

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. § 141, Baitfish 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. § 141, Baitfish Rule

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

25P010

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

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 provides that the regulations of the Board may establish seasons, taking limits, territorial limits, restrictions, the means of taking, and the "type or kinds of bait." This rule regulates the purchase, use and sale of baitfish and the territorial and taking limits for fish.

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 proposed rule amendments allow for the use of larger minnow traps, allow for the transportation of personally-harvested baitfish between non-restricted waters within the same zone, modifies the requirements for personally harvested baitfish on seasonally closed waters, modifies the use of personally-harvested fish eggs for use in the same water in which they were harvested, and eliminates the administrative requirements that commercial bait sellers keep carbon copies of receipts.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

The proposed amendments include provisions intended to clarify appropriate methods of take for baitfish, safely restrict the movement of personally-harvested baitfish from restricted waters while allowing for appropriate movement of baitfish between unrestricted waters, and modify administrative requirements for commercial bait sellers. The amendments are necessary to effectively implement the Board's regulatory authority over bait, and protect against the introduction of invasive species and pathogens through the use of baitfish.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule is explicitly authorized by statute and is consistent with the policies of protecting state fish and fisheries resources, as well as ensuring that Vermonters have reasonable access to recreational fishing and clear requirements regarding appropriate means of taking fish.

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

Department staff including wardens; recreational anglers, anglers who personally harvest bait, fishing guides, and individuals who sell baitfish.

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

This proposal is not anticipated to have an economic impact, but it will make the personal harvest of baitfish, including larger baitfish, easier. This could provide a nominal economic benefit to anglers.

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: 16 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%220b4933bbaad-433c-9c0270edcc7559c6%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).

fishing

fish

baitfish

commercially purchased baitfish
baitfish endorsement
restricted water

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. § 141, Baitfish 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 #23-024 (CVR 12-010-088); last adopted January 1, 2024

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. § 141, Baitfish 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 to the rule provide clarity around the use and transportation of personally-harvested baitfish and the means of take, and make minor housekeeping changes to the rule. The proposed amendments are not anticipated to have an economic effect, but will continue to provide fishing opportunities in Vermont. The proposed changes allow

more opportunities to harvest baitfish, particularly large bait which is more expensive to purchase. The increased opportunity to harvest baitfish may provide a nominal economic benefit to anglers who would otherwise supplement with bait purchased from a Commercial Bait Dealer.

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 amendments 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 amendments will not have an impact on small businesses.

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

The rule amendments primarily deal with the use and transportation of personally harvested bait, there are no costs or burdens to small businesses to comply with the proposed amendments.

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 economic impact to anglers would be similar with or without the adoption of the proposed rule amendments.

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

The analysis considered information available to the

Department regarding the use and transportation of baitfish, and the proposed amendments are intended to protect Vermont fisheries without economically impacting anglers.

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. § 141, Baitfish 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 rule amendments should not have any impact on recreational angler activity.

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 are intended to protect against the introduction of invasive species and pathogens to Vermont waters.

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. § 141, Baitfish 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:

Public Input

Board members and Department Staff including wardens and biologists, as well as members of the angling community and Commercial Bait dealers.

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. § 141, Baitfish Rule

2. ADOPTING AGENCY:

Vermont Fish and Wildlife Board

3. BRIEF EXPLANATION OF SCIENTIFIC INFORMATION:

4. CITATION OF SOURCE DOCUMENTATION OF SCIENTIFIC INFORMATION:

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

Proposed Revisions for 2026

TITLE 10 Conservation and Development APPENDIX

CHAPTER 2. FISH

Subchapter 2. Seasons, Waters, and Limits

§ 141. Baitfish Regulation

1.0 Authority

This regulation is adopted pursuant to 10 V.S.A. §4081(b). In adopting this regulation, the Fish and Wildlife Board is implementing the policy 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.

In accordance with 10 V.S.A. §4082, this regulation is designed to maintain the best health, population and utilization levels of Vermont's fisheries.

In accordance with 10 V.S.A. §4083, this regulation establishes open seasons; establishes daily, season, possession limits and size limits; prescribes the manner and means of taking fish; and prescribes the purchase, sale, and use of baitfish.

2.0 Purpose

- 2.1 This regulation applies to fish used as bait. This regulation shall apply to all persons who take, possess, transport, use, purchase, or sell baitfish.
- 2.2 The purpose of this regulation is to: a) conserve and protect the fish, and fisheries in the state, b) maintain the best health of species and natural ecological systems in the state, c) prevent the introduction or spread of diseases or parasites harmful to humans and wild species, and d) prevent the escape or release of non-native species or species that injure or compete with natural ecological systems and processes.

3.0 Definitions

- 3.1 "Application" means a specific form provided by the Department of Fish and Wildlife.
- 3.2 "Baitbox" means a receptacle used for holding or keeping baitfish alive for personal use. A legal baitbox shall not exceed 25 cubic feet in volume.

APPENDIX 141

- 3.3 "Baitfish" means fish species and parts thereof, living or dead, used for the purpose of attracting and catching fish.
- 3.4 "Baitfish zone" means a specific geographic area, where it is permissible to use baitfish in accordance with this regulation, and the area is described and depicted on a map by the Commissioner and posted on the Department website.
- 3.5 "Restricted Water" means a specific Waterbody and any listed tributaries where the use of baitfish is restricted in accordance with this regulation, and the Waterbody is described and depicted on a map by the Commissioner and posted on the Department website.
- 3.6 "Commissioner" means the Commissioner of the Vermont Department of Fish and Wildlife.
- 3.7 "Department" means the Vermont Department of Fish and Wildlife.
- 3.8 "Fish hatchery" refers to any fish culture station, hatchery, or artificial rearing pond which grows or maintains baitfish for sale in Vermont.
- 3.9 "Ice fishing" means a manner of fishing as described in 10 V.S.A App. §122 Subsection 4.0.
- 3.10 "Open-water fishing" means a manner of fishing as described in 10 V.S.A. App. § 122 Subsection 3.0.
- 3.11 "Permit" is a document from the Commissioner granting a Commercial Bait Dealers Permit.
- 3.12 "Waterbody" means any lake, pond, river, or stream including all tributaries upstream to the first barrier impassable to upstream fish movement.
- 3.13 "Commercially preserved baitfish" means baitfish that are shelf stable and chemically treated in a manner approved by the Department, and then packaged for retail sale.
- 3.14 "Personal baitfish harvest" and "Personally harvested baitfish" means baitfish taken for non-commercial use.
- 3.15 "Non-Restricted Water" means any Waterbody not included in the list of Restricted Waters

4.0 Personal Baitfish Harvest

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- 4.1 Personally harvested baitfish from Restricted Waters shall not be used on any other Waterbody or transported away from the Restricted Water from which they were harvested.
- 4.2 Personally harvested baitfish may be used on multiple Waterbodies and may be transported away alive or dead from the Waterbody from which they were collected and retained for later use, provided that all of the following criteria are met:
 - 4.2.1 The personally harvested baitfish shall not be harvested from or have been previously used on a Restricted Water;
 - 4.2.2 Personally harvested baitfish shall only be used in the same baitfish zone they were harvested in; and
 - 4.2.3 A person transporting personally harvested baitfish off of any non-Restricted Waterbody shall possess a wild baitfish endorsement in accordance with Subsection 6.0 of this regulation.
- 4.3 A person shall only harvest for use as bait those fish species listed under Subsection 8.1, 8.2, 8.3, and 8.4 of this regulation.
- 4.4 Personally harvested baitfish of approved species listed in subsection 8.1 shall only be taken by the following methods: a) minnow traps no longer than twenty four inches with an entrance for fish not exceeding two and one half inches in diameter, b) dip nets, cast nets, and umbrella nets not exceeding a total of 51 square feet of mesh, or a seine net not exceeding 25 feet in length, c) Open-water/ice fishing by hook and line.
- 4.5 Personal baitfish harvest in seasonally closed Waterbodies (see 10 V.S.A App. 122, section 6.0) may only be conducted by the use of minnow traps no longer than twenty four inches with an entrance for fish not exceeding two and one half inches in diameter.
- 4.6 All traps, nets, baitboxes or other holding receptacles capable of taking, holding or keeping live baitfish in public Waterbodies shall be marked with the name, address, and telephone number of the owner and user.
 - 4.6.1 Minnow traps shall be checked at a minimum of once per week
- 4.7 Baitfish may be held on the Waterbody where they were harvested, or if harvested from a non-Restricted Water, anywhere in the zone where they were harvested, in a baitbox as defined in Subsection 3.2 of this regulation. Any baitfish harvested on a non-Restricted Water and used on a Restricted Water may not be transported away from the Restricted Water but can be stored on the Restricted Water in a baitbox for later use on the

same Restricted Water. Baitfish cannot be held or used on waterbodies described in Section 12.0.

Outside of the baitfish zone where harvested, the baitfish shall be kept in a closed container isolated from any inflow of lake, pond, or stream water, or outflows to such Waterbodies of the state.

- 4.8 No person shall personally harvest baitfish from any Waterbody of the state that is defined as closed to baitfish harvest. The Department will maintain and make available a list of Waterbodies closed to baitfish harvest.
- 4.9 Fish eggs may only be collected from legally harvested fish from a Vermont Waterbody and its tributaries upstream to the first impassable barrier for use in the same Waterbody and its tributaries up to the first impassable barrier.

5.0 Commercially Purchased Baitfish

- 5.1 No person shall import baitfish into the State of Vermont without a fish importation permit, except as provided for in subsections 5.8 and 5.9 of this regulation.
- 5.2 A person purchasing commercial baitfish shall retain a transportation receipt issued by a state-approved commercial bait dealer, authorizing transportation of baitfish overland. The receipt shall contain the following information: 1) A unique receipt identification number, 2) The name and telephone number of the bait dealer, 3) date of sale, 4) species purchased, 5) quantity purchased, and 6) baitfish zone or Restricted Water (limited to one) in which the baitfish will be used.
- 5.3 A person in possession of commercially purchased baitfish shall only use those baitfish in the baitfish zone or Restricted Water recorded on the transportation receipt and shall retain and exhibit the receipt upon request of the Commissioner or the Commissioner's designee(s). A person shall not transport unused zone-specific commercially purchased baitfish away from a Restricted Water for use on any other Waterbody.
- 5.4 A transportation receipt shall be valid for 10 days from the date of sale.
- 5.5 A person may transport unused commercially purchased baitfish away from Waterbodies of the state, and retain for later use in the same baitfish zone or Restricted Water as indicated on the baitfish transportation receipt, with the following prohibitions.

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5.7.1 A person shall not transport unused commercially purchased baitfish away from a Restricted Water if the baitfish transportation receipt does not specify that Restricted Water.

5.7.2 A person shall not transport unused commercially purchased smelt for the use as baitfish away from a Restricted Water.

5.6 A person transporting unused commercially purchased baitfish away from a Waterbody for later use may hold them in a Waterbody of the baitfish zone listed on the transportation receipt provided that they are not transported away from a Restricted Water and the holding waters are not listed in subsection 12.0 of this regulation. Outside of the baitfish zone or Restricted Water listed on the transportation receipt, the commercially purchased baitfish shall be kept in a closed container isolated from any inflow of lake, pond, or stream water, or outflow to any Waterbody.

5.7 Baitfish may be held beyond the 10 days period in a baitfish zone or Restricted Water provided they remain in the same Waterbody in a baitbox in accordance with Subsection 3.2 of this regulation.

5.8 A person may purchase baitfish from a New York baitshop for use in the Lake Champlain Restricted Water, provided the baitshop is Vermont-licensed, and the baitfish are accompanied by a Vermont-issued baitfish transportation receipt. For the purposes of this regulation, the Lake Champlain Restricted Water is defined in 10 V.S.A. Appendix § 122 Subsection 5.

5.9 A person may purchase baitfish from a New Hampshire baitshop for use in the Connecticut River Restricted Water, provided the baitshop is Vermont-licensed, and the baitfish are accompanied by a Vermont-issued baitfish transportation receipt. For the purposes of this regulation, the Connecticut River is defined as all waters of the river including the bays, setbacks, and tributaries, but only to the first highway bridge crossing said tributaries on the Vermont side.

5.10 Commercially preserved baitfish and fish eggs available from retail stores may be used as bait, taken home, and kept for later use provided they are retained in the original packaging at all times.

6.0 Wild Baitfish Endorsement

6.1 Any person who wishes to use, sell, or transport personally harvested baitfish outside of the Waterbody in which they were harvested must possess and exhibit upon request of the Commissioner or the Commissioner's designee(s) a wild baitfish endorsement as developed and

administered by the Department, or be accompanied by someone who possesses the endorsement for those baitfish in use.

- 6.2 A person who wishes to obtain a wild baitfish endorsement shall satisfactorily complete a wild baitfish certification course.
- 6.3 The wild baitfish certification course shall instruct participants regarding the requirements of the baitfish regulations and the vectors and risks associated with aquatic nuisance species and pathogens.

7.0 Commercial Bait Dealers

- 7.1 Any person who buys baitfish for resale or sells baitfish shall obtain a commercial bait dealers permit from the Commissioner except as provided for in subsection 7.2. Only persons operating a place of business and offering baitfish for sale to the public may apply for and hold a commercial bait dealers permit.
- 7.2 A commercial bait dealers permit is not required when:
 - 7.2.1 A person only sells commercially preserved baitfish as defined in Subsection 3.13 of this regulation.
 - 7.2.2 A person sells baitfish as specified by subsections 8.1 and 8.2 to another angler while on the same Waterbody where the baitfish were personally harvested.
 - 7.2.3 A person sells personally harvested rainbow smelt and meets the following criteria:
 - 7.2.3.1 The personally harvested rainbow smelt shall be harvested, transported, and possessed in accordance with subsection 4.0 of this regulation.
 - 7.2.3.2 The buyer shall possess a valid zone-specific commercial bait dealers permit.
 - 7.2.3.3 The commercial bait dealer's zone designation shall be the same zone from which the personally harvested rainbow smelt were harvested.
 - 7.2.3.4 The seller shall possess a valid wild baitfish endorsement in accordance with subsection 6.0 of this regulation.

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7.2.3.5 The seller shall complete and sign an affidavit, as specified by subsection 7.11.1 of this regulation, attesting the Waterbody of origin for any personally harvested rainbow smelt that are sold.

7.3 Commercial bait dealers shall only purchase and sell the baitfish species listed under subsection 8.1 of this regulation. Commercial bait dealers may also sell rainbow smelt as bait, provided one of the following criteria are met:

7.3.1 Rainbow smelt are obtained from a fish hatchery approved by the Commissioner as set forth in subsection 7.5 of this regulation and its subsections: or

7.3.2 Rainbow smelt are harvested by open-water/ice fishing and sold for use on the same Waterbody on which the bait dealer is located in accordance with subsection 7.6 of this regulation and its subsections; or

7.3.3 Rainbow smelt are commercially purchased or harvested in accordance with subsection 7.7 and its subsections.

7.4 Commercial bait dealers must declare in their permit application if they will be a statewide baitfish dealer, Waterbody-specific baitfish dealer, or a zone-specific baitfish dealer (limited to one).

7.5 Statewide baitfish dealers are prohibited from possessing, buying or selling wild-caught baitfish.

7.5.1 Baitfish sold by statewide baitfish dealers shall originate from a fish hatchery approved by the Commissioner.

7.5.2 Statewide baitfish dealers shall hold or keep baitfish in Waterbodies drawn from a secure well, a municipal water source, or other water source approved by the Department.

7.5.3 Baitfish sold by statewide baitfish dealers may be used in Waterbodies throughout the state, though one Baitfish zone or Restricted Water must be designated at purchase .

7.6 Waterbody specific baitfish dealers shall declare on their permit application the Waterbody on which they are located.

7.6.1 Waterbody-specific baitfish dealers may harvest wild baitfish only from the declared Waterbody and offer them for sale and use only on the declared Waterbody.

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- 7.6.2 The baitfish facilities of Waterbody specific baitfish dealers shall discharge to their declared Waterbody. The discharge treatment infrastructure shall adequately filter and disinfect water to the satisfaction of the Department. Note that this does not relieve the baitfish dealer from compliance with all other applicable requirements.
- 7.6.3 No Waterbody-specific baitfish dealer shall harvest baitfish by netting in or on seasonally closed Waterbodies ~~for trout~~ as listed in 10 V.S.A. Appendix § 122 Subsection ~~67.0~~ unless otherwise permitted by their commercial bait dealers permit. Waterbody specific baitfish dealers shall not operate dip nets, cast nets, or umbrella nets exceeding 51 square feet of mesh, or a seine net exceeding 125 feet in length, for the purposes of taking fish for bait, unless otherwise permitted by their commercial bait dealers permit.
- 7.6.4 All traps, nets, baitboxes or other holding receptacles capable of taking, holding or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.
- 7.6.5 No person shall commercially harvest baitfish on any Waterbody of the state that is listed as closed to baitfish harvest. The Department will maintain and make available a list of closed Waterbodies.
- 7.7 Zone-specific baitfish dealers shall declare on their permit application the Waterbody on which they are located, the baitfish zone in which they are located, the baitfish zone from which they intend to harvest, and purchase wild baitfish (limited to one) and the baitfish zone where the baitfish they sell may be used (limited to one).
- 7.7.1 Zone-specific baitfish dealers shall be located in the baitfish zone which they intend to harvest, purchase, hold, and sell baitfish in, with the following exceptions:
- 7.7.1.1 Baitfish may be purchased from a fish hatchery approved by the Commissioner outside of the zone-specific dealer's baitfish zone and sold as zone-specific baitfish.
- 7.7.1.2 A Zone-specific baitfish dealer can be physically located outside of the baitfish zone in which they intend to sell baitfish provided they hold or keep baitfish in water drawn from a secure water source as approved by the Department.

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- 7.7.2 Zone-specific baitfish dealers shall harvest and purchase wild baitfish only from the declared baitfish zone where the baitfish they sell may be used, and such baitfish shall be offered for sale and use only in the declared baitfish zone **or** Restricted Water within the declared baitfish zone.
- 7.7.3 Zone-specific baitfish dealers may purchase wild rainbow smelt provided they meet the provisions of subsections 7.2.3 and 7.11.1 of this regulation.
- 7.7.4 Zone-specific baitfish dealers shall not harvest or purchase wild baitfish which are from or have been used previously on a Restricted Water nor shall they hold or keep baitfish in waters drawn from a Restricted Water.
- 7.7.5 The baitfish holding facilities of zone-specific baitfish dealers shall discharge to the declared baitfish zone or to a water treatment infrastructure which adequately filters and disinfects water to the satisfaction of the Department. Note that this does not relieve the baitfish dealer from compliance with all other applicable requirements.
- 7.7.6 No zone-specific baitfish dealer shall harvest baitfish by netting in seasonally closed waters as listed in 10 V.S.A App § 122 subsection 6.0, unless otherwise permitted by their commercial bait fish dealers permit. No zone-specific baitfish dealer shall operate dip nets, cast nets, or umbrella nets that exceed 51 square feet of mesh, or a seine net that exceeds 125 feet in length, for the purposes of taking fish for bait, unless otherwise permitted by their commercial bait dealers permit.
- 7.7.7 All traps, nets, baitboxes, or other holding receptacles capable of taking, holding, or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.
- 7.7.8 No person shall commercially harvest baitfish on any Waterbody of the state that is defined as closed to baitfish harvest. The Department will maintain and make available a list of closed waters.
- 7.8 A commercial bait dealer shall provide to each customer at the point of sale a transportation receipt containing the following information: 1) A unique receipt identification number, 2) The name and telephone number of the bait dealer, 3) date of sale, 4) species purchased, 5) quantity

purchased, and 6) baitfish zone or Restricted Water (limited to one) in which the baitfish will be used.

- 7.9 A transportation receipt shall be valid for 10 days from time and date of sale.
- 7.10 Receipt books shall be provided to commercial bait dealers by the Department.
- 7.11 Any holder of a commercial bait dealers permit shall maintain records for each lot of wholesaled hatchery-raised or wild-caught baitfish introduced into their shop. The records shall include: name, address and telephone number of seller (for wholesaled baitfish), and date received, species identification, and quantity purchased or harvested, for wholesaled and wild-caught baitfish. The permit holder shall retain the records for at least one year after the date of sale or harvest. Records shall be provided to the Department immediately upon request.
 - 7.11.1 Any holder of a commercial bait dealers permit that purchases personally harvested wild rainbow smelt from a person shall maintain a list of purchases which includes: name, address, telephone number, and signature of the seller, date of sale, quantity of fish purchased, and Waterbody of origin. Such form will be provided by the Department to the commercial bait dealer.

8.0 Approved Species of Fish for use as Bait

- 8.1 Approved species of baitfish:
 - Banded killifish *Fundulus diaphanus*
 - Blacknose dace *Rhinichthys atratulus*
 - Bluntnose minnow *Pimephales notatus*
 - Common shiner *Luxilus cornutus*
 - Creek chub *Semotilus atromaculatus*
 - Eastern silvery minnow *Hybognathus regius*
 - Emerald shiner *Notropis atherinoides*
 - Fallfish *Semotilus corporalis*
 - Fathead minnow *Pimephales promelas*
 - Golden shiner *Notemigonus crysoleucas*
 - Longnose dace *Rhinichthys cataractae*
 - Longnose sucker *Catostomus catostomus*
 - Mimic shiner *Notropis volucellus*
 - Northern redbelly dace *Chrosomus eos*
 - Spottail shiner *Notropis hudsonius*
 - White sucker *Catostomus commersoni*

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- 8.2 Rainbow Smelt
Rainbow smelt *Osmerus mordax* may be taken only by open-water/ice fishing by hook and line and may be commercially sold as bait.
- 8.3 Additional Species
The following additional fish species, or parts thereof, may be taken only by open-water/ice fishing by hook and line and used for bait only in those waters where taken and shall not be transported alive from those waters.

Bluegill *Lepomis macrochirus*
Pumpkinseed *Lepomis gibbosus*
Rock bass *Ambloplites rupestris*
Yellow perch *Perca flavescens*

- 8.4 Lake Champlain –
In addition to subsections 8.1, 8.2, and 8.3, the following fish species, or parts thereof, may be taken only by open-water/ice fishing by hook and line in Lake Champlain and used as bait in Lake Champlain, as described in 10 V.S.A. App §122 subsection 5.0, and may not be commercially harvested or sold as bait; Alewife may only be used/possessed if dead:

Alewife *Alosa pseudoharengus*
White perch *Morone americana*

- 8.5 All other species of fish are prohibited for use as bait.

9.0 Commercial Bait Dealer Application Process

- 9.1 A person who wishes to obtain a commercial bait dealers permit shall apply to the Commissioner in writing on a form provided by the Department. The Department may require the applicant to submit such additional information as is necessary to determine that the permitted activities comply with the purposes of this regulation, including but not limited to fish health testing, and an analysis of the impact of the sale of baitfish on Vermont's fish species, fisheries, and natural ecosystems and processes.
- 9.2 If the application is deficient, the Department shall inform the applicant of the deficiencies and return the application within 30 days of receipt, along with any associated fee, to the applicant for revision and re-submission.
- 9.3 If the application is denied, the Commissioner shall, within 30 days of receipt of application, send the applicant a written denial setting forth the reasons for the denial.

10.0 Permit Compliance

- 10.1 The Permittee shall make the permit available upon request by Commissioner or Commissioner's designee. Premises and equipment used by persons to take, harvest, purchase, store, or sell in baitfish shall be accessible for inspection by the Commissioner and his or her designee. Samples for species determination or disease examination shall be provided immediately upon request.
- 10.2 Permittees shall provide the Department with additional information as requested on an annual basis or prior to the re-issuance of a new permit.

11.0 Permit Revocation

- 11.1 The Commissioner may revoke any permit for: any violation of a permit; failure to comply with this regulation; a violation of any regulations of the Board; a violation of the provisions of Part 4, Title 10, Vermont Statutes Annotated; or if the Commissioner determines that the revocation is necessary to protect fish or fisheries of Vermont.
- 11.2 The Commissioner shall comply with all applicable requirements of 3 V.S.A. Chapter 25, related to any permit revocation.
- 11.3 Appeals of the decisions of the Commissioner are subject to the Vermont Regulations of Civil Procedure.

12.0 Waterbodies where the use of fish as bait is prohibited

The use of fish in any form whether alive or dead for bait in fishing is prohibited in:

Adams Reservoir, Woodford;
Beaver Pond, Holland;
Beck Pond, Newark;
Beebe Pond, Sunderland;
Big Mud Pond, Mt. Tabor;
Blake Pond, Sutton;
Bourn Pond, Sunderland;
Branch Pond, Sunderland;
Cary Pond, Walden;
Cow Mountain Pond, Granby;
Griffith Lake, Mt. Tabor;
Jobs Pond, Westmore;

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Lake Pleiad, Hancock;
Lewis Pond, Lewis;
Little Rock Pond, Wallingford;
Martins Pond, Peacham;
Mud Pond, Hyde Park;
North Pond, Chittenden;
Notch Pond, Ferdinand;
Red Mill Pond, Woodford;
Sterling Pond, Cambridge;
South America Pond, Ferdinand;
Stratton Pond, Stratton;
Unknown Pond, Averys Gore;
Unknown Pond, Ferdinand;
West Mountain Pond, Maidstone

and any additional waters created or reclaimed by the Department. This regulation shall be posted at all waters affected.

Proposed Revisions for 2026

TITLE 10 Conservation and Development APPENDIX

CHAPTER 2. FISH

Subchapter 2. Seasons, Waters, and Limits

§ 141. Baitfish Regulation

1.0 Authority

This regulation is adopted pursuant to 10 V.S.A. §4081(b). In adopting this regulation, the Fish and Wildlife Board is implementing the policy 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.

In accordance with 10 V.S.A. §4082, this regulation is designed to maintain the best health, population and utilization levels of Vermont's fisheries.

In accordance with 10 V.S.A. §4083, this regulation establishes open seasons; establishes daily, season, possession limits and size limits; prescribes the manner and means of taking fish; and prescribes the purchase, sale, and use of baitfish.

2.0 Purpose

- 2.1 This regulation applies to fish used as bait. This regulation shall apply to all persons who take, possess, transport, use, purchase, or sell baitfish.
- 2.2 The purpose of this regulation is to: a) conserve and protect the fish, and fisheries in the state, b) maintain the best health of species and natural ecological systems in the state, c) prevent the introduction or spread of diseases or parasites harmful to humans and wild species, and d) prevent the escape or release of non-native species or species that injure or compete with natural ecological systems and processes.

3.0 Definitions

- 3.1 "Application" means a specific form provided by the Department of Fish and Wildlife.
- 3.2 "Baitbox" means a receptacle used for holding or keeping baitfish alive for personal use. A legal baitbox shall not exceed 25 cubic feet in volume.

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- 3.3 "Baitfish" means fish species and parts thereof, living or dead, used for the purpose of attracting and catching fish.
- 3.4 "Baitfish zone" means a specific geographic area, where it is permissible to use baitfish in accordance with this regulation, and the area is described and depicted on a map by the Commissioner and posted on the Department website.
- 3.5 "Restricted Water" means a specific ~~W~~Waterbody and any listed tributaries where the use of baitfish is restricted in accordance with this regulation, and the ~~W~~Waterbody is described and depicted on a map by the Commissioner and posted on the Department website.
- 3.6 "Commissioner" means the Commissioner of the Vermont Department of Fish and Wildlife.
- 3.7 "Department" means the Vermont Department of Fish and Wildlife.
- 3.8 "Fish hatchery" refers to any fish culture station, hatchery, or artificial rearing pond which grows or maintains baitfish for sale in Vermont.
- 3.9 "Ice fishing" means a manner of fishing as described in 10 V.S.A App. §122 Subsection 4.0.
- 3.10 "Open-water fishing" means a manner of fishing as described in 10 V.S.A. App. § 122 Subsection 3.0.
- 3.11 "Permit" is a document from the Commissioner granting a Commercial Bait Dealers Permit.
- 3.12 "Waterbody" means any lake, pond, river, or stream including all tributaries upstream to the first barrier impassable to upstream fish movement.
- 3.13 "Commercially preserved baitfish" means baitfish that are shelf stable and ~~which are~~ chemically treated in a manner approved by the Department, and then packaged for retail sale.
- 3.14 "Personal baitfish harvest" and "Personally harvested baitfish" means baitfish taken for non-commercial use.
- 3.15 "Non-Restricted Water" means any ~~W~~Waterbody not included in the list of Restricted Waters

4.0 Personal Baitfish Harvest

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- 4.1 Personally harvested baitfish from Restricted Waters shall not be used on any other ~~W~~Waterbodieys or transported away from the Restricted Water from which they were harvested.
- 4.2 Personally harvested baitfish may be used on multiple ~~W~~Waterbodies and may be transported away alive or dead from the ~~W~~Waterbody from which they were collected and retained for later use, provided that all of the following criteria are met:
- 4.2.1 The personally harvested baitfish shall not be harvested from or have been previously used on a Restricted Water;
- 4.2.2 Personally harvested baitfish shall only be used in the same baitfish zone they were harvested in; and
- 4.2.3 A person ~~using~~ transporting personally harvested baitfish ~~on~~ off of any non-Restricted Wwaterbody ~~that is different from the waterbody where the baitfish was harvested~~ shall possess a wild baitfish endorsement in accordance with Subsection 6.0 of this regulation.
- 4.3 A person shall only harvest for use as bait those fish species listed under Subsection 8.1, 8.2, 8.3, and 8.4 of this regulation.
- 4.4 Personally harvested baitfish of approved species listed in subsection 8.1 shall only be taken by the following methods: a) minnow traps no longer than ~~eighteen~~ twenty four inches with an entrance for fish not exceeding ~~one~~ two and one half inches in diameter, b) dip nets, cast nets, and umbrella nets not exceeding a total of 51 square feet of mesh, or a seine net not exceeding 25 feet in length, c) Open-water/ice fishing by hook and line.
- 4.5 ~~No person shall personally harvest baitfish in seasonally closed waters for trout as listed in 10 V.S.A. App. § 122, Subsection 6.0, except during the open season for trout. Personal baitfish harvest in seasonally closed~~ ~~W~~Waterbodies (see 10 V.S.A App. 122, section 6.0) ~~during open seasons for trout shall only~~ may only be conducted by ~~open water/ice fishing or~~ the use of minnow traps no longer than ~~eighteen~~ twenty four inches with an entrance for fish not exceeding ~~one~~ two and one half inches in diameter.
- 4.6 All traps, nets, baitboxes or other holding receptacles capable of taking, holding or keeping live baitfish in public ~~W~~Waterbodies shall be marked with the name, address, and telephone number of the owner and user.
- 4.6.1 Minnow traps shall be checked at a minimum of once per week

~~4.64.7~~ Baitfish may be held on the ~~w~~Waterbody where they were harvested, or if harvested from a non-Restricted Water, anywhere in the zone where they were harvested ~~provided it is not a Restricted Water~~, in a baitbox as defined in Subsection 3.2 of this regulation. Any baitfish harvested on a non-Restricted Water and used on a Restricted Water may not be transported away from the Restricted Water but can be stored on the Restricted Water in a baitbox for later use on the same Restricted Water. Baitfish cannot be held or used on waterbodies described in Section 12.0.

~~Only a person with a valid wild baitfish endorsement (Subsection 6.0) may transport unused personally harvested baitfish, collected in non-Restricted Water, away from waters of the state for later use. Baitfish may be held in w~~Waterbodies ~~of the baitfish zone where they were harvested provided the w~~Waterbody ~~is not a Restricted Water or w~~Waterbodys ~~described in Subsection 12.0.~~ Outside of the baitfish zone where harvested, the baitfish shall be kept in a closed container isolated from any inflow of lake, pond, or stream water, or outflows to such ~~w~~Waterbodies of the state.

~~4.74.8~~ No person shall personally harvest baitfish from any ~~w~~Waterbody of the state that is defined as closed to baitfish harvest. The Department will maintain and make available a list of ~~closed waters~~ W~~waterbodies~~ closed to baitfish harvest.

~~4.84.9~~ Fish eggs may only be collected from legally harvested fish from a Vermont wWaters,body and its tributaries upstream to the first impassable barrier for use in the same wWaterbody and its tributaries up to the first impassable barrier. ~~and used immediately as bait on the same water where taken unless that waterbody has been closed to baitfish collection. Personally harvested fish eggs shall not be transported and used in any waterbody other than the waterbody where the fish eggs were harvested. No person shall transport fish eggs away from a waterbody and return them to the same waterbody for use as bait unless they have been processed in a manner approved by the Department as described on the Department website.~~

5.0 Commercially Purchased Baitfish

5.1 No person shall import baitfish into the State of Vermont without a fish importation permit, except as provided for in subsections 5.8 and 5.9 of this regulation.

5.2 A person purchasing commercial baitfish shall retain a transportation receipt issued by a state-approved commercial bait dealer, authorizing

transportation of baitfish overland. The receipt shall contain the following information: 1) A unique receipt identification number, 2) The name and telephone number of the bait dealer, 3) ~~time and~~ date of sale, 4) species purchased, 5) quantity purchased, and 6) baitfish zone or Restricted Water (limited to one) in which the baitfish will be used, ~~and 7) the signature of purchaser.~~

- 5.3 A person in possession of commercially purchased baitfish shall only use those baitfish in the baitfish zone or Restricted Water recorded on the transportation receipt and shall retain and exhibit the receipt upon request of the Commissioner or the Commissioner's designee(s). A person shall not transport unused zone-specific commercially purchased baitfish away from a Restricted Water for use on any other Waterbody.
- 5.4 A transportation receipt shall be valid for 10 days from ~~the time and~~ date of sale.
- 5.5 A person may transport unused commercially purchased baitfish away from ~~w~~Water~~bodies~~ of the state, and retain for later use in the same baitfish zone or Restricted Water as indicated on the baitfish transportation receipt, with the following prohibitions.
- 5.5.1 A person shall not transport unused commercially purchased baitfish away from a Restricted Water if the baitfish transportation receipt does not specify that Restricted Water.
- 5.5.2 A person shall not transport unused commercially purchased smelt for the use as baitfish away from a Restricted Water.
- 5.6 A person transporting unused commercially purchased baitfish away from ~~waters of the state~~a Waterbody for later use may hold them in ~~waters a~~Waterbody of the baitfish zone listed on the transportation receipt provided that they are not transported away from ~~the water is not~~ a Restricted Water and the holding waters are not listed in subsection 12.0 of this regulation. Outside of the baitfish zone or Restricted Water listed on the transportation receipt, the commercially purchased baitfish shall be kept in a closed container isolated from any inflow of lake, pond, or stream water, or outflow to ~~such waters of the state~~any Waterbody.
- 5.7 Baitfish may be held beyond the 10 days period in a baitfish zone or Restricted Water provided they remain in the same ~~w~~Waterbody in a baitbox in accordance with Subsection 3.2 of this regulation.
- 5.8 A person may purchase baitfish from a New York baitshop for use in the Lake Champlain Restricted Water, provided the baitshop is Vermont-licensed, and the baitfish are accompanied by a Vermont-issued baitfish

transportation receipt. For the purposes of this regulation, the Lake Champlain Restricted Water ~~are~~is defined in 10 V.S.A. Appendix § 122 Subsection 5.

5.9 A person may purchase baitfish from a New Hampshire baitshop for use in the Connecticut River Restricted Water, provided the baitshop is Vermont-licensed, and the baitfish are accompanied by a Vermont-issued baitfish transportation receipt. For the purposes of this regulation, the Connecticut River is defined as all waters of the river including the bays, setbacks, and tributaries, but only to the first highway bridge crossing said tributaries on the Vermont side.

5.10 Commercially ~~prepared and~~ preserved baitfish and fish eggs available from retail stores may be ~~purchased and~~ used as bait, taken home, and kept for later use provided they are retained in the original packaging at all times.

6.0 Wild Baitfish Endorsement

6.1 Any person who wishes to use, sell, or transport personally harvested baitfish outside of the ~~w~~Waterbody in which they were harvested must possess and exhibit upon request of the Commissioner or the Commissioner's designee(s) a wild baitfish endorsement as developed and administered by the Department, or be accompanied by someone who possesses the endorsement for those baitfish in use.

6.2 A person who wishes to obtain a wild baitfish endorsement shall satisfactorily complete a wild baitfish certification course.

6.3 The wild baitfish certification course shall instruct participants regarding the requirements of the baitfish regulations and the vectors and risks associated with aquatic nuisance species and pathogens.

7.0 Commercial Bait Dealers

7.1 Any person who buys baitfish for resale or sells baitfish shall obtain a commercial bait dealers permit from the Commissioner except as provided for in subsection 7.2. Only persons operating a place of business and offering baitfish for sale to the public may apply for and hold a commercial bait dealers permit.

7.2 A commercial bait dealers permit is not required when:

7.2.1 A person only sells commercially preserved baitfish as defined in Subsection 3.13 of this regulation.

7.2.2 A person sells baitfish as specified by subsections 8.1 and 8.2 to another angler while on the same ~~ww~~Waterbody where the baitfish were personally harvested.

7.2.3 A person sells personally harvested rainbow smelt and meets the following criteria:

7.2.3.1 The personally harvested rainbow smelt shall be harvested, transported, and possessed in accordance with subsection 4.0 of this regulation.

7.2.3.2 The buyer shall possess a valid zone-specific commercial ~~b~~bait dealers permit.

7.2.3.3 The commercial bait dealer's zone designation shall be the same zone from which the personally harvested rainbow smelt were harvested.

7.2.3.4 The seller shall possess a valid wild baitfish endorsement in accordance with subsection 6.0 of this regulation.

7.2.3.5 The seller shall complete and sign an affidavit, as specified by subsection 7.11.1 of this regulation, attesting the ~~ww~~Waterbody of origin for any personally harvested rainbow smelt that are sold.

7.3 Commercial bait dealers shall only purchase and sell the baitfish species listed under subsection 8.1 of this regulation. Commercial bait dealers may also sell rainbow smelt as bait, provided one of the following criteria are met:

7.3.1 Rainbow smelt are obtained from a fish hatchery approved by the Commissioner as set forth in subsection 7.5 of this regulation and its subsections: or

7.3.2 Rainbow smelt are harvested by open-water/ice fishing and sold for use on the same ~~ww~~Waterbody on which the bait dealer is located in accordance with subsection 7.6 of this regulation and its subsections; or

7.3.3 Rainbow smelt are commercially purchased or harvested in accordance with subsection 7.7 and its subsections.

7.4 Commercial bait dealers must declare in their permit application if they will be a statewide baitfish dealer, ~~ww~~Waterbody-specific baitfish dealer, or a zone-specific baitfish dealer (limited to one).

- 7.5 Statewide baitfish dealers are prohibited from possessing, buying or selling wild-caught baitfish.
 - 7.5.1 Baitfish sold by statewide baitfish dealers shall originate from a fish hatchery approved by the Commissioner.
 - 7.5.2 Statewide baitfish dealers shall hold or keep baitfish in ~~water~~Waterbodies drawn from a secure well, a municipal water source, or other water source approved by the Department.
 - 7.5.3 Baitfish sold by statewide baitfish dealers may be used in ~~water~~Waterbodies throughout the state, though one Baitfish zone or Restricted Water must be designated at purchase ~~except those waterbodies listed in subsection 12.0 of this regulation.~~
- 7.6 Waterbody specific baitfish dealers shall declare on their permit application the ~~water~~Waterbody on which they are located.
 - 7.6.1 Waterbody-specific baitfish dealers may harvest wild baitfish only from the declared ~~water~~Waterbody and offer them for sale and use only on the declared ~~water~~Waterbody.
 - 7.6.2 The baitfish facilities of ~~water~~Waterbody specific bait-fish dealers shall discharge to their declared ~~water~~Waterbody. The discharge treatment infrastructure shall adequately filter and disinfect water to the satisfaction of the Department. Note that this does not relieve the baitfish dealer from compliance with all other applicable requirements.
 - 7.6.3 No ~~water~~Waterbody-specific baitfish dealer shall harvest baitfish by netting in or on seasonally closed ~~water~~Waterbodies ~~for trout~~ as listed in 10 V.S.A. Appendix § 122 Subsection ~~6~~7.0 unless otherwise permitted by their commercial bait dealers permit. Waterbody specific baitfish dealers shall not operate dip nets, cast nets, or umbrella nets exceeding 51 square feet of mesh, or a seine net exceeding 125 feet in length, for the purposes of taking fish for bait, unless otherwise permitted by their commercial bait dealers permit.
 - 7.6.4 All traps, nets, baitboxes or other holding receptacles capable of taking, holding or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.

7.6.5 No person shall commercially harvest baitfish on any ~~w~~Waterbody of the state that is listed as closed to baitfish harvest. The Department will maintain and make available a list of closed ~~w~~Waterbodies.

7.7 Zone-specific baitfish dealers shall declare on their permit application the ~~w~~Waterbody on which they are located, the baitfish zone in which they are located, the baitfish zone from which they intend to harvest, and purchase wild baitfish (limited to one) and the baitfish zone where the baitfish they sell may be used (limited to one).

7.7.1 Zone-specific baitfish dealers shall be located in the baitfish zone which they intend to harvest, purchase, hold, and sell baitfish in, with the following exceptions:

7.7.1.1 Baitfish may be purchased from a fish hatchery approved by the Commissioner outside of the zone-specific dealer's baitfish zone and sold as zone-specific baitfish.

7.7.1.2 A Zone-specific baitfish dealer can be physically located outside of the baitfish zone in which they intend to sell baitfish ~~for~~ provided they hold or keep baitfish in water drawn from a secure water source as approved by the Department.

7.7.2 Zone-specific baitfish dealers shall harvest and purchase wild baitfish only from the declared baitfish zone where the baitfish they sell may be used, and such baitfish shall be offered for sale and use only in the declared baitfish zone or Restricted Water within the declared baitfish zone.

7.7.3 Zone-specific baitfish dealers may purchase wild rainbow smelt provided they meet the provisions of subsections 7.2.3 and 7.11.1 of this regulation.

7.7.4 Zone-specific baitfish dealers shall not harvest or purchase wild baitfish which are from or have been used previously on a Restricted Water nor shall they hold or keep baitfish in waters drawn from a Restricted Water.

7.7.5 The baitfish holding facilities of zone-specific baitfish dealers shall discharge to the declared baitfish zone or to a water treatment infrastructure which adequately filters and disinfects water to the satisfaction of the Department. Note that this does not relieve the baitfish dealer from compliance with all other applicable requirements.

- 7.7.6 No zone-specific baitfish dealer shall harvest baitfish by netting in seasonally closed waters as listed in 10 V.S.A App § 122 subsection 6.0, unless otherwise permitted by their commercial bait fish dealers permit. No zone-specific baitfish dealer shall operate dip nets, cast nets, or umbrella nets that exceed 51 square feet of mesh, or a seine net that exceeds 125 feet in length, for the purposes of taking fish for bait, unless otherwise permitted by their commercial bait dealers permit.
- 7.7.7 All traps, nets, baitboxes, or other holding receptacles capable of taking, holding, or keeping live baitfish in public waters shall be marked with the name, address, and telephone number of the owner and user.
- 7.7.8 No person shall commercially harvest baitfish on any ~~w~~Waterbody of the state that is defined as closed to baitfish harvest. The Department will maintain and make available a list of closed waters.
- 7.8 A commercial bait dealer shall provide to each customer at the point of sale a ~~copy of a~~ transportation receipt containing the following information: 1) A unique receipt identification number, 2) The name and telephone number of the bait dealer, 3) ~~time and~~ date of sale, 4) species purchased, 5) quantity purchased, ~~and~~ 6) baitfish zone or Restricted Water (limited to one) in which the baitfish will be used, ~~and 7) the signature of purchaser.~~
- 7.9 A transportation receipt shall be valid for 10 days from time and date of sale.
- 7.10 Receipt books shall be provided to commercial bait dealers by the Department.
- 7.11 Any holder of a commercial bait dealers permit shall maintain ~~receipts or~~ records for each lot of wholesaled hatchery-raised or wild-caught baitfish introduced into their shop. The ~~receipts or~~ records shall include: name, address and telephone number of seller (for wholesaled baitfish), and date received, species identification, and quantity purchased or harvested, for wholesaled and wild-caught baitfish. The permit holder shall retain the ~~receipts and~~ records for at least one year after the date of sale or harvest. ~~Receipts or~~ records shall be provided to the Department immediately upon request.
- 7.11.1 Any holder of a commercial bait dealers permit that purchases personally harvested wild rainbow smelt from a person shall

maintain a list of purchases which includes: name, address, telephone number, and signature of the seller, date of sale, quantity of fish purchased, and ~~W~~Waterbody of origin. Such form will be provided by the Department to the commercial bait dealer.

8.0 Approved Species of Fish for use as Bait

8.1 Approved species of baitfish:

Banded killifish *Fundulus diaphanus*
 Blacknose dace *Rhinichthys atratulus*
 Bluntnose minnow *Pimephales notatus*
 Common shiner *Luxilus cornutus*
 Creek chub *Semotilus atromaculatus*
 Eastern silvery minnow *Hybognathus regius*
 Emerald shiner *Notropis atherinoides*
 Fallfish *Semotilus corporalis*
 Fathead minnow *Pimephales promelas*
 Golden shiner *Notemigonus crysoleucas*
 Longnose dace *Rhinichthys cataractae*
 Longnose sucker *Catostomus catostomus*
 Mimic shiner *Notropis volucellus*
 Northern redbelly dace *Chrosomus eos*
 Spottail shiner *Notropis hudsonius*
 White sucker *Catostomus commersoni*

8.2 Rainbow Smelt

Rainbow smelt *Osmerus mordax* may be taken only by open-water/ice fishing by hook and line and may be commercially sold as bait.

8.3 Additional Species

The following additional fish species, or parts thereof, may be taken only by open-water/ice fishing by hook and line and used for bait only in those waters where taken and shall not be transported alive from those waters.

Bluegill *Lepomis macrochirus*
 Pumpkinseed *Lepomis gibbosus*
 Rock bass *Ambloplites rupestris*
 Yellow perch *Perca flavescens*

8.4 Lake Champlain –

In addition to subsections 8.1, 8.2, and 8.3, the following fish species, or parts thereof, may be taken only by open-water/ice fishing by hook and line in Lake Champlain and used as bait in Lake Champlain, as described in 10 V.S.A. App §122 subsection 5.0, and may not be commercially harvested or sold as bait; Alewife may only be used/possessed if dead:

Alewife *Alosa pseudoharengus*
White perch *Morone americana*

- 8.5 All other species of fish are prohibited for use as bait.

9.0 Commercial Bait Dealer Application Process

- 9.1 A person who wishes to obtain a commercial bait dealers permit shall apply to the Commissioner in writing on a form provided by the Department. The Department may require the applicant to submit such additional information as is necessary to determine that the permitted activities comply with the purposes of this regulation, including but not limited to fish health testing, and an analysis of the impact of the sale of baitfish on Vermont's fish species, fisheries, and natural ecosystems and processes.
- 9.2 If the application is deficient, the Department shall inform the applicant of the deficiencies and return the application within 30 days of receipt, along with any associated fee, to the applicant for revision and re-submission.
- 9.3 If the application is denied, the Commissioner shall, within 30 days of receipt of application, send the applicant a written denial setting forth the reasons for the denial.

10.0 Permit Compliance

- 10.1 The Permittee shall make the permit available upon request by Commissioner or Commissioner's designee. Premises and equipment used by persons to take, harvest, purchase, store, or sell in baitfish shall be accessible for inspection by the Commissioner and his or her designee. Samples for species determination or disease examination shall be provided immediately upon request.
- 10.2 Permittees shall provide the Department with additional information as requested on an annual basis or prior to the re-issuance of a new permit.

11.0 Permit Revocation

- 11.1 The Commissioner may revoke any permit for: any violation of a permit; failure to comply with this regulation; a violation of any regulations of the Board; a violation of the provisions of Part 4, Title 10, Vermont Statutes

Annotated; or if the Commissioner determines that the revocation is necessary to protect fish or fisheries of Vermont.

- 11.2 The Commissioner shall comply with all applicable requirements of 3 V.S.A. Chapter 25, related to any permit revocation.
- 11.3 Appeals of the decisions of the Commissioner are subject to the Vermont Regulations of Civil Procedure.

12.0 Waterbodies where the use of fish as bait is prohibited

The use of fish in any form whether alive or dead for bait in fishing is prohibited in:

Adams Reservoir, Woodford;
Beaver Pond, Holland;
Beck Pond, Newark;
Beebe Pond, Sunderland;
Big Mud Pond, Mt. Tabor;
Blake Pond, Sutton;
Bourn Pond, Sunderland;
Branch Pond, Sunderland;
Cary Pond, Walden;
Cow Mountain Pond, Granby;
Griffith Lake, Mt. Tabor;
Jobs Pond, Westmore;
Lake Pleiad, Hancock;
Lewis Pond, Lewis;
Little Rock Pond, Wallingford;
Martins Pond, Peacham;
Mud Pond, Hyde Park;
North Pond, Chittenden;
Notch Pond, Ferdinand;
Red Mill Pond, Woodford;
Sterling Pond, Cambridge;
South America Pond, Ferdinand;
Stratton Pond, Stratton;
Unknown Pond, Averys Gore;
Unknown Pond, Ferdinand;
West Mountain Pond, Maidstone

and any additional waters created or reclaimed by the Department. This regulation shall be posted at all waters affected.



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. § 141, Baitfish 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: 25P010

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:	25P010
Title:	10 V.S.A. App. § 141, Baitfish Rule.
Type:	Standard
Status:	Proposed
Agency:	Vermont Fish and Wildlife Board
Legal Authority:	10 V.S.A. §§ 4081- 4083
Summary:	<p>The proposed rule amendments allow for the use of larger minnow traps, allow for the transportation of personally-harvested baitfish between non-restricted waters within the same zone, modifies the requirements for personally harvested baitfish on seasonally closed waters, modifies the use of personally-harvested fish eggs for use in the same water in which they were harvested, and eliminates the administrative requirements that commercial bait sellers keep carbon copies of receipts.</p>
Persons Affected:	<p>Department staff including wardens; recreational anglers, anglers who personally harvest bait, fishing guides, and individuals who sell baitfish.</p>
Economic Impact:	<p>This proposal is not anticipated to have an economic impact, but it will make the personal harvest of baitfish, including larger baitfish, easier. This could provide a nominal economic benefit to anglers.</p>
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 date: 03-25-2025 6:30 PM [ADD TO YOUR CALENDAR](#)
 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 date: 03-27-2025 6:30 PM [ADD TO YOUR CALENDAR](#)
 Location: Rutland High School
 Address: 22 Stratton Rd.
 City: Rutland
 State: VT
 Zip: 05701
 Hearing Notes:

Information for Hearing # 4

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

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

Address: 1 National Life Drive - Davis 2
City: Montpelier
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
Name: Eric Palmer
Agency: Department of Fish and Wildlife, Agency of Natural Resources
Address: 1 National Life Drive
City: Montpelier
State: VT
Zip: 05620-3208
Telephone: 802-535-7635
Fax: 802-828-1250
Email: eric.palmer@vermont.gov

[SEND A COMMENT](#)

Keyword Information

Keywords:

Fishing
Fish
Baitfish
Commercially Purchased Baitfish
Baitfish Endorsement
Restricted Water

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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
	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

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.

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.)