

To: Members of the Board
From: Louis Porter, Commissioner Department of Fish and Wildlife
Date: April 20, 2018
In re: 2018 Vermont Moose Hunt Final Department Proposals

In February of 2018, the Department's Big Game Team presented the Board with a recommendation for the issuance of 14 permits for bulls only, to be split between WMU E1 and E2. After considering the relevant statutory and rule provisions, public input and biological data regarding the moose herd, the Department offers the following two proposals for the Board's consideration. The relevant statutory and rule provisions are set forth in this document.

OPTION 1): 8 Total permits + 5 for auction for a total of 13 issued for the season

- 5 for Vermont Veterans as required by statute
- 5 for Auction as required by Board Regulation
- 3 Special Opportunity Permits (Hunt of a Lifetime) in addition to the total approved by the Board
- No Lottery (bonus points will be preserved) for Archery Season or Regular October Season
- All permits for Bull Moose only
- Only E1 and E2
- Winning Permittees must select which WMU they wish to hunt.

OPTION 2): 0 Total Permits Issued for both seasons. No moose hunt.

- No auction
- No lottery
- Bonus points will be preserved for both archery season and regular season.
- No Special Opportunity or Hunt of a Lifetime permits issued.

BACKGROUND:

The authority and parameters for issuing moose hunting permits come from both statute and Board rule. Some of the statutes have led to rulemaking, some have not. The bulk of the rules surrounding the moose hunt in Vermont are contained in the Fish and Wildlife Board's Moose Hunting Rule located at Title 10 V.S.A. Appendix § 33. There are several issues and constituent groups for the Board to consider in approving a moose hunting season, including:

- Biological Data regarding Moose
- Vermont Veterans

- Special Opportunity Permits
- Auction
- Lottery and Bonus Points
- Archery or Regular Season Taking
- Non-Resident Hunters

SUMMARY:

- Vermont Veterans—If there is a moose hunt, five permits must be set aside for Vermont resident veterans of the armed forces.
- Auction—There is a conflict between the language of the statute and the regulation concerning how many permits must be set aside for an auction.
 - Statute: “If the Board establishes a moose hunting season, up to five moose permits shall be set aside to be auctioned.”
 - Regulation: “Five moose permits shall be set aside to be issued by auction.”
- Special Opportunity—If the Board authorizes a moose hunt, the Commissioner may issue three no-cost permits to a person who has a life-threatening disease or illness. At least one of those no-cost permits must be issued to a child or young adult age 21 or under.
- Lottery—There is no minimum or maximum number of permits that must be allocated to the general lottery.
- Non-Residents—The Moose Management rule states that 10% of the moose hunting permits may be issued to non-resident hunters.
- Archery—The Moose Management Rule states that there shall be two moose seasons annually, one for archery one for regular/traditional.

RELEVANT STATUTES LAW AND REGULATIONS (HIGHLIGHTED)

VETERANS

Statute:

- **10 V.S.A §4254 (i)(2)**—If the Board establishes a moose hunting season, there shall be established a program to set aside five moose permits for Vermont residents who have served on active duty in any branch of the U.S. Armed Forces provided that he or she has not received a dishonorable discharge. The Department of Fish and Wildlife shall adopt a procedure to implement the set-aside program for the veterans including a method to award applicants preference points and a method by which veterans who applied for but failed to receive a permit in one hunting season are awarded priority in the subsequent moose hunting season. The procedure adopted under this subdivision shall be consistent with the preference system for the subdivision (1) of this subsection. Veterans awarded a moose permit under this subsection must possess a valid Vermont hunting or combination license in order to purchase a moose permit. The Department of Fish and Wildlife shall coordinate with the Office of Veterans Affairs to provide notice to eligible veterans of the moose permits set-aside under this subsection.

Regulations:

- **10 V.S.A. §33, 16.0—Special Priority for Eligible Vermont Veterans**
 - 16.1 Pursuant to 10 V.S.A. § 4254, eligible for Vermont veterans will receive special priority drawing in the regular moose season lottery drawing.
 - 16.2 A total of five (5) regular season permits will be allocated for this special priority drawing. These five permits will be included in the total permits authorized by separate Board Rule.
 - 16.3 Vermont residents who qualify for the special priority drawing must submit a complete application approved by the Department. A person applying for the special priority drawing permits must have marked the appropriate box on the application indicating that they comply with the provisions of this section.
 - 16.4 Vermont residents who qualify for the special priority drawing and who are not drawn for a moose permit in that special priority drawing shall be entered into the subsequent regular drawing.
 - 16.5 Vermont residents who qualify for the special priority drawing and who do not receive a moose permit shall be awarded preference points for the subsequent special priority drawing.

AUCTION

Statute:

- **10 V.S.A §4254 (i)(1)**—If the Board establishes a moose hunting season, up to five moose permits shall be set aside to be auctioned. The moose permits set aside for auction shall be in addition to the number of annual moose permits authorized by the Board. The Board shall adopt rules necessary for the Department to establish, implement, and run the auction process. The Commissioner annually may establish a minimum dollar amount of not less than \$1,500.00 for any winning bid for a moose permit auctioned under this subdivision. Proceeds from the auction shall be deposited in the Fish and Wildlife Fund and be used for conservation education programs run by the Department. Successful bidders must have a Vermont hunting or combination license in order to purchase a moose permit.

Regulation (Moose Management Rule):

- **10A V.S.A. §33, 17.0 – Moose Permit Auction**
 - 17.1 Pursuant to 10 V.S.A. § 4254 (i), five moose permits shall be set aside to be issued by auction. These permits are in addition to the permits authorized by separate Board rule.
 - 17.2 Complete bids must be received by the Department’s central office prior to the deadline established by the Department.
 - 17.3 Permits will be awarded to individuals that submit the five (5) highest bids. Individuals submitting the next five (5) highest bids will be eligible, in order of decreasing bid value, to receive a permit if higher-ranked bidders do not submit payment within 15 calendar days following notification.
 - 17.4 An individual may submit more than one bid; however he/she may only receive one moose permit. If an individual submits multiple bids, only the highest value bid will be included in the auction as an official bid.
 - 17.5 Once notified of winning a moose permit, successful bidders have 15 calendar days to submit their bid payment, and to indicate; the season they will hunt in; the Wildlife Management Unit they will hunt in, and their Subpermittee, if any.
 - 17.6 If an individual receives a moose permit from the regular moose lottery or archery moose lottery, and is also a successful auction bidder, the person may choose either permit. Should a person choose the regular moose lottery permit or the archery moose lottery permit, the bid

amount will be refunded and the next highest unsuccessful bidder will be offered the auction permit.

- 17.7 Individuals who have held a valid moose permit acquired by the regular or archery moose lotter or auction are ineligible from participating in the moose permit auction for five years.

SPECIAL OPPORTUNITY

Statute:

- **10 V.S.A. §4255 (j)**—If the Board determines that a moose season will be held in accordance with the rules adopted under sections 4082 and 4084 of this title, the Commissioner annually may issue three no-cost moose licenses to a person who has a life-threatening disease or illness who is sponsored by a qualified charitable organization, provided that at least one of the no-cost annual moose licenses awarded each year shall be awarded to a child or young adult age 21 years of age or under who has a life-threatening illness. The child or adult shall comply with all other requirements of this chapter and the rules of the Board. Under this subsection, a person may receive only one no-cost moose license in his or her lifetime. The Commissioner shall adopt rules in accordance with 3 V.S.A. Chapter 25 to implement this subsection. The rules shall define the child or adult qualified to receive the no-cost license, shall define a qualified sponsoring charitable organization, and shall provide the application process and criteria for issuing the no-cost license.

PERMIT ALLOCATION

Regulation (Moose Management Rule):

- **10A V.S.A. §33, 15.0—Permit Allocation**
 - 15.1—The number of either-sex and/or antlerless permits or bull only permits to hunt and take moose during both the regular and archery seasons will be set by the Board

NON-RESIDENT HUNTERS

Regulation (Moose Management Rule):

- **10A V.S.A. §33, 6.0 Permit Allocation Process**
 - 6.5—Ten (10) percent of the moose hunting Permits may be issued to non-resident hunters.