one dog, while most of the hunters chose six. Four dogs was the average.

The Bear Management rule set forth in 10 App. V.S.A. § 7, restricts the number of dogs while hunting bear with dogs to six dogs. However, unlike bears, coyotes cannot climb trees thus the Department feels, beyond stakeholder preferences, that the reduction to four is justified. The regulations also define method of take, and having a higher number of dogs may increase the risk of a dog unlawfully killing a coyote.

## **Legislative Directives and Department Proposals**

**Act 165 Sec. 3 (b) (2):** *“...The rule shall include at least the following provisions: a prohibition on the substitution of any new dog for another dog during pursuit of a coyote.”*

### **Department Proposal**

*“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. No person shall pursue, hunt, or take coyote by Relaying any Dog or Pack of Dogs.*

### **Department Rationale**

The legislature directed the board to prohibit relaying. As a result, it was not a focus of public comment. The proposed language conforms with the legislative mandate. The prohibition against relaying dogs prevents a hunter from substituting new or fresh dogs during the hunt, a practice which decreases the likelihood a coyote can escape and is inconsistent with principles of fair chase. This rule is similar to the requirements of the Bear Management Rule.

## **Legislative Directives and Department Proposals**

**Act 165 Sec. 3 (b) (3):** *“...The rule shall include at least the following provisions: the legal method of taking a coyote pursued with the aid of dogs, such as a rifle, muzzle loader, crossbow, or bow and arrow.”*

### **Department Proposal**

*A person shall not take a coyote {with the aid of dogs} 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 a bow and arrow or crossbow.*

### **Rationale**

Most stakeholder working group members and many of the public comments stated that allowing hunting dogs to kill coyotes was not consistent with the standards of fair chase. This proposal addresses that concern by requiring that any coyote killed during a hunt with the aid of dogs must be killed by a hunter using a legal method. This makes it illegal to allow dogs to kill a coyote in pursuit.

**Appendix C** lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

## Legislative Directives and Department Proposals

**Act 165 Sec. 3 (b) (3):** *“...The rule shall include at least the following provisions: a definition of control that minimizes the likelihood that dogs will enter land that is posted against hunting or where the pursuit of coyote with dogs is not authorized.”*

### **Department Proposal**

*“Control of dog/dog(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.*

*“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.*

### **Rationale**

The definition of control was the most controversial issue during the working group meeting and in the public comments. Many of the comments related to this topic wanted the dog or pack of dogs to be leashed at all times. However, requiring leashes is impractical and would be a de facto ban on the practice – as it would be for hunting any game species with the aid of dogs. The proposed definition is a balance between the dual legislative mandates of regulating the practice (keeping it legal) and minimizing landowner conflicts.

Electronic collars are widely used tools for dog training that reinforce commands and help ensure the safety of both the dog and the game being pursued. They have adjustable stimulation levels ranging from very mild to strong in order to get the dogs attention.

Control, as it relates to trespass, was also addressed by the legislature. Act 165 prescribed, through statute, that written permission is required for posted land. On non-posted land, there are penalties for releasing a dog on private land if, in the previous 365 days, law enforcement has informed a member of the hunting party that hunting dogs are not permitted.



Many people feel that there is no way to control dogs, which further argues for a ban on the practice. Banning hunting coyotes with the aid of dogs was not what the legislature directed the Department to address.

**Appendix D** lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

## **Legislative Directives and Department Proposals**

**Act 165 Sec. 3 (b) (5):** *“...The rule shall include at least the following provisions: provisions to encourage persons pursuing coyote with the aid of dogs to seek landowner permission before entering or releasing dogs onto land that is not legally posted. ”*

### **Department Proposal**

Statute, as established by Act 164, now requires written permission for hunting coyotes with the aid of dogs on posted land. This includes trespass by dogs in pursuit of coyotes. Furthermore, statute also now grants landowners who do not post their land by with additional recourse by establishing new penalties for releasing a dog on private land if, in the previous 365 days, law enforcement has informed a member of the hunting party that hunting dogs are not permitted.

### **Rationale**

While not addressing this specific issue, some members of the public stated, generally, that the rule does not address landowner rights and trespassing by hounds and hunters. Act 165 addressed these issues in statute and these provisions are more stringent than any other requirement for hunters pursuing game other than coyotes.

## **Legislative Directives and Department Proposals**

**Act 165 Sec. 3 (b) (6):** *“...The rule shall include at least the following provisions: a reporting requirement for every coyote killed during pursuit with the aid of dogs.”*

### **Department Proposal**

*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.*

### **Rationale**

The legislative directed the board to require the reporting of coyotes in a manner required by the commissioner. The proposed language abides by the mandate. Comments regarding this topic seem to have misunderstood the Boards authority. The board does not have the authority to change or exclude this provision.

**Appendix E** lists questions about this directive raised during the public comment period, along with Department responses. It also lists statements or preferences expressed in public comments.

## **Legislative Directives and Department Proposals**

**Act 165 Sec. 3 (b) (c):** *“The Board shall consider whether to include in the rule required by this section provisions related to seasonal restrictions and baiting.*

### **Department Proposal**

*The Board will establish the following seasons:*

- a. Coyote dog training season: For Vermont Resident and Nonresident Permit Holders: 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.*

No regulations on baiting will be established.

### **Rationale**

The proposed hunting season reflects the primary time – based on observation and hunter input -- that Coyote Hunting with the Aid of Dogs was occurring prior to the moratorium. It also minimizes conflicts with deer hunters and other fall activities. The season close date coincides with the latest close of snowshoe hare season, in the Northeast Kingdom.

Bait is allowed for all other types of furbearer hunting and trapping, and is retained for coyote hunting for consistency. Allowing the use of bait for Hunting Coyotes with the Aid of Dogs reduces the chance of a hunter unknowingly releasing their dogs near an established bait pile, or a carcass that could be interpreted as a bait pile. Landowner permission is required prior to placing bait on private lands.

## **Appendix A: Group Breakout Session Questions**

Breakout group focus questions:

1. What are your comments on the boards first vote for the coyote hunting and training season while hunting with the aid of dogs?
2. Any other comments or questions for the Board on the proposed rule changes for coyote hunting with the aid of dogs?

## Appendix B: General Questions & Comments

**1. Does ACT 165 include all forms of coyote hunting?**

No. The act directs the Board to regulate Coyote Hunting with the Aid of Dogs.

**2. Does Act 165 allow Coyote Hunting with the Aid of Dogs or other forms of coyote hunting to be banned.**

No. The act directed the Board to *regulate* Coyote Hunting with the Aid of Dogs.

**3. What are the current regulations related to Hunting Coyotes with the Aid of Dogs?**

None.

**4. How many people hunt Coyotes with the Aid of Dogs?**

As it was unregulated, the Department doesn't know. Anecdotally, the practice is more common or, at least more visible, in some areas of Vermont but nonexistent in others.

**5. How do other states regulate the practice?**

While legal in most states, only a few states regulate it. Some of the language included in Act 165 is similar to relatively new regulations in Maine.

**6. Is there science that suggests these changes are necessary?**

No.

**7. Where did the draft rule come from?**

The Department used the regulations that apply to hunting bears with dogs as the initial template. The Warden Service and department biologists then edited the language to make it applicable to coyotes and comply with Act 165 directives. For additional assistance, a stakeholder group (including animal rights groups, landowners, and hunters) was surveyed on regulation preferences and attended one facilitated in-person meeting to provide input on an earlier draft. The use of the stakeholder group was not required by the legislature, and participants were told that the process was for input only.

**8. Will only permitted hunters be able to participate?**

No. Additional people – “sub-permittees” will be able to assist with the hunt. However, they will be under the direct supervision of the permit holder and cannot use their own dogs.

**9. What changes did the Board make to the initial Department proposal? Did the Department make any additional suggestions after the first vote?**

None on both.

**10. These regulations do not address landowner rights, trespassing by dogs and hunters.**

Act 165 requires, by statute, written permission on posted land. On non-posted land, there are penalties for releasing a dog on private land if, in the previous 365 days, law enforcement has informed a member of the hunting party that hunting dogs are not permitted.

**11. How will wardens enforce coyote hunting rules if a person says they are pursuing fox?**

Wardens are trained to determine if a violation is occurring.

**12. The regulations are largely unenforceable.**

The rules set forth many specific and verifiable requirements that can be observed and investigated. Examples include: the requirement for a permit, the requirement for department registered dogs, the number of dogs, the GPS and control collar requirements, the GPS log and the legal means of take. The rules are enforceable.

**13. What is the department's interest in culling coyote numbers?**

The Department has no interest in culling coyotes. Instead, we are committed to maintaining healthy, sustainable, populations of coyotes and other furbearers for future generations. To date, there is no evidence that Vermont's existing hunting and trapping seasons are negatively affecting the coyote population.

**Appendix C: questions, comments, and details relating to Act 165 Sec. 3 (b) (3) on legal methods of take**

***Public Comment Questions:***

**1. What will happen if dogs kill a coyote?**

This would be illegal and a violation.

**2. Why is the department justifying legalized dog fighting?**

The rules regulate a legal hunting activity. The legislature directed the Board to regulate the practice of coyote hunting with the aid of dogs. By establishing a rule that prohibits dogs from killing coyotes during pursuits, the Department is making it illegal for dogs to inadvertently kill coyotes. Hunters care about the safety of their dogs and will have electronic and tracking collars to discourage any dog-coyote interactions from occurring.



**Appendix D: questions, comments, and details relating to Act 165 Sec. 3 (b) (4) control of dogs to minimize conflict with land owners**

***Public Comment Questions:***

**1. How do collars with GPS and training/control function improve “control of dogs”?**

GPS collars allow hunters to track the location of their dogs in real time and can be overlaid on to parcel maps. If a trespassing complaint is received, the required track log will allow the Warden Service to review the locations of dogs and hunters during the hunt. The training/control function (i.e., shock collars), whether included with the GPS collar or a separate collar, allows hunters to call back dogs that are headed toward posted land or land they don't have permission to hunt on. The requirement that all dogs on the hunt have numbered dog tags and a metal identification will also make it easier to identify hunters who have trespassed or committed other violations.

***Public Responses/Statements***

**1. You can only control a leashed dog.**

Legislature asked the Board to *minimize* conflicts with private landowners. Requiring leashes is impractical and would be a de facto ban – as it would be for hunting any game species with the aid of dogs. This would be counter to the legislative mandate.

**2. Poor cell service in Vermont makes GPS collars inadequate.**

Global Positioning System (GPS) is a satellite-based navigation and not reliant on cell service.

**3. GPS equipment is expensive, this regulation is not inclusive of people with modest means.**

Conversations with hunters suggests that almost all the hunters who hunt coyotes with dogs are already using some form of GPS equipment.

**Appendix E: questions, comments, and details relating to Act 165 Sec. 3 (b) (6) concerning seasons and baiting**

***Public Comment Questions:***

**1. How were the training and hunting season dates established?**

For consistency, the training season is the same as the current season for training dogs for other species. A training season is just that; take is prohibited.

**2. Why legal hours for taking coyote with dogs when you can shoot them anytime?**

To minimize conflict with private landowners.

**3. Why was bait not included in the proposed rule?**

For Consistency. Bait is allowed for all other types of furbearer hunting and trapping. Allowing the use of bait for Hunting Coyotes with the Aid of Dogs reduces the chance of a hunter unknowingly releasing their dogs near an established bait pile, or a carcass that could be interpreted as a bait pile. Landowner permission is required prior to placing bait on private lands.