

# Administrative Procedures – Final Proposed Rule Filing

## Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative 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.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

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

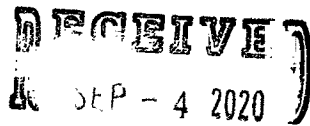
/s/ Louis Porter, on 9/4/20

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 **BY: .....**
- 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)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

Final Proposed Coversheet

1. TITLE OF RULE FILING:

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

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

20P-017

3. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

4. PRIMARY CONTACT PERSON:

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

Name: Catherine Gjessing

Agency: Vermont Department of Fish and Wildlife

Mailing Address: 1 National Life Drive, Dewey 1,  
Montpelier, VT 05620

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>

5. SECONDARY CONTACT PERSON:

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

Name: Mark Scott

Agency: Vermont Department of Fish and Wildlife

Mailing Address: 1 National Life Drive, Dewey 1,  
Montpelier, VT 05620

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

E-Mail: mark.scott@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

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

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

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

10 V.S.A. §4082(a), 10 V.S.A. §4084

8. 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" and that the rules "shall be designed to maintain the best health, population, and utilization levels of the regulated species . . . 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 characteristics of a species.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

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

The rule authorizes the Commissioner to allow electronic reporting of turkey and deer, and allow electronic reporting of moose and bear in an emergency.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The rule is necessary to allow the Commissioner to address emergency situations such as COVID-19 and to

Final Proposed Coversheet

allow hunters to choose electronic reporting when it is appropriate to do so.

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

The rule is clearly within Board authority, increases hunter convenience, and does not in any way undermine the health and abundance of big game species in Vermont.

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

Hunters and their families, Department staff including wardens; big game reporting stations; businesses that sell hunting equipment, food, gas and lodging; landowners, foresters, farmers and other members of the public.

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

The proposed rule will provide the Commissioner with more flexibility to address emergency situations such as COVID-19, in such a way that allows hunting to continue. For many, hunting is not only a traditional recreational activity, it is an effective way to obtain healthy local food at minimal cost. Electronic reporting will save hunters money in travel costs to a big game reporting station. In addition, the Department pays reporting stations \$1 for each big game report submitted. An average of 23,000 reports are submitted annually, of which less than 1,000 are for bear and moose, for a savings of approximately \$22,000. The rule will however, reduce the economic benefits of reporting to the local reporting stations along with the incidental purchases that may occur at these stations. There are 118 reporting stations and most of them are small businesses. It is difficult to estimate the specific economic impact of incidental purchases from harvest reporting but it will be insignificant.

**19. A HEARING WAS HELD.**

**20. HEARING INFORMATION**

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

Final Proposed Coversheet

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

Date: 8/24/2020

Time: 06:30 PM

Street Address: Meeting ID: 862 2360 4609

Meeting Link: <https://us02web.zoom.us/j/86223604609>

Dial in Phone Number: 929-436-2866

Zip Code:

Date: 8/25/2020

Time: 06:30 PM

Street Address: Meeting ID: 879 2805 7824

<https://us02web.zoom.us/j/87928057824>

Dial in Phone Number: 929-436-2866

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

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

9/2/2020

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

Report

Big-game

Exhibit

Carcass

Electronic

Hunting

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

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

*Agency Of Natural Resources*

September 4, 2020

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

Re: Big game Reporting Rule, 20P017

Dear Ms.Dindo:

Enclosed for filing please find the Fish and Wildlife Board Final Proposed Rule filing, entitled 10 V.S.A. Appendix § 2, Report, big game.

The proposed amended rule authorizes the Commissioner to determine the method of reporting turkey and deer in general, and moose and bear in an emergency, as well as to waive the in person exhibition of the big game carcass. The Board has amended the rule in response to public comments. Specifically, the Board clarified the methods of reporting that the Commissioner can authorize and has defined "emergency." A mark up of the changes to the rule in response to public comments, a copy of the public comments, and a Responsiveness Summary are attached.

Thank you for your assistance and do not hesitate to contact me at 802-595-3331 or [catherine.gjessing@vermont.gov](mailto:catherine.gjessing@vermont.gov) with any questions you may have.

Sincerely,

/s/ Catherine J. Gjessing

Catherine Gjessing  
General Counsel

Cc: Louis Porter, Commissioner, Department of Fish and Wildlife

# 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.

*(PLEASE PRINT OR TYPE IN ALL CAPS. PLEASE PRINT OR TYPE IN ALL CAPS. PLEASE PRINT OR TYPE IN ALL CAPS.)*

1. TITLE OF RULE FILING:

**Title 10 V.S.A. § App. § 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*):

Fish and Wildlife Board Reg. No. 996, eff. April 22, 1993.

## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** July 13, 2020, Microsoft Teams Meeting

**Members Present:** Chair Brad Ferland, Ashley Berliner, Diane Bothfeld, Jennifer Mojo, Matt Langham, Steve Knudson and Clare O'Shaughnessy

**Members Absent:** Dirk Anderson and John Kessler

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the June 8, 2020 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: The following Emergency Rules were supported by Chair Ferland:
  - 'Emergency Rule on Hearing Procedures' by the Department of Taxes on 6/19/20.
  - 'Emergency Administrative Rules for Remote Hearings' by the Secretary of State's Office; Office of Professional Regulation on 6/23/20.
- No public comments made.
- Presentation of Proposed Rules on pages 2-3 to follow.
  1. Title 10 V.S.A. § App. § 22 Turkey Seasons Rule, Vermont Fish and Wildlife Board, page 2
  2. Title 10 V.S.A. § App. § 2 Report, big game, Vermont Fish and Wildlife Board, page 3
- Next scheduled meeting is August 10, 2020 at 2:00 p.m.
- 2:45 p.m. meeting adjourned.



**Proposed Rule: Title 10 V.S.A. § App. § 2 Report, big game, Vermont Fish and Wildlife Board  
Presented by Catherine Gjessing, Mark Scott and Will Duane**

Motion made to accept the rule by Diane Bothfeld, seconded by Steve Knudson, and passed unanimously except for Jennifer Mojo who abstained, with the following recommendations:

1. Proposed Rule Coversheet, page 3, #9: Remove the comma before 'COVID-19'.
2. Proposed Rule Coversheet, pages 3-4, #12: Add 'as' between 'such' and 'COVID-19' on page 3. Add an 'n' to 'obtai' in the first line on page 4.
3. Proposed Rule Coversheet, pages 4-5, # 14-15: Complete.
4. Proposed Rule Coversheet, page 5, #16: Add 'hunting'.
5. Public Input, page 1, #3: Update with ICAR input.



# 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:

**Title 10 V.S.A. § App. § 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:*

Hunters and their families, Department staff including wardens; big game reporting stations, businesses that sell hunting equipment, food, gas and lodging; landowners, foresters, farmers and other members of the public.

### 4. IMPACT ON SCHOOLS:

## Economic Impact Analysis

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

None

**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.**

Because there is no impact on local school districts, there are no alternatives that will reduce such impacts.

**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):*

There will likely be an economic impact to small businesses which operate the big game reporting stations. These reporting stations are paid \$1.00 for each reported big game carcass with an annual average of approximately 23,000 big game reports submitted annually. Bear and moose account for less than 1,000 of the annual big game reports. As such, the annual direct impact to big game reporting stations is about \$22,000 / year. This figure will likely be less as some hunters will choose to report at big game stations rather than report electronically. There are 118 reporting stations. Note that the employee time and cost to the reporting stations for handling big game reporting, is likely more than the payment they receive. However, reporting stations are willing to take on this work in part, because it is a community event or service, and hunters spend money on incidental purchases, such as fuel, food and beverages. There is no data on the amount of money that reporting stations receive as part of incidental expenditures and this figure would be difficult to ascertain given the complexities of a consumers' willingness to buy and a variety of other factors. Electronic reporting will however, be an economic benefit to individual hunters and to the Department because it will respectively reduce travel costs and payments to reporting stations.

Economic Impact Analysis

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

The rule does not impose requirements on small businesses and as such, there are no anticipated burdens or costs to small businesses to comply with the proposed rule change.

8. **COMPARISON:**

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

The rule shifts economic benefits from reporting stations to individual hunters and, reduces costs for the Department. No amendment would result in the status quo.

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

The rule modernizes big game reporting and is consistent with reporting trends in other states. The rule potentially reduces travel costs for over 20,000 individual hunters. However, it also reduces the economic benefits associated with direct payments and incidental purchases for 118 big game stations. This economic benefit analysis is sufficient because it explains the shift in costs and benefits.

# 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:

**Title 10 V.S.A. § App. § 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.):*

The rule will very likely result in reduced travel associated with reporting to big game stations. The reduction in travel will result in a decrease in greenhouse gases related to vehicular emissions.

### 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.):*

None

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

None

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

The rule will allow hunters the flexibility to report

## Environmental Impact Analysis

electronically. Also, by alleviating the need to travel to a reporting station to check in a harvest, hunters subsequently could have more time and opportunities afield. For example, a hunter that normally would not have hunted spring turkeys in a morning prior to working at 8am (because a big game reporting station in the area wouldn't open until 9am) now has the ability to go afield from 5am-8am with the assurance that they can report their harvest successfully online while not having to take time away from work to report their harvest in-person.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
Will result in a decrease in greenhouse gases.

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

The rule will not have an impact on the numbers of big game harvested in Vermont and it does not waive the requirements related to biological collection.

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

Because the potential environmental impacts associated with this rule are positive, this analysis is sufficient.

# 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:

**Title 10 V.S.A. § App. § 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:

ICAR approved the public input plan proposed by the Department.

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

The Board and Department discussed this rule at the Board's public meeting on May 20, 2020 and June 3, 2020. The Department, on behalf of the Board, will post the proposed rules on its website, issue media releases and social media communications regarding the rule prior to June 1 and prior to the Board meetings that discuss this proposed rule. The Board plans to hold two public informational meetings to gather public input on the rule. In addition, the Department will initiate contact with big game check stations regarding the proposed rule.

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

Hunters, landowners, big game check stations, hunting equipment and supplies merchants, general store owners,

Public Input

F&W Department personnel, travel and tourism personnel, professional foresters, and hunting clubs.



## **Proposed Turkey / Big Game Harvest Reporting Requirement Rule Changes Public Hearing Comments / Questions**

*August 24<sup>th</sup>, 2020 Virtual Public Hearing – up to 5 members of the public joined*

No Public Comment / Questions

*August 25<sup>th</sup>, 2020 Virtual Public Hearing – up to 7 members of the public joined*

Chris Gonyeau – Georgia, VT

Comment: I like the first two regulation changes (shot size / novice turkey hunting weekend) and I love the third regulation change (big game harvest reporting). I like the online reporting option and find it to be an advantage for quicker reporting, especially for the deer season early on when you don't want a deer hanging around too long.

## **Public Comment Voicemails Related to the Proposed Turkey / Big Game Harvest Reporting Requirement Rule Changes**

No voicemails received for the proposed rule changes

## **Public Comment Emails Related to the Proposed Turkey / Big Game Harvest Reporting Requirement Rule Changes**

Suggested comment (you can cut and paste): I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Betsy Cooke, Walden

Dear Department of Fish and Wildlife Stakeholders::

I am concerned about the proposed regulation on the reporting of big game. The proposed regulation would allow the Commissioner of Vermont's Department of Fish and Wildlife to allow hunters to report big game conquests in various ways, including electronic reporting. It would also allow the

Commissioner to loosen reporting requirements in the event of an emergency. Both elements bode ill for the future of wildlife conservation and our state's democratic processes.

By taking away the Fish and Wildlife Board's authority to regulate how game is reported, this proposal assigns far too much power to the Commissioner. In addition, it fails to define what would constitute an "emergency." It would be too easy for the Commissioner to loosen regulations during a real or perceived emergency and for hunters to unlawfully kill animals. The vague language and the consolidation of authority are troubling to anyone concerned about the preservation of wildlife in our state or the functioning of our Department of Fish and Wildlife.

Thank you for your time.

Best Wishes,

Dorothy A. Dahm

Hubbardton

Hi,

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Thank you for your time,

Lindzey Beal

Wolcott, VT

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Chris Kwolek

Wells,VT

Good Day! As a fourth-generation Vermonter whose great-grandpa started a very prominent business in Winooski back in the 1920's which continues today, I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities, something I am guessing my compassionate relatives would also want. Both proposals are unnecessary and overly broad, including the lack of what

constitutes an "emergency." This is a plea from my heart and that of all Vermonters who treasure our wild sentient beings...May you stay purrfectly healthy during this time...Eternal gratitude for your serious consideration....Gwen Donovan, South Burlington, Vermont...here's a few of my art pieces celebrating the awesome environment we love...



To whom it may concern:

I am writing because I am opposed to the proposed regulation on big game reporting. I believe that in order to best manage wild game hunters should be required to report their kills in person. Doing so allows collection of data which can only be obtained in-person such as the animal's weight, its physical condition, whether it has signs of any diseases, et.. Furthermore I believe this proposal would give the Commissioner too much power and is hence contrary to the purpose of the Fish & Wildlife Board.  
- Jay Hersh  
Hyde Park, VT

I am writing to offer public commentary opposing proposed state regulations that would loosen reporting requirements for big game kills in Vermont.

I strongly oppose these proposals as unnecessary and overbroad. They overstep the Board's authority to delegate its responsibilities, and they fail to define what constitutes an "emergency." Failure to act within your jurisdictional boundaries or to define your terms are fatal drafting errors.

Allowing online reporting would make it easier for unethical hunters to skew the vital data collected by Vermont state biologists by submitting false information.

Killing big game in Vermont should, at the very least, impose a requirement that hunters report their kills in person.

Thanks you for being responsible stewards of our state's precious willdlife.

Susan Sively  
Brattleboro VT 05301

I am writing to provide public comment on the regulation change to the Fish and Wildlife Board on reporting of big game. The legislature created a process for managing hunting and reporting of big game. The process includes decision making by the Fish and Wildlife Board.

The Commissioner should play an administrative function and work with the board to develop and execute its policy. I oppose both proposals because they ask to extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of a definition for what constitutes an "emergency."

Thank you,  
Lise Anderson  
Cornwall

I am against both of the currently proposed changes in reporting.

Responsibilities of the board should not be moved to the commissioner. We are a democracy and the board is the appropriate place for decision-making. Furthermore, the lack of a definition for "emergency" is very troubling.

The current reporting rules are based on scientific practices which ensure that we have the data needed to effectively manage wildlife. It is unlikely that all hunters reporting online will recognize the importance of accurate reporting in service of this management.

Janis Hall Brattleboro, VT

We are writing **to oppose** the Department's regulation proposals on the reporting of big game. The proposed regulation would give the Commissioner unfettered discretion to determine the manner in which big game, other than moose and bear, are reported to the Department after the animals are killed. The proposal would also give the Commissioner unilateral authority to weaken the strict reporting requirements for moose and bear in the case of an **undefined** "emergency." The Board already has the authority to promulgate emergency rules and, in fact, just did that in April due to COVID-19 with regard to turkey hunting. There is no need for the Commissioner to usurp the Board's role.

As drafted, the proposal would give the Commissioner authority to decide what is an emergency and what measures the Department should take in response. "Emergency" is not defined in the proposed amendments and the scope of the Commissioner's response is not limited in any way, giving the Commissioner complete and unilateral authority to act.

The legislature gives the Board the authority to regulate the fish and wildlife of Vermont, including but not limited to promulgating rules pertaining to big game hunting. **Conversely, the role of the Commissioner is largely administrative.** The proposed amendments would take the Board's authority to regulate the manner in which big game kills are reported to the Department and delegate that authority to the Commissioner, contrary to the regulatory regime established by the legislature!

The proposed amendments, as drafted, reach far beyond the Board's stated goal of "modernizing" Vermont's reporting requirements to allow electronic reporting of animals killed by hunters. On the 8/24 Zoom webinar, Chris Bernier, turkey biologist for VTFWD, stated that the new online reporting is based on hunter convenience and allows greater hunting opportunity – **how about what's best for the wildlife?** We are concerned that electronic reporting may increase the opportunity for some hunters to evade compliance with the statutes and regulations. We are also concerned that the proposed amendments are overly broad and allow the Commissioner to "authorize a person taking big game to report in **any manner** including but not limited to; electronic reporting, in-person reporting, **and waiving exhibition of the carcass** unless requested by a warden" {emphasis added.}

Protect Our Wildlife

802.253.1592 [www.ProtectOurWildlifeVT.org](http://www.ProtectOurWildlifeVT.org)

August 25, 2020. I am writing to provide public comment on the regulation proposal on the reporting of big game. I am opposed to both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and do not provide a clear understanding of an emergency. Online reporting could easily allow for inaccurate information. In person reporting of a kill should be required for all big game that our killed in Vermont.

Thank you, Wendy Lamphere

Vermont Fish & Wildlife Department:

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Sincerely yours,

George H. Helmer

1202 South Perry Road

Woodstock, VT 05091

(802) 457-1728

As you walk upon our sacred Mother Earth, treat each step as a prayer. ~ NICHOLAS BLACK ELK

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Thank you for listening.

Bonnie Haselton

50 S Henry Ct

S Burlington VT 05403

behaselton@comcast.net

802.343.2581

Protect OUR WILDLIFE VT has suggested the following comments - and I totally agree -

I am writing to provide public comment on the regulation proposal on reporting of big game.

I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities.

Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

I BELIEVE FISH & WILDLIFE SHOULD BE WORKING WITH MAJOR INPUT FROM PROTECT OUR WILDLIFE VT.

Someone needs to represent the "big game" ... !!!

Thanks -

Evelyn Wermer Frey

POB 584

Stowe, VT 05672-0584

Dear F&W-

This is Michael Kolsun from Island Pond. I attended last evenings Zoom meeting and wanted to comment on the Turkey shot size regulation changes. Chris Bernier's presentation really did a fine job of the history and current status of Vermont's turkeys.

Those of us who have hunted Turkeys from the very beginning of the season, knew and understood the shot size regulations & restrictions at that time. Ethical hunters always want a quick and effective harvest. Shot size, patterns and self discipline were critical.

Ammunition technology in 2020, compared to the 70's, has made huge advances. We'd never think of using #9 lead shot back in the beginning, but now with TSS shot development, patterns and energy, even out of a .410 shotgun, are equally if not more effective than a 12 gauge. It's not unusual to have over 100 pellets in a three inch circle with a tight turkey choke.

I just wanted to clarify this point to any hunters who are not aware of the new advances in ammunition. As we continue to reach out to adult hunters who didn't grow up in the shooting sports, smaller gauges like a .410, in a semi-auto are now a very effective choice, especially for anyone who is recoil shy.

I want to thank the entire F&W Department staff for your dedication and hard work. A job well done.

Sincerely,

Michael Kolsun

Island Pond, Vermont

This is my public comment regarding the proposed big game reporting rule changes:

As regarding big game reporting rule changes, I stand in opposition to both proposals. From my reading of the proposals, the proposals go further than the Board has the authority to delegate its responsibilities. The proposals don't define what an "emergency" might be, a necessary consideration when it comes to killing wildlife.

The lack of definition contributes to making the proposals overly broad, and hence, unnecessary.

Thank you for considering my request,

Bonnie Duncan

851 Cricket Hill Road

Hyde Park, VT 05655

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Peggy W Larson, DVM MS JD

Williston, VT. 05495

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

snow24@aol.com

I attended the online event last night but wanted to send in my comment. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." I also believe that it is irresponsible to not require hunters to bring their big game to check in stations. If they are going to kill big game they should be required to authenticate their reporting otherwise it could lead to instances of folks NOT reporting, exaggerating their reporting or just being inaccurate AND it prevents the biologists from retrieving what they described last night as critical information on the health of the species.

Holly Tippet Panton, VT



I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Kim Dreslin kadreslin@verizon.net

Sent from my iPhone

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Lewis Clark

532 James Rd.

Putney VT 05346

802-722-4546

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." The commissioner and the fish and wildlife board does not need more power. They need more restraint and accountability. They have made poor choices that goes against the majority and tax paying Vermonters. Thank you for your time.

Jeff Beaupre Essex Vermont

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Marilyn Donovan DVM

124 Parker Lane

Weston VT 05161

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

-Jeremy Frederick

Fletcher, VT

This is my comment on the regulation proposal on reporting of "big game". What and where is the boards authority to delegate it's responsibility? What constitutes an "emergency"? Where is the "Boards" authority written to delegate it's responsibility?

Ann Broekhuizen Jericho, VT

Dear F&W Board:

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

With concerned urgency,

Dr. Catherine Bodnar

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Bonnie Bean

Hello, my name is Kelly Wicker. I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

When it comes Vermont's wildlife population, I feel it is best to have oversight by numerous knowledgeable individuals because that provides checks and balances and provides room for questions and answers.

Thanks for listening!

Kelly in Windham

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Julie

Julie Dragon, Ph.D.

Assistant Professor, Microbiology & Molecular Genetics

Director, Vermont Integrative Genomics Resource (pronouns she/her)

95 Carrigan Dr., 201 Stafford Hall (postal), 306 HSRF (physical)

University of Vermont

Burlington, VT 05405

802-656-7777, [julie.dragon@med.uvm.edu](mailto:julie.dragon@med.uvm.edu)

<http://www.uvm.edu/medicine/bsr/>



I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Brenda Altman

[brenalt@gmail.com](mailto:brenalt@gmail.com)

Dear Sir/Madame;

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Andrea Chiesa

Lyndonville resident

Sent from my iPhone

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

More Info

The legislature gives the Board the authority to regulate the fish and wildlife of Vermont, including but not limited to promulgating rules pertaining to big game hunting. Conversely, the role of the Commissioner is largely administrative. The proposed amendments would take the Board's authority to regulate the manner in which big game kills are reported to the Department and delegate that authority to the Commissioner, contrary to the regulatory regime established by the legislature!

The proposed amendments, as drafted, reach far beyond the Board's stated goal of "modernizing" Vermont's reporting requirements to allow electronic reporting of animals killed by hunters. While we are concerned that electronic reporting will increase the opportunity for some hunters to evade compliance with the statutes and regulations pertaining to hunting, the proposed amendments are overly broad and allow the Commissioner to "authorize a person taking big game to report in any manner including but not limited to; electronic reporting, in-person reporting, and waiving exhibition of the carcass unless requested by a warden" {emphasis added.} If the purpose of the amendment is truly to ease the burden on hunters by authorizing electronic reporting, then there is no reason for this broad grant of authority to the Commissioner.

Regards,

Nancy Borg

I am writing to oppose the proposed regulation on big game reporting. Hunters should be required to report their kills in person. This is in the best interest of collecting solid data that can only be obtained in-person. Also, the current proposal gives the Commissioner too much power and challenges the purpose of the Fish & Wildlife Board.

Thank you,

Gretchen Eberle

I am writing to oppose the proposed regulation on big game reporting. Hunters should be required to report their kills in person. This is in the best interest of collecting solid data that can only be obtained in-person. Also, the current proposal gives the Commissioner too much power and challenges the purpose of the Fish & Wildlife Board.

Thank you for your time,

Erin Niles

Sent from Yahoo Mail on Android

With online reporting, Porter said, "you get some data but not as much." Individual hunters might not have a proper scale for weighing an animal carcass or the tools to determine an animal's age.\*

So, this is less about managing wildlife with science and more about saving the budget by offering convenient reporting options for hunters.

Ridiculous.

The revenue loss should have been accounted for in the department's budget and new revenue streams should have been created. This is gross mismanagement of our wildlife and of our tax dollars. This department needs a leadership overhaul.

\*[https://vtdigger.org/2020/08/26/state-looks-for-ways-to-attract-more-hunters-including-novice-weekend/?fbclid=IwAR3uHkbKdQmE\\_jTgdmu7h8rJ43xj3k6BJawvhcb1PLO4NuCuoY-FheAqoMA](https://vtdigger.org/2020/08/26/state-looks-for-ways-to-attract-more-hunters-including-novice-weekend/?fbclid=IwAR3uHkbKdQmE_jTgdmu7h8rJ43xj3k6BJawvhcb1PLO4NuCuoY-FheAqoMA)

Sincerely,

Jen Kittell

Lamoille County

I am writing to oppose the proposed regulation on big game reporting. Hunters should be required to report their kills in person. This is in the best interest of collecting solid data that can only be obtained in-person. Also, the current proposal gives the Commissioner too much power and challenges the purpose of the Fish & Wildlife Board.

Please deny this proposal.

Kerry and William Edmunds  
1324 Shadow Lake RD  
Craftsbury Common, VT 05827

I am writing to oppose the proposed regulation on big game reporting. Hunters should be required to report their kills in person. This is in the best interest of collecting solid data that can only be obtained in-person. Also, the current proposal gives the Commissioner too much power and challenges the purpose of the Fish & Wildlife Board.

Sally O'Neil

Good day,

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

The opinions of what constitutes an emergency would be subjective and the decisions and inaccuracies do not hold hunter responsible in their online reporting. Once again hunters are given far too much power at the expense fo wildlife.

Thank you for your time.

Kate Kenner in Guilford

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Sincerely,

Colleen Schuster

Bristol, VT

Dear Agency of Natural Resources,

I'm a constituent from Marshfield writing to provide public comment regarding the proposed regulation amendments by the Fish and Wildlife Board to the reporting of big game. I OPPOSE both proposals.

As drafted, these amendments are far outside the stated goal of the Board to 'modernize' the reporting of big game in the state, specifically to allow electronic reporting of animals killed by hunters. They also extend beyond the Board's authority to delegate its responsibilities.

The proposed amendments would take the Board's authority to regulate the manner in which big game kills are reported to the Department and delegate that authority to the Commissioner, whose position is designed to be an administrative one. This is in direct conflict with the regulatory rules established by the legislature, instead granting the Commissioner unfettered discretion to determine the manner in which big game, other than moose and bear, are reported to the Department after the animals are killed.

A second part of the proposed regulation would also give the Commissioner unilateral authority to weaken the strict reporting requirements for moose and bear in the case of an undefined "emergency". The Board retains the authority to promulgate emergency rules and used that authority with regard to turkey hunting in April due to COVID-19. There is no need or purpose for the Commissioner to usurp the Board's role in these situations.

"Emergency" is not clearly defined in the proposed amendments and the scope of the Commissioner's response is not limited in any way. Hence, the Commissioner would have complete and unilateral authority to decide what is an "emergency", what measures the Department should take in response, and act on that decision.

For these reasons, I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. They are unnecessary and overly broad, including the lack of what constitutes an "emergency", and grant authority to the Commissioner well beyond the scope of that position's duties.

Thank you for considering my comment.

Anne Jameson,

Marshfield

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Sincerely,

Lucy Goodrum

631 Town Hill Rd

Reading, VT 05062

802-484-9034

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

The legislature gives the Board the authority to regulate the fish and wildlife of Vermont, including but not limited to promulgating rules pertaining to big game hunting, while the role of the Commissioner is largely administrative. The proposed amendments would take the Board's authority to regulate the manner in which big game kills are reported to the Department and delegate that authority to the Commissioner, contrary to the regulatory regime established by the legislature.

Sincerely,

Janice Nadworny

Hinesburg

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting of big game invites unethical and untruthful data to be submitted by unethical hunters. If someone kills a deer or other "big game" animal, the least they should have to do is take the animal to a check station!

Thank you,

Jennifer Lovett

Starksboro, VT

To whom it may concern:

I am writing on behalf of our Vermont coalition members from across the state on the Department's proposal to change the reporting requirements on big game. The Department's goal for these rule changes is to provide greater hunter convenience and opportunity.

Our position is the following:



1.) We oppose online reporting for all big game. Even Commissioner Porter shared concerns in an interview with VTDIGGER that online reporting presents some challenges. Per the interview, "However, shifting away from in-person reporting could have some downsides for data, Porter said. "It's always a balancing act between the difficulty and inconvenience and expense of having people drive ... versus the quality of data you get," the commissioner said.

At official check stations, state biologists can do things like examine tooth wear and make determinations about the health of an animal. At designated stations, the state may get slightly shallower data.

With online reporting, Porter said, "you get some data but not as much." Individual hunters might not have a proper scale for weighing an animal carcass or the tools to determine an animal's age."

2.) The authority that the Commissioner is seeking already lies with the Fish & Wildlife Board, so the proposed rule changes appear to be arbitrary and unnecessary. The legislature gives the Board the authority to regulate the fish and wildlife of Vermont, including but not limited to promulgating rules pertaining to big game hunting. Conversely, the role of the Commissioner is largely administrative. The proposed amendments would take the Board's authority to regulate the manner in which big game kills are reported to the Department and delegate that authority to the Commissioner, contrary to the regulatory regime established by the legislature!

3.) The Commissioner is seeking to be able to lift the strict reporting requirements for bear and moose in the event of an emergency, but there is no definition of what constitutes an emergency. Also, the Board already has authority to change reporting requirements, as it did with the May turkey hunt and allowed online reporting due to the Governor's emergency action on COVID19.

We understand that LCAR makes its decisions on a proposed rule using certain criteria. We believe LCAR should oppose this rule based on the following: (1) a proposed rule is beyond the authority of the agency; (2) a proposed rule is contrary to the intent of the legislature; (3) a proposed rule is arbitrary

It seems as though this Commissioner continues to seek more and more power without providing the necessary justification, as we saw earlier this year with bill S.321, that was thankfully defeated by the Senate Committee on Natural Resources. Despite the current challenges with the Fish & Wildlife Board (that's composed of all hunters, anglers and trappers), the Board at least provides the illusion of democracy and public participation. Giving unfettered control to one party – the Commissioner – is not in the best interest of Vermonters or democracy.

Jane Fitzwilliam

VCCC Lead, Putney VT

To Agency of Natural Resources,

I've lived in Vermont for nearly 50 years and I have never felt like the Fish and Wildlife Department listened at all to those of us who enjoy wildlife without hunting them. And so I am passing along this public comment, with which I totally agree, in the hope that you will see fit to reign in F&W and include other voices in the management of Vermont's wildlife.

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Respectfully,

Dottie Nelson

Middlebury

I am writing to oppose the proposed regulation on big game reporting. Hunters should be required to report their kills in person. This is in the best interest of collecting solid data that can only be obtained in-person. Also, the current proposal gives the Commissioner too much power and challenges the purpose of the Fish & Wildlife Board.

Brian C Jones 1organicjones@gmail.com

Hello. I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." I believe the Vermont FW board is already far too cozy with Commissioner Porter. The amount of cronyism that goes on is breathtaking and it has eroded the trust of the Fish and Wildlife Department with the general public. They are desperately clinging to a bygone era that no longer exists in our state. To give Commissioner Porter even more power, which is already too much, is a grave mistake and will break the last fragile strand of trust that exists with the public.

Dan Galdenzi

Stowe Vermont

802.585.5042

Sent from my iPad

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Diana Salyer

Randolph, VT

I agree with more flexibility. This would be a good change.

Chad horridbastard@gmail.com

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Geryll Robinson

Goshen VT

You are here. You are now.

To whom it may concern:

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.

Sincerely,

Leigh Steele

Burlington

I think it is a bad idea to make it easier for hunters. There are too many bad hunters out there. Why take away business from the locally owned store? Is this just to boost your numbers? Think of the small business owners who benefits from sales of purchases from those hunters. Also, bear season should not be so long and should be cut down to every other year. The cubs are still depending on the mom come September 1st. I live where a lot of bears are and they are harmless, just hungry. Compost law made it worst for their actions. MOST hunters will shoot a bear no matter what size and of course using a dog to chase them up a tree and trap them there is allowed(shameful Vermont). I see horror from hunters the last 30 years I have lived on our property. My property is posted but they still try and hunt on it, guess they can't read. If I could prosecute them I would.

Sent from my iPhone

Dianne Dashnow dianne.dashnow@gmail.com

The idea of online reporting is crazy. People gonna give the department accurate data such as a 3 point 110 lb buck will be reported as a 5 point 150 lb buck which would be conveyed as a 2.5 year old when it's really only 1.5. Also going to the check station is a ritual that has always been around. Most check station attendants I know look forward to deer season when they can weigh deer and get the pictures for their walls or scrap book.

Cory Curtis corycurtis1981@gmail.com

I'd like to offer my public comment on the regulation proposal concerning the reporting of big game. I strongly oppose both proposals as they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency" and invite "creative" interpretation of rules and regulations that would favor hunters and disadvantage wildlife.

Thank you for taking my comment into consideration.

Respectfully,

Richard Fitzhenry

Hyde Park

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

After reading the proposal, I feel that not reporting big game kills in person, with diligent oversight, may let some hunters to evade compliance with the statutes and regulations that govern their kills.

Why should the Commissioner have the authority to regulate the manner in which big game kills are reported to the Department? Is this function now considered Administrative instead of a Board function?

Pat Monteferrante Stowe, VT

Dear Fish & Wildlife Department:

I am writing to provide public comment on the regulation proposal for reporting big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Allowing the Commissioner to "authorize a person taking big game to report in any manner" goes well beyond what is reasonable to ease the alleged reporting burden on hunters. Already, the move to electronic reporting opens up opportunities for hunters to evade compliance with the statutes and regulations. The Department has already shown a practice of selective enforcement of the laws. Often incidents aren't even investigated and enforcement measures are not applied. This broad authority is

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begging for more of the same. Both proposals are unnecessary and overly broad and I oppose the changes.

Sincerely,

Kristen Cameron

Burlington, VT

I am writing to oppose the proposed rule changes on the reporting of big game for the following reasons: the Commissioner is seeking authority that already lies with the Board; online reporting means less data available for biologists, a concern that even the Commissioner shared in an interview with VTDIGGER last week; online reporting invites unethical hunters to report inaccurate info with zero safeguards in place; the term "emergency" is undefined. The rule changes proposed are arbitrary and unnecessary.

With regard to the ability to respond to an emergency, such as the current pandemic, a successful response requires coordination between the Governor's office and his/her administration and the legislature. The proposed amendments appear to be contrary to the clear intent of the legislature to entrust the Board with regulatory powers over hunting and, similarly, may extend beyond the Board's authority to delegate its responsibilities. The Department should have to explain to the legislature why they are seeking to obtain power that has been granted to the FW Board.

This rule-making process is another example of Government waste of our tax dollars.

Brenna Galdenzi

Stowe VT

Dear Big Game Team,

First of all I would like to say that I support the proposed changes to the turkey regulations. I feel that anytime a regulation change is made that would increase hunter participation is a good thing. I am extremely in favor about being able to report a turkey electronically.

I just watched the presentation that was given to the Fish & Wildlife Board in May and was informed that the majority of hunters (53%) who responded to a survey that was sent out were in favor of having the spring turkey hunting hours extended. I do not see anywhere where the Big Game Team is making any recommendations to the board to do so.

I know there were some concerns from the department staff when there was talk about extending the hunting hours for the spring youth turkey weekend. I would like to give you my thoughts on some of those concerns as they would apply to all day hunting during the May turkey season.

The first being "Roost shooting". I know there were concerns that if spring turkey hunting season were to be changed to all day hunting that there may be an issue with hunters shooting turkeys off the roost. What is there now to stop hunters from shooting a turkey off the roost during the current hunting hours? It does happen! I have had two different hunters in the past tell me that was the way they harvested their spring turkey. Although I feel that this is not ethical it is not illegal without a regulation change that would prohibit such conduct.

The second is landowner concern. If I am not mistaken Vermont's spring turkey season is the only game season that is not an all day season. Landowners that open their land to hunting know that hunters could possibly be on their property throughout the day in pursuit of game. I feel that landowners would not have anymore of an issue with spring turkey hunters being on their property throughout the day than they would with fall turkey, deer and small game hunters.

Thirdly, is the disturbance of nesting hens. It has been proven that the longer a hen is on the nest incubating the less likely she is to abandon the nest. If she were to abandon her nest the spring hunting season is set early enough in the year that most likely she will re-nest. Re-nesting occurs every year whether the nest is destroyed by predators or the hens abandons it for some reason or another. Data from other states( see attached) that allow all day hunting have found that approximately 80% of turkeys harvested are done so by noon. That tells me that the majority of hunters would be out of the woods by that time which would result in minimal additional nest disturbance by the small numbers of hunters who would continue to hunt past noon.

I have also heard concerns that there would be interference between hunters actually hunting turkeys and those trying to roost a turkey. I think that if the Vermont's spring turkey hunting hours were to be changed to sunset that most turkey hunters would be out hunting and not trying to roost a turkey.

Extending the spring hunting hours would benefit a large group of hunters to include 1st and 3rd shift workers as well as young hunters who would like to hunt after school. Not all individuals are fortunate enough to have ample vacation time from work where they can afford to take time off during the turkey season which would limit them to being able to only hunt weekends. This would apply to youth who are attending school as well with the current hours in place. A study done in 2002 in the state of Indiana found that a higher proportion of youth license holders actually hunted turkeys during the first spring of all-day hunting season compared to the previous five years of half-day hunting. (See attachment)

If extending the spring turkey hunting hours would be detrimental to the turkey population I would be the first to be against extending the hunting hours. Research has shown that it is not. Research has also shown that the spring harvest during an all-day season only increases 10-15% which is minimal.

I would like to see Chris Bernier reach out to some of the other states (approx. 40) that have all day spring turkey hunting of some length and see if any of the concerns I mentioned or others that the Big Game Team may have are an issue.

In reviewing the 2020-2030 draft of Vermont's Wild Turkey Management Plan it states that it's goal is to maximize ecological and social benefits derived from Vermont's wild turkey population by administering biologically appropriate and sustainable harvest regulations. I hope that the Big Game team along with department staff realizes that there is no negative biological reason for not increasing the spring turkey hunting hours and that there is a social reason in doing so by increasing hunter opportunity. Again I

would like to stress that the majority of hunters that responded to the department's survey are in favor of expanding the spring turkey hunting hours.

Sincerely, Don Isabelle

See attachments below:

***An Evaluation of All-day Hunting - Comparisons between Half-day and All-day Spring Turkey Hunting in Indiana (Bucks 2005)***

In 2002, all-day spring turkey hunting was implemented in Indiana after 32 years of half-day hunting. Indiana has a statewide, open-permit, spring turkey season with a bag-limit of 1 male or bearded turkey per hunter per season. Prior to permitting all-day spring turkey hunting in Indiana, a moderate amount of controversy existed among various resource users and natural resource managers. Among these concerns were that all-day hunting might lead to an even greater proportion of harvest occurring earlier in the season, and that all-day hunting would result in a greater proportion of adult gobblers being harvested. To evaluate the impacts of all-day spring turkey, a study was conducted (Bucks 2005), the objective of which was to assess whether lengthening of spring shooting hours from half-day (half-hour before sunrise to 12:00 PM) to all-day (half-hour before sunrise to sunset) influenced the distribution of the harvest throughout the season or the age-specific harvest on adult gobblers.

Study results indicated that daily harvest distributions through the 19-day spring seasons did not differ following the extension of shooting hours. The proportion of total harvest that occurred during the third week of the season was slightly less (3%) during years in which all-day hunting was permitted. Results of the study also indicated that the proportion of the harvest taken after 12:00 PM during all-day hunting was approximately 20% (Fig. 3). The primary difference between the half-day and all-day season was that adult gobblers composed slightly greater proportions (~20%) of all-day harvests; however, the author concluded that the differences may have been due to a greater number of adult gobblers being available during the all-day seasons.

as well as unmeasured variables of hunter selectivity. The author stated that the afternoon time periods, especially after 3:00 PM during weekdays, may have attracted hunters that previously could only hunt on weekend mornings (e.g., youth, first and third shift factory workers). In support, results of hunter mail surveys indicated a noticeably higher proportion of youth license holders actually hunted turkeys during the first spring of all-day hunting compared to the previous five years of half-day hunting.

Results of the study indicated that the influence of all-day hunting on the distribution of harvest throughout the season and the age-specific harvest of adult gobblers was minimal. There was no change in the daily distribution of harvest and most birds were still taken during the morning (70% prior to 10:00 AM, 80% by 12:00 PM) (Fig. 3). The slightly greater take of adult gobblers was probably related to higher relative turkey population levels and hunter selectivity rather than shooting hours. The author did caution that differential adult gobbler harvest may increase under more liberal harvest management strategies, and perhaps act synergistically with other factors to increase hunting mortality of adult gobblers; however, the implementation of all-day hunting in Indiana provides additional and new hunting opportunities without noticeable impacts on the statewide harvest structure and estimated hunter success.

### Distribution of Spring Turkey Harvest by Time of Day in Ohio - 2010

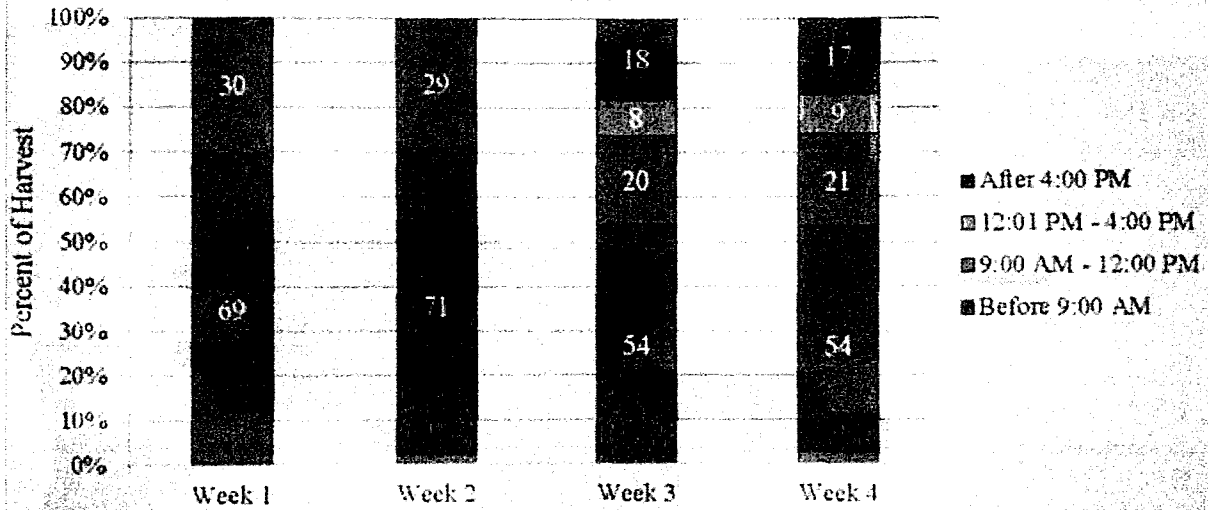
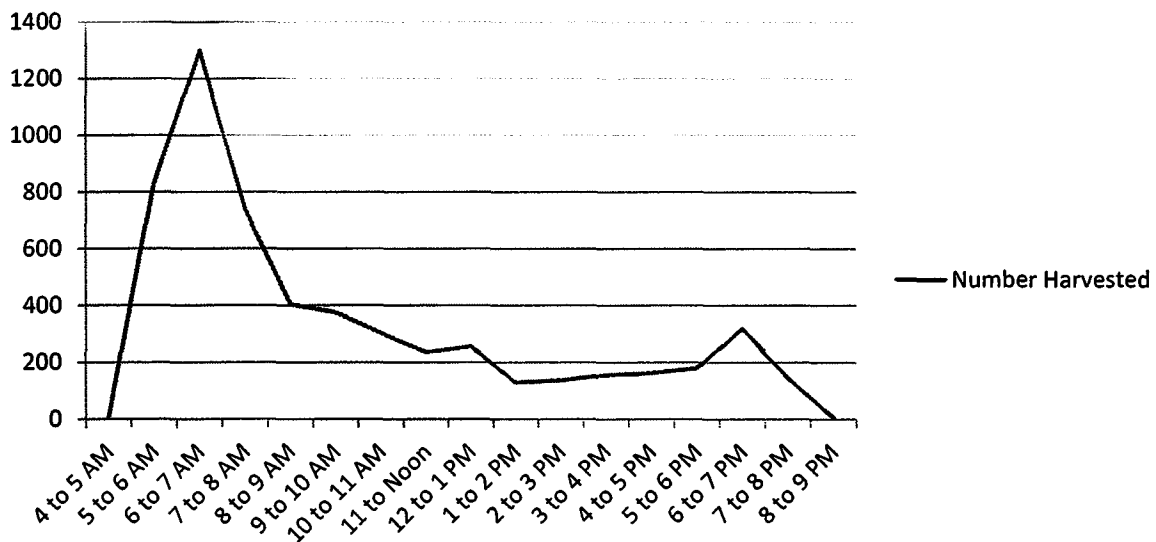
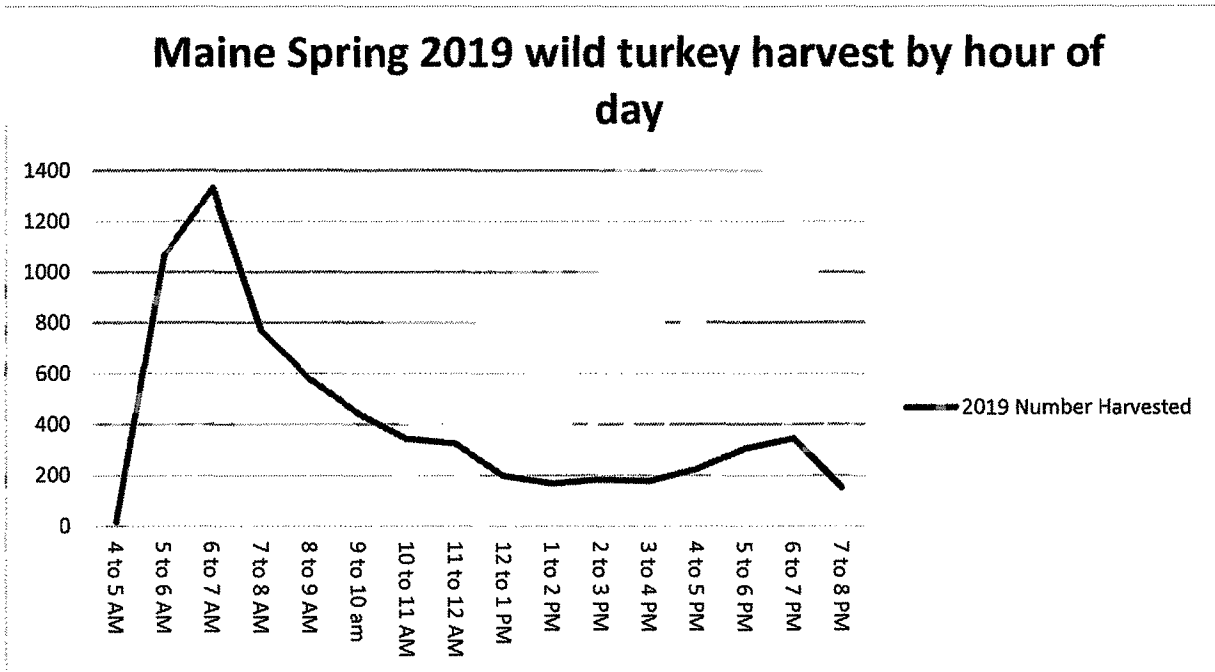
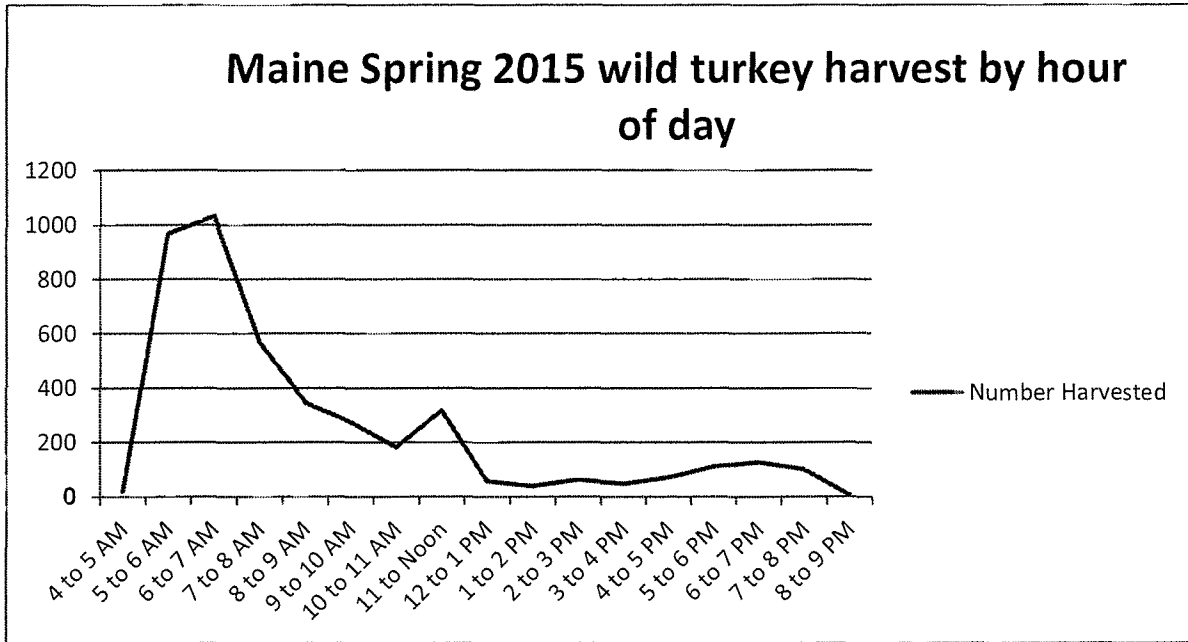


Figure 4. Distribution of spring turkey harvest by time of day in Ohio. During the first 2 weeks of the 2010 spring turkey, hunting was permitted until 12:00 PM. During the last 2 weeks of the season, hunting was permitted until sunset. Ohio Department of Natural Resources -- Division of Wildlife.

### Maine Spring 2014 wild turkey harvest by hour of day







Maine Spring Wild Turkey Harvest from 2007 to 2019												
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
6085	6348	6075	6078	5448	6084	6704	5779	5272	5852	5597	6236	6612

Good morning,

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency."

Regards,

Leslie Blow

Middlebury

Dear Fish & Wildlife Board,

As a lifelong hunter, I greatly welcome the proposed rule change on electronic harvest reporting of certain game species. I recognize the value for both biologists and game wardens of collecting harvest information, but I am also wary of COVID-related issues at check-in locations this fall. In much the same way that electronic licenses are permitted in Vermont, e.g., digital PDF on an iPhone, this change would modernize an important aspect of hunting in Vermont with no deleterious effects.

Thank you,

Justin St. James

Essex, VT

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." Please record my comments.

Thank you.

John Zelig

Burlington

Hi,

Regarding shot size, I strongly believe the minimum shot size requirement should be eliminated. It does not make sense to have this limit with the current popularity of tungsten shot, which is extremely effective at shot sizes smaller than the current limit and is also non-toxic.

Regarding the novice turkey weekend, I am more neutral. Clearly hunter recruitment is important but the turkey season is already a month long and current research has been illuminating the importance of not killing toms too early in the breeding cycle. I'm not sure it makes sense to put additional pressure on the birds a week before the season despite the potential recruitment benefits.

Finally, I strongly believe there should be electronic reporting for deer and turkey. As an archery deer hunter, it is nearly impossible to get a deer killed in the evening to a check station before it closes. If it's a warm night waiting until morning to bring the deer to the check station has the strong potential for meat loss. Additionally, as a student residing in NH, I need to be able to check a deer or turkey in before crossing state lines. However, if I could check a deer in electronically this would not be an issue. This would also help hunters from out of state that want to hunt the evening before driving home without the stress of getting a deer checked in person before leaving the state.

A great example of a state with online reporting that I hunt is Missouri. They have an app that keeps your license and tags. You can notch your tag even if you don't have service and then provide the report on sex, antler circumference, eye to nose length of does, etc. once you have service. This gives Missouri up to the minute harvest information that they display to the public on their website. It would be great if Vermont could have something like this someday. In my opinion, conveniences such as online reporting will help hunter recruitment and hunter retainment more than things like novice weekends (not that those should not be considered either though).

Best,  
Andrew Nadler

I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data.

In-person reporting should be required for all big game that are killed.

The general public needs to have a voice in matters concerning OUR wildlife management, conservation and stewardship. This is controlled by a small percentage of special interests and Commissioner Porter.

F and W receives 29% of its funding from license fees (in decline) and 25% from the general fund and that is revenue from Vermonters who are left out of the policy making process that impacts OUR wildlife. This is wrong and must be addressed.

If I have to purchase a hunting and fishing license to have a voice , I will do so.

Wildlife conservation and responsible stewardship therein does not seem to always be the objective of Mr. Porter et.al.

Kip Ross  
23 Center Rd.  
Hyde Park, VT



## Forging a wildlife conservation model for the 21st century

September 1, 2020

Commissioner Porter and Fish & Wildlife Department Staff,

Thank you for the opportunity to comment on these three proposals:

- 1. Proposed regulation changes to amend the shot size restriction for turkey hunting:* VWC agrees with the rationale and supports this change.
- 2. Proposed regulation changes to create a novice turkey hunting weekend:* VWC agrees with the goal of encouraging new hunters and supports this proposal.
- 3. Proposed regulation changes to allow the Commissioner the authority to allow harvest reporting of deer and turkey electronically, by telephone or any other method and the authority to allow electronic harvest reporting of moose and/or bear in an emergency:* While VWC understands and agrees with the use of electronic reporting during the Covid-19 pandemic and are willing to give it the benefit of the doubt with regard to turkeys after listening to Chris Bernier's presentation, we believe it would be a mistake to expand this to deer beyond the pandemic. Additionally, the term "emergencies," regarding allowing electronic reporting to bear and moose, is impossibly vague. Vague regulations invite chaos.

The Department took quick and commendable action in dealing with the Covid-19 crisis during the spring turkey season and appreciate that a resurgence of the pandemic might require further steps of a similar nature. However, as of now, with appropriate safety measures in place and a low infection rate in the state, many if not most Vermont businesses have reopened. It seems arbitrary to somehow single out the businesses that host check-in stations as unsafe. While having to drive to a reporting station may be an in-the-moment, begrudged chore for those who do not have one nearby, it is hardly what is on one's mind when preparing for a deer hunt or buying a license. Consequently, there is a risk that any positive effect that not having to go to a reporting station after a successful hunt might have on encouraging new hunters or retaining current ones, will be outweighed by the degradation of the data obtained by the FWD with first-hand observation and measurements. For starters, not everyone can age a deer or bear and while it may be easy to weigh a turkey, a bear or big buck is more of a problem. Not everyone has suitable, or suitably accurate scales in the garage.

Again, thank you for the opportunity to weigh in (so to speak) on these issues.

Sincerely, the Board of the Vermont Wildlife Coalition: Rob Mullen, Jane Hoffman, Gerri Huck, David Kelley, Claudia Mucklow, and Leigh Steele

Vermont Wildlife Coalition • PO Box 987, Shelburne VT 05482 •  
[info@vtwildlifecoalition.org](mailto:info@vtwildlifecoalition.org)

Please log my public comments on the proposed big game reporting rule changes. I would like the Board to vote in favor of granting the Fish & Wildlife Department Commissioner the authority to waive the in-person game check-in requirement. The fast pace of COVID-19 developments mandate a flexible and nimble approach. The Commissioner is in a better position to act quickly and decisively to protect the health of Department staff, check station operators, and the public in response to changing information on infection rates. In addition, the Commissioner is a more appropriate entity to make decisions on the State's liability and responsibility to Department staff.

If the board feels strongly that granting the Commissioner this authority is excessive, I urge the board to do so for one year only, or to waive the reporting requirement themselves.

Thank you for your careful consideration.

Jodi Shippee

Duxbury, Vermont



September 1, 2020

Louis Porter, Commissioner  
Vermont Fish and Wildlife  
Department 1 National Life  
Drive  
Davis 2  
Montpelier, VT

05620 Dear

Commissioner

Porter,

The Vermont State Chapter of the National Wild Turkey Federation (NWTF-VT) appreciates the work of the Vermont Fish and Wildlife Department (VFWD) in managing a robust wild turkey population that provides fantastic hunting opportunities in Vermont. We offer the following comments in response to the Department's proposed regulation changes:

- We support the Department's elimination of the minimum shot size restriction on ammunition used for turkey hunting. Such changes will allow hunters in Vermont to take advantage of new and popular hunting loads that are available in smaller shot sizes but composed of heavier than lead materials, such as TSS #9, among others. In addition, we believe this regulation change will provide increased flexibility to hunters (especially women and youths) interested in hunting turkeys with smaller gauge shotguns, such as 20 ga. and .410, as they will be able to pair them with effective ammunition loads. However, we believe that the Department's maximum allowable shot size should be reduced from #2 to #4. In their final report released in 2005, the NWTF Wild Turkey Hunting Safety Task Force recommended restricting shot size to #4 and smaller, based on historic information from turkey hunting shooting-related incidents. The Task Force felt that such a shot size reduction would lessen the severity of injuries sustained from shooting incidents.
- We support the creation of a novice turkey hunting weekend, timed to coincide with the youth hunting weekend. We agree with the Department that Vermont's abundant turkey population provides a fantastic opportunity to attract new individuals to turkey hunting and we are very pleased to see additional opportunities to recruit and retain adult-onset hunters. In addition, we feel that the establishment of a weekend outside of the regular hunting season will further incentivize experienced hunters to serve as mentors for these novice hunters, knowing that they will not have to carve out limited time during the regular season,

nor sacrifice their own turkey tag helping a new hunter safely pursue their first bird, as would be required under VT's mentored hunting license

- We support the proposed regulation changes relative to harvest reporting of deer and turkey. Allowing the Commissioner the latitude to authorize additional options for checking big game, including electronic and phone reporting, will have multiple benefits, including providing additional, convenient options for hunters to report their harvest, and giving biologists and wardens access to 'real-time' harvest data.

NWTF-VT greatly values the partnership we have with VFWD in building a bright future for wild turkeys and turkey hunting in Vermont. We recognize and congratulate the Department for all the hard work that went into the recent update of the Big Game Management Plan, which laid the groundwork for many of these much needed regulation changes.

Yours in Conservation,

*Morgan Gouveia*

Morgan Gouveia  
NWTF State Chapter President, Vermont

Hi,

Seeing you asked I thought I'd give you my opinion on a couple things. First I do like the youth turkey weekend. When my son was a youth hunter he was fortunate enough to lay a couple to rest and had a lot of fun hunts which produced a lifetime of memories for us both. Several years later it's still his favorite game to hunt, kudos to the VTFW.

Now the bad news. A few years ago I sat in one of the annual deer hunting meetings and listened to the VTFW tell us how few hunters were fortunate enough to harvest two bucks. With the new rule shooting one buck I strongly feel there will be so many hunters shooting multiple bucks and not tagging them more than ever. You see a nice racked 2 1/2 or older in archery season and can't shoot it because you can't hunt the remaining two deer hunting seasons. That's a real blunder on VTFW in my opinion which doesn't seem like the decision had much thought put into it. Why not consider a second buck with a minimum three or even four points on one side. I feel that would have kept the majority of hunters happy.

In closing, not shooting spike horns was the BEST decision ever. Before that law was put into place that's all I saw was spikes. Since then I have no desire to shoot one and look forward to seeing way more nice basket racked 2 1/2 yr olds and older.

One more thing, 2 1/2 months of deer hunting in this small state is a joke. I realize there is financial ramifications involved but shouldn't be at the cost of the deer herd. We all know how much stress that puts on the herd going into winter so let's be smarter about it.

Sincerely  
Troy Hull

**I am writing to provide public comment on the regulation proposal on reporting of big game. I oppose both proposals because they extend beyond the Board's authority to delegate its responsibilities. Both proposals are unnecessary and overly broad, including the lack of what constitutes an "emergency." In addition, online reporting allows unethical hunters to submit inaccurate information that may skew the biologists' data. In-person reporting should be required for all big game that are killed.**

**Thank you,  
Janet Thouron  
Middlesex**



**PUBLIC INPUT RESPONSE FOR PROPOSED RULE AMENDMENT ON 10 APP. V.S.A. § 2. REPORT, BIG GAME**

***The Board and the Department have the following response to comments expressing concern that the rule is too broad, too vague and constitutes an impermissible delegation of authority to the Commissioner.***

- The proposed rule amendment does not change the requirement that big game hunters report the successful harvest of big game within 48 hours. The proposed rule amends the provision that a turkey and deer carcass must be displayed to a game warden, an official reporting station or another designated person; and instead permits the Commissioner to allow electronic reporting and exhibition, as well as to require or waive in-person exhibition of turkey and deer carcasses unless requested by a warden.
- During an emergency, the proposed rule also allows the Commissioner to authorize any person who harvests bear and moose to report and exhibit the carcass in the manner required by the Commissioner. The common meaning of emergency is “a serious, unexpected, and dangerous situation requiring immediate action.” That is what is contemplated by this rule. A global pandemic that poses a threat to public health is an emergency.
- The rule still requires reporting within 48 hours however, under the rule, the Commissioner has the discretion to determine the manner of reporting. This rule only changes the potential mechanism for reporting and exhibition of a turkey and deer game carcass, and the mechanism for reporting and exhibition of a bear and moose carcass during an emergency.
- Note that the proposed reporting rule has no effect on the tagging requirements of big game or the provisions of the Board rules that require biological collection. For example, robust biological collection is still required by the Board rules as follows:
  - 10 App. V.S.A. § 7 subsection 9.1 of the Bear Management Rule requires the submission of a premolar bear tooth.
  - 10 App. V.S.A. § 33 subsection 14.4 of the Moose Management Rule requires the submission of both complete central incisors. In addition subsection 14.5 requires that the hunter bring the following to a biological check station: (a) The lower jaw, including incisors, one of which shall be taken for aging purposes; (b) The intact antler rack on an antlered moose; (c) The portion of the skull on a male antlerless moose where antlers would be attached; (d) The female reproductive tract including both of the ovaries; (e) The udder; and (f) All edible portions of the moose not including organs.

Here, the Board is not relinquishing its rule making authority or delegating that authority to the Commissioner. The proposed amended rule does not allow the Commissioner to decide whether to require reporting or biological collection. The rule only gives the Commissioner the authority to determine the means of reporting and the exhibition of the big game carcass. Part 4 of Title 10 sets forth rulemaking authority for the Board and, management and administration authorities for the

Commissioner. 10 V.S.A. Chapter 103. The proposed rule is entirely consistent with the statutory scheme and does not constitute sub delegation.

Even if the rule is interpreted as a delegation of Board authority, there is caselaw to support subdelegation. The Vermont Supreme Court has held that the delegation of authority to issue a permit, by the Secretary of the Agency of Natural Resources to the Commissioner of the Department of Environmental Conservation is not an impermissible delegation of authority and is entirely appropriate. *In re Vermont Marble Company*, 162 Vt 355 (1994); see also *Secretary, Vermont ANR v. Henry*, 161 Vt. 556 (1994). An Agency has the power to subdelegate specific authority when it is necessary and consistent with overall legislative intent, even if power involves the exercise of discretion. *Vermont Marble*, at 360-364. Title 3 V.S.A. § 214 states that an agency or board may delegate its “authority, power or duty other than a specific statutory authority . . . except those necessary to its rulemaking and quasi-judicial functions.”

The Court recognized an implied power to “subdelegate” and specifically finds that the exercise of discretion is permissible when necessary, provided that the delegation conforms with legislative intent and is not essential to “rulemaking and quasi-judicial functions.” The court looks to whether there is specific statutory authority to delegate and if not, whether the authority to subdelegate is implied and is consistent with the functions of the agency or board and the nature of the delegated responsibility as related to that function. *Id* at 364-365. There is no explicit delegation directive or prohibition in Title 10 Part 4, and the legislature has been inconsistent with respect to subdelegation mandates for the Agency of Natural Resources. This fact supports implied delegation here. *Id*.

Here, as noted by the Court, the most important factors are the functions of the Board and the Commissioner. *Id* at 363. In accordance with Title 10 Part 4, the 14 member voluntary Board is appointed by the Governor and has the authority to promulgate rules for “the regulation of fish and wild game and the taking thereof.” 10 V.S.A. §§ 4041(b), 4082(a) and 4084. “The rules shall be designed to maintain the best health, population, and utilization levels of the regulated species and of other necessary or desirable species which are ecologically related” and “shall be supported by investigation and research conducted by the Department on behalf of the Board.” V.S.A. § 4082(a). In addition, Part 10 states that fish and wildlife are public trust resources and that the “Commissioner of Fish and Wildlife shall manage and regulate the fish and wildlife of Vermont in accordance with the requirements of this part and the rules of the Fish and Wildlife Board.” 10 V.S.A. § 4081. The primary function of the board is to promulgate rules that regulate fishing, hunting, and trapping. The functions of the Commissioner are to administer and manage fish and wildlife and the operation of the Department. Again, the Board is not delegating its authority to make rules to the Commissioner in this proposed rule.

The Courts will also look to the “nature and degree of the need to delegate functions.” *Id*. at 363. The Vermont Supreme Court noted in the *Vermont Marble Company* decision that mandating “the Secretary to decide whether to issue specific permits, and what conditions to impose on those permits,” would significantly overburden the Secretary and interfere with his or her core functions. *Id*. citing *Fleming v. Mohawk Wrecking & Lumber Co.*, 331 U.S. 111, 122–23, 67 S.Ct. 1129, 1135, 91 L.Ed. 1375 (1947); *Fremont RE–1 School Dist. v. Jacobs*, 737 P.2d 816, 819 (Colo.1987). The Board consists of 14 members meets approximately once a month, and conducts additional public hearings as needed with the assistance of the Department. The Board clearly has no capacity to manage, administer and enforce reporting requirements. Furthermore, the authority to administer and manage fish and wildlife, and

direct the operations of the Department is the responsibility of the Commissioner. As such, there is a compelling need for the Commissioner to administer the means and methods of reporting and the exhibition of the carcass particularly in emergency situations such as the COVID-19 pandemic.

The Court has also noted that the identity of the person who exercises the sub delegation is also a factor. Id. at 364-365. The court has deemed that a subdelegation is appropriate to a Commissioner, who serves at the pleasure of the Secretary and is appointed with the approval of the Governor and the advice and consent of the Senate. Id.

Finally, the Courts look to whether the delegation is “ad hoc” and is accomplished without any formal process or standards to guide the scope or details of the delegation. Id. at 365. Here the scope of the delegation in this case is very narrow and only relates to the manner and means of reporting within 48 hours and to the display of a carcass. The court has specifically found that subdelegation by rule is permissible and this is exactly what the Board is seeking to accomplish with this rule. Id.

***The Board and the Department have the following response to comments expressing concern that electronic reporting and the waiver of carcass exhibition will affect the validity of harvest data and increase noncompliance.***

In other jurisdictions where online reporting or other alternatives to in-person reporting have been adopted, similar concerns about non-compliance and data quality have been expressed. After years of experience with these alternative reporting techniques, evidence of increased non-compliance or diminished data quality has not been observed by these jurisdictions, demonstrating that these concerns are unfounded. In fact, results from a 2017 Northeast Upland Game Bird Technical Committee survey of regional biologists indicated that reporting rates may have actually increased as a result of adopting such alternative reporting options and no significant declines in data quality were observed. At the time of this survey, Connecticut, Maryland, Massachusetts, New York, Pennsylvania and Virginia all allowed online reporting of big game and all survey respondents from these states expressed satisfaction with and confidence in the data these alternative harvest reporting systems provided.

Assuming the proposed big game reporting requirement rule is implemented, the Department is committed to monitoring the quality and accuracy of the harvest data it collects using these reporting alternatives through the future. In this manner, the Department can draw upon decades of previous experience and compiled data to assess these datasets and identify any potential data quality concerns resulting from erroneous data entry and/or non-compliance with reporting requirements. For example, a comparison of the daily harvest totals for the 2020 spring turkey season, during which all harvest data were collected via online reporting, to the average daily harvest totals for the previous five-year period (Figure 1) reveals daily harvest trends for this past spring season which reflect the normal distribution indicating accurate and complete harvest reporting. Furthermore, the data entry controls afforded by these well-developed, sophisticated online reporting tools allows us to minimize the potential for inadvertent data entry mistakes that are inherent with all data collection processes. Data controls such as value lookups, dropdown lists, validations, and range of value limitations can all be integrated into the data entry form to ensure data integrity. From limiting the Wildlife Management Units to the correct choices for the selected town of harvest to providing a drop down list of date choices for a particular hunting season, the use of this technology to collect harvest data in this way both increases hunter convenience and safeguards data integrity.

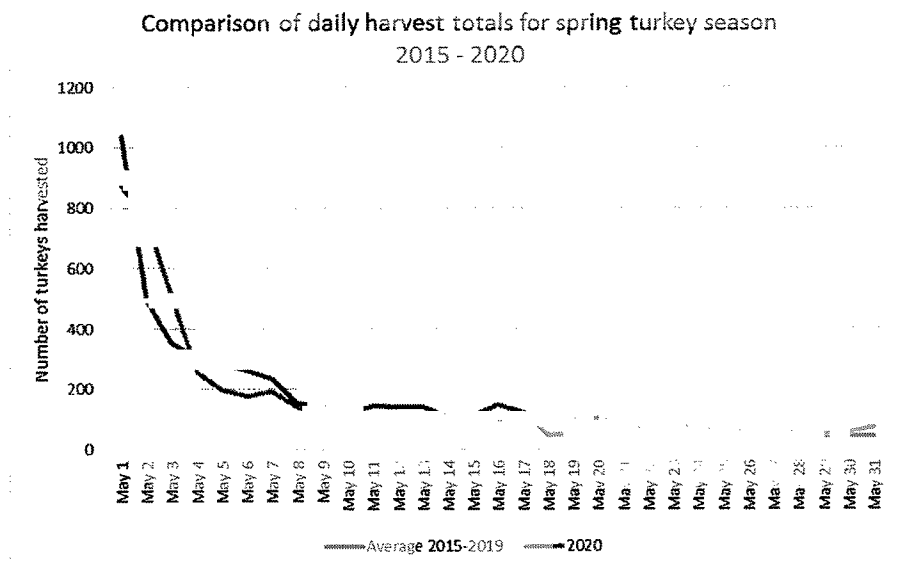


Figure 1. A comparison of the 2020 spring turkey season daily harvest totals to the average daily harvest totals for the previous five years.

With respect to hunter compliance with harvest reporting requirements, it is important to note that the Department employs 36 specially trained and skilled Game Wardens who are highly motivated to safeguard the integrity of our data collection processes, to maintain high public regard for hunters and hunting by curtailing miscreant behavior, and to protect and conserve our shared wildlife resources. While we recognize that the vast majority of hunters share these motivations and will continue to report their harvest with due diligence, there will always be a few who will not and it is these few who become the unenviable focus of our wardens. Indeed, it is these few who have always been the focus of our wardens as they have been just as unlikely to report their harvest in-person to a check station as we would expect them to be with online reporting. Beyond the fact that the increased conveniences gained through online harvest reporting are expected to actually improve reporting rates (i.e. reduce non-compliance), online reporting will also benefit wardens in their efforts to detect and root out criminal behavior by providing readily accessible, real-time data upon which to build their cases and act in a timely fashion.

ANNOTATED

10 App. V.S.A. § 2. Report, big game

(a) ~~A-Unless otherwise specified in the 10 App. V.S.A. section relating to the specific big game species, 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 in the manner required by the Commissioner. The Commissioner may authorize a person taking big game to report in the following manners including but not limited to; electronic reporting via email or website or mobile application, telephone, or in-person reporting. The Commissioner may waive the exhibition of the carcass unless requested by a warden. The Commissioner shall publish the reporting and exhibition requirements. to the nearest game warden, official Fish and Wildlife Department Reporting Station, or to a person designated by the Commissioner to receive the reports.~~

(b) Notwithstanding the reporting requirements of 10 App. V.S.A. § 7 subsection 8.3 of the Bear Management Rule and 10 App. V.S.A. § 33 subsection 14.3 of the Moose Management Rule, in the event of an emergency, the Commissioner may authorize any person who takes big game to report and exhibit the carcass in the manner required by the Commissioner. The Commissioner shall publish the reporting and exhibition requirements during the emergency period. For the purposes of this section, "emergency" shall mean "a serious, unexpected, and dangerous situation that poses a threat to public health or safety, or to wildlife or natural resources, and requires immediate action

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

(d) 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.

Clean  
Text

10 App. V.S.A. § 2. Report, big game

(a) Unless otherwise specified in the 10 App. V.S.A. section relating to the specific big game species, 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 in the manner required by the Commissioner. The Commissioner may authorize a person taking big game to report in the following manners including but not limited to; electronic reporting via email or website or mobile application, telephone, or in-person reporting. The Commissioner may waive the exhibition of the carcass unless requested by a warden. The Commissioner shall publish the reporting and exhibition requirements.

(b) Notwithstanding the reporting requirements of 10 App. V.S.A. § 7 subsection 8.3 of the Bear Management Rule and 10 App. V.S.A. § 33 subsection 14.3 of the Moose Management Rule, in the event of an emergency, the Commissioner may authorize any person who takes big game to report and exhibit the carcass in the manner required by the Commissioner. The Commissioner shall publish the reporting and exhibition requirements during the emergency period. For the purposes of this section, “emergency” shall mean “a serious, unexpected, and dangerous situation that poses a threat to public health or safety, or to wildlife or natural resources, and requires immediate action

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

(d) 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.

VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 10 Appendix : Vermont Fish And Wildlife Regulations

### Chapter 001 : Game

#### Subchapter 001 : General Provisions

(Cite as: 10 App. V.S.A. § 2)

#### **§ 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.

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. (Added 1961, No. 119, § 2, eff. May 9, 1961; amended 1963, No. 144 ; 1971, No. 84, § 5; 1976, Fish and Game Board Reg. No. -, eff. Jan. 1, 1977; 1977, No. 225 (Adj. Sess.), § 9, eff. April 12, 1978; 1982, Fish and Game Board Reg. No. 935, § 2, eff. Sept. 1, 1982; 1985, No. 120 (Adj. Sess.), § 6, eff. April 16, 1986; 1993, Fish and Wildlife Board Reg. No. 996, eff. April 22, 1993.)



# Proposed Rules Postings

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### Deadline For Public Comment

Deadline: Sep 02, 2020

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

### Rule Details

Rule Number:	20P017
Title:	Title 10 V.S.A. Appendix § 2 Report, Big Game.
Type:	Standard
Status:	Proposed
Agency:	Vermont Fish and Wildlife Board
Legal Authority:	10 V.S.A. §4082(a), 10 V.S.A. §4084
Summary:	The rule authorizes the Commissioner to allow electronic reporting of turkey and deer, and allow electronic reporting of moose and bear in an emergency.



Persons Affected: Hunters and their families, Department staff including wardens; big game reporting stations; businesses that sell hunting equipment, food, gas and lodging; landowners, foresters, farmers and other members of the public.

Economic Impact: The proposed rule will provide the Commissioner with more flexibility to address emergency situations such as COVID-19, in such a way that allows hunting to continue. For many, hunting is not only a traditional recreational activity, it is an effective way to obtain healthy local food at minimal cost. Electronic reporting will save hunters money in travel costs to a big game reporting station. In addition, the Department pays reporting stations \$1 for each big game report submitted. An average of 23,000 reports are submitted annually, of which less than 1,000 are for bear and moose, for a savings of approximately \$22,000. The rule will however, reduce the economic benefits of reporting to the local reporting stations along with the incidental purchases that may occur at these stations. There are 118 reporting stations and most of them are small businesses. It is difficult to estimate the specific economic impact of incidental purchases from harvest reporting but it will be insignificant.

Posting date: Jul 22,2020

## Hearing Information

### Information for Hearing # 1

Hearing date: 08-24-2020 6:30 PM **ADD TO YOUR CALENDAR**

Location: Zoom Meeting: ID 862 2360 4609

Address: Meeting Link: <https://us02web.zoom.us/j/86223604609>

City: Dial in Phone Number: 929-436-2866

State: VT

Zip: n/a

Hearing Notes:

### Information for Hearing # 2

Hearing date: 08-25-2020 6:30 PM **ADD TO YOUR CALENDAR**

Location: Zoom Meeting ID: 879 2805 7824  
 Address: Meeting Link: https://us02web.zoom.us/j/87928057824  
 City: Dial in Phone Number: 929-436-2866.  
 State: VT  
 Zip: n/a  
 Hearing Notes:

## Contact Information

### Information for Contact # 1

Level: Primary  
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 Website: <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board/board>  
 Address: [VIEW WEBSITE](#)

### Information for Contact # 2

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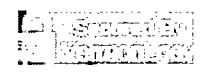
## Keyword Information

Keywords:

- Report
- Big-game
- Exhibit
- Carcass
- Electronic
- Hunting



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PROPOSED STATE RULES

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

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

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

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Title 10 V.S.A. Appendix § 2 Report, Big Game.

Vermont Proposed Rule: 20P017

AGENCY: Vermont Fish and Wildlife Board

CONCISE SUMMARY: The rule authorizes the Commissioner to allow electronic reporting of turkey and deer and allow electronic reporting of moose and bear in an emergency.

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

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

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Title 10 V.S.A. Appendix § 22 Turkey Seasons Rule.

Vermont Proposed Rule: 20P018

AGENCY: Vermont Fish and Wildlife Board

CONCISE SUMMARY: The rule deletes a couple of unnecessary definitions, defines youth and novice hunters, establishes a novice turkey hunting weekend at the same time as the youth turkey hunting weekend, sets forth the requirements related to hunting licenses and the attendance of an unarmed adult hunter for youth and novice hunters, and amends shot size to allow smaller shot. Novice hunters are defined as new hunters who have received their first hunting license within the last calendar year.

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

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