

1 H.13

2 Introduced by Representatives Deen of Westminster, McCullough of Williston
3 and Webb of Shelburne

4 Referred to Committee on

5 Date:

6 Subject: Fish and game; forest resources; deer doing damage

7 Statement of purpose: This bill proposes to authorize the commissioner of fish
8 and wildlife to approve the taking of up to 10 deer per year when deer are
9 doing damage to forestland managed for the production of a sawlog or sawlog
10 product of a commercial species of any grade, provided that: the land is not
11 posted against hunting; the forestland at issue is managed under a current
12 forest management plan; and a consulting forester has determined in writing
13 that deer overbrowsing jeopardizes the regeneration of commercial timber
14 species on the forestland at issue. The bill would also provide that the deer
15 herd is to be managed in balance with other forest species, uses, and values. In
16 addition, the bill would require the annual study of the deer herd to consider
17 data on the impact of the deer herd on forest health.

18 An act relating to deer doing damage to forest resources

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

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

2 § 4826. TAKING DEER DAMAGING CROPS

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

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

11 (2) a crop-bearing plant; or

12 (3) a crop, except grass.

13 (b)(1) The commissioner may issue in writing an approval for a person,
14 including an authorized member of the person's family, an on-premises
15 employee, or an agent who holds a Vermont hunting license and who is
16 designated by the person, to take, on land owned or occupied by the person, up
17 to ten deer per year that are doing damage to forestland managed for the
18 production, now or in the future, of a sawlog or sawlog product of a
19 commercial species of any grade, provided that:

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

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

3 (C) A consulting forester or county forester has:

4 (i) inspected the forestland at issue;

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

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

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

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

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

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

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

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

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

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

4 (1) the land owned by the person is not posted against hunting;

5 (2) the person can prove that the property is sustaining additional and
6 ongoing damage; and

7 (3) the person has taken reasonable measures to prevent the deer from
8 continuing to damage the crop or continuing to damage forestland managed for
9 the production of a sawlog or sawlog product of a commercial species of
10 any grade.

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

15 Sec. 2. 10 V.S.A. § 4081(c) and (d) are amended to read:

16 (c) An abundant, healthy deer herd, managed in balance with other forest
17 species, uses, and values, is a primary goal of fish and wildlife management.

18 The use of a limited unit open season on antlerless deer shall be implemented
19 only after a scientific game management study by the fish and wildlife
20 department supports such a season.

1 (d) Annually, the department shall update a scientific management study of
2 the state deer herd. The study shall consider data provided by department of
3 fish and wildlife biologists; the department of forests, parks and recreation
4 regarding the impact of deer populations on forest health; and citizen testimony
5 taken under subsection (f) of this section.

6 Sec. 3. DEPARTMENT OF FISH AND WILDLIFE REPORT ON TAKING
7 OF DEER DOING DAMAGE

8 On or before January 15, 2013, and annually thereafter, the commissioner
9 of fish and wildlife shall report to the house committee on fish, wildlife and
10 water resources and the senate committee on natural resources and energy
11 regarding implementation of the commissioner's authority to approve the
12 taking of deer doing damage to forestland managed for the production of
13 sawlogs or sawlog products from commercial species. The report
14 shall include:

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

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

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

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

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on July 1, 2011.