

**VERMONT FISH & WILDLIFE  
DEPARTMENT**

**Review and Report on  
Fish and Wildlife Violations**

Submitted to:

Vermont House Committees on  
Natural Resources, Fish, and Wildlife; and Judiciary, and  
Senate Committees of Natural Resources and Energy; and Judiciary

Submitted by:

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## **Background and History**

Section 16 of Act 170 of the 2017-2018 biennium of the Vermont General Assembly requires that the Department of Fish and Wildlife (the Department) review the current criminal and civil charges for all fish and wildlife violations and report back to the General Assembly on any recommended changes to those charges. The current violations contained in Title 10 of the Vermont Statutes range from minor civil violations to misdemeanor charges which can result in large financial penalties and jailtime for an accused violator. The directive of the legislature requires the Department to 1) review the potential criminal and civil charges for all fish and wildlife violations, and 2) prepare a report recommending changes to those same charges. The report must summarize the process used to review the charges and explain the basis for the Department's recommendations. Before submitting the report the Department was required to consult with multiple governmental and non-governmental stakeholder groups.

The Department had four major objectives in the preparation of this review and report:

1. Ensure successful prosecutions of fish and wildlife violations regardless of the jurisdiction in which they are brought,
2. Maintain the current tools that Department Game Wardens use to prosecute criminal and civil fish and wildlife violations,
3. Create a more equitable and efficient process for all stakeholders wherever possible, and
4. Ensure that penalties and restitution are collected and deposited in the Fish and Wildlife Fund.

## **Current Vermont Fish and Wildlife Violations**

There are currently 3 tiers of violations for the Department's Law Enforcement Division: Minor Fish and Wildlife Violations, Fish and Wildlife Violations (criminal information tickets),

and Big Game Violations. These violations contain a range of potential charges and highlight the wide variety of issues that Game Wardens encounter while on duty.

### **Minor Fish and Wildlife Violations**

Minor fish and wildlife violations are civil violations under the jurisdiction the Judicial Bureau. This relatively small set of violations are listed and defined in 10 V.S.A. § 4572. Section 4572, created by Act 181 of the 1996 legislative session, lists the specific civil violations and the Fish and Wildlife Board regulations subject to the jurisdiction of the Judicial Bureau. The Bureau's jurisdiction over these violations arises from 10 V.S.A. § 4574 which states that "Minor violations shall be heard by the judicial bureau and the procedure shall be as defined in title 4 chapter 29." As examples, minor fish and wildlife violations include violations of the Department's access area rules, failure to carry a license, false statements on a license application, and other similar smaller infractions.

Contained in the minor fish and wildlife violation subchapter is a statement of legislative findings from 1995 regarding the creation of this civil tier of violations. 10 V.S.A. § 4571 states:

"The general assembly recognizes that minor fish and wildlife violations must be dealt with fairly but do not require the full weight of the criminal justice system. Minor Fish and Wildlife violations do not involve terms of imprisonment or substantial monetary penalties and persons who commit minor fish and wildlife violations should not be treated as criminal offenders. The purpose of this act is to treat minor fish and wildlife violations as civil violations, removing them from the criminal courts and removing the label of criminality from those who commit them."

The Department considered these principles in determining whether to recommend a number of new violations for inclusion in the list of minor fish and wildlife violations. Though the list of statutory violations is smaller than the other tiers, minor fish and wildlife violations make up approximately 64% of the violations written each year by the Department's Warden Force. Note

that in the recent memory of Department staff, only one person has ever requested a jury trial for a civil violation.

### **Fish and Wildlife Criminal Information Tickets**

The middle tier of fish and wildlife violations are known as criminal information tickets, fish and wildlife violations, and/or fish and wildlife criminal tickets. These violations include the bulk of the possible fish and wildlife charges contained in Title 10. All Vermont fish and wildlife information tickets are currently criminal offenses under the jurisdiction of the Criminal Divisions of the county Superior Courts. The ticket document itself serves as an order to appear, a criminal summons, an affidavit, and a charging document. The recipient of the ticket has the option of paying a waiver fine by mail to the Criminal Division of the Superior Court, in lieu of appearing before the Court, unless otherwise directed. These information tickets make up approximately 20% of all fish and wildlife violations that are written annually.

### **Big Game Violations**

A fish and wildlife big game violation, or fish and wildlife criminal citation, is also a criminal ticket, but it can result in fines, restitution, forfeiture, and/or incarceration for an alleged violator. These charges are the most serious of the violations that the Department enforces. Examples include big game violations such as taking deer out of season, taking game by illegal means, and violations of Vermont's threatened and endangered species protection laws. These criminal citations account for approximately 16% of the violations issued by the Department annually.

When the Department of Fish and Wildlife offered testimony in 1995 on the creation of the minor fish and wildlife violations, the director of the Law Enforcement Division, Colonel Roger Whitcomb, recommended to the General Assembly that these big game violations remain criminal offenses. The Department recommends that these violations continue to remain under the jurisdiction of the criminal courts.

## **Process and Outreach**

When conducting its review of the criminal and civil violations as directed by the General Assembly, the Department began by categorizing all the current violations by the potential penalties that could be assessed. The Department generated a list of fish and wildlife violations that indicates which violations should remain criminal and which could be potentially converted to civil violations. The rationale for the classification of violations was based primarily on the seriousness of the violations, and the associated potential consequences and penalties. Additionally, the Department discussed investigative tools that are critical to the effective prosecution of fish and wildlife violations.

The Department also reviewed previous legislation in preparation of its report. With the assistance of the office of Legislative Council, the Department reviewed Act 181 from 1996 in which several violations were removed from the criminal court to the Judicial Bureau. At that time the Department suggested violations that could be converted from criminal charges to civil charges that would be prosecuted in the Judicial Bureau. Ultimately, only a handful were transferred out of the jurisdiction of the Criminal Court. Those that were transferred make up the violations currently listed in the definitions section of the Minor Fish and Game Violations.

## **Stakeholder Outreach**

As directed by the General Assembly in Act 170 the Department consulted with governmental and non-governmental organizations to request their input for this report. After reviewing and categorizing the current Title 10 fish and wildlife violations, the Department began its outreach by discussing the project with the Judiciary. The Department solicited initial impressions of the current list of fish and wildlife offenses from sitting judges and the clerk of the statewide courts. The feedback received from the Judiciary informed the Department's next steps in reaching out to the other mandated stakeholders.

Following discussions with the Judiciary, the Department created and distributed a survey to solicit input from non-governmental stakeholders. That survey, attached here as an attachment to the report, asked the non-governmental stakeholders about their familiarity with the current set of fish and wildlife violations, whether they hunt fish and/or trap, and asked them for any opinions they might have about the current list of violations. The survey was distributed to: the Vermont Trappers Association, Backcountry Hunters and Anglers, Hunters Anglers and Trappers Association of Vermont, The Vermont Chapter of the National Wild Turkey Association, The Vermont Bearhound Association, The Vermont Bowhunters Association, The Barre Fish and Game Club, Trout Unlimited, The Vermont Traditions Coalition, The Vermont Federation of Sportsmen's Clubs, Vermont Coverts, The Humane Society of the United States, The Vermont Wildlife Coalition, Protect Our Wildlife Vermont, Green Mountain Animal Defenders, and the Vermont Coyote Coexistence Coalition. After receiving some feedback on the survey directly, the Department followed up with phone conversations with those who did not respond and from groups who wished to learn more about the project. Concurrent with the outreach to game-focused groups the Department solicited input from non-game, non-

governmental stakeholders including veterinarians, the Abenaki Nation, The Vermont Refugee Resettlement Program, and the Vermont Chapter of the ACLU.

In keeping with the directives of Act 170 the Department also created a request for comment, also included as an attachment to this report, to solicit further input from States Attorneys, the Defender General's Office, the Judiciary, the Department's own Warden Force, and private defense attorneys to learn about their experiences with fish and wildlife violations. In the request for comment, the Department proposed options to determine whether there was support for 1) classifying a set of additional minor violations that could be transferred as civil charges to the Judicial Bureau, 2) to more explicitly define criminal violations, and 3) to allow wardens and prosecutors to convert the middle tier fish and wildlife violations to civil violations based on a set of criteria. In addition to the emailed request for comment the department followed up with phone call conversations with the above-mentioned groups and individuals. The input received from these governmental and non-governmental groups was integral to the preparation of this report.

### **Options Explored by the Department**

The Department considered several potential recommendations for changes to the current Title 10 violations, including the following:

#### ***No Changes***

The least effective option for reforming the criminal and civil violations was simply to recommend no changes to the current set of violations. Under the status quo there are limited numbers of violations that find their way to the Judicial Bureau for prosecution. The criminal violations (fish and wildlife violations with no possibilities of jailtime) would remain under the

jurisdiction of the criminal courts. Although maintaining the status quo would be the least burdensome option for the Department, it is not an option that the Department chose to pursue.

***Convert only charges that will not require a warrant to civil Judicial Bureau charges.***

The Department considered the impacts of moving some current criminal violations to the jurisdiction of the Judicial Bureau. This option would simply add to the definition of minor fish and wildlife violations contained in 10 VSA § 4572. The Judicial Bureau has informed the Department that it has the capacity to take on more cases from the fish and wildlife violations. Currently, fish and wildlife cases take up less than 5% of the Judicial Bureau's schedule. While this approach could achieve some efficiencies, classifying some of these violations as civil offenses would undercut the Department's ability to conduct appropriate investigations as it would eliminate the ability to obtain a search warrant when pursuing a potential violation. Some of the violations in the current middle tier of fish and wildlife charges may require, at some point in the investigative process, that a warrant be issued to further investigate the alleged violation. Because removing these charges to the jurisdiction of the Judicial Bureau would impair the ability of wardens to investigate criminal violations to their fullest, the Department does not support this approach.

***Convert non-prison-time and non-restitution violations to the Judicial Bureau's jurisdiction and create civil access orders and inspection powers for Game Wardens.***

To remedy the issues raised in the previous option, the Department considered ways to lessen the severity of some offenses while maintaining the ability of the Game Wardens to effectively investigate potential violations. As an example, the Vermont Environmental Law



Enforcement Act, codified in 10 V.S.A. Chapter 201, authorizes the Agency of Natural Resources and the Natural Resources Board to pursue civil enforcement of environmental violations at the Environmental Division of the Superior Court. Under 10 V.S.A. § 8005, a Superior Court Judge may issue an access order when access has been refused, and the investigator, by affidavit, describes the property to be examined and demonstrates one of the following circumstances:

- a provision of the permit authorizes inspection and the collection of evidence,
- the property is scheduled for a neutral random inspection as part of an inspection program, or
- facts providing reasonable grounds to believe that violation exist and that an examination of the specifically described property will be of material aid in determining the existence of a violation.

These civil access orders provide environmental enforcement officers with similar access to private property that a law enforcement officer might obtain from a warrant granted by a judge of the criminal divisions. Creating a civil access authority for Game Wardens would require statutory changes that specify what courts or judges would be authorized to issue such an access order and under what circumstances. One critical issue that could arise is whether a subsequent criminal violation uncovered during a civil search would be constitutional under the Fourth Amendment. This is a serious concern for the Department's Law Enforcement Division and would potentially undermine a warden's ability to bring criminal charges where appropriate. The Department is interested in possibly pursuing this path further if the General Assembly so chooses.

***Concurrent jurisdiction between the Criminal Division of the Superior Court and the Judicial Bureau and/or transfer of cases from the Criminal Division to the Judicial Bureau.***

To best preserve the warrant writing capability while simultaneously allowing for lesser charges where appropriate, the Department examined instances in statute where violations of law

may be pursued in different jurisdictions. These instances informed the Department's analysis in developing the multi-jurisdictional approach in its recommendation below. There are several instances currently in statute where an agency or prosecutor has the option to bring a charge in civil or criminal court including:

- Under 10 V.S.A. § 5403, the Secretary of the Agency of Natural Resources may select whether to pursue civil or criminal charge for the taking of a threatened or endangered species. Section 5403 states that the Secretary may select the venue for the prosecution based on the circumstances and intent of the violator at the time of the taking. Any criminal investigations arising from violations of section 5403 are referred to the Commissioner of Fish and Wildlife which are undertaken by the Warden Force.
- Under 13 V.S.A. § 353(a)(4)(B), a law enforcement officer may issue a criminal citation or a civil citation to a person who violates the animal cruelty provisions of Title 13. The choice of jurisdiction for bringing these charges depends on whether the alleged violator has previously been charged and convicted of the Title 13 animal cruelty laws. A law enforcement officer may issue a criminal citation on a first offense; however, the second offense must be a criminal citation.
- In addition to the criminal penalties associated with driving under the influence, there is a civil violation under 23 V.S.A. § 1205. These violations are pursued simultaneously at the Judicial Bureau and the Criminal Division. In conducting its review, the Department considered whether it should request a simultaneous path of civil and criminal charges for a certain selection of the middle-tier fish and wildlife violations.
- 33 V.S.A. Chapter 52 allows for the transfer of jurisdiction between the Criminal and Family Divisions of the Superior Courts based on the severity of the offense and the age of the offender. The Department considered if the ability to transfer violations between the jurisdictions of the Criminal Divisions and the Judicial bureau could be an appropriate mechanism to allow for the discretion that it is seeking.
- 7 V.S.A. § 656 allows for a minor in possession of an alcoholic beverage to complete diversion instead of receiving a summons to the Judicial Bureau. The diversion process could serve as a model for the Department to develop a "lesser offense off-ramp" that would allow for a criminal violation to be sent to the Judicial Bureau.

In reviewing sections in statute that could serve as models for achieving its goals in this review and report, the Department found instances of either simultaneous jurisdiction, choice of jurisdiction, transfer of jurisdiction, or the conversion to lesser charges. These established and

tested statutory provisions create a degree of flexibility in the court system that the Department would like to implement for fish and wildlife violations.

## **Department Recommendations for Changes to the Criminal and Civil Offenses**

The Department recommends to the General Assembly that a specific set of currently criminal fish and wildlife violations be recategorized as civil offenses and that Game Wardens and prosecutors be given the authority to bring charges for the remaining middle tier violations as either criminal or civil offenses. The Department strongly believes that any changes in the prosecution of fish and wildlife violations must preserve the Law Enforcement Division's current ability to pursue and prosecute those violations. Perhaps the most valuable tool that wardens have is the ability to search persons and gain access to homes or compartments, in accordance with a search warrant issued by a judge. The circumstances surrounding the commission of a violation can vary widely. Occasionally, an alleged violator commits a violation in plain view of the warden and works cooperatively with the warden to appropriately address the violation. As stated in the statement of findings at 10 V.S.A. §457, a violation involving these circumstances might not require the full weight of the criminal justice system. In contrast, a warden might encounter a situation where the alleged violator is uncooperative, and although the warden did not witness the violation, the warden has probable cause to believe that a serious violation has occurred.

If middle tier fish and wildlife violations are removed from the jurisdiction of the criminal courts and are converted to a civil minor fish and wildlife violation, the Department will lose its ability to request and receive warrants, based on probable cause, to investigate those

violations. This outcome has the potential to handicap the Warden Force's ability to successfully investigate and bring cases against alleged violators. Maintaining these violations as criminal offenses also creates a strong deterrent effect on would be violators who might otherwise ignore the consequences associated with committing a violation. The violations that the Department believes *are* appropriate to be brought to the Judicial Bureau are contained below in this report.

The Department believes that providing Game Wardens and prosecutors with the authority to pursue some fish and wildlife violations in either criminal court or at the Judicial Bureau will allow for increased efficiency and better outcomes for all involved. Generally, on an annual basis, each warden refers only a handful of serious big game criminal violations to States Attorney offices and requests a small number of search warrants. Additionally, in each of the last 5 years Vermont Game Wardens have written an average of 191 total criminal information tickets per year. Based on these numbers and the Department's past practices, the Department anticipates if this recommendation is accepted by the Legislature, the majority of the criminal ticket (middle tier) violations will be referred to the Judicial Bureau for civil prosecution. This approach should lessen the caseload of the State's Attorney offices statewide. Regardless of the current figures or potential future efficiencies, the ability to request and receive a search warrant, when necessary, should be preserved. Additionally, the Department recommends that certain serious fish and wildlife offense remain criminal and possibly be subject to increased penalties.

### **Standards for Warden and State's Attorney Discretion**

The Department recommends that the considerations for determining whether to proceed with criminal or civil charges for the middle-tier, criminal ticket, violations include the following factors:

- whether a warrant is necessary to complete the investigation

- whether the individual under investigation has prior fish and wildlife violations or warnings;
- the number of violations under investigation; the severity or seriousness of the violation(s);
- the actual or potential impact of the violation(s) on human health and welfare, the environment and wildlife; and
- mitigating and aggravating circumstances, if any.

### **Violations to be Converted to Minor Civil Offenses:**

The Department has identified a number of lesser criminal charges which could be converted to minor civil violations under 10 V.S.A. § 4572. The Department recommends that these offenses be recategorized as civil and prosecuted at the Judicial Bureau. These violations are as follows:

- 10 V.S.A. § 4254b—Therapeutic Fishing License;
- 10 V.S.A. § 4254b—Failure to report an incidentally trapped dog or cat;
- 10 V.S.A. § 4270—Furbuyer failure to keep records or produce records upon request;
- 10 V.S.A. § 4606(g) —use of a lead sinker;
- 10 V.S.A. § 4612—failure to properly label or remove an ice fishing structure house on time;
- 10 V.S.A. § 4613—failure to obtain a fishing tournament license;
- 10 V.S.A. § 4907—the construction, placement or labeling of waterfowl blinds.

The Department believes that these violations do not rise to the level of criminality and should not result in a criminal record for a violator. This list of violations that are ripe for removal is something that the Department would happily consult with the General Assembly to expand or contract if needed.

### **Violations to Remain Criminal Offenses**

Regardless of the shift in jurisdiction of some current criminal charges, there are several violations that the Department firmly believes ought to remain criminal. These violations are the most severe offenses and consist of the violations outlined below. Most, but not all, of these

charges carry a 20-point license violation, meaning that the violator's license will be automatically suspended upon conviction.

- 10 V.S.A. § 4280—Hunting, fishing, or trapping while one's license is under revocation
- 10 V.S.A. § 4454—License suspension and revocation penalties
- 10 V.S.A. § 4517—Destruction of state property
- 10 V.S.A. § 4521—Failure to stop
- 10 V.S.A. § 4702—Use of a light to take a wild animal
- 10 V.S.A. § 4703—Use of a set gun to take a wild animal
- 10 V.S.A. § 4705—Shooting from motor vehicle or aircraft
- 10 V.S.A. § 4709—Transporting, importing, possessing, stocking wild animals and wild boar
- 10 V.S.A. § 4715—Remote control hunting
- 10 V.S.A. § § 4745, 4747, 4751, 4781, 4783, 4784—Various big game offenses
- 10 V.S.A. § 5403—Taking and Endangered or Threatened species
- 10 V.S.A. Appendix §7, Pursuant to 10 V.S.A §§4081-4084—Violations of the Board's Bear rule including §§ 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3(d), 6.3(e), 6.4, 6.5c, 6.5(d), 7.1, 7.2
- 10 V.S.A. Appendix §22, Pursuant to 10 V.S.A. §§4081-4084—violations of the Board's turkey rules including:
  - Turkey Broadhead standards,
  - carrying a rifle or handgun while hunting wild turkey
  - Using a dog in taking a wild turkey in the spring season
  - Taking a wild turkey with the aid of electronic calling device, bait, or live decoy
  - Participating in a cooperative drive for wild turkey
- 10 V.S.A. Appendix § 31(d), Pursuant to 10 V.S.A §§4081-4084—Taking a caribou in closed season
- 10 V.S.A. Appendix § 31(e), Pursuant to 10 V.S.A §§4081-4084—Taking elk in closed season
- 10 V.S.A. Appendix § 31(f), Pursuant to 10 V.S.A §§4081-4084—Taking Moose in closed season
- 10 V.S.A. Appendix § 37, Pursuant to 10 V.S.A §§4081-4084—All deer season violations excluding violations of annual deer
- 10 V.S.A Appendix § 37(7.4), Pursuant to 10 V.S.A §§4081-4084—Taking deer by crossbow without a valid crossbow permit (under 50years old)
- 10 V.S.A. Appendix § 37(10), Pursuant to 10 V.S.A §§4081-4084—Baiting deer (must involve “taking”)
- 10 V.S.A. Appendix §§116, Pursuant to 10 V.S.A §§4081-4083—Atlantic Salmon in the Connecticut River

The Department strongly believes that these offenses are serious enough that removing the label of criminality from these offenses would not be appropriate and would hinder its ability to pursue them. As with the list of current criminal charges above that the Department recommends

become civil violations, the Department is open to discussions about amending this list to preserve the criminal charges for more offenses.

### **Judicial Bureau Caseload**

As stated above, the Judicial Bureau has informed the Department that bringing more fish and wildlife violations under the Bureau's jurisdiction would not be a burden. The Judicial Bureau estimates that fish and wildlife violations currently make up 5% or less of its current caseload. Depending on any changes enacted by the General Assembly, the Bureau could see an increase of potential fish and wildlife information tickets coming under its jurisdiction. Whether a wholesale change of jurisdiction is enacted, or if middle-tier criminal tickets can be diverted to the Bureau by a warden or prosecutor, the Bureau has informed the Department that this would not be problematic for its operations.

### **Uniform Point System**

The Department intends to maintain the current uniform point system for license suspensions. Under the current system, points in the range of 0 to 20 points are assessed against a person's license depending on the seriousness of the violation. In accordance with 10 V.S.A. § 4205, the license suspensions are imposed on a person who accumulates the following points within five years:

- A one-year suspension for 10 to 14 points,
- A two-year suspension for 15 to 19 points, and
- A three-year suspension for 20 or more points.

The license suspension system provides for more serious consequences for repeat offenders and is an effective deterrent for many individuals who might otherwise violate the law. Any

changes to the fish and wildlife enforcement system should maintain the current license point system and preserve it for both criminal and civil violations.

### **Penalties and Restitution**

The Department also recommends that the General Assembly create a framework by which penalty monies are deposited directly into the Fish and Wildlife Fund for the Department's use. Currently, The Department is entitled to receive only restitution payments from certain fish and wildlife violations. The Department requests that the money derived from these violations be paid to the Fish and Wildlife Fund as is done with restitution payments paid by violators. In making this request to the General Assembly, the Department recognizes that this would reduce monies paid to the courts. However, bringing these funds into the Department would be consistent with 10 V.S.A. § 4047 which states that receipts of the Department of Fish and Wildlife shall not become a part of the general fund, but rather shall remain within the Department.

Allowing the Department to receive monies from these penalties would be consistent with 13 V.S.A. § 7251 which states that "fines, forfeitures, and penalties, imposed by the District or Superior Court or by the Judicial Bureau for violation of a village, town, or city ordinance shall be paid to the village, town, or city, respectively." Additionally, 24 V.S.A. § 2297a(i), relating to municipal solid waste ordinances, states that "all penalties collected under this subchapter shall be paid to the town, city, or incorporated village whose ordinance is the subject of the violation." Similar to municipalities controlling funds generated from its local ordinances, the Department believes that the money generated from fish and wildlife violations would be best used by the Department. As with the recommendations above regarding jurisdiction for



violations, there are current sections in statute that provide a model for this recommendation. The Department requests that, like license sales receipts or funds received for the Department's conservation camps, the monies generated from fish and wildlife violations be sent to the Department for its use.

## **Conclusion**

The Department of Fish and Wildlife respectfully requests that the General Assembly consider the recommendations in this report when deliberating any future changes to the fish and wildlife statutes. This process of reviewing and analyzing the current fish and wildlife violations has been a valuable exercise for the Department; considerable effort and care went into the preparation of this report. The proposed jurisdictional changes along with the recommendation regarding monetary penalties derived from fish and wildlife violations represent the results of this work. The Department wishes to emphasize that moving some criminal violations to the jurisdiction of Judicial Bureau would likely create efficiencies in Vermont's criminal courts but could also undermine the effectiveness of the Department's Law Enforcement Division if not done in careful consultation with the Department. While there are currently some provisions of law that could serve as a model for a civil access order if certain violations were moved from criminal to civil, the Department strongly recommends retaining criminal jurisdiction for most middle-tier fish and wildlife violations, with the option of allowing Game Wardens and prosecutors to remove these cases to the Judicial Bureau where necessary. The Department requests that the General Assembly keep the Department abreast of its deliberations on this topic and looks forward to the opportunity to offer testimony if requested. The Department would wholeheartedly embrace the opportunity to provide the General Assembly with draft language to accomplish the recommendations contained in this report.

# Attachment 1

## Background

The General Assembly has directed the Department of Fish and Wildlife to conduct a review of the potential criminal and civil charges for all fish and wildlife violations. See [Sec. 16 of Act 170 of the 2017-2018 Legislative Session](#). The criminal and civil violations are contained generally in Part 4 of [Title 10](#) and throughout the [Title 10 Appendix](#). Currently, Minor Fish and Wildlife Violations, as defined in 10 VSA [§4571](#) and [§4572](#), are under the jurisdiction of the Judicial Bureau. All other violations fall under the jurisdiction of the Criminal Divisions of the Superior Courts. See 10 VSA [§4551](#) and [§4552](#).

If certain violations were removed from the Criminal Courts to the jurisdiction of the Judicial Bureau the Warden force would lose its ability to obtain search warrants for suspected criminal activity. The Department intends to maintain all the current investigatory tools at its disposal. Finding the balance between efficiency, fairness to the accused, and the ability for Game Wardens to fully pursue their investigations is paramount for the Department. With those interests in mind the Department proposes that a dual-track system of criminal and civil jurisdiction be established that would allow for Wardens and prosecutors to bring a charge under jurisdiction that best fits the circumstances of the individual cases. This may be determined either by the Wardens in the field or at a later stage in pursuit of the violation after consultation with the prosecutor. This flexibility should ensure the best outcomes for all involved.

Please review the proposal below and let us know your thoughts on these and any other ideas or concerns you might have on realignment of the current fish and wildlife violations. Please respond to Will Duane at the Department of Fish and Wildlife at 802-522-7633 or [will.duane@vermont.gov](mailto:will.duane@vermont.gov)

## Proposal

The Department proposes creating a dual-track or concurrent jurisdiction system that allows for both criminal and civil prosecutions for some fish and wildlife violations. This approach should allow for more flexible and appropriate charging of these violations. The most severe violations (those with the possibility of jailtime, restitution payments, or forfeiture) would remain solely under the jurisdiction of the Criminal Courts. The current system of accrued points which leads to license suspension would be kept intact for both criminal and civil offenses. Currently, there are other provisions in statute that have jurisdictional mechanisms that we would model our approach on. Those include:

- DUI  
In addition to the criminal penalties associated with driving under the influence there is a civil violation under [23 VSA §1205](#). The Department could recommend that the legislature create civil violations under the jurisdiction of the judicial bureau that mirror the current list of criminal offenses.

- Minor in Possession  
[7 VSA §656](#) allows for a minor in possession of an alcoholic beverage to complete diversion instead of receiving a summons to the judicial bureau. The Department proposes, while not necessarily following the penalty-free diversion track, a similar “lesser offense off-ramp” that would allow for a criminal violation to be sent to the judicial bureau.
- Juvenile Code  
[33 VSA Chapter 52](#) allows for the transfer of jurisdiction between the Criminal and Family divisions of the Superior Courts based on a series of factors including the offense and the age of the offender. The Department is interested in creating a similar system of transferable jurisdiction between the Criminal divisions and the Judicial Bureau for some fish and wildlife violations.
- Threatened and Endangered Species Enforcement  
[10 VSA §5403](#) allows the Secretary of ANR to bring either a civil environmental enforcement action against a violator or refer the violation to the Department for criminal prosecution. The Department may seek to incorporate this discretion into its pursuit of fish and game violators
- Administrative Environmental Law Enforcement  
Finally, [10 VSA §8005](#) allows for Environmental Enforcement Officers to obtain an access order from the Superior Court having jurisdiction over a parcel of land in order to pursue environmental violations. These civil access orders could be a model for the Department to follow if some violations are transferred wholesale to the jurisdiction of the Judicial Bureau.

Similar to the above-mentioned provisions of law the Department plans to propose a system whereby a Warden and prosecutor, have the option to bring certain violations to the Criminal Divisions of the Superior Court or file the violation with the Judicial Bureau.

## Request for Comment

At this time the Department is seeking your input on these proposals to help craft our report to the General Assembly. Please review the proposals above and provide the Department with your thoughts. If you have experience with the above-mentioned provisions, how do you feel they work in actual practice? Do you support or have concerns with these ideas? What potential problems do you envision if this concept were approved by the General Assembly? Do you have other proposals you would like the Department to consider? Please respond via email or phone to Will Duane at the Department of Fish and Wildlife.

Attached here is a list of all current fish and wildlife violations. Offenses highlighted in red indicate a violation that the department strongly believes ought to remain solely under the jurisdiction of the Criminal Divisions. This list is likely to have some changes between now and our final proposal but should provide a sufficient lay of the land to help you get oriented.

## CIVIL FISH AND WILDLIFE VIOLATIONS (Effective 07/01/2018)

Code	SECTION	Description Of Violation	Points	Min.\$	Max \$	Waiver \$
4145	4145	Regulations controlling public access areas, WMA use	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4251rf	4251(a)	Fishing Without A License: Resident	5	\$47.00	\$1,197.00	<b>\$122.00</b>
4251nf	4251(a)	Non- Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4251rh	4251(a)	Hunting Without A License: Resident	5	\$47.00	\$1,197.00	<b>\$122.00</b>
4251nh	4251(a)	Non- Resident	5	\$47.00	\$1,197.00	<b>\$277.00</b>
4251rt	4251(a)	Trapping Without A License: Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4251nt	4251(a)	Non- Resident	5	\$47.00	\$1,197.00	<b>\$622.00</b>
4251	4251(a)	Hunting Without A Muzzle Loading License: Resident	5	\$47.00	\$1,197.00	<b>\$105.00</b>
4251	4251(a)	Hunting Without A Bow & Arrow License	5	\$47.00	\$1,197.00	<b>\$105.00</b>
4266rc	4266	Failure to carry license on person	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4266rx	4266	Failure to Exhibit on Demand	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267rff	4267	False Statement in Fishing License Application: Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267nff	4267	Non- Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267rfa	4267	Altering a Fishing License	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267rta	4267	Transferring Fishing License or Tag to another Person	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267rhf	4267	False Statement in Hunting License Application: Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267nhf	4267	Non- Resident	5	\$47.00	\$1,197.00	<b>\$277.00</b>
4267rha	4267	Altering Hunting License: Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267nha	4267	Non- Resident	5	\$47.00	\$1,197.00	<b>\$277.00</b>
4267rht	4267	Transferring Hunting License or Tag: Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267nht	4267	Non- Resident	5	\$47.00	\$1,197.00	<b>\$277.00</b>
4267rhg	4267	Knowingly Guiding Person	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267nfg	4267	Knowingly Guiding Unlicensed Hunter: Resident	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4267nhg	4267	Non- Resident	5	\$47.00	\$1,197.00	<b>\$277.00</b>
4713a	4713(a)	Failure to have landowner permission to erect a tree stand.	5	\$47.00	\$1,197.00	<b>\$162.00</b>
4713b	4713(b)	Failure to mark a tree stand with their name and adress on anothers property.	5	\$47.00	\$1,197.00	<b>\$162.00</b>
		Ban on felt soled waders was repealed				
<u>10A7</u>	App 7 (6.1a or b)	Permittee or Subpermittee Possession- Charge under 4266				
<u>10A7</u>	App 7 8.0	Bear tooth submission	0	\$47	\$1,197.00	\$105

<u>10A33</u>	App 33(14.5)	Failure to provide biological sample		0	\$47	\$1,197	\$105
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## CRIMINAL TICKET, FISH AND WILDLIFE VIOLATIONS (Effective 07/01/2018)

Charge Code	SECTION	Description Of Violation	Points	Fine	15% V.A.P.	Surcharge	TOTAL
<u>10V4140</u>	4140	Fishing in Closed Spawing waters	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4142</u>	4142	Fishing in violation of test water restrictions	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4143</u>	4143	Misuse of fish fry or fingerlings; false application	5	\$50	\$8	\$147	<b>\$205</b>
<u>10V4148</u>	4148	Trespassing on state property	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V4254b</u>	4254b	Therapeutic Fishing license	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4254c</u>	4254c	Failure to notify Dept. of Incidentally trapped domestic dog or cat	5				
<u>10V4256</u>	4256	Mentor Hunting violations (Charge licensed mentor only)	10	\$500	\$75	\$147	<b>\$722</b>
<u>10V4268</u>	4268	Fur buyer engaging in business without a license: Resident	5	\$75	\$12	\$147	<b>\$234</b>
<u>10V4268</u>		Non-resident	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4270</u>	4270	Fur buyer; Failure to keep/produce records on request	5	\$50	\$8	\$147	<b>\$205</b>
<u>10V4271</u>	4271	Fur buyer: Failure to carry or produce license on request	5	\$35	\$5	\$147	<b>\$187</b>
<u>10V4273</u>	4273	Fur buyer: false statement in a license application; altering a license	5	\$50	\$8	\$147	<b>\$205</b>
<u>10V4277</u>	4277	Taking/attempting to take waterfowl without current state and federal waterfowl stamp	5	\$25	\$4	\$147	<b>\$176</b>
<u>10V4278</u>	4278	Falconry License	20	\$100	\$15	\$147	<b>\$262</b>
<b>10v4454</b>	4454	Interstate Wildlife Compact- Nonresident purchasing license under revocation	20	\$500	\$75	\$147	<b>\$722</b>
<u>10V4515</u>	4515	Violating order of the Commissioner, fishing in closed waters during	5	\$50	\$8	\$147	<b>\$205</b>
<b>10V4517</b>	4517	Willful or careless destruction of state fish & wildlife property	10	\$500	\$75	\$147	<b>\$722</b>
<b>10V4521A</b>	4521(a)	Failure to stop for an enforcement officer	20	\$500	\$75	\$147	<b>\$722</b>
<b>10V4521B</b>	4521(b)	Attempting to elude an enforcement officer	20	\$100	\$15	\$147	<b>\$262</b>
<u>10V4601</u>	4601	Taking or possessing fish not in accordance with law or regulation:	5	\$75.00	\$11	\$147	<b>\$233</b>
		All appendix 122 Violations of season, limits, size, method etc...	5	\$75	\$11	\$147	<b>\$233</b>
		Taking or attempting to take fish during closed season from closed waters	5	\$75	\$11	\$147	<b>\$233</b>
<u>10V4605A</u>	4605(a)	Introducing other fish in trout and salmon waters	10	\$500	\$75	\$147	<b>\$722</b>
<u>10V4605B</u>	4605(b)	Importing fish for stocking without a permit	10	\$500	\$75	\$147	<b>\$722</b>
<u>10V4605C</u>	4605c	Illegal imporation/possession of unapproved fish (Appendix 121)	10	\$500	\$75	\$147	<b>\$722</b>
<u>10V4606</u>	4606	Taking fish by unlawful means or an illegal device	20	\$250	\$38	\$147	<b>\$435</b>
<u>10V4606G</u>	4606(g)	Unlawful use of a lead sinker ( less than One-half ounce in weight )	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4607</u>	4607	Obstructing streams; failure to remove obstructions	10	\$250	\$38	\$147	<b>\$435</b>
<u>10V4609A</u>	4609(a)	Connecticut River fishing regulations	5	\$75	\$11	\$147	<b>\$233</b>
<u>10V4611</u>	4611	Purchase/Sale of Fish without a permit- 4611(b) not eff. until Jan 1 2017	10	\$250	\$38	\$147	<b>\$435</b>
<u>10V4612</u>	4612	Failure to remove fishing house on or before the last Sunday in March	5	\$150	\$23	\$147	<b>\$320</b>
<u>10V4612</u>	4612	Failure to have name and address permanently affixed near entrance of shaft	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4613</u>	4613	Fishing tournaments-permit	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4615</u>	4615	Illegal sale of lead sinkers	5	\$500	\$75	\$147	<b>\$722</b>
<u>10V4701</u>	4701	Taking game by other than gun or bow and arrow	5	\$200	\$30	\$147	<b>\$377</b>
<u>10V4701</u>	4701	Taking game prohibited time	5	\$200	\$30	\$147	<b>\$377</b>

<u>10V4702</u>	4702	Use of an artificial light to spot, locate or take game (Firearm/Bow Present)	20	\$200	\$30	\$147	<b>\$377</b>
<u>10V4702</u>	4702	Use of an artificial light to spot, locate or take game (No firearm or bow )	5	\$200	\$30	\$147	<b>\$377</b>
<b>10V4703</b>	4703	Using set gun	20	\$1,000	\$150	\$147	<b>\$1,297</b>
<u>10V4704</u>	4704	Using machine gun or auto loading rifle, capacity over 6 cartridges	10	\$250	\$38	\$147	<b>\$435</b>
<b>10V4705</b>	4705	Shooting from vehicle, R.O.W. of public highway, loaded long gun in M.V.	10	\$250	\$38	\$147	<b>\$435</b>
<u>10V4706</u>	4706	Taking animals by snare, possession with intent to take	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V4707</u>	4707	Setting traps, failure to notify landowner; refusal to remove at landowner req	10	\$100	\$15	\$147	<b>\$262</b>

## CRIMINAL TICKET, FISH AND WILDLIFE VIOLATIONS (Effective 07/01/2018)

Charge code	Section	Description Of Violation	Points	Fine	15% V.A.P	Surcharge	\$ Total
<u>10V4708</u>	4708	Interfering with: Lawful taking of fish or wild animals	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V4708</u>	4708	A lawfully set trap	10	\$50	\$8	\$147	<b>\$205</b>
<u>10V4708</u>	4708	A person in the act of trapping	10	\$50	\$8	\$147	<b>\$205</b>
<u>10V4709</u>	4709	Importing/possession of wild animals/wild boar without a permit	10	\$500	\$75	\$147	<b>\$722</b>
<u>10V4710</u>	4710	Violation of a Safety Zone	10	\$50	\$8	\$147	<b>\$205</b>
<u>10V4711</u>	4711	Crossbow without permit	20	250	37.5	147	<b>\$435</b>
<u>10V4714</u>	4714	Import/Possess animals for hunting/Operating without a permit	5	\$1,000	\$150	\$147	<b>\$1,297</b>
<u>10V4715</u>	4715	Remote control hunting prohibition	5	\$1,000	\$150	\$147	<b>\$1,297</b>
<u>10V4716</u>	4716	Holding or conducting a coyote hunting competition	10				
<u>10V4742a</u>	4742a	Youth Deer Hunting Weekend (Charge the adult only)	10	\$200	\$30	\$147	<b>\$377</b>
<u>10V4748</u>	4748	Permitting dogs that will hunt deer to be at large	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V4786</u>	4786	Game suppers- no permit	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4826</u>	4826	Deer damaging crops/failure to report taking	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V4827</u>	4827	Bear damage/unauthorized take	10	\$150	\$23	\$147	<b>\$320</b>
<u>10V4827a</u>	4827A	Bear feeding/Failure to remove food	10	\$250	\$38	\$147	<b>\$435</b>
<u>10V4828</u>	4828	Fail to report taking of a furbearer doing damage, Unlicensed NCO	5	\$50	\$8	\$147	<b>\$205</b>
<u>10V4861</u>	4861	Taking/possessing a fur bearing animal in violation of regulations	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4864</u>	4864	Importing or possessing untagged beaver skin	10	\$45	\$7	\$147	<b>\$199</b>
<u>10V4902</u>	4902	Taking, buying, possessing, or selling a bird in violation of regulations	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4904</u>	4904	Taking a bird by trapping, netting or snaring / possession	5	\$200	\$30	\$147	<b>\$377</b>
<u>10V4905</u>	4905	Destroying or robbing bird's nests or eggs	5	\$200	\$30	\$147	<b>\$377</b>
<u>10V4907</u>	4907	Unlawful building or maintaining a duck blind	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V4908</u>	4908	Youth Turkey hunting Weekend (Charge the adult only)	10	\$200	\$30	\$147	<b>\$377</b>
<u>10V5101</u>	5101	Transporting fish or wildlife in violation of statute or regulation	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V5102</u>	5102/3	Transportation by common carrier of fish or wildlife in violation of law or	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V5105</u>	5105	Transportation by common carrier of fish or wildlife in violation of law or	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V5106</u>	5106	Transportation by common carrier of fish or wildlife in violation of law or	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V5204</u>	5204	Poaching, possession of firearm, bow and arrow, or trap on private preserve					
		mutilating, defacing or removing notice	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V5206</u>	5205	Damaging or removing notices on private property as authorized by 520	10	\$150	\$23	\$147	<b>\$320</b>
<u>10V5206</u>	5206	Maintains 1 year notice	5	\$100	\$15	\$147	<b>\$262</b>
<u>10V5209</u>	5209	Violations of statute concerning propagation farms	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V5211</u>	5211	Taking fish or wild animals from propagation farms without permission	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V5213</u>	5213	Mansfield State Forrest Game Refuge	10	\$100	\$15	\$147	<b>\$262</b>
<u>10V5217</u>	5217	Permits to operate regulated shooting grounds	5	\$1,000	\$150	\$147	<b>\$1,297</b>
<u>10V5220</u>	5220	Birds released	10	\$100	\$15	\$147	<b>\$262</b>



10V5226	5226		Bomoseen State Game Refuge				10	\$100	\$15	\$147	<b>\$262</b>
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<u>10A31A</u>	App 31(a)	Taking Gray Squirrel in closed season						5	\$50.00	\$8	\$147.00	<b>\$205</b>
<u>10A31B</u>	App 31(b)	Taking Rabbit in closed season						5	\$50.00	\$8	\$147.00	<b>\$205</b>
<u>10A32</u>	App 32	Trapping Hare						5	\$100.00	\$15	\$147.00	<b>\$262</b>
		<b><u>Relating to Deer</u></b>										
<u>10A37-9</u>	App 37(9)	Deer Feeding						10	\$150.00	\$23	\$147.00	<b>\$320</b>
<u>10A37-11</u>	App 37(11)	Urine Based Lures Prohibited						5	\$100.00	\$15	\$147.00	<b>\$262</b>
		<b><u>Relating to Moose</u></b>										
<u>10A33</u>	App 33	Tagging						10	\$100.00	\$15	\$147.00	<b>\$262</b>
<u>10A33</u>	App 33	All moose Hunting Regulations (excluding limits and seasons, tagging)						5	\$200.00	\$30	\$147.00	<b>\$377</b>
<u>10A35</u>	App 35	Moose doing damage (Failure to report taking etc.)						10	\$100.00	\$15	\$147.00	<b>\$262</b>
<u>10A115</u>	App 115	Access Area use violations							<b>Charge under 4145 Civil</b>			

## CRIMINAL TICKET, FISH AND WILDLIFE VIOLATIONS (Effective 07/01/2018)

Code	App	Description Of Violation	Points	Fine	15% V.A.P	Surcharge	\$ Total
		<b>Relating to Deer</b>					
<u>10A37-9</u>	App 37(9)	Deer Feeding	10	\$150.00	\$23	\$147.00	<b>\$320</b>
<u>10A37-11</u>	App 37(11)	Urine Based Lures Prohibited	5	\$100.00	\$15	\$147.00	<b>\$262</b>
		<b>Relating to Moose</b>					
<u>10A33</u>	App 33	Tagging	10	\$100.00	\$15	\$147.00	<b>\$262</b>
<u>10A33</u>	App 33	All moose Hunting Regulations (excluding limits and seasons, tagging)	5	\$200.00	\$30	\$147.00	<b>\$377</b>
<u>10A35</u>	App 35	Moose doing damage (Failure to report taking etc.)	10	\$100.00	\$15	\$147.00	<b>\$262</b>
<u>10A115</u>	App 115	Access Area use violations					<b>Charge under 4145 Civil</b>
<b>Cocked Crossbow in a Motor Vehicle</b>							
10A22	App 22(6.7)	Turkey Hunting	10	\$100.00	\$15	\$147	<b>\$262</b>
10A33	App 33(13.1)	Moose Hunting	10	\$100.00	\$15	\$147	<b>\$262</b>
10A37	App 37(7.7)	Deer Hunting	10	\$100.00	\$15	\$147	<b>\$262</b>



**CITATIONS MUST BE ISSUED FOR THE FOLLOWING OFFENSES (Effective 07/01/2018)**

**BIG GAME or REVOCATION OFFENSES (Must be Fingerprinted and Photographed)**

Charge Code	Section	Description Of Violation	Points	FINE
10V4280	4280	Hunting,fishing,trapping while under revocation	5	Set by Court
10V4745	4745	Taking big game out of season	20	Set by Court
10V4747	4747	Taking big game by illegal means	20	Set by Court
10V4751	4751	Taking a swimming deer	5	Set by Court
10V4781	4781	Possessing a big game animal illegally	20	Set by Court
10V4783	4783	Purchasing and selling a big game animal illegally	20	Set by Court
10V4784	4784	Transporting a big game animal illegally	20	Set by Court
10V5403	5403	Endangered/Threatened Species	20	Set by Court
10A7	App 7	Bear: Sections 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3(d), 6.3(e), 6.4, 6.5c, 6.5(d), 7.1, 7.2	20	Set by Court
10A22	App 22	Turkey broadhead standards (7/8" cutting edge)	20	Set by Court
10A22	App 22	Carrying a rifle or handgun while hunting wild turkey	20	Set by Court
10A22	App 22	Using a dog in taking a wild turkey in the spring season	20	Set by Court
10A22	App 22	Taking a wild turkey with the aid of electronic calling device, bait or live decoy	20	Set by Court
10A22	App 22	Participating in a cooperative drive for wild turkey	20	Set by Court
10A31D	App 31(d)	Taking Caribou in closed season	20	Set by Court
10A31E	App.31(e)	Taking Elk in closed season	20	Set by Court
10A31F	App31(f)	Taking Moose in closed season	20	Set by Court
10A37	App 37	All violations of App. 37 (Deer hunting seasons)excluding violations of annual deer	20	Set by Court
10A37-5	App 37(5)	Taking deer in excess of calendar year limit	20	Set by Court
10A37-7.4	App 37 (7.4)	Taking deer by crossbow without a valid crossbow permit (under age 50)	20	Set by Court
10A37-10	App 37(10)	Baiting Deer (Must involve "taking")	20	Set by Court
10A116	App116	Atlantic Salmon in the CT River	20	Set by Court

**RESTITUTION TABLE- Restitution MUST be charged when applicable per 4514 (Effective 07/01/2018)**

		Fish & Wildlife Restitution to be Assessed						Min	Max
FW	4514(b)(1)	Each Big Game						<i>\$200.00 1st off</i>	<i>\$2,000.00</i>
								<i>\$500 2nd+ off</i>	<i>\$2,000.00</i>
FW	4514(b)(2)	Each Endangered or Threatened Species as Defined in T10V.S.A.§ 5401						<i>\$500.00</i>	<i>\$2,000.00</i>
FW	4514(b)(3)	Each Small Game						<i>\$50.00</i>	<i>\$500.00</i>
FW	4514(b)(4)	Each Fish						<i>\$25.00</i>	<i>\$50.00</i>
<p><b>Pursuant to 10 VSA Section 4555(b), a panel of three District Court Judges has set waiver amounts for payments into the Fish and Wildlife fund for illegally taking, possessing or destroying wild animals.</b></p>									
<p><b>The following restitutions are applicable if the charge is settled with the waiver fine, above is the Max. set by Statute</b></p>									
							<i>Waiver Restitution (big game pending)</i>		
		Small game, Raptors, Waterfowl, Non-game						<i>\$50.00</i>	
		Fur Bearers: Skunk, Coyote, Beaver, Muskrat, Otter, Raccoon, Mink, Bobcat, Fox, Marten, Fisher						<i>\$50.00</i>	
		All Others						<i>\$25.00</i>	
		Salmon, Trout, Lake Trout						<i>\$25.00</i>	
		Pickerel, Northern Pike, Muskellunge						<i>\$25.00</i>	
		Walleye						<i>\$25.00</i>	
		Black bass						<i>\$25.00</i>	

## WATER RESOURCE BOARD RULE VIOLATIONS (effective July 01 2017)

### THE FOLLOWING WILL BE ISSUED ON A VERMONT CIVIL VIOLATION COMPLAINT TICKET

Form / Title / Section	Points	Description Of Violation	Code	Min.\$	Max \$	Waiver \$
VCVC 10 1266b	0	Improper Display/Use of phosphorus fertilizer	IPF		\$500.00	<b>\$500</b>
VCVC 10 1424	0	Surface water rules: Excessive Speed	9WR	\$47	\$392.00	<b>\$162</b>
VCVC 10 1424	0	Careless & Negligent Operation	9WR	\$47	\$392.00	<b>\$220</b>
VCVC 10 1424	0	Unlawful Water Skiing	9WR	\$47	\$392.00	<b>\$134</b>
VCVC 10 1424	0	Excessive Noise	9WR	\$47	\$392.00	<b>\$134</b>
VCVC 10 1424	0	Use of Prohibited Vessel	9WR	\$47	\$392.00	<b>\$249</b>
VCVC 10 1424	0	Unlawful Water Ski Course	9WR	\$47	\$392.00	<b>\$134</b>
VCVC 10 1424	0	Unlawful use of engine	9WR	\$47	\$392.00	<b>\$191</b>
VCVC 10 1424	0	In Excess of Horsepower Limit	9WR	\$47	\$392.00	<b>\$134</b>
VCVC 10 1424	0	Unlawful Placement of Dock / Float	9WR	\$47	\$392.00	<b>\$134</b>
VCVC 10 1424	0	Violation of Distance	9WR	\$47	\$392.00	<b>\$134</b>
VCVC 10 1424	0	Unlawful Encroachment of Loon Nesting Site	9WR	\$47	\$392.00	<b>\$220</b>
VCVC 10 1454a	0	Nuisance Aquatic Transportation	AQN	\$47	\$1,197.00	<b>\$392</b>
VCVC 10 1454b	0	Not inspecting for NAS	AQI	\$47	\$1,197.00	<b>\$392.00</b>
VCVC 10 1454c	0	Failure to wash/inspect boat/mv	AQW	\$47	\$1,197.00	<b>\$392.00</b>
VCVC 10 1454d	0	Failure to drain vessel	AQD	\$47	\$1,197.00	<b>\$392.00</b>



## Attachment 2

### Vermont Fish and Wildlife Department Criminal and Civil Violation Survey

The Vermont Legislature has directed the Department of Fish and Wildlife to conduct a review of the potential criminal and civil charges for all fish and wildlife violations. See [Sec. 16 of Act 170 of the 2017-2018 Legislative Session](#). The criminal and civil violations are contained generally in Part 4 of Title 10.

We appreciate you taking the time to complete this survey. Please respond to the questions below and return to Will Duane in the Commissioner's Office at [Will.Duane@vermont.gov](mailto:Will.Duane@vermont.gov) or Will Duane, Department of Fish and Wildlife, 1 National Life Drive, Dewey 1, Montpelier, VT 05620

Name: \_\_\_\_\_

Group/Organization: \_\_\_\_\_

Are you a hunter, angler, or trapper? Please list.

What level of familiarity do you currently have with Vermont's fish and game violations?

None

Somewhat Familiar

Very Familiar

In the course of your work how often do you interact with Vermont's fish and game violations?

Daily

Weekly

Monthly

Annually

Never

What section of the fish and wildlife violations (if any) does your group interact with most often?

Are you aware of the distinction between the criminal and civil charges contained in the fish and wildlife violations?

Does your group monitor the outcomes of fish and wildlife criminal and civil violations in the courts or the Judicial Bureau?

Do you believe that there are fish and wildlife civil violations that ought to be criminal, or criminal violations that ought to be civil? Please explain why.

Do you believe that the current penalties for fish and wildlife violations are too severe or too lenient? Please explain why.

Do you believe that the penalties associated with fish and wildlife violations are effective deterrents against prohibited activity? Please explain why.

Are there any other suggestions that you have for reforming these violations as they are currently written? Are there any specific sections you would like to see modified? Please explain.