

Comments on the proposed rule can be emailed to ANR.FWPublicComment@vermont.gov
Public comment period ends June 12, 2019.

ANNOTATED

**TITLE 10 APPENDIX
CHAPTER 1. GAME
Subchapter 1. General Provisions**

Subchapter 3. Quadrupeds

§ 37. Deer Management Rule

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A. § 4081(b). 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 In accordance with 10 V.S.A. § 4082, this rule is designed to maintain the best health, population and utilization levels of the deer herd.

1.3 In accordance with 10 V.S.A. § 4084, this rule establishes open seasons; establishes daily, season and possession limits; prescribes the manner and means of taking white-tailed deer and establishes restrictions on taking based on sex and antler characteristics.

2.0 Purpose

The purpose of this rule is to manage the white-tailed deer herd, implementing will of the General Assembly to design rules to maintain the best health, population and utilization levels of the deer herd.

3.0 Definitions

3.1 Antlerless Deer: "Antlerless Deer" are defined as those deer without antlers or antlers less than three (3") inches in length.

3.2 Antlerless Deer Permit: An "antlerless deer permit" is a permit issued pursuant to 10 V.S.A. § 4081(g) that allows a person to take one antlerless deer during the antlerless or muzzleloader seasons.

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3.3 Antler Point: A "point" is an antler projection of at least 1" measured from the base of the point at the main beam to the tip of the point. A broken main beam shall count as a point regardless of length.

3.4 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 ~~11-13~~ of this regulation and are not designed to be consumed by eating or licking, shall not be bait for the purposes of this rule.

3.5 Baiting: "Baiting" is the use of any animal, vegetable or mineral matter, including scents and lures prohibited under section 11 of this regulation: that has the effect of enticing wildlife to a certain location.

3.6 Board: The Vermont Fish and Wildlife Board.

3.7 Bona fide agricultural practices: Practices that have been employed to plant, grow and harvest an agricultural product conducted in the usual manner.

3.8 Crossbows: A 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, designed for a crossbow, that resembles an arrow. No person shall hunt wild animals or game with a crossbow if the bolt has an arrowhead less than seven-eighths of an inch at its widest point and has less than two sharp cutting edges. 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 Legal Buck: in Wildlife Management Units C, D1, D2 E1, E2, G, I, L, M, P, Q any white-tailed deer with at least one antler three (3") inches or more in length; and in Wildlife Management Units A, B, F1, F2, H, J1, J2, K, N, and O a legal buck shall be any white-tailed deer with at least one antler with two or more antler points one inch in length or longer.

3.10 Novice: A person who purchased their first hunting license within the past 12 months and is 16 years of age or older.

3.11 Youth: A person who is 15 years of age or younger.

4.0 Annual Deer Limit

4.1 A person shall not take more than ~~three~~ four white-tailed deer-in a calendar year, only ~~two~~ one of which may be a legal buck.

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a) Youth and novice hunters shall be allowed to take two legal bucks, provided that one is taken during the youth or novice season, not to exceed the annual limit of four white-tailed deer.

5.0 Antlerless Deer Season

5.1 For four consecutive days, commencing on the Thursday 16 days prior to the opening day of the regular rifle season shall be the antlerless deer season.

5.2 A person hunting under this section shall obtain a muzzleloader license as provided in 10 V.S.A. § 4252 and must possess an antlerless deer permit.

5.3 A person may take one antlerless deer per antlerless deer permit. A person may take additional antlerless deer if they obtain additional antlerless deer permits not to exceed the annual limit as prescribed in section 4.1 of this rule. No person may purchase or possess more than one antlerless deer permit at a time, or purchase a subsequent antlerless deer permit until the person has harvested an antlerless deer. If a person possesses a permit to take an antlerless deer, then the person may take an antlerless deer.

5.4 A person hunting with a muzzleloading firearm pursuant to this rule shall not carry any firearms other than one single-barreled muzzleloading firearm as defined in 10 V.S.A. § 4001(33) while hunting deer during this season.

5.5 No person taking deer by means of muzzleloader may possess archery equipment or crossbow while hunting.

6.0 Deer; Seasons for Taking by Muzzleloading Firearm-Muzzleloader Season

6.1 Muzzleloader Season: For the nine consecutive calendar days commencing on the first Saturday after the completion of the regular rifle deer hunting season, a person may take:

- a) One legal buck by muzzleloading firearm, provided that they have not yet taken a buck as prescribed in Section 4.1 of this rule, and
- b) If the Board has authorized the taking of antlerless deer, and if ~~an individual~~ a person possesses ~~a permit to take~~ an antlerless deer permit, then the ~~individual~~ person may take an antlerless deer as authorized. No person may purchase or possess more than one antlerless deer permit and can only purchase a subsequent antlerless deer permit after the person has harvested an antlerless deer, not to exceed the annual limit as prescribed in section 4.1 of this rule.

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6.2 A person hunting with a muzzleloading firearm under this section shall obtain a muzzleloader license as provided in 10 V.S.A. § 4252.

6.3. A person hunting with a muzzleloading firearm pursuant to this rule shall not carry any firearms other than one single-barreled muzzleloading firearm as defined in 10 V.S.A. § 4001(33) while hunting deer during this season.

6.4 No person taking deer by means of muzzleloader may possess archery equipment or crossbow while hunting.

~~7.5 Limit: No more than two deer, only one of which may be a legal buck, may be taken during muzzleloader season, not to exceed the annual limit as prescribed in Section 5.1 of this rule.~~

7.0 Archery Season ~~for Taking by Bow and Arrow or Crossbow~~

7.1 Archery Season: October 1 through December 15, except during the regular rifle deer hunting season; ~~During the period from the first Saturday in October running for 28 consecutive calendar days and the nine consecutive calendar days starting on the first Saturday after the completion of the regular rifle deer hunting season.~~

- a. One legal buck may be taken by bow and arrow or crossbow, during the archery season anywhere in the state; not to exceed the annual limit as prescribed in Section 5.1 of this rule, and
- b. In Wildlife Management Units declared open by the Board to the taking of antlerless deer, a person may take antlerless deer.

7.2 A person hunting with a bow and arrow or crossbow under this section shall obtain an archery license as provided in 10 V.S.A. § 4252. An archery license will be valid for one deer; additional archery tags are required for the taking of additional deer ~~in accordance with 10 V.S.A. § 4252 and section 7.6 of this rule.~~

7.3 The Board may establish Expanded Archery Zones

a) Within these zones, the archery season shall begin September 15. From September 15 to September 30, only antlerless deer may be taken.

b) [Zone Boundaries]

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7.4 Crossbows may be used as a means of take during any season that permits the use of a bow and arrow ~~by any person who is 50 years or older or by a person holding a permit issued under 10 V.S.A. § 4711.~~

7.5 The holder of an archery license or a super sport license, hunting with a bow and arrow or a crossbow, may possess a handgun while archery hunting, in accordance with 10 V.S.A. § 4252 (b), provided that the license holder shall not take game by firearm while hunting.

~~8.7 Limit: No more than two deer, only one of which may be a legal buck, may be taken during the archery season; not to exceed the annual limit as prescribed in Section 5.1 of this rule.~~

7.6 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.

8.0 Regular Rifle Season

Pursuant to 10 V.S.A. § 4741, for the 16 consecutive calendar days commencing 12 days prior to Thanksgiving day, a person may take by lawful means one legal buck; except that a youth and novice may take two bucks, as prescribed in Section 4.1 of this rule.

9.0 Youth Deer Hunting Weekend

9.1 Pursuant to 10 V.S.A. § 4742a, the Saturday and Sunday three weeks prior to the opening day of the regular rifle deer hunting season shall be youth deer hunting weekend.

9.2 Limit: One white-tailed deer. One legal buck may be taken during the youth deer hunting weekend, or any deer if the Board has authorized the taking of antlerless deer during youth hunting weekend.

9.3 To participate in the youth deer hunt, a qualified youth must be 15 years of age or younger and have a valid Vermont hunting license and a youth deer weekend license.

9.4 The youth must be accompanied by an unarmed adult who holds a valid Vermont hunting license and who is 18 years of age or older. An adult accompanying a youth under this section shall accompany no more than two young people at one time. As used in this section, "accompany," "accompanied," or "accompanying" means direct control and supervision, including the ability to see and communicate with the youth hunter without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.

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9.5 No youth shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.

10.0 Novice Season

10.1 Novice Season: This season shall be concurrent with the Youth Deer Hunting Weekend as prescribed in 10 V.S.A. § 4742a and section 9.1 of this rule.

10.2 Limit: One white-tailed deer. One legal buck may be taken during this season, or any deer if the Board has authorized the taking of antlerless deer during youth hunting weekend.

10.3 To participate in the novice season, a qualified person must have a valid Vermont hunting license, and follow the requirements of youth hunting week-end.

10.4 The novice hunter must be accompanied by an unarmed adult who holds a valid Vermont hunting license and who is 18 years of age or older. An adult accompanying a novice under this section shall accompany no more than two novice hunters at one time. As used in this section, "accompany," "accompanied," or "accompanying" means direct control and supervision, including the ability to see and communicate with the novice hunter without the aid of artificial devices such as radios or binoculars, except for medically necessary devices such as hearing aids or eyeglasses.

10.5 No Novice hunter shall hunt under this section on privately owned land without first obtaining the permission of the owner or occupant.

11.0 Reporting

11.1 A deer carcass shall be field dressed prior to reporting in accordance with 10 V.S.A. App. § 2.

11.2 Upon request, the person harvesting a deer shall show and return to the kill site with a Game Warden.

12.0 Feeding of Deer

12.1 No person shall feed white-tailed deer at any time in Vermont except:

a. Under a license or permit issued pursuant to 10 V.S.A. § 4152 by the Department for bona fide scientific research, mitigation of wildlife damage or nuisance problems, or wildlife population reduction programs only; or

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- b. By planting, cultivating or harvesting of crops directly associated with bona fide agricultural practices, including planted wildlife food plots; or
- c. By distribution of food material for livestock directly associated with bona fide agricultural practices; or
- d. By cutting of trees or brush; or
- e. By incidental feeding by an elevated bird/squirrel feeders (feeders must be at least five feet above the ground) providing seed, grain, fruit, worms, or suet for birds or squirrels, located within 100 feet of an occupied dwelling.

13.0 Baiting

13.1 No person shall take deer by using bait. Exempted from this prohibition are:

- a. Incidental feeding of wildlife within active livestock operations;
- b. Standing crops planted and left standing as food plots for wildlife;
- c. Grain or other feed scattered or distributed solely as a result of normal agricultural, gardening, or soil stabilization, and logging practices;
- d. Vegetation or food/seed naturally deposited.

13.2 No person shall take any game or wild animal by using bait during deer seasons established under Part 4 of Title 10 or by rules of the Board, except that persons taking fur-bearers as authorized under 10 V.S.A. § 4252(3) may use bait in conjunction with traps being set to take fur-bearers.

14.0 The Ban of urine and other natural lures

14.1 Authority.

The Fish & Wildlife Board finds that, in order to protect the health of white-tailed deer in Vermont, it is necessary to prohibit the use of cervid urine, blood, glands, gland oil, feces, or other bodily fluids for the purpose of taking or attempting to take deer.

14.2 Restricted and Permitted Uses of cervid urine, blood, glands, gland oil, feces, or other bodily fluids.

Title 10 V.S.A. App. § 37

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- a) No person shall possess while hunting or use, for the purposes of taking or attempting to take, attracting, surveillance or scouting deer; any product that contains or purports to contain any cervid urine, blood, gland oil, feces, or other bodily fluids.

- b) A person may utilize the body parts of a wild Vermont white-tailed deer legally taken or acquired by that person for coyote hunting.