

Instructions:

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. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities

_____, on _____
(signature) (date)

Andrea Shortsleeve, Interim Commissioner
Vermont Department of Fish and Wildlife

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

Secretary, Vermont Fish and Wildlife Board

1. TITLE OF RULE FILING:
10 V.S.A. App. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities
2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
25P 011
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 Department of Fish and Wildlife, Agency of Natural Resources
Mailing Address: 1 National Life Drive, Davis 2, Montpelier, Vermont 05620
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: Nick Fortin
Agency: Department of Fish and Wildlife, Agency of Natural Resources
Mailing Address: 271 North Main Street, Suite 215 Rutland, Vermont 05701
Telephone: 802-786-0040 Fax: 802-828-1250
E-Mail: nick.fortin@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; 10 V.S.A. § 4082.

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

10 V.S.A. § 4081 authorizes the Fish and Wildlife Board to regulate the fish and wildlife of Vermont, acknowledging that 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 statute also states that an abundant, healthy deer herd is a primary goal of fish and wildlife management. In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the regulated species.

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

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

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE 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 change is a technical correction amending every reference to "deer and elk" to "cervids." The Final Proposed rule also creates a regulatory exemption for in-state farm facilities subject to regulation by the Agency of Agriculture, Food, and Markets.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

"Cervid" is a broader term referring to any species in the family Cervidae. It includes moose as well as other deer species in addition to deer and elk; these species may be hunted in captivity and are susceptible to chronic wasting disease and should be protected under the rule. The exemption for certified in-state facilities is necessary to allow those farm facilities to slaughter animals in accordance with the requirements of the Agency of Agriculture, and eliminates inconsistency between the Agency's regulations.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule is within the Board's authority to manage and regulate fish and wildlife, and is supported by information making clear that all cervids are susceptible to chronic wasting disease.

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

Board and Department personnel, any hunter hunting in a state or province with CWD, hunters visiting out-of-state captive hunting facilities.

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

The rule is a correction of terminology, and 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: 5/6/2025

Time: 6:30 PM

Street Address: Winooki Middle and High School, 60 Normand St., Winoski VT

Zip Code: 05404

URL for Virtual:

Date: 5/8/2025
Time: 06:30 PM
Street Address: Springfield High School, 303 South St.,
Springfield, VT
Zip Code: 05156
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

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

5/25/2025

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

Chronic Wasting Disease

CWD

Deer

Elk

Cervids

Captive hunting facilities

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. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities

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:

Board and Department personnel will be responsible for implementing and enforcing the requirements of the rule, including application to moose and other cervids.

Hunters harvesting cervids in any state or province where CWD has been detected, and in chronic wasting

disease endemic areas, or captive hunt or out-of-state farm facilities, will be subject to the import and possession requirements of the rules. The economic impact on hunters will be negligible. The rules do not prohibit hunting in out of state facilities, they simply require compliance with processing requirements before bringing animal carcasses into Vermont.

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 proposed rule changes 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 proposed rule changes will not have an impact on schools.

6. **IMPACT ON SMALL BUSINESSES:**

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

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

8. **COMPARISON:**

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

No rule change would result in continued ambiguity around the applicability of carcass import regulations

to moose, potentially resulting in unregulated carcass import from states and provinces with CWD.

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

The analysis considered all available and relevant information.

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. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities

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 change 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 change will not impact water quality.

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

The proposed rule change will not impact land use.

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

The proposed rule change will not impact recreation in the State. The objective of the rule is to prevent the spread of chronic wasting disease to Vermont. Should CWD reach Vermont, it would have a significant detrimental impact on the health of deer herd, and subsequently recreational hunting activities.

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

The proposed rule change will not impact climate in the State.

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

The proposed rule change is intended to clarify the application of carcass import requirements to all cervids, in order to prevent the spread of chronic wasting disease to Vermont. Chronic wasting disease is a fatal neurological disease that affects all cervids, and preventing its spread to Vermont is critical to maintaining healthy and abundant deer and moose populations.

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

The analysis reviewed all available and relevant information.

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. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities

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 two public hearings on the rule as well as public meetings held early in the public comment period, and have a public comment period that exceeds thirty days. The proposed rule language was posted on the Board's rulemaking website on February 22nd, 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.

§ 17. Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities

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

1.2 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the regulated species and other necessary or desirable species which are related to the regulated species.

1.3 This rule applies to importation and possession of cervid carcasses or the parts thereof, from chronic wasting disease endemic areas and captive hunt or farm facilities.

1.4 This rule shall apply to all persons who import, possess, transport, use, or deal with cervid carcasses, or parts thereof, from chronic wasting disease endemic areas and captive hunt or farm facilities.

1.5 For the purposes of this rule, “cervid” means any species in the family Cervidae.

2.0 The purpose of this rule is to:

- (a) ensure the conservation of the wildlife in the State, and
- (b) maintain the best health of native Cervidae of the State, and
- (c) prevent the introduction or spread of a disease that is potentially harmful to humans and wild species.

3.0 Permitted Activities and Restrictions

3.1 The importation or possession of cervid carcasses, or the parts thereof, from chronic wasting disease endemic areas and captive hunt or farm facilities is prohibited except as provided below:

- (a) Meat that is cut up and packaged, and not mixed with other cervids during processing.
- (b) Meat that is boneless.
- (c) Hides or cape with no part of the head attached.
- (d) Clean skull-cap with antlers attached.

(e) Antlers with no other meat or tissue attached.

(f) Finished taxidermy heads.

(g) Upper canine teeth with no tissue attached.

3.2 All hunters shall identify their cervid with their hunting license information in accordance with Title 10 App. § 2a (Big Game; Tagging).

4.0 Chronic Wasting Disease Endemic Areas

The Department shall provide a list of chronic wasting disease endemic areas and shall update the list as areas are added or deleted. The list shall be available on the Department's web site, from the Department's headquarters and from the Department's district offices. The list shall also be made available to the media as much as practicably possible to provide maximum notice to the public.

5.0 Captive Hunting or Farm Facilities Defined.

5.1 Captive Hunting Facilities are any facilities with captive cervids held in a fenced or walled enclosure for the purpose of taking by hunting.

5.2 Farm Facilities are any facilities with captive cervids held in a fenced or walled enclosure and are raised for meat, hides, antlers or other products. For the purposes of this rule, farm facilities do not include facilities located in Vermont that are in compliance with the provisions of the Agency of Agriculture, Food and Markets Rules Governing Captive Cervidae.

§ 17. Rule governing the importation and possession of ~~deer or elk~~cervids from chronic wasting disease endemic areas and captive hunt or farm facilities

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

1.2 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the regulated species and other necessary or desirable species which are related to the regulated species.

1.3 This rule applies to importation and possession of ~~deer or elk~~cervid carcasses or the parts thereof, from chronic wasting disease endemic areas and captive hunt or farm facilities.

1.4 This rule shall apply to all persons who import, possess, transport, use, or deal with ~~deer or elk~~cervid carcasses, or parts thereof, from chronic wasting disease endemic areas and captive hunt or farm facilities.

1.5 For the purposes of this rule, “cervid” means any species in the family Cervidae.

2.0 The purpose of this rule is to:

- (a) ensure the conservation of the wildlife in the State, and
- (b) maintain the best health of native ~~cervidae~~Cervidae of the State, and
- (c) prevent the introduction or spread of a disease that is potentially harmful to humans and wild species.

3.0 Permitted Activities and Restrictions

3.1 The importation or possession of ~~deer or elk~~cervid carcasses, or the parts thereof, from chronic wasting disease endemic areas and captive hunt or farm facilities is prohibited except as provided below:

- (a) Meat that is cut up and packaged, and not mixed with other ~~deer or elk~~cervids during processing.
- (b) Meat that is boneless.
- (c) Hides or cape with no part of the head attached.

(d) Clean skull-cap with antlers attached.

(e) Antlers with no other meat or tissue attached.

(f) Finished taxidermy heads.

(g) Upper canine teeth with no tissue attached.

3.2 All hunters shall identify their ~~deer and elk~~cervid with their ~~non-resident~~ hunting license information in accordance with ~~section Title 10 App. § 2a (Big Game; Tagging)~~of this title.

4.0 Chronic Wasting Disease Endemic Areas

The Department shall provide a list of chronic wasting disease endemic areas and shall update the list as areas are added or deleted. The list shall be available on the Department's web site, from the Department's headquarters and from the Department's district offices. The list shall also be made available to the media as much as practicably possible to provide maximum notice to the public.

5.0 Captive Hunting or Farm Facilities Defined.

5.1 Captive Hunting Facilities are any facilities with captive ~~deer or elk~~cervids held in a fenced or walled enclosure for the purpose of taking by hunting.

5.2 Farm Facilities are any facilities with captive ~~deer or elk~~cervids held in a fenced or walled enclosure and are raised for meat, hides, antlers or other products. **For the purposes of this rule, farm facilities do not include facilities located in Vermont that are in compliance with the provisions of the Agency of Agriculture, Food and Markets Rules Governing Captive Cervidae.**



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

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

Members Present: Chair Nick Kramer, Diane Sherman, Jared Adler, Jennifer Mojo, Michael Obuchowski and Natalie Weill

Members Absent: Nicole Dubuque and John Kessler

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of [minutes](#) from the February 10, 2025 meeting.
- Agenda approved as drafted apart from moving the Supervised Billing proposed rule to be presented first.
- No public comments made.
- Presentation of Proposed Rules on pages 2-6 to follow.
 - 1) Supervised Billing, Agency of Human Services, page 2
 - 2) 10 V.S.A. App. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board, page 3
 - 3) 10 V.S.A. App. § 22, Turkey Seasons Rule, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board, page 4
 - 4) 10 V.S.A. App. § 33, Moose Management Rule, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board, page 5
 - 5) 10 V.S.A. App. § 37 Deer Management Rule, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board, page 6
- Other business: Revisit 2024 draft ICAR guidance document after legislative session. A suggested subcommittee of Diane, Natalie and John could incorporate any necessary edits as an outcome of a publicly warned future meeting.
- Next scheduled meeting is April 14, 2025 at 2:00 p.m.
- 3:11 p.m. meeting adjourned.

Proposed Rule: Supervised Billing, Agency of Human Services

Presented By: Grace Johnson

Motion made to accept the rule by Mike Obuchowski, seconded by Jared Adler, and passed unanimously except for Natalie Weill who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #7: Consider rewording – potentially removing the first sentence and including the appropriate statute.
 - b. #8: Distinguish this proposed rule as one of a larger subset known as the Health Care Administrative rules and this rule is on supervised billing and clarifies what it does.
 - c. #12: Explain why there isn't an impact.
2. Economic Impact Analysis, #3: Coincide with #10 of the Proposed Filing – Coversheet and provide clarification that there aren't additional costs due to it already being in practice.

DRAFT

Proposed Rule: 10 V.S.A. App. § 17, Rule governing the importation and possession of cervids from chronic wasting disease endemic areas and captive hunt or farm facilities, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board

Presented By: Hannah Smith and Nick Fortin

Motion made to accept the rule by Diane Sherman, seconded by Natalie Weill, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Remove ‘technical correction’ language if appropriate.
 - b. #9: Insert a parenthetical reference (CWD) for ‘chronic wasting disease’.
 - c. #13 & 14: Update per Hannah’s comment that hearings have been scheduled.
2. Economic Impact Analysis #5: Capitalize ‘the’.
3. Environmental Impact Analysis #6: Include any applicable positive impacts.
4. Public Input Maximization Plan #3: In the last sentence, clarify that it’s the proposed rule amendment or proposed rule language that will be posted.

Proposed Rule: 10 V.S.A. App. § 22, Turkey Seasons Rule, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board

Presented By: Hannah Smith and Toni Mikula

Motion made to accept the rule by Diane Sherman, seconded by Natalie Weill, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #13 & 14: Update per Hannah’s comment that hearings have been scheduled.
2. Economic Impact Analysis #9: Correct spelling of ‘dall’ to ‘fall’.
3. Environmental Impact Analysis:
 - a. #5 and #8: Change case of first word to uppercase.
 - b. #9: Include clarification around harvest data. Add a period at the end of the last sentence.
4. Public Input Maximization Plan #3: In the last sentence, clarify that it’s the proposed rule amendment or proposed rule language that will be posted.

DRAFT

Proposed Rule: 10 V.S.A. App. § 33, Moose Management Rule, Agency of Natural Resources,
Department of Fish and Wildlife, Fish and Wildlife Board

Presented By: Hannah Smith

Motion made to accept the rule by Diane Sherman, seconded by Natalie Weill, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Correct spelling of 'langauge'.
 - b. #13 & 14: Update per Hannah's comment that hearings have been scheduled.
2. Economic Impact Analysis: For consistency, choose to use either "nominal" or "negligible" if the intent is to quantify as too small to be measurable or meaningful.
3. Environmental Impact Analysis #8: Include any potential favorable impacts.
4. Public Input Maximization Plan #3: In the last sentence, clarify that it's the proposed rule amendment or proposed rule language that will be posted.

DRAFT

Proposed Rule: 10 V.S.A. App. § 37 Deer Management Rule, Agency of Natural Resources, Department of Fish and Wildlife, Fish and Wildlife Board

Presented By: Hannah Smith

Motion made to accept the rule by Diane Sherman, seconded by Natalie Weill, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Spell out 'WMU' before parenthetical.
 - b. #12: Include 'favorably' when referring to 'should reasonably impact business...'.
 - c. #13 & 14: Update per Hannah's comment that hearings have been scheduled.
2. Public Input Maximization Plan #3: In the last sentence, clarify that it's the proposed rule amendment or proposed rule language that will be posted.
3. Scientific Information Statement #5: Include an option to obtain a hard copy as well.

DRAFT

Responsiveness Summary

for

Public Comments Received
on proposed changes to

10 App. V.S.A. § 17

**Rule governing the importation and possession of
deer or elk from chronic wasting disease endemic
areas and captive hunt or farm facilities**



Vermont Fish and Wildlife Department
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3208
802-828-1000

Introduction

On February 19, 2025, the Vermont Fish and Wildlife Department (VFWD) presented proposed changes to 10 App. V.S.A. § 17 and other big game rules to the Vermont Fish and Wildlife Board (Board). The Board gave initial approval to the proposed changes and voted to begin rulemaking. Following review by the Interagency Committee on Administrative Rules on March 10th, notice of the draft rule was posted by the Secretary of State on March 27, 2025.

The proposed update to 10 App. V.S.A. § 17, rule governing the importation and possession of deer or elk from chronic wasting disease endemic areas and captive hunt or farm facilities, replaced the words “deer or elk” with the term “cervid” and provided a definition for that term. This update reflects current scientific understanding that chronic wasting disease can affect any species of cervid, not just deer and elk.

VFWD began accepting public comment immediately following the February 19 Board meeting, and comments were due by May 25, 2025. This provided 95 days for the public to comment, including 60 days after the rule was published by the Secretary of State. Additionally, VFWD held 5 public hearings at the dates and locations listed below. These hearings were combined with annual hearings required by 10 V.S.A. § 4081 and 10 App. V.S.A. § 2b to maximize public participation.

- March 17, Mt. Anthony Union High School, Bennington, VT
- March 18, Lakes Region High School, Orleans, VT
- March 20, Union 32 Middle & High School, Montpelier, VT
- May 6, Winooski Middle & High School, Winooski, VT
- May 8, Springfield High School, Springfield, VT

Approximately 295 members of the public participated in these hearings. Comments on this rule were provided by 195 hearing participants (see **Appendix A**). Two additional comments were received by email (see **Appendix B**).

The VFWD has prepared this responsiveness summary to address the comments that were received on the draft *rule governing the importation and possession of deer or elk from chronic wasting disease endemic areas and captive hunt or farm facilities*. Comments have been grouped by topic to simplify responses. All individual comments are provided in the appendices.

Comments

Comment 1: This rule makes it difficult for Vermont hunters who also hunt New York.

Response: This comment relates to the existing rule, not the proposed changes to the rule.

New York and Quebec are currently the only jurisdictions bordering Vermont that have detected Chronic Wasting Disease (CWD). Many Vermont hunters travel to neighboring jurisdictions to hunt, but New York is the one most affected by this rule.

VFWD understands the additional burdens created by this rule. Unfortunately, the use of political boundaries is necessary for both simplicity and enforceability of the rule. Given the nature of CWD and its potential impacts on Vermont's native cervid populations, we need to do everything we can to keep it out of Vermont.

Comment 2: This rule is poorly enforced/difficult to enforce. How is this rule enforced?

Response: This comment relates to the existing rule, not the proposed changes to the rule.

As with most Fish and Wildlife rules, or other laws, enforcement requires catching a person violating the rule. In this case, a person would be in violation of this rule if they were found in possession of a cervid carcass, or prohibited parts thereof, that originated from a jurisdiction that had detected CWD. This could occur at any time after the carcass or parts are brought into Vermont. Fish and Wildlife wardens issue multiple citations each year for violations of this rule.

VFWD attempts to educate hunters on the risks of CWD to encourage compliance with this rule.

Comment 3: Don't include Maine or New Hampshire.

Response: This concern is presumably related to Maine and New Hampshire being the other northeast states where someone could hunt moose. The proposed change to this rule would include moose, and all other cervids, in the import restriction. However, neither Maine nor New Hampshire have detected CWD, so importation from those states would not be restricted until that status changes.

Appendix A: Public Hearing Feedback

Bennington:

- Number that left question blank/no comment: 22 out of 64
- Yes/Support (x20 similar responses)
- No (x9 similar responses)
- It would not effect me.
- Nothing really changing.
- Good. No changes.
- Don't like it. Very difficult being so close to NY.
- Should not have it so close to NY, what if the deer cross from NY into VT.
- Border crossing.
- I believe it should be, but needs better enforcement.
- Not Maine or NH.
- How many cases are there.
- "Stupid."
- Definitely in favor.
- Agree-no issues.
- Keep it as it is-keep our heard safe.
- Well supported.
- How is this enforced?
- Agree, it is important to prevent the spread of CWD, easier to prevent than treat
- Don't agree with it at all.
- I hunt NY and wish it would change back to bringing them into the state. It's a law that's hard to enforce. It only hurts the guys that actually follow it.
- Disagree with this rule.
- Doesn't matter.
- No issues.

Orleans:

- Number that left question blank/no comment: 16 out of 51
- Yes/Support (x31 similar responses)
- Have the same laws other states have.
- Increase regulation to prevent CWD.
- Expand to 2 Cervids.
- Hard to enforce this rule.

East Montpelier:

- Number that left question blank/no comment: 7 out of 58
- Yes/Support (x37 similar responses)
- 100% support, anything we can do to keep CWD out.
- Good, should not let any of them into the state.
- Makes sense, more protective is good. Interest about CWD and requirements.
- Anything we can do to protect VT's deer herd from CWD, I support, including captive breeding of cervids.
- NY only & Canda and NOT Maine or N.H.

- I think these changes make sense to try and slow the spread of CWD into Vermont.
- It's about time, mostly housekeeping.
- Good, has to be consistent.
- I agree with no importation of full carcass from CWD states.
- Support!!! This is extremely important for our deer herd.
- Good idea. People are used to these rules it seems.
- I think this is a good idea to regulate how deer and moose are brought in from states with CWD. We shouldn't give CWD any chances to get into our state.
- I'm in support of anything that protects the Vermont cervid herds from CWD (or other illnesses).

Winooski:

- Number that left question blank/no comment: 10 out of 40
- Yes/Support (22 x similar responses)
- When comes field dress deer after kill hunters should have trash bag with them in car or in jackets or pants pockets. That way don't leave waste in the woods putting in trash bag, ho it dumber local dumb.
- Don't like it.
- Overreacting to a problem by including some states that only had issues in captive herds. No reason I can't bring back carcass from upstate NY.
- Ok-been bringing elk in for 15 years, all processed.
- It will make it much more difficult to bring the meat back, but I guess I understand. I hunt for meat as well.
- Support but do not include Maine and NH.
- Very good. This must be managed carefully before CWD arrives in VT.
- Prob. a good idea. Causes challenge for out of state hunters.
- No
- No big deal.
- Expand to all to keep disease away.
- It makes sense for the herd.

Springfield:

- Number that question left blank/no comment: 8 out of 34
- Yes/Support (11 x similar responses)
- Many state already do this and if one is driving they will pay the price in these states.
- Do not include Maine and NH.
- This regulation is needed for our herd protection.
- Hunt is NH. Carcass still ok to bring in VT.
- If it will help.
- Think its fine to stop spread and protect herd.
- Won't bother me unless NH become a problem area.
- I think that's a good idea we don't want that disease here.
- Not sure.
- Cover all your bases.
- It will help with keeping out the disease.
- Excellent idea. Love the wording change.
- An update to rules to reflect a greater understanding of affected species makes sense.

- How do you regulate this? We need to curb CWD.
- Fine-protect our herd.

Appendix B: Other Feedback

Sent: Sunday, May 25, 2025 11:03 PM

To: ANR - FW Public Comment

Subject: Proposed Changes to Deer, Moose, Turkey and Importation Regulation!!

To; Fish and Wildlife Dept and Fish and Wildlife Board.

I do not support harvesting of does during the 16 day regular Rifle deer season.

I do support the taking of does in over populated areas in other season, but not in wmu E1, E2 and D2.

Never has been a over population of does in these three wmu's

You're Just as apt to see a buck as you are a doe!!

Importation Rules: please don't include Maine or NH in this proposed Rule Change.

I would like to see Vermont go back to the "Two-Buck Rule" and have to take a doe to get your 2nd Buck!!

Thank you

The Vermonter

Bert Saldi

Sent: Friday, February 28, 2025 1:35 AM

To: ANR - FW Public Comment

Subject: Turkey, moose and deer

To Whom It May Concern:

Turkeys,

Under "TITLE 10 APPENDIX CHAPTER 1. GAME Subchapter 1. General Provisions § 22. Turkey Seasons", it states "6.2 Only number 2 through number 8 shot shall be used or possessed." I would remind the board that a lot of people I know hunt with .410 use #9 shot with TSS loads. Current Vermont Law states, "only number 2 and smaller shot shall be used or possessed." Error or a change?

4.2 Shooting hours: One-half hour before sunrise to twelve noon.

QUESTION? Why can't we hunt till 5 pm?

All other sections I agree with in regards to changes for turkeys.

10 V.S.A. Appendix §17 Cervid Carcass Importation Rule – Annotated. I totally agree!

Moose,

Regarding # 1. Updating language related to permit allocations to veterans and the auction so it is consistent with statute. This rule hasn't been updated since statute was changed in 2019. I agree.
2. Adding language to allow Special Opportunity Permit holders to choose to hunt during the archery season with a gun. This is in response to a petition requesting this change. This is accomplished by creating a "Special Opportunity Season" solely for these permit holders that is concurrent with the archery season, avoiding complications of allowing guns to be used during an archery season. I disagree with
3. Extending the length of the regular season from six days to nine days. I agree with.

DEER,

3.4.3 "Bait": For the purposes of this regulation, 'bait' is defined as any animal, vegetable, fruit or mineral matter placed with the intention of attracting wildlife. Natural and artificial scents and lures that are not prohibited under Section 14 of this regulation and are not designed to be consumed by eating or licking shall not be bait for the purposes of this rule.

Will this change the use of food plots where vegs and or fruit is grown for animal use only? If this passage ends food plots then no I don't agree.

4.3 No person may purchase or possess more than two antlerless deer permits at one time, only one of which may be acquired pursuant to subsection 4.2(a) or (b) of this section. No person may purchase or possess more than one antlerless deer permit for an individual wildlife management unit at one time. A person may purchase additional antlerless deer permits after the person has harvested an antlerless deer.

I disagree with is section.

(b) A person shall be allowed to take one additional buck, not to exceed the annual limit of four white-tailed deer, provided they have: (1) Purchased a second buck tag, (2) Previously taken and reported an antlerless deer in the current year, and (3) Previously taken and reported an antlered buck in the current year that had at least one antler with 3 or more antler points. 5.2 No person shall take deer in a WMU unless they are licensed, permitted or explicitly authorized to do so by the Board rules, or procedures adopted in accordance with 10 V.S.A § 4082 (c).

Will this extra buck tag be allowed by any methods? So, If I shoot an antlerless deer and then shoot a deer with three points on one side during muzzleloaders would I be able to buy another buck tag for the muzzleloader season? Erase muzzleloaders and replace with bow or compound. Same rules apply? Or was this for regular deer season only?

All other measures that the board has come forward with regarding deer management for 2026 I agree with.

Thank you for your time,
Sincerely,
Jeremy Ayotte
Fletcher Vermont