



1. TITLE OF RULE FILING:

**10 V.S.A. Appendix § 44, Furbearing Species**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P015

3. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Catherine Gjessing

Agency: Vermont Department of Fish and Wildlife

Mailing Address: 1 National Life Drive, Davis 2  
Montpelier, VT 05620-3208

Telephone: 802-595-3331 Fax: 802-828-1250

E-Mail: catherine.gjessing@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://vtfishandwildlife.com/about-us/fish-and-wildlife-board>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: David Sausville

Agency: Vermont Department of Fish and Wildlife

Mailing Address: 111 West St | Essex Junction, VT 05452-4695

Telephone: 802-324-4206 Fax: 802-879-5649

E-Mail: david.sausville@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

10 V.S.A. §4082; §4084; §4828 (see also 2017, No. 170, §11 & §13); § 4861 (see also 2021, No. 159 (Adj. Sess.)§2); & §5008 (see also 2021, No. 165 (Adj. Sess.), §3).

**8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

Title 10 V.S.A. § 4082 provides that the Vermont Fish and Wildlife Board has the authority to adopt rules, in accordance with 3 V.S.A. chapter 5 to regulate hunting, fishing and trapping. Title 10 § 4084 provides that the regulations of the Board may establish seasons, taking limits, territorial limits, seasonal restrictions and the means of taking. Furbearers are defined as small game under 10 V.S.A. § 4001 (14) and (34), and coyote are furbearers. Act 159 of 2021 requires the Board to amend the furbearer rules to incorporate best management practices (BMPs) for trapping systems. The BMPs are based on a peer-reviewed scientific study and are designed to increase animal welfare and reduce the capture of nontarget animals. Act 165 requires the Board to establish rules regarding hunting coyote with the aid of dogs; to reduce conflicts with landowners and provide for humane methods of taking coyote. Currently there are no rules regulating coyote hunting with the aid of dogs.

- 9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.**
- 10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.**
- 11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.**
- 12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.**
- 13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.**

**14. CONCISE SUMMARY (150 WORDS OR LESS):**

The furbearing species rule sets forth hunting and trapping regulations. These rule amendments include: the BMP trap requirements for foothold traps such as: limits on the size of traps, swivels, pan tension; a ban on meat based body-gripping traps unless placed underwater, in an enclosure, or 5 feet above the ground; a requirement that bait be covered; trap placement setbacks from trails on state lands (except for Wildlife Management Areas) and on public highways; dispatch/legal methods for furbearers (gun, crossbow and bow and arrow); the application of some of the BMPs to persons who trap in defense of property for compensation; a limit of 4 Department registered dogs when taking coyote with the aid of dogs; no relaying; the use of GPS and control collars for dogs used to take coyote; the requirement for a GPS log; a hunting season of December 15 through March 31; and a training season of June 1 through September 15 for taking coyote with the aid of dogs, during daylight hours only.

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The rules will enhance animal welfare, regulate hunting coyote with the aid of dogs, and reduce conflicts with landowners and other members of the public.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The rule is specifically designed to address the legislative directives in Acts 159 and 165. The BMP amendments are based on the findings of an extensive multi-year double blind peer-reviewed study, as well as the expertise of staff and others with trapping experience. The amendments related to hunting coyotes with the aid of dogs require tracking and control collars, establish seasons and legal methods of take, and are similar to the existing rules for hunting bear with the aid of dogs.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Department staff including wardens, landowners, sporting businesses that sell traps and GPS and control collars, individuals who have pets, individuals who hike and walk on public trails, state agencies such as, the



Vermont Agency of Transportation, municipalities which own land and employ trappers, and commercial entities that trap furbearers or rabbits in defense of property, farmers, animal rights advocates, trappers and hunters who take coyote with the aid of dogs. Businesses that sell traps and canine GPS and control collars will benefit from the rules when trappers and hunters convert to new equipment. Trappers, hunters who take coyote with the aid of dogs, and businesses that trap in defense of property will incur costs for new equipment.

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

There will be economic impacts on trappers who are not currently using BMP traps, as well as hunters who take coyote with the aid of dogs who may not have the equipment required by the rules.

**19. A HEARING WAS HELD.**

**20. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 6/20/2023

Time: 06:30 PM

Street Address: Rutland Middle School, 67 Library Avenue,  
Rutland VT

Zip Code: 05701

URL for Virtual:

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Date: 6/21/2023

Time: 06:30 PM

Street Address: Montpelier High School, 5 High School Drive  
Montpelier, VT

Zip Code: 05602

URL for Virtual:

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Date: 6/22/2023

Time: 06:30 PM

Street Address: Virtual Public Hearing

Zip Code:

URL for Virtual: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NjZiYjI2MTQtNWF1OC00ZWQ0LTkyNDAtNGJjOGNlY2ZhMzI5%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%222fafd1d9-49ab-4c12-b37c-0bf36bb473f5%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NjZiYjI2MTQtNWF1OC00ZWQ0LTkyNDAtNGJjOGNlY2ZhMzI5%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%222fafd1d9-49ab-4c12-b37c-0bf36bb473f5%22%7d)

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

6/30/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

trap

best management practices (BMPs)

setbacks

foothold trap

body-gripping trap

hunting or taking coyote with the aid of dogs

relaying

furbearing species

coyote

with aid of dogs

**Fish & Wildlife Department**  
1 National Life Drive, Dewey Building  
Montpelier, VT 05620-3208  
[www.VTFishandWildlife.com](http://www.VTFishandWildlife.com)

[phone] 802-828-1454  
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*Agency Of Natural Resources*

August 28, 2023

Charlene Dindo, Committee Assistant  
Legislative Committee on Administrative Rules  
Vermont State House  
115 State Street  
Montpelier, VT 05633-5301

Re: Furbearing Species Rules

Dear Ms.Dindo:

Enclosed for filing please find the Fish and Wildlife Board final proposed amended rule, entitled 10 V.S.A. App. § 44. Furbearing Species.

This filing includes the following:

- A highlighted draft of the Final Proposed rule that depicts all changes to the draft rule since the rule was publicized by the Secretary of State and the Department. The changes are highlighted in yellow and were made in response to public comments and Department recommendations. The highlighted draft includes further recommended and technical corrections which are highlighted in green. The highlighted draft is attached to this letter.
- The Vermont Administrative Procedure Act form signed by the Commissioner, a marked up and clean version of the final draft rule, and ICAR approval minutes.
- Responsiveness Summaries to comments related to the trapping and the hunting coyote with dogs sections of the rules.
- Summaries of the comments received during three public hearings.
- All public comments received during and after the public comment period.
- Comments received from working group participants prior to the commencement of the rule making process, because they are referenced by some of the public comments received during and after the public comment period.

Given the complexities of these rules, and depending on the date of the meeting, it is likely that I will be attending along with the following personnel: Commissioner Christopher Herrick, Furbearer Biologist Breehan Furfey, Warden Mike Scott, Major Sean Fowler, and David Sausville, Wildlife Management Program Manager.

Thank you for your assistance and do not hesitate to contact me at 802-595-3331 or

[catherine.gjessing@vermont.gov](mailto:catherine.gjessing@vermont.gov) with any questions you may have.

Sincerely,

*/s/ Catherine Gjessing*

Catherine Gjessing  
General Counsel

Cc: Christopher Herrick, Commissioner, Department of Fish and Wildlife  
David Sausville, Wildlife Management Program Manager  
Sean Fowler, Major Law Enforcement Division

## Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:

**10 V.S.A. Appendix § 44, Furbearing Species**

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

19-041 entitled: 10 V.S.A. Appendix § 44, Furbearing Species. 2019 Fish and Wildlife Board Regulation, effective January 1, 2020



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** May 8, 2023, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Jared Adler, Jennifer Mojo, Diane Sherman, Michael Obuchowski, Donna Russo-Savage, Nicole Dubuque, John Kessler, and Brendan Atwood

**Members Absent:** None

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the April 10, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments for the Wastewater and Potable Water Supply Rules proposed rule.
- Note: Emergency rule titled 'Emergency Rule on Synthetic and Hemp-Derived Cannabinoids', provided by the Cannabis Control Board was supported by ICAR Chair Brown on 04/26/23.
  - This emergency rule addresses the unregulated sale of potentially intoxicating synthetic cannabinoids and high-THC hemp-derived products.
- Presentation of the proposed rule 'Wastewater and Potable Water Supply Rules' by the Agency of Natural Resources (see page 2)
- Public comments made for the 2<sup>nd</sup> proposed rule by Jay Greene, Policy and Research Analyst, Office of Racial Equity, were addressed by presenter in regards to reconsideration of the public hearing date not to be scheduled on Juneteenth, which is a federal holiday; including Native American and indigenous groups in Vermont; clarifying intent of the coyote lottery consideration for excess of 100 permits for coyote hunting; and consideration to redefine how applicants are categorized.
- Presentation of the proposed rule '10 V.S.A. Appendix § 44Furbearing Species' by the Department of Fish and Wildlife (page 3)
- Other business: Add future agenda topic to discuss potential resources available for proposed rules to be reviewed for copyediting prior to presenting to ICAR.
- Next scheduled meeting is June 12, 2023 at 2:00 p.m.
- 2:57 p.m. meeting adjourned.

**Proposed Rule:** 10 V.S.A. Appendix § 44, Furbearing Species, Department of Fish and Wildlife  
**Presented By:** Catherine Gjessing, Mark Scott

Motion made to accept the rule by Brendan Atwood, seconded by Nicole Dubuque, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. The following suggestions were noted during the first proposed rule, however intended for this proposed rule:
  - a. Copyedit filing for grammatical errors.
  - b. Proposed Filing – Coversheet, #7: First sentence includes an end quotation mark, however not a beginning one, therefore need to correct.
2. Proposed Filing – Coversheet, #7, 4<sup>th</sup> sentence: Include ‘on’ between ‘based’ and ‘a peer-reviewed study’.
3. Proposed Filing – Coversheet, #8:
  - a. Include what the rule covers in the beginning before explaining the changes.
  - b. Change the comma after ‘as’ and before ‘limits’ in the first sentence to a semi-colon.
4. Proposed Filing – Coversheet, #16: Add ‘Furbearing’ and ‘Coyote’.
5. Proposed Filing – Coversheet, #11 and #12: Responses differ some from the Economic Impact Analysis, therefore, be consistent throughout.
6. Economic Impact Analysis: Bullet and separate different categories of people and describe the impact to each group.
7. Economic Impact Analysis #8: Change ‘some’ to ‘minimal’ regarding the impact.
8. Environmental Impact Analysis, #6, last sentence: Change ‘release’ to ‘released’.
9. Environmental Impact Analysis, #8: Change ‘approximate’ to ‘approximately’.
10. Environmental Impact Analysis, #9: Include alternatives to the website, such as a phone number.
11. Public Input Maximization Plan, #3:
  - a. Change ‘initiated’ to ‘initiating’.
  - b. Reword ‘working groups for coyotes’ for clarity.
  - c. In the second to last sentence, correct ‘wil’ to ‘will’.
  - d. Include alternate ways to obtain information, such as a phone number.



## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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1. TITLE OF RULE FILING:

**10 V.S.A. Appendix § 44, Furbearing Species**

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

Department staff including wardens, landowners, sporting businesses that sell traps and GPS and control collars, individuals who have pets, individuals who hike and walk on public trails, state agencies such as, the Vermont Agency of Transportation, municipalities which own land and employ trappers, and commercial entities that trap furbearers or rabbits in defense of property,

animal rights advocates, farmers, trappers and hunters who take coyote with the aid of dogs.

Businesses that sell traps and canine GPS and control collars will benefit from the rules when trappers and hunters convert to new equipment.

There will be reduced costs incurred when a pet is caught because the rules are designed to reduce incidental capture and harm to a captured animal.

Trappers, hunters who take coyote with the aid of dogs, and businesses that trap in defense of property will incur costs for new equipment. BMP Traps cost approximately \$18 per trap. GPS units and control collars cost between \$600 and \$1500 combined. It is the Department's experience that most hunters who take coyote with the aid of dogs currently possess GPS units and control collars.

#### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

No impact anticipated.

#### 5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No impact anticipated.

#### 6. IMPACT ON SMALL BUSINESSES:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

Currently businesses that trap furbearers in defense of property, must obtain a trapping licence and are required to comply with the trapping rules. These rules will add additional compliance requirements for those businesses and may require the purchase of new equipment. BMP Traps cost approximately \$18 per trap. The Department is aware of approximately 110 individuals or businesses that engage in nuisance trapping at the request of landowners and others.

During the past three trapping seasons since 2019, 27-54 license holders have trapped out of season and 55-79 have trapped both in and out of season (out of season trapping is nuisance trapping). Note however, that some of these individuals are not businesses, and have other employment or are retired. The rule will impact a small number of businesses.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The Department offers free trapping and hunting education courses so free compliance training is available to anyone. Some existing traps can be altered to ensure compliance with the rules and reduce the cost of converting to BMP traps.

8. **COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

The rule will likely result in minimal economic impact on a small number of businesses, depending on the volume of animal control activities that require trapping. No rule would result in no increase in business expense or income from the sale of new equipment. No rule would also mean that the benefits associated with the rule would not be implemented.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This analysis was informed by warden and furbearer staff expertise and experience, research relating to the costs of traps and GPS/control collars, licensing data, and trapper survey results.

# Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

**10 V.S.A. Appendix § 44, Furbearing Species**

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

No impact anticipated.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No impact anticipated.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

No impact anticipated.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

No impact anticipated. The rules will reduce the chance

of incidentally trapping a nontarget animal, and will reduce injury to animals trapped in foothold traps. This should also alleviate public fears regarding trapping and its impact on pets and individuals who engage in outdoor recreation. There is no record of any person trapped or harmed by trapping. There are some records of pets who have been harmed by traps on an annual basis. While most have been released unharmed, there have been a handful of serious injuries and death.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
No impact anticipated.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact anticipated. The number of trappers and trapped animals, and the number of hunters that take coyote with the aid of dogs is relatively small. Permits are required for taking coyote with the aid of dogs and they are capped at 100. There are approximately 300-350 active trappers each season. As such, these trapping and hunting activities will have no impact on the healthy and abundant populations of furbearers in Vermont.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This analysis was informed by warden and furbearer staff experience, licensing data, trapper survey results which detail how many furbearers are harvested and where, and by biological data collection and analysis. Information can be requested by calling 1(802)828-1000 or emailing [fwinformation@vermont.gov](mailto:fwinformation@vermont.gov). Here is a link to information regarding furbearers (including coyote) and trapping:  
<https://vtfishandwildlife.com/hunt/hunting-and-trapping-opportunities/furbearers-and-trapping/furbearer-newsletter-and-other-resources>

## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

**10 V.S.A. Appendix § 44, Furbearing Species**

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

Prior to initiating the rulemaking process, the Department implemented a stakeholder process regarding trapping. The Department established a working group to incorporate feedback from a diversity of interests and organizations. Between August and September 2022, the working group members met four times for approximately three hours per meeting. The goal of the group was to provide input on rules that would regulate the use of trapping systems in accordance with the BMP criteria as outlined by the Association of Fish and Wildlife Agencies (AFWA). The Department held a public hearing to gather input on the BMP recommendations. The Department also convened a group to discuss proposed rules for hunting coyotes with the aid of dogs. There were similar representatives in addition to 2 landowners who had conflicts with hunters taking coyote with the aid of dogs in the past. The coyote working group completed a survey and met with a facilitator to review draft rules.

## Public Input

During the rulemaking process, the Department held 2 in person public hearing and one virtual public hearing on behalf of the Board. In addition, the Board will meet at least three times and will accept public comments during its regular meetings, as well as written comments. Information regarding the the Department report to the legislature regarding BMPs, Board meetings relating to the rules, and the rules will be posted on the Department website. See, <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board>. Information can be requested by calling 1(802)828-1000 or emailing [fwinformation@vermont.gov](mailto:fwinformation@vermont.gov).

#### 4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

The following organizations were represented on the working groups: Humane Society of the United States, the Vermont Federation of Sportsmen's Clubs; Association of Fish and Wildlife Agencies, Protect Our Wildlife, Vermont Wildlife Coalition, the Vermont Fish and Wildlife Board, Vermont Trappers Association, the Vermont Coyote Coexistence Coalition, Vermont Legislators, and Vermont Fish and Wildlife Department biologist and warden staff.



# **Responsiveness Summary: Public Comments**

## **Best Management Practices for Furbearer Trapping**

**Public Hearings: June 20, 21, and 22, 2023**

**Public Comment Period: May 17, 2023 to June 30, 2023**

The 2022 Legislature charged the Vermont Fish and Wildlife Department (Department) with implementing Best Management Practices (BMPs) for trapping. Act 159 directed the Department to “*recommend best management practices (BMPs) for trapping that propose criteria and equipment designed to modernize trapping and improve the welfare of animals subject to trapping programs,*” based on the decades long peer-reviewed scientific research effort conducted by the Association of Fish and Wildlife Agencies (AFWA). The BMPs are the same standard that are used for wildlife research capturing a diversity of wildlife. The Department’s proposed rules include BMPs that will apply to all 14 species of furbearers that are legal to trap in Vermont.

The Department and the Vermont Fish and Wildlife Board (the Board) worked to conduct an inclusive, fair, and transparent process. The resulting recommended regulations are a substantial step forward towards modernizing trapping systems and addressing science-based Best Management Practices as dictated by Act 159. From July 1, 2022, to July 24, 2023, the Department has spent a minimum of 2,684 staff hours (67 weeks) amounting to more than \$168,638 dollars to address the Act 159 legislative mandate. We made considerable efforts to meet the requirements of Act 159 and address the concerns of diverse stakeholders.

## Table of Contents

Public comment process..... 3

### **Legislative directives and Department proposals**

Trapping devices ..... 5  
Trapping selectivity..... 7  
Body-gripping traps..... 8  
Trap locations and setbacks..... 10  
Humane dispatch ..... 11  
Trapper education ..... 12

### **Appendices**

Appendix A..... 14  
Appendix B..... 15  
Appendix C..... 16  
Appendix D..... 17  
Appendix E..... 19  
Appendix F..... 20  
Appendix G..... 23  
Appendix H..... 26  
Appendix I..... 29  
Appendix J..... 31  
Appendix K.....33

## Public Comment Process

Act 159 directed the Department to “*provide an opportunity for public review and comment and shall hold at least one public hearing regarding the proposed BMPs.*” To ensure the general public and stakeholders were aware of the proposed rule changes and able to participate in the rule-making process, the Department:

1. Contracted with a leading natural resource survey firm, Responsive Management, to conduct a survey of Vermont residents’ knowledge and opinions of the department and our furbearer conservation efforts, as well attitudes towards trapping. The survey was conducted in October, and the Department received a final report on November 29, 2022. The survey indicated that the Department is regarded as credible, that most Vermonters support regulated trapping, and that even though a majority do not approve of “recreational trapping,” 60% strongly or moderately support the right of others to trap. (See **Appendix A** for more information about the survey).
2. Established a stakeholder working group that met 4 times for 3 hours each time in August and September 2022.
3. Hosted a public meeting in November 2022 to gather feedback on the preliminary proposals.
4. Met with two legislative committees during the winter of 2023 to review the proposed regulations.
5. 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 of the rulemaking process initiated by the Secretary of State).
6. Issued social media and e-blast announcements of the public comment period and hearing dates.
7. Posted materials on our website including stakeholder group meeting minutes and recordings; tables outlining legislative directives, the boards proposal, and additional Department recommendations; and public comment information.
8. Held public hearings on June 20 in Rutland, June 21 in Montpelier, and virtually on the 22, 2023 where we presented information and held breakout group comment sessions (**Appendix B** lists focus questions from breakout groups).
9. Compiled hearing comments along with the comments received through e-mail submissions during the public comment period (May 15 - June 30).

The public comment process was designed to gather qualitative information on the diversity of opinions about trapping and coyote hunting with hounds. The table below summarizes the number and general trends in public comments (**Table 1**). Department staff read every public comment and question. All the public comments were provided to the Board for review. The

comments and questions are summarized in the appendices and Table 1 below.

	Public Hearings (n=129)	E-mails (n=1,124)
Regs. do not need updating	15%	<1%
Suggested changes to proposed regs.	61%	6%
Regs. do not go far enough	36%	80%
Ban trapping/coyote hounding	7%	12%

**Table 1:** The Department received 1,253 public comments about Act 159 and Act 165 in total. Summary statistics for the largest comment categories are presented here. For online comments, 123 came from duplicate email addresses, 110 came from out of state, 712 came from Vermont and 179 did not provide residence data. The appendices of this responsiveness summary provide more detail about comments received.

Note that the Department received an additional 452 comments after the public comment period closed as well. The comments stated that the proposed rules were not stringent enough. A total of 437 of these comments were duplicates, 15 did not appear to be duplicates, and 8 of the nonduplicate comments were from out of state.

## Legislative Directives and the Proposed Final Rule

**Act 159 Sec 1. (a) (1):** *"The BMPs shall include recommended trapping devices and components of trapping devices that are more humane than currently authorized devices and are designed to minimize injury to a captured animal."*

### **Proposal**

4.5. *All foothold traps 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 length between the base plate and the start of the anchoring system. Extra swivels 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 6¼ 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.*

### **Rationale**

A major concern identified by the stakeholder working group and during the public comment process was the welfare of trapped animals. Requiring that foothold traps meet the criteria (BMPs) outlined in 4.5 of the proposed rule significantly reduces the likelihood that capture would result in serious injury or death. Specifically:

- the center chain mount with a swivel and the addition of 2 swivels increases animal mobility and reduces the likelihood of injury;
- the length of chain allows the animal to move but also reduces the risk that an animal will become entangled in the chain;
- the requirements under subsection c for padding or other mechanisms will protect the animal from injuries to the foot and paws;
- the size of the spread lessens the likelihood that an animal will be caught by a body part other than a foot; and
- adjusting for pan tension allows a trapper to tailor the trap to target species.

The BMPs to improve the welfare of trapped animals are backed a 23-year international science-based research effort by AFWA (**Appendix C**) as well as input from our stakeholder working group.

Trapping systems that do not meet these criteria will become illegal. The proposed regulations set forth clear and specific requirements such as; the features of foot hold traps, the size and placement of body gripping traps, the definitions and setbacks for legal trails, highways, and agency trails. As a result, the rules are enforceable.

**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 the Final Proposed Rule

**Act 159 Sec 1. (a) (2):** *“The BMPs shall include recommended criteria for adjusting or maintaining trapping devices so that they operate correctly and humanely.”*

### **Proposal**

See 4.5 above and 4.6 below. The standards set forth in the rules for foot hold traps and body gripping traps are designed to enhance animal welfare.

### **Rationale**

One concern raised in the working group and public comment process was “trap selectivity,” specifically whether traps can be designed or used in such a way that non target animals or pets will not be captured. The BMPs proposed in 4.5, above, require that foothold traps be adjustable to trigger only when animals of a certain size step on them (“adjustable pan tension”). Our requirement to have adjustable pan tension will improve trap selectivity. Traps conforming to the BMP’s outlined in section 4.5 are those which underwent testing and were approved as a result of extensive research comprising of over 500 field studies (**Appendix C**). BMP recommended traps showed  $\geq 93\%$  selectivity across the study. Trapping methods for each species, including trap sizes and ways to improve selectivity, are taught in our mandatory trapper education courses. The course also covers how to maintain traps to ensure optimal functionality.

Moreover, as detailed in the next Legislative Directive, the proposed regulations regarding the use of body-gripping traps also contribute to an improved level of trap selectivity.

**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 the Proposed Final Rule

**Act 159 Sec 1. (a) (3):** *“The BMPs shall include recommended: trapping techniques, including the appropriate size and type of trap for target animals, use of lures or other attractants, trap safety, and methods to avoid nontarget animals.”*

### **Proposal**

*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.*

*4.7 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.*

*See 4.5 above as well.*

### **Rationale**

Mitigating the potential risk posed by body-gripping traps to domestic animals and maintaining the legality of these traps in cases where they represent the most effective and humane method for capturing target animals were focal points for the working group. These concerns were also highlighted in public comments. The proposed regulations protect domestic animals by limiting the sizes of body gripping traps that can be set on the ground to smaller traps without bait. In addition, medium sized traps with bait must be set 5’ off the ground or in an enclosure, and large body gripping traps can only be used in the water. All these requirements make it much less likely that a domestic or nontarget animal will be captured. The proposed regulations retain body-gripping traps as a legal system within these safety constraints.

Trappers and non-trappers both identified bait as an area where new regulations could reduce the risk of capturing non-target species, like birds of prey. The proposed regulations reduce this already small risk by requiring bait be covered to limit birds’ ability to see or access it. The Department will annually report non-target capture data to the legislature. The proposed regulations are consistent with those in other states.

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

## Legislative Directives and the Proposed Final Rule

**Act 159 Sec 1. (a) (4):** *“The BMPs shall include recommended: requirements for the location of traps, including the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class four roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.”*

### **Proposal**

*4.15 trapping setbacks: no foothold traps or body-gripping traps shall be set on or within 50’ of the traveled 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.*

### **Rationale**

Throughout the public input process on road and trail setbacks, non-trappers expressed concern about the risk of traps set near trails to people and pets. Trappers expressed concern about setbacks making it harder to access traps for the required daily check and prohibiting traps set in streams and culverts near trails where many species are often targeted. Our proposed regulation establishes a 50’ setback that gives recreational trail users a buffer where they can be confident that no traps will be set on land, while still allowing trappers to set traps close enough to trails for regular access and in the water along trails.

There are several challenges to establishing a setback regulation. There is no existing research to dictate the appropriate distance, and different user groups have different opinions on what constitutes an appropriate setback distance. This makes the issue more complex than simply applying an existing standard or asking the stakeholders to find consensus among themselves. It is also difficult to define trails from a legal standpoint. To that end, with the exception of body gripping traps in the water, we recommended a 50’ offset on agency designated trails on state lands as well as roads and legal trails located on all town highway maps, published by the Vermont Agency of Transportation.

**Appendix G** 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.

**Appendix H** provides maps of areas where the setback applies.

## Legislative Directives and the Proposed Final Rule

**Act 159 Sec 1. (a) (5):** *“The BMPs shall include recommended: criteria for when and how live-captured animals should be released or dispatched.*

### **Proposal**

*4.16. Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader 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.*

### **Rationale**

Members of the working group raised concerns that trapped animals are not always killed quickly and respectfully once recovered by trappers. The proposed humane dispatch requirement will resolve this by legally requiring immediate dispatch with an approved method. Because methods of dispatch are a subject of ongoing research by AFWA and the American Veterinary Medical Association (AVMA), the proposed regulation includes review of AFWA’s future recommendations on this to determine if additions to our recommendation need to be made.

**Appendix I** 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 the Proposed Final Rule

**Act 159 Sec 1. (a) (6):** *“The BMPs shall include recommended: revisions to trapper education materials and instructions that incorporate the recommendations or requirements set forth in subdivision (1)-(5) of this subsection.*

### **Proposal**

There are no rule changes associated with this legislative directive. 10, § 4254a which requires trapper education in order to obtain a license is listed under **Appendix K**.

### **Rationale**

The Department requires all trappers to successfully complete a trapper education course. The trapper education course materials are based on AFWA’s published trapper education course and were updated in 2022. The BMPs are now more integrated than in previous versions. Similar to previous versions, there is a strong emphasis on ethics. The mandatory trapper education program addresses trap maintenance, adjustment, and placement including appropriate pan tension for target species. This limits entanglement and the positioning of traps to minimize nontarget captures.

There was a public comment suggesting that AFWA recommendations are species specific, and the proposed rules are not. Note however, that the proposed rules are based on AFWA BMPs that have been demonstrated to improve animal welfare and trap selectivity. In addition, the trapper education curriculum includes information that addresses species specific trap sizes. The mandatory trapper education course builds on the proposed regulations and will speak to that concern of that BMPs are intended to be species specific.

## **Rules Applicable to Trapping in Defense of Property for Compensation**

- 4.1 and 4.2 Visit/check traps on land every calendar day and underwater every 3 calendar days
- 4.3 and 4.4 Label traps with name and address (if under ice label must be visible above ice)
- 4.5 Foothold trap BMPs
- 4.6 Body-gripping trap land restrictions
- 4.7 Meat based bait must be covered
- 4.8 No toothed foothold traps or snares
- 4.10 Cannot possess a live furbearer except to move for dispatch
- 4.11 Cannot possess a furbearer outside of the legal season, unless taken in defense of property or persons
- 4.12 Cannot possess fur or skin unless lawfully taken
- 4.13 Cannot take furbearer with explosives
- 4.18 e) Bobcat otter and fisher skins must be tagged, carcasses submitted to the Department
- 4.22 a) Immediately report any taking of Lynx
- 4.23 Submit annual furbearer taking reports

## Appendix A

### Responsiveness Management Survey

The survey was a telephone-based (both landlines and cell phones) survey, conducted by Responsive Management using a proven, scientific methodology. This survey pre-tested and was statistically representative of Vermont's resident population at a 95% confidence level with standard error of plus or minus 3.4 points. This means that if the survey was conducted 100 times, the same results would be expected in 95 of those times. The response rate was high for study of its type and the sample size was 809. Responsive Management has conducted similar work for every state fish and wildlife agency or equivalent, as well as polling on topics as diverse as urban greenspace and water quality for clients including Stanford and Yale Universities, the Department of the Interior, Sierra Club, Ocean Conservancy, and the Environmental Defense Fund.

The survey results were as follows:

- *There is high satisfaction with the Department:* 63% are very or somewhat satisfied; 5% are somewhat or very dissatisfied; 5% are neutral; and 26% did not know (page 12).
  - Knowledge of the department was correlated with satisfaction, with 84% of those who reported knowing a great deal about the department being very or somewhat satisfied (page 16).
  - Most residents (60%) said the department was very credible; 29% said somewhat credible; 1% said not credible at all; and 10% did not know (page 33).
- *The majority of Vermonters support regulated trapping.* Overall, 60% of residents strongly or moderately support regulated trapping; 29% strongly or moderately disapprove of it; 10% didn't know; and 6% were neutral (page 20).
- Knowledge about regulated trapping and approval of different reasons to trap are variable. 50% of Vermonters incorrectly believed that regulated trapping can cause species to become threatened or endangered (page 54). 91% of Vermonters strongly or moderately approved of trapping for relocating and restoring wild animal populations and 70% approved of trapping to reduce damage crops and gardens. In contrast, 26% of Vermonters approved of trapping for recreation (page 49).
- *Regardless of personal opinions on trapping, 60% strongly or moderately support the right of others to trap,* while 25% strongly or moderately oppose the right of others to trap; 10% were neutral; and 5% did not know (page 30).

Here is a link to more information – note that there is also a link to the entire survey on this page: <https://vtfishandwildlife.com/vt-residents-furbearer-survey>



## **Appendix B**

### **Breakout group focus questions:**

1. What are your comments on the Board's first vote to change regulations for legal, regulated trapping in Vermont? Please add your reasons why.
2. What are your comments on the changes being recommended by the Department and the reasons why?
3. Any other comments or questions for the Board on the proposed rule changes for regulated, legal trapping?

## **Appendix C**

White et al. 2020. *Best management practices for trapping furbearers in the United States*.  
Wildlife Monographs 207(1): 3-59. DOI <https://doi.org/10.1002/wmon.1057>

## Appendix D – questions, comments, and details relating to Act 159 Sec 1. (a) (1) on trapping systems and components

### **Public Comment Questions:**

- Do cast jawed traps count as laminated?
  - Yes, as long as the jaws are at least 5/16th of an inch thick.
- What research is being done regarding the use of drags?
  - None to date.
- How would the foothold regulations affect dog-proof traps?
  - Encapsulating traps would be legal as well as dogless traps that meet the other criteria and are adjustable for pan tension.

### **Public Responses/Suggestions:**

- Reasonable improvements; fully support the changes.
- These regulations do not go far enough to improve animal welfare; fail to meet legislative mandate; do not reflect what came out of the working group.
- There is no way to improve traps to improve welfare to animals.
- Stick with original recommendations proposed by the Board; no need to go further with more restrictions.
- Proposed rules seem carefully thought out and reasonable.
- Not in favor of these revised recommendations, use Board recommendations; the original proposal was sound.
- Existing rules are sufficient.
- Suggest 4.5c read “Jaws must be padded *or* offset *or* laminated *or* have a *minimum* jaw thickness of 5/16<sup>th</sup> of an inch or fully encapsulate the foot”.
- Not in favor of padded or offset jaws as it doesn’t allow the foot to wiggle.
- Anchors for body-gripping traps are excessively restrictive.
- Conibears are not BMP tested.
- Prefer traps greater than 6 ¼ inches for larger animals – less injuries.
- Drags are more humane with less injury to the animal; the animal can get into brush;
- Elimination of drags is welcome; outlaw drags on land.
- 5/16” padding not sufficient to prevent injury.
- Agree with swivel for less strain on the animal.
- One swivel is enough.

### **Department Comments**

Modifications by trappers are allowed if they still meet the outlined criteria. While the proposed rules do not set forth species specific BMPs, there is empirical scientific evidence that the recommendations will address animal welfare and selectivity. For example, swivels, limited

chain length, and adjustable pan tension will improve the mobility and selectivity of trapped animals and will reduce injuries. Similarly, padded, offset, or laminated trap jaws will limit injury to trapped animals. The jaw measurements, including padding, are all within BMP recommendations for all species trapped in Vermont.

The proposed rules are not designed to address each species independently from one another, because such rules would be overly complicated and would require law enforcement to determine what species a trapper intended to target. The BMPs imbedded in the rule are specific and enforceable.

## Appendix E – questions, comments, and details relating to Act 159 Sec 1. (a) (2) on trap selectivity

### **Questions:**

- Does the earth anchor count as chain length?
  - No, the earth anchor is part of the anchoring system. There is now clarifying language.
- If swivel is double-sided, does it count as 1 or 2?
  - It counts as 2 swivels.

### **Public Responses/Suggestions:**

- Standardization, more specificity, details for requirements; foothold requirements still vague
- AFWA recommendations are species specific, these are not.
- Stick with original recommendations proposed by the Board; no need to go further with more restrictions.
- Proposed rules seem carefully thought out and reasonable.
- Not in favor of these revised recommendations, use Board recommendations; the original proposal was sound.
- The original proposal was sound, and the Fish and Wildlife Department is going too far with the proposed changes they are contemplating adding to the regulation as voted on April 5.
- Existing rules are sufficient.
- Short chain can cause more damage to animals than a drag.
- Consider alternate methods of creating offset i.e., beads of weld.
- Suggest 4.5b read “Be anchored with minimum of 12” and maximum 18” chain length (*some said above ground*). Extra swivels and/or shock springs can be added to the chaining system”.
- Footholds on land should be double staked, especially for coyotes.
- I think you should not have to modify foothold traps used with a lethal drowning system while water trapping.

### **Department Comments**

Non-target captures, including domestic pets, must be reported to the Department. In any circumstance where a non-target animal is caught, the Department requires releasing the animal and submitting the information on their mandatory trapper survey. Incidentally trapped domestic dogs or cats must be reported to a warden within 24 hours and information must be reported on their mandatory trapper survey at the end of the season. The BMPS significantly reduce the likelihood that a non-target capture would result in mortality or fatal serious injury.

**Appendix F – questions, comments, and details relating  
to Act 159 Sec 1. (a) (3) on body-gripping traps and use of baits**

**Questions:**

- Why are traps not passing BMP testing allowed to be used, i.e., 220 for fisher?
  - A variety of 220 traps have passed for fisher as long as they meet the criteria listed in the BMP's. Devices have evolved over time.
- What are the concerns that lead to the need for these changes?
  - Act 159 focuses on ensuring that trapping is more humane and reduces the likelihood of capture and injury to domestic pets and other nontarget animals. The Department along with the working group members worked hard to meet the directives outlined by the Legislature in Act 159. The recommended rules will minimize the risk to domestic pets and other non-target animals, but especially free-ranging domestic dogs. Raising baited body-gripping traps at least 5' off the ground unless in an enclosure, should further reduce the already low risk to dogs.
- Does cubby set made of natural materials qualify as anchored?
  - If this rule passes, all body-gripping traps over 40 inches square will have to be 5' off the ground or in an anchored enclosure with the trap recessed 12" from the entrance.
- Can I still use a 220-cubby w/meat in the back even if trap is 12" inside?
  - Yes, as long as the cubby adheres to the rule.
- Meat-based baited body-gripping traps still OK if 5' above ground?
  - Yes, if the bait is covered as per the regulation.
- How does covering bait make it different?
  - Covered bait is less visible to and harder to access by raptors and songbirds so they are less likely to land on or near the trap.
- If snow is used as a covering and it melts overnight, is it a violation?
  - No.
- How do you define "covered" for bait? How obscure does it need to be?
  - See regulatory language. The term "cover" retains its ordinary meaning which is to put something on top of an item to conceal it.
- What is the threat to a pet from a 110 conibear trap on the ground in December?
  - A 110 body grip trap measures only about 4.5 inches square and should not pose a significant threat to domestic pets.
- Why are you still allowing body gripping traps that have been known to kill pet dogs in places dogs can easily get to them, such as the recent occurrence in Corinth?

- The proposed regulations will severely limit body-gripping traps on the ground, as well as placing traps at a distance from areas where people are reasonably expected to recreate.

***Public Responses/Suggestions:***

- Still does not protect or reduce number of non-target animals.
- Covered bait is a good idea.
- No baited traps; baiting leads to more human/wildlife conflicts.
- All bait should be covered, not just meat.
- Not in favor of covered bait, wind can uncover it.
- Does not address scent-based bait which attract pets and other non-target animals.
- Changes are unproven
- There are already enough constraints on body-gripping traps.
- Body-gripping traps should be allowed on land; they are already limited.
- Body-gripping traps should not be allowed on land at all; other states already banned them.
- Not in favor of padded or offset jaws as it doesn't allow the foot to wiggle.
- Enclosure will not help protect, especially small dogs and cats; doesn't work for woodchucks.
- Bears and other tree climbers can still be caught in body-gripping traps.
- Does not include body-gripping traps underwater.
- No change to fisher trapping despite 220s not passing AFWA testing.
- Eliminating body-gripping traps on land takes away the most effective, practical, and humane traps for many blind sets targeting raccoon, beaver, muskrat, and mink where a foothold trap would not be free from obstructions.
- Body-gripping traps should not be allowed on land; little chance of safely releasing non target animals.
- The original proposal was sound and the Fish and Wildlife Department is going too far with the proposed changes they are contemplating adding to the regulation as voted on April 5.
- Concerns about having specific measurement for traps down to 1/16<sup>th</sup> inch.
- 4.6 – leave as first proposed by Board.
- Conibears are not BMP tested.
- Use standard trap sizes to describe traps rather than 60" to make it more understandable.
- Restricting body-gripping traps to 5" for beaver, muskrat is not practical.
- 4.6a – change to "baited conibears on land of 50" squared are acceptable.
- Eliminates making blind sets with body-gripping traps, especially for mink.
- Can't set body-gripping traps 5' when trapping on open land or in marshes.

- Body-gripping traps can be responsibly deployed on the ground – no need for the limitations.
- Body-gripping traps are more effective than footholds in brush areas, farmlands.
- Allow 110 conibears on the ground for mink and muskrat.
- Allow meat-based baited body-gripping traps under 40 sq. inches on the ground.

### **Department Comments**

The proposed rules are designed to protect individual non-target animals, both wild and domestic, from inadvertent capture. Concerns from various interest groups were considered, and BMPs are available for both body-gripping and foothold traps. Body-gripping traps were tested by the Canadian government using international standards. Body-gripping traps used on land must be elevated or in an anchored enclosure, and no meat-based bait is allowed for smaller traps to further minimize non-target captures. Trap area sizes of 40 and 60 square inches were chosen for law enforcement consistency, as trap dimensions vary among manufacturers, lacking universal standards.

Body-gripping traps that passed the BMP's for the humane capture of beaver are, by necessity, large (>280). There is no evidence to suggest that traps set in the water or under ice pose a risk to people or pets, and therefore they are not restricted. The Department is confident that these rules will effectively reduce non-target captures and risk to pets, representing a significant advancement in addressing this issue.

The proposed covered bait regulation aligns the Department's rules with neighboring states and provinces. The risk to bird populations from non-target capture in traps is minimal compared to other factors like domestic cats, cars, pesticides, etc. Still, the Department is sensitive to individual animal losses and recommends covering meat-based baits to further reduce such incidents. Although trap modifications were scientifically evaluated, the effectiveness of bait regulations is less certain, as it varies across jurisdictions. The additional data on non-target captures will inform future management decisions and proposed rules as required by Act 159.



## **Appendix G – questions, comments, and details relating to Act 159 Sec 1. (a) (4) on trail setbacks and trap placement**

### ***Questions:***

- Does the 50' apply to VAST trails on private land?
  - Only if they appear on the Vermont Agency of Transportation highway maps as defined by 19 V.S.A. 301 (8).
- If I own land and allow a public trail on that land, am I restricted by the setback rules?  
Only if it shows up on a town highway map as defined by 19 V.S.A. 301 (8).
- What is “travelled portion of the road?”
  - The term is commonly used in Title 19. The plain meaning of the phrase is the width of a street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.
- What happens if water recedes, and trap is no longer in the water?
  - You will need to remove the trap.
- How does this play into nuisance trapping?
  - Like the previous trapping rule, many of the rules will apply but not all.
- Why are any traps still allowed in the setback zones at all? If there are multiple loopholes around these setback zones, it does not seem like they will actually serve their purpose.
  - Both foothold and body-gripping traps will no longer be allowed on land within 50' of a legal trail or town highway as defined by 19 V.S.A. 301 (8). Water sets will be allowed within 50' of trails because they are much less likely to be encountered by hikers or pets.
- How was the 50' setback determined to be safe?
  - The proposed rule prohibits trapping (except under water) within 50 feet of both sides of a legally designated town trail, a highway, and state agency trails (except Wildlife Management Areas). The rule provides for setbacks on over 17,000 miles of clearly defined trails and highways statewide. Fifty feet is significantly greater than the average length of a leash. Trappers are required to obtain permission to trap on private, municipal, and federal land. Private, municipal and federal landowners all have the authority to impose setbacks on their lands.
- Does this eliminate setting traps under bridges or in dry culverts?
  - Not if they are in water.

### ***Public Responses/ Suggestions:***

- Setbacks on roads are a problem, especially when trapping in culverts.
- Setback rules should apply to WMAs as well since funded by federal funds; should include campgrounds; currently address only about 4% of state-owned land.
- Setback distance does not address wildlife advocates' recommendations.
- Setback should be kept at 25'; consistent with hunting regulations; 50' difficult for people with mobility challenges.

- Suggest 4.17 read “No foothold traps can be set on or within 25’ of the traveled portion of a public trail or highway unless set in a culvert or in the water. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas.” Setting a foothold in an elevated location would invariably be harmful to the welfare of any animal captured in that manner.
- This needs to be combined with a strengthening/enforcement of leash laws (state level law perhaps); pet owners need to take some responsibility. Leash laws are needed.
- 50’ setback is uncompensated taking of private property; not able to trap on a portion of the land I own and pay taxes on. Should we consider an exemption for land owned by someone holding a trapping license? i.e. (unless trapper is the owner or occupant of the property).
- Does not comport to ROWs; excessive compromise; a 50’ leash does not accommodate pet control.
- Most trappers don’t set close to trails, roads, etc. and don’t want to catch pets.
- WMA boundaries need to be marked better and more visible.
- These are better than board recommendations but still a far cry from wildlife advocates recommendations.
- Require signage in trapping areas, public areas.
- 4.17b set back rule should be 49.5 feet, as this is within the states right of way. Beyond this distance you are then telling people they can’t trap on their own property.
- The rule should be within 50 ft of roads as well as well used trails.
- Setbacks apply only to a small percentage of public lands and are insufficient to protect the public.
- 50’ does not reduce the risk of danger to the public and their dogs.
- Generally opposed to this regulation.
- The original proposal was sound and the Fish and Wildlife Department is going too far with the proposed changes they are contemplating adding to the regulation as voted on April 5.

### ***Department Comments***

Historically, domestic pets have very rarely been trapped or harmed by a trap when trapped. Concerns about even a small risk from traps set near trails were a recurring theme in public comments and working group member feedback. As such, the Department and the working group took the directives in the legislative mandate seriously.

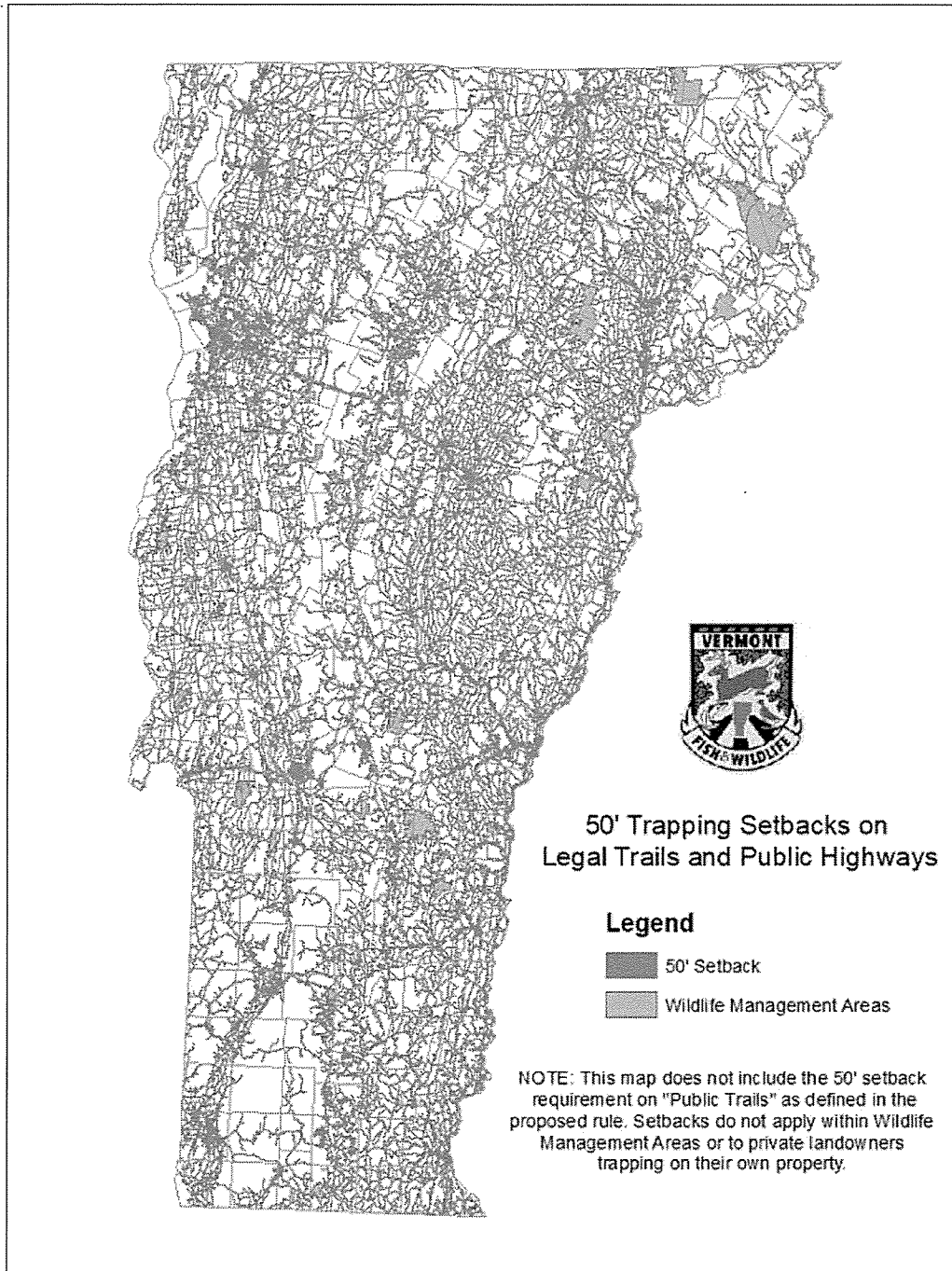
We received many comments and questions about how the setbacks apply on 1) state Wildlife Management Areas; 2) private and town lands; and 3) recreation areas other than trails on state lands. We address each below.

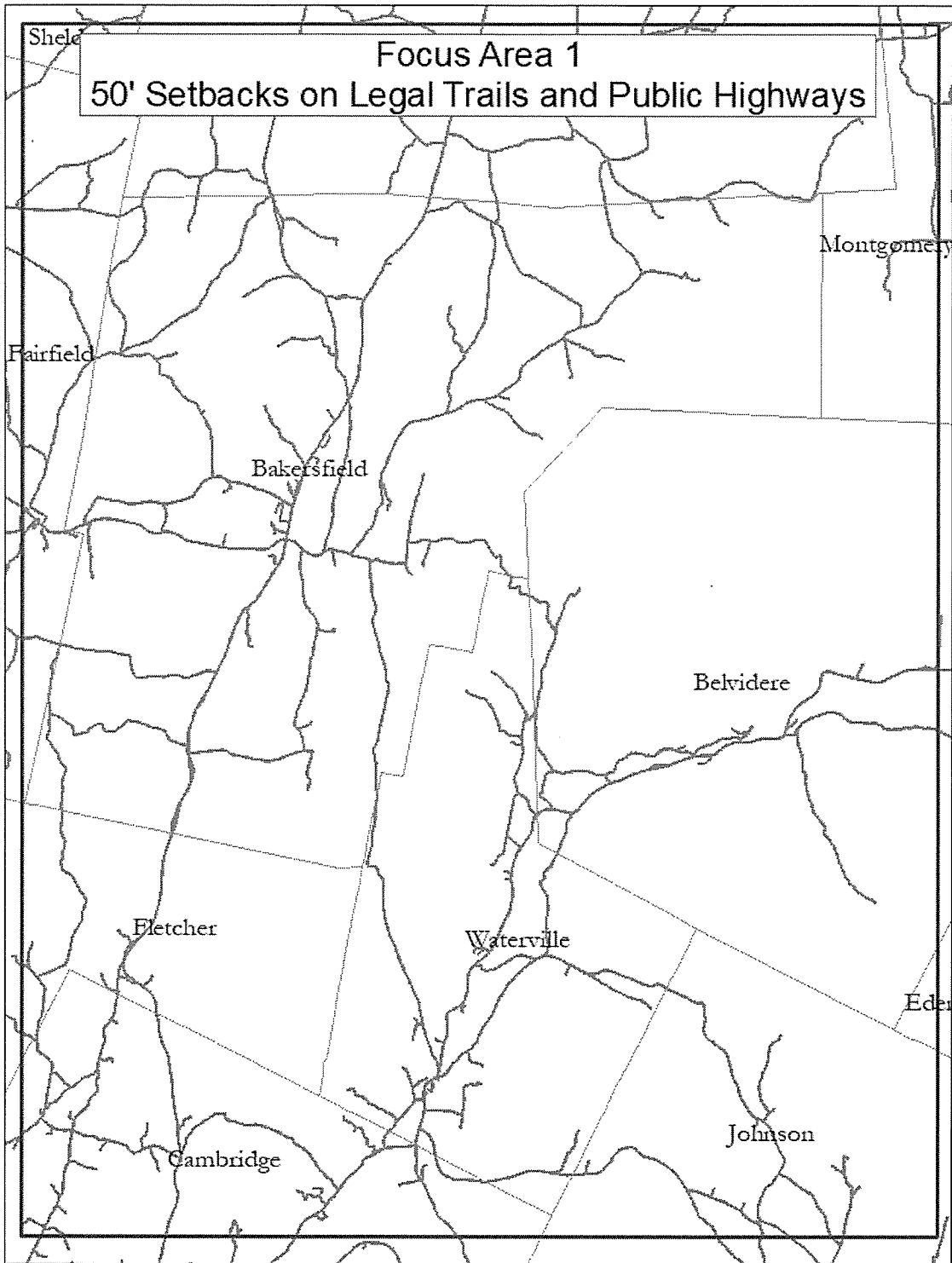
1. The setbacks mentioned above do not affect Wildlife Management Areas (WMAs). WMAs are exempted from the setback requirement because these areas have been

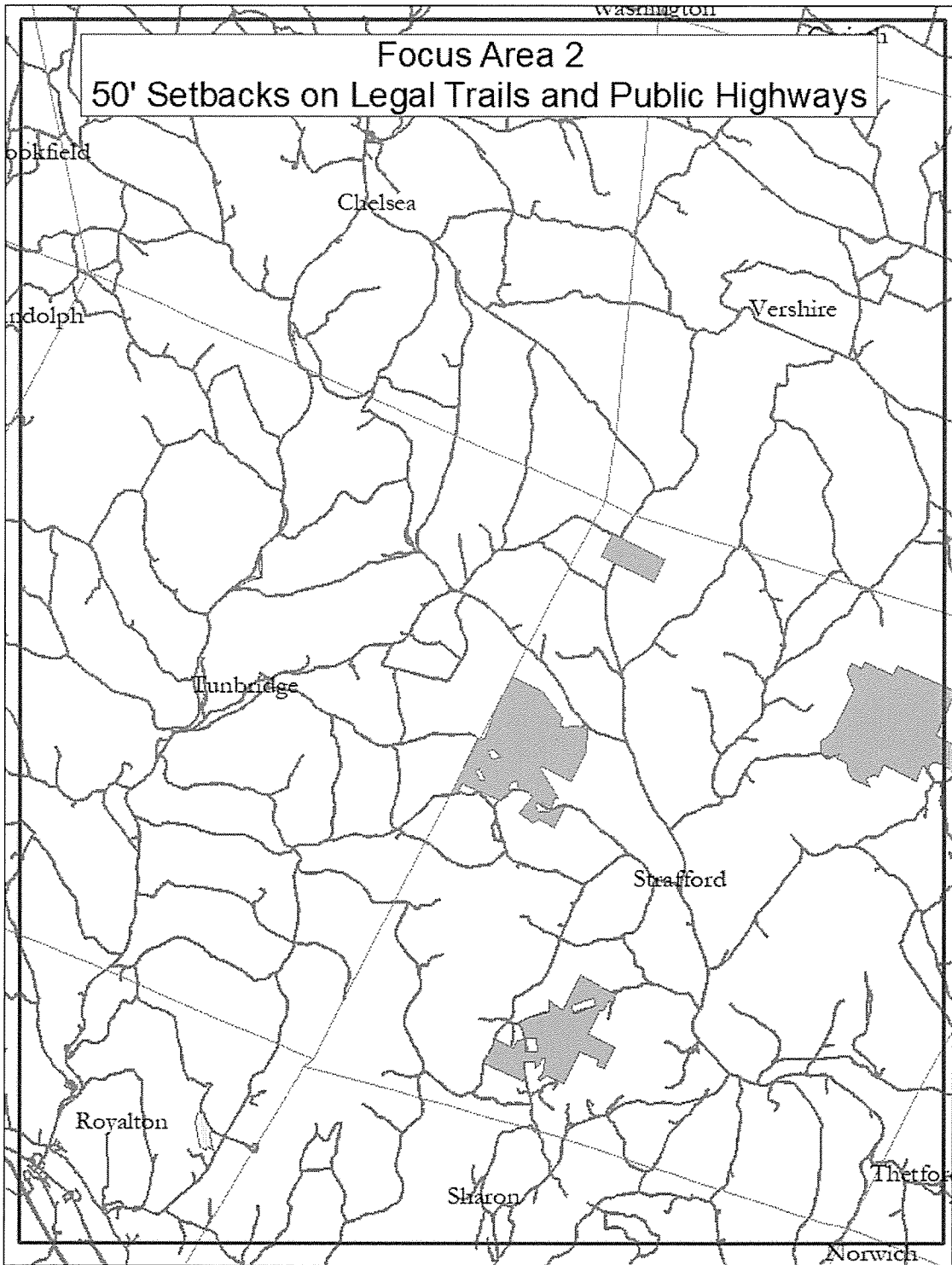
specifically purchased and funded for facilitating dispersed, wildlife-based activities such as hunting, fishing, trapping, and birdwatching. These areas operate under distinct goals and objectives compared to other state-owned lands. To honor these purposes and also address the concerns of non-consumptive WMA users, the Department and Agency will post notices concerning hunting and trapping season dates. These notices will be displayed on kiosks, access areas, and other relevant locations within the WMAs.

2. Trappers already need permission from landowners to trap on private and municipal lands (10 V.S.A. § 4707 and 6307 (a)). However, the Department's proposed setbacks, specifically those pertaining to public highways and legal trails, apply statewide wherever those highways exist. Title 10 V.S.A. § 4705 (f) and the Vermont Agency of Transportation highway maps provide a high degree of clarity and, therefore, enforceability on what constitutes a legal trail and public highway and where they occur. The 50' setback distance for both foothold and body-gripping traps exceeds existing setbacks required for hunters and allows domestic pet owners who wish to recreate with leashed pets to select a leash length that provides a high degree of protection when staying on the traveled portion of a public highway, legal trail, or on a designated trails on state-owned land excluding WMAs. The total number of miles of trails and roads influenced by this proposed rule is about 17,242 miles equating to 209,994 acres.
3. ANR's ***current policy on state land states***: People who are hunting or trapping must stay 500 feet from state park buildings and "other designated areas". In addition to the trail setbacks, this provides assurance that traps will not be located near places people can reasonably be expected to recreate on public lands.

**Appendix H – a map of setbacks relating to Act 159 Sec 1. (a) (1) on trapping systems and components**







## Appendix I – questions, comments, and details relating to Act 159 Sec 1. (a) (5) on methods of dispatch

### Questions:

- 4.21.3(c) legal methods say, “includes utilizing a muzzleloader...”. Is that including but not limited to?
  - Legal methods statewide are muzzle loader, gun, bow, or crossbow.
- Can you use CO2 chamber for humane dispatch?
  - A CO2 chamber remains legal for trapping in defense of property.

### **Public Responses/Suggestions:**

- Retain dispatch to gunshot & arrows; include handguns in reg.
- Dispatch needs to be more concrete.
- Allow use of lethal injection for dispatch – helpful in urban areas.
- Dispatch should not include bow & arrow or crossbow.
- Should be able to use CO2 chamber for humane dispatch.
- 4.18 dispatching of trapped animals, there are some concerns. At times trappers trap in town for skunks, raccoons, fox and coyotes. Using live traps and then transport them to a location to be safely displayed. Under this rule that will not be allowed and can make for unsafe situations. This rule does not also allow the use of a dispatch pole. Commonly used to dispatch skunks. This is a pole with a syringe on the end of and the skunk is euthanized by chemical. Today most skunks live trapped are drowned which is understandably not the most humane way to dispatch an animal but skunks spray when shot almost every time.
- Section 4.18 Dispatch of Trapped Animals should simply read: Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer in any manner consistent with AVMA humane dispatch guidelines. 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 that requires treatment.

### **Department Comments**

The Association of Fish and Wildlife Agencies (AFWA) acknowledges and supports the stance put forth by the American Veterinary Medical Association (AVMA). The AVMA guidelines acknowledge the difficulty in defining suitable methods for euthanizing free-ranging wildlife due to diverse situations, species, and options. Chemical immobilization is used for research but not by trappers due to controlled substance restrictions. AVMA lists no euthanasia chemicals beyond controlled substances. Drowning and foreign substances are prohibited by the Department for dispatch.

Gunshot is an acceptable method for humane euthanasia in circumstances where chemical immobilization is not appropriate, and the animal is physically restrained. The use of firearms for dispatch is consistent with other rules for game species in Vermont. In circumstances where the municipality has a firearm ordinance, the Department recommends using lethal traps to dispatch a live animal.



## **Appendix J – questions, comments, and details** **not relating to the directives of Act 159**

Below are the comments we received that were not part of the legislative mandate. They asked for items that were not part of Act 159 (e.g., ban all trapping), therefore, were not discussed at the working groups.

- BMPs should be recommendations, not regulations; most already use BMPs; AFWA advises against using BMPs as regulations; are not being used appropriately.
- None of these changes limit the amount of time an animal is in a trap.
- BMP testing study has many flaws.
- Wildlife advocates' recommendations were ignored on all of these; FWD catering to trappers.
- BMPs are a scientifically sound process; have been proven to accomplish our objectives.
- Research by Prue suggests more frequent trap checks, i.e., every 12 hours.
- There is no money for traps to be changed over.
- Strongly oppose subsidies for trappers.
- Too many laws already; will need to double staff with no wildlife management benefit.
- Trapping should be banned altogether; threatens endangered species further, is inhumane.
- Changes should come from people who have knowledge, not politicians.
- In favor of these as otherwise legislature may take trapping away altogether.
- Concerned about trapper/hunter responses to questions when compared to proposed regs.
- Carrying capacity, loss of habitat, diseases are reasons to keep trapping.
- Body-gripping traps are more humane than what mother nature can throw at them.
- Supports trapping though not a trapper; this is a cultural division.
- Nuisance trapping work has gotten out of control because of low fur prices.
- I am a trapper for durable goods, not cheap foreign clothes; use every part of animal, respect them, study them.
- Research on how animals suffer pain, fear, panic like humans not considered.
- 2022 survey numbers twisted by the Department for their benefit.
- What is your plan for reducing populations that are out of control, especially in urban areas?
- Consider 2-3 year phase-in to allow trappers to comply.
- Supports more humane trapping methods.
- Supports trapping; needed to control ticks, predation, human/wildlife conflicts, diseases.
- Need to increase trapping opportunities especially for nuisance species.
- Trapping for necessary management should be done by contracted or state trappers.

- Signage would be helpful and doesn't seem too much to ask.
- There is no way to make a leghold trap humane.
- Traps are not selective and get forgotten after set.
- There is no sound wildlife management need to further restrict trapping.
- If these restrictions are placed on VT trappers, there will be consequences later i.e., an increase in beaver populations and conflicts.
- Nobody needs fur to keep warm or for accessories.
- These are compromises to appease the animal welfare groups.
- Regarding trapping and coyote regulations, I believe a simple solution would be to not allow people to hunt, trap, fish, or trespass at all anywhere without permission. That allows landowners to make their own decisions about their stance on the issue.
- Most Vermonters want trapping banned.
- Trapping is barbaric.
- Direct more resources towards outreach and education regarding living with wildlife. This would eliminate the need to trap or shoot "problem" animals.
- 400 years of trapping evolved to become the trapping methods we have today. Any drastic changes could have significant unforeseen consequences on the entire ecosystem. We need to move carefully in order to maintain a stable relationship.
- The Board and Department's proposed Trapping BMPs and Coyote Hunting Regulations Updates simply put, do not go nearly far enough at incorporating best available science and human wildlife coexistence best practices proven to reduce conflict with predators.
- Vermont is falling behind what public opinion states. 68% of Vermonters in your Responsive Management Survey supported a ban on recreational trapping.
- Many scientists, veterinarians and wildlife advocates understand that no method of trapping for recreation, commerce, or nuisance/damage control can avoid inflicting some level of pain and suffering before death. No method of trapping for recreation, commerce, or nuisance/damage control can avoid the potential of capturing, with the risk of injuring or killing, non-target animals (including endangered species and domestic animals)

**Appendix K – 10, § 4254a: Law requiring trapper education**

(a) A resident, resident youth aged 17 or under on the date of license purchase, or nonresident trapping license may be issued to any person, provided that the applicant prior to issue first presents: (1) a certificate of satisfactory completion of a trapper education course or its equivalent approved by the Commissioner; or (2) a certificate of satisfactory completion of a trapper education course in another state or a province of Canada which is approved by the Commissioner; or (3) a trapping license issued for this State or any other state or province of Canada and valid for any license year; or (4) other satisfactory proof that the applicant has previously held a valid trapping license. (b) The Commissioner shall provide for a course of basic instruction in trapper education. For this purpose, the Commissioner may cooperate with any reputable association, organization, or agency and may designate any person found by the Commissioner to be competent to give such instruction. A person so designated shall give such instruction and upon the successful completion thereof shall issue to a person satisfactorily completing the course of instruction a certificate in evidence thereof. No fee may be charged for taking a course of instruction provided for under this subsection.

# **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
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.

## **Public Hearing Comments**

**Development of Best Management Practices for Furbearer Trapping  
Hunting Coyotes with the Aid of Dogs  
Public Hearings – June 20, 21, 22, 2023  
Public Comments – May 17, 2023 – June 30, 2023**

Below are the comments and questions asked at the June 20, 2023, public hearing held in Rutland, VT., the June 21, 2023 public hearing held in Montpelier, VT., and the June 22, 2023 public hearing held virtually. After presentations by the Department, attendees were arranged in breakout groups and asked to provide feedback. In the virtual hearing, attendees were asked to share their comments with a limit of four minutes.

**Question 1: What are your comments on the Boards' first vote to change regulations for legal, regulated trapping in Vermont? Please add your reasons why.**

*Foothold Trapping Systems*

**Responses/Suggestions:**

- Reasonable improvements; fully support the changes.
- Standardization, more specificity, details for requirements; foothold requirements still vague.
- Suggest 4.5b read "Be anchored with minimum of 12" and maximum 18" chain length (*some said above ground*). Extra swivels and/or shock springs can be added to the chaining system.
- Clarify whether the 18" includes the extra swivels and shock springs.
- Suggest 4.5c read "Jaws must be padded *or* offset *or* laminated *or* have a *minimum* jaw thickness of 5/16<sup>th</sup> of an inch or fully encapsulate the foot".
- Short chain can cause more damage to animals than a drag.
- There is no way to improve traps to improve welfare to animals.
- Concern about cost/effort/time investment for trappers.
- AFWA recommendations are species specific, these are not.
- These recommendations are accommodations of traditional practices and do not fall under current scientific understanding of wildlife management.
- Anchors for body-gripping traps are excessively restrictive.
- 5/16" padding not sufficient to prevent injury.
- Agree with swivel for less strain on the animal.
- One swivel is enough.
- Footholds on land should be double staked, especially for coyotes.
- Concerns about having specific measurement for traps down to 1/16<sup>th</sup> inch.
- Not in favor of padded or offset jaws as it doesn't allow the foot to wiggle.

- Double long springs don't have center swivels.
- 4.5e – unacceptable for “dogless” traps – not always adjustable.
- Consider alternate methods of creating offset i.e., beads of weld.

**Questions:**

- Do cast jawed traps count as laminated?
- Does the earth anchor count as chain length?

***Body-Gripping Traps on Land***

**Responses/Suggestions:**

- Body-gripping traps should be allowed on land; they are already limited.
- Body-gripping traps should not be allowed on land at all; other states already banned them.
- Still does not protect or reduce number of non-target animals.
- Anchors for body-gripping traps are excessively restrictive.
- 4.6 – leave as first proposed by Board.
- Conibears are not BMP tested.
- Use standard trap sizes to describe traps rather than 60” to make it more understandable.
- Restricting body-gripping traps to 5” for beaver, muskrat is not practical.
- Prefer traps greater than 6 ¼ inches for larger animals – less injuries.
- 4.6a – change to “baited conibears on land of 50” squared are acceptable.

**Questions:**

- Does a cubby set made of natural materials qualify as anchored?
- Can I still use a 220-cubby w/meat in the back even if trap is 12” inside?
- Meat-based baited body-gripping traps still OK if 5’ above ground?

***Covered Bait***

**Responses/Suggestions:**

- Covered bait is a good idea.
- No baited traps; baiting leads to more human/wildlife conflicts.
- All bait should be covered, not just meat.
- Not in favor of covered bait, wind can uncover it.
- Does not address scent-based bait which attract pets and other non-target animals.

**Questions:**

- How does covering bait make it different?
- If snow is used as a covering and it melts overnight, is it a violation?
- How do you define “covered” for bait? How obscure does it need to be?
- Can I still use a 220-cubby with-meat in the back even if trap is 12” inside?

## *Trapping Setbacks*

### **Responses/Suggestions:**

- Setbacks on roads are a problem, especially when trapping in culverts.
- Setback rules should apply to WMAs as well since funded by federal funds; should include campgrounds; currently address only about 4% of state-owned land.
- Setback distance does not address wildlife advocates' recommendations.
- Setback should be kept at 25 ft.; consistent with hunting regulations; 50' difficult for people with mobility challenges.
- Suggest 4.17 read "No foothold traps can be set on or within 25' of the traveled portion of a public trail or highway unless set in a culvert or in the water. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas." Setting a foothold in an elevated location would invariably be harmful to the welfare of any animal captured in that manner.
- This needs to be combined with a strengthening/enforcement of leash laws (state level law perhaps); pet owners need to take some responsibility.
- Leash laws are needed.
- 50' setback is uncompensated taking of private property; not able to trap on a portion of the land I own and pay taxes on. Should we consider an exemption for land owned by someone holding a trapping license? i.e. (unless trapper is the owner or occupant of the property).
- Does not comport to ROWs; excessive compromise; a 50' leash does not accommodate pet control.
- Most trappers don't set close to trails, roads, etc. and don't want to catch pets.
- WMA boundaries need to be marked better and more visible.
- These are better than board recommendations but still a far cry from wildlife advocates recommendations.
- Require signage in trapping areas, public areas.

### **Questions:**

- Does the 50' apply to VAST trails on private land?
- If I own land and allow a public trail on that land, am I restricted by the setback rules?
- What is "travelled portion of the road"?
- What happens if water recedes, and trap is no longer in the water?
- How does this play into nuisance trapping?

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## **Question 2: What are your comments on the changes being recommended by the Department and the reasons why?**

### *4.5 (a) addition of an extra swivel*

### **Responses/Suggestions:**

- Agree with swivel for less strain on the animal.



**Questions:**

- If swivel is double-sided, does it count as 1 or 2?

**4.5 (f) elimination of drags**

**Responses/Suggestions:**

- Drags are more humane with less injury to the animal; the animal can get into brush; gives the animal a chance to settle down; work well for many sets and are effective; good option when stakes can't be driven into the ground.
- Elimination of drags is welcome; outlaw drags on land.

**Questions:**

- What research is being done regarding the use of drags?

**4.6, 4.7, 4.8: No body-gripping traps on the ground unless placed within an anchored enclosure or 5' above the ground.**

**Responses/Suggestions:**

- Changes are unproven;
- There are already enough constraints on body-gripping traps.
- Enclosure will not help protect, especially small dogs and cats;
- Doesn't work for woodchucks.
- Eliminates making blind sets with body-gripping traps, especially for mink.
- Bears and other tree climbers can still be caught in body-gripping traps.
- Does not include body-gripping traps underwater.
- No change to fisher trapping despite 220s not passing AFWA testing.
- Can't set body-gripping traps 5' when trapping on open land or in marshes.
- Body-gripping traps can be responsibly deployed on the ground – no need for the limitations.
- Body-gripping traps are more effective than footholds in brush areas, farmlands.
- Eliminating body-gripping traps on land takes away the most effective, practical, and humane traps for many blind sets targeting raccoon, beaver, muskrat, and mink where a foothold trap would not be free from obstructions.
- Allow 110 conibears on the ground for mink and muskrat.
- Allow meat-based baited body-gripping traps under 40sq. inches on the ground.

**Questions:**

- Why are traps not passing BMP testing allowed to be used, i.e., 200 for fisher?
- What are the concerns that lead to the need for these changes?

**4.17 Change set-back distance for all traps from 25' to 50'. Apply setback to town trails.**

**Responses/Suggestions:**

- Need better definition of trails, i.e., snowmobile trails.

- Signage needed; onus should be on trappers.
- 50' set back not enough; does not take in large dogs, longer leashes.
- Signs OK on public land
- Difficult to know where some trails are i.e., Ascutney Mountain biking trails.

**Questions:**

- How was the 50' setback determined to be safe? Does this eliminate setting traps under bridges or in dry culverts?

**Question 3: What are your comments on the Board's first vote for the coyote hunting and training season while hunting with the aid of dogs?**

**4.21. 4 Seasons and Shooting Hours for Taking Coyote with the Aid of Dogs.**

***Coyote Dog Training Season***

**Responses/Suggestions:**

- Fully support changes.
- Training season disrupts nesting and rearing of young birds, mammals, etc.
- Gap between training and hunting seasons too long – dogs will forget.
- Training season is extremely long.
- Concern that this will spill over to regulations for bird dogs, rabbit hunters, etc.
- This discriminates against one type of hunter.

**Questions:**

- Why is the training season 4 months long? Seems too long.
- How are dogs trained?
- Do the same rules regarding training season & dogs going on posted land apply?
- Is there science that suggests these changes are necessary?

***Coyote Dog Hunting Season***

**Responses/Suggestions:**

- Coyote season overlaps with trapping seasons; possibly more conflict with a shorter coyote running season.
- Fully support changes
- No season on coyotes
- Start season April 15
- Coyote hound hunting season should stay open until May 1.
- There should be an established season for general coyote hunting.
- Too restrictive.
- Coyote hunting season should start before Dec. 15.

- A season is long overdue.
- Coyote trapping season is too short.

**Questions:**

- Is there science that suggests these changes are necessary?
- Why is there an open season on coyotes? Why not a closed or “quiet” season?
- What is the department’s interest in culling coyote numbers?

***Legal hours for taking coyote with the aid of dogs***

No comments specific to this item.

**Questions:**

- Why legal hours for taking coyote with dogs when you can shoot them anytime?

**Question 4: Any other comments or questions for the Board on the proposed rule changes for both coyote hunting with the aid of dogs and regulated, legal trapping?**

**Responses/Suggestions:**

**Act 159 Trapping BMPs**

- Stick with original recommendations proposed by the Board; no need to go further with more restrictions.
- Proposed rules seem carefully thought out and reasonable.
- Not in favor of these revised recommendations, use Board recommendations; the original proposal was sound.
- Existing rules are sufficient.
- These regulations do not go far enough to improve animal welfare; fail to meet legislative mandate; do not reflect what came out of the working group.
- BMPs should be recommendations, not regulations; most already use BMPs; AFWA advises against using BMPs as regulations; are not being used appropriately.
- 4.21.3(c) legal methods say, “includes utilizing a muzzleloader...”. Is that including but not limited to?

**Act 165: Coyote Hunting with Hounds**

**Dog Limits**

- Four dog limit makes it hard to train pups.
- Pack size should be increased to 6; same as bear hound regulations; makes it consistent to enforce.

- Should read “No more than 6 dogs” or “one to six dogs”.
- No limit on hounds

#### **Permits**

- Worried about 100 permits limiting young hunters starting out, anti-hunters buying up permits; require VT hunting licenses.
- No limit on permits; not all hunters are out at once; this seems a shot in the dark approach.
- No permits for non-resident hunters.

#### **Control/Collars**

- GPS collars are not an adequate method of control; VFWD expert indicated they are not effective after 1 mile and/or when dogs go behind a hill; professional dog trainers do not consider them effective control.
  - Hounds should be visually in sight of hunter.
  - Hounds should not be allowed to attack the coyote.
  - No wanton waste for coyotes as well.
  - Violations of coyote hound hunting should result in large fines and loss of license.
- 

## **General Comments**

#### **Act 159: Trapping BMPs**

- None of these changes limit the amount of time an animal is in a trap.
- BMP testing study has many flaws.
- Wildlife advocates’ recommendations were ignored on all of these; FWD catering to trappers.
- BMPs are a scientifically sound process; have been proven to accomplish our objectives.
- Research by Prue suggests more frequent trap checks, i.e., every 12 hours.
- Too many laws already; will need to double staff with no wildlife management benefit.
- Trapping should be banned altogether; threatens endangered species further, is inhumane.
- Changes should come from people who have knowledge, not politicians.
- In favor of these as otherwise legislature may take trapping away altogether.
- Concerned about trapper/hunter responses to questions when compared to proposed regs.
- Carrying capacity, loss of habitat, diseases are reasons to keep trapping.

- Body-gripping traps are more humane than what mother nature can throw at them.
- Supports trapping though not a trapper; this is a cultural division.
- Nuisance trapping work has gotten out of control because of low fur prices.
- I am a trapper for durable goods, not cheap foreign clothes; use every part of animal, respect them, study them.
- Research on how animals suffer pain, fear, panic like humans not considered.
- Should be able to use CO2 chamber for humane dispatch.
- 2022 survey numbers twisted by the Department for their benefit.
- What is your plan for reducing populations that are out of control, especially in urban areas?
- Retain dispatch to gunshot & arrows; include handguns in reg.
- Dispatch needs to be more concrete.
- Allow use of lethal injection for dispatch – helpful in urban areas.
- Dispatch should not include bow & arrow or crossbow.
- There is no money for traps to be changed over.
- Strongly oppose subsidies for trappers.

#### **Act 165: Coyote Hunting with Hounds**

- These regulations do not address landowner rights, trespassing by hounds and hunters.
- Largely unenforceable.
- It appears that many items (especially number of coyote permits) are at the discretion of the commissioner. One individual should not have that ability.
- Sometimes surprised and disappointed with apparent lack of stiff penalties for repeat offenders.
- Coyotes disperse seeds and maintain beaver lodges.
- Have been terrorized by hounds with GPS collars that are totally out of control. This will not change a lack of safety.
- No other hunters get points on license for trespassing.
- Reporting should be 48 hours after kill, not after season.
- Hound hunting, running an animal to exhaustion, is not fair chase.
- Killing adult coyotes means pups run wild, not able to learn from elder coyotes.
- Baiting coyotes should be allowed for farms to help protect livestock.
- Concerned for treatment of hounds.
- Hound hunters should have to keep a detailed log monitored by VFWD.
- Houndsmen/women take good care of their dogs, many are house pets.
- No need to report coyote harvest, there are plenty of them, it takes up resources.
- Coyote & bear dog hunting should not be legal.
- Coyotes are an invasive species in Vermont and should be managed as such.

#### **Dog limits**

- More dogs in the pack make control impossible.
- Why 6 dogs to 4 dogs?

### **Control/Training**

- Poor cell service in VT makes GPS collars inadequate.
- GPS collars work well.
- Keeping dogs off posted property will be difficult, especially in mountains; dogs should be able to go from one unposted property through a posted property to get to another unposted property.
- The current definition of “control” addresses the parameters in which control is necessary but does not address the actual meaning of the word. GPS collars are a means of executing control but not a definition of it.
- Carrying a permit is not the same as asking permission from a landowner to hunt.
- Hounds that are trained on a specific species are inherently under control, same as when a police dog is released is under control.
- Police dogs are required to pass standardized tests, coyote hounds are not so comparison does not apply.
- Collar requirements place additional burden on houndsmen to purchase additional training equipment; legislature should fund these changes also.
- Amend coyote regulations to remove prohibition of use of radios as this only increases chances of unintentional conflicts.
- Non-resident houndsmen should not be training in Vermont.

### **Control/Collars**

- Has the Department consulted a canine behavior specialist about control with GPS collars
- Can VFWD also see where a pack of dogs is with GPS tracking? They should be able to track the dogs.
- Why aren't we allowing for tone and vibration on hound collars
- Why do hound hunters have to report harvest while others don't?
- Why is this handled any different than other hunting in regard to permission?
- How will wardens enforce coyote hunting rules if houndsmen say they are pursuing fox?
- If property not posted and dogs go onto property, are you already in trouble if landowners don't want you there?
- What if the dogs kill a coyote before the houndsman gets there?
- How does VFWD plan to enforce the hound hunting regulations regarding property owners with non-posted land calling and reporting unwanted hounds on their property?
- Will there be VFWD personnel available to report coyotes taken before leaving the state?
- If dogs spook up a coyote while rabbit hunting, is it legal to shoot it?
- Why are we justifying legal dogfighting and legal trespassing on private property by allowing hunting coyotes with dogs

### **Permits**

- Limiting number of permits is not being fair to non-residents.
- Why 100 permits?
- How would 100 permits be allotted? Lottery? First come, first served? Is it enough? Can the number be changed in the future?
- How many can be in the hunting party?
- How would you keep non-hunters from taking permits?
- Will LE visit dog packs to issue permits to avoid fraud from non-hunters?

## **Email Comments**

### **Development of Best Management Practices for Furbearer Trapping**

#### **Hunting Coyotes with the Aid of Dogs**

**Public Hearings – June 20, 21, 22, 2023**

**Public Comments – May 17, 2023 – June 30, 2023**

Most of the comments received via email through the VFWD website are general in nature regarding trapping and hunting coyotes with hounds. Those specific to proposed regulations are listed under the headings of Act 159 and Act 165. The remainder are listed under the “General Comments” heading.

### **Act 159**

#### **Foothold trapping systems**

- Support these recommendations.
- 4.8 allow bobcat trapping the same time as fisher trap and then the rule is not necessary.
- Consider 2-3 year phase-in to allow trappers to comply.
- I think you should not have to modify foothold traps used with a lethal drowning system while water trapping.

#### **Body-gripping traps on land**

- Body-gripping traps should not be allowed on land; little chance of safely releasing non target animals.

#### **Setbacks**

- 4.17b set back rule should be 49.5 feet, as this is within the states right of way. Beyond this distance you are then telling people they can't trap on their own property.
- The rule should be within 50 ft of roads as well as well used trails.
- Setbacks apply only to a small percentage of public lands and are insufficient to protect the public.
- 50' does not reduce the risk of danger to the public and their dogs.
- Generally opposed to this regulation.
- Dogs off leash should be regulated as well.

#### **Humane Euthanasia**

- 4.18 dispatching of trapped animals, there are some concerns. At times trappers trap in town for skunks, raccoons, fox and coyotes. Using live traps and then transport them to a location to be safely displayed. Under this rule that will not be allowed and can make for unsafe situations. This rule does not also allow the use of a dispatch pole. Commonly used to dispatch skunks. This is a pole with a syringe on the end of and the skunk is



euthanized by chemical. Today most skunks live trapped are drowned which is understandably not the most humane way to dispatch an animal but skunks spray when shot almost every time.

### **General Comments**

- These recommendations do not meet the legislative mandates and fall short of addressing animal welfare and public safety concerns.
- Recommendations from animal welfare groups have not been considered/included as originally presented.
- Disagree with more regulations as there are already sufficient laws regulating trapping.
- Supports more humane trapping methods.
- Supports trapping; needed to control ticks, predation, human/wildlife conflicts, diseases.
- Need to increase trapping opportunities especially for nuisance species.
- Trapping for necessary management should be done by contracted or state trappers.
- Signage would be helpful and doesn't seem too much to ask.
- There is no way to make a leghold trap humane.
- Traps are not selective and get forgotten after set.
- Current trapping regulations for coyotes should be maintained.
- There is no sound wildlife management need to further restrict trapping.
- If these restrictions are placed on VT trappers, there will be consequences later i.e., an increase in beaver populations and conflicts.
- Nobody needs fur to keep warm or for accessories.
- These are compromises to appease the animal welfare groups.
- Regarding trapping and coyote regulations, I believe a simple solution would be to not allow people to hunt, trap, fish, or trespass at all anywhere without permission. That allows landowners to make their own decisions about their stance on the issue.
- Most Vermonters want trapping banned.
- Trapping is barbaric.
- Direct more resources towards outreach and education regarding living with wildlife. This would eliminate the need to trap or shoot "problem" animals.

### **Questions**

- What is the threat to a pet from a 110 conibear trap on the ground in December?
- How would the foothold regulations affect dog-proof traps?
- Why are any traps still allowed in the setback zones at all? If there are multiple loopholes around these setback zones, it does not seem like they will actually serve their purpose.
- Why are you still allowing body gripping traps that have been known to kill pet dogs in places dogs can easily get to them, such as the recent occurrence in Corinth?

## **Act 165**

**Coyote Dog Training Season** – no specific comments

**Coyote Dog Hunting Season December 15 through March 31, all dates inclusive.**

- There should be a closed/more limited season on coyotes to utilize pelts.
- Only allow for hunting during October- December

### **Control/Collars**

- GPS equipment is expensive, this regulation is not inclusive of people with modest means.
- GPS/shock collars do not control dogs despite VFWD's claims.
- A pack of dogs, collared or not, is not under control and should not be allowed to roam freely.
- Landowners' needs are being ignored.

### **Permits**

- Allow only 50 permits during the allotted time.
- Raise fees and increase penalties for anyone caught with carcass(s), without a hunting permit.

### **General Comments**

- These recommendations do not meet the legislative mandates and fall short of addressing animal welfare and public safety concerns.
- Recommendations from animal welfare groups have not been considered/included as originally presented.
- Current coyote hunting regulations are sufficient, no need for changes because population is thriving.
- Coyote hunting methods are barbaric.
- Favors coyote hunting with dogs.
- Coyote hunting with dogs creates too many conflicts with landowners and should be banned, for bears as well.
- Conflicts with coyotes are increasing; they are more prevalent on the landscape and eliminating coyote hunting and hounding will make it increase even more.
- Ban coyote poaching altogether.
- No baiting for coyote hunters.
- There is no sound wildlife management need to further restrict coyote hunting.
- Fish and Wildlife Board does not care about science and do not represent the majority of VT residents, only hunters' and trappers' interests.
- Coyotes keep deer populations under control so stop killing them.
- Support Act 165 because coyotes can't climb trees like bears.
- Personally, I find the posting of land to be onerous and frankly ridiculous. On top of that, there is the yearly registration process without which a game warden

cannot enforce the no trespassing status. Our land is both difficult terrain and open fields. Last year, we had to put out and take up the signs in the field portion numerous times in order for the farmer to hay and fertilize and to keep hunters off of our property. There is also a swampy section to navigate when posting which is surely infested with ticks. Lyme disease is a growing concern in Vermont, yet the residents are forced to be exposed to ticks to adhere to the no hunting/trespassing rules. Private land should be private, no exceptions.

- Sick of fighting with dog hunters on my own property. It's My Land!!!

### **Questions**

- How does one control hounds running great distances from their handler?
- How can one be certain they are after the correct prey?

**Focus Questions**  
**Development of Best Management Practices for Furbearer**  
**Trapping Hunting Coyotes with the Aid of Dogs**  
**VIRTUAL MEETING JUNE 21, 2023**

**If willing, please fill in your name, email address, and town of residence and any responses you have to the questions below:**

**Name:** \_\_\_\_\_ **Town:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**1. What are your comments on the Boards' first vote to change regulations for legal, regulated trapping in Vermont? Please add your reasons why?**

i.e., 4.5 recommendations for foothold trapping systems including swivel requirements, chain length, jaw thickness, lamination, etc.

4.6, 4.7, 4.8: recommendations for body-gripping traps on land

4.9: Covered bait

4.17 trapping setbacks: No traps may be set on or within 50' of the traveled portion of a town trail, public trail on state-owned land except WMA's, or highway unless set in the water.

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**2. What are your comments on the changes being recommended by the Department and the reasons why?**

i.e. 4.5 (a) addition of an extra swivel

4.5 (f) elimination of drags

4.6, 4.7, 4.8: No body-gripping traps on the ground unless placed within an anchored enclosure or 5' above the ground.

4.17 change set-back distance for all traps from 25' to 50'. Apply setback to town trails.

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**Focus Questions**  
**Development of Best Management Practices for Furbearer Trapping**  
**Hunting Coyotes with the Aid of Dogs**  
**Public Hearing---June 21, 2023, Rutland Middle School**  
**Public Hearing – June 21, 2023, Montpelier High School**

**Comments on Department suggested changes/additions:**

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**3. What are your comments on the Board's first vote for the coyote hunting and training season while hunting with the aid of dogs (see dates below)?**

4.21.4 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.

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**Focus Questions**  
**Development of Best Management Practices for Furbearer Trapping**  
**Hunting Coyotes with the Aid of Dogs**  
**Public Hearing---June 21, 2023, Rutland Middle School**  
**Public Hearing – June 21, 2023, Montpelier High School**

**Any other comments or questions for the Board on the proposed rule changes for both coyote hunting with the aid of dogs and regulated, legal trapping?**

- Barbara Felitti, Huntington: fully expect the new regulations will be used to not have changes in regulations to eliminate it next years. No money for traps to be changed over. No hunting with dogs for coyotes should be allowed. It is legalized dog fighting. Not adequate control, collars will not work to control it has to be on leash. Ripton incident shows no control. Shock collars can cause harm to dogs. No hunting coyotes or trapping.
- Sharon, Williston: No humane way to trap with legholds or drowning. No humane way to hunt with dogs. Have same types of nervous systems. No research used in these regulations. Burden of posting should not rest on the landowner who wants to maintain safe private use of property. 2023 not 1823 we have to come up to times we are living in. Williston banned wanton killing of animal.
- Kari, Shoreham: Disappointed in the regs we are proposing, victim of terrorizing that coyote hounds bring to her and scaring livestock and through the yard. Every Saturday at 10 am when want to walk with 3-year-old and 6 month old. All dogs had GPS collars on them and hunters chasing dogs totally out of control. The regs have are putting them at risk and nothing will change for her safety. Packs are not in control when hunters are out of site. Hunters are extremely rude to her, at what risk to herself, she pays property taxes. A few individuals involved in violate activity. Do you want to be under that type of duress, regs don't protect anyone, just a hobby and none are her neighbors that hound.
- Lisa Jablow, Brattleboro: Act 159 ignored information by wildlife groups and just brought in VTA recommendations. Raptors not protected. Body gripping traps ignored recommendations. Dispatch is all sanctioned today past methods. Act 165 no dog in sight and sound of owner is not in control. Six dogs down to 4 dogs does not work should only be 1 dog and should be no dogs used. More conflicts with public, in conflict with ecological principles. Baiting is any animal left out coyotes will smell it.

**Focus Questions**  
**Development of Best Management Practices for Furbearer Trapping**  
**Hunting Coyotes with the Aid of Dogs**  
**Public Hearing---June 21, 2023, Rutland Middle School**  
**Public Hearing – June 21, 2023, Montpelier High School**

- Stephen South Burlington: Hounding is state sanctioned trespassing, owners' responsibility to catch dog and track down the owners. No fines or actions against the landowner. Anyone can put the collar on a dog and breaks private property rights. Owners should not have to post, it is against ADA if have to post.
- Patrick Connelly, Mass Resident: control agent in VT, MA and NH feels these changes are wrong and we should only go with what VTA recommended. It is not scientific management what is proposed. Flawed system. Just as many animals killed now as before in MA. Much property damage rampant. MA system is proof that it does not work. BMPs are not being used properly and cable restraints should be used. Conibears are very useful. No changes to Vermont's system. Needs drags, aquatic animals don't drown.
- Bob Galvin, Richmond: Animal Welfare and selectivity will not be improved with recommendations. Regs are not enforceable in field. Non targets will not be helped because it only changes meat base baits. Trail setbacks should be 500 feet to protect people and pets. 25 feet is not enough for retractable leashes. Should not have drags. Read the BMP statement to all and said Department has not considered appropriately. Coyote, dog control is not sufficient.
- Joanne Bourbeau, Whitingham: Appreciated being in WGs but was not listened to by department and only went to VTA. No trapping is possibly humane or improve animal welfare. Rules fail to recognize a BMP for each species. Not sufficient to protect the public and dogs. Nontarget animals will not be protected if body gripping traps are allowed on the ground. Coyote dog control is not possible with collars. Packs are only dog fighting and not humane. No bait should be allowed, and department changed what came out of working group.
- Kevin Lawrence, : Attended meetings in both towns and appreciated it. Restrictions around the jaw spreads is confusing and laminating cast jaws, need more ors in final document. Dog hunters will have to incur a huge expense, and this is not a freebie for them. Legislature should also fund changes for them.
- Emily Ruff, Orange: Could not hear a lot of what she said, connection bad. Second round, lack of professionalism by department and board to members of the public which breeds distrust. Act 159, trapping, point out some traps do not meet standards of BMPs but are still being allowed. Beaver management needs to be reevaluated. Strongly opposed to subsidies to trappers. Act 165 on hounding, have encountered hunters who have lost their dogs on posted land, and been poorly received. GPS collars could not be used to find dogs on her posted land. Little more than state sanctioned trespassing.

**Focus Questions**  
**Development of Best Management Practices for Furbearer Trapping**  
**Hunting Coyotes with the Aid of Dogs**  
**Public Hearing---June 21, 2023, Rutland Middle School**  
**Public Hearing – June 21, 2023, Montpelier High School**

- Kristen Cameron, Burlington: Traps inhumane and these are small changes that will not work. Need trap sensors added to traps and traps are indiscriminate. Set back should have been easiest to set up but is well short of reasonable. Conibears will still kill. Hounding is already occurring in the manner the law is proposed here, and shock collars will only make it worse. Have not stopped dogs from attacking people and four hounds is not fair. No summer training to protect coyote pups. Don't meet mandates.
- Dottie Nelsen, : Want trapping banned in VT, already 10 states banned it in US. Want to know how other people in VT feel and looked at 2022 survey by VFWD. Mentioned two points on Department credibility and felt that we made numbers look like people felt we were credible. Survey just added ratings together to make it look like bigger numbers. Chart asking about recreational trapping, showed few approved of trapping. Shows more Vermonters want trapping and hunting banned. Animal advocates are ignored. Hope we really listen. Second round of input: just an idea, we call ourselves wildlife managers and should change to wildlife caretakers.
- Therran, Bridport: As a hound hunter, it more or less sounds like people are running into the wrong hound hunters and he is willing to take anyone out. Training season is not good it is too early and don't need more orphans. GPS control is very good. He is close behind dogs and his dogs are also house pets. Don't need tax funds for activities.
- Ben Vicere, Springfield: Trapper, hunter, angler, and consulting forester. A lot of inhumane death seen by mother nature. Need to talk about carrying capacity and loss of habitat. Many diseases that he has seen in wild. Conibear is more humane than what mother nature can throw at them. Challenge cost of trapping and impact to infrastructure. Beavers move on from areas they feed out. Many animals asleep in trap when he approaches the trap site.
- Jay Petrillo, Williston: Trapping beaver, arguments against trapping is more about feelings than science. We will always run into human/wildlife conflicts with more human development. Beaver is very nutritious; trapping is effective way to get food. Severe restrictions will create a poor list of events. Too easy to pick up packaged meat, any food source could be considered inhumane. Any animal feels pain no matter how we kill it domestic or wild. MA changed original beaver trapping laws because of impacts of animals were having. POW used survey incorrectly.
- Madeline Cowan, Northfield: Came to listen and learn if any changes, glad to see extra swivels. Want to share that if trapping continues it needs to be as humane as possible. Research by Prue, needs more frequent trap checks to reduce trap time to every 12 hours. Coyote hunting with dogs, ecollars do not control dogs. Posting land will not stop people it needs to be visual and one dog only for fair chase.



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- Brian Ogorman, Bennington: Tree farmer and encourages hounds on land, lives in MA and welcomes hounders on his land in southern VT. Setbacks will affect small landowners and land they can trap on, and they pay taxes on that land. A lot of discrimination against trappers tonight and he likes to trap. Business and recreation yes. Dispatch is not good; we should not limit dispatch weapon. Trappers have ultimate respect for animals.
- Patrick Heaney, Brownington: Not a trapper or hunter, but want to support trapping, hunting, and fishing. Want to get into woods and do these some times. Have taken all courses. Encourages others to take classes and there is a cultural division that is occurring. Respects where opponents are coming from, but these are wild animals and nature is not kind.
- Randy Barriws, Chittenden County: Trapper for 55 years, has trapper supply business, very frustrated with what is happening. Same materials each year with no science. Request board to not change anything, use common sense. Legislative Committee members have no knowledge of trapping and hunting that put legislation together. Nuisance work is out of control because no trapping with prices down. He cares for animals, we are saving them to death. Disagree with archery dispatch method, club even better. Offered to bring people out and they would not come out with him.
- Willard Ordway, West Fairlee: Started trapping in 2019 and has a nuisance company. Setbacks are not going to work because people take dogs off leash as soon as out of sight. Don't want to lose it all together.
- Jean cubly, NJ: Believe control population is an excuse. 6<sup>th</sup> great extinction and all populations are going down. Trapping should be banned completely. Hounding is not good and should not have a hunting season and pack to big. We owe animals an obligation of respect and they have a right to life.
- John , ??: Trapper on own land, house cats in traps and land is posted. Both towns have a leash law and people let dogs off.
- John Gonter, Burlington: Forage and fish, became a trapper for durable goods, not enjoyable with cheap foreign clothes. Studied animals and respected instructors and use every part of animal possible.
- Lisa Jablow: Very contentious and close to the bone, they are advocating for wildlife and are against the people. Efforts to reduce affects to animals.
- Patrick Heaney: Echo what Randy said, come out with us and see what goes on, trappers are not yahoos. Trappers are committed to wildlife they hunt and trap. Need to build bridges, need to police own ranks.
- Jay Petrillo: July of 1984 Amtrak derailed by a beaver dam collapse, people died and were hurt. Water quality needs to be looked at.

**Focus Questions**

**Development of Best Management Practices for Furbearer Trapping**

**Hunting Coyotes with the Aid of Dogs**

**Public Hearing---June 21, 2023, Rutland Middle School**

**Public Hearing – June 21, 2023, Montpelier High School**

- Brian Ogorman: Congratulate biometrician on fisher presentation. Great career for Kim Royar and like Bree Furfey.

## § 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 5/16<sup>th</sup> 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;~~

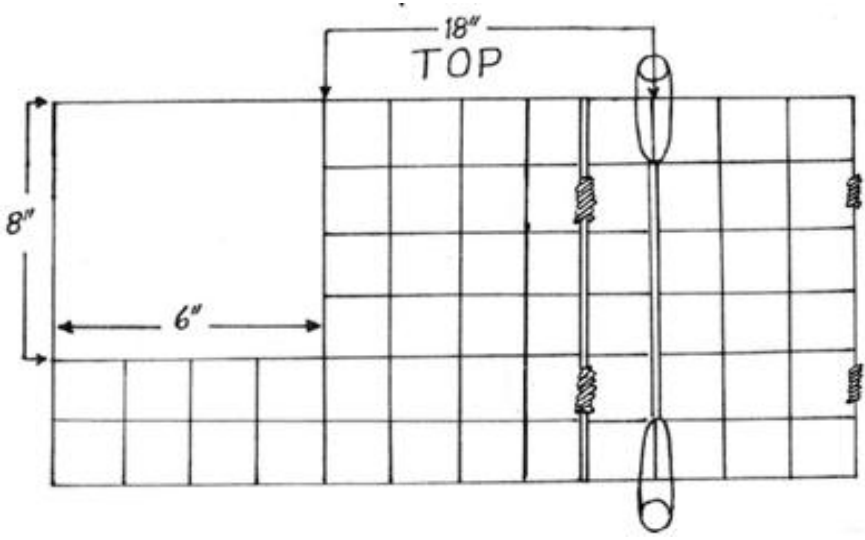
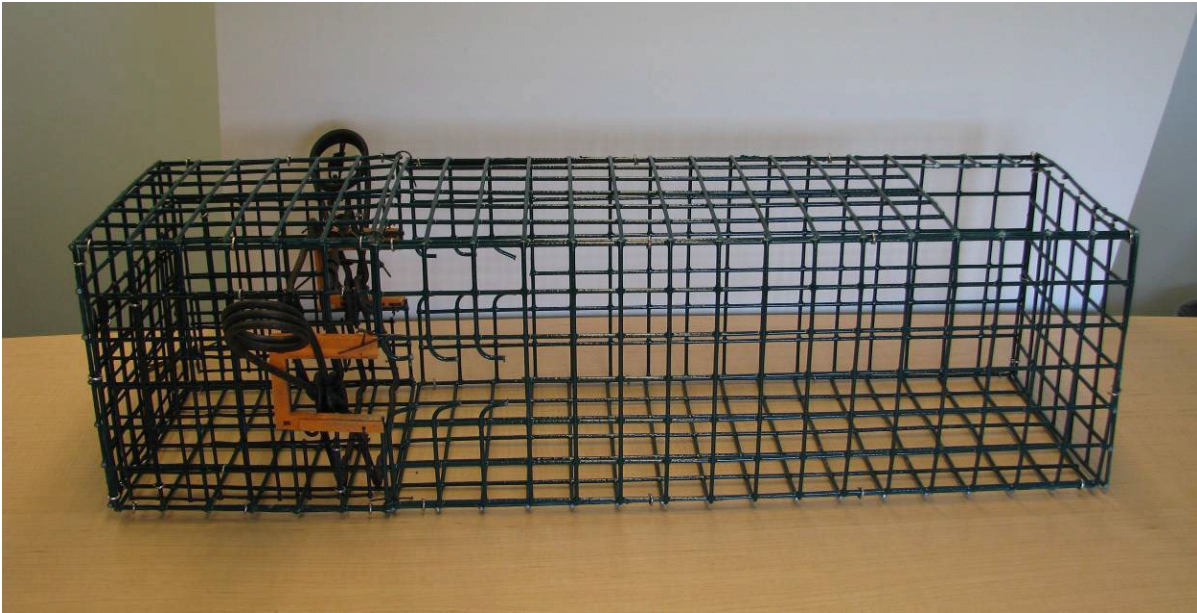
~~ii. In blind sets without the aid of bait, lure or visual attractants, or;~~

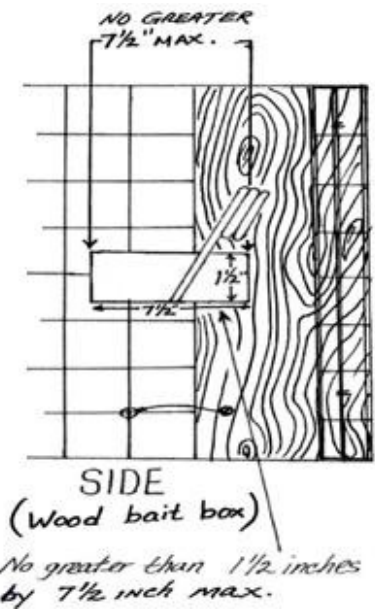
~~iii. Within a cubby constructed of artificial materials with the trap inserted at least 7" from the front and with an opening no greater than 50 square inches as depicted in Diagram 3.~~

~~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:~~

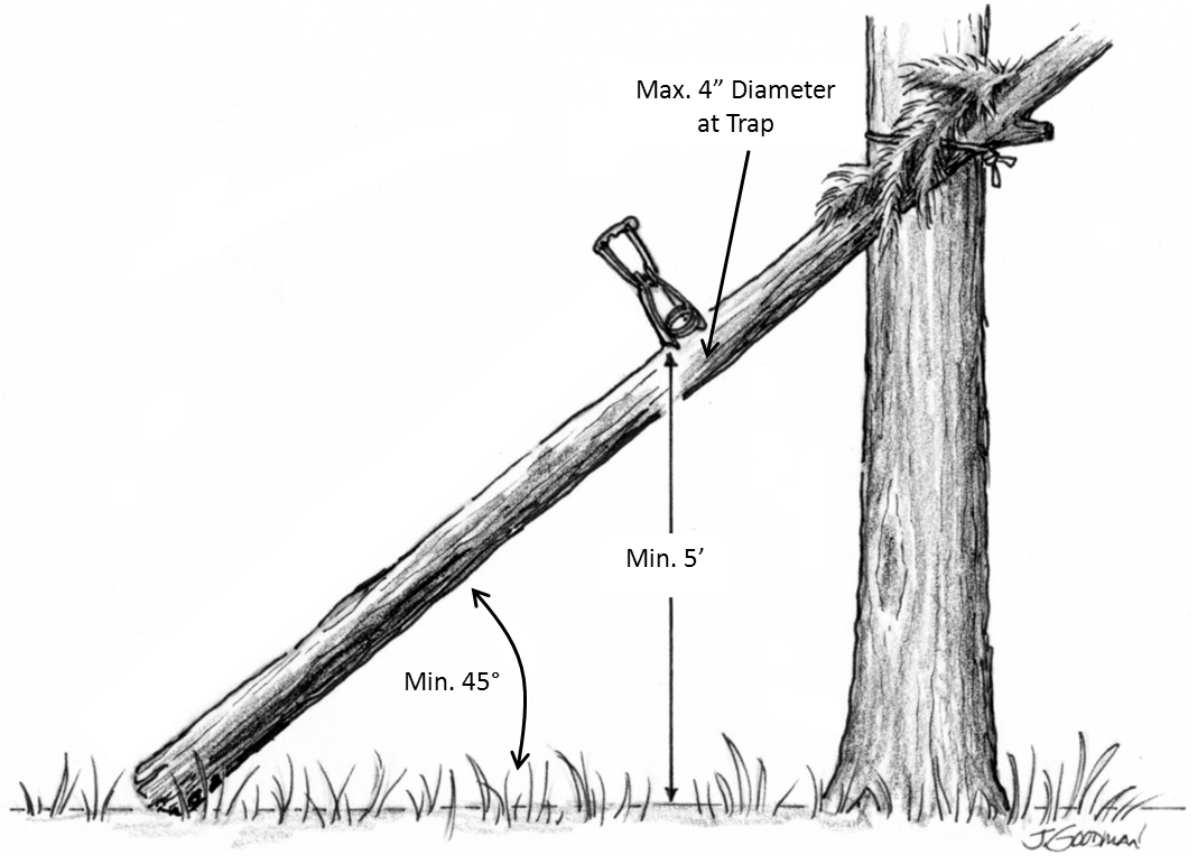
- ~~(1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;~~
- ~~(2) The availability of more effective and/or practical alternatives for avoiding the incidental capture of lynx; and~~
- ~~(3) The outcome of Maine's Incidental Take Permit application process.~~

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



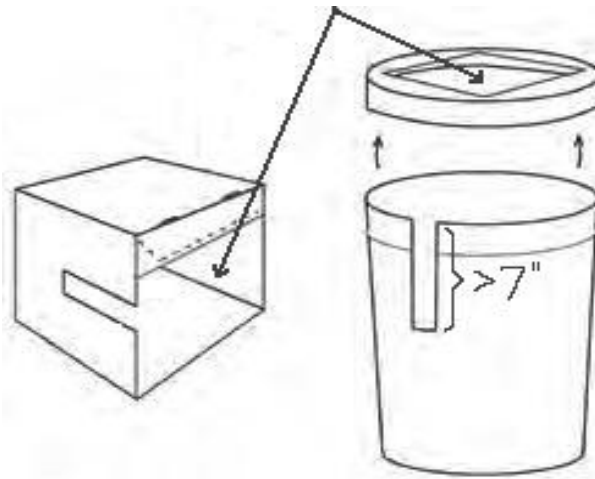


**Diagram 2. Off the ground sets for body gripping traps.**



**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).~~

## § 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 ~~hounds~~ 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, ~~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 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 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.

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 purpose of providing recreational 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 dog or 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 ~~one~~ 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 length between the base plate and the start of the anchoring system. Extra swivels 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, ~~or~~ laminated, or ~~with~~ have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot;

- d) Have a spread of no more than 6¼ 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.
- f) Notwithstanding this section 4.5, a drag may be used to anchor a foothold trap, provided that the trap meets 4.5 subsections a), c), d), and e).

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.

~~4.6 A person shall not set a body gripping trap with a jaw spread opening greater than 60 square over eight inches measured inside the widest expanse of the jaws unless the trap is set five feet or more above the ground, or in the water.~~

~~4.7 No meat based baited, body gripping traps shall be set on the ground unless placed within 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.~~

~~4.8 Meat based baited body gripping traps with a jaw spread up to and including 60 square inches can be used on land if the trap is placed at least 5' above the ground.~~

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 or explosives.~~

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

4.15 Trapping Set-backs: No foothold traps or body-gripping traps shall can be set on or within 50'25' of the traveled portion of a legal trail, public trail or public highway unless set in a culvert, in the water, at least 5' above the ground. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas, or to private landowners trapping on their own property.  
No body-gripping traps can be set on or within 50' of the traveled portion of a public trail or highway, unless set in a culvert, in the water, at least 5' above the ground, or in a set as described above in 4.7. This setback requirement shall not apply to public trails and Class IV highways located in Wildlife Management Areas.

4.16 Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzle loader, or gun, fired at arms-length: or, a bow and arrow, or a 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, that requires treatment.

#### **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 opening greater than over 6 3/6 square inches measured~~

inside the widest expanse of 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 at least 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 arms 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) or dogs.
- (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) or dogs 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:~~

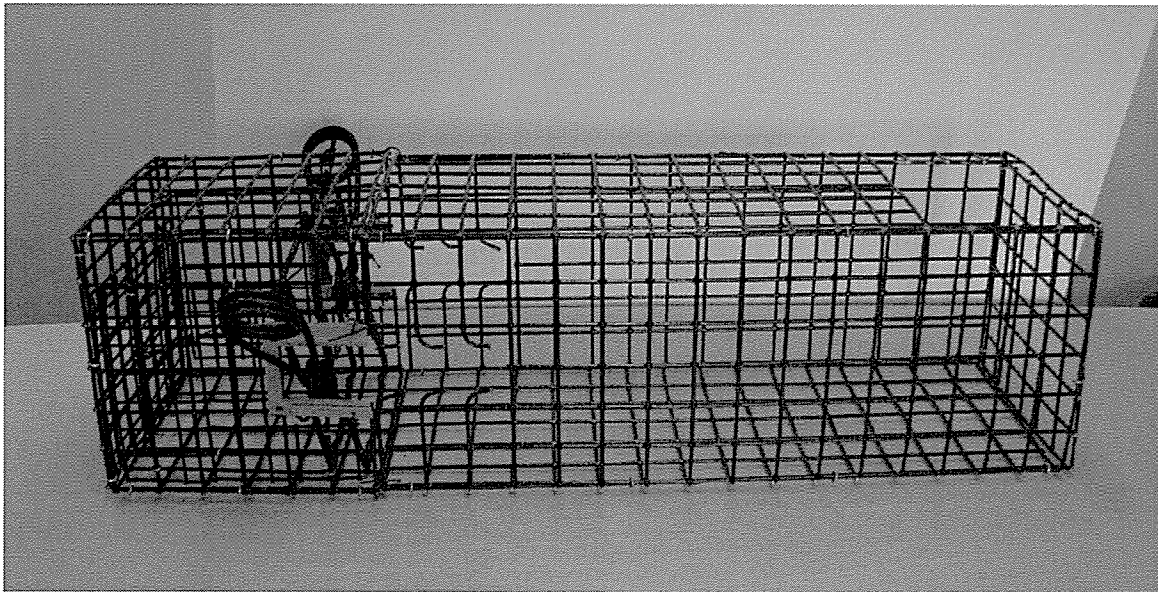
~~i. Under overhanging stream banks, or;~~

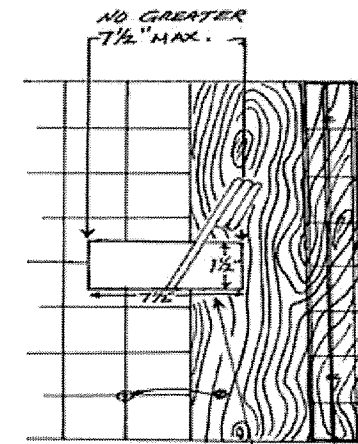
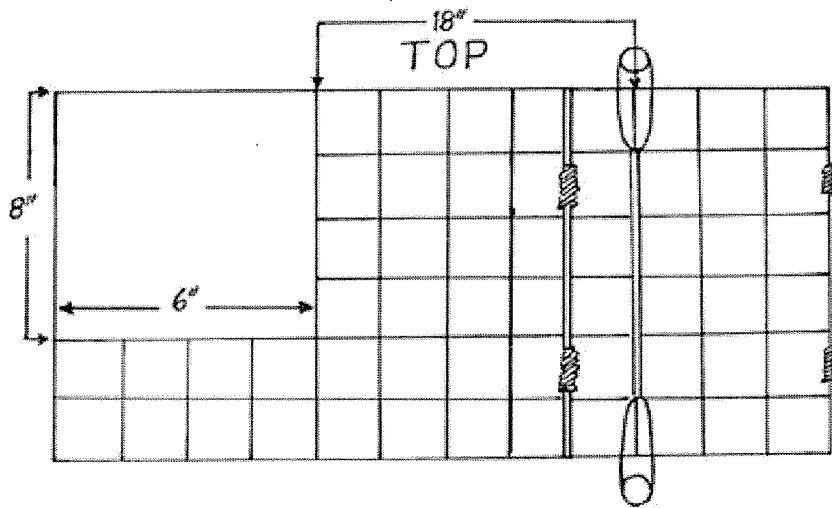
~~ii. In blind sets without the aid of bait, lure or visual attractants, or;~~

~~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.~~

- (d) ~~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.

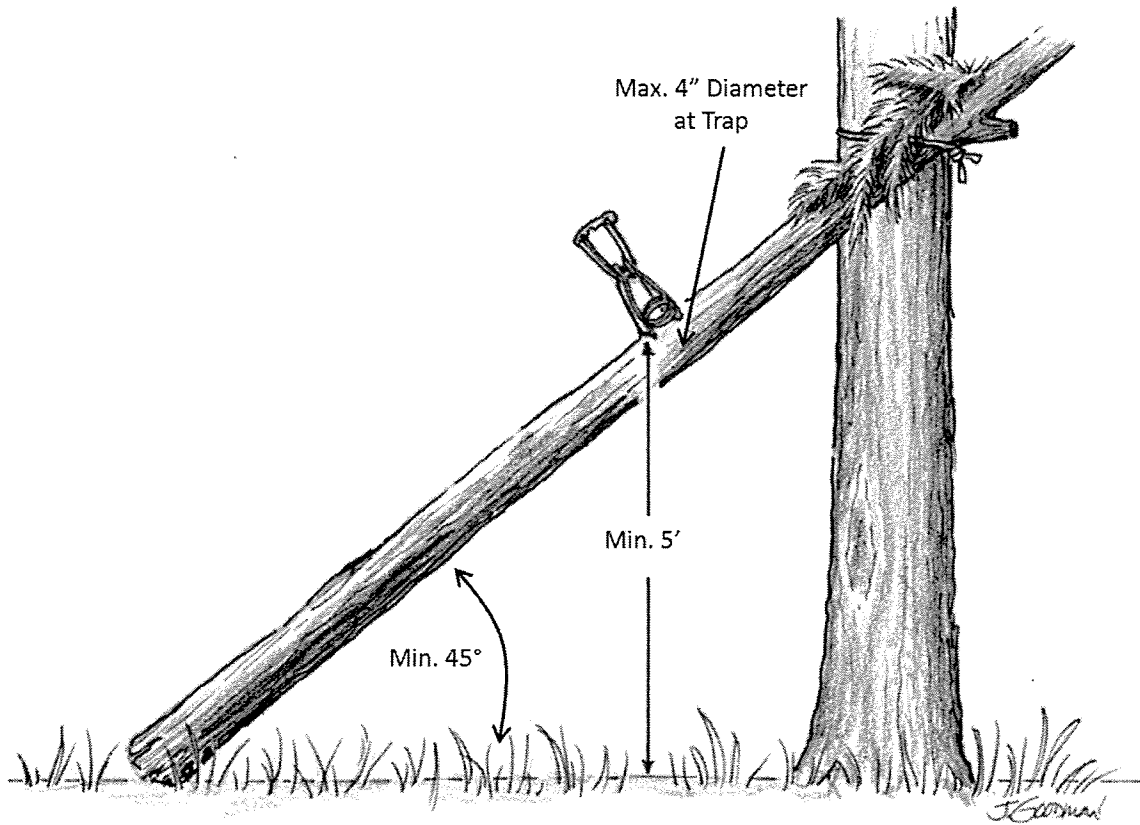
**Diagram 1.** Canada lynx exclusion device for body gripping traps.





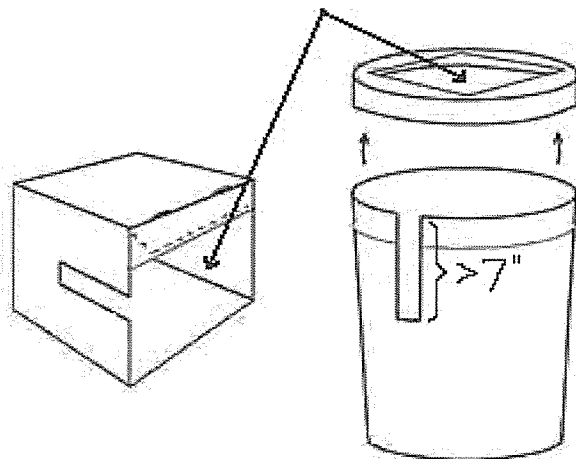
SIDE  
(Wood bait box)  
No greater than 1 1/2 inches  
by 7/8 inch max.

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 obtains a trapping license traps any animal 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
5.1 Beaver		
By trapping	Fourth Sat. in Oct. through March 31	No Limit
By hunting	No open season	Zero
5.2 Otter		
By trapping	Fourth Sat. in Oct.- last day of March	No limit
By hunting	No open season	Zero
5.3 Marten	No open season	Zero
5.4 Mink		
By trapping	Fourth Sat in Oct.-Dec. 31	No limit
By hunting	No open season	Zero
5.5 Raccoon		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Second Sat. in Oct.-Dec. 31	No limit
5.6 Bobcat		
By trapping	December 1-December 16	No limit
By hunting	January 10-February 7	No limit
5.7 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

5.8	Skunk		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed Season	No limit
5.9	Muskrat		
	By trapping	Fourth Sat. in Oct.-March 31	No limit
	By hunting	March 20-April 19	No limit
5.10	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

6.1 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 fur-bearing animals in defense of property for compensation: 4.1, 4.2, 4.3, 4.4, 4.5 (a) through (e), 4.6, 4.7, 4.8, 4.9, 4.10, 4.121 (however, possession is allowed for the purpose of moving the animal to a more appropriate place for dispatch), 4.10, 4.121, 4.13



4.15 (unless the animal has already been trapped), 4.14 4.1820 (fe), 4.22 416 (ab), 4.23 517 (a) and (b).

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## § 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 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 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 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 own which does not have their 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 5/16<sup>th</sup> 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.

4.7 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 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 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) 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) 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) during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a dog(s) 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) 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) 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.

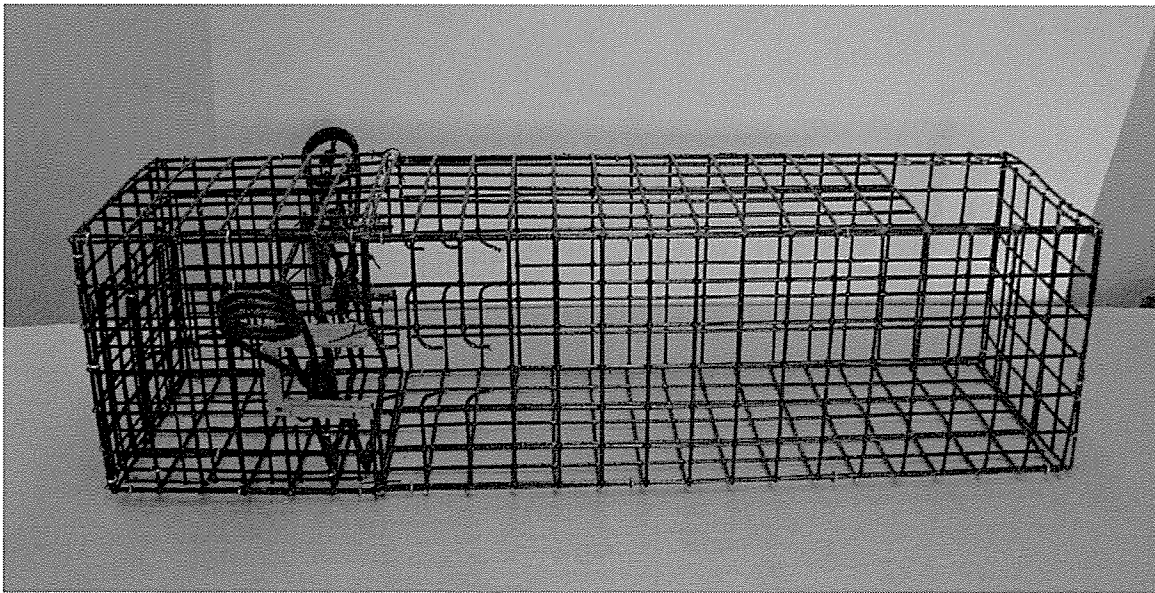
c) The rules set forth in this subsection 4.22 shall expire on January 1, 2027 unless such rules are either extended or amended by the Fish and Wildlife Board. The decision to extend or amend these rules shall be based on an evaluation of the following key criteria:

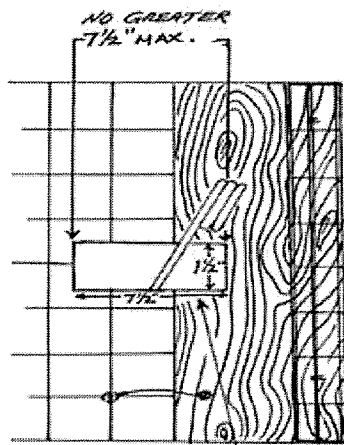
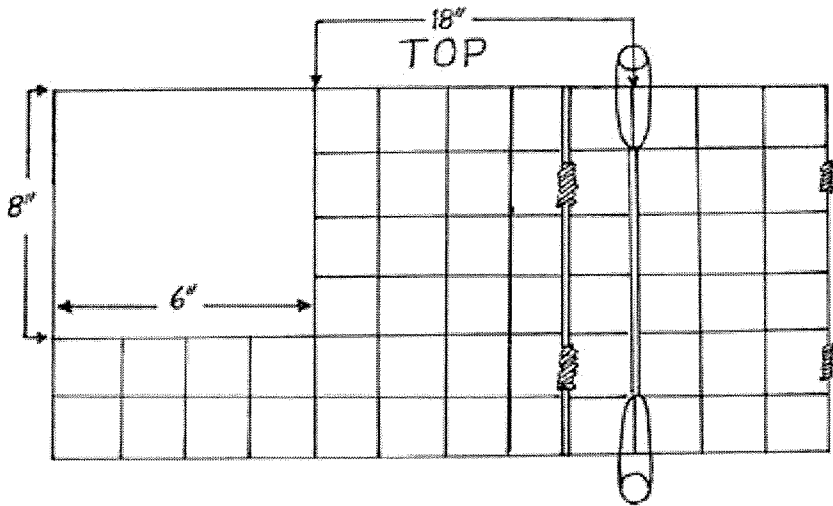
- (1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;
- (2) The availability of more effective and/or practical alternatives for avoiding the

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.

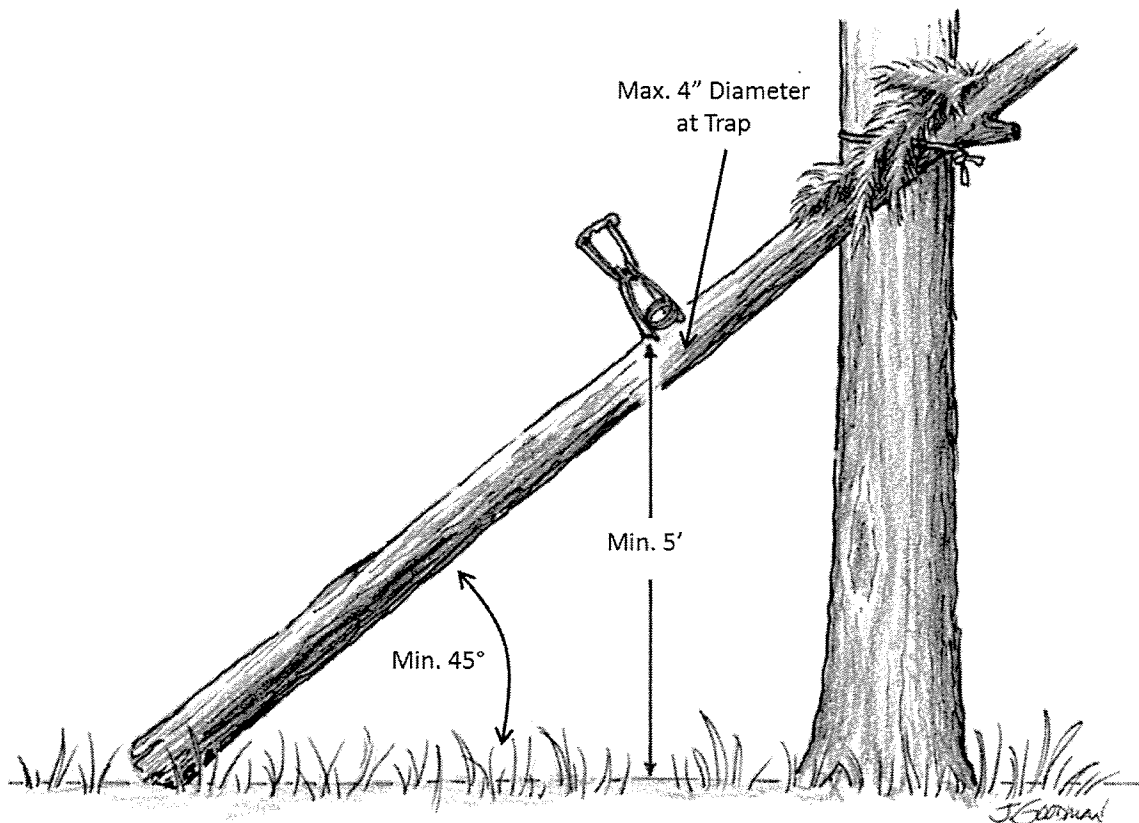




SIDE  
(Wood bait box)

No greater than 1 1/2 inches  
by 7 1/2 inch max.

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



#### **4.23 Biological Collection**

- a) Any person who traps any animal 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
Hunting/Taking Coyote without the Aid of Dogs	No closed season	No limit
Hunting/Taking with the Aid of Dogs	December 15 through March 31	No limit
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 fur-bearing 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), 4.11, 4.12, 4.13, 4.18 e), 4.22 a), and 4.23.

# The Vermont Statutes Online

## Title 10 : Conservation And Development

### Chapter 103 : Department Of Fish And Wildlife

#### Subchapter 002 : Regulatory Powers Over Fish And Wildlife

(Cite as: 10 V.S.A. § 4082)

#### § 4082. Vermont Fish and Wildlife Regulations

(a) The Board may adopt rules, under 3 V.S.A. chapter 25, to be known as the “Vermont Fish and Wildlife Regulations” for the regulation of fish and wild game and the taking thereof except as otherwise specifically provided by law. The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species that are ecologically related to the regulated species. The rules shall be supported by investigation and research conducted by the Department on behalf of the Board.

(b)(1) Except as provided for under subdivision (2) of this subsection, the Board annually may adopt rules relating to the management of migratory game birds, and shall follow the procedures for rulemaking contained in 3 V.S.A. chapter 25. For each such rule, the Board shall conduct a hearing but, when necessary, may schedule the hearing for a day before the terms of the rule are expected to be determined.

(2) Beginning with the 2015 hunting season, the Board may set by procedure the daily bag and possession limits of migratory game birds that may be harvested in each Waterfowl Hunting Zone annually without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual daily bag and possession limits of migratory game birds shall be consistent with federal requirements. Prior to setting the migratory game bird daily bag and possession limits, the Board shall provide a period of not less than 30 days of public notice and shall conduct at least two public informational hearings. The final migratory game bird daily bag and possession limits shall be enforceable by the Department under its enforcement authority in part 4 of this title.

(c) The Board may set by procedure the annual number of antlerless deer that can be harvested in each Wildlife Management Unit and the annual number of moose that can be harvested in each Wildlife Management Unit without following the procedures for rulemaking contained in 3 V.S.A. chapter 25. The annual numbers of antlerless deer and moose that can be harvested shall be supported by investigation and research conducted by the Department on behalf of the Board. Prior to setting the antlerless deer and moose permit numbers, the Board shall provide a period of not less than 30 days of public notice and shall conduct at least three public informational hearings. The public



informational hearings may be conducted simultaneously with the regional antlerless deer meetings required by 10 V.S.A. App. § 2b. The final annual antlerless deer and moose harvest permit numbers shall be enforceable by the Department under its enforcement authority in part 4 of this title. The final annual antlerless deer and moose harvest permit numbers shall be reported to the House Committee on Natural Resources, Fish, and Wildlife as part of the annual deer report required under section 4084 of this title. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1979, No. 66, § 1; 1979, No. 68, § 2, eff. May 8, 1979; 1979, No. 148 (Adj. Sess.), §§ 3, 4, eff. April 24, 1980; 1985, No. 215 (Adj. Sess.), § 5, eff. June 2, 1986; 2013, No. 78, § 3; 2013, No. 116 (Adj. Sess.), § 4; 2017, No. 154 (Adj. Sess.), §§ 1, 21, eff. May 21, 2018.)

# The Vermont Statutes Online

## Title 10 : Conservation And Development

### Chapter 113 : Game

#### Subchapter 004 : Wild Animals Doing Damage

(Cite as: 10 V.S.A. § 4828)

#### **§ 4828. Taking of rabbit or fur-bearing animals by landowner; selectboard; certificate; penalty**

(a)(1) The provisions of law or rules of the Board relating to the taking of rabbits or fur-bearing animals shall not apply to:

(A) an owner, the owner's employee, tenant, or caretaker of property protecting the property from damage by rabbits or fur-bearing animals; or

(B) a member of the selectboard of a town protecting public highways or bridges from such damage or submersion with the permission of the owner of lands affected.

(2) A person who for compensation sets a trap for rabbits or fur-bearing animals on the property of another in defense of that property shall possess a valid trapping license.

(3) if required by rule of the Board, an owner; the owner's employee, tenant, or caretaker; a member of the selectboard; or a person who sets a trap for compensation who desires to possess during the closed season the skins of any fur-bearing animals taken in defense of property, highways, or bridges shall notify the Commissioner or the Commissioner's representative within 84 hours after taking the animal, and shall hold the pelts for inspection by such authorized representatives.

(b) Before disposing of pelts taken under this section, if required by rule of the Board, the property owner; the owner's employee, tenant, or caretaker; a member of the selectboard; or a person who sets a trap for compensation shall secure from the Commissioner or a designee a certificate describing the pelts, and showing that the pelts were legally taken during a closed season and in defense of property, highways, or bridges. In the event of storage, sale, or transfer, the certificates shall accompany the pelts. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1983, No. 213 (Adj. Sess.), § 2; 1995, No. 93 (Adj. Sess.), § 1, eff. March 28, 1996; 2017, No. 170 (Adj. Sess.), § 11, eff. Jan. 1, 2020.)

**No. 170. An act relating to miscellaneous fish and wildlife subjects.**

(H.636)

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Information Collection \* \* \*

Sec. 1. 10 V.S.A. § 4132 is amended to read:

§ 4132. GENERAL DUTIES OF COMMISSIONER

(a) The Commissioner shall have charge of the enforcement of the provisions of this part.

\* \* \*

(f) The Commissioner may collect data, conduct scientific research, and contract with qualified consultants for the purposes of managing fish and wildlife in the State and achieving the requirements and policies of this part. The Commissioner may designate as confidential any records produced or acquired by Department staff or contractors in the conduct of a study of or research related to fish, wildlife, wild plants, or the habitat of fish, wildlife, or wild plants, if release of the records would present a threat of harm to a species or the habitat of a species. Records designated as confidential under this subsection shall be exempt from inspection and copying under the Public Records Act. Records of Department staff or contractors that are not designated as confidential under this subsection shall be available for inspection and copying under the Public Records Act.

or possession of the domestic pig as livestock or as a domestic animal under Title 6 of the Vermont Statutes Annotated.

\* \* \* Trapping \* \* \*

Sec. 10. 10 V.S.A. § 4254c is added to read:

§ 4254c. NOTICE OF TRAPPING; DOG OR CAT

A person who incidentally traps a dog or cat shall notify a fish and wildlife warden or the Department within 24 hours after discovery of the trapped dog or cat. The Department shall maintain records of all reports of incidentally trapped dogs or cats submitted under this section, and the reports shall include the disposition of each incidentally trapped dog or cat.

Sec. 11. 10 V.S.A. § 4828 is amended to read:

§ 4828. TAKING OF RABBIT OR FUR-BEARING ANIMALS BY

LANDOWNER; SELECTBOARD; CERTIFICATE; PENALTY

(a)(1) The provisions of law or ~~regulations~~ rules of the Board relating to the taking of rabbits or fur-bearing animals shall not apply to:

(A) an owner, the owner's employee, tenant, or caretaker of property protecting the property from damage by rabbits or fur-bearing animals; or

(B) ~~to~~ a member of the selectboard of a town protecting public highways or bridges from such damage or submersion with the permission of the owner of lands affected.

(2) A person who for compensation sets a trap for rabbits or fur-bearing animals on the property of another in defense of that property shall possess a valid trapping license.

(3)(A) However, if If required by rule of the ~~board~~ Board, an owner; the owner's employee, tenant, or caretaker; ~~or the members;~~ a member of the selectboard; or a person who sets a trap for compensation who desire desires to possess during the closed season the skins of any fur-bearing animals taken in defense of property, highways, or bridges shall notify the Commissioner or the Commissioner's representative within 84 hours after taking ~~sueh~~ the animal, and shall hold ~~sueh~~ the pelts for inspection by such authorized representatives.

(b) Before disposing of ~~sueh~~ pelts taken under this section, if required by rule of the Board, the property owner; the owner's employee, tenant, or caretaker; ~~or;~~ a member of the selectboard; or a person who sets a trap for compensation shall secure from the Commissioner or a designee a certificate describing the pelts, and showing that the pelts were legally taken during a closed season and in defense of property, highways, or bridges. In the event of storage, sale, or transfer, ~~sueh~~ the certificates shall accompany the pelts described therein.

Sec. 12. 10 V.S.A. § 4001 is amended to read:

§ 4001. DEFINITIONS

Words and phrases used in this part, unless otherwise provided, shall be construed to mean as follows:

\* \* \*

(9) Game: game birds or game quadrupeds, or both.

(10) Game birds: quail, partridge, woodcock, pheasant, plover of any kind, Wilson snipe, other shore birds, rail, coot, gallinule, wild ducks, wild geese, and wild turkey.

\* \* \*

(13) Rabbit: to include wild hare.

(14) Fur-bearing animals: beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat.

(15) Wild animals or wildlife: all animals, including birds, fish, amphibians, and reptiles, other than domestic animals, domestic fowl, or domestic pets.

\* \* \*

(23) Take and taking: pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting fish, birds, and quadrupeds and all lesser acts, such as disturbing, harrying, worrying, or wounding or placing, setting, drawing, or using any net or other device commonly used to take fish or wild animals, whether they result in the taking or not; and shall include every

attempt to take and every act of assistance to every other person in taking or attempting to take fish or wild animals, provided that when taking is allowed by law, reference is had to taking by lawful means and in a lawful manner.

\* \* \*

(27) Commissioner: Commissioner of Fish and Wildlife.

\* \* \*

(31) Big game: deer, bear, moose, wild turkey, caribou, elk, and anadromous Atlantic salmon taken in the Connecticut River Basin.

\* \* \*

(40) Domestic pet: domesticated dogs, domesticated cats, domesticated ferrets, psittacine birds, or any domesticated animal.

#### Sec. 13. FISH AND WILDLIFE BOARD RULES; TRAPPING

On or before January 1, 2019, the Fish and Wildlife Board shall adopt by rule those requirements of Fish and Wildlife Board Rule 44 regarding the trapping of fur-bearing animals that shall apply to persons trapping for compensation under 10 V.S.A. § 4828.

\* \* \* Coyote Hunting \* \* \*

Sec. 14. 10 V.S.A. § 4716 is added to read:

#### § 4716. COYOTE-HUNTING COMPETITIONS; PROHIBITION

(a) As used in this section, "coyote-hunting competition" means a contest in which people compete in the capturing or taking of coyotes for a prize.

# The Vermont Statutes Online

## Title 10 : Conservation And Development

### Chapter 115 : Hunting Dogs

(Cite as: 10 V.S.A. § 5008)

#### § 5008. Hunting coyote with aid of dogs; permit

(a) No person shall pursue coyote with the aid of dogs, either for training or taking purposes, without a permit issued by the Commissioner.

(1) The Commissioner may deny any permit at the Commissioner's discretion. The Commissioner shall not issue more than 100 permits annually.

(2) The number of permits that the Commissioner issues to nonresidents in any given year shall not exceed 10 percent of the number of permits issued to residents in the preceding year. The Commissioner shall establish a process and standards for determining which nonresidents are to receive a permit, including who will receive a permit if there are more nonresident applicants than nonresident permits.

(3) 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 this part and rules adopted under this part.

(b)(1) The Commissioner shall issue permits under this section to a resident for a fee of \$50.00.

(2) The application fee for a nonresident permit issued under this section shall be \$10.00, and the fee for a nonresident permit issued under this section shall be \$200.00 for a successful applicant. (Added 2021, No. 165 (Adj. Sess.), § 1, contingent effective date.)



**No. 165. An act relating to hunting coyotes with dogs.**

(S.281)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. §§ 5008 and 5009 are added to read:

§ 5008. HUNTING COYOTE WITH AID OF DOGS; PERMIT

(a) No person shall pursue coyote with the aid of dogs, either for training or taking purposes, without a permit issued by the Commissioner.

(1) The Commissioner may deny any permit at the Commissioner's discretion. The Commissioner shall not issue more than 100 permits annually.

(2) The number of permits that the Commissioner issues to nonresidents in any given year shall not exceed 10 percent of the number of permits issued to residents in the preceding year. The Commissioner shall establish a process and standards for determining which nonresidents are to receive a permit, including who will receive a permit if there are more nonresident applicants than nonresident permits.

(3) 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 this part and rules adopted under this part.

(b)(1) The Commissioner shall issue permits under this section to a resident for a fee of \$50.00.

Sec. 2. MORATORIUM ON HUNTING COYOTE WITH AID OF DOGS

(a) A person shall not pursue coyote with the aid of dogs, either for the training of dogs or for the taking of coyote, except that a person may pursue coyote with the aid of dogs in defense of a person or property if the person pursuing coyote with the aid of dogs:

(1) is the landowner; or

(2) has obtained a courtesy permission card from the landowner or landowner's agent allowing the release of a dog onto the land for the purpose of pursuing coyote with the aid of dogs.

(b) This section shall be repealed on the effective date of the Fish and Wildlife Board rules required by Sec. 3 of this act.

Sec. 3. FISH AND WILDLIFE BOARD RULES; PURSUING COYOTE  
WITH THE AID OF DOGS

(a) The General Assembly through the rules required under this section intends to reduce conflicts between landowners and persons pursuing coyote with the aid of dogs by reducing the frequency that dogs or persons pursuing coyote enter onto land that is posted against hunting or land where pursuit of coyote with dogs is not authorized. In addition, the General Assembly intends that the rules required under this section support the humane taking of coyote, the management of the population in concert with sound ecological principles, and the development of reasonable and effective means of control.

(b) 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 that may be used to pursue coyote;

(2) a prohibition on the substitution of any new dog for another dog during pursuit of a coyote;

(3) the legal method of taking coyote pursued with the aid of dogs, such as rifle, muzzle loader, crossbow, or bow and arrow;

(4) a definition of control to minimize the risk that dogs pursuing coyote:

(A) enter onto land that is posted against hunting;

(B) enter onto land where pursuit of coyote with dogs is not authorized;

(C) harass or harm people or domestic animals; and

(D) cause other unintentional damages to people or property;

(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 posted in accordance with 10 V.S.A. § 5201; and

(6) required reporting of every coyote killed during pursuit with the aid of dogs.

(c) The Board shall consider whether to include within the rule required by this section provisions related to seasonal restrictions and baiting.

(d) As used in this section, “harass” means to annoy a person or domestic animal to such an extent as to significantly disrupt normal behavioral patterns.

Sec. 4. 13 V.S.A. § 4010 is amended to read:

§ 4010. GUN SUPPRESSORS

(a) As used in this section:

(1) “Gun suppressor” means any device for ~~silencing~~, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a gun suppressor, and any part intended only for use in such assembly or fabrication.

(2) “Sport shooting range” shall have the same meaning as used in 10 V.S.A. § 5227(a).

(b) A person shall not manufacture, make, or import a gun suppressor, except for:

(1) a licensed manufacturer, as defined in 18 U.S.C. § 921, who is registered as a manufacturer pursuant to 26 U.S.C. § 5802;

(2) a licensed importer, as defined in 18 U.S.C. § 921, who is registered as an importer pursuant to 26 U.S.C. § 5802; or

(3) a person who makes a gun suppressor in compliance with the requirements of 26 U.S.C. § 5822.

(c) A person shall not use a gun suppressor in the State, except for use by:

# The Vermont Statutes Online

## Title 10 : Conservation And Development

### Chapter 113 : Game

#### Subchapter 005 : Fur-bearing Animals

(Cite as: 10 V.S.A. § 4861)

#### § 4861. Fur bearing animals; taking; possession

(a) Fur-bearing animals shall not be taken except in accordance with the provisions of this part and of rules of the Board. The fur or skins of fur-bearing animals may be possessed at any time unless otherwise provided by this part, rules of the Board, or orders of the Commissioner.

(b) On or before January 1, 2024, the Fish and Wildlife Board shall revise the rules regulating the trapping of fur-bearing animals in the State. The revised rules shall be at least as stringent as best management practices for trapping recommended by the Department of Fish and Wildlife to the General Assembly.

(c) On or before January 1, 2024 and annually thereafter, the Commissioner of Fish and Wildlife shall submit in writing to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy information regarding the species and number of nontarget animals killed or injured by trapping in the preceding calendar year. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1991, No. 230 (Adj. Sess.), § 26; 2021, No. 159 (Adj. Sess.), § 2, eff. June 1, 2022.)

**No. 159. An act relating to best management practices for trapping.**

(S.201)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. DEPARTMENT OF FISH AND WILDLIFE; BEST MANAGEMENT  
PRACTICES FOR TRAPPING

(a) On or before January 15, 2023, the Commissioner of Fish and Wildlife shall submit to the Senate Committee on Natural Resources and Energy, the House Committee on Natural Resources, Fish, and Wildlife, and the Fish and Wildlife Board recommended best management practices (BMPs) for trapping that propose criteria and equipment designed to modernize trapping and improve the welfare of animals subject to trapping programs. The BMPs shall be based on investigation and research conducted by scientists and experts at the Department of Fish and Wildlife and shall use the “Best Management Practices for Trapping in the United States” issued by the Association of Fish and Wildlife Agencies as the minimum standards for BMP development. The BMPs shall include recommended:

(1) trapping devices and components of trapping devices that are more humane than currently authorized devices and are designed to minimize injury to a captured animal;

(2) criteria for adjusting or maintaining trapping devices so that they operate correctly and humanely;

(3) trapping techniques, including the appropriate size and type of a trap for target animals, use of lures or other attractants, trap safety, and methods to avoid nontarget animals;

(4) requirements for the location of traps, including the placing of traps for purposes other than nuisance trapping at a safe distance, from public trails, class 4 roads, playgrounds, parks, and other public locations where persons may reasonably be expected to recreate;

(5) criteria for when and how live, captured animals should be released or dispatched; and

(6) revisions to trapper education materials and instructions that incorporate the recommendations or requirements set forth in subdivisions (1)–(5) of this subsection.

(b) The report required under subsection (a) of this section shall include a recommendation from the Commissioner of Fish and Wildlife for funding the replacement of currently authorized trapping devices with trapping devices that are compliant with the recommended BMPs. The Commissioner's recommendation shall include alternatives financed with public funding, private funding, or some combination of public and private funding.

(c) In developing the BMPs required under subsection (a) of this section, the Commissioner shall provide an opportunity for public review and comment and shall hold at least one public hearing regarding the proposed BMPs.

(d) As used in this section, “trapping” means to take or attempt to take furbearing animals with traps, including the dispatching of lawfully trapped furbearing animals.

Sec. 2. 10 V.S.A. § 4861 is amended to read:

§ 4861. FUR-BEARING ANIMALS; TAKING; POSSESSION

(a) Fur-bearing animals shall not be taken except in accordance with the provisions of this part, and of rules of the Board. The fur or skins of furbearing animals may be possessed at any time unless otherwise provided by this part, rules of the Board, or orders of the Commissioner.

(b) On or before January 1, 2024, the Fish and Wildlife Board shall revise the rules regulating the trapping of fur-bearing animals in the State. The revised rules shall be at least as stringent as best management practices for trapping recommended by the Department of Fish and Wildlife to the General Assembly.

(c) On or before January 1, 2024 and annually thereafter, the Commissioner of Fish and Wildlife shall submit in writing to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy information regarding the species and number of nontarget animals killed or injured by trapping in the preceding calendar year.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.



No. 159  
2022

Page 4 of 4

Date Governor signed bill: June 1, 2022



# Proposed Rules Postings

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### Deadline For Public Comment

Deadline: Jun 30, 2023

Please submit comments to the agency or primary contact person listed below, before the deadline.

### Rule Details

Rule Number:	23P015
Title:	10 V.S.A. Appendix § 44, Furbearing Species.
Type:	Standard
Status:	Proposed
Agency:	Vermont Fish and Wildlife Board
Legal Authority:	3 V.S.A. § 801(b)(11); 10 V.S.A. § 4082; Other relevant statutes include 10 V.S.A. §§ 4084, 4828, 4861, and 5008, see also Section 13 of Act No. 170 of 2017; Section 2 of Act No. 159 of 2021 (adj); and Section 3 of Act No. 165 of 2021 (adj).
Summary:	The furbearing species rule sets forth hunting and trapping regulations. These rule amendments include: the BMP trap requirements for foothold traps such as: limits on the size of traps, swivels, pan tension; a ban on meat based body-gripping traps unless placed underwater, in an enclosure, or 5 feet above the ground; a requirement that bait be covered; trap placement setbacks from trails on state lands (except for Wildlife Management Areas) and on public highways; dispatch/legal methods for furbearers (gun, crossbow and bow and arrow); the application of some of the BMPs to persons who trap in defense of property for compensation; a limit of 4 Department registered dogs when taking coyote with the aid of dogs; no relaying; the use of GPS and control collars for dogs used to take coyote; the requirement for a GPS log; a hunting season of December 15 through March 31; and a training season of June 1 through September 15 for taking coyote with the aid of dogs, during

Persons Affected: daylight hours only.  
 Department staff including wardens, landowners, sporting businesses that sell traps and GPS and control collars, individuals who have pets, individuals who hike and walk on public trails, state agencies such as, the Vermont Agency of Transportation, municipalities which own land and employ trappers, and commercial entities that trap furbearers or rabbits in defense of property, animal rights advocates, trappers and hunters who take coyote with the aid of dogs. Businesses that sell traps and canine GPS and control collars will benefit from the rules when trappers and hunters convert to new equipment. Trappers, hunters who take coyote with the aid of dogs, and businesses that trap in defense of property will incur costs for new equipment.

Economic Impact: There will be economic impacts on trappers who are not currently using BMP traps, as well as hunters who take coyote with the aid of dogs who may not have the equipment required by the rules.

Posting date: May 17, 2023

## Hearing Information

### Information for Hearing # 1

Hearing date: 06-20-2023 6:30 PM [ADD TO YOUR CALENDAR](#)  
 Location: Rutland Middle School  
 Address: 67 Library Avenue  
 City: Rutland  
 State: VT  
 Zip: 05701  
 Hearing Notes:

### Information for Hearing # 2

Hearing date: 06-21-2023 6:30 PM [ADD TO YOUR CALENDAR](#)  
 Location: Montpelier High School  
 Address: 5 High School Drive  
 City: Montpelier  
 State: VT  
 Zip: 05602  
 Hearing Notes:

### Information for Hearing # 3

Hearing date: 06-21-2023 6:30 PM [ADD TO YOUR CALENDAR](#)  
 Location: Virtually via MS Teams  
 Address: Meeting ID: 261 083 090 804 Passcode: cSVYPa  
 City: Call in (Audio only) +1 802-828-7667,,276834879#  
 State: VT  
 Zip: n/a  
 Meeting ID: 261 083 090 804 Passcode: cSVYPa Call in (Audio only) +1 802-828-7667,,276834879# Online Link: [https://teams.microsoft.com/l/meetup-join/193ameeting\\_NjZiYjI2MTQtNWFI0C00ZWQ0LTkyNDAtNGJjOGNIY2ZhMzI540thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222fafd1d9-49ab-4c12-b37c-0bf36bb473f5227d](https://teams.microsoft.com/l/meetup-join/193ameeting_NjZiYjI2MTQtNWFI0C00ZWQ0LTkyNDAtNGJjOGNIY2ZhMzI540thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222fafd1d9-49ab-4c12-b37c-0bf36bb473f5227d) Phone Conference ID: 276 834 879#

## Contact Information

### Information for Contact # 1

Level: Primary  
 Name: Catherine J. Gessing  
 Agency: Department of Fish and Wildlife, Agency of Natural Resources  
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 Fax: 802-828-1250  
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 Website Address: <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board>

### Information for Contact # 2

Level: Secondary  
 Name: Mark Scott  
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## Keyword Information

Keywords:

trap  
 best management practices (BMPs)  
 setbacks  
 foothold trap  
 body-gripping trap  
 hunting or taking coyote with the aid of dogs  
 relaying

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	The Caledonian Record Julie Poutré ( <a href="mailto:adv@caledonian-record.com">adv@caledonian-record.com</a> )	Tel: 748-8121 FAX: 748-1613
	Times Argus / Rutland Herald Melody Hudson ( <a href="mailto:classified.ads@rutlandherald.com">classified.ads@rutlandherald.com</a> ) Elizabeth Marrier <a href="mailto:elizabeth.marrier@rutlandherald.com">elizabeth.marrier@rutlandherald.com</a> )	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
	The Valley News ( <a href="mailto:advertising@vnews.com">advertising@vnews.com</a> )	Tel: 603-298-8711 FAX: 603-298-0212
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	The Chronicle ( <a href="mailto:ads@bartonchronicle.com">ads@bartonchronicle.com</a> )	Tel: 525-3531 FAX: 525-3200
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	Newport Daily Express ( <a href="mailto:jlafoe@newportvermontdailyexpress.com">jlafoe@newportvermontdailyexpress.com</a> )	Tel: 334-6568 FAX: 334-6891 Attn: Jon Lafoe
	News & Citizen ( <a href="mailto:mike@stowereporter.com">mike@stowereporter.com</a> ) Irene Nuzzo ( <a href="mailto:irene@newsandcitizen.com">irene@newsandcitizen.com</a> and <a href="mailto:ads@stowereporter.com">ads@stowereporter.com</a> removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173 Attn: Bryan
	St. Albans Messenger Legals ( <a href="mailto:legals@samessenger.com">legals@samessenger.com</a> )	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Ben Letourneau
	The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

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**FROM:** APA Coordinator, VSARA

**Date of Fax:** May 22, 2023

**RE:** The "Proposed State Rules " ad copy to run on

**May 25, 2023**

PAGES INCLUDING THIS COVER MEMO:

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**\*NOTE\* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

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PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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10 V.S.A. Appendix § 44, Furbearing Species.

Vermont Proposed Rule: 23P015

AGENCY: Vermont Fish and Wildlife Board

CONCISE SUMMARY: The furbearing species rule sets forth hunting and trapping regulations. These rule amendments include: the BMP trap requirements for foothold traps such as: limits on the size of traps, swivels, pan tension; a ban on meat based body-gripping traps unless placed underwater, in an enclosure, or 5 feet above the ground; a requirement that bait be covered; trap placement setbacks from trails on state lands (except for Wildlife Management Areas) and on public highways; dispatch/legal methods for furbearers (gun, crossbow and bow and arrow); the application of some of the BMPs to persons who trap in defense of property for compensation; a limit of 4 Department registered dogs when taking coyote with the aid of dogs; no relaying; the use of GPS and control collars for dogs used to take coyote; the requirement for a GPS log; a hunting season of December 15 through March 31; and a training season of June 1 through September 15 for taking coyote with the aid of dogs, during daylight hours only.

FOR FURTHER INFORMATION, CONTACT: Catherine Gjessing, Vermont Department of Fish and Wildlife, 1 National Life Drive, Davis 2 Montpelier, VT 05620-3208 Tel: 802-595-3331 Fax: 802-828-1250 Email: [catherine.gjessing@vermont.gov](mailto:catherine.gjessing@vermont.gov) URL: <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board>.

FOR COPIES: Mark Scott, Vermont Department of Fish and Wildlife, 1 National Life Drive, Davis 2 Montpelier, VT 05620-3208 Tel: 802-777-4217 Fax: 802-828-1250 Email: [mark.scott@vermont.gov](mailto:mark.scott@vermont.gov).

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