

§ 35. Spring Snow Goose Conservation Order

1.0 Authority

- 1.1 This rule is adopted pursuant to 10 V.S.A. §4081(a). In adopting this rule, the Fish and Wildlife Board is following the policy established by the General Assembly that the protection, propagation, control, management, and conservation of fish, wildlife and fur-bearing animals in this state is in the interest of the public welfare and that the safeguarding of this valuable resource for the people of the state requires a constant and continual vigilance.
- 1.2 The Board's authority to permit the taking of migratory game birds is found at 10 V.S.A. § 4082(b) and at 50 CFR, Parts 20 and 21.

2.0 Purpose

The purpose of this regulation is to establish a Spring Conservation Order for harvesting of snow and Ross' geese. The United Fish and Wildlife Service has issued a Conservation Order with the intent to decrease the population of light geese due to an overabundance of these species. Specifically, "[v]arious populations of light geese (greater and lesser snow geese and Ross's geese) have undergone rapid growth during the past 30 years, and have become seriously injurious to their habitat, habitat important to other migratory birds, and agricultural interests. The U.S. Fish and Wildlife Service believes that several of these populations have exceeded the long term carrying capacity of their breeding and/or migration habitats and must be reduced." The USFWS has set "forth regulations that authorize measures to increase harvest of certain populations of light geese." This rule implements this directive.

3.0 Definitions

- 3.1 "Daily bag limit" means the maximum number of geese permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.
- 3.2 "Possession limit" means the number of geese permitted to be possessed by any one person when lawfully taken in the state for which a possession limit is prescribed.
- 3.3 "Commissioner" means the Commissioner of the Vermont Fish and Wildlife Department.
- 3.4 "Conservation order" means a special management action that is needed to control certain wildlife populations when traditional management programs are unsuccessful in preventing overabundance of the population.
- 3.5 "Department" means the Vermont Fish and Wildlife Department.
- 3.6 "Light goose" refers collectively to greater and lesser snow geese and Ross's geese.

- 3.7 “Legal means” means the taking by the means described in Section 8.0 of this rule.
- 3.8 “Permit” means a document issued by the Department authorizing the taking of snow geese.

4.0 Species Subject to the Conservation Order

Greater snow (*Chen caerulescens atlantica*), lesser snow (*C. c. caerulescens*), and Ross's (*C. rossii*) geese that breed, migrate, and winter in North America.

5.0 Open Season

- 5.1 Season Dates: March 11 – Friday before Youth Turkey Hunting Weekend, annually.

6.0 Bag Limits and Possession Limits

- 6.1 Daily Bag Limit: 15 geese
- 6.2 Possession Limit: No limit

7.0 License and Stamp Requirements

- 7.1 Any person harvesting geese under this rule shall:
- a) Possess and carry a valid Vermont State Hunting License;
 - b) Possess and carry a valid Vermont Migratory Waterfowl Stamp;
 - c) Possess and carry a valid Federal Migratory Bird Hunting Stamp;
 - d) Possess and carry a valid Vermont Snow Goose Conservation Order Permit; and
 - e) Possess and carry proof of Harvest Information Program (HIP) Registration.

8.0 Hunting Methods

- 8.1 Light geese on which open seasons are prescribed in this section may be taken by any method except those prohibited in this section. No person shall take migratory game birds:
- a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machinegun, fish hook, poison, drug, explosive, or stupefying substance;
 - b) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

- c) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind, except that paraplegics and persons missing one or both legs may take from any stationary motor vehicle or stationary motor-driven land conveyance;
- d) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: Provided, That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power;
- e) By the use or aid of live birds as decoys; although not limited to, it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless such birds are and have been for a period of 10 consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl;
- f) By means or aid of any motor-driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or
- g) By the aid of baiting, or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on, or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed whatsoever capable of luring, attracting, or enticing such birds is directly and indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:
 - i) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested croplands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and
 - ii) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: Provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed

once it has been removed from or stored on the field where grow.

8.2 Non-Toxic Shot

- a) No person shall take light geese while possessing loose shot or shot shells loaded with shot other than nontoxic shot.
- b) Approved nontoxic shots include: steel, bismuth/tin, tungsten/iron, tungsten/polymer, tungsten/matrix, tungsten/nickel/iron, tungsten/iron/nickel/tin, tungsten/bronze, tungsten/tin/bismuth, tungsten/iron/copper/nickel, tungsten/tin/iron, or other shot approved by the U.S. Fish and Wildlife Service.

8.3 Allowed Specials Measures

Notwithstanding the provisions of T. 10 App. § 23, the following special measures may be used when harvesting light geese under this rule:

- a) Unplugged shotguns (that can accommodate more than three shells);
- b) Electronic calls.

9.0 Shooting Hours

Notwithstanding the provisions of T. 10 App. § 23, the legal shooting hours under this rule are: one-half hour before legal sunrise to one-half hour after legal sunset.

10.0 Wanton waste of migratory game birds

No person shall kill or cripple any migratory game bird pursuant to this rule without making a reasonable effort to retrieve the bird, and retain it in his or her actual custody, at the place where taken or between that place and either (a) his or her automobile or principal means of land transportation; or (b) his or her personal abode or temporary or transient place of lodging; or (c) a migratory bird preservation facility; or (d) a post office; or (e) a common carrier facility.

11.0 Other Applicable Laws

- 11.1 All other federal and state laws and regulation relevant to the harvesting of light geese, including: importation, possession, custody, tagging, sale of parts and eggs apply unless otherwise stated herein.
- 11.2 No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any act of Congress or any regulation issued pursuant thereto.
- 11.3 No person shall at any time, by any means or in any manner, take, possess, transport, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any state.

12.0 Suspension

If the Director of the U.S. Fish and Wildlife Service suspends the Conservation Order, this Rule is automatically suspended.