

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. § 124, Valley Brook-Spawning Waters

_____/s/Andrea Shortsleeve_____, on 05/05/2025
(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. § 124, Valley Brook-Spawning Waters

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
25P009

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: 802-461-8187 Fax: 802-828-1250

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. § 4140

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(3) provides that the Board may "establish or change territorial limits for the pursuit, taking, or killing any species or variety, or close or open lakes, streams, or parts thereof.." 10 V.S.A. § 4140 permits the Commissioner to close portions of waters where species congregate before or during the spawning season.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT 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 NOT 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 Board proposes to strike in its entirety 10 V.S.A. App. § 124, which declares the Valley Brook tributary to Seymour Lake in Orleans County a spawning ground, closed annually for the taking of fish from October 1 through October 31.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The closure of the Valley Brook tributary is not necessary to protect fish populations.

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, and anglers.

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

The proposed strike-through is not anticipated to have an economic impact.

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%2220b4933bbaad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222fafd1d9-49ab-4c12-b37c-0bf36bb473f5%22%7d

15. DEADLINE FOR COMMENT

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

4/7/2025

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

Fish

fishing

angling

spawning ground

Valley Brook

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. § 124, Valley Brook-Spawning Waters

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 **A REPEAL OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

CVR 12-010-097, Valley Brook-Spawning Waters; Last adopted October 1, 1986.

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. § 124, Valley Brook-Spawning Waters

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 rule repeal is not anticipated to have an economic impact. Upon repeal, the previously-identified spawning grounds on the Valley Brook tributary will no longer be annually closed to anglers. Removal of this water from the list of seasonally closed waters will not have an impact on fish populations.

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 repeal 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 repeal 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 rule repeal will not have an impact on small businesses. Upon repeal, the previously-identified spawning grounds on the Valley Brook tributary will no longer be annually closed to anglers.

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.*

There will be no costs to small businesses associated with this rule repeal.

8. **COMPARISON:**

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

The rule repeal will not have an economic impact on small businesses.

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

The analysis considered all relevant data and is sufficient to support repeal of the rule.

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. § 124, Valley Brook-Spawning Waters

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

The rule repeal 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 rule repeal will not impact water quality.

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

The rule repeal will not impact land use.

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

The rule repeal will allow for fishing on the Valley Brook tributary during the previously-closed month of October, inceasing angling opportunities in the State.

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

The rule repeal will not impact climate in the State.

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

The rule repeal will not imapct other aspect of Vermont's environment.

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

This analysis considered all relevant information and is sufficient ot support repeal of the rule.

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. § 124, Valley Brook-Spawning Waters

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 and Department staff including wardens and biologists.

10 VSA App. § 124. Valley Brook—Spawning waters

~~Pursuant to the provisions of 10 V.S.A. § 4140, the below named waters are declared spawning grounds for game fish and are hereby closed to the taking of fish from October 1 to October 31.~~

~~Orleans County~~

~~Valley Brook—Tributary to Seymour Lake is to be closed in its entirety. (Added 1986, Fish and Wildlife Commissioner's Reg. No. —, eff. Oct. 1, 1986.)~~



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

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 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.)

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 103 : Department of Fish and Wildlife

Subchapter 003 : POWERS AND DUTIES

(Cite as: **10 V.S.A. § 4140**)

§ 4140. Closing waters during spawning

Not less than 10 days prior to and continuing 10 days after the usual spawning periods of any species of game or food fish, the Commissioner may close portions of waters where such species congregate preparatory to or during the spawning season. (Added 1961, No. 119, § 1, eff. May 9, 1961.)

(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. § 124, Valley Brook-Spawning Waters

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: 25P009

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



Proposed Rules Postings

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Deadline For Public Comment

Deadline: Apr 07, 2025

The deadline for public comment has expired. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	25P009
Title:	10 V.S.A. App. § 124, Valley Brook-Spawning Waters
Type:	Standard
Status:	Proposed
Agency:	Vermont Fish and Wildlife Board
Legal Authority:	10 V.S.A. §§ 4081-4083; 10 V.S.A. § 4140
Summary:	The Board proposes to strike in its entirety 10 V.S.A App. § 124, which declares the Valley Brook tributary to Seymour Lake in Orleans County a spawning ground, closed annually for the taking of fish from October 1 through October 31.
Persons Affected:	Department staff including Game Wardens, and anglers.
Economic Impact:	The proposed strike-through is not anticipated to have an economic impact.
Posting date:	Feb 19,2025

Hearing Information

Information for Hearing # 1

Hearing date: 03-24-2025 6:30 PM [ADD TO YOUR CALENDAR](#)

Location: Conference Room 110, Pavilion Building

Address: 111 State Street

City: Montpelier
State: VT
Zip: 05602
Hearing
Notes:

Information for Hearing # 2

Hearing 03-25-2025 6:30 PM [ADD TO YOUR CALENDAR](#)
date:
Location: St. Albans Town Educational Center
Address: 169 South Main Street
City: St. Albans
State: VT
Zip: 05478
Hearing
Notes:

Information for Hearing # 3

Hearing 03-27-2025 6:30 PM [ADD TO YOUR CALENDAR](#)
date:
Location: Rutland High School
Address: 22 Stratton Rd.
City: Rutland
State: VT
Zip: 05701
Hearing
Notes:

Information for Hearing # 4

Hearing 03-31-2025 6:30 PM [ADD TO YOUR CALENDAR](#)
date:
Location: Virtually via MS Teams
Address: Virtually via MS Teams https://teams.microsoft.com/l/meetup-join/193ameeting_ZWM2ZTVhZDgtMmM2MS00ZDJjLWE3YWItMDFkOWZINTNkMjQ440thread.v2context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222fafd1d9-49ab-4c12-b37c-0bf36bb473f5227d
City: n/a
State: VT
Zip: n/a
Hearing Virtually via MS Teams https://teams.microsoft.com/l/meetup-join/193ameeting_ZWM2ZTVhZDgtMmM2MS00ZDJjLWE3YWItMDFkOWZINTNkMjQ440thread.v2context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222fafd1d9-49ab-4c12-b37c-0bf36bb473f5227d
Notes: context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222fafd1d9-49ab-4c12-b37c-0bf36bb473f5227d

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary
Name: Hannah Smith
Agency: Department of Fish and Wildlife, Agency of Natural Resources
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State: VT
Zip: 05620-3208
Telephone: 802-461-8187

Fax: 802-828-1250
Email: hannah.smith@vermont.gov

[SEND A COMMENT](#)

Website Address: https://vtfishandwildlife.com/about-us/fish-and-wildlife-board/board-rules

[VIEW WEBSITE](#)

Information for Secondary Contact

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.

Level: Secondary
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[SEND A COMMENT](#)

Keyword Information

Keywords:

Fish
Fishing
Angling
Spawning Ground
Valley Brook

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	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
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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

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

February 27, 2025

PAGES INCLUDING THIS COVER MEMO:

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***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

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

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

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

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.

Title 10 V.S.A. App. § 124, Valley Brook-Spawning Waters is being repealed as it is outdated.

The amendments to 10 V.S.A. App. § 141, Baitfish Rule expand angling opportunities and allow anglers more opportunities to harvest baitfish, by: allowing the use of larger minnow traps; allowing transportation of personally-harvested baitfish between non-restricted waters within the same zone; modifying the requirements for personally harvested baitfish on seasonally closed waters; modifying the use of personally-harvested fish eggs in the same water as

harvested, and eliminates the requirements that commercial bait sellers keep carbon copies of receipts.

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.
