

## Changes Included in this Document

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.

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.

3. Extending the length of the regular season from six days to nine days.

4. Miscellaneous changes for consistency and clarity (not highlighted)

DRAFT

## **§ 33. Moose Management Rule**

### **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 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 moose herd.

1.3 In accordance with 10 V.S.A. § 4082, the Vermont Fish and Wildlife Board may: establish open seasons; daily, season and possession limits for game; territorial limits; prescribe the manner and means of taking moose; establish territorial limits for the taking of moose; and establish restrictions on taking based upon sex, maturity and other physical distinctions.

1.4 In accordance with 10 V.S.A. § 4254(i)(1), this rule establishes a process to auction ~~five (5)~~ up to six (6) moose permits to be awarded to the highest bidders.

1.5 In accordance with 10 V.S.A. § 4254(i)(2), this rule establishes a separate drawing for eligible Vermont veterans through a special priority drawing through the permit lottery system.

### **2.0 Purpose**

The purpose of this regulation is to establish two annual moose seasons, to establish the procedures to be used in applying for and issuing moose permits, and to establish the administrative framework for regulating the taking of moose.

### **3.0 Definitions.**

3.1 “Antlered moose” means a moose which has at least one antler 6 inches or more in length measured from the tip of the main beam along the distal edge of the antler to the base of the antler burr at the skull.

3.2 “Antlerless” means those moose without antlers or antlers less than six inches in length.

3.3 “Applicant” means a person who has submitted a completed legal application to the lottery.

3.4 “Application” means the form provided by the Department that allows a person to be entered into the lottery.

3.5 “Board” means the Vermont Fish and Wildlife Board.

3.6 [Repealed.]

3.7 “Commissioner” means the Commissioner of the Vermont Fish and Wildlife Department.

3.8 “Crossbow” means a device consisting of a bow mounted to a rigid stock for discharging bolts or arrows and having a mechanical means to hold and release the drawn string, which must be fired from the shoulder. A bolt means a short projectile for a crossbow that resembles an arrow and has a head that measures no less than 7/8 inch at its widest point. A crossbow shall have a minimum pull of 125 pounds, a working mechanical safety and a stock no less than 23 inches in length.

3.9 “Department” means the Vermont Fish and Wildlife Department.

3.10 “Either sex” means a moose of any sex.

3.11 “Guide” means a person authorized to accompany, direct, aid, assist, and/or instruct a Permittee during a moose hunt.

3.12 “Guide Permit” means a document, provided by the Department to the Permittee, to allow for a guide to assist in a moose hunt.

3.13 “Legal means” means the taking of a moose by muzzleloader, rifle, handgun, shotgun, a crossbow, or bow and arrow in conformance with this rule.

3.14 “Permit” means a document issued by the Department authorizing the taking of a moose.

3.15 “Permittee” means a person who has successfully acquired a legal permit through the lottery or auction as described in this rule.

3.16 “Subpermittee” means an individual designated by a Permittee, whose name has been provided to the Department in conformance with this rule, who may be permitted to take a moose.

3.17 “Wildlife Management Unit” (WMU) means ~~one of twenty-five~~ a geographical area in Vermont established for managing wildlife through regulation and defined in 10 App. V.S.A § 2b.

#### **4.0 Moose Seasons**

There shall be ~~two~~ three moose seasons annually.

4.1 Archery. ~~The first moose season shall be by archery only:~~

(a) This season shall be open for seven consecutive days, beginning the first day of October.

(b) To take an animal during this season a person must possess a valid archery moose permit as prescribed in Section 9 of this rule.

4.2 Regular. ~~The second moose season shall be for any legal means of take:~~

(a) This season shall be open for six consecutive days beginning the third Saturday in October. Beginning on October 1, 2026, this season shall be open for nine consecutive days beginning the third Saturday in October.

(b) To take an animal during this season a person must possess a valid regular season moose permit as prescribed in Section 9 of this rule.

#### 4.3 Special Opportunity

(a) This season shall be open for seven consecutive days, beginning the first day of October.

(b) To take an animal during this season a person must possess a valid special opportunity moose permit as prescribed in Section 18 of this rule.

### **5.0 Possession Limit.**

5.1 The bag limit for moose shall be one moose per moose hunting permit.

5.2 The possession limit for moose shall be one moose per moose hunting permit.

### **6.0 Permit Application Process**

6.1 Applications must be made on an official moose hunting application form provided by the Department.

6.2 Only applications received by the Department's central office during the official application period will be considered. Applications must be received prior to the deadline established by the Department.

6.3 The Department will consider only complete applications. For an application to be complete it must be legible, must contain all the information requested by the Department, must bear the applicant's original signature, or, in the case of electronic or facsimile applications, attestation under the pains and penalties of perjury. To be considered complete the form must be accompanied by any required application fee, or means of payment, such as a valid credit card payment.

6.4 The Department will consider no more than one complete application from any applicant per year for each of the two separate lotteries held. A lottery will be held for both the regular and archery seasons. Only one permit may be issued per person per calendar year.

6.5 Ten (10) percent of the moose hunting permits may be issued to non-resident hunters.

6.6 No person who has held a valid Vermont moose hunting permit in any of the previous five (5) years may apply for a moose hunting permit or a bonus point in the current calendar year. ~~The application of the five (5) year waiting period shall only be effective for persons who hold a moose hunting permit after January 1, 2016.~~

## **7.0 [Repeated.]**

### **8.0 Permit Selection Process.**

8.1 All those who have submitted completed applications and who wish to be entered into the lottery will be entered into the lottery. The Department will hold, or cause to be held, a transparent, random drawing to include all persons who have submitted a complete application.

8.2 Selected regular season applicants will receive a permit for their WMU of preference until the permit quota for their preferred WMU is filled at which time a permit will be awarded for their second choice WMU, and so on.

8.3 Selected regular season applicants will be notified by mail, and will receive a permit form to complete. Successful applicants have 15 calendar days to return the completed forms with the appropriate fee, and their Subpermittee's name, if any.

8.4 Selected archery season applicants will be notified by mail, and will receive a permit form to complete. Successful applicants have 15 calendar days to return the completed forms with the appropriate fee and indicate the name of their Subpermittee, if any.

### **9.0 Moose Hunting Permits**

9.1 An applicant who is chosen by lottery, or is ~~the~~ a successful auction bidder may purchase a moose hunting permit from the Department.

9.2 At the time of issuance, ~~all moose season hunting~~ permit recipients and designated Subpermittees must hold a valid Vermont big game hunting license.

9.3 At the time of issuance, archery season permit recipients and designated Subpermittees must show proof of having held an archery deer license and/or a certificate of satisfactory completion of a bowhunter education course from Vermont or another state or province of Canada which is approved by the Commissioner. ~~Archery season permit recipients and designated Subpermittees must hold a valid Vermont big game hunting license.~~

9.4 Moose hunting permits are valid only within the WMU or WMUs designated on the permit, for the specified season, and for the type (either sex, antlered, or antlerless) specified on the permit.

### **10.0 Deferments**

10.1 The Commissioner may grant a one-time, one-year deferment to successful applicants for reasons of personal or family illness, temporary disability, or military deployment.

10.2 Requests for deferment shall be made on the Department-issued form to the Commissioner and received no later than ~~three days prior to the start of the first day of the moose season~~ for which a permit has been issued. Requests shall contain information required by the Commissioner to substantiate the request.

10.3 Deferred permits shall be issued for the same WMU and permit type (either sex, antlered, antlerless, archery or regular) as the originally issued permit.

## **11.0 Subpermittees**

11.1 A person holding a valid moose hunting permit may designate one (1) Subpermittee who shall be permitted to hunt moose pursuant to the permit.

11.2 The Subpermittee must always be accompanied by the permit holder. For these purposes, "accompanied," means being able to communicate without the aid of artificial devices except medically-prescribed eyeglasses or hearing aids.

11.3 Once the applicant has provided the name of their selected Subpermittee to the Department, no change to this selection will be allowed except for personal or family illness, temporary physical disability, or military deployment.

11.4 Any request for change of Subpermittee must be made in writing to the Commissioner and received no later than three (3) days prior to the start of the moose season for which a permit has been issued.

### **11.5 Subpermittee Ineligibility**

(a) No person who has held a Vermont moose hunting permit in any of the previous five (5) years may be designated as a Subpermittee in the current calendar year.

(b) No person who holds a valid moose hunting permit in one year may be designated as a Subpermittee in the same year.

(c) No person may be named as a Subpermittee on more than one permit during the same year.

## **12.0 Guides and Guide Permits.**

12.1 The Guide shall be allowed to direct, aid, assist and instruct the Permittee and Subpermittee during the hunt.

12.2 A Guide may not carry any other firearm, muzzleloader, or archery equipment.

12.3 Each Permittee shall be issued a Guide Permit by the Department. The Guide Permit must be carried by the guide at all times while accompanying the Permittee while hunting moose.

12.4 A person serving as a Guide must hold a current valid Vermont big game hunting license.

12.5 A Guide Permit may be carried by different persons at any time during the moose hunt, but only one person at a time may serve as a Guide for each moose hunting party.

12.6 A person may simultaneously serve as a Guide for more than one moose Permittee but must be carrying the proper Guide Permit for each guided party.

## 13.0 Control Measures

13.1 In addition to all relevant laws and regulations pertaining to the hunting and taking of big game in Vermont, the following additional restrictions apply:

- (a) No persons other than the Permittee, Subpermittee and Guide shall participate in a hunt to take moose.
- (b) Portable radio transceivers, GPS, and/or cell phones shall not be used to communicate during the hunting or taking of moose. Such devices may be used, however, after the moose is legally tagged.
- (c) No electronic devices such as radio telemetry equipment shall be used to take moose.
- (d) No electronic devices may be used to attract moose.
- (e) No person shall shoot or attempt to shoot a moose when the moose is within 100 yards of any town, state, or federal highway as defined in 10 V.S.A. § 4705(f).
- (f) Pursuant to 10 V.S.A. App. § 12, notwithstanding 10 V.S.A. App. § 12, Section 1(g), a person may employ the licensed handler of an authorized leashed tracking dog to track a moose wounded while lawfully hunting under this rule.
- (g) ~~Unless it is uncocked, a person shall not possess or transport a crossbow in or on a motor vehicle, motorboat, airplane, snowmobile, or other motor-propelled vehicle except as permitted in accordance with 10 V.S.A. § 4705.~~

13.2 Means of take, Regular Season and Special Opportunity Season: Moose may be taken only with the following implements and restrictions:

- (a) Centerfire rifles or handguns not less than .25 caliber.
- (b) A muzzleloading firearm of not less than .45 caliber, with a minimum barrel length of 20 inches and designed to be fired from the shoulder, or a muzzleloading handgun of not less than .45 caliber and with a minimum barrel length of 10 inches.
- (c) Bows of not less than 50 pound draw weight, based on the archer's normal draw length for traditional bows, and using arrowheads with a minimum of 7/8 of an inch in width with two or more cutting edges. A person taking moose may use a crossbow as a means of take during any season that permits the use of a bow and arrow-only; and the crossbow is used in accordance with this subsection.
- (d) Shotguns not less than 20 gauge and utilizing slugs only.

13.3 Means of take, Archery Season: Moose may be taken only with the following implements and restrictions:

(a) Bows of not less than 50 pound draw weight, based on the archer's normal draw length for traditional bows, and using arrowheads with a minimum of 7/8 of an inch in width with no fewer than two or more cutting edges.

(b) Crossbow bolts shall have arrowheads with a minimum of 7/8 of an inch in width with two or more cutting edges.

(c) No person ~~taking moose~~ may possess a firearm or muzzleloader while hunting moose during the archery season, except for a handgun in accordance with 10 V.S.A. § 4252(b). No person taking moose may do so by means of firearms or muzzleloader in the archery season.

## 14.0 Tagging and Reporting

14.1 The transporting of moose shall be in accordance with current regulations and statutes pertaining to big game.

14.2 Once a moose is legally tagged, pursuant to 10 V.S.A. Appendix § 2a., there is no limit to the number of persons that can assist with the field dressing and removal of the moose from the kill site.

14.3 Moose taken under this rule must be reported, pursuant to 10 V.S.A. Appendix § 2, by exhibiting the eviscerated carcass, or parts thereof, to a Department official at a Department-authorized moose check station during its scheduled days and hours of operation within 48 hours of tagging.

14.4 A moose carcass may be quartered or deboned in the field prior to reporting provided all requirements of 10 V.S.A. App. § 2 and 10 V.S.A. §§ 4921 through 4925 are met. The viscera, hide, upper and lower leg bones, backbone, pelvis, and ribs may be left in the field. Evidence of sex (genitalia, antlers of moose) must be retained for reporting. All other required biological samples must also be retained for reporting. The moose head, hide, lower legs, and boned-out ribcage and/or and bones need not be reported, however, both complete central incisors must be presented.

14.5 The permittee shall bring the following to the biological check station:

(a) The lower jaw, including incisors, one of which shall be taken for aging purposes;

(b) The intact antler rack on an antlered moose;

(c) The portion of the skull on a male antlerless moose where antlers would be attached;

(d) The female reproductive tract including both of the ovaries; and

(e) The udder; and

(f) ~~All edible portions of the moose not including organs.~~

14.6 No moose shall be transported out of the State without first being reported as required herein.



14.7 The Permittee and/or Subpermittee must identify the exact kill site on a Department map, and if requested, shall be required to take Department personnel to the kill site and/or the site of carcass evisceration for purposes such as, but not limited to, verification of the cause of death and site of kill, or to obtain ovaries or other biological samples left behind.

## **15.0 Permit Allocation**

15.1 The number of ~~either sex and/or antlerless permits or bull only~~ and type (either sex, antlered, or antlerless) of permits to hunt and take moose during both the regular and archery seasons will be set by the Board.

## **16.0 Special Priority for Eligible Vermont Veterans.**

16.1 Pursuant to 10 V.S.A. § 4254(i), eligible ~~for~~ Vermont veterans will receive special priority drawing in the regular moose season lottery drawing.

16.2 ~~If the Board establishes a moose hunting season, the Commissioner shall set aside not more than 10 percent of the total number of annual moose permits authorized by the Board for Vermont residents who have served on active duty in any branch of the U.S. Armed Forces provided that he or she has~~ they have not received a dishonorable discharge. ~~The total number of annual moose permits set aside for Vermont veterans shall not exceed six. 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.

## **17.0 Moose Permit Auction**

17.1 Pursuant to 10 V.S.A. § 4254(i), ~~if the Board establishes a moose hunting season, not more than 10 percent of the total number of annual moose permits authorized by the Board shall be set aside to be auctioned. The total number of annual moose permits set aside to be auctioned shall not exceed six. The moose permits, if any, set aside for auction shall be included in the total number of annual moose permits authorized by the Board. 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 declining 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 lottery or auction are ineligible from participating in the moose permit auction for five years.

## **18.0 Special Opportunity Moose Permits**

18.1 Pursuant to 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 persons who have a life-threatening disease or illness and 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 21 years of age or under who has a life-threatening illness.

18.2 Special Opportunity permit holders may choose to hunt during the Regular season or the Special Opportunity Season