

Fish & Wildlife Department
1 National Life Drive, Dewey Building
Montpelier, VT 05620-3208
www.VTFishandWildlife.com

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

Agency of Natural Resources

November 13, 2023

Representative Trevor Squirrell, Chair
Senator Mark A. MacDonald, Vice Chair
Senator Christopher Bray
Senator Virginia "Ginny" Lyons
Senator David Weeks
Representative Seth Bongartz
Representative Mark Higley
Representative Carol Ode
Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel
Anthea Dexter-Cooper, Committee Counsel, Legislative Committee on Administrative Rules
Charlene Dindo, Committee Assistant
Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Re: Furbearing Species Rules

Dear LCAR members,

The Department of Fish and Wildlife is writing on behalf of the Vermont Fish and Wildlife Board regarding the final proposed rules as amended by the Board. On November 1, 2023, the Board approved several amendments to the initial final proposed rules (first submitted to LCAR on August 28, 2023) in response to the LCAR Memoranda dated October 6, 2023, and October 26, 2023. Attached is a mark-up and clean copy of the amended final proposed rules. The changes approved by the Board as amendments to the final proposed rules and the rationale for the changes are discussed below.

TRAPPING

Setbacks - Introduction

The Board has approved substantial expansions to trapping setbacks in the final amended proposed rules. The LCAR Memoranda state that the initial final proposed rules did not meet legislative intent because the definition of public trails was too narrow and the setback requirements did not apply to “playgrounds, parks, and other public locations where persons may reasonably be expected to recreate.”

Road and Trail Setbacks

The Board approved 50-foot setbacks on legal trails designated by municipalities; all town, state, and United States roads; all nonmotorized trails designated and mapped on public land by towns, state agencies, or federal agencies; all nonmotorized trails on public land that are clearly marked on the ground; and the Long Trail, the Appalachian Trail, and the Vermont Rail Trails. Legal trails, roads, the Long Trail, Appalachian Trail, and Vermont Rail Trails are located on both private and public properties.

The second LCAR Memorandum requested that the Board include a broad “catchall” description of trails, such as unmapped public trails that are “commonly used as a passageway by [individuals] or domestic animals.” While the Memorandum refers to New Hampshire setbacks, Kentucky and Massachusetts also prohibit the setting of traps on “paths” that are “commonly used” by people or domestic animals. However, these prohibitions only apply to the traveled portion of the path, and they do not include trap setback distances. Unfortunately, the lack of a definition for paths or passageways would seriously undermine the Department’s ability to provide the public and trappers with notice about where trapping setbacks will apply. For instance, what is a path and what standard would be applied to separate ‘commonly used’ paths from those that are “occasionally” or “rarely used?” Would a deer trail or logging road become a path if a single person used it frequently? The Department cannot possibly ascertain details for all unmapped trails on public land located in the state of Vermont. In addition, the imposition of this broad language in the definition of a public trail would render that portion of the setback requirements largely unenforceable.

The Department proposed an additional definition of a public trail that does not require mapping to the Board. The Board approved public trail setbacks on nonmotorized trails that are clearly marked on the ground, in addition to mapped trails. These setbacks do not apply to Wildlife Management Areas (WMAs), except for public trails specifically designated by the Department as requiring setbacks on WMAs, and the Department would be required to post signage on WMAs that inform the public of hunting seasons and where setbacks apply.

Wildlife Management Area Setbacks

The Fish and Wildlife Board has explicit authority to fashion rules for the uses of Fish and Wildlife Lands. Title 10 V.S.A. § 4144 (b) states that the Board “may regulate the taking of wild animals on such lands or of fish in such waters . . .” WMAs, except refuge areas, have always been open to the public, including non-consumptive users, for dispersed recreational activities. These lands have been primarily funded and managed with Pittman Robertson funds, matched by state hunting and trapping license dollars, for the purposes of habitat conservation and enhancement, and wildlife-based recreation including trapping. The source of Pittman Robertson funds are federal excise taxes on firearms, ammunition, and archery equipment. This means that funding provided primarily by “consumptive users” have paid for the purchase and management of these lands for the benefit of **all** Vermonters.

There has never been a trapping incident on a WMA, and many people do not recreate on WMAs during trapping seasons because of the onset of cold weather and the concurrent hunting seasons.

Consistent with the primary management purposes of these lands and to minimize impacts to wildlife populations, the Department encourages dispersed recreation. The proposed changes will apply setbacks to public roads, legal trails, visitor centers, and wildlife viewing areas on WMAs, and will allow the Department to determine when setbacks should apply to public trails. In addition, the Department has explicit authority to designate corridors of travel, including trails for recreation, in accordance with 10 V.S.A. Appendix §15.

The Department would apply the setbacks to popular hiking trails on WMAs such as the ones on the Snake Mountain WMA. The Department plans to post signs advising the public of hunting and trapping seasons at WMA kiosks and other locations that may be interpreted to be recreational trails on WMAs, following the adoption of this rule.

Setbacks from Public Locations

The Board approved 100-foot setbacks from any structures and cleared/landscaped areas for designated wildlife viewing areas, visitor centers, parks, playgrounds, picnic areas, shelters, pavilions, schools, camps or campgrounds, and recreational facilities on public land. These setbacks also apply to the visitor centers, camps, and wildlife viewing areas on WMAs.

Definitions and Setback Rule Language

3.13 “Public Highway” for the purposes of this rule, means town, state, and United States roads, shown on the highway maps of the respective towns, made by the Agency of Transportation.

3.14 “Public Trail” for the purposes of this rule, means:

- a) a path or corridor open to the public, used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities; that is designated and mapped by a municipality on municipal lands, the managing agency or department on Vermont state owned land, or a federal agency on federal land; within the state of Vermont;
- b) a path or corridor open to the public, commonly used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities; that is designated, managed, maintained and clearly marked on the ground with blazes, tags, or signage on municipal lands, on Vermont state-owned land, or on federal land, within the state of Vermont; or
- c) Vermont Rail Trails designated and mapped by the Vermont Agency of Transportation; the Appalachian Trail designated, mapped and managed by the National Park Service; and the Long Trail designated, mapped and managed by the Green Mountain Club.

4.15 Trapping Set-backs:

- a) No foothold traps or body-gripping traps shall be set on or within 50’ of the travelled portion of a legal trail, public trail or public highway, unless set in the water or under ice. Setbacks shall not apply to public trails on Wildlife Management Areas except those public trails the Department specifically designates as requiring a setback. The Department shall post signage on Wildlife Management Areas advising the public of hunting seasons and locations where setbacks apply.

- b) No foothold traps or body-gripping traps, unless set in the water or under the ice, shall be set on or within 100 feet of the buildings, parking lots, and maintained (cleared, continuously maintained or landscaped) portions of designated wildlife viewing areas, visitor centers, parks, playgrounds, picnic areas, shelters, pavilions, schools, camps or campgrounds, and recreational facilities such as ball fields or tennis courts; owned and managed by municipal, state or federal entities except that trapping may occur with the explicit permission of schools, camps or campgrounds.

Setback Exemption for Traps in the Water or Under Ice

The October 26, 2023, LCAR Memorandum asserts that the exemption for trapping in the water or under ice is arbitrary and contrary to the intent of Act 159. The plain language of Act 159 states that rule shall include: “requirements for the location of traps, including the placing of traps for the purposes other than nuisance trapping at a safe distance from public trails . . .” Trapping poses very low risk to public safety. The Department has no information that indicates that any member of the public has been caught or injured by a trap in Vermont. We are only aware of one recent op-ed by a person who stated that he was caught in a trap as a child. There are also no known incidents related to traps located under the ice. In fact, members of the public and their pets would have little or no access to any trap placed under ice, unless they specifically reached or jumped into the ice hole, which is usually brushed over or frozen. The exemption for traps under ice is not unreasonable or arbitrary.

Of the two incidents of dogs caught and injured in traps that were known to be placed in the water, one resulted in minor injuries. Both incidents, one being the 2023 trapping incident in Castleton where a German Shepperd was injured, were nuisance trapping situations and occurred outside of the trapping season¹. Regulated trapping seasons on land run from the last Saturday in October to December 31st and aquatic trapping is from the last Saturday in October to March 31st. The greatest risks to pets are associated with trapping violations and nuisance trapping that occur outside of the regulated seasons.

In addition to the low risk associated with the placement of traps in cold water or under ice during the trapping season, the elimination of this exemption would restrict where aquatic fur trappers can place their sets. Unfortunately, extending the 50’ setback to all traps regardless of whether they are set in water or under ice would shift trapping activities from in-season fur harvesting to out-of-season nuisance trapping giving the public and pets less protection—as evidenced by the Castleton incident. This is because semi-aquatic species such as beaver, are trapped in areas where they are most active, which is typically within 50 feet of a shoreline. Prohibiting avocational trappers from trapping within 50 feet of a trail for water sets, increases the risk of these animals becoming a public damage concern by flooding trails, roadways, and other places where people travel and/or recreate. Shifting trapping activities to out-of-season will also result in increased waste of fur resources, as regulated winter season is the time when fur is most usable. Given these circumstances, the Department does not believe the exemption is arbitrary or contrary to legislative intent.

In conclusion, these proposed rules will apply setbacks to all state and town and United States

¹ Castleton University hired someone to remove the beavers that were blocking the outlet of a dam.

roads (with the exception of the Interstate roads), legal (municipal) trails, all trails designated and mapped by public entities on public land, and all trails that are clearly marked on the ground on public land, as well as the Vermont Rail Trail, Long Trail and the Appalachian Trail. This rule will impose significant restrictions on an activity that poses no risk to the public and a very small risk to pets.

Additional Rule Provisions Related to Trapping

In response to the initial LCAR Memorandum from Legislative Counsel, and in order to add another humane means of dispatch, the Board amended several other rule provisions. The amendments reinsert the prohibition against the use of poisonous mixtures to take furbearers, specifies that an acceptable method of dispatch is a carbon dioxide chamber used in accordance with the recommendations of the American Veterinary Medical Association, and provides more detail regarding the reporting requirements. The language is as follows:

Prohibition, Dispatch, and Reporting Rule Language

4.13 A person shall not take a fur-bearing animal by use of any explosives or, chemical or poisonous mixtures, with the exception of a carbon dioxide chamber used in accordance with the recommendations of the American Veterinary Medical Association.

4.14 A person shall not take a fur-bearing animal from dens by cutting, digging, smoking, by the use of chemicals, or by the use of mechanical devices other than a legal trap set in accordance with these rules.

4.16 Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzleloader or gun fired at arm's length; or a bow and arrow, or crossbow; or a carbon dioxide chamber in compliance with the American Veterinary Medical Association guidelines. This subsection shall not be interpreted to prevent a trapper from releasing an unharmed captured animal, or a domestic pet.

4.23 Biological Collection

- a) ~~A-Except for persons exempt from the rules under section 4828 of title 10, any person who traps any animal, obtains a trapping license, and traps for furbearers shall complete and submit an annual biological collection trapper survey, including the reporting of taking of incidental wild animals, for the license season to the Department, within the timeline specified by the Commissioner.~~
- b) Any person who traps furbearers and traps a dog or cat shall report the taking to a warden within 24 hours of discovery.
- c) The failure to complete and submit a biological collection survey to the Department shall be a nonpoint violation under 10 V.S.A. § 4502.

The Definition of Trapping in Section 3.20

When the Board initiates a rule making process, the Board examines, updates and makes changes to the entire rule, in an effort to take advantage of administrative efficiencies. In this case, the Board included provisions that were not mentioned in Act 159 or 165, including applying the

rules to any method of taking furbearers, applying certain best management provisions to nuisance trapping, updating the Canada lynx section of the rule, prohibiting explosives for taking furbearers and providing for a lottery when eligible permit applications exceed 100. None of these provisions conflict with the intent of the legislation.

Similarly, the definition of trapping in section 3.20 is based on the historical use of trapping as a hunting method, the historical context of the language of the Constitution, and legal precedent in Vermont caselaw. The definition is consistent with the language and statutory construction of Title 10 part 4 and is informed by the subject matter expertise of the Department. The definition does not in any way undermine the intent of Act 159 or, limit the Legislature from imposing “proper” regulations relating to hunting, including trapping. As such, the definition is not arbitrary or inconsistent with the intent of Act 159.

HUNTING COYOTE WITH DOGS

Standard for Control of Dogs

The plain language of Section 3 (a) of Act 165 states that the General Assembly “intends to ***reduce*** conflicts between landowners and persons pursuing coyotes with the aid of dogs.” In addition, section (b) (4) requires that the definition of control “***minimize*** the risk that dogs pursuing coyote” do not encroach on posted land, do not enter land where unauthorized, and do not harm, harass or damage property, domestic animals, or people.

The October 26, 2023, LCAR Memorandum asserts that the definition of control does not meet legislative intent and suggests that only leashes, voice control, or keeping hunting dogs within sight will meet legislative intent. These requirements would be a de facto ban on hunting with dogs and as such the Department and Board are unable to support such changes with respect to the definition and requirements related to control. Furthermore, it is not unlikely that the definitions of control will be applied to all hunting dogs, including bird dogs and rabbit beagles, and would essentially eliminate this activity in Vermont. Hunting with dogs is a critical wildlife management and conservation tool that ensures that wildlife remains wild, helps Department staff address wildlife conflicts, and minimizes the loss of game. Banning hunting coyotes with dogs, like trapping, may lead to an increase in public complaints regarding coyote damage and public safety, similar to experiences in Oregon and other states.

The draft bill that preceded the final version of Act 165 initially called for a ban on hunting coyotes with dogs and was subsequently amended to direct the Fish and Wildlife Board to ***reduce and minimize*** conflicts with landowners. The Department, in good faith, proposed much of the language of Act 165 to the General Assembly, including the statutory provisions that provide for penalties for allowing dogs to enter posted property or property where any person in the hunting group has been informed that hunting dogs are not welcome. Although legislators were invited to participate in the stakeholder process that occurred last year, prior to filing with LCAR no legislator ever communicated the definition of control asserted in the Memorandum received on October 26, 2023.

The Board approved amendments that clarify the definition and directives related to “control” while hunting coyotes with dogs. The requirement for GPS and training/control collars has not

been previously imposed for any form of hunting with dogs. The definition and directives related to control mean that hunters must have the capability of remotely locating and recalling a dog during both the training and hunting seasons. The recommendations are as below with emphasis.

Control Rules

2.1 “Control of dogs(s)” means that when transporting, loading, or unloading of dogs from vehicle(s); and handling, catching, restraining, following or releasing of dogs at all times during the training and taking of coyote with the aid of dogs; the permittee **shall be able to locate and remotely recall the dogs.** Collar(s) with GPS functions, track log capability, and training/control features in the collar(s) shall be required to locate and track dogs at all times while taking coyote with the aid of dogs. At no time shall dogs be in pursuit of coyote without a GPS track log being maintained by the permit holder.

4.20.3 d) 3) A person taking coyote with the aid of dogs shall attach a collar or collars with GPS capabilities and training/control functions **for remote recall**, and shall attach a Department Registration Dog-Tag and a metal identification name plate with the person's name, address and telephone number to each dog's collar.

4.20.3 d) 4) A person taking coyote with the aid of dogs shall maintain a GPS location log of **each dog** taking coyote and shall retain the log for at least 30 days after the close of the season.

Hunting coyotes with dogs was previously unregulated. The rules impose significant new requirements for this activity, that are not required for other forms of hunting with dogs. Specifically, the rules require GPS collars, training/control collars, and GPS tracking logs, and the definition of control requires that hunters be able to locate and remotely recall dogs. To pursue coyotes, all dogs require GPS collars, which is an added improvement. In addition, dogs must be registered with the Department, there can only be four dogs on a hunt, only acceptable methods of take can be used to dispatch a coyote during the season, and no relaying or substitution of dogs is allowed. The failure to follow any of these requirements will be a violation of the rules, subject to penalties.

Some Facts About Coyote Hunting with Dogs, Training and Control Collars

- Training
 - Communicating with a dog during training usually involves a tone, or vibration, followed by a shock if necessary. During training, the tone or vibration from the collar is used to correct their undesirable behavior, and if it doesn't work, a small shock follows. The dog learns what the tone/vibration means and changes its behavior.
 - Training starts early when the dogs are puppies. Dogs are trained to recognize and track the correct species by scent. Hunters can buy scent (coyote scent for example)

for training, train a dog in the field, use experienced dogs to assist with the training process, or more likely a combination of these methods.

- A hunter can identify the correct species with a visual of the animal or by its tracks. Coyotes, fox, bobcats, bears and domestic dogs have distinct tracks, walking patterns and scents. If a dog is following the tracks of a species they are not supposed to be pursuing, the hunter can correct the dog during training and recall a dog(s) using tone, vibration, or shock.
- Puppies learn from other trained dogs in the pack, adult dogs that have been trained and are successful or skilled in hunting. A lot of people who are new to hunting with dogs will buy an experienced hunting dog because it is finished with training. The dog knows what species it is supposed to pursue, is good at it, and does not chase off game. Hunters also learn from their dogs.
- Coyote hunters actively follow their dogs with their vehicles. They want to retrieve them unharmed after any training session or hunt. Hunters form strong bonds with their dogs.
- Similar to other highly trained dogs, hunting dogs are expensive and cost as much as \$10,000. Many good hunting dogs are not spayed/neutered so that they have puppies. Trainability is a major factor in the decision to breed a hunting dog.
- The training processes for bear, coyote and other species are essentially the same.
- Bears are not pursued in the snow because they are hibernating. Other species, including coyote, are hunted in snow, and pursuing game in snow is an important part of the training.
- What prevents a hunting dog from going after another domestic dog?
 - Hunting dogs are not trained to pursue other domestic dogs. There is a big difference between the glands, scent, and behavior of a coyote or a domestic dog. The scent of any domesticated dog living in a house or kennel is not comparable with that of a wild animal.
 - If a dog tracks other dogs, it will chase the other hounds which is not a desirable outcome.
 - At the beginning of a coyote hunt, the dogs are in the truck and bark when they smell the scent of a coyote. During this time, the hounds will not bark even if the truck passes households with dogs barking at them.
- What can a training/control collar tell a hunter about what a dog is doing?

Although GPS does not give the hunter a visual or video of the dogs, it allows them to monitor location, movement patterns, speed, and barking/baying intensity. Hunters can tell whether their dogs are tracking a coyote by how they move across the landscape. Track logs show the locations of each dog in real time, including roads, rivers, property lines, buildings, and other landscape features. If a hunting dog is running and circling, it is typically a coyote. In contrast, bears run straight, and fox run along hedges, walls, and fence lines, and into fields. The GPS units also indicate when the dogs are searching for a fresh scent or are in pursuit. The unit informs the hunter when the dogs are barking, barking intensity, and speed of travel. Speed gives the hunter information on whether an active pursuit is underway. When the dogs are closer to the coyote, barking intensity

increases. This enables hunters to make informed decisions about when to recall their dogs.

In conclusion, the imposition of leashes or sight requirements for control of dogs would be a de facto ban on hunting coyotes with the aid of dogs activity, which involves pursuing a wild animal through fields and forest, in locations where there are limited sight distances and no roads or trails. The addition of the training/control collar is designed to ensure that hunters can maintain control over dogs hunting coyotes and locate and remotely recall their dogs at any time. The rules in combination with the statutory provisions, are designed to *reduce and minimize* conflicts with landowners in compliance with legislative intent.

Encouraging Hunters to Seek Landowner Permission

Unfortunately, I forgot to offer amended language to the Board that encourages hunters to seek landowner permission for hunting. The Department is supportive of the following language in response to the Memorandum from Legislative Counsel:

Encouraging landowner permission rule language

4.20.7 A person hunting coyotes with dogs shall not release the dogs on land posted in accordance with Title 10 V.S.A. § 5201, without the written permission of the landowner. In addition, a person hunting coyotes with the aid of dogs is encouraged to seek landowner permission before releasing dogs or entering land that is not posted in accordance with Title 10 V.S.A. § 5201. Hunter education shall include the recommendation that persons hunting coyotes with dogs seek landowner permission prior to pursuing coyotes with dogs.

The Department believes that the Board will approve this language.

Lottery

On November 1, 2023, the Board also approved amendments to the Lottery language in the coyote rule section. The purpose of the language was to make the lottery language less confusing.

Lottery Rule Language

(7) In any given year, the number of permits available to non- resident hunters shall not exceed ten (10) percent of the total number of permits issued to resident hunters the previous year. If more than ten (10) percent of non-resident permit applications are received, the Department will award up to ten (10) non-resident permits on a first come, first serve basis, provided that the number of permits to be issued does not exceed 100.

b) Lottery – In the event that more than 100 permit applications are received, all those who have submitted completed eligible applications and who wish to be entered into the lottery will be entered into the lottery. The Department will hold, or cause to be held, a transparent,

random drawing to select 100 permits and to ensure that not more than 10% of permits issued by the Department are issued to non-residents.

This language is in Section 4.20.3 a) (7) and b).

Thank you for communicating your concerns with the Department and the Board and for your attention to this matter. Please do not hesitate to contact me at 802-595-3331 or catherine.gjessing@vermont.gov with any questions or concerns you may have.

Sincerely,

/s/ Catherine Gjessing

Catherine Gjessing
General Counsel

Cc: Christopher Herrick, Commissioner, Department of Fish and Wildlife
David Sausville, Wildlife Management Program Manager

§ 44. Furbearing species

1.0 Authority

1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084, 4828, and 4861. In promulgating this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife, and fur-bearing animals in this State is in the interest of the public welfare and that the safeguarding of these valuable resources for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to maintain the best health, population, and utilization levels of the regulated species.

1.3 This rule shall apply to all persons who take or attempt to take fur-bearing animals by ~~trapping or hunting any method.~~

2.0 Purpose

The purpose of this rule is to regulate the taking of fur-bearing animals.

3.0 Definitions

3.1 “Accompany” for the purpose of pursuing coyote with the aid of dogs means that:

- a) Any person engaged in the control, handling, transporting, or intercepting of dogs used for taking coyote with the aid of dogs shall be under the direct supervision of the permit holder and shall be considered a “Sub-permittee”, and
- b) A Sub-permittee who is in any way involved in the use or handling of taking coyotes with the aid of dogs shall be under the direct control and supervision of the coyote dog permit holder.

3.2 “Bait” means any animal, vegetable, fruit, mineral matter, or any other substance capable of luring or attracting coyotes or any other wildlife.

3.3 "Board" means the Vermont Fish and Wildlife Board.

3.4 “Commissioner” shall mean the Commissioner of the Vermont Department of Fish and Wildlife.

3.5 “Compensation” shall mean money.

3.6 “Control of dogs(s)” means that when transporting, loading, or unloading dogs from vehicle(s); and handling, catching, restraining, releasing, or following dogs at all times during training dogs and taking of coyote with the aid of dogs; the permittee shall be able to locate and remotely recall the dogs. Collar(s) with GPS functions, track log capability, and training/control

features in the collar(s) shall be required to locate and track dogs at all times while taking coyote with the aid of dogs. At no time shall dogs be in pursuit of coyote without a GPS track log being maintained by the permit holder.

3.7 “Coyote Dog Permit” means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take coyote with the aid of dogs.

3.8 "Department" means the Vermont Department of Fish and Wildlife.

3.9 “Department Registered Dog” means a dog bearing a numbered identification dog-tag (Department Registration Dog-Tag) approved or issued by the Vermont Fish and Wildlife Department, with the permit holder's coyote dog permit number and a number one through four.

3.10 "Fur-bearing animal" means beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as amended pursuant to 10 V.S.A. § 4001.

3.11 “Legal Trail” shall mean a public right of way designated as a trail by a municipality as defined in Title 19 V.S.A § 301(8), that is not a highway but is shown on the highway maps of the respective towns made by the Agency of Transportation and:

- a) was previously a designated town highway; or
- b) is a new public right of way laid out as a trail by the selectboard for the purpose of providing recreational use or access to abutting properties.

3.12 “Pack of Dogs” means one to four dogs, acting as a unit during taking coyote with the aid of dogs.

3.13 “Public Highway” for the purposes of this rule, means town, state, and United States roads, shown on the highway maps of the respective towns, made by the Agency of Transportation.

3.14 “Public Trail” for the purposes of this rule, means:

- a) a path or corridor open to the public, used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities; that is designated and mapped by a municipality on municipal lands, the managing agency or department on Vermont state owned land, or a federal agency on federal land; within the state of Vermont;
- b) a path or corridor open to the public, commonly used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities; that is designated, managed, maintained and clearly marked on the ground with blazes, tags, or signage on municipal lands, on Vermont state-owned land, or on federal land, within the state of Vermont; or
- c) Vermont Rail Trails designated and mapped by the Vermont Agency of Transportation, the Appalachian Trail designated, mapped and managed by the National Park Service, and the Long Trail designated, mapped and managed by the Green Mountain Club.

3.15 “Relaying packs and dogs” means the removal and replacement of one or more dogs, during taking coyote with the aid of dogs, to the original pack of dogs once the pursuit has begun.

3.16 “Sub-Permittee” means any person with a valid Vermont hunting license designated by the coyote dog permit holder to assist or take coyote with the aid of dogs, in accordance with the permit issued by the Commissioner.

3.17 “Taking Coyote with the aid of dogs” for the purposes of this rule means that one or more dog(s) with Department Registration Dog-Tags are on the ground whether in pursuit of a coyote or not.

3.18 A "tanned" pelt is one that has been treated to turn the skin into leather.

3.19 “Training/control” collar is any family of collars that deliver electrical stimulation of varying intensity and duration to the neck of a dog via a radio-controlled electronic device incorporated into the collar.

3.20 "Trapping" means to hunt, take or attempt to take fur-bearing animals with traps including the dispatching of such lawfully trapped fur-bearing animals.

3.21 A "trap" means a mechanical device used to capture, kill and/or restrain fur-bearing animals excluding firearms, muzzleloaders and archery equipment.

3.22 “Unregistered dog” means a dog that does not have a valid numbered Department Registration Dog Tag as described in 3.9.

4.0 Restrictions

4.1 A person trapping for fur-bearing animals under this rule shall visit their ~~his/her~~ traps at least once every calendar day, except as provided in paragraph 4.2, and dispatch or release any animal caught therein.

4.2 A person who sets body gripping traps in the water or under the ice, colony/cage traps underwater or foothold traps under the ice shall visit their ~~his/her~~ traps at least once every three calendar days and remove any animal caught therein.

4.3 A person shall not set a trap on lands other than their ~~his/her~~ own which does not have their ~~his/her~~ name and address permanently and legibly stamped or engraved thereon, or on a tag of rustless material securely attached thereto.

4.4 All traps under ice will be marked with a tag visible above the ice.

4.5 All foothold traps set on land must:

a) Have base plates that feature a center chain mount with swivel, with free moving chain and

at least two additional swivels that allow mobility for a captured animal;

- b) Be anchored with a minimum of 12” chain and a maximum of 18” chain between the base plate and the start of the anchoring system. Extra swivel and/or shock springs can be added to the chaining system, but the additions cannot cause the chain to exceed the 18” length;
- c) Be padded, offset, laminated, or have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot; Have a spread of no more than 6 ¼ inches measured inside the widest expanse of the jaws; and
- d) If a foothold trap is triggered by downward pressure, it must be adjustable for pan tension.

4.6 No body-gripping trap shall be set on land unless:

- a) it is under 40 square inches, without the use of bait, or
- b) it is over 40 square inches and less than 60 square inches and is set 5’ or more above the ground, or
- c) it is over 40 square inches and less than 60 square inches and is in an anchored enclosure with openings no greater than 60 square inches and with a trap trigger that is recessed at least 12” from all openings.
- d) Any body-gripping traps over 60 square inches shall only be set in the water.

~~4.5 A person shall not set a body gripping trap with a jaw spread over eight inches measured inside the jaws unless the trap is set five feet or more above the ground, or in the water.~~

4.7 All meat-based bait shall be covered at the time that a trap is set. Covering shall include, but are not limited to, brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

4.8 A person shall not use toothed foothold traps or snares when trapping under this section.

4.9 A person shall not set a trap between December 31 and the following fourth Saturday in October unless the trap is in the water, under the ice, or on a float in the water.

4.10 A person shall not possess a living fur-bearing animal, except as provided by rules of the board or 10 V.S.A. part 4.

4.11 A person shall not possess a fur-bearing animal trapped outside of its legal season without the written authorization of the Department, not to include animals taken pursuant to 10 V.S.A. § 4828.

4.12 A person shall not possess fur or skin of a fur-bearing animal unlawfully taken.

4.13 A person shall not take a fur-bearing animal by use of any explosives or, chemical or poisonous mixture, with the exception of a carbon dioxide chamber used in accordance with the recommendations of the American Veterinary Medical Association.

4.14 A person shall not take a fur-bearing animal from dens by cutting, digging, smoking, by the use of chemicals, or by the use of mechanical devices other than a legal trap set in

accordance with these rules.

4.15 Trapping Set-backs:

- a) No foothold traps or body-gripping traps shall be set on or within 50' of the travelled portion of a legal trail, public trail or public highway, unless set in the water or under ice. Setbacks shall not apply to public trails on Wildlife Management Areas except those public trails the Department specifically designates as requiring a setback. The Department shall post signage on Wildlife Management Areas advising the public of hunting seasons and locations where setbacks apply.
- b) No foothold traps or body-gripping traps, unless set in the water or under the ice, shall be set on or within 100 feet of the buildings, parking lots, and maintained (cleared, continuously maintained or landscaped) portions of designated wildlife viewing areas, visitor centers, parks, playgrounds, picnic areas, shelters, pavilions, schools, camps or campgrounds, and recreational facilities such as ball fields or tennis courts; owned and managed by municipal, state or federal entities except that trapping may occur with the explicit permission of schools, camps or campgrounds.

4.16 Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzleloader or gun fired at arm's length; or a bow and arrow, or crossbow; or a carbon dioxide chamber in compliance with the American Veterinary Medical Association guidelines. This subsection shall not be interpreted to prevent a trapper from releasing an unharmed captured animal, or a domestic pet.

4.17 **Beaver Muskrat**

- a) When trapping muskrat between March 1 and March 31, body gripping traps are restricted to 5 inches or less.
- b) A person shall not disturb or destroy a beaver or muskrat house or den or place a trap therein, thereon, or in the entrance thereof.
- c) ~~A person may set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam only from the 4th Saturday in October through the last day of February, all dates inclusive. A person shall not set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam during the month of March.~~
- d) ~~Except for the setting of traps as provided under 4.183b and 4.18e, a~~A person shall not interfere in any manner with dams, dens, or houses of beaver except upon prior written approval from the Commissioner.

4.18 **Bobcat; Otter; Fisher.**

- ~~(a) From December 17 to December 31, both dates inclusive, in order to minimize incidental bobcat harvest during the remainder of the fisher season, a person shall not set a body gripping trap with a jaw spread over 6 inches measured inside the jaws unless the trap is set 5 or more~~

~~feet above the ground, or in the water.~~

- a) The skins of bobcat, otter, and fisher legally taken may be possessed, transported, bought and sold only when tagged and marked as hereinafter provided.
- b) A person who takes bobcats, otter, or fisher during these seasons shall notify authorized Department staff within 48 hours of the close of the season. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.
- c) A person who legally takes bobcat, otter, or fisher may keep the edible meat prior to submitting the carcass to the Department.
- d) No bobcat, otter, or fisher pelts or carcasses taken during these seasons shall be transported out of the State of Vermont prior to being tagged by authorized Department staff.
- e) A person who takes bobcat, fisher, and otter pursuant to 10 V.S.A. § 4828 and who desires to keep the pelt shall notify authorized Department staff with 84 hours of the taking. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.

4.19 Raccoons

- a) A person shooting raccoons during the raccoon hunting season shall use a 0.22 caliber rimfire firearm or a shotgun with #2 shot or smaller.
- b) A light may be used to illuminate and shoot a raccoon once treed by a ~~dog(s), or dogs,~~ during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a ~~dog(s), or dogs,~~ during the training season.

4.20 Taking Coyote with the Aid of Dogs

4.20.1 Authority - In accordance with 10 V.S.A. § 5008 and § 5009 (b), this rule establishes a process and standards for the issuance of a permit to take coyote with the aid of dogs, either for the training of dogs or for the taking of coyote.

4.20.2 Purpose - The purpose of this subsection is to establish a process and standards for the issuance of permits to pursue coyote with dogs, establish training and hunting seasons for the taking of coyote with the aid of dogs, and to define legal methods of take.

4.20.3 The Taking of Coyote with Aid of Dogs.

- a) Licenses and permits.

- (1) Any person who intends to train, hunt, pursue, harvest, or in any manner take a coyote with the aid of dogs shall apply for a permit from the Commissioner on an application form provided by the Commissioner.
 - (2) Only applications received by the Department's central office during the official application period will be considered. Applications must be received prior to the deadline established by the Commissioner.
 - (3) The Commissioner will consider only complete applications. For an application to be complete it must be legible, must contain all the information requested by the Department, must bear the applicant's original signature, or, in the case of electronic or facsimile applications, attestation under the pains and penalties of perjury. To be considered complete the form must be accompanied by any required application fee, or means of payment, such as a valid credit card payment.
 - (4) The Commissioner may deny any person a permit in their sole discretion.
 - (5) Any person training, hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Coyote Dog Permit issued by the Department, or accompany a Coyote Dog Permit holder. The Permit shall be carried at all times by the permittee while taking coyote with the aid of dogs, and exhibited to a game warden, landowner, or law enforcement officer upon demand.
 - (6) Any person hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Vermont Hunting License, and use only Department Registered Dogs.
 - (7) In any given year, the number of permits available to non- resident hunters shall not exceed ten (10) percent of the total number of permits issued to resident hunters the previous year. If more than ten (10) percent of non-resident permit applications are received, the Department will award up to ten (10) non-resident permits on a first come, first serve basis, provided that the number of permits to be issued does not exceed 100.
- b) Lottery –In the event that more than 100 permit applications are received, all those who have submitted completed eligible applications and who wish to be entered into the lottery will be entered into the lottery. The Department will hold, or cause to be held, a transparent, random drawing to select 100 permits and to ensure that not more than 10% of permits issued by the Department are issued to non-residents.
- c) Legal Methods

- (1) A person shall not take a coyote into their possession except by killing the coyote by legal means or methods. Legal means includes utilizing a muzzleloader or gun fired at arm's length; or bow and arrow, or crossbow.
- (2) A person taking coyote with the use of a bow and arrow or crossbow shall, upon demand of a game warden or other law enforcement personnel, show proof of having a prior archery license, or of having passed a bow hunter education course in Vermont, another state or a province of Canada approved by the Commissioner.

d) Dogs and Packs

- (1) A person shall not take coyote with the aid of dogs unless the person is in control of the dog(s).
- (2) No person shall take a coyote with the aid of dogs by using any Unregistered Dog. No person shall have an Unregistered Dog in their possession (including in a vehicle) while hunting, pursuing, or taking a coyote.
- (3) A person hunting with dogs, pursuing, and taking coyote with the aid of dogs shall attach a collar or collars with GPS functions, tracklog capability, and training/control features for remote recall; and shall attach a Department Registration Dog-Tag and a metal identification name plate with the person's name, address and telephone number to the dog's collar.
- (4) A person taking a coyote with the aid of dogs shall maintain a GPS location log of each dog taking coyote and shall maintain the log for at least 30 days after the close of the season.
- (5) A person taking a coyote with the aid of dogs shall only take a coyote with a Pack of Dogs as defined in this rule. No person shall pursue, hunt, or take coyote by Relaying any Dog or Pack of Dogs.
- (6) Two or more permit holders may hunt together and combine Department Registered Dog(s) to form a Pack of Dogs. The combined Coyote Dog Permit holders shall not take coyote with the aid of more than four dogs combined forming a single pack of dogs. The combined Coyote Dog Permit holders shall not possess any Unregistered Dogs while hunting, pursuing, or taking coyote with the aid of their dogs.

4.20.4 Seasons and Shooting Hours for Taking Coyote with the Aid of Dogs.

- a) Coyote Dog Training Season: For Vermont Resident and Nonresident Permit Holder: June 1 through September 15, all dates inclusive, except that a nonresident may train

dogs to pursue coyote only while the training season is in effect in the nonresident's home state and subject to the requirements of these rules.

- b) Coyote Dog Hunting Season December 15 through March 31, all dates inclusive.
- c) Legal hours for taking coyote with the aid of dogs: One half hour before sunrise until one half hour after sunset.

4.20.5 Prohibitions applicable to Taking Coyote with the Aid of Dogs

- a) A person shall not advertise, barter, exchange goods or services, or otherwise sell the use of a dog(s) for the purpose of taking coyote with the aid of dogs.
- b) While taking coyote with the aid of dogs, no person shall have in their possession an Unregistered Dog while possessing Department Registered Dogs.
- c) It shall be a violation for a Vermont resident to apply for a coyote dog permit for the purpose of allowing a nonresident coyote dog owner to take coyote in Vermont with the aid of dogs.

4.20.6 Reporting - A person taking coyote with the aid of dogs shall, no later than 48 hours after the close of season, report the taking of all coyotes during the season in a manner required by the Commissioner.

4.21 Taking Coyote by Bow and Arrow and Crossbow: No person shall take coyote with or without the aid of dogs, with a bow and arrow or crossbow if the arrow or bolt has an arrowhead that measures less than seven-eighths of an inch at its widest point or that has less than two sharp cutting edges.

4.22 Lynx

- a) ~~This subsection shall be effective on January 1, 2014.~~
- a) Any person who incidentally captures a lynx shall notify the Department immediately.
- b) The following regulations on traps and trapping shall apply within the Wildlife Management Unit E.
 - (1) ~~Foothold traps set on land must be anchored using a chain or cable no longer than 18" that is center mounted to the trap using a swivel connection and must have at least one in-line swivel along the chain or cable.~~ From the fourth Saturday in October to December 31, both dates inclusive, all body gripping traps must be set:

- i. In the water, or;
- ii. Within a Canada lynx exclusion device as described below and as depicted in Diagram 1:
 - a. the trap jaws shall be completely within the device;
 - b. the trap springs may extend outside of device through openings no larger than 7.5" wide by 1.5" high;
 - c. the device shall not have an opening greater than 6" by 8";
 - d. the opening shall not be directly in front of the trap but shall instead be either on the top or side of the device;
 - e. the trap set within the device shall be a minimum of 18" from the closest edge of the opening to the trap;
 - f. there shall be at least two attachment points for each side of the device where there is a joint or where panels come together;
 - g. the device shall be constructed of wood or of wire mesh of 16 gauge or less wire (.05" diameter wire or greater) and having a mesh size with openings no greater than 1.5" X 1.5" or 1" X 2"; and,
 - h. the trap shall be anchored outside of the device; or
- iii. Off the ground as described below and as depicted in Diagram 2:
 - a. at least 5' above the ground or if snow is on the ground at least 5 feet above snow level with the exception of the 24-hour period immediately following a snowstorm;
 - b. affixed to a standing tree which is free of branches below the trap or to a leaning section of pole that has not been planed or otherwise altered except for the removal of branches and is less than 4" in diameter at the trap and is angled at least 45° along its entire length from the ground to the trap; and
 - c. in an area that is free of any object within 4' of the trap.

~~(3) From the fourth Saturday in October to December 31, both dates inclusive, body-gripping traps no larger than a typical 160 (inside jaw spread up to 6.5") may also be set on the ground if placed:~~

- ~~i. Under overhanging stream banks, or;~~

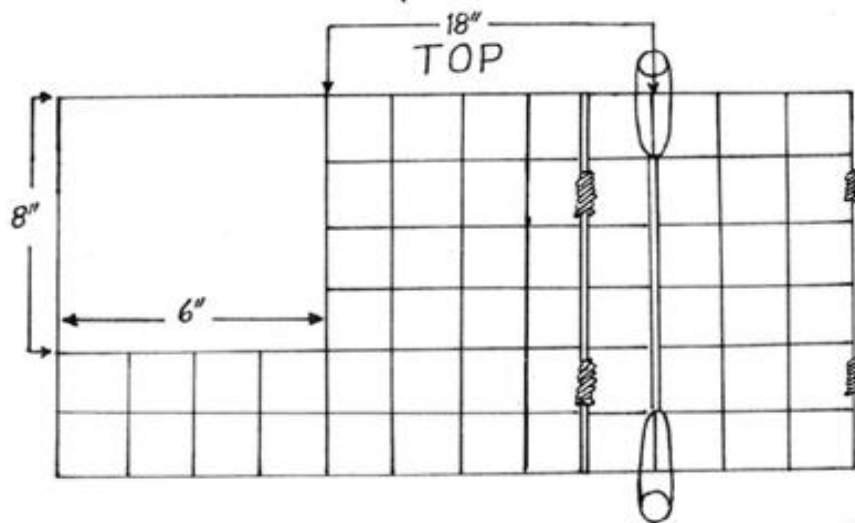
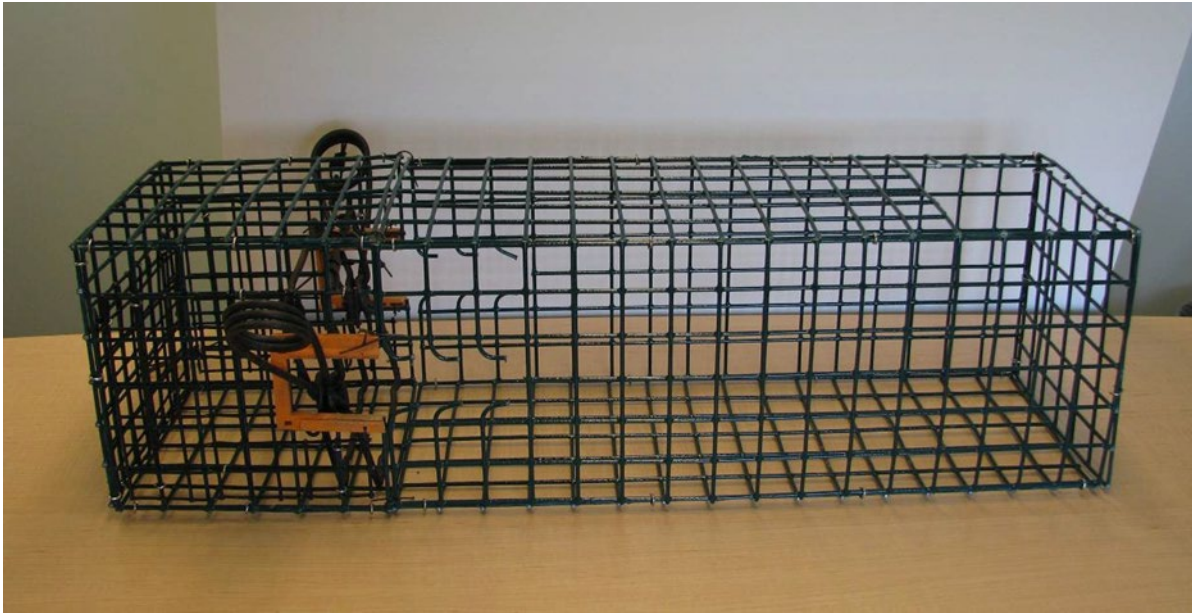
~~ii. In blind sets without the aid of bait, lure or visual attractants, or;~~

~~iii. Within a cubby constructed of artificial materials with the trap inserted at least 7" from the front and with an opening no greater than 50 square inches as depicted in Diagram 3.~~

~~c) The establishment of a ten-year "Lynx Study Period" shall commence on the effective date of this subsection. The Department will assess the status of lynx in Vermont, identify and evaluate additional techniques and devices for avoiding incidental capture of lynx, and develop revisions to these rules in accordance with the findings of such studies and all current information. The rules set forth in this subsection 4.22 shall expire on January 1, 2027 2024 unless such rules are either extended or amended by the Fish and Wildlife Board. The decision to extend or amend these rules shall be based on an evaluation of the following key criteria:~~

- ~~(1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;~~
- ~~(2) The availability of more effective and/or practical alternatives for avoiding the incidental capture of lynx; and~~
- ~~(3) The outcome of Maine's Incidental Take Permit application process.~~

Diagram 1. Canada lynx exclusion device for body gripping traps.



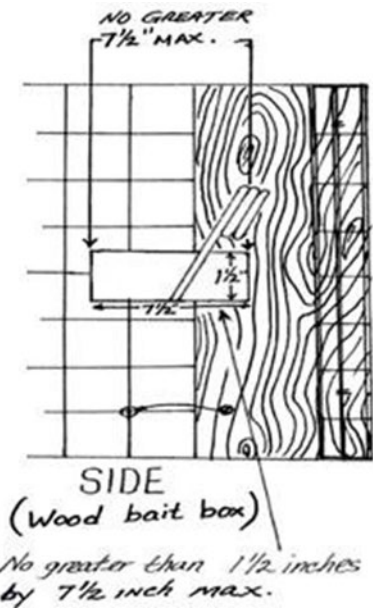


Diagram 2. Off the ground sets for body gripping traps.

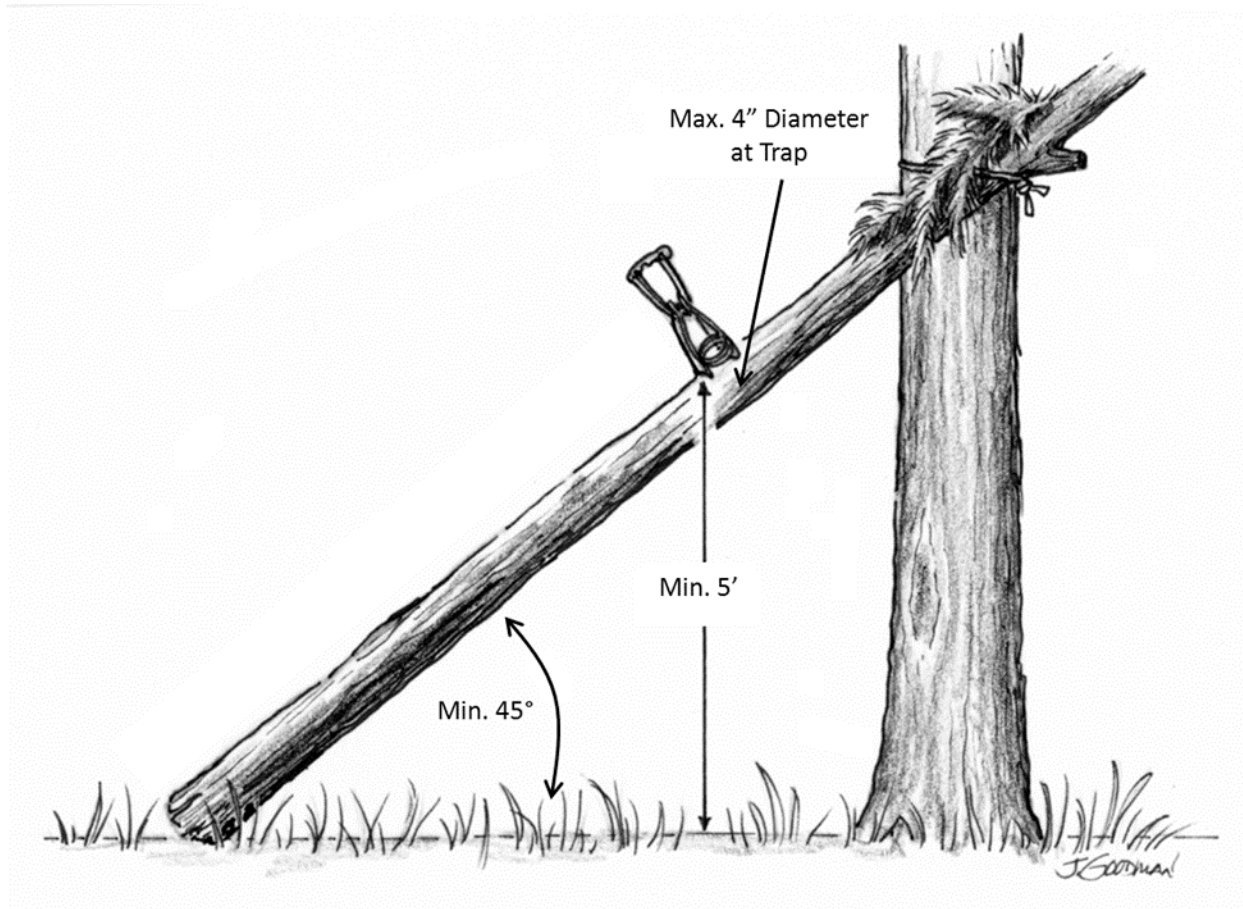
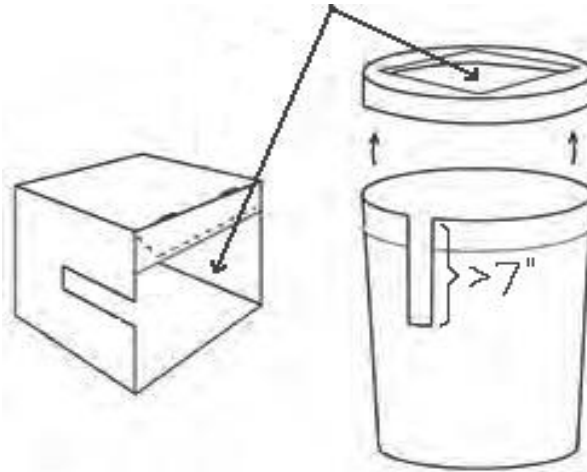


Diagram 3. Cubby sets for body gripping traps no larger than a typical 160.

Opening not to exceed 50 square inches



4.23 Biological Collection

- a) ~~A~~ Except for persons exempt from the rules under section 4828 of title 10, any person who traps any animal obtains a trapping license and traps for furbearers shall complete and submit an annual biological collection trapper survey, including the reporting of taking of incidental wild animals, for the license season to the Department, within the timeline specified by the Commissioner.
- b) Any person who traps furbearers and traps a dog or cat shall report the taking to a warden within 24 hours of discovery.
- c) The failure to complete and submit a biological collection survey to the Department shall be a nonpoint violation under 10 V.S.A. § 4502.

5.0 Seasons, Bag Limits

The following seasons, methods and bag limits are hereby established for the species listed. All hunting seasons will be with or without dogs, except as otherwise provided. Below is the exclusive, exhaustive list of seasons and means of take of fur-bearing animals. The taking of fur-bearing animals at other times or by other means, except where otherwise provided by law, is prohibited. All dates are inclusive.

Seasons	Dates	Bag Limit
5.20 Beaver		
By trapping	Fourth Sat. in Oct. through March 31	No Limit
By hunting	No open season	Zero
5.21 Otter		
By trapping	Fourth Sat. in Oct.- last day of March	No limit
By hunting	No open season	Zero
5.22 Marten	No open season	Zero
5.23 Mink		
By trapping	Fourth Sat in Oct.-Dec. 31	No limit
By hunting	No open season	Zero
5.24 Raccoon		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Second Sat. in Oct.-Dec. 31	No limit
5.25 Bobcat		
By trapping	December 1-December 16	No limit
By hunting	January 10-February 7	No limit
5.26 Fox (red or grey)		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit

	By hunting	Fourth Sat. in Oct. through the second Sun. in Feb.	No limit
5.27	Skunk		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed Season	No limit
5.28	Muskrat		
	By trapping	Fourth Sat. in Oct.-March 31	No limit
	By hunting	March 20-April 19	No limit
5.29	Coyote		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	<u>Hunting/Taking Coyote without the Aid of Dogs</u>	No closed season	No limit
	<u>Hunting/Taking with the Aid of Dogs</u>	December 15 through March 31	No limit
5.14	Fisher		
	By trapping	December 1-December 31	No limit
	By hunting	No open season	Zero
5.15	Weasel		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.16	Opossum		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.17	Wolf	No open season	Zero
5.18	Lynx	No open season	Zero

5.20 With the exception of state and federally listed threatened and endangered species, seasons shall not be applicable to any person, who takes a furbearing animal in defense of persons or property for compensation, in accordance with 10 V.S.A. § 4828.

6.0 Trapping Rabbits and Furbearers in Defense of Property for a Fee

In accordance with Sec. 11 of Act 170 from the 2017-2018 Adj Session, the following sections and subsections of Board rules set forth in Title 10, Appendix § 44 are applicable to trapping rabbits and fur-bearing animals in defense of property for compensation: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10 (however, possession is allowed for the purpose of moving the animal to a more appropriate place for dispatch), 4.10, 4.11, 4.12, 4.13, (unless the animal has already been trapped),

4.14 e), 4.18 e), 4.22 a), and 4.23. 4.16 b),
4.17 a) and b).

§ 44. Furbearing species

1.0 Authority

1.1 This rule is promulgated pursuant to 10 V.S.A. §§ 4081, 4082, 4084, 4828, and 4861. In promulgating this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife, and fur-bearing animals in this State is in the interest of the public welfare and that the safeguarding of these valuable resources for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. §§ 4082 and 4084, this rule is designed to maintain the best health, population, and utilization levels of the regulated species.

1.3 This rule shall apply to all persons who take or attempt to take fur-bearing animals by any method.

2.0 Purpose

The purpose of this rule is to regulate the taking of fur-bearing animals.

3.0 Definitions

3.1 “Accompany” for the purpose of pursuing coyote with the aid of dogs means that:

- a) Any person engaged in the control, handling, transporting, or intercepting of dogs used for taking coyote with the aid of dogs shall be under the direct supervision of the permit holder and shall be considered a “Sub-permittee”, and
- b) A Sub-permittee who is in any way involved in the use or handling of taking coyotes with the aid of dogs shall be under the direct control and supervision of the coyote dog permit holder.

3.2 “Bait” means any animal, vegetable, fruit, mineral matter, or any other substance capable of luring or attracting coyotes or any other wildlife.

3.3 "Board" means the Vermont Fish and Wildlife Board.

3.4 “Commissioner” shall mean the Commissioner of the Vermont Department of Fish and Wildlife.

3.5 “Compensation” shall mean money.

3.6 “Control of dogs(s)” means that when transporting, loading, or unloading dogs from vehicle(s); and handling, catching, restraining, releasing, or following dogs at all times during training dogs and taking of coyote with the aid of dogs; the permittee shall be able to locate and remotely recall the dogs. Collar(s) with GPS functions, track log capability, and training/control

features in the collar(s) shall be required to locate and track dogs at all times while taking coyote with the aid of dogs. At no time shall dogs be in pursuit of coyote without a GPS track log being maintained by the permit holder.

3.7 “Coyote Dog Permit” means a permit issued by the Commissioner to a person who wishes to hunt, pursue or take coyote with the aid of dogs.

3.8 "Department" means the Vermont Department of Fish and Wildlife.

3.9 “Department Registered Dog” means a dog bearing a numbered identification dog-tag (Department Registration Dog-Tag) approved or issued by the Vermont Fish and Wildlife Department, with the permit holder's coyote dog permit number and a number one through four.

3.10 "Fur-bearing animal" means beaver, otter, marten, mink, raccoon, fisher, fox, skunk, coyote, bobcat, weasel, opossum, lynx, wolf, and muskrat or as amended pursuant to 10 V.S.A. § 4001.

3.11 “Legal Trail” shall mean a public right of way designated as a trail by a municipality as defined in Title 19 V.S.A § 301(8), that is not a highway but is shown on the highway maps of the respective towns made by the Agency of Transportation and:

- a) was previously a designated town highway; or
- b) is a new public right of way laid out as a trail by the selectboard for the purpose of providing recreational use or access to abutting properties.

3.12 “Pack of Dogs” means one to four dogs, acting as a unit during taking coyote with the aid of dogs.

3.13 “Public Highway” for the purposes of this rule, means town, state, and United States roads, shown on the highway maps of the respective towns, made by the Agency of Transportation.

3.14 “Public Trail” for the purposes of this rule, means:

- a) a path or corridor open to the public, used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities; that is designated and mapped by a municipality on municipal lands, the managing agency or department on Vermont state owned land, or a federal agency on federal land; within the state of Vermont;
- b) a path or corridor open to the public, commonly used for nonmotorized recreational purposes such as hiking, walking, bicycling, cross-country skiing, horseback riding, and other similar activities; that is designated, managed, maintained and clearly marked on the ground with blazes, tags, or signage on municipal lands, on Vermont state-owned land, or on federal land, within the state of Vermont; or
- c) Vermont Rail Trails designated and mapped by the Vermont Agency of Transportation, the Appalachian Trail designated, mapped and managed by the National Park Service, and the Long Trail designated, mapped and managed by the Green Mountain Club.

3.15 "Relaying packs and dogs" means the removal and replacement of one or more dogs, during taking coyote with the aid of dogs, to the original pack of dogs once the pursuit has begun.

3.16 "Sub-Permittee" means any person with a valid Vermont hunting license designated by the coyote dog permit holder to assist or take coyote with the aid of dogs, in accordance with the permit issued by the Commissioner.

3.17 "Taking Coyote with the aid of dogs" for the purposes of this rule means that one or more dog(s) with Department Registration Dog-Tags are on the ground whether in pursuit of a coyote or not.

3.18 A "tanned" pelt is one that has been treated to turn the skin into leather.

3.19 "Training/control" collar is any family of collars that deliver electrical stimulation of varying intensity and duration to the neck of a dog via a radio-controlled electronic device incorporated into the collar.

3.20 "Trapping" means to hunt, take or attempt to take fur-bearing animals with traps including the dispatching of such lawfully trapped fur-bearing animals.

3.21 A "trap" means a mechanical device used to capture, kill and/or restrain fur-bearing animals excluding firearms, muzzleloaders and archery equipment.

3.22 "Unregistered dog" means a dog that does not have a valid numbered Department Registration Dog Tag as described in 3.9.

4.0 Restrictions

4.1 A person trapping for fur-bearing animals under this rule shall visit their traps at least once every calendar day, except as provided in paragraph 4.2, and dispatch or release any animal caught therein.

4.2 A person who sets body gripping traps in the water or under the ice, colony/cage traps underwater or foothold traps under the ice shall visit their traps at least once every three calendar days and remove any animal caught therein.

4.3 A person shall not set a trap on lands other than their own which does not have their name and address permanently and legibly stamped or engraved thereon, or on a tag of rustless material securely attached thereto.

4.4 All traps under ice will be marked with a tag visible above the ice.

4.5 All foothold traps set on land must:

a) Have base plates that feature a center chain mount with swivel, with free moving chain and

at least two additional swivels that allow mobility for a captured animal;

- b) Be anchored with a minimum of 12” chain and a maximum of 18” chain between the base plate and the start of the anchoring system. Extra swivel and/or shock springs can be added to the chaining system, but the additions cannot cause the chain to exceed the 18” length;
- c) Be padded, offset, laminated or have a minimum jaw thickness of 5/16th of an inch, or fully encapsulate the foot;
- d) Have a spread of no more than 6 ¼ inches measured inside the widest expanse of the jaws; and
- e) If a foothold trap is triggered by downward pressure, it must be adjustable for pan tension.

4.6 No body-gripping trap shall be set on land unless:

- a) it is under 40 square inches, without the use of bait, or
- b) it is over 40 square inches and less than 60 square inches and is set 5’ or more above the ground, or
- c) it is over 40 square inches and less than 60 square inches and is in an anchored enclosure with openings no greater than 60 square inches and with a trap trigger that is recessed at least 12” from all openings.
- d) Any body-gripping traps over 60 square inches shall only be set in the water.

4.7 All meat-based bait shall be covered at the time that a trap is set. Covering shall include, but are not limited to, brush, branches, leaves, soil, snow, water, or enclosures constructed of wood, metal, wire, plastic, or natural materials.

4.8 A person shall not use toothed foothold traps or snares when trapping under this section.

4.9 A person shall not set a trap between December 31 and the following fourth Saturday in October unless the trap is in the water, under the ice, or on a float in the water.

4.10 A person shall not possess a living fur-bearing animal, except as provided by rules of the board or 10 V.S.A. part 4.

4.11 A person shall not possess a fur-bearing animal trapped outside of its legal season without the written authorization of the Department, not to include animals taken pursuant to 10 V.S.A. § 4828.

4.12 A person shall not possess fur or skin of a fur-bearing animal unlawfully taken.

4.13 A person shall not take a fur-bearing animal by use of any explosives or, chemical or poisonous mixture, with the exception of a carbon dioxide chamber used in accordance with the recommendations of the American Veterinary Medical Association.

4.14 A person shall not take a fur-bearing animal from dens by cutting, digging, smoking, by the use of mechanical devices other than a legal trap set in accordance with these rules.

4.15 Trapping Set-backs:

- a) No foothold traps or body-gripping traps shall be set on or within 50' of the travelled portion of a legal trail, public trail or public highway, unless set in the water or under ice. Setbacks shall not apply to public trails on Wildlife Management Areas except those public trails the Department specifically designates as requiring a setback. The Department shall post signage on Wildlife Management Areas advising the public of hunting seasons and locations where setbacks apply.
- b) No foothold traps or body-gripping traps, unless set in the water or under the ice, shall be set on or within 100 feet of the buildings, parking lots, and maintained (cleared, continuously maintained or landscaped) portions of designated wildlife viewing areas, visitor centers, parks, playgrounds, picnic areas, shelters, pavilions, schools, camps or campgrounds, and recreational facilities such as ball fields or tennis courts; owned and managed by municipal, state or federal entities except that trapping may occur with the explicit permission of schools, camps or campgrounds.

4.16 Dispatch of Trapped Animals: Upon discovery, a trapper shall immediately dispatch a live trapped furbearer with a muzzleloader or gun fired at arm's length; or a bow and arrow, or crossbow; or a carbon dioxide chamber in compliance with the American Veterinary Medical Association guidelines. This subsection shall not be interpreted to prevent a trapper from releasing an unharmed captured animal, or a domestic pet.

4.17 Beaver Muskrat

- a) When trapping muskrat between March 1 and March 31, body gripping traps are restricted to 5 inches or less.
- b) A person shall not disturb or destroy a beaver or muskrat house or den or place a trap therein, thereon, or in the entrance thereof.
- c) A person shall not set a trap within 10 feet of the nearest point, above the water, of a beaver house or dam during the month of March.
- d) A person shall not interfere in any manner with dams, dens, or houses of beaver except upon prior written approval from the Commissioner.

4.18 Bobcat; Otter; Fisher.

- a) The skins of bobcat, otter, and fisher legally taken may be possessed, transported, bought and sold only when tagged and marked as hereinafter provided.
- b) A person who takes bobcats, otter, or fisher during these seasons shall notify authorized Department staff within 48 hours of the close of the season. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.

- c) A person who legally takes bobcat, otter, or fisher may keep the edible meat prior to submitting the carcass to the Department.
- d) No bobcat, otter, or fisher pelts or carcasses taken during these seasons shall be transported out of the State of Vermont prior to being tagged by authorized Department staff.
- e) A person who takes bobcat, fisher, and otter pursuant to 10 V.S.A. § 4828 and who desires to keep the pelt shall notify authorized Department staff with 84 hours of the taking. Pelts shall be presented to authorized Department staff for tagging. Such tags shall remain affixed to the pelts until tanned. Carcasses shall be surrendered to authorized Department staff at the time of tagging.

4.19 Raccoons

- a) A person shooting raccoons during the raccoon hunting season shall use a 0.22 caliber rimfire firearm or a shotgun with #2 shot or smaller.
- b) A light may be used to illuminate and shoot a raccoon once treed by a dog(s) during the raccoon hunting season. A light may also be used to illuminate a raccoon once treed by a dog(s) during the training season.

4.20 Taking Coyote with the Aid of Dogs

4.20.1 Authority - In accordance with 10 V.S.A. § 5008 and § 5009 (b), this rule establishes a process and standards for the issuance of a permit to take coyote with the aid of dogs, either for the training of dogs or for the taking of coyote.

4.20.2 Purpose - The purpose of this subsection is to establish a process and standards for the issuance of permits to pursue coyote with dogs, establish training and hunting seasons for the taking of coyote with the aid of dogs, and to define legal methods of take.

4.20.3 The Taking of Coyote with Aid of Dogs.

- a) Licenses and permits.
 - (1) Any person who intends to train, hunt, pursue, harvest, or in any manner take a coyote with the aid of dogs shall apply for a permit from the Commissioner on an application form provided by the Commissioner.
 - (2) Only applications received by the Department's central office during the official application period will be considered. Applications must be received prior to the deadline established by the Commissioner.

- (3) The Commissioner will consider only complete applications. For an application to be complete it must be legible, must contain all the information requested by the Department, must bear the applicant's original signature, or, in the case of electronic or facsimile applications, attestation under the pains and penalties of perjury. To be considered complete the form must be accompanied by any required application fee, or means of payment, such as a valid credit card payment.
 - (4) The Commissioner may deny any person a permit in their sole discretion.
 - (5) Any person training, hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Coyote Dog Permit issued by the Department, or accompany a Coyote Dog Permit holder. The Permit shall be carried at all times by the permittee while taking coyote with the aid of dogs, and exhibited to a game warden, landowner, or law enforcement officer upon demand.
 - (6) Any person hunting, pursuing, harvesting, or in any manner involved in the taking of a coyote with the aid of dogs must hold a valid Vermont Hunting License, and use only Department Registered Dogs.
 - (7) In any given year, the number of permits available to non- resident hunters shall not exceed ten (10) percent of the total number of permits issued to resident hunters the previous year. If more than ten (10) percent of non-resident permit applications are received, the Department will award up to ten (10) non-resident permits on a first come, first serve basis, provided that the number of permits to be issued does not exceed 100.
- b) Lottery –In the event that more than 100 permit applications are received, all those who have submitted completed eligible applications and who wish to be entered into the lottery will be entered into the lottery. The Department will hold, or cause to be held, a transparent, random drawing to select 100 permits and to ensure that not more than 10% of permits issued by the Department are issued to non-residents.
- c) Legal Methods
- (1) A person shall not take a coyote into their possession except by killing the coyote by legal means or methods. Legal means includes utilizing a muzzleloader or gun fired at arm's length; or bow and arrow, or crossbow.
 - (2) A person taking coyote with the use of a bow and arrow or crossbow shall, upon demand of a game warden or other law enforcement personnel, show proof of having a prior archery license, or of having passed a bow hunter education course in Vermont, another state or a province of Canada approved by the Commissioner.

d) Dogs and Packs

- (1) A person shall not take coyote with the aid of dogs unless the person is in control of the dog(s).
- (2) No person shall take a coyote with the aid of dogs by using any Unregistered Dog. No person shall have an Unregistered Dog in their possession (including in a vehicle) while hunting, pursuing, or taking a coyote.
- (3) A person hunting with dogs, pursuing, and taking coyote with the aid of dogs shall attach a collar or collars with GPS functions, tracklog capability, and training/control features for remote recall; and shall attach a Department Registration Dog-Tag and a metal identification name plate with the person's name, address and telephone number to the dog's collar.
- (4) A person taking a coyote with the aid of dogs shall maintain a GPS location log of each dog taking coyote and shall maintain the log for at least 30 days after the close of the season.
- (5) A person taking a coyote with the aid of dogs shall only take a coyote with a Pack of Dogs as defined in this rule. No person shall pursue, hunt, or take coyote by Relaying any Dog or Pack of Dogs.
- (6) Two or more permit holders may hunt together and combine Department Registered Dog(s) to form a Pack of Dogs. The combined Coyote Dog Permit holders shall not take coyote with the aid of more than four dogs combined forming a single pack of dogs. The combined Coyote Dog Permit holders shall not possess any Unregistered Dogs while hunting, pursuing, or taking coyote with the aid of their dogs.

4.20.4 Seasons and Shooting Hours for Taking Coyote with the Aid of Dogs.

- a) Coyote Dog Training Season: For Vermont Resident and Nonresident Permit Holder: June 1 through September 15, all dates inclusive, except that a nonresident may train dogs to pursue coyote only while the training season is in effect in the nonresident's home state and subject to the requirements of these rules.
- b) Coyote Dog Hunting Season December 15 through March 31, all dates inclusive.
- c) Legal hours for taking coyote with the aid of dogs: One half hour before sunrise until one half hour after sunset.

4.20.5 Prohibitions applicable to Taking Coyote with the Aid of Dogs

- a) A person shall not advertise, barter, exchange goods or services, or otherwise sell the use of a dog(s) for the purpose of taking coyote with the aid of dogs.
- b) While taking coyote with the aid of dogs, no person shall have in their possession an Unregistered Dog while possessing Department Registered Dogs.
- c) It shall be a violation for a Vermont resident to apply for a coyote dog permit for the purpose of allowing a nonresident coyote dog owner to take coyote in Vermont with the aid of dogs.

4.20.6 Reporting - A person taking coyote with the aid of dogs shall, no later than 48 hours after the close of season, report the taking of all coyotes during the season in a manner required by the Commissioner.

4.21 Taking Coyote by Bow and Arrow and Crossbow: No person shall take coyote with or without the aid of dogs, with a bow and arrow or crossbow if the arrow or bolt has an arrowhead that measures less than seven-eighths of an inch at its widest point or that has less than two sharp cutting edges.

4.22 Lynx

- a) Any person who incidentally captures a lynx shall notify the Department immediately.
- b) The following regulations on traps and trapping shall apply within the Wildlife Management Unit E.

(1) From the fourth Saturday in October to December 31, both dates inclusive, all body gripping traps must be set:

- i. In the water, or;
- ii. Within a Canada lynx exclusion device as described below and as depicted in Diagram 1:
 - a. the trap jaws shall be completely within the device;
 - b. the trap springs may extend outside of device through openings no larger than 7.5” wide by 1.5” high;
 - c. the device shall not have an opening greater than 6” by 8”;
 - d. the opening shall not be directly in front of the trap but shall instead be either on the top or side of the device;
 - e. the trap set within the device shall be a minimum of 18” from the

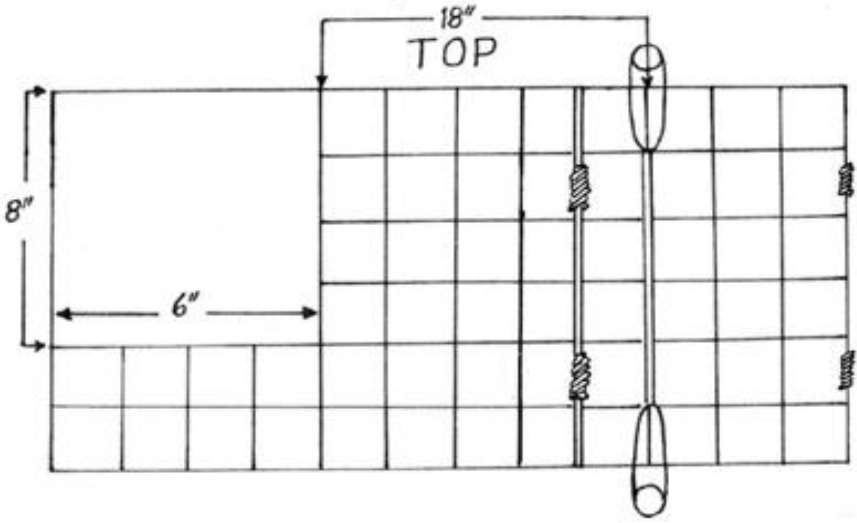
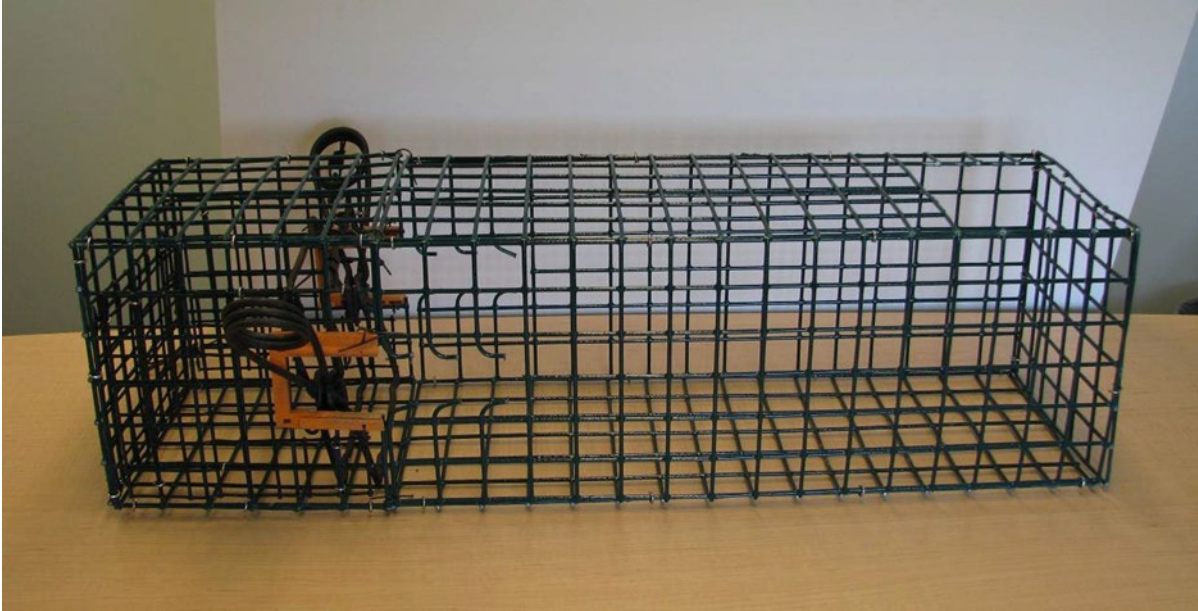
closest edge of the opening to the trap;

- f. there shall be at least two attachment points for each side of the device where there is a joint or where panels come together;
 - g. the device shall be constructed of wood or of wire mesh of 16 gauge or less wire (.05" diameter wire or greater) and having a mesh size with openings no greater than 1.5" X 1.5" or 1" X 2"; and,
 - h. the trap shall be anchored outside of the device; or
- iii. Off the ground as described below and as depicted in Diagram 2:
- a. at least 5' above the ground or if snow is on the ground at least 5 feet above snow level with the exception of the 24-hour period immediately following a snowstorm;
 - b. affixed to a standing tree which is free of branches below the trap or to a leaning section of pole that has not been planed or otherwise altered except for the removal of branches and is less than 4" in diameter at the trap and is angled at least 45° along its entire length from the ground to the trap; and
 - c. in an area that is free of any object within 4' of the trap.

c)The rules set forth in this subsection 4.22 shall expire on January 1, 2027 unless such rules are either extended or amended by the Fish and Wildlife Board. The decision to extend or amend these rules shall be based on an evaluation of the following key criteria:

- (1) Reliable evidence of the presence or absence of a resident, breeding population of Canada lynx;
- (2) The availability of more effective and/or practical alternatives for avoiding the incidental capture of lynx; and
- (3) The outcome of Maine's Incidental Take Permit application process.

Diagram 1. Canada lynx exclusion device for body gripping traps.



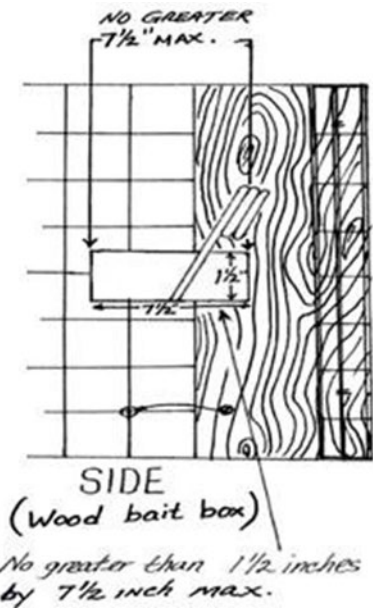
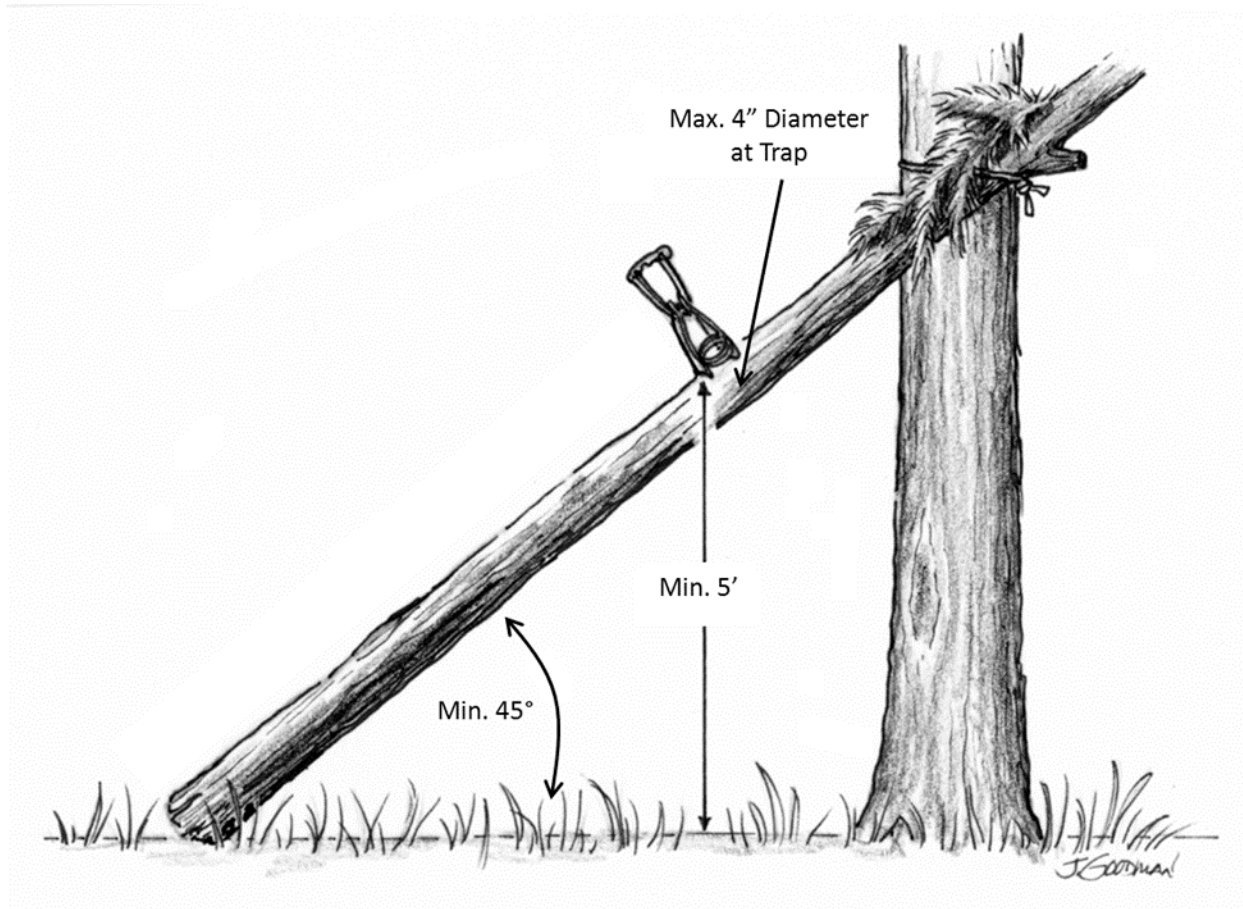


Diagram 2. Off the ground sets for body gripping traps.



4.23 Biological Collection

- a) Except for persons exempt from the rules under section 4828 of title 10, any person who traps any animal obtains a trapping license and traps for furbearers shall complete and submit an annual biological collection trapper survey, including the reporting of taking of incidental wild animals, for the license season to the Department, within the timeline specified by the Commissioner.
- b) Any person who traps furbearers and traps a dog or cat shall report the taking to a warden within 24 hours of discovery.
- c) The failure to complete and submit a biological collection survey to the Department shall be a nonpoint violation under 10 V.S.A. § 4502.

5.0 Seasons, Bag Limits

The following seasons, methods and bag limits are hereby established for the species listed. All hunting seasons will be with or without dogs, except as otherwise provided. Below is the exclusive, exhaustive list of seasons and means of take of fur-bearing animals. The taking of fur-bearing animals at other times or by other means, except where otherwise provided by law, is prohibited. All dates are inclusive.

Seasons	Dates	Bag Limit
5.20 Beaver		
By trapping	Fourth Sat. in Oct. through March 31	No Limit
By hunting	No open season	Zero
5.21 Otter		
By trapping	Fourth Sat. in Oct.- last day of March	No limit
By hunting	No open season	Zero
5.22 Marten	No open season	Zero
5.23 Mink		
By trapping	Fourth Sat in Oct.-Dec. 31	No limit
By hunting	No open season	Zero
5.24 Raccoon		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
By hunting	Second Sat. in Oct.-Dec. 31	No limit
5.25 Bobcat		
By trapping	December 1-December 16	No limit
By hunting	January 10-February 7	No limit
5.26 Fox (red or grey)		
By trapping	Fourth Sat. in Oct.-Dec. 31	No limit

	By hunting	Fourth Sat. in Oct. through the second Sun. in Feb.	No limit
5.27	Skunk		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed Season	No limit
5.28	Muskrat		
	By trapping	Fourth Sat. in Oct.-March 31	No limit
	By hunting	March 20-April 19	No limit
5.29	Coyote		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	Hunting/Taking Coyote without the Aid of Dogs	No closed season	No limit
	Hunting/Taking with the Aid of Dogs	December 15 through March 31	No limit
5.14	Fisher		
	By trapping	December 1-December 31	No limit
	By hunting	No open season	Zero
5.15	Weasel		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.16	Opossum		
	By trapping	Fourth Sat. in Oct.-Dec. 31	No limit
	By hunting	No closed season	No limit
5.17	Wolf	No open season	Zero
5.18	Lynx	No open season	Zero

5.20 With the exception of state and federally listed threatened and endangered species, seasons shall not be applicable to any person, who takes a furbearing animal in defense of persons or property for compensation, in accordance with 10 V.S.A. § 4828.

6.0 Trapping Rabbits and Furbearers in Defense of Property for a Fee

In accordance with Sec. 11 of Act 170 from the 2017-2018 Adj Session, the following sections and subsections of Board rules set forth in Title 10, Appendix § 44 are applicable to trapping rabbits and fur-bearing animals in defense of property for compensation: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.10 (however, possession is allowed for the purpose of moving the animal to a more appropriate place for dispatch), 4.11, 4.12, 4.13, 4.18 e), 4.22 a), and 4.23.