



**State of Vermont**  
**Agency of Administration**  
**Office of the Secretary**  
Pavilion Office Building  
109 State Street  
Montpelier, VT 05609-0201  
[www.aa.vermont.gov](http://www.aa.vermont.gov)

[phone] 802-828-3322  
[fax] 802-828-3320

*Susanne R. Young, Secretary*

## MEMORANDUM

**TO:** Jim Condos, Secretary of State

**FROM:** Susanne R. Young, Secretary of Administration

**DATE:** April 14, 2020

**RE:** Emergency Rule Titled '10 App. V.S.A. § 2. Report, big game' by the Vermont Department of Fish and Wildlife, Vermont Fish and Wildlife Board

---

The use of rulemaking procedures under the provisions of [3 V.S.A. §844](#) is appropriate for this rule. I have reviewed the proposed rule provided by the Agency of Human Services, Department of Vermont Fish and Wildlife, Vermont Fish and Wildlife Board, and agree that emergency rulemaking is necessary.

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

[phone] 802-828-1454  
[fax] 802-828-1250  
[tdd] 802-828-3345

*Agency Of Natural Resources*

April 14, 2020

Brad Ferland, Deputy Secretary of Administration, Chair  
Interagency Committee on Administrative Rules  
109 State Street,  
Montpelier, VT 05609-0201  
Via email: [brad.ferland@vermont.gov](mailto:brad.ferland@vermont.gov)

In re: Emergency big game reporting rule for Turkey Hunting

Dear Chair Ferland:

Enclosed please find an emergency rule related to Turkey hunting and the reporting and exhibition of turkey carcasses. The current rules and system of reporting requires successful turkey hunters to bring their harvest to a big game reporting station or display the turkey to a warden or, other designated personnel. Requiring in person reporting and exhibition of a turkey harvest creates a significant risk of increased exposure to the Covid-19 virus for hunters, Department personnel, and members of public. The Department has been working on developing a system for electronic reporting of turkeys. That work, while hurried, is going well and we will have a system operational before the Youth Turkey Season the last weekend of April.

In addition to Youth Hunting weekend, the Spring turkey season is May 1 through May 31. Last spring, 5496 turkeys were taken during the Youth and Spring seasons. The average number of turkeys taken for these seasons in the last 5 years is 5697. The in-person reporting and exhibition of turkey carcasses could result in a significant impacts on public health. In addition, we are concerned that many hunters may not be able to successfully photograph and electronically submit that photo to fulfill the “exhibit” requirement of our turkey rules. The alternative is to require hunters to report at a big game station, which is not advisable and, in fact, is contrary to Governor Scott’s “Stay Home, Stay Safe” order, and will result in potential violations because a hunter lacks the capability or technology to photograph their turkey and submit the photo.

In order to protect public health and eliminate potential violations of the turkey rules, we asked the Fish and Wildlife Board to meet in an emergency session and authorize an amended emergency turkey rule. They approved the emergency amended rule yesterday.

As you know, 3 V.S.A. § 844 (a) provides that emergency rules may be adopted without filing proposed or final proposed rules with the Interagency Committee on Administrative Rules (ICAR) and the Secretary of State. As such, emergency rules are specifically exempt from ICAR

approval however Executive Order 04-010 requires ICAR Chair approval.

Please review the attached proposed filings and let us know if you support this filing or have any suggestions or concerns. Upon your approval, the emergency rule will be filed with the Legislative Committee on Administrative Rules and the Secretary of State and will become effective (although temporary) upon filing.

Feel free to contact me at [Catherine.gjessing@vermont.gov](mailto:Catherine.gjessing@vermont.gov) or 802-244-4952 with any questions or concerns you may have. Thank you for your assistance!

Sincerely,

*/s/ Catherine Gjessing*

Catherine Gjessing  
General Counsel

# Administrative Procedures – Emergency Rule Filing

**Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). Turkey reporting presents significant risk of exposure of state agency personnel and members of the public to COVID-19 virus, a global pandemic as determined by the World Health Organization on March 11, 2020.

I approve the contents of this filing entitled:

10 App. V.S.A. § 2. Report, big game

/s/ Louis Porter , on April 14, 2020 .

(signature)

(date)

Printed Name and Title: Louis Porter, Commissioner Department of Fish and Wildlife,  
Secretary Vermont Fish and Wildlife Board

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

Emergency Rule Coversheet

1. TITLE OF RULE FILING:

10 App. V.S.A. § 2. Report, big game

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. 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 Dr. 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/board-rules>

4. 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: Mark Scott

Agency: Vermont Department of Fish and Wildlife

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

Telephone: 802 777 - 4217 Fax: 802 828 - 1250

E-Mail: mark.scott@vermont.gov

5. 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:

6. 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(a), 10 V.S.A. § 4084

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

10 V.S.A. §4082(a) states that the Vermont Fish and Wildlife Board is authorized to adopt rules "for the regulation of fish and wild game and the taking thereof." This proposed rule is directly within the authority granted to the Fish and Wildlife Board under 10 V.S.A. §4082(a). In addition, under 10 V.S.A. §4084, the Board has broad authority to establish: seasons; possession limits; territorial limits; the manner and means of taking any ,species; reporting and tagging of game; and restrictions on taking based upon sex, maturity, or other physical distinction of the species.

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

The emergency rule changes the requirement that hunters exhibit the carcass of turkey to a warden, reporting station, or other designated entity. The rule specifies that a hunter is only required to exhibit the turkey carcass at the request of a warden.

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

The rule is necessary to reduce the risk of exposure to COVID-19 by hunters, agency personnel and other members of the public. The rule will allow for reporting and exhibition of turkey carcasses during the spring turkey season by electronic means. It will also ensure compliance with Center for Disease Control (CDC) Vermont Health Department Guidelines relating to social distancing.

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

The rule is not arbitrary because it is within the explicit authority of the Board and is designed to protect public health.

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

Emergency Rule Coversheet

Turkey Hunters, Fish and Wildlife staff such as biologists and wardens, check-in stations such as General Stores and Gas Stations, and members of the public.

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

Economic Impact is difficult to quantify however, the Board expect the impact to be positive because the rule allows the reporting related to turkey hunting to take place in a manner that protects public health. Turkey hunters will likely use less gasoline as they will not be required to travel to exhibit the turkey, however some of the check stations may lose some income because of lower gas, beverage or food sales that may be incidental to reporting.

13. A HEARING IS NOT SCHEDULED .

14. 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 NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

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

16. EMERGENCY RULE EFFECTIVE: 04/14/2020

17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL

(A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE):

07/01/2020

18. NOTICE OF THIS EMERGENCY RULE SHOULD NOT BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.

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

COVID-19

public health

Turkey

report

exhibit

carcass



# Administrative Procedures – 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.

1. **TITLE OF RULE FILING:**

10 App. V.S.A. § 2. Report, big game

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 as long as 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*):

# Administrative Procedures – 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.

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.

---

### 1. TITLE OF RULE FILING:

10 App. V.S.A. § 2. Report, big game

### 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:*

Turkey Hunters, Fish and Wildlife staff such as biologists and wardens, check-in stations such as General Stores and Gas Stations, and members of the public.

### 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:*

## Economic Impact Analysis

This rule does not affect schools or taxpayers.

### 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 alternative are considered as this rule does not affect schools.

### 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):*

Check-in stations are typically small business such as General Stores and Gas Stations. Many of these business have already indicated that they are unable to serve as reporting stations because of the pandemic COVID-19 due to concerns about social distancing and the potential exposure of employees and members of the public to the virus. Given the current stay home and social distancing recommendations related to COVID-19, any impact on such businesses should be negligible.

### 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.*

This rule proposal will help small businesses which are check in stations to comply with CDC and Vermont Health Department recommendations.

### 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:*

Though difficult to quantify at this time, the impact of not amending the big game reporting and exhibition rules could be substantial. Last spring, 5496 turkeys were taken during the Youth and Spring seasons. The average number of turkeys taken for these seasons in the last 5 years is 5697. The in-person reporting and exhibition of turkey carcasses will increase the risk of exposure to the COVID-19 virus for hunters, Department personnel, and the public; such exposure could result in a significant impacts on public health and the extension of stay home stay safe requirements

## Economic Impact Analysis

in Vermont. Wardens will not request exhibition unless it is warranted by circumstances and past history of violations. Even then the warden force will follow recommendations such as, wearing face masks and social distancing.

### 9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

This economic impact analysis is limited due to the necessity of acting quickly in response to the COVID-19 virus pandemic. Taking prudent steps to reduce the spread of this pandemic in Vermont will allow the state and its citizens to recover from the economic and health impacts of the pandemic more quickly. Since this emergency rule is designed to allow hunting that is consistent with the protection of public health, the potential economic impacts will likely be positive.

# Administrative Procedures – 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.

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

---

### 1. TITLE OF RULE FILING:

10 App. V.S.A. § 2. Report, big game

### 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.):* There may be a reduction in travel by hunters and a small reduction in green house gases associated with vehicular travel.

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.

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

No impact.

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

This rule facilitates safe hunting.

## Environmental Impact Analysis

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
Small or negligible impact expected from reduced vehicular travel.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
No impact.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

This environmental impact analysis is limited due to the necessity of acting quickly in response to the COVID-19 virus pandemic. Since the existing rule has minimal impacts environmentally, the emergency rulemaking is also expected to have a minimal impact on the environment.

# Administrative Procedures – Public Input

## **Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

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

1. TITLE OF RULE FILING:

10 App. V.S.A. § 2. Report, big game

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

Not applicable

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Board has conducted a meeting on April 13, 2020, issued a press release, and posted the emergency rules on its website. Public comment was received at the Board meeting. The two public comments were supportive of the emergency rule. The Department will conduct social media outreach and will issue press releases to publicize the emergency rule and the reporting and exhibition process.

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

Not applicable

ANNOTATED

10 App. V.S.A. § 2. Report, big game

(a) A person taking big game, as defined by 10 V.S.A. § 4001(31), pursuant to the seasons provided by law or regulation of the Fish and Wildlife Board, shall within 48 hours report the taking and exhibit the carcass to the nearest game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the reports. Notwithstanding this section, due to the public health risk associated with COVID-19, a person taking turkey shall report electronically or as otherwise authorized by the Commissioner and shall only be required to exhibit the carcass of a turkey at the request of a state game warden.

No big game carcass shall be transported out of the State without first being reported as required herein.

(b) The Commissioner shall pay to the authorized agent a fee of \$1.00 for each report taken on species where reports are required by law.



## FINAL EMERGENCY RULE

### 10 App. V.S.A. § 2. Report, big game

(a) A person taking big game, as defined by 10 V.S.A. § 4001(31), pursuant to the seasons provided by law or regulation of the Fish and Wildlife Board, shall within 48 hours report the taking and exhibit the carcass to the nearest game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the reports. Notwithstanding this section, due to the public health risk associated with COVID-19, a person taking turkey shall report electronically as authorized by the Commissioner and shall only exhibit the carcass of a turkey at the request of a state game warden.

No big game carcass shall be transported out of the State without first being reported as required herein.

(b) The Commissioner shall pay to the authorized agent a fee of \$1.00 for each report taken on species where reports are required by law.