



**STATE OF VERMONT**

**Legislative Committee on Administrative Rules (LCAR)**

November 16, 2023

**SENT VIA ELECTRONIC MAIL ONLY**

Catherine Gjessing  
General Counsel  
Vermont Fish and Wildlife Department  
1 National Life Drive, Davis 2  
Montpelier, VT 05620  
Catherine.Gjessing@vermont.gov

***Re: 23-P15 – 10 V.S.A. Appendix § 44, Furbearing Species***

Dear Ms. Gjessing:

This letter is to formally notify you that at its meeting on November 16, 2023, the Legislative Committee on Administrative Rules (LCAR) voted to approve 23-P15, 10 V.S.A. Appendix § 44, Furbearing Species, with proposed modifications submitted by the Fish and Wildlife Board in correspondence from Catherine Gjessing dated November 14, 2023, except in the case of a portion otherwise objected to and LCAR subsequently voted to object to the following portions of the rule pursuant to 3 V.S.A. § 842(b):

- Sec. 3.20, the definition of trapping, on the ground that it is contrary to the intent of the General Assembly, including the intent of 2022 Acts and Resolves No. 159, Sec. 1(d), to add the word hunt to the definition;
- Sec. 3.14(b), a portion of the definition of public trail, on the ground that this portion of the definition is contrary to the intent of the General Assembly, including the intent of 2022 Acts and Resolves No. 159, Sec. 1(a)(4), to include all trails where persons may reasonably be expected to recreate;
- Sec. 4.15, trapping setbacks, that excepts from the setback requirements traps set in the water or under ice on the ground that it is contrary to the intent of the General Assembly, including the intent of 2022 Acts and Resolves No. 159, Sec. 1(a)(4), to exempt traps set in the water or under ice from setback requirements; and
- Secs. 3.6, definition of control of dog(s), and 4.20, taking coyote with the aid of dogs, on the ground that it is contrary to the intent of the General Assembly, including the intent of 2022 Acts and Resolves No. 165, Sec. 3(b)(4), to allow the taking of coyote with aid of dogs unless there is a required means of controlling dogs that sufficiently minimizes the risk that

dogs pursuing coyote will enter onto land that is posted against hunting; enter onto land where pursuit of coyote with dogs is not authorized; harass or harm people or domestic animals; and cause other unintentional damages to people or property.

Under 3 V.S.A § 842(a), the Fish and Wildlife Board must respond within 14 days following receipt of this notice of the LCAR's objections. After receipt of a response, LCAR may reschedule the rule and determine whether to withdraw, modify, or file in certified form with the Secretary of State's Office one or more of its objections. If the Board's response includes proposed modifications to 10 V.S.A. Appendix § 44, Furbearing Species, then an updated version of the clean and annotated texts of the rule should be included. You should also note that the Board may not adopt the rule until it has responded to this objection.

Please let Michael O'Grady, Deputy Chief Counsel, and me know if you have any questions.

Sincerely,

/s/ Anthea Dexter-Cooper

Anthea Dexter-Cooper  
Committee Counsel  
Legislative Committee on Administrative Rules

cc: Charlene Dindo, Committee Assistant, Legislative Committee on Administrative Rules  
Members, Legislative Committee on Administrative Rules  
Michael O'Grady, Deputy Chief Counsel, Office of Legislative Counsel  
Christopher Herrick, Commissioner, Department of Fish and Wildlife  
Louise Corliss, APA Clerk, Office of the Secretary of State