

H.16

AN ACT RELATING TO DEER DOING DAMAGE TO FOREST
RESOURCES

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

Sec. 1. 10 V.S.A. § 4826 is amended to read:

§ 4826. TAKING DEER DAMAGING CROPS

(a) A person, including an authorized member of the person's family, an authorized regular on-premises employee, or an agent who holds a Vermont hunting license and who is designated by the person, may take, on land owned or occupied by the person, up to four deer per year which the person can prove were doing damage to the following:

(1) a tree which is being grown in a plantation or being cultivated for the purpose of harvesting an annual or perennial crop or producing any marketable item; or

(2) a crop-bearing plant; or

(3) a crop, except grass.

(b)(1) The commissioner may issue in writing an approval for a person, including an authorized member of the person's family, an on-premises employee, or an agent who holds a Vermont hunting license and who is designated by the person, to take, on land owned or occupied by the person, up to ten deer per year that are doing damage to forestland managed for the

production, now or in the future, of a sawlog or sawlog product of a commercial species of any grade, provided that:

(A) The land owned by the person is not posted against hunting;

(B) The person possesses for the forestland in question a forest management plan that is current and in effect;

(C) A consulting forester or county forester has:

(i) inspected the forestland at issue;

(ii) determined that deer overbrowsing jeopardizes the regeneration of commercial timber species on the forestland; and

(iii) submitted a summary of inspection to the commissioner of fish and wildlife.

(2) Within 30 days of submission of an inspection summary under subdivision (1) of this subsection, the commissioner shall issue written approval to take deer under this subsection or shall request that a forester selected by the commissioner conduct a second inspection of the forestland at issue in order to confirm that deer overbrowsing on the forestland jeopardizes regeneration of commercial timber species on that land. If the determination of the forester selected by the commissioner conflicts with the original determination in the submitted inspection summary, the commissioner may refuse to authorize the taking of deer on the forestland at issue.

(3) No later than 180 days after the submission of the original inspection summary under subdivision (1) of this subsection, the commissioner shall notify the person who owns the forestland at issue of the outcome of the second inspection and shall issue written approval or denial to take deer.

(c) A person by whom, or under whose direction, a deer is wounded or killed, shall report in writing signed by him or her within 12 hours all the facts relative to the act to a game warden. The report shall state the time and place of the wounding or killing.

~~(e)~~(d) A person who kills a deer shall immediately properly dress the carcass and care for the meat.

~~(d)~~(e) The game warden shall immediately investigate the case and if satisfied that the deer was taken as provided in this section, shall give the person a certificate of the finding in the matter. The certificate shall entitle the person to the ownership of the carcass, but the person shall not sell or give away the same. However, the head and the antlers, if any, shall be turned over to a warden. In addition, any carcass not needed for home consumption in the household of the certificate-holder shall be turned over to a game warden.

~~(e)~~(f) When a game warden finds that a deer has been wounded or killed contrary to the provisions of this section, he or she shall dispose of the deer under the direction of the commissioner, and any monies received therefor shall be paid to the commissioner.

~~(f)~~(g) "Person" includes all people who jointly own or occupy the land. Therefore, if two or more people jointly own or occupy land, they may jointly take or authorize the taking of only up to four deer.

~~(g)~~(h) The commissioner may issue a permit to a person to take more than ~~four deer under section~~ the maximum limit of deer doing damage set forth in subsection (a) or (b) if:

- (1) the land owned by the person is not posted against hunting;
- (2) the person can prove that the property is sustaining additional and ongoing damage; and
- (3) the person has taken reasonable measures to prevent the deer from continuing to damage the crop or continuing to damage forestland managed for the production of a sawlog or sawlog product of a commercial species of any grade.

~~(h)~~(i) The commissioner is authorized to issue an order requiring any person to remove food or bait which has the effect of luring deer into the vicinity of the property sustaining damage. In this subsection, food does not include a crop or crop-bearing plant.

Sec. 2. DEPARTMENT OF FISH AND WILDLIFE REPORT ON TAKING
OF DEER DOING DAMAGE

On or before January 15, 2012, and annually thereafter, the commissioner of fish and wildlife shall report to the house committee on fish, wildlife and

water resources and the senate committee on natural resources and energy regarding implementation of the commissioner's authority to approve the taking of deer doing damage to forestland managed for the production of sawlogs or sawlog products from commercial species. The report shall include:

(1) A summary of how the commissioner has exercised his or her authority to approve the taking of deer doing damage to forestland managed for the production of sawlogs or sawlog products from commercial species;

(2) The number of requests that the commissioner received for approval to take deer doing damage to forestland managed for the production of sawlogs or sawlog products from commercial species;

(3) The number of approvals that the commissioner issued to take deer doing damage to forestland managed for the production of sawlogs or sawlog products from commercial species.

(4) An estimate of the number of deer taken under the commissioner's authority to approve the taking of deer doing damage to forestland managed for the production of sawlogs or sawlog products from commercial species.