

Final Proposed Filing - Coversheet

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 shall 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:

10 V.S.A. App. § 123, Commercial Angling Rule

_____, on 5/5/2025
/s/Andrea Shortsleeve
(signature) (date)

Printed Name and Title:

Andrea Shortsleeve, Commissioner
Department of Fish and Wildlife;
Executive Secretary, Vermont Fish and Wildlife Board

RECEIVED BY: _____

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

1. TITLE OF RULE FILING:

10 V.S.A. App. § 123, Commercial Angling Rule

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

25P008

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: Hannah Smith

Agency: Vermont Fish and Wildlife Department

Mailing Address: 1 National Life Drive, Davis 2,
Montpelier, Vermont 05620-3208

Telephone: 802-461-818# Fax: 802-828-125#

E-Mail: hannah.smith@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: Eric Palmer

Agency: Vermont Fish and Wildlife Department

Mailing Address: 1 National Life Drive, Davis 2
Montpelier, Vermont, 05620-3208

Telephone: 802-535-7635 Fax: 802-828-1250

E-Mail: eric.palmer@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. §§ 4081-4083; 10 V.S.A. § 4611

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Title 10 V.S.A. § 4082 provides that the Vermont Fish and Wildlife Board has the authority to "adopt rules, under 3 V.S.A. chapter 25 . . . for the regulation of fish and wild game and the taking thereof." Title 10 § 4083(6) provides that the Board may "establish rules regarding the purchase and sale of fish caught in Vermont, including prohibiting the sale of specified fish, seasons, limits, reporting requirements, and the manner and means of pursuing or taking fish, in accordance with the requirements of part 4 of this title."

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 proposed rule language imposes a new requirement that any person selling fish in the State possess a valid Vermont fishing license and a Fish Seller's endorsement issued by the Fish and Wildlife Department (FWD). It also requires that anyone with a Fish Seller's endorsement submit quarterly reports to FWD reporting data on fish sold. Finally, the Rule proposes to ban the sale and purchase of black and white crappie caught in Vermont.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The rule amendments are proposed in response to a petition submitted to the Fish and Wildlife Board, petitioning for a ban on the commercial sale of crappie. Crappie are generally a more valuable commercially-sold fish based on average price per pound, and congregate in small areas at various times of year. As a result, there is a high rate of human conflict at productive crappie fishing locations. The high value of crappie also incentivizes harvests over the limit, and incentivizes the introduction of crappie into new waters, where they prey upon and compete with existing species. The proposed amendments are intended to reduce human conflict, increase recreational angler satisfaction, spread the harvest across anglers, and disincentivize the movement of crappie. The amendments related to licensing and reporting are intended to standardize licensing requirements across resident and nonresident commercial anglers, and allow FWD to record and track the number of commercial anglers in the state.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule is explicitly authorized by statute and is consistent with the Department and Board's policies of protecting state fish and fisheries resources, as well as ensuring that Vermonters have reasonable access to recreational fishing.

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

Department staff including Game Wardens, fish sellers and fish buyers, and recreational anglers.

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

The proposed rule amendments may result in decreased profits for commercial fish sellers in the state, resulting from the ban on the commercial sale of crappie. Additionally, fish sellers currently holding a reciprocal license will be required to purchase a Vermont Fishing license.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

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

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

Date: 3/24/2025

Time: 06:30 PM

Street Address: 111 State St., Montpelier, VT Conference room 110

Zip Code: 05602

URL for Virtual:

Date: 3/25/2025

Time: 06:30 PM

Street Address: 169 Main St., St. Albans City, VT

Zip Code: 05478

URL for Virtual:

Date: 3/27/2025

Time: 06:30 PM

Street Address: Rutland High School, 22 Stratton Rd., Rutland VT

Zip Code: 05701

URL for Virtual:

Date: 3/31/2025

Time: 06:30 PM

Street Address: Virtual Meeting

Zip Code:

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZWM2ZTVhZDgtMmM2MS00ZDJjLWE3YWItMDFkOWZlNTNkMjQ4%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c0270edcc7559c6%22%2c%22Oid%22%3a%222fafd1d9-49ab-4c12-b37c-0bf36bb473f5%22%7d

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

4/07/2025

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

fish

fishing

crappie

commercial angling

fishing license

Fish Buyer Permit

sale of fish

Adopting Page

Instructions:

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

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

10 V.S.A. App. § 123, Commercial Angling Rule

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 if 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*):

SOS Log #17-040 (CVR 12-010-086); last adopted January 1, 2018

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. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

10 V.S.A. App. § 123, Commercial Angling Rule

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:

The proposed amendments will affect commercial anglers who sell crappie caught in Vermont. The proposed rule prohibits the commercial sale of crappie, potentially reducing income for commercial anglers who are not able to supplement income through the sale of other fish species. The proposed rule may also have a nominal affect on fish buyers who profit off of the sale of

Vermont-caught crappie. There are approximately 12-18 licensed fish buyers in the state, and they may experience limited supply if crappie caught in state is prohibited for sale. Commercial anglers without a Vermont fishing license will be required to purchase one (\$28 for residents, \$54 for non residents). The Fish Sellers endorsement will be free for anglers.

4. IMPACT ON SCHOOLS:

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

The rule amendments will not have an impact on schools.

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.

The rule amendment will not have an impact on schools.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

The proposed amendments will impact commercial anglers and fish buyers. Some fish buyers operate small businesses that may be impacted by the prohibition of the sale of crappie.

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.

Anglers and Fish sellers can mitigate the impact of the proposed amendments by increasing harvest and sale of other legally harvested pan fish species.

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:

If the proposal is not implemented, the economic impacts on commercial anglers related to the sale of crappie would be minimized, but there would be ongoing impacts to the Department's resources and to inland

fisheries. Game Wardens respond to instances of angler conflict at productive crappie fisheries as well as instances of crappie poaching; this creates a burden on the Department's limited enforcement resources. Banning the sale of crappie would disincentivize harvesting crappie over the limit, and mitigate human conflict at popular fishing spots. Additionally, banning the commercial sale of crappie will disincentivize the introduction of crappie into new waters where they prey upon and compete with existing species.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The economic analysis reviewed available information about panfish harvests in Vermont from 1995-2024 and the species of pan fish sold by commercial anglers in Vermont, acknowledging that crappie represent about 4% of panfish sold to commercial fish buyers between 2005-2014, although typically at a higher price per pound. The analysis also reviewed the results of a 2020 angler satisfaction survey indicating that between 15 and 20% of anglers consider commercial fishing of crappie to be a moderate to severe problem. The analysis was sufficient in that it considered all available information and balanced the interests of commercial anglers, who will still be able to buy and sell other species of panfish, and the social concerns of recreational anglers by reducing the incentive to compete for crappie and harvest over permitted bag limits.

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. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

10 V.S.A. App. § 123, Commercial Angling Rule

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 proposed rule amendments will not impact the emission of greenhouse gases.

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.):*

The proposed rule amendments will not impact water quality.

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

The proposed rule amendments will not impact land uses.

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

The proposed amendments prohibiting the commercial sale of crappie may have a positive impact on recreational angling by reducing the number of commercial anglers at productive fisheries during certain times of the year.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

The proposed rule amendments will not impact climate in Vermont.

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

The proposed rule amendments may result in reduced introduction of crappie to new inland waters, which would protect existing fish species from competition from crappie.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This analysis examines all available information about the potential environmental impacts of the proposed rule amendments.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

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

1. TITLE OF RULE FILING:

10 V.S.A. App. § 123, Commercial Angling Rule

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Board meetings regarding all rulemaking are open to the public and the public is allowed to comment at every Board meeting. The Board votes to initiate the rulemaking process before filing with ICAR, votes after the public comment period, and then again before final adopted rules are filed with the Secretary of State. The public is free to comment to individual Board members and to the Department at any time during the rulemaking process. In addition, the board will hold three public hearings on the rule and have a public comment period that exceeds thirty days. The rule will be posted on the Department and Board websites; and the Department will publicize the rule amendments in social media and press releases.

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

Board members, Department staff including wardens and biologists, other stakeholders including the petitioner

Public Input

advocating for changes to the Commercial Angling Rule, and anglers who participated in the Department's angler survey.

Scientific Information Statement

THIS FORM IS ONLY REQUIRED IF THE RULE RELIES ON SCIENTIFIC INFORMATION FOR ITS VALIDITY.

PLEASE REMOVE THIS FORM PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the Scientific Information Statement, an agency shall provide a summary of the scientific information including reference to any scientific studies upon which the proposed rule is based, for the purpose of validity.

1. TITLE OF RULE FILING:

10 V.S.A. App. § 123, Commercial Angling Rule

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. BRIEF EXPLANATION OF SCIENTIFIC INFORMATION:

In development of this rule, the Department relied on data obtained through the 2020 Vermont Angler Survey Report. The scientific, probability-based survey is intended to collect information related to angler effort in various waters for various species, examine angler preference for various species, examine angler satisfaction, obtain angler input on various regulations, and compare information gathered with data from past surveys.

4. CITATION OF SOURCE DOCUMENTATION OF SCIENTIFIC INFORMATION:

2020 Vermont Statewide Angler Survey

5. INSTRUCTIONS ON HOW TO OBTAIN COPIES OF THE SOURCE DOCUMENTS OF THE SCIENTIFIC INFORMATION FROM THE AGENCY OR OTHER PUBLISHING ENTITY:

<https://vtfishandwildlife.com/statewide-angler-survey>

12 010 086. COMMERCIAL ANGLING RULE (10 V.S.A. APP. § 123)

Section 1.0 Authority.

1.1 This rule is adopted pursuant to 10 V.S.A. § 4083 and 10 V.S.A. § 4611 . This rule implements 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 this valuable resource for the people of the State requires a constant and continual vigilance.

1.2 In accordance with 10 V.S.A. § 4083 and 10 V.S.A. § 4611 this rule establishes requirements related to purchase and sale of fish including, but not limited to, prohibiting fish species, seasons, limits, reporting requirements and possible permit requirements.

Section 2.0 Purpose.

The purpose of this rule is to:

2.1 Establish the conditions for anglers to sell legally harvested approved fish species.

2.2 Establish the process and requirements for businesses and/or individuals to purchase fish legally harvested by anglers.

2.3 Establish a list of fish species in addition to those listed in 10 V.S.A. § 4611 that are prohibited for sale by anglers.

Section 3.0 Definitions.

3.1 Angler - Any person engaged in the take or attempted take of fish, by any method.

3.2 Buyer - Any person engaged in the purchase of fish harvested within this state.

3.3 Legally Harvested - Any fish species harvested by any lawful methods approved under the provisions of this part.

3.4 Seller - Any person engaged in the sale of fish harvested within this state.

Section 4.0 Selling Fish.

4.1 No angler shall sell fish species which are not legally harvestable or are listed in 10 V.S.A. § 4611 or in Section 6.0 of this rule.

4.2 Anglers shall provide information about their commercial fishing activity to the Department as required by the Commissioner. The holder of a Fish Seller's Endorsement shall submit a report to the Commissioner that shall include but not be limited to pounds of fish sold for each size group by species.

4.3 No angler may sell fish in the state of Vermont without first obtaining a valid Vermont fishing license, and a Fish Seller's Endorsement.

Section 5.0 Buying Fish.

5.1 No person or business shall buy fish for resale without a Fish Buyer Permit issued by the Commissioner.

5.2 No person or business shall buy fish species which are not legally harvestable or are listed in 10 V.S.A. § 4611 or in Section 6.0 of this rule.

5.3 A Fish Buyer Permit shall be effective from January 1 through December 31.

5.4 A holder of Fish Buyer Permit must submit quarterly reports as required by the Commissioner. Reports shall include but not be limited to pounds purchased for each size group by species (Jan-Mar; April-June; July-Sep; Oct-Dec). The reports will include information from all species purchased. Additionally, the percentage of purchased amount from Lake Champlain shall be broken out and reported separately.

5.5 The Fish Buyer's reports shall be submitted within 30 days of the last day of the quarter (March 31, June 30, September 30, December 31).

5.6 The Fish Buyer Permit provides Fish Buyer an exemption from specific creel/possession limits. This exemption to creel and possession limits is restricted to the address specified above under "Business Location", which is defined as an established immobile place of business (not directly on the ice or on any public waters or public access areas), and the transport of legally bought and/or sold fish within the State of Vermont, from the Permitted Fish Buyer's Business Location.

5.7 Failure to comply with these rules, including submission of complete reports or falsifying reports, may result in the revocation of a Fish Buyer Permit or Fish Seller's Endorsement.

Section 6.0 List of Species Prohibited for Sale and Purchase.

6.1 Black Crappie *Pomoxis nigromaculatus*

6.2 White Crappie *Pomoxis annularis*

Species listed in 10 V.S.A. § 4611

Statutory Authority

STATUTORY AUTHORITY:

10 V.S.A. §§4081 to 4083 ; 4605

History

EFFECTIVE DATE:

January 1, 2018 Secretary of State Rule Log #17-040

CODE OF VERMONT RULES

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INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: February 10, 2025, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Diane Sherman, Jared Adler, Jennifer Mojo, Michael Obuchowski, Natalie Weill, and Nicole Dubuque, John Kessler

Minutes By: Melissa Mazza-Paquette

- 2:01 p.m. meeting called to order, welcome and introductions.
 - Note: This is ICAR Chair Brown's last meeting as Nick Kramer begins his role as Chair on February 24, 2025.
 - Member Obuchowski shared his thoughts with Chair Brown that as a group we appreciate his thoughtful, respectful and democratic way he has run this committee and wish him all the best in his new encounters with government.
- Review and approval of [minutes](#) from the January 13, 2025 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-5 to follow.
 1. 10 V.S.A. App. § 122, Fish Management Rule, Vermont Fish and Wildlife Board, page 2
 2. 10 V.S.A. App. § 123, Commercial Angling Rule, Fish Management Rule, Vermont Fish and Wildlife Board, page 3
 3. 10 V.S.A. App. § 124, Valley Brook-Spawning Waters, Vermont Fish and Wildlife Board, page 4
 4. 10 V.S.A. App. § 141, Baitfish Rule, Vermont Fish and Wildlife Board, page 5
- Next scheduled meeting is March 10, 2025, at 2:00 p.m.
- 3:19 p.m. meeting adjourned.

Presented By: Hannah Smith, Eric Palmer, and Margaret Murphy

Motion made to accept the rule by Sean Brown, seconded by Mike Obuchowski, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #11: Strike commercial fishing guides and tourism personnel as they shouldn't be impacted economically by the changes.
2. Adopting Page, #4: Add title.
3. Economic Impact Analysis:
 - a. Be consistent with the impact on the Proposed Filing Coversheet.
 - b. Use descriptive terms.
 - c. #6 and #7: Estimate the mitigation of impact.
 - d. #9: Mention any supportive consequences of the rule.
4. Environmental Impact Analysis, #4: Expand upon to include language that supports that water quality leads to fish and fishing, but fishing doesn't necessarily change water quality.
5. Public Input Maximization Plan:
 - a. #3: Include plans to include press releases, social media, etc.
 - b. #4: Identify specifically the individuals you plan to contact separate from the standard APA requirements posted on your website.
6. Scientific Information Statement:
 - a. #3: Correct misspellings ('informaiton' and 'angerl').
 - b. #4: Reference the angler survey linked in #5.

1) **Proposed Rule:** 10 V.S.A. App. § 123, Commercial Angling Rule, Fish Management Rule, Vermont Fish and Wildlife Board

Presented By: Hannah Smith, Eric Palmer, and Margaret Murphy

Motion made to accept the rule by Sean Brown, seconded by John Kessler, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #10: Either change ‘Department’ to ‘Department’s’ or to ‘...policy of the Department...’.
 - b. #8 and #12: Clarify that it may be anglers with the reciprocal license who would need to buy a Vermont fishing license.
2. Adopting Page, #4: Add title.
3. Economic Impact Analysis, #: Include the potential impact on the buyers based on this change to the regulations.
4. Public Input Maximization Plan:
 - a. #3: Include plans to include press releases, social media, etc.
 - b. #4: Identify specifically the individuals you plan to contact separate from the standard APA requirements posted on your website.
5. Scientific Information Statement:
 - a. #3: Correct misspellings (‘informaiton’ and ‘anger!’).
 - b. #4: Reference the angler survey linked in #5.

1) **Proposed Rule:** 10 V.S.A. App. § 124, Valley Brook-Spawning Waters, Vermont Fish and Wildlife Board

Presented By: Hannah Smith, Eric Palmer, and Margaret Murphy

Motion made to accept the rule as presented without any recommendations by Sean Brown, seconded by Jared Alder, and passed unanimously except for Jen Mojo who abstained.

DRAFT

1) **Proposed Rule:** 10 V.S.A. App. § 141, Baitfish Rule, Vermont Fish and Wildlife Board

Presented By: Hannah Smith, Eric Palmer, and Margaret Murphy

Motion made to accept the rule by Sean Brown, seconded by Nicole Dubuque, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #11: Use consistent terminology throughout all proposed rules from today.
 - b. #12: Change ‘significant’ to another term such as ‘nominal’ or ‘negligible’.
2. Adopting Page, #4: Add title.
3. Public Input Maximization Plan:
 - a. #3: Include plans to include press releases, social media, etc.
 - b. #4: Identify specifically the individuals you plan to contact separate from the standard APA requirements posted on your website.
4. Scientific Information Statement:
 - a. #3: Correct misspellings (‘informaiton’ and ‘angerl’).
 - b. #4: Reference the angler survey linked in #5.

DRAFT

(802) 828-2863

MEMORANDUM

OFFICE OF THE SECRETARY OF STATE

Primary Contact: Hannah Smith, Vermont Fish and Wildlife Department, 1
National Life Drive, Davis 2 Montpelier, Vermont
05620-3208 Tel: 802-461-8187 Fax: 802-828-1250 E-
Mail: hannah.smith@vermont.gov

Secondary Contact: Eric Palmer, Vermont Fish and Wildlife Department, 1
National Life Drive, Montpelier, Vermont 05620-3208
Tel: 802-535-7635 Fax: 802-828-1250 E-Mail:
eric.palmer@vermont.gov.

URL: <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board/board-rules>

From: APA Coordinator, VSARA

RE: 10 V.S.A. App. § 123, Commercial Angling Rule.

Date 05/06/2025

We received Proposed Rule on 02/14/2025
Final Proposed Rule on 05/05/2025
Adopted Rule on

We have assigned the following rule number(s):

Proposed Rule Number: 25P008

Adopted Rule Number:

(Final Proposals are not assigned a new number; they retain
the Proposed Rule Number.)

The following problems were taken care of by phone/should be
taken care of immediately:

We cannot accept this filing until the following problems
are taken care of:

The notice for this proposed rule appeared/will appear
online on: 2/19/2025 and in the newspapers of record on 2/27/2025.

This rule takes effect on
Adoption Deadline: 10/14/2025

Please note: The agency has requested a combined notice for 25P007,
25P008, 25P009, and 25P010.

If you have any questions, please call me at 828-2863. OR
E-Mail me at: sos.statutoryfilings@vermont.gov

cc: Emery Mattheis

OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION (VSARA)
(802) 828-2863

TO:	Seven Days Legals (legals@sevendaysvt.com)	Tel: (802) 865-1020 x110.
	The Caledonian Record Julie Poutre (adv@caledonian-record.com)	Tel: 748-8121 FAX: 748-1613
	Times Argus / Rutland Herald Melody Hudson (classified.ads@rutlandherald.com) Elizabeth Marrier (elizabeth.marrier@rutlandherald.com)	Tel: 802-747-6121 ext 2238 FAX: 802-776-5600
	The Valley News (advertising@vnews.com)	Tel: 603-298-8711 FAX: 603-298-0212
	The Addison Independent (legals@addisonindependent.com)	Tel: 388-4944 FAX: 388-3100 Attn: Display Advertising
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	The Chronicle (ads@bartonchronicle.com)	Tel: 525-3531 FAX: 880-1040
	Herald of Randolph (ads@ourherald.com)	Tel: 728-3232 FAX: 728-9275 Attn: Brandi Comette
	Newport Daily Express (jlafoe@newportvermontdailyexpress.com)	Tel: 334-6568 FAX: 334-6891 Attn: Jon Lafoe
	News & Citizen (mike@stowereporter.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173
	St. Albans Messenger Legals (legals@samessenger.com ; cfoley@orourkemediagroup.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Legals
	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: May 7, 2025

RE: The "Proposed State Rules " ad copy to run on

February 27, 2025

PAGES INCLUDING THIS COVER MEMO:

3

***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

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NOTE: The four rules below have been promulgated by the Vermont Fish and Wildlife Board who has requested the notices be combined to facilitate a savings for the agency. When contacting the agency about these rules please note the title and rule number of the proposed rule(s) you are interested in.

- 10 V.S.A. App. § 122, Fish Management Rule
Vermont Proposed Rule: **25P007**
- 10 V.S.A. App. § 123, Commercial Angling Rule
Vermont Proposed Rule: **25P008**
- 10 V.S.A. App. § 124, Valley Brook-Spawning Waters
Vermont Proposed Rule: **25P009**
- 10 V.S.A. App. § 141, Baitfish Rule
Vermont Proposed Rule: **25P010**

AGENCY: Vermont Fish and Wildlife Board

The amendments to 10 V.S.A. App. § 122, Fish Management Rule adds Mud Pond to the list of seasonally closed waters, adds a segment of the Deerfield River to the list of Trophy Trout streams, creates and amends various bag limits and requirements for panfish on various water bodies specified within the rule, and amends the list of closed seasonal spawning grounds and extends the closure season for trout spawning grounds.

The amendments to 10 V.S.A. App. § 123, Commercial Angling impose new license requirements for the selling of fish in the State and bans the sale and purchase of black and white crappie caught in Vermont.

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FOR FURTHER INFORMATION, CONTACT: Hannah Smith, Vermont Fish and Wildlife Department, 1 National Life Drive, Davis 2 Montpelier, Vermont 05620-3208 Tel: 802-461-8187 Fax: 802-828-1250 E-Mail: hannah.smith@vermont.gov URL: <https://vtfishandwildlife.com/about-us/fish-and-wildlife-board/board-rules>. FOR COPIES: Eric Palmer, Vermont Fish and Wildlife Department, 1 National Life Drive, Montpelier, Vermont 05620-3208 Tel: 802-535-7635 Fax: 802-828-1250 E-Mail: eric.palmer@vermont.gov.

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 10 : Conservation and Development

Chapter 111 : Fish

(Cite as: **10 V.S.A. § 4611**)

§ 4611. Sale of fish

(a) A person shall not buy or sell a salmon, trout, lake trout, walleye, northern pike, muskellunge, black bass, or any other fish specified by rule by the Board taken in this State, or imported from another state or country where sale of such fish is prohibited, except such fish reared in licensed propagation farms within the State.

(b) A person shall not buy or sell fish caught in Vermont without a permit issued by the Commissioner, as required under the rules of the Board and the requirements of part 4 of this title. A propagation farm with a valid permit issued under 10 App. V.S.A. § 117 shall not be required to obtain a permit under this section. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1981, No. 85, § 8; 2015, No. 145 (Adj. Sess.), § 2, eff. Jan. 1, 2017.)

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Title 10 : Conservation and Development

Chapter 103 : Department of Fish and Wildlife

Subchapter 002 : REGULATORY POWERS OVER FISH AND WILDLIFE

(Cite as: 10 V.S.A. § 4081)

§ 4081. Policy

(a)(1) As provided by Chapter II, § 67 of the Constitution of the State of Vermont, the fish and wildlife of Vermont are held in trust by the State for the benefit of the citizens of Vermont and shall not be reduced to private ownership. The State of Vermont, in its sovereign capacity as a trustee for the citizens of the State, shall have ownership, jurisdiction, and control of all of the fish and wildlife of Vermont.

(2) 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. The protection, propagation control, management, and conservation of fish, wildlife, and fur-bearing animals in this State are in the interest of the public welfare. The State, through the Commissioner of Fish and Wildlife, shall safeguard the fish, wildlife, and fur-bearing animals of the State for the people of the State, and the State shall fulfill this duty with a constant and continual vigilance.

(b) Notwithstanding the provisions of 3 V.S.A. § 2803, the Fish and Wildlife Board shall be the State agency charged with carrying out the purposes of this subchapter.

(c) An abundant, healthy deer herd is a primary goal of fish and wildlife management. The use of a limited unit open season on antlerless deer shall be implemented only after a scientific game management study by the Department of Fish and Wildlife supports such a season.

(d) Annually, the Department shall update a scientific management study of the State deer herd. The study shall consider data provided by Department biologists and citizen testimony taken under subsection (f) of this section.

(e) Based on the results of the updated management study and citizen testimony, the Board shall decide whether an antlerless deer hunting season is necessary and if so how many permits are to be issued. If the Board determines that an antlerless season is necessary, it shall adopt a rule creating one and the Department shall then administer an antlerless program.

(f) Annually, the Department shall hold regional public hearings to receive testimony and data from concerned citizens about their knowledge and concerns about the deer herd. The Board shall identify the regions by rule.

(g) If the Board finds that an antlerless season is necessary to maintain the health and size of the herd, the Department shall administer an antlerless deer program. Annually, the Board shall determine how many antlerless permits to issue in each wildlife management unit. For a nonrefundable fee of \$10.00 for residents and \$25.00 for nonresidents, a person may apply for a permit. Each person may submit only one application for a permit. The Department shall allocate the permits in the following manner:

(1) A Vermont landowner, as defined in section 4253 of this title, who owns 25 or more contiguous acres and who applies shall receive a permit for antlerless hunting in the management unit on which the land is located before any are given to people eligible under subdivision (2) of this subsection. If the land is owned by

more than one individual, corporation, or other entity, only one permit shall be issued. Landowners applying for antlerless permits under this subdivision shall not, at the time of application or thereafter during the regular hunting season, post their lands except under the provisions of section 4710 of this title. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is restricted on the land. If the number of landowners who apply exceeds the number of permits for that district, the Department shall award all permits in that district to landowners by lottery.

(2) Permits remaining after allocation pursuant to subdivision (1) of this subsection shall be issued by lottery.

(3) Any permits remaining after permits have been allocated pursuant to subdivisions (1) and (2) of this subsection shall be issued by the Department for a \$10.00 fee for residents. Ten percent of the remaining permits may be issued to nonresident applicants for a \$25.00 fee. (Added 1961, No. 119, § 1, eff. May 9, 1961; amended 1979, No. 68, § 1, eff. May 8, 1979; 1979, No. 126 (Adj. Sess.); 1979, No. 189 (Adj. Sess.), § 3, eff. date, see note set out below; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1989, No. 140 (Adj. Sess.), § 1; 1989, No. 248 (Adj. Sess.); 1991, No. 16; 1991, No. 230 (Adj. Sess.), § 6; 1997, No. 99 (Adj. Sess.), § 1; 1997, No. 155 (Adj. Sess.), § 53a, eff. Jan. 1, 1999; 2003, No. 136 (Adj. Sess.), § 2; 2011, No. 54, § 2; 2011, No. 54, § 9, eff. May 31, 2011; 2013, No. 78, § 2.)

OFFICE OF THE SECRETARY OF STATE
VERMONT STATE ARCHIVES & RECORDS ADMINISTRATION (VSARA)
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TO:	Seven Days Legals (legals@sevendaysvt.com)	Tel: (802) 865-1020 x110.
	The Caledonian Record Julie Poutre (adv@caledonian-record.com)	Tel: 748-8121 FAX: 748-1613
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	News & Citizen (mike@stowereporter.com) Irene Nuzzo (irene@newsandcitizen.com and ads@stowereporter.com removed from distribution list per Lisa Stearns.	Tel: 888-2212 FAX: 888-2173
	St. Albans Messenger Legals (legals@samessenger.com ; cfoley@orourkemediagroup.com)	Tel: 524-9771 ext. 117 FAX: 527-1948 Attn: Legals
	The Islander (islander@vermontislander.com)	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

FROM: APA Coordinator, VSARA

Date of Fax: May 7, 2025

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